



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
September 10, 2026 6:30 PM



I. Call to Order

II. Roll Call

Phillip Jordan _____ Dee Roths _____ Deryk Faber _____ Paul Matzek _____
Brian Mackey _____ John Sutherland _____ Kent Koehler _____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

V. Approval of the Agenda

A. Action: Motion to approve the agenda as presented/amended.

Motion _____ Second _____ Vote _____

VI. Approval of the Minutes from Previous Meeting

A. Action: Motion to approve the minutes of the August 13, 2026, meeting as presented/amended.

Motion _____ Second _____ Vote _____

VII. Announcements

- A. There will be a Board of Zoning Appeals meeting following the adjournment of the Planning Commission meeting to approve meeting minutes- there is no BZA business.
- B. Zoning Code Updates- Workshop #3 will be on Tuesday, October 13, 2026, in the Community Room. All workshops will appear on the regularly scheduled City Council Workshop dates- the second Tuesday of each month.
- C. Short-Term Rental Regulations- Suggestions/ideas to be provided to staff September 18.

VIII. Planning Commission - Old Business

A. Discussion of Potential Bylaw Amendments

B. Annexation Process- Maria Schrock, City Attorney

C. Discussion of Goddard Duplex Action

IX. Planning Commission - New Business

A. Zoning Violations: Enforcement and Past Cases

B. Meeting Minutes Format and Requirements Discussion

C. Discussion of Setback Regulations

D. Discussion of Landscape Regulations

E. Discussion of SB418

X. Staff Reports

A. Approval of Agenda Item- Addition to Agenda Document

B. Review and Update of Agenda Format

XI. Public Hearing Items

A. No items

XII. Approval of the Next Planning Commission Meeting Date

Action: Motion to approve the date of the next meeting: October 8, 2026 at 6:30 p.m.

Motion _____ Second _____ Vote _____

XIII. Current Events

A. Upcoming Agenda Items: Zoning Case for newly annexed property

B. Upcoming Events

1. Curbside Clean- Up, Saturday, October 3, 2026

2. Fall Festival, Saturday, October 17, 2026

XIV. Adjournment

Action: Motion to Adjourn.

Motion _____ Second _____ Vote _____



MINUTES PLANNING COMMISSION

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



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

II. Roll Call

Secretary stated that there is a correction to the published packet. The packet contained an inaccurate roll call list, and the correct list of commissioners have been updated and appear correctly on the agenda that was provided to the Commission. Roll call should be, Phillip Jordan, Derek Faber, Paul Matzek, Dee Roths, Brian Mackey, John Sutherland and Kent Koehler. Brian Stuart should not be included.

Chairman Phillip Jordan, and Commissioners Dee Roths, Brian Mackey, John Sutherland and Kent Koehler were present in person.

Vice-Chairman Deryk Faber and Commissioner 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.

Motion: Commissioner Roths moved to approve the minutes of the July 9, 2026, meeting. Chairman Jordan seconded the motion. ***Motion carried 3-0.***

Chairman Jordan, and Commissioners Roths and Sutherland approved the meeting minutes.

Commissioner Mackey abstained because he was not in attendance at the July 9, 2026, meeting.

Commissioner Koehler abstained because he was not an appointed Commissioner on July 9 and did not attend the meeting.

V. Announcements:

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

Secretary stated that the agenda does not have any business items; however, meeting minutes need to be approved.

- 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.

Secretary stated that the September 8 workshop will be in the community room and will be a joint discussion between Planning Commission and the City Council.

Commission Sutherland asked a question about the order of business and agenda items as outlined in the Bylaws. Commissioner Sutherland stated that there are announcements and then there's old and new business and from his understanding old and new business is the place where commissioners could have the opportunity to bring up items such as what they've read, what they found, and what they've seen in that area. Commissioner Sutherland stated that "we" (the Commission) really need to stick to the Bylaws. Commissioner Sutherland stated that this was discussed at a meeting with Maria, Ted and the Mayor and the Mayor said that "yeah we need to do that" (add this item to the agenda).

Chairman Jordan asked what the purpose of the old and new business is really for. Secretary provided insight on the order of business related to "old and new business" when the Bylaws were developed. The Secretary also acknowledged that she was not present at the meeting referenced by Commissioner Sutherland. The order of business (section of the Bylaws) lists the elements that are designed to appear on the agenda document. It lists; call to order, roll call, pledge of allegiance, consent agenda, announcements, old and new business, approval of the next Planning Commission date, current events and adjournment as the main topics. Old and new business is the Planning Commission Business (as referenced on the agenda) which are the cases that come before the Commission and old business would be if the Commission tabled a case and it was coming back. Secretary stated that currently the Bylaws don't have an item that provides for an open discussion. This could be (added) in the bylaws. This is what the City Council has in their bylaws and rules. The Commission would need to talk about it and put it on the agenda to discuss. Secretary stated that putting things on the agenda allows for the public to be notified what will be discussed. The Commission will have an agenda item to discuss the City of Goddard's Resolution. This item was requested to be put on the agenda and background information was provided so the public, if interested, could attend the hearing. The only difference between the Bylaws (language) and what is on the agenda is that instead of saying Planning Commission Old and New Business it just says Planning Commission Business.

Chairman Jordan confirmed he understood the old and new business is the new business and he gets that. The Chairman asked the City Attorney whether or not it is ok to call it Planning Commission Business (as on the agenda).

Commissioner Sutherland clarified the City Council has an opportunity for each council person to bring up a short, no real discussion, no voting for sure, (topics) of what they have seen, what they did, or what meetings they attended. It's just to plant a seed for people to think about what we need to do in the future and maybe that brings forward that we (Commission) want to add that. When a topic, whatever it may be- planting trees in your home or painting your house or whatever it may be- then a Commissioner brings it up and says they learned about this, talked about this, or heard about this and asks the Commission if they want to talk about it. If two or three commissioners agrees then it goes on the next agenda.

Commissioner Mackey stated that there is a big difference- the City Council is the decision making body and the Commission is not. The Commission is a code enforcement body who makes recommendations to the City Council and the Commission's role is significantly different. As a result, Commissioner Mackey was unsure if an open discussion that the rest of the residents weren't privy to before the meeting to know whether or not they want to come here but I'm not sure that would be appropriate for our role.

Commissioner Sutherland stated that the Commission was doing that right now and Commissioner Mackey agreed but it was because he (Commissioner Sutherland) brought it up.

Commissioner Sutherland stated that just because the Commissioner has never done it- the Commission lives and breathes zoning and planning. The Commission makes recommendations, accept on Board of Zoning Appeals that are quasi-judicial. On planning and zoning we make recommendations. Commissioner Sutherland asked how the Commission would ever find out what happened in another City.

Commissioner Mackey stated that very simply the Commission would ask. Commissioner Mackey stated that he saw an article about Goddard and sent it to the Secretary and didn't tell anybody else (on the Commission) because of the open meetings act. Commissioner Mackey suggested that this item be brought to the Commission for discussion and put it on the agenda so that the public can come and listen.

Commissioner Sutherland confirmed that is why he asked for the agenda item last time (Goddard agenda item). Commissioner Sutherland stated that the Commission meets 12 times a year and should make wise use of the time. Don't want to get to meeting 8 and figure out that something should have been discussed earlier. When something has to do with zoning the Commission is behind the eight ball and not thinking ahead. Commissioner Sutherland reviewed agendas and they include what staff brings to the Commission.

Commissioner Sutherland feels the Commission should be proactive by gathering information and seeing what's going on. Commissioner Sutherland previously asked if he could talk about it (Goddard information) and staff told him it has to be put on the agenda, so he requested that it be added which has taken two months. Commissioner Sutherland stated that the Commission has a whole lot of things to talk about.

Chairman Jordan shared with Commissioner Sutherland that if he is thinking about things ahead of time about Derby or Goddard or whatever, that he call or email the Secretary and ask that it be placed on the agenda. Chairman Jordan asked if the Commission has to decide what's on the agenda.

Secretary said that typically this topic (adding a discussion item to agenda) would be appropriate to think about as changes to the Bylaws are being discussed. The Bylaws governs the way the Commission meets and how they do business. Currently, the agenda does not include future business. When a Commissioner sends the Secretary an email about adding an agenda item, it will brought back to the Commission. I am the staff assigned to the Commission and act as a bridge between the City and the Commission. The (Goddard) item was on the agenda because the Commission agreed that it should be placed on the agenda.

Commissioner Roths was concerned that the discussion was verging on the open meeting act. She was concerned that if the Commission was discussing, for example, something about painting a house and the next door neighbor gets wind of it, they are going to say something. Commissioner Roths stated that the Bylaws should be looked at and that the issue (adding a discussion item to an agenda) be discussed at the upcoming meeting.

Secretary stated that she has a request from Commissioner Faber, who has submitted some ideas for the bylaws, to have a discussion in September. Secretary will share that information later in the agenda for Commission to discuss adding to the agenda. Secretary confirmed that the Bylaws can be discussed during future meetings until they are updated according to what the Commission wants.

Commissioner Koehler agreed with Commissioner Roths about how to address it (the discussion agenda item) and that's when we deal with it. Commissioner Koehler asked if the Commission receives a proposed agenda prior to the meeting so the Commission can add items.

Secretary stated that the agenda is sent out the week before the meeting when it's published, but no proposed agenda it provided. Secretary does provide agenda information in the announcement section and upcoming agenda items section in the agenda (if items are known).

Chairman Jordan stated that agenda items should be Commission approved and should be related to planning. Commission should not be wasting the Commission's time talking about anything not planning oriented. Secretary agreed and stated that the Commission should be talking about issues during the meeting and asking for items to be placed on the next agenda.

Chairman Jordan asked if an individual Commissioner emailed the Secretary with agenda item requests, if it would violate the open meetings act if the Secretary emailed everyone individually asking them if they are in favor of the item being placed on the agenda by responding “yay” or “nay”. Commissioners would respond back individually to the Secretary. Secretary stated she would evaluate the question and respond back to the Commission.

VI. Planning Commission Business

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

Chairman Jordan called item 6. A. on the agenda which is a public hearing on case number PUD-26-03. The subject property is generally located at the Northwest corner of East 53rd street and North Webb road. He welcomed everyone interested in this hearing and laid out a few ground rules.

1. It is as important that you present any facts or views you have as evidence so that an informed decision can be made by the Planning Commission to the Governing Body for their final decision.
2. By state statute the governing body does not have to hold another public hearing on the matter although they may listen to whomever they wish. You will be asked if there is any new information which was not heard at this meeting. It is to everyone's advantage if you present all the necessary information at this hearing.
3. After city staff provide the Commission with background information I will call upon the applicant. Public comments will be heard following the applicant. Once all have been heard, the applicant will have an opportunity for final comments.
4. The Planning Commission will close the hearing to public comments and will then consider the Golden Factors and any other factors on which to base their recommendation. During this time, the Commission may direct questions to the applicant, public and/or city staff.
5. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please use the podium and speak clearly so that your comments can be recorded for inclusion in our minutes.

Chairman Jordan asked, before we proceed with the hearing does anyone on the Commission intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have conflicts of interest. If no say “no”, if yes say “yes”. All right let the record show that all five commissioners that were present answered “no”.

Chairman Jordan said that official notice for this hearing was published in the official city newspaper, which is the City of Bel Aire municipal website, on July 23, 2026. Notices were mailed to the applicant and real property owners of record in the area of notification on July 23, 2026. The record shows that at least 20 days have elapsed between the publication and mailing dates and today's hearing date. Unless there is evidence to the contrary from anyone present I will declare that proper notification has been given.

Chairman Jordan asked has anyone on the Commission received any ex parte verbal or written communications prior to this agenda item. Let the record show that all commissioners responded with "no".

Chairman Jordan called on city staff to provide the Commission with a report on the case.

Secretary shared that the staff report that sets out the relief being requested. The relief being requested are; use, signage, landscaping related to trees, landscaping of the building façade and paving setbacks. Staff's report also list responses to the Golden Factors based on the analysis of the Comprehensive Plan and codes. Included are the zoning of the surrounding property, which are largely C-1 Neighborhood Commercial Office and Retail and M-1 Industrial across the street to the East. Subject property is currently zoned C-1 and because of the PUD case that zoning will move to C-2 PUD because the case will create a custom zoning district. The case asks for C-1 uses in addition to convenience store and vehicle fueling station. The Secretary stated that the use and associated zoning relief is not expected to detrimentally affect nearby property. Subject property was platted in July of 2022, and it's been vacant since that time. It was zoned C-1 via ordinance in 2021. PUD and the zoning relief do not pose a threat to adjacent properties and the hardship imposed on the applicant statement is that the disapproval of the case will just create a hardship for the applicant's development of the subject property. Secretary clarified that that statement means that if the Commission doesn't approve the case the applicant will not be able to build. Secretary confirmed that the case conforms with the Comprehensive Plan and does not conflict with the future land use map. The development fits the zoning district and uses listed in the Comprehensive Plan. Property is compatible with zoning in the area. Secretary stated that the subject property will have no negative impact on community facilities public infrastructure or utilities. Secretary did not receive any phone calls or written communication on this case. Staff recommends approval of the application with conditions listed in the staff report. The Secretary stated that the applicant is intending to file a lot split for the property along the north and east side and the structure will be close to the corner (53rd and Webb). Applicant will submit a comprehensive landscape plan as part of the building permit process.

Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the city staff report.

Applicant, Jeff Laubach, Topeka Kansas, the civil engineer for SBB Engineering. Applicant stated they want to rezone to the zone that will allow a store and fuel sales.

Commission Mackey stated he wasn't clear why the applicant was splitting the lot. Applicant said that the property was platted in 2022 and Casey's doesn't want to buy the entire lot. Typically purchase prices are based on per square foot basis. The remainder of the lot will allow it to be marketed and sold by the owner.

Commissioner Roths asked why Casey's was asking to waive all of the building (façade) landscaping. Applicant stated they would rather put landscaping around the perimeter (of the property). Applicant doesn't want bushes near the building because of the maintenance and the foot traffic and trash at the front of the store. Commissioner Roths asked about landscaping because there is a pond behind the lot to the West and then houses on the other side of that. Commissioner Roths wanted to know if applicant had thought about landscaping there. Applicant confirmed that there is landscaping there (around the perimeter) there just wouldn't be landscaping in front of the building.

Secretary stated that there is a map in the packet that is outlined in red. It shows that there are two lots and reserve between the subject property and the housing development. The building façade (faces Webb) and there won't be landscaping in front of the building.

Commissioner Roths stated that there should be some kind of break between this (subject property) and the people that live to the West so that they don't look at whatever is at the back of Casey's all the time. Applicant said that Casey's is set back from the rear property line leaving another lot and a reserve between Casey's at the homes. Secretary confirmed that there are lots and the reserve and then the housing area. She confirmed that Casey's is not asking for perimeter screening landscaping to be waived they're asking for relief from the building façade (landscaping) at the front of the building or main entrance.

Chairman Jordan asked about the 1 tree per 50 feet request. Secretary stated that the applicant is requesting to plant less trees by separating them 50' apart vs. 40' apart as code requires. Chairman Jordan asked if the additional distance is to give each tree more space to grow bigger and better. Applicant stated that Casey's likes to keep the corner (of the property) more open and put more shrubs in where the sign is. So, if you take the street frontage and divide by 40 then you get more trees in a shorter distance where they're trying to open up the corner so that people can see the prices (on the sign).

Chairman Jordan asked the applicant how many feet roughly, would the trees be back from the corner where the sign is. Applicant stated normally 50' to 75' feet, so there will be more trees that are spaced a little closer together as they go to the north and the West.

Commissioner Sutherland stated that our current code allows for 45 square feet of sign face and asked applicant why they need 90' of sign face. Applicant stated that they are doing a pylon sign that is 25' tall to make it visible from the street. The sign will have an 81' sign face. Commissioner Sutherland stated that they could get by with a smaller size (sign face). Applicant said they would go with a monument sign if the square footage of the sign was reduced by the Commission. Commissioner Sutherland stated that lighting pollution is a big issue for some commissioners, including him. He stated that when you put a 9 x 9 sign up it's a lot larger light source than the 45' sign size (per code) which he sees as sufficient.

Commissioner Sutherland stated that he was in Casey's business and had to change signs to meet sign codes all over the country. Commissioner Sutherland asked if it (the change in sign size) is a deal breaker. Applicant stated he would have to ask Casey's.

Commissioner Sutherland asked what would be put beside the tree in that 50' (space). Applicant said there will be shrubs per the landscaping plan but a landscaping plan was not required for the PUD case.

Commissioner Sutherland stated a PUD is being created on one side and on the other side the Commission is looking at a "bunch of variances" on the other side- both happening at the same time. The Secretary confirmed that the PUD is asking for relief in the specific areas included in the packet. Secretary confirmed that in the absence of asking for specific relief the applicant is required to follow the codes. In the current case, the applicant is only asking for relief on the planting distance of trees. The landscape plan will be reviewed at the time of building permit to ensure compliance with code.

Commissioner Sutherland asked for clarification on the paving parking and paving setbacks (relief requests) and an explanation for those. Applicant stated that there are shared drives and access easements and based on the code the distance from property lines wouldn't be allowed because the drive is crossing property lines. Where drives cross the property lines that technically wouldn't be allowed. The drive is coming between the two lots, so the lot line splits the access opening which violates the parking setback in the code. Commissioner Sutherland asked the applicant if this was a problem with the code and he confirmed "yes".

Commissioner Sutherland observed a 20' to 25' variable along east 53rd street north street frontage. It looks like a driveway 20' from the right of way- is that correct? Applicant stated that on a portion of Webb it is greater than 20 feet. On 53rd street it does get tight, but there is a lot of right of way in that area. Applicant said there is roughly 20' on the west end and then it narrows down to 5' for a short distance. At the intersection there is more grass area where the sign is. Commissioner Sutherland asked that if the 5' area is where there is proposed curbing and applicant confirmed "yes". Commissioner Sutherland asked why the whole store couldn't be moved north and applicant said that they would be taking away from the parcel on the north which is getting smaller and harder to develop for the seller.

Commissioner Sutherland asked what would be behind the store and the applicant said it would be green space. Commissioner Sutherland said that is where he would like to see more trees and stuff to block the back of the gas station C store. That area can be ugly, and you need a lot of screening in that area.

Chairman Jordan stated that he would like to see a landscaping plan so when reviewing the relief request he could see what other landscaping may be going in between the spacing of the trees. Relief from tree frequency and distance is just words and there is nothing to go along with that. Secretary confirmed if the Chairman wants to know what the rest of the landscape code is, which has been provided to the Commission. Moving forward additional

language is needed for clarification, but he asked if the current relief is to expand the distance of the trees by 10' and if the other landscaping requirements will be met. Secretary confirmed that Bel Aire has extensive landscaping requirements that many other cities do not. The applicant is not required to submit a full landscaping plan except at building permit time. That doesn't mean we can't provide a sheet because they're not asking for relief from any other codes. The applicant is required to have perimeter screening. The only relief being requested is the distance of the trees and the façade landscaping, which typically is not found at the main entrance of a convenience store.

Chairman Jordan said he didn't have an issue with the 50' (distance of trees) because for the roots and dripline it is a good thing.

Commissioner Roths wanted to talk about the landscaping perimeter to understand how it would look for the houses. Commissioner Mackey had the same concern for the person who owns a house west of the Casey's what they would see. Secretary pointed to the map and said that there are several lots between the back of Casey's and the houses. The housing area and Casey's would have screening. The other lots around Casey's would also have landscaping requirements.

Commissioner Sutherland asked why the lot split is not being done now and the applicant said they were waiting to see what came out of the PUD case.

Commissioner Sutherland asked applicant that if the Commission made them move the whole building 25 feet northwest if they would be able to do the lot split and the applicant stated, "probably not".

Commissioner Sutherland stated that in the PUD the applicant is requesting along the west property line of the parcel to have zero parking and paving setbacks which means there is no area between whatever goes in on lot B in the future. What is developed on parcel B they can put parking straight up to the street and there would be no green space along the edge of that. Applicant stated that along the West side that's going to be the shared drive off of 53rd street so the lot line is going to go up that shared drive. Chairman Jordan stated the concrete completely encompasses the property line- up to, over and continuing past the property line.

Commissioner Sutherland asked if lot B could pave up to the drive and not put in any green space or shrubs. Applicant responded that lot B would also have landscape requirements and buffers, etc. it's just that they are going to have a shared property line in that drive. Commissioner Sutherland believed the note is confusing and needs to be rewritten because the zero lot line along the west property line of parcel B means that they can do whatever they want up to that lot line.

Chairman Jordan clarified that the dashed line shows the common drive and applicant confirmed there would still be landscaping required in the rear yards. Commissioner Sutherland believes this is in conflict with the code. Chairman Jordan stated that the applicant is not asking to alleviate the landscaping, they are just asking to put a concrete driveway over the property line by asking for a zero lot line setback.

Applicant confirmed that they are not asking for landscaping relief and there will be rear yard landscaping requirements installed.

Commissioner Sutherland referenced another case and stated that the other property submitted a landscape plan and there is not one tree on that entire building and the Commissioner had a meeting a couple months ago and it still didn't get resolved.

Commissioner Sutherland asked if this PUD case was changing the use and Secretary said yes. Commissioner Sutherland stated the applicant was also asking for relief from our zoning code.

Commissioner Sutherland asked about item 6 (staff report)- relative gain to public health safety and welfare as compared to the loss in value or hardship imposed on the applicant. Staff report said the PUD use and zoning relief do not pose a threat to adjacent properties and disapproval of this case will create a hardship for the applicant's development of the subject property. Commissioner Sutherland stated that this statement could be added to every case. Secretary confirmed that statement as a hardship to the applicant and the statement is not instructing the Commission to approve or not approve the case.

Commissioner Sutherland asked if everything in the PUD isn't approve would Casey's not build and the applicant responded "potentially".

Chairman Jordan moved on to public comments. Chairman Jordan welcomed everyone interested in this agenda item to come up to the podium and give their name and address. Please limit your comments to five minutes. Chairman Jordan stated that there is nobody in the audience so we will move on to written communications. Chairman Jordan asked if any written communications had been received by the Commission. Chairman Jordan said let the record show that all Commissioners said "no". Secretary stated that staff did not receive any written communications.

Chairman Jordan asked if the applicant has any further responses to the public comment and the applicant said "no". Chairman Jordan asked if there were any questions for the applicant from Commissioners or City staff.

Chairman Jordan stated hearing no further comments, he closed the public portion of the hearing and said there will be no further public comments unless the Commission wishes to ask questions to clarify information.

Chairman Jordan said that the Planning Commission will now deliberate the request. There are Golden Factors and any other factors brought forward tonight which the Commission must consider in order to make findings, and ultimately a recommendation.

Secretary stated that she received an e-mail from Vice-Chairman Faber who was unable to attend the meeting. Vice-Chairman Faber asked staff to confirm on the record that the application fee had been received, and the Secretary confirmed it had been. Vice-Chairman

Faber requested that in Condition 2 that it be reworded so both a photometric plan and a landscape plan are required prior to building permit which the Secretary confirmed would be required and evaluated before the building permit is issued. Secretary stated the reason why condition 2 is listed is because the text appeared on the PUD drawing, but both plans have to be submitted. Vice-Chairman asked whether any landscape buffer will be required along the West and north property lines where setbacks dropped from 20 feet to zero next to the R 5 development and the Secretary confirmed the landscape code requires this except for what is being asked for relief. Secretary confirmed that the applicant is not asking for relief on any of the perimeter landscaping. Vice-Chairman Faber asked out removing the C-1 language from

Parcel B under condition 3, goes beyond the scope of the July 23rd published notice. The Secretary stated that the C-2 zoning district is required because this is a PUD case and the case will include C-1 uses in addition to the requested use (convenience store and gas station). Vice-Chairman asked if Rural Water District Number 1 was consulted about the underground fuel storage tanks and access reviewed at 53rd and Webb and the Secretary confirmed that the rural water district was provided formal notification, but staff received no comment back. Secretary confirmed that when construction plans are developed for the building permit application the underground storage tanks must follow building codes.

Commissioner Roths asked if rural water would be providing water and staff responded that water would be provided by the City of Wichita. Commissioner Roths stated that this (the project) will be a nice addition and she is very pleased to see this happen. Commissioner Mackey agreed and thinks it fits in well with the comprehensive plan and getting more businesses in the area. Many residents will have access to a gas station in that location. Commissioner Koehler agreed and stated that Casey's is a pretty decent neighbor to have and agreed that the requests (in the PUD) are reasonable.

Chairman Jordan agreed with the other Commissioners. Chairman Jordan stated that it's a good use and is a good neighbor to the surrounding zonings. For those reasons, Chairman Jordan agreed with the case and all the golden factor information in the staff report.

Commissioner Sutherland stated that he didn't have any problem with the PUD changing the use to C-2 and thought it's a great thing to do. Commissioner Sutherland feels the sign is too big for the area. Commissioner Sutherland said he believed a landscape plan was needed.

Commission Sutherland stated that there is a plan (unknown) and whoever is supposed to enforce it isn't. If the plan says it will have trees and the building is built and for sale but doesn't have trees. Commissioner Sutherland believes the landscaping plan should be reviewed and approved by Commission and the next step is enforcement. Commissioner Sutherland thinks that anytime the Commission is asked for variance relief from landscaping there should be a plan to say what will be done and what's not going to be done.

Commissioner Sutherland reiterated the hardship statement (in the staff report) that it could be included on every request, and he wants it to be a little bit better by having some definition or some meat behind that. Commissioner Sutherland did not agree with the staff analysis of this. Chairman Jordan confirmed that the Commission does have the right to not agree.

Commissioner Sutherland made the motion to approve PUD-26-03 to change from a C-1 neighborhood commercial office and retail district to a C-2 planned unit development commercial office and retail that allows for retail convenience stores and fueling stations-until such time that we can get a landscape plan for the entire facility (not approve relief request).

Chairman Jordan stated that he didn't disagree with the fact that it would be nice (to have a landscape plan), but then he realized they're (Casey's) not asking for anything to be excused or relieved and the landscaping plan is already per code other than the spacing of the trees. Since that's the only thing they're (Casey's) asking relief on, he didn't know that it was necessary to have a landscape plan to approve the case.

Commissioner Sutherland stated they are asking for several items including the building façade landscaping. Commissioner Sutherland said that if that landscaping (building facade) is being taken away then the landscaping should go somewhere else. Commissioner Sutherland doesn't think the city should be in the habit of just giving up stuff.

Chairman Jordan asked if Commissioner Sutherland was going to mention something in his motion about the sign size. Commissioner Sutherland made a motion to approve PUD-26-03 use change from C-1 neighborhood commercial office and retail district to C-2 planned unit development commercial office and retail, with the caveat that they (applicant) meet the 45' square sign and they submit a landscaping plan before we approve any of the other exceptions.

Commissioner Mackey stated that this isn't a motion to approve but sounds like a motion to table by asking the applicant to come back with information. City Attorney confirmed that this is a motion with a condition and would need a second. Commissioner Sutherland stated he agrees with the change the current zoning, but he couldn't agree with any of the relief requests until there is a landscape plan. Commissioner Roths asked if the Commission was voting on what it says- a motion to approve the PUD?

City Attorney stated that Commissioner Sutherland made a motion and wanted to add a condition. If there is a second, there could be a discussion or vote. If there is not a second it would die. Commissioner Koehler confirmed that without a second the motion dies for lack of a second.

Chairman Jordan commented that when you have a 45' sign face in the air 25' it would be pretty small. Commissioner Koehler added that in addition traffic is going 55 mph. Commissioner Koehler stated that the Commission should not be discussing anything because once you have a motion you have to have a second before discussion can occur.

Chairman Jordan asked if there was a second to Commissioner Sutherland's motion. Chairman Jordan confirmed there is no second and the motion dies.

Chairman Jordan commented that the sign size is an appropriate size for 25 foot in the air and going by fast (traffic). Commissioner Sutherland stated that a monument sign is at eye level and much better sign for a driving going 55 mph and they don't have to look up. Commissioner Sutherland stated the applicant said they might consider going with a monument sign and applicant said "yes".

City Attorney stated that instead of going back to the applicant it might be time for a motion.

Commissioner Koehler moved to approve PUD-26-03 as requested by the applicant. Commissioner Roths seconded the motion. Chairman Jordan acknowledged the motion and second and asked if there is any discussion.

Commissioner Mackey concurred with Chairman Jordan's thoughts on the sign. Commissioner Mackey said, in most cases, multiple gas prices listed on the sign and driving 55 miles an hour you can see them farther away half the time to read them while you're trying to deal with traffic. Commissioner Mackey was fine with the signage. Commissioner Roths and Chairman Jordan agreed.

Chairman Jordan asked for any other discussion and hearing none called for a vote. Motion passed 4-1 with the dissenting vote from Commissioner Sutherland.

Secretary asked if there are any specific items they wanted to point out related to the golden factors and Chairman Jordan confirmed he agreed with all of them.

Chairman Jordan stated the case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration. Protest petitions against the case may be received by the city clerk 14 days after tonight, Thursday August 27th, 2026, at 4:30 PM. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the city and not counting the public street right of ways or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of City Council.

Commissioner Sutherland stated why he voted not to approve. Number 4 (on the staff report)- extent to which removal of these restrictions will detrimentally affect nearby property. Commissioner Sutherland felt the Commission was beginning to set a new precedence by not getting a good landscaping plan before we approve a bunch of variances. Number 6 (on the staff report)- the disapproval of this case will create a hardship for the applicants' development of the subject property. Commissioner Sutherland disagrees that a few minor changes should not cause a hardship and that once again is a bad precedence.

Chairman Jordan asked if a landscape plan was a requirement for the application and the Secretary stated "no". Chairman Jordan stated that if that is needed then the code would need to change.

Motion: Commissioner Koehler moved to approve PUD-26-03 as requested by the applicant. Commissioner Roths seconded the motion. ***Motion carries 4-1.***

Commissioner Sutherland was the dissenting vote.

B. Annexation Process- Maria Shrock, City Attorney

Secretary stated that this item was delayed because various commissioners were not in attendance. It was previously requested that Commissioner Roths and Commissioner Matzek be in attendance, however, Commissioner Matzek is absent. Secretary asked if the item should be moved to another commission meeting or if they wanted the presentation tonight. Commissioners agreed to move it to the next meeting.

Action: No action required; for discussion only

C. City of Goddard- Resolution for Duplexes and Twin Homes

Commissioner Roths stated the information was very interesting to read and is key information that helps the Commission understand what we will be doing as far as zoning in the future. Commissioner Roths said that once the Commission gets into the actual zoning that's when this (article in packet on this item) will become important. Commissioner Roths recommend that the Commission put it away, file it, save it for the future and that we not beat it to death right now.

Secretary confirmed that the next workshop is September 8th and the zoning district and uses will be presented since that (information) is the foundation that sets everything else.

Commissioner Sutherland said he thinks it (the information) is good, urgent and would be a good topic for the Commission to meet with PEC on without the City Council there. Commissioner Sutherland thought it is really important to think about what Goddard did for here (Bel Aire). Commissioner Sutherland wanted a workshop with PEC and not bring it up during the meeting on the 8th because it might get lost in the shuffle.

City Manager responded that the City Council would need to be part of this discussion if we were to recommend this type of regulation on duplexes. City Attorney confirmed because they (governing body) will ultimately be making the decision. City Manager said it makes more sense to include the City Council but stated that he would ask PEC what they think of that process because they are leading the process. City Manager was happy to inquire with PEC (about the workshop/process).

Commissioner Mackey said that based on what was said on Tuesday, they (PEC) said we would be talking about rocks (big items) first and then pebbles (medium things) and then sand (other required information). Commissioner Mackey didn't think this should be at the next workshop because the big rocks will be talked about first.

Secretary stated that there is also SB418, a new state law, that needs to be talked about related to the definition of single family homes including duplexes. Staff is reviewing this and determining how to interpret because there are other codes that may be affected. Also, another City may have different interpretations of what can be done under the new law, and we are trying to make an interpretation that's appropriate for the organization and understand what the risk of one interpretation is over another. What Goddard has done is a good discussion point we (Bel Aire) just need to make sure that however this new law is interpreted that we understand our risk.

Commissioner Mackey stated that there may need to be a special session just on this (items from the Goddard information) since it's the number one concern. Commissioner Mackey thought the City Council should be at the session. He stated that just as Maria talked about, we (organization) could be on thin ice very quickly with the state. We (organization) need to be very careful about creative ways to address the real issues without getting ourselves into legal issues so that whatever we put in a code ultimately would stand up if it was ever challenged. Commissioner Mackey thinks that Goddard may find themselves in trouble with what they've done and that it's a big enough issue that it probably deserves a separate session.

Commissioner Koehler likes the idea of having a session specific to this and agreed that it would need to include the City Council because they're going to have the same session anyway. Commissioner Koehler wanted everyone to hear the same thing including our (Commission) discussion, thoughts and input. Rather than trying to read it a workshop allows the Commission to be heard and the Commission to hear what they (Council) are thinking. There will also be more input on what the statutes allow and disallow.

Chairman Jordan stated that the statutes have a lot to do with just expediting the processes and he believes there is a lot of reading into trying to not exclude certain types of housing. Chairman Jordan thinks it's (the law) primarily about expediting housing and it's not about being sensitive about exclusions. Chairman Jordan stated that there are at least four workshops scheduled and he didn't support having one for the Commission because it needs to be the Commission and the City Council for efficiency.

Commissioner Sutherland said that this (what Goddard did) is the Commission's rocks and it's not the City Council's rocks and the Commission needs to fully understand. Meeting with PEC is a good way to do that. Commissioner Sutherland stated that the other night (City Council Workshop) that the mayor, rightfully so, is worried about time. Sometimes if an item is important enough, you've got to spend the time to do it and that's where we have our rock meeting on this. The Commission can go over the new law, which is to speed

it up (the process) and it limits the number of acres it can be done on. Commissioner Sutherland said you can't take a thirty acre plot and do them all in that, that's not what the bill says. Commissioner Sutherland said that is why he's asking for that (workshop with PEC) so the Commission can have time to interact with PEC and ask questions. Commissioner Sutherland said that he didn't get the feeling that City Council wants to deal with the Commission's rocks- they want to deal with their rocks.

Commissioner Mackey said he thought the City Council hears these complaints. City Manager responded about the schedule (during the Workshop) and said that a budget has to be passed at the end of September so the zoning code updates were behind that item, since it was an introductory workshop. City Manager confirmed that the next 3 workshops will probably not have another agenda item to allow for discussion. Commissioner Koehler stated this is a big item, and a focused meeting would be needed.

Commissioner Sutherland stated that this is the Commission's rock and the Commission is the foundation "folks" and here to advise City Council on what they should do. In this case, the Commission has to fully understand this better. The other night (City Council Workshop) it was brought up as a perception problem. Commissioner Sutherland stated that from 2021 to 2025 there were 330 duplexes built and 303 single family homes- 52% of the homes built in Bel Aire from 2021 to 2025 were duplexes- that is not a perception. Commissioner Mackey agreed that this is rocks for the Commission.

Commissioner Sutherland said this is a foundation that has to be right because we're going to get one chance. Commissioner Sutherland said that comparing what Goddard did and the law there are about eight points and Goddard touches on every one of them. Goddard limits no more than 40% of a development can be duplexes and they are ahead of the game. Commissioner Sutherland wanted to get ahead and that's why PEC can provide good ideas of what other planning commissions in Kansas are doing because they work with them. Commissioner Sutherland said he had a conversation with Ty Masterson. Commissioner Sutherland said that he (Ty Masterson) said he didn't want cities to build thousands of these homes, but they just want a few and we (the state) wants to speed the process up where it doesn't have to go through all this stuff. They (the state) are putting a shortcut in for a very limited amount of homes.

City Manager confirmed that the Commission's comments are heard and said that the zoning code updates will be the only item on the workshop agenda. This will allow more time for discussion. As we move forward into this process, staff will make sure to spend the appropriate time on this issue. City Manager stated that he thought at the workshop it was loud and clear that this is a big issue and Lance heard that.

Commissioner Roths stated that time is the key aspect and we need time to figure out what's happening with the state laws, to gather information and to see what PEC says. Commissioner Roths said that we can't plan a workshop in November right now and the Commission should take it slow. Chairman Jordan suggested seeing where we are at the end

of the third workshop to see if we need to have a separate workshop for three hours because he thinks the City Council should be there too. Commissioner Sutherland didn't think the Council would want to do that, and Commissioner Jordan said he didn't care- they could leave early if they wanted to.

Secretary said she would look at the details of each workshop and what the content is, so we are a little bit clear. The workshops have not been designed to write the regulations in a meeting. The presentation of the zoning districts and uses will be presented and then there will be a discussion about what you want to do and what you agree with it. Some of what is presented may follow current code language or include language to bring it up to current standards. Information is designed to be developed and then brought back for review. The Planning Commission is the recommendation body for the City Council, but the City Council does provide direction. Staff wants to make sure that before a lot of work is put into developing information that the City Council is involved. The Planning Commission should make recommendations. Secretary stated that each workshop has a very clear agenda and staff will review so see where this topic might fall. In addition, PEC has a very limited scope of work based on budget, so every single regulation is not going to get rewritten under this scope of work. For example, if design standards are requested that would require PEC's work be expanded. Secretary will confirm with PEC how to have the discussion and where this particular element might fit in. At the workshop this was identified as a concern and we will ensure what may be required for writing a new section of code.

Commissioner Mackey suggested that to streamline the process have PEC come back with several ideas or approaches because they have heard the concern multiple times that it's not necessarily duplexes but the lack of variety. PEC could come with some suggestions and possible ways to address the issue that would stand up to legal scrutiny. Commissioner Mackey said that the city may need to go back and expand the scope of work because this is the number one issue.

City Manager said that if the majority of City Council members approve the expanded work than yes. The City Manager asked the Commission to let the process play out a little bit and have the discussion (on this topic) at the next workshop.

Commissioner Sutherland stated that this has to be addressed because developers are going to start flooding in and where they were going to build ten houses they can now build fourteen. Commissioner Sutherland said that we (the city) has do something like this (what Goddard did) and we don't have the luxury of time. Commissioner Sutherland thought that the Commission could put together 6-10 bullet points that we want to see from PEC and have a discussion with PEC asking if the city can do this. Commissioner Sutherland said you have to have a meeting to discuss because having a meeting with 20 people you would never get anything done and then you could wait and wait and then it's too late.

Commissioner Sutherland firmly believed that a workshop needed to be scheduled in the next 60 days with PEC and the Commission to talk about it because there will not be time during a zoning review.

Action: No action required; for discussion only

D. Overview of Draft Short-Term Rental Regulations

Commissioner Roths said she saw this item as similar to the Goddard item- there is nothing we do at this point.

The Secretary said this item is just an introduction to the Planning Commission to provide some background and provide the direction it's going. There is working language being developed but it's going to take a little more time to review. The information provided is preliminary and doesn't need to be reviewed in detail. Secretary stated that in August 2025, the city received an initial complaint that brought to light short term rental properties were expanding in Bel Aire. The City does not have a specific short term rental process in our code but the use of a single family home for a short term rental would require the owner to file a special use case. The Council was asked how they would like to address short term rentals, whether they wanted to allow them in the City and did we want to regulate them and how. The consensus among the Council was that they did want to allow them with regulations. There were two workshops' sessions with the Council to receive feedback and as a result, staff drafted language. Initially, the short term rental regulations from Wichita were introduced and Council asked staff to do additional research from other cities. The Secretary stated that the document and staff report is an overview of what we learned. Some of the main topics or sections that is in this working preliminary draft of the STR regulations is best practice, research from many other communities in the state, and feedback and concerns from the council. The Council wants the short term rental regulation process to be administrative rather than every property owner to file a special use case. The draft document is a working document it is not in final ordinance format. Revisions are still going to be made, and staff are working on them. Everything in the document may not remain and there are land use considerations in the document- for example, where short term rentals are allowed have to be included in the zoning district (sections) of the code. There will also be a procedural process related to the permitting or licensing of the short term rental property. The document will have to marry other sections of the zoning code. Secretary wanted the Commission to be aware of it because it will come before you at some point.

Commissioner Sutherland asked if each Commissioner could mark up the document and send it to the Secretary so she could merge the comments together for the Commission to talk about. Secretary confirmed that they could. Commissioner Sutherland said he thinks that's what the Commission should do and staff provide a deadline. Secretary agreed to send a Word version of the document to the Commission.

Commissioner Sutherland asked about the priority of short term rentals vs. the duplex discussion. City Manager stated that the short term rental and zoning code are tied together and will be done in the code update timeframe.

Commissioner Mackey asked if short term rentals are done if they would become an additional permitted use in the zoning code. Secretary confirmed that some sections of the code may have added language about permitted uses to prevent a zoning case to be filed. In addition, there is a lot of administrative items in the short term rental document. Secretary stated that staff is sorting out what's in short term rental regulations would affect the zoning regulations because land uses have to be addressed.

Action: No action required; for discussion only

VII. Approval of the Next Planning Commission Meeting Date.

Motion: Chairman Jordan moved to approve the date of the next meeting as September 10, 2026, at 6:30 PM. Commissioner Roths seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. Upcoming Agenda Items:

- a. Zoning Case for newly annexed property

Secretary stated that there will be a zoning case for a newly annexed property in October. Secretary stated that Commissioner Faber has requested an agenda item for the September meeting to discuss the bylaws. Commissioner Faber submitted a document with ideas for updates and wanted to initially talk about Bylaw ideas. Secretary stated that this is not a requirement to complete by the end of the year. Commissioners agreed to put item on the agenda.

Commissioner Roths asked about where the newly annexed property was located and Secretary said 53rd and west of Greenwich, North of the Sunflower Commerce Park 2nd Addition. Property was annexed in at the request of the owner. Property is currently zoned agricultural.

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

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

Approved by the Bel Aire Planning Commission the 10th day of September 2026.

Section VI, Item A.

Phillip Jordan, Chairman

ATTEST:

Paula L. Downs, Secretary

DRAFT

City of Bel Aire

STAFF REPORT**DATE: 09/03/2026****TO: Bel Aire Planning Commission****FROM: Paula Downs****RE: Bylaws Discussion****STAFF COMMUNICATION**

FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report summarizes ongoing discussions regarding potential updates to the Planning Commission's Bylaws and outlines items identified by Commissioners for further consideration.

Background

The Planning Commission adopted its Bylaws on August 14, 2025, with City Council approval on September 2, 2025. The Bylaws require that the Commission review the document at least every three years to ensure timely and appropriate updates.

In previous meetings, Commissioners asked how an agenda item could be added to allow discussion of topics that do not require formal action. Staff advised that this would require a Bylaws amendment. The Commission agreed to review the Bylaws and provide suggestions. Commissioner Faber requested that an item be added to the September 10, 2026, agenda for further discussion, and Commissioners confirmed that they would bring suggestions to that meeting.

Current Discussion

Staff received a written memo from Commissioner Faber, included in the meeting packet, and is requesting that the Commission review the memo and discuss additional potential Bylaw updates.

Based on prior conversations, the following items have been identified for discussion by staff:

- Adding a “Planning Commission Discussion” agenda item for informal, non-action-related topics.
- Removing “Approval of Next Meeting,” which is made unnecessary by the annual meeting schedule adopted each fall.
- Adding language defining quorum and voting procedures during prolonged vacancies on the Planning Commission or Board of Zoning Appeals.
- Adding language addressing due process violations, including:
 - Procedural issues such as lack of impartiality, denial of a property owner’s ability to speak, or decisions not based on factual records.
 - Substantive issues such as arbitrary decisions, retaliation, or actions that are irrational or reflect abuse of government authority.
- Clarifying what is and is not appropriate for discussion under each agenda item in the order of business.
- Establishing a process for Commissioner absence notifications, including method and timing.
- Adding criteria and procedures for meeting cancellations.

Staff is seeking clear direction regarding which topics the Commission wishes to advance as formal draft amendments. A variety of ideas have been raised, and focusing on priority items will allow staff to prepare accurate and efficient draft language. To proceed effectively, staff requests that Commissioners identify:

- Which proposed changes should be drafted into formal Bylaw amendment language;
- Which items should not move forward at this time.

Conclusion

As the Commission continues reviewing the Bylaws, establishing clear priorities will ensure an efficient and purposeful amendment process. Identifying which items warrant formal drafting will help staff focus efforts on updates that strengthen clarity, procedural consistency, and transparency.

MEMORANDUM

To: Ted Henry, City Manager; Paula Downs, Community Development Director; Maria Schrock, City Attorney

From: Deryk Faber, Vice Chair, Bel Aire Planning and Zoning Commission

Date: August 4, 2026

Re: Suggested additions to the bylaws of the Planning Commission, the Board of Zoning Appeals, and the Airport Zoning Commission, with the research behind each suggestion

Ted, Paula, and Maria,

At the close of the July meeting, the Planning Commission was told we will review our bylaws and bring suggested additions. Ahead of that review, I am sending you my suggestions along with the research behind them, so you can look them over before the meeting and use this as a starting baseline rather than seeing everything cold from the dais. Nothing here is a demand. It is one commissioner's homework, offered early so staff and counsel have time to react, correct me where I am wrong, and shape drafts where you agree.

Three notes on scope. First, I compared our bylaws against Wichita, Derby, Valley Center, Andover, and Goddard, plus the Kansas statutes, and every claim carries a citation in Section 9. Second, because our seven members sit as three bodies (the Planning Commission, the Board of Zoning Appeals, and the Airport Zoning Commission), I intend each suggestion to be mirrored across all three sets of bylaws wherever the subject applies, so the documents never drift apart. Third, Section 7 writes out actual suggested definitions, word for word with sources, because the definitions gap is the one we have already felt in live meetings.

One example shows why this matters and why now. City code section 18.3.2 already lists “non-attendance, lateness, non-participation, or failure to familiarize themselves with regulations” as causes for removing a commissioner. The teeth exist. But when a formal removal request was actually brought, it could not move forward, because our documents never define cause and contain no counseling or warning step that gives a member the chance to correct course first. That is not a people problem; it is a paperwork problem, and it is fixable. Item 16 writes down the exact ladder the city said it needed, and Section 7 defines the terms that were missing when it mattered.

City of Bel Aire, Kansas

**Planning Commission, Board of Zoning Appeals, and
Airport Zoning Commission**

**Suggested Bylaw Additions With Supporting Research: A Comparison With Five Nearby
Cities, a Detailed Recommendation List, and Written Out Suggested Definitions**

Submitted by Deryk Faber, Vice Chair, Planning and Zoning Commission

August 2026

1. Purpose of this report

This report supports the bylaws review the Planning Commission was asked to prepare for at the close of the July 2026 meeting. It compares Bel Aire's bylaws with the rules used by five nearby cities (Wichita, Derby, Valley Center, Andover, and Goddard) and with Kansas state law, then presents a numbered list of suggested additions, a full set of suggested definitions with sources, and the asks I am making of staff and counsel. The five cities were chosen on purpose: Wichita for the regional standard, Derby because it is the largest suburb in the metro and runs the same commission as BZA model we do, and Valley Center, Andover, and Goddard because they are the suburbs closest to Bel Aire in size and situation.

One important note up front. Bel Aire's bylaws are not old. The Planning Commission adopted a full rewrite on August 14, 2025, and the City Council approved it on September 2, 2025. On that same night the Council passed Ordinance No. 746, which made the Planning Commission also serve as the Board of Zoning Appeals (BZA). The BZA then adopted its own matching bylaws on November 13, 2025. So the 2025 rewrite was a big step forward. The goal of this review is not to tear that work down. The goal is to finish the job, because the 2025 bylaws still have real holes, and two of them (a definitions section and a remote attendance rule) were already flagged during the November 2025 BZA review and set aside for later. Later is now.

One body, three sets of rules. Our seven members convene as the Planning Commission under K.S.A. 12-741 and following, as the BZA under K.S.A. 12-759 and Ordinance No. 746, and as the Airport Zoning Commission under the Kansas airport zoning act, K.S.A. 3-701 and following. Each capacity runs on its own rules. Every recommendation in this report is written once, for the Planning Commission bylaws, and is intended to be adopted in matching form in the BZA bylaws and the Airport Zoning Commission's rules wherever the subject applies. Item 12 proposes making that matching review a standing requirement.

2. Where Bel Aire stands today

Here is the current framework, in plain words.

- **The Commission.** Seven members serve staggered three year terms. Five must live in the city. Two must live outside the city but within three miles of the city limits. The Mayor appoints members with Council consent. This matches K.S.A. 12-744, which requires the two outside members whenever a city plans or zones beyond its limits.
- **Three hats, one body.** The same seven people meet as the Planning Commission, the Airport Zoning Commission, and the Board of Zoning Appeals, with separate roll calls at the same meeting. Ordinance No. 746 (September 2, 2025) made the Commission the BZA, which K.S.A. 12-759 allows.
- **The bylaws.** Seven articles: creation and membership, officers, meetings, conduct of meetings, hearing procedures, committees, and amendments. Officers are elected each October. Regular meetings are the second Thursday at 6:30 pm. Quorum is four. Robert's Rules of Order fills the gaps. Amendments need a majority of all members plus Council approval, and the bylaws must be reviewed at least every three years.
- **The zoning code.** Chapter 18 of the city code holds the zoning regulations, including a large definitions article (section 18.2.3, roughly 200 terms) for land use words. But those are land words, not meeting words. The bylaws themselves define nothing, and Section 7 shows that even the land word list has holes that have already caused debate.

State law sets the floor. K.S.A. 12-745 says the Commission “shall adopt bylaws for the transaction of business and hearing procedures.” It also sets the default vote: “no action by the planning commission shall be taken except by a majority vote of the members present and voting,” unless another rule says otherwise. Everything state law does not decide (quorum details, hearing steps, conflicts, ex parte contact, absences, definitions, remote attendance, and more) is ours to write. That is exactly what a bylaws review is for.

3. What the other five cities do

Wichita (the Metropolitan Area Planning Commission, or MAPC)

Wichita and Sedgwick County share one fourteen member commission (seven city picks, seven county picks). Its bylaws are short (nine pages, five articles) but sharp, last updated September 12, 2024. The parts worth borrowing: big decisions (the comprehensive plan, zoning code text, and subdivision regulations) need a majority of ALL members, not just those in the room. The chair may not serve two years in a row. Off agenda items can be added by a majority of members present. Rules can be suspended only by a two thirds vote, with the purpose and the time limit stated. Members must disclose ex parte contacts, and a member who has already made up their mind on a case before the hearing may not vote on it. Speakers get set times: ten minutes for the applicant plus a two minute rebuttal, three minutes for everyone else. The bylaws also include emergency virtual meeting rules. Sitting as the BZA, the same body requires eight of fourteen votes to grant a variance, a thirty day window to file an appeal, and a decision within forty days.

Derby

Derby is the largest suburb in the Wichita metro, and it matters most to us for one reason: since November 2021 (Ordinance No. 2484), Derby's Planning Commission has also served as its BZA, the same model Bel Aire adopted in 2025. Derby's process discipline is worth copying. Appeals of staff decisions must be filed within 30 days. Variances must be decided within 45 days after the hearing closes, and an approved variance lapses if not acted on within 180 days. The Council may override a commission recommendation only by a two thirds vote, and three fourths when a valid protest petition is filed. Derby also gives staff a “zoning adjustment” tool for small deviations (for example, up to 20 percent yard reductions and 25 percent parking reductions), so tiny cases never need a full variance hearing. Derby's citywide board rules let the Council remove any board member for cause, including “excessive unexcused non-attendance,” but only with notice and a chance to be heard, which supports the excused and unexcused distinction proposed in item 16. Two cautions. Derby's commission has ten members, an even number that invites tie votes, which is a reason for our item 7. And while Derby does post its bylaws online (Planning Commission, 2020; BZA, 2022), it posts them only as scanned pictures that cannot be searched or read by software. If Bel Aire posts its bylaws as real, searchable text, we beat the biggest suburb in the metro on transparency.

Valley Center

Valley Center runs a seven member Planning and Zoning Board (five in city, two outside) that also sits as the BZA. Its code orders the board to adopt bylaws, but the bylaws are not posted anywhere public. The code itself carries an unusual voting split: most decisions need a majority of the FULL membership, while rezonings need only a majority of members present. Officer elections happen every April, and the

secretary may be a staff member. Their zoning regulations contain a strong definitions article. The lesson for Bel Aire: we are actually ahead of Valley Center on transparency, because our bylaws are adopted in public packets. But their code shows how a city can require stronger votes for bigger decisions.

Andover

Andover has a seven member commission (five in city, two outside) that also serves as the BZA, and one combined bylaws document covers both hats. Two features stand out. First, Andover requires the BZA's records to be kept SEPARATE from the Planning Commission's records, with minutes that show the evidence, the findings, the decision, and each member's vote. Second, Andover flips the usual voting rule: land use items pass by a majority of members present and voting, but all OTHER business needs a majority of the entire membership. Their development manual has a modern, illustrated definitions part. Their variance rules cap how big a variance can be (for example, lot width can only be reduced 25 percent) and flatly ban use variances. Appeals of staff decisions must be filed within thirty days. The commission must send its report to the Council within fourteen days after a hearing closes.

Goddard

Goddard's seven member Planning Commission is also its BZA. Its code hands nearly everything to the bylaws (adopted December 10, 2015, amended February 7, 2022), and those bylaws are not posted publicly. Goddard is mostly useful as a warning. The 2022 bylaws amendment required all commissioners to live inside city limits, but the city code still says at least two members must live outside the city. The code and the bylaws now point in different directions, and a seated commissioner had to step down over it. Bel Aire has the same kind of mismatch sitting in its own code right now (see item 5 below), so Goddard shows why cleanup matters. One thing Goddard does state clearly: the Council may remove a commission member at any time by resolution.

4. Side by side comparison

This table shows the highlights at a glance. "In bylaws, not public" means the city keeps the rule in a bylaws document that is not posted online.

Topic	Bel Aire	Wichita (MAPC)	Derby	Valley Center	Andover	Goddard
Members	7 (5 in city, 2 outside within 3 miles)	14 (7 city, 7 county)	10 (at least 2 outside city)	7 (5 in city, 2 outside)	7 (5 in city, 2 outside)	7 (2022 bylaws moved to all in city)
Who is the BZA	Planning Commission (Ord. 746, 2025)	The 14 MAPC members sit as BZA	Same commission (Ord. 2484, 2021)	Same board (code 2.12.050)	Same commission (code 20-107)	Same commission (code 16-102)
Quorum	4 members	Majority of members	In bylaws (posted only as scans)	Not in code (in bylaws)	More than half (4 of 7)	In bylaws, not public
Basic vote rule	Majority present and voting	Majority present and voting	In bylaws (posted only as scans)	Majority of full membership for most items	Land use items: majority present and voting	In bylaws, not public
Bigger vote rules	None in bylaws	Comp plan and code text need majority of ALL members	Council override needs 2/3; 3/4 on protest	Rezoning needs only majority present	Other business needs majority of ALL members	In bylaws, not public

Definitions in bylaws	None (deferred in Nov 2025)	None in bylaws; huge article in zoning code	200 plus terms in zoning code; no parking space or driveway	None public; robust list in zoning regs	Illustrated definitions part in dev manual	Unknown
Ex parte rule	Discouraged, with disclosure step	Disclosure required; prejudgment bars voting	Disclosed on record in practice	Practice only (disclosed in minutes)	In bylaws, not public	In bylaws, not public
Speaker time limits	5 min applicant, 5 min public	10 min applicant plus 2 min rebuttal, 3 min public	Not published	Not published	Not published	Not published
Remote meetings	None (deferred in Nov 2025)	Emergency virtual meeting rules in bylaws	Not published	Not published	Not published	Not published
Attendance rule	3 straight or 5 in a year; mayor may remove	None in bylaws (left to appointing bodies)	Council removes for excessive unexcused absence, with a hearing	Not published	Left to Governing Body	Council may remove at any time
Tie vote rule	None	None (tie fails by default)	Not published (10 members, tie risk)	Not published	Not published	Not published
BZA appeal deadline	Circular (code points to BZA rules)	30 days to file; decision within 40 days	30 days to file; decision within 45 days	Deadline not published	30 days to file	Not published
Bylaws amendment	Majority of all members plus Council approval; review every 3 years	Two thirds vote with 5 days notice; filed with both clerks	Not readable (scanned bylaws)	Not published	Council approval required for BZA rules	Council approved 2022 amendment

5. What Bel Aire already does well

It helps to start with the good news. Compared with these five cities, the 2025 bylaws are strong in several places, and that should be said out loud.

- **Our fourteen step hearing script.** Article V walks a public hearing from quorum check to final motion in fourteen clear steps, including an ex parte report step. None of the other five cities publishes anything that detailed.
- **Our conflict of interest rule has teeth.** A member with a financial conflict must announce it and leave the room, and a member is automatically disqualified when the member or their spouse owns property in the notification area. That automatic spousal rule is stricter than Wichita's.
- **We have a real attendance rule.** Three straight absences, or five in a year, triggers written notice and possible removal. Wichita's bylaws have no attendance rule at all, and Valley Center publishes none.

- **We have a built in review cycle.** Article VII requires a bylaws review at least every three years, and the comprehensive plan gets an annual review every November. That is rare, and it is why this review is happening. Item 12 proposes tightening the bylaws review to annual so all three sets of bylaws stay fresh together.
- **We have a committees article and a workshop provision.** Both are useful tools that some peer cities leave unwritten.

6. The detailed list of suggested additions

Nineteen items, in three groups. Group One closes legal and compliance gaps and should come first. Group Two makes the machine run smoother. Group Three builds the bench for the long run. Each item shows what we have now, what other cities or state law do, and what to add. Reminder: each item is intended for all three sets of bylaws (Planning Commission, BZA, and Airport Zoning Commission) wherever the subject applies.

Group One: Close the legal gaps first

1. Add a definitions section to the bylaws

What we have now. The bylaws define nothing. This is the hole that was already named out loud: during the November 2025 BZA bylaws review, a “simple definitions section” was proposed and set aside as “recommended for future development.” The zoning code’s definitions article (section 18.2.3) covers land use words like “lot” and “setback,” but no document defines the meeting words our bylaws actually use. The bylaws lean on terms like “conflict of interest,” “bias,” and “Senior Commissioner” without saying what they mean. “Senior Commissioner” even decides who runs a meeting when the chair and vice chair are both out, and it is defined nowhere. We have also already seen what happens when a land use term is missing: a recent meeting spent real time debating a parking space against a driveway, with no controlling definition to settle it.

What others do. Wichita’s zoning code devotes an entire article to definitions with rules of construction (“shall is always mandatory; may is permissive”). Andover’s development manual has an illustrated, alphabetized definitions part. Valley Center’s regulations carry a robust defined term list. The pattern in every well built document is the same: define your terms once, up front, and every later argument gets shorter.

What to add. Section 7 of this report writes out the full suggested definitions list, word for word, with a source for every term, ready for staff and counsel to redline. It also proposes a source hierarchy rule so future definition debates end quickly. The principle underneath it all bears repeating here: code definitions are written to be enforced, and they must stay fixed so that a permit decided this year and a permit decided in five years use the same words. Our own rules of construction (section 18.2.2) already say defined terms carry the code’s meaning; and when a code is silent, Kansas courts read words by their ordinary dictionary meaning, not by a trade’s specialized usage. So the ladder is: our code first, then a code style definition we adopt, then the plain dictionary. A marketing definition never enters the ladder.

Priority: *Highest. This is the foundation every other item stands on, and it was already promised for the future.*

2. Match the comprehensive plan vote to state law

What we have now. Article IV says the Commission acts “by a majority vote of the members present and voting,” with no exceptions. With our quorum of four, that means three members could pass anything, including our recommendation on the comprehensive plan. But K.S.A. 12-747 says a plan or plan amendment is adopted “by adoption of the appropriate resolution by a majority vote of all members of the planning commission.” For us that is four yes votes out of seven, no matter how many

are in the room. Our bylaws and the statute do not match, and we review the plan every November, so this rule gets used every single year.

What others do. Wichita's bylaws handle it in one sentence: the comprehensive plan, zoning code text, and subdivision regulations “shall require a majority of all members.” Andover requires a majority of the entire membership for everything except land use hearings.

What to add. One sentence in Article IV: adoption or amendment of the comprehensive plan (and, if we wish to follow Wichita, recommendations on zoning and subdivision regulation text) requires a majority vote of all members of the Commission, as required by K.S.A. 12-747. Everything else keeps the current rule.

Priority: *Highest. This is a direct statute compliance fix.*

3. Set real deadlines for BZA appeals and decisions

What we have now. The zoning code says appeals to the BZA must be filed “within timeframes established by BZA rules.” That is a circle: the code points at the rules, and until the rules name a number, there is no deadline. K.S.A. 12-759 expects appeals to be filed “within a reasonable time as provided by the rules of the board,” which means the board (us) is supposed to set the number.

What others do. Wichita: appeals of a staff interpretation must be filed within 30 days, and the board must decide within 40 days of the hearing. Andover: appeals must be filed within 30 days after the staff decision. Derby: 30 days to file, a decision within 45 days after the hearing closes, and an approved variance lapses if not acted on within 180 days. These are the standard numbers, and Derby shows the full set working together in a city running our same commission as BZA model.

What to add. Two numbers in the BZA bylaws: an appeal must be filed within 30 days after the written decision being appealed, and the BZA shall decide within 40 days after the hearing unless the applicant agrees to more time. If the November 2025 BZA bylaws already set a filing window, confirm it and add a matching cross reference to the zoning code so the circle is closed. On purpose, I suggest no dollar amounts anywhere in the bylaws: fees are city policy, set by the Governing Body in the fee schedule, so prices can change without opening the bylaws.

Priority: *Highest. Without a deadline, an old staff decision could be appealed years later, and no one can plan around that.*

4. Strengthen the ex parte communication rule

What we have now. Article V says ex parte contacts “are discouraged” and requires a disclosure step in each hearing. Discouraged is soft. The bylaws never say what happens when a contact goes deeper than a hallway hello, and they never address a member who has publicly made up their mind before the hearing.

What others do. Wichita's rule has three parts we lack. A member may not vote if the member “has expressed an individual opinion on the determination of a quasi-judicial matter” before the hearing (the prejudgment rule). Members may not assist or represent applicants before the commission. And members may not lobby the City Council on a quasi-judicial item before the Council resolves it, unless they abstained or were designated to present.

What to add. Three sentences. First, on quasi-judicial items, members shall disclose the substance of any ex parte contact before public comment begins, and a member whose contact or prior public statements show a made up mind shall step aside from that item. Second, members shall not represent or assist an applicant in any matter before the Commission or BZA. Third, members shall not present to the Governing Body on a quasi-judicial item still pending there, unless the Commission designates them or they abstained. Two supports so this rule never bites anyone by surprise: define the terms (ex parte communication, bias, and quasi-judicial matter are all written out in Section 7), and cover the rule in new member orientation and the yearly training under item 15. In fairness, most of our items draw little public contact, so true ex parte situations are rare here. That is exactly why the rule must be taught and defined: when the rare one arrives, ignorance is not a valid excuse for breaking it.

Priority: *High. Quasi-judicial decisions are the ones that get appealed, and this rule is the armor.*

5. Fix city code section 18.3.3 (the ghost BZA)

What we have now. This one is a code fix, not a bylaws fix, but this review is the right place to raise it. The posted city code, section 18.3.3, still describes a separate three member BZA created “under the authority of K.S.A. 12-713.” Two problems. K.S.A. 12-713 was repealed in the 1991 recodification; the live statute is K.S.A. 12-759. And Ordinance No. 746 (September 2, 2025) made the Planning Commission the BZA, so the three member board described in the code no longer matches reality.

What others do. Goddard shows exactly how this goes wrong. Its 2022 bylaws amendment and its code now disagree about where commissioners must live, and a seated commissioner had to step down in the confusion. A code that disagrees with an ordinance is a lawsuit handle for any unhappy applicant. Derby shows how to do it right: when Derby merged its separate BZA into its Planning Commission in 2021, Ordinance No. 2484 amended the code sections in the same action, so the code and the ordinance never disagreed for a single day.

What to add. A conforming amendment to section 18.3.3 (and any related sections) so the code matches Ordinance No. 746 and cites K.S.A. 12-759. I am flagging this directly for the City Attorney's review.

Priority: *High. Cheap to fix now, expensive to fix inside an appeal.*

Group Two: Make the machine run smoother

6. Keep meeting recordings until the appeal window closes

What we have now. Article II says meetings are recorded, and “once the Commission has approved the minutes the recording is deleted.” Staff defended this in November 2025 by saying the minutes are the record. Minutes are a summary, and our quasi-judicial decisions can be appealed to district court under K.S.A. 12-760 within 30 days of the final decision. If a case is appealed, the recording is the best evidence of what was actually said, and we will have already erased it.

What others do. Wichita keeps permanent minutes in a public binder and treats the record seriously enough that all presentation materials are retained by the secretary as part of the official record. K.S.A. 12-757 also requires an “accurate written summary” of hearings, which is easier to defend when a recording still exists.

What to add. Change one sentence: recordings of meetings that include a quasi-judicial hearing are kept at least until the 30 day appeal window under K.S.A. 12-760 has closed and any filed appeal is final; all other recordings may be deleted after minutes approval, consistent with the city's records retention schedule.

Priority: *High.*

7. Add a tie vote rule, and close two doors a tie opens

What we have now. The bylaws are silent on ties. With seven members, a night with six present can easily end three to three, and our abstention rules make odd counts common. The abstention rule itself has a hole a tie exposes: Article IV counts an abstaining member “with the majority vote of those who voted,” but when the vote is three to three there is no majority to join, so the rule literally has no answer. And we have already watched the tabling tool drift: comments made on the record ahead of a motion to table suggested the delay was about changing the future vote count, not about gathering more information.

What others do. Under Robert's Rules a tie simply fails, but nobody in the room ever remembers that calmly at 9 pm. And on a rezoning, a failed motion has a special meaning: under K.S.A. 12-757 and our own code, failing to recommend counts as a recommendation of disapproval that goes to the Council anyway.

What to add. Four sentences. First, a tie vote fails the motion. Second, on a tie, an abstaining member is recorded simply as abstaining, since there is no majority for the abstention to join. Third, on items requiring a recommendation to the Governing Body, a tie or failure to act within the required time is forwarded as a recommendation of disapproval, as provided by K.S.A. 12-757. Fourth, a motion to table or continue an item shall state its reason, and avoiding a tie or waiting for a different mix of members to be present is not a proper reason; a tabled item returns at the stated meeting with its record intact.

Priority: *High. Small words, big meeting night value, and one of these doors has already been tested.*

8. Add a remote attendance rule

What we have now. Nothing in the bylaws. This was proposed in the November 2025 BZA review and deferred pending a “city-wide technology evaluation.” We do not need to wait for a citywide answer to write our own narrow rule.

What others do. Wichita's bylaws already contain emergency virtual meeting rules, defining a virtual format where remote participants “are active in the formal decision-making process the same as if all were in one location.” The Kansas Open Meetings Act permits interactive communications when the public can observe.

What to add. Two parts. Routine: a member may attend by live audio and video up to a set number of times per year (suggest two or three), with advance notice to city staff, and counts toward quorum and voting if everyone can hear them and they can hear everything. To be clear, this does not turn our meeting into a remote meeting: the Commission still meets in person in the Council Room, and the rule simply lets one commissioner join that in person meeting remotely when needed. Emergency: when a declared emergency prevents meeting in person at all, the Commission may meet virtually with public access, following KOMA.

Priority: *Medium. One icy February Thursday will make this rule pay for itself.*

9. Add an off agenda items rule

What we have now. Members can place items on the agenda up to noon on the seventh day before a meeting. The bylaws say nothing about adding an item at the meeting itself, so right now nobody knows whether that is allowed at all.

What others do. Wichita: “Off agenda items may be considered with the approval of a majority of the members present.” One sentence, problem solved. (Public hearing items still cannot be added late, because they need published notice.)

What to add. That same sentence, plus the caveat: no item requiring published notice or a public hearing may be added at the meeting.

Priority: *Medium.*

10. Add a suspension of the rules procedure

What we have now. Robert's Rules technically allows suspending the rules, but our bylaws never say how, so any attempt would turn into an argument about the argument.

What others do. Wichita requires the motion to state the specific rule, the specific purpose, and how long the suspension lasts, and (since 2024) requires a two thirds vote. No suspension is permanent.

What to add. The Wichita language, nearly word for word.

Priority: *Medium.*

11. Add an officer vacancy rule

What we have now. Officers are elected each October for one year. If the chair resigns or leaves in March, the bylaws only say who presides at a given meeting (vice chair, then senior commissioner). They never say how the office itself gets refilled. One clarification matters here: Bel Aire's commissioners hold only two offices, Chairperson and Vice Chairperson. The secretary duty belongs to staff under Article II (the Zoning Administrator role), so no vacancy rule is needed for it.

What others do. Most bodies add a simple line about filling unexpired officer terms so a mid year departure never creates confusion about who leads.

What to add. Three sentences. If the office of Chairperson becomes vacant, the Vice Chairperson serves as acting Chairperson on a temporary basis, pending an election at the next regular meeting to fill the office for the remainder of the term. If the Commission elects the Vice Chairperson as Chairperson, the Commission then holds a vote to fill the Vice Chairperson's office for the remainder of the term. A vacancy in the Vice Chairperson's office alone is likewise filled by election at the next regular meeting. Optional extra, borrowed from Wichita and worth a discussion: whether the chair should be barred from serving two years in a row. In a seven member body that trade off is real (fresh leadership versus a small bench), so this half is a discussion item, not a must.

Priority: *Medium.*

12. Write the three hats rules down

What we have now. The same seven people sit as the Planning Commission, the Airport Zoning Commission, and the BZA in the same night, with separate roll calls. Practice is fine; paper is thin. Staff

clarified in November 2025 that an absence counts “for either meeting,” but that lives in a staff comment inside a packet, not in the bylaws. Staff also rejected cross referencing the conflict rules between the PC and BZA bylaws to avoid update confusion, which leaves the documents free to drift apart, exactly the Goddard problem.

What others do. Andover's code requires BZA records to be kept separate from Planning Commission records, with minutes recording the evidence, findings, decision, and each member's vote. K.S.A. 12-759 expects the board to keep its own records.

What to add. Four short rules. Each capacity keeps its own minutes and record set. Motions are made and voted under the correct hat, with the roll called for each capacity (current practice, now written down). An absence on a meeting night counts once, against the member's total, whichever hats convened (staff's clarification, now written down). And the Planning Commission, BZA, and Airport Zoning Commission bylaws shall be reviewed together once a year, so an amendment to a shared rule in one is considered for the others at the same time. That last rule is also a tightening on purpose: Article VII currently requires a bylaws review only every three years, and moving to an annual joint review, alongside the November comprehensive plan review the bylaws already require, keeps all three documents fresh and matched.

Priority: *Medium. This is how we make sure our own documents never point in two directions.*

13. Give committees operating rules

What we have now. Article VI lets the chair appoint committees with a formal charge. It stops there: no quorum rule, no reporting duty, no term for committee chairs, and no line saying committees cannot take final action.

What others do. Wichita gives each committee a quorum (majority of its members), bars committee chairs from serving two years in a row, and automatically defers items when a committee fails to reach quorum.

What to add. Three sentences: a majority of a committee is its quorum; committees report to the full Commission in writing and take no final action; committee appointments run one year, made after officer elections (which Article VI already implies).

Priority: *Housekeeping.*

14. Add an electronic device rule for meetings

What we have now. Nothing in the bylaws. Personal cell phone use during meetings has become visible enough that, in my count, five of the seven commissioners would support a written rule. This is not about singling anyone out; it is about the record and the public's trust in it.

What others do. None of the five comparison cities publishes a device rule in any readable document, so this is a place Bel Aire can lead. The legal footing is solid and comes from rules we already recognize. First, our own bylaws call hearings quasi-judicial, which means decisions must rest only on the evidence presented in the hearing; a member researching an item on a phone mid hearing is gathering evidence the applicant and the public never see and cannot answer, which is the same problem as an ex parte contact. Second, under the Kansas Open Meetings Act, members texting or messaging each other about the business at hand during a meeting is discussion of public business outside public view. Third, our bylaws already require members to come prepared, having read the packet.

What to add. Four sentences. During meetings, members shall silence and put away personal electronic devices. The city provides a printed agenda packet for all attendees, so a device is not needed to follow the meeting. During a quasi-judicial hearing, members shall not conduct outside research on the item, because the decision must rest on the record. A member who receives an emergency call shall step out of the room to handle it. Mirror the rule in all three sets of bylaws.

Priority: *Medium. A majority of the Commission is ready to support this.*

Group Three: Build the bench

15. Add new member orientation and yearly training

What we have now. The bylaws already require members to read pre-circulated materials and come ready to participate, which is a good start. There is no orientation requirement for new members and no training expectation, even though the November 2025 review itself raised parliamentary procedure training.

What others do. The American Planning Association runs a Planning Officials training track, and the League of Kansas Municipalities publishes the City Officials Manual and KOMA and KORA guides. Cities that train their commissioners get fewer procedural stumbles and fewer appeals.

What to add. Two sentences: within 60 days of appointment, a new member receives an orientation covering the bylaws, the zoning and subdivision regulations, the comprehensive plan, KOMA and KORA basics, the ex parte and conflict of interest rules, and the difference between legislative and quasi-judicial roles; the Commission is offered at least one training opportunity each year, budget permitting, with the ex parte and conflict rules revisited in that training so no member can ever say they were not told.

Priority: *Medium.*

16. Turn the attendance rule into a ladder, and give the preparation duty teeth

What we have now. Two related gaps, one goal: a Commission the city can count on to show up prepared and ready. On attendance, our rule counts every absence the same, whether a member gave notice from a hospital bed or simply did not show, and it jumps straight from counting to the removal letter. On preparation, the bylaws require members to read the pre-circulated materials, but nothing happens when someone shows up cold, and the city code (section 18.3.2) already lists “non-attendance, lateness, non-participation, or failure to familiarize themselves with regulations” as removal causes, so the hooks exist and simply go unused. This is not theory. A formal removal request has already been declined, on the grounds that cause was not defined and that the member first had to be counseled and given an opportunity to correct course. The city was right to want those steps; the problem is that none of them are written anywhere. The ladder below writes down exactly the process the city said it needed.

What others do. Derby is the useful model on attendance: its citywide rule makes “excessive unexcused non-attendance” a removal cause, which only works because the word unexcused draws a line our rule does not have, and Derby pairs removal with notice and a chance to be heard. Goddard's council can remove at will, and Wichita has no rule at all, so ours is already better than most. What no city writes down, and Bel Aire can, is the preparation standard.

What to add. Build a ladder, not a trapdoor. Step one: define the terms. An absence is excused when the member notifies city staff before the meeting; unexcused otherwise. Step two: when a pattern of unexcused absences or unprepared attendance appears, the Chairperson speaks with the member privately. Step three: if the pattern continues, a written warning. Step four: only after the warning do the existing numbers (three straight, or five in a year) go to the City Manager and the Mayor for possible removal, unchanged. On preparation, add one plain expectation: before the meeting, members shall read the packet and familiarize themselves with each subject property, at least by map and street view, and where practical by driving past it. Questions the packet already answers should be rare, and the Chair may point a member back to the packet. This rule is a tool for habitual problems, not a trap for one hard month.

Priority: *Medium. This is how the bench stays strong.*

17. Add written public comment rules

What we have now. Our hearing script has a step for reading written communications into the record, but no rule says when written comments are due, how long they may be, or how staff logs them. Every emailed comment is currently handled by memory and habit.

What others do. Wichita requires written comments to reach staff by 5 pm three business days before the meeting, keeps them under three minutes when read, and accepts email, letter, video, or audio.

What to add. One rule: written comments on a hearing item must reach city staff by a set deadline (suggest noon the day before the meeting, or Wichita's three business days), are limited to a readable length, and become part of the record of that item.

Priority: *Housekeeping.*

18. Add KOMA notice and KORA reference lines

What we have now. The bylaws already incorporate the Kansas Open Meetings Act for open sessions and executive sessions, which is good. They do not mention how a person asks to be notified of our meetings under K.S.A. 75-4318, and they never mention the Kansas Open Records Act at all.

What others do. Wichita's 2024 bylaws update added express citations to KOMA (K.S.A. 75-4317 et seq.) and KORA (K.S.A. 45-215 et seq.).

What to add. Two sentences: requests for meeting notice are made under K.S.A. 75-4318 through the City Clerk; Commission records are public records available under KORA through the City Clerk. Small lines, but they tell citizens where the door is.

Priority: *Housekeeping.*

19. Review the Administrative Exception (a question for the City Attorney)

What we have now. Zoning code section 18.5 lets the Zoning Administrator and the City Manager jointly grant an "Administrative Exception," described as "solely an equitable remedy" that is "not subject to administrative, legislative or judicial review."

What others do. Two points of tension. K.S.A. 12-760 gives any aggrieved person the right to ask the district court to review the reasonableness of a final decision, and a city code line cannot take that away. And K.S.A. 12-759 allows exceptions only when they are "specifically listed as an exception in the zoning

regulation.” None of the five comparison cities has anything like an unreviewable exception. Derby's “zoning adjustment” tool is the honest version of the same idea: staff may grant small, listed deviations (10 to 25 percent), but nothing in it claims to be beyond review.

What to add. Not a bylaws change. A referral: I am asking the City Attorney to review section 18.5 and advise whether the no review language can stand.

Priority: *Medium. This is a quiet clause that could embarrass the city in court.*

7. Suggested definitions, written out with sources

This section does the actual work for item 1. Part A covers the meeting words the bylaws use. Part B covers the land use words that have already caused debate at our table, including the parking space and driveway question. Part C proposes a simple rule for where definitions come from, so the next debate ends in one minute instead of twenty. Every definition below is offered as draft language for staff and counsel to redline.

Part A: Meeting words for the bylaws

Abstention. A member's recorded choice not to vote yes or no on a motion. Under Article IV, an abstaining member without a conflict is counted with the majority of those who voted.

Source: *Robert's Rules of Order*; current bylaws Article IV.

Bias. A leaning for or against a person or outcome, formed outside the evidence in the record, that would keep a member from deciding a matter fairly.

Source: *Merriam-Webster, adapted for quasi-judicial use; see Golden v. City of Overland Park, 224 Kan. 591 (1978) on the duty to decide on the record.*

Conflict of interest. Any personal or financial interest of a member, or of the member's spouse, that could improperly influence the member's participation or vote on a matter, including a substantial interest as defined by state law.

Source: Current bylaws Article 1, Section 4, joined with K.S.A. 75-4301.

Substantial interest. Has the meaning given in K.S.A. 75-4301, as amended.

Source: K.S.A. 75-4301 (state conflict of interest law).

Ex parte communication. Any spoken or written communication about a pending quasi-judicial matter that happens outside the public hearing, between a member and any person with an interest in the outcome.

Source: Current bylaws Article V, tightened; Wichita MAPC Bylaws Article III, Section 10.d.

Excused absence. An absence for which the member notified city staff (the recording secretary) before the start of the meeting.

Source: New; supports the attendance rule in Article 1, Section 3.

Unexcused absence. Any absence that is not an excused absence.

Source: New; supports the attendance rule in Article 1, Section 3.

Legislative matter. A matter that sets policy for the whole city, such as the comprehensive plan or the text of the zoning or subdivision regulations.

Source: *Kansas planning practice under K.S.A. 12-747 and 12-757.*

Quasi-judicial matter. A matter that applies existing rules to a specific property or applicant, such as a rezoning, variance, exception, or appeal, where the body must weigh evidence and make findings on the record.

Source: *Golden v. City of Overland Park, 224 Kan. 591 (1978); current bylaws Article V.*

Majority of members present and voting. More yes votes than no votes among the members who are present and who cast a vote.

Source: K.S.A. 12-745.

Majority of all members. At least four of the seven members, regardless of how many attend the meeting.

Source: K.S.A. 12-747 (*required for comprehensive plan actions*); Wichita MAPC Bylaws Article III, Section 6.

Meeting. Any gathering or interactive communication of a majority of the membership for the purpose of discussing the business of the Commission. Types: a Regular meeting (the monthly meeting set by these bylaws), a Special meeting (called under Article III), a Workshop (discussion only, no binding action), and an Executive session (closed under KOMA, no binding action).

Source: Kansas Open Meetings Act, K.S.A. 75-4317a; current bylaws Article III.

Notification area. The area around a subject property whose owners receive mailed notice of a hearing: at least 200 feet inside the city, extended to at least 1,000 feet into unincorporated land where it adjoins the city limits.

Source: K.S.A. 12-757; city code Chapter 18, Article 5.

Official newspaper. The publication in which the city publishes legal notices; under the current bylaws, the official city website.

Source: Current bylaws Article IV.

Public hearing. The part of a meeting, held after published notice, in which any person may present evidence and speak on an item before the Commission acts.

Source: K.S.A. 12-757; current bylaws Article V.

Quorum. Four members. Members disqualified by a conflict of interest do not count toward quorum; members merely abstaining do.

Source: Current bylaws Article III, restated for clarity.

Recusal. A member's withdrawal from discussion and voting on an item, including leaving the meeting room when a conflict of interest requires it.

Source: Current bylaws Article 1, Section 4; Merriam-Webster.

Secretary. The staff person who keeps the Commission's records and minutes. Under Article II this duty belongs to the City of Bel Aire Zoning Administrator; it is a staff role, currently handled through the Community Development Director, and it is not an officer seat held by a commissioner.

Source: Current bylaws Article II, restated so no one reads Secretary as a member office.

Senior Commissioner. The member with the longest unbroken service on the Commission. If two or more members tie, the tie is broken by drawing lots.

Source: New; the term is used in Article II (*presiding when the Chair and Vice Chair are absent*) but is defined nowhere today.

Zoning Administrator. The person designated by the city to administer and enforce the zoning regulations under Chapter 18 of the city code.

Source: City code Chapter 18, Article 3.

Part B: The land use words that started this (parking space and driveway)

A recent meeting spent real time debating the difference between a parking space and a driveway, and one suggestion on the table was to borrow a definition from the real estate world. Here is what the research shows.

What our code says today. Section 18.2.3 DOES define Parking Space: “An all-weather surfaced area, accessed by an all-weather drive, located on privately owned property within or without a building or on a private or public parking area, and sufficient in size for the parking of one automobile, developed in conformance with the design requirements of this Code.” But the code never defines Driveway at all. It also never defines the word “drive,” even though the Parking Space definition depends on it. So the debate happened because the code is genuinely silent, not because anyone in the room was wrong.

Model code definitions of Driveway. Goddard, section 13-301(a): “Driveway means a place on private property for the operation of motor vehicles.” Goddard also defines Driveway Approach, section 13-301(b): “an area between the public street or roadway and private property intended to provide access for vehicles from the roadway or street to private property.” Newton, section 20-301: “The term driveway as used herein shall mean any driveway entering any street from private property.” Merriam-Webster: “a private road giving access from a public way to a building on abutting grounds.”

Model code definitions of Parking Space from peer cities. Ottawa, Kansas: “Any area surfaced for all-weather use, with materials approved by these regulations or the Engineer, used for the purpose of storing one parked motor vehicle.” Linn Valley, Kansas, defines Off-Street Parking Space: “A permanently surfaced area, enclosed or unenclosed, connected by a permanently surfaced driveway to a street or alley to permit ingress and egress located away from space improved for street purposes.” Notice that the Linn Valley definition draws the exact line we debated: the parking space is the destination, and the driveway is the connection to the street.

Even Derby has this same hole. Derby's definitions article runs more than 200 terms and defines neither Parking Space nor Driveway. What Derby does instead is set a dimension standard: a required off-street parking space “shall be at least 8 feet 6 inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns.” That dimension line is worth borrowing alongside a true definition, because it answers the next question a definition raises: how big does the space have to be? If Bel Aire adopts both the definition and the dimensions, we will have a cleaner answer than the largest suburb in the metro.

Suggested addition for Bel Aire. Add a Driveway definition to section 18.2.3 along these lines: “Driveway. A permanently surfaced area on private property that provides vehicle access between a street or alley and a parking space, garage, or other parking area.” Then let the Commission decide the policy question on purpose, in the open: whether, and in which districts, a driveway may count toward required off-street parking. Some cities allow it for single family homes and some do not. Either answer is fine; silence is not.

Why a real estate definition is the wrong tool. A suggestion was made to use a realtor's definition. I want to be careful and fair here, because the instinct to reach for any definition is understandable when the code gives you none. But real estate definitions are written to describe and market property, and they change with practice in the market. Code definitions are written to be enforced, and they must stay fixed so that a permit decided this year and a permit decided in five years use the same words. Our own rules of construction (section 18.2.2) already say defined terms carry the code's meaning; and when a

code is silent, Kansas courts read words by their ordinary dictionary meaning, not by a trade's specialized usage. So the ladder is: our code first, then a code style definition we adopt, then the plain dictionary. A marketing definition never enters the ladder.

Part C: A source hierarchy rule, so this never eats a meeting again

Add one short rule to the new definitions section of the bylaws:

“When a term is not defined in these bylaws, its meaning is taken in this order: (1) the definition in Kansas statute; (2) the definition in the Bel Aire city code, including section 18.2.3; (3) for planning terms, the ordinary usage of the planning profession; and (4) for all other words, the ordinary dictionary meaning (Merriam-Webster). Definitions drawn from real estate, sales, or marketing usage shall not be used to interpret these bylaws or the zoning regulations. The word shall is mandatory; the word may is permissive.”

8. What I am asking of staff and counsel

One framing note first. This report is my thoughts and a baseline meant to assist the review the Commission initiated in July. I may be wrong in places, and I am open to correction and to better suggestions; that is exactly why it comes to the three of you before it goes anywhere else. With that said, plainly stated so this document is easy to act on:

- **Review and correct.** Read the nineteen items and Section 7, and tell me where I have something wrong. I would rather be corrected before the meeting than after.
- **Treat this as the research baseline.** If it is useful, share it with the Commission ahead of the review so the meeting starts from a common set of facts instead of from memory.
- **Items 2 and 3 are compliance items.** The comprehensive plan vote and the BZA appeal deadlines line up our documents with K.S.A. 12-747 and 12-759. I would ask that these lead any draft.
- **Items 5 and 19 are for Maria.** The section 18.3.3 conflict with Ordinance No. 746 and the Administrative Exception's no review language both need a legal read, not a commission debate.
- **Definitions can move first.** Section 7 is written to be redlined. A definitions section was already tagged as "recommended for future development" in November 2025, so it has a running start.
- **Keep all three bodies matched.** Whatever is adopted for the Planning Commission should be mirrored in the BZA bylaws and the Airport Zoning Commission's rules wherever it applies, in the same drafting cycle.
- **Post the finished bylaws as searchable text.** Derby posts its bylaws only as scanned pictures that cannot be searched, and Valley Center and Goddard do not post theirs at all. If Bel Aire posts the amended bylaws as a real text document on the city website, we will be the most transparent city in this comparison, including the biggest one.

The bylaws' own amendment path (Article VII) requires a majority of all members plus Governing Body approval, with seven days notice of proposed changes. So the realistic timeline is: staff review now, drafts to the Commission at a coming meeting, a vote, then Council approval.

9. Sources

Key documents used for this report. All were pulled August 4, 2026.

- Bel Aire Planning Commission Bylaws (adopted August 14, 2025), in the September 11, 2025 meeting packet. <https://mccmeetings.blob.core.usgovcloudapi.net/belaireks-pubu/MEET-Packet-fee67cd6e24b4e5b963f9c0cdef31a55.pdf>
- Bel Aire City Council minutes, September 2, 2025 (bylaws approval and Ordinance No. 746). <https://mccmeetingspublic.blob.core.usgovcloudapi.net/belaireks-meet-1425b1849b744bac8ba8e0219ca9ec82/ITEM-Attachment-001-6a6ca2e010ac4dac9e8731a83f0e9acd.pdf>
- Bel Aire Planning Commission / BZA packet, December 11, 2025 (BZA bylaws adoption and the deferred items). <https://mccmeetings.blob.core.usgovcloudapi.net/belaireks-pubu/MEET-Packet-11175cda560145d6b09be4d45a5cdcf8.pdf>
- Bel Aire zoning code, Chapter 18, Article 2 (rules of construction and definitions, section 18.2.3). https://www.belaireks.citycode.net/CHAPTER%2018%20-%20ZONING%20REGULATIONS/Article_2_._Interpretation,_Construction_and_Definitions.htm

- Bel Aire zoning code, Chapter 18, Article 3 (sections 18.3.2 and 18.3.3).
https://www.belaireks.citycode.net/CHAPTER%2018%20-%20ZONING%20REGULATIONS/Article_3_Administration_and_Enforcement-HPdesktop-downtown.htm
- Bel Aire zoning code, Chapter 18, Article 5 (amendments, appeals, variances, Administrative Exception). https://www.belaireks.citycode.net/CHAPTER%2018%20-%20ZONING%20REGULATIONS/Article_5_Amendment_Process,_Conditional_Use,_Special_Use,_Appeals_To_Bza,_Variances.htm
- Wichita MAPC Bylaws (September 12, 2024). <https://wichita.gov/DocumentCenter/View/30792>
- Derby Municipal Code, Chapter 2.16, Article I (Planning Commission and Board of Zoning Appeals). https://library.municode.com/ks/derby/codes/municipal_code?nodeId=TIT2ADPE_CH2.16BOCO_ARTIPLCOBOZOAP
- Derby Zoning Regulations, Article 10 (Board of Zoning Appeals) and Article 5 (parking dimensions). <https://www.derbyks.gov/DocumentCenter/View/179/Zoning-Regulations>
- Derby Planning Commission page (membership, meeting schedule, bylaws links). <https://www.derbyks.gov/109/Planning-Commission>
- Derby Planning Commission Bylaws, Resolution PC2020-04 (posted as a scanned image). https://www.derbyks.gov/DocumentCenter/View/7781/RES_PC2020-04_PlanningCommissionBylaws
- Derby Board of Zoning Appeals Bylaws, approved January 6, 2022 (posted as a scanned image). <https://www.derbyks.gov/DocumentCenter/View/10956/Board-of-Zoning-Appeals-Bylaws-Approved-162022>
- Derby Zoning Appeal Application and Instructions (30 day filing rule and fee). <https://www.derbyks.gov/DocumentCenter/View/207/Zoning-Appeal-Application--Instructions>
- Derby Fee Resolution, effective May 18, 2026. <https://derbyks.gov/DocumentCenter/View/8391/Fee-Resolution-eff-05182026>
- Wichita BZA minutes, October 10, 2024 (eight vote variance rule). https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/_10102024-2229
- Valley Center Municipal Code, Chapter 2.12 (Planning and Zoning Board). https://library.municode.com/ks/valley_center/codes/municipal_code?nodeId=TIT2ADPE_CH2.12PLZOBO
- Valley Center Zoning Regulations (August 2022 update). https://valleycenterks.gov/Documents/Departments/Community%20Development/Planning%20and%20Zoning%20Board/Zoning%20and%20Subdivision%20Regulations/Updated%20Zoning%20Regulations_August%202022.pdf
- Andover City Code, Chapter XX, Article 1 (Planning Commission and BZA). <https://andoverks.citycode.net/articlePlanningCommission.htm>
- Andover Unified Development Manual (Article 11, BZA; Article 12, Amendments; definitions part). <https://online.flippingbook.com/view/465246>
- Goddard City Code, Chapter XVI, Article 1 (Planning Commission / BZA). <https://goddardkansas.citycode.net/artiPlanCommBoarOfZoniAppe.htm>
- Goddard City Code, Driveways, section 13-301. <https://goddardkansas.citycode.net/artiDrivAndDrivAppr.htm>
- Goddard City Council minutes, August 1, 2022 (2022 bylaws amendment and residency change). https://www.goddardks.gov/AgendaCenter/ViewFile/Minutes/_08012022-477
- Newton City Code, Curb Cuts and Driveways, section 20-301. <https://newtonkansas.citycode.net/articleCurbCutsAndDriveways.htm>

- Ottawa Zoning Regulations, Rules, Interpretations and Definitions (parking space and parking lot).
<https://ottawaks.citycode.net/artiRuleInteAndDefi.htm>
- Linn Valley Zoning Regulations, Article 3 (off-street parking space definition).
<https://linnvalleyks.citycode.net/articleRulesAndDefinitions.htm>
- Merriam-Webster, driveway. <https://www.merriam-webster.com/dictionary/driveway>
- Merriam-Webster, parking space. <https://www.merriam-webster.com/dictionary/parking%20space>
- K.S.A. 12-744 (planning commission creation and membership).
https://ksrevisor.gov/statutes/chapters/ch12/012_007_0044.html
- K.S.A. 12-745 (bylaws, officers, voting). https://ksrevisor.gov/statutes/chapters/ch12/012_007_0045.html
- K.S.A. 12-747 (comprehensive plan, majority of all members).
https://ksrevisor.gov/statutes/chapters/ch12/012_007_0047.html
- K.S.A. 12-757 (amendments, protest petitions, failure to recommend).
https://ksrevisor.gov/statutes/chapters/ch12/012_007_0057.html
- K.S.A. 12-759 (boards of zoning appeals and the five variance findings).
https://ksrevisor.gov/statutes/chapters/ch12/012_007_0059.html
- K.S.A. 12-760 (appeal to district court within 30 days).
https://ksrevisor.gov/statutes/chapters/ch12/012_007_0060.html
- K.S.A. 75-4301 (substantial interest and conflicts of interest).
https://ksrevisor.gov/statutes/chapters/ch75/075_043_0001.html
- Kansas Open Meetings Act, K.S.A. 75-4317 and following.
https://ksrevisor.gov/statutes/chapters/ch75/075_043_0017.html
- City of Bel Aire, Governing Body and Staff.
https://www.belaireks.citycode.net/CODE_OF_THE_CITY_OF_BEL_AIRE,_KANSAS/Governing_Body_&_Staff.html

(Published at www.belaireks.gov on September 4, 2025.)

RESOLUTION NO. R-2025-37

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

BE IT RESOLVED by the Planning Commission of the City of Bel Aire, Kansas:

ARTICLE 1: CREATION, MEMBERSHIP, AUTHORITY AND DUTIES

SECTION 1. CREATION. Pursuant to City ordinance and state law the Bel Aire City Planning Commission, hereinafter referred to as the “Commission,” was established by Ordinance No. 11 which was published on May 8, 1981. The Commission was re-established with new parameters by the Governing Body by the adoption of Ordinance No. 195 which was passed and approved and became effective on January 1, 1992. Ordinance 275 amended Ordinance 195 to designate the Commission to serve as the City Board of Zoning Appeals. Ordinance 357 amended Ordinance 275 to address how to appoint and remove members from the Planning Commission and Board of Zoning Appeals which was passed and approved and became effective on January 15, 2002.

SECTION 2. MEMBERSHIP. The Commission consists of seven members serving staggered three-year terms of whom 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. After the appointment, members will take office at the next regular meeting of the Commission.

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. 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.

Policies and Procedures for Appointment and Removal of Members of the Planning Commission shall be in accordance with Ordinance 357.

SECTION 3. ATTENDANCE. Regular attendance is an important responsibility for membership. Maintaining a quorum for voting purposes is especially important. Any member that absences themselves for three consecutive regular meetings or misses a total of 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 themselves 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.

A member is automatically disqualified when they or their spouse own property in the notification area of a zoning application.

SECTION 5. AUTHORITY. The Commission is vested with the duties and responsibilities 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. Make or cause to be made, adopt and maintain 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. Annually review or reconsider the Comprehensive Plan at least once a year at the November 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. 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. 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. 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. Prepare and approve plans for neighborhoods and special project areas;
7. Maintain planning reference files of plans, reports, maps ordinances, regulations and policies accessible to officials, developers and citizens;
8. Maintain cooperation and coordination with the trustees of the surrounding township(s), U.S.D. #259, USD #375, 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
9. 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
10. Hold hearings, provide plans for and/or make recommendations on such other matters as may be periodically assigned to the Commission by the Governing Body.
11. Ensure productive meetings by requiring members to read all pre-circulated materials and be ready to participate actively in discussions related to agenda items. Failure to do so may impact participating in discussions or voting on matters requiring informed consent.

SECTION 7. COMPENSATION. Members of the Commission shall serve without compensation for their services; however, the members may request reimbursement for their out-of-pocket expenses including travel when related to attendance at external conferences and/or meetings subject to approval of the Governing Body.

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. The Secretary shall be the City of Bel Aire Zoning Administrator and shall provide duties in support of the Planning Commission (K.S.A. 12-745).

SECTION 2. ELECTIONS. At the regular Commission meeting in 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 at the next regular scheduled meeting of the Commission and serve for one year. Officers may serve for more than one term.

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

1. The Chairperson shall preside over 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 Senior Commissioner (the person serving the longest period of time on the Commission) shall act in the manner and capacity of 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.
2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.
3. The Secretary, or their designee, shall perform the following duties:
 - a. Prepare the minutes of each Commission meeting and submit them to the Commission for approval. Commission meetings are recorded and once the Commission has approved the minutes the recording is deleted. When the Secretary attests to the approved minutes the Secretary is attesting that the votes of the members are accurate from that specific meeting.
 - b. Maintain the official minutes as approved and signed by the Chairperson and the Secretary or their designees and post minutes to the City of Bel Aire website or such other repository as may be established from time to time;
 - c. Attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto and to maintain the official Comprehensive Plan documents and accompanying adoption materials and ordinances;
 - d. Distribute to each Commission member all current materials relating to the Comprehensive Plan, Zoning and Subdivision Regulations and Zoning Map and maintain official copies of the same pursuant to City Code and state law; and
 - e. Prepare and distribute agendas for each Commission meeting in coordination with the Chairperson. (See Article III, Section 7 on Agendas).

ARTICLE III: MEETINGS

SECTION 1. REGULAR MEETINGS. 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.; provided, however, that the Commission may vote to adopt another hour, date, or place of meeting. Any such change shall be 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 Senior Commissioner 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 to the Secretary at least five (5) business days before the meeting by hand delivery. 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 Secretary 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. Pursuant to the Kansas Open Meetings Act, all meetings of the Commission except for executive sessions are open to the public. Closed sessions, if deemed necessary, may be held in accordance with the provisions of the Kansas Open Meeting Act. 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 required, a record of attendance and a summary of the subject(s) discussed should be made.

SECTION 6. QUORUM. A quorum for the conduct of business shall be four members. In the absence of a quorum at any meeting the presiding officer after consultation with the members present may announce the meeting will not take place. The presiding officer will wait ten (10) minutes and then make the announcement. The Secretary will note which Commissioner's were present and note that no action was taken on any of the agenda items. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

If there is a loss of a quorum during a meeting, the presiding officer after consultation with those members present, may adjourn the meeting to a specified date, time and place or similarly table any unheard an agenda item. When such information is made known to

those persons in attendance, no further notice needs to be given. The Secretary will note which Commissioner's left the meeting and note that no action was taken on any of the agenda items yet to be heard. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

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.

If a majority of Commissioners have a conflict of interest on a specific agenda item, they will request that the Governing Body hear the item in a public hearing format. The agenda item will require renotification to all required individuals.

SECTION 7. AGENDAS. The Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and to have it posted on the City of Bel Aire website with the link shared, via email, to the Commission members in advance of the 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 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. K.S.A. 75-4318 (b) and(d). Any member of the Commission may place items on the agenda by advising the Secretary, or their designee, no later than noon on the seventh day preceding the next regular meeting. If the number of applications received for zoning or platting creates an unduly long Commission meeting, the Secretary may carry over such items on a first-come, first-served basis to the next Commission meeting unless already advertised for public hearing.

SECTION 8 RECORDING OF MEETINGS. The Secretary or their designee shall keep complete records of all proceedings of the Commission. The Secretary or their designee shall prepare and maintain permanent minutes to be available for public view. 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. Call to Order
- b. Roll call
- c. Pledge of Allegiance to the American Flag
- d. Consent Agenda
- e. Approval of the Agenda
- f. Approval of the minutes

- g. Announcements
- h. Old and New Business
- i. Staff reports
- j. Public hearings
- k. Approval of Next Meeting Date
- l. Current Events- Upcoming Agenda Items and Events
- m. Adjournment.

Off-agenda items may be added to the agenda 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 the 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 submitted to the Commission. The commission may at their discretion to table postpone 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 a 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 official city newspaper. Substantive motions before the Commission shall be restated by the presiding officer 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. 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 presiding officer. In the event of a tie or a divided vote, see Article IV, Section 5 paragraph 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-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 presiding officer shall have the right to make motions and to second motions without vacating the chair.
3. 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.
4. 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 only be considered at the same meeting at which the item was decided.
5. If participation from the floor (audience) is repetitious; or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not reasonably permit further participation, the presiding officer may reduce their speaking time to five minutes or something less. Those persons speaking on a given item from the floor should first be recognized and then address their remarks to the presiding officer. Each member of the Commission may speak to an issue as many times as may be desired.
6. The presiding officer shall have the right to vote. If the officer chooses not to vote, he or she shall automatically be considered to have abstained from voting.
7. When a divided vote occurs, the presiding officer shall call for a roll-call vote. The Secretary shall enter into the minutes the result by name of all roll-call votes.
8. Any member abstaining or remaining silent on a vote shall be considered to have voted with the majority vote of those who voted; provided that, such member does not have a conflict of interest or bias in the matter that would otherwise disqualify them from voting. In the event of an equally divided vote, the vote of a member abstaining or remaining silent is not to be counted. Members who do abstain or remain silent on a vote are still counted as present in determining a quorum.
9. Members shall automatically be disqualified from voting when they or their spouse own property in the area of notification for a zoning application. Such abstention shall not prevent them from signing a protest petition or appearing before the Commission to speak on the zoning application. When a member is disqualified from voting, they cannot be counted as present for the quorum.
10. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless it is overruled by a majority vote of the entire membership of the 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 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 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 PUBLIC HEARINGS. 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 manner. 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 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 shall be limited to five minutes unless such time is extended by the commission.
6. Commission and staff question applicant.
7. Public comments on proposed application. Each presenter shall speak no more than once per issue and shall be limited to five minutes unless such time is extended by 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 the commission
10. Staff presents closing comments.
11. Public portion of the hearing closed by the presiding officer.
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.

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.

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 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 contradiction of any of the laws of the State of Kansas or ordinances of the City of Bel Aire, Kansas. The Commission shall review the Bylaws, no less than every three (3) years to ensure timely and appropriate updates are made if necessary.

Notices of the proposed amendments shall be furnished by the Secretary to all members of the Planning Commission and the Governing Body not less than seven calendar days prior to the meeting at which such amendments are to be considered. A current copy of the Bylaws of the Commission and such amendments thereto as may from time to time be

adopted, shall be maintained by the Secretary and filed with the City Clerk

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 approval of the Governing Body of the City of Bel Aire, Kansas. These Bylaws shall be effective and all previously adopted Bylaws of the Planning Commission shall be repealed, effective the 14th day of August, 2025, following approval thereof by the Governing Body of the City.

[Remainder of this page intentionally left blank]

PASSED by the Planning Commission of the City of Bel Aire, Kansas, on the 14th day of August, 2025.

SIGNED by the Presiding Officer on the 14th day of August, 2025.

CITY OF BEL AIRE, KANSAS

Phillip Jordan, Chairperson

ATTEST:

Paula L. Downs, Secretary

APPROVED AS TO FORM ONLY:



Maria A. Schrock, City Attorney

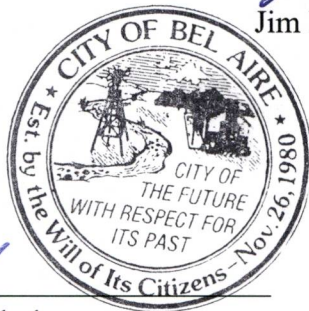
PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas,
on the 2nd day of September, 2025.

SIGNED by the Mayor on the 2nd day of September, 2025.

CITY OF BEL AIRE, KANSAS



Jim Benage, Mayor



ATTEST:



Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:



Maria A. Schrock, City Attorney

City of Bel Aire

STAFF REPORT**DATE: 09/08/2026**

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Goddard Duplex Action

STAFF COMMUNICATION

FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

At the August 13, 2026, Planning Commission meeting, the agenda included a discussion item related to the City of Goddard's Resolution regarding duplexes and twin homes. The agenda packet contained a document submitted by Commissioner Sutherland outlining information being considered in that Resolution. No action was taken by the Planning Commission at that time. Commissioner Sutherland has requested time again on the September 10, 2026, agenda to continue this discussion regarding Goddard's actions on duplexes.

Current Discussion

Staff understands that the item has been added to provide an opportunity for the Commission to revisit the previous discussion and begin identifying what types of zoning regulation changes—if any—or new regulations might be needed moving forward. Because staff has not yet been provided clarification on the specific issues or desired outcomes, this discussion may serve as an initial step in understanding how Goddard's approach to duplexes and twin homes could inform Bel Aire's future regulatory considerations.

This meeting may allow the Commission to determine what topics should be explored in more detail at future meetings. Once the Commission clarifies the focus and intended direction, staff can prepare targeted analysis and information.

Conclusion

As a result, this agenda item provides an opportunity for the Commission to define its objectives before determining next steps. After the Commission identifies its priorities and areas of concern, staff can conduct further research and assess the implications for Bel Aire's zoning regulations.

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

City of Bel Aire

STAFF REPORT**DATE: 09/03/2026****TO: Bel Aire Planning Commission****FROM: Paula Downs****RE: Zoning Code Enforcement****STAFF COMMUNICATION**

FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report provides an overview of the zoning code enforcement process and responds to Commissioner Sutherland's request for discussion regarding enforcement steps, timing, responsible parties, and general historical enforcement information.

Current Discussion

Commissioner Sutherland requested time on the September 10, 2026, Planning Commission agenda to review and discuss the City's zoning violation enforcement process. Clarifying this agenda item resulted in two primary questions:

- What is the enforcement policy for zoning violations, including the steps taken, timelines involved, and staff roles?
- What zoning violations have occurred over the past five years, and how were they resolved?

The enforcement procedures for zoning regulations are established in **Chapter 18 – Zoning Regulations, Article 3 – Administration and Enforcement**. Relevant sections include:

- **18.3.4 – Violations of These Regulations**
- **18.3.5 – Enforcement**
 - Outlines the responsibility of the Zoning Administrator, Building Inspector, or designee to serve as the enforcement officer and explains enforcement duties.

- **18.3.6 – Violation Enforcement Procedures**
 - Includes processes for written notices, expanding violations, and emergency abatement measures.
- **18.3.7 – Violations of Prior Regulations**
- **18.3.8 – Civil and Administrative Remedies**
 - Lists remedies such as withholding permits or approvals, revoking permits or plans, issuing stop-work notices, civil actions, cumulative remedies, and enforcement of floodplain violations.
- **18.3.9 – Jurisdiction of Municipal Court**

These sections have been included in the agenda packet for Commissioner review.

The Community Development Department does not maintain a standardized database of zoning violations. Instead, cases are handled individually. In most instances, property owners comply once requirements are communicated, and issues are resolved without progressing to formal enforcement procedures.

Conclusion

The zoning enforcement framework in Chapter 18 provides a clear and comprehensive structure for addressing violations, ensuring due process while promoting voluntary compliance. Although historical data is not centrally stored, staff experience indicates that most issues are resolved cooperatively before formal enforcement becomes necessary. The upcoming discussion will give Commissioners an opportunity to evaluate current practices, offer feedback, and consider whether additional guidance is needed.

Article 3. Administration and Enforcement

18.3.1. Zoning administrator as administrative official.

Except where otherwise specifically provided in these Regulations, the Zoning Administrator, or his/her designee, shall be the administrative official charged with interpreting, carrying out, and enforcing the provisions of these Regulations.

18.3.2. Planning commission.

- A. Establishment. A Planning Commission is hereby created and continued in accordance with the authority of K.S.A. 12-744 and amendments thereto.
- B. Membership, Terms and Vacancies.
 1. Membership. The Planning Commission shall have seven (7) members, of which two (2) members shall reside in the unincorporated area outside of the City, but within three (3) miles of the planning area of the city as defined in the Comprehensive Plan for the City. The remaining members shall be residents of the City of Bel Aire.
 2. Appointment. The members of the Planning Commission shall be appointed by the Mayor, by and with the consent of the city council, in all respects as required by law.
 3. Term of Office. The term of office of the members of the Planning Commission shall be for three years. At the end of the three year term, a member may be reappointed to the planning commission with the approval of the city council.
 4. Vacancies. Vacancies on the Planning Commission shall be filled by appointment of the Mayor with the consent of the City Council for the remainder of the unexpired term of the Planning Commissioner whose position has been vacated.
 5. Removal. Members may be removed for due cause shown including, but not limited to, non-attendance of either regular or special meetings, arriving late to meetings or leaving meetings early, a pattern of non-participation in the decision making process, failure to become familiar with the city zoning regulations and/or subdivision regulations, or failure to familiarize oneself with the cases brought before the Commission.
- C. Officers. The Planning Commission shall elect one (1) of its members as chairperson who shall serve one (1) year and until their successors have been selected. A City staff member shall serve as secretary and provide staff support for the Planning Commission.
- D. Meetings. The members of the Planning Commission shall meet as determined necessary to perform its duties. Meetings may be called at any time by the chairperson or the Zoning Administrator, with twenty-four (24) hours written notice to the membership, and notification provided to the public in conformance with the Kansas Open Meetings Act. A majority of the Commission shall constitute a quorum for the transaction of business. City staff shall keep minutes of the Commission's proceedings and official actions, including its examinations and findings. Following approval and adoption by the Planning Commission, such minutes shall be filed with the City Clerk.
- E. Powers and Duties. The powers and duties of the Planning Commission shall be those authorized by Article 7 of Chapter 12 of the Kansas Statutes Annotated (KSA 12-741, et seq.), and amendments thereto, these zoning regulations, and any other powers and duties as set forth within State or local law.

- F. Procedures. Procedures not set forth within Statute or these Regulations may be determined by the by-laws adopted by the membership of the Planning Commission. Such by-laws may be revised in accordance with the established procedures set forth within such by-laws.

18.3.3. Board of zoning appeals created.

- A. Establishment. Board of Zoning Appeals (BZA or Board) for the City of Bel Aire is hereby created under the authority of K.S.A. 12-713. The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of these Regulations.
- B. Members. The membership of the Board is hereby fixed at three members, all of whom shall be residents of the City. None of the members shall hold any other office of the City, except the Chair of the Board shall also be the Chair of the Planning Commission.
- C. Appointment. The two at-large members of the Board shall be appointed by the Mayor by and with the consent of the city council in all respects as required by law.
- D. Removal. Members may be removed from the Board for due cause shown including, but not limited to, non-attendance of either regular or special meetings, arriving late to meetings or leaving meetings early, non-participation in the decision making process, failure to become familiar with the city zoning regulations and/or subdivision regulations, or failure to familiarize oneself with the cases brought before the Board.
- E. Same; Term of Office. The term of office of the Chair shall be consecutive with that individual's term as Chair of the Planning Commission. The term of office of the at-large members of the Board shall be for three years. At the end of the three year term, the at-large member may be reappointed with the approval of the city council. Vacancies shall be filled for unexpired terms only.
- F. Organization and Responsibilities. The Board shall adopt rules and/or regulations for the conduct of its business in the form of by-laws in accordance with the provisions of the Zoning Regulations. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine, with public notice in conformance with the Kansas Open Meetings Act. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings which document the evidence presented, findings of fact by the Board, decision of the Board, the vote of each member upon each question, and whether a member was absent or failed to vote. Records of all official actions of the Board shall be filed with the City Clerk and shall be public record. The Zoning Administrator shall serve as Secretary and staff to the Board, and provide the Board with staff reports and such other information as required by the Board. The Secretary shall have no vote in the matters before the Board.
- G. Dissolution. The Mayor, with the approval of the City Council, may dissolve a duly appointed Board.
- H. Final Decision. Unless otherwise stated herein, any decision of the Board of Zoning Appeals shall be final, and may be appealed to the Sedgwick County District Court in conformance with State law. The decision of the Board shall not be stayed pending appeal unless directed by the District Court.

(Ord. 746)

18.3.4. Violations of these regulations.

Any of the following shall be considered a violation of any permit, approval, certificate of authorization granted by the City, and shall be subject to the enforcement remedies provided by these Regulations and by Kansas State law.

- A. Development or use without, or inconsistent with, permit or approval. To erect, construct, reconstruct, remodel, alter, maintain, move or use any building, structure or sign, or to use, alter or maintain any land without, or in any way inconsistent with, all of the required permits, approvals, certificates and other forms of authorization required by these Regulations.
- B. Development or use inconsistent with these Regulations or the terms of a Permit or License. To erect, construct, reconstruct, remodel, alter, maintain, move or use any building, structure or sign or to use, alter or maintain any land in violation of any zoning, subdivision or general regulation of these Regulations or any Permit or License issued pursuant to these Regulations.
- C. Development or use inconsistent with conditions. To violate, by act or omission, any term, condition or qualification placed by the City upon a required permit, certificate, rezoning, plan approval or other form of authorization granted by the City to allow the use, development or other activity upon land or improvements thereon. This includes occupying any building or structure which requires a Certificate of Occupancy for which there is not a valid Certificate of Occupancy.
- D. Making lot or yard nonconforming. To reduce or diminish any lot area so that the yards or open spaces shall be smaller than prescribed by these requirements or the final plat or plan.
- E. Increasing use intensity. To increase the intensity and/or density of use of any land or structure, except in accordance with the procedural and substantive requirements of these Regulations.
- F. Remove, deface, obstruct, or prevent notice. To remove, deface or obscure any sign required by these Regulations, or otherwise interfere with any notice required by these Regulations.

18.3.5. Enforcement.

It shall be the duty of the Zoning Administrator and/or Building Inspector, or any designee, to serve as the enforcement officer for these Zoning Regulations. Such enforcement officer shall enforce the provisions of these Regulations and refuse to issue any permit allowing any building or structure to be constructed or to use any premises in violation of any of the provisions hereof, and to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein in violation of any provision of these Regulations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these Regulations, the building inspector is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation and to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, or use in or about such premises in any manner provided for in these Regulations or in State law.

18.3.6. Violation enforcement procedures.

- A. Written Notice. In the case of violations not involving continuing construction, expansion of the violation, or emergency situation, the City shall give written notice of the nature of the violation to the owner, occupant or agent of the property at the last known address in conformance with K.S.A. 12-1617e. The contents of the notice shall give a description of the nature of the violation.

that would reasonably allow the property owner or other responsible person, representative, or tenant to determine the nature of the violation to allow for self-abatement, and provide for a minimum of five (5) days to perform such abatement.

- B. **Expanding Violation.** If an authorized agent of the City makes a reasonable determination that a violation of either these Regulations or the approved plan, license, or permit has occurred, and such violation involves continuing construction or is otherwise expanding the nature of the violation or the harm, the City may take immediate action so as to limit or reduce the harm, cost, or extent of the violation. The Enforcement Officer may issue a notice to immediately stop, either temporarily or permanently, the identified continuing or expanding violation through any available remedy, including, but not limited to: permit revocation, stop work, withdrawal of Certificate of Occupancy, and/or filing a complaint in conformance with Section 3.09, and/or seeking civil remedy.
- C. **Emergency Abatement.** Any party submitting, applying for, or accepting any plan, license or permit associated with construction within the City acknowledges and accepts the City's authority to take immediate enforcement action to abate emergency situations deemed a hazard to the health, safety, and welfare of the community, or any individual thereof. No other notification procedures are required as a prerequisite to such immediate enforcement action.

18.3.7. Violations of prior regulations.

All violations of prior zoning regulations of the City, or any Sedgwick County, or township regulations that have accrued in the City as of the effective date of these Regulations, shall continue to be violations. Additionally, the City may secure civil remedies for any such violations of such Regulations.

18.3.8. Civil and administrative remedies in response to violations.

The City shall have the following remedies and enforcement powers:

- A. **Withhold permits or approvals.** The City's enforcement officer may deny or withhold all permits, certificates, plan or plat approvals or other forms of authorization on any building, structure or land, or improvements thereon, upon which there is an uncorrected violation of any provision of these Regulations or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. Alternatively, the City may grant such authorization subject to the condition that the violation be corrected. The provisions of this subsection shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
- B. **Revoke permit(s).**
 - 1. A permit may be revoked by the Zoning Administrator, or his/her designee, at any time, when it appears to such official that one (1) or more of the following conditions are present:
 - (a) There is departure from the plans, specifications or conditions as required under the terms of the permit.
 - (b) That the permit was procured by false representation.
 - (c) That the permit was issued by mistake, or
 - (d) That any of the provisions of these Regulations are being violated.

2. Written notice of such revocation shall be served upon the owner, the owner's contractor, or upon any person employed in the building or structure for which such permit was issued, or shall be posted in a prominent location on the property. Where notice of revocation has been served or posted, no further construction or use of the property shall proceed. Failure to abide by a Stop Work Order issued in association with a revocation of a permit is a violation of this section and is subject to prosecution in conformance with Section 3.09.
 3. Any revocation of a permit may be appealed in writing to the City Manager within five (5) days of any such revocation. The City Manager shall make a written response to such appeal. Such written response shall be appealable to the BZA.
- C. Stop work. With or without revoking permits, the enforcement officer may stop work on any development, building, or structure on any land on which there is an uncorrected violation of a provision of these Regulations or a violation of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. Failure to abide by a Stop Work Order is a violation of this Section and is subject to prosecution in conformance with Section 3.09.
 - D. Revoke plan or other means of approval. Where a violation of these Regulations involves a failure to comply with all terms of approved plans, including conditions upon which the approval of such plans was made contingent, the City shall, upon notice to the applicant, revoke the plan. Subsequent reinstatement of such plan shall be conditioned upon strict compliance with all terms of such plan, including such additional terms as the City may reasonably impose to assure compliance with the terms of the plan or other approval.
 - E. Civil remedies. The City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of these Regulations and to abate nuisances maintained in violation thereof. In the event that any building or structure is proposed to be erected, constructed, altered, converted, occupied, or maintained in violation of these Regulations, any appropriate authority of the City may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, occupation, or use or to correct or abate such violation or to prevent the occupancy of such building, structure or land.
 - F. Cumulative. These remedies shall be cumulative.
 - G. Flood Plain Violations. Any person, company, corporation, institution, municipality, or agency of the state that violates any provision of the flood plain provisions of these regulations shall be subject to the penalties and remedies as provided in these Regulations, in accordance with K.S.A. 12-761. Such remedies may also be instituted by the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture.
 - H. Other remedies. In addition to the enforcement powers and remedies specified in this title, the City may exercise any and all enforcement powers and remedies granted to it by Kansas State law, as it may be amended from time to time.

18.3.9. Jurisdiction of municipal court.

In addition to any other civil or criminal response to violations, violations of any provision of these Regulations may be prosecuted in the municipal court of the City.

All real and personal property owners, developers, individuals obtaining licenses to construct, alter, repair, maintain, improve, or demolish any building, structure, plan or project, and contractors/subcontractors performing work within the City in conformance with such plan shall be liable for any violation of these Regulations associated with their property, license, job, project, or work performed, and may be cited for such violation in their individual capacity.

Any violation of the provisions of these regulations shall be an unclassified misdemeanor and shall be punishable by a fine of not to exceed \$500 or by imprisonment for not more than thirty (30) days for each offense, or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

City of Bel Aire

STAFF REPORT

DATE: 09/03/2026

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Meeting Minutes Discussion

STAFF COMMUNICATION	
FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report provides background and contextual information regarding the format, detail level, and expectations for Planning Commission meeting minutes. As requested by Chairman Jordan, the Commission will discuss whether the current style of detailed summary minutes should continue or be modified, taking into consideration transparency, public access, Bylaw requirements, and staff workload.

Background

The Planning Commission Bylaws outline specific duties related to meeting minutes:

- **Article II, Section 3, Item 3a** states that the Secretary must prepare minutes for each Planning Commission meeting and submit them for approval. Once minutes are approved, meeting recordings are deleted.
- **Article III, Section 8** requires the Secretary to keep complete records of all Commission proceedings and to maintain permanent minutes available for public view.

To meet these requirements, the Secretary has been preparing **detailed summary minutes** that thoroughly capture discussions across all agenda items. This approach enhances transparency and ensures that the public record reflects the full context of Commission decisions. As a result, recent meeting minutes often exceed **15 pages**.

Current Discussion

Chairman Jordan requested an agenda item to evaluate the current style and length of Planning Commission minutes and to determine whether revisions are appropriate moving forward.

Key considerations for this discussion include:

- Whether detailed summary minutes continue to serve the Commission’s goals of transparency and completeness.
- Whether a more concise or action-focused minute format would still comply with Bylaw requirements.
- The balance between thorough documentation and staff workload, given the extensive length of recent minutes.
- Ensuring that any changes maintain compliance with record-keeping obligations required for public access and historical preservation.

This discussion will help determine the level of detail the Commission expects in future minutes and guide the Secretary in producing documentation that appropriately reflects Commission priorities.

Conclusion

The Planning Commission’s meeting minutes play a vital role in preserving the public record, ensuring transparency, and documenting the Commission’s discussions and decisions. As the Commission considers potential changes to meeting minute style and length, it is important to weigh clarity, completeness, Bylaw requirements, and administrative efficiency. Establishing clear expectations will allow the Secretary to prepare minutes that meet the Commission’s needs while maintaining consistent, publicly accessible documentation. The upcoming discussion will help define a standard that balances transparency with practicality and supports effective governance.

City of Bel Aire

STAFF REPORT

DATE: 09/08/2026

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Setback Discussion

STAFF COMMUNICATION	
FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report provides an overview of the setback requirements outlined in the City’s zoning regulations. Commissioner Sutherland requested time on the September 10, 2026, Planning Commission agenda to discuss setbacks and explore how the Commission can ensure that setback requirements are correct in all situations, both residential and commercial, and consider whether improvements or implementation changes are needed.

Current Discussion

Setbacks are addressed throughout Chapter 18 of the Zoning Regulations in several key locations:

- **Article 2 – Definitions:** Includes definitions for building line, setback building, setback, and provides additional references to setbacks.
- **Article 6 – Zoning Districts (General Regulations):** Covers general regulations, accessory use provisions, setback requirements, and height restrictions.
- **Article 7 – Zoning Districts:** Each zoning district establishes specific setback requirements.
- **Article 8 – Home Occupation:** Addresses setbacks related to home occupations, nonconforming uses, and areas within Planned Unit Developments (PUDs).
- **Article 9 – Parking and Loading:** Contains references to setback considerations in relation to parking and loading standards.

These sections collectively govern how setbacks apply across residential, commercial, and special use contexts.

Conclusion

Staff has not yet clarified the specific issue or concern prompting the review of setback regulations. As a result, the Commission may use this agenda item to identify the precise objectives of the discussion-whether related to consistency, enforcement, clarity, or potential amendments.

Given the broad distribution of setback requirements throughout Chapter 18, a focused review may help determine whether updates, consolidations, or clarifications are needed. Staff can provide additional analysis once the specific direction or intent of the discussion is established.

City of Bel Aire

STAFF REPORT**DATE: 09/08/2026****TO: Bel Aire Planning Commission****FROM: Paula Downs****RE: Landscaping Discussion****STAFF COMMUNICATION**

FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report provides an overview of the landscaping requirements set out in the City's zoning regulations. Commissioner Sutherland requested time on the September 10, 2026, Planning Commission agenda to discuss landscaping and explore how the Commission can ensure that requirements are correct for both residential and commercial properties, as well as consider potential improvements or changes to implementation.

Current Discussion

Landscaping regulations are primarily located in **Chapter 18, Article 10** of the Zoning Regulations. While landscape-related provisions appear in other areas of the code, staff is not specifying those sections here because the purpose and scope of the requested discussion remain unclear. This allows the Commission to direct the discussion toward the topics it wishes to address during the meeting.

Conclusion

Staff is not clear on the specific issue or concern prompting the review of landscape regulations. As a result, the Commission may use this agenda item to identify the precise objectives of the discussion-whether related to consistency, enforcement, clarity, or potential amendments.

Given the broad distribution of landscape requirements a focused review may help determine whether updates, consolidations, or clarifications are needed. Staff can provide additional analysis once the specific direction or intent of the discussion is established.

City of Bel Aire

STAFF REPORT**DATE: 09/08/2026**

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: SB418 Discussion

STAFF COMMUNICATION

FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report provides an overview of SB418, which became law in April 2026. The legislation aims to increase housing production, reduce regulatory barriers, encourage housing affordability, and streamline approval processes for residential development.

Commissioner Sutherland requested time on the September 10, 2026, Planning Commission agenda to discuss SB418 and explore how the Commission may implement, refine, or enhance local regulations in response to the new law.

Current Discussion

SB418 introduces several new state requirements related to housing and land use. Key components include:

- By-right housing development
- Accessory dwelling units (ADUs)
- Residential zoning classifications
- Minimum lot size requirements
- Timely permit processing
- Residential design standards
- Rezoning procedures

City staff is evaluating the Act to determine which sections of the zoning regulations will require amendment.

Areas under review include:

- Regulations governing accessory dwelling units
- Residential use classifications
- Minimum lot size standards
- Parking requirements
- Permit review procedures
- Protest petition processes

Legal interpretation will be necessary to fully determine the extent of required code changes and ensure alignment with state law.

Conclusion

As part of the zoning regulation update process, staff will complete a comprehensive review of Chapter 18 related to development regulations. The City will ensure compliance with SB418 through clear, well-defined standards. Requirements established by the Act will be incorporated into draft zoning code updates presented during future workshops and feedback sessions.

SENATE BILL No. 418

AN ACT concerning housing; relating to new housing development; enacting the by-right housing development act providing a streamlined permit approval process for by-right housing developments; allowing for third-party review of new residential construction development documents and inspection of improvements; requiring political subdivisions to allow certain building provisions for certain single-family residences of a certain size; excluding owner initiated rezoning to a single-family residential district from protest petition provisions; providing for all land within the corporate limits of a city that is zoned for any type of residential use to be considered zoned for single-family residential use; amending K.S.A. 12-757 and 12-758 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) (1) This section shall be known and may be cited as the by-right housing development act.

(2) The purpose of this section is to promote the development of housing by streamlining the approval process for by-right housing development, including single-family homes, townhouses and accessory dwelling units (ADUs). By facilitating the construction of additional housing units, this section aims to address statewide housing shortages and promote affordability.

(b) For the purposes of this section:

(1) "Accessory dwelling unit" or "ADU" means a secondary housing unit that is subordinate to the primary dwelling unit on the same lot and may include a separate kitchen, bathroom and entrance.

(2) "By-right housing development" refers to the approval of proposed housing projects as a matter of right without the need for discretionary review or approval if such projects comply with established land use regulations and:

(A) Do not require federal or state discharge permits or stormwater drainage studies;

(B) have a maximum of 12 attached units as part of any townhouse project;

(C) comply with the condition that the construction of public infrastructure extensions or improvements:

(i) Is not required for the development;

(ii) has been completed; or

(iii) is a condition of the regulatory authority's approval of the application for a by-right housing development that has been agreed to by the applicant;

(D) would not increase impervious surface in a manner that adversely affects drainage into a special flood hazard area as defined by any adopted floodplain management ordinance, as designated by the Kansas department of agriculture's division of water resources or other office designated by the governor or by law; and

(E) are not located within a district listed on the national register of historic places or otherwise subject to historic preservation review under applicable state, federal or local law.

(3) "Single-family home" means a detached or semi-detached dwelling arranged, intended or designed to be occupied by a single family. A semi-detached dwelling is also known as a duplex.

(4) "Townhouse" means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with a yard or public way on not less than two sides.

(c) By-right housing development. (1) All proposed housing developments, including single-family homes, townhouses and accessory dwelling units (ADUs), that meet the definition of a by-right housing development pursuant to subsection (b)(2) and the criteria outlined in the zoning code and land use regulations shall be approved by-right, without the need for discretionary review or approval by planning commissions, zoning boards or other regulatory bodies.

SENATE BILL No. 418—page 2

(2) A complete application for a by-right housing development that demonstrates that such development meets the criteria outlined in the zoning code and land use regulations shall be deemed approved unless the application is denied within 30 days of receipt by the permitting or regulatory authority, or within 60 days for an application that requires approval of a subdivision plat pursuant to K.S.A. 12-752, and amendments thereto, or within 90 days for an application that requires approval of a subdivision plat of more than 40 single-family homes pursuant to K.S.A. 12-752, and amendments thereto. Notwithstanding the foregoing, a subdivision plat shall not be deemed approved unless such plat complies with all applicable subdivision statutes and regulations adopted pursuant to K.S.A. 12-752, and amendments thereto.

(d) *Monitoring and compliance.* (1) Regulatory authorities shall monitor compliance with approved by-right housing developments to ensure adherence to applicable regulations and standards.

(2) Noncompliance with by-right approvals may result in enforcement actions, such as fines, penalties or project modifications to bring the development into compliance.

(e) *Restrictive covenants or condominium association or homeowners association regulations.* Nothing in this section shall be construed to invalidate or limit the legality, enforceability or effect of restrictive covenants or condominium association or homeowners association regulations. Courts shall recognize and enforce such covenants and regulations in accordance with applicable laws.

(f) *Appeal of denied permit application.* (1) An appeal of a denied by-right housing development permit application pursuant to this section shall adhere to the provisions of K.S.A. 12-760, and amendments thereto, except that if the regulatory authority has established an administrative appeal process to consider such appeals, such administrative appeal process may be completed first. Notwithstanding any provisions of law to the contrary, the court reviewing a denied permit application for a by-right housing development shall review the decision of the permitting authority de novo. The inquiry in such a case shall extend to the questions of whether the permitting authority proceeded without, or in excess of, jurisdiction, whether there was a fair process and whether there was any abuse of discretion.

(2) For the purpose of this section, abuse of discretion is established if the court determines that the permitting authority's findings are not supported by clear and convincing evidence in light of the record as a whole.

(3) If the court overturns the denial, the court may remand the matter to the permitting authority or direct the permitting authority to grant the permit.

(4) The court retains the authority to exercise equitable authority where appropriate and may, upon a finding that the permitting authority acted in bad faith, award reasonable attorney fees and costs to a prevailing applicant. In no circumstances shall attorney fees or costs be awarded to the government or a third party challenging a permit.

New Sec. 2. (a) For the purposes of this section:

(1) "Development document" means a document, including an application for a plat, plan or development permit, related to the development of or improvement to land for new residential construction that is required by law, ordinance, rule or other measure to be approved by a regulatory authority in order for a person to initiate, engage in or complete the development or improvement.

(2) "Development inspection" means the inspection of an improvement to land for new residential construction required by a

SENATE BILL No. 418—page 3

regulatory authority as part of a project to develop the land for residential construction or construct or improve an improvement to the land for new residential construction.

(3) "Development permit" means a permit required by a regulatory authority to develop land for new residential construction or construct or improve an improvement to land for new residential construction.

(4) "Regulatory authority" means the governing body of a political subdivision or a department, board, commission or other entity of the political subdivision responsible for processing or approving a development document or conducting a development inspection that has elected to be subject to this section.

(b) *Third-party review of development documents or inspection of improvements in consenting political subdivisions.* The governing body of a political subdivision may elect to be subject to this section by the adoption of an appropriate ordinance or resolution by a majority vote of the governing body.

(1) If a regulatory authority does not approve, conditionally approve or deny a development document within 30 days of receipt, any required review of the document may be performed by a person:

- (A) Other than:
 - (i) The applicant; or
 - (ii) a person whose work is the subject of the application; and
- (B) who is:
 - (i) Employed by the regulatory authority to review development documents;
 - (ii) employed by another political subdivision to review development documents, if the regulatory authority has approved the person to review development documents; or
 - (iii) a licensed professional engineer as defined in K.S.A. 74-7003, and amendments thereto.

(2) If a regulatory authority does not conduct a required development inspection within 30 days after receipt of a request for an inspection, the inspection may be conducted by a person:

- (A) Other than:
 - (i) The owner of the land or improvement to the land that is the subject of the inspection; or
 - (ii) a person whose work is the subject of the inspection; and
- (B) who is:
 - (i) Certified to inspect buildings by the international code council;
 - (ii) employed by the regulatory authority as a building inspector;
 - (iii) employed by another political subdivision as a building inspector, if the regulatory authority has approved the person to perform inspections; or
 - (iv) a licensed professional engineer as defined in K.S.A. 74-7003, and amendments thereto.

(c) *Additional fee prohibited.* A regulatory authority may not impose an additional fee related to the review of a development document or the inspection of an improvement conducted under subsection (b).

(d) *Third-party requirements.* (1) A person who reviews a development document or conducts a development inspection under subsection (b) shall:

- (A) Review the document, conduct the inspection and take all other related actions in accordance with all applicable provisions of law; and
- (B) not later than 15 days after the date that the person completes the review or inspection, provide notice to the regulatory authority of the results of the review or inspection.

(2) A regulatory authority may prescribe a reasonable format for

SENATE BILL No. 418—page 4

the notice required under paragraph (1).

(e) *Waiver prohibited.* A regulatory authority may not request or require an applicant to waive a deadline or other procedure under this section.

(f) Appeal. (1) Notwithstanding any provision of law to the contrary, an aggrieved person may appeal to the governing body of a political subdivision or to an appeal board established by such governing body:

(A) A decision to conditionally approve or deny a development document made by the regulatory authority for the political subdivision or a person authorized by subsection (b)(1) to perform the review of the document; or

(B) a decision regarding a development inspection conducted by the regulatory authority or a person authorized by subsection (b)(2) to perform the inspection.

(2) An aggrieved person shall file the appeal under this subsection not later than 15 days after the date that the decision being appealed is made.

(3) Notwithstanding any provision of law to the contrary, if the governing body or designated appeal board hearing the appeal does not affirm or modify the decision being appealed by a majority vote within 60 days after the date that the appeal is filed, then:

(A) The development document that is the subject of the appeal shall be deemed approved; or

(B) the development inspection that is the subject of the appeal shall be considered to be waived by the governing body or designated appeal board.

New Sec. 3. (a) Notwithstanding any provision of law to the contrary, for new construction of single-family residences that are less than 2,500 square feet of total livable floor area, or gross floor area minus garages and basements, in size, and are constructed on each such residence's own separate lot or parcel with its own individual legal description, all political subdivisions shall allow the following:

(1) Use of any of the following, at the discretion of the political subdivision:

(A) The 2018 edition of the international residential code (IRC);

(B) the version of the 2018 edition of the IRC previously adopted by the political subdivision; or

(C) the version of the 2018 edition of the IRC adopted by another political subdivision;

(2) construction of single-car garages;

(3) only one side of architectural finish; and

(4) a minimum residential lot size of 3,000 square feet subject to any reasonable setback requirements that avoid unwarranted hardship yet protect the public welfare and safety.

(b) Any part of any building code, ordinance, resolution, regulation or rule of any political subdivision that violates this section shall be null and void as applied to such property.

(c) For purposes of this section, "political subdivision" means any county, city, unified government or any other political or taxing subdivision of the state of Kansas, or an administrative unit thereof, with authority to regulate the new construction of single-family residences.

Sec. 4. K.S.A. 12-757 is hereby amended to read as follows: 12-757. (a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing

SENATE BILL No. 418—page 5

regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. The governing body shall establish in ~~its~~ *such governing body's* zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.

(b) All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations provided in K.S.A. 12-756, and amendments thereto. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered and to all owners of record of real property located within at least 200 feet of the area proposed to be altered for regulations of a city and to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered for regulations of a county. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Notice of a county's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. 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 or the governing body. Such notice is sufficient to permit the planning commission to recommend amendments to zoning regulations ~~which~~ *that* affect only a portion of the land described in the notice or ~~which~~ *that* give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remailing, unless the planning commission has previously established a table or publication available to the public ~~which~~ *that* designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

(c) (1) Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of ~~their~~ *such owners'* property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing in like manner as required in subsection (b) ~~of this section~~. Such zoning amendment shall not require written notice and shall not

SENATE BILL No. 418—page 6

be subject to the protest petition provision of subsection (f) ~~of this section.~~

(2) *Whenever a property owner that is not a city or county initiates a rezoning of such owner's property to a single-family residential district, such amendment shall require notice by publication and hearing in like manner as required in subsection (b). Such zoning amendment shall not require written notice and shall not be subject to the protest petition provisions of subsection (f).*

(3) Whenever a city or county initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing in like manner as that required by subsection (b) ~~of this section.~~ In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition under subsection (f) ~~of this section.~~

(d) Except as provided in subsection (g) and unless otherwise provided by this act, the procedure for the consideration and adoption of any such proposed amendment shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of the members of the planning commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the governing body. If the planning commission fails to make a recommendation on a rezoning request, the planning commission shall be deemed to have made a recommendation of disapproval. When the planning commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the governing body may: (1) Adopt such recommendation by ordinance in a city or by resolution in a county; (2) override the planning commission's recommendation by a $\frac{2}{3}$ majority vote of the membership of the governing body; or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendation, the planning commission, after considering the same, may resubmit ~~its~~ *the planning commission's* original recommendation giving the reasons therefor or submit new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or ~~it~~ *the governing body* need take no further action thereon. If the planning commission fails to deliver ~~its~~ *the planning commission's* recommendation to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

(e) If such amendment affects the boundaries of any zone or district, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map ~~which that~~ has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, ~~shall~~ order the official map to be changed to reflect such amendment, ~~shall~~ amend the section of the ordinance or resolution incorporating the same and ~~shall~~ reincorporate such map as amended.

SENATE BILL No. 418—page 7

(f) (1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) ~~of this subsection~~, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in paragraph (1) ~~of this subsection~~.

(g) An ordinance or resolution adopting a zoning amendment for mining operations subject to K.S.A. 49-601 et seq., and amendments thereto, regardless of a protest petition or failure to recommend by the planning commission shall only require a majority vote of all members of the governing body.

(h) Zoning regulations may provide additional notice by providing for the posting of signs on land ~~which~~ *that* is the subject of a proposed rezoning; for the purpose of providing notice of such proposed rezoning.

Sec. 5. K.S.A. 12-758 is hereby amended to read as follows: 12-758. (a) Except as otherwise provided by this section and K.S.A. 12-770 and 12-771, and amendments thereto, regulations adopted under authority of this act shall not apply to the existing use of any building or land; but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted under this act. If a building is damaged by more than 50% of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations adopted under this act.

(b) Except for flood plain regulations in areas designated as a flood plain, regulations adopted by a city pursuant to K.S.A. 12-715b, and amendments thereto, or a county pursuant to this act shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise.

(c) *Notwithstanding any provision of law to the contrary, all land within the corporate limits of a city that is zoned for any type of residential use shall be considered zoned for single-family residential use in addition to any other zoning adopted by the city for such land. This provision shall not limit a city's ability to impose reasonable regulations related to setbacks, the provision of development and performance standards, utility and subdivision standards, future provisions for street and utility connections, grading plans and platting the property that are related to single-family residential developments of land not zoned for single-family residential use.*

SENATE BILL No. 418—page 8

Sec. 6. K.S.A. 12-757 and 12-758 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

By-right Housing; SB 418

SB 418 enacts the By-right Housing Development Act and makes various changes to law regarding residential housing planning, development, and construction.

By-right Housing Development Act

The By-right Housing Development Act (Act) provides a streamlined approval process for certain housing developments, including single-family homes, townhouses, and accessory dwelling units (secondary housing units subordinate to a primary dwelling unit on the same lot).

The stated purpose of the Act is to promote the development of housing by streamlining the residential housing development approval process in order to facilitate construction of additional housing units to address statewide housing shortages and promote affordability.

The bill requires regulatory authorities to approve such proposed developments as a matter of right (“by-right”) and without discretionary review or approval if they:

- Meet the criteria outlined in the zoning code, land-use regulations, and any applicable subdivision statutes and regulations;
- Have a maximum of 12 attached units as part of any townhouse project;
- Would not increase impervious surface in a manner adversely affecting drainage into a special flood hazard area; and
- Are not within a registered historical district or subject to historic preservation review.

After receipt by the regulatory body, a complete application demonstrating the proposed development meets such criteria is deemed approved if not otherwise denied within the following time frames:

- 90 days, for applications requiring approval of a subdivision plat of more than 40 single-family homes;
- 60 days, for other applications requiring subdivision plat approval; or
- 30 days for other applications.

Denied applications may be appealed through a process established by the Act.

Regulatory authorities are required to monitor compliance with approved by-right housing developments to ensure adherence to applicable regulations and standards, and non-

compliance may result in enforcement actions such as fines, penalties, or project modifications to bring the development into compliance.

Nothing in the Act should be construed to invalidate or limit restrictive covenants or condominium association or homeowners association regulations.

Third-party Review and Inspection

The bill allows a governing body to adopt a resolution authorizing third parties to review residential development documents and conduct inspections of residential improvements.

Upon adoption of such a resolution, legally required applications for a residential housing plat, plan, or development that are not approved, conditionally approved, or denied by the applicable regulatory authority within 15 days of receipt may be reviewed by a licensed engineer, an employee of the regulatory authority, or an employee of another political subdivision if approved by the regulatory authority. The review cannot be performed by the applicant nor an individual whose work is the subject of such review.

The bill authorizes required inspections not conducted within 15 days after a request is made to be conducted by a certified building inspector, an employee of the regulatory authority, or an employee of another political subdivision if approved by the regulatory authority. The bill prohibits the review from being performed by the landowner or an individual whose work is the subject of such inspection.

A third party performing the required review or inspection is required to take all other related actions in accordance with applicable law and provide the regulatory authority notice of the results of the review or inspection not later than 30 days after its completion.

Notwithstanding any provision of law to the contrary, an aggrieved person can appeal decisions regarding inspections and reviewed applications to the applicable governing body. The bill requires such appeal to be filed within 15 days of the decision. The bill requires the appeal to adhere to current Kansas law providing an action in district court could be brought by an aggrieved person unless the regulatory authority has already established an appeal process to consider such appeals. Such a process could be completed first.

If the governing body or designated appeal board were to not affirm or modify the decision within 60 days of the filing of the appeal, the applicable development document is deemed approved or the applicable inspection is deemed to be waived by the governing body or designated appeal board.

The bill authorizes a court to review a denied permit application and, upon a finding that the permitting authority acted in bad faith, award reasonable attorney fees and costs to a prevailing applicant.

Building Provisions for Single-family Residences

The bill requires political subdivisions to allow all of the following for new construction of single-family residences of less than 2,500 square feet in size and constructed on their own separate lots or parcels:

- Use of the 2018 edition of the International Residential Code (IRC), a version of the 2018 IRC previously adopted by the political subdivision, or a version of the 2018 IRC adopted by another political subdivision;
- Construction of single-car garages;
- Only one side of architectural finish; and
- A minimum lot size of 3,000 square feet, subject to reasonable setback requirements.

The bill provides that any part of any building code, ordinance, regulation, or rule in violation of these requirements would be null and void as applied to such property.

Rezoning Protest Petitions

The bill amends law governing notice of rezoning amendments to provide that rezoning to single-family residential use initiated by the owner that is not a city or county is subject to the notice by publication and public hearing requirements in continuing law, but does not require written notice and is not subject to protest petition provisions that apply to other zoning changes.

Single-family Residential-use Zoning

The bill provides that all land zoned for any type of residential use within the corporate limits of a city is considered zoned for single-family residential use in addition to any other zoning adopted by the city for such land.

The bill does not limit the city's ability to impose reasonable regulations related to setbacks, development and performance standards, utility and subdivision standards, future provision for street and utility connections, grading plans, and platting the property as they relate to single-family residential developments of land not zoned for single-family residential use.

City of Bel Aire

STAFF REPORT

DATE: 09/03/2026

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Agenda

STAFF COMMUNICATION	
FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report outlines the purpose and function of the “Approval of the Agenda” item, recently added to the Planning Commission’s meeting agenda, and clarifies how Commissioners may use it to make adjustments to the meeting’s order of business.

Background

The Planning Commission adopted its Bylaws on August 14, 2025, with City Council approval on September 2, 2025. Article IV, Section 1, “Order of Business,” lists the required agenda items, including “Approval of the Agenda.”

The Bylaws also state that off-agenda items may be added and scheduled items may be removed at the beginning of a regular meeting through a majority vote of Commissioners present.

Current Discussion

Recent conversations among Commissioners regarding potential Bylaw updates- specifically the addition of a “Planning Commission Discussion” item- prompted staff to review the existing Bylaws and ensure consistency between the document and the agenda used for meetings.

The updated meeting agenda now includes this item, and it will remain part of future agendas unless later removed through a Bylaws amendment. Approval of the Agenda confirms the meeting’s order of business and permits additions or revisions to agenda items through a majority vote.

During this agenda item, Planning Commissioners may request the following:

Permitted Adjustments

- Corrections or clarifications, such as fixing typographical errors, modifying titles, adjusting sequencing of items, or correcting case numbers.
- Adjusting the order of items already on the agenda.
- Adding items that do not require public notice, public comment, or formal action.
- Postponing public hearing items already published by continuing them to a future date or noting an applicant withdrawal.
- Making procedural or minor informational updates with majority approval.

Items That Cannot Be Addressed Under Approval of the Agenda:

- Public hearing items requiring advance publication.
- Items requiring formal action or a vote.
- Discussion of development cases unless already included on the agenda (because they require publication and notification).
- Topics likely to generate public interest, such as major zoning regulation changes or large-scale planning initiatives.

Items requiring public notice, public comment, formal action, or case-specific review must be placed on a future agenda.

Conclusion

The addition of the “Approval of the Agenda” item strengthens the Planning Commission’s ability to manage meeting discussions efficiently and transparently. By providing a structured mechanism to correct, adjust, or supplement agenda items, the Commission can maintain flexibility while still adhering to procedural requirements. Clear boundaries regarding what can and cannot be modified during this agenda item help support orderly meetings, reinforce due process, and ensure that items requiring formal notice and public involvement are handled appropriately.

City of Bel Aire

STAFF REPORT

DATE: 09/03/2026

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Updated Agenda Format

STAFF COMMUNICATION	
FOR MEETING OF	9/10/26
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

This report provides an overview of updates made to the Planning Commission’s agenda format to align with the approved Bylaws and ensure clarity and consistency for the agenda process.

Background:

The Planning Commission adopted its Bylaws on August 14, 2025, and the City Council approved them on September 2, 2025. Article IV, Section 1, “Order of Business,” establishes items to include in the agenda and the sequence of those items, which includes:

1. Call to Order
2. Roll call
3. Pledge of Allegiance to the American Flag
4. Consent Agenda
5. Approval of the Agenda
6. Approval of the minutes
7. Announcements
8. Old and New Business
9. Staff reports
- 10.Public hearings
- 11.Approval of Next Meeting Date
- 12.Current Events- Upcoming Agenda Items and Events
- 13.Adjournment

Current Discussion

Recent conversations among Commissioners regarding potential Bylaw updates- specifically the addition of a “Planning Commission Discussion” item- prompted staff to review the existing Bylaws and ensure consistency between the document and the agenda used for meetings. As a result, staff updated the September 10, 2026, agenda to accurately reflect all required items and to clarify the purpose and expectations associated with each.

Agenda Updates:

Approval of the Agenda

This item was discussed during another agenda item and includes a staff report providing relevant information and context.

Approval of the Minutes

The approval of minutes has been moved out of the Consent Agenda and now appears under its own standalone section, consistent with the Bylaws. The updated motion format includes options to approve as presented or amended, or to table the minutes when substantive updates are needed.

- Minutes should be tabled if significant changes arise during discussion and staff determines revisions are necessary.
- If substantive changes are requested, the Commission may approve minutes “as discussed and verified with the recording.”
- Non-substantive corrections (e.g., typographical edits) will be made if submitted prior to the meeting.

Old and New Business

These items now appear separately to clarify their distinct functions.

- Old Business includes items previously discussed by the Commission.
- New Business includes items not yet introduced and may come from Commissioners or staff.

Neither category includes action items; both are for discussion only.

Staff Reports

The Staff Reports section provides informational updates only and does not include items requiring debate, direction, or formal action. Examples include department updates, project progress, new state law information, development trends, or informational follow-ups on prior requests.

Public Hearings

This section contains items requiring public notice, publication, and formal decision-making. Items typically include zoning cases, conditional or special use permits, and Planned Unit Development applications. These items were previously listed under “Planning Commission Business.”

Conclusion

The updated agenda format aligns with the Planning Commission’s Bylaws and improves the clarity, transparency, and efficiency of meeting operations. By clearly defining each agenda section and its purpose, Commissioners and the public benefit from a more structured and predictable meeting process. These refinements also help ensure that discussion items, action items, and informational updates are appropriately categorized, supporting effective governance and accurate record-keeping.