

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, 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