



AGENDA
NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
March 1, 2021

The Newton–North Newton Area Planning Commission will meet Monday, March 1, 2021 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 December 7, 2020 meeting minutes.
2. Consider, and conduct a public hearing on an application for a Zoning District Amendment for property located along the south side of SE 14th Street, between S Pine Street and Parkwood Lane, north of Highway 50 from the current R-1 to an R-2 zoned district.
3. Consider a preliminary plat for Newton Prestress Addition, for property located on the North Side of Old Hwy 81/N Hesston Rd, between N Anderson Ave and NW 36th St.
4. Old Business
5. New Business
6. Adjournment

**NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
December 7, 2020**

Members Present: **Newton:** Carl Harris (5-0), Brian Scott (5-0), Dan Harder (4-1), Denise Goodnite (4-1), Arlan Newell (4-1)

North Newton: Tyson Weidenbener (5-0), Gary Roth (5-0), Joe Slechta (4-1)

Members Absent: **Newton:** Jay Sommerfeld (1-4)

[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

The Newton-North Newton Area Planning Commission met on December 7, 2020 in a regular meeting via Zoom. 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 November 2, 2020 meeting minutes.

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

AGENDA ITEM NO. 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.

At the November 2, 2020 Newton – North Newton Area Planning Commission meeting, the Commission approved a preliminary plat for Claassen's Second Addition with the contingency that the applicant work through a list of updates provided to the applicant by staff. All items were worked through prior to this meeting. 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 final plat.

MOTION: Commissioner Goodnite moved and Commissioner Harris seconded to approve the final plat. 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 6:05 p.m.

Sara Schmidt
Recording Secretary

DRAFT

COMMISSION COMMUNICATION	
FOR MEETING OF	03/01/2021
AGENDA ITEM	2
FOR ACTION	✓
INFORMATION ONLY	



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

February 18, 2021

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

Re: Consider, and conduct a public hearing on, an application for a Zoning District Amendment

Background:

Attached for your consideration is an application for a zoning district amendment, submitted to the Newton-North Newton Area Planning Commission by the Applicant(s), Claassen Family Investments LLC/Richard A. Claassen Family Trust, for property located along the south side of SE 14th Street, between S Pine Street and Parkwood Lane, north of Highway 50 from the current R-1 (Single Family Dwelling District) to an R-2 (Two Family Dwelling District).

The property is legally described as:

Beginning at the Northwest Corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence South 40 rods along the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence East 320 feet parallel to the North line of said East Half (E/2) of the Northeast Quarter (NE/4); thence North 40 rods parallel to the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence West 320 feet along the North line of said East Half (E/2) of the Northeast Quarter (NE/4) to the place of beginning, less that portion deeded to the State of Kansas for Highway purposes in Deed recorded in Book 141, Page 332, Deeds Records.

Additional Information:

A map showing the surrounding properties zoning designations is included following this report as Attachment E.

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 standard 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 SE 14th Street, between S Pine Street and Parkwood Lane, north of Highway 50. The land is currently zoned R-1 (Single Family Dwelling District). The City's Future Land Use Map (ReNewton, p.67) identifies this as an area suited for Community Commercial development.

The property immediately to the north across SE 14th is zoned R-1 (Single Family Dwelling District).

The property immediately to the east is zoned R-3 (Multi-Family Dwelling District).

The property immediately to the south separated by Hwy 50 is zoned R-3 (Multi-Family Dwelling District).

The property immediately to the west is zoned R-1 (Single Family Dwelling District).

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: R-2 zoning provides for specific residential activities including, but not limited to:

R-2:

- Same as R-S.
- Two-Family Dwellings.
- Child care centers

Same as:

R-S:

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

- (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 water and sewer mains are present along SE 14th Street and available for extension onto the site as required depending on the type of development.

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

STAFF COMMENTS: Staff is not aware of any errors 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 two family dwelling(s).

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 at the March 23, 2021 City Commission meeting.

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: Clasassen Family Investments LLC/Richard A. Clasassen ^{Family Trust}
 Address: ~~XXXXXX~~ 5 Leonard Ct
Newton, KS 67114
 Phone: 316-727-2077

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

Street address of property: SE 14th Street Newton, KS 67114

Legal description of property: S. 29, T 23, R01E Bcg. 30S NW
COR. E 1/2 NE 1/4, E 320', S 345(S)
SW 14 25(S), SW 320(S), N 472' (S) TO POB

Present zoning of subject property: R1 Requested zoning: R2

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.

Daniel K Clasassen 1-26-21 Daniel K Clasassen 1-26-21
 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. Diane L. Clasassen
 1-26-21

OWNERSHIP LIST

Prepared by
SECURITY 1ST TITLE
January 20, 2021 at 7:59 AM

Tracts within 200 feet of the following described property:

Beginning at the Northwest Corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence South 40 rods along the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence East 320 feet parallel to the North line of said East Half (E/2) of the Northeast Quarter (NE/4); thence North 40 rods parallel to the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence West 320 feet along the North line of said East Half (E/2) of the Northeast Quarter (NE/4) to the place of beginning, less that portion deeded to the State of Kansas for Highway purposes in Deed recorded in Book 141, Page 332, Deeds Records.

Claassen Family Investments, LLC (und. ½ int.) AND
The Richard A. Claassen Family Trust dated Feb.
5, 2009, which amended and restated the Living
Trust Agreement of Richard A. Claassen, dated
Oct. 16, 1991, Diane D. Claassen and Shelley
Claassen Wall, Trustees (und. ½ int.)
5 Leonard Ct.
Newton, KS 67114-3203

CARLOCK SUBDIVISION, NEWTON

Part Lots 1, 2, 3 & 4: Beg. NW/c Lot 4; S 290 ft. to SW/c Lot 4; E 21.2 ft.; NEly 424.2 ft. to NE/c Lot 3; W 330 ft. to pob.

AND

Tract in E/2 NE/4 29-23-1E: Beg. 320 ft. E of NW/c E/2 NE/4; S 349.3 ft. to pt on n/w line KS Hwy 50; NEly 36.2 ft.; W 21.2 ft.; N 330 ft.; W to pob.

Parkwood Rentals, LLC
1705 Firebox
Newton, KS 67114-5528

GIRNDT HEIGHTS SUBDIVISION, NEWTON

S 10 ft. Lot 13 & all Lot 14

Roger K. & Patricia F. Busenitz Trust dated
June 10, 1999
1220 Parkwood LN
Newton, KS 67114-4838

Lot 15 & S 50 ft. Lot 16

Douglas E. Paul & Marie D. Paul
1215 Parkwood LN
Newton, KS 67114-4837

N 50 ft. Lot 16 & S 40 ft. Lot 17

Robert S. Flood & Georgia B. Flood
1213 Parkwood LN
Newton, KS 67114-4837

S 50 ft. Lot 26 & N 50 ft. Lot 27

Donald Kelton & Elva Kelton
1310 S Pine ST
Newton, KS 67114-4846

S 50 ft. Lot 27 & all Lot 28

The Jane A. Combs Revocable Trust, dated
Oct. 15, 2020
1320 S Pine ST
Newton, KS 67114-4846

SOUTH-BREEZE SUBDIVISION, NEWTON

Block 1

Lot 1 & S 5 ft. Lot 8

James A. Roberts
PO Box 21
Hesston, KS 67062-0021

Lot 2

Nicholas M. Schmidt & Tara B. Schmidt
308 SE 14th ST
Newton, KS 67114-4867

N 65 ft. Lot 8

Patrick Lane
1309 S Pine ST
Newton, KS 67114-4845

TURKEY RED VILLAGE, NEWTON

Block 19

All Block 19 EXCEPT: Beg. 27 ft. S of NW/c Blk 19; E 115 ft.; S to S line Blk 19; W to pt where S line intersects SW line Blk 19; NW along SW line 80.7 ft. to W line Blk 19 at a pt 125 ft. S of pob; N 125 ft. to pob.

Kimball-Batterman, LLC
1416 Old Main ST
Newton, KS 67114-8754

METES AND BOUNDS DESCRIPTIONS

Section 29-23-1E

Tracts in W/2 NE/4:

- Tr. 1: Beg. NE/c W/2 NE/4; W 150 ft.; S 20 rods; E 150 ft.; N 20 rods to pob.
- Tr. 2: Comm. 150 ft. W of NE/c W/2 NE/4 for pob; W 100 ft.; S 142 ft.; E 100 ft.; N 142 ft. to pob.
- Tr. 3: Comm. 150 ft. W and 142 ft. S of NE/c W/2 NE/4 for pob; W 100 ft.; S 188 ft.; E 100 ft.; N 188 ft. to pob.

The Arthur A. Unruh Trust u/v/a dated April 28, 2006
501 Washington RD
Newton, KS 67114-4343

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 20th day of January, 2021, at 7:59 AM

SECURITY 1ST TITLE

By *Darken M. Farnas*
Licensed Abstractor

Department of
Public Works:
Engineering Division



201 East Sixth, P.O. Box 426
Newton, Kansas 67114-0426

February 4, 2021

NOTICE OF HEARING

To Owners of Nearby Properties:

Notice is hereby given that an Application for an 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 south side of SE 14th, between South Pine Street and Parkwood Lane. The property is legally described as:

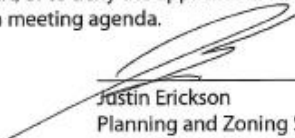
Beginning at the Northwest Corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence South 40 rods along the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence East 320 feet parallel to the North line of said East Half (E/2) of the Northeast Quarter (NE/4); thence North 40 rods parallel to the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence West 320 feet along the North line of said East Half (E/2) of the Northeast Quarter (NE/4) to the place of beginning, less that portion deeded to the State of Kansas for Highway purposes in Deed recorded in Book 141, Page 332, Deeds Records.

The Applicant requests that the above-described property be rezoned from an R-1 (Single Family Dwelling District) zoning classification to an R-2 (Two Family Dwelling District) 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, March 1, 2021 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 March 23, 2021 City Commission meeting agenda.


Justin Erickson
Planning and Zoning Supervisor
City of Newton, Kansas

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, COUNTY OF HARVEY,
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

February 9th 2021

subsequent publications being made on the following dates

None

Subscribed and sworn to before me this February 17th, 2021

[Signature]

Notary Public

My commission expires
Total Amount of Payment \$14.06
Notice of Hearing/Zoning Amendment

(Published in *The Newton Kansan*,
Tuesday, February 9, 2021.)

NOTICE OF HEARING

TO ALL PERSONS CONCERNED:

Notice is hereby given that an Application for an 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 south side of SE 14th, between South Pine Street and Parkwood Lane. The property is legally described as:

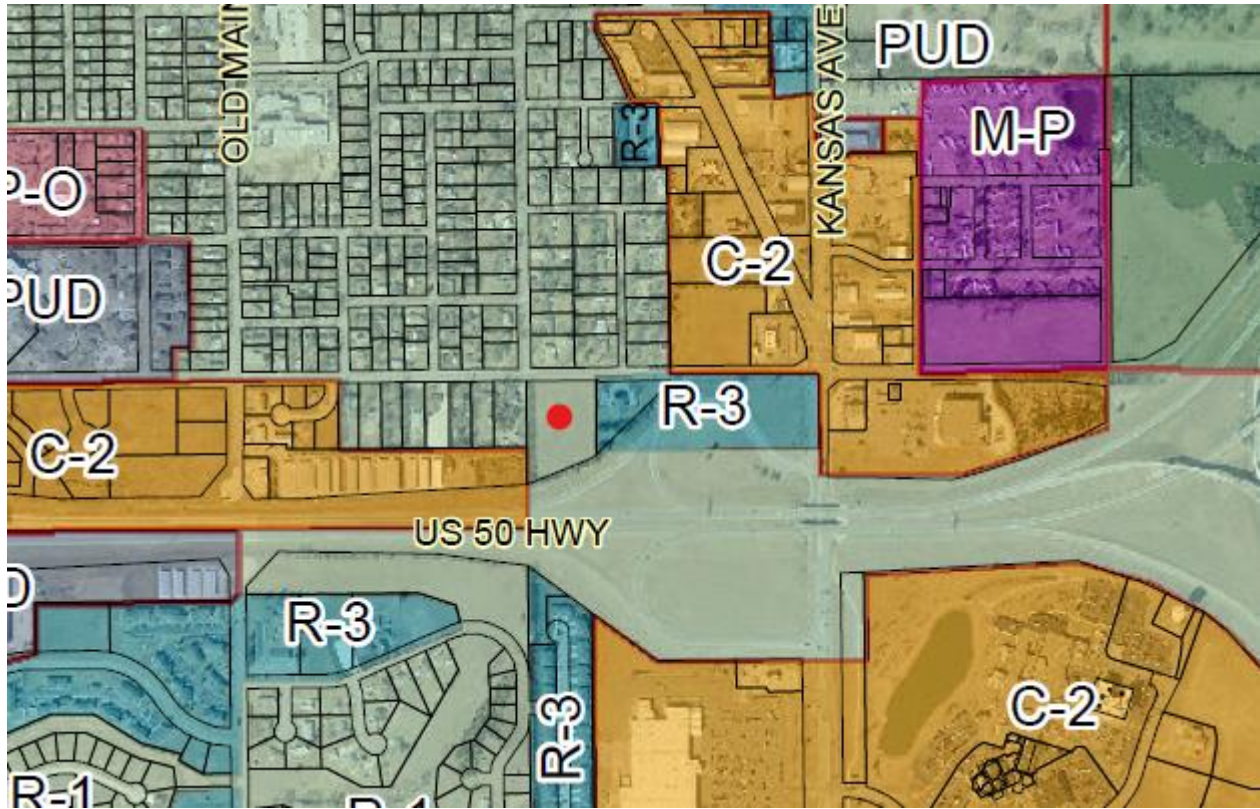
Beginning at the Northwest Corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas; thence South 40 rods along the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence East 320 feet parallel to the North line of said East Half (E/2) of the Northeast Quarter (NE/4); thence North 40 rods parallel to the West line of said East Half (E/2) of the Northeast Quarter (NE/4); thence West 320 feet along the North line of said East Half (E/2) of the Northeast Quarter (NE/4) to the place of beginning, less that portion deeded to the State of Kansas for Highway purposes in Deed recorded in Book 141, Page 332, Deeds Records.

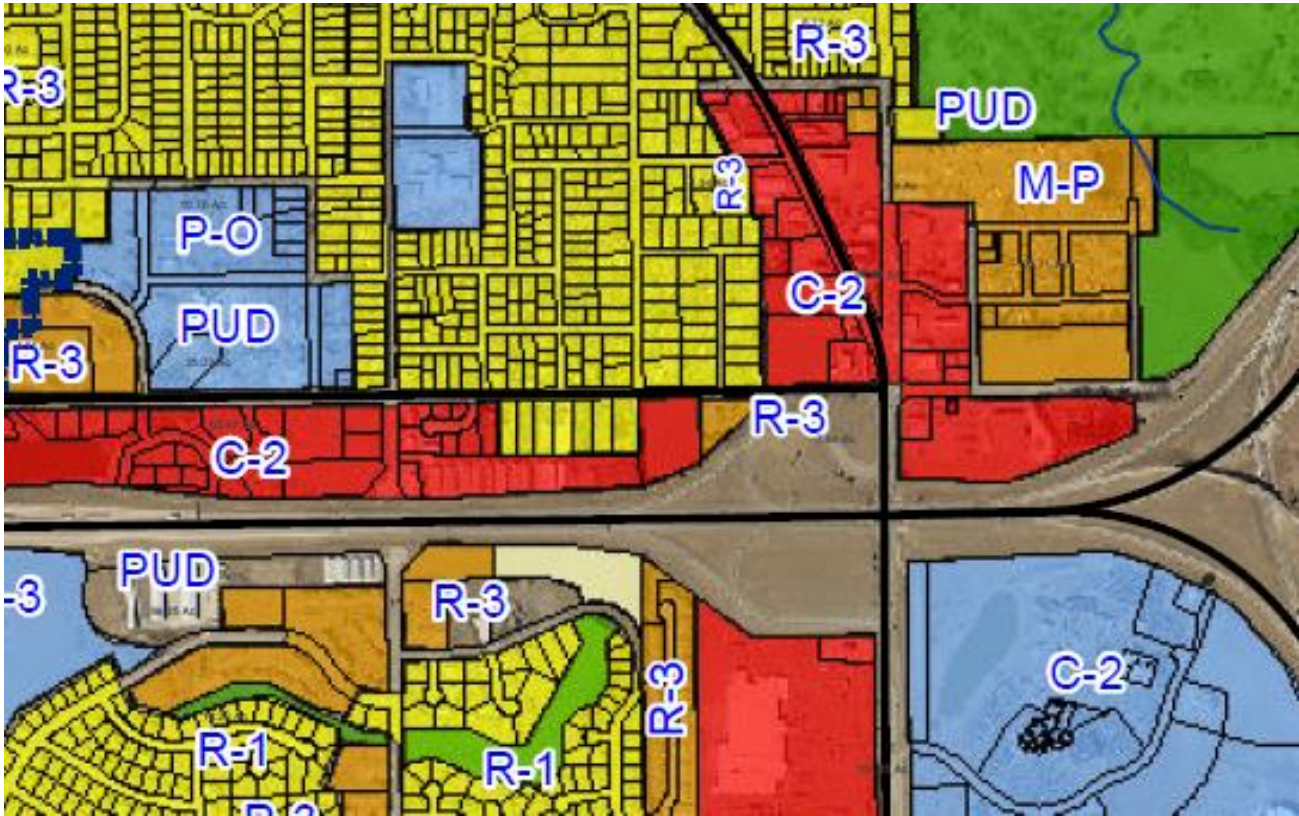
The Applicant requests that the above-described property be rezoned from an R-1 (Single Family Dwelling District) zoning classification to an R-2 (Two Family Dwelling District) zoning classification.

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, March 1, 2021 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.

Justin Erickson
Justin Erickson
Planning and Zoning Supervisor
City of Newton, Kansas

ANDREA FIEDLER
Notary Public - State of Kansas
My Appointment Expires 4/1/22





COMMISSION COMMUNICATION	
FOR MEETING OF	03/01/2021
AGENDA ITEM	3
FOR ACTION	✓
INFORMATION ONLY	



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

February 18, 2021

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

Re: Consider a preliminary plat application for Newton Prestress Addition

Background:

Attached is the preliminary plat for Newton Prestress Addition, submitted by Kaw Valley Engineering, on behalf of Applicant Chris Goevert, for property is located on North Side of Old Hwy 81/N Hesston Rd, between N Anderson Ave and NW 36th St.

The property on the plat is listed as:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE COUNTY OF HARVEY, STATE OF KANSAS, BEING A PORTION OF TRACT 4 DESCRIBED IN DEED BOOK 240 AT PAGE 805 RECORDED IN THE REGISTER OF DEEDS OFFICE OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY JASON R. LOADER, PS 1462 ON DECEMBER 3, 2020 AS FOLLOWS:

**ALL BEARINGS HEREIN ARE BASED ON A KANSAS STATE PLANE COORDINATE SYSTEM, NAD1983(2011), SOUTH ZONE 1501, GRID BEARING OF S 00°14'32" E ON THE EAST SECTION LINE OF SAID NORTHEAST QUARTER OF SECTION 6. COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 6; THENCE ON THE NORTH LINE OF SAID QUARTER SECTION N 88°48'05" W 1247.86 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE ON THE WEST LINE OF SAID EAST HALF S 00°17'59" E 56.15 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 36TH STREET AND THE POINT OF BEGINNING; THENCE ON SAID SOUTH RIGHT-OF-WAY S 89°37'15" E 670.08 FEET; THENCE S 00°10'43" E 333.24 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, S 88°48'05" E 532.91 FEET THE WEST RIGHT-OF-WAY LINE OF ANDERSON AVENUE; THENCE ON SAID WEST RIGHT-OF-WAY S 00°14'32" E 1842.85 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 4; THENCE ON THE SOUTH LINE OF SAID TRACT 4, N 89°03'57" W 2268.32 FEET TO THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE ON THE NORTHERLY RIGHT-OF-WAY N 41°59'24 W 267.34 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER; THENCE ON SAID WEST LINE N 00°21'26 W 716.38 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE ON SAID SOUTH LINE S 88°56'00" E 1246.47 FEET TO THE CENTER QUARTER CORNER OF SAID NORTHEAST QUARTER; THENCE ON THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER N 00°17'59" W 1262.82 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID NORTHWEST 36TH STREET AND THE POINT OF BEGINNING.
 CONTAINS 81.58 ACRES, MORE OR LESS.**

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 Kaw Valley Engineering., 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 Newton Prestress Addition to the City of Newton, Harvey County, Kansas. Contingent upon final drainage plan review and approval and the minor adjustments to the plat suggested by staff.

Attachments:

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

Newton/North Newton Area Planning Commission Plat Application

Applicant(s) Name: Chris Boewert
Information Address: P.O. Box 311
Newton, KS 67114
Phone: (316) 283-2277

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

Legal description of property: _____

PLAT DESCRIPTION:
 THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE COUNTY OF HARVEY, STATE OF KANSAS, BEING A PORTION OF TRACT 4 DESCRIBED IN DEED BOOK 240 AT PAGE 805 RECORDED IN THE REGISTER OF DEEDS OFFICE OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY JASON R. LOOPER, PG 1462 ON DECEMBER 3, 2020 AS FOLLOWS:
 ALL BEARINGS HEREIN ARE BASED ON A KANSAS STATE PLANE COORDINATE SYSTEM, NAD1983(2011), SOUTH ZONE 1501, GRID BEARING OF S 00°14'32" E ON THE EAST SECTION LINE OF SAID NORTHEAST QUARTER OF SECTION 6, COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 6, THENCE ON THE NORTH LINE OF SAID QUARTER SECTION N 88°48'00" W 1247.85 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE ON THE WEST LINE OF SAID EAST HALF S 00°17'50" E 36.15 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 36TH STREET AND THE POINT OF BEGINNING; THENCE ON SAID SOUTH RIGHT-OF-WAY S 89°37'15" E 670.08 FEET; THENCE S 00°10'43" E 333.24 FEET, THENCE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, S 88°48'00" E 532.91 FEET TO THE WEST RIGHT-OF-WAY LINE OF ANDERSON AVENUE, THENCE ON SAID WEST RIGHT-OF-WAY S 00°14'32" E 1842.85 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 4; THENCE ON THE SOUTH LINE OF SAID TRACT 4, N 89°37'57" W 2268.32 FEET TO THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE ON THE NORTHERLY RIGHT-OF-WAY N 41°50'24" W 287.34 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER; THENCE ON SAID WEST LINE N 00°21'26" W 716.38 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ON SAID SOUTH LINE S 88°30'00" E 1248.47 FEET TO THE CENTER QUARTER CORNER OF SAID NORTHEAST QUARTER; THENCE ON THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER N 00°17'50" W 1262.82 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID NORTHWEST 36TH STREET AND THE POINT OF BEGINNING.
 CONTAINS 81.58 ACRES, MORE OR LESS.

BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S 00°14'32" E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN, HARVEY COUNTY, KANSAS.

- 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.

