

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

Thursday, December 21, 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, Brittney Ortega, and Brent Clark

**AUDIENCE:** Glenda and Derald Carruth, Ruth Herman, Wesley and Kathy Jackson, Deana Bushel, JoAnn Heather, Denise Spivey, Jon French, Anthony Sirignano, Jennifer and Gary Lee, Penney Simpson, Wayne Iverson, Judy Montague, Rebecca Spivey, Jim Gregory, Rhonda and Larry Allen, Bill Plucker, Phil Meyer, Steve Simon, Tyler Cauble, Sara Pound, Blayne Martin, Matthew Tucker, Chris McElgunn, Kenia Kobleido, and Faye and Gene Eidson.

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

**APPROVAL OF DRAFT MINUTES:** Chairperson Janzen made a motion to approve the October 25, 2023, meeting minutes. The motion was seconded by Board Member Wilson. Motion passed unanimously.

**COMMUNICATIONS:** None

**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 61<sup>st</sup> Street and Fairfield Avenue (currently unaddressed), Valley Center, KS 67204.

R. Shrack gave a summary of his staff report. This replat will take two portions of existing platted property and replat it into a single parcel that is roughly five acres in size. Public notices were sent out and a few inquiries received, none in objection. This application was reviewed by city staff and are recommending approval.

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

Chairperson Janzen closed the hearing for comments from the public: 7:05 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-02. Motion was seconded by Vice Chairperson Spranger. The motion was passed with 6 votes in favor and 1 abstention by Board Member Steve Conway.

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 85<sup>th</sup> Street (currently unaddressed), Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant intends for this project to be done in two phases. This will largely be driven by demand. The city has received several concerns from residents as well as non-residents of Valley Center concerning this application. All concerns have been provided to the board members. R. Shrack addressed each concern and gave explanation as to why city staff is recommending approval.

Baughman representative and agent for the applicant, Phil Meyer, addressed the board. He provided example locations of projects that the same company has been and are currently involved in. P. Meyer spoke about sand being a commodity and how this proposed location is a prime spot for this commodity. He also spoke on ground water contamination, rock crushing procedures, recycling, dust control, state permitting and inspections. City Administrator, Brent Clark, spoke on and answered questions about potential water rights.

Chairperson Janzen opened the hearing for comments from the public: 7:26 PM

Chairperson Janzen closed the hearing for comments from the public: 9:13 PM

The following individuals in the audience spoke during the public hearing for this special use permit application:

- Jennifer Lee, 5335 W.81<sup>st</sup> St. N: J. Lee expressed her concerns about well contamination, noise pollution, and air born hazardous material.
- Gary Lee, 5335 W. 81<sup>st</sup> St. N.: G. Lee spoke about the future water treatment plant and required wells. He spoke about having city water and sewer extended to the location before houses can be built. G. Lee expressed his opposition on this matter.
- Denise Spivey, 8050 N 63<sup>rd</sup> St W.: D. Spivey asked to have the video of the rock crusher, in operation, replayed with sound. She invited the board to listen to that sound 6-8 weeks a year.
- Judy Montague, 7936 N 63<sup>rd</sup> St W.: J. Montague inquired about how many homes that are currently built near sand pits, were under construction while next to a rock crusher. She also asked about drainage. P. Meyer gave examples of two projects where homes were constructed with a rock crusher near. Chairperson Janzen addressed the drainage concern.
- Jon Freund, 3901 Palos Verdes Cir.: J. Freund spoke about the previous applications that have been submitted and denied by Sedgwick County. He spoke of his concern about ground water contamination, truck traffic and road conditions. He asked the board to consider the concerns of the residents.
- Glenda Carruth, 8321 N Ridge Rd.: G. Carruth spoke about relocating to Valley Center years ago, shopping locally and how Valley Center is their home. She expressed her concern about drainage and the possible damage to her property.
- Rebecca Spivey, 8050 N 63<sup>rd</sup> St. W.: R. Spivey spoke about her concerns with noise, dust, possible health issues due to air born materials from the proposed sand pit, and water contamination. She asked the board to deny this application.
- Tyler Cauble, 8846 N Ridge Rd.: T. Cauble inquired about the operation of the rock crusher and water contamination caused by the crusher. He also made statements about water rights and buying and selling to Wichita.

- Penny Simpson, 8355 N Ridge Rd.: P. Simpson expressed her strong opposition to the proposed sand pit. She spoke about property value and sale prices of homes that are near sand pit operations. Ground water contamination is also a big concern.
- Deana Bushel, 8020 N 63<sup>rd</sup> St. W.: D. Bushel spoke about the increase in traffic on Ridge Rd and gave examples of accidents that resulted in death near the proposed location. She also addressed her concern on stormwater and drainage and the proximity of wells to the proposed sand pit. D. Bushel urges the board to reject this application and preserve the neighborhood.
- Wayne Iverson, 8355 N Ridge Rd.: W. Iverson addressed the board with his concerns. He spoke about pollution and contamination that are on the roads that can be brought into the sand pit operation and cause issues and urges the board to deny this application.
- Chris McElgunn: Spoke about the negative consequences from this operation and who will bear the burden of those. He spoke of the work the residents have done to present information to the board about this matter. He urged the board to look at all the information closely and reject this application. He spoke about how the applicant is being given the benefit of the doubt and asked that the property owners who are directly affected be given that benefit.
- Faye Edison, 7325 W 77<sup>th</sup> St. N.: F. Edison addressed the board and expressed her concern about traffic and how it will affect the school busses and children being transported to and from school.
- Bill Plucker, 241 Valley Creek Dr.: B. Plucker spoke about the danger of increased truck traffic on Ridge Rd. and 85<sup>th</sup> St. He urged the board to think about the increased danger and reject this application.

City Administrator Clark spoke about the current truck routes in Valley Center.

Following the closing of the public hearing, the board had a brief discussion and invited Phil Meyer to speak.

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Board Member Shellenbarger made a motion to table SU-2023-01. Motion was seconded by Vice Chairperson Spranger. After further discussion, this motion and second was withdrawn by Board Member Shellenbarger and Vice Chairperson Spranger. The motion to withdraw was passed unanimously.

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SU-2023-01. Motion was seconded by Board Member Conway. The motion passed 4-3, with Board Members Shelton, Phillips, and Vice Chairperson Spranger voting against the motion.

## **OLD OR UNFINISHED BUSINESS:** None

## **NEW BUSINESS:**

### **1. Approval of 2024 Board Meeting Dates**

Board Member Shellenbarger made a motion to approve the 2024 Meeting Dates schedule. The motion was seconded by Chairperson Janzen. Motion passed unanimously.

**STAFF REPORTS:** R. Shrack reminded the board that the next meeting will be held on Tuesday, January 23, 2024.

**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 9:31 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Board Member Conway. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

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/s/ Ryan Shrack, Secretary

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Gary Janzen, Chairperson