

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

**PLANNING COMMISSION MINUTES**

**JULY 9, 2007**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Monday, July 9, 2007 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: Lonnie Stieben, George Rudy, Don Berntsen, Mike Machart, Les Langston, and Ryan Shackelford. The following City staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney. Other attending the meeting was: Glenda Light and Jeff Laha, citizens.

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**1. Approval of Minutes of the Meeting of June 5, 2007**

The normal meeting of the Planning Commission was postponed from July 3<sup>rd</sup> to July 9<sup>th</sup> due the Fourth of July holiday.

**MOTION:** The motion to approve the minutes was made by Les Langston, seconded by Mike Machart and passed unanimously.

**2. Zoning Appeal Park Glen Property**

Lonnie Stieben stated that a variance request has been received from Matt Eck for lot 1 block 2 in Park Glen. The request is for a variance from the required 12.5 ft. side yard set back on the east side of the principal building. Stieben stated that the lot is odd sized due to a utility easement. Stieben asked if there were any comment from the audience. Glenda Light stated that her house is located at 921 Park Glen just to the west of the property. Light stated that she is against the Planning Commission granting the variance because in the five years that she has lived in her house there have been two builders try to build a house on that particular property. The first builder came in and dug a basement and the water table was too high and it was abandoned. A few years later another builder went farther by putting in the footing and the foundation. That builder also had trouble with water and ended up filling in the hole. Light stated that both of the previous builders had plans for the lot that did not include a variance and does not see why this builder has to have the variance. Light stated she is not against a house being built on the lot as it would be great not to have a vacant lot next to her, but she stated that she thinks a house can be built without reducing the side yard setbacks. Jeff Laha, 401 Clear Creek, owner of the house that is the first house east of the property, stated that he agrees with Light that there are plans available that can be built on

the lot without reducing the side yard setbacks.

City Administrator Brown stated that the one thing different about this lot is that there is a 20 ft. utility easement on the east side of the lot plus a 40 ft. drainage easement to the east beyond the utility easement. The 40 ft. drainage easement is dedicated as Reserve A and owned by the homeowners association. Because of the configuration of the property line the 20 ft. utility easement on the east side grows to approximately 25 ft. in width from east to west at various points in the lot. The setback on the west side is 12 ½ ft. Brown continued to state that the front of the lot is 93 ft. and in the back it is 72 ft. with a normal depth. The Commission reviewed the drawing of the property and the plat plan at length. The Commission questioned if there could be a mistake on the plat regarding the easement. Brown stated that he did not have a description of the easement. Brown continued to state that it appears to him that more information is required in order to make a finding.

**MOTION:** Don Berntsen made a motion to table the finding on the variance until additional information is received on the plat of the property. George Rudy seconded the motion and it passed unanimously.

**3. Adjournment**

With there being no further business to come before the Commission, George Rudy made a motion to adjourn the meeting. The motion was seconded by Mike Machart 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 June 5, 2007 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 9th day of July 2007.

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Cheryl S. Wright, City Clerk