

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
May 7, 2024
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Lyle Berntsen called the meeting to order at 6:32 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 and J.J. Riggins and Jarod Ledington.

The following staff member was present:

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

3. Approval of Minutes from January 2, 2024

Motion: *McBee* moved, *Riggins* seconded to approve the minutes of the January 2, 2024, as presented. The motion passed unanimously. 5-0

4. Public Hearing Special Use Permit 226 E. Ross

Berntsen opened the hearing at 6:33 p.m.

It was stated that proper notice was given, and it was published in the Times Sentinel Newspaper.

No ex-parte contacts were made with staff nor board members.

At the January 2024 meeting the Board of Zoning Appeals discussed the property use of 226 E. Ross. There was a consensus that rezoning the property was not a good option and the Board would rather consider a Special Use Permit for the occupant.

A special use permit is only good for the current owner/occupant and does not transfer.

The building permit that was issued for remodeling the building to its current use was in 2020. The zoning for this lot is C-1 (Central Business District)

Prior to February 2020 the property was used as a meeting hall with offices. In February 2020, the building permit BLD CW 2020-05 was issued to convert the property to a warehouse. At that time, the zoning official was not reviewing zoning compliance and did not flag this permit as an issue of non-compliance and issued the building permit. Since the remodeling has been completed the property has been used as a storage and warehouse instead of a meeting hall.

This request is to get this property up to compliance with zoning regulations that have been in place since 2005. Permission to use the property for storage and warehousing for Weaver Construction Services and Weaver Ventures, LLC. where no highly explosive, combustible or volatile materials are stored on the premises.

Businesses operating on the property are as follows:

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 bookkeeping 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

It is recognized that Reliable Rental Resources, Park Glen Estates, LLC, Weaver Holdings, LLC, Wheat Capital Investments, LLC are in compliance in accordance with C-1 Central Business District Zoning. All Weaver Ventures, LLC except for the open storage lot is in compliance with C-1. Weaver Construction Services that include storage, Survive-A-Storm, Coast to Coast and all storage is not in compliance with a C-1.

It was noted that Weaver has started renting U-Hauls and under C-1 that rental service is in compliance.

The Special Use Permit would be for Weaver Ventures, LLC – open storage lot and Weaver Ventures with the listed businesses.

There were no public comments.

Berntsen closed the hearing at 6:38 p.m.

The Board discussed the outdoor storage of items discussed that if they were approved for a special use permit should they require a screening to hide it all from view. It was discussed but determined it would not be necessary.

Board Member Ledington asked about the property values for all properties around the building. Board Member McBee asked about the line of sight at the intersection. Zollinger went to the map and measured, and all is fine with nothing blocking views at the intersection.

The Board went over all 14 items on the special permit action form.

1. The stability and integrity of the zoning district
2. Conservation of property values
3. Protection against fire and casualties
4. Observation of general police regulations
5. Prevention of traffic congestion
6. Promotion of traffic safety and the orderly parking of motor vehicles
7. Promotion of safety of individuals and property
8. Provision for adequate light and air
9. Prevention of overcrowding and excessive intensity of land uses
10. Provision for public utility and schools
11. Invasions by inappropriate uses
12. Value, type and character of existing or authorized improvements and land uses
13. Encouragement of improvements and land uses in keeping with over planning
14. Provision for orderly and proper urban renewal, development, and growth

Each item was supported by the Board 5-0

The board's findings were that re-zoning the property could be toxic and keeping it at C-1 would allow an open door for another business on the C-1 list if this property were to sell. Property values would not really be affected. Construction equipment and storage containers are all ok. The consensus was it is better to use the building than not used at all or used for storage of personal items.

The board restrictions that only the listed businesses and sales that are listed and not allowed in a C-1 district would be allowed. If there was any addition to the any business at 226 E Ross another special use permit application must be submitted.

Motion: *McBee* moved, *Riggins* seconded to approve the Special Use permit with the restrictions if anything more than what is on the list of what is allowed in C-1 will require another special use permit. . The motion passed unanimously. 5-0

5. Public Hearing – Special Use Permit Discussion – 113 N. Lee St

Berntsen opened the hearing at 6:57 p.m.

It was stated that proper notice was given, and it was published in the Times Sentinel Newspaper.

No ex-parte contacts were made with staff nor board members.

Gary and Donna Whitney have purchased 113 N. Lee. The building was used for an automotive repair shop, and they would like to use it for storage.

The current zoning is C-1 (Central Business District)

Warehouse is allowed by Special Use Permit.

Upon review of the application and Times Sentinel public hearing posting it was pointed out by McBee that the notice stated Weaver Construction applied for the permit for 113 N. Lee and not Gary and Donna Whitney.

Since it was found the notice did not display the proper applicant the hearing was suspended and moved to the June 4, 2024 meeting.

6. Other Business

Zollinger stated that she had an inquiry from an individual about apartments to be built in the 100 block of West Ross. It is currently zoned Light Industrial I-1. Both sides of the area are I-1 and across the street is zoned C-1. There would be 2 apartments and 2 garages with a back patio and parking in front and no parking in the back. There would be a concrete wall in between the apartments.

The Board discussed and determined they would be open to the request but if it does happen, they would like the parking and screening as part of the presentation. The board liked that the building would be used for a purpose. Historically old buildings in downtown Clearwater have become storage buildings and the apartments would help keep activity in the area. There will be more discussion at a later date. Zollinger will speak to the individual and let them know.

7. Adjournment

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

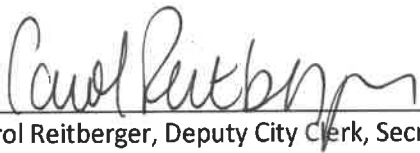
The meeting was adjourned at 7:12 p.m.

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 May 7, 2024, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 4th day of June 2024.



Carol Reitberger, Deputy City Clerk, Secretary



Lyle Berntsen, Chairperson