

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

Thursday, December 19, 2024 7:00 P.M.

CALL TO ORDER: Vice Chairperson, Paul Spranger, called the meeting to order at 7:00 P.M. with the following board members present: Scot Phillips Amy Bradley, Steve Conway, and Dalton Wilson.

Members Absent: Gary Janzen and Rick Shellenbarger

City Staff Present: Kyle Fiedler, Brittney Ortega and Brent Clark

Audience: Amanda Jolley, Brendan McGettigan, Dave Matson, Tyler Everett, and Michael Miller.

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

APPROVAL OF DRAFT MINUTES: Spranger made a motion to approve October 22, 2024, meeting minutes. The motion was seconded by Wilson. Motion passed unanimously.

COMMUNICATIONS: Amy Bradley was introduced and welcomed as the newest board member.

PUBLIC HEARING 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.

Spranger opened the hearing for comments from the public: 7:02 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. They were not in opposition to this application. City Staff is recommending approval of this application.

Spranger 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, Spranger made a motion to approve V-2024-05. Motion was seconded by Conway . The vote was unanimous. Motion passed.

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 2 designations for a single-family district. The property is currently addressed at 118 N Cedar, Valley Center, KS 67147.

Spranger opened the hearing for comments from the public: 7:07 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*. Staff received 3 calls pertaining to this application, 2 in opposition. The property is currently a single-family home that was rezoned to commercial. It is legal non-conforming; therefore, it can be used as a residence, it is just not zoned as residential. The applicant is trying to sell the home and would like to have it zoned as residential to aid in the funding process for the potential buyer.

Dave Matson addressed the board in opposition to this application. As a property and business owner in this area he has many concerns. Possible issues include expanding or building on his commercially zoned property in the future if there is a lot zoned residential next door, liability for uninvited persons on his property, and the proximity of the railroad tracks to a proposed residential lot. Safety being a high-level concern.

Brendan McGettigan addressed the board in opposition to this application. As a business owner who has varying hours of operation, that can include middle of the night, he is concerned about possible complaints. Vehicles coming and going, yard lights, and noise are a few of the possible complaints that could be directed at his business.

A brief discussion, between staff and the board, was had regarding surrounding properties, negative effects and/or restrictions on future construction, property values, and the current owner's struggle to sell the property due to its current zoning.

Amanda Jolley, applicant, addressed the board. She explained that she was unaware of the zoning when she purchased this property. She expressed that an individual has been waiting 3 months to close on the purchase of this property and cannot get the loan funded with the current zoning being commercial. She requested the board make the zoning change.

Spranger closed the hearing for comments from the public: 7:36 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Spranger made a motion to deny RZ-2024-03. Motion was seconded by Bradley. The vote was unanimous. Motion passed.

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

Spranger opened the hearing for comments from the public: 7:43 PM

Fiedler explained the proposed changes. A brief discussion was had between the board, Fiedler and City Administrator Clark. If approved by this board, the proposed changes will then go before City Council in January.

Spranger closed the hearing for comments from the public: 7:44 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Spranger made a motion to approve zoning regulation changes. Motion was seconded by Conway. The vote was unanimous. Motion passed.

OLD/UNFINISHED BUSINESS: none

NEW BUSINESS:

1. Approval of 2025 Board Meeting Dates

Motion was made by Spranger and seconded by Wilson to approve the 2025 Board Meeting Dates. Motion passed unanimously.

2. Approval of Publishing Comprehensive Plan Public Hearing Notice

Motion was made by Spranger and seconded by Wilson to approve the publishing of the Comprehensive Plan Public Hearing. Motion passed unanimously.

STAFF REPORTS: Fiedler reminded the board that all comments regarding the comprehensive plan need to be received by December 31, 2024.

ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:

Gary Janzen - absent

Paul Spranger - none

Rick Shellenbarger - absent

Scot Phillips - none

Steve Conway - none

Dalton Wilson - none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BOARD OF ZONING

APPEALS MEETING: At 7:57 P.M., a motion was made by Spranger to adjourn and seconded by Conway. The vote was unanimous, and the meeting was adjourned.

Respectfully submitted,

/s/ Kyle Fiedler, Secretary

Gary Janzen, Chairperson