

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

SEPTEMBER 4, 2012

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, September 4, 2012, at 7:00 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike Cass, Mike Machart, George Rudy, Ryan Shackelford and Shawna Perry. The following City staff members were present: Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk; and Janet Amerine, City Attorney. Others present were Ed Mikesell & Rob Hartman, Indian Lakes Leasing; Lonnie Stieben, SKT.

1. Approval of the Minutes of the Regular Meeting of July 3, 2012

MOTION: The motion to approve the minutes was made by Mike Machart and seconded by George Rudy. The motion passed unanimously.

2. Public Hearing for a Zoning Variance Request For Lots 10, 11 and 12, Block 2 Indian Lakes Addition

Ryan Shackelford opened the public hearing at 7:00 p.m. City Administrator Kent Brown introduced Ed Mikesell and Rob Hartman from Indian Lakes Leasing. Ed Mikesell stated to the Commission that he is requesting the Variance of these three lots to be able to build four-bedroom twin homes. The demand for four-bedroom homes is in greater demand than three-bedroom homes. Mikesell would like to have a little extra room on these three lots to allow for four bedroom homes. Mikesell stated that at this time there are not any four-bedroom homes available. If the Planning Commission and the City Council would approve this variance then work could begin immediately on the four-bedroom homes instead of waiting until the next phase of the project. City Attorney Amerine clarified to Mikesell and the Commission that outside influences have come up and that has prompted the request for a variance. The demand is current and these particular lots already have utility lines ready to begin building the homes.

City Attorney Janet Amerine stated to the Board that there is no precedence for this variance or any other variance to come before the Board. All variances should and will be decided on an individual basis. Amerine stated to the Board that the law states there is 8' setbacks and if an individual wants something different must come before this Commission and ask for a variance. Amerine stated that just because one variance is approved does not mean the next variance will automatically be approved. Amerine stated there are five points to go over before the Commission can make a decision.

There was a brief presentation given to the Commission by Mikesell that was an

overview of what the Indian Lakes Leasing would like approved at the next official meeting. City Administrator Kent Brown informed the Commission that the new plat would be discussed at the next meeting.

Mike Cass brought up that he and Mike Machart cannot attend the 10-02-12 meeting. The group tentatively rescheduled the meeting for 10-08-12 with time yet to be determined.

Ryan Shackelford closed the hearing at 7:46 p.m. The Commission began discussions on the five statutory conditions.

A. Uniqueness

As stated during the hearing, city staff stated that demand for certain units are pushing the developer to build more four-bedroom units which require 76 feet of frontage. These are the only remaining lots within the Indian Lakes Addition phase 1 that will require additional front footage to build the units. In future phases, Ed Mikesell stated that the lot width would be adjusted to account for the 76 feet of frontage required. George Rudy stated that the lots are unique to that portion of the cul-de-sac within the development.

MOTION: George Rudy made a motion to recommend supporting the uniqueness of the project. Shawna Perry seconded the motion.

ROLL CALL VOTE: Rudy yea, Shackelford yea, Perry yea, Cass yea. Machart no Four yeas. One no. Motion carried.

B. Adjacent Property

With the street on the west side of the three lots in question and the drainage on the east side of the three lots in question, City Administrator Brown stated that no neighbors will be affected by the variance for the three lots except by the view from the street. City staff reported that no comments had been received on the proposed variance either before the meeting or during the hearing.

MOTION: George Rudy made a motion to recommend supporting the adjacent property. Shawna Perry seconded the motion.

ROLL CALL VOTE: Rudy yea, Shackelford yea, Perry yea, Machart yea and Cass yea. Five yeas. Motion carried.

C. Hardship

City Attorney Amerine reminded the commission of the demand associated with the four-bedroom units and that the city has installed the facilities to these lots.

MOTION: George Rudy made a motion to recommend supporting the hardship of the project. Mike Cass seconded the motion.

ROLL CALL VOTE: Rudy yea, Shackelford yea, Perry yea, Machart yea, and Cass yea. Five yeas. Motion carried.

D. Public Interest

George Rudy stated that there has been no concern presented.

MOTION: Mike Cass made a motion to recommend supporting the public interest of the project. George Rudy seconded the motion.

ROLL CALL VOTE: Rudy yea, Shackelford yea, Perry yea, Machart yea, and Cass yea. Five yeas. Motion carried.

E. General Spirit/Intent

Shawna Perry stated that the variance does not violate the general spirit of the zoning ordinance.

MOTION: Shawna Perry made a motion to recommend supporting the general spirit/intent of the project. George Rudy seconded the motion.

ROLL CALL VOTE: Rudy yea, Shackelford yea, Perry yea and Cass yea. Machart no. Four yeas. One no. Motion carried.

Board action, the zoning variance was granted.

3. **Other Matters or Concerns**

Mike Cass brought up that he and Mike Machart cannot be at the 10-02-12 meeting. The meeting was rescheduled for 10-08-12. The time of the meeting will be announced.

4. **Adjournment**

MOTION: With there being no further business to come before the Commission, Mike Cass made a motion to adjourn the meeting. The motion was seconded by George Rudy passed unanimously.

The meeting adjourned at 8:20 p.m.

CERTIFICATE

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

I, Liza Donabauer, 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 September 4, 2012 Planning Commission meeting.

Given under my hand and official seal of the City of Clearwater, this 8th day of October, 2012.

Liza Donabauer, City Clerk