



PLANNING AND ZONING BOARD MEETING AGENDA

Thursday, December 21, 2023

7:00 PM

THE PLANNING AND ZONING BOARD SHALL HOLD ITS REGULAR MEETING IN THE COUNCIL CHAMBER IN THE CITY HALL, LOCATED AT 121 S. MERIDIAN AVE., BEGINNING AT 7:00 P.M. (MEETING WILL ALSO BE BROADCASTED ON CITY'S YOUTUBE CHANNEL AND/OR COX PUBLIC ACCESS CHANNEL 7)

A. CALL TO ORDER THE PLANNING AND ZONING BOARD

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

___ Gary Janzen

___ Brian Shelton

___ Scot Phillips

___ Paul Spranger

___ Rick Shellenbarger

___ Dalton Wilson

___ Steve Conway

D. SET/AMEND AGENDA

Motion made by (_____). Seconded by (_____). For___ Against___

E. APPROVAL OF DRAFT MINUTES

October 25, 2023 DRAFT meeting minutes

Motion made by (_____). Seconded by (_____). For___ Against___

F. COMMUNICATIONS

G. PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD

1. Review of SD-2023-02, application of Steve Conway, pursuant to City Code 16.04, who is petitioning for approval of a final replat for land located north of the intersection of 61st Street and Fairfield Avenue (currently unaddressed), Valley Center, KS 67204.

- Chairperson opens hearing for comments from the public: TIME_____
- Chairperson closes public hearing: TIME_____

RECOMMENDED MOTION: Based on the City staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) SD-2023-02. Seconded by_____. For___ Against___

2. Review of SU-2023-01, application of David Leeker, Leeker Real Estate Partnership, LP, and Steven and Sherryl Simon, pursuant to City Code 17.11, who are petitioning for approval of a special use application (commercial development of natural resources and extraction of raw materials) for land located southeast of the

intersection of Ridge Road and 85th Street (currently unaddressed), Valley Center, KS 67147.

- Chairperson opens hearing for comments from the public: TIME _____
- Chairperson closes public hearing: TIME _____

RECOMMENDED MOTION: Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) SU-2023-01. Seconded by _____. For ____ Against ____

H. OLD/UNFINISHED BUSINESS

I. NEW BUSINESS

1. Approval of 2024 Board Meeting Dates

J. STAFF REPORTS

K. ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

____ Gary Janzen	____ Brian Shelton	____ Scot Phillips
____ Paul Spranger	____ Rick Shellenbarger	____ Dalton Wilson
____ Steve Conway		

L. ADJOURNMENT OF THE PLANNING AND ZONING BOARD

Motion made by _____. Seconded by _____. For ____ Against ____

Note to Planning and Zoning Board Members: If you are unable to attend this meeting, please contact Ryan Shrack (316-755-7320) prior to the meeting.

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice. At anytime during the regular Planning and Zoning Board meeting, the Planning and Zoning Board may meet in executive session for consultation concerning cases to be deliberated. This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the Community Development Department in a timely manner, at communitydevelopment@valleycenterks.org or by phone at (316)755-7320. For additional information on any item on the agenda, please visit www.valleycenterks.org or call (316) 755-7320.

PLANNING AND ZONING BOARD MEETING MINUTES
CITY OF VALLEY CENTER, KANSAS

Wednesday, October 25, 2023, 7:00 P.M.

CALL TO ORDER: Chairperson Janzen called the meeting to order at 7:00 P.M. with the following board members present: Steve Conway, Rick Shellenbarger, Scot Phillips, Brian Shelton, Paul Spranger, and Dalton Wilson

MEMBERS ABSENT: None

CITY STAFF PRESENT: Ryan Shrack, Barry Arbuckle, Rodney Eggleston, and Brent Clark

AUDIENCE: Bryan and Megan Dennis, Deana and Edward Bushell, Sheila Warren, Faye Eidson, Jon Freund, Jo Hessler, Tom Bartel, Glenda Carruth, Ruth Herman, Kenia and Robert Robledo, Victor and Jackie Villarreal, Jet Truman, Rebecca Spivey, Denise Spivey, Pat Petrakis, Chris McElgunn, Todd Nix, Phil Meyer, Mike Miller, Tammy Miller, Leah Pollock, Anthony Krejci, Ron Cotts, Mayor Lou Cicirello, City Councilmember Ben Anderson, and City Councilmember Wilson

AGENDA: A motion was made by Chairperson Janzen and seconded by Board Member Shellenbarger to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES: Chairperson Janzen made a motion to approve the September 26, 2023, meeting minutes. The motion was seconded by Vice Chairperson Spranger. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD:

1. Review of LS-2023-04, application of the Daniel Houston, pursuant to City Code 16.09., who is petitioning for a lot split involving the splitting of property the applicant owns and is currently addressed as 5219 W. 77th St. N., Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant is requesting a lot split of his property in order to sell the newly created lot (labeled Parcel B) to another person who intends to build a single-family house on it. The newly created southern lot will have access to a publicly dedicated street (77th St.) via an ingress/egress easement. A site plan attached to the staff report shows the proposed new single-family house, which will have a private well and septic system.

Chairperson Janzen opened the hearing for comments from the public: 7:04 PM

Chairperson Janzen closed the hearing for comments from the public: 7:06 PM

Top Bartel, from Top Dog Realty, is representing the applicant and spoke briefly about the private driveway during the public hearing. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board,

Chairperson Janzen made a motion to approve LS-2023-04. Motion was seconded by Board Member Wilson. The vote was unanimous.

2. Review of SD-2023-01, application of Lou Robelli, pursuant to City Code 16.04, who is petitioning for approval of a final plat for land located southeast of the intersection of 93rd Street and Meridian Avenue (currently unaddressed), Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant is requesting approval of a final plat for the subject property. The Harvest Place subdivision consists of land between the high school and middle school on the east side of Meridian Avenue. The City Staff Review Team has submitted a few minor revisions to be made to the final plat, which the engineer is working on at this time. These are primarily a couple of access control revisions and name/signature block updates. All updates will be made prior to the plat being printed on mylar and filed with Sedgwick County.

Chairperson Janzen opened the hearing for comments from the public: 7:09 PM

Chairperson Janzen closed the hearing for comments from the public: 7:11 PM

City Administrator Brent Clark spoke during the public hearing to discuss the school district's involvement in the naming of the streets and the subdivision itself. Commemorative street signs will be given to each school with their respectively named street. The board asked a couple of questions regarding the requested revisions, with R. Shrack answered. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-01. Motion was seconded by Board Member Conway. The vote was unanimous.

3. Review of RZ-2023-05, application of Lou Robelli, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned RR-1, which is the City's designation for a suburban residential district, to R-2, which is the City's designations for a two-family residential district and C-2, which is the City's designation for a general business district. The property is currently unaddressed, but located southeast of the intersection of Meridian Avenue and 93rd Street, Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant is requesting a rezoning in conjunction with the final plat for the same subject property. The property will be rezoned to C-2/R-2. The commercially zoned lots are located along Meridian Ave. and 93rd St. The rest of the lots will all be residential and will allow for either single-family houses or duplexes to be constructed on them.

Chairperson Janzen opened the hearing for comments from the public: 7:16 PM

Chairperson Janzen closed the hearing for comments from the public: 7:20 PM

Joe Schaeffer asked about possibly adding lanes to Meridian Ave. to help with additional traffic with the creation of this new subdivision. City Administrator Clark talked about some preliminary concepts/plans that have been created for the section of Meridian between 7th St. and 93rd St. that would expand the road to four lanes with some traffic calming features at a cost of \$12 million. The City had applied for funding from WAMPO to assist with this project, but was not selected for funding. The City will continue to look for cost-sharing opportunities to expand Meridian Ave. in this section of

the community. Board members talked briefly about the construction of new duplexes and asked questions of the engineer, Anthony Krejci. A. Krejci shared with the board that the lots east of Emporia Ave. will be duplex lots and the lots west of Emporia Ave. will be where single-family houses are built. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-05. Motion was seconded by Board Member Wilson. The vote was unanimous.

4. Review of RZ-2023-06, application of David Leeker, Leeker Real Estate Partnership, LP, and Steven and Sherryl Simon, pursuant to City Code 17.11, who are petitioning for a rezoning of land that is currently zoned RR-1, which is the City's designation for a suburban residential district, to A-1, which is the City's designations for an agricultural district. The property is currently unaddressed, but located southeast of the intersection of Ridge Road and 85th Street (in between 85th St. and 77th St.), Valley Center, KS 67147.

Chairperson Janzen shared with the audience that this item is strictly being heard as a rezoning application. A future special use request will have its own public hearing and said future use will not be discussed during tonight's meeting. R. Shrack gave a summary of his staff report. The applicants are requesting a rezoning from RR-1 to A-1 due to the applicants desire to submit a special use application in the future. The special use that the applicants are considering is only allowed on A-1 zoned property. R. Shrack reviewed with the board permitted uses for both RR-1 and A-1 zoned property and briefly reviewed the special use application process. Before opening the public hearing, Chairperson Janzen informed the audience that anyone who wished to speak could do so for up to three minutes. Board Member Shelton served as the timekeeper for this public hearing.

Chairperson Janzen opened the hearing for comments from the public: 7:31 PM

Chairperson Janzen closed the hearing for comments from the public: 8:11 PM

The following individuals in the audience spoke during the public hearing for this rezoning application:

- Deana Bushell, 8020 N. 63rd St.: D. Bushell shared her comments regarding the staff report and her petition against the rezoning application, as well as supporting documentation she submitted previously via email to City staff. She stated she believes the rezoning application doesn't need to be submitted based on existing uses and that the future sand pit should be located somewhere else. She believes her property values will decrease if the sand pit is allowed to be put into operation. Board member Shelton asked about the petition D. Bushell had submitted to City staff.
- Pat Petrakis, 130 S. Miles Ave.: P. Petrakis asked questions about the recent annexation of the subject property and the rezoning process. Chairperson Janzen, City Administrator Clark, City Attorney Arbuckle, and R. Shrack all addressed these questions regarding the recent annexation and rezoning of the subject property.
- Glenda Carruth, 8321 N. Ridge Rd.: G. Carruth asked if there would be another meeting to review the special use application and Chairperson Janzen reminded her that there will be another public hearing to discuss the special use application

(for the sand pit) in the future. He said she would have an opportunity to speak about the sand pit at that time.

- Jon Freund, 3901 Palos Verdes Circle: J. Freund requested the board vote to not approve the rezoning application. He stated he believes that the rezoning application possibly violates the City's zoning code by quoting references to public health and safety issues. He is concerned about increased truck traffic and groundwater issues. He believes that there hasn't been enough time between the annexation approval and the rezoning application request.
- Joe Schaeffer, on behalf of Brenda Schaeffer, 8700 N. Janis Ave.: J. Schaeffer asked about the area north of the subject property being potentially annexed into Valley Center. City staff stated that even though the subject property has been annexed into Valley Center, it doesn't necessarily mean that other adjacent land can simply be annexed in without going through the formal process. The City doesn't have the right to unilaterally annex other property without following state law on such a process.
- Rebecca Spivey, 8050 N. 63rd St.: R. Spivey asked questions regarding the next steps for this process and, if there is a special use application submitted by the applicants, will there be another public notice letter sent out to everyone. R. Shrack and Chairperson Janzen answered her questions. Even if the special use is approved, there would be additional environmental impact studies done in order to obtain necessary state permits before starting the sand pit operation. All property owners within 1,000 ft. of the subject property will receive a public notice letter with the date/time of the public hearing for the special use application. R. Spivey stated she is opposed to the rezoning.
- Denise Spivey, 8050 N. 63rd St.: D. Spivey shared her concerns about safety, more specifically, traffic safety and the potential impact of additional truck traffic in conjunction with the proposed sand pit operation. She shared that she has been run over by vehicles in the past and she is concerned with more vehicles being on the local roads. She said traffic is an issue now, let alone in the future. Chairperson Janzen thanked her for her comments and said that additional traffic would be addressed with the future special use application.
- Chris McElgunn, representing Ike Clawson (9125 W. 84th St.) and legal counsel to Deana Bushell: C. McElgunn shared his thoughts on the rezoning application and that the future special use can be considered as part of this process. He asked the board to keep in mind the future protest and open process of decision making. He asked if there will be a different standard used for the special use application. City staff stated that there will be no difference in the standards used in reviewing the special use application.

Following the closing of the public hearing, the board had a brief discussion and invited the engineer, Phil Meyer, representing the applicants to speak. He stated the staff report covered all of the pertinent information on the rezoning. A few board members shared their thoughts on the rezoning application and the importance of reviewing information submitted by local residents and the comments shared by the public during the public hearing. Pat Petrakis addressed the board again and shared that even though there may be homes built in the future, the residents will have to deal with sand for a long time before those homes are built. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-06. Motion was seconded by Board Member Shellenbarger. The vote was approved 6-1, with Board Member Phillips voting against the motion.

OLD OR UNFINISHED BUSINESS: None

NEW BUSINESS: None

STAFF REPORTS: R. Shrack reminded the board that the next meeting will be held on Tuesday, November 28, 2023.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-none

Paul Spranger-none

Brian Shelton-none

Rick Shellenbarger-none

Scot Phillips-none

Steve Conway-none

Dalton Wilson-none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 8:28 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Vice Chairperson Spranger. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

/s/ Ryan Shrack, Secretary

Gary Janzen, Chairperson



Date: December 14, 2023

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, *Community Development Director*

Final Replat Approval for North Riverview at Fairfield Subdivision (SD-2023-02)

Steve Conway, pursuant to Section 16.04., is petitioning the City of Valley Center Planning and Zoning Board to approve a final replat for the land (outlined in red below) currently not addressed, but located north of the intersection of 61st Street and Fairfield Avenue, Valley Center, KS 67204.



Applicant's Reasons for Platting:

The current property owner is planning on selling this newly platted property to someone else after the platting process has been completed. The new landowner would be able to build one, single-family residence on this property. Along with the platting documents that can be found at the end of this staff report, there are also copies of filed restrictive covenants and easements that have been placed on this property. Any future development will be required to adhere to these covenants and easements.

Staff Comments:

The final replat has been reviewed by the City Staff Review Team, which has provided multiple comments/revisions that have been incorporated into the final replat documents. The final replat meets all the requirements listed in the required contents section (16.05.02) for final plats submitted to the City of Valley

Center for approval. Once the final replat is approved by the Planning and Zoning Board, it will go to City Council for final approval (tentatively) at the January 2, 2024 meeting. After this approval is granted, the final replat documents will be signed and filed with the Sedgwick County Register of Deeds Office. This property is currently zoned RR-1 (Suburban Residential District). As currently shown, this plat will create a total of one new parcel with no reserve areas.

A public notice was published in *The Ark Valley News*, along with letters sent to all property owners within 200 feet of the boundary of the proposed final replat property area. As of the date of this report, there have been two responses regarding this application and no one has submitted any protest against this proposed final replat.

Staff Recommendation:

City staff recommend approval of this final replat application.

North Riverview at Fairfield
an Addition to Valley Center,
Sedgwick County, Kansas

GOVERNING BODY CERTIFICATE:
State of Kansas)
County of Sedgwick) SS

The dedications shown on this plat, if any, are hereby accepted
by the Governing Body of the City of Valley Center, Kansas on this ____
day of _____, 20__.

Attest: _____ Mayor
Jet Truman
_____, City Clerk
Kristi Carrithers

CITY ATTORNEY'S CERTIFICATE
State of Kansas)
County of Sedgwick) SS
This plat approved to the provisions of K.S.A. 12-401.

Date Signed: _____
_____, City Attorney
Barry Arbuckle

COUNTY SURVEYOR'S CERTIFICATE:
State of Kansas)
County of Sedgwick) SS
Reviewed in accordance with K.S.A. 58-2005 on this
____ day of _____, 20__.

_____, Deputy County Surveyor
Sedgwick County, Kansas
Tricia L. Robello, P.S. #1246

TRANSFER RECORD:
Entered on transfer record this ____ day of ____
20__.

_____, County Clerk
Kelly B. Arnold

REGISTER OF DEEDS CERTIFICATE:
State of Kansas)
County of Sedgwick) SS
This is to certify that this instrument was filed for record
in the Register of Deeds Office, at ____ o'clock ____ M, on this ____ day
of _____, 20__.

_____, Register of Deeds
Tonya Buckingham
_____, Deputy
Kenly Zehring

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION:
State of Kansas)
County of Sedgwick) SS
We Brungardt, Honomichi and Company, P.A., in aforesaid county
and state do hereby certify that, under the supervision of the undersigned,
we have surveyed and platted "NORTH RIVERVIEW AT FAIRFIELD",
an Addition to Valley Center, Sedgwick County, Kansas and that the
accompanying plat is a true and correct exhibit of the property surveyed,
described as and being a replat of the South 288.10 feet of Lot 12 and
the South 288.10 feet of Lot F of Fairfield, Sedgwick County, Kansas
together with all of Vacated Fairfield Boulevard lying North of the
North line of 61st Street North and the North 30 feet of Vacated
61st Street lying West of the West line of Vacated Fairfield Boulevard
extended South.

Date: _____
Brian N. Savoy PS #917

OWNER'S CERTIFICATION AND DEDICATION:
State of Kansas)
County of Sedgwick) SS
This is to certify that the undersigned owner of the land
described in the Surveyor's Certificate; have caused the same to be
surveyed and subdivided on the accompanying plat into a Lot and Block
under the name of "NORTH RIVERVIEW AT FAIRFIELD", an Addition to Sedgwick
County, Kansas. The drainage and utility easements are hereby granted to
the public as indicated for drainage purposes and for the the construction and
maintenance of all public utilities. The Minimum Building Pad Elevations for the
lowest opening to the structures shall be as indicated on the face of the
plat.

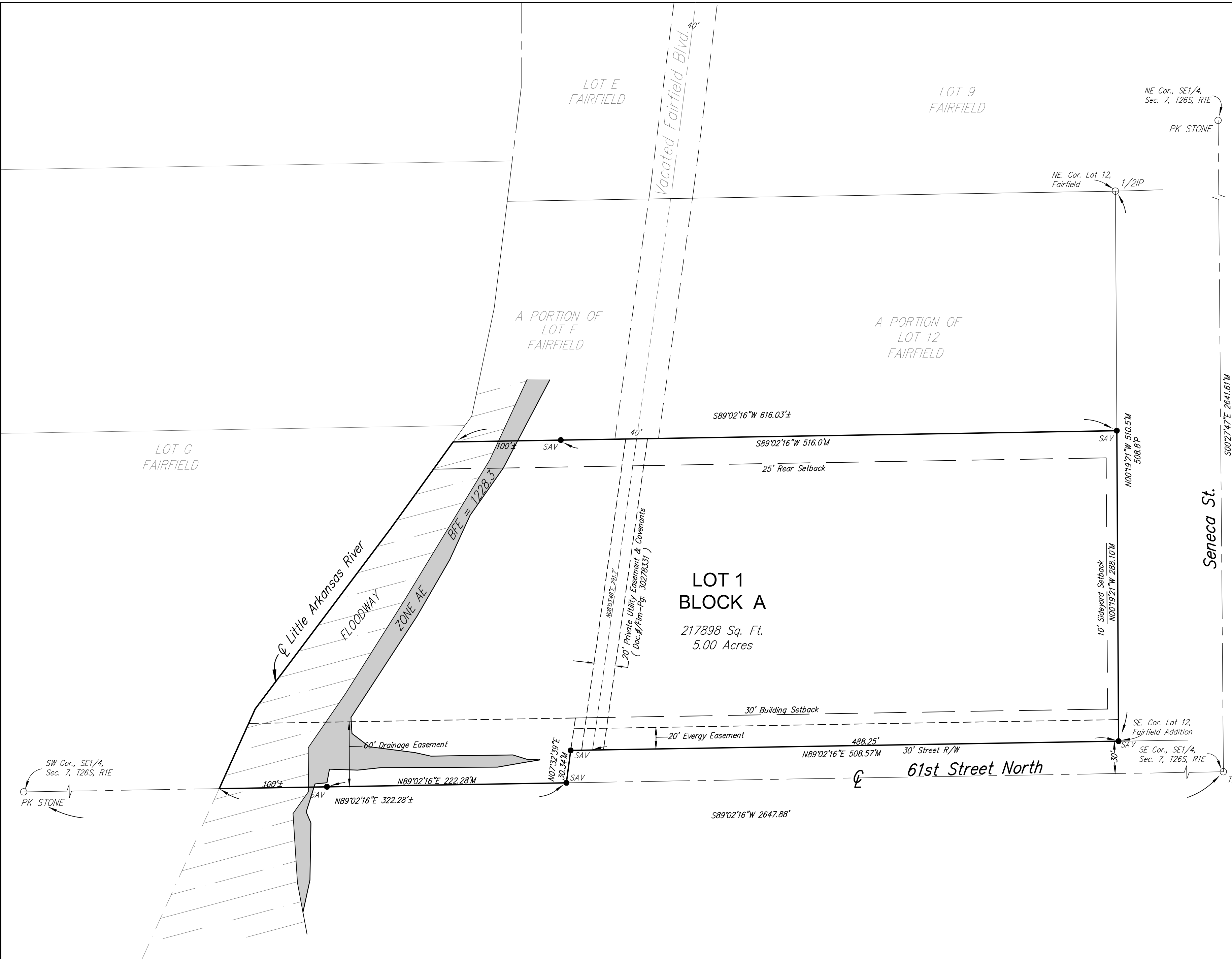
Date Signed: _____
_____, Owner
Steven L. Conway
_____, Owner
Kimberly A. Conway

NOTARY CERTIFICATE:
State of Kansas)
County of Sedgwick) SS
The foregoing instrument acknowledged before me, this
____ day of _____ 20__, by Steven L. Conway
and Kimberly A. Conway.

My App't. Exp _____
_____, Notary Public

PLANNING AND ZONING BOARD CERTIFICATE:
State of Kansas)
City of Valley Center) SS
This plat was approved by the Valley Center City Planning
Commission on this ____ day of _____, 20__.

Date Signed: _____
_____, Chairperson
Gary Janzen
Attest: _____, Secretary
Ryan Shrack

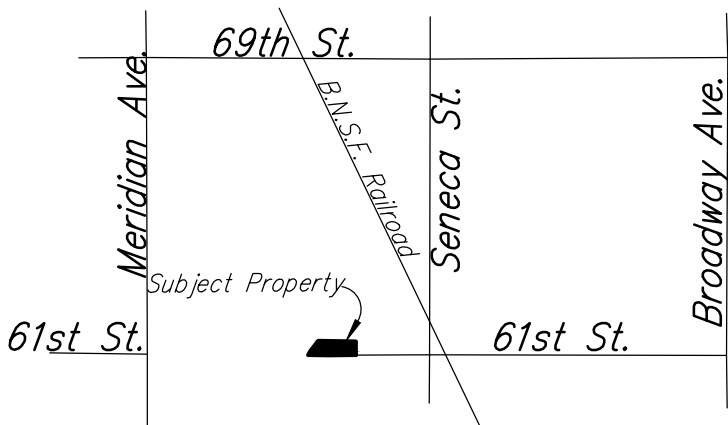
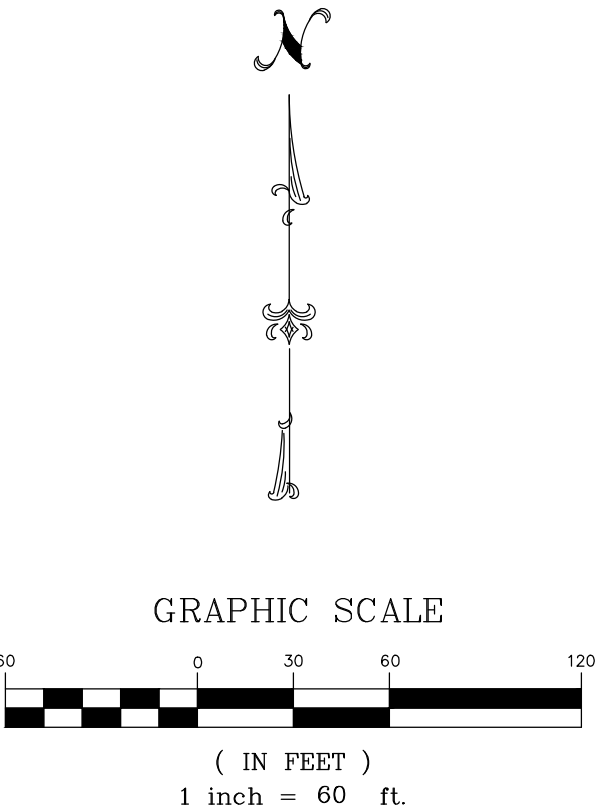


Benchmark:
Top of 1/2" Iron Pipe
14' E. & 1' N. of Power Pole
near Drive Entrance
Elevation=1333.58
NAVD88 Datum

Minimum Pad Elevation = 1330.3 NAVD88 Datum

SURVEY MARKER LEGEND
M = Measured
P = Plotted

- PK STONE PK NAIL IN STONE (FOUND ORIGIN UNKNOWN)
- 1/2" IP 1/2" IRON PIPE (FOUND ORIGIN UNKNOWN)
- 1/2" R 1/2" REBAR (FOUND ORIGIN UNKNOWN)
- 1/2" R IN CONC 1/2" REBAR IN CONCRETE BLOCK (FOUND ORIGIN UNKNOWN)
- 5/8" R 5/8" REBAR (FOUND ORIGIN UNKNOWN)
- TH 1/2" IRON PIPE IN THIMBLE (FOUND ORIGIN UNKNOWN)
- SAV 1/2" REBAR W/SAVOY CAP (SET)
- ⊕ TELE. PED TELEPHONE PEDESTAL
- ← GUY ANCHOR
- G.V. GAS VALVE
- POWER POLE
- W.M. WATER METER



VICINITY MAP
Sec. 7, T26S, R1E

PROJECT NO. 040500.00.01

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
433 S. Hydraulic, Wichita, KS 67211
Phone: (316) 265-0005
BHC is a trademark of Brungardt, Honomichi & Company, P.A.

North Riverview at Fairfield
an Addition to Valley Center,
Sedgwick County, Kansas

GOVERNING BODY CERTIFICATE:
State of Kansas)
County of Sedgwick) SS

The dedications shown on this plat, if any, are hereby accepted
by the Governing Body of the City of Valley Center, Kansas on this ____
day of _____, 20__.

Attest: _____ Mayor
Jet Truman
_____, City Clerk
Kristi Carrithers

CITY ATTORNEY'S CERTIFICATE:
State of Kansas)
County of Sedgwick) SS
This plat approved to the provisions of K.S.A. 12-401.

Date Signed: _____
_____, City Attorney
Barry Arbuckle

COUNTY SURVEYOR'S CERTIFICATE:
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County of Sedgwick) SS
Reviewed in accordance with K.S.A. 58-2005 on this
____ day of _____, 20__.

_____, Deputy County Surveyor
Sedgwick County, Kansas
Tricia L. Robello, P.S. #1246

TRANSFER RECORD:
Entered on transfer record this ____ day of ____
20__.

_____, County Clerk
Kelly B. Arnold

REGISTER OF DEEDS CERTIFICATE:
State of Kansas)
County of Sedgwick) SS
This is to certify that this instrument was filed for record
in the Register of Deeds Office, at ____ o'clock ____ M, on this ____ day
of _____, 20__.

_____, Register of Deeds
Tonya Buckingham
_____, Deputy
Kenly Zehring

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County of Sedgwick) SS
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and state do hereby certify that, under the supervision of the undersigned,
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an Addition to Valley Center, Sedgwick County, Kansas and that the
accompanying plat is a true and correct exhibit of the property surveyed,
described as and being a replat of the South 288.10 feet of Lot 12 and
the South 288.10 feet of Lot F of Fairfield, Sedgwick County, Kansas
together with all of Vacated Fairfield Boulevard lying North of the
North line of 61st Street North and the North 30 feet of Vacated
61st Street lying West of the West line of Vacated Fairfield Boulevard
extended South.

Date: _____
Brian N. Savoy PS #917

OWNER'S CERTIFICATION AND DEDICATION:
State of Kansas)
County of Sedgwick) SS
This is to certify that the undersigned owner of the land
described in the Surveyor's Certificate; have caused the same to be
surveyed and subdivided on the accompanying plat into a Lot and Block
under the name of "NORTH RIVERVIEW AT FAIRFIELD", an Addition to Sedgwick
County, Kansas. The drainage and utility easements are hereby granted to
the public as indicated for drainage purposes and for the the construction and
maintenance of all public utilities. The Minimum Building Pad Elevations for the
lowest opening to the structures shall be as indicated on the face of the
plat.

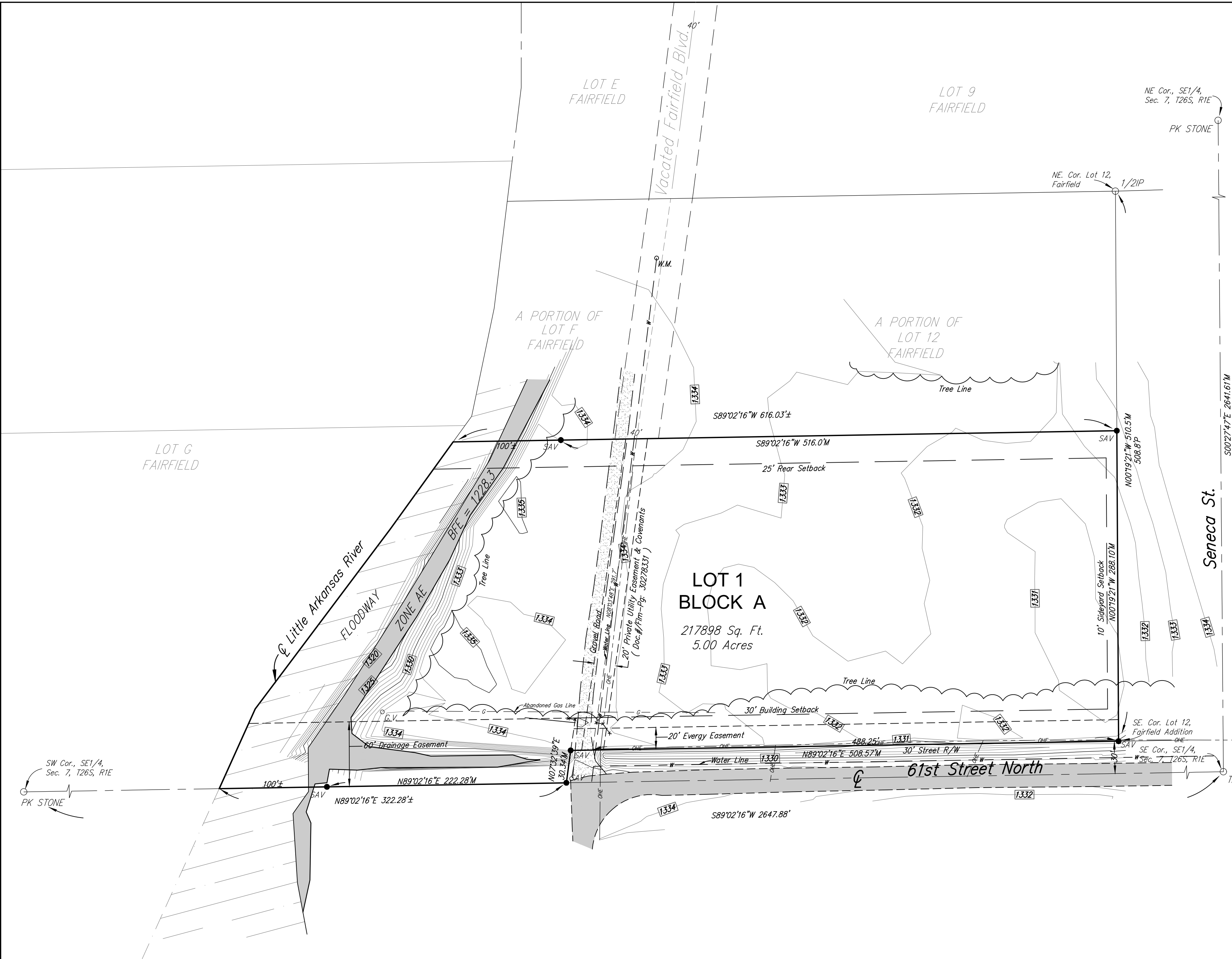
Date Signed: _____
_____, Owner
Steven L. Conway
_____, Owner
Kimberly A. Conway

NOTARY CERTIFICATE:
State of Kansas)
County of Sedgwick) SS
The foregoing instrument acknowledged before me, this
____ day of _____ 20__, by Steven L. Conway
and Kimberly A. Conway.

My App't. Exp _____
_____, Notary Public

PLANNING AND ZONING BOARD CERTIFICATE:
State of Kansas)
City of Valley Center) SS
This plat was approved by the Valley Center City Planning
Commission on this ____ day of _____, 20__.

Date Signed: _____
_____, Chairperson
Gary Janzen
Attest: _____, Secretary
Ryan Shrack

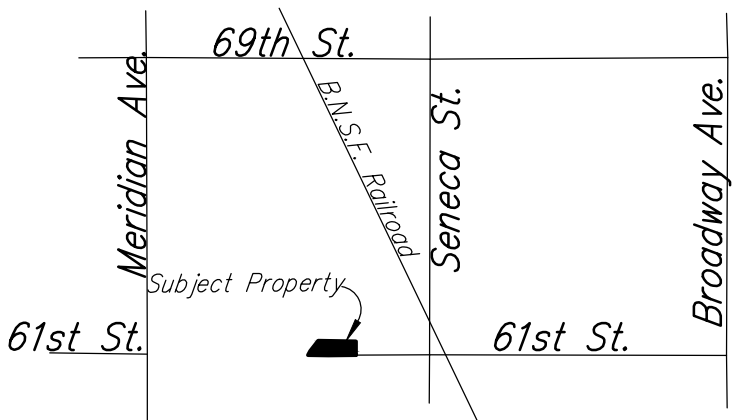
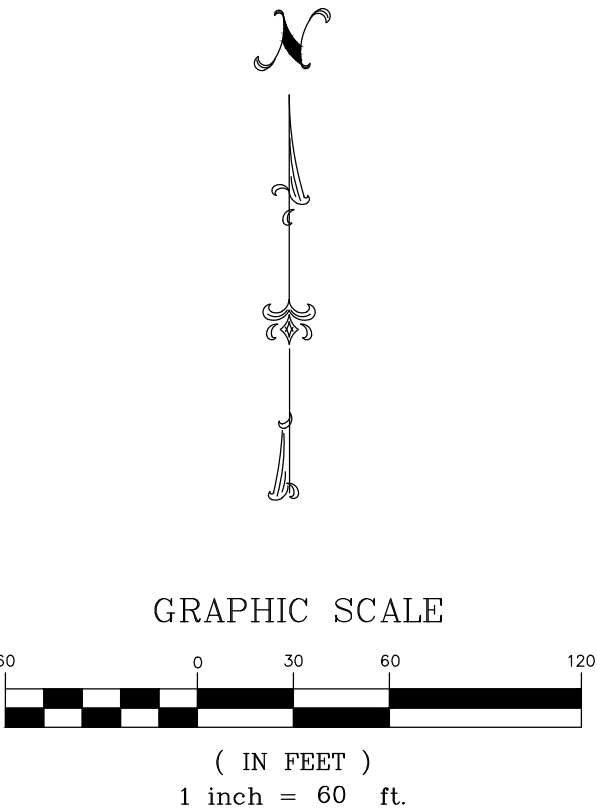


Benchmark:
Top of 1/2" Iron Pipe
14' E. & 1' N. of Power Pole
near Drive Entrance
Elevation=1333.58
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- 1/2" IP 1/2" IRON PIPE (FOUND ORIGIN UNKNOWN)
- 1/2" R 1/2" REBAR (FOUND ORIGIN UNKNOWN)
- 1/2" R IN CONC 1/2" REBAR IN CONCRETE BLOCK (FOUND ORIGIN UNKNOWN)
- 5/8" R 5/8" REBAR (FOUND ORIGIN UNKNOWN)
- TH 1/2" IRON PIPE IN THIMBLE (FOUND ORIGIN UNKNOWN)
- SAV 1/2" REBAR W/SAVOY CAP (SET)
- TELE. PED TELEPHONE PEDESTAL
- ← GUY ANCHOR
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- POWER POLE
- W.M. WATER METER



VICINITY MAP
Sec. 7, T26S, R1E

PROJECT NO. 040500.00.01

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
433 S. Hydraulic, Wichita, KS 67211
Phone: (316) 265-0005
BHC is a trademark of Brungardt, Honomichi & Company, P.A.



AGREEMENT FOR UTILITIES AND COVENANTS

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED

Steven L Conway & Kimberly A Conway, is the owner of the following described real property:

All of Lots 9, 12, E, and F and vacated adjacent Fairfield Boulevard right-of-way, all in the plat of Fairfield, an addition to Sedgwick County, Kansas

THIS EASEMENT AGREEMENT FOR UTILITIES AND COVENANTS is made and entered into on this 30 day of November, 2023, by and between Steven L Conway & Kimberly A Conway ("Grantor") for the benefit of the landowners ("Grantee") and their successors and assigns of the said Lots and vacated right-of-way, existing and in consideration of the portions of property receiving plat approval from the appropriate governmental authorities.

WHEREAS, Grantor owns the real property described on Exhibit "A" attached hereto; and

WHEREAS, Grantor acknowledges there are existing private utility services, utility poles and power lines within the real property described on Exhibit "A" ("Easement") attached hereto that shall remain; and

WHEREAS, Grantor desires to create a Private Utility Easement to ensure utility service is maintained and accessible to all lots, existing and future that lie within said lots and vacated right of way.

WHEREAS, Grantor desires to establish a Restrictive Covenant over and across any portions of said Lot 12 and Lot F.

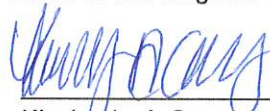
NOW THEREFORE: for and in consideration of the mutual promises, covenants and agreements set forth herein, the parties agree as follows:

1. Grant of Easement. The Grantor does hereby grant, convey, and transfer unto the Grantee(s), their heirs, or successors and assigns, a permanent Private Utility Easement for utility companies to install, operate, maintain, protect, repair, relocate, upgrade, replace, and remove their utility service lines, poles and appurtenances thereto for the purpose of serving said lots. As the Grantee(s) may from time to time require upon, across, over, above, under, and within the Easement.
 - a. Easement Rights and Restrictions. For purposes of clarification, this Agreement does not constitute a conveyance of the Property, nor of the minerals therein and thereunder, but grants only an Easement subject to the following:
 - i. Grantee(s) and utility companies serving said Lots 12 and F may access the Easement Tract from adjoining 61st Street Right-of-way only for the aforementioned purposes.

- ii. No structures, footings, or foundations shall be constructed within the Easement. Any fence or other obstructions situated over, across, above, under and within the Easement shall be removed, relocated, and/or replaced at owners expense if deemed necessary for enjoyment of Grantee(s) rights established herein.
 - iii. It will be the landowners responsibility to maintain any vegetation within or adjacent to the Easement to ensure proper operation and maintenance of the utilities occupying the easement. No trees shall be planted within the easement.
2. Restrictive Covenant. The Grantor does hereby establish a restrictive covenant on the development over and across any portion of said Lots 12 and F, restricting the use of said lands to those Permitted Uses allowed in the City of Valley Center RR-1 Suburban Residential District, with the proviso that no use, placement, and/or construction of manufactured housing be allowed, and that modular homes will only be permitted if placed on a permanent foundation. It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land. The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the entirety of ownership(s) of said Lots 9,12, E, F and adjacent vacated Fairfield Boulevard right-of-way. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.



 Steven L Conway

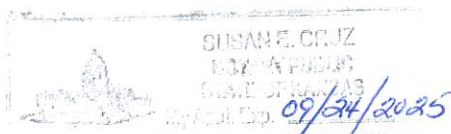


 Kimberly A Conway

STATE OF KANSAS)
)
 COUNTY OF SEDGWICK) SS

BE IT REMEMBERED, that on this 30 day of Nov, 202 3 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Steven L Conway & Kimberly A Conway, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.





 Notary Public

SEAL

(My Commission Expires: 09/24/2025)



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30278332

Receipt #: 2406288
Pages Recorded: 2

Recording Fee: \$38.00

Cashier: vbunch
Authorized By: *Tonya Buckingham*
Date Recorded: 11/30/2023 04:14:57 PM


RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED

Steven L Conway & Kimberly A Conway, is the owner of the following described real property:

Parcel 1:

All of Lot 9, Fairfield an addition to Sedgwick County, KS; together with the east half of vacated Fairfield Boulevard right-of-way adjacent on the west.

Parcel 2:

All of Lot E, Fairfield an addition to Sedgwick County, KS; together with the west half of vacated Fairfield Boulevard right-of-way adjacent on the east.

Parcel 3:

Lot 12, Fairfield an addition to Sedgwick County, KS except the south 288.10 feet thereof; together with the east half of vacated Fairfield Boulevard right-of-way adjacent on the west.

Parcel 4:

Lot F, Fairfield an addition to Sedgwick County, KS except the south 288.10 feet thereof; together with the west half of vacated Fairfield Boulevard right-of-way adjacent on the east.


NOW THEREFORE, in consideration of the south 288.10 feet of Lot 12 and F of said Fairfield together with adjacent vacated Fairfield Boulevard and 61st St right-of ways receiving plat approval from the appropriate governmental authorities, the undersigned agrees and covenants that the aforementioned lot(s) shall be retained, held and bound together in order to assure access and utilities to all lots.

It is understood that this covenant shall be binding upon the undersigned, their heirs, or successors and assigns and is a covenant running with the land until such time the property is replatted.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Valley Center. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

November 30 2023

EXECUTED the day and year first written above by


Steven L Conway


Kimberly A Conway

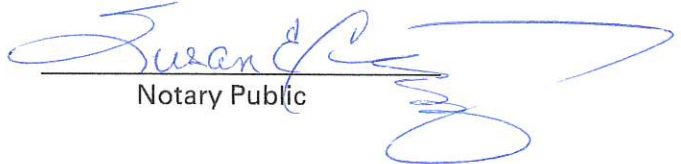
STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 30 day of Nov, 2023 before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, STEVEN L. Conway & Kimberly A. Conway, who is personally known to me to be the same person who executed the within instrument of writing and such persons duly acknowledged the execution of the same, for and on behalf of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



SEAL


Notary Public

(My Commission Expires: 09/24/2025)



Date: December 14, 2023

Present Zoning: A-1 (Agricultural District)

Proposed Special Use: Commercial Development of Natural Resources and Extraction of Raw Materials

Special Use Application Case Number: SU-2023-01

Applicant: David Leeker, Leeker Real Estate Partnership, LP, and Steven and Sherryl Simon

Property Address: Currently unaddressed, but located southeast of the intersection of Ridge Road and 85th St. (in between 85th St. and 77th St.), Valley Center, KS 67147 (outlined in red below)



Applicants' Reasons for Special Use Application: The applicants are requesting approval of the special use application to allow for the subject property to be utilized as a sand pit. Mineral extraction is classified as a special use in A-1 (Agricultural District) zoned property within the City of Valley Center, Kansas. The future sand pit will be operated by Central Sand Company, LLC and supporting documentation has been submitted by the applicants' agent, Phil Meyer with Baughman Co., which is attached to this staff report. The proposed operational plan shows that the sand pit will be developed in two phases. The first phase encompasses the southern half of the subject property and would be completed in 10-15 years. The actual plant site and rock crushing/recycling area would be built in the southwest area of the subject property. The second phase takes in the northern half of the subject property and would be completed in roughly 15 years. The special use application is required to be reviewed by both the Planning and Zoning Board and City Council.

Review Criteria for a Zoning Amendment/Special Use per 17.11.01.H (*criteria in italics*)

1. *What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?*

The subject property is currently used for agricultural purposes. This property is located in a primarily rural residential area, with single-family houses, farms, and agricultural fields. There are both paved and gravel roads in the surrounding area. An existing sand pit operation is located approximately one-half mile west of the subject property.

2. *What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?*

The current zoning of the subject property is A-1 (Agricultural District). The surrounding zoning and land uses are as follows:

- North: RR (Sedgwick Co. jurisdiction, Rural Residential District)
- South: RR (Sedgwick Co. jurisdiction, Rural Residential District)
- East: RR (Sedgwick Co. jurisdiction, Rural Residential District)
- West: RR (Sedgwick Co. jurisdiction, Rural Residential District)/GC (Sedgwick Co. jurisdiction, General Commercial District)

3. *Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?*

No

4. *Would the request correct an error in the application of these regulations?*

No

5. *Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?*

The special use request is the direct result of the applicants' plan to construct a mineral extraction operation on the subject property. The Central Sand Company is looking for new sources of sand as existing sand pit operations in the surrounding area are coming to an end of their useful lifespan. The subject property for this special use application has been identified as an area in which sand can be viably extracted.

6. *Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?*

Currently, public water and sewer services are not available to the subject property. Street access does exist to the area. Public water and sewer services would not be required as part of the proposed mineral extraction operation. The operational site plan (attached to this staff report) shows one access point off Ridge Road into the proposed sand pit operation. As part of this access, a turning lane (decel lane) is shown along Ridge Road, which will help with the proposed truck traffic that will take place in conjunction with the sand pit operation. According to Mr. Meyer with Baughman, the anticipated daily truck traffic will be between 150 and 200 trucks depending upon the season and economy.

7. *Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?*

No

8. *Would a screening plan be necessary for existing and/or potential uses of the subject property?*

A screening plan is included on the site plans attached to this email. A 6'- 8' high earthen berm, 24'- 32' in width, will be constructed around the entire perimeter of the subject property. Native grasses 3'- 4' in height will be planted on the berms once they are built. City staff feel that this will adequately screen the sand pit operation from view of the surrounding property owners. The berms will also significantly help mitigate dust and noise associated with the sand pit operation.

9. *Is there suitable vacant land or buildings available or not available for development that currently has the same zoning?*

The extraction of minerals, including sand, must take place where the resources exist. The subject property has been identified as an area that contains available sand and could be extracted by professional excavating companies. The subject property recently went through the rezoning process to become A-1 zoned land. No other A-1 zoned land has been identified as suitable for a sand pit operation.

10. *If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?*

The special use application, if approved, will allow for the construction of a new sand pit. This new sand pit would provide a new source of this material that is needed in the local/regional construction industry and, possibly, provide new employment opportunities to the surrounding area. In conjunction with the sand pit operation, a rock crusher will be brought on-site approximately 6-8 times per year (used in one-week increments). It will be used to crush rock brought from off-site locations, but will not further increase truck traffic as the materials that are brought on-site will be delivered by trucks that are awaiting loads of sand. Mr. Meyer has indicated that an average of 6-8 employees will work on-site during the operation.

11. *Is the subject property suitable for the uses in the current zoning to which it has been restricted?*

In its current zoning of A-1, the subject property has the following permitted uses:

- Single-family detached dwellings, modulars, and residential-design manufactured homes
- Religious Institution
- Wind Energy Conversion Systems (subject to approval by the City's Board of Zoning Appeals)
- Golf courses, including accessory clubhouses, but not driving ranges and miniature golf courses operated for commercial purposes

The property is currently used for agricultural purposes, which align with its zoning classification of A-1 designation. Under the A-1 zoning district code, the proposed sand pit and rock crushing operation are classified as a special use, which means that this use can take place with approval from the Planning and Zoning Board and City Council.

12. *To what extent would the removal of the restrictions, i.e., the approval of the special use request detrimentally affect other property in the neighborhood?*

The special use request should not have a significantly detrimental impact on the surrounding neighborhood properties. As documented on the attached operational site plans and letter from Mr. Meyer, the following major issues have all been addressed:

- **Traffic:** A turning (deceleration) lane will be added south of the entrance to the sand pit operation along Ridge Road. This turning lane will help with the increased truck traffic on Ridge Road. With only one entrance to the sand pit operation (on Ridge Road), there should be no increased traffic on 77th Street or 63rd Street. Based on the routes used by the trucks, traffic may increase on 85th Street, but there will be no access to the sand pit operation off of this street, which is paved and in good condition to handle additional truck traffic.
- **Noise/Dust:** As discussed previously in this report, a 6'- 8' high earthen berm, 24'- 32' in width, will be constructed around the entire perimeter of the subject property. Native grasses 3'- 4' in height will be planted on the berms once they are built. The berm will significantly reduce noise and dust pollution in the surrounding neighborhood. As indicated in Mr. Meyer's letter, there will be an on-site water truck that will be utilized for dust mitigation on the vehicular access route located on the west side of the subject property. It will be used whenever necessary to prevent dust from leaving the operation site. In Mr. Meyer's letter, he also indicated that the sound level of the sand pit and rock crushing operations will remain below 85 decibels as required by the Mine Safety and Health Administration (MSHA). In researching this decibel level, according to the United States Centers for Disease Control, the following sounds/noises are around the same level:
 - Normal conversation or air conditioner: 60 decibels
 - Washing machine or dishwasher: 70 decibels
 - City traffic (inside the car): 80-85 decibels
 - Gas-powered lawn mowers and leaf blowers: 80-85 decibels

Along with the berm, it should be noted that the original conditional use application (submitted to Sedgwick County) showed the edge of the sand pit operation as being closer to the property line than what is now shown on the site plan. The edge of the actual extraction operation has been moved from 100 feet from the property line to 350 feet. This will also help significantly reduce noise and dust pollution in the surrounding neighborhood.

- **Groundwater Contamination:** As noted in Mr. Meyer's letter, the proposed sand pit is estimated to be 35'- 50' deep. The sand pit will be self-contained and no runoff within the site will be allowed to leave the site. If the special use application is approved, permits from the Groundwater Management District, Kansas Department of Health and Environment, and any other agency charged with managing groundwater resources will have to be obtained prior to the commencement of the sand pit operations. During previous discussions, along with written protests received from surrounding property owners, there is a fear that residents' water wells will no longer be viable and residents will lose access to safe drinking water. City staff contacted the Sedgwick County Metropolitan Area Building and Construction Department and spoke with Kelly Dixon, who serves as the Codes and Floodplain Technician. Mr. Dixon was asked if he was aware of any wells going bad on property adjacent to existing sand pit operations in Sedgwick County due to groundwater contamination. Mr. Dixon's response was that he was unaware of any wells going bad on land adjacent to existing sand pit operations due to groundwater contamination in the county.
- **Decline in Property Values:** Another common issue that has been heard during the review of this application is that the property values in the surrounding neighborhood will decline if the sand pit is approved. City staff researched other residential properties adjacent to existing sand pit operations in Sedgwick County and found that property values do **not** decrease for residential properties adjacent to sand pits. This report is attached to the end of this staff report. Property valuation numbers referenced in this report come from Sedgwick County tax records.

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

Yes, the commercial development of natural resources and extraction of raw materials is an allowed special use under the City of Valley Center zoning code section for A-1 zoned property. This type of use is only allowed as a special use on A-1 zoned land. It is not allowed under any other zoning district. The proposed sand pit operation will be sufficiently screened from the surrounding rural neighborhood.

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

The subject property, along with a larger surrounding area, was added to the City's designated Urban Growth Area/Area of Influence with Sedgwick County and the Future Land Use Map (part of the City's adopted Comprehensive Plan) in 2020. The recent annexation of the subject property into Valley Center shows that the City is growing in this area and desires to see it developed.

15. What is the nature of the support or opposition of the request?

- City staff support this special use request. As noted in the development site plan, once the sand pit operation has finished its work, the subject property will be developed into a new residential subdivision with the City of Valley Center. The proposed development includes a 173-acre pond and 280 single-family lots. Included in this proposed development are also two municipal water wells. The City is interested in acquiring the water rights on this subject property. Doing so will greatly increase the available water the City has access to, which will help with future growth and sustainability. The standard public notice was published in *The Ark Valley News* and notices were sent out to surrounding property owners within 1,000 feet of the subject property. Multiple responses have been received as of the date of this report and all, but one, were opposed to this special use request. As of the date of this staff report, multiple written responses have been received and are attached to this staff report.
- Other public comments in support or opposition will not be known until the public hearing. All written responses received after the agenda packet is officially published will be given to each member of the Planning and Zoning Board prior to the start of the December 21, 2023 board meeting.

16. Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?

No

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?

No, the relative gain to the public health, safety, and general welfare does not outweigh the loss in value or the hardship imposed upon the applicant by not approving this special use request. As documented throughout this staff report, as well as the supporting documentation submitted by the applicants' agent, the proposed sand pit operation represents a substantial economic investment. It will also provide a new source of sand to be utilized by the burgeoning regional construction industry. Significant actions will be taken to mitigate any potential public health and safety concerns associated with the proposed sand pit operation.

City staff recommend approval of this special use application.

Written Responses

Ryan Shrack

From: Ruth Herman <rudiherman@myyahoo.com>
Sent: Friday, November 10, 2023 12:38 PM
To: Ryan Shrack
Cc: rudiherman@myyahoo.com
Subject: Subject: Potential Rezoning/File No. SU-2013-01

Consider this email your formal notice that as an adjacent landowner of this special use application, I strongly and vehemently protest approval of this application.

My objections go beyond the aesthetics and degradation of the property but also the more practical aspects of the dangerous impact it will have on the traffic on Ridge Road. Having lived here some 13 plus years, I can attest to the inadequacy of the road with the current flow of traffic, citing numerous accidents involving not only dogs, cats and horses but several near misses with head-on collisions, including one just this morning. The road is too narrow and the ditches too steep to accommodate any added traffic.

Please make my concern known to the Planning and Zoning Board for review at the upcoming November 28 meeting.

Respectfully,

Ruth Ann Herman
Property Owner
8325 N. Ridge Road
Valley Center, Kansas 67147

Ryan Shrack

From: Beckie Brenn <beckiebrenn@gmail.com>
Sent: Sunday, November 12, 2023 8:00 PM
To: Ryan Shrack
Subject: Leeker/Simon Special Use Application

Please be advised that we, Rebecca Lynn Brenn and Jeanette Elaine Brenn, wish to convey through this email our protest of the above-referenced special use application. We believe that commercial development of natural resources and extraction of raw materials for land located east of our property, 8443 N. Ridge Road, will not benefit and will instead be detrimental to the numerous landowners in the area which will be directly affected by granting the application. Please do not accept the special use application. Thank you.

Ryan Shrack

From: Tobie Lang <prairieskeeter1@gmail.com>
Sent: Monday, December 4, 2023 8:11 PM
To: Ryan Shrack
Subject: Re: File No. SU-2023-01

On Mon, Dec 4, 2023, 20:08 Tobie Lang <prairieskeeter1@gmail.com> wrote:

Ryan,

I am contacting you about my protest of the property around my home at Ridge Rd and 85th Street.

I oppose the possibility of turning the property into commercial development of natural resources and extraction of raw materials.

I've lived here 19yrs and do not want this anywhere around. We went through the same thing years ago and won.

I oppose this project for several reasons. The traffic on Ridge Rd is super busy as is. To place this development at 85th and Ridge is a dangerous area. There are several wrecks there every year. To place more sand trucks will cost the county to update Ridge Rd. There are several sand trucks that pull out in front of traffic now on Ridge Rd. The health of me and my neighbors is a bigger concern. I am a sensitive asthmatic. I will not be able to live near the toxic dust that will be pouring into my home. This construction plant will have a negative effect on the cost of my home. It will drive down the price of my home. I moved here 19yrs ago to be away from town and noise. If this passes I will no longer have my peace and quiet. I will not be able to have my windows open on nice days. My health is a huge concern!

I invite David Leeker and Steven and Sherryl Simon to live next to this commercial development to see if they like the noise, dust, lights and increased traffic that it would absolutely bring to this area. To deal with this issue again is sad. It was already rejected once and it should be rejected again.

It comes down to money and greed. They have the money to make my life a living hell. They have the greed to not care about the people that live here.

Sincerely,
Tobie Lang
8728 Ross St.

Ryan Shrack

From: DARREN COOPER <cdarren311@phoenixedu.onmicrosoft.com>
Sent: Friday, December 8, 2023 2:09 AM
To: Ryan Shrack
Cc: Darren Cooper (cdarren312@gmail.com)
Subject: Protest Against the Proposed Sandpit Construction

Darren Lynn Cooper
8301 N. Ridge Road
Valley Center, KS 67147

December 8, 2023

Valley Center City Council

121 S. Meridian Ave.

Valley Center, KS 67147

File No. SU-2023-01

Subject: Protest Against the Proposed Sandpit Construction

Dear Members of the Valley Center City Council,

Ryan Shrack

I am writing to let you know my vehement opposition to the proposed construction of a sandpit near my 8301 N. Ridge Road residence and the recent decision to transfer zoning authority over this property from Sedgwick County to the City of Valley Center.

First and foremost, I question the necessity of zoning this sandpit within the city limits, especially considering that it will not be integrated into the city's infrastructure for many decades. The annexation of this sandpit serves no other purpose than facilitating a lucrative venture for a sand company at the expense of residents like myself.

The negative impacts of such a development cannot be overstated. Introducing dust, noise pollution, and heavy traffic from large, fast-moving trucks and hurried truck drivers will significantly degrade our neighborhood's quality of life. Moreover, there is a legitimate concern about the potential contamination of our groundwater, a resource that is vital to our community and the environment.

(continued on next page)

Furthermore, this decision appears to be a classic case of collusion between millionaire property owners and city officials, prioritizing corporate profits over the welfare and concerns of long-standing families in the area. As a resident of this community since 1998, along with my neighbors, who have also called this place home for decades, I find this decision disappointing and profoundly distressing.

The City Council must reconsider this decision and prioritize the voices and concerns of residents over corporate profit. We, the people and long-standing residents, deserve to live in a safe, healthy, and peaceful environment free from the detrimental effects of such industrial activities.

I would like you to seriously consider our concerns and revoke the decision to transfer the zoning authority just to approve the construction of the sandpit. Let us work together towards a future that respects the environment and the well-being of the residents of this community.

Thank you for your attention to this matter. I look forward to hearing back from you and hope for a positive resolution that reflects the community's best interests.

Sincerely,

Darren Lynn Cooper

cdarren311@email.phoenix.edu

(316) 305-8937

From: DARREN COOPER <cdarren311@phoenixedu.onmicrosoft.com>
Sent: Saturday, December 9, 2023 10:05 AM
To: Ryan Shrack
Subject: Re: Protest Against the Proposed Sandpit Construction

Appeal for Adoption of Community Concerns Regarding the Protest Against the Proposed Sandpit Construction

Esteemed Members of the City Council of Valley Center,

Dear Ryan Shrack,

I hope you're doing well. I am just contacting you again to bring additional significant viewpoints from our community regarding the proposed sandpit project to your attention. These letters contain valuable insights that should be thoroughly reviewed and considered during the upcoming discussions at the meeting.

First and foremost, it is crucial to acknowledge that our community consists of hardworking individuals from diverse backgrounds, including welders, truck drivers, and city workers. We are not and should not need to be trained lawyers skilled in effective communication; many have retired after dedicating their lives to laborious work. Our expertise lies in different fields, and we do not possess proficiency in navigating legal complexities.

Our primary concern revolves around the substantial negative impact we anticipate the proposed sandpit will have on property values and our area's overall quality of life. The sand company, which offers a lease agreement to landowners for the sandpit, does not share our commitment to the community. Their focus appears to be solely on maximizing profits, often at the expense of our well-being.

For instance, their attorneys initially attempted to obtain permission through Sedgwick County. When faced with obstacles there, they shifted their efforts to seek approval from the city of Valley Center. This strategic maneuvering demonstrates their intent to manipulate the system for their benefit, prioritizing their interests over those of the residents and the environment. This pattern is concerning, as it suggests that the city council may be favoring corporate profits and wealthy investors over the needs of the community residents.

Given these circumstances, we must unite to oppose this proposal. By joining forces, we can protect our property values, preserve our quality of life, and ensure our collective voice is heard and respected.

(continued on next page)

Thank you for your attention to this matter, and I eagerly anticipate the opportunity to work together to safeguard our community.

Best regards,

Darren Lynn Cooper

cdarren311@email.phoenix.edu

(316) 305-8937

Ryan Shrack

From: SHEILA WARREN <swarren26@cox.net>
Sent: Saturday, December 9, 2023 11:12 AM
To: Ryan Shrack
Subject: RE: Proposed special use application

Dear Mr. Shrack,

I strongly oppose the special use application for the purpose of creating a sand mining and rock crushing operation. There is a reason this operation has been denied multiple times by Sedgwick County. It is totally inappropriate to put this type of operation in the middle of an established residential area. The adverse effects on the environment, ground water and quality of life of the current residents far outweigh the benefits to the sand mining company and the city of Valley Center. I hope the Planning and Zoning board members will take the concerns of the residents as well as the recommendations from the Sedgwick County Planning Commission into the decision and deny this special use application.

Thank you for your consideration in this matter.

Sheila Warren
6030 W 85th St N

Brittney Ortega

From: Sara Pound <sara.pound@usd262.net>
Sent: Tuesday, December 12, 2023 1:21 PM
To: Brittney Ortega
Subject: Re: [External] P2B CONTACT REQUEST

Thank you, Brittney.

My name is Sara Pound. I am reaching out to the board in concern for the proposed sand pit at 85th & Ridge.

My home is at 8846 N. Ridge. We are just a few hundred feet outside of the 1000 ft radius that was allowed to sign the protest petition. Since my house is ineligible to sign the petition, I am reaching out to you directly to express my opposition to the proposed sand pit.

Our neighborhood is not part of the city limits of Valley Center leaving us unable to have a voice in many of the decisions of the city, yet we pay taxes to support those decisions. So it feels as though the city sees us as money-makers as opposed to people who just want to be taken into consideration when huge decisions directly affect our health, finances and quality of life.

List of Concerns:

1. **Water.** My home and all homes near the proposed location use groundwater wells for our water. We do not have access to city water. The sandpit will expose our water to possible contaminants from the rock crushing facility. We don't have access to a water treatment facility to remove those from our water. We would have no choice but to consume contaminants. Legal action in a north Wichita neighborhood over contaminated groundwater from a chemical spill 30+ years ago is being taken due to elevated incidences of liver cancer in that area. The risk to health is not always immediate. Years of being exposed to contaminants and toxins can cause serious health issues years down the road as evidenced in that Wichita neighborhood. Please take into consideration the possible long-term health effects of the sandpit on our water.

2. **Water Continued.** Will the sandpit have a drastic effect on the amount of ground water available to us? Will the sandpit drain dramatically lower the aquifer leaving less water for the homes surrounding the land?

3. **Air quality.** Sandpits and rock crushers will put dust into the air. Kansas is a windy place. The wind will blow sand and rock dust not just over the 1000 ft radius, but east over the city of Valley Center as well. Dust in the air can cause respiratory problems as well damage to homes and cars. Again, similar to the water concerns. Please consider the health repercussions of building a sandpit for those who live near and in the city of Valley Center.

4. **Noise pollution.** According to the Valley Center Municipal Code 9.42.020 J: "Noise pollution" means the presence of noise, whether from a single source or from multiple sources, the intensity, loudness or character of which is, or may be predicted with reasonable certainty to be, injurious to human health or which unreasonably interferes with the quiet enjoyment of property or with any lawful business or activity. Noise at sound pressure levels exceeding those permitted in any zone pursuant to this chapter are conclusively presumed to constitute noise pollution."

A facility that is mining raw materials and crushing rock with heavy machinery will create a lot of noise. The noise will cause disruptions in the "quiet enjoyment" of our properties. Will this ordinance be imposed on this facility?

(continued on next page)

5. **Traffic.** Heavy trucks and machinery will put a lot of wear and tear on our roads. Roads that Valley Center doesn't even have the legal ability to repair. The county turned down this sandpit once. Road repair was one of the many reasons they turned this pit down. The county clearly doesn't want to use their resources to repair the damage to the roads due to this sandpit.

The quality of the roads will make them difficult to drive on. School buses will be forced to share the roads with heavy trucks and traverse over the damaged roads from the sandpit endangering lives.

The intersection of 85th & Ridge is a dangerous intersection now as it is. Adding the sandpit with heavy machinery and trucks will not make the intersection any safer. Accidents will happen and lives could be lost.

6. **Jobs.** Will this facility even bring jobs to the city? Most of these places only have 8-12 people on staff at most. That's not exactly a major employer for the community. The number of jobs doesn't outweigh the health and environmental damage the sandpit poses.

7. **Rock Origin/Storage.** What type of rock will be crushed here? Is the rock local? Is it being brought in from other geographic locations with different mineral makeup? What contaminants could be in the dust produced? How will this crushed rock be stored until it is moved elsewhere?

8. **Future Homes.** Why can't homes be placed on the property now? Why must a sandpit precede a potential housing development in 20-30 years? We understand Valley Center is limited in the direction it can expand. Housing development is a sign a community is growing and desirable. So what is the reason houses can't be built now and expand our community sooner rather than 20 years from now?

9. **Home values.** How will the proposed sandpit affect our property values? Will I take a financial loss if I chose to sell my home due to the placement of a sandpit?

The work the Planning & Zoning Board does is important and appreciated by residents of Valley Center as well as those of us who live outside the city limits. We are fortunate to have two board members who also live outside the limits, Dalton Wilson and Scot Phillips. I urge you all to put yourself in the shoes of those whose health & lives will be dramatically affected by this proposed sandpit. Mr. Wilson and Mr. Phillips, you represent those of us outside the limits. Please take the voices of those residents into consideration when making your decision about the proposed sandpit at 85th and Ridge.

Please feel free to contact me.

Thank You,

Sara Pound
8846 N. Ridge Road
Valley Center, KS 67147
316-259-6560

Jerry D. Hawkins
401 N. Fiddlers Creek St.
Valley Center, KS 67147

TO: Members of the Planning Commission

RE: Special Use Permit Application for Sand Pit if/when made.

DATE: 12.11.2023

I've been resident of Valley Center for 26 years and I live miles away from the area. Though I am a lawyer I do not represent anyone in this dispute.

I attended both city council meetings on the application for zone change. I understood one point being made was the sand pit proposed by the applicant, if allowed, could *possibly* lead to the city getting water rights, and if so this *could* be a benefit to the city (which in turn could benefit residents).

I believe a water rights incentive to be a relevant consideration. Valley Center Zoning Ordinance – Section 17.11.01H(H) lists 17 factors as review criteria. Factor 17 says “By comparison, does the [1] **relative gain to the public health, safety and general welfare outweigh** [2] the loss in value¹ or the hardship imposed upon the applicant by not approving the request?” There is no shame in weighing the relative gain of getting water rights to the general public welfare – that's what the regulation says. You put 1 and 2 on each side of a scale and weigh them.

What **weight** should the incentive of [possible] water rights to the city be given as you consider the applicant's requested special use permit? Here are some questions you might ask:

- **Applicant's commitment:** What has the applicant committed to offer to the city? Is it at some additional cost to be paid by the city to the applicant/owner, if so, what? Are there any significant contingencies? Is it in writing?
- **Precedent:** Is there an example of another city that has used and benefitted from water from one of the other sand pit areas along the Arkansas river?
- **Economic value:** Has the value of the water rights being offered as an incentive been appraised? If so, what has the appraiser said the value to be? Could the city sell the rights if, hypothetically, years later it decided it could not use or did not need the water rights?
- **Water quantity and quality:** How much estimated water would be available in the sand pit area? What is the quality of the water in terms of potability and need for treatment?
- **Legal and regulatory aspects:** What are the legal frameworks governing water rights in this area? Does the applicant have good title to the water rights offered? Does its proximity to the Arkansas river present legal concerns? Are there any existing claims or disputes over water rights in this area?
- **Usage, Need: & Sustainability:** What is the current and projected water demand in the city? Are current sources sustainable? Is extraction in this area sustainable in the long term? How would access to water from the sand pit address future needs?
- **Infrastructure and accessibility:** What infrastructure would be required to transport water from the sand pit to the city? Are there geographical or logistical challenges?

¹ I've wondered whose loss in value this refers to. Is it the applicant's loss in value if the application is denied (as the rest of that clause seems to support)? Or is it the loss in value to the neighboring lands?

- **Economic Considerations:** What are the costs associated with obtaining and maintaining water rights? How does the cost of extracting and treating water from the sand pit compare to other water sources?
- **Environmental Impact:** What environmental impact studies would be required before the city could start extracting water?
- **Other Questions:** Put yourself in the position of a future Valley Center leader wanting to start using the benefit of the water rights offered as an incentive. What questions would you, as a future city leader, wish that someone had asked at this hearing?

I recognize the City Attorney and/or city staff may only be able to answer so much of this at this time. A taxpayer-funded analysis may come later, maybe much later, to effectively manage the City's time and resources. I also recognize the applicant may not have an answer to these (or similar) questions; but, in my opinion the applicant does so at its own risk because the applicant is the one offering the incentive that the applicant forecasts will be beneficial to the city. Our own Zoning Ordinances operate as leverage to encourage the applicant requesting a special use permit to investigate, within reason, any claimed "relative gain to... the general welfare" under factor 17.

Bottom line: I think it is fair for you to ask questions and get the best answers the applicant or anyone else has to offer as of the time of the public hearing from the podium before deciding how much **weight** to give the possibility of water rights when you put it on the "scale" of factor 17. If it has substantial weight at this juncture, the answers to these or similar questions will support it.



October 30, 2023

Ryan Shrack
Community Development
545 W Clay St
Valley Center, Kansas 67147

RE: Special Use for Central Sand Company at east side of Ridge Road between 77th and 85th St N.

Dear Mr. Shrack:

On behalf of our client, Central Sand Company, LLC, our office is providing additional information required in the Valley Center Zoning Ordinance regarding our special use application.

The subject property is currently under the process of being zoned “A-1” Agricultural District with a special use.

The Valley Center Zoning Ordinance sets out five conditions to be met before a special use for commercial development of natural resources and extraction of raw materials can be granted per Section 17.04.02(B)(6)(a-e). The following section outlines those conditions and each of our justifications for this request.

- a) A plan showing the boundary of the entire tract, vehicular access routes and surfacing, prevailing wind directions, existing and proposed street right of way, easements, water bodies, mining area and proposed fencing.*

A site plan is attached for viewing of prevailing wind directions, the planned vehicular access routes, existing and proposed street right of way, easements, water bodies, mining area, and proposed fencing/screening.

- b) A general plan of operation, including blasting hours, removal plan and hours of operation.*

The operation of sand extraction will take approximately 15 years per phase to complete. The total estimated depth of the sand pit is typically 35’ to 50’, if available. There will be an average of 6-8 employees on site during operation. The site plan delineates our



proposed access point and interior vehicular access route. The operation will use a water truck as necessary for dust mitigation of vehicular access route and to be used whenever necessary to prevent dust from traveling off-site.

During that time, portions of the subject tract, as depicted in the site plan, will be processed through the removal of topsoil to get to the water table followed by the extraction of the sand beneath. (This will be done in 5-to-20-acre subsections). The hours of operation for the extraction are as follows:

Trucking: 7AM-6PM

Dredging: 6AM-sunset

Rock Crushing: 7AM to 6PM.

The anticipated truck traffic will consist of 150 to 200 trucks daily dependent upon season and economy. Supply and demand will play a significant role in the number of trucks that are serviced by the site.

At various points in a year (approximately 6 to 8 times per year), a rock crusher will be brought on-site. The rock crusher will be on-site for 1 week at a time and will be used to crush rocks brought from off-site locations for recycling purposes. This will not typically add to the truck traffic as the materials that are brought on-site are done so by trucks that are awaiting a load of sand.

Per MSHA requirements, the sound levels are to remain below 85 decibels. An annual test is performed by MSHA to ensure that the decibel level remain under 85 decibels.

Once the mining operation is complete and all extraction material is removed, the site will be developed into a residential neighborhood for the Valley Center Community.

- c) *A plan showing the finished topography of the restored areas including grades and slopes.*

A site plan is attached showing that the subject property will be a self-contained site with on-site water remaining on the property and off-site water to be diverted through the existing roadside ditches preventing any ground water or run-off contamination off-site.

- d) *A general timing for restoring the various excavation pits and overburden for a continuing use.*

The subsections of the full subject property that will be extracted (5–20-acre areas) will be restored at the end of full extraction of said subsections. These open areas, once completely dredged, will be seeded on the permanent side bank for erosion protection along with any disturbed areas adjacent to dredged areas.

This process will be completed following all local, state, and federal regulations. Specifically, those set forth by the U.S. Department of Labor through the Mine Safety and Health Administration (MSHA) and the Federal Mine Safety and Health Act of 1977.

- e) *Amount and type of planting to be done on the restored area or other approved restoration uses or methods.*

As previously stated, each completed area will be seeded with natural grasses and topsoil (when necessary) to ensure bank stabilization and restoration of disturbed areas. All seeding and restoration will be completed to industry standards.

If you have any questions about this special use, please contact our office at 262-7271.

Sincerely,
Baughman Company, P.A.



Philip J Meyer, L.A.
Vice-President

CONCEPTUAL



- *Timeline: Phase 1– 15± years
Phase 2– 15± years*
- *Vehicular access to be road gravel and treated with water for dust control*
- *Sand pit to be self-contained. Offsite water to be diverted around site*

*Prevailing Wind Direction:
Southerly wind most
predominate*



SCALE: 1" = 400'



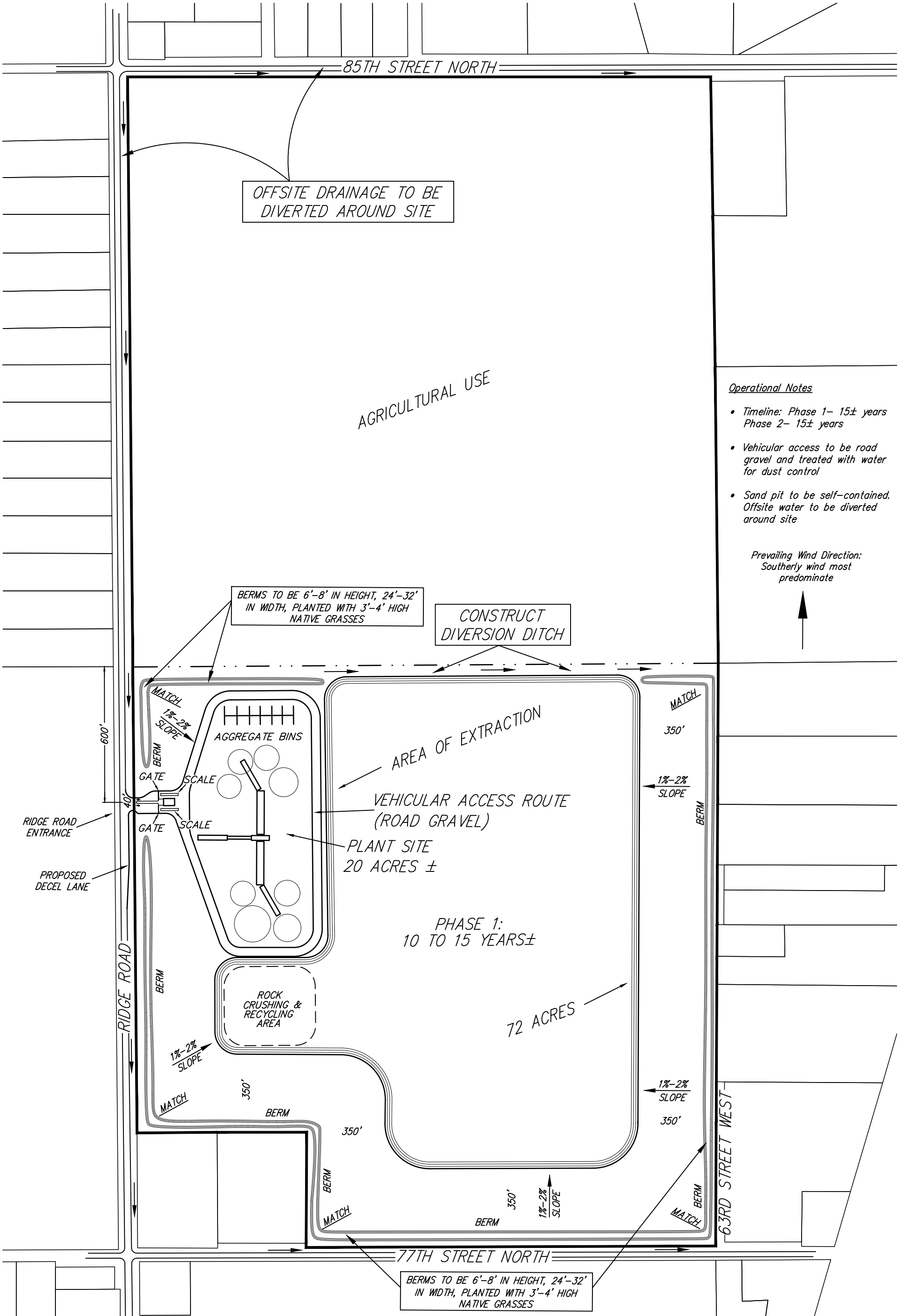
RAUGHMAN COMPANY

315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com

CONCEPTUAL

PHASE 1 OPERATIONAL SITE PLAN

CENTRAL SAND EXTRACTION AND ROCK CRUSHING



F:\Planning\Zoning\Femur - Ridge Road Cond Use Soil Extraction\Ridge Road Sand Extraction Phase 1 Site Plan (10-30-2023).dwg



SCALE: 1" = 400'

OCTOBER 30, 2023

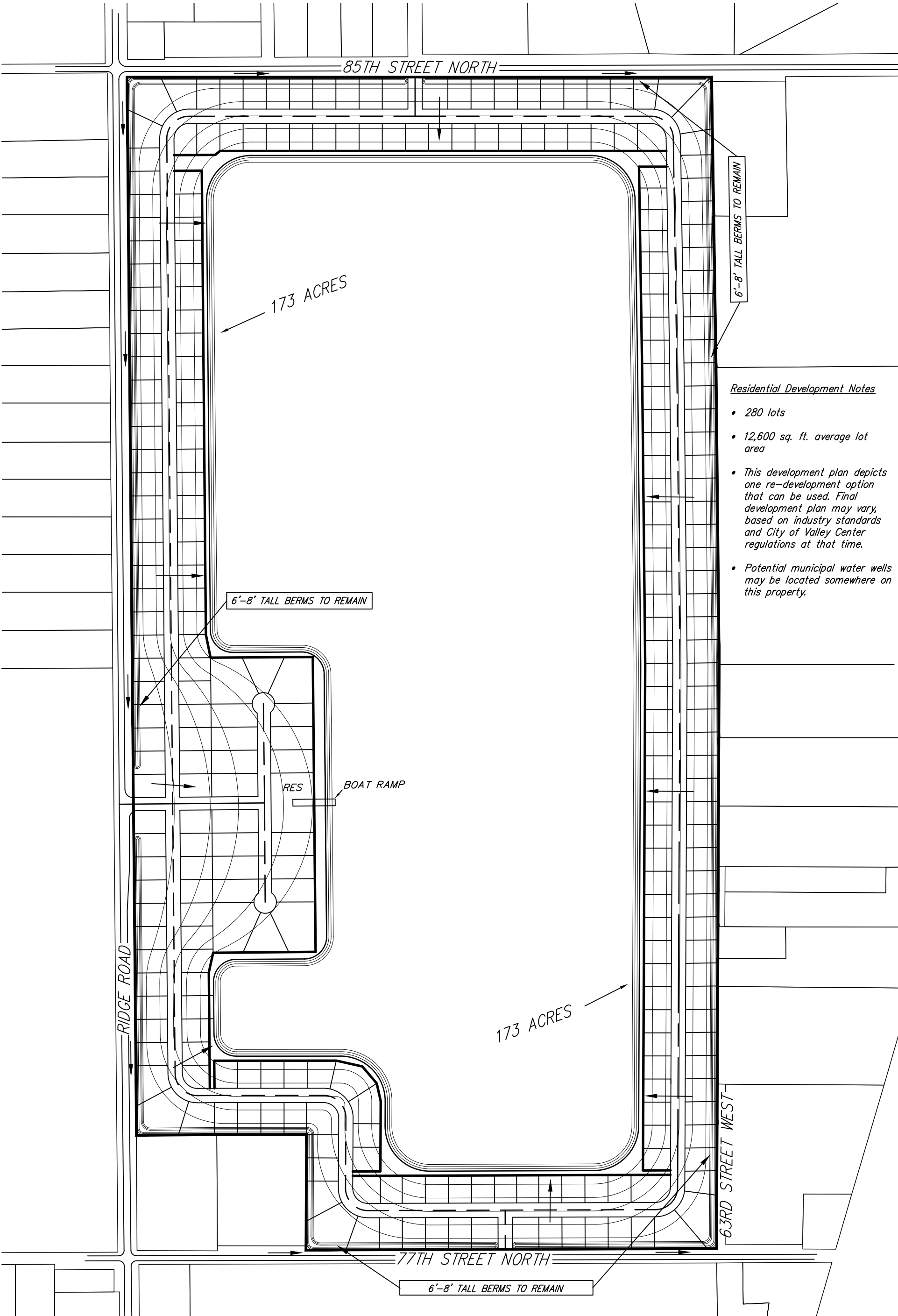


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CONCEPTUAL

DEVELOPMENT PLAN

NORTH RIDGE ESTATES



Residential Development Notes

- 280 lots
- 12,600 sq. ft. average lot area
- This development plan depicts one re-development option that can be used. Final development plan may vary, based on industry standards and City of Valley Center regulations at that time.
- Potential municipal water wells may be located somewhere on this property.



SCALE: 1" = 400'

OCTOBER 30, 2023



BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
BaughmanCo.com



Adjacent Sand Pit Property Values Analysis

Property Address/Tax Class	7759 N. Tyler Rd., Valley Center, KS 67147/Farm Homesite
Distance to Sand Pit Property	76 feet
2014 Appraised Property Value	\$141,330
2023 Appraised Property Value	\$169,870
Change in Valuation	+\$28,540 (+17%)

Property Address/Tax Class	5256 N. Hoover Rd., Wichita, KS 67205/Residential
Distance to Sand Pit Property	65 feet
2014 Appraised Property Value	\$80,500
2023 Appraised Property Value	\$121,800
Change in Valuation	+\$41,300 (+34%)

Property Address/Tax Class	6415 W. 53 rd St., Wichita, KS 67205/Residential
Distance to Sand Pit Property	0 feet
2014 Appraised Property Value	\$171,000
2023 Appraised Property Value	\$226,900
Change in Valuation	+\$55,900 (+25%)

Property Address/Tax Class	7500 W. Hidden Acres St., Maize, KS 67101/Residential
Distance to Sand Pit Property	0 feet
2014 Appraised Property Value	\$529,860
2023 Appraised Property Value	\$967,600
Change in Valuation	+\$437,740 (+45%)

Property Address/Tax Class	6017 N. Ridge Rd., Maize, KS 67101/Farm Homesite
Distance to Sand Pit Property	0 feet
2014 Appraised Property Value	\$70,310
2023 Appraised Property Value	\$83,170
Change in Valuation	+\$12,860 (+15%)

Property Address/Tax Class	6049 N. Ridge Rd., Maize, KS 67101/Farm Homesite
Distance to Sand Pit Property	0 feet
2014 Appraised Property Value	\$105,610
2023 Appraised Property Value	\$141,950
Change in Valuation	+\$36,340 (+26%)

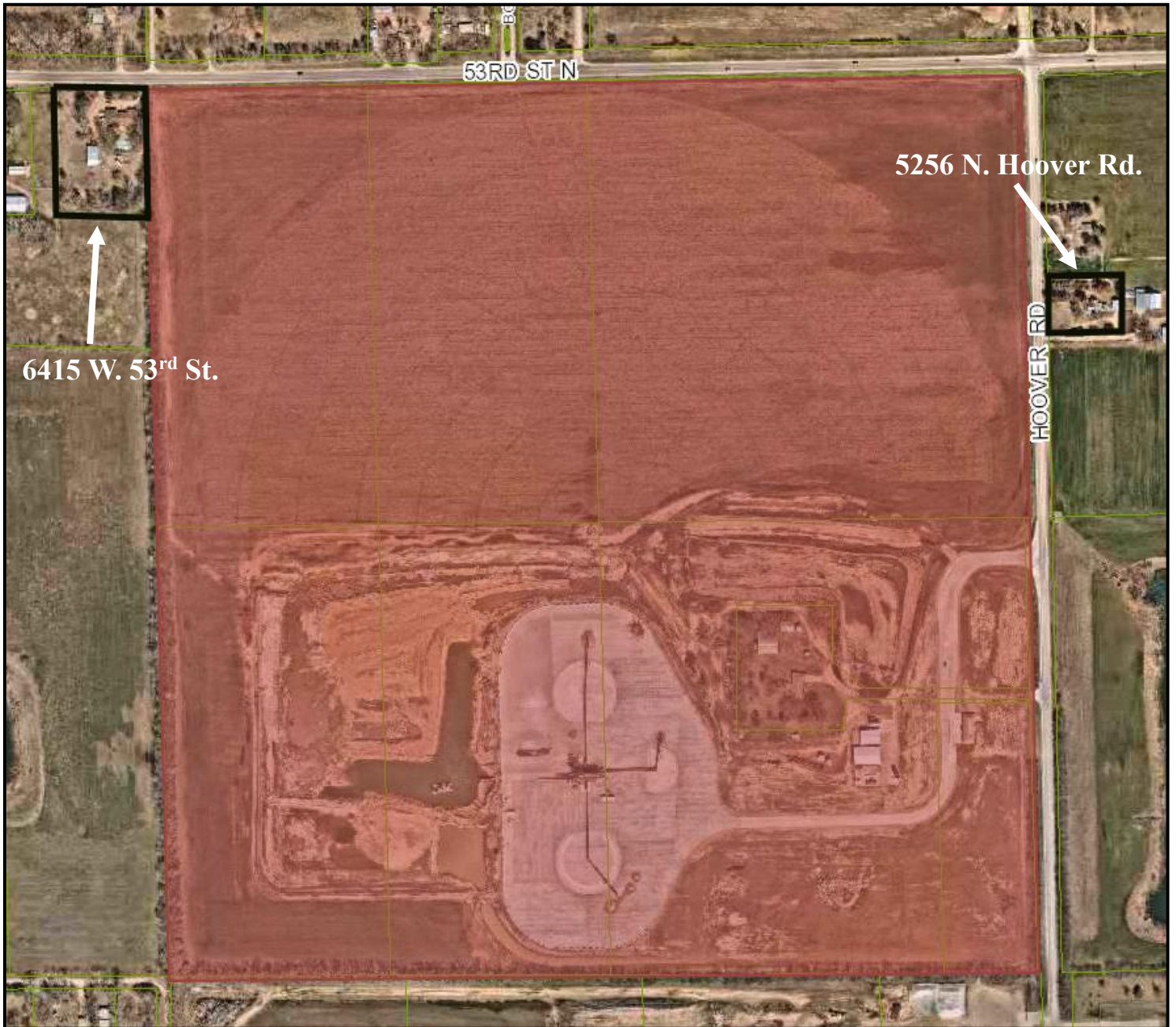
Property Address/Tax Class	7535 W. 61 st St. N., Maize, KS 67101/Residential
Distance to Sand Pit Property	0 feet
2014 Appraised Property Value	\$11,300
2023 Appraised Property Value	\$573,180
Change in Valuation	+\$561,880 (+98%) ¹

¹ A single-family house was constructed on this property in 2017-2018.

Maps of Adjacent Sand Pit Properties

- Sand pit properties are outlined/highlighted in red
- Adjacent residential properties are outlined in black
- Aerial screenshots generated on Sedgwick County GIS map (2021 aerial data)



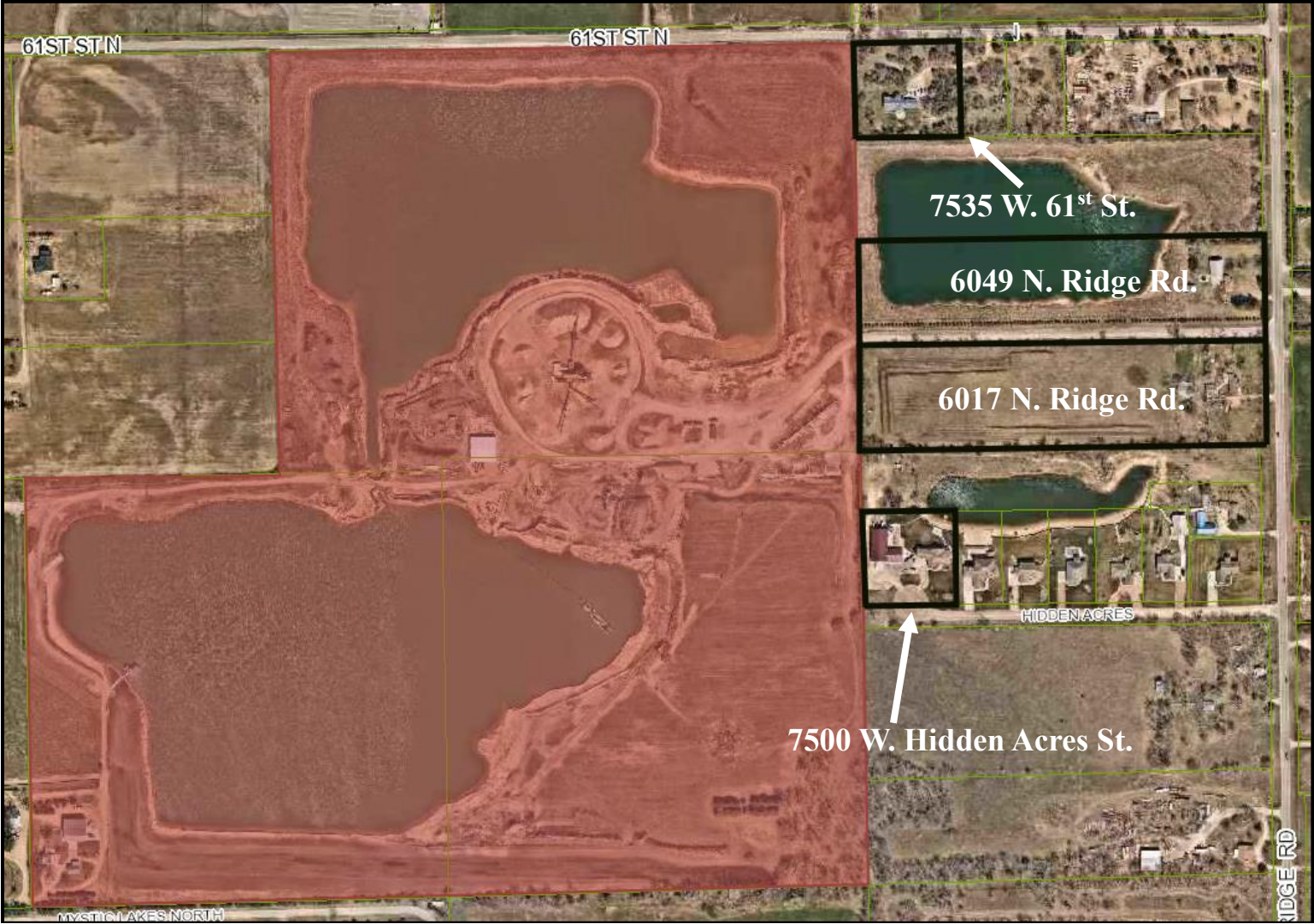


53RD ST N

5256 N. Hoover Rd.

6415 W. 53rd St.

HOOVER RD





VALLEY CENTER PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS*

2024 MEETING SCHEDULE

1/23/2024
2/27/2024
3/26/2024
4/23/2024
5/28/2024
6/25/2024
7/23/2024
8/27/2024
9/24/2024
10/22/2024
11/26/2024
12/19/2024

*The Planning and Zoning Board also serves as the City's Stormwater Citizens Advisory Committee and will meet at least twice during 2024. These meetings will take place immediately following the adjournment of the Planning and Zoning Board meetings.