

Newton - North Newton Area Planning Commission
Agenda
Monday, December 6, 2021 at 6:00 PM
Commission Chambers

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A. AGENDA	
1. Consider approval of the November 1, 2021 meeting minutes. Planning Commission - 01 Nov 2021 - Minutes	2 - 3
2. Consider and conduct a public hearing on a variance request from Justin Dillner of 1112 North Main Street requesting permission to install a monument sign. If the variance is granted, the property owner will be allowed to place a sign along the west side of the lot. 1112 N Main Street Variance	4 - 18
3. Consider a replat final plat for Sand Creek 4th Addition submitted by Baughman Company, on behalf of Applicant Darin Nattier, for property that is located on Casey/Casey Circle, west of South Anderson Ave. Sand Creek 4th Addition Final (Replat)	19 - 22
4. Consider a replat preliminary plat for Interurban 2nd Addition, submitted by Baughman Company, on behalf of applicant Byron Adrian, for property that is located on West 1st Street, west of Boyd Avenue on the south side of 1st Street. Interurban 2nd Addition Preliminary (Replat)	23 - 26
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**NEWTON-NORTH NEWTON AREA PLANNING COMMISSION
REGULAR MEETING
November 1, 2021**

The Newton-North Newton Area Planning Commission convened in regular session at 6:00 p.m. on November 1, 2021 at City Hall, 201 East 6th Street. Attending were Chair Weidenbener, Vice Chair Harder, Planning Commissioners Newell, Scott, Harris, Roth, Slechta, Assistant City Attorney Mullens, Building & Zoning Supervisor Erickson and Administrative Assistant Schmidt. Commissioners Goodnite and Sommerfeld and North Newton City Attorney Nye were absent.

AGENDA

1. Consider approval of the October 4, 2021 meeting minutes.

MOTION: Commissioner Scott moved and Commissioner Slechta seconded to approve the minutes with one change to the role call. Motion carried.

2. Consider a replat preliminary plat for Interurban 2nd Addition, submitted by Baughman Company on behalf of Applicant Byron Adrian, for property that is located on West 1st Street, west of Boyd Avenue on the south side of 1st Street. To be tabled.

MOTION: Commissioner Harris moved and Commissioner Scott seconded to table the replat preliminary plat until a later meeting.

3. Consider a replat preliminary plat for Sand Creek 4th Addition, submitted by Baughman Company on behalf of Applicant Darin Nattier, for property that is located on Casey/Casey Circle, west of South Anderson Avenue.

The staff report was presented. The preliminary plat was submitted to City Staff and area utility companies for review. Requests for changes were communicated to Baughman Company who then provided an updated version of the revised replat preliminary plat where the lot lines were changed and a 10 foot easement was added.

Phil Meyer with Baughman Company was present for questions. No other discussion was held and a motion was brought back to the bench.

MOTION: Commissioner Harris moved and Vice Chair Harder seconded to approve the replat preliminary plat contingent upon fixing the proposed storm sewer extension, updated legend to the proposed SWS and the water line adjustment on Casey Circle. Motion carried.

4. Annual review of the ReNewton 2030 Comprehensive Plan.

The ReNewton 2030 Comprehensive plan must be reviewed by the Planning Commission every year. No changes were made in 2021.

5. Old Business

There was no old business to discuss.

6. New Business

There was no new business to discuss.

7. Adjournment

There being no other business to come before the Planning Commission, Chair Weidenbener declared the meeting adjourned at 6:08 p.m.

Recording Secretary
Sara Schmidt



Administration
Department

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

COMMISSION COMMUNICATION	
FOR MEETING OF	12/06/21
AGENDA ITEM	2
FOR ACTION	✓
INFORMATION ONLY	

MEMO

TO: The Newton / North Newton Area Planning Commission
FROM: Justin Erickson, Planning & Zoning Supervisor
RE: December 06, 2021, Planning Commission Agenda
DATE: November 30, 2021

1. **APPLICANT:** Justin Dillner
LOCATION: 1112 N Main
ZONING / USE: C-1, Neighborhood Business District
REQUEST:

A variance from Zoning Article 11.8-2 A-F, which does not meet A:
A. The top edge of the Monument Sign shall not exceed ten (10) feet above grade from its base.
- PURPOSE:** Sign

The requirements for legal publication and notification 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 – Sign code allowance for the standard ‘monument style sign’ only allow for a 10’ tall sign. This property has 4 tenants. A monument style sign under 10’ does not allow enough space per tenant to have effective visibility for each tenants space on the sign.

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 proposed monument sign is smaller and more aesthetically pleasing than the pole sign that would be designed with exposed poles, within current code for size/height allowances.

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- This is a multi-tenant property, that requires a multi-tenant sign to have 4 tenant spaces along with an identification cabinet. If property owner is forced into complying with the pole sign portion of sign code, the sign will have to go taller. The current pole structure is not sufficient to hold the sign any taller. Current pole structure would need to be removed and new larger and taller steel structure installed, thereby becoming a cost burden to property owner.

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

Commentary- In no way the variance will affect the public health safety, morals, order, convenience, prosperity, or general welfare of the community. The proposed sign is smaller than current code allows for pole type signs.

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

Applicant Commentary- This sign variance request will not be opposed to the general spirit and intent of the zoning regulations as the current monument sign code does not allow enough height to accomplish adequate signage for this site. Changing to a ‘pole sign’ type would be less aesthetically pleasing and would need to be taller than the sign we are seeking variance for.

Staff Commentary- I am concerned about sight distance for drivers approaching the intersection from the east. This could impact public safety due to loss of sight distance.

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

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: 1112 N main Newton, KS 67114
Primary Parcel ID: 040-094-17-0-10-06-008.00-0
Additional Parcel ID(s): _____

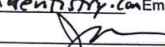
Existing Use: Commercial and Industrial Proposed Use: _____
Existing Zoning District: C-1

The subject property contains .6 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: JUSTIN R. DILLNER Name: Andrea Edwards
 Company: DILLNER PROPERTY MGMT Company: Luminous Neon Art & Sign Systems, Inc.
 Address: P.O. Box 250 Address: 1429 W 4th St
 City: HESSON State: KS Zip: 67062 City: Hutchinson State: KS Zip: 67501
 Primary Phone: 620-217-5094 Primary Phone: 620-200-8513
 Alternate Phone: — Alternate Phone: —
 Email: justin@hesstendentity.com Email: aedwards@Luminousneon.com
 Owner Signature (required): 

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, JUSTIN DILLNER, in my capacity as OWNER, hereby
representative/authorized agent/other
 certify that DILLNER PROPERTY MANAGEMENT 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:  Date: 12/26/2024
 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:

Sign code allowances for the standard 'monument style sign' only allow for a 10' tall sign. This property has 4 tenants. A monument style sign under 10' does not allow enough space per tenant to have effective visibility for each tenants space on the sign.

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

Commentary:

The proposed monument sign is smaller and more aesthetically pleasing than the pole sign that would be designed with exposed poles, within current code for size/height allowances.

- 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:

This is a multi tenant property, that requires a multi tenant sign to have 4 tenant spaces along with an identification cabinet. If property owner is forced into complying with the pole sign portion of sign code, the sign will have to go taller. The current pole structure is not sufficient to hold the sign any taller. Current pole structure would need to be removed and new larger and taller steel structure installed, thereby becoming a cost burden to property owner.

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

Commentary:

In no way this variance will affect public health safety, morals, order, convenience, prosperity, or general welfare of the community. The proposed sign is smaller than current code allows for pole type signs.

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

Commentary:

This sign variance request will not be opposed to the general spirit and intent of the zoning regulations as the current monument sign code does not allow enough height to accomplish adequate signage for this site. Changing to a 'pole sign' type would be less aesthetically pleasing and would need to be taller than the sign we are seeking variance for.

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

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

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**

Dilner Property Management
Property Address:
1112 N Main St Newton, KS
Sign Variance Site Plan 10/29/2021

Views of existing sign



Existing Pole sign



Requested Monument Sign



Parcel ID 0400941701006008000



Edge of sign 5' away from West property line

OWNERSHIP LIST

Prepared by
SECURITY 1ST TITLE
October 21, 2021 at 7:59 AM

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

Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10), in Block Nine (9) in the City of Newton, Harvey County, Kansas.

Dillner Property Management, LLC
PO Box 250
Hesston, KS 67062-0250

CITY OF NEWTON, ORIGINAL TOWN

Block 3

S/2 Lot 12, all of Lots 13 & 14

Bud & Steve Auto Service, Inc.
1201 N Main St.
Newton, KS 67114-1839

Block 8

E 100 ft. of Lots 1 & 2

Anthony Spencer
Abigail Urban
1125 N Main St.
Newton, KS 67114-1837

Lots 3 & 4

The Donald L. Pauley and Lila Jean Pauley
Revocable Trust dated Feb. 4, 1999
1123 N Main St.
Newton, KS 67114-1837

Lots 5, 6 & 7

The Paula J. Anderson Revocable Trust dated
May 16, 2006
PO Box 474
Newton, KS 67114-0474

Lot 8 & N/2 Lot 9

Dylan Svitak
1113 N Main St.
Newton, KS 67114-1837

S/2 Lot 9 & all Lot 10

Julio P. Mosqueda & Monica A. Mosqueda
1111 N Main St.
Newton, KS 67114-1837

Lots 11 & 12

Phyllis M. Osburn
Charles S. Osburn
1107 N Main St.
Newton, KS 67114-1837

Lots 13 & 14

Brian L. Smith & Tracy L. Smith
1 Sycamore Ct.
Newton, KS 67114-6311

Block 9

Lot 1 & N/2 Lot 2

Donovan G. Regehr & Laurie V. Regehr
11330 SW 48th St.
Halstead, KS 67056-9391

S/2 Lot 2 & all Lot 3

Debra D. Smalley
1120 N Main St.
Newton, KS 67114-1838

Attachment C (cont)

Lots 11, 12, 13 & 14	CO Invest, LLC, California limited liability company James Kent Busch 700 Airport Blvd STE 409 Burlingame, CA 94010-1908
Lots 15, 17 & 19	Guadalupe B. Martinez & Frances P. Martinez 117 E 11 th St. Newton, KS 67114-1829
Lots 21 & 23	Randall L. Voelker & Melinda S. Voelker 312 W 8 th St. Newton, KS 67114-2626
Lots 25 & 27	Donovan G. Regehr & Laurie D. Regehr 11330 SW 48 th St. Halstead, KS 67056-9391
Lot 16 & W 21 ft. of Lot 18	Donald N. Fayette & Barbara J. Fayette 114 E 10 th St. Newton, KS 67114-1822
E 12 ft. Lot 18 & all Lot 20	Joshua T. Brinkerhoff & Elise E. Brinkerhoff 118 E 10 th St. Newton, KS 67114-1822
Lot 22 & W/2 Lot 24	Aaron R. Wald Brienne M. Wald 2714 NW 36 th St. Newton, KS 67114-8953
E/2 Lot 24 & all Lot 26	Michael G. Perigo & Julie Ann Perigo 126 E 10 th St. Newton, KS 67114-1822

Block 12, J.M. & T.P. Ragsdale's Subdivision

Lot 1 EXCEPT E 55 ft. thereof	First Church of the Nazarene of Newton, Kansas 1000 N Main St. Newton, KS 67114-1811
E 55 ft. Lot 1	Gerald Miller (und. 1/2 interest) 806 E 8 th St. Newton, KS 67114-2826 Evelyn Maier (und. 1/4 interest) Carol Unruh (und. 1/4 interest) 1427 E Old Trail Rd. Newton, KS 67114-9482
Lots 15 & 17	First Church of the Nazarene of Newton, Kansas 1000 N Main St. Newton, KS 67114-1811
Lot 19 & W/2 Lot 21	Edward A. Hodgkins & Mary Jean Hodgkins 117 E 10 th St Newton, KS 67114-1821

DILLONS STORE 84 ADDITION, NEWTON

Block 1

Lot 1 EXCEPT: Beg. NE/c Lot 2; E 98.89 ft.; S 175.36 ft.; W 98.44 ft. to SE/c Lot 2; N 175.22 ft. to pob.

Dillon Companies Inc.
1014 Vine St. FL 7
Cincinnati, OH 45202-1100

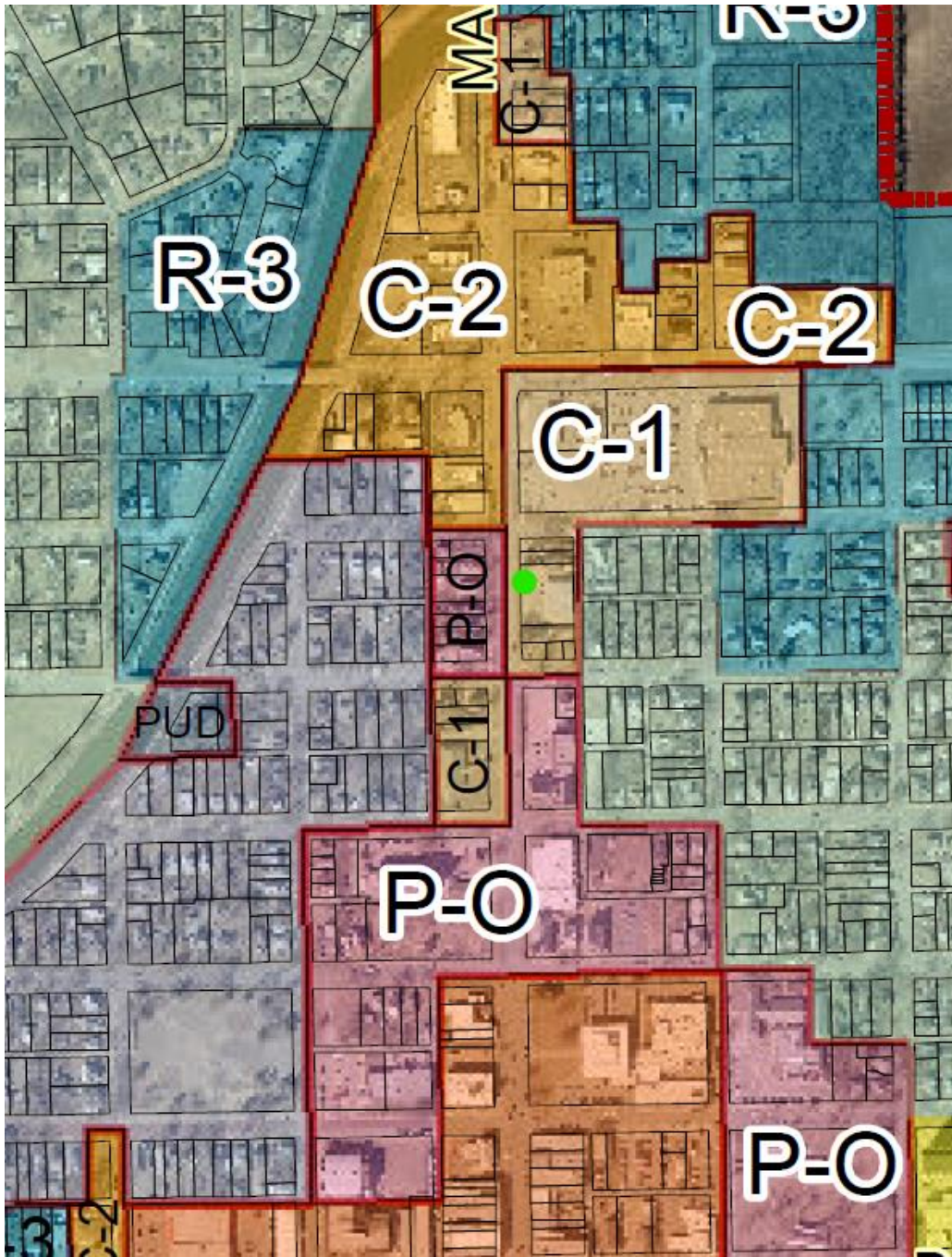
This report is not a representation of the condition of title to real property. It is not an abstract, legal opinion, opinion of title, title insurance commitment, or any form of title insurance or guaranty. This report is issued exclusively for the benefits of the applicant therefore, and may not be 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 21st day of October, 2021, at 7:59 AM.

SECURITY 1ST TITLE

By Darlene M. Powers
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:

Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10), in Block Nine (9) in the City of Newton, Harvey County, Kansas.

The appeal of Justin Dillner, 1112 N. Main Newton, Kansas for a variance from Zoning Article 11.8-2 A-F, which does not meet A:

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

If this variance is granted Justin Dillner, 1112 N. Main would be allowed to construct a monument sign 7'(L)x 17'(H)

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, December 6, 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

November 4, 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:

Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10), in Block Nine (9) in the City of Newton, Harvey County, Kansas.

The appeal of Justin Dillner, 1112 N. Main Newton, Kansas for a variance from Zoning Article 11.8-2 A-F, which does not meet A:

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

If this variance is granted Justin Dillner would be allowed to construct a monument sign 7'(L)x 17'(H)

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, December 6, 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.

Sincerely,

Justin Erickson
Planning & Zoning Supervisor
City of Newton

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

November 11th 2021

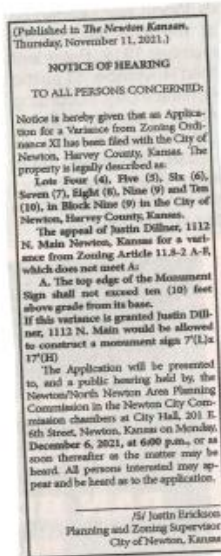
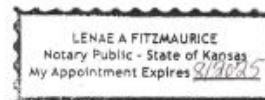
subsequent publications being made on the following dates

NONE

Subscribed and sworn to before me this **November 17th 2021**

Lenae Fitzmaurice
Notary Public

My commission expires
Total Amount of Payment \$10.68
Notice of Hearing for Dillner



COMMISSION COMMUNICATION	
FOR MEETING OF	12/06/2021
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

November 30, 2021

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

Re: Consider a Replat Final Plat application for Sand Creek 4th Addition

Background:

Attached is a replat Final plat for Sand Creek 4th Addition, submitted by Baughman Company, on behalf of Applicant Darin Nattier, for property that is located on Casey/Casey Circle, West of South Anderson Ave.

The property on the plat is listed as:

A replat of all of Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block A, TOGETHER with that part of Casey lying generally north of and abutting the following described line: Beginning at the southeast corner of Lot 14 in said Block A; thence N89°52'11"E, 60.00 feet to a point on the west line of Lot 9 in said Block A, and for a point of termination, all as platted and dedicated in Sand Creek Station, an addition to Newton, Harvey County, Kansas.

As per the City's subdivision regulations, the replat 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 Baughman Company, who then provided an updated version of the revised replat 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 replat 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 Final replat, including any required and requested changes.

Recommended Action:

It is recommended the Newton-North Newton Area Planning Commission approve the replat Final plat for Sand Creek Station 4th Addition to the City of Newton, Harvey County, Kansas contingent upon fixing/adding:

1. Comment regarding the maintenance responsibility of the wall within the wall easement.
2. Statement that this plat is subject to the drainage plan as established for Sand Creek Station addition.

Attachments:

- A. Sand Creek 4th Addition Replat Final Plat Application & Legal Description
- B. Sand Creek 4th Addition Replat Final Plat
- C. Aerial map showing zoning of property & Surrounding Area

Newton/North Newton Area Planning Commission Plat Application

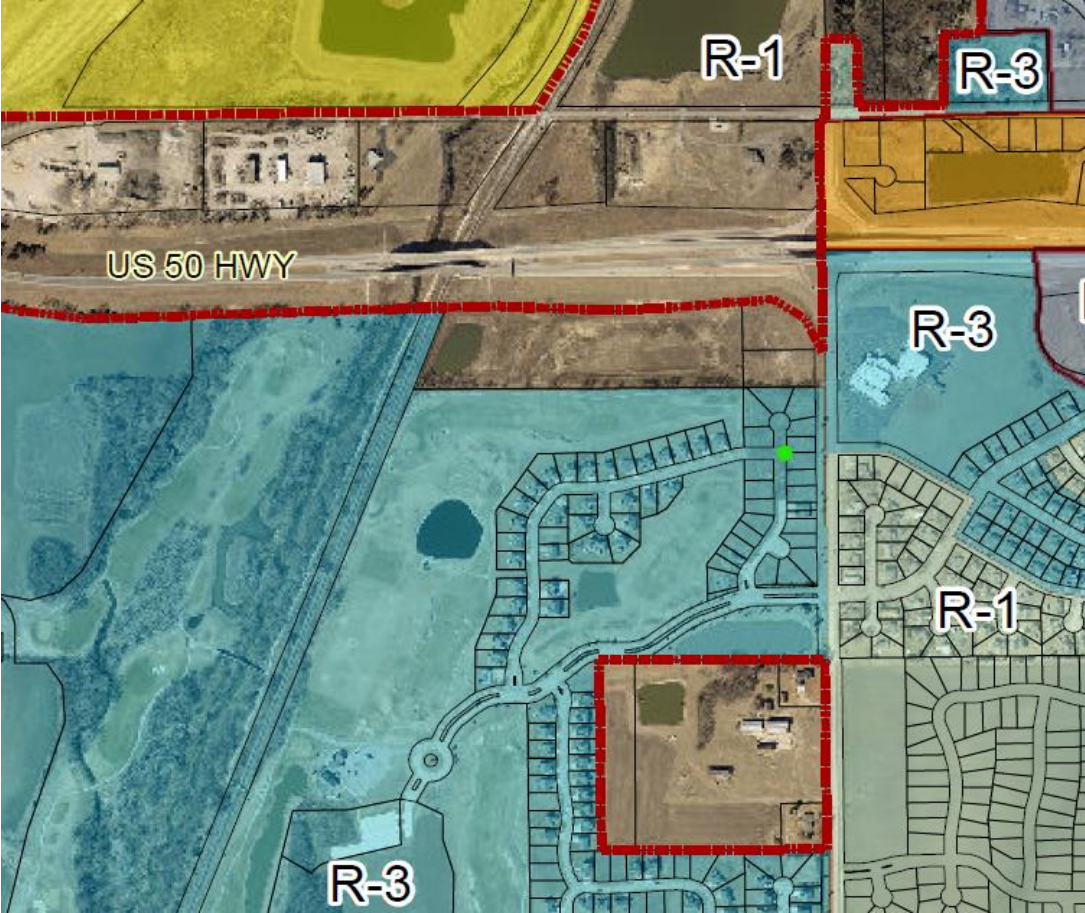
Applicant(s) Information Name: NAT Development, LLC (Attn: Darin Nattier)
Address: 1808 Cypress Ln, Newton, KS 67114
Phone: 316-621-1692

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

Legal description of property: See attached Legal Description.

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.



COMMISSION COMMUNICATION	
FOR MEETING OF	12/06/2021
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

November 30, 2021

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

Re: Consider a Replat Preliminary Plat application for Interurban 2nd Addition

Background:

Attached is a replat preliminary plat for Interurban 2nd Addition, submitted by Baughman Company, on behalf of Applicant Byron Adrian, for property that is located on West 1st Street, West of Boyd Ave on the South side of 1st street

The property on the plat is listed as:

A replat of all of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, and Reserve "A", Interurban Addition, Newton, Harvey County, Kansas.

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 Baughman Company, who then provided an updated version of the revised replat preliminary plat incorporating the requests and comments. Staff continues to work with the applicant on a few small items. (Noted under recommended Actions).

The preliminary replat 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 preliminary replat, including any required and requested changes.

Recommended Action:

It is recommended the Newton-North Newton Area Planning Commission approve the replat preliminary plat for Interurban 2nd Addition to the City of Newton, Harvey County, Kansas contingent upon fixing/adding:

- 1) The waterline shown running North/South along Boyd should be marked as proposed.
- 2) Access control restricted to only two entrances off of Boyd.
- 3) Access control restricted to only two entrances off of Columbus.
- 4) Final Drainage Plan.

Attachments:

- A. Interurban 2nd Addition Preliminary Replat Application & Legal Description
- B. Interurban 2nd Addition Preliminary Replat
- C. Aerial map showing zoning of property & Surrounding Area

