



AGENDA
NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
June 7, 2021

The Newton–North Newton Area Planning Commission will meet Monday, June 7, 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 May 4, 2021 meeting minutes.
2. Consider a revised preliminary plat application for Newton Prestressed Addition.
3. 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.
4. Consider a final plat application for Newton Prestressed Addition.
5. Consider and conduct a public hearing on an application for a zoning district amendment submitted by Jordan and Randy Voelker with Ex Cat Construction, LLC for property located on the North Side of 12th Street, between Highway I-135 and North Spencer Road from the Harvey County Industrial zoning classification to Newton R-1 Single Family Dwelling District.
6. Old Business.
7. New Business.
8. Adjournment.

NEWTON-NORTH NEWTON PLANNING COMMISSION

REGULAR MEETING

May 3, 2021

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

North Newton: Tyson Weidenbener (1-0)

Members Absent: **Newton:** Dan Harder (0-1)

Members Absent: **North Newton:** Gary Roth (0-1), Joe Slechta (0-1)

[Note: attendance-recording period runs from 5-1-2021 to 4-30-2022]

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 May 3, 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 April 5, 2021 meeting minutes.

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

AGENDA ITEM NO. 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.*)

MOTION: Commissioner Harris moved and Commissioner Scott seconded to table the zoning district amendment. Motion carried.

AGENDA ITEM NO. 3

Election of 2021-2022 Officers.

MOTION: Commissioner Harris moved and Commissioner Goodnite seconded to retain the current officers with Tyson Weidenbener as Chair, Dan Harder as Vice Chair and Sara Schmidt as Recording Secretary. Motion carried.

AGENDA ITEM NO. 4

Adoption of 2022 Newton-North Newton Planning Commission Meeting Schedule.

MOTION: Commissioner Newell moved and Commissioner Scott seconded to approve the 2022 meeting schedule. Motion carried.

AGENDA ITEM NO. 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.

Staff presented the final plat and staff report included in the agenda packet.

Mitch Coffman with PEC stood for questions and spoke to a few small revisions that had been made to the final plat.

MOTION: Commissioner Scott moved and Commissioner Goodnite seconded to approve the final plat. 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 6:11 p.m.

Sara Schmidt
Recording Secretary

COMMISSION COMMUNICATION	
FOR MEETING OF	06/07/2021
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

May 13, 2021

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

Re: Consider a Revised Preliminary Plat application for Newton Prestress Addition

Background:

Attached is the revised preliminary plat for Newton Prestress Addition, submitted by Kaw Valley Engineering, on behalf of Applicant Chris Goevert, for property that 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:

The East Half (E/2) of the Northeast Quarter (NE/4) AND the Southwest Quarter (SW/4) of Northeast Quarter (NE/4) lying North and East of the Missouri Pacific Railway Co. railroad right-of-way, all in Section Six (6), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas, EXCEPT Beginning at the East Quarter corner of said Section Six (6); thence along the East line of the Northeast Quarter (NE/4) of said Section Six (6), North 1°10'23" West, 409.67 feet; thence West 2313.24 feet to the Northeasterly right-of-way line of the Union Pacific Railroad; thence along the Northeasterly right-of-way line of the said Union Pacific Railroad, South 42°54'37" East 559.21 feet to the South line of the Northeast Quarter (NE/4) of said Section Six (6); thence along the South line of the Northeast Quarter (SE/4) of said Section Six (6) East 1940.88 feet (East being an assumed bearing) to the point of beginning. AND ALSO EXCEPT: Beginning at the Northeast corner of said Northeast Quarter (NE/4); thence West 577.5 feet along the North line of said Northeast Quarter (NE/4); thence South 379.8 feet parallel to the East line of said section; thence East 577.5 feet; thence North 379.8 feet to the point of beginning.

As per the City’s subdivision regulations, the revised 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 revised preliminary plat incorporating the requests and comments. Staff continues to work with the applicant on a few small items. (Noted under recommended Actions) A drainage report and plan has been received and was reviewed by a 3rd Party Engineering firm.

The revised preliminary plat now comes 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 revised preliminary plat, including any required and requested changes.

Recommended Action:

It is recommended the Newton-North Newton Area Planning Commission approve the revised preliminary plat for Newton Prestress Addition to the City of Newton, Harvey County, Kansas. Contingent upon fixing:

- NW Corner (Point of Beginning) access control 70.08' (Preliminary Plat) or 70' (Final Plat)?
- NE Corner 46.56' (M) (Preliminary Plat) or 46.60' (M) (Final Plat)?
- North Heston Road Access 267.34' (Preliminary Plat) or 267' (Final Plat)?
- SE Corner "Weir" provide a profile.
- Provide lot access by separate document.
- Provide allowable "Proposed Drainage Easement" outside plat limits by separate document.
- Provide 30' Water Easement outside plat limits by separate document.
- General Notes: "E" Need clarification.

Attachments:

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

Newton/North Newton Area Planning Commission Plat Application

Applicant(s) Name: Chris Boever
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 1247.86 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE ON THE WEST LINE OF SAID EAST HALF S 00°17'50" E 261.15 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 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 49°33'52" W 2268.32 FEET THE NORTHERLY RIGHT-OF-WAY OF THE UNIV. 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 NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE ON SAID SOUTH LINE S 89°26'20" 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.

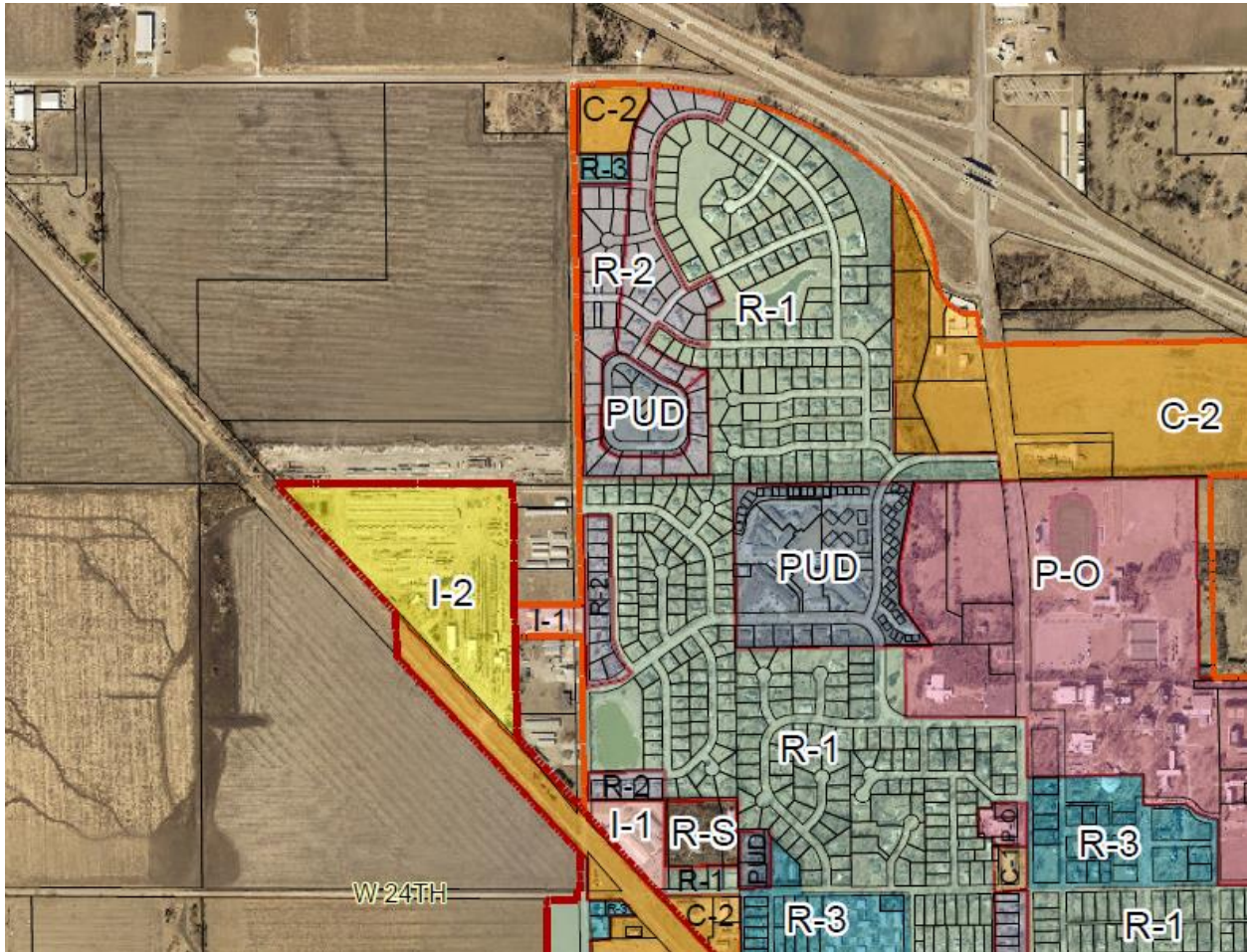
CONTAINS 81.58 ACRES, MORE OR LESS.

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.



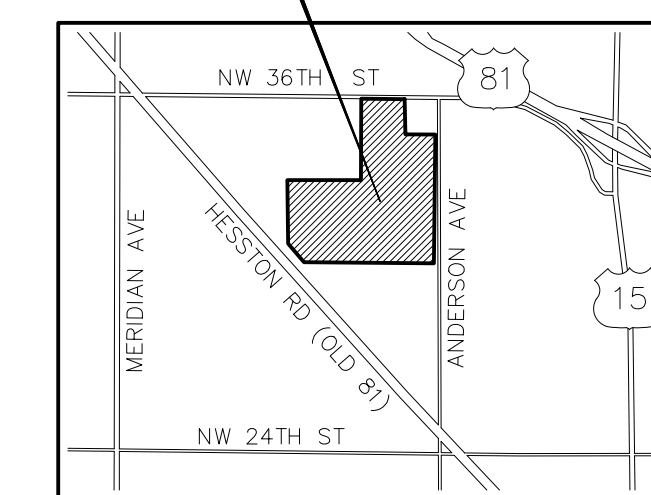
PRELIMINARY PLAT NEWTON PRESTRESS ADDITION

A PORTION OF NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 1 EAST,
CITY OF NEWTON, COUNTY OF HARVEY, KANSAS

LEGEND

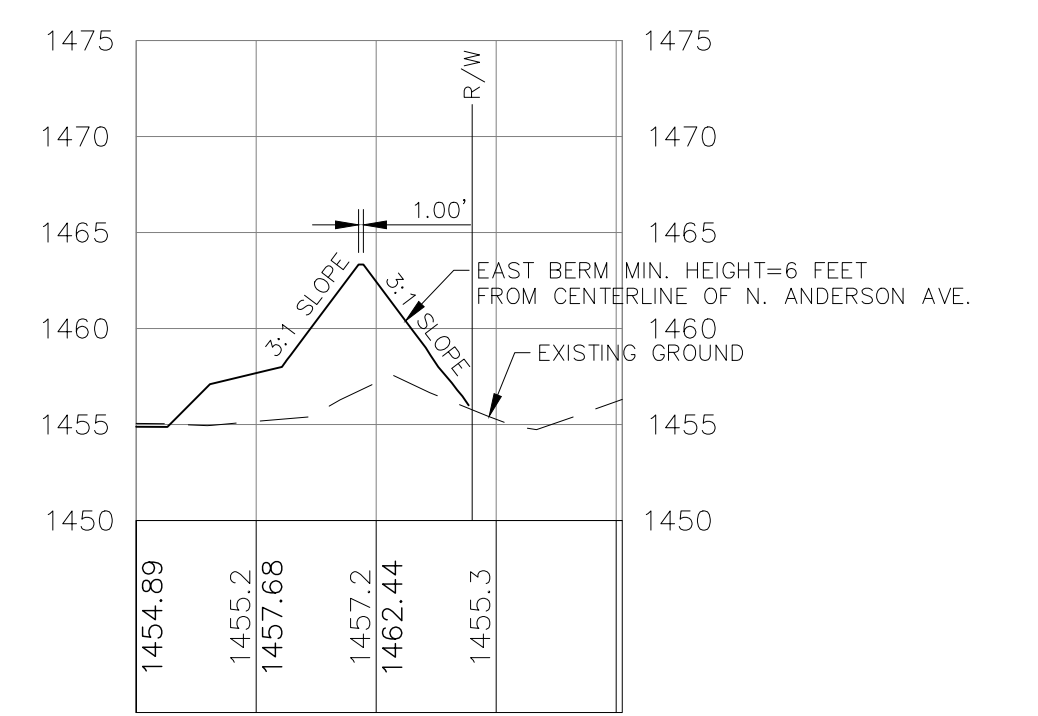
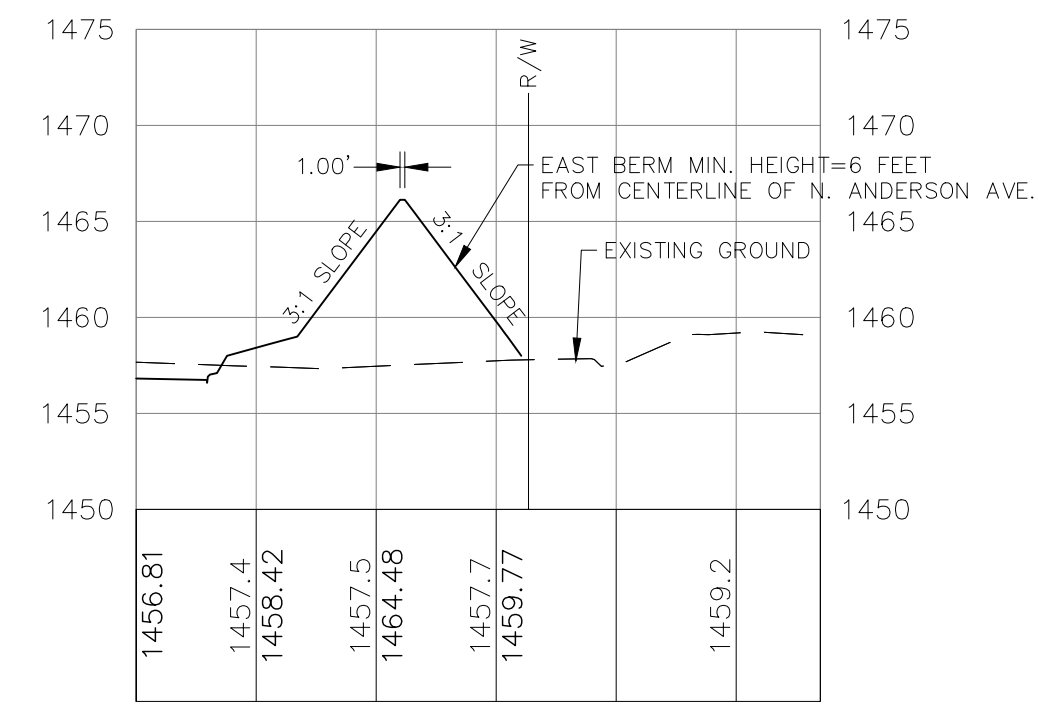
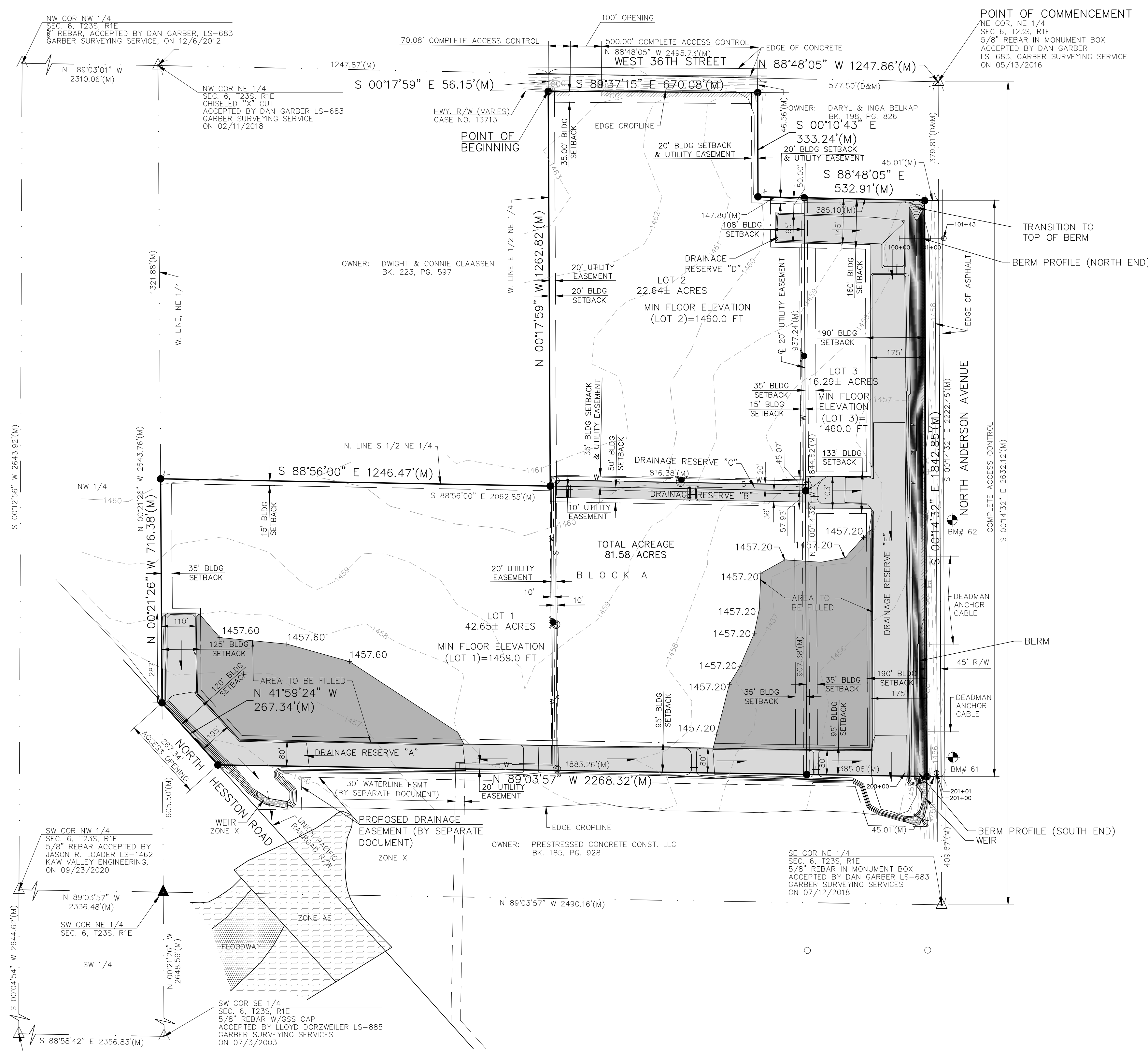
- SECTION CORNER FOUND
- SECTION CORNER SET
- 1/2" X 24" REBAR W/KVE CLS 20 CAP SET IN CONCRETE
- (D) DESCRIBED (PER BK. 213, PG. 120)
- (M) MEASURED
- ELECTRIC BOX
- FIBER OPTIC CABLE SIGN
- UTILITY POLE
- DEADMAN ANCHOR
- OVERHEAD UTILITY
- 1' CONTOUR INTERVAL
- LINE NOT DRAWN TO SCALE
- 1457+ PROPOSED DIRT ELEVATION
- ACCESS CONTROL
- RESERVE AREA
- AREA TO BE FILLED
- PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED WATER LINE
- PROPOSED FIRE HYDRANT

PROJECT LOCATION



LOCATION MAP HARVEY COUNTY, KANSAS

LOT AREAS	
LOT 1 =	42.65± ACRES
LOT 2 =	22.64± ACRES
LOT 3 =	16.29± ACRES
TOTAL ACREAGE:	81.58± ACRES



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. LOADER, PS 1462 ON DECEMBER 3, 2020 AS FOLLOWS:

ALL BEARINGS HEREIN ARE BASED ON AN ASSUMED 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 WEST 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 TO THE WEST RIGHT-OF-WAY LINE OF ANDERSON AVENUE; THENCE ON SAID WEST RIGHT-OF-WAY LINE 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 WEST 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.

DATE OF SURVEY: NOVEMBER 19, 2020

- GENERAL NOTES:**
- A. THE SURVEYED PROPERTY LIES WITHIN FLOOD ZONE X "AREA MINIMAL FLOOD HAZARD", AS SAID PROPERTY PLOTS BY SCALE ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 20079C0203 E EFFECTIVE DATE NOVEMBER 6, 2010.
 - B. THE SURVEYED PROPERTY IS CURRENTLY IN ZONED COUNTY AGRICULTURAL DISTRICT, ACCORDING TO CITY OF NEWTON, KANSAS ZONING MAP.
 - C. BERM TO BE TURFED WITH NATIVE PRAIRIE GRASS TO CONTROL EROSION.
 - D. WEIRS TO BE CONCRETE CEMENTED TO MAINTAIN SHAPE & FUNCTION.
 - E. ACCESS TO THE SOUTH ADJACENT PROPERTY BY SEPARATE DOCUMENT.

DATUM BENCHMARK:
DATUM IS U.S. SURVEY FEET AND REFERS TO NAVD88 DATUM DERIVED FROM CONNECTIONS TO NATIONAL CORS NETWORK VIA GPS STATIC SESSIONS ON PROJECT CONTROL PROCESSED WITH THE NATIONAL GEODETIC SURVEY'S OPUS PROJECTS UTILITY. ORTHOMETRIC HEIGHT WAS CALCULATED USING THE GEOID12B MODEL.

BENCHMARKS:
BM# 61
CHISELED SQUARE CUT SET AT NORTH END CURB RETURN, SOUTHWEST CORNER LAKEWOOD CIRCLE & N. ANDERSON AVE.
ELEV: 1457.91 (NAVD88)

BM# 62
CHISELED SQUARE CUT SET AT SOUTH END CURB RETURN, NORTHEAST CORNER WITMARSHUM DRIVE & N. ANDERSON AVE.
ELEV: 1457.74 (NAVD88)

SURVEYOR:
JASON R. LOADER LS 1462
KAW VALLEY ENGINEERING
200 N. EMPORIA, SUITE 100
WICHITA, KANSAS 67202

DEVELOPER/SUBDIVIDER:
CHRIS GOEVERT
PRESTRESSED CONCRETE
P.O. BOX 311
NEWTON, KANSAS 67114

<p>KAW VALLEY ENGINEERING</p>	200 N. EMPORIA, SUITE 100 WICHITA, KANSAS 67202 PH. (316) 440-4304 FAX (316) 440-4309 wh@kven.com www.kven.com	PROJECT NO. G20-1570 DRAWN BY AL CHECKED BY JRL CFN 1570PRLM SHEET 1 OF 1
	PROJECT: W. 36TH ST & N. ANDERSON AVE NEWTON, KANSAS	
PREPARED FOR: PRESTRESSED CONCRETE P.O. BOX 311 WICHITA, KS 67114		KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/22

COMMISSION COMMUNICATION	
FOR MEETING OF	06/07/2021
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

May 17, 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), Kaw Valley Engineering, on behalf of Applicant Chris Govert, for property that is located on North Side of Old Hwy 81/N Hesston Rd, between N Anderson Ave and NW 36th St, from the current AG (County District) to an I-2 (City)(General Industrial District).

The property is legally described as:

The East Half (E/2) of the Northeast Quarter (NE/4) AND the Southwest Quarter (SW/4) of Northeast Quarter (NE/4) lying North and East of the Missouri Pacific Railway Co. railroad right-of-way, all in Section Six (6), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas, EXCEPT Beginning at the East Quarter corner of said Section Six (6); thence along the East line of the Northeast Quarter (NE/4) of said Section Six (6), North 1°10'23" West, 409.67 feet; thence West 2313.24 feet to the Northeasterly right-of-way line of the Union Pacific Railroad; thence along the Northeasterly right-of-way line of the said Union Pacific Railroad, South 42°54'37" East 559.21 feet to the South line of the Northeast Quarter (NE/4) of said Section Six (6); thence along the South line of the Northeast Quarter (SE/4) of said Section Six (6) East 1940.88 feet (East being an assumed bearing) to the point of beginning. AND ALSO EXCEPT: Beginning at the Northeast corner of said Northeast Quarter (NE/4); thence West 577.5 feet along the North line of said Northeast Quarter (NE/4); thence South 379.8 feet parallel to the East line of said section; thence East 577.5 feet; thence North 379.8 feet to the point of beginning.

Additional Information:

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

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.

Please see the map included as Attachment G 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 residential activities including, but not limited to:

I-2:

- Same as I-1.
- 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.

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.
- Any other retail business or service establishment determined by the Zoning Administrator to be of the same general character as the above listed uses.

(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: Water is available at 24th & Anderson and planned for extension to the site as shown on attachment H and I. Sewer is available for extension if requested.

(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 designation as the property was previously in the County.

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 June 22, 2021 City Commission meeting.

Attachments:

- A. Zoning District Amendment Application
- B. Property Ownership Notification List for Public Hearing
- C. Notice of Public Hearing (Publication)
- D. Notice of Public Hearing (Owners of Nearby Properties)
- E. Affidavit of Publication
- F. Current Zoning Map
- G. Future Land Use Map – Comprehensive Plan (ReNewton)
- H. Water Extension Map 1
- I. Water Extension Map 2
- J. Postponement Letter
- K. North Newton - Correspondence
- L. Citizen -Correspondence

Newton/North Newton Area Planning Commission Zoning District Amendment Application

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

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

Street address of property: 2800 Old Hwy 81, Newton, KS 67114
Legal description of property: See next page.

Present zoning of subject property: AG Requested zoning: I-2

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.

Chris Goevert 3/1/24
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.

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. 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.

OWNERSHIP LIST

Prepared by
SECURITY 1ST TITLE
March 3, 2021 at 7:59 AM

Tracts within 200 feet (in the City) and 1000 feet (in the County) of the following described property:

The East Half (E/2) of the Northeast Quarter (NE/4) AND the Southwest Quarter (SW/4) of Northeast Quarter (NE/4) lying North and East of the Missouri Pacific Railway Co. railroad right-of-way, all in Section Six (6), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas, EXCEPT Beginning at the East Quarter corner of said Section Six (6); thence along the East line of the Northeast Quarter (NE/4) of said Section Six (6), North 1°10'23" West, 409.67 feet; thence West 2313.24 feet to the Northeastly right-of-way line of the Union Pacific Railroad; thence along the Northeastly right-of-way line of the said Union Pacific Railroad, South 42°54'37" East 559.21 feet to the South line of the Northeast Quarter (NE/4) of said Section Six (6); thence along the South line of the Northeast Quarter (SE/4) of said Section Six (6) East 1940.88 feet (East being an assumed bearing) to the point of beginning, AND ALSO EXCEPT: Beginning at the Northeast corner of said Northeast Quarter (NE/4); thence West 577.5 feet along the North line of said Northeast Quarter (NE/4); thence South 379.8 feet parallel to the East line of said section; thence East 577.5 feet; thence North 379.8 feet to the point of beginning.

**Prestressed Concrete Construction, LLC
PO Box 311
Newton, KS 67114-0311**

METES AND BOUNDS DESCRIPTIONS

Section 6-23-1E

Tract in NE/c NE/4: Beg. NE/c Sec 6; W 577.5 ft.; S 379.8 ft.; E 577.5 ft.; N 379.8 ft. to pob, EXCEPT part condemned for State Hwy purposes in Dist. Court Case #13713.

Daryl W. Belnap & Inga Belnap
1312 N Anderson AVE
Newton, KS 67114-1483

NW/4 NE/4 and E/2 NW/4 EXCEPT that part platted as Schmidt Industrial Park, Harvey County, KS.

Dwight Claassen & Connie Claassen (1/2 int.)
3003 E 1ST ST
Newton, KS 67114-9682

Matt D. Claassen (1/2 int.)
9400 E Wilson Estates Pkwy Apt #2002
Wichita, KS 67206-4456

N/2 SW/4

Janice L. Hamilton
6022 N Meridian RD
Newton, KS 67114-9722

All that part of SE/4 lying S & W of RR r/w

The Merle D. Wenger Living Trust dated
November 4, 1998
The Lena R. Wenger Living Trust dated
November 4, 1998
2110 N West RD
Newton, KS 67114-8998

Tract in SE/4: Beg. at pt. on N line SE/4 intersecting with a line parallel to & 430 ft. W of E line said SE/4; S 1656.79 ft. to pt. intersecting with Nly r/w line MO-PAC RR; NWly 2259.94 ft. to pt. of intersection of Nly line said r/w with N line SE/4; E to pob.

Prestressed Concrete Construction, LLC
PO Box 311
Newton, KS 67114-0311

Attachment B – Continued

Tract in NE/4: Beg. E qtr corner; N 409.67 ft.; W 2313.24 ft. to NEly r/w line Union Pacific RR; SEly along said r/w line 559.21 ft to S line NE/4; E 1940.88 ft. to pob.

Prestressed Concrete Construction, LLC
PO Box 311
Newton, KS 67114-0311

Tract in SE/4: Beg. NE/c SE/4; S 145 ft.; W 430 ft.; N parallel to & 430 ft. W of E line said Section to N line SE/4; E along N line said SE/4 to pob.

Jeffrey Schroeder and
Catherine Schroeder Holdeman
c/o Catherine A. Holdeman
4030 N Sweet Bay ST
Wichita, KS 67226-3509

Tracts in SE/4:

Tract 1: Beg. 145 ft. S NE/c SE/4; W 430 ft.; S 428 ft.; E 430 ft.; N 428 ft. to pob.
Tract 2: Beg. 573 ft. S NE/c SE/4; W 430 ft.; S 201.54 ft.; E 430 ft.; N 201.54 ft. to pob.

Royal Rental Storage, LLC
717 N Main ST
Newton, KS 67114-1805

Section 31-22-1E

Tract in SE/4 & SW/4: Beg. SE/c SW/4; W 749 ft.; N 686.09 ft.; E 1374.07 ft. to E line W/2 W/2 SE/4; S 685.71 ft. to S line Sec. 31; W 624.31 ft. to pob. EXCEPT: Comm. SE/c SW/4; W 67.36 ft. to pob; W 681.64 ft.; N 686.09 ft.; E 681.64 ft.; S 685.90 ft. to pob.

Duane A. Lanier & Whitney A. Lanier
1907 E Sheridan Bridge LN
Olathe, KS 66062-2323

E/2 SE/4 & E/2 W/2 SE/4 EXCEPT: Beg. 567.3 ft. N of SE/c SE/4; N 345 ft.; curve to right 916.2 ft.; NWly to pt. on N line 660.3 ft. E of NW/c SE/4; W 21.2 ft.; S 406.9 ft.; SEly 1354.7 ft.; curve to left to pob. [exception is Hwy I-135]

The Don M. Gronau & Carol N. Gronau Joint
Revocable Trust Agreement dated July 15, 2013
4213 N Anderson RD
Newton, KS 67114-9702

Section 32-22-1E

Tract in SW/4: Comm. SW/c SW/4; N 61.73 ft. to pob; E 391.78 ft.; curve to right 516.60 ft. to S line SW/4; E 133.40 ft.; N 62°W 1158.64 ft. to W line SW/4; S 490.69 ft. to pob.

The City of North Newton, Kansas
PO Box 87
North Newton, KS 67117-0087

CAMPUS WOODS THIRD ADDITION, CITY OF NORTH NEWTON

Block 1

Lot 1

Bluestem Communities, Inc.
3001 Ivy DR
North Newton, KS 67117-8001

Lots 2 & 3

Kidron Bethel Retirement Services, Inc.
3001 Ivy DR
North Newton, KS 67117-8001

Block 2

Lots 1, 2, 7, 8, 9, 10, 18

Kidron Bethel Retirement Services, Inc.
3001 Ivy DR
North Newton, KS 67117-8001

Attachment B – Continued

East pt. Lot 19: Comm. SW/4 Lot 19; E 73.10 ft. to pob; N 140 ft. to N line Lot 19; E 47.74 ft. to NE/c Lot 19; S 140 ft. to SE/c Lot 19; W 46.90 ft. to pob.

Karen L. Haug
514 Witmarsum West DR
North Newton, KS 67117-8102

West pt. Lot 19: Beg. SW/c Lot 19; N 140 ft. to NW/c Lot 19; E 72.26 ft.; S 140 ft. to S line Lot 19; W 73.10 ft. to pob.

Sharon A. Gilges
516 Witmarsum West DR
North Newton, KS 67117-8102

CAMPUS WOODS FOURTH ADDITION, CITH OF NORTH NEWTON

Block 1

East 47 ft. Lot 1

Keva R. Farney
511 Witmarsum West DR
North Newton, KS 67117-8108

Lot 1 EXCEPT E 47ft. thereof

Keith C. Knopp & Stefanie L. Knopp
513 Witmarsum West DR
North Newton, KS 67117-8108

Lot 2

Kidron Bethel Retirement Services, Inc.
3001 Ivy DR
North Newton, KS 67117-8001

CAMPUS WOODS ESTATES ADDITION, A REPLAT OF PART OF CAMPUS WOODS FOURTH ADDITION, NORTH NEWTON

Block 1

Lots 1 & 2

Kidron Bethel Retirement Services, Inc.
3001 Ivy DR
North Newton, KS 67117-8001

SCHMIDT INDUSTRIAL PARK, HARVEY COUNTY

Block A

Lots 10, 11, 12, & Sanitary Sewerage Reserve Drainage Easement lying adjacent and to South of Lots 11 & 12

White Mountain Properties, LLC
717 N Main ST
Newton, KS 67114-1805

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 3rd day of March, 2021, at 7:59 AM.

SECURITY 1ST TITLE

By *Darlene M. Parvata*
Licensed Abstractor

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 NW 36th, between Old Hwy 81 and North Anderson Ave. The property is legally described as:

The East Half (E/2) of the Northeast Quarter (NE/4) AND the Southwest Quarter (SW/4) of Northeast Quarter (NE/4) lying North and East of the Missouri Pacific Railway Co. railroad right-of-way, all in Section Six (6), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas, EXCEPT Beginning at the East Quarter corner of said Section Six (6); thence along the East line of the Northeast Quarter (NE/4) of said Section Six (6), North 1°10'23" West, 409.67 feet; thence West 2313.24 feet to the Northeasterly right-of-way line of the Union Pacific Railroad; thence along the Northeasterly right-of-way line of the said Union Pacific Railroad, South 42°54'37" East 559.21 feet to the South line of the Northeast Quarter (NE/4) of said Section Six (6); thence along the South line of the Northeast Quarter (SE/4) of said Section Six (6) East 1940.88 feet (East being an assumed bearing) to the point of beginning. AND ALSO EXCEPT: Beginning at the Northeast corner of said Northeast Quarter (NE/4); thence West 577.5 feet along the North line of said Northeast Quarter (NE/4); thence South 379.8 feet parallel to the East line of said section; thence East 577.5 feet; thence North 379.8 feet to the point of beginning.

The Applicant requests that the above-described property be rezoned from an AG (County District) zoning classification to an I-2 (City) (General Industrial 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, May 3, 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.

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

Department of
Public Works:
Engineering Division



March 24, 2021

NOTICE OF HEARING

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

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 NW 36th, between Old Hwy 81 and North Anderson Ave. The property is legally described as:


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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 May 25, 2021 City Commission meeting agenda.


Justin Erickson
Planning and Zoning Supervisor
City of Newton, Kansas

AFFIDAVIT OF PUBLICATION

(Published in *The Newton Kansan*, Saturday, March 27, 2021.)

NOTICE OF HEARING

TO ALL PERSONS CONCERNED:

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

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

March 27th 2021

subsequent publications being made on the following dates

None

Subscribed and sworn to before me this **March 31st**, 2021

Shari L. Snelling
Shari L. Snelling

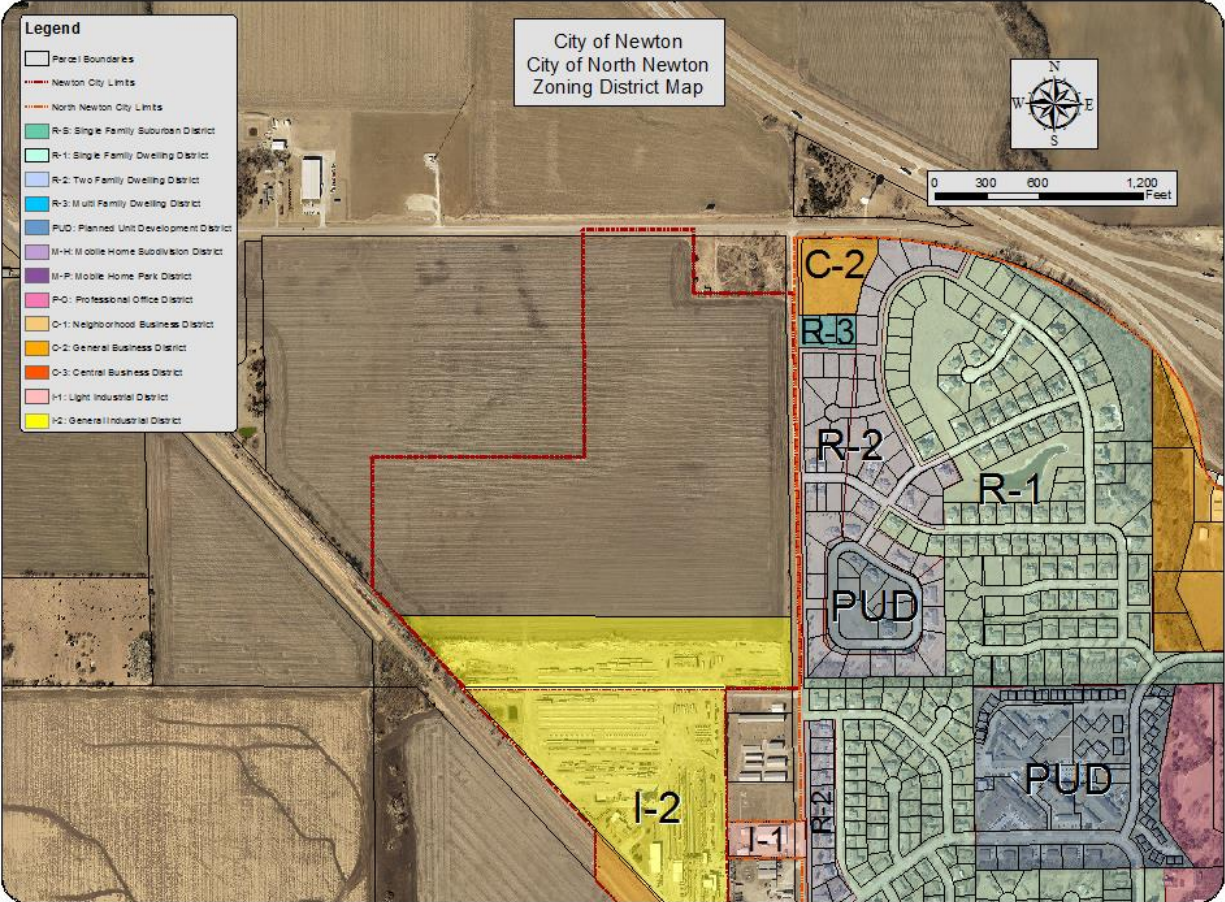
Notary Public

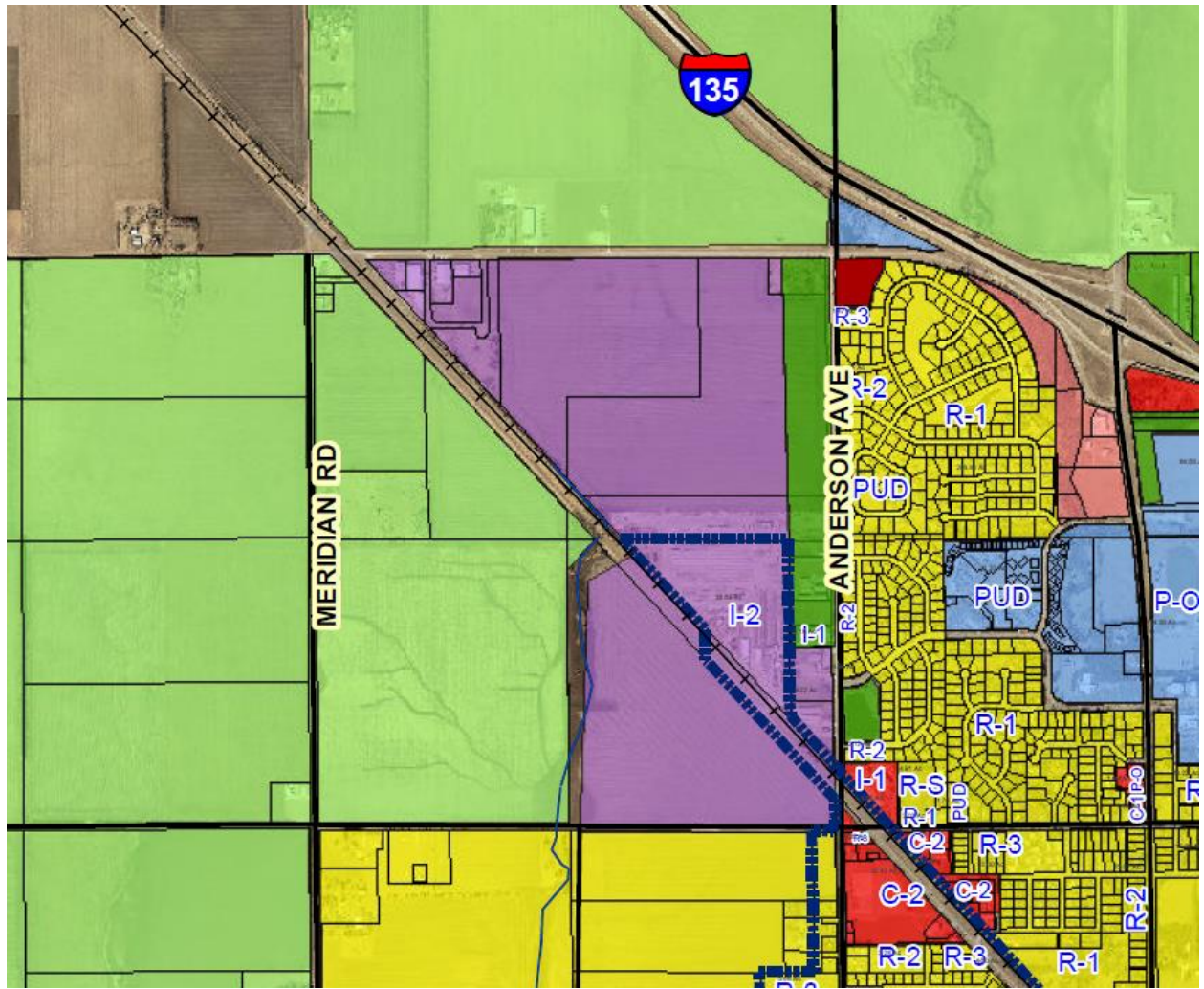
My commission expires 10-29-21

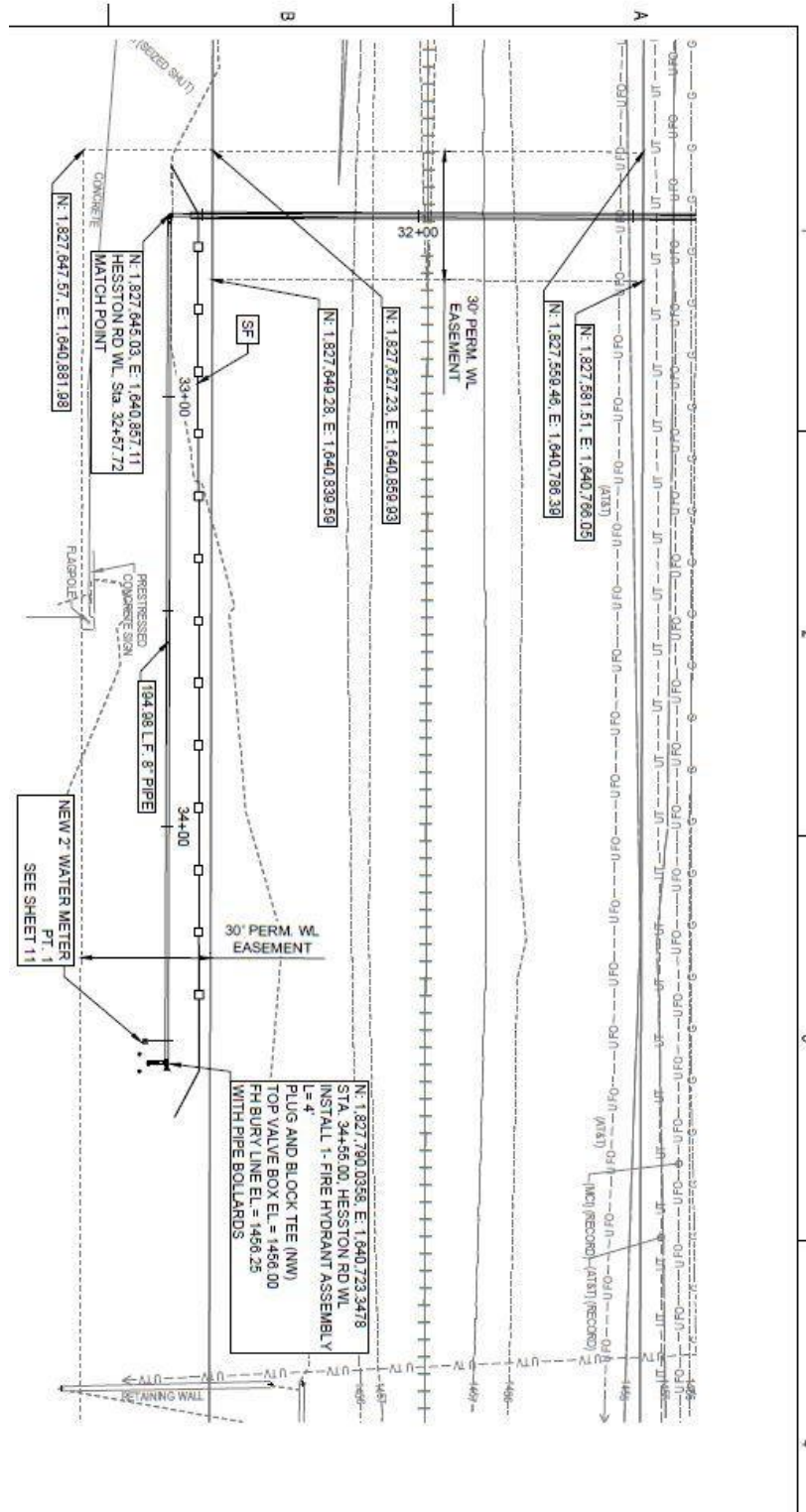
Total Amount of Payment \$18.00

Notice of Hearing/Zoning Amendment

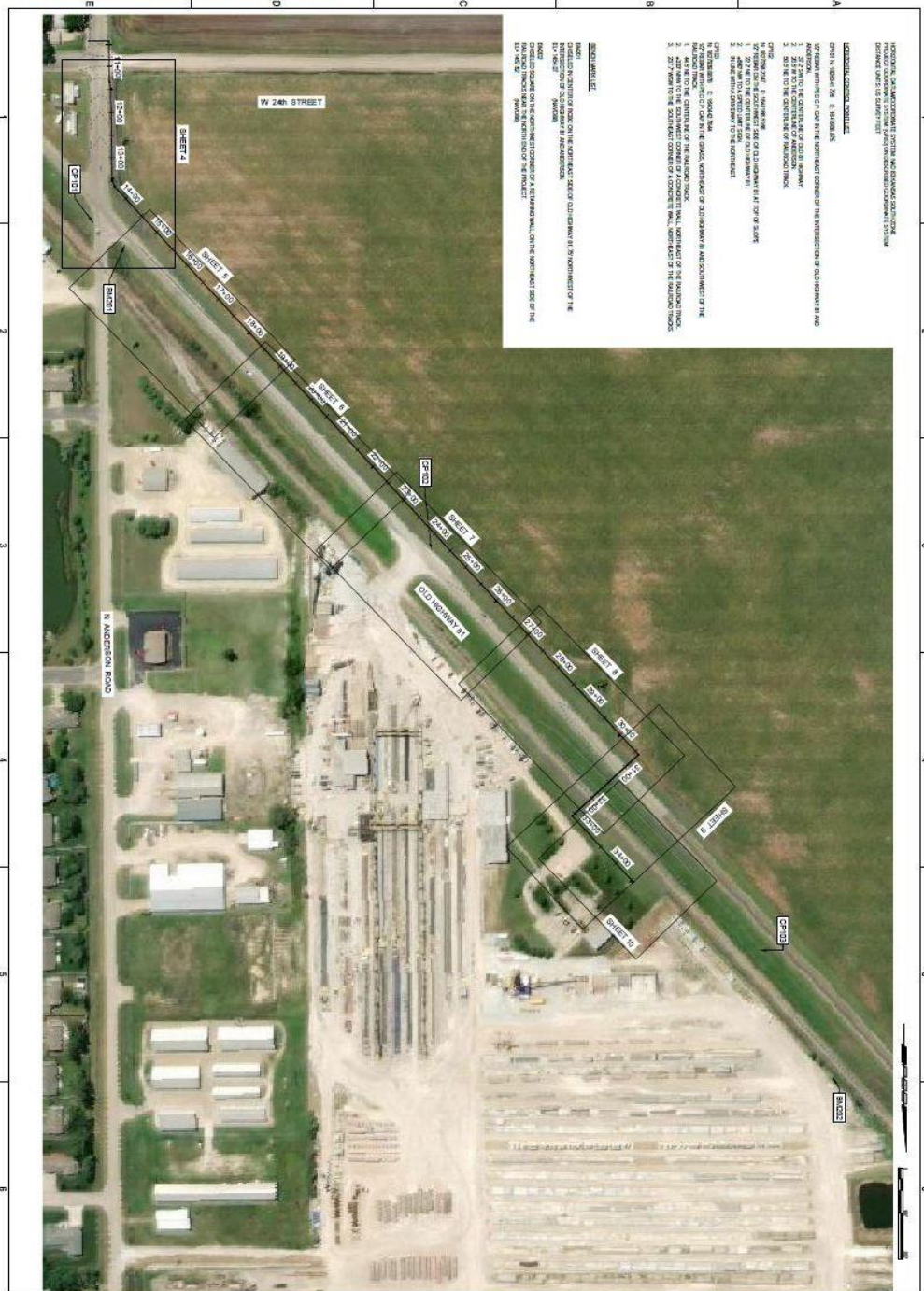
SHARI L. SNELLING
Notary Public
State of Kansas
My Commission Expires 10-29-21









SAVED: 4/16/2021 10:15:50 AM BY DAVID SCHMITT
 PLOTTED: 4/26/2021 1:18:58 PM BY DAVID SCHMITT
 USWCHTA-CIVIL2019/197041007-MUNIDRAWING SP/PLANS/197044-007-CU100.DWG



GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

 <p>PEC PRESTRESSED CONCRETE ENGINEERING & CONSTRUCTION 1000 W. 10th Street, Suite 100 Newton, MA 02459 781.552.1234 www.pec.com</p>		 <p>DAVID SCHMITT PROFESSIONAL ENGINEER STATE OF MASSACHUSETTS LICENSE NO. 10000</p>	<p>CITY OF NEWTON HESSTON ROAD WATERLINE TO SERVE NEWTON PRESTRESSED CONCRETE KEY MAP AND CONTROL</p>	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>2</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>3</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>4</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>5</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>6</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>7</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>8</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>9</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>10</td> <td>APRIL 2021</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	APRIL 2021	ISSUED FOR PERMIT	2	APRIL 2021	ISSUED FOR PERMIT	3	APRIL 2021	ISSUED FOR PERMIT	4	APRIL 2021	ISSUED FOR PERMIT	5	APRIL 2021	ISSUED FOR PERMIT	6	APRIL 2021	ISSUED FOR PERMIT	7	APRIL 2021	ISSUED FOR PERMIT	8	APRIL 2021	ISSUED FOR PERMIT	9	APRIL 2021	ISSUED FOR PERMIT	10	APRIL 2021	ISSUED FOR PERMIT
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3
 10/18



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

April 19, 2021

POSTPONED - NOTICE OF HEARING - POSTPONED

To Owners of Nearby Properties:

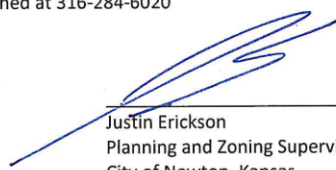
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The East Half (E/2) of the Northeast Quarter (NE/4) AND the Southwest Quarter (SW/4) of Northeast Quarter (NE/4) lying North and East of the Missouri Pacific Railway Co. railroad right-of-way, all in Section Six (6), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas, EXCEPT Beginning at the East Quarter corner of said Section Six (6); thence along the East line of the Northeast Quarter (NE/4) of said Section Six (6), North 1°10'23" West, 409.67 feet; thence West 2313.24 feet to the Northeasterly right-of-way line of the Union Pacific Railroad; thence along the Northeasterly right-of-way line of the said Union Pacific Railroad, South 42°54'37" East 559.21 feet to the South line of the Northeast Quarter (NE/4) of said Section Six (6); thence along the South line of the Northeast Quarter (SE/4) of said Section Six (6) East 1940.88 feet (East being an assumed bearing) to the point of beginning. AND ALSO EXCEPT: Beginning at the Northeast corner of said Northeast Quarter (NE/4); thence West 577.5 feet along the North line of said Northeast Quarter (NE/4); thence South 379.8 feet parallel to the East line of said section; thence East 577.5 feet; thence North 379.8 feet to the point of beginning.

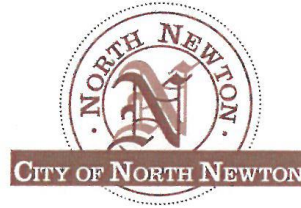
The Applicant requests that the above-described property be rezoned from an AG (County District) zoning classification to an I-2 (City) (General Industrial District) zoning classification.

Regarding the Planning Commission Meeting that is to be held on May 3, 2021, the applicant has requested a postponement until the June 7th, 2021 Planning Commission Meeting. The item will remain on the agenda and the Planning Commission will be advised the applicant has asked to have it tabled.

If you have any further questions, I can be reached at 316-284-6020



Justin Erickson
Planning and Zoning Supervisor
City of Newton, Kansas



April 19, 2021

Newton/North Newton Planning Commission
Attn: Justin Erickson, Building/Zoning Administrator
201 East 6th Street
P.O. Box 426
Newton, KS 67114

RE: Re-zoning of Annexed Prestressed
property; and Final Plat for Newton
Prestress Addition

Dear Commissioners:

This letter is to review several issues that are relevant to the re-zoning of the recently annexed Prestressed property.

Re-zoning Issue

Re-zoning less than what was requested. The Zoning regulations state and K.S.A. 12-757 provides, that the Planning Commission may recommend an amendment to the zoning regulations that includes all the land to be re-zoned as identified in the notice, or any lesser portion thereof. The notice that went out to the nearby owners and published in paper, says this same thing.

Future Land Use Map. The right to recommend less than what was requested is important to know because Newton's 2030 Future Land Use Map for Newton/North Newton and Harvey County specifically shows the Prestressed land as being zoned industrial, except for a Recreation/Open Space green area. This open space is approximately 400 feet deep going west from Anderson Avenue right-of-way. See close up of the Future Land Use Map attached.

Planning for a Recreation/Open Space along the west side of Anderson is the intent of Newton and North Newton's long term planning. A residential area has been platted with residential homes going in on the east side of Anderson. The developers of this land and the residents have relied, in part, on the future land use map.

North Newton appreciates the products that Prestressed manufactures. Everyone wishes Prestressed a long and successful future. North Newton residents also hope to live in a pleasant residential neighborhood.

Newton/North Newton Planning Commission
April 19, 2021
Page 2

North Newton's Request concerning re-zoning. According, North Newton requests that the Planning Commission consider limiting the Industrial re-zoning application to an area that does not include the east 400 feet of the Prestressed property. With such a recommendation, the east 400 feet would remain a "Recreation/Open Space". Such action by the Commission would be presumed reasonable. K.S.A. 12-7576 states that any zoning change that is in accordance with the land use plan is presumed to be reasonable. See K.S.A. 12-757 (highlighted) attached.

Approving a zoning request that is less than set out in the legal description does not require a new publication. The Planning Commission can make this recommendation at their May 3rd meeting.

Leaving the east 400 feet as a Recreation/Open Space would:

1. Be considered presumptuously reasonable;
2. Allow Prestressed to accommodate their anticipate expansion;
3. Protect the residential homes on the east side of Anderson; and
4. Provide room to address a planned berm and drainage issues.

Final Plat

Final Plat and Drainage Plan. At the March 1, 2021 hearing the Planning Commission, in split vote, approved the Newton Prestress Addition Preliminary Plat subject to the drafting and development of a proper drainage plan. At this writing, the drainage plan has not been developed.

But not all is lost. If the Commission makes provisions to keep a "Recreation/Open Space", the drainage plan, when it is finally completed, can use portions of that open area.

Final Plat and Berm. Finally, the City understands that Prestressed and Kidron Bethel representatives have worked hard to come to an agreement concerning a berm to be located in the "Recreation/Open Space" and how it is to be maintained. Attached are two photos taken April 17, 2021. One is a photo looking west across Anderson, at the south end of the Prestressed property that is already zoned Industrial. The second photo is at the same place looking east where you can see

Newton/North Newton Planning Commission
April 19, 2021
Page 3

a residential home and the walking path. These photos are attached to show that a berm is important. This is all to say, that providing for a “Recreation/Open Space” is right in line with the future land use map, would accommodate all parties and would allow the construction of a berm.

Conflict of Interest

Conflict of Interest. One last matter, the Planning Commission Training Session loose-leaf book, under Powers and Duties, states what is considered a conflict of interest. Such a conflict can either be by *position* or by *appearance*. It states that a *position* conflict includes one who is a constant business acquaintance, for example, and an *appearance* conflict is one whose participation in the process might appear to be improper to the public. It appears that Commissioner Carl Harris has a personal interest in Prestressed or Prestressed products. North Newton would respectfully request that Commissioner Harris recuse himself from further votes, up or down, on the Prestressed re-zoning and plat issues.

Respectfully submitted,



Gregory C. Nye
North Newton City Attorney

GCN:ag

enc.

cc: Tyson Miller
Al Vogts
Ron Braun
Patricia Redding
John Torline

Industrial/Business Park

Primary Uses: Areas characterized by distribution, warehousing and light manufacturing. Business park uses are intended to support development that will minimally impact surrounding areas. The intent is to have a master site plan for the entire business park.

Secondary Uses: Supportive commercial and office uses, open space, trails, and other public facilities.

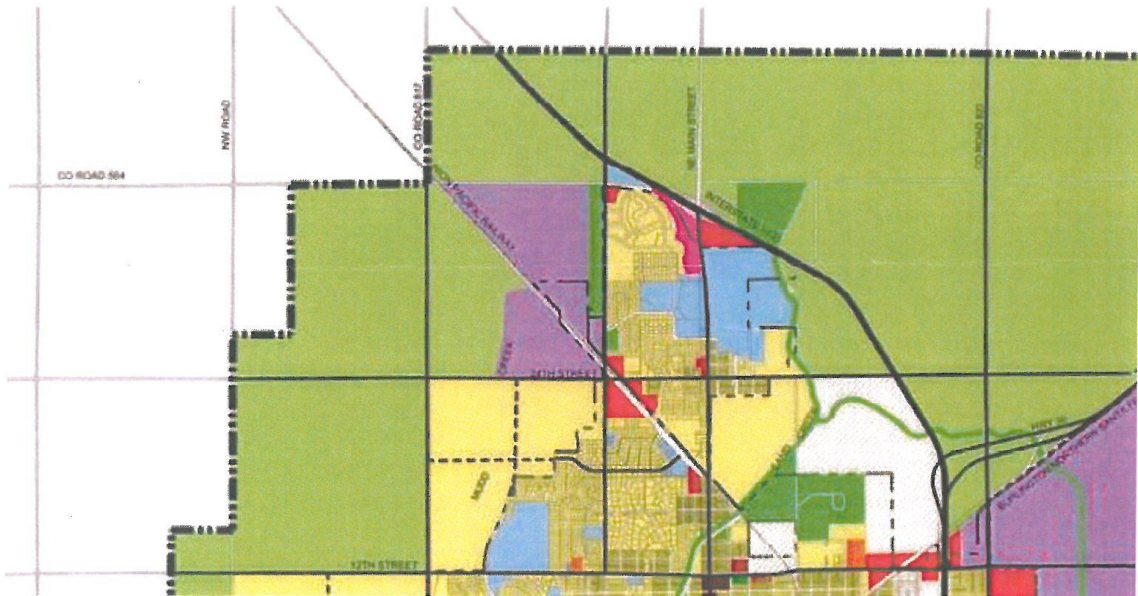
Zoning Districts: I-1, Light Industrial District
I-2, General Industrial District
C-2, General Business District

Recreation/Open Space

Primary Uses: Areas characterized by public/private parks and recreational facilities, open space, and trails.

Institutional

Primary Uses: Public and private schools, colleges, churches, religious affiliated housing, hospital, and government facilities.



§ 12-757. Same; zoning; downzoning or rezoning, amendments and revisions; procedure; notice and hearing; protest petition; signs to notify of proposed rezoning.

Kansas Statutes

Chapter 12. CITIES AND MUNICIPALITIES

Article 7. PLANNING AND ZONING

Current through 2021 Session Acts Chapter 14

§ 12-757. Same; zoning; downzoning or rezoning, amendments and revisions; procedure; notice and hearing; protest petition; signs to notify of proposed rezoning

- (a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. **Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable.** The governing body shall establish in its zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.
- (b) All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations provided in K.S.A. 12-756, and amendments thereto. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered and to all owners of record of real property located within at least 200 feet of the area proposed to be altered for regulations of a city and to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered for regulations of a county. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Notice of a county's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party

- (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendation, the planning commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendation to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.
- (e) If such amendment affects the boundaries of any zone or district, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance or resolution incorporating the same and shall reincorporate such map as amended.
- (f)
 - (1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) of this subsection, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.
 - (2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in paragraph (1) of this subsection.





To the Newton/N. Newton Planning Commission

I strongly urge you to recommend leaving the south side of NW 36th, between Old Hwy 81 and N. Andersen Ave as agriculture.

I purchased my home three years ago never having any clue that the field across from my home would change. I came from a farm and ag suited me.

I do not want the cement dust, the ugly piles of old cement and other ugly eyesores across from my home. The noise would also be very unwelcome. I know it would affect the property value of my home.

Question? would any of you want to see Prestressed Concrete out your front door and window?

I would like to speak at the May 3 meeting.

Sincerely,
Sharon Gilges
516 Witmarsum W.

COMMISSION COMMUNICATION	
FOR MEETING OF	06/07/2021
AGENDA ITEM	4
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

May 13, 2021

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

Re: Consider a Final 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 that is located on North Side of Old Hwy 81/N Hesston Rd, between N Anderson Ave and NW 36th St.

The property is legally described as:

The East Half (E/2) of the Northeast Quarter (NE/4) AND the Southwest Quarter (SW/4) of Northeast Quarter (NE/4) lying North and East of the Missouri Pacific Railway Co. railroad right-of-way, all in Section Six (6), Township Twenty-three (23) South, Range One (1) East of the 6th P.M., Harvey County, Kansas, EXCEPT Beginning at the East Quarter corner of said Section Six (6); thence along the East line of the Northeast Quarter (NE/4) of said Section Six (6), North 1°10'23" West, 409.67 feet; thence West 2313.24 feet to the Northeasterly right-of-way line of the Union Pacific Railroad; thence along the Northeasterly right-of-way line of the said Union Pacific Railroad, South 42°54'37" East 559.21 feet to the South line of the Northeast Quarter (NE/4) of said Section Six (6); thence along the South line of the Northeast Quarter (SE/4) of said Section Six (6) East 1940.88 feet (East being an assumed bearing) to the point of beginning. AND ALSO EXCEPT: Beginning at the Northeast corner of said Northeast Quarter (NE/4); thence West 577.5 feet along the North line of said Northeast Quarter (NE/4); thence South 379.8 feet parallel to the East line of said section; thence East 577.5 feet; thence North 379.8 feet to the point of beginning.

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 Kaw Valley Engineering., then provided an updated version of the final plat incorporating the requests and comments. Staff continues to work with the applicant on a few small items. (Noted under recommended Actions)

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 for Newton Prestress Addition to the City of Newton, Harvey County, Kansas. Contingent upon fixing:

- NW Corner (Point of Beginning) access control 70.08' (Preliminary Plat) or 70' (Final Plat)?
- NE Corner 46.56' (M) (Preliminary Plat) or 46.60' (M) (Final Plat)?
- North Heston Road Access 267.34' (Preliminary Plat) or 267' (Final Plat)?
- Area of Drainage reserve "B" has a building setback of 50' this should be 51' building setback.
- Provide lot access by separate recorded document.
- Provide allowable "Proposed Drainage Easement" outside plat limits by separate recorded document.
- Provide 30' Water Easement outside plat limits by separate recorded document.
- General Notes: "F" "the City will charge" – Change to: if such owners of lots 1,2,or 3 neglect to maintain all or any portion of their reserves, or to maintain, repair or replace any features or improvements therein, the City of Newton may elect to assume any or all such responsibilities and shall be entitled to assess the costs thereof against owners of such lots 1,2 or 3.
- General Notes: "E" Need clarification. (Lot access must be verified by providing a recorded copy with Final Plat)
- General Note: General Note G: must state that the drainage reserve contains a berm 6' tall minimum to separate industrial activity from the residential zoning on the east side of Anderson, as per zoning regulation requirements.

Attachments:

- A. Newton Prestress Addition Final Plat Application & Legal Description
- B. Newton Prestress Addition Final Plat
- C. Aerial 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

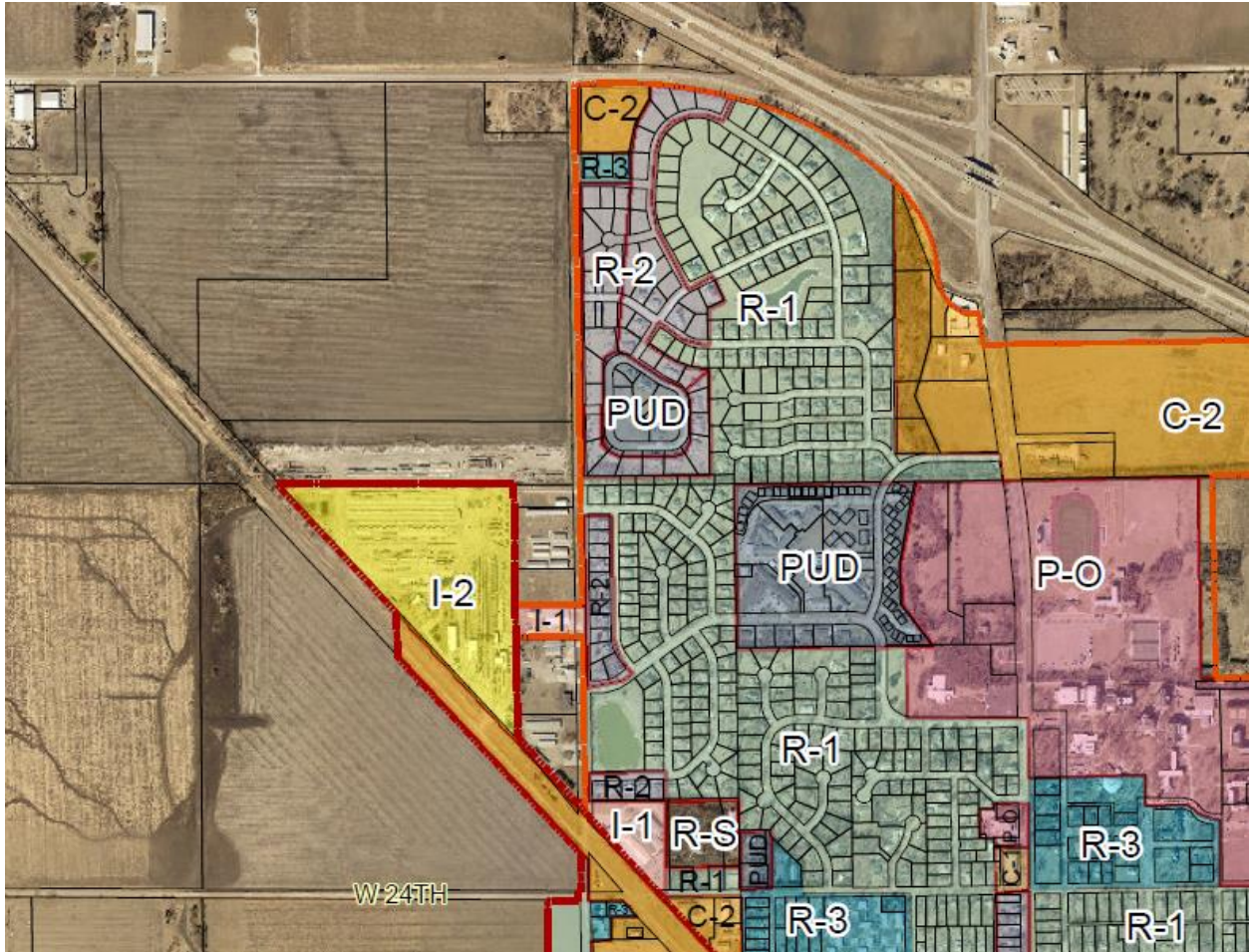
Property Name: _____
Owner(s) Address: _____
[if different] _____
Phone: _____

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 0014°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 1247.86 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE ON THE WEST LINE OF SAID EAST HALF S 0017°59' 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 0010°43' E 333.24 FEET, THENCE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, S 88°48'00" E 532.91 FEET THE WEST RIGHT-OF-WAY LINE OF ANDERSON AVENUE, THENCE ON SAID WEST RIGHT-OF-WAY S 0014°32' E 1842.85 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 4; THENCE ON THE SOUTH LINE OF SAID TRACT 4, N 89°37'52" 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 0021°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 0017°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.

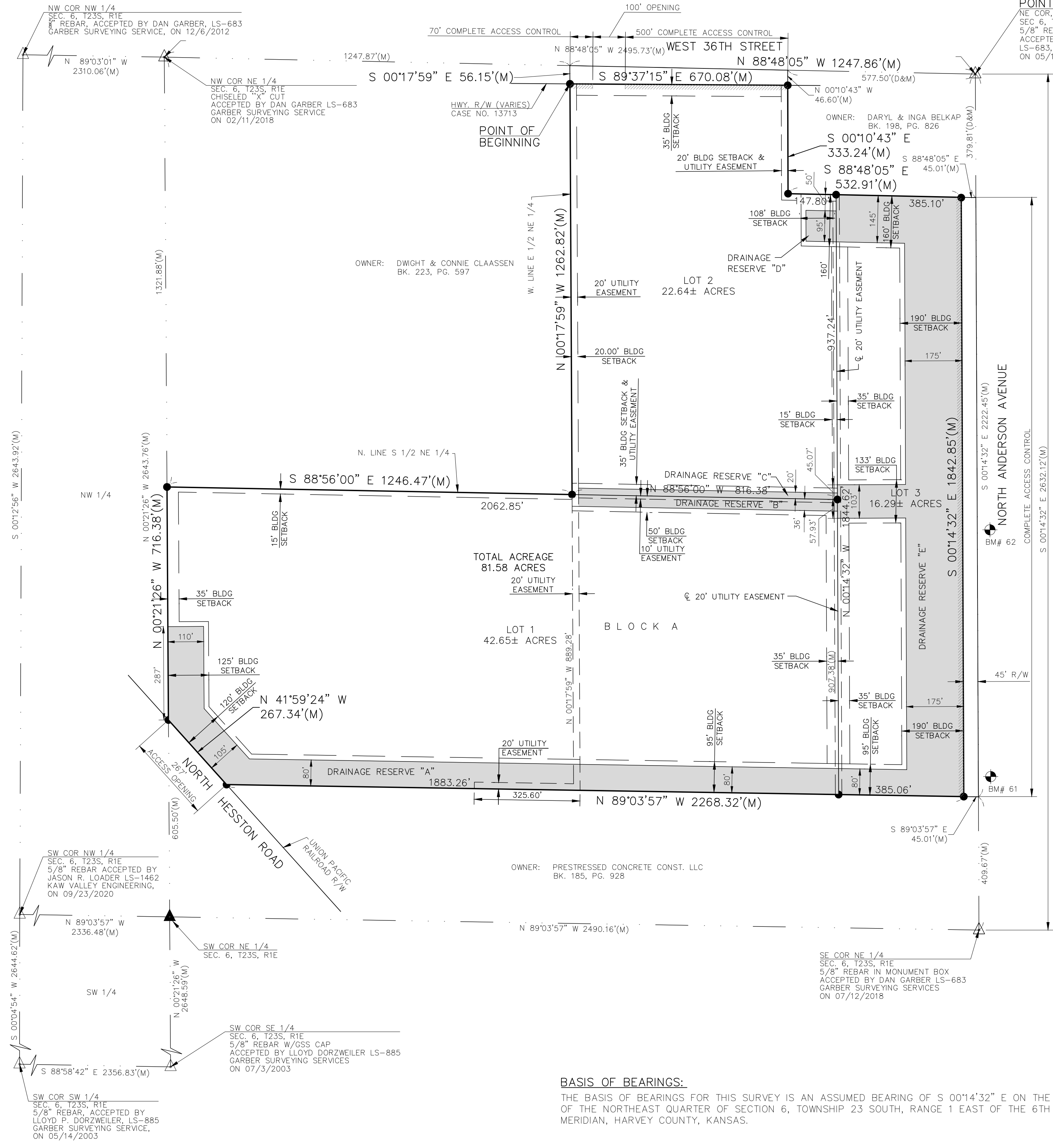
BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S 0014°32' E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 1 EAST OF THE 6TH PRINCIPAL MERIDIAN, HARVEY COUNTY, KANSAS.

- 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.

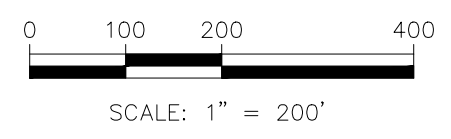


FINAL PLAT NEWTON PRESTRESS ADDITION

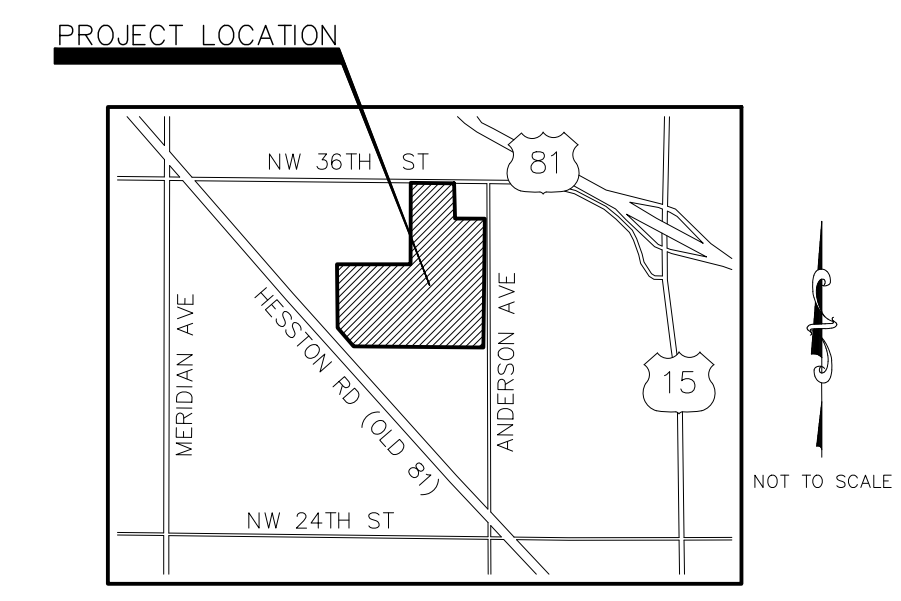
A PORTION OF NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 1 EAST,
CITY OF NEWTON, COUNTY OF HARVEY, KANSAS



POINT OF COMMENCEMENT
NE COR. NE 1/4
SEC. 6, T23S, R1E
5/8" REBAR IN MONUMENT BOX
ACCEPTED BY DAN GARBER
LS-683, GARBER SURVEYING SERVICE
ON 05/13/2016



- LEGEND**
- ▲ SECTION CORNER FOUND
 - ▲ SECTION CORNER SET
 - 1/2" X 24" REBAR W/KVE CLS 20 CAP SET IN CONCRETE
 - (D) DESCRIBED (PER BK. 213, PG. 120)
 - (M) MEASURED
 - LINE NOT DRAWN TO SCALE
 - ▨ ACCESS CONTROL
 - ▭ RESERVE AREA



LOCATION MAP
HARVEY COUNTY, KANSAS

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS }
COUNTY OF HARVEY } SS

THIS PLAT OF "NEWTON PRESTRESS ADDITION", AN ADDITION TO THE CITY OF NEWTON, HARVEY COUNTY, KANSAS, HAS BEEN SUBMITTED TO AND APPROVED BY THE NEWTON-NORTH NEWTON AREA PLANNING COMMISSION AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS, DATED THIS ____ DAY OF ____, 20__.

ATTEST:
TYSON WEIDENBENER, CHAIR
DENISE R. DUERKSEN

GOVERNING BODY CERTIFICATE

STATE OF KANSAS }
COUNTY OF HARVEY } SS

THE DEDICATIONS SHOWN ON THIS PLAT ARE HEREBY APPROVED BY THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS, THIS ____ DAY OF ____, 20__.

ATTEST:
DENISE R. DUERKSEN, CITY CLERK

COUNTY SURVEYOR CERTIFICATE

THIS PLAT HAS BEEN REVIEWED IN ACCORDANCE WITH K.S.A. 58-2005 ON THIS ____ DAY OF ____, 20__.

NAME: _____
COUNTY SURVEYOR
HARVEY COUNTY, KS.

CHRIS GOEWITZ
PRESTRESSED CONCRETE CONSTRUCTION, LLC

OWNER'S CERTIFICATE:

STATE OF _____ }
COUNTY OF _____ } SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE PLAT HE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED. ALL STREET RIGHTS-OF-WAY AS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC. AN EASEMENT OR LICENSE TO THE PUBLIC TO LOCATE, CONSTRUCT, AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, AND MAINTENANCE OF POLES, WIRES, CONDUITS, WATER, GAS AND SEWER PIPES OR REQUIRED DRAINAGE CHANNELS OR STRUCTURES UPON THE AREA MARKED FOR EASEMENTS ON THIS PLAT IS HEREBY GRANTED.

GIVEN UNDER MY HAND AT _____, THIS ____ DAY OF ____, 2021.

SURVEYOR'S CERTIFICATION:

I, JASON R. LOADER, DO HEREBY CERTIFY THAT I AM A DULY LICENSED AND REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS, WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING; THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME OR UNDER MY DIRECT SUPERVISION; THAT ALL SUBDIVISION REGULATIONS OF NEWTON HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT; THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. GIVEN UNDER MY HAND AND SEAL AT JUNCTION CITY, KANSAS, THIS ____ DAY OF ____, 2021.

DATE OF SURVEY: NOVEMBER 19, 2020

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. LOADER, PS 1462 ON DECEMBER 3, 2020 AS FOLLOWS:
ALL BEARINGS HEREIN ARE BASED ON AN ASSUMED 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 WEST 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 TO THE WEST RIGHT-OF-WAY LINE OF ANDERSON AVENUE; THENCE ON SAID WEST RIGHT-OF-WAY LINE 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 WEST 36TH STREET AND THE POINT OF BEGINNING. CONTAINS 81.58 ACRES, MORE OR LESS.

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS }
COUNTY OF HARVEY } SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE, AT _____, M. ON ____ DAY OF ____, 20__.

AND THE SAME IS DULY RECORDED AS FOLLOWS:
MISCELLANEOUS BOOK: _____ PAGE: _____

_____, REGISTER OF DEEDS
_____, DEPUTY
SIMONE JUAREZ-LLAMAS

CITY ENGINEER CERTIFICATE

THIS PLAT OF "NEWTON PRESTRESS ADDITION" TO THE CITY OF NEWTON, HARVEY COUNTY, KANSAS HAS BEEN SUBMITTED TO ME AND THE SAME IS HEREBY APPROVED ON THIS ____ DAY OF ____, 20__.

SUZANNE C.S. LOOMIS, P.E.
CITY ENGINEER

TRANSFER RECORD

ENTERED ON TRANSFER RECORD THIS ____ DAY OF ____, 20__.

RICK PIEPHO
COUNTY CLERK

CITY ATTORNEY CERTIFICATE

STATE OF KANSAS }
COUNTY OF HARVEY } SS

THE PLAT OF "NEWTON PRESTRESS ADDITION" TO THE CITY OF NEWTON, HARVEY COUNTY, KANSAS HAS BEEN SUBMITTED TO ME AND THE SAME IS HEREBY APPROVED ON THIS ____ DAY OF ____, 20__.

CHRISTOPHER TOWLE
CITY ATTORNEY

DATUM BENCHMARK:
DATUM IS U.S. SURVEY FEET AND REFERS TO NAVD88 DATUM DERIVED FROM CONNECTIONS TO NATIONAL CORNS NETWORK VIA GPS STATIC SESSIONS ON PROJECT CONTROL PROCESSED WITH THE NATIONAL GEODETIC SURVEY'S OPUS PROJECTS UTILITY. ORTHOMETRIC HEIGHT WAS CALCULATED USING THE GEOID12B MODEL.

BENCHMARKS:
BM# 61
CHISELED SQUARE CUT SET AT NORTH END CURB RETURN, SOUTHEAST CORNER LAKEWOOD CIRCLE & N. ANDERSON AVE.
ELEV: 1457.91 (NAVD88)

BM# 62
CHISELED SQUARE CUT SET AT SOUTH END CURB RETURN, NORTHEAST CORNER WITMARSUM DRIVE & N. ANDERSON AVE.
ELEV: 1457.74 (NAVD88)

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.

GENERAL NOTES:

- A. BERMS AND DRAINAGE RESERVES TO BE TURFED WITH NATIVE PRAIRIE GRASS TO CONTROL EROSION.
- B. THE INTENT OF THIS PLAT IS THE ADDITION OF GRAVEL LOTS IN PHASES AND PRODUCT STORAGE. SUBDIVIDER INTENDS INSTALLATION BY WAY OF ACTUAL CONSTRUCTION.
- C. WEIRS TO BE CONCRETE CEMENTED TO MAINTAIN SHAPE & FUNCTION.
- D. OWNER TO MAINTAIN ORIGINAL VOLUME OF DRAINAGE RESERVES (10% TOLERANCE) BY REMOVING SEDIMENT UPON ACCUMULATION.
- E. ACCESS TO THE SOUTH ADJACENT PROPERTY BY SEPARATE DOCUMENT.
- F. THE OWNER OF LOT 1, WILL BE RESPONSIBLE FOR MAINTENANCE OF DRAINAGE RESERVE "A" AND "B".
THE OWNER OF LOT 2, WILL BE RESPONSIBLE FOR MAINTENANCE OF DRAINAGE RESERVE "C" AND "D".
THE OWNER OF LOT 3, WILL BE RESPONSIBLE FOR MAINTENANCE OF DRAINAGE RESERVE "E".
THE CITY WILL CHARGE OWNER FOR FAILURE OF MAINTENANCE OF DESIGNATED DRAINAGE RESERVE AREAS.
- G. THE PURPOSE OF THE DRAINAGE RESERVES IS DETENTION AND WATER QUALITY.

KAW VALLEY ENGINEERING

200 N. EMPORIA, SUITE 100
WICHITA, KANSAS 67202
PH. (316) 440-4304 | FAX (316) 440-4309
wh@kveg.com | www.kveg.com

PROJECT NO. G20-1570
DRAWN BY AL
CHECKED BY JRL
C/PN 1570PLAT
SHEET 1 OF 1

PROJECT:
W. 36TH ST & N. ANDERSON AVE
NEWTON, KANSAS

PREPARED FOR:
PRESTRESSED CONCRETE
P.O. BOX 311
WICHITA, KS 67114

KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/22

COMMISSION COMMUNICATION	
FOR MEETING OF	06/07/2021
AGENDA ITEM	5
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

May 21, 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), Jordan Voelker and Randy Voelker with Ex Cat Construction, LLC. For property that is located on the North Side of 12th Street, between Hwy I-135 and N Spencer Road, South of Old Trail Road/Hwy 50, from an (Industrial) Harvey County zoning classification to an R-1 (Single Family Dwelling District) City of Newton zoning classification.

The property is legally described as:

Beginning at a point 410 feet North and 281 feet West of the Southeast corner of Section Nine (9), Township Twenty-three (23) South, One (1) East of the 6th P.M., Harvey County, Kansas; thence North 1030 feet to the South line of right of way of Atchison, Topeka and Santa Fe Railway Company; thence Southwesterly along the right of way to the right of way of Highway 81 By-Pass, as condemned in District Court Case 13123; thence Southerly at an angle 126°35' Right a distance of 461.5 feet to a point 410 feet North of the South line of said Section Nine (9); thence East to the point of beginning

Additional Information:

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

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.

Please see the map included as Attachment G 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-1 zoning provides for specific residential activities including, but not limited to:

R-1:

- Same as R-S.

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 mains are present along East 12th Street and available for extension onto the site as required depending on the type of development. Sewer is not available without extensive sewer main extensions.

(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 designation as the property was previously in the County.

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 June 22, 2021 City Commission meeting.

Attachments:

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

Newton/North Newton Area Planning Commission Zoning District Amendment Application

Applicant(s) Information Name: Ex Cat Construction LLC
Address: 1410 E 12th St Newton, Ks 67114

Phone: 316-215-1342

Property Owner(s) Name: Ex Cat Construction LLC
Address: 1410 E 12th St

[if different] Phone: 316-215-1342

Street address of property: 1410 E 12th St Newton Ks 67114

Legal description of property: _____

Present zoning of subject property: Industrial Requested zoning: residential

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.

[Signature] 4/19/2021
Signature(s) of Applicant(s) Date

[Signature] 4/19/2021
Signature(s) of Owner(s) Date

[Signature]

[Signature] 4-19-2021

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

OWNERSHIP LIST

Prepared by
SECURITY 1ST TITLE
April 13, 2021 at 7:59 AM

Tracts within 200 feet (in the City) and 1000 feet (in the County) of the following described property:

Beginning at a point 410 feet North and 281 feet West of the Southeast corner of Section Nine (9), Township Twenty-three (23) South, One (1) East of the 6th P.M., Harvey County, Kansas; thence North 1030 feet to the South line of right of way of Atchison, Topeka and Santa Fe Railway Company; thence Southwesterly along the right of way to the right of way of Highway 81 By-Pass, as condemned in District Court Case 13123; thence Southerly at an angle 126°35' Right a distance of 461.5 feet to a point 410 feet North of the South line of said Section Nine (9); thence East to the point of beginning.

**Ex Cat Construction, LLC
1410 E 12th ST
Newton, KS 67114-2526**

ABTRACTER'S NOTE: This property is listed as Cause #17 in a pending Harvey County District Court Case, No. 2021CV-34, with The Board of County Commissioners of Harvey County, Kansas, as Plaintiff VS. Ex Cat Construction, LLC, etal, as Defendants, filed April 2, 2021, asking for foreclosure of tax liens against said real property.

METES AND BOUNDS DESCRIPTIONS

SE/4 of Section 9-23-1E

Tr. 1: Beg. 1090 ft. W of SE/c Sec. 9; N 410 ft. for pob; E 208.5 ft.; S 208.5 ft.; W 208.5 ft.; N 208.5 ft. to pob.
Tr. 2: Beg. 881 ft. W of SE/c Sec. 9; W 209 ft.; N 201.5 ft.; E 208.5 ft.; S 26.75 ft.; E 0.5 ft.; S 174.74 ft. to pob.
AND Beg. 881 ft. W and 174.75 ft. N of SE/c Sec. 9; NE 21.21 ft. to point 189.75 ft. N and 866 ft. W of SE/c Sec. 9; W 15.5 ft.; S 15 ft.; E 0.5 ft. to pob. EXCEPT: Beg. 926 ft. W of SE/c Sec. 9; W 45 ft.; N 410 ft.; E 45 ft.; S 410 ft. to pob.

Robert B. Barker
1405 E 12th ST
Newton, KS 67114-2525

Beg. 926 ft. W of SE/c Sec. 9; W 45 ft.; N 410 ft.; E 45 ft.; S 410 ft. to pob.

Ex Cat Construction, LLC
1410 E 12th ST
Newton, KS 67114-2526

Beg. at a point on N line of former Blk 3, D.K. Castle's Addn., being 410 ft. N and 881.5 feet W of SE/c Sec. 9; E 128 ft.; S 220.25 ft.; W 128 ft.; N 220.25 ft. to pob.
AND Beg. 660.5 ft. W of SE/c Sec. 9; W 93 ft.; N 410 ft. to N line of what was Blk 3, D.K. Castle's Addn., Newton; E 93 ft.; S 410 ft. to pob.

Steven Eugene Barden & Geraldine K. Barden
1522 E 12th ST
Newton, KS 67114-2528

Comm. 409.86 ft. W SE/c Sec. 9 for pob; W 188.82 ft.; N 180 ft.; W 60 ft.; N 229.86 ft. E 248.82 ft.; S 409.86 ft. to pob.

Larry Duane Smith
Glen Dale Smith
Janet Fern Horn
302 Mockingbird LN
Newton, KS 67114-8629

Beg. SE/c SE/4 Sec. 9; W 309.86 ft.; N 150 ft.; W 100 ft.; N 259.86 ft.; E 409.86 ft.; S 409.86 ft. to pob.

Phillip D. Glass
925 E 10th ST
Newton, KS 67114-2415

Attachment B – Continued

Tr. 1: Beg. 840.85 ft. N of SE/c Sec. 9; W 280.77 ft.; N to r/w line RR; NE along r/w to E line Sec. 9; S to pob.
Tr. 2: Beg. 840.85 ft. N of SE/c Sec. 9; W 280.77 ft.; S 150.5 ft. E 280.77 ft. to E line Sec. 9; N 150.5 ft. to pob.
Tr. 3: Beg. 409.86 ft. N of SE/c Sec. 9; W 280.77 ft.; N 280.49 ft. to SW/c of Harvey County Maintenance Yard; E 280.77 ft. to E line Sec. 9; S 280.49 ft. to pob.

County of Harvey (Tr. 1),
The Board of County Commissioners of Harvey
County, Kansas (Tr. 2),
Harvey County, Kansas (Tr. 3)
PO Box 687
Newton, KS 67114-0687

Beg. NE/c SE/4 Sec. 9; W 460.3 ft. to Ely line of Hwy r/w as condemned in Dist. Court Case 13123; SWly along said r/w 1154.0 ft. to point 1012.7 ft. W and 1012.8 ft. S of NE/c SE/4; S 480.4 ft. to NWly r/w line of ATSF RR; NEly to E line SE/4; N to pob. EXCEPT: Beg. at point on Ely r/w line of existing Hwy which point is S 32°57'34" W 1800.26 ft. from NE/c SE/4; N 480.30 ft.; NEly 56.34 ft.; S 521.87 ft.; SWly 13.73 ft. to pob.

Scott Alan Sattler
1707 N Spencer RD
Newton, KS 67114-9492

All that part of SE/4 Sec. 9, lying N of Nly r/w Hwy US 50 and W of Wly line of Hwy r/w as condemned in Dist. Court Case 13123 and 1326, EXCEPT: Beg. SW/c SE/4; N 787.70 ft.; E 355.20 ft.; S 564.15 ft. to N line US Hwy 50; SWly 370.10 ft. to S line SE/4; W 62 ft. to pob. AND EXCEPT: Beg. at point on Wly r/w line existing Hwy which point is SWly 1999.71 ft. from NE/c SE/4; N 299.23 ft.; NWly 238.85 ft.; SEly 516.47 ft. to pob.

Jon D. Allen & Robbin Allen
700 E Old Trail RD
Newton, KS 67114-9485

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 13th day of April, 2021, at 7:59 AM.

SECURITY 1ST TITLE

By _____
Licensed Abstractor

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 North side of 12th St. between I-135 Hwy and N Spencer Rd. The property is legally described as:

Beginning at a point 410 feet North and 281 feet West of the Southeast corner of Section Nine (9), Township Twenty-three (23) South, One (1) East of the 6th P.M., Harvey County, Kansas; thence North 1030 feet to the South line of right of way of Atchison, Topeka and Santa Fe Railway Company; thence Southwesterly along the right of way to the right of way of Highway 81 By-Pass, as condemned in District Court Case 13123; thence Southerly at an angle 126°35' Right a distance of 461.5 feet to a point 410 feet North of the South line of said Section Nine (9); thence East to the point of beginning.

The Applicant requests that the above-described property be rezoned from an (Industrial) Harvey County zoning classification to an R-1 (Single Family Dwelling 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, June 7th, 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.

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

Department of
Public Works:
Engineering Division



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

May 11, 2021

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 North side of 12th St. between I-135 Hwy and N Spencer Rd. The property is legally described as:

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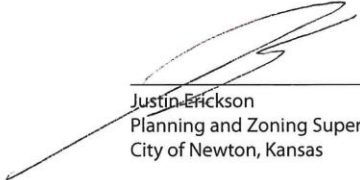
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The Zoning Ordinances of the City of Newton require as a part of any zoning amendment process that a certified list be obtained of the owners of all property within the area to be zoned; of all property within the city limits located within 200 feet 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 June 22, 2021 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
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

May 15th 2021

subsequent publications being made on the following dates

None

Subscribed and sworn to before me this **May 19th**, 2021

Shari L. Snelling
Shari L. Snelling
Notary Public

My commission expires 10-29-21
Total Amount of Payment \$14.63
Rezoning Hearing Notice.

SHARI L. SNELLING
Notary Public
State of Kansas
My Commission Expires 10-29-21

(Published in *The Newton Kansan*, May 15, 2021)
NOTICE OF HEARING
TO ALL PERSONS CONCERNED:
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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, June 7th, 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.
/s/ Justin Erickson
Planning and Zoning Supervisor
City of Newton, Kansas

