

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

THURSDAY, NOVEMBER 5, 2020, 7:00 P.M.
VIA ZOOM (<https://us02web.zoom.us/j/88488484758>)

CALL TO ORDER: Chairperson Gary Janzen called the meeting to order at 7:00 P.M. with the following members present: Don Keenan, Rick Shellenbarger, Mike Boyd, Katie Patry

Members Absent: Kelsey Parker, Toby Meadows

Staff Present: Ryan Shrack, Brent Clark, Angie Basden

Audience: Morris Lewis, Mark Savoy, Amy Fernandez

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 22, 2020 DRAFT meeting minutes. The motion was seconded by Board Member Keenan. Motion passed unanimously.

COMMUNICATIONS: Ryan thanked the board for their service and doing their best to attend all meetings.

PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD:

A. PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD

- A. Review of SD-2020-02, application of Morris Lewis, pursuant to Section 16.04., who is petitioning for approval of a preliminary plat for the lot located on the southwest corner of 93rd St. and Broadway Ave., Valley Center, KS 67147. Ryan Shrack presented the following staff report:



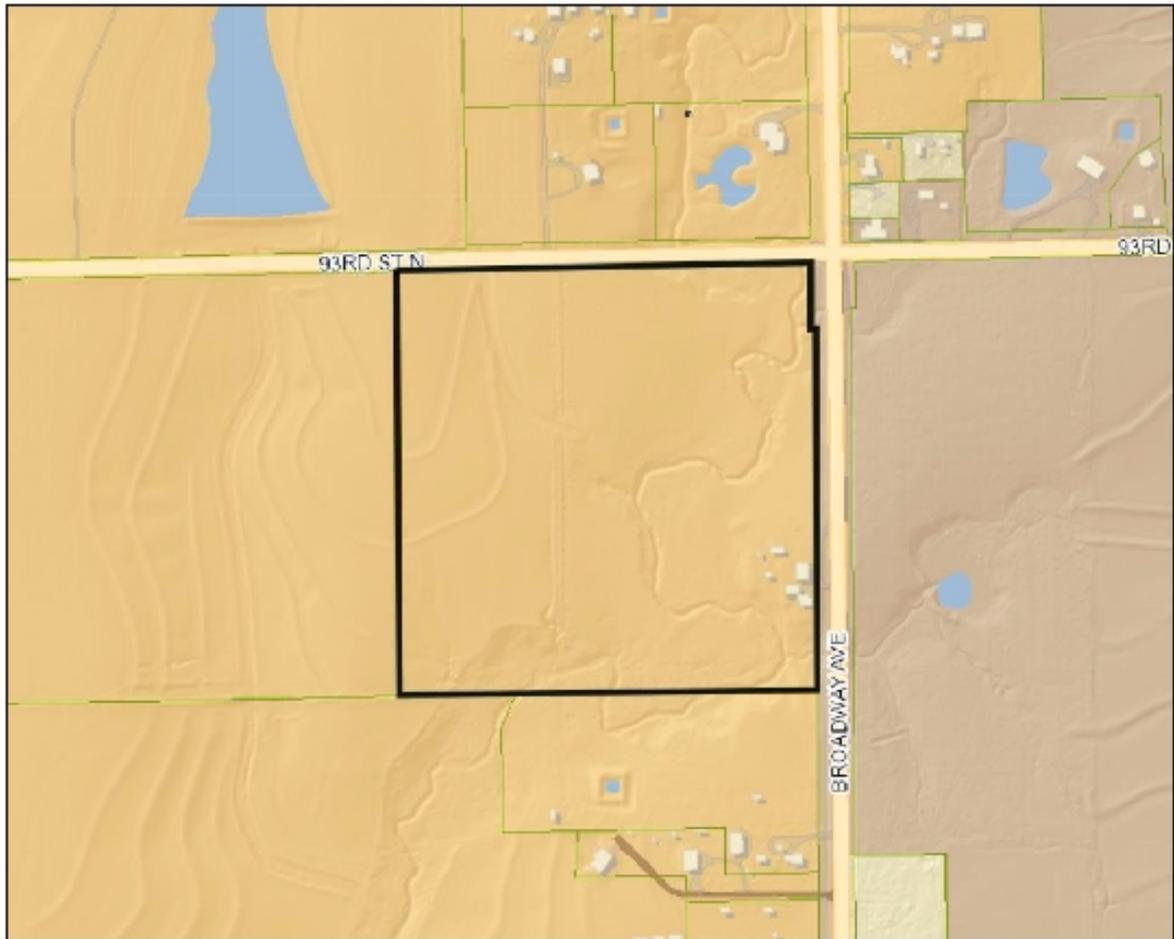
Date: October 29, 2020

To: City of Valley Center Planning and Zoning Board

From: Ryan W. Shrack, *Community Development Director*

Preliminary Plat Approval for Lewis Meadows Addition Plat (SD-2020-02)

Morris Lewis, pursuant to Section 16.04, is petitioning the City of Valley Center Planning and Zoning Board to approve a preliminary plat for the lot (outlined in black below) currently addressed as 9215 N. Broadway Ave., Valley Center, KS 67147.



Applicant's Reasons for Platting:

It is the intent of Mr. Lewis to sell three of the four lots that will be created with the approval of this plat. These three lots would allow for the construction of three new single-family residences. A copy of the proposed preliminary plat is being shared with the Planning and Zoning Board members in a separate document. It has been completed by a licensed surveyor.

Staff Comments:

The preliminary plat has been reviewed by the City Staff Review Team, which has provided multiple comments/revisions that have been incorporated into the plat map. The preliminary plat map meets all the requirements listed in the required contents section (16.05.01) for preliminary plats submitted to the City of Valley Center for approval. This land is currently zoned A-1 (Agricultural District), which allows for low-density residential and general agricultural uses. An access easement has been created to provide direct access to a publicly dedicated street for Lot 3.

The City of Valley Center Community Development Department will oversee the approval of all building permits for each of the future residences. As noted on the plat map, portions of Lots 1-3 are located in the designated special flood hazard area (SFHA). Any development taking place in the SFHA will be required to meet all local, state, and federal floodplain development regulations.

A public notice was published in *The Ark Valley News*, along with letters sent to all property owners within 200 feet of the boundary of Mr. Lewis' parcel. As of the date of this report, only one response has been received in protest to this proposed platting. This protest letter has been attached to this staff report.

Staff Recommendation:

City staff recommends approval of this preliminary plat application and reviewing the final plat at the November 24, 2020 board meeting.

Dr. Justin & Amy Fernandez

100 W. 93rd St.
Valley Center, KS 67147
316-295-0878

October 22, 2020

Mr. Ryan Shrack
545 W. Clay St.
Valley Center, KS 67147

Dear Mr. Ryan Shrack,

We would like to respectfully submit a formal request to deny or delay the development application at 9215 N. Broadway. We very recently (Friday, Oct. 16, 2020) purchased a second home at 100 W. 93rd St. which is directly across the street from the pending development site. At the time of the purchase, we were unaware of any community development efforts, including this development application, and would likely have passed on purchase had we known. Our desire was to find a place out in the country that would offer a quiet respite from our Wichita city life for our young children and family. We knew this home was right on the edge of development but the beautiful open field across the street really helped us make a decision to move forward with the purchase. The day after we closed on our home we received the letter of notice regarding the development application of that very same property across the street. Our hearts sank. While we very much respect the rights of land owners to sell at will and mean no disrespect to the applicant, we are increasingly concerned with the potential of overdevelopment in this area. After obtaining more information on the plans for the property, we understand that it may only be sectioned for a few homes versus an entire housing development. However, we still have no information or assurances as to what kind of homes will be on the property. Will they add value? Or be an eyesore? As new Valley Center property owners and community members, please know that there is still great value in maintaining countryside property. In fact, we see it as one of your greatest assets. We have already noticed disappointingly steady traffic on 93rd, road noise from the highway and surrounding motor activities, which is something we could have only learned after spending significant time there after closing. We have since learned of other commercial efforts intended for Broadway which we pray will not take place. While we realize we may be entering this conversation too late to be effective, we respectfully request thoughtful consideration of the details of this and all development applications near this area while keeping in mind the wishes of the surrounding neighbors. If an approval is likely, we ask that the City of Valley Center Planning and Zoning board consider approving the land to be sold for financial gain yet distributed as fewer but larger parcels or maintained as farm land property only —strategizing residential and commercial development in other areas of the city less occupied by existing rural homestead properties.

Respectfully,

Dr. Justin & Amy Fernandez

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Ryan Shrack explained that Mr. Lewis is creating a 4 lot plat with the intent to sell lots off for single family homes. This preliminary plat meets all the requirements and has been reviewed and approved by City Staff. This plat size requires a preliminary approval as well as a final approval. The SW lot is landlocked, but an

ingress/egress easement was created to allow direct access to a public street (93rd St N). The large section in special flood hazard area (SFHA) and has been noted on this plat and will be noted on the final plat. Any development in the SFHA needs to adhere to both local state and federal flood plain regulations. City Staff recommends approval of the preliminary plat with the final review and plat approval to occur at the November 24th meeting. The notice was published in newspaper and sent to surrounding property owners. Ryan Shrack stated that only one couple protested this application, Dr. and Mrs. Fernandez who own property directly to the north of the property. The Fernandez's wanted to keep the property to the south as farmland. This property is zoned A-1, which is farmland and agricultural and single-family home use. Ryan Shrack believes that due to the zoning and the lot sizes will maintain a rural atmosphere. Gary Janzen inquired if any questions from the board, there were none.

Chairperson Gary Janzen opened hearing for comments from the public: TIME 7:07 PM

Morris Lewis, the landowner spoke up to explain that the land has been in his family for 150 years (7 generations) and doesn't have any family that will move back and he cannot keep up with it anymore. The people buying it are local people. He is selling his house and barns to a couple, with the north portion going to their daughter. The other two plots are being bought by their friends.

Chairperson Janzen commented on the letter by the Fernandez's and could relate to their concerns, but at the same time, he agreed that the way the plat is laid out it most likely keep within the country atmosphere the Fernandez family is looking to preserve. Ryan noted that Mrs. Fernandez joined the call. Mrs. Fernandez said she didn't have much more to add aside from the letter and was regretful that they had to write it since they were new to the area. She stated that it came as a surprise and that nothing replaces open fields for a country environment. She questioned what was going on in on the lots and if it was commercial and will the lots be maintained and by who, and stated there is always a risk, and additionally she thanked the Board for considering her perspective.

Chairperson Janzen mentioned that he had been on the Planning commission for quite some time, and a bigger risk over the course of time, and someone may ask for the property to be considered for commercial property because it is at 93rd and Broadway. He gave an example that someone could have developed the property and put 80 lots for houses instead of 4 lots. He noted that the property is not zoned commercial but he just wanted to give a perspective of what could have happened. Mrs. Fernandez is not familiar with Valley Center and was not aware that 93rd St was a major street and just wants to protect her investment. Chairperson Janzen stated he feels like it is good usage of the property. Ryan Shrack stated he didn't see commercial development taking place in the area because of the floodway that runs through the two lots. However, a developer could bring in dirt to raise the property out of the floodplain, but it would take a lot of dirt. Ryan Shrack noted that Valley Center has no control over any development on the east side of Broadway as it belongs to Park City.

Chairperson Janzen closed the public hearing: TIME 7:21 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Board Member Keenan made a motion to approve SD-2020-02 preliminary plat for the lot located on the southwest corner of 93rd St. and Broadway Ave., Valley Center, KS 67147. Board Member Boyd seconded the motion. The vote was unanimous.

NEW BUSINESS: None

OLD BUSINESS: None

STAFF REPORTS: Ryan reminded the board that the next meeting will be held on 11/24/2020 at 7:00 PM via Zoom. At this meeting, the board will review the final plat for Mr. Lewis, along with a separate rezoning application.

ITEMS BY PLANNING AND ZONING BOARD MEMBERS:

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

ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING: At 7:24 P.M., a motion was made by Chairperson Janzen to adjourn and was seconded by Board Member Shellenbarger. Vote was unanimous.

Respectfully submitted,

Ryan Shrack, Community Development Director

Gary Janzen, Chairperson