



**MINUTES  
PLANNING COMMISSION  
7651 E. Central Park Ave  
Bel Aire, KS  
January 14, 2021 6:30 P.M.**



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**I. Roll Call:**

Chairman Schmidt called the meeting to order at 6:39 p.m.

Present were James Schmidt, David Floyd, and Phillip Jordan. John Charleston and James Farner were absent.

Also present were City Engineer Anne Stephens and City Attorney Jacqueline Kelly.

**II. Pledge of Allegiance** – Chairman Schmidt led the pledge of allegiance.

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

Commissioners discussed the summary of the public comments made by Mr. Chris Brittain regarding his children in Item IV. A. of the minutes. There was consensus to change the wording from “they can’t walk to school because of the traffic” to “it’s not safe for them to walk to school because of the traffic”.

**MOTION:** Commissioner Jordan moved to approve the minutes of December 10, 2020 as amended. Commissioner Floyd seconded the motion. ***Motion carried 3-0.***

**Executive Session**

**MOTION:** Commissioner Jordan moved to go into executive session for the sole purpose of discussing matters under attorney client privilege, legal advice regarding plat requirements, under the KSA exception for attorney-client privilege for a period of 10 minutes, and the open meeting will resume in the Community Room at 6:52 p.m. Commissioner Floyd seconded the motion. ***Motion carried 3-0.***

At 6:42 p.m. the commission adjourned to the Senior Room to conduct the executive session. At 6:52 pm, the commission returned to open session in the Community Room and Chairman Schmidt called the meeting back to order.

#### IV. OLD/NEW BUSINESS

- A. Case No. SD-20-02.** Proposed platting approximately 3.07 acres of the R-4 Single Family Zoning District, (Chapel Landing 4th).

Chairman Schmidt opened the public hearing for the preliminary plat.

Will Clevenger, Garver, represented the applicant and stood for questions from the Commission.

There being no others requesting to speak, Chairman Schmidt closed the public hearing. Commissioners considered the evidence and reviewed the report provided by staff.

**MOTION:** Chairman Schmidt moved to recommend the preliminary replat, Chapel Landing 4th without changes. Chairman Floyd seconded the motion. ***Motion carried 3-0.***

Chairman Schmidt opened the hearing for the final plat.

Will Clevenger, Garver, represented the applicant and stood for questions from the Commission.

There being no others requesting to speak, Chairman Schmidt closed the public hearing.

Commissioners considered the evidence, reviewed the report provided by staff and discussed substantial conformance with the preliminary plat. The commission found that the plat complied with all provisions and applicable regulations and laws.

**MOTION:** Commissioner Floyd moved to recommend the final plat, Chapel Landing 4th without changes and recommend that the governing body accept the developer's commitment to dedicate certain land within the plat for public purposes. Commissioner Jordan seconded the motion. ***Motion carried 3-0.***

- B. Case No. ZON-20-02.** Proposed re-zoning approximately 42.89 acres un-platted AG, to R-5 to allow a two-family residential development (Sky View at Block 49).

Chairman Schmidt opened the public hearing for the rezoning.

Will Clevenger, Garver, represented the applicant and stood for questions from the Commission regarding the proposed rezoning.

There being no others requesting to speak, Chairman Schmidt closed the public hearing.

Commissioners discussed factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around these factors, commonly known as the Golden Factors, including:

1. Zoning uses in the area
  - a. There are similar uses to the north, and more intense zoning to the east.
  - b. Less intense zoning to the west, but a hedgerow provides separation.
2. Detrimental effects to nearby properties, if any- There are similar developments surrounding this property – as long as the hedgerow is kept to the west, the screening will help in the separation between the subdivision to the west.
3. Master Growth Plan- The proposed re-zoning is an acceptable density level for this area. The subject property is located within the future park service area – there are no park amenities nearby, either public or private.
4. Neighbors - No interested parties spoke either for or against development at the public hearing.

**MOTION:** Chairman Schmidt moved to recommend approval of the rezoning request from Ag to R-5 Multi-family Residential with the condition that the Developer consider adding a greenspace/park the minimum size of two lots somewhat centrally located within the development. Commissioner Floyd seconded the motion. ***Motion carried 3-0.***

**C. Case No. SD-20-03.** Proposed platting approximately 42.89 acres of the AG as R-5 a Multi-Family Zoning District, (Sky View at Block 49)

Chairman Schmidt opened the public hearing for the preliminary plat.

Will Clevenger, Garver, represented the applicant and stood for questions from the Commission.

There being no others requesting to speak, Chairman Schmidt closed the public hearing.

**MOTION:** Chairman Schmidt moved to recommend the preliminary plat, Sky View at Block 49, with the condition that the Developer consider adding a greenspace/park the minimum size of two lots somewhat centrally located within the development. Commissioner

Jordan seconded the motion. **Motion carried 3-0.**

**D. Case No. SD-20-04.** Proposed rezoning approximately 24.15 acres of the C-1, Neighborhood Commercial, as C-1, Neighborhood Commercial and R-5, a Multi-Family Zoning District, (Rock Spring 4th)

Chairman Schmidt opened the public hearing for the rezoning.

Will Clevenger, Garver, represented the applicant and stood for questions from the Commission.

There being no others requesting to speak, Chairman Schmidt closed the public hearing.

Planning Commission considered the evidence presented and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. Commissioners noted that a substantially similar re-zone was reviewed and approved for this parcel a few years ago. This is primarily just re-allocating the portions of C-1 and R-5 to suit the current needs of the Developer. It was noted that a reserve has been added for a park, which is in keeping with the Master Growth Plan and the Future Park Service Area. The re-platting of two lots in Rock Spring 3<sup>rd</sup> to allow for access between the developments is appreciated. The commissioners discussed the staff report provided to the Commission addressing the Golden Factors.

**MOTION:** Commissioner Jordan moved to recommend the re-zoning request from C-1 and R-5, to the reallocated C-1 and R-5 as shown in the submittal without changes. Commissioner Floyd seconded the motion. **Motion carried 3-0.**

**Case No. SD-20-04.** Platting approximately 24.15 acres of the C-1, Neighborhood Commercial, as C-1, Neighborhood Commercial and R-5, a Multi-Family Zoning District, (Rock Spring 4th)

Chairman Schmidt opened the public hearing for the platting.

Will Clevenger, Garver, represented the applicant and stood for questions from the Commission.

There being no others requesting to speak, Chairman Schmidt closed the public hearing.

**MOTION:** Commissioner Floyd moved to recommend the preliminary plat, Rock Spring 4<sup>th</sup> with the condition that the street name for Cypress Street be corrected to match with Sedgwick County GIS. Commissioner Jordan seconded the motion. **Motion carried 3-0.**

#### **E. Next meeting February 11, 2021**

**MOTION:** Chairman Schmidt moved to approve February 11, 2021 as the date of the next meeting. Commissioner Jordan seconded the motion.  
***Motion carried 3-0.***

#### **V. Current Events:**

The commission briefly discussed the agenda for the upcoming meeting and current events. City offices will be closed January 18, 2021 in honor of Martin Luther King Jr. Day.

#### **VI. Adjournment**

**MOTION:** Commissioner Jordan moved to adjourn. Commissioner Schmidt seconded the motion. ***Motion carried 3-0.***

The meeting adjourned at 8:49 p.m.