

AGENDA  
NEWTON/ NORTH NEWTON AREA PLANNING COMMISSION  
February 4, 2019

The Newton–North Newton Area Planning Commission will meet Monday, February 4, 2019 at 7:00 p.m. at Newton City Hall, 201 East 6<sup>th</sup> Street, 3<sup>rd</sup> Floor Commission Chambers, Newton, Kansas, to consider the following:

1. Consider approval of January 7, 2019 meeting minutes.
2. Reconsider an application for a Zoning Amendment request to property owned by Harder Properties LLC, located on S Anderson Ave and Summer Drive, to be rezoned from an R-1 (Single-Family Dwelling District) zoning classification to an R-3 (Multi-family Dwelling District) zoning classification.
3. Old Business.
4. New Business
5. Adjournment.

**NEWTON-NORTH NEWTON PLANNING COMMISSION  
REGULAR MEETING  
January 7, 2019**

**Members present-**

**Newton:** Carl Harris (10-3), Dan Harder (7-0), Julie Yoder (12-1)  
Jordan Miller (13-0)

**North Newton:** Gary Roth (11-2), Tyson Weidenbener (9-4), Joe Slechta (10-3)

**Members absent-**

**Newton:** Jay Sommerfeld (5-6), James Ontiveros (9-2)

**North Newton:**

[Note: attendance-recording period runs from 6-4-18 to 5-31-19]

**Staff present:**

**Newton:** Ryan Sellers, City Planner  
Mark Jenkins, Building & Zoning Administrator  
Christopher Towle, City Attorney

The Newton-North Newton Area Planning Commission met on January 7, 2019 in a regular meeting at the Newton City Hall commission chambers, 201 East 6<sup>th</sup> Street, Newton, Kansas. At 7:00 p.m., a quorum was present and Chair Harris called the meeting to order.

**AGENDA ITEM NO. 1**

**Consider approval of the December 3, 2018 meeting minutes.**

Commissioner Roth moved to approve the minutes with the correction of changing “action chair” to “acting chair” pointed out by Commissioner Slechta. Commissioner Yoder seconded the motion. Motion carried, 7-0.

**AGENDA ITEM NO. 2**

**Consider a Special Use Permit application submitted by Jan Jones, to operate a General Group Residence at 316 N Oak St.**

Ryan Sellers, City Planner, read the staff report. Safehope has been planning to purchase property located at 316 N Street and 2045 E 4<sup>th</sup> contingent upon the issuance of a Special Use Permit. The purpose of acquiring the property is for a new outreach and advocacy center that will host their existing support services, as well as new programs, and will also be able to accommodate larger families from across Harvey, Marion, and McPherson counties. Currently, due to limited space, survivors have often resorted to sleeping on air mattresses or cots located in common areas. The new outreach and advocacy center will have an extra 2,400 sq feet of space to accommodate additional staff and services.

The properties are currently zoned R-2 and will retain this zoning classification. The Newton-North Newton Zoning Code allows for halfway houses and similar uses in residential districts, but only by a special use permit. The governing body may attach conditions to the issuance of such a permit as long as those conditions promote the general welfare of the community.

Staff found that the proposed use meets all criteria for issuance of a special use permit for this zoning classification, as set forth in the zoning code. There are no issues with accessibility to the property for municipal services or accessibility to utility services. The proposed project is found to be compatible with the location, nature, and height of buildings, walls, fences, and other improvements in the area; and their relation to adjacent property and uses. There were not any questions for staff.

The applicant Jan Jones, 7527 S Ridge Road, was present to speak before the Commission. Mrs. Jones informed the Commissioners that the new location would not be confidential. The applicant clarified that this is going to be a 10 person to a 30 person shelter.

Chair Harris opened the public hearing. Arlita Buller, 217 E 4<sup>th</sup>, was there to speak on behalf of the neighbors of the surrounding properties. A few of the questions she posed was how are the residents of the shelter going to shower, if Safehope is going to put up a privacy fence, and are they going to permit animals in their facilities. Chair Harris allowed the applicant to address the questions presented by Mrs. Buller.

Emily Taylor, architect at Hutton Construction, addressed the questions about the facilities. She informed the Commission that they have plans to gut and renovate the current facility. They are envisioning suite style rooms with multiple beds. Ms. Taylor said they are currently looking at 8 ft high, solid wood privacy fences so that parents can sit outside while the kids play and enjoy the yard space. Mrs. Jones said they hope to have a dog run at the new facility so that families can bring their animals. She said they also have a requirement in place that would require animal to have the proper vaccinations upon entering the shelter. Chair Harris closed the public hearing and called for discussion.

Commissioner Weidenbener moved to approve the special use permit based on staff recommendation. Commissioner Miller seconded the motion. Motion carried 7-0.

### **AGENDA ITEM NO. 3**

#### **Old business.**

No old business was reported.

### **AGENDA ITEM NO. 4**

#### **New business.**

No new business was reported.

There being no other business, the meeting adjourned at 7:40 p.m.

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Ryan Sellers

Secretary

DRAFT

COMMISSION COMMUNICATION	
FOR MEETING OF	02/04/2019
AGENDA ITEM	2
FOR ACTION	✓
INFORMATION ONLY	



**Ryan M. Sellers**  
*City Planner*  
 rsellers@newtonkansas.com  
 p: 316-284-6028  
 201 E. Sixth, P.O. Box 426  
 Newton, Kansas 67114-0426

04 February 2019

To: Newton-North Newton Area Planning Commission  
 From: Ryan Sellers, City Planner

**Re: Reconsider an application for a Zoning District Amendment for Lots 21-40, Block 2; Lots 12-22, Block 6; all of Block 7; and 1-4, Block 8 of Summer Crossing from the current Newton R-1 (Single-Family Dwelling District) to Newton R-3 (Multi-family Dwelling District)**

**Background:**

At the December 3, 2018 Planning Commission meeting, an application for a zoning district amendment was submitted to the Newton-North Newton Area Planning Commission by property owner Harder Properties LLC for property located along the east side of Anderson Avenue, north of SW 24<sup>th</sup> Street. The applicant requested a change of zoning district from the current Newton R-1 (Single-Family Dwelling District) zoning classification to an R-3 (Multi-family Dwelling District) classification. The Planning Commission voted to deny the zoning amendment application because they felt that the rezone area was too large and that more residents in Summer Crossing should have been notified.

The legal description of the property is:

**Lots twenty-one through forty (21-40), Block Two (2); Lots Twelve through Twenty-Two (12-22), Block 6; all of Block Seven (7); and Lots One (1) through Four (4), Block Eight (8), Summer Crossing's Addition to the City of Newton, Harvey County, Kansas.**

The recommendation of the Planning Commission to deny the zoning amendment application was presented to the Newton City Commission at their January 8, 2019 meeting. The City Commission felt that the Planning Commission did not base their decision for denial upon the criteria set forth in the zoning ordinances at Article 1, Section 1.10-4, subsection D.2. Therefore, the City Commission has requested that the Planning Commission review this application again and base their reasoning for denial on the following criteria.

The criteria by which an application for a zoning amendment must be judged are set forth in the zoning ordinances at Article 1, Section 1.10-4, subsection D.2. Findings must be made on each of the five following points. It is not necessary for commissioners to find that all factors lead to the same conclusion, or even that a majority of factors indicate one way or another. It is possible one or more factors may be deemed so significant that they outweigh all others. Following each criterion are the comments and observations of staff.

In addition to the application, attached are supporting materials including an affidavit of publication, notification of hearing, an aerial photo indicating surrounding zoning and development, and a property ownership list. Photos and a mock-up layout of the potential senior development are also included in the attachments.

Factors pursuant to Zoning Ordinances:

**Criteria:**

- (a) Whether the change in classification would be consistent with the intent and purpose of these Regulations, with the City's adopted Comprehensive Plan, and other adopted City policies, plans, programs, ordinances, rules and regulations.**

STAFF COMMENTS: When considering a change of zoning classification for any piece of property, it is necessary to consider whether every use that would be permitted under the requested classification would be appropriate for that property and the surrounding area, and not just focus on the particular use that the applicant indicates is intended or is presently being employed. This is because there is no way to prevent the applicant or any future owner of the property from using the site for any of the other uses permitted under the requested classification. In other words, the use of a property may not be restricted to the particular use contemplated, or in existence when the request is made, but may include any use allowed within that zoning classification.

This case involves property located along the east side of Anderson Avenue, north of 24<sup>th</sup> Street. The land is currently zoned Newton R-1 (Single-Family Dwelling District).

Application of the requested zoning in this case does not appear to be inconsistent with the current surrounding development, specifically Sand Creek Station immediately across Anderson Avenue, that is entirely zoned R-3. In accordance with the City's Comprehensive Plan (ReNewton) and future land use projections, this area of town is slated to continue to develop as a mixture of residential and neighborhood commercial. Over the past two years, the market demand for residential housing, ranging from entry level homes to rentals, to senior living, has increased dramatically, and the proposed zoning amendment will assist with meeting this demand.

- (b) Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property located in the immediate vicinity; and whether the subject property is suitable for the uses to which it has been restricted.**

STAFF COMMENTS: R-3 zoning provides for a variety of activities, including, but not limited to:

- All of the uses included in R-2 (single-family dwellings, historical sites, public parks and playgrounds, daycares, churches and other places of worship, libraries, schools, museums, Rights-of-Way for utilities and railroads).
- Multi-family dwellings
- Lodging, rooming, and fraternity houses
- Flexible Multi-family developments

- (c) Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.**

STAFF COMMENTS: City utilities are available nearby to serve this site.

**(d) Whether the proposed amendment would correct an error in the application of these Regulations.**

STAFF COMMENTS: Staff is not aware of any error in the application of the zoning regulations to be corrected through the requested zoning amendment.

**(e) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such change or changing conditions; and whether the proposed amendment provides a disproportionately greater loss to the individual landowners relative to the public gain.**

STAFF COMMENTS: The property owner, Harder Properties LLC, owns approximately 146 lots zoned R-1, Single-Family, between the proposed R-3 and property owned by others. Please see the attached map that denotes the proposed lots requested for rezoning in pink; the lots owned by others, zoned R-1, in green; and the lots owned by Harder Properties, zoned R-1, in yellow.

Additional factors to consider under *Golden v. Overland Park*, 224 Kan. 591 (1978):

**Criteria:**

**(f) The character of the surrounding neighborhood**

STAFF COMMENTS: The properties immediately to the east and north are zoned R-1 (Single Family). The property to the south (across 24<sup>th</sup> Street) is zoned Agriculture. The property to the west, across Anderson Avenue, is zoned R-3 (Sand Creek Station). Please see the map included as Attachment D for a graphic representation of the zoning.

**(g) Suitability of the property for uses to which it has been restricted**

STAFF COMMENTS: The property is already zoned for residential uses. The current R-1 zoning provides for a variety of activities, including, but not limited to:

- Single-family dwellings
- Historical sites and structures
- Public parks and playgrounds
- Day care homes
- Churches and other places of worship
- Libraries, schools, museums.
- Right-of-way, appurtenances for public utilities and railroads.

**(h) Length of time the subject property has remained vacant as zoned**

STAFF COMMENTS: This property has been vacant for approximately 10 years as currently zoned.

Again, when considering a change of zoning classification for any piece of property, it is necessary to consider whether every use permitted under the requested classification would be appropriate for that property and the surrounding area, and not to focus only on the particular use that the applicant indicates is intended or is presently employed. It is also important to include in the motion the reason or reasons for

approval or denial of the zoning request. This need be no more than referencing some element of the staff report. Whether the motion is to approve or deny the request, it should be based on whether the land is appropriate for the proposed zoning classification.

**Recommended Action:**

The Planning Commission's decision to approve or deny the requested zoning will be forwarded in the form of a written recommendation to the Newton City Commission for consideration. Staff will include a written summary of the evidence. A motion for or against the rezoning should include:

1. Findings of facts
2. Factors considered in making decision

**Attachments:**

- A. Zoning District Amendment Application
- B. Map of Rezone Area
- C. Property Ownership Notification List for Public Hearing
- D. Zoning Map
- E. Notice of Hearing
- F. Affidavit of Publication
- G. Photos & Site Plan of Proposed Senior (55 and over) Development
- H. Planning Commission Minutes



# Newton/North Newton Area Planning Commission Zoning District Amendment Application

**Applicant(s) Information** Name: Ron Harder  
 Address: 791 SE 6th  
Newton KS  
 Phone: 316-772-1895

**Property Owner(s) [if different]** Name: Summer Crossing  
 Address: Harder Properties LLC  
 Phone: 316-772-1895

Street address of property: \_\_\_\_\_

Legal description of property: Summer Crossing  
Blk 2, lots 21-40, Blk 7 (ALL), Blk 6, lots 12-22  
Blk 8 lots 1-4

Present zoning of subject property: R-1 Requested zoning: R-3

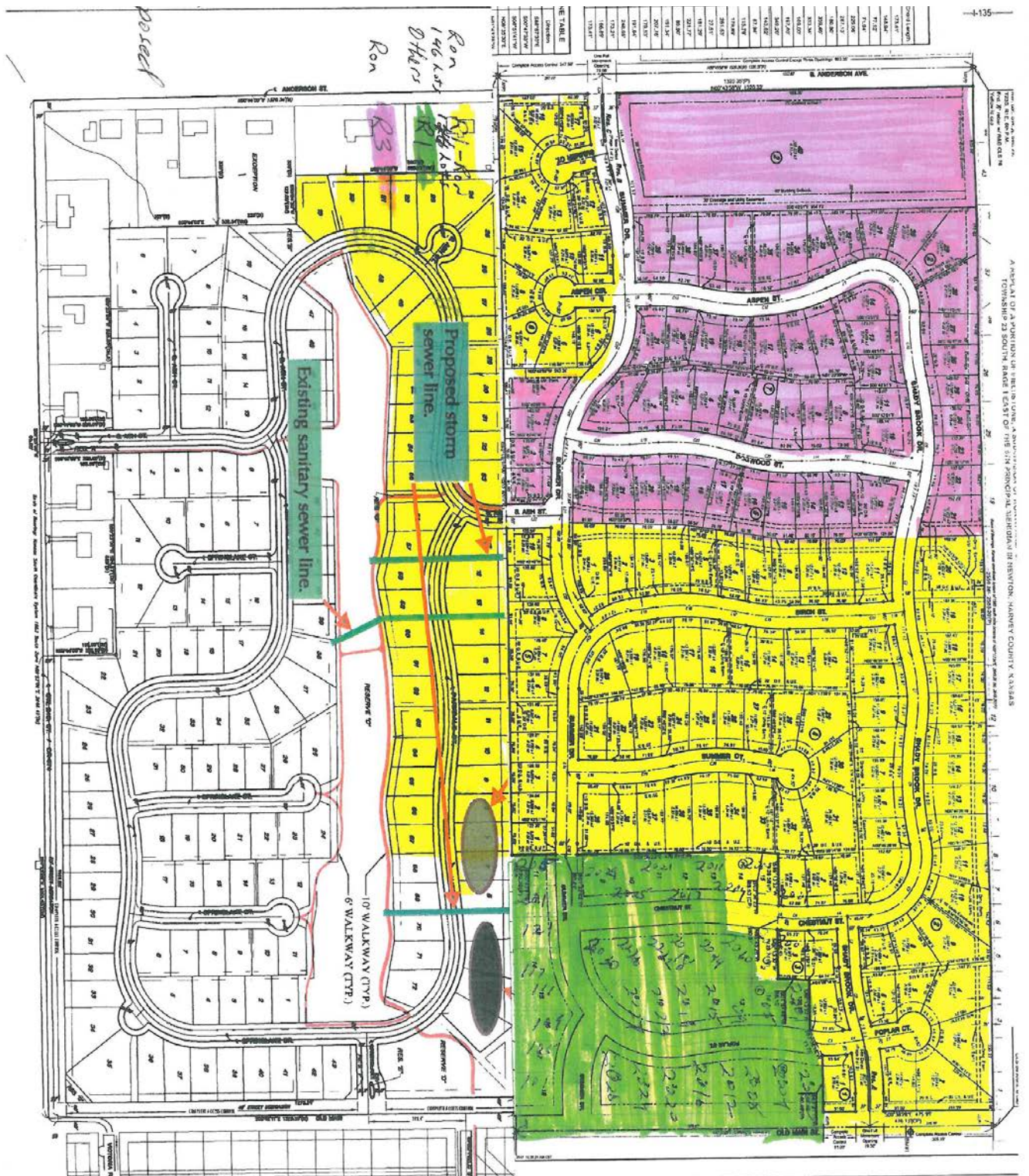
**Included with the Application are the following:**

- ◆ A certified list of the names and addresses of the owners of record of the subject property, and of all properties located within a designated distance from the subject property. The designated distance depends upon the location of the property lines. The distance as to any portion of the boundary that is either within or adjacent to the existing city limits is 200 feet. The distance as to any boundary line that is outside the city limits is 1,000 feet. This has to be certified by a licensed abstractor.
- ◆ A filing fee of \$300.00. Checks must be made payable to "Newton City Clerk" (whether the subject property is within Newton or North Newton).
- ◆ [Optional] A narrative describing the reasons for the request including any potential problems or issues that might be raised by the request, and setting forth the applicant's reasons why the request should be granted.

Ron Harder  
 Signature(s) of Applicant(s) Date 11-7-16

Ron Harder  
 Signature(s) of Owner(s) Date

*Signature of owner, if other than applicant, is required for consent to the application.*



NO.	DESCRIPTION	AMOUNT
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**OWNERSHIP LIST**

Prepared by  
SECURITY 1<sup>ST</sup> TITLE  
October 3, 2018 at 7:59 AM

**Tracts within 200 feet (in the City) and 1000 feet (in the County) of the following described property:**

**Lots Two (2) through Forty (40), inclusive, Block Two (2), and all of Blocks Six (6) and Seven (7), Summer Crossing Addition, a Replat of a portion of Fieldstone Subdivision, an Addition to Newton, Harvey County, Kansas.**

**Harder Properties, LLC  
7021 SE 60<sup>th</sup> St.  
Newton, KS 67114-9375**

**SAND CREEK STATION ADDITION, NEWTON  
Block C**

Lot 2	The Donna Lynn Brenneman Revocable Trust dated Sept. 22, 2000 604 Goldspike Ct. Newton, KS 67114-5525
Lots 3 & 4	NAT Development, LLC 1808 Cypress Ln. Newton, KS 67114-6303
<b><u>Reserve Q</u></b>	Sand Creek Station Homeowners' Association 900 N. Tyler Rd. STE 7 Wichita, KS 67212-3249

**SPRINGLAKE ADDITION, NEWTON  
Block 1, Lots 32 & 33  
Block 3, Lots 15, 16 & 17**

**Harder Properties, LLC  
7021 SE 60<sup>th</sup> St.  
Newton, KS 67114-9375**

**SUMMER CROSSING ADDITION, NEWTON  
Block 2, Lots 17, 18, 19 & 20  
Block 4, Lots 10 through 20, inclusive  
Block 5, Lots 6 through 10, inclusive  
Block 8, Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 16 & 17  
Reserves B & C**

**Harder Properties, LLC  
7021 SE 60<sup>th</sup> St.  
Newton, KS 67114-9375**

TURKEY RED VILLAGE ADDITION, NEWTON  
**Block 5**

Lot 14	Mark Siebert 309 Wheatridge Dr. Newton, KS 67114-5709
Lot 15	G. Steven Moreland & Laura A. Moreland 315 Wheatridge Dr. Newton, KS 67114-5709
Lot 16	Mary F. Leary (a/k/a Mary F. Ellis) 319 Wheatridge Dr. Newton, KS 67114-5709
Lot 17	Joshua J. Crawford 323 Wheatridge Dr. Newton, KS 67114-5709
Lot 18	Jason A. Ybarra & Renee L. Ybarra 327 Wheatridge Ct. Newton, KS 67114-9012
Lot 19	Robert G. Bolton & Renee L. Bolton 331 Wheatridge Ct. Newton, KS 67114-9012
Lot 20	Hernan Solorio & Angelica Solorio 335 Wheatridge Ct. Newton, KS 67114-9012
Lot 21	Joshua G. Church & Amy L. Church 339 Wheatridge Ct. Newton, KS 67114-9012
Lot 23	Elizabeth Graber 407 Wheatridge Ct. Newton, KS 67114-9023
Lot 24	Andrew S. Friesen & Julie A. Friesen 409 Wheatridge Ct. Newton, KS 67114-9023
Lot 25	Julie K. Cusick Michael Lewis 415 Wheatridge Ct. Newton, KS 67114-9023
Lot 26	Curtis A. McDonough & Wanda E. McDonough 417 Wheatridge Ct. Newton, KS 67114-9023

TURKEY RED VILLAGE ADDITION, NEWTON - Continued

Lot 27	Michael S. Poindexter & Shelly A. Poindexter c/o Don Poindexter & Gloria Poindexter 419 Wheatridge Ct. Newton, KS 67114-9023
Lot 28	Jonathan Jordan & Lori Jordan 421 Wheatridge Ct. Newton, KS 67114-9023
Lot 35	The Joyce A. Bedworth Revocable Trust Agreement dated June 4, 1993, restated June 6, 2017 441 Meadowbrook Ct. Newton, KS 67114-5507
Lot 36	Laurence Wiebe & Marilyn Wiebe 9908 SE 12 <sup>th</sup> St. Whitewater, KS 67154-9009
Lot 37	The Gerald P. Koerner & Shirley A. Koerner Revocable Trust dated Nov. 13, 2012 445 Meadowbrook Ct. Newton, KS 67114-5507
Lot 38	Steven F. Morrison & Amy L. Morrison 447 Meadowbrook Ct. Newton, KS 67114-5507
Lot 39	Ryan M. Kopper & Sara J. Kopper 449 Meadowbrook Ct. Newton, KS 67114-5507
Lot 41	The Delbert L. Smith & Barbara J. Smith Family Trust dated May 24, 1991 509 Meadowbrook Dr. Newton, KS 67114
Lot 42	Kristi M. Bueno 515 Meadowbrook Ct. Newton, KS 67114-5505
Lot 43	Cheryl A. Jackson & John Jackson, w&h 517 Meadowbrook Ct. Newton, KS 67114-5505
Lots 44 & 45	Bradley K. McGlachlin 14314 W. Taylor Circle Wichita, KS 67235-8084

TURKEY RED VILLAGE ADDITION, NEWTON - Continued

Lot 46

Danny M. Hawkins & Rita C. Hawkins  
531 Meadowbrook Dr.  
Newton, KS 67114-5503

METES AND BOUNDS DESCRIPTIONS

**Section 30-23-1E**

Tract in SE/4: Beg. NE/c SE/4; S 225 ft.; W 247 ft.; N 225 ft.; E 247 ft. to pob.

The Orville E. Schmidt Family Living Trust  
dated Dec. 7, 1992  
1913 S. Anderson Rd.  
Newton, KS 67114-8860

Tract in SE/4: Beg. 920 ft. S NE/c SE/4; N 225 ft.; W 247 ft.; S 225 ft.; E 247 ft. to pob.

The Robert M. Schmidt Family Living Trust  
dated Dec. 7, 1992  
2015 S. Anderson Rd.  
Newton, KS 67114-8861

Tract in SE/4: Beg. NE/c SE/4; S 920 ft.; W 947 ft.; N 921.17 ft. to N line SE/4; E 947.06 ft. to pob.  
EXCEPT: Beg. NE/c SE/4; S 225 ft.; W 247 ft.; N 225 ft.; E 247 ft. to pob.  
AND EXCEPT: Beg. 920 ft. S NE/c SE/4; N 225 ft.; W 247 ft.; S 225 ft.; E 247 ft. to pob.

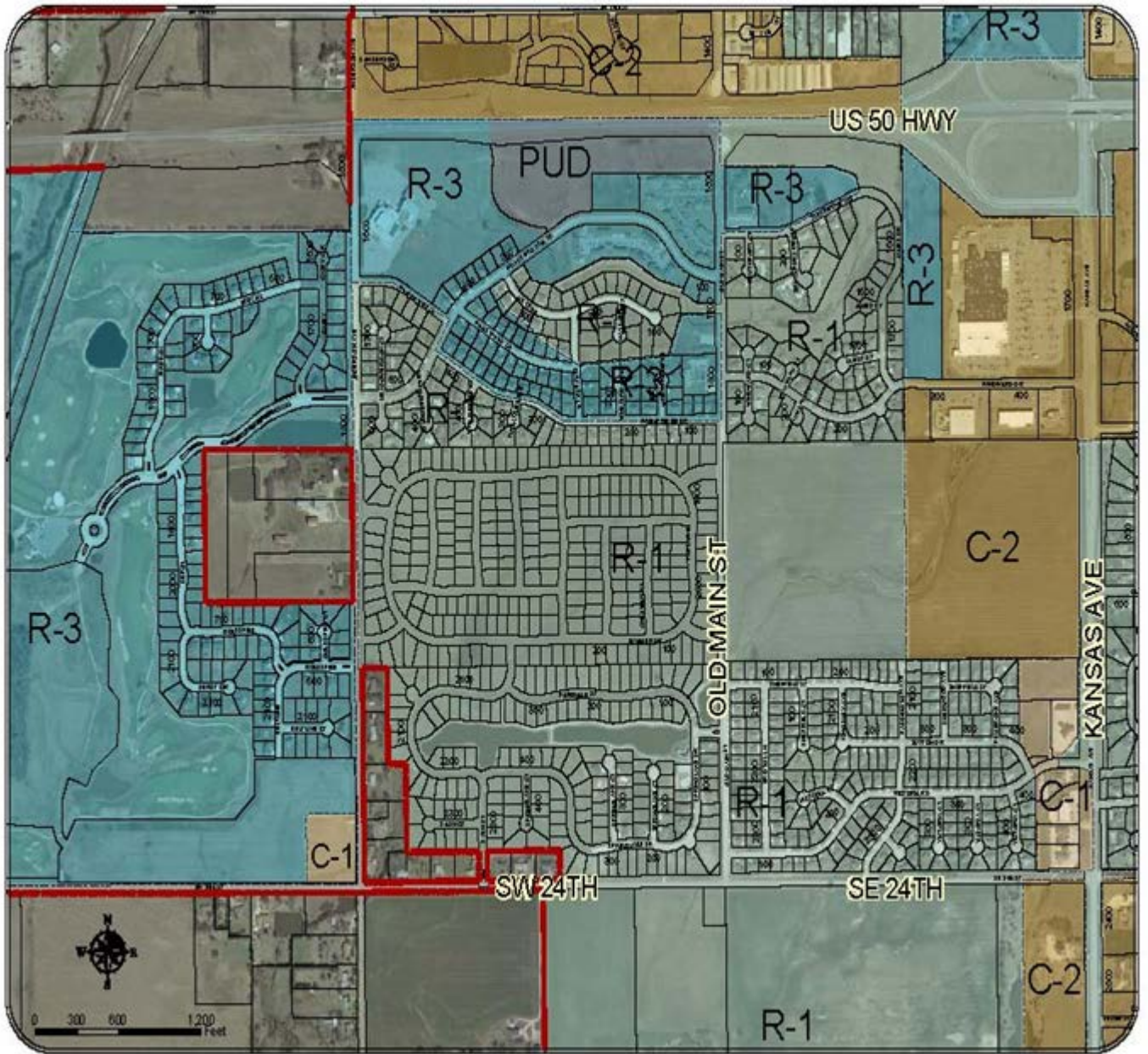
The Orville E. Schmidt Family Living Trust  
dated Dec. 7, 1992 (1/2 int.)  
1913 S. Anderson Rd.  
Newton, KS 67114-8860

The Robert M. Schmidt Family Living Trust  
dated Dec. 7, 1992 (1/2 int.)  
2015 S. Anderson Rd.  
Newton, KS 67114-8861

Tract in SE/4: Beg. NE/c SE/4; S 920 ft.; W 1097.01 ft.; N 921.34 ft. to N line SE/4; E 1097.02 ft. to pob. EXCEPT: Beg. NE/c SE/4; S 920 ft.; W 947 ft.; N 921.17 ft. to N line SE/4; E 947.06 ft. to pob.

The Orville E. Schmidt Family Living Trust  
dated Dec. 7, 1992 (1/2 int.)  
1913 S. Anderson Rd.  
Newton, KS 67114-8860

The Robert M. Schmidt Family Living Trust  
dated Dec. 7, 1992 (1/2 int.)  
2015 S. Anderson Rd.  
Newton, KS 67114-8861





**Ryan Sellers**  
City Planner

rsellers@newtonkansas.com  
p: 316-284-6028  
201 E. Sixth, P.O. Box 426  
Newton, Kansas 67114-0426

November 13, 2018

### NOTICE OF HEARING

To Owners of Nearby Properties:

Notice is hereby given that the Newton/North Newton Area Planning Commission will conduct a public hearing in the City Commission meeting room of the Newton City Administration Building, 201 E. 6<sup>th</sup> Street, Newton, Kansas on **Monday, December 3, 2018 at 7:00 p.m.**, or as soon thereafter as the matter may be heard, to consider the issuance of a zoning amendment pursuant to Article I of the City of Newton Zoning Ordinances for the purpose of the rezoning of the following described property located on S Anderson Ave and Summer Drive to wit:

**Lots Twenty-one (21) through Forty (40), inclusive, Block Two (2); Lots Twelve (12) through Twenty-two (22), inclusive, Block Six (6); all of Block Seven (7); and Lots One (1) through Four (4), inclusive, of Block Eight (8), Summer Crossing Addition, a Replat of a portion of Fieldstone Subdivision, an Addition to Newton, Harvey County, Kansas.**

**The Applicant requests that that above-described property be rezoned from an R-1 (Single-Family Dwelling District) zoning classification to an R-3 (Multi-family Dwelling District) zoning classification.**

The Application will be presented to and a public hearing thereon will be held by the Newton/North Newton Area Planning Commission in the Newton City Commission chambers at City Hall, 201 E. 6<sup>th</sup> Street, Newton, Kansas on **Monday, December 3, 2018 at 7:00 p.m.**, or as soon thereafter as the matter may be heard. At such time and place, all persons interested may appear and be heard as to said application.

The Zoning Ordinances of the City of Newton require as a part of any zoning amendment process that a certified list be obtained of the owners of all property within the area to be zoned; of all property within the city limits located within 200 feet of the boundary of the area to be zoned; of all property within 1,000 feet of any portion of the boundary of the area to be zoned that is outside the city limits; and that each of those property owners be given notice of the proceedings by mail. This Notice is conveyed to you due to it appearing from the ownership list obtained regarding this matter that you are the owner of, or have an interest in, the property that is located within the above-described area surrounding the property that is to be zoned.



The action to be taken by the Newton/North Newton Area Planning Commission will consist of a recommendation to the Newton City Commission. The Newton City Commission then has the authority either to approve the recommendation in whole, or in part, or to deny the application

Any action by the Newton City Commission to approve the recommendation in whole or in part requires a majority of the Commission members present, unless a protest concerning the Application is filed with the City Clerk within 14 days following conclusion of the Planning Commission hearing. To be sufficient, such a protest must be signed either by the owners of twenty percent (20%) or more of the property to be rezoned, or by the owners of twenty percent (20%) or more of the property that lies within the area described above surrounding the property sought to be rezoned.

Copies of the application and other related materials are available for inspection at the office of the Newton City Clerk at 201 East 6<sup>th</sup> Street, Newton, Kansas, during the normal business hours thereof. Copies of any or all of those materials may be obtained from the City Clerk upon payment of a copying charge. Please inquire of the City Clerk for further information in that regard.

  
\_\_\_\_\_  
Ryan Sellers  
City Planner  
City of Newton, Kansas

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, COUNTY OF HARVEY, ss

Debra S. Jacobsen Debra S. Jacobsen  
Being first duly sworn, deposes and says: That she is the  
Classifieds Clerk of

**The Newton Kansan**

A daily newspaper printed in the State of Kansas, and published in  
and of general circulation in Harvey County, Kansas, and that said  
newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least weekly 50 times a year;  
has been so published continuously and uninterruptedly in said  
county and state for a period of more than five years prior to the  
first publication of said notice; and has been admitted at the post  
office of Newton, Kansas in said County as second class matter.

That the attached notice is a true copy there of and was published in  
the regular and entire issue of said newspaper

**One**  
Insertion(s), the first publication being

**November 10<sup>th</sup>, 2018**

subsequent publications being made on the following dates

None

Subscribed and sworn to before me this **November 15<sup>th</sup>, 2018**

Jenna Garnica

*Jenna Garnica*  
Notary Public

My commission expires **December 2<sup>nd</sup> 2020**

**Total Amount of Payment \$ 19.25**

**Notice of Hearing/ Summer Crossing ZA**



**NOTICE OF HEARING**

**TO ALL PERSONS CONCERNED:**  
Notice is hereby given that an Application for a Zoning Amendment has been filed in the office of Planning for the City of Newton, Harvey County, Kansas, praying for the issuance of a zoning amendment pursuant to Article I of the City of Newton Zoning Ordinances for the purpose of rezoning the following described property located 8 Anderson Ave and Summer Drive to wit:

Lots Twenty-one (21) through Forty (40), inclusive, Block Two (2); Lots Twelve (12) through Twenty-two (22), inclusive, Block Six (6); all of Block Seven (7); and Lots One (1) through Four (4), inclusive, of Block Eight (8), Summer Crossing Addition, a Replat of a portion of Fieldstone Subdivision, an Addition to Newton, Harvey County, Kansas.

The Applicant requests that that above-described property be rezoned from an R-1 (Single-Family Dwelling District) zoning classification to an R-3 (Multi-family Dwelling District) zoning classification.

The Application will be presented to, and a public hearing thereon will be held by the Newton/North Newton Area Planning Commission in the Newton City Commission chambers at City Hall, 201 E. 6th Street, Newton, Kansas on Monday, December 3, 2018 at 7:00 p.m., or as soon thereafter as the matter may be heard. At such time and place, all persons interested may appear and be heard as to said application.

/s/ Ryan M. Sellers  
City Planner  
City of Newton, Kansas

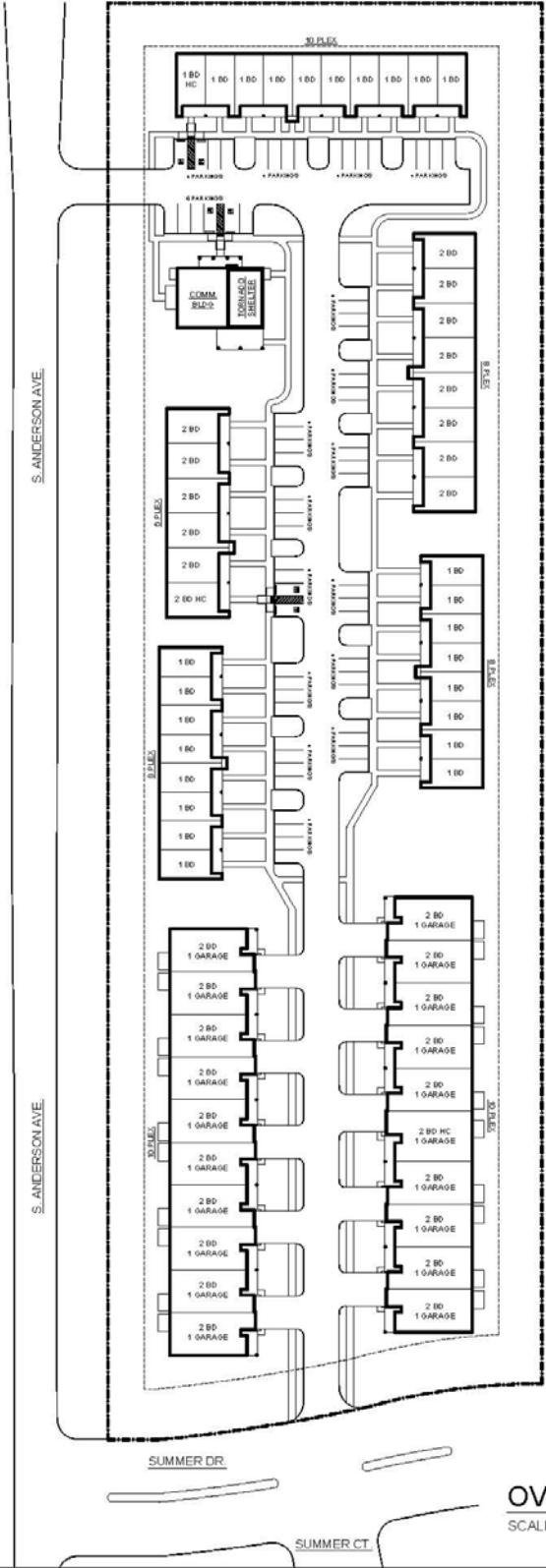
(First published in THE NEWTON KANSAN on November 10, 2018.)

*Garden Estates of Webb City Webb City, MO- 50 unit Single-Story Elderly Built in 2018*



*Redwood Garden Estates of Webb City (Conventional) Webb City, MO- 61 unit Single-Story Elderly Built in 2018*





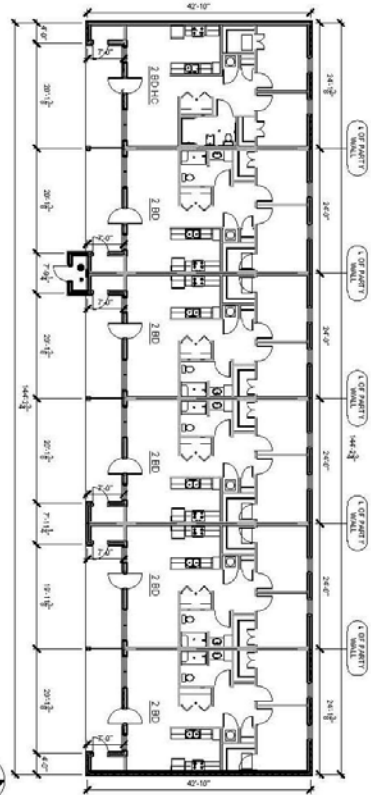
PROJECT DATA	
SITE AREA: 292,538 SF	
PARKING: 64 REGULARS, 6 HANDICAPS = 70 TOTAL	
1 BDRM:	25 @ 752 SF = 18,800 SF
1 BDRM HC:	1 @ 752 SF = 752 SF
2 BDRM:	13 @ 896 SF = 11,648 SF
2 BDRM HC:	1 @ 896 SF = 896 SF
2 BDRM 1 GARAGE:	19 @ 1,617 SF = 30,723 SF
2 BDRM HC 1 GARAGE:	1 @ 1,617 SF = 1,617 SF
<b>TOTAL:</b>	<b>60 UNITS = 64,436 SF</b>

- NOTES:**
1. PARKING LOT LIGHTING TO BE L.E.D.
  2. STORM SHELTER TO MEET ICC 500 BASED ON 2 PERSONS PER BEDROOM
  3. DROUGHT TOLERANT EXTERIOR PLANTING AND GRASS
  4. SECURITIES SYSTEM
  5. SMOKE FREE APARTMENT

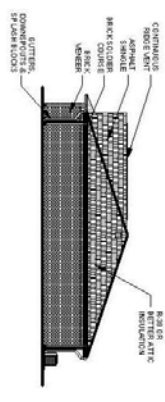
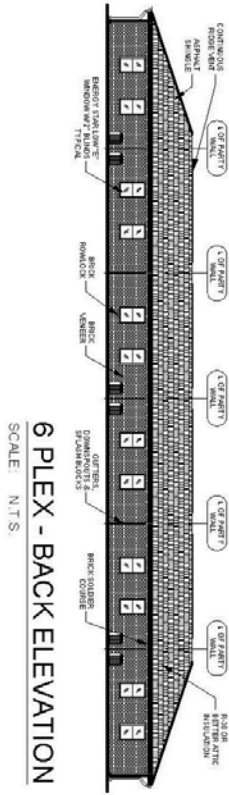
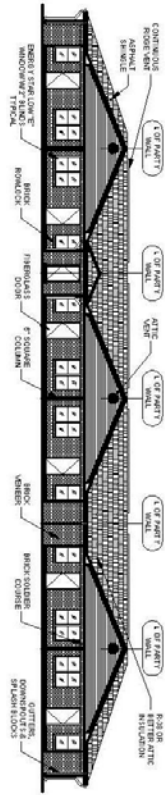
**OVERALL SITE PLAN**   
SCALE: NTS

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SHEET OF	<b>SENIOR APARTMENTS</b> REDWOOD DEVELOPMENT, INC. NEWTON KANSAS	<b>BLACKLEDGE &amp; ASSOCIATES ARCHITECT</b> 7116 N. BROADWAY EXTENSION, OKLAHOMA CITY, OKLAHOMA 73116 (405) 819-2825 (405) 819-2822 fax info@blackledgearchitects.com
	PROJECT NO: DATE: 12-14-18 REVISED:	LARRY K. BLACKLEDGE ARCHITECT



- NOTES:**
1. LED LIGHTING IN EACH UNIT
  2. SECURITY SYSTEM IN EACH UNIT



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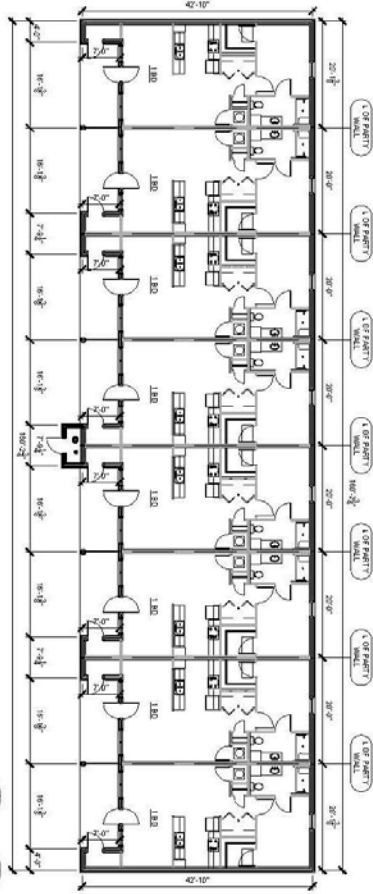
**SENIOR APARTMENTS**  
REDWOOD DEVELOPMENT, INC. KANSAS  
NEWTON

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7116 N. BROADWAY DTD2001, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2855 (405) 848-2862 fax: info@blackledgearchitects.com

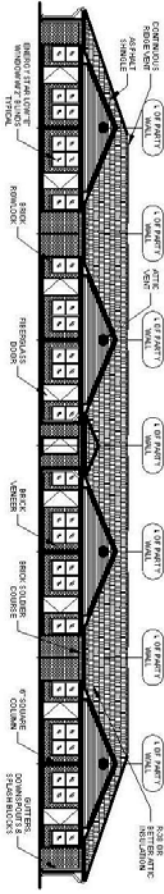
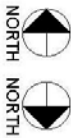
LARRY K. BLACKLEDGE  
ARCHITECT

PROJECT No.: DATE: 12-14-13 REVISED:

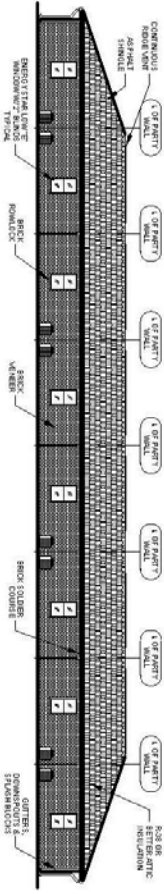
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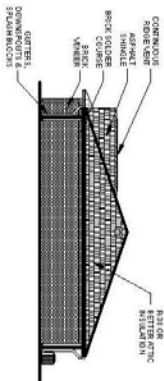
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SCALE: N.T.S.



**8 PLEX - FRONT ELEVATION**  
SCALE: N.T.S.



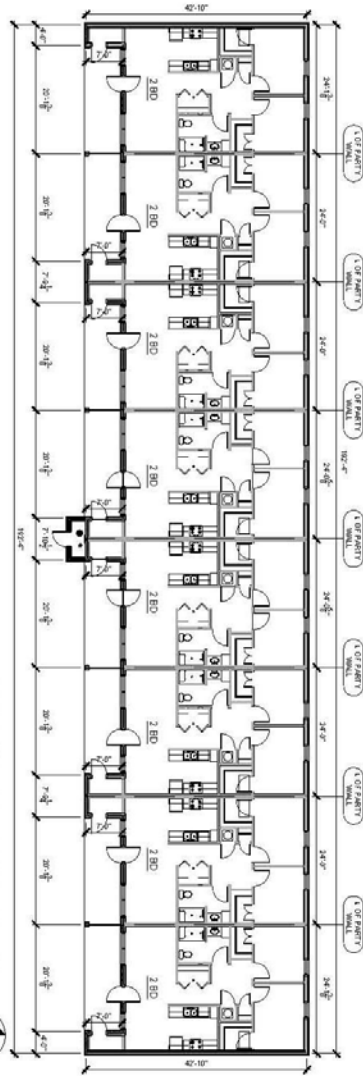
**8 PLEX - BACK ELEVATION**  
SCALE: N.T.S.



**8 PLEX - SIDE ELEVATION**  
SCALE: N.T.S.

<b>NOTES:</b>	
1.	LED LIGHTING IN EACH UNIT
2.	SECURITY SYSTEM IN EACH UNIT

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PROJECT NO:	DATE: 12-14-10	REVISED:
LARRY K. BLACKLEDGE ARCHITECT		

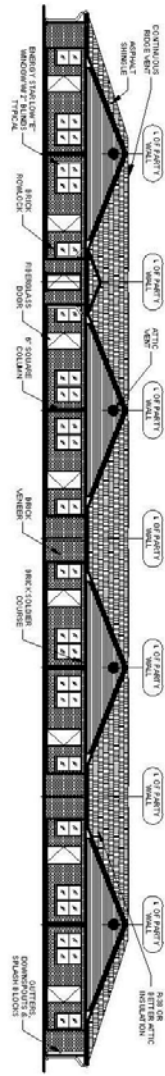


**8 PLEX - FLOOR PLAN**

SCALE: N.T.S.

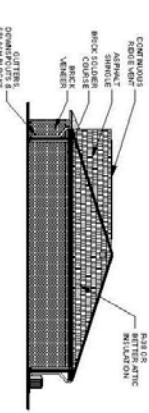


- NOTES:**
1. LED LIGHTING IN EACH UNIT
  2. SECURITY SYSTEM IN EACH UNIT



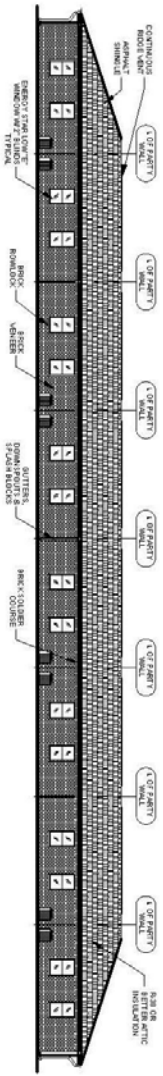
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SCALE: N.T.S.



**8 PLEX - SIDE ELEVATION**

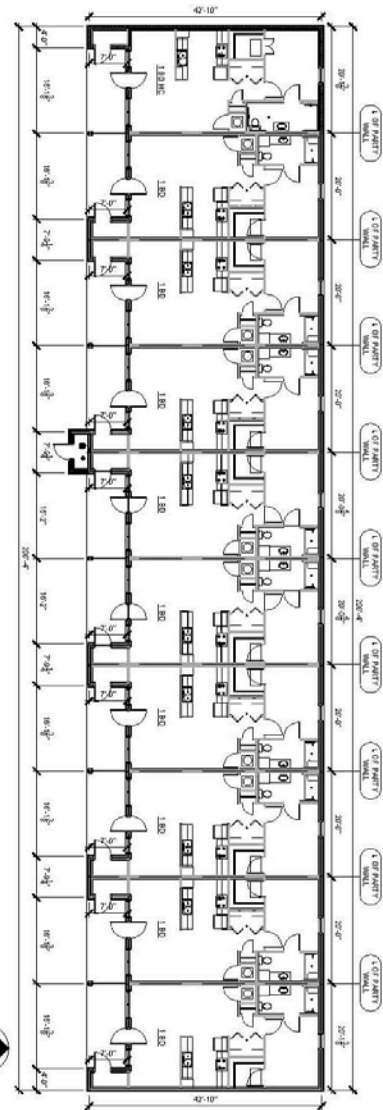
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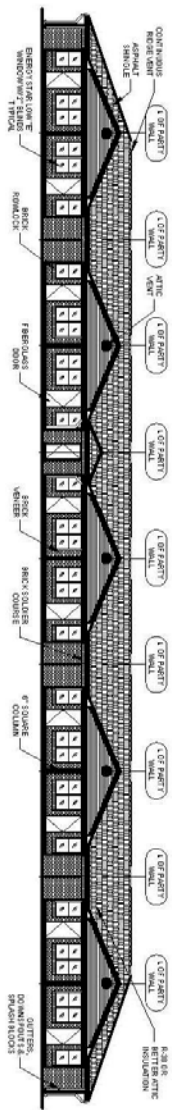
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SCALE: N.T.S.

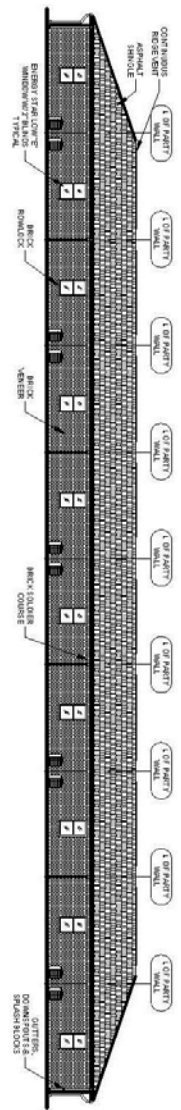
SHEET OF	<b>SENIOR APARTMENTS</b> REDWOOD DEVELOPMENT, INC. NEWTON KANSAS	<b>BLACKLEDGE &amp; ASSOCIATES ARCHITECT</b> 2415 N. BROWN ST. EXTENSION, OKLAHOMA CITY, OKLAHOMA 73116 (405) 516-2855 (405) 516-2862 fax info@blackledgearchitects.com	
PROJECT NO:	DATE: 12-14-18	REVISED:	LARRY K. BLACKLEDGE ARCHITECT



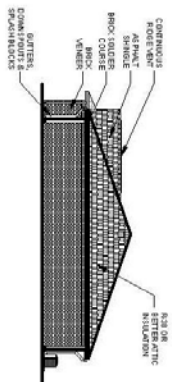
- NOTES:
1. LED LIGHTING IN EACH UNIT
  2. SECURITY SYSTEM IN EACH UNIT



10 PLEX - FRONT ELEVATION  
SCALE: N.T.S.



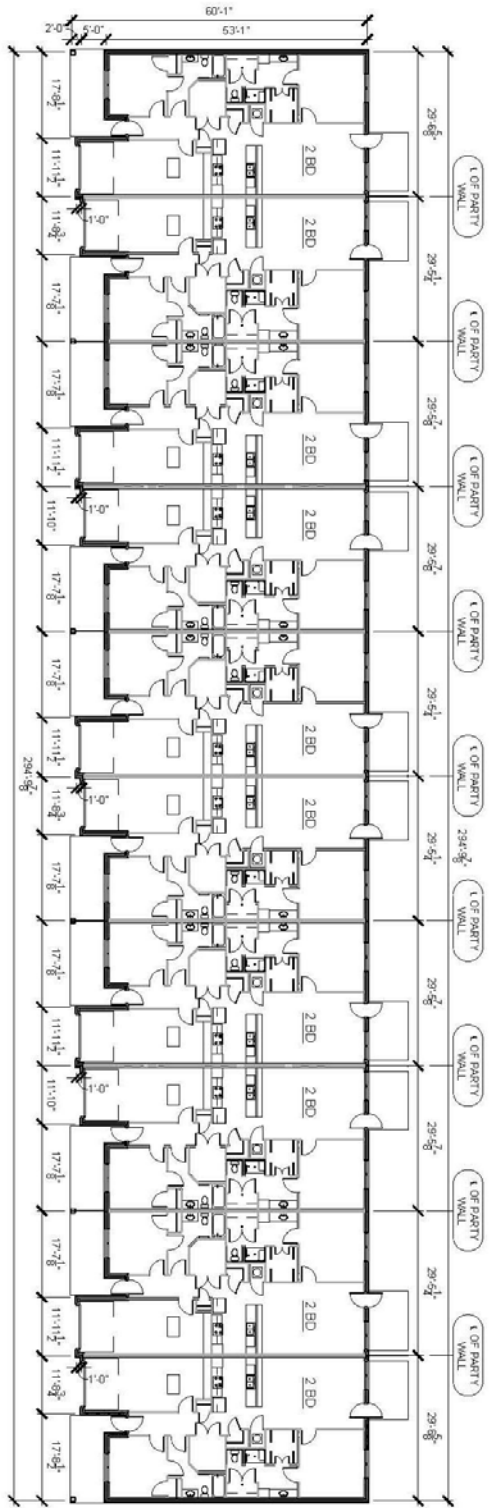
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SCALE: N.T.S.



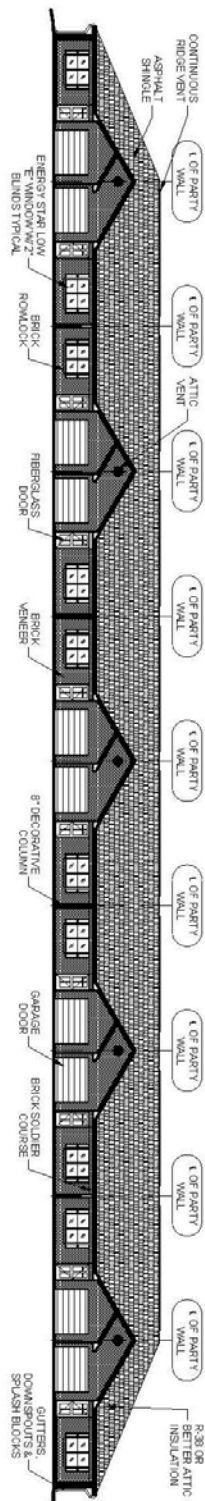
10 PLEX - SIDE ELEVATION  
SCALE: N.T.S.

SHEET OF	<b>SENIOR APARTMENTS</b> REDWOOD DEVELOPMENT, INC. KANSAS NEWTON	<b>BLACKLEDGE &amp; ASSOCIATES ARCHITECT</b> 7115 N. BROADWAY DISTRICT, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2855 (405) 848-2862 for info@blackledgearchitect.com	
PROJECT No. _____ DATE: 12-14-10 REVISED: _____		LARRY K. BLACKLEDGE ARCHITECT	





10 PLEX - 1 GARAGE  
FLOOR PLAN  
SCALE: N.T.S.



10 PLEX - 1 GARAGE  
FRONT ELEVATION  
SCALE: N.T.S.

- NOTES:
1. LED LIGHTING IN EACH UNIT
  2. SECURITY SYSTEM IN EACH UNIT

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NEWTON KANSAS

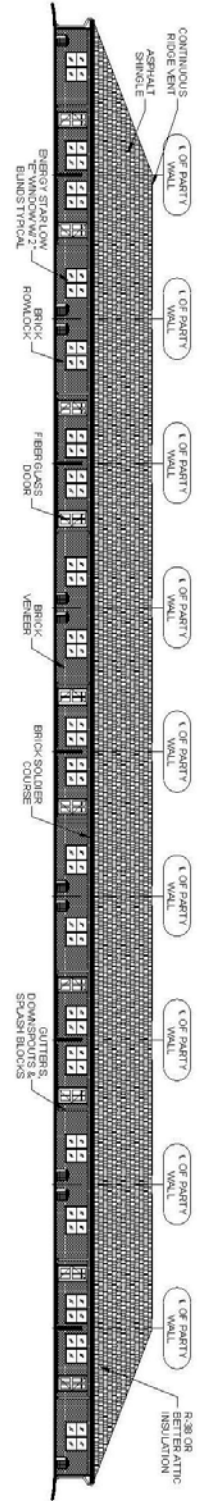
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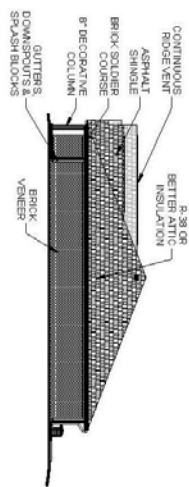
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ARCHITECT

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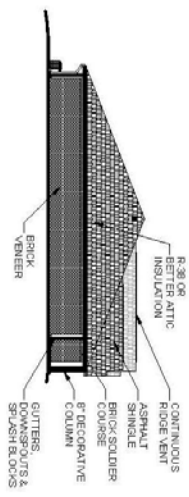


10 PLEX - 1 GARAGE  
BACK PLAN  
SCALE: N.T.S.

NOTES:  
1. LED LIGHTING IN EACH UNIT  
2. SECURITY SYSTEM IN EACH UNIT



10 PLEX - 1 GARAGE  
SIDE ELEVATION  
SCALE: N.T.S.



10 PLEX - 1 GARAGE  
SIDE ELEVATION  
SCALE: N.T.S.

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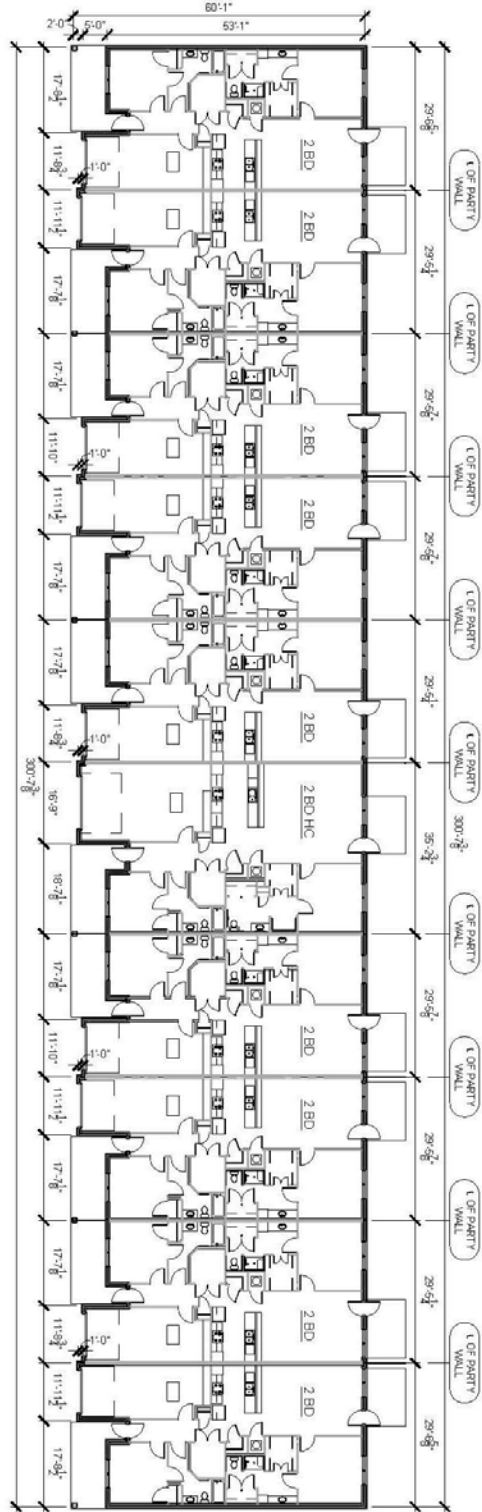
**SENIOR APARTMENTS**  
REDWOOD DEVELOPMENT, INC.  
NEWTON KANSAS

PROJECT No: \_\_\_\_\_ DATE: 12-14-13 REVISED: \_\_\_\_\_

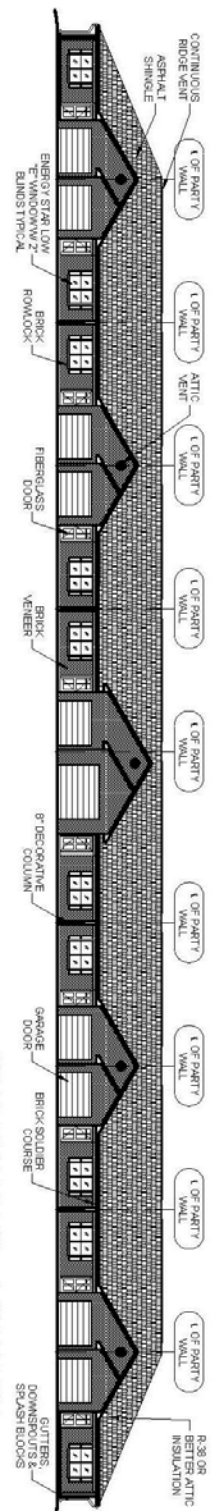
**BLACKLEDGE & ASSOCIATES ARCHITECT**  
7116 N. BIDWYR OYENSON, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2855 (405) 848-2862 for info@blackledgearchitects.com

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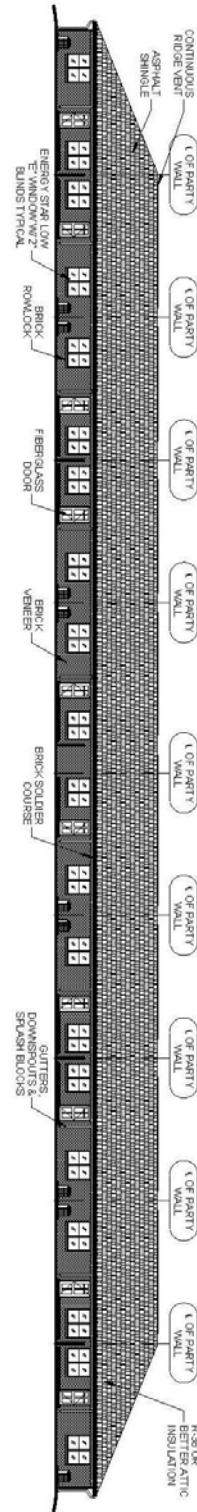
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FLOOR PLAN  
SCALE: N.T.S.



10 PLEX W/ HC - 1 GARAGE  
FRONT ELEVATION  
SCALE: N.T.S.

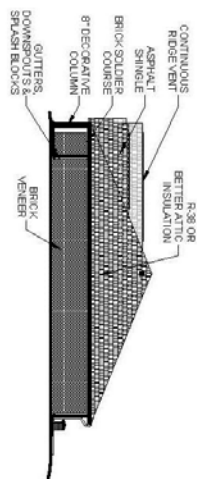
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  2. SECURITY SYSTEM IN EACH UNIT

SHEET OF	<b>SENIOR APARTMENTS</b> REDWOOD DEVELOPMENT, INC. NEWTON KANSAS	<b>BLACKLEDGE &amp; ASSOCIATES ARCHITECT</b> 7116 N. BROADWAY CIRCLE, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2855 (405) 848-2863 for info@blackledgearchitects.com LARRY K. BLACKLEDGE ARCHITECT
PROJECT No.	DATE: 12-14-18	REVISED:

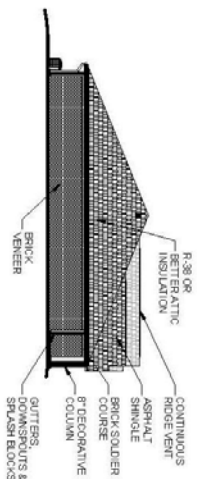


**10 PLEX W/ HC - 1 GARAGE  
BACK ELEVATION**  
SCALE: N.T.S.

- |  |
|--|
| <p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1. LED LIGHTING IN EACH UNIT</li> <li>2. SECURITY SYSTEM IN EACH UNIT</li> </ol> |
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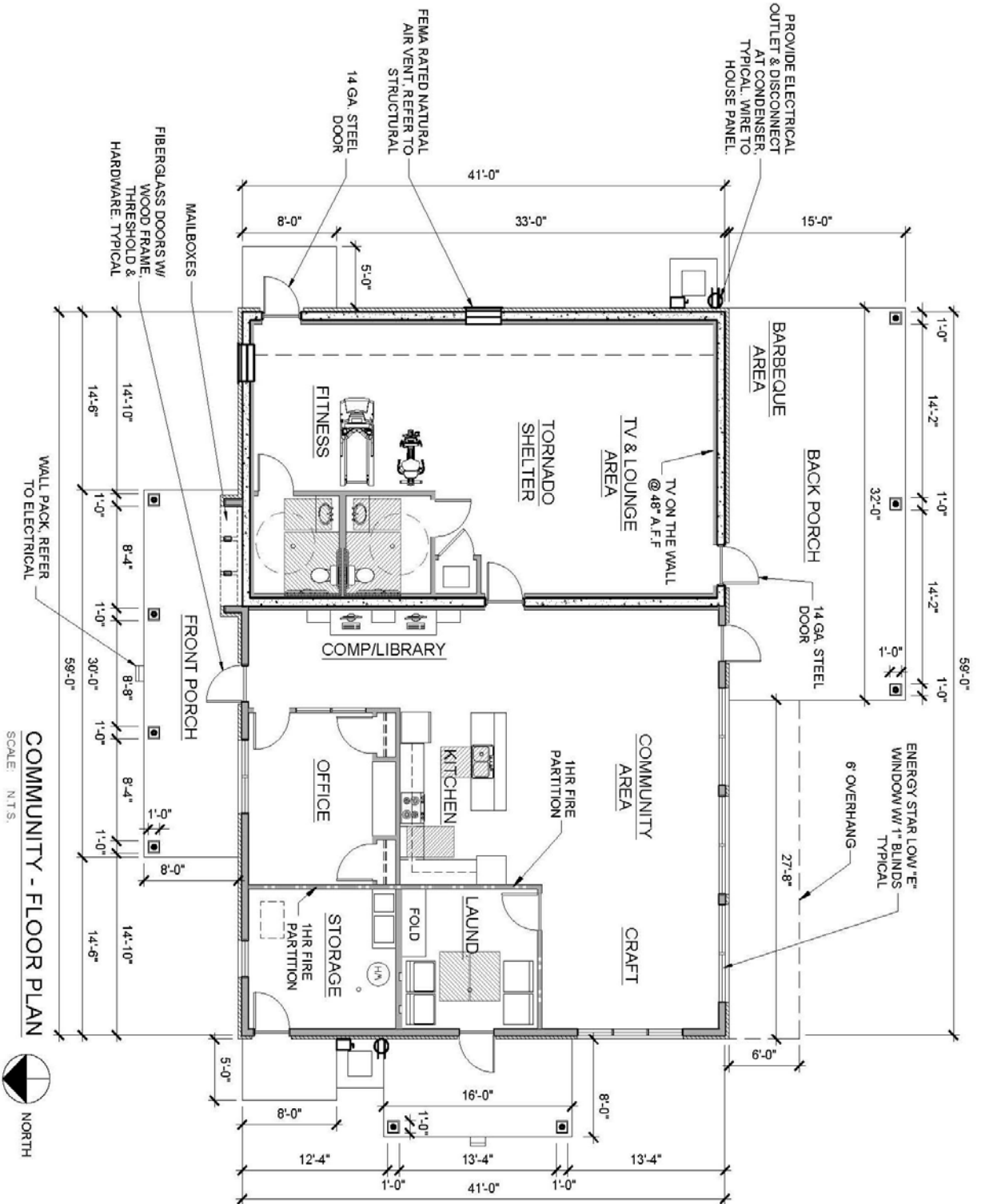


**10 PLEX W/ HC - 1 GARAGE  
SIDE ELEVATION**  
SCALE: N.T.S.



**10 PLEX W/ HC - 1 GARAGE  
SIDE ELEVATION**  
SCALE: N.T.S.

<p><b>SENIOR APARTMENTS</b> REDWOOD DEVELOPMENT, INC. NEWTON KANSAS</p>	<p><b>BLACKLEDGE &amp; ASSOCIATES ARCHITECT</b> 2416 N. BROADWAY EXTENSION, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2855 (405) 848-2862 for info@blackledgearchitect.com</p>
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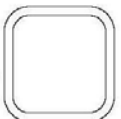
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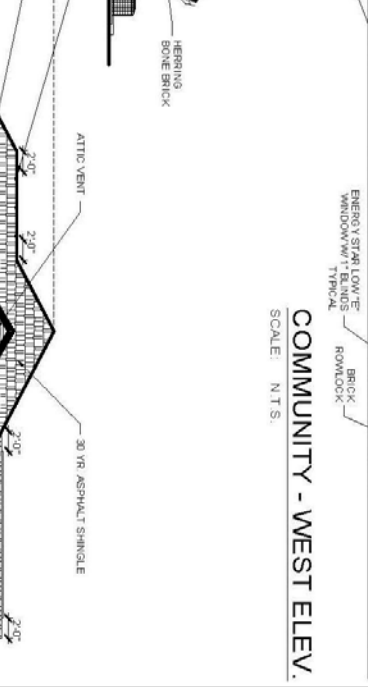
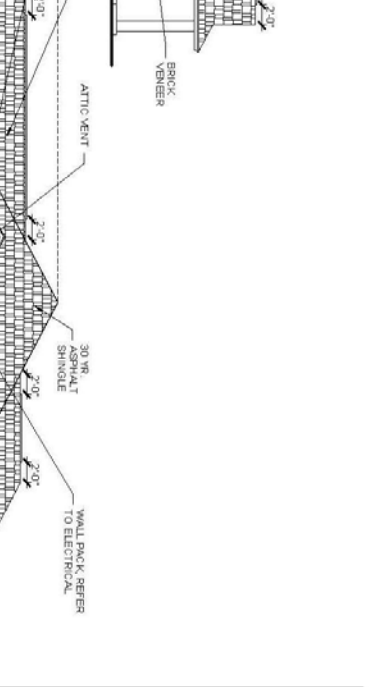
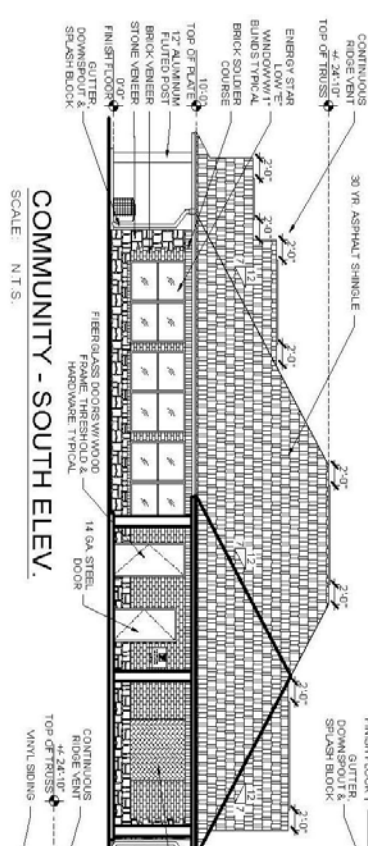


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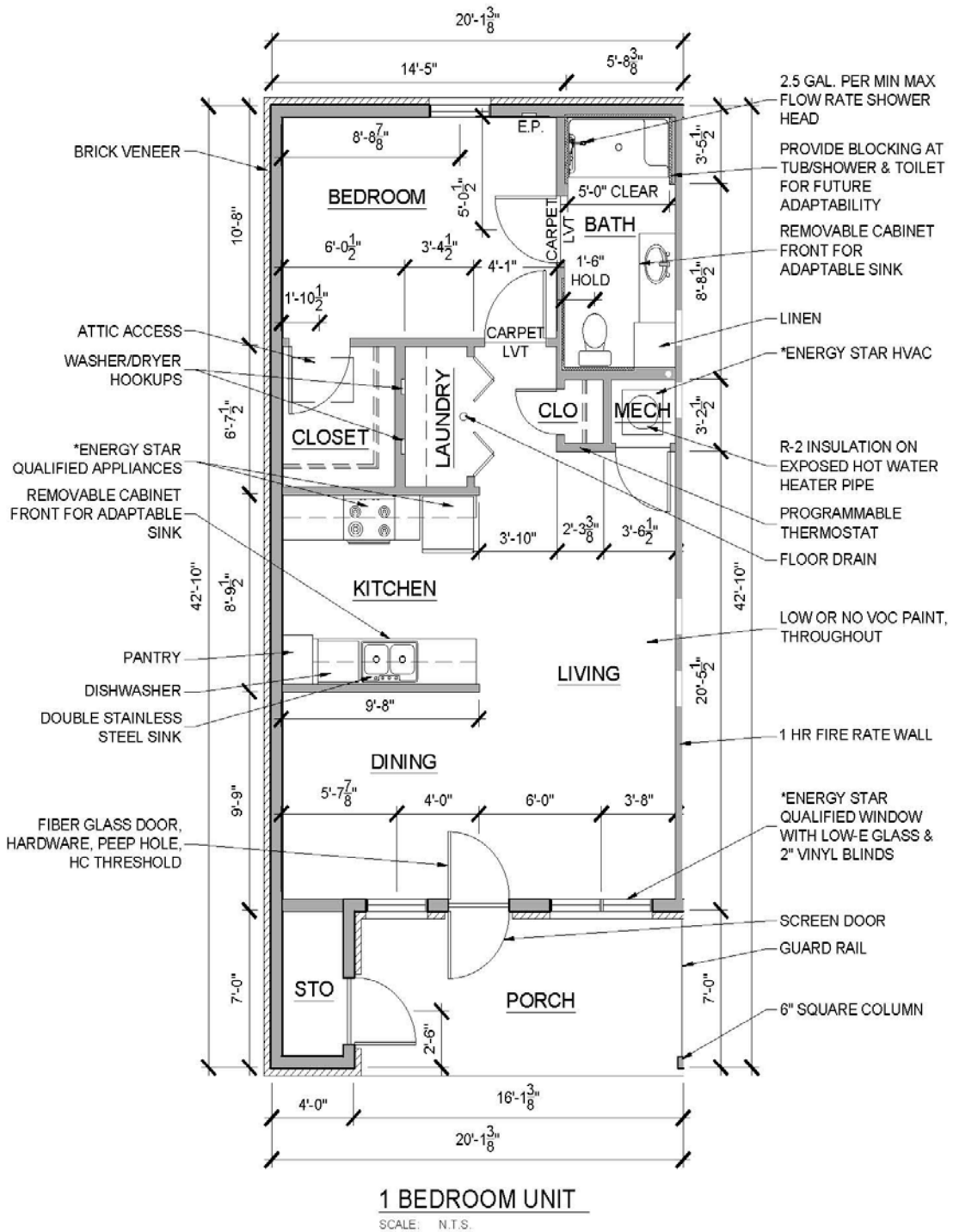
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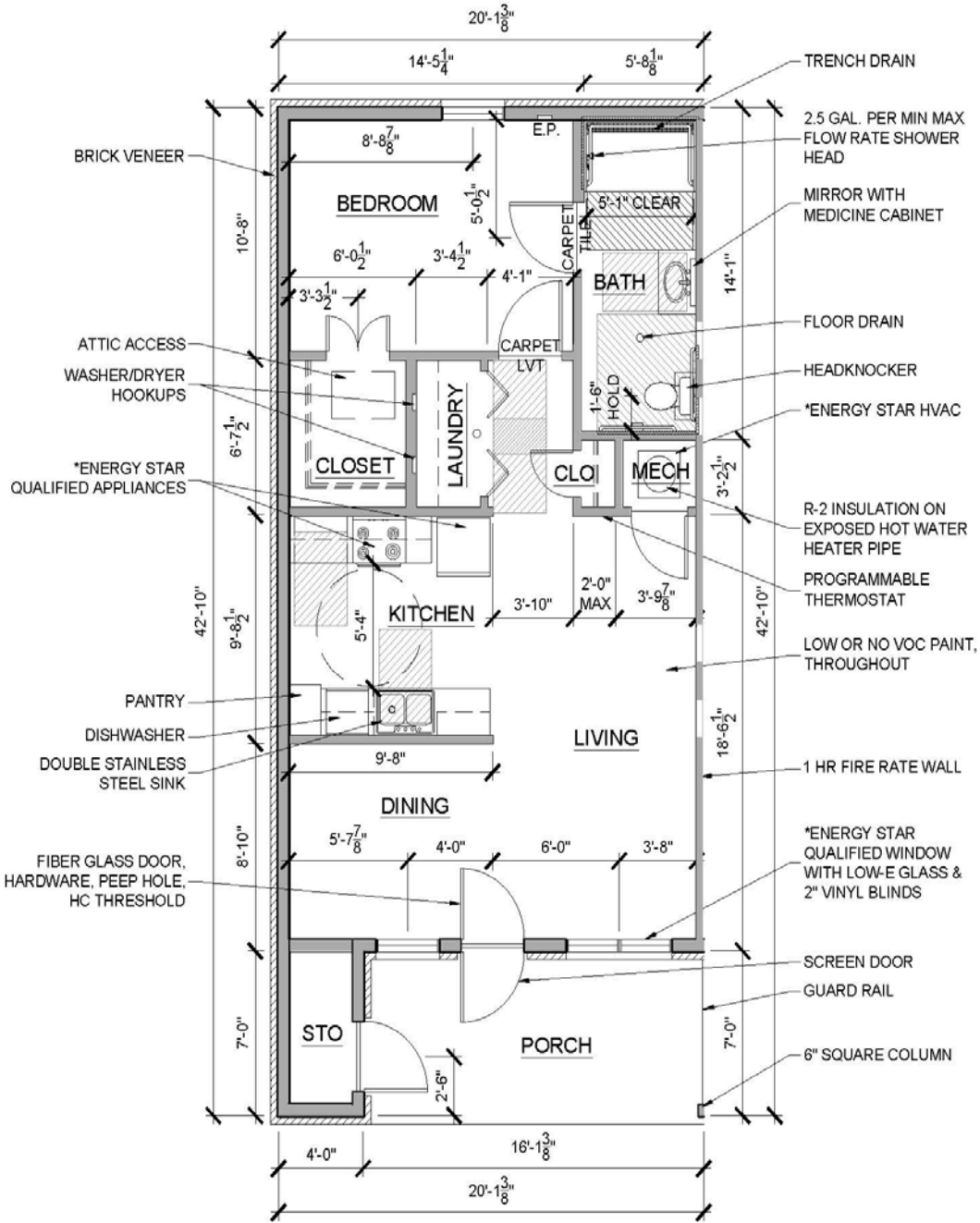
7116 N. BROADWAY EXTENSION, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2855 (405) 848-2862 for info@blackledgearchitects.com


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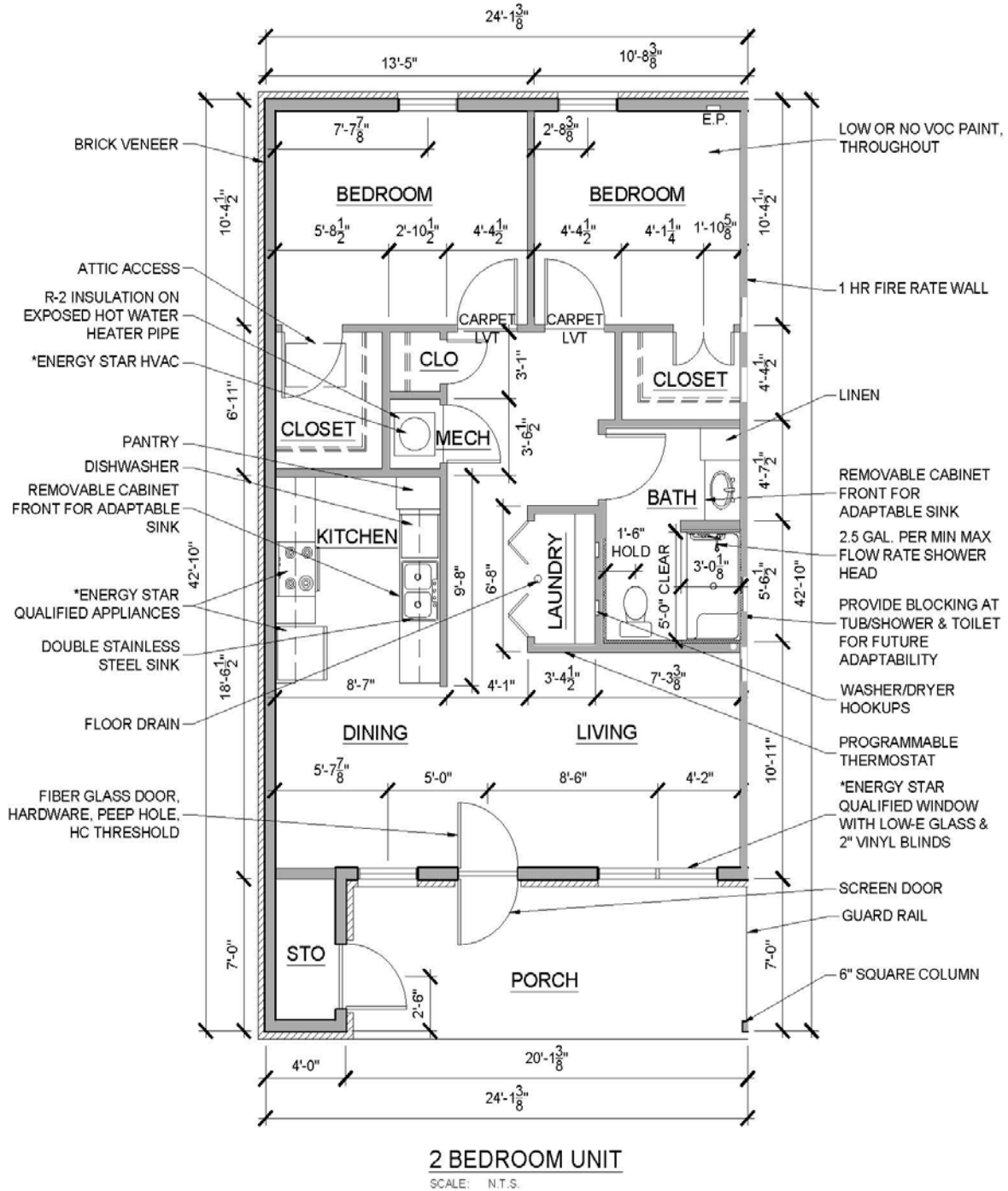


SHEET OF	<b>SENIOR APARTMENTS</b> REDWOOD DEVELOPMENT, INC. NEWTON KANSAS		<b>BLACKLEDGE &amp; ASSOCIATES ARCHITECT</b> 7416 N. BROADWAY EXTENSION, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2925 (405) 848-2822 for info@blackledgearchitects.com LARRY K. BLACKLEDGE ARCHITECT
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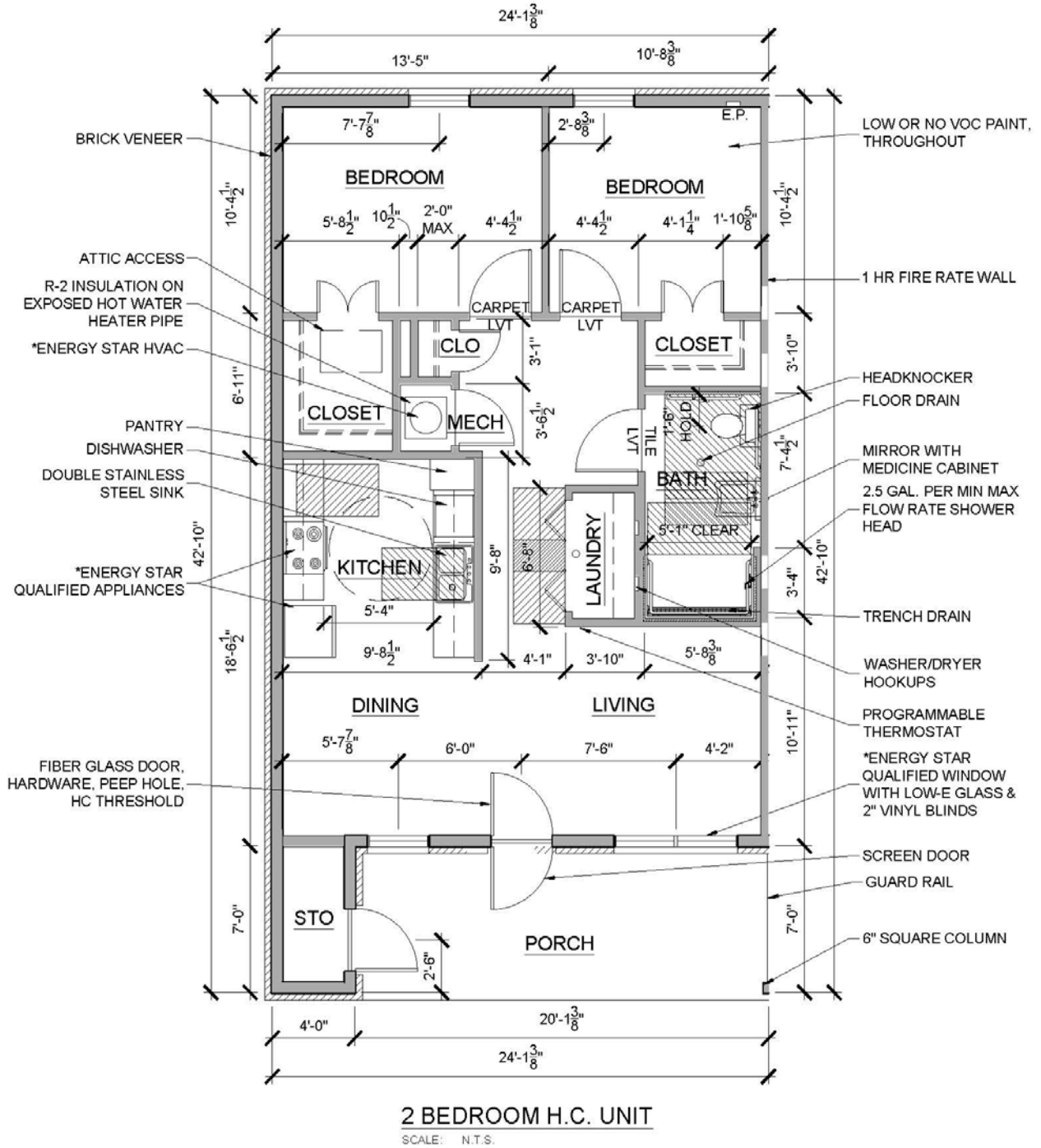


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NEWTON

PROJECT No: DATE: 12-14-18 REVISED:

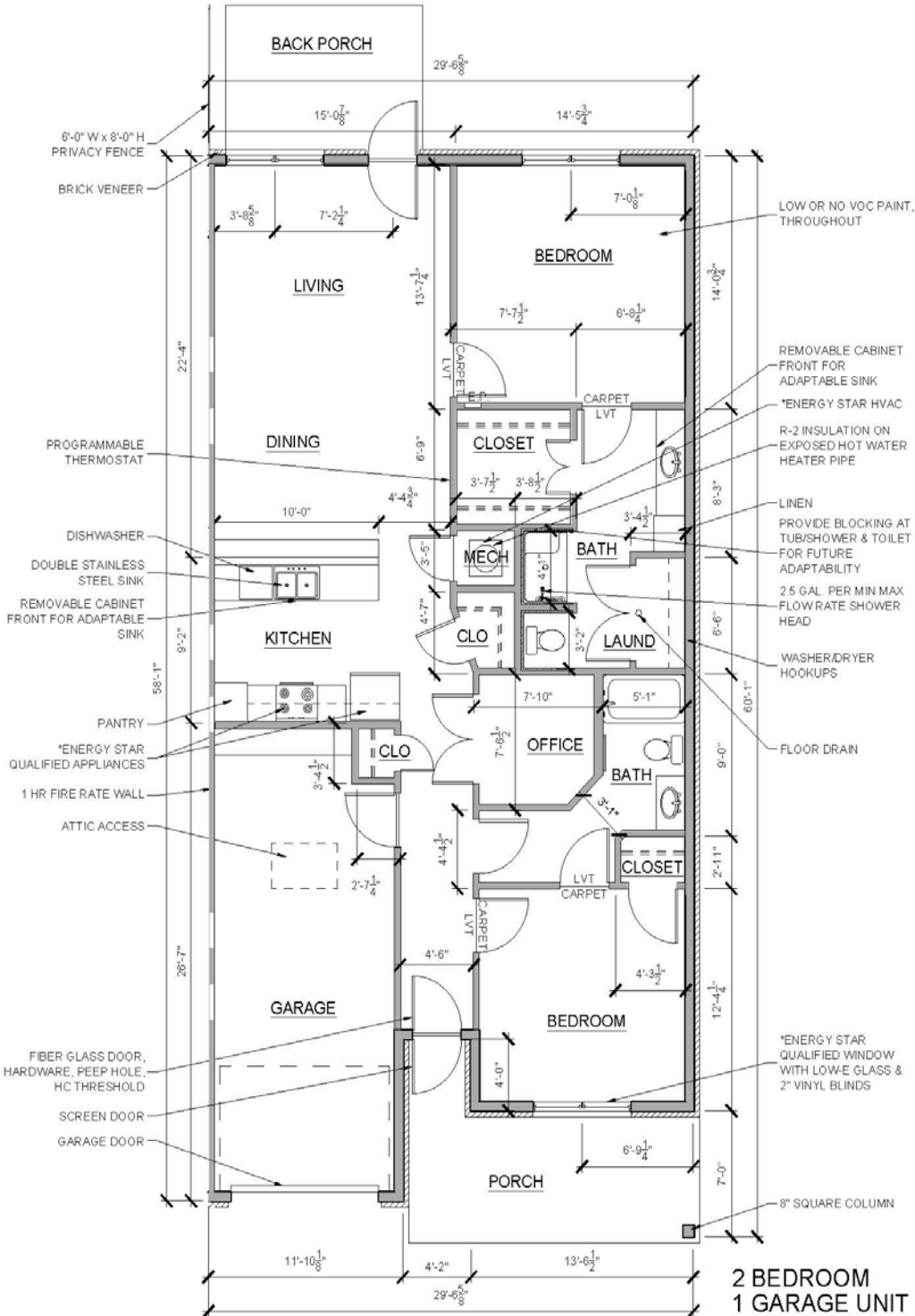


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7416 N. BIRKENBY EXTENSION, OKLAHOMA CITY, OKLAHOMA 73115 (405) 648-2925 (405) 648-2922 fax info@blackledgearchitects.com

LARRY K. BLACKLEDGE  
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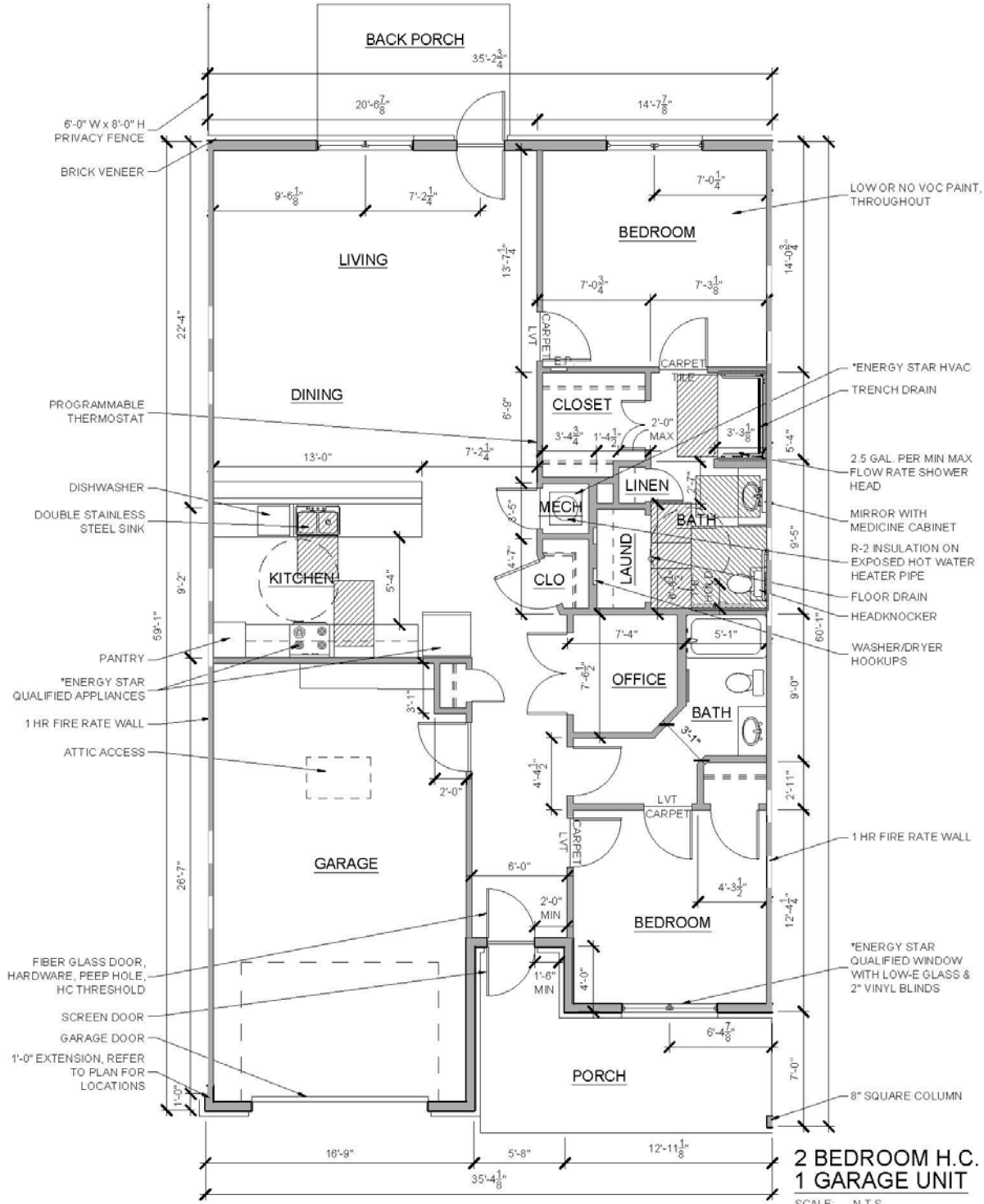




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OF	<b>NEWTON KANSAS</b>	7414 N. BROADWAY EXTENSION, OKLAHOMA CITY, OKLAHOMA 73116 (405) 848-2655 (405) 848-2882 fax info@blackledgearchitects.com
PROJECT NO:	DATE: 10-14-18	REVISION:

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NEWTON KANSAS

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ARCHITECT

PROJECT NO: DATE: 12-14-18 REVISED:

**NEWTON-NORTH NEWTON PLANNING COMMISSION  
REGULAR MEETING  
December 3, 2018**

**Members present-**

**Newton:** Dan Harder (6-0), Julie Yoder (11-1)  
Jordan Miller (12-0), James Ontiveros (9-1)

**North Newton:** Gary Roth (10-2)

**Members absent-**

**Newton:** Carl Harris (9-3), Jay Sommerfeld (5-5)

**North Newton:** Tyson Weidenbener (8-4), Joe Slechta (9-3)

[Note: attendance-recording period runs from 6-4-18 to 5-31-19]

**Staff present:**

**Newton:** Ryan Sellers, City Planner  
Mark Jenkins, Building & Zoning Administrator  
Christopher Towle, City Attorney

The Newton-North Newton Area Planning Commission met on December 3, 2018 in a regular meeting at the Newton City Hall commission chambers, 201 East 6<sup>th</sup> Street, Newton, Kansas. At 7:00 p.m. With the Chair and Vice Chair being absent and a quorum present, City Attorney Chris Towle called the meeting to order. Commissioner Ontiveros moved that Commissioner Miller serve as acting chair and Commissioner Yoder seconded this motion. Motion carried, 5-0.

**AGENDA ITEM NO. 1**

**Consider approval of the November 5, 2018 meeting minutes.**

Commissioner Ontiveros moved and Commissioner Yoder seconded to approve the minutes as presented. Motion carried, 5-0.

**AGENDA ITEM NO. 2**

**Consider, and conduct a public hearing on, an application for a Zoning Amendment request to property owned by Harder Properties LLC, located on S Anderson Ave and Summer Drive, to be rezoned from an R-1 (Single-Family Dwelling District) zoning classification to an R-3 (Multi-family Dwelling District) zoning classification. The property is legally described as: Lots Twenty-one (21) through (40), inclusive, Block Two (2); Lots Twelve (12) through Twenty-two (22), inclusive, Block Six (6); all of Block Seven (7); and Lots One (1) through Four (4), inclusive, of Block Eight (8), Summer Crossing Addition, a**

**Replat of a portion of Fieldstone Subdivision, an Addition to Newton, Harvey County, Kansas.**

Ryan Sellers, City Planner, presented the staff report. The applicant, Harder Properties LLC, represented by Mr. Ron Harder, has requested a Zoning District Amendment for properties located east of S. Anderson Ave, north of Summer Drive (and north of 24<sup>th</sup> Street). Mr. Harder wishes to rezone this property from an R-1 (Single-Family Dwelling) District to an R-3 (Multi-family Dwelling) District. The legal description of the property is:

**Lots Twenty-one (21) through (40), inclusive, Block Two (2); Lots Twelve (12) through Twenty-two (22), inclusive, Block Six (6); all of Block Seven (7); and Lots One (1) through Four (4), inclusive, of Block Eight (8), Summer Crossing Addition, a Replat of a portion of Fieldstone Subdivision, an Addition to Newton, Harvey County, Kansas.**

This request was partially driven by a potential multi-family, senior (55+) housing development which would take place on approximately 6.74 acres, labeled on the plat map as Lot 40, Block 2. This property is adjacent to the east side of S. Anderson Avenue. The housing development is slated to be single-story buildings faced in brick or stone, and would include a club house with a kitchen, workout facility, library, and office. Staff reported that the proposal is in conformance with zoning code regulations, and the City's long-term land use plans that projects residential or light commercial zoning for this area of town. The proposal is also in conformance with the City's 2011 Housing Market Demand Analysis report that notes the need for additional single and multi-family housing in the southern part of town. The recommendation of the Planning Commission to approve or deny the requested zoning amendment will be forwarded in the form of a recommendation to the Newton City Commission for consideration and final action.

Acting Chair Miller asked the Commission for additional questions from the Commission of staff. Seeing no questions, Acting Chair Miller requested that the applicant, Ron Harder, speak. Mr. Harder noted that Lot 40 is the proposed site for a senior living complex (55+), as indicated by the report in the agenda packet. Commissioner Ontiveros asked Mr. Harder about dealings with Red-Wood Development, Inc. Commissioner Harder inquired about the upkeep of the property. Acting Chair Miller closed the applicant portion of the presentation and opened the public hearing. Eight individuals asked to speak during the public hearing. Those individuals were:

Orville Schmidt- 1913 S. Anderson  
Richard Evangelista- 2022 S. Chestnut  
Robert Thieszen- 2016 S. Poplar  
Greg Davenport- 2006 S. Chestnut  
Jake and Megan White-2015 S. Poplar  
Shawn Edgell- 2025 S. Chestnut  
Kendall Clark- 2021 S. Chestnut

The residents expressed their opinion that by allowing the change of zoning their property values would be negatively affected. They also stated that upon buying their properties

in the subdivision, they were told that this area would always be zoned R-1. They also expressed their desire for additional public notification of the hearing. Staff noted that the state and city ordinances for public notification had been met. Acting Chair Miller closed the public hearing and requested a motion from the bench.

Commissioner Ontiveros moved to deny the zoning amendment request based on the scope of the proposal being too large of an area and that everyone in the Summer Crossing Addition should have been notified. Commissioner Roth seconded to deny. Motion carried, 3-2.

### **AGENDA ITEM NO. 3**

**Consider a replat for lots owned by Darin Nattier, located on Casey Drive, submitted by Baughman Company, P.A. The property is legally described as: All of Lots One (1), Two (2), Three (3), Four (4), Block A, and all of Lots Sixteen (16), Seventeen (17), Eighteen (18), Block B, Sand Creek Station, an Addition to Newton, Harvey County, Kansas.**

Ryan Sellers, City Planner, reviewed the staff report. This replat is a follow-up action to the Flexible R-3 Development for Patio Homes site plan approved by the Planning Commission on October 1, 2018. The legal description of the property is:

**All of Lots One (1), Two (2), Three (3), Block A, and all of lots Sixteen (16), Seventeen (17), and Eighteen (18), Block B, Sand Creek Station, an Addition to Newton, Harvey County, Kansas.**

Staff recommended approval of the replat, noting it meets or exceeds zoning code requirements. There was no additional questions or discussion by the Commission. Chair Miller requested a motion from the bench.

Commissioner Harder moved and Commissioner Ontiveros seconded to approve the replat as presented. Motion carried 5-0.

### **AGENDA ITEM NO. 4**

**Consider a text amendment to the Zoning Ordinances of the City of Newton pertaining to Group Residences, that provides for an allowance of an administrative Special Use Permit (SUP) for Limited Group Residences under certain conditions.**

City Attorney Christopher Towle reviewed the staff report contained in the agenda packet. This update to the current ordinance regarding Group Residences and SUP's will allow City staff to administratively approve certain special use permits for group homes, specifically, group homes that serve as temporary shelters, when there is a need shown for the location of the shelter to remain undisclosed for the safety or security of the shelter residents or staff. The maximum occupancy for these group homes would be 6-15 people. Under the current ordinance, all SUP applications for group homes must include a public hearing and published notice of hearing, which discloses the address of the group home.

During the November 5, 2018 meeting, at the recommendation of Mr. Towle, the commissioners tabled this agenda item so that research could be conducted as to how other cities

in the area are handling this type of situation. Mr. Towle presented this research in the form of a memo addressed to the commissioners.

Acting Chair Miller asked the Commission for any additional questions for staff. None were reported. Acting Chair Miller opened the floor for the public hearing. Dave and Jan Jones, 7527 S Ridge Rd, were present to speak. They expressed concerns that this text amendment does not help with confidentiality of larger group residences (more than 15 occupants and staff).

Commissioner Harder had questions about how many people are involved with administrative approval. Mr. Towle referenced that the ordinance calls for Mark Jenkins, Zoning Administrator, in conjunction with the City Attorney. Acting Chair Miller requested a motion from the bench.

Commissioner Roth moved, and Commissioner Ontiveros seconded, to approve the text amendment as presented. Motion carried, 5-0.

**AGENDA ITEM NO. 5**

**Old business.**

No old business was reported.

**AGENDA ITEM NO. 6**

**New business.**

No new business was reported.

There being no other business, the meeting adjourned at 9:33 p.m.

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Ryan Sellers  
Secretary