



Planning & Zoning Commission Meeting Agenda

Tuesday, June 2, 2026 - 5:00 PM

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

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- I. Call to Order and Roll Call
- II. Review of Minutes of Previous Meeting
 1. Review Minutes of May 5, 2026, Meeting
- III. Public Hearing
 1. ZOA26-1: Proposed Zoning Ordinance Amendment for the C-CBD: Central Business District to allow Group Living Facility as a permitted use. Focuss Inc., Applicant.
- 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, Wes Breckenridge, Dana VanGilder, Bob McCormick

Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
May 05, 2026

City Hall Council Chambers
101 W. 4th St. S Newton, Iowa 50208

ROLL CALL: Board members present: Woody, Johnson, Elbert, VanGilder, McCormick, Breckenridge

Board members absent: Cantu

STAFF PRESENT: Craig Armstrong, Economic Development Specialist
Varsha Borde, Senior City Planner
Nicholas Alexander, City Planner

OTHERS PRESENT: Randy Ervin, Mayor
Joel Mills, City Council Member
Frank Liebl, Newton Development Corporation
Robert Braafhart, Applicant
Bodha Raj Gautam, Applicant

A quorum being present, Chair Woody called the meeting to order at 5:00 PM.

Minutes. Minutes of the previous meeting from February 3, 2026, were reviewed. **Motion** by Breckenridge, **seconded by** VanGilder to approve the minutes. **Voice vote**, approved 6-0.

Public Hearing for AX26-1

AX26-1: Voluntary Annexation Proposal into the City of Newton in the 2400 block of North 9th Avenue East, and the 2000 Block of East 19th Street North.

City Planner Nicholas Alexander presented the staff report for AX26-1.

Following the staff report, the commission had questions. Breckenridge had questions regarding notification of this happening, and this meeting. Staff explained the procedure for the notification of both this meeting and the city council meeting. Commissioners also had questions regarding the utilities and who is providing the utilities. Johnson also noted that she doesn't like seeing farmland potentially be turned over, but understands. Johnson noted that she also likes seeing the amount of infill development that is occurring.

Frank Liebl, Newton Development Corporation spoke in regard to the utilities for this area. He also noted the potential plan for the land and that this prospect for this land is wanting to be annexed into the city.

Robert Braafhart, applicant 2008 E 19th St N spoke about the utilities that he has noting that a previous owner hooked up to Newton Water.

Randy Ervin, spoke of the importance of the potential development in this area and how this annexation will be a positive for the city.

Joel Mills, spoke about the importance of the annexation and how important this potential development would be for future jobs in Newton.

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

Motion by Johnson to close the public hearing, **seconded** by Elbert. **Roll Call vote**, approved 6-0.

Motion by Breckenridge to recommend approval of the proposed annexation of land with a zoning designation of I-H: Heavy Industrial District, **seconded** by VanGilder. **Roll Call vote**, approved 6-0

Public Hearing for RZ26-1

RZ26-1: Proposal to rezone approximately 0.17 acres (7,450 SF) of land located at 1017 West 4th Street South. Parcel number 0833479017 from R-2 One & Two Family Residential to C-N Neighborhood Commercial.

Senior City Planner Varsha Borde presented the staff report for RZ26-1.

Bodha Gautam who owns the property walked to the podium and talked about the property. Bodha mentioned that he owned many gas stations and had recently bought this property. He further stated that the store was small and that he would like to add a 10ft wide cooler. His main aim was to make it nicer for the neighborhood. Chair Woody opened up the discussion for questions for the applicant. Woody asked the applicant regarding noise from the freezer exhaust. Gautam answered that they will be buying freezers with quieter exhausts. Johnson said that if it would be good if they were to turn the current store into something nicer. Gautam answered that they will be making it nicer and also rebranding it.

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 VanGilder. **Roll Call Vote**: approved 6-0.

Motion by Johnson to recommend approval of RZ26-1: Rezoning of property from at 1017 West 4th Street South from Residential (R-2) to Neighborhood Commercial (C-N). **Seconded** by Elbert. **Roll Call Vote**: approved 6-0.

Other Business:

Officer Selections

Motion by Breckenridge to keep the positions the same for this year as they were for the previous year, **seconded** by Elbert. **Roll Call vote**, approved 6-0.

Next Meeting Date:

The commission held a discussion for when they should hold their next meeting. It was determined that City Staff would contact the commission later to check their availability for their next meeting.

Motion by Breckenridge to adjourn the meeting, **seconded** by McCormick. **Voice vote**, approved 6-0. Meeting was adjourned at approximately 5:58 PM.

Planning & Zoning Commission Staff Report: ZOA26-1

Applicant:	Darnell Loatman, on behalf of Focuss Inc.
Proposal:	Text Amendment to allow Group Living Facility as a Permitted Use within the C-CBD: Central Business District Commercial
Location:	Applicable to all C-CBD properties within the City of Newton
Current Use:	Commercial
Current Zoning:	C-CBD: Central Business District Commercial

- Zoning ordinance amendments are a big deal and have an impact on all properties within a zoning district. This is a reminder that this review is not exclusive to a specific property.
- Focuss Inc. is pursuing this zoning text amendment with the intention of eventually expanding their services to include a short-term extended stabilization stay for youth. It would be limited in duration, and as part of the same continuum of care. The proposed use is not listed within the C-CBD zoning district, thus the need for the zoning ordinance amendment to accommodate short-term extended stay.
 - Phase 1 includes the use of a 23-hour crisis observation center that would hold eight (8) chairs where youth would be able to stay to get mental health treatment.
 - This is allowed under the current use as a medical clinic.
 - Phase 2 would be an 8-bed extended stay (3 to 7 days) for youth to offer short-term, community-based residential care and stabilization services.
 - This use is currently not a permitted use in the C-CBD district. The use associated with this phase is what is creating the need for a zoning ordinance amendment.
- **Permitted Uses within C-CBD:**
 - Uses permitted in the **C-A District**;
 - One- through multiple-family dwellings;
 - Printing or publishing companies;
 - Accessory uses incidental to and on the same zoning lot as a permitted principal use;
 - Bed and breakfast inn, subject to site plan approved;
 - Educational and religious facilities; and
 - Tea room or tea house.
- **Permitted uses within C-A.**
 - Churches and educational facilities;

- Personal service retail uses including the following: barbershops, beauty shops, laundry pick-up stations, optical stores, dance studios, hobby shops, florist shops, child care facilities, health studios or gyms, newsstands, photographic studios, post office substations, shoe repair shops, tailor and dressmaking shops, photo developing pick-up stations and other similar uses;
- Professional offices and medical clinics;
- Convenience stores including the sale of gasoline and fuels; provided, a traffic study prepared by a registered engineer is submitted and approved;
- Automobile service stations, fuel sales stations, auto parts and accessory stores and washing facilities, all of which may or may not include the sales of gasoline; provided, however, if the sales of gasoline is included a traffic study prepared by a registered engineer is submitted and approved;
- Automobile, trailer, motorcycle, boat, farm implement and construction equipment establishments for display, hire rental and sales;
- Home service retail stores including the following: furniture stores, appliances stores, building materials stores, carpet and floor covering stores, cabinet stores, garden supply stores, hardware stores, lawn mower sales and service stores, paint and glass stores, plumbing and heating retail stores, television and electronics stores, rental stores, upholstering shops and other similar retail uses;
- General retail stores, including the following: food stores, supermarkets, variety stores, discount stores, department stores, clothing stores, shoe stores, sporting goods stores, jewelry stores, art shops, book stores, camera stores, music stores, china and gift stores, drug stores, pet stores and other similar retail establishments;
- Accessory outdoor displays and storage of the permitted sale of goods and services allowed or defined as permitted uses in this district and/or temporary seasonal displays such as lawn and garden or holidays, if identified on an approved site plan and if minimum parking requirements are met;
- Travel related and hospitality related businesses, including the following: hotels, motels, tea room or tea houses or other similar businesses;
- Restaurants and amusement establishments, including: bowling alleys, dance halls, pool halls, night clubs and lounges; provided, the use is located greater than 250 feet from a primary residential use;
- Small animal veterinary clinics without boarding facilities;
- Agriculture;
- Multi-family dwellings up to 25 units per acre;
- Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use; and
- Municipally owned pound, provided the following conditions are met:
 - o The facility and any associated fenced, run areas, shall be located no closer than 500 feet from any residential dwelling on a neighboring property.
 - o The facility shall be connected to public utilities including electric, sewer, and water.

- Animals shall not be exterior to the structure unless monitored by authorized personnel (staff and/or volunteer).
 - All State of Iowa Code requirements associated with this use shall be met.
- **Intent of the C-CBD zoning district:** The C-CBD: Central Business District Commercial District is designed to provide space for a wide variety of retail stores, offices and related activities which serve the entire city or may even have regional impact. This district is characterized by high intensity and large bulk development. It is intended that this district not be mapped outside the downtown area.
 - **Characterization of Allowable Uses within C-CBD:** The collection of various uses listed either as a permitted or conditional use within the C-CBD zone connect together due to the land-use-based potential impacts upon neighboring properties and the public right-of-way, specific location needs, and/or the compatibility/connection with other permitted and conditional uses. This is the reason why it is imperative to carefully consider the new use and its potential impact on other neighboring properties.

Recommendation: Community Development Staff has provided a list of information regarding the proposed ordinance change that Commission members should consider during their review:

- 1) The proposed use's compatibility with currently permitted uses in the C-CBD zoning district which generally encompasses Newton's downtown area.
- 2) The Comprehensive Plan Future Land Use map categorizes the subject property as "Downtown Mixed Use." This land use category is intended to support a broad range of uses including residential, commercial, office and public uses.

The commission's recommendation will be submitted to the Newton City Council for their final determination. Staff recommends that Planning & Zoning Commission members carefully evaluate the proposal to determine whether or not the permitted use would be appropriate for the C-CBD zoning district. Staff also encourages Commissioners to evaluate how the new permitted use would fit in with the intent and character of what is currently allowed in the C-CBD district. Group Living may or may not be compatible with Newton's downtown district. Staff does not believe the group living facility use is compatible with other permitted uses in the C-CBD district, thus does not recommend adding it as a permitted use. Staff believes if the commission finds it to be potentially compatible with the other uses in the Downtown District, and a code amendment is to be made, it should be added as a conditional use.





City of Newton
Community Development
303 W 4th St N, Suite 501
Newton, Iowa 50208-1926

Varsha Borde
City Planner
(641) 792-6622 x 2302
VarshaB@newtongov.org

Zoning Text Amendment Application

Fee: \$250

Focuss Inc.

110 SE Grant St #10, Ankeny IA 5002³² 515-512-6680

Name of Applicant

Mailing Address

Daytime Telephone

Darnell Loatman, CEO

Name of Owner (if different)

Mailing Address

Daytime Telephone

Address of Property: 111 E 2nd St S, Newton, IA, 50208

Number of Acres: _____

We (I), the undersigned, owner(s) of property in Newton, do hereby respectfully petition to amend the present Zoning Ordinance as requested below.

1. That it is requested and desired that the language of the C-CBD Zoning District/s be amended to allow for the following use/s to be PERMITTED ~~CONDITIONAL~~ (circle one)
Youth (Group Care Facility)

2. That the reasons for requesting the change are as follows: We are requesting that the current permitted crisis observation use be expanded to include a short-term extended stabilization stay, limited in duration, as part of the same continuum of care. This will allow youth already in crisis care to remain for a clinically appropriate period before discharge.

Signature of Applicant

4/28/2026
Date

FOR OFFICE USE ONLY	
Date Submitted:	<u>4/28/26</u>
Date Paid:	<u>04/28/2026</u>
Receipt #:	<u>053180</u>
File # ZOA	<u>26-1</u>
Fee:	\$250

Revised 11-2024

Cert. pmts.
tran # 100355124672 4/28/26

§ 158.022 C-CBD: CENTRAL BUSINESS DISTRICT COMMERCIAL.

(A) *Intent.* The C-CBD: Central Business District Commercial District is designed to provide space for a wide variety of retail stores, offices and related activities which serve the entire city or may even have regional impact. This district is characterized by high intensity and large bulk development. It is intended that this district not be mapped outside the downtown area.

(B) *Permitted uses.* The following uses are permitted in the C-CBD District:

- (1) Uses permitted in the C-A District;
- (2) One- through multiple-family dwellings;
- (3) Printing or publishing companies;
- (4) Accessory uses incidental to and on the same zoning lot as a permitted principal use;
- (5) Bed and breakfast inn, subject to site plan approved;
- (6) Educational and religious facilities; and
- (7) Tea room or tea house.

(C) *Conditional uses.* The following uses may be permitted in the C-CBD District on a conditional basis, following approval in the manner prescribed in this chapter: warehousing.

(D) *Bulk regulations.*

- (1) Height: the maximum height of buildings shall not exceed 100 feet;
- (2) Yard setbacks:
 - (a) Front yard: none required;
 - (b) Side yard: none required, except as required as a transitional yard;
 - (c) Rear yard: none required;
 - (d) Corner side yard: none required; and

(e) Transitional yard: where the side or rear lot line of a lot in the C-CBD District coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided not less in width than 1.25 times the height of the wall of the building on said C-CBD zoned lot. Such side yard in the C-CBD District shall not be less than ten feet in width. Where a side or rear lot line in the C-CBD District coincides with a side or rear lot line in an adjacent residential district, the yard provided shall contain a wall, screening fence or densely-planted compact hedge not less than five feet, nor more than ten feet in height, which wall, fence or hedge shall be well maintained.

- (3) Lot area: no minimum. Also, no minimum lot area per dwelling unit for multiple-family residential uses.

(E) *Establishment of Downtown Square Area.*

(1) The Downtown Square Area is a defined geographic location located within the C-CBD: Central Business District. The Downtown Square Area is bounded by:

- (a) The centerline of East Second Street North and South;
- (b) The centerline of South Second Avenue East and West;
- (c) The eastern boundary of the north-south alley right-of-way in the 200 blocks between North Third Avenue West and South Second Avenue West; and
- (d) The centerline of North Third Avenue East and West.

(2) Residential, single, duplex and multiple-family dwellings with the following exception: residential use is permitted only within upper stories or in the rear of the ground floor for properties located within the Downtown Square Area. Properties in the Downtown Square Area shall maintain a commercial use within storefronts along public streets on the first floor of the building. The Commercial use shall occupy at least 40% of the depth of the building and the entire width.

(2011 Code, § 34.04031) (Ord. 2242, passed 2-2-2015; Ord. 2435, passed 8-21-2023)

§ 158.023 C-A: ARTERIAL COMMERCIAL.

(A) *Intent.* The C-A: Arterial Commercial District is a medium intensity commercial district intended to provide for business activities located along and adjacent to major traffic generators which are substantially dependent upon vehicular access to support the nature of the business.

(B) *Locational criteria.* The C-A: Arterial Commercial District is appropriately located adjacent to primary arterials and expressways. It should be well buffered from low-density residential uses and particular care given to addressing traffic issues.

(C) *Permitted uses.* The following uses are allowed in the C-A: Arterial Commercial District:

- (1) Churches and educational facilities;
- (2) Personal service retail uses including the following: barbershops, beauty shops, laundry pick-up stations, optical stores, dance studios, hobby shops, florist shops, child care facilities, health studios or gyms, newsstands, photographic studios, post office substations, shoe repair shops, tailor and dressmaking shops, photo developing pick-up stations and other similar uses;
- (3) Professional offices and medical clinics;
- (4) Convenience stores including the sale of gasoline and fuels; provided, a traffic study prepared by a registered engineer is submitted and approved;
- (5) Automobile service stations, fuel sales stations, auto parts and accessory stores and washing facilities, all of which may or may not include the sales of gasoline; provided, however, if the sales of gasoline is included a traffic study prepared by a registered engineer is submitted and approved;
- (6) Automobile, trailer, motorcycle, boat, farm implement and construction equipment establishments for display, hire rental and sales;
- (7) Home service retail stores including the following: furniture stores, appliances stores, building materials stores, carpet and floor covering stores, cabinet stores, garden supply stores, hardware stores, lawn mower sales and service stores, paint and glass stores, plumbing and heating retail stores, television and electronics stores, rental stores, upholstering shops and other similar retail uses;
- (8) General retail stores, including the following: food stores, supermarkets, variety stores, discount stores, department stores, clothing stores, shoe stores, sporting goods stores, jewelry stores, art shops, book stores, camera stores, music stores, china and gift stores, drug stores, pet stores and other similar retail establishments;
- (9) Accessory outdoor displays and storage of the permitted sale of goods and services allowed or defined as permitted uses in this district and/or temporary seasonal displays such as lawn and garden or holidays, if identified on an approved site plan and if minimum parking requirements are met;
- (10) Travel related and hospitality related businesses, including the following: hotels, motels, tea room or tea houses or other similar businesses;
- (11) Restaurants and amusement establishments, including: bowling alleys, dance halls, pool halls, night clubs and lounges; provided, the use is located greater than 250 feet from a primary residential use;
- (12) Small animal veterinary clinics without boarding facilities;
- (13) Agriculture;
- (14) Multi-family dwellings up to 25 units per acre;
- (15) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use; and
- (16) Municipally owned pound, provided the following conditions are met:
 - (a) The facility and any associated fenced, run areas, shall be located no closer than 500 feet from any residential dwelling on a neighboring property.
 - (b) The facility shall be connected to public utilities including electric, sewer, and water.
 - (c) Animals shall not be exterior to the structure unless monitored by authorized personnel (staff and/or volunteer).
 - (d) All State of Iowa Code requirements associated with this use shall be met.

(D) *Conditional uses.* The following uses may be allowed in the C-A: Arterial Commercial District upon approval of a conditional use permit by the Zoning Board of Adjustment:

- (1) Communication towers;
- (2) Any permitted use that requires over 35% lot coverage;

- (3) Beer-making for wholesale or retail sales of less than or equal to 650 gallons per day;
- (4) Outdoor display for the permitted sale of goods and services allowed or defined as conditional uses in this district;
- (5) Paintball facility;
- (6) Single-family dwellings; and
- (7) Dog or cat kennel, pet boarding provided the following conditions are met:

(a) The facility and any associated fenced, run areas, shall be located no closer than 500 feet from any residential dwelling on a neighboring property.

(b) The Zoning Board of Adjustment shall consider plans for sanitation, plans to address noise and odor, hours of operation, traffic, and visual compatibility with surrounding neighborhood.

(c) All State of Iowa Code requirements associated with this use shall be met.

(E) *Size regulations.* The following minimum and maximum size regulations shall apply in the C-A: Arterial Commercial District:

- (1) Minimum lot size: 5,000 square feet or lot of record;
- (2) Building setbacks:
 - (a) Front yard: 40 feet;
 - (b) Rear yard: none; and
 - (c) Side yard: ten feet.
- (3) Minimum lot dimensions:
 - (a) Lot frontage: 50 feet;
 - (b) Lot depth: 100 feet; and
 - (c) Lot width: 50 feet.
- (4) Maximum building dimensions:
 - (a) Height: 75 feet; and
 - (b) Lot coverage: 35%.
- (5) Minimum separation between principal buildings: 16 feet.
- (6) Minimum residential building dimensions: width - 22 feet for 75% of its length.

(F) *Special provisions.* The following special provisions shall apply for all uses in the C-A: Arterial Commercial District: transitional yards shall be provided where the rear or side lot line coincides with a side or rear lot line of a residential district. In such circumstances, the minimum setback shall be 25 feet and shall be fully landscaped and screened. No parking, drives or storage areas shall encroach in these transitional yards

(2011 Code, § 34.04032) (Ord. 2278, passed 12-5-2016; Ord. 2299, passed 5-15-2017; Ord. 2411, passed 4-4-2022; Ord. 2435, passed 8-21-2023; Ord. 2453, passed 10-21-2024; Ord. 2461, passed 2-17-2025)