

VALLEY CENTER PLANNING COMMISSION MINUTES

7:00 P.M., Tuesday, August 28, 2012
Valley Center City Hall at 121 S. Meridian Avenue

CALL TO ORDER:

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

Staff Present: Joel Pile, City Administrator, Warren Utecht and Deby Taylor, Community Development Department.

SET/AMEND AGENDA:

Motion was made by Commissioner Dailey, seconded by Commissioner Park, to set the agenda as presented. Motion passed unanimously.

APPROVAL OF JULY 24, 2012 DRAFT MINUTES:

Motion was made by Commissioner Schroeder, seconded by Commissioner Wertberg, to accept the July 24, 2012 minutes as presented. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC COMMENT: None

CONSENT AGENDA: No Issues

UNFINISHED BUSINESS: None

NEW BUSINESS: None

BOARD OF APPEALS PUBLIC HEARING FOR A VARIANCE OF A FENCE:

Community Development director Warren Utecht presented a petition for Variance of 15 foot by Michael Lance at 725 Dexter to allow a 6 foot solid wood fence in the front yard facing Ford Street (4 foot fence with 50% open required).

Chairperson Davis opened public hearing for comments from the public at 7:09 p.m. There were no comments. Public hearing was closed at 7:10 p.m.

Chairperson Davis asked Community Development Director for his recommendations. Mr. Utecht stated that the Variance on the lot in question would not impede driver's vision at the corner because there is 39 feet of separation (due to wide row) from the pavement to the petitioner's lot line. A question was asked whether there would still be enough space if Ford Street went to four lanes. Mr. Utecht said an additional 12 foot lane would still leave 27 feet of area space. Mr. Utecht recommended that the Variance be passed.

Based on variance standards as defined in 17.10.08(D) and other issues discussed by the Planning Commission regarding the Michael fence variance petition, Commissioner Park made a motion to approve the petitioned fence variance. Motion was seconded by Commissioner Dailey and the Variance passed unanimously.

CITY PLANNING COMMISSION PUBLIC HEARING ON ZONING REGULATION (ARTICLE 17) AMENDMENTS

Community Development Director Warren Utecht presented the Zoning Regulation changes to the Commissioners. He explained the Zoning text Amendments, specifically relating to Recreational Vehicles in order to clarify any misinterpretations. Mr. Utecht noted that the ordinance was not a new ordinance but had been on the books since at least 2001. Commissioner Dailey remarked that he and Commissioner Schoeder were on the board at that time and noted that The Planning Commission did alter the language by deleting the "5 foot setback from the front lot line and not withstanding" language, thus requiring no parking of a recreational vehicle in the entire front setback area. Mr. Utecht explained the reason for the ordinance and suggested a better written language to avoid any confusion. He commented that it would only affect the Single-Family Residential District. At the July 24, 2012 Planning Commission meeting the Commissioners requested that the ordinance be enforced.

Chairperson Davis opened hearing for comments from the public at 7:26 p.m. She requested that everyone keep their comments to three minutes.

1. 7:29 p.m. Jim Stancer; 5011 W 77th St North, Valley Center. Mr. Stancer had a concern over the RV and boat parking regulation and wasn't sure his RV would be in compliance. Mr. Utecht explained that Mr. Stancer lived in a large lot district and that he had more than ample room to meet the setback. Mr. Utecht used a "large yard" illustration to explain how RV parking close to the house would not be affected by the setback requirement.
2. 7:35 p.m. Shawn Peters; 225 Fieldstone, Valley Center. Mr. Peters stated his yard had no workable access to move his RV to the back yard and he couldn't afford to pay \$100.00 a month for RV storage. He commented that he felt stripped of his property rights.
3. 7:40 p.m. Earl Wilder; 224 Fieldstone, Valley Center. Mr. Wilder has lived in Valley Center for 22 years and has had his RV parked in the front yard all those years. He felt his situation should be grandfathered in. He stated that "I like my 'toys' and want to keep them at home."
4. 7:42 p.m. Michael Brincefield; 4730 S. Ida, Wichita. Mr. Brincefield stated that he detests ordinances. Community Development laws involving appearances is creeping into fascism. It adds cost to the private citizen. Don't make things worse.
5. 7:47 p.m. Max Weddle; 862 S Zelta Ct., Wichita. Mr. Weddle asked what was the basis for enhanced enforcement and amending current regulation? His answer to the safety issue was to enforce a vision triangle to insure adequate protection.
6. 7:51 p.m. Marshella Peterson; 618 W. Third, Valley Center. No comment at this time.
7. 7:52 p.m. Al Hobson; 531 W Third, Valley Center. Mr. Hobson explained that he was the Councilmember for Ward 4, but he was not here as a Councilmember but had been asked by citizens in his Ward to represent them. He stated that he and Mr. Dailey were on the Planning Commission when this Ordinance came up. He requested clarification of the Ordinance to report back to the people in his Ward.
8. 7:58 p.m. Kelly Parks; 8005 N. Hoover, West Valley (Unincorporated). 29 years as Police Chief, in Real estate since 1984. Stated smaller lots may need optional standards. He was concerned about the rights of the homeowners and encouraged others to run for City Council. Commissioner Danny Park stated that this is an Ordinance already on the books that they are attempting to enforce, and how should he respond to Citizens who care about the appearance of their neighborhood?
9. 8:04 p.m. Charles H. Peaster; 9453 N 135st W., Sedgwick. Expressed his concern over the RV parking Ordinance. He referred to a WAMPO (Wichita Area Metropolitan Planning Organization) Committee that he and Mr. Weddle were a part of and stated that , the ramifications could lead to a court case. He requested that the Ordinance be

change back to the 2001 version.

10. 8:08 p.m. Elnora E. Waller; 416 Southwind Dr., Valley Center. Mrs. Waller stated that they chose Valley Center to live because it fit them. They love the community, stating that she hopes it hadn't gotten too sophisticated. Mr. Utecht's response was that the language change was discussed as part of the changes to The Zoning regulations, and that it had been passed unanimously.
11. 8:11 p.m. Jim Waller; 416 Southwind Dr., Valley Center. Mr. Waller stated that his property situation would not allow him to be able to comply with the suggested Ordinance change. He also was concerned about the limited time for possible visitors to park their RV at his home, stating that he visits others and has never been questioned about the parking of their RV in other cities and states.
12. 8:14 p.m. Sherri Patterson; 315 E. 4th St., Valley Center. Ms. Patterson agrees with comments from the others and Commissioner Dailey. She stated that she uses her RV year around and that the Ordinance would affect her family activities. Go back to the previous regulations.
13. 8:15 p.m. Stacy Lacy; 4010 Rio Grand, Valley Center. Commented that there were roads on three sides of their property and large lots are different. Please don't regulate success, don't increase pride by more regulations. Error on side of Freedom.
14. 8:16 p.m. Bobby Stafford; 600 E. Allen, Valley Center. Not present.
15. 8:17 p.m. Glen Hawkins; 1004 Westwind, Valley Center. Stated he has no room on his property to be able to park his RV in the manner the Ordinance would require. He requested variety in compliance stating that the "one size fits all" approach doesn't work. He also was not in agreement with the seven day time limit.

Chairperson Davis asked if anyone else would like to make a comment.

16. 8:18 p.m. Bud Widick; 719 McLaughlin, Valley Center. Mr. Widick was also concerned about the parking of his RV and felt that since it had been parked there for so many years it should be grandfathered in.

The Planning Commission asked if there were any others who wanted to share. With no response the public hearing was closed at 8:21 p.m.

Chairperson Davis opened the Commission up for discussion. Commissioner Schroeder stated that we should take our time and that the Public Hearing was very enlightening. Commissioner Dailey asked that the board opt to go back to the prior RV regulation. Mr. Pile recommended that the board make a recommendation to the Community Development department to set a path for making this decision to be reviewed at another time. Mr. Dailey asked if the Public Hearing could be reopened at another date. City Administrator Joel Pile stated that an additional Public Hearing would need to be scheduled. Mr. Dailey made the motion to set a second Public Hearing for September 25, 2012 seconded by Mr. Bosken. The vote was unanimous.

Ms. Davis asked that the 2005 and 2011 Ordinances be read. Commissioner Jackson questioned changing the number of days in a year that RVs could be parked in front of homes. Commissioner Janzen questioned the language used in the 2005 Ordinance. Mr. Dailey stated that Councilmember Hobson, and Commissioner Schoeder were on the board when this Ordinance was written and defended the regulation by explaining that the language previous to the 2011 amendment meant that a recreational vehicle could be on a driveway or hard surface parallel to the driveway, but that a recreational vehicle could not be on the remainder of the front yard setback area. Thus the reason for the language which previous to the 2011 change stated "Storage of recreational vehicles; provided, that they shall not be utilized for living purposes, except for the convenience of temporary lodging only for not more than seven days at any one time, and when stored on the driveway or on a graveled or paved surface parallel and adjacent

to the driveway of a residential lot by the occupant who is the vehicle owner, shall be located not less than five feet from the front lot line and not otherwise stored in front yard setback.” (Deleted language was the 2011 amendment approved by the Planning Commission and Council.)

The Planning Commission requested that Mr. Utecht return next month with language that would reflect the intent of recreational vehicle regulations that existed prior to the 2011 amendment, and that it be written more clearly.

ITEMS BY PLANNING COMMISSIONERS

John Dailey - Thanked everyone who came out for the meeting. He asked them to keep an eye open for future discussion on the RV matter and encourage everyone to come back to the September 25th meeting.

Don Bosken - Thanked everyone for coming.

Dee Wretberg - Thanked those who came to the meeting.

Gary Janzen - none

Kathryn Schroeder - Thanked everyone for their time.

Danny Park - none

Steve Jackson - none

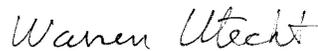
Jaqueline Davis - Thanked everyone for coming.

ADJOURNMENT

A motion was made by Commissioner Schroeder and seconded by Commissioner Wretberg to adjourn the meeting. Motion passed unanimously.

Time of Adjournment 9:08 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Approved by the Valley Center Planning Commission on September 25, 2012.

 /Jaque Davis/
Jaqueline Davis, Chairperson
WU/dt