



MINUTES PLANNING COMMISSION/BOARD OF ZONING APPEALS

7651 E. Central Park Ave, Bel Aire, KS
November 13, 2025, 6:30 PM



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

II. **Roll Call**

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

Also present in person was Paula Downs, Secretary. Maria Schrock, City Attorney was present by phone.

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 the October 9, 2025, meeting. Vice-Chairman Faber seconded the motion. *Motion carried 5-0.*

V. **Announcements:**

Paula Downs, Secretary provided a reminder about the Volunteer Dinner to be held on November 18 at 6:00 at City Hall.

VI. **Planning Commission Business**

A. **VAC-25-03: Vacation request in the City to vacate a portion of a drainage and utility easement and platted joint access easement on Lots 1-3, Block B, Lycee Addition, generally located at the northeast corner of Rock Road and Lycee St.**

The Lycee development was recently before the Planning Commission as a zoning case in August 2025. The case was to move to a required PUD case. The Commission approved the

case with the conditions listed on the staff report. The zoning case went before the City Council and was approved.

The current case relates to the vacation of easements that are on the property. The case information was sent to the public utilities for review and approval and they had no concerns or objections and confirmed they have nothing in the easements. Staff is recommending approval.

The public hearing notification was published, and the city notified all the surrounding property owners. The city has received no inquiries or concerns. Approval of the vacation case will allow the development to move forward, and the subject easements are not being utilized by the utilities.

Commission appreciated the map that was shaded to show the areas requested to be vacated making it easy to see.

Chairman confirmed the following:

- No commissioners disqualified themselves on the case
- Official notice for the hearing was published on October 23, 2025- Notices were mailed to property owners of record in the area on October 23, 2025. The records shows that notification letters and publication of the case was done 20 days in advance of the hearing. Chair declared that proper notification was given.
- Chair asked Commissioners if anyone received any ex-parte communication verbal or written prior to the hearing. All Commissioners said no.

Thomas Joyce, Baughman Co., appeared as the agent for the applicant. He agreed with the staff comments. Mr. Joyce stated that as the development plan changed the easements are no longer needed and actually hinder development so that is why the vacation case was brought to the Commission.

Commission acknowledged that it was a well laid out site plan.

Commission asked about the need for the vacation case since they had already approved the development plan at their August meeting. Secretary stated that the previous case was to remedy the zoning issues which required that they have a PUD case and did not capture the vacation of the easements. Mr. Joyce further stated that the easements appear on the plat and even if the zoning uses change it does not address the need to vacate the easements. The proper channels to get rid of the easements is a vacation case.

Chairman opened the public hearing- no individuals were there to speak. Secretary confirmed that no written communications had been received. Chairman closed the Public Hearing.

Commission Reviewed the criteria and are satisfied and have no concerns on the following:

1. Commission confirmed that notice of petition to vacate and notice of the public hearing have been given in accordance with state law

2. Commission confirmed that no private rights will be injured or endangered if the vacation is granted
3. Commission confirmed that the public will suffer no loss or inconvenience if the vacation is granted
4. Commission confirmed that the vacation should be granted

City attorney confirmed that when discussing the criteria that the Commission can state that there are no concerns that the criteria has been met for the case. Each Commissioner is not required to discuss individually each of the criteria.

Motion – Commissioner Matzek stated 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 portion of a drainage and utility easement and platted joint access easement on Lots 1-3, Block B, Lycee Addition, in VAC-25-03 be Approved, based on the following findings: the four review criteria discussed, as recorded in the summary of this hearing. Vice-Chairman Faber seconded the motion. ***Motion carried 5-0.***

B. Public Hearing on the Consideration of a Resolution to Adopt the Bel Aire 2035 Comprehensive Plan

The Secretary stated that the comprehensive plan was before the Planning Commission on August 14, 2025, and was approved. The plan was placed on the City Council's September 2, 2025, meeting. The City Council discussed several items they felt needed to be modified before approving and the plan was sent back to the Planning Commission.

Between September 2, 2025 and this meeting, sections of the comprehensive plan were being updated. In the agenda packet there is a report from Mayor Benage which he stated at the September 2, 2025, meeting he would develop and send to staff. The Mayor's report is in the agenda packet, and it describes 17 items to address. Staff and PEC met with the Mayor and many of items in the report did not warrant a change, but the ones that did are listed in the staff report and the updated plan pages are also included in the agenda packet for commission reference. Staff did not include the full comprehensive plan in the printed packets, but it was included in the published packet.

The Secretary went through all eight (8) key updates made to the plan listed in the staff report and referenced each page of the comprehensive plan affected:

1. Page 15 of the plan includes flexible language to the goal of creating a Parks, Recreation, and Trails Advisory Board. There is a footnote on the page that states that the goal is intended to be flexible in nature and instead of a new membership being created, an existing board/committee could assume additional duties. The Mayor felt there was too much confinement to create another board.
2. Property located south of the railroad tracks between Rock Road and Webb Road was revised on Map 3-2 | Future Land Use Map (page 27) from "Traditional Neighborhood" to "Industrial & Logistics Center". Complimentary map revisions were made on pages 33 and 45. Revised each page to show flexibility on how properties could be used in those areas. Modifications were made on pages 33 and 45.

3. The Key Findings on page A-3 were revised. Language was updated:
 - a. Previous language stated: "Furthermore, this percentage can also indicate that the critical mass of residential uses has not been met to satisfy the private sector selection criteria for non-residential development within the City."
 - b. Revised the language to state: "It is recommended that the City explore marketing opportunities that exist based on the current demographics and needs of Bel Aire, in addition to working with the private sector to better understand key metrics to increase the amount of commercial amenities and services available."
4. Updated Map A-3 - Community Facilities & Services (page A-9) by removing the language referencing the Kansas Heart Hospital and Heartland Cardiology. Language was replaced with information on the "Wesley Medical Center operates a 99-bed hospital offering emergency care, cardiac, orthopedic, and bariatric services at 2610 N. Woodlawn Blvd." was added to page A-8. This language made the description of the nearby asset more robust.
5. Updated Map A-6 - Traffic Volume (page A-15) to reflect latest 2025 data from KDOT. The current data from Kansas Department of Transportation was included in the report.

Secretary reminded the Commission that the maps and other data were created in late 2023 early 2024 and at the time some of the data was not updated or available and now it is so the plan was updated.

6. The location of the future Skyview Park has been added to Map A-4 - Existing Park Needs (page A-11). The Skyview Developer provided the city with three lots to be used as a new park so that reference was added to the map to show the location in Skyview.
7. Replace 2022 American Community Survey data with 2023 American Community Survey data where applicable within Appendix A: Community Assessment.

Secretary stated that assessment information and data in the plan was put together in late 2023 early 2024. The data is a year behind so at the time we were using 2022 data. We completed the assessment before the next year's data was released. We have now updated it to 2023 American Community Survey data which was available in December 2024. The 2024 data will not be released until December 2025. We opted to utilize the current data available as of September 2025, which is the 2023 data and not wait until December to utilize 2024 data.

8. Added footnote to page A-28 indicating that the adopted mill level at the time of the analysis was 43.000, with the note that the mill levy adopted for 2026 is 41.000. At the time of putting together the data analysis for the plan, the mill levy was at 43.000, however, currently the mill levy for 2026 was approved at 41.000. Made a footnote indicating this so there would be no confusion about what the data was based on.

Staff is recommending approval. Staff confirmed that Mayor Benage did see the updated plan and had three clarification questions which were responded to.

Commission questioned why data takes so long to be available in this day and age. Staff stated that the way data is collected, analyzed and made available takes a lot of time. The data used for the plan's assessment was just about timing. Staff indicated that waiting until December 2025 for the 2024 data may not result in significant differences from the 2023 data being used. Commission was reminded that this is a planning document and if changes occur that impact our community we would be responding to those changes as they happen over the course of the ten-year planning horizon. The plan will be reviewed every year, and action steps will be evaluated as changes occur. The last plan implemented was the Master Growth Plan created in 2018.

Chairman opened the public hearing, and nobody was present to speak on the plan. The Chairman closed the public hearing.

Staff reminded the Commission that the data was accurate at the time the assessment section of the plan was developed. The assessment was the first part of the plan developed. The next phase was engagement and development of goals and writing the plan. Once the assessment was completed it was not revised or updated. It was about timing, and the Mayor requested that the data be updated to the most recent available in September 2025.

Commission commented that they were impressed with the Mayor's attention to detail.

Motion – Vice-Chairman Faber made a motion to Adopt the Resolution to Adopt the Bel Aire 2035 Comprehensive Plan As Presented and recommend that the Governing Body Approve the Plan by publication of an Ordinance per K.S.A. 12-747(b). Chairman Jordan seconded the motion. **Motion carried 5-0.**

C. Approval of Planning Commission 2026 Meeting Schedule:

Staff presented the 2026 Planning Commission meeting schedule and stated that there is six weeks between the application closing date and the Planning Commission meeting dates listed. The schedule provides staff two weeks to review and then 20 days for publication. Schedule closely follows the dates established in 2025.

Motion: Chairman Jordan made a motion to approve the Planning Commission 2026 Meeting Schedule. Commissioner Mackey seconded the motion. **Motion carried 5-0.**

D. Election of Planning Commission Chair, December 2025 to December 2026

There was no discussion on this item. Commissioner Matzek started with a motion.

Motion: Commissioner Matzek made a Motion to appoint Phillip Jordan as Chair of the Planning Commission, term ending December 2026. Vice-Chairman Faber seconded the motion. **Motion carried 5-0.**

E. Election of Planning Commission Vice-Chair, December 2025 to December 2026

There was no discussion on this item. Commissioner Mackey started with a motion. Vice-Chairman Faber was asked if he was good with that and he confirmed yes.

Motion: Commissioner Mackey made a Motion to appoint Deryk Faber as the Vice-Chair of the Planning Commission, term ending December 2026. Commissioner Stuart seconded the motion. ***Motion carried 5-0.***

F. Recess the Planning Commission and Convene the Board of Zoning Appeals.

Motion: Vice-Chairman Faber made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Chairman Jordan seconded the motion. ***Motion carried 5-0.***

Board of Zoning Appeals Meeting

I. **Call to Order** Chairman Phillip Jordan called the meeting to order at 7:05 p.m.

II. **Roll Call**

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

Also present in person was Paula Downs, Secretary. Maria Schrock, City Attorney was present by phone.

III. **Consent Agenda**

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

No previous meeting minutes, this is the first meeting of the Board of Zoning Appeals. Commissioners will see some of the same meeting agenda items as those in the Planning Commission agenda, including the call to order and roll call in case someone leaves before the board of zoning appeals meeting portion. There will be a consent agenda section for approval of minutes which will require a Board of Zoning Appeals meeting even if there are no cases on the agenda. The Chairman will be required to open and close a Board of Zoning Appeals meeting if there are items that need to be heard or minutes approved. If there are no agenda items the meeting will not need to be opened.

IV. **Board of Zoning Appeals Business**

A. **Consideration of a Resolution to Adopt the Bylaws of the Board of Zoning Appeals.**

Staff stated that Vice Chairman Faber provided a detailed consideration list for ways to update the bylaws. The detailed list is included in the staff report. Staff provided responses related to why the change was or was not included in the Bylaw

document. The Board of Zoning Appeals can make update requests to the document which will require reviewing those changes against the Planning Commission Bylaws and amending them. Requests to update the bylaw document can be made at a later meeting date if the Board of Zoning Appeals wants changes. The same changes may also be required to be made to the Planning Commission Bylaws.

The considerations provided by Vice-Chairman Faber are included in the staff report under current discussion section:

Article 1: Creation and Membership:

1. Membership Minimum- Staff read the item as presented in the staff report and further commented that currently no changes are required because the Board of Zoning Appeals (BZA) will follow the membership language set out in the Planning Commission Bylaws. There is currently no language in that document that provides language about an extended vacancy. Updates would need to be made in the Planning Commission Bylaws since the BZA follows the Planning Commission membership. The Board can request that this update be made.
2. Attendance Consistency- Staff read the item as presented in the staff report and further commented that the three consecutive regular meeting language accurately reflects what is in the Planning Commission Bylaws and because the Planning Commission and BZA are the same members, the same attendance requirements are reflected in the BZA bylaw document. Commissioner Faber was concerned about someone attending the Planning Commission Meeting portion but then leaving during the BZA meeting portion. A Commissioner could meet the requirements of attending the Planning Commission Meeting but not the BZA meeting. Secretary stated that roll call will capture attendance for each meeting and staff would know if someone failed to attend a Planning Commission and/or a BZA meeting three consecutive times. Commissioner Faber stated there may need to be clarification because it was unclear if the three consecutive absences were for both meetings or each individual meeting. Staff confirmed that it will be three consecutive meetings for either meeting.
3. Conflict of Interest Cross-Reference: Staff read the item as presented in the staff report and further commented that the bylaws are set up with the separation of language. A separation of language by section makes it easier for staff and the BZA to locate information in the bylaws if the language is in its appropriate section. If we have a quorum question we would go to that section and everything we need would be there. Adding cross-referencing language could cause confusion and when updating bylaws something might be missed if it's also in another section.

Article 2- Officers and Duties

1. Deleting the meeting recording and updating language in line with the records retention policy- Staff read the item as presented in the staff report and further commented that the reason the meeting recording is deleted is because we are providing detailed meeting minutes after each meeting. The detailed meeting minutes is the record for the meeting and not the recording. The records retention policy does not require us to keep the

recording, but we did shift to producing detailed meeting minutes that are then approved by the BZA and signed.

2. Election Month- The Secretary confirmed that the elections should be done in October and it was missed in October which is why it was placed on the November agenda. Moving forward it will occur as set out in the Bylaws in October. Elections do not need to be moved to November.

Simple Definitions Section- Secretary stated that this would be a good project to implement but there may be a need for many definitions to be developed and included. Secretary would like to research this option to ensure that the Planning Commission Bylaws and BZA Bylaws match and that all definitions are included. Secretary stated it would be a good project for the future.

Electronic/Remote Meeting Flexibility- Currently the City doesn't have everything in place to for electronic remote meeting attendance. We have had a Commissioner attend by phone. If remote attendance was extended to the public, we would need to develop a process and address technology needs for citizens attending to be heard by those in the room and hear them, etc. This is an item that would need to be discussed in the City to determine what would need to be place to provide remote electronic meeting participation. This option could be limited to Commissioners/BZA but needs to be evaluated. We could formalize that the Commission/BZA is allowed to do and we can put language together. Currently the Bylaws don't allow it for citizens. We can continue to evaluate this.

Parliamentary Procedure Training- Secretary stated that this does not need to be added to the Bylaws but will be added to the annual training schedule and delivered during a Planning Commission meeting in the near future. Commission thought this would be helpful.

Commissioner complimented the work produced by the Secretary to provide historic information and details to assist in making decisions on cases. They appreciate all the work done by staff and find it very helpful in answering their questions.

Commissioner Faber was satisfied with the responses contained in the staff report and the bylaw document.

Motion: Commissioner Matzek made a motion to Adopt the Resolution of the Bylaws of the Board of Zoning Appeals As Presented and recommend that the Governing Body Approve the Bylaws. Chairman Jordan seconded the motion. ***Motion carried 5-0.***

B. Adjourn Board of Zoning Appeals and Reconvene the Planning Commission

Motion: Chairman Jordan made a motion to adjourn the Board of Zoning Appeals and reconvene the Planning Commission. Commissioner Mackey seconded the motion. ***Motion carried 5-0.***

VII. Approval of the Next Planning Commission Meeting Date.

Vice-Chairman Faber stated that he may not attend the meeting but will confirm with the Secretary ahead of time.

Motion: Chairman Jordan moved to approve the date of the next meeting: December 11, 2025, at 6:30 p.m. Vice-Chairman Faber seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

The Secretary read the upcoming agenda items and events and confirmed that the Zoning Map will come before the Planning Commission after the first of the year. Vice-Chairman Faber attended the last Chamber of Commerce meeting and appreciated the City Manager's presentation on the financial operation of the city and would like him to present to the Planning Commission in the future.

A. Upcoming Agenda Items:

- a. 2025 Updated Zoning Map
- b. Special Use Case- Group Home
- c. Robert's Rules Training
- d. Annexation Process Overview

B. Upcoming Events:

- a. City hall closed for Thanksgiving- November 27-28
- b. Christmas in Bel Aire @ City Hall- December 6, 5:30 – 7:30
- c. City Hall closed for Christmas- December 24 – 25
- d. City Hall closed for New Year's Day- January 1

IX. Adjournment

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