

Minutes of Meeting Zoning Board of Adjustment Electronic/Virtual Meeting

May 19, 2021

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

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

A quorum being present, Chair Hollander called the meeting to order at 4:37 p.m.

In accordance with the Americans with Disabilities Act, Chair Hollander questioned 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 April 7, 2021.

Motion by Rossow, **seconded** by Birkenholz to approve the minutes from April 7, 2021. Approved, 4-0.

Public Hearing

- A. Review of conditional uses authorizing exterior storage at property located at 1300 East 8th Street North including the construction of permanent fencing.

Dunkelberger reviewed the prepared staff report and shared images of the property and the subject fence. Hollander opened up discussion by stating that he felt that the status of the conditional uses was that the property was non-compliant. The permit holder failed to meet the deadline for the construction of permanent fencing, and no efforts had been made to show progress. He continued by asserting that the Iowa Department of Natural Resources administrative order dated April 12, 2021, directed the Board to follow a similar procedure regarding the exterior storage. Hollander asked if there were any questions for Staff or the permit holder.

Linda Dalton, neighbor at 1303 East 8th Street North, asked about a deadline for the removal of the wind turbine blades from the property. Dunkelberger answered by stating that if the permits were revoked, then removal of the exterior storage would be required immediately. However, the Board could also choose to establish a deadline. Dalton offered her thanks and shared her feelings regarding the exterior storage.

Ron Albrecht, Executive Manager for Global Fiberglass Solutions, introduced himself and shared some information regarding their position. He shared that they were aware of the Iowa DNR administrative order, but that they were still working to rectify the problems with the Iowa DNR to remain in Iowa. He continued by explaining the difficulties they were experiencing with establishing financial assurance

through the form of a bond due to the unique nature of their operation. Rossow stated that she appreciated his comments regarding their work with the Iowa DNR, but also asked about their efforts for the required permanent fencing. Albrecht responded by saying there had been so many moving pieces such as their situation with the DNR that the fence was not their main priority, so he requested that the Board consider an extension to the established deadline.

Erin Chambers, Director of Community Development, acknowledged the request and their position, but shared that extensions had been offered in the past and that Staff had been diligent about sending reminders and notices. For those reasons, she stated the Staff recommends revocation of the conditional use permits. Dunkelberger followed by sharing that this was the 6th meeting for the subject property and conditional uses over the course of a three-year timeframe, and reiterated that Staff had sent reminders to Global Fiberglass Solutions in advance of the meeting but received no reply.

Hearing no additional questions or comments, Hollander called for a motion to close the public hearing. **Motion** by Birkenholz, **seconded** by Rossow. Approved 4-0.

Hollander commented that the permit holder had been provided extensions in the past, the Iowa DNR administrative order takes precedence, and that the property was non-compliant with the established conditions especially in terms of the required fencing. Birkenholz commented that the permit holder had many chances to bring the property into compliance, but that no efforts had been made so the use of the property was no longer appropriate. Rossow stated that she felt there was not much use for an extension considering the Iowa DNR order and because no progress was evident at that time. Hanson agreed.

Motion by Birkenholz to revoke the conditional use permits held by Global Fiberglass Solutions for exterior storage at 1300 East 8th Street North with the understanding that Global Fiberglass Solutions will remove all exterior storage of wind turbine blades, temporary fencing, debris, etc. from the property by the 60-day deadline established by the Iowa Department of Natural Resources Administrative Order dated April 12, 2021 (Deadline: June 11, 2021). **Seconded** by Rossow. Approved 4-0.

New Business

Hollander requested that Staff provide additional information about a recently approved and adopted zoning ordinance amendment regarding retail uses within the I-L: Light Industrial. Dunkelberger shared a copy of the Newton zoning map to review the locations of the I-L zones in Newton. He described how Staff received the zoning ordinance amendment application from an individual interested in opening a retail store at a property located within an I-L district. Previously, retail was allowed within the I-L zone if the retail use was accessory to a permitted use and accounted for less than 50% of a facility's business. In other words, the approach to allowing retail sales within an I-L district would remain the same in that an interested party would still be required to acquire a conditional use permit from the Newton Zoning Board of Adjustment, but there is no longer a limit on the percentage of a facility's business.

Adjournment:

Motion by Birkenholz to adjourn the meeting, **Seconded** by Rossow. Approved, 4-0. The meeting was adjourned at 5:07 pm.