



AGENDA
NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
July 12, 2021

The Newton–North Newton Area Planning Commission will meet Monday, July 12, 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 June 7, 2021 and June 14, 2021 meeting minutes.
2. Consider and conduct a public hearing on a variance request from Teri Wray of 301 N. Main Street requesting permission to install a sign. If the variance is granted, the property owner will be allowed to place a sign along the north side of the lot.
3. Old Business.
4. New Business.
5. Adjournment.

NEWTON-NORTH NEWTON PLANNING COMMISSION

REGULAR MEETING

June 7, 2021

Members Present: **Newton:** Brian Scott (2-0), Dan Harder (1-1), Denise Goodnite (2-0), Arlan Newell (2-0), Jay Sommerfeld (2-0)

North Newton: Gary Roth (1-1), Joe Slechta (1-1)

Members Absent: **Newton:** Carl Harris (1-1)

Members Absent: **North Newton:** Tyson Weidenbener (1-1)

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

Staff Present: **Newton:** Suzanne Loomis, Director of Public Works/City Engineer
Justin Erickson, Building and Zoning Supervisor
Matt Mullen, Assistant City Attorney
Sara Schmidt, Recording Secretary/Administrative Assistant

Staff Present: **North Newton:** Greg Nye, City Attorney

The Newton-North Newton Area Planning Commission met on June 7, 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 Vice Chair Harder called the meeting to order.

AGENDA ITEM NO. 1

Consider approval of the May 4, 2021 meeting minutes.

MOTION: Commissioner Newell moved and Commissioner Sommerfeld seconded to approve the minutes. Motion carried.

AGENDA ITEM NO. 2

Consider a revised preliminary plat application for Newton Prestressed Addition.

Staff presented the revised preliminary plat.

Discussion was held over the correct order in which all steps to approving a final plat shall be achieved. Staff assured the Commissioners that the order in which it is being presented is in accordance with City regulations.

MOTION: Commissioner Scott moved and Commissioner Sommerfeld seconded to approve the revised preliminary plat. Motion carried with Commissioner Roth voting nay.

AGENDA ITEM NO. 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.

Staff presented the zoning district amendment.

Chris Govert, General Manager for Prestressed Concrete, stood for questions. He added that he believed the proposed zoning district amendment is in good standing with the City of Newton's regulations.

North Newton City Attorney Nye thanked the City of Newton Staff and Bluestem Communities for their help in resolving questions and support along the way. He is confident that the zoning district amendment will be a positive thing for both Newton and North Newton. He stated that North Newton is not opposed to the rezoning. North Newton is happy with the outcome and believes that all prior concerns were addressed.

Commissioners discussed the screening which will include a berm with foliage and trees. Concern was expressed regarding whether a building or structure could be built near the berm. Due to setback requirements, no structures would be permitted within a certain distance from the property line.

North Newton Mayor Braun thanked everyone who worked on the platting process. Early on, his main concern was potential flooding issues that might result. Now that all concerns have been addressed, North Newton does not have any issues with moving forward.

Vice Chair Harder opened the public hearing at 6:29 p.m.

Sharon Gilges, 516 Witmarsum West, spoke. Her house faces Prestressed Concrete property and she does not believe that the berm would sufficiently block the unsightly view.

Stefanie Knopp, 513 Witmarsum West, spoke. Her house also faces Prestressed Concrete property. She thanked all parties involved however sees issues that she would like to examine. She does not think the berm will be sufficient and asked what type of foliage and trees will be on the berm. Bluestem Communications stated that there will be trees and plants along with grass that will be maintained and irrigated to ensure that the area remains looking nice once it is installed. Ms. Knopp stated that hearing the plan for the berm alleviates one of her concerns. Some other items that worry her have to do with noise and dust that could potentially cause health issues and air pollution. In order to ease her worry, Commissioners asked Mr. Govert with Prestressed Concrete if any employees have experienced adverse health issues due to air pollution or dust. He stated that no issues have occurred and that no production will be moving so the noise level will stay consistent with how it is today.

Commissioners asked North Newton staff and Mayor Braun if there are any reservations moving forward. Staff saw no reason not to move forward.

There being no one else to speak, the public hearing was closed at 6:34 p.m.

MOTION: Commissioner Newell moved and Commissioner Scott seconded to approve the zoning district amendment. Motion carried.

AGENDA ITEM NO. 4

Consider a final plat application for Newton Prestressed Addition.

The final plat was presented by staff. No discussion was held. The action to be taken by the Planning Commission will take the form of a recommendation to the Newton City Commission, who has final authority to act upon the request.

MOTION: Commissioner Scott moved and Commissioner Newell seconded to approve the final plat. Motion carried.

AGENDA ITEM NO. 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.

Staff presented the zoning district amendment and discussion was held. The applicant does not currently have potable water and services could only be provided if the property is annexed into City limits. No other City services have been requested at this time.

Vice Chair Harder opened the public hearing at 7:00 p.m.

Phillip Glass, 925 E 10th Street, who owns farm land near the Voelker property asked if the rezoning would affect his property taxes, or require that changes be made to his farm land if the zoning district amendment is passed. Staff and Commissioners assured Mr. Glass that there would be no changes to his property.

There being no one else to speak, the public hearing was closed at 7:03 p.m.

MOTION: Commissioner Newell moved and Commissioner Slechta seconded to approve the zoning district amendment. 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. 7

Adjournment

There being no further business, the Vice Chair declared the meeting adjourned at 7:04 p.m.

Sara Schmidt
Recording Secretary

NEWTON-NORTH NEWTON PLANNING COMMISSION

SPECIAL MEETING

June 14, 2021

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

North Newton: Tyson Weidenbener (2-1), Joe Slechta (2-1)

Members Absent: **Newton:** Carl Harris (1-2), Denise Goodnite (2-1)

Members Absent: **North Newton:** Gary Roth (1-2)

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

Staff Present: **Newton:** Suzanne Loomis, Director of Public Works/City Engineer
Justin Erickson, Building and Zoning Supervisor
Matt Mullen, Assistant City Attorney
Sara Schmidt, Recording Secretary/Administrative Assistant

Staff Present: **North Newton:** Greg Nye, City Attorney

The Newton-North Newton Area Planning Commission met on June 14, 2021 in a special meeting at the Newton City Hall commission chambers, 201 E. 6th Street, Newton. At 12:00 p.m., a quorum was present, and Chair Weidenbener called the meeting to order.

AGENDA ITEM NO. 1

Consider a revised final plat boundary shift for property north of 2800 Old Highway 81, Newton Prestressed Concrete.

Staff presented the final plat boundary shift. At the June 7, 2021 Planning Commission Meeting, Commissioners unanimously approved the final plat. Upon further examination by staff, an oversight in the boundary was found. This revised final plat would extend the boundary of the plat south. Normally, a clerical error like this could be approved administratively, but due to the high interest in this item, a special call meeting was scheduled in order to allow all parties to be involved.

MOTION: Commissioner Scott moved and Commissioner Harder seconded to approve the revised final plat boundary shift. Motion carried.

AGENDA ITEM NO. 2

Adjournment

There being no further business, the Chair declared the meeting adjourned at 12:13 p.m.

Sara Schmidt
Recording Secretary



COMMISSION COMMUNICATION	
FOR MEETING OF	07/12/21
AGENDA ITEM	2
FOR ACTION	✓
INFORMATION ONLY	

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

MEMO

TO: The Newton / North Newton Area Planning Commission

FROM: Justin Erickson, Planning & Zoning Supervisor

RE: July 12, 2021, Planning Commission Agenda

DATE: June 24, 2021

1. **APPLICANT:** Teri Wray
 LOCATION: 301 N Main
 ZONING / USE: C-3, Central Business District
 REQUEST:

A variance from Zoning Article 11.8-2 A-F, which does not meet A and C:

A. The top edge of the Monument Sign shall not exceed ten (10) feet above grade from its base.

C. The surface Display Area of any face of a Monument Sign shall not exceed one (1) square foot per linear foot of Street frontage to a maximum of 150 square feet.

PURPOSE: Sign

The requirements for legal publication and notification of property owner within 200 feet have been met.

The following are Staff/Applicant comments based on the standards for granting variances.

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

Commentary – The “Sign” is an artistic mural the Property Owners & City Commissioners have desired to see installed at this location.

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

Commentary- The Artistic mural will be placed in such a way that is not adjacent to any other private property owners. The adjacent property is a City Park.

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

Commentary- Many community members have worked to see this project completed. Many community funds have been raised. The City Commissioners are in favor of this placement as they see it as an asset for the City.

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

Commentary- The artistic mural is meant to enhance public health, safety, morals, order, convenience, prosperity, or general welfare. The public will only benefit from its completion.

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

Commentary- This is a unique, one-of-a-kind project. It does not oppose the general spirit of the zoning regulations because it just simply does not fit any current regulations.

Staff Comments: Planning commission can either approve, deny or reduce the setbacks

Attachments:

- A. Variance Permit Application
- B. Site Plan & Photos
- C. Property Ownership Notification List for Public Hearing
- D. Aerial map showing zoning of property and Surrounding Area
- E. Notice of Public Hearing (Publication)
- F. Notice of Public Hearing (Owners of Nearby Properties)
- G. Affidavit of Publication

Administration
Department

newton
KANSAS

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

**NEWTON / NORTH NEWTON AREA PLANNING COMMISSION
VARIANCE APPEAL PROCEDURE**

1. Contact the Zoning Administrator for appeal procedure, application form, submittal requirements and filing deadlines.
2. Submit completed application form, certified ownership list of names and addresses of all owners of all properties lying within 200 feet of the outer limits of the land in question and 1,000 feet into the County if any portion of the subject property touches the County. (Must be prepared by a Title Company). \$100.00 application fee.
3. The Zoning Administrator will prepare and publish the public notice, notifying the persons listed on the ownership list of the hearing and schedule a hearing date.
4. The Newton / North Newton Area Planning Commission will hold a public hearing allowing input from all in attendance. The applicant or their representative should be present at the hearing to comment and answer questions.
5. The Planning Commission will consider and make findings and decide on the appeal. The decision of the Planning Commission is final.

I have completed this to the best
of my ability. If we are to
submit it on time someone will
have to take it from here.

Andrea

Variance Application



Intake Staff: _____ Date: _____
Fee: _____

Applications are due on the first Tuesday of the month by 5:00 p.m. in order to be processed for the following month. Once complete, please bring the application and supporting documentation to: Engineering Department, located at 201 East 6th Street. For more information, call (316) 284-6020 or visit www.newtonkansas.com

Internal Use Only:

This is a variance from Section _____ of the City of Newton Zoning Ordinance, to allow _____.

Project Information:

Primary Project Address: 301 N. Main St. - Old Mill Plaza

Get from Justin!

Primary Parcel ID: _____

Additional Parcel ID(s): _____

Existing Use: None Proposed Use: Sign / Mural

Existing Zoning District: _____

The subject property contains _____ acres. Number of Adjoining Property Owners: _____

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, special use permit, minor plat, etc.)?

- Yes
- No
- Unknown

Contact Information:

Owner: Check if primary contact **Applicant:** Check if primary contact

Name: <u>Teri Wray</u>	Name: <u>Andrea Braker</u>
Company: <u>WWCP Investments, LLC</u>	Company: <u>Harvey Arts Connect</u>
Address: <u>333 Campus Ct.</u>	Address: <u>720 Wheat Ln.</u>
City: <u>North Newton</u> State: <u>KS</u> Zip: <u>67117</u>	City: <u>Hosston</u> State: <u>KS</u> Zip: <u>67062</u>
Primary Phone: <u>316-288-0343</u>	Primary Phone: <u>316-516-3677</u>
Alternate Phone: _____	Alternate Phone: _____
Email: <u>rwray11@cox.net</u>	Email: <u>handeandee@gmail.com</u>

Owner Signature (required): _____

Andrea will get

Certification Statement: A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Andrea Braker, in my capacity as Harvey Arts Connect Rep., hereby
representative/authorized agent/other

certify that WWCP Investments, LLC is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: [Signature] Date: 5/27/21

I certify under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct.

Variance Justification:

In order to justify approval of any variance, the Joint Board of Zoning Appeals considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

A Variance is a deviation from specific regulations that would not be contrary to the public interest when, due to special conditions or circumstances, the literal enforcement of specific regulations results in an unnecessary hardship. A Variance may be granted only when each of the following five conditions has been met:

- A. Explain how the variance request arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;

Commentary:

The "Sign" is an artistic mural the Property Owners & City Commissioners desire to see installed at this location.

- B. Explain how the granting of the variance will not adversely affect the rights of adjacent property owners or residents;

Commentary:

The artistic mural will be placed in such away that is not adjacent to any other private property owners. The adjacent property is a City Park

- C. Explain how strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

Commentary:

Many Community members have worked to see this project completed. Many Community funds have been raised. The City Commissioners are in favor of this placement as they see it as an asset for the city.

- D. Explain how the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;

Commentary:

The artistic mural is meant to enhance public health, safety, morals, order, convenience, prosperity & general welfare. The public will only benefit from its completion.

E. Explain how the variance desired will not be opposed to the general spirit and intent of the zoning regulations;

Commentary:

This is a unique, one of a kind project. It does not oppose the general spirit of the zoning regulations because it just simply does not fit any current regulations.

A Variance cannot be granted if even one of the above conditions is not met. Variances are not for correcting mistakes that cause a property to come into non-compliance with a particular Code requirement. Variances are not for situations where complying with a particular Code requirement is inconvenient or more expensive.

Please submit the completed application along with the following items:

Project application and description

- Legal description on a separate 8.5 x 11" sheet of paper

Justin help w/ this? Justin should have this. Double check.

Site plan, drawings, and photographs

- Copies of the site plan or building rendering (whichever is applicable), including the following elements. See site plan example on the last page.
- Plan drawn to a reasonable scale [engineer's scale (1" = 20') or architect's scale (1/8" = 1')]
- North arrow
- Street name(s) abutting the site
- Property address, parcel ID, and dimensions
- Building limit lines
- Existing and proposed structures with dimensions and distance from property lines
- Highlight (in yellow) the location of the variances
- Photographs of the subject area from all angles

Need help!!

Mailing Adjoining Property Owners

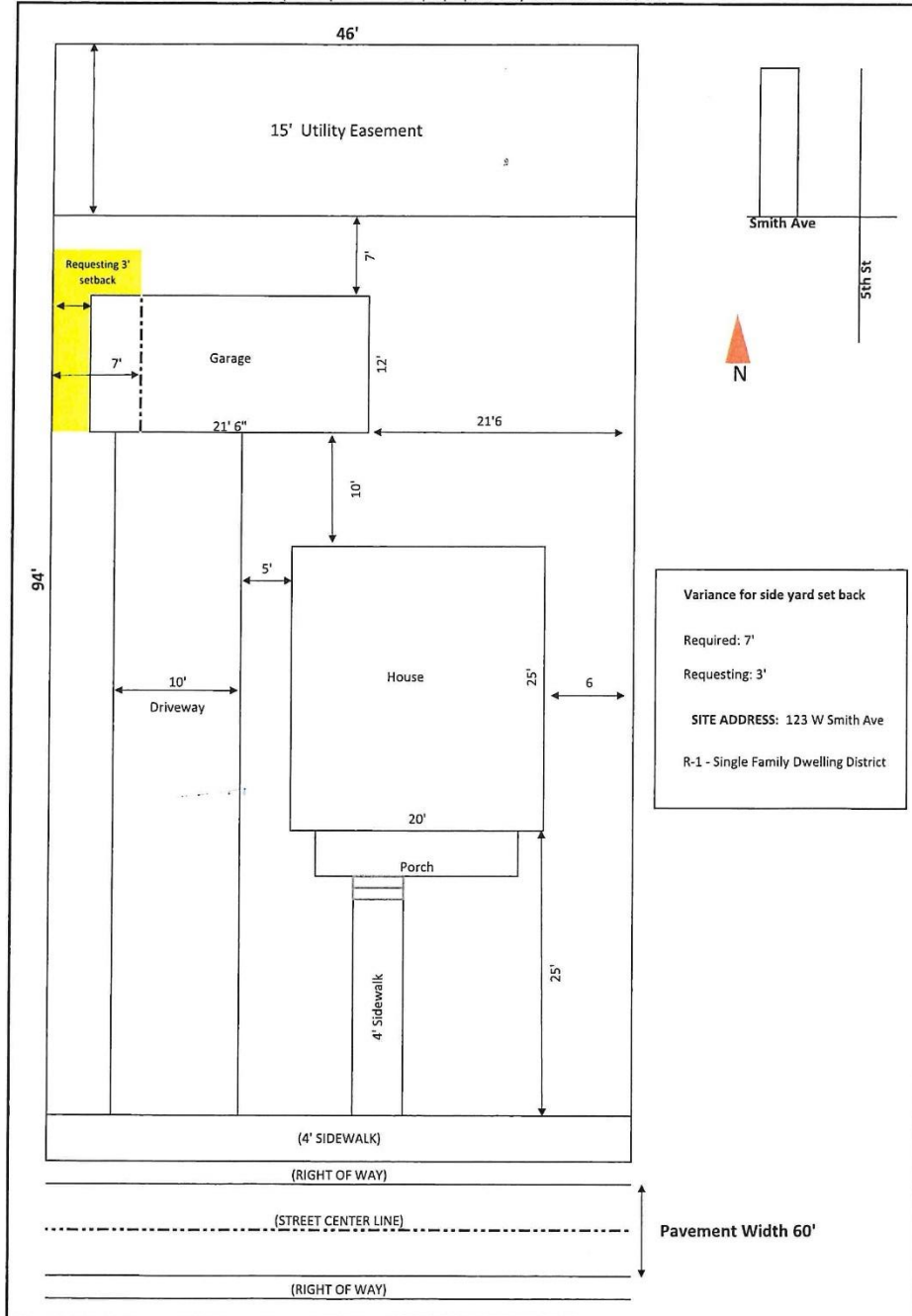
- One copy of Property ownership list lying within 200' feet of the outer limits of the land in question and 1000' into the County if any portion of the subject property touches the County. (Must be prepared by a Title Company)

Fee (cash, charge or check made payable to City of Newton)

- Application Fee: \$100

Attachment A (cont)

Sample size plan is for example purposes only and not drawn to scale



Certificate of Appropriateness Application

Newton / North Newton Historic Preservation Commission

**PROPERTY OWNER/CONTACT INFORMATION**

PROPERTY OWNER NAME: Teri Wray (Primary Contact)
 ADDRESS: 333 Campus Ct. CITY/ZIP: North Newton, KS 67117
 REPRESENTATIVE/CONTRACTOR: Andrea Braker, Newton Murals & Arts Project (NMAP)
 ADDRESS: 720 Wheat Ln. CITY/ZIP: Hesston, KS 67062
 EMAIL ADDRESS: handeeandee@gmail.com

PARCEL INFORMATION (IF KNOWN)

PROPERTY ADDRESS: Old Mill Plaza - 301 N. Main Street Newton, KS
 HISTORIC DISTRICT: Downtown Historical HISTORIC STATUS: LR / SR / NR / NA

PROJECT DESCRIPTION

- | | |
|--|--|
| <input type="checkbox"/> NEW CONSTRUCTION | <input type="checkbox"/> EXTERIOR MAINTENANCE/REPAIR |
| <input type="checkbox"/> EXTERIOR REHABILITATION | <input type="checkbox"/> EXTERIOR ADDITION |
| <input type="checkbox"/> STRUCTURAL REPAIR | <input type="checkbox"/> NON-STRUCTURAL REPAIR |
| <input type="checkbox"/> INTERIOR REHABILITATION/REMODEL | <input checked="" type="checkbox"/> SIGN/AWNING INSTALLATION |
| <input checked="" type="checkbox"/> OTHER: <u>Free-standing Artistic Mural/Public Artwork of Historical Subjects</u> | |

DETAILED PROJECT DESCRIPTION (please use additional pages if needed)

Describe in detail the proposed project including any materials to be removed, new materials to be used, and design elements that will be affected (i.e. windows / doors / roof / brick / foundation / proposed colors etc.

We want to construct a free-standing structure that will feature public artwork including a mural featuring Newton's unique history on the south facing side (front) and a rotating gallery of smaller mural artworks by local artists on the north facing (back) side. The structure will stand on the north edge of the Old Mill Plaza parking lot that is accessible by Main Street.

PLEASE INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- Photographs of your property and the location to be affected by your project. (Please note, city staff may visit the site for additional pictures)

- Site plan/drawings of the proposed work to provide a visual of the finished project.
- Written description of the materials to be used and construction techniques.
- Material sample (if available).
- If your project includes signage and/or awning, please include a scale drawing indicating lettering type, dimensions, materials, colors, locations, and method of illumination (if applicable).

INITIAL YOU HAVE READ THE FOLLOWING:

AB You (applicant) and/or applicant representative are encouraged to attend the meeting of the Newton/North Newton Historic Preservation Commission held on the third Thursday of every month at 6:00 pm in the Newton City Commission Chambers at 201 E 6th Street. Your presence will provide the HPC with a resource for questions regarding the project and will allow you to present additional details not already stated. Should you choose not to attend, review of your project may be postponed to the following meeting at the discretion of the HPC to allow for any adequate information to be provided.

AB Issuance of a Certificate of Appropriateness letter does not constitute issuance of a building permit by the City of Newton Engineering Department. Nor does it constitute approval of any Federal or State Tax Credit Application.

AB Any changes to the project after the completion of a review will require a new COA application and presentation.

OWNER OF RECORD SIGNATURE: _____ DATE: _____

OWNER REPRESENTATIVE SIGNATURE: Andrew P. _____ DATE: 3/4/2021

--- FOR OFFICE USE ONLY ---

DATE RECEIVED: ___/___/___

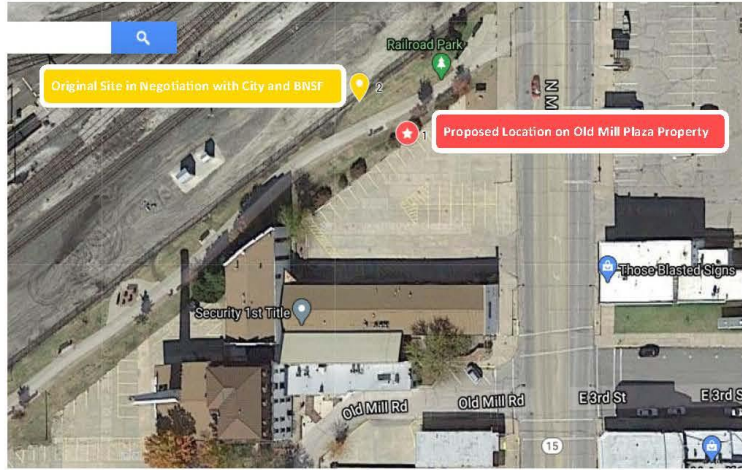
DATE REVIEWED: ___/___/___

DECISION: _____

NOTES/CONDITIONS: _____

Preservation Planner

Attachment B (cont)





OWNERSHIP LIST

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

Tracts within 200 feet of the following described property:

Tract 1: A tract of land being a portion of Block Fifty-one (51), a vacated portion of Library Court an alley and a vacated portion of Third Street all in the City of Newton, Harvey County, Kansas, more particularly described as follows: Beginning at the Southeast Corner of Lot Fifteen (15) in said Block 51; thence North along the East line of said Lot 15 for 192.8 feet; thence East for 57.7 feet; thence North 6.7 feet; thence East for 50.9 feet; thence North 25.2 feet to a point being 83.6 feet East and 20.3 feet South of the Southwest Corner of Block Forty-six (46) in the City of Newton, Harvey County, Kansas; thence West along the North face of a brick building for 108.6 feet to a point on the East line of said Lot 15 being 224.57 feet North of said point of beginning; thence West at right angles to the East line of said Lot 15 along the North face of said brick building for 79.82 feet; thence Southwesterly along the Northwesterly face of said brick building deflecting 5°14' to the left of the last course for 28.64 feet to the Northwesterly corner of said brick building; thence Southwesterly deflecting 7°07'30" to the left of the last course for 37.89 feet; thence Southwesterly deflecting 9°03'30" to the left of the last course for 42.0 feet more or less to a point on the Southeasterly right of way line for the A.T.&S.F.R.R. being 180.9 feet Northeasterly of the Northwesterly corner of Lot Thirty-three (33) in said Block 51; thence Southwesterly along the A.T.&S.F.R.R. right of way line to the Northwesterly corner of said Lot Thirty-three (33); thence South to the Southwest Corner of said Lot 33; thence East to point of beginning, EXCEPTING: A portion of Lots Seventeen (17), Nineteen (19), and Twenty-one (21), Block Fifty-one (51), Original Town of Newton, Harvey County, Kansas more particularly described as follows: Commencing at the Southeast corner of Lot Fifteen (15), Block Fifty-one (51), Original Town of Newton, Harvey County, Kansas; thence with a bearing of North 01°04'55" West (basis of bearing is NAD 83 Kansas South Zone) along the East line of said Lot Fifteen (15) a measured distance of 142.88 feet; thence South 88°55'05" West perpendicular to the East line of said Lot Fifteen (15) a measured distance of 40.76 feet for the point of beginning; thence South 89°10'46" West 68.16 feet; thence North 01°06'40" West 82.80 feet; thence North 88°41'22" East 59.42 feet; thence South 01°00'30" East 40.14 feet; thence North 88°18'21" East 8.64 feet; thence South 01°20'15" East 43.30 feet to the point of beginning.

Tract 2: Beginning at the Northeast Corner of Lot One (1), Block Forty-six (46), City of Newton, Harvey County, Kansas, said point being at the intersection of the Southeast Right of Way line of the A.T.&S.F. Railroad and West line of Main Street, City of Newton; thence South along the East line of Block Forty-six (46), City of Newton, to the Southeast Corner of Lot Seven (7) of said Block; thence West along the South line of Lot Seven (7), 66.4 feet; thence South 20.3 feet to a point 83.6 feet East and 20.3 feet South of the Southwest Corner of said Block 46 in the City of Newton, Harvey County, Kansas; thence West along the North face of a brick building for 108.6 feet to a point on the East line of Lot Fifteen (15), Block Fifty-one (51), City of Newton, said point being 224.57 feet North of the Southeast Corner of said Lot 15; thence West at right angles to the East line of said Lot 15 along the North face of said brick building for 79.82 feet; thence Southwesterly along the Northwesterly face of said brick building deflecting 5°14' to the left of the last course for 28.64 feet to the Northwesterly corner of said brick building; thence Southwesterly deflecting 7°07'30" to the left of the last course for 37.89 feet; thence Southwesterly deflecting 9°3'30" to the left of the last course for 42.0 feet, more or less, to a point on the Southeasterly right of way line of the A.T.&S.F. Railroad being 180.9 feet Northeasterly of the Northwesterly corner of Lot Thirty-three (33) in said Block 51; thence Northeasterly along the A.T.&S.F. Railroad right of way to a point of beginning.

Tract 3: Beginning at the Southeast Corner of Block Forty-six (46) in the City of Newton, Harvey County, Kansas; thence South along the West line of Main Street 45.5 feet; thence West parallel with the North line of West Third Street, 66.4 feet, more or less, to the East line of previously vacated portion of West Third Street; thence North along said line 45.5 feet, more or less, to the North line of West Third Street, thence East along said North line 66.4 feet, more or less, to point of beginning.

Tract 4: Beginning at a point on the East line of Lot Fifteen (15), Block Fifty-one (51), City of Newton, Harvey County, Kansas, 192.8 feet North of the Southeast Corner of said Lot; thence South along said East line 36.4 feet; thence East 6.0 feet; thence Northeasterly 55 feet to a point on the North line of West Third (established by prior vacation); thence West on said North line 46.7 feet to point of beginning.

WWCP Investments, LLC
333 Campus CT
North Newton, KS 67117-8024

CITY OF NEWTON, ORIGINAL TOWN
Block 47 (South of 4th Street)

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11

The City of Newton, Kansas
PO Box 426
Newton, KS 67114-0426

Attachment C (cont)

Lot 12
William J. Ryan & Janette I. Ryan
302 N Main ST
Newton, KS 67114-3417

Lots 13 & 14 EXCEPT: Beg. SW/c Lot 14; N 23.09 ft. to pt. 2 ft. S of NW/c Lot 14; E 139.09 ft.; S 2.67 ft.; E 11 ft. to E line Lot 14; S 20.38 ft. to SW/c Lot 14; W 150.08 ft. (150 ft. Record) to pob.

William J. Ryan & Janette I. Ryan
302 N Main ST
Newton, KS 67114-3417

Part of Lot 14: Beg. SW/c Lot 14; N 23.09 ft. to pt. 2 ft. S of NW/c Lot 14; E 139.09 ft.; S 2.67 ft.; E 11 ft. to E line Lot 14; S 20.38 ft. to SW/c Lot 14; W 150.08 ft. (150 ft. Record) to pob.

Santos S. Fonseca
905 S Poplar ST
Newton, KS 67114-4643

Block 50

Lots 1 & 2
Kay Dean Supernois
1413 Berry AVE
Newton, KS 67114-1412

Lot 3
Independent Pain Management & Anesthesia
Services, LLC
6300 S Grace Hill RD
Whitewater, KS 67154-9024

Lots 4 & 5
Steven S. Fensky
363 27th AVE
Moundridge, KS 67107-7449

Lot 6
Cody Claassen
1906 N Main ST
North Newton, KS 67117-5801

Block 51

Lot 1 AND the S 5 ft. of W Third Street as platted in Blk 51, from the W line of Main St to the E line of platted N-S alley in said Blk 51, EXCEPT: Beg. SE/c Blk 46; S 45.5 ft.; W 66.4 ft. to E line of previously vacated portion of W Third Street; N 45.5 ft. to N line of W Third Street; E 66.4 ft. to pob; AND ALSO EXCEPT: Beg. at pt on E line Lot 15, Blk 51 192.8 ft. N of SE/c said Lot 15; S 36.4 ft.; E 6.0 ft.; NELY 55 ft. to pt on N line W Third Street (established by prior vacation); W 46.7 ft. to pob.

SB Davidson Holdings, LLC
229 N Main ST
Newton, KS 67114-3442

Lots 2, 3, 4 & 5
219 North Main, LLC
219 N Main ST
Newton, KS 67114-3442

Lots 6, 7 & 8
The Fred T. Petersen Revocable Trust dated
March 10, 2021 (und. 1/4 int.)
The Gregg Petersen and Joan Petersen Revocable
Trust dated September 12, 1994 (und. 1/2 int.)
Janet L. Petersen (und. 1/4 int.)
215 N Main ST
Newton, KS 67114-3442

ABSTRACTER'S NOTE: Janet L. Petersen is shown as an owner due to her joint tenancy interest with Fred T. Petersen not being extinguished by deed or the courts, and no record is found of her death.

Lot 9
Petersen Funeral Home Inc.
215 N Main ST
Newton, KS 67114-3442

Lots 10 & 11
Petersen Funeral Home Inc.
215 N Main ST
Newton, KS 67114-3442

Attachment C (cont)

Lots 12, 13 & 14

Harvey County Historical Society Inc.
PO Box 4
Newton, KS 67114-0004

Part of Lots 17, 19 & 21: Comm. SE/c Lot 15; N 142.88 ft.; W 40.76 ft. for pob; W 68.16 ft.; N 82.80 ft.; E 59.42 ft.; S 40.14 ft.; E 8.64 ft.; S 43.30 ft. to pob.

Six Pack, LLC
15 E Stonebridge CIR
Wichita, KS 67230-1560

Lot 16, E/2 of Lot 18 [should be E 18 1/2 ft. Lot 18], W 14 1/2 ft. Lot 18, all Lots 20, 22, 24, 26, 28, 30, 32 & 34

J & D Home Buyers, LLC
5025 E Kellogg DR STE 300
Wichita, KS 67218-1543

Block 57

Tr. 1: E 70 ft. Block 57, being all Lots 1 & 2, and E 4 ft. Lot 3; EXCEPT NWly 20 ft. adj. to RR.
Tr. 2: W 14 ft. of E 84 ft. Block 57, being W 14 ft. of E 18 ft. Lot 3; EXCEPT NWly 20 ft. adj. to RR.

Gustavo Rubio & Luz Del Carmen Rubio
11636 N 103rd East AVE
Collinsville, OK 74021-4821

Part of Lots 3 & 4: Block 57 EXCEPT E 84 ft. AND EXCEPT N 20 ft. AND EXCEPT: Beg. 174 ft. W of SE/c Lot 4; N 30.09 ft. to r/w RR; SWly to S line Lot 4; E 39 ft. to pob.

Jacob R. Kirkpatrick
837 W 50th ST N
Wichita, KS 67204-2703

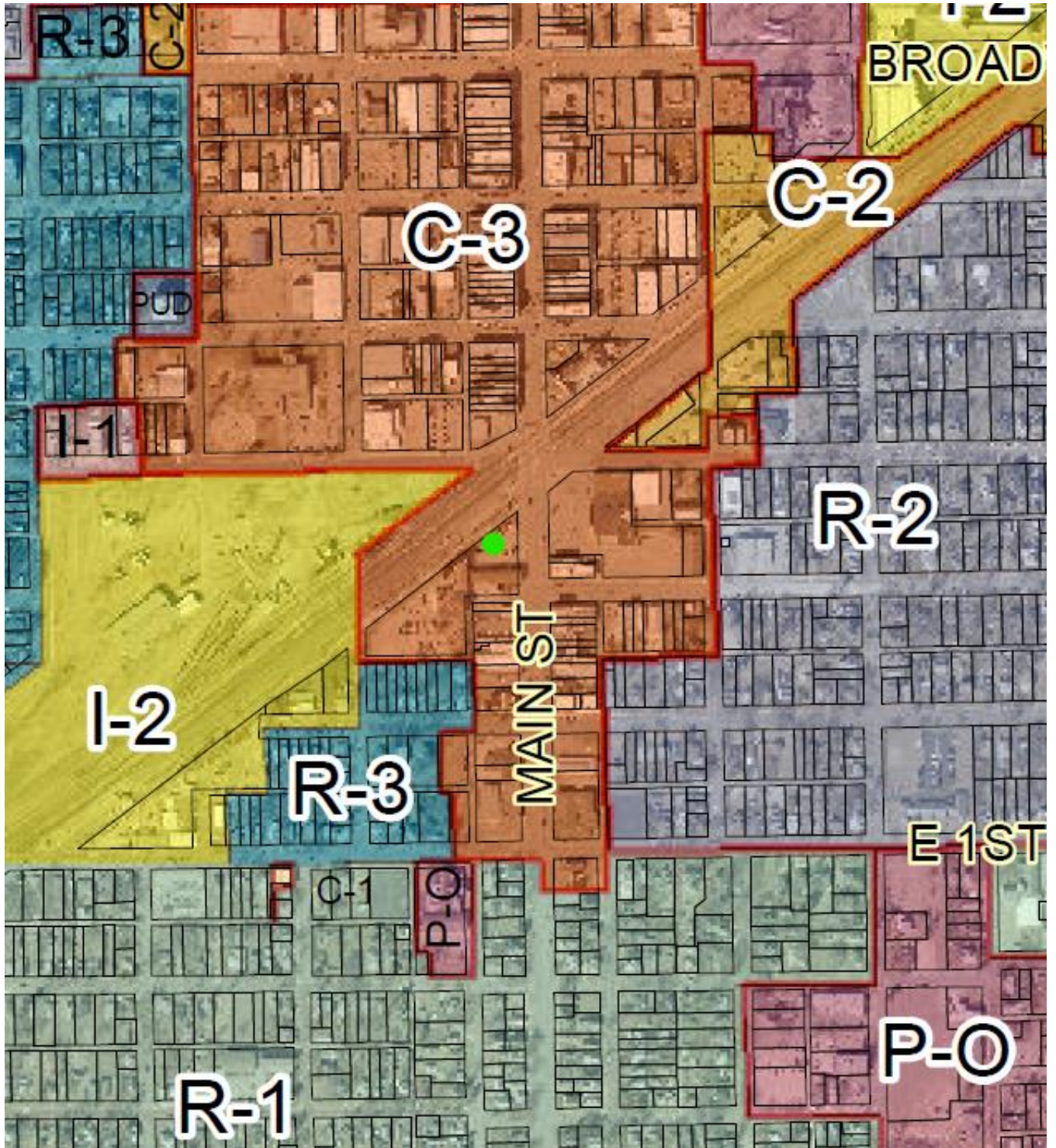
This report is not a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance commitment, or any form of title insurance or guaranty. This report is issued exclusively for the benefits of the applicant therefore, and may not be 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 1st day of June, 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 a Variance from Zoning Ordinance XI has been filed with the City of Newton, Harvey County, Kansas. The property is legally described as:

Tract 1: A tract of land being a portion of Block Fifty-one (51), a vacated portion of Library Court an alley and a vacated portion of Third Street all in the City of Newton, Harvey County, Kansas, more particularly described as follows: Beginning at the Southeast Corner of Lot Fifteen (15) in said Block 51; thence North along the East line of said Lot 15 for 192.8 feet; thence East for 57.7 feet; thence North 6.7 feet; thence East for 50.9 feet; thence North 25.2 feet to a point being 83.6 feet East and 20.3 feet South of the Southwest Corner of Block Forty-six (46) in the City of Newton, Harvey County, Kansas; thence West along the North face of a brick building for 108.6 feet to a point on the East line of said Lot 15 being 224.57 feet North of said point of beginning; thence West at right angles to the East line of said Lot 15 along the North face of said brick building for 79.82 feet; thence Southwesterly along the Northwesterly face of said brick building deflecting 5°14' to the left of the last course for 28.64 feet to the Northwesterly corner of said brick building; thence Southwesterly deflecting 7°07'30" to the left of the last course for 37.89 feet; thence Southwesterly deflecting 9°03'30" to the left of the last course for 42.0 feet more or less to a point on the Southeastly right of way line for the A.T.&S.F.R.R. being 180.9 feet Northeasterly of the Northwesterly corner of Lot Thirty-three (33) in said Block 51; thence Southwesterly along the A.T.&S.F.R.R. right of way line to the Northwesterly corner of said Lot Thirty-three (33); thence South to the Southwest Corner of said Lot 33; thence East to point of beginning, EXCEPTING: A portion of Lots Seventeen (17), Nineteen (19), and Twenty-one (21), Block Fifty-one (51), Original Town of Newton, Harvey County, Kansas more particularly described as follows: Commencing at the Southeast corner of Lot Fifteen (15), Block Fifty-one (51), Original Town of Newton, Harvey County, Kansas; thence with a bearing of North 01°04'55" West (basis of bearing is NAD 83 Kansas South Zone) along the East line of said Lot Fifteen (15) a measured distance of 142.88 feet; thence South 88°55'05" West perpendicular to the East line of said Lot Fifteen (15) a measured distance of 40.76 feet for the point of beginning; thence South 89°10'46" West 68.16 feet; thence North 01°06'40" West 82.80 feet; thence North 88°41'22" East 59.42 feet; thence South 01°00'30" East 40.14 feet; thence North 88°18'21" East 8.64 feet; thence South 01°20'15" East 43.30 feet to the point of beginning.

Tract 2: Beginning at the Northeast Corner of Lot One (1), Block Forty-six (46), City of Newton, Harvey County, Kansas, said point being at the intersection of the Southeast Right of Way line of the A.T.&S.F. Railroad and West line of Main Street, City of Newton; thence South along the East line of Block Forty-six (46), City of Newton, to the Southeast Corner of Lot Seven (7) of said Block; thence West along the South line of Lot Seven (7), 66.4 feet; thence South 20.3 feet to a point 83.6 feet East and 20.3 feet South of the Southwest Corner of said Block 46 in the City of Newton, Harvey County, Kansas; thence West along the North face of a brick building for 108.6 feet to a point on the East line of Lot Fifteen (15), Block Fifty-one (51), City of Newton, said point being 224.57 feet North of the Southeast Corner of said Lot 15; thence West at right angles to the East line of said Lot 15 along the North face

of said brick building for 79.82 feet; thence Southwesterly along the Northwesterly face of said brick building deflecting 5°14' to the left of the last course for 28.64 feet to the Northwesterly corner of said brick building; thence Southwesterly deflecting 7°7'30" to the left of the last course for 37.89 feet; thence Southwesterly deflecting 9°3'30" to the left of the last course for 42.0 feet, more or less, to a point on the Southeasterly right of way line of the A.T.&S.F. Railroad being 180.9 feet Northeasterly of the Northwesterly corner of Lot Thirty-three (33) in said Block 51; thence Northeasterly along the A.T.&S.F. Railroad right of way to a point of beginning.

Tract 3: Beginning at the Southeast Corner of Block Forty-six (46) in the City of Newton, Harvey County, Kansas; thence South along the West line of Main Street 45.5 feet; thence West parallel with the North line of West Third Street, 66.4 feet, more or less, to the East line of previously vacated portion of West Third Street; thence North along said line 45.5 feet, more or less, to the North line of West Third Street, thence East along said North line 66.4 feet, more or less, to point of beginning.

Tract 4: Beginning at a point on the East line of Lot Fifteen (15), Block Fifty-one (51), City of Newton, Harvey County, Kansas, 192.8 feet North of the Southeast Corner of said Lot; thence South along said East line 36.4 feet; thence East 6.0 feet; thence Northeasterly 55 feet to a point on the North line of West Third (established by prior vacation); thence West on said North line 46.7 feet to point of beginning.

The appeal of Teri Wray, 301 N. Main Newton, Kansas for a variance from Zoning Article 11.8-2 A-F, which does not meet A and C:

- A. The top edge of the Monument Sign shall not exceed ten (10) feet above grade from its base.**
- C. The surface Display Area of any face of a Monument Sign shall not exceed one (1) square foot per linear foot of Street frontage to a maximum of 150 square feet.**

If this variance is granted Teri Wray would be allowed to construct a monument sign 33'(L)x 24'(H) with a surface display area of approximately 660 square feet at 301 N. Main.

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, July 12, 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



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

June 15, 2021

To Owners of Nearby Properties:

Notice is hereby given that an Application for a Variance from Zoning Ordinance XI has been filed with the City of Newton, Harvey County, Kansas. The property is legally described as:

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Sincerely,

Justin Erickson
Planning & Zoning Supervisor
City of Newton

(Published in *The Newton Kansan*, June 10, 2021)

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/s/ 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

June 10th 2021

subsequent publications being made on the following dates

None

Subscribed and sworn to before me this **June 15th**, 2021

[Signature]

 Notary Public

My commission expires **6/27/23**
Total Amount of Payment \$46.13
Notice of Hearing/Variance for 301 N. Main St.

 **SARA SCHMIDT**
 Notary Public - State of Kansas
 My Appt. Expires **6-27-23**