

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

Wednesday, October 25, 2023, 7:00 P.M.

**CALL TO ORDER:** Chairperson Janzen called the meeting to order at 7:00 P.M. with the following board members present: Steve Conway, Rick Shellenbarger, Scot Phillips, Brian Shelton, Paul Spranger, and Dalton Wilson

**MEMBERS ABSENT:** None

**CITY STAFF PRESENT:** Ryan Shrack, Barry Arbuckle, Rodney Eggleston, and Brent Clark

**AUDIENCE:** Bryan and Megan Dennis, Deana and Edward Bushell, Sheila Warren, Faye Eidson, Jon Freund, Jo Hessler, Tom Bartel, Glenda Carruth, Ruth Herman, Kenia and Robert Robledo, Victor and Jackie Villarreal, Jet Truman, Rebecca Spivey, Denise Spivey, Pat Petrakis, Chris McElgunn, Todd Nix, Phil Meyer, Mike Miller, Tammy Miller, Leah Pollock, Anthony Krejci, Ron Cotts, Mayor Lou Cicirello, City Councilmember Ben Anderson, and City Councilmember Wilson

**AGENDA:** A motion was made by Chairperson Janzen and seconded by Board Member Shellenbarger to set the agenda. Motion passed unanimously.

**APPROVAL OF DRAFT MINUTES:** Chairperson Janzen made a motion to approve the September 26, 2023, meeting minutes. The motion was seconded by Vice Chairperson Spranger. Motion passed unanimously.

**COMMUNICATIONS:** None

**PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD:**

1. Review of LS-2023-04, application of the Daniel Houston, pursuant to City Code 16.09., who is petitioning for a lot split involving the splitting of property the applicant owns and is currently addressed as 5219 W. 77th St. N., Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant is requesting a lot split of his property in order to sell the newly created lot (labeled Parcel B) to another person who intends to build a single-family house on it. The newly created southern lot will have access to a publicly dedicated street (77<sup>th</sup> St.) via an ingress/egress easement. A site plan attached to the staff report shows the proposed new single-family house, which will have a private well and septic system.

Chairperson Janzen opened the hearing for comments from the public: 7:04 PM

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

Top Bartel, from Top Dog Realty, is representing the applicant and spoke briefly about the private driveway during the public hearing. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve LS-2023-04. Motion was seconded by Board Member Wilson. The vote was unanimous.

2. Review of SD-2023-01, application of Lou Robelli, pursuant to City Code 16.04, who is petitioning for approval of a final plat for land located southeast of the intersection

of 93rd Street and Meridian Avenue (currently unaddressed), Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant is requesting approval of a final plat for the subject property. The Harvest Place subdivision consists of land between the high school and middle school on the east side of Meridian Avenue. The City Staff Review Team has submitted a few minor revisions to be made to the final plat, which the engineer is working on at this time. These are primarily a couple of access control revisions and name/signature block updates. All updates will be made prior to the plat being printed on mylar and filed with Sedgwick County.

Chairperson Janzen opened the hearing for comments from the public: 7:09 PM

Chairperson Janzen closed the hearing for comments from the public: 7:11 PM

City Administrator Brent Clark spoke during the public hearing to discuss the school district's involvement in the naming of the streets and the subdivision itself. Commemorative street signs will be given to each school with their respectively named street. The board asked a couple of questions regarding the requested revisions, with R. Shrack answered. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-01. Motion was seconded by Board Member Conway. The vote was unanimous.

3. Review of RZ-2023-05, application of Lou Robelli, pursuant to City Code 17.11, who is petitioning for a rezoning of land that is currently zoned RR-1, which is the City's designation for a suburban residential district, to R-2, which is the City's designations for a two-family residential district and C-2, which is the City's designation for a general business district. The property is currently unaddressed, but located southeast of the intersection of Meridian Avenue and 93rd Street, Valley Center, KS 67147.

R. Shrack gave a summary of his staff report. The applicant is requesting a rezoning in conjunction with the final plat for the same subject property. The property will be rezoned to C-2/R-2. The commercially zoned lots are located along Meridian Ave. and 93<sup>rd</sup> St. The rest of the lots will all be residential and will allow for either single-family houses or duplexes to be constructed on them.

Chairperson Janzen opened the hearing for comments from the public: 7:16 PM

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

Joe Schaeffer asked about possibly adding lanes to Meridian Ave. to help with additional traffic with the creation of this new subdivision. City Administrator Clark talked about some preliminary concepts/plans that have been created for the section of Meridian between 7<sup>th</sup> St. and 93<sup>rd</sup> St. that would expand the road to four lanes with some traffic calming features at a cost of \$12 million. The City had applied for funding from WAMPO to assist with this project, but was not selected for funding. The City will continue to look for cost-sharing opportunities to expand Meridian Ave. in this section of the community. Board members talked briefly about the construction of new duplexes and asked questions of the engineer, Anthony Krejci. A. Krejci shared with the board that the lots east of Emporia Ave. will be duplex lots and the lots west of Emporia Ave. will be where single-family houses are built. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-05. Motion was seconded by Board Member Wilson. The vote was unanimous.

4. Review of RZ-2023-06, application of David Leeker, Leeker Real Estate Partnership, LP, and Steven and Sherryl Simon, pursuant to City Code 17.11, who are petitioning for a rezoning of land that is currently zoned RR-1, which is the City's designation for a suburban residential district, to A-1, which is the City's designations for an agricultural district. The property is currently unaddressed, but located southeast of the intersection of Ridge Road and 85th Street (in between 85th St. and 77th St.), Valley Center, KS 67147.

Chairperson Janzen shared with the audience that this item is strictly being heard as a rezoning application. A future special use request will have its own public hearing and said future use will not be discussed during tonight's meeting. R. Shrack gave a summary of his staff report. The applicants are requesting a rezoning from RR-1 to A-1 due to the applicants desire to submit a special use application in the future. The special use that the applicants are considering is only allowed on A-1 zoned property. R. Shrack reviewed with the board permitted uses for both RR-1 and A-1 zoned property and briefly reviewed the special use application process. Before opening the public hearing, Chairperson Janzen informed the audience that anyone who wished to speak could do so for up to three minutes. Board Member Shelton served as the timekeeper for this public hearing.

Chairperson Janzen opened the hearing for comments from the public: 7:31 PM

Chairperson Janzen closed the hearing for comments from the public: 8:11 PM

The following individuals in the audience spoke during the public hearing for this rezoning application:

- Deana Bushell, 8020 N. 63<sup>rd</sup> St.: D. Bushell shared her comments regarding the staff report and her petition against the rezoning application, as well as supporting documentation she submitted previously via email to City staff. She stated she believes the rezoning application doesn't need to be submitted based on existing uses and that the future sand pit should be located somewhere else. She believes her property values will decrease if the sand pit is allowed to be put into operation. Board member Shelton asked about the petition D. Bushell had submitted to City staff.
- Pat Petrakis, 130 S. Miles Ave.: P. Petrakis asked questions about the recent annexation of the subject property and the rezoning process. Chairperson Janzen, City Administrator Clark, City Attorney Arbuckle, and R. Shrack all addressed these questions regarding the recent annexation and rezoning of the subject property.
- Glenda Carruth, 8321 N. Ridge Rd.: G. Carruth asked if there would be another meeting to review the special use application and Chairperson Janzen reminded her that there will be another public hearing to discuss the special use application (for the sand pit) in the future. He said she would have an opportunity to speak about the sand pit at that time.
- Jon Freund, 3901 Palos Verdes Circle: J. Freund requested the board vote to not approve the rezoning application. He stated he believes that the rezoning application possibly violates the City's zoning code by quoting references to public health and safety issues. He is concerned about increased truck traffic and groundwater issues. He believes that there hasn't been enough time between the annexation approval and the rezoning application request.
- Joe Schaeffer, on behalf of Brenda Schaeffer, 8700 N. Janis Ave.: J. Schaeffer asked about the area north of the subject property being potentially annexed into Valley Center. City staff stated that even though the subject property has been

annexed into Valley Center, it doesn't necessarily mean that other adjacent land can simply be annexed in without going through the formal process. The City doesn't have the right to unilaterally annex other property without following state law on such a process.

- Rebecca Spivey, 8050 N. 63<sup>rd</sup> St.: R. Spivey asked questions regarding the next steps for this process and, if there is a special use application submitted by the applicants, will there be another public notice letter sent out to everyone. R. Shrack and Chairperson Janzen answered her questions. Even if the special use is approved, there would be additional environmental impact studies done in order to obtain necessary state permits before starting the sand pit operation. All property owners within 1,000 ft. of the subject property will receive a public notice letter with the date/time of the public hearing for the special use application. R. Spivey stated she is opposed to the rezoning.
- Denise Spivey, 8050 N. 63<sup>rd</sup> St.: D. Spivey shared her concerns about safety, more specifically, traffic safety and the potential impact of additional truck traffic in conjunction with the proposed sand pit operation. She shared that she has been run over by vehicles in the past and she is concerned with more vehicles being on the local roads. She said traffic is an issue now, let alone in the future. Chairperson Janzen thanked her for her comments and said that additional traffic would be addressed with the future special use application.
- Chris McElgunn, representing Ike Clawson (9125 W. 84<sup>th</sup> St.) and legal counsel to Deana Bushell: C. McElgunn shared his thoughts on the rezoning application and that the future special use can be considered as part of this process. He asked the board to keep in mind the future protest and open process of decision making. He asked if there will be a different standard used for the special use application. City staff stated that there will be no difference in the standards used in reviewing the special use application.

Following the closing of the public hearing, the board had a brief discussion and invited the engineer, Phil Meyer, representing the applicants to speak. He stated the staff report covered all of the pertinent information on the rezoning. A few board members shared their thoughts on the rezoning application and the importance of reviewing information submitted by local residents and the comments shared by the public during the public hearing. Pat Petrakis addressed the board again and shared that even though there may be homes built in the future, the residents will have to deal with sand for a long time before those homes are built. Based on the City Staff recommendations, public comments, and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2023-06. Motion was seconded by Board Member Shellenbarger. The vote was approved 6-1, with Board Member Phillips voting against the motion.

**OLD OR UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**STAFF REPORTS:** R. Shrack reminded the board that the next meeting will be held on Tuesday, November 28, 2023.

**ITEMS BY PLANNING AND ZONING BOARD MEMBERS:**

Gary Janzen-none

Paul Spranger-none

Brian Shelton-none

Rick Shellenbarger-none

Scot Phillips-none

Steve Conway-none

Dalton Wilson-none

**ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING:** At 8:28 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Vice Chairperson Spranger. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

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/s/ Ryan Shrack, Secretary

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Gary Janzen, Chairperson

**STORMWATER CITIZENS ADVISORY COMMITTEE MEETING MINUTES**  
**CITY OF VALLEY CENTER, KANSAS**

Wednesday, October 25, 2023, 7:00 P.M.

**CALL TO ORDER:** Chairperson Janzen called the meeting to order at 8:28 P.M. with the following committee members present: Steve Conway, Rick Shellenbarger, Scot Phillips, Brian Shelton, Paul Spranger, and Dalton Wilson

**MEMBERS ABSENT:** None

**CITY STAFF PRESENT:** Ryan Shrack, Barry Arbuckle, Rodney Eggleston, and Brent Clark

**AUDIENCE:** Anthony Krejci, Jet Truman, Tammy Miller, Mike Miller, Mayor Lou Cicirello, City Council Member Ben Anderson, and City Council Member Robert Wilson

**AGENDA:** A motion was made by Chairperson Janzen and seconded by Committee Member Shellenbarger to set the agenda. Motion passed unanimously.

**APPROVAL OF DRAFT MINUTES:** Chairperson Janzen made a motion to approve the September 26, 2023, committee meeting minutes. The motion was seconded by Committee Member Shellenbarger. Motion passed unanimously.

**COMMUNICATIONS:** None

**OLD/UNFINISHED BUSINESS:**

1. Response to On-Site Structural BMP Question  
R. Eggleston presented information included in the agenda packet regarding on-site structural BMP questions that had been asked at the previous committee meeting. He also discussed water quality and quantity management standards.
2. Response to Public Education and Outreach  
R. Eggleston discussed information included in the agenda packet that outlines how the City disseminates information to residents, including water bill inserts and information sent to various community groups. Committee members asked questions about what can be washed into the streets/what is safe to put into the City's stormwater system. R. Eggleston shared information about illegal outfalls into the City's system.

**NEW BUSINESS:**

1. General Discussion  
No further general discussion at this time.
2. Next Meeting Date  
The committee decided to hold its next meeting on Tuesday, February 27, 2024.

**ADJOURNMENT OF THE STORMWATER CITIZENS ADVISORY COMMITTEE MEETING:** At 8:43 P.M., a motion was made by Chairperson Janzen to adjourn and seconded by Committee Member Conway. Vote was unanimous and the meeting was adjourned.

Respectfully submitted,

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/s/ Ryan Shrack, Secretary

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Gary Janzen, Chairperson