

Minutes of Meeting
Newton Planning and Zoning Commission
Special Meeting
March 8, 2022

ROLL CALL: Board members present: Holchuh, Cantu, Johnson, Poynter, Repp, VanGilder
Board members absent: Woody

STAFF PRESENT: Brian Dunkelberger, City Planner
Craig Armstrong, Development Specialist

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

In accordance with the Americans with Disabilities Act, Interim Chair Johnson 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 March 8, 2021 were reviewed. **Motion** by Repp, **seconded** by Cantu to approve the minutes from the previous meeting as written. **Voice vote**, approved 6-0.

Public Hearing.

A) SV22-1: E-W street right-of-way vacation located in the 600 block of East 27th Street South. Vincent Haydon, applicant.

Dunkelberger reviewed the prepared staff report and shared that no comments were received in advance of the meeting. He presented a street view, original subdivision maps, aerial views indicating utilities within the general area, and a clipping of the zoning map highlighting the subject right-of-way.

Vincent Haydon, applicant at 604 E. 27th St. S., introduced himself and described his reasoning for the application. He shared how he purchased his home in 2016 with the mistaken understanding that the right-of-way was a part of his property. Haydon had maintained the area the entire time, and Commissioners jokingly expressed their “thanks” for him mowing the grass.

Holschuh asked staff to explain the purpose of an easement for the underground utilities. Dunkelberger described how the utilities cross both the applicant’s property as well as the right-of-way. He offered a simple overview of maintenance and access easements and they reviewed the street view image.

Van Gilder asked about future use of the land if the vacation was approved and an accessory building or parking. Dunkelberger described how it would be merged in as private property and would need to comply with all other city requirements. Haydon described his intentions with the property and how he would like to use it to park his RV. Commissioners discussed the private use of the land.

Cantu compared the request to a typical alley vacation and inquired about how the Commission should proceed considering that only one abutting property owner expressed interest in acquiring the land. Dunkelberger confirmed that the owner to the south received a notice for the meeting but staff did not receive feedback nor did that owner choose to attend the meeting to voice their support or objection. Discussion ensued about the request and how the property would be merged into the abutting private property to the north.

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

With no further discussion or questions amongst the Commissioners, Interim Chair Johnson entertained a motion. **Motion** by Holschuh to recommend approval of the proposed vacation of the east-west street right-of-way located in the 600 block of East 27th Street South with the following conditions:

- Newton Public Works shall no longer be responsible for maintenance of the stub street (all pavement extending beyond the east curb line of E. 27th St. S.), as it will now be recognized as a private driveway approach. Any improvements or alterations made by the property owner shall bring the approach into compliance with current city standards.
- A permanent access and maintenance easement shall be acquired for the city-owned sanitary and storm sewers located in the general area. The use of the land shall meet all established minimum city code requirements.

Seconded by Van Gilder. **Roll call vote**, approved 6-0.

Old Business. None.

Motion by Poynter to adjourn the meeting, **seconded** by Cantu. **Voice vote**, approved 6-0. Meeting was adjourned at 5:24 PM.