



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
April 9, 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, Paul Matzek, Brian Mackey and John Sutherland were present in person.

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

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

Chairman Phillip Jordan led the pledge of allegiance.

IV. **Consent Agenda**

Motion: Commissioner Roths moved to approve the minutes of the February 12, 2026, meeting. Vice-Chairman Faber seconded the motion. **Motion carried 6-0.**

V. **Announcements:**

- A. Secretary welcomed Planning Commissioner John Sutherland. The Secretary reminded the Commission that Brian Stuart moved out of the City and was no longer able to serve on the Planning Commission. Mayor is looking for a 7th member and hope to have that member in the near future.
- B. There will be a Board of Zoning Appeals meeting following the adjournment of the Planning Commission meeting.
- C. There will be an Airport Zoning Commission meeting following the adjournment of the Board of Zoning Appeals meeting.
- D. Update Zoning & Subdivision Regulations for Planning Commission or view online. Secretary is reviewing the technology at the bench to determine if computers can be used to access agenda documents. Access to the computers would rely on the consistency of the internet, which is why agenda packets are printed for all meeting to ensure packets are available. Each Commissioner has a notebook they were given that includes the zoning and subdivision codes. Since it is unclear what version of the code each Commissioner has the Secretary will bring updated documents to the next meeting. This would allow Commissioners to review codes when needed.

VI. Planning Commission Business

A. PUD-26-01- Sunflower Commerce Park- 4th- Building 2 Planned Unit Development (PUD) Preliminary Plat

Secretary reviewed the staff report and highlighted the information contained in the report and the reason the PUD case was submitted. Staff report contains detailed information about the code requirements vs. the specific relief being requested by applicant in this case.

Chairman Jordan opened the public hearing.

Kurt Hershy, applicant's agent, stated that the case was presented 18 months ago and in the original application several exhibits were presented that showed landscaping, site plan, and parking. The relief included in this case was shown in the previously presented documents. The case was filed so that future development in the PUD area doesn't have to go through formal approval to seek relief again. This is formalizing the same relief from 18 months ago.

Commissioners discussed two major relief request concerns:

- Wall pack lighting on buildings and the concern of them shining into traffic. Agent confirmed that the wall pack illumination is casting downward and there are photometrics on that. These wall packs are designed to provide security for the building entryways and the front parking lot. Wall packs are not lighting the parking lot area. Agent stated that in the PUD the light poles are to be installed at the discretion of the end-user. Commission asked if light pole standards could be established so there are not different kinds of poles on the site. Kurt Hershy stated that this could be done. Commission was concerned that with additional buildings on the site lighting could be a problem to the development across from the PUD property.
- Caliper of trees that are planted on the site. Commission was concerned about the small trees along Webb Road not providing screening from the development to the West. Agent stated that the landscaping presented on the current case reflects what was on the overall landscape plan presented 18 months ago. He stated that larger trees would be something else they could consider. The Secretary highlighted the code required tree caliper for shade trees to be 2 ½ - 3 inches and ornamental trees to be 1 ½. The PUD relief being requested is for all trees to be a 1" caliper.

Commissioner Sutherland stated that the zoning code is clear and there are so many exceptions being requested. The question was asked why the applicant wants to install 1" caliper trees vs. code requirements. Agent suggested that it is difficult to maintain landscaping on a large development like this, unlike residential. Commission stated that moving forward installing the required caliper of trees makes sense since the current trees on site have likely grown to that size which would result in the trees matching.

Planning Commission discussed what the City Council previously did or didn't approve. The Secretary explained that the preliminary plat included the site plan, landscaping plan and the applicant followed the checklist items. Planning Commission approved the preliminary plat. The Planning Commission approved the final plat, but the final plat doesn't have specific relief language on it, but it did conform to the approved preliminary plat. City Council approved the final plat and the PUD agreement. PUD agreement had specific language for landscaping and screening and lighting, but the requested relief was not included in that agreement.

The Secretary stated that the Planning Commission can make a motion and include any modifications they want to approve from the relief being requested or the Commission can table the item and request additional information be provided.

Chad Abbott, Surveyor, explained the contents of a preliminary and final plat:

- Preliminary plat has drainage contours, utilities and other data about the structure of the property. The Preliminary Plat does not have landscaping information on it that comes from another document (landscape plan).
- Final plat has lots; blocks of the property included and does not have landscaping information or any relief language.

Commission didn't want to change requirements since it had been approved and a building constructed. Discussion was to learn from this and ask good questions, but they didn't feel it was fair to make changes. Commission discussed reviewing all of the previous documents from the case to determine what happened so that the Commission could make a decision and identify why this case was filed. After further discussion, the Commission felt that City staff corrected the past processes by including specific details in their staff reports that lists current code requirements and the specific relief requests.

City Attorney stated that if the Commission is unclear, has questions, or there is confusion on anything, the Commission has the option to table the item. If you are going to table, the Commission needs to be clear about what information is needed so the applicant and/or City staff knows what is being asked.

Agent stated that they are agreeable to suggestion of following the code required caliper size.

Secretary reviewed key findings of facts identified in the staff report and recommended approval of case.

Motion: Commissioner Mackey moved to approve the proposed PUD Preliminary Plat as presented and amended by this Commission and agreed by the presenter to meet City code for tree calipers of 2.5" and take into account lighting concerns raised today and I do this based on golden factor #10 recommendation of the professional staff and the background they have given us on the history of this plat that has been brought before us.

City Attorney asked Commissioner Mackey to take into account lighting concerns and asked if he could explain it further for the applicant and the minutes. Commissioner Mackey clarified his motion to say that the key thing to consider is any negative impact of lighting on drivers on Webb Rd.

Applicant's agent confirmed that as it's written right now it will be minimal lighting and will only have wall packs. If parking lot lights are installed, they will need to know what the illumination amount restrictions would be. If it needs to follow city code then that's what they would need to know. Agent can write language into that note that parking lot light poles shall be to city code. Commission agreed that this note should be reflected on the PUD Preliminary Plat.

Commissioner Jordan second the motion to include further clarification of the lighting. ***Motion carried 5-1.***

After the vote, City Attorney reminded the Commission that they must discuss the findings of facts. Commissioners identified 1, 3, 8 and 10 findings of facts as listed in the staff report. City Attorney asked the Commission if anyone wanted to change their vote based on the findings of facts discussion. Commission said no and the vote stood as is.

B. SP-26-01- Special Use Case- Commercial Property- Retail Use

Before proceeding with the hearing, the chairman asked if anyone on the Commission intended to disqualify themselves from participating in this case, because they or a relative own property in the area of notification or have conflicts of interest. The Chairman confirmed for the record that no one was disqualified. The Chairman declared a quorum of six (6) Commissioners present for the public hearing.

Chairman Jordan stated that official notice for this hearing was published in the official city newspaper, which is the City of Bel Aire Municipal Website, on March 19, 2026. Notices were mailed to the applicant and real property owners of record in the area of notification on March 18, 2026. The Chairman confirmed for the record that at least 20 days have elapsed between the publication and mailing dates and today's hearing date. There was no evidence to the contrary from anyone present, and the Chairman declared that proper notification had been given.

Chairman Jordan asked if anyone on the Commission received any ex parte verbal or written communications prior to this agenda item? The Chairman confirmed for the record that no one had ex parte communications prior to the agenda item.

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

The Secretary stated that the special use case is required because each zoning district has permitted and conditional uses and if a specific use is not in the list, then a case is required. The Special Use case has findings of facts and sets out general standards for consideration and criteria for review. There are ten (10) criteria set out in the staff report which the Secretary reviewed. The Secretary stated that staff recommends approval of the case with the condition that the permit is restricted to the current property owner and is not transferable.

Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Holly Edwards, agent for applicant stated they are in the process of purchasing the building and seeking approval for the federal firearms licensing process which requires city approval for use. There will be no changes to parking, landscaping, or the building except for change in signage. Ms. Edwards stated they are in the due diligence period, and they have not yet closed on purchase of the building.

Commission asked about storage requirements and what changes would be required at the property. Ms. Edwards confirmed that only indoor changes would need to be made including additional security measures. Ms. Edwards confirmed that the exterior of the building would stay the same.

Chairman Jordan asked if there are any public comments and invited the public to come to the podium and provide their name and address. No public comments were made.

Chairman Jordan asked if City staff received any written communications. Secretary confirmed that City staff had not received any written communications.

Chairman Jordan asked the applicant if they had any final comments and Ms. Edwards said no.

Hearing no further comments, Chairman Jordan closed the public portion of the hearing and stated that there would be no further public comments unless the Commission wished to ask questions to clarify information.

Chairman Jordan invited the Commission to deliberate the request and stated that there are factors which the Commission must consider in order to make findings, and ultimately, a recommendation. The findings of facts are provided in City staff report.

Ms. Edwards did clarify that she must receive approval of the special use case before she can purchase the building. Ms. Edwards' father, Doug Meyers, clarified that zoning is a part of the ATF process for approval of a firearms license. ATF requires confirmation that the property is zoned appropriately for the firearm use.

Commissioners discussed with the applicant's agent, Ms. Edwards and Mr. Meyers the process and procedure of ATF and what they will require as it relates to the City's application. There was further discussion about Mr. Meyers business license and ATF's processes and requirements. Conversations also included discussions about the LLC process and needs for the business. Ms. Edwards is seeking approval from the City to have a gun store in the building and confirmed that approval by ATF is fairly "lax" - they just want confirmation that City will allow use in that building.

Due to the nature of the discussion related to the ATF, the City Attorney suggested the Commission go into executive session. Chairman Jordan moved that the Commission go into Executive Session to receive legal advice for 15 minutes. Vice-Chairman Faber seconded the motion. Chairman stated Commission will resume at 8:20 p.m. **Motion carried 6-0.**

At 8:20 Chairman Jordan resumed the Planning Commission meeting.

The Secretary stated that she is unable to provide an approval letter for approval of use at that property because city code requires a special use case be approved by the Planning Commission.

Commission discussed that special use permit should not have a condition as set out in the staff report and use be assigned to the property vs. the permit being assigned to the owner. Staff agreed that the condition should be removed.

Commissioners identified 1, 2, 7 and 10 findings of facts as listed in the staff report.

Motion: Chairman Jordan stated having considered the evidence at the hearing and the factors to evaluate the application, he moved that the Commission recommend to the City Council, that the Special Use Permit to allow an indoor retail store within an existing vacant commercial building in SP-26-01 be approved, based on findings of facts mentioned, as recorded in the minutes of this public hearing. Commissioner Sutherland seconded the motion. ***Motion carried 6-0.***

C. PUD-26-02- 45th and Woodlawn- Planned Unit Development (PUD) Preliminary Plat-Convenience Store/Gas Station Use

Chairman Jordan opened the public hearing.

Secretary presented the staff report and clarified that the PUD title references the wrong addition and should be listed as the “corner of 45th and Woodlawn”. The remaining staff report is correct, including the case number, legal description, general location. The PUD Preliminary Plat case is requesting that the property be developed for a gas station/convenience store use, and the applicant is seeking relief from setbacks, landscaping and screening. Zoning code and relief details are contained in the staff report. In addition, the staff report contains information on the history of the case which began in 2016. Secretary reviewed the findings of facts in the staff report and stated that staff recommends approval with the condition that the final drainage plan for the site be approved by the City Engineer.

Commission asked about the landscaping relief. Secretary stated that code requires 1 shade tree and 1 ornamental tree for every three shade trees. The applicant is requesting to plant evergreen trees on the north side of the property, in lieu of shade and ornamental trees because of utilities in that area.

Matthew Tucker, agent for the applicant, stated that the staff report reflects the case and the relief being requested. Agent provided the following information:

- PUD is asking for the “C-Store” (convenience store/gas station) use since the city code does not allow for that. This use is good for the size of the lot.
- Setback relief:
 - Woodlawn and 45th street had a 40’ right-of-way. Lot 5 had right-of-way taken away from it to allow for drainage and utilities and expansion of Woodlawn. The right-of-way was increased to 75’ on the corner from the south and east. There was an additional 10’ on the northeast portion of the lot which made lot smaller. As a result, the PUD case is asking for setback relief on the East, West and South portions of the property

because of the reduction of the lot size due to the right-of-way requirements.

- Entrance locations address traffic flow for the intersection.
- Setbacks are also being requested to address landscaping, and they can't move the building further away from Woodlawn so they can hide the trash cans. To the west those buildings don't face the property, so they won't be looking at trash cans. Landscaping along the west addresses the screening.
- Landscaping relief to the north of the building is due to a utility easement that has existing utilities. Trees are needed for screening. Relief request is to install evergreens in lieu of shade and ornamental trees to avoid the utilities.
- Site does have some challenge with addressing stormwater and ensuring that the water goes into the pond to the west. Applicant has had meetings to address this to make sure they do not impact anyone in a negative way.

Commission asked that along the north property line why the applicant wasn't asking for 15' more feet instead of "jogging over" which would allow the east portion of the north property line to go straight down. Agent stated that the east property line is already established due to the right-of-way to allow for street widening.

Commission stated that instead of 15' on the east side of the property, the applicant should be asking for a 5' setback because the curbline there and concerns about traffic flow around the gas pumps. Commission pointed out that the curb line is very close to cars fueling and may not allow for a car to get by. Agent didn't want to ask for more than they have to but would like to request a 5' setback at that location.

Commission discussed the need for the 5' setback at the east location to provide more space for vehicles to circulate on the site.

Commissioners identified 1, 2, 5, and 10 findings of facts as listed in the staff report.

Motion: Chairman Jordan moved to approve the proposed PUD Preliminary Plat with the modification to reduce the east side setback from 15' to 5'. Commissioner Mackey seconded the motion. ***Motion carried 6-0.***

D. Overview of Robert's Rules- Presentation by Maria Schrock, City Attorney

Secretary stated that a handout on Robert's Rules was included in the agenda packet as an overview.

City Attorney discussed that the Commission has tools available to them and one of those tools is to create a record. To create a record, it is important that each Commissioner is able to speak and ask questions without interruption. It is important for the Chairman to recognize and call

on Commissioners one at a time when they want to speak or ask questions. This process will avoid Commissioners talking over each other and prevent Commissioners from having side conversations at the bench. When Commissioners take turns the record is clear and all discussions become part of the record.

Action: No action required; for discussion only.

E. Overview of Written Communications, Maria Schrock, City Attorney

City Attorney stated that the League of Kansas Municipalities has a summary document that can be shared with the Commission on written communications. Maria highlighted these key areas:

- Social media engagement. If the Commission goes onto a site and there are planning commission agenda items or planning commission business being discussed they should avoid commenting on it. If a quorum responded to that business there would be official business taking place. Responses do not have to be text, a response would also include using an emoji, such as a thumbs up. That emoji response would be considered interactive communication because you are agreeing with the thumbs up to the information on the site.
- Ex parte Communication- Commissioners will be asked questions about cases that may appear on the Planning Commission agenda. If questions are asked, do not enter into a conversation or respond to them. Encourage them to attend the public hearing on the case or reach out to the Secretary if they want to provide written communications. This information will be included in the agenda packet. If a Commissioner has a conversation about planning commission business it must be disclosed during the meeting.

The City Attorney stated that she would share the LKM information with Commissioners via individual emails.

Action- no action required; for discussion only.

F. Overview of Annexation Process, Maria Schrock, City Attorney

City Attorney suggested that the item be moved to the next meeting because the information was lengthy. Commission asked if the item could come to their May meeting. Secretary stated she would place it on their May agenda.

Action: No action required; for discussion only

VII. Approval of the Next Planning Commission Meeting Date.

Motion: Chairman Jordan moved to approve the date of the next meeting: May 14, 2026, at 6:30 p.m. Vice-Chairman Faber seconded the motion. ***Motion carried 6-0.***

VIII. Current Events

A. Upcoming Agenda Items:

- a. No cases pending

B. Upcoming Events:

- a. April 23 – 25: Citywide Garage Sale Weekend
- b. May 2: E-Recycling & Shred Day | 9 am – Noon at City Hall
- c. May 16: Spring Curbside Clean-Up

IX. Adjournment

Motion: Commissioner Mackey moved to adjourn. Commissioner Roths seconded the motion. ***Motion carried 6-0.***

DRAFT