

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

7:00 P.M., Tuesday, March 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: Don Bosken, Danny Park, Terry Nantkes, Ronald Colbert Sr., Ricky Shellenbarger and Steve Jackson. Members absent: Gary Janzen, Dee Wretberg, and Del James.

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

Councilmembers Present: Kate Jackson, Al Hobson, Terry Ishman, and Jake Jackson.

**AGENDA:**

A Motion was made and seconded to set the agenda. Motion passed unanimously.

**APPROVAL OF February 26, 2013 DRAFT MINUTES:**

A motion was made by Commissioner Ricky Shellenbarger, seconded by Commissioner Steve Jackson to accept February 26, 2013 minutes as written. Motion passed unanimously.

**COMMITTEE AND STAFF REPORTS:** None

**COMMUNICATIONS:** None

**OLD BUSINESS BEFORE PLANNING COMMISSION**

**Pedestrian & Bicycle Facilities Master Plan.** Mitch Coffman from PEC Consultants reviewed changes that were made to the Pedestrian & Bicycle Facilities Master Plan Future Facilities Map, based upon public comment at the February 26<sup>th</sup> Public Hearing. Specifically, Mitch pointed out that the wish list for trails that were shown on private property along the Little Arkansas River were removed. Park symbols (indicating a future park site) were also removed on private developed property. Warren Utecht stated that the park sites would be reconsidered in the next Comprehensive Plan update that will occur in 2014.

Since the public hearing was held for the Pedestrian & Bicycle Facilities Master Plan at the February 26<sup>th</sup> meeting, the Community Development Director advised the Planning Commission Chairperson that those who were in attendance would not be able to speak unless the Planning Commission directed the Community Development Director to publish another notice in the local newspaper for a second public hearing. However, Joel Pile advised the Planning Commission Chairperson he does have the authority to allow public comment, provided it is understood the Planning Commission is not taking testimony within the confines of a public hearing.

Before the meeting, the Community Development Director was asked by Cheryl Plucker, Secretary for the Valley Creek Estates HOA Board to pass out information that was compiled by the HOA.

A number of residents, mostly from the Valley Creek Estates Subdivision, addressed the Commission making statements regarding their fear of criminal activity if the trail were built, cost of building and maintaining the area, and safety of West Elementary School students. Reference was made that people have come through the park and have trespassed on Valley Creek Estates private green space and fished their pond. Comments were also made that the City has not responded to the concerns raised by the HOA.

Councilmember Hobson warned if a trail were built on the private property between West Elementary and New Hope, that the property owner would be liable for any injury.

After allowing several comments from the public, the Planning Commission members began discussion/deliberated. Commissioner Shellenberger expressed concern how the City would extract someone from the wooded park if they were injured. Commissioner Jackson asked the Community Development Director if he would like to have a trail in his backyard. Warren Utecht, the Community Development Director responded positively, pointing out the overwhelming conclusion of a number of trail studies that document that crime rates actually decrease, the value of adjoining properties increase, and the quality of life improved.

To prevent the Pedestrian & Bicycle Facilities Master Plan recommendation from getting delayed due to this controversy, the Planning Commission discussed the removed of the Wetland Park Trail and future sidewalk plans in Valley Creek Estates from the Plan for now, and this issue can be revisited at a future date, if desired. Chairperson Park acknowledged the residents' concerns. Motion was made by Danny Park and seconded by Ronald Colbert to amend the Pedestrian & Bicycle Facilities Master Plan by removing the trail in Wetland Park and sidewalks on Cottonwood and Valley Park Drive. Don Bosken, Danny Park, Terry Nantkes, Ricky Shellenbarger and Steve Jackson voted for the motion. Ronald Colbert Sr. voted against the motion.

**Tabled item:** 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 Lot 1 & Lot 2, Block A, Marquez Horse Farm 2nd Addition. The Petitioner has asked that this item remain tabled until the April Planning Commission Meeting.

Based on the petitioner's request for a delay, a motion was made and seconded to table the Marquez PUD Amendment until the April 23th Meeting. Motion passed unanimously.

## **PUBLIC HEARING BEFORE BOARD OF APPEALS**

- A. Conditional Use petition CU 2013-01 filed by Westar Energy Inc. to expand an existing Sub-Station at 720 W. 77<sup>th</sup> Street.

Chairperson Park asked if any of the Board of Appeals members intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have a conflict of interest. No one responded. Chairperson Park then declared there was a quorum of 6 present for the hearing.

Chairperson Park then stated a notice to this hearing was published in the Ark Newspaper on February 28th, 2013, and notices were mailed to 10 property owners of record in the City limits within the 200 foot and within 1,000 feet outside the City Limits. The record shows that at least 20 days elapsed between the publication and the hearing date. Chairperson Park asked the Commission if any of them have received any ex parte verbal or written communication from a

third party prior to this hearing which they would like to share with all the members. No one responded.

Warren Utecht briefly went through the reasons and scope of the future expansion of Westar Energy's sub-station. Chairperson Park declared the public hearing opened at 8:24 p.m. Allyson Wetter, and Engineer from Westar Energy went into more detail regarding the substation expansion plans, saying that it was not eminent, but Westar wants the approval so that it can move ahead with expansion plans when needed. Chairperson Park closed public hearing at 8:31 p.m.

**RECOMMENDED MOTION:** Based on City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Bosken made a motion to approve a Conditional Use for Westar Energy Inc. to expand an existing Sub-Station at 720 W. 77<sup>th</sup> Street, subject to the City allowing an 8 foot chain link security fence with strands of barb wire that raise the fence height to 9 feet. Motion was seconded by Commissioner Shellenbarger. Motion passed unanimously.

#### **UNFINISHED BUSINESS-None**

#### **NEW BUSINESS BEFORE PLANNING COMMISSION**

- A. Site Plan SP 2013-01 petitioned by Sid Unruh for a new office building on the southwest corner of Meridian and 69<sup>th</sup>.

Community Development Director Utecht went through the details of all of the maps associated with the Unruh site plan, and described the conditions that were recommended by the Site Plan Committee.

After discussion of the recommended discussion by planning commission members, Commissioner Shellenbarger made a motion to approve with conditions as recommended by the Site Plan Committee Sid Unruh's Site Plan for an office building on the southwest corner of Meridian and 69<sup>th</sup>, those being:

1. That the existing sidewalk be shown along Meridian on the site plan
2. That a rear door be shown on the middle tenant space
3. That plantings be shown between the parking spaces and Meridian
4. That ground cover in the form of honeysuckle, crown vetch, or buckrush is shown on the site plan along the entire slope where soil has been disturbed between the proposed office building and Little Arkansas River for the purpose of retaining soils and prevention of erosion.
5. Designation of one handicapped Van Parking Space.

Motion was seconded by Commissioner Colbert. Motion passed unanimously.

- B. Site Plan SP 2013-02 petitioned by Casey's General Stores, Inc. for a new commercial building at 222 S. Meridian.

Community Development Director Utecht went through the details of all of the maps associated with the Casey's site plan, and explained that all of the conditions that were recommended by the Site Plan Committee have been addressed on the drawings and information supplied to the Planning Commission members the night of the meeting.

A resident in the neighborhood questioned whether the building lighting would spill over onto her property. Community Development Director Utecht said all light fixtures on the sides of

the building are full cut-off fixtures. He also indicated he had reviewed the lighting pattern and did not anticipate any light spillage onto adjacent lands.

Some discussion covered the manner in which fuel tank delivery trucks would maneuver through the site. It was decided that truck traffic could enter and exit from Meridian, although Butler could also be used. Community Development Director indicated the City will likely include part of the drainage and road reconstruction of Butler with the City's stormwater project, which includes the reconstruction of Meridian.

Based on Site Plan Committee conditions being satisfied and City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Shellenbarger made a motion to approve the Casey's General Stores, Inc. Site Plan for a new commercial building at 222 S. Meridian with a condition that the City install a "No Parking" sign on Butler Street along the frontage of Casey's property. Motion passed unanimously.

- C. Site Plan SP 2013-03: petitioned by Retro System's for a new industrial building at 540 W. Clay.

Community Development Director Utecht went through the details of all of the maps associated with the Retro-Systems site plan, and explained that the Site Plan Committee recommended that it be approved by the Planning Commission with no conditions.

Based on Site Plan Committee and City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Jackson made a motion to approve Retro System's Site Plan Review for a new industrial building at 540 W. Clay. Seconded by Commissioner Shellenbarger. Motion passed unanimously.

**ITEMS BY PLANNING COMMISSIONERS:**

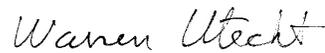
- Ronald Colbert Sr. – Nothing
- Steve Jackson – Nothing
- Danny Park – Nothing
- Ricky Shellenbarger – Nothing
- Terry Nantkes - Nothing
- Don Bosken – Nothing

**ADJOURNMENT:**

Motion made by Commissioner Jackson and seconded made by Commissioner Shellenbarger to adjourn. Motion passed unanimously

Time of Adjournment 9.05 p.m.

Respectfully submitted,



Warren Utecht,  
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission on May 28, 2013.

/Gary Janzen/      
Gary Janzen, Vice-Chairperson  
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