

STAFF REPORT

DATE: 08/31/2026

TO: Bel Aire City Council

FROM: Paula Downs

RE: PUD-26-03- Preliminary PUD Plat

STAFF COMMUNICATION

FOR MEETING OF	9/01/2026
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-26-03: Proposed Planned Unit Development (PUD) Preliminary Plat for Use and Zoning Relief for Casey's in Cedar Pass Addition

Legal Description: Lot 34, Block C, Cedar Pass Addition

General Location: NW corner of East 53rd Street and North Webb Rd.

Reasons for Request: To create a PUD to allow for a retail convenience store and vehicle fueling station and obtain zoning code relief related to setbacks, signage, and landscaping.

Notification: The City placed notification on the City of Bel Aire website as required by the City code on July 23, 2026. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on July 23, 2026.

Background:

The property was platted in July 2022 as the Rock Springs 5th Addition, currently Cedar Pass Addition.

The applicant intends on submitting a Lot Split case to create Parcel 34A and 34B. Lot splits in Bel Aire are approved administratively and will be completed prior to the issuance of a building permit.

Case History of Cedar Pass (previously Rock Springs 5th)

1. November 8, 2021- Planning Commission Meeting

- a. ZON-21-03- Re-Zoning from Agricultural to R-5- Garden and patio homes, townhouses and condominiums and C-1 Neighborhood Commercial Development (Rock Spring 5th). Planning Commission approved the rezoning case.
- b. ZON-21-03- Proposed Preliminary Plat of Rock Spring 5th - Planning Commission approved the preliminary plat.

2. December 7, 2021- City Council Meeting

- a. City Council approved Ordinance 678 changing the zoning classification from Agricultural to R-5 Garden and patio homes, townhouses and condominiums and C-1, Neighborhood Commercial Development.

3. December 16, 2021- Planning Commission Meeting

- a. SD-21-03- Proposed changes to the previous approved Preliminary Plat.
 - i. Changes were made due to a change in ownership of the parcel directly north of the property covered in the plat.
 - ii. Planning Commission found that the preliminary plat complied with all provisions and applicable regulations and laws.
 - iii. Planning Commission approved the changes to the previously approved Preliminary Plat.
- b. SD-21-03- Final Plat
 - i. Applicant did discuss the desire to change the name of the subdivision; however, a name was not identified at that time.
 - ii. Planning Commission found that the final plat complied with all provisions and applicable regulations and laws.
 - iii. Planning Commission approved the final plat.

4. May 17, 2022- City Council Meeting

- a. Infrastructure Petitions approved for Cedar Pass (formally Rock Springs 5th) Phase 1 and Phase 2 (housing area).
- b. Development Agreement approved by City Council.

5. August 13, 2026- Planning Commission Meeting

The applicant's agent stated that the staff report presented for the case reflects the relief being requested. The following relief was presented:

1. Use:

- A. Current Zoning District: C-1 Neighborhood Commercial Office and Retail District does not permit retail convenience stores or vehicle fueling stations.
- B. PUD-26-03 Use: C-2- Planned Unit Development Commercial Office and Retail that allows for retail convenience stores and vehicle fueling stations.

2. Signage:

- A. Current Sign Code: 17.9.7.C limits freestanding two-faced signs permanently fixed to the ground and supports a 45 square feet per sign face. Code does not set height parameters.
- B. PUD-26-03: Requesting 90 square feet per face not to exceed 25' in height.

3. Landscaping - Street Trees:

- A. Zoning Code Requirement: 18.10.5.A.1 requires street trees to be provided with an average spacing of 1 tree for every 40 feet of street frontage.
- B. PUD-26-03 requests 1 tree for every 50 feet of street frontage.

4. Landscaping - Building Façade:

- A. Zoning Code Requirement: 18.10.10:
 - i. Landscaping adjacent to the building wall- a variety of shrubs, ornamental or shade trees are encouraged.
 - ii. Landscaping provided to a minimum of 25% of the building face- building faces along service areas are excluded
 - iii. Each area shall be planted with shrubs capable of reaching 3' in height covering a minimum of 75% of the length of the landscape area. A mixture of evergreen and deciduous shrubs shall be used.
 - iv. Planting areas shall have a minimum width of either 6' or equivalent of 20% of the building faced height.
 - v. Building façade areas shall be irrigated with bubbler irrigation systems.
 - vi. Landscape areas may be placed adjacent to the building wall or adjacent to the curb.
- B. PUD-26-03 requests to waive all building façade

5. Parking & Paving Setbacks:

- A. Zoning Code Requirement: 18.7.11.B.3(b) requires the following parking and paving setbacks within the C-1 Neighborhood Commercial Office and Retail District:
 - i. 15' from street right-of-way
 - ii. 20' from property lines
- B. PUD-26-03 requests the following parking and paving setbacks:
 - i. Parcel A:
 - 1. 0' along west property line.
 - 2. 5'-20' variable along the East 53rd Street North street frontage.
 - 3. 5' along north property line
 - 4. 20' along the North Webb Road street frontage (exceeds minimum)
 - ii. Parcel B:
 - 1. 0' along west property line
 - 2. 5' along the south property line
 - 3. 0' along the north property line
 - 4. 20' along the North Webb Road street frontage (exceeds minimum)

The Agent stated that the use reflects the retail convenience store and vehicle fueling station for Casey's development. The sign will be installed on the corner of 53rd and Webb on a 25' high pole and the 90 square foot face allows for traffic driving 55 mph to see the information.

The Agent stated that the landscaping request for trees to be planted 1 every 50' was to establish a lower profile landscaping plan for the corner of 53rd and Webb to allow clear line of site on the corner and near the access drives. Landscaping code will be followed for all other elements. Applicants' request for building façade relief is due to foot traffic at the front of the building and parking at the entrance. Convenience stores have concrete along the face of the entrance.

Parking and Paving setbacks reflect what is needed to support the development of the site and the shared access drives on the North and West property lines.

Planning Commission reviewed the case and agreed that the retail convenience store and vehicle fueling station use was appropriate for this area.

Commissioners reviewed the request for the pylon sign to have a 90' face. The majority of Commissions had no concerns with the sign size. One Commissioner stated that the applicant would be good with a monument sign that meets the 45' face code requirement.

Commission spent a lot of time reviewing the details of the landscaping relief request and the spacing of the perimeter trees. Applicant confirmed that all other landscaping requirements would be installed as required by code. The landscaping relief on the building façade would receive full relief at the storefront area.

Commissioners discussed the request for setback relief on the west side of the property that is requested at 0'. This request relates to the common access drive off of 53rd street that is over the property line which requires the request for relief from the setbacks. Setback requests will not affect the requirement for perimeter landscaping. Commissioners did not discuss concerns about the other parking and setback relief requested.

Staff did not receive any phone calls or written communication on this case. No members of the public attended or spoke at the public hearing.

Commissioners reviewed the finding of facts (contained in the August 13, 2026, Planning Commission staff report and in the City Council agenda packet) on the case and moved to approve the use and relief sought in the PUD Preliminary Plat.

Staff recommended approval with the following conditions:

1. Revise Building and Structure Notes #4 to replace “Phase 1” with “Parcel A”.
2. Replace Lighting Notes #1 to “A comprehensive landscape plan shall be submitted prior to the issuance of building permits”.
3. Revise Parcel B Permitted Uses in the Project Data and Use Group Categories section to remove the following:(maintaining existing C-1, Neighborhood Commercial Office and Retail District).

The Planning Commission approved the case, with conditions 4-1.

Current Discussion:

The lot is currently zoned C-1- Neighborhood Commercial Office which does not provide for convenience store and vehicle fueling stations. The PUD Preliminary Plat application was submitted to create a C-2 Planned Unit Commercial Office and Retail District that allows for that use. The property, once the PUD case is approved, will request a lot split to create two parcels, allowing Parcel B to be sold by the property owner. The requested use is in line with commercial development zoning for the intersection and suitable for the property.

The property was platted in 2022 as part of the Rock Springs 5th Addition, currently Cedar Pass addition and has remained vacant since that time.

The signage, landscape and setback relief being requested meets the spirit of the code and all other codes will be followed on the project. Relief will provide appropriate traffic flow off of Webb and 53rd and provide perimeter landscaping screening from properties to the West.

Citizen Written Comments

Staff received an email from Evan Mijares, resident of Cedar Pass with concerns about the Casey’s development. Mr. Mijares is outside the notification area but shared concerns. The following concerns were identified:

1. Difference between neighborhood-scale commercial development (current property zoning) and a gas station/convenience store with fuel pumps
2. Obstruction of sightline across the pond
3. Nighttime canopy lighting
4. Frequent vehicle traffic, including deliveries
5. Signage
6. Potential late-night or 24-hour activity
7. Noise
8. Screening

Cedar Pass is approximately 650' from the proposed Casey's development. Residents were not notified due to being outside the notification area. Staff provided the following clarity to address the concerns:

1. Caseys was rezoned for R-5 residential district and C-1 Neighborhood commercial, office, and retail in 2021- prior to homes being built in Cedar Pass. The shortest distance between the proposed Casey's and Cedar pass is 650'. Properties on the four concerns of 53rd and Webb intersection are zoned C-1 Neighborhood and M-1 Planned Unit Development-Industrial. Casey's development is in line with intersection properties zoning and uses.
2. Staff does not consider unobstructed sightlines across a property in their analysis. Cedar Pass abuts a reserve on the East. East of the reserve area are two additional lots before the proposed Casey's development.
3. The development will be required to follow code that is designed to mitigate light pollution. Staff determined that the distance of approximately 650' is adequate to absorb the lighting between Casey's and Cedar Pass. As a result, no meaningful impact will affect Cedar Pass.
4. 53rd and Webb road are both well-traveled roads due to surrounding activities and property uses. Webb road is a main arterial four-lane road designed to carry high traffic loads. No streets in Cedar Pass will be a pathway to access the Casey's. Vehicles accessing Casey's will be on 53rd and Webb.
5. Signage will be installed on the corner of 53rd and Webb. Signage installation and lighting will follow code. Casey's is seeking relief from the code to install a 90' face sign vs. a 45' sign set by code. Lighting will follow code designed to mitigate the effects of surrounding property.
6. 24-hour activity- Casey's did not provide information on hours of operation. Code does not prohibit 24-hour activity.
7. Due to the distance, Cedar Pass will not be meaningfully impacted by noise of activity at Casey's.
8. Casey's will be required to follow landscape screening codes around the perimeter of the property. Casey's building will face Webb Road. Caseys asked for relief from landscaping required at the façade of the building and to plant trees 1 every 50' foot in lieu of 1 every 40'. Casey's abuts C-1 zoned property and landscaping will be required per code for that condition.

Recommendations of Professional Planning Staff

Staff recommends **APPROVAL** of the application pending the outcome of City Council review and public hearing.



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
August 13, 2026, 6:30 PM



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

II. Roll Call

Secretary stated that there is a correction to the published packet. The packet contained an inaccurate roll call list, and the correct list of commissioners have been updated and appear correctly on the agenda that was provided to the Commission. Roll call should be, Phillip Jordan, Derek Faber, Paul Matzek, Dee Roths, Brian Mackey, John Sutherland and Kent Koehler. Brian Stuart should not be included.

Chairman Phillip Jordan, and Commissioners Dee Roths, Brian Mackey, John Sutherland and Kent Koehler were present in person.

Vice-Chairman Deryk Faber and Commissioner Paul Matzek were absent.

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

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: Commissioner Roths moved to approve the minutes of the July 9, 2026, meeting. Chairman Jordan seconded the motion. ***Motion carried 3-0.***

Chairman Jordan, and Commissioners Roths and Sutherland approved the meeting minutes.

Commissioner Mackey abstained because he was not in attendance at the July 9, 2026, meeting.

Commissioner Koehler abstained because he was not an appointed Commissioner on July 9 and did not attend the meeting.

V. Announcements:

- A. There will be a Board of Zoning Appeals meeting following the adjournment of the Planning Commission meeting.

Secretary stated that the agenda does not have any business items; however, meeting minutes need to be approved.

- B. Zoning Code Updates- Workshop #2 will be on Tuesday, September 8, 2026, in the Community Room. All workshops will appear on the regularly scheduled City Council Workshop dates- the second Tuesday of each month.

Secretary stated that the September 8 workshop will be in the community room and will be a joint discussion between Planning Commission and the City Council.

Commission Sutherland asked a question about the order of business and agenda items as outlined in the Bylaws. Commissioner Sutherland stated that there are announcements and then there's old and new business and from his understanding old and new business is the place where commissioners could have the opportunity to bring up items such as what they've read, what they found, and what they've seen in that area. Commissioner Sutherland stated that "we" (the Commission) really need to stick to the Bylaws. Commissioner Sutherland stated that this was discussed at a meeting with Maria, Ted and the Mayor and the Mayor said that "yeah we need to do that" (add this item to the agenda).

Chairman Jordan asked what the purpose of the old and new business is really for. Secretary provided insight on the order of business related to "old and new business" when the Bylaws were developed. The Secretary also acknowledged that she was not present at the meeting referenced by Commissioner Sutherland. The order of business (section of the Bylaws) lists the elements that are designed to appear on the agenda document. It lists; call to order, roll call, pledge of allegiance, consent agenda, announcements, old and new business, approval of the next Planning Commission date, current events and adjournment as the main topics. Old and new business is the Planning Commission Business (as referenced on the agenda) which are the cases that come before the Commission and old business would be if the Commission tabled a case and it was coming back. Secretary stated that currently the Bylaws don't have an item that provides for an open discussion. This could be (added) in the bylaws for a section to add to be added to the Planning Commission agenda for topics for future discussion. This is what the City Council has in their bylaws and rules. The Commission would need to talk about it and put it on the agenda to discuss. Secretary stated that putting things on the agenda allows for the public to be notified that we will be discussing it because there is a possibility that whatever gets discussed could be before the Commission. Tonight the Commission will have an agenda item to discuss the City of Goddard's Resolution. This item was requested to be put on the agenda so we put it on the agenda and provided the background information so the discussion (of the case) happens on the record and the public that's interested in hearing that discussion can attend the meeting. The only difference between the Bylaws (language) and what is on the agenda is that instead of saying Planning Commission Old and New Business it just says Planning Commission Business.

Chairman Jordan confirmed he understood the old and new business is the new business and he gets that. The Chairman asked the City Attorney whether or not it is ok to call it Planning Commission Business (as on the agenda).

Commissioner Sutherland clarified the City Council has an opportunity for each council person to bring up a short, no real discussion, no voting for sure, (topics) of what they have seen, what they did, or what meetings they attended. It's just to plant a seed for people to think about what we need to do in the future and maybe that brings forward that we (Commission) want to add that. When a topic, whatever it may be- planting trees in your home or painting your house or whatever it may be- then a Commissioner brings it up and says they learned about this, talked about this, or heard about this and asks the Commission if they want to talk about it. If two or three commissioners agrees then it goes on the next agenda.

Commissioner Mackey stated that there is a big difference. The City Council is the decision making body and the Commission is not. The Commission is a code enforcement body who makes recommendations to the City Council and the Commission's role is significantly different. As a result, Commissioner Mackey was unsure if an open discussion that the rest of the residents weren't privy to before the meeting to know whether or not they want to come here but I'm not sure that would be appropriate for our role.

Commissioner Sutherland stated that the Commission was doing that right now and Commissioner Mackey agreed but it was because he (Commissioner Sutherland) brought it up. Commissioner Sutherland stated that just because the Commissioner has never done it- the Commission lives and breathes the zoning and planning. The Commission makes recommendations, accept on Board of Zoning Appeals that are quasi-judicial. On planning and zoning we make recommendations. Commissioner Sutherland asked how the Commission would ever find out what happened in another City.

Commissioner Mackey stated that very simply the Commission would ask. Commissioner Mackey stated that he saw an article about Goddard and sent it to the Secretary and didn't tell anybody else (on the Commission) because of the open meetings act. Commissioner Mackey suggested that this item be brought to the Commission for discussion and put it on the agenda so that the public can come and listen.

Commissioner Sutherland confirmed that is why he asked for the agenda item last time (Goddard agenda item). Commissioner Sutherland stated that the Commission meets 12 times a year and should make wise use of the time. Don't want to get to meeting 8 and figure out that something should have been discussed earlier. When something has to do with zoning the

Commission is behind the eight ball and not thinking ahead. Commissioner Sutherland reviewed agendas and they include what staff brings to the Commission. Commissioner Sutherland feels the Commission should be proactive by gathering information and seeing what's going on. Commissioner Sutherland previously asked if he could talk about it (Goddard information) and staff told him it has to be put on the agenda, so he requested that it be added which has taken two months. Commissioner Sutherland stated that the Commission has a whole lot of things to talk about.

Chairman Jordan shared with Commissioner Sutherland that if he is thinking about things ahead of time about Derby or Goddard or whatever, that he call or email the Secretary and ask that it be placed on the agenda. Chairman Jordan asked if the Commission has to decide what's on the agenda.

Secretary said that typically this topic (adding a discussion item to agenda) would be appropriate to think about as changes to the Bylaws are being discussed. The Bylaws governs the way the Commission meets and how they do business. Currently, the agenda does not include future business. When a Commissioner sends the Secretary an email about adding an agenda item, I will bring it back to the Commission although I don't know if it something that other Commissioners want to discuss. I am the staff assigned to the Commission and act as a bridge between the City and the Commission. The (Goddard) item was on the agenda because the Commission agreed that it should be placed on the agenda.

Commissioner Roths was concerned that the discussion was verging on the open meeting act. She was concerned that if the Commission was discussing, for example, something about painting a house and the next door neighbor gets wind of it, they are going to say something. Commissioner Roths stated that the Bylaws should be looked at and that the issue (adding a discussion item to agenda) be discussed at the upcoming meeting.

Secretary stated that she has a request from Commissioner Faber, who has submitted some ideas for the bylaws, to have a discussion in September. Secretary will share that information later in the agenda for Commission to discuss adding to the agenda. Secretary confirmed that the Bylaws can be discussed during future meetings until they are updated according to what the Commission wants.

Commissioner Koehler agreed with Commissioner Roths about how to address it (the discussion agenda item) and that's when we deal with it. Commissioner Koehler asked if the Commission receives a proposed agenda so the Commission can add items.

Secretary stated that the agenda is sent out the week before the meeting when it's published, but no proposed agenda it provided. Secretary does provide agenda information in the announcement section and upcoming agenda items section in the agenda (if items are known). Chairman Jordan stated that agenda items should be Commission approved and should be related to planning. Commission should not be wasting the Commission's time talking about anything not planning oriented. Secretary agreed and stated that the Commission should be talking about issues during the meeting and asking for items to be placed on the next agenda.

Chairman Jordan asked if an individual Commissioner emailed the Secretary with agenda item requests if violate the open meetings act if the Secretary emailed everyone individually asking them if they are in favor of the item being placed on the agenda by responding yay or nay. Commissioners would respond back individually to the Secretary. Secretary stated she would evaluate the question and respond back to the Commission.

VI. Planning Commission Business

A. PUD-26-03- Casey's in Cedar Pass Addition Planned Unit Development (PUD) Preliminary Plat

Chairman Jordan called item 6. A. on the agenda which is a public hearing on case number PUD-26-03. The subject property is generally located at the Northwest corner of East 53rd street and North Webb road. We'd like to welcome everyone interested in this hearing and layout few ground rules.

1. It is as important that you present any facts or views you have as evidence so that an informed decision can be made by the Planning Commission to the Governing Body for their final decision.
2. By state statute the governing body does not have to hold another public hearing on the matter although they may listen to whomever they wish. You will be asked if there is any new information which was not heard at this meeting. It is to everyone's advantage if you present all the necessary information at this hearing.
3. After city staff provide the Commission with background information I will call upon the applicant. Public comments will be heard following the applicant. Once all have been heard, the applicant will have an opportunity for final comments.
4. The Planning Commission will close the hearing to public comments and will then consider the Golden Factors and any other factors on which to base their recommendation. During this time, the Commission may direct questions to the applicant, public and/or city staff.
5. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please use the podium and speak clearly so that your comments can be recorded for inclusion in our minutes.

Chairman Jordan said before we proceed with the hearing does anyone on the Commission intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have conflicts of interest. If no say no, if yes say yes. All right let the record show that all 5 commissioners that were present answered no.

Chairman Jordan said that official notice for this hearing was published in the official city newspaper, which is the City of Bel Aire municipal website, on July 23, 2026. Notices were mailed to the applicant and real property owners of record in the area of notification on July 23, 2026. The record shows that at least 20 days have elapsed between the publication and mailing dates and today's hearing date. Unless there is evidence to the contrary from anyone present I will declare that proper notification has been given.

Chairman Jordan asked has anyone on the Commission received any ex parte verbal or written communications prior to this agenda item. Let the record show that all commissioners responded with no.

Chairman Jordan called on city staff to provide the Commission with a report on the case.

Secretary shared that the staff report that sets out the relief being requested. The relief being requested are; use, signage, landscaping related to trees, landscaping of the building façade and paving setbacks. Staff's report also list responses to the Golden Factors based on the analysis of the Comprehensive Plan and codes. Included are the zoning of the surrounding property, which are largely C-1 Neighborhood Commercial Office and Retail and M-1 Industrial across the street to the East. Subject property is currently zoned C-1 and because of the PUD case that zoning will move to C-2 PUD because the case will create a custom zoning district. The case asks for C-1 uses in addition to convenience store and vehicle fueling station. The Secretary stated that the use and associated zoning relief is not expected to detrimentally affect nearby property. Subject property was platted in July of 2022, and it's been vacant since that time. It was zoned C-1 via ordinance in 2021. PUD and the zoning relief do not pose a threat to adjacent properties and the hardship imposed on the applicant statement is that the disapproval of the case will just create a hardship for the applicant's development of the subject property. Secretary clarified that that statement means that if the Commission doesn't approve the case the applicant will not be able to build. Secretary confirmed that the case conforms with the Comprehensive Plan and does not conflict with the future land use map. The development fits the zoning district and uses listed in the Comprehensive Plan. Property falls in compatible with zoning in the area. Secretary stated that the subject property will have no negative impact on community facilities public infrastructure or utilities. Secretary did not receive any phone calls or written communication on this case. Staff recommends approval of the application with conditions listed in the staff report. The Secretary stated that the applicant is intending to file a lot split for the property along the north and east side and the structure will be close to the corner (53rd and Webb). Applicant will submit a comprehensive landscape plan as part of the building permit process.

Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the city staff report.

Applicant, Jeff Laubach, Topeka Kansas, the civil engineer for SBB Engineering. Applicant stated they want to rezone to the zone that will allow a store and fuel sales.

Commission Mackey stated he wasn't clear why the applicant was splitting the lot. Applicant said that the property was platted in 2022 and Casey's doesn't want to buy the entire lot. Typically purchase prices are based on per square foot basis. The remainder of the lot will allow it to be marketed and sold by the owner.

Commissioner Roths asked why Casey's was asking to waive all of the building landscaping. Applicant stated they would rather put landscaping around the perimeter (of the property). Applicant doesn't want to bushes near the building because of the maintenance and the foot traffic and trash at the front of the store. Commissioner Roths asked about landscaping because there is a pond behind the lot to the West and then houses on the other side of that. Commissioner Roths wanted to know if applicant had thought about landscaping there. Applicant confirmed that there is landscaping there (around the perimeter) there just wouldn't be landscaping in front of the building.

Secretary stated that there is a map in the packet that is outlined in red. It shows that there are two lots and reserve between the subject property and the housing development. The building façade (faces Webb) and there won't be landscaping in front of the building.

Commissioner Roths stated that there should be some kind of break between this (subject property) and the people that live to the West so that they don't look at whatever is at the back of Casey's all the time. Applicant said that Casey's is set back from the rear property line leaving another lot and a reserve between Casey's at the homes. Secretary confirmed that there are lots and the reserve and then the housing area. She confirmed that Casey's is not asking for perimeter screening landscaping to be waived they're asking for relief from the building façade (landscaping) at the front of the building or main entrance.

Chairman Jordan asked about the 1 tree per 50 feet request. Secretary stated that the applicant is requesting to plant less tree by separating them 50' apart vs. 40' apart as code requires. Chairman Jordan asked if the additional distance is to give each tree more space to grow bigger and better. Applicant stated that Casey's likes to keep the corner (of the property) more open and put more shrubs in where the sign is. So, if you take the street frontage and take it divided by 40 then you got to create more trees in a shorter distance where they're trying to open up the corner so that people can see the prices (on the sign).

Chairman Jordan asked the applicant how many feet roughly, would the trees back from the corner where the sign is. Applicant stated normally 50' to 75' feet, so there will be more trees that are spaced a little closer together as go to the north and the West.

Commissioner Sutherland stated that our current code allows for 45 square feet of sign face per face and asked applicant why they need 90' of sign face. Applicant stated that they are doing a pylon sign that is 25' tall so to make it visible from the street the sign will have an 81' sign face. Commissioner Sutherland stated that they could get by with a smaller size. Applicant said they would go with a monument sign if the square footage of the sign was reduced by the Commission. Commissioner Sutherland stated that a couple things reason to bring that up it happens day in day out across the country and second lighting pollution is a big issue for some commissioners me (Commissioner Sutherland) included. And when you put a 9 x 9 sign up it's a lot larger light source than the 45' sign size (in our code) that I (Commissioner Sutherland) see it as sufficient. Commissioner Sutherland stated that he was in Casey's business and had to change signs to meet sign codes all over the country. Commissioner Sutherland asked if it (the change in sign size) is a deal breaker. Applicant stated he would have to ask Casey's.

Commissioner Sutherland asked where applicant was going to put beside the tree in that 50'. Applicant said there will be shrubs per the landscaping plan but the prepared landscaping plan but it was not required for the PUD case to be included.

Commissioner Sutherland stated a PUD is being created on one side and on the other side the Commission is looking at a "bunch of variances" on the other side- both happening at the same time. The Secretary confirmed that the PUD is asking for relief in the specific areas included in

the packet. Secretary confirmed that in the absence of asking for requesting specific relief the applicant is required to follow the codes. In the current case, the applicant is only asking for relief on the planting distance of trees. The landscape plan will be reviewed at the time of building permit to ensure compliance with code.

Commissioner Sutherland asked for clarification on the paving parking and paving setbacks and an explanation for those. Applicant stated that there are shared drives and access easements and based on the code the distance from property lines wouldn't be allowed because the drive is crossing property lines. So, where drives cross the property lines that technically wouldn't be allowed. The drive is coming off between the two lots, so the lot line splits the access opening which violates the parking setback in the code. Commissioner Sutherland asked the applicant if this was a problem with the code and he confirmed yes.

Commissioner Sutherland observed a 20' to 25' variable along east 53rd street north street frontage. It looks like a driveway 20' from the right of way- is that correct? Applicant stated that on a portion of Webb it is greater than 20 feet. On 53rd street it does get tight, but there is a lot of right of way in that area. Applicant said there roughly 20' on the west end and then it narrows down to 5' for a short distance. At the intersection there is more grass area where the sign is. Commissioner Sutherland asked that if the 5' area is where there is proposed curbing and applicant confirmed yes. Commissioner Sutherland asked why the whole store couldn't be moved north and applicant said that they would be taking away from the parcel on the north which is getting smaller and harder to develop for the seller.

Commissioner Sutherland asked what would be behind the store and the applicant said it would be green space. Commissioner Sutherland said that that is where he would like to see more trees and stuff to block the back of the gas station C store. That area can be ugly, and you need a lot of screening in that area.

Chairman Jordan stated that he would like to see a landscaping plan so when reviewing the relief request he could see what other landscaping may be going in between the spacing of the trees. Relief from tree frequency and distance is just words and there is nothing to go along with that. Secretary confirmed that the Chairman really wants to know what the rest of the landscape code was provided to the Commission. Moving forward additional language for clarification, but the current relief is to expand the distance of the trees by 10' and the other landscaping requirements will be met. Secretary confirmed that Bel Aire has extensive landscaping requirements that many other cities do not. The applicant is not required to submit a full landscaping plan except at building permit time. That doesn't mean we can't provide a sheet because they're not asking for relief from any other codes. The applicant is required to have perimeter screening. The only relief being requested is the distance of the trees and the façade landscaping, which typically is not found at the main entrance of a convenience store.

Chairman Jordan said he didn't have an issue with the 50' (distance of trees) because for the roots and dripline it is a good thing.

Commissioner Roths wanted to talk about landscaping perimeter to understand how it would look for the houses. Commissioner Mackey had the same concern for the person who owns a house west of the Casey's what they would see. Secretary pointed to the map and said that there are several lots between the back of Casey's and the houses. The housing area and Casey's would have screening. The other lots around Casey's would also have landscaping requirements.

Commissioner Sutherland asked why the lot split is not being done now and the applicant said they were waiting to see what came out of the PUD case.

Commissioner Sutherland asked applicant that if the Commission made them move the whole building 25 feet northwest if they would be able to do the lot split and the applicant stated, "probably not".

Commissioner Sutherland stated that in the PUD the applicant is requesting along the west property line of parcel to have zero parking and paving setbacks which means there is no area between whatever goes in on lot B in the future. What is developed on parcel B they can put parking straight up to the street there's no green space along the edge of that. Applicant stated that along the West side that's going to be the shared drive off of 53rd street so the lot line is going to go up that shared drive. Chairman Jordan stated the concrete completely encompasses the property line- up to, over and continuing past the property line.

Commissioner Sutherland asked if lot B could pave up to the drive and not put in any green space or shrubs. Applicant responded that lot B would also have landscape requirements and buffers, etc. it's just that they are going to have a shared property line in that drive. Commissioner Sutherland believed the note is confusing and needs to be rewritten because the zero lot line along the west property line of parcel B means that they can do whatever they want up to that lot line.

Chairman Jordan clarified that the dashed line shows the common drive and applicant confirmed there would still be landscaping required in the rear yards. Commissioner Sutherland believes this is in conflict with the code. Chairman Jordan stated that the applicant is not asking to alleviate the landscaping, they are just asking to put a concrete driveway over the property line by asking for a zero lot line setback.

Applicant confirmed that they are not asking for landscaping relief and there will still be rear yard landscaping requirements installed.

Commissioner Sutherland referenced something across the street from this case (no additional specifics- but Commissioner Sutherland held up a piece of paper in reference). He stated that the other property submitted a landscape plan and there is not one tree on that entire building and the Commissioner had a meeting a couple months ago and it still didn't get resolved.

Commissioner Sutherland asked if this PUD case was changing the use and Secretary said yes. Commissioner Sutherland stated the applicant was also asking for relief from our zoning code.

Commissioner Sutherland asked about item 6 (staff report)- relative gain to public health safety and welfare as compared to the loss in value or hardship imposed on the applicant. Staff report said the PUD use and zoning relief do not pose a threat to adjacent properties and disapproval of this case will create a hardship for the applicant's development of the subject property. Commissioner Sutherland stated that this statement could be added to every case. Secretary confirmed that statement as a hardship to the applicant and the statement is not instructing the Commission to approve or not approve the case.

Commissioner Sutherland asked if everything in the PUD isn't approve would Casey's not build and the applicant responded "potentially".

Chairman Jordan moved on to public comments. Chairman Jordan welcomed everyone interested in this agenda item to come up to the podium and give your name and address. Please limit your comments to 5 minutes. Chairman Jordan stated that there is nobody in the audience so we will move on to written communications. Chairman Jordan asked if any written communications been received by the Commission. Chairman Jordan said let the record show that all Commissioners said no. Secretary stated that staff has also not received any written communications.

Chairman Jordan asked if the applicant has any further responses to the public comment and the applicant said no. Chairman Jordan asked if there were any questions for the applicant from Commissioners or City staff.

Chairman Jordan stated hearing no further comments, he hereby closed the public portion of the hearing and said there will be no further public comments unless the Commission wishes to ask questions to clarify information.

Chairman Jordan said that the Planning Commission will now deliberate the request. There are Golden Factors and any other factors brought forward tonight which the Commission must consider in order to make findings, and ultimately a recommendation.

Secretary stated that she received an e-mail from Vice-Chairman Faber who was unable to attend the meeting. Vice-Chairman Faber asked staff to confirm on the record that the application fee had been received, and the Secretary confirmed it had been. Vice-Chairman Faber requested that in Condition 2 that it be reworded so both a photometric plan and a landscape plan are required prior to building permit which the Secretary confirmed would be required and evaluated before the building permit is issued. Secretary stated the reason why condition 2 is listed is because the text appeared on the PUD drawing, but both plans have to be submitted. Vice-Chairman asked whether any landscape buffer will be required along the West and north property lines where setbacks dropped from 20 feet to zero next to the R 5 development and the Secretary confirmed the landscape code requires this except for what is being asked for relief. Secretary confirmed that the applicant is not asking for relief on any of the perimeter landscaping. Vice-Chairman Faber asked out removing the C-1 language from

Parcel B under condition 3, goes beyond the scope of the July 23rd published notice. The Secretary stated that the C-2 zoning district is required because this is a PUD case and the case will include C-1 uses in addition to the requested use (convenience store and gas station). Vice-Chairman asked if Rural Water District Number 1 was consulted about the underground fuel storage tanks and access reviewed at 53rd and Webb and the Secretary confirmed that the rural water district was provided formal notification, but staff received no comment back. Secretary confirmed that when construction plans are developed for the building permit application the underground storage tanks must follow building codes.

Commissioner Roths asked if rural water would be providing water and staff responded that water would be provided by the City of Wichita. Commissioner Roths stated that this (the project) will be a nice addition and she is very pleased to see this happen. Commissioner Mackey agreed and thinks it fits in well with the comprehensive plan and getting more businesses in the area. Many residents will have access to a gas station in that location. Commissioner Koehler agreed and stated that Casey's is a pretty decent neighbor to have. Commissioner Koehler agreed that the requests (in the PUD) are reasonable.

Chairman Jordan agreed with the other Commissioners. Chairman Jordan stated that it's a good use and is a good neighbor to the surrounding zonings. For those reasons, Chairman Jordan agreed with in this case and all the golden factor information in the staff report. Chairman Jordan did not disagree with any of the information set out in the golden factors in the staff report.

Commissioner Sutherland stated that he didn't have any problem with the PUD changing the use to C-2 and thought it's a great thing to do. Commissioner Sutherland feels the sign is too big for the area. Commissioner Sutherland said he believed a landscape plan was needed.

Commission Sutherland stated that there is a plan (he held up a piece of paper as a reference-reference is unknown) and whoever is supposed to enforce it isn't. If the plan says it will have trees and the building is built and for sale and doesn't have trees. Commissioner Sutherland believes the landscaping plan should be reviewed and approved by Commission and the next step is enforcement. Commissioner Sutherland thins that anytime the Commission is asked for variance relief from landscaping there should be a plan to say what will be done and what's not going to be done.

Commissioner Sutherland reiterated the hardship statement (in the staff report) that it could be included on every request, and he wants it to be a little bit better by having some definition or some meat behind that. Commissioner Sutherland did not agree with the staff analysis of this. Chairman Jordan confirmed that the Commission does have the right to not agree.

Commissioner Sutherland made the motion to approve PUD-26-03 to change from a C-1 neighborhood commercial office and retail district to a C-2 planned unit development commercial office and retail that allows for retail convenience stores and fueling stations. Until such time that we can get a landscape plan for the entire facility and then that's all.

Chairman Jordan stated that he didn't disagree with the fact that it would be nice (to have a landscape plan), but then he realized they're (Casey's) not asking for anything to be excused or relieved and the landscaping plan is already per code other than the spacing of the trees. Since that's the only thing they're (Casey's) asking relief on, he didn't know that it was necessary to have a landscape plan to approve the case.

Commissioner Sutherland stated they are asking for several items including the building façade landscaping. Commissioner Sutherland said that if that landscaping (building faced) is being taken away then the landscaping should go somewhere else. Commissioner Sutherland doesn't think the city should be in the habit of just giving up stuff.

Chairman Jordan asked if Commissioner Sutherland was going to mention something in his motion about the sign size. Commissioner Sutherland made a motion to approve PUD-26-03 use change from C-1 neighborhood commercial office and retail district to C-2 planned unit development commercial office and retail, with the caveat that they (applicant) meet the 45' square sign and they submit a landscaping plan before we approve any of the other exceptions.

Commissioner Mackey stated that this isn't a motion to approve but sounds like a motion to table by asking the applicant to come back with information. City Attorney confirmed that this is a motion with a condition and would need a second. Commissioner Sutherland stated he agrees with the change the current zoning, but he couldn't agree with any of the relief requests until there is a landscape plan. Commissioner Roths asked if the Commission was voting on what it says- a motion to approve the PUD?

City Attorney stated that Commissioner Sutherland made a motion and wanted to add a condition. If there is a second, there could be a discussion or vote. If there is not a second it would die. Commissioner Koehler confirmed that without a second the motion dies for lack of a second.

Chairman Jordan commented that when you have a 45' sign face in the air 25' it would be pretty small. Commissioner Koehler added that in addition traffic is going 55 mph. Commissioner Koehler stated that the Commission should not be discussing anything right because once you have a motion you have to have a second before discussion can occur.

Chairman Jordan asked if there was a second to Commissioner Sutherland's motion. Chairman Jordan confirmed there is no second and the motion dies.

Chairman Jordan commented that the sign size is an appropriate size for 25 foot in the air and going by fast (traffic). Commissioner Sutherland stated that a monument sign is at eye level and much better sign for a driving going 55 mph and they don't have to look up. Commissioner Sutherland stated the applicant said they might consider going with a monument sign and applicant said yes.

City Attorney stated that instead of going back to the applicant it might time for a motion.

Commissioner Koehler moved to approve PUD-26-03 as requested by the applicant. Commissioner Roths seconded the motion. Chairman Jordan acknowledged the motion and second and called and asked if there is any discussion

Commissioner Mackey concurred with Chairman Jordan's thoughts on the sign. Commissioner Mackey said, in most cases, multiple gas prices listed on the sign and driving 55 miles an hour you can see them farther away half the time to read them while you're trying to deal with traffic. Commissioner Mackey was fine with the signage. Commissioner Roths and Chairman Jordan agreed.

Chairman Jordan asked for any other discussion and hearing none called for a vote. Motion passed 4-1 with the dissenting vote from Commissioner Sutherland.

Secretary asked if there are any specific items they wanted to point out related to the golden factors and Chairman Jordan confirmed he agreed with all of them.

Chairman Jordan stated the case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration. Protest petitions against the case may be received by the city clerk 14 days after tonight, Thursday August 27th, 2026, at 4:30 PM. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property owners within the official area of notification, both inside and outside of the city and not counting the public street right of ways or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of City Council.

Commissioner Sutherland stated why he voted not to approve. Number 4 (on the staff report)- extent to which removal of these restrictions will detrimentally affect nearby property. Commissioner Sutherland felt the Commission was beginning to set a new precedence by not getting a good landscaping plan before we approve a bunch of variances. Number 6 (on the staff report)- the disapproval of this case will create a hardship for the applicants' development of the subject property. Commissioner Sutherland disagrees that a few minor changes should not cause a hardship and that once again is a bad precedence.

Chairman Jordan asked if a landscape plan was a requirement for the application and the Secretary stated no. Chairman Jordan stated that if that is needed then the code would need to change.

Motion: Commissioner Koehler moved to approve PUD-26-03 as requested by the applicant. Commissioner Roths seconded the motion. ***Motion carries 4-1.***

Commissioner Sutherland was the dissenting vote.

B. Annexation Process- Maria Shrock, City Attorney

Chairman Jordan called item 6.B- Annexation Process. Secretary stated that this item was delayed because various commissioners were not in attendance. It was previously requested that Commissioner Roths and Commissioner Matzek be in attendance, however, Commissioner Matzek is absent. Secretary asked if the item should be moved to the commission meeting or if they wanted the presentation tonight. Commissioners agreed to move it to the next meeting.

Action: No action required; for discussion only

C. City of Goddard- Resolution for Duplexes and Twin Homes

Commissioner Roths stated the information was very interesting to read and is key information that helps the Commission understand what we will be doing as far as zoning in the future. Commissioner Roths said that once the Commission gets into the actual zoning that's when this (article in packet on this item) will become important. Commissioner Roths recommend that the Commission put it away, file it, save it for the future and that we not beat it to death right now.

Secretary confirmed that the next workshop is September 8th and the zoning district and uses will be presented since that (information) is the foundation that sets everything else.

Commissioner Sutherland said he thinks it (the information) is good, urgent and would be a good topic for the Commission to meet with PEC on without the City Council there- not to exclude. Commissioner Sutherland thought it is really important to think about for here (Bel Aire) of what Goddard has done. Commissioner Sutherland wanted a workshop with PEC and not bring it up during the meeting on the 8th because it might get lost in the shuffle.

City Manager responded that the City Council would need to be part of this discussion if we were to recommend this type of regulation on duplexes. City Attorney confirmed because they (governing body) will ultimately be making the decision. City Manager said it makes more sense to include the City Council, but stated that he would ask PEC what they think of that process because they are leading the process, but the City Manager was happy to inquire with PEC (about the workshop/process).

Commissioner Mackey said that based on what was said on Tuesday, they (PEC) said we would be talking about rocks (big items) first and then pebbles (medium things) and then sand (other required information). Commissioner Mackey didn't think this should be at the next workshop because the big rocks will be talked about first.

Secretary stated that there is also SB418, a new state law, that needs to be talked about related to the definition of single family homes including duplexes. Staff is reviewing this and determining how to interpret because there are other codes that may be affected. Also, another City may have different interpretations of what can be done under the new law, and we are trying to make an interpretation that's appropriate for the organization and understand

what the risk of what it one interpretation over another is. What Goddard has done is a good discussion point we just need to make sure that however this new law is interpreted that we are figuring out what our risk is related to whatever that interpretation is.

Commissioner Mackey stated that he didn't think it was probably not appropriate for the next meeting with what PC got laid out of their item, but it is also the number one concern. Commissioner Mackey this might be one where a special session just on this and we probably want the City Council there. As Maria just talked about, we (organization) could be on thin ice very quickly with the state. We (organization) need to be very careful about creative ways to address the real issues without getting ourselves into legal issues so that whatever we put in a code ultimately would stand up if it was ever challenged. Commissioner Mackey thinks that Goddard may find themselves in trouble with what they've done and that it's a big enough issue that it probably deserves a separate session.

Commissioner Koehler likes the idea of having a session specific to this and agreed that it would need to include the City Council because they're going to have the same session anyway. Commissioner Koehler wanted everyone to hear the same thing and hear our (Commission) discussion, thoughts and input. Rather than trying to read it and or in a workshop so they (Council) know what our (Commission) thoughts are and we (Commission) hear what they (Council) are thinking. There will also be more input on what the statutes allow and disallow.

Chairman Jordan stated that the statutes have a lot to do with just expediting the processes and he believes there is a lot of reading into trying to not exclude certain types of housing. Chairman Jordan think it's (the law) about primarily about expediting housing and it's not about being sensitive about exclusions. Chairman Jordan stated that there are at least four workshops scheduled and he didn't support having one for the Commission because it needs to be the Commission and the City Council for efficiency.

Commissioner Sutherland said that this (what Goddard did) is the Commission's rocks and it's not the City Council 's rocks and the Commission needs to fully understand and meeting with PEC is a good way to do that. Commissioner Sutherland stated that the other night (City Council Workshop) that the mayor, rightfully so, is worried about time. Sometimes if an item is important enough, you've got to spend the time to do it and that's where we have our rock meeting on this. The Commission can go over the new law, which is to speed it up (the process) and it limits the number of acres it can be done on. Commissioner Sutherland said you can't take a thirty acre plot and do them all in that, that's not what the bill says. Commissioner Sutherland said that is why he's asking for that (workshop with PEC) so the Commission can have time to interact with PEC and ask questions. Commissioner Sutherland said that he didn't get the feeling that City Council wants to deal with the Commission's rocks- they want to deal with their rocks.

Commissioner Mackey said he thought the City Council hears these complaints. City Manager responded to about the schedule (during the Workshop) and said that a budget has to be passed at the end of September so the zoning code updates where behind that item, since it was an introductory workshop. City Manager confirmed that the next 3 workshops will probably not have another agenda item to allow for discussion. Commissioner Koehler stated this is a big item, and a focused meeting would be needed.

Commissioner Sutherland stated that this is the Commission's rock and the Commission is the foundation "folks" and here to advise City Council on what they should do. In this case, the Commission has to fully understand it is better. The other night (City Council Workshop) it was brought up as a perception problem. Commissioner Sutherland stated that from 2021 to 2025 there were 330 duplexes built and 303 single family homes- 52% of the homes built in Bel Aire from 2021 to 2025 were duplexes- that is not a perception. Commissioner Mackey agreed that this is rocks for the Commission.

Commissioner Sutherland said this is a foundation that has to be right because we're going to get one chance. Commissioner Sutherland said that comparing what Goddard did and the law there are about eight points and Goddard touches on every one of them. Goddard limits no more than 40% of a development can be duplexes and so they are ahead of the game. Commissioner Sutherland wanted to get ahead and that's why PEC can provide good ideas of what other planning commissions in Kansas are doing because they work with them. Commissioner Sutherland said he had a conversation with Ty Masterson. Commissioner Sutherland said that he (Ty Masterson) said he didn't want cities to build thousands of these homes, but they just want a few and we (the state) wants to speed the process up where it doesn't have to go through all this stuff. They are (the state) putting a shortcut in for a very limited amount of homes.

City Manager confirmed that the Commission's comments are heard and said that the zoning code updates will be the only item on the workshop agenda. This will allow more time for discussion. As we move forward into this process, staff will make sure to spend the appropriate time on this issue. City Manager stated that he thought at the workshop it was loud and clear that this is a big issue and Lance heard that.

Commissioner Roths stated that time is key aspect and we need time to figure out what's happening with the state laws, to gather information and to see what PEC says. Commissioner Roths said that we can't plan a workshop in November right now and the Commission should take it slow. Chairman Jordan suggested seeing where we are at the end of the third workshop to see if we need to have a separate workshop for three hours because he thinks the City Council should be there too. Commissioner Sutherland didn't think the Council would want to do that, and Commissioner Jordan said he didn't care- they could leave early if they wanted to.

Secretary said she would look at the details of each workshop and what the content is, so we are a little bit clear. The workshops have not been designed to write the regulations in a meeting. The presentation of the zoning districts and uses will be presented and then there will be a discussion about what you want to do and what you agree with it. Some of what is presented may follow current code language or include language to bring it up to current standards. Information is designed to be developed and then bring it back for review. The Planning Commission is the recommendation body for the City Council, but the City Council does provide direction. Staff wants to make sure that before a lot of work is put into developing information that the City Council is involved. The Planning Commission should make recommendations. Secretary stated that each workshop has a very clear agenda and staff will

review so see where this topic might fall. In addition, PEC has a very limited scope of work based on budget, so every single regulation is not going to get rewritten under this scope of work. For example, if design standards are requested that would require PEC's work be expanded. Secretary will confirm with PEC how to have the discussion and where this particular element might fit in. At the workshop this was identified as a concern and we will ensure what may be required for writing a new section of code.

Commissioner Mackey suggested that to streamline the process have PEC come back with several ideas or approaches because they have heard the concern multiple times that it's not necessarily duplexes but the lack of variety. PEC could come with some suggestions and possible ways to address the issue that would stand up to legal scrutiny. Commissioner Mackey said that the city may need to go back and expand the scope of work because this is the number one issue.

City Manager said that if the majority of City Council members approve the expanded work than yes. The City Manager asked the Commission to let the process play out a little bit and have the discussion (on this topic) at the next workshop.

Commissioner Sutherland stated that this has to be addressed because developers are going to start flooding in and where they were going to build ten houses they can now build fourteen. Commissioner Sutherland said that we (the city) has do something like this (what Goddard did) and we don't have the luxury of time. Commissioner Sutherland thought that the Commission could put together 6-10 bullet points that we want to see from PEC and have a discussion with PEC asking if the city can do this. Commissioner Sutherland said you have to have a meeting to discuss because having a meeting with 20 people you would never get anything done and then you could wait and wait and then it's too late. Commissioner Sutherland firmly believed that a workshop needed to be scheduled in the next 60 days with PEC and the Commission to talk about it because there will not be time during a zoning review.

Action: No action required; for discussion only

D. Overview of Draft Short-Term Rental Regulations

Commissioner Roths said she saw this item as similar to the Goddard item- there is nothing we do at this point.

The Secretary said this item is just an introduction to the Planning Commission to provide some background and provide the direction it's going. There is working language being developed but it's going to take a little more time to review. The information provided is preliminary and doesn't need to be reviewed in detail. Secretary stated that in August 2025, the city received an initial complaint that brought to light short term rental properties were expanding in Bel Aire. The City does not have a specific short term rental process in our code but the use of a single family home for a short term rental would require the owner to file a special use case.

The Council was asked how they would like to address short term rentals, whether they wanted to allow them in the City and did we want to regulate them and how. The consensus among the council was that they did want to allow them with regulations. There were two workshops' sessions with the Council to receive feedback and as a result, staff drafted language. Initially, the short term rental regulations from Wichita were introduced and Council asked staff to do additional research from other cities. The Secretary stated that the document and staff report is an overview of what we learned. Some of the main topics or sections that is in this working preliminary draft of the STR regulations is best practice, research from many other communities in the state, and feedback and concerns from the council. The Council wants the short term rental regulation process to be administrative rather than every property owner to file a special use case. The draft document is a working document it is not in final ordinance format. Revisions are still going to be made, and staff are working on them. Everything in the document may not remain and there are land use considerations in the document- for example, where short term rentals are allowed have to be included in the zoning district (sections) of the code. There will also be a procedural process related to the permitting or licensing of the short term rental property. The document will have to marry other sections of the zoning code. Secretary wanted the Commission to be aware of it because it will come before you at some point.

Commissioner Sutherland asked if each Commissioner could mark up the document and send it to the Secretary so she could merge the comments together for the Commission to talk about. Secretary confirmed that they could. Commissioner Sutherland said he thinks that's what the Commission should do and staff provide a deadline. Secretary agreed to send a Word version of the document to the Commission.

Commissioner Sutherland asked about the priority of short term rentals vs. the duplex discussion. City Manager stated that the short term rental and zoning code are tied together and will be done in the code update timeframe.

Commissioner Mackey asked if short term rentals are done if they would become an additional permitted use in the zoning code. Secretary confirmed that some sections of the code may have added language about permitted uses to prevent a zoning case to be filed. In addition, there is a lot of administrative items in the short term rental document. Secretary stated that staff is sorting out what's in short term rental regulations would affect the zoning regulations because land uses have to be addressed.

Action: No action required; for discussion only

VII. Approval of the Next Planning Commission Meeting Date.

Motion: Chairman Jordan moved to approve the date of the next meeting as September 10, 2026, at 6:30 PM. Commissioner Roths seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. Upcoming Agenda Items:

- a. Zoning Case for newly annexed property

Secretary stated that there will be a zoning case for a newly annexed property in October. Secretary stated that Commissioner Faber has requested an agenda item for the September meeting to discuss the bylaws. Commissioner Faber submitted a document with ideas for updates and wanted to initially talk about Bylaw ideas. Secretary stated that this is not a requirement to complete by the end of the year. Commissioners agreed to put item on the agenda.

Commissioner Roths asked about where the newly annexed property was located and Secretary said 53rd and west of Greenwich, North of the Sunflower Commerce Park 2nd Addition. Property was annexed in at the request of the owner. Property is currently zoned agricultural.

B. Upcoming Events:

- a. City offices closed for Labor Day, Monday, September 7, 2026
- b. Curbside Clean-Up, Saturday, October 3, 2026
- c. Fall Festival, Saturday, October 17, 2026

IX. Adjournment

Motion: Chairman Jordan moved to adjourn the meeting. Commissioner Koehler seconded the motion. ***Motion carried 5-0.***

Approved by the Bel Aire Planning Commission the 10th day of September 2026.

Phillip Jordan, Chairman

ATTEST:

Paula L. Downs, Secretary



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
August 13, 2026, 6:30 PM



I. Call to Order

II. Roll Call

Phillip Jordan _____ Dee Roths _____ Deryk Faber _____ Paul Matzek _____

Brian Mackey _____ John Sutherland _____ Kent Koehler _____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting.

Action: Motion to approve the minutes of July 9, 2026.

Motion _____ Second _____ Vote _____

V. Announcements:

- A. There will be a Board of Zoning Appeals meeting following the adjournment of the Planning Commission meeting.
- B. Zoning Code Updates- Workshop #2 will be on Tuesday, September 8, 2026, in the Community Room. All workshops will appear on the regularly scheduled City Council Workshop dates- the second Tuesday of each month.

VI. Planning Commission Business

A. PUD-26-03- Casey's in Cedar Pass Addition Planned Unit Development (PUD) Preliminary Plat

Open Hearing

Close Hearing

Action: Motion to (approve / deny / table) the proposed PUD Preliminary Plat (as presented / as amended by this Planning Commission)

Motion _____ **Second** _____ **Vote** _____

B. Annexation Process- Maria Shrock, City Attorney

Action: No action required; for discussion only

C. City of Goddard- Resolution for Duplexes and Twin Homes

Action: No action required; for discussion only

D. Overview of Draft Short-Term Rental Regulations

Action: No action required; for discussion only

VII. Approval of the Next Planning Commission Meeting Date.

Action: Motion to approve the date of the next meeting: September 10, at 6:30 p .m.

Motion _____ Second _____ Vote _____

VIII. Current Events

A. Upcoming Agenda Items:

- a. Zoning Case for newly annexed property

B. Upcoming Events:

- a. City offices closed for Labor Day, Monday, September 7, 2026
- b. Curbside Clean-Up, Saturday, October 3, 2026
- c. Fall Festival, Saturday, October 17, 2026

IX. Adjournment

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____

City of Bel Aire

STAFF REPORT

DATE: 08/05/2026

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: PUD-26-03- Preliminary PUD Plat

STAFF COMMUNICATION

FOR MEETING OF	8/13/2026
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-26-03: Proposed Planned Unit Development (PUD) Preliminary Plat for Use and Zoning Relief for Casey's in Cedar Pass Addition

Legal Description: Lot 34, Block C, Cedar Pass Addition

General Location: NW corner of East 53rd Street and North Webb Rd.

Reasons for Request: To create a PUD to allow for a retail convenience store and vehicle fueling station and obtain zoning code relief related to setbacks, signage, and landscaping.

Notification: The City placed notification on the City of Bel Aire website as required by the City code on July 23, 2026. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on July 23, 2026.

Background:

The property was platted in July 2022 as the Cedar Pass Addition.

The applicant intends on submitting a Lot Split case to create Parcel 34A and 34B. Lot splits in Bel Aire are approved administratively and will be completed prior to the issuance of a building permit.

Current Discussion:

PUD-26-03 PUD Preliminary Plat sets out the following requests:

1. Use:

- A. Current Zoning District: C-1 Neighborhood Commercial Office and Retail District does not permit retail convenience stores or vehicle fueling stations.
- B. PUD-26-03 Use: C-2- Planned Unit Development Commercial Office and Retail that allows for retail convenience stores and vehicle fueling stations.

2. Signage:

- A. Current Sign Code: 17.9.7.C limits freestanding two-faced signs permanently fixed to the ground by supports to 45 square feet per sign face. Code does not set height parameters.
- B. PUD-26-03: Requesting 90 square feet per face not to exceed 25' in height.

3. Landscaping - Street Trees:

- A. Zoning Code Requirement: 18.10.5.A.1 requires street trees to be provided with an average spacing of 1 tree for every 40 feet of street frontage.
- B. PUD-26-03 requests 1 tree for every 50 feet of street frontage.

4. Landscaping - Building Façade:

- A. Zoning Code Requirement: 18.10.10:
 - i. Landscaping adjacent to the building wall- a variety of shrubs, ornamental or shade trees are encouraged.
 - ii. Landscaping provided to a minimum of 25% of the building face- building faces along service areas are excluded
 - iii. Each area shall be planted with shrubs capable of reaching 3' in height covering a minimum of 75% of the length of the landscape area. A mixture of evergreen and deciduous shrubs shall be used.
 - iv. Planting areas shall have a minimum width of either 6' or equivalent of 20% of the building faced height.
 - v. Building façade areas shall be irrigated with bubbler irrigation systems.
 - vi. Landscape areas may be placed adjacent to the building wall or adjacent to the curb.
- B. PUD-26-03 requests to waive all building façade

5. Parking & Paving Setbacks:

- A. Zoning Code Requirement: 18.7.11.B.3(b) requires the following parking and paving setbacks within the C-1 Neighborhood Commercial Office and Retail District:
 - i. 15' from street right-of-way
 - ii. 20' from property lines
- B. PUD-26-03 requests the following parking and paving setbacks:
 - i. Parcel A:
 - 1. 0' along west property line.
 - 2. 5'-20' variable along the East 53rd Street North street frontage.
 - 3. 5' along north property line
 - 4. 20' along the North Webb Road street frontage (exceeds minimum)
 - ii. Parcel B:
 - 1. 0' along west property line

2. 5' along the south property line
3. 0' along the north property line
4. 20' along the North Webb Road street frontage (exceeds minimum)

Findings of Fact:

1. Character of Neighborhood:

The northwest intersection of East 53rd Street North and North Webb Road is zoned C-1 Neighborhood Commercial Office and Retail District. This includes subject property and the lots abutting the property on the North and West.

The northeast corner of East 53rd North and North Webb Road is a speculative warehouse development as part of Sunflower Commerce Park 4th Addition that is zoned M-1 - Planned Unit Development-Industrial.

The southeast corner of East 53rd North and North Webb Road is the Sunflower Commerce Park Addition that is zoned M-1 - Planned Unit Development-Industrial.

The southwest corner of East 53rd and North Webb Road is unplatted land with no improvements and zoned Agricultural.

Abutting the property:

- West- Lot 33, Block C- unimproved land zoned C-1 Neighborhood Commercial Office and Retail District
- North- Lot 35, Block C- unimproved land zoned C-1 Neighborhood Commercial Office and Retail District
- Abutting Lots 33 and 35 is Reserve C of Cedar Pass Addition zoned R-5 Multi-Family District.
- Abutting Reserve C to the West is Cedar Pass Addition zoned R-5 Multi-Family District. This area is currently being developed.

2. Zoning and uses of properties nearby:

North: C-1 Neighborhood Commercial Office and Retail District

East: M-1- Planned Unit Development- Industrial

South: Southwest corner of East 53rd and North Webb Road- Agricultural

West: C-1 Neighborhood Commercial Office and Retail District

3. Suitability of the subject property for the uses to which it has been restricted

The property is currently zoned C-1 Neighborhood Commercial Office and Retail District. Land use and zoning change to C-2 Planned Unit Development-Commercial Office and Retail is suitable for the PUD request for a retail convenience store and vehicle fueling station.

4. Extent to which removal of the restrictions will detrimentally affect nearby property:

The requested PUD use for retail convenience store and vehicle fueling station, and the associated zoning relief, is not expected to detrimentally affect nearby property.

5. Length of time the subject property has remained vacant as zoned:

The property was platted in July 2022 and has remained vacant since that time when the property was zoned C-1 through Ordinance 678, December 7, 2021.

6. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:

The PUD use and zoning relief do not pose a threat to adjacent properties.

Disapproval of the case will create a hardship for the applicant's development of the subject property.

7. Conformance of the requested change to the city's comprehensive plan:

The request is not in conflict with the comprehensive plan.

The future land use map identifies the subject property, properties to the north and west abutting the subject property, the property to the south (current agricultural zoned property) and property adjacent to the subject property (property located at the southeast corner of E 53rd Street and N. Webb) as a Neighborhood Center place type that consists of a variety of uses including: open space/conservation; neighborhood/community gardens; single-family residential (attached and detached); multi-family residential; vertical or horizontal mixed use; community/lifestyle commercial; neighborhood commercial; small/start-up commercial; primary and higher education; religious assemblies; entertainment; community/recreation centers; civic/cultural facilities; pocket/neighborhood parks; and public safety.

Appropriate zoning districts within the Neighborhood Center place type include: Single Family Residential (R-2, R-3, R-4); Garden and Patio Homes, Townhouses, and Condominiums (R-5); Single Family/Zero Lot Line Residential (R-5b, ZLL); Multi-Family (R-6); Planned Unit Development Residential (R-PUD); Neighborhood Commercial, Office and Retail (C-1); and Planned Unit Development Commercial, Office and Retail (C-2).

The Neighborhood Center is characterized by a diverse range of residential housing types and supportive commercial, office and retail uses.

The future land use map identifies the adjacent property east of the subject property (property located at the northeast Corner of East 53rd North and North Webb Road) as an Industrial & Logistics Center place type that consists of a variety of uses including open space/conservation; community/lifestyle commercial; medical campus/hospital; light industrial; heavy industrial/manufacturing; and public safety.

Appropriate zoning districts within the Industrial & Logistics Center place type include: Planned Unit Development Industrial District (M-1); Neighborhood Commercial, Office and Retail (C-1); and Planned Unit Development Commercial, Office and Retail (C-2).

The Industrial & Logistics Center is characterized by a diverse range of commercial, retail, office and industrial uses.

The subject property falls within the Neighborhood Center place type and is compatible with the Industrial & Logistics Center place type.

8. Impact of the proposed development on community facilities:

The subject property will have no negative impact on community facilities, public infrastructure or utilities.

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):

As of this writing, staff has not received any phone calls or written communication on this case. The Planning Commission will need to consider any testimony provided during the public hearing.

10. Recommendations of Professional Planning Staff

Key findings of fact elements: 1, 3, 6, 7, and 8.

Staff recommends **APPROVAL** of the application pending the outcome of Planning Commission review and public hearing with the following conditions:

1. Revise Building and Structure Notes #4 to replace “Phase 1” with “Parcel A”.
2. Replace Lighting Notes #1 to “A comprehensive landscape plan shall be submitted prior to the issuance of building permits”.
3. Revise Parcel B Permitted Uses in the Project Data and Use Group Categories section to remove the following:
 - a. ...(maintaining existing C-1, Neighborhood Commercial Office and Retail District.)



7651 E. Central Park
Bel Aire, KS 67226
Phone: 316-744-2451
www.belaireks.gov

APPLICATION FOR:

**PLANNED UNIT
DEVELOPMENT (PUD)**

This form **MUST** be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, Kansas 67226.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

Date: June 22, 2026

Fee: \$350/\$10 per lot

Owner(s) of the Property Requesting the PUD:

Name: Northeast Developers LLC

Address: P.O. Box 781974, Wichita Kansas 67278

Telephone _____ Email _____

Primary Contact? Yes _____ No _____ (Please Check)

Agent Representing the Applicant (if applicable):

Name: SBB Engineering, LLC Attn: Jeff Laubach

Address: 101 S Kansas Avenue

Telephone _____ Email _____

Primary Contact? Yes X No _____ (Please Check)

Owner(s) of the Property Requesting the PUD: (Note: Casey's has property under contract)

Name: Casey's Retail Company Attn: Joy Johnson

Address: 1 SE Convenience Blvd, Ankeny, IA 50021

Telephone _____ Email _____

Primary Contact? Yes _____ No _____ (Please Check)

Agent Representing the Applicant (if applicable):

Name: _____

Address _____

Telephone _____ Email _____

Primary Contact? Yes _____ No _____ (Please Check)

Owner(s) of the Property Requesting the PUD:

Name: _____

Address _____

Telephone _____ Email _____

Primary Contact? Yes _____ No _____ (Please Check)

Agent Representing the Applicant (if applicable):

Name: _____

Address _____

Telephone _____ Email _____

Primary Contact? Yes _____ No _____ (Please Check)

Additional property owners including name, address, telephone, and email shall be provided as an attachment to the application. The attachment should provide the agent representing each property owner (if applicable) including their name, address, telephone and email. In addition, provide the above certification language and signature lines for the additional property owners.

REQUEST INFORMATION:

☒ Establishing a PUD

☐ Amending to PUD _____



1. **Requested PUD Details (Describe Request):** _____
Creating PUD to allow for a Convenience Store with Fuel Sales and to allow for the
proposed Pylon Sign

2. **Zoning District of Property:** Existing Zoning is C1 - Proposed Zoning is PUD

3. **Location:**

- a. Address (if assigned) or generally located at (relation to nearest streets):
Northwest corner of East 53rd Street and North Webb Road

- b. Legal Description: Lot(s) 34, Block C, Addition Cedar Pass Addition
- c. If Property is not platted, a metes and bounds description and location map shall be provided with this application.
- d. The application area contains 2.95 acres.

4. **Written Statement:** A written statement in accordance with the attached instructions shall be included with this application.

5. **Site Plan & Additional Information:** A site plan, drawings, photographs, and additional documentation in accordance with the attached instructions shall be included with this application.

CERTIFICATION

The undersigned acknowledges and certifies the following:

1. They have been advised of the fee requirements established and that the appropriate fee is herewith tendered.
2. That the information given herein is correct.
3. This application is accompanied by a current ownership list certified by an abstractor for the notification area.
4. That all documents are attached hereto as noted in the instruction.
5. That the applicants acknowledges that the Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.
6. That this application cannot be processed unless it is complete and accompanied by all required documents.

Northeast Developers, LLC.
Managing Member.

By: Eym Harell
Property Owner(s)

June 23, 2026
Date

Agent (if applicable)

Date

Casey's Retail Company
Property Owner(s)

June 19, 2026
Date

Site Development Manager

Agent (if applicable)

Date

Property Owner(s)

Date

Agent (if applicable)

Date

OFFICIAL USE ONLY

PUD-26-03

- Fee (due to arrive)
☒ Certified Ownership List
☒ Written Statement
☒ Site Plan

This application has been checked and found to be complete and accompanied by the required documents and appropriate fee.

Paul D. Derr
Zoning Administrator

July 7, 2026
Date



Ownership List

Legal Description	Owners of Record
Lot 33, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.	Northeast Developers LLC 9415 E Harry St STE 406 Wichita, KS 67207-5083 Site Address: None. Geocode: PY-BA-02452 PIN: 30020115
Lot 35, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.	Northeast Developers LLC 9415 E Harry St STE 406 Wichita, KS 67207-5083 Site Address: None. Geocode: PY-BA-02454 PIN: 30020117
Lot 1, Block 1, Sunflower Commerce Park 4 th , Bel Aire, Sedgwick County, Kansas.	Aspen Sunflower Industrial I LLC; 2 Patriots Investments II, LLC; SMT Properties 2, LLC; ETG A, LLC; and SREV1, LLC 5700 W 112 th St STE 110 Overland Park, KS 66211 Site Address: 9650 E 53 rd St N, Bel Aire, KS 67226 Geocode: PY-BA-02698 PIN: 30029909
Commencing at the Northeast corner of the Northeast Quarter of Section 20, Township 26	James D. Woolley and Narnie K. Woolley

SERVICE BEYOND EXPECTATION



South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence South 495 feet along the East side of said Section; thence West 880 feet; thence North 495 feet to the North line of said Section; thence East 880 feet to the point of beginning, LESS AND EXCEPT A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as : Commencing at the Northeast corner of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing N89°08'20"E, along the North line of the Northeast Quarter, a distance of 108.00 feet to the Point of Beginning.	819 W Verona Ct Andover, KS 67002-7580 Site Address: None. Geocode: PY-BA-02696 PIN: 00289653
A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as : Commencing at the Northeast corner of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing	Rural Water District No. 1 9519 E 53rd St N , KS 67226 Site Address: 9519 E 53rd St N Geocode: PY-00112001B0001 PIN: 30001617

SERVICE BEYOND EXPECTATION



KANSAS SECURED TITLE
A TITLE MIDWEST AGENCY

N89°08'20"E, along the North line of the Northeast Quarter, a distance of 108.00 feet to the Point of Beginning.	
--	--

Kansas Secured Title, Inc does hereby certify the foregoing to be a true and correct list of all property owners within 200 feet of the following described real property to wit:

OWNER OF RECORD: Northeast Developers LLC

SITE ADDRESS: None.

LEGAL DESCRIPTION: Lot 34, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.

GEO CODE: PY-BA-02453

PIN: 30020116

According to the last deeds filed of record in the office of Register of Deeds, Sedgwick County, Kansas, as of June 30, 2026, at 7:00 a.m. Addresses as given are furnished as a service and are not certified. Liability is limited to the amount of the fee paid heretofore.

Kansas Secured Title Inc.

BY: Joel Wright

Joel Wright, Licensed Title Examiner

FILE # KSSG6750

SERVICE BEYOND EXPECTATION



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, have published the attached notice on the City of Bel Aire website, www.belaireks.gov, which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Planned Unit Development (PUD) Hearing (PUD-26-03)

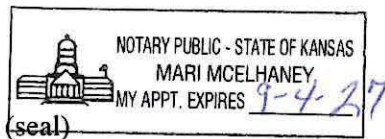
is a true copy thereof and was published on such website beginning on the 23rd day of

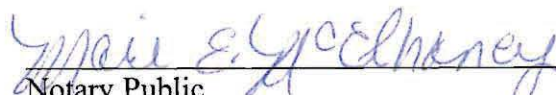
July, 2026.



Signature

SUBSCRIBED AND SWORN to before me this 27th day of July, 2026.





Notary Public

City of Bel Aire
Melissa Krehbiel – City Clerk
7651 East Central Park Avenue
Bel Aire, Kansas 67226
316-744-2451
www.belaireks.gov



Public Records > Public Hearing & Other Legal Notices

12 Entries

Name ↑↓	Date ↑↓	Doc Details ↑↓
Public Hearing 08-13-2026, PUD-26-03	2026.07.23	PUD-26-03 Publication Notification for Planning Commission Case on August 13, 2026 Agenda.
Public Hearing 07-09-2026, VAR-26-02	2026.06.18	Publication Notification for VAR-26-02
Public Hearing 06-02-2026, Amending Chapter 17 To Update Build...	2026.05.13	Public Hearing 6-02-2026 Pertaining To Amending Chapter 17 To Update Building Code
2026 Q1 Treasurer Report 01-01-2026 through 03-31-2026	2026.04.16	Treasurer's Quarterly Financial Report FY2026 Q1
Public Hearing 04-09-2026, SP-26-01	2026.03.19	Public Hearing 04-09-2026, SP-26-01
Public Hearing 04-09-2026, Airport Zoning Regulations	2026.03.19	Airport Zoning
Public Hearing 04-09-2026, VAR-26-01	2026.03.18	Public Hearing 4-09-2026, VAR-26-01
Public Hearing 04-09-2026, PUD-26-02	2026.03.18	Public Hearing 04-09-2026, PUD-26-02
Public Hearing 04-09-2026, PUD-26-01	2026.03.18	Public Hearing 4-09-2026, PUD-26-01
Land Bank Inventory 2026.01.20	2026.01.29	Land Bank Inventory
Treasurers Quarterly 2025.12.31	2025.12.31	Treasurer's Quarterly Financial Report for the Fourth Quarter, Ending December 31, 2025
Previous Year & Older Notices / Affidavits of Publication		

Public Hearing 08-13-2026, PUD-26-03

[Details](#) [Preview](#)

Entry Properties

Modified	7/23/2026 10:18:40 AM
Created	7/21/2026 10:04:05 AM

Template

City Clerk - Public Hearing & Other Legal Notices

Fields

Date	2026.07.23
CC - Identifier #	PUD-26-03
Doc Details	PUD-26-03 Publication Notification for Planning Commission Case on August 13, 2026 Agenda.
Location	Lot 34, Block C, Cedar Pass Addition
Publication Date	7/23/2026

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on July 23, 2026)

OFFICIAL NOTICE OF PLANNED UNIT DEVELOPMENT (PUD) HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on August 13, 2026, the City of Bel Aire Planning Commission will consider the following Zoning process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-26-03. Proposed Planned Unit Development (PUD) Preliminary Plat- Cedar Pass Addition. Permitted uses within C-1 District with the addition of retail convenience store and vehicle fueling station. PUD is establishing relief from zoning regulations related to the site.

Legal Description: Lot 34, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas..

General Location: Northwest corner of 53rd St. and Webb Rd.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 23 day of July 2026.

/s/ Paula L. Downs
Bel Aire Planning Commission Secretary



Zoning Area Description:

Lot 34, Block C, Cedar Pass Addition, Bel Aire, Sedgwick County, Kansas.

Project Performance Objectives:

This development seeks to create a commercial environment with a retail convenience store and vehicle fueling station, centered around safe, and efficient vehicle circulation. The design promotes seamless integration with surrounding transportation corridors, fostering convenient access for the public and contributing positively to the overall service and economic fabric of the community.

Parcel A: Development of a retail convenience store, vehicle fueling station with overhead canopy and associated fuel dispensers, vehicle parking facilities, and associated utility infrastructure. All permitted uses and restrictions under the current C-1 (Neighborhood Commercial, Office, and Retail District) zoning shall remain in effect, unless otherwise stated in this document.

Parcel B: Remaining undeveloped at this time. All permitted uses and restrictions under the current C-1 (Neighborhood Commercial, Office, and Retail District) zoning shall remain in effect, unless otherwise stated in this document.

General Notes:

1. Building Permits for the construction of commercial structures shall be compliant with this Planned Unit Development (PUD) Plan, the recorded subdivision plat, and all applicable governing codes. No building permits shall be issued until individual site development plans, subject to the City of Bel Aire Subdivision Regulations (Chapter 19, Article 5, Section 19.5.5), have been reviewed and approved by the City of Bel Aire for each phase. The site development plans shall address building location, circulation, fire hydrants, landscaping, pedestrian access, fencing, lighting, signage, building elevations, utilities, stormwater, architectural features, CPTED (Crime Prevention Through Environmental Design) considerations, and relationships to adjacent lots. The proposed development configuration stated on this Planned Unit Development (PUD) Plan is conceptual. Minor adjustments may be necessary upon the site plan review process to comply with all applicable regulations.
2. All construction methods and materials used in the construction of the improvements covered by these plans shall be in accordance with the Standard Technical Specifications and current revisions on file in the Office of the City Engineer, City of Bel Aire, Kansas.
3. No building permits shall be issued until the official Lot Split document has been recorded.
4. All on-site improvements—including but not limited to sidewalks, landscaping, signage, fencing, retaining walls, drainage systems, and sanitary sewer facilities—shall be maintained in good condition at all times. The ongoing maintenance, repair, and replacement of all such improvements shall be the sole responsibility of the property owner(s).
5. Existing easements shown on this document are depicted in accordance with currently recorded subdivision plats. Proposed easements shown herein will be dedicated concurrently with the proposed Lot Split, creating Lots 34A (Parcel A) and 34B (Parcel B) or by separate legal instruments to be recorded in the future.

Building and Structure Notes:

1. The proposed building structure shall meet or exceed the standard setback requirements per City of Bel Aire zoning regulations for C-1, Neighborhood Commercial Office and Retail District.
2. The primary building entrance shall be oriented to promote clear lines of sight from the public right-of-way and parking areas, aiding in natural surveillance and crime prevention.
3. The building structure shall include architectural design elements, colors, and building materials that are compatible with the surrounding neighborhood and shall comply with applicable City of Bel Aire zoning regulations for building design.
4. All building and structure heights within this PUD shall comply with the (Final Aviation Administration Authority) height regulations. The maximum height of any structure on Phase 1 (Proposed Lot 34A) shall not exceed thirty-five (35) feet or two stories, and accessory structures shall not exceed one story.
5. Parking setbacks shall meet or exceed the standard setback requirements for the current C-1 (Neighborhood Commercial, Office, and Retail District), except as follows:
 - The parking and pavement setbacks along the West line and a portion of the North line of Parcel A shall be zero (0) feet.
 - The parking and pavement setbacks along the South, East, and a portion of the North lines of Parcel A shall be as shown on this plan.
 - The parking and pavement setbacks along the North, West, and a portion of the South line of Parcel B shall be zero (0) feet.
 - The parking and pavement setbacks along portions of the South and East lines of Parcel B shall be as shown on this plan.

Utility Notes:

1. Property owners are prohibited from placing any permanent or semi-permanent obstructions within permanent sewer, drainage, or utility easements. This includes, but is not limited to, trees, shrubs, fences, retaining walls, buildings, or other obstructions that interfere with the access or egress of maintenance vehicles or equipment. Any such obstruction may be removed by personnel representing the governing body or utility provider to ensure proper operation and maintenance of the utility line, without cost or delinquency for replacement. All costs associated with removal shall be the responsibility of the property owner.
2. All utility service lines shall be placed underground in accordance with the City of Bel Aire right-of-way and utility management standards.
3. Underground utilities depicted on this survey are based solely on field markings provided through Kansas One Call, Ticket No. 20080424, original call date 2/11/20, and work to begin date 2/14/20 and Ticket No. 20097551, original call date 2/26/20, and work to begin date 3/10/20. No subsurface utility engineering report was provided to verify the locations of utilities. This survey makes no certification or guarantee as to the accuracy of the depicted utilities, nor the existence, type, depth, or exact location of any other underground utilities, marked or unmarked, within or adjacent to the subject property. Above-ground appearances are shown as per field survey. The client is advised to contact the relevant utility companies and/or a qualified utility locator for more detailed information and verification.

Access, Circulation, Parking Traffic and Maintenance of Improvements Notes:

1. Access to the subject property is restricted as shown on the recorded plat of "CEDAR PASS ADDITION", an addition to Bel Aire, Sedgwick County, Kansas. Complete access control is maintained for 325 feet along both the East 53rd Street North and North Webb Road frontages, except for one (1) 60-foot opening along East 53rd Street North and one (1) 60-foot opening along North Webb Road.
2. All drives lanes and access ways shall meet or exceed the setback requirements as shown on this plan.

Signage Notes:

1. Signage shall comply with the standard C-1 (Neighborhood Commercial, Office, and Retail District) regulations as set forth in the City of Bel Aire Zoning Regulations, except as follows:
 - The pylons signage in Parcel A shall not exceed eighty (80) square feet per face, and shall not exceed twenty-five (25) feet in height. A Comprehensive signage plan for Parcel A shall be submitted prior to the issuance of building permits.
2. All other signage—including but not limited to, incidental signs, directional traffic and pedestrian signage, shall comply with the standard City of Bel Aire Sign Code (Chapter 17, Article 9) for signs permitted in commercial districts.

Landscaping Notes:

1. The proposed landscaping shall meet or exceed the standard landscaping, screening, and buffering requirements per City of Bel Aire zoning regulations for C-1, Neighborhood Commercial Office and Retail District, except as follows:
 - Building facade landscaping shall not be required.
 - Street trees shall be provided at a spacing no less than one (1) tree every fifty (50) feet.
2. Landscape area shall not interfere with sight triangles at intersections.
3. A comprehensive landscape plan shall be submitted prior to the issuance of building permits.

Lighting Notes:

1. A comprehensive photometric plan for the proposed development of Parcel A shall be submitted prior to the issuance of building permits.

Floodplain Note:

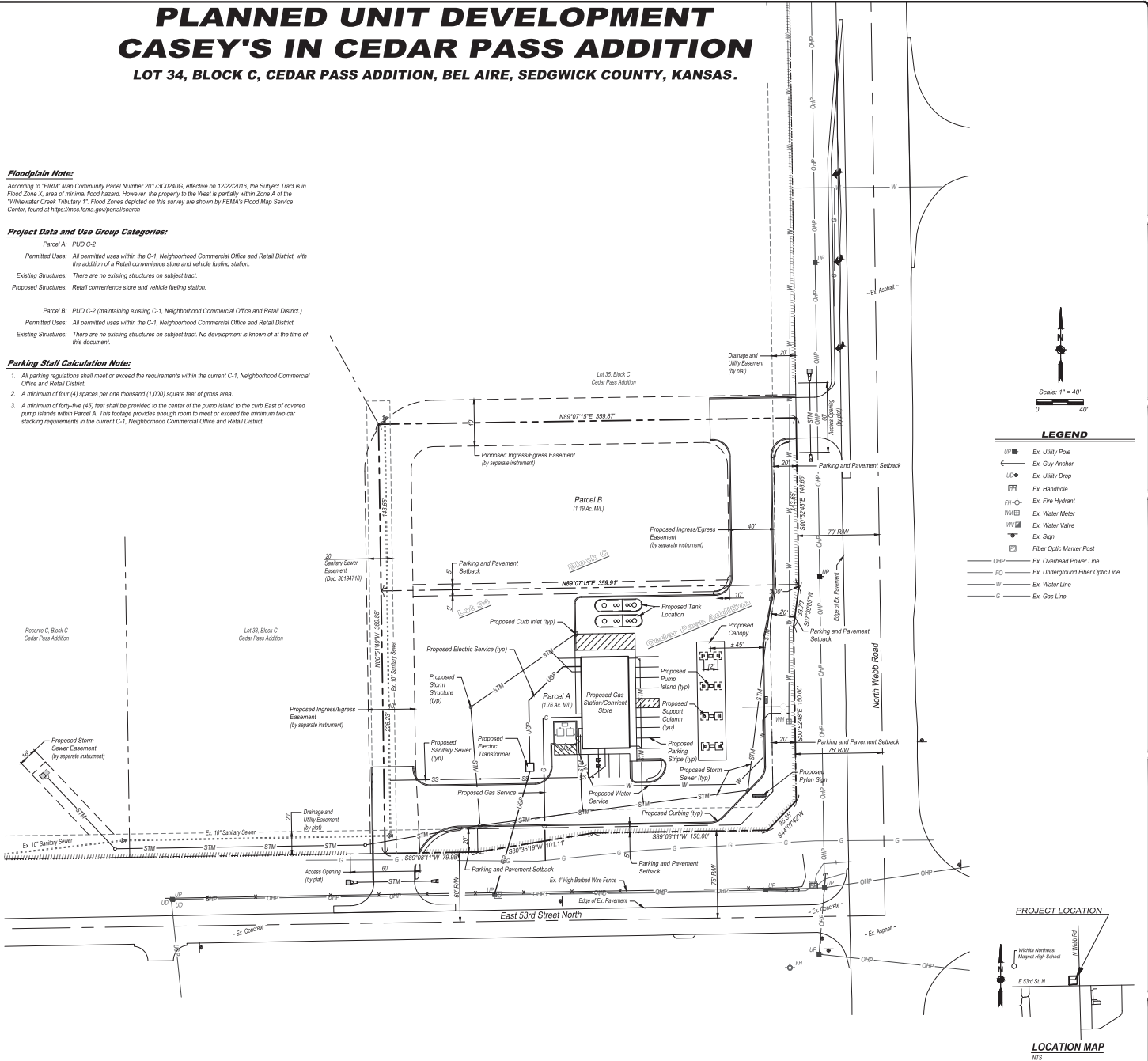
According to "FIRM" Map Community Panel Number 2017030240G, effective on 12/22/2016, the Subject Tract is in Flood Zone X and of minimal flood hazard. However, the property to the West is partially within Zone A of the "Whitewater Creek Tributary 1". Flood Zones depicted on this survey are shown by FEMA's Flood Map Service Center, found at <https://msc.fema.gov/portals/search>

Project Data and Use Group Categories:

- Parcel A: PUD C-2
- Permitted Uses: All permitted uses within the C-1, Neighborhood Commercial Office and Retail District, with the addition of a Retail convenience store and vehicle fueling station.
- Existing Structures: There are no existing structures on subject tract.
- Proposed Structures: Retail convenience store and vehicle fueling station.
- Parcel B: PUD C-2 (maintaining existing C-1, Neighborhood Commercial Office and Retail District.)
- Permitted Uses: All permitted uses within the C-1, Neighborhood Commercial Office and Retail District.
- Existing Structures: There are no existing structures on subject tract. No development is known of at the time of this document.

Parking Stall Calculation Note:

1. All parking regulations shall meet or exceed the requirements within the current C-1, Neighborhood Commercial Office and Retail District.
2. A minimum of four (4) spaces per one thousand (1,000) square feet of gross area.
3. A minimum of forty-five (45) feet shall be provided to the center of the pump island to the curb East of covered pump islands within Parcel A. This footage provides enough room to meet or exceed the minimum two car stacking requirements in the current C-1, Neighborhood Commercial Office and Retail District.



SHEET TITLE		PROJECT LOCATION	
PLANNED UNIT DEVELOPMENT CASEY'S IN CEDAR PASS ADDITION		Northwest Corner of The Intersection For East 53rd Street North & North Webb Road Wichita, Kansas 67207	
SBB Proj. No.	26-214	Drawn by:	JEM
Checked by:	JNL	Date:	8/04/2025
Sheet No.:	1 of 1		

Rev.	By	Date	Description

PREPARED FOR

Casey's General Stores
One Convenience Boulevard
Arkney, Iowa 50021

SBB Engineering, LLC
Engineering and Development Services
222 South Kansas Avenue
Suite 200
Wichita, Kansas 67203
Tel: (785) 255-8200 / Fax: (785) 255-8201

SBB
ENGINEERING

From: [Paula Downs](#)
To: ["evanmijares@yahoo.com"](mailto:evanmijares@yahoo.com)
Cc: [Ted Henry](#)
Subject: Concern regarding proposed Casey's at Cedar Pass
Date: Thursday, August 27, 2026 9:26:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Mr. Mijares, thank you for the email, it is a pleasure to be introduced to you- welcome to Bel Aire.

You are correct, Casey's did submit an application to include retail convenience stores and vehicle fueling stations on their property. In addition, they also requested some relief from the zoning code related to signage, landscaping, and setbacks. The Planning Commission recommended that the governing body approve the at their August 13, 2026, meeting. The case will now appear on the September 1, 2026, City Council agenda.

Casey's will be splitting the lot to focus their store closer to the 53rd and Webb intersection area. Between the back of the building structure of Casey's and the homes in Cedar Pass there will be two lots and the reserve space (where the pond is located). The shortest distance between the development and the property line of the housing addition is about 650' and the homes to the north are over 1,000'. Casey's will be required to have perimeter landscaping as set out in the code for commercial properties. Lighting and signage, as well as other zoning standards will be required to be met.

The property was originally zoned as agricultural and at the time of platting Cedar Pass, it was re-zoned to R-5- Garden and Patio homes, townhouses and condominiums and C-1 Neighborhood commercial, office, and retail. The current case creates a custom zoning district allowing Casey's to request the property to be used for a convenience store and vehicle fueling station. Properties on the four corners of the 53rd and Webb intersection are zoned C-1 Neighborhood and M-1 Planned Unit Development- Industrial. The Casey's is in line with intersection properties zoning and uses. In addition, the City's approved comprehensive plan provides for this area to support a wide variety of uses of which the convenience store/gas station fits into.

Per code, notification via certified mail, is required for properties within 200' of the subject property. Due to the distance, property owners in Cedar Pass were not notified. The case was published on the City website which is available for anyone to review within the Agenda/Minutes section on the home page.

The code does not provide any language the preserve unobstructed sightlines between housing additions and surrounding properties. As a result, sightlines are not considered by staff in their case analysis. Lighting is controlled by zoning codes and Casey's will be required to follow that code that is designed to mitigate light pollution. The staff determined that the distance of approximately 650' (between Casey's and Cedar Pass housing) is adequate to absorb the lighting

between Casey's and Cedar Pass resulting in no meaningful impact to property owners. In addition, due to distance, Cedar Pass will not be meaningfully impacted by noise of cars at Casey's. The streets in Cedar Pass are not a pathway to access the Casey's. 53rd Street and Webb Road are both well-traveled roads due to the Sunflower Commerce Park businesses, housing developments in the area, and general traffic traveling north and east/west. Webb Road is a main arterial four-lane road designed to carry a high traffic loads. Based on these reasons, staff concluded that the Casey's is not expected to detrimentally affect the nearby properties.

Cedar Pass was re-zoned in 2021 and at that time no information was provided as to what type of development would occur on the commercial properties. It is likely that development on the lots surrounding the Casey's location will be developed sometime in the future. These future developments will be required to follow zoning codes related to the C-1 zoning district unless a re-zoning case is filed.

It's understandable why you feel surprised and concerned with the Casey's development being built close to your neighborhood. Most homebuyers don't think to check zoning maps and are often focused on the house and neighborhood itself, and it's easy to overlook how nearby land is zoned. It can be hard to imagine how nearby vacant land might be used in the future. In this case, the zoning was established at the time that Cedar Pass was platted, and it was clear that the properties to the East were designated for commercial use. I realize this doesn't change how you feel, but I want you to know the development is consistent with the long-standing commercial use for the area.

Any citizen can attend the City Council meeting and provide comments.

Again, I appreciate you reaching out and sharing your concerns. Please let me know if you have any additional questions.

Thank you.



Paula Downs

Community Development Director

7651 E. Central Park Ave.

Bel Aire, KS 67226

P: (316) 744-2451 ext: 214

C: (316) 712-3758

pdowns@belaireks.gov



From: Evan Mijares <evanmijares@yahoo.com>
Sent: Wednesday, August 19, 2026 12:07 PM
To: Paula Downs <PDowns@belaireks.gov>
Cc: Ted Henry <THenry@belaireks.gov>; Jim Benage <JBenage@belaireks.gov>
Subject: Concern regarding proposed Casey's at Cedar Pass

[External Sender]

Hi Paula,

We've not had a chance to meet before, but I hope this finds you well. I am a virtually life-long Wichitan and new to Bel Aire as of a year ago.

I'm reaching out regarding the proposed Casey's development at 53rd and Webb in Cedar Pass. I first heard about this in the Wichita Business Journal this morning.

My home is immediately west of the proposed site, directly across the pond. There is essentially nothing between our home and the proposed development from a visual standpoint; it is just the pond and a tiny parcel of a few trees that separates my property from the proposed site.

I've researched, to the best of my ability, the history of the property and the current proposal. It appears "neighborhood" commercial development was contemplated as part of Cedar Pass, and I'm not opposed to such commercial developments in Bel Aire – in fact, it's a good thing. What concerns me is the difference between neighborhood-scale commercial development and a gas station/convenience store with fuel pumps, canopy lighting, frequent vehicle traffic, deliveries, signage, and potentially late-night or 24-hour activity.

I was also surprised to see statements indicating that the development would not be detrimental to neighboring properties and that surrounding property owners had been contacted. Our home is, technically, outside the formal 200-foot notification area, at about 500 feet from the proposed site; however, I wasn't made aware of this potential change, and given that we look directly across the pond at the proposed site, we are among the residents who will experience the project most directly.

I'd like some clarity as to how the homes west of the pond were considered when the City and Planning Commission evaluated the effect on nearby properties. Were things like the unobstructed sightline across the pond, nighttime lighting, noise, deliveries, traffic, screening, and the overall change in character considered specifically for those homes, particularly where your "Findings of Fact" indicates this is "not expected to detrimentally affect nearby property" ?

I'd also appreciate any information you can provide as to what was originally envisioned for this commercial parcel when Cedar Pass was approved and what would change through the current Casey's PUD. From what I have been able to find, the original designation appears to have been C-1 Neighborhood Commercial, which seems meaningfully different in character and intensity from what is now being proposed.

I hope this does not seem unreasonable, as again, I am not simply opposed to development near my home. I find this particular use, in this particular location, difficult to reconcile with an otherwise quiet, residential neighborhood built around a pond.

On a personal level, this is discouraging. Bel Aire is somewhere I have viewed as a place to stay put and raise a family. Having a gas station placed directly across the pond from our home materially changes that.

I would like to better understand the City's thinking, what protections are proposed for the surrounding residences, and whether there is still an opportunity for residents to provide meaningful input before the City Council considers the project.

Thank you for your time. I know there are always many competing interests in projects like these.

-Evan Mijares