

**NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
June 1, 2020**

Members Present: **Newton:** Carl Harris (1-0), Denise Goodnite (1-0), Dan Harder (1-0), Jay Sommerfeld (1-0), Brian Scott (1-0), Arlan Newell (1-0)

North Newton: Gary Roth (1-0), Joe Slechta (1-0), Tyson Weidenbener (1-0)

[Note: attendance-recording period runs from 5-1-2020 to 4-30-2021]

Staff Present: **Newton:** Chris Towle, City Attorney
Justin Erickson, Building and Zoning Supervisor
Sara Schmidt, Recording Secretary/Administrative Assistant
Matt Mullens, Assistant City Attorney

The Newton-North Newton Area Planning Commission met on June 1, 2020 in a regular meeting at the Newton City Hall commission chambers, 201 E. 6th Street, Newton. At 6:00 p.m., a quorum was present, and Chair Harris called the meeting to order.

AGENDA ITEM NO. 1

Welcome and Introductions: New and Reappointed Members.

AGENDA ITEM NO. 2

Consider approval of the February 3, 2020 meeting minutes.

Commissioner Roth moved and Commissioner Sommerfeld seconded to approve the minutes. Motion carried.

AGENDA ITEM NO. 3

Consider and hold a public hearing on a variance application from Evan Larue of 1100 N. Main, 110 E 10th, 112 E 10th and Kimball-Batterman LLC of 1106 N. Main on behalf of Winston Parks from the regulations of Section 3.3, of the Newton-North Newton Zoning Ordinance which requires that structures in a P-O Zoning District maintain a front yard setback of 25' (ft), and a side yard setback of 20' (ft). If the variance is granted the property owner will be allowed to build with a reduced front yard setback of 5' (ft) and a side yard of 8' (ft). These properties are legally described as NEWTON ORIGINAL TWN, SEDG CO, S17, T23, R01E, BLOCK 9, W70 LTS 13 & 14 and NEWTON ORIGINAL TWN, SEDG CO, S17, T23, R01E, BLOCK 9, LOT 11,12 and S17, T23, R01E, BEG 70E SW COR LT 14 BLK 9, N50, E46, S50, W46 TO POB; AKA CEN 46 OF LTS 13 & 14 and NEWTON ORIGINAL TWN, SEDG CO, S17, T23, R01E, BLOCK 9, E34 LTS 13 & 14.

Building and Zoning Supervisor, Erickson presented the staff report included in the agenda packet.

Evan Larue, owner of the property, asked for clarification on the zoning. Staff verified that the property is zoned C-1.

Chair Harris opened the public hearing.

Gerald Miller, 107 E 10th St., spoke regarding drainage in the proposed area. He warned the Commissioners that water pools in the area and wanted them to be aware that the proposed building will need a good foundation. He also spoke to the increasing amount of traffic due to St. Mary's School and Church.

Commissioner Roth asked Mr. Miller to clarify if he is opposed to the variance request or if he only wishes to warn for possible issues. Mr. Miller stated that he is not opposed, he just wants the Commissioners to understand possible complications.

There being no others to speak, Chair Harris closed the public hearing and discussion was brought back to the bench.

Commissioner Newell asked for clarification on the setbacks and Commissioner Harder spoke to the drainage issue Mr. Miller brought to their attention.

Vice Chair Weidenbener moved and Commissioner Goodnite seconded to approve the variance. Motion carried.

AGENDA ITEM NO. 4

Receive a Resolution for the provision of Municipal Services to an area proposed for annexation by the City of Newton, Kansas located North of S.E. 12th and West of Hillside in the S.E. ¼ of the S.E. ¼ of Section 22, TWP23S, R1E, of Harvey County, Kansas.

City Attorney Towle presented the item and asked for an acknowledgement of receipt from the Planning Commissioners due to the City Commission approving the annexation in a regular session on April 28, 2020.

Vice Chair Weidenbener moved and Commissioner Slechta seconded receipt of the Resolution. Motion carried.

AGENDA ITEM NO. 5

Consider and hold a public hearing on a Special Use Permit Application for USD 373 to install a digital sign at Newton High School at 900 W. 12th St.

Building and Zoning Supervisor Erickson, presented the item and clarified that it would be to remove a pole sign and replace it with digital pole sign.

Commissioner Roth asked City Attorney Towle if there have been any digital pole signs in Residential Zones approved. Due to the new sign Ordinance, City Attorney Towle believes that this would be the first.

Chair Harris opened the public hearing.

Susan Rice, 920 Trinity Drive, expressed concerns about the size, lumens, duration and flashing of the proposed sign. Ms. Rice said that she would be able to see the sign from her backyard. Building and Zoning Supervisor Erickson clarified the size. Commissioner Goodnite asked if there are any limitations that digital pole signs are subject to. City Attorney Towle stated that there are lumen, flashing and movement restrictions that USD 373 would have to abide by. Commissioner Harris let Ms. Rice know that she can always call the City to have someone check if there are any regulations being violated.

Discussion was held over the size, regulations of duration of use of digital pole signs and whether a SUP can be revoked due to violations. City Attorney Towle stated that currently, a digital pole sign can be on 24/7, but an amendment could be made stating that a SUP could be revoked due to violations.

There being no others to speak, Chair Harris closed the public hearing and asked for a motion from the bench.

Commissioner Slechta moved and Commissioner Roth seconded to approve the Special Use Permit and encouraged USD 373 to be in conversation with residents. Motion carried.

AGENDA ITEM NO. 6

Adoption of 2021 Planning Commission Meeting Schedule.

Commissioner Roth recommended amending the April and September months.

Commissioner Harder moved and Commissioner Goodnite seconded to approve the meeting schedule with the amended changes. Motion carried.

AGENDA ITEM NO. 7

Election of 2020-2021 Officers

Commissioner Roth moved to retain all current officers. No second was made.

Chair Harris moved and Commissioner Harder seconded to nominate Vice Chair Weidenbener as Chair. Motion carried (8-1) with Chair Weidenbener voting nay.

Chair Weidenbener moved and Commissioner Sommerfeld seconded to nominate Commissioner Harder as Vice Chair. Motion carried.

Commissioner Scott moved and Commissioner Sommerfeld seconded to reappoint Sara Schmidt as Recording Secretary. Motion carried.

AGENDA ITEM NO. 8

Old Business: Consider and hold a public hearing on a proposed text amendment to Article XIII, regarding the Joint Board of Zoning Appeals. The hearing was tabled from the February 2, 2020 Planning Commission meeting.

City Attorney Towle presented the proposed text amendment and highlighted the changes that had been made to Sections 13.1-6, 13.3-4 and 13.4-1. Chair Weidenbener discussed a wording change to Section 12.3-4.

Commissioner Harris opened the public hearing. There being no one to speak, the public hearing was closed, and discussion was brought back to the bench.

Commissioner Newell asked for clarification on Section 13.1-6 he believed that 200 feet could be excessive.

Chair Weidenbener moved and Commissioner Scott seconded to approve the text amendment with the amended changes. Motion carried.

AGENDA ITEM NO. 9

New Business

City Attorney Towle discussed the Open Meetings Act and the regulations that Commissioners must adhere to.

AGENDA ITEM NO 10.

There being no other business to come before the Planning Commission, the meeting was adjourned at 7:09 p.m.



Sara Schmidt
Recording Secretary