



**MINUTES**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
November 9, 2023 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt, John Charleston, Deryk Faber, Dee Roths, Edgar Salazar and Phillip Jordan were present. Paul Matzek was absent.

Also present were Planning Commission Secretary and City Engineer Anne Stephens, City Attorney Maria Schrock, and Code Enforcement Officer Garrett Wichman.

**III. Pledge of Allegiance to the Flag**

Chairman Schmidt led the Pledge of Allegiance.

**IV. Consent Agenda**

**A. Approval of Minutes from Previous Meeting**

**Motion:** Commissioner Dee Roths made a motion to approve the minutes from October 12, 2023. Commissioner John Charleston seconded the motion. ***Motion Carried 6-0***

**V. Old Business/New Business**

- A. ZON-23-05 Rezoning:** Approximately 26.3 acres zoned R-4 single-family, to a R-5 multi-family at the southwest corner of 53<sup>rd</sup> St N and Woodlawn Blvd. (Chapel Landing 8th)

Chairman Schmidt opened the hearing.

Representing agent for Baughman Company, Phil Meyer was present to discuss the re-zoning of Chapel Landing 8<sup>th</sup>. The requested reasoning to change from R-4 to R-5 is to be able to do smaller lots at a sixty foot width. The developer Jay Russel did meet with the residents at the Home Owners Association of Iron Gate to address their concerns. Jay agreed that all the lots on the South and West property line will be seventy foot wide, any lots not abutting those lots will all be sixty foot wide. All utilities and sanitary sewer will be front loaded on the South and West lot lines, this will allow all of the trees to remain where they are on the South and West, just cleaned up a bit. Any fencing will be metal or rod iron allowed abutting any detention facility as well as the South and West lots. The

developer also agreed to add a playground for the residents as well.

Charles Kent, 6010 Forbes Street did speak for the entirety of the residents. He wanted to personally come to the Planning Commission meeting to thank Jay Russel for attending their HOA meeting and making all the changes based off of their concerns.

Chairman Schmidt closed the hearing.

The Planning Commission did touch base on the Golden Factors, Chairman Schmidt did state that it meets the requirement of the character of the neighborhood. Commissioner Salazar mentioned that there was effort made by the developer to meet with the homeowners and address their concerns. Commissioner Roths stated that it does meet all requirements recommended by staff.

**Motion:** Commissioner Jordan made a motion to adopt the findings of fact of the staff as presented and recommend to the City Council approval to change the zoning district classification of the subject property from R-4 single-family district, to an R-5 multi-family based on such findings of fact. Commissioner Roths seconded the motion. ***Motion Carried 6-0***

**B. SD-23-05 Final Plat:** Proposed plating of approximately 13.6 acres (Chapel Landing 7<sup>th</sup>).

Chairman Schmidt opened the public hearing.

Representing agent for Baughman Company, Phil Meyer was present to discuss the final plat of Chapel Landing 7<sup>th</sup>. They will be constructing a detention facility in this development in between Chapel Landing 7<sup>th</sup> and Bristol Hollows. An agreement will be in place between Bristol Hollows and Chapel Landing 7<sup>th</sup> for responsibilities of the detention pond but nothing finalized at this time. A playground will be installed on the West side of the property at the South end of the detention facility near Bristol Hollows.

Chairman Schmidt mentioned that staff has not been able to review all of the drainage plan yet and asked Phil Meyer if there was a signed agreement between Bristol Hollows and Chapel Landing 7<sup>th</sup>. Phil stated that there will be a signed agreement that will be a business agreement, not a drainage agreement. This will ensure the responsibilities of the detention facility dividing the properties. Commissioner Jordan asked our City Attorney, Maria Schrock, if the City is okay approving this as is with the information we have. Maria stated that the drainage plan has not been reviewed yet, so she would recommend moving this to the next meeting once the drainage plan has been reviewed by staff.

No one from the public wished to speak.

Chairman Schmidt closed the public hearing.

**Motion:** Commissioner Faber made a motion to table the Chapel Landing 7<sup>th</sup> Addition Final Plat. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

**C. Paint-less Dent Repair Business License for 316 PDR, LLC at 4648 Farmstead Ct. Review.**

Maria Schrock opened with a background of the business license to the Planning Commission. Damon Herrington works as a mobile paint-less dent repairman and brings motor vehicles to his home address of 4648 Farmstead Court at times to work. Business hours are to meet conditions of business hours to be observed from 8am to 5pm Monday through Saturday, all work is to be completed inside the garage to minimize sound pollution, only one motor vehicle to repaired on the property at a time and failure to adhere to these conditions may result in the revocation of the business license that is being approved. Maria mentioned that Damon paid the fifty dollar fee for the business license.

Maria provided background on the complaints from the neighborhood due to the noise pollution. Code Enforcement had sent a notice to the owner in regard to not having a business license to operate. Maria mentioned that on Saturday, September 16<sup>th</sup> at 10:41PM, there was a complaint due to noise. This was clearly outside the conditions of the business license hours, along with a few other complaints, Monday, October 2<sup>nd</sup> at 6:29PM, October 19<sup>th</sup> at 6:46PM, and Thursday, October 26<sup>th</sup> at 7:00PM. Maria did show all of the videos to the Herrington's so they are aware. Mr. Herrington admitted to conducting paint-less dent repair work beyond 5pm in one specific instance. Maria advised that is in violation of the license conditions.

Rebecca and Damon Herrington were present to speak in regard to the paint-less dent repair business. First to speak was Rebecca Herrington, she requests that the Planning Commission moves forward to accept their business license since it is Damon's only source of income. Rebecca stated that the tapping is the source from the dent repair but any other noises coming from the residence such as sawing noises are from home improvements. It was mentioned that no neighbor came to them directly or indirectly with concerns of any noise coming from their home. Mr. Herrington admitted to the council that he conducted paint-less dent repair work beyond 5pm in one specific instance. Rebecca and Damon understand that there are times set by the conditions and that going forward, they will comply with the conditions.

**Motion:** Chairman Schmidt made a motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding consultation with attorneys for the public body pursuant to the KSA 75-4319 exception for the same. Invite the Attorney, Secretary and Code Enforcement Officer. This meeting will be for a period of thirty minutes, and the open meeting

will resume in City Council Chambers at 8:23PM. Commissioner Salazar seconded the motion. ***Motion Carried 6-0***

The Commission returned to City Council Chambers at 8:23PM and Damon Herrington was still present.

**Motion:** Chairman Schmidt made a motion to carry the license until the end of the year with modifications. The business hours are to be observed Monday through Friday from 9AM to 5PM. All noise and activity is to be performed inside the garage to eliminate sound pollution and not be conducted in the driveway. One motor vehicle is to be allowed on the premises for repair at any time. Commissioner Charleston seconded the motion. ***Motion Carried 6-0***

Chairman Schmidt shared if any other complaints are made, the commission will consider revocation of the license prior to the end of the year. If revocation is considered, proper notification will be sent to the property owner.

**D. Review proposed update to the 2023 Bel Aire Zoning Map**

This item was inadvertently skipped and was not discussed by the Commission.

**E. General Education Session (KOMA-KORA)**

This item was deferred until January 2024.

**VI. Next Meeting: Thursday, December 14, 2023 at 6:30 PM**

The Commission discussed if Thursday, December 14, 2023 at 6:30 PM would work with their schedules and the Commission agreed upon Thursday, December 14, 2023 at 6:30 PM.

**Motion:** Commissioner Faber made a motion to accept the next meeting date of Thursday, December 14, 2023 at 6:30 PM. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

**VII. Current Events**

Secretary Anne Stephens discussed the current events for the upcoming Planning Commission items stating that City Hall will be closed on November 10<sup>th</sup> in observance of Veteran's Day. City Hall will also be closed on November 23<sup>rd</sup> and 24<sup>th</sup> for Thanksgiving.

**IV. ADJOURNMENT**

**Motion:** Commissioner Charleston made a motion to adjourn. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***