



## PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING AGENDA

Thursday, December 19, 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)*

### 1) CALL TO ORDER THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS

### 2) PLEDGE OF ALLEGIANCE

### 3) ROLL CALL

___ Gary Janzen	___ Steve Conway	___ Dalton Wilson
___ Paul Spranger	___ Rick Shellenbarger	
___ Amy Bradley	___ Scot Phillips	

### 4) SET/AMEND AGENDA

Motion made by (\_\_\_\_\_). Seconded by (\_\_\_\_\_). For \_\_\_ Against \_\_\_

### 5) APPROVAL OF DRAFT MINUTES

October 22<sup>nd</sup>, 2024 DRAFT meeting minutes

Motion made by (\_\_\_\_\_). Seconded by (\_\_\_\_\_). For \_\_\_ Against \_\_\_

### 6) COMMUNICATIONS

### 7) PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS

1. Review of V-2024-05, application of Tyler Everett, pursuant to City Code 17.10.08, who is petitioning for a variance to have an accessory structure with a 6-foot setback. The property is addressed as 659 N Abilene, 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 Board of Zoning Appeals, I \_\_\_\_\_ make a motion to (**approve**, **deny**, or **table**) V-2024-05. Seconded by \_\_\_\_\_. For \_\_\_ Against \_\_\_

2. Review of RZ-2024-03, application of Family Rentals LLC, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned C-2, which is the City's designation for a general business district, to R-1B, which is the City's

designations for a single-family district. The property is currently addressed at 118 N Cedar, 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-2024-03. Seconded by\_\_\_\_\_. For\_\_\_ Against\_\_\_

**3. Review of zoning regulation change for Solar Energy Conversion Systems.**

- 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**) zoning regulation changes. Seconded by\_\_\_\_\_. For\_\_\_ Against\_\_\_

**8) OLD/UNFINISHED BUSINESS**

**9) NEW BUSINESS**

1. Approval of 2025 Board Meeting Dates
2. Approval of Publishing Comprehensive Plan Public Hearing Notice

**10) STAFF REPORTS**

**11) ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:**

___ Gary Janzen	___ Steve Conway	___ Dalton Wilson
___ Paul Spranger	___ Rick Shellenbarger	
___ Amy Bradley	___ Scot Phillips	

**12) ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BZA**

Motion made by \_\_\_\_\_. Seconded by \_\_\_\_\_. For\_\_\_ Against\_\_\_

**Note to Planning and Zoning Board Members: If you are unable to attend this meeting, please contact Kyle Fiedler (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](mailto:communitydevelopment@valleycenterks.org) or by phone at (316)755-7320. For additional information on any item on the agenda, please visit [www.valleycenterks.org](http://www.valleycenterks.org) or call (316) 755-7320.*

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

Tuesday, October 22, 2024      7:00 P.M.

**CALL TO ORDER:** Board Member Wilson, acting Chairperson, called the meeting to order at 7:13 P.M. with the following board members present: Rick Shellenbarger, Scot Phillips and Paul Spranger (via phone conference)

**Members Absent:** Gary Janzen and Steve Conway

**City Staff Present:** Kyle Fiedler, Brittney Ortega and Katie Crook

**Audience:** Taylen Moore, Briseida Moore, Edith Santiago, Linda Waller and Greg Waller

**AGENDA:** A motion was made by Wilson and seconded by Shellenbarger to set the agenda. Motion passed unanimously.

**APPROVAL OF DRAFT MINUTES:** Wilson made a motion to approve the September 24, 2024, meeting minutes. The motion was seconded by Phillips. Motion passed unanimously.

**COMMUNICATIONS:** Fiedler spoke about the Comprehensive Plan survey that closes tonight and reminded the board that the Comprehensive Plan review will be held on Thursday, October 24, 2024 at the Community Building and is open to the public. He urged members and the public to submit their surveys and attend the meeting.

**PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS:**

1. Review of V-2024-04, application of Edith Santiago, pursuant to City Code 17.10.08, who is petitioning for a variance to have a front yard fence with no open space, where code requires 50% open space. The property is addressed as 1932 W 69<sup>th</sup> St N., Valley Center, KS 67204.

Wilson opened the hearing for comments from the public: 7:16 PM

Fiedler gave a summary of his staff report. Notices were sent to the surrounding property owners as well as published in the *Ark Valley News*. There has been one phone call received from a surrounding property owner just confirming the location of this property. They were not in opposition or favor of this application. Taking the property size and location into consideration, City Staff is recommending approval of this application. Pictures have been provided for reference.

Wilson closed the hearing for comments from the public: 7:18 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Shellenbarger made a motion to approve V-2024-04. Motion was seconded by Wilson. The vote was unanimous. Motion passed.

**OLD/UNFINISHED BUSINESS:** none

**NEW BUSINESS:** Conversation was had between the board and staff to move the November PZB meeting from November 26 to November 21, 2024, due to the holiday and potential absences. All were in favor and agreed the next meeting will be held on November 21, 2024.

**STAFF REPORTS:** none

**ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:**

Gary Janzen - absent

Paul Spranger - none

Rick Shellenbarger - none

Scot Phillips - none

Steve Conway - absent

Dalton Wilson - none

**ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING:** At 7:20 P.M., a motion was made by Wilson to adjourn and seconded by Shellenbarger. The vote was unanimous, and the meeting was adjourned.

Respectfully submitted,

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/s/ Kyle Fiedler, Secretary

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Gary Janzen, Chairperson



**Date:** December 19<sup>th</sup>, 2024

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

**Variance Requests:** The applicant, Tyler Everett, pursuant to City Code 17.10.08, is petitioning for a accessory building setback of 6-feet, where code requires 15-feet.

**Applicant:** Tyler Everett

**Property Address:** 659 N Abilene, Valley Center, KS 67147 (outlined in red below)



**Applicant's Reasons for Variance Request:**

Per the City of Valley Center's Zoning Code (17.04.05.E.b), the minimum setback for an accessory structure is 15 feet. The applicant would like to tear down the existing garage, which has a 6-foot setback and build a new, larger garage with the same setback.

**Review Standards for a Variance per 17.10.08.D. (*standards in italics*):**

1. *That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.*

This variance request is not unique to this property. This zoning district typically has smaller lots, with accessory structures behind the principal structure.

2. *That granting of the variance will not adversely affect the rights of adjacent property owners or residents.*

The granting of this variance will not adversely affect the rights of adjacent property owners/residents. A public notice was published in *The Ark Valley News* and notice letters were mailed to all property owners within 200 feet of the applicant's property boundaries. To date, one call has been received by City staff, to clarify what the intent of the variance was, they were not opposed to the variance. Any further responses received after the creation of this staff report will be shared with the Board of Zoning Appeals during the December 19<sup>th</sup>, 2024, board meeting.

3. *That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

The variance requested would allow the property owner to build a new garage with a similar setback to his existing structure and allowing there to still be a rear yard. If the variance is not approved, the new structure would be required to be placed in the middle of the rear yard.

4. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the surrounding neighbors or the community in general. If the variance request is approved.

5. *That granting the variance desired will not be opposed to the general spirit and intent of these regulations.*

The spirit and intent of the Zoning Regulations regarding accessory structures will be met. The building will still be subject to permitting where all other zoning regulations will be reviewed to ensure the vision triangle, lot coverage, height and other setbacks will be met, along with current code.

**Staff Recommendation:** Staff recommend that the Board of Zoning Appeals approves the variance allowing an accessory structure with a 6-foot setback at 659 N Abilene, Valley Center, KS 67147.



City of Valley Center

Case No. VAR 2024-05**VARIANCE APPLICATION**240616

This application is for a Variance before the City Board of Appeals. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at Public Works, 545 W. Clay Street, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7324. An incomplete application will not be accepted. For questions, call (316) 755-7310.

Property owner(s) Name & Address Tyler EverettPhone 316 461-4101 fax# \_\_\_\_\_Petitioners Name & Address Tyler EverettPhone 316 461-4101 fax# \_\_\_\_\_Contact email address tylereverett91@yahoo.com Contact Cell Phone 316 461-4101Relationship of applicant to property is that of X Owner \_\_\_\_\_ Tenant \_\_\_\_\_ Lessee \_\_\_\_\_ Other \_\_\_\_\_

Variance Requested:

Set back + possible % of structure on propertyBuild building Approximately 6 feet off of Property line/set back  
where the current garage sits.Address/Location of Request 659 N. AbileneParcel number(s) 00264139Property Zoning is now R1-B

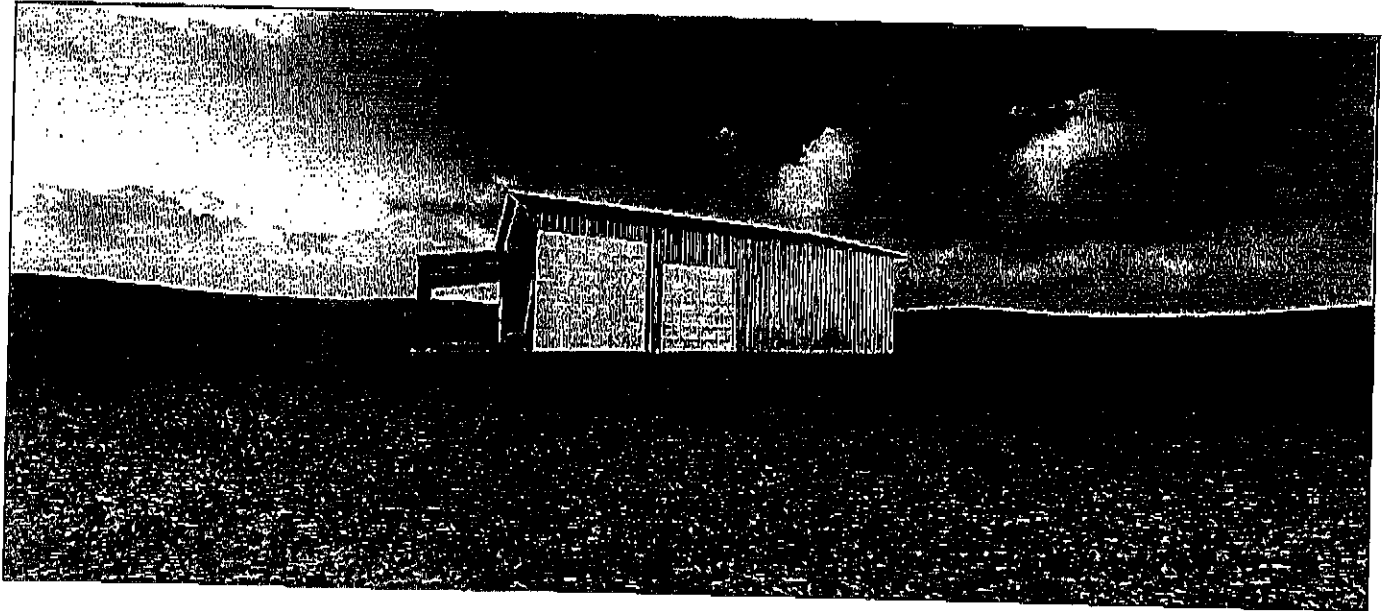
The applicant or his/her authorized agent acknowledges all of the following:

1. That he/she has received instruction material concerning the filing and hearing of this matter.
2. That he/she has been advised of the fee requirements established and that the fee accompanies this application.
3. That he/she has been advised of his/her rights to bring action in the District Court of the County to appeal a decision of the Board of Zoning Appeals.
4. That all documents are attached to this petition as noted in the instructions.

<u>Tyler Everett</u>	<u>11/13/24</u>	_____	_____
Applicant	Date	Agent (If any)	Date

**Office use only**

A pre-application meeting occurred with the applicant on \_\_\_\_\_. This application was received at 9:00 (am) (pm) on Nov. 14, 2024 by the Zoning Administrator acting on behalf of the Board of Zoning Appeals. It has been checked and found to be complete and accompanied by the required documents and a nonrefundable fee of \$200.



### Building Specs

Width: 30'  
Length: 50'  
Height: 14'  
Roof Type: Gabled  
Roof Pitch: 4":12"

### Colors

Roof Color: Charcoal  
Wall Color: Rawhide  
Trim Color: Clay  
Ridge Cap Color: Match Roof

### Interior

#### Walls

F Wall: Enclosed  
B Wall: Enclosed  
L Wall: Enclosed  
R Wall: Enclosed

#### Roof Options

F Lean to on Gable Side: 1'  
B Lean to on Gable Side: 1'  
L Lean to on Gable Side: 1  
R Lean to on Gable Side: 1

### Lean-tos

Lean To F Connection Height: 10', Cut  
L: 0', Cut R: 0', Length: 30', Depth: 10',  
Pitch: 2:12, Walls: Open

### Windows & Doors

Walk Door Solid Qty: 1  
Overhead Panel Door Qty: 3

#### Item Sizes:

Walk Door Solid: w36' x h76'  
Overhead Panel Door: w8' x h8'  
Overhead Panel Door: w12' x h12'  
Overhead Panel Door: w10' x h10'

qualitystructures.com ★ (800) 374-6988  
167 HWY 59, Richmond, KS 66080





Geographic Information Services  
**Sedgwick County...**  
*working for you*

Date: 11/13/2024

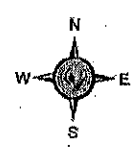
We warrant that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that data are inaccurate in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

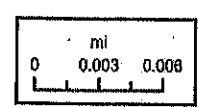
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**My Map**

**Sedgwick County, Kansas**



1:564



I am asking for this variance due to the fact my current garage is grandfathered in because an ordinance was made after it was built. The code states that my current garage is to close to the property/set back line and I want the new garage to be in the same spot as the current garage just bigger. The current garage floods and is deteriorating so looking to upgrade to stop the flooding and have a nicer better building which will add property value to my lot.

Thank you  
Tyler Everett



**Date:** August 27<sup>th</sup>, 2024

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

**Variance Requests:** The applicants, Lloyd and Keri Spencer, pursuant to City Code 17.10.08, are petitioning for an accessory building to be larger than the square footage limit of 720 and construct an accessory building of 1,600 square feet. and used prior to the construction of a principal structure. The applicants also request a variance for a larger driveway, the maximum allowed is 30 feet in width and the applicants are requesting to increase the width of the driveway to 40 feet.

**Applicant:** Lloyd and Keri Spencer

**Property Address:** 200 South Colby Street, Valley Center, KS 67147 (outlined in red below)



**Applicant's Reasons for Variance Request:**

Per the City of Valley Center's Zoning Code (17.06.01.B. and 17.05.01.A.5.a.), no accessory structure shall be constructed over 720 square feet on a lot size that is 20,000 square feet or less and the driveway approach maximum width is 30 feet.

**Review Standards for a Variance per 17.10.08.D. (*standards in italics*):**

1. *That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property*

*owner or the applicant.*

This variance request is unique to this property and is not the result of any actions already taken by the property owner. The surrounding neighborhood is comprised of predominately single-family homes and multiple accessory buildings. Once completed there will be a single-family home and accessory building on this lot.

2. *That granting of the variance will not adversely affect the rights of adjacent property owners or residents.*

The granting of this variance will not adversely affect the rights of adjacent property owners/residents. A public notice was published in *The Ark Valley News* and notice letters were mailed to all property owners within 200 feet of the applicant's property boundaries. To date, one call has been received by City staff, against the building size. Any further responses received after the creation of this staff report will be shared with the Board of Zoning Appeals during the August 27<sup>th</sup>, 2024, board meeting.

3. *That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

The property owner will experience hardship in the fact that not allowing this building would require them to store vehicles, tools and equipment outside in the elements on a property they already own.

4. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the surrounding neighbors or the community in general. There are no City-owned utilities that would be negatively affected by the approval of this variance and the proposed building to be constructed on the property. If the variance request is approved, there will still be adequate codes that the property owners will have to comply with to avoid the creation of an eye sore to adjacent property owners. Building setback requirements will also still be met.

5. *That granting the variance desired will not be opposed to the general spirit and intent of these regulations.*

The granting of this variance will not be opposed to the general spirit and intent of the referenced regulations.

**Staff Recommendation:** Staff recommends that the Board of Zoning Appeals grants the variance allowing for a 1,600 sq. ft. accessory building to be built and the driveway approach to be extended to 40 feet in width at 200 South Colby Street, Valley Center, KS 67147.



240643

**REZONING/LAND USE AMENDMENT APPLICATION**

This application is for a Rezoning/Land Use Amendment before the City Planning Commission. The form must be completed and filed with the Zoning Administrator at Public Works, 545 W Clay Street, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7324. An incomplete application will not be accepted. For questions, call (316) 755-7310, ext. 103.

Property owner(s) Name & Address Family Rentals LLC 118 W Cedar  
 Phone 316-213-9043 fax# \_\_\_\_\_

Petitioner's Name & Address 1522 W Thoroughbred 67235  
 Phone \_\_\_\_\_ fax# \_\_\_\_\_

Contact email address jolleyrealtor@outlook.com Contact Cell Phone 316 213 9040

Relationship of applicant to property is that of X Owner \_\_\_ Tenant \_\_\_ Lessee \_\_\_ Other

Property Zoning/Land Use Plan is now C2 Commercial gen business district

Proposed Rezoning/Land Use Plan Amendment R1-B

Property shown on Valley Center Land Use Plan is now commercial

Address/Location of Request 118 W Cedar

Justification for Rezoning/Land Use Plan Amendment (attach narrative to application)

The undersigned petitioner understands the following conditions of this application:

1. That he/she has been advised of the fee requirements established and that the fee accompanies this application for a Rezoning/Land Use Amendment.
2. That the Planning Commission can only recommend action and the City Council must ratify the Planning Commission's decision as the final decision of the City.

Amanda Hernandez 11-12-24 Amanda Jolley 11-12-24  
 Applicant Date Agent (If any) Date

**Office use only**

A pre-application meeting occurred with the applicant on \_\_\_\_\_. This application was received at \_\_\_\_\_ (am) (pm) on Nov. 12, 2024 by the Zoning Administrator acting on behalf of the Planning Commission and City Council. It has been checked and found to be complete. Nonrefundable fee varies, depending upon the zoning classification being requested.

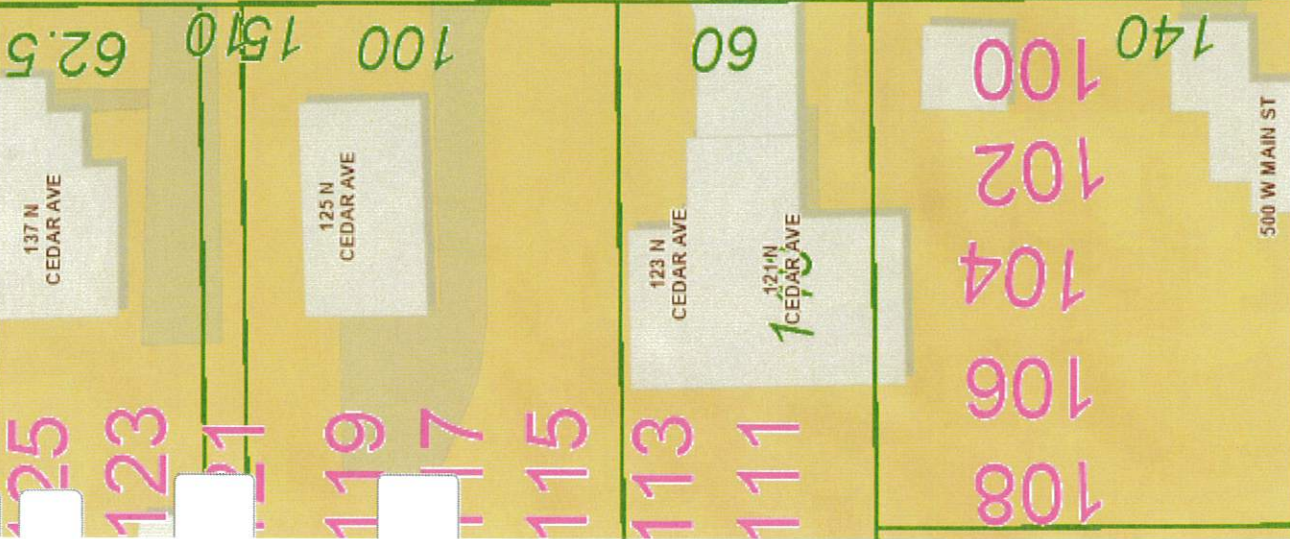
Zoning Application fee for a rezoning is \$300 other than a PUD, which is \$500





118 N CEDAR X Q

Show search results for 118 N ...



60ft



## Kyle Fiedler

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**From:** Amanda Jolley <JolleyRealtor@outlook.com>  
**Sent:** Tuesday, November 12, 2024 12:13 PM  
**To:** Kyle Fiedler  
**Subject:** Letter

Dear planning and zoning,

I am writing this letter to please ask you to rezone 118 N Cedar to residential- R1B. I have a young man wanting to buy the property as his first home and he's been waiting patiently for it to close. The lender will not lend on it because of the type of zoning. The majority of the neighborhood is residential homes. Please allow me to sell this house to this young man by rezoning it.

Thank you,  
Amanda Hernandez (Family Rentals LLC)



**Date:** December 19<sup>th</sup>, 2024

**Zoning Regulations:** Proposed addition of Solar Energy Conversion System in Industrial Districts.

The proposed changes to the zoning regulations include adding a definition of a Solar Energy Conversion System on page 21, adding Section 17.03.35 for Solar Energy Conversion Systems (SECS) on pages 33-36. Adding this section subsequently moves each section down one number, with no other changes to those sections. The reserved sections of the code will now be 17.03.41-17.03.99.

**Staff Recommendation:** Staff recommend that the Planning and Zoning Board approves the proposed changes and send your recommendation to the City Council for consideration.

establishments customarily referred to as cafeterias, coffee shops, dairy bars, fast food restaurants, reception halls and soda fountains, but not a drive-in establishment unless specifically permitted by the district regulations. Drive-through facilities such as service from a window, however, are permitted. (See DRIVE-IN ESTABLISHMENT.)

**RETAIL:** Selling on the premises in small quantities as distinguished from warehouse quantities to the ultimate consumer for direct consumption and/or use and not for resale. Auctions are not considered retail selling nor are outdoor sales lots for motor vehicles, recreational vehicles and the like. (See DEPARTMENT AND VARIETY STORE and STORE.)

**SALVAGE YARD:**

1. Any land or building used for the collection or storage or sale of wastepaper, trash, rags, fibrous material, scrap metal or other discarded material; or for the collecting or dismantling or storing or salvaging of machinery or unlicensed motor vehicles not in operating condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures.
2. In residential districts, this definition shall prohibit the storing of no more than two inoperable or unlicensed motor vehicles for a period of more than 72 hours which are in the process of restoration to operating conditions, unless such vehicles are stored inside a structure or screened from public view. (See also City Ordinance.)

**SCREENING:** Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fences or evergreen vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet high, unless otherwise provided.

**SETBACK, BUILDING:** A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the front street right-of-way. The setback distance shall be measured from the existing right-of-way line or the proposed right-of-way, whichever is the greater. (Note: Proposed right-of-way lines are based on the Comprehensive Plan and are further specified in the City Subdivision Regulations for arterial, collector, local and marginal access streets.) (See YARD, FRONT.)

**SIGN:** Any writing (including letters, words or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols or trademarks), flag, banner, streamer, pennant, string of lights or display calculated to attract the attention of the public or any other figure of similar character which:

1. Is a structure or any part thereof or a portable display, or is attached to, painted on, or in any other manner represented on a building or other structure or on the ground;
2. Is used to announce, direct attention to, or advertise; and
3. Is not located inside a building.

**SOLAR ENERGY CONVERSION SYSTEM (SECS): Any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.**

**SPECIAL USE:** A use of a structure or land which is not permitted outright within a zoning

space provided in connection with any structure or use, including but not limited to any structure or use existing on the effective date of these regulations or of any amendment thereof, shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for the equivalent new construction.

**17.03.34 Sewer and Water Facilities.** All principal structures built hereafter shall be served by and connected to the City's sewer and water system, if such facilities can be feasibly provided as may be determined by the Governing Body.

**17.03.35 Solar Energy Conversion Systems.**

**A. Statement of Purpose.** It is the purpose of these regulations to provide a regulatory scheme for the construction and operation of Solar Energy Conversion Systems (SECS) in the City of Valley Center and the surrounding three-mile jurisdiction area, subject to reasonable restrictions, which will promote the conversion of solar energy to electricity, while preserving the public health and safety.

**B. Findings.** Valley Center finds that solar energy is an abundant renewable and nonpolluting energy resource and that its conversion to electricity will help to reduce dependence on nonrenewable energy resources and thereby decrease the air and water pollution that results from the use of conventional energy sources. Solar energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio. It is also recognized that issues related to aesthetics, safety, noise, and effects on nearby property values are important in the siting and installation of SECS in Valley Center and the surrounding area. Therefore, it is necessary to standardize and streamline the proper issuance of permits for SECS so that this clean renewable energy resource can be utilized in a cost-effective and timely manner.

**C. Definitions.** The following definitions should be used in the interpretation of this article:

**ABANDONMENT:** means, without limitation to have ceased to be maintained, discarded, left deserted, or control of a SECS being given up.

**ACCESSORY USE:** A subordinate use which serves as an incidental function to the main use of the premises.

**AGRIVOLTAICS:** The use of land for both agriculture and solar energy production.

**BATTERY ENERGY STORAGE SYSTEM (BESS):** One or more devices, assembled together, capable of storing electrical energy from renewable sources to supply electrical energy at a future time and has some form of fire suppression built in.

**BATTERY ENERGY STORAGE FACILITY (BESF):** Is a dedicated facility that houses a BESS and all the necessary infrastructure to operate at a utility-level scale, including transformers, cooling systems and safety equipment.

**FEEDER LINE:** Any power line that carries electrical power from one or more solar arrays or electric storage facility, or individual transformers associated with individual solar arrays or electric storage facilities to the point of interconnection with the electric

power grid. In the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the SECS.

**OPERATOR:** The person(s) claiming ownership to the SECS and all associated equipment exclusive of the real estate upon which it is sited.

**OWNER:** The person(s) having title to the real property upon which a SECS is sited.

**SOLAR ENERGY CONVERSION SYSTEM (SECS):** An electrical generating facility comprised of one or more devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside. The following facilities are included as permitted as part of a SECS: storage for generated electricity and all appurtenant facilities of such systems, including, but not limited to, roads, transformers, substations and operations or maintenance buildings as specified in the permit application.

**D. Solar Energy Conversion System Requirements** Solar Energy Conversion Systems (SECS) are allowed in I (Industrial) zoned districts, subject to the following requirements:

1. Compliance with all I zone regulations in Section 17.04.11.
2. Compliance with all screening and landscaping requirements in Section 17.03.36.
3. Site Plan Review – A site plan must be submitted for review in accordance with Section 17.12.05. In addition to the requirements of Section 17.12.05, please include:
  - a. Location and spacing of solar devices
  - b. Planned location of underground and overhead lines
  - c. Location of substation facilities, BESF and other facilities
4. Engineered Drawings - Building permit applications for SECS, BESS and BESF shall be accompanied by standard drawings of the solar devices and stamped engineered drawings of the device structure, base, footings, and/or foundation as provided by the manufacturer and any building.
5. Compliance with the National Electric Code (NEC) - Applications for SECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the most current NEC and article 690, as well as NEC article 706 for a BESS.
6. Compliance with Fire Code– Applications for SECS shall comply with all local, state and federal fire code regulations. SECS that include a BESS shall be accompanied by plans compliant with National Fire Protection Association (NFPA) Standard 885 in addition to all other local, state and federal regulations. At minimum, the following standards apply to the battery energy storage facilities of a system:
  - a. Battery energy storage facility (BESF), including all mechanical equipment, shall be enclosed by a fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated use building;
  - b. The area within 10 feet of each side of a BESF shall be cleared of combustible vegetation and surfaced with gravel or other non-combustible surfacing; and

- c. Meet the Underwriters Laboratories (UL) 9450A Test Method.
- 7. Signage for the BESF shall comply with American National Standards Institute Z535 and shall include the type of technology associated with the BESF, whether there are any special hazards, the type of suppression system installed in the area of the BESF and 24-hour emergency contact information. As required by the NEC, disconnection and other emergency management information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- 8. Utility Notification - No SECS shall be installed until the utility company has been informed of the customer's intent to install an interconnected customer-owner generator.
- 9. Insurance - Additional insurance beyond the property owners' or homeowners' coverage shall not be required by this regulation.
- 10. Abandonment – A decommissioning and reclamation plan should be submitted to the City during the permitting process to ensure that facilities are properly removed after their useful life. The plan shall include the following conditions and requirements:
  - a. The decommissioning of a solar array may occur in the event any solar array is not in use for 12 consecutive months unless the City Council approves a request to maintain the facility. If a solar array has not been in use for 12 consecutive months, the City Code Enforcement Officer may issue a notice of abandonment to the owner and the operator. The owner or operator shall have the right to respond to the notice of abandonment within 30 days from the receipt of such notice. The City Code Enforcement Officer may withdraw a notice of abandonment if the owner or the operator provides sufficient information to demonstrate that the system has not been abandoned. Such information may include documentation or certification by the local electric utility, or that the owner or the operator is actively pursuing a plan, including specified steps and a proposed schedule to bring the system back into service. If the City Code Enforcement Officer does not withdraw a notice of abandonment, the owner or the operator shall have one year to complete decommissioning of the system in accordance with the decommissioning and reclamation plan;
  - b. the decommissioning and reclamation plan shall include provisions for removal of all structures, foundations, underground wiring and all materials foreign to the site prior to installation of the system, except that any cables that are buried deeper than 36 inches underground may remain on the site if a map of the buried lines is provided to Kansas one-call, and is recorded with the deed of the property containing the buried cables;
  - c. the decommissioning and reclamation plan shall ensure the site will be reclaimed to a useful, nonhazardous condition without delay by providing for the regrading and seeding of the land and revegetation of reclaimed soil areas with crops or native seed mixes;
  - d. the decommissioning and reclamation plan shall include a description of how any changes to the surrounding areas and systems adjacent to the battery energy storage facility, including, but not limited to, structural elements, means of egress, and required fire detection suppression systems, will be protected during decommissioning and approved after the system is removed;



- e. the decommissioning and reclamation plan shall provide that soil shall be tested following removal of equipment and compared with preliminary soil testing to evaluate any soil contamination to determine whether a remediation program is needed;
  - f. the decommissioning and reclamation plan shall require all concrete and other materials used in the construction of the site to be removed and appropriately discarded in accordance with all solid and hazardous waste regulations;
  - g. the decommissioning and reclamation plan may incorporate agreements with the landowner regarding the decommissioning requirements of such system relating to access roads, fences, gates or repurposed buildings or restoration of agricultural crops or forest resource land; and
  - h. the decommissioning and reclamation plan shall include estimated decommissioning costs and the method for ensuring that financing will be available for such decommissioning and reclamation. The applicant shall provide the basis for the cost estimates and shall include a mechanism for calculating adjusted costs over the life of the project.
11. Concurrent use of Land – A system shall be designed to accommodate concurrent use of the land for livestock grazing, row crops or other agrivoltaics uses or shall contain a diverse array of native grasses and forbs for native habitat under and between the rows of solar devices. The ground around and under the solar devices and the ground in designated buffer areas shall be planted and maintained with perennial vegetated ground cover or agricultural plants that are managed to prevent erosion and runoff.
12. Whenever the SECS and/or the property upon which the WECS is sited are transferred to new ownership, all requirements and responsibilities pertaining to the SECS are transferred to the new ownership.

**17.03.365 Status of Moving Manufactured or Mobile Homes.** Notwithstanding other provisions of these regulations, the Zoning Administrator is authorized to issue a zoning permit for various types of manufactured and mobile homes under the following provisions; except, that all such homes must meet the floodplain district requirements and none may be replaced in a floodway overlay boundary:

- A. Wherever a manufactured or mobile home is moved from a zoning lot within a district in which it is a permitted use, another manufactured or mobile home meeting the requirements of the district may be moved onto the lot at any time; provided, such home shall be skirted or placed on a permanent-type, enclosed perimeter foundation.
- B. In the case of a lawful, nonconforming manufactured or mobile home use, if such a home is moved off a zoning lot, no replacement of a manufactured or mobile home is permitted other than a residential-design manufactured home as defined in Section 17.02.09 and only in residential districts where such home is permitted.
- C. No manufactured or mobile home, or portion thereof, shall be moved onto any lot or parcel or an existing home converted for storage or any other purpose than for a residence in any district and no such home shall be temporarily or permanently located in any district not otherwise permitting such homes. These provisions do not preclude the use of prefabricated mobile structures designed for offices in business or industrial

districts, but not manufactured/-mobile homes unless specifically permitted.

- D. In the event of disasters, such as fires, tornados or floods, whereby expediency is an important factor, a manufactured home may be located temporarily in any district at the discretion of the Zoning Administrator with appropriate conditions attached for a stated period of time.

#### **17.03.376 Screening and Landscaping.**

- A. Screening and/or landscaping shall be provided when a zoning permit is issued on all properties developed for multiple-family, Manufactured Home Park and all nonresidential uses when such uses are established on property within or adjacent to any residential districts in accordance with standards and procedures as listed below. In anticipation of a need for screening, such matters are proper subjects to be discussed and, if deemed desirable, decided at any hearing for a zoning district amendment or a special use. In addition to the requirement for screening as stated above, screening may further be required at such a hearing to preserve the value of an existing use or the potential for future development of any adjacent land or land across a right-of-way.
- B. Screening shall be provided along all side or rear lot lines adjacent to such residential districts.
- C. Landscaping shall be provided along a front lot line to the depth of at least 10 feet whenever such front lot line is adjacent to or across from such residential districts. No other uses except driveways and signs as permitted by Chapter 17.07 shall be allowed in such a landscaped area.
- D. Screening shall be provided on all required development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, outdoor storage, outdoor display, outdoor working areas, parking spaces and similar uses from such residential districts.
- E. Screening on the side or rear lot line may be reduced in height and intensity in the front yard area extending to the front lot line, i.e., the street right-of-way; however, screening shall not be required along such lot lines in that portion of the front yard which may be landscaped.
- F. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.
- G. Screening may consist of fencing and/or landscaping provided that such screening will serve to adequately reduce:
  - 1. The visual effects on the environment caused by adjacent nonresidential or higher density residential uses
  - 2. Noise
  - 3. Lighting
  - 4. Glare
  - 5. Blowing trash
- H. All screening and landscaping shall meet the requirements of the vision triangle in Section 17.03.37. (See Section 17.02.09 for definition of VISION TRIANGLE.)



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

### **2025 MEETING SCHEDULE**

1/28/2025  
2/25/2025  
3/25/2025  
4/22/2025  
5/27/2025  
6/24/2025  
7/22/2025  
8/26/2025  
9/23/2025  
10/28/2025  
11/25/2025  
12/18/2025 (3<sup>rd</sup> Thursday)

\*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.

(Published in *The Ark Valley-News* on January 2, 2024.)

**NOTICE OF PUBLIC HEARING  
CITY OF VALLEY CENTER**

**TO ALL PEOPLE CONCERNED OR INTERESTED:**

As required by state statute K.S.A. 12-747(b), notice is hereby given that the Valley Center City Planning and Zoning Board will hold a public hearing on **Tuesday, January 28, 2025 at 7:00 pm**, in the Council Room of **Valley Center City Hall** at 121 South Meridian Avenue in Valley Center, Kansas. The Planning and Zoning Board will hear comments on the proposed adoption of the ***Valley Center Comprehensive Plan 2025-2035***.

The City of Valley Center is authorized to make and adopt a comprehensive plan by K.S.A. 12-747. The *Comprehensive Plan* is a long-range guide for public and private land use, transportation, and community facilities; it is not a regulatory document.

The *Comprehensive Plan* identifies a **Planning Area**, which has an influence on the planning and development of the City of Valley Center, and which therefore should be studied as part of what State statute refers to as the "total community of which the City is a part". The Planning Area includes the City of Valley Center, and extends about the City of Valley Center a maximum of nine miles north-to-south and six miles east-to-west. The Planning Area covers a little over 37 square miles, within Valley Center Township (T25S, R1W), Grant Township (T25S, R1E), Park Township (T26S, R1W), and Kechi Township (T26S, R1E), all in Sedgwick County, Kansas.

Copies of the proposed *Valley Center Comprehensive Plan 2025-2035* are **available for review** on the City website at [valleycenterks.org](http://valleycenterks.org), and at Valley Center City Hall at 121 South Meridian Avenue during regular business hours.

As required by K.S.A. 12-743(a), written notification of the City's intent to adopt a comprehensive plan which affects property outside the City will be provided to the Sedgwick County Board of Commissioners. They will be provided with a copy of this notice.

The public hearing may be recessed and continued from time to time without further notice. After hearing the views and wishes of the public, the Planning and Zoning Board may close the hearing and consider the adoption of the *Valley Center Comprehensive Plan 2025-2035*. If adopted, the Planning and Zoning Board will refer the *Plan* to the Valley Center Governing Body for them to consider approval of the *Plan* by publication of an Ordinance.

DATED this 30th day of December, 2024.

/s/ \_\_\_\_\_

Gary Janzen, Chair  
Valley Center City Planning and Zoning Board

ATTEST:

/s/ \_\_\_\_\_

Kyle Fiedler, Recording Secretary  
Valley Center City Planning and Zoning Board