

PLANNING AND ZONING BOARD
CITY OF VALLEY CENTER

Tuesday, October 24, 2017, 7:00 P.M.
CITY HALL, 121 S. MERIDIAN

CALL TO ORDER: Chairperson Gary Janzen called the meeting to order at 7:00 P.M. with the following members present: Gary Janzen, Matt Stamm, Rick Shellenbarger, Delmer James and Ben Neaderhiser.

Members absent: Don Keenan and Katie Patry

Staff Present: Ryan Shrack, Scott Hildebrand and Kristi Carrithers

Audience: Ralph Phillips, Donna Stoltz, Twila Kruse, Phil Meyer, Judy Lann, Byron Adrian, Charles Thrasher, Kay Thrasher, Sharon Page, Staci Wedel, Delmar Menke, Dorothy Menke, Pam Buxman, Peg Arnold, Charlotte Brosius, Kathy and John Welch, Mary and Wayne Bechtelheimer, Howard Botts, Doug Bruggeman, WL Shafer, and David Parrish.

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

AGENDA:

Two amendments were noted to correct the agenda. The recommended motion for Item G –A should be for RZ-2017-(**02**) and the recommended motion for Item G –B should be for SP-2017-(**04**). A motion was made by Chairperson Janzen and seconded by Commissioner Shellenbarger to set the agenda as amended. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES:

A motion was made by Chairperson Janzen to approve the September 26, 2017 minutes. The motion was seconded by Commissioner Stamm. Motion passed unanimously.

COMMUNICATIONS:

Ryan Shrack stated that there will be no meeting in November. The next meeting will be held December 14, 2017.

PUBLIC HEARING BEFORE PLANNING AND ZONING BOARD:

- A. Review of RZ-2017-02, application of Ralph Phillips, pursuant to Section 17.11, who is petitioning for a rezoning of land that is currently zoned R-3, which is the City's designation for a multi-family residential district, to C-2, which is the City's designation for a general business district. The land in question is located at 315 N. Sheridan Ave., Valley Center, KS.

Janzen explained the process to be followed for presentations, open hearing and discussion followed by formal motion to approve or deny rezoning request.

Ryan presented the following:

Date: October 17, 2017

Present Zoning: R-3 (Multi-Family Residential District)

Proposed Zoning: C-2 (General Business District)

Rezoning Number: RZ-2017-02

Applicant: Ralph Phillips

Property Address: 315 N. Sheridan Ave., Valley Center, KS 67147

Applicant's reasons for Rezoning: *The current land owner, Ralph Phillips, is in the process of renovating the former church building that is located on site into a daycare center. This center will open in early 2018. The daycare center is an eligible use under current zoning regulations, but the applicant would like to develop the western part of the lot, which is currently vacant, into multiple storage facilities (primarily for recreational vehicle storage). Please see the applicant's letter, which has been attached to this staff report. The applicant understands that should his rezoning application be approved, that he will be required to get site plan approval for the proposed additional construction on the lot.*

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 a mixture of duplexes to the south and west, single-family residential homes to the east, and the New Hope assisted living facility. Also located in the immediate area is West Elementary School and Calvary Baptist Church. It is on the western part of the City, along a major arterial road within city limits.

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

a. *The current zoning is R-3 (Multi-Family Residential). The surrounding zoning and land uses are as follows:*

- *North: R-3 Multi-Family Residential*
- *South: R-3 Multi-Family Residential*
- *East: R-1B Single-Family Residential*
- *West: R-3 Multi-Family Residential*

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?*

Yes, the applicant purchased this lot last year and is interested in developing it for commercial use.

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 and any new construction will connect to existing City infrastructure, which will have to be approved through the site plan review process.

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?*

Yes, if the proposed storage facilities are constructed, it will probably be the recommendation of the City of Valley Center to provide screening separating the new construction from the surrounding area.

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?*

The construction of new storage facilities will provide additional storage options for residents of Valley Center and the surrounding area.

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 types of new construction that could take place would be multi-family housing, a religious facility, and facilities for certain community services, such as a daycare facility.

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 current lot has a single building on the eastern section of the lot and a large, open field in the western section of the lot. The rear view from the residential duplexes located to the south and west of the lot would be changed from looking out at a grassy area to one of looking at storage facilities. There is a line of trees that have been planted along the perimeter of the lot in question and, as they grow, will provide a good degree of natural screening of the proposed storage facilities.

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 public and semi-public use in the future land use part of the overall plan. The proposed development would not hinder the overall comprehensive plan as it is a singular development and limited to one lot.

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 several responses were received. Written responses have also been attached to this staff report.*
- *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?*

Yes, it is anticipated that the proposed development will add to the value of this property and generate additional revenue for the city, school district, and other taxing authorities. The proposed development will not damage public health or safety. The lot in question is already taxed at a commercial/industrial rate per the Sedgwick County tax records.

City staff recommends the approval of this rezoning request.

Shrack explained that the rezoning would be necessary for the construction of the proposed RV enclosed facility. The development of this lot would increase tax revenue for the City. Janson asked if any permanent screening is planned between this lot and the neighbors. Shrack explained that there is a natural screen of pine trees that will continue to grow and create a screen, however a recommendation for fencing could be made.

Ralph Phillips addressed the board regarding his plans for a storage option for large RV's. Units 16'x60'x16' would be rented for long term storage. He stressed that this type of rental would generate very little traffic wouldn't cause disruption to neighbors.

At 7:19 P.M., Chairperson Janzen opened hearing for comments from the public. Noting the large crowd, asked that all comments be limited to 5 minutes, and repeat comments be kept to minimum. The following persons addressed the committee: Sharon Page - 720 W. Cottonwood, Charles Thrasher – 810 W Cottonwood, Kay Thrasher – 810 W. Cottonwood, Stacy Wedel – 600 S. Eastridge, Dorothy Meneke – 710 W. Cottonwood, Margaret Arnold – 800 W. Cottonwood, Charlotte Brosiuis – 705 W. Cottonwood. Comments against the rezoning and construction of an RV park included:

- a) traffic b) upkeep c) lack of privacy d) trees being too small or possibility of removal e) devaluation of adjoining property f) precedence to rezone residential into commercial g) possible shared driveway plans.

At 7:48 P.M. Chairperson Janzen closed public hearing and asked for comments from the Board. Neaderhiser and Stamm both voice opposition to request. Janzen commented that while he applauds the desire to develop this property, he feels there is just not enough space for this project.

Based on the City Staff recommendations, public comments and discussion by the Planning and Zoning Board, Stamm moved to deny RZ-2017-02. Motion seconded by Shellenbarger. Vote was unanimous to deny request. Motion carried.

Shrack explained that Mr. Phillips does have an option to appeal the Board decision to the City Council. He will need to research whether notice must be given to surrounding property owners, if an appeal is filed.

B. Review of SP-2017-04, application of Mennonite Housing, pursuant to Section 17.12.02.A, who is petitioning to build seven (7) fourplex residential buildings and one (1) maintenance/shelter building, to be located north and east of 460 N. Emporia Ave., Valley Center KS 67147

Ryan presented the following:

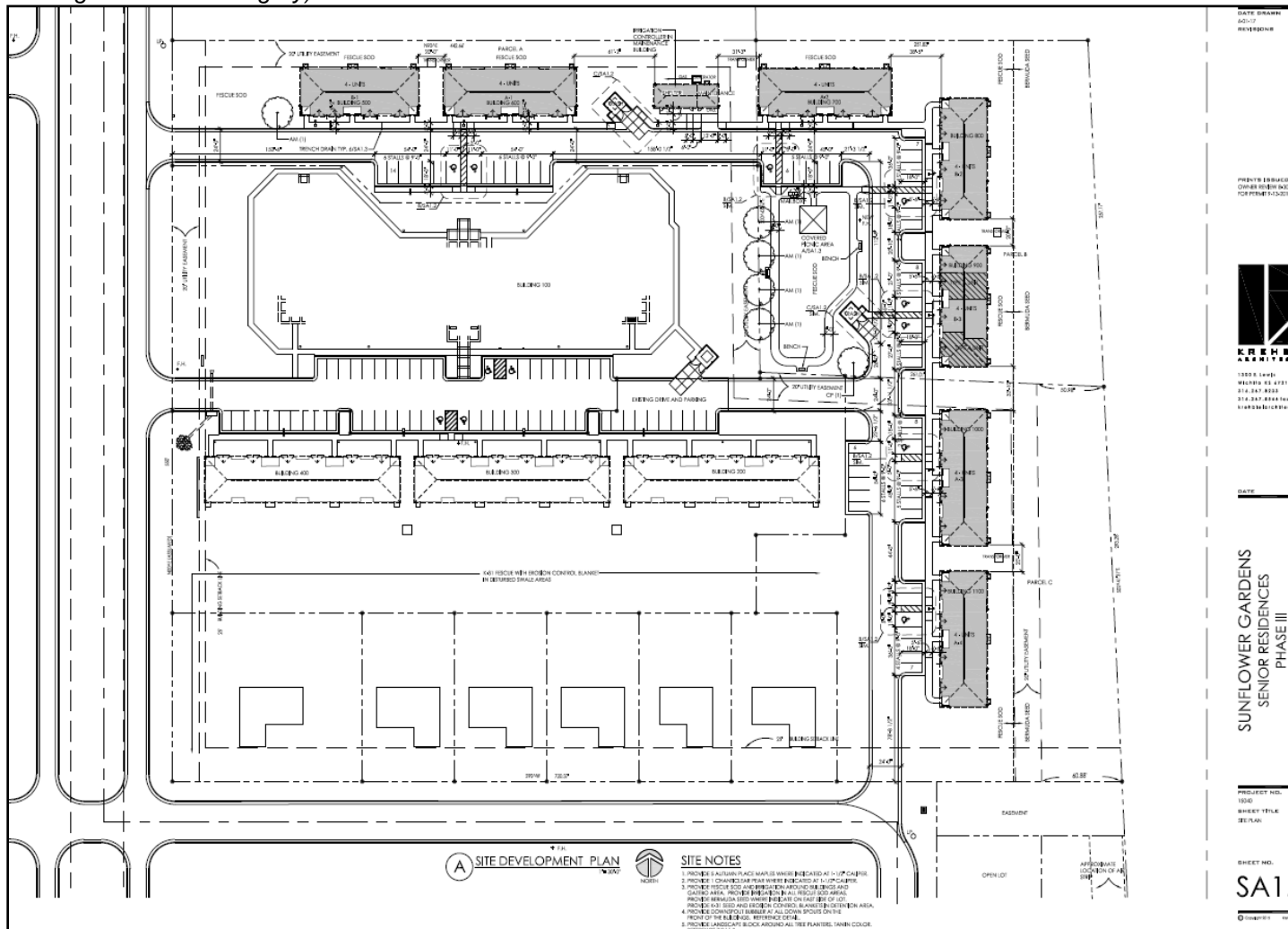
Date: October 17, 2017

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, Community Development Director

Applicant: Mennonite Housing (SP-2017-04)

Location of Site Plan: The proposed buildings will be constructed on the northern and eastern sides of the lots that are owned by Mennonite Housing. The construction of seven (7) new residential fourplexes and one (1) maintenance/shelter building has been designated as the Sunflower Gardens Phase III Development. The following image shows the overall site plan in relation to the surrounding area (new buildings are shaded in gray):



Existing Zoning: R-3 (Multi-Family Residential District)

Size of Parcel: 6.05 acres (263,538 sq. ft.) encompassing three lots. The submitted site plan meets all bulk regulations required of the zoning district.

Purpose of Site Plan Application:

17.12.05 Site Plan Requirements:

Projects which are subject to review by the Site Plan Committee generally are required to meet the following standards:

- A. Show the location and dimensions of all right-of-way, easements and setback lines either required by these regulations or by platting or separate instruments.
 - The proposed buildings will be constructed on three contiguous lots and does show the location of all right-of-way, easements and setback lines.
- B. The site plan map generally should be oriented to the north with north arrow and scale plus dimensions and property boundary lines for the zoning lot.
 - Dimensions are on the Site Plan and the site plan is generally oriented to the north and a scale is present.
- C. Topography by contour lines may be required if slopes exceed 5%, buffer berms are used, or a drainage plan is required.
 - Drainage is indicated on the site plan and has been reviewed by the City Engineer and Public Works Director. Revisions have been made to the proposed plan and have been finalized and approved.
- D. Show existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.
 - The applicant/architect is showing the building footprints. All of the residential buildings will be single story and will have a peak height of 17 feet, 3 inches. Four (4) of the proposed fourplex residential buildings will contain 3,126 square feet, three (3) of the proposed fourplex residential buildings will contain 2,789 square feet, and the proposed maintenance/shelter building will have 768 square feet of space and have a peak height of 14 feet, 3 inches. Entrances will be clearly marked and each residential unit will be separately numbered on the exterior of the buildings.
- E. Existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways, including type of surfacing and number of parking spaces. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any).
 - The site plan shows the proposed parking lot that will be constructed along with the new buildings. The proposed parking lot will have 56 total parking stalls, 8 of which will be designated handicapped parking only. Walkways conform to given standards and traffic flow has been indicated throughout the site plan and curb cuts are noted. No directional signage will be posted.
- F. Location, direction and intensity of proposed lighting. All exterior lighting must be "full-cut-off" light fixtures when located near adjacent residential properties (no light should spill over on adjacent residential parcels)

- *Exterior lighting will meet all city standards and ensure that no spill over occurs onto adjacent residential parcels.*
- G. *Location and height of all existing (to remain) and proposed signs on the site, the setback dimensions from any sign to property lines, location and routing of electrical supply, surface area of the sign in square feet, size of letters and graphics, description of sign, frame materials and colors.*
- *No exterior signs are proposed for this project.*
- H. *If disposal containers will be on the site, indicate how such areas will be fully screened from public view by means of a structure (including swinging doors) constructed with either solid treated lumber walls, cement block (with or without brick), or other materials deemed acceptable. The enclosure must also have the capability of latching the doors in a closed position, or when trash is being picked up, in an open position. Outdoor storage areas may also need to be screened if required by these zoning regulations.*
- *The site plan does show two (2) new disposal containers to be placed on site as part of this development. The site plans show adequate screening to be placed around such containers.*
- I. *Vehicular ingress and egress to and from the site and circulation within the site to provide safe, efficient and convenient movement of traffic, not only within the site but on adjacent roadways.*
- *Vehicular ingress and egress to and from the site and circulation within the site will be safe, efficient, and convenient.*
- J. *Site plan provides for the safe movement of pedestrians within the site.*
- *Proposed building provides for the safe movement of pedestrians around the site. Due to proximity to the Hidden Valley Airfield, City staff recommends approval of this plan contingent on the construction of a privacy fence (six feet in height) to be constructed along the eastern, northern, and southern sides of this development that are adjacent to the airfield flight path area.*

STAFF RECOMMENDATION: *Approve site plan application per the recommendation of city staff.*

Shrack explained the only staff recommendation would be the construction of a 6 foot privacy fence adjacent to the airfield flight path area.

At 8:04 P.M., Chairperson Janzen opened hearing for comments from the public. Byron Adrian, Mennonite Housing, stated that they did not have an issue with the installation of a fence but wondered if an open fence would be an option. Shrack stated that the recommended fence was to insure the safety of the residents of the development, so he would not oppose an open fence. Howard Botts, stated that the airstrip would not have any issue with an open fence and that residents seem to enjoy watching planes take off and land.

At 8:08 P.M., Chairperson Janzen closed public hearing and asked for any comments from the Board. Board discussed the option of open or privacy fences.

Based on the City Staff recommendations, public comments and discussion by the Planning and Zoning Board, Commissioner Neaderhiser made a motion to approve SP-2017-04 with installation of a 6" fence without restriction of a privacy fence..

Commissioner Stamm seconded the motion. Vote was unanimous to approve the plan.

NEW BUSINESS-None

OLD OR UNFINISHED BUSINESS-None

COMMITTEE AND STAFF REPORTS-None

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-Nothing

Matt Stamm-Nothing

Rick Shellenbarger-Nothing

Delmer James-Nothing

Ben Neaderhiser-Nothing

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING:

At 8:10 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Vice Chairperson Stamm. Vote was unanimous.

Respectfully submitted,

Ryan Shrack/KSR
Community Development Director

Gary Janzen, Chairperson