

PLANNING AND ZONING BOARD MEETING MINUTES

CITY OF VALLEY CENTER, KANSAS

TUESDAY, SEPTEMBER 22, 2020, 7:00 P.M.
VIA ZOOM (<https://us02web.zoom.us/j/83153895646>)

CALL TO ORDER: Vice Chairperson Kelsey Parker called the meeting to order at 7:01 P.M. with the following members present: Don Keenan, Katie Patry, Mike Boyd, and Toby Meadows.

Members Absent: Gary Janzen, Rick Shellenbarger

Staff Present: Ryan Shrack, Brent Clark

Audience: Ken & Michelle Beiker, Amy Warhurst, Aaron Harnden, Russ Relph, Chris Evans, Ron Colbert, Trevor Wooten

AGENDA: A motion was made by Board Member Don Keenan and seconded by Board Member Toby Meadows to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES: Board Member Mike Boyd made a motion to approve the August 25, 2020 DRAFT meeting minutes. The motion was seconded by Board Member Toby Meadows. Motion passed unanimously.

COMMUNICATIONS: None

PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD/BOARD OF ZONING APPEALS:

A. PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD/BZA

- A. Review of SP-2020-05, application of Barr, LLC, pursuant to City Code 17.12., is petitioning to build thirteen (13) duplex residential buildings on property located immediately to the east of 220 E. Ford St., Valley Center, KS 67147. At this meeting, the board will review and decide on a proposed landscape screening plan for the multi-family residential development, which has already received conditional approval.

The following proposal was submitted by some of the property owners to the north of the proposed duplex development and was shared with the board members prior to the meeting:

Proposed Site Plan: Lot 1 & Lot2 Riverdell Valley 2nd Add.

8 Autumn Blaze Maples

To: Rshrack@valleycenterks.org (Ryan Shrack)

From: kbeiker1@cox.net (Ken Beiker)

We are asking the developer to pay for the cost of the 8 autumn blaze maples and updated small pickets to 6' standard size pickets at 735 South Abilene Ave. Listed below is the request by each individual homeowner on South Abilene Ave regarding substantial privacy screening trees and money toward updated privacy fence. I contacted Pier Point Tree Farms, Brady Nursery, Johnson Wholesale Nursey, Tree Top Nursery and TreeRific Landscaping in regards the pricing of 8 Large Autumn Blaze maples which all the homeowners agreed upon. The best pricing was from TreeRific Landscaping. Attached is a quote from TreeRific Landscaping Inc. Andover, Kansas (Tabitha) in regards to addressing the substantial tree privacy screening that was mentioned at the previous meeting held on August 18 on Zoom.

I'm in the landscape business and having the opportunity to get this size of tree and the cost with install is hard to find in Wichita metro area. I put down half the cost of the purchase and install of the trees in order to not miss this great opportunity for the substantial privacy screening. The reason for the down payment now was because it was suggested by TreeRific to hold these trees because of popularity, availability and pricing for the size. TreeRific also recommends planting in the fall (October 2020) than the spring. Homeowners would like the opportunity to get the trees planted before the build of apartments takes place.

I personally talked to each individual homeowner in regards to the placement of a total 8 Autumn Blaze Maples on 5 addresses and the sixth address is requesting money toward updating and heighten small picket fence on back property in order to achieve a standard wood privacy screening. **Again, we are asking the developer to pay for the cost of the 8 autumn blaze maples and updated small pickets to 6' standard size pickets at 735 South Abilene Ave.** We have several families in the group of six houses that have young families are still very concerned of the clients in the apartment complex and the screening process of said clients.

709 South Abilene Ave., Ken/Michelle Beiker They are requesting 2 Autumn Blaze maples placed at the back of property that is within homeowners owned property, with specific location marked by the individual homeowner with a steel t-post with yellow painted top.

715 South Abilene Ave., Brandon Vandorn He is requesting 1 Autumn Blaze maple placed at the back of property that is within homeowners owned property, with specific location marked by the individual homeowner with a steel t-post with yellow painted top.

725 South Abilene Ave., Andrew Nyiti He is requesting 2 Autumn Blaze maple placed at the back of property that is within homeowners owned property, with specific location marked by the individual homeowner with a steel t-post with yellow painted top.

735 South Abilene Ave., Paul/Carolyn Helstrom He is requesting money toward updating shorten picket fence at the back of the property and bringing it up to a 6' standard fence height. He is asking for a total dollar amount that would be equivalent to the cost of one of the installed Autumn Blaze Maples that will be placed at the other five addresses.

805 South Abilene Ave., Chris/Rose Babcock They are requesting 2 Autumn Blaze maple placed at the back of property that is within homeowner's property, with specific location marked by the individual homeowner with a steel t-post with yellow painted top.

815 South Abilene Ave., Charles Charlotte L TR He is requesting 1 Autumn Blaze maple placed at the back of property that is within homeowner's property, with specific location marked by the individual homeowner with a steel t-post with yellow painted top.

Signatures below

709 South Abilene Ave. --- Ken/Michelle Beiker

715 South Abilene Ave. --- Brandon Vandorn

725 South Abilene Ave. --- Andrew Nyiti

735 South Abilene Ave. --- Paul/Carolyn Helstrom

805 South Abilene Ave. --- Chris/Rose Babcock

815 South Abilene Ave --- Charles Charlotte L TR

Ken Beiker
[Signature]
[Signature]
Paul/Carolyn Helstrom
[Signature]
Robert Charles

TreeRific Landscaping Inc.
 Commercial & Residential
 13394 SW HWY 54
 ANDOVER, KS 67002
 316.733.0900 316.733.8090 fax

STATEMENT

735 S. Main St
Rivardell Lot 1 B (Addition) 17043
Volley Center 2nd
 DATE: *8-29-2020*

TO: *Ken Beiker*
 709 S. Abilene Ave
 Volley Center, KS 67147

TERMS: _____ JOB LOCATION: _____

QUANTITY	ITEM DESCRIPTION	PRICE	AMOUNT
8	Autumn Blaze Maple Install		
		Sub	10,620
		TAX	778.26
		Total	11,398.26
		paid cash Down payment	5697.60
		Balance	5697.60

TreeRific Nursery & Landscaping

*All trees & shrubs have one or two year limited warranty if planted by TreeRific. A 50% warranty if planted by customer. THIS DOES NOT INCLUDE LABOR. Warranty does not cover overwatering, neglect, fire, theft, and acts of nature, theft, animals, vehicle or criminal damage, etc. No guarantee work unless account is paid in full. This is a service agreement. No guarantee on performance, survival, or color, unless clearly stated in writing. Please refer to contract for complete above ground, or rules. Sales tax can only be guaranteed if applicable. PLEASE REPLY BY FAX OR MAIL.

ACKNOWLEDGE OUR PROFESSIONAL. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are expected to do the work as specified. Payment will be made as defined on reciprocal side of this invoice.

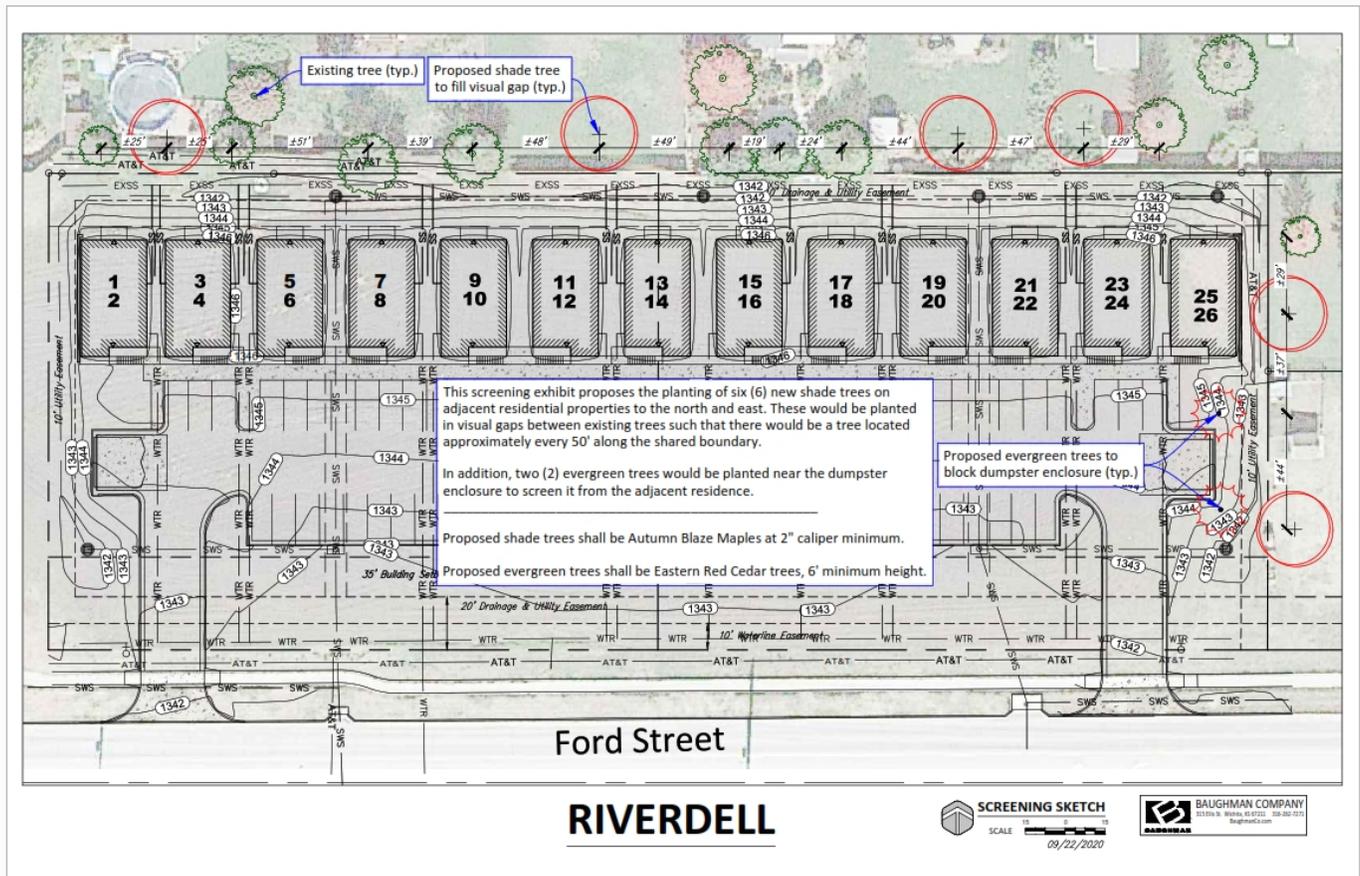
Date of acceptance: _____ Signed by: *Ken Beiker*

TreeRific Landscaping Inc.

THANK YOU

Ryan received more information from the applicant:

“This screening exhibit proposes the planting of six (6) new shade trees on adjacent residential properties to the north and east. These would be planted in visual gaps between existing trees such that there would be a tree located approximately every 50' along the shared boundary. In addition, two (2) evergreen trees would be planted near the dumpster enclosure to screen it from the adjacent residence. Proposed shade trees shall be Autumn Blaze Maples at 2" caliper minimum. Proposed evergreen trees shall be Eastern Red Cedar trees, 6' minimum height.”



Ryan explained this is a continuation of the site plan from last month's board meeting. The Board previously conditionally approved this project contingent on the approval of the drainage and utility plan. The draining and utility plan was approved by City staff, and the site plan now needs final approval of the landscape screening plan.

- Vice Chairperson Kelsey Parker opened hearing for comments from the public: TIME 7:05 PM

Applicant speaker Aaron Harnden stated that several screening options were looked at for the development property, however, given the utilities and steep slopes it was decided a better option would be to take advantage of the existing trees and propose to add six Autumn Blaze trees so that there is a tree every 50 ft. along the property line to help with screening. He also mentioned that two Eastern Red cedar trees will be used to screen the dumpsters. Ryan Shrack inquired if the applicant was going to pay for the trees, Aaron confirmed yes, but that the expectation is that the homeowner would coordinate the planting of the trees.

Ryan Shrack asked Aaron Harnden to go over the proposed site plan. Aaron explained the green circles are existing trees and the red circles would be new trees, and 50 ft. max between trees. And the east side dumpster would be screened by two evergreen trees.

Ryan inquired if the Board had any questions. Chris Evans asked about the trees being only 2 inches caliper and inquired if the height would provide much screening at all. Aaron stated that local municipalities allowed that size to be planted and the trees will grow up to the expected size.

Ken Beiker lives at 709 S. Abilene Ave. He recently lost a tree. He needs 25 ft. in the ground to begin with for instant privacy. One tree will not work for his property. The balconies allow for all kind of angles to look into people's yard. He is not going to sit around and wait until trees get tall enough to block a 2nd story apartment backed up to our easement. His minimum is 25 feet tall. He is proposing 8 trees. There is no privacy in their back yards. He does not want to wait 5-8 years to wait for trees to grow. He noted that the proposal is 2 trees short. Bigger trees would provide substantial screening now. He said the homeowners are going with 8 Autumn blazes and wants trees planted this October. He stated "we have to have 8 trees." He pointed out that there are still gaps for screening with the 6 proposed trees. He has paid for half of the 8 trees and would like to be paid back for what he has spent already and hopes the developer will pay for all of them.

Amy Warhurst lives at 725 S. Dexter Ave. She doesn't have a fence, but likes the idea of the trees. However, she would rather have a fence instead of having to wait on trees. When she walks out her back door she sees the trash dumpster. She consulted some realtors who asked her how quickly she could sell her house and that the duplexes will decrease her property value quickly. She thinks this isn't asking too much of the developers since the property values will go down due to this project.

Vice Chairperson Parker inquired any further comments of the Public. Ryan Shrack confirmed no others raised their hand to speak. Vice Chairperson Parker also inquired if there were any comments from the Board. Don Keenan stated the developers don't have to do anything, but maybe the developers would up the tree caliper by one, however, he was willing to approve the site plan now if someone made the motion to approve.

Ken Beiker inquired if the cost was negotiable. This is what "we" have to have. He asked how to negotiate this. Is it between him and the developer? He said he had a quote and already paid for half of the trees and needs to get them planted. He inquired how quickly would the developer would move on this?

Ryan Shrack stated if the Board accepts this plan tonight, the board is accepting the 6 trees and the trees by the dumpster, and that the purchase of the trees and when they are planted would be between developer and homeowners. Once the Board approves the landscaping screening, the developer can then move forward with the project and obtain building permits.

Ryan Shrack advised Ken Beiker that the documents he provided regarding cost/receipt was shared with the Board. Ryan will forward Ken Beiker's information to Russ Relph, the developer, so the cost and planting of the trees can be worked out between them.

- Vice Chairperson Kelsey Parker closed the public hearing: TIME 7:30 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Vice Chairperson Parker made a motion to approve SP-2020-05 landscape screening plan. Board Member Keenan seconded the motion. The vote was unanimous.

NEW BUSINESS: None

OLD BUSINESS: None

STAFF REPORTS: Ryan Shrack reminded the board members to, if they haven't already, complete the 2020 Census. City Administrator Brent Clark shared with the board members an update on the upcoming 1% sales tax question on the November election ballot, as well as an update on the proposed new community pool/recreation center. There will be a couple of community meetings in October to review the proposed project.

Next meeting will be on 10/27 at 7:00 PM via Zoom if there is business to conduct. To date, no applications have been received by the Community Development Department.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

Gary Janzen-not present
Don Keenan-none
Kelsey Parker-none
Rick Shellenbarger-not present
Katie Patry-none
Mike Boyd-none
Toby Meadows-none

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 7:38 P.M., a motion was made by Vice Chairperson Parker to adjourn and was seconded by Board Member Boyd. Vote was unanimous.

Respectfully submitted,

Ryan Shrack, Community Development Director

Gary Janzen, Chairperson