



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
August 23, 2022 6:30 PM



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

II. Roll Call

James Schmidt, John Charleston, David Floyd, Phillip Jordan, and Dee Roths were present. Heath Travnichek and Paul Matzek were absent.

Also present were City Engineer Anne Stephens; Planning Commission Secretary Jay Cook; City Attorney Jaqueline Kelly; and Code Enforcement Officer Garrett Wichman.

III. Pledge of Allegiance to the Flag – Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Chairman Schmidt moved to approve the minutes of July 14th, 2022. Commissioner Roths seconded the motion. *Motion carried 5-0*

V. Old Business/New Business

A. PUD-22-01. Proposed changing partial zoning within the current PUD to allow R-6 multifamily housing (Arthur Heights PUD)

Chairman Schmidt opened the public hearing. Planning Commission reviewed the applicants request to change the current PUD to allow R-6 multi-family zoning for Arthur Heights. This property is located immediately west of the northwest corner of 45th and Woodlawn. This matter was tabled at the previous Planning Commission meeting. Ken Lee of Garver, LLC was present to represent the property owner, Russ Relph.. Mr. Lee spoke to some of the requests that were previously made by the Planning Commission regarding the application.

Following this discussion, Chairman Schmidt opened the floor to residents and allotted each resident with three (3) minutes to express grievances, concerns, or support. The Planning Commission also allowed Mr. Lee to address these concerns after all residents spoke.

The first to speak was Dennis McCallum, 4650 N Hillcrest. Mr. McCallum spoke about sharing 150 feet of his property line with the PUD. He stated he was worried about his property value dropping and the possibility of more calls to the Bel Aire Police Department. Another concern was the drainage issue on his property and the concern that adding this development may increase said water issues. Mr. McCallum showed photographs which he said demonstrate current water/drainage issues on his property.

The next to speak was Carol Russell, 6218 E 45th St. Her concern was with the trees that would abut her property line as screening and the possibility of children running in and out of the tree line. She was also concerned with individuals hiding in said trees to attack her on her way home.

The last citizen to voice concern was Gary Jantz, 6200 E 45th St N. Mr. Jantz had concerns about the density of the PUD and the possible fire event that could take place. He was also concerned with the setbacks from the property lines proposed. Concern also arose regarding the gas pipeline on the southern portion of the property. He stated feeling violated by loss of privacy and stolen property due to lowering property values.

No other citizens requested to speak. Mr. Ken Lee then spoke to the concerns of the neighbors. Chairman James Schmidt closed the public hearing.

Following the public hearing, Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors. Commissioners discussed the character of the neighborhood, zoning uses of nearby property, suitability of the property for the uses to which it is restricted, the extent to which removal of the restrictions will detrimentally affect nearby property and the length of time the subject property has remained vacant as zoned.

MOTION: Commissioner David Floyd made a motion to recommend changing the partial zoning within the current PUD to allow R-6 multi-family housing with the condition of default eight (8) foot fence or appropriate screening as otherwise mutually agreed upon with neighboring properties. Phillip Jordan seconded the motion. *Motion carried 5-0.*

- B. ZON-22-05 Rezoning:** Approximately 71 acres zoned AG to M-1 Industrial. Currently used as farmland. Was recently annexed into city. (Located at the southwest corner of HWY 254 and Webb Rd.)

Chairman Schmidt opened the public hearing to the residents and allotted each with three (3) minutes to express grievances, concerns, or support.

Franklin Vespa, owner of the property directly east of the application, spoke with concerns for the rezoning. He stated that he would not have purchased his property if he had known an industrial zone would be allowed next to his property. He has concerns for

lowering property values, increase in crime, excessive noise and lighting, and environmental issues.

No other citizens requested to speak. Chairman James Schmidt closed public hearing.

After hearing concerns, the Planning Commission discussed the applicants intended uses for the property, possible effects of the zoning change on the residential properties to the south and zoning considerations regarding the airspace near Jabara airport. It was also stated that M-1 Industrial zoning would require a PUD and that the residential area to the south should be taken into consideration when that arises.

MOTION: Chairman Schmidt recommended the request to rezone certain recently annexed property at the southwest corner of Hwy 254 and Webb Rd. containing approximately 71 acres from AG to M-1 Industrial use without changes or conditions. David Floyd seconded the motion. ***Motion carried 5-0.***

VI. Staff Reports

Director Report

Director Jay Cook recommended for the commission to utilize the planning and zoning department.

VII. Next Meeting: Thursday, September 8th at 6:30 PM

After brief discussion the Planning Commission agreed upon September 8, 2022, at 6:30 p.m.

MOTION: Chairman Schmidt approved the next meeting date to September 8, 2022, at 6:30 p.m. Commissioner David Floyd seconded the motion. ***Motion carried 5-0.***

VIII. ADJOURNMENT

MOTION: Chairman Schmidt made a motion to adjourn the meeting. Commissioner John Charleston seconded the motion. ***Motion carried 5-0.***

Approved by the Bel Aire Area Planning Commission this _____ day of _____, 2022.

James Schmidt, Chairman

ATTEST:

Jay Cook, Secretary