

STAFF REPORT

DATE: 08/25/2025

TO: Bel Aire City Council

FROM: Paula Downs

RE: Planning Commission Bylaws

STAFF COMMUNICATION

FOR MEETING OF	9/2/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: Planning Commission Bylaws

Background:

The Planning Commission Bylaws were developed in 1991. The document was updated by staff to update and modernize the language. Staff also reviewed surrounding area Planning Commission Bylaws to identify language that might be useful.

Draft meeting minutes are provided for additional discussion information from the August 14, 2025 Planning Commission meeting.

The Planning Commission reviewed the bylaws during several meetings.

1. May 8, 2025- Planning Commission Meeting

The Planning Commission was provided with the draft Planning Commission Bylaws for review and feedback. Discussion included:

- Commissioners talked about the importance of attendance. Discussion around the total number of meetings to miss in a calendar year was considered. It was suggested that six missed meetings were too many and that once a quarter might be better. It was further discussed that five (5) meetings missed in a calendar year are acceptable.
- There was additional discussion around the number of consecutive meetings that could be missed. The draft document stated more than three, Commissioners requested removing the " more than" and leaving it that absences for three consecutive regular meetings could result in removal.
- Commissioners also suggested adding language to review the Bylaws annually to allow for updates to be made. Staff suggested an annual discussion in the fall.
- One modification was pointed out in Section 1- should remove " City of Derby" and replace it with City of Bel Aire. Commissioners requested time to review the document and provide suggestions via direct email to Paula. Paula will put together language to finalize and approve at the June 12 Planning Commission meeting.

2. June 12, 2025- Planning Commission Meeting

The Planning Commission reviewed recommended Planning Commission Bylaws for approval. The Planning Commission tabled the Bylaws as presented for additional time to review and make updates. The Planning Commission discussed the document and provided several modifications. The detailed updates are included in the June 12, 2025, meeting minutes. Staff noted updates and clarifications that needed to be made in the document.

3. August 14, 2025- Planning Commission Meeting

Each article has been updated to include all modifications requested by the Planning Commission and staff updates. Staff reviewed the document in detail to ensure there was no conflicting language, that all Kansas statutes referenced were accurate and that the language was clear and accurate.

Mayor Benage reviewed the Bylaws and provided comments that resulted in three updates:

- Language was updated to say that only appointments of Planning Commission members will require the consent of the City Council. When a Planning Commissioner is removed by the Mayor consent of the City Council is not required.
- Added language that “Policies and Procedures for Appointment and Removal of Members o the Planning Commission shall be in accordance with Ordinance 357.
- Updated notification of special meetings language to state that the Planning Commission Chairperson will provide notice to the Secretary at least five business days before the meeting by hand delivery. Mayor inquired about how notification would be handled.
- Updated language that states case notifications will be made in the official city newspaper. Used the word designated and updated to official. The official city newspaper is, by ordinance, the city’s website.
- Why would rules be suspended- lines 315 – 319. This language remained the same because rules can be potentially suspended depending on the circumstance

The Planning Commission will review the Bylaws every three years; however, the Bylaws can be updated at any time should additional needs arise.

Staff Recommendation:

Staff recommend that the Planning Commission Bylaws be approved with any appropriate modifications identified by the City Council.



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
August 14, 2025, 6:30 PM



I. Call to Order: Chairman Phillip Jordan called the meeting to order at 6:30

II. Roll Call

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

Also present were Paula Downs, Secretary and Maria Schrock City Attorney.

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.

No updates or changes were requested.

Motion: Commissioner Matzek moved to approve the meeting minutes of the June 12, 2025, meeting. Commissioner Stuart seconded the motion. *Motion carried 4-0.*

V. Announcements: No announcements were made by staff.

VI. Old Business/New Business

A. Public Hearing on the Consideration of a Resolution to Adopt the Bel Aire 2035 Comprehensive Plan

Paula Downs, Secretary provided background information on the Comprehensive Plan to support Lance Onstott, PEC who will provide a more detailed presentation of the Comprehensive Plan.

The plan was initiated in 2023 through a long and thoughtful process that involved several workshops that included Planning Commission members. The plan was developed in four phases: Community Assessment; Community Engagement; Planning and Refine, Adopt & Implement. The draft document was developed from engagement and other information gathering that took place over the last year. The plan document is organized into three sections with appendices. Sections included: section one is a current visual representation of

the community; section two lays out six value statements and goals for each one; and section three includes plans and recommendations for future land use for the built environment. The final section of the plan are appendixes that provide details on the activities that occurred during the planning process.

The plan has good foundational information about the community, and it has set out design standards. It shows how we will look at the city moving forward and the engagement process that took place to prepare the plan.

Lance Onstott, PEC stated that state statute requires that the comprehensive plan have a public hearing, and the agenda item tonight is for the Planning Commission to approve and adopt the plan, by Resolution, for governing body approval by ordinance.

Lance provided highlights of the plan and its purpose:

- The comprehensive plan should represent the vision of the community for the next 10 years and be a record of the community's shared goals and desires. The plan is not an agreement on everything but reflects common themes so that the City can make informed decisions.
- The Appendices show what has happened in Bel Aire in the last 20 years: demographics, market-based land use, development patterns, and what is happening now and what is projected for the future.
- The plan primarily addresses the built environment or the physical part of the City.
- The City will use the comprehensive plan to make decisions on planning and zoning cases, budgets, staffing, and public safety.
- As things change the plan may need to be updated and by statute it will be reviewed every year.
- The plan was developed in stages starting with developing the community assessment on past and current information. The second phase was the engagement of the community, city leadership, and city staff. The final stage is the final draft plan being reviewed and approved.
- Three different "teams" were engaged in preparing this plan. The core team were staff that met regularly to review and provide comments on the plan. City leadership included the City Council and the Planning Commission in workshops to engage in the development of the plan. Stakeholders provided feedback during fall festival, workshops, focus groups and interviews. There should be no surprises in the plan.

Lance stated that the three primary sections of the plan include: introduction; value Statements/Goals; and land Use Framework. In addition, the appendices are good references on how the plan was developed. This section lists; resources, community engagement details, census and other data sources, and other City plans. All notes and summary information for the community engagement activities are also included. Those details support the information contained in the other sections of the plan.

Lance stated that the values statements and goals were developed from the overarching themes that were heard during the engagement activities. For each value statement there are goals which are those things that are measurable to make sure we are making progress on the plan. There are six value statements:

- Economic Development- *Bel Aire's Non-Residential Environment Will Enhance The Quality Of Life For All Residents And Visitors Alike*
- Transportation- *Bel Aire's Transportation System Will Be Safe, Enhance The Aesthetic Appreciation of the City, and Provide Efficient Options For All Transportation Modes.*
- Parks and Recreation- *Bel Aire's Parks And Recreation System Will Provide First Class Spaces And Programming For All Ages And Abilities.*
- Community Identity and Character- *Bel Aire's Built Environment Will Communicate A Distinct Identity To Create Cohesion, Increase Community Pride, And Attract Residents, Businesses, And Visitors*
- Growth & Investment- *Bel Aire Will Concentrate On Sustainable Growth Through Smart Investments And Community Communication.*
- Housing- *Bel Aire Will Be A Destination Of Choice For People At All Stages Of Life.*
- Every decision made should be influenced by the value statements. If there is a policy change or a re-zoning application that is not furthering one of the value statements then it needs to be critically looked at. It organizes your decision making and staff recommendations and it will serve as a guide for private investment.

Lance discussed the Future Land-Use Map which shows where residential and commercial uses are in the City. The first level of assessment before projecting future growth patterns is to establish four key elements to create places. We want to create an identifiable space designed around the uses for that space. The four building blocks are: green spaces- designed park, programmed park, natural preserve; complete neighbors; corridors; and centers.

In addition to the building blocks there are place types. Place Types will represent each one of those building block key elements. There are ten place types used in the city. For each place type these elements are included: description, including a narrative of the place type to be used in a staff report; types of land uses that are appropriate in each place type; utilized existing zoning districts to determine where each district could be compatible with each place type; and images to further communicate what the place types are looking to do.

Lance highlighted three example place types. One place type is a traditional neighborhood. There are no place types in the plan that are exclusively single family or multi-family residential place types. The goal is to see various place elements like homes, churches, or a corner store to create a complete neighborhood environment. This is predominately the place type that the city's future land use map is using. Another place type is a neighborhood corridor which is based on based on the transportation corridor. The goal is to build corridors or streets to complement the neighborhood. There may be something that the neighborhood

might need to quickly access like the corner store, bank or restaurant- these elements would be within the corridor. It is not an area that would have a mall. Centers are another place type. The corridor place type is going to buffer the neighborhood place type from a Center. Multiple centers in our place types - neighborhood center is typically at the intersection of multiple neighborhood corridors or hubs of activity. Scale changes with city neighborhoods, corridors and centers which may be denser with more activity.

Lance explained that the comprehensive plan gives guidance to private sector development so that they can determine if their development is compatible with the place type identified in the development area.

Lance clarified that the neighborhood traditional place type is the most common type in the city and can be seen on the map in light yellow; corridors are largely located along the arterial roadways; purple areas are for industrial or institutional areas, and the Rock Road corridor isolates higher uses.

The Planning Commission had several questions about the Comprehensive Plan:

- Does the comprehensive plan go across 254? The land use does in certain areas- place types are predicted through the city's area of influence or the extraterritorial jurisdiction. Rural neighborhood is housing that doesn't require public utilities such as a farm, five-acre subdivision, etc.
- What are the two or three things that are different between our previous plan and this plan? What two or three ways were you surprised at the input that maybe went in a different direction from the previous plan? Previous plan was in 2018- Master Growth Plan- it only looked at future land use and it didn't have any value statements. Major difference it used the traditional way of looking at land use such as single-family residential, etc. Development patterns were similar between the plans. Water and sewer plans were developed ahead of the comprehensive plan so that information could be used to assess costs of service and return on investment as the city continues to grow. The community had a desire for different modes of transportation-they want to safely move around our community without a vehicle. The city has good potential for off street trails utilizing the floodplain areas as pathways. Any future option for a rail to trail option could be utilized in the future if changes occur in the use of the railroad tracks. Trains will continue to use the tracks in the foreseeable future.
- Commission felt the plan was well put together graphically and it is user friendly so it can be used.
- Anything surprise you when meeting with the various groups? Alternative transportation was surprising across all groups. It not surprising to hear that there was confusion about the identity of the city. People expressed the need for grocery stores and restaurants, but don't really want to grow. Many people want the small-town feel, but also the large city services. City will need to navigate these needs.

- Is the City lacking in services? Land use was analyzed, and the City is 90% primarily residential. 0.8% of land use in Bel Aire is currently commercial use.
- Comprehensive plan will help the city make decision on what and how to develop in the future. The plan is a 10-year plan
- Was there any discussion about working with or looking at the plans from Metropolitan Area Planning Commission (MAPC)? This wasn't assessed in detail but did look at where they are projecting employment and housing areas. Looked at Wichita Area Metropolitan Planning Organization's (WAMPO) transportation plan to influence the plan.
- Does Wichita have any plans for East of Bel Aire? Unknown currently. Generally, they will face the need for services in that area.
- It is surprising that Bel Aire has a high rate of not-for-profit land uses in the City.
- Some concern that when the Commission reviews a case, preliminary plat and final plat we may ask for a reduction in lots to allow for green space, which the Commission doesn't have the authority to do that, so there is no enforcement.
- If it shows up on the master plan for more green space, how does that get implemented or steered that way? One way is to review zoning and subdivision regulations, building codes and policies around funding developments to steer towards implementing this vision. Developers and designers are always looking at the codes, so the city needs to ensure that codes reflect what we want to see happen. The other way is how we encourage development patterns through policies- City might want to participate in funding developments in a different way if they utilize the comprehensive plan vision.

Commissioner Jordan opened the Public Hearing:

- Donnis McPhaul- 7901 E. Oaktree Lane, Kechi, KS 67067. On the land use map in the orange area- what is the street running east/west? There is no street on the top of the orange area. Rock road area says city neighborhood- where does it stop the city neighborhood north between 254 and 53rd St.? Where does the orange area stop? The area extends Northwest Magnet anything above that is outside of Bel Aire's jurisdiction. The Comprehensive Plan covers only what is in Bel Aire.
- Jerry Hamilton, 7200 E. Oak Tree Ln. Kechi, KS- When you talk about your identity people are starting to call Bel Aire "Duplex City". Stated that he believes that Bel Aire has enough duplexes.

Commissioner Jordan closed the Public Hearing

Commission Discussion- Steering development is outside what the Planning Commission can control, and this is what the City Council can determine. Codes could assist as the Planning Commission hears cases. When the Secretary provides a staff report, one of the criteria in the "Golden Factors" is how the case is evaluated against the comprehensive plan. The Planning Commission will see comments both on how the case fits and how it doesn't fit within the comprehensive plan. This is one of several criteria the case is evaluated against.

Motion: Commissioner Matzek moved to adopt the Resolution to Adopt the Bel Aire 2035 Comprehensive Plan as presented and recommend that the Governing Body approve the Plan by publication of an Ordinance per K.S.A. 12-747(b). Commissioner Roths seconded the motion. ***Motion carried 4-0.***

B. Consideration of an Ordinance to Amend the Bylaws of the Planning Commission

Paula Downs, Secretary stated that the Commission has seen the Bylaws a few times and all suggestions have been included in the document. The bylaws were shared with Mayor Benage, and he had a few suggestions that were changed in the document.

The following changes were made:

- Removed language on line 35- “such removal and” – only appointments will require the consent of the City Council.
- Line 42 - Added language for appointment- Policies and Procedures for Appointment and Removal of Members of the Planning Commission shall be in accordance with Ordinance 357.
- Line 178- update language-.....reasonable notice as to date, time, place, manner and purpose for the meeting shall be given by the chairperson to the Secretary at least five (5) business days before the meeting by hand delivery.
- Line 181- Commission members and the Governing Body shall be notified by the Secretary (vs. Chairperson), including all persons designated to receive agendas on a regular basis.
- City of Bel Aire official city newspaper is the city website.
- Language was added that said the Planning Commission will review every three years, but changes can be made at any time should updates need to be made.

City Attorney stated that the Planning Commission will approve a resolution per statute and not an ordinance as stated in the motion language.

Motion: Chairman Jordan moved to Adopt the Resolution to Amend the Bylaws of the Planning Commission As Presented and recommend that the Governing Body Approve the Amended Bylaws. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

C. Public Hearing on ZON-25-01: Zone change request in the City from a Neighborhood Commercial, Office and Retail District “C-1” to a Planned Unit Development Residential District “R-PUD” to create the Lycee Addition R-PUD, generally located at the East side of Rock Road and ¼ mile North of 53rd Street North, Bel Aire, Sedgwick County, Kansas

Chairman Jordan read the case checklist:

- Disqualification Declared & Quorum Determined- Chairman Jordan “let the record reflect that no one was disqualified”.

- Chairman Jordan declared that proper notification was given.
- Ex parte communication- Chairman Jordan “let the record reflect no ex parte communication was received prior to the agenda item”.

Paula Downs, Secretary, stated that the case was before Planning Commission previously and the overview of each time the case appeared at the Planning Commission and City Council is set out in the staff report. The final plat for Lycee appeared at the February 2022 Planning Commission meeting with a Planned Unit Development (PUD) agreement and updated site plan. Lycee appeared at the April 5, 2022, City Council meeting and the final plat, PUD and development agreements were approved.

Previous change in zoning had not been formally approved in the proper manner- a zoning case should have been filed and an Ordinance developed and approved. The change in zoning needed to be an R-PUD which addresses the change in zoning and provides for an R-PUD Preliminary Plat document with PUD language vs. a separate PUD Agreement.

The PUD agreement sets out Parcel 1, the commercial lot and Parcel 2, the R-6 residential lots. The general provisions set out how the area will be developed, and they have set out the relief from code they are seeking. On pages 3-4 of the staff report it sets out zoning relief they are seeking. It will have what the code requires and what the case is asking for. The applicant will further define the development and answer questions.

The staff report also includes the review criteria that staff are recommending with the key review criteria (Golden Factors) of 2, 5, 7, 8 and that the case be approved with conditions listed in review criteria 10.

Phil Meyer, Baughman & Company, owner’s representative and Craig Sharp, applicant. Reviewed the R-PUD plat text. Mr. Meyer set out the following items to ensure the Planning Commission is clear on what they are asking for:

- Maximum lot coverage for Parcel 2 is currently at 65%. Might want to make it 70% in case a sidewalk or something is required to be added. City zoning code sets the maximum lot coverage at 30%.
- Site plan discussion for parcel 2:
 - Lot 1 Units:
 - garage is in the back
 - front doors face Rock Road
 - This housing is different from the previous plan from Greg Hiser
 - Lot 2 Units:
 - front doors face west
 - Garage and driveway up front
 - Lot 3:
 - No garages

- PUD Agreement #5- Uses within the parcels:
 - Uses for the parcel have not changed
 - C-2 and C-1 uses that include restaurant, food, etc. This hasn't changed
 - Greg Hiser owns this lot and wants to continue along those lines. His idea was to build a wine bar.
 - Greg Hiser's vision for housing on parcel 2 was single. professionals, however, the current plan is not directed this way.
- PUD Agreement #7- Lighting
 - Multiple units being built
 - Don't want light poles
 - Will use the buildings to light up areas
 - Will require parking lot poles relief. Lighting will be on the buildings- garages to light up the parking lots
- PUD Agreement #9- Landscaping
 - Asking for a waiver from landscaping
 - Parcel 1- will have two (2) street trees along Rock Rd. With power lines and the pipeline, it is difficult to install landscaping- have a very small landscape window.
 - Parcel 2- will have five (5) street trees on Lycee and Rock Rd. seven (7) street trees with eight (8) ornamentals inside the interior of front door and parking areas. Asking for a waiver for other items listed in code.
- PUD Agreement #12- Parking
 - Parking will be based on the multi-family designation- two (2) spaces per living unit like the property to the East.
 - The site offers 2.7 spaces per unit.
 - This is viewed as multi-family because it is multiple units on one lot.
- Units:
 - Clarification: the site will have two (2) duplexes, and the rest are four-plexes. The prior plan were all duplexes.
 - Each unit is either two (2) or three (3) bedrooms
 - Four-plexes:
 - Lots 1 & 2 there is a tri-plex and two four-plexes.
 - Lot 3- is a quad-plex where the units are stacked- exterior steps for two (2) units on top and two (2) units on bottom.
 - There are no basements in the units.
 - Lots 1 and 2 are single units' side-by-side
 - Grass will be in the open units. Along Rock Rd., in front of the units could do more landscaping on the East, but there is a nice hedgerow and there are utilities in the easement
 - Greg Hiser still wants to do a wine bar on parcel 1- very small lot size of building and parking lot is very limited.

Applicant shared that the main difference now and before are the update of the unit styles and the three-plex and four-plex. There are now three (3) different types of units. Applicant confirmed that he will continue to own the units.

The Planning Commission had concerns about the lighting for the site would come from building mounted fixtures which could shine light into units across from each other's windows. To prevent that, lighting is on the building would need to be aimed a different way. Commission asked applicant what kind of light will be shining on the unit across from each building. The applicant stated that building lighting can be angled and shaded so light can be controlled where it goes. Applicant stated that they can get better lighting on the building than on poles. Lighting will be placed on the ends of building, and they don't face windows, and they will all have garage lights and porch lights on the units. Heights and angles of lighting can be well controlled. Commission acknowledged that the 29th and Greenwich apartments have building lights and no poles and the complex is well-lit. Applicant shared that poles add more clutter to the site.

Planning Commission discussed the lot coverage percentage for the site. Applicant explained that parcel 1 has all the pipeline area in it. Commission discussed that if you take the whole PUD area (parcels 1 and 2), you won't be at a high lot coverage percentage- it would be approximately 43%. The Secretary stated that each lot is calculated individually or per parcel. The Secretary stated that the R-6 zoning district doesn't set out anything different lot coverage percentages between single-family and multi-family units. Lot coverage is calculation includes total lot size minus structures and pavement. Commission suggested that they might need to consider the entire area related to lot coverage

Commission stated that the site appears to be like an apartment complex that is broken up but done well.

Applicant confirmed that the square footage of the east units are 1170 s.f. and the rest of the units are in the 1450 s.f. range. Units in the middle have a one car garage and units on Rock Rd. have two-car garages. Updates on the R-PUD Preliminary Plat have been corrected and parcel 2 is 72,030 s.f. which creates the 65% lot coverage.

Chairman Jordan opened the public hearing:

- Carla Hamilton, 7200 E. Oak Tree Ln Kechi, KS- Comprehensive plan map was on the screen and Ms. Hamilton asked about the "orange" area-
 - Went from duplex to apartments now and we'll probably have playground and other stuff- is that right. Developer responded and stated there would be no playground
 - Don't know what it looks like- so is this Section 8 housing- is that what it is? Developer answered "no".
 - Do you have pictures of the development?- Developer didn't have pictures

- What about the traffic on Rock Road- with school and existing apartment complex and with more apartments- are there any considerations on what is going to happen? Commission stated that the area is suited for this type of development. Development doesn't empty onto Rock Road directly
- Donnis McPhaul, 7901 E. Oak Tree Ln, Kechi, KS 67067
 - Where is this development in relation to Apartments? Development is West of the apartments.
 - How many tri-plexes and four-plexes are there? There are eight (8) four-plexes and two (2) three-plexes.
 - Where is the wine bar? Wine Bar location is on Rock Road North of the housing development.
 - Where is entrance to development? Entrance is off Lycee and not Rock Road.
- Jerry Hamilton, 7200 Oak Tree Ln, Kechi KS.
 - Is there a difference between single-family vs. multi-family zoning districts? Bel Aire has several types of zoning districts in the city.
 - Mr. Hamilton would like to see single family homes along Rock Rd.
 - There is an abundance of duplexes
 - It would be good to have single family homes around the school

Chairman Jordan closed the Public Hearing

With regards to written communications Chairman Jordan stated, "let the record reflect no written communications have been received".

Applicant had no final comments but did share that the price range of leasing the units are \$1450 - \$1600. The units are an urban feel, and they are also bigger than duplexes.

Commissioner Matzek stated that he was concerned about the nearby single family large lots with this development be near. He asked what the status of Integra is, and it was confirmed by the Secretary that there was currently no status on that project. Commissioner Matzek has concerns about Rock Road traffic with the higher density development. He further stated that commercial use is 0.8% in the City and this development is now taking away additional parcels for commercial development with this development getting closer to the City Center concept on our comprehensive plan.

Commissioner Roths stated that this is an upgrade, and this is a different style. It will influence other development to not just build duplexes. More cutting-edge type development.

Commissioners cited, from the staff report, Golden Factors: 1, 3, 6, 2, 5, 10 as criteria to support the case. There are conditions recommended by staff for landscaping and trash enclosures. Planning Commission would need to use motion language #2 "approved with modifications" to include recommendations listed within #10 of the staff report.

Chairman Jordan stated that the case will be forwarded to the Governing Body with the Planning Commission recommendation and a written summary of the hearing for consideration at their regular meeting on Tuesday, September 2, 2025. He further stated that protest petitions against the case may be received by the City Clerk for 14 days after tonight, August 28, 2025, at 4:30 p.m.

Motion: Commissioner Roths moved, having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the zone change request from Neighborhood Commercial, Office and Retail District “C-1” to a Planned Unit Development Residential District “R-PUD” in ZON-25-01 be approved with modifications, based on findings: recommendation #10 listed in staff report, as recorded in the summary of this hearing. Chairman Phillip Jordan seconded the motion. ***Motion carried 4-0.***

D. Overview of Zoning Case Script

Maria Schrock, City Attorney, provided an overview of the Zoning Case Checklist.

Primary and crucial duty of PC is holding the public hearing. The hearing is not only provided to hear public comments, but also to satisfy Kansas statutes. When holding a public hearing it is important to be consistent each time. All elements included in the “script” or checklist is to ensure that we address each element of the state statute and that everyone in the room is informed of key items. The benefit of the checklist reminds us to let the record show that commissioners did not disqualify themselves. When we close the public hearing we are reflecting in the minutes that there is no further discussion from the public and it can be reflected in the minutes. This announcement about closing the hearing then lets the public know no additional comments can be made and the minutes are clear. The minutes of the meeting are forwarded to the governing body, and they are required to go back to the minutes and the minutes capture everything including all comments. They are the total record of everything that occurred, and all elements considered by the Commission to make good decisions. The checklist helps make sure that everything is included in the minutes and that they are a fair and accurate depiction of what occurred at the meeting. The checklist is 3 pages and includes all the required elements and in what order for the public hearing. It is not required that the chairperson go through the checklist, any Commissioner can read the checklist especially if there are multiple items that require the checklist on an agenda.

Lawsuits can be filed and having this checklist read into the minutes helps create a record of what happened during the meeting. Checklist makes sure we follow the statutes, especially for the public hearing. We are expanding the depth of the minutes and creating more detailed information about what happened during the meeting. Moving forward the Commission meeting minutes will be more in depth moving. This is a checklist and not a script because we don’t want to give any indication that the Commission is being told how to vote or how to deliberate. This checklist doesn’t contain any information related to that.

Commission asked if they have to use the Golden Factors? The statute does not require the use of the Golden Factors. A case came through that provided a list of factors- state supreme case encouraged planning commissions to use these factors and add additional factors that may be unique to your community. The factors provide a consistent list of things we consider to be fair to every applicant so there is no appearance of being discriminatory or arbitrary. Not required but encouraged. Factors are a way for Commissioners to share their thinking about why they voted yes or no on a case.

Commission asked if they are we protected as Commissioners from lawsuits? The Planning Commission gets authority from Kansas statutes which is to abide by the zoning regulations and subdivision regulations that show that you are making decisions based on specific regulations. If a commissioner or the commission says that “I’m not going to abide by the regulations” that would indicate that they are operating outside the scope of their authority. Providing rationale of a decision is all that is required when making decisions on deviations from the codes.

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

E. Overview of Voting on Planning Commission Minutes

Maria Schrock, City Attorney, provided an overview of voting on Planning Commission minutes.

When you receive the agenda packet go through the minutes and confirm that it appears to be a fair and accurate depiction of what occurred during the meeting. Feel free to take notes during the meeting and compare them to the draft minutes and provide any updates. By voting to approve the minutes, the Commission is saying we’ve reviewed them, and they accurately reflect what occurred during the meeting. Minutes will be relied upon for actions. The Chairman, Vice Chairman or the Senior Commissioner may be the person signing the minutes after any given meeting. Commission is encouraged to keep notes and compare them to ensure accuracy.

Commission requested minutes to be provided earlier than the following month to recall and ensure their accuracy. Secretary will provide minutes within 10 days after the meeting. Commissioners then could provide updates prior to the next meeting via emails.

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

VII. Approval of the Next Meeting Date.

Commissioner Stuart will not be in attendance for the next meeting

Motion: Chairman Jordan moved to approve the date of the next meeting: September 11, 2025, at 6:30 p.m. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

VIII. Current Events

A. Upcoming Agenda Items:

Secretary shared that on September 2nd an Ordinance appointing the Planning Commission as the Board of Zoning Appeals will be on the City Council's agenda.

That approval will then result in bylaws being developed and shared with the Planning Commission. Bylaws will closely resemble the PC Bylaws.

1. Board of Zoning Appeals Bylaws
2. Board of Zoning Appeals- Types of Cases

B. Upcoming Events:

1. August 30 – Tree Board Park Clean-up | Alley Park 8-10 a.m.
2. September 1 – City Offices Closed for Labor Day
3. September 27 – Tree Board Park Clean-up | Bel Aire Rec Center 8-10 a.m.
4. October 4 – Fall Curbside Clean-Up

IX. Adjournment

Motion: Commissioner Roths moved to adjourn. Commissioner Matzek seconded the motion.
Motion carried 4-0.

STAFF REPORT

DATE: 08/08/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Planning Commission Bylaws

STAFF COMMUNICATION

FOR MEETING OF	8/14/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: Planning Commission Bylaws

Background:

May 8, 2025- Planning Commission Meeting

The Planning Commission was provided with the draft Planning Commission Bylaws for review and feedback. Discussion included:

Staff provided an overview of the draft Bylaws document. The current document was developed and approved in 1991. The document was updated by staff to update and modernize the language. Paula stated that the black font text was the original text contained in the 1991 document. Blue font text is updated language to reflect current information and added language.

Staff also reviewed surrounding area Planning Commission Bylaws to identify language that might be useful.

Commissioners talked about the importance of attendance. Discussion around the total number of meetings to miss in a calendar year was considered. It was suggested that six missed meetings were too many and that once a quarter might be better. It was further discussed that five (5) meetings missed in a calendar year are acceptable.

There was additional discussion around the number of consecutive meetings that could be missed. The draft document stated more than three, Commissioners requested removing the " more than" and leaving it that absences for three consecutive regular meetings could result in removal.

Commissioners also suggested adding language to review the Bylaws annually to allow for updates to be made. Staff suggested an annual discussion in the fall.

One modification was pointed out in Section 1- should remove " City of Derby" and replace it with City of Bel Aire. Commissioners requested time to review the document and provide suggestions via direct email to Paula. Paula will put together language to finalize and approve at the June 12 Planning Commission meeting.

June 12, 2025- Planning Commission Meeting

The Planning Commission reviewed recommended Planning Commission Bylaws for approval. The Planning Commission tabled the Bylaws as presented for additional time to review and make updates.

Planning Commission discussed the document and provided several modifications. The detailed updates are included in the June 12, 2025, meeting minutes.

Staff noted updates and clarifications that needed to be made in the document.

Current Discussion:

Bylaw Overview:

The Bylaws contain the following Articles:

- ARTICLE 1 – CREATION, MEMBERSHIP, AUTHORITY AND DUTIES
- ARTICLE II – OFFICERS, ELECTIONS AND DUTIES
- ARTICLE III – MEETINGS
- ARTICLE IV – CONDUCT OF MEETINGS
- ARTICLE V – HEARING PROCEDURES
- ARTICLE VI – COMMITTEES
- ARTICLE VII – AMENDMENTS TO BYLAWS

Each article has been updated to include all modifications requested by the Planning Commission and staff updates. Staff reviewed the document in detail to ensure there was no conflicting language, that all Kansas statutes referenced were accurate and that the language was clear and accurate.

The Planning Commission will review the Bylaws every three years; however, the Bylaws can be updated at any time should additional needs arise.

Planning Commission Review:

Planning Commission has been involved in reviewing the Bylaws and has provided modifications to be included. Current discussion is to provide any final modifications to the plan you feel is appropriate.

Staff Recommendation:

Staff recommend that the Planning Commission Bylaws be approved with any appropriate modifications identified by the Planning Commission.

(Published at www.belaireks.gov on _____, _____, 2025.)

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING BYLAWS FOR THE
CONDUCT OF BUSINESS BY THE PLANNING COMMISSION
OF THE CITY OF BEL AIRE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

ARTICLE 1 – CREATION, MEMBERSHIP, AUTHORITY AND DUTIES

SECTION 1. CREATION. Pursuant to City ordinance and state law the Bel Aire City Planning Commission, hereinafter referred to as the “Commission,” was established by Ordinance No. 11 which was published on May 8, 1981. The Commission was re-established with new parameters by the Governing Body by the adoption of Ordinance No. 195 which was passed and approved and became effective on January 1, 1992. Ordinance 275 amended Ordinance 195 to designate the Commission to serve as the City Board of Zoning Appeals. Ordinance 357 amended Ordinance 275 to address how to appoint and remove members from the Planning Commission and Board of Zoning Appeals which was passed and approved and became effective on January 15, 2002.

SECTION 2. MEMBERSHIP. The Commission consists of seven members serving staggered three-year terms of whom five shall be residents of the City of Bel Aire, Kansas and two such members shall reside outside of the City, but within three miles of the corporate limits of the City. Members are appointed by the Mayor with the consent of the City Council. After the appointment, members will take office at the next regular meeting of the Commission.

In the event of a vacancy on the Planning Commission the Mayor shall select an individual to fill such vacancy for the remainder of the term in accordance with the same procedures used to select the original Commissioner.

A Commissioner may be removed by the Mayor. Such removal and selection of a new Commissioner shall be in accordance with the same procedures used to select the original Commissioner.

In the event a Commissioner resigns a successor shall be selected in the same manner used to select the original Commissioner.

45 **SECTION 3. ATTENDANCE.** Regular attendance is an important responsibility for
46 membership. Maintaining a quorum for voting purposes is especially important. Any
47 member that absences themselves for three consecutive regular meetings or misses a total
48 of five meetings during a calendar year, the Secretary will provide written notice to the
49 City Manager, and the Mayor who may elect to remove the member.
50

51 **SECTION 4. CONFLICT OF INTEREST.** Members of the Commission shall be aware
52 at all times of their responsibility to the citizenry of the City of Bel Aire and to the residents
53 of the surrounding Planning Area and shall refrain from any recommendation or action that
54 would benefit individuals or special interest groups rather than serve the best interest of the
55 entire community. In furtherance of this responsibility, members shall refrain from
56 recommending or acting on any matter before the Commission in which they have, either
57 directly or indirectly, any financial interest or use their influence or position to show
58 favoritism that could lead to the development of a clientele at a later date.
59

60 If a member is asked if they have a conflict of interest on a matter before the Commission,
61 that member shall publicly announce the conflict and excuse themselves from the meeting
62 room until the matter has been addressed by the remaining Commission members. If there
63 is a question or a real or perceived conflict of interest, the affected member should contact
64 the Secretary and City Attorney for an interpretation of the situation prior to the meeting.
65

66 A member is automatically disqualified when they or their spouse own property in the
67 notification area of a zoning application.
68

69 **SECTION 5. AUTHORITY.** The Commission is vested with the duties and
70 responsibilities prescribed in Kansas Statutes Annotated K.S.A. 12-741, et seq., as
71 amended, and 12-736.
72

73 **SECTION 6. DUTIES.** As provided for by the statutes referred to in Section 5, the duties
74 of Commission shall be:
75

- 76 1. Make or cause to be made, adopt and maintain an official Comprehensive Development
77 Plan for the City and any unincorporated territory lying outside the City but within
78 Sedgwick County which in the Commission's opinion forms the total community of
79 which the City is part, subject to the approval of the Governing Body by ordinance
80 (K.S.A. 12-747);
- 81 2. Annually review or reconsider the Comprehensive Plan at least once a year at the
82 November meeting to determine if the Plan or any portion thereof has become obsolete
83 and to report such status to the Governing Body or propose remedial amendments,
84 extensions or additions to the plan (K.S.A. 12-747[d]);
- 85 3. Determine the conformance to the Comprehensive Plan of public improvements,
86 facilities or utilities of a type embraced within the recommendations of the Plan which
87 are proposed for construction or authorization and to report upon such conformance or
88 nonconformance within 60 days to the Governing Body unless conformance is

- 89 otherwise determined by reviewing the City's capital improvement program (K.S.A.
90 12-748).
- 91 4. Prepare, adopt and maintain Zoning Regulations for the City to recommend the
92 approval of such regulations to the Governing Body; and to hold hearings and make
93 recommendations on all amendments thereto and zoning applications including zoning
94 cases in the Metropolitan Area Planning Commission (MAPC) Urban Area of Influence
95 (K.S.A. 12-753 through 12-759 and 12-763).
- 96 5. Prepare, adopt and maintain Subdivision Regulations for the City and extraterritorial
97 jurisdiction; to recommend the approval of such regulations by the Governing Body;
98 and to process and approve plats and to transmit them to the Governing Body for the
99 acceptance of dedications thereon (K.S.A. 12-749, 751(a), 752 and 764).
- 100 6. Prepare and approve plans for neighborhoods and special project areas;
- 101 7. Maintain planning reference files of plans, reports, maps ordinances, regulations and
102 policies accessible to officials, developers and citizens;
- 103 8. Maintain cooperation and coordination with the trustees of the surrounding
104 township(s), U.S.D. #259, USD #375, the Wichita-Sedgwick County Metropolitan
105 Area Planning Commission and Department and with such other county, regional and
106 state planning entities as may be deemed appropriate; and
- 107 9. Make recommendations to the Wichita-Sedgwick County Metropolitan Area Planning
108 commission on all plats proposed in the Bel Aire planning area outside the City and
109 on all zoning items proposed for hearings within the MAPC Zoning Area of Influence
110 as well as for any proposed revisions to County rules or regulations which might affect
111 the development of the planning area; and
- 112 10. Hold hearings, provide plans for and/or make recommendations on such other matters
113 as may be periodically assigned to the Commission by the Governing Body.
- 114 11. Ensure productive meetings by requiring members to read all pre-circulated materials
115 and be ready to participate actively in discussions related to agenda items. Failure to
116 do so may impact participating in discussions or voting on matters requiring informed
117 consent.
- 118

119 **SECTION 7. COMPENSATION.** Members of the Commission shall serve without
120 compensation for their services; however, the members may request reimbursement for
121 their out-of-pocket expenses including travel when related to attendance at external
122 conferences and/or meetings subject to approval of the Governing Body.

123

124 **ARTICLE II -- OFFICERS, ELECTIONS AND DUTIES**

125

126 **SECTION 1. OFFICERS.** The officers of the Commission shall consist of a Chairperson,
127 Vice-Chairperson and Secretary. The Chairperson and Vice Chairperson shall be members
128 of the Commissions. The Secretary shall be the City of Bel Aire Zoning Administrator and
129 shall provide duties in support of the Planning Commission (K.S.A. 12-745).

130

131

132 **SECTION 2. ELECTIONS.** At the regular Commission meeting in October of each year,
133 the officers shall be nominated and those persons receiving the highest number of votes
134 shall be deemed elected. Officers shall take office at the next regular scheduled meeting
135 of the Commission and serve for one year. Officers may serve for more than one term.
136

137 **SECTION 3. DUTIES.** The duties of the officers shall be:

- 138 1. The Chairperson shall preside over all meetings of the Commission. In the absence of
139 the Chairperson, the Vice-Chairperson shall preside. In the absence of both the
140 Chairperson and the Vice-Chairperson, the Senior Commissioner (the person serving
141 the longest period of time on the Commission) shall act in the manner and capacity of
142 the Chairperson. The Chairperson shall sign all minutes and other official papers and
143 documents to indicate that they have been approved by the Commission. The
144 Chairperson shall represent the Commission at all meetings with other groups unless
145 another member is designated to perform that function.
- 146 2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the
147 absence of the Chairperson.
- 148 3. The Secretary, or their designee, shall perform the following duties:
 - 149 a. Prepare the minutes of each Commission meeting and submit them to the
150 Commission for approval. Commission meetings are recorded and once the
151 Commission has approved the minutes the recording is deleted. When the Secretary
152 attests to the approved minutes the Secretary is attesting that the votes of the
153 members are accurate from that specific meeting.
 - 154 b. Maintain the official minutes as approved and signed by the Chairperson and the
155 Secretary or their designees and post minutes to the City of Bel Aire website or
156 such other repository as may be established from time to time;
 - 157 c. Attest to resolutions and certificates adopting the Comprehensive Plan and
158 amendments thereto and to maintain the official Comprehensive Plan documents
159 and accompanying adoption materials and ordinances;
 - 160 d. Distribute to each Commission member all current materials relating to the
161 Comprehensive Plan, Zoning and Subdivision Regulations and Zoning Map and
162 maintain official copies of the same pursuant to City Code and state law; and
 - 163 e. Prepare and distribute agendas for each Commission meeting in coordination with
164 the Chairperson. (See Article III, Section 7 on Agendas).

165 **ARTICLE III – MEETINGS**

166 **SECTION 1. REGULAR MEETINGS.** Regular meetings of the Commission will be
167 on the second Thursday of every month, unless changed by the Commission. All meetings
168 shall be held in the Council Room of City Hall beginning at 6:30 p.m.; provided, however,
169 that the Commission may vote to adopt another hour, date, or place of meeting. Any such
170 change shall be published for the convenience of persons having business before the
171 Commission.
172
173

174 **SECTION 2. SPECIAL MEETINGS.** Special meetings may be called by the
175 Chairperson or in the Chairperson's absence by the Vice-Chairperson or Senior
176 Commissioner upon written request of any three members of the Commission. When a
177 special meeting is called, reasonable notice as to date, time, place, manner and purpose for
178 the meeting shall be given by the Chairperson at least 24 hours before the meeting by mail,
179 hand delivery or telephone. The announcement of a special meeting at a regular meeting
180 shall constitute notice to those persons present. Commission members and the Governing
181 Body shall be notified by the Chairperson including all persons designated to receive
182 agendas on a regular basis. (See Article III, Section 7 on Agendas.). No items other than
183 those identified in the notice shall be considered at a special meeting.
184

185 **SECTION 3. ADJOURNED MEETINGS.** If the business before the Commission is not
186 completed, the Commission by motion may adjourn the meeting or a specific agenda item
187 to a specified date, time and place until the matters on the original agenda or the specified
188 item are acted upon. When such a motion is made known to those persons in attendance,
189 no further notice need be given.
190

191 **SECTION 4. OPEN MEETINGS AND CLOSED SESSIONS.** Pursuant to the Kansas
192 Open Meetings Act, all meetings of the Commission except for executive sessions are open
193 to the public. Closed sessions, if deemed necessary, may be held in accordance with the
194 provisions of the Kansas Open Meeting Act. The motion to recess for a closed/executive
195 session shall be placed in the minutes and include (a) a statement describing the subjects
196 to be discussed; (b) the statutory justification for closing the meeting; and (c) the time and
197 place at which the open meeting will resume, all in accordance with the Kansas Open
198 Meetings Act, K.S.A. 75-4317 *et seq.* In such closed sessions, no binding vote or action
199 may be taken.
200

201 **SECTION 5. WORKSHOP SESSIONS.** The Commission may meet at a regular or
202 special meeting in a workshop session for a general discussion on one or more topics or for
203 a training session; however, the Kansas Open Meetings Act applies, and no binding action
204 may be taken. While regular minutes are not required, a record of attendance and a
205 summary of the subject(s) discussed should be made.
206

207 **SECTION 6. QUORUM.** A quorum for the conduct of business shall be four members.
208 In the absence of a quorum at any meeting the presiding officer after consultation with the
209 members present may announce the meeting will not take place. The presiding officer will
210 wait ten (10) minutes and then make the announcement. The Secretary will note which
211 Commissioner's were present and note that no action was taken on any of the agenda items.
212 In addition, the Secretary will note anyone present at the meeting and specifically what
213 agenda item(s) they were present for.
214

215 If there is a loss of a quorum during a meeting, the presiding officer after consultation with
216 those members present, may adjourn the meeting to a specified date, time and place or
217 similarly table any unheard an agenda item. When such information is made known to
218 those persons in attendance, no further notice needs to be given. The Secretary will note
219 which Commissioner's left the meeting and note that no action was taken on any of the

agenda items yet to be heard. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

Members abstaining from voting may be counted when determining whether a quorum is present; however, members having a conflict of interest or who are disqualified from voting may not be counted as part of the quorum for the item where they have a conflict of interest or are otherwise disqualified from voting.

If a majority of Commissioners have a conflict of interest on a specific agenda item, they will request that the Governing Body hear the item in a public hearing format. The agenda item will require renotification to all required individuals.

SECTION 7. AGENDAS. The Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and to have it posted on the City of Bel Aire website with the link shared, via email, to the Commission members in advance of the meeting. Copies of the agenda shall be posted to the City of Bel Aire website, or such other repository as may be established from time to time and be furnished to each party having an item on the agenda and to any person requesting an agenda or a notice of the date, time and place of a regular or special meeting of the Commission under the Kansas Open Meetings Act. K.S.A. 75-4318 (b) and(d). Any member of the Commission may place items on the agenda by advising the Secretary, or their designee, no later than noon on the seventh day preceding the next regular meeting. If the number of applications received for zoning or platting creates an unduly long Commission meeting, the Secretary may carry over such items on a first-come, first-served basis to the next Commission meeting unless already advertised for public hearing.

SECTION 8 RECORDING OF MEETINGS. The Secretary or their designee shall keep complete records of all proceedings of the Commission. The Secretary or their designee shall prepare and maintain permanent minutes to be available for public view. Minutes shall be posted on the City of Bel Aire website or may be furnished to all persons or bodies making such a request to the Secretary or City Clerk. The Secretary or City Clerk may make such charges as are necessary to recover the cost of making such copies.

ARTICLE IV – CONDUCT OF MEETINGS

SECTION 1. ORDER OF BUSINESS. The general order of business shall be as follows unless otherwise decided by the Commission:

- a. Call to Order
- b. Roll call
- c. Pledge of Allegiance to the American Flag
- d. Consent Agenda
- e. Approval of the Agenda
- f. Approval of the minutes
- g. Announcements
- h. Old and New Business

- i. Staff reports
- j. Public hearings
- k. Approval of Next Meeting Date
- l. Current Events- Upcoming Agenda Items and Events
- m. Adjournment.

Off-agenda items may be added to the agenda and scheduled items may be removed from the agenda at the beginning of a regular meeting by motion approved by a majority of the Commission members present and voting. No items may be added to the agenda of the special meeting.

SECTION 2. APPEARANCE BEFORE THE COMMISSION. When a public forum or public hearing is held, applicants and petitioners or their representatives and members of the community at large or individuals or their representative who feel that they will be affected by any action of the Commission may appear to present views and statements either for or against agenda items. Personal appearance before the Commission is recommended; however, written communication may be submitted to the Commission. The commission may at their discretion to table postpone items coming before the Commission if the applicant or petitioner is not present and has not submitted written communication.

SECTION 3. ACTIONS. In all formal matters, the Commission shall act by motion unless an ordinance or resolution is required by law or governmental regulations. All notices required by law to be given by publication including those for public hearings shall be published in the officially designated city newspaper. Substantive motions before the Commission shall be restated by the presiding officer before a vote is taken. Every motion on a substantive matter shall set forth reasons based on the discussion. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

SECTION 4. VOTING. Unless otherwise provided by state law or by ordinance of the City, the Commission shall act by a majority vote of the members present and voting. A record of all proceedings of the Commission shall be kept. Voting shall be by individual voice "Aye" or "Nay" ballot, written ballot or show of hands; shall be tallied and the results determined by the presiding officer. In the event of a tie or a divided vote, see Article IV, Section 5 paragraph 8 and 9.

SECTION 5. PARLIAMENTARY PROCEDURE. All meetings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order-except insofar as modified by these Bylaws and procedures adopted by the Commission, unless otherwise required by state law:

1. A second shall be required for all motions.
2. The presiding officer shall have the right to make motions and to second motions without vacating the chair.
3. Substitute motions may be made for prime motions provided that substitute motions are voted on before the prime motion. Substitute motions shall be made only once and

- shall be debatable only if the prime motions were debatable. A substitute motion may be made without the consent of the maker of the prime motion.
4. Motions to reconsider any items shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall only be considered at the same meeting at which the item was decided.
 5. The Commission may suspend the rules provided that: (a) the motion to suspend the rules takes precedence over other prime motions; (b) the motion shall state the specific purpose and rule to be suspended; (c) no such motion shall be considered approved unless the length of time such suspension will be in effect has been specified; (d) the motion shall be approved by a majority of the quorum; and no suspension of the rules shall be considered permanent.
 6. If participation from the floor (audience) is repetitious; or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not reasonably permit further participation, the presiding officer may reduce their speaking time to five minutes or something less. Those persons speaking on a given item from the floor should first be recognized and then address their remarks to the presiding officer. Each member of the Commission may speak to an issue as many times as may be desired.
 7. The presiding officer shall have the right to vote. If the officer chooses not to vote, he or she shall automatically be considered to have abstained from voting.
 8. When a divided vote occurs, the presiding officer shall call for a roll-call vote. The Secretary shall enter into the minutes the result by name of all roll-call votes.
 9. Any member abstaining or remaining silent on a vote shall be considered to have voted with the majority vote of those who voted; provided that, such member does not have a conflict of interest or bias in the matter that would otherwise disqualify them from voting. In the event of an equally divided vote, the vote of a member abstaining or remaining silent is not to be counted. Members who do abstain or remain silent on a vote are still counted as present in determining a quorum.
 10. Members shall automatically be disqualified from voting when they or their spouse own property in the area of notification for a zoning application. Such abstention shall not prevent them from signing a protest petition or appearing before the Commission to speak on the zoning application. When a member is disqualified from voting, they cannot be counted as present for the quorum for that item.
 11. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless it is overruled by a majority vote of the entire membership of the Commission.

348 **ARTICLE V – HEARING PROCEDURES**

349
350 **SECTION 1. INTENT AND PURPOSE.** It is the intent of the Commission to hold fair
351 and impartial hearings on all matters requiring a public hearing at which adequate legal
352 notice has been given to all concerned parties. The purpose of such hearings is to make it
353 clear that decisions are based on the relevant evidence presented and that well organized
354 hearings and procedures will lead to legally defensible decisions which are not arbitrary,
355 discriminatory or unreasonable. To ensure fairness, the hearing room should be able to
356 accommodate all persons wishing to attend and to enable them to properly hear the
357 proceeding.

358
359 *Ex parte* contacts, i.e., those contacts in the forms of verbal or written communications
360 outside of a hearing are discouraged. Commission members should (a) come to a hearing
361 favoring neither side; (b) have no personal interest in the outcome other than that shared
362 by the community-at-large; (c) treat both sides fairly and impartially; and (d) base their
363 decision solely on the facts presented as evidence before the Commission. Any facts
364 determined by personal investigation should be reported to the Commission at the hearing
365 as *ex parte* information.

366
367 **SECTION 2. ORDER OF PROCEEDINGS FOR PUBLIC HEARINGS.** Proceedings
368 requiring public hearings are considered quasi-judicial proceedings. The latter includes
369 the procedural due process elements of notice and opportunity to be heard in a fair, open
370 and impartial manner. According to K.S.A. 12-757, the planning commission must create
371 an accurate written summary of the proceedings during public hearings on proposed zoning
372 amendments. This summary should include the evidence presented, findings of fact, and
373 the factors considered in reaching a decision to recommend approval or denial of a zoning
374 change. Additionally, the minutes should reflect the planning commission's
375 recommendations and the reasons for those recommendations, which are then submitted to
376 the governing body for further action K.S.A. 12-757, K.S.A. 12-756. The following order
377 of proceedings shall be used for all such public hearings:

- 378 1. Determination that a quorum is present.
- 379 2. Determination that proper notice has been given.
- 380 3. Report of *ex parte* contacts with Commission members.
- 381 4. Introduction of application by staff.
- 382 5. Presentation by applicant shall be limited to five minutes unless such time is extended
383 by the commission.
- 384 6. Commission and staff question applicant.
- 385 7. Public comments on proposed application. Each presenter shall speak no more than
386 once per issue and shall be limited to five minutes unless such time is extended by the
387 commission.
- 388 8. Receipt of written communications or petitions.
- 389 9. Applicant presents closing comments, which shall be limited to five minutes unless
390 such time is extended by the commission
- 391 10. Staff presents closing comments.

- 392 11. Public portion of the hearing closed by the presiding officer.
393 12. Planning Commission deliberations.
394 13. Review findings and factors on which recommendation is based.
395 14. Motion to recommend to the Governing Body the approval, disapproval or
396 modification of the application or to table the agenda item to a specific date, time and
397 place.

398 While no further public comments will be received after the hearing is closed, the
399 Commission may question any participant at any time during the proceedings.
400

401 **SECTION 3. LEGISLATIVE HEARINGS.** Hearings for the adoption of
402 comprehensive plans and zoning and subdivision regulations and amendments thereto are
403 considered legislative in nature. The order of proceedings for public hearings in Article V,
404 Section 2 above may be modified for a legislative hearing as to the role of the applicant
405 and the findings and factors on which a decision is based. In any event, the Commission's
406 recommendation to the Governing Body shall be in writing accompanied by a written
407 summary of the hearing thereon.
408

409 **ARTICLE VI – COMMITTEES**

410
411 **SECTION 1. COMMITTEES AND LIAISON REPRESENTATIVES.** The
412 Chairperson, with the consent of the Commission, may appoint standing and ad hoc
413 committees and liaison representatives as may be needed to assist in the business of the
414 Commission. The membership of such committee(s) and liaison representatives may
415 consist of all Commission members or part Commission members or by all noncommission
416 members. All such committees and representatives shall be provided with a formal charge
417 and shall report to the Commission their findings and recommendations, unless otherwise
418 directed.
419

420 All standing committees and liaison representatives shall be appointed at the next regular
421 Commission meeting following the election of officers. They shall take office following
422 the meeting of their appointment and serve for one year or until their successor has been
423 appointed. Such committees may elect officers unless otherwise designated by the
424 Chairperson and establish such rules of procedure as they deem desirable.
425

426 **ARTICLE VII – AMENDMENTS TO BYLAWS**

427
428 **SECTION 1. AMENDMENTS.** The Commission may, by a majority vote of the entire
429 membership thereof, and upon approval by the Governing Body of the City, amend these
430 Bylaws or any provisions or sections thereof, at any time when the same is not in conflict
431 or in contradiction of any of the laws of the State of Kansas or ordinances of the City of
432 Bel Aire, Kansas. The Commission shall review the Bylaws, no less than every three (3)
433 years to ensure timely and appropriate updates are made if necessary.
434

435 Notices of the proposed amendments shall be furnished by the Secretary to all members of
436 the Planning Commission and the Governing Body not less than seven calendar days prior

437 to the meeting at which such amendments are to be considered. A current copy of the
438 Bylaws of the Commission and such amendments thereto as may from time to time be
439 adopted, shall be maintained by the Secretary and filed with the City Clerk
440

441 **SECTION 2. ADOPTED.** The above and foregoing Bylaws are hereby adopted as the
442 Bylaws of the City of Bel Aire City Planning Commission and recommended for approval
443 of the Governing Body of the City of Bel Aire, Kansas.
444

445 **SECTION 3. SEVERABILITY.**

446 In the event that any portion or section of this ordinance is determined to be invalid,
447 illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no
448 manner affect the remaining portions or sections of this ordinance which shall remain
449 in full force and effect.
450

451 **SECTION 4. EFFECTIVE DATE**

452 This ordinance shall take effect and be in force from and after its publication in the
453 official city newspaper.
454

455 **SECTION 5. REPEALER**

456 All other ordinances or parts of other ordinances in conflict herewith are repealed.
457 However, any section of an existing ordinance not in conflict herewith is not repealed
458 and remains in full force and effect.
459
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461
462

463 *[Remainder of this page intentionally left blank]*
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PASSED by the Planning Commission of the City of Bel Aire, Kansas, on the _____ day of _____, 2025.

SIGNED by the Presiding Officer on the _____ day of _____, 2025.

CITY OF BEL AIRE, KANSAS

Phillip Jordan, Chairperson

ATTEST:

Paula L. Downs, Secretary

APPROVED AS TO FORM ONLY:

Maria A. Schrock, City Attorney

PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas,
on the _____ day of _____, 2025.

SIGNED by the Mayor on the _____ day of _____, 2025.

CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

Maria A. Schrock, City Attorney