

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

7:00 P.M., Tuesday, August 27, 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, Del James, Ronald Colbert Sr., Dee Wretberg, Danny Park, Terry Nantkes, Gary Janzen, Ricky Shellenbarger, and Matt Stamm.

Members absent: Don Bosken

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

Meeting started with the Pledge of Allegiance to the American Flag.

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

APPROVAL OF July 23, 2013 DRAFT MINUTES: A motion was made by Commissioner Park, seconded by Commissioner Colbert to defer motion to accept the July draft minutes to September 2013 meeting. Motion passed unanimously.

A. PUBLIC HEARING: BOARD OF APPEALS PUBLIC HEARING FOR ZONING ENFORCEMENT OFFICER'S INTERPRETATION OF THE RECREATIONAL VEHICLE REGULATIONS.

Pursuant to Section 17.10.07, Larry & Carolyn Papps, 116 N. Abilene, are appealing a decision of the Zoning Administrator regarding Recreational Vehicle setback in their front yard.

Chairperson Parks asked the Board members if there were any disqualifications or ex parte communications that would disqualify anyone from participating. There were no disqualifications. Chairperson Parks declared that there was a quorum of 8 present for this hearing.

According to the Recording Secretary, a notice of this hearing was published in the Ark Newspaper on August 1, 2013 and notices were mailed to 23 property owners of record 200 within the City limits on August 1, 2013. The record shows that at least 20 days elapsed.

Zoning Administrator, Warren Utecht, provided a staff review on the case, giving a brief history of the R.V. Ordinance and the Community Development department's follow-up. He recommended that because the property owner has adequate space on the side of his home, the RV be moved back approximately 13 feet to bring it into compliance.

Chairperson Park open public hearing at 7:12 p.m. and call upon the applicants, Larry and Carolyn Papps, to make their presentation and any response to the Zoning

Administrator's staff review. They stated that when they brought in their R.V. they had approached the City Council to assure that the parking for their 5th wheel would be proper, in which they responded with approval. They remarked on how they make great effort in the up-keep of their lawn and the changes recommended would cause them to redo their fence and sprinkler system. This would be a great hardship to them, due to their fixed income and rising medical expenses. Also, they stated that their neighbors were all supportive of them and had no complaints. The board thanked the Papps for their presentation. There were no other comments from the public. The public hearing was closed at 7:22 p.m.

After short deliberation a motion was made by Commissioner Stamm and seconded by Commissioner Colbert, to overturn the Community Development Director's ruling; finding that the yard has been well maintained, there's no objections from the neighborhood and the hardship of moving the fence and sprinkler system. The planning Commission further instructed the Zoning Administrator, to issue Larry & Carolyn Papps a non-conforming certificate to allow the R.V. to remain parked as is. Motion was unanimous approved.

B. PUBLIC HEARING ON ANNUAL REVIEW OF ZONING REGULATON (ARTICLE 17) AMENDMENTS

According to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on August 1, 2013. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date.

Zoning Administrator, Warren Utecht, provided his explanation for recommended amendments to the Zoning Amendments. He went through each amendment and answered questions. Due to an apparent need to clarify the R.V. definition and refine some of the amendments it was decided that Mr. Utecht would prepare revisions for the September 24th Planning Commission Meeting.

Chairperson Park opened the hearing for comments from the public at 7:58 p.m. John Dailey responded with his concern over particular terminology used and his interpretation of the previous law. In order to give time for the revisions, Chairperson Park made a motion and Commissioner Shellenbarger seconded to leave the public hearing on the zoning regulation amendments open to the September 24th meeting. Motion passed unanimously.

C. PUBLIC HEARING ON CITY PLANNING COMMISSION BYLAW AMENDMENTS

According to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on August 1, 2013. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date.

Zoning Administrator, Warren Utecht, provided his explanation for the recommended amendments to the Planning Commission Bylaws. He went through each revision and answered questions.

Chairperson Park opened the hearing for comments from the public at 8:15 p.m. John Dailey stated his opinions on the commission's duties and asked to add Public Comment to the monthly agenda. The Chairperson closed public hearing at 8:19 p.m.

Commissioners asked questions and shared comments about the staff recommended changes. **RECOMMENDED MOTION:** Having considered the recommendation of the Community Development Director at the Planning Commission meeting, Commissioner Colbert moved to recommend to the City Council the amended Planning Commission Bylaws for adoption. Motion seconded by Commissioner Nantkes and motion passed unanimously.

This Bylaw Amendments will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of the City Council on September 3rd for first reading, and discussion scheduled on this item by the Council at the second hearing on September 17th Council Meeting, at 7:00 p.m. in this same meeting room. Written minutes of this hearing will be available prior to the Council meeting.

COMMUNICATIONS: None

OLD BUSINESS: None

UNFINISHED BUSINESS: None

NEW BUSINESS BEFORE PLANNING COMMISSION

A. VACATION OF A PORTION OF A PLATTED 30' DRAINAGE & UTILITY EASEMENTS IN "REPLAT OF VALLEY CREEK ESTATES 2ND"

Zoning Administrator, Warren Utecht, presented Isham-Alexander Home Builders' request for vacating a portion of a Utility Easement; 10 foot of the 30 foot easement needed to facilitate the Isham "stock" floor plans, at the South end of Poplar Court, Valley Creek Second Subdivision

The easement in question was platted as a 30 utility easement in the original Valley Creek Estates Plat. The owner of the platted lots on Poplar Court is in the process of having a street installed and plans to build three unit condominiums on the two lots abutting the easement.

Letters were sent to Westar Energy, Kansas Gas, Cox Communications, A.T. & T. and Valley Center Public Works Department (water, sewer and storm sewer). Thus far, no objections have been raised.

RECOMMENDED MOTION: Having considered the recommendation of the Community Development Director and other factors discussed at the Planning Commission meeting, Commissioner Shellenbarger move to recommend to the City Council the north 10' of a 30' Drainage & Utility Easement in "Replat of Valley Creek Estates 2nd" be Vacated. Motion was seconded by Commissioner Stamm and motion passed unanimously

B. SEDGWICK COUNTY REQUEST FOR VALLEY CENTER TO REVIEW A 2 LOT EXTRATERRITORIAL PLAT ON THE SOUTH SIDE OF 81ST. STREET N, SEDGWICK COUNTY.

Zoning Administrator, Warren Utecht, presented Sedgwick County's request for Valley Center to review a 2 lot Extraterritorial Plat on the south side of 81st. Street N, Sedgwick County stating that,

- Sedgwick County has requested the City Planning Commission review a 2 lot Extraterritorial Plat on the south side of 81st. Street, between N West Street and N 55th Street West.
- The two lot plat abuts the City limits to the south, and is in an area where lots are typically four acres. However, the petitioner desires to split their 4 acre lot into two lots, each having 2.01 acres. A 2 acre minimum lot size limits a homeowner to a septic rather than lagoon sewer system, according to the RR Rural Residential Zoning District in the county and city.
- Access to lot 1 would have access to either a private driveway on a 35 foot strip of land filed as an access easement, or directly onto 81st Street N, a county road (if the county allows). The only public access for lot 2 would be 81st Street N.

Staff Recommendation: This two lot plat will not impact the development of the City or require any City Services. As such, the City Staff sees no objection to the plat and recommends to the City Planning Commission that it be approved, subject to the lots having a septic sewer system.

RECOMMENDED MOTION: Having considered the recommendation of the Community Development Director and other factors discussed at the Planning Commission meeting, Commissioner Nantkes moved the City of Valley Center approves the C&S Estates Addition and forward this motion to the Sedgwick County Subdivision Committee. Motion was seconded by Commissioner Wretberg and motion passed unanimously.

7. COMMITTEE AND STAFF REPORTS: Commissioners were encouraged to volunteer to help man the City of Valley Center's booth at the September 21st Fall Festival.

ITEMS BY PLANNING COMMISSIONERS:

- Ronald Colbert Sr. – Discussion on Adult Care Homes and KSA Postings.
- Matt Stamm – Nothing
- Dee Wretberg – Nothing
- Ricky Shellenbarger-Nothing
- Del James – Nothing
- Danny Park – Nothing
- Terry Nantkes – Nothing
- Gary Janzen - Nothing

ADJOURNMENT:

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

Time of Adjournment 8:37 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Minutes to be reviewed and approved by the Valley Center Planning Commission on September 24, 2013.

/Danny Park/
Danny Park, Chairperson
WU/dt