

STAFF REPORT

DATE: June 28, 2021

TO: Governing Body, City Manager

FROM: Planning Commission

RE: June Planning Commission Meeting Report



CON-20-01Rezone 10.2 acres of unplatted C-2 Commercial to R-4 Residential.

Planning Commission reviewed 53rd & Oliver, LLC's request to rezone property located in the southwest corner of 53rd and Woodlawn in accordance with Article 5 of the City of Bel Aire Zoning Regulations. Planning Commission studied the material provided by the applicant, including a preliminary layout, and other evidence presented by representative for 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. 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:

The character of the neighborhood

- This type of development is typically seen around schools – less intensive development working toward more intensive development closer to schools.

Detrimentially effect nearby properties

- In reviewing the previous public hearing on this zone change, two members of the public were present and we received one written concern regarding this project. The primary concerns were increased traffic and drainage. The Commissioners understood the concerns regarding increased traffic and indicated that C-2 generally has less traffic than R-4, however, it was also noted that the additional traffic may accelerate the City addressing the condition of 53rd Street. The agent for the applicant spoke with one of the citizens, and there were no further issues regarding the development. The agent tried to get in touch with the citizen concerned about the drainage, but was never able to get in touch with them. The agent did speak with the landscape architect and reviewed the drainage plan for the Chapel Landing development. It was mentioned that the water never overtops the road in this area, and no changes are being proposed to the existing cross-road drainage structures. During the platting process, drainage will be looked at to ensure that the post-development runoff will not exceed the pre-development runoff in accordance with City regulations.

Neighbors

- The three neighbors mentioned earlier who had submitted comments in various forms were not present at this hearing, to which the Commission concluded that their concerns must have been addressed by the Developer or their agent.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 4-1 motion) to **recommend rezoning the property from C-2 Commercial to R-4 Residential** to Council.

CON-21-02 Rezone 37.46 acres of unplatted AG Agricultural to C-1 Neighborhood Commercial.

Planning Commission reviewed the City of Bel Aire Kansas Land Bank's request to rezone property located northwest of Webb Rd and 49th St N in accordance with Article 5 of the City of Bel Aire Zoning Regulations. Planning Commission studied the material provided by the applicant, including a general location map and other evidence presented by representative for 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. 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:

The character of the neighborhood

- At this point, the surrounding ground is agricultural, with the exception of Tierra Verde to the south and Skyview at Block 49 to the west. When questioned about the connection between Skyview at Block 49 and the subject parcel, the Agent mentioned that they have no specific plans for the parcel at this point, or for the east half of Skyview at Block 49, but would plan on heavily landscaping the adjoining subdivision line.

Conformance with Master Plan

- This location is shown as neighborhood commercial in the Master Growth Plan.

Detrimentially effect nearby properties

- The Planning Commission discussed the drainage of the existing property and how surrounding properties might be affected. The Agent for the Applicant mentioned that the drainage is provided for with the existing ponds at Tierra Verde. Commissioner Roths mentioned that currently all the water runs overland to the pasture north of 53rd Street, then across Webb Road, then north to K-254.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **recommend rezoning the property from AG Agricultural to C-1 Neighborhood Commercial** to Council.

FOR MEETING OF	6/10/21
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 06/04/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

Case No. ZON-20-01

This is a continuation-The developer/agent talked with neighbors during the executive section period about drainage. No new information was submitted for the packet.

The Ark Valley Newspaper published the notice November 19th, and property owners listed in the certified list were contacted by certified mail. At this time the city has only received one response to the information sent out for the initial meeting.

Proposed rezoning approximately 10.20 acres of the C-2 Zoning District to an R-4 single family residential district that allows duplexes. The concept plan, application, and staff review is provided in the packet. The project was advertised as rezoning to R-4 or R-5; the reason to evaluate proposed lot size, side yard setback, living space square footage, etc. Is to see if the development meets the zoning code requirements.

History-

This area wasn't platted with the Chapel landing addition for the main reason of access control related to 53rd st and the length of a single street into a development was restricted by the city zoning code and the pipeline requirements for street crossings stopped the discussion of a higher-density development in 2007. 2011, a public hearing for rezoning and preliminary PUD was reviewed and approved by the Planning commission; the two year time period allowed for completion of a final PUD submittal was never completed. The new site plan submitted, fortifies that the original PUD was abandoned in part.

The existing zoning was part of a city wide zoning map update to reflect the processes already considered and to correct mistakes. The October 4, 2011 city council minutes indicated the Zoning and preliminary PUD was approved, however, an Ordinance wasn't created to change the zoning. City Ordinance 552 provide the updated Zoning Map with the approved rezoning to C-2 with the preliminary PUD notes.

Criteria for Review-

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 a buildable triangle property with buried oil pipelines on the southerly boundary, on the north is a two lane asphalt road with abutting property listed by the county as farming and open ranch land. To the east is a K-8 magnet school, to the West is a reserve and a two-family development. South is a single family development with a HOA and nice homes.

2. The zoning and uses of properties nearby

C-1 is the school property; A-1, Kechi, farm homestead; R-4 Bristol Hollows Addition, two-family. Chapel Landing 2nd, R-5 patio homes; Chapel Landing, R-4 with Platter's text allowing reduced side yards; and Central Park, R-3 zoning district.

3. 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 agrees the project rezoning request meets the preferred use.

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

City staff will review the access points depicted onto 53rd st and the drainage plan with processes coming up as the land is platted; with these two elements meeting city standards no adverse effect is expected.

5. The length of time the subject property has remained vacant as zoned;

The City formally approved the rezoning in 2011, the property has not been active for approximately nine years.

6. 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.

7. Recommendations of permanent staff;

Yes because 2018 Master Growth plan was approved by City Council.

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

Yes the 2018 Master Growth plan

9. 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 value of each unit, rentals verses ownership, the types of materials, etc.

R-4 code-

(MODERATE DENSITY/MINIMUM 8,400 SQ. FT.)

1. **Permitted uses:** The following uses shall be permitted by right in the R-4, Single-Family Residential District, subject to all applicable development and performance standards:
 - A. Single-family residences with a minimum of 1,600 square feet of living space.
 - B. Single family with 1,200 square feet minimum living space on lots platted prior to January 1, 2003 that have a minimum lot area per dwelling unit of 7,500 square feet.
 - C. **Two-family residences (duplexes) with not less than 1,200 square feet per unit**
 - D. Churches and their accessory buildings
 - E. Day care

- F. Golf Course
- G. Group home, limited
- H. Parks, playgrounds and community buildings or Governmental buildings owned and/or operated by the city
- I. Residential Design Manufactured Homes (see 7.05 C below)
- J. School, elementary, middle and high
- K. Utility, minor

Height and Area Regulations for R-4 Developments.

The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for parking/paving and yards, and the minimum site area per dwelling unit permitted on any lot shall be as follows, except as otherwise provided in these Regulations relating to Height and Area Regulations, Exceptions, and requirements set forth within the Subdivision Code:

- A. Minimum lot area per dwelling unit – Eight thousand four hundred (8,400) square feet, this district shall also include lots platted prior to January 1, 2003 which have a minimum lot area prior dwelling unit of 7,500 square feet
- B. Maximum height:
Residences – two (2) stories, not exceeding thirty-five (35) feet from finished grade
- C. Minimum front yard – twenty-five (25) feet from street right-of-way
- D. Minimum side yard:
 - (1) Total side yards shall be twenty (20) percent of lot width. No side yard shall be less than ten (10) feet from property line
 - (2) Corner Lots – twenty-five (25) feet from street right-of-way
- E. Minimum rear yard: Twenty-five (25) feet from property line
- F. Minimum lot width – Seventy (70) feet
- G. Minimum lot depth – One hundred twenty (120) feet

Case No. ZON-21-02. Proposed re-zoning approximately 37.46 acres zoned AG, to a C-1 Neighborhood Commercial development. The current use is farm ground.

The Ark Valley Newspaper published the notice May 20, 2021, and property owners listed in the certified list were contacted by certified mail. At this time the city has received no responses to the information sent out.

History-

This area wasn't platted with Tierra Verde addition, nor, covered with Tierra Verde south addition PUD. 2009 was the last concept plan the city was reviewing mixed-use development on this land then owned by the city.

Criteria for Review-

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

10. The character of the neighborhood;

The subject property is a buildable Webb Road accessible property. The development in the area to the north and west has just started with duplex developments.

11. The zoning and uses of properties nearby

M-1 is the land across Webb Road to the East, Sunflower Commerce Park; to the North is a duplex development-Rock Spring 3rd and a county parcel; to the West is Skyview At Block 49 duplex addition location; and, Tierra Verde South, a C-2 commercial with a PUD overlay.

12. 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 agrees the project rezoning request meets the preferred use.

13. The extent to which removal of the restrictions will detrimentally affect nearby property;

City staff -no adverse effect is expected.

14. The length of time the subject property has remained vacant as zoned;

The City the property has not been active for approximately 11 years and has remained in the holding zoning district.

15. 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.

16. Recommendations of permanent staff;

Yes because 2018 Master Growth plan was approved by City Council. It may be better to consider a C-2 zoning district in the future for a portion of this parcel to increase possible uses such as, restaurants, or allowing more than one building on a lot.

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

Yes the 2018 Master Growth plan

18. 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.

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



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.

☒ Change Zoning Districts: From: C-2 to R-4

☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner 53rd & Oliver, LLC

Address _____ Telephone _____

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

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

1. The application area is legally described as Lot(s) n/a; 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 10.20 acres.

3. This property is located at (address) n/a which is generally
located at (relation to nearest streets) southwest corner of Woodlawn and 53rd St N.

4. The particular reason for seeking reclassification:

to allow two-family residential development

5. County control number: 00570714

November 2, 2020

CHAPEL LANDING REZONING 11-2-20

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence $S00^{\circ}09'40''E$, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, 1.01 feet to the intersection with the northwest line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the northwest line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way), and for a point of beginning; SECOND COURSE, thence $S64^{\circ}17'22''W$ coincident with the northwest line of said Pipeline Rights-of-Way, 611.91 feet for a point of beginning, THIRD COURSE, thence continuing $S64^{\circ}17'22''W$ coincident with the northwest line of said Pipeline Rights-of-Way, 946.77 feet to the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas; FOURTH COURSE, thence $N19^{\circ}42'50''W$ coincident with the east line of said Reserve "A", 664.27 feet to the northeast corner of said Reserve "A"; FIFTH COURSE, thence $N00^{\circ}17'10''E$, 60.00 feet to the intersection with the north line of said Northeast Quarter; SIXTH COURSE, thence $S89^{\circ}42'50''E$ coincident with the north line of said Northeast Quarter, 976.14 feet; SEVENTH COURSE, thence $S00^{\circ}17'10''W$, 60.00 feet; EIGHTH COURSE, thence $S25^{\circ}42'38''E$, 232.78 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter.

Containing 444137.5 Sq. Ft.



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



REZONE SUBMITTAL REVIEW

Address of proposed project: Rezoning of the Southwest corner of Woodlawn and 53rd st

This report is to document that on 12.1.20 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 checked="" 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 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:

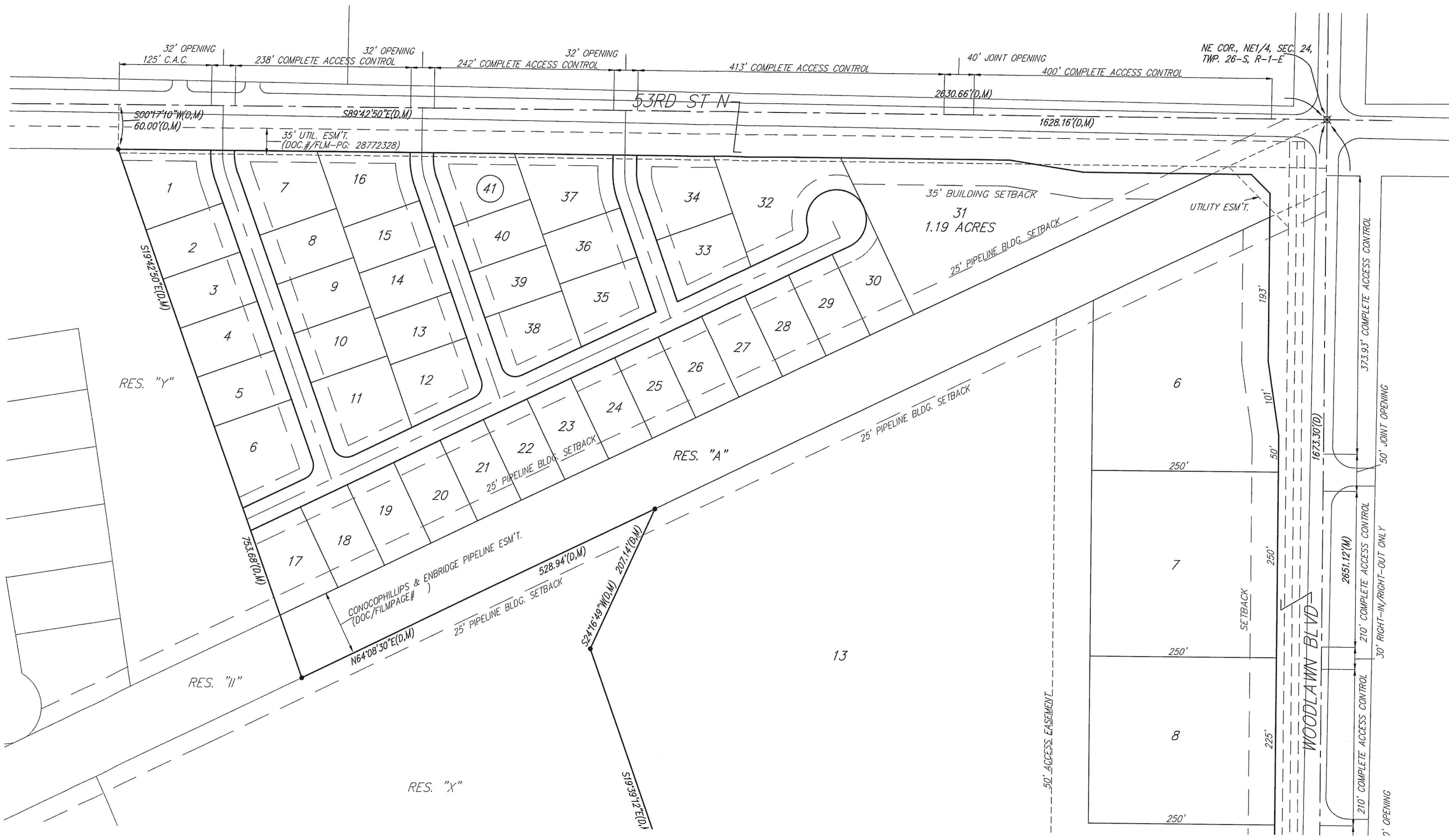
- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 12/1/20

Keith Price
REVIEWED BY

Comments: ZON-20-01-The reference to Chapel Landing rezoning is reflected by sharing common boundaries only, the actual name of the project hasn't been provided.

- The Onegas utility is currently on the south side of Central Park Ave; approximately 5,600 ft. away, Everygy has overhead power, the city lift station is west along 53rd st next to the development. Pipeline crossings with underground utilities can become an issue.
- The city Zoning Regulations for an R-4 requires 8,400 square feet per lot, 1,200 square feet per living unit, 10 feet side yards. Twenty five rear yards, lot size 70'x120' minimum.
- Shared driveways must be approved by the City. Minimum two enclosed parking spaces, in addition to two exterior, on site spaces are required.
- The city 2018 Master growth plan figure 3.4 Preferred Balanced Growth indicates mixed-use/local commercial.
- <http://www.belaireks.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.



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 November, 2020, with subsequent publications being made on the following dates:

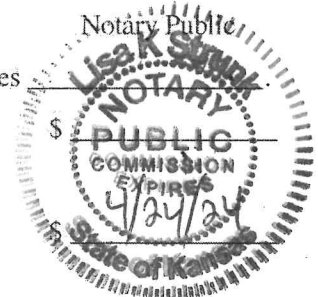
_____, 2020 _____, 2020
_____, 2020 _____, 2020
_____, 2020 _____, 2020

Subscribed and sworn to before me this 19th day of November, 2020.

My commission expires

Additional copies \$

Printer's fee



Public notice

(Published in The Ark Valley News on Nov. 19, 2020.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED: Notice is Hereby Given that on December 10, 2020 the City of Bel Aire Planning Commission will consider the following re-zoning hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

Case No. ZON/-20-01. Proposed re-zoning approximately 10.2 acres un-platted C-2 commercial, to R-4 or R-5 to allow a two-family residential development.

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

General Location: Southwest corner of Woodlawn and 53rd

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 17th day of November, 2020.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

2011-21-02

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: AG to C-1
- ☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner CITY OF BELAIRE KANSAS LAND BANK

Address 7651 E. CENTRAL PARKWAY, BELAIRE, KS 67226 Telephone _____

Agent representing the owner ANDREW REESE

Address ANDREW@BANISTERREALESTATE.COM Telephone (620) 755-1619

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

2. The application area contains 37.46 acres.

3. This property is located at (address) N/A which is generally located at (relation to nearest streets) NORTHWEST OF WEBB RD. & 49TH ST. N.

4. The particular reason for seeking reclassification:

TO ALLOW DEVELOPMENT OF THIS SITE WITH VARIOUS SMALL SCALE RETAIL BUSINESS USES.

5. County control number: 30015273

May 28th 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 SKYVIEW AT BLOCK 49, LLC Phone _____
Address 5219 N. HAMPTON ST., BEL AIRE, KS Zip Code 67226

Agent ANDREW REESE Phone (620) 755-1619
Address ANDREW@BANISTERREALESTATE.COM Zip Code _____

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.


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.

May 28th 2004

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

The E 1,235' of the S/2 of the NE/4, 20-26-2E Subject Property		City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226	✓
The S/2 of the NE/4, EXC the E 1,235' thereof, 20-26-2E		Sky View at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226	
The N/2 of the NE/4, EXC the N 495' of the E 880'; & EXC for roads; & EXC that part platted as Rock Spring 2 nd Add; & EXC that part platted as Rock Spring 3rd Add, 20-26-2E		Quad Investments, LLC PO Box 781974 Wichita, KS 67278	
The N 495' of the E 880' of the N/2 of the NE/4, EXC for roads; & EXC part begin 602' W of NE corner of NE/4; th. S 219'; th. W 108'; th. N 219'; th. E to begin, 20-26-2E		James D. & Narnie K. Woolley 819 W. Verona Ct. Andover, KS 67002	
Lot 4, Blk A, EXC the S 50' thereof AND Lot 1, Blk C	Sunflower Commerce Park Addition	City of Bel Aire, Kansas, Public Building Commission 7651 E. Central Park Ave. Bel Aire, KS 67226	✓
The S 50' of Lot 4, Blk A	"	Factory Direct Copper & Granite, LLC PO Box 65 Andover, KS 67002	
Lot 5, Blk A, EXC the E 210' of the S 290' thereof	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226	✓
The N/2 of the SW/4, EXC that part lying N & W of the MOPAC Railroad r.o.w., 21-26-2E		Marjorie A. Wirth 10810 T Ave. Columbus Junction, IA 52738	

The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150', 21-26-2E		Bryant Family Trust R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 8, Blk 1 AND Lots 3 & 4, Blk 2	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21 st St. N. Wichita, KS 67214
Reserve A AND Reserves H, I, & J	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lots 1, 2, & 3, Blk 3 AND Reserve A	Rock Spring 3 rd Addition	Quad Investments, LLC PO Box 781974 Wichita, KS 67278

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 May, 2021, at 7:00 A.M.

Security 1st Title LLC

By: Karen K. Frye
Licensed Abstracter

Note:

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

RE:

The East 1,235 feet of the South Half of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

Order: 2450032

KJK

SITE PLAN

AG to C-1 Zone Change Bel Aire, Sedgwick County, Kansas

Zone Change Description

The East 1,235.00 feet of the South Half of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas.

OWNER:

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

Agent/Contract Buyer: Skyview at Block 49, LLC

Attn: Andrew Reese
5219 N. Hampton St.
Bel Aire, KS 67226

Ph. (620) 755-1619

Andrew@Banisterrealestate.com

SURVEYOR & ENGINEER:

Garver, LLC
Attn: Will Clevenger
8535 E. 21st St. N., Ste. 130
Wichita, KS 67206

Ph. (316) 221-3027

WKClevenger@GarverUSA.com

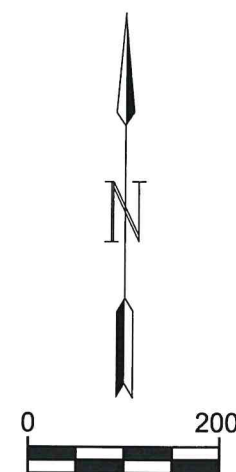
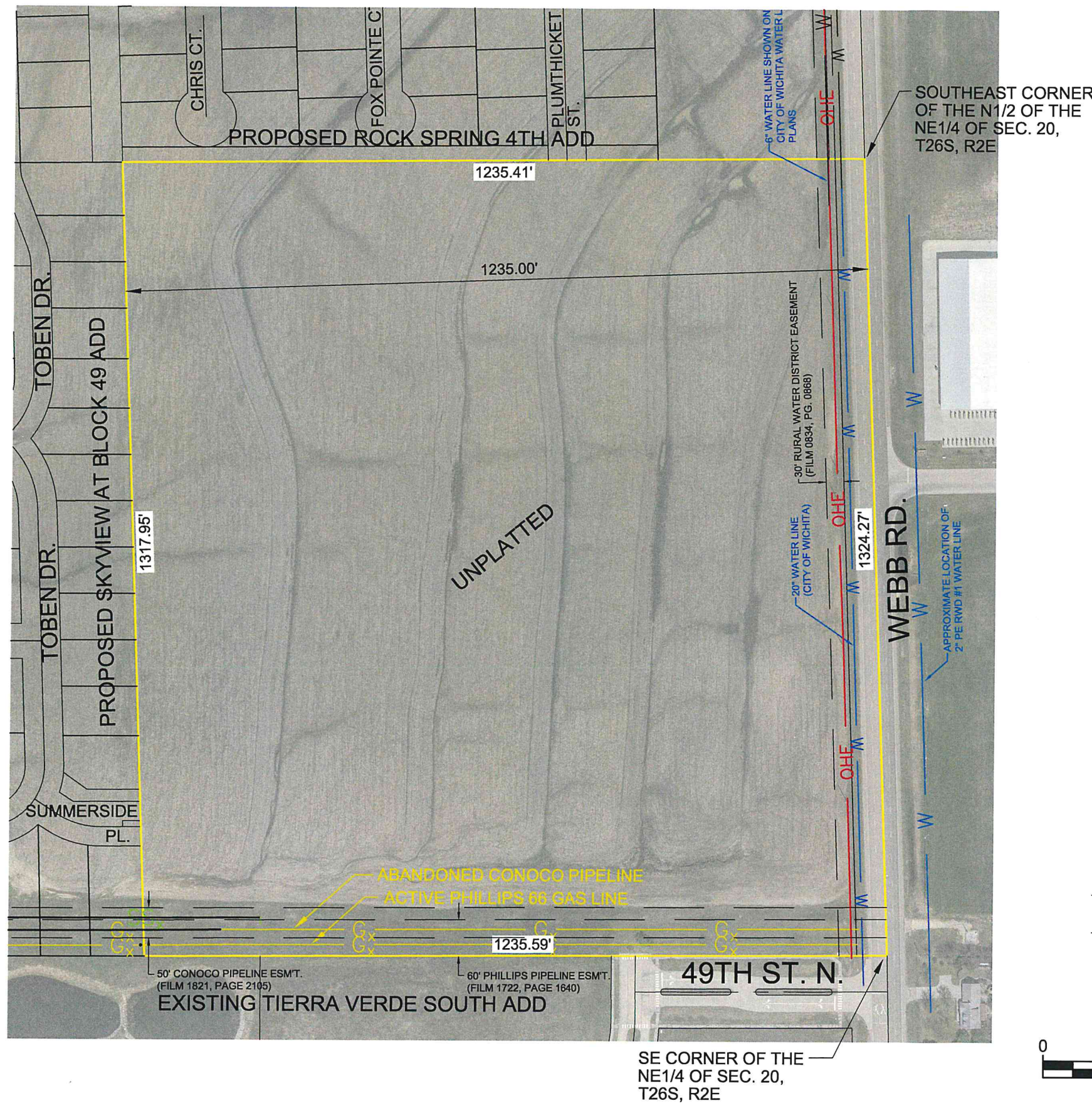
ZONE CHANGE AREA:

37.46 Acres

EXISTING CONDITIONS:

The property is vacant ground with no improvements.

A subdivision plat of the property will be submitted, pending zone change approval.



DWG FILE: 21S04015 SITE PLAN
PROJECT NO. 21S04015
MAY 17, 2021



GARVER
8535 E. 21st Street N.
Suite 130
Wichita, KS 67206
(316) 264-8008
www.GarverUSA.com

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Public notice

(Published in The Ark Valley News on May 20, 2021.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on June 10, 2021 the City of Bel Aire Planning Commission will consider the following re-zoning hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

Case No. ZON-21-02. Proposed re-zoning approximately 37.46 acres zoned AG, to a C-1 Neighborhood Commercial development. The current use farm ground.

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 North of E 49th 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 May, 2021.

Anne Stephens
Bel Aire 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 20th day of May, 2021, with subsequent publications being made on the following dates:

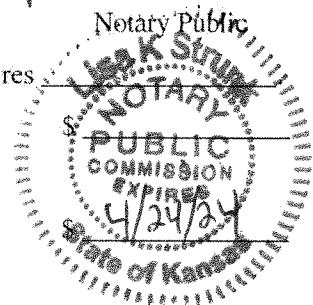
_____, 2021 _____, 2021
_____, 2021 _____, 2021
_____, 2021 _____, 2021

Subscribed and sworn to before me this 20th day of May, 2021.

My commission expires

Additional copies

Printer's fee





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



REZONE SUBMITTAL REVIEW

Address of proposed project: Rezoning of the unplatted portion of the Northeast quarter of section 20
This report is to document that on 6.4.21 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 checked="" 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 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 6/4/21

Keith Price
REVIEWED BY

Comments: ZON-21-01-There was no pre-meeting prior to the submittals received. The zoning district is neighborhood commercial. Restaurants and bars among others similar uses are not under the umbrella of a C-1 zoning district.

- The application received was un-signed.
- The city 2018 Master growth plan figure 3.4 preferred Balanced Growth indicates mixed-use/local commercial.
- **Use Regulations.** No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses set forth herein, or similar uses subject to all applicable development and performance standards. 1. **Permitted uses:** The following uses shall be permitted by right in the "C-1" Neighborhood Commercial Office and Retail District, subject to all applicable development and performance standards: a. Offices, including the following: Abstract and title companies Accountants' offices Advertising agencies. Architects' offices Artist studios. Attorneys' offices. Broadcasting or recording studios without transmitter towers. Computer and data processing offices. Dental offices and clinics Engineers' offices Medical offices and clinics Offices, administrative, clerical sales services, including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the total floor area. Such display area shall be limited to small business machines, desk computers and similar

types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use. Optician and optical dispensaries Photography studios. Real estate offices. Religious offices and headquarters Travel agencies b. Retail stores and personal service businesses, including the following: Zoning Regulations/ City of Bel Aire, Kansas (Revised 2020] 90 | Page Artist, craft and hobby supply store. Camera shop and photographic supplies. Clothing and costume rental store. Drug store, pharmacy or apothecary. Florist shop. Hair stylists (barber and beauty shops). Jewelry and jewelry repair. Key shop. Medical and orthopedic appliance stores. Picture framing shop. Shoe repair shop. Tailor shop. c. Residential uses, as follows: Each business or office may have an owner residence within the primary structure of the business or office structure. d. Miscellaneous type uses, including: Off-street parking and loading accessory to the principal use established on the zoning lot, all in conformance with the standards set forth within Article 6 of this Zoning Code. 2. Conditional uses: The following uses shall be permitted in the "C-1" District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Article 5.03. a. Safety services b. Wireless Telecommunication Facilities c. Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served, and is determined by the commission to contribute to the necessity of the principal residence or business established on the zoning lot, all in conformance with the standards set forth within Article 6 of this Zoning Code.

- <http://www.belaireks.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.