



Planning & Zoning Commission Meeting Agenda

Tuesday, January 7, 2025 - 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
- III. Public Hearing
 1. MP25-1: Proposal for Minor Plat for Project Fastpitch Softball Complex– a 1-lot minor subdivision (creation of 1 lot) at 3800 RUSTY WALLACE DR located at Southeast Newton
 2. ZOA25-01: Proposal to amend the Newton Zoning Code (Ch. 158). The proposed ordinance amendments to various districts to clarify definitions and allowable locations for kennel, boarding facility, and pound.
- IV. Other Business
- V. Adjourn

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

**Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
December 03, 2024**

ROLL CALL: Board members present: Johnson, Elbert, Holschuh, Poynter,
VanGilder (via phone)

Board members absent: Woody, Cantu

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

OTHERS PRESENT: Monica Moylan (Shive-Hattery)

A quorum being present, Vice Chair Johnson called the meeting to order at 5:02 PM.

Minutes. Minutes of the previous meeting from October 1st, 2024, were reviewed. **Motion** by Holschuh, **seconded** by Elbert to approve the minutes. **Voice vote**, approved 5-0.

Public Hearing.

MP24-1: Minor subdivision (3 lots) of property located off of 1st Ave E for Hy-Vee Inc. (applicant)

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

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

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

Discussion ensued about the 3 lots and potential future development. Moylan described the Minor plat. Board member Holschuh mentioned that the application seems very straight forward. Elbert agreed.

Motion by Elbert to recommend approval of MP24-1: Minor subdivision (3 lots) of property located off of 1st Ave E for Hy-Vee Inc. **Seconded** by Poynter. Roll Call Vote: approved 5-0.

Other Business. -

Johnson asked Commissioners if there was anything more to discuss.

Poynter said that they are moving out of town and he will no longer be able to serve on the Commission. Poynter said he was appointed to the Commission in 1997.

Dunkelberger informed the Commission that he has accepted another position and will be leaving the City of Newton.

Motion by Poynter to adjourn the meeting, **seconded** by Holschuh. **Voice vote**, approved 5-0. Meeting was adjourned at 5:13 PM.

Planning & Zoning Commission Staff Report: MP25-1

Applicant:	The Circle Development, LLC
Proposal:	Minor Subdivision (1 lot) of property located off of Rusty Wallace Dr.
Location:	3800 and 2802 Rusty Wallace Dr. located at Southeast Newton (Parcel IDs #1301300001, #1301300002, #1301100004, #1301300011 and #1301300012)
Current Use:	Vacant land
Current Zoning:	C-T: Tourist Commercial

The proposed minor subdivision is zoned C-T: Tourist Commercial. The Minor Plat proposes a re-platting and consolidation of land generally in the 3000 block of Rusty Wallace Drive. This minor plat would establish a clear legal description and new lot lines. The primary motivation for this application is creation of one lot for the newly proposed private softball complex development. There will be no additional improvements to the property as part of this subdivision at this time. If this Minor Plat MP25-1 is approved, it will allow for next steps to be taken towards the development of the property pending all other applicable approvals.

The minimum zoning requirements of the C-T: Tourist Commercial -

Minimum lot size: 5,000 square feet;

Building setbacks:

Front yard: minimum of 30 feet; maximum of 300 feet;

Side yard: 10 feet.

Minimum lot dimensions:

Lot frontage: 50 feet;

Lot depth: 100 feet; and

Lot width: 50 feet.

Lot coverage: 35%.



Figure 1 View from Rusty Wallace Dr.

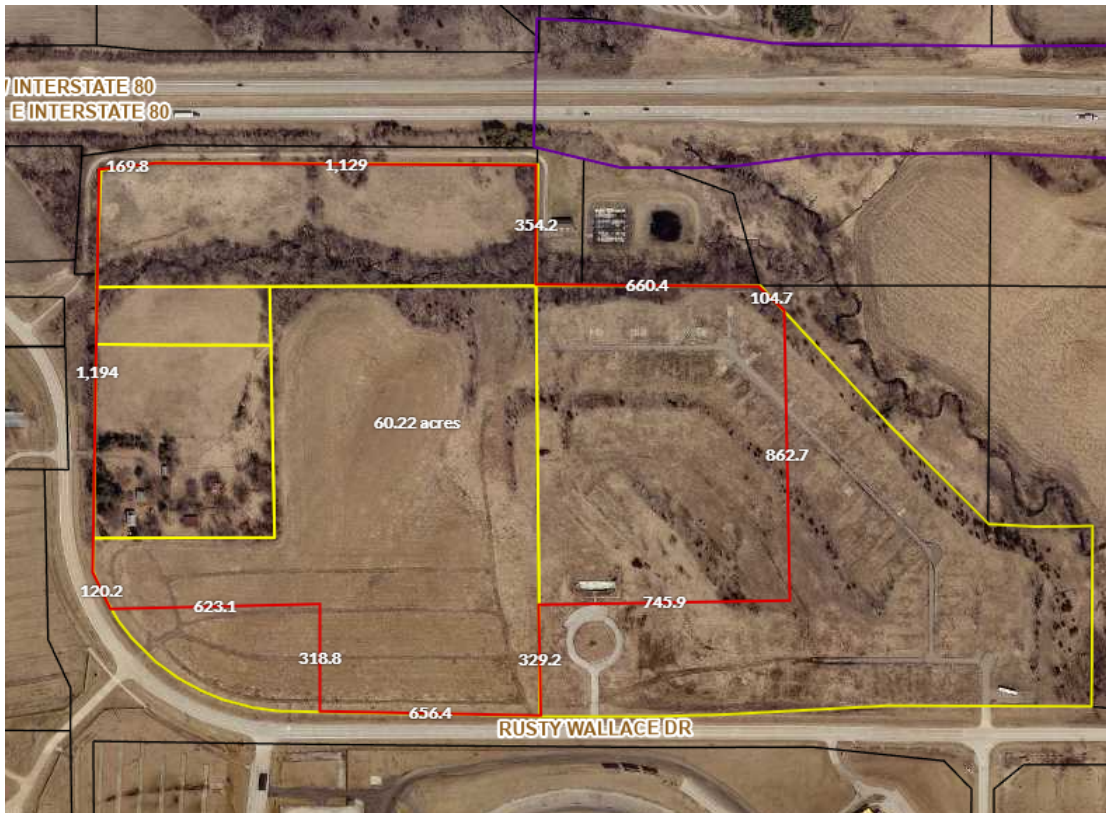


Figure 2 Overlay of existing and proposed parcels/lots (Approximate). Proposed- red, Current- Yellow

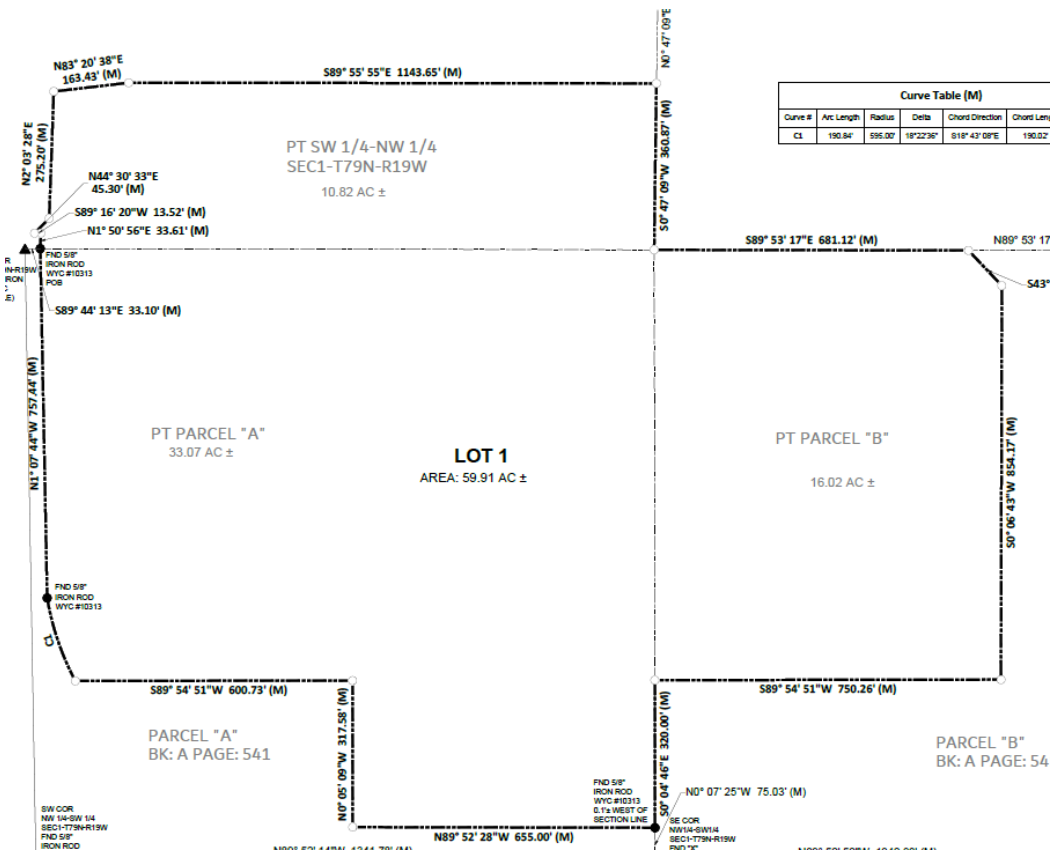


Figure 3 Proposed Minor Plat (prelim sketch)

The intention is to partly consolidate existing parcels (Parcel IDs #1301300001, #1301300002, #1301100004, #1301300011 and #1301300012) and create 1 lot. 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 minor subdivision plat will result in 1 lot with area of 59.91 acres.

The newly created lots will satisfy zoning requirements, including established minimum size requirements such as minimum lot size, lot dimensions, and frontage.

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 January 7th 2025 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 Friday, January 3rd, 2025. Notices were also sent to all neighbors within 200 feet of the subject property on December 31st, 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.

Planning & Zoning Commission Staff Report: ZOA25-1

Applicant: City of Newton

Proposal: To amend the City of Newton Zoning Code – general edits and updates

Proposal: To amend the Newton Zoning Code (Ch. 158). The proposed ordinance amends to various districts to clarify definitions and allowable locations for kennel, boarding facility, and pound.

Analysis: After a review of the Zoning Code, City Staff determined that minor additions and/or corrections needed to be made to better address current zoning regulations within the City of Newton and to further align with the vision, goals, and action steps outlined by the new comprehensive plan. Zoning ordinance amendments impact all properties within a given zoning district. This is a reminder that this review is not exclusive to any specific property.

As the Newton City Council has endeavored to find a location for the temporary pound/boarding facility for stray dogs, it became apparent that the various districts within the zoning code do not clearly address when and where such facilities are allowed.

The goal of the proposed language is to *clearly* establish the where and to *clearly* establish the when and how. The language builds in controls, such as minimum distances away from residences, to protect residential property from this somewhat commercial use. Additionally, in those zones where residential uses may be in close proximity, a conditional use permit would be required, which triggers a public hearing before the Zoning Board of Adjustment. Finally, any decision on the location of a municipally owned pound would be subject to a public meeting at the City Council level and would not be executed administratively. Planning and Zoning staff feels it is important to build in opportunities for citizen participation in decisions on this topic.

The primary changes are summarized as follows:

- 158.003 Definitions – Update the list of definitions to clarify existing code.
- 158.016 – Agriculture –
 - Update conditions of use;
 - Update conditional uses with conditions to allow Dog or Cat Kennel, Pet Boarding, or Pound.
- 158.016 – Arterial Commercial –
 - Update permitted uses with conditions to allow Municipally owned Pound.
 - Update conditional uses with conditions to allow Dog or Cat Kennel, Pet Boarding.
- 158.026 – Tourism Oriented Commercial –
 - Update permitted uses with conditions to allow Municipally owned Pound.
 - Update conditional uses with conditions to allow Dog or Cat Kennel, Pet Boarding.
- 158.028 – Light Industrial – Update conditional uses with conditions to allow Dog or Cat Kennel, Pet Boarding, or Pound
- 158.029 – Heavy Industrial – Update permitted uses with conditions to allow Dog or Cat Kennel, Pet Boarding, or Pound.

Notice of Proposal: The Notice of the meeting and proposal was published in the Newton Daily News on January 3, 2025.

Recommendation: Staff recommends approval of the proposed zoning text amendments.