

Minutes of Meeting
Newton Planning and Zoning Commission
Formal Meeting
July 20, 2021

ROLL CALL: Board members present: G. Berndt, Cantu, Johnson, Poynter, Repp, Woody

Board members absent: J. Berndt

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

A quorum being present, Chair Woody called the meeting to order at 5:01 PM.

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

Minutes. Minutes of the previous meeting of June 22, 2021 were reviewed. **Motion** by Johnson, **seconded** by Poynter to approve the minutes as written for the previous meeting. Voice Vote: Approved 6-0.

Public Hearing.

- A) PP21-1: Preliminary Plat for Meadow Run (approximately between the 300 blocks of E 29 St S and E 30 St S), Bloomfield Acres LLC, Applicant.

Dunkelberger reviewed the prepared staff report and also reviewed comments submitted by neighbors who requested they be included in the staff report. Alex Kingery, 2803 S 4th Ave E, submitted his opposition to high-density development and did not support duplexes on the 14 lots proposed by the developer. He felt that the layout was appropriate for the neighborhood if it was single-family homes. Kaycie Shea, 2900 S 3rd Ave E, opposed the development entirely due to concerns relating to potential negative impacts on traffic in the area, preservation of the quiet/peaceful neighborhood, the quality of the homes produced by the developer would not align with the existing neighborhood and she believed they would have a negative impact on existing property values. General feedback from several neighbors who inquired before the meeting focused on density and limiting development of the 14 lots to single-family homes only. Staff offered a suggestion that might involve a plat note to indicate the developer's intention for building single-family homes on the 14 lots.

Johnson asked Staff about the proposed street width and whether or not it was wide enough for emergency vehicles to access individual properties. Dunkelberger confirmed that the proposed street matched and would align with the existing roadway. That is, Public Works approved the 26-foot-wide roadway to match the existing roadway in the neighborhood, but the right-of-way width would be 60 feet which meets the subdivision code requirement. Dunkelberger acknowledged that the developer had provided a short presentation if the Chair would like to recognize them.

Mark Lee, Lee Chamberlin Consultant Engineers, presented a colorized rendition of the preliminary plat and reviewed design details. Those details included dimensions of the right-of-way and the 14 lots, the dedicated detention area and capability to hold snow storage, utility connections, and drainage. Lee offered to answer any questions if necessary and introduced Carrie Woerdeman from Kading Properties at the meeting.

Chair Woody opened the meeting to public comment, but Dunkelberger suggested that questions from Commissioners for Mark Lee should be asked first. Johnson asked about the dedicated detention area and if it would be a city-owned park. Dunkelberger answered that it would be privately-owned and maintained, and

that it could serve as a greenspace but the true intention for the space was a detention area for the 14 lots. Mark Lee commented that it would be a grassy area and kids could engage in any other recreational activities on the property. Cantu asked if ownership of the space would eventually be transferred to the city. Dunkelberger answered that the intention for the space would be to remain under the applicant's ownership.

Dana Simbro, 2912 S 3rd Ave E, thanked her neighbors for attending the meeting. Simbro identified that the applicant, Bloomfield Acres LLC, was actually Kading Properties. She described other developments constructed by Kading and stated that they all had the same appearance, use, and quality of construction. She provided examples of other Kading subdivisions and asked that they be used as references for this project. Simbro commented that the properties are marketed to low-income housing individuals and that she had little faith they would be designed for single families as it doesn't match their "M.O." She stated that even though the purpose of the subdivision does technically meet the requirements of the zoning classification, the quality of the build would not meet the standards of the existing neighborhood and its property values. Simbro said that low-income housing next to an established neighborhood is not in the best interest of the city and community members deserve better. She emphasized that the existing neighborhood would not allow for the additional traffic the development would bring, and that it would be a struggle to market the two commercial lots directly to the east. Simbro concluded by recognizing her neighbors and their feedback, and that they were requesting that the Planning & Zoning Commission deny the development.

Pat Sullivan, 604 E 28th St S, opposed the proposal because all existing homes in the area are single-family dwellings. Sullivan described a break-in at his property and described how they did not need or want multi-family housing in their neighborhood.

Bob Hauber, 508 E 28th St S, opposed the lots because of the type of housing – rental housing. He said it doesn't fit the area because the existing neighborhood is full of home-owners who take care of their properties and he encouraged everyone to drive through to see it for themselves.

Marcia Berndt, 2810 S 2nd Ave E, stated that she had lived in her home for over 40 years and that it was a close neighborhood. She commented that the existing streets would not support the additional traffic flow caused by the development. Berndt mentioned that she expected a park in the subject area, and that she was opposed to the development.

Jewel Gullett, 410 E 28th St S, said she highly opposed the development. She described an interaction she had with a surveyor who told her they needed to locate property lines in case of runaway vehicles causing damage. Gullett stated that the housing planned for this development would not draw in people who take care of their properties like the current neighbors. She mentioned that she was told the homes would match the existing single-family homes, but that it was not correct.

Dennis Harrelson, 302 E 29th St S, commented on the good neighbors within the existing neighborhood and how they would support additional new, good neighbors. He stated that their dilemma was that multi-family living spaces bring additional vehicles and would cause congestion. Harrelson concluded by saying they see a problem with multi-family residences.

Carrie Woerdeman, Director of Development for Kading Properties, offered some clarification based on comments from neighbors in the meeting. She spoke on the difference between Kading's proposed project which was workforce housing, not low-income/income-restricted housing. Workforce housing built and maintained by Kading typically houses residents with incomes between \$35,000 - \$75,000 per year which is usually 80-120% of the area median income. Regarding parking and traffic, Kading allows no more than two vehicles per household and they have the ability to issue a notice of non-compliance or not renew a lease. Woerdeman went on to describe construction of the residences, materials used, and details about with how Kading manages the properties after that fact which translates to better control.

Jennifer Shepherd, 308 E 29th St S, voiced her opposition of the development. She described her family choosing to move to the edge of town for a quiet neighborhood. Shepherd stated that she was against multi-family due to the transient traffic resulting from renters coming and going in the neighborhood. She felt this would not be conducive to their established neighborhood if renters were in and out every 6 months or so.

Brookelyn Shepherd, 308 E 29th St S, added to her mother's comments by supporting new homes and that everyone deserves a place to live regardless of income. However, she worried about the safety of young children and/or elderly in the neighborhood due to the added traffic from the new homes.

Alex Kingery, 2803 S 4th Ave E, stated that he came into the meeting with an open. He agreed that the lot layout appeared to be good, but did not agree with rental or multi-family housing in the neighborhood. He didn't oppose additional traffic from a new development, but he did oppose in-and-out neighbors. Kingery reiterated that rental and multi-family housing could damage the cohesiveness of the neighborhood. He felt that Kading has a poor track record and should be considered, and that he would sell his home if this development happened. Kingery shared his wife's comment about how new, quality housing was needed in Newton, and that other builders should develop the area instead.

Pat Sullivan, 604 E 28th St S, responded to Carrie Woerdeman and agreed that Kading could send a notice or evict a tenant, but the neighbors would still have to live there in the meantime. He described how they were homeowners, taxpayers, and they had skin in the game. He emphasized his opposition to rental properties.

Stacey Simbro, 2912 S 3rd Ave E, voiced his opposition to the development not because of extra people moving in. Instead, he stated his desire to sustain the plat with low-density, grow new families into a stable neighborhood, and foster new development – all identified by the comprehensive plan. He stated that he had not heard good feedback about Kading Properties and their management style. Simbro did not want to oppose anyone from pursuing success in Newton. However, he did not feel Kading could accomplish that and the development to be pursued by the right people and the right way to support a long-term future.

Bev Price, Newton Housing Development Corporation, shared that NHDC hadn't had an opportunity to review the plans closely as of yet. She acknowledged the need for single-family rental properties in Newton, but shared some general concerns that had been discussed in the past. Those included issues caused by private roads, ongoing maintenance, and overall standards of development.

Brian Dunkelberger, City Planner, offered some clarification about the review being considered at that meeting which was exclusive to the 14-lot subdivision. Feedback about the entire project based on the master concept plan should be noted, though. He went on to describe how the next phase of development would be reviewed at a future meeting. Dunkelberger pointed out that Staff would be recommending that E 28th St S should not wrap eastward and connect to Iowa Speedway Drive and instead the developer should consider a cul-de-sac. With that, he reiterated that those details would be considered at a future meeting.

Cantu asked for clarification about the Staff recommendation regarding the cul-de-sac and Dunkelberger pointed to the subject area on the concept plan. Johnson asked about traffic flow if the public roadway did not connect to E 28th St S. Dunkelberger answered that the plat being reviewed at the meeting had no proposed connection to the next phase. He showed how traffic would then not flow through the existing residential neighborhood from Iowa Speedway Drive. Johnson asked about a turn-lane from Iowa Speedway Drive, and he answered that he did not believe one would be necessary. Cantu asked about the 14 lots and how the existing residential neighborhood would still be subjected to traffic flow from the new housing units. Dunkelberger confirmed and showed how the first phase being reviewed at the meeting enclosed that neighborhood but would be separated from the future phase(s).

Dana Simbro, 2912 S 3rd Ave E, commented that if the first phase went through, then the next phase would go through as well no matter what. She pointed out that the 14-lot subdivision would add more traffic to the area due to the higher-density development. She suggested that the question about conforming to the

comprehensive plan should be a sticking point for anyone making decisions for the entire City. Simbro said that it should follow what was already started and that it should take care of them.

Bob Hauber, 508 E 28th St S, again mentioned that the proposed development does not fit the area and that it should match the area that was created 30+ years ago.

Alex Kingery, 2803 S 28th Ave E, felt that the concept plan shows a density that doesn't fit. He agreed that if the first phase passed, then the next phase(s) could not be stopped. Even though the layout looked good, he felt that the developer was attempting to wedge in too much to get what they want because they stand to gain from the next phases. Kingery said that if the rest of the development was similar to the plat being reviewed at that meeting, then it might be different, but the rest of the development shows a lack of caring for the existing neighborhood.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by G. Berndt, **seconded** by Cantu. Approved 6-0.

Chair Woody opened the floor up to the Commissioners for discussion and evaluation of the proposed zoning ordinance amendment. G. Berndt shared that he had received some phone calls in opposition of the development and that he visited the neighborhood before the meeting. He described the neighborhood and agreed with comments about it being very quiet.

Johnson commented that she also received phone calls and drove through the neighborhood. She stated that she knew several individuals who live in the area and had been in their homes. Her biggest concern was the fact that these would be rental properties. She said she was not opposed to rental properties, but instead, her concern was with adding rental properties to a neighborhood such as this one. Johnson shared that she understood why people were upset due to the developer, the quality of their other developments, and their management. She stated that she was not in favor of this development because the rental properties would not be compatible with the existing neighborhood.

Repp stated that she also drove through the neighborhood and that she felt it was lovely and well-maintained. She pointed out how Iowa Speedway Drive is a main entrance to the city of Newton, and that quality single-family homes should be constructed in the area. Repp did not feel that rentals were appropriate for the area and thanked the neighbors for expressing their concerns.

Woody agreed in thanking the neighbors for participating and voicing their opinions about the proposal. She originally thought the development would involve owner-occupied single-family homes, but then learned it would be renter-occupied duplexes at the meeting so she was not in favor of the proposal. She then shared an idea about a local developer building single-family dwellings.

Chair Woody asked if anything needed to be closed. Dunkelberger confirmed that the Commission was ready for a vote. Cantu interjected and suggested that in the future they should review the entire project rather than rely on a concept plan and review only a portion of a project. He then asked about the proposal and how it worked with the existing zoning of the property and whether or not something needed to be addressed in regards to the different zoning classifications. Dunkelberger described how the developer originally planned to rezone the parcel, but then changed course and would be pursuing a separate preliminary plat to subdivide the larger parcel to meet the existing zoning and their maximum densities. Cantu asked if that was the reason why they were reviewing the smaller plat separately. Dunkelberger confirmed.

Cantu asked if there was anything needing to be addressed for the private roads from a zoning standpoint. Dunkelberger stated that it would be a design detail reviewed by Staff to ensure it met minimum code requirements and that it would be considered at a future meeting. Cantu asked about the definition of low-density residential according to the comprehensive plan and asked if it was pretty loose. Dunkelberger answered that it was fairly general, but the definition listed one-to-two family style housing.

With no further discussion, Chair Woody entertained a motion. **Motion** by Cantu to recommend approval of PP21-1: Preliminary Plat for Meadow Run (approximately between the 300 blocks of E 29 St S and E 30 St S), Bloomfield Acres LLC, Applicant. Woody asked if there was a second, and informed the Commission that they should offer a second. Cantu stated that no one had to second, and Dunkelberger confirmed. He asked Cantu to verify his motion to recommend approval, and Cantu confirmed. Dunkelberger then described the next steps: if there was a second, then a vote would be called, or if there was no second, the motion would not carry and another Commissioner could introduce a separate motion. **Seconded** by G. Berndt.

Audience member asked if that meant it was approved to go to Council. Cantu responded that it was approved for them to vote and Woody said they needed to vote. Woody called for a roll call vote. Repp asked for clarification about what they were voting for. Dunkelberger answered that this was the motion for the Commission's recommendation that would be sent to Council and the public hearing was already closed. Their vote would determine their recommendation. Their options were to approve, approve with conditions, deny, or table the discussion. Johnson asked if this motion was opposed, could they submit another motion. Dunkelberger confirmed. Repp asked if the original motion was for approval of the rental property development. Dunkelberger clarified that the motion was for approval of the 14-lot subdivision as designed.

Cantu commented that they couldn't say for sure what would be developed on the 14 lots, but that everyone had the idea. He asked if the plat, as it was designed and its specifications, was what they were voting on. Dunkelberger confirmed. Cantu added that the zoning classification of the subject property and others around Newton should be reviewed to determine the types of development that are appropriate for specific neighborhoods. Dunkelberger responded that their motion could include direction for Staff to explore the idea. Cantu said that his intent was to get a vote so that they could discuss all three of the available options.

Woody asked if the Commission were to recommend approval, does that mean Bloomfield Acres could automatically move forward with the project. Dunkelberger emphasized that the Planning & Zoning Commission was a recommending body to City Council and then described the entire development process if Council chose to approve the preliminary plat.

Repp asked if they voted "yes" then Bloomfield Acres would be "in." An audience member asked if that's what they were recommending. It was stated that the public hearing was closed and that a vote would be sent to Council. Dunkelberger reiterated the purpose of the Planning & Zoning Commission's review. Repp commented that if they voted no, another developer could choose to build homes there. Dunkelberger responded that it depended on the ownership and that it was a private matter. Dunkelberger clarified the details that should be included in a final motion and provided examples of motions to recommend approval, denial, and to table the discussion to a future meeting to offer the developer an opportunity to mitigate concerns of the surrounding neighborhood if that would be appropriate. Johnson stated that they needed to deal with the original motion from Cantu and seconded by G. Berndt. **Roll call vote**, failed 0-6.

Woody called for a separate motion. Johnson felt the Commission was not ready to make a decision that evening, and wondered what would happen if both the Commission and Council voted against the development. Dunkelberger answered that Council has the final say, but Commissioners could decide if an opportunity should be extended to the developer to pursue a different plan. Woody stated that she felt there was no problem with the 14 lots, but instead the problem was with the builder. She thought it fit with the comprehensive plan because it brought more housing, more people/workforce, edge-of-town development, etc. However, the concern was with the quality of the properties. She asked how a motion could be made to reflect that. Dunkelberger answered that a motion could include details about the proposed subdivision meeting minimum standards, if it conformed to the comprehensive plan concept map, if it met other objectives from the comprehensive plan, and/or if it was compatible with the surrounding neighborhood.

Woody stated that she did not want their recommendation going to City Council and misunderstood as the Commission fully supporting the development. She supported tabling the discussion to a future meeting. Cantu suggested that they needed to provide direction for a future meeting, which should involve the zoning

of the property and density maximums, conformity with the comprehensive plan, updating the master concept plan to merge phases 1 & 3, and to edit the layout to address concerns.

Motion by Johnson to table the decision to a future meeting, **seconded** by G. Berndt. Roll call vote, approved 6-0. This final motion was recognized as the standing action/direction of the Planning & Zoning Commission.

As neighbors were leaving the Council Chambers, Johnson asked for clarification about zoning requirements. Dunkelberger confirmed that the zoning code does not disallow a type of housing. Instead, he clarified that zoning focuses on the use of a property. Commissioners discussed the zoning classifications located in the subject area and the proposed project. Dunkelberger pointed out that there was a second item on the agenda and that those questions and comments should be brought up at the next meeting.

Old Business – B) Review of nuisance code.

Dunkelberger reviewed the prepared memorandum and reintroduced the discussion of potential nuisance and zoning code updates relating to semi/tractor units parking on residentially-zoned properties. Johnson and Woody asked about the on-street parking on East 8th Street North. Johnson asked about how many trucks could be parked there and if it infringes on nearby properties using the spaces. Dunkelberger clarified that this was public right-of-way so anyone could utilize this parking area, and that he would estimate 8-10 trucks could fit but wasn't totally sure about that answer. Woody agreed and commented that she didn't think anyone really parked there. Dunkelberger agreed and said that local drivers may not be aware that parking trucks was allowed on that street. Johnson asked if trailers were allowed, and Dunkelberger did not know. They determined that a driver could ask the Newton Police Department for that answer.

Repp shared a story about witnessing a truck parking at Wal Mart and the driver being picked up by his wife one evening but then it was gone the next morning. Johnson commented that some drivers are only off for 12 hours, so that might be why it was gone so quickly. Dunkelberger stated that Staff has sent violation notices in the past for overnight parking. Erin Chambers, Community Development Director, clarified that overnight *camping* was not allowed and that overnight parking on the private commercial property was unregulated. Dunkelberger apologized for misspeaking and confirmed that the overnight *camping* wasn't allowed.

Motion by Cantu to close the public hearing, **seconded** by Johnson. Approved 6-0.

Repp commented that she remained opposed to semi-tractor units parking in residential neighborhoods due to concerns such as obstructions to visibility, aesthetics, etc. She emphasized her respect for the trucking industry, but that they needed strategies to beautify the city and also strongly evaluate safety concerns.

G. Berndt asked Dunkelberger about options the Council considered when they initially reviewed the matter in March 2021 and how it was enforced. Dunkelberger answered that it is enforced by the Newton Police Department on a complaint-by-complaint basis. G. Berndt suggested the language should be left alone and described a friend who was a long-haul driver. He supported a motion to leave the language as it was. Dunkelberger explained that the suggested edits originally proposed by the City Attorney did not involve new regulations - only to clarify existing language. Discussion about different semi-tractor parking scenarios.

Commissioner Poynter exited the meeting at 6:47 PM.

Motion by Johnson to recommend denial of both Zoning and Nuisance code amendments, thus disallowing semi-tractor parking in residential zoning districts in Newton and in support of the previously submitted code amendments from the City Attorney to clear up any discrepancies within the nuisance code requirements and additionally to direct the City to explore additional parking alternatives for local long-haul drivers to park their trucks and trailers and possibly their personal vehicles, **seconded** by G. Berndt. Approved 5-0.

Motion by Johnson to adjourn the meeting, **seconded** by G. Berndt. Approved 5-0. Meeting was adjourned at 6:50 PM.