



**MINUTES**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
February 08, 2024 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt, John Charleston, Edgar Salazar, Phillip Jordan, Dee Roths and Deryk Faber were present. Paul Matzek was absent.

Also present were Assistant City Manager Ted Henry, City Engineer Anne Stephens, City Special Counsel Neil Gosch and Code Enforcement Officer Garrett Wichman.

**III. Pledge of Allegiance**

Chairman Schmidt led the Pledge of Allegiance.

**IV. Consent Agenda**

A. Approval of Minutes from Previous Meeting of January 11, 2024.

**Motion:** Commissioner Dee Roths made a motion to approve the minutes from January 11, 2024. Commissioner Phillip Jordan seconded the motion. ***Motion carried 6-0.***

**V. Old Business/New Business**

A. Consideration of the reapplication for the business license of 316PDR LLC.

Before proceeding to the hearing, Chairman James Schmidt asked the Planning Commission if any of them intend to disqualify themselves from participating in this review because they have a conflict of interest. No rebuttal from the Planning Commission indicated any disqualification, therefore a quorum of the members are present for the consideration of the business license application.

Chairman Schmidt opened the hearing.

Present for the hearing was Damon and Rebecca Herrington, 4648 N Farmstead Ct.

The Planning Commission asked Damon Herrington to describe his business to them and he stated that there is occasional tapping to spread the metal out and drilling, but there is no painting. Mr. Herrington also mentioned that he is a mobile service and does a majority of his work at the dealership, but if it is too much to get done at the dealership, particularly with hail damage, then he will bring the motor vehicles home to complete the work. His vehicle stays at the dealership so he can drive the repair vehicle home. This happens roughly four times a month, one vehicle at a time. Mr. Herrington mentioned to the Planning Commission that he believes that his neighbors have some confusion with his business related activities and his personal activities. Commissioner Jordan asked what he does for personal activities. Mr. Herrington stated that he uses grinders, sanders, builds shelves, home repairs, and works on his personal cars such as oil changes and maintenance. It was stated by Mr. Herrington that he will typically works on a car for one or two days before it will return back to the dealership. Commissioner Roths asked how many personal vehicles he owns and Mr. Herrington answered stating that he has up to six cars.

Commissioner Jordan reviewed the list for a Tier 2 business and felt that it met all the requirements except for the last one dealing with public health, safety and welfare. Commissioner Jordan asked the City Attorney, Neil Gosch for clarification and City Special Counsel Neil Gosch stated that it is up to the Planning Commission to make that decision. Chairman Schmidt asked Neil Gosch if personal vehicles should be considered in this case and Mr. Gosch responded stating that they should not be considered.

Chairman Schmidt closed the hearing.

**Motion:** Commissioner Phillip Jordan made a motion to recommend that 316PDR LLC be considered a Tier 2 business. Commissioner Deryk Faber seconded the motion. *Motion Carried 2-4.*

The motion failed in a 2-4 vote. Then a second motion was presented by Commissioner Edgar Salazar.

**Motion:** Commissioner Edgar Salazar made a motion to recommend that 316PDR be considered a Tier 3 business. Commissioner John Charleston seconded the motion. *Motion carried 4-2.*

Following the motion, Chairman Schmidt mentioned that someone from the City would follow up with Mr. Herrington. Assistant City Manager Ted Henry reviewed the necessary next steps for Mr. Herrington to obtain a business license for 316PDR.

**VI. Next Meeting: March 14, 2024**

**Motion:** Commissioner Deryk Faber made a motion to accept the next meeting date of Thursday, March 14, 2024 at 6:30 PM. Commissioner John Charleston seconded the motion. *Motion carried 6-0.*

**VII. Current Events**

Anne Stephens mentioned to the Planning Commission that the City Office will be closed on February 19<sup>th</sup>, 2024 for a staff development in-service day.

**VIII. Adjournment**

**Motion:** Commissioner Deryk Faber made a motion to adjourn. Commissioner Phillip Jordan seconded the motion. *Motion carried 6-0.*