



PLANNING AND ZONING BOARD MEETING AGENDA

**Tuesday, March 28, 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

<input type="checkbox"/> Gary Janzen	<input type="checkbox"/> Rick Shellenbarger	<input type="checkbox"/> Toby Meadows
<input type="checkbox"/> Paul Spranger	<input type="checkbox"/> Scot Phillips	
<input type="checkbox"/> Brian Shelton	<input type="checkbox"/> Steve Conway	

D. SET/AMEND AGENDA

Motion made by (______). Seconded by (______). For____ Against____

E. APPROVAL OF DRAFT MINUTES

February 28, 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 RZ-2023-03, application of Vincent Garcia, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned R-1B, which is the City's designations for a single-family residential district, to C-1, which is the City's designations for a central business district. The property is currently addressed as 145 N. Meridian Avenue, 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**) RZ-2023-03. Seconded by_____. For____ Against____

H. OLD/UNFINISHED BUSINESS

I. NEW BUSINESS

J. STAFF REPORTS

K. ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

<input type="checkbox"/> Gary Janzen	<input type="checkbox"/> Rick Shellenbarger	<input type="checkbox"/> Toby Meadows
<input type="checkbox"/> Paul Spranger	<input type="checkbox"/> Scot Phillips	
<input type="checkbox"/> Brian Shelton	<input type="checkbox"/> 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

Tuesday, February 28, 2023 7:00 P.M.

CALL TO ORDER: Vice Chairperson Spranger called the meeting to order at 7:00 P.M. with the following members present: Brian Shelton, Scot Phillips, Steve Conway, and Toby Meadows.

Members Absent: Gary Janzen and Rick Shellenbarger

City Staff Present: Brent Clark, Ryan Shrack, and Brittney Ortega

Audience: Garrett Witthar and Randall Elkins

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

APPROVAL OF DRAFT MINUTES: Vice Chairperson Spranger made a motion to approve the January 24, 2023, meeting minutes. The motion was seconded by Board Member Conway. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD:

1. Review of LS-2023-01, application of the City of Valley Center, KS, pursuant to City Code 16.09.01, who is petitioning for a lot split involving the splitting of property the petitioner will be purchasing and having the owner's consent, this property currently addressed as 9014 N. Meridian Ave., Valley Center, KS 67147.

Vice Chairperson Spranger opened the hearing for comments from the public: 7:03 PM

R. Shrack gave a summary of his report with the board. The City is in negotiations and has a letter of intent with the property owner. This will create parcel 1 and 2. Parcel 1 will be purchased by the city for the intended space of the future aquatic and recreation facility. Public notices were sent out to surrounding property owners as well as published in the newspaper. There have been no responses, positive or negative, regarding this lot split. City staff is recommending approval of this application.

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

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Vice Chairperson Spranger made a motion to approve LS-2023-01. Motion was seconded by Board Member Phillips. The vote was unanimous.

2. Review of LS-2023-02, application of Gaylan Nett, pursuant to City Code 16.09.01, who is petitioning for a lot split involving the splitting of property the petitioner owns, which is currently addressed as 2116 E. Ford St., Valley Center, KS 67147.

Vice Chairperson Spranger opened the hearing for comments from the public: 7:08 PM

R. Shrack gave a summary of his staff report. On this property there is an existing single-family home that will remain along with utility infrastructure in Parcel A. The intent of the applicant is to sell Parcel A and develop Parcel B as a part of a future phase of the Cedar Ridge Estates. Normally landlocked lot splits are not allowed. A 30' access easement is being created to Cedar Ridge Blvd that is to the north of this property. This will no longer be considered landlocked as it will have access via the easement to a publicly dedicated street. There has been no feedback from the public notices that were mailed and published. City staff is recommending approval if this lot split.

Randy Elkins with Garver, representative for the applicant, stood for any questions from the board. VC Spranger inquired if any drainage issues that may affect the easement have been addressed by both parties. Mr. Elkins responded that there is nothing that is posing any kind of obstacle for that easement.

Garrett Witthar owns the property adjacent to the west side of the proposed split. He questioned what type of housing and how many would be developed. Mr. Elkins explained that the existing home will stay with Parcel A and only 2 or 3 lots in Parcel B would be affected in the replatting of that section of Cedar Ridge.

Vice Chairperson Spranger closed the hearing for comments from the public: 7:15 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Vice Chairperson Spranger made a motion to approve LS-2023-02. Motion was seconded by Board Member Shelton. The vote was unanimous.

OLD OR UNFINISHED BUSINESS: None

NEW BUSINESS: None

STAFF REPORTS:

R. Shrack reminded the board of the next meeting on March 28, 2023. City Administrator Clark will be presenting as Ryan will be out of town. Emails will go out to those members up for reappointment, reappointments will be held in April.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-absent

Paul Spranger-none

Brian Shelton- Board Member Shelton spoke about the crosswalks on Meridian Ave near the middle school. He spoke of his concern for children and all members of the public when it comes to crossing safely in this area. With dark times of day and heavy traffic this is a concern he would like brought to the city's attention. Especially with the upcoming recreation and aquatic center to be constructed in that same area. This will increase traffic as time goes on. Mr. Clark addressed the issue explaining that when that area of town was developed there were no sidewalks that were installed. Therefore, we have some crosswalks that go nowhere. When the intersection near Southwind is being reconstructed for one of the entrances to the aquatic center, that crosswalk will get a major overhaul and enhancement. He also addressed safety concerns when you have multiple crosswalks near one another.

Rick Shellenbarger-absent

Scot Phillips-none

Steve Conway-none

Toby Meadows-none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 7:21 P.M., a motion was made by Vice Chairperson Spranger to adjourn and seconded by Board Member Shelton. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

/s/ Ryan Shrack, Community Development Director

Gary Janzen, Chairperson



Date: March 21, 2023

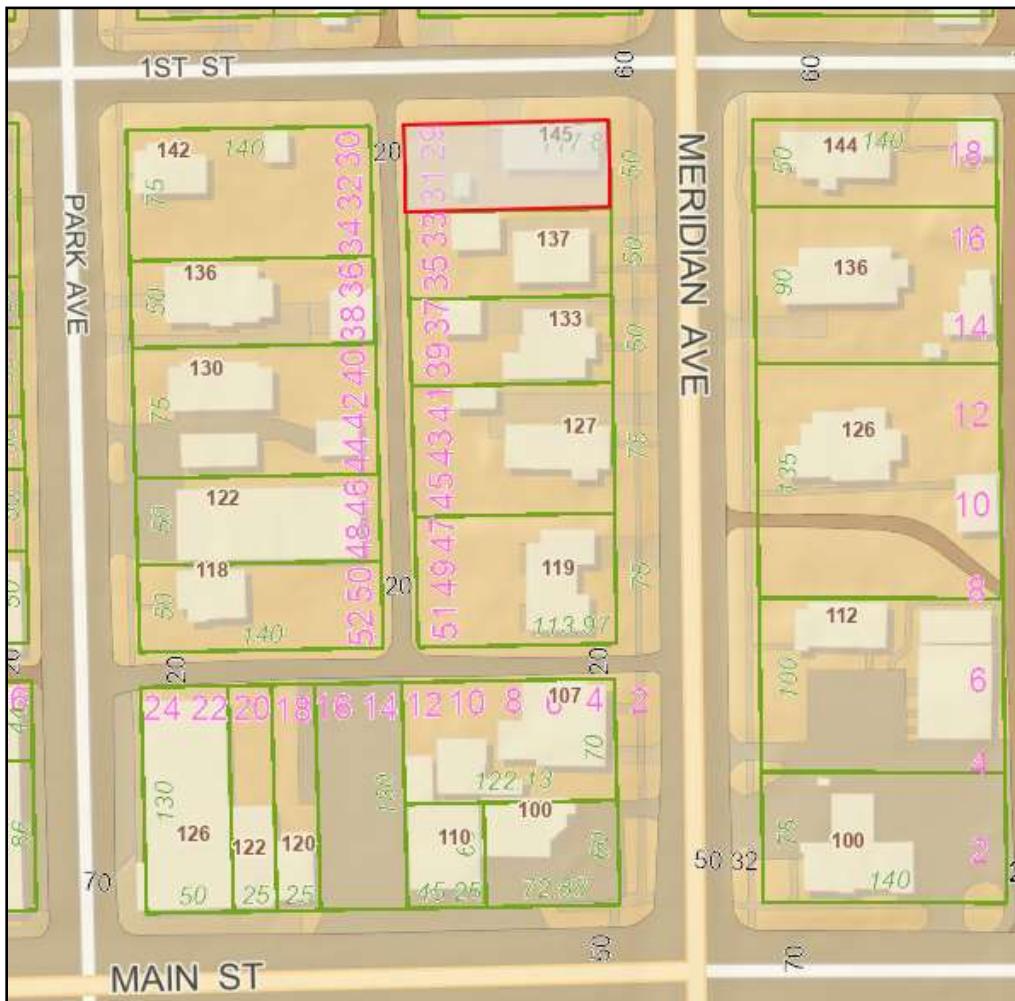
Present Zoning: R-1B (Single-Family Residential District)

Proposed Zoning: C-1 (Central Business District)

Rezoning Application Case Number: RZ-2023-03

Applicant: Vincent Garcia

Property Address: 145 N. Meridian Avenue, Valley Center, KS 67147 (outlined in red below)



Applicants' Reasons for Rezoning: The applicant is requesting a rezoning from R-1B to C-1 to allow for a new mixed-use building to be constructed on this property (see applicant's proposal at the end of this staff report). Currently, this property is vacant and most recently contained a single-family house that was demolished in 2022 due to significant fire damage. The applicant purchased this property after the house fire and has already invested over \$20,000 in razing the dilapidated house and clearing overgrown vegetation. Upon approval of this rezoning application, the applicant plans to submit a site plan application for a new commercial building with a proposed end use of a law office on the first floor and a private residence on the second floor. It is anticipated that the site plan application will be submitted after the Meridian Avenue reconstruction project work has been completed in front of the subject property.

Review Criteria for a Zoning Amendment 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 vacant. This property is located in a mixed-use neighborhood, with surrounding properties being primarily used for various commercial uses and single-family/multi-family residential uses. This property is located within the designated Downtown Overlay District as defined in the City's zoning regulations (17.04.14) and shown at the end of this staff report.

- 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 R-1B (Single-Family Residential District). The surrounding zoning and land uses are as follows:

- North: R-1B (Single-Family Residential District)
- South: R-1B (Single-Family Residential District)
- East: R-1B (Single-Family Residential District)
- West: R-1B (Single-Family Residential 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 rezoning request is the direct result of the applicant wanting to make a significant investment in his property. He bought the property and demolished the fire-damaged house. As proposed at this time, the applicant plans to build a high quality, aesthetically pleasing commercial building on this property.

- 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?*

Yes, public water and sanitary sewer are available to this property. The applicant plans to connect a driveway to 1st Street and not add a new driveway to Meridian Avenue.

- 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?*

Yes, as part of the future site plan review application, the applicant will need to show what type of screening will be erected along Meridian Avenue and 1st Street. This will be reviewed and approved by the City of Valley Center at that time.

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

In reviewing currently zoned C-1 property in Valley Center, there is essentially only one vacant property available at this time, but the applicant is not looking to purchase other land to build his proposed commercial building. The

vacancy rate of existing commercial buildings is very low currently and the combination of both commercial and residential space that the applicant is looking to create is not available.

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

As currently proposed, a new law office would provide additional legal services to the residents of the community and make it possible to potentially avoid having to go to Wichita or other places for said services.

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

Yes, but with the understanding that any new residential construction must meet existing building and zoning regulations, including building setbacks. The current building setbacks for R-1B zoned property will make it very difficult to build a new single-family home given the narrow dimensions of this property.

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

The rezoning request should not have a negative impact on the surrounding properties. Vacant properties have a negative impact on property values in a neighborhood. The applicant is proposing to build a new commercial building that will raise the property values of not only the subject property, but surrounding properties as well. Appropriate screening will be required as part of this new development.

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

Yes

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

Yes

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

- City staff supports this rezoning. The standard public notice was published in *The Ark Valley News* and notices were sent out to surrounding property owners. Three responses have been received to date and all were opposed to this rezoning request.
- Other public comments in support or opposition will not be known until the public hearing.

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

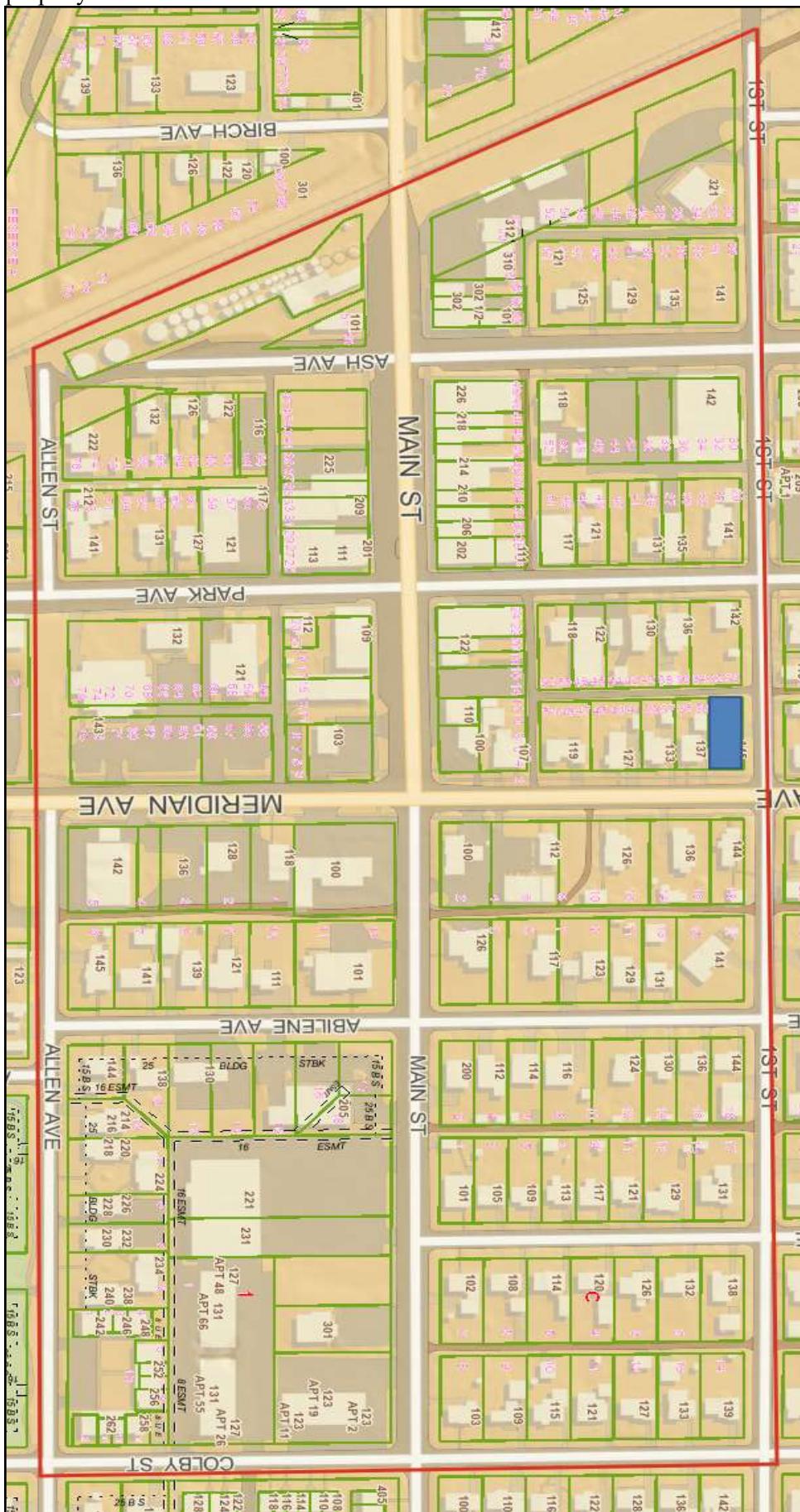
17. *By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the request?*

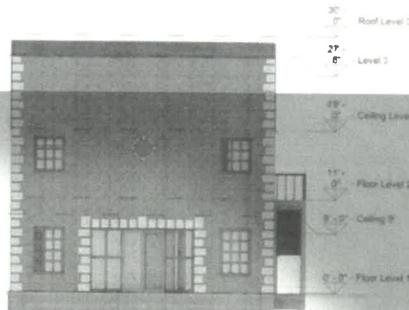
No

City staff recommends approval of this rezoning application.

Downtown Overlay District Map

- Downtown Overlay District outlined in red
- Applicant's property shaded in blue





PROPOSAL

REZONING

Prepared For :
City of Valley center

City Manager and City Commissioners
121 S. Meridian
Valley Center, KS 67147

introduction

This brochure is meant to help Valley Center understand of our rezoning proposal for 145 N. Meridian. We want to show you the benefits of rezoning and how it will be a plus for the community in the downtown area.

We want to give you our proposed designs of the type of buildings and decor you can expect to be built if rezoning is approved. Valley Center is a growing community, more businesses in your downtown area, means more growth, more development and more taxes.

The real benefit to Valley Center citizens is that it's one more business to go too that they don't have to go to Wichita for.

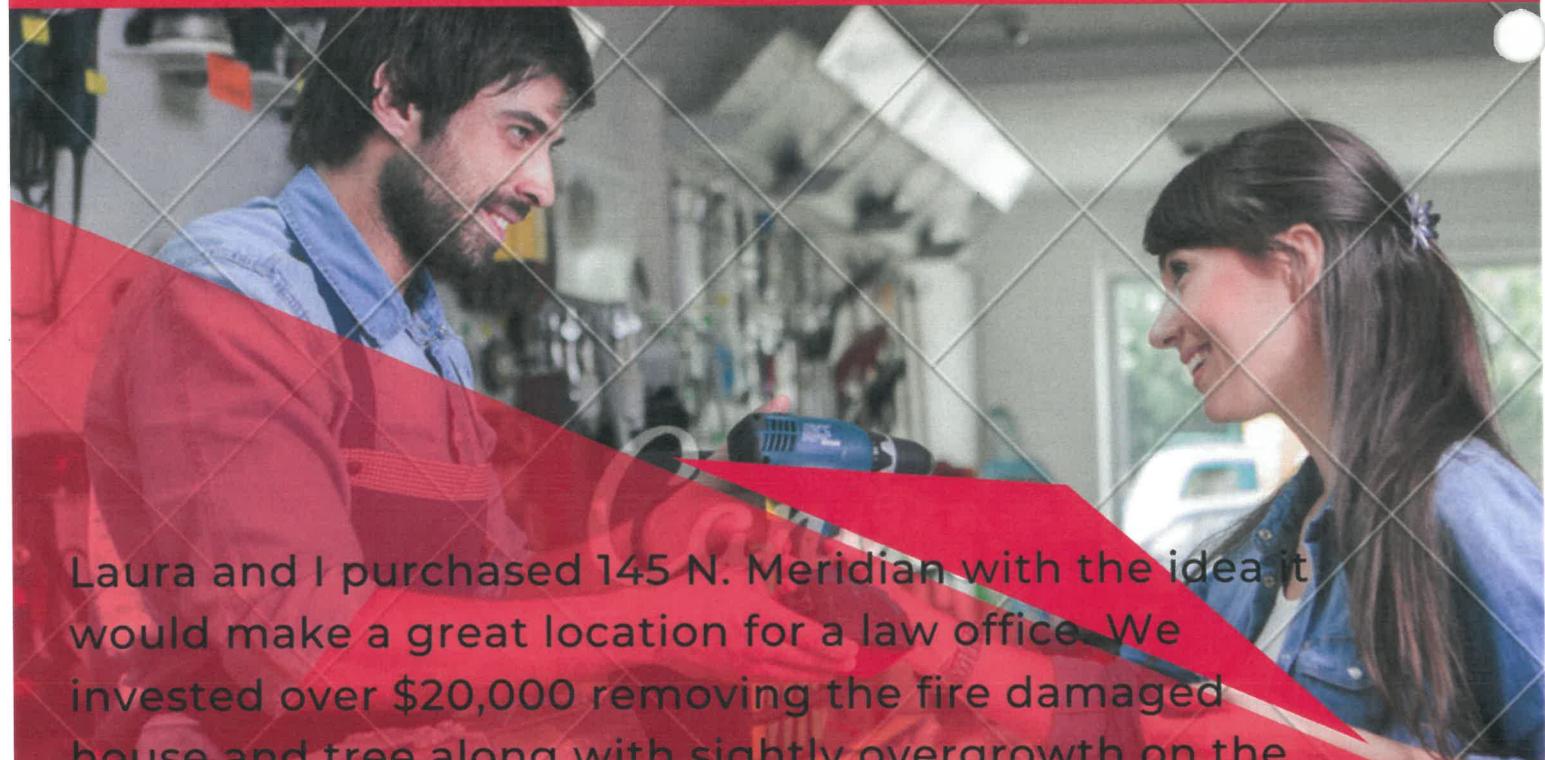
us

I am a practicing attorney in Wichita and have Garcia Law Office. I work with my son who is also a lawyer and we serve Wichita and the surrounding area including Valley Center in various types of legal matters.

Garcia Lw Office has three employees including my wife Laura. Laura also manages several real estate properties we have.

GARCIA LAW OFFICE

1851 N. BROADWAY
WICHITA, KANSAS 67214



Laura and I purchased 145 N. Meridian with the idea it would make a great location for a law office. We invested over \$20,000 removing the fire damaged house and tree along with slightly overgrowth on the property. Currently, we are the proud owners of a vacant lot with ideas of developing the land.

Our intent for rezoning is to have a mixed use property. The main floor will be for light commercial business. The second floor will be a two bedroom modern residential.

145 N. Meridian is part of the Downtown Overlay District

17.04.14 D-O Downtown Neighborhood Overlay District

A. Purpose. The Downtown Neighborhood Overlay District is intended to do the following:

1. Preserve, enhance and promote the character of the Downtown Neighborhood as prescribed in the Central Business District Neighborhood Plan.
2. Recognize the special architectural character and proposed land use mix of the downtown neighborhood.
3. Protect private property values and public investments.

B. Compliance. Property developed within the Downtown Neighborhood Overlay District shall comply with the Downtown Design Criteria provisions of this District Overlay (see appendix), the underlying zoning districts, and Site Plan regulations (17.12). In case of conflict between the provisions in this District and those of the underlying zoning districts, the provisions in this District shall prevail.

C. Boundary. The boundaries of the Downtown Neighborhood Overlay District apply to all property within the following geographic boundaries:

1. West Boundary - Burlington Northern Santa Fe Railroad Tracks
2. North Boundary - First (1st) Street
3. East Boundary - Colby Avenue
4. South Boundary - Allen Street

An exception to this boundary which is not within the District is 100 S. Meridian, legally

described as Beg. NW corner SW 1/4 E 182 Ft. S 167 Ft. W 182 Ft. N 167 Ft. To Beg., Exc. N 20 Ft and Exc. W 32 Ft. for Street, Sec 31-25-1E.

G. Lot Size Requirements.

1. Minimum lot area: None.
2. Minimum lot width: 20 feet.
3. Minimum lot depth: 50 feet.

H. Bulk Regulations.

1. Maximum structure height: 45 feet.
2. Yard requirements:
3. Minimum front yard: None
4. Minimum side yard: None, but if one is provided, it shall not be less than 5 feet.
5. Minimum rear yard: None, but if one is provided, it shall not be less than 5 feet.
6. Maximum lot coverage: A building, structure or use may occupy all that portion of the lot not otherwise required for the yard regulations.

GARCIA LAW OFFICE

1851 N. BROADWAY
WICHITA, KANSAS 67214

Rezoning to light commercial fits in with the current downtown overlay.

- 145 N. Meridian is in the downtown core of Valley Center.
- Located in the 100 block of north Meridian is Emprise Bank and another business across the street.
- Directly behind us on Park Avenue in the 100 block is Ark Valley Animal Hospital and Utechtt Aero Inc., Valley Center Recreation and what used to be Valley Center cleaners.
- The natural progression of Meridian will probably be to the north of Main street



WHAT DESIGN IS PLANNED FOR REZONING 145 N. MERIDIAN.

MIXED USE IS THE PLAN.

WHAT IS A MIXED USE DESIGN?

- The lower level is light commercial business. It can and may be used as a law office.
- The second floor is a two bedroom residential.

HOW WILL THE MERIDIAN FRONTEAGE LOOK?

- The Meridian side will be brick and/or stone enhanced facing Meridian.
- Brick or Stone facing will continue cover both the 1st and 2nd floors so from Meridian it will not look like the 2nd floor is a residence.
- The residential access and driveway will be off 1st street toward the rear of the residence.

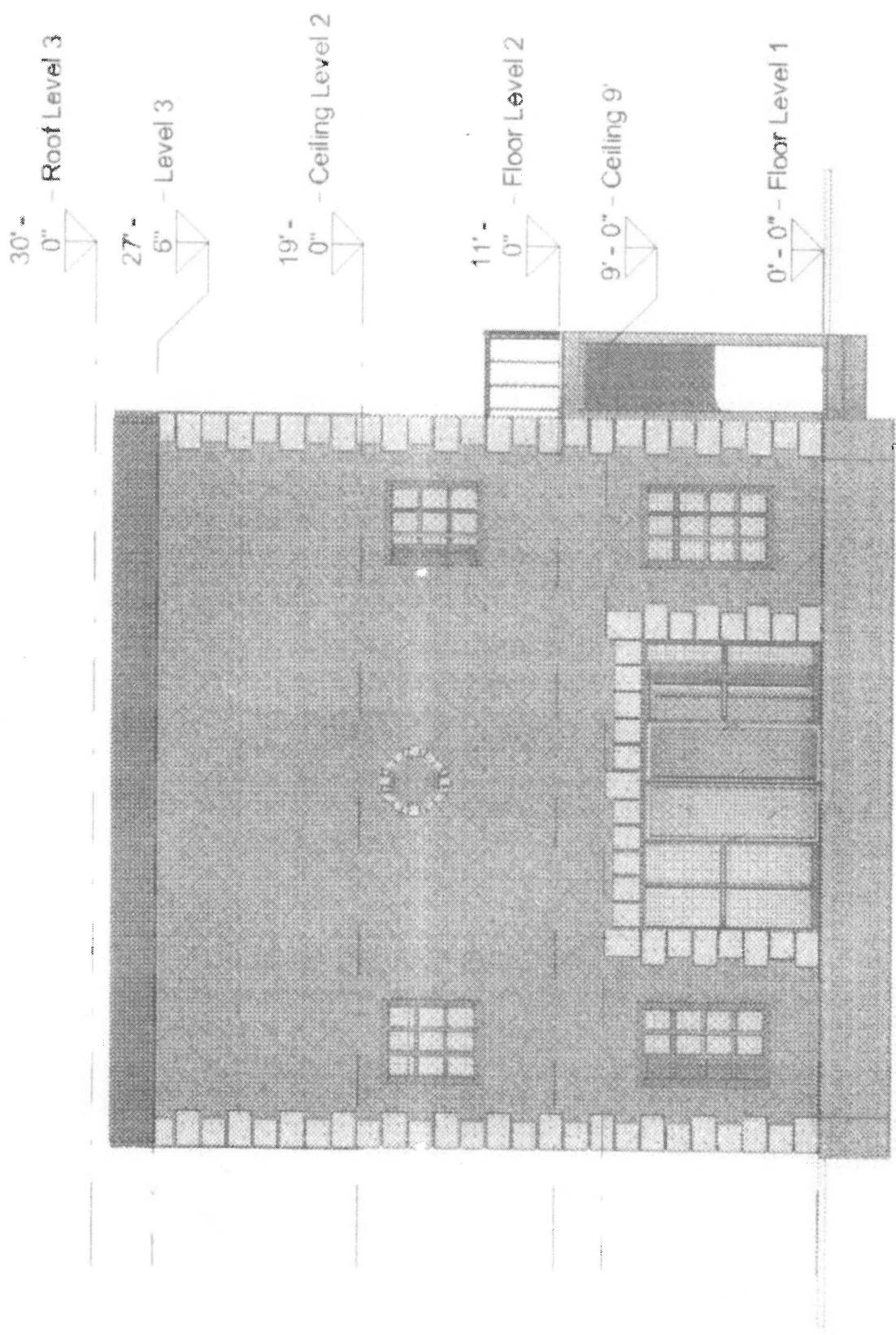
WHAT DESIGNS ARE BEING CONSIDERED

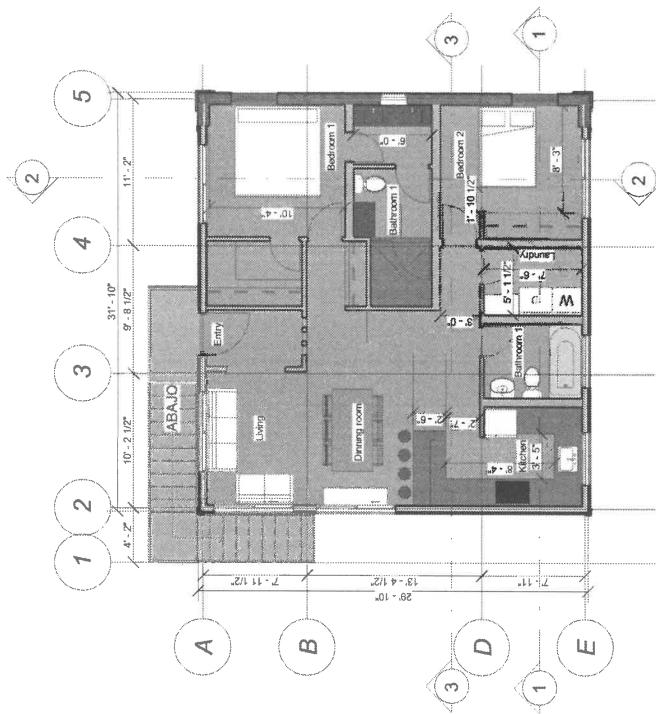
PROPOSED MIXED BUSINESS DESIGN



GARCIA LAW OFFICE
1851 N. BROADWAY
WICHITA, KANSAS 67214

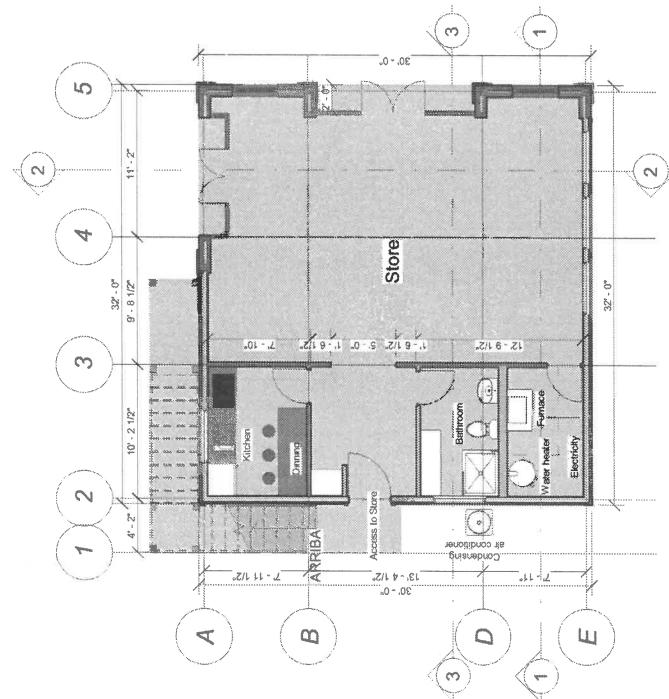
Elevation East





Floor Level 2
1 : 100 (RE: 1 / A. 0.2)

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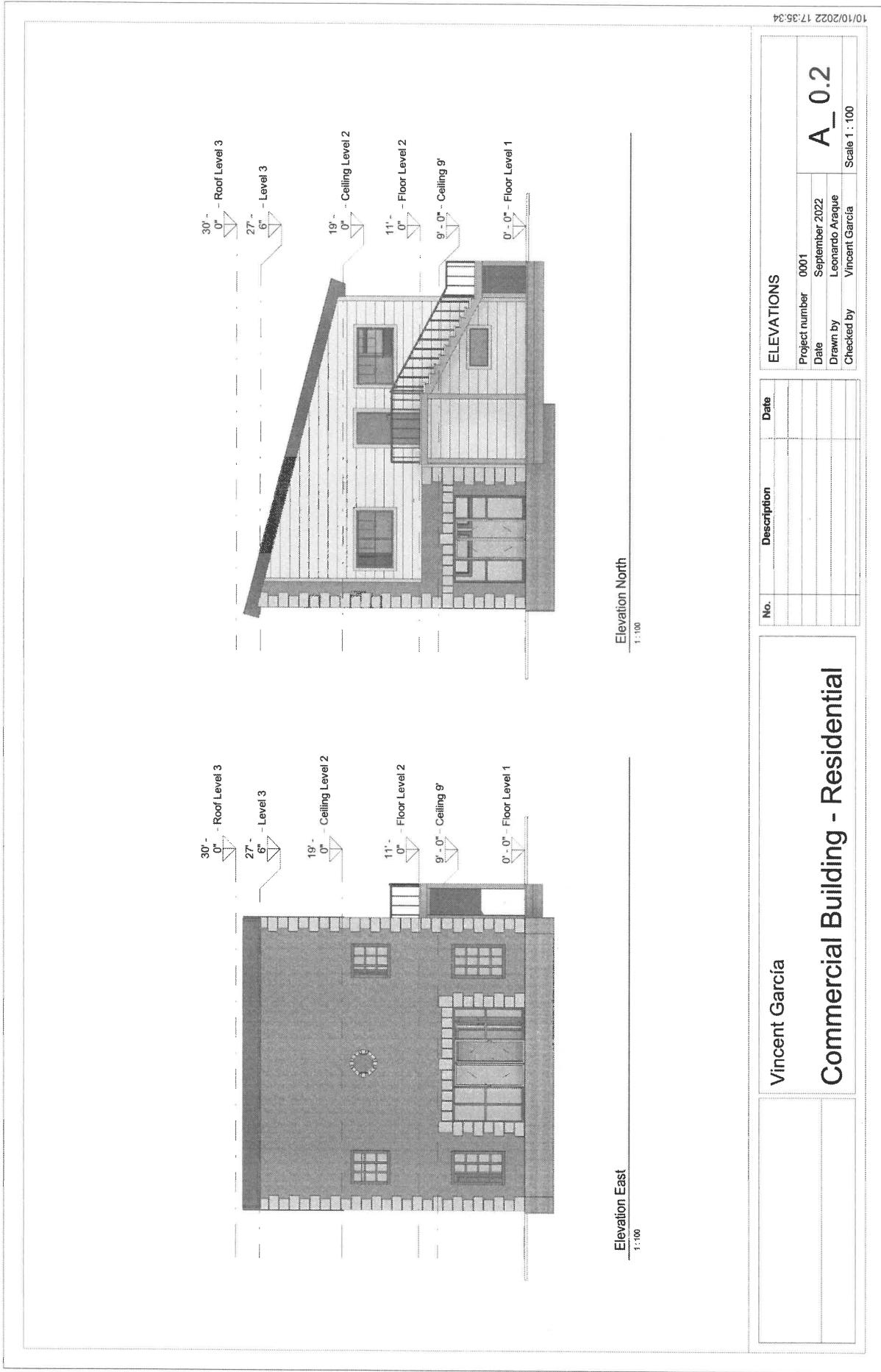


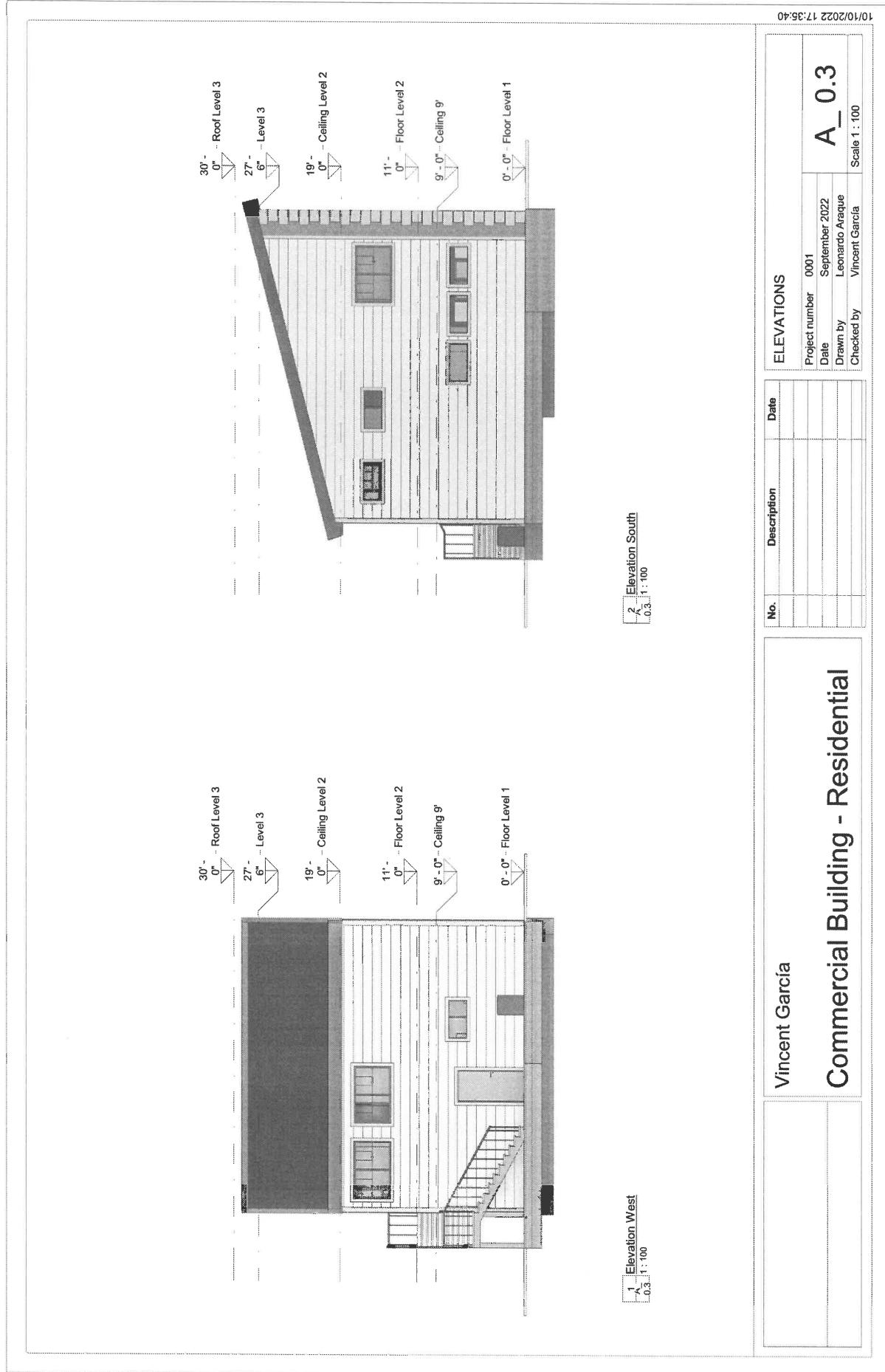
Floor Level 1

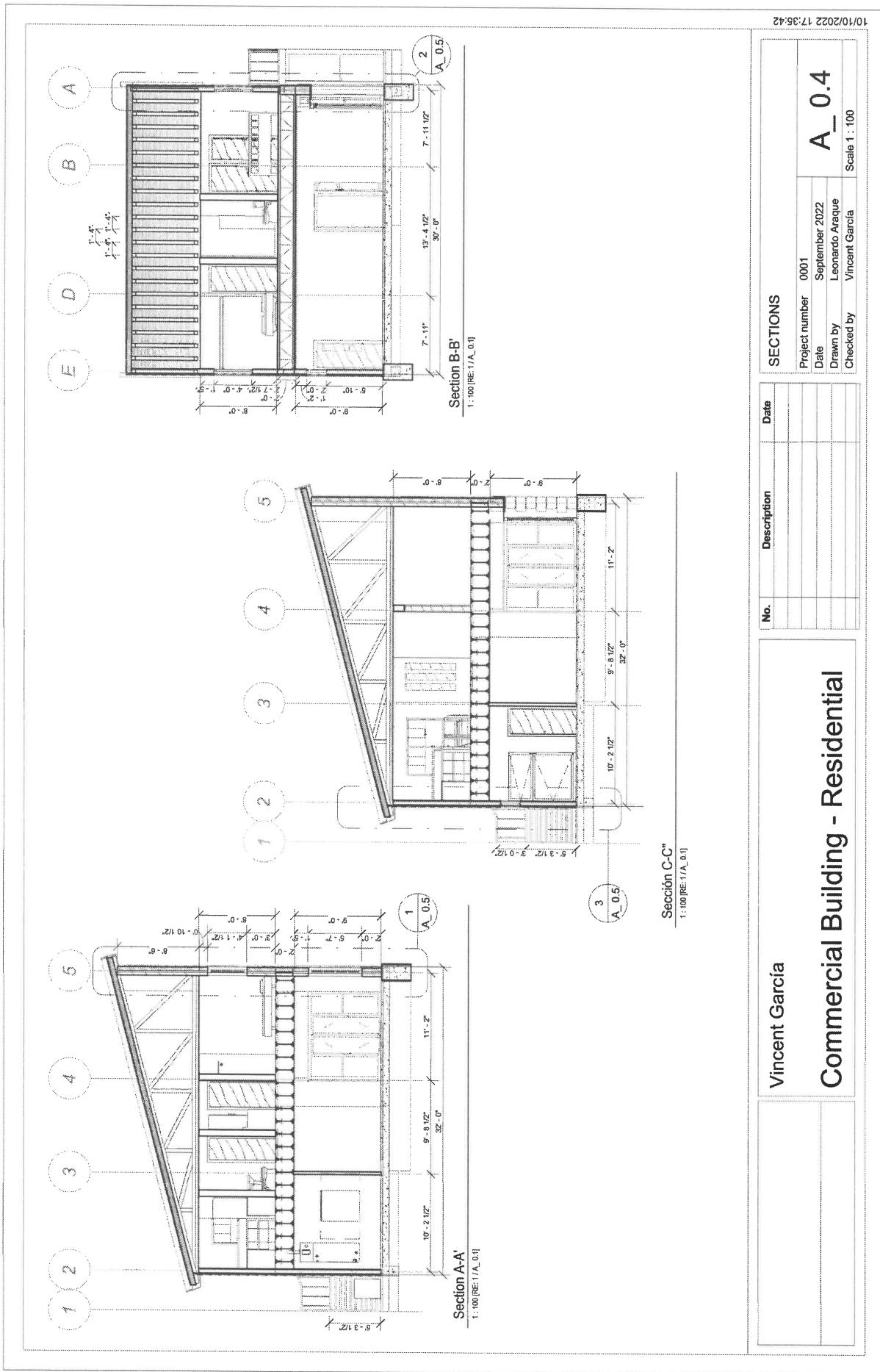
Vincent Garcia

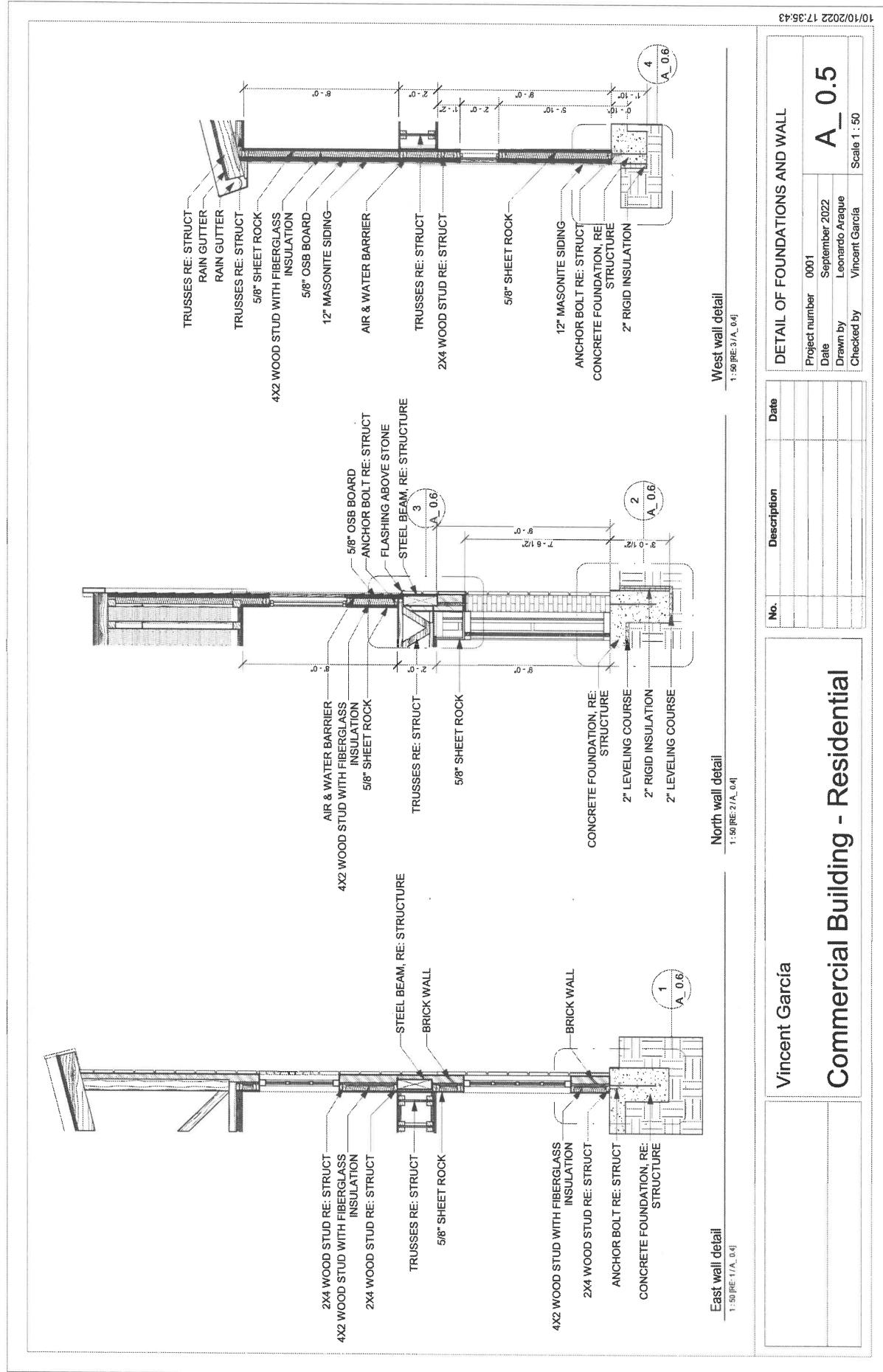
Commercial Building - Residential

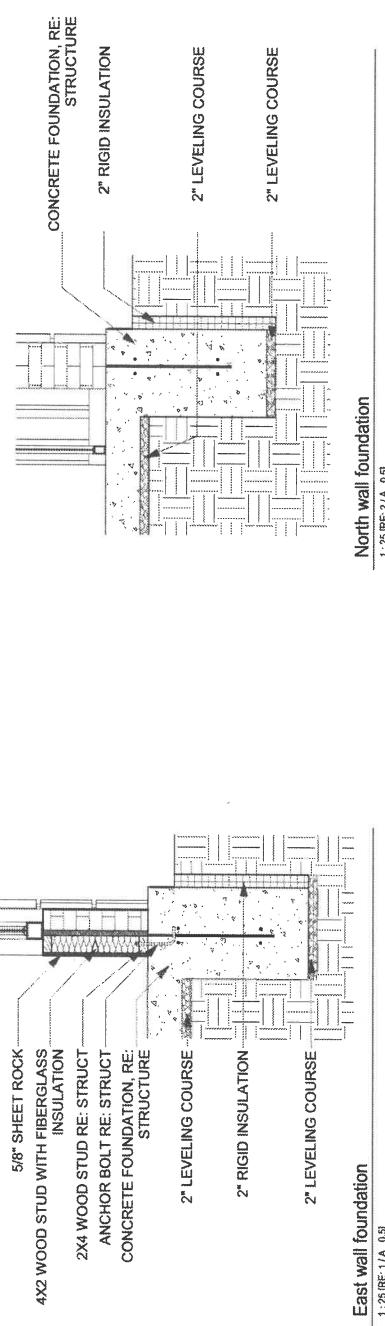
	Vincent García	Commercial Building - Residential
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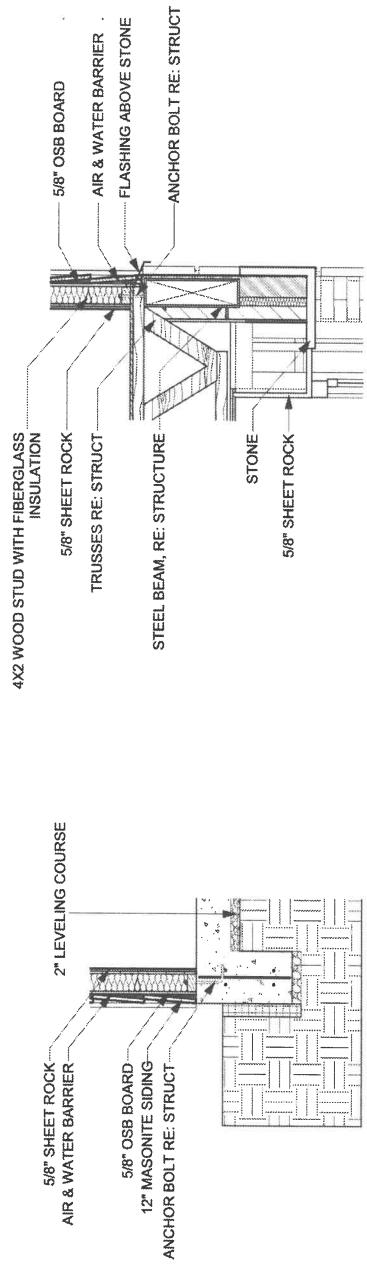






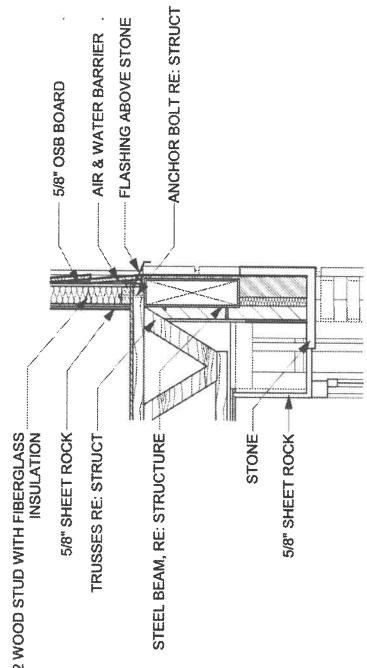


East wall foundation
1:25 [RE: 1/A_05]



West wall foundation
1:25 [RE: 1/A_05]

North wall foundation
1:25 [RE: 1/A_05]



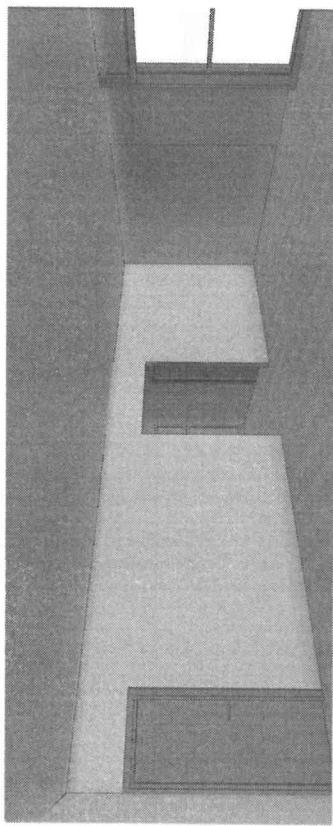
Wall detail - beam
1:25 [RE: 1/A_05]

Vincent García

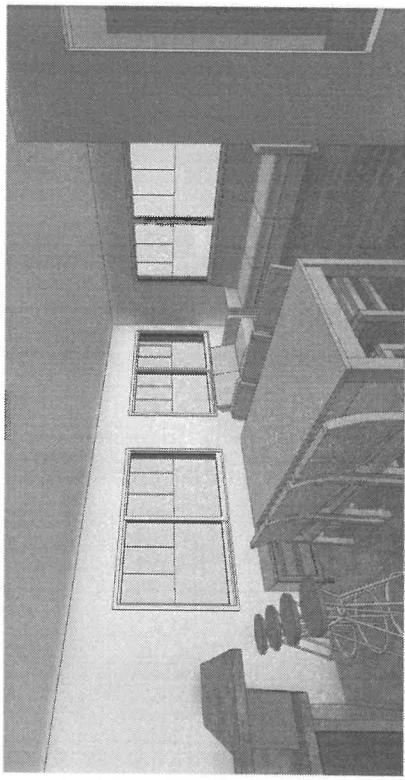
Commercial Building - Residential

FOUNDATION AND BEAM DETAIL			
Project number	0001	Date	September 2022
Drawn by	Leonardo Areque	Checked by	Vincent García
	Scale 1:25		

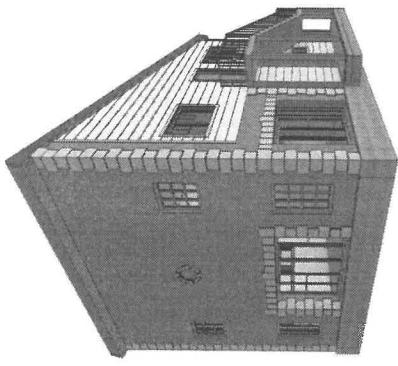
No.	Description	Date



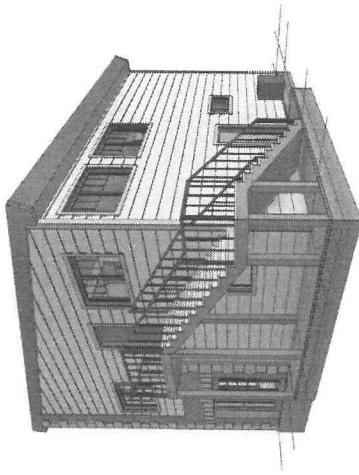
View interior 2



view Living



North-East Trade Access View



West-North residence access view

Commercial Building - Residential

Vistas		A_0.7		Scale
Project number	0001			
Date	September 2022			
Drawn by	Leonardo Araque			
Checked by	Vincent Garcia			

Vincent García

10/10/2022 17:35:48

ORIGINAL BURNED HOUSE

