

**VALLEY CENTER PLANNING COMMISSION  
DRAFT MINUTES**

7:00 P.M., Thursday, October 27, 2011  
Valley Center City Hall at 121 S. Meridian Avenue

Chairman Janzen called the meeting to order at 7:00 p.m. with the following members present: Gary Janzen, Danny Park, Jaque Davis, John Dailey, Kathryn Schroeder, Dee Wretberg, Steve Jackson and Don Bosken.

Planning Commission member absent: Ricky Shellenbarger  
Staff Present: Warren Utecht, Community Development Director

**MINUTES OF AUGUST 23, 2011 AND SEPTEMBER 27, 2011 REGULAR MEETINGS**

The minutes of the August 23<sup>rd</sup>. and September 27<sup>th</sup> meeting were reviewed by members of the Planning Commission. A grammatical error regarding "Planning Commission" was pointed out by John Dailey under the July 26, 2011 minutes. Motion was made and seconded to approve the August 23<sup>rd</sup>. and September 27<sup>th</sup> meeting minutes with the one correction. All passed.

**COMMUNICATIONS:** None

**PUBLIC COMMENT:** None

**CONSENT AGENDA**

Commissioner Dailey wanted the Public Hearing for the Comprehensive Plan pulled from the agenda because it was unnecessary per state law.

Warren Utecht explained that technically the Kansas Comprehensive Planning Statutes (12-747) do not require a map or text change when a rezoning occurs even though inconsistencies exist. The law does recommend that the Planning Commission annually shall *"review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same."* Warren also explained that the amendment procedure could occur anytime during the year. However, Warren went on to explain that in good conscience, he could not recommend a zoning change when the Plan, which is to be a guide, is showing a land use completely different from what is being requested. Warren also pointed out that if the plan was ignored and the zoning granted, it puts the Planning Commission and the City as a whole in an awkward position to hold an annual public hearing on Comprehensive changes (law requires same public hearing process to amend as was followed to adopt the plan) and inform the public that this land use must now take place regardless of public opinion because the rezoning was already approved.

Chairman Janzen suggested the agenda remain intact with the Public Hearing for a Comprehensive Plan amendment. Hearing no other objections, the Consent Agenda was approved by the remainder of the Commission with Commissioner Dailey being the lone objector.

**PUBLIC HEARINGS**

**A. Public Hearing on the amendments to the Valley Center Zoning Regulations (Article 17)**

Chairman Janzen opened the public hearing for public comment. Hearing none, Chairman Janzen called upon Warren Utecht to give the explanation of changes. Warren described in general terms what changes were made. Warren then explained two recent changes not reviewed by the Planning Commission regarding the sign code. Since the last Plan Commission meeting, it was realized that the sign code had some areas of weakness

relating to past considerations that may come to fruition and another issue that relates to sign technology.

The first issue is the City's ability to install "wayfinding" signage within the public right-of-way. This type of signage provides direction where to turn off of major roadways to find city parks, public facilities, and shopping areas.

The second issue is the ability for schools and churches (non-residential uses) to install electronic message signs in the residential zoning districts. This new technology is helpful and should be allowed for these type of institutions.

Chairman Janzen closed the public hearing for the Zoning Regulations. A motion was made by Gary Janzen and seconded by Steve Jackson to recommend to the City Council approval of the amended Zoning Regulations and adopt them by Ordinance. Motion passed unanimously.

### **B. Public Hearing on the separation of Flood Plan Regulations from the Zoning Regulations and creation of Article 18**

Chairman Janzen opened the public hearing for public comment. Arnold Nicholas, who lives at 420 E. 6<sup>th</sup> Street, indicated that his residence was in the floodplain, and that they and their neighbors who are also in the floodplain have attempted to have the map revised to omit their properties from the floodplain but have been unsuccessful. They are now paying \$1,300 a year for floodplain insurance. Their question was whether there is an actual elevation that the Flood Insurance Rate map shows to be the benchmark for their property. Warren Utecht said that he would research their question and get back to them.

Commissioner Dailey questioned why the Floodplain was taken out of the Zoning Ordinance and reformatted as a separate chapter of the Municipal Code? Warren stated that the average citizen would not find the floodplain regulations as one of the chapters of the zoning regulations. Warren did admit that he misunderstood Bickley Foster who suggested it be moved out of the zoning text and placed in the appendix. However, in Warren's view, the floodplain regulations would still be difficult to find. In addition, there are two references that connect the zoning and floodplain regulations together. The first reference is in the zoning code, section 17.03.26 that states:

*"Within any flood plain area as delineated by the Federal Emergency Management Agency, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved under these regulations, unless it also complies with the flood plain regulations. (See Article 18, Flood Plain District.)"*

The other reference in the Floodplain Ordinance refers to enforcement and states:

*"18.06 PENALTIES FOR VIOLATION (See Section 17.09.04.C of the Zoning Regulations)"*

In addition, the City Website front page now has references to floodplain articles, which gave points toward the City's "Community Rating System" application with FEMA. Once Chapter 18 is adopted by ordinance, it will be one of the documents that can be quickly referenced by the general public as an educational effort.

Chairman Janzen closed the public hearing for the Floodplain Regulations. A motion was made by Jacque Davis and seconded by Dee Wretburg to recommend to the City Council approval of the amended Floodplain Regulations and adopt them by Ordinance. Motion passed 7 to 1 (dissenting vote by Commissioner Dailey).

**C. Public Hearing on the Application by Walter Southards to Amend the Valley Center Comprehensive Plan.**

- The South Meridian Neighborhood Plan was a generalized land use plan that shows a strip of commercial zoning from the electric transmission line (just south of 69<sup>th</sup> St.) to the oil tanks that are shown as industrial.
- Walter Southards petition request is to move the Industrial land use boundary north 360 feet to allow a welding shop on land that he has owned for five years. Previous to his ownership, Samson Oil Company (commercial business) operated a pumping supply business on the entire 12.7 acre site.
- The City of Valley Center shows the frontage of the property (approximately 350 feet back from Meridian) as future commercial land, while the remainder was projected to be residential. The Southards petition for industrial for less than half of the entire site (4.9 acres) which will extend west 596 feet from Meridian.
- Given the location of the oil tanks, the greater depth of the land use amendment from residential to industrial land use can be considered reasonable, especially when the City and MAPC now has the ability to request the petitioner to provide a buffering screen as part of the application approval.

Motion was made by Jacque Davis and seconded by Dee Wretburg to recommend the following resolution:

**Planning Commission Resolution to Amend the Future Land Use Plan found in the Comprehensive Development Plan for the Valley Center Area 2007-2013 and in the more specific South Meridian Neighborhood Plan adopted in 2010**

**Whereas**, Kansas State Statute 12-747 states that adopted Comprehensive Plans can be amended from time to time, subject to a public notice published 20 days prior to the date of the meeting, a majority vote adopted by all members of the Planning Commission by resolution, and a certified copy of the plan together with a written summary of the hearing submitted to the governing body for adoption by ordinance, and,

**Whereas**, the Use of the Plan as stated on page 1-4 of the Comprehensive Development Plan for the Valley Center Area 2007-2013 states that the plan is “ To serve as a planning and legal basis for the preparation and adoption of City Zoning Regulations and as a guide for making reasonable decisions on rezoning and special use applications, and

**Whereas**, it was determined by City of Valley Center staff that in order to make a planning recommendation on a parcel of land within the area of influence (but not in the City Limits) to the Metropolitan Area Planning Commission, it would be appropriate that the City first consider the merits of amending the City’s areawide Comprehensive Plan (Future Land Use Plan) so that there would be a planning and legal basis for making such recommendation,

**Therefore**, be it resolved that the Valley Center Planning Commission make a recommendation to the City Council to adopt an Ordinance amending the Comprehensive Development Plan for the Valley Center Area 2007-2013 and the South Meridian Neighborhood Plan based on the attached amended Land Use.

Motion was made by Chairman Janzen and seconded by Commissioner Park to recommend the above Resolution to the City Council. All voted in favor of the motion with the exception of Commissioner Dailey, who abstained due to being within the notification area of the hearing notice.

## **UNFINISHED BUSINESS-None**

### **NEW BUSINESS**

**Recommendation to the Sedgwick County Metropolitan Area Planning Commission regarding a rezoning from SF-20 Residential to L1 Limited Industrial** (County case # ZON2011-00033: Walter Southards).

Bill Longnecker from the Metropolitan Area Planning Commission (MAPC) made a presentation to the Planning Commission describing what Walter Southards plans were for a welding shop at 6569 N. Meridian. The MAPC would require a buffer of Cedar Trees along residentially zoned property. The recommendation of the MAPC was that the Planning Commission approve the rezoning subject to a "Protective Overlay" on the L1 Limited Industrial Zoning District that would limit the number of uses on the property. The Protective Overlay would be subject to the following provisions:

1. The following uses are permitted: welding or machine shop, construction sales and service, including contractor's yard, limited and general manufacturing, warehousing, wholesale business services, limited and general printing and copying, general retail and nurseries and garden centers.
2. The subject property must be platted within a year of approval by the governing body.
3. Items stored outside shall be located within an area with solid screening, per the Unified Zoning Code. The Outdoor storage areas will have a gravel surface. Outdoor storage shall be only as an accessory use.
4. All buildings/structures must meet County Codes and permitting requirements.
5. An 8 feet by 4 feet monument type sign is permitted. No portable or flashing signs (unless telling the time, temperature or other public messages) shall be permitted on the subject property. No building signs shall be permitted along the face of any building that abuts a residential zoning district.
6. All parking areas, storage areas, drives and access thorough the site will be surfaced per the standards of Sedgwick County.
7. No outside speakers/amplification.
8. All trash dumpsters and loading dock areas will have solid screening around them.
9. Pole lights up to 20-foot tall (including the base) are allowed. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. All lights on buildings will be directed down and away from residential development.
10. A 35-foot setback shall be required along the perimeter of the subject site. No trash receptacles, parking, lighting, outdoor storage or any structure will be allowed in the setbacks. The setbacks will be shown on the Protective Overlay drawing.
11. The site will be developed as shown on an approved site plan.
12. If the Zoning Administrator finds that there is a violation of any of the provisions of the Protective Overlay, the Zoning Administrator, in addition-to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the zoning is null and void

Warren also spoke on the recommendation of support for the rezoning recommendation to MAPC (see attached staff reviews from MAPC and Community Development).

Motion was made by Gary Janzen and seconded by Danny Parks to recommend to the MAPC that the Walter Southards application for rezoning from SF-20 Residential to L1 Limited Industrial be approved based on the 12 provisions, with an amendment that construction sales and service, including contractor's yard be added to the permitted uses. Commissioner Dailey abstained from the vote because he was in the area of notification for the rezoning. Motion Carried.

**A. 2012 Calendar of Meetings**

Commissioner Dailey pointed out that in some months, the Subdivision meeting is scheduled after the Planning Commission Meeting. Warren said he would adjust the Subdivision Committee meetings to be scheduled before the Planning Commission dates.

Motion was made and seconded that the 2012 Calendar of Meetings be approved with the adjustment to the Subdivision Committee dates. All passed.

**B. Memo on sign enforcement Activities.**

At the September Planning Commission meeting, Commissioner Davis pointed out that there were several temporary signs along W. Main Street that have been up for a period longer than 30 days and a home occupation sign that could be illegal in size and location. A memo from Warren Utecht outlined his follow-up and enforcement of the sign code on 5 properties, four of which were on West Main Street and one on S. Meridian (Subway Banner that did not have a permit). All of the temporary and banner signs were removed but the Home Occupation sign owner will be revisited because his new sign, which was moved back to his house, is exceeding the allowable standard.

**ITEMS BY PLANNING COMMISSIONERS**

- a. Gary Janzen - None
- b. Jaque Davis – None
- c. Danny Park - None
- d. John Dailey – None
- e. Steve Jackson - None
- f. Don Bosken - None
- g. Kathryn Schroeder - None
- h. Dee Wretberg – None

Commissioner Janzen made a motion to adjourn. Seconded by Commissioner Schroeder. Vote was unanimous. The Planning Commission meeting was adjourned at 8:36 p.m.

Respectfully submitted,

/ Warren Utecht /  
 Warren Utecht  
 Planning Commission Recording Secretary

Approved by the Valley Center Planning Commission on November 29, 2011.

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Gary Janzen, Chairman

