MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
April 10, 2025, 6:30 PM

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

II. Roll Call

Chairman Phillip Jordan and Commissioners Dee Roths, Deryk Faber, Brian Mackey, Paul Matzek were present. Commissioner Brian Stuart arrived during the vote for the Minutes.

Also present were Paula Downs, Director of Community Development 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.**

MOTION: Chairman Jordan moved to approve the minutes of March 13, 2025. Commissioner Faber seconded the motion**.** ***Motion carried 5-0-1,*** with Commissioner Stuart abstaining from the vote.

V. Announcements: Edgar Salazar will no longer serve on the Bel Aire Planning Commission. The position is currently vacant and the Mayor will be identifying a new member.

Director of Community Development Paula Downs made the announcement. No questions or comments were received from the Commission.

VI. Old Business/New Business

A. PUD-24-04- Proposed Final R-PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments.

Staff gave a brief review of the PUD application and related documents including all previous case activity brought before the Planning Commission and City Council.

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Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given, according to state statute.

Chairman Phillip Jordan opened the public comment section. Applicant Jay Cook had no comments. No questions were asked of the applicant by the Commission. No one requested to speak. Therefore, Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received, and staff confirmed that none had been received.

Chairman Jordan then requested discussion among the Commission. Commissioners cited Review Criteria 1, 3, 6, 9, and 10 in the staff report for this meeting as evidence in support of approving the zone change request. Specifically, Commissioners cited the following Review Criteria from the Staff Report:

1. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

3. The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive than what is allowed in the base R-4 district.

6. There is no loss in value or hardship upon the applicant

9. Property Owners as of July 2024 have been notified a total of three times with this R-PUD case. Property owners identified between July 2024 and February 2025 have been notified one time with this R-PUD case. City staff has received no inquiries or feedback from notified residents for the March 13, 2025, hearing.

10. Staff and applicant have revised the R-PUD Agreement to include the following updates:

1) "Townhouse" as fined by the City's current Zoning Regulations as a permitted use with limitation to the number of units on each lot of record has been added.
2) The minimum lot area and lot widths have been identified and specified. Additionally, all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the R-PUD Agreement.
3) One street tree will be required for each lot that is split
4) The R-PUD Agreement requires, per K.S.A. 58-3706, that covenants include a description of all easements required, including public utilities. This requirement satisfies the easement agreement request by Planning Commission and City Council.

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5) The R-PUD Agreement includes, as Exhibit 1, the Party Wall Agreement.

MOTION: Chairman Jordan moved that 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 Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-04 be approved with modifications based on findings as recorded in the summary of this hearing, and the following conditions be made a part of this recommendation:

a) A Party Wall Agreement is referenced in the Chapel Landing Addition R-PUD Agreement. It shall be incorporated by reference and attached to the R-PUD Agreement as Exhibit 1; and,
b) The Chapel Landing Addition R-PUD Agreement shall be provided for council consideration, and if approved by council, it shall be attached to the ordinance as Exhibit A; and,
c) The applicant shall file the ordinance including Exhibit A and an executed copy of the Chapel Landing Addition R-PUD Agreement including Exhibit 1, with the Sedgwick County Register of Deeds within 30 days of final approval, and within 45 days shall provide the City with proof of the filings. A copy of the Chapel Landing Addition R-PUD Agreement including Exhibit 1, showing said recording shall be furnished by the Developer to the general contractor, before building permits are issued.

Commissioner Mackey seconded the motion. ***Motion carried 6-0***.

B. VAC-25-02: Vacation request in the City to vacate platted 15-foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02, generally located between 45th and 49th, on Tierra Lakes Parkway and West of Webb Road.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given.

Paula Downs, Director of Community Development gave a brief report, referencing the application for vacation and the staff report included the Commission's information packet for this meeting. Ms. Downs reviewed the staff recommendation to approve the vacation request based on findings 1-4 as listed in the staff report:

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State law;
2. No private rights will be injured or inconvenienced if the vacation is granted;

3. The Public will suffer no loss or inconvenience if the vacation is granted; and
4. In justice to the petitioner, the vacation should be granted;

Chairman Phillip Jordan opened the public comment section. Applicant Kirk Miller agreed with the staff report and stood for questions. Mr. Miller answered questions from the Commission and staff regarding the legal description of the vacated portion and the location on the plat. Mr. Miller confirmed that the legal description is for the 15-foot portion that will be vacated.

No others requested to speak. Therefore, Chairman Jordan closed the public hearing and requested discussion among the Commission. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

MOTION: Commissioner Mackey moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the request for vacation of a Platted 15 foot-wide building setback on Lot 1, Block 2, Tierre Verde South Addition, in VAC-25-02 be approved based on findings 1 through 4 as listed in the staff report. Commissioner Faber seconded the motion. ***Motion carried 6-0.***

C. PUD-25-01- An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements, generally located between 45th and 49th on Tierra Lakes Pkwy and West of Webb Road and currently platted as Lot 1, Block 2, Tierra Verde South Addition.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given, according to state statute.

Paula Downs, Director of Community Development, gave a brief review of the PUD application and staff report, including all previous case activity brought before the Planning Commission and City Council. Ms. Downs stated that staff recommend approval of the vacation request, and noted key findings to support the recommendation: the character of the neighborhood, the length of time the property has been vacant as zoned, and the proximity of utilities to serve the development.

Chairman Phillip Jordan opened the public comment section. Applicant Jeff Blubaugh and Representative Kirk Miller, KE Miller Engineering, answered questions from the Commission regarding building setbacks and future changes to the PUD. The applicant did not foresee any need for future changes to the PUD.

No others requested to speak; therefore Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

The Commission then deliberated. Commissioners expressed their support for approving the zone change request, based on Review Criteria 1, 5, 9 and 10 listed in the staff report, specifically:

1. **Character of the neighborhood -** The character of the neighborhood is in line with the surrounding properties and the current neighborhood.
Neighborhood is largely undeveloped. Non-residential use (Bel Aire Recovery Center) exists across Tierra Lakes Parkway to the southwest.
North of subject property is Skyview at Block 49 Addition which is a two-family residential district.

5. **Length of time the property has been vacant as zoned -** The property was originally platted in 2009. The property has been undeveloped for 16 years under its current zoning.

9. **Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request) -** Property Owners as of March 20, 2025, have been notified. City staff have received no inquiries or feedback from notified residents for the April 10, 2025, hearing.

10. **Recommendations of permanent staff -** Key review criteria elements:

1) Length of time vacant. Lot 1, Block 2 has been undeveloped and vacant for 16 years and will be developed as an R-5 or R-6 district.
2) Character of the neighborhood based on uses of surrounding properties. Lot 1, Block 2 development will be developed in character of the surrounding properties.
3) Infrastructure public utilities and streets. Lot 1, Block 2 currently has public utilities and is supported by a local street- Tierra Lakes Parkway.

MOTION: Commissioner Roths moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend that the City Council approve PUD-25-01, An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, area regulations, parking, and landscape requirements, based on findings 1, 5, 9, and 10 listed in the staff report, as recorded in the summary of this hearing. Chairman Jordan seconded the motion. ***Motion carried 6-0***.

VII. Approval of the Next Meeting Date.

MOTION: Commissioner Jordan moved to approve the date of the next meeting: May 8, 2025, at 6:30 p.m. Commissioner Faber seconded the motion. ***Motion carried 6-0.***

VIII. Current Events

A. **Upcoming Agenda Items:**

Planning Commission Bylaws- Staff stated that no planning cases had been submitted for the May 8, 2025, meeting. Staff are working on developing Commission Bylaws to present at the meeting. Bylaws will be sent to the Commission in advance for review. Staff asked Commissioners to consider workshop topics for the meeting.

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B. **Upcoming Events:**

a. Springfest: April 12
b. Citywide Garage Sale Weekend: April 24-26
c. Shred & E-Recycle Day: May 3
d. Curbside Cleanup: May 17

The Commission briefly discussed upcoming City events. No action was taken. Chairman Phillip Jordan inquired about holding an executive session to discuss the absence of Edgar Salazar. City Attorney Maria Schrock stated that discussion of a volunteer position is not an allowed topic for discussion in executive session.

IX. Adjournment

MOTION: Commissioner Matzek moved to adjourn. Chairman Jordan seconded the motion. ***Motion carried 6-0.***

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

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Phillip Jordan, Chairman

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