

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on November 4, 2016, with Chairperson Tom Harper and members, Carol Schlueter and Mike Birkinbine present, Martha Peterson and Bill Tharp were absent. Eric S. Furnas, Planning & Zoning Administrator was also in attendance.

Others present for this hearing: Scott Wheeler, Scott Ellingson, and Adam Shutt.

Tom Harper: I will go ahead and open this Board of Adjustment public hearing up for Muscatine County. The first order of business is to approve the minutes from the last meeting. We were all emailed a copy for a chance to review them. Are there any changes or corrections? If not, I would entertain a motion to approve the minutes as written.

Mike Birkinbine: I will make a motion to approve the minutes.

Tom Harper: Is there a second?

Carol Schlueter: I will second.

Tom Harper: There has been a motion to approve the minutes and it has been seconded. Any questions or comments, discussion? If not, all those in favor of the motion please signify by saying Aye (3) Opposed (0) Absent (Peterson & Tharp). The motion carried. I have an opening statement to read. The Zoning Board of Adjustment is a quasi-judicial board appointed by the Muscatine County Board of Supervisors. The Board's purpose is to interpret the Zoning Ordinance and to allow certain limited exceptions and variances where special conditions or hardships exist. We are an independent volunteer board of citizens and not part of the county administration. There are five members on the Board. State law requires three affirmative votes to approve any appeal under consideration, no matter how many members are present. As you can see there are only three of us here today so it will take a unanimous decision on our part to approve the request. You have the option, the applicant has the option, of requesting that we table this until next month when we may or may not have a full board. But I can't guarantee that we would have all five members present. Or you can proceed with the members that we have today.

Scott Ellingson: I'm feeling lucky.

Tom Harper: Okay, so we will proceed. As a Board of the County, we welcome all testimony. We make our decision based on the facts and evidence under county code, presented in open meeting. We ask that if you wish to speak, please give your name and address. Eric, can you please read the request?

Eric Furnas: Case #16-11-01. An application has been filed by Twin City Concrete Products Company, Record Owner by Scott L. Ellingson. This property is located in Fruitland Township, 2510 Pettibone Avenue, Muscatine, Iowa, West of Pettibone Avenue, in the NW¼ of Sec. 22-T76N-R2W, containing approximately 5.64 acres, and is zoned I-2 Heavy Industrial District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order for an industrial building to be built 23 feet from the front lot line, instead of the required 40 foot setback.

Tom Harper: And the applicant is here?

Scott Ellingson: Yes.

Tom Harper: Okay, if you could please state your name and give us more information on your request?

Scott Ellingson: My name is Scott Ellingson with Twin City Concrete Products Company, doing business as TCC Materials, so we might refer to both. What we are looking at doing is building a pre-engineered metal structure at this location that you have described. We are basically replacing a building that was there that was outdated, not insulated and up to what we want to do with it. Our goal is to kind of improve the whole facility starting with this new building. This new building will eventually turn into a production facility, kind of like what you guys saw down on the south end, the older part that we are looking to replace that. This is the first step of that, is to build the first structure that we can put everything in there. This building will, like I said, it's taken the footprint, pretty close to the old one, right Adam?

Adam Shutt: Yes.

Scott Ellingson: We'll kind of move everything down to that end and then as we ... once we get this building completed, the older building that is sitting down on that end will be removed also. That's got some old concrete silos and it's an old pole building that isn't insulated very well. So we are looking to kind of move our facility down to this other end. The reason why we are asking for the setback is the railroad tracks run back behind there. So if we follow the setback it puts us really close to the railroad tracks as far as getting trucks or stuff behind there. We will fall within the railroad setback, I believe, but the lane behind the building will be tighter than we like it, if we ever want to move other equipment to the backside of that building. So in short, what we want is to just kind of relocate and start to replace the existing production facility on this end and this building would house it all.

Mike Birkinbine: So you don't have any truck docks proposed on the backside of this?

Scott Ellingson: No, it will all be ground level.

Tom Harper: So you are planning on driving the trucks around between the building and the railroad tracks?

Scott Ellingson: Exactly. And then also in that space... our products that we make, quikcrete (sp?) ... we make mixes with cement and aggregate blended products, so we need silo's to store the cement in. The first step that we are looking at here is that we also do landscape materials. We do bag a lot of rock that we get from Hahn, we are going to move that in there first. But down the road we are going to move our powder production facility in that, so by doing that we need silos to hold the powder. Our experience has been that we put those to the back of the building, that way the trucks can come in off of the road, pull around back and then blow the powder in. It's a lot like we have at the old building now, but we want to keep that truck traffic to the back not up in front of the road. If we set the building back then we'd have to have all the truck traffic running between the road and the building. We'd like to keep the offices and stuff like that up there in front.

Mike Birkinbine: So the silos are actually going to set in the back side of the building?

Scott Ellingson: Yes, they will be on the backside along the building, they will take an eight foot space.

Mike Birkinbine: So they will take eight foot of your 36?

Scott Ellingson: Yep.

Tom Harper: And by silos, I am assuming you mean metal tanks?

Scott Ellingson: Yes, they are big metal tanks that you see already. We've got four of them now that will probably have to be relocated or something similar to that down there.

Tom Harper: And that other building that's already on that end, you are going to take that down too?

Scott Ellingson: That will come down once this warehouse is completed. That building on the south end of it, I call it, it has... it is somewhat insulated and we call that a warm warehouse. But once we get this new building built, that will be a warm structure and we can get rid of all of that.

Tom Harper: One thing that I can see with your operation now is that you have a lot of product sitting down there awful close to the road and the right-of-way.

Scott Ellingson: Oh the finished product?

Tom Harper: Yeah.

Scott Ellingson: Okay.

Tom Harper: I mean, you need to begin to get that moved out of there.

Scott Ellingson: Okay.

Tom Harper: Or at least moved back some.

Scott Ellingson: Yeah, because we are kind of...

Tom Harper: Yeah because this is already a non-standard right-of-way. If that was to be improved, you know, they would want more right-of-way.

Adam Shutt: I don't know the history of it down there, but the dash line along the site plan is the right-of-way and it jogs in and out and I'm not sure of what the history of it was. But it was kind of odd how it makes a lot of jogs.

Carol Schlueter: So the existing building is still there?

Scott Ellingson: Yes.

Carol Schlueter: And you are saying that it's going to stay there until you get the new building done?

Scott Ellingson: The building back behind, yes.

Carol Schlueter: And the one that you are going to build and after this other one is taken down, are you planning on adding onto to that building?

Scott Ellingson: We may add on warehouse space just to the south of it. There may be, you know, down the road it could be that we'd add on another 75 feet or 100 feet to it to the south.

Carol Schlueter: To the new building?

Scott Ellingson: Right.

Adam Shutt: On the location of the proposed building, there is an old building pad there that was demo'd about a year or two ago. So there is a concrete slab there but nothing else.

Scott Ellingson: So we are kind of on a four or five year plan for this facility. The first thing that we need to do is to get the building built. We'd like to try and get that process started and get it framed in before it gets really cold out. Then we can move our rock production inside, which is very easily moved. Then next year we would start the process of getting some powder production stuff going.

Tom Harper: Eric, do you have anything else that you would like to add?

Eric Furnas: Yeah, obviously anytime we are considering a Variance where it's encroaching on the county right-of-way... we talked to the County Engineer's Office, they are concerned about giving away potential right-of-way or encroaching on the right-of-way should the road ever need to be widened. This is an area of heavy industrial traffic and there are large pieces of equipment up and down the road. I would think it's also worth mentioning that the county has a park just south of this location as well, Deep Lakes Park that has increased traffic on this road. My opinion is that this is more of a convenience item. This is new construction with design options. I understand the desire to set it up this way, however, if you look at the legal standard and the burden for approving a Variance, it has to be a hardship, not just a matter of convenience. Financial alone does not meet the standard for a hardship. If a Variance is considered, if that is the desire of the board, it should be the minimum Variance allowed to achieve what is being asked for. But I think that there are some design options when a person is designing a new building. And to continue to crowd the right-of-way on this road, I think it would potentially have detrimental effects on traffic and certainly potentially on the county down the road. This right-of-way is very narrow right there and if we put more buildings in it, it becomes expensive for communities to have to buy right-of-way for road projects are undertaken.

Carol Schlueter: The existing building that is there, how far is it back?

Eric Furnas: It's actually gone. The one that you are seeing on the map that's right up against the right-of-way?

Carol Schlueter: So that's not there?

Eric Furnas: No.

Tom Harper: No, this one is gone, this one is still here. (referring to the existing building on the site plan marked - to be demo'd)

Scott Ellingson: Yeah, we are essentially just replacing that one.

Carol Schlueter: Well where is the new building going?

Eric Furnas: Pretty much in the same footprint as the old one.

Carol Schlueter: Okay, so the one that's gone, how close was that?

Adam Shutt: About the same distance as this one is.

Carol Schlueter: Okay, and how many years has that one been there?

Scott Ellingson: For a long time, yeah. We bought the property in 2011 and I'm guessing that the building was installed in the 60's.

Carol Schlueter: So probably forever.

Adam Shutt: One thing that I would like to add in discussing the right-of-way is that there is a pretty main electrical line that runs in front of the building

there. And you know, I would think that that would limit any chance of expanding the right-of-way because nobody is going to pay to move that big electrical lines.

Carol Schlueter: So that you are saying is to the north?

Adam Shutt: It's between Pettibone and the new building there is an overhead line that runs down to Monsanto and all of that. I just don't see... I think that that would dissuade any thought of people expanding that right-of-way there.

Mike Birkinbine: I think part of the difficulty is just the hardship piece and the design. So what Eric was talking about, is there any other options? Do you need to be granted the whole additional 17 feet? I mean, you talked about eight foot silos being there, can you put the silos on the sides? Move the building back a ways? I mean, there are other things like that that you can do.

Scott Ellingson: Well the layout process, in our experience, has been you know that we try to be half of what we want to be long. To have the silos on one end or the other, it causes a hardship of having to transfer that product to the middle of the buildings.

Mike Birkinbine: I will make a motion that we approve the Variance but with the stipulation that the building be changed from the requested 23 feet to the building being 30 feet back from the front lot line.

Carol Schlueter: I will second that.

Tom Harper: Okay, we have a motion to approve the Variance with the stipulation that the building be 30 feet back from the front lot line and it has been seconded. All in favor of the motion, please say Aye (3) Opposed (0) Absent (Peterson & Tharp). The motion has passed.

MUSCATINE COUNTY BOARD OF ADJUSTMENT  
By Eric S. Furnas, Planning & Zoning Administrator