

**VALLEY CENTER  
PLANNING COMMISSION/BOARD OF APPEALS  
MINUTES**

7:00 P.M., Tuesday, February 26, 2013  
Valley Center City Hall at 121 S. Meridian Avenue

**CALL TO ORDER:**

Chairperson Park called the meeting to order at 7:00 p.m. with the following members present: Gary Janzen, Danny Park, Ronald Colbert Sr., Terry Nantkes, Dee Wretberg, Don Bosken, and Steve Jackson. Members absent: Ricky Shellenbarger and Del James.

Staff Present: Warren Utecht and Deby Taylor - Community Development Department.  
Councilmembers Present: Kate Jackson, Louis Cicirello, All Hobson, Terry Ishman.

**AGENDA:**

A Motion was made by Commissioner Jackson and seconded by Commissioner Nantkes to set the agenda with the corrected Rezoning Petition numbers. Motion passed unanimously.

**APPROVAL OF January 22, 2013 DRAFT MINUTES:**

A motion was made by Commissioner Wretberg, seconded by Commissioner Colbert to accept January 22, 2013 minutes as written. Motion passed unanimously.

**COMMITTEE AND STAFF REPORTS:**

Community Development Director, Warren Utecht stated that he would discuss this in more detail during 7 – D of the agenda.

**COMMUNICATIONS:** None at this time

**PUBLIC HEARINGS REZONING: Petition Z 2013-01**

Rezoning Petition Z 2013-01 (second hearing) filed by Bill Newton and Sid Unruh (Valley Investments L.L.C.) to amend the zoning map from A-1 Agricultural District to C-2 General Commercial District for a property generally described as the southwest corner of S. Meridian and 69<sup>th</sup>, and includes all lands south of W. 69<sup>th</sup>, west of S. Meridian, north of a 150 foot Westar Easement, and east of the centerline of the Little Arkansas River.

Chairperson Park asked the commissioners if they had any conflict of interest or any ex parte verbal or written communication from a third party prior to this hearing that would disqualify them from participating. No one responded.

Commissioner Park questioned if proper notification had been published and notices sent to neighboring property owners. According to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on January 31 2013, and notices were mailed to 4 property owners of record in the City limits within the 200 foot notification area and 5 property owners within 1,200 feet of the property on January 31, 2013. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There were no opposing comments.

Chairperson Park opened the hearing for comments from the public at 7:14 p.m.

- Zoning Administrator Warren Utecht presented maps showing the property with the proposed rezoning boundaries, a proposed site plan, and a draft building blueprint. He reviewed the 17-question Criteria for a Zoning Amendment per 17.11.01.H.
- Applicant, Sid Unruh (Valley Investments L.L.C.), 1220 S. Meridian, explained the plan to build an office building that will facilitate a chiropractic office and possibly two other commercial buildings that will be leased to healthcare professions. Commissioner Park questioned the appearance of the building which Mr. Unruh described a stuck-o frontage with pillars. Commissioner Jackson asked if they had an address yes which at this time has not been assigned.
- Donna Pearson, 2701 W. 69<sup>th</sup> Street North. Mrs. Pearson owns the property adjacent to the west and questioned the elevation and flooding concerns. Mr. Utecht stated that the location of the buildings would be well beyond the 100 year flood line. Mrs. Pearson also requested that they not remove all the trees on the west side of the river. Mr. Unruh stated that no more trees would be removed.
- John Dailey, 6400 N. Meridian, questioned the location of the parking lot entrance. Mr. Utecht stated that the site plan showed a single entrance which would be 350 foot from the corner of Meridian and 69<sup>th</sup> Street.

Chairperson Park closed the public hearing at 7:25 p.m.

**MOTION:**

Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Bosken made a motion to approve the petition by Valley Investments L.L.C. to rezone the described parcel in this petition from A-1 Agricultural District to C-2 General Commercial District. Motion was seconded by Commissioner Colbert and the vote was unanimous in favor.

**PUBLIC HEARINGS REZONING: Petition Z 2013-02**

Rezoning Petition Z 2013-02 filed by Casey's General Stores, Inc. to amend the zoning map from MH-1 Manufactured Home Park District to C-2 General Business District for 222 S. Meridian, legally described as Lot 3 and all of the west 15 feet of Lot 4, Block 1, Carrothers' Addition.

Chairperson Park asked the commissioners if they had any conflict of interest or any ex parte verbal or written communication from a third party prior to this hearing that would disqualify them from participating. No one responded.

Commissioner Park questioned if proper notification had been published and notices sent to neighboring property owners. According to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on January 31 2013, and notices were mailed to 10 property owners of record within the 200 foot notification area on January 31, 2013. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There were no opposing comments.

Chairperson Park opened the public hearing for comments at 7:45 p.m.

- Zoning Administrator Warren Utecht presented maps showing the property with the proposed rezoning layout, a proposed site plan, and photos of the current property. He reviewed the 17-question Criteria for a Zoning Amendment per 17.11.01.H.
- Commissioner Bosken questioned how the tank trucks would access the property and discussed the need to improve Butler St. Commissioner Janzen also suggested considering a center left turn lane on Meridian Ave.

- Brian Wilhite, 129 E. Butler St., expressed his concern over the additional traffic on Butler Street. He stated that there are significant drainage issues and felt it is necessary to improve the street and possibly widen it.
- Tammy Dorsey, 125 E. Butler St., was concerned with the drainage issues as well. She questioned the potential light nuisance, dumpster odors, and property values. Also, there were enquires for speed-bumps, and an 8 foot privacy fence. Mr. Utecht stated that the zoning code requires a 6 ft. fence with a 4 ft. fence 25 ft. from the curb. He also commented that her property is already adjacent to C-2 property and the change from MH-1 to C-2 probably would not change her property value and could even improve it. He also assured her that the light and dumpster issues will be addressed.

Chairperson Park closed the public hearing at 8:00 p.m.

**DELIBERATION:**

Commissioner Janzen discussed the need to improve and widen Butler Street. Commissioner Colbert questioned the reasoning for the 4 foot fence. Mr. Utecht stated it was a safety issue to improve visibility. Commissioner Bosken stated the truck turning radius would need to be discussed with the site-plan.

**MOTION:**

Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Colbert made a motion to approve the petition by Casey's General Stores, Inc. to rezone the described parcel in this petition from MH-1 Manufactured Home Park District to C-2 General Business District. The motion was seconded by commissioner Janzen and the motion passed unanimously.

**RECESS:**

At 8:05 p.m. Chairperson Park made a motion to take a 5 minute recess. Commissioner Colbert seconded and every agreed.

At 8:10 p.m. Chairperson Park called the meeting to order.

**PUBLIC HEARINGS REZONING: Petition Z 2013-03**

Rezoning Petition Z 2013-03 filed by Jose Marquez to amend the PUD Site Plan with an underlying A-1 Agricultural District, legally described as is Lot 1 & Lot 2, Block A, Marquez Horse Farm 2nd Addition.

Chairperson Park asked the commissioners if they had any conflict of interest or any ex parte verbal or written communication from a third party prior to this hearing that would disqualify them from participating. No one responded.

Commissioner Park questioned if proper notification had been published and notices sent to neighboring property owners. According to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on January 31 2013, and notices were mailed on January 31, 2013 to 17 property owners of record within the 200 foot notification area in the City Limits or within 1,000 feet outside the City Limits. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There were no opposing comments.

Chairperson Park opened hearing for comments from the public at 8:34 p.m.

- Zoning Administrator, Warren Utecht, shared with the commissioners the history of 2008 PUB Overlay Site Plan. He explained that a PUD Overlay Site Plan was recommended for approval by the City Planning Commission on August 28<sup>th</sup>, 2008 for

the Marquez property at 2750 E. Ford Street. On July 7<sup>th</sup>, 2009, the City Council adopted an Ordinance based on the PUD overlay site plan, which included the following land uses and supporting accessory uses:

1. A horse training track. (*Horse training track became a horse race track*)
2. A covered Arena (*not built*)
3. A spectator graveled parking lot (*built in a different location from what was shown on the site plan*),
4. A detention pond (*not built*)
5. A polo/recreational field (*not built*)
6. Provision that an on-site sanitary sewer system would be built with public water brought in from the rural water district water line in Ford Street (*not built*)

Since 2009, the petitioner, without prior approval from the Planning Commission and without public hearing and City Council approval, has done the following:

1. Made a major land use change by building a Horse Race Track rather than a Horse Training Track
2. Built a concert stage and held concerts (not shown on the approved PUD Site Plan)
3. Abandoned the Covered Arena and built the parking lot in its place.

General Provision #5 on the approved Site Plan said “The development shall be served by Rural Water District water and an on-site sanitary sewer system” (assumption was restrooms would be built). Instead, two portable bathrooms have been the only sanitary facilities provided for large numbers of people that have attended weekly horse racing events (held throughout the year) and concert events. No public water supply is on-site.

The PUD regulations specifically state the following:

**17.04.12 PUD Planned Unit Development District.**

**G. Enforcement and Modification**

3. **Modification of the plan by the City.** *All those provisions of the plan authorized to be enforced by the City under Section 17.04.12.G.1 may be modified, removed or released by the City...subject to the following conditions:*
  - b. *No modification, removal or release of the provisions of the plan by the City shall be permitted except upon a finding by the City, following a public hearing called and held in accordance with the provisions of these regulations, that the same is consistent with the efficient development and preservation of the entire PUD, does not adversely affect either the enjoyment of land abutting upon or across a street from the PUD or the public interest and is not granted solely to confer a special benefit upon any person.*

**Major changes to the PUD Site Plan were not brought back to the City for consideration and the applicant has violated the terms of the existing PUD.**

**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?*

The property is primarily agricultural with the only permanent buildings being four horse stables. A residential neighborhood exists on the southeast corner of the property. Auto-salvage yards abut the remaining easterly property line. Farmland exists with scattered rural residential housing to the south, west, and north. Fiddlers Creek residential subdivision is 1,200 feet from the property's northwest corner.

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 A-1 Agricultural with a PUD overlay. The surrounding zoning and land uses are as follows:

- North: A-1 Agricultural
- South: RR-1 Suburban Residential
- East: RR-1 Suburban Residential and I-Industrial
- West: A-1 Agricultural

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

Not applicable

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

Yes, for the following reasons:

- a. The petitioner violated the original PUD Site Plan by converting a Horse Training Track to a Horse Racing Track (The City has directed the petitioner to discontinue horse racing as of December 31, 2012).
- b. The petitioner has violated the PUD by not requesting changes to the PUD site plan before a concert stage was built and opened for concerts (major change to the Site Plan)
- c. The petitioner failed to comply with a condition that public utilities be installed, and instead has used temporary portable bathrooms.

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 changes have occurred in the rural and residential areas surrounding that the subject property.

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, the Rural Sanitary District #2 has public water along Ford Street, but the petitioner failed to meet condition #5 of the PUD Site Plan that said public water would be extended into the property to provide public restroom facilities (see all conditions on page\_\_\_\_).

7. *Would the subject property need to be platted or replatted or in lieu of dedications made for right-of-way, easements, and access control or building setback lines?*

No, the area was platted when the original PUD was approved.

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

Screening in the form of an existing “hedge-row of trees” and an earthen berm has been included in the amended PUD site plan; however, it is difficult to determine if the earthen berm will be effective because no elevations are shown. No sound screening is being shown against the residential neighborhood on the southeast corner of the site.

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?*

This does not apply since the base zoning is not a commercial or industrial zoned category.

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

No, except that a PUD overlay provides flexibility to A-1 land uses, subject to a Site Plan, which this case was granted but not complied with.

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 rodeo and concert land uses being proposed may have detrimental effects on the rural neighborhood due to loud noise and large amounts of traffic entering and existing from a 2 lane street having a 45 mile per hour speed limit and limited line-of-sight due to topography.

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

*No, the purpose and intent of A-1 Agriculture Zoning District is as follows:*

*“This district is established to accommodate existing uses and to serve as an interim zone following a period of annexation of a predominantly agricultural or undeveloped area which may also contain scattered, low density residential land uses. Selected uses are included which may be compatible in such a district at certain locations.”*

*Although the PUD is used to allow greater land use flexibility, the intensity of use involving large numbers of the people and traffic generated from events is deemed to be detrimental for this particular agriculturally zoned property for reasons already stated.*

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

No, the Comprehensive Plan shows this part of Valley Center to be agricultural in nature.

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

A number of complaints have been received by council members and the general public since 2009. Public comment at the meeting will be another gage to determine support or opposition.

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?*

*In its present condition, the petitioner has minimal investment in the site, mainly from road improvements. Health Sanitation issues have been compromised by the developer not providing adequate toilet facilities and potable water. Traffic safety issues are a concern. The introduction of a concert venue with no way of effectively blocking the noise could become a hardship on the surrounding neighborhood.*

**RECOMMENDATION:**

The Planning Staff offers the Planning Commission **two options:**

**DENY** the amendment of the PUD and recommend the City begin the process to revoke the PUD overlay due to the petitioner's failure to comply with the adopted Site Plan and other conditions set forth within the adopted PUD conditions.

**APPROVE** the amended PUD Site plan, subject to:

- A. The petitioner meeting the following **23 Conditions** to the satisfaction of the City of Valley Center as amended by the City Department of Community Development.
- B. A legal document prepared by the City and signed by the petitioner which gives consent for Valley Center, Sedgwick County, State or Federal officials or law enforcement officers the "right-of-entry" and inspection of the premises to determine compliance with all conditions or illegal actions. If the petitioner or future operators by lease or ownership refuse entry and inspection, the City will have grounds for revocation of the PUD overlay District. Notice need not be given prior to inspection.

**Conditions:**

The petitioner's original list of General Provisions (hereafter called Conditions) has been modified by the City staff. Crossed-out wording will not apply, while added wording in **bold** will apply:

1. The maximum number of horses to be stabled at any one time shall be determined per Section 6.16 of the Valley Center City Code (**This section will be changing in the next two months, therefore, the number of horses will be based on the proposed standards**). Parcel 1 (**43.08 acres**) would be permitted ~~246~~ **40** horses and Parcel 2 (**24.38 acres**) would be permitted ~~77~~ **21** horses.
2. Events shall be limited to weekends (Friday - Sunday) and Holidays. Outdoor events shall terminate no later than 11:00 p.m. Indoor events shall terminate no later than 1:00 a.m. There shall be no more than two major events occurring at one time.
3. The use of the site for horse-related uses shall comply with the health, sanitation and maintenance provisions of the City of Valley Center City Code.
4. All exterior lighting in those areas of the site utilized for horse-related uses shall be shielded to direct light disbursement in a downward direction and away from adjacent properties.
5. The development shall be served by Rural Water District **#2** water and an on-site sanitary sewer system. The development shall connect to municipal systems as they become available to the site. ~~Permanent restroom facilities shall be installed within six months of approval of PUD amendment.~~ **Proper water supply must be addressed according to the following requirements:**

- A. The rural water district will not have the capacity or pressure to facilitate an 8" water line (City Standard) to serve a fire hydrant if the enclosed event center is built. In order to have adequate water capacity for fire protection, an 8" public water line will need to be extended in Ford Street right-of-way from Seneca and Ford (the closest City watermain) to the property line. An 8" waterline will then need to be extended into the property (show location of water line) to the event center to provide required fire protection.
  - B. Portable toilets will not be allowed as the primary restroom facilities. Permanent indoor restrooms must be built to accommodate the maximum number of people that would attend events within the proposed facility. A sketch plan of the restrooms must be supplied with submittal of a new PUD application illustrating the number of toilets, urinals and sinks based on the International Building Code criteria for the maximum number of attendees if two major events are held at one time. Estimated maximum numbers of attendees must be stated on a revised Site Plan.
  - C. The distance of indoor restrooms must be no further than International Commercial Building Code standards for an assembly area. Based on maximum distance of 600 feet from seating areas, restrooms will need to be built in the enclosed event center and covered arena. Indoor bathroom facilities must be accessible to the seating areas by a 10 foot concrete walkway that meets ADA standards.
  - D. With permanent indoor restrooms, the plan must show the type and location of the proposed on-site private sewer system, and location of drainage fields. The drainage field must take into account the proximity of designated wetlands on the property. All regulations that apply to state-determined wetlands must be met to meet all setbacks of on-site sewer system from a wetland. A certified wetland specialist will need to identify the boundaries of the wetland on the site plan.
6. The transfer of title of all or any portion of land included within the P.U.D. (or any amendments thereto) does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land ~~and for commercial development~~ **based on the approved PUD Site Plan including all conditions**, and be binding upon present owners, their successors and assigns, unless amended.
  7. In addition to the modifications of the Preliminary PUD Plan in the Final PUD Plan, minor revisions to the Site Plan due to unforeseen circumstances may be approved by the Zoning Administrator after initial approval of the site plan(s) by the Planning Commission.
  8. There shall be no overnight parking and/or camping.
  9. **Spectator Parking lots** shall be within the designated areas only, and be for on-site event only. ~~Spectator All parking areas~~ **lots** shall be paved with an all-weather surface consisting of a minimum 6-inch sub-base ~~with crushed rock surface~~ **with asphalt or concrete and stripped to show parking spaces to meet the construction standards of the City. The Horse Trailer & RV Parking area may be an all-weather surface consisting of a minimum 6-inch sub-base with crushed asphalt surface.**

10. Landscaping/Screening for the development will be a combination of earth berms and existing trees. A 25-foot buffer shall be maintained along Perimeter property lines to protect the existing hedgerows. Mature trees within this buffer shall not be removed except for any future utility extension and/or street construction. Trees located within the screening easements that are removed shall be replaced where practical.
11. **A grading plan showing (A) existing one-foot contours shown for the entire site and proposed elevations to ascertain the height of the berm on the north rim compared to the lowest level of the covered arena, and (B) spectator's parking lot drainage elevations with drainage arrows and crushed rock riprap at the location where the stormwater runoff will leave the parking lots to prevent erosion (separate sheet).**
12. All private drives and access drives shall be a minimum of 20 feet in width and paved with on all-weather surface consisting of a minimum 6-inch sub-base with crushed rock **asphalt** surface where noted. The south 400 feet of the west access drive shall be paved with asphalt or concrete. ~~and installed within six months of approval of PUD amendment.~~ Parking along said private drives and access drives, and Ford Street shall be prohibited. The entrance to the development from Ford Street shall be lighted, and the width a minimum of one lane in and two lanes out **with striping and arrows on pavement to identify lanes and their direction.** Said entrance shall be paved with concrete or asphalt concrete for a minimum of 150 feet north of the Ford Street right-of-way. Emergency access shall be made available by virtue of City approved gates and locks and **will have a 6-inch sub-base with crushed rock to support emergency vehicles.**
13. The water quality pond is intended to provide an initial means of filtering animal waste found within water run-off.
14. Above ground speakers in excess of 10 feet high shall be prohibited.
15. Security methods will be reviewed and approved by the Valley Center Police Department.
16. A Kansas licensed Doctor of Veterinary Medicine shall be present at all Rodeo events.
17. The developer shall obtain all applicable state, county and local licenses and permits.
18. The developer shall submit a revised plan prior to the development of that portion of Parcel 1 noted as "Future Residential".
19. **The Concert Stage must be removed from the site and holding any concerts on the site will be prohibited.**
20. **The Site plan must indicate the number of permanent seats in the covered arena and the seating capacity of the enclosed event center to determine whether parking and restroom sizes are adequate. According to the City Zoning Regulations, the number of parking spaces is based on one space for every four seats if two of the facilities are being fully utilized.**
21. **If one or more functions occurring on the property is planned to attract more than 4,000 people, a traffic study will be required to determine if Ford Street can handle traffic volume generated by large events.**

22. The only “type” of rodeo allowed in the PUD overlay is a “Professional Rodeo Cowboys Association” sanctioned rodeo which is legal in Kansas.
23. If a Rodeo has juveniles (under 18 years old) that are present, no temporary or permanent alcoholic beverage license should be applied for to the state and no alcoholic beverages brought into the stands by those in attendance. If it is reported and documented that alcoholic beverages are being consumed at a rodeo event with juveniles present, it will be considered a violation of the PUD overlay District conditions and the Planning Commission may hold a public hearing and consider recommending removal of the PUD overlay, followed by City Council adoption of an Ordinance to remove the PUD overlay. This restriction does not apply to events held in the enclosed event center, provided a rodeo event is not being held at the same time.

In addition to the numerous PUD violations, Mr. Utecht also questioned the amount of employees and reported that a mobile home had been moved in without hookups and trash service, however Mr. Marquez did remove the mobile home within the required 90 day period, but after two more notices, the home was finally removed.

- Russ Avery, Baughman Company P.A., representing applicant: Jose “Art” Marquez, made a request to the commissioner to table the decision until the March meeting so they can regroup and formulate a new plan with the goal of coming together on common ground to remove loopholes and make an effort to re-establish Mr. Marquez’s reputation.
- Mr. Utecht read three letters he had received from neighboring properties concerning this issue.
- From Thomas and Mary Steinkirchner, Home address 7804 N. Seneca, Valley Center, Ks. 67147

We appreciate the notification regarding this amendment and the opportunity to express our concerns pertaining to this amendment. Let me start by clearly stating that we are opposed to the proposed use of the property and the installment of the facilities associated with it. We are opposed for the following reasons:

The increased traffic it brings to the area when events are being held at 2750 E. Ford. As you are aware Ford Street is only a two lane street and has no road side shoulder area and therefore is not designed to accommodate the traffic load for this type of venue. To compound matters, they hold events on the same nights that 81 Speedway has auto races going on, if these events are allowed to continue it is our concern that as they gain popularity it will cause an even greater traffic flow into the area.

Another reason we object to this amendment is the loud music they play outdoors that everyone who lives in the area has to listen to. The music itself is not offensive, but is not music we would listen to if we were driving in our car or sluing in our home. Why should we be forced to listen to it if we want to spend some time outside in our own yard?

From what we have observed about the appearance of the facility raises concern that it is not going to be a state of the art facility but more along the lines of a cut rate and low bid project. The plywood sign with the address spray painted on it has been at the entrance of the facility since its inception. If it was really Mr. Marquez's intention to make this a top notch facility he would have replaced that sign with something a little more presentable long before now. It has recently come to our attention that the proposal that Mr. Marquez had originally presented to the City Planning Commission was less than forthright. This brings into question not only his integrity and true intentions, but also the legitimacy of his entire operation. It is also our understanding that

Mr. Marquez failed to make certain improvements to the facility which were required to be made within a specified time frame after obtaining initial approval from the Planning Commission. It would be our hope that you would deny this amendment and not allow these activities to continue at this location. We thank you and appreciate your time and your consideration of our concerns.

- From Rebecca Sumner 7840 N Seneca, Valley Center KS 67147-8217  
I would like it known that I am against allowing further development of Marquez horse farm (case no. Z-2013-3). One of my concerns is the noise level this will bring to the surrounding properties and beyond. We already have to hear music for several hours at a time and know this would only increase if the plans presented are approved. Instead we could enjoy peace and quiet in our own back yard. This is one of the reasons we moved here. Another concern is the increased traffic. There are already a lot of horse trailers from there that cause wear and tear on the streets. They also create a hazard to other drivers when the mud from the horse trailers is spread along 77th. The kind of environment this "farm" already brings is not what I want for the city I call home. If the city gives an inch, it seems a mile is taken, as I have seen this with other situations recently.
- From Clarence Sumner 7840 N Seneca, Valley Center KS 67147-8217  
I am responding to the notification I received on Marquez horse farm development plan. Besides the obvious, increased traffic, noise, and lower property values, I wonder if anyone has considered the growth of Valley Center. There are several 50+ acres just outside of Valley Center that could be used for NICE housing developments that would be a great tax base for the city. Valley Center has a wonderful opportunity for growth, being close to Wichita with down home attitude. I can't imagine that any developer would risk adding nice homes with the horse farm up the street. I think everyone wants to come home after a day of work and have peace and quiet that a small town brings. I would like to see the horse farm smaller not bigger.
- Sheri Taylor, 1816 E. Ford, expressed her frustration over issues involving the many Marquez activities. Mrs. Taylor indicated that often there is excessive loud music resonating from the property for long periods of time. She stated that the traffic was excessive and she shared her concern that illegal activities such as gambling and animal fighting were taking place. She questioned how these issues are monitored and how it is enforced. Mrs. Taylor asked who does the security for the events and who pays the officers – Mr. Marquez hires off-duty Valley Center police officers for the events. Chairperson Park asked Mrs. Taylor if she had ever called the police concerning these issues in which she replied, no.
- Wintilio Ortiz, 2750 E. Ford, informed the commissioners that he publishes a Spanish publication called "Espectador" in a house on the Marquez property. He stated that the accusations that had been made were not founded and recapped the point that they have a secure place.
- Mark Hephner, Valley Center Police Chief, replied that several of the Valley Center officers were hired by Mr. Marquez during their off hours to run security during the events. He reported that there had been a few arrested for gambling and fighting during these events.
- Al Hobson, 531 W. 3<sup>rd</sup>, Valley Center Councilmember, stated that over the last one and a half years he had been getting many complaints concerning loud music and drinking at the Marquez events. He commented that he was on the commission when the PUD was accepted the first time and at the time it was a good plan, however, things happen. He commented that there are problems out there and if we can't resolve these problems it needs to be stopped. He recommended to the commissioners to table the issue to see what can be salvaged.

- Terry Ellis, 2559 E 5<sup>th</sup> St., Mr. Ellis stated he is very unhappy. He has called the police several times and feels the loud music is very invasive to his privacy. He also made comments over his concern that there are illegal activities such as gambling going on during these events. He expressed how this facility has ruined his property and the hopes of bringing in any upper scale building projects in this area is diminished due to the activities at the Marquez property.
- Russ Avery, (representing Marquez) was asked by the commissioners “how do we know that you’ll comply with these request this time?” Mr. Avery commented that we need to identify the issues of concern and possibly find more passive events that will be acceptable .
- Jose Arturo Marquez, 2750 E Ford St., commented to the commissioners that he had recently sold the property. He explained that during the impending sale the new owner backed out on the purchase returning the property to Mr. Marquez in September of 2012. During this time he claims the property was damaged during the time the new owner had possession of the property. Mr. Marquez remarked that at times he had been given special leeway by the previous Zoning Administrator Eldon Miller for his events. Mr. Marquez insured the commissioners that he ran his business within the law. He always pulled an alcohol sales license before the events and had never been turned down by the city for his event licenses.

Mr. Sumner asked whether paying off-duty Valley Center officers could be construed as a conflict of interest?

Mr. Marquez went on to state that he runs one of the biggest venues of this nature in Kansas. He wants to continue the concert events and has been communicating with the PBR (Professional Bull Riders) to bring in rodeos.

Commissioner Wretberg asked about the food service and if there were appropriate food-handlers licenses. Mr. Marquez stated the food came in by vendors and he didn’t know if they were licensed.

Chairperson Park closed the public hearing at 10:04 p.m.

**MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Janzen made a motion to table the decision until the following meeting. Motion was seconded by Commissioner Nantkes. The vote was 6 for the motion and Commissioner Colbert against.

**PUBLIC HEARING: Pedestrian and Bicycle Facilities Master Plan.**

Community Development Director Warren Utecht introduced Mitchell Coffman, Professional Engineering Consultants, P.A. to explain the Pedestrian and Bicycle Facilities Master Plan. He expressed the need for a safe and efficient plan with funding options. Commissioner Jackson referred to various trails on the map that went through private property. He questioned the use of private property. Commissioner Wretberg asked who would be paying for the trails on private property.

Chairperson Park opened the hearing for comments from the public at 10:08:

Mr. Utecht read a letter:

- My name is Barry Carroll. I am the founder of the “Bike/Walk Alliance-Wichita”.  
I want to commend Valley Center for planning for increased bicycling and walking. t  
to commend Valley Center for planning for increased bicycling and walking. Bicycle is  
gaining popularity in our country!  
As you know, the City of Wichita just passed a Master Bicycle Plan. I was on the  
steering committee for the past two years. Many of my cycling friends currently ride to  
Valley Center (and spend their money while there). **I want to encourage the  
development of Valley Center's master bicycle plan.**

Communities across Kansas are embracing cycling, trail building and creating bike lanes and other infrastructure.

There are a number of very good reasons to plan for bicycling - young professionals want to work in communities with bike infrastructure; cycling reduces obesity and promotes health, cycling reduces pollution from vehicles and bicycles are also used to commute to and from work.

If the Bike/Walk Alliance-Wichita can be of assistance to you, please let me know. We have several volunteers who are advocates for increased bicycling and walking.

- Marsha Breitnstein, 7901 Paseo Madre, Mrs. Breitnstein totally opposes the idea of a trail leading to a future park on private property, stating the concern over the possible trespassing and trash this may bring to her property.
- Gary Strodtman, 8101 Paseo Madre, was also concerned over public access into his backyard. He stated that there had been multiple vandalism and thefts in the area and feared this would add to the problem. He was totally against putting a trail on his property.
- Jacques L Fluker, 3819 Rio Grande Cir., is total against the plan.
- Donna Pearson, 2701 W. 69<sup>th</sup> N., said her property is not effected by the plan, but was against trails along the river.
- Comments were made about the locations of some of the parks. Zoning Administrator, Warren Utecht, stated that this information was taken from the Master Plan and would be looked at.
- Councilmember Kate Jackson questioned the placement of a park in the Highpoint area, stating that she did not recall the park being there. John Dailey stated that the parks were part of the Master Plan package which was not reviewed properly by the voting members.
- Randal Wood, 3 Maple Ct. and Justin Schilke, 6 Maple Ct., shared their concerns over the proposed Wetland Park path. (Note: The plan shows a future trail extending over association land from the park to Valley Creek Drive.)
- Commissioner Janzen made a final comment that in his experience over the years he has found that putting in sidewalks/paths in isolated areas and introducing human activity actually decreases the crime rate.

Chairperson Park closed the public hearing at 10:50 p.m.

**MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Park make a motion to table the Pedestrian and Bicycle Facilities Master Plan. Motion was seconded by Commissioner Janzen and motion passed unanimously.

**UNFINISHED BUSINESS:** none

**NEW BUSINESS:**

STP 2013-01 filed by Bill Newton and Sid Unruh (Valley Investments L.L.C.) to approve a Small Tract Plat for a single lot called "Ark Valley Development" on the southwest corner of S. Meridian and 69<sup>th</sup>, to coincide with the boundaries of Rezoning Z 1013-01.

**MOTION:** Based on the City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Janzen made a motion to approve, with a stipulation that there would be full access control on lot 2. The motion was seconded by Commissioner Bosken and motion passed unanimously.

**ITEMS BY PLANNING COMMISSIONERS:**

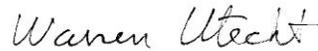
- Gary Janzen – Appreciated Mr. Coffman’s patience.
- Dee Wretberg – Thanks to Chief Hephner for coming.
- Danny Park – none.
- Steve Jackson –Glad to review parks.
- Terry Nantkes - none
- Ronald Colbert Sr. – Appreciated everyone coming.
- Don Bosken – Thanks to steering committee for all their work.

**ADJOURNMENT:**

Motion made by Commissioner Janzen and seconded made by Commissioner Bosken to adjourn. Motion passed unanimously

Time of Adjournment 11:05 p.m.

Respectfully submitted,



Warren Utecht,  
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission on March 26, 2013.

/Danny Park/  
Danny Park, Chairperson  
WU/dt