



AGENDA
NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
May 3, 2021

The Newton–North Newton Area Planning Commission will meet Monday, May 3, 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 April 5, 2021 meeting minutes.
2. Consider, and conduct a public hearing on an application for a zoning district amendment for property north of 2800 Old Highway 81 (Prestressed Concrete), from Harvey County Agricultural 1 to Newton I-2 Industrial zoned district.
(The applicant has requested the public hearing be tabled to the June 7, 2021 regularly scheduled Planning Commission meeting.)
3. Election of 2021-2022 Officers.
4. Adoption of 2022 Newton-North Newton Planning Commission Meeting Schedule.
5. Consider a final plat application for KDOT 522 submitted by PEC on behalf of owners and sub-dividers: Secretary of Transportation, for property located on the south side of South West 14th Street, west of Anderson Avenue, north of Highway 50.
6. Old Business.
7. New Business.
8. Adjournment.

NEWTON-NORTH NEWTON PLANNING COMMISSION
REGULAR MEETING
April 5, 2021

Members Present: **Newton:** Carl Harris (7-0), Dan Harder (6-1), Denise Goodnite (6-1), Arlan Newell (6-1), Jay Sommerfeld (3-4)

North Newton: Tyson Weidenbener (7-0), Gary Roth (7-0), Joe Slechta (6-1)

Members Absent: **Newton:** Brian Scott (6-1)

[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 April 5, 2021 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 March 1, 2021 meeting minutes.

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

AGENDA ITEM NO. 2

Consider and conduct a public hearing on a variance request from Scott Erb of 417 West 11th Street requesting a reduced side yard setback of two feet. If the variance is granted, the property owner will be allowed to build a garage along the east side of the lot.

Staff presented the variance request and staff report included in the agenda packet.

Chair Weidnebener opened the public hearing at 6:04 p.m. There being no one to speak, the hearing was closed at 6:04 p.m. and discussion was brought back to the bench.

Commissioner Harris and Chair Weidenbener asked for clarification on the setback length, placement of the proposed garage and what type of access the owner would have to the garage. If approved, the garage would sit to the south of the home with a setback of 2 feet instead of 7 feet. A driveway is already present and would provide access to the garage from the street.

MOTION: Commissioner Newell moved and Vice Chair Harder seconded to approve the variance. Motion carried.

AGENDA ITEM NO. 3

Old Business

There was no new 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 6:06 p.m.

Sara Schmidt
Recording Secretary

COMMISSION COMMUNICATION	
FOR MEETING OF	05/03/2021
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

April 26, 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

Recommended Action:

It is recommended that the Planning Commission table the application for a Zoning District Amendment for Prestress Concrete until June 7th, 2021.



Justin Erickson

Planning and Zoning Supervisor

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COMMISSION COMMUNICATION	
FOR MEETING OF	05/03/2021
AGENDA ITEM	3
FOR ACTION	✓
INFORMATION ONLY	

April 27, 2021

To: Newton/North Newton Area Planning Commission

From: Justin Erickson, Planning & Zoning Supervisor

Re: 2021 Planning Commission Membership & Election of Chair and Vice-Chair

Background:

In accordance with the Bylaws, Article II- Officers, Elections, and Duties; Section 1:

Section 1. Officers. The Officers of the Commission shall consist of a Chair, Vice-Chair and Secretary. The Chair and Vice-Chair shall be members of the Commission who are elected to such offices by the Commission in the manner prescribed in Section 2 of this Article. The Secretary shall be such staff person or representative of the City of Newton who has been designated by the governing body or by the City Manager of the City of Newton to perform the functions of the Secretary. If no such person has been so designated, then the Commission shall elect a Secretary who need not be a member of the Commission.

Section 2. Elections. The election of officers shall be conducted by the Commission at the first regular Commission meeting after the thirtieth day of April in each year. Election shall be made by a majority vote of the membership of the Commission. Each officer shall take office immediately upon such person's election, and shall serve for one year or until his or her successor has been elected. Officers may serve for more than one term, and may serve consecutive terms; provided, however, that neither the Chair nor the Vice-Chair shall serve for more than two consecutive terms.

Section 3. Duties of the Chair and Vice-Chair. The Chair shall preside at all meetings of the Commission. The Vice-Chair shall exercise the duties of the Chair in the absence of the Chair. In the absence of both the Chair and the Vice-Chair, the Secretary shall preside for the purpose of the selection of a temporary Chair, and the Secretary shall forthwith relinquish the chair after selection of a temporary Chair, who shall then exercise the duties of the Chair. The Chair shall represent the Commission at all meetings with other groups unless another member is designated to perform that function.

Section 4. Duties of the Secretary. The Secretary shall perform the following duties:

- (a) To oversee the preparation and distribution of agendas for each Commission meeting.
- (b) To prepare the minutes of each Commission meeting and submit them to the Commission for approval.
- (c) To sign all minutes and other official papers and documents to indicate that they have been approved by the Commission.

- (d) To maintain an official file or record book of the minutes as approved, and to provide the governing bodies of the cities of Newton and North Newton with copies on a continuing basis.
- (e) To attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto, and to maintain an official file of Comprehensive Plan documents and accompanying adoption materials and ordinances.
- (f) To distribute to each Commission member all current materials relating to the Comprehensive Plan and to the zoning and subdivision regulations, and to distribute three sets of each of the zoning and subdivision regulations, including amendments thereto, to the City Clerks of the cities of Newton and North Newton as the official City copies.
- (g) To prepare written reports and recommendations of the Commission to the governing bodies of the cities of Newton and North Newton.

It is now time for the Commission to elect a Chair and a Vice-Chair for 2021-2022. Tyson Weidenbener (representing North Newton) currently serves as Chair. Commissioner Dan Harder (representing Newton) currently serves as Vice Chair. The Commission has previously designated staff member Sara Schmidt to serve in the role of Secretary.

The procedure for election of the Chair and Vice Chair is that a Commissioner or Commissioners make nominations from the bench, and an election follows. There is some precedent for the Vice-Chair being elected Chair, and the next leading vote getter becoming Vice-Chair.

Recommended Action:

The Commission is asked to re-appoint expiring members, Jay Sommerfeld, Dan Harder, and Carl Harris to another 3-year term that would then expire on 4/30/2024 and elect a Chair and Vice Chair.

Attachments:

None

COMMISSION COMMUNICATION	
FOR MEETING OF	05/03/21
AGENDA ITEM	4
FOR ACTION	✓
INFORMATION ONLY	



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

April 27, 2021

To: Newton/North Newton Area Planning Commission
 From: Justin Erickson, Planning & Zoning Supervisor

Re: 2022 Schedule of Meetings

Background:

In accordance with the Bylaws, Article III- Meetings, Section 1, and Regular Meetings:

At the first meeting of the Commission following the thirtieth day of April in each year, the Commission shall determine such regular schedule of meetings for the following year as the Commission shall deem to be advisable.

The proposed 2022 meeting schedule remains the same as previous years with the Application Deadline listed as the first Tuesday of each month prior to the meeting date the applicant wishes to be heard. The proposed schedule also shows the Meeting/Public Hearing Date listed as the first Monday of every month at 6:00 p.m.

Recommended Action:

The Newton/North Newton Area Planning Commission is asked to:

1. Approve the 2022 Schedule of Meetings.

Attachments:

- A. Proposed 2022 Schedule of Meetings

**2022 Meeting Schedule
Newton/North Newton Area Planning Commission**

The Newton/ North Newton Area Planning Commission meets at 6:00 p.m. on the first Monday of every month in the Commission Chambers on the 3rd floor of City Hall, 201 East Sixth Street. Doors open at 5:50 p.m. for seating.

**Meeting Dates and Application Deadlines
Plat, Zoning Amendment, Planned Unit Development (PUD), & Variance**

<u>Application Deadline*</u>	<u>Meeting/Public Hearing*</u>
December 7, 2021	January 3, 2022
January 4, 2022	February 7, 2022
February 8, 2022	March 7, 2022
March 8, 2022	April 4, 2022
April 5, 2022	May 2, 2022
May 3, 2022	June 6, 2022
June 7, 2022	+July 11, 2022
July 5, 2022	August 1, 2022
August 2, 2022	+September 12, 2022
September 6, 2022	October 3, 2022
October 4, 2022	November 7, 2022
November 8, 2022	December 5, 2022
December 6, 2022	+January 9, 2023

+Independence Day: 7/4/22 +Labor Day: 9/5/22 +New Year: 1/1/23

*Application Deadline- all applications and required materials, including certified property ownership lists and preliminary plats, must be received by the Planning Department **no later than 5:00 p.m. CST** at the 3rd floor reception desk, City Hall, 201 East Sixth Street, PO Box 426, Newton, Kansas 67114.

*Meeting/Public Hearing- all applications will be considered by the Newton/North Newton Planning Commission during a regular meeting. For those applications that require a public hearing, the public hearing will be conducted during the regular meeting.

COMMISSION COMMUNICATION	
FOR MEETING OF	05/03/2021
AGENDA ITEM	5
FOR ACTION	✓
INFORMATION ONLY	



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

April 27, 2021

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

Re: Consider a Final 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 Final 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 Final 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. Staff continues to work with the applicant on a few small items. A drainage report and plan has been received and has been reviewed by City Engineering staff.

The Final 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 Final Plat, including any required and requested changes. 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 Final Plat contingent upon the applicant’s acceptance of any changes required by the Planning Commission and minor changes requested by Staff. The Final Plat, including those changes will be forwarded to the Newton City Commission with a recommendation that it be approved.

Attachments:

- A. KDOT 522 Addition Final Plat Application & Legal Description
- B. KDOT 522 Addition Final 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

