



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
May 14, 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 and John Sutherland were present in person.

Commissioner Paul Mackey was absent.

Also present in person was Paula Downs, Secretary.

Maria Schrock, City Attorney was absent.

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.**

Secretary stated that Commissioner Sutherland reached out about the April 9 minutes. Specifically, during this meeting (April 9, 2026) there was one item on the agenda that the motion carried 5-1 and Commissioner Sutherland asked about a roll call vote and for the minutes to be updated. Secretary went back to the Planning Commission Bylaws and there is a clause that states that there will be a roll call vote for a divided vote. The language assumed it was clear what a divided vote is, however, it isn't. The intention of this clause in the Bylaws is that if the vote is called and there is a dissenting vote it should be a roll call vote where we ask for each individual commissioner's vote.

During the April 9 meeting this process was not followed. Secretary has asked the City Attorney to review this issue of whether the minutes can be changed since during the meeting a roll call vote was not called. It was confirmed that we should not update the minutes, but moving forward this process will be followed. Secretary stated that the Commission has not had a dissenting vote item since the Bylaws were approved. Secretary stated that if there is an opportunity for the minutes to be corrected and the dissenting vote to be noted, which the dissenting vote was Commissioner Sutherland, then it will be updated.

Moving forward if this occurs again, a roll call vote will be called. Commissioners stated that they can also remind the chair of this process should it come up. Commissioner Sutherland stated that he brought the issue up for transparency for the citizens and believes citizens should know how the Commission votes. Commissioner Sutherland felt that during the discussion of the building at 53rd and Webb there was confusion on what had been previously discussed and approved, and he voted no as a way to remember what happened.

Commissioner Sutherland wants full disclosure. Chairman stated that the City Council takes roll call votes and Secretary confirmed that based on the type of case, the Council is required to take roll call votes on certain items. The Planning Commission roll call vote would be triggered when there is a dissenting vote. Commission asked if an abstention would require a roll call vote and it was confirmed that this would trigger a roll call vote.

Commissioner Sutherland asked if an official meeting minute change cannot be made can an amended note to the minutes be made of what happened, that there should have been a roll call vote, and list the vote results. Secretary stated she would need to review with the City Attorney to determine the answer to the question. Secretary stated she made a note of the dissenting vote, but it was not in the meeting record because there was not a verbal record of who dissented only a voice voting "no". Secretary stated she would review options and if minutes can be updated they will be updated.

Secretary stated that the motion could include language stating that if the meeting minutes can be updated to reflect the dissenting vote then the update will be made.

Motion: Chairman Jordan moved to approve the minutes of the April 9, 2026, meeting with the caveat that, after discussion with the City Attorney, they may be updated to show the dissenting vote. Commissioner Sutherland seconded the motion. ***Motion carried 5-0.***

V. Announcements:

Secretary shared that the City Attorney would not be attending the meeting this evening and several of the items on the agenda will be moved to the next meeting.

- A. There will be a Board of Zoning Appeals meeting following the adjournment of the Planning Commission meeting.
- B. There will be an Airport Zoning Commission meeting following the adjournment of the Board of Zoning Appeals meeting.
- C. Updated Zoning & Subdivision Regulations for Planning Commission notebooks.

Secretary provided the Commission the updated Zoning & Subdivision Regulations to include in their notebooks. At the end of each year, we receive all of the updated pages for the city code, and the Secretary will provide those updated sheets to the Planning Commission to ensure their notebook copies are current. During the year the most accurate codes will be online for review. Secretary is still reviewing how to best provide the Commission online access to information- this will continue to be reviewed.

VI. Planning Commission Business

A. Overview of Extraterritorial Area of Influence- Paula Downs, Secretary

During the approval of the zoning map the Commission noticed there was a boundary line drawn outside the city limit boundaries and there was discussion about what the additional boundary line was. Secretary stated this was our area of influence boundary line. State statute authorizes cities to control subdivision regulations and allows a 3-mile area of influence outside city limits. This is why we have members of the Planning Commission who reside outside of the city limits but within the three miles of our area of influence.

Typically, the area of influence is determined by reviewing growth patterns, infrastructure plans, and how the city can serve that area for future development. Currently, the Bel Aire area of influence is limited to the North and Northeast due to Wichita directly butting up to our city limits on the other three sides. Growth in those areas would be limited to an annexation case where everyone agrees that the city limits are expanded or contracted.

Area of influence is in the North and Northeast in the unincorporated areas of Sedgwick County. Sedgwick County approves the areas of influence which is reflected on the zoning map. Statute also states that cities' area of influence cannot overlap each other which is why each city has a mutually exclusive area of influence that doesn't conflict with other cities. Sedgwick County must approve the area of influence for that reason and because that area of influence is in the unincorporated area of Sedgwick County. Decisions will be made on the area of influence so that no city develops in someone else's growth area.

Statute sets out how the area of influence is developed and assigned and depending on the city boundaries there may not always be a full 3 mile area of influence for everyone. Whether a city develops in that area of influence will depend on infrastructure being extended into those areas. Bel Aire still has a lot of land within the city limits to develop so it is unclear when or if development will occur in the area of influence.

Commissioners had questions about annexation and what happens if someone doesn't want to be annexed and if annexed is the property subject to the Bel Aire taxes. Secretary stated that the City Attorney will be presenting at the next meeting about the details of annexation. Annexation is a little bit more complex and there are processes, statutes, etc., that govern those types of cases. These cases require various approvals and agreements.

Commissioner Roths stated that in the Kechi area of influence there is interest in development and they are considering bring utilities to that area for the development. It was discussed that this may be difficult to do if this area isn't annexed into Kechi that would be a large expense. This area will be impacted by what occurs with K254 changes. Commissioner Roths has heard that Kechi wants to put in water and sewer from Kechi to Greenwich Road- that section is within the area of influence for Kechi. What happens when a property owner wants to be in Bel Aire and Kechi has installed these services. It was stated that Sedgwick County and the properties owners where infrastructure is installed would be involved in the process.

Secretary stated that the City Attorney could assist in providing details about the annexation process and how it affects the area of influence. Commission will continue to receive information about this topic to better understand how it works and what the Commission's role would be. Planning Commission could be involved in area of influence when reviewing and approving the zoning map, an annexation case, the comprehensive plan updates, and other cases heard by the Commission.

Action: No action required; for discussion only.

B. Overview of Annexation Process- Maria Schrock, City Attorney

Secretary will move the Annexation process item to the next meeting agenda.

Action: No action required; for discussion only

C. Overview of Case Checklist and Types of Cases - Paula Downs, Secretary

Secretary stated that for different types of cases there is a checklist or script that is read that includes all required information/questions such as has there been any ex-parte communication, that is read into the record to satisfy state statute. The City Attorney puts those together and staff wanted to ask that between reading the script, reviewing the cases, remembering Robert's rules of order, remembering the elements of the bylaws, the checklist reading be shared among the commissioners and the chair be responsible for Robert's rules and guiding the meeting. Staff wanted to bring the item forward for discussion on how to move forward and determine if it made sense to do anything different.

Commissioner Sutherland stated that it sounds better referring to this as a checklist vs. a script which gives it the wrong message. He is open to reading the checklist and ensuring that things are crossed off. Chairman Jordan stated that there are words on the checklist that the City Attorney likes to see like ex parte and it's pretty concise but felt it was laborious because it has to be read for several cases and becomes monotonous.

Commissioner Sutherland asked how many people in the audience know what ex parte is? He feels we need to revisit that legal term. There are people "out there" (in the audience) that don't know what that is. Chairman Jordan stated that they can likely figure it out based on the checklist language. Secretary stated that the language is statutory which is why it is referenced like that in the checklist. Commissioner Sutherland stated that if the language has to be in there then say it but then explain it in plain English.

Secretary asked if there was any other assistance needed to ensure that bylaws and Robert's Rules are being followed in addition to the checklist being read. Secretary asked if there was any assistance needed or if the commission wanted to share responsibilities.

It was determined that the Chairman will continue to read the checklist but asked that all Commissioner's receive a copy of the checklist to follow along and help keep things on track if needed. Secretary stated that many of the cases on the Commission agenda will require a checklist. Commissioner Sutherland stated that the Commission should share the checklist because the chairman is running the meeting. Vice Chairman Faber and Mackey believes that the chairman should do it all so the meeting runs smoothly. If someone is reading the checklist and someone else is running the meeting it could create an issue. Chairman should be acknowledging who can speak and staff should ensure that the checklist is fully read. Commissioner Roths shared that she likes the checklist to ensure the planning commission is legally covering what needs to be covered, which was not previously the case in past meetings.

Secretary suggested that the Chairman acknowledge on the record who is speaking and also state for the record who is making the motion and second- this makes it clear, by name vs. trying to recognize the voice.

Moving forward each Commissioner will need to look at the Chairman and the Chairman will need to acknowledge who wants to speak once someone has completed their conversation. Chairman will continue to read the checklist and evaluate whether it needs to change moving forward.

Action: No action required; for discussion only.

D. Overview of SB 418

Secretary will move the overview of SB418 to the next meeting agenda. Secretary briefly stated that SB418 relates to trying to ensure that affordable housing can be built in a way that doesn't make it prohibitive to build in a timely manner and ensure that city zoning and subdivision regulations reflect that need. The bill is approved and was recently signed by the Governor. Staff is reviewing the details of the bill. The bill has, for example, an issue that may result in code definition changes, for example, "Single-Family home is a detached or semi-detached dwelling arranged, intended or designed to be occupied by a single family. A semi-detached dwelling is also known as a duplex". This may mean that where single-family residences are allowed the district would allow for two-family residences. There is a lot of review being done to better understand how to interpret this and just to meet definitions would require our codes to change. The City Attorney will be providing more context to this bill.

Chairman Jordan read the bill and noticed a requirement that allows a less than 2,500 s.f. home to be put on a 3,000 s.f. lot and language about accessory units that need to be reviewed. There would be crowding on the lot if a 2,500 s.f. house was placed on a 3,000 s.f. lot. The bill is looking to make houses more affordable and quicker to access to ease the housing crisis by streamlining the process.

City staff will be reviewing to determine how this affects our codes and regulations and the types of districts.

Commissioner Sutherland wanted the Planning Commission to discuss this because he believes there will be push back from cities around the state. He stated that we are not going to do this and it is totally against what our zoning codes look like. If that is the case the Commission should suggest to the City Council that they protest this. Secretary stated that this has passed and will stand until next year since the legislature is out of session. In many instances we know about legislation being discussed because we receive information from the League of Kansas Municipalities about issues affecting cities and there is testimony from cities across the state. Secretary was unaware what the process was or how cities were involved. Commissioner Mackey stated that the role of the Planning Commission is to enforce city codes and not to discuss laws that are passed by the state of Kansas. Commissioner Sutherland stated that this could affect our zoning code and as a Planning Commission we can say that it totally skews codes and that taxes are going to increase dramatically. Commissioner Mackey stated that is really for the City Council to determine.

Chairman Jordan did point out that there are very small single-family houses being built north of Hillside and 45th street- along 254- those homes seem fairly not “tight” on the site- around 1100 s.f. homes on 3,000 s.f. lots and they don’t seem that bad.

Secretary confirmed that SB418 was law and currently staff are trying to figure out how that affects us.

Action: No action required; for discussion only.

VII. Approval of the Next Planning Commission Meeting Date.

Motion: Commissioner Mackey moved to approve the date of the next meeting: June 11, 2026, at 6:30 p.m. Vice Chairman Faber seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. Upcoming Agenda Items:

Current Events- Secretary confirmed that currently there are no Planning Commission cases pending for the next meeting.

B. Upcoming Events: Secretary read the following upcoming events:

- a. May 16: Spring Curbside Clean-Up
- b. May 23- 9:00 a.m. to noon | Central Park Ponds: Cops & Bobbers Fishing Clinic
- c. May 25: City Offices Closed for Memorial Day
- d. June 27: 11:00 a.m. | Denise Park: Art Tenbrink Memorial Tree Dedication
- e. July 3: City Offices closed in observation of Independence Day
- f. July 11- 6:00 p.m. | City Hall: Bel Aire Night Out – Celebrating America’s 250th

IX. Off Agenda Discussion requested by Commissioner Sutherland

Commissioner Sutherland stated that if the Commission has no cases there should still be a meeting and the Commission should have a discussion about what we want to see from a Planning Commission perspective on the city, parks, pocket parks in existing or new developments. He believes it (parks) is important for the community and eases the burden on the taxpayer and the parks are for the community in a housing area. He would like to see the meeting move forward even if there are no pending cases for discussions to occur. Chairman Jordan did state that when the Commission discussed a plat they have made suggestions that they delete one or two lots for a park, and they have said they are willing to do that but then don't do it. It was stated that the Planning Commission doesn't have authority to require them to do it except at the preliminary plat stage where it would need to be required. Secretary confirmed that the code doesn't require parks be included in developments.

Commissioner Sutherland stated that the City Council could require the developer to install a park for every 50 homes depending on the lot size. Commissioner Sutherland further stated that the City Council can go back to an already approved plat and tell them we have a new rule and we want you to go back and put in a park. He further stated that the developer could also be required to put in city approved playground equipment and the HOA has to take care of it because you can't expect the city take care of it. Commissioner Sutherland stated they he spoke with the City Manager and the Mayor about it and they said they got it. Commissioner Sutherland doesn't believe the Planning Commission can do it but believes the City Council can. Chairman Jordan stated that it would need to be clear about the requirements and that the requirements would need to be put into code. Secretary confirmed that code would need to reflect the requirements and further stated that we would not be able to go back once the plat is approved because they submit the plat based on the number of lots they will develop and what makes financial sense to them. Secretary also confirmed that there have been cases where the developer did convert a lot into an open green space. Not many developers install playground equipment because it's an expense and then it has to be maintained and some HOA's dissolve.

Commissioner Sutherland stated that you can't ask them to tear down a house, but you can let them know that there is a new code and prior to the building permit being issued, then they would have to make a lot a park space. Secretary stated that staff could provide some additional information to see if other communities have these types of requirements and what the process is for requesting this type of information. Chairman Jordan stated that he is in favor of developments that offer a variety of lot sizes vs. having all lots the same size. In a recent case, the developer agreed to do that- he believes it makes for a richer development. Commissioner Sutherland stated that it is not any concern of the Planning Commission to make sure that the developers development makes them money and should not consider that in any discussion. The city is for the citizens and not the developer.

Commissioner Sutherland stated that anytime a developer comes and wants to deviate from the zoning regulations the Planning Commission has to get something in return for the citizens of Bel Aire- not just let them do it. He doesn't believe that any citizen would want to give up something and not get something in return for it. He clarified that he wasn't talking about a "kick back" or anything but something for the citizens that are going to be in that area. Chairman Jordan said he didn't disagree with any of that but that they have heard from City staff that the city benefits from more tax revenue, so they want to be developer friendly and not place onerous requirements on them so that they don't go to another city and don't develop in our city. Commissioner Sutherland said he fully agrees with that but it's a very fine line you walk because he's not rich and he's never met a poor developer. The gentleman at Webb road about the tree caliper size, Commissioner Sutherland said he didn't bring it up then, but he's bringing it up now, that was solely dollars that's all that was. If that person is so worried about a 1" vs a 2 1/2" caliper tree- that's our standard- either approve it or don't get approval. That is why Commissioner Sutherland voted "no" on the case. Chairman Jordan said he agreed with that- that if you are going to have a code, whether it's a requirement for a 3,500 s.f. lot or setbacks or whatever- he thinks it's a good idea to adhere to that or if you're going to deviate from it have a pretty good reason why and not because it's cheaper.

Commissioner Sutherland asked the Commission if they had data that shows variance requested, variance granted, variance denied and the reasons why. Secretary stated that data is not compiled. He believes that is a very important set of data that the next item he wants to bring up is Bel Aire needs a dashboard. He stated he talked with the City Manager and the Mayor about this. Needed to show the citizens what we're doing- what's going on in Bel Aire. The newsletter is great but if you go to try to look up something- it's next to impossible. He provided an example about research he was trying to do on building permits in Bel Aire from 2021 – 2025 and he had to fill out a freedom of information act request. When there is a person wanting to move to Bel Aire, it is an important piece of information to know what is being built and what is going on. Commissioner Sutherland stated that from those 4 years there were 343 duplex building permits issued and 303 single-family homes. He knew from talking to different people around the metro-area that Bel Aire is a duplex city whether that's true or not- this (the records he received) "sort of proves that it sort of is" (a duplex city). It took an act of congress almost to get that (the records he received). The building permit folks have it, because he got it after a freedom of information act request. He believes that information should be posted and be open and transparent about everything because if someone tries to search on the website it's terrible. Commissioner Sutherland wants to push for a Planning Commission process to have a website where someone can go and look that information up. Chairman Jordan stated that it sounded more like that should be the City website vs a Planning Commission website- Commissioner Sutherland thought that it should probably be a combination.

Commissioner Sutherland stated that when he was a citizen presented at the previous Board of Zoning Appeals meeting, he brought up a specification (code/regulation) regarding egress. Secretary asked if he wanted to talk about this during the Board of Zoning Appeals meeting and he said that it should be discussed in both the Planning Commission meeting and Board of Zoning Appeals meeting. A lot of codes don't address every single item in detail, but they will address that item and refer you to another code. He stated that he tried to do that at the previous meeting where it (the code/regulation) said that "a clear accessible route shall be 36" minimum". Commissioner Sutherland stated that a staff member said that was a commercial code but here's what "I have" (held up a piece of paper referencing the code) and it referenced the ICC- which is International Code Council.

Commissioner Sutherland feels that the Commission should have the proper information before making a decision or if there is a question the Commission shouldn't make a decision. There was a lot of questions about this- before we make a comment that "oh that's not right" need to make sure we have the information to back that up and this (Planning Commission) is a decision making board. Chairman Jordan stated that he ran into cities where there is a 2025 code, but a jurisdiction was operating under a 2016 code and didn't care there was a newer code. This is not uncommon for cities to not follow the most current code cycle. Commissioner Sutherland stated that it is the responsibility of the city to ensure current codes are being adopted and say that within 90 days we say "yes" or "no" and if we aren't going to adopt it we have to have a concrete reason why we aren't going to adopt it. Chairman Jordan stated that adopting a code is expensive and that is sometimes the reason why codes are not updated. Commissioner Sutherland stated that the way around that is to purchase the online subscription. Important to do this to keep Bel Aire in the for front.

Action: No action required; for discussion only

X. Adjournment

Motion: Commissioner Roths moved to adjourn. Vice Chairman Faber seconded the motion. ***Motion carried 5-0.***

Approved by the Bel Aire Planning Commission the 11th day of June 2026.

Phillip Jordan, Chairman

ATTEST:

Paula L. Downs, Secretary