



**AGENDA**  
**PLANNING COMMISSION**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**June 12, 2025 6:30 PM**



**I. Call to Order**

**II. Roll Call**

Deryk Faber \_\_\_\_ Phillip Jordan \_\_\_\_ 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 May 8, 2025.

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

**V. Old Business/New Business**

A. **Consideration of Amendments to the Bylaws of the Planning Commission.**

**Action:** Motion to (adopt/deny/table) the bylaws of the Planning Commission (As Presented / As Amended) and recommend approval by the Governing Body.

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

B. **Review Criteria for Planning and Zoning Cases (Golden Factors)**

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

**VI. Approval of the Next Meeting Date.**

**Action:** Motion to approve the date of the next meeting: July 10, 2025, at 6:30 p.m.

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

**VII. Current Events**

**A. Upcoming Agenda Items:**

a. Board of Zoning Appeals Ordinance

- b. Board of Zoning Appeals Bylaws
- c. Review of Zoning Case Script

**B. Upcoming Events:**

- a. Cops & Bobbers Fishing Event @ Central Park Ponds- June 7
- b. Fireworks Detonation Timeframe: June 27 – Midnight July 4
- c. City Hall closed for 4th of July

**VIII. Adjournment**

**Action:** Motion to Adjourn.

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



# MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS May 8, 2025, 6:30 PM



**I. Call to Order:** Chairman Phillip Jordan called the meeting to order

**II. Roll Call**

Chairman Phillip Jordan and Commissioners Deryk Faber, Brian Mackey, Paul Matzek and Brian Stuart were present. Commissioner Dee Roths was absent.

Also present were Paula Downs, Director of Community Development and Maria Schrock, City Attorney.

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

Chairman Phillip Jordan led the pledge of allegiance.

**IV. Consent Agenda**

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

**Motion:** Commissioner Fabor moved to approve the minutes of April 10, 2025. Commissioner Matzek seconded the motion. *Motion carried 5-0.*

**V. Announcements:** Paula Downs announced the City Council Workshop on Tuesday, May 13 at 7:00. The Planning Commission has been invited to participate in the engagement session on the Comprehensive Plan.

Paula also stated that she is working on providing a Golden Factors Guide that will provide considerations and questions to ask for each review criteria. The Guide will be provided at the June Planning Commission meeting.

**VI. Old Business/New Business**

**A. Review Draft Planning Commission Bylaws.**

Staff provided an overview of the draft Bylaws document. The current document was developed and approved in 1991. The document was updated by staff to update and modernize the language. Paula stated that the black font text was the original text contained in the 1991 document. Blue font text is updated language to reflect current information and added language. Staff also reviewed surrounding area Planning Commission Bylaws to identify language that might be useful.

Commissioners talked about the importance of attendance. Discussion around the total number of meetings to miss in a calendar year was considered. It was suggested that six missed meetings were too many and that once a quarter might be better. It was further discussed that five (5) meetings missed in a calendar year are acceptable. There was additional discussion around the number of consecutive meetings that could be missed. The draft document stated more than three, Commissioners requested removing the “more than” and leaving it that absences for three consecutive regular meetings could result in removal.

Commissioners also suggested adding language to review the Bylaws annually to allow for updates to be made. Staff suggested an annual discussion in the fall.

One modification was pointed out in Section 1- should remove “City of Derby” and replace with City of Bel Aire.

Commissioners requested time to review the document and provide suggestions via direct email to Paula. Paula will put together language to finalize and approve at the June 12 Planning Commission meeting.

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

#### **B. Review Establishment of a Board of Zoning Appeals.**

Paula Downs provided an overview of the Board of Zoning Appeals (BZA) and the need to put one in place. The Planning Commission was previously named as the BZA; however, it was changed to a three-member board with membership including the Planning Commission Chair and two other members not involved in a City appointment.

Staff are suggesting the Planning Commission serve as the BZA moving forward. Staff stated that the BZA and Planning Commission do NOT hear the same type of cases. The BZA only hears Variance cases and appeals of the Zoning Administrator.

The memo included in the agenda packet provides history and other information on the BZA and next steps. Paula stated that the Planning Commission will be provided with additional detailed information, and an ordinance will be provided for approval of the Planning Commission to serve as the BZA. Staff will provide detailed information on the cases to be heard by the BZA and a sample agenda and process for adjourning to a BZA meeting during the Planning Commission meeting.

Staff anticipate the ordinance to appear at the June 12 Planning Commission meeting.

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

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

**MOTION:** Commissioner Jordan moved to approve the date of the next meeting: June 12, 2025, at 6:30 p.m. Commissioner Stuart seconded the motion. *Motion carried 5-0.*

## VIII. Current Events

### A. Upcoming Agenda Items:

- a. Board of Zoning Appeals Ordinance

### B. Upcoming Events:

- a. Shred & E-Recycle Day: May 3
- b. Curbside Cleanup: May 17
- c. May 24 – Bel Aire Pool opens
- d. May 26 – Memorial Day; City Offices closed

## IX. Adjournment

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

Approved by the Bel Aire Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Phillip Jordan, Chairman

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING BYLAWS FOR THE  
CONDUCT OF BUSINESS BY THE PLANNING COMMISSION  
OF THE CITY OF BEL AIRE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

**ARTICLE 1 – CREATION, MEMBERSHIP, AUTHORITY AND DUTIES**

**SECTION 1. CREATION.** The Bel Aire City Planning Commission, hereinafter referred to as the “{Commission,” has been reestablished by the Governing Body by the adoption of Ordinance No. 195 which has been passed and approved and becomes effective on January 1, 1992. The Commission was originally created by Ordinance No. 105 which was published on December 17, 1985.

**SECTION 2. MEMBERSHIP.** Pursuant to City ordinance and state law, the Bel Aire City Planning Commission (hereinafter referred to as the “Commission”) membership consists of ~~eight~~ **seven** members serving staggered three-year terms of whom ~~six~~ **five** shall be residents of the City of Bel Aire, Kansas and two such members shall reside outside of the City, but within three miles of the corporate limits of the City. Members are appointed by the Mayor with the consent of the City Council at their first regular meeting in May of each year and take office at the next regular meeting of the Commission. ~~Vacancies are filled by appointment for the unexpired term.~~

~~In the event of a vacancy on the Planning Commission the Mayor shall select an individual to fill such vacancy for the remainder of the term in accordance with the same procedures used to select the original Commissioner.~~

~~A Commissioner may be removed by the Mayor. Such removal and selection of a new Commissioner shall be in accordance with the same procedures used to select the original Commissioner.~~

~~In the event a Commissioner resigns a successor shall be selected in the same manner used to select the original Commissioner.~~

**SECTION 3. ~~Disqualification.~~ ATTENDANCE.** Regular attendance is an important responsibility of membership. Maintaining a quorum for voting purposes is especially important. Any member that absences himself or herself for ~~more than~~ three consecutive regular meetings ~~during a calendar year for reasons not considered justifiable by the Commission shall be notified that the Commission will recommend to the Mayor that his or her membership be declared vacated and a replacement appointment be made.~~ ~~or misses a total of six five meetings during a calendar year, the Secretary will provide written notice to the City Manager, and the Mayor who may elect to remove the member.~~

**SECTION 4. CONFLICT OF INTEREST.** Members of the Commission shall be aware at all times of their responsibility to the citizenry of the City of Bel Aire [and to the residents of the surrounding Planning Area](#) and shall refrain from any recommendation or action that would benefit individuals or special interest groups rather than serve the best interest of the entire community. In furtherance of this responsibility, members shall refrain from recommending or acting on any matter before the Commission in which they have, either directly or indirectly, any financial interest or use their influence or position to show favoritism that could lead to the development of a clientele at a later date.

[If a member is asked if they have a conflict of interest on a matter before the Commission, that member shall publicly announce the conflict and excuse himself/herself from the meeting room until the matter has been addressed by the remaining Commission members. If there is a question or a real or perceived conflict of interest, the affected member should contact the Secretary and City Attorney for an interpretation of the situation prior to the meeting.](#)

**SECTION 5. AUTHORITY.** The Commission is vested with the [duties and responsibilities of a planning commission as contained in the State Planning and Zoning Statutes, i.e., prescribed in Kansas Statutes Annotated K.S.A. 12-741, et seq., as amended, and 12-736.](#)

**SECTION 6. DUTIES.** As provided for by the statutes referred to in Section 5, the duties of Commission shall be:

1. ~~To~~ Make or cause to be made, adopted and maintained an official Comprehensive Development Plan for the City and any unincorporated territory lying outside the City but within Sedgwick County which in the Commission's opinion forms the total community of which the City is part, subject to the approval of the Governing Body by ordinance (K.S.A. 12-747);
2. ~~To~~ Annually review or reconsider the Comprehensive Plan at least once a year at the January meeting to determine if the Plan or any portion thereof has become obsolete and to report such status to the Governing Body or propose remedial amendments, extensions or additions to the plan (K.S.A. 12-747[d]);
3. ~~To~~ Determine the conformance to the Comprehensive Plan of public improvements, facilities or utilities of a type embraced within the recommendations of the Plan which are proposed for construction or authorization and to report upon such conformance or nonconformance within 60 days to the Governing Body unless conformance is otherwise determined by reviewing the City's capital improvement program (K.S.A. 12-748).
4. ~~To~~ Prepare, adopt and maintain Zoning Regulations for the City to recommend the approval of such regulations to the Governing Body; and to hold hearings and make recommendations on all amendments thereto and zoning applications [including zoning cases in the Metropolitan Area Planning Commission \(MAPC\) Urban Area of Influence](#) (K.S.A. 12-753 through 12-759 and 12-763).

5. ~~Fe~~ Prepare, adopt and maintain Subdivision Regulations for the City ~~and extraterritorial jurisdiction~~; to recommend the approval of such regulations by the Governing Body; and to process and approve plats and to transmit them to the Governing Body for the acceptance of dedications thereon (K.S.A. 12-749, 751(a), 752 and 764).
6. ~~Fe~~ Submit to the Governing Body on or before the first of ~~July~~ ~~October~~ of each year a proposed budget for the ensuing year to carry out the Commission's planning program (K.S.A. 12-746)
7. ~~Fe~~ Prepare and approve plans for neighborhoods and special project areas;
8. ~~Fe~~ Maintain planning reference files of plans, reports, maps ordinances, regulations and policies accessible to officials, developers and citizens;
9. ~~Fe~~ Maintain cooperation and coordination with the trustees of the surrounding township(s), U.S.D. #259, the Wichita-Sedgwick County Metropolitan Area Planning Commission and Department and with such other county, regional and state planning entities as may be deemed appropriate; and
10. ~~Fe~~ Make recommendations to the Wichita-Sedgwick County Metropolitan Area Planning commission on all plats proposed in the Bel Aire planning area outside the City and on all zoning items proposed for hearings within the MAPC Zoning Area of Influence as well as for any proposed revisions to County rules or regulations which might affect the development of the planning area; and
11. ~~Fe~~ Hold hearings, provide plans for and/or make recommendations on such other matters including annexations and vacations as may be periodically assigned to the Commission by the Governing Body.

**SECTION 7. COMPENSATION.** Members of the Commission shall serve without compensation for their services; however, the members may receive reimbursement for their authorized out-of-pocket expenses including travel when related to the Commission's activities as the Governing Body by policy may deem desirable.

## ARTICLE II -- OFFICERS, ELECTIONS AND DUTIES

**SECTION 1. OFFICERS.** The officers of the Commission shall consist of a Chairperson, Vice-Chairperson ~~and Secretary~~. The Chairperson and Vice Chairperson shall be members of the Commissions, ~~however,~~. ~~The Secretary shall be the City of Bel Aire Zoning Administrator and shall provide duties in support of the Planning Commission. may or may not be a member of the Commission (K.S.A. 12-745).~~

**SECTION 2. ELECTIONS.** At the regular Commission meeting in ~~July~~ ~~October~~ of each year, the officers shall be nominated and those persons receiving the highest number of votes shall be deemed elected. Officers shall take office in January of the following year ~~following the meeting~~ and serve for one year or until their successor has been elected. Officers may serve for more than one term.



**SECTION 3. DUTIES.** *The duties of the officers shall be:*

1. The Chairperson shall preside at all meetings of the Commission. In the absence of the chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, ~~the Secretary shall reside to select a temporary Chairperson, and the Secretary shall forthwith relinquish the chair after selection of a temporary Chairperson.~~ *the Senior Commissioner (the person serving the longest period of time on the Commission) shall act in the manner and capacity as the Chairperson.* The Chairperson shall sign all minutes and other official papers and documents to indicate that they have been approved by the Commission. The Chairperson shall represent the Commission at all meetings with other groups unless another member is designated to perform that function. ~~The Chairperson shall also be responsible to oversee the preparation and distribution of agendas for each Commission meeting.~~
2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.
3. The Secretary, *or his/her designee*, shall perform the following duties:
  - a. ~~To prepare the minutes of each Commission meeting and submit them to the Commission for approval;~~ *To prepare the minutes of each Commission meeting the Secretary shall tape record the hearings. Once the Commission has approved the minutes the recording will be deleted.*
  - b. ~~To Maintain an~~ *the* official file ~~or record book of the~~ minutes as approved and signed by the Chairperson and *the Secretary's designee* ~~and the Secretary and to provide the Governing Body, City Administrator, City Clerk, Zoning and Subdivision Administrator(s) and other officials with copies on a continuing basis and post minutes to the City of Bel Aire website or such other repository as may be established from time to time;~~
  - c. ~~To~~ Attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto and to maintain ~~an~~ *the* official file of Comprehensive Plan documents and accompanying adoption materials and ordinances;
  - d. ~~To~~ Distribute to each Commission member all current materials relating to the Comprehensive Plan and Zoning and Subdivision Regulations and ~~to distribute three sets of Zoning and Subdivision Regulations, including amendments thereto, to the City Clerk as the official City copies~~ *maintain official copies of the same pursuant to City Code and state law;* and
  - e. ~~To~~ Prepare and distribute agendas for each Commission meeting ~~under the direction of~~ *in coordination with* the Chairperson. (See Article III, Section 7 on Agendas).

## ARTICLE III – MEETINGS

**SECTION 1. REGULAR MEETINGS.** ~~When a regular meeting of the Commission is held, it shall be on the 2<sup>nd</sup> Monday of a month.~~ Regular meetings of the Commission will be on the second Thursday of every month, unless changed by the Commission. All meetings shall be held in the Council Room of City Hall beginning at 6:30 p.m.; ~~When the date of a regular meeting conflicts with a legal holiday, the Commission may designate the date for the next regular meeting unless such meeting dates have otherwise been adopted as a schedule for the year.~~ All meetings shall be held in the Assembly Room at the City Hall in Bel Aire, Kansas, beginning at 7:00 p.m.; provided, however, that the Commission may vote to adopt another hour, date, or place of meeting. Any such change shall be given wide publicity published for the convenience of persons having business before the Commission.

**SECTION 2. SPECIAL MEETINGS.** Special meetings may be called by the Chairperson or in the Chairperson's absence by the Vice-Chairperson or upon written request of any three members of the Commission. When a special meeting is called, reasonable notice as to date, time, place, manner and purpose for the meeting shall be given by the Chairperson at least 24 hours before the meeting by mail, hand delivery or telephone. The announcement of a special meeting at a regular meeting shall constitute notice to those persons present. Commission members and the Governing Body shall be notified by the Chairperson including all persons designated to receive agendas on a regular basis. (See Article III, Section 7 on Agendas.). No items other than those identified in the notice shall be considered at a special meeting.

**SECTION 3. ADJOURNED MEETINGS.** If the business before the Commission is not completed, the Commission by motion may adjourn the meeting or a specific agenda item to a specified date, time and place until the matters on the original agenda or the specified item are acted upon. When such a motion is made known to those persons in attendance, no further notice need be given.

**SECTION 4. OPEN MEETINGS AND CLOSED SESSIONS.** ~~Having determined that at least a quorum is present, all actions of the Commission shall be open to the public and to attendance by representatives of the news media, except that closed sessions if deemed necessary may be held to deliberate a rezoning application including a conditional use permit wherein such action is considered to be a quasi-judicial function. The motion to recess for a closed session shall be placed in the minutes and include a statement of (a) the justification for closing the meeting; (b) the subjects to be discussed during the closed session; and (c) the time and place at which the open meeting will resume, all according to K.S.A. 75-4319 or the Kansas Open Meetings Act. In such closed sessions, no binding vote or action may be taken.~~ Pursuant to the Kansas Open Meetings Act, all meetings of the Commission except for executive sessions are open to the public, unless remote participation procedures have been established pursuant to Article III, Section 1 on Regular Meetings. Closed sessions, if deemed necessary, may be held to deliberate a rezoning application including a special use permit wherein such action is considered to be a quasi-judicial function or as otherwise authorized by state law. The motion to recess for a

closed/executive session shall be placed in the minutes and include (a) a statement describing the subjects to be discussed; (b) the statutory justification for closing the meeting; and (c) the time and place at which the open meeting will resume, all in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.* In such closed sessions, no binding vote or action may be taken.

**SECTION 5. WORKSHOP SESSIONS.** The Commission may meet at a regular or special meeting in a workshop session for a general discussion on one or more topics or for a training session; however, the Kansas Open Meetings Act applies, and no binding action may be taken. While regular minutes are not ~~necessary~~ required a record of attendance and a brief summary of the subject(s) discussed should be made.

**SECTION 6. QUORUM.** A quorum shall consist of a majority of the total membership which is designated by the ordinance creating the Commission whether any vacancies exist or not. ~~Thus, a quorum of five members must be present to conduct any business for the~~ conduct of business shall be four members. In the absence of a quorum at any meeting or at the impending loss of a quorum during a meeting, the Chairperson after consultation with those members present may adjourn the meeting to a specified date, time and place or similarly table an agenda item. When such information is made known to those persons in attendance, no further notice need be given.

Members abstaining from voting may be counted when determining whether a quorum is present; however, members having a conflict of interest or who are disqualified from voting may not be counted as part of the quorum for the item where they have a conflict of interest or are otherwise disqualified from voting. (See Article IV, Section 5 Paragraphs 10 and 11)

**SECTION 7. AGENDAS.** The ~~Chairperson~~ Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and to have it ~~mailed or delivered~~ posted on the City of Bel Aire website with the link shared, via email, to the Commission members ~~no later than five calendar days preceding in advance of the next regular meeting.~~ Copies of the agenda shall be posted to the City of Bel Aire website, or such other repository as may be established from time to time and also be furnished to each party having an item on the agenda and to any person requesting an agenda or a notice of the date, time and place of a regular or special meeting of the Commission under the Kansas Open Meetings Act. ~~the Governing Body, City Administrator, City Clerk, Zoning and Subdivision Administrator(s), the news media; to each party having an item on the agenda; and to any person requesting an agenda or notice of the date, time and place of a regular or special meeting of the Commission under K.S.A. 75-4318 (b) and (d) of the Kansas Open Meetings Act.~~ Any member of the Commission may place items on the agenda by advising the ~~Chairperson~~ Secretary, or his/her designee, no later than noon on the seventh day preceding the next regular meeting. If the number of applications received for zoning or platting would create an unduly long Commission meeting, the ~~Chairperson~~ Secretary may carry over such items on a first-come, first-served basis to the next Commission meeting unless already advertised for public hearing. (See Article IV, Section 1 on the Order of Business.)

**SECTION 8 RECORDING OF MEETINGS.** The Secretary shall keep complete records of all proceedings of the Commission. ~~and . The Secretary shall keep complete records of all proceedings of the Commission.~~ The Secretary or their designee, shall also prepare and maintain permanent minutes to be kept in a file or record book available for public view. ~~Permanent copies of such minutes shall not be removed from City Hall except by order of a court.~~ Copies of the Minutes shall be posted on the City of Bel Aire website or may be furnished to all persons or bodies making such a request to the Secretary or City Clerk. The Secretary or City Clerk may make such charges as are necessary to recover the cost of making such copies.

## ARTICLE IV – CONDUCT OF MEETINGS

**SECTION 1. ORDER OF BUSINESS.** The general order of business shall be as follows unless otherwise decided by the Commission:

- a. Roll call
- b. Approval of the Agenda
- c. Approval of the minutes
- d. ~~Communications~~ Announcements
- e. Public hearings
- f. Old and New Business
- ~~g. Plats~~
- h. Screening
- i. Staff reports
- j. Miscellaneous
- k. Adjournment.

~~Off-agenda items may be considered at the discretion of the Commission when such items are added to the agenda at the beginning of the meeting by motion. Approval of such consideration shall be based on a finding that a review or presentation would be in the best interest of the general public and not contrary to the provisions of public notice.~~ added to and scheduled items may be removed from the agenda at the beginning of a regular meeting by motion approved by a majority of the Commission members present and voting. No items may be added to the agenda of a special meeting.

**SECTION 2. APPEARANCE BEFORE THE COMMISSION.** When a public forum or public hearing is held, applicants and petitioners or their representatives and members of the community at large or individuals or their representative who feel that they will be affected by any action of the Commission may appear to present views and statements either for or against agenda items. Personal appearance before the Commission is recommended; however, written communication may be ~~presented instead~~ submitted to the Commission. The commission may at their discretion defer items coming before the Commission if the applicant or petitioner is not present and has not submitted written communication.

**SECTION 3. ACTIONS.** In all formal matters, the Commission shall act by motion unless an ordinance or resolution is required by law or governmental regulations. All notices required by law to be given by publication including those for public hearings shall be published in the officially designated city newspaper. Substantive motions before the Commission shall be restated by the Chairperson before a vote is taken. Every motion on a substantive matter shall set forth reasons based on the discussion. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

**SECTION 4. VOTING.** ~~When a quorum is declared present, all actions of the Commission shall be taken by a majority vote of the entire membership of the Commission (K.S.A. 12-745), except that only a majority vote of the members present and voting at the hearing shall be required to make recommendations on amendments to the zoning regulations, applications for rezoning amendments and special use permits. (K.S.A. 12-757[c]). Voting shall be by individual voice ballot of "Aye" or "Nay" on each item and shall be tallied and the results determined by the Chairperson. In the event of a tie or a divided vote, see Article IV, Sections 8 and 9 on Parliamentary Procedure.~~

Unless otherwise provided by state law or by ordinance of the City, the Commission shall act by a majority vote of the members present and voting. A record of all proceedings of the Commission shall be kept. Voting shall be by individual voice "Aye" or "Nay" ballot, written ballot or show of hands; shall be tallied and the results determined by the Chairperson. In the event of a tie or a divided vote, see Article IV, Section 8 and 9.

**SECTION 5. PARLIAMENTARY PROCEDURE.** All meetings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised, except insofar as modified by these Bylaws and procedures adopted by the Commission, unless otherwise required by state law:

1. A second shall be required for all motions.
2. The Chairperson shall have the right to make motions and to second motions without vacating the chair.
3. Motions to "receive and file" shall not be debatable.
4. Substitute motions may be made for prime motions provided that substitute motions are voted on before the prime motion. Substitute motions shall be made only once and shall be debatable only if the prime motions were debatable. A substitute motion may be made without the consent of the maker of the prime motion.
- ~~5.~~ Motions to reconsider any items shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall ~~not be allowed in cases where the item proposed for reconsideration has previously been forwarded to and acted on by the Governing Body.~~ only be considered at the same meeting at which the item was decided.
6. The Commission may suspend the rules provided that: (a) the motion to suspend the rules takes precedence over other prime motions; (b) the motion shall state the specific purpose and rule to be suspended; (c) no such motion shall be considered approved unless the length of time such suspension will be in effect has been specified; (d) the

- 349 motion shall be approved by a majority of the quorum; and no suspension of the rules  
 350 shall be considered permanent.
- 351 7. ~~Participation from the floor (audience) on any matter may be limited as to time at the~~  
 352 ~~discretion of the presiding officer when in his or her opinion such participation~~ If  
 353 participation from the floor (audience) is repetitious; contains statements derogatory to  
 354 the character, integrity or actions of the Commission or any member without support  
 355 of such allegations; or when the course of business due to the number of matters to be  
 356 considered and/or number of people requesting to be heard will not reasonably permit  
 357 further participation,. the Chairperson may reduce their speaking time of five minutes  
 358 to something less. Those persons speaking on a given item from the floor should first  
 359 be recognized and then address their remarks to the ~~presiding officer~~ Chairperson.  
 360 Each member of the Commission may speak to an issue as many times as may be  
 361 desired.
- 362 8. The Chairperson shall have the right to vote. If the officer chooses not to vote, he or  
 363 she shall automatically be considered to have abstained from voting. (See Article IV,  
 364 Section 5, Paragraph 10 below on Parliamentary Procedure.)
- 365 9. When a divided vote occurs, the Chairperson shall call for a roll-call vote. The  
 366 Secretary shall enter into the minutes the result by name of all roll-call votes.
- 367 10. Any member abstaining or remaining silent on a vote shall be considered to have voted  
 368 with the majority vote of those who voted; provided that, such member does not have  
 369 a conflict of interest or bias in the matter that would otherwise disqualify him or her  
 370 from voting. In the event of an equally divided vote, the vote of a member abstaining  
 371 or remaining silent is not to be counted. Members who do abstain or remain silent on  
 372 a vote are still counted as present in determining a quorum.
- 373 11. The Chairperson may grant permission for any member to abstain on any particular  
 374 vote when the member declares a conflict of interest or bias and request the Chairperson  
 375 to approve an abstention from voting. When such an abstention is granted, the  
 376 requesting member is disqualified from voting and shall disassociate himself or herself  
 377 from the assembled members and not engage in discussion until the particular item is  
 378 acted upon. Members shall automatically be granted such an abstention when they or  
 379 their spouse own property in the area of notification for a zoning application. Such  
 380 abstention shall not prevent them from signing a protest petition or appearing before  
 381 the Commission to speak on the zoning application. When a member is disqualified  
 382 from voting, they cannot be counted as present for the quorum.
- 383 12. Subject to these provisions, the Chairperson shall decide all points of order and  
 384 procedure, unless overruled by a majority vote of the entire membership of the  
 385 Commission.



## ARTICLE V – HEARING PROCEDURES

**SECTION 1. INTENT AND PURPOSE.** It is the intent of the Commission to hold fair and impartial hearings on all matters requiring a public hearing at which adequate legal notice has been given to all concerned parties. The purpose of such hearings is to make it clear that decisions are based on the relevant evidence presented and that well organized hearings and procedures will lead to legally defensible decisions which are not arbitrary, discriminatory or unreasonable. To ensure fairness, the hearing room should be able to accommodate all persons wishing to attend and to enable them to properly hear the proceeding.

*Ex parte* contacts, i.e., those contacts in the forms of verbal or written communications outside of a hearing ~~should be~~ **are** discouraged. Commission members should (a) come to a hearing favoring neither side; (b) have no personal interest in the outcome other than that shared by the community-at-large; (c) treat both sides ~~alike~~ **fairly and impartially**; and (d) base their decision solely on the facts presented as evidence before the Commission. Any facts determined by personal investigation should be reported to the Commission at the hearing as *ex parte* information.

## **SECTION 2. ORDER OF PROCEEDINGS FOR ZONING PUBLIC HEARINGS.**

~~Applications for rezoning amendments and special use permits that are site-specific land use decisions~~ **Proceedings requiring public hearings** are considered quasi-judicial proceedings. The latter includes the procedural due process elements of notice and opportunity to be heard in a fair, open and impartial **hearing manner**. ~~At the end of the hearing, the Commission shall adopt a written report or place in the minutes a statement summarizing the evidence and stating the factors that it considered in arriving at its decision.~~ **According to K.S.A. § 12-757, the planning commission must create an accurate written summary of the proceedings during public hearings on proposed zoning amendments. This summary should include the evidence presented, findings of fact, and the factors considered in reaching a decision to recommend approval or denial of a zoning change. Additionally, the minutes should reflect the planning commission's recommendations and the reasons for those recommendations, which are then submitted to the governing body for further action K.S.A. § 12-757, K.S.A. 12-756.** The following order of proceedings shall be used for all such ~~rezoning and special use~~ **public hearings**:

1. Determination that a quorum is present.
2. Determination that proper notice has been given.
3. Report of *ex parte* contacts with Commission members.
4. Introduction of application by staff.
5. Presentation by applicant, **which shall be limited to five minutes unless such time is extended by majority vote of the commission.**
6. Commission and staff question applicant.
7. Public comments on proposed application. **Each presenter shall speak no more than twice per issue and shall be limited to five minutes unless such time is extended by majority vote of the commission.**
8. Receipt of written communications or petitions.

9. Applicant presents closing comments, which shall be limited to five minutes unless such time is extended by majority vote of the commission
10. Staff presents closing comments.
11. Public portion of the hearing closed by the Chairperson.
12. Planning Commission deliberations.
13. Review findings and factors on which recommendation is based.
14. Motion to recommend to the Governing Body the approval, disapproval or modification of the application or to table the agenda item to a specific date, time and place.

While no further public comments will be received after the hearing is closed, the Commission may question any participant at any time during the proceedings. ~~At its discretion the Commission may instruct the Secretary to tape record the hearings.~~

**SECTION 3. LEGISLATIVE HEARINGS.** Hearings for the adoption of comprehensive plans and zoning and subdivision regulations and amendments thereto are considered legislative in nature. The order of proceedings for public hearings in Article V, Section 2 above may be modified for a legislative hearing as to the role of the applicant and the findings and factors on which a decision is based. In any event, the Commission's recommendation to the Governing Body shall be in writing accompanied by a written summary of the hearing thereon.

## ARTICLE VI – COMMITTEES

**SECTION 1. COMMITTEES AND LIAISON REPRESENTATIVES.** The Chairperson, with the consent of the Commission, may appoint standing and ad hoc committees and liaison representatives as may be needed to assist in the business of the Commission. The membership of such committee(s) and liaison representatives may consist of all Commission members or part Commission members or by all noncommission members. All such committees and representatives shall be provided with a formal charge and shall report to the Commission their findings and recommendations, unless otherwise directed.

~~Standing committees and regular liaison representatives are as follows:~~

- ~~1. City Liaison Representative — Whenever an agenda item is to be forwarded to the Governing Body and it is not deemed necessary or possible for the Chairperson to appear, the Chairperson shall designate a person to appear and to assist in a presentation as necessary on the item. When such representative is present, he or she may also be available to be informed of or report upon activities affecting the Planning Commission. A brief report on the representative's attendance at the Governing Body meeting shall be made at the next Commission meeting.~~

All standing committees and liaison representatives shall be appointed at the next regular Commission meeting following the election of officers. They shall take office following the meeting of their appointment and serve for one year or until their successor has been appointed. Such committees may elect officers unless otherwise designated by the



Chairperson and establish such rules of procedure as they deem desirable.

## ARTICLE VII – AMENDMENTS TO BYLAWS

**SECTION 1. AMENDMENTS.** The Commission may, by a ~~two-thirds~~ majority vote of the entire membership thereof, ~~and upon approval by the Governing Body of the City,~~ amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict or in contravention of any of the laws of the State of Kansas or ordinances of the City of Bel Aire, Kansas. ~~applicable there.~~ ~~The Commission shall review the Bylaws annually to ensure timely and appropriate updates are made if necessary.~~

Notices of the proposed amendments shall be furnished by the Secretary to ~~the~~ ~~all members of the Planning Commission members~~ and the Governing Body not less than ~~five-seven~~ calendar days prior to the meeting at which such amendments are to be considered. A current copy of the Bylaws ~~adopted by~~ of the Commission ~~and such amendments thereto as may from time to time be adopted,~~ signed shall be ~~filed~~ ~~maintained~~ by the Secretary and ~~filed~~ with the City Clerk ~~including any amendments thereto.~~

### SECTION 2. ADOPTED.

The above and foregoing Bylaws are hereby adopted as the Bylaws of the City of Bel Aire City Planning Commission ~~and recommended for subject to the approval of the Governing Body of the City of Bel Aire, Kansas City Council by a majority vote.~~ When approved by the City Council, these Bylaws shall become effective on \_\_\_\_\_, 2025 and prior Bylaws are hereby repealed as of \_\_\_\_\_, 2024.

### SECTION 3. SEVERABILITY.

In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

### SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

### SECTION 5. REPEALER

Ordinance No. **XX** is repealed. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

*[Remainder of this page intentionally left blank]*

PASSED by the Planning Commission of the City of Bel Aire, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

SIGNED by the Chairperson on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF BEL AIRE, KANSAS

\_\_\_\_\_  
Phillip Jordan, Chairperson

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Maria A. Schrock, City Attorney

PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

SIGNED by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF BEL AIRE, KANSAS

\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Maria A. Schrock, City Attorney

CRITERIA	QUESTIONS TO ASK & RESOURCES TO USE IN STAFF REPORT	DESCRIPTION
<b>Character of the Neighborhood</b>	<ul style="list-style-type: none"> <li>• Zoning of neighboring properties to the N, E, S and W?</li> <li>• General structure height and size in the neighborhood?</li> <li>• Age of structures?</li> <li>• Noise levels of both subject property and adjacent properties?</li> <li>• Historic conditions?</li> </ul>	<p>This is a <i>factual</i> description of surrounding land uses and zoning districts describing the neighborhood. Things that can be considered are noise levels, shadows, open space, historical characteristics, transportation etc.</p> <p>This does not include renters vs. owners, single family vs. two-family, or other things that don't affect the urban design of the <i>neighborhood</i>. Whoever lives in the buildings makes little difference to the "character" of the neighborhood.</p>
<b>Suitability of the Subject Property for the Uses to which it has been Restricted</b>	<ul style="list-style-type: none"> <li>• What is the properties current zoning?</li> <li>• Allowable uses per that zoning district?</li> <li>• Does the existing zoning still make sense for this property?</li> <li>• Do these uses fit with what exists around the site?</li> <li>• Do others fit that are not listed?</li> </ul>	<p>Suitability is looking specifically at the zoning code. This criterion is focused on what the property is current zoned. Having a property zoned agricultural which is too small for such uses may be an example. A property whose zoning regulations have setbacks that make it undevelopable may be another example.</p>

<p><b>Extent to which Removal of the Restrictions will Detrimentially Affect Nearby Property</b></p>	<ul style="list-style-type: none"> <li>• Do the allowed uses in this zoning district conflict with any surrounding sites?</li> <li>• Do the regulations in this zoning district conflict with any surrounding areas?</li> </ul>	<p>Should be based in <i>fact not fear/preference</i>. Answer should be based on zoning-related pieces like uses, setbacks, traffic, lot sizes, etc. Regulations and zoning districts can be different from one another in the same area without being ‘conflicting’.</p> <p>Can any undesirable impacts be mitigated with screening or other design features?</p>
<p><b>Length of Time the Property has been Vacant as Zoned</b></p>	<ul style="list-style-type: none"> <li>• Is the property vacant?</li> <li>• How long has it been vacant?</li> <li>• Are there any known reasons for the vacancy?             <ul style="list-style-type: none"> <li>○ Non-suitable zoning</li> <li>○ Financing issues</li> <li>○ Market won’t support the use</li> <li>○ Lack of utilities/services</li> <li>○ Various other potential problems</li> </ul> </li> </ul>	<p>Information is <i>factual</i> but the level of importance of this information can be subjective. Sometimes, a property remains vacant because the zoning is unsuitable, which can be an indicator that a rezoning is advisable. Look at surrounding property zoning districts and uses for clues as to what is working in the area. For example, a property with residential rezoning that has remained undeveloped may be more appropriately rezoned for commercial uses.</p> <p>Sometimes, vacancies are due to other non-related zoning issues like developer financing or an excess of supply of similar properties.</p>
<p><b>Relative Gain to Public Health, Safety, and Welfare as Compared to the Loss in Value or the Hardship Imposed upon the Applicant</b></p>	<ul style="list-style-type: none"> <li>• What, if any, are the public health, safety, and welfare concerns if the rezoning is approved? If it is denied?</li> <li>• How would a denial of the rezoning request impact the applicant?             <ul style="list-style-type: none"> <li>○ Limit future ability to use private property as the private owner desires.</li> </ul> </li> </ul>	<p>The public’s health, safety, and welfare are foundational reasons for zoning, and should be prioritized based on <i>factual information</i> and not speculative opinions or personal preferences. This should be weighed against a property owner’s right to use their property in the manner in which they see fit.</p> <p>There are legal cases that have set precedents in this regard. You cannot deny someone the use of their private property without a compelling reason. The impact to the public’s health, safety, or welfare should be documented thoroughly, especially if recommending denial of a request.</p>

<b>Conformance of the Requested Change to the Adopted or Recognized Master Plan being Utilized by the City</b>	<ul style="list-style-type: none"> <li>• Does the rezoning conform with/further progress toward the Comprehensive Plan, especially the:             <ul style="list-style-type: none"> <li>○ Future Land Use Map</li> <li>○ Goals, Strategies</li> <li>○ Transportation Assets</li> </ul> </li> <li>• Look to other master and strategic plans adopted by the city such as utility plans, transit plans, parks plans, etc.</li> </ul>	<p>Find specific instances (reference page numbers) from the reference plan that support or deny the request for rezoning. Consider if the plan being referenced is current or out of date. Are there any circumstances that have occurred since adoption of the plan that would change its recommendation?</p> <p>The comprehensive plan is never legally binding. However, when you can site the comprehensive plan as supporting or conflicting with a rezoning, your decision will be easier be considered rational should it be challenged. The opposite is true – if you go against the comprehensive plan without a sufficient reason, it will be more difficult to be considered rational.</p>
<b>Impact of the Proposed Development on Community Facilities</b>	<ul style="list-style-type: none"> <li>• Is infrastructure expansion needed, possible, reasonable, desirable?</li> <li>• Does the proposed expansion comply with the City’s utility plan?</li> <li>• Will the tax revenue generated from the project sufficiently provide for both the upfront capital costs and ongoing maintenance costs of the infrastructure?</li> <li>• Will the rezoning impact parks, recreation, and public safety services?</li> </ul>	<p>Consider all infrastructure including public services the City provides – water, sewer, stormwater, roads, fire, police, parks, recreation, etc. Our current growth patterns in the Midwest of unregulated single-family greenfield development have put cities in severe deficits trying to fund ever-expanding infrastructure without a high enough tax base. There should be a solid understanding of the City’s financial responsibilities before and after the proposed zone change. Findings on this criterion should be informed by <i>factual information/analysis</i> and avoid speculation/conjecture.</p>

<b>Opposition or Support of Neighborhood Residents (a factor to be considered, not sufficient by itself to approve or deny a request)</b>	<ul style="list-style-type: none"> <li>• Has there been vocal or written opposition or support from any neighboring residents?</li> <li>• Were surrounding owners sufficiently notified of the requested rezoning?</li> </ul>	<p>This is not a reasonable factor to use by itself when considering approval or denial. This factor can help add weight to one side or another but should most often be used to help inform other review criteria. There are regulations in place for notifying nearby properties with any rezoning request. Ensure this has taken place.</p>
<b>Recommendations of Permanent Staff</b>	<ul style="list-style-type: none"> <li>• Considering all the previous factors, what is the best recommendation based on the staff's professional expertise?</li> <li>• How does this comply with other technical reports such as the Capital Improvement Plan?</li> </ul>	<p>This is based in professional judgement taking all factors into consideration.</p>