



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
June 11, 2026, 6:30 PM



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

II. **Roll Call**

Chairman Phillip Jordan, Vice Chairman Deryk Faber and Board Members Brian Mackey and Paul Matzek were present in person.

Board Members Dee Roths and John Sutherland 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.**

Secretary stated that Commissioner Matzek reached out and stated that his name was spelled wrong in the roll call section of the meeting minutes and needed to be updated. Secretary stated that the signed version of the minutes are corrected but Commissioner's will want include in their motion the update to Commissioner Matzek's name will be made.

Motion: Commissioner Mackey moved to approve the minutes of the May 14, 2026, meeting with the revision of Commissioner Matzek's name as presented by city staff. Vice-Chairman Faber seconded the motion. ***Motion carried 4-0.***

V. **Announcements**

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

Secretary stated that there will be a Board of Zoning Appeals meeting following the adjournment of the planning commission to approve meeting minutes. There are no cases on the Board of Zoning Appeals agenda.

B. Update on April 9, 2026, meeting minutes- addition of dissenting vote note

Secretary stated that the April 9, 2026, meeting minutes were updated. The Secretary added a note in the April minutes that stated that a case did have a dissenting vote and who had the dissenting vote. When you see the formally approved and posted meeting minutes, you will see that we did include the dissenting vote, even though there was not a roll call vote.

V. Planning Commission Business

A. Planning Commission Training- Roles, Scope and Limitations of the Planning Commission and Defining Areas of Discussion and Review- Lance Onstott, PEC

Secretary shared that the City is in the process of starting the update of the zoning codes. We want to make sure that as we are updating the codes the Commission has some preliminary foundational information.

Commission has asked questions like- can we do this or are we supposed to be talking about this? We wanted you to understand what the roles and responsibilities of the Commission are. We invited someone here to talk about this, and we hope you use this time to ask questions for better understanding. Lance Onstott from PEC is here to provide this information. He works not only with us and helping analyze some of the cases, but they also serve as planners for other cities across the state. You often will ask how other communities handle things and Lance can provide a broader perspective. Later in the meeting you will receive additional information about how we will move forward with updating the zoning regulations. Lance is going to provide a basic overview of roles and responsibilities, and you can ask questions.

Lance Onstott, Professional Engineering Consultant (PEC). The intention this evening is to set the stage, primarily a refresher, because we deal with planning and zoning, state statutes, zoning codes, subdivision codes, and other kinds of codes. We know that the Planning Commission does as much as you can, but it's not your day job. We will talk a little bit about the roles and responsibilities of the Planning Commission and maybe add a little bit of nuance and context.

We wanted to have a refresher before starting to rewrite the zoning regulations. There tends to be a lot of planning and zoning and development-related things in the news all of the time, whether it's in Wichita or whether it's here or in another community. Nothing is black and white, no matter how much you want it to be in a zoning code or a subdivision code.

If there's anything that you've been wanting to ask or that you don't understand whether I cover it here or it's something that happened at a previous Planning Commission meeting, the Board of Zoning Appeals meeting, or something you've heard about, please ask.

In addition to serving as on-call planners to 14 municipalities throughout Kansas and Oklahoma, we see a lot of how development works from the city side across a lot of different jurisdictions.

Every jurisdiction, every city, every Planning Commission, every city employee, every elected body, every group of residents are all different and unique in their own way. The PEC team also work for developers and property owners. We see planning from both the municipal perspective of reviewing a case and from the other side of developing and submitting a case. We know what good municipal practice is and also recognize not so good practices.

We are going to briefly talk about planning 101. I think a common misconception that we see a lot of times is that we use the words planning and zoning as synonyms or interchangeably, and to a large extent we kind of just group them, but there is a difference between planning and zoning.

What is planning? What is zoning? The staff's and Planning Commission's jobs is primarily focused on the growth and development of the City of Bel Aire. The goal is to avoid inefficiencies; approving a development that prevents future development from happening; approving a development that's going to detrimentally impact the ability for existing or future residents to have a reliable source of water; or to avoid approving a development that's going to have evidence, factual-based detriments onto others. At a very high level, that is utilities, public services, emergency response, parks, recreation and not just water, sewer, streets.

Everything that the city provides to its residents, we are oftentimes, the front line of being able to establish whether or not something is going to be a net positive or a net negative for the community as a whole. This is a tough challenge to handle when you're talking about an accessory structure in someone's backyard. We are trying to make the communities we live in better and safer. We want to increase the quality of life, whether that's physically, socially, mentally, fiscally, all the different dynamics and dimensions of life. Hopefully we're making decisions that's not only better to the residents in our community, but also spurs business, innovation, and economic development. Those are our goals, our ambitions, and what we do.

As planners and planning commissioners, what are we not supposed to be doing? As a planner or Planning Commission we should not be evaluating based on what we personally prefer or don't prefer. We are not here to legislate or adjudicate lifestyle choices. Saying something like "I will never live in that style of house" doesn't have a place in our role. We can't ensure that a business is successful even when everything is in place to make a business want to be here. We can't always solve complex issues. There are a lot of historical things that have been done by planners that have resulted in negative social impacts. We hope that we're not making social issues worse, but our sole purpose isn't to solve social issues.

The Planning Commission has probably heard during case review and public comments that there will be more traffic- that always comes up, and it's a real consideration. Just because something increases the amount of traffic doesn't necessarily mean that it's a detriment. We are not going to solve, through our land use policies and decisions, congestion and traffic. We have to take it into consideration, but that's not our primary focus.

We're not here to talk about architectural styles. However, state statute does allow for cities to regulate architectural or aesthetics, but it must be in the code. Bel Aire does not have that in its code. Commissions will talk about what a house is going to look like, or what the business

façade is going to look like and ask questions. However, this is not something that we should be using as justification to approve, deny, or recommend approval or denial of case. Bel Aire could, and plenty of communities do, regulate architectural design. Bel Aire does have some aesthetic exceptions, like landscaping standards.

Commissions do not enforce building construction standards and should not consider that during zoning cases. Building codes are life-safety considerations and those considerations are for another department. Commission's purview are zoning codes. Building codes are good information, but nothing that should be referenced as a rationale for making a planning commission recommendation or decision.

Commissioner Mackey stated that the Commission had a lot of discussion when we split (lot split) duplexes and there was a discussion about a shared wall agreement and the thickness of the wall. That kind of went into building code a little bit. They (developer) did the split (lot split) unknowingly to the city. We allowed them an exception since it was already out there- I remember that. That was a weird one because it was an exceptional circumstance, right? Maria Schrock, City Attorney, stated yes, the planning commission did make an exception. There was a comment made by city staff at the time that something had not been completed or had not been done and that is what was forwarded to council.

When you have a conversation during a meeting related to a case, if you can articulate the reason why you're either voting for or against something, it still can become part of the record and part of the decision. And in that instance, the council had an extensive concern about the property line being at the center of a wall of a duplex and the concern that tenants may not understand what happens on one side could affect what happens on the other side. In the split (lot split) case, the city provided them (the applicant) a template, not a requirement, to have a shared wall because there was enough concern by the Council that they required it.

Maria further explained that the Council were talking about the general safety of the citizens, and that's where the concern originated from. The original comment of a city staff saying they did not think that something had been completely complied with. Lance stated that he had been part of cases where it's not overly necessary, but the commission or council makes a recommendation of approval per final inspection for compliance with building code, which should happen anyway. The Commission cannot have a conversation about building codes. Generally, nothing should be approved that's not in compliance with building code because there is another process that should manage building code issues.

As an example, the Commission may have a case where you approve something for a use perspective, it would also have to conform to a building code if changes were being made to the structure. The Commission might allow something from a zoning perspective, however, relief from a building code or building requirements is a different process. It's important not to confuse those things. A lot of times the Commission will get cases that were prompted because somebody filed a building permit. The permit is reviewed for zoning issues prior to approval. If zoning regulations are met the permit is issued, if not, a zoning case is required.

During the permit process, if the city is inspecting and something goes wrong, then we can issue stop work orders. Many times, you will see a zoning case often get prompted because they filed a building permit and then they can't do it from a zoning perspective. We also will ensure that the applicant for the zoning case knows that zoning is one aspect of issuing the permit, they also must meet all building codes. The Commission is only weighing in on the case based on the case application, documentation, and staff report. That's what should be discussed for an approval. Contractors will know that they can't build because a building permit will not be approved until the zoning case is resolved. There would not be anything in a staff report or any documentation presented that relates to building permit, building codes, unless something is absolutely relevant to a case. There may be conversations that occur or a citizen starts talking about too many cars parked on my cul-de-sac or trash wasn't picked up from the house. Anyone can say anything, but the Commission can appreciate hearing the information, but those issues are not involved in the case before the Commission. Citizens would need to call the City and talk to someone else about those issues. It's easy to discuss these types of items, but the Commission should be focused on what the case is, and the documentation presented for that case.

Commission stated that at a recent meeting where the builder already built the structure and it was within the side yard setback. They didn't build it per the codes or subdivision regulations. The applicant wanted us (Board of Zoning Appeals) to give them an exception for a smaller side yard setback. One of the planning commissioners said, "You need 30 inches to clear this air conditioner and now there's not going to be that (clearance) per the residential code." Commission thought it was interesting we can approve it or not approve it, but it still has to meet whatever code we have. In addition, it came up in that meeting that it's a nice code and some cities have that residential code, but we haven't adopted that code. The Commission can simply say we're going to let them do this or we're going to make them move the house. But the code (building), they (someone else) will take care of that. Lance stated that the Commission could review that and say, is the existence of what is within the side setback impeding our planning goals. It has nothing to do whether or not it's built to code (building code). Even if the Commission approved the variance to allow that to encroach or reduce that setback, it still has to meet the building code. So, the building department would say this is a violation and then it would be determined how to address it. Just because the Commission approved it to be in the side setback doesn't mean that it approves violations of another code. The Commission's purview is to look at those variance requirements in your code, debate it from those, and then it is someone else's job to review the building code side of it. This would not be a factor being weighed for approval or disapproval.

Commission stated that maybe three or four times a year, something will come up when we discuss lighting and light pollution. Where does that fall under the architectural styles as far as the Commission's purview. What is the city's code and how much should be taken into account when we're getting these variances brought before us?

Architectural styles- preference about a type of building materials, paint color, number of windows, or door placement are true architectural issues. The city can regulate those if it's in your code, but Bel Aire does not have that in the code. Site lighting and landscaping regulations

are real considerations for the Planning Commissioners when making determinations based on land use, especially land use compatibility. Things like; landscape buffering between adjacent land uses that you might not think are compatible, ensuring that lights aren't trespassing from one property to the other if you have commercial and residential interfacing. Light pollution is something that you can put in your zoning regulations to require certain types of light fixtures and cut off luminaries and other stuff. The Planning Commission has the power, statutorily, to regulate a lot of what I would consider site improvement things or things separate from land use. Examples; is this commercial use here okay? How are you going to develop that site? It just has to be supported by your code. The code has landscaping, lighting, parking and other site development things, but currently no architectural requirements.

Commission asked if when reviewing a preliminary plat is it appropriate to ask about parking lot lighting or sconces on the side of the building. These are things that are prescriptive in the zoning code now. If it's a non-residential lot where a business is going to be it's going to have parking because parking is required. It's going to have lighting in the parking lot because lighting is required. It's going to have landscaping because landscaping is required in the code. The Planning Commission can ask about those things, and the applicant may not know at the time of preliminary plat the specifics, but they will be required to submit those requirements during the building permit. During the building permit process, the plans will be reviewed from a zoning perspective. A preliminary plat is a lot and someone is putting lines on it and as long as the lines create easements and it includes everything required in the code, then it would be difficult to deny the case. If the final plat meets the code requirements then it is difficult to deny. Plats can be approved and development does not occur for many years. If the plat needs to be changed or zoning changes need to happen, those cases would come back to the Planning Commission for approval.

Secretary confirmed that in the staff reports, the Commission will see the code information and what the applicant is asking for relief from. The Planning Commission will see all cases where relief or changes are being requested. Recently there was a case discussion about the caliper of trees. If the relief is not listed in the staff report, they're meeting all the other codes because they are required to. They either follow the code, or they ask for relief from the code. If Commissioners want to ask about lighting you can, however, if it isn't in the application for relief then they are meeting code.

Commission asked if they don't see the specific lighting requirements then who reviews that? Commission wanted to know how to prevent "lights in your face" like at the FedEx building. These lights are "super" bright lights and sconces shining off into the night. When driving by the light is in your eyes and they are "super" bright LED's. Does the code address this? The Secretary stated that she would have to go back and review the plans for this and couldn't provide any specifics. When an applicant is asking for relief the staff report makes it clear what the code is vs. what relief is being asked for. The Commission will then have a discussion about what you want to allow relief on- they can ask for whatever they want but that doesn't mean it will be approved.

Commission stated that there are things in the code that can be enforced but the caliper of trees case was more of a negotiation. The Commission got them (applicant) to agree to increase the caliper of the trees, and they wanted relief for other things, but they were willing to increase the caliper of the trees. Commission asked if they have the freedom to try to negotiate

things from the developers that may not actually be enforceable in the code, but we believe it to be in the best interest of the city. This case the Commission asked them to follow the code. The code required 2 inch caliper trees, and the applicant asked for one inch. The Commission asked them to follow the code and they agreed to it. The Secretary stated that trees have to be installed before they get a certificate of occupancy from the building code side. Landscaping is checked and they have to have the (required) number of trees and bushes and they would have to have lights, parking stalls or they don't get an occupancy certificate.

Commission asked what would happen if they (applicant) asked for relief from the setback and during the conversation they agreed to install more trees than required by code as a concession to get approval of other things. The applicant can ask for whatever they want. This is not really a negotiation but a discussion.

The code is the rule book- these are the only choices the Planning Commission has to "choose from". If it complies with zoning great, if not then city staff will determine if a request requires a variance, special use or conditional use permit. If none of those apply then really there's nothing else to do. If there is no tool for the Planning Commission to say this is what I would like then the applicant is not required to do it. Every city has different codes and abilities. Some may have more enforcement or more authority but ours does not. Commission recalled a meeting where they asked for things not required by code which means there isn't authority to require it.

Another conversation that comes up a lot at Planning Commission is the request for a park or we want you to carve out 3 lots for a green space and we want you to have playground equipment. Each time the developer says they will consider it because in the code it doesn't say if you build 50 homes you have to build a park and put in playground equipment. That doesn't mean it couldn't in the future, but the Commission could not deny a case because they won't put in green space, a park or playground equipment. Overall, if someone is seeking relief on 5 things out of hundreds then the Commission can decide whether they are provided the relief and sometimes you may not approve it. There was an example of a case where a Commission asked the developer to have a variety of lot sizes, and they agreed to do that. Generally, the Commission does have some latitude in working with applicants. There was an example of when a developer came before the Commission, and we (Commission) suggested that they decrease the lot width and that was what was approved. The Commission has made a "compensatory" ask and developers have agreed to compensate for that.

Lance stated that the Commission is hitting on is a very important part of being an effective and legal Planning Commission. These discussions are not compensatory they are conditions. For example, if a developer wants to reduce the side set back to get a building closer to the property line, then the Commission can tie the request to a condition to one of the findings of fact or golden rules. Getting closer to the property line could have detrimental impacts on the adjoining property so the Commission may recommend approval of the variance to reduce this on the condition that 3 extra trees be planted to buffer the close proximity to the neighbor's property line. The Commission would conditionally approve the request for smaller lot sizes on the condition that you vary the lot sizes throughout the development. The recommendation would be to tie or relate conditions back to the golden rules.

Lance stated that in a zoning case the Commission is acting in a quasi-judicial manner which means you are acting as a judge. The Commission is weighing factual based evidence not preference. In the subdivision case you guys are acting administratively you really don't have any room in a plat in a subdivision case to impart anything other than does this meet our adopted subdivision code. Basically, I have the right to plat if I conform with the zoning and subdivision codes and nobody at the city can tell me no. You can tell me no on my zoning case if you relay it back to the factors that are statutorily recommended for us to use as cities. You can't deny the case because you don't like the way I've arranged my lots, or you don't like my lot sizes. The Commission is administrative in nature for subdivision cases. The Planning Commission can say no or yes based on findings of fact on a zoning case. When the Commission asked a developer to include a variety of lot sizes he could have said no. Since they agreed to variety of lot sizes this became a condition of approval and the final plat would need to reflect those various lot sizes before being approved.

Commission believed that if there is something in the zoning code or master plan, that a variety of lot sizes is for the benefit and the health, safety and welfare of the people in the City and it is in the spirit of our code and our master plan. Didn't feel it had anything to do with the golden factors.

Lance stated the golden factors are utilized in a zoning case where the Planning Commission is serving in a quasi-judicial manner. There is some room for conditions for those types of cases. However, not in a subdivision case, which is a plat. In subdivision cases the Commission serves an administrative role. The golden factors does consider the adopted comprehensive plan.

Commission discussed the example of what would happen if someone bought 40 acres and wanted to rezone it to R-2. Lance shared that at that time there would be a conversation about lot sizes because the zoning district sets out requirements and it would be evaluated against compatibility with the adjacent neighborhood. The request would also be reviewed against the comprehensive plan to see if the area calls for this to be a little bit denser of a residential neighborhood or if we want to provide more options than just large lots. This is the time to have that conversation within the zoning case. Once the zoning in place that sets out the district and lot sizes, then when the plat is presented it is reviewed to make sure the lot size condition has been met. If it has, the plat must be approved. The big take away is in the zoning case there is room for lot size conditions, but not in a subdivision (plat) case.

Commission discussed an additional scenario related to duplex development and they asked if a developer comes before the Commission and they want an exception to reduce the lot size so they can increase the number of units that have. Can the Commission approve the case with the condition that no adjacent house is painted the same color because we think that would be important for the character of the neighborhood. It was clarified that paint color is not in the code- there are no design standards currently.

Lance confirmed that the role as planning commissioners is to maintain and update subdivision codes and the zoning codes. If there's something about lights that you want to see different or if you want something in there about architectural controls or standards, then you can direct

staff to investigate, bring you options and make recommendations to actually to change that code. It has to be in code for the Commission and staff to enforce and not to do it on a case by case basis. This provides the ability to really take a driver's seat to push the organization to change the codes in a manner that you want to see. Over the next 6 months we will be rewriting your zoning code, and the Commission will be a major participant. If we want to put something in there that the Commission wants and the council agrees to it then it will be in place. How a parking lot is going to be lit will be clear in the code.

Staff stated that that the golden factors is a really strong mechanism to evaluate cases. No one golden factor is any more important than another and if there is a concern about one factor the case may have a recommendation for approval. Staff does review the comprehensive plan to determine if the case does or doesn't meet the plan. The staff report will provide you information whether the property/zoning fits within the master land use map or not. If the Commission wants to discuss the spirit of the code or other concerns you should and the discussion should clarify why you believe something does or doesn't provide for the public health and welfare. Council has provided reasons why they are voting yes or no and that's fine. Staff will reference the code and what is or isn't in the code.

Lance stated that he has told councils and planning commissions that the only thing that you're limited by is your creativity and how you review the golden factors of the findings of fact. Any discussion could fit into any of the category's one way or another. Staff's job is to provide our professional recommendation and review of all of the factors. We review from a practitioner 's perspective but the Commission are making the decision to approve or disapprove. Staff is helping the Commission make the best decision that you can, so the recommendations are strong.

Commission stated that when the City spends thousands of dollars on a master plan and it says to maximize green space in our subdivisions and then we don't do anything about it, that we should change code that says we can't have homes with no green space. Lance stated that the comprehensive plan was written to say that the city should consider regulatory updates to require this instead of just saying we need more. There are communities that say for subdivision plats that 5% of the subdivided area has to be reserved for green space. Developers know up front and design the development appropriately. The developer knows what and how to invest knowing what the requirement is going to be. It is harder when it becomes arbitrary in the back end. Hopefully the next 6 months as we get started with our first workshop the Commission can talk about reviewing the comprehensive plan to make sure that those things are reflected in our priorities.

Staff stated that if green space is requested, just have to be clear what that means- is it every 50 homes or 5%. If you want playground equipment define if that's one swing or something else. Currently, those specifics are not included in the code. But moving forward if green space is a priority it has to be clear in the code, so we are upfront. Staff recently shared with Council that the code has a lot of ambiguity and had not been updated as things changed. We have a new comprehensive plan, and we should be relying on it to direct us on how to move forward.

There is a lot of work to do on these codes because we just haven't given it the care that it needs. Cases are becoming more complex and if you have the same case asking for the same relief it might be an issue to address in the code. If everybody's coming to us because they want relief from (planting) one tree every 50 feet and they're asking for relief to plant one tree every 40 feet, it may be time to look at the code.

Lance confirmed that many communities are in the same situation. Bel Aire has one person that manages all of this and it's Paula. She's only one person and then she has us to help but rewriting a code and getting everything exactly right that's a lot of work even if you have a big staff. It's (the code) is going to need constant attention, it's never going to be perfect because a lot of times private industry moves a little faster than a municipality, so we take cues from each other and then make updates.

Commissioner Faber reframed and stated that they should think about establishing conditions and not think about it as quid pro quo and be able to tie decisions to the golden factors, which includes the comprehensive plan. The Commission should be knowledgeable about the golden factors and not think about them as an obstacle but as a tool that is embraced. They should be used as the reasoning behind things because if not that's a liability to the city as well as us in case something were to come up.

Lance confirmed that recommendations for approval or denial should be based on the golden factors and they should be referenced. Someone could file a lawsuit based on a decision so the Commission should make a recommendations and decisions based on sound judgment and rational thought and logic. Commission is making a decision to recommend or not recommend. The courts would review the recommendations and discussions to evaluate the decision. The Planning Commission should not act from a place of fear, but the bar is high and it should be high because decisions are being made about people's private property. As staff we want to make sure we are providing you good information and good training because we know it's not your full time job.

Commission asked Maria when it's appropriate to go into an executive session. Should Commission go behind closed doors to "hash things out" and then come back unified on what should be focused on. Can the Commission request an executive session based on conversation that may be a liability because it's on the record and we go behind closed doors to find out? What should we or shouldn't we be saying? What terms should we not be saying and/or stop discussing and go into executive session to limit the liability? If Commissioners are having discussions that we're feeling like we shouldn't be talking about this topic should another Commissioner interject and ask for an executive session?

Staff recalled a recent meeting Maria asked to stop the discussion and go into executive session. Maybe this is a future training conversation where we can talk about examples of what might cause us to go into executive session. If you're concerned you might want to ask the question and Maria can then weigh in.

Maria discussed these examples- If Commission has a question which the zoning administrator could have answered or may have answered in the staff report or there is something about the application- those discussions are recommended to be out in the open in public because we're building that record. If we have to go to the Kansas Supreme Court then they can see what we did. If the Commission needs legal advice about whether we have authority to impose this condition that is appropriate for executive session. Maria reiterated that an executive session is appropriate if legal advice is needed about whether the Commission has authority on something. The Planning Commission is learning a lot of foundational tools and probably doesn't have that confidence yet. It's perfectly appropriate to hash out issues on the record. The Planning Commission doesn't want to give the applicant or general public an appearance that we are entering into some type of negotiation or having ad hoc discussions.

Lance said that he remembers numerous times being asked by planning commissioners if they are allowed to consider this or that. No one expects you to be the experts on everything, but we have a high bar as professionals. Ask questions of staff because they are representing the profession. Staff stated that if there is uncertainty or questions that cannot be answered to your satisfaction then you should table the item. Staff will then come back with clear information to resolve it so that you have the best possible information to make your decisions. The ability to table is often included as a motion option and sometimes it warranted. Council just tabled an item a couple weeks ago because they weren't clear and now it's incumbent upon staff to provide information so they can make a good decision. Staff does not want Commission to feel like they are on the spot regardless of pending deadlines the applicant may have. We need to make sure that the Commission has what they need to make decisions regardless of what deadlines or times constraints that may exist.

The Commission discussed that they recently had a group home case and they wanted to confirm that they are not allowed to consider what type of group home it is. Staff confirmed they are not allowed to ask. In this particular case the applicants included that information in their application. When they filed the application they were aware that the Commission only met once a month and they saw the motion language in the agenda document which showed you could disapprove. The applicant knows when the Council meeting is. They are aware that if the case is tabled then it comes back to a following meeting. There have been requests for special meetings but that is difficult due to schedules. Applicants are very anxious and sometimes they didn't do what they were supposed to do on the front end and that may create an emergency for them regarding deadlines. The Commission's calendar is published with the submission deadlines. In addition, there are publication requirements. The Commission will want to table the case if something is unclear or additional information is needed. Commission must have a good reason to table it, just like when you approve or disapprove.

Lance stated that as a developer's agent he has actually asked for an item to be tabled because the conversation was going somewhere that he didn't like and was not an informed conversation so he encouraged them to table so everyone could be better prepared to have the conversation.

Lance stated that the Commission has three primary tools or things the Commission is responsible for: the zoning regulations, subdivision regulations and the comprehensive plan and/or any other plans the city has (parks master plan, etc.). The Commission may also need to be aware of the K 254 corridor plan. The Commission can factor in all these things, and your job

is to enforce all the plans. Statutorily the Commission is required to produce the comprehensive plan even though it's approved by the governing body. At the highest level the comprehensive plan is the vision and the framework- it is pictures, maps, goals, ambitions and strategies. Every decision you make you should be able to relay back to the Comprehensive Plan. For example, when the police chief is doing staffing projections for the amount of police officers needed, he will hopefully have a basis from the comprehensive plan. When the Parks Department is figuring out which improvements to make they should use the comprehensive plan. The entire city uses it, but it is a big ambition. This is a document that should guide how and what you put into your zoning regulations. The comprehensive plan was completed last year, and the zoning regulations are being done this year and now it's time for us to marry those two together. The zoning code is built to make the comprehensive plan hopefully achievable or make it to where it's actually achieved. So, the bar is very high because the Commission is serving in a quasi-judicial nature when making zoning determination- which are evidence fact based determinations. The conversations is about lot specific or site specific activity- what types of buildings are allowed, where and how close those buildings can be together- the form and function of the city. The current zoning code is not functioning, which makes it very difficult for what we need to do. This needs to be fixed so can reset that foundation. The zoning code maybe had one section that was updated and was copied from another code or another section, and those sections don't really communicate. It is hard to use when the codes conflict with each other.

Commission asked what happens to a plat that was approved three years ago and then the code is updated. Will those cases come back before the Commission if they decide to move forward now and there is a new code or are they "grandfathered in". Staff stated that if the plat was approved 3 years ago and they are going to build exactly how it was approved they can build it with no problem. If they want to ask for relief from something or they are going to do something different, then they have to follow the current code requirements. We will not go back and make a plat that was approved 5 years ago conform as long as the build exactly as approved. But if it's something new then it can only be evaluated against the tools that are in place right now. For example, if your house was destroyed and we changed the maximum height of a building, when you rebuild your house it has to comply with the current building height and not what height your house previously may have been built at. The reason for subdivision regulations is to make sure that we have an orderly development pattern. For example, if someone buys 40 acres and subdivides it into 7000 square foot lots we as the city want to make sure that; the streets are arranged in a way that's going to allow for future development, that the streets are safe to travel on and that water and sewer and drainage are being handled appropriately to not detrimentally impact future development. We are not talking about form and function of structures in the subdivision we're thinking about in a two dimensional manner basically how is this dirt going to become a developed area. Again, aesthetics or where a door may be located in a house, or variation in lot sizes cannot be used to approve or deny a subdivision case. These codes are a bit simpler. The subdivision code will be updated as they need to be to coincide with the zoning codes. A lot of the subdivision code is prescriptive and makes sure that what is submitted is followed. It is a checklist but anything that needs to be updated as we change the zoning code will be updated.

As the codes are updated workshops will be scheduled to involve the Commission and Council in the discussion.

Lance talked generally about the fundamental duties of the Planning Commission is to maintain the comprehensive plan. Staff will be making a presentation or an update to the comprehensive plan annually. It is not the intention to complete the plan and then not look at it or update for 10 years. By statute the Commission is required review it yearly. The Commission reviews various types of zoning cases; rezoning, special uses, conditional uses, variances (Board of Zoning Appeals) operating in a quasi-judicial nature. Your review is largely concentrated around those established golden factors findings of fact, your code and the evidence that's presented to you during the public hearing. When you review subdivision applications you're working in an administrative role so all you're doing is making sure that that drawn preliminary plat or final plat corresponds or conforms with the adopted subdivision regulations. Staff ensures they are in really good shape before they come to you and then you can ask whatever you want to ask but just know that we're approving those 100% of the time if they conform 100% with your subdivision regulations. The Commission is tasked with having the public hearing. The Commission should be reviewing the capital improvement plan when there is a clear plan. Every year the Commission should be looking at the comprehensive plan and the capital improvement plan program, which are the large city expenditures such as road improvements, parks and any big public investments furthering the community. The City Council takes the Commission's recommendations, but they ultimately approve everything. The Commission is the ultimate approver of subdivision cases because the Council accepts the right of ways and the public dedication of streets, etc. In Variance cases, the Board of Zoning Appeals is the final action. Appeals go to district court, and these cases have a separate criterion for approval. When the Commission has questions, reach out to staff for information and clarification. Staff's job is to make sure that the processes are followed and make recommendations that help the Commission and Council make good decisions.

Staff encouraged the Commission to review the agenda packet when it's published and if there are questions or clarifications needed that you reach out prior to the meeting. This allows staff time to update the packet, if needed, or come to the meeting prepared with the information. Staff wants to make sure the Commission has what they need so that a case doesn't have to be tabled. There are things that are going to come up through discussions which is understandable, but if you're looking at the packet ahead of time let staff know if there's anything glaring or if you need more information.

Commissioner Faber asked how far back staff are going to review cases to determine reoccurring requests to inform the zoning code updates and what input is needed from the Commission?

Staff stated that they have several items that they know need to be updated based on best practices. We have figured out where we need to improve and there are some fundamental things that we're going to have to get updated. For example, we have a lot of focus on landscaping in our code. We will have discussions about what direction we want to go- continue with current code or change it. We will look at "uses" in the districts. Council asked if we were going to continue to try to have an exhaustive list of every kind of use and we said it that needed to be reviewed. We allow retail business and then we list 25 businesses. If the business isn't listed on that list then a special use case is required. The lists needs to be reviewed

because there is no way we could think of every type of retail use. Shouldn't care if it's a law office vs. a title company. There are several things that need to be cleaned up including what the Commission sees for special use and conditional use cases. We don't know if we will go back and look at every case that has been reviewed by the Commission, but we have identified several things already. We hope that the workshop discussions will help guide us and set some priorities about things we really want to clean up. There's a lot wrong and we hope to get to a good foundation level. At that point it will be much easier to maintain if we start seeing things shift.

Commission asked if we are going to put something in the code to manage duplexes, so we don't have another duplex subdivision where it is 200 of the exact same floor plans and the exact same paint color. That is something the Commission can discuss or request a change around. We don't currently have design standards so that is another discussion.

Commission discussed the concerns about duplexes and duplexes that look the same and that they have expressed that concern before, but they felt they aren't being heard. There are concerns that there are nice houses and nice divisions and another builder comes along and buys a property next to it and wants to put 200 duplexes next to it. This could affect the character and the quality of the neighborhood. It is driving the prices down of the people that built these half million dollar homes. We (the Commission) all want some type of zoning that prohibits that. Commission further stated that they are also concerned about the housing all looking exactly the same.

Staff stated this is happening in a lot of municipalities in the area. There is discussion about having some sort of architectural standard on specific housing types but not other housing types. There would need to be some discussion about architectural control in the site design section of the code which doesn't exist today. As the codes are updated, this scope of work is not included in the current project. It can be done by expanding the scope of work. The current goal is to get the code to a good foundational place.

Commissioner Jordan stated that what we're (the Commission) saying is we want to be able to definitively limit the number of duplexes because Bel Aire is known as duplex town. Lance stated that he works in a lot of communities and there are far more duplexes being built in other communities than in Bel Aire.

Commissioner Jordan stated, as an example, "I'm making this up to make a point", that if we are going to have a zoning classification that allows either single family or duplexes that's not really, I don't believe, when I hear the Mayor he has the same concern. "I'm tired of having duplexes". Maybe we have language that says you can only have X percentage of duplexes in the subdivision and a certain number have to be single family homes. He (Commissioner Jordan) has heard this from the Planning Commission and heard this from the City Council. They (City Council) want something to change, and I (Commissioner Jordan) agree that we've been talking about this for like 2 or 3 years and nothing ever really moves.

For clarity, the zoning codes aren't designed for preference. The City Council can make the determination which many city councils across the state are starting to have these conversations about a cap on a certain kind of development. There would need to be thorough discussion about how to make changes. If the Commission wants design standards about how

we want duplexes to look that is a different conversation than the development of duplexes. There are a couple of cities in the area that have put design standards in place but only for duplexes. We don't have that in Bel Aire currently.

Commissioner Mackey is interested in duplexes because he thinks it adds to the quality of the neighborhood. Whether it's single family homes or duplexes he doesn't care, he just doesn't want to see 200 of the same floor plans side by side in one subdivision.

Commission gave the example of College Hill having a variety of home styles and there's a mixture of uses and types- four-plexes, duplexes, etc. and you wouldn't even know- this was done well. There are duplexes in Bel Aire that fit perfectly with the rest of the single family homes because they all have the same kind of stone but everyone's a little different. There are ways to do it, and it might not be in the best interest of public health, safety and welfare to have 200 identical structures. Commission was reminded that the current code does not set out design standards to address these concerns.

The reason why there has been no action is because the foundational work to update the zoning code has to be in place first. We have to understand the zoning districts and the desire of the zoning districts and where we want those and other bulk regulation parameters- how high things could be how big lots can be. These are the foundational pieces of the codes and then during the workshops there can be a discussion about what else may need to be written into our zoning code. Some issues may even need a community engagement. Certain types of housing gets built based on codes, economics, demand, cost of construction, etc. If duplexes are limited that doesn't mean they will become single family homes, it might mean no development.

Lance stated that we need work on the regulatory side and update the code but there are other things cities can do to encourage the types of development patterns that are desirable. There are strategies that other cities have implemented that don't require the city to just prohibit or diminish but also encourage what it is that you want to see. That is the conversation we want to get to but currently we want to get the foundational items into the code so those other conversations can take place.

Staff provided an example of diversity of floor plan- a single-family development that had 4 floor plan types, but they strategically determine which lot each type of floor plan could be built so you don't get a whole row of homes the same. There are also ways to have different colored brick or stone to make the same floor plan look different. Commission stated that we could also consider a variety of lot sizes.

Action: No action required; for discussion only

B. Follow-up Information from May 14, 2026, Planning Commission Meeting

Secretary stated there was a discussion at the last meeting about agenda development. The agenda is developed around cases submitted and training topics/information requested from the Commission. There was a request to have a standing discussion item on the agenda for the

Commission to talk about issues. If there are items that the Commission wants to discuss let me know so that I can add the item to the agenda. If there are no agenda items, then I will reach out to the Chair to determine if the meeting should be canceled. I try to bring information back that is requested so we don't fall out of the habit of having a meeting.

At the last meeting the Commission had a discussion about legislation that recently became law and why we (the City) should or should not follow it. Moving forward. I would encourage that conversation about following a law or not should be brought directly to the city manager or elected body vs. having the conversation at the Planning Commission. The legislation discussed was SB 418. Maria is going to provide additional information.

There was a conversation that if someone wants to deviate from the code, they probably should have a really good reason why they want to deviate. There is a reason why codes have processes within them to deviate from is because there is no way we could completely write a code that would address everything. There has to be some opportunity for someone to be heard on a relief request even if it's denied. Cases should be evaluated on facts and findings or golden factors. We want to ensure that we're having a public hearing that's meaningful and a good discussion around the reasons why Commission is either denying or approving cases.

There was discussion and suggestions about data and what kinds of data should be posted on the website. Data projects are big projects so I encourage the Commission to share project ideas that they have with the city manager because he ultimately is the one that allocates resources and decides if projects are appropriate and what should be posted on the website. Once data is posted then it must be maintained. If you have ideas for projects the manager can vet that.

Commissioner Sutherland asked that a building code document from the previous variance case be put into the record. Once the public hearing is closed and if it wasn't part of the decision making or presented in the package or entered into the record at the time, then the document cannot be added after the fact. Information that is read during a meeting would be included in the meeting minutes. The minutes reflect that the document was not entered into the record. Staff made a copy after the last meeting so it could be reviewed for inclusion in the meeting minutes.

Action: No action required; for discussion only

C. Overview of Annexation Process- Maria Schrock, City Attorney

The next three items on the agenda are annexation, SB 418 and written communication. Maria asked if there was something the Commission would like to prioritize. Commissioner Matzek stated that Commissioner Roths wants to hear about the annexation process and since she is not at the meeting, he asked if we could move that to the next meeting. Commissioner Matzek asked if it could be moved to August since he can't attend in July. Secretary will move it to August.

Maria clarified that in the Planning Commission Bylaws it states in order to add things to the agenda any Commissioner can do so by advising the Secretary or her designee no later than the 7th day before the next regular meeting. Items cannot be added the day of the meeting. It is important that everyone has the knowledge of what's going to be discussed. This is in line with the Kansas Open Meeting Act. In fact, the whole purpose of the agenda is to give the public notice of what items are going to be discussed and if it's on the agenda the public may want to attend that meeting and hear what is said. Things that are put on the agenda at the last minute means the public is denied the opportunity of attending the meeting. We are not trying to be challenging it's because of the underlying foundation of the Kansas Open Meetings Act.

The discussion at the last meeting about legislation and about whether or not to follow it- Maria stated that the Planning Commission 's authority comes from statute. Statute is very clear that Planning Commissions are creatures of the statute and whatever the governing entity is we do not have the authority to ignore state statutes and the specific legislation including SB 418. Whether we agree or disagree with it we must comply. Maria stated that there's some disagreement about it and there's many city attorneys that can't even agree to the interpretation of some of these phrases.

Maria further commented on the document requested to be added to the record. When the public hearing takes place that would be the appropriate time to share information. The reason is because during the meeting that is when we are developing a record- that is what the evidence is, those are the findings of fact, and these are the decisions that ultimately the Planning Commission made based upon A, B and C. You may have emails from the community, people take the podium and the applicant answers these questions. That is the time to have that discussion and when that public hearing is closed, then no new evidence comes in. Somebody could claim that we did not follow process, protocol or something in the bylaws. If we want to utilize something and go back and rediscuss it again, we haven't given the public notice of a public hearing.

We haven't even discussed the legal mechanism to bring that back in front of the public. The Commission should share concerns and questions with the zoning administrator and then if zoning administrator cannot provide an answer she will discuss it with me. If I give a response then she gives the response to the planning commission. This is truly the best way. Use staff as your expert and if additional assistance is needed they will talk to PEC or me.

Action: No action required; for discussion only

D. Overview of SB 418 – Maria Schrock, City Attorney

There is new legislation created in April 2026, and it is causing a lot of questions. It is called SB 418 it is also called the buy right housing development act. It was intended to make it easier and faster to build homes in Kansas. How it's going to do that is by limiting the discretionary local government review of planning commissions for specific residential projects Buy right means, under the law, if a housing project complies with the city of Bel Aire 's existing zoning rules and existing land use regulations and all other requirements then the Planning

Commission must approve it. This applies to certain types of housing, which the bill specifically states is single family homes, townhouses, and it specifically identifies accessory dwelling units. If you look at the entirety of the bill it's about streamlining approval timelines and getting houses built. There's a shortage of homes, so they wanted help to provide the developers and builders a streamlined process. If the city staff is so busy with projects they cannot get to that application, SB 418 says that a city may go and hire private third parties to help review those construction documents and help perform any necessary inspections to potentially reduce bottlenecks. There is a theme to streamline and help get these homes built, have an opportunity to own the home, and take possession of that home.

Commission clarified that if the submission meets all of the codes then the Planning Commission won't even see the case. Maria confirmed that was correct. Supporters of SB 418 said that this helps housing shortages and provides faster approvals making this best for everyone. What are the concerns and why did the Kansas league of Kansas municipalities oppose it because it should be within the purview of the Planning Commission for the case to come before them. When there are issues it should be part of the process set by cities and counties. We lose control over some land use decisions, and it even affects individuals who may want to come to the public hearing. If something is going to be approved by right then that individual will not be able to take their part at the podium. What is ultimately happening right now is that cities are developing their processes and objectives and standards as to how they are going to apply SB 418. Many people will be discussing this and talking to each other to determine next steps. One of the most recent legal conferences that I went to we talked about does this affect our Planning Commission for housing developments that qualify as a buy right project because the Planning Commission no longer has that discretionary approval- that discretionary approval is no longer required. That public hearing may no longer be required. Looking at the individual cases, asking questions to the applicant, getting confirmation or clarification and getting additional resources will be done at the review process by the zoning administrator versus in a public hearing. If it's by right and meets all of the zoning requirements then the Planning Commission will not see it.

Commission confirmed that when the application comes into the zoning administrator and zoning administrator does this review and it meets all of the requirements then it would be approved. How is that different from the existing process?

There is some conversation happening around the definitions in SB418. The single family home definition includes duplexes which is a change from our current definition. The same for the townhouse definition. These definitions would need to align in our code. The other topic is the language about a 3000 s.f. minimum lot size and residences that are less than 2,500 s.f. that could change zoning regulations. We are trying to review and get clarity. In addition, the other conversation is the requirement to use the 2018 version of the residential building code. We currently have an item on the Council agenda to approve several updated building codes, including moving to the 2018 IRC.

Although these types of cases will not come before the Planning Commission, you should be aware of this legislation as we update the zoning code. The code may have changes that such as

zoning districts that could allow duplexes to be built anywhere a single-family home is built. As a result, we may not be able to have separate zoning districts because duplexes would be allowed by right. We would not be able to restrict duplex development. We will be updating our codes to reflect state laws.

Commission commented that the legislation forces changes in the code that we don't necessarily like. We have to be in compliance so we will review and ensure our code is accurate. We will be reviewing to see what needs to be done. Commission further commented that it sounds like small/tiny houses are being pushed if the lots are small and the home is under the 2,500 s.f.

SB418 will trigger changes in our codes and processes because the specific development will be administratively approved.

Action: No action required; for discussion only.

E. Overview of Written Communication and Social Media Engagement- Maria Schrock, City Attorney

Maria stated that this topic touches a little bit on the Commission's bylaws where we talk about ex parte contacts. The bylaws states that these types of contacts are discouraged whether it's verbal or written communication outside of a public hearing. Social media is an incredible platform, but I have noticed in one specific case recently in 2026, I believe that a planning commissioner had shared that there were multiple exchanges through either Facebook or texting. I absolutely respect that an individual wants to be responsive to a citizen or a member of the public, but it truly best practice to encourage them to come to the public hearing or provide some type of a statement to the zoning administrator so that it can be shared. The entire point of this, per the bylaws, which is also taken from statute, is that the intent of the Planning Commission is; to hold fair and impartial hearings on all matters, be as transparent as possible to all concerned parties, and to give the public no reason to consider that the commissioners are coming in with decisions already made. Discussions with some parties and not others doesn't ensure fairness. We want to make sure the decisions are legally defensible. Commissioners should avoid those types of contacts, either verbal or written communications, regarding business that will come in front of the Planning Commission. I would encourage the Commission that if someone has an issue, have them come forward and avoid discussing it.

Maria stated that commissioners can comment on topics that would not be Commission business such as a community event, etc.

Commission had an example about their neighbor getting a letter from the city saying they have to have sidewalks installed that weren't there initially. The neighbor was upset about it. The Commissioner sent an email to the Manager about it.

It's so easy for people to be involved in a conversation and one person say something and another person hears it, interprets it very differently so that when it reaches the point of a public hearing that individual states they did speak to Planning Commission member and that

Planning Commissioner told them this or gives them the impression of something. Sometimes conversations are taken out of context probably accidentally but to protect the record which is all we have it must be legally defensible. You have your discussion and you talk to each other, use your golden factors and explain it. That is what our decisions are based on, and we want to be able to avoid the issue of having conversations with so and so. Handing off the conversation to the City manager is good and telling the neighbor that you will pass that information along is good- with no discussion. If you do have ex parte conversations, then you are going to say you had a conversation, this was the nature of the conversation, this is what action I took and that makes the record clean.

When the Planning Commission has its discussion, try to talk about everything that you're considering, what you have questions about, and what you're trying to clarify. There was an occasion when Commissioner Faber said he drove by the case site so that he could think about questions or concerns they may have- that's really great. The record and I really appreciate it. This happened with Sedgwick County the other day- one of the Sedgwick County board members said on the record that somebody came up to them and asked them about something and they responded- the board member was trying to be clear (on the record).

Commission asked if construction projects that have been approved, bike paths that are being discussed, or potholes that are going to get repaired- that none of that is within our purview so that is fair game for us to talk about as citizens of Bel Aire? Maria was unsure if a specific issue will come in front of the Commission, but there's always a chance an application may come to Paula (Secretary) so just be very careful.

Commissioners mentioned the Woodlawn project and the Secretary confirmed that the city has issued statements and updated information via social media about the project. When people call in we immediately send them to our communications director to respond to questions. He puts out all press releases and social media releases so there's a lot of information going out.

Action: No action required; for discussion only.

F. Zoning Regulations Updates- Overview of Schedule and Upcoming Workshop Dates- Paula Downs, Secretary

Secretary stated that there is a plan to hold several workshops to discuss updates to the zoning codes. The workshops are currently scheduled to occur during the City Council workshops scheduled on the second Tuesday of every month. The Planning Commission should come and participate in these meetings. Dates are being confirmed, but they will be between now and December. Each workshop will be divided by different segments of the plan. The dates will be provided to the Commission once confirmed with the Manager. It is helpful to have everyone in the same room to get feedback and discuss issues. If you are unable to make the meeting, you can provide feedback or ideas to me. The workshops will also provide guidance on what should be added, like architectural design standards. We anticipate that the Commission will approve the codes in February 2027 and Council would approve at their March meeting.

Commission clarified that they are being asked to come in on a Tuesday night to the City Council workshop meeting date. That was confirmed. Commission asked if some of the workshops could be held during the Planning Commission meeting on Thursday. Secretary stated she would talk to the Manager and see what that might look like. Meetings will be held in the City Council chambers.

Action: No action required; for discussion only.

VI. Approval of the Next Planning Commission Meeting Date.

Commissioners Paul Matzek and Brian Mackey will not be in attendance at the next meeting.

Secretary stated she has no Planning Commission cases currently submitted. Commission should approve the meeting date in case an application gets submitted. Secretary will reach out to confirm if there will be quorum for the next meeting.

Motion: Commissioner Matzek moved to approve the date of the next meeting: July 9, 2026, at 6:30 p.m. Commissioner Mackey seconded the motion. ***Motion carried 4-0.***

VII. Current Events

A. Upcoming Agenda Items:

- a. No pending cases

B. Upcoming Events:

- a. June 27: 11:00 a.m. | Denise Park: Art Tenbrink Memorial Tree Dedication
- b. July 3: City Offices closed in observation of Independence Day
- c. July 11- 6:00 p.m. | City Hall: Bel Aire Night Out – Celebrating America’s 250th

Secretary read through the current events from the agenda. July 11th the city will be celebrating America 's 250th and it coincides with Bel Aire’s national night out event. There will be a lot of fun stuff happening and there will be a fireworks show and maybe a band.

VIII. Adjournment

Motion: Chairman Jordan moved to adjourn the meeting. Commissioner Mackey seconded the motion. ***Motion carried 4-0.***

Approved by the Bel Aire Planning Commission the 9th day of July 2026.


Phillip Jordan, Chairman

ATTEST:


Paula L. Downs, Secretary