

Minutes of Meeting
Newton Planning and Zoning Commission
Electronic Formal Meeting
March 16, 2021

ROLL CALL: Board members present: G. Berndt, Cantu, Johnson, Poynter, Repp, Woody
Board members absent: J. Berndt

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, Chair Woody questioned if there was anyone present that may require special assistance in being able to participate in this public meeting. There was no response.

Minutes. Minutes of the previous meeting of January 19, 2021 were reviewed. **Motion** by Repp, **seconded** by Poynter to approve the minutes of the previous meeting. Voice Vote: Approved 5-0.

Commissioner Cantu joined the meeting at 5:05 PM.

Public Hearing.

- A) ZOA21-1: Amendment to permitted or conditional uses for the I-L: Light Industrial district to allow General Retail. Robert Smith, Applicant.

Dunkelberger reviewed the prepared staff report and provided an evaluation of the proposed amendment to the Newton Zoning Code to allow general retail as a conditional use within the I-L: Light Industrial zoning district. Johnson inquired about the location of the property and its surroundings. Discussion regarding other property uses nearby.

Woody asked about neighbors of the subject property and parking requirements. Dunkelberger clarified that the ordinance amendment would apply to all properties located in I-L: Light Industrial zoning districts, and that property-specific details did not apply to this proposal. Conditions placed on a specific property and use would be considered during a public hearing before the Zoning Board of Adjustment. That application process would involve a neighborhood-inclusive review to ensure the proposed conditional use was compatible with surrounding properties. As for parking requirements, Dunkelberger explained that before an updated Certificate of Occupancy would be granted thus signifying the change in use, the property would need to be brought into compliance with zoning, building, and fire code regulations which would include parking requirements.

Robert Smith, Applicant, introduced himself to the Commission and explained his motivation for opening a retail store at the property. He explained how he and his brother had the house built for his parents, but one had since passed and the other required more direct assisted living. He explained how the property would be converted into a retail gift shop. The Commissioners extended their condolences and thanked him for his interest in investing in Newton.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by G. Berndt, **seconded** by Cantu. Approved 6-0.

With no further discussion, **Motion** by G. Berndt to recommend approval of ZOA21-1, an amendment to the Newton Zoning Code to allow general retail as a conditional use within the I-L: Light Industrial zoning district, **seconded** by Cantu. Approved 6-0.

B) Newton City Code Ch. 111 amendment review: Mobile Food Units. City of Newton, Applicant.

Dunkelberger reviewed the prepared staff report and described how the ordinance update was not a part of the Zoning Code, but that City Staff felt the need to bring it before the Commission due to a potential impact at a neighborhood level. He summarized the specific additions to Ch. 111 regarding mobile food units in Newton, and described the review process that involved various City departments and others. Dunkelberger explained how the fundamental motivation behind the ordinance was fire safety, but also to ensure owners/operators are aware of and in compliance with other local and state requirements as well. Discussion followed regarding specific situations and scenarios.

Johnson inquired about ice cream trucks and concession stands. Dunkelberger clarified some of the language within the proposed ordinance updates that addressed ice cream trucks specifically and how concession stands were considered exempt from the proposed chapter requirements. Cantu provided information regarding distances to certain restaurants using Google maps and how the distance requirement seemed reasonable.

Kim Didier, Executive Director of DMACC Business Resources, asked if it was appropriate for her to provide comments at that time, which was approved by Chair Woody. Didier explained how COVID had dramatically impacted businesses located at the DMACC campus in Newton and how food trucks had been a vital component of helping through the challenging times. She explained how food trucks were booked through September 2021 already, and that she had concerns about the timing for implementing the regulations. She continued by stating that it was her wish to see the requirements implemented in an appropriate fashion. That is, by ensuring all mobile food unit owners/operators are informed of said requirements and that the logistics of scheduling inspections and submitting applications are planned out well in advance. She felt that October 2021 would be appropriate for the initial implementation to allow enough time for outreach and preparation.

Woody exclaimed that she agreed and felt that it might be more appropriate if the requirements didn't go into effect until 2022. Dunkelberger reminded the Commission that the requirements were being proposed to ensure fire safety along with other local and state requirements, so it should be a factor during their review. He offered a few options regarding possible compromises to the timing concern such as including an effective date to be listed within the ordinance. Didier stressed the need for purposeful and intentional implementation to allow for adequate preparation. She also emphasized the importance of thinking through the planning stages for a more seamless transition. Finally, she described how the Legacy Plaza Campus was hoping to be further developed in the near future and how mobile food units have and will continue to play a role in impacting the quality of life and placemaking in Newton.

Chair Woody called for a motion to close the public hearing. **Motion** by G. Berndt, **seconded** by Repp. Approved 6-0.

After a brief discussion amongst Commissioners, **Motion** by Johnson to recommend approval of the modifications and reviewed additions to Ch. 111 of the Newton City Code, and recommend that the implementation of the ordinance go into effect after January 1st, 2022, and encouraged both City Staff and Kim Didier to begin outreach with mobile food unit operators if and after Council adopted said ordinance updates, **seconded** by Cantu. Approved 6-0.

Old Business: Review of AV21-1 (Alley Vacation): 200 block of South 5th Avenue East.

Dunkelberger reviewed statements sent by two neighbors abutting the alley to be vacated that were received after the initial review at the January 19th Planning and Zoning Commission meeting. While the original recommendation was to assign the full-width of the north half of the alley to the property on the northeast side, the recommendation will now be updated to assign the full width of the north half of the alley to the property on the northwest side. Dunkelberger shared that he had been in direct contact with both property owners, and that the owner on the northeast did not care to receive the additional land. Therefore, Staff felt the need to bring this update before the Planning and Zoning Commission once more before it was submitted to Newton City Council.

Cantu asked about whether or not the owner on the southwest side of the alley was reached. Dunkelberger informed the Commission that two separate notices were mailed to the abutting property owners and City Staff had attempted to knock on the door, but the property owner could not be reached. Cantu stated that it was unfortunate because the property lines will not line up as neatly as before. Discussion ensued regarding the property lines and the impacted owners being notified after the alley was vacated.

Woody called for a voice vote to determine whether the Commission was comfortable with accepting the updated recommendation for AV21-1. Approved 6-0.

Hearing no further discussion, Chair Woody called for a motion to adjourn.

Motion by Repp to adjourn the meeting, **seconded** by Cantu. Approved 6-0. Meeting was adjourned at 6:13 PM.