

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
February 1, 2022
Clearwater City Hall
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

Commissioner Witt 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:

Ron Witt, Lyle Berntsen, Michael McBee, Samantha Warkins and John Graham were present. George Rudy and John Hurley were absent.

Ron Fleming, Melanie and Dave Beck, city residents were present. Logan Mills with CED, Will Clevenger and Brian Lagaly were present.

The following staff members were present:

Courtney Zollinger, City Administrator, Carol Reitberger, Deputy City Clerk.

3. Approve Minutes from the January 4, 2022 meeting

Motion: *Berntsen* moved, *Graham* seconded to approve the minutes of the January 4, 2022 as presented. The motion passed unanimously 5-0

Commissioner John Hurley entered the meeting at 6:33 p.m.

4. Change in Zoning Request

- a. R-2 to PUD

Bryan Lagaly Properties is requesting to change the newly purchased property they acquired from Duckhorn Properties from R-2 to Planned Unit Development (PUD)

The intent of the planned unit development district is to encourage innovation in residential, commercial and industrial development by greater variety in type, design and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Indian Ridge General Provisions for PUD

Building setbacks

- a. Rear Yard building setbacks shall be 20' (standard 25')
- b. Interior Side yard setback shall be 6' (standard 12.5')
- c. Street side building setbacks shall be 15' (standard 25')

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 too applicable governmental laws, codes, regulations, licensure, permitting, and inspection associated with construction and property maintenance with the City of Clearwater, KS.
- b. Sheds may be permitted upon a rear set back line but may not encroach upon any easement, or located closer than 10' to a rear of property (Standard 6')
- c. The side yard shall be maintained at 6', and no sheds may be located within a side yard setback (this is standard)

Allowable 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 be constructed in this area.

The public notice was published in the times on January 6, 2022, and all property owners within 200' were notified by mail in accordance with our zoning ordinance.

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.

Consideration-The Planning commission shall make a report to the governing body setting forth its reasons for recommendation of approval or denial of the application.

Motion: Hurley moved, McBee seconded to open the hearing. 6-0

Two neighbors were present but had no issues with the zoning change.

Motion: Graham moved, **Warkins** seconded to close the hearing. 6-0

The Commission opened with a few questions for the builder. Lagaly stated there would be 15 duplexes to start with and 50 lots to use. The homes would be duplexes with 2 garages. Most would be for sale, but several might be for rental property.

Commissioner George Rudy enters the meeting at 6:38 p.m.

The covenants would state that the outsides of the homes would have color restrictions so not so many outside colors. The estimated construction is 2022. The family homes range from \$150,000 - \$160,000 for a 2 bedroom with approximately 1100 square feet and up to 1500 square feet.

This could be recommended to the City Council since it is in line with the Comprehensive Plan.

Motion: McBee moved, **Hurley** seconded the motion to change the zoning from R-2 to PUD as presented. 7-0

5. Preliminary Plat – Indian Ridge

City Administrator Zollinger stated that Bryan Lagaly Properties had submitted a Preliminary Plat for a new development in the City of Clearwater. Planning Commission received the preliminary plat at the last meeting to review the document and bring forth questions for the developer.

When reviewing a preliminary plat, the Planning Commission should consider the minimal design

standards stated in Chapter 32 of the Clearwater Municipal Code.

Such as:

- In addition to the requirements established herein, all subdivision plats shall comply with all applicable ordinances of the city, and all city policy documents.
- Subdivision plats shall conform to the following general guidelines:
 - All portions of a tract being subdivided, unless otherwise permitted, shall be designed as lots, streets, planned open spaces, or other uses to avoid creation of vacant landlocked spaces.
- All subdivisions shall have frontage on and have direct access to a public right-of-way.
- The arrangement, character, extent, width, grade, and location of all streets shall conform to the intent of the comprehensive plan, and shall be considered in their relation to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions; to the runoff of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such streets.
- Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.
- Based on the above general criteria, street right-of-way and roadways shall be calculated from the following guidelines:

	Minimum Right-of-Way Width	Maximum Grade
Major streets		
Arterials	100 feet	6%
Collectors	80 feet	8%
Local streets		
Residential	60 feet	10%
Industrial and commercial	80 feet	6%
Cul-de-sac	50 feet	10%
Marginal access streets or frontage roads		
Two-way	50 feet	10%
One-way	50 feet	10%
Alleys	20 feet	10%
Pedestrian ways	10 feet	

There was a change in the Preliminary Plat on Lot 8 Block 1. City Engineer Logan Mills has reviewed the change from 42.86 to 51.51. The difference will be made up in the west side easement.

Citizen Ron Fleming had some questions about the traffic from Ross and traffic from Janet in Indian lakes coming into this housing addition. He would like to request a fence between his property and the new homes. He also asked about a walking path for kids to go from the addition to the pool and the addition to school. Fleming stated he usually mows a path for kids to get to the pool. Fleming

also asked about tying into the sewer and Logan stated would not be a problem west of Jump Start.

Citizen Melanie Beck asked about tying into the sewer as well. Beck questioned about a road right by her property and if there will be a house in between. The fire department requires to ways in and out of an addition. The house will face the east. Beck asked if there would be a road median with a lane to turn right meaning there would be 3 lanes. Engineer Mills stated there is 20 feet between road and Beck property line. There will be a sidewalk on one side of all 3 streets. Lagaly stated the construction will begin on the north half of the addition by Indian Lakes and Janet.

The Commission discussed and asked if Lagaly would consider making a reserve for a sidewalk between two of his properties so a sidewalk could be installed to help foot traffic into the development without walking through the current residents (Beck and Fleming) yards.

Lagaly will reach out to Casey’s General Store and see if there could be a pathway to cross behind their building for kids to walk to the pool and walk to school.

Motion: *Hurley* moved, *Berntsen* seconded to approve the Preliminary Plat with these conditions; show sidewalks on the final plat, establish a Reserve for a sidewalk between lots 8 and 9 contingent upon Casey’s approval, and Lot 1 needed to show setbacks. Voted and approved unanimously.

6. Other Business

Final Plat will be on the agenda March 1, 2022. Ron Witt and John Graham will not be at the meeting.

The steering committee for the Comprehensive Plan has put together another survey that will be done primarily on the internet. The low turn out for the other survey has prompted some other actions to take place. The committee would like to have as many people as possible put in their thoughts.

No other business at this time.

7. Adjournment

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

The meeting adjourned at 7:30 p.m.

CERTIFICATE

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

I, Carol Reitberger, Deputy City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the February 1, 2022, Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 1st day of March 2022.

Carol Reitberger, Deputy City Clerk