



Planning & Zoning Commission Meeting Agenda

Tuesday, February 21, 2023 - 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 / Roll Call
- II. Review of Minutes of Previous Meeting:
 - 1. November 22, 2022
- III. Public Hearing
 - 1. AV23-1: N-S alley vacation (south half) located in the 600 block of North 8th Avenue East. Believers in Grace Church, applicant.
- IV. Old Business
- V. New Business
 - 1. Election of Officers
- VI. 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 Director 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:** Dana VanGilder, Joshua Cantu, Don Poynter, Jeff Holschuh

**Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
November 22, 2022**

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

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

Minutes. Minutes of the previous meeting of October 4, 2022 were reviewed. **Motion** by Poynter, **seconded** by Van Gilder to approve the minutes from the previous meeting as written. **Voice vote**, approved 6-0.

Public Hearing.

A) MP22-1: Skiff's Subdivision Plat Two – a 3-lot minor subdivision located at 900 W. 3rd St. S.

Dunkelberger reviewed the prepared staff report and shared a couple comments received in advance of the meeting. He presented a few different maps, a street view, and a copy of the proposed address assignments for the three lots. Commissioners reviewed the submitted documents and commented on the proposal. Discussion ensued regarding allowed uses at the property and alignment of lot lines.

Dunkelberger shared comments received before the meeting. Randy Holmes, neighbor at 915 W. 2nd St. S., emailed on 11/18/2022 to share concerns about possible water runoff from any future development. He supported mitigation efforts such as retaining walls.

Rob Kahn, FNNB, shared on 11/22/2022 that the three structures would likely be less square footage than the former greenhouse building on the property and that the intention was two single-family dwellings and one duplex.

Renee Manley, neighbor at 810 W. 3rd St. S., asked about ownership of the property. Dunkelberger confirmed that the property is still owned by FNNB.

Bob Hawkins, neighbor at 812 W. 3rd St. S., inquired about the process moving forward and if more public meetings would be scheduled. Dunkelberger explained the permitting process for new residential development. Discussion about public hearing requirements and future development of the three lots.

Hearing no additional comments or questions, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter, **seconded** by Johnson. **Voice vote**, approved 6-0.

Discussion about the name of the subdivision, the former greenhouse, and future residential development of the three lots.

With no further discussion or questions from the Commissioners, Chair Woody entertained a motion. **Motion** by Johnson to recommend approval of MP22-1: Skiff's Subdivision Plat Two – a 3-lot minor subdivision located at 900 W. 3rd St. S., **seconded** by Van Gilder, **roll call vote**, approved 6-0.

B) Review and adoption of the *Envision Newton 2042 Comprehensive Plan*.

Dunkelberger reviewed the prepared memo addressed to the Commission and also shared a presentation describing the planning process and summarizing the key findings/outcomes from the new comprehensive plan.

Johnson inquired about greenfield development and shared her dislike for urban sprawl. Dunkelberger confirmed that the plan addresses that topic and described staff's role in encourage infill development to maximize the efficient use of existing infrastructure, resources, and land.

Cantu asked about the future land use map and a specific area outside the corporate limits. Dunkelberger shared that this extraterritorial area was a reflection of the Jasper County Comprehensive Plan and that this area was more conceptual even than the land within the city limits on the map. Dunkelberger also suggested that this change could be a condition of approval. Discussion ensued about the purpose of the future land use map and how it was just a guide for city staff, the P&Z Commission, and City Council.

Commissioners discussed the action plan matrix and shared their support for using this as a form of measuring the plan's success in the future. Shannon Gapp, MSA Professional Services, introduced herself and described the planning process.

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

Motion by Repp, **seconded** by Poynter. **Voice vote**, approved 6-0.

With no further discussion or questions from the Commissioners, Chair Woody entertained a motion. **Motion** by Van Gilder to recommend approval and acceptance of *Envision Newton 2042* with the understanding that minor tweaks such as the future land use map would be addressed before final adoption, **seconded** by Poynter, **roll call vote**, approved 6-0.

New Business. None.

Old Business. None.

Motion by Johnson to adjourn the meeting, **seconded** by Poynter. **Voice vote**, approved 6-0. Meeting was adjourned at 5:50 PM.

Planning and Zoning Commission Staff Report - AV23-1

Applicant: Believers in Grace Church
Proposal: To vacate the approximate south half of the north-south alley in the 600 Block of North 8th Avenue East
Current Use: Privately-used alley
Current Zoning: R-2: One- and Two-Family Residential

Proposal: The City of Newton received an application / petition requesting the vacation of platted public right-of-way (alley), as seen in the yellow areas on the aerial images below.



Analysis: While city staff prefers the entire length and width of an alley to be vacated at once to prevent deadends, this particular request is different due to the administrative approach for alley vacations, which is as follows:

- a) The vacation must not eliminate access to an existing garage on the property of any objector (in this case, two properties on the north half), and
- b) The vacation will not land lock any property.

For these reasons, the request is limited to a vacation of only the approximate south half of the subject alley. The properties abutting said south half of the alley include the applicant (Believers in Grace Church) and two single-family residential properties to the west. Neither property to the west uses this section of the alley for access to any garages – or to their properties whatsoever, for that matter. However, property owners north of this section of the alley do appear to use it for access to rear yard garages and/or driveways.

The motivation behind this request is to provide the church an opportunity to enhance their property. Such improvements will include a paved parking lot and driveways/drive aisles. With a growing congregation, an improved parking lot and drives will help to better serve their members and visitors and to avoid parking/driving on grass. Pending this alley vacation review and decision, the applicant then plans to submit a basic site plan for the parking improvements.

The alley is approximately 20' x 381.5', or 7,630 square feet in total. The portion to be vacated is approximately 20' x 183.5' in total, or 3,670 square feet. A street view photo from October 2022 of this section of the alley is included in the staff report.



Notice of Proposal: All property owners abutting the subject alley received notice of the application and an invitation to provide feedback on Tuesday,

February 14, 2023. Notice of the meeting was also published in the *Newton Daily News* on Tuesday, February 14, 2023. If comments are received before the meeting, staff will share them as part of this report.

Recommendation: Local utilities and several city departments were asked to provide feedback for this application in advance of the meeting. Newton WaterWorks shared that an old map showed a service for the church located in this alley at one point, but current measurements show it has been replaced and moved out in front of the church. If no concerns are shared, staff would find that this particular section of the subject alley serves no public purpose.

Given that neither of the two property owners to the west opposed the proposal (or indicated to the applicant a desire to acquire half of the alley), staff recommends approval of the application and the assignment of the full width of the approximate south half of the subject alley to the church property on the east side - provided a utility easement is reserved over the vacated right-of-way if deemed necessary.