

Minutes of Meeting
Newton Planning and Zoning Commission
Electronic Formal Meeting
June 1, 2021

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

STAFF PRESENT: Brian Dunkelberger, City Planner
Erin Chambers, Community Development Director
Matt Muckler, City Administrator
Craig Armstrong, Development Specialist

A quorum being present, Chair Woody called the meeting to order at 5:00 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 March 16, 2021 were reviewed. **Motion** by Repp, **seconded** by Poynter to approve the minutes of the previous meeting. Voice Vote: Approved 4-0.

Public Hearing.

- A) ZOA21-2: Zoning Ordinance Amendment for the C-CBD: Central Business District to allow overnight camping as a conditional use. DMACC, applicant.

Before the public hearing began, Staff reminded the Commission that they can always choose to table an item for further discussion and/or research. Dunkelberger reviewed the prepared staff report and provided an evaluation of the proposed amendment to the Newton Zoning Code to allow overnight camping within the C-CBD zoning district.

Kim Didier, Executive Director of DMACC Business Resources, provided a brief overview of the reasoning behind the application. DMACC and the Legacy Plaza Campus are looking to be a featured “Harvest Host” location, which is platform/program which connects RV camping tourists to breweries, farms, and other destinations around the lower 48 United States, Canada, Alaska, and Baja California. Didier explained the program and provided additional information about the proposal to allow this use within the C-CBD zoning district. She highlighted how this is just another strategy to attract outside visitors to Newton who will patronize both Legacy Plaza and downtown businesses and that they could explore the rest of Newton during their stay.

Commissioner Johnson joined the meeting at 5:21 PM.

Didier and Commissioners began discussing property-specific questions, but Staff reminded everyone that the application being reviewed was strictly for the newly proposed use. The Commission’s responsibility for zoning ordinance amendments is to evaluate whether or not a newly proposed use is consistent with the stated intent of a given zoning district, if it aligns with the comprehensive plan, and if the use would be appropriate for the community.

G. Berndt stated that he felt the use should be considered. Cantu asked about implications of the ordinance amendment and shared concerns about other downtown properties allowing overnight camping. Dunkelberger shared that the proposal was for the use to be listed as a conditional use, so that

would apply to all properties in the zoning district and Staff would be responsible for ensuring a property had an active permit to allow for the use.

Fran Henderson, 1101 South 13th Avenue West, asked about enforcement at the property for the use if this amendment was approved. Dunkelberger clarified that the conditional use permit would have specific stipulations for the property, and that both the permit holder and City Staff would ensure compliance. Chambers reiterated that the Commission and participants should think about the use in the zoning district rather than details relating to a specific property.

Cantu shared that he had concerns about the use and proposed tabling the review until a future meeting. He requested additional time to consider the impact of the use within the C-CBD zoning district and the fact that this encompasses Newton's downtown area. He informed the Commission that he needed to leave the meeting to attend a school board meeting.

Commissioner Cantu left the meeting at 5:32 PM.

Dana VanGilder, 1601 East 36th Street South, asked for additional details regarding the new use and shared insight from her experience with being an owner of an authorized campground. She asked questions about dumping waste from the camping units, running generators, policing of exterior activity, bathroom facilities, etc. She commented that the Commissioners should take this information into consideration during their review.

Johnson asked whether or not mobile food unit operators would utilize the Harvest Host program and stay overnight. Didier clarified that she did not expect mobile food unit operators to do so, as they typically leave after an event or park the unit and sleep elsewhere. Johnson shared the example of a wedding at Legacy Plaza and how she thought this use would be highly beneficial for visitors hoping to stay nearby. Johnson also commented that if it became a problem at a specific property in the future, then it could be revisited by either the Planning & Zoning Commission or Zoning Board of Adjustment.

Woody asked about other properties in the C-CBD zoning district that would be eligible if one of the listed criteria was a minimum property size of 1 acre or larger. Dunkelberger shared a few different examples, including the Fareway, Library, a hotel, and a couple multi-family properties.

Dana VanGilder, 1601 East 36th Street South, shared that her main concerns were in regards to RVs and camping units driving through Newton to reach Legacy Plaza, as operator error/ignorance could cause problems. Woody answered that by limiting the duration of stay to 24 hours that she did not foresee the use to hurt KOA Campground's business. VanGilder answered that she wasn't worried about that because they were very busy, but that all parties should take the time to appreciate the responsibility associated with managing such a use. Discussion regarding the suitability of the use and next steps.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by G. Berndt, **seconded** by Repp. Approved 4-0.

Woody and Johnson both articulated how they felt the use aligned with the comprehensive plan and that this use would be beneficial to Newton's downtown. Commissioners discussed the plan moving forward and how they would reconvene to evaluate the criteria for the new conditional use. Johnson asked if there was a desire to send the recommendation immediately, but Staff clarified that the required processes required an extended timeframe regardless of sending the recommendation after this meeting or the next.

With no further discussion, **Motion** by Johnson to recognize the proposed conditional use of overnight camping within the C-CBD zoning district as generally allowable, but that the Commission would

reconvene at a future date to evaluate specific criteria to be listed in the zoning ordinance amendment to establish eligibility requirements for this use before sending the formal recommendation to Newton City Council, **seconded** by Repp. Approved 4-0.

B) Discussion – review of nuisance code.

Dunkelberger reviewed the prepared memorandum and introduced a discussion of potential nuisance and zoning code updates relating to semi/tractor units parking on residentially zoned properties. Commissioners reviewed personal situations such as nearby neighbors who drive semis and their approach to the current parking regulations. Johnson questioned whether or not said semi drivers felt inconvenienced, and if so, how much did it impact their normal routine? Woody shared the she felt strongly about semi/tractor parking on the street, and that she had concerns with changing the existing ordinances. G. Berndt commented that the regulations do have an impact on livelihoods but that he understands concerns about semi/tractor units driving and parking in residential neighborhoods.

Commissioners expressed a desire to discuss these proposed changes with said neighbors, and Staff encouraged all Commissioners to do so to foster a more thoughtful evaluation of the proposed changes. Discussion ensued considering both sides of the question at hand and potential externalities. The discussion was tabled and will continue at the next scheduled Planning & Zoning Commission meeting.

C) Discussion – Comprehensive Plan Steering Committee

Discussion on providing a recommendation regarding a Comprehensive Planning Committee was postponed to the next meeting.

Old Business: None.

Hearing no further discussion, Vice Chair G. Berndt called for a motion to adjourn. **Motion** by Johnson to adjourn the meeting, **seconded** by Repp. Approved 3-0. Meeting was adjourned at 6:44 PM.