

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**PLANNING COMMISSION MINUTES**

**May 3, 2005**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, May 3, 2005 at 7:00 p.m., in the Clearwater City Council Chamber, City Hall at 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: George Rudy, Lonnie Stieben, Jerry Bolin and Aaron Tjaden. Don Berntsen, Doug Sharp, and LaDonna Lawrenz were absent. The following City staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney.

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**1. Approval of Minutes of the Meeting of March 29, 2005**

**MOTION:** The motion to approve the minutes with corrections was made by Stieben, seconded by Rudy and passed unanimously.

The meeting scheduled for June 7<sup>th</sup> was cancelled due to the lack of a quorum.

**2. Zoning Appeal – Roy Hess**

City Administrator Brown stated that in R-1 of the current Zoning Ordinance it states that there shall be a side-yard setback of not less than 12 ½ ft. from the principle building. Roy Hess, 231 N. Grain, is requesting a variance from that section for a 2 ft. side yard setback, in order to build a carport. Brown referenced the sketch that was distributed to the Commissioners. Hess stated that he wants to attach a carport to his current garage having a roofline and pitch to match the house. The carport would be used to store a vehicle and will have a rock floor and would not be enclosed. Hess stated that his house was built in 1984, he lives on the last street on the west side of town, and there is no alley behind his house. Hess stated that he has talked to his neighbor on the north, where the carport would be constructed, and he has no problem with the carport. Brown asked Hess if he currently has a one or two car garage? Hess stated that he has a two-car garage. City Clerk Wright stated that she received one phone call from the owner of the property to the south, which is a rental property, and he is not in favor of the reduction of the side-yard setback. Stieben questioned the other members if the variance is approved, are we setting a precedent that cannot be controlled? George Rudy stated that his only concern is that since the carport would be attached to the house, the possibility exists that some months down the road the carport could be turned into a room. The Commission briefly discussed the request to reduce

the side yard setback from 12½ ft. to 2 ft. On the finding of Uniqueness, the Board stated that there is no alley access and no way to build an accessory structure to house the vehicle, there would be no access. Adjacent Property, the Board stated that the neighbors were notified and only one call was received and that house is a rental. On the finding of Hardship, the Board stated that if not allowed to build the carport there would be no protection for vehicle. On the finding of Public Interest, the Board stated that granting of the variance would not adversely affect the public health, safety, morals, or general welfare and will not violate the spirit and intent of the Zoning Ordinance.

**MOTION:** Aaron Tjaden made a motion to approve the request for a zoning variance. Jerry Bolin seconded the motion and it passed 3 to 1 with Lonnie Stieben voting against.

### **3. John Riggs – Subdivision Regulations**

John Riggs reminded the Commission that zoning regulates the use of land, density of development, the height and bulk of buildings, and that is all it is intended to do. Subdivision regulations control the conversion of raw land into building lots and specifies the quality parameters for building a new city. It is a process to develop a plat that has design standards to assure quality. Riggs stated that the process begins with a preliminary sketch, preliminary plat, and then a final plat. A preliminary plat breaks up land into lots, plats, streets, and alleys. Riggs explained that the Planning Commission reviews the plat to determine compliance with subdivision regulations, zoning resolutions, and the comprehensive plan for the City. Riggs stated that the preliminary plat is the most important of all the platting process. This is the point where all environmental, drainage, and topography questions are answered. The City can require public facilities to be shown on the plat. If all considerations are met then the Planning Commission sends the preliminary plat to the Council for approval. The final plat is the legal aspect of the platting process and has to be signed off by two surveyors and numerous others have to certify the final plat. Riggs continued to review additional portions of the subdivision regulations in detail. City Administrator Brown advised Riggs that the financial guarantee required by the City should be changed to a letter of credit for 60% of the improvements.

### **4. Appointments**

City Clerk Wright stated that the beginning of May each year is appointment time for all boards and commissions of the City. Wright stated that Jerry Bolin, Lonnie Stieben, and Don Berntsen terms are up in 2005. Wright stated that she would like to know if Bolin and Stieben would serve on the Commission for another four years. Wright stated that she would contact Berntsen at a later date. Stieben and Bolin agreed to serve on the Planning Commission for another four years.

**5. Other Matters and Concerns**

City Administrator Brown stated that there is a structure north of Gary's Automotive that the Council is interested in having removed. The structure on N. Tracy is owned by Roy Pulliam, is being used as a warehouse and was zoned as Industrial (I – 1). Brown stated that there are two lots with a total width of 50 ft. In Industrial zones the side-yard set backs are 30 ft. making it impossible for Pulliam to tear down the current building and put something in its place. Brown stated that there are two different ways this problem could be handled. One would be for the City to request a change in zoning from Industrial (I – 1) to Downtown Business District (C – 1). The other way is for Pulliam to request a variance for the property. Brown asked the Commission if it should be changed by zoning or a variance? After a brief discussion, it was decided to present both options to Pulliam and he can make the decision.

**6. Adjournment**

With there being no further business to come before the Commission, Bolin made a motion to adjourn the meeting. The motion was seconded by Stieben and passed unanimously.

**CERTIFICATE**

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

I, Cheryl Wright, 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 May 3, 2005 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 7th day of June 2005.

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Cheryl S. Wright, City Clerk