

PLANNING AND ZONING BOARD
CITY OF VALLEY CENTER, KANSAS

TUESDAY, APRIL 24, 2018, 7:00 P.M.
CITY HALL, 121 S. MERIDIAN AVE.

CALL TO ORDER: Vice Chairperson Don Keenan called the meeting to order at 7:00 P.M. with the following members present: Delmer James, Ben Neaderhiser, Kelsey Parker and Katie Patry.

Members absent: Gary Janzen and Rick Shellenbarger

Staff Present: Ryan Shrack and Katrina Rubenich

Audience: Robert Crow, Jennifer and Jeremy Boysel, Danielle Billingsley, Joe and Kelli Pfannenstiel.

Meeting started with the Pledge of Allegiance to the American Flag.

AGENDA:

A motion was made by Board Member Neaderhiser and seconded by Board Member Parker to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES:

A motion was made by Board Member Neaderhiser to approve the March 27, 2018 meeting minutes. The motion was seconded by Board Member James. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARING BEFORE PLANNING AND ZONING BOARD:

- A. Review of RZ-2018-01, application of Robert Crow, pursuant to Section 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 designation for a single family residential district. The land in question is located at 141 S. Abilene Avenue, Valley Center, KS.

At 7:03 P.M., Vice Chairperson Keenan opened hearing for comments from the public.

Ryan presented the following to the Planning and Zoning Board:

Date: April 16, 2018

Present Zoning: C-2 (General Business District)

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

Rezoning Number: RZ-2018-01

Applicant: Robert Crow

Property Address: 141 S. Abilene Ave., Valley Center, KS 67147

Applicant's reasons for Rezoning: The current property owner, Robert Crow, is in the process of selling this lot to another individual, Jennifer Boysel. Ms. Boysel's mortgage lender has told her that since the property is zoned commercial it will not qualify for residential financing. Once this property is rezoned residential, the mortgage financing will be approved and Mr. Crow will be able to successfully sell it to Ms. Boysel.

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?*

This lot is located in a residential section of the community, which contains primarily single-family homes, along with a few residential duplexes and mobile homes. There are commercial properties located to the west of this lot and is located northwest of Lions Park. It is located one block east of Meridian Avenue.

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 is C-2 (General Business District). The surrounding zoning and land uses are as follows:

- North: C-2 General Business District
- South: C-2 General Business District
- East: R-2 Two-Family Residential
- West: C-2 General Business 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?*

No

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, all utilities and appropriate street access are provided to the existing building now.

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?*

No

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

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

Not applicable

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

Under the lot's current zoning, the only type of new construction that could take place would have to be of a commercial use. As stated above, the individual wanting to purchase this lot from Mr. Crow has been denied funding until the property has been rezoned to a residential classification.

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 transition from a commercial to residential designation will not have any detrimental impacts on the surrounding neighborhood. It is anticipated that the existing residential buildings in the surrounding area will continue to function as residences and not be used for commercial purposes. According to Sedgwick County property tax records, this property is taxed at the residential rate.

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?*

The Comprehensive Plan shows this property as low density residential use in the future land use part of the overall plan. The proposed rezoning adheres to the proposed future land use in the comprehensive plan.

15. *What is the nature of the support or opposition of the request?*

- The city staff supports this rezoning. Notices were sent out to surrounding property owners and, at the time of this report being sent to the Planning and Zoning Board members, zero responses have been received.
- 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 the approval of this rezoning request.

At 7:05 P.M., Vice Chairperson Keenan closed public hearing and asked for any comments from the Board.

The main concerns discussed by the Board were: are there other properties that are zoned this way, why were these properties ever zoned commercial to begin with and if there was any way to refund the fees that were paid. Ryan explained to the Board that these properties were zoned commercial prior to 2012, when the current zoning map was approved but that Sedgwick County taxes them as residential and the City of Valley Center Future Land Use

shows them as residential. He explained that there could be several reasons for it to have been zoned commercial originally but that the residents must go through this process to have the properties re-zoned as residential. Ryan also explained that refunding or waiving the rezoning fees must be approved by City Council.

The following people responded to questions from the Board:

Robert Crow-9029 Mountain Mist, Round Rock, TX 78681 (partial owner of 141 S. Abilene)
Jennifer Boysel-141 S. Abilene, Valley Center, KS 67147

Robert Crow explained that he and his siblings inherited the property at 141 S. Abilene after their father passed away and that during his research for this, he found that there were public notices printed in the local paper in 2011 regarding public meetings about a Master Plan Land Use. Jennifer Boysel mentioned the reason for them asking for the rezoning is for insurance and appraisal purposes. Robert Crow also mentioned that most loan companies would not lend for this property as it is zoned now.

Based on the City Staff recommendations, public comments and discussion by the Planning and Zoning Board, Vice Chairperson Keenan made a motion to approve RZ-2018-01. Board Member Neaderhiser seconded the motion. Vote was unanimous to approve the plan.

- B. Review of RZ-2018-02, application of Joe Pfannenstiel, pursuant to Section 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 designation for a single family residential district. The land in question is located at 145 S. Abilene Avenue, Valley Center, KS.

At 7:23 P.M., Vice Chairperson Keenan opened hearing for comments from the public.

Ryan presented the following to the Planning and Zoning:

Date: April 16, 2018

Present Zoning: C-2 (General Business District)

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

Rezoning Number: RZ-2018-02

Applicant: Joe Pfannenstiel

Property Address: 145 S. Abilene Ave., Valley Center, KS 67147

Applicant's reasons for Rezoning: The applicant is requesting a rezoning due to recently learning from his insurance agent that, in the event of the loss of his current dwelling, it would be very unlikely that any mortgage institution would provide him funding to construct a new residence in its place. This is due to the fact that the property is zoned commercial and not residential. He has further been advised that if he wanted to sell the property, the only way a lender would provide financing would be through a commercial loan, not residential. The applicant has submitted a letter that has been attached to this report.

Review Criteria for a Zoning Amendment per 17.11.01.H (*criteria in italics*)

- 5. *What is the character of the subject property and the surrounding neighborhood in relation to existing uses and their condition?*

This lot is located in a residential section of the community, which contains primarily single-family homes, along with a few residential duplexes and mobile homes. There are commercial properties located to the west of this lot and is located northwest of Lions Park. It is located one block east of Meridian Avenue.

6. *What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change?*

The current zoning is C-2 (General Business District). The surrounding zoning and land uses are as follows:

- North: C-2 General Business District
- South: MH-1 Manufactured Home Park District
- East: R-2 Two-Family Residential
- West: C-2 General Business District

7. *Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?*

No

8. *Would the request correct an error in the application of these regulations?*

No

18. *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?*

No

19. *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, all utilities and appropriate street access are provided to the existing building now.

20. *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?*

No

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

No

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

Not Applicable

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

Not applicable

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

Under the lot's current zoning, the only type of new construction that could take place would have to be of a commercial use.

25. *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 transition from a commercial to residential designation will not have any detrimental impacts on the surrounding neighborhood. It is anticipated that the existing residential buildings in the surrounding area will continue to function as residences and not be used for commercial purposes. According to Sedgwick County property tax records, this property is taxed at the residential rate.

26. *Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?*

Yes

27. *Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?*

The Comprehensive Plan shows this property as low density residential use in the future land use part of the overall plan. The proposed rezoning adheres to the proposed future land use in the comprehensive plan.

28. *What is the nature of the support or opposition of the request?*

- The city staff supports this rezoning. Notices were sent out to surrounding property owners and, at the time of this report being sent to the Planning and Zoning Board members, zero responses have been received.
- Other public comments in support or opposition will not be known until the public hearing.

29. *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

30. *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 the approval of this rezoning request.

The following people spoke during the public hearing:

Joe Pfannenstiel-145 S. Abilene, Valley Center, KS 67147

Kelli Pfannenstiel-145 S. Abilene, Valley Center, KS 67147

Joe Pfannenstiel encouraged that the city notify other property owners in the area that may be zoned commercial instead of residential because he knows it could potentially cause insurance issues. Kelli Pfannenstiel mentioned that they didn't even know they were zoned commercial. Kelli also thanked the Board for petitioning City Council for a refund of their fees.

At 7:26 P.M., Vice Chairperson Keenan closed public hearing and asked for any comments from the Board.

Based on the City Staff recommendations, public comments and discussion by the Planning and Zoning Board, Board Member Neaderhiser made a motion to approve RZ-2018-02. Board Member Parker seconded the motion. Vote was unanimous to approve the plan.

NEW BUSINESS- Vice Chairperson Keenan made a motion to petition City Council to refund the rezoning fees to the applicants of RZ-2018-01 and RZ-2018-02. Board Member Neaderhiser seconded the motion. Vote was unanimous in the affirmative. Ryan will discuss this petition with City Administrator Hildebrand and Vice Chairperson Keenan will work on drafting a letter to present to City Council at a future meeting.

Ryan mentioned that Board Member Shellenbarger had expressed concern that City Council accepts the Planning and Zoning Board minutes before the Planning and Zoning Board approves them at their meeting. It was explained to the Board that this is not really an issue, as any amendments to the prior meeting minutes are included in the next meeting's minutes.

OLD OR UNFINISHED BUSINESS-Vice Chairperson Keenan mentioned the architectural guidelines that were discussed at a previous meeting and asked the Board to read through the existing zoning regulations before the Board decides to take on the project of creating official architectural guidelines for the city.

COMMITTEE AND STAFF REPORTS-Ryan informed the Board that there will not be a meeting in May. Ryan also mentioned that Board Members Keenan and Shellenbarger will be re-appointed at the next City Council meeting held on May 1, 2018.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Don Keenan-Nothing

Gary Janzen-Nothing

Kelsey Parker-Nothing

Rick Shellenbarger-Nothing

Delmer James-Nothing

Katie Patry-Nothing

Ben Neaderhiser- Board Member Neaderhiser mentioned that he will be moving into the city limits sometime in November. Ryan gave the Board a brief description of the Housing Incentive.

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING:

At 7:39 P.M., a motion was made by Board Member Keenan to adjourn and seconded by Board Member Neaderhiser. Vote was unanimous.

Respectfully submitted,

Ryan Shrack
Community Development Director

Gary Janzen, Chairperson