

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

7:00 P.M., Tuesday, May 28, 2013
Valley Center City Hall at 121 S. Meridian Avenue

CALL TO ORDER:

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

Staff Present: Warren Utecht and Deby Taylor, Community Development Department.

AGENDA:

A Motion was made by Commissioner Bosken, seconded by Commissioner Wretberg to set the agenda. Motion passed unanimously.

APPROVAL OF March 26, 2013 DRAFT MINUTES:

A motion was made by Commissioner Bosken, seconded by Commissioner Nantkes to accept March 28, 2013 minutes as written. Motion passed unanimously.

COMMITTEE AND STAFF REPORTS: None

COMMUNICATIONS: Community Development Director, Warren Utecht, supplied the commissioners with a copy of the Site-Plan Minutes for their information.

SPECIAL USE REQUEST: Special Use filed by John Glenn for a Boarding and Riding Stable in the A-1 Agricultural District at 2859 E. 5th Street, Valley Center.

Vice-Chairperson Janzen 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. Vice-Chairperson Janzen then declared there was a quorum of 7 present for the hearing.

According to the Recording Secretary, a notice of this hearing was published in the Ark Newspaper on April 25, 2013 and notices were mailed to 6 property owners of record 200 within the City limits 1,200 feet from property owners in the county on April 25, 2013. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. Vice-Chairperson Janzen 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.

Vice-Chairperson Janzen called on Zoning Administrator, Warren Utecht, to provide his staff review on the case. Mr. Utecht went through the 17 point *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 character of the neighborhood is mostly agricultural with scattered suburban residential housing. The boarding and riding stables where horses are housed and used by their owner at a fee is consistent with the rural agricultural character of the area.

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

The current zoning is A-1 Agricultural. The surrounding zoning and land uses are as follows:

- North: Rural Residential (Sedgwick County Zoning) with one single family farmstead
- South: A-1 Agricultural
- East: A-1 Agricultural, and RR-1 Suburban Residential
- West: RR-1 Suburban Residential

3. *Is the length of time 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?*

Yes, a boarding and riding stable has been operating at this address for years without a special use permit.

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, there are no changing conditions.

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?*

Public water is not required for this use, as long as a well supply is adequate for the horses.

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, platting is not required to separate the horse stable and associated uses. The owner obtains rent from the operator of the horse stables on the petitioner's property.

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

Given the substantial distance from the closest residence, screening is not an issue.

9. *Is there suitable vacant land or buildings available or not available for development that currently has the same zoning?*

There may be, but it is not relevant in this special use request.

10. *If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?*

This is a business if granted a special use, but employment is not a factor.

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

Yes, a boarding and riding stable is consistent with the agricultural zoning district.

12. *To what extent would the removal of the restrictions, i.e., the approval of a Special Use request detrimentally affect other property in the neighborhood?*

Due to the rural nature and distance from any residential homes, a special use for a boarding and riding stable should not have a detrimental impact on neighboring properties.

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 Development Plan shows this part of Valley Center to be a future residential area, but timing of development may be later than other areas of the City where utilities are more readily available.

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

- The City Code Enforcement/Animal Officer viewed the horse boarding operation and found the horses were being well cared for and the facilities were neat and clean (see attached pictures).
- The City staff supports this special use, subject to the removal of two dilapidated structures owned by the petitioner.

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, this service is not found elsewhere in the City and provides a service to its residents.

Mr. Utecht's Recommended Action was to approve the Special Use for a Boarding and Riding Stable, subject to issuance of a banner sign that must be applied for in the next 7 days, and removal of two dilapidated buildings on the premises as shown on the next page in the next 60 days.

Commissioner Colbert asked if this property would only house horses. Mr. Utecht explained that it has been exclusively a horse boarding and training facility for some time. He also stated that the Valley Center Code Enforcement officer, Cindy Plant had walked through the facility and reported that was clean and had been well maintained.

PUBLIC HEARING: Vice-Chairperson Janzen opened the public hearing at 7:15 p.m.

In the absence of the applicant there was no additional presentation or response to the Zoning Administrator's report.

Vice-Chairperson Janzen asked if there were any members of the public who wish to speak on this case. There was no response.

Hearing no further comments, Vice-Chairperson Janzen closed the public portion of the hearing at 7:16 p.m., stating that there will be no further public comments unless the Commission wishes to ask questions to clarify information.

DELIBERATION & VOTE: After a short deliberation, the Planning Commission recommends to the City Council that the Special Use for a boarding and riding stable be approved, subject to the following conditions:

- 1.) Removal of two dilapidated structures on the premises within 60 days of Ordinance approval.
- 2.) Operator of Boarding and Riding Stable must obtain a zoning permit for a "Banner Sign" within 7 days.

Motion was made by Commissioner Bosken and seconded by Commissioner Colbert. Motion passed unanimously.

OLD BUSINESS: Vice-Chairperson Janzen opened discussion on the 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.

Mr. Utecht shared a letter from Baughman Company regarding Mr. Marquez's rezoning petition, requesting a third deferral to the June 25, 2013 meeting. Mr. Marquez was asked to share with the commissioners of the current situation and reason for said deferral. Mr. Marquez stated that he felt he had continued to make attempts to comply with staff requests but continues to fall short of expectations. To his understanding he had complied with the 2008 PUD and has a team of business investors ready to get on board. He voiced his frustration over the situation and stated he has hired council to restructure a new approach. Mr. Utecht asked him if his plans were to take this issue to court or have council represent him at the June 25th Planning Commission meeting? Mr. Marquez confirmed to the later.

Commissioner Colbert asked what corrections had been done since the meeting in March? (No improvement had been made.) He also asked about the Newspaper being operated from the facility. Mr. Marquez said there was no newspaper operated on the facility, but when activities occurred, a Spanish newspaper covered the stories. Mr. Utecht asked about his plans to bring in waterlines from Seneca Street, which is needed in order to comply with the Fire Department's requirement if structures are built. Mr. Marquez did not answer. Mr. Utecht explained to the Commission that the PUD site plan cannot just a picture of the future. The city needs more

detailed information and commitment to build infrastructure (sanitary and storm sewer, water, paved roads and parking lots) before the city supports a PUD amendment.

Vice-Chairperson Janzen made the motion and seconded by Commissioner Bosken, to defer Z-2013-03 to the June Planning Commission Meeting. The vote was 4 to defer the decision, 2; Commissioners Colbert and Nantkes voted against and Commissioner Stamm abstained due to this being his first meeting. The board strongly encouraged Mr. Marquez to return in June with a detailed concept for the PUD Site Plan.

NEW BUSINESS: Vice-Chairperson Janzen opened discussion for the Site Plan SP 2013-04 petitioned by Sid Unruh for a new office building immediately south of the Leeker's Grocery Store. He asked Community Development Director Warren Utecht to inform the board of Site Plan details.

Mr. Utecht shared that Sid Unruh (Unruh Family Chiropractic) desires to own his own office building specifically designed for his chiropractic business, and wants to add two additional tenant spaces. The building design and footprint was the same as what was brought to the Site Plan Committee in March, 2013, with changes recommended by the Site Plan Committee.

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 location of Meridian is shown on the Site Plan. Also shown is a driveway that will occupy an easement on a 32 foot wide strip of land Leeker's will continue to own.
 - No pipeline easements or any other utility easements are known on this property.
- 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.*
 - North arrow and dimensions are on the Site and Utilities Plan, and setbacks are on map A-1.
- C. *Topography by contour lines may be required if slopes exceed 5%, buffer berms are used, or a drainage plan is required.*
 - A grading plan is included in the packet, but has not been reviewed by the City Engineer. Comments may be available at the meeting. Any changes required by the City Engineer and Public Works Director will need to be a contingency added to the Site Plan Committee's recommendation to the City Planning Commission.
- D. *Show existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances (This is the same information supplied from the last review).*
 - Illustrations and maps show in detail the dimension of the office structure, the number of stories (1) and entrances. Total height of the single story building will be 19 feet, 8 inches. The building measures 97 feet long by 40 feet wide, and will contain three office spaces, which are as follows:
 - Tenant space: 1,800 square feet (Unruh office)
 - Tenant space: 789 square feet (rental space)
 - Tenant space: 1,165 square feet (rental space)
- 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 proposed site plan shows a 24 foot wide driveway with 20 foot radius flares at the S. Meridian curb line. The driveway within a future public road dedication (access easement) will be required to be built at City Street Standards.
 - Twenty-one parking spaces, which include two ADA compliant handicap spaces for vans. The number of parking spaces meet parking standards for medical and office space.
 - Parking spaces are 9 feet wide and 19 feet deep, and the aisle space is 24 feet wide. These dimensions meet the required size of parking stalls and aisle width.
 - Directional arrows and traffic flow do not apply for this parking lot and land use.
 - Sidewalks are shown along the front of the building, and along the south side and rear of the building.
- 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)*
- Two parking lot fixtures are shown on the east edge of the parking lot. The light pattern from these fixtures will not affect the residents living on the east side of S. Meridian.
 - Light fixtures on the front of the building will direct light downward, and lighting on the back of the building will be security-type lighting.
- 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.*
- The location of the sign is shown on the grading plan and landscape plan. Its location is near the entrance. No sign details were provided. The sign regulations will be reviewed at the time a zoning permit is issued for the sign structure.
- 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.*
- No central outdoor refuse container is being shown. The applicant has indicated that plastic containers will be kept in the back of the building. However, unlike the previous site, individual refuse containers will need to be buffered by a 6 foot privacy fence in the back of the building (wherever the cans will be located) to block public from Leeker’s property, future buildings to the west, and future road to the south. The refuse containers will be rolled out on garbage day by each tenant.
- 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.*
- The centerline of the access point to this strip center will be approximately 270 feet south of the southerly driveway to Leeker’s grocery store. This distance should be more than sufficient to avoid traffic conflicts. However, single access with limited turnaround within the parking lot may be difficult for larger trucks to maneuver on the site.
- J. *Site plan provides for the safe movement of pedestrians within the site.*
- Not applicable for this site plan.

Additional items required:

- A landscape plan was submitted, which shows four varieties of trees (6 total trees) three being planted in the boulevard and three planted beside and behind the building. In addition, foundational planting along the front of the building and in the two parking lot peninsula's will have low level plantings. The choice of trees and plants are under review by approved by Neal Owings, the City's Park and Public Buildings Superintendent.
- A drainage and utility plan was required. Due to limited time, the drainage and utility plan will either be delivered just prior to the Site Plan Committee meeting or may be in the packet. It is recommended that the Site Plan make any approval contingent upon any changes recommended by the City Engineer.
- Water service will come from the City water main that runs on the west side of Meridian. The City will install the connection from the main to the water cans and meters, per city standards. The plumber will install three separate services, one for each tenant. A new fire hydrant is also being shown by the water connection.
- The utility plan shows the electrical routed to the back of the building.
- Since there is no public sewer near the property, the petitioner will be installing a septic/aerobic system with the leach field located on the petitioner's property. When public sewer becomes available abutting his property, the City will require the owner to connect via a new lateral.

Staff Review:

The following recommendation for approval is contingent upon the following:

1. City's engineer and Public Works Department approval of a drainage plan that includes stormwater calculations to determine stormwater pipe size.
2. An access easement granted to Sid Unruh over a 24 foot strip of land dedicated as street right-of-way by separate instrument from the Leeker's Valley Center Inc., to allow Sid Unruh to construct a hard surfaced driveway for access to S. Meridian.
3. Lot split petitioned by Leeker's Valley Center, Inc., approved by the city.

MOTION: Based on Site Plan Committee and City Staff recommendations, public comments, and discussion by the Planning Commission, Commissioner Bosken made a motion and Commissioner Colbert seconded to approve, with the 3 conditions from the staff review, Sid Unruh's Site Plan for an office building immediately south of the Leeker's parking lot. Vote was accepted unanimously.

ITEMS BY PLANNING COMMISSIONERS:

- Ronald Colbert Sr. – Welcomed Matt & thanks for zoning map.
- Matt Stamm – Glad to be here.
- Gary Janzen – Nothing
- Del James – Glad to be back...
- Dee Wretberg – Welcomed Matt
- Terry Nantkes – Welcomed Matt
- Don Bosken – Can we start meetings with The Pledge of Allegiance?

It was decided to begin future meetings with The Pledge of Allegiance.

ADJOURNMENT:

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

Time of Adjournment 7:56 p.m.

Respectfully submitted,

Wanen Utecht

Warren Utecht,
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission on June 25, 2013.

 /Gary Janzen/
Gary Janzen, Vice-Chairperson
WU/dt