

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
May 7, 2024
Clearwater City Hall
129 E. Ross Avenue Clearwater, KS 67026

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 Jarod Ledington were present. Ryan Karrick and John Hurley were absent.

The following staff member was present:

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

3. Approve April 2, 2024, Minutes

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

4. Adjournment

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

The meeting was adjourned at 6:31 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, Planning Commission 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

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
June 4, 2024
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

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 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.

Also Present: Eric Glover with Garver, LLC

3. Approval of Minutes from May 7, 2024

Motion: **McBee** moved, **Watson** seconded to approve the minutes of the May 7, 2024, as presented. The motion passed unanimously. 5-0

4. Move Change in Zoning before Special Use Permit

Motion: **Watson** moved, **McBee** seconded to switch items 4 and 5 on the agenda since there was a guest for item number 5 on the agenda. The motion passed unanimously. 5-0

5. Public Hearing – Change in Zoning – Lots 3-14, Block 2 Indian Ridge

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

Bryan Lagaly Properties, LLC is requesting to change the Zoning classification from R-2 to R-3 to install three-family housing units in a section of Indian Ridge at Clearwater. They are lots 3-14 Block 2.

The areas surrounding these lots will be single and two-family units. North and East of the area are two and multi-family units (Indian Lakes and Senior Residence).

In the Final Plat and PUD, the allowable uses for this development were single and two-family homes. Bryan Lagaly would like the Board to consider allowing tri-plex's in the stated lot. This would give a market variation and allow the rental rate to be lower.

Lots 3-14 Block 2 were chosen because they would be surrounded by the rest of the development and not right up against other established residences.

Zollinger stated that the change in zoning had been published in the newspaper and there had not been any calls or contacts to city hall regarding this change.

Glover stated to the Board that the change is in the interior of the subdivision. This will allow for a

lower price point and cheaper rent as the market forces how much people will pay for rent. Leddington asked if there would be town houses. Glover stated no, just duplexes and triplexes.

Berntsen closed the hearing at 6:39 p.m.

Leddington also asked if the Board could vote on stipulations and the PUD could be amended. The developer is not in favor of this in case someone else would come in and want to build apartments.

Motion: **Leddington** moved, **McBee** seconded to not authorize the change is zoning but to revise the PUD to include triplexes (since that is allowed in R-2) and submit the revision at a later meeting. The motion passed unanimously. 5-0

Glover stated he would get with his surveyor and for a new plot plan. Possibly have it ready for the August meeting.

6. Special Use Permit – 113 N. Lee St.

Berntsen reopened the hearing at 6:40 p.m.

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 for the property is C-1 (Central Business District). Warehouse is allowed by Special Use Permit.

Berntsen closed the hearing at 6:42 p.m.

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 restrictions
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

The board went over all 14 items and found that they were each supported.

The special use permit will only be used by the Whitneys. If they sell the building to another buyer they will need to apply for another special use permit.

Motion: **Leddington** moved, **Watson** seconded to approve the special use permit for Gary and Donna Whitney to allow storage and warehousing at 113 N. Lee. The motion passed unanimously. 5-0

7. Other Business

Zollinger stated that there have been no new topics for a July meeting. Deadline is June 10th. She will let Board know if there will be a July meeting.

8. Adjournment.

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

The meeting was adjourned at 6:47 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 June 4, 2024, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 6th day of August 2024.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson