



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
June 12, 2025, 6:30 PM



I. Call to Order: Chairman Phillip Jordan called the meeting to order

II. Roll Call

Chairman Phillip Jordan and Commissioners Deryk Faber, Brian Mackey, Paul Matzek and Dee Roths were present. Commissioner Brian Stuart was absent.

Also present were Paula Downs, Director of Community Development and Maria Schrock, City Attorney attended via phone.

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.

Vice Chairman Faber stated that his name was misspelled and needed to be correct.

Motion: Commissioner Mackey moved to approve the minutes with the corrected spelling of Commissioner Faber's name of May 8, 2025. Chairman Jordan seconded the motion.

Motion carried 5-0.

V. Announcements: No announcements were made by staff.

Chairman Jordan asked about the recent comprehensive plan workshop. Staff confirmed that it was the final workshop to talk about various types of districts and central focus areas of the city. The workshop included mapping exercises. Commissioner Mackey attended and stated that they were taken through a long series of descriptions of types of areas for the city and where they could be located. The discussion included where specific types of districts could be identified across the city. Attendees reviewed the zoning district map and provided suggestions of how these areas should be labeled and where they appropriate should be designated. Commissioner Mackey liked the process because the districts had very descriptive names. The plan will be finalized and will come to the Planning Commission in August.

VI. Old Business/New Business

A. Consideration of Amendments to the Bylaws of the Planning Commission

Staff stated that the draft document reflects two items discussed during the May meeting. The items include language that states the Commission will review the bylaws annually to modifications as needed. The second item was to update the language that states Commissioners can miss no more than three (3) consecutive meetings and no more than five (5) meetings a year. Paula acknowledged receiving information on grammatical errors from Commissioner Roths and that those errors were updated. Paula confirmed that staff have been reviewing the document to ensure the content of the document agrees with state statute and that language across each section is not in conflict. The document includes language that includes best practices and provides clarity. Paula stated that text in black font is the original text on the 1991 Bylaws document, and the blue font text are items that have been added.

Commissioners discussed the following Bylaw items:

1. Article 1 Section 2- Membership- states that members would be appointed at their first regular meeting in May of each year. Staff confirmed that they were reviewing the reference to May and would appropriately be updating that to reflect when that would need to happen. Vacancies are being filled when they occur and not necessarily by the date reflected in the Bylaws. Commissioners suggested that Commissioner terms be staggered so that there isn't a time when all seven members are new. Paula confirmed that the terms are currently staggered. When members are appointed to fill a position- they resume that term to keep commissioners staggered. Commissioners serve three-year terms.
2. Article 1, Section 6- Item 9- Commissioners stated that the language was confusing when it listed the Wichita-Sedgwick County Metropolitan Area Planning Commission and Department. Paula stated that the language is correct, there is a Commission and a Department.
3. Article 3, Section 7- Compensation- It is understood that Commissioners will not be compensated, and state statute says that. Commissioners asked about out-of-pocket expenses including travel related to the activities as the Governing Body. There was discussion that this language should be updated because they aren't the Governing Body. Paula confirmed that the language would be clarified. Commission Jordan did ask if Commissioners could expense their mileage to come to council meetings, especially if they live outside the City. With long-term Commissioners this could add up over several years. Paula stated the language would be reviewed and clarified.
4. Article 1, Section 6, Item 5- Commissioners asked what extraterritorial jurisdiction is. Staff stated that this is the planning area outside of Bel Aire city boundaries or the planning environ around the city.
5. Article 1, Section 6- Item 9- Commissioners requested that Circle School District be added.
6. Article 1, Section 2- Membership- Commissioners suggested that prior to the end of a Commissioner's term that some kind of performance review be done to talk about if a Commissioner wants to serve another term or if they will resign. If they plan to resign then would provide more time to prepare for the next appointment. This could be helpful

- if someone is having difficulty attending meetings or some other issue. This type of meeting could provide more accountability and professionalism.
7. Article 1, Section 6, Item 6- Commissioners asked if they prepare and present a budget. Staff confirmed that it is allowed by statute, however, the Commission does not prepare and submit a budget document. The Secretary does have expenses related to the Commission meetings, but no formal budget is presented. Commissioners stated that If a budget is created then they should be reviewing it and if not then this section should be removed from the Bylaws.
 8. Article 3, Section 4- Closed and Executive Sessions. Commissioners asked how could the discussion of a zoning case or special use permit not be discussed in the open meeting of the Planning Commission? Staff confirmed cases should be discussed in the open meeting but there may be some aspect of the case that could require a closed or executive session to discuss a legal aspect of the case such as mitigating liability to the city. Paula clarified that this language may be what was included in 1991 document and that this section will be reviewed and updated accordingly.
 9. Article 3, Section 5- comma after required- grammatical error. Paula will update.
 10. Article 3, Section 6- Quorum- Commissioners discussed that at a prior meeting in October there wasn't a quorum for the meeting and the meeting wasn't opened and an announcement made. The language in the document uses the word that in the absence of a quorum the meeting will be adjourned which indicates the meeting will be opened and then closed. That did not happen in October. Staff confirmed that if a meeting is opened no discussion on any item can occur without a quorum and the meeting would need to be adjourned immediately. There is an option that the meeting is not opened at all. Staff stated that if the meeting was opened and then adjourned there would be formal meeting minutes or notes would need to be made if the meeting wasn't opened. Commissioners questioned if a motion can be made and voted on to adjourn a meeting without a quorum. Staff will review and update accordingly.

Commissioners asked what happens if there are multiple Commissioners that must abstain from a particular agenda item, and they don't have a quorum to even discuss or decide a case. Staff will review and add language to address this type of occasion. Staff stated that the item might need to go to the City Council to decide.

Commissioners asked if someone needs to attend remote does that need to be included in the Bylaws. Staff stated that currently the Planning Commission is not streamed or recorded and have not historically recorded the meetings and have not had provisions for Commissioner or the public to attend virtually. Commissioners discussed that this idea may not be a good idea at this time because it's difficult to hear and the meetings are not the same when someone is attending online. Commission Faber stated he would not be opposed to streaming meetings at some point for transparency purposes but felt all Commissioners should attend in person. Staff advised that if Commissioners were allowed to attend remote additional language would need to be added to determine how many meetings would they be able to attend remotely. Commissioners didn't want to move forward.

11. Article IV, Section 5- Parliamentary Procedures Item 3- Commissioners asked for clarification on what motions to receive and file is. Staff stated it was a type of agenda item that is presented for review or discussion but it not something that is voted on.
12. Section V, Item 10- Commission was reminded that any member abstaining or remaining silent on a vote shall be considered to have voted with the majority vote of those who voted, unless the member has a conflict of interest. If you remain silent then it's a vote with the majority.
13. Article 4, Section 5, Item 11- Commissioners asked for clarification on the language "when a member is disqualified from voting, they cannot be counted as present for the quorum". Does that relate to that item or the whole meeting? Staff confirmed that the paragraph starts with "item" but clarifying language will be added to the end of the sentence.
14. Article 7, Section 1- Commission pointed out the word "contravention" and staff confirmed that is should "contradiction".
15. Article VII, Section 1- Commission suggested that annually reviewing the bylaws could be updated to say they will review the bylaws every three years. Staff confirmed that they can update the bylaws at any time if needed. Staff will update the language.
16. Article 4, Section 1- Order of business- Commission asked the pledge of allegiance be included in the Order of Business. Staff will update.
17. Article 3, Section 1- Commissioners discussed the sentence "...however, that the Commission may vote to adopt another hour, date, or place of meeting. Any such change shall be published for the convenience of persons having business before the Commission." Commissioners asked if there was language in the statutes that provide a specific amount of notification time that you have to give when you change a meeting. Staff stated there was no statutory requirement however the Commission can include language of what you believe is a reasonable timeframe for notification. Staff confirmed that any change in meeting time, date, hour, would be timely published online for the public to be notified.
18. Article II - Section 3- Staff stated that the following language had been updated- "The Chairperson shall preside over all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the Senior Commissioner (the person serving the longest period of time on the Commission) shall act in the manner and capacity of the Chairperson." The Commission liked the succession being included in the Bylaws.

It was determined that due to the number of modifications/updates discussed, the Commission could make a motion to table the item and bring back to the next meeting.

Motion: Chairman Jordan moved to table the bylaws of the Planning Commission as presented. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

B. Review of Review Criteria for Planning and Zoning Cases (Golden Factors)

Staff presented the review criteria guide related to what is discussed when reviewing zoning cases. The handout provided information for each criteria on what questions to ask and the type of information to be considered. In addition, each criteria have a description of what information

can be used as a consideration. The handout helps clarify each of the “Golden Factors”, so it is clear what the Commission is reviewing. Staff provided a brief history of how and why the Golden Factors were developed. Handout does not include the nearby zoning districts criteria since these are provided by Staff and are not discussed or debated. The remaining nine (9) criteria are listed in detail in the handout. Handouts were developed so that Commissioners could have them during their meetings. The handout was well received by Commission. Staff discussed that the zoning codes will begin being updated later this year to assist the Commission as cases are evaluated.

Commissioners discussed when cases are presented there is information or a “picture” of what will be developed, for example duplexes. Then after the development is approved the development changes. Commissioners asked if there was anything that could be done in the zoning code to address this. Staff confirmed that development can occur if it is appropriate to the zoning district or they can file a case to change the zoning district to allow for a different type of development. All zoning cases go before the Planning Commission and City Council for approval. Changes in zoning codes will come before Planning Commission for approval. Commissioners discussed potentially wanting a district that only allows single-family and another district that is only multi-family so that it is clear what will be built. Staff confirmed that all development are evaluated against the “Golden Factors” criteria.

Commissioners requested that staff bring the Golden Factors handout to each Commission meeting so that they are available.

Action: No action required; for discussion and review only.

VII. Approval of the Next Meeting Date.

MOTION: Commission Paul Matzek moved to approve the date of the next meeting: July 10, 2025, at 6:30 p.m. Commissioner Mackey seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. Upcoming Agenda Items:

- a. Board of Zoning Appeals Ordinance
- b. Board of Zoning Appeals Bylaws
- c. Review of Zoning Case Script

B. Upcoming Events:

- a. Cops & Bobbers Fishing Event @ Central Park Ponds- June 7
- b. Fireworks Detonation Timeframe: June 27 – Midnight July 4
- c. City Hall closed for 4th of July

IX. Adjournment

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