

## STAFF REPORT

DATE: 08/14/2025

TO: Bel Aire Planning Commission  
FROM: Paula Downs  
RE: ZON-25-01- Lycee Addition

### STAFF COMMUNICATION

FOR MEETING OF	8/14/2025
CITY COUNCIL	
INFORMATION ONLY	

### SUMMARY:

**ZON-25-01 Proposed re-zoning of Lots 1, 2, 3, 4 Block B, Lycee Addition from Neighborhood Commercial, Office and Retail District “C-1” to a Planned Unit Development Residential District “R-PUD” to create the Lycee Addition Planned Unit Development R-PUD.**

#### **Legal Description:**

Lots 1, 2, 3, and 4, Block B, Lycee Addition, Bel Aire, Sedgwick County, Kansas.

#### **General Location:**

East side of Rock Road and ¼ mile North of 53<sup>rd</sup> Street North, Bel Aire, Sedgwick County, Kansas

#### **Background:**

The city placed notification on the City of Bel Aire website as required by the city code on July 24, 2025. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on July 24, 2025.

#### **Case History:**

##### **1. August 12, 2021- Planning Commission Meeting**

Planning Commission was presented with a sketch plan for Lycee Addition. Commission provided comments to the applicant, and no binding action was taken.

Sketch Plan included twelve (12) two-unit duplexes and a single living unit on Lots 1, 2, and 3 Block B. No sketch plan was provided or reviewed for Lot 4, Block B.

## **2. September 16, 2021- Planning Commission Meeting**

SD-21-01- Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included)

Application reflected that current zoning was C-1 and Applicant requested R-6 zoning for a portion of Lycee Addition. Review notes of the case stated that the “plat would require a zoning hearing and possible PUD overlay based on information relayed. R-6 Multi-Family, C-1 by right as the current zoning district, C-2 would require a PUD”.

Staff recommended conditionally approved the plat “if the rezoning matches the uses intended for the lot development. The uses of a multi-family with 800 s.f. per unit and 12 units per acres is R-6. It was noted that the hearing did not include the zoning district process.

The Preliminary Plat was approved 3-0

## **3. September 22, 2021 - Planning Commission Meeting**

Special Meeting to review and ratify all action taken at the September 16 Planning Commission meeting due to lack of quorum to act.

The Planning Commission ratified action taken on the item at the September 16, 2021, meeting.

## **4. February 10, 2022- Planning Commission Meeting**

SD-21-07- PUD and Proposed Final Platting of approximately 4.4 acres (Lycee)

Application packet included an application to change zoning districts from C-1 to C-1, C-2 and R-6 with a PUD.

PUD Agreement defined the zoning districts with permitted uses and minimum building setbacks. The site would contain 13 buildings with each living unit having 1,000 to 1,500 s.f. of livable space. Maximum building height was set at a maximum of three stories. All other development elements would be in accordance with city code regulations. The application included conceptual elevations and floorplans.

Applicant presented and no others requested to speak. SD-21-07 was unanimously approved by the Planning Commission.

## **5. April 5, 2022- City Council Meeting**

The Final Plat, PUD Agreement and Development Agreement appeared on the April 5, 2022, meeting agenda. The agreements were approved and signed.

The Zoning change was not formally approved via Ordinance.



The PUD agreement listed the zoning districts and set approved uses, setbacks and maximum building height. A zoning case was not heard.

### **PUD Agreement:**

This agreement was signed by the Council President on April 5, 2022, and the developer on September 7, 2022. It was filed with the Register of Deeds on January 18, 2023. The agreement references the Lycee PUD and includes zoning information including permitted uses, setbacks and other bulk regulations. In addition, the agreement provides the traditional language related to drainage, lighting, sanitary sewer, etc. The PUD agreement included the conceptual site landscape plan prepared on February 2, 2022, conceptual elevation and floorplan and the conceptual elevation picture.

### **Developer's Agreement:**

The agreement was signed by the Council President on April 5, 2022, and the developer on September 7, 2022. It was filed with the Register of Deeds on January 27, 2023. The agreement references the Lycee PUD and includes zoning information including permitted uses, setbacks and other bulk regulations. In addition, the agreement provides the traditional language for infrastructure developing and funding of public infrastructure.

The City Council approved the PUD and Development Agreement.

### **Current Discussion:**

ZON-25-01- Sets out the following requests as referenced in the R-PUD Preliminary Plat text:

1. Parcel 1- Lot 4, Block B
  - a. Permitted Uses: Small-scale retail businesses, retail activities conducted wholly indoors, office, restaurant with alcohol sales, food venues to include patio dining, drive-throughs, and temporary structures as approved by the Zoning Administrator.
    - i. Restaurant and food venue uses are only permitted through the PUD process.
  - b. Applicant has provided 2 street trees along Rock Road. With the 40' gas pipeline removed from the calculation, 3 trees are required.
2. Parcel 2- Lots 1, 2, 3, Block B
  - a. Permitted Uses: Duplexes, multi-family, adult day-care, leasing office, playgrounds or community spaces, and accessory structure as approved by the Zoning Administrator.
    - i. Playgrounds and community spaces are generally permitted as a conditional use in the R-6 District.
    - ii. Day-care facilities are permitted only in the R-1 and R-4 districts.
  - b. Not all residential districts in Bel Aire specify a maximum lot coverage. As currently drafted, the applicant has set forth a 40% maximum.
  - c. The R-6 District includes a minimum lot area per dwelling unit of 3,630 sf. The applicant has proposed a minimum lot area per dwelling unit of 2,912 sf.

- d. Front and side setbacks meet or exceed minimum requirements. The proposed rear setback of 25' is less than the required 75', but if the 40' pipeline easement and 25' setback on Parcel 1 is included, separation of building between the parcels is acceptable.
- e. Landscaping review:
  - i. Street trees provided meets minimum requirements
  - ii. For multi-family projects, 1 interior lot tree is required per dwelling unit, which must be large deciduous trees or evergreen trees). 8 interior lot trees are provided.
- f. Parking lot illumination is required for all multi-family projects. Code prohibits parking lot illumination to be provided by building mounted fixtures. The applicant is requesting to only provide parking lot illumination with building mounted fixtures.

## **Review Considerations:**

### **1. Character of the neighborhood**

Building heights, density, setbacks, building materials, and paved surfaces are generally in conformance with existing improvements in the general area. Noise and general activity levels are expected to be similar to adjacent developments. Directly abutting the subject property to the west is Rock Road (arterial classification), with high traffic volume projected in the future.

### **2. Zoning and uses of nearby properties**

North: M-1 Planned Unit Development – Industrial District

- Current Use: Undeveloped

East: C-1 Neighborhood Commercial, Office, and Retail District

- Current Use: Multi-Family (Apartment Buildings)

South: C-1 Neighborhood Commercial, Office, and Retail District

- Current Use: Undeveloped

West: Sedgwick County Jurisdiction

- Current Use: Undeveloped

### **3. Suitability of the subject property for the uses to which it has been restricted**

The property is suitable for its current R-6 zoning.

### **4. Extent to which removal of the restrictions will detrimentally affect nearby property**

No detrimental impacts on nearby property is expected.

### **5. Length of time the property has been vacant as zoned**

The property has remained undeveloped since originally zoned in 2021-2022.

**6. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

If the application is recommended for denial, no relative gain to the public is expected.

**7. Conformance of the requested change to the adopted or recognized master plan being utilized by the city**

The Master Growth Plan (2018) depicts the subject property as “Mixed Use/Local Commercial” which is in conformance with the applicant’s request for both residential and commercial uses.

**8. Impact of the proposed development on community facilities**

Existing sanitary sewer service is available to all lots within the PUD. Public water is available at the southeast corner of the PUD. Although a 60’ access opening to Rock Road is currently platted, no access is depicted. No detrimental impact on utility or transportation systems is anticipated.

**9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)**

Property Owners as of July 24, 2025, have been notified. City staff received a call from one property owner who wanted clarification on why they received a notification. Property owner did not express any concerns at that time. No other inquiries or feedback have been received from notified residents for the August 14, 2025, hearing.

**10. Recommendations of permanent staff**

Key review criteria elements: 2, 5, 7, and 8.

Staff recommend approval of the application pending the outcome of Planning Commission review and public hearing with the following condition:

1. Landscape plan to be reviewed and approved by Zoning Administrator for Parcel 2 before any building permits are issued. In addition to street tree requirements, the Plan shall include:
  - Increase of the proposed 8 ornamental trees on the interior of the lot where feasible.
  - Screening details for the trash enclosures.

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on July 24, 2025)

## **OFFICIAL NOTICE OF ZONING HEARING**

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

Notice is Hereby Given that on August 14, 2025, the City of Bel Aire Planning Commission will consider the following Zoning process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**ZON-25-01.** Proposed rezoning from C-1, C-2, R-6 to R-PUD Lycee Addition and R-PUD Preliminary Plat

**Legal Description:** Lots 1 -4, Block B- Lycee Addition, Bel Aire, Sedgwick County, Kansas.

**General Location:** Northeast corner of Lycee St. and N. Rock 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 23 day of July 2025.

/s/ Paula L. 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, has 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 Notice of Zoning Hearing- ZON-25-01- Lycee Addition Proposed Re-Zoning from C-1, C-2, R-6 to R-PUD and Preliminary R-PUD platting is a true copy thereof and was published on such website beginning on the 24<sup>th</sup> day of July, 2025.

  
\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me this July 29<sup>th</sup> day of July, 2025.

(seal)

  
\_\_\_\_\_  
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)



Zoning hearing 2025.08.14

Notification  
Posted on the  
City of Bel Aire  
Website, the  
designated  
official City  
newspaper for  
the City of Bel  
Aire on July 24,  
2025.

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DATED this \_23\_\_\_\_\_ day of July 2025.

/s/ Paula L. Downs  
Bel Aire Planning Commission Secretary

[Image: ]  
Image1.png

## **ZONING CHANGE APPLICATION CITY OF BEL AIRE, KANSAS**

An application to change a land use of a property falls under the City of Bel Aire zoning regulations titled "Zoning District Change". A site plan is required as part of every zoning change application submitted to the City. This document will be used for meetings and public hearings regarding your request and should be neat, legible, well labeled, and drawn to scale. Submit the site plan to:

City Hall  
7651 E Central Park Ave  
Bel Aire, Kansas 67226  
Attention: City Administrator

The site plan must contain the following elements:

1. **Sheet Size:** The site plan should be no larger than 11" x 17" and no smaller than 8 ½" x 11". Site plans for larger projects (greater than 6 acres), may be larger, with the approval of City Staff.
2. **Title:** A brief description of the zoning change.
3. **Applicant Name:** Name of the applicant and the agent who prepared the drawing, if applicable.
4. **North Arrow:** Indicate the north direction with respect to the project, Lot, or structure.
5. **Scale:** The scale should be adequate to portray the project, Lot, or structure on the sheet size required. For example, a Lot that is 70 feet by 100 feet can adequately be portrayed at a scale of 1" = 20' (in inch equals 20 feet) on an 11" x 17" sheet of paper. The scale should not be smaller than 1" = 20' and 1" = 50' for larger properties.
6. **Dimensions:** In addition to adequate scale representation, all key features (lot, buildings, driveways, etc.) on the site plan shall have dimensions in feet noted for all sides.
7. **Legal Description:** Legal description of Lot(s) or parcels requiring a zoning change. This description can be in the form of Lots and Blocks.
8. **Existing Conditions:** Indicate all structures and features as they exist on the property. These should be drawn to scale, as described above, and shall include, but not be limited to:
  - All structures and buildings
  - Parking Spaces
  - Fences
  - Significant trees or stands of trees
  - Other landscaping

- Floodplains
- Water area or features
- Significant topographical features
- Utilities, above and below ground
- Drainage patterns

9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.

10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.

11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.

12. Modifications by the zoning change: Indicate any modifications to the existing structures or features that will result if the zoning change request is approved. If these modifications or additions are extensive, a second site drawing might be necessary to clarify the changes. These modifications or new features may include, but are not limited to:

- Buildings
- Structures
- Parking areas
- Vehicular drives
- Pedestrian walks
- Location and height of light fixtures
- Location of trash receptacles and loading areas
- Landscaped areas

13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.

14. An application for zoning change shall be accompanied by the appropriate filing fee, (\$500.00 plus publication) and is payable to the City of Bel Aire.



## APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, 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.

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- 
- ☒ Change Zoning Districts: From: C-1 to R-PUD
- ☐ Amendments to Change Zoning Districts \_\_\_\_\_

### City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

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Name of owner \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Agent representing the owner Baughman Company, P.A.

Address 315 S Ellis Ave, Wichita, KS Telephone \_\_\_\_\_

1. The application area is legally described as Lot(s) 1-4; Block(s) B,  
Lycee Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

2. The application area contains 4.19± acres.

3. This property is located at (address) \_\_\_\_\_ which is generally  
located at (relation to nearest streets) northeast corner of Lycee St and N Rock Rd.

4. The particular reason for seeking reclassification:

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To allow for the development of commercial and multi-family uses that do not match the bulk regulations  
for this type of development.

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5. County control number: Pin Nos. 30021453, 30021454, 30021455, 30021456

6. **NAMES OF OWNERS** - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

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 Gregory Hiser Phone                       
Address 9860 E 21st St N, Wichita, KS Zip Code 67206

Agent Baughman Company, P.A. Phone 316-262-7271  
Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

2. Applicant Blue Sky Ventures, LLC Phone                       
Address 4006 N Hoover Ct, Wichita, KS Zip Code 67205

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

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_


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

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

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.



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1. Applicant Gregory Hiser Phone   
Address 9860 E 21st St N, Wichita, KS Zip Code 67206

Agent	Baughman Company, P.A.	Phone	316-262-7271
Address	315 S Ellis Ave, Wichita, KS	Zip Code	67211

2. Applicant Blue Sky Ventures, LLC Phone                       
Address 4006 N Hoover Ct, Wichita, KS Zip Code 67205

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

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the 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 - Craig Sharp

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.

Mav 28<sup>th</sup> 2004



## OWNERSHIP LIST


PROPERTY DESCRIPTION		PROPERTY OWNER
Lots 1, 2, & 3, Blk B <b>Part of Subject Property</b>	Lycee Addition to Bel Aire	Blue Sky Ventures, LLC 4006 N. Hoover Ct. Wichita, KS 67205
Lot 4, Blk B <b>Part of Subject Property</b>	"	Gregory Hiser 9860 E. 21st St. N. Wichita, KS 67206
Lot 1, Blk A AND Reserve A	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226
Lots 1 & 2	Broadstone Villas Addition	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226
That part of W/2 of NW/4, begin 60' E of SW corner of NW/4; th. N 1,035.76'; th. E 1,261.88' to E line of W/2; th. S 1,035.75'; th. W 1,261.69' to begin, 17-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
Lot 1, Blk 3	Heritage Hill Estates Addition	Jerry L. & Donnis L. McPhaul 7901 E. Oak Tree Ln. Kechi, KS 67067
The E/2 of SE/4, EXC the N 34 Acres thereof; & EXC for road, 18-26-2E		Linda L. Snook Revocable Trust 1200 S. 119th St. W. Wichita, KS 67235
The N 34 Acres of the E/2 of SE/4, EXC for road; & The E 660' of N 1,400' of W/2 of SE/4, 18-26-2E		Stanley E. Bergkamp 5601 N. Rock Rd. Kechi, KS 67067



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

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 3rd day of July, 2025, at 7:00 A.M.

SECURITY 1<sup>ST</sup> TITLE

By:   
LICENSED ABSTRACTER

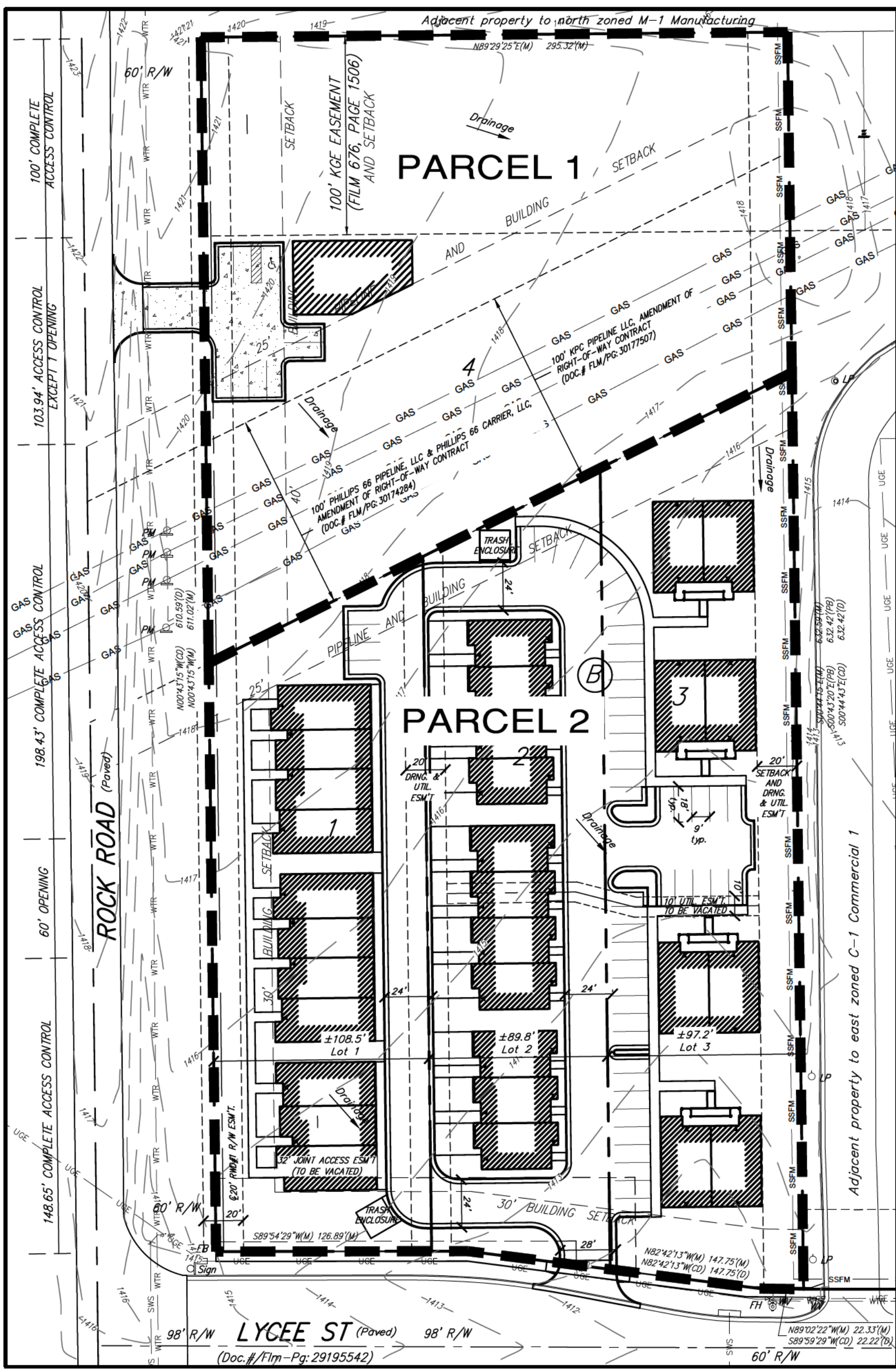
The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described tracts. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire and Kechi.

**Lots 1, 2, 3, and 4, Block B, Lycee Addition to Bel Aire, Sedgwick County, Kansas.**

Order: 3143031  
KJK



LYCEE ADDITION  
PLANNED UNIT DEVELOPMENT



REVISIONS

Planned Unit Development Filed: XX/XX/XXXX  
Revised per staff comments:  
Approved by Planning Commission:  
Approved by City Council:  
Revised per staff comments:  
Approved by Planning Commission:  
Approved by City Council:

LYCEE ADDITION  
PLANNED UNIT DEVELOPMENT



Scale: 1"=50'



LYCEE ADDITION  
PLANNED UNIT DEVELOPMENT

PARCEL 1 (Commercial) Lot 4

PARCEL 2 (Residential) Lots 1-3

- A. Net Area: 71,822 sq. ft. ±  
or 1.65 acres ±
- B. Maximum Total Lot Coverage: 7,182 sq.ft. or 10%
- C. Maximum building height: 35 feet
- D. Setbacks: As shown on plan.
- E. Access Points: As shown on plan.
- F. Permitted Uses: See General Provision #5.
- G. Parking: See General Provision #13.

- A. Net Area: 110,816 sq. ft. ±  
or 2.54 acres ±
- B. Maximum Total Lot Coverage: 44,326 sq.ft. or 40%
- C. Maximum building height: 35 feet
- D. Setbacks: As shown on plan. No interior setbacks will be provided on common lot lines.
- E. Access Points: As shown on plan.
- F. Permitted Uses: See General Provision #5.
- G. Parking: See General Provision #13.
- H. Min. distance between buildings: 10'
- I. Dwelling units per acre: 38 / 2.54 = 15 du/ac

GENERAL PROVISIONS:

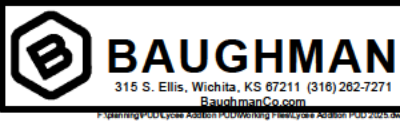
PROJECT DESCRIPTION:

1. Total Land Area: 182,638 sq.ft.±  
or 4.19 acres  
Total Gross Floor Area: 54,791.4 sq.ft.±
2. This Agreement establishes the terms and conditions for a Planned Unit Development zoning district. The requirements contained in this PUD are in lieu of any requirements contained in the zoning and subdivision regulations of the City and compliance with the terms and conditions of this PUD shall be deemed in compliance with the zoning and subdivision regulations of the City.
3. Installation of all improvements shall be in compliance with the requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All infrastructure improvements shall be detailed on a Planned Unit Development Site Plan, which delineates building locations, at the time each individual lot is developed. Said Planned Unit Development Site Plan (herein the "PUD Site Plan") shall be approved by Developer, Zoning Administrator, and City Engineer, attached hereto and made a part hereof, at the time each individual lot is developed.
4. All easements recorded on the face of the final plat of Lycee Addition to Bel Aire, Kansas shall remain in effect pursuant to this Planned Unit Development Agreement, except as noted to be vacated. The surface of such easements may be used by the owner(s) for driveways, parking and landscaping, as delineated on the PUD Site Plan at the time each individual lot is developed.
5. A. Parcel 1 shall be limited to the following uses: small scale retail businesses, retail activities conducted wholly indoors, office, C-2 uses that include restaurant with alcohol sales; food venues to include patio dining, drive-thrus, and temporary structures as approved by the zoning administrator. Accessory structures as approved by the zoning administrator. Special events permits approved by the zoning administrator and all C-1 uses permitted in Chapter 7 of the zoning code.
- B. Parcel 2 shall be limited to R-6 uses that include the following: duplexes, multi-family, adult day-care, leasing office, playgrounds or community spaces, and accessory structures as approved by the zoning administrator.
6. Signage shall be based on the standards of Chapter 17, Article 9 of the City Code (Sign Code), except an individual sign may be permitted up to 150 square feet in area. No LED, billboard, or off-site signs shall be permitted.
7. Parking lot illumination shall be provided by building mounted light fixtures. All lighting sources shall employ cutoff luminaries to minimize light trespass and shall be aimed or shielded away from neighboring properties.
8. Screening:
- A. All outside storage of trash and recycling storage containers shall be appropriately fenced and screened with fencing and screening methods and materials to blend in with the architectural design of the buildings and to reasonably hide the containers from ground view. Locations will be as shown on plan, including where shown in setbacks.
- B. Wood privacy fence materials may be allowed if such materials blend in with the architectural design elements of the buildings and adjacent sites and shall be of the same height of any existing but a minimum of six (6) feet in height. If screening exists on either side of a developing property line that meets or exceeds the standards of the zoning code, additional screening shall not be required.
- C. No screening shall be required between Parcel 1 and Parcel 2 of this PUD.
9. Landscaping shall be provided as follows. Parcel 1: 2 street trees along Rock Road. Parcel 2: 5 street trees along Lycee Street and 7 along Rock Road. Final location of street trees to be as approved by Bel Aire staff. 8 ornamental trees shall be provided on the interior of Parcel 2. Further landscape screening around the perimeter of the PUD or parking lot landscaping shall not be required.
10. The design layout shown on the plan illustrates only one development concept. Modifications to the location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan.
11. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
12. Parking stalls and drives shall be located as shown as plan, including where shown in setbacks. Quantity of parking provided in Parcel 1 shall be in compliance with the Parking and Loading portion of the Zoning Regulations of the Bel Aire City Code. Quantity of parking provided in Parcel 2 shall follow the Multifamily designation in the off-street parking schedule provided in Chapter 18.9.10 of the Bel Aire City Code. This designation requires two (2) parking stalls per dwelling unit. This PUD proposes 2.7 parking stalls per dwelling unit in Parcel 2. Parking stall dimensions may be reduced to 9'x18'.
13. Upon full execution hereof and upon attachment of the PUD Site Plan, the Landscape and Drainage Plan and the Signage Plan, all approved as provided herein at the time each individual lot is developed, the terms and conditions of this PUD, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.
14. A detailed site plan shall be submitted including parking, building elevations, landscaping, utility locations, signage, and street improvements, at the time the undeveloped portion of site is developed. The location of any additional buildings are indicated on the plan. Building additions to existing structures or parking improvements may be reviewed and approved administratively by the City.

LEGAL DESCRIPTION: APPLICANTS:

Lots 1-4, Block B, Lycee Addition,  
Bel Aire, Sedgwick County.

Greg Hiser  
9860 E 21st N, Wichita, KS  
Blue Sky Ventures, LLC  
4006 N Hoover Ct, Wichita, KS



Lycee Addition

August 12, 2021

**Planning Commission Meeting**

Agenda Documents:

- Agenda Packet
- Meeting Minutes





**MINUTES**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
August 12, 2021 6:30 PM



**I. Call to Order** – Chairman Schmidt called the meeting to order at 6:30 p.m.

**II. Roll Call**

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

Also present was Planning Commission Secretary Anne Stephens.

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

**IV. Consent Agenda**

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

**MOTION:** Chairman Schmidt moved to approve the minutes of July 15, 2021. Commissioner Roths seconded the motion. *Motion carried 4-0.*

**V. Old Business/New Business**

**A. Review Sketch Plan for Lycee Addition**

Phil Meyer, Baughman, presented a preliminary plat and sketch plan on behalf of the Applicant for feedback from the Commission. In accordance with Bel Aire's subdivision regulations, the Commission provided comments to the Applicant regarding the sketch plan. No binding action was taken.

**VI. Next meeting: September 16, 2021**

**MOTION:** Chairman Schmidt moved to approve the next meeting date: September 16, 2021. Commissioner Roths seconded the motion. *Motion carried 4-0.*

**VII. Current Events**

- A. August 14<sup>th</sup> is National Night Out:** The Commission briefly discussed upcoming events including National Night Out which will be held at City Hall on August 14th.

**VIII. Adjournment**

**MOTION:** Commissioner Floyd moved to adjourn. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

The meeting adjourned at 7:05 p.m.



**AGENDA**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
August 12, 2021 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt \_\_\_\_ David Floyd \_\_\_\_ Phillip Jordan \_\_\_\_

John Charleston \_\_\_\_ James Farner \_\_\_\_ Dee Roths \_\_\_\_

**III. Pledge of Allegiance**

**IV. Consent Agenda**

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

**Action:** Motion to approve the minutes of July 15, 2021.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**V. Old Business/New Business**

A. **Review Sketch Plan for Lycee Addition**

**Action:** No Action, review and provide comments to applicant

**VI. Next meeting: September 16, 2021**

A. **Action:** Motion to approve the next meeting date: September 16, 2021

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**VII. Current Events**

A. August 14<sup>th</sup> is National Night Out

**VIII. Adjournment**

**Action:** Motion to adjourn.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_ Meeting adjourned Time \_\_\_\_



**MINUTES**  
**PLANNING COMMISSION**  
 7651 E. Central Park Ave, Bel Aire, KS  
 July 15, 2021 6:30 PM



**I. Call to Order:** Vice-Chairman David Floyd called the meeting to order at 6:30 p.m.

**II. Roll Call:**

Present were David Floyd, John Charleston, James Farner, and Dee Roths. James Schmidt and Philip Jordan were absent.

Planning Commission Secretary Anne Stephens was also present.

**III. Pledge of Allegiance** – Vice-Chairman David Floyd led the pledge of allegiance.

**IV. Consent Agenda**

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

**MOTION:** Commissioner Roths moved to approve the minutes of June 10, 2021. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

**V. Old Business/New Business**

**A. Vacation of a portion of right-of-way in Rock Spring Addition to Bel Aire, Kansas.**

Vice-Chairman Floyd opened the public hearing. Will Clevenger, Garver, stood for questions from the Commission on behalf of the applicant. No others requested to speak and Vice-Chairman Floyd closed the public hearing.

Commissioners discussed the applications conformance with the zoning code. They noted that no private rights will be injured, nor any loss suffered if this vacation is approved. They also noted that legal notice of the public hearing was published in the newspaper, in accordance with the zoning code.

**MOTION:** Commissioner Roths moved to recommend the Vacation of the portion of land described without changes or conditions. Vice-Chairman Floyd seconded the motion. *Motion carried 4-0.*

**VI. Next Meeting: August 12, 2021**

**MOTION:** Vice-Chairman Floyd moved to approve the date of August 12, 2021 at 6:30 p.m. for the next Planning Commission meeting. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

## **VII. Current Events:**

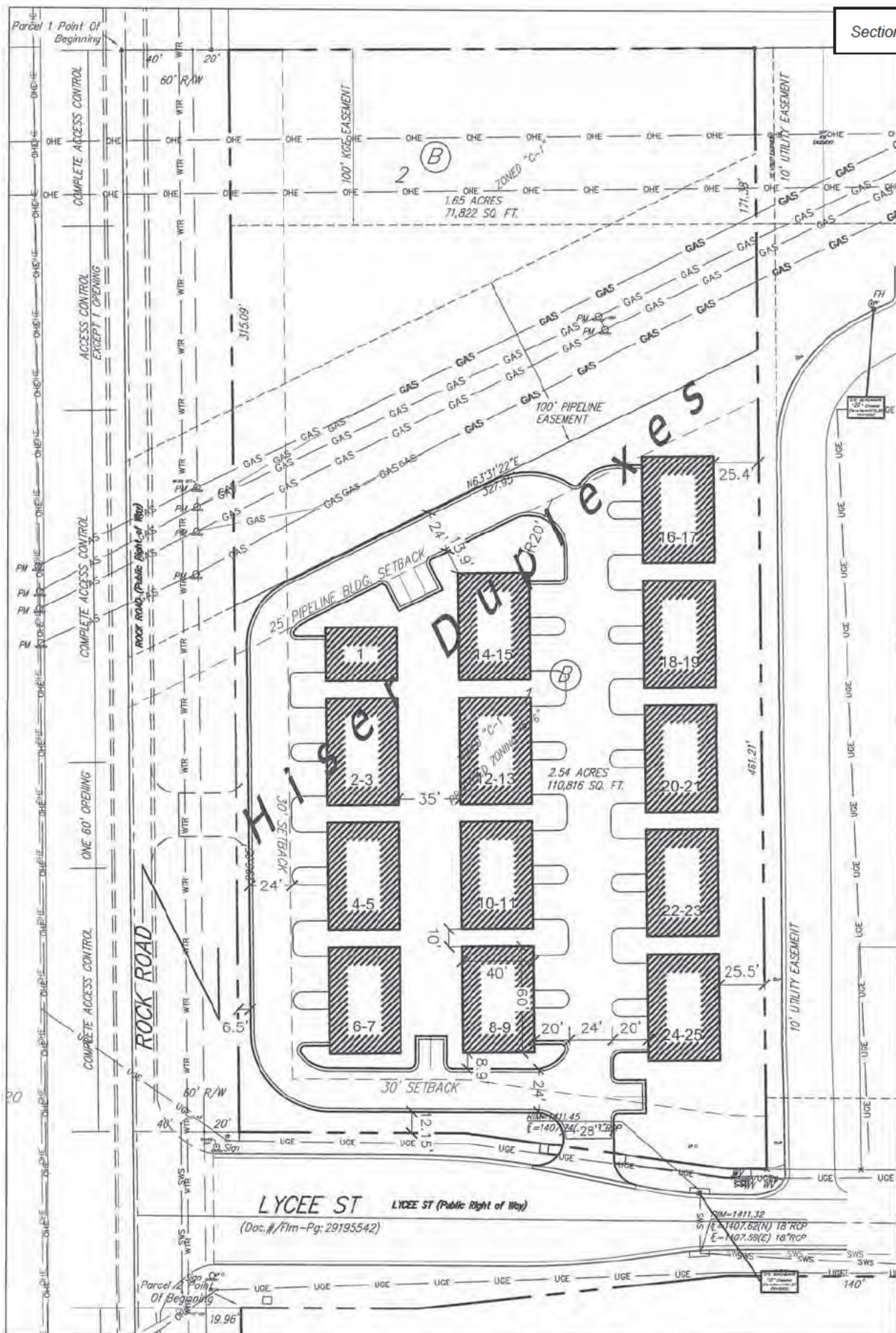
Commissioners briefly discussed upcoming events including the Doggie Dip at the pool on August 9<sup>th</sup>, and National Night Out at City Hall on August 14<sup>th</sup>.

## **VIII. Adjournment**

**MOTION:** Commissioner Charleston moved to adjourn. Commissioner Roths seconded the motion. *Motion carried 4-0.*

The meeting adjourned at 6:38 p.m.





SCALE: 1" = 50'

## LYCEE ADDITION SKETCH

07/20/2021



**BAUGHMAN COMPANY**  
3150 E. 15th St., Suite 100, Denver, CO 80202  
303.733.7275  
baughmanco.com

FOR MEETING OF	8/12/21
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

## STAFF REPORT

DATE: 08/05/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

### SUMMARY:

Lycee Sketch Plan:

The timing of notification wasn't met to add the preliminary plat to the agenda; sketch plan can be an item on the regular agenda as a way to provide feedback as larger cites use sub-committees prior to a hearing to approve.

**Sketch Plan.** A plan as required by a registered land surveyor to describe the precise location and dimension of lots, established easements, dedicate street rights-of-way, and otherwise describe property to be subdivided and requiring approval of the Planning Commission specified in K.S.A. 12-752.

The Planning Commission shall:

Review the sketch plans, when submitted, and forward comments to the potential subdivider whenever this responsibility is not otherwise performed by a Subdivision Committee.

<https://www.betterontheedge.org/>



Lycee Addition

September 16, 2021

**Planning Commission Meeting**

Agenda Documents:

- Agenda Packet
- Meeting Minutes





**AGENDA**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
September 16, 2021 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt \_\_\_\_ David Floyd \_\_\_\_ Phillip Jordan \_\_\_\_

John Charleston \_\_\_\_ James Farner \_\_\_\_ Dee Roths \_\_\_\_

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

**IV. Consent Agenda**

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

Action: Motion to approve the minutes of August 12, 2021.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**V. Old Business/New Business**

**A. Revise the November meeting date on the 2021 Planning Commission meeting schedule. City Hall will be closed on November 11th for Veteran's Day.**

Action: Motion to (approve / deny / table) revising the 2021 Planning Commission meeting schedule to move the November meeting to (Thursday, November 4th / or Thursday, November 18th / or other date).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

B. **SD-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included).**

**Open Hearing**

**Close Hearing**

Action: Motion to (recommend / table / deny) the preliminary plat request (as presented / with or without changes or conditions).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

C. **V-21-02. Partial Access Control Vacation**

**Open Hearing**

**Close Hearing**

Action: Motion to (recommend / table / deny) the submitted portion of access control in up to two locations as described by metes and bounds (with / or without changes).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

D. **SD-21-02. Proposed Prairie Preserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.**

**Open Hearing**

**Close Hearing**

Action: Motion to recommend the Preliminary Plat with or without changes, and/ or conditions, table, or deny.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

E. **CON-21-01. Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.**

**Open Hearing**

**Close Hearing**

Action: Motion to table until the next meeting so that notification can be completed as required by city code.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**VI. Approval of the Date of the Next Meeting**

**A. Next Meeting: October 14, 2021**

Action: Motion to approve the date of the next meeting: October 14, 2021

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**VII. Current Events**

A. Fall Festival - October 16th, 11 am to 2 pm at Bel Aire Rec Center, free admission

**VIII. Adjournment**

Action: Motion to adjourn.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_ Time adjourned \_\_\_\_

*Additional Attachments:*

[A.](#) Planning Commission Staff Report - 9-16-2021

# Public notice

(Published In The Ark Valley News on Aug. 19, 2021.)

## OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on September 16, 2021 the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

Case No. SD/-20-01: Proposed Lycee Addition, platting approximately 13.16 acres of the C-1 Zoning District. (down-zone hearing process not included)

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

General Location: North Rock Road and Lycee St.

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 13th day of August, 2021.

/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of August, 2021, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021

Subscribed and sworn to before me this 19th day of August, 2021.

My commission expires

Additional copies

Printer's fee

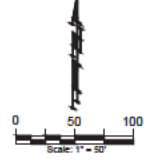




**LYCEE ADDITION**  
**BEL AIRE, SEDGWICK COUNTY, KANSAS**

HERITAGE HILLS  
ESTATES

DEV PROPERTIES LLC  
1931 N TIMBERWOOD ST  
WICHITA, KS 67206-8941



Date of Preparation: 23 August 2002  
Date of Topography: 12 May 2002  
Contour Interval: 1 Foot  
Area = 572,783 sq. ft. or 13.15 acres

- #4 RESAR W/ "BAUGHMAN" CAP (SET)  
- #4 RESAR W/ "L.SHER" CAP (FOUND)  
- #4 RESAR W/ "CLISS" CAP (FOUND)  
- #4 RESAR (FOUND)(ORIGIN UNKNOWN)  
- #4 RESAR W/ "SAVOY" CAP (FOUND)  
- #4 RESAR W/ "SE" CAP (FOUND)  
- CHISELED "X" (FOUND)(ORIGIN UNKNOWN)  
- TRIMBLE WITH #5 RESAR (FOUND)(ORIGIN UNKNOWN)

- (1) = MEASURED
- (2) = DESCRIBED
- (3) = CALCULATED
- (4) = PLATED
- (M) = CALCULATED PER MEASURED INFO.
- (D) = CALCULATED PER DESCRIBED INFO.

UNCLAS  
OASD, INC.  
ATTN: GREG HOSER  
100 E 21ST ST N  
CHOTA, KS 67208  
  
CITY OF DEL AIRE  
151 E CENTRAL PARK AVE  
EL AIRE, KS 67220

[illegible][illegible]

QUARRY CUT WITH "CROSS" ON TOP OF CURB 67.2± E AND 110.0± S OF NW CORNER, LOT 2, BROADSTONE VILLAGES.  
ELEVATION = 1415.29 NAVD83

GLASS CUT ON TOP OF CURB INLET, NORTH SIDE OF L.V.  
CORRET 37.74' W AND 13.82' S OF SW CORNER, LOT 2,  
ROADSTONE VILLAS.  
ELEVATION = 1411.37 NAVD83

FEMA FLOODPLAIN BOUNDARIES ARE SCALED PER LOCATION FOR THE PRELIMINARY FEMA FIRM PANEL 240 OF 690, FOR EDGEMOOR COUNTY, KANSAS, MAP NUMBER 2017C0240G.

 ATT Marker    
  Sign  
 ATT Pothole    
  Sanitary Sewer Manhole  
 ATT Vault    
  Stormwater Sewer Manhole  
 Cable TV Pedestal    
  Tree  
 Drop Inlet    
  Water Meter

□ = Electric Stop      EV = = = = = Water Valve  
 ○ = Fiber Optic Marker  
 PW = = = = = Fire Hydrant  
 KY = = = = = Irrigation Control Valve  
 LP = = = = = Light Pole  
 MH = = = = = Mail Stop  
 PP = = = = = Power Pole

Asphalt      Concrete

The diagram illustrates the relationship between three horizontal lines. The top line is a solid line labeled "FLOODPLAIN". Below it is a dashed line labeled "FLOODWAY". The bottom line is a wavy line labeled "DROP LINE OF REZ ROW".

The diagram illustrates the proposed road layout with the following components from top to bottom:

- ASPHALT ROAD**: The topmost horizontal line.
- AT&T LINE**: A line with a central 'AT&T' label and 'AT&T' labels at the ends.
- CABLE LINE**: A line with a central 'CABLE' label and 'CABLE' labels at the ends.
- FENCE LINE**: A line with a central 'FENCE' label and 'FENCE' labels at the ends.
- GAS LINE**: The bottommost horizontal line.

K254 HIGHWAY

2.				
----	--	--	--	--

53RD ST. N.

18TH AVE. N.

## LYCEE ADDITION

**BAUGHMAN COMPANY**  
Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com

---

STANLEY BERGKAMP  
5601 N ROCK RD  
KECHI, KS 67067-9020

SMOOK LINDA L REV TRUST  
200 S 119TH ST W  
WICHITA, KS 67235-1808

WICHITA BIBLE CHURCH  
833 S WOODLAWN BLVD  
WICHITA, KS 67218-2841

**LYCEE ADDITION**

---

BAUGHMAN COMP

15 Ellis St. Wichita, KS 67211 316  
BaughmanCo.com

---

CITY OF BEL AIRE, KANSAS

File No. S/D 21-01**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

This is an application for processing a preliminary plat in accordance with the City Subdivision Regulations. The application must be completed, accompanied by the fee and filed with the Subdivision Administrator at least 20 days prior to a regular meeting date of the Planning Commission.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Lycee Addition  
 General Location on the East side of Rock Road and approximately 1/4 mile north of 53rd St N  
☒ Inside City ☐ To be Annexed ☐ Outside City  
 Name of Landowner Gregory Hiser (additional Owner information attached)  
 Address 9860 E. 21st St N, Wichita, KS 67206-3589 Phone 316-841-2920  
 Name of Subdivider/Agent Baughman Company, P.A. Attn: Philip Meyer  
 Address 315 S Ellis St, Wichita, KS 67211 Phone 316-262-7271  
 Name of (Engineer) (Land Planner) Same as Agent  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Name of Licensed Land Surveyor Same as Agent  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. Gross acreage of plat 13.15 Acres
2. Total number of lots 4
3. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:  
 a. ☐ Residential-Single-Family ☐ Duplex ☒ Multiple Family ☐ Manufactured/Mobile Home  
 b. Commercial X  
 c. Industrial \_\_\_\_\_  
 d. Other \_\_\_\_\_
4. Predominant minimum lot width 120 Feet
5. Predominant minimum lot area 71,484 Square Feet
6. Existing zoning C-1 District
7. Proposed zoning R-6 (for a portion) District
8. Source of water supply City
9. Method of sewage disposal City

(Page 1 of 2)



10. Total lineal feet of new street 0 Feet

	Street Name	R/W Width	Lineal Feet
a.		Ft.	Ft.
b.		Ft.	Ft.
c.		Ft.	Ft.
d.		Ft.	Ft.
e.		Ft.	Ft.
f.		Ft.	Ft.
g.		Ft.	Ft.
h.		Ft.	Ft.

11. Proposed type of street surfacing n/a

12. Curb and gutter proposed: ☐ Yes ☒ No

13. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

14. Is any portion of the proposed subdivision located in an identified flood plain area?

☒ Yes ☐ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County or Township to inspect the land as may be necessary for proper plat review.

\_\_\_\_\_  
Landowner Date  7/20/21  
Agent (If any) Date

**OFFICE USE ONLY**

Prints of the Preliminary Plat received 15 (Number)

Vicinity map of existing and proposed street system received 15

Statement of financing and guaranteeing proposed improvements received \_\_\_\_\_

Preliminary drainage plan, if deemed necessary, received \_\_\_\_\_

This application was received by the Subdivision Administrator on 7.21.21,  
2021. It has been checked and found to be accompanied by the required  
information and the fee of \$ 220.00 paid to the City Clerk.

  
Subdivision Administrator

(Page 2 of 2)

CITY OF BEL AIRE, KANSAS

File No. S/D \_\_\_\_\_ - \_\_\_\_\_

**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

This is an application for processing a preliminary plat in accordance with the City Subdivision Regulations. The application must be completed, accompanied by the fee and filed with the Subdivision Administrator at least 20 days prior to a regular meeting date of the Planning Commission.

**(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)**

Name of Subdivision Lycee Addition

General Location \_\_\_\_\_

☒ Inside City ☐ To be Annexed ☐ Outside City

Name of Landowner City of Bel Aire, Kansas

Address 7651 E. Central Park Ave, Bel Aire, KS 67226 Phone 316-744-2451

Name of Subdivider/Agent Baughman Company, P.A. (Philip Meyer)

Address 315 S. Ellis St., Wichita, KS 67211 Phone 316-262-7271

Name of (Engineer) (Land Planner) Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Licensed Land Surveyor Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. Gross acreage of plat 13.15 Acres
2. Total number of lots 4
3. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:
  - a. ☐ Residential-Single-Family ☐ Duplex ☒ Multiple Family ☐ Manufactured/Mobile Home
  - b. Commercial X
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_
4. Predominant minimum lot width 120 Feet
5. Predominant minimum lot area 71,484 Square Feet
6. Existing zoning C-1 District
7. Proposed zoning R-6 (for a portion) District
8. Source of water supply City
9. Method of sewage disposal City

(Page 1 of 2)



10. Total lineal feet of new street 0 Feet

	Street Name	R/W Width	Lineal Feet
a.		Ft.	Ft.
b.		Ft.	Ft.
c.		Ft.	Ft.
d.		Ft.	Ft.
e.		Ft.	Ft.
f.		Ft.	Ft.
g.		Ft.	Ft.
h.		Ft.	Ft.

11. Proposed type of street surfacing n/a

12. Curb and gutter proposed: ☐ Yes ☒ No

13. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

14. Is any portion of the proposed subdivision located in an identified flood plain area?  
☒ Yes ☐ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County or Township to inspect the land as may be necessary for proper plat review.

\_\_\_\_\_  
Landowner Date Agent (If any) Date

**OFFICE USE ONLY**

Prints of the Preliminary Plat received \_\_\_\_\_ (Number)

Vicinity map of existing and proposed street system received \_\_\_\_\_

Statement of financing and guaranteeing proposed improvements received \_\_\_\_\_

Preliminary drainage plan, if deemed necessary, received \_\_\_\_\_

This application was received by the Subdivision Administrator on \_\_\_\_\_,  
20\_\_\_\_. It has been checked and found to be accompanied by the required  
information and the fee of \$\_\_\_\_\_ paid to the City Clerk.

\_\_\_\_\_  
Subdivision Administrator

(Page 2 of 2)



City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



## LYCEE ADDITION SUBMITTAL REVIEW

Address of proposed project: Lycee Addition

This report is to document that on 9/2/21 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |  |   |
|--|---|
| <input type="checkbox"/> SETBACKS                  | <input type="checkbox"/> ELEVATIONS               |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL           | <input type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                 | <input type="checkbox"/> SCREENING                |
| <input type="checkbox"/> STORM DRAINAGE            | <input type="checkbox"/> NEIGHBORHOOD IMPACT      |
| <input type="checkbox"/> ADA ACCESSIBLE            | <input type="checkbox"/> UTILITIES TO BUILDING    |

The review of the above property plan has been:

- ☐ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 9/2/21

Keith Price  
REVIEWED BY

Comments: Sketch plan was reviewed by the planning commission in August.

- The Name "Lycee Addition" needs the word "Addition" removed to meet the city code, related to developments inside the corporate limits do not use this word.
- Utility providers have not all responded. The pipeline owners have not responded. Please reach out to those and relay any requests. Evergy has responded.
- This plat will also require a zoning hearing and possible PUD overlay based on information relayed. R-6 Multi-family, C-1 by right as the current zoning district, C-2 would require a PUD.
- Define the Road Road access openings to 60 ft. in width.
- Discuss the water and sewer access locations, are additional easements needed?
- [http://www.egovlink.com/public\\_documents300/belaire/published\\_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf](http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf) contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.



FOR MEETING OF	9/16/21
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

**STAFF REPORT**

DATE: 09/09/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

**SUMMARY:****Lycée Addition preliminary Plat, SD.21.01:**

The hearing was published in the Ark Valley news per the city regulations; and primary utility companies were contacted. The developer has comments from Evergy. The city didn't receive comments back from any other provider, including the pipeline company. No comments were received from the public. City staff report is in the packet. Last month a sketch plat was reviewed at the city commission meeting.

**History:**

The city purchased the land in the early 2000's and has built in a vision of the area with the comprehensive plan and the 2018 Master development guide. This location has Rock Road a Bel Aire busy arterial as frontage and is near to the NE magnet high school and the Broad Stone apartments.

The property has many pipelines in easements and Evergy easements, making this property more difficult to develop. See the zoning review sent to the engineers.

Staff recommends conditionally approving the plat, if the rezoning matches the uses intended for the lot development. We have in the past required the PUD be a plat page for easy access to the special set of rules. The uses of a multi-family with 800 s.f. per unit and 12 units per acre is R-6. A bar or food outlet is a C-2 commercial use; Conditional uses can be granted in zoning districts that nearly meet the intent of the code but can be very limiting for other uses in the future. This hearing doesn't include the zoning district process.

A. After the Public Hearing is closed, the Planning Commission shall determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.

B. If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat. C. If the Planning Commission determines that the preliminary plat does not satisfy the requirements of these and other applicable Regulations it may suggest modifications so as to satisfy such violations, and if suggested modifications are made;

1. The subdivider may amend the preliminary plat so as to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or

2. The subdivider may reject the suggested modification or within the time allowed by the Planning Commission for such action, may refrain from taking any action thereon. In either event the preliminary plat shall be deemed to have been disapproved and the Planning Commission shall thereupon furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

D. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it shall disapprove the preliminary plat and immediately notify the subdivider of its action by furnishing the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

E. The foregoing provisions to the contrary notwithstanding, the Planning Commission shall disapprove the preliminary plat within 60 days from the date of filing of the preliminary plat or from the date the subdivider has submitted the last item of the required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved within 60 days thereafter, the Planning Commission shall furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations.

F. The subdivider may appeal the disapproval of his preliminary plat to the Board of Zoning Appeals. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.

G. If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

### **V-21-02, Partial Access Control Vacation, Crossland Warehouse Project**

The hearing was published in the Ark Valley news and property owners were mailed a notice of the hearing per the city regulations; and primary utility companies were contacted. Evergy had no concerns. No petition to stop the vacation was received; no other calls or contact was received.

#### **History:**

The original platting the city wanted total access control for the smaller lots along Webb Road to reduced private drives onto one of the City's arterial streets.

The developer had proposed 3 openings for 2 lots, (3 and 4), staff agrees the center approach has good merit, and the north approach if shared with lot 2 if needed would prevent the need to revisit this issue of the area. The speed limit for Webb is 55 mph.

### **3.04 DUTIES OF THE PLANNING COMMISSION**

A. Review the sketch plans, when submitted, and forward comments to the potential subdivider whenever this responsibility is not otherwise performed by a Subdivision Committee.

B. Review and approve, approve conditionally or disapprove preliminary plats and lot splits.

C. Review and approve, approve conditionally or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.

**D. Make recommendations to the Governing Body on vacations of recorded plats, rights-of way, easements and other public reservations.**

E. Make such other determinations and decisions as may be required of the Commission from time to time by these regulations or applicable sections of the Kansas Statutes Annotated.

### **SD-21-02 (typo SD-20-02) Prairie Preserve**

The hearing was published in the Ark Valley news per the city regulations; and primary utility companies were contacted. The developer has comments from Evergy. The city didn't receive comments back from any other provider, including the pipeline company. No comments were received from the public. City staff report is in the packet.

The newest revision of the plat is in your packet.

#### **History:**

The current plat is Chapel landing since 2008. The land was recently rezoning to R-1 by ordinance 669

### **CON-21-01 Private swimming pool in an R-5 zoning district:**

The hearing was published in the Ark Valley news per the city regulations; the builder was waiting on the engineer to complete the initial process. The goal was to keep this on the agenda while the final

information develops. We expect more than one request from this neighborhood accessory structure.

History:

The city approved a conditional use for all of Rock Spring addition to allow a small shed in each yard to meet city code by Ordinance 576. There has been one private swimming pool in Rock Spring addition approved by conditional use process as well.

<https://www.betterontheedge.org/>







**MINUTES**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
September 16, 2021 6:30 PM



**I. Call to Order:** Chairman Schmidt called the meeting to order.

**II. Roll Call**

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

Also present were Planning Commission Secretary Anne Stephens and City Attorney Jacqueline Kelly.

**III. Pledge of Allegiance to the American Flag** – Chairman Schmidt led the pledge of allegiance.

**IV. Consent Agenda**

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

**MOTION:** Commissioner Floyd moved to approve the minutes of August 12, 2021. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**V. Old Business/New Business**

**A. Revise the November meeting date on the 2021 Planning Commission meeting schedule. City Hall will be closed on November 11th for Veteran's Day.**

**MOTION:** Chairman Schmidt moved to approve revising the 2021 Planning Commission meeting schedule to move the November meeting to Thursday, November 4<sup>th</sup>. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**B. SD-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included).**

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman, represented the applicant and stood for questions from the Commission. No others requested to speak. Chairman Schmidt closed the public hearing.

Commissioners then discussed the plat.

**MOTION:** Commissioner Floyd moved to recommend the preliminary plat request as presented. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**C. V-21-02. Partial Access Control Vacation**

Chairman Schmidt opened the public hearing. Scott Evans, MKEC, represented the applicant and stood for questions from the Commission. No others requested to speak. Chairman Schmidt then closed the public hearing.

The Commission discussed the vacation request with reference to the City Zoning Code.

**MOTION:** Chairman Schmidt moved to recommend the submitted portion of access control in up to two locations as described by metes and bounds. Commissioner Floyd seconded the motion. *Motion carried 3-0.*

**D. SD-21-02. Proposed Prairie Preserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.**

Chairman Schmidt opened the public hearing.

John Southerland, Towanda Land Company, represented the applicant and stood for questions from the Commission.

No others requested to speak on the matter, so Chairman Schmidt closed the public hearing. The Commission discussed the zoning request with reference to the 'golden factors' and the City Zoning Code.

**MOTION:** Commissioner Charleston moved to recommend the Preliminary Plat with the revision that the forcemain will be privately owned and maintained. Chairman Schmidt seconded the motion. *Motion carried 3-0.*

**E. CON-21-01. Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.**

Chairman Schmidt opened the public hearing for this matter. No one requested to speak, and the applicant was not in attendance. Chairman Schmidt closed the public hearing.

The item was requested to be tabled until the next meeting to allow notification to be completed as required by city code.

**MOTION:** Commissioner Floyd moved to table until the next meeting so that notification can be completed as required by city code. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**VI. Approval of the Date of the Next Meeting**

**A. Next Meeting: October 14, 2021**

**MOTION:** Chairman Schmidt moved to approve the date of the next meeting: October 14, 2021. Commissioner Floyd seconded the motion. *Motion carried 3-0.*



## **VII. Current Events**

- A. Fall Festival - October 16th, 11 am to 2 pm at Bel Aire Rec Center, free admission

Commissioners briefly discussed upcoming events, including Fall Festival. Duplexes may be discussed at the October Planning Commission meeting, if time allows.

## **VIII. Adjournment**

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

The meeting adjourned at 7:36 p.m.

Lycee Addition

September 22, 2021

**Planning Commission Meeting**

Agenda Documents:

- Agenda Packet
- Meeting Minutes



## AGENDA PLANNING COMMISSION SPECIAL MEETING

7651 E. Central Park Ave, Bel Aire, KS  
September 22, 2021 12:00 p.m. Noon



### I. Call to Order

### II. Roll Call

James Schmidt \_\_\_\_ David Floyd \_\_\_\_ Phillip Jordan \_\_\_\_

John Charleston \_\_\_\_ James Farner \_\_\_\_ Dee Roths \_\_\_\_

### III. Pledge of Allegiance to the American Flag

### IV. Consent Agenda

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

**Action:** Motion to approve the minutes of September 16, 2021.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

### V. Old Business/New Business

#### A. Review each voting action taken on September 16<sup>th</sup> Planning Commission Agenda.

#### B. Ratify all action taken on September 16th Planning Commission agenda.

**Action:** Motion to (Ratify/Not Ratify) all action taken on September 16th Planning Commission agenda.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

### VIII. Adjournment

**Action:** Motion to adjourn.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_ Time adjourned \_\_\_\_





**MINUTES**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
September 16, 2021 6:30 PM



**I. Call to Order:** Chairman Schmidt called the meeting to order.

**II. Roll Call**

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

Also present were Planning Commission Secretary Anne Stephens and City Attorney Jacqueline Kelly.

**III. Pledge of Allegiance to the American Flag** – Chairman Schmidt led the pledge of allegiance.

**IV. Consent Agenda**

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

**MOTION:** Commissioner Floyd moved to approve the minutes of August 12, 2021. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**V. Old Business/New Business**

**A. Revise the November meeting date on the 2021 Planning Commission meeting schedule. City Hall will be closed on November 11th for Veteran's Day.**

**MOTION:** Chairman Schmidt moved to approve revising the 2021 Planning Commission meeting schedule to move the November meeting to Thursday, November 4<sup>th</sup>. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**B. SD-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included).**

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman, represented the applicant and stood for questions from the Commission. No others requested to speak. Chairman Schmidt closed the public hearing.

Commissioners then discussed the plat.

**MOTION:** Commissioner Floyd moved to recommend the preliminary plat request as presented. Commissioner Charleston seconded the motion. *Motion carried 3-0.*



**C. V-21-02. Partial Access Control Vacation**

Chairman Schmidt opened the public hearing. Scott Evans, MKEC, represented the applicant and stood for questions from the Commission. No others requested to speak. Chairman Schmidt then closed the public hearing.

The Commission discussed the vacation request with reference to the City Zoning Code.

**MOTION:** Chairman Schmidt moved to recommend the submitted portion of access control in up to two locations as described by metes and bounds. Commissioner Floyd seconded the motion. *Motion carried 3-0.*

**D. SD-21-02. Proposed Prairie Preserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.**

Chairman Schmidt opened the public hearing.

John Southerland, Towanda Land Company, represented the applicant and stood for questions from the Commission.

No others requested to speak on the matter, so Chairman Schmidt closed the public hearing. The Commission discussed the zoning request with reference to the 'golden factors' and the City Zoning Code.

**MOTION:** Commissioner Charleston moved to recommend the Preliminary Plat with the revision that the forcemain will be privately owned and maintained. Chairman Schmidt seconded the motion. *Motion carried 3-0.*

**E. CON-21-01. Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.**

Chairman Schmidt opened the public hearing for this matter. No one requested to speak, and the applicant was not in attendance. Chairman Schmidt closed the public hearing.

The item was requested to be tabled until the next meeting to allow notification to be completed as required by city code.

**MOTION:** Commissioner Floyd moved to table until the next meeting so that notification can be completed as required by city code. Commissioner Charleston seconded the motion. *Motion carried 3-0.*

**VI. Approval of the Date of the Next Meeting**

**A. Next Meeting: October 14, 2021**

**MOTION:** Chairman Schmidt moved to approve the date of the next meeting: October 14, 2021. Commissioner Floyd seconded the motion. *Motion carried 3-0.*

## **VII. Current Events**

- A. Fall Festival - October 16th, 11 am to 2 pm at Bel Aire Rec Center, free admission

Commissioners briefly discussed upcoming events, including Fall Festival. Duplexes may be discussed at the October Planning Commission meeting, if time allows.

## **VIII. Adjournment**

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

The meeting adjourned at 7:36 p.m.





**AGENDA**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
September 16, 2021 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt \_\_\_\_ David Floyd \_\_\_\_ Phillip Jordan \_\_\_\_

John Charleston \_\_\_\_ James Farner \_\_\_\_ Dee Roths \_\_\_\_

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

**IV. Consent Agenda**

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

Action: Motion to approve the minutes of August 12, 2021.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**V. Old Business/New Business**

A. **Revise the November meeting date on the 2021 Planning Commission meeting schedule. City Hall will be closed on November 11th for Veteran's Day.**

Action: Motion to (approve / deny / table) revising the 2021 Planning Commission meeting schedule to move the November meeting to (Thursday, November 4th / or Thursday, November 18th / or other date).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

B. **SD-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included).**

**Open Hearing**

**Close Hearing**

Action: Motion to (recommend / table / deny) the preliminary plat request (as presented / with or without changes or conditions).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_



C. **V-21-02. Partial Access Control Vacation**

**Open Hearing**

**Close Hearing**

Action: Motion to (recommend / table / deny) the submitted portion of access control in up to two locations as described by metes and bounds (with / or without changes).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

D. **SD-21-02. Proposed Prairie Preserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.**

**Open Hearing**

**Close Hearing**

Action: Motion to recommend the Preliminary Plat with or without changes, and/ or conditions, table, or deny.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

E. **CON-21-01. Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.**

**Open Hearing**

**Close Hearing**

Action: Motion to table until the next meeting so that notification can be completed as required by city code.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**VI. Approval of the Date of the Next Meeting**

**A. Next Meeting: October 14, 2021**

Action: Motion to approve the date of the next meeting: October 14, 2021

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**VII. Current Events**

A. **Fall Festival - October 16th, 11 am to 2 pm at Bel Aire Rec Center, free admission**

**VIII. Adjournment**

Action: Motion to adjourn.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_ Time adjourned \_\_\_\_

*Additional Attachments:*

A. Planning Commission Staff Report - 9-16-2021



**MINUTES**  
**PLANNING COMMISSION**  
 7651 E. Central Park Ave, Bel Aire, KS  
 August 12, 2021 6:30 PM



**I. Call to Order** – Chairman Schmidt called the meeting to order at 6:30 p.m.

**II. Roll Call**

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

Also present was Planning Commission Secretary Anne Stephens.

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

**IV. Consent Agenda**

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

**MOTION:** Chairman Schmidt moved to approve the minutes of July 15, 2021. Commissioner Roths seconded the motion. *Motion carried 4-0.*

**V. Old Business/New Business**

**A. Review Sketch Plan for Lycee Addition**

Phil Meyer, Baughman, presented a preliminary plat and sketch plan on behalf of the Applicant for feedback from the Commission. In accordance with Bel Aire's subdivision regulations, the Commission provided comments to the Applicant regarding the sketch plan. No binding action was taken.

**VI. Next meeting: September 16, 2021**

**MOTION:** Chairman Schmidt moved to approve the next meeting date: September 16, 2021. Commissioner Roths seconded the motion. *Motion carried 4-0.*

**VII. Current Events**

- A. August 14<sup>th</sup> is National Night Out:** The Commission briefly discussed upcoming events including National Night Out which will be held at City Hall on August 14th.

**VIII. Adjournment**

**MOTION:** Commissioner Floyd moved to adjourn. Commissioner Charleston seconded the motion. *Motion carried 4-0.*



The meeting adjourned at 7:05 p.m.



## Public notice

(Published In The Ark Valley News on Aug. 19, 2021.)

### OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on September 16, 2021 the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

Case No. SD/-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District. (down-zone hearing process not included)

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

General Location: North Rock Road and Lycee St.

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 13th day of August, 2021.

/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

## Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of August, 2021, with subsequent publications being made on the following dates:

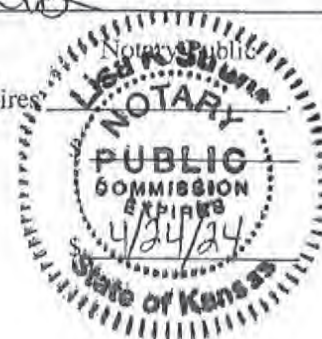
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021

Subscribed and sworn to before me this 19th day of August, 2021.

My commission expires

Additional copies

Printer's fee

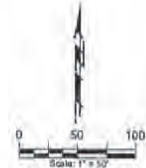




PRELIMINARY PLAT  
**LYCEE ADDITION**  
**BEL AIRE, SEDGWICK COUNTY, KANSAS**

HERITAGE HILLS  
ESTATES

DEV PROPERTIES LLC  
1931 N TIMBERWOOD ST  
WICHITA, KS 67206-8281



Date of Presentation: 12 August 2021  
Date of Photography: 13 May 2021  
Common Interval: 1 fms  
Size: 102.753 x 6.16 x 14.17 mm

$\Delta$  =  $\Delta$  REAR (P) "BALCONY" CAP (CT)  
=  $\Delta$  REAR (P) "L255" CAP (CT)  
 $\Delta$  =  $\Delta$  REAR (P) "L255" CAP (CT)  
 $\Delta$  =  $\Delta$  REAR (P) (CAUC) (ORIGIN UNKNOWN)  
 $\Delta$  =  $\Delta$  REAR (P) "SHEET" CAP (FRONT)  
 $\Delta$  =  $\Delta$  REAR (P) "3E" CAP (FRONT)  
X = CRIBBLE (P) (FRONT) (ORIGIN UNKNOWN)  
X = CRIBBLE (P)  $\Delta$  REAR (P) (CAUC) (ORIGIN UNKNOWN)

(N) = MEASURED  
(D) = DESCRIBED  
(C) = CALCULATED  
(P) = PLATINUM  
(CA) = CALCULATED PER MEASURED INFO  
(CD) = CALCULATED PER DESCRIBED INFO

CHRYSLER  
FORD, INC.  
17700 OAK GROVE  
BMSO & 21ST ST N  
MILWAUKEE, WI 53226

OFF OF REL AIR  
203 E CENTRAL PARK AVE  
REL AIRC, WI 53208

**SAID JURISDICTION:**  
 PARCELS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 8

[illegible]

**REMARKS:**  
 DP-41:  
 SQUARE 201' MIN "CORNER" ON TOP OF CURB 873.3 C 440  
 NAD 83 3' OF NW CORNER, 101' E, BROADCASTING TOWER  
 ELEVATION = 1415.29 NAD 83  
  
 DP-42:  
 SQUARE 101' ON TOP OF CURB PILE, NORTH SIDE OF 1100'  
 STREET 32.7' W AND 12.8' E OF SW CORNER, 101' E,  
 BROADCASTING TOWER  
 ELEVATION = 1417.31 NAD 83  
  
 REMARK: "S" IS REQUIRED FOR OPEN SPACE,  
 LANDSCAPING, DRAINAGE, PAVED/PAVED, LAKE,  
 DRIVE, AND UTILITIES AS SHOWN IN  
 CALCULATIONS

NOTE: FLOOR PLANS BOUNDARIES ARE SCALED FOR LOCATION FOR THE PRELIMINARY FORM FIRM. PAGE 340 OF 596 FOR SCHOENWORTH COUNTY, KANSAS. MAP NUMBER 20170200240.

ATTN: 1	A17 Marker	100	100	100
ATTN: 2	A17 Marker	100	100	100
ATTN: 3	A17 Marker	100	100	100
ATTN: 4	A17 Marker	100	100	100
ATTN: 5	A17 Marker	100	100	100
ATTN: 6	A17 Marker	100	100	100
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ATTN: 9	A17 Marker	100	100	100
ATTN: 10	A17 Marker	100	100	100
ATTN: 11	A17 Marker	100	100	100
ATTN: 12	A17 Marker	100	100	100
ATTN: 13	A17 Marker	100	100	100
ATTN: 14	A17 Marker	100	100	100
ATTN: 15	A17 Marker	100	100	100
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ATTN: 83	A17 Marker	100	100	100
ATTN: 84	A17 Marker	100	100	100
ATTN: 85	A17 Marker	100	100	100
ATTN: 86	A17 Marker	100	100	

FIGURE 1  
TYPICAL CROSS-SECTION OF A ROAD

FLOODPLAIN  
FLOODLINE  
DROP LINE OF TRUCK RUM  
ROADWAY POLE  
ASPHALT  
CHALK LINE  
FENCE LINE  
GAS LINE  
OVERHEAD ELECTRIC LINE  
UNDERGROUND ELECTRIC LINE  
SANITARY SEWER LINE  
STEAM/WATER SUPPLY LINE  
BASE LINE

A schematic map showing the location of the study site. The map is a grid with "K254 HIGHWAY" at the top, "ROCK RD." on the left, and "MEGS RD." on the right. A shaded area in the bottom-left corner is labeled "SITE".

3RD ST. N.  
VICINITY MAP  
DEC. 12, 1963, P.M.  
**LYCEE ADDITION**

August 23, 2012  
**BAUGHMAN COMPANY**  
 5 Ellis St. Wichita, KS 67211 316-262-7271  
[BaughmanCo.com](http://BaughmanCo.com)

STANLEY BERKAMP  
5601 N ROCK RD  
KECHU, KS 67067-9020

SNOOK LINDA L REV TRUST  
1200 S 119TH ST W  
MICHOTA, KS 67235-1808

823 S HODOLAN BLVD  
MCHITA, KS 67218-2841



**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com



CITY OF BEL AIRE, KANSAS

File No. S/D 21-01**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

This is an application for processing a preliminary plat in accordance with the City Subdivision Regulations. The application must be completed, accompanied by the fee and filed with the Subdivision Administrator at least 20 days prior to a regular meeting date of the Planning Commission.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Lycee Addition

General Location on the East side of Rock Road and approximately 1/4 mile north of 53rd St N

☒ Inside City ☐ To be Annexed ☐ Outside City

Name of Landowner Gregory Hiser (additional Owner information attached)

Address 9860 E. 21st St N, Wichita, KS 67206-3589 Phone 316-841-2920

Name of Subdivider/Agent Baughman Company, P.A. Attn: Philip Meyer

Address 315 S Ellis St, Wichita, KS 67211 Phone 316-262-7271

Name of (Engineer) (Land Planner) Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Licensed Land Surveyor Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. Gross acreage of plat 13.15 Acres
2. Total number of lots 4
3. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:
  - a. ☐ Residential-Single-Family ☐ Duplex ☒ Multiple Family ☐ Manufactured/Mobile Home
  - b. Commercial X
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_
4. Predominant minimum lot width 120 Feet
5. Predominant minimum lot area 71,484 Square Feet
6. Existing zoning C-1 District
7. Proposed zoning R-6 (for a portion) District
8. Source of water supply City
9. Method of sewage disposal City

(Page 1 of 2)



10. Total lineal feet of new street 0 Feet

Street Name	R/W Width	Lineal Feet
a. _____	_____ Ft.	_____ Ft.
b. _____	_____ Ft.	_____ Ft.
c. _____	_____ Ft.	_____ Ft.
d. _____	_____ Ft.	_____ Ft.
e. _____	_____ Ft.	_____ Ft.
f. _____	_____ Ft.	_____ Ft.
g. _____	_____ Ft.	_____ Ft.
h. _____	_____ Ft.	_____ Ft.

11. Proposed type of street surfacing n/a12. Curb and gutter proposed: ☐ Yes ☒ No13. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

14. Is any portion of the proposed subdivision located in an identified flood plain area?

☒ Yes ☐ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County or Township to inspect the land as may be necessary for proper plat review.

Landowner

Date

Agent (If any)

Date

**OFFICE USE ONLY**Prints of the Preliminary Plat received 15 (Number)Vicinity map of existing and proposed street system received 15

Statement of financing and guaranteeing proposed improvements received \_\_\_\_\_

Preliminary drainage plan, if deemed necessary, received \_\_\_\_\_

This application was received by the Subdivision Administrator on 7.21.21,  
 2021. It has been checked and found to be accompanied by the required  
 information and the fee of \$ 220.00 paid to the City Clerk.

Subdivision Administrator

(Page 2 of 2)

CITY OF BEL AIRE, KANSAS

File No. S/D \_\_\_\_\_ - \_\_\_\_\_

**APPLICATION FOR PRELIMINARY PLAT APPROVAL**

This is an application for processing a preliminary plat in accordance with the City Subdivision Regulations. The application must be completed, accompanied by the fee and filed with the Subdivision Administrator at least 20 days prior to a regular meeting date of the Planning Commission.

**(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)**

Name of Subdivision Lycee Addition

General Location \_\_\_\_\_

\_\_\_\_\_ ☒ Inside City ☐ To be Annexed ☐ Outside City

Name of Landowner City of Bel Aire, Kansas

Address 7651 E. Central Park Ave, Bel Aire, KS 67226 Phone 316-744-2451

Name of Subdivider/Agent Baughman Company, P.A. (Philip Meyer)

Address 315 S. Ellis St., Wichita, KS 67211 Phone 316-262-7271

Name of (Engineer) (Land Planner) Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Licensed Land Surveyor Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. Gross acreage of plat 13.15 Acres
2. Total number of lots 4
3. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:
  - a. ☐ Residential-Single-Family ☐ Duplex ☒ Multiple Family ☐ Manufactured/Mobile Home
  - b. Commercial X
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_
4. Predominant minimum lot width 120 Feet
5. Predominant minimum lot area 71,484 Square Feet
6. Existing zoning C-1 District
7. Proposed zoning R-6 (for a portion) District
8. Source of water supply City
9. Method of sewage disposal City

(Page 1 of 2)



10. Total lineal feet of new street 0 Feet

	Street Name	R/W Width	Lineal Feet
a.		Ft.	Ft.
b.		Ft.	Ft.
c.		Ft.	Ft.
d.		Ft.	Ft.
e.		Ft.	Ft.
f.		Ft.	Ft.
g.		Ft.	Ft.
h.		Ft.	Ft.

11. Proposed type of street surfacing n/a12. Curb and gutter proposed: ☐ Yes ☒ No13. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

14. Is any portion of the proposed subdivision located in an identified flood plain area?

☒ Yes ☐ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County or Township to inspect the land as may be necessary for proper plat review.

\_\_\_\_\_  
Landowner\_\_\_\_\_  
Date\_\_\_\_\_  
Agent (If any)\_\_\_\_\_  
Date**OFFICE USE ONLY**

Prints of the Preliminary Plat received \_\_\_\_\_ (Number)

Vicinity map of existing and proposed street system received \_\_\_\_\_

Statement of financing and guaranteeing proposed improvements received \_\_\_\_\_

Preliminary drainage plan, if deemed necessary, received \_\_\_\_\_

This application was received by the Subdivision Administrator on \_\_\_\_\_,  
20\_\_\_\_. It has been checked and found to be accompanied by the required  
information and the fee of \$\_\_\_\_\_ paid to the City Clerk.

\_\_\_\_\_  
Subdivision Administrator

(Page 2 of 2)





City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



Section V, Item B.

## LYCEE ADDITION SUBMITTAL REVIEW

Address of proposed project: Lycee Addition

This report is to document that on 9/2/21 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |  |   |
|--|---|
| <input type="checkbox"/> SETBACKS                  | <input type="checkbox"/> ELEVATIONS               |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL           | <input type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                 | <input type="checkbox"/> SCREENING                |
| <input type="checkbox"/> STORM DRAINAGE            | <input type="checkbox"/> NEIGHBORHOOD IMPACT      |
| <input type="checkbox"/> ADA ACCESSIBLE            | <input type="checkbox"/> UTILITIES TO BUILDING    |

The review of the above property plan has been:

- ☐ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 9/2/21

Keith Price  
REVIEWED BY

Comments: Sketch plan was reviewed by the planning commission in August.

- The Name "Lycee Addition" needs the word "Addition" removed to meet the city code, related to developments inside the corporate limits do not use this word.
- Utility providers have not all responded. The pipeline owners have not responded. Please reach out to those and relay any requests. Evergy has responded.
- This plat will also require a zoning hearing and possible PUD overlay based on information relayed. R-6 Multi-family, C-1 by right as the current zoning district, C-2 would require a PUD.
- Define the Road Road access openings to 60 ft. in width.
- Discuss the water and sewer access locations, are additional easements needed?
- [http://www.egovlink.com/public\\_documents300/belaire/published\\_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf](http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf) contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.



### ACCESS CONTROL DEDICATION

WHEREAS, City of Bel Aire, Kansas, Land Bank, as the owner of the below-described property, has petitioned the City of Bel Aire to vacate the platted access controls for the same per Vacation Order numbered **V-21-02**; and

WHEREAS, It is necessary to re-dedicate access controls for the below-described property; and

WHEREAS, City of Bel Aire, Kansas, Land Bank, wishes to do the same; and

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, being the owners of the following described real estate, to-wit:

Lot 3, Block A, Sunflower Commerce Park, an addition to Bel Aire, Sedgwick County, Kansas.

Does hereby transfer and convey to the City of Bel Aire all abutters' right of access, ingress and egress to said property from or to Webb Road over and across the west line of the above-described property; provided, however, the following two (2) full movement openings shall be allowed:

One full movement opening being allowed within a **100-foot** length of the east right-of-way line of Webb Road, said **100-foot** length being centered **50-foot** each side of the following described POINT; COMMENCING at the northwest corner of said Lot 3, Block A, Sunflower Commerce Park, an Addition to Bel Aire, Sedgwick County, Kansas; thence south, **50.00** feet along the west line of said Lot 3 to The POINT. The sideline points of said **100-foot** full movement opening being measured perpendicular to said west line,

TOGETHER WITH,

One full movement opening being allowed within a **100-foot** length of the east right-of-way line of Webb Road, said **100-foot** length being centered **50-foot** each side of the following described POINT; COMMENCING at the southwest corner of said Lot 3, Block A, Sunflower Commerce Park, an Addition to Bel Aire, Sedgwick County, Kansas; thence north, **50.00** feet along the west line of said Lot 3 to The POINT. The sideline points of said **100-foot** full movement opening being measured perpendicular to said west line,

It is understood that this conveyance is a covenant running with the land prohibiting all subsequent owners thereof and all members of the public from ingressing or egressing upon said portion of Lot 3, Block A, EXCEPT for the aforementioned two (2) full movement openings described herein.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

City of Bel Aire, Kansas, Land Bank

By: \_\_\_\_\_

STATE OF KANSAS, SEDGWICK COUNTY, ss:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State and County, \_\_\_\_\_, City of Bel Aire, Kansas, Land Bank, who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public: \_\_\_\_\_

My Appointment Expires: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jacqueline Kelly, City Attorney





City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



## VACATION SUBMITTAL REVIEW

Address of proposed project: Crossland Construction; Lots 3 and 4, SCP Addition

This report is to document that on 9/2/21 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |  |   |
|--|---|
| <input type="checkbox"/> SETBACKS                  | <input type="checkbox"/> ELEVATIONS               |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL           | <input type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                 | <input type="checkbox"/> SCREENING                |
| <input type="checkbox"/> STORM DRAINAGE            | <input type="checkbox"/> NEIGHBORHOOD IMPACT      |
| <input type="checkbox"/> ADA ACCESSIBLE            | <input type="checkbox"/> UTILITIES TO BUILDING    |

The review of the above property plan has been:

- ☐ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 9/2/21

Keith Price  
REVIEWED BY

Comments: City received the application and remittance with site plan and draft order.

- Access widths from a 55 MPH road should be set at 100 ft. with the drive lane meeting city standards.
  - Staff would support the north drive if the access is 100 ft wide split equal on lot 2 at the dividing property line. From that having a shoe fly shown on the new site plan as an option.
  - Provide a revised Order and site plan by 9/3/21 to include distances from 53<sup>rd</sup> street and 50<sup>th</sup> St.
  - Notification was completed, no concerns were voiced, or petitions received at this time.
- 
- [http://www.egovlink.com/public\\_documents300/belaire/published\\_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf](http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf) contains the Zoning Code.

- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.



# VACATION APPLICATION CITY OF BEL AIRE, KANSAS

An application to vary the required building setback lines, vacate easements, streets, alleys or other public reservations falls under the Subdivision regulations of "vacation". A site plan is required as part of every vacation application submitted to City Hall, 7651 E. Central Park Ave, Bel Aire, Kansas 67226. Attention: City Administrator. This document will be used for meetings and public hearings regarding your request and should be neat, legible, well labeled, and drawn to scale. The site plan must contain the following elements:

1. Sheet Size: The site plan should be no larger than 11" x 17" and no smaller than 8 1/2" x 11". Site plans for larger projects (greater than 6 acres), may be larger, with the approval of City Staff.
2. Title: A brief description of the Vacation.
3. Applicant Name: Name of the applicant and the agent who prepared the drawing, if applicable.
4. North Arrow: Indicate the north direction with respect to the project, Lot, or structure.
5. Scale: The scale should be adequate to portray the project, Lot, or structure on the sheet size required. For example, a Lot that is 70 feet by 100 feet can adequately be portrayed at a scale of 1" = 20' (in inch equals 20 feet) on an 11" x 17" sheet of paper. The scale should not be smaller than 1" = 20' and 1" = 50' for larger properties.
6. Dimensions: In addition to adequate scale representation, all key features (lot, buildings, driveways, etc.) on the site plan shall have dimensions in feet noted for all sides.
7. Legal Description: Legal description of Lot(s) or parcels requiring a Variance. This description can be in the form of Lots and Blocks.
8. Existing Conditions: Indicate all structures and features as they exist on the property. These should be drawn to scale, as described above, and shall include, but not be limited to:
  - All structures and buildings
  - Parking Spaces
  - Fences
  - Significant trees or stands of trees
  - Other landscaping
  - Floodplains
  - Water area or features
  - Significant topographical features
  - Utilities, above and below ground exact location



### Drainage patterns

9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.

10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.

11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.

12. Modifications by the vacation: Indicate any modifications to the existing structures or features that will result if the Vacation request is approved. If these modifications or additions are extensive, a second site drawing might be necessary so as not be confused with the existing conditions. These modifications or new features may include, but are not limited to:

- Buildings
- Structures
- Parking areas
- Vehicular drives
- Pedestrian walks
- Location and height of light fixtures
- Location of trash receptacles and loading areas
- Landscaped areas

13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.

14. An application for Vacation shall be accompanied by the appropriate filing fee, (\$100.00) and is payable to the City of Bel Aire.

## 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: \_\_\_\_\_ to \_\_\_\_\_
- ☐ Vacate street or alley: \_\_\_\_\_
- ☐ Vacate utility easement \_\_\_\_\_
- ☒ Vacate other Access Controls \_\_\_\_\_
- ☐ Apply for Vacation in conjunction With a Conditional Use or Variance application.

### City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

---

Name of owner City of Bel Aire, Kansas, Land Bank

Address 7651 E Central Park Ave., Bel Aire KS 67226 Telephone 316-744-2451

Agent representing the owner MKEC Engineering, Inc. Attn: Joey Deneke

Address 411 N. Webb Rd. Telephone 316.684.9600

1. The application area is legally described as Lot(s) 3; Block(s) A,  
Sunflower Commerce Park Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

2. The application area contains 3.39 acres.

3. This property is located at (address) no address which is generally  
located at (relation to nearest streets) Webb Road and 53rd Street.



4. The particular hardship which would result if the particular requirements of these regulations were applied to the subject property:

We kindly request the approval of this vacation case. Due to recent development of the lots, various access points along Webb Road shall be anticipated and is needed for successful development. Complete access controls and two proposed access openings shall be defined per Access Control Dedication.

5. County control number: 30002013

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 City of Bel Aire, Kansas, Land Bank (Lot 3) Phone 316.744.2451  
Address 7651 E CENTRAL PARK AVE, BEL AIRE, KS Zip Code 67226-7600

Agent MKEC Engineering, Inc. Attn: Brian Lindebak Phone 316.684.9600  
Address 411 N. Webb Rd. Wichita, KS Zip Code 67206

2. Applicant Crossland Realty (Attn: Mattie Crossland) (Contract Purchaser) Phone 620.429.1414  
Address 833 S. East Ave., Columbus, KS Zip Code 66725

Agent MKEC Engineering, Inc. Attn: Brian Lindebak Phone 316.684.9600  
Address 411 N. Webb Rd. Wichita, KS Zip Code 67206

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

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

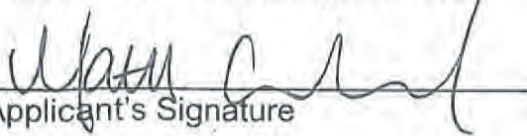
BY

\_\_\_\_\_  
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.

Crossland Realty (Attn: Mattie Crossland) (Contract Purchaser)

Vacation Application  
Page 5 of 5

  
Applicant's Signature

BY

\_\_\_\_\_  
Authorized Agent (If Any)

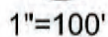
The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

**DESCRIPTION OF  
Proposed Vacation of Platted Access Controls  
along Webb Road**

Platted complete access controls along Webb Road abutting and adjoining Lot 3, Block A, Sunflower Commerce Park, an addition to Bel Aire, Sedgwick County, Kansas.







**MKEC**  
Wichita, KS • 316-684-9600

PROJECT NO. 2101010356		DATE: SEPTEMBER 2021		SHEET NO.	
DRAWN BY: JGD		DESIGNED BY: BDL		1025	



Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Public notice

(Published In The Ark Valley News on Aug. 19, 2021.)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on September 16, 2021, the City of Bel Aire Planning Commission will consider the following "vacating a portion of a platted right of way and wall easement" change as scheduled on the agenda starting at 6:30 p.m. in the council chamber at City Hall in Bel Aire, Kansas:

Case Numbers: V-21-02, partial Access Control Vacation

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

General Location: Webb Road and E 53rd St N

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 Governing Body may close the hearing, if approved under the City sub-division regulations, would be effectuated by ordinance or vacation order. The public hearing may be recessed and continued from time to time without notice.

DATED this 12th day of August, 2021.

/s/ Anne Stephens  
Planning Commission Secretary

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of August, 2021, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021

Chris Strunk  
Subscribed and sworn to before me this 19th day of August, 2021.

LKS  
My commission expires \_\_\_\_\_  
Additional copies \_\_\_\_\_  
Printer's fee \_\_\_\_\_  




Tract Located in The NW 1/4, Sec. 24, Twp. 26S, Rng. 1E of the 6th P.M.  
Bel Aire, Sedgwick County, Kansas

A vertical scale with markings at 0, 50, and 100. A horizontal line is drawn across the scale at the 50 mark.

[illegible]

REMARKS: DRILLED SQUARE ON THE TOP  
KESC ON THE EAST SIDE OF OLIVER ST. AT 129'  
NORTH OF SW COR. OF THE NW 1/4 SEC 24, T49P-  
R5E, S12E  
ELEVATION = 140520 (MVDAR C-12)

[illegible][illegible]

CONCRETE TYPICAL SURVEY BASE  
 PROJECT NO. 21540411  
 PREPARED 06/23/2011  
 REVISED 9/2/2013

GARVER  
 6535 E. 21st Street  
 Suite 100  
 Wichita, KS 67206  
 (316) 264-6068  
 GARVER

BENCHMARK  
 ADJACENT TO BE SET WITH STREET CONSTRUCTION  
 PROJECT BY THE STREET COUNCIL  
 1/2" IRON PIPE (FOUND - CRACK UNIFORM)

[illegible]

地 西 泮

SECRET

PARK VISTA THIRD ADD

1. NW 1/4, SEC 24,  
WP 26S, R10E

55





City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



Section V, Item D.

## PRELIMINARY PLAT SUBMITTAL REVIEW

Address of proposed project: Prairie Reserve

This report is to document that on 9/2/21 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |  |   |
|--|---|
| <input type="checkbox"/> SETBACKS                  | <input type="checkbox"/> ELEVATIONS               |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL           | <input type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                 | <input type="checkbox"/> SCREENING                |
| <input type="checkbox"/> STORM DRAINAGE            | <input type="checkbox"/> NEIGHBORHOOD IMPACT      |
| <input type="checkbox"/> ADA ACCESSIBLE            | <input type="checkbox"/> UTILITIES TO BUILDING    |

The review of the above property plan has been:

- ☐ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 9/2/21

Keith Price  
REVIEWED BY

### Comments:

- The Name "Reserve" is a defined word" please use something other than addition or reserve.
- Utility providers have not all responded. The pipeline owners have not responded. Please reach out to those and relay any requests. Evergy has responded.
- The cul-de-sac "Prarie" spelling ?
- The city code for the length of a cul-de-sac is 800'. We are waiting for the SCFD to respond related to any issues.
- There was discussion of a berm along Oliver, an easement (fence or berm), with access control from Oliver should be added to lots 1 and 12.
- [http://www.egovlink.com/public\\_documents300/belaire/published\\_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf](http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf) contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.



## Public notice

(Published in The Ark Valley News on Aug. 26, 2021.)

### OFFICIAL NOTICE OF ZONING HEARING

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

Notice is Hereby Given that on September 16, 2021 the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**Case No. SD/-20-02.** Proposed Prairie Reserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.

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

**General Location:** N Oliver and E 53rd St N.

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 24 day of August, 2021.

/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

## Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the

first publication thereof being made as aforesaid on the 26th day of August, 2021.

with subsequent publications being made on the following dates:

\_\_\_\_\_, 2021 \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021

*[Signature]*

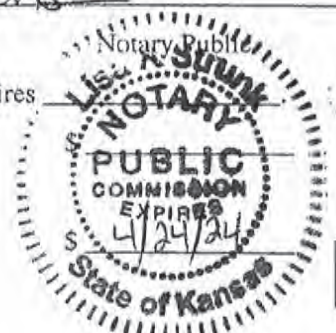
Subscribed and sworn to before me this 26th day of August, 2021.

*[Signature]*

My commission expires \_\_\_\_\_

Additional copies \_\_\_\_\_

Printer's fee \_\_\_\_\_





CITY OF BEL AIRE, KANSAS

File No. S/D 21 - 02APPLICATION FOR PRELIMINARY PLAT APPROVAL

This is an application for processing a preliminary plat in accordance with the City Subdivision Regulations. The application must be completed, accompanied by the fee and filed with the Subdivision Administrator at least 20 days prior to a regular meeting date of the Planning Commission.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision PRAIRIE RESERVE  
 General Location SOUTHEAST OF OLIVER & 53<sup>RD</sup> ST. N.  
 Inside City X To be Annexed \_\_\_\_\_  
 Name of Landowner TOWANDA LAND COMPANY, LLC  
 Address 3709 S. WEST ST., WICHITA, KS 67217 Phone \_\_\_\_\_  
 Name of Subdivider/Agent \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Name of (Engineer) (Land Planner) GARVER, LLC (ATTN: ERIC GLOVER)  
 Address 8535 E. 21<sup>ST</sup> ST. N., STE 130, WICHITA, KS 67228 Phone (316) 221-3028  
 Name of Registered Land Surveyor GARVER, LLC (ATTN: WILL CLEVENGER)  
 Address 8535 E. 21<sup>ST</sup> ST. N., STE 130, WICHITA, KS 67206 Phone (316) 221-3027  
ETGlover@GarverUSA.com WKClevenger@GarverUSA.com

Subdivision Information

1. Gross acreage of plat 50.3 Acres
2. Total number of lots 12
3. Proposed land use:
  - a. Residential-Single-Family X Duplex \_\_\_\_\_ Multiple-Family \_\_\_\_\_  
 Manufactured/Mobile Home \_\_\_\_\_
  - b. Commercial \_\_\_\_\_
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_
4. Predominant minimum lot width 236 Feet
5. Predominant minimum lot area 1.7 ACRES Square Feet
6. Existing zoning R-1 District
7. Proposed zoning R-1 District
8. Source of water supply PUBLIC
9. Method of sewage disposal PUBLIC




10. Total lineal feet of new street 1,237 Feet

	Street Name	R/W Width	Lineal Feet
a.	<u>PRAIRIE CT.</u>	<u>70</u> Ft.	<u>          </u> Ft.
b.	<u>                                </u>	<u>          </u> Ft.	<u>          </u> Ft.
c.	<u>                                </u>	<u>          </u> Ft.	<u>          </u> Ft.
d.	<u>                                </u>	<u>          </u> Ft.	<u>          </u> Ft.
e.	<u>                                </u>	<u>          </u> Ft.	<u>          </u> Ft.

11. Proposed type of street surfacing ASPHALT MAT12. Curb and gutter proposed: Yes        No X13. Sidewalks proposed: Yes        No X If yes, where?                                 14. Is any portion of the proposed subdivision located in an identified flood plain area? Yes        No X

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

 Landowner      8-23-21 Date                                       Agent (If any)                                       Date

OFFICE USE ONLYPrints of the Preliminary Plat received 15 (Number)Vicinity map of existing and proposed street system received 15Statement of financing and guaranteeing proposed improvements received           Preliminary drainage plan, if deemed necessary, received           

This application was received by the Subdivision Administrator on 8-23-21,  
          . It has been checked and found to be accompanied by the required  
 information and the fee of \$ 380 paid to the City Clerk.

  
 Subdivision Administrator

Con-21-01

## APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park, 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.

## BOARD OF ZONING APPEALS

☐ To vary applicable requirements in Sections 10-107c1 through 5 in conjunction with a Conditional Use Application.

☐ Conditions placed on permitted Conditional Use \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Security bond is required

☐ Approved

☐ Rejected

Name of owner Ralph Const. INC

Address 8667 E Chris ST Telephone 316-993-4663

Agent representing the owner Ralph Const INC

Address 8667 Chris ST Telephone 316-993-4663

1. The application area is legally described as Lot(s) 1; Block(s) 3,  
Rockspring Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

2. The application area contains 8,841 S.F. acres.



3. This property is located at (address) 8667 E. Chris St which is generally located at (relation to nearest streets) 53RD & ROCK.

4. State why the proposed conditional Use will not cause substantial injury to the value of other property in the neighborhood, how it is to be designed within district regulations:

The EAST property line has a Hedge Row & the lot to the west has a drain in the adjoining back corner of the lot.

Ralph Construction is purchasing the lot 2 Block 3 next to this lot 1, Block 3.

5. County control number: \_\_\_\_\_

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

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 Russell P. Ralph Phone 993-4663  
Address 8550 N. Parallel RD TOWNHOLDA, KS Zip Code 67144

Agent Garver - Ken Lee Phone 316-258-3190  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

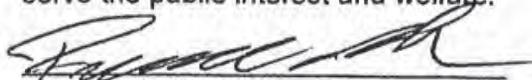
2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address _____	Zip Code _____
Agent _____	Phone _____
Address _____	Zip Code _____
4. Applicant _____	Phone _____
Address _____	Zip Code _____
Agent _____	Phone _____
Address _____	Zip Code _____
5. Applicant _____	Phone _____
Address _____	Zip Code _____
Agent _____	Phone _____
Address _____	Zip Code _____
6. Applicant _____	Phone _____
Agent _____	Phone _____
Address _____	Zip Code _____
7. Applicant _____	Phone _____
Agent _____	Phone _____
Address _____	Zip Code _____

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

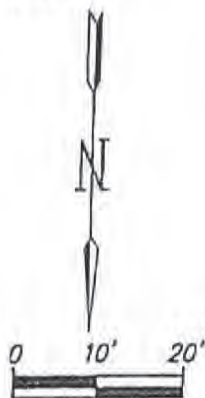
\_\_\_\_\_  
Authorized Agent (If Any)

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.



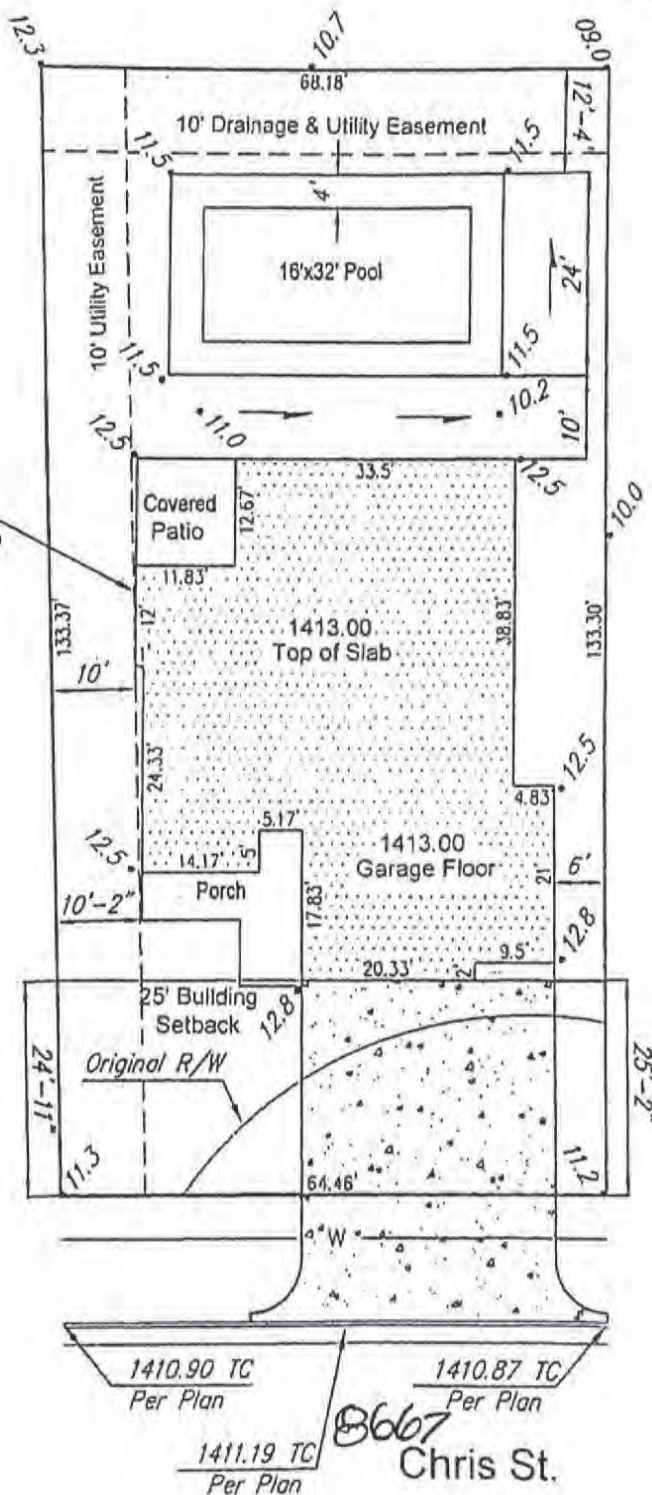
Lot 1, Block 3  
Rock Spring Addition  
Bel Aire, Kansas

21T419 Section V, Item E.  
Aug. 10, 2021



Construct Eaves  
Clear of Easement

Lot Information  
Lot Area = 8,841 sf  
Impervious = 4,506 sf  
% Impervious = 51%



Add 1400 to Spot  
Elevations Shown for  
NAVD88 G12B Datum.

<p>© 2021 GARVER, LLC - THIS DOCUMENT, ALONG WITH THE IDEAS AND DESIGNS CONVEYED HEREIN, SHALL BE CONSIDERED INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE THE PROPERTY OF GARVER, LLC. ANY USE, REPRODUCTION, OR DISTRIBUTION OF THIS DOCUMENT, ALONG WITH THE IDEAS AND DESIGNS CONTAINED HEREIN, IS PROHIBITED UNLESS AUTHORIZED IN WRITING BY GARVER, LLC OR EXPLICITLY ALLOWED IN THE GOVERNING PROFESSIONAL SERVICES AGREEMENT FOR THIS WORK.</p> <p><b>GARVER</b> 8535 E. 21st St., Suite 130 Wichita, KS 67208 (316) 264-8008</p>	<p>Relph Construction 8550 NW Parallel Street Towanda, Kansas 67144</p>	<p>Lot 1, Block 3 Rock Spring Addition Bel Aire, Kansas</p>	<p>FIGURE NUMBER</p> <p>SHEET NUMBER 1 of 2</p>
---	---	---	---



# Public notice

(Published in The Ark Valley News on Aug. 19, 2021.)

## OFFICIAL NOTICE OF A CONDITIONAL USE PERMIT HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on September 16, 2021; the City of Bel Aire Planning Commission will review a Conditional Use Permit in the order of the agenda starting shortly after 6:30 p.m. in the Council Chamber at City Hall in Bel Aire, Kansas:

**Case No. CON-21-01** Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.

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

**General Location:** Chris St. and Pebblecreek St.

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 regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without notice.

DATED this 16 day of August, 2021.

/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of August, 2021, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2021 \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021

Subscribed and sworn to before me this 19th day of August, 2021.

My commission expires

Additional copies

Printer's fee





FOR MEETING OF	9/16/21	Section VIII, Item A.
CITY COUNCIL		
INFORMATION ONLY		

City of Bel Aire

## STAFF REPORT

DATE: 09/09/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

### SUMMARY:

#### **Lycée Addition preliminary Plat, SD.21.01:**

The hearing was published in the Ark Valley news per the city regulations; and primary utility companies were contacted. The developer has comments from Evergy. The city didn't receive comments back from any other provider, including the pipeline company. No comments were received from the public. City staff report is in the packet. Last month a sketch plat was reviewed at the city commission meeting.

#### History:

The city purchased the land in the early 2000's and has built in a vision of the area with the comprehensive plan and the 2018 Master development guide. This location has Rock Road a Bel Aire busy arterial as frontage and is near to the NE magnet high school and the Broad Stone apartments.

The property has many pipelines in easements and Evergy easements, making this property more difficult to develop. See the zoning review sent to the engineers.

Staff recommends conditionally approving the plat, if the rezoning matches the uses intended for the lot development. We have in the past required the PUD be a plat page for easy access to the special set of rules. The uses of a multi-family with 800 s.f. per unit and 12 units per acre is R-6. A bar or food outlet is a C-2 commercial use; Conditional uses can be granted in zoning districts that nearly meet the intent of the code but can be very limiting for other uses in the future. This hearing doesn't include the zoning district process.

A. After the Public Hearing is closed, the Planning Commission shall determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.

B. If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat. C. If the Planning Commission determines that the preliminary plat does not satisfy the requirements of these and other applicable Regulations it may suggest modifications so as to satisfy such violations, and if suggested modifications are made;

1. The subdivider may amend the preliminary plat so as to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or

2. The subdivider may reject the suggested modification or within the time allowed by the Planning Commission for such action, may refrain from taking any action thereon. In either event the preliminary plat shall be deemed to have been disapproved and the Planning Commission shall thereupon furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

D. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it shall disapprove the preliminary plat and immediately notify the subdivider of its action by furnishing the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.



E. The foregoing provisions to the contrary notwithstanding, the Planning Commission shall disapprove the preliminary plat within 60 days from the date of filing of the preliminary plat or from the date the subdivider has submitted the last item of the required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved within 60 days thereafter, the Planning Commission shall furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations.

F. The subdivider may appeal the disapproval of his preliminary plat to the Board of Zoning Appeals. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.

G. If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

### **V-21-02, Partial Access Control Vacation, Crossland Warehouse Project**

The hearing was published in the Ark Valley news and property owners were mailed a notice of the hearing per the city regulations; and primary utility companies were contacted. Everygy had no concerns. No petition to stop the vacation was received; no other calls or contact was received.

#### **History:**

The original platting the city wanted total access control for the smaller lots along Webb Road to reduced private drives onto one of the City's arterial streets.

The developer had proposed 3 openings for 2 lots, (3 and 4), staff agrees the center approach has good merit, and the north approach if shared with lot 2 if needed would prevent the need to revisit this issue of the area. The speed limit for Webb is 55 mph.

### **3.04 DUTIES OF THE PLANNING COMMISSION**

A. Review the sketch plans, when submitted, and forward comments to the potential subdivider whenever this responsibility is not otherwise performed by a Subdivision Committee.

B. Review and approve, approve conditionally or disapprove preliminary plats and lot splits.

C. Review and approve, approve conditionally or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.

**D. Make recommendations to the Governing Body on vacations of recorded plats, rights-of way, easements and other public reservations.**

E. Make such other determinations and decisions as may be required of the Commission from time to time by these regulations or applicable sections of the Kansas Statutes Annotated.

### **SD-21-02 (typo SD-20-02) Prairie Preserve**

The hearing was published in the Ark Valley news per the city regulations; and primary utility companies were contacted. The developer has comments from Everygy. The city didn't receive comments back from any other provider, including the pipeline company. No comments were received from the public. City staff report is in the packet.

The newest revision of the plat is in your packet.

#### **History:**

The current plat is Chapel landing since 2008. The land was recently rezoning to R-1 by ordinance 669

### **CON-21-01 Private swimming pool in an R-5 zoning district:**

The hearing was published in the Ark Valley news per the city regulations; the builder was waiting on the engineer to complete the initial process. The goal was to keep this on the agenda while the final



information develops. We expect more than one request from this neighborhood accessory structure.

Section VIII, Item A.

History:

The city approved a conditional use for all of Rock Spring addition to allow a small shed in each yard to meet city code by Ordinance 576. There has been one private swimming pool in Rock Spring addition approved by conditional use process as well.

<https://www.betterontheedge.org/>





Lycee Addition

February 10, 2022

**Planning Commission Meeting**

Agenda Documents:

- Agenda Packet
- Meeting Minutes



**AGENDA**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
February 10, 2022 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt \_\_\_\_ John Charleston \_\_\_\_ David Floyd \_\_\_\_

Phillip Jordan \_\_\_\_ Dee Roths \_\_\_\_ Heath Travnichuk \_\_\_\_ Paul Matzek \_\_\_\_

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

**IV. Consent Agenda**

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

**Action:** Motion to approve the minutes of December 16, 2021

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**V. Old Business/New Business**

A. **CASE No. ZON-21-04 Revised.** Proposed re-zoning of approximately 54.99 acres of R-4 Residential to R-5 Residential. (Chapel Landing 5th).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the rezoning request from R-4 Residential to R-5 Residential (with / without) changes, (and / or) conditions.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**CASE No. ZON-21-04 Revised.** Proposed platting of approximately 54.99 acres of R-5 Residential (Chapel Landing 5th).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the Preliminary Plat of Chapel Landing 5th (with / without) changes, (and / or) conditions.



Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- B. **CASE No. SD-21-07.** PUD and proposed final platting and of approximately 4.4 acres (Lycee).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the Final Plat of Lycee (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**Action:** To (recommend / table / deny) the PUD of Lycee (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- C. **CASE No. ZON-21-07.** Proposed re-zoning of approximately 3.3 acres of R-1- to R-4. (Chapel Landing 6th).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the request for rezoning from R-1- to R-4 (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**CASE No. ZON-21-07.** Proposed platting of approximately 14.62 acres of R-4 (Chapel Landing 6th).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the Preliminary Plat of Chapel Landing 6th (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- D. **CASE No. SD-21-06.** Proposed platting of approximately 22.76 acres. (Skyview 2nd).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the Final Plat of Skyview 2nd (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- E. **CASE No. SD-21-04.** PUD and proposed platting and of approximately 12.44 acres (Skyview at Block 49 3rd).

**Open Hearing**

**Close Hearing**

**Action:** To (recommend / table / deny) the Final Plat of Skyview at Block 49 3rd (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**Action:** To (recommend / table / deny) the PUD of Skyview at Block 49 3rd (with / without) changes, (and / or) conditions.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- F. **CASE No. CON-21-03.** Property owner has requested to add an LED message board to an existing sign pole base in a utility easement in a C-1 commercial district.

**Open Hearing**

**Close Hearing**

**Action:** Motion to recommend the Governing Body (approve / deny / table) passing conditional use ordinance for a sign (not contingent/contingent) upon a 60 day Planning Commission review on certain property zoned C-1 located within the corporate city limits of the City of Bel Aire, Kansas.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- G. **CASE No. CON-22-01.** Property owner has requested to allow a private swimming pool in an R-5 Residential zoning district.

**Open Hearing**

**Close Hearing**

**Action:** Motion to recommend the Governing Body (approve / deny / table) passing conditional use ordinance for a private swimming pool (not contingent/contingent) upon a 60 day Planning Commission review on certain property zoned R-5 Residential located within the corporate city limits of the City of Bel Aire, Kansas.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

- H. **CASE No. CON-21-01.** Swimming pool in an R-5 Zoning District. The case has been withdrawn by the property owner. No action is required.



**VI. Next Meeting: March 10, 2022**

**Action:** Motion to approve the date of the next meeting: March 10, 2022 at 6:30 p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VII. Current Events**

**VIII. Adjournment.**

**Action:** Motion to adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_ Time adjourned \_\_\_\_\_

*Additional Attachments:*

A. Planning Commission Staff Report 02-10-2022

CITY OF BEL AIRE, KANSAS

File No. S/D 21 - 07**APPLICATION FOR FINAL PLAT APPROVAL**

This is an application for processing a final plat in accordance with the City Subdivision Regulations. The application must be completed and filed with the Subdivision Administrator at least 15 days prior to a regular meeting date of the Planning Commission.

**(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)**

Name of Subdivision Lycee  
 General Location on the East side of Rock Road and approximately 1/4 mile north of 53rd St N  
☒ Inside City ☐ To be Annexed ☐ Outside City  
 Name of Landowner Gregory Hiser (additional Owner information attached)  
 Address 9860 E 21st St N, Wichita, KS 67206-3589 Phone 316-841-2920  
 Name of Subdivider/Agent Baughman Company, P.A. Attn: Philip J. Meyer, L.A.  
 Address 315 S Ellis St, Wichita, KS 67211 Phone 316-262-7271  
 Name of (Engineer) (Land Planner) Same as Agent  
 Address 315 Ellis Wichita, KS 67211 Phone 262-7271  
 Name of Registered Land Surveyor Same as Agent  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. (Select One) ☒ Final Plat of entire preliminary plat area  
☐ Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments  
☐ Final Plat for small tract  
☐ Final Replat of original platted area
2. Gross acreage of plat 13.15 +/- Acres
3. Total number of lots 6
4. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:  
 a. Residential-Single-Family ☐ Duplex ☒ Multiple Family ☐ Manufactured/Mobile Home  
 b. Commercial X  
 c. Industrial \_\_\_\_\_  
 d. Other \_\_\_\_\_



5. Predominant minimum lot width 90.2 Feet
6. Predominant minimum lot area 33,593 Square Feet
7. Existing zoning C-1 District
8. Proposed zoning C-1 and R-6 with a PUD District
9. Source of water supply City
10. Method of sewage disposal City
11. Total lineal feet of new street 0 Feet

	Street Name	R/W Width	Lineal Feet
a.		Ft.	Ft.
b.		Ft.	Ft.
c.		Ft.	Ft.
d.		Ft.	Ft.
e.		Ft.	Ft.
f.		Ft.	Ft.
g.		Ft.	Ft.
h.		Ft.	Ft.
i.		Ft.	Ft.
j.		Ft.	Ft.

12. Proposed type of street surfacing n/a
13. Curb and gutter proposed: ☐ Yes ☒ No
14. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

15. Is any portion of the proposed subdivision located in an identified flood plain area?  
☒ Yes ☐ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. It is further agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

Gregory Hisei \_\_\_\_\_ 12/17/21  
Landowner Date Agent (If any) Date

#### OFFICE USE ONLY

Prints of the Final Plat received 15 (Number)

Final drainage plan, if required, received \_\_\_\_\_

Copy of a title report for the land received \_\_\_\_\_

Copy of proposed restrictive covenants, if any, received \_\_\_\_\_

Methods for financing and guaranteeing improvements Petition


For plats for small tract:

a. Vicinity map received \_\_\_\_\_

b. Topographic drawing, if required, received \_\_\_\_\_

Original drawing or photographic equivalent of Final Plat received \_\_\_\_\_

This application was received by the Subdivision Administrator on 12.17.  
2021. It has been checked and found to be accompanied by the required  
information and the fee, if any, of \$ 230 paid to the City Clerk.

  
\_\_\_\_\_  
Subdivision Administrator

cc: Applicant



## APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E Central Park, 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.

- ☒ Change Zoning Districts: From: C-1 to C-1 and R-6 with a PUD
- ☐ Amendments to Change Zoning Districts \_\_\_\_\_

### City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner Gregory Hiser

Address 9860 E. 21st St N, Wichita, KS 67206 Telephone (316) 841-2920

Agent representing the owner Baughman Company, P.A. (Philip Meyer)

Address 315 Ellis St, Wichita, KS 67211 Telephone (316) 262-7271

1. The application area is legally described as Lot(s) \*; Block(s) n/a,  
n/a Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached. \*See attached legal description

2. The application area contains 4.40 +/- acres.

3. This property is located at (address) n/a which is generally  
located at (relation to nearest streets) East of Rock Road approx. 1/4 mile north of 53rd St N

4. The particular reason for seeking reclassification:

to allow development of duplexes on Lots 1, 2, and 3; and allow development of a  
restaurant with alcohol sales on Lot 4

5. County control number: 30015088

May 28<sup>th</sup> 2004



6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

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 Gregory Hiser Phone 316-841-2920  
 Address 9860 E 21st St N, Wichita, KS Zip Code 67206  
 Agent Baughman Company, P.A. (Philip Meyer) Phone 316-262-7271  
 Address 315 Ellis St, Wichita, KS Zip Code 67211
2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

Gregory Hiser  
 Applicant's Signature GREGORY HISER

BY

Philip J Meyer  
 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.

May 28<sup>th</sup> 2004

**PLANNED UNIT DEVELOPMENT AGREEMENT  
CONCERNING THE DEVELOPMENT  
OF LYCEE ADDITION  
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between GREGORY HISER, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires platting by the City of a tract of land more fully described below and herein referred to as LYCEE ADDITION to the City of Bel Aire, Kansas; and

WHEREAS, the City is willing to consider platting of said LYCEE ADDITION PUD Project;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

**PURPOSE.** This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the LYCEE ADDITION PUD project to the City of Bel Aire, Kansas.

**LYCEE ADDITION PUD PROJECT LEGAL DESCRIPTION.** The tract of land herein referred to as LYCEE ADDITION PUD project to the City of Bel Aire, Kansas has the following pre-platting legal description, to-wit:

A portion of the Southwest Quarter of Section 17, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning at the Northwest corner of the Southwest Quarter of said Section 17; thence N89°32'56"E coincident with the north line of the Southwest Quarter of said Section 17, 355.32 feet to the northwest corner of Lot 2, Broadstone Villas, Bel Aire, Sedgwick County, Kansas; thence S00°39'06"E coincident with the west line of Lot 2 in said Broadstone Villas, 632.42 feet to the southwest corner of Lot 2 in said Broadstone Villas and to a point in the north line of an Easement for Right of Way recorded in the Sedgwick County Register of Deeds Office at DOC.#/FLM-PG:29195542; thence N89°59'54"W coincident with the north line of said Easement for Right of Way, 22.22 feet to a deflection point in the north line of said Easement for Right of Way; thence N82°36'36"W coincident with the north line of said Easement for Right of Way, 147.75 to a deflection point in the north line of said Easement for Right of Way; thence N89°59'54"W coincident with the north line of said Easement for Right of Way, 186.89 feet to a point in the west line of the Southwest Quarter of said Section 17; said point being 2039.45 feet north of the southwest corner of the Southwest Quarter of said Section 17; thence N00°37'38"W coincident with the west line of the Southwest Quarter of said Section 17, 610.59 feet to the point of beginning. Subject to road rights of way of record.



New legal description:

Lots 1, 2, 3, and 4, Block B, Lycee Addition, Bel Aire, Sedgwick County, Kansas.

### **PERMITTED USE.**

The Lycee Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "C-1" Neighborhood Commercial Office & Retail, "C-2" Planned Commercial and "R-6" Multi-Family District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

#### "C-1 and C-2" (Lot 4, Block B):

- Small scale retail businesses
- Retail activities conducted wholly indoors
- Office
- C-2 Uses- Restaurant with alcohol sales; food venues to include patio dining and temporary structures as approved by the City Manager.
- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The minimum building setback shall be forty feet (40') from adjacent public right-of-way property lines. There shall be a minimum building setback of ten feet (10') along adjoining lots, if such adjoining lots are not maintained in common ownership. No building shall be constructed within a public utility easement.

**SITE:** The proposed construction project for Lot 4, Block B, consists of one building with a total 3,200 sq. ft. with paved parking, with no current plans of future growth or additions. The PUD and the Zoning code will govern any future growth. Lot 4 shall honor all existing easements on the Lot including the rural water easement, pipeline easement and KG&E easement. Prior to any development, all lots shall be maintained in accordance with the municipal code of the City of Bel Aire. Approval of a site circulation and pedestrian plan by the Zoning Administrator is required for each phase of construction prior to the issuance of a building permit.

#### "R-6" (Lots 1, 2, and 3, Block B):

- Duplex
- Multi-Family
- Adult Day-care
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The minimum building setback shall be thirty feet (30') from adjacent public right-of-way property lines. There shall be a minimum building setback of ten feet (10') along adjoining lots,

if such adjoining lots are not maintained in common ownership. No building shall be constructed within a public utility easement.

**SITE:** The proposed construction project for Lots 1, 2, and 3, Block B, consists of a maximum of thirteen (13) buildings with each living unit having 1,000 to 1,500 sq. ft. of livable space on the ground floor with a maximum total 37,500 sq. ft. allowed on the ground floor of the parcel with paved parking for each unit. Each living unit shall have a maximum height of three stories. There is no current plans of future growth or additions. The PUD and the Zoning code will govern any future growth. Lots 1, 2, and 3, shall honor all existing easements on the Lots including the rural water easement, and pipeline easement. Prior to any development, all lots shall be maintained in accordance with the municipal code of the City of Bel Aire. Approval of a site circulation and pedestrian plan by the Zoning Administrator is required for each phase of construction prior to the issuance of a building permit.

**INFRASTRUCTURE INSTALLATION.** Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Lycee Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Lycee Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

**DRAINAGE.** The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.



**LIGHTING.** A Security and/or parking lighting plan shall be submitted to the City for approval and comply with the City zoning ordinance. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare. Electric lines shall be installed underground. Wood poles will not be allowed.

**SANITARY SEWER.** The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Lycee Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

**WATER.** The City will provide access to the property line for public water in the utility easement located along Rock Road and along south property line per the approved City Engineer's drawings on file for Lycee Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

**LANDSCAPING & SCREENING.** The Developer shall submit and have approved by the City Manager, a "Landscape Plan" that is representative of the attached landscape concept plan. Landscaping to be provided as each phase of the Lycee Addition is developed. The "Landscaping Plan" shall show contours, utilities, size, and spread at planting, any type of ground cover, shrubs, and coordinate with the Drainage Plan and Site Plan for the project.

Planting of interior trees shall meet the City's ordinance. Any areas outside of the general boundaries of each development phase shall be planted to appropriate turf or ground cover adequate to prevent undue soil erosion and shall be maintained in accordance with applicable City ordinances. Any future Phases to be constructed shall have prior approval of building permits for that Phase, the Developer shall also submit and have approved by the City, detailed landscape plans for that Phase. Within all detailed landscape plans, ground mounted mechanical equipment and trash receptacles shall be screened from ground level view.

**FENCING & SCREENING.** All outside storage of trash and recycling storage containers shall be appropriately fenced and screened with fencing and screening methods and materials to blend in with the architectural design of the building and to reasonably hide the materials, trash and recycling storage containers from ground view and approved by the City. Wood privacy fence materials may be allowed if such materials blend in with the architectural design elements of the building and adjacent sites and shall be of the same height of any existing but a minimum of six (6') feet in height. If screening exists on either side of a developing property line that meets or exceeds the standards of the zoning code, additional

screening shall not be required. However, if at any time the existing screening fails to meet the requirements of the zoning code, compliance shall be attained by the property owners of the lot, or lots, in the PUD which fails to meet these requirements. Any plans for outside storage facilities shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for prior approval.

**BUILDING CONSTRUCTION MATERIALS & TYPE.** All building in the R-6 zoning district shall share uniform architectural character, color, texture, and the intent of the attached floor plan and building elevation. Building walls and roofs shall have a residential character and have predominately earth tone colors with brick or stone allowed as an accent material. Any variation of attached building elevations shall require the approval of the City Manager. All office/retail construction shall be designed utilizing materials that incorporate appropriate architectural and aesthetic elements as represented in the general guideline manual for the neighborhood commercial district and approved by the City.

**SIGNAGE.** All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

**PARKING.** A detailed parking plan shall be submitted to the City for approval. All handicap stalls shall be shown on the parking plan along with curbing in all parking areas and must meet with the City's Zoning Ordinance. Parking stalls shall be a minimum of nine feet (9') wide by eighteen (18') deep, with a two-foot (2') overhang if the front of the vehicle hangs into a six foot wide green space or six foot wide strip between parking stalls unless otherwise approved by the City.

**ACCESS ROADWAY.** All driveways shall be per city ordinance. One access entrance shall be allowed off Rock Road as per plat map for Lot 1; one joint access entrance shall be allowed off of Lycee St as per plat map for Lots 2 and 3; one access entrance shall be allowed off Rock Road as per plat map for Lot 4. Other access entrances off Rock Road may be approved by the City at the time of development of other lots. Lots 1, 2, and 3 shall have a cross lot agreement between lot owners for access. The width of all approaches shall be no less than twenty-four feet (24') and a maximum of thirty-five feet (35') unless otherwise approved by the City.

**SIDEWALKS.** Construction of a City sidewalk on the property line, or an approved alternative location, along Lycee St, to the east right-of-way line of Rock Road shall be required. The sidewalk must meet City and ADAAG standards. The property owner(s) as required by City Ordinance shall provide for the sidewalk maintenance and care.

**PERMITS.** No construction shall commence on any portion of the tract of land herein referred to Lycee Addition PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Lycee Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by



the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

**PURPOSE.** A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Lycee Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

**RECORDING.** The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

**BINDING.** The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
GREGORY HISER, DEVELOPER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ and is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
MAYOR, JIM BENAGE

SEAL

ATTEST:

\_\_\_\_\_

CITY CLERK, MELISSA KREHBIEL

### ACKNOWLEDGEMENTS

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, before me, a Notary Public, came Gregory Hiser, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the LYCEE ADDITION PUD to the City of Bel Aire, Kansas.

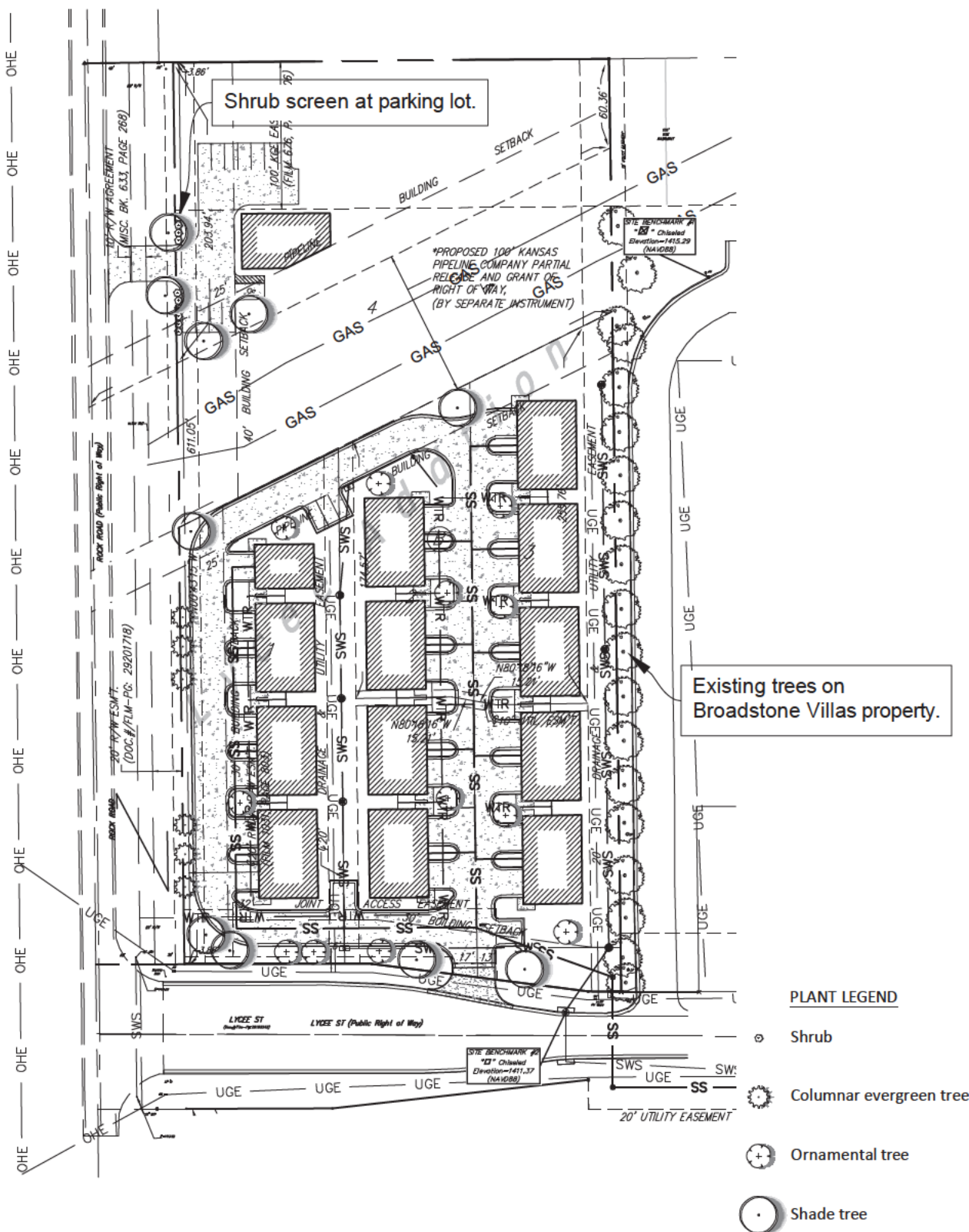
\_\_\_\_\_  
NOTARY PUBLIC

My Appointment Expires: \_\_\_\_\_

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of LYCEE ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

\_\_\_\_\_  
NOTARY PUBLIC

My Appointment Expires: \_\_\_\_\_



## CONCEPTUAL SITE LANDSCAPE PLAN

SCALE 50 0 50

FEB. 02, 2022



**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7274  
BaughmanCo.com



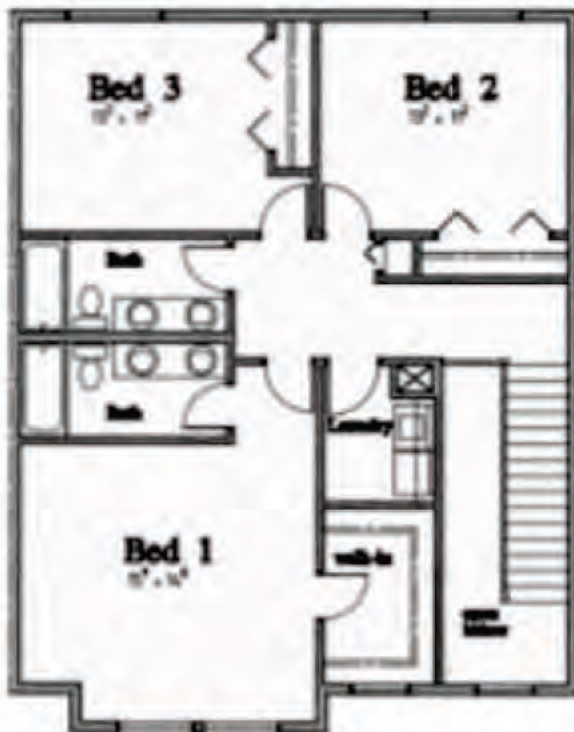
# Lycee Addition Conceptual Elevation & Floorplan

Section V, Item B.

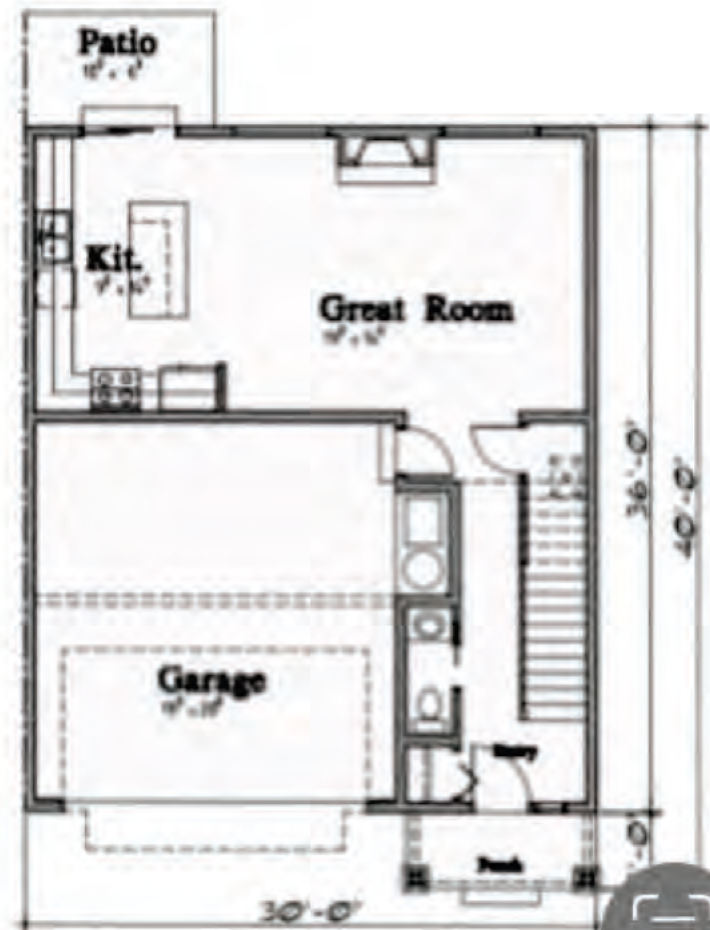


## PLAN #D-638

MAIN FLR. 680 SQ. FT.  
UPPER FLR. 983 SQ. FT.  
TOTAL 1663 SQ. FT.  
GARAGE 400 SQ. FT.



Upper Floor



Main Floor

Lycee Addition  
Conceptual Elevation







City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



## LYCEE ADDITION PUD SUBMITTAL REVIEW

Address of proposed project: Lycee Final plat, and PUD

This report is to document that on 2/2/22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |   |  |
|---|--|
| <input type="checkbox"/> SETBACKS                             | <input type="checkbox"/> ELEVATIONS                          |
| <input checked="" type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL                      | <input checked="" type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                            | <input type="checkbox"/> SCREENING                           |
| <input type="checkbox"/> STORM DRAINAGE                       | <input checked="" type="checkbox"/> NEIGHBORHOOD IMPACT      |
| <input type="checkbox"/> ADA ACCESSIBLE                       | <input type="checkbox"/> UTILITIES TO BUILDING               |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 2/2/22

  
Keith Price  
REVIEWED BY

Comments: City staff conducted a meeting to discuss the plat and PUD. Provide the most updated version of the final plat in PDF form and paper form. The general information below still applied as of 2.2.22

- No additional easements were requested by Evergy or Onegas.
- The landscape plan is conceptual in nature, locations of trees would need to fit the final drainage plan and layout of the buildings.
- The architecture submittal is conceptual in nature, however the aesthetics and types of materials are near to what will be expected during construction based on the PUD agreement and site plan.
- The Plat isn't covered by the PUD completely so specific PUD plat language isn't required.
- The city engineer will contact you directly with any concerns related to the submittals.
- [http://www.egovlink.com/public\\_documents300/belaire/published\\_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf](http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf) contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.



- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

# Public notice

(Published in The Ark Valley News on Dec. 23, 2021.)

## OFFICIAL NOTICE OF ZONING HEARING

### TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-ED:

Notice is Hereby Given that on January 13, 2022 the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**ZON-21-06.** Lycee Addition PUD, final plat, preliminary/final PUD and rezoning approximately 4.40 acres of the C-1 to C-1, C-2, R-6 zoning districts.

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

**General Location:** East of Rock Road approx. ¼ mile north of E. 53rd St.N.

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 17 day of December, 2021.

/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 23rd day of December, 2021, with subsequent publications being made on the following dates:

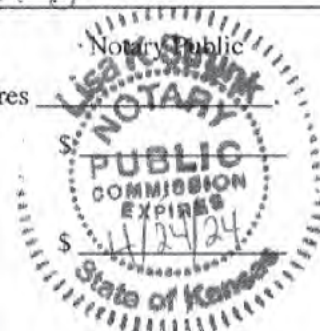
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021 \_\_\_\_\_, 2021

Subscribed and sworn to before me this 23rd day of December, 2021.

My commission expires

Additional copies

Printer's fee







FOR MEETING OF	2/10/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

**STAFF REPORT**

DATE: 02/04/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

**SUMMARY:****(A) ZON-21-04, Chapel Landing 5<sup>th</sup>, Rezoning and replat SD-21-05:**

The city sent out notices again to property owners and placed an ad in the Ark Valley Newspaper announcing the February Planning Commission meeting to ensure that folks realized the zoning case date of the hearing specifically had moved.

Additional correspondence from a few neighbors to this project was received and is in your packet. The activity to date is summarized below, as this has been going on for many months.

The Applicant and Applicant's Agent met with City staff following the Planning Commission's delayed re-zoning request and asked that the zone change request be reconsidered by Planning Commission. The Applicant stated that the intended use of the project and the reasons for the requested change were miss-represented at an earlier meeting, and they would like the chance to fully explain their thoughts and reasons for the re-zoning request to an R-5.

The preliminary plat was revised with an added street access at Farmstead St and some other minor changes that reduced the number of lots and calm traffic. Many lots meet the standard of the R-4 lot size. The city has received some comments; two letters are in the packet. One person that dropped by wanted to have the land developed to reduce the number of people letting their dogs run free on the land behind her house that end up on her property to use it as dumping stop. She didn't want duplexes but was okay with housing. So directly to the Zoning Administrator's office only four different property owners have made contact in three months.

The following criteria shall be the basis for evaluation of the rezoning request in relation to the specific case being considered:

**1. The character of the neighborhood;**

The subject property is platted and zoned R-4 with plattor's text for reduced side yard setbacks to 6', with restrictions.

**2. The zoning and uses of properties nearby**

R-4, R-5, and R-1

**The suitability of the subject property for the uses to which it has been restricted;**

City staff has compared this request to the approved Master growth Plan and agricultural project rezoning request meets the preferred use.

**3. The extent to which removal of the restrictions will detrimentally affect nearby property;**

City staff no adverse effect is expected.

**4. The length of time the subject property has remained vacant as zoned;**

The City hasn't rezoned this property since it was platted in 2008

**5. The relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;**

No hardship is expected to be caused by the development.

**6. Recommendations of permanent staff;**

Yes because 2018 Master Growth plan was approved by City Council.

**7. Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**

Yes the 2018 Master Growth plan

The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors

Planners ask questions related to type of housing, (this may have been answered by the developer during the previous meetings). Staff recommends the rezoning and preliminary plat. The city should have a developer's agreement provided and require covenants at the time of the final platting is ready for final approval by city council but is not required at this time.

**(B) ZON-21-06 Lycee Addition PUD, final plat, preliminary/final PUD and rezoning approximately 4.40 acres of the C-1 to C-1, C-2, R-6 zoning districts:**

The planning commission had approved the preliminary plat and sketch plan. City staff placed an ad in the ark valley newspaper and contacted property owners within the notification area. An updated ad was placed in the Ark Valley Newspaper to announce the new hearing date February 10<sup>th</sup>. Staff has discussed this project with Linda Snook, and Donnis McPhaul, both on the notification list. Nothing negative has been stated; contact has been made to Donnis McPhaul as promised as the new revisions have been received, she indicated she would be in to view the changes.

The packet contains the PUD document, the final plat, concept drawings of the site and buildings. Based on the PUD process listed below, staff can conditionally recommend approval.

**Process.** No property which has a zoning district classification which requires approval of a PUD may be developed or redeveloped without a preliminary PUD first having been submitted to and approved by the Planning Commission. The Planning Commission shall review the preliminary PUD to determine:

**(C) ZON-21-07 Chapel Landing 6th, Rezoning approximately 3.3 acres of the R-1 zoned district and platting approximately 14.62 acres of the R-1 and R-4 use zoning district to allow two-family duplex use:**

The planning commission had viewed a sketch plan last year regarding this area. City ad in the ark valley newspaper and contacted property owners within the notification area. An updated ad was placed in the Ark Valley Newspaper to announce the new hearing date February 10<sup>th</sup>. The most recent plat revision is in the packet, easements have been added. (see Chapel Landing 5<sup>th</sup> zoning 7 bullets for approval)  
The city staff can conditionally recommend this based on the submittals.

**(D) SD-21-06. Skyview at Block 49, 2nd Addition:**

Platting and rezoning approximately 22.76 acres of the C-1 to R-5 residential use zoning district-Final plat. The case was readvertised for the February 10<sup>th</sup> meeting in the Ark Valley Newspaper, No one has inquired about the development to date. Every indicated easements requested for the preliminary hasn't been added; if not added on the final Everygy would need those to install their infrastructure. The most recent map submitted to the city will be included in the packet. The city staff can conditionally recommend this based on the submittals.

**(E) SD-21-04. Skyview at Block 49, 3rd Addition:**

Platting and rezoning approximately 12.44 acres of the AG Zoning District to be zoned to C-1 and C-2 Commercial uses. Final plat and PUD. The case was readvertised for the February 10<sup>th</sup> meeting, only that screening should be provided for the parking lot have been received to date.

The newest revisions are in your packet for the plat and site plan. The site plan does depict a concrete screening wall. Staff had asked to have the development connected to the city sidewalk system provided in the Tierra Verde South development; the developer has indicated that will be part of the improvements for the project. Staff can conditionally recommend the Final plat and PUD based on the process requirements below.

**Process.** No property which has a zoning district classification which requires approval of a PUD may be developed or redeveloped without a preliminary PUD first having been submitted to and approved by the Planning Commission. The Planning Commission shall review the preliminary PUD to determine:

- a. satisfactory quality of design in the individual buildings;
- b. satisfactory quality of design for the site;
- c. appropriateness of the building or buildings to the intended use;
- d. aesthetic appropriateness of the development to its surroundings.

**(F) CON-21-03 Property owner has requested to add an LED message board to an existing sign pole base in an utility easement in a C-1 commercial district:**

An ad was placed in the Ark Valley News as required and the property owners with 200 f.t. of the lot were mailed a certified letter with the hearing information. Only one caller within the notification area contacted the city, prior to the final packet completion. Below is the criteria to review the proposal. The city review is in the packet to the sign company. An updated ad was placed in the paper to announce the hearing date revision to February 10<sup>th</sup>.

The standard the city has used in the past has been 3000 nits or less during the evening (A measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter (1cd/m<sup>2</sup>). The sun at noon is rated at 1.6 billion nits.)



- One condition that should be placed on the sign pole located in the easement-area. Utility providers related to removing the sign or any part of the sign to include the power supply in the event of needing access to the easement based on receiving prior approval from the City and or an unperceived emergency requiring immediate access. (To be refined by the city legal department).
- If the building or sign use changes, the latest adopted zoning and building codes would apply, or the conditions within the agreement if addressed specifically.
- If the Evergy or Bel Aire public works department doesn't have any concerns, then staff would be in favor of conditionally approving using the sign pole for the new LED sign.

**CONDITIONAL USE.** A use which may be appropriate within a specific zoning district, but due to the nature of such use and the nature of the effected zoning district, must be approved by recommendation of the Planning Commission and action of the Governing Body. A conditional use runs with the land until the use of the land changes, as set forth within this Code.

**General Standards for Consideration of Request.** The objective of permitting specific conditional uses within a district is to provide adequate consideration of the conditions in terms of these Regulations to assure:

1. That proposed uses will not be contrary to the public interest.
2. That the spirit of the Code is observed.
3. That public safety and welfare is secured.
4. That substantially equal treatment under the law is preserved.

**E. Criteria for Review.** The following criteria arising out of the above listed standards, and any others applicable to any specific situation, shall be evaluated in terms of how such criteria relate to any specific case being considered and any stipulation as deemed appropriate by the Commission shall be incorporated into approval of a conditional use in association with the following concerns:

1. Access and traffic load and/or flow.
2. Noise, light and odor.
3. Screening.
4. Parking, refer to parking section.
5. Services (public utilities).
6. Public health and safety.
7. Adequacy of facility and lot size.
8. Signs.
9. Review by fire marshal for designation.
10. Other considerations as appropriate.

- a. satisfactory quality of design in the individual buildings;
- b. satisfactory quality of design for the site;
- c. appropriateness of the building or buildings to the intended use;
- d. aesthetic appropriateness of the development to its surroundings.

**(G) CON-22-01 Private swimming pool in an R-5 zoning district:**

The hearing was published in the Ark Valley Newspaper and property owners were notified per the city regulations. Only one caller had contacted the city inquiring why the city had sent the notice; no concern was voiced.

History:

The city approved a conditional use for all of Rock Spring addition to allow a small shed to meet city code by Ordinance 576. There has been two private swimming pool in Rock Spring addition approved by conditional use process as well.

The city staff can conditionally recommend this based on the submittals in your packets.

(H)

**CON-21-01 Swimming pool in an R-5 zoning district:**

The case has been withdrawn. The new property owner will resubmit the application; once complete a different case number will start the new process. This just needs to be closed as an agenda item.

<https://www.betterontheedge.org/>





**MINUTES**  
**PLANNING COMMISSION**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**February 10, 2022 6:30 PM**



**I. Call to Order:** Chairman Schmidt called the meeting to order.

**II. Roll Call**

Present were James Schmidt, David Floyd, Phillip Jordan, Dee Roths, Heath Travnichek, and Paul Matzek. John Charleston was absent.

Also present were Planning Commission Secretary Anne Stephens and City Attorney Jacqueline Kelly.

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

Chairman Schmidt led the pledge of allegiance.

**IV. Consent Agenda**

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

**MOTION:** Chairman Schmidt moved to approve the minutes of December 16, 2021. Commissioner Roths seconded the motion. ***Motion carried 6-0.***

**MOTION:** Chairman Schmidt moved to go into Executive Session for Attorney-Client privilege for 15 minutes. Commissioner Floyd seconded the motion. ***Motion carried 6-0.***

The Commission then adjourned to Executive Session. At 6:32 p.m. the Commission returned to the Council Chambers and Chairman Schmidt called the meeting back to order in open session.

**V. Old Business/New Business**

**A. CASE No. ZON-21-04 Revised.** Proposed re-zoning of approximately 54.99 acres of R-4 Residential to R-5 Residential. (Chapel Landing 5th).

Planning Commission reviewed Woodlawn 53, LLC's request to rezone property generally located one half mile south of 53<sup>rd</sup> Street N and one quarter-mile west of Woodlawn Boulevard in accordance with Article 5 of the City of Bel Aire's Zoning Regulations.

Ken Lee, Garver, presented the request on behalf of the applicant and stood for questions from the Commission.



Chairman Schmidt then opened the public hearing.

Marc Howell, 4849 N Glendale, spoke about his concerns regarding allowing more multi-family housing. There needs to be a good balance.

Kalen Hoffman, 5978 Forbes Ct, spoke about his concerns regarding the effect of changing zoning on the selling price of homes in the area.

David Moses, 5975 Forbes, asked that the rezoning request be denied. He stated that multi-family housing should not be allowed unless the request goes back before the Planning Commission.

Terri Moses, 5975 Forbes, spoke to the Commission. She is concerned about safety, quality of life, and a possible higher crime rate with denser housing.

Charles Kent, 6010 Forbes St, stated that he moved to Bel Aire from Myrtle Beach. When lots of smaller houses were built in Myrtle Beach, everything went down with denser properties.

Lynn Parker, 5934 Forbes Ct, spoke to the Commission. She stated she objects to the proposed rezoning. She is disappointed with the way that Bel Aire is going with all the duplexes. Iron Gate was presented as an upscale neighborhood, but the developer has lost interest in upscale neighborhoods. He has built starter homes on prominent lots in the subdivision. She is also concerned that the pool will get overcrowded, and the cost of water is high.

Curtis Mader, 5048 E 49<sup>th</sup> St N, spoke about his concerns regarding the size and number of lots and the tone of the Commission's discussion.

Kyle Hart, 5990 Forbes CT, stated that he is opposed to the rezoning, primarily due to the lot size reductions.

Terry Cassady, 5957 Forbes, asked that the zone change and plat be denied, as well as the rest of the requests on the agenda tonight. Rezoning affects everyone's property values. She stated that there is no unmet need for duplexes in Bel Aire and A-list developers won't want to develop in Bel Aire due to the downhill nature of current development.

Lee Ann Gravenstein, 5978 Forbes Ct, spoke about her concerns regarding the value of her home and those of her neighbors. She stated that many people moved to Iron Gate because they liked the amenities. She would appreciate the Commission's support by protecting their investments.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Zoning uses of nearby property:

- With the exception of the Prairie Preserve, all of the surrounding ground is currently zoned R-4. The current owners of the Prairie Preserve have sold this property with full understanding of its intended use.

Suitability of the property for the uses to which it is restricted:

- With the design of the Prairie Preserve, this parcel was not necessary and was sold to become part of Chapel Landing 6<sup>th</sup>. It is totally unsuitable to restrict the uses of this parcel to R-1 as it does not fit in with the current plan of development for Chapel Landing 6<sup>th</sup>.

**MOTION:** Chairman Schmidt moved to go into Executive Session for Attorney-Client privilege for 15 minutes to return at 8:37 p.m. Commissioner Floyd seconded the motion. ***Motion carried 6-0.***

At 8:22 p.m. the Commission adjourned for Executive Session. The Commission returned to the Council Chambers at 8:42 p.m. Chairman Schmidt called the meeting back to order in open session and continued discussion of the rezoning request.

**MOTION:** Commissioner Jordan moved to deny the rezoning request. Chairman Schmidt seconded the motion. ***Motion carried 5-1*** with Chairman Schmidt voting against the motion.

**CASE No. ZON-21-04 Revised.** Proposed platting of approximately 54.99 acres of R-5 Residential (Chapel Landing 5th).

Ken Lee, Garver, presented the plat and briefly reviewed the changes that had been made from the plat that was presented to the Planning Commission at a previous meeting.

Chairman Schmidt opened the public hearing at 9:07 p.m.

Curtis Mader, 5048 E 49<sup>th</sup> St N, spoke regarding his concerns about the density of development.

David Moses, 5975 Forbes, spoke about his concerns regarding traffic in the area.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:11 p.m., and commissioners continued with discussion of the plat.

**MOTION:** Commissioner Floyd moved to recommend the Preliminary Plat of Chapel Landing 5<sup>th</sup> (with the condition that all lots be brought into conformance with R-4 Residential Zoning District requirements. Commissioner Roths seconded the motion. ***Motion carried 7-0.***

**B. CASE No. SD-21-07.** PUD and proposed final platting and of approximately 4.4 acres (Lycee).

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman Company, presented the final plat on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:30 p.m. and commissioners continued with discussion of the plat and PUD.

**MOTION:** Commissioner Jordan moved to recommend the Final Plat of Lycee without changes or conditions. Commissioner Roths seconded the motion. ***Motion carried 6-0.***

**MOTION:** Commissioner Floyd moved to recommend the PUD of Lycee without changes, or conditions. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***

**C. CASE No. ZON-21-07.** Proposed re-zoning of approximately 3.3 acres of R-1- to R-4. (Chapel Landing 6th).

Planning Commission reviewed TW Renovations, LLC's request to rezone property generally located about ¼ mile east of Oliver and ¼ mile south of 53<sup>rd</sup> in accordance with Article 5 of the City of Bel Aire's Zoning Regulations.

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman Company, presented the rezoning request on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:35 p.m.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Zoning uses of nearby property:

- With the exception of the Prairie Preserve, all of the surrounding ground is currently zoned R-4. The current owners of the Prairie Preserve have sold this property with full understanding of its intended use.

Suitability of the property for the uses to which it is restricted:

- With the design of the Prairie Preserve, this parcel was not necessary and was sold to become part of Chapel Landing 6<sup>th</sup>. It is totally unsuitable to restrict the uses of this parcel to R-1 as it does not fit in with the current plan of development for Chapel Landing 6<sup>th</sup>.

**MOTION:** Commissioner Roths moved to recommend the request for rezoning from R-1- to R-4 without changes or conditions. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***

**CASE No. ZON-21-07.** Proposed platting of approximately 14.62 acres of R-4 (Chapel Landing 6th).

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman Company, presented the preliminary plat on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:45 p.m. and commissioners continued with discussion of the preliminary plat

**MOTION:** Commissioner Roths moved to recommend the Preliminary Plat of Chapel Landing 6th as presented. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***



**D. CASE No. SD-21-06.** Proposed platting of approximately 22.76 acres. (Skyview 2nd).

Chairman Schmidt opened the public hearing. Will Clevenger, Garver, presented the preliminary plat on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:55 p.m. and commissioners continued with discussion of the preliminary plat.

**MOTION:** Chairman Schmidt moved to recommend Final Plat of Skyview 2nd without changes. Commissioner Floyd seconded the motion. ***Motion carried 6-0.***

**E. CASE No. SD-21-04.** PUD and proposed platting and of approximately 12.44 acres (Skyview at Block 49 3rd).

Chairman Schmidt opened the public hearing. Will Clevenger, Garver, presented the final plat and PUD on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:58 p.m. and commissioners continued with discussion.

**MOTION:** Commissioner Jordan moved to recommend the Final Plat of Skyview at Block 49 3rd without changes or conditions. Commissioner Matzek seconded the motion. ***Motion carried 6-0.***

**MOTION:** Commissioner Jordan moved to recommend the PUD of Skyview at Block 49 3rd without changes or conditions. Commissioner Travnichek seconded the motion. ***Motion carried 6-0.***

**F. CASE No. CON-21-03.** Property owner has requested to add an LED message board to an existing sign pole base in a utility easement in a C-1 commercial district.

Chairman Schmidt opened the public hearing. Shane Hutchinson and Brent Grisemore, Nu Line Signs, presented the application on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 10:10 p.m. and commissioners continued with discussion.

**MOTION:** Commissioner Jordan moved to recommend the Governing Body approve passing a conditional use ordinance for a sign contingent upon a 60-day Planning Commission review on certain property zoned C-1 located within the corporate city limits of the City of Bel Aire, Kansas. Commissioner Matzek seconded the motion. ***Motion carried 6-0.***

**G. CASE No. CON-22-01.** Property owner has requested to allow a private swimming pool in an R-5 Residential zoning district.

Chairman Schmidt opened the public hearing. No one requested to speak. Chairman Schmidt closed the public hearing and commissioners continued with discussion.

**MOTION:** Commissioner Schmidt moved to recommend the Governing Body approve passing a conditional use ordinance for a private swimming pool not contingent upon a 60-day Planning Commission review on certain property zoned R-5 Residential located within the corporate city limits of the City of Bel Aire, Kansas. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***

- H. CASE No. CON-21-01.** Swimming pool in an R-5 Zoning District. The case has been withdrawn by the property owner. No action is required.

**VI. Next Meeting: March 10, 2022**

**MOTION:** Commissioner Floyd moved to approve the date of the next meeting: March 10, 2022 at 6:30 p.m. Chairman Schmidt seconded the motion. ***Motion carried 6-0.***

**VII. Current Events**

The Commission briefly discussed current events, including the Planning Commission training session planned for February 17<sup>th</sup> in the Community Room at City Hall.

**VIII. Adjournment.**

**MOTION:** Commissioner Floyd moved to adjourn. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***

The meeting adjourned at 10:16 p.m.

Lycee Addition

April 5, 2022

**City Council Meeting**

Agenda Documents:

- Agenda Packet
- Meeting Minutes





**AGENDA**  
**CITY COUNCIL MEETING**  
7651 E. Central Park Ave, Bel Aire, KS  
March 01, 2022 7:00 PM



**I. CALL TO ORDER:** Mayor Jim Benage

**II. ROLL CALL**

Greg Davied \_\_\_\_ Dr. Joel Schroeder \_\_\_\_ Justin Smith \_\_\_\_  
John Welch \_\_\_\_ Diane Wynn \_\_\_\_

**III. OPENING PRAYER:** Gary Green

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**V. PROCLAMATION:**

**A.** American Red Cross Month, March 2022

**B.** Severe Weather Awareness Week, March 7th—11th, 2022

**VI. DETERMINE AGENDA ADDITIONS**

**VII. CONSENT AGENDA**

**A.** Minutes of the February 15, 2022 City Council meeting.

**B.** Approve Bellino Fireworks Kansas, Inc to be located at 4552 N Woodlawn Blvd as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.

**C.** Approve Shocker Fireworks to be located at 4501 N Oliver as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.

**D.** Approve Waz Up Fireworks, LLC to be located at 9745 E 50<sup>th</sup> St N (Clinic In A Can) as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.

**E.** Approve Wholesale Fireworks Enterprises, LLC to be located at 6334 E Crestmark as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.

**Action:** Motion to (approve / table / deny) the Consent Agenda as (listed / amended) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

## **VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

### **A. Consideration of Appropriations Ordinance 22-04 in the amount of \$1,185,517.15.**

**Action:** Motion to (approve / deny / table) Appropriations Ordinance 22-04.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

## **IX. CITY REQUESTED APPEARANCES**

### **A. Slade Engstrom and Brett Letkowski, Transystems - KDOT TEAP Intersection Analysis, 53rd and Woodlawn, 53rd and Rock**

### **B. Ken Lee, Garver - Gravel Road Paving Analysis and Potential Petition Amounts**

### **C. Dakota Zimmerman and Eric Strecker, Garver - Woodlawn Reconstruction Progress Update**

## **X. CITIZEN CONCERNS: *If you wish to speak, please fill out a "Request to Speak" card at the podium and give it to the City Clerk before the meeting begins. When you are called on by the Mayor, please go to the podium, speak into the microphone, and state your name and address before giving your comments. Please limit your comments to 3 minutes in the interest of time.***

## **XI. REPORTS**

### **A. Council Member Reports**

### **B. Mayor's Report**

### **C. City Attorney Report**

### **D. City Manager Report**

## **XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

### **A. Consideration of An Ordinance Changing the Zoning Classification from R-1 Estate Residential to R-4 Residential On Certain Property Located Within The Corporate City Limits of the City of Bel Aire, Kansas (Chapel Landing 6th).**

**Action:** Motion to (accept / deny / table) An Ordinance Changing the Zoning Classification from R-1 Estate Residential to R-4 Residential On Certain Property Located Within The Corporate City Limits of the City of Bel Aire, Kansas (Chapel Landing 6th) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Dr. Joel Schroeder \_\_\_\_\_

Justin Smith \_\_\_\_\_ Diane Wynn \_\_\_\_\_ John Welch \_\_\_\_\_

**B. Consideration of accepting the recommendation of the Bel Aire Planning Commission and approving An Ordinance approving a conditional use (CON-21-03) on certain property in a C-1 Commercial zoning district. If approved, the applicant will be allowed to add an LED message board to an existing sign pole base located in a utility easement, contingent on a 60-day Planning Commission review. (LED Sign Woodlawn)**

**Action:** Motion to (accept / deny / table) approve An Ordinance Allowing A Conditional Use (CON-21-03) On Certain Property Zoned C-1 Located Within The Corporate City Limits Of The City Of Bel Aire, Kansas.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Dr. Joel Schroeder \_\_\_\_\_

Justin Smith \_\_\_\_\_ Diane Wynn \_\_\_\_\_ John Welch \_\_\_\_\_

**C. Consideration of An Ordinance Approving A Conditional Use On Certain Property Zoned R-5 Located Within The Corporate City Limits of the City Of Bel Aire, Kansas (CON-22-01 - Private Pool on Chris St.).**

**Action:** Motion to (approve / deny / table) An Ordinance Approving A Conditional Use (CON-22-01) On Certain Property Zoned R-5 Located Within The Corporate City Limits of the City of Bel Aire, Kansas and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Dr. Joel Schroeder \_\_\_\_\_

Justin Smith \_\_\_\_\_ Diane Wynn \_\_\_\_\_ John Welch \_\_\_\_\_

**D. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Skyview at Block 49 2nd.**

**Action:** Motion to (accept / deny / table) the dedications within the Final Plat for Skyview at Block 49 2nd and authorize all required signatures.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Dr. Joel Schroeder \_\_\_\_\_

Justin Smith \_\_\_\_\_ Diane Wynn \_\_\_\_\_ John Welch \_\_\_\_\_



**E. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Skyview at Block 49 3<sup>rd</sup> with PUD overlay.**

**Action:** Motion to (accept / deny / table) the dedications within the Final Plat for Skyview at Block 49 3<sup>rd</sup> with PUD overlay and authorize all required signatures.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Dr. Joel Schroeder \_\_\_\_\_

Justin Smith \_\_\_\_\_ Diane Wynn \_\_\_\_\_ John Welch \_\_\_\_\_

**F. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Lycee.**

**Action:** Motion to (accept / deny / table) the dedications within the Final Plat for Lycee and authorize all required signatures.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Jim Benage \_\_\_\_\_ Greg Davied \_\_\_\_\_ Dr. Joel Schroeder \_\_\_\_\_

Justin Smith \_\_\_\_\_ Diane Wynn \_\_\_\_\_ John Welch \_\_\_\_\_

**G. Consideration of an Agreement for Professional Services with Garver for 47<sup>th</sup> Street Reconstruction in the amount of \$19,537.50.**

**Action:** Motion to (approve / deny / table) an Agreement for Professional Services with Garver for the 47<sup>th</sup> Street Reconstruction in the amount of \$19,537.50 and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**H. Consideration of An Agreement with Skyview at Block 49, LLC Concerning The Development Of Skyview At Block 49 2nd Addition, Bel Aire, Sedgwick County, Kansas.**

**Action:** Motion to (approve/ deny / table) An Agreement Concerning The Development Of Skyview At Block 49 2nd Addition, Bel Aire, Sedgwick County, Kansas, and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

### **XIII. EXECUTIVE SESSION**

**Action:** Motion to go into executive session for the sole purpose of discussion the subject of: (\_\_\_\_\_), pursuant to the KSA 75-4319 exception for: (\_\_\_\_\_\_). Invite the City Manager and the City Attorney. The meeting will be for a period of (\_\_) minutes, and the open meeting will resume in City Council Chambers at (\_\_\_\_\_) PM.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

### **XIV. DISCUSSION AND FUTURE ISSUES**

### **XV. ADJOURNMENT**

**Action:** Motion to adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

*Additional Attachments:*

A. February 10th Planning Commission Meeting Report

B. Manager's Report - March 1, 2022

### **Notice**

*It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Cox Cable Channel 7 rebroadcasts of this meeting are scheduled daily or can be streamed on YouTube and at [www.belaireks.gov](http://www.belaireks.gov). Please make sure all cell phones and other electronics are turned off and put away.*

**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com



CITY OF BEL AIRE, KANSAS

File No. S/D 21 - 07

**APPLICATION FOR FINAL PLAT APPROVAL**

This is an application for processing a final plat in accordance with the City Subdivision Regulations. The application must be completed and filed with the Subdivision Administrator at least 15 days prior to a regular meeting date of the Planning Commission.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Lycee  
General Location on the East side of Rock Road and approximately 1/4 mile north of 53rd St N  
☒ Inside City      ☐ To be Annexed      ☐ Outside City  
Name of Landowner Gregory Hiser (additional Owner information attached)  
Address 9860 E 21st St N, Wichita, KS 67206-3589 Phone 316-841-2920  
Name of Subdivider/Agent Baughman Company, P.A. Attn: Philip J. Meyer, L.A.  
Address 315 S Ellis St, Wichita, KS 67211 Phone 316-262-7271  
Name of (Engineer) (Land Planner) Same as Agent  
Address 315 Ellis Wichita, KS 67211 Phone 262-7271  
Name of Registered Land Surveyor Same as Agent  
Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. (Select One) ☒ Final Plat of entire preliminary plat area  
☐ Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments  
☐ Final Plat for small tract  
☐ Final Replat of original platted area  
2. Gross acreage of plat 13.15 +/- Acres  
3. Total number of lots 6  
4. Proposed land use for an ☒ Urban-Type      ☐ Rural Type      Subdivision:  
a. Residential-Single-Family      ☐ Duplex      ☒ Multiple Family      ☐ Manufactured/Mobile Home  
b. Commercial X  
c. Industrial \_\_\_\_\_  
d. Other \_\_\_\_\_

5. Predominant minimum lot width 90.2 Feet
6. Predominant minimum lot area 33,593 Square Feet
7. Existing zoning C-1 District
8. Proposed zoning C-1 and R-6 with a PUD District
9. Source of water supply City
10. Method of sewage disposal City
11. Total lineal feet of new street 0 Feet

	Street Name	R/W Width	Lineal Feet
a.		Ft.	Ft.
b.		Ft.	Ft.
c.		Ft.	Ft.
d.		Ft.	Ft.
e.		Ft.	Ft.
f.		Ft.	Ft.
g.		Ft.	Ft.
h.		Ft.	Ft.
i.		Ft.	Ft.
j.		Ft.	Ft.

12. Proposed type of street surfacing n/a
13. Curb and gutter proposed: ☐ Yes ☒ No
14. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

15. Is any portion of the proposed subdivision located in an identified flood plain area?
- ☒ Yes ☐ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. It is further agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

Gregory Hisei \_\_\_\_\_ 12/17/21  
Landowner Date Agent (If any) Date

**OFFICE USE ONLY**

Prints of the Final Plat received 15 (Number)

Final drainage plan, if required, received \_\_\_\_\_

Copy of a title report for the land received \_\_\_\_\_



Copy of proposed restrictive covenants, if any, received \_\_\_\_\_  
Methods for financing and guaranteeing improvements Petition

For plats for small tract:

- a. Vicinity map received \_\_\_\_\_
- b. Topographic drawing, if required, received \_\_\_\_\_

Original drawing or photographic equivalent of Final Plat received \_\_\_\_\_

This application was received by the Subdivision Administrator on 12.17.  
2021. It has been checked and found to be accompanied by the required  
information and the fee, if any, of \$ 230 paid to the City Clerk.

  
\_\_\_\_\_  
Subdivision Administrator

cc: Applicant



## APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E Central Park, 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.

- ☒ Change Zoning Districts: From: C-1 to C-1 and R-6 with a PUD
- ☐ Amendments to Change Zoning Districts \_\_\_\_\_

### City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner Gregory Hiser

Address 9860 E. 21st St N, Wichita, KS 67206 Telephone (316) 841-2920

Agent representing the owner Baughman Company, P.A. (Philip Meyer)

Address 315 Ellis St, Wichita, KS 67211 Telephone (316) 262-7271

1. The application area is legally described as Lot(s) \*; Block(s) n/a,  
n/a Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached. \*See attached legal description

2. The application area contains 4.40 +/- acres.

3. This property is located at (address) n/a which is generally  
located at (relation to nearest streets) East of Rock Road approx. 1/4 mile north of 53rd St N

4. The particular reason for seeking reclassification:

to allow development of duplexes on Lots 1, 2, and 3; and allow development of a  
restaurant with alcohol sales on Lot 4

5. County control number: 30015088

May 28<sup>th</sup> 2004



6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

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 Gregory Hiser Phone 316-841-2920  
Address 9860 E 21st St N, Wichita, KS Zip Code 67206
- Agent Baughman Company, P.A. (Philip Meyer) Phone 316-262-7271  
Address 315 Ellis St, Wichita, KS Zip Code 67211
2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_
- Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_
- Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

Gregory Hiser  
Applicant's Signature GREGORY HISER

BY

Philip J Meyer  
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.

May 28<sup>th</sup> 2004

**PLANNED UNIT DEVELOPMENT AGREEMENT  
CONCERNING THE DEVELOPMENT  
OF LYCEE ADDITION  
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between GREGORY HISER, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires platting by the City of a tract of land more fully described below and herein referred to as LYCEE ADDITION to the City of Bel Aire, Kansas; and

WHEREAS, the City is willing to consider platting of said LYCEE ADDITION PUD Project;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

**PURPOSE.** This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the LYCEE ADDITION PUD project to the City of Bel Aire, Kansas.

**LYCEE ADDITION PUD PROJECT LEGAL DESCRIPTION.** The tract of land herein referred to as LYCEE ADDITION PUD project to the City of Bel Aire, Kansas has the following pre-platting legal description, to-wit:

A portion of the Southwest Quarter of Section 17, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning at the Northwest corner of the Southwest Quarter of said Section 17; thence N89°32'56"E coincident with the north line of the Southwest Quarter of said Section 17, 355.32 feet to the northwest corner of Lot 2, Broadstone Villas, Bel Aire, Sedgwick County, Kansas; thence S00°39'06"E coincident with the west line of Lot 2 in said Broadstone Villas, 632.42 feet to the southwest corner of Lot 2 in said Broadstone Villas and to a point in the north line of an Easement for Right of Way recorded in the Sedgwick County Register of Deeds Office at DOC.#/FLM-PG:29195542; thence N89°59'54"W coincident with the north line of said Easement for Right of Way, 22.22 feet to a deflection point in the north line of said Easement for Right of Way; thence N82°36'36"W coincident with the north line of said Easement for Right of Way, 147.75 to a deflection point in the north line of said Easement for Right of Way; thence N89°59'54"W coincident with the north line of said Easement for Right of Way, 186.89 feet to a point in the west line of the Southwest Quarter of said Section 17; said point being 2039.45 feet north of the southwest corner of the Southwest Quarter of said Section 17; thence N00°37'38"W coincident with the west line of the Southwest Quarter of said Section 17, 610.59 feet to the point of beginning. Subject to road rights of way of record.



New legal description:

Lots 1, 2, 3, and 4, Block B, Lycee Addition, Bel Aire, Sedgwick County, Kansas.

**PERMITTED USE.**

The Lycee Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "C-1" Neighborhood Commercial Office & Retail, "C-2" Planned Commercial and "R-6" Multi-Family District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"C-1 and C-2" (Lot 4, Block B):

- Small scale retail businesses
- Retail activities conducted wholly indoors
- Office
- C-2 Uses- Restaurant with alcohol sales; food venues to include patio dining and temporary structures as approved by the City Manager.
- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The minimum building setback shall be forty feet (40') from adjacent public right-of-way property lines. There shall be a minimum building setback of ten feet (10') along adjoining lots, if such adjoining lots are not maintained in common ownership. No building shall be constructed within a public utility easement.

**SITE:** The proposed construction project for Lot 4, Block B, consists of one building with a total 3,200 sq. ft. with paved parking, with no current plans of future growth or additions. The PUD and the Zoning code will govern any future growth. Lot 4 shall honor all existing easements on the Lot including the rural water easement, pipeline easement and KG&E easement. Prior to any development, all lots shall be maintained in accordance with the municipal code of the City of Bel Aire. Approval of a site circulation and pedestrian plan by the Zoning Administrator is required for each phase of construction prior to the issuance of a building permit.

"R-6" (Lots 1, 2, and 3, Block B):

- Duplex
- Multi-Family
- Adult Day-care
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The minimum building setback shall be thirty feet (30') from adjacent public right-of-way property lines. There shall be a minimum building setback of ten feet (10') along adjoining lots,

if such adjoining lots are not maintained in common ownership. No building shall be constructed within a public utility easement.

**SITE:** The proposed construction project for Lots 1, 2, and 3, Block B, consists of a maximum of thirteen (13) buildings with each living unit having 1,000 to 1,500 sq. ft. of livable space on the ground floor with a maximum total 37,500 sq. ft. allowed on the ground floor of the parcel with paved parking for each unit. Each living unit shall have a maximum height of three stories. There is no current plans of future growth or additions. The PUD and the Zoning code will govern any future growth. Lots 1, 2, and 3, shall honor all existing easements on the Lots including the rural water easement, and pipeline easement. Prior to any development, all lots shall be maintained in accordance with the municipal code of the City of Bel Aire. Approval of a site circulation and pedestrian plan by the Zoning Administrator is required for each phase of construction prior to the issuance of a building permit.

**INFRASTRUCTURE INSTALLATION.** Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Lycee Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Lycee Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

**DRAINAGE.** The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

**LIGHTING.** A Security and/or parking lighting plan shall be submitted to the City for approval and comply with the City zoning ordinance. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare. Electric lines shall be installed underground. Wood poles will not be allowed.

**SANITARY SEWER.** The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Lycee Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

**WATER.** The City will provide access to the property line for public water in the utility easement located along Rock Road and along south property line per the approved City Engineer's drawings on file for Lycee Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

**LANDSCAPING & SCREENING.** The Developer shall submit and have approved by the City Manager, a "Landscape Plan" that is representative of the attached landscape concept plan. Landscaping to be provided as each phase of the Lycee Addition is developed. The "Landscaping Plan" shall show contours, utilities, size, and spread at planting, any type of ground cover, shrubs, and coordinate with the Drainage Plan and Site Plan for the project.

Planting of interior trees shall meet the City's ordinance. Any areas outside of the general boundaries of each development phase shall be planted to appropriate turf or ground cover adequate to prevent undue soil erosion and shall be maintained in accordance with applicable City ordinances. Any future Phases to be constructed shall have prior approval of building permits for that Phase, the Developer shall also submit and have approved by the City, detailed landscape plans for that Phase. Within all detailed landscape plans, ground mounted mechanical equipment and trash receptacles shall be screened from ground level view.

**FENCING & SCREENING.** All outside storage of trash and recycling storage containers shall be appropriately fenced and screened with fencing and screening methods and materials to blend in with the architectural design of the building and to reasonably hide the materials, trash and recycling storage containers from ground view and approved by the City. Wood privacy fence materials may be allowed if such materials blend in with the architectural design elements of the building and adjacent sites and shall be of the same height of any existing but a minimum of six (6') feet in height. If screening exists on either side of a developing property line that meets or exceeds the standards of the zoning code, additional



screening shall not be required. However, if at any time the existing screening fails to meet the requirements of the zoning code, compliance shall be attained by the property owners of the lot, or lots, in the PUD which fails to meet these requirements. Any plans for outside storage facilities shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for prior approval.

**BUILDING CONSTRUCTION MATERIALS & TYPE.** All building in the R-6 zoning district shall share uniform architectural character, color, texture, and the intent of the attached floor plan and building elevation. Building walls and roofs shall have a residential character and have predominately earth tone colors with brick or stone allowed as an accent material. Any variation of attached building elevations shall require the approval of the City Manager. All office/retail construction shall be designed utilizing materials that incorporate appropriate architectural and aesthetic elements as represented in the general guideline manual for the neighborhood commercial district and approved by the City.

**SIGNAGE.** All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

**PARKING.** A detailed parking plan shall be submitted to the City for approval. All handicap stalls shall be shown on the parking plan along with curbing in all parking areas and must meet with the City's Zoning Ordinance. Parking stalls shall be a minimum of nine feet (9') wide by eighteen (18') deep, with a two-foot (2') overhang if the front of the vehicle hangs into a six foot wide green space or six foot wide strip between parking stalls unless otherwise approved by the City.

**ACCESS ROADWAY.** All driveways shall be per city ordinance. One access entrance shall be allowed off Rock Road as per plat map for Lot 1; one joint access entrance shall be allowed off of Lycee St as per plat map for Lots 2 and 3; one access entrance shall be allowed off Rock Road as per plat map for Lot 4. Other access entrances off Rock Road may be approved by the City at the time of development of other lots. Lots 1, 2, and 3 shall have a cross lot agreement between lot owners for access. The width of all approaches shall be no less than twenty-four feet (24') and a maximum of thirty-five feet (35') unless otherwise approved by the City.

**SIDEWALKS.** Construction of a City sidewalk on the property line, or an approved alternative location, along Lycee St, to the east right-of-way line of Rock Road shall be required. The sidewalk must meet City and ADAAG standards. The property owner(s) as required by City Ordinance shall provide for the sidewalk maintenance and care.

**PERMITS.** No construction shall commence on any portion of the tract of land herein referred to Lycee Addition PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Lycee Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by

the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

**PURPOSE.** A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Lycee Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

**RECORDING.** The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

**BINDING.** The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
GREGORY HISER, DEVELOPER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ and is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
MAYOR, JIM BENAGE

SEAL

ATTEST:

\_\_\_\_\_

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, before me, a Notary Public, came Gregory Hiser, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the LYCEE ADDITION PUD to the City of Bel Aire, Kansas.

\_\_\_\_\_  
NOTARY PUBLIC

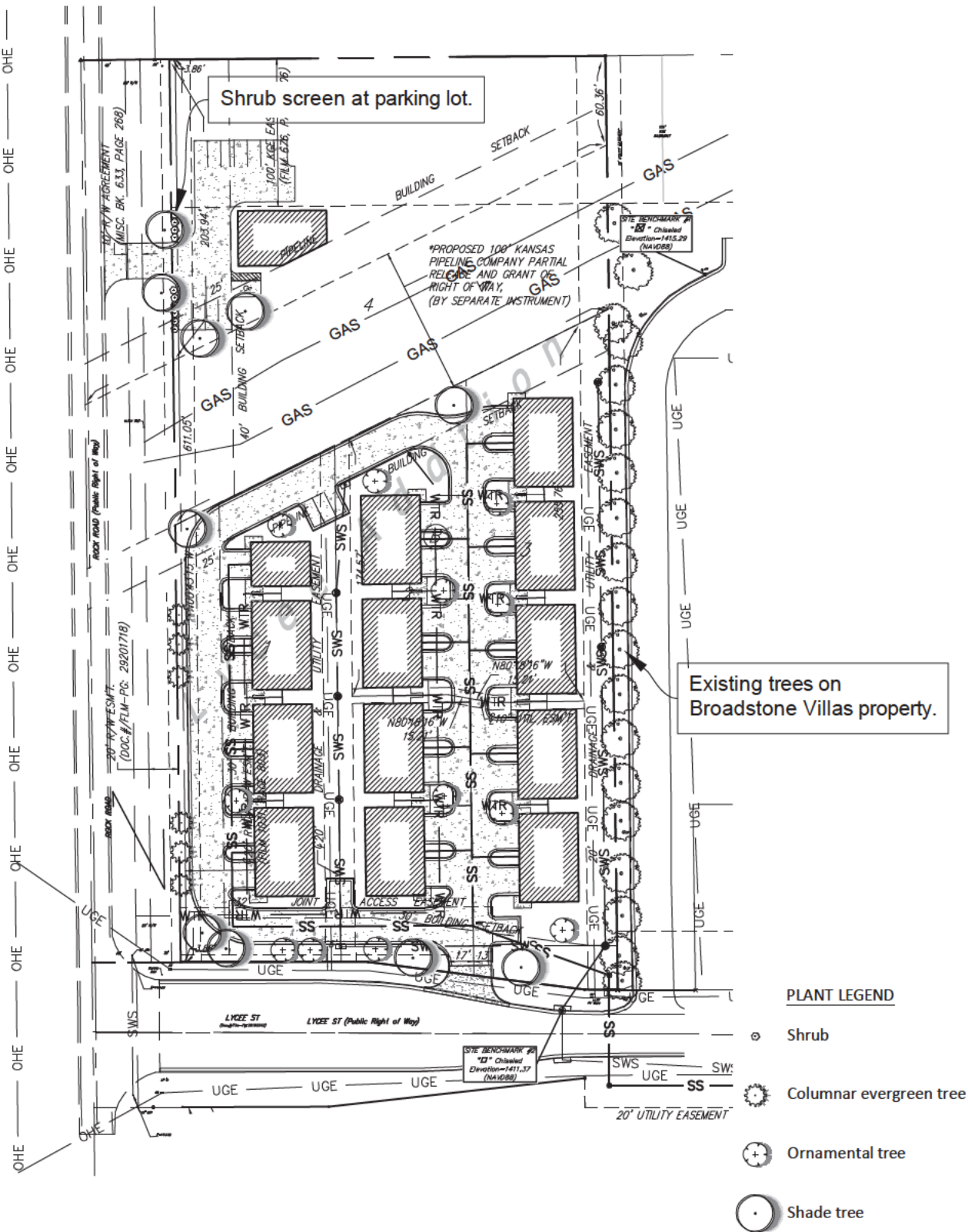
My Appointment Expires: \_\_\_\_\_

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of LYCEE ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

\_\_\_\_\_  
NOTARY PUBLIC

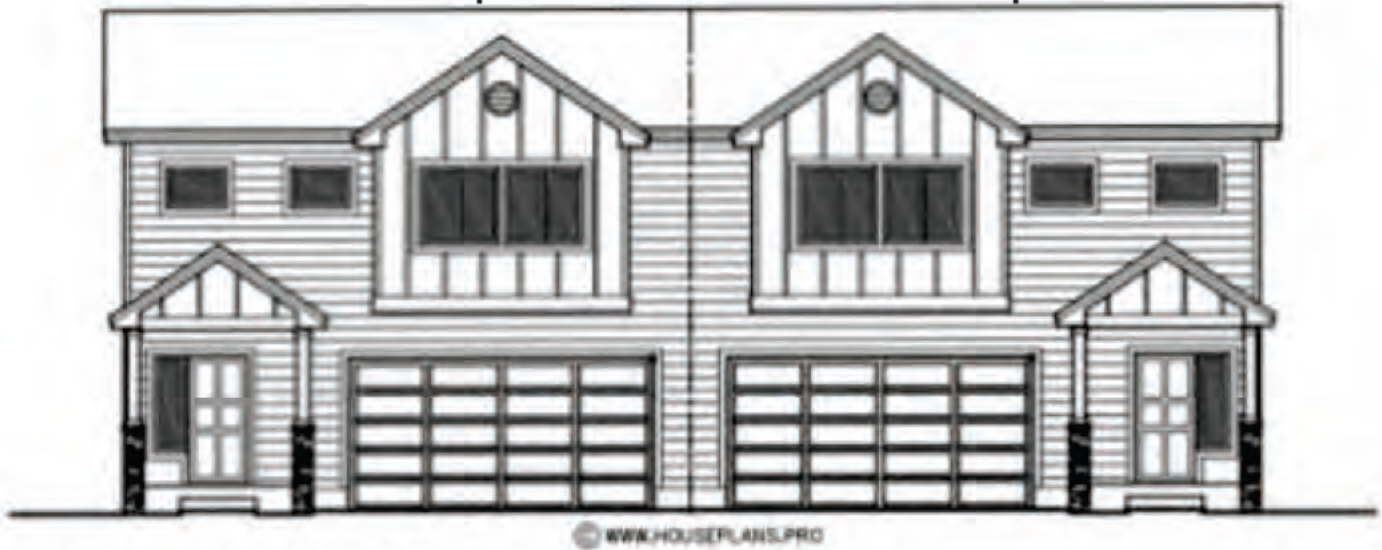
My Appointment Expires: \_\_\_\_\_





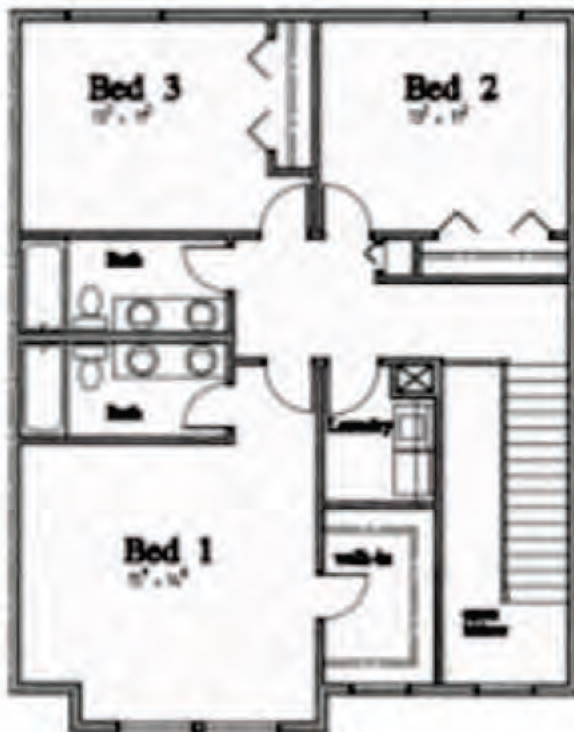
# Lycee Addition Conceptual Elevation & Floorplan

Section XII, Item F.

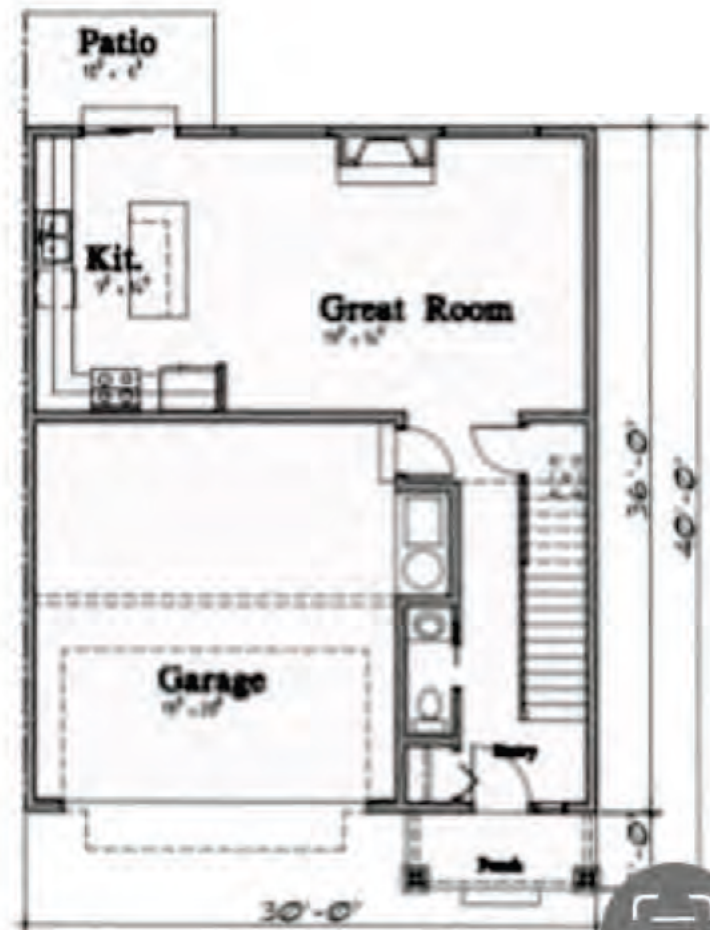


## PLAN #D-638

MAIN FLR. 680 SQ. FT.  
UPPER FLR. 983 SQ. FT.  
TOTAL 1663 SQ. FT.  
GARAGE 400 SQ. FT.



Upper Floor



Main Floor

Lycee Addition  
Conceptual Elevation







City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



## LYCEE ADDITION PUD SUBMITTAL REVIEW

Address of proposed project: Lycee Final plat, and PUD

This report is to document that on 2/2/22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |   |  |
|---|--|
| <input type="checkbox"/> SETBACKS                             | <input type="checkbox"/> ELEVATIONS                          |
| <input checked="" type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL                      | <input checked="" type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                            | <input type="checkbox"/> SCREENING                           |
| <input type="checkbox"/> STORM DRAINAGE                       | <input checked="" type="checkbox"/> NEIGHBORHOOD IMPACT      |
| <input type="checkbox"/> ADA ACCESSIBLE                       | <input type="checkbox"/> UTILITIES TO BUILDING               |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 2/2/22

  
Keith Price  
REVIEWED BY

Comments: City staff conducted a meeting to discuss the plat and PUD. Provide the most updated version of the final plat in PDF form and paper form. The general information below still applied as of 2.2.22

- No additional easements were requested by Evergy or Onegas.
- The landscape plan is conceptual in nature, locations of trees would need to fit the final drainage plan and layout of the buildings.
- The architecture submittal is conceptual in nature, however the aesthetics and types of materials are near to what will be expected during construction based on the PUD agreement and site plan.
- The Plat isn't covered by the PUD completely so specific PUD plat language isn't required.
- The city engineer will contact you directly with any concerns related to the submittals.
- [http://www.egovlink.com/public\\_documents300/belaire/published\\_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf](http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf) contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.

- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.



# Public notice

(Published in The Ark Valley News on Dec. 23, 2021.)  
**OFFICIAL NOTICE OF ZONING HEARING**  
**TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:**  
Notice is Hereby Given that on January 13, 2022 the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:  
  
**ZON-21-06.** Lycee Addition PUD, final plat, preliminary/final PUD and rezoning approximately 4.40 acres of the C-1 to C-1, C-2, R-6 zoning districts.  
**Legal Description:** (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)  
**General Location:** East of Rock Road approx. ¼ mile north of E. 53rd St.N.  
  
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 17 day of December, 2021.  
/s/ Anne Stephens  
Bel Aire Planning Commission Secretary

## Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 23rd day of December, 2021, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021  
\_\_\_\_\_, 2021      \_\_\_\_\_, 2021

Chris Strunk

Subscribed and sworn to before me this 23rd day of December, 2021.

LKS

My commission expires  
Additional copies  
Printer's fee





City of Bel Aire, Kansas

## STAFF REPORT

DATE: February 21, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: February Planning Commission Meeting Report



### **ZON-21-04 Revised – Proposed re-zoning of approximately 54.99 acres of R-4 Residential to R-5 Residential (Chapel Landing 5<sup>th</sup>)**

Planning Commission reviewed Woodlawn 53, LLC's request to rezone property generally located one half mile south of 53<sup>rd</sup> Street N and one quarter-mile west of Woodlawn Boulevard in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing in relation to the application where interested parties and citizens were given the opportunity to be heard. Ten area residents spoke against the re-zone request. The majority of the comments centered around the loss of property values if the developer were allowed to rezone the area for a multi-family development. The residents were also concerned about the increased traffic volumes and the safety of the area – indicating that denser housing tends to bring higher crime rates. The residents were unhappy with what they felt was a "bait and switch" on the part of the developer – they bought into the area believing that the entire area would be an upscale community and now are very concerned that it is being downgraded and re-zoned for duplexes.

Following the comments from the residents, the agent for the applicant was given an opportunity to speak and provide commentary regarding the voiced concerns. The agent indicated that the developer was not planning on building duplexes on these lots, but was wanting to re-zone and re-plat for smaller lots. The agent also mentioned that in all of the covenants that were signed at lot closing by the current owners, there was a paragraph included that mentioned that duplexes were allowed in this development and no future notice to the current property owners needed to be given.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

#### **Character of the neighborhood:**

- The Planning Commission has tried to keep the more intense usage closer to the arterials. This request is contrary and not consistent with past decisions by potentially allowing a more intense usage further away from the arterial.

#### **Zoning uses of nearby property:**

- The requested zoning is more intense than the surrounding zoning. With the exception of the Prairie Preserve to the west, all of the surrounding zoning is at R-4.

Suitability of the property for the uses to which it is restricted:

- The requested use of the property is allowed within the current R-4 zoning. Commissioners were concerned about alternate uses that would be allowed under the R-5 zoning, but not allowed under the current R-4 zoning.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to **recommend denial of the request to rezoning the property from R-4 Residential to R-5 Residential.**

**\*\*\*\*\* Following the Planning Commission meeting, the Developer contacted the Planning Commission Secretary to withdraw their request for a zone change to this parcel. Subsequently, the request will not be forwarded to Council for their consideration. \*\*\*\*\***

**ZON-21-04 Proposed preliminary plat for approximately 54.99 acres (Chapel Landing 5th).**

Planning Commission reviewed Woodlawn 53, LLC's request to replat approximately 54.99 acres of R-4 Residential in accordance with Article 4 of the City of Bel Aire's Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. Two citizens spoke at the public hearing. One was still concerned about the density of the proposed development and the other expressed his appreciation to the agent for listening to their concerns. Following the hearing, the Planning Commission considered the evidence and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to **approve the preliminary plat without changes.**

**SD-21-07 Proposed Final Plat for approximately 13.15 acres (Lycee)**

Planning Commission reviewed the City of Bel Aire and Greg Heiser's request to replat approximately 13.15 acres of R-6 Residential and C-1 Commercial in accordance with Article 4 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence reviewed the report provided by permanent staff and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes and **recommends that the governing body accept the Developer's commitment to dedicate certain land within the plat for public purposes.**

**SD-21-07 Proposed PUD for Lycee**

Planning Commission reviewed Greg Heiser's request to apply a PUD Overlay to the property north of 53<sup>rd</sup> Street as contained in the plat for Lycee in accordance with Article 5 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed PUD language. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the hearing, the Planning Commission considered the evidence and found that the PUD complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to **approve the PUD without changes.**

**ZON-21-07 – Proposed re-zoning of approximately 3.3 acres zoned R-1 Estate Residential to R-4 Residential.**

Planning Commission reviewed TW Renovations, LLC's request to rezone property generally located about ¼ mile east of Oliver and ¼ mile south of 53<sup>rd</sup> in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

**Zoning uses of nearby property:**

- With the exception of the Prairie Preserve, all of the surrounding ground is currently zoned R-4. The current owners of the Prairie Preserve have sold this property with full understanding of it's intended use.

**Suitability of the property for the uses to which it is restricted:**

- With the design of the Prairie Preserve, this parcel was not necessary and was sold to become part of Chapel Landing 6<sup>th</sup>. It is totally unsuitable to restrict the uses of this parcel to R-1 as it does not fit in with the current plan of development for Chapel Landing 6<sup>th</sup>.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to **recommend rezoning of the property from R-1 Estate Residential to R-4 Residential.**

**ZON-21-07 Proposed preliminary plat for approximately 14.62 acres (Chapel Landing 6th).**

Planning Commission reviewed TW Renovation, LLC's request to replat approximately 14.62 acres of R-4 Residential in accordance with Article 4 of the City of Bel Aire's Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat. The



Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed preliminary plat. Following the hearing, the Planning Commission considered the evidence and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to **approve the preliminary plat without changes.**

**SD-21-06 Proposed Final Plat for approximately 22.76 acres (Skyview at Block 49 2<sup>nd</sup>)**

Planning Commission reviewed Block 49, LLC's request to replat approximately 22.76 acres of R-5 Residential in accordance with Article 4 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence reviewed the report provided by permanent staff and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes and **recommends that the governing body accept the Developer's commitment to dedicate certain land within the plat for public purposes.**

**SD-21-04 Proposed Final Plat for approximately 12.44 acres (Skyview at Block 49 3<sup>rd</sup>)**

Planning Commission reviewed Block 49, LLC's request to replat approximately 12.44 acres of C-2 Commercial with PUD in accordance with Article 4 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence reviewed the report provided by permanent staff and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes and **recommends that the governing body accept the Developer's commitment to dedicate certain land within the plat for public purposes.**

**SD-21-04 Proposed PUD for Skyview at Block 49 3<sup>rd</sup>**

Planning Commission reviewed Block 49, LLC's request to apply a PUD Overlay to the property contained in the Skyview at Block 49 3<sup>rd</sup> plat in accordance with Article 5 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed PUD language. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to

be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the hearing, the Planning Commission considered the evidence and found that the PUD complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to **approve the PUD without changes.**

**CON-21-03 Conditional Use Permit request to add a LED Message Board to an existing sign pole base located in a utility easement in C-1 Commercial Zoning District.**

Planning Commission reviewed a request to add a LED message board sign to an existing sign pole base, located in a utility easement, in C-1 Commercial Zoning District. The applicant was present and stood for questions from the Commissioners. The Commissioners found that there would be limited impact and appreciated the updating and upgrading to the new sign.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to **recommend that Council approve the LED Message Board in an C-1 Commercial zoning district contingent upon a 60 day review by Planning Commission.**

**CON-22-01 Conditional Use Permit request for a proposed private swimming pool in R-5 Residential Zoning District.**

Planning Commission reviewed a request for a private swimming pool in an R-5 Residential Zoning District. The Commissioners found that there would be limited impacts to the neighborhood.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to **recommend that Council approve the private swimming pool in an R-5 district as presented.**



## MANAGERS REPORT

**DATE:** February 24, 2022  
**TO:** Mayor Benage and City Council  
**FROM:** Ty Lasher, City Manager  
**RE:** March 1, 2022 Agenda

### **Proclamations (Item V)**

March is American Red Cross Month. The Red Cross uses this month to honor and celebrate all the volunteers who support the mission of their organization. Local civic groups often host blood drives in Bel Aire. This proclamation supports the Red Cross in the great work they do.

Severe Weather Awareness Week is an initiative of the National Weather Service, Kansas Emergency Management and Sedgwick County Emergency Management to educate our citizens of the dangers associated with severe weather. This is an opportunity for Bel Aire to take part in the awareness of severe weather and encourage our citizens to be prepared as spring is quickly approaching.

### **Consent Agenda (Item VII)**

Contains the minutes of the February 15<sup>th</sup> City Council meeting. In addition, four applications for permits to sell fireworks have been received and are on the agenda. Bel Aire codes allow four retail fireworks permits to be issued annually. All of the applicants are requesting permits to operate in the same locations as last year, and all of them have submitted the required paperwork.

### **Appropriations Ordinance (Item VIII)**

This period includes \$727,142.20 in bonded capital projects; listed on page 4. PD Car #37 has been up-fitted for \$14,537.09 (page 4). Parts for PD's new laptops have arrived and have been paid; the laptops are still on order.

### **City Requested Appearances (Item IX)**

TranSystems - The city received a TEAP grant from KDOT in 2021 to complete a safety study on the intersections of 53<sup>rd</sup> & Woodlawn as well as 53<sup>rd</sup> & Rock. The study is complete and TranSystems will be at the meeting to present their findings as well as share their recommendations. Any recommended improvements will be included in your March workshop covering street upgrades. Therefore, Council can ask questions of



TranSystems representatives today and be ready to discuss funding of any specific changes to these intersections at the March workshop.

Garver, Gravel Roads Study- Ken Lee will be here to present cost estimates for the gravel roads and an approximation of the special assessments.

Garver, Woodlawn Update – Dakota will be here to give his regular update on Woodlawn construction progress.

### **Rezoning Ordinance, Chapel Landing 6<sup>th</sup> (Item A)**

At their February 10<sup>th</sup> meeting, Planning Commission reviewed TW Renovations, LLC's request to rezone property located about a quarter mile east of Oliver and a quarter mile south of 53<sup>rd</sup> Street. At the same meeting, Planning Commission held a public hearing where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the rezoning. Following the public hearing Planning Commission studied the material provided by the applicant, considered the evidence and discussed the rezoning request in relation to the City's Zoning Regulations and the 'Golden Factors' of zoning. Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to recommend rezoning of the property from R-1 Estate Residential to R-4 Residential. The zoning Ordinance now comes before Council for approval.

### **Conditional Use Ordinance for an LED sign (Item B)**

On February 10<sup>th</sup>, Planning Commission reviewed a request to add an LED message board sign to an existing sign pole base, located in a utility easement, in C-1 Commercial Zoning District. The applicant was present and stood for questions from the Commissioners. The Commissioners found that there would be limited impact and appreciated the upgrade to the new sign. Planning Commission voted (by passing a 7-0 motion) to recommend that Council approve the LED Message Board contingent upon a 60-day review by Planning Commission. The Ordinance to approve the Conditional Use now comes before Council for approval.

### **Conditional Use Ordinance for a private pool (Item C)**

Also on February 10<sup>th</sup>, Planning Commission reviewed a request for a private swimming pool in an R-5 Residential Zoning District. As part of the conditional use process, a notification of the hearing was published in the newspaper and notification letters were mailed to the surrounding property owners. The Commissioners found that there would be limited impacts to the neighborhood. Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to recommend that Council approve the private swimming pool as presented. The Ordinance to approve the Conditional Use now comes before Council for approval.

### **Dedications of Land for Public Purposes (Items D-F)**

At their February 10<sup>th</sup> meeting, Planning Commission reviewed and approved three Final Plats: Lycee Addition, Skyview at Block 49 2<sup>nd</sup>, and Skyview at Block 49 3<sup>rd</sup>. A separate public hearing was conducted for each plat. Within each Final Plat, certain areas are designated for public purposes, such as easements, rights-of-way, and land for public use. These dedications by the Developer now come before Council for acceptance. In each case, Planning Commission recommends that Council accept the Developer's commitment to dedicate certain land within the plat for public purposes.

Skyview at Block 49 2<sup>nd</sup> (Item D)- Planning Commission reviewed Block 49, LLC's request to replat approximately 22.76 acres of R-5 Residential. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence and reviewed the report provided by staff. Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes.

Skyview at Block 49 3<sup>rd</sup> (Item E) - Planning Commission reviewed Block 49, LLC's request to replat approximately 12.44 acres of C-2 Commercial with PUD. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence and reviewed the report provided by staff. Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes.

Lycee Addition (Item F) - Planning Commission reviewed the City of Bel Aire and the Developer's request to replat approximately 13.15 acres of R-6 Residential and C-1 Commercial. No one spoke at the public hearing. Following the public hearing, the Planning Commission considered the evidence and reviewed the report provided by staff. Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes.

### **Agreement with Garver, 47<sup>th</sup> Street Reconstruction (Item G)**

At the February 1<sup>st</sup> meeting, Council accepted the bid from Kansas Paving to reconstruct 47<sup>th</sup> Street. City staff typically provides construction observation services on projects that are funded through the Capital Improvement Reserve Fund. Construction observation is important to ensuring that the project gets constructed according to City standards. However, staff is currently working on several other projects and does not have enough time to properly observe the construction on this project. Staff recommends hiring a consultant to observe the construction. The City is currently working with Garver for construction observation on multiple projects. Their communication with both the Contractor, the City and interested citizens sets them apart from other firms. Staff reached out to Garver and requested a bid. The cost of the services will be paid for from the

Capital Improvement Reserve Fund. Staff recommends that Council accept the contract for Construction Observation Services from Garver in the amount not-to-exceed \$19,537.50 for the 47th Street Reconstruction Project.

**Development Agreement for Skyview 2<sup>nd</sup> at Block 49 (Item H)**

For every new development without a PUD, the City requires a Development Agreement be negotiated and approved. This agreement spells out in writing the responsibilities of each party during construction and thereafter. The agreement is filed with the plat for future reference. Staff and the developer have agreed upon the language contained in this agreement and it is now ready for final approval by the City Council.

**Executive Session (Item XIII)**

Staff has no need for an Executive Session.

**Discussion and Future Issues - March Workshop (Item XIV)**

This month the workshop is planned for March 8<sup>th</sup> at 6:30 p.m.





**MINUTES**  
**CITY COUNCIL MEETING**  
7651 E. Central Park Ave, Bel Aire, KS  
April 05, 2022 7:00 PM



**I. CALL TO ORDER:** Council President Justin Smith called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Present were Greg Davied, Justin Smith, and John Welch. Mayor Jim Benage joined the meeting by video conference. Diane Wynn was absent.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens, City Clerk Melissa Krehbiel, and Bond Counsel Kevin Cowan of Gilmore & Bell, P.C.

**III. OPENING PRAYER:** Dr. Robert Lindsted provided the opening prayer.

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Council President Smith led the pledge of allegiance.

**V. PROCLAMATION:**

**A. Luke Barnwell -Sunrise Christian Academy Men's Basketball Coach of the Year**

**B. Gradey Dick – Sunrise Christian Academy Men's Basketball Player of the Year**

Luke Barnwell and Gradey Dick were recognized for their accomplishments. Council President Justin Smith read and signed the proclamations and presented a medal to Mr. Barnwell.

**VI. DETERMINE AGENDA ADDITIONS:** There were none.

**VII. CONSENT AGENDA**

**A. Minutes of the March 15, 2022 City Council meeting.**

**MOTION:** Councilmember Welch to approve the Consent Agenda as listed and authorize the Council President to sign. Councilmember Davied seconded the motion.

*Motion carried 3-0.*



## VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

- A. **Consideration of approving Appropriations Ordinance 22-06 in the amount of \$1,326,479.85.**

**MOTION:** Councilmember Davied moved to approve Appropriations Ordinance 22-06. Councilmember Welch seconded. *Motion carried 3-0.*

## IX. CITY REQUESTED APPEARANCES: None

## X. PUBLIC HEARING

- A. **IRB for Homestead Senior Residences, LLC** - The purpose of the public hearing is to give property owners and other interested parties the opportunity to speak on the proposed Industrial Revenue Bond and associated exemption from ad valorem taxation of property constructed or purchased with the proceeds from the IRB for Homestead Senior Residences, LLC (Homestead Senior Landing).

Council President Smith opened the public hearing. No one spoke.

**MOTION:** Councilmember Welch moved to close the public hearing. Councilmember Davied seconded the motion. *Motion carried 3-0.*

## XI. CITIZEN CONCERNS: No one spoke.

## XII. REPORTS

### A. Council Member Reports

Councilmember Smith gave a brief report on the March 24<sup>th</sup> meeting of the Chisholm Creek Utility Authority (CCUA).

### B. Mayor's Report-

- Mayor Benage reported that the City recently received the Tree City USA award for 2021. Thanks to Gary Northwall and the Tree Board for their work
- There are currently two openings on the Tree Board for volunteers. Applications are available on the City's website.
- Mayor Benage recently spoke with the City's auditor, Tara Laughlin of AGH.
- He attended the most recent CCUA meeting.
- On April 1<sup>st</sup> he attended the K-254 Corridor Development Association meeting. Mayor Benage gave a brief report of the meeting and recent progress on the K-254 Corridor Management Plan.
- Regarding the open City Council seat created by the resignation of Dr. Joel Schroeder, Mayor Benage reported that applications will be accepted through April 15<sup>th</sup>.
- A blood donation event will be held on Friday, April 8<sup>th</sup> at Sunrise Christian Academy. Citizens can sign up at [www.redcrossblood.org](http://www.redcrossblood.org), or call 1-800-Red-Cross.
- The League of Kansas Municipalities (LKM) will host the Governing Body Institute on April 29-30 in Manhattan.



- Mayor Benage read a letter from Councilmember Diane Wynn announcing her resignation effective May 1, 2022.

**C. City Attorney Report**

City Attorney Kelly briefly reported on current Legislative issues.

**D. City Manager Report**

City Manager Lasher reported on upcoming events:

- Saturday April 9<sup>th</sup> is Spring Fest at the Rec Center from 1-3 pm.
- Sunrise Christian Academy student volunteers will pick up trash on 53<sup>rd</sup> street on Friday, April 8<sup>th</sup>. Other volunteers are always welcome.
- April 30<sup>th</sup> is E-Recycle and Shred Day at City Hall.
- Also on April 30<sup>th</sup>, an Arbor Day celebration will be held in Central Park.

**XIII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

**A. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To Sunflower Property Partners LLC.**

**MOTION:** Council President Smith moved to approve A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To Sunflower Property Partners, LLC, and authorize the Council President to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

**B. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of A Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents.**

**MOTION:** Councilmember Davied moved to approve A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of A Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents and authorize the Council President to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

**C. Consideration of purchasing a Compact Excavator for Public Works. The following quotes were received:**

<b>Bobcat</b>	<b>\$59,924.12</b>
<b>John Deere</b>	<b>\$61,815.46</b>
<b>Komatsu</b>	<b>\$74,000.00</b>



**MOTION:** Councilmember Welch moved to accept the quote from Bobcat at a cost of \$59,924.12 for a new compact excavator and authorize the Council President to sign. Councilmember Davied seconded the motion. *Motion carried 3-0.*

**D. Consideration of accepting a bid to install streetlights in Central Park.**

**MOTION:** Councilmember Welch moved to table the quote from Atlas Electric until the next meeting. Councilmember Davied seconded the motion. *Motion carried 3-0.*

**E. Consideration of An Ordinance Providing For The Erection Of Stop Signs At A Certain Intersection (Rock Road and 53rd Street North).**

**MOTION:** Councilmember Welch moved to approve An Ordinance Providing For The Erection Of Stop Signs At A Certain Intersection; Specifying Particular Intersection (Rock Rd and 53rd Street North); And Providing For Penalties For The Violation Thereof, All Within The City Of Bel Aire, Sedgwick County, Kansas, and authorize the Council President to sign. Council President Smith seconded the motion.

**Roll Call Vote:**

Greg Davied– Aye Justin Smith– Aye Diane Wynn – [absent] John Welch- Aye  
*Motion carried 3-0.*

**F. Consideration of the Change Order Request from Pearson Construction for additional quantities of reinforcing steel and temporary pavement marking in the amount of \$39,281.90.**

Ken Lee, Garver, stood for questions from Council.

**MOTION:** Councilmember Welch moved to approve the Change Order Request from Pearson Construction in the amount of \$39,281.90 for Woodlawn, 37th St N to 45th St N, and authorize the Council President to sign all related documents. Councilmember Davied seconded the motion. *Motion carried 3-0.*

**G. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Chapel Landing 5th.**

**MOTION:** Councilmember Davied moved to accept the dedications within the Final Plat for Chapel Landing 5th and authorize all required signatures. Councilmember Welch seconded the motion.

**Roll Call Vote:**

Jim Benage – Aye Greg Davied– Aye  
Justin Smith– Aye Diane Wynn – [absent] John Welch- Aye  
*Motion carried 4-0.*

**H. Consideration of An Agreement with Homestead Senior Residences Bel Aire, L.L.C., Concerning The Development Of Homestead Senior Landing, Bel Aire, Sedgwick County, Kansas**



**MOTION:** Councilmember Davied moved to approve An Agreement Concerning The Development Of Homestead Senior Landing, Bel Aire, Sedgwick County, Kansas, and authorize the Council President to sign. Council President Smith seconded the motion. *Motion carried 3-0.*

**I. Consideration of approving a Planned Unit Development (PUD) Agreement for the development of Lycee**

**MOTION:** Councilmember Welch moved to approve the Planned Unit Development Agreement for the development of Lycee, Bel Aire, Sedgwick County, Kansas and authorize the Council President to sign. Councilmember Davied seconded the motion.

**Roll Call Vote:**

Jim Benage – Aye	Greg Davied– Aye	
Justin Smith– Aye	Diane Wynn – [absent]	John Welch- Aye

*Motion carried 4-0.*

**J. Consideration of An Agreement with Gregory Hiser Concerning The Development Of Lycee, Bel Aire, Sedgwick County, Kansas.**

**MOTION:** Councilmember Davied moved to approve An Agreement Concerning The Development Of Lycee, Bel Aire, Sedgwick County, Kansas, and authorize the Council President to sign. Councilmember Welch seconded the motion. *Motion carried 3-0.*

**K. Consideration of confirming Mayor Benage’s Appointment of Councilmember Justin Smith to the Bel Aire Public Building Commission. Justin will complete the term of Joel Schroeder who resigned as Councilmember.**

**MOTION:** Councilmember Welch moved to confirm Mayor Benage’s appointment of Councilmember Justin Smith to the Bel Aire Public Building Commission. Councilmember Davied seconded the motion. *Motion carried 3-0.*

**L. Consideration of confirming Mayor Benage’s Re-Appointment of Gary Northwall to the Bel Aire Tree Board. The term is two years.**

**MOTION:** Councilmember Davied moved to confirm Mayor Benage’s re-appointment of Gary Northwall to the Bel Aire Tree Board. Council President Smith seconded the motion. *Motion carried 3-0.*

**XIV. EXECUTIVE SESSION:** There was no need for an executive session.

**XV. DISCUSSION AND FUTURE ISSUES**

**A. April 12 Workshop at 6:30 pm?**

The Council briefly discussed the agenda for the City Council workshop, which will be held on April 12, 2022 at 6:30 p.m.

## XVI. ADJOURNMENT

**MOTION:** Councilmember Welch moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 3-0.*

Approved by the City Council this 19<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Krehbiel, City Clerk

