



City of Clearwater Planning Commission Meeting Agenda
Tuesday October 1, 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

Ryan Karrick
John Hurley

Jarod Ledington

3. Approve [September 3, 2024, Minutes](#)

4. Plat – Rausch Addition

- a. [Agenda Report](#)
- b. [Preliminary Plat](#)
- c. [Final Plat](#)

5. Other Business

6. Adjournment

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
September 3, 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, Jarod Ledington and Ryan Karrick. John Hurley joined online at 6:32 pm.

The following staff member was present:

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

Also present: Logan Mills, CED, Will Clevenger, Garver, LLC, Arnie and Jill Rausch, Lanie Campbell, Bill Fox, Barber Survey, Laura Papish, Karen Wells, Ryan Smothers and Jim Charles.

3. Approve August 6, 2024, Minutes

Motion: *McBee* moved, *Karrick* seconded to approve the minutes of the August 6, 2024, as presented. The motion passed unanimously. 7-0

4. Change in PUD – Indian Ridge at Clearwater

- a. Agenda Report
- b. Request
- c. Notice
- d. Publication
- e. Amended PUD

Zollinger stated that Bryan Lagaly Properties, LLC requested to change the Zoning classifications from R-2 to R-3 to install three-family housing units in a section of Indian Ridge at Clearwater. The Board of Zoning Appeals denied the change because they did not want to allow the option of apartment complexes in the addition this time or in the future. Since R-2 allows for triplex, the Board asked that the developer apply for a PUD change to remove the restrictions of single-family duplexes on these lots.

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)

Bryan Lagaly would like the Board to consider allowing triplex's in the stated lots without changing the R-2 zoning district but just amending the PUD allowable builds on these lots. 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 butt up against other established residences.

Bryan Lagaly was not present at the meeting to answer any questions. The Board asked if the homes would be similar to the duplexes already there. Will Clevenger with Garver, LLC stated yes, they would be similar whether it was duplex or a triplex with the extra unit on the back.

The Board discussed the size of lots being allowable and if they would see the drawings of the homes before. Zollinger stated that when the building permits are pulled at the city then the drawings and setbacks would be looked checked at that time. If needed, the individuals' homes could apply for a variance to allow larger setbacks.

Board members discussed whether this change would be consistent with the Comprehensive Plan and the future land use map. It was decided yes.

Motion: *Karrick* moved, *Ledington* seconded to approve keeping the R-2 zoning and remove the restrictions for housing with the PUD for lots 3-14, Block 2 Indian Ridge at Clearwater. The motion passed unanimously. 7-0

5. Preliminary Plat – Rausch Addition

- a. Agenda Report
- b. Preliminary Plat – With Comments
- c. Letters to Property Owners
- d. Comments Submitted for Consideration
- e. Right of Way

Zollinger stated that in January 2014 the City of Clearwater approved a consent for annexation from Robert Campbell for a piece of property that is located at the end of S Prospect Ave.

Per city code property must be platted before a building permit can be pulled. The annexed property was never platted prior to annexation nor since. Jill Rausch, the current owner, wished to build on the land now and has submitted a preliminary plat for review and approval.

City Engineer, Logan Mills, reviewed the preliminary plat and made the following comments and sent them back to the Garber and the Rausch Family.

1. Recommend that a public access not be blocked off by extending public right-of-way through lot 1 Block A. Otherwise the plat traps the extension of South Prospect St.
2. Add minimum pad table with appropriate freeboard above FEMA base flood elevations.
3. Does the existing channel at the southeast corner of the lot need to be protected by a drainage easement?
4. The remaining 75-acre property owned by Karen & Don Wells Trust appears to only have access by private drive at the northwest corner of the property. We would like to see a copy of that access easement. I think it is critical to retain public right of way through this plat for future potential development of the 75-acre property owned by Karen and Don Wells Trust. Furthermore, FEMA floodplain divides about 10 acres of property directly south of this plat that would not be accessible unless you build a road through FEMA floodplain.

The plat and notice were mailed to all property owners within 200' of the lot and were asked to submit comments in writing. Those comments are attached in the packet.

The planning commission shall review the preliminary plat and staff report to determine compliance with these regulations, zoning resolutions, and the comprehensive plan for the city.

Zollinger stated the 2022 – 2042 Comprehensive Plan future development did not show that the city would grow south. However, the original Terrace Park Addition Plat shows Prospect Ave continuing south of where it is today. Zollinger stated that she and Logan Mills wanted the Planning Commission to understand all possibilities to make an informed decision.

Mills pointed out that if the City does not require Rausch's to road right of way access, then the remaining property south of the plat will be blocked from public access.

Jill Rausch stated her family has owned the farmland for over 100 years and they have no plans to sell any of it in the future. Her relatives own the land directly west and they have no plans to sell either.

One of the concerns from the resident comments was the placement of the new home. Rausch stated the home will be built at the end of the cul-de-sac facing South Prospect like the other homes. It will have no basement, just a slab because of the flood plain.

Mills and Zollinger stated the City's water main ends at the north end of the cul-de-sac. It will be the responsibility of the developer (Jill and Arnie Rausch) to extend the main line to the property so they can connect their service line. Staff stated we will not allow a service line to run from the new property to the existing main. That would mean if the property owners had an issue with their service line, they would have to tear up City streets and if the city ever worked on the streets there would be a risk of hitting their service line.

Mills pointed out there is also a streetlight at the end of the street that will need to be addressed. Rausch stated they have already been in contact with Evergy about relocating the light.

Zollinger recapped the changes that needed to be part of the Final Plat. Pad elevations need to be noted on the final plat, a water utility easement and extension needs to be noted, and the plat needs to reflect the new location for the streetlight.

Motion: *McBee* moved, *Riggins* seconded to ask for the stated changes to the Preliminary Plat of the Rausch Addition and requested the stated additions for the final plat. The motion passed unanimously. 7-0

6. Other Business

Zollinger stated that the October 1st meeting hopefully will be the Final Plat of the Rausch Addition.

7. Adjournment

With there being no other business, *Ledington* moved, *Karrick* seconded to adjourn the meeting. Voted and passed unanimously. 7-0

The meeting adjourned at 7:05 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 September 3, 2024, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 1st of October 2024.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson

**City of Clearwater
Planning Commission
October 1, 2024**

Rausch Addition Plat

Context: At the September 3, 2024, meeting the Planning Commission reviewed the Rausch Addition Preliminary Plat and asked for the following additions:

1. Notate pad elevations on the plat
2. Notate the new location for the existing streetlight
3. Add a water utility easement and show the water main extension.

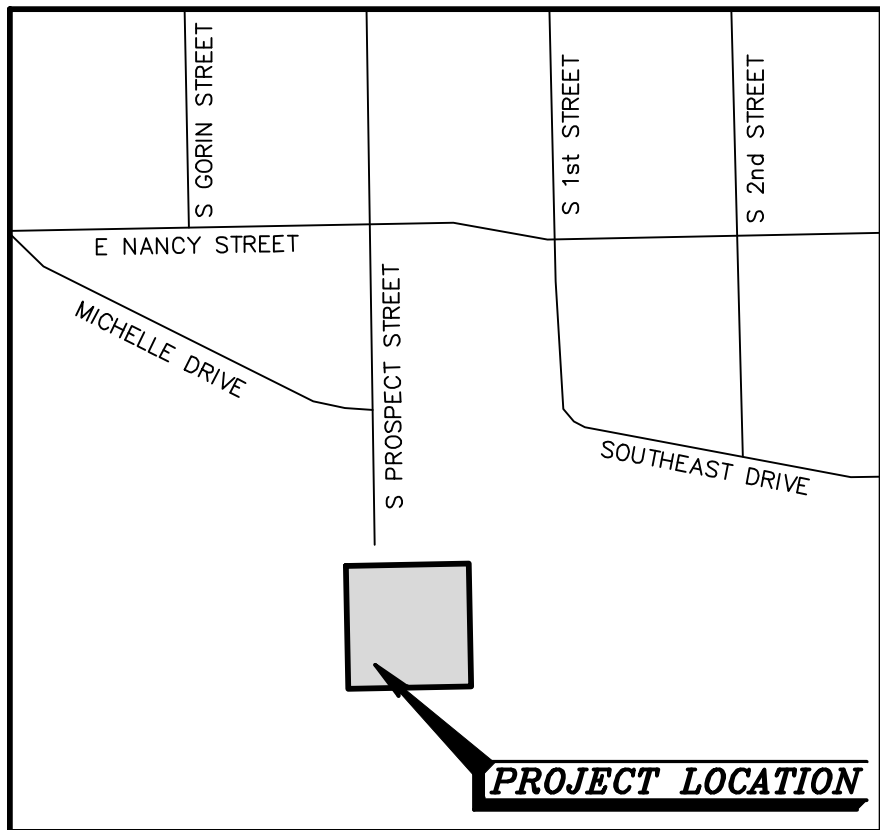
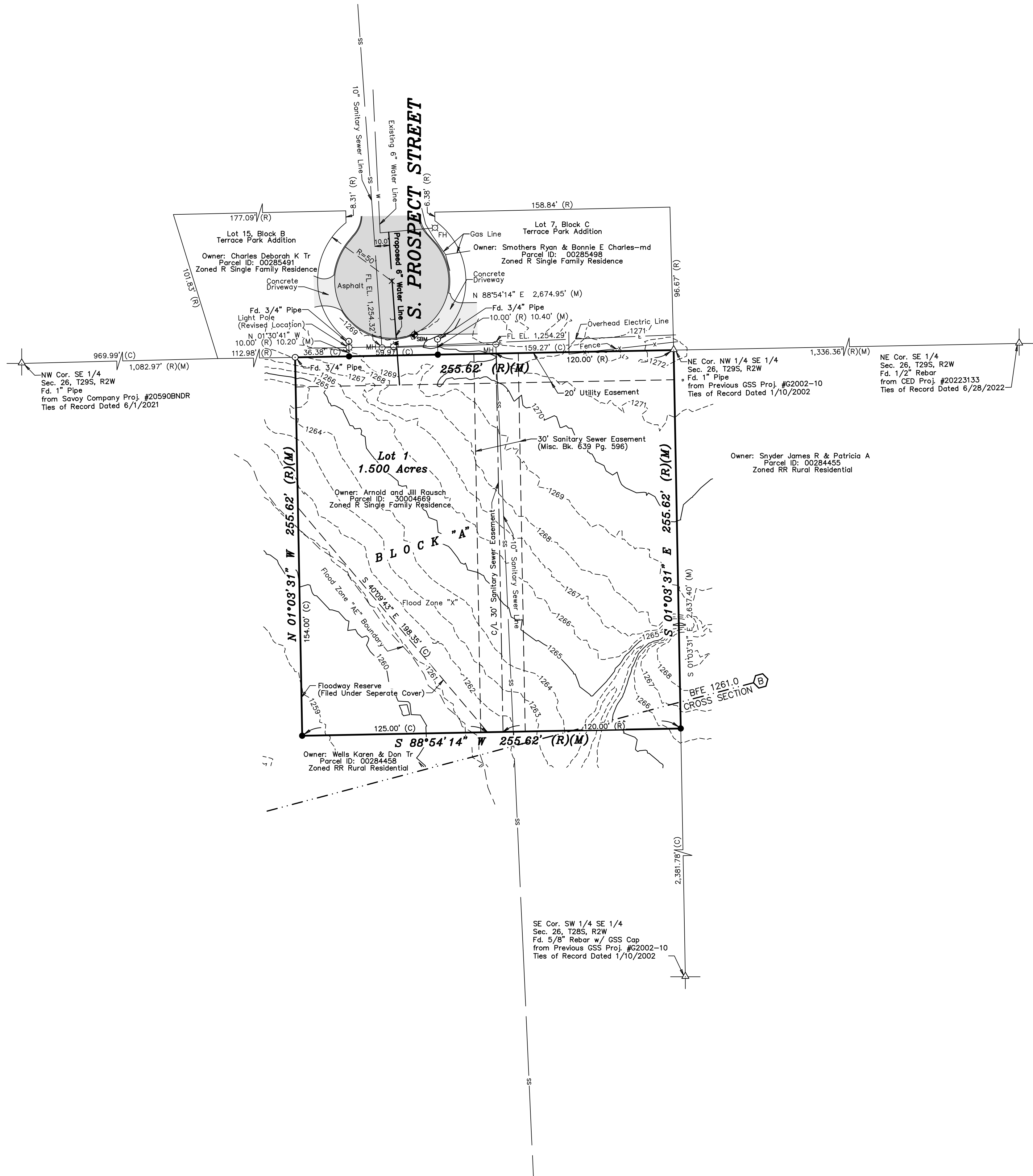
The preliminary plat and final plat were reviewed by staff. The pad elevations, streetlight existing and new location is notated on the map, as well as the extension of the 6" main line and an easement on the north end of the Rausch Addition.

The only addition staff has requested on the plat is to draw the intended location of the driveway as well as the blowoff, so they don't conflict with one another on the preliminary plat. The way the 6" line is drawn in appears the blowoff is right in the middle of what would be the driveway.

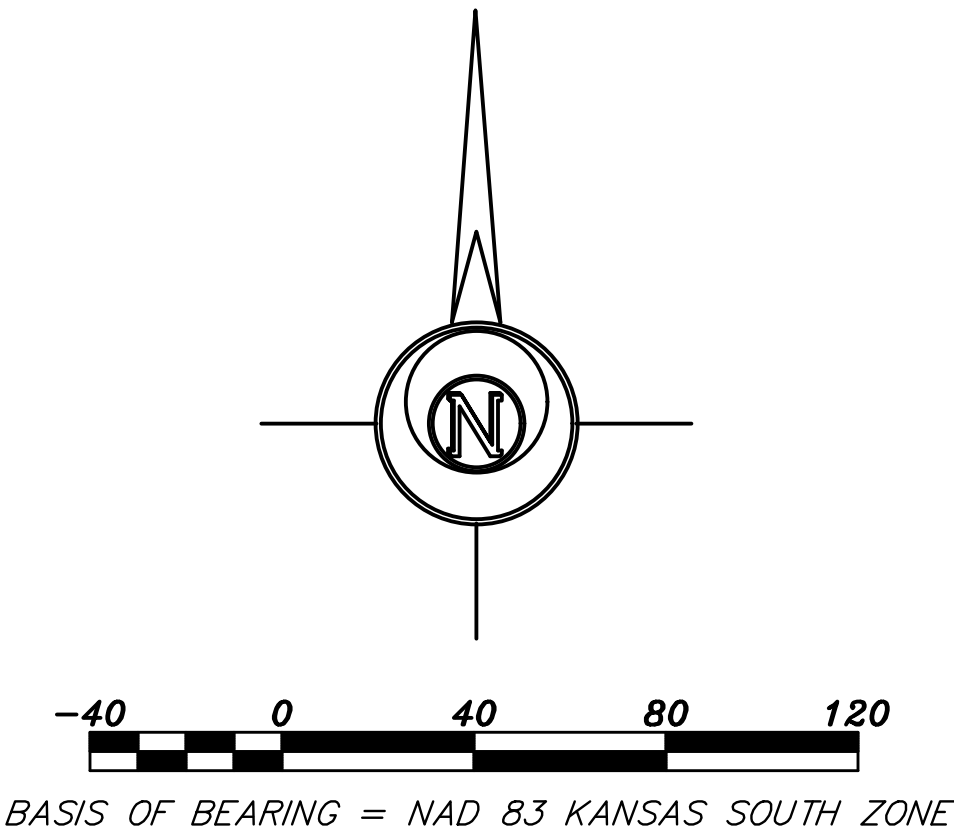
PRELIMINARY PLAT

RAUSCH ADDITION

A PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 SOUTH,
RANGE 2 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS



SEDGWICK COUNTY, KANSAS
VICINITY MAP
(NOT TO SCALE)



- LEGEND**
- △ - Sectional Monument Found
 - - Survey Monument Found
 - - - - - Fence
 - MH - Sanitary Sewer Manhole
 - ⊙ - Fire Hydrant
 - ⊙ - Light Pole
 - (C) - Calculated
 - (M) - Measured
 - (R) - Record measurement
 - SBM - Site Benchmark

CLOSURE TABLE

NORTHING:	0.00000
EASTING:	0.00000
PRECISION:	1,022.48/0.00000 = 1:1,022,480,000.00

MINIMUM PAD ELEVATION FOR LOWEST OPENING		
LOT	BLOCK	ELEVATION (NAVD88)
1	A	1262.00

DESCRIPTION:

A tract of land in the West Half of the Southeast Quarter of Section 26, Township 29 South, Range 2 West of the 6th Principal Meridian, in the City of Clearwater, Sedgwick County, Kansas, more particularly described by Daniel E. Garber, Professional Surveyor #683, this 8th day of July, 2024 as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 26, Township 29 South, Range 2 West of the 6th Principal Meridian; thence with a bearing South 88°54'14" West (basis of bearings is NAD 83 Kansas South Zone) along the North line of said Southeast Quarter a distance of 1,336.36 feet to the Northeast corner of the Northwest Quarter of said Southeast Quarter for the point of beginning; thence South 01°03'31" East along the East line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet; thence South 88°54'14" West parallel with the North line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet; thence North 01°03'31" West parallel with the East line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet to the North line of the Northwest Quarter of said Southeast Quarter; thence North 88°54'14" East along the North line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet to the point of beginning containing **1.500 Acres**.

FLOOD NOTE:

According to Flood Insurance Rate Map No. 20173C0607G (dated December 22, 2016) published by the Federal Emergency Management Agency, the property described above lies within **ZONE X**, which is defined as "0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. Area with Reduced Flood Risk due to Levee." FEMA floodplain and regulatory floodway boundaries are subject to periodic change and such change may affect the intended land use within the subdivision. Subject property described above also lies within **ZONE AE**, which is defined as "Areas with a 1% or greater annual chance of flooding (100-year floodplain). Hydraulic analyses performed. Base flood elevations shown."

BENCHMARK:

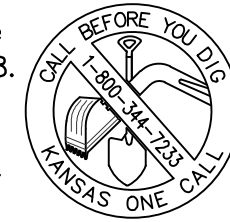
Corner of concrete approximately 10.5 feet North and 175.1 feet West of the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 26, Township 29 South, Range 2 West.

Elevation=1268.66 (NAVD88)

DIGSAFE:

Utilities shown were located by respective owners. Any Utilities not shown are due to no response to Kansas One Call "1-800-DIG-SAFE" Ticket #20154308.

Utility locations shown hereon are based on information received from Kansas One-Call (1-800-DIG-SAFE) identified by Ticket #20154308 on April 15, 2020. Before any digging, contractor should verify utility locations by calling 1-800-DIG-SAFE.



LIDAR FILE: BE_2018_14SPG3050 (2018)

HORIZONTAL AND VERTICAL CONTROL:

HORIZONTAL DATUM: North American Datum of 1983 (NAD83)

VERTICAL DATUM: North American Vertical Datum of 1988 (NAVD88)

NOTE: Contours shown at 1' intervals.

OWNER/SUBDIVIDER:

ARNOLD & JILL RAUSCH
PO BOX 134
CLEARWATER, KS 67026
(316) 706-1874

SURVEYOR:

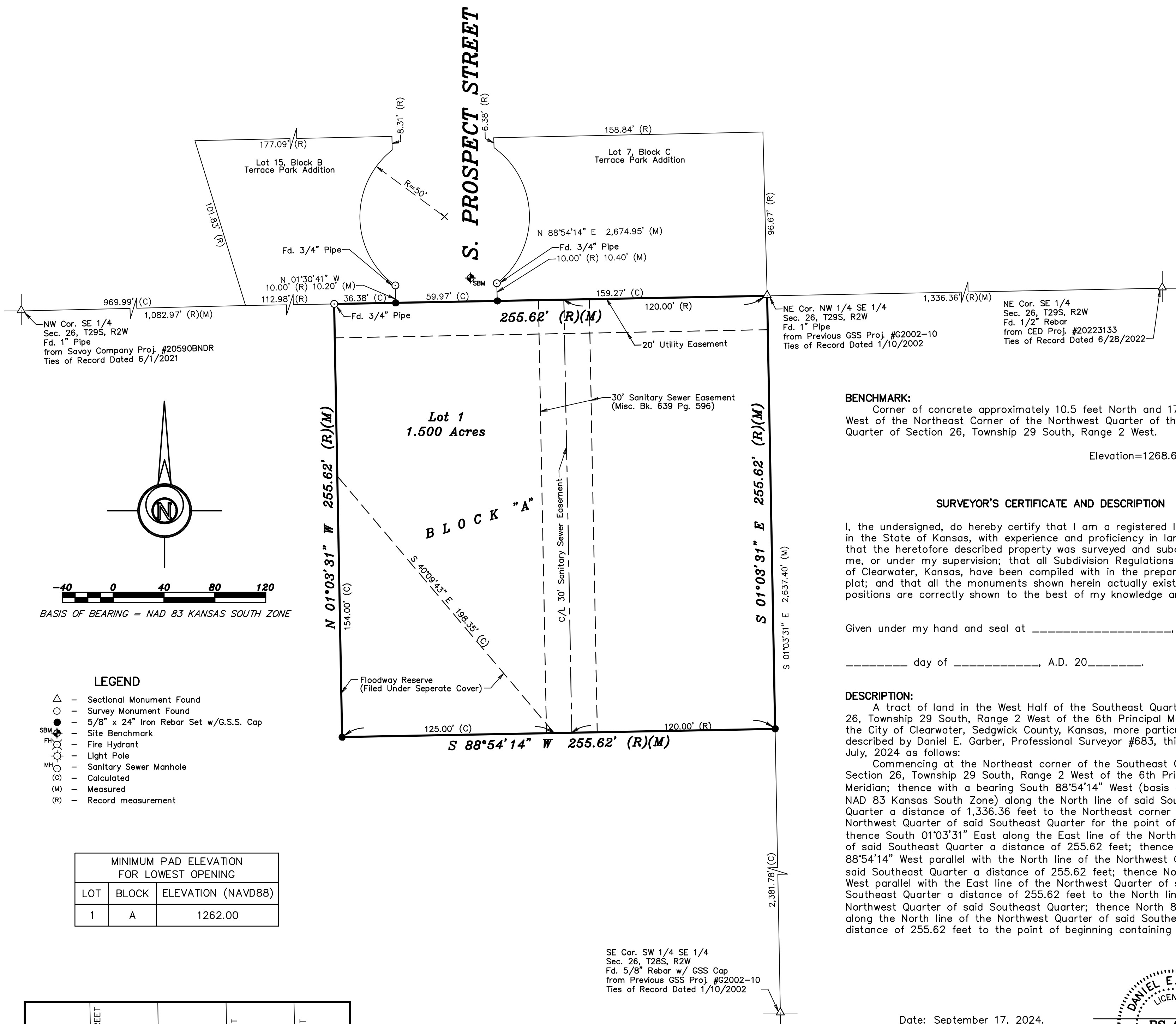
DANIEL E. GARBER
GARBER SURVEYING SERVICE, P.A.
2908 NORTH PLUM STREET
HUTCHINSON, KANSAS 67502
(620) 665-7032

Prepared For: ARNOLD & JILL RAUSCH		Description: A PORTION OF THE SE 1/4 SECTION 26, T29S, R2W SEDGWICK COUNTY, KANSAS	
Prepared By: GSS HUTCHINSON 2908 North Plum St. 67502 Ph. 620-665-7032 (Main Office)		Branch Offices: MCPHERSON Ph. 620-241-4441 SALINA Ph. 785-404-6302 MANHATTAN Ph. 785-320-4810 NEWTON Ph. 316-283-5053 WICHITA Ph. 316-260-9933	
Drawn By: FTB	Scale: 1"=40'	Date of Field Work: June 25, 2024	Job No: G2024-432
Checked By: DEG	Date: 09/17/2024	Sheet 1 of 1 Sheet(s)	

FINAL PLAT

RAUSCH ADDITION

A PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 SOUTH,
RANGE 2 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS



BENCHMARK:
Corner of concrete approximately 10.5 feet North and 175.1 feet West of the Northeast Corner of the Northwest Quarter of the Southeast Quarter of Section 26, Township 29 South, Range 2 West.
Elevation=1268.66 (NAVD88)

SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Kansas, with experience and proficiency in land surveying; that the heretofore described property was surveyed and subdivided by me, or under my supervision; that all Subdivision Regulations with the City of Clearwater, Kansas, have been complied with in the preparation of this plat; and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at _____, Kansas, this _____ day of _____, A.D. 20_____.

DESCRIPTION:
A tract of land in the West Half of the Southeast Quarter of Section 26, Township 29 South, Range 2 West of the 6th Principal Meridian, in the City of Clearwater, Sedgwick County, Kansas, more particularly described by Daniel E. Garber, Professional Surveyor #683, this 8th day of July, 2024 as follows:
Commencing at the Northeast corner of the Southeast Quarter of Section 26, Township 29 South, Range 2 West of the 6th Principal Meridian; thence with a bearing South 88°54'14" West (basis of bearings is NAD 83 Kansas South Zone) along the North line of said Southeast Quarter a distance of 1,336.36 feet to the Northeast corner of the Northwest Quarter of said Southeast Quarter for the point of beginning; thence South 01°03'31" East along the East line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet; thence North 01°03'31" West parallel with the East line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet to the North line of the Northwest Quarter of said Southeast Quarter; thence North 88°54'14" East along the North line of the Northwest Quarter of said Southeast Quarter a distance of 255.62 feet to the point of beginning containing **1.500 Acres**.

Date: September 17, 2024.

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

Reviewed by the Unified Government Surveyor this _____ day of _____, 20_____. This survey has been reviewed for filing, pursuant to K.S.A. 58-2005 and K.S.A. 58-2001 for content only and is in compliance with those provisions. No other warranties are extended or implied.

Tricia L. Robello, P.S. #1246
Deputy County Surveyor
Sedgwick County, Kansas

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

This is to certify that the undersigned owner(s) of the land described in the Survey Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets, and other public ways under the name of "RAUSCH ADDITION"; that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining, and repairing public improvements; that the Floodway Reserve is filed under separate cover; and further that the land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas.

Date Signed: _____ Date Signed: _____

Owner _____ Owner _____

PROTECTIVE COVENANTS

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

Purchase and subsequent improvement of lots within the Subdivision shall be subject to the provisions of "Protective Covenants of the Subdivision" submitted separately herewith.

Date Signed: _____ Date Signed: _____

Owner _____ Owner _____

ABSTRACTOR CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

I, the undersigned, being a duly licensed and bonded abstractor or an authorized representative thereof, hereby certify that the above is the legal owner(s) of the property shown on this plat.

Dated this _____ day of _____, A.D. 20_____.

NOTARY CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____.

_____, Notary Public

(SEAL) _____

My appointment expires: _____

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

This plat was approved by the Clearwater City Planning Commission on this _____ day of _____, 20_____, and was recommended for approval by the City Council of Clearwater, Kansas.

Date Signed: _____

Chairman

ATTEST: _____

Secretary _____

CITY COUNCIL'S CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

This plat approved and all dedications shown on this plat, if any, are hereby accepted by the City Council, City of Clearwater, Kansas, this _____ day of _____, 20_____, and was recommended for approval by the City Council of Clearwater, Kansas.

_____, Mayor

ATTEST: _____

City Clerk _____

COUNTY CLERK AND CITY CLERK CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

I do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in this plat.

I further certify that I have received all statutory fees in connection with the plat.

Given under my hand and seal at _____, Kansas, this _____ day of _____, A.D. 20_____.

County Clerk _____

City Clerk _____

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract of land included in this plat.

Given under my hand and seal at _____, Kansas, this _____ day of _____, A.D. 20_____.

County Clerk _____

City Clerk _____

CERTIFICATE OF THE CITY ATTORNEY

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

Approved this _____ day of _____, A.D. 20_____.

City Attorney for the City of Clearwater, Kansas

City Attorney _____

TRANSFER OF RECORD

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

Entered on transfer record this _____ day of _____, 20_____.

Register of Deeds _____

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS }
COUNTY OF SEDGWICK } ss

This is to certify that this instrument was filed for record in the Register of Deeds Office, at _____ a.m./p.m., on the _____ day of _____, 20_____.

(SEAL)

Register of Deeds _____

Prepared For: ARNOLD & JILL RAUSCH		Description: A PORTION OF THE SE 1/4 SECTION 26, T29S, R2W SEDGWICK COUNTY, KANSAS	
Prepared By: GSS HUTCHINSON 2908 North Plum St. #7502 Ph. 620-465-7032 (Main Office)		Garber Surveying Service, P.A. BRANCH OFFICES: MCPHERSON Ph. 620-241-4441 SALINA Ph. 785-404-6302 MANHATTAN Ph. 785-320-4810 NEWTON Ph. 316-283-5053 WICHITA Ph. 316-260-9933	
Drawn By: FTB	Scale: 1"=40'	Date of Field Work: June 25, 2024	Job No: G2024-432
Checked By: DEG	Date: 09/17/2024	Sheet 1 of 1 Sheet(s)	



City of Clearwater Board of Zoning Appeal Meeting Agenda
Tuesday October 1, 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.

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Access Code: 494-511-669

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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 [September 3, 2024, Minutes](#)

4. Other Business

5. Adjournment

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
September 3, 2024
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Lyle Berntsen called the meeting to order at 7:05 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 Ufford.

3. Approval of Minutes from August 6, 2024

Motion: *McBee* moved, *Riggins* seconded to approve the minutes of the August 6, 2024, as presented. The motion passed unanimously. 5-0

4. Other Business

Zollinger stated that the cut off for any item to be on agenda was August 28th. Nothing for this Board on October 1st.

5. Adjournment

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

The meeting adjourned at 7:06 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 September 3, 2024, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 1st day of October 2024.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson