

Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
November 7, 2023

ROLL CALL: Board members present: Cantu, Elbert, Johnson, Poynter, VanGilder, Woody

Board members absent: Holschuh

STAFF PRESENT: Brian Dunkelberger, City Planner
Craig Armstrong, Development Specialist

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

Minutes. Minutes of the previous meeting from August 15, 2023 were reviewed. **Motion** by Poynter, **seconded** by Johnson to approve the minutes as written. **Voice vote**, approved 5-0. Cantu abstained.

Public Hearing.

1. MP23-1: Cramer Estates – a 2-lot minor subdivision located at 505 S. 20th Ave. W. Jeffrey Gaddis, applicant.

Dunkelberger reviewed the prepared staff report and shared aerial images of the subject property. He also presented clippings from the Newton Zoning Map and Future Land Use Map from the comprehensive plan. Johnson expressed support for the new housing and asked about the proximity of the subject property to the Newton city limits. Brief discussion about the request and two homes.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter to close the public hearing, **seconded** by Cantu. Voice Vote: approved 5-0. VanGilder absent.

Chair Woody opened up the floor to Commissioners for discussion. No comments.

Motion by Elbert to recommend approval of MP23-1 as presented, **seconded** by Cantu. Roll Call Vote: approved 6-0.

2. RZ23-2: A rezoning of the west half of the 1000 block of E. 9th St. N. from R-2 to I-L City of Newton, applicant.

Dunkelberger reviewed the prepared staff report and shared that two neighbors called to inquire about the proposal. Commissioners asked about the truck route and staff's contact with neighbors.

Oran Hackworth, 1024 E. 8th St. N., asked if a site plan had been prepared and if he could receive a copy. Dunkelberger answered that no site plan had been prepared because the rezoning is the first step in the process. Hackworth asked if the proposed parking lot would be gravel or cement. Dunkelberger confirmed that the Newton Site Plan Code requires hard surface for off-street parking such as cement or asphalt. Hackworth shared that he wished he had been notified directly about the city sale of the two parcels.

Randy Ray, 1029 E. 10th St. N., expressed concerns with trucks sitting outside and being an attractive nuisance to rodents due to the grease and possible odors.

Angela Oswald, 925 E. 9th St. N., shared a list of concerns relating to the new business and potential impacts to the neighborhood. That list included concerns about hours of operation, smells, aesthetics, and changes to the neighborhood.

Ken Smith, 1013 S. 6th Ave. W., inquired about the properties located directly adjacent and west of the subject parcels. Smith shared his opinions about the proposal, his dissatisfaction with the City and its processes, and described past experiences of working in this neighborhood.

Melissa Dalton, 2506 N. 6th Ave. E., clarified that the property at 1004 E. 8th St. N. had been sold. She described how the city-owned parcels proposed for this rezoning had been vacant since 2017 and 2021 after homes were demolished through the city's D&D Program. Dalton shared that the business owner was well aware of the fact they are moving into a property that is adjacent to residential homes, so they intend to pursue all reasonable efforts to prevent negative impacts to those neighbors. She also clarified that the business plans to utilize the property as a headquarters for their expansion into Iowa. They plan to construct a parking lot on the two parcels if the rezoning is approved, and then possible an extra building if all goes well.

Ken Smith described a past alley vacation in this block and his perspective on the matter. Smith exclaimed that the city prevented development of his lots due to the hard surfacing requirement for off-street parking.

Angela Oswald asked for clarification about exact details regarding this proposal and how the rezoning won't necessarily change whether the business moves in or not. Cantu offered this answer and Dunkelberger confirmed.

Oran Hackworth shared his displeasure with the city and its requirements for development. He described past communications with the Daltons who opposed development in the neighborhood due to gravel dust.

Jason Dalton, 2506 N. 6th Ave. E., shared that he was a part of the conversations 5 years prior when the alley was vacated. He described how Smith and Hackworth had a development agreement with the city yet no progress had been achieved in that 5-year timeframe.

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

Motion by Elbert to close the public hearing, **seconded** by Poynter. Voice Vote: approved 6-0.

Johnson shared that she was conflicted, but also pointed out how this particular block has transitioned over the years from residential to industrial and will most likely continue to do so in the future. Discussion ensued about the proposed rezoning.

Motion by Cantu to recommend approval of RZ23-2 as presented, **seconded** by Poynter. Roll Call Vote: approved 6-0.

3. MP23-2: Eastgate Plaza Plat 2 – a 1-lot minor subdivision (re-platting of existing lots) in the 300 block of Iowa Speedway Drive. Dan Birkenholz & ISG, applicant.

Dunkelberger reviewed the prepared staff report and shared one neighbor called before the meeting with questions about the proposal. A brief conversation ensued about the impact of a new ALDI grocery store coming to Newton.

Mark Quinn, 407 E. 28th St. S., suggested that the entire agricultural property be rezoned to R-1. Dunkelberger responded to clarify that the rest of the property was privately owned and that suggestion could be explored with that owner directly.

Stacy Simbro, 2912 S. 3rd Ave. E., commented that he feels it would be conducive for the city to work with the landowner and be involved in such a rezoning so as to be more purposeful with potential future developments rather than a haphazard expansion.

Johnson stated that she feels this neighborhood has always missed out on not having a city park, so maybe that could be explored in the future with the land owner. Woody asked if the land owner was in attendance and would like to speak.

Dan Birkenholz clarified that he was one of several landowners, and that there were no immediate plans for residential development. He shared that if there was enough interest for a city park, they would be open to such a discussion with the city.

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

Motion by Poynter to close the public hearing, **seconded** by Johnson. Voice Vote: approved 6-0.

Commissioners expressed excitement for the new ALDI and felt the location is appropriate.

Motion by Elbert to recommend approval of MP23-2 with the understanding that revisions would be made and accepted by city staff before being submitted to City Council, **seconded** by Johnson. Roll Call Vote: approved 6-0.

4. RZ23-3: A rezoning of the west 101 feet of Eastgate Plaza Plat 2 (in the 300 block of Iowa Speedway Drive) from R-2 to C-A. Dan Birkenholz & ISG, applicant.

Dunkelberger reviewed the prepared staff report. Johnson asked about site design details, and Dunkelberger described concept plans he had seen in the past. Commissioners expressed support for the development and the idea of a frontage road connection with the strip mall to the north.

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

Motion by Poynter to close the public hearing, **seconded** by Elbert. Voice Vote: approved 6-0.

Chair Woody offered Commissioners the chance to share comments or questions. No response.

Motion by Cantu to recommend approval of RZ23-3 as presented, **seconded** by Johnson. Roll Call Vote: approved 6-0.

Old Business.

None.

New Business.

None.

Motion by Elbert to adjourn the meeting, **seconded** by Poynter. **Voice vote**, approved 6-0. Meeting was adjourned at 6:15 PM.