



PLANNING AND ZONING BOARD MEETING AGENDA

Tuesday, January 23, 2024
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"/> Brian Shelton	<input type="checkbox"/> Scot Phillips
<input type="checkbox"/> Paul Spranger	<input type="checkbox"/> Rick Shellenbarger	<input type="checkbox"/> Dalton Wilson
<input type="checkbox"/> Steve Conway		

D. SET/AMEND AGENDA

Motion made by (______). Seconded by (______). For ____ Against ____

E. APPROVAL OF DRAFT MINUTES

December 21, 2023 DRAFT meeting minutes

Motion made by (______). Seconded by (______). For ____ Against ____

F. COMMUNICATIONS

G. PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD

1. Review of RZ-2024-01, application of James Goentzel, 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 designation for a single-family residential district, to R-2, which is the City's designation for a two-family residential district. The property is currently unaddressed, but located south of 130 N. Poplar Ct., 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-2024-01. 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"/> Brian Shelton	<input type="checkbox"/> Scot Phillips
<input type="checkbox"/> Paul Spranger	<input type="checkbox"/> Rick Shellenbarger	<input type="checkbox"/> Dalton Wilson
<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

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 61st 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 85th 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.81st St. N: J. Lee expressed her concerns about well contamination, noise pollution, and air born hazardous material.
- Gary Lee, 5335 W. 81st 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 63rd 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 63rd 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 63rd 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 63rd 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 77th 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 85th 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,

/s/ Ryan Shrack, Secretary

Gary Janzen, Chairperson



Date: January 17, 2024

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

Proposed Zoning: R-2 (Two-Family Residential District)

Rezoning Application Case Number: RZ-2024-01

Applicant: Jim Goentzel

Property Address: Currently unaddressed, but located south of 130 N. Poplar Court, Valley Center, KS 67147 (outlined in red below)



Applicant's Reasons for Rezoning: The applicant is requesting a rezoning from R-1B to R-2 to allow for the construction of a new duplex on the subject property. Mr. Goentzel had previously planned on building a single-family house on each of these lots, but has since decided to build one duplex, which will be built on the center property line. The dividing wall of the duplex will be built along the property line separating the two lots, which is allowable per the City's zoning regulations. The applicant's request letter is attached to the end of this staff report.

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 consists of two parcels. These lots are both vacant. This property is located in a mixed-use residential neighborhood. There are multiple-family residential buildings located to the north and east of this property and single-family houses located to the west of this 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 R-1B (Single-Family Residential District). The surrounding zoning and land uses are as follows:

- North: R-3 (Multiple-Family Residential District)
- South: C-2 (General Business District)
- East: R-3 (Multiple-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 build a duplex on the subject property, instead of two single-family residences.

- 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 sewer services are available to the subject property. The proposed duplex will construct a driveway that will connect to Poplar Court.

- 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?*

N/A, the subject property has already been platted and does not need to be replatted.

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

No

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

Not applicable in this case.

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

N/A

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

Yes

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 will not have a negative impact on the surrounding properties. There are already numerous multi-family residences in the surrounding neighborhood and the addition of one duplex will not negatively impact this area.

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. Only one response has been received to date and this individual was not 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.

December 13, 2023

To the Valley Center Planning and Zoning Board,

I am requesting a change in zoning for two lots that I own here in Valley Center. The current zoning is R-1B and I am requesting a change to R-2 to allow for the construction of a duplex on these two lots. The land is not addressed right now, but is located just south of Poplar Ct. The addresses for the duplex will be 110 and 120 N. Poplar Ct. Thank you for your consideration.

Sincerely,



Jim Goentzel