



AGENDA
NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
November 2, 2020

The Newton–North Newton Area Planning Commission will meet Monday, November 2, 2020 at 6:00 p.m. at Newton City Hall, 201 East 6th Street, 3rd Floor Commission Chambers, Newton, Kansas, to consider the following:

1. Consider approval of the October 5, 2020 meeting minutes.
2. Consider and hold a public hearing on the issuance of a zoning amendment from the Kansas Department of Transportation pursuant to Article I of the City of Newton Zoning Ordinances for the purpose of the rezoning of the following property, located along the south side of SW 14th Street, west of Anderson Ave. The applicant requests that the property be zoned I-1, Light Industrial District, from the current A-1, Harvey County zoning designation of agricultural.
3. Consider and hold a public hearing on a variance application from Mr. and Mrs. Glimpse of 3005 Wildwood Way, North Newton of section 3.3 for the Newton-North Newton Zoning Ordinance which provides for a twenty-five-foot setback from the lot line. If granted, the variance would allow the placement of a structure within seventeen feet from the front lot line.
4. Consider a preliminary plat application for KDOT 522, submitted by PEC, on behalf of Owners and Sub-Dividers: Secretary of Transportation.
5. Consider a preliminary plat application for Claassen’s Second Addition, a replat of a portion of Block 31, Dexter’s Addition to the City of Newton, Harvey County, Kansas, in the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian submitted by Garber Surveying Service, P.A., on behalf of Claassen Family Investments, LLC.
6. Old Business
7. New Business
8. Adjournment

**NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
October 5, 2020**

Members Present: **Newton:** Carl Harris (3-0), Brian Scott (3-0), Arlan Newell (3-0), Dan Harder (2-1)

North Newton: Tyson Weidenbener (3-0), Gary Roth (3-0), Joe Slechta (2-1)

Members Absent: **Newton:** Jay Sommerfeld (1-2), Denise Goodnite (2-1)

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

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

The Newton-North Newton Area Planning Commission met on October 5, 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 Weidenbener called the meeting to order.

AGENDA ITEM NO. 1

Consider approval of the July 6, 2020 meeting minutes.

MOTION: Commissioner Harris moved and Commissioner Scott seconded to approve the minutes. Motion carried.

AGENDA ITEM NO. 2

Consider and hold a public hearing on a Special Use Permit Application for Trinity Heights United Methodist to install a digital sign at 1200 Boyd Ave.

A summary of the Special Use Permit Application was presented to the Commission. The Special Use Permit would allow the Church to replace the current message board with a digital sign. If approved, the Special Use Permit would be discussed at the October 13, 2020 City Commission meeting where a final motion would be made. Discussion was held over the location, size, and operation hours of the digital sign.

Commissioner Newell asked if a conflict of interest is present due to the fact that he lives within the Boyd Ave. neighborhood. Staff advised that no conflict of interest was present.

Chair Weidenbener opened the public hearing at 6:06 p.m.

Mr. Willis Heck thanked staff for their helpfulness throughout the application process.

There being no one else to speak, Chair Weidenbener closed the public hearing at 6:07 p.m., and discussion was brought back to the bench.

MOTION: Commissioner Harris moved and Commissioner Scott seconded to approve the Special Use Permit with the conditions the digital sign must be placed in the same location and of the same size as the current message board and shall only be operated during the hours of 7:00 a.m. to 9:00 p.m. Motion carried.

AGENDA ITEM NO. 3

Old Business

There was no old business to discuss.

AGENDA ITEM NO. 4

New Business

There was no new business to discuss.

AGENDA ITEM NO. 5

Adjournment

There being no further business, the Chair declared the meeting adjourned at 6:09 p.m.

Sara Schmidt
Recording Secretary

| COMMISSION COMMUNICATION | |
|--------------------------|------------|
| FOR MEETING OF | 11/02/2020 |
| AGENDA ITEM | 2 |
| FOR ACTION | ✓ |
| INFORMATION ONLY | |



Justin Erickson
Building and Zoning Supervisor
 jerickson@newtonkansas.com
 p: 316-284-6020
 201 E. Sixth, P.O. Box 426
 Newton, Kansas 67114-0426

October 20, 2020

To: Newton-North Newton Area Planning Commission
 From: Justin Erickson, Building and Zoning Supervisor

Re: Consider, and conduct a public hearing on, an application for a Zoning District Amendment for property located along the south side of SW 14th Street, west of Anderson Ave, north of Highway 50 from the current Harvey County A-1 (Agricultural District) to Newton I-1, Light Industrial District

Background:

Attached for your consideration is an application for a zoning district amendment, submitted to the Newton-North Newton Area Planning Commission by the property owner, Secretary of Transportation. The property is approximately 9.64 acres and is located along the south side of SW 14th Street, west of Anderson Ave, north of Highway 50.

The property is legally described as:

Commencing at the Northeast corner of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence West 1044 feet; thence South 634.5 feet; thence East 1044 feet; thence North 634.5 feet to the point of beginning, EXCEPT all portions acquired for public right-of-way purposes.

Additional Information:

The applicant is requesting a zoning amendment from the current Harvey County A-1 (Agricultural District) zoning classification to an I-1 (Light Industrial District) classification. A map showing the surrounding properties zoning designations is included following this report as Attachment E.

Additional supporting documentation is attached following this report.

The action to be taken by the Planning Commission following conclusion of the public hearing will take the form of a recommendation to the Newton City Commission, who have final authority to act upon the request.

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.

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 (ReNewton), 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 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 south side of SW 14th Street, west of Anderson Ave, north of Highway 50. The land is currently zoned Harvey County A-1 (Agricultural District). The City's Future Land Use Map (ReNewton, p.67) identifies this as an area suited for continued industrial development.

The property immediately to the north across SW 14th is zoned Harvey County A-1 (Agricultural).

The property to the east with the separation of Anderson Avenue is C-2 General Business District.

The property immediately to the south separated by Hwy 50 is zoned C-2 General Business District.

The property immediately to the west is zoned Harvey County A-1 (Agricultural).

Please see the map included as Attachment E for a graphic representation of the zoning of the surrounding properties. Application of the requested zoning is consistent with the current surrounding development.

- (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: I-2 zoning provides for specific industrial activities including, but not limited to:

Same as:

- I-1:
 - Light Manufacturing operations, providing that such use is not noxious or offensive by reason or vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
 - Building material.
 - Contractor's office.
 - Warehouses.
 - Animal hospitals.
 - Automatic and wand car washes.
 - Storage Garages.
 - Mobile Home sales yard.
- I-2:
 - Manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
 - Grain elevators.
 - Other uses not specifically permitted in any other district but deemed acceptable by the Building & Zoning Administrator and the City.

- (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 near this site and will be determined during the platting process.

- (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 landowner(s) relative to the public gain.**

STAFF COMMENTS: The land is going to need a zoning change if the property is to be developed for light industrial.

Again, when the Planning Commission considers 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 that the Commission includes 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 recommendation to the Newton City Commission for consideration. The recommendation will be contingent on annexation into the City of Newton at the November 24th City Commission meeting @ 12:00 P.M.

Attachments:

- A. Zoning District Amendment Application
- B. Property Ownership Notification List for Public Hearing
- C. Notice of Public Hearing
- D. Affidavit of Publication
- E. Current Zoning Map
- F. Future Land Use Map – Comprehensive Plan (ReNewton)

Newton/North Newton Area Planning Commission Zoning District Amendment Application

Applicant(s) Information Name: Kansas Department of Transportation
Address: 500 North Hendricks
Hutchinson, KS 67501
Phone: 620-860-7387

Property Owner(s) Name: _____
Address: _____
[if different] _____
Phone: _____

Street address of property: S. of 14th Street, W. of Anderson Road
Legal description of property: see attached

Present zoning of subject property: County Requested zoning: I-1 Light Industrial

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.

David A. Berman 8-21-20 _____
Signature(s) of Applicant(s) Date Signature(s) of Owner(s) Date

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

OWNERSHIP LIST

Prepared by
SECURITY 1ST TITLE
September 15, 2020 at 7:39 AM

Tracts within 200 feet (in the City) and 1000 feet (in the County) of the following described property, using the map provided by PEC, PA:

Commencing at the Northeast corner of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence West 1044 feet; thence South 634.5 feet; thence East 1044 feet; thence North 634.5 feet to the point of beginning, EXCEPT all portions acquired for public right-of-way purposes.

The Secretary of Transportation of the
State of Kansas
700 SW Harrison ST #FL7
Topeka, KS 66603

ROCK SHORE LAKE, NEWTON
Block 1

Lots 1 & 3

Rock Shore Lake, LLC
1633 N Rock RD
Wichita, KS 67206-1224

METES AND BOUNDS DESCRIPTIONS

Southwest Quarter (SW/4) Section 20-23-1E

Beg. SW/c SW/4; N 354.5 ft.; E 152 ft.; S 354.5 ft. to S line SW/4; W 152 ft. to pob.

Matthew Hummingbird
608 SW 14th ST
Newton, KS 67114-4705

Beg. 603.14 ft. N of SW/c Sec. 20; E 275.95 ft.; S 563.14 ft.; W 123.95 ft.; N 314.5 ft.; W 152 ft.; N 248.64 ft. to pob.

The Eldon H. and Caroline N. Janzen Trust
dated October 21, 2009
636 Sherman DR
Newton, KS 67114-4035

Tr. 1: Beg. 40 ft. N & 558.50 ft. E of SW/c SW/4 Sec. 20; N 330.6 ft.; W 263.52 ft.; S 330.6 ft.; E 263.52 ft. to pob.
Tr. 2: Beg. 275.95 ft. E & 40 ft. N of SW/c Sec. 20; N 563.14 ft.; E 257.55 ft.; S 28.54 ft.; E 205 ft.; S 204 ft.; W 443.5 ft.; S 330.6 ft.; W 19.05 ft. to pob.

Ray L. Rexroat & Jodi L. Rexroat
522 SW 14th ST
Newton, KS 67114-4704

Beg. 603.14 ft. N & 533.5 ft. E of SW/c Sec. 20; N 250.44 ft.; E 435 ft.; S 222 ft.; W 230 ft.; S 57 ft.; W 205 ft.; N 28.54 ft. to pob.

Lee A. Spencer II & Vivian Spencer
5324 W Lake AVE
Glendale, AZ 85301-6039

Tr. 1: Beg. 901.65 ft. N of SW/c Sec. 20; E 245 ft.; S 179.07 ft.; E 288.5 ft.; S 119.44 ft.; W 533.5 ft.; N 298.51 ft. to pob.
Tr. 2: Beg. 533.5 ft. E & 722.58 ft. N of SW/c Sec. 20; N 272 ft.; W 288.50 ft.; S 272 ft.; E 288.50 ft. to pob.

Michael J. Dudte & S. Rebecca Dudte
601 SW 11th ST
Newton, KS 67114-4727

Attachment B – Continued

Beg. 1153.58 ft. N of SW/c SW/4, E 533.5 ft.; S 159 ft.; W 288.5 ft.; S 92.93 ft.; W 245 ft.; N 251.93 ft. to pob.

Lee A. Spencer II
5324 W Luke AVE
Glendale, AZ 85301-6039

East Half (E/2) Section 19-23-1E

Beg. SE/c SE/4, N 2640.62 ft. to NE/c SE/4, N 465.13 ft.; N70°W 95.73 ft. to point 50 ft. SEly of Ctrline Main Track AT&SR RR; S17°W 2381.62 ft.; curve SWly 828.95 ft.; S31°W 140.54 ft. to S line Sec. 19; E 1291.69 ft. to pob.

The Milton A. Claassen Trust dated
December 1, 1994 (Restated 1998)
523 Holly LN
Newton, KS 67114-4633

Northeast Quarter (NE/4) Section 30-23-1E

All that part of the following tract lying N of N'y r/w line US Hwy 50 (re: Deed 152-148): Beg. 1044 ft. W of NE/c Sec. 30; S 1230 ft.; W to r/w RR; Nely to N line Sec. 30; E to pob, EXCEPT that part conveyed for Hwy purposes.

Ronald C. Nye & Marilyn K. Nye
6601 E 1st ST
Newton, KS 67114-9646

Comm. NW/c NE/4 Sec. 30; E 409 ft. for pob; E 822.67 ft. to Wly r/w line RR; SWly along r/w line 142.95 ft.; curve to left-Sly 398.70 ft. to Nly r/w line US Hwy 50; Rt-Wly along Hwy r/w 548.16 ft.; N 492.37 ft. to pob.

Source of Light-Kansas, Inc.
PO Box 149
Newton, KS 67114-0149

This report is not a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance commitment, or any form of title insurance or guaranty. This report is issued exclusively for the benefits of the applicant therefore, and may not be relied upon by any other person. Security 1st Title does not represent or warrant that the information herein is complete or free from error, and as a material part of the consideration given in exchange for the issuance of this report, recipient agrees that Security 1st Title's sole liability for any loss or damage caused by an error or omission in this report shall be limited to the fee charged for the report, whether such error or omission results from negligence, accident, or other cause. All other liability for loss or damage is expressly disclaimed. Recipient accepts this report with this limitation and agrees that Security 1st Title would not have issued this report but for the limitation of liability described above. Security 1st Title makes no representation or warrant as to the legality or propriety of recipient's use of the information herein.

That the undersigned is a duly licensed and qualified abstractor in and for the county and state aforesaid, a member in good standing of the Kansas Title Association and the American Title Association, whose bond as required by law is in force at the date of this certificate.

Dated at Newton, Kansas, this 15th day of September, 2020, at 7:59 AM

SECURITY 1ST TITLE
By Darlene M. Pinner
Licensed Abstractor



201 East Sixth, P.O. Box 426
Newton, Kansas 67114-0426
Justin Erickson
Building & Zoning Supervisor

October 9, 2020

NOTICE OF HEARING

To Owners of Nearby Properties:

Notice is hereby given that an Application for Annexation and Amendment of a Zoning District Classification has been filed with the City of Newton, Harvey County, Kansas, requesting the issuance of a zoning amendment pursuant to Article I of the City of Newton Zoning Ordinances for the following described property located on the west side of Anderson Road, between South West 14th Street and US Highway 50. The property is legally described as:

Commencing at the Northeast corner of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence West 1044 feet; thence South 634.5 feet; thence East 1044 feet; thence North 634.5 feet to the point of beginning, EXCEPT all portions acquired for public right-of-way purposes.

The Applicant requests that the above-described property be rezoned from an A-1 (Agricultural) Harvey County zoning classification to an I-1 (Light Industrial District) City of Newton zoning classification.

The Application will be presented to, and a public hearing 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, November 2, 2020 at 6:00 p.m.**, or as soon thereafter as the matter may be heard. All persons interested may appear and be heard as to the 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 provided to you as an owner of one of these properties.

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 to approve the recommendation in whole, in part, or to deny the application. The item is tentatively scheduled to be on the November 24, 2020 City Commission meeting agenda.

Copies of the application and other related materials are available for inspection at the office of the Newton City Clerk at 201 East 6th Street, Newton, Kansas, during normal business hours. Copies of any materials may be obtained from the City Clerk upon payment of a copying charge. Please inquire of the City Clerk for further information.



Justin Erickson
Building and Zoning Supervisor
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

October 13th 2020

subsequent publications being made on the following dates

None

Subscribed and sworn to before me this **October 19th 2020**

Stephanie Dickson

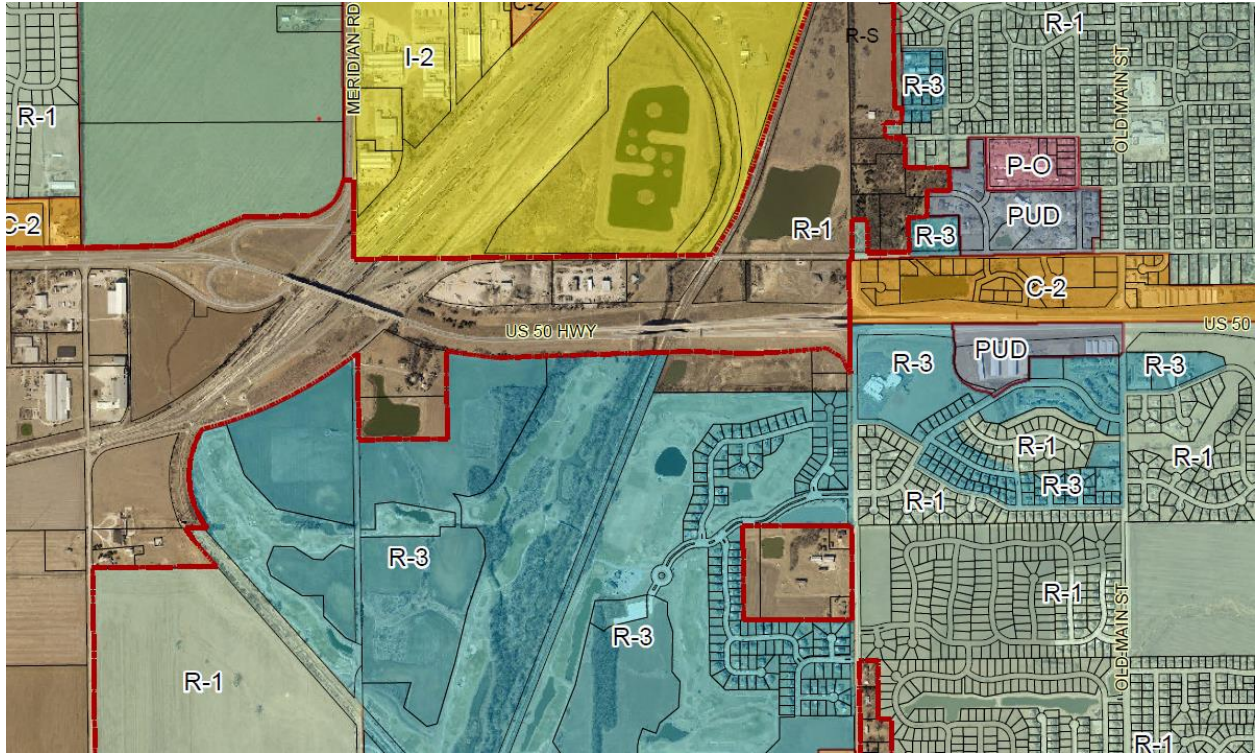
Notary Public

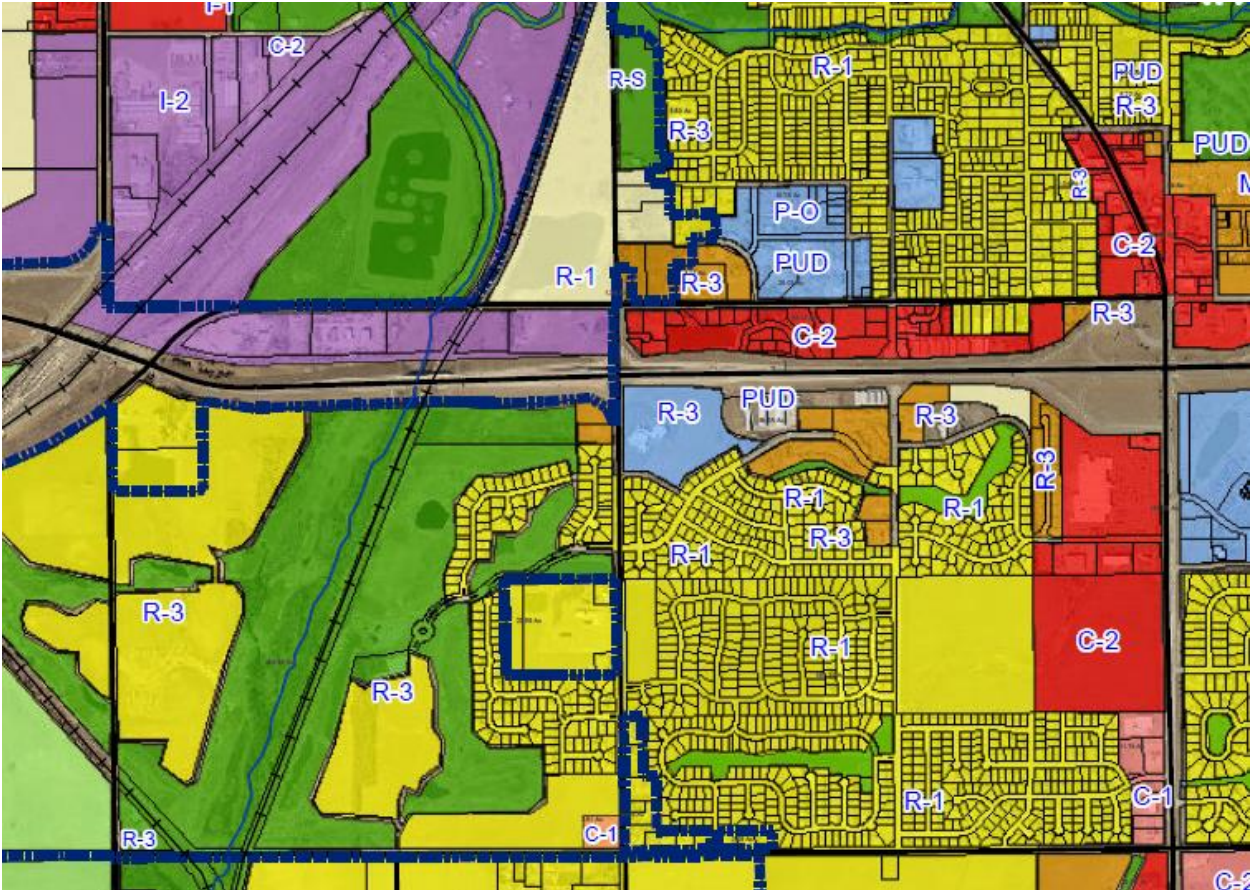
My commission expires
Total Amount of Payment \$12.38
NOH-Annexation/ City of Newton

STEPHANIE DICKSON
Notary Public - State of Kansas
My Appointment Expires 3/18/24

(Published in *The Newton Kansan*,
Tuesday, October 13, 2020.)
NOTICE OF HEARING
TO ALL PERSONS CONCERNED:
Notice is hereby given that an Application for Annexation and Amendment of a Zoning District Classification has been filed with the City of Newton, Harvey County, Kansas, requesting the issuance of a zoning amendment pursuant to Article I of the City of Newton Zoning Ordinances for the following described property located on the west side of Anderson Road, between South West 14th Street and US Highway 50. The property is legally described as:
Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of Section Thirty (30), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence West 1044 feet; thence South 634.5 feet; thence East 1044 feet; thence North 634.5 feet to the point of beginning, EXCEPT all portions acquired for public right-of-way purposes.
The Applicant requests that the above-described property be rezoned from an A-1 (Agricultural) Harvey County zoning classification to an I-1 (Light Industrial District) City of Newton zoning classification.
The Application will be presented to, and a public hearing 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, November 2, 2020 at 6:00 p.m., or as soon thereafter as the matter may be heard. All persons interested may appear and be heard as to the application.
/s/ Justin Erickson
Building and Zoning Supervisor
City of Newton, Kansas

Stephanie







STAFF REPORT

TO: The Newton/North Newton Area Planning Commission
FROM: Gregory C. Nye, North Newton City Planner
RE: Monday, November 2, 2020, Planning Commission Agenda
DATE: October 5, 2020

APPLICANT: Jeff and Jan Glimpse
LOCATION: 3005 Wildwood Way, North Newton, Kansas
ZONING / USE: R-1, Residential
REQUEST: Reduce lot front yard setback from 25 ft. to 17 ft.
PURPOSE: Construct a handicapped accessible bathroom addition to front of current home to be within 17 ft. from the front yard setback.

The requirements for legal publication and notification of property owners within 100 feet have been met.

The following are Staff's comments and recommendations based on the standards for granting variances.

A. Standard - The variance requested arises from such conditions which are unique to the property in question and which are not ordinarily found in the same zoning district and which were not created by an action of the property owner or the applicant.

Commentary - This application and property are not specifically unique except that the addition is located on the front of current structure.

B. Standard - The granting of the variance will not adversely affect the rights of adjacent property owners or residents, nor will it confer upon the applicant any special privilege denied by this ordinance to other land or structures in the same district.

Commentary- This would not adversely affect the rights of others. The addition is located on the opposite side from the driveway and garage and should not affect nor cause a loss of line of sight when pulling from the driveway.

C. Standard - The strict application of the provisions of this Ordinance from which a variance is requested will constitute unnecessary hardship upon the applicant.

Commentary- The strict application would not allow the Applicants to add a needed handicapped accessible bathroom.

D. Standard - The variance will not adversely affect the public health, safety, morals, order, convenience, or welfare.

Commentary- The variance would likely have little effect on the public health, safety, morals, order, convenience, or welfare of the neighborhood.

E. Standard - The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Commentary- The variance would allow applicants to add a needed handicapped accessible bathroom.

F. Standard - Granting the variance requested would not be opposed to the general spirit and intent of the Ordinance.

Commentary- The ordinance is meant to keep structures a set distance from property lines. In this case, the setback is in on the front portion of the current structure and is opposite the driveway and does not affect nor cause a loss of line of sight when pulling from the driveway.

Comments of the Applicant -

The allowance of the variance would permit a handicapped accessible bathroom.

CONCLUSION

In summary, and pending any additional information that may be presented by the applicant or by the general public at the public hearing, the granting of a variance appears to be suitable for the property. Staff recommends approval of the request.

Respectfully submitted,



Gregory C. Nye
North Newton City Planner

Attachments:

- Application with sketch 1 and sketch 2.
- 2 Overheads showing location of property.
- 2 photos of front of current structure.
- Affidavit of Publication.
- Ownership list.
- Affidavit of Mailing.



**NEWTON / NORTH NEWTON AREA PLANNING COMMISSION
VARIANCE APPEALS APPLICATION**

Meeting Date: _____

Filing Deadline: _____

Filing Date: _____

| |
|-------------------|
| OFFICE USE ONLY |
| Filing Fee: _____ |
| Signed: _____ |

Owner: Jeff and Jan G. Limpse Applicant: Same

Address: 3005 Wildwood Way Address: Same

Telephone No.: 316-303-6621 Telephone No.: Same

I HEREBY REQUEST A: 316-284-0827

1. Variance
2. Temporary Structure & Use Permit _____
3. Substitution of a Nonconforming Use _____

The land is located 25 feet from the intersection of Wildwood Way and Wildwood Ct Streets. It is commonly referred to as Wildwood Way Street.

505
T23
RD1E

Lot(s) 6 Block 2 Subdivision Sunfields

Present use of land or structure: Residence

Proposed use of land or structure: Residence

- List variance request to Zoning Ordinance:
1. Extend structure up to 10 feet toward property line
 2. _____
 3. _____
 4. _____

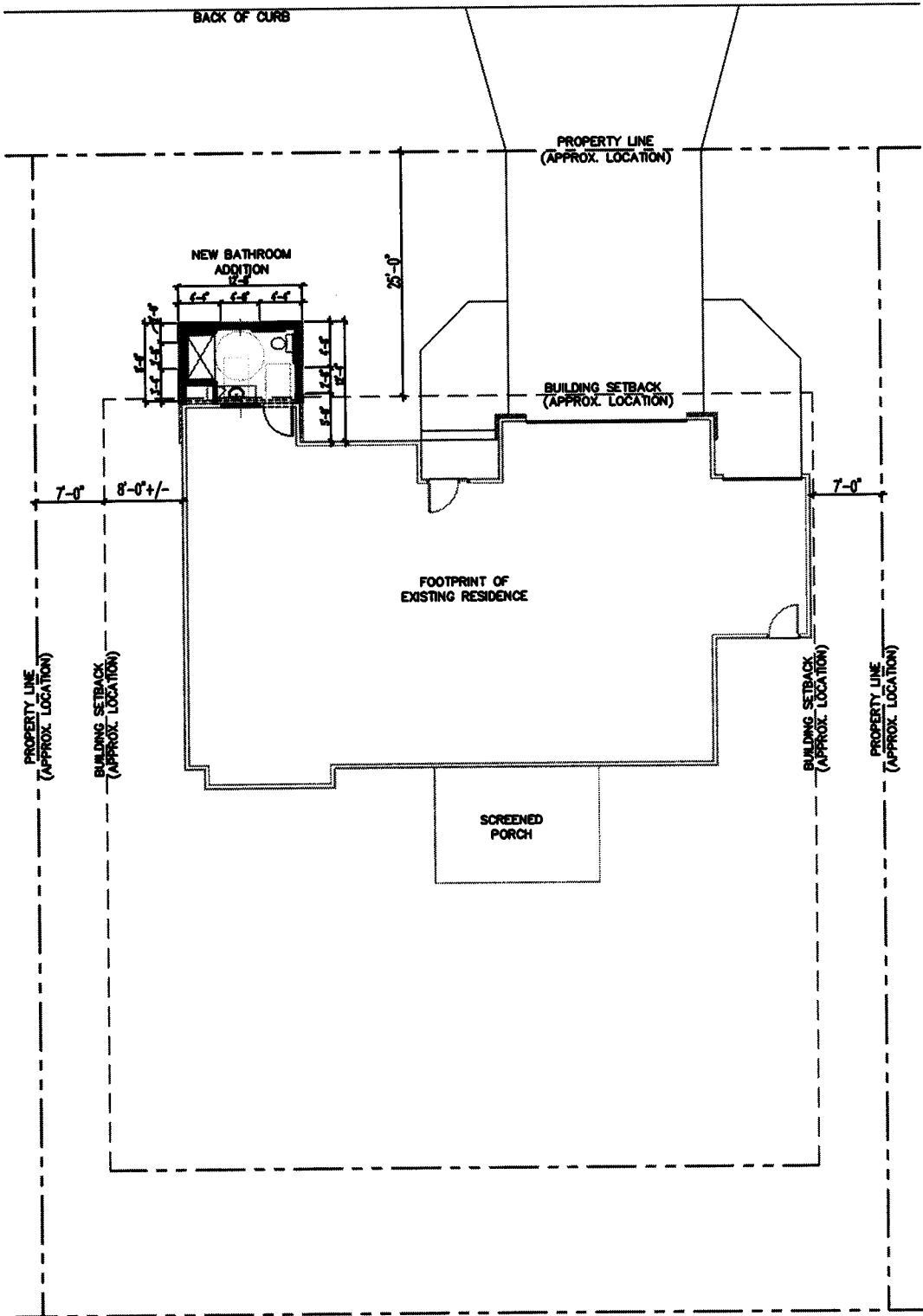
Please state reasons why your request should be granted. (Use back of page if necessary).
Addition of handicapped accessible bathroom


I agree to furnish a plot plan or any other information the Zoning Office may require in order for the Planning Commission to reach a decision on the matter before them. Such information shall be brought to the Zoning Office at least ten (10) days prior to the meeting.

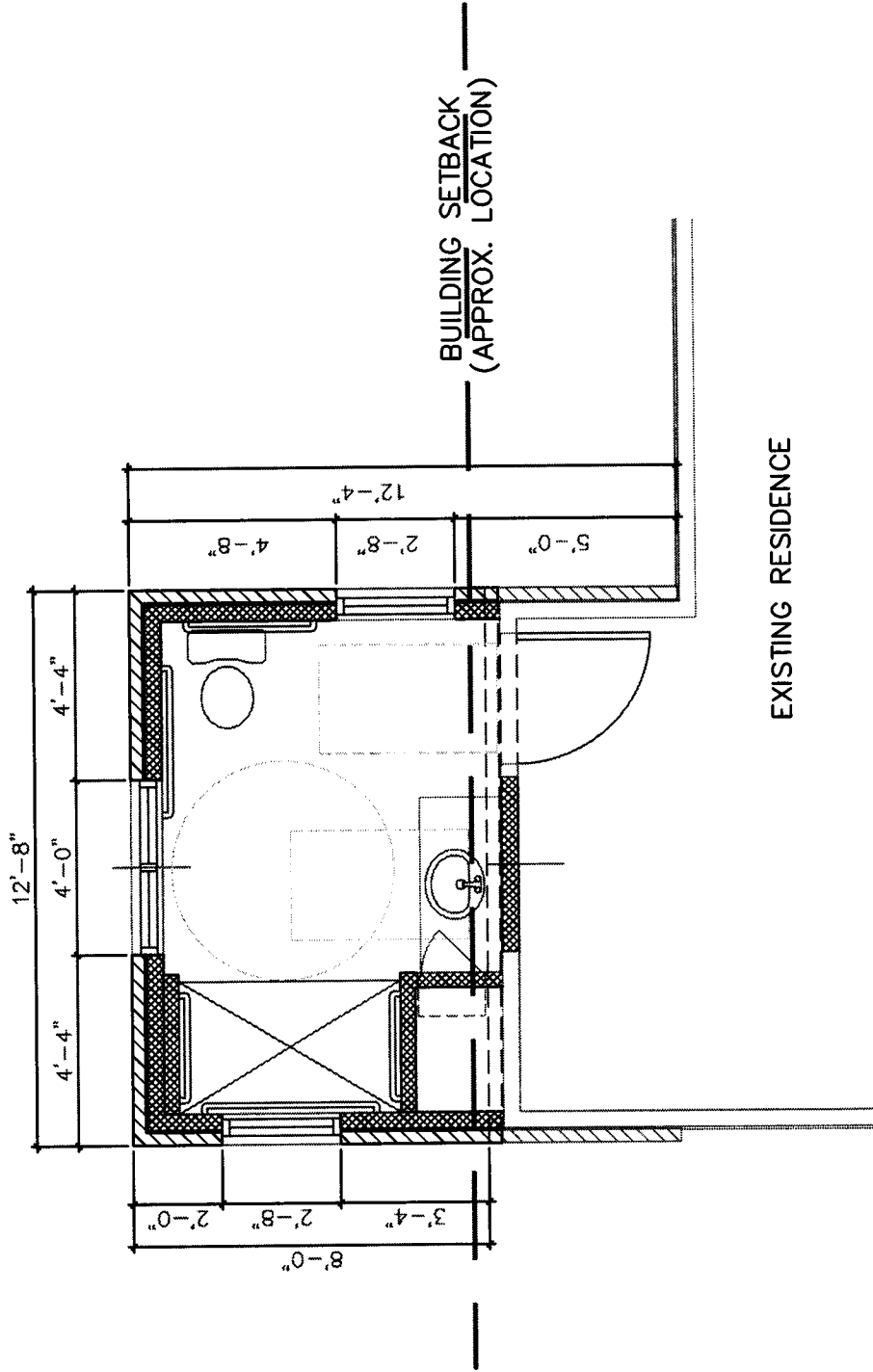
Jeff Limpse
Signature of Applicant

8-9-20
Date

WILDWOOD WAY



A **SITE PLAN** 
0' 2' 4' 8' 12' 1/16"=1'-0" 09-19-2020



BATHROOM ADDITION PLAN

09-19-2020

B




This report is not a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance commitment, or any form of title insurance or guaranty. This report is issued exclusively for the benefits of the applicant therefore, and may not be relied upon by any other person. Security 1st Title does not represent or warrant that the information herein is complete or free from error, and as a material part of the consideration given in exchange for the issuance of this report, recipient agrees that Security 1st Title's sole liability for any loss or damage caused by an error or omission in this report shall be limited to the fee charged for the report, whether such error or omission results from negligence, accident, or other cause. All other liability for loss or damage is expressly disclaimed. Recipient accepts this report with this limitation and agrees that Security 1st Title would not have issued this report but for the limitation of liability described above. Security 1st Title makes no representation or warrant as to the legality or propriety of recipient's use of the information herein.

That the undersigned is a duly licensed and qualified abstractor in and for the county and state aforesaid, a member in good standing of the Kansas Title Association and the American Title Association, whose bond as required by law is in force at the date of this certificate.

Dated at Newton, Kansas, this 4th day of September, 2020, at 7:59 AM.

SECURITY 1ST TITLE

By 
Licensed Abstracter

IN THE MATTER OF THE APPLICATION OF JEFF AND JAN GLIMPSE
REQUEST FOR VARIANCE

AFFIDAVIT OF MAILING

STATE OF KANSAS, COUNTY OF HARVEY, SS:

Gregory C. Nye, of lawful age, being first duly sworn, on oath states:

1. Affiant is one of the City Planner for the City of North Newton, Kansas, and he served a copy of the attached letter Notice by depositing the same in the United States Mail, postage prepaid, on the 8th day of October, 2020, addressed to the owners of nearby property as follows:

| | |
|--|--|
| Kenneth R. Rindt & Bonnie J. Rindt 3012 Wildwood CT North Newton, KS 67117-8057 | The James O. Faul and Marlene V. Faul Revocable Trust, dated March 30, 1993 3000 Wildwood Way North Newton, KS 67117-8058 |
| Nathan Bartel & Sylvia Bartel 2916 Wildwood Way North Newton, KS 67117-8050 | Alvin J. Dalke & Jacqueline K. Dalke 3015 Wildwood Way North Newton, KS 67117-8058 |
| Michael A. Miles & Debbie L. Miles 3011 Wildwood Way North Newton, KS 67117-8058 | City of North Newton P.O. Box 87 North Newton, KS 67117 |
| Ronald D. Peters & Carol L. Peters 2917 Wildwood Way North Newton, KS 67117-8063 | Jeff & Jan Glimpse 3005 Wildwood Way North Newton, KS 67117 |
| The Myron and Mildred Voran Revocable Trust, dated December 4, 2008 2913 Wildwood Way North Newton, KS 67117-8063 | Phillip R. Litwiller & Jane E. Litwiller 2914 Bluestem CT North Newton, KS 67117-8031 |

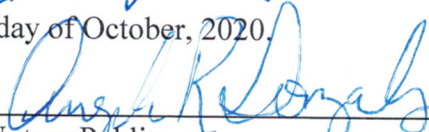
| | |
|---|---|
| Bruce Bartel & Misty J. Bartel 2916 Bluestem CT North Newton, KS 67117-8031 | Gary L. Law & Nancy E. Law 2918 Bluestem CT North Newton, KS 67117-8031 |
| Justin Erickson, Planning & Zoning City of Newton 201 E 6th ST PO BOX 426 Newton, KS 67114-2215 | |

2. The above persons are the only persons other than the applicant who have any interest in these proceedings.



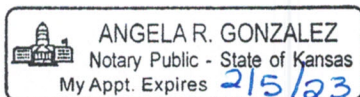
 GREGORY C. NYE, Affiant

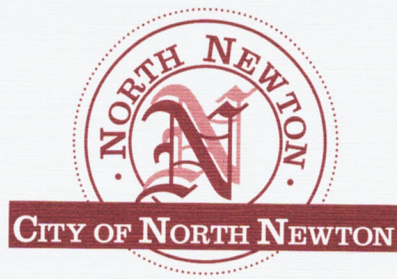
Subscribed and sworn to before me this 8th day of October, 2020.



 Notary Public

My Appointment Expires:





October 8, 2020

NOTICE OF HEARING

To: Owners of Nearby Properties:

Notice is hereby given that a public hearing will be held by the Newton-North Newton Area Planning Commission sitting as the Joint Board of Zoning Appeals, in the Commission Room at Newton City Hall, 201 East Sixth Street, Newton, Kansas on **Monday, November 2, 2020 at 6:00 P.M.** to consider the following item:

An application of Jeff and Jan Glimpse for a variance from Table 3.3, R-1 of the Newton-North Newton Zoning Ordinance which provides for a twenty five foot setback from the front lot line. If granted, the variance would allow the placement of a handicapped accessible bathroom within seventeen feet from the front lot line. Said addition faces the street only. The property is legally described as follows:

Lot Six (6), Block Two (2), Sunfields Addition, City of North Newton, Harvey County, Kansas (Commonly known as 3005 Wildwood Way, North Newton, Kansas)

At such time and place, all persons interested may appear and be heard as to said application. If you have any questions, please call the North Newton City Planner at (316) 283-7633.

GREGORY C. NYE, City Planner for
the City of North Newton, Kansas

RECEIVED

OCT 16 2020

CITY OF NORTH NEWTON

AFFIDAVIT OF PUBLICATION

State of Kansas,
Harvey County, ss: Joey or Lindsey Young of
lawful age, being first duly sworn, deposeth
and said that they are the publishers.

NEWTON NOW

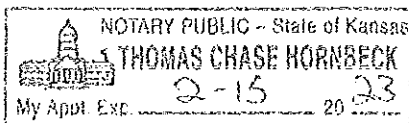
a weekly newspaper published in the city of
Newton, County of Harvey, State of Kansas,
and of general paid circulation in Harvey
County, and which newspaper has been
admitted to the mails as second-class matter in
said county, that the Newton Now is not a
trade, religious or fraternal publication, and has
been continuously and uninterruptedly
published in said county during the period of
fifty-two (52) consecutive weeks immediately
prior to the first publication of the notice
hereinafter mentioned, and that the notice of a
true copy is hereto attached, was published in
1 consecutive issues of said newspaper, the
first publication being in the issue of
OCTOBER 8, 2020.

form prepared by:

Subscribed to and sworn before me this
8 day of October, 2020.

Notary Public, State of Kansas

My commission expires: 2-15-2023



(Published in THE HARVEY COUNTY NOW on October 8, 2020)

NOTICE OF HEARING

THE CITY PLANNER FOR THE CITY OF NORTH NEWTON, KANSAS TO ALL PERSONS
CONCERNED:

Notice is hereby given that a public hearing will be held by the Newton-North Newton Area
Planning Commission sitting as the Joint Board of Zoning Appeals, in the Commission Room at
Newton City Hall, 201 East Sixth Street, Newton, Kansas on Monday, November 2, 2020 at
6:00 P.M. to consider the following item:

An application of Jeff and Jan Gillespie for a variance from Table 5.3, R-1 of the Newton-North
Newton Zoning Ordinance which provides for a twenty five foot setback from the front lot line.
If granted, the variance would allow the placement of a handicapped accessible entrance within
seventeen feet from the front lot line. Said addition faces the street only. The property is legally
described as follows:

Lot Six (6), Block Two (2), Sunfield Addition, City of North
Newton, Harvey County, Kansas (Commonly known as 1035
Willowood Way, North Newton, Kansas)

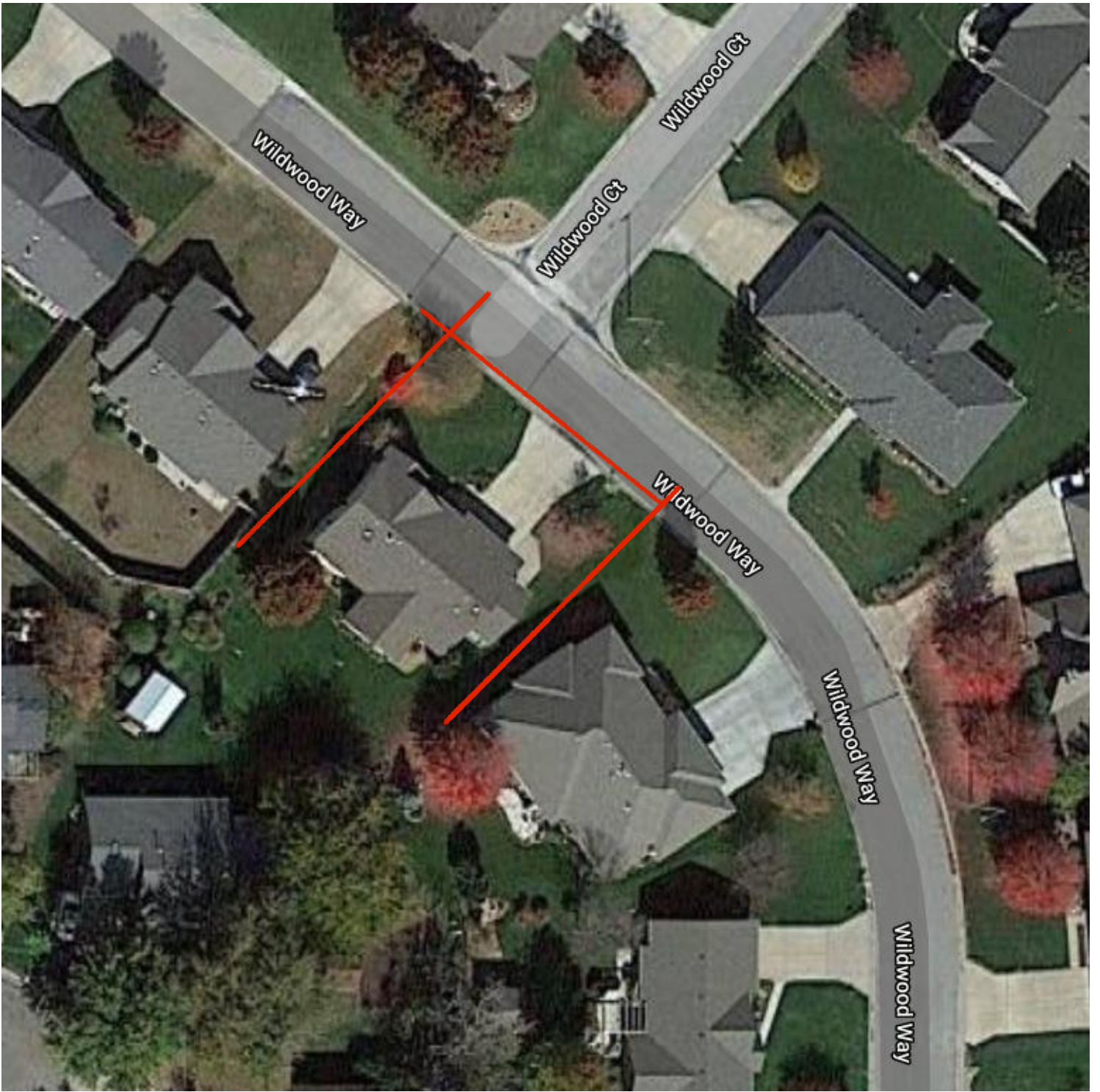
At such time and place, all persons interested may appear and be heard as to said application. If
you have any questions, please call the North Newton City Planner at (316) 283-7633.

/s/ Gregory C. Nye

GREGORY C. NYE, City Planner for
the City of North Newton, Kansas
2601 North Main
North Newton, KS 67117
Phone: (316) 283-7633







| COMMISSION COMMUNICATION | |
|--------------------------|------------|
| FOR MEETING OF | 11/02/2020 |
| AGENDA ITEM | 4 |
| FOR ACTION | ✓ |
| INFORMATION ONLY | |



Justin Erickson
Building and Zoning Supervisor
 jerickson@newtonkansas.com
 p: 316-284-6020
 201 E. Sixth, P.O. Box 426
 Newton, Kansas 67114-0426

October 20, 2020

To: Newton - North Newton Area Planning Commission
 From: Justin Erickson, Building and Zoning Supervisor

Re: Consider a preliminary plat application for KDOT 522, submitted by PEC, on behalf of Owners and Sub-Dividers: Secretary of Transportation, a subdivision of the City of Newton, Harvey County, Kansas

Background:

Attached is the preliminary plat for KDOT 522 Addition, submitted by PEC, on behalf of Owners and Sub-Dividers: Secretary of Transportation, for property located on the south side of SW 14th Street, west of Anderson Ave, north of Highway 50.

The property on the plat is listed as a portion of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence West 1044 feet; thence South 634.5 feet; thence East 1044 feet; thence North 634.5 feet to the point of beginning, EXCEPT all portions acquired for public right-of-way purposes.

As per the City’s subdivision regulations, the preliminary plat was submitted to the appropriate City staff and area utility companies for review, along with the request that they forward proposed changes and comments. Those changes and comments were communicated to PEC. PEC then provided an updated version of the preliminary plat incorporating the requests and comments. Staff continues to work with the applicant on a few small items that will be discussed prior to the proposal of the final plat. A drainage report and plan has been received and is being reviewed by City Engineering staff. Any final suggestions or changes will be made to the final plat before submittal to the Planning Commission.

The preliminary plat now come before the Newton – North Newton Area Planning Commission for consideration. If the Commission is satisfied that the requirements of all applicable subdivision regulations have been, or will be, met by the developer you may approve the preliminary plat, including any required and requested changes. The final plat, including any changes, will be returned to you at a future Planning Commission meeting. Following review and approval of the final plat by the Planning Commission, the final plat will be forwarded to the Newton City Commission with the recommendation that it be approved.

Recommended Action:

It is recommended the Newton-North Newton Area Planning Commission approve the preliminary plat for KDOT 522 Addition, contingent upon final drainage plan review and approval and the minor adjustments to the plat suggested by staff.

Attachments:

- A. KDOT 522 Addition Preliminary Plat Application & Legal Description
- B. KDOT 522 Addition Preliminary Plat
- C. Ariel map showing zoning of property & Surrounding Area

Newton/North Newton Area Planning Commission Plat Application

| | |
|-----------------------|---|
| Applicant(s) | Name: <u>Kansas Department of Transportation; Attn: David Bohnenblust</u> |
| Information | Address: <u>500 N. Hendricks</u> <u>Hutchinson, KS 67501</u> |
| | Phone: <u>620-860-7387</u> |
| Property | Name: _____ |
| Owner(s) | Address: _____ |
| [if different] | _____ |
| | Phone: _____ |

Legal description of property: _____

A portion of the Northeast Quarter of Section 30, Township 23 South, Range 1 East of the Sixth Principal Meridian, Harvey County, Kansas, being described as follows:
Commencing at the Northeast Corner of the Northeast Quarter (NE/4) of Section 30, Township 23, Range 1 East, thence West 1,044 feet; thence South 634.5 feet; thence East 1,044 feet; thence North 634.5 feet to the place of beginning,

EXCEPT

Beginning at the Northeast Corner of the Northeast Quarter of Section 30, Township 23, Range 1 East, thence S89°56'12"W a distance of 86.99 feet; thence S01°21'11"E a distance of 326.26 feet; thence S48°35'08"W a distance of 249.27 feet; thence N81°40'40"W a distance of 509.07 feet; thence S86°43'20"W a distance of 270.77 feet; thence S00°25'50"E a distance of 202.70 feet; thence N89°56'12"E a distance of 1044 feet; thence N00°28'32"W a distance of 634.5 feet to the Point of Beginning.

Included with the Application are the following:

- ◆ A filing fee of \$200 + \$5 for each lot. Checks must be made payable to "Newton City Clerk" (whether the subject property is within Newton or North Newton).
- ◆ 15 copies of the Development Plan along with one reduced 11 x 17 copy.
- ◆ [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.

Tract Number: 01
Project Number: KID 318
County: Harvey
Job No.: 2918

CERTIFICATE OF TITLE

STATE OF KANSAS, COUNTY OF HARVEY

I, the undersigned do hereby certify that I have examined the records in the office of the Register of Deeds, County Treasurer, District Court, and Probate Court, affecting the title to the following described real estate in said County and State, to-wit:

Commencing at the Northeast Corner of the Northeast Quarter of Section 30, Township 23, Range 1 East, thence West 1044 feet; thence South 634.5 feet; thence East 1044 feet; thence North 634.5 feet to the place of beginning, except all portions acquired for public right-of-way purposes.

That the last deed(s) or instrument filed of record covering the above described real estate is:

Trustee's Warranty Deed, Book 225 Page 600, filed December 30, 2009
Grantor: Melvin R. O'Keefe and Erna O'Keefe, Trustees of the Melvin R. O'Keefe Trust as set forth in the Trust Agreement dated January 9, 1997
Grantee: The Secretary of Transportation of the State of Kansas
Note: Acquisition on project 50-40 K-9439-01, tract 4

Trustee's Warranty Deed, Book 225 Page 598, filed December 30, 2009
Grantor: Melvin R. O'Keefe and Erna O'Keefe, Trustees of the Erna O'Keefe Trust as set forth in the Trust Agreement dated January 9, 1997
Grantee: The Secretary of Transportation of the State of Kansas
Note: Acquisition on project 50-40 K-9439-01, tract 4

Warranty Deed, Book 195 Page 517, filed January 13, 1997
Grantor: Erna O'Keefe and Melvin R. O'Keefe, her husband
Grantee: Erna O'Keefe and Melvin R. O'Keefe, Trustees of the Erna O'Keefe Trust, dated the 9th day of January 1997
As to: Undivided ½ interest
Note: does not contain the metes and bounds description recited above; describes a tract of 10.9 acres in the Northeast corner of Section 30-T23s-R1e

Warranty Deed, Book 195 Page 515, filed January 13, 1997
Grantor: Melvin R. O'Keefe and Erna O'Keefe, husband and wife
Grantee: Melvin R. O'Keefe and Erna O'Keefe, Trustees of the Melvin R. O'Keefe Trust, dated the 9th of January 1997
As to: Undivided ½ interest
Note: does not contain the metes and bounds description recited above; describes a tract of 10.9 acres in the Northeast corner of Section 30-T23s-R1e

Joint Tenancy Warranty Deed, Book 121 Page 329, filed February 26, 1960
Grantor: Melvin R. O'Keefe and Erna O'Keefe, his wife
Grantee: Melvin R. O'Keefe and Erna O'Keefe, husband and wife as JTROS

Warranty Deed, Book 106 Page 531, filed January 7, 1952
Grantor: Alice Kramer, a widow
Grantee: Melvin O'Keefe
Note: describes a tract 1044 feet x 634.5 feet as recited above

HAS OWNERSHIP CHANGED WITHIN THE LAST FIVE YEARS? No

That the names, current address and marital status of the owners of record is:

**Secretary of Transportation
700 SW Harrison Street, 7th Floor
Topeka, Kansas 66603**

That there are no unreleased mortgages of record affecting said real estate, except:

None

That there are no judgments, transcripts of judgments from State or United States Courts, foreign judgments filed under the Uniform Enforcement of Foreign Judgements Act, executions from other Kansas counties, Mechanic liens or other liens, attachments, suits pending, lis pendens, or court proceedings or other proceedings on file or of record in any court of record, affecting the title to said real property, against, by or pertaining to the record owners shown herein, except:

None

As to:

That there are no proceedings of record in the Probate Court of said County, pertaining to any of the record owners named herein, except:

None

As to:

That there are no unreleased oil and gas leases of record affecting said property, except:

None

If any, were they filed in the last five (5) years?

N/A

That there are no mineral deeds or royalty conveyances of record affecting said real estate, except:

None

That there are no restrictions, covenants, rights of way or easements of record affecting said property, except:

**Amendment of Right-of-Way Grant, Book 407 Page 843, filed November 19, 2007
Grantor: Melvin R. O'Keefe Trust dated January 9, 1997 and Erna O'Keefe Trust dated January 9, 1997
Grantee: Southern Star Central Gas Pipeline, Inc. f/k/a Williams Gas Pipelines Central, Inc., Williams Natural Gas Company, Northwest Central Pipeline Corporation and Cities Service Gas Company
As to: Amendment to terms of Right-of-Way grant Book 164 Page 665
Note: The cited Book and Page of the original right-of-way is apparently incorrect. The researcher believes this Amendment references the Right-of-Way at Book 203 Page 164, executed on that same date, June 11, 1958.**

**Miscellaneous Lease, Book 307 Page 899, filed January 10, 1986
Lessor: Melvin R. O'Keefe and Erna O'Keefe
Lessee: Northwest Central Pipeline Corporation
RE: 50x100 foot tract beginning 456.90 feet West and 40 feet South of the Northeast corner of Sec 30
Note: Renewable annually**

**Certificate of Incorporation, Book 246 Page 385, filed April 15, 1966
Grantor: Paul R. Shanahan, Secretary of State
Grantee: Sand Creek Watershed Joint District Number 68
As to: establishment of watershed district**

**Right-of-Way Easement, Book 233 Page 294, filed August 8, 1963
Grantor: Melvin R. O'Keefe, Erna O'Keefe
Grantee: Kansas Gas and Electric Company**

Right of Way, Book 203 Page 164, filed June 21, 1958
Grantor: Melvin R. O'Keefe and Erna O'Keefe, his wife
Grantee: Cities Service Gas Co.
As to: pipeline

That the records in the office of the County Treasurer show the taxes for the year 2018 and prior years have been paid in full and no federal, state, county, local, or special taxes or tax liens are unpaid, except: None Record owner is exempt

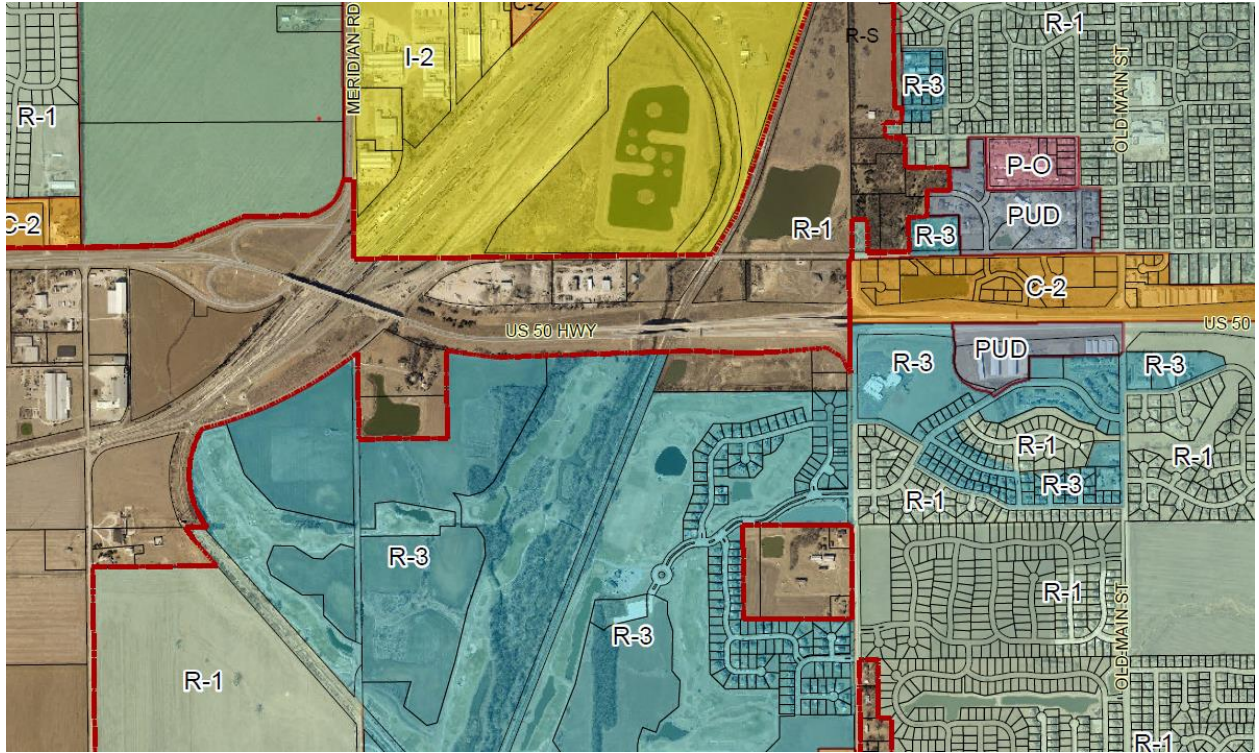
| County Property Tax Code No. (CAMA PIN): | Tax ID #: | Quick Ref. ID# |
|--|-----------|----------------|
| 040-099-30-0-00-001.00-0 | 226-12298 | R14870 |

Dated this 5th day of August, 2019 at 8:00 A.M.

By: 
Kurt S. Daniels
Kansas Department of Transportation – Bureau of Right of Way

Additional Information:

Physical property address: 1413 S. Anderson Road, Newton, Kansas 67114



| COMMISSION COMMUNICATION | |
|--------------------------|------------|
| FOR MEETING OF | 11/02/2020 |
| AGENDA ITEM | 5 |
| FOR ACTION | ✓ |
| INFORMATION ONLY | |



Administration
Department

Justin Erickson
Building and Zoning Supervisor
 jerickson@newtonkansas.com
 p: 316-284-6020
 201 E. Sixth, P.O. Box 426
 Newton, Kansas 67114-0426

October 20, 2020

To: Newton - North Newton Area Planning Commission
 From: Justin Erickson, Building and Zoning Supervisor

Re: Consider a preliminary plat application for Claassen’s Second Addition, a replat of a portion of Block 31, Dexter’s Addition to the City of Newton, Harvey County, Kansas, in the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian, submitted by Garber Surveying Service, P.A., on behalf of Claassen Family Investments, LLC, a subdivision of the City of Newton, Harvey County, Kansas

Background:

Attached is the preliminary plat for Claassen’s Second Addition, a replat of a portion of Block 31, Dexter’s Addition to the City of Newton, Harvey County, Kansas, in the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian, submitted by Garber Surveying Service, P.A., on behalf of Claassen Family Investments, LLC, for property located on the north side of S.E. 14st Street, between Parkwood LN and Washington RD.

The property on the plat is listed as A portion of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian in Harvey County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian; thence with a bearing South 89°15’46” West (basis of bearings is NAD 83 Kansas South Zone) along the South line of said Southeast Quarter 309.58 feet; thence North 00°32’56” West a distance of 31.58 feet (measured) to the Southwest corner of Lot 1, Block A, Kwik Shop Addition for the point of beginning; thence South 89°09’26” West along the North right-of-way line of Southeast 14th Street a distance of 352.98 feet to the Southeast corner of Lot 14, Girndt Heights Addition; thence North 01°29’17” West along the East line of said Girndt Heights Addition a distance of 375.36 feet to the Southwest corner of Lot 2, Block 1, Washington Park Addition; thence North 89°16’16” East along the South line of Washington Park Addition 466.09 feet to the centerline of a vacated alley as platted in Block 31, Dexter’s Addition (now vacated); thence South 00°34’51” East along the centerline of said vacated alley a distance of 136.60 feet to the North line of Lot 1, Block A, Kwik Shop Addition; thence South 89°09’26” West along the North line of said Lot 1 a distance of 107.04 feet to the Northwest corner of said Lot 1; thence South 00°32’56” East along the West line of said Lot 1 a distance of 237.81 feet to the point of beginning containing 3.401 Acres subject to any easements of record.

As per the City’s subdivision regulations, the preliminary plat was submitted to the appropriate City staff and area utility companies for review, along with the request that they forward proposed changes and comments. Those changes and comments were communicated to Garber Surveying Service, P.A. Garber Surveying Service, P.A., then provided an updated version of the preliminary plat incorporating the requests and comments. Staff continues to work with the applicant on a few small items that will be discussed prior to the proposal of the final plat. A drainage report and plan has been received and is being reviewed by City Engineering staff. Any final suggestions or changes will be made to the final plat before submittal to the Planning Commission.

The preliminary plat now come before the Newton – North Newton Area Planning Commission for consideration. If the Commission is satisfied that the requirements of all applicable subdivision regulations have been, or will be, met by the developer you may approve the preliminary plat, including any required and requested changes. The final plat, including any changes, will be returned to you at a future Planning Commission meeting. Following review and approval of the final plat by the Planning Commission, the final plat will be forwarded to the Newton City Commission with the recommendation that it be approved.

Recommended Action:

It is recommended the Newton-North Newton Area Planning Commission approve the preliminary plat for Claassen's Second Addition, a replat of a portion of Block 31, Dexter's Addition to the City of Newton, Harvey County, Kansas, in the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian, contingent upon final drainage plan review and approval and the minor adjustments to the plat suggested by staff.

Attachments:

- A. Claassen's Second Addition Preliminary Plat Application & Legal Description
- B. Claassen's Second Addition Preliminary Plat
- C. Ariel map showing zoning of property & Surrounding Area

Newton/North Newton Area Planning Commission Plat Application

Applicant(s) Information Name: Claassen Family Investments, LLC
 Address: 5 Leonard Court, Newton, Kansas 67114
 Phone: 316-727-2077

Property Owner(s) [if different] Name: _____
 Address: _____
 Phone: _____

Legal description of property: See attached legal descriptions.

Included with the Application are the following:

- ◆ A filing fee of \$200 + \$5 for each lot.. Checks must be made payable to "Newton City Clerk" (whether the subject property is within Newton or North Newton).
- ◆ 15 copies of the Development Plan along with one reduced 11 x 17 copy.
- ◆ [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.

DESCRIPTION

LOT 1, BLOCK 1, CLAASSEN'S SECOND ADDITION – (After Platting)

Metes & Bounds:

A portion of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian in Harvey County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian; thence with a bearing South 89°15'46" West (basis of bearings is NAD 83 Kansas South Zone) along the South line of said Southeast Quarter 487.46 feet; thence North 01°29'17" West parallel with the East line of Girndt Heights Addition a distance of 31.25 feet (measured) to the North right-of-way line of Southeast 14th Street for the point of beginning; thence South 89°09'26" West along said right-of-way line 175.00 feet to the Southeast corner of Lot 14, Girndt Heights Addition; thence North 01°29'17" West along the East line of said Girndt Heights Addition a distance of 238.97 feet; thence North 88°37'41" East 174.99 feet; thence South 01°29'17" East parallel with the East line of said Girndt Heights Addition a distance of 240.59 feet to the point of beginning containing 41,958.68 square feet subject to any easements of record.

LOT 2, BLOCK 1, CLAASSEN'S SECOND ADDITION – (After Platting)

Metes & Bounds:

A portion of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian in Harvey County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian; thence with a bearing South 89°15'46" West (basis of bearings is NAD 83 Kansas South Zone) along the South line of said Southeast Quarter 309.58 feet; thence North 00°32'56" West a distance of 31.58 feet (measured) to the Southwest corner of Lot 1, Block A, Kwik Shop Addition for the point of beginning; thence South 89°09'26" West along said right-of-way line 177.98 feet; thence North 01°29'17" West parallel with the East line of Girndt Heights Addition a distance of 240.59 feet; thence North 88°37'41" East 52.95 feet; thence North 01°29'17" West parallel with the East line of said Girndt Heights Addition 133.83 feet to the South line of Washington Park Addition; thence North 89°16'16" East along the South line of Washington Park Addition 211.10 feet; thence South 00°34'51" East a distance of 136.66 feet to the North line of Lot 1, Block A, Kwik Shop Addition; thence South 89°09'26" West along the North line of said Lot 1 a distance of 80.00 feet to the Northwest corner of said Lot 1; thence South 00°32'56" East along the West line of said Lot 1 a distance of 237.81 feet to the point of beginning containing 71,691.48 square feet subject to any easements of record.

Dated: August 27, 2020

Proj. No. G2020-0262

Daniel E. Garber, P.S. #683

State of Kansas, Department of Transportation, Kansas Turnpike Authority

CLAASSEN'S SECOND ADDITION – PLAT DESCRIPTION

A portion of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian in Harvey County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 20, Township 23 South, Range 1 East of the 6th Principal Meridian; thence with a bearing South 89°15'46" West (basis of bearings is NAD 83 Kansas South Zone) along the South line of said Southeast Quarter 309.58 feet; thence North 00°32'56" West a distance of 31.58 feet (measured) to the Southwest corner of Lot 1, Block A, Kwik Shop Addition for the point of beginning; thence South 89°09'26" West along said right-of-way line 352.98 feet to the Southeast corner of Lot 14, Girndt Heights Addition; thence North 01°29'17" West along the East line of said Girndt Heights Addition a distance of 375.36 feet to the Southwest corner of Lot 2, Block 1, Washington Park Addition; thence North 89°16'16" East along the South line of said Washington Park Addition 439.06 feet; thence South 00°34'51" East a distance of 136.66 feet to the North line of Lot 1, Block A, Kwik Shop Addition; thence South 89°09'26" West along the North line of said Lot 1 a distance of 80.00 feet to the Northwest corner of said Lot 1; thence South 00°32'56" East along the West line of said Lot 1 a distance of 237.81 feet to the point of beginning containing 3.316 Acres subject to any easements of record.

