



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
September 10, 2026, 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 Dee Roths, Brian Mackey, John Sutherland and Kent Koehler were present in person.

Commissioner Paul Matzek was absent.

Paula Downs, Secretary and Maria Shrock, City Attorney were present in person.

A quorum was present.

III. Pledge of Allegiance to the American Flag

Chairman Phillip Jordan led the pledge of allegiance.

IV. Consent Agenda

A. No items

V. Approval of the Agenda

Secretary asked if the Staff Reports agenda item could be moved to the first item on the agenda since the items reference the approval of the agenda item and the updated agenda format.

Motion: Commissioner Koehler moved to approve the agenda with Item X Staff Reports to appear after Announcements. Vice-Chairman Faber seconded the motion. ***Motion carried 6-0.***

VI. Approval of the Minutes from Previous Meeting

Motion: Commissioner Koehler moved to approve the minutes from the previous meeting as presented. Chairman Jordan seconded the motion. No discussion on the item. ***Motion passed 5-1.***

Dissenting vote was Commissioner Sutherland.

VII. Announcements:

Secretary read the announcements in the agenda. No further discussion or questions.

VIII. Staff Reports (Approved to be heard after announcements during the Approval of Agenda item)

Secretary reviewed the Staff Report agenda item and referenced the staff reports in the packet. The Secretary stated that the “approval of the agenda” is an agenda item called out in the bylaws as an order of business. This agenda item allows the Commission to add, remove, or reorganize items on the agenda with a motion, second and majority approval vote. Due to recent Bylaw update discussions, the Secretary stated that the Bylaws and Order of Business items were reviewed and the agenda updated accordingly. The Staff Report item was added and is designed for staff to provide information only- these items do not need feedback from the Commission.

Secretary stated that Old Business are items previously discussed and New Business are new discussion items. Planning Commission Business was previously used for Public Hearing Items and all discussions. Current agenda will have a separate agenda item called Public Hearings.

Secretary confirmed that the agenda currently reflects items listed in the Order of Business section of the Bylaws. Approval of the Meeting Minutes is a new item, and meeting approvals will be here vs. the Consent Agenda item. Old and New Business items can be added by the Commission or staff and are non-actionable. Public Hearing items are any type of case that requires a public hearing. The new agenda improves transparency and provides clarity for the meeting.

IX. Planning Commission- Old Business

A. Discussion of Potential Bylaw Amendments

Commissioner Sutherland suggested that Commissioners mark up the Bylaws and provide comments to the Secretary to compile. Commissioner Mackey suggested reviewing each item in the memo document to determine how to move forward on what suggested changes to move forward on.

Commissioner Koehler initially suggested designating the City Attorney as the parliamentarian to deal with any rules. He also suggested reviewing the meeting format.

Commission discussed updating the Bylaws by including all agreed upon modifications and making them simple, so the Council receives a final document to approve. Commission will make suggestions and ask staff to bring back changes to review.

Commissioner Koehler suggested the Bylaws be updated to state that all items of the Planning Commission and BZA be a roll call vote so that Commission doesn't have to remember which items require a roll call vote. He further suggested putting into practice during this meeting.

Commission did ask how Bylaw modifications could be made. City Attorney referenced the Bylaws. Secretary stated that the Bylaws could be discussed but no formal action taken. Secretary further stated that the Commission could discuss items to include in the Bylaws and ask staff to draft language for review at a future meeting. Majority of Commission requested Secretary to take suggestions being discussed and bring back draft language for Bylaw modifications for further discussion.

Commission discussed the 19 items listed in the Memorandum under Item 6- Detailed list of suggested additions. During the discussion Commissioners were asked if they agreed the suggested language should be added to the Bylaws moving forward so staff could include it in a summary document for Commission consideration. Commissioners verbally responded to each item:

1. Majority of Commissioners wanted definitions as an appendix. Commissioner Mackey provided definition ideas to the Secretary via email.
2. Majority of Commissioners suggested that language be added.
3. Item #3 will be discussed when BZA Bylaws are addressed.
4. Commission discussed that it would be helpful for the City Attorney to provide training and guidance on ex parte communication annually. Majority of Commission wanted language added and annual training provided.
5. Some Commissioners noted this item relates to BZA.
6. Commission discussed concerns about the length of the meeting minutes and Chairman Jordan stated that the minutes should be summarized, with the exception of a zoning issue. Commission discussed changing the Bylaws to summarize meeting minutes and potentially keeping the recording to refer back to if needed. Majority of Commission suggested having the City Attorney review how long recordings should be kept from a legal standpoint.
7. Majority of Commission suggested that language be added.
8. Some Commissioners suggested language should be added. Commission suggested that staff review if someone can vote remotely or if they are limited to discussing items only.
9. Commission discussed that the agenda has "Approval of Agenda" which allows an item to be added with a motion, second and vote. Language in item #9 may not be needed. Majority of Commission requested language that allows the Chairman and Secretary to review the agenda and confirm what items to add.
10. Majority of Commission suggested language be included for further review.
11. Majority of Commission suggested language be included. Commissioner Koehler suggested adding language naming the City Attorney as the parliamentary officer.
12. Commission asked if the BZA and Airport Authority could follow the Bylaws of the Planning Commission to minimize duplication of text. City Attorney confirmed that state statute does not prohibit that. Staff stated if the Bylaws are summarized and they reference other Bylaws the Commission would have to refer to two sets of Bylaws each time. Majority of Commission wanted all Bylaws to align.

13. Majority of the Commission suggested language should be added.
14. Majority of Commission want to consider electronic device rule for meetings, but unsure what language should be included. Commission discussion included considerations for silencing phones, utilizing phones for an emergency and other electronic device use such as smart watches.
15. Commission discussed new member orientation and yearly training. Suggested that the Commission could team up with other cities or entities for this training.

Motion: Commissioner Sutherland moved to take a break to confer with the City Attorney and City Manager for five minutes. Commissioner Koehler seconded the motion. No discussion. ***Motion carried 6-0.***

Break began at 7:33 p.m. Break ended and meeting continued at 7:38 p.m.

16. Commission acknowledged that the current language needs to be reworded to make it clear. Commissioner Mackey suggested the following language . “if a member misses three consecutive regular meetings or five meetings in a calendar year, the Secretary shall give written notice to the City Manager and the Mayor. The Mayor may then remove the member.” Majority of the Commission agreed the language should be clarified.
17. Majority of Commission suggested that language should be drafted for review.
18. Majority of Commission suggested that language should be drafted for review.
19. Commissioner Koehler stated that this is for legal review- no further discussion.

Commission clarified that updated draft language should be brought back to the Commission in the timeframe that accommodates staff’s workload. Commission further stated that the BZA Bylaws will be reviewed once the Planning Commission Bylaws are reviewed and updated.

Commission asked for clarification on the process of amending the Bylaws. City Attorney stated that the Commission finalizes the Bylaw document and makes a recommendation to City Council to review and they make a decision to approve. Council can ask questions of staff and can approve or provide additional suggestions.

Commissioner Sutherland stated that he would have his updates on the document by the end of next week.

B. Annexation Process- Maria Shrock, City Attorney

The City Attorney provided an overview of the Annexation process and if it’s compatible with Bel Aire’s adopted land use and comprehensive plan policies. Kansas law specifically requires the Planning Commission to review this process and determine if it’s compatible. Annexed property is subject to the City’s regulations, permitting processes and municipal taxes.

Evaluating an annexation of property will consider services required for the property, how it fits

into the City's long-term growth plan, and other items. The Planning Commission's role is advisory as to whether the property is compatible with the comprehensive plan which requires the Commission to be familiar with the plan. Statutes sets out considerations that the

Commission will evaluate when considering compatibility. It was discussed that the Planning Commission would not be determining if the City could provide infrastructure to the property, that would be provided for consideration to the Commission. The City Attorney stated there would be several questions that would be addressed during the discussion of an annexation case in order to make a recommendation to the Governing Body.

Commissioner Roths asked how the annexation case would be evaluated if multiple landowners in the area are against being annexed when many of them already have infrastructure provided to them because they have lived their 30 years. City Attorney stated she would provide additional information at the next meeting.

Commissioner Sutherland asked if property owners are against being annexed would they have the opportunity to voice their opinion on what one landowner wants. City Attorney stated she would provide an answer for the next meeting.

C. Discussion of Goddard Duplex Action

Commissioner Sutherland recommended that the Commission review the document in the packet and look at adopting the items from Goddard and align the zoning codes accordingly. It was discussed that the joint workshops will address some of these items and that those discussions need to continue before the Commission discusses this item.

X. Planning Commission- New Business

A. Zoning Violations: Enforcement and Past Cases

Commissioner Sutherland stated that when reviewing past BZA and Planning Commission meeting minutes there are items that continue to come up such as setbacks and landscaping. Commissioner Sutherland provided an example: trees required for duplexes and encroachments into setbacks. Commissioner Sutherland was concerned that zoning codes require things that are not being done and wanted to know the enforcement process. Commissioner Sutherland asked how code enforcement was managed to reduce the number of cases before the Commission and BZA. Staff explained that when a case is brought before the Commission or BZA the applicant is asking for relief which can alter the requirements set out in the zoning code. That relief is approved or denied by the Commission or BZA. Staff further explained that when a building permit is submitted they must follow all codes, unless relief was previously approved. If the requirements are met a building permit is issued and if they meet all the building and zoning requirements a certificate of occupancy is

issued. If something happens after that, the city will often receive a complaint or we might view it. The City does issue temporary occupancy certificates and lists conditions. An example is when a building is completed outside of the landscaping planting season. The building inspector will then go out to ensure landscaping has been installed before a certificate of occupancy is issued.

Commissioner Sutherland asked about how the City enforces a setback violation where something is built that encroaches into the setback. The Secretary explained that an original plat is approved and in some instances the plat is approved with reduced setback requirements. The project then moves into the building permit phase and an inspector inspects footings. Commissioner Sutherland stated that a survey for a property sets property pins and it is very easy to set the home according to the setbacks. He was concerned that a property encroached into the setback and went through the Planning Commission process- he wants to remove the problem before it happens. Commission discussed that enforcement was not within the Commission's purview and it is handled by City staff.

B. Meeting Minutes Format and Requirements Discussion

Commission discussed the meeting minutes format related to the Bylaws requiring the recording to be retained. Language in the Bylaws state that the Secretary shall keep complete records of the meetings. Article 2, Section 3 states once minutes are approved meeting recordings are deleted. Bylaws also state that the permanent minutes be available and posted on the website. Chairman Jordan stated that he wants the meeting minutes to be much more summarized.

C. Discussion of Setback Regulations

Setbacks were discussed during the Zoning Violations agenda item- Commissioner Sutherland had no further discussion on this item.

D. Discussion of Landscape Regulations

Commissioner Sutherland stated that a landscaping plan is required on all plans submitted in support of a building project, plan review, special use or final plat according to code. He stated that the language covers everything the Commission does. He wants to make sure that if rules are in effect that they are followed and it was not. Staff was asked for clarification of the code and responded that they would need to review sections of the code and could provide information back at the next meeting. Commissioner Sutherland stated that it is important to review the code line-by-line so that if code is conflicting it can be fixed.

Commissioner Sutherland referenced 18.10.6 regarding residential perimeter landscaping and the requirement that single family dwellings are required to have three trees and every two-family dwelling is required to have four trees. Commissioner Sutherland stated that a lot of neighborhoods have none, which comes back to enforcement and if there are rules the

Planning Commission doesn't make exceptions. Commission discussed that enforcement is not the Planning Commission's responsibility, but they do review requests for exceptions. Staff was asked if there was anything preventing a Commissioner from submitting a complaint as a citizen of the city if they see a violation. Staff stated that any citizen can submit a complaint if they are concerned a code has been violated. Staff did remind the Commission that landscaping in a neighborhood may not be installed if an exception was granted through a case. When a complaint is received, staff reviews the case history and then determines how to move forward.

Commissioner Sutherland stated that landscaping was something that the Commission could discuss with the Bel Aire Tree Board for them to assist in policing those rules.

E. **Discussion of SB418**

Commissioner Sutherland stated that he has reviewed SB418 and that the Commission should be involved in discussing it. Commission stated that SB418 should be discussed by the City Council, and they should decide how to move forward. The Planning Commission should read it and understand it only. Staff stated that the SB418 document and a review document posted on the legislative research department site is included in the packet. Commissioner Sutherland asked what will happen in the interim as the City reviews this, if a developer wants to build on a lot. The City Attorney stated that if there is a particular situation or question that can be shared, she will complete research and respond back. No specific situation was identified.

XI. **Public Hearing Items**

A. No items

XII. **Approval of the Next Planning Commission Meeting Date.**

Motion: Commissioner Koehler moved to approved the date of the next meeting, October 8, 2026. Commissioner Mackey seconded the motion. No discussion. Roll call vote. ***Motion carried 6-0.***

XIII. **Current Events**

Current events were read by the Secretary. No discussion or questions.

XIV. **Adjournment**

Motion: Chairman Jordan moved to adjourn the meeting. Commissioner Koehler seconded the motion. No discussion. Roll call vote. ***Motion carried 6-0.***

Approved by the Bel Aire Planning Commission the 8th day of October 2026.

Phillip Jordan, Chairman

ATTEST:

Paula L. Downs, Secretary

DRAFT