



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
April 14, 2022 6:30 PM



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

II. Roll Call

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

Also present were Planning Commission Secretary Anne Stephens and City Attorney Jacqueline Kelly.

III. Pledge of Allegiance to the American Flag

Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Commissioners noted that under Item B the name of the consulting firm should read “KE Miller Engineering, PA”.

MOTION: Commissioner Floyd moved to approve the minutes of March 10, 2022 as amended. Commissioner Jordan seconded the motion. *Motion carried 5-0.*

V. Old Business/New Business

A. ZON-22-02 Elk Creek 3rd - Proposed re-zoning of approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.

Chairman Schmidt opened the public hearing. Kirk Miller, KE Miller Engineering, spoke on behalf of the applicant and stood for questions from the Commission.

Terry Schriener, 4741 N Prestwick Ave, asked questions about the proposed development and spoke about his concerns about irrigation, maintenance of the entryway along Elk Creek Drive, and the location of the north line of the proposed development in relation to the separating pond.

Following the comments from the resident, the agent for the applicant was given an opportunity to speak but declined to add any additional information unless the Commissioners had questions.

City staff asked for additional time to look into the concern regarding the separating pond and assist with communication between the Developer of Elk Creek 3rd and the existing HOA's regarding the maintenance of the entryway along Elk Creek Drive.

No others requested to speak. Chairman Schmidt closed the public hearing and the Commission resumed discussion of the matter.

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. Below are notes of some of the Golden Factors discussion:

1. Character of the neighborhood- The proposed development appears to be a different developer's version of the Courtyards at Elk Creek, which has filled up quickly.
2. Zoning uses of nearby property- The requested zoning is the same as the Courtyards at Elk Creek so will present a continuation of current zoning patterns.
3. Suitability of the property for the uses to which it is restricted -The property is currently zoned as C-1 Commercial. The Commissioners felt that this property would be better suited for residential use as they were concerned about commercial traffic entering and exiting the property along Elk Creek Drive.

MOTION: Chairman Schmidt moved to recommend approval of the re-zoning request for approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses. Commissioner Floyd seconded the motion. *Motion carried 5-0.*

B. Elk Creek 3rd Preliminary Plat (ZON-22-02) - Proposed platting of approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.

Due to concerns regarding the pond the Commission voted to table the preliminary and final plats (agenda items B and C) until staff could work through the concerns with the pond.

C. Elk Creek 3rd Final Plat (ZON-22-02) - Proposed platting of approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.

MOTION: Chairman Schmidt moved to table the preliminary and final plats of Elk Creek 3rd. Commissioner Jordan seconded the motion. *Motion carried 5-0.*

D. ZON-22-01 - Proposed rezoning of certain property from the current AG zoning to M-1 zoning. The property is generally located along K-254 Highway.

Chairman Schmidt opened the public hearing.

City Attorney Jacqueline Kelly spoke on behalf of the applicant, the City of Bel Aire, and stood for questions from the Commission.

No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning. Chairman 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, below are notes of *some* of the Golden Factors discussion:

1. Character of the neighborhood:

- The proposed development is at the fringe of Rural meeting Urban. With the highway to the north and a proposed interchange at K-254 and Webb Road, it is only a matter of time before this area becomes more urban. On one hand, the requested M-1 zoning is about as far away from rural residential as one can get, you can't expect that this area will stay rural forever – especially with it being this close to a City and with the intersection plans in the works with KDOT.

2. Suitability of the property for the uses to which it is restricted:

The re-zoning of this property will not open it up for all the uses described in the M-1 zoning district. Any potential development will still need to come back before Planning Commission through the PUD process. Through this process, Planning Commission will have the opportunity to ensure that a buffer is created between the residential area to the west and the school to the south.

MOTION: Chairman Schmidt moved to recommend the rezoning of certain property located along K-254 from the current AG zoning to M-1 zoning. Commissioner Floyd seconded the motion. ***Motion carried 5-0.***

E. V-22-01. Sunflower Commerce Park 2nd - Proposed vacation of certain property by the City (54th Street right of way)

Chairman Schmidt opened the public hearing. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning.

City Engineer Anne Stephens explained that this property was originally platted by the City as a pre-cursor to selling lots. A different party is now interested in purchasing the entire property and has a different vision for how they would like to utilize the property. They have requested that the City vacate the platted right-of-way so they can pursue their different vision for the property.

No others requested to speak. Chairman 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 10.04 (B) of the Subdivision Regulations. The Planning Commission found that:

1. Due and legal notice had been given;
2. No private rights will be injured or endangered;
3. The public will suffer no loss or inconvenience; and
4. In justice to the petitioner, the vacation should be granted.

MOTION: Chairman Schmidt moved to recommend the City's vacation of certain portions of 54th Street right of way and abutting relevant easements. Commissioner Travnichek seconded the motion. ***Motion carried 5-0.***

VI. Next Meeting: May 12, 2022

MOTION: Commissioner Floyd moved to approve the date of the next meeting: May 12, 2022 at 6:30 p.m. Commissioner Jordan seconded the motion. ***Motion carried 5-0.***

VII. Current Events

A. Upcoming Events:

April 9 — Spring Festival and Egg Hunt

April 15 – City Council application deadline

April 30 – Arbor Day Celebration

April 30 – Document Shredding & E-Recycling

May 12-14th – City Wide Garage Sale (no permit required)

May 21 — Spring Curbside Clean-Up

June 1 – Deadline to file Backflow tests for sprinkler systems

The Commission briefly discussed upcoming events.

VIII. Adjournment

MOTION: Commissioner Jordan moved to adjourn. Commissioner Travnichek seconded the motion. ***Motion carried 5-0.***

The meeting adjourned at 8:20 p.m.