

**Newton - North Newton Area Planning Commission**  
**Agenda**  
**Planning Commission**  
**Monday, October 4, 2021 @ 6:00 PM**  
**Commission Chambers**

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A. AGENDA	
1. Consider approval of the September 13, 2021 meeting minutes <a href="#">09.13.2021 PC Minutes</a>	2 - 3
2. Consider and conduct a public hearing on a zoning district amendment from the City of Newton, for property located on West 1st Street, west of Boyd Avenue on the south side of 1st Street from the current C-2 to an R-3. <a href="#">10.04.21 PC Item 2 - 1st and Boyd</a>	4 - 17
3. Old Business.	
4. New Business	
5. Adjournment	

**NEWTON-NORTH NEWTON PLANNING COMMISSION  
REGULAR MEETING  
September 13, 2021**

The Newton-North Newton Planning Commission convened in regular session at 6:00 PM on September 13, 2021 at City Hall, 201 East 6th Street, Newton. At 6:02 p.m., a quorum was present and the Chair called the meeting to order. Attending were Chair Weidenbener, Vice Chair Slechta, Commissioners Goodnite, Scott, and Newell, Assistant City Attorney Mullens, Building & Zoning Supervisor Erickson and Administrative Assistant Schmidt. Commissioners Harris, Harder, Sommerfeld, Roth and North Newton City Attorney Nye were all absent.

**AGENDA**

**1. Consider approval of the July 12, 2021 meeting minutes.**

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

**2. Consider and conduct a public hearing on a zoning district amendment from the City of Newton on behalf of the applicant Kelly McElroy, for property located on the east side of South Kansas Road, south of Southeast 24th Street between Newton Fire/EMS Station 3 and Cottonwood Crossing Apartments from the current C-2 to an R-3.**

Staff presented the item in which the applicant is requesting a zoning district amendment from the current C-2 (General Business District) to an R-3 (Multi Family Dwelling District).

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.

Chair Weidenbener opened the public hearing at 6:09 p.m. There being no one to speak, the public hearing was closed at 6:09 p.m.

Commissioners discussed the motivation for the zoning district amendment. This change will allow for water and sewer hook ups.

**MOTION:** Commissioner Newell moved and Commissioner Scott seconded to approve the zoning district amendment based on the staff report. Motion carried.

**3. Old Business.**

There was no old business to discuss.

**4. New Business**

There was no new business to discuss.

**5. Adjournment**

There being no other business to come before the Planning Commission, Chair Weidenbener declared the meeting adjourned at 6:12 p.m.

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Sara Schmidt  
Recording Secretary

COMMISSION COMMUNICATION	
FOR MEETING OF	10/04/2021
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

August 6, 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), City of Newton, on behalf of Applicant Kelly McElroy, for property that is located on West 1<sup>st</sup> Street, West of Boyd Ave on the South side of 1<sup>st</sup> street from the current C-2 (General Business District) to an R-3 (Multi Family Dwelling District).

**The property is legally described as:**

Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block One (1), Interurban Addition, Newton, Harvey County, Kansas.

**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-3 zoning provides for specific activities including, but not limited to:

- R-3:
  - Same as R-2
  - Multi-family dwellings.
  - Lodging, rooming, and fraternity houses.
  - Flexible Multifamily developments.
  
  - Same as R-2
  - Same as R-S.
  - Two-Family Dwellings.
  - Child care centers.
  
  - Same as R-S
  - Single-family dwellings.
  - Historical sites and structures.
  - Public parks and playgrounds
  - Day care homes.
  - Churches and other places of worship.
  - Libraries, schools and museums.
  - Rights-of-way, appurtenances for public utilities and railroads.

**(c) Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.**

STAFF COMMENTS: Water and sewer mains are available for extension to the property. The developer will need to submit petitions for the extension of the mains. The change in zoning does not impact the water and sewer utility extension requirements.

**(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 to be rezoned for future development of Harvest Pointe/Mennonite Housing

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 October 26th, 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)** Name: City of Newton, Kansas  
**Information** Address: 201 E. Sixth Street; PO B0x 426 Newton KS 67114  
Phone: 316-284-6001

**Property** Name: Same as above  
**Owner(s)** Address: \_\_\_\_\_  
**[if different]** \_\_\_\_\_  
Phone: \_\_\_\_\_

Street address of property: N/A - Greenfield Site  
Legal description of property: Lots 1, 2, 3, 4, & 5; Block 1; Interurban Addition;  
City of Newton; Harvey, County, Kansas

Present zoning of subject property: C-2 Requested zoning: R-3

**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 \$100.00. 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] 8/19/21 \_\_\_\_\_  
Signature(s) of Applicant(s) Date Signature(s) of Owner(s) Date

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

**OWNERSHIP LIST**

Prepared by  
SECURITY 1<sup>ST</sup> TITLE  
August 2, 2021 at 7:59 AM

Tracts within 500 feet of the following described property:

**Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block One (1), Interurban Addition, Newton, Harvey County, Kansas.**

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

**BOYD'S ADDITION, NEWTON  
Blocks 15 & 16**

Tr. 1: S/2 Block 15 AND all vacated Second St. between Boyd Ave. and Central Ave.  
Tr. 2: S 100 ft. N/2 Block 16

JRW Investment LLC  
1301 Terrace Dr.  
Newton, KS 67114-6313

All N/2 Block 16 EXCEPT S 100 ft. thereof AND EXCEPT Second St. adjacent thereto.

JRW Investment LLC  
1301 Terrace Dr.  
Newton, KS 67114-6313

W 144.31 ft. of S/2 Block 16

Sharon S. Wiens  
1301 Terrace Dr.  
Newton, KS 67114-6313

E 90 ft. of S/2 Block 16, tog. with W/2 Central Ave. adjacent thereto, vacated.

JRW Investment LLC  
1301 Terrace Dr.  
Newton, KS 67114-6313

**Block 17**

All Block 17 AND that part West Second St. from Easterly r/w Central Ave. to Westerly line of Sanford's Addn. Newton.

Millenium Associates Inc.  
900 W 1<sup>st</sup> St.  
Newton, KS 67114-3326

**INTERURBAN ADDITION, NEWTON**

**Block 1**

Lots 6, 7, 8, Reserve A, and that part platted as "Boyd Ave."

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



KMART NO. 3813 ADDITION, NEWTON

**Block 1**

Part of Lot 1: Comm. NW/c NW/4 19-23-1E; E 637.50 ft.; S 50.01 ft. for pob; S 451.75 ft.; E 64.55 ft.; S 148.20 ft.; W 125.00 ft. to Easterly r/w line Beverly Ave.; S 150 ft.; E 583.12 ft.; N 590.10 ft. to point 210.00 ft. S of N line NW/4; W 200.00 ft.; N 159.98 ft. to point 50.00 ft. S of N line NW/4; W 315.73 ft. to pob.

TH Yard, LLC  
PO Box 9316  
Wichita, KS 67277-0316

Lot 2 (a/k/a: Storage Maxx 2 PUD, an Amendment to Kmart No. 3813)

Storage Maxx LLC  
PO Box 507  
Paola, KS 66071-0507

KOERNER HEIGHTS ADDITION, NEWTON

**Block 6**

Lot 23	Merreta Yvonne Witzke 112 Alice Ave. Newton, KS 67114-3221
Lot 25, tog. with part alley lying adj. to S, vacated	Antonio M. Ramos 108 Alice Ave. Newton, KS 67114-3221
Lots 27 & 29	Columbus Avenue Church of Christ 101 Columbus Ave. Newton, KS 67114-3238
Lot 30	The Patricia E. Findley Trust c/o Chris Roth 19 Park View Rd. Hesston, KS 67062
Lots 32 & 34	Columbus Avenue Church of Christ 101 Columbus Ave. Newton, KS 67114-3238
Lots 36, 38, 40 & 42	Columbus Avenue Church of Christ 101 Columbus Ave. Newton, KS 67114-3238

KOERNER HEIGHTS SECOND – AMENDED PLAT OF BLOCK 10

**Block 10**

Lot 28	Amber N. Penner 105 Alice Ave. Newton, KS 67114-3220
Lot 29	Tyler L. Neufeld c/o Harry R. Neufeld 101 Alice Ave. Newton, KS 67114-3220

TROUSDALE'S ADDITION, NEWTON

**Block 13**

Lots 9, 11 & 13	Joseph M. Reber & Hannah K. Reber 124 Columbus Ave. Newton, KS 67114-3239
Lots 15, 17, 19, 21 & 23	Royce E. Saltzman & Bonnie J. Saltzman 120 Columbus Ave. Newton, KS 67114-3239
Lots 25 & 27	Rodney Ford 5300 K-196 Hwy Newton, KS 67114-9310

2467265 Interurban Addn (City of Newton)

Attachment B – Continued

Lots 10 & 12	Julian Curiel 139 Fairview Ave. Newton, KS 67114-3345
Lots 14, 16, 18, 20 & 22	Torrey P. Hency 127 Fairview Ave. Newton, KS 67114-3345
Lots 24, 26 & 28	Tristan C. Tafolla Vincent Tafolla (Life Estate) PO Box 644 Newton, KS 67114-0644
Lots 29, 31, 33, 35 & 37	Meadowlark Housing Inc. Attn: Prairie View Business Office PO Box 467 Newton, KS 67114-0467
Lots 38 & 39	Maribel Romero 1 Anderson Ct. Newton, KS 67114-1409
<b><u>Block 14</u></b>	
Lots 9, 11 & 13	Bobbye L. Schlup 132 Fairview Ave. Newton, KS 67114-3344
Lot 15 & N 15 ft. Lot 17	Austin J. Bartmess 128 Fairview Ave. Newton, KS 67114-3344
Lots 17, 19 & 21 EXCEPT N 15 ft. Lot 17	Stephanie R. Snyder 126 Fairview Ave. Newton, KS 67114-3344
Lots 23, 25 & 27	Arlene F. Corfman 921 N Glendale Ave. Newton, KS 67114-1578
Lots 5, 6, 7, 8 & N 2 ½ ft. Lot 10	The Donald F. Rogers & Ida A. Rogers Revocable Trust 135 N McLain Ave. Newton, KS 67114-3354
S 22 ½ ft. Lot 10, all Lot 12, N 5 ft. Lot 14	Larry J. Hall & Nancy J. Hall 131 N McLain Ave. Newton, KS 67114-3354
S 20 ft. Lot 14, all Lots 16 & 18	Next Level Investments LLC 108 Windward Ct. Newton, KS 67114-5417
Lots 20, 22, 24, 26 & 28	Thomas Pina 115 N McLain Ave. Newton, KS 67114-3354
Lots 31, 32, 33, 34, 35 & 36	Katherine Jordan 401 McLain Ave. Newton, KS 67114-3153
Lots 37, 38, 39, 40 & 41	Judy Cuellar 1304 W 1 <sup>st</sup> St. Newton, KS 67114-3330
<b><u>Block 15</u></b>	
Lots 5, 7 & 9	Juanita Monares 130 N McLain Ave. Newton, KS 67114-3353

Attachment B – Continued

Lots 11, 13 & 15	Robert Gene Monares Glennis Jean Monares 126 N McLain Ave. Newton, KS 67114-3353
Lots 17, 19 21 & 23	Klifford N. Siemens & Frances A. Siemens 118 N McLain Ave. Newton, KS 67114-3353
Lots 25 & 27	Klifford Siemens & Frances Siemens 118 N McLain Ave. Newton, KS 67114-3353
Lots 6, 8, 10 & 12	Armando Montano & Martina Montano 133 N Glendale Ave. Newton, KS 67114-3347
Lots 14 & 16	John W. Moore 212 Frontier Dr. Mulvane, KS 67110
Lots 18, 20, 22, 24, 26 & 28	Second Baptist Missionary Church, Newton, Kansas PO Box 424 Newton, KS 67114-0424
Lots 29 & 30	Brenda Krueger 509 SE 4 <sup>th</sup> St Newton, KS 67114-3816
	Dianna Brown Gilbert Brown (no address available for the above)
	Deborah Frost 10303 N Woodlawn Rd. Walton, KS 67151-9038
Lots 31, 32, 33, 34, 35, 36 & 37	Francisco Flores (Dec'd)
	Mary Jones Mickie Perez Maggie Villalobos Ines Flores Guadalupe Garcia Gilbert Brown (no addresses available for the above)
	Deborah Frost 10303 N Woodlawn Rd. Walton, KS 67151-9038
<b>ABSTRACTER'S NOTE:</b> Francisco Flores is deceased (9/19/1987) according to the Harvey County Genealogical Database, however, nothing has been filed in the public records of the Register of Deeds office or the District Court. Subsequent Deeds from Magdalena Flores, his wife who was not in title and is now deceased also, to their children have been filed, so those persons are shown above. However, because of the gap in the chain of title, I cannot certify as to who the current owner(s) are on this property.	
Lots 38, 39 & 40	Second Baptist Missionary Church, Newton, Kansas PO Box 424 Newton, KS 67114-0424
<b><u>Block 16</u></b>	
Lots 5, 7 & N/2 Lot 9	Eugene Garnica & Angela T. Garnica Anthony Terrores Medina 136 N Glendale Ave. Newton, KS 67114-3346
S/2 Lot 9, all Lots 11 & 13	Mark A. Bell 215 N Glendale Ave. Newton, KS 67114-3115

Attachment B – Continued

Lots 15 & 17 #1 Wichita Investments LLC  
PO Box 781262  
Wichita, KS 67278-1262

Lots 19, 21, 23, 25, 27, 29, 30, 31, 32, 33 & 34, tog. with East-West alley adjacent to S of Lot 27, vacated.  
Second Missionary Baptist Church, Newton, KS  
PO Box 424  
Newton, KS 67114-0424

Lots 2, 4, 6, 8 & 10 Jerry W. Bishop & Elizabeth Bishop  
PO Box 563  
Salina, KS 67402-0563

Lots 12, 14, 16, 18, 20, 22, 24, 26 & 28, tog. with N 10 ft. alley adjacent to S, vacated.  
JRW Investment LLC  
1301 Terrace Dr.  
Newton, KS 67114-6313

Lots 37, 38, 39 & 40, tog. with S 10 ft. alley adjacent to N, vacated.  
Gregg Petersen & Joan Petersen  
1700 Terrace Dr.  
Newton, KS 67114-6320

Lot 35 & 36 Joan M. Petersen  
1700 Terrace Dr.  
Newton, KS 67114-6320

METES AND BOUNDS DESCRIPTIONS

Section 19-23-1E

Tract in NE/4: Comm. NW/c NE/4; E 471.82 ft.; S 30.42 ft. to pob; E 140.04 ft.; S 147.12 ft.; S43°W 431.52 ft.; S 1402.26 ft. to Northerly line of Sand Creek Drainage r/w (Dist Court Case #15200); S29°W 182.94 ft. to Easterly line of tract of land in Deed Book 155, Page 10; N56°W 13.14 ft.; Northwesterly along curve to right 81.10 ft.; N 1461.63 ft.; Northeasterly along curve to right 150.34 ft.; N43°E 270.12 ft.; Northeasterly along curve to left 169.94 ft. to pob.

The Board of County Commissioners of  
Harvey County, Kansas  
PO Box 687  
Newton, KS 67114-0687

**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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> Title would not have issued this report but for the limitation of liability described above. Security 1<sup>st</sup> 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 2nd day of August, 2021, at 7:59 AM.

SECURITY 1<sup>ST</sup> TITLE

By *Darlene M. Paine*  
Licensed Abstractor

**NOTICE OF HEARING**

TO ALL PERSONS CONCERNED:

Notice is hereby given that an Application for 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 First Street West of Boyd Ave. The property is legally described as:

**Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block One (1), Interurban Addition, Newton, Harvey County, Kansas.**

**The Applicant requests that the above-described property be rezoned from a C-2 (General Business District) zoning classification to an R-3 (Multi 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. 6<sup>th</sup> Street, Newton, Kansas on **Monday, October 04, 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.

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/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

August 18, 2021

**NOTICE OF HEARING**

To Owners of Nearby Properties:

Notice is hereby given that an Application for 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 First Street West of Boyd Ave. The property is legally described as:

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**The Applicant requests that the above-described property be rezoned from a C-2 (General Business District) zoning classification to an R-3 (Multi 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. 6<sup>th</sup> Street, Newton, Kansas on **Monday, October 04, 2021 at 6:00 p.m.**, or as soon thereafter as the matter may be heard. All persons interested may appear and be heard as to the application.

The Zoning Ordinances of the City of Newton require as a part of any zoning amendment process that a certified list be obtained of the owners of all property within the area to be zoned; of all property within the city limits located within 500 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 scheduled to be on the October 26, 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 6<sup>th</sup> 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  
Classified 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

**August 26<sup>th</sup> 2021**

subsequent publications being made on the following dates

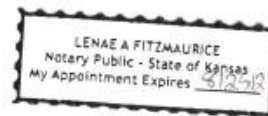
None

Subscribed and sworn to before me this **September 15<sup>th</sup> 2021**

*Lenae Fitzmaurice*

Notary Public

My commission expires  
**Total Amount of Payment \$10.69**  
**Interurban Addition Rezoning**



(Published in The Newton Kansan,  
August 26, 2021)  
**NOTICE OF HEARING**  
TO ALL PERSONS CONCERNED:  
Notice is hereby given that an  
Application for 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  
Ordinance for the following described  
property located on the south side of  
First Street West of Boyd Ave. The  
property is legally described as:  
Lots One (1), Two (2), Three (3),  
Four (4) and Five (5), Block One (1),  
Interurban Addition, Newton, Harvey  
County, Kansas.  
The Applicant requests that the  
above-described property be rezoned  
from a C-2 (General Business Dis-  
trict) zoning classification to an B-5  
(Multi 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 Com-  
mission chambers at City Hall, 201 W.  
6th Street, Newton, Kansas on Monday,  
October 04, 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

