

-) Chairperson opens hearing for comments from the public: TIME_____
-) Chairperson closes public hearing: TIME_____

RECOMMENDED MOTION: Based on the City staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) RZ-2021-08. Seconded by_____. For___ Against___

- 3. Review of VAC-2021-01, application of Tobias Conrady, pursuant to Section 16.10, who is petitioning for a vacation of a portion of dedicated alley right-of-way located immediately east of 225 W. 3rd Street., Valley Center, KS 67147.

-) Chairperson opens hearing for comments from the public: TIME_____
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RECOMMENDED MOTION: Based on the City staff recommendations, public comments, and discussion by the Planning and Zoning Board, I _____ make a motion to (**approve**, **deny**, or **table**) VAC-2021-01. Seconded by_____. For___ Against___

H. NEW BUSINESS

I. OLD OR UNFINISHED BUSINESS

J. STAFF REPORTS

K. ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

- | | | |
|-------------------|------------------------|------------------|
| ___ Gary Janzen | ___ Rick Shellenbarger | ___ Toby Meadows |
| ___ Paul Spranger | ___ Mike Boyd | |
| ___ Brian Shelton | ___ Steve Conway | |

L. ADJOURNMENT OF THE PLANNING AND ZONING BOARD

Motion made by _____. Seconded by _____. For___ Against___

Note to Planning and Zoning Board Members: If you are unable to attend this meeting, please contact Ryan Shrack (316-755-7320) prior to the meeting.

All items listed on this agenda are potential action items unless otherwise noted. The agenda may be modified or changed at the meeting without prior notice. At anytime during the regular Planning and Zoning Board meeting, the Planning and Zoning Board may meet in executive session for consultation concerning cases to be deliberated. This is an open meeting, open to the public, subject to the Kansas Open Meetings Act (KOMA). The City of Valley Center is committed to providing reasonable accommodations for persons with disabilities upon request of the individual. Individuals with disabilities requiring an accommodation to attend the meeting should contact the Community Development Department in a timely manner, at communitydevelopment@valleycenterks.org or by phone at (316)755-7320. For additional information on any item on the agenda, please visit www.valleycenterks.org or call (316) 755-7320.

**PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS MEETING MINUTES
CITY OF VALLEY CENTER, KANSAS**

TUESDAY, NOVEMBER 23, 2021, 7:00 P.M.

CALL TO ORDER: Chairperson Gary Janzen called the meeting to order at 7:00 P.M. with the following members present: Paul Spranger, Brian Shelton, Rick Shellenbarger, Mike Boyd, and Steve Conway.

Members Absent: Toby Meadows

City Staff Present: Brent Clark, Barry Smith

Audience: Mayor Cicirello, Jake Vasa, Iron Horse Development team, Garrett Witthar, Josh Molello, Tim Austin, Michael George

AGENDA: A Motion was made by Chairperson Gary Janzen and seconded by Board Member Boyd to approve the amended agenda, removing Item 4 due to non-payment. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES: Chairperson Gary Janzen made a motion to approve the October 26, 2021 meeting minutes. The motion was seconded by Vice Chairperson Paul Spranger. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD/BZA:

1. Review of SD-2021-03, application of Iron Horse Development, LLC, pursuant to Section 16.04., who is petitioning for approval of a final plat for the land located southwest of the intersection of 5th Street and Seneca Street (currently not addressed), Valley Center, KS 67147.

City Administrator Brent Clark advised this is a final plat for single family residential, a commercial zone and area to the south deeded over to the city for a park, roughly 62 acres, that would take care of the drainage way that is currently owned by Sedgwick County.

Chairperson Gary Janzen opened the hearing for comments from the public: 7:06 PM

Jake Vasa with SCH spoke on traffic and drainage questions from the previous meeting. The traffic impact study was completed with the concern of access to and from 5th street into the development. The traffic study indicated a middle-left hand turn lane would be required. The best option would be to widen 5th street from Seneca to the bridge. Chairperson Janzen inquired as to if it guaranteed with the plat. City Administrator Brent Clark spoke up and said that would be handled at a separate time under the developer's agreement. Board member Shellenbarger asked how much of the new improvements that were already completed will be removed from that south side. City Administrator Brent Clark deferred to the City Engineers; he did not believe any would be removed.

Jake Vasa explained that the drainage study regarding the 100-year flood and the base flood elevation (BFE) set by FEMA, the BFE is dropping by roughly 2ft sitting at a rate that it is at right now, and maybe more since it does take in more of the drainage from Prairie Lakes. They are making sure the lots are above the base flood elevation. Chairperson Janzen asked if the plan will be to make the area not so intensive for the city to maintain since there have been more 100-year floods recently. Jake Vasa is working through programming on what can or cannot be in that park area. City Administrator Brent Clark explained that will be a topic on the Outdoor Spaces Board meeting to discuss our vision for this park.

No comments from the public.

Chairperson Gary Janzen closed the public hearing: 7:14 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Chairperson Gary Janzen made a motion to approve SD-2021-03 for final plat for the land located southwest of the intersection of 5th Street and Seneca Street (currently not addressed), Valley Center, KS 67147. Motion was seconded by Board Member Rick Shellenbarger. The vote was unanimous.

2. Review of RZ-2021-06, application of Iron Horse Development, LLC, pursuant to Section 17.11, who is petitioning for a rezoning of land that is currently zoned A-1, which is the City's designation for an agricultural district, to R-1B and C-2, which is the City's designations for single-family residential district and general business district respectively. The land is located southwest of the intersection of 5th Street and Seneca Street (currently not addressed), Valley Center, KS 67147.

City Administrator Brent Clark explained the zoning request and that it is part of the TIF district and that the developer's agreement will get more detailed as for what is allowed or not. Chairperson Gary Janzen asked if any comments were received from the public notices that went out. City Administrator Brent Clark advised there were none received. Chairperson Janzen was curious as to what might go in on the General Commercial property if approved. City Administrator Brent Clark referred to the code for permitted uses.

Chairperson Gary Janzen opened hearing for comments from the public: 7:20 PM

Levi Bond with Iron Horse development stood up and offered to take questions.

Garrett Witthar stood up and inquired that since 85th street is seeing improvements, will there be any improvements done to Seneca street. City Administrator Brent Clark explained that the city applied for a grant through KDOT and was not successful but will continue to apply for grants. Part of the TIF project covers the Seneca street bridge.

Chairperson Gary Janzen closed the public hearing: 7:25 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Chairperson Gary Janzen made a motion to approve RZ-2021-06 for rezoning of land that is currently zoned A-1, which is the City's designation for an agricultural district, to R-1B and C-2, which is the City's designations for single-family residential district and general business district respectively. The land is located southwest of the intersection of 5th Street and Seneca Street (currently not addressed), Valley Center, KS 67147 Motion was seconded by Board Member Brian Shelton. The vote was unanimous.

3. Review of RZ-2021-07, application of Joshua and Cindy Molello, pursuant to Section 17.11, who is petitioning for a rezoning of land that is currently zoned C-2, which is the City's designation for a general business district, to A-1, which is the City's designation for an agricultural district. The land is currently unaddressed, but is located immediately east of 3059 E. 5th Street, Valley Center, KS 67147.

City Administrator Brent Clark the previous owner wanted to create a coffee shop and it was rezoned to C-2, the coffee shop project never came to fruition and the property and lot was later sold to the Molellos. The current owner does not need it zoned as C-2.

Chairperson Gary Janzen opened hearing for comments from the public: 7:29 PM

Josh Molello explained that they purchased the property with the understanding that it was zoned agriculture. They don't have a need for commercial zoning.

No other public comments.

Chairperson Gary Janzen closed the public hearing: 7:31 PM

Based on the City Staff recommendations and discussion by the Board of Zoning Appeals, Chairperson Gary Janzen made a motion to approve RZ-2021-07 for a rezoning of land that is currently zoned C-2, which is the City's designation for a general business district, to A-1, which is the City's designation for an agricultural district. The land is currently unaddressed, but is located immediately east of 3059 E. 5th Street, Valley Center, KS 67147. Motion was seconded by Board Member Rick Shellenbarger. The vote was unanimous.

NEW BUSINESS: City Administrator Brent Clark explained that the Planning and Zoning Board get an opportunity to look at the TIF District project plan and is looking for their formal approval. Chairperson Gary Janzen asked City Administrator Brent Clark to explain the how a TIF District works. City Administrator Brent Clark explained that it is a tax increment financing district and further explained how it works. These improvements benefit the public as the property is improved and developed. The Developer's Agreement details everything regarding the project.

Based on the City Staff recommendations and discussion by the Board of Zoning Appeals, Chairperson Gary Janzen made a motion to approve 01-21 (as presented) A RESOLUTION OF THE CITY OF VALLEY CENTER, KANSAS PLANNING COMMISSION FINDING THAT THE REDEVELOPMENT PROJECT PLAN FOR THE PRAIRIE LAKES REDEVELOPEMNT DISTRICT IS CONSISTENT WITH THE COMPREHENSIVE GENERAL PLAN FOR THE DEVELOPMENT OF THE CITY OF VALLEY CENTER, KANSAS. Motion was seconded by Board Member Steve Conway. The vote was unanimous.

OLD BUSINESS: None

STAFF REPORTS: City Administrator Brent Clark informed the Board that the next meeting will take place on Thursday, Dec. 16, 2021.

Before closing, citizen Michael George posed a question on TIF bonds to the Board. He stated that there are 300 or more houses in the TIF district, and all the money for taxes goes to pay TIF bonds off. He estimated two children per household that will add 600 children to USD 262, and with this increase of students, improvements will need to be made to accommodate. He stated that others will have to pay for the school district improvements, and he questioned for how many years? 20 years? City Administrator Brent Clark explained that there is a Strategic Planning Committee for USD 262 that has met twice looking at this and there is a survey out there available for community input and how to handle growth. Board Member Spranger gave an opinion regarding starting higher priced homes first to cover the TIF district and to consider that when creating the Developer Agreement.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-none
Paul Spranger-none
Brian Shelton-none
Rick Shellenbarger-none
Mike Boyd-none

Steve Conway-none
Toby Meadows-absent

ADJOURNMENT OF THE PLANNING AND ZONING BOARD/BZA MEETING: At 7:53 P.M., a motion was made by Chairperson Gary Janzen to adjourn and seconded by Board Member Shellenbarger. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

Ryan Shrack, Community Development Director

Gary Janzen, Chairperson

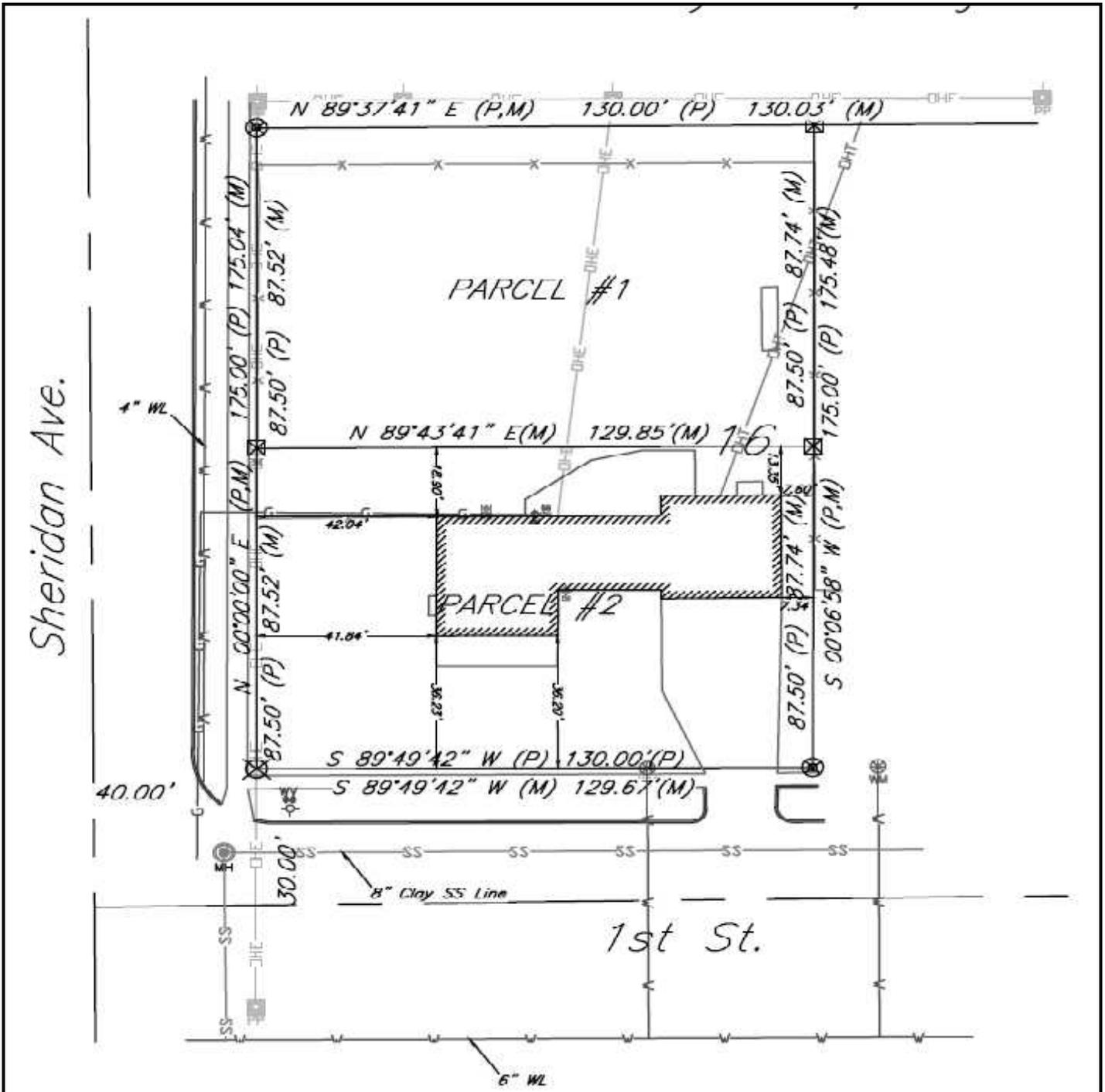
Date: December 8, 2021

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, Community Development Director

RE: Lot Split Application (LS-2021-04)

Petition: Jeff Pritchard is petitioning for a lot split to divide the parcel of land located at 596 W. 1st St., Valley Center, KS 67147, into two lots as shown in the image below:



STATE OF KANSAS)
 COUNTY OF SEDGWICK) SS

I, Keith A. Sorrens, a registered land surveyor in Sedgewick County and State, do hereby certify that the following described tract of land was surveyed on this 15th day of November, 2021, and that all monuments shown hereon actually exist and their positions are true and correct to the best of my knowledge and belief.

Legal Description:

Parcel #1:
 The North Half of the West 130 feet of Lot 16, on 2nd Street, now 1st Street, Carpenter's Addition to Valley Center, Sedgewick County, Kansas.

Parcel #2:
 The South Half of West 130 feet of Lot 16, on 2nd Street, now 1st Street, Carpenter's Addition to Valley Center, Sedgewick County, Kansas.



State of Kansas)
 City of Valley Center) SS

I hereby certify that this lot split has been examined by the Valley Center Planning Commission and found to comply with the Subdivision Regulations of the City of Valley Center, Kansas, and is, therefore, approved for recording.

Date Signed _____ 2021 _____ Gary Jensen _____ Chairperson

State of Kansas)
 City of Valley Center) SS

The foregoing instrument was acknowledged before me on this _____ day of November, 2021 by _____

Notary Public

My appointment expires: _____

LOT SPLIT
 Part of Lot 16, Carpenter's Addition,
 To Valley Center, Sedgewick County, Kansas



- LEGEND**
- ABOVE: Symbols
 - PT = Point
 - IN = Interval
 - ⊠ = 90° return in (1/2) show
 - ⊞ = Fixed bar 5'
 - ⊞ = Fixed bar 1'
 - ⊞ = Power line
 - ⊞ = Combined Center Line
 - ⊞ = Combined Right Line
 - ⊞ = Combined Left Line
 - ⊞ = Fence
 - ⊞ = Sewer Line
 - ⊞ = Gas Line
 - ⊞ = Utility Show Line
 - ⊞ = Utility Marker
 - ⊞ = City Marker
 - ⊞ = Survey Stake
 - ⊞ = Survey Iron

KEMILLER
 ENGINEERING PA
 117 E. Linn, Wichita, KS 67202 (316)284-0282



Date: December 8, 2021

Present Zoning: R-1B (Single-Family Residential District)

Proposed Zoning: R-2 (Two-Family Residential District)

Rezoning Application Case Number: RZ-2021-08

Applicant: Jeff Pritchard

Property Address: Currently unaddressed, but located immediately north of 596 W. 1st Street, Valley Center, KS 67147 (highlighted in blue below)



Applicant's Reasons for Rezoning: The applicant is requesting a rezoning from R-1B to R-2 in order to allow for a duplex to be built on this new lot (see applicant's letter at the end of this staff report). The applicant has also submitted a lot split application that will be reviewed before this application at the December 16, 2021 Planning and Zoning Board meeting. Once the lot split is filed with the Sedgwick Co. Register of Deeds Office and the rezoning application is approved by both this board and City Council, the applicant will apply for a building permit to construct the duplex. All construction will adhere to the City's adopted building and zoning codes.

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 subject property is a vacant piece of land. This property is located in a predominately residential section of the community, which contains both single-family and twin homes, along with a daycare facility, assisted living residential facility, church, and elementary school.

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 of the subject property is R-1B (Single-Family Residential District). The surrounding zoning and land uses are as follows:

-) North: R-1 B (Single-Family Residential District)
-) South: R-1 B (Single-Family Residential District)
-) East: R-1 B (Single-Family Residential District)
-) West: R-3 (Multi-Family Residential District)

3. *Is the length of time that 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?*

No

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?*

The rezoning request is the direct result of the applicant wanting to construct a new residential duplex on this new parcel of land.

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, all utilities and appropriate street access are available to the property at this time.

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

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

No

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

Not applicable in this case.

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

Not applicable in this case.

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

No, the property needs to be rezoned in order to allow for the proposed duplex residential use.

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 transition from a single-family residential district to a two-family residential district will not have a negative effect on the surrounding property owners. There are multiple multi-family buildings located immediately to the west of this property. The applicant is only going to build one duplex, so this will not have a significant impact on traffic flows, utility usage, etc. in the neighborhood.

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?*

Yes

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

- J City staff supports this rezoning. The standard public notice was published in *The Ark Valley News* and notices were sent out to surrounding property owners. Only one response has been received to date and this person was opposed to the proposed rezoning and corresponding lot split.
- J Other public comments in support or opposition will not be known until the public hearing.

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?*

No

City staff recommends approval of this rezoning application.

Applicant's Letter

JUSTIFICATION FOR REZONING

Property owner is splitting the existing lot at 596 W. 1st Street in half, and plans to build a duplex on the north half of the lot. Single family and duplex residential units are consistent with the surrounding properties in this area.

There is currently a single family residence on the south half of the existing lot (W 130 feet of Lot 16, Carpenter's Addition), which is zoned R-1B. The lot contains 22,576 square feet. When the lot is split in half, each half will be 11, 288 square feet, well above the minimum lot size of 6500 square feet.

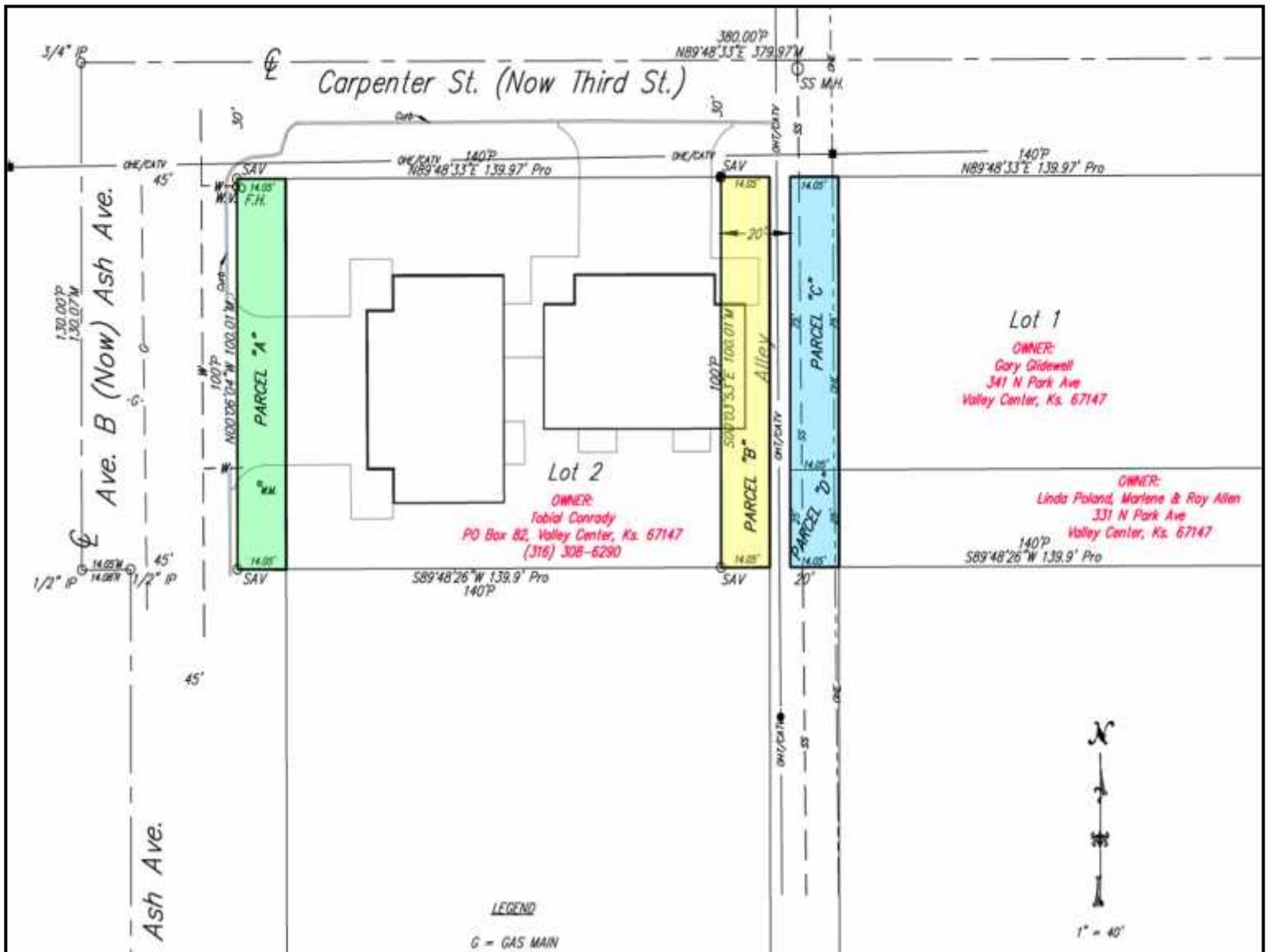


Date: December 8, 2021

Vacation Application Case Number: VAC-2021-01

Applicant: Tobias Conrady

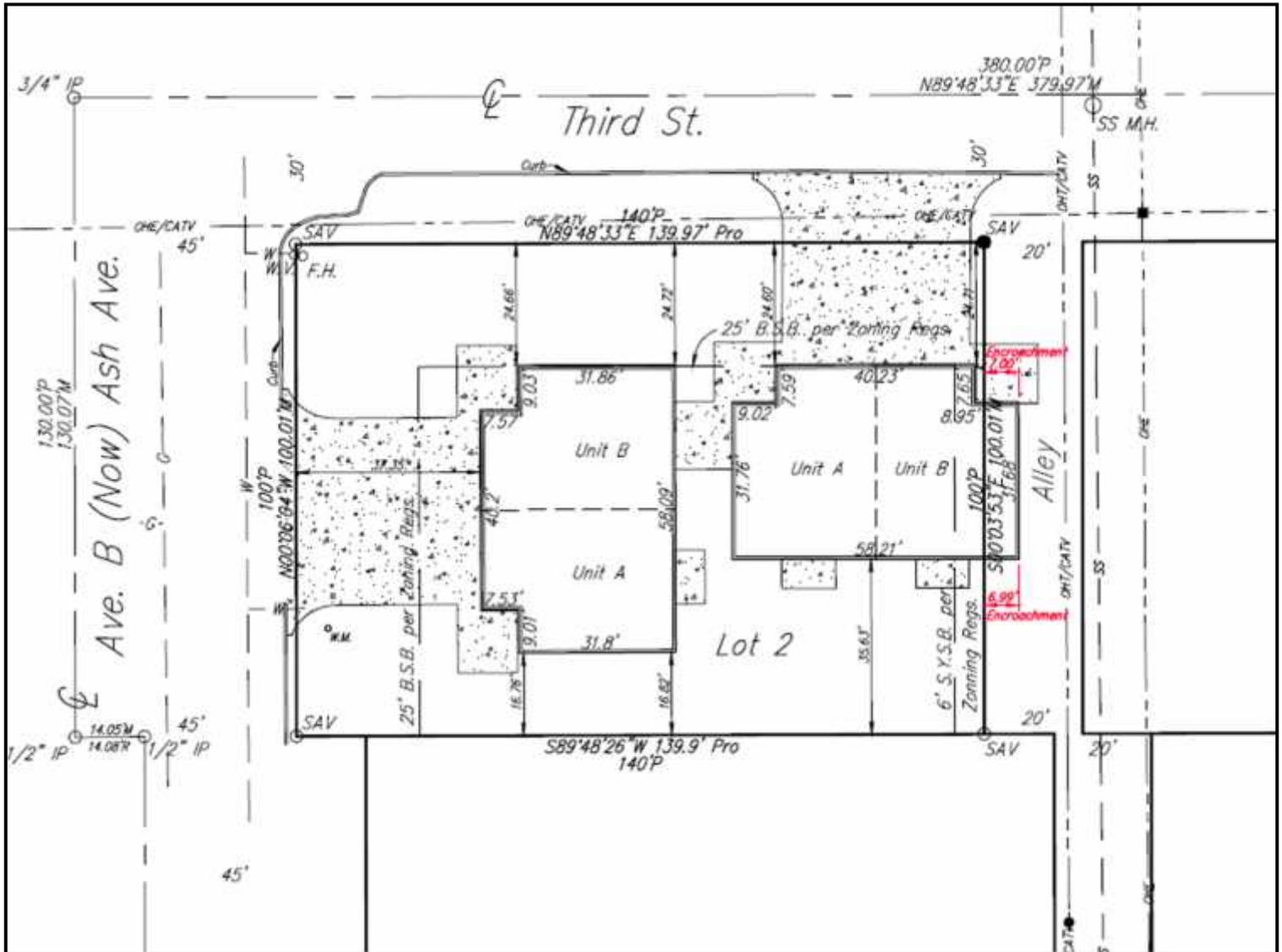
Property Address: Section of alley right-of-way to be vacated is located immediately east of 225 W. 3rd St., Valley Center, KS 67147 (highlighted in yellow below)



Applicant's Reasons for Vacation Request: The applicant is requesting a vacation of a section of alley right-of-way located immediately east of 225 W. 3rd Street (see map above and attached exhibit). The vacation includes the west 14.05 feet of the north 100 feet of alley right-of-way lying south of 3rd Street between Ash Avenue and Park Avenue. The applicant and his surveyor discovered that the alleyway is not aligned with the alleyway to the south and the eastern duplex is currently in the alley right-of-way (see "As Built" exhibit on page two of this report). Approval of this vacation request will fix this error. In order to compensate for the loss of alleyway on the west, two easements will be acquired

from the property owners on the east side and are highlighted in blue on the survey on page one and attached exhibit. The applicant has also submitted a request letter and is attached to this staff report.

As Built Exhibit



Review Criteria for a Vacation of Alley Right-of-Way per City Code 16.10.04.A.2. (criteria in italics)

a. *Were due and legal notice has been given?*

Yes, as required by law, a public notice was published on November 25, 2021, in *The Ark Valley News* at least 20 days prior to the public hearing being held on December 16, 2021. Public notice letters were also mailed to the surrounding property owners making them aware of this vacation request and public hearing date. To date, no written protests have been submitted to the City of Valley Center.

b. *Will no private rights be injured or endangered?*

No private rights will be injured or endangered with the approval of this vacation application.

c. *Will the public suffer no loss or inconvenience?*

The public will suffer no loss or inconvenience with the approval of this vacation application.

d. In Justice to the petitioner, should the vacation be granted?

Yes, this vacation request should be granted by the Planning and Zoning Board and City Council.

City staff recommends approval of this vacation application.

Applicant's Letter

Vacation application narrative for alley to East of 225 W 3rd Street in Valley Center, KS.

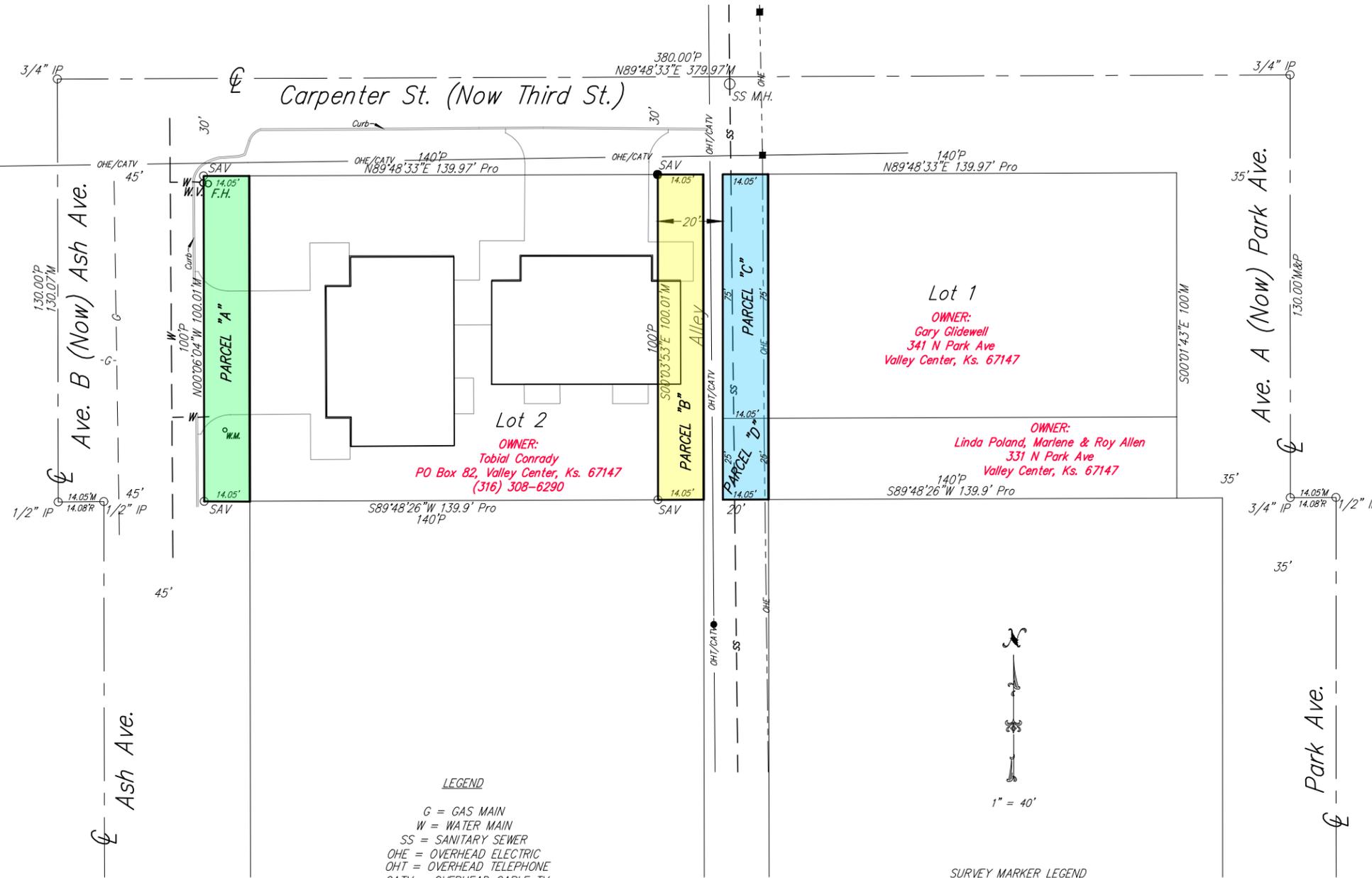
We are seeking the vacation of the alley as noted in the attachment so that the East boundary of the lot can be extended beyond the current physical location of the building. The lot is pushed West relative to the lots to the South. As a result, the foundation contractor misplaced the location of the buildings, and the error was not caught by us (Tobias & Jason Conrady, builders) or during the setback inspection. The error was caught in the process of a site survey to establish legal descriptions for each of the units that would then facilitate a lot split/condo association organization.



Tobias J Conrady

EXHIBIT DEDICATION & VACATION

PART OF CARPENTERS ADDITION,
VALLEY CENTER, SEDGWICK COUNTY, KANSAS



Street Dedication – Parcel "A":

The West 14.05 feet of Lot 2 on Avenue B (Now Ash Avenue), Carpenter's Addition, Valley Center, Sedgwick County, Kansas.

Alley Vacation – Parcel "B":

The West 14.05 feet of the North 100 feet of Alley lying South of Carpenter Street (Now Third Street) between Avenue B (Now Ash Avenue) and Avenue A (Now Park Avenue), Carpenter's Addition, Valley Center, Sedgwick County, Kansas.

Easement for Alley – Parcel "C":

The West 14.05 feet of the North 75 feet of Lot 1 on Avenue A (Now Park Avenue), Carpenter's Addition, Valley Center, Sedgwick County, Kansas.

Easement for Alley – Parcel "D":

The West 14.05 feet of the South 25 feet of Lot 1 on Avenue A (Now Park Avenue), Carpenter's Addition, Valley Center, Sedgwick County, Kansas.



Date Prepared: November 9, 2021

