

Minutes of Meeting Zoning Board of Adjustment Regular Meeting

May 4, 2022

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

STAFF PRESENT: Brian Dunkelberger, City Planner
Craig Armstrong, Development Specialist
Erin Chambers, Community Development Director

A quorum being present, Interim Chair Rossow called the meeting to order at 4:32 PM

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

Minutes

The Board reviewed the minutes of the previous meeting from March 23, 2022. **Motion** by Billingsley, **seconded** by Birkenholz to approve the minutes from March 23, 2022, as written. **Voice vote:** approved, 4-0.

Public Hearing

- A. CU22-1: Conditional Use Permit amendment (CU18-4) to increase the maximum allowed number of residents at Discover Hope (733 1st Ave. E.) from 12 to 22. Jack Topp, AIA, applicant.

Dunkelberger reviewed the prepared staff report and shared aerial and street view images of the property, building plans, and an elevation view of the proposed structure submitted by the applicant. He shared feedback submitted by three neighbors, two in favor and one anonymous neighbor against the request.

Patricia Shores, 702 S. 3rd Ave. E., called on 4/25/2022 to share the following. *"I wasn't aware that there was a facility that offered these types of services in Newton. I would be happy to offer my support for this."*

Anonymous neighbor, 700 block of S. 3rd Ave. E., emailed staff on 4/29/2022: *"My property is located at S 3rd Ave E in the 700 block. I object to the increase to 22 residents at the Discovery Hope location. I am concerned with the impact to future property values and sales, as well as safety concerns for our property owners and our families. Increasing to twenty-two residents is significant. Are the current residents employed? Is there a requirement that additional residents must be employed? I certainly understand if an individual needs a helping hand. But I also would expect the goal is to take personal responsibility for financial independence. It would seem a smaller group setting would be best. Please remember, we property owners were here first... Discovery Hope came after. Thank you."*

Janie Galloway, 720 S. 3rd Ave. E., emailed staff on 5/4/2022: *"I live at 720 S. 3rd Ave. E. and my back lot somewhat borders Discover Hope's back yard. I just wanted to let you know that I am in favor of Discover Hope expanding/increasing the number of residents to 22. I feel that Discover Hope does great work for this community and the persons they serve. I also think Discover Hope thoroughly understands the struggles of*

the persons they serve and have a heart to work with them, and in some cases, even where other substance abuse providers will not. I hope the Zoning Board approves this request so more individuals in need of their services can be served. Thank you for the opportunity to voice my opinion."

Robbie Robinson, Executive Director of Discover Hope, introduced himself to the Board and described the proposal in detail. He explained that the motivation behind the expansion and proposed building addition was to address the needs of the community in regards to homelessness, addiction recovery, behavioral issues, unsafe environments, etc. Robinson shared how the program held residents accountable and directly addressed the concerns shared by the anonymous neighbor. Yes, residents not only have occupations while living on campus and paying rent, they also work at Discover Hope to help with various tasks. He discussed how Discover Hope had more than 75 visitors per day on average, and that this expansion would help them provide a better experience for their transitional housing and associated procedures.

Discussion about past experiences with residents, neighborhood impact, and the submitted floor plan.

Hearing no additional questions or comments, Chair Rossow called for a motion to close the public hearing.

Motion by Birkenholz, **seconded** by Billingsley. **Voice vote:** Approved 4-0.

Discussion about the proposed conditional use permit amendment. Billingsley stated that he felt comfortable with the presentation and that Robinson reasonably addressed concerns from neighbors. Members voiced their agreement. Birkenholz stated that she remembered the initial application in 2018 and thought that the simple fact that Discover Hope was still there was evidence enough for its positive impact.

Motion by Billingsley to approve CU22-1, an amendment to CU18-4 increasing the maximum allowed number of residents at Discover Hope (733 1st Ave. E.) from 12 to 22, subject to the proposed addition meeting all other city requirements, **seconded** by Hanson. **Roll call vote:** Approved 4-0.

- B. CU22-1: Conditional Use permitting residential development in I-L: Light Industrial zoning district at 1015 & 1117 N. 3rd Ave. E. and 211 E. 12th St. N. MVAH Holding LLC, applicant.

Dunkelberger reviewed the prepared staff report and shared images of the property, a site layout plan submitted by the applicant, and a street view of another property that the applicant owns and manages in Newton (Newton Place Apartments). He shared that one comment was submitted before the meeting by a neighbor during a call on 4/25/2022.

Doug Fox, 317 E. 10th St. N., called to initially inquire about the development and share his concerns. After a thorough discussion with staff, he requested that his feedback be shared in the staff report. He stated that he "generally leans in support of growth and of this proposed development, but he also voiced his concerns about pedestrian safety, future maintenance/upkeep, and neighborhood impact with increased traffic."

Wyllys Mann, Senior Vice President of MVAH Partners – applicant, introduced himself to the Board and provided an overview to the proposed project. He provided details regarding the challenges associated with the site, the multitude of pieces needing to fit together to make the project happen including financing, various approvals, etc., and how this type of housing is fairly unique and difficult to find anywhere. Mann shared that the same architects who designed Newton Place Apartments would also be working on this project. He then described the general timeline for financing and approximate timeframe for breaking ground in the spring of 2023.

Rossow asked Mann to describe the financing process and the rent reduction for 30% of the units. Mann answered with information from the Iowa Finance Authority and how projects are "graded." He defined what qualified as rent-reduced and how these units provide opportunities for greater upward mobility.

Hanson asked about on-site detention and referenced a previous conditional use application for the site. His concerns involved child safety around a dedicated detention area and asked if it would be fenced. Mann recognized the concern and shared details about his own family. He mentioned that the detention area would most likely be fairly deep, so fencing would most likely be installed as a safety precaution.

Billingsley asked why the previous two projects failed to move forward. Mann answered by describing the lengthy and comprehensive process associated with acquiring the necessary pieces such as funding, contractors, etc. It typically isn't just one issue, but rather a multitude of obstacles that might prevent a multi-family development from moving forward.

Birkenholz asked about traffic safety in reference to the submitted comment, and she asked about the intersection of N. 3rd Ave. E. and E. 12th St. N. and if it was a 4-way stop. Dunkelberger answered that it was not currently a 4-way stop, but that the Newton Traffic Safety Committee could explore that change if necessary, and as a result of this development.

Preston, neighbor at 224 E. 12th St. N., asked about on-street parking and described how E. 12th St. N. was already congested at times. Discussion ensued about how the proposed project exceeded minimum parking requirements, how the flow of traffic would flow in and out on N. 3rd Ave. E., and how the Traffic Safety Committee could explore no parking zones if necessary and appropriate. Dunkelberger concluded the discussion by outlining how the density of this proposed development aligned with the currently-allowed density of the R-2: One- and Two-Family Residential zoning district. In other words, most residential neighborhoods have around the same density or potentially higher than what is proposed at this site.

Erin Chambers, Community Development Director, spoke about parking requirements and compared the project to other multi-family properties in Newton such as Lions Gate Apartments or Newton Place Apartments. Dunkelberger agreed and shared that Lions Gate Apartments includes 38 units on a much smaller property with no serious parking concerns, but this proposed project includes 34 units on a property almost 4 times the size.

Hearing no additional questions or comments, Chair Rossow called for a motion to close the public hearing.

Motion by Birkenholz, **seconded** by Billingsley. **Voice vote:** Approved 4-0.

Rossow confirmed that the Board was responsible for considering the proposed *use* only, and that design details would be reviewed by staff through the required development review processes. Discussion about the criteria for granting a conditional use permit. Birkenholz stated that the criteria were met, and mentioned how the past two projects were also approved. Billingsley agreed and stated that this project seemed to be more appropriately designed for the site considering the addition of 1015 N. 3rd Ave. E.

Motion by Billingsley to approve CU22-1, authorizing residential development at 1015 & 1117 N. 3rd Ave. E. and 211 E. 12th St. N. in an I-L: Light Industrial zoning district, subject to the proposed development meeting all other city requirements, **seconded** by Birkenholz. **Roll call vote:** Approved 4-0.

New Business

None.

Motion by Birkenholz to adjourn the meeting, **seconded** by Hanson. **Voice Vote:** approved, 4-0. The meeting was adjourned at 5:34 PM.