



City of Clearwater Planning Commission Meeting Agenda  
Tuesday January 2, 2024, at 6:30pm  
129 E Ross Clearwater, KS 67026

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**1. Call meeting to order**

**2. Roll Call**

Lyle Berntsen

J.J. Riggins

Ryan Karrick

Michael McBee

Kenny Watson

John Hurley

**3. [Approval of Minutes from December 5, 2023](#)**

**4. Other Business**

**5. Adjournment**

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**City of Clearwater, Kansas**  
Sedgwick County  
Planning Commission - **MINUTES**  
December 5, 2023  
Clearwater City Hall  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call meeting to order**

Lyle Berntsen called the meeting to order at 6:30 p.m.

**2. Roll Call**

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, Michael McBee, J.J. Riggins and Samantha Warkins. John Hurley and Ryan Karrick were absent.

The following staff member was present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Hufford.

**3. Public Hearing – Amendment to the Subdivision Regulations**

Berntsen opened the hearing at 6:31 p.m.

The city was asked to consider putting in a streetlight at the end of Salt Creek Court. We researched if there were ever plans for a light at the end and the answer was no when looking at the maps. The subdivision regulations were reviewed, and they did not state the city's regulations on spacing or placement for streetlights. The regulations on Required Improvements simply stated in #13 that the City shall install streetlights.

Upon reviewing other city regulations and standards set by Energy we would like the Planning Commission to consider the following amendment to the Subdivision Regulations. Required Improvements #13 to say: For new subdivisions located within the City, the sub-divider shall be responsible for the installation of streetlights. Streetlights shall be installed at each intersection and along streets with a maximum space between lights of six hundred feet (600'). Mid-block lights shall be installed if the distance between intersections exceeds six hundred feet (600') or as necessary to enhance traffic safety on curvilinear streets. A streetlight shall be installed at the end of all cul-de-sacs or as necessary to enhance traffic safety on curvilinear cul-de-sacs. All street light placement is to be approved by the Planning Commission.

The Board discussed the height of the poles being regulated, spacing of the poles, and kinds of lights bulbs that could be used. There was discussion about making more specific regulations and then decided that Everygy already has regulations that they use. If there are any other requests for lights it would have to go through the Planning Commission. The Board decided to leave it as presented.

Berntsen closed the hearing at 6:43 p.m.

**Motion:** *Watson* moved, *McBee* seconded to approve the Amendment to the Subdivision Regulations as presented. The motion passed unanimously. 5-0

**4. Other Business**

None at this time.

**5. Adjournment**

With there being no other business, **McBee** moved, **Riggins** seconded to adjourn the meeting. Voted and passed unanimously. 5-0

The meeting was adjourned at 6:43 p.m.

**CERTIFICATE**

State of Kansas       }  
County of Sedgwick   }  
City of Clearwater    }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the December 5, 2023, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 2<sup>nd</sup> day of January 2024.

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Carol Reitberger, Deputy City Clerk, Secretary

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Lyle Berntsen, Chairperson



City of Clearwater Board of Zoning Appeal Meeting Agenda  
Tuesday January 2, 2024, at 6:30pm  
129 E Ross Clearwater, KS 67026

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**1. Call meeting to order**

**2. Roll Call**

Lyle Berntsen  
Michael McBee

J.J. Riggins  
Kenny Watson

**3. Approval of Minutes from July 6, 2023**

**4. Hearing – 116 S Tracy – Reduction in rear setback**

**5. Discussion – 226 W Ross - Zoning.**

**6. Other Business**

**7. Adjournment**

**City of Clearwater, Kansas**  
Sedgwick County  
Board of Zoning Appeals - **MINUTES**  
December 5, 2023  
Clearwater City Hall  
129 Ross Avenue Clearwater, KS 67026

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**1. Call meeting to order**

Lyle Berntsen called the meeting to order at 6:44 p.m.

**2. Roll Call**

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, Michael McBee, J.J. Riggins and Samantha Warkins were present.

The following staff member was present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Hufford.

**3. Approval of Minutes from July 6, 2023**

**Motion:** *Warkins* moved, *McBee Riggins* seconded to approve the minutes of the July 6, 2023, as presented. The motion passed unanimously. 5-0

**4. Discussion – 226 E. Ross - Zoning**

226 W. Ross has two different zoning districts. Light Industrial and Central Commercial District. The current use of the property since it is no longer a rental facility has been in question whether or not the use regulations are appropriate.

Shaun Weaver provided a list of businesses that operate out of 226 E Ross and how they use the building.

- Weaver Construction Services, LLC
  - Office, equipment and trailer parking, misc. and tools storage
  - General Contractor
  - builds spec and custom homes
  - remodel/maintenance
  - Survive-A-Storm Dealer and Installer
  - Coast-to-Coast Dealer
  - Roof-Savers roofing services
- Reliable Rental Resource, Inc
  - property management office
  - owns real estate
  - small business book keeping services
- Weaver Ventures, LLC
  - Licensed Realtor
  - Owns entire building
  - Storage units 7 off back of building
  - Open lot storage with 1 shipping container
- Park Glen Estates, LLC

- Housing Development office
- Weaver Holdings, LLC
  - owns real estate
- Wheat Capital Investments, LLC
  - owns real estate

Zollinger is looking for input on whether applying for a Special Use Permit will suffice or do we need to request he go through a zoning change or something different.

Zollinger also stated that Shaun Weaver was granted a building permit in 2018 for the remodel of the building at 226 E. Ross to be able to conduct the Weaver Construction Services portion of the business. The building permit was approved, so it is nothing that Weaver has done wrong. In 2018, when the permit was issued, Certificate of Compliances were not reviewed nor issued for zoning compliance. The Certificate of Zoning Compliance review didn't start until the end of 2021 with all new builds and remodels. However, this doesn't change the fact there is possibly a current zoning violation.

Zollinger pointed out that the storage units operated by Weaver Ventures are already zoned I-1 (Light Industrial) which is the appropriate zoning district. The remainder of the lot is zoned C-1 (Central Business District) which is the most protected business district in the zoning regulations. C-1 district is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the economic level of the primary shopping district.

The Board of Zoning Appeals reviewed all the Use Regulation for districts C-1, C-2, I-1, and I-2.

The Board discussed whether the current businesses operating at 226 E Ross are allowed in a C-1 or not, if they were not, what are the options to be compliant. It was determined that some of the Weaver Construction Services, LLC current services might not be in line with a C-1 District due to the nature of the business. If they are not the following options were discussed.

1. Ask for Weaver Construction Services, LLC to apply for a zoning change to an I-1 where construction services are allowed. If the zone is changed it would open the ability for any business listed in the Use Regulation under I-1 and with this lot backing up to a residential area that is something they have to consider.
2. Ask for Weaver Construction Services, LLC to apply for a Special Use Permit. Review the contents that are being stored indoors and determine if these are materials that are considered suitable for the location. If so, the Special Use Permit would be tied to the business versus the lot and would not allow for other businesses of the same type to move in after.
3. Ask Weaver Construction, LLC to remove all items from the building that are out of compliance with the zoning regulations.

The Board asked Zollinger to reach out to Shaun Weaver to get a list of contents that are stored in the building, and they will review which direction they would like to move in at the following meeting in January.

## **5. Other Business**

Zollinger stated at the January meeting Shackleford Machine will have a variance requesting to reduce

the rear setbacks to 0 feet.

**6. Adjournment**

With there being no other business, **McBee** moved, **Warkins** seconded to adjourn the meeting. Voted and passed unanimously. 5-0

The meeting was adjourned at 7:15 p.m.

**CERTIFICATE**

State of Kansas           }  
County of Sedgwick       }  
City of Clearwater       }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the December 5, 2023, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 2<sup>nd</sup> day of January 2024.

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Carol Reitberger, Deputy City Clerk, Secretary

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Lyle Berntsen, Chairperson



## Zoning Variance Request

|                                                      |                                                                  |                    |  |
|------------------------------------------------------|------------------------------------------------------------------|--------------------|--|
| <b>Property Owner:</b>                               | Shackelford Machine                                              |                    |  |
| <b>Address:</b>                                      | Lots 26, 28, 30, 32, 34 & 36 Tracy Ave. Tracy and Byers Addition |                    |  |
| <b>Applicant (if different from property owner):</b> | Ryan Shackelford                                                 |                    |  |
| <b>Home Phone:</b>                                   | 620-584-6418                                                     | <b>Cell Phone:</b> |  |
| <b>Email:</b>                                        | rshackelford@shackmac.com                                        |                    |  |

|                                                                                                |                                        |
|------------------------------------------------------------------------------------------------|----------------------------------------|
| <b>Current Zoning</b>                                                                          | <b>C-2 General Commercial District</b> |
| <b>Legal Description of Property (metes and bounds or subdivision/ block/ lot description)</b> |                                        |
| Lots 26, 28, 30, 32, 34 & 36 Tracy Ave. Tracy and Byers Addition                               |                                        |

|                                |
|--------------------------------|
| <b>Present Use of Property</b> |
| Parking Lot and Empty Lot      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Explanation of the Request for a Variance (attach additional sheet if necessary)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>A variance was approved earlier in 2023 to reduce the front setbacks from 25' to 0' for this new addition. The setbacks were also amended at that time for another new build (126 S Tracy) to reduce the front and rear setbacks to 0' and to amend all setbacks for existing Shackelford Machine buildings to front and rear setbacks 0'.</p> <p>The rear setback did not need to be reduced for the new southern buildings purpose. However, during the design phase the size of the building needed to be adjusted due to rooflines and proper runoff for the alley, the back of the new building will now be the same distance from the alley as the existing building to the north (10' from property line).</p> <p>The front and rear setback for existing Shackelford buildings was set to 0'.</p> <p>The request for this building would be to reduce the rear setback from 25' to 0' to match the other Shackelford Machine buildings.</p> |

Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.

The applicant/agent hereby declares that all information submitted is true to the best of his/her knowledge and that all information required for this request has been included.





on original – Ryan Shackelford  
Applicant Signature

1-27-2023  
Date

***Office Use Only***

| Adjacent Zoning & Land Use |              |        |
|----------------------------|--------------|--------|
| Direction                  | Land Use     | Zoning |
| NORTH                      | Machine Shop | I-2    |
| SOUTH                      | Commercial   | C-2    |
| EAST                       | Residential  | R-1    |
| WEST                       | Residential  | R-1    |

| Article and Description of the Zoning Regulation of Variance Requested |
|------------------------------------------------------------------------|
| Sec 38-296 (c) Rear Yard Regulations                                   |

|                 |                    |
|-----------------|--------------------|
| Received by:    | Courtney Zollinger |
| Date Received:  | 11/27/2023         |
| Fee Paid:       | \$125.00           |
| Date Published: | 11/30/2023         |
| Hearing Date:   | 01/02/2024         |

SITE ARCH PLAN

SA1.1





