



City of Clearwater Planning Commission Meeting Agenda
Tuesday June 4, 2024, at 6:30pm
129 E Ross Clearwater, KS 67026

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/494511669>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 494-511-669

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/494511669>

No Meeting

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

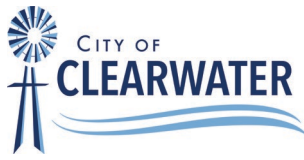
State of Kansas }
County of Sedgwick }
City of Clearwater }

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 Board of Zoning Appeal Meeting Agenda
Tuesday June 4, 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

Jarod Ledington

3. Approve May 7, 2024 Minutes

4. Public Hearing – Special Use Permit – 113 N Lee St

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

6. Other Business

7. Adjournment

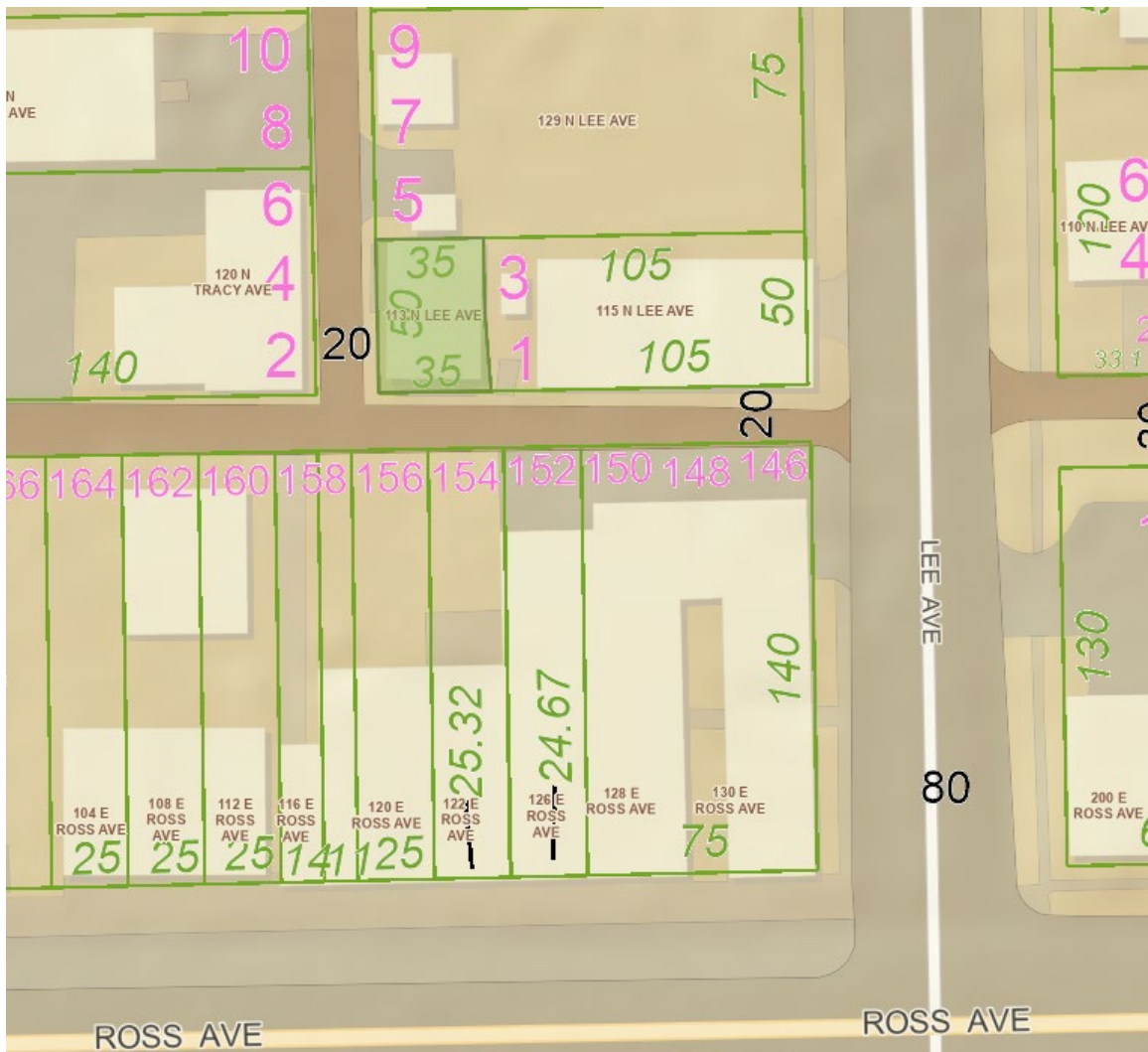
City of Clearwater
Planning Commission
May 7, 2024

Special Use Permit – 113 N Lee

Context: 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.

Current zoning is C-1 ([Central Business District](#))

Warehouse is allowed by Special Use Permit





Special Use Permit Application

A site plan with the following information must be included with the permit application.

- 1) Legal dimension of the tract to be used. ✓
- 2) Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.
- 3) Grade elevations.
- 4) Building setback from all property lines. ✓
- 5) Front, side, and rear elevations of all improvements to be erected.
- 6) ✓ Perspective drawings of the proposed improvements, in such detail as will clearly show the finished appearance of the improvements proposed.
- 7) ✗ Location and type of planting, screening, or walls.
- 8) Such other items as the board shall deem necessary to process the application properly.

Property Owner:	GARY D WHITNEY & DONNA J WHITNEY		
Address:	113 N LEE ST. CLEARWATER, KS 67026		
Applicant (If different from property owner):			
Home Phone:		Cell Phone:	316-648-2973
Email:	dwhitney@homebank-trust.com, djwhitney@sktc.net		

Present Zoning	C-1
Present Use of Property	
AUTOMOTIVE REPAIR SHOP	

Special Use Requested
PERSONAL USAGE & STORAGE

Application is made in Accordance w/ Zoning Regulations Sections	Article 11 Sec 38-273 (110) c.
---	--------------------------------



The owner hereby declares that all information above is true to the best of his/her knowledge, that all conditions and standards set out in the Zoning Regulations pertaining to this use have been met or have been proposed to be met, and that, along with this application, site plan and the appropriate review and filing fees have been submitted. The owner also understands that if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

DONNA J WHITNEY Donna J Whitney
Ramy Whitney
Applicant Signature

Authorized Agent

03/22/2024

Date

Date

Office Use Only

Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Empty lot	R-1
SOUTH	General Office Bldg.	C-1
EAST	Lawn Business	C-1
WEST	Storage	C-1
Current Zoning		C-1

City of Clearwater
129 E Ross
Clearwater, KS 67026

Received by:	Carol Reiberger
Date Received:	3-26-24
Fee Paid:	\$125
Appealed to Zoning Board:	
Decision of Zoning Board:	

Payee: GARY WHITNEY
Date: 3/26/2024 Time: 11:30 AM
Receipt Number: RECEI / 14156
Clerk: JAMIE

ITEM	REFERENCE	REFERENCE ID	AMOUNT
ZONE		SPECIAL USE	
			125.00
Total:			125.00
Cash	cash		125.00
Change:			



PUBLISH ONCE IN THE TIMES-SENTINEL May 16, 2024

PUBLIC NOTICE

SPECIAL USE PERMIT HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Gary and Donna Whitney for 113 N Lee St, also described as:

W 35 FT LOTS 1-3 LEE AVE. CITY OF CLEARWATER

Article II Section 38-273 (110) c.; The following uses may be allowed by special use permit when submitted, reviewed, and approved by the board of zoning appeals, and under such conditions as the board may impose:

Storage and warehousing except for products of a highly explosive, combustible, or volatile nature.

THE BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT AT THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON **June 4, 2024.**

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 5:00 p.m. May 7, 2024. Comments will be limited to ten minutes each. Further information may be obtained at Clearwater City Hall, 129 E. Ross, or by calling 584-2311.

Rear Yard Should be 15'.....

single family zoned



APPLICATION FOR BUILDING PERMIT

October 22 1981

BUILDING INSPECTOR:-

John Staton

The undersigned respectfully makes application for a permit to construct commercial

Building on Lot west 35' 1 & 3 Block 100 block North Lee
Addition Original Town Street No. 113 1/2 N. Lee City of Clearwater

and hereby agrees to construct said building in accordance with the ordinances of said city.

Size of Building to be 30 x 42 Feet

Number of Stories one

Height of each Story 10'

Basement no

Chimney no

Footings Size Depth

Intended use body & paint shop

Estimated Cost of Building when Completed, \$ 25,000.00

Architect

Contractor or Builder George Adler

Fire Limits

Description:

Remarks:

George Adler
Applicant

Building Permit No. 18

Fee, \$ 25⁵⁰

Issued 10-23 1981

John E. Staton
Building Inspector

Affidavit of Publication

Kayla Hope Rausch
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk/asst at

Times-Sentinel Newspapers, LLC State of Kansas

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in **Sedgwick
County**, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been 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 to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire Issue of said newspaper.

First Publication was made
On the 16 Day of May, 2024
Second Publication was made
On the _____ Day of _____, 2024
Third Publication was made
On the _____ Day of _____, 2024

Total Publication Fee \$ 110.25

Kayla H Rausch

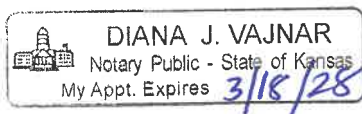
Subscribed and sworn to before me this

20 Day of May 2024

Diana Vajnar

Notary Public

My Commission expires on 3/18/28



PUBLIC NOTICE

First Published in TSnews May 16, 2024 (11)

PUBLIC NOTICE

SPECIAL USE PERMIT HEARING

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Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 5:00 p.m. May 7, 2024. Comments will be limited to ten minutes each. Further information may be obtained at Clearwater City Hall, 129 E. Ross, or by calling 584-2311.



Clearwater Planning Commission Board of Zoning Appeals

Special Use Permit – Action

Property Address:	
--------------------------	--

In considering any application for an exception hereunder, the board of zoning appeals shall give consideration to the comprehensive plan, and the health, safety, morals, comfort, and general welfare of the public, including, but not limited to, the following factors:

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.

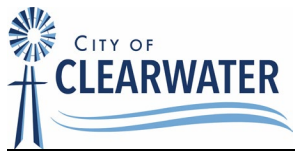
Board Findings

--

In making any decision varying or modifying any provisions of this chapter or in granting an exception to the district regulations, the board of zoning appeals shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

Board Restrictions, terms, time limit, landscaping, improvement of parking lots, etc.

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Petition Filed	
Board Action	
Vote	
Date	

Clerk

(SEAL)

City of Clearwater
Planning Commission
May 7, 2024

Zoning Variance Change – R-2 to R-3

Context: 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.

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).

[R-3 Dwelling District](#)

[R-2 Dwelling District](#)

In the Final Plat and PUD the allowable uses for this development were single and two-family homes. Byran Lagaly would like the Board to consider allowing tri-plex's in the stated lot. This would give a market variation and allow 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 butt up against other established residences.



INDIAN RIDGE AT CLEARWATER

NW CORNER OF SEC. 24, T29S, R2W

95TH ST S

NE CORNER OF SEC. 24, T29S, R2W

135TH ST W

24

SUBJECT PROPERTY

119TH ST W

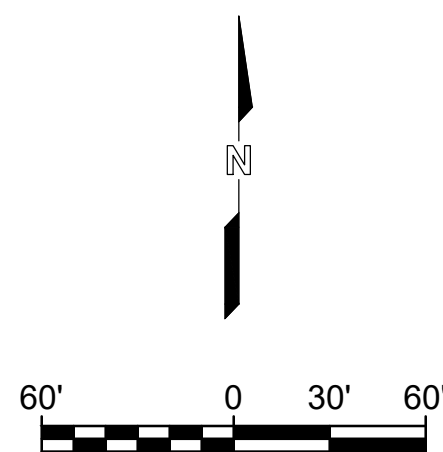
SW CORNER OF SEC. 24, T29S, R2W

103RD ST S

SE CORNER OF SEC. 24, T29S, R2W

VICINITY MAP

NOT TO SCALE

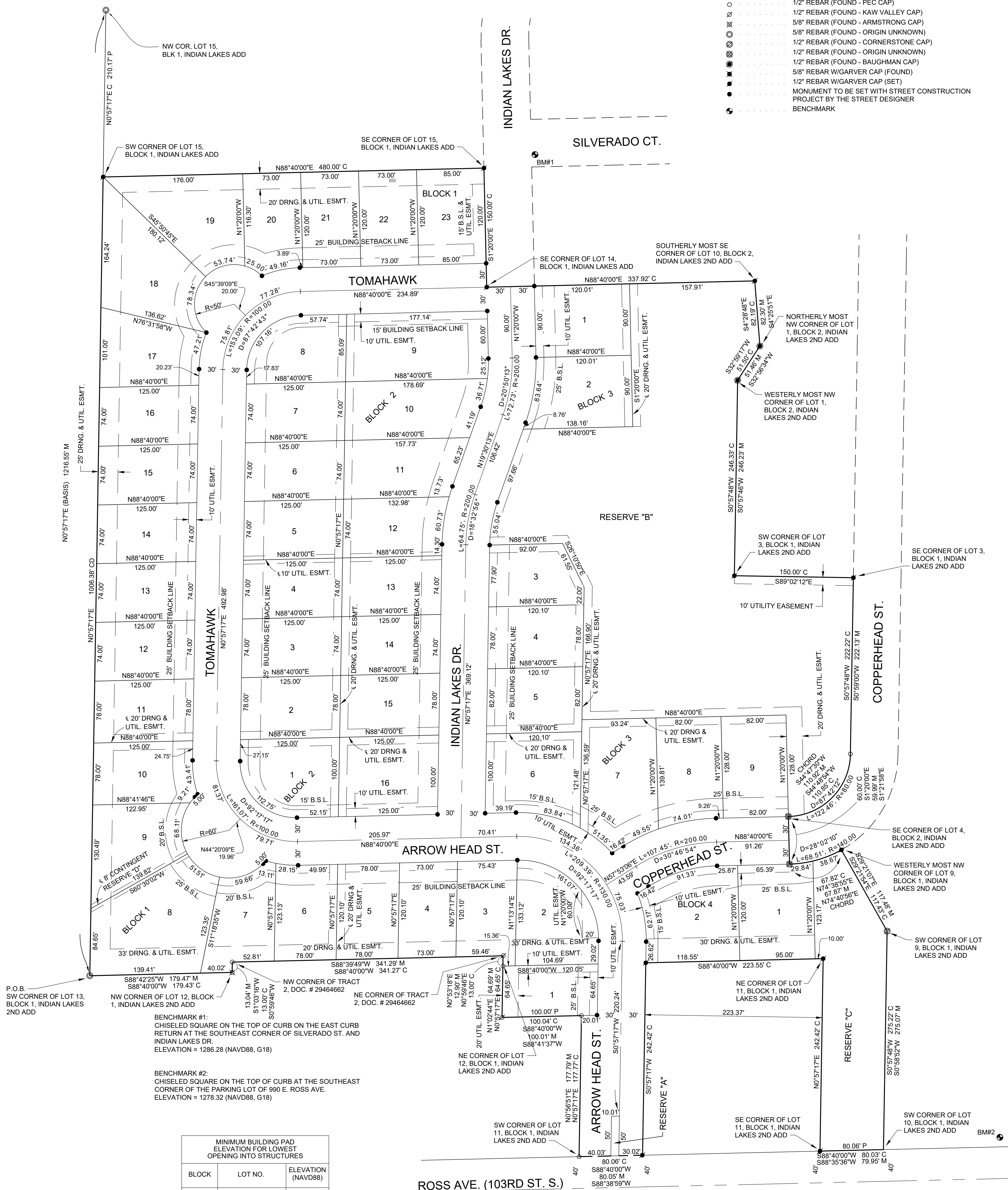


(BASIS) = Basis of Bearings = Kansas Coordinate
System of 1983 South Zone Grid Bearing

P = Platted
M = Measured
C = Calculated
D = Described
B.S.L. = Building Setback Line
C.A.C. = Complete Access Control

SURVEY MARKER LEGEND

- | | |
|---|---|
| ○ | 1/2" REBAR (FOUND - PEC CAP) |
| ⊗ | 1/2" REBAR (FOUND - KAW VALLEY CAP) |
| ⊗ | 5/8" REBAR (FOUND - ARMSTRONG CAP) |
| ⊗ | 5/8" REBAR (FOUND - ORIGIN UNKNOWN) |
| ⊗ | 1/2" REBAR (FOUND - CORNERSTONE CAP) |
| ⊗ | 1/2" REBAR (FOUND - ORIGIN UNKNOWN) |
| ⊗ | 1/2" REBAR (FOUND - BAUGHMAN CAP) |
| ⊗ | 5/8" REBAR W/GARVER CAP (FOUND) |
| ⊗ | 1/2" REBAR W/GARVER CAP (SET) |
| ● | MONUMENT TO BE SET WITH STREET CONSTRUCTION |
| ● | PROJECT BY THE STREET DESIGNER |
| ● | BENCHMARK |



MINIMUM BUILDING PAD ELEVATION FOR LOWEST OPENING INTO STRUCTURES		
BLOCK	LOT NO.	ELEVATION (NAVD88)
1	1, 2, 3, 4, 5, 6, 7 & 8 & 9	1280.0
1	10, 11, 12, 13, 14, 15, 16, 17, 18, 19 20, 21, 22 & 23	1281.2
2	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14, 15 & 16	1281.2
3	1, 2, 3, 4, 5, 6, 7, 8 & 9	1281.2
4	1 & 2	1280.0

INDIAN RIDGE AT CLEARWATER

Located in the SW1/4 of Sec. 24, T29S, R2W of the 6th P.M.
Clearwater, Sedgwick County, Kansas

State of Kansas)
SS
Sedgwick County)

We, Garver, LLC, Land Surveyors in aforesaid county and state, do hereby certify that, under the supervision of the undersigned, we have surveyed and platted "INDIAN RIDGE AT CLEARWATER", Clearwater, Sedgwick County, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

LEGAL DESCRIPTION:
That Part of Indian Lakes Addition, an Addition to Clearwater, Sedgwick County, Kansas and Indian Lakes 2nd Addition to Clearwater, Sedgwick County, Kansas, described as beginning at the southwest corner of Lot 13, Block 1, in said Indian Lakes 2nd Addition; thence N00°57'17"E along the west line of said Lot 13 and extended, 1006.38 feet to the southwest corner of Lot 15, Block 1, in said Indian Lakes Addition; thence N88°40'00"E along the south line of said Lot 15, 480.00 feet to the southeast corner of said Lot 15; thence S01°20'00"E along the east line of Lot 14, Block 1, in said Indian Lakes Addition, 150.00 feet to the southeast corner of said Lot 14; thence N88°40'00"E along the extended south line of Lot 10, Block 2, in said Indian Lakes Addition, 337.92 feet to the southerly most southeast corner of said Lot 10; thence S04°28'48"E, 82.19 feet to the northerly most northwest corner of Lot 1, Block 2, in said Indian Lakes 2nd Addition; thence S32°59'17"W along the northwest line of said Lot 1, 51.50 feet to the westerly most northwest corner of said Lot 1; thence S00°57'48"W along the west line of said Lot 1 and extended, 246.33 feet to the southwest corner of Lot 3, Block 1, in said Indian Lakes 2nd Addition; thence S89°02'12"E along the south line of said Lot 3, 150.00 feet to the southeast corner of said Lot 3; thence S00°57'48"W along the west right of way of Copperhead Street as platted in said Indian Lakes 2nd Addition, 222.22 feet to a point of curvature on said west right of way, being a curve to the right and having a radius of 80.00 feet, an arc length of 122.46 feet, chord bear S44°48'54"W, 110.85 feet; thence southwesterly along said curve, an arc length of 122.46 feet to the southeast corner of Lot 4, Block 2, in said Indian Lakes 2nd Addition; thence S01°20'00"E, 60.00 feet to a point of curvature on the southerly right of way of said Copperhead Street; thence northeasterly along said southerly right of way, being a curve to the left with a radius of 140.00 feet, an arc length of 68.51, chord bearing N74°38'55"E, 67.82 feet to the westerly most northwest corner of Lot 9, Block 1, in said Indian Lakes 2nd Addition; thence S29°21'54"E along the southwest line of said Lot 9, 117.43 feet to the southwest corner of said Lot 9; thence S00°57'48"W along the west line of Lot 10, Block 1, in said Indian Lakes 2nd Addition, 275.22 feet to the southwest corner of Lot 10, Block 1, in said Indian Lakes 2nd Addition; thence S88°40'00"W along the south line of Reserve B, in said Indian Lakes 2nd Addition, 80.06 feet to the southeast corner of Lot 11, Block 1, in said Indian Lakes 2nd Addition; thence N00°57'17"E along the east line of said Lot 11, 242.42 feet to the northeast corner of said Lot 11; thence S88°40'00"W along the north line of said Lot 11, 223.55 feet to a point 223.37 feet West of the east line of said Lot 11; thence S00°57'17"W, parallel with the east line of said Lot 11, 242.42 feet to the south line of said Lot 11; thence S88°40'00"W along the south line of said Lot 11, 80.06 feet to the southwest corner of said Lot 11; thence N00°57'17"E along the southerly most west line of said Lot 11, 177.77 feet to westerly most south line of said Lot 11; thence S88°40'00"W along said westerly most south line, 100.00 feet to the east line of Lot 12, Block 1, Indian Lakes 2nd Addition; thence N00°57'17"E along the east line of said Lot 12, 64.65 feet to the northeast corner of said Lot 12; thence N00°59'46"E, 13.00 feet to the northeast corner of Tract 2 described in Special Warranty Deed recorded as Doc.#/FLM-PG: 29464662 with the Register of Deeds in Sedgwick County, Kansas; thence S88°40'00"W, 341.27 feet to the northwest corner of said Tract 2; thence S00°59'46"W, 13.00 feet to the northwest corner of said Lot 12; thence S88°40'00"W along the south line of said Lot 13, 179.43 feet to the place of beginning.

All public easements and dedications are hereby vacated by virtue of K.S.A. 12-512b, as amended.

Garver, LLC
Land Surveyor
William K. Clevenger, PS #1437

Know all men by these presents that we, the undersigned, have caused the land described in the surveyor's certificate to be platted into Lots, Blocks and Streets, to be known as "INDIAN RIDGE AT CLEARWATER", Clearwater, Sedgwick County, Kansas. The utility easements are hereby granted to the public as indicated for the construction and maintenance of all public utilities. The drainage easement is hereby granted to the public as indicated for drainage purposes. Access Controls as indicated are hereby granted to the appropriate governing body. The streets are hereby dedicated to and for the use of the public. No obstructions shall be constructed or placed within street stubs providing future access to adjacent properties. Reserve "A" is hereby reserved for irrigation, walls, signage, walks, lighting, landscaping, berms, lakes, drainage, drainage structures, and utilities confined to easements. Reserve "B" is hereby reserved for irrigation, walls, signage, walks, lighting, landscaping, berms, lakes, drainage, drainage structures, and utilities confined to easements. Reserve "C" is hereby reserved for, irrigation and entry features. Contingent Reserve "D" will be reserved for Pedestrian Access Purposes upon the need to extend access to the Adjoining Parcel. This Reserve will become effective upon the recording of an agreement signed by the owner for the Adjoining Parcel and filed with the Sedgwick County Register of Deeds office. The Reserves are to be owned and maintained by the Home Owners Association for the addition, their successors and/or assigns. A Minimum Pad Elevation for lowest openings has been established and is shown on said survey of subject property, sheet 1. A master drainage plan has been developed for this plat.All drainage easements, rights of way and reserves shall remain at established grades (unless modified with the approval of the applicable City or County Engineer) and shall be unobstructed to allow for the conveyance of stormwater in accordance with the Stormwater Manual.

Bryan Lagaly Properties, LLC,
a Kansas limited liability company
Sole Member
Bryan Lagaly

State of Kansas)
SS
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____, 2022, by, Bryan Lagaly, Sole Member, on behalf of Bryan Lagaly Properties, LLC, a Kansas limited liability company.

Notary Public
Marsha R. Bishop

My appointment expires _____ .

State of Kansas)
SS
Sedgwick County)

This plat of "INDIAN RIDGE AT CLEARWATER", Clearwater, Sedgwick County, Kansas, has been submitted to and approved by the Clearwater Planning Commission, Clearwater, Kansas.

Dated this _____ day of _____, 2022.

Clearwater Planning Commission
Chair
George Rudy
Secretary
Carol Reitberger

This plat approved and all dedications shown hereon accepted by the City Council of the City of Clearwater, Kansas, this ____ day of _____, 2022.
At the Direction of the City Council
Mayor
Burt Ussery
City Clerk
Jaye Poe

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 2022.
Deputy County Surveyor
Sedgwick County Kansas
Tricia L. Robello, PS #1246

Entered on transfer record this ____ day of _____, 2022.
County Clerk
Kelly B. Arnold

State of Kansas)
SS
Sedgwick County)

This is to certify that this plat has been filed for record in the office of the Register of Deeds, this ____ day of _____, 2022, at ____ o'clock __ M, and is duly recorded.
Register of Deeds
Tonya Buckingham
Deputy
Kenly Zehring

GENERAL PROVISIONS

- BUILDING SETBACKS
A. Rear yard building setbacks shall be 20.00 feet.
B. Interior side yard building setbacks shall be 6.00 feet.
C. Street side building setbacks shall be 15.00 feet.
- ACCESSORY BUILDINGS
Accessory buildings are allowed on all lots, subject to the following:
A. All construction, including additions, alterations, modifications, and/or use of any detached shed, shall be subject to all applicable governmental laws, codes, regulations, licensure, permitting and inspection associated with construction and property maintenance within the City of Clearwater, Kansas.
B. Sheds may be permitted upon a rear set back line but may not encroach upon any easement, or be located closer than 10' to a rear property line.
C. The side yard shall be maintained at 6 feet, and no sheds may be located within a side yard setback.
- ALLOWED USES
Single Family and Two-Family residential uses shall be permitted within this addition. A playground will be constructed on the West side of the existing pond within Reserve "B". A parking area will also constructed in this area.
- PARCEL DESCRIPTIONS
Gross Area - 20.08 acres
Net Lot Area - 12.11 acres
Reserve/Recreation Area - 4.16 acres
Average Density - 5.5 D.U. per acre (net lot area)
Maximum Dwelling Units - 80
Maximum Coverage - 40%
- PHASING
The first phase will consist of approximately 20 lots. Design and initial construction will begin in 2022. A 50% completion of the subdivision is anticipated within 3 years.



PUBLISH ONCE IN THE TIMES-SENTINEL

May 2, 2024

PUBLIC NOTICE

ZONING VARIANCE HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Bryan Lagaly Properties, LLC for the parcel described as follows:

Lots 3-14, Block 2 Indian Ridge at Clearwater

The zoning lot is zoned R-2 (Two and Three Family Dwelling District) and the request is to change the property to R-3 (Multiple Family Dwelling District). Article XII, Section 38-621.

THE BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS, ON June 4, 2024.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 5:00 p.m., Monday June 3, 2024. Comments will be limited to five minutes each. Further information may be obtained at Clearwater City Hall, 129 E. Ross, or by calling (620) 584-2311.



April 25, 2024

To: Owners of Property within 200' of land being proposed for a zoning change for Lots 3-14, Block 2 Indian Ridge at Clearwater.

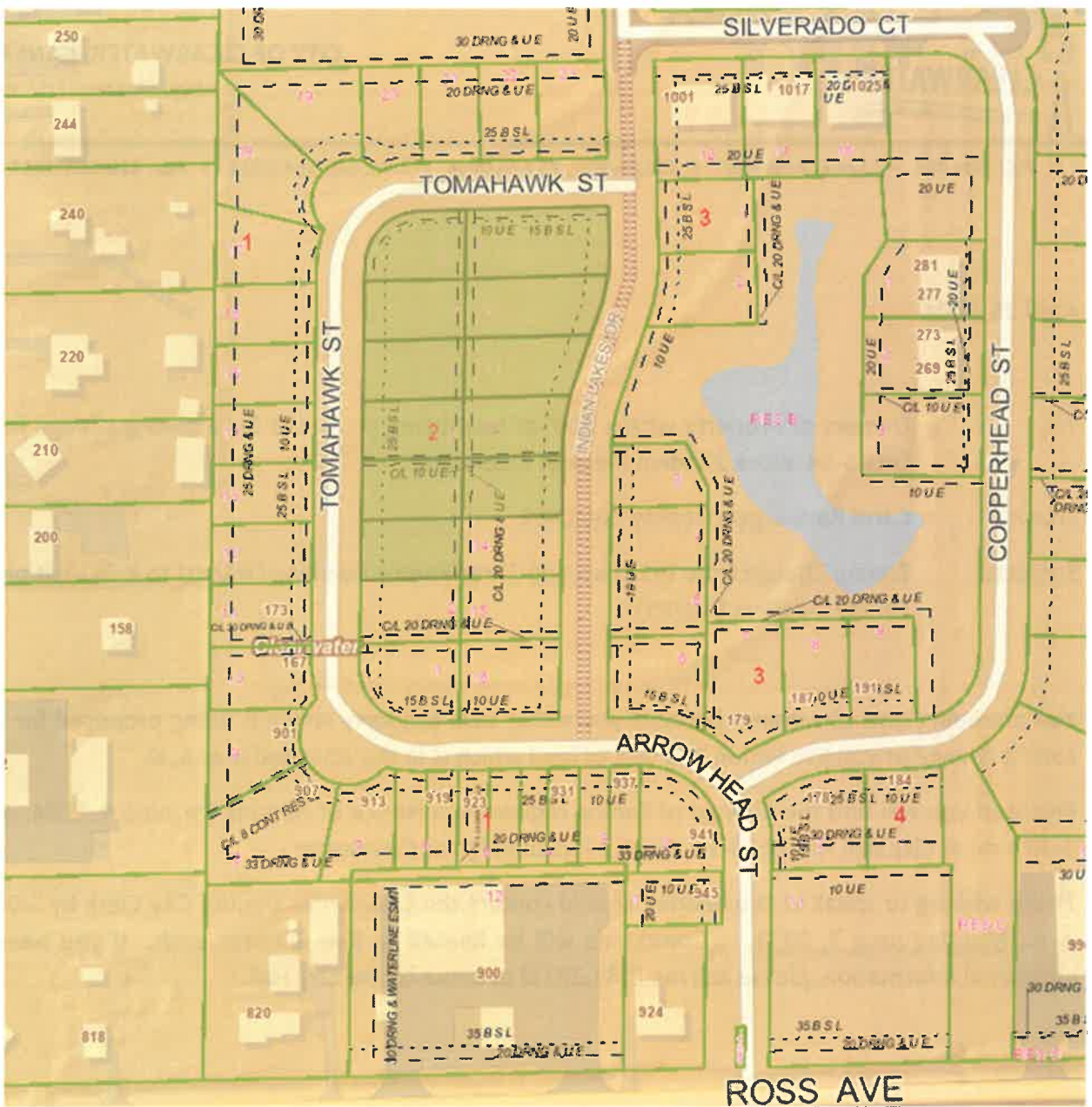
From: Carol Reitberger, Deputy City Clerk

Subject: Zoning Change from R-2 (Two and Three Family Dwelling District) to R-3 (Multiple Family Dwelling District)

You are being sent this memo because you either own property which is being proposed for a zoning change or you live within 200 feet of land which is in the attached proposal.

Enclosed you will find the Change of Zoning request and Notice of Hearing for June 4, 2024, at 6:30 p.m. at City Hall for Lots 3-14, Block 2 Indian Ridge at Clearwater.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 5:00 p.m., Monday June 3, 2024. Comments will be limited to five minutes each. If you need additional information, please call me (584-2311) or come to the City Hall.





Change of Zoning Request

Property Owner:	Bryan Lagaly Properties, LLC		
Address:	1517 N. Obsidian Court, Wichita, Kansas 67235		
Applicant (If different from property owner):			
Home Phone:	316-295-7782	Cell Phone:	316-295-7782
Email:	bryanlagaly@gmail.com		

Legal Description of Property (metes and bounds or subdivision/ block/ lot description)
Lots 3 - 14, Block 2, Final Plat and PUD Indian Ridge at Clearwater, Sedgwick County, Kansas.

CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT
R-2	R-3

Reason for Requesting the Change in Zoning
The market demand in this Addition is strong for multi-family housing. The addition of three-family housing will help meet this demand with a new level of affordability.

Present Use of Property
The property is currently zoned R-2, two family residential.


Applicant Signature

4-12-2024

Date

Office Use Only

Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	future Development ^{Single family} ^{EM}	R-2 / R-3
SOUTH	Single and two family homes	R-2
EAST	two family / future develop ^{single fam}	R-2
WEST	future Development Single fam	R-2

Will the change be consistent with the intent of the comprehensive plan and the future land use map?

yes - residential growth

Additional Comments

Received by:	Jamie Endsley
Date Received:	4-15-2024
Fee Paid:	4-24-2024
Date Published:	5-2-2024
Public Notice Mailed:	4-25-2024
Hearing Date:	6-4-2024

Affidavit of Publication

Kayla Hope Rausch
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk/asst at

Times-Sentinel Newspapers, LLC State of Kansas

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in **Sedgwick
County**, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been 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 to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire issue of said newspaper.

First Publication was made
On the 2 Day of May, 2024
Second Publication was made
On the _____ Day of _____, 2024
Third Publication was made
On the _____ Day of _____, 2024

Total Publication Fee \$ 99.75

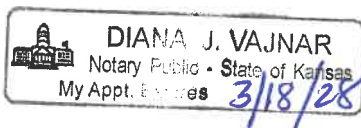
Kayla H Rausch

Subscribed and sworn to before me this

2 Day of May, 2024
Diana Vajnar

Notary Public

My Commission expires on 3/18/28



PUBLIC NOTICE

First Published in TSnews May 2, 2024 (11)

PUBLIC NOTICE

ZONING VARIANCE HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Bryan Lagaly Properties, LLC for the parcel described as follows:

Lots 3-14, Block 2 Indian Ridge at Clearwater

The zoning lot is zoned R-2 (Two and Three Family Dwelling District) and the request is to change the property to R-3 (Multiple Family Dwelling District). Article XII, Section 38-621.

THE BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS, ON June 4, 2024.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 5:00 p.m., Monday June 3, 2024. Comments will be limited to five minutes each. Further information may be obtained at Clearwater City Hall, 129 E. Ross, or by calling (620) 584-2311.

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