



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
August 08, 2024 6:30 PM



I. Call to Order: Chairman James Schmidt opened the meeting at 6:30 p.m.

II. Roll Call

Present were James Schmidt, John Charleston, Edgar Salazar, Phillip Jordan, Dee Roths, and Deryk Faber. Commissioner Edgar Salazar arrived later, after the vote for Item IV. A. Commissioner Paul Matzek was absent.

III. Pledge of Allegiance: Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Commissioner Roths moved to approve the minutes of July 11, 2024 as presented. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

V. Old Business/New Business

- A. ZON2024-00031 (County).** The applicant is requesting a zone change from RR Rural Residential District (RR) to GC General Commercial District (GC) with Protective Overlay (PO) #439, to permit Construction Sales and Service (Tree Service/Lumber Yard), Event Center in the County, Community Assembly, and Single-Family residence on the property. The property is 10.79 acres in size and is located on the southwest corner of North 127th Street East and East 56th Street North (5601 North 127th Street East).

Chairman Schmidt opened the public hearing. Brad Eatherly, Senior Planner, presented a report and answered questions on behalf of the Wichita – Sedgwick County Metropolitan Area Planning Department, which has also reviewed the request, as the property lies in both the County and Bel Aire’s zones of influence.

The applicant, Robert Phillips, spoke and answered questions from the Commission regarding his business activities.

Michael Moore, 13200 E 55th St N, spoke in opposition to the requested zoning. His property is adjacent to the applicant’s property. Among other concerns, Mr. Moore cited truck traffic, noise until 10 or 11 at night, dumping of tree debris, large bonfires, and possible violations of burning permit restrictions on the applicant’s property. Mr. Moore also provided two packets of information to the Commission entitled “Wichita Tree Dump” and “5601 N 127th East – Changing Zoning request: Wichita Tree Company L.L.C” [*appended to these Minutes*].

Nadine Smith, 5445 N 127th Street E, Wichita, spoke in opposition to the requested zoning. Her property is adjacent to the applicant's property. She cited concerns about brush piles harboring rodents which have infested her property, and large burn piles located within a few feet of her property line which caused lingering smoke in her home for several days.

MOTION: Commissioner Faber moved to take a 20 -minute Executive Session. Commissioner Schmidt seconded the motion. ***Motion carried 6-0.***

The Commission then recessed for executive session. At 7:40 p.m. Chairman Schmidt called the meeting back to order in open session. City Attorney Maria Schrock noted that the Executive Session was taken for Attorney-Client privilege, the City Attorney and City Engineer were present and no binding action had been taken.

Pamela Phillips, 6111 Danbury, Bel Aire, Kansas, spoke in favor of the zoning request. She is the mother of the applicant. She has no concerns about safety or traffic on the property.

City Attorney Maria Schrock asked if any Commissioners had reason to be disqualified from consideration of this matter, due to any bias or conflicts of interest. Ms. Schrock asked if any Commission members had received any ex-parte communication prior to this hearing. Commissioner Dee Roths shared that she had some communications with neighbors about this matter, therefore she will not participate in the discussion or vote.

The applicant, Robert Phillips, spoke in response to the public comments and answered questions from the Commission. He stated that there would be no burning under the proposed zoning and the property would only be used for truck parking and a business office.

Chairman Schmidt asked if anyone wished to make further comments. Michael Moore spoke to the Commission again about his concerns about the activities on the subject property.

There being no others requesting to speak, Chairman Schmidt closed the public hearing and requested discussion from the Commission.

The Commission discussed the application in reference to "Golden Factors" of zoning including: the suitability of the property for the uses to which it has been restricted under its existing zoning; the character of the neighborhood; the relative gain to the public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners; conformance with the comprehensive plan; and opinions of other property owners. Commissioners noted potential C-1 growth in the area, the recommendation of the Sedgwick County Planning Department, and the restrictions of the proposed Protective Overlay. Following discussion, Chairman Schmidt requested a motion.

MOTION: Chairman Schmidt moved to deny the request for zone change from RR Rural Residential District (RR) to GC General Commercial District (GC) with Protective Overlay (PO) #439 as presented. Commissioner Salazar seconded the motion. ***Motion carried 4-1*** with Commissioner Jordan voting against the motion and Commissioner Roths abstaining from the vote.

- B. SD-24-02 Preliminary Plat, Chapel Landing 8th.** Platting of an R-5 Residential District. The subject property is approximately 24.09 acres generally located at East 53rd Street N and Woodlawn Blvd.

Chairman Schmidt opened the public hearing.

Kris Rose, agent for the applicant, presented the preliminary plat and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing.

The Commission then discussed details of the plat including possible park/greenspace areas, the locations of entrances/exits, and expected traffic in the area.

MOTION: Commissioner Jordan moved to approve the Preliminary Plat of Chapel Landing 8th, SD-24-02, as presented with the request that one lot be committed to green space. Commissioner Faber seconded the motion. ***Motion carried 6-0.***

VI. Next Planning Commission Meeting

MOTION: Commissioner Faber moved to approve the date of the next meeting, September 12, 2024 at 6:30 p.m. Commissioner Roths seconded the motion. ***Motion carried 6-0.***

VII. Current Events

The Commission briefly discussed the recent ballot question that would allow the City to designate its website as the official publication of record. No action was taken.

VIII. Adjournment

MOTION: Commissioner Roths moved to adjourn. Commissioner Jordan seconded the motion. ***Motion carried 5-1.***