

## STAFF REPORT

DATE: 04/08/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Agenda

### STAFF COMMUNICATION

|                  |           |
|------------------|-----------|
| FOR MEETING OF   | 4/10/2025 |
|                  |           |
| CITY COUNCIL     |           |
| INFORMATION ONLY |           |

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

**General Location:** The subject property is generally located between 45<sup>th</sup> and 49<sup>th</sup>, on Tierra Lakes Pkwy and West of Webb Road and is currently platted as Lot 1, Block 2, Tierra Verde South Addition.

**Reason for Request:** To reduce a platted 40' building setback to 25' in accordance with the proposed R-6 multi-family district use.

#### Background:

Lot 1, Block 2, Tierra Verde South Addition was originally platted September 21, 2009.

Lot 1, Block 2, Tierra Verde South Addition has previously been before the Planning Commission (May 11, 2023; January 11, 2024) and the City Council (June 20, 2023; February 20, 2024; April 2, 2024) for PUD-23-02 and PUD-23-04 (formerly PUD-23-02). Prior PUD cases were approved, and zoning uses established.

Sketch Plan- Tierra Verde South, Lot 1, Block 2 was submitted for discussion and general feedback. Developer shared that they were going to reduce some of the current setbacks when the submission of a PUD application. The Commission suggested reducing an easement and keeping setbacks with minimum sizes listed in the zoning code. No recommendations or action was taken by the Commission.

PUD-25-01 application has been filed for Lot 1, Block 2 and appears on April 10, 2025, Planning Commission agenda for approval of requested adjustments to the allowed density of units and other development standards including minimum setbacks; area regulations; and parking and landscaping requirements.

#### Legal Considerations:

- K.S.A. 12-505 requires the Planning Commission to consider specific findings of fact which serve as the basis for the Commission's recommendation to the City Council. The findings to be determined by the Planning Commission are as follows:

- Notice of petition to vacate and notice of the public hearing has been given in accordance with State law;
- No private rights will be injured or endangered if the vacation is granted;
- The public will suffer no loss or inconvenience if the vacation is granted; and
- In justice to the petitions the vacation should be granted.
- At the conclusion of the public hearing, the Planning Commission should state its recommendation, with or without conditions, and announce the date upon which the City Council will consider the vacation.

### **Findings of Fact:**

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State Law:
  - a. Notice was published in the City's official newspaper, the City of Bel Aire website, on March 20, 2025.
  - b. Official notice was mailed to property owners within the required notification area on March 20, 2025.
2. No private rights will be injured or inconvenienced if the vacation is granted:
  - a. Original plat sets out a 40' building setback.
  - b. Effective PUD Agreement sets the minimum front yard setback at 25'.
  - c. Vacating 15' of the platted front yard setback would result in a 25' front yard setback which meets the minimum set forth by the PUD.
  - d. Owners of surrounding private properties will not be injured or inconvenienced if the vacation is granted. The vacation request will only affect Lot 1, Block.
3. The Public will suffer no loss or inconvenience if the vacation is granted:
  - a. The subject setback will not affect utility easements currently on the site.
  - b. Staff have not received any additional inquiries or comments after mailing the public hearing notification. The Commission will need to consider any testimony provided during the public hearing.
4. In justice to the petition, the vacation should be granted:
  - a. Vacating the setback will allow the applicant to proceed with the development of 12 two-family dwellings and site work.
  - b. The building setback does not affect surrounding properties or utility easements.
  - c. The vacation should be granted.

### **RECOMMENDED MOTION:**

Recommend the approval of the vacation of 15' of the platted building setback on Lot 1, Block 2, Tierra Verde South addition as proposed, and forward the recommendation to the City Council for consideration at its regular meeting on May 6, 2025.

### **Attachments:**

Vacation Application  
 Setback Vacation Legal Description  
 Setback Vacation Exhibit  
 Notification  
 Ownership List

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park Ave., Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

- ☒ Vacate building set back From: 40' to 25'
- ☐ Vacate street or alley: \_\_\_\_\_
- ☐ Vacate utility easement \_\_\_\_\_
- ☐ Vacate other \_\_\_\_\_
- ☐ Apply for Vacation in conjunction With a Conditional Use or Variance application.

City of Bel Aire Planning Commission

- ☐ Approved
- ☐ Rejected

Name of owner NORTH WEBB, LLC, a Kansas limited liability company  
Address 13410 W Hayden St, Wichita KS, 67235 Telephone 316-258-0478  
Email Address john@eck.net  
Agent representing the owner K.E. Miller Engineering P.A.  
Address 117 E Lewis St, Wichita, KS, 67202 Telephone 316-264-0242  
Email Address kirk@kemiller.com

1. The application area is legally described as Lot(s) 1; Block(s) 2,  
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

2. The application area contains 1.71 acres.
3. This property is located at (address) N/A which is generally located at (relation to nearest streets) N of Tierra Lakes Pkwy; W of Webb Rd.
4. The particular hardship which is the result of this request as applied to the subject property:

To reduce a platted, 40' bldg setback to 25' in accordance with the proposed "R-6" Multi-family District use; as allowed by the Amended PUD Agreement recorded on Doc#/Flm-Pg: 30302487

5. County control number: 00598557

6. NAMES OF OWNERS - An ownership list of the names, addresses and zip codes of the owners of record of real property abutting a street, alley, or easement including any segment remaining open, and owners on the opposite side of the street from the vacations of set back and access control, as well as all utility providers that are affected shall be provided.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant John Eck, Manager, North Webb, LLC Phone 316-258-0478  
Address 13410 W Hayden St, Wichita ,KS Zip Code 67235  
Email Address john@eck.net

Agent K.E. Miller Engineering P.A. Phone 316-264-0242  
Address 117 E Lewis St, Wichita, KS Zip Code 67202  
Email Address kirk@kemiller.com

2. Applicant Jeff Blubaugh Phone 316-640-0656  
Address 10915 W Atlanta Cir, Wichita, KS Zip Code 67215  
Email Address jeffblubaughhomes@gmail.com

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email Address \_\_\_\_\_

3. Applicant Jerrone Castillo Phone (316) 312-6697  
Address 906 N. Main St, Suite 2, Wichita, KS Zip Code 67203  
Email Address jerronec@yahoo.com

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email Address \_\_\_\_\_

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Planning Commission and/or Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

  
Applicant's Signature \_\_\_\_\_ BY \_\_\_\_\_ Authorized Agent (If Any) \_\_\_\_\_

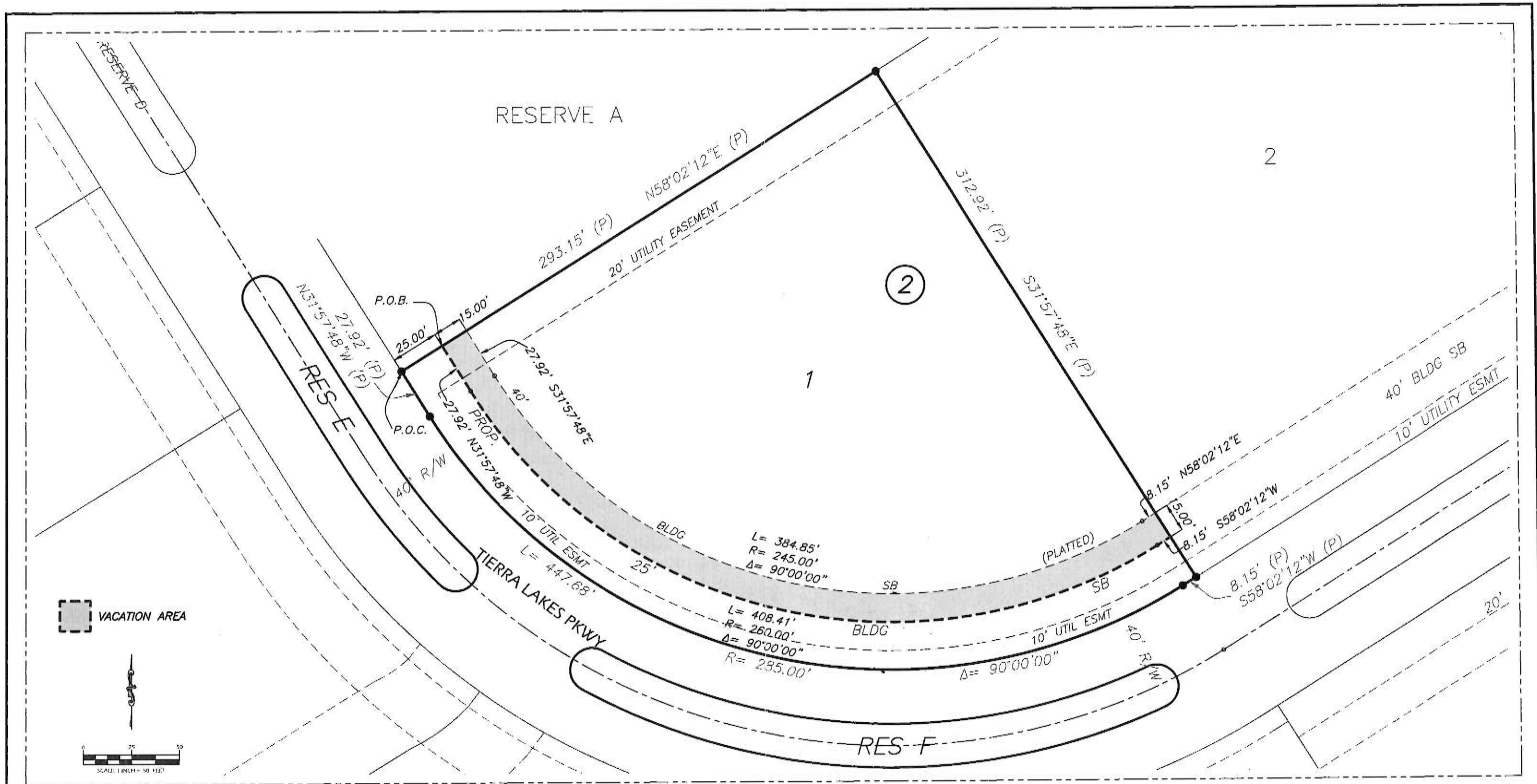
The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

### **SETBACK VACATION LEGAL DESCRIPTION**

That part of Lot 1, Block 2, Tierra Verde South Addition PUD, Bel Aire, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Westerly, Southwest corner of said Lot 1; thence northeast, along the West line of said Lot 1, along N58°02'12"E a distance of 25.00 feet to the POINT OF BEGINNING; thence continuing northeast along the West line of said Lot 1, along N58°02'12"E, a distance of 15.00 feet; thence southeast, perpendicular to the West line of said Lot 1, S31°57'48"E a distance of 27.92 feet; thence along a curve to the left, said curve having a length of 384.85 feet, a radius of 245.00 feet, and a delta of 90°00'00"; thence northeast, perpendicular to the East line of said Lot 1, N58°02'12"E a distance of 8.15 feet to a point on the East line of said Lot 1; thence southeast along the East line of said Lot 1, along S31°57'48"E a distance of 15.00 feet; thence southwest, perpendicular to the East line of said Lot 1, S58°02'12"W a distance of 8.15 feet; thence along a curve to the right, said curve having a length of 408.41 feet, a radius of 260.00 feet, and a delta of 90°00'00"; thence northwest, perpendicular to the West line of said Lot 1, N31°57'48"W a distance of 27.92 feet to a point on the West line of said Lot 1, said point also being the Point of Beginning.





# **SETBACK VACATION LEGAL DESCRIPTION:**

That part of Lot 1, Block 2, Tierra Verde South Addition PUD, Bel Aire, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Westerly, Southwest corner of said Lot 1; thence northeast, along the West line of said Lot 1, along N58°02'12"E a distance of 25.00 feet to the POINT OF BEGINNING; thence continuing northeast along the West line of said Lot 1, along N58°02'12"E, a distance of 15.00 feet; thence southeast, perpendicular to the West line of said Lot 1, S31°57'48"E a distance of 27.92 feet; thence along a curve to the left, said curve having a length of 384.85 feet, a radius of 245.00 feet, and a delta of 90°00'00"; thence northeast, perpendicular to the East line of said Lot 1, N58°02'12"E a distance of 8.15 feet to a point on the East line of said Lot 1; thence southeast along the East line of said Lot 1, along S31°57'48"E a distance of 15.00 feet; thence southwest, perpendicular to the East line of said Lot 1, S58°02'12"W a distance of 8.15 feet; thence along a curve to the right, said curve having a length of 408.41 feet, a radius of 260.00 feet, and a delta of 90°00'00"; thence northwest, perpendicular to the West line of said Lot 1, N31°57'48"W a distance of 27.92 feet to a point on the West line of said Lot 1, said point also being the Point of Beginning.

Said tract contains approx. 6,490.44 sq ft more or less.



## SETBACK VACATION EXHIBIT **TIERRA VERDE SOUTH ADD.**

BEL AIRE, KS

DATE  
01.2025

KEM PROJ.  
24105

DRAWN  
JMW

DESIGNED  
KEM

SHEET

**1.0**

(Notification posted on [www.belaireks.gov](http://www.belaireks.gov), the designated official City newspaper for the City of Bel Aire on March 19, 2025)

## **OFFICIAL NOTICE OF VACATION HEARING**

### **TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:**

Notice is Hereby Given that on April 10, 2025, the City of Bel Aire Planning Commission will consider the following Vacation hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**VAC-25-02.** Vacate Building Setback from 40' to 20'

**Legal Description:** Lot 1, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

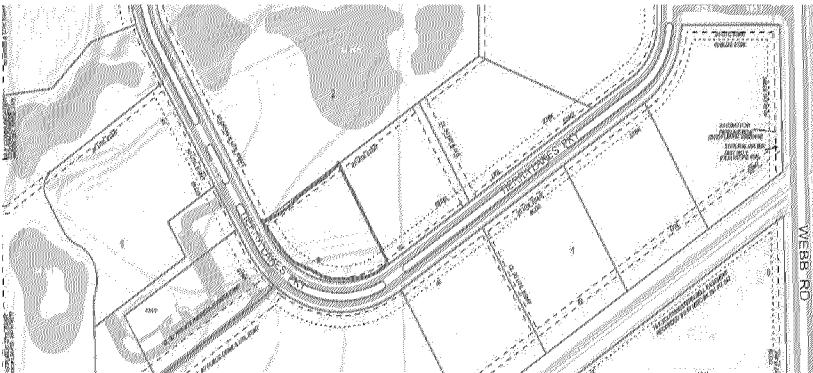
**General Location:** North of Tierra Lakes Pkwy; West of Webb Road

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 19 day of March, 2025.

/s/ Paula Downs

Bel Aire Planning Commission Secretary







**AFFIDAVIT OF PUBLICATION**

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

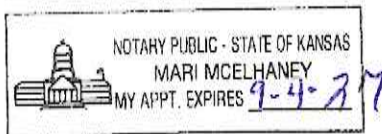
Being first duly sworn, deposes and says:

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](http://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 Zoning Hearing (VAC-25-02)  
is a true copy thereof and was published on such website beginning on the 19<sup>th</sup> day of March, 2025.

Melissa Krehbiel  
Signature

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of April, 2025.



(seal)

Mari McElhaney  
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](http://www.belaireks.gov)



# Security 1<sup>st</sup> Title

## OWNERSHIP LIST

| PROPERTY DESCRIPTION   |                             | PROPERTY OWNER   |
|--|-----------------------------|--|
| Lot 1, Blk 2<br><b>Subject Property</b>  | Tierra Verde South Addition | North Webb, LLC<br>PO Box 377<br>Attica, KS 67009                  |
| Lots 4 & 5, Blk 1<br>AND<br>Lot 2, Blk 2<br>AND<br>Reserve A   | "                           | ME Enterprises IV, LLC<br>2101 E. 21st St. N.<br>Wichita, KS 67214 |
| Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin | "                           | AH Property, Inc.<br>14726 E. 9th St. N.<br>Wichita, KS 67230      |
| Begin 458.66' SEly of NE cor of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin   | "                           | North Webb, LLC<br>PO Box 377<br>Attica, KS 67009                  |



# Security 1<sup>st</sup> Title

|  |   |   |
|--|---|---|
| That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin | " | Tierra Webb Properties, LLC<br>PO Box 377<br>Attica, KS 67009                 |
| Reserves D, E, F, & G  | " | City of Bel Aire Land Bank<br>7651 E. Central Park Ave.<br>Bel Aire, KS 67226 |

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described lots within a 200 foot radius of:

**Lot 1, Block 2, Tierra Verde South Addition to the City of Bel Aire, Sedgwick County, Kansas.**

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of January, 2025, at 7:00 A.M.

SECURITY 1<sup>ST</sup> TITLE

By:   
\_\_\_\_\_  
LICENSED ABTRACTER

Order: 3113362  
KJK