

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

Tuesday, April 22, 2025 7:00 P.M.

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

Members Absent: Gary Janzen, Rick Shellenbarger

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

Audience: Matthew Tucker, Kitt Noah, Betty Whitted, Doug Cunningham, Chuck Potter, Feryl Potter, Gina Gregory, Jim Gregory, Jordan Noone, Deeanna Loibl, Mary Aspenson Bob Blanton, June Blanton, John Farrington, Barb Farrington, Kevin Moler, Jeanne Grauerholz, James Grauerholz, Bret Loibl, Donna Rosbach, Michael Rosbach, Jon Bennett, Ashley Benett, Paul Hajdu, Shuvai Chambwe, Munashe Chipezeze, Joshua Copp, Nathaniel Hinkel, Kirk Miller, Bryan McDowell, Lee Calvert, Sergio Del Valle, Diane Spranger, Tyler Sherhod

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 March 25, 2025, meeting minutes. The motion was seconded by Wilson. Motion passed unanimously.

COMMUNICATIONS: none

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

1. Review of MAPC CON2025-00057: Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, generally located on the east side of Ross Avenue and 460 feet south of West 89th Street North (8912 Ross Avenue).

Spranger opened the hearing for comments from the public: 7:04 PM

Fiedler introduced Philip Zevenbergen with the Metropolitan Area Planning Department, who gave a summary of his staff report. This item is in the Valley Center Area of Influence and was presented to Planning and Zoning for a recommendation prior to going before the Metropolitan Area Planning Commission. Fiedler shared the staff recommendation is to make a favorable recommendation to MAPC for approval.

Spranger closed the hearing for comments from the public: 7:14 PM

Based on the City Staff recommendations, public comments, and discussion by the Board of Zoning Appeals, Bradley made a motion to approve CON2025-00057. Motion was seconded by Conway. The vote was unanimous. Motion passed.

2. Review of RZ-2025-02, application of I2 Investments LLC, 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 district, to R-2, which is the City's designation for a two-family district. The property is currently addressed at 328 N Birch Ave, Valley Center, KS 67147.

Spranger opened the hearing for comments from the public: 7:19 PM

Fiedler gave a summary of his staff report. The subject property is in a predominantly R-1B zoned neighborhood, however, there are some two-family and multi-family zone lots nearby. Notices were sent to the property owners within 200 feet as well as published in the *Ark Valley News*. Staff received 1 phone call in opposition to this application regarding the applicant's intent to have two duplexes on the lot. Staff recommended approval of this application due to the Comprehensive Plan 2025-2035 recognizing that more diverse housing is needed in Valley Center, as well as that there are other two-family and multi-family lots within a block in either direction of the subject property. Staff also recommend approval based on prior hearings on this item where the neighbors expressed their desire for R-2 over R-3 for this lot.

Matthew Tucker, agent for the applicant, addressed the board.

Kitt Noah spoke in opposition, stating concerns about the increasing number of vehicles on the street and the growing presence of duplexes.

Tyler Sherhod spoke in opposition, stating concerns about property value decreases and increased traffic.

Lee Calvert spoke in opposition, stating concerns of traffic congestion and noted that unlike other duplexes in the neighborhood which are located on corner lots, this lot is not.

Brian McDowell spoke in opposition, stating that the area is already congested and that approving this application would only increase the problem. He added that if duplexes are going to be built, they should do so in the part of town where most new duplexes are being constructed.

Bradley asked about the barn located on the property. Fiedler shared that it is across property lines. Brian McDowell who owns part of it said that if the applicant wanted to take it down that would be something they would have to address.

Spranger closed the hearing for comments from the public: 7:31 PM

Fiedler reiterated the rezone to R-2 is only matter to be considered tonight. Any future intentions of the applicant discussed this evening would be a matter for Planning and Zoning at a future hearing.

Wilson wanted to know how the requested zoning of R-2 was different than what was denied by Council. Fiedler stated that the previous request was for R-3 which would allow 3 or 4 units on the property, and the consensus from the Council and the public comments was that R-2 would

be a better fit. R-2 will allow for one two-family structure. If the property owner chooses to do a lot split, that would be a separate item for Planning and Zoning.

Matthew Tucker addressed comments made. Currently there is no driveway for off-street parking, any new building would be required to have this, which would alleviate some of the street parking. He also said that in R-2 the most that could be built is a duplex and the setbacks are the same as R-1B, where R-3 and R-4 allow for more units to be built and have different setbacks. He addressed that as this neighborhood was originally platted for 50 foot wide lots that this property could have had three structures already on it and the total intention of the property owner would be one more unit than originally allowed.

Based on the City Staff recommendations, public comments, and discussion by the Board of Zoning Appeals, Wilson made a motion to approve RZ-2025-02. Motion was seconded by Conway. Motion passed 4 to 1 with Spranger opposed.

3. Review of RZ-2025-04, application of City of Valley Center, 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-3, which is the City's designation for multi-family residential district. The property is currently unaddressed, located Northeast of the new REC Center at the future intersection of Emporia Ave and Northwind Dr, Valley Center, KS 67147.

Spranger opened the hearing for comments from the public: 7:46 PM

Fiedler reviewed his staff report. The property is currently zoned C-2, which was designated when the property was platted. As this development progresses, the City felt this property would be better suited for R-3 zoning as the majority of neighboring parcels are zoned R-2. R-3 allows for residential uses, such as apartments and senior living facilities. Notices were sent to the property owners within 200 feet as well as published in the *Ark Valley News*. Staff did not receive any communications from the public on this rezoning. Staff recommended approval of this application due to the Comprehensive Plan 2025-2035 recognizing that more diverse housing is needed in Valley Center.

Spranger closed the hearing for comments from the public: 7:47 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Wilson made a motion to approve RZ-2025-04. Motion was seconded by Phillips. The vote was unanimous. Motion passed.

4. Review of SD-2025-02, application of KE Miller Engineering, pursuant to City Code 16.04, who is petitioning for approval of a preliminary plat for land currently unaddressed, located Northwest of the intersection of High Point Rd and East Point Rd in Valley Center, KS 67147.

Spranger opened the hearing for comments from the public: 7:53 PM

Fiedler reviewed his staff report. The parcel that is proposed to be subdivided is currently zoned RR-1, as are the surrounding properties. The proposal is to subdivide the 5-acre tract into 5 1-acre tracts. The surrounding properties vary in size from approximately .75 acres to 5.5 acres. The preliminary plat submitted meets the City's Subdivision Regulations and Zoning Regulations for RR-1. Notices were sent to the property owners within 200 feet as well as published in the *Ark Valley News*. Staff received communications from six people, 3 of which sent in letters in opposition, which were provided to the Planning and Zoning Board at the meeting. The City Staff Review Team provided comments to the agent for the applicant, which were made and reflected in the preliminary plat. Staff are recommending approval of the preliminary plat.

Kirk Miller, agent for the applicant, reviewed the preliminary plat, that it was designed to meet our subdivision regulations and requested that the Planning and Zoning board remember that they are looking at the subdivision regulations when considering the preliminary plat.

Spranger shared that he has had ex parte communications on this item, it was confirmed that Spranger does not have ownership in the property in question, so he can vote on the item.

Paul Hadju said the neighbors use this property as a park and that residents in Fiddler's Creek should be asked their opinions on this as well. He also stated that this will stress the wells in the area. His opinion was that the narrow road would not support the subdivision. He also stated that the neighborhood has a lot of wildlife. He requests that they vote in opposition of the preliminary plat.

Chuck Potter would like to preserve the ambiance of the neighborhood. He requests that they reduce the preliminary plat to three lots instead of five.

Mary Aspenson is concerned about the road; the width of the road is hard for two vehicles to pass each other. She thought that the addition of five homes would add at least 10 cars to the traffic each day, they would have large driveways, and the five homes would make the neighborhood not unique anymore.

Shuvai Chambwe is concerned with the east lot because of the curve in the road and is unsure if the location of a driveway will be safe. In the center portion of the neighborhood there are five homes currently, the addition of five more homes would change the neighborhood. She also was concerned about septic tanks on the properties affecting the water quality of her well.

Sergio Del Valle was concerned about the additional traffic on the roads and strain on the infrastructure. Construction will disrupt the tranquility of the neighborhood.

Jim Gregory wanted to preserve the wildlife and space for neighbors to get out and enjoy the outdoors. He was concerned about the quality of buildings that would go in. He also talked about the road structure and drainage that might need to be addressed with the addition of these lots.

Bret Loibl is against the 1-acre sized because it is inconsistent with the others in the “island,” he is okay with two parcels. He said that the setbacks for the larger parcels should be 130 feet as their covenants require that.

Kevin Moler said the neighborhood is historic and there are other areas of town where growth is occurring, and it doesn’t need to be in their neighborhood.

Deeanna Loibl she thinks that the lots should be bigger in size to keep the area more open. She thinks that this is setting precedents for the other open lots in the neighborhood. She is concerned about infrastructure in place.

Gina Gregory thought they had to have five acres to build, she supported the comments of those that have spoke before her.

Bob Blanton is opposed to five homes, he requests that it is limited to two or three homes and would like to see a minimum size restriction and setback increased to 50 or 75 feet.

Feryl Potter would like to see the subdivision be for two or three houses.

Bob Grauerholz was concerned about safety and property values, and is opposed to the plat, five lots is too many, three would be okay.

Nathaniel Hinkle thinks a maximum of three lots would be more appropriate. He reviewed his opinion on the golden rules for zoning. He stated concerns about the infrastructure, the blind spot caused by a tree on East Point Road.

John Farrington is concerned about the precedence it sets for the neighborhood. The addition of five houses will change the character of the neighborhood. He had concerns about the width and condition of the roads.

Joshua Copp is concerned about the road width and infrastructure with all of the extra traffic.

Diane Spranger spoke on the size of the lots on the west side of High Point, she also was concerned that the homes built in the new lots would be spec homes in the middle of custom-built homes.

Jon Bennett is concerned if this is subdivided, what could happen with the other two 5-acre lots that are currently undeveloped. He would like to see it “knocked down a couple houses.”

Kirk Miller shared that this is private property, that many of the neighbors have shared that they use the property and asked that they respect the rights of the property owner. He mentioned many of the comments made this evening would pertain to a zoning case, but the property is already zoned the same as those that surround it. He reminded that the golden rules addressed previously were for zoning, not platting.

Spranger closed the hearing for comments from the public: 8:42 PM

Fiedler stated that he had been provided copies of covenants on the neighborhood, some just at the beginning of the meeting. He stated the City does not enforce covenants, but he did go ahead and review the covenants, of which he could not find anything that this preliminary plat conflicted with of the covenants. He also spent time with staff of the County Clerk and Register of Deeds Office, who could not find these covenants filed on the parcel in question or a Homeowners Association.

Spranger asked if they should table this to allow time to have staff talk with the applicant.

Wilson wanted to know if Fiedler had time to review the covenants that were provided to him prior to the meeting. Fiedler did not see a size requirement in the covenants that was bigger than the proposed lots. Fiedler reiterated that the City does not enforce covenants, but the staff recommendation to approve is based on the preliminary plat compliance with our subdivision regulations.

Philips requested confirmation on the road width and blind spot. Fiedler stated that the road was about 30-foot wide and was not sure if there was road right of way. Fiedler also commented on the blind corner that was mentioned by residents is actually a curve in the road, so it is not subject to the typical vision triangle, however if it is causing issues, code enforcement could look at having the property owner to trim the tree.

Spranger wanted to know the speed limit on the streets in the neighborhood. The speed limit is 30 MPH, unless otherwise posted on residential streets.

Wilson wanted to know if the street has to be rebuilt, what is the protocol. Fiedler could not speak to our street maintenance program as that falls under public works. Fiedler mentioned if the neighborhood wanted to have the street reconstructed, they could potentially pay specials for the road. Administrator Clark confirmed that there is road right of way existing today.

Clark also reminded the board that they are look at the preliminary plat and if it meets the subdivision regulations. Many of the other items discussed this evening are issues that are not pertaining to the preliminary plat. He was not sure if specials have ever been spread on these properties and that would determine if specials could be spread for improvements, if the neighborhood wanted them.

Philips asked if there were regulations as to how soon after a property was sold that a structure needs to be built. Fiedler said that the City does not have any regulations for that. The covenants he was presented, however, did require that building start within two years of the sale of the property, which hasn't happened on several lots.

Philips also asked if the property was ever a park, as many of the residents referred to it as one. Fiedler was not aware of any time when the property was a public park, that it has always been private property.

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Wilson made a motion to approve SD-2025-02. Motion was seconded by Phillips. Motion passed 4 to 1 with Spranger voting in opposition.

5. Review of SP-2025-05, application of Alloy Architecture, pursuant to City Code 17.12, who is petitioning to add 31,000 sq ft of structures to the Valley Center High School Site, the property is currently addressed as 9600 N Meridian, Valley Center, KS 67147.

Spranger opened the hearing for comments from the public: 9:07 PM

Fiedler gave a summary of his staff report. The applicant plans to add on to the existing high school as well as construct a new supplemental learning center building. The City Review Team provided comments on the Site Plan and the applicant made those changes. Notices were sent to the property owners within 200 feet in the City and 1,000 feet in the County as well as published in the *Ark Valley News*. Staff received 2 inquiries on this site plan, the general information about the project was provided. Staff are recommending approval of this Site Plan.

Spranger closed the hearing for comments from the public: 9:08 PM

Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Wilson made a motion to approve SP-2025-05. Motion was seconded by Bradley. The vote was unanimous. Motion passed .

OLD/UNFINISHED BUSINESS: none

NEW BUSINESS: none

STAFF REPORTS: There are three applications on the agenda for the May 27, 2025 meeting.

ITEMS BY PLANNING AND ZONING BOARD/BZA MEMBERS:

Gary Janzen - absent

Paul Spranger – none

Rick Shellenbarger – absent

Phillips - none

Steve Conway - none

Dalton Wilson – none

Amy Bradley – none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING: At 9:10 P.M., a motion was made by Spranger to adjourn and seconded by Phillips. The vote was unanimous, and the meeting was adjourned.

Respectfully submitted,

/s/ Kyle Fiedler, Secretary

Gary Janzen, Chairperson