



**MINUTES**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
August 13, 2026, 6:30 PM



I. **Call to Order** Chairman Phillip Jordan called the meeting to order at 6:30 p.m.

II. **Roll Call**

Secretary stated that there is a correction to the published packet. The packet contained an inaccurate roll call list, and the correct list of commissioners have been updated and appear correctly on the agenda that was provided to the Commission. Roll call should be, Phillip Jordan, Derek Faber, Paul Matzek, Dee Roths, Brian Mackey, John Sutherland and Kent Koehler. Brian Stuart should not be included.

Chairman Phillip Jordan, and Commissioners Dee Roths, Brian Mackey, John Sutherland and Kent Koehler were present in person.

Vice-Chairman Deryk Faber and Commissioner Paul Matzek were absent.

Paula Downs, Secretary and Maria Schrock, City Attorney were present in person.

III. **Pledge of Allegiance to the American Flag**

Chairman Phillip Jordan led the pledge of allegiance.

IV. **Consent Agenda**

A. **Approval of Minutes from Previous Meeting.**

**Motion:** Commissioner Roths moved to approve the minutes of the July 9, 2026, meeting. Chairman Jordan seconded the motion. ***Motion carried 3-0.***

Chairman Jordan, and Commissioners Roths and Sutherland approved the meeting minutes.

Commissioner Mackey abstained because he was not in attendance at the July 9, 2026, meeting.

Commissioner Koehler abstained because he was not an appointed Commissioner on July 9 and did not attend the meeting.

## **V. Announcements:**

- A. There will be a Board of Zoning Appeals meeting following the adjournment of the Planning Commission meeting.

Secretary stated that the agenda does not have any business items; however, meeting minutes need to be approved.

- B. Zoning Code Updates- Workshop #2 will be on Tuesday, September 8, 2026, in the Community Room. All workshops will appear on the regularly scheduled City Council Workshop dates- the second Tuesday of each month.

Secretary stated that the September 8 workshop will be in the community room and will be a joint discussion between Planning Commission and the City Council.

Commission Sutherland asked a question about the order of business and agenda items as outlined in the Bylaws. Commissioner Sutherland stated that there are announcements and then there's old and new business and from his understanding old and new business is the place where commissioners could have the opportunity to bring up items such as what they've read, what they found, and what they've seen in that area. Commissioner Sutherland stated that "we" (the Commission) really need to stick to the Bylaws. Commissioner Sutherland stated that this was discussed at a meeting with Maria, Ted and the Mayor and the Mayor said that "yeah we need to do that" (add this item to the agenda).

Chairman Jordan asked what the purpose of the old and new business is really for. Secretary provided insight on the order of business related to "old and new business" when the Bylaws were developed. The Secretary also acknowledged that she was not present at the meeting referenced by Commissioner Sutherland. The order of business (section of the Bylaws) lists the elements that are designed to appear on the agenda document. It lists; call to order, roll call, pledge of allegiance, consent agenda, announcements, old and new business, approval of the next Planning Commission date, current events and adjournment as the main topics. Old and new business is the Planning Commission Business (as referenced on the agenda) which are the cases that come before the Commission and old business would be if the Commission tabled a case and it was coming back. Secretary stated that currently the Bylaws don't have an item that provides for an open discussion. This could be (added) in the bylaws. This is what the City Council has in their bylaws and rules. The Commission would need to talk about it and put it on the agenda to discuss. Secretary stated that putting things on the agenda allows for the public to be notified what will be discussed. The Commission will have an agenda item to discuss the City of Goddard's Resolution. This item was requested to be put on the agenda and background information was provided so the public, if interested, could attend the hearing. The only difference between the Bylaws (language) and what is on the agenda is that instead of saying Planning Commission Old and New Business it just says Planning Commission Business.

Chairman Jordan confirmed he understood the old and new business is the new business and he gets that. The Chairman asked the City Attorney whether or not it is ok to call it Planning Commission Business (as on the agenda).

Commissioner Sutherland clarified the City Council has an opportunity for each council person to bring up a short, no real discussion, no voting for sure, (topics) of what they have seen, what they did, or what meetings they attended. It's just to plant a seed for people to think about what we need to do in the future and maybe that brings forward that we (Commission) want to add that. When a topic, whatever it may be- planting trees in your home or painting your house or whatever it may be- then a Commissioner brings it up and says they learned about this, talked about this, or heard about this and asks the Commission if they want to talk about it. If two or three commissioners agrees then it goes on the next agenda.

Commissioner Mackey stated that there is a big difference- the City Council is the decision making body and the Commission is not. The Commission is a code enforcement body who makes recommendations to the City Council and the Commission's role is significantly different. As a result, Commissioner Mackey was unsure if an open discussion that the rest of the residents weren't privy to before the meeting to know whether or not they want to come here but I'm not sure that would be appropriate for our role.

Commissioner Sutherland stated that the Commission was doing that right now and Commissioner Mackey agreed but it was because he (Commissioner Sutherland) brought it up.

Commissioner Sutherland stated that just because the Commissioner has never done it- the Commission lives and breathes zoning and planning. The Commission makes recommendations, accept on Board of Zoning Appeals that are quasi-judicial. On planning and zoning we make recommendations. Commissioner Sutherland asked how the Commission would ever find out what happened in another City.

Commissioner Mackey stated that very simply the Commission would ask. Commissioner Mackey stated that he saw an article about Goddard and sent it to the Secretary and didn't tell anybody else (on the Commission) because of the open meetings act. Commissioner Mackey suggested that this item be brought to the Commission for discussion and put it on the agenda so that the public can come and listen.

Commissioner Sutherland confirmed that is why he asked for the agenda item last time (Goddard agenda item). Commissioner Sutherland stated that the Commission meets 12 times a year and should make wise use of the time. Don't want to get to meeting 8 and figure out that something should have been discussed earlier. When something has to do with zoning the Commission is behind the eight ball and not thinking ahead. Commissioner Sutherland reviewed agendas and they include what staff brings to the Commission.

Commissioner Sutherland feels the Commission should be proactive by gathering information and seeing what's going on. Commissioner Sutherland previously asked if he could talk about it (Goddard information) and staff told him it has to be put on the agenda, so he requested that it be added which has taken two months. Commissioner Sutherland stated that the Commission has a whole lot of things to talk about.

Chairman Jordan shared with Commissioner Sutherland that if he is thinking about things ahead of time about Derby or Goddard or whatever, that he call or email the Secretary and ask that it be placed on the agenda. Chairman Jordan asked if the Commission has to decide what's on the agenda.

Secretary said that typically this topic (adding a discussion item to agenda) would be appropriate to think about as changes to the Bylaws are being discussed. The Bylaws governs the way the Commission meets and how they do business. Currently, the agenda does not include future business. When a Commissioner sends the Secretary an email about adding an agenda item, it will brought back to the Commission. I am the staff assigned to the Commission and act as a bridge between the City and the Commission. The (Goddard) item was on the agenda because the Commission agreed that it should be placed on the agenda.

Commissioner Roths was concerned that the discussion was verging on the open meeting act. She was concerned that if the Commission was discussing, for example, something about painting a house and the next door neighbor gets wind of it, they are going to say something. Commissioner Roths stated that the Bylaws should be looked at and that the issue (adding a discussion item to an agenda) be discussed at the upcoming meeting.

Secretary stated that she has a request from Commissioner Faber, who has submitted some ideas for the bylaws, to have a discussion in September. Secretary will share that information later in the agenda for Commission to discuss adding to the agenda. Secretary confirmed that the Bylaws can be discussed during future meetings until they are updated according to what the Commission wants.

Commissioner Koehler agreed with Commissioner Roths about how to address it (the discussion agenda item) and that's when we deal with it. Commissioner Koehler asked if the Commission receives a proposed agenda prior to the meeting so the Commission can add items.

Secretary stated that the agenda is sent out the week before the meeting when it's published, but no proposed agenda it provided. Secretary does provide agenda information in the announcement section and upcoming agenda items section in the agenda (if items are known).

Chairman Jordan stated that agenda items should be Commission approved and should be related to planning. Commission should not be wasting the Commission's time talking about anything not planning oriented. Secretary agreed and stated that the Commission should be talking about issues during the meeting and asking for items to be placed on the next agenda.

Chairman Jordan asked if an individual Commissioner emailed the Secretary with agenda item requests, if it would violate the open meetings act if the Secretary emailed everyone individually asking them if they are in favor of the item being placed on the agenda by responding "yay" or "nay". Commissioners would respond back individually to the Secretary. Secretary stated she would evaluate the question and respond back to the Commission.

## **VI. Planning Commission Business**

### **A. PUD-26-03- Casey's in Cedar Pass Addition Planned Unit Development (PUD) Preliminary Plat**

Chairman Jordan called item 6. A. on the agenda which is a public hearing on case number PUD-26-03. The subject property is generally located at the Northwest corner of East 53rd street and North Webb road. He welcomed everyone interested in this hearing and laid out a few ground rules.

1. It is as important that you present any facts or views you have as evidence so that an informed decision can be made by the Planning Commission to the Governing Body for their final decision.
2. By state statute the governing body does not have to hold another public hearing on the matter although they may listen to whomever they wish. You will be asked if there is any new information which was not heard at this meeting. It is to everyone's advantage if you present all the necessary information at this hearing.
3. After city staff provide the Commission with background information I will call upon the applicant. Public comments will be heard following the applicant. Once all have been heard, the applicant will have an opportunity for final comments.
4. The Planning Commission will close the hearing to public comments and will then consider the Golden Factors and any other factors on which to base their recommendation. During this time, the Commission may direct questions to the applicant, public and/or city staff.
5. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please use the podium and speak clearly so that your comments can be recorded for inclusion in our minutes.

Chairman Jordan asked, before we proceed with the hearing does anyone on the Commission intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have conflicts of interest. If no say "no", if yes say "yes". All right let the record show that all five commissioners that were present answered "no".

Chairman Jordan said that official notice for this hearing was published in the official city newspaper, which is the City of Bel Aire municipal website, on July 23, 2026. Notices were mailed to the applicant and real property owners of record in the area of notification on July 23, 2026. The record shows that at least 20 days have elapsed between the publication and mailing dates and today's hearing date. Unless there is evidence to the contrary from anyone present I will declare that proper notification has been given.

Chairman Jordan asked has anyone on the Commission received any ex parte verbal or written communications prior to this agenda item. Let the record show that all commissioners responded with "no".

Chairman Jordan called on city staff to provide the Commission with a report on the case.

Secretary shared that the staff report that sets out the relief being requested. The relief being requested are; use, signage, landscaping related to trees, landscaping of the building façade and paving setbacks. Staff's report also list responses to the Golden Factors based on the analysis of the Comprehensive Plan and codes. Included are the zoning of the surrounding property, which are largely C-1 Neighborhood Commercial Office and Retail and M-1 Industrial across the street to the East. Subject property is currently zoned C-1 and because of the PUD case that zoning will move to C-2 PUD because the case will create a custom zoning district. The case asks for C-1 uses in addition to convenience store and vehicle fueling station. The Secretary stated that the use and associated zoning relief is not expected to detrimentally affect nearby property. Subject property was platted in July of 2022, and it's been vacant since that time. It was zoned C-1 via ordinance in 2021. PUD and the zoning relief do not pose a threat to adjacent properties and the hardship imposed on the applicant statement is that the disapproval of the case will just create a hardship for the applicant's development of the subject property. Secretary clarified that that statement means that if the Commission doesn't approve the case the applicant will not be able to build. Secretary confirmed that the case conforms with the Comprehensive Plan and does not conflict with the future land use map. The development fits the zoning district and uses listed in the Comprehensive Plan. Property is compatible with zoning in the area. Secretary stated that the subject property will have no negative impact on community facilities public infrastructure or utilities. Secretary did not receive any phone calls or written communication on this case. Staff recommends approval of the application with conditions listed in the staff report. The Secretary stated that the applicant is intending to file a lot split for the property along the north and east side and the structure will be close to the corner (53<sup>rd</sup> and Webb). Applicant will submit a comprehensive landscape plan as part of the building permit process.

Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the city staff report.

Applicant, Jeff Laubach, Topeka Kansas, the civil engineer for SBB Engineering. Applicant stated they want to rezone to the zone that will allow a store and fuel sales.

Commission Mackey stated he wasn't clear why the applicant was splitting the lot. Applicant said that the property was platted in 2022 and Casey's doesn't want to buy the entire lot. Typically purchase prices are based on per square foot basis. The remainder of the lot will allow it to be marketed and sold by the owner.

Commissioner Roths asked why Casey's was asking to waive all of the building (façade) landscaping. Applicant stated they would rather put landscaping around the perimeter (of the property). Applicant doesn't want bushes near the building because of the maintenance and the foot traffic and trash at the front of the store. Commissioner Roths asked about landscaping because there is a pond behind the lot to the West and then houses on the other side of that. Commissioner Roths wanted to know if applicant had 'thought about landscaping there. Applicant confirmed that there is landscaping there (around the perimeter) there just wouldn't be landscaping in front of the building.

Secretary stated that there is a map in the packet that is outlined in red. It shows that there are two lots and reserve between the subject property and the housing development. The building façade (faces Webb) and there won't be landscaping in front of the building.

Commissioner Roths stated that there should be some kind of break between this (subject property) and the people that live to the West so that they don't look at whatever is at the back of Casey's all the time. Applicant said that Casey's is set back from the rear property line leaving another lot and a reserve between Casey's at the homes. Secretary confirmed that there are lots and the reserve and then the housing area. She confirmed that Casey's is not asking for perimeter screening landscaping to be waived they're asking for relief from the building façade (landscaping) at the front of the building or main entrance.

Chairman Jordan asked about the 1 tree per 50 feet request. Secretary stated that the applicant is requesting to plant less trees by separating them 50' apart vs. 40' apart as code requires. Chairman Jordan asked if the additional distance is to give each tree more space to grow bigger and better. Applicant stated that Casey's likes to keep the corner (of the property) more open and put more shrubs in where the sign is. So, if you take the street frontage and divide by 40 then you get more trees in a shorter distance where they're trying to open up the corner so that people can see the prices (on the sign).

Chairman Jordan asked the applicant how many feet roughly, would the trees be back from the corner where the sign is. Applicant stated normally 50' to 75' feet, so there will be more trees that are spaced a little closer together as they go to the north and the West.

Commissioner Sutherland stated that our current code allows for 45 square feet of sign face and asked applicant why they need 90' of sign face. Applicant stated that they are doing a pylon sign that is 25' tall to make it visible from the street. The sign will have an 81' sign face. Commissioner Sutherland stated that they could get by with a smaller size (sign face). Applicant said they would go with a monument sign if the square footage of the sign was reduced by the Commission. Commissioner Sutherland stated that lighting pollution is a big issue for some commissioners, including him. He stated that when you put a 9 x 9 sign up it's a lot larger light source than the 45' sign size (per code) which he sees as sufficient.

Commissioner Sutherland stated that he was in Casey's business and had to change signs to meet sign codes all over the country. Commissioner Sutherland asked if it (the change in sign size) is a deal breaker. Applicant stated he would have to ask Casey's.

Commissioner Sutherland asked what would be put beside the tree in that 50' (space). Applicant said there will be shrubs per the landscaping plan but a landscaping plan was not required for the PUD case.

Commissioner Sutherland stated a PUD is being created on one side and on the other side the Commission is looking at a "bunch of variances" on the other side- both happening at the same time. The Secretary confirmed that the PUD is asking for relief in the specific areas included in the packet. Secretary confirmed that in the absence of asking for specific relief the applicant is required to follow the codes. In the current case, the applicant is only asking for relief on the planting distance of trees. The landscape plan will be reviewed at the time of building permit to ensure compliance with code.

Commissioner Sutherland asked for clarification on the paving parking and paving setbacks (relief requests) and an explanation for those. Applicant stated that there are shared drives and access easements and based on the code the distance from property lines wouldn't be allowed because the drive is crossing property lines. Where drives cross the property lines that technically wouldn't be allowed. The drive is coming between the two lots, so the lot line splits the access opening which violates the parking setback in the code. Commissioner Sutherland asked the applicant if this was a problem with the code and he confirmed "yes".

Commissioner Sutherland observed a 20' to 25' variable along east 53rd street north street frontage. It looks like a driveway 20' from the right of way- is that correct? Applicant stated that on a portion of Webb it is greater than 20 feet. On 53rd street it does get tight, but there is a lot of right of way in that area. Applicant said there is roughly 20' on the west end and then it narrows down to 5' for a short distance. At the intersection there is more grass area where the sign is. Commissioner Sutherland asked that if the 5' area is where there is proposed curbing and applicant confirmed "yes". Commissioner Sutherland asked why the whole store couldn't be moved north and applicant said that they would be taking away from the parcel on the north which is getting smaller and harder to develop for the seller.

Commissioner Sutherland asked what would be behind the store and the applicant said it would be green space. Commissioner Sutherland said that is where he would like to see more trees and stuff to block the back of the gas station C store. That area can be ugly, and you need a lot of screening in that area.

Chairman Jordan stated that he would like to see a landscaping plan so when reviewing the relief request he could see what other landscaping may be going in between the spacing of the trees. Relief from tree frequency and distance is just words and there is nothing to go along with that. Secretary confirmed if the Chairman wants to know what the rest of the landscape code is, which has been provided to the Commission. Moving forward additional

language is needed for clarification, but he asked if the current relief is to expand the distance of the trees by 10' and if the other landscaping requirements will be met. Secretary confirmed that Bel Aire has extensive landscaping requirements that many other cities do not. The applicant is not required to submit a full landscaping plan except at building permit time. That doesn't mean we can't provide a sheet because they're not asking for relief from any other codes. The applicant is required to have perimeter screening. The only relief being requested is the distance of the trees and the façade landscaping, which typically is not found at the main entrance of a convenience store.

Chairman Jordan said he didn't have an issue with the 50' (distance of trees) because for the roots and dripline it is a good thing.

Commissioner Roths wanted to talk about the landscaping perimeter to understand how it would look for the houses. Commissioner Mackey had the same concern for the person who owns a house west of the Casey's what they would see. Secretary pointed to the map and said that there are several lots between the back of Casey's and the houses. The housing area and Casey's would have screening. The other lots around Casey's would also have landscaping requirements.

Commissioner Sutherland asked why the lot split is not being done now and the applicant said they were waiting to see what came out of the PUD case.

Commissioner Sutherland asked applicant that if the Commission made them move the whole building 25 feet northwest if they would be able to do the lot split and the applicant stated, "probably not".

Commissioner Sutherland stated that in the PUD the applicant is requesting along the west property line of the parcel to have zero parking and paving setbacks which means there is no area between whatever goes in on lot B in the future. What is developed on parcel B they can put parking straight up to the street and there would be no green space along the edge of that. Applicant stated that along the West side that's going to be the shared drive off of 53rd street so the lot line is going to go up that shared drive. Chairman Jordan stated the concrete completely encompasses the property line- up to, over and continuing past the property line.

Commissioner Sutherland asked if lot B could pave up to the drive and not put in any green space or shrubs. Applicant responded that lot B would also have landscape requirements and buffers, etc. it's just that they are going to have a shared property line in that drive. Commissioner Sutherland believed the note is confusing and needs to be rewritten because the zero lot line along the west property line of parcel B means that they can do whatever they want up to that lot line.

Chairman Jordan clarified that the dashed line shows the common drive and applicant confirmed there would still be landscaping required in the rear yards. Commissioner Sutherland believes this is in conflict with the code. Chairman Jordan stated that the applicant is not asking to alleviate the landscaping, they are just asking to put a concrete driveway over the property line by asking for a zero lot line setback.

Applicant confirmed that they are not asking for landscaping relief and there will still be rear yard landscaping requirements installed.

Commissioner Sutherland referenced another case and stated that the other property submitted a landscape plan and there is not one tree on that entire building and the Commissioner had a meeting a couple months ago and it still didn't get resolved.

Commissioner Sutherland asked if this PUD case was changing the use and Secretary said yes. Commissioner Sutherland stated the applicant was also asking for relief from our zoning code.

Commissioner Sutherland asked about item 6 (staff report)- relative gain to public health safety and welfare as compared to the loss in value or hardship imposed on the applicant. Staff report said the PUD use and zoning relief do not pose a threat to adjacent properties and disapproval of this case will create a hardship for the applicant's development of the subject property. Commissioner Sutherland stated that this statement could be added to every case. Secretary confirmed that statement as a hardship to the applicant and the statement is not instructing the Commission to approve or not approve the case.

Commissioner Sutherland asked if everything in the PUD isn't approve would Casey's not build and the applicant responded "potentially".

Chairman Jordan moved on to public comments. Chairman Jordan welcomed everyone interested in this agenda item to come up to the podium and give their name and address. Please limit your comments to five minutes. Chairman Jordan stated that there is nobody in the audience so we will move on to written communications. Chairman Jordan asked if any written communications had been received by the Commission. Chairman Jordan said let the record show that all Commissioners said "no". Secretary stated that staff did not receive any written communications.

Chairman Jordan asked if the applicant has any further responses to the public comment and the applicant said "no". Chairman Jordan asked if there were any questions for the applicant from Commissioners or City staff.

Chairman Jordan stated hearing no further comments, he closed the public portion of the hearing and said there will be no further public comments unless the Commission wishes to ask questions to clarify information.

Chairman Jordan said that the Planning Commission will now deliberate the request. There are Golden Factors and any other factors brought forward tonight which the Commission must consider in order to make findings, and ultimately a recommendation.

Secretary stated that she received an e-mail from Vice-Chairman Faber who was unable to attend the meeting. Vice-Chairman Faber asked staff to confirm on the record that the application fee had been received, and the Secretary confirmed it had been. Vice-Chairman

Faber requested that in Condition 2 that it be reworded so both a photometric plan and a landscape plan are required prior to building permit which the Secretary confirmed would be required and evaluated before the building permit is issued. Secretary stated the reason why condition 2 is listed is because the text appeared on the PUD drawing, but both plans have to be submitted. Vice-Chairman asked whether any landscape buffer will be required along the West and north property lines where setbacks dropped from 20 feet to zero next to the R 5 development and the Secretary confirmed the landscape code requires this except for what is being asked for relief. Secretary confirmed that the applicant is not asking for relief on any of the perimeter landscaping. Vice-Chairman Faber asked out removing the C-1 language from

Parcel B under condition 3, goes beyond the scope of the July 23<sup>rd</sup> published notice. The Secretary stated that the C-2 zoning district is required because this is a PUD case and the case will include C-1 uses in addition to the requested use (convenience store and gas station). Vice-Chairman asked if Rural Water District Number 1 was consulted about the underground fuel storage tanks and access reviewed at 53rd and Webb and the Secretary confirmed that the rural water district was provided formal notification, but staff received no comment back. Secretary confirmed that when construction plans are developed for the building permit application the underground storage tanks must follow building codes.

Commissioner Roths asked if rural water would be providing water and staff responded that water would be provided by the City of Wichita. Commissioner Roths stated that this (the project) will be a nice addition and she is very pleased to see this happen. Commissioner Mackey agreed and thinks it fits in well with the comprehensive plan and getting more businesses in the area. Many residents will have access to a gas station in that location. Commissioner Koehler agreed and stated that Casey's is a pretty decent neighbor to have and agreed that the requests (in the PUD) are reasonable.

Chairman Jordan agreed with the other Commissioners. Chairman Jordan stated that it's a good use and is a good neighbor to the surrounding zonings. For those reasons, Chairman Jordan agreed with the case and all the golden factor information in the staff report.

Commissioner Sutherland stated that he didn't have any problem with the PUD changing the use to C-2 and thought it's a great thing to do. Commissioner Sutherland feels the sign is too big for the area. Commissioner Sutherland said he believed a landscape plan was needed.

Commission Sutherland stated that there is a plan (unknown) and whoever is supposed to enforce it isn't. If the plan says it will have trees and the building is built and for sale but doesn't have trees. Commissioner Sutherland believes the landscaping plan should be reviewed and approved by Commission and the next step is enforcement. Commissioner Sutherland thinks that anytime the Commission is asked for variance relief from landscaping there should be a plan to say what will be done and what's not going to be done.

Commissioner Sutherland reiterated the hardship statement (in the staff report) that it could be included on every request, and he wants it to be a little bit better by having some definition or some meat behind that. Commissioner Sutherland did not agree with the staff analysis of this. Chairman Jordan confirmed that the Commission does have the right to not agree.

Commissioner Sutherland made the motion to approve PUD-26-03 to change from a C-1 neighborhood commercial office and retail district to a C-2 planned unit development commercial office and retail that allows for retail convenience stores and fueling stations-until such time that we can get a landscape plan for the entire facility (not approve relief request).

Chairman Jordan stated that he didn't disagree with the fact that it would be nice (to have a landscape plan), but then he realized they're (Casey's) not asking for anything to be excused or relieved and the landscaping plan is already per code other than the spacing of the trees. Since that's the only thing they're (Casey's) asking relief on, he didn't know that it was necessary to have a landscape plan to approve the case.

Commissioner Sutherland stated they are asking for several items including the building façade landscaping. Commissioner Sutherland said that if that landscaping (building facade) is being taken away then the landscaping should go somewhere else. Commissioner Sutherland doesn't think the city should be in the habit of just giving up stuff.

Chairman Jordan asked if Commissioner Sutherland was going to mention something in his motion about the sign size. Commissioner Sutherland made a motion to approve PUD-26-03 use change from C-1 neighborhood commercial office and retail district to C-2 planned unit development commercial office and retail, with the caveat that they (applicant) meet the 45' square sign and they submit a landscaping plan before we approve any of the other exceptions.

Commissioner Mackey stated that this isn't a motion to approve but sounds like a motion to table by asking the applicant to come back with information. City Attorney confirmed that this is a motion with a condition and would need a second. Commissioner Sutherland stated he agrees with the change the current zoning, but he couldn't agree with any of the relief requests until there is a landscape plan. Commissioner Roths asked if the Commission was voting on what it says- a motion to approve the PUD?

City Attorney stated that Commissioner Sutherland made a motion and wanted to add a condition. If there is a second, there could be a discussion or vote. If there is not a second it would die. Commissioner Koehler confirmed that without a second the motion dies for lack of a second.

Chairman Jordan commented that when you have a 45' sign face in the air 25' it would be pretty small. Commissioner Koehler added that in addition traffic is going 55 mph. Commissioner Koehler stated that the Commission should not be discussing anything because once you have a motion you have to have a second before discussion can occur.

Chairman Jordan asked if there was a second to Commissioner Sutherland's motion. Chairman Jordan confirmed there is no second and the motion dies.

Chairman Jordan commented that the sign size is an appropriate size for 25 foot in the air and going by fast (traffic). Commissioner Sutherland stated that a monument sign is at eye level and much better sign for a driving going 55 mph and they don't have to look up. Commissioner Sutherland stated the applicant said they might consider going with a monument sign and applicant said "yes".

City Attorney stated that instead of going back to the applicant it might be time for a motion.

Commissioner Koehler moved to approve PUD-26-03 as requested by the applicant. Commissioner Roths seconded the motion. Chairman Jordan acknowledged the motion and second and asked if there is any discussion.

Commissioner Mackey concurred with Chairman Jordan's thoughts on the sign. Commissioner Mackey said, in most cases, multiple gas prices listed on the sign and driving 55 miles an hour you can see them farther away half the time to read them while you're trying to deal with traffic. Commissioner Mackey was fine with the signage. Commissioner Roths and Chairman Jordan agreed.

Chairman Jordan asked for any other discussion and hearing none called for a vote. Motion passed 4-1 with the dissenting vote from Commissioner Sutherland.

Secretary asked if there are any specific items they wanted to point out related to the golden factors and Chairman Jordan confirmed he agreed with all of them.

Chairman Jordan stated the case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration. Protest petitions against the case may be received by the city clerk 14 days after tonight, Thursday August 27th, 2026, at 4:30 PM. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the city and not counting the public street right of ways or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of City Council.

Commissioner Sutherland stated why he voted not to approve. Number 4 (on the staff report)- extent to which removal of these restrictions will detrimentally affect nearby property. Commissioner Sutherland felt the Commission was beginning to set a new precedence by not getting a good landscaping plan before we approve a bunch of variances. Number 6 (on the staff report)- the disapproval of this case will create a hardship for the applicants' development of the subject property. Commissioner Sutherland disagrees that a few minor changes should not cause a hardship and that once again is a bad precedence.

Chairman Jordan asked if a landscape plan was a requirement for the application and the Secretary stated “no”. Chairman Jordan stated that if that is needed then the code would need to change.

**Motion: Commissioner Koehler** moved to approve PUD-26-03 as requested by the applicant. Commissioner Roths seconded the motion. ***Motion carries 4-1.***

Commissioner Sutherland was the dissenting vote.

**B. Annexation Process- Maria Shrock, City Attorney**

Secretary stated that this item was delayed because various commissioners were not in attendance. It was previously requested that Commissioner Roths and Commissioner Matzek be in attendance, however, Commissioner Matzek is absent. Secretary asked if the item should be moved to another commission meeting or if they wanted the presentation tonight. Commissioners agreed to move it to the next meeting.

**Action:** No action required; for discussion only

**C. City of Goddard- Resolution for Duplexes and Twin Homes**

Commissioner Roths stated the information was very interesting to read and is key information that helps the Commission understand what we will be doing as far as zoning in the future. Commissioner Roths said that once the Commission gets into the actual zoning that's when this (article in packet on this item) will become important. Commissioner Roths recommend that the Commission put it away, file it, save it for the future and that we not beat it to death right now.

Secretary confirmed that the next workshop is September 8<sup>th</sup> and the zoning district and uses will be presented since that (information) is the foundation that sets everything else.

Commissioner Sutherland said he thinks it (the information) is good, urgent and would be a good topic for the Commission to meet with PEC on without the City Council there. Commissioner Sutherland thought it is really important to think about what Goddard did for here (Bel Aire). Commissioner Sutherland wanted a workshop with PEC and not bring it up during the meeting on the 8<sup>th</sup> because it might get lost in the shuffle.

City Manager responded that the City Council would need to be part of this discussion if we were to recommend this type of regulation on duplexes. City Attorney confirmed because they (governing body) will ultimately be making the decision. City Manager said it makes more sense to include the City Council but stated that he would ask PEC what they think of that process because they are leading the process. City Manager was happy to inquire with PEC (about the workshop/process).

Commissioner Mackey said that based on what was said on Tuesday, they (PEC) said we would be talking about rocks (big items) first and then pebbles (medium things) and then sand (other required information). Commissioner Mackey didn't think this should be at the next workshop because the big rocks will be talked about first.

Secretary stated that there is also SB418, a new state law, that needs to be talked about related to the definition of single family homes including duplexes. Staff is reviewing this and determining how to interpret because there are other codes that may be affected. Also, another City may have different interpretations of what can be done under the new law, and we are trying to make an interpretation that's appropriate for the organization and understand what the risk of one interpretation is over another. What Goddard has done is a good discussion point we (Bel Aire) just need to make sure that however this new law is interpreted that we understand our risk.

Commissioner Mackey stated that there may need to be a special session just on this (items from the Goddard information) since it's the number one concern. Commissioner Mackey thought the City Council should be at the session. He stated that just as Maria talked about, we (organization) could be on thin ice very quickly with the state. We (organization) need to be very careful about creative ways to address the real issues without getting ourselves into legal issues so that whatever we put in a code ultimately would stand up if it was ever challenged. Commissioner Mackey thinks that Goddard may find themselves in trouble with what they've done and that it's a big enough issue that it probably deserves a separate session.

Commissioner Koehler likes the idea of having a session specific to this and agreed that it would need to include the City Council because they're going to have the same session anyway. Commissioner Koehler wanted everyone to hear the same thing including our (Commission) discussion, thoughts and input. Rather than trying to read it a workshop allows the Commission to be heard and the Commission to hear what they (Council) are thinking. There will also be more input on what the statutes allow and disallow.

Chairman Jordan stated that the statutes have a lot to do with just expediting the processes and he believes there is a lot of reading into trying to not exclude certain types of housing. Chairman Jordan thinks it's (the law) primarily about expediting housing and it's not about being sensitive about exclusions. Chairman Jordan stated that there are at least four workshops scheduled and he didn't support having one for the Commission because it needs to be the Commission and the City Council for efficiency.

Commissioner Sutherland said that this (what Goddard did) is the Commission's rocks and it's not the City Council's rocks and the Commission needs to fully understand. Meeting with PEC is a good way to do that. Commissioner Sutherland stated that the other night (City Council Workshop) that the mayor, rightfully so, is worried about time. Sometimes if an item is important enough, you've got to spend the time to do it and that's where we have our rock meeting on this. The Commission can go over the new law, which is to speed

it up (the process) and it limits the number of acres it can be done on. Commissioner Sutherland said you can't take a thirty acre plot and do them all in that, that's not what the bill says. Commissioner Sutherland said that is why he's asking for that (workshop with PEC) so the Commission can have time to interact with PEC and ask questions. Commissioner Sutherland said that he didn't get the feeling that City Council wants to deal with the Commission's rocks- they want to deal with their rocks.

Commissioner Mackey said he thought the City Council hears these complaints. City Manager responded about the schedule (during the Workshop) and said that a budget has to be passed at the end of September so the zoning code updates were behind that item, since it was an introductory workshop. City Manager confirmed that the next 3 workshops will probably not have another agenda item to allow for discussion. Commissioner Koehler stated this is a big item, and a focused meeting would be needed.

Commissioner Sutherland stated that this is the Commission's rock and the Commission is the foundation "folks" and here to advise City Council on what they should do. In this case, the Commission has to fully understand this better. The other night (City Council Workshop) it was brought up as a perception problem. Commissioner Sutherland stated that from 2021 to 2025 there were 330 duplexes built and 303 single family homes- 52% of the homes built in Bel Aire from 2021 to 2025 were duplexes- that is not a perception. Commissioner Mackey agreed that this is rocks for the Commission.

Commissioner Sutherland said this is a foundation that has to be right because we're going to get one chance. Commissioner Sutherland said that comparing what Goddard did and the law there are about eight points and Goddard touches on every one of them. Goddard limits no more than 40% of a development can be duplexes and they are ahead of the game. Commissioner Sutherland wanted to get ahead and that's why PEC can provide good ideas of what other planning commissions in Kansas are doing because they work with them. Commissioner Sutherland said he had a conversation with Ty Masterson. Commissioner Sutherland said that he (Ty Masterson) said he didn't want cities to build thousands of these homes, but they just want a few and we (the state) wants to speed the process up where it doesn't have to go through all this stuff. They (the state) are putting a shortcut in for a very limited amount of homes.

City Manager confirmed that the Commission's comments are heard and said that the zoning code updates will be the only item on the workshop agenda. This will allow more time for discussion. As we move forward into this process, staff will make sure to spend the appropriate time on this issue. City Manager stated that he thought at the workshop it was loud and clear that this is a big issue and Lance heard that.

Commissioner Roths stated that time is the key aspect and we need time to figure out what's happening with the state laws, to gather information and to see what PEC says. Commissioner Roths said that we can't plan a workshop in November right now and the Commission should take it slow. Chairman Jordan suggested seeing where we are at the end

of the third workshop to see if we need to have a separate workshop for three hours because he thinks the City Council should be there too. Commissioner Sutherland didn't think the Council would want to do that, and Commissioner Jordan said he didn't care- they could leave early if they wanted to.

Secretary said she would look at the details of each workshop and what the content is, so we are a little bit clear. The workshops have not been designed to write the regulations in a meeting. The presentation of the zoning districts and uses will be presented and then there will be a discussion about what you want to do and what you agree with it. Some of what is presented may follow current code language or include language to bring it up to current standards. Information is designed to be developed and then brought back for review. The Planning Commission is the recommendation body for the City Council, but the City Council does provide direction. Staff wants to make sure that before a lot of work is put into developing information that the City Council is involved. The Planning Commission should make recommendations. Secretary stated that each workshop has a very clear agenda and staff will review so see where this topic might fall. In addition, PEC has a very limited scope of work based on budget, so every single regulation is not going to get rewritten under this scope of work. For example, if design standards are requested that would require PEC's work be expanded. Secretary will confirm with PEC how to have the discussion and where this particular element might fit in. At the workshop this was identified as a concern and we will ensure what may be required for writing a new section of code.

Commissioner Mackey suggested that to streamline the process have PEC come back with several ideas or approaches because they have heard the concern multiple times that it's not necessarily duplexes but the lack of variety. PEC could come with some suggestions and possible ways to address the issue that would stand up to legal scrutiny. Commissioner Mackey said that the city may need to go back and expand the scope of work because this is the number one issue.

City Manager said that if the majority of City Council members approve the expanded work than yes. The City Manager asked the Commission to let the process play out a little bit and have the discussion (on this topic) at the next workshop.

Commissioner Sutherland stated that this has to be addressed because developers are going to start flooding in and where they were going to build ten houses they can now build fourteen. Commissioner Sutherland said that we (the city) has do something like this (what Goddard did) and we don't have the luxury of time. Commissioner Sutherland thought that the Commission could put together 6-10 bullet points that we want to see from PEC and have a discussion with PEC asking if the city can do this. Commissioner Sutherland said you have to have a meeting to discuss because having a meeting with 20 people you would never get anything done and then you could wait and wait and then it's too late.

Commissioner Sutherland firmly believed that a workshop needed to be scheduled in the next 60 days with PEC and the Commission to talk about it because there will not be time during a zoning review.

**Action:** No action required; for discussion only

**D. Overview of Draft Short-Term Rental Regulations**

Commissioner Roths said she saw this item as similar to the Goddard item- there is nothing we do at this point.

The Secretary said this item is just an introduction to the Planning Commission to provide some background and provide the direction it's going. There is working language being developed but it's going to take a little more time to review. The information provided is preliminary and doesn't need to be reviewed in detail. Secretary stated that in August 2025, the city received an initial complaint that brought to light short term rental properties were expanding in Bel Aire. The City does not have a specific short term rental process in our code but the use of a single family home for a short term rental would require the owner to file a special use case. The Council was asked how they would like to address short term rentals, whether they wanted to allow them in the City and did we want to regulate them and how. The consensus among the Council was that they did want to allow them with regulations. There were two workshops' sessions with the Council to receive feedback and as a result, staff drafted language. Initially, the short term rental regulations from Wichita were introduced and Council asked staff to do additional research from other cities. The Secretary stated that the document and staff report is an overview of what we learned. Some of the main topics or sections that is in this working preliminary draft of the STR regulations is best practice, research from many other communities in the state, and feedback and concerns from the council. The Council wants the short term rental regulation process to be administrative rather than every property owner to file a special use case. The draft document is a working document it is not in final ordinance format. Revisions are still going to be made, and staff are working on them. Everything in the document may not remain and there are land use considerations in the document- for example, where short term rentals are allowed have to be included in the zoning district (sections) of the code. There will also be a procedural process related to the permitting or licensing of the short term rental property. The document will have to marry other sections of the zoning code. Secretary wanted the Commission to be aware of it because it will come before you at some point.

Commissioner Sutherland asked if each Commissioner could mark up the document and send it to the Secretary so she could merge the comments together for the Commission to talk about. Secretary confirmed that they could. Commissioner Sutherland said he thinks that's what the Commission should do and staff provide a deadline. Secretary agreed to send a Word version of the document to the Commission.

Commissioner Sutherland asked about the priority of short term rentals vs. the duplex discussion. City Manager stated that the short term rental and zoning code are tied together and will be done in the code update timeframe.

Commissioner Mackey asked if short term rentals are done if they would become an additional permitted use in the zoning code. Secretary confirmed that some sections of the code may have added language about permitted uses to prevent a zoning case to be filed. In addition, there is a lot of administrative items in the short term rental document. Secretary stated that staff is sorting out what's in short term rental regulations would affect the zoning regulations because land uses have to be addressed.

**Action:** No action required; for discussion only

## **VII. Approval of the Next Planning Commission Meeting Date.**

**Motion:** Chairman Jordan moved to approve the date of the next meeting as September 10, 2026, at 6:30 PM. Commissioner Roths seconded the motion. ***Motion carried 5-0.***

## **VIII. Current Events**

### **A. Upcoming Agenda Items:**

- a. Zoning Case for newly annexed property

Secretary stated that there will be a zoning case for a newly annexed property in October. Secretary stated that Commissioner Faber has requested an agenda item for the September meeting to discuss the bylaws. Commissioner Faber submitted a document with ideas for updates and wanted to initially talk about Bylaw ideas. Secretary stated that this is not a requirement to complete by the end of the year. Commissioners agreed to put item on the agenda.

Commissioner Roths asked about where the newly annexed property was located and Secretary said 53rd and west of Greenwich, North of the Sunflower Commerce Park 2<sup>nd</sup> Addition. Property was annexed in at the request of the owner. Property is currently zoned agricultural.

### **B. Upcoming Events:**

- a. City offices closed for Labor Day, Monday, September 7, 2026
- b. Curbside Clean-Up, Saturday, October 3, 2026
- c. Fall Festival, Saturday, October 17, 2026

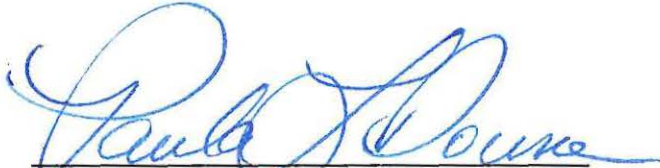
## **IX. Adjournment**

**Motion:** Chairman Jordan moved to adjourn the meeting. Commissioner Koehler seconded the motion. ***Motion carried 5-0.***

Approved by the Bel Aire Planning Commission the 10th day of September 2026.

  
Phillip Jordan, Chairman

ATTEST:

  
Paula L. Downs, Secretary