



Planning & Zoning Commission Meeting Agenda

Tuesday, November 7, 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. August 15, 2023
- III. Public Hearing:
 1. MP23-1: Cramer Estates - a 2-lot minor subdivision located at 505 S. 20th Ave. W. Jeffrey Gaddis, applicant.
 2. RZ23-2: A rezoning of the west half of the 1000 block of E. 9th St. N. from R-2 to I-L. City of Newton, applicant.
 3. MP23-2: Eastgate Plaza Plat 2 - a 1-lot minor subdivision (re-platting of existing lots) in the 300 block of Iowa Speedway Drive. Dan Birkenholz & ISG, applicant.
 4. RZ23-3: A rezoning of the west 101 feet of Eastgate Plaza Plat 2 (in the 300 block of Iowa Speedway Drive) from R-2 to C-A. Dan Birkenholz & ISG, applicant.
- 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
August 15, 2023**

ROLL CALL: Board members present: Elbert, Holschuh, Johnson, Poynter, Woody
Board members absent: Cantu, VanGilder
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. Commissioner Poynter joined at 5:02 PM.

Minutes. Minutes of the previous meeting from July 11, 2023 were reviewed. **Motion** by Johnson, **seconded** by Holschuh to approve the minutes as written. **Voice vote**, approved 5-0.

Public Hearing.

1. RZ23-1: Rezoning proposal for 1750, 1770, & 1805 S. 8th Ave. E. and 600 E. 17th St. S. from R-2/R-4 to C-A. Tim & Janet Onnen, Boycgo West LLC, and Beacon Housing Corp, applicants.

Dunkelberger reviewed the prepared staff report and shared aerial images of the subject property. He also presented clippings from the Newton Zoning Map and Future Land Use Map from the comprehensive plan. Poynter asked if the former church at 1805 S. 8th Ave. E. was currently vacant. Dunkelberger confirmed. Holschuh inquired about the future land use map. Johnson expressed support for the proposed rezoning and redevelopment plans for the property. Tim Onnen, applicant, approached the Commission and shared his plans for the redevelopment project. Discussion ensued about the requested rezoning and potential impacts of the change.

Hearing no additional comments, Chair Woody 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.

Woody articulated support for the request and described how conflicts with redevelopment of the subject property were unlikely due to topography in the area and current traffic counts.

Motion by Holschuh to recommend approval of RZ23-1 as presented, **seconded** by Johnson. Roll Call Vote: approved 5-0.

Old Business.

None.

New Business.

Dunkelberger shared that the Commission can expect to receive a copy of the updated by-laws and rules of procedure in the immediate future. Drafting is complete and staff review will occur before anything is sent out for Commission review.

Motion by Poynter to adjourn the meeting, **seconded** by Johnson. **Voice vote**, approved 5-0. Meeting was adjourned at 5:20 PM

Planning & Zoning Commission Staff Report: MP23-1

Applicant: Jeffrey Gaddis, PLS
Proposal: Minor subdivision (2 lots) of agriculture land along S. 20th Ave. W.
Location: 505 S. 20th Ave. W.
Current Use: Vacant, agriculture
Current Zoning: R-1: Single-Family Residential

Cramer Estates is a minor plat located within an R-1: Single-Family Residential zoning district. The proposal is to subdivide the property into two lots – both of which will front onto S. 20th Ave. W.

The minimum zoning requirements of the R-1: Single-Family Residential zoning district are:

- Minimum Lot Size (single-family dwelling): 9,000 square feet
- Building Setbacks:
 - Front: 30'
 - Side: 8' each side
 - Rear: 30'
- Minimum Lot Dimensions:
 - Lot Width (SFH): 70'
 - Lot Depth: 120'
- Maximum Lot coverage: 40%

Both lots exceed the minimum requirements.

The total area of the property is 2.16 acres (93,947 sq. ft.). The current use of the property is agricultural (row crop). The subject property (generally) drains and gradually slopes northwesterly as shown in the images provided. Both lots will almost be the exact same size, with Lot 1 being 46,976 sq. ft. and Lot 2 being 46,971 sq. ft. The intention is to subdivide the property, then construct two single family dwellings (one of which was already started to 'beat' winter weather).



This qualifies as only a minor plat rather than a preliminary and final plat process, as it includes no more than three total lots and no infrastructure or new roads are proposed. The purpose of this review is to provide a recommendation to City Council.



The newly created lots would satisfy zoning requirements, including minimum size requirements such as minimum lot size, lot dimensions, and frontage. The proposed address numbers for the 2 lots will be 505 for Lot 1 and 525 for Lot 2.

Envision Newton 2042 (2022 Comprehensive Plan) indicates that the subject area should be “Single-Family Residential” per the Future Land Use map. A listed objective found in Ch. 11: “Housing” of the plan states, “Encourage infill development in existing residential areas. Creating new housing on vacant parcels in existing residential areas not only expands the local supply of housing but also results in a more efficient use of existing infrastructure.”

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 P&Z Commission meeting is the revised version. The sidewalk waiver request is also consistent with past approaches to pre-existing neighborhoods.

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 public meeting was published in the *Newton Daily News* on Tuesday, October 31st, 2023. Notices were also sent to all property owners within 200 feet of the subject property’s boundaries on October 25, 2023. If comments are received before the meeting, staff will share them as part of this report.

Staff recommends approval of this minor plat and waiver request, finding that the proposed plat conforms to the Comprehensive Plan and that it complies with the established minimum requirements of the zoning and subdivision codes.

MINOR SUBDIVISION OF CRAMER ESTATES NEWTON, IOWA

PROPERTY OWNER:

DEWEER AND NOSHVA GRAMER
REVOCABLE TRUST I/A 5/24/95
C/O. NOSHVA GRAMER (TRUSTEE)
6811 HWY F49 N #60
NEWTON, IA 50208

LAND USE

EXISTING: AGRICULTURE

ZONING

EXISTING: R-1 SINGLE-FAMILY RESIDENTIAL

SETBACKS

R-1
FRONT YARD = 30 FEET
SIDE YARD = 8 FEET
REAR YARD = 30 FEET
MAXIMUM BUILDING HEIGHT = 40 FEET

DEVELOPER:

DEWEER AND NOSHVA GRAMER
6811 HWY F49 N #60
NEWTON, IA 50208

PROJECT MANAGER:

JEFFREY A. GADDIS, PLS 18391
CIVIL ENGINEERING CONSULTANTS
18BANDALE DRIVE SUITE #12
IRBANDALE IOWA 50322
515-276-4884 EXT 221
GAODISECECLAC.COM

PROFESSIONAL LAND SURVEYOR:

JEFFREY A. GADDIS, PLS 18391
CIVIL ENGINEERING CONSULTANTS
2400 86TH STREET, SUITE #12
IRBANDALE, IOWA 50322
GAODISECECLAC.COM

LEGAL DESCRIPTION

PARCEL BY AN OFFICIAL PARCEL IN THE E/4, NE/4, SE/4 OF SECTION 4, TOWNSHIP 19 NORTH, RANGE 14 WEST OF THE 5TH PM, RECORDED AS INSTRUMENT NUMBER 2022000007860 AT THE JASPER COUNTY RECORDER'S OFFICE, CITY OF NEWTON, JASPER COUNTY, IOWA CONTAINING 216 ACRES MORE OR LESS.

LAND AREA

216 ACRES

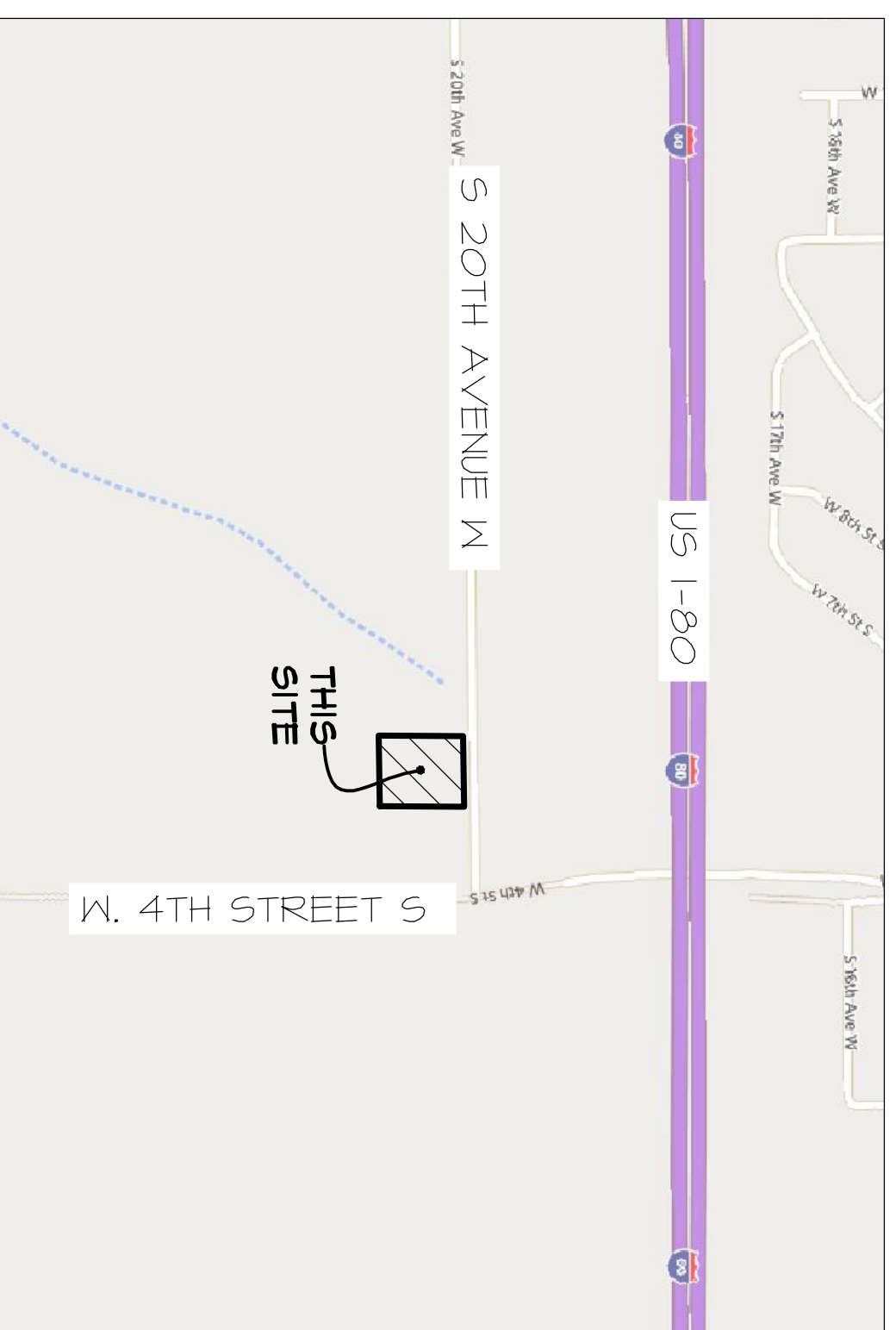
45,941 SQ. FT.

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS PLAT OF SURVEY ARE BASED ON THE NORTH LINE OF NE/4 SE/4 OF SECTION 04-T9-N19 HAVING AN BEARING OF S94°12'25"W.

PROFESSIONAL LAND SURVEYOR NOTES

1. THE ALLOWABLE ERROR OF CLOSURE FOR THE BOUNDARY IS 1:10,000 AND THE ALLOWABLE ERROR OF CLOSURE FOR EACH LOT IS 1:8000. THESE VALUES ARE NOT PART OF THIS PLAT AND ARE SHOWN FOR REFERENCE ONLY. THESE EASEMENTS SHALL BE ACQUIRED THROUGH A SEPARATE RECORDED DOCUMENT.
2. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OF RECORD. NO TITLE WORK WAS CONDUCTED FOR THIS PROJECT.
3. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OF RECORD. NO TITLE WORK WAS CONDUCTED FOR THIS PROJECT.
4. COMMENTS TO BE SET WITHIN ONE YEAR OF THE FINAL PLAT'S RECORDING DATE. IF THIS MINOR SUBDIVISION INDICATES SETTING AN IRON ROD AND THE EXISTING CONDITIONS WILL NOT ALLOW THIS TYPE OF MONUMENT A CUT 'X' WILL BE SET IN THE CONCRETE. (ACC. OR HVAL)
5. IF THIS MINOR SUBDIVISION INDICATES SETTING AN IRON ROD AND THE EXISTING CONDITIONS WILL NOT ALLOW THIS TYPE OF MONUMENT A CUT 'X' WILL BE SET IN CONCRETE. (ACC. OR HVAL)



VICINITY SKETCH

FLOOD ZONE

ZONE 'X' ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS, COMMUNITY-PANEL #18091C0101D MAP REVISED OCTOBER 5, 2018. *** FLOOD INSURANCE RATE MAPS ARE SUBJECT TO CHANGE. PLEASE SEE FEMA FLOOD SERVICE CENTER FOR CURRENT MAPS. WWW.FEMA.COM FEMA REGION VII, 4221 WARD PARKWAY, KANSAS CITY, MO 64114 FEMA MAPS: EIALU1819RISKMAPR025.COM

BOUNDARY CLOSURE REPORT

SEGMENT #1 - LINE	LENGTH	BEARING
COURSE: N84°11'24"E	280.04'	EAST: 176°07'16.5444"
NORTH: 61285.1933'		
SEGMENT #2 - LINE	LENGTH	BEARING
COURSE: S00°04'44"W	335.56'	EAST: 176°07'15.9493"
NORTH: 61255.02347'		
SEGMENT #3 - LINE	LENGTH	BEARING
COURSE: S94°12'25"W	290.04'	EAST: 176°05'15.9261"
NORTH: 61254.63586'		
SEGMENT #4 - LINE	LENGTH	BEARING
COURSE: N00°04'44"E	335.44'	EAST: 176°05'16.5360"
NORTH: 61285.18413'		
PERIMETER: 1291.15'	AREA: 48944.64 SQ. FT.	INTERIOR ANGLE ERROR: 0.000022'
PRECISION: 1:14856435		

SHEET INDEX	Sheet Number	Sheet Title
1	COVER	
2	MINOR SUBDIVISION	

INDEX LEGEND

COUNTY:	JASPER
ALIQUOT PART:	PARCEL: B9
	2022000007860
PREVIOUS INSTR:	BK. A, PG. 364
	2012-3705
CITY:	NEWTON
PROPRIETOR (S):	DEWEER AND NOSHVA GRAMER REVOCABLE TRUST I/A 5/24/95
REQUESTED BY:	DEWEER GRAMER
PROFESSIONAL LAND SURVEYOR:	JEFFREY A. GADDIS, PLS 18391
COMPANY:	CIVIL ENGINEERING CONSULTANTS, INC.
	ATTN: JEFFREY A. GADDIS, PLS 18391
	18BANDALE DRIVE SUITE #12, IRBANDALE, IA 50322
	PHONE: 515-276-4884
	RETURN TO: PHONE: 515-276-4884

LEGEND

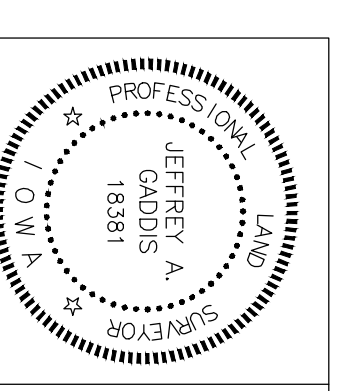
- ▲ FOUND SECTION CORNERS
- FOUND CORNERS (5/8" I.R. W/BLUE CAP #18391)
- ▲ UNLESS OTHERWISE NOTED
- ▲ SET SECTION CORNER (5/8" I.R. W/BLUE CAP #18391 UNLESS OTHERWISE NOTED)
- ▲ W/BLUE CAP #18391 UNLESS OTHERWISE NOTED
- PLANT BOUNDARY
- EXISTING PROPERTY LINES
- PROPOSED LOTS
- EASEMENT LOTS
- BUILDING SETBACK LINES (B.S.L.)
- CENTERLINE STREET
- D, DEEDED BEARINGS & DISTANCE
- F, PREVIOUSLY RECORDED BEARINGS & DISTANCE
- M, MEASURED BEARINGS & DISTANCE
- I.R., IRON ROD
- I.P., IRON PIPE
- BK. XXX, PG. XXX COUNTY RECORDERS INDEXING BOOK
- P.O.B. POINT-OF-REFERENCE
- P.O.B. POINT-OF-BEGINNING
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY FIELD WORK WAS CONDUCTED BY ME OR UNDER MY PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

JEFFREY A. GADDIS, IOWA LICENSE NO. 18391
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024

October 18, 2023
PAGES OR SHEETS COVERED BY THIS SEAL.



RETURN TO:

CIVIL ENGINEERING CONSULTANTS
ATTN: JEFFREY A. GADDIS, PLS
2400 86TH STREET, SUITE 12
IRBANDALE, IA 50322
PHONE: 515-276-4884
EMAIL: GAODISECECLAC.COM



DATE:	PRINTED ON October 18, 2023
	OCT. 18, 2023
	OCT. 10, 2023
DATE OF SURVEY:	SEPT. 20, 2023
DESIGNED BY:	JAG
DRAWN BY:	LJH



Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12 · Des Moines, Iowa 50322
515.276.4884 · mail@ceclac.com

CRAMER ESTATES
NEWTON, IOWA

SHEET
COVER
OF 2
E-4128



Civil Engineering Consultants, Inc.

October 18, 2023

City of Newton

Attn: Newton City Council
P.O. Box 399
Newton, IA 50208

RE: Cramer Estates Minor Subdivision sidewalk waiver

Dear Newton City Council,

Please accept this request to waive the required public right-of-way sidewalk adjacent to S 20th Avenue W as listed in City of Newton municipal code section 156.129.

Thank you.

A handwritten signature in blue ink, appearing to read "J. Gaddis", with a long, sweeping underline that extends across the width of the signature area.

Sincerely,
Jeffrey A. Gaddis, PLS
On behalf of Delmer and Norma Carmer Revocable Trust U/A 5/24/96
Co: Norma Carmer as Trustee

Planning & Zoning Commission Staff Report: RZ23-2

Applicant: City of Newton
Proposal: Rezoning of property from R-2 & I-L
Location: 1011, 1015, & 1017 E. 9th St. N. and 826 N. 10th Ave. E.
Current Use: 826 and 1017 = residential; 1011 and 1015 = vacant

Background & Proposal:

The primary motivation behind this rezoning application is to allow for the redevelopment of 1011 and 1015 East 9th Street North. At their meeting on October 16, 2023, the Newton City Council approved resolution 2023-298 which approved a purchase agreement with Brooks Grease Management, LLC from Tulsa, Oklahoma for these two parcels. Said purchase agreement stipulates that the agreement is “contingent to rezoning of the property to I-L: Light Industrial by recommendation of the Planning and Zoning Commission and final approval by the Newton City Council.”

According to discussions leading up to this point, the interested party will become the owners of 1004 E. 8th St. N. and the two aforementioned parcels - pending approval of this rezoning. Those two parcels would then be redeveloped initially as an off-street parking lot with the possibility of an additional building in the future. This would bring a new business in Newton, and the use *could* be allowable within the I-L: Light Industrial zoning district.

This rezoning would not impact the use or future use of the two pre-existing residential properties. In fact, this rezoning may enhance the marketability of their properties if they ever decide to sell, strictly considering the allowable uses in the I-L district compared to the R-2 district.

The subject property is outlined in the aerial image and also on the zoning map clipping provided. The I-L zoning district requires building setbacks of 20 feet in the front yard, 3 feet in the side yards, and 3 feet in the rear yard. The Zoning Code allows parking spaces accessory to industrial uses to be “located on a separate lot; provided, they shall be no more than 500 feet from, and in the same zoning district, as the use served.”



Analysis:

As seen in the zoning map clipping provided, the subject property is currently located within an R-2 zoning district. Surrounding properties include low density residential to the east and south and industrial land to the west and north.

Envision Newton 2042, the adopted comprehensive plan, identifies the area in question on the Future Land Use Map as the intersection of low-density residential and industrial land uses. Generally speaking, this map tends to reflect the current zoning map, so much of the area in question can be recognized as “in transition.” As a reminder, future land use maps are intended to serve as broad guides for (re)development, but they do not always translate to actual outcomes. That is why the boundaries are not exact and seemingly fade in between different areas. Regardless, the map specifically recognizes the benefit of industrial uses being ‘clustered’ together and also located adjacent to or near the railroad and City of Newton truck route (see enclosed).

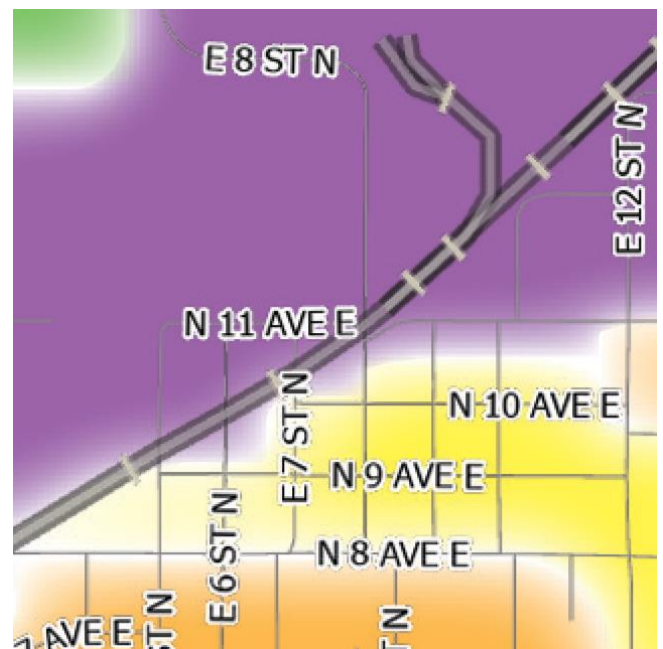
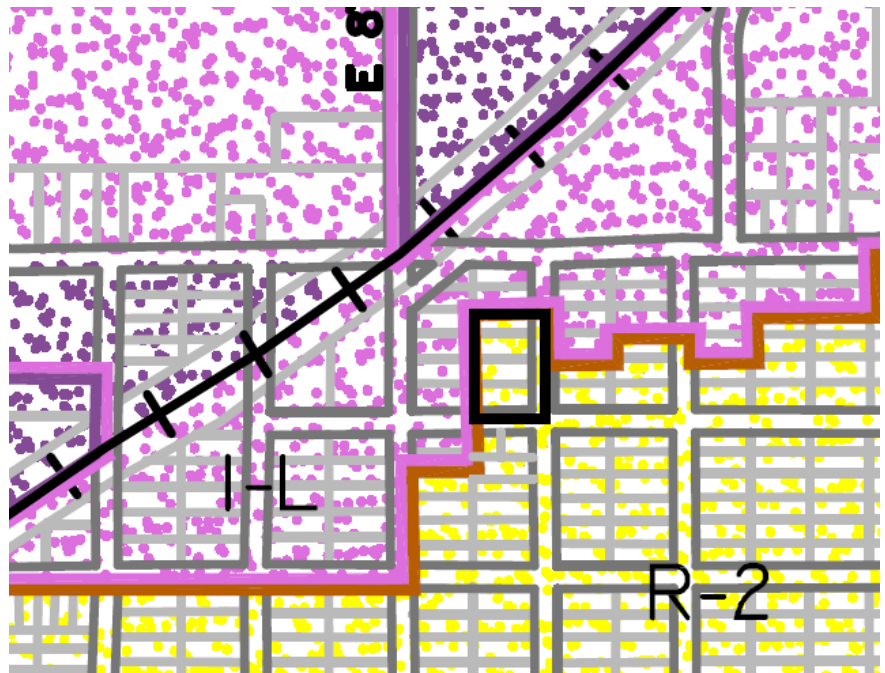
Throughout *Envision Newton 2042*, infill development and/or redevelopment is supported/encouraged to utilize existing infrastructure for the sake of efficiency and to promote responsible fiscal and environmental stewardship. Additionally, Ch. 5: Economic Development states, “Continue to develop and enhance the City’s industrial and business spaces to promote employer retention and expansion, and provide opportunities for new development.”

A first step in redeveloping the subject property was to apply for this rezoning to change the property from R-2 to I-L, which will allow for the new business to pursue an expansion into Newton. The reason for including the two residential properties to the north and south is because a rezoning of only 1015 and 1011 *could* be considered spot zoning (creating a zoning “island”) which could be challenged.

Notice was published in the Newton Daily News on Tuesday, October 31, 2023. Notice was also sent to surrounding property owners on Monday, October, 30, 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 or redevelopment of land has benefits for not only the subject property but also for the community as a



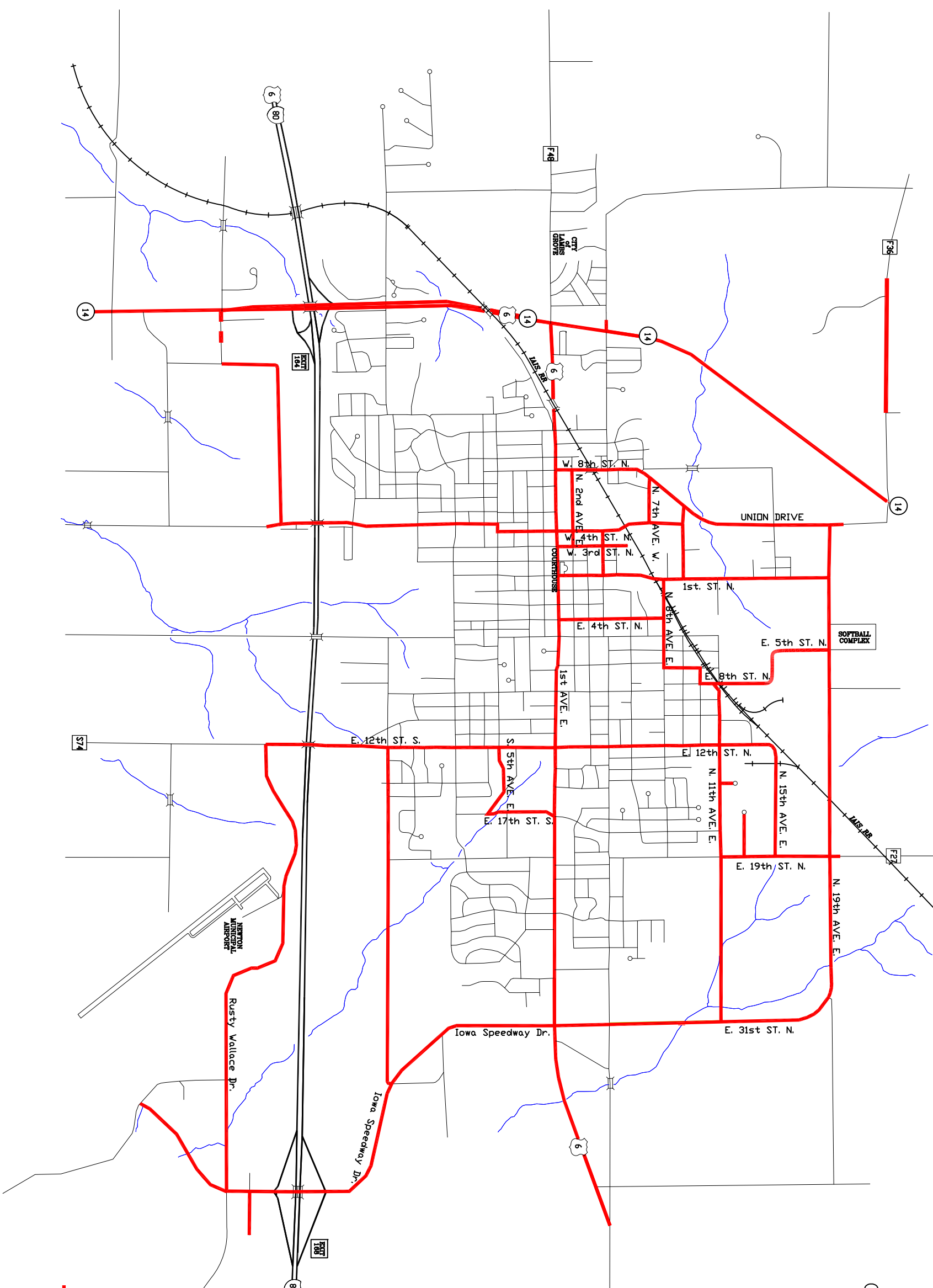
whole. Reuse of vacant or underutilized sites is typically the most cost-effective approach to increase the tax base and expand jobs rather than rely on extensions and/or construction of new infrastructure.

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 potential future land uses allowable within the “new” zoning district? Are the potential land uses within the “new” 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 rezoning request is compatible with pre-existing, surrounding uses in this particular neighborhood and considering the current industrial zoning adjacent to and surrounding the subject parcels. The map amendment would appropriately accommodate redevelopment of the two vacant parcels at 1011 and 1015 E. 9th St. N., which have been vacant for several years since being acquired by the city through the D&D program.

As always, neighborhood questions and concerns raised before or during the public hearing should be addressed prior to any vote. If recommended for approval, City Council will consider the request at a meeting in the near future. If Council approves, the next steps would involve a redevelopment agreement, site plan, and applicable permit reviews.

TRUCK ROUTE MAP
CITY OF NEWTON, IOWA



RAILROAD UNDERPASS CLEARANCES
 1st St N (700 BIK) 14'-4"
 1st Ave W (1200 BIK) 13'-10"

— EXISTING TRUCK ROUTES

<p>CITY OF NEWTON PUBLIC WORKS DEPARTMENT</p>	<p>REVISIONS 10-3-00 NOTE - COUNCIL ORD. 10-3-07 STREETS UPDATED 12-20-11 UPDATE - COUNCIL ORD. 3-5-12</p>	<p>12-31-14 MISC.</p>	<p>TRUCK ROUTE MAP</p>
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Planning & Zoning Commission Staff Report: MP23-2

Applicant: Dan Birkenholz & ISG
 Proposal: Minor subdivision (1 lot) of agriculture land along Iowa Speedway Drive
 Location: 375 Iowa Speedway Drive
 Current Use: Vacant, agriculture
 Current Zoning: C-A: Arterial Commercial and R-2: One- and Two-Family Residential

Eastgate Plaza Plat 2 is a minor subdivision located within both the C-A: Arterial Commercial and R-2: One- and Two-Family Residential zoning districts. The primary motivation behind this application is to allow for the development of 375 Iowa Speedway Drive. After completing their due diligence and working with the current land owners, ALDI has decided to pursue the development of a new grocery store at this location. The proposal is to subdivide / re-plat the property into one lot fronting onto Iowa Speedway Drive. Alongside this minor plat application is a rezoning request to change the R-2 portion of the subject property to C-A.

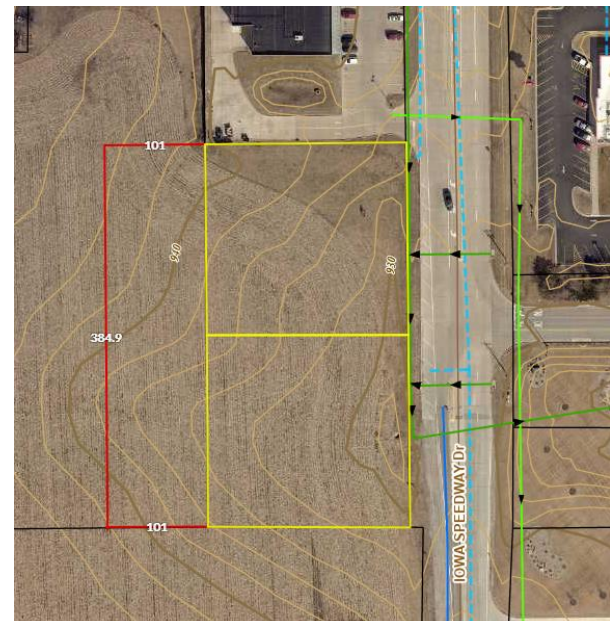
The minimum zoning requirements of the C-A: Arterial Commercial zoning district are:

- 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%



**158.023: (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*

The proposed 2.58-acre lot exceeds the established minimum requirements. The current use of the property is agricultural (row crop). The subject property (generally) drains and gradually slopes easterly as shown in the images provided. The intention is to subdivide and rezone the property, then submit a site plan for a new Aldi grocery store at the site.



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 lot will satisfy zoning requirements, including minimum size requirements such as minimum lot size, lot dimensions, and frontage. The proposed address number for the lot 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.” Additionally, City Staff has heard from Newton residents and stakeholders for many years about a desire for an Aldi grocery store return to the community.

All utilities & city departments received this minor subdivision and were able to provide comments which are enclosed. The minor subdivision being reviewed at the November 7th meeting is the unedited version, so any recommendation for approval will be contingent upon the appropriate revisions being completed and accepted by City Staff and before the City Council review.

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, October 31st, 2023. Notices were also sent to all neighbors within 200 feet of the subject property on October 30, 2023. 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 zoning and subdivision codes – pending approval of RZ23-3 and appropriate revisions.

INDEX LEGEND	
EASTGATE PLAZA PLAT 2	
CITY:	NEWTON
COUNTY:	JASPER
LOTS:	3 & 4
SUBDIVISION:	EASTGATE PLAZA PLAT 1
LOT:	2
SUBDIVISION:	EASTGATE ACRES
PROPRIETOR:	ALDI, INC.
PLAT PREPARED FOR:	ALDI, INC.
PLAT PREPARED BY:	DANIEL L. STUEBER
COMPANY NAME:	ISG
OFFICE ADDRESS:	217 E. 2ND STREET SUITE 110, DES MOINES, IA 50309
PHONE:	515-243-9143

EASTGATE PLAZA PLAT 2

MINOR PLAT

LEGAL DESCRIPTION:

All of Lot 3 and that part of Lot 4 of Eastgate Plaza Plat 1, a replat of Lot 2 of Eastgate Acres of the Northwest Quarter of Section 36, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa as shown by plat recorded in Plat Book A, Page 558 in the Office of the Recorder of said County and that part of Lot 2 of Eastgate Acres, a Subdivision of the Southwest Quarter of Northwest Quarter of Section 36, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 36; thence North 89 degrees 55 minutes 12 seconds West (assumed bearing) on the south line of said Southwest Quarter of the Northwest Quarter, also being the south line of said Lot 4 and said Lot 2, a distance of 90.00 feet to the point of beginning; thence North 89 degrees 55 minutes 12 seconds West, on the south line of said Lot 4 and on the south line of said Lot 2, a distance of 267.87 feet; thence North 00 degrees 05 minutes 29 seconds West, 384.88 feet to a point on the westerly extension of the north line of said Lot 3; thence South 89 degrees 49 minutes 14 seconds East, on said westerly extension of said north line and on said north line, 302.56 feet to the northeast corner of said Lot 3; thence South 00 degrees 00 minutes 41 seconds West, on the east line of said Lots 3 and 4, a distance of 275.45 feet; thence North 89 degrees 55 minutes 12 seconds West, 34.00 feet; thence South 00 degrees 00 minutes 41 seconds West, 108.90 feet to the point of beginning.

AND

That part of the public highway as shown on Eastgate Acres, a Subdivision of the Southwest Quarter of Northwest Quarter of Section 36, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa described as follows:

Beginning at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 36; thence North 89 degrees 55 minutes 12 seconds West (assumed bearing) on the south line of said Southwest Quarter, 40.00 feet; thence North 00 degrees 00 minutes 41 seconds East, 384.33 feet to the easterly extension of the north line of Lot 3, Eastgate Plaza Plat 1; thence South 89 degrees 49 minutes 14 seconds East, on said easterly extension of the north line, 40.00 feet to a point on the east line of said Southwest Quarter; thence South 00 degrees 00 minutes 41 seconds West, on said east line, 384.26 feet to the point of beginning.

NOTES:

- Any set monumentation shown on this plat will be completed within one year from the date the plat was recorded.
- The orientation of this bearing system is based on the south line of Eastgate Plaza Plat 1. Said line bears North 89 degrees 55 minutes 12 seconds West.
- Street Lot A will be dedicated as public right of way.
- Unadjusted error of closure: Boundary: better than 1:10,000

OWNER / DEVELOPER:

ALDI, Inc.
4201 Bagley Avenue North
Faribault, MN 55021

ENGINEER/SURVEYOR:

ISG
217 East Second Street, Suite 110
Des Moines, IA 50309
515-243-9143

ZONING:

CA Commercial Arterial

DATE OF SURVEY:

October, 2023

Building Setbacks:

Front - 40 feet
Side - 25 feet
Rear - 40 feet

This minor plat of **EASTGATE PLAZA PLAT 2**, was recommended for acceptance and approval by the Planning and Zoning Commission this ___ day of _____, 20__.

Chairman

Secretary

CERTIFICATE OF CITY COUNCIL

This minor plat of **EASTGATE PLAZA PLAT 2**, was accepted and approved by the City of Newton City Council in resolution form, said resolution being _____. The city clerk further certifies that the same final plat hereto attached has been accepted, approved and filed in accordance with the city ordinance of Newton, Iowa and the code of Iowa.

Passed: this ___ day of _____, 20__.

Secretary

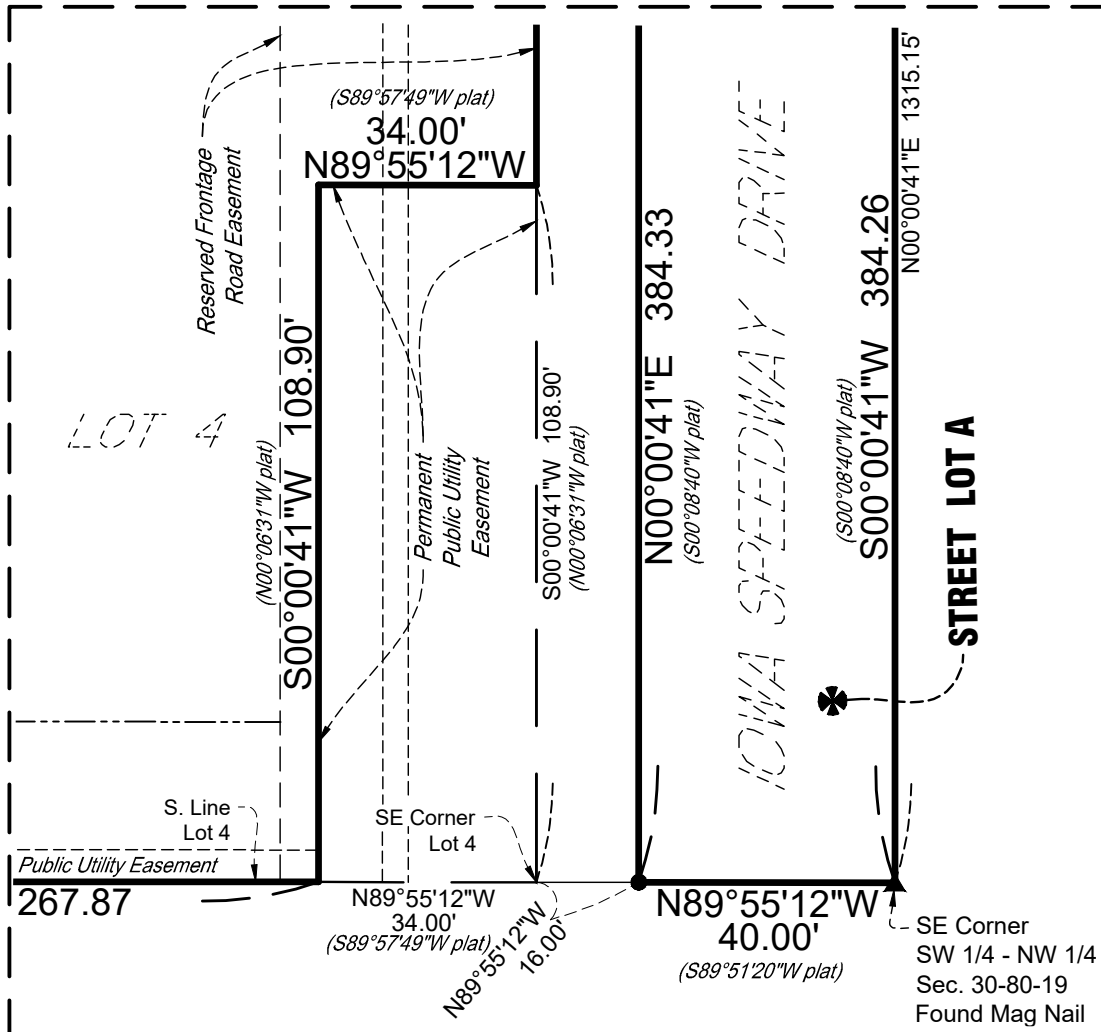
Attest: this ___ day of _____, 20__.

City Clerk

(Ord. _____, passed _____)

DETAIL

1" = 30'



I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



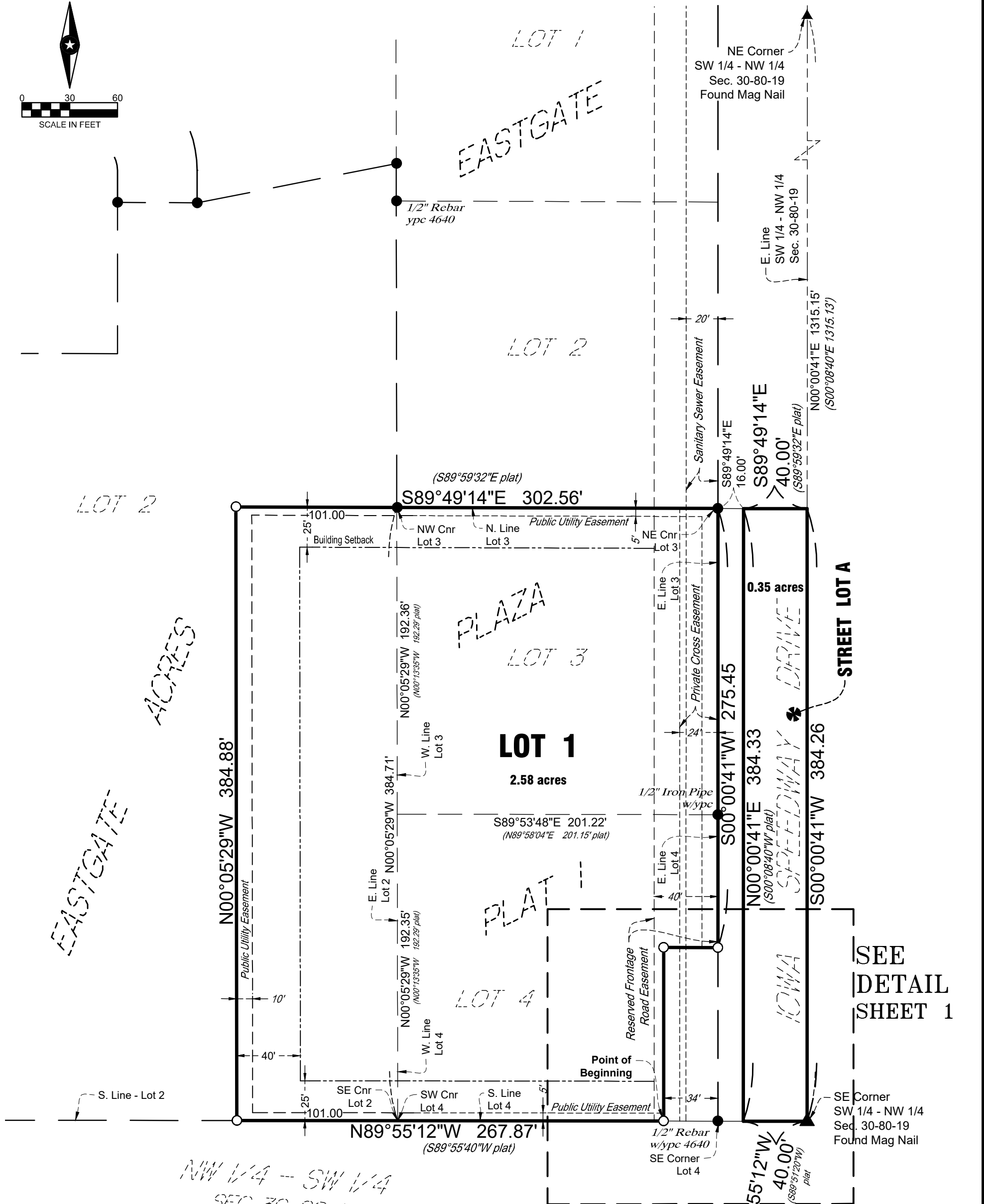
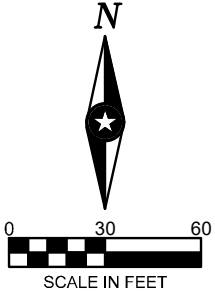
D. L. STUEBER Date: 10/16/23
License Number 19880
My License renewal date is 12/31/2023
Pages covered by this seal 1



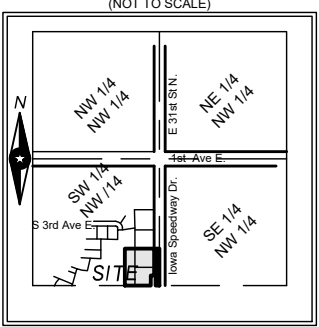
PN: 23-28585
Sheet 1 OF 2
Surveyed by: DLS
Survey Date: 10/16/23
Rev. Date:

EASTGATE PLAZA PLAT 2

MINOR PLAT



VICINITY MAP
(NOT TO SCALE)



NW 1/4 SEC. 36, TWP. 80, RGE. 19
Jasper County, Iowa

PN: 23-28585
Sheet 2 OF 2
Surveyed by: DLS
Survey Date: 10/16/23
Rev. Date:

CAD FILE NAME: 2638MINORPLATE/SECTION_PLOT DATE: 10/16/23 DRAWN BY: XXX

MP23-2: Eastgate Plaza Plat 2 feedback – 10/25/2023:

Community Development:

- Building setbacks are incorrect (update on pg. 1 and on maps):
 - Front Yard = 40 feet; Side yards = 10 feet; Rear yard = 0* feet
 - (*25' *de facto* setback, as stipulated by the Zoning Code – this will be noted on the site plan)
- Add "**Certificate of Planning & Zoning Commission**" on pg. 1
 - Change "Chairman" to "Chair" under P&Z certificate on pg. 1
- Change "Secretary" to "Mayor" under City Council certificate on pg. 1
- Add total square footage of Lot 1 in addition to total acreage.
- To prevent setback conflicts, the southeast corner (reserved as a 34' x 108.9' permanent public utility easement) should be included as private property.
- The Subdivision Code requires sidewalks for all new subdivisions. If ALDI prefers not to construct a sidewalk, then I will also need a waiver request and a placeholder note on the minor plat itself. Attached is an example request from another minor plat which will also be reviewed at the November 7th meeting.
- Example:

WAVIER REQUEST:

THE REQUEST TO WAIVE THE REQUIRED PUBLIC RIGHT-OF-WAY SIDEWALK ADJACENT TO S 20TH AVENUE W AS LISTED IN CITY OF NEWTON MUNICIPAL CODE SECTION 156.129 IS

- APPROVED IN RESOLUTION NUMBER _____
- NOT APPROVED

Black Hills Energy:

- See attached PDF.

Jasper County Auditor's Office:

- In the Index Legend:
 - Can they please update the way they're describing the location of this plat? How it is currently listed, it is confusing. I would recommend *Lot 2 Eastgate Acres and Lots 3 & 4 Eastgate Plaza Plat 1*.
 - The proprietor needs to be updated; it currently shows ALDI INC. as the owner. Titleholders are Daniel & Ronda Birkenholz, Larry Dean Birkenholz and Scott J. Birkenholz.
 - Also, the owner/developer's name needs to reflect current ownership. Which is listed above.
- In the description, I believe this should be Lot 3 and Lot 4 of Eastgate Plaza Plat 1 (currently has part of Lot 4 listed). Also, the Lot 2 of Eastgate Acres needs to list the Book and Page reference with it. Book A, Page 225.
- Street Lot A should not be labeled as it is currently. This is a current roadway with the City of Newton. Labeling this as such will require this to be deeded to the City of Newton to accept this as a roadway (which it currently is). Please remove the label of Street Lot A. As well as removing the description describing out Street Lot A.
- The name is approved for this subdivision. But we will need to see a revised version of this plat before giving the approval to record.
- If there are any additional questions or comments, please reach out.

OCTOBER 17, 2023



Brian Dunkelberger, AICP
City Planner
City of Newton
403 W. 4th Street N, Suite 501
Newton, IA 50208
BrianD@newtongov.org
641-792-6622 x 2317

**RE: REZONING & MINOR PLAT NARRATIVE
ALDI GROCERY STORE - 375 IOWA SPEEDWAY DRIVE**

Brian,

ISG is the design firm representing ALDI, and we are submitting a Rezoning and Minor Subdivision application and supporting documents for the properties to be zoned and platted for a proposed ALDI grocery store. A Site Plan application will be submitted in the upcoming weeks.

The properties included in the platting include one entire existing lot and a small portion of two adjacent lots to be combined into one new lot. The primary area for the ALDI is Parcel 0836158003 (Eastgate Plaza Plat 1, Lot 3) that is 0.89 acres. ALDI plans to acquire a small portion of the adjacent lot to the south and west. The parcel to the south is Parcel 0836158004 (Eastgate Plaza Plat 1, Lot 4), and the parcel to the west is Parcel 0836157009 (Eastgate Acres Lot 2). All three lots are owned by the same owner, Daniel and Ronda Birkenholz, and the newly combined lot for ALDI will be approximately 2.45 acres in size.

The primary lot for ALDI and the adjacent lot to the south are already zoned C-A, Arterial Commercial, which permits the proposed use of the grocery store. The rezoning request applies to the lot to the west of the main ALDI site, Parcel 0836157009 (Eastgate Acres Lot 2). This lot is vacant and is zoned R-3. We are requesting that the small portion of this property that will be re-platted and combined with the ALDI lot be rezoned from R-3 to C-A while the remaining large portion of that lot stay the existing R-3 zone district.

The proposed use is consistent with the adjacent land uses and compliant with the property zoning. Properties to the north and south along the Iowa Speedway Drive are zoned C-A where there are some existing commercial uses. The proposed rezoning applies to a small portion of land that is to be combined into the ALDI lot to provide ALDI adequate area for the store layout and to provide the additional buffer area required when a commercial property/use is adjacent to a residential zone district. Instead of a 0-ft rear setback to the adjacent property as a C-A district requires, ALDI would provide a 25-ft landscape buffer area on the west/rear side of the property as required by the zoning ordinance for properties adjacent to a residential zone district.

A site plan application will follow this platting and rezoning request where we will follow the city site development standards and provide the necessary buffering/screening to the residential district to the west and at this time will be reviewed for the site layout details. Without re-platting and re-zoning, a grocery store use is still permitted on the two lots adjacent to Iowa Speedway Drive. The re-platting and re-zoning just give ALDI additional space for better site design and landscaping/buffer screening to the adjacent properties.

Thank you again for reviewing the attached materials. Please contact me at 952.426.0699 or via email at Andrea.Rand@ISGInc.com with any questions or if there is any additional information we can provide in support of this project.

Sincerely,

A handwritten signature in black ink that reads "Andrea Rand". The signature is written in a cursive, flowing style.

Andrea Rand, AICP
Project Coordinator

Planning & Zoning Commission Staff Report: RZ23-3

Applicant: Dan Birkenholz and ISG, on behalf of ALDI
Proposal: Rezoning of property from R-2 & C-A
Location: E. 101' of S. 384.88' of Parcel #0836157009
Current Use: Agriculture (row crop)

Background & Proposal:

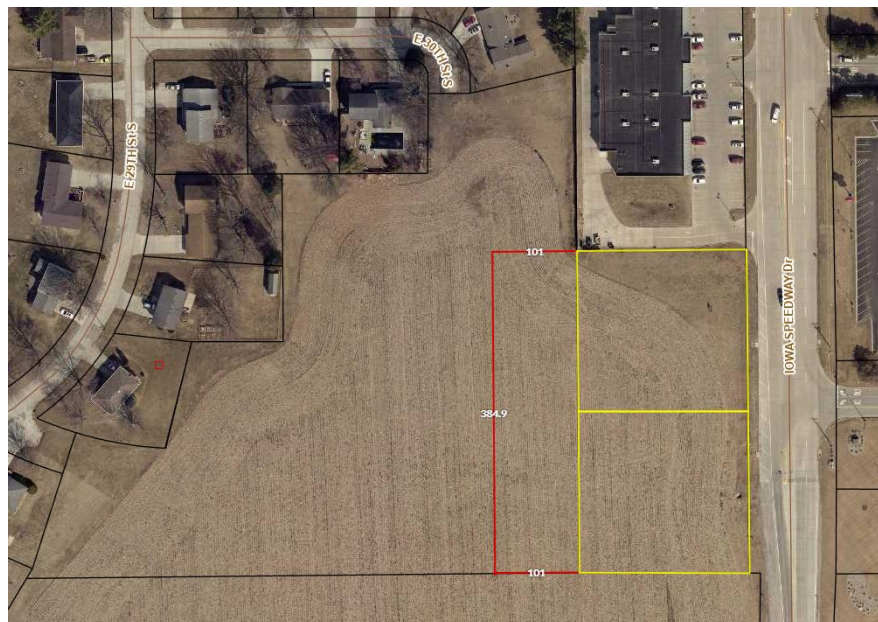
As reviewed during the MP23-2 staff report, this rezoning is requested due to a potential ALDI grocery store development at the subject property. The development is not feasible without approval of both actions, which is the reason for subsequent review and the specific order of items on the agenda. After negotiations with the current property owner, ALDI has decided to move forward with the project and is working with ISG to coordinate the required procedures with the city.

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%

**158.023: (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.*

The subject property exceeds the established minimum requirements of the C-A district, and this rezoning would not



impact the use or future development of the surrounding land given that there is adequate land remaining for a future extension of or connection to E. 30th St. S.

The subject property is outlined in the provided aerial image and also on the zoning map clipping. The C-A zoning district requires building setbacks of 40 feet in the front yard, 10 feet in the side yards, and 0 feet in the rear yard (but must have a 25' transitional yard if and where the commercial property shares a property boundary with a residential district).

Analysis:

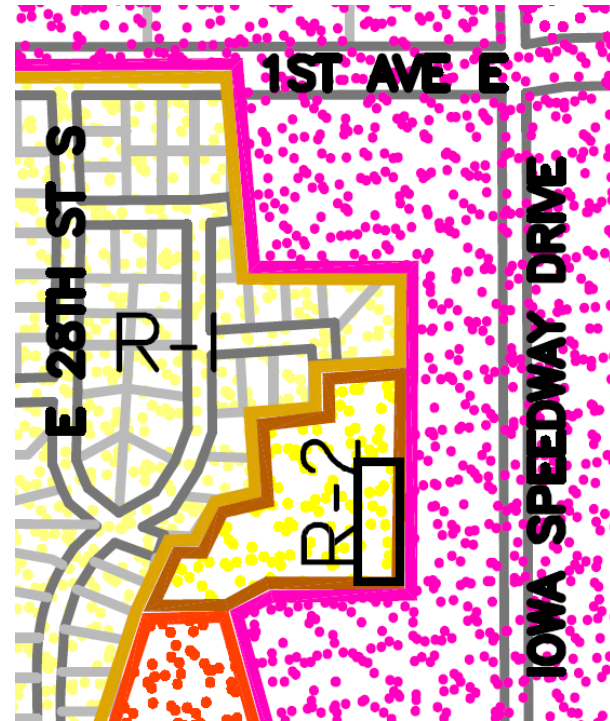
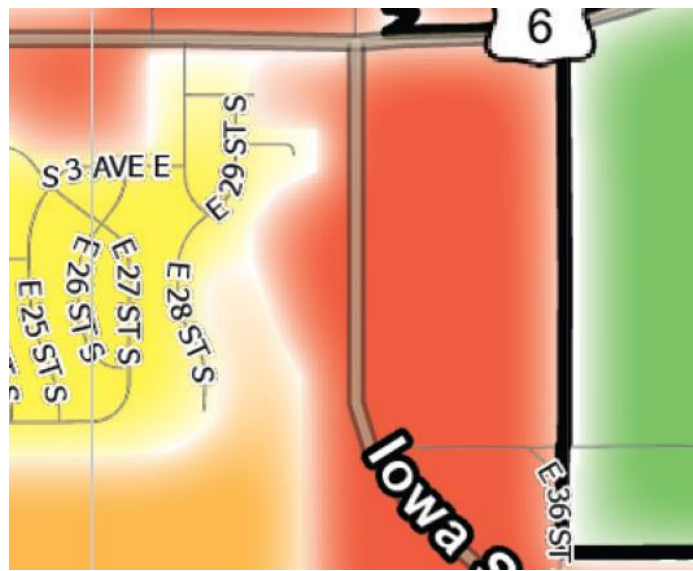
As seen in the zoning map clipping provided, the subject property is currently located within an R-2 zoning district. The subject land is currently used for row crops, with low-density residential uses nearby to the west and north and commercial uses adjacent to Iowa Speedway to the east and south.

Envision Newton 2042, the adopted comprehensive plan, identifies the area in question on the Future Land Use Map as commercial (red) with low-density residential (yellow) adjacent and to the west. Generally speaking, this map tends to reflect the current zoning map, so much of the area in question can be recognized as “in transition” – especially never having been developed in this case. As a reminder, future land use maps are intended to serve as broad guides for (re)development, but they do not always translate to actual outcomes. That is why the boundaries are not exact and seemingly fade in between different areas. Regardless, the map specifically recognizes the benefit of commercial land uses being located along Iowa Speedway Drive, a secondary arterial street and a primary gateway to the community.

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.” As shared in the MP23-2 staff report, city staff has also heard from residents and stakeholders for many years about a desire for an Aldi grocery store return to Newton.

A first step in redeveloping the subject property was to apply for both the minor plat to consolidate the land into a single lot and this rezoning to change the west 101 feet from R-2 to C-A, which will allow for a new ALDI grocery store. If both the minor plat and rezoning are approved, then a site plan and applicable permits can be reviewed.

Notice was published in the Newton Daily News on Tuesday, October 31, 2023. Notice was also sent to surrounding property owners on Monday, October, 30, 2023.



Recommendation:

Redevelopment of existing vacant or underutilized sites is typically the most cost-effective approach to increase the tax base and expand jobs compared to relying on the extension or construction of new infrastructure for greenfield development (“sprawl”). Effective and responsible planning promotes infill development to protect taxpayer dollars, maximize the use of utilities, and support the local economy.

However, it is always *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 potential land uses allowable within the “new” zoning district? Are the potential land uses within the “new” 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 rezoning request aligns with the spirit and intent of the adopted comprehensive plan and the zoning ordinance. The proposed zoning will be compatible with pre-existing, surrounding uses in this area and should not negatively impact the residential properties to the west considering the screening requirement of the C-A district and lack of direct connection. The map amendment would appropriately accommodate development of the subject property which has been used for agricultural purposes for decades, and it will bring a highly desirable business to the community.

As always, though, neighborhood concerns should be address prior to any vote. If recommended for approval, City Council will consider the request at their next meeting on Monday, November 20th. If Council approves, the next steps will involve a site plan and applicable permit reviews.