



AGENDA
NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
December 7, 2020

The Newton–North Newton Area Planning Commission will meet Monday, December 7, 2020 at 6:00 p.m. via Zoom, to consider the following:

1. Consider approval of the November 2, 2020 meeting minutes.
2. Consider a final 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.
3. Old Business
4. New Business
5. Adjournment

**NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
November 2, 2020**

Members Present: **Newton:** Carl Harris (4-0), Brian Scott (4-0), Dan Harder (3-1), Denise Goodnite (3-1)

North Newton: Tyson Weidenbener (4-0), Gary Roth (4-0), Joe Slechta (3-1)

Members Absent: **Newton:** Arlan Newell (3-1), Jay Sommerfeld (1-3)

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

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

North Newton: Greg Nye, City Attorney

The Newton-North Newton Area Planning Commission met on November 2, 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 October 5, 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 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.

An application for a zoning district amendment, submitted to the Newton-North Newton Area Planning Commission by the property owner, Secretary of Transportation was presented. The property is approximately 9.64 acres and is located along the south side of SW 14th Street, west of Anderson Avenue, north of Highway 50. If approved, an amendment would be made from the current Harvey County A-1 (Agricultural District) zoning classification to an I-1 (Light Industrial District) classification. The action to be taken by the Planning Commission will take the form of a recommendation to the Newton City Commission, who has final authority to act upon the request.

Mitch Kauffman with PEC representing KDOT stood for questions.

Chair Weidenbener opened the public hearing at 6:05 p.m. There being no one to speak, Chair Weidenbener closed the public hearing at 6:05 p.m., and discussion was brought back to the bench.

MOTION: Commissioner Harris moved and Commissioner Scott seconded to approve the zoning amendment as presented. Motion carried.

AGENDA ITEM NO. 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.

An application for a variance, submitted by the property owner was presented. Discussion was held over the proposed setback of seventeen feet which would be reduced eight feet from the current twenty-five feet if approved. Following the public notice, one call requesting clarification was received by North Newton regarding the variance application.

Property owner, Mrs. Jan Glimpse of 3005 Wildwood Way spoke on her behalf stating that Darrel Unruh would be the architect. He has written up plans to make sure the landscaping and front view of the home will be done in order to properly enhance the appearance.

Commissioners clarified with Mrs. Glimpse that an eight foot variance will give the architect enough room for the structure and confirmed that the plans are in order to allow for an ADA accessible bathroom.

Chair Weidenbener opened the public hearing at 6:15 p.m. There being no one to speak, Chair Weidenbener closed the public hearing at 6:15 p.m., and discussion was brought back to the bench.

MOTION: Vice Chair Harder moved and Commissioner Goodnite seconded to approve the variance application as presented. Motion carried.

AGENDA ITEM NO. 4

Consider a preliminary plat application for KDOT 522, submitted by PEC, on behalf of Owners and Sub-Dividers: Secretary of Transportation.

An application for a preliminary plat submitted by PEC, on behalf of Owners and Sub-Dividers: Secretary of Transportation was presented. As per the City's subdivision regulations, the preliminary plat was submitted to City staff and area utility companies for review, along with the request that they forward proposed changes and comments to PEC who would provide updates to the preliminary plat. 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.

If the Commission is satisfied that the requirements of all applicable subdivision regulations have been, or will be, met by the developer, the final plat, including any changes, will be returned to the Planning Commission at a future meeting. Following review and approval of the final plat by the Planning Commission, it will then be considered for approval by the Newton City Commission who has the final authority.

Matt Kauffman with PEC spoke in regard to waiving the need for the sidewalk on the west side of Anderson Ave.

MOTION: Commissioner Harris moved and Commissioner Scott seconded to approve the preliminary plat application with the addition of waiving the need for a sidewalk on the west side of Anderson Ave. Motion carried.

AGENDA ITEM NO. 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.

An application for a preliminary plat submitted by Garber Surveying Service, P.A., on behalf of Claassen Family Investments, LLC was presented. As per the City's subdivision regulations, the preliminary plat was submitted to City staff and area utility companies for review, along with the request that they forward proposed changes and comments to Garber Surveying Service, P.A. who would provide updates to the preliminary plat. 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.

If the Commission is satisfied that the requirements of all applicable subdivision regulations have been, or will be, met by the developer, the final plat, including any changes, will be returned to the Planning Commission at a future meeting. Following review and approval of the final plat by the Planning Commission, it will then be considered for approval by the Newton City Commission who has the final authority.

Dan Garber with Garber surveying spoke to the drainage plan which was sent to a consultant and has taken some time to be completed. He also mentioned the controlled access line that has shifted from the original position due to a tree row being in the way.

MOTION: Commissioner Slechta moved and Commissioner Harder seconded to approve the preliminary plat application as presented. Motion carried.

AGENDA ITEM NO. 6

Old Business

There was no old business to discuss.

AGENDA ITEM NO. 7

New Business

There was no new business to discuss.

AGENDA ITEM NO. 8

Adjournment

There being no further business, the Chair declared the meeting adjourned at 6:29 p.m.

Sara Schmidt
Recording Secretary

DRAFT

COMMISSION COMMUNICATION	
FOR MEETING OF	12/07/2020
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

December 2, 2020

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

Re: Consider a final 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:

At the November 2, 2020 Newton – North Newton Area Planning Commission meeting the Commission reviewed a 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.

The Planning Commission approved the preliminary plat with the contingency that the applicant work through a list of updates provided to the applicant by staff. All questions pertaining to the preliminary plat have been worked through and the draining plan has been reviewed and approved by City Engineering staff.

The final plat now comes before the Planning Commission for consideration. If the Commission is satisfied the requirements of all applicable subdivision regulations have been met by the applicant you may approve the plat, including any changes you deem necessary.

Recommended Action:

Staff recommends approval of the final plat, contingent upon the applicant’s acceptance of any changes required by the Planning Commission. The final plat, including those changes (if any) will be forwarded to the Newton City Commission with a recommendation that it be approved.

Attachments:

- A. Claassen’s Second Addition Final Plat Application & Legal Description
- B. Claassen’s Second Addition Final 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

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.

