

**Minutes of Meeting**  
**Zoning Board of Adjustment**  
**City Council Chambers**  
City Hall, 101 West 4<sup>th</sup> Street South

**March 4, 2020**

ROLL CALL: Board members present: Hanson, Rossow, Hollander, Birkenholz, Billingsley  
Board members absent:

STAFF PRESENT: Brian Dunkelberger, City Planner  
Erin Chambers, Director of Planning & Zoning

A quorum being present, Interim Chair Hollander called the meeting to order at 4:31 p.m.

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In accordance with the Americans with Disabilities Act, Interim Chair Hollander questioned if there was anyone present that may require special assistance in being able to participate in this public meeting: No response.

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**Minutes**

The Board reviewed the minutes of the previous meeting from December 4, 2019.

**Motion** by Billingsley, **seconded** by Birkenholz to approve the minutes of December 4, 2019. Approved, 5-0.

**Public Hearing**

- A. CU20-1: Conditional Use permitting wireless communication facilities to serve visitors and users at the Iowa Speedway (3333 Rusty Wallace Drive). Cellco Partnership d/b/a Verizon Wireless, Applicant.

Staff reviewed the prepared staff report. Billingsley asked about the purpose behind why these wireless communication facilities were necessary. Staff provided a brief answer, after which the applicant, Pete McNally, clarified the exact purpose. He described how these small wireless communication facilities would expand the capacity of coverage on days when Newton experiences an influx of visitors for races at Iowa Speedway. The facilities generally serve about an 800-1000 sq. ft. area, and the poles will be shorter than much of the existing infrastructure already present at the Iowa Speedway.

Tyler Clement, neighbor at 7607 Highway F-48-W, raised concerns about the impact on nearby privately-owned lots and if fiber optic runs would be installed on such lots. McNally answered that all fiber optic runs would be in the public right-of-way. Erin Chambers, Community Development Director, stated that any right-of-way construction work is an administrative process and that the appropriate permitting had been acquired and that the work had already begun.

**Motion** by Rossow to close the public hearing, **seconded** by Billingsley. Voice Vote: Approved, 5-0.

Members discussed the conditional use and several commented on the benefits of these small facilities.

**Motion** by Birkenholz to approve the conditional use permitting wireless communication facilities at the Iowa Speedway (3333 Rusty Wallace Drive), **Seconded** by Billingsley. Approved 5-0.

B. CU20-2: Conditional Use permitting multi-family residential development at 1117 N 3<sup>rd</sup> Ave E (“old Hatchery” site). Laborers’ Home Development Corp, Applicant

Staff reviewed the prepared staff report. John VanderLeest, 1015 N 3<sup>rd</sup> Ave E, raised concerns about drainage issues at the west side of the project area. His brother owns the home at 1015 N 3<sup>rd</sup> Ave E, but John is his representative, and he believed this project would make the situation worse. He insisted that the area at the south side of his brother’s property would be impacted and that the issue should be resolved. Erin Chambers clarified that impervious surface added to the area would require detention to remedy the drainage issue. Erik Nikkel, project engineer from Snyder & Associates who helped design the site plan, addressed the concerns about drainage. He clarified that the intent with the overall design was to create the detention area but also to allow any overflow to flow easterly to East 12<sup>th</sup> Street North.

Neighbor from the audience questioned who would be residing at the rental units and if it the units would be age-restricted. Tim Ryan, applicant, discussed how all residents would be screened before living at the property and the types of tenants would be working families. The units are to be income-based, with some units housing tenants who fall below 30% area median income (AMI), some 50% AMI, and some 60% AMI. The plan is to build 46 units with a community building and play area on site as well. Ryan highlighted how Laborer’s Home Development Corporation would be the builder, and they would also be the property manager. Hollander asked if Laborer’s Home Development Corporation had any other multi-family properties in Iowa. Ryan said the nearest example would be found in Denison, Iowa.

Sheryl Ferguson, neighbor at 302 E 12<sup>th</sup> St N, asked about the design of the buildings and aesthetic details at the property. Heidi Wang, project architect from Worn Jerabek Wiltse Architects, clarified that the proposal includes 46 units, 5 buildings, and features to accommodate the topographical features of the site. Wang stated that the primary goal for this project was to create high quality and good looking homes for the community. She described the design process and articulated that it generally takes about 6 to 8 months of work to finalize the design.

Rossow questioned if Laborers’ Home Development Corporation owns the property to which Tim Ryan answered that they were working on it. Billingsley stated he did not like the relocation of parking spaces. Erin Chambers and Brian Dunkelberger clarified that this was the next item on the agenda (V20-1), but that the proposed parking satisfied requirements stipulated by the zoning code but that some spaces would be relocated to another (contiguous) lot.

John Vanderleest again raised concerns about drainage and detention issues in this area. Erin Chambers provided insight into the site plan review process and how the City of Newton utilized SUDAS standards to ensure surrounding properties would not be negatively impacted. Hanson asked about access to the city storm water system. Erik Nikkel again addressed the plans for storm water management. Simply put, the site would retain water at the detention area if necessary, but also would be designed to drain and flow to the street easterly. Hanson asked about fencing around the detention area to protect children in the area. Nikkel clarified that the detention area would be a dry detention pond and did not expect standing water outside of high rainfall events. Billingsley asked about congestion in the neighborhood. Hollander asserted that the parking variance was a separate item on the agenda and would be addressed after the conditional use review.

**Motion** by Rossow to close the public hearing, **seconded** by Birkenholz. Voice Vote: Approved, 5-0.

Board members discussed the conditional use and how the project team appeared to have worked through many of the issues and concerns raised at the ZBA meeting. Hollander explored the design of the site and highlighted how the topographical features play a key role in shaping the layout of the site.

**Motion** by Birkenholz to approve the conditional use permitting multi-family residential development at 1117 North 3<sup>rd</sup> Avenue East (the “old Hatchery” site), **seconded** by Rossow. Approved 4-1.

- C. V20-1: Variance for parking at 1117 N 3<sup>rd</sup> Ave E (“old Hatchery” site). Laborers’ Home Development Corp, Applicant

Staff reviewed the prepared staff report. Rossow asked about a past proposal for residential development at this site, and why that development did not occur. Erin Chambers summarized the reasoning and asserted that it was a business decision by the former applicant. John Vanderleest raised concerns about any on-street parking. Wang explained that parking was adjusted specifically due to the site layout. She mentioned how the site was a challenge to work with and how the “narrow site” was the reason the variance was needed. Chambers clarified that some of the conversation was out of the ‘jurisdiction’ of the Zoning Board of Adjustment, and that feedback could be provided during the site plan review process.

Bruce Showalter, Director of Newton Housing Development Corporation, discussed a previous example from Hotel Maytag. He described how that project relocated parking spaces to a non-contiguous lot through the variance process. Showalter also highlighted how that separate parking lot was rarely, if ever, used by the tenants based on feedback he received from the property manager. This was a more extreme example, as this “old Hatchery” project would only relocate a portion of the required parking spaces ratio to a lot that was contiguous and of the same ownership.

Hollander and other members review the six legal questions involved in any variance process, and staff assisted with various questions relating to interpretation.

**Motion** by Rossow to close the public hearing, **seconded** by Birkenholz. Voice Vote: Approved, 5-0.

Members discussed the variance and how the topographical features of the site provided justification for the variance. Billingsley articulated that since he had voted “nay” for the conditional use, that he would vote “nay” again for the parking variance.

**Motion** by Rossow to approve the parking variance at 1117 North 3<sup>rd</sup> Avenue East, **seconded** by Birkenholz. Approved 4-1.

- D. CU20-3: Conditional use permitting the construction of a 1,248 sq. ft. accessory building at 322 South 11<sup>th</sup> Avenue West. Scott & Jolene Lamp, Applicant.

Staff informed the board and attendees that this application was withdrawn by the applicant, so the conditional use application was not reviewed.

## **New Business**

- A. Appointment of Officers:

Board members discussed the current situation and recognized that former Chair Dennis Porter stepped away from the Zoning Board of Adjustment in December of 2019, thus leaving the Vice Chair position

open as Tom Hollander became Interim Chair. Board members evaluated several options, with the conversation revolving around Tom Hollander serving as the Chair and Bev Rossow serving as the Vice Chair. **Motion** by Birkenholz to appoint Tom Hollander as the Chair and Bev Rossow as the Vice Chair of the City of Newton Zoning Board of Adjustment, **seconded** by Billingsley. Approved 5-0.

**Adjournment:**

**Motion** by Rossow to adjourn the meeting, **seconded** by Billingsley. Approved, 5-0. The meeting was adjourned at 6:07 pm.