



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



**I. Call to Order**

**II. Roll Call**

Phillip Jordan \_\_\_\_ Deryk Faber \_\_\_\_ Brian Mackey \_\_\_\_ Paul Matzek \_\_\_\_  
Dee Roths \_\_\_\_ Brian Stuart \_\_\_\_

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

**IV. Consent Agenda**

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

**Action:** Motion to approve the minutes of July 9, 2026.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**V. Announcements**

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

**VI. Planning Commission Business**

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

Open Hearing

Close Hearing

**Action:** Motion to (approve / deny / table) the proposed PUD Preliminary Plat (as presented / as amended by this Planning Commission).

Motion\_\_\_\_\_ Second \_\_\_\_\_ Vote\_\_\_\_\_

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

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

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

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

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

**Action:** Motion to approve the date of the next meeting: September 10, at 6:30 p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VIII. Current Events**

**A. Upcoming Agenda Items**

a. Zoning Case for newly annexed property

**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**

**Action:** Motion to Adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_



**MINUTES**  
**PLANNING COMMISSION**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**July 9, 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 Commissioners Dee Roths and John Sutherland were present in person.

Commissioners Brian Mackey and 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.**

Secretary stated that Chairman Jordan sent an email regarding the second-to-last paragraph on page 14 needing modifications to make it clearer. The minutes in the packet were not updated, but the Secretary provided updated language to the Chairman for his review. Chairman Jordan approved the language provided. The minutes referenced the word "he" and the Secretary clarified who "he" was. Other minor modifications were made to provide clarity. Secretary stated that the meeting minutes being approved include the updates as requested by Chairman Jordan.

Chairman Jordan stated that there is a "little box" at the top of the documents that covers some text. Secretary stated this is from the agenda software, but she would adjust her margins to ensure text was not behind the box.

Commissioner Sutherland said the minutes were great and he was glad to see them because he thinks it will really help. Chairman Jordan said that the mayor reads them, and he has called Chairman Jordan and asked about something.

**Motion:** Vice-Chairman Faber moved to approve the minutes of the June 11, 2026, meeting with the changes requested and discussed. Commissioner Roths 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 read the announcement with no further comment.

- B. Zoning Code Updates- Workshop #1 will be on Tuesday, July 14 in the City Council Chambers.

Secretary reminded the Commission that previously Vice-Chairman Faber requested that consideration be given to scheduling the zoning code workshops on a different night or during the Thursday night Planning Commission meetings. Secretary stated staff is working to figure out the zoning workshops, however, the first one will be during the City Council scheduled workshop. The agenda states it will be July 14<sup>th</sup> but because of budget items, the workshop was moved to August 11<sup>th</sup> in the community room. Secretary stated she would remind the Commission of the workshop date via email. Secretary confirmed that the workshop is scheduled to begin at 7:00 p.m.

Secretary asked to make two additional announcements:

1. Secretary stated that as we get towards the end of the year there are several items that the Commission will be approving and updating, such as the zoning map, comprehensive plan, a potential Capital Improvement Plan (CIP) list, and Commission elections. Secretary stated that the Commission may want to review their Bylaws and think about any changes that may be needed. Bylaws were approved last year, and Secretary would like to know if any discussion or changes are needed so that she could start getting information ready. The Secretary confirmed that the Bylaws were provided to the Commission.
2. Secretary asked Commissioners to let her know if they were not going to attend a meeting. She acknowledged that people are coming and going in the summer and around holidays, and knowing who may not attend would be helpful. Commissioners can announce at a previous meeting or notify the Secretary. This will allow staff time to cancel a meeting and know what to do. Commissioners can also notify the Chairman.

Commissioner Sutherland asked if there are any materials that need to be pre-read for the zoning code updates. Secretary stated that materials will be posted online a week prior to the meetings and would be printed for the meetings.

## **VI. Planning Commission Business**

### **A. No cases submitted**

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

Vice-Chairman Faber announced he will not be in attendance at the next meeting.

Commission stated that the August 13<sup>th</sup> meeting would be two days after the workshop.

Commissioner Sutherland asked if he could discuss something and Chairman Jordan asked if it could be added to the agenda. The City Attorney stated that the Planning Commission Bylaws say that information has to be provided to your zoning administrator (Secretary) prior to the meeting. The City Attorney suggested that the Commission comply with those bylaws by requesting the information be placed on the agenda for the next meeting. Commissioner Sutherland asked if he could tell the Commission what it's about. City Attorney stated that the information could be emailed or discussed with the zoning administrator (Secretary). Commissioner Sutherland asked if that could happen tonight and the City Attorney answered "no" because the public had not been given notice that there was going to be an item added to the agenda. City Attorney stated that Commission should conform to the Bylaws. Secretary stated that she would take the information after the meeting and make sure it is added to the next agenda.

Commissioner Sutherland asked if he could bring up something that's happening in another locale in the Wichita metro area. City Attorney confirmed that the information could be provided to the Secretary to be placed on the next agenda. When it's (the agenda) is posted all of the members of the public would know this is something that the Planning Commission will discuss and if they would like to be present and hear they could come to the meeting.

Commissioner Sutherland commented that there a lot of rules and pointed out that we (Commission or Staff) had changed the meeting date on an agenda item without prior notice. (Item referenced was an announcement related to the Zoning Update Workshop and not an agenda item).

Commissioner Sutherland asked, “so we can't bring any business up amongst ourselves of things we want to do in the future at these meetings is that correct?” City Attorney confirmed that the Planning Commission Bylaws has a process for every member of the Planning Commission to submit items for consideration would need to be followed by every member of the Commission. Commissioner Sutherland responded “ok”.

City Attorney suggested that if the Commission wants to change the bylaws that the Commissioner’s e-mail that request for a change to the Secretary. The Commissioner would then officially vote to approve (the changes).

Chairman Jordan stated that it would be a good idea to be able to have an open line item (agenda item) like the City Council when they (Council) says what they've been involved in. Secretary asked if Chairman Jordan if he was talking about the City Council reports. Chairman Jordan confirmed that (section of the Council agenda) was where they had an opening conversation about where they were during the week. The Secretary stated that the agenda item was a summary of where the Council had been or what they had done.

Secretary stated that's part of the bylaw review and the Bylaws have been (in place) for about a year and there might be some areas that are working, not working, or that may have left out that may need to be included. Since the Commission will be reviewing several things at the end of the year, this would also be a good time to review the Bylaws.

Chairman Jordan stated that noticed or was told that Goddard had changed their zoning (codes) concerning duplexes. Commissioner Sutherland told Chairman Jordan he couldn’t say that. Chairman Jordan asked if this was also not appropriate during the meeting? The City Attorney said that per the current Planning Commission Bylaws that would be an item that would be submitted to the Secretary and then the Secretary would add it to the agenda to give everyone on the Commission notice we're going to discuss this. City Attorney further stated that also, for the Kansas Open Meetings Act it gives the public notice that the City of Bel Aire Planning Commission is going to discuss maybe some legislative issues or a question and that they (the public) is notified that if they want to come in and discuss it or be heard, they can.

Commissioner Sutherland asked could the item could be a discussion because the Commission was not deciding anything and the public could read the minutes (about what was discussed). Commissioner Roths said she still sees it as the open meetings act. Chairman Jordan stated that the Commission needed to take a look at the Bylaws.

Chairman Jordan stated that the next Planning Commission meeting was two days after the workshop (zoning code update workshop)- the Secretary confirmed.

Chairman Jordan asked if Commissioner's would be able to attend the next meeting. Vice-Chairman Faber confirmed he would not be at the meeting due to being out state but had no problem with the date of the meeting.

**Motion:** Chairman Jordan made a motion to approve the date of the next meeting as August 13, 2026, at 6:30 PM. Commissioner Roths seconded the motion. ***Motion carried 4-0.***

## VIII. Current Events

### A. Upcoming Agenda Items:

- a. No pending cases

Secretary stated that there are no pending cases, however, there is potentially going to be a PUD case if information is received.

### B. Upcoming Events:

- a. July 11- 6:00 p.m. | City Hall: Bel Aire Night Out – Celebrating America's 250<sup>th</sup>

Secretary reminded Commission that if they are interested please come Saturday night to the Co-event of the Bel Aire Night Out and celebrating America 's 250<sup>th</sup>. There is a live band, food trucks, all kinds of kids' stuff, and a fireworks show at dark. We are really looking forward to it and a lot of the staff from the city will be there so come say hello. It is this Saturday at 6:00.

## IX. Adjournment

**Motion:** Vice-Chairman Faber moved to adjourn the meeting. Commissioner Roths seconded the motion. ***Motion carried 4-0.***

Approved by the Bel Aire Planning Commission the 13th day of August 2026.

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Phillip Jordan, Chairman

ATTEST:

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Paula L. Downs, Secretary

## City of Bel Aire

**STAFF REPORT****DATE: 08/05/2026**

**TO: Bel Aire Planning Commission**  
**FROM: Paula Downs**  
**RE: PUD-26-03- Preliminary PUD Plat**

**STAFF COMMUNICATION**

|                  |           |
|------------------|-----------|
| FOR MEETING OF   | 8/13/2026 |
|                  |           |
| CITY COUNCIL     |           |
| INFORMATION ONLY |           |

**SUMMARY:**

**PUD-26-03: Proposed Planned Unit Development (PUD) Preliminary Plat for Use and Zoning Relief for Casey's in Cedar Pass Addition**

**Legal Description:** Lot 34, Block C, Cedar Pass Addition

**General Location:** NW corner of East 53<sup>rd</sup> Street and North Webb Rd.

**Reasons for Request:** To create a PUD to allow for a retail convenience store and vehicle fueling station and obtain zoning code relief related to setbacks, signage, and landscaping.

**Notification:** The City placed notification on the City of Bel Aire website as required by the City code on July 23, 2026. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on July 23, 2026.

**Background:**

The property was platted in July 2022 as the Cedar Pass Addition.

The applicant intends on submitting a Lot Split case to create Parcel 34A and 34B. Lot splits in Bel Aire are approved administratively and will be completed prior to the issuance of a building permit.

## Current Discussion:

PUD-26-03 PUD Preliminary Plat sets out the following requests:

### 1. Use:

- A. Current Zoning District: C-1 Neighborhood Commercial Office and Retail District does not permit retail convenience stores or vehicle fueling stations.
- B. PUD-26-03 Use: C-2- Planned Unit Development Commercial Office and Retail that allows for retail convenience stores and vehicle fueling stations.

### 2. Signage:

- A. Current Sign Code: 17.9.7.C limits freestanding two-faced signs permanently fixed to the ground by supports to 45 square feet per sign face. Code does not set height parameters.
- B. PUD-26-03: Requesting 90 square feet per face not to exceed 25' in height.

### 3. Landscaping - Street Trees:

- A. Zoning Code Requirement: 18.10.5.A.1 requires street trees to be provided with an average spacing of 1 tree for every 40 feet of street frontage.
- B. PUD-26-03 requests 1 tree for every 50 feet of street frontage.

### 4. Landscaping - Building Façade:

- A. Zoning Code Requirement: 18.10.10:
  - i. Landscaping adjacent to the building wall- a variety of shrubs, ornamental or shade trees are encouraged.
  - ii. Landscaping provided to a minimum of 25% of the building face- building faces along service areas are excluded
  - iii. Each area shall be planted with shrubs capable of reaching 3' in height covering a minimum of 75% of the length of the landscape area. A mixture of evergreen and deciduous shrubs shall be used.
  - iv. Planting areas shall have a minimum width of either 6' or equivalent of 20% of the building faced height.
  - v. Building façade areas shall be irrigated with bubbler irrigation systems.
  - vi. Landscape areas may be placed adjacent to the building wall or adjacent to the curb.
- B. PUD-26-03 requests to waive all building façade

### 5. Parking & Paving Setbacks:

- A. Zoning Code Requirement: 18.7.11.B.3(b) requires the following parking and paving setbacks within the C-1 Neighborhood Commercial Office and Retail District:
  - i. 15' from street right-of-way
  - ii. 20' from property lines
- B. PUD-26-03 requests the following parking and paving setbacks:
  - i. Parcel A:
    - 1. 0' along west property line.
    - 2. 5'-20' variable along the East 53<sup>rd</sup> Street North street frontage.
    - 3. 5' along north property line
    - 4. 20' along the North Webb Road street frontage (exceeds minimum)
  - ii. Parcel B:
    - 1. 0' along west property line

2. 5' along the south property line
3. 0' along the north property line
4. 20' along the North Webb Road street frontage (exceeds minimum)

## Findings of Fact:

### 1. Character of Neighborhood:

The northwest intersection of East 53<sup>rd</sup> Street North and North Webb Road is zoned C-1 Neighborhood Commercial Office and Retail District. This includes subject property and the lots abutting the property on the North and West.

The northeast corner of East 53<sup>rd</sup> North and North Webb Road is a speculative warehouse development as part of Sunflower Commerce Park 4<sup>th</sup> Addition that is zoned M-1 - Planned Unit Development-Industrial.

The southeast corner of East 53<sup>rd</sup> North and North Webb Road is the Sunflower Commerce Park Addition that is zoned M-1 - Planned Unit Development-Industrial.

The southwest corner of East 53<sup>rd</sup> and North Webb Road is unplatted land with no improvements and zoned Agricultural.

Abutting the property:

- West- Lot 33, Block C- unimproved land zoned C-1 Neighborhood Commercial Office and Retail District
- North- Lot 35, Block C- unimproved land zoned C-1 Neighborhood Commercial Office and Retail District
- Abutting Lots 33 and 35 is Reserve C of Cedar Pass Addition zoned R-5 Multi-Family District.
- Abutting Reserve C to the West is Cedar Pass Addition zoned R-5 Multi-Family District. This area is currently being developed.

### 2. Zoning and uses of properties nearby:

**North:** C-1 Neighborhood Commercial Office and Retail District

**East:** M-1- Planned Unit Development- Industrial

**South:** Southwest corner of East 53<sup>rd</sup> and North Webb Road- Agricultural

**West:** C-1 Neighborhood Commercial Office and Retail District

### 3. Suitability of the subject property for the uses to which it has been restricted

The property is currently zoned C-1 Neighborhood Commercial Office and Retail District. Land use and zoning change to C-2 Planned Unit Development-Commercial Office and Retail is suitable for the PUD request for a retail convenience store and vehicle fueling station.

**4. Extent to which removal of the restrictions will detrimentally affect nearby property:**

The requested PUD use for retail convenience store and vehicle fueling station, and the associated zoning relief, is not expected to detrimentally affect nearby property.

**5. Length of time the subject property has remained vacant as zoned:**

The property was platted in July 2022 and has remained vacant since that time when the property was zoned C-1 through Ordinance 678, December 7, 2021.

**6. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:**

The PUD use and zoning relief do not pose a threat to adjacent properties.

Disapproval of the case will create a hardship for the applicant’s development of the subject property.

**7. Conformance of the requested change to the city's comprehensive plan:**

The request is not in conflict with the comprehensive plan.

The future land use map identifies the subject property, properties to the north and west abutting the subject property, the property to the south (current agricultural zoned property) and property adjacent to the subject property (property located at the southeast corner of E 53<sup>rd</sup> Street and N. Webb) as a Neighborhood Center place type that consists of a variety of uses including: open space/conservation; neighborhood/community gardens; single-family residential (attached and detached); multi-family residential; vertical or horizontal mixed use; community/lifestyle commercial; neighborhood commercial; small/start-up commercial; primary and higher education; religious assemblies; entertainment; community/recreation centers; civic/cultural facilities; pocket/neighborhood parks; and public safety.

Appropriate zoning districts within the Neighborhood Center place type include: Single Family Residential (R-2, R-3, R-4); Garden and Patio Homes, Townhouses, and Condominiums (R-5); Single Family/Zero Lot Line Residential (R-5b, ZLL); Multi-Family (R-6); Planned Unit Development Residential (R-PUD); Neighborhood Commercial, Office and Retail (C-1); and Planned Unit Development Commercial, Office and Retail (C-2).

The Neighborhood Center is characterized by a diverse range of residential housing types and supportive commercial, office and retail uses.

The future land use map identifies the adjacent property east of the subject property (property located at the northeast Corner of East 53<sup>rd</sup> North and North Webb Road) as an Industrial & Logistics Center place type that consists of a variety of uses including open space/conservation; community/lifestyle commercial; medical campus/hospital; light industrial; heavy industrial/manufacturing; and public safety.

Appropriate zoning districts within the Industrial & Logistics Center place type include: Planned Unit Development Industrial District (M-1); Neighborhood Commercial, Office and Retail (C-1); and Planned Unit Development Commercial, Office and Retail (C-2).

The Industrial & Logistics Center is characterized by a diverse range of commercial, retail, office and industrial uses.

The subject property falls within the Neighborhood Center place type and is compatible with the Industrial & Logistics Center place type.

**8. Impact of the proposed development on community facilities:**

The subject property will have no negative impact on community facilities, public infrastructure or utilities.

**9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request):**

As of this writing, staff has not received any phone calls or written communication on this case. The Planning Commission will need to consider any testimony provided during the public hearing.

**10. Recommendations of Professional Planning Staff**

Key findings of fact elements: 1, 3, 6, 7, and 8.

Staff recommends **APPROVAL** of the application pending the outcome of Planning Commission review and public hearing with the following conditions:

1. Revise Building and Structure Notes #4 to replace “Phase 1” with “Parcel A”.
2. Replace Lighting Notes #1 to “A comprehensive landscape plan shall be submitted prior to the issuance of building permits”.
3. Revise Parcel B Permitted Uses in the Project Data and Use Group Categories section to remove the following:
  - a. ...(maintaining existing C-1, Neighborhood Commercial Office and Retail District.)



7651 E. Central Park  
Bel Aire, KS 67226  
Phone: 316-744-2451  
[www.belaireks.gov](http://www.belaireks.gov)

APPLICATION FOR:  
  
**PLANNED UNIT  
DEVELOPMENT (PUD)**

This form **MUST** be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, Kansas 67226.

**AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.**

Date: June 22, 2026

Fee: \$350/\$10 per lot

**Owner(s) of the Property Requesting the PUD:**

Name: Northeast Developers LLC

Address: P.O. Box 781974, Wichita Kansas 67278

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact? Yes \_\_\_\_\_ No \_\_\_\_\_ (Please Check)

**Agent Representing the Applicant (if applicable):**

Name: SBB Engineering, LLC Attn: Jeff Laubach

Address: 101 S Kansas Avenue

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact? Yes X No \_\_\_\_\_ (Please Check)

**Owner(s) of the Property Requesting the PUD: (Note: Casey's has property under contract)**

Name: Casey's Retail Company Attn: Joy Johnson

Address: 1 SE Convenience Blvd, Ankeny, IA 50021

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact? Yes \_\_\_\_\_ No \_\_\_\_\_ (Please Check)

**Agent Representing the Applicant (if applicable):**

Name: \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact? Yes \_\_\_\_\_ No \_\_\_\_\_ (Please Check)

**Owner(s) of the Property Requesting the PUD:**

Name: \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact? Yes \_\_\_\_\_ No \_\_\_\_\_ (Please Check)

**Agent Representing the Applicant (if applicable):**

Name: \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact? Yes \_\_\_\_\_ No \_\_\_\_\_ (Please Check)

Additional property owners including name, address, telephone, and email shall be provided as an attachment to the application. The attachment should provide the agent representing each property owner (if applicable) including their name, address, telephone and email. In addition, provide the above certification language and signature lines for the additional property owners:

**REQUEST INFORMATION:**☒ Establishing a PUD☐ Amending to PUD \_\_\_\_\_

1. **Requested PUD Details (Describe Request):** \_\_\_\_\_  
 Creating PUD to allow for a Convenience Store with Fuel Sales and to allow for the  
 proposed Pylon Sign  
 \_\_\_\_\_  
 \_\_\_\_\_
2. **Zoning District of Property:** Existing Zoning is C1 - Proposed Zoning is PUD
3. **Location:**
- a. Address (if assigned) or generally located at (relation to nearest streets):  
 Northwest corner of East 53rd Street and North Webb Road  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Legal Description: Lot(s) 34, Block C, Addition Cedar Pass Addition
- c. If Property is not platted, a metes and bounds description and location map shall be provided with this application.
- d. The application area contains 2.95 acres.
4. **Written Statement:** A written statement in accordance with the attached instructions shall be included with this application.
5. **Site Plan & Additional Information:** A site plan, drawings, photographs, and additional documentation in accordance with the attached instructions shall be included with this application.

### **CERTIFICATION**

The undersigned acknowledges and certifies the following:

1. They have been advised of the fee requirements established and that the appropriate fee is herewith tendered.
2. That the information given herein is correct.
3. This application is accompanied by a current ownership list certified by an abstractor for the notification area.
4. That all documents are attached hereto as noted in the instruction.
5. That the applicants acknowledges that the Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.
6. That this application cannot be processed unless it is complete and accompanied by all required documents.

Northeast Developers, LLC.  
Managing Member.

BY: Evan Harell  
Property Owner(s)

June 23, 2026  
Date

Agent (if applicable)

Date

Casey Johnson  
Property Owner(s) Casey's Retail Company  
Site Development Manager

Date

June 19, 2026

Agent (if applicable)

Date

Property Owner(s)

Date

Agent (if applicable)

Date

OFFICIAL USE ONLY

PUD-26-03

Fee (due to arrive)  
☒ Certified Ownership List  
☒ Written Statement  
☒ Site Plan

This application has been checked and found to be complete and accompanied by the required documents and appropriate fee.

Paula D. Berman  
Zoning Administrator

Date

July 7, 2026



## Ownership List

| Legal Description                                                                            | Owners of Record                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot 33, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.                     | Northeast Developers LLC<br><br>9415 E Harry St STE 406<br><br>Wichita, KS 67207-5083<br><br>Site Address: None.<br><br>Geocode: PY-BA-02452<br><br>PIN: 30020115                                                                                                                                                    |
| Lot 35, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.                     | Northeast Developers LLC<br><br>9415 E Harry St STE 406<br><br>Wichita, KS 67207-5083<br><br>Site Address: None.<br><br>Geocode: PY-BA-02454<br><br>PIN: 30020117                                                                                                                                                    |
| Lot 1, Block 1, Sunflower Commerce Park 4 <sup>th</sup> , Bel Aire, Sedgwick County, Kansas. | Aspen Sunflower Industrial I LLC; 2 Patriots Investments II, LLC; SMT Properties 2, LLC; ETG A, LLC; and SREV1, LLC<br><br>5700 W 112 <sup>th</sup> St STE 110<br><br>Overland Park, KS 66211<br><br>Site Address: 9650 E 53 <sup>rd</sup> St N, Bel Aire, KS 67226<br><br>Geocode: PY-BA-02698<br><br>PIN: 30029909 |
| Commencing at the Northeast corner of the Northeast Quarter of Section 20, Township 26       | James D. Woolley and Narnie K. Woolley                                                                                                                                                                                                                                                                               |

**SERVICE BEYOND EXPECTATION**



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence South 495 feet along the East side of said Section; thence West 880 feet; thence North 495 feet to the North line of said Section; thence East 880 feet to the point of beginning, LESS AND EXCEPT A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as : Commencing at the Northeast corner of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing N89°08'20"E, along the North line of the Northeast Quarter, a distance of 108.00 feet to the Point of Beginning.</p> | <p>819 W Verona Ct<br/><br/>Andover, KS 67002-7580<br/><br/>Site Address: None.<br/><br/>Geocode: PY-BA-02696<br/><br/>PIN: 00289653</p>                                                                |
| <p>A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, described as : Commencing at the Northeast corner of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Rural Water District No. 1<br/><br/>9519 E 53<sup>rd</sup> St N<br/><br/>, KS 67226<br/><br/>Site Address: 9519 E 53<sup>rd</sup> St N<br/><br/>Geocode: PY-00112001B0001<br/><br/>PIN: 30001617</p> |

**SERVICE BEYOND EXPECTATION**



N89°08'20"E, along the North line of the  
Northeast Quarter, a distance of 108.00 feet to  
the Point of Beginning.

Kansas Secured Title, Inc does hereby certify the foregoing to be a true and correct list of all  
property owners within 200 feet of the following described real property to wit:

OWNER OF RECORD: Northeast Developers LLC

SITE ADDRESS: None.

LEGAL DESCRIPTION: Lot 34, Block C, Cedar Pass Addition, Bel Aire, Sedgwick  
County, Kansas.

GEO CODE: PY-BA-02453

PIN: 30020116

According to the last deeds filed of record in the office of Register of Deeds, Sedgwick County,  
Kansas, as of June 30, 2026, at 7:00 a.m. Addresses as given are furnished as a service and are  
not certified. Liability is limited to the amount of the fee paid heretofore.

Kansas Secured Title Inc.

BY: Joel Wright

Joel Wright, Licensed Title Examiner

FILE # KSSG6750

**SERVICE BEYOND EXPECTATION**



### AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, have published the attached notice on the City of Bel Aire website, [www.belaireks.gov](http://www.belaireks.gov), which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

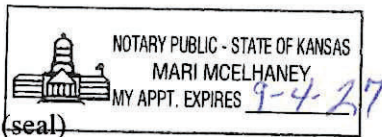
That the attached Official Notice of Planned Unit Development (PUD) Hearing (PUD-26-03)

is a true copy thereof and was published on such website beginning on the 23<sup>rd</sup> day of

July, 2026.

Melissa Krehbiel  
Signature

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of July, 2026.



Mari E. McElhane  
Notary Public

**City of Bel Aire**  
Melissa Krehbiel – City Clerk  
7651 East Central Park Avenue  
Bel Aire, Kansas 67226  
316-744-2451  
[www.belaireks.gov](http://www.belaireks.gov)

Public Records > Public Hearing & Other Legal Notices

12 Entries

| Name 11                                                           | Date 17    | Doc Details 11                                                                             | Public Hearing 08-13-2026, PUD-26-0                                                                    |
|-------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Public Hearing 08-13-2026, PUD-26-03                              | 2026.07.23 | PUD-26-03 Publication Notification for Planning Commission Case on August 13, 2026 Agenda. | Details Preview                                                                                        |
| Public Hearing 07-09-2026, VAR-26-02                              | 2026.06.18 | Publication Notification for VAR-26-02                                                     | Entry Properties                                                                                       |
| Public Hearing 06-02-2026, Amending Chapter 17 To Update Build... | 2026.05.13 | Public Hearing 6-02-2026 Pertaining To Amending Chapter 17 To Update Building Code         | Modified 7/23/2026 10:18:40 AM                                                                         |
| 2026 Q1 Treasurer Report 01-01-2026 through 03-31-2026            | 2026.04.16 | Treasurer's Quarterly Financial Report FY2026 Q1                                           | Created 7/21/2026 10:04:05 AM                                                                          |
| Public Hearing 04-09-2026, SP-26-01                               | 2026.03.19 | Public Hearing 04-09-2026, SP-26-01                                                        | Template                                                                                               |
| Public Hearing 04-09-2026, Airport Zoning Regulations             | 2026.03.19 | Airport Zoning                                                                             | City Clerk - Public Hearing & Other Legal Notices                                                      |
| Public Hearing 04-09-2026, VAR-26-01                              | 2026.03.18 | Public Hearing 4-09-2026, VAR-26-01                                                        | Fields                                                                                                 |
| Public Hearing 04-09-2026, PUD-26-02                              | 2026.03.18 | Public Hearing 04-09-2026, PUD-26-02                                                       | Date 2026.07.23                                                                                        |
| Public Hearing 04-09-2026, PUD-26-01                              | 2026.03.18 | Public Hearing 4-09-2026, PUD-26-01                                                        | CC - Identifier # PUD-26-03                                                                            |
| Land Bank Inventory 2026.01.20                                    | 2026.01.29 | Land Bank Inventory                                                                        | Doc Details PUD-26-03 Publication Notification for Planning Commission Case on August 13, 2026 Agenda. |
| Treasurers Quarterly 2025, 12.31                                  | 2025.12.31 | Treasurer's Quarterly Financial Report for the Fourth Quarter, Ending December 31, 2025    | Location Lot 34, Block C, Cedar Pass Addition                                                          |
| Previous Year & Older Notices / Affidavits of Publication         |            |                                                                                            | Publication Date 7/23/2026                                                                             |

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on July 23, 2026)

## OFFICIAL NOTICE OF PLANNED UNIT DEVELOPMENT (PUD) HEARING

### TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on August 13, 2026, the City of Bel Aire Planning Commission will consider the following Zoning process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**PUD-26-03.** Proposed Planned Unit Development (PUD) Preliminary Plat- Cedar Pass Addition. Permitted uses within C-1 District with the addition of retail convenience store and vehicle fueling station. PUD is establishing relief from zoning regulations related to the site.

**Legal Description:** Lot 34, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas..

**General Location:** Northwest corner of 53<sup>rd</sup> St. and Webb Rd.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

**DATED** this 23 day of July 2026.

/s/ Paula L. Downs  
Bel Aire Planning Commission Secretary



# Zoning Area Description:

Lot 34, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.

## Project Performance Objectives:

This development seeks to create a commercial environment with a retail convenience store and vehicle fueling station, centered around safe, and efficient vehicle circulation. The design promotes seamless integration with surrounding transportation corridors, fostering convenient access for the public and contributing positively to the overall service and economic fabric of the community.

Parcel A: Development of a retail convenience store, vehicle fueling station with overhead canopy and associated fuel dispensers, vehicle parking facilities, and associated utility infrastructure. All permitted uses and restrictions under the current C-1 Neighborhood Commercial, Office, and Retail District zoning shall remain in effect, unless otherwise stated in this document.

Parcel B: Remaining undeveloped at this time. All permitted uses and restrictions under the current C-1 Neighborhood Commercial, Office, and Retail District zoning shall remain in effect, unless otherwise stated in this document.

## General Notes:

1. Building Permits for the construction of commercial structures shall be compliant with this Planned Unit Development (PUD) Plan, the recorded subdivision plat, and all applicable governing codes. No building permits shall be issued until individual site development plans, subject to the City of Bel Aire Subdivision Regulations (Chapter 19, Article 5, Section 19.5.5), have been reviewed and approved by the City of Bel Aire for each phase. The site development plans shall address building location, circulation, fire hydrants, landscaping, pedestrian access, fencing, lighting, signage, building elevations, utilities, stormwater, architectural features, CPTED (Crime Prevention Through Environmental Design) considerations, and relationships to adjacent lots. The proposed development configuration stated on this Planned Unit Development (PUD) Plan is conceptual. Minor adjustments may be necessary upon the site plan review process to comply with all applicable regulations.
2. All construction methods and materials used in the construction of the improvements covered by these plans shall be in accordance with the Standard Technical Specifications and current revisions on file in the Office of the City Engineer, City of Bel Aire, Kansas.
3. No building permits shall be issued until the official Lot Split document has been recorded.
4. All on-site improvements—including but not limited to sidewalks, landscaping, signage, fencing, retaining walls, drainage systems, and sanitary sewer facilities—shall be maintained in good condition at all times. The ongoing maintenance, repair, and replacement of all such improvements shall be the sole responsibility of the property owner(s).
5. Existing easements shown on this document are depicted in accordance with currently recorded subdivision plats. Proposed easements shown herein will be dedicated concurrently with the proposed Lot Split, creating Lots 34A, (Parcel A) and 34B, (Parcel B) or by separate legal instruments to be recorded in the future.

## Building and Structure Notes:

1. The proposed building structure shall meet or exceed the standard setback requirements per City of Bel Aire zoning regulations for C-1, Neighborhood Commercial Office and Retail District.
2. The primary building entrance shall be oriented to promote clear lines of sight from the public right-of-way and parking areas, aiding in natural surveillance and crime prevention.
3. The building structure shall include architectural design elements, colors, and building materials that are compatible with the surrounding neighborhood and shall comply with applicable City of Bel Aire zoning regulations for building design.
4. All building and structure heights within this PUD shall comply with the (Final Aviation Administration Authority) height regulations. The maximum height of any structure on Phase 1 (Proposed Lot 34A) shall not exceed thirty-five (35) feet or two stories, and accessory structures shall not exceed one story.
5. Parking setbacks shall meet or exceed the standard setback requirements for the current C-1 (Neighborhood Commercial, Office, and Retail District), except as follows:
  - The parking and pavement setbacks along the West line and a portion of the North line of Parcel A shall be zero (0) feet.
  - The parking and pavement setbacks along the South, East, and a portion of the North lines of Parcel A shall be as shown on this plan.
  - The parking and pavement setbacks along the North, West, and a portion of the South line of Parcel B shall be zero (0) feet.
  - The parking and pavement setbacks along portions of the South and East lines of Parcel B shall be as shown on this plan.

## Utility Notes:

1. Property owners are prohibited from placing any permanent or semi-permanent obstructions within permanent sewer, drainage, or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings, or other obstructions that interfere with the access or egress of maintenance vehicles or equipment. Any such obstruction may be removed by personnel representing the governing body or utility provider to ensure proper operation and maintenance of the utility line, without cost or obligation for replacement. All costs associated with removal shall be the responsibility of the property owner.
2. All utility service lines shall be placed underground in accordance with the City of Bel Aire right-of-way and utility management standards.
3. Underground utilities depicted on this survey are based solely on field markings provided through Kansas One Call, Ticket No. 20080424, original call date 2/11/20, and work to begin date 2/14/20 and Ticket No. 20097551, original call date 2/26/20, and work to begin date 3/10/20. No subsurface utility engineering report was provided to verify the locations of utilities. This survey makes no certification or guarantee as to the accuracy of the depicted utilities, nor the existence, type, depth, or exact location of any other underground utilities, marked or unmarked, within or adjacent to the subject property. Above-ground appearances are shown as per field survey. The client is advised to contact the relevant utility companies and/or a qualified utility locator for more detailed information and verification.

## Access, Circulation, Parking Traffic and Maintenance of Improvements Notes:

1. Access to the subject property is restricted as shown on the recorded plat of "CEDAR PASS ADDITION", an addition to Bel Aire, Sedgwick County, Kansas. Complete access control is maintained for 325 feet along both the East 53rd Street North and North Webb Road frontages, except for one (1) 60-foot opening along East 53rd Street North and one (1) 60-foot opening along North Webb Road.
2. All drives lanes and access ways shall meet or exceed the setback requirements as shown on this plan.

## Signage Notes:

1. Signage shall comply with the standard C-1 (Neighborhood Commercial, Office, and Retail District) regulations as set forth in the City of Bel Aire Zoning Regulations, except as follows:
  - The pylons signage in Parcel A shall not exceed ninety (90) square feet per face, and shall not exceed twenty-five (25) feet in height. A Comprehensive signage plan for Parcel A shall be submitted prior to the issuance of building permits.
2. All other signage—including but not limited to, incidental signs, directional traffic and pedestrian signage, shall comply with the standard City of Bel Aire Sign Code (Chapter 17, Article 9) for signs permitted in commercial districts.

## Landscaping Notes:

1. The proposed landscaping shall meet or exceed the standard landscaping, screening, and buffering requirements per City of Bel Aire zoning regulations for C-1, Neighborhood Commercial Office and Retail District, except as follows:
  - Building facade landscaping shall not be required.
  - Street trees shall be provided at a spacing no less than one (1) tree every fifty (50) feet.
2. Landscape area shall not interfere with sight triangles at intersections.
3. A comprehensive landscape plan shall be submitted prior to the issuance of building permits.

## Lighting Notes:

1. A comprehensive photometric plan for the proposed development of Parcel A shall be submitted prior to the issuance of building permits.

## Floodplain Note:

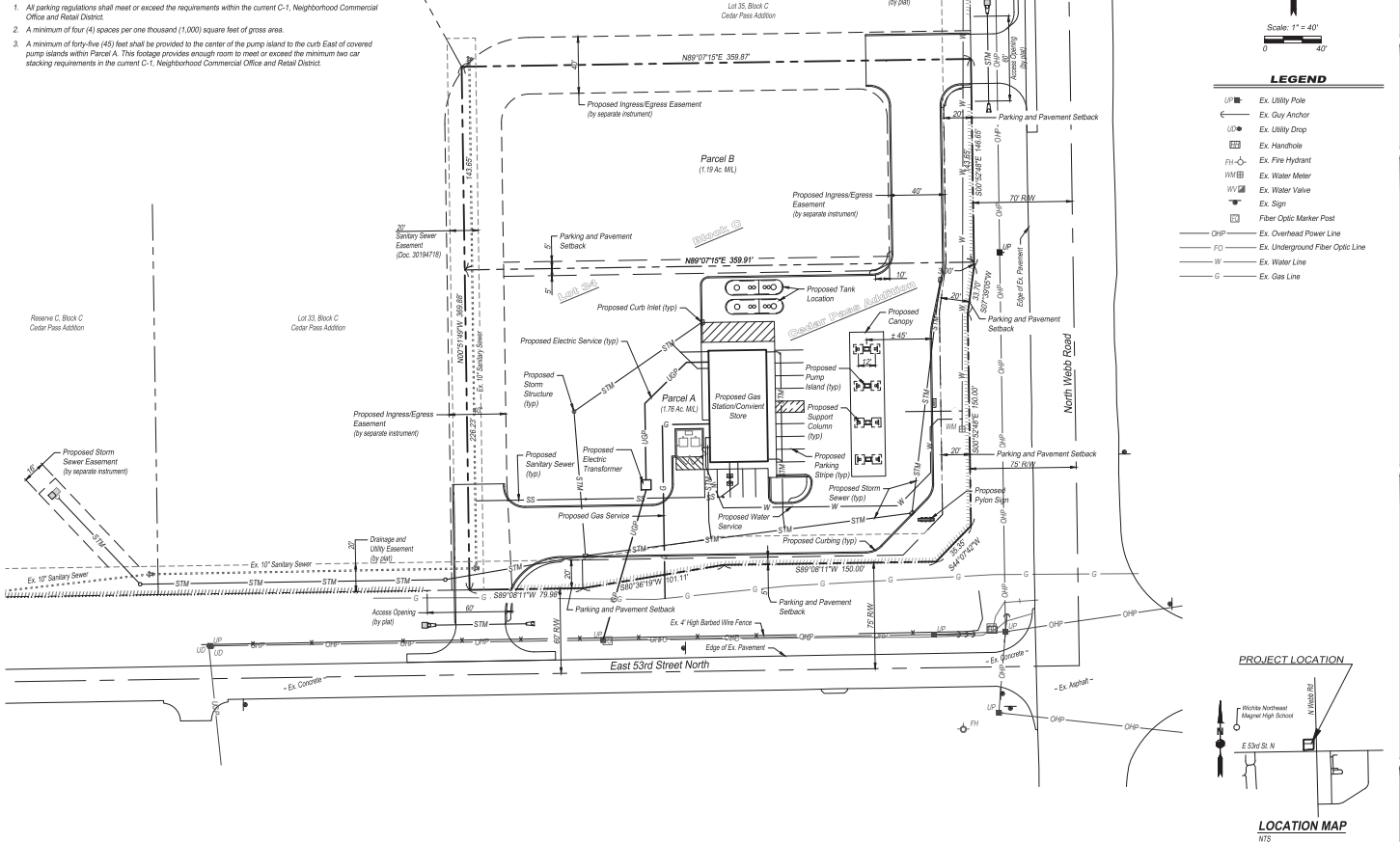
According to "FIRM" Map Community Panel Number 2017030240G, effective on 12/22/2016, the Subject Tract is in Flood Zone X, and of minimal flood hazard. However, the property to the West is partially within Zone A of the "Whitewater Creek Tributary 1". Flood Zones depicted on this survey are shown by FEMA's Flood Map Service Center, found at <https://msc.fema.gov/portals/search>

## Project Data and Use Group Categories:

- Parcel A: PUD C-2
- Permitted Uses: All permitted uses within the C-1, Neighborhood Commercial Office and Retail District, with the addition of a Retail convenience store and vehicle fueling station.
- Existing Structures: There are no existing structures on subject tract.
- Proposed Structures: Retail convenience store and vehicle fueling station.
- Parcel B: PUD C-2 (maintaining existing C-1, Neighborhood Commercial Office and Retail District.)
- Permitted Uses: All permitted uses within the C-1, Neighborhood Commercial Office and Retail District.
- Existing Structures: There are no existing structures on subject tract. No development is known of at the time of this document.

## Parking Stall Calculation Note:

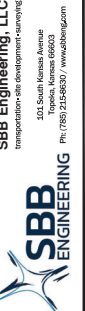
1. All parking requirements shall meet or exceed the requirements within the current C-1, Neighborhood Commercial Office and Retail District.
2. A minimum of four (4) spaces per one thousand (1,000) square feet of gross area.
3. A minimum of forty-five (45) feet shall be provided to the center of the pump island to the curb East of covered pump islands within Parcel A. This footage provides enough room to meet or exceed the minimum two car stacking requirements in the current C-1, Neighborhood Commercial Office and Retail District.



| Rev. | By | Date | Description |
|------|----|------|-------------|
|      |    |      |             |
|      |    |      |             |
|      |    |      |             |
|      |    |      |             |

Casey's General Stores  
One Convenience Boulevard  
Arkney, Iowa 50021

PREPARED FOR  
SBB Engineering, LLC  
Integrating all development planning  
222 South Kansas Avenue  
Wichita, Kansas 67203  
Tel: (785) 255-8200 / www.sbbeng.com



SHEET TITLE  
PLANNED UNIT DEVELOPMENT  
CASEY'S IN CEDAR PASS ADDITION  
PROJECT LOCATION  
Northwest Corner Of The Intersection For  
East 53rd Street North & North Webb Road  
Wichita, Kansas 67207

SBB Proj. No. 25-214  
Drawn by: JEM  
Checked by: JNL  
Date: 8/04/2025  
Sheet No.: 1 of 1

**GODDARD PLANNING COMMISSION  
118 NORTH MAIN  
GODDARD, KANSAS  
June 8, 2026**

- A) CALL TO ORDER**
- B) PLEDGE OF ALLEGIANCE AND INVOCATION**
- C) APPROVAL OF THE AGENDA**
- D) CITIZEN COMMENTS**
- E) CONSENT AGENDA:**

Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed.

- 1. Approval of Minutes
  - May 11, 2026

- F) OLD BUSINESS**

None

- G) NEW BUSINESS**

None

- H) BOARD OF ZONING APPEALS**

- 1. Variance for Ketelsen RV Monument Sign
- 2. Conditional Use Permit Automobile Sales Lot

- I) CITY PLANNER REPORT**

- 1. Economic Development Update

- J) COMMISSIONER COMMENTS**

- K) ADJOURNMENT OF PLANNING COMMISSION**

The Next Regular Meeting of the Planning Commission is scheduled for:  
July 13, 2026, at 7pm.

**MINUTES JOINT PLANNING COMMISSION AND CITY COUNCIL**  
**CITY OF GODDARD**  
**118 N MAIN ST, GODDARD KS**  
**MEETING MINUTES**  
**MAY 12, 2026**

The Goddard Planning Commission and the Goddard City Council met in a Joint Session at Goddard City Hall on Monday, May 12, 2026. ***Chairman Coyne*** called the meeting to order at 7:01 p.m. and led the pledge of allegiance and led the Invocation.

**Commissioners present were:**

Justin Parks, Daniel Hayden, Jamie Coyne, Jim Milligan, Preston Black, Jim Milligan

**APPROVAL OF THE AGENDA**

**MOTION:** ***Commissioner Cline*** made a motion to approve the agenda for May 12th, 2026. ***Commissioner Hayden*** seconded the motion.

The motion carried.

**6-0**

**D. CITIZEN COMMENTS**

**Ketelsen RV Monument Sign – Pre-Approval Request**

Trevor Bisel, representing Ketelsen RV, addressed the Commission to request early consideration of a monument sign base modification ahead of the business's upcoming June grand opening. He explained that the sign is currently in the approval process but will not receive final approval until later in June, and asked whether a 36-inch base could be pre-approved to allow installation prior to the opening.

**Pedestrian Access Concerns – Fence Near Senior Homes and Challenger Area**

Amanda Treadwell, residing at 410 Richards Road, brought forward a concern on behalf of community members regarding a newly installed fence separating the Goddard Senior Apartments and the Easy Place area from the surrounding neighborhood. She noted that the fence had eliminated a previously accessible walking path used by residents and schoolchildren.

Jessica Bennett, residing at 718 Timmy Court, elaborated on the issue, recounting that her nine-year-old daughter was unable to return home from school after the gate was locked mid-day, forcing Ms. Bennett to leave work early to retrieve her. She asked whether the city had plans to improve sidewalk connectivity and pedestrian access to and from the neighborhood, noting that since a nearby business was constructed, approximately twelve or more children attending Challenger, Oak Street, and other schools in the area have been unable to walk to

school safely. A second resident echoed the concern, emphasizing that the neighborhood has effectively been cut off from walkable access to the downtown core.

## **E. CONSENT AGENDA**

### **1. APPROVAL OF MINUTES**

The Community Development Director summarized that the April 13, 2026 minutes covered several prior items including an area of influence modification, a preliminary and final replat of the 167 West Edition, a road name change for Goddard Galleria, a C-2 zoning amendment, variances for lopsided requirements and Urban Property Group, modifications to R-1 and R-2, official changes, and removal of ROA from zoning regulations.

**MOTION:** *Commissioner Milligan* moved to approve the minutes of April 13, 2026.  
*Commissioner Hayden* seconded the motion.

The Motion carried.

6-0

## **F. OLD BUSINESS**

There was no old business.

## **G. NEW BUSINESS**

### **1. Resolution For Duplexes and Twin Homes (Joint Conversation)**

City Attorney Ryan Beck introduced a proposed joint resolution and accompanying restrictive covenant intended to govern two-family residential structures in the R-2, R-3, and R-4 zoning districts. He explained that the resolution would apply on a going-forward basis to new developments only and would not affect previously approved or grandfathered developments. He emphasized that cities have broad police power authority to regulate land use in the interest of public health, welfare, and safety, and that the restrictive covenant would be required as a condition of the rezoning process—though it would not substitute for the full quasi-judicial analysis the Planning Commission and City Council must conduct for each application. He cautioned against "contract zoning," noting that the body cannot waive its legislative discretion simply because a developer agrees to the covenant.

City Planner Micah then walked through the specific provisions of the proposed restrictive covenant:

**Non-Monotony Standard:** The covenant would require a minimum of six distinct duplex design types within a development, with no two identical designs appearing within five units of one another along a street frontage. City Planner Micah noted that the non-monotony standard was intended to apply to the roadside view, and that units sharing a rear yard out of public sightlines would not be subject to the same restriction. The goal was to eliminate the "cookie cutter" appearance of repetitive garage facades and rooflines along a street.

**Percentage Cap – Two-Family Structures:** The covenant would cap two-family structures at no more than 40 percent of total structures within a development, with each duplex or twin home counted as one structure regardless of the number of units it contains. City Manager

Craig referenced the Trails In development as a specific case where a supplemental cap of 80 duplexes—whichever is less than 40 percent—had already been applied to prevent expansion of duplex counts through lot additions.

**Neighborhood Amenities:** The covenant would require at least three amenities per development, including at minimum one active amenity. "Active amenity" was defined as a mandated recreational facility intended for active physical use, such as a swimming pool, playground, splash pad, sport court, gym, or dog park. Passive features such as benches, picnic tables, shade structures, and open lawn areas would not qualify.

A substantial discussion arose regarding whether retention or detention ponds stocked with fish could qualify as active amenities. City Planner Micah and City Manager Craig both expressed concern that broadly worded language could allow any pond in a neighborhood to satisfy the active amenity requirement, effectively rendering it meaningless. Following discussion, the body reached general consensus that a pond would only qualify as an active amenity if a walking trail was incorporated around it, consistent with the definition's inclusion of trails as active recreational improvements.

The body also discussed at length whether required amenities should be publicly accessible or reserved exclusively for HOA members. City Attorney Beck framed the question as a policy decision for the governing body. After deliberation, the consensus was that amenities would be treated as private HOA amenities, with the HOA retaining discretion to restrict or open access as it sees fit. The previously proposed language prohibiting fencing or gates without city consent was agreed to be removed. Concerns were also raised that no comparable amenity requirement exists for R-1 single-family developments, with one council member expressing the view that as the city grows, amenity standards should eventually extend to all residential development types.

**Sidewalk Width:** The covenant would require five-foot-wide sidewalks, exceeding the typical three-to-four-foot standard.

**Tree Planting:** Each lot would be required to have two trees with a minimum caliper of 1.5 inches measured six inches off the ground, to be in place prior to issuance of a certificate of occupancy. Discussion focused on the longevity of the requirement and whether replacement obligations should extend beyond the initial two-year window currently proposed. Participants noted that most HOA covenants typically carry their own tree maintenance requirements independent of city code, which would effectively continue the obligation beyond the city's two-year window. The body did not reach a formal resolution on extending the replacement requirement but indicated that HOA covenants would serve as the practical long-term enforcement mechanism.

**Facade and Design Standards:** The covenant would require 30 percent masonry on the front facade of two-family structures, varied rooflines and facade treatments for individual dwellings within a building, and limitations on use of earth-tone paint colors limited to incidental accents. A 50 percent window-to-garage-door ratio requirement was also included. Some concern was raised about whether the window ratio was appropriate or overly prescriptive compared to existing single-family homes, though others noted that similar standards had been drawn from comparable developing communities in the region, including Derby. City Manager Craig noted that builders and developers who had previewed drafts of the covenant had responded positively, and that developers were already waiting on passage in order to close on land and apply for R-2 zoning.

**Sound Separation:** The covenant would incorporate supplemental construction standards for sound attenuation between units, going beyond the minimum requirements of the International Residential Code. City Planner Micah noted that builders consulted during drafting did not object to these standards. Discussion touched on whether alternative insulation materials meeting sound dampening performance standards could be considered, and whether the continuous fire-rated separation wall was required to extend into attic or basement spaces. City Planner Micah acknowledged uncertainty on the technical details and indicated those questions would be vetted through the building inspector and applicable code provisions.

**Phasing:** The 40 percent cap would apply to each phase of a multi-phase development individually, preventing developers from concentrating all duplex lots in a single early phase while deferring single-family construction.

City Manager Craig noted that the resolution and covenant had been shared with the development community and that reception had been broadly positive. He observed that the three fastest-growing communities in Sedgwick County—Goddard among them—had each denied an R-2 rezoning request in October of the prior year, prompting a regional working group among city managers and planning professionals to develop consistent standards. He indicated that the standards under consideration were broadly aligned with those being pursued in parallel by comparable communities.

Council members expressed the shared view that the intent was not to block duplex development but to ensure that future two-family housing is built to a standard that residents would find desirable. Several members acknowledged community concern over the appearance of existing duplexes and expressed support for a framework that would make Goddard a community where people choose to stay long-term. The discussion was recorded for staff to incorporate feedback into a revised draft for formal consideration at a future meeting.

## ***NO ACTION TAKEN***

### **2. Site Plan Paradise Corner**

A site plan for Paradise Corner was presented. Discussion included a requirement for a fence screening the subject parcel from adjacent residential uses. The presentation addressed storm drainage design, with staff noting that the detention basin would be a shallow, dry surface basin approximately three feet deep directing flow eastward. A deteriorated sidewalk along the site's edge was identified as existing on city right-of-way, and staff indicated that discussions were ongoing regarding its replacement or removal. The potential for a pedestrian connection in that corridor was noted as unresolved. Parking was discussed relative to the city's recently updated reduced parking requirements, with the presenter indicating that parking had been maximized in coordination with building design and tenant configuration.

**MOTION:** *Commissioner Milligan* moved to approve the site plan for Paradise Corner. *Commissioner Hayden* seconded the motion.

The Motion carried.

**5-0**

### 3. Rachel Brooke Estates Re-Plat Preliminary

The preliminary replat for Rachel Brooke Estates was presented.

**MOTION:** *Commissioner Milligan* moved to approve the preliminary replat for Rachel Brooke Estates. *Commissioner Hayden* seconded the motion.

The Motion carried.

5-0

### 4. Rachel Brooke Estates Re-Plat Final

The Rachel Brooke Estates Re-Plat Final was presented for consideration.

**MOTION:** *Commissioner Black* moved to approve the Rachel Brooke Estates Re-Plat Final. *Commissioner Cline* seconded the motion.

The Motion carried.

5-0

### 5. Circle C Addition Site Plan

The Circle C Addition site plan was presented. Staff noted that the development is at 16.5 percent lot coverage, well below the 45 percent maximum with the two proposed additions. The setbacks involved required a variance, discussed further under the Board of Zoning Appeals agenda. The facade of the addition was noted to match the existing building.

**MOTION:** *Commissioner Milligan* moved to approve the Circle C Addition Site Plan. *Commissioner Cline* seconded the motion.

The Motion carried.

5-0

## **H. BOARD OF ZONING APPEALS**

### **1. Setback & Façade Variance Circle C**

A variance request was presented for the Circle C development related to building setbacks and facade design. A representative from Folder and Associates explained that the proposed addition encroaches approximately 2 feet 8 inches to 2.9 feet beyond the applicable setback line. A survey was commissioned to establish the precise encroachment after initial GIS-based estimates proved insufficiently accurate. The representative noted that the design configuration—driven by the number of offices required between the front of the existing building and the exterior face of the addition—made it impractical to pull the addition back within the setback without compromising the project's functional requirements. He also noted that several adjacent properties appeared to have similarly encroached on the setback line, and that parking for the facility is primarily located across the street on lots owned by the entity, reducing parking pressure on the subject site.

City Planner Micah walked through the variance criteria, noting that approval was sought under criteria numbers 2 and 8, and recommended approval subject to conditions related to the setback and facade variance. He noted that the additions had not yet been built, and that this was not a case of after-the-fact correction. Staff recommendation was to approve.

**MOTION:** *Commissioner Hayden* moved to approve the Setback & Façade Variance Circle C. *Commissioner Cline* seconded the motion.

The Motion carried.

5-0

### **2. One Step Final Plat**

City Planner Micah presented a proposed modification to the city's subdivision regulations that would allow qualifying small developments to bypass the preliminary plat stage and proceed directly to a final plat—referred to as a "one-step final plat." The proposal would apply to developments of fewer than ten acres and fewer than ten lots.

City Planner Micah explained that preliminary plats require substantial additional survey work—including topographic contours, identification of trees, rock formations, and other site features—that is ultimately not carried forward onto the final plat and not recorded with the Register of Deeds. For small infill projects such as the Rachel Brooke Estates replat, requiring a full preliminary plat imposes significant cost and time on developers without a corresponding public benefit. He noted that advances in GIS and aerial mapping technology have reduced the informational need for heavily detailed preliminary plats.

Discussion addressed whether the final plat could retain additional information similar to a preliminary plat; City Planner Micah clarified that combining the two would effectively recreate the preliminary plat in final form, which would be unwieldy and inconsistent with county recording requirements. He confirmed that all signature blocks and county-required information would still be present on the one-step final plat.

A concern was raised about developers potentially gaming a minimum threshold by segmenting a larger project into multiple small phases. City Attorney Beck acknowledged the

risk but noted that requiring a conditional use permit process for exceptions would serve as a practical deterrent.

**MOTION:** *Commissioner Milligan* moved to approve the One Step Final Plat process.  
*Commissioner Cline* seconded the motion.

The Motion carried.

5-0

### 3. Potential Variance For Ketelsen RV Monument Sign

City Planner Micah presented the background for the Ketelsen RV monument sign variance request. He explained that the existing sign pole sits on a landscaped dirt mound, making it physically impractical to install a concrete pad of sufficient size to meet the standard monument sign base width requirement of 72 inches. The sign itself is 144 inches wide, and the pole wrap would need to be 72 inches wide under current code. Ketelsen RV is requesting a variance to allow a 36-inch base width instead.

City Planner Micah noted that state law requires a 20-day public notice period before a formal variance hearing, meaning the matter could not be officially voted on at this meeting and would be placed on the June agenda. However, Trevor Bisel, representing Ketelsen RV, had asked whether the Commission would be favorably disposed to allow work to begin on the reduced base prior to formal approval, given the business's imminent June grand opening.

Discussion among board members indicated general support for the concept, with one member noting that the existing landscaping—brick, gravel, and grassing—looked well-maintained and that requiring demolition of those improvements to accommodate a full-width base seemed disproportionate. The question of whether the sign could be rotated to achieve the required width was raised; Mr. Bisel explained that the sign is oriented to capture traffic visibility from Kellogg and that a perpendicular orientation would defeat the purpose. He noted the base material would be consistent with the sign's overall design, using a skirting material supplied by the sign company, and that the sign company would also apply a decorative treatment to integrate the base aesthetically. A board member inquired about the possibility of using brick for the base, which Mr. Bisel indicated had not yet been explored from a cost standpoint.

City Planner Micah confirmed that the formal variance hearing would be scheduled for the June meeting, and that the Commission's discussion this evening would be noted in the record.

**NO ACTION TAKEN**

## **I. CITY PLANNER REPORT**

### **1. Economic Development Update**

The City Planner provided a brief economic development update, noting that single-family construction in Quarter 1 has exceeded the historical average, reflecting positive growth momentum. Two-family residential construction came close to but did not exceed the average. The City Planner indicated that 2024 figures were also referenced for context.

### **2. Tri-Government Meeting On May 18th**

The City Planner confirmed attendance for the upcoming Tri-Government Meeting on May 18th, noting approximately five potential attendees had been identified and would be marked as attending.

## **J. COMMISSIONER COMMENTS**

### **Sign Material Discussion**

Prior to the formal agenda items, commissioners and a presenter engaged in discussion regarding a monument sign variance, specifically concerning the material composition of the sign face. Commissioners raised questions about the durability and longevity of the material, with one commissioner expressing concern that the plastic material could become brittle over time, crack, and create maintenance issues. The presenter responded that the material used is the same type commonly used for sign faces throughout the area, and noted that the sign company involved—OB Signs and Envirotech—is currently completing similar work for a local school district. It was acknowledged that there is a possibility of color fading over time, particularly with the red and black elements. The City Planner noted that commissioners were within their purview to approve the variance contingent on material changes if they wished, but confirmed there are currently no specific material requirements in the code. The presenter noted that the alternative to the variance would be complete removal of the existing sign, which would be unfavorable for the business.

### **School Pedestrian Access Discussion**

A discussion arose regarding pedestrian access and safety concerns related to the school district property on Easy Street. The City Planner explained that the school district's fence is located approximately 30 feet past the right-of-way onto school property, and that the gate was intentionally installed by the district to prevent students from running from Challenger school to Highway 54. The City Planner further clarified that a city-owned lot exists in the area, but that accessing a potential walking path would require crossing private property. Staff noted that a walking path through the area had been priced out a couple of years prior and was found to be quite costly—described as "tens of thousands, not just thousands." It was also noted that an existing easement in the corridor is a utility and drainage easement, not a pedestrian easement, and that the language would need to be amended to allow pedestrian use. Staff indicated that ongoing conversations with private property owners regarding stormwater matters may provide an opportunity to incorporate a pedestrian access discussion. The possibility of raising the matter at the upcoming joint meeting with the school district was suggested as a next step.

### **Monument Sign and Landscaping Standards**

A commissioner raised the question of whether the city has adequate design standards in place for monument signs, noting that while a monument sign requirement exists, there are no accompanying material or design specifications. The commissioner also observed that landscaping requirements had previously been discussed and appeared to be lacking. The City Planner acknowledged that landscaping requirements were removed from the code in part because the city was not actively enforcing compliance, and that questions remained about the appropriate punitive measures for non-compliance—for example, whether minor

substitutions in plantings would warrant action. The City Planner indicated this is a matter that could be discussed further internally. Monument sign design standards were also noted as a topic that has arisen during the comprehensive planning process, suggesting it may warrant further policy attention.

### **ADJOURNMENT**

*Commissioner Cline* moved to adjourn the meeting. *Commissioner Hayden* seconded the motion.

The motion carried.

**5-0**

***Meeting adjourned at 9:17 pm.***

The next Planning Commission will be held on June 8, 2026, at 7:00 pm.

Item H.1

City of Goddard  
Regular Planning Commission  
June 8, 2026  
7:00 PM

TO: Planning Commission  
SUBJECT: Sign Variance #VAR-26-5  
PREPARED BY: Community Development Director  
AGENDA: Board of Zoning Appeals

**Background:** On May 11<sup>th</sup> Vermeer spoke before the Planning Commission and asked if the Planning Commission would look favorably on a sign variance due to the fact that their pole sign was restricted by the landscaping of the property and they would like to have the base be smaller than required to accommodate the restriction.

The Planning Commission reviewed the request and stated that they would view it favorably knowing that they could not act on it immediately given the publication requirements.

This item will be for the official review and approval of the sign variance request for Ketelsen RV

**Analysis:** The Planning Commission is reviewing a variance for the sign for Ketelsen RV that they generally agreed that they were in support of.

Authorized Variances and Findings of Fact.

Article 10-107.C. Authorized. Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in Section 10-107.D, and may be granted only in the following instances and in no others:

1. To vary the applicable minimum lot area, lot width and lot depth requirements.
2. To vary the applicable bulk regulations, including maximum height and lot coverage and minimum yard requirements.
3. To vary the dimensional provisions for permitted obstructions in required yards including fences in Section 3-103F.
4. To vary the applicable number of required off-street parking spaces and the amount of off-street loading requirements of Article 5.
5. To vary the applicable dimensional sign provisions of Section 7-102 regarding general standards and Section 7-104 regarding district regulations.
6. To vary the applicable requirements in Sections 10-107 C1 through 5 above in conjunction with conditional use applications for nonconforming, nonresidential structures and uses under provisions of Section 8-105.
7. To vary the applicable provisions permitted by the Floodplain Regulations. (See Appendix for Floodplain Regulations.)
8. To vary any design related provisions of these regulations either in part or in full. Such

design regulations can include article 11.

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented to it at the hearing that all the conditions required by K.S.A. 12-759(e) have been met which are listed below:

Per the city attorney K.S.A 12-759( e) is for guidance and does not need to be met in order to grant a variance.

1. That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district. and is not created by an action or actions of the property owner or the applicant.

**It is unique to the property given their sign is on a mound. No actions have been taken by the owners.**

2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents.

**No adverse impact on the adjacent property owners.**

3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

**Not an unnecessary hardship. The landscaping could be changed potentially.**

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations. It will not affect health, safety or welfare.

**It will not affect public health, safety, morals, order, convenience, prosperity or general welfare, and it is not against the general spirit or intent of these regulations.**

**Financial:** Public notice was given incurring a small cost.

**Legal Considerations:** Approved as to form.

**Recommendation/Actions:** It is recommended that the Planning Commission:

- 1. Open the Public Hearing
- 2. Receive comments from the Public
- 3. Close the Public Hearing
- 4. Approve the variance request VAR-26-5

**(VOICE)**

**Attachments:**

**Exhibit H.1a** Variance Application (3 Pages)

**Record No: VAR-26-5**

Variance Application

Status: Active

Submitted On: 5/5/2026

**Primary Location**19812 W KELLOGG DR  
Goddard, KS 67052**Owner**SWANK VIRGINIA REVOC  
TRUST**Applicant**

No applicant

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**Applicant Information****Name of Applicant\***

Envirotech and LB Signs Wichita

**Address\***

19182 W US 54

**Phone\***

316-684-7600

**Relationship to property\***

Agent

**Variance Type\***

5.) Sign Variance

**Reason for variance\* ?**

need to reduce the monument sign requirements to allow for a smaller base for the monument sign

The applicant herein or his/her authorized agent acknowledges:

1.) That he/she has received information concerning the filing and hearing of the request.

2.) That he/she has been advised of the fee requirements established and that the appropriate fee is herewith tendered.

3.) That he/she has been advised of their rights to bring action to the district court of the county to appeal the decision of the Goddard Board of Zoning Appeals.

4.) That all necessary information and documents have been provided.

5.) That the Goddard Board of Zoning Appelas has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.

Signature\*

✓

Joda Price  
May 5, 2026

Attachments



Ownership List

properties.xls

Uploaded by Micah Scoggan on May 5, 2026 at 3:13 PM

REQUIRED

Record Activity

|                                                            |                       |
|------------------------------------------------------------|-----------------------|
| Micah Scoggan started a draft Record                       | 05/05/2026 at 2:35 pm |
| Micah Scoggan added file properties.xls to Record VAR-26-5 | 05/05/2026 at 3:13 pm |
| Micah Scoggan submitted Record VAR-26-5                    | 05/05/2026 at 3:13 pm |

|                                                                                                                |                       |
|----------------------------------------------------------------------------------------------------------------|-----------------------|
| OpenGov system altered payment step Application Fee, changed status from Inactive to Active on Record VAR-26-5 | 05/05/2026 at 3:13 pm |
| OpenGov system completed payment step Application Fee on Record VAR-26-5                                       | 05/05/2026 at 3:15 pm |
| OpenGov system altered approval step City Review, changed status from Inactive to Active on Record VAR-26-5    | 05/05/2026 at 3:15 pm |
| OpenGov system assigned approval step City Review to Micah Scoggan on Record VAR-26-5                          | 05/05/2026 at 3:15 pm |
| Micah Scoggan changed the deadline to May 11, 2026 on approval step City Review on Record VAR-26-5             | 05/05/2026 at 3:15 pm |
| OpenGov system reactivated payment step Application Fee on Record VAR-26-5                                     | 05/05/2026 at 3:16 pm |
| Micah Scoggan waived payment step Application Fee on Record VAR-26-5                                           | 06/04/2026 at 8:44 am |

Timeline

| Label                                                                                               | Activated            | Completed            | Assignee      | Due Date  | Status  |
|-----------------------------------------------------------------------------------------------------|----------------------|----------------------|---------------|-----------|---------|
|  Application Fee | 5/5/2026, 3:13:45 PM | 6/4/2026, 8:44:48 AM | -             | -         | Skipped |
|  City Review     | 5/5/2026, 3:15:13 PM | -                    | Micah Scoggan | 5/11/2026 | Active  |

Item H.2

City of Goddard  
Regular Planning Commission  
June 8, 2026  
7:00 PM

TO: Planning Commission  
SUBJECT: CUP for Car Lot Case # CUP-26-1  
PREPARED BY: Community Development Director  
AGENDA: Board of Zoning Appeals

**Background:** 54 Motors LLC has submitted a Conditional Use Permit for a used vehicle dealership. The property is zoned as “C-2” General Business District which requires a conditional use permit for car lots. The property is on the north side of Walnut Street located at 727 N Walnut St.

A Conditional Use Permit is considered an acceptable use that may require certain conditions as is determined by the Planning Commission.

**Analysis:** The Planning Commission is reviewing a Conditional Use Permit for the property of 727 N Walnut St.

Conditions. In granting a conditional use, the Board may attach such conditions upon the premises and/or the applicant benefitted by the conditional use as may be necessary to comply with the standards set out in Section 10-108C in order to reduce or minimize any potentially injurious affect upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. Such conditions may include, but not be limited to:

1. Further restrictions on bulk regulations
2. Time of operation and ownership limitations
3. Screening, landscaping and fencing
4. Provision of utilities, drainage and other public improvements
5. Additional access or access control
6. Off-street parking and loading requirements.
7. Platting, dedications and/or guarantees.

**Financial:** Public notice was given incurring a small cost.

**Legal Considerations:** Approved as to form.

**Recommendation/Actions:** It is recommended that the Planning Commission:

1. Open the Public Hearing
2. Receive comments from the Public
3. Close the Public Hearing
4. Approve the Conditional Use Permit request CUP-26-1

**(VOICE)**

**Attachments:**

**Exhibit H.2a** CUP Application (3 Pages)

**Exhibit H.2b** Map Location (1 Page)

**Record No: CUP-  
26-1**

Conditional Use Permit

Status: Active

Submitted On: 5/26/2026

**Primary Location**

727 N WALNUT ST  
Goddard, KS 67052

**Owner**

SMITH REBECCA S

**Applicant**

No applicant

---

**Property Owner Information**

**Name\***

54 Motors LLC

**Phone\***

620-391-2374

**Address\***

401 E Pancake Blvd Liberal KS 67901

**Name of Agent Representing Owner ?**

**Relationship to property\***

Tenant

**Reason for request\* ?**

used vehicle dealership

The applicant or his/her authorized agent acknowledges that:

A.) He/She has received information concerning the filing and hearing of this matter.

B.) He/She has been advised of the fee requirements established and the appropriate fee has been paid.

C.) He/She has been advised of his/her right to bring action in District Court of Sedgwick County to appeal the decision of the Goddard Board fo Zoning Appeals

D.) All information and additional documents are included in the application.

E.) The Goddard Board of Zoning Appeals has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.

Siganture\*

✔ Elena Lozoya  
May 26, 2026

Attachments



Record Activity

|                                                                                                                |                       |
|----------------------------------------------------------------------------------------------------------------|-----------------------|
| Micah Scoggan started a draft Record                                                                           | 05/26/2026 at 8:10 am |
| Micah Scoggan added file ownership_list.xls                                                                    | 05/26/2026 at 8:20 am |
| Micah Scoggan added file CUP Goddard KS (1).pdf to Record CUP-26-1                                             | 05/26/2026 at 8:20 am |
| Micah Scoggan submitted Record CUP-26-1                                                                        | 05/26/2026 at 8:20 am |
| OpenGov system altered payment step Application Fee, changed status from Inactive to Active on Record CUP-26-1 | 05/26/2026 at 8:20 am |

Timeline

| Label                                                                                             | Activated             | Completed             | Assignee      | Due Date | Status    |
|---------------------------------------------------------------------------------------------------|-----------------------|-----------------------|---------------|----------|-----------|
|  Application Fee | 5/26/2026, 8:20:38 AM | 5/26/2026, 8:39:37 AM | -             | -        | Completed |
|  City Approval   | 5/26/2026, 8:39:38 AM | -                     | Micah Scoggan | 6/8/2026 | Active    |

2

20611 W  
KELLOGG ST

727 N  
WALNUT ST

719 N  
WALNUT ST

711 N  
WALNUT ST

63  
WALNUT ST 45

Item I.1

City of Goddard  
Goddard Planning Commission  
June 8, 2026

**TO:** Planning Commission  
**SUBJECT:** Several items of note for informative purposes but not for voting on.  
**INITIATED BY:** Community Development Director  
**AGENDA:** Staff Report

**Background:** Micah Scoggan, Community Development Director, compiles a short concise report outlining relevant information.

1. Economic Development Update

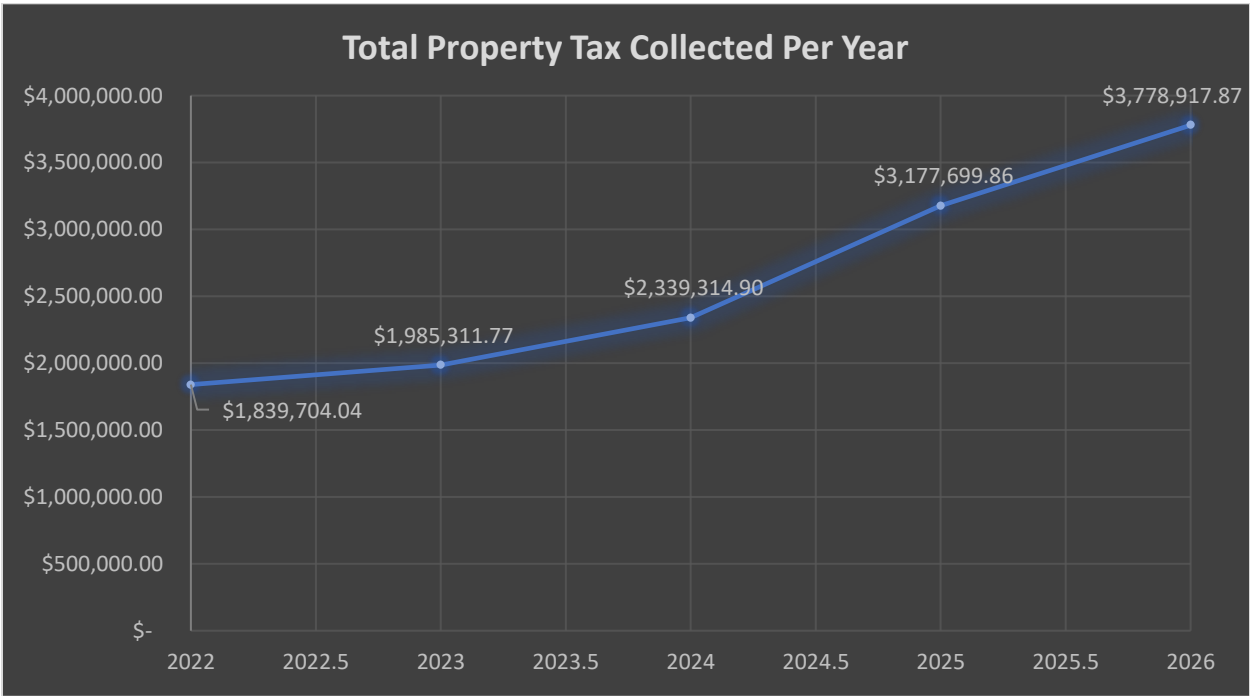


Figure 1: Total Property Tax Collected Per Year

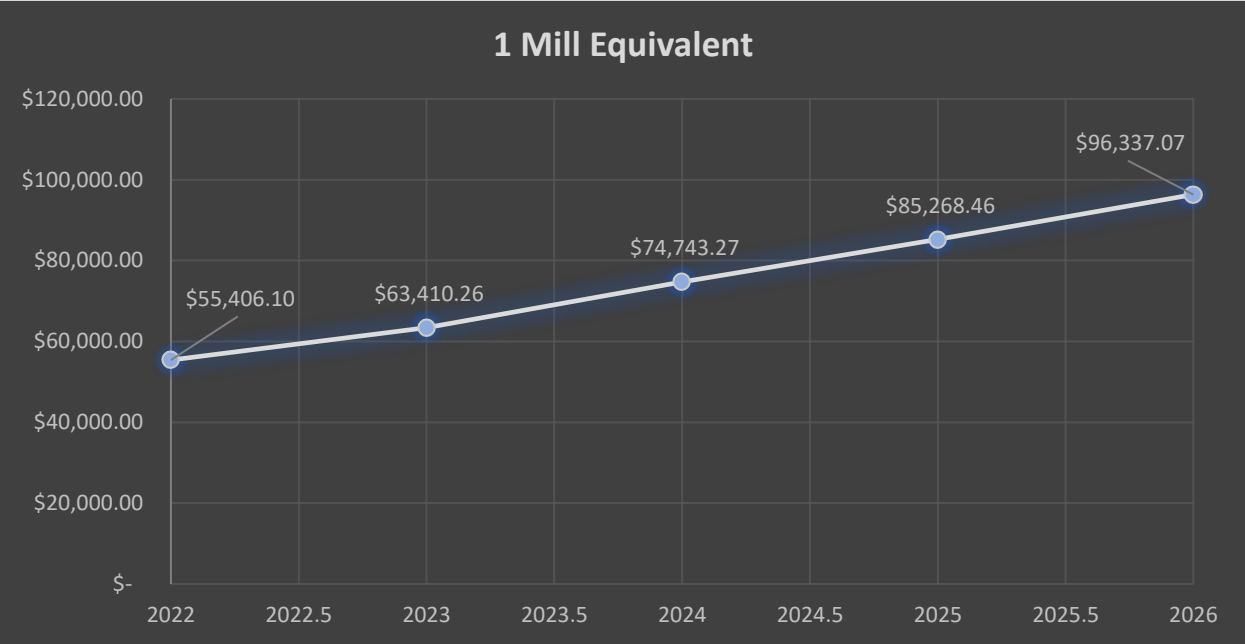


Figure 2: Dollar amount in property Taxes for 1 Mill

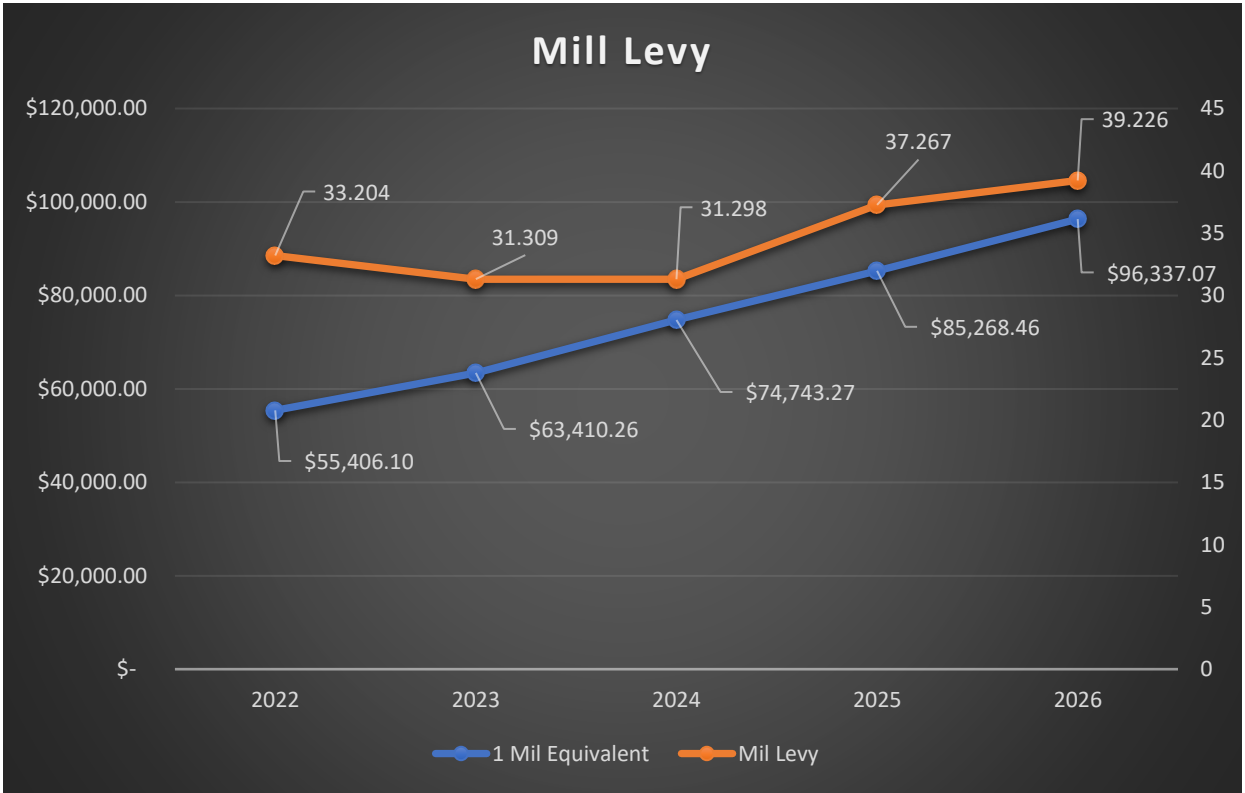


Figure 3: Mill Levy Comparison

## 2. New Goddard Building Inspector

The City of Goddard is happy to announce that we have hired a new building inspector to assist with the growth and development of the city.

Andrew Mcnaughten comes to us from MABCD with seven different certifications including all four residential certifications in electrical, mechanical, plumbing and structural. He also has three of four of the commercial certifications necessary to be a commercial inspector and we are happy to report that he will be job shadowing other inspectors until July when he will be actively inspecting construction in the city.

We want to thank Andrew for joining our team and we are excited to have an accomplished inspector ready and willing to serve our residents.



# STAFF REPORT

DATE: 08/05/2026

TO: Bel Aire Planning Commission  
FROM: Paula Downs  
RE: Draft Short Term Rental Regulations

| STAFF COMMUNICATION |           |
|---------------------|-----------|
| FOR MEETING OF      | 8/13/2026 |
|                     |           |
| CITY COUNCIL        |           |
| INFORMATION ONLY    |           |

**SUMMARY:** Short-Term Rental Regulations

**Background Information:**

In August 2025 the city received concerns about a short-term rental (STR) property in Bel Aire related to noise and parking. The concerned homeowner requested information related to city processes and requirements for short term rental properties in Bel Aire.

The City of Bel Aire currently does not have a specific Chapter or Article in the City Code titled “Short Term Rental”. However, the Bel Aire City Code does set out requirements to meet zoning regulations and obtain a general business license.

Bel Aire does have a definition in the code for a “bed and breakfast”: “The use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than 15 guests on a paying basis”. This definition does not directly describe the conditions for a short-term rental. STR’s provide an entire resident for temporary lodging and not just “rooms”. If the “bed and breakfast” definition was the appropriate definition, that use is only listed in the Rural Residential District (areas with 5-acre lots) and R-1 or Estate Residential District (1-acre lots). These districts list “bed and breakfast” as a conditional use only, requiring the owner to file a Special Use case and go through a formal approval process.

The initial discussion about STR properties was brought to the City Council in October 2025. Introductory information was presented and staff provided information on the City of Wichita short-term regulations that were adopted in 2023. The following City of Wichita regulations were discussed including:

- 1. Administrative Permit approval process
- 2. Appropriate required zoning approvals
- 3. Annual license requirement
- 4. Protest petition process
- 5. Inspections to ensure the home is in compliance with housing, fire, building, zoning and all other applicable codes

Staff initially stated that the City of Wichita process could serve as a template for Bel Aire. The Council provided direction to staff to develop an administrative approval process for STR properties vs. requiring STR properties to file a special use permit approval process.

Between October 2025 and March 2026, city staff began developing an initial regulation document for review and feedback by the City Council.

At the March City Council Workshop staff provided draft regulation sections and general information. Council provided suggestions and direction for regulation development.

Due to the world cup activities in 2026, the State of Kansas suspended the use and enforcement of STR regulations to expand accommodations for the projected high volume of people coming to the event in Kansas City. The suspension was in effect through August 1, 2026. As a result, it was anticipated that the Bel Aire STR regulations would be approved in the fall, 2026.

**Current Discussion:**

The following sections are contained in the working preliminary draft STR regulations:

- 1. Presumption of Ownership
- 2. Short-Term Rental Definition
- 3. Definitions
- 4. Short-Term Rental Administrative Permit Requirements
- 5. Ownership Limits
- 6. Limited Home Rental Exemption
- 7. Non-Valid Short Term Rental Permits
- 8. Separation and Density Requirements
- 9. Existing Units
- 10. Application for Short-Term Rental Permit
- 11. Non-Transferability of Short-Term Rental Permits
- 12. Permit Expiration and Renewal
- 13. Good Neighbor Guidelines
- 14. Short-Term Rental Regulations (standards)
- 15. Trash Collection Service Requirement
- 16. Outdoor Lighting
- 17. Quiet Hours
- 18. Pets
- 19. Parking Requirements
- 20. Unique Structures
- 21. Gatherings and Events
- 22. Overnight Guest Occupancy and Bedroom Definitions
- 23. Duties of Owner
- 24. Duties of Management Agent
- 25. Short-Term Rental Permit, Denial or Non-Renewal, Suspension, or Revocation
- 26. Appeals of Short-Term Rental Decisions
- 27. Initial Compliance Requirements and Timeline

These sections were developed from regulation research from municipalities across the state along with direction and feedback provided from the City Council during workshop presentations.

The order of the sections may be rearranged as the final ordinance is developed.

Proposed Short-Term Rental Regulation Process:

1. STR property owners will submit an application and required information/documents to the Administrator.
2. Administrator will evaluate the application for approval, approval with conditions, or denial.
3. If the application meets all requirements, the application is administratively approved.
4. At the time of STR application submission, a protest petition process will be available for surrounding property owners. This process will be further reviewed to identify clear process and how notification of surrounding property owners will occur.
5. If the application is denied, the applicant can file an appeal.
6. The appeal will trigger a public hearing before the Planning Commission.
7. Planning Commission will review the application for approval, approval with conditions, or denial.
8. Planning Commission is the final appeal authority.

Once regulations are approved and put into effect, staff will work with all current and future STR property owners to obtain their permit.

**Draft STR Document:**

The document is a working preliminary draft of proposed STR regulations. The specific language will continue to be updated and does not represent a final regulatory proposal.

The draft document was provided to inform the Planning Commission of the current progress and solicit feedback, comments and suggestions.

Revisions will continue to made as city staff reviews the document and feedback is provided by the Planning Commission and City Council.

Sections may be modified, rearranged or removed as the document is fully reviewed.

**Next Steps:**

1. Continue to update the regulations.
2. Create STR Ordinance (reflective of final document updates).
3. Finalize applications, checklists, permit, and fees.
4. Create website language and social media posts for citizen awareness.
5. Work with current STR property owners on permit application process.

**Short-Term Rental Regulations**  
**Updated: July 30, 2026**

**Disclaimer – Preliminary Draft for Discussion Purposes Only**

This document is a *working preliminary draft* of proposed Short-Term Rental regulations. It reflects initial staff development and general direction previously provided by the City Council. The document reflects all categories of information previously discussed and requested. The specific language will continue to be updated and does not represent a final regulatory proposal.

This draft is being shared solely to inform the Planning Commission and City Council of current progress and to solicit feedback, comments, and suggestions. Revisions are expected as additional staff review, legal analysis, and feedback occurs. No action or formal approval is requested at this time.

**A. Purpose**

The purpose of this chapter is to establish standards, procedures, and enforcement mechanisms for the permitting and operation of Short-Term Rentals in order to protect the health, safety, and welfare of residents, guests, and the community. These regulations are intended to ensure neighborhood compatibility, promote responsible property management, provide clear expectations for owners and operators, and create fair and transparent processes for review, enforcement, and appeal of Short-Term Rental permitting decisions.

**B. Presumption of Ownership**

For the enforcement of the provisions here, there shall be a prima facia presumption that the owner of the premises shall be that person, persons, joint ownerships or entities as reflected on the most recent evidence of ownership.

For properties owned by entities such as LLCs, corporations, partnerships, or trusts, the individual listed as the registered agent, trustee, or authorized representative in official records shall be presumed to have authority to act on behalf of the ownership entity.

Additional documentation may be required if ownership records are unclear or incomplete.

If a property has been recently sold or transferred and official records do not yet reflect the new ownership, the City may accept:

- A recorded deed;
- A settlement statement, or
- Other documentation sufficient to establish ownership.

Absent such documentation, the owner of record shall be presumed to be the property owner.

The presumption of ownership may be rebutted only by credible, written documentation submitted prior to the close of the verification period. Verbal claims or unverified statements shall not be sufficient to alter the presumption.

The presumption of ownership is for administrative convenience and verification only. It does not determine title, settlement of disputes between private parties, or confer any rights beyond eligibility for participation in proceedings under this chapter.

C. Short-Term Rental Definition

Short-Term Rental means the use or occupancy of a dwelling unit, or any portion thereof, located within the City of Bel Aire, Kansas, by one or more persons for a period of fewer than thirty (30) consecutive days, in exchange for consideration. A Short-Term Rental includes whole-home rentals, partial-home rentals, vacation rentals, or similar transient lodging arrangements offered through any platform, listing service, property manager, or direct rental agreement.

A Short-Term Rental does not include:

1. Hotels, motels, bed-and-breakfasts, boarding houses, or other lodging uses that are separately defined under the Bel Aire Municipal Code;
2. Dwelling units rented for thirty (30) or more consecutive days under a long-term lease or rental agreement;
3. Temporary housing provided by governmental agencies, nonprofit organizations, or emergency shelter programs; or
4. Any other lodging arrangement explicitly exempted by City ordinance.

D. Term Definitions (Section will be developed when regulation document is near completion to capture all terms in the document)

#### **E. Short-Term Rental- Administrative Permit Required**

1. No Person shall allow any Dwelling or Dwelling Unit to be rented or occupied by another for a period of 28 consecutive days or less without the owner first obtaining a Short-Term Rental Administrative Permit under the terms of this Article.
2. One (1) Short-Term Rental Permit shall be issued for each parcel of property with a Dwelling or Dwelling Unit(s) for rent and shall be deemed to cover all such Dwelling Units for rent on the property under single or common ownership.
3. The number of Dwelling Units per parcel of property permitted to be rented as Short-Term Rentals shall be limited to single-family and two-family residence districts.
4. If property has a principal dwelling unit and an accessory or secondary dwelling unit, only one unit may be permitted as a Short-Term rental.
5. The City shall have authority to exercise its permitting powers under this Article including the power to issue, renew, deny, revoke and suspend a Short-Term Rental Permit with respect to the entire premises or only a specific Dwelling Unit(s) found to be in violation of this Code.
6. The dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character of function are prohibited. Examples of such prohibited alterations include but are not limited to; construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
7. Nothing in this administrative permit shall limit the ability of a property owner, homeowners association or similar association from prohibiting or further limiting the Short-Term rental of property where the authority to do so exists.
8. It shall be unlawful for any person to operate and or advertise any Short-Term rental without a valid Short-Term rental administrative permit, as approved pursuant to the application procedure herein. Each Short-Term rental location shall require a separate permit. Evidence of operation may include advertising, on-line calendar showing availability, guest testimony, on-line reviews, rental agreements or receipts.

9. All Short-Term Rental properties shall comply with applicable Kansas Transient Guest Tax requirements. Property owners or operators are responsible for collecting and remitting any required transient guest taxes directly to the appropriate taxing authority, in accordance with state and local law. Compliance with transient guest tax obligations is a condition of operating a Short-Term Rental within the City.

**F. Ownership Limits for Short-Term Rental Permits**

The purpose of this section is to preserve housing availability, maintain neighborhood stability, prevent consolidation of Short-Term Rentals under single or related ownership entities, and ensure that Short-Term Rentals operate in a manner consistent with residential land use patterns.

**1. Maximum Number of Short-Term Rentals Per Owner**

An individual, household, business entity, or ownership group may not hold, directly or indirectly, more than two (2) Short-Term Rental permits within the City. In the event an Owner actively uses more than two (2) parcels of property as Short-Term Rentals at the time of this Ordinance's passage, that Owner may apply for a Short-Term Rental Permit for the additional parcels of property until the earlier of:

- a. the Owner no longer owning the additional parcels of property;
- b. the Owner no longer actively offering the additional parcels of property as Short-Term Rentals; or
- c. the Owner allowing the Short-Term Rental Permit to expire without timely renewal.
- d. For purposes of this subsection only, each member, partner, shareholder, or director of an Owner entity shall be considered an "Owner."

Ownership limits apply citywide and to all zoning districts in which Short-Term Rentals are permitted.

**2. Ownership Common Control**

For purposes of enforcing ownership limits, ownership includes all types of direct and beneficial interests. The following shall be considered the same owner:

- a. An individual or individuals listed on any ownership or permit document.
- b. A corporation, LLC, partnership, joint venture, trust, or other legal entity holding ownership.

- c. Multiple entities that share any of the following characteristics: • the same individual(s) holding a controlling interest
  - overlapping ownership or membership
  - the same registered agent
  - shared officers, managers, directors, trustees, or partners
  - the same business address or mailing address
- d. Parent, subsidiary, or affiliated business entities, regardless of tier or structure.
- e. Any arrangement or structure created for the purpose of evading the ownership limit.

Entities meeting any of the above criteria shall be treated as one collective owner for ownership limit purposes.

3. Prohibition on Circumvention

It is a violation of this ordinance to structure property ownership, create or dissolve business entities, or transfer membership interests for the purpose of avoiding or circumventing the ownership limit.

Any Short-Term Rental permit obtained in violation of this prohibition is void.

4. Annual Certification of Ownership Compliance

As a condition of permit issuance and annual renewal, each owner shall submit a notarized affidavit affirming that:

- a. they do not exceed the maximum number of STR properties allowed; and
- b. no ownership structure has been used to circumvent the ownership limit.

Providing false or incomplete information constitutes grounds for permit denial or revocation.

5. Permit Revocation for Violations

A Short-Term Rental permit shall be revoked if:

- a. the owner exceeds the maximum number of allowable STR permits;
- b. ownership is found to be misrepresented or concealed;
- c. the ownership structure was created to evade limits;
- d. the applicant refuses to provide required ownership documentation.

Revoked permits do not count toward spacing or density rules and may be reissued to a qualified applicant.

6. Integration with Spacing and Density Requirements

Ownership limits operate in addition to spacing and density requirements. A property that exceeds ownership limits shall not:

- a. reserve spacing territory
- b. prevent adjacent or nearby applicants from receiving permits, or
- c. count toward neighborhood density caps.

G. Limited Home Rental Exemption

The purpose of this section is to allow residents to occasionally rent their homes without being subject to the full Short-Term Rental permitting process, while maintaining protections for neighborhood compatibility, housing stability, and public safety.

- 1. A property owner may rent their primary residence for up to 14 days per calendar year without obtaining a Short-Term Rental permit, provided all conditions of this section are met.
- 2. To qualify for the exemption, the following must apply:
  - a. The property is the owner’s primary residence.
  - b. The property is rented no more than 14 days per calendar year.
  - c. No more than one booking at a time.
  - d. All rentals comply with noise, parking, occupancy, and nuisance regulations.
  - e. The property owner provides notice to the City prior to the first rental in a given year, using a simple registration form, which is not an STR permit.
- 3. The exemption shall not apply if:
  - a. The owner exceeds the allowed annual rental days.
  - b. The property is advertised for year-round STR use.
  - c. The owner has a history of STR-related violations.

Properties found in violation must obtain a full STR permit to continue rental activity.

H. Non-Valid Short Term Rental Permits

It is a violation of this ordinance to obtain, maintain, or renew a Short-Term Rental permit without the intent to operate a Short-Term Rental.

The City may deny or revoke a permit if evidence indicates:

- the property has not been offered for rental,
- the property has had no rental activity for a 12-month period, or
- the permit was obtained to prevent nearby properties from qualifying under spacing or density limits.

Applications submitted without intent to operate do not hold or reserve territory under separation rules.

The City may require the property owner to provide documentation demonstrating the property operated as an STR during the prior permit year, such as:

- booking summaries
- platform payout reports, or
- host activity logs.

Permits with no documented activity may not be eligible for renewal.

I. Separation and Density Requirements.

The purpose of this section is to preserve neighborhood character, maintain housing availability for long-term residents, and ensure that short-term rental activities do not adversely impact the quality of life within residential areas.

The following spacing and density standards apply to all Short-Term Rental properties:

1. Separation requirements apply only to Permitted STRs and do not apply to long-term rentals.
2. The number of Short-Term Rentals within a defined block of a subdivision shall not exceed ten (10%) percent of the total dwelling units in that area
3. Density thresholds shall be evaluated at the time of permit application or renewal.
4. If an application is received that would cause the separation distance or density cap to be exceeded:
  - a. The first complete application received shall be eligible for processing;
  - b. Subsequent applications within the restricted area shall be denied or placed on a waiting list until a Permit becomes available.
5. STRs legally operating prior to the adoption of separation or density standards may continue to operate, provided:
  - a. The Permit is maintained in good standing; and
  - b. The property remains under continuous compliance with all regulations. Loss of Permit due to revocation, non-renewal, or voluntary discontinuation results in loss of grandfathered status.

- 6. The separation requirement applies to all Short-Term Rentals, regardless of type, including whole-house rentals, accessory dwelling unit rentals, and Unique Short-Term Rental Units.
- 7. Determination of Compliance
  - a. The Administrator shall verify separation distance at the time of application using parcel data and mapping tools.
  - b. Applications that do not meet the minimum separation requirement shall be denied.
  - c. If multiple applications are received for locations within 200 feet of each other, approval shall be granted to the first complete application received.

**J. Existing Units**

Short-Term Rentals legally approved prior to adoption of this regulation may continue to operate.

Short-Term Rental units operating on or before the effective date of this chapter may continue to operate as existing units, subject to the following requirements and limitations:

- 1. All existing units must apply for a Short-Term Rental Permit within sixty (60) days of the effective date of this chapter.
  - a. Existing units may be granted priority in processing Permit applications.
  - b. Failure to apply within the required timeframe results in loss of existing-unit status.
- 2. Existing-unit status does not exempt the property from the requirements of this article.
- 3. Existing units may be exempt from separation or density requirements adopted after they were established, provided:
  - a. The STR permit remains in good standing;
  - b. The use remains continuous; and
  - c. The unit does not expand operations beyond what existed at the time of adoption.
- 4. Existing-unit status does not permit the addition of:
  - a. Additional STR units on the same parcel;
  - b. Increased guest capacity;
  - c. Altered building configuration intended to expand STR operations, unless compliant with all current requirements.

**K. Application for Short-Term Rental Permit**

The Owner of a Dwelling or Dwelling Unit to be offered for Short-Term Rental shall first make written application to the City for a Short-Term Rental Permit to carry out the business of renting such Dwelling or Dwelling Unit as a Short-Term Rental. Such application shall be made on a form furnished by the City for such purpose.

Such application shall be signed by all Owners, or an individual authorized to sign on behalf of the Owner(s). Such application shall set forth the following information:

1. Owner(s) name, address, telephone number, and email address.
2. If the Owner(s) is a partnership, the name of the partnership and the name, residence address, telephone number, and email address of the managing partner.
3. If the Owner(s) is a corporation, the name and address of the corporation and the name, residence address, telephone number, and email address of the chief operating officer.
4. If the Owner(s) is a limited liability company, the name and address of the limited liability company and the name, residence address, telephone number, and email address of the manager or president.
5. If the Owner(s) appoints a person(s) or management company to serve as their management agent, their name, address, telephone number, and email address must be provided.
6. If the Owner appoints a Management Agent, the application must be accompanied by the Owner's written, notarized authorization granting the Management Agent express, actual authority to sign documents, to receive service, and to act on the behalf of the Owner.
7. A post office box is not acceptable as a mailing address for any type of owner.
8. Address identifying location of the Dwelling or Dwelling Unit(s) to be offered for Short-Term Rental.
9. Total number of bedrooms per unit.
10. In addition to the application, the Owner and/or Management Agent shall complete and sign a Short-Term Rental Safety Checklist.
11. Upon issuance of the Short-Term Rental Permit by the City, the Owner will place a copy of the Short-Term Rental Permit in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented.
12. Owner(s) must provide proof of ownership that shows the Owner's name and address matching that of the property to be utilized for a Short-Term Rental.

**L. Non-Transferability of Short-Term Rental Permits**

A Short-Term Rental Permit is personal to the Permit holder and applies only to the specific property, ownership, and operational conditions identified in the permit application. Permits issued under this chapter are not transferable.

1. A Short-Term Rental Permit may not be:
  - a. Sold, assigned, or otherwise transferred to another person or entity;

- b. Transferred to a new property owner upon sale or conveyance of the property;
  - c. Transferred to any other parcel, dwelling unit, or structure;
  - d. Used by any person or entity other than the Permit holder listed on the permit.
- 2. In the event of the sale, transfer, or conveyance of the property:
  - a. The existing Short-Term Rental Permit shall automatically terminate on the date of closing;
  - b. The new property owner must apply for a new Short-Term Rental Permit;
  - c. Operation of the STR may not continue unless and until a new permit is approved.
- 3. For properties owned by corporations, partnerships, trusts, or LLCs, any change that results in a new controlling interest or managing owner shall be treated as a transfer of ownership and shall automatically terminate the permit unless otherwise allowed by the City.
- 4. Once a permit is terminated due to ownership change or attempted transfer:
  - a. The STR may not operate until the new owner obtains a permit;
  - b. Grandfathered or existing-unit status does not transfer unless explicitly allowed by the City;
  - c. Any reapplication is subject to all current zoning, spacing, density, and licensing requirements.
- 5. The City may authorize limited exceptions for:
  - a. Transfers between spouses due to marriage, divorce, or death;
  - b. Transfers between immediate family members; or
  - c. Transfers involving ownership restructuring that does not result in a change of control.
  - d. Any exceptions must be approved by the City in writing prior to the change.
- 6. Any attempt to evade the non-transferability provisions through nominal ownership changes, entity restructuring, or other technical means constitutes a violation of this chapter and may result in permit revocation or denial of future applications.
- 7. Upon termination of a permit due to ownership transfer:
  - a. the permit no longer counts toward spacing or density limits;
  - b. nearby or adjacent properties may apply for STR permits without restriction from the terminated permit.
- 8. The permit holder must notify the City in writing within 10 days of any change in ownership or controlling interest. Failure to do so may result in enforcement action.

#### **M. Permit Expiration and Renewal**

- 1. A Short-Term Rental Permit is valid for a period of one (1) year from the date of issuance unless otherwise specified. The permit shall automatically expire on the date listed on the permit unless it is renewed in accordance with this section. Operation of a short-term rental after permit expiration is prohibited and constitutes a violation of this ordinance.

- 2. To continue operating, the property owner must submit a complete renewal application before the permit expiration date. Renewal applications must include:
  - a. Confirmation that all information previously provided is accurate or submit updated information.
  - b. Confirmation of continued compliance with all STR operational, safety, and zoning standards
  - c. Payment of all applicable renewal fees
  - d. Evidence of current liability insurance, if required
- 3. A renewal application may be denied if:
  - a. The STR has outstanding violations or unresolved enforcement actions
  - b. Permit conditions have been repeatedly or substantially violated
  - c. Taxes, penalties, or fees owed to the city remain unpaid
  - d. The property no longer meets applicable safety requirements
  - e. The permit was previously revoked within the renewal cycle
- 4. If a permit is not renewed by the expiration date, the STR use shall cease immediately. The owner must apply for a new permit and demonstrate full compliance with all current requirements prior to resuming operations.
- 5. There shall be a bi-annual permit fee of \$250. No permit shall be issued until this fee has been paid. The permit fee is non-refundable.
- 6. In the event the Short-Term Rental Permit is issued after January 1<sup>st</sup>, the permit fee will be prorated by quarter, according to the date of application.

N. **Good Neighbor Guidelines** (Section may have additional requirements-being reviewed for input)

At time of issuance of the Short-Term Rental Permit by the City, the City shall also provide the Short-Term Rental Good Neighbor Guidelines, which will be posted in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented. The City may update the Short-Term Rental Good Neighbor Guidelines from time to time, and any updated Short-Term Rental Good Neighbor Guidelines must be posted in a conspicuous location within the Dwelling or Dwelling Unit(s) to be rented no later than thirty (30) days after the City issues the updated Short-Term Rental Good Neighbor Guidelines.

Owners shall post the following information in the short-term rental property:

- 1. Requirement for transient guests to comply with all relevant City ordinances and State Statutes
- 2. Requirement that the Short-Term rental shall be utilized in accordance with Rules of Conduct to ensure guests are good neighbors and to minimize disturbances to area residences.

3. Rules of Conduct to include, at a minimum, the following:
  - a. The permit number of the Short-Term rental;
  - b. Maximum number of overnight guests;
  - c. Maximum Gathering occupancy;
  - d. Parking requirements;
  - e. Trash disposal requirements;
  - f. Quiet hours and noise restrictions;
  - g. Trespass warnings; and
  - h. Pet restrictions.

#### **O. Short Term Rental Regulations:**

All Short-Term rentals shall meet the following standards:

1. Sleeping quarters for Short-Term rental tenants shall only be located within a habitable structure;
2. Short-Term rental shall not be in a non-residential area within buildings or accessory structures (e.g., shed, garage) that do not contain finished living space;
3. Short-Term rental shall not be in a temporary outdoor structure (e.g., tent);
4. Short-Term rental shall not be in a commercial property;
5. Short-Term rental shall be equipped with operational smoke detectors, a fire extinguisher in the kitchen and in the furnace room, and carbon monoxide detectors.
6. Quiet hours shall be between the hours of 10:00 PM and 7:00 AM and noise generated during those hours shall not exceed the requirements set out in the City code;
7. The Short-Term rental shall display the address number of the residence so that it is clearly visible from the nearest public or private road. The complete address of the property shall also be prominently posted within the Short-Term rental for emergency purposes;
8. Signs in accordance with the sign regulations as set out for residential properties.
9. The boundaries of the property shall be clearly identified on a map prominently posted within the Short-Term rental with the Rules of Conduct and shall be clearly identifiable and posted on the premises;
10. Property should be maintained in accordance with the Bel Aire City Code and laws of the County and State;
11. Property must be permitted and operated in accordance with the requirements of this article in the Code of the City of Bel Aire; and
12. Must be in compliance at all times with all applicable zoning, building, fire and life safety, housing, health codes and any other applicable state or federal regulations.

**P. Trash Collection Service Requirement**

The Owner(s) shall maintain an active, continuous, weekly solid waste collection service for the Short-Term Rental property for the entire duration of the permit period. Proof of such service shall be provided to the City upon request.

1. The Owner is responsible for ensuring that:
  - a. Trash and recycling covered containers are provided at the property in sufficient quantity for typical guest use.
  - b. Containers are placed at the designated collection point and retrieved in accordance with City collection rules.
  - c. Containers shall not be left out for more than 24 hours after collection.
  - d. No accumulation of waste is permitted that creates odors, attracts pests, or constitutes a nuisance.
  - e. The property shall be kept free of trash and debris;
2. The City may require submission of service contracts, invoices, or other evidence demonstrating the property maintains weekly trash collection.
3. Failure to maintain the required weekly trash collection service constitutes a violation of the Short-Term Rental Permit and may result in penalties, suspension, or revocation of the permit.

**Q. Outdoor Lighting**

The Owner shall ensure that all exterior lighting on the Short-Term Rental property complies with the following standards to protect neighboring properties, minimize light pollution, and promote safety.

1. All outdoor lighting fixtures shall be fully shielded or cut-off style and directed downward so that light is contained on the property and does not spill onto adjacent lots, roadways, or public rights-of-way.
2. Exterior lighting shall be limited to the minimum level necessary for safety and security. High-intensity, glaring, or flood-type lighting is prohibited unless motion-activated and used only for brief security-related illumination.
3. Continuous overnight lighting is not permitted. Porch lights, security lighting, and similar fixtures must either:
  1. be equipped with motion sensors, or
  2. be turned off between 10:00 p.m. and 7:00 a.m., unless required for safety.
4. Outdoor lighting shall not blink, flash, pulsate, or otherwise create a visual nuisance. Lighting shall not be used in a manner that disturbs neighbors or interferes with the peaceful enjoyment of nearby properties.

- 5. Landscape, decorative, or string lighting is permitted only if low-intensity, stationary, and shielded from adjacent properties. High-brightness decorative lighting is not allowed.
- 6. The City may require photographs, information or an on-site inspection to verify compliance with outdoor lighting standards.
- 7. Failure to comply with the outdoor lighting requirements constitutes a violation of the Short-Term Rental Permit and may result in penalties, suspension, or revocation of the permit.

R. Quiet Hours

To preserve the peace and protect neighboring properties from noise impacts, the following quiet hour requirements apply to all Short-Term Rental properties:

- 1. Quiet Hours shall be observed Sunday – Thursday from 10:00 p.m. to 7:00 a.m. and 11:59 p.m. to 7:00 a.m. Friday and Saturday. During these hours, guests must refrain from activities that create noise audible beyond the property line.
- 2. The following types of noise are prohibited during Quiet Hours:
  - 1. Loud music, amplified sound, or outdoor speakers.
  - 2. Yelling, shouting, singing, or similar disturbances.
  - 3. Operation of outdoor equipment or activities that generate excessive noise.
  - 4. Gathering or events that cause noise detectable from adjacent or nearby properties.
- 3. The Owner or Owner’s Local Representative shall:
  - 1. Include Quiet Hours requirements in all rental agreements and house rules;
  - 2. Post Quiet Hours information prominently inside the property;
  - 3. Ensure guests comply with all noise regulations during their stay.
- 4. At all times, noise levels must comply with applicable City noise and nuisance ordinances. Excessive or disruptive noise that disturbs neighbors is prohibited regardless of the time of day.
- 5. Violations of Quiet Hours may result in warnings, citations, fines, or suspension or revocation of the Short-Term Rental Permit.

S. Pets

The presence and management of pets at Short-Term Rental properties shall comply with the following requirements to ensure public health, safety, and neighborhood compatibility.

- 1. The Owner shall clearly disclose in the rental listing and in all rental agreements whether pets are permitted on the property. If pets are allowed, all rules established by the City and the Owner must be provided to guests prior to booking.

2. Any permitted pets must be under the control of the guest at all times. Pets shall not be allowed to roam freely off-leash or create a nuisance on adjacent properties or public rights-of-way.
3. Pets must be managed so that barking, aggressive behavior, or other disturbances do not impact neighboring properties. Repeated or sustained noise caused by pets is considered a nuisance and is prohibited.
4. Pets must comply with all applicable local animal control regulations, including vaccination, licensing, and leash-law requirements. Dangerous or prohibited animals are not allowed on the property.
5. The Owner is responsible for addressing any property damage, sanitation issues, or nuisance complaints resulting from pets brought onto the property by guests.
6. Failure to comply with the pet regulations may result in citations, fines, or suspension or revocation of the Short-Term Rental Permit.

#### **T. Parking Requirements, Violations and Penalties**

##### **A. Requirements**

1. All STR applications shall include a site-specific parking plan identifying number of available off-street parking spaces. Approval of the parking plan is a condition of permit issuance.
2. Off-street parking spaces are required to be on a surface, as set out in code, and fully contained on the property.
3. The property owner shall provide guests with written parking instructions consistent with the approved plan.
4. On-street parking by STR guests is permitted only where legally allowed and may not block driveways, fire hydrants, or create safety or visibility hazards. The City may prohibit on-street parking for STR guests in areas with limited street capacity.
5. For gatherings or events, a parking and access plan must be approved.
6. Recurrent parking violations, failure to adhere to the approved parking plan, or allowing guests to park in non-designated or prohibited areas constitutes a violation of the STR permit and may result in warnings, fines, suspension, or revocation.
7. Short-Term rental is required to have one off-street parking space for each guestroom. Parking shall be limited to designated areas that meet city codes. (Language to be reviewed to determine if needed- will ask for a parking plan.

U. Unique Structures:

The purpose of this section is to establish standards for short-term rentals that are considered unique or non-traditional lodging units, in a manner that supports innovation while maintaining compliance with applicable building, zoning, health, and fire safety requirements.

A “Unique Short-Term Rental Unit” means a movable, portable, or non-traditional structure offered for temporary lodging, which is not classified as a standard residential dwelling.

Examples may include, but are not limited to:

- 1. Airstreams or similar travel trailers
- 2. Converted buses or vans used as stationary lodging
- 3. Tiny homes on wheels
- 4. Yurts, tipis, or canvas structures
- 5. Covered wagons or historical-themed structures
- 6. Other non-traditional or specialty lodging units as determined by the Administrator

Unique STR Units will be required to follow the public hearing and Planning Commission approval process.

Unique STR Units must meet the following conditions:

- 1. The unit is installed or placed on the property in a manner that complies with zoning, site placement, and setback requirements.
- 2. The unit maintains safe and lawful connections to utilities, including electrical power, water supply, and sanitary waste disposal, as applicable.
- 3. The unit meets the minimum life-safety requirements.
- 4. The unit is used exclusively for lodging and not as a vehicle in active transit during occupancy.
- 5. The property owner provides documentation demonstrating compliance with required inspections.

All Unique STR Units must comply with local building and fire codes to the extent applicable to the type of structure. At minimum, each Unique STR Unit must have:

- 1. A functioning smoke alarm and carbon monoxide alarm (if fuel-burning appliances or generators are present)
- 2. A primary and secondary means of egress, if applicable to the structure
- 3. An approved fire extinguisher placed within easy reach
- 4. Safe electrical service, inspected and approved if the unit is hardwired or connected to an external power source

- 5. Approved heating and cooling equipment appropriate for the structure
- 6. Compliance with fire department spacing requirements to ensure access for emergency response

For structures that do not fall neatly under a standard building classification, a Fire and Life Safety Inspection by the Fire Marshal or designee may be requested by the city.

The city may request inspections, certifications, or third-party evaluations as needed for structures not covered under standard code categories.

Units must remain in compliance with this section for continued authorization as an STR. The City may revoke approval if the unit is altered, relocated, or fails to meet life-safety requirements. Annual renewal may require reinspection.

**V. Gatherings and Events at Short-Term Rental Properties (Need to confirm allowance)**

**Not Allowed Language:**

Short-Term Rentals shall not be used to host events, parties, commercial activities, or other large gatherings that exceed the posted maximum occupancy limits. Any gathering must remain incidental to the residential use of the property and shall not create noise, traffic, parking, or other disturbances impacting neighboring properties.

**OR**

The purpose of this section is to allow gatherings and events at Short-Term Rental (STR) properties in a manner that balances flexibility for hosts with protection of neighborhood character, public safety, and community standards.

**If Allowed- option language**

**Option 1:** Gatherings of persons shall not exceed two times the maximum overnight occupancy or 25 guests, whichever is less;

**Option 2:** Overnight occupancy must comply with applicable building and fire safety standards and shall not exceed two (2) persons per bedroom plus two (2) additional persons, unless otherwise authorized by the city.

- 1. The total number of people present at the property at any one time, including guests not staying overnight, shall not exceed the posted daytime occupancy limit established by the city. Daytime occupancy may be higher than overnight occupancy but shall not exceed the thresholds set to protect neighborhood health, safety, and livability.

2. The owner shall clearly post the maximum permitted overnight and daytime occupancy inside the rental. These limits must also be included in advertisements and rental agreements.
3. Small Gatherings (Allowed Without Permit)- A Small Gathering is permitted without any City approval if it meets all of the following:
  - a. Attendance does not exceed the approved daytime occupancy (defined as two times the overnight occupancy).
  - b. No amplified sound or DJ/band equipment is used.
  - c. No temporary structures (tents, stages, portable restrooms, etc.) are erected.
  - d. Activities comply with noise, parking, and public safety ordinances.
  - e. All activity takes place within established quiet hours.
  - f. Small Gatherings require notification to the property owner or local contact but do not require City approval.
4. Medium Gatherings- requires a Temporary Event Permit issued administratively by the City when any of the following apply:
  - a. Attendance exceeds the property's approved daytime occupancy but is 40 people or fewer, OR
  - b. Amplified sound, tents/canopies, rental equipment, or caterers are present, OR
  - c. Parking demand exceeds on-site capacity and will utilize on-street parking.
  - d. No more than 4 Medium Events may be approved per STR property per permit period unless authorized by the Administrator.
5. A Large Event or Commercial Event requires approval of a Special Use Permit (SUP) when any of the following apply:
  - a. Attendance is expected to exceed 40 people, OR
  - b. Events occur more than four times per calendar year, OR
  - c. The event includes ticket sales, corporate functions, or commercial vendors beyond typical services (e.g., production companies, staging, contracted security), OR
  - d. Potential impacts (noise, traffic, parking, lighting, or frequency) exceed what can be reasonably managed through a Temporary Event Permit.
6. Temporary Event Permit Requirements:
  - a. Application must be submitted at least 7 days prior to the event.
  - b. The applicant must provide:
    1. expected number of attendees
    2. parking plan
    3. noise control plan
    4. hours and schedule of activities
    5. description of any temporary structures or equipment
    6. name and contact of STR local responsible party

- c. The Administrator may approve, conditionally approve, or deny the permit.
  - d. The City may impose conditions including limits on attendance, hours, parking, sound, or additional safety requirements.
7. Special Use Permit Requirements:
- a. Review shall follow the standard public hearing process.
  - b. Conditions may include:
    - 1. maximum attendance
    - 2. required parking or shuttle plans
    - 3. limits on hours, music, or equipment
    - 4. fire/life-safety measures  
frequency limits
    - 5. Operation of any Large or Commercial Event without an SUP constitutes a violation of the STR authorization.
8. The property owner or designated local contact shall:
- a. Inform renters of allowable event categories and requirements.
  - b. Approve or deny renter’s event requests before any City permit is sought.
  - c. Ensure compliance with all City conditions during events.
  - d. Respond to complaints or issues within the required response time.
  - e. Maintain a log of all Gatherings and Events for City review upon request.
9. Hosting a Gathering or Event that exceeds permitted attendance occurs without required City approval or violates conditions of a Temporary Event Permit or Special Use Permit constitutes a violation of the STR permit and may result in fines, suspension, or revocation.

**W. Overnight Guest Occupancy and Bedroom Definitions**

- 1. An overnight guest is any person age six (6) or older staying at the Short-Term Rental between the hours of 10:00 p.m. and 7:00 a.m.
- 2. The maximum number of overnight guests permitted in a Short-Term Rental shall be determined based on the number of qualifying bedrooms as defined in this ordinance. Unless otherwise specified by the city, overnight occupancy shall not exceed two (2) persons per bedroom, plus three (3) additional persons for the unit as a whole. Occupancy must comply with all applicable building and fire safety codes.
- 3. A bedroom is a habitable room designed and intended for sleeping that meets the following minimum criteria:
  - a. Located within the primary residential structure or permitted accessory dwelling unit
  - b. Minimum of 70 square feet of habitable space

- c. Provides a secondary means of egress consistent with adopted building and fire codes (such as a window or exterior door)
  - d. Provides privacy by means of a door and full-height walls
  - e. Is not a kitchen, living room, dining room, hallway, loft, unfinished basement, laundry room, garage, or other non-sleeping area
  - f. is accessed from a common area and not through another bedroom;
  - g. is identified as a bedroom on the most recent building permit, floor plan, or certificate of occupancy;
- 4. The following spaces shall not be counted as bedrooms for occupancy purposes:
  - a. Lofts without compliant egress
  - b. Enclosed porches or sunrooms not meeting habitable space requirements
  - c. Basements without proper egress or legal bedroom designation
  - d. Any room created through temporary partitions or without required permits
- 5. The maximum permitted overnight occupancy shall be posted inside the Short-Term Rental and included in all advertisements and rental agreements.
- 6. Exceeding the maximum overnight occupancy or misrepresenting the number of legal bedrooms shall constitute a violation of this ordinance and may result in fines, permit suspension, or revocation.
- 7. The number or type of beds, including bunk beds, sleeper sofas, futons, or temporary bedding, shall not be used to increase the maximum overnight occupancy of the Short-Term Rental beyond the limits established in this section.

#### **X. Duties of Owner**

- 1. Owner will ensure that the Dwelling or Dwelling Unit(s) is not in substandard condition, as defined in the Municipal Code including, but not limited to, the accumulation of weeds, vegetation, junk, debris or rubbish on the exterior of the premises so as to create a nuisance condition;
- 2. Owner will post a copy of the “Short-Term Rental Good Neighbor Guidelines” provided by the City at the time the permit is issued in a prominent place within the Dwelling or Dwelling Unit;
- 3. Owner will ensure that the Short-Term Rental Regulations outlined in this Article are upheld;
- 4. Owner must post contact information for the owner and/or management agent (if identified) in a conspicuous and accessible location in the Dwelling or Dwelling Unit(s);
- 5. Owner must be generally available twenty-four (24) hours per day, seven (7) days a week to respond to concerns or complaints regarding the operation or occupancy of the Short-Term Rental unless a management agent has been identified. Owner must be able to return a phone call within thirty (30) minutes;

6. Owner must be available to come to the premise if required within one (1) hour to resolve any complaint unless a management agent has been identified;
7. Owner will accept service or process of all notices under this Article;
8. Owner will receive notification of any code or zoning violation notices;
9. Owner will serve as a local contact in the event of an emergency;
10. Owner shall be held responsible for any violations of the regulations committed by persons at the property during a period when the property is rented on a Short-Term basis.
11. The Owner is required to notify the City of Bel Aire Community Development Director or their management designee (if applicable), within fifteen (15) days of a change of the designation of an agent.
12. The owner of a Short-Term Rental is responsible for ensuring that the property is operated in a safe, lawful, and respectful manner. At a minimum, the owner shall:
  - a. Post inside the STR all information required by the city, including the valid permit number, maximum occupancy, parking instructions, noise and trash rules, emergency procedures, and local contact information.
  - b. Inform all guests of applicable rules and ensure that guests comply with occupancy limits, parking requirements, noise regulations, trash practices, and all other STR standards.
  - c. Install and maintain in good working condition all required safety devices, including smoke detectors, carbon monoxide detectors, and fire extinguishers, and ensure safe and accessible means of egress.
  - d. Notify the city promptly of any changes to ownership, contact information, or material conditions affecting permit eligibility or compliance.
  - e. Immediately discontinue STR operations upon permit suspension, revocation, or expiration.
13. Report any change in ownership, management agent, contact information, or material operation of the STR.
14. Ensure timely permit renewal and cease operations upon permit expiration, suspension, or revocation.
15. Remain fully responsible for any actions of the management agent, guests, or tenants related to STR operations.

#### Y. Duties of the Management Agent

If an owner designates a management agent to operate or oversee a Short-Term Rental on the owner's behalf, the management agent shall be responsible for carrying out the following duties:

1. Inform guests of all applicable STR rules and ensure compliance with occupancy limits, parking requirements, noise regulations, trash and recycling practices, and any other city-adopted standards.
2. Ensure all required information posted inside the STR is accurate and current, including contact information, occupancy limits, parking instructions, and emergency procedures.
3. Oversee the condition of the STR, ensuring it remains safe, clean, and well-maintained.
4. Verify that all required safety equipment, such as smoke detectors, carbon monoxide detectors, and fire extinguishers, is installed, functional, and maintained according to code.
5. Immediately suspend STR operations if the permit is expired, suspended, or revoked, and notify the owner of any compliance issues that may affect the permit.
6. Agent will have direct management control and responsibility for the Dwelling or Dwelling Unit(s) in the absence of the Owner.
7. Agent can accept service or process of all notices under this Chapter.
8. Agent can receive notification of any code or zoning violation notice sent to an owner.
9. Agent will serve as a local contact in the event of an emergency.
10. Agent will facilitate contact between the city and the owner.
11. The appointment of an agent pursuant to this article does not make the agent legally responsible for violations of code or zoning with respect to the owner's property, nor does it make the agent legally responsible for the owner's lack of compliance with this article.
12. Responsible party to be available to come to the premise if required within one (1) hour to resolve any complaint.
13. Agent must be generally available twenty-four (24) hours per day, seven (7) days a week to respond to concerns or complaints regarding the operation or occupancy of the Short-Term Rental unless a management agent has been identified. Agent must be able to return a phone call within thirty (30) minutes.
14. Responsible agent must post contact information for the owner and/or management agent (if identified) in a conspicuous and accessible location in the Dwelling or Dwelling Unit(s);

## **Z. Short-Term Rental Permit, Denial or Non-Renewal, Suspension, or Revocation**

1. Failure to comply with the requirements as set forth in this Article shall be unlawful. If the City determines that any Short-Term Rental fails to comply with the provision of this Article, the City shall give notice of the violation. The notice shall provide:

- a. The specific reasons the owner has failed to meet the provisions of this Article;
  - b. That the City will deny, refuse to renew, suspend or revoke the permit unless the Owner appeals the determination within fourteen (14) days after receipt of the notice in the manner provided in this Article.
  - c. That after any denial or non-renewal, suspension, or revocation, the Short-Term Rental Dwelling or Dwelling Unit(s) therein must be vacated and shall not be reoccupied until a permit is issued after approval by the City.
2. The City may deny an application for a new Short-Term Rental Permit or decline to renew an existing permit if the Owner, Local Representative, or property fails to meet the requirements of this article. Grounds for denial or non-renewal include, but are not limited to, the following:
    - a. Submission of an incomplete application, failure to provide required documentation, or providing false, misleading, or inaccurate information.
    - b. The property has unresolved violations of any City code, including but not limited to zoning, building, fire, health, nuisance, or property maintenance regulations.
    - c. The Owner or Local Representative has a history of repeated or serious violations of STR regulations, permit conditions, or applicable laws within the preceding permit period.
    - d. Failure to pay required permit fees, lodging taxes, or any other City assessments associated with the operation of the Short-Term Rental.
    - e. Conditions at the property that pose health, safety, or emergency access risks; lack of required safety equipment; or failure to meet occupancy limits.
    - f. Documented nuisance issues, excessive complaints, or verified disturbances associated with the property that demonstrate an inability to operate the STR in compliance with neighborhood compatibility standards.
    - g. Failure to meet additional conditions or corrective measures imposed by the City during prior permit periods.
    - h. Premises does not comply with regulations and codes of the City of Bel Aire.
    - i. Any other substantial reason demonstrating that renewal or approval of the permit would be inconsistent with public health, safety, or welfare.
  3. The City shall provide written Notice of Denial to the Applicant when a Short-Term Rental Permit application is denied. The notice shall include:
    - a. A statement that the application has been denied or will not be renewed and the effective date of the non-renewal;
    - b. The specific reasons for the decision, including reference to unresolved violations, deficiencies, unpaid fees, or applicable ordinance provisions;
    - c. Any corrective actions, documentation, or steps the Applicant may take to become eligible for future approval; and
    - d. Information regarding the Applicant's right to appeal and instructions for submitting an appeal within the time period established by this chapter.

4. The City may suspend a Short-Term Rental Permit when the operation of the property presents an immediate concern for public health, safety, or welfare, or when significant violations of this chapter or other applicable laws have occurred. Grounds for suspension include, but are not limited to, the following:
  - a. Repeated, substantial, or willful violations of STR regulations, permit conditions, or City codes, including but not limited to noise, occupancy, safety, nuisance, or sanitation requirements.
  - b. Failure to correct violations identified by the City within the timeframe specified in a notice of violation or compliance order.
  - c. Conditions at the property that create an immediate threat to life, health, or safety, including lack of required safety equipment, hazardous structural conditions, or blocked emergency access.
  - d. Failure to pay lodging taxes, permit fees, or other assessments owed to the City related to the STR.
  - e. During a suspension period, the property may not be advertised, rented, or occupied as a Short-Term Rental. All reservations during the suspension period must be canceled by the Owner, and no new bookings may be accepted.
  - f. The City shall provide written Notice of Suspension to the Permit holder when a Short-Term Rental Permit is suspended. The notice shall include:
    1. The specific grounds for the suspension and the ordinance provisions violated;
    2. The effective date and duration of the suspension;
    3. Any corrective actions required to address identified violations;
    4. A statement that the property may not be advertised, rented, or occupied as a Short-Term Rental during the suspension period; and
    5. Information regarding the Permit holder's right to appeal and the applicable procedures and deadlines.
  6. A Short-Term Rental Permit may be suspended for a period of up to ninety (90) days, depending on the severity and frequency of the violations. The City may impose a shorter or longer suspension period within this maximum based on the nature of the violation, the Owner's compliance history, and the impact on neighboring properties:
    - a. For most violations, the suspension period shall range from seven (7) to sixty (60) days.
    - b. For violations involving health or safety risks, criminal activity, or repeated non-compliance, the City may impose a suspension of up to ninety (90) days.
    - c. If the suspension is based on conditions that pose a safety hazard or require corrective action, the suspension shall remain in effect until all violations are corrected, even if this extends beyond the initial suspension period.
    - d. The City may require an inspection, documentation, or proof of corrective action prior to reinstating the permit at the end of the suspension period.

5. The City may revoke a Short-Term Rental Permit when continued operation of the property is inconsistent with public health, safety, or welfare, or when the Owner has demonstrated an inability or unwillingness to comply with applicable laws and permit requirements. Grounds for revocation include, but are not limited to, the following:
  - a. A pattern of repeated, substantial, or willful violations of this chapter, applicable City codes, or conditions of the permit, including violations occurring after prior warnings, fines, or suspensions.
  - b. Operating, advertising, or accepting reservations during a period of suspension, or failing to complete required corrective actions during or after suspension.
  - c. Persistent or uncorrected conditions that pose a threat to life, health, or safety, including hazardous structures, inadequate fire protection, or blocked emergency access.
  - d. Repeated, verified nuisance complaints or disturbances caused by guests that materially and negatively impact neighboring properties or the surrounding community.
  - e. Incidents of unlawful or criminal activity at the property that are linked to the STR operation, guest behavior, or inadequate oversight by the Owner or Local Representative.
  - f. Submission of false, misleading, or fraudulent information in the application, renewal, or during any investigation by the City.
  - g. Failure to maintain liability insurance, or failure to pay required lodging taxes, permit fees, or other assessments owed to the City.
  - h. If the Owner or Responsible Party has committed three (3) or more instances of violations of this Article, or other applicable City ordinances or State statutes within the permit period.
  - i. If the Owner or Responsible Party fails to maintain required liability or Short-Term Rental insurance;
  - j. If an Owner or Responsible Party has become ineligible to obtain a Permit under this Article;
  - k. If an Owner or Responsible Party fails to bring the premises into compliance with the terms and conditions of this Article within the time frames for initial compliance;
  - l. For the nonpayment of any permit.
  - m. The City shall provide written Notice of Revocation to the Owner(s) when a Short-Term Rental Permit is revoked. The notice shall include:
    1. A statement that the Permit is revoked and the effective date of revocation;
    2. The specific grounds for the revocation, including reference to relevant ordinance provisions;
    3. A statement that the property may no longer be advertised, rented, or operated as a Short-Term Rental and that all reservations must be canceled;
    4. The period of ineligibility before the Permit holder may reapply, if applicable; and
    5. Information regarding the Permit holder's right to appeal and the procedures and deadlines for filing an appeal.

- n. An Owner whose STR permit has been revoked may not apply for a new permit for a period of twelve (12) months from the date of revocation, or for such other period as established by the City.
6. A Short-Term Rental License that has been suspended or revoked may be reinstated only in accordance with the following procedures. The burden of demonstrating compliance with all reinstatement requirements rests with the Permit holder.
- a. The Permit holder shall submit a written request for reinstatement to the City on a form provided by the City. The request must include all required supporting documentation and payment of any outstanding fees, penalties, or assessments.
  - b. Before the City may reinstate a suspended or revoked license, the Permit holder must correct all violations that led to the suspension or revocation, including:
    - 1. Completion of all required repairs or improvements;
    - 2. Payment of any outstanding taxes, fees, or penalties;
    - 3. Submission of updated contact information or designation of a qualified Local Representative;
    - 4. Compliance with any additional conditions imposed by the City.
  - c. The City may conduct an inspection of the property or require additional documentation to verify that all violations have been corrected and that the property satisfies applicable STR requirements.
  - d. The City shall review the reinstatement request and determine whether the Permit holder has met all requirements for reinstatement. The City may deny reinstatement if:
    - 1. Violations remain uncorrected;
    - 2. New violations have occurred during the suspension or revocation period; or
    - 3. The Permit holder has demonstrated a pattern of non-compliance.
  - e. The City shall issue written notice approving or denying reinstatement.
    - 1. If approved, the notice shall state the effective date of reinstatement and any conditions placed on the renewed operation.
    - 2. If denied, the notice shall include the reasons for denial and the Permit holder's right to appeal.
  - f. If the license was revoked, the City may require a waiting period—typically twelve (12) months or as otherwise provided—before reinstatement or reapplication is permitted.
  - g. Resumption of Operations.  
The property may not be advertised, rented, or operated as a Short-Term Rental until reinstatement has been officially approved in writing by the City.

**7. Reapplication**

- a. An Applicant or former Permit holder whose Short-Term Rental License has been denied, not renewed, suspended, or revoked may reapply only in accordance with the requirements of this section.
- b. An Applicant may reapply at any time after correcting the deficiencies or violations that resulted in the denial or non-renewal.
- c. An Applicant may reapply for reinstatement only after the suspension period has ended and all required corrective actions have been completed.
- d. An Applicant whose permit has been revoked may not reapply for a period of twelve (12) months from the effective date of revocation, or for such other period as established by the City.
- e. A reapplication shall be submitted on forms provided by the City and must include:
  - 1. Updated application information;
  - 2. Documentation demonstrating correction of all deficiencies or violations;
  - 3. Payment of all required fees, taxes, penalties, and assessments;
  - 4. Any additional information deemed necessary by the City to evaluate compliance.
- f. The City shall review a reapplication in the same manner as an original application. The City may deny a reapplication if:
  - 1. Violations remain uncorrected;
  - 2. New violations have occurred since the denial, non-renewal, suspension, or revocation;
  - 3. The Applicant has demonstrated a pattern of non-compliance or lack of ability to meet STR regulatory requirements.
- g. If a reapplication is approved, the City may impose reasonable conditions on the reissued license to ensure ongoing compliance, including enhanced reporting, inspections, occupancy restrictions, or other requirements deemed appropriate.
- h. The City shall provide written notice of approval or denial of the reapplication. If denied, the notice shall include the reasons for denial and information regarding the Applicant’s right to appeal.

**AA. Appeals of Short-Term Rental Decisions-** (Being reviewed to ensure legal compliance)

**A. Right to Appeal**

Short-Term Rental (STR) permit applications shall be reviewed and approved, approved with conditions, or denied administratively by the Administrator. Administrative approval is appropriate for standard STR regulation operations that meet ordinance requirements and do not demonstrate extraordinary impacts.

Any applicant or permit holder may appeal an administrative decision related to the permit; approval with conditions or modifications that are unacceptable to the applicant, denial, non-renewal, suspension, or revocation of a STR license in accordance with the procedures set forth in this section.

**B. Administrative Appeal**

An Applicant or Permittee may file an appeal of any decision to the related to; approval conditions or modifications, denial, non-renewal, suspension, revocation, or reinstatement of a Short-Term Rental License.

Filing an appeal does not reserve spacing, territory, or density rights. A permit does not become effective until all appeals are resolved and the STR is activated.

1. Filing Requirements.
  - a. The appeal must be submitted in writing within fourteen (14) days of the date of the written notice of the Administrator’s decision.
  - b. The appeal shall include the grounds for appeal and any supporting evidence or documentation.
  - c. Appeal must be submitted in writing on a form provided by the city.
  - d. Appeals filed after the deadline shall not be accepted unless the applicant/permittee demonstrates good cause for the delay and the City accepts the late filing at its discretion.
  - e. Appeal shall be accompanied by the appropriate fee.
2. The appeal shall include:
  - a. The name and contact information of the Applicant or Permittee;
  - b. A copy of the decision being appealed;
  - c. A clear statement of the grounds for the appeal
  - d. Any supporting documents, evidence, or statements the Appellant wishes to be considered;
  - e. The application shall be accompanied by a certified list, prepared by an abstract company, of all owners of real property within 200 feet of the area proposed as a Short-Term rental property. If the proposed Short-Term rental property is located adjacent to the city’s limits, the area of notification shall be extended to at least 1,000 feet in the unincorporated area. This area shall be referred to as the notification area.

**C. Notification of Public Hearing**

Public notice shall be provided for all Formal Appeals involving a public hearing on any Short-Term Rental licensing decision, including denial, non-renewal, suspension, revocation, reinstatement, or other administrative actions. Notice shall be provided as follows:

1. Notification
  - a. The City will provide notice of the Short-Term Rental Permit Application being filed by certified mail.
  - b. At least 20 days' notice of the time and place of the public hearing shall be sent, via certified mail, to all property owners in the notification area.
  - c. At least 20 days' notice of the time and place of the public hearing shall be published in the official newspaper of the City of Bel Aire.
  - d. The City shall be responsible for preparing, publishing and mailing all required notices. Proof of mailing, publication and posting shall be maintained in the official record of the appeal. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission.
2. All notices shall include, at minimum:
  - a. A brief description of the decision being appealed;
  - b. The date, time, and location of the public hearing;
  - c. A statement that interested persons may appear and be heard;
  - d. Instructions on how to submit written comments; and
  - e. Information regarding the protest petition process, including where to obtain forms and the deadline for filing.
3. The City shall accept written comments submitted prior to or during the public hearing. All written comments shall be included in the official record and provided to the Appeal Authority for consideration.
4. Proper notice in accordance with this section satisfies all legal notice requirements for the appeal hearing. Failure of a property owner to receive notice shall not invalidate the proceedings so long as the City followed required procedures.

#### D. Protest Petition process

The purpose of this section is to provide adjacent property owners with a formal mechanism to request additional review of Short-Term Rental applications that may have substantial neighborhood impacts while maintaining an administrative-first process.

1. Following the receipt of the STR permit application by the City, neighboring property owners may file a written protest petition concerning the continued operation or permitting of the Short-Term Rental. The Formal appeal shall comply with the following process and criteria to be considered valid and effective.
2. A protest petition may only be signed by:
  - a. Owners of real property located within the notification radius established by the City from the boundaries of the Short-Term Rental property;

- b. A protest petition shall be deemed valid only if it is signed by twenty percent (20%) or more of all property owners within the notification radius.
3. Upon receiving a valid protest petition, the Administrator shall elevate the application to the Planning Commission for a public hearing.
4. The protest petition must:
  - a. Be submitted in writing on a form provided or approved by the City;
  - b. Clearly identify the Short-Term Rental property and the appeal matter;
  - c. Include the printed name, signature, street address, email and phone number of each property owner signing;
  - d. Identify any co-owners or ownership entities (e.g., trusts, LLCs) with documentation demonstrating the signatory's authority; and
  - e. Petition must include a statement of objection or reason for protest and specific concerns.
5. To be valid, a protest petition must be submitted to the City before the administrative approval of the permit or commencement of the scheduled public hearing. Late-filed petitions may be accepted only if the hearing is continued and the City determines that acceptance will not prejudice the proceedings.
6. The City shall review all protest petitions to verify ownership using the most recent property ownership records available. Signatures that cannot be verified, are incomplete, or lack sufficient ownership documentation shall not be counted toward the protest threshold. The City shall issue a determination of petition validity and notify the Planning Commission prior to the public hearing.
7. If a valid protest petition is submitted by the required percentage of eligible property owners in the notification radius, the Planning Commission shall be required to meet an enhanced voting requirement to overturn or modify the original administrative decision, by a two-thirds (2/3) majority vote. A tie vote upholds the administrative decision. A valid protest petition does not automatically deny or approve an application. The protest petition triggers a review, not a decision.
8. Once submitted, signatures on a protest petition may not be withdrawn except upon written request submitted before the petition is deemed valid by the City.
9. A protest petition may be deemed invalid if:
  - a. It does not meet minimum threshold criteria;
  - b. It contains fraudulent or altered signatures; or
  - c. It fails to comply with required forms, timing, or verification standards.

10. The following do not justify elevation of appeal on their own:

- a. general opposition to STRs
- b. objections without evidence of specific impacts
- c. personal dislike of short-term rentals
- d. appeals filed solely to block spacing or density

## E. Hearing Procedures

Hearing procedures for appeals of Short-Term Rental decisions shall be conducted in a fair, orderly, and impartial manner in accordance with the following requirements:

1. Authority and Scheduling.
  - a. Hearings shall be conducted by the Planning Commission.
  - b. Upon receipt of a complete and timely appeal, the City shall schedule a hearing within forty-five (45) days after the receipt of the written notice of appeal.
  - c. Written notice of the hearing date, time, and location shall be provided to the Appellant at least seven (7) days prior to the hearing.
  - d. The Planning Commission may continue, postpone, or reschedule hearings when necessary to obtain additional information, secure attendance of witnesses, or ensure proper notice to the parties.
2. No member of the Planning Commission may participate in, deliberate on, or decide any appeal if the member:
  - a. Has a financial interest in the property or the outcome of the appeal;
  - b. Has a personal, professional, or business relationship with the Appellant or any party to the proceeding that could reasonably be perceived to influence their judgment;
  - c. Has been directly involved in the investigation, enforcement action, or administrative decision being appealed; or
  - d. Has any other conflict that would cause a reasonable person to question the member's impartiality.
3. Members of the Planning Commission shall not engage in ex parte communications regarding any matter under consideration, except in accordance with law or formally during the hearing.
4. Conduct of Hearing
  - a. The Planning Commission shall open the hearing with a summary of the decision under appeal and the procedural rules.
  - b. The City shall present its evidence, testimony, and supporting documentation first.
  - c. The Appellant shall then have the opportunity to present evidence, testimony, documents, and witnesses relevant to the appeal.
  - d. Both parties may offer rebuttal evidence, subject to the discretion of the Appeal Authority.

- e. Both the City and Appellant may present evidence, testimony and witnesses. Members of the public may also provide testimony relevant to the matter under consideration.
- 5. The City shall maintain a record of the hearing, which may consist of written minutes, audio recordings, or both. All documents, exhibits, and materials submitted shall be included in the official record.
- 6. Deliberation and Decision
  - a. After closing the hearing, the Planning Commission shall deliberate in accordance with City procedures.
  - b. The Planning Commission may affirm, reverse, modify, deny or remand the decision.
  - c. The Planning Commission may consider:
    - 1. whether staff correctly applied the STR ordinance
    - 2. whether the decision is supported by evidence
    - 3. whether proper procedures were followed
    - 4. whether the applicant provided required materials
  - d. The review does not reconsider the permit as a land-use entitlement.
  - e. A written decision shall be issued within a reasonable timeframe and shall include findings of fact, conclusions, and the final determination.
  - f. To prevent appeals from being used to block or delay other STR applications, the Planning Commission may dismiss the appeal if it determines the appeal was filed:
    - 1. without a legitimate basis
    - 2. to delay or prevent another STR permit
    - 3. to manipulate spacing or density restrictions
    - 4. without specific evidence supporting the appeal
- 7. Elevation to the Planning Commission is NOT a Conditional Use Permit by default, unless expressly stated. However, the Planning Commission may impose conditions that function similarly to a CUP (parking, hours, occupancy, noise limits), without converting the STR into a zoning entitlement.
- 8. The hearing shall be conducted pursuant to the Hearing Procedures outlined in this chapter. The written decision of the Planning Commission constitutes the City's final administrative action. Further review, if any, shall be sought through the appropriate judicial process allowed by law.

**F. City Staff Elevated Appeal**

1. The Administrator shall elevate an STR application to the Planning Commission for public hearing when any of the following apply:
  - a. Separation or Density Conflicts:
    1. The application does not meet required spacing or density limits, but the applicant is requesting an exception, or
    2. The application conflicts with an existing STR but the conflict is disputed.
  - b. The STR involves a unique or unconventional structure (e.g., movable units, glamping units, historic structures)
  - c. Operational Characteristics
    1. Proposed occupancy exceeds the standard limits.
    2. The applicant intends to host events or gatherings more frequently than allowed administratively.
    3. The STR is associated with commercial activity (retreats, workshops, recurring gatherings).
2. Even if none of the automatic conditions apply, the Administrator may elevate the application to the Planning Commission if:
  - a. there is substantial uncertainty about compliance with STR regulations
  - b. the site or structure warrants discretionary review, or
  - c. the operational plan creates impacts beyond the scope of administrative authority.

Applications elevated to the Planning Commission shall follow the requirements set out in this chapter.

**AB. Initial Compliance Requirements and Timeline**

To ensure an orderly transition to the new Short-Term Rental (STR) regulations, all existing and new STRs must meet the following initial compliance requirements within the designated timelines.

1. All STR owners must submit a complete Short-Term Rental Permit application within sixty (60) days after the ordinance takes effect. Applications must include required forms, documents, fees, and owner or management agent information.
2. Owners seeking grandfathered or legal nonconforming status must provide acceptable proof of lawful STR operation prior to adoption of the ordinance within the same sixty (60) days.

- 3. Owners must ensure all safety standards are met, including:
  - a. Smoke and carbon monoxide detectors
  - b. Fire extinguishers
  - c. Clear egress routes
  - d. Any other building or fire code requirements
  - e. Safety compliance must be confirmed prior to permit approval.
- 4. Documentation of required liability insurance coverage must be included with the permit application.
- 5. Owners must provide the name and 24-hour contact information for a local contact or management agent able to respond promptly to issues.
- 6. Within 10 days of receiving a permit, owners must:
  - a. Post required information inside the STR (permit number, occupancy, parking, local contact, emergency info).
  - b. Update all advertisements and online listings to include the valid permit number and accurate property details.
- 7. Any open code violations or unpaid taxes or fees must be resolved prior to receiving a permit.
- 8. Any STR that fails to submit a complete application within 60 days or fails to meet initial compliance requirements within prescribed timelines must cease operation until a permit is approved.

**AC. Violations not exclusive.**

The provisions of this Article are in addition to any other violations enumerated within the ordinances of the Code of the City of Bel Aire. This Article in no way limits the penalties, actions or abatement procedures which may be taken by the City for a violation of any ordinance of the City of Bel Aire or Statute of the State of Kansas.

**AD. Severability.**

If any one or more sections, subsections or other part of this Ordinance shall be declared invalid by a court of competent jurisdiction, it is the intent of the City that the remaining portions of the Ordinance shall remain effective. The City states that it would have enacted such remaining portions irrespective of the fact that one or more sections, subsections, or other part of the Ordinance have been held invalid.