



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



I. Call to Order

II. Roll Call

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

Also present were City Engineer, Anne Stephens, Director of Planning and Community Development, 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 Dee 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. Ken Lee of Garver, LLC was present to represent the property owner, Russ Relph to discuss the application. Mr. Lee spoke to some of the requests that were previously made by the Planning Commission regarding amendments to the original application that was tabled at the previous Planning Commission meeting.

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, spoke to sharing 150 feet of shared property line with the PUD and stated that 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 also provided photographs which shows the 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, 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. Chairman James Schmidt closed 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: 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 Phillip Jordan made a motion to recommend change to 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. David Floyd 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 zoning change to the south of the property becoming residential. 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. There was discussion as to ideas that the developer may have in mind for the property from a PowerPoint showed to the Planning Commission in a previous meeting. Questions were asked regarding the airspace from Jabara airport. The attorney explained that, in communication with the airport, Jabara would not be opposed to any rezoning or changes as long as it did not affect the airspace around their property.

MOTION: Chairman Schmidt recommend 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.***