



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
September 11, 2025, 6:30 PM



I. Call to Order: Vice-Chairman Deryk Faber called the meeting to order at 6:30 p.m.

II. Roll Call

Vice-Chairman Deryk Faber and Commissioners Brian Mackey, Paul Matzek were present in person. Commissioner Dee Roths was present by phone. Chairman Phillip Jordan and Commissioner Brian Stuart were absent. Quorum was present.

Also present in person was Paula Downs, Secretary. Maria Schrock, City Attorney was present by phone.

III. Pledge of Allegiance to the American Flag

Vice-Chairman Deryk Faber led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting.

Vice-Chairman Deryk Faber's first name was misspelled in the Roll Call portion of the meeting minutes. Secretary will update the minutes.

Motion: Commissioner Matzek moved to approve the corrected minutes updating the spelling of Vice-Chairman Faber's name of the August 14, 2025, meeting. Commissioner Mackey seconded the motion. ***Motion carried 4-0.***

V. Announcements: Paula Downs, Secretary stated that initially, as a placeholder on the original Commission agenda that was posted, the Commission was going to review the Comprehensive Plan. The plan did go before City Council at their September 2nd meeting, and they had questions, comments and data that needed to be updated. The updates could not be completed before tonight's meeting, so the item was removed. The plan will appear on the October 9th Planning Commission meeting. The staff report contains the comments that were made by Council and the data that needs to be updated. We are reconciling which data years to utilize and from what data repository. That will be updated before coming back to Commission.

VI. Old Business/New Business

A. Final Planning Commission Bylaw Ordinance

Paula Downs, Secretary stated that this item did not need action, but she provided the Bylaws Resolution in the packet- it is not an Ordinance, but actually a Resolution. They were

approved by the City Council. Secretary will be bringing the document to each meeting to serve as a reference document. The Commission was encouraged to put the document in their notebooks to have on hand and to review it. Nothing was changed outside of what the Commission had previously approved. Document is final but if there are concerns or need for changes, Commission can make changes at any time.

Secretary was thanked for providing the Bylaws document and the summary document on the Golden Factors. Secretary confirmed that the Golden Factors sheets would also be available for each meeting.

Action: No action required; for review only.

B. Overview of Bel Aire Zoning Districts

Paula Downs, Secretary, provided an overview of the zoning districts contained in the City of Bel Aire Zoning Code. A summary document was provided in the agenda document.

The secretary reviewed the following items on zoning districts:

1. Summary document only. The summary does not include every item associated with each district. The document was developed as an overview of information that would need to be reviewed when considering a case.
2. There are 14 zoning districts
3. Each zoning district contains similar information:
 - a. General Information
 - b. Permitted Uses- what is allowed “by right” in each district
 - c. Conditional Uses- what uses are allowed with approval
 - d. Some districts list prohibited uses
4. Permitted “by right” uses. If the development is listed as a permitted use it will not require a planning and zoning case. The development can apply for a permit and build.
5. Conditional use defines uses that can be developed on a lot. The use contained on this list will require a conditional use case be filed.
6. When an individual wants to use a lot for something other than what is listed in the permitted use and conditional use lists, they would apply for a Special Use case.
7. Conditional and Special Use cases would come before the Planning Commission.
8. Zoning Districts also have Planned Unit Development (PUD) districts that come before Planning Commission.
9. Additional elements listed in each district will include “Bulk Regulations” or height and area restrictions:
 - a. Height restrictions
 - b. Minimum lot area
 - c. Setbacks
10. The summary document provides information on the permitted and conditional uses and height and area information.
11. Zoning Districts are set out in Chapter 18 Article 7 and starts with the broader districts like Agricultural District down to Industrial District.
12. Many districts will also set out accessory use regulations such as shed sizes and lot coverage restrictions.

Zoning Districts:

1. Agricultural District
2. Rural Residential District- requires minimum of 2,400 square feet of living space.
3. Estate Residential District (R-1)
4. Single Family Residential Districts (R-2, R-3, R-4) - What sets residential districts apart are generally lot size and square footage of the living space. Example: R-2 requires a minimum of 2,000 square feet of living space.
5. Multi-family District (R-5, R-5b, and R-6)
6. Manufactured home park (MHP)- Commission asked if we have any districts in the City and Secretary was unable to confirm if there were any lots that had been zoned in this way. Zoning map shows the base zoning districts and does not show the overlay or how various areas/lots have been changed through zoning cases.
7. R-PUD- These cases ask for approval to vary zoning codes and often change the zoning district. The cases want to vary from height and area requirements and other zoning code elements. The language regarding conditional uses listed in the R-4 district is referenced in lieu of listing all the conditional issues again. The purpose of the PUD case is often not only to change the zoning but also vary from the zoning regulations. Example was the Lycee case on the August Planning Commission- they asked for C-1, C-2 and R-5 plus wanted relief from several zoning code requirements. PUD is needed because it would be impossible to create a district that would include all scenarios that may be needed for a development. It is intended to provide for innovative residential development, and the other districts are a little more prescribed.
8. C-1 and C-2. C-1 sets out requirements, but if a developer wanted to vary something there is a C-2 PUD district where those relief elements would be addressed.
9. M-1- Industrial- this district does not list height and area regulations.

Commission was under the impression that the code didn't have any zoning that could be applied to prevent duplexes in an area. Secretary clarified that there are zoning districts that allow for two-family (duplex) construction. If the current lot's zoning does not allow for two-family or multi-family construction then they have to ask for a zoning change. Commission previously had long discussions about creating zoning districts that prevent duplexes. Zoning districts are established and reflected on the zoning map. Commission is concerned that when they come to them for a zoning change that allows both single-family and two-family (duplexes) they say they are building single-family and then six months later they build duplexes. When Commission approves a re-zoning case they are approving all the permitted uses in that zoning district and the developer decides what they build as long as it meets zoning district and zoning code requirements. Commission asked why they ask for a re-zone that allows for duplexes but say they are only building single-family homes. Often developers want the flexibility and there may be delays in construction and the market shifts or a new owner purchases the land, and it makes sense to build duplexes.

Commission asked if there was any way to limit Airbnb rentals and where does that fall in the codes. At the beginning of Chapter 18 there are definitions, one of which is Bed and Breakfast and this definition may be the closest we have to Airbnb. The definition of bed and breakfast provides for rental of "rooms" and not entire homes, so it doesn't quite fit. There is not a chapter or article in the code that is titled "short term rental", however, there is a process set out in the code that has to be followed to get approval for this type of use. There is no zoning

district that lists short-term rentals as a permitted or conditional use, so the approval mechanism is a special use case. This topic will be appearing at the next City Council meeting. City of Wichita created a separate chapter to address short-term rentals. Bel Aire code only allows bed and breakfast as a conditional use in two districts- Rural Residential and R-1 which would require a conditional use case. All other districts would require a Special use case. Typically, short-term rentals are in single family residential districts.

Moving forward as we review and update the zoning codes all zoning districts will be updated to ensure they include standard sections like permitted and conditional uses and height and area regulations.

Moving forward PUD cases will not have a separate PUD agreement but the language from those agreements will be seen as platter's text so the information can be easily found like what was seen in the Lycee case last meeting.

Commission asked for a projected date for zoning codes to be completed. That project is not underway but will be shortly. The Comprehensive Plan sets out how we want to grow and what type of districts we want where. Updating the zoning codes will take some time, and the process will require workshops and discussions. The codes will need to meet best practices and state statutes. The codes have not consistently been updated or reviewed and there are errors and typos that also need to be addressed. We may take it one article at a time for review and discussion. We want to ensure that if a chapter or section is updated it doesn't conflict with any other areas of the code. Currently we have 19 chapters of the Bel Aire City Code so it will take some time.

Commission asked what we are going to do about expanding outside of where Bel Aire is right now and moving into the Agricultural and Rural residential areas- will those areas be grandfathered in? In the Comprehensive Plan land use maps, we have Bel Aire city limits and extraterritorial future planning areas. Bel Aire may never grow into the extraterritorial areas, so Bel Aire only has control over what is inside the city limits, unless a property owner asks about being annexed into the city. As the city grows we must consider expanding services and all cases must be approved. The Comprehensive Plan said that approximately 65% of the land in Bel Aire is undeveloped so there is a lot of development that still needs to occur.

Commission wanted to make sure that if annexation occurs those property owners would be involved in approving that. Secretary will bring back information to next meeting about the annexation process and how that works.

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

C. Overview of Planning Commission Roles and Responsibilities as the Board of Zoning Appeals

The agenda packet includes Ordinance 746 which designates the Planning Commission as the Board of Zoning Appeals. The Ordinance sets out several sections related to establishment, authorization, members, officers, compensation, bylaws, and meetings.

The Board of Zoning Appeals hears two types of cases that do not go before the Planning Commission. The Board of Zoning Appeals is the final decision. The cases do not go before

the Planning Commission or the City Council. Board of Zoning Appeals decisions can only be appealed through Sedgwick County District Court.

The agenda packet includes a summary of the types of cases the Board of Zoning Appeals will hear, and they are set out in Chapter 18, Article 3 of the zoning regulations.

Board of Zoning Appeals will hear:

1. Appeals of administrative zoning decisions. If someone wants to appeal the administrative official's interpretation of the zoning regulations they will file a case and appear before the Board to tell why they don't agree with the interpretation. The Zoning Administrator will provide a staff report that sets out justification for the decision. The summary document sets out the general process for this type of case. Have not very many cases of this type requested.
2. Variance Cases. These cases are much more common and cover anything that someone may want to vary or seek relief from in the zoning code. Variance cases have mandatory findings that must be met, and this case requires a public hearing which resembles application requirements found in other Planning Commission cases. Variance cases will require an application, fees, an owners list, notification/publication requirements and the public can speak at the hearing. The final decision will require either an Ordinance or Resolution which will be clarified. Examples of variances being asked for:
 - a. Accessory uses- building a shed that is larger or taller than allowed
 - b. Lot coverage variance
 - c. Encroach into setbacks or property lines
 - d. Variance from parking requirements or landscaping requirements in a commercial property. Often these types of variances would come through another type of case

Board of Zoning Appeals are the only body that can hear these cases. Prior cases were being handled through a formal staff approval process. Based on previous years, the Board could see 12 or more cases a year. Development may drive how many cases are heard moving forward. There may be no cases or several cases each month. It is unlikely that cases will be emergent because they require public hearings and those hearings have to be published for 20 days, and nearby property owners have to be notified. Application deadlines are established for Planning Commission/Board of Zoning Appeals. Planning Commission/Board of Zoning Appeals meets monthly but due to publication timelines it may not allow for a special meeting to be called prior to the regularly scheduled meeting.

Board of Zoning Appeals will meet during the regularly scheduled Planning Commission meeting. Commission asked if the meetings would need to be videotaped since they will be a decision-making body. Secretary will confirm the requirements for the meeting.

Zoning regulations state that the Board of Zoning Appeals has three-members but the Ordinance appointing the Planning Commission as the Board will be what is followed.

The entire Planning Commission is the Board of Zoning Appeals. The city code will need to be updated.

The Board of Zoning Appeals will have their own Bylaws, and they will closely resemble the Planning Commission Bylaws with modifications directly related the requirements of the Board.

There is a sample agenda document in the packet that reflects how the Planning Commission will recess their meeting and convene the Board of Zoning Appeals meeting and then adjourn that meeting and reconvene the Planning Commission. The draft agenda document shows that transition will occur after the Old/New Business section of the Planning Commission meeting.

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

VII. Approval of the Next Meeting Date.

Motion: Commissioner Mackey moved to approve the date of the next meeting: October 9, 2025, at 6:30 p.m. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

VIII. Current Events

A. Upcoming Agenda Items:

1. Board of Zoning Appeals Bylaws
2. Bel Aire 2035 Comprehensive Plan- Review Revised Plan for City Council Recommendation
3. Chapel Landing 8th- Final Plat

B. Upcoming Events:

1. September 27 – Tree Board Park Clean-up | Bel Aire Rec Center 8-10 a.m.
2. October 4 – Fall Curbside Clean-Up

IX. Adjournment

Motion: Commissioner Matzek moved to adjourn. Vice-Chairman Faber seconded the motion. ***Motion carried 4-0.***

Approved by the Bel Aire Planning Commission this _____ day of _____, 2025.

Deryk Faber, Vice-Chairman

ATTEST:

Paula L. Downs, Secretary

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