



District 1 Citizens Advisory Board Meeting Minutes

Monday, Aug. 19, 2024 | 5:30 p.m.
Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, KS

Board Members in Attendance: Jacqueline Kelly, Daniel Bateman, Diane Albert, Kathryn Herzog, Judah Craig, Diane Gjerstad

County Representatives: Sedgwick County Commissioner, Pete Meitzner and Sedgwick County MAPD Planner, Philip Zevenbergen

1. Call to Order

1. Jacqueline Kelly began the meeting at 5:36 p.m.

2. Approval of Meeting Minutes

1. A motion was made by Daniel Bateman to approve the July minutes. Kathy Herzog seconded this motion. **The CAB approved the motion with a vote of 4-0.**

3. Public Agenda

1. There were 14 people from the public in attendance.

4. New Business

1. Sedgwick County MAPD Planner began the first presentation on ZON31.

- i. Judah Craig asked, what is the city of Bel Air's main concerns?

1. Philip Zevenbergen responded, the genesis of this application is that they have been cited multiple times for being out of compliance with the zoning code, and there's heavy truck traffic on 127th street. There has also been some burning on the side, which has caused problems with the neighboring properties.

- ii. Kathy Herzog asked, what exactly are their sales and services?

1. Philip Zevenbergen responded, they are under the use classification zoning code that would cover their tree business. So they go and they trim trees and they take down trees.

- iii. Kathy Herzog asked, they aren't planning on constructing anything else?

1. Philip Zevenbergen responded, not necessarily. They could possibly put buildings or spaces for equipment.

- iv. Chair Judah Craig opened public comment on ZON31 and we heard from the applicant.

- v. Judah Craig asked, can you tell us a little more about the overall business plan for the event center?

1. Applicant One responded, we're not going to have an event center right now.

- vi. Judah Craig asked, if you can drop the event center essentially and add in the no burning, then would that allow you to do the other functions of your business?

1. Applicant One responded, all we need is a place to park our trucks.

- vii. Judah Craig asked, how many trucks?

1. Applicant One responded, on site we have 16 or so.

- viii. Diane Gjerstad asked, when did you buy the property?

1. Applicant One responded, last year, last June.

- ix. Judah Craig asked, is that when your business started as well?

1. Applicant One responded, no we've been doing this business for a while and there haven't been any issues.

- x. Kathy Herzog asked, what was on that property before?

1. Applicant One responded, yes, the guy who owned it before was a chiropractor, and he also worked on some cars.
- xi. Judah Craig closed the public comment after hearing from ten speakers and brought the discussion back to the board.
- xii. Daniel Bateman asked, this just across the road, do you remember what is on the other side?
 1. Philip Zevenbergen responded, I do not, sorry.
- xiii. Daniel Bateman asked, if for some reason they wanted to sell, is this zone eligible for re-zoning, like if they put a pig farm in?
 1. Philip Zevenbergen responded, yes, so that would fall under rural residential zoning operations.
- xiv. Judah Craig asked, were the road conditions a determining factor for staff at all?
 1. Philip Zevenbergen responded, road conditions are tricky because we don't make those policies. But it is a discussion on difficulty to maintain the heavier traffic, but we usually just point out what the type of road it is as an objective statement.
- xv. Daniel Bateman asked, this is a question for the applicant, with the 254 Corridor Chain, aren't they going to be closing off at 147th street?
 1. Applicant One responded, I was thinking that was going to be an option. That road is going to be paved soon, I think.
- xvi. Daniel Bateman asked, but if that doesn't come to fruition, do you have a business plan for three round traffic, and what that traffic's going to look like?
 1. Applicant One responded, we'll get to that once were done with this.
- xvii. Applicant One asked, one of the issues is that you can't have more than four employees living on the property right?
 1. Philip Zevenbergen responded, you can only have one that is home occupation. Yes, it's capped at four regardless, for three year and only on one commercial vehicle. And that's a vehicle of 26,000 gross vehicle.
- xviii. Kathryn Herzog asked, how is it in the 10 years that you've been a business and with this being a rural residential have you not been cited?
 1. Philip Zevenbergen responded, well this business has been cited by code enforcement, in violation of the zoning codes.
- xix. Judah Craig asked, Commissioner do you have anything you'd like to add?
 1. Pete Meitzner responded, I think we've gone through a nice process at this point and we can vote.
- xx. Judah Craig asked, just so we're clear on things we can vote to, we'll have to have a motion, and we vote to accept or deny, and accept or deny with certain conditions as well. Is that correct?
 1. Philip Zevenbergen responded, circling back to the staff recommendation, which is to deny, we would recommend a protective overlay. That's a particular overlay 439 that would limited uses to those currently allowed in rural residential in addition to the construction, sales and service and the community assembly. So commonly, it would be general commercial we're only allowing them two additional uses. It wouldn't become full blown general commercial zone. Signage would be prohibited or restricted to the rural residential district, so you're not giving it more signage than what can be allowed there right now. So again, that's already a rule, but we often put those in there just as a reminder, so you don't have to do that. But your options are you can approve straight up general commercial, you could approve the general commercial with the staff recommendation or you could approve the denial.
- xxi. Diane Gjerstad motioned to accept the staff recommendation to deny. Judah Craig seconded this motion. **Motion was passed, 6-1.**
- xxii. Sedgwick County MAPD Planner began the second presentation on ZON33.
- xxiii. Judah Craig asked, was there any overlying or consensus amongst the public comments in those reports that said anything that stood out as consistent feedback?

1. Philip Zevenbergen responded, so one thing that did stick out was a concern about drainage, drainage and the natural state right now, it has lots of trees, and so there were conversations about existing, mostly bird wildlife in there, like the cost of it being removed.
- xxiv. Daniel Bateman asked, do you know if the parking spots that were built in right there, basically facing it, were those put in as a part of an initial development that hasn't completed, or?
1. Philip Zevenbergen responded, I don't know.
- xxv. Judah Craig asked, is the applicant here?
1. The applicant was not present.
- xxvi. Judah Craig opened public comment on ZON33.
- xxvii. Diane Albert asked, what was the number of units to cap out the space?
1. Philip Zevenbergen responded, I don't know. It kind of worked out based on the process of it required to have on-site intention like when you're installing a pond somewhere, which takes a bridge and then it would just have to be a (inaudible). Like how many dwellings or units do you have and do you have any space to park them. It's hard to know where the parking would be counted down.
- xxviii. Jackie Kelly asked, the screening or the vegetation and trees that we were talking about, are those completely on the property? Or on the other joining property?
1. Philip Zevenbergen responded, I don't know the breakdown. I think it is a mixture of both.
- xxix. Diane Gjerstad asked, and is this the correct zoning for this?
1. Philip Zevenbergen responded, yes.
- xxx. Judah Craig closed the public comment after hearing from four speakers and brought the discussion back to the board.
- xxxi. Judah Craig asked, has there been any balk at the idea of multifamily?
1. Philip Zevenbergen responded, the applicant said well, I think we could work with it, but I would agree with you, didn't really sound like they had a (inaudible), they really were more apt to get commercial purely from the stance that the villa is commercial. Why can't I have it?
- xxxii. Judah Craig asked, and if they ever gained clarity on what they'd like to do, they'd be able to then reapply for a better idea?
1. Philip Zevenbergen responded, correct.
- xxxiii. Diane Gjerstad asked, how long did the developer buy the property for, two years, ten years?
1. Philip Zevenbergen responded, I don't know.
- xxxiv. Diane Gjerstad motioned to deny the application and accept the staff recommendation. Kathy Herzog seconded the motion. **Motion was passed 7-0.**
- xxxv. Commissioner Updates/Housekeeping Items
1. Our meeting topics are scheduled out and ready to go for the rest of the year.
 2. The 254 Corridor update will be our Sept. 16 discussion.
 3. Commissioner Meitzner reminded everyone that the next BoCC meeting was going to pass the 2025 budget.
 4. We briefly discussed property taxes, the mill levy rate and sales tax.

Adjournment

1. The District 1 Citizen's Advisory Board ended at 7:30 p.m.

*The next Citizens Advisory Board Meeting will be **Monday, Sept. 16, 2024, 5:30 p.m.**
at Bel Aire City Hall, 7651 E. Central Park Ave., Bel Aire, KS*