



Planning & Zoning Commission Meeting Agenda

Tuesday, December 3, 2024 - 5:00 PM

Newton City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

View this Meeting: Mediacom Channel 12/85/121.12 or www.newtongov.org/cablecast

- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting
 1. Review of Minutes 10.01.2024
- III. Public Hearing
 1. MP24-1 Minor subdivision (3 lots) of 1501 1st Ave E, Newton, IA 50208; Parcel ID: 0835151013 (Applicant - Hy-Vee)
- IV. Other Business
- V. Adjourn

ADA Compliance: The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance in being able to participate in the meeting. Please contact the Community Development Department at least 24 hours in advance of the meeting by calling 641-792-6622 to arrange for accommodations to be provided.

Chair: Dana Woody; **Vice Chair:** Jane Johnson; **Members:** Joshua Cantu, Andrew Elbert, Jeff Holschuh, Don Poynter, Dana VanGilder

**Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
October 01, 2024**

ROLL CALL: Board members present: Cantu (via zoom), Elbert, Holschuh, Johnson, VanGilder (via zoom)

Board members absent: Woody, Poynter

STAFF PRESENT: Varsha Borde, City Planner
Brian Dunkelberger, Senior City Planner

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

Minutes. Minutes of the previous meeting from August 20, 2024, were reviewed. **Motion** by Holschuh, **seconded** by Elbert to approve the minutes. **Voice vote**, approved 5-0.

Public Hearing.

RZ24-1: Rezoning of property from Ag (A-1) to Light Industrial (I-L) 2300–2400 blocks of N. 19th Ave. E. along the south side.

Borde reviewed the prepared staff report and invited questions for staff.

Tamara Stock who lives at the neighboring property at 1420 E 19th St. N (to the south of the subject property) came to the podium and talked about her property being an ancestral property for 125 years and was the one of the few farms left in the area. She did not want to give up her land. She was worried that the rezoning to Light Industrial from Agricultural zoning would lower the property value of her property. She also said that her property got flooded from a culvert on E 19th St. N that dumped stormwater on to her property. She believed that the development at the subject property would increase the flooding on her property.

Frank Liebl Executive Director, Newton Development Corporation mentioned that there was a lot of interest in this site and the proposed rezoning would be a logical expansion of the Newton Industrial Park.

Hearing no additional comments, Vice Chair Johnson called for a motion to close the public hearing. **Motion** by Elbert to close the public hearing, **seconded** by Holschuh. Voice Vote: approved 5-0.

Holschuh asked about the Future Land Use Map. Borde explained that a Future Land Use Map is a guide for future development and need not translate to the actual development.

Johnson wanted the location to be clarified, she said that she was not happy to see farmland being developed for other uses.

Elbert said that we need development and that we will not see growth if we do not allow industrial uses.

VanGilder wanted to know residential versus industrial land values. Craig Armstrong (Development Specialist, City of Newton) answered a question on the property values for lots in Newton. Armstrong said that the Arbor Estates land was bought by the City for a million dollars a few years ago and this property is twice the size of Arbor Estates. Frank Liebl, Executive Director, Newton Development Corporation said there was lots of interest in this site and the proposed rezoning would be the logical expansion of the Industrial Park.

Cantu asked if this would account to spot zoning. Dunkelberger replied that this would not account to spot zoning as no island is being created and there is contiguous Light Industrial zoning to the west of the property. Cantu said that there was a possibility of potential future residential development form the south.

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

Motion by Elbert to close the public hearing, **seconded** by Holschuh. Voice Vote: approved 5-0.

Motion by Elbert to recommend approval of RZA24-1: Rezoning of property from Ag (A-1) to Light Industrial (I-L) 2300–2400 blocks of N. 19th Ave. E. along the south side. **Seconded** by VanGilder. Roll Call Vote: approved 5-0.

Other Business. -

Johnson asked if Commissioners there was anything more to discuss. There was none.

Motion by Holschuh to adjourn the meeting, **seconded** by Cantu. **Voice vote**, approved 5-0. Meeting was adjourned at 6:02 PM.

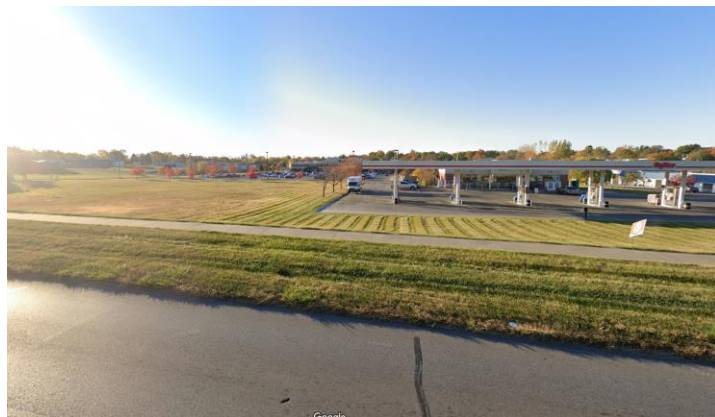
Planning & Zoning Commission Staff Report: MP24-1

Applicant:	Hy-Vee Inc.
Proposal:	Minor subdivision (3 lots) of property located off of 1 st Ave E
Location:	1501 1st Ave E, Newton, IA 50208; Parcel ID: 0835151013
Current Use:	Hy-Vee Store, Gas station
Current Zoning:	C-A: Arterial Commercial

The proposed minor subdivision is zoned C-A: Arterial Commercial. The proposal is to subdivide the property into three parcels. The primary motivation for this application is creation of new lots for development within the current undeveloped areas. There will be no additional improvements to the property as part of this subdivision. The access to Lot 3 will depend on the future plan for development of the lot.

The minimum zoning requirements of the C-A: Arterial Commercial zoning district are:

- Minimum Lot Size: 5,000 square feet
- Building Setbacks:
 - Front: 40'
 - Side: 10'
 - Rear: 0' *
- Minimum Lot Dimensions:
 - Lot Frontage & Width: 50'
 - Lot Depth: 100'
- Maximum Lot coverage: 35%

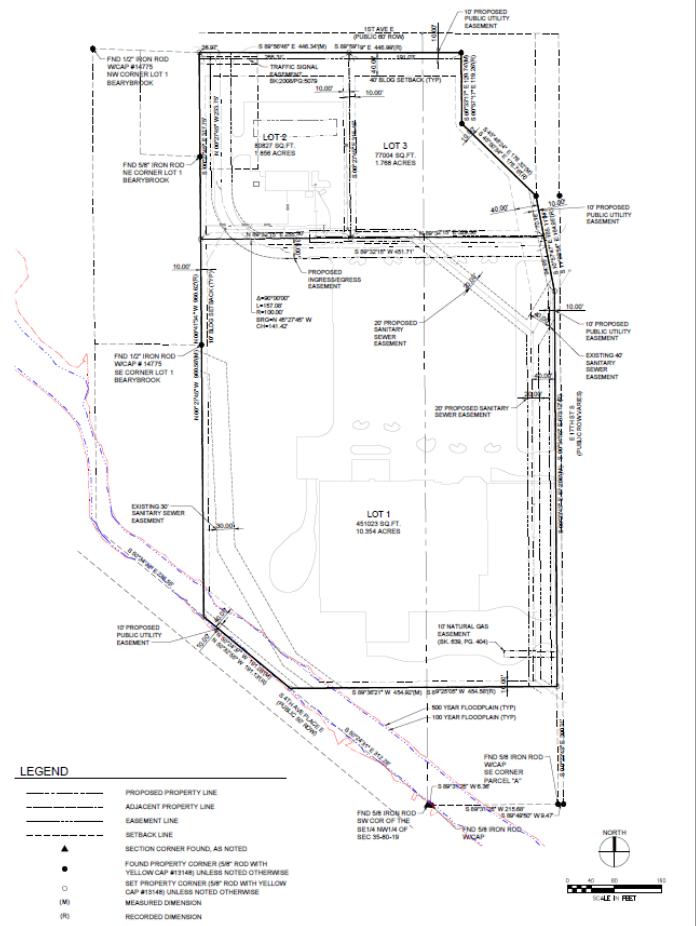


The total area of the property is 14.22 acres (619,423 sq.ft.) The current use of the property is grocery store and gas station. The minor subdivision plat will result in three lots:

- Lot 1 – 1.856 acres (80,827 sq. ft.)
- Lot 2 – 10.354 acres (451,023 sq. ft.)
- Lot 3 – 1.768 acres (77,004 sq. ft.)

The intention is to subdivide the property, and there are no plans to develop lot 3 at this time. This qualifies as a minor plat rather than a preliminary and final plat, as it includes no more than 3 total lots, no infrastructure or new roads are proposed, and city services and public improvements are readily accessible for individual service connection. The purpose of this review is to provide a recommendation to City Council.

The newly created lots will satisfy zoning requirements, including established minimum size requirements such as minimum lot size, lot dimensions, and frontage. The proposed address number for the lot 3 will depend on the location of the driveway/access point.



Envision Newton 2042 (2022 Comprehensive Plan) indicates that the subject area should be “Commercial” per the Future Land Use map. A listed objective found in Ch. 5: “Economic Development” of the plan states, “Attract, support, and retain businesses that fill and/or redevelop vacant properties in the downtown and along key corridors.”

All utility and city departments received a copy of the minor subdivision and were able to provide comments. The minor subdivision being reviewed at the December 3rd 2024 P&Z Commission meeting is the revised version. After the P&Z Commission reviews and make a recommendation, it will be reviewed by the City Council.

Review of the Platting Process: (step by step)

- 1.) Pre-application review.
- 2.) Submittal of Application and Initial Design.
- 3.) Administrative Review and Acceptance.
- 4.) Notice to property owners within 200’ for subject area and to *Newton Daily News*.

5.) Planning and Zoning Review.

- a. Consider conformity with the Adopted Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance (and preliminary plat, if applicable).

b. Consider recommendations of the City Planner or other reviewing agencies

6.) Planning and Zoning Commission Action.

a. Expressed recommendation of approval or disapproval to City Council. Any approval recommendation shall include conditions of such approval, if applicable.

7.) City Council Action.

8.) Begin construction of the subdivision public improvements (if preliminary plat). Minor and Final Plats recorded with Jasper County if and after City Council approves.

Notice of the meeting was published in the Newton Daily News on Tuesday, November 26th, 2024. Notices were also sent to all neighbors within 200 feet of the subject property on November 20th, 2024. If comments are received before the meeting, staff will share them as part of this report.

Staff recommends approval of this minor plat, finding that the proposal conforms to the Comprehensive Plan and it complies with the established minimum requirements of the subdivision code.

