



Planning & Zoning Commission Meeting Agenda

Tuesday, August 15, 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. July 11, 2023
- III. Public Hearing
 1. RZ23-1: Rezoning proposal for 1750, 1770, and 1805 South 8th Avenue East and 600 East 17th Street South from R-2/R-4 to C-A. Tim & Janet Onnen, Boycgo West LLC, and Beacon Housing Corp, applicants.
- IV. Old Business
- V. New Business
- 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 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
July 11, 2023

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

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 June 20, 2023 were reviewed. **Motion** by Poynter, **seconded** by Johnson to approve the minutes as written. **Voice vote**, approved 5-0.

Commissioner Holschuh joined at 5:03 PM.

Public Hearing.

1. PP23-1: Arbor Estates Second Addition (revised) Preliminary Plat, a residential subdivision in northeast Newton.

Dunkelberger reviewed the prepared staff report and shared an aerial map of the subject property and the revised preliminary plat. The proposal is to subdivide the approximate east half of Parcel #0826426008 into 28 residential lots, with street extensions of E. 23rd St. N. (connected to N. 11th Ave. E.), E. 26th St. N. (cul-de-sac east of Cardinal Pond), and N. 10th Ave. E. (cul-de-sac NW of Cardinal Pond). A total of 6 out lots will also be reserved for wetland areas, future subdivision phases, and/or trail connections. Dunkelberger reviewed the platting process and discussed design considerations that were addressed prior to the Commission review.

Johnson inquired about the future North 9th Avenue East connection and the lots that could be platted along that future street. Dunkelberger shared information pertaining to that potential future phase and how it could be designed. Holschuh asked about the North 10th Avenue East intersection and what the design would look like to the west. Dunkelberger pointed out the master plan which displayed a concept plan for future lots to the west of this Second Addition.

Bruce Showalter, NHDC Director, approached the Commission and shared that the Newton Housing Development Corporation had been working closely with the City and Bolton & Menk on this design. He also described how he and his team had already been meeting with developers and builders to sell the N. 10th Ave. E. land and lots in this addition. Finally, Showalter expressed NHDC's support for this design and Second Addition of the Arbor Estates subdivision.

With no additional public input, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter, **seconded** by VanGilder to close the public hearing. Voice Vote: approved 6-0.

Motion by Holschuh to recommend approval of PP23-1, the revised Arbor Estates Second Addition, as presented, **seconded** by VanGilder. Roll Call Vote: approved 6-0.

2. ZOA23-1: Text amendments to the City of Newton Zoning Code – general edits and updates.

Dunkelberger reviewed the prepared staff report, described why general edits to the zoning code are necessary from time to time, and briefly summarized the proposed amendments. He offered to provide clarity if any Commissioner had questions about a specific code section. Discussion ensued about a few specific proposed amendments and the rationale behind the changes was provided by staff. Staff shared that the majority of the proposed amendments were prepared in response to past conflicts with proposed or existing land uses, to comply with current state or federal laws, and to align with the vision, goals, and action steps outline by the new comprehensive plan, *Envision Newton 2042*.

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

Motion by Holschuh to recommend approval of ZOA23-1 as presented, **seconded** by Elbert. Roll Call Vote: approved 6-0.

Old Business.

None.

New Business.

None.

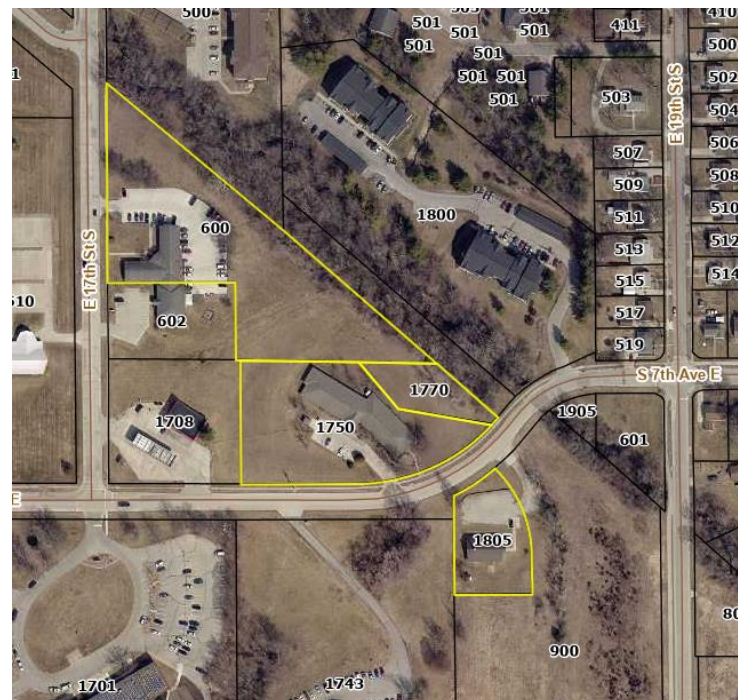
Motion by VanGilder to adjourn the meeting, **seconded** by Poynter. **Voice vote**, approved 6-0. Meeting was adjourned at 5:41 PM

Planning & Zoning Commission Staff Report: RZ23-1

Applicant: Tim & Janet Onnen, Boycgo West LLC, & Beacon Housing Corporation
Proposal: Rezoning of property from R-2 & R-4 to C-A
Location: 1805 S. 8th Ave. E., 600 E. 17th St. S., 1750 S. 8th Ave. E., & 1770 S. 8th Ave. E.
Current Use: Keystone Laboratories, Capstone Center Apartments, Former Church (vacant)

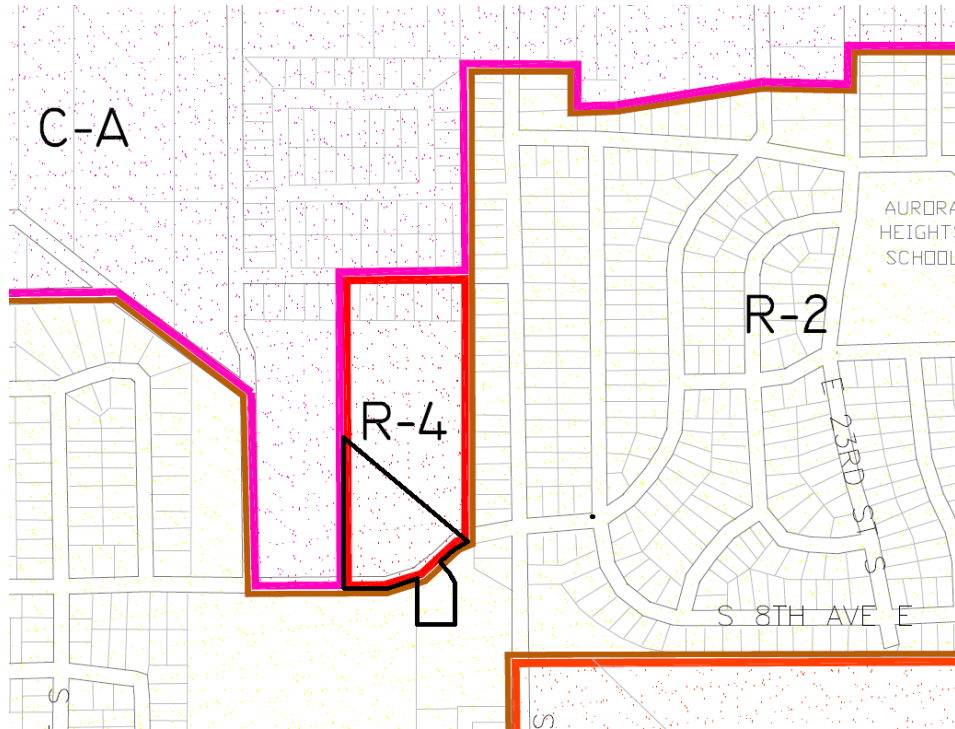
Background & Proposal:

- The primary motivation behind this rezoning application is to allow for the redevelopment of 1805 South 8th Avenue East. According to the applicant, the “request to rezone is for the purpose of converting the church facility into a professional office for the expansion of Keystone Labs. The existing properties are already contiguous to the C-A district. Conversion of the facility will create additional employment opportunities.”
- City Staff met with the applicant and applicant’s representative on multiple occasions leading up to this rezoning request. Multiple options were considered for the redevelopment of 1805 S. 8th Ave. E., but the idea of expanding Keystone Labs emerged in the recent past. To comply with the Zoning Code, discussions led to the understanding that this application would be the required first step considering the allowable uses in the R-2 district versus the C-A district.
- This rezoning would also offer additional flexibility as it relates to expansion or redevelopment of the Keystone/Associated Dentists property or the Capstone Center Apartments property - if that situation ever presented itself in the future.
- The subject property is outlined in the aerial image on the right, and also identified on the zoning map on the next page. The C-A zoning district has a maximum building lot coverage of 35% and requires setbacks of 40 feet in the front yard, 10 feet in the side yards, and 0 feet in the rear yard. A 25’ transitional yard is required when the rear or side lot line coincides with a residential zoning district. If this rezoning application is approved, the west and south property lines of 1805 S. 8th Ave. E. would need to comply with that special provision.

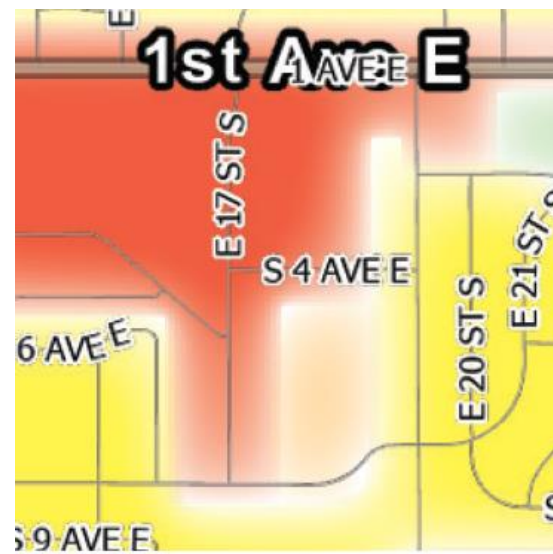


Analysis:

- As seen in the zoning map, most of the subject property is located within an R-4 zoning district while 1805 S. 8th Ave. E. is located in an R-2 district. Surrounding properties include undeveloped residential land (future Quail Ridge Subdivision phase) to the southeast, Accura Healthcare of Newton East and the YMCA to the southwest, a Git-N-Go convenience store/fuel station to the west, and natural land to the north.



- Envision Newton 2042*, the adopted comprehensive plan, shows the area in question on the Future Land Use Map as the confluence of commercial, multi-family, and single-family residential land uses. Generally speaking, the commercial designation lines the E. 17th St. S. corridor to S. 8th Ave. E., then single-family and multi-family residential extend eastward and outside of the subject area for this proposed rezoning. As a reminder, future land use maps are intended to serve as broad guides for development but do not always translate to actual outcomes. Regardless, the map specifically recognizes the benefit of a mix of uses in this particular area of the community and along the frontage of S. 8th Ave. E.



- Single-Family Residential
- Multi-Family Residential
- Commercial

- Throughout *Envision Newton 2042*, infill development and redevelopment is supported/encouraged to utilize existing infrastructure for the sake of efficiency and to promote responsible fiscal and environmental stewardship. Additionally, Ch. 5: Economic Development states, “Attract, support, and retain businesses that fill and/or redevelop vacant properties in the downtown and along key corridors.”
- A first step in redeveloping 1805 S. 8th Ave. E. was to apply for this rezoning to change the property from R-2 to C-A which would allow for the Keystone Laboratories expansion as a permitted use. The reason for including the other properties to the north is because a rezoning of only 1805 S. 8th Ave. E. could be considered spot zoning (creating a zoning “island”) which could be challenged. Also, a conditional use permit was not a viable option because the R-2 zoning district does not allow for professional offices.
- Notice was published in the Newton Daily News on Tuesday, August 8, 2023. Notice was also sent to surrounding property owners on August 4, 2023.

Recommendation: “Adaptive Reuse” is a concept promoted by the comprehensive plan, the American Planning Association, local governments and economic development specialists across the country. Rather than see a property demolished or sit vacant, a rehabilitation and conversion of an existing building has benefits for not only the subject property but also for the community as a whole. Reuse of existing vacant or underutilized sites is typically the most cost-effective approach to increase the tax base and expand jobs rather than relying on the extension and/or construction of new infrastructure.

However, it is imperative to evaluate possible externalities whenever a zoning map amendment is proposed. For example, will surrounding properties be negatively impacted by a new development or land use? Are the potential land uses within the “new” zoning district compatible with the surrounding area and/or would it blend in or serve as a natural transition to less intense uses nearby? These questions are the fundamental basis for zoning regulations in any municipality, as these considerations ultimately aim to protect the health, safety, and welfare of citizens.

Staff finds that this particular rezoning request will not negatively impact the surrounding neighborhood and is supported by the comprehensive plan. The map amendment would appropriately accommodate redevelopment of the former church property at 1805 S. 8th Ave. E. which has been vacant for many years. It would also offer additional flexibility for future use(s) of the other property included in this application. As always, though, neighborhood questions and concerns raised during the public hearing should be addressed prior to any vote. If approved, the next steps could involve site plan and applicable permit reviews.