



STAFF REPORT

DATE: September 20, 2022

TO: City Manager

FROM: Melissa Krehbiel, City Clerk

RE: Notification Procedures, PUD-22-01 (Arthur Heights)

At the September 20, 2022 City Council meeting, Councilmembers requested more information about notification procedures regarding Planning Commission case PUD-22-01. Mayor Benage requested that the City Clerk provide a follow-up report regarding this matter.

I spoke to Jay Cook, Director of Planning and Community Development, on September 21, 2022. Mr. Cook confirms that all notification procedures were followed, per the Zoning Code and state statutes.

- In April 2022, the Developer submitted an application to amend the Arthur Heights PUD (assigned case number PUD-22-01). A certified property ownership list was obtained from a title company and submitted with the application, listing all owners of property adjacent to the subject property (PUD-22-01) within a 200-foot radius. The public hearing for PUD-22-01 was tentatively scheduled by staff for the May 12th Planning Commission meeting.
- On April 18th, owners of adjacent properties within the 200-foot radius were sent a letter by certified mail to notify them of the public hearing to be held on May 12th.
- On April 21st, a Notice of Public Hearing was published in the City's official newspaper of record, *The Ark Valley News* notifying the public of the hearing to be held on May 12th.
- Prior to the May meeting, Planning staff and the Developer agreed to move the public hearing for PUD-22-01 to the next regular meeting of the Planning Commission (June 16th) to allow time for revisions to the PUD by the Developer, to conform to City zoning regulations.
- On May 16th, owners of neighboring properties within the 200-foot radius were sent a letter by certified mail to notify them of the public hearing to be held at the June meeting.
- On May 19th, a Notice of Public Hearing was published in the City's official newspaper of record, *The Ark Valley News* notifying the public of the hearing to be held on June 16th.

- On June 16, 2022, the Planning Commission meeting was cancelled for lack of quorum. All items on the agenda, including the public hearing for PUD-22-01 were rescheduled for the next regular meeting of the Planning Commission on July 14th.
- On June 21, 2022, owners of neighboring properties within the 200-foot radius were sent a letter by certified mail to notify them of the public hearing to be held at the July 14, 2022 Planning Commission meeting.
- On June 23rd, a Notice of Public Hearing was published in the City's official newspaper of record, *The Ark Valley News* (see attached Affidavit of Publication).
- The public hearing was held on July 14th. Following the hearing, the Commission tabled consideration of the item until the next regular meeting of the Planning Commission. Later in the same meeting (July 14th) the Commission voted to set the date of the next Planning Commission meeting for 6:30 p.m. on August 23, 2022.
- On August 23rd at the Planning Commission meeting, the item was taken up again and considered by the Commission. The Commission voted to recommend approval of the amendment (PUD-22-01).
- Within the same week following the August 23rd Planning Commission meeting, a letter was sent by certified mail to the four individuals who spoke at the public hearing, notifying them that the City Council would consider final approval of the amendment (PUD-22-01) at the September 20th City Council meeting.

The amendment to the PUD was considered by the governing body (City Council) on September 20, 2022. The amendment was denied by a 5-1 vote of the governing body.

(Published once in Ark Valley News on May 19, 2022.)
Updated in paper 6/23/22

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on July 14, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning/PUD 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:

PUD-22-01. Proposed changing partial zoning within the current PUD to allow R-6 multi-family housing. Arthur Heights PUD

Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General Location: E 45th and N Woodlawn Blvd.

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.

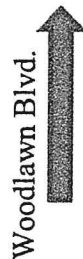
DATED this 21 day of June, 2022.

Vicinity Map



45th St N

/s/ Anne Stephens
Bel Aire Planning Commission Secretary



Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Public notice

(Published in the Ark Valley News
June 23, 2022.)

OFFICIAL NOTICE OF ZONING HEARINGS

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTER- ESTED:

Notice is Hereby Given that on
July 14, 2022 the City of Bel Aire
Planning Commission will consider
the following zoning processes in the
order placed on the agenda after
6:30 p.m. that were part of the de-
ferred hearings and other items on
the agenda in the City Council Cham-
ber at City Hall in Bel Aire, Kansas:

SD-22-03: Chapel Landing 6th,
Duplex zoning, final plat.

Legal Description: (A complete
legal description is available for pub-
lic inspection which is on file with the
Zoning Administrator at City Hall.)

General Location: 1/2 mile
West of Woodlawn, on the south side
of E 53rd St N.

ZON-22-04: Proposed re-zoning
from AG to an M-1 Industrial The cur-
rent use farm ground.

General Location: N Webb
Road and E 48th St N

PUD-22-01: Proposed changing
partial zoning within the current PUD
to allow R-8 multi-family housing. Ar-
thur Heights PUD

General Location: E 45th and N
Woodlawn Blvd.

ZON-22-02: Proposed One-step
platting approximately 3.35 acres,
now Zoned R-50 Zero Lot line for
single-family houses at Elk Creek
3rd. This is a continuation process.
The current use farm ground.

General Location: Elk Creek Dr.
and E 45th St N.

PUD-22-02: Proposed changing
the site plan and vacating or allowing
development over platted building
setbacks within the current PUD
Winkley Addition Commercial

General Location: E 45th St
and N Oliver St.

Legal Description: (A complete
legal description is available for
public inspection which is on file with
the Zoning Administrator at City
Hall.)

You may appear at this time or
later in person or by agent or attor-
ney, if you so desire, and be heard
on the matter. After hearing the views
and wishes of all the persons inter-
ested in the case, the Planning Com-
mission 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 21 day of
June, 2022.

/s/ Anne Stephens

Bel Aire Planning Commission
Secretary

Chris Strunk, being first duly sworn, deposes and
s Publisher of The Ark Valley News,
Valley Center Index, a weekly newspaper
State of Kansas, and published in and of
tion in Sedgwick County Kansas, with a
rculation on a yearly basis in Sedgwick
s, and that said newspaper is not a trade,
ternal publication.

aper is a weekly published at least week-
ear; has been so published continuously
tedly in said county and state for a period
ve years prior to the first publication of
d has been admitted at the post office of
n said County as second class matter.

ached notice is a true copy thereof and
in the regular and entire issue of said

1 consecutive weeks, the

n thereof being made as aforesaid on the
day of June, 2022.

with subsequent publications being made on the
following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

Subscribed and sworn to before me this 23rd day
of June, 2022.

My commission expires

Additional copies

Printer's fee

