



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
July 13, 2023 6:30 PM



I. Call to Order

II. Roll Call

John Charleston, Edgar Salazar, Phillip Jordan, Dee Roths were present. James Schmidt, Heath Travnichek, and Paul Matzek were absent.

Also present were, Secretary and Director of Planning and Community Development, Jay Cook, Code Enforcement Officer, Garrett Wichman, City Engineer, Anne Stephens, City Attorney, Maria Schrock and Attorney, J.T. Klaus.

III. Pledge of Allegiance to the Flag – Chairman Jordan led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Motion: Commissioner Charleston made a motion to approve the minutes of May 11, 2023. Commissioner Roths seconded the motion. Before the vote, Secretary Cook offered a written “proposed corrections to minutes from 5/11 planning commission meeting” from a resident in Heritage Hills Subdivision (attached). Mr. Cook stated that the proposed corrections were reviewed by staff and the original minutes were accurate and complete. The proposed corrections were considered by staff to be immaterial. Planning Commission then considered the corrections as well as staff recommendations and chose to keep the minutes as they were presented. The original motion was voted on and the ***Motion carried 4-0***

V. Old Business/New Business

A. ZON-23-01 - Rezoning approximately 64 from AG to M-1 Industrial generally located at the Southeast corner of K-254 and Rock Rd.

Chairman Jordan began the New Business Agenda item V. (A.) which is a public hearing on Case ZON-23-01; an application to rezone property generally located at the SE corner of Highway 254 and Rock Road from Agricultural District (AG) to Planned Unit Development – Industrial District (M-1).

Chairman Jordan opened with ground rules and information regarding the process of hearing a zoning case, the rights of the citizens and applicant/agent to be heard, the fact that the Planning Commission may consider the agenda item in the future as it is a PUD with a required site plan and approval, and the process of being heard during the public hearing.

Chairman Jordan then asked if any of the Planning Commission members intended to disqualify themselves from the hearing due to conflict of interest or a particular bias on the matter. He then declared that legal and proper notification was given in accordance with State Law and the Zoning Regulations adopted by the City of Bel Aire.

Chairman Jordan then asked if any Planning Commission members received any ex parte verbal or written communication and gave the members an opportunity to disclose those conversations. No members mentioned any ex parte communications.

Findings of Fact

Secretary Cook presented a PowerPoint presentation as a visual aid to the staff report that was provided to the Planning Commission (attached). The presentation went through the Findings of Fact (Golden Factors) and discussed each factor individually as to the acceptableness and the reasonableness of the zoning change request. After completing the presentation, Secretary Cook asked for any questions. No questions were asked of staff's representation.

Following staff's report, Chairman Jordan stated that as this is a zoning change, the Planning Commission can only make a recommendation to the City Council and it is the responsibility of the Council to make the final decision.

Chairman Jordan then called upon the applicant or its agent to make their request and give additional response to the Zoning Report. Representing the applicant was Phil Meyer with Baughman Company. Mr. Meyer stated that this is an expansion of the existing zoning changes that go east to Webb Rd. He stated that this is just step one of the process and the PUD process would come after the rezoning, giving another layer of oversight followed by site plan review. He then stood for questions from the Planning Commission members. No questions were asked at that time.

Chairman Jordan opened the public hearing.

Several residents from the Heritage Hills subdivision in Kechi, KS and other residents from the City of Bel Aire wished to speak on this zone change.

Lyle Ackerman, 4920 N Hillcrest, Bel Aire. Mr. Ackerman spoke in favor of this zone change by giving a history of the property based off of his experience with the City. He believed that the location is optimal and the opportunity for retail, commercial, and industrial growth with provide the City the opportunity to grow into a full-service city.

Gary O'Neal, 4967 N Hillcrest, Bel Aire. Mr. O'Neal expressed to the Commissioners that the property was annexed when he was mayor of the City of Bel Aire and that the land was always intended to have commercial and industrial uses along Highway 254.

Ryan Hendricks, 7620 E Oak Tree Ln., Kechi. Mr. Hendricks spoke to concerns with traffic control of Rock Road and its conditions. Mr. Hendricks did mention that he had a tour with Integra that is wanting to become the developer on this land. He stated that he is very pleased with what they have shown him and would be happy to be a neighbor to Integra.

Dean Kuckelman, 7735 Oak Tree Ln., Kechi. Mr. Kuckelman shared his concerns with the findings of fact and golden factors presented by staff. These concerns include the character of the neighborhood, zoning, and use. Mr. Kuckelman stated that regardless of staffs opinion, the

character of the neighborhood is residential and it disfavors approval. He stated that Highway 254 should separate any discussion and that only South of 254 should be considered in the determination. He also stated that the zoning nearby disfavors approval. He spoke to concerns of buffering and not having a lesser dense or intense usage between the existing zoning and the neighborhood West of Rock.

Donnis McPhaul, 7901 Oak Tree Ln., Kechi. Dr. McPhaul shared concerns to the Commission about Rock Rd and its safety. She also discussed the noise of added traffic flow and possible traffic accidents. She also mentioned she had met with Integra and they have alleviated some of her concerns for traffic as they would be entering in off of Webb Rd.

Erik Breckenridge, 7320 E Mill Stream Rd., Kechi. Mr. Breckenridge shared concerns about the character of the neighborhood and traffic flow. He asked for Bel Aire's support in keeping the area as quite as possible and to ensure the importance of environmental concerns. He also shared concerns about the possibility of a lesser desirable neighbor developing the property.

Suzanne Hawley, 7730 E Mill Stream Rd., Kechi. Ms. Hawley shared her reflecting concerns as the other residents from Heritage Hill. She shared concerns with some of the Golden Factors. Mainly the character of the neighborhood. She stated that Rock Road is mainly residential and Webb Road is mainly commercial. She also disagreed with compliance to the Master Plan stating that the map does not include any industrial zoning and that adjacent land uses be separated by no more than one usage level.

Betty Martine, 5931 Memphis, Bel Aire. Ms. Martine expressed that she believes this change will be a great asset to Bel Aire and Kechi residents.

Chairman Jordan asked if there were any written communications or petitions from the public. Garrett Wichman handed out three written communications to the Planning Commission members from residents in favor of the zone change (attached). Written communication came from Gary Breault, Jeff Englert, as well as Tom and Jeanne Heiman. These written communications were read by Secretary Cook and placed on the record. There was also written communication from Dean Kuckelman titled "alternative proposed findings of fact for 7/13/23 Planning Commission meeting" which will also be put on the record (attached).

Chairman Jordan then allowed the applicant/agent to respond to the public comments. Phil Meyer did have a rebuttal in regard to concerns from the public. A majority of the concerns he had heard were about traffic control and flow. Phil mentioned that Matt Cortez was here to speak as well. Matt Cortez works with Integra as an Architect and has been working with KDOT as well. The concepts of their plan would be an overpass at Rock Rd and 254 Hwy so there is no access to 254 Hwy from Rock Rd. At Webb Rd. there will be a diverted diamond interchange at that intersection.

Chairman Jordan allowed final public comments from the public.

Ryan Hedricks spoke again after hearing from Phil Meyer and Matt Cortez. Ryan's final comments stated that Rock Rd. could remain a two-lane road but it does need a pedestrian egress, or a walking trail.

Dean Kuckelman then spoke on the emails that were received and put into the public record. He stated that he does not know who the authors of the emails were but they do not live across the street. They were speaking as citizens of Bel Aire while the only property owners were from Heritage Hill.

Secretary Cook did mention for the record that a protest petition was received to the city on this zone change at the previous hearing on the rezone (attached).

Chairman Jordan closed the public hearing.

A brief recess was requested and granted.

Following the recess, there was discussion among the Commissioners regarding the findings of fact.

Commissioner Salazar stated that he knows Mr. Kuckelman personally but has not had any communications regarding the case.

Commissioner Roths spoke to the suitability of the subject property considering the history of Bel Aire and purchasing the property with intent to develop into something and a PUD would be the best way to develop.

Commissioner Salazar commented on the different zonings and pointed out the opinions of the property owners is important to consider.

Commissioner Charleston mentioned that he understands the Rock Road dilemma but right now it is the zoning that is in question. He spoke to character of the neighborhood and the vacancy of the property for 20 years and that this land has always been indicated to be used for M-1 Industrial. He commented on the character of the neighborhood stating that Highway 254 would be a good place for an Industrial PUD.

Commissioner Roths spoke to the recommendation of professional staff and she believes that staff is very capable and knowledgeable and trust their opinions and their abilities moving forward.

Chairman Jordan went through the Golden Factors and spoke to his opinion on favoring or disfavoring. Regarding Character of the Neighborhood, Jordan felt like the rezoning marginally favors this factor because it could be argued either way. Suitability of the subject property for uses to which it is restricted is strongly in favor. He stated that his opinion on traffic and other issues can be improved making extent to which removal of the restrictions will detrimentally affect nearby properties is heavily favored. The length of time property has been vacant is strongly in favor of the rezone as the agricultural zoning is a place holder until something is more usable. Relative gain of public health and welfare strongly favors the rezone due to job creation and other advantages. Jordan also believes that the Comprehensive plan favors the zone change even if the map has commercial instead of industrial in the area. He stated that it does bother him that there is a large jump between the zoning of adjacent neighborhoods, but the PUD will solve most of these issues. Property Owners opinions changed to much more positive comments but would still disfavor the zone change. He also stated that the recommendation of staff would strongly favor changing the zoning.

Motion: Chairman Jordan made a motion to recommend to the City Council that Case No. ZON-23-01 be approved rezoning the subject property from Agricultural District (AG) to Planned Unit Development – Industrial District (M-1) Commissioner Dee Roths seconded the motion. *Motion carried 4-0*

B. SD-23-04 Preliminary Plat. Proposed platting of approximately 96 acres within Sunflower Commerce Park 2nd Addition PUD.

Secretary Cook gave a presentation on the application for the Commissioners.

Representing the applicant was Anthony Krejci with SEH, Inc. The applicant is proposing to re-plat within the Sunflower Commerce Park PUD restrictions. Andrew did mention that he had already submitted plans with Anne Stephens our city engineer on a drainage plan for review.

Chairman Jordan opened the public hearing.

There was no one to speak in regard to SD-23-04.

Chairman Jordan closed the public hearing.

The Planning Commission did discuss about the lighting that would be placed on the lots and staff mentioned that would be further reviewed when presented to them.

Motion: Commissioner Dee Roths made a motion to accept the preliminary plat for Sunflower Commerce Park 3rd addition without conditions. John Charleston seconded the motion. *Motion carried 4-0*

C. SD-23-05. Sunflower Commerce Park 3rd Addition Final Plat - Request to plat approximately 96 acres in the Sunflower Commerce Park.

Secretary Cook mentioned that the plat has been reviewed and staff recommends that it be approved. Anne Stephens our city engineer did mention she did not have any concerns at this time.

Motion: Commissioner John Charleston made a motion to recommend to send on to the City Council, Sunflower Commerce Park 3rd Addition as presented. Chairman Jordan seconded the motion. *Motion carried 4-0*

VI. Next Meeting: Thursday, August 10 at 6:30 PM

Motion: Chairman Phillip Jordan made a motion to approve the next meeting date: August 10, 2023 at 6:30 p.m. *Motion carried 4-0*

VIII. ADJOURNMENT

Motion: Commissioner John Charleston made a motion to adjourn. Commissioner Dee Roths seconded the motion. *Motion Carried 4-0*