



**AGENDA**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
May 08, 2025 6:30 PM



**I. Call to Order**

**II. Roll Call**

Deryk Faber \_\_\_\_ Phillip Jordan \_\_\_\_ Brian Mackey \_\_\_\_

Paul Matzek \_\_\_\_ Dee Roths \_\_\_\_ Brian Stuart \_\_\_\_

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

**IV. Consent Agenda**

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

**Action:** Motion to approve the minutes of April 10, 2025.

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

**V. Announcements:** No announcements

**VI. Old Business/New Business**

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

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

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

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

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

**Action:** Motion to approve the date of the next meeting: June 12, 2025 at 6:30 p.m.

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

**VIII. Current Events**

**A. Upcoming Agenda Items**

a. Board of Zoning Appeals Ordinance

**B. Upcoming Events**

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

**IX. Adjournment**

**Action:** Motion to Adjourn.

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



# MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS April 10, 2025, 6:30 PM



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

**II. Roll Call**

Chairman Phillip Jordan and Commissioners Dee Roths, Deryk Faber, Brian Mackey, Paul Matzek were present. Commissioner Brian Stuart arrived during the vote for the Minutes.

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

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

Chairman Phillip Jordan led the pledge of allegiance.

**IV. Consent Agenda**

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

**MOTION:** Chairman Jordan moved to approve the minutes of March 13, 2025.

Commissioner Faber seconded the motion. *Motion carried 5-0-1*, with Commissioner Stuart abstaining from the vote.

**V. Announcements:** Edgar Salazar will no longer serve on the Bel Aire Planning Commission. The position is currently vacant and the Mayor will be identifying a new member.

Director of Community Development Paula Downs made the announcement. No questions or comments were received from the Commission.

**VI. Old Business/New Business**

**A. PUD-24-04- Proposed Final R-PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).**

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments.

Staff gave a brief review of the PUD application and related documents including all previous case activity brought before the Planning Commission and City Council.

Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given, according to state statute.

Chairman Phillip Jordan opened the public comment section. Applicant Jay Cook had no comments. No questions were asked of the applicant by the Commission. No one requested to speak. Therefore, Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received, and staff confirmed that none had been received.

Chairman Jordan then requested discussion among the Commission. Commissioners cited Review Criteria 1, 3, 6, 9, and 10 in the staff report for this meeting as evidence in support of approving the zone change request. Specifically, Commissioners cited the following Review Criteria from the Staff Report:

1. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.
3. The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive than what is allowed in the base R-4 district.
6. There is no loss in value or hardship upon the applicant
9. Property Owners as of July 2024 have been notified a total of three times with this R-PUD case. Property owners identified between July 2024 and February 2025 have been notified one time with this R-PUD case. City staff has received no inquiries or feedback from notified residents for the March 13, 2025, hearing.
10. Staff and applicant have revised the R-PUD Agreement to include the following updates:
  - 1) “Townhouse” as fined by the City’s current Zoning Regulations as a permitted use with limitation to the number of units on each lot of record has been added.
  - 2) The minimum lot area and lot widths have been identified and specified. Additionally, all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the R-PUD Agreement.
  - 3) One street tree will be required for each lot that is split
  - 4) The R-PUD Agreement requires, per K.S.A. 58-3706, that covenants include a description of all easements required, including public utilities. This requirement satisfies the easement agreement request by Planning Commission and City Council.

- 5) The R-PUD Agreement includes, as Exhibit 1, the Party Wall Agreement.

**MOTION:** Chairman Jordan moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the zone change request from Single-Family Residential District “R-4” to a Planned Unit Development Residential District “R-PUD” in PUD-24-04 be approved with modifications based on findings as recorded in the summary of this hearing, and the following conditions be made a part of this recommendation:

- a) A Party Wall Agreement is referenced in the Chapel Landing Addition R-PUD Agreement. It shall be incorporated by reference and attached to the R-PUD Agreement as Exhibit 1; and,
- b) The Chapel Landing Addition R-PUD Agreement shall be provided for council consideration, and if approved by council, it shall be attached to the ordinance as Exhibit A; and,
- c) The applicant shall file the ordinance including Exhibit A and an executed copy of the Chapel Landing Addition R-PUD Agreement including Exhibit 1, with the Sedgwick County Register of Deeds within 30 days of final approval, and within 45 days shall provide the City with proof of the filings. A copy of the Chapel Landing Addition R-PUD Agreement including Exhibit 1, showing said recording shall be furnished by the Developer to the general contractor, before building permits are issued.

Commissioner Mackey seconded the motion. *Motion carried 6-0.*

**B. VAC-25-02: Vacation request in the City to vacate platted 15-foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02, generally located between 45<sup>th</sup> and 49<sup>th</sup>, on Tierra Lakes Parkway and West of Webb Road.**

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given.

Paula Downs, Director of Community Development gave a brief report, referencing the application for vacation and the staff report included the Commission’s information packet for this meeting. Ms. Downs reviewed the staff recommendation to approve the vacation request based on findings 1-4 as listed in the staff report:

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State law;
2. No private rights will be injured or inconvenienced if the vacation is granted;

3. The Public will suffer no loss or inconvenience if the vacation is granted; and
4. In justice to the petitioner, the vacation should be granted;

Chairman Phillip Jordan opened the public comment section. Applicant Kirk Miller agreed with the staff report and stood for questions. Mr. Miller answered questions from the Commission and staff regarding the legal description of the vacated portion and the location on the plat. Mr. Miller confirmed that the legal description is for the 15-foot portion that will be vacated.

No others requested to speak. Therefore, Chairman Jordan closed the public hearing and requested discussion among the Commission. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

**MOTION:** Commissioner Mackey moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the request for vacation of a Platted 15 foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02 be approved based on findings 1 through 4 as listed in the staff report. Commissioner Faber seconded the motion.

*Motion carried 6-0.*

**C. PUD-25-01- An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements, generally located between 45<sup>th</sup> and 49<sup>th</sup> on Tierra Lakes Pkwy and West of Webb Road and currently platted as Lot 1, Block 2, Tierra Verde South Addition.**

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given, according to state statute.

Paula Downs, Director of Community Development, gave a brief review of the PUD application and staff report, including all previous case activity brought before the Planning Commission and City Council. Ms. Downs stated that staff recommend approval of the vacation request, and noted key findings to support the recommendation: the character of the neighborhood, the length of time the property has been vacant as zoned, and the proximity of utilities to serve the development.

Chairman Phillip Jordan opened the public comment section. Applicant Jeff Blubaugh and Representative Kirk Miller, KE Miller Engineering, answered questions from the Commission regarding building setbacks and future changes to the PUD. The applicant did not foresee any need for future changes to the PUD.

No others requested to speak; therefore Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

The Commission then deliberated. Commissioners expressed their support for approving the zone change request, based on Review Criteria 1, 5, 9 and 10 listed in the staff report, specifically:

- 1. Character of the neighborhood** - The character of the neighborhood is in line with the surrounding properties and the current neighborhood. Neighborhood is largely undeveloped. Non-residential use (Bel Aire Recovery Center) exists across Tierra Lakes Parkway to the southwest. North of subject property is Skyview at Block 49 Addition which is a two-family residential district.
- 5. Length of time the property has been vacant as zoned** - The property was originally platted in 2009. The property has been undeveloped for 16 years under its current zoning.
- 9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)** - Property Owners as of March 20, 2025, have been notified. City staff have received no inquiries or feedback from notified residents for the April 10, 2025, hearing.
- 10. Recommendations of permanent staff** - Key review criteria elements:
  - 1) Length of time vacant. Lot 1, Block 2 has been undeveloped and vacant for 16 years and will be developed as an R-5 or R-6 district.
  - 2) Character of the neighborhood based on uses of surrounding properties. Lot 1, Block 2 development will be developed in character of the surrounding properties.
  - 3) Infrastructure public utilities and streets. Lot 1, Block 2 currently has public utilities and is supported by a local street- Tierra Lakes Parkway.

**MOTION:** Commissioner Roths moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend that the City Council approve PUD-25-01, An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, area regulations, parking, and landscape requirements, based on findings 1, 5, 9, and 10 listed in the staff report, as recorded in the summary of this hearing. Chairman Jordan seconded the motion. *Motion carried 6-0.*

## VII. Approval of the Next Meeting Date.

**MOTION:** Commissioner Jordan moved to approve the date of the next meeting: May 8, 2025, at 6:30 p.m. Commissioner Faber seconded the motion. *Motion carried 6-0.*

## VIII. Current Events

### A. Upcoming Agenda Items:

**Planning Commission Bylaws-** Staff stated that no planning cases had been submitted for the May 8, 2025, meeting. Staff are working on developing Commission Bylaws to present at the meeting. Bylaws will be sent to the Commission in advance for review. Staff asked Commissioners to consider workshop topics for the meeting.

**B. Upcoming Events:**

- a. Springfest: April 12**
- b. Citywide Garage Sale Weekend: April 24-26**
- c. Shred & E-Recycle Day: May 3**
- d. Curbside Cleanup: May 17**

The Commission briefly discussed upcoming City events. No action was taken. Chairman Phillip Jordan inquired about holding an executive session to discuss the absence of Edgar Salazar. City Attorney Maria Schrock stated that discussion of a volunteer position is not an allowed topic for discussion in executive session.

**IX. Adjournment**

**MOTION:** Commissioner Matzek moved to adjourn. Chairman Jordan seconded the motion.  
***Motion carried 6-0.***

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

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



## BYLAWS FOR THE CONDUCT OF BUSINESS BY THE PLANNING COMMISSION OF THE CITY OF BEL AIRE, KANSAS.

**Section 1.** The Bylaws of the Planning Commission of the City of Derby, Kansas, should be and the same are hereby amended to read as follows:

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

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

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

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

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

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

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

Secretary will provide written notice to the City Manager, and the City Council 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 has a conflict of interest on a matter before the Commission, right after the Secretary reads the title of the agenda item in question, that member should publicly announce the conflict and excuse himself/herself from the meeting room until the matter has been addressed by the remaining Commission members. If there is a question or a real or perceived conflict of interest, the affected member should contact the Secretary and City Attorney for an interpretation of the situation prior to the meeting.](#)

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

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

1. ~~To~~ Make or cause to be made, adopted and maintained an official Comprehensive Development Plan for the City and any unincorporated territory lying outside the City but within Sedgwick County which in the Commission's opinion forms the total community of which the City is part, subject to the approval of the Governing Body by ordinance (K.S.A. 12-747);
2. ~~To~~ Annually review or reconsider the Comprehensive Plan at least once a year at the January meeting to determine if the Plan or any portion thereof has become obsolete and to report such tatus to the Governing Body or propose remedial amendments, extensions or additions to the plan (K.S.A. 12-747[d]);
3. ~~To~~ Determine the conformance to the Comprehensive Plan of public improvements, facilities or utilities of a type embraced within the recommendations of the Plan which are proposed for construction or authorization and to report upon such conformance or nonconformance within 60 days to the Governing Body unless

conformance is otherwise determined by reviewing the City's capital improvement program (K.S.A. 12-748).

4. ~~To~~ Prepare, adopt and maintain Zoning Regulations for the City to recommend the approval of such regulations to the Governing Body; and to hold hearings and make recommendations on all amendments thereto and zoning applications [including zoning cases in the MAPC Urban Area of Influence](#) (K.S.A. 12-753 through 12-759 and 12-763).
5. ~~To~~ 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. ~~To~~ Submit to the Governing Body on or before the first of July of each year a proposed budget for the ensuing year to carry out the Commission's planning program (K.S.A. 12-746)
7. ~~To~~ Prepare and approve plans for neighborhoods and special project areas;
8. ~~To~~ Maintain planning reference files of plans, reports, maps ordinances, regulations and policies accessible to officials, developers and citizens;
9. ~~To~~ Maintain cooperation and coordination with the trustees of the surrounding township(s), U.S.D. #259, the Wichita-Sedgwick County Metropolitan Area Planning Commission and Department and with such other county, regional and state planning entities as may be deemed appropriate; and
10. ~~To~~ Make recommendations to the Wichita-Sedgwick County Metropolitan Area Planning commission on all plats proposed in the Bel Aire planning area outside the City and on all zoning items proposed for hearings within the MAPC Zoning Area of Influence as well as for any proposed revisions to County rules or regulations which might affect the development of the planning area; and
11. ~~To~~ Hold hearings, provide plans for and/or make recommendations on such other matters including annexations and vacations as may be periodically assigned to the Commission by the Governing Body.

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

## ARTICLE II -- OFFICERS, ELECTIONS AND DUTIES

**SECTION 1. OFFICERS.** The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice Chairperson shall be members of the Commission, however, ~~The Secretary~~ **Community Development Director** may or may not be a ~~shall be ex officio the Secretary~~, member of the Commission (K.S.A. 12-745).

**SECTION 2. ELECTIONS.** At the regular Commission meeting in July 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 following the meeting and serve for one year or until their successor has been elected. Officers may serve for more than one term.

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

- ~~1.~~ The Chairperson shall preside at all meetings of the Commission. In the absence of the chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the Secretary shall reside to select a temporary Chairperson, and the Secretary shall forthwith relinquish the chair after selection of a temporary Chairperson. The Chairperson shall sign all minutes and other official papers and documents to indicate that they have been approved by the Commission. The Chairperson shall represent the Commission at all meetings with other groups unless another member is designated to perform that function. ~~The Chairperson shall also be responsible to oversee the preparation and distribution of agendas for each Commission meeting.~~
2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.
3. The Secretary, ~~or his/her designee~~, shall perform the following duties:
  - a. ~~To~~ Prepare the minutes of each Commission meeting and submit them to the Commission for approval;
  - b. ~~To~~ Maintain an official file or record ~~book~~ of the minutes as approved and signed by the Chairperson and the Secretary and ~~to provide the Governing Body, City Administrator, City Clerk, Zoning and Subdivision Administrator(s) and other officials with copies on a continuing basis~~ **and post minutes to the City of Bel Aire website or such other repository as may be established from time to time;**
  - c. ~~To~~ Attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto and to maintain an official file of Comprehensive Plan documents and accompanying adoption materials and ordinances;

- d. ~~To Distribute to each Commission member all current materials relating to the Comprehensive Plan and Zoning and Subdivision Regulations and to distribute three sets of Zoning and Subdivision Regulations, including amendments thereto, to the City Clerk as the official City copies~~ maintain official copies of the same pursuant to City Code and state law; and
- e. ~~To Prepare and distribute agendas for each Commission meeting under the direction of~~ in coordination with the Chairperson. (See Article III, Section 7 on Agendas).

### ARTICLE III – MEETINGS

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

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

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

**SECTION 4. OPEN MEETINGS AND CLOSED SESSIONS.** ~~Having determined that at least a quorum is present, all actions of the Commission shall be open to the public and to attendance by representatives of the news media, except that closed sessions if deemed necessary may be held to deliberate a rezoning application including a conditional use permit wherein such action is considered to be a quasi-judicial function. The motion to recess for a closed session shall be placed in the minutes and include a statement of (a) the justification for closing the meeting; (b) the subjects to be discussed during the closed session; and (c) the time and place at which the open meeting will resume, all according to K.S.A. 75-4319 or the Kansas Open Meetings Act. In such closed sessions, no binding vote or action may be taken.~~ Pursuant to the Kansas Open Meetings Act, all meetings of the Commission except for executive sessions are open to the public, unless remote participation procedures have been established pursuant to Article III, Section 1 on Regular Meetings. Closed sessions, if deemed necessary, may be held to deliberate a rezoning application including a special use permit wherein such action is considered to be a quasi-judicial function or as otherwise authorized by state law. The motion o recess for a closed/executive session shall be placed in the minutes and include (a) a statement describing the subjects to be discussed; (b) the statutory justification for closing the meeting; and (c) the time and place at which the open meeting will resume, all in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.* In such closed sessions, no binding vote or action may be taken.

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

**SECTION 6. QUORUM.** A quorum ~~shall consist of a majority of the total membership which is designated by the ordinance creating the Commission whether any vacancies exist or not. Thus, a quorum of five members must be present to conduct any business~~ for the conduct of business shall be four members. In the absence of a quorum at any meeting or at the impending loss of a quorum during a meeting, the presiding officer after consultation with those members present may adjourn the meeting to a specified

date, time and place or similarly table an agenda item. When such information is made known to those persons in attendance, no further notice need be given.

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

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

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



## ARTICLE IV – CONDUCT OF MEETINGS

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

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

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

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

**SECTION 3. ACTIONS.** In all formal matters, the Commission shall act by motion unless 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 officially designated city newspaper. Substantive motions before the Commission shall



be restated by the Chairperson before a vote is taken. Every motion on a substantive matter shall set forth reasons **based on the discussion**. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

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

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

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

1. A second shall be required for all motions.
2. The presiding officer shall have the right to make motions and to second motions without vacating the chair.
3. Motions to “receive and file” shall not be debatable.
4. Substitute motions may be made for prime motions provided that substitute motions are voted on before the prime motion. Substitute motions shall be made only once and shall be debatable only if the prime motions was debatable. A substitute motion may be made without the consent of the maker of the prime motion.
5. Motions to reconsider any items shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall ~~not be allowed in cases where the item proposed for reconsideration has previously been forwarded to and acted on by the Governing Body.~~ **only be considered at the same meeting at which the item was decided.**

6. The Commission may suspend the rules provided that: (a) the motion to suspend the rules takes precedence over other prime motions; (b) the motion shall state the specific purpose and rule to be suspended; (c) no such motion shall be considered approved unless the length of time such suspension will be in effect has been specified; (d) the motion shall be approved by a majority of the quorum; and € no suspension of the rules shall be considered permanent.
7. Participation from the floor (audience) on any matter may be limited as to time at the discretion of the presiding officer when in his or her opinion such participation is repetitious; contains statements derogatory to the character, integrity or actions of the Commission or any member without support of such allegations; 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. 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.
8. 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. (See Article IV, Section 10 below on Parliamentary Procedure.)
9. 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.
10. 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 him or her 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.
11. The presiding officer may grant permission for any member to abstain on any particular vote when the member declares a conflict of interest or bias and request the presiding officer to approve an abstention from voting. When such an abstention is granted, the requesting member is disqualified from voting and shall disassociate himself or herself from the assembled members and not engage in discussion until the particular item is acted upon. Members shall automatically be granted such an abstention 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.

12. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless 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 ~~should be~~ **are** discouraged. Commission members should (a) come to a hearing favoring neither side; (b) have no personal interest in the outcome other than that shared by the community-at-large; (c) treat both sides ~~like~~ **fairly and impartially**; and (d) base their decision solely on the facts presented as evidence before the Commission. Any facts determined by personal investigation should be reported to the Commission at the hearing as *ex parte* information.

**SECTION 2. ORDER OF PROCEEDINGS FOR ZONING HEARINGS.** Applications for rezoning amendments and special use permits that are site-specific land use decisions are considered quasi-judicial proceedings. The latter includes the procedural due process elements of notice and opportunity to be heard in a fair, open and impartial ~~hearing~~ **manner**. At the end of the hearing, the Commission shall adopt a written report or lace in the minutes a statement summarizing the evidence and stating the factors that it considered in arriving at its decision. The following order of proceedings shall be used for all such rezoning and special use hearings:

1. Determination that a quorum is present.
2. Determination that proper notice has been given.
3. Report of *ex parte* contacts with Commission members.

4. Introduction of application by staff.
5. Presentation by applicant, which shall be limited to five minutes unless such time is extended by majority vote of the commission.
6. Commission and staff question applicant.
7. Public comments on proposed application. Each presenter shall speak no more than twice per issue and shall be limited to five minutes unless such time is extended by majority vote of the commission.
8. Receipt of written communications or petitions.
9. Applicant presents closing comments, which shall be limited to five minutes unless such time is extended by majority vote of the commission
10. Staff presents closing comments.
11. Public portion of the hearing closed by the 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. At its discretion the Commission may instruct the Secretary to tape record the hearings.

**SECTION 3. LEGISLATIVE HEARINGS.** Hearings for the adoption of comprehensive plans and zoning and subdivision regulations and amendments thereto are considered legislative in nature. The order of proceedings for 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 a formal charge and shall

report to the Commission their findings and recommendations, unless otherwise directed.

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

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

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

## ARTICLE VII – AMENDMENTS TO BYLAWS

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

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

**SECTION 2. ADOPTED.** The above and foregoing Bylaws are hereby adopted as the Bylaws of the City of Bel Aire City Planning Commission and recommended for subject to the approval of the Governing Body of the City of Bel Aire, Kansas City Council by a majority vote. These Bylaws shall be effective, and all previously adopted Bylaws of the Planning Commission shall be repealed, effective the \_\_\_\_\_ day of \_\_\_\_\_, 2025, following approval thereof by the Governing Body of the City. When approved by the City Council, these Bylaws shall become effective on \_\_\_\_\_, 2025 and prior Bylaws are hereby repealed as of \_\_\_\_\_, 2024.

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

ATTEST:

\_\_\_\_\_  
Paula L. Downs, Secretary

**APPROVED** by the Bel Aire City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Jim Bennage, Mayor

ATTEST:

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



DATE: May 8, 2025

TO: Planning Commission

FROM: Paula Downs, Community Development Director

RE: Board of Zoning Appeals

This memo is designed to provide a very brief overview of information related to the Board Of Zoning Appeals (BZA) in the City of Bel Aire.

The City of Bel Aire currently does not have an established BZA. The City of Bel Aire does have an Ordinance and Zoning Regulations setting out the BZA and their responsibilities, however, there are no appointed members to the BZA. Cases that would fall under the purview of the BZA, have been handled in alternative processes.

The BZA is established under the authority of K.S.A. 12-713 and is designated to hear appeals of the building official or any other administrative official's interpretation of the zoning regulations. In addition, the BZA hears Variance cases, which are specifically set out in the Bel Aire zoning regulations. In the absence of a BZA, there is no mechanism for appeals and Variance cases to be heard which has required other approval processes to be followed.

**BZA Ordinance History:**

- Bel Aire Ordinance 275 designated the Bel Aire Planning Commission as the BZA.
- Bel Aire Ordinance 357 updated language related to appointments and removal of the Planning Commission and BZA
- In 2014, Bel Aire Ordinance 548, Page 31, changed the BZA from being the Planning Commission to a three-member board with one member being the Planning Commission chair and two at-large members which shall not hold any other office of the City.

**Bel Aire City Code- BZA Information:**

- The BZA membership, appointment, removal and responsibilities are provided in the Bel Aire City Code, Chapter 18, Article 3 of the Zoning Regulations.
- Information on Appeals of the Building Official and Variance cases are provided in the Bel Aire City Code, Chapter 18, Article 5 of the Zoning Regulations.

Surrounding communities including Derby, Park City, Kechi, Valley Center, Maize and others, utilize the Planning Commission as the BZA. Agenda items for the BZA are included in the Planning Commission Agenda. Planning and Zoning cases are becoming more detailed and complex. The Planning Commission has extensive experience with hearing planning and zoning cases and with the zoning regulations in the City. It makes sense to appoint the Planning Commission to serve as the BZA moving forward.

**Next Steps: (subject to review and refinement)**

1. Planning Commission Workshop- June/July Meeting
  - a. Schedule workshop date
  - b. Develop BZA Bylaws
  - c. Develop presentation on types of issues/cases to be heard and how the BZA agenda becomes part of the Planning Commission agenda. Review BZA bylaws.
2. Planning Commission Agenda Item- approve BZA bylaws and make recommendation that Planning Commission also serve as BZA.
3. Develop Ordinance
4. Update Zoning Regulations via ordinance
5. City Council- agenda item to approve ordinances and bylaws
6. Publish updated Zoning Regulations