

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

TUESDAY, APRIL 27TH, 2021, 7:00 P.M.  
VIA ZOOM (<https://us02web.zoom.us/j/82240825191> )

**CALL TO ORDER:** Chairperson Janzen called the meeting to order at 7:05 P.M. with the following Board members present: Paul Spranger, Brian Shelton, Rick Shellenbarger, Steve Conway, Toby Meadows.

**Members Absent:** Mike Boyd

**Staff Present:** Brent Clark and Angie Basden

**Audience:** Chris Bohm, Ryan Nett, Gaylen Nett, Garrett Whittar

**AGENDA:** Clark will amend the Agenda for Officer Elections for Chairman, Vice Chair and Secretary with terms of 1 year. Chairperson Janzen stated it would be added to the end of the 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 March 23rd, 2020 DRAFT meeting minutes. The motion was seconded by Board Member Spranger. Motion passed unanimously.

**COMMUNICATIONS:**

Chairperson Janzen welcomed the new Board Members.

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

**A. PUBLIC HEARINGS BEFORE THE PLANNING AND ZONING BOARD**

1. Review of RZ-2021-02, application of Dill Hill LLC, pursuant to City Code 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 RR-1, which is the City's designation for a Suburban Residential District. The lot is currently unaddressed, but located just northeast of the lot currently addressed 2216 E. Ford Street, Valley Center, KS 67147.



**Date:** April 27<sup>th</sup>, 2021

**Present Zoning:** A-1 (Agricultural District)

**Proposed Zoning:** RR-1 (Suburban Residential District)

**Rezoning Application Case Number:** RZ-2021-02

**Applicant:** Dill Hill, LLC.

**Property Address:** The lot is currently unaddressed, but located just northeast of the lot currently addressed as 2216 E. Ford Street, Valley Center, KS 67147.  
(highlighted in blue below)



**Applicant's Reasons for Rezoning:** The applicant is requesting a rezoning from A-1 to RR-1 in order to allow for the construction of a 27 lot subdivision. The applicant is in the process of platting and re-platting associated properties soon to be known as Dill Hill Estates that will be reviewed and potentially approved by the Planning and Zoning Board at a future meeting. The applicant has submitted a rezoning application, which has been attached to this report.

**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 currently a vacant piece of agricultural land with no buildings. This property has been identified on the City of Valley Center's Future Land Use Map as Single-Family Residential. Currently, there is another proposed single family subdivision that will be located directly to the east of this proposed rezoned area and subdivision.

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 A-1 (Agricultural District). The surrounding zoning and land uses are as follows:

- Northwest: R-1A Single-Family Residential District
- Northeast: A-1 Agricultural District
- South: A-1 Agricultural District
- East: PUD
- West: RR-1 Suburban 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?*

No

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?*

The proposed development is requesting a waiver from the City Council on April 20<sup>th</sup>, 2021 for the following items:

1. A waiver from the use of curb and gutter roadways with underground storm water sewer, instead, using the open ditch, asphalt paved roadway described above.
2. A waiver from the requirement of placing a sidewalk through this development.
3. A waiver to allow the use of on-site alternative sanitary sewer systems in lieu of the extension of public sanitary sewer.

Dill Hill Estates will have special assessments on the streets and waterlines.

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?*

Yes, the proposed property has submitted a preliminary plat for the entire development that includes two parcels.

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?*

Yes, the property located to the west has the same RR-1 zone.

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

NIA

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

Under the property's current zoning of A-1 only allows for single family dwellings on 40,000 square foot lots vs RR-1 that allows for single family dwellings on 20,000 square foot lots.

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 an agricultural district to a suburban residential district designation will not have a detrimental impact on the surrounding neighborhood. Currently, this property is vacant with no existing structures. It is anticipated that the construction of the proposed subdivision will increase the assessed valuation of the property and have a positive effect on the surrounding property values as well.

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?*

The Comprehensive Plan shows this property as residential use in the future land use part of the plan. The proposed rezoning adheres to the proposed future land use in the City Comprehensive Plan.

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

- City staff supports this rezoning. The standard public notice was published in the newspaper and notices were sent out to surrounding property owners. No opposition to the proposed rezoning has been received to date.
- 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 request.**

**REZONING/LAND USE PLAN AMENDMENT APPLICATION**

This application is for a Rezoning/Land Use Plan Amendment before the City Planning Commission. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at City Hall, 121 South Meridian, Valley Center, Kansas 67147-0188 or FAX: (316) 755-7319. An incomplete application will not be accepted. For questions, call (316) 755-7310.

Property owner(s) Name & Address JEFF PRITCHARD 906 N. MAIN, STE 2  
WICHITA, KS 67203  
Phone 316 371 8562 fax# \_\_\_\_\_

Petitioners Name & Address DILL HILL, LLC, 1650 S. MERIDIAN, WICHITA, KS 67213  
Phone (316) 300-1916 fax# \_\_\_\_\_

Contact email address Ryan@Netcoremodeling.com Contact Cell Phone (316) 300-1916

Relationship of applicant to property is that of \_\_\_ Owner \_\_\_ Tenant \_\_\_ Lessee  Other CONTRACT BUYER

Property Zoning/Land Use Plan is now A-1 / VACANT GROUND

Proposed Rezoning/Land Use Plan Amendment RR-1 / RESIDENTIAL

Property shown on Valley Center Land Use Plan is now \_\_\_\_\_

Address /Location of Request NO ADDRESS / NORTHEAST OF 2216 E. FORD, VALLEY CENTER, KS  
67147

Parcel number(s) 00496336

Justification for Rezoning/Land Use Plan Amendment request (attach narrative to application)

The applicant or his/her authorized agent acknowledges all of the following:

1. That he/she has received instruction material concerning the filing and hearing of this matter
2. That he/she has been advised of the fee requirements established and that the fee accompanies this application for a Rezoning/Land Use Plan Amendment \$1,100<sup>00</sup>
3. That all documents are attached to this petition as noted in the instructions
4. That the Planning Commission can only recommend action and that the City Council has to ratify the Planning Commission's decision as the final decision of the City

R. Pritchard 3-25-21  
 Applicant Date Agent (if any) Date

**Office use only**

A pre-application meeting occurred with the applicant on \_\_\_\_\_. This application was received at \_\_\_\_\_ (am) (pm) on \_\_\_\_\_, 20\_\_ by the Zoning Administrator acting on behalf of the Planning Commission and City Council. It has been checked and found to be complete and accompanied by the required documents and a nonrefundable fee of \$300.

**Dill Hill Estates Justification Letter – 77<sup>th</sup> Street North and Seneca**

This zone change request from A-1 to RR-1 is being made allow a single-family residential development with a minimum lot size of 2 acres. Public water will serve the lots and they will be accessed by a public asphalt mat road with open ditches. The developer and City of Valley Center are in discussion about the use of on-site or public sanitary sewer.

OWNERSHIP LIST

PROPERTY DESCRIPTION	PROPERTY OWNER
<p>The E/2 of the SW/4, EXC that part begin at SW corner thereof; th. E 923.64'; th. N 561.55'; th. W 922.74' to W line of said E/2; th. S 561.54' to p.o.b.; &amp; EXC the E 343.7' of the S 338.7'; &amp; EXC for street on S, 32-25-1E  <b>Subject Property</b></p>	<p>Jeff Pritchard            906 N. Main, Ste. 2            Wichita, KS 67203</p>
<p>That part of E/2 of SW/4 begin at SW corner thereof; th. E 923.64'; th. N 561.55'; th. W 922.74' to W line of said E/2; th. S 561.54' to p.o.b., EXC road on S, 32-25-1E</p>	<p>Earl Dill, Jr.            2216 E. Ford            Valley Center, KS 67147</p>
<p>That part of SW/4 begin at SE corner thereof; th. N. 338.7'; th. W 343.79'; th. S 100'; th. E 208.7'; th. S 238.72'; th. E 135' to begin, EXC the S 30' for road, 32-25-1E</p>	<p>Westar Energy            PO Box 889            Topeka, KS 66601</p>
<p>Begin 135' W &amp; 30' N of SE corner of E/2 of SW/4; th. N 208.7'; th. W 208.71'; th. S 208.7'; th. E to begin, 32-25-1E</p>	<p>Kansas Gas &amp; Electric Company            1200 Main St.            Kansas City, MO 64105</p>
<p>The E 24 Acres of the W/2 of SW/4, EXC the S 1,283.54' of the W 271.5' thereof, &amp; EXC the S 50' dedicated for road, 32-25-1E</p>	<p>John C. Berwick &amp; Anna Mae Berwick Revocable Trust            2116 E. Ford St.            Valley Center, KS 67147</p>
<p>The S 1,283.54' of the W 271.5' of the E 24 Acres of W/2 of SW/4, 32-25-1E</p>	<p>Zachary D. &amp; Lavonne E. Harris            2016 E. Ford St.            Valley Center, KS 67147</p>

<p>Begin 208.71' E of SW corner of SW/4, th. N 208.71'; th. E 208.71'; th. S 208.71'; th. W 208.71' to begin, 32-25-1E</p>		<p>Thomas J. &amp; Mary G. Steinkirchner 1050 W. 77<sup>th</sup> St. N. Valley Center, KS 67147</p>
<p>Begin 417.42' E of SW corner of SW/4, th. N 208.71'; th. E 208.71'; th. S 208.71'; th. W 208.71' to begin, 32-25-1E AND Begin 626.13' E of SW corner of SW/4, th. E 145.5'; th. N 208.71'; th. W 145.5'; th. S to begin, EXC S 50' for road, 32-25-1E AND Begin 771.63' E of SW corner of SW/4, th. E 145.5'; th. N 208.71'; th. W 145.5'; th. S to begin, EXC S 50' for road, 32-25-1E</p>		<p>John R. Taylor &amp; Sheri R. Taylor 1816 E. Ford St. Valley Center, KS 67147</p>
<p>The W/2 of the SW/4, EXC the E 24 Acres thereof; &amp; EXC the S 208.71' of the W 917.13'; &amp; EXC the N 208.71' of S 417.42' of W 208.71' thereof; &amp; EXC comm at NW corner of SW/4, th. S 459.63' to p.o.b.; th. Ely 482.7'; th. Sly 600'; th. Wly 482.7'; th. Nly 600' to begin, 32-25-1E AND That part of SW/4 comm at NW corner thereof, th. S 459.63' to p.o.b.; th. Ely 482.7'; th. Sly 600'; th. Wly 482.7'; th. Nly 600' to begin, 32-25-1E</p>		<p>Garrett Alan Witthar &amp; Karin Nicole Witthar 8110 N. Seneca St. Valley Center, KS 67147</p>



<p>The E 60 Acres of the NW/4, EXC begin at NE corner thereof, th. W 321.5'; th. S 1,147.40'; th. E 321.5'; th. N to begin; &amp; EXC part begin 516.16' W of NE corner of said NW/4, th. S 600'; th. SWly 232.67'; th. SWly 103.14'; th. S 126.18'; th. SWly 191.57'; th. W 194.42'; th. N 1,110.41' to N line of said NW/4; th. E 509.79' to begin; &amp; EXC road on N, 32-25-1E</p>		<p>Terry R. Ellis Living Trust Agreement &amp; Kathryn J. Ellis Living Trust Agreement 2559 E 5<sup>th</sup> St. Valley Center, KS 67147</p>
<p>The W 527.95' of the S 370.07' of the E 833' of the W/2 of the SE/4, 32-25-1E</p>		<p>Jeffrey M. Payne 2850 E. Ford St. Valley Center, KS 67147</p>
<p>Lot 4, Blk A</p>	<p>LN Ranch Addition</p>	<p>Tymber Lee &amp; Jennifer Lee Revocable Trust 210 N. Valley Creek Valley Center, KS 67147</p>
<p>Lot 1, Blk A, EXC begin at NW corner of Lot 2, th. S 1,238.66'; th. W 181.17'; th. N 1,237.68'; th. E 181.44' to begin</p>	<p>Marquez Horse Farm 2<sup>nd</sup> Addition</p>	<p>Jose A. Marquez &amp; Laura Y. Ortega-Avitia 2740 E. Ford St. Valley Center, KS 67147</p>
<p>Lot 2, Blk A AND Begin at NW corner of Lot 2, Blk A, th. S 1,238.66'; th. W 181.17'; th. N 1,237.68'; th. E 181.44' to begin</p>	<p>''</p>	<p>Aleida Marquez (f/k/a Aleida Cabral) 2750 E. Ford St. Valley Center, KS 67147</p>
<p>Lots 1, 2, 3, &amp; 4, Blk A AND Reserve A</p>	<p>Marquez Acres Addition</p>	<p>Jose A. &amp; Laura Y. Marquez 2740 E. Ford St. Valley Center, KS 67147</p>
<p>The N 10 Acres of the W/2 of the W/2 of the NE/4, 5-26-1E</p>		<p>Kasselman Family Revocable Trust (Larry D. Kasselman &amp; Darlene K. Kasselman) 641 W. 77<sup>th</sup> St. N. Valley Center, KS 67147</p>

The W 420' of the N 380' of the E/2 of W/2 of NE/4, 5-26-1E		Angelina M. & Craig A. Dahilig 323 W. 77 <sup>th</sup> St. N. Valley Center, KS 67147
The E/2 of W/2 of NE/4, EXC the W 420' of the N 380' thereof, 5-26-1E		Michael & Becky Mae Costner 953 Coolidge Wichita, KS 67203
The S 30 Acres of the W/2 of W/2 of NE/4, 5-26-1E		Donat Beauregard, Jr. & Kathleen E. Beauregard & Frances A. Novick 643 W. 77 <sup>th</sup> St. N. Valley Center, KS 67147
The N 654' of the E/2 of the NW/4, 5-26-1E		Harriett E. Duccy 825 W. 77 <sup>th</sup> St. N. Valley Center, KS 67147
The NW/4, EXC the N 654' thereof, 5-26-1E		Eldon & John Family, LLC 1160 400 Ave. Hope, KS 67451
The N 654' of the W/2 of the NW/4, 5-26-1E		Katie Matie, LLC 10519 S. Meridian St. Sedgwick, KS 67135
Lot 6, Blk 1	Fiddlers Creek Estates Addition	Timothy A. & Anjanette K. Allbritten 204 N. Tanner Trail Ct. Valley Center, KS 67147
Lot 7, Blk 1	"	Randael D. & Deborah J. Jackson 202 N. Tanner Trail Ct. Valley Center, KS 67147
Lot 8, Blk 1	"	Todd S. & Kacie M. Martin 231 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 19, Blk 2	"	William E. Kemp & Janet A. Kemp 206 N. Fiddlers Creek Ct. Valley Center, KS 67147

Lot 20, Blk 2	"	Brent Allen Buller & Christina Deanne Buller 208 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 21, Blk 2	"	Paul Jeffrey Pritchard Trust Agreement & Kim Susanne Pritchard Trust Agreement 205 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 22, Blk 2	"	David G. & Whitney M. Pulen 260 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 23, Blk 2	"	Scott E. & Polly A. Sexton 246 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 24, Blk 2	"	Heshun Chen 230 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 25, Blk 2	"	Joshua & Misty Schrag 216 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 26, Blk 2	"	Bradford J. & Cathy M. Knott 200 N. Fiddlers Creek Ct. Valley Center, KS 67147
Lot 27, Blk 2	"	Dennis & Michelle Claussen 1815 E. Tanner Trail Valley Center, KS 67147
Lot 28, Blk 2	"	James D. Holt & Karen T. Holt Joint Revocable Trust 1801 E. Tanner Trail Valley Center, KS 67147
Lots 4 thru 19 inclusive, Blk 3 AND Lots 3, 4, & 5, Blk 4	"	P. Jeff Pritchard 205 Fiddlers Creek Ct. Valley Center, KS 67147
Reserve D	"	Fiddlers Creek Estates Homeowners Association 900 N. Tyler Rd., Ste. 7 Wichita, KS 67212

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots within a 1,000 foot radius of:

The East half of the Southwest Quarter of Section 32, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southwest corner thereof; thence N 90° 00' 00" E, along the South line of said East half, 923.64 feet; thence N 00° 45' 29" W, 561.55 feet; thence S 90° 00' 00" W, parallel with the South line, 922.74 feet to the West line of said East half; thence S 00° 39' 58" W, along said West line, 561.54 feet to the point of beginning; AND EXCEPT that part described as beginning at the Southeast corner of said East half; thence N 00° 42' 34" W, along the East line of said East half, 338.70 feet; thence N 90° 00' 00" W, parallel with the South line of said East half, 343.79 feet; thence S 00° 45' 29" E, 338.71 feet to the South line of said East half; thence N 90° 00' 00" E, along said South line, 343.50 feet to the point of beginning.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 15th day of March, 2021, at 7:00 A.M.

Security 1<sup>st</sup> Title LLC

By:   
\_\_\_\_\_  
Licensed Abstracter

Order: 2437882  
KJK

**ORDINANCE NO. 1355-21**

**AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF VALLEY CENTER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.**

**NOW THEREFORE, BE IT ORDAINED** BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS:

**SECTION 1.** Having received a recommendation from the Valley Center City Planning and Zoning Board on Case No. RZ-2021-02, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the amended Zoning Regulations of the City as approved by Ordinance No. 1279-14, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from A-1 (Agricultural District) to RR-1 (Suburban Residential District).

Legal Description:

Parcel 2:

The East half of the Southwest Quarter of Section 32, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southwest corner thereof; thence N 90° 00' 00" E, along the South line of said East half, 923.64 feet; thence N 00° 45' 29" W, 561.55.47 feet; thence S 90° 00' 00" W, parallel with the South line, 922.74 feet to the West line of said East half; thence S 00° 39' 58" W, along said West line, 561.54 feet to the point of beginning; AND EXCEPT that part described as beginning at the Southeast corner of said East half; thence N 00° 42' 34" W, along the East line of said East half, 338.70 feet; thence N 90° 00' 00" W, parallel with the South line of said East half, 343.79 feet; thence S 00° 45' 29" E, 338.71 feet to the South line of said East half; thence N 90° 00' 00" E, along said South line, 343.50 feet to the point of beginning.

Legal Address: The lot is currently unaddressed, but located just northeast of the lot currently addressed as 2216 E. Ford St., Valley Center, KS 67147.

**SECTION 2.** Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

**SECTION 3.** This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

**PASSED** by the Governing Body and signed by the Mayor of the City of Valley Center, Kansas, on this 18<sup>th</sup> day of May, 2021.

First Reading: May 4, 2021  
Second Reading: May 18, 2021

(SEAL)

/s/  
Louis Cicirello, Mayor

ATTEST:

/s/  
Kristi Carrithers, City Clerk

Clark explained that this area is currently zoned A-1 Agricultural and the petition is to rezone it for RR-1 Suburban Residential. This will join another with the property to the NW of this location, that was originally platted for Fiddler's Creek, however, that will remain as R1A- single family residential. The larger area with 21 lots will be rezoned from A-1 to RR-1. Chairperson Janzen inquired on Item 6, did City Council approve the waiver for leaving ditches, the alternative sewer and no sidewalks? Clark stated that 3 waivers were approved by City Council that will be addressed in the next item on the Agenda for review tonight.

Chairperson Janzen opened hearing for comments from the public: 7:12 PM

Chris Bohm mentioned that Gaylen Nett and Ryan Nett are part of the development team for this new development and are using a concept they used in Park City with development on larger acreage lots. Because of the rural nature of this development they asked for the Waivers from City Council.

Garrett Whittar 8110 N Seneca lives adjacent to the South entrance of where Dill Hill will be. He has no problem with the development, he is concerned with the changes to the floodplain. He stated that per code the base floodplain elevation can change by up to 12 inches- 1ft, and asked Bohm if that amount of tolerance was being utilized in the new development, as he doesn't want it to be worse than before. Per Bohm, the work will be permitted through the State of Kansas and through FEMA with a Letter of Map Revision based on fill. He didn't expect to use the 12 inches of base flood elevation rise that is allowed. Bohm also mentioned that Seneca street bridge is slated for improvements that should address some of the issues such as constricted flow that would help make the whole system operate more efficiently. Garrett acknowledged that was okay with him.

Chairperson Janzen inquired of the notice radius, Clark confirmed it is a 200FT radius. Janzen inquired if anything was received back from the notices. Clark brought up the citizen to the West of the development was concerned about the drainage. Janzen commented there are a lot of things in place such as FEMA requirements and other checks and balances that are in place.

There were no other comments from the public other than Garrett Whittar.

Chairperson Janzen closed the public hearing: 7:20 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve RZ-2021-02 to allow rezoning of land that is currently zoned A-1 to RR-1 Board Member Shellenbarger seconded the motion. The vote was unanimous.

2. Review of SD-2021-01, application of Dill Hill LLC, pursuant to Section 16.04., who is petitioning for approval of a preliminary plat for the lot located east of Seneca Street and northeast of land currently addressed as 2216 E. Ford Street, Valley Center, KS 67147.



**Date:** April 27<sup>th</sup>, 2021

**To:** City of Valley Center Planning and Zoning Board

**From:** Brent Clark, *City Administrator*

**Preliminary Plat Approval for Dill Hill Estates Plat (SD-2021-01)**

Dill Hill, LLC., 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 unaddressed but located just northeast of the lot currently addressed as 2216 E. Ford Street, Valley Center, KS 67147.



**Applicant's Reasons for Platting:**

It is the intent of Dill Hill, LLC. to create a twenty-seven lot estate sized residential subdivision with the approval of this plat. A minimum lot size of 1.16 acres is being proposed for the existing A-1 zoned area and a minimum lot size of 2.00 acres is proposed for the proposed RR-1 zoned area. 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. The applicant has requested a waiver for the following:

1. A waiver from the use of curb and gutter roadways with underground storm water sewer, instead, using the open ditch, asphalt paved roadway described above.
2. A waiver from the requirement of placing a sidewalk through this development.
3. A waiver to allow the use of on-site alternative sanitary sewer systems in lieu of the extension of public sanitary sewer.

The City Council will vote on the above-mentioned waiver request during the April 20<sup>th</sup>, 2021, City Council Meeting.

The City of Valley Center Community Development Department will oversee the approval of all building permits for each of the future residences. Lots 1-6 will remain zoned R-1A Single-Family Residential District and Lots 7-27 will be rezoned from A-1 to RR-1 Suburban Residential District.

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 the proposed Dill Hill Estates. As of the date of this report, there have been no written responses received in protest to this proposed platting.

**Staff Recommendation:**

City staff recommends approval of this preliminary plat application and reviewing the final plat at the May 25<sup>th</sup>, 2021 board meeting.





CITY OF VALLEY CENTER PLATTING APPLICATION

- PRELIMINARY PLAT \$350 (fee is nonrefundable)
- FINAL PLAT \$150 (fee is nonrefundable)
- CORRECTING PLATTING ERROR \$100 (fee is nonrefundable)

Property owner(s) Name & Address JEFF PRITCHARD, 906 N. MAIN, STE 2, WICHITA, KS 67203

Phone 316 371 8562 fax# \_\_\_\_\_

Petitioners Name & Address DILL HILL, LLC, 1650 S. MERIDIAN, WICHITA, KS 67212

Phone (316) 300-1916 fax# \_\_\_\_\_

Email address/ Cell Phone of contact person: Ryan@NetcoRemodeling.com / (316) 300-1916

Location of Subdivision NORTH SIDE OF 77<sup>TH</sup> ST. N., 1/2 MILE EAST OF SEAWCA

Parcel(s) numbers 00496336, 00498637-00498660

Property shown on Valley Center Land Use Plan as \_\_\_\_\_

Total acreage of Plat 80.34

Total number of lots 27

The following materials must be submitted with the plat. The application is not considered complete and ready for review until all materials are submitted.

- This Application Form
- One (1) original copy, two (2) scaled copies (24" x 36") and 12 11" x 17" copies
- Layout of public improvements
- Street plans and profiles (if applicable)
- Soil testing results (if necessary)
- Any Restrictive covenants
- A list of all benchmarks
- Property owners association (if applicable)
- Final storm water runoff and erosion control plans
- Copy of Developers Agreement (if any)
- Dedication of Right-of-Way

Filed by: Jeff Pritchard 

**Office use only**

Has pre-application consultation been completed? \_\_\_\_\_

Date of filing \_\_\_\_\_

Person certifying date and time of submittal \_\_\_\_\_

Application Number \_\_\_\_\_



# Security 1<sup>st</sup> Title

## TITLE REPORT

Prepared By:  
Security 1<sup>st</sup> Title  
727 N. Waco, Suite 300  
Wichita, KS 67203  
Phone: (316) 267-8371  
Fax: (316) 267-8115

Prepared Exclusively For:  
Garver  
8535 E. 21st St. N., Ste 130  
Wichita, KS 67206  
Phone: 316-221-3027

Contact: David Herd  
Email: dherd@security1st.com

Contact: William Clevenger  
Email: WKClevenger@GarverUSA.com

Report No: 2436112

Report Effective Date: March 11, 2021, at 7:30 a.m.

Property Address: No Situs Address, Valley Center, KS

This Title Search Report is NOT a commitment to insure and is not to be construed as an Abstract of Title or Title Opinion. It has been issued as a Report as to the status of title for the specific benefit of Garver, and as such should not be relied upon by any other party for any Real Estate Transaction. Any and all loss or damage that may occur by reason of any errors and omissions in this Company's Report is limited to \$1,000.00 or the fee received for the preparation and issuance of this report, whichever is less.

1. **Fee Simple** interest in the Land described in this Report is owned, at the Report Effective Date, by

**Parcel 1: P. Jeff Pritchard**  
**Parcel 2: Jeff Pritchard**

**NOTE: Vesting information can be downloaded through this [link](#).**

2. The Land referred to in this Report is described as follows:

**SEE ATTACHED EXHIBIT A**

3. The following Real Estate Taxes, Easements, Restrictions, Judgments, Pending Suits, Mechanic Liens, State Tax Liens, Federal Tax Liens, Mortgage and other liens and encumbrances are recorded in the local public records. No search of the oil, gas or other mineral title has been made, and any matters incident to or growing out of the mineral estate are not included in this Report, including but not limited to conveyances, reservations, or oil and gas leases.

1. **General taxes and special assessments for the fiscal year 2020 are PAID.**



# Security 1<sup>st</sup> Title

Any questions regarding this report should be directed to: **David Herd**  
Phone: 316-293-1637, Email: dherd@security1st.com


**(Parcel 1)**

2. **General taxes and special assessments for the fiscal year 2020 in the original amount of \$175.59.**  
First Installment: \$87.80, PAID  
Second Installment: \$87.79, DUE, but not delinquent until after May 10, 2021  
Property I.D. # GT-VC-00952  
PIN #00496336 (Parcel 2)

**NOTE:** Tax [statements](#) and [workbook](#) can be downloaded here.

**THE FOLLOWING ITEMS AFFECT PARCEL 1:**

3. **The following matters which are shown on or disclosed by the recorded [plat](#) referred to in the legal description: building setback lines, easements, floodway responsibility, minimum pad elevations, access controls and drainage plan.**
4. **An easement for sewer pipes, a sewer system and all other public utilities, recorded as [Film 2271, Page 718](#).  
In favor of: City of Valley Center, Kansas  
Affects: a portion of subject property**
5. **Notice to Title Insurance Companies on closings of sales of Lots in said subdivision and requiring the execution of certain documents, filed on [Film 2326, Page 1587](#).**
6. **A document entitled "Notice of Possible Water Encroachment" recorded in/on [Film 2326, Page 1589](#).**
7. **A [document](#) entitled "Notice of Lot Grading Plan" recorded in/on Film 2337, Page 1513, and "Notice of Modified Lot Grading Plan" recorded in/on Film 2397, Page 458.**
8. **Terms and provisions contained in the document entitled "Declaration of Covenants, Conditions, Restrictions, Easements and Disclosures for Fiddlers Creek Estates" filed as [Film 2315, Page 1691](#).**



# Security 1<sup>st</sup> Title

Any questions regarding this report should be directed to: David Herd  
Phone: 316-293-1637, Email: dherd@security1st.com

9. The lien of assessments, if any, levied by the Fiddlers Creek Homeowners' Association under [Film 2315, Page 1691](#).
10. Terms and provisions contained in the document entitled "Findings and Order Expanding the Boundaries of the Equus Beds Groundwater Management District No. 2" filed September 6, 2017 as Doc#/Flm-Pg: [29716403](#).
11. Subject property may become subject to special assessments for various capital improvements as evidenced by numerous governmental filings of notice in the form of [Resolutions and Ordinances](#) filed on Film 2135, Page 1186; Film 2135, Page 1189; Film 2135, Page 1192; Film 2281, Page 11; Film 2298, Page 1639; Film 2308, Page 1517; and Film 2820, Page 1335.
12. Rights of parties in possession under unrecorded leases.

#### THE FOLLOWING ITEMS AFFECT PARCEL 2:

13. Roadway easement, if any, over the South 30 feet of subject property.
14. An [easement for pipeline](#), recorded as Misc. Book 104, Page 175; last assigned as Film 993, Page 771.  
In favor of: White Eagle Oil Corporation; last assigned to Derby Refining Company  
Affects: a portion of subject property
15. Affidavit by Central Pipe Lines Division, Socony-Vacuum Oil Company, Inc., filed as [Misc. Book 301, Page 555](#), showing an unrecorded easement for pipeline over a portion of subject property.
16. An [easement for pipeline](#), recorded as Misc. Book 311, Page 355; last assigned as Film 2367, Page 1957.  
In favor of: Socony-Vacuum Oil Company; last assigned to Jayhawk Pipeline, LLC  
Affects: a portion of subject property
17. An [easement for water pipeline](#), recorded as [Film 46, Page 1118](#).



# Security 1<sup>st</sup> Title

Any questions regarding this report should be directed to: David Herd  
Phone: 316-293-1637, Email: dherd@security1st.com

In favor of: Rural Water District No. 2, Sedgwick Co.  
Affects: a portion of subject property

- 18. Ordinance Annexing Land to the City of Valley Center, Kansas, filed as [Film 2088, Page 2034](#).
- 19. The terms and provisions contained in the document entitled "Findings and Order Expanding the Boundaries of the Equus Beds Groundwater Management District No. 2" filed as Doc#/Flm-Pg: [29716403](#).
- 20. Survey by Armstrong Land Survey, PA, dated September 13, 2017, filed October 26, 2017, as Doc#/Flm-Pg: [29727543](#).
- 21. Rights of parties in possession under unrecorded leases.

**THE FOLLOWING ITEM AFFECT BOTH PARCELS:**

- 22. Legal effects and consequences of any liens, judgments, pending suits or other matters against the fee simple owner named herein.

Dated: March 11, 2021, at 7:30 a.m.

SECURITY 1<sup>ST</sup> TITLE

By: *Glen B. Edwards*  
LICENSED ABSTRACTER

EXHIBIT "A"

Parcel 1:

Lots 1 through 19 inclusive, Block 3; and Lots 1 through 5, Block 4, inclusive, Fiddlers Creek Estates, Valley Center, Sedgwick County, Kansas.

Parcel 2:

The East half of the Southwest Quarter of Section 32, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southwest corner thereof; thence N 90° 00' 00" E, along the South line of said East half, 923.64 feet; thence N 00° 45' 29" W, 561.55.47 feet; thence S 90° 00' 00" W, parallel with the South line, 922.74 feet to the West line of said East half; thence S 00° 39' 58" W, along said West line, 561.54 feet to the point of beginning; AND EXCEPT that part described as beginning at the Southeast corner of said East half; thence N 00° 42' 34" W, along the East line of said East half, 338.70 feet; thence N 90° 00' 00" W, parallel with the South line of said East half, 343.79 feet; thence S 00° 45' 29" E, 338.71 feet to the South line of said East half; thence N 90° 00' 00" E, along said South line, 343.50 feet to the point of beginning.

Dill Hill Estates Platting Letter – 77<sup>th</sup> Street North and Seneca

This Preliminary Plat is being made to create estate sized residential lots. A minimum lot size of 1.16 acres is proposed for the existing A-1 zoned area and a minimum lot size of 2.00 acres is proposed for the proposed RR-1 zoned area. The area currently zoned R1-A is platted as Fiddlers Creek Estates and will be replatted. The remainder of the property is currently zoned A-1 and is unplatted.

Clark explained that the preliminary plat for Dill Hill, a 27 lot Subdivision, 77<sup>th</sup> Street North and Seneca. The Mayor and City Council did approve the 3 Waiver request proposed by the developer:

1. No curb and guttering, to allow for an open ditch concept. The adjacent property owners and HOA will be responsible for maintaining all the lots, ditches and drainage underneath driveways and culverts.
2. No sidewalks.
3. Not hook up to City Sewer, residents will be allowed alternative sewer systems on each individual lot.

Clark explained that the new sewer systems would be using elaborate underground systems.

Chairperson Janzen opened hearing for comments from the public: 7:32PM

Board Member Shelton asked if there would be any Lagoons in the subdivision. Per Bohm there will be no lagoons, only ATU, Advanced Treatment Unit, that is an underground septic tank.

There were no public comments.

Chairperson Janzen closed the public hearing: 7:36 PM

Based on the City Staff recommendations and discussion by the Planning and Zoning Board, Chairperson Janzen made a motion to approve SD-2021-01 request for preliminary plat. Board Member Shellenbarger seconded the motion. The vote was unanimous.

**NEW BUSINESS:** Officer Elections

Chairperson Janzen opened Officer Elections for the PZB for Chair, Vice Chair and Secretary.

Board Member Shellenbarger made a motion to approve Janzen as Chairperson. Board Member Spranger seconded the motion. The vote was unanimous.

Chairperson Janzen made a motion to approve Spranger as Vice Chairperson. Board Member Meadows seconded the motion. The vote was unanimous.

Chairperson Janzen made a motion to approve Schrack as Secretary. Board Member Shellenbarger seconded the motion. The vote was unanimous.

**OLD BUSINESS:** none

**STAFF REPORTS:** none

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

Gary Janzen-none

Paul Spranger-He is interested in looking at the future vision of Valley Center. He believes the potential that Valley Center has is amazing. He is looking forward to it.

Steve Conway-none

Brian Shelton-I am interested in seeing the long term plans of the City.

Rick Shellenbarger-He participated in the Strategic plan group and it cleared up a lot of questions. What is being present Wednesday will be a better document than what it was before. He appreciated being the representative of the PZB board.

Mike Boyd-not present

Toby Meadows-none

Chairperson Janzen inquired if the next meeting should be held in person and after doing a consensus with attendees the next meeting to be held on May 25<sup>th</sup> and will be held in person as well as on Zoom.

**ADJOURNMENT OF THE PLANNING AND ZONING BOARD MEETING:** At 8:07 P.M., a motion was made by Chairperson Janzen to adjourn, motion Seconded by Board Member Meadows. Meeting adjourned.

Respectfully submitted,

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Brent Clark, City Administrator

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Gary Janzen, Chairperson