

**December 5, 2021**

**TO: Bel Aire Planning Commission**

**FROM: Terry Cassady and John Smith  
5957 Forbes  
Bel Aire, KS 67220**

**RE: Old Business Item D – Zoning 21-04  
December 16, 2021 Meeting**

**We are requesting the Planning Commission recommend denial to the City Council of the requested R-5 zone change and subsequent replats for the following reasons:**

- The plat submitted by Randy Harder was tabled by the Planning Commission at the October 14 meeting. The plat needs to accompany the zone change due to the concerns expressed by the Commissioners and the citizens. Those include access, drainage, greenspace/amenity development, increased traffic, police/fire/ambulance emergency access, public safety and increased crime statistically proven in multi-family areas.
- R-5 zoning districts are prolific in new Bel Aire subdivisions. Basically, Oliver to Webb along 53<sup>rd</sup> Street is multi-family housing. Those units are rentals – apartments and multi-plexes - consuming hundreds of lots. Mr. Harder's letter indicates this and uses it as rationale why he, too, should be able to build duplexes in Iron Gate.
- Mr. Harder says he plans to build single family houses on smaller R-5 lots; however R-5 specifically indicates it's not intended for single family structures. He says he'll build duplexes if the economy won't support single family. There's no unmet need for more duplexes/multi-family in Bel Aire. As admitted by a commissioner, in the past, some multi-family developers haven't adhered to agreements made with the City of Bel Aire which resulted in poor developments. Enforceable guarantees need to be required to prevent further malfeasance.
- Ken Lee, Mr. Harder's representative with Garver, told Iron Gate residents at the November Planning Commission meeting that Mr. Harder has had multiple offers from other developers to buy the 55+ acre parcel and develop with multi-family uses. It's logical to conclude that Mr. Harder wants to get the rezoning and platting in place to facilitate the sale of the property to a multi-family developer.
- According to Sedgwick County GIS, there are 53 houses/patio homes in Iron Gate. Fifteen percent of those are rentals in which Mr. Harder or his developer associates

have a controlling interest. The rentals are homes priced in \$400-450s, some with multi-year long term leases. They will in all likelihood be rentals forever. Iron Gate owners have been told the homes are rented because they wouldn't sell. This is unbelievable as the homes are attractive properties and were priced competitively. Marketing of Iron Gate is abysmal.

- If a modicum of effort and marketing had been made to sell lots in Iron Gate there would be many more single family homes built and sold during the last 18 months and the peak of real estate sales. Only five homes have been started in the past couple of months. Other single family subdivisions in northeast Wichita begun after Iron Gate are booming. The market is robust and interest rates cheap.
- In order for Bel Aire to become a more desirable community, more homeownership is necessary. We have all been renters at some point in our lives; however, only homeowners have "skin in the game" and a vested interest in the betterment of the community.
- For Iron Gate owners and the City of Bel Aire, the worst case scenario is 153 lots of duplexes or other multi-family units owned by Mr. Harder or other developers. Typically a developer turns over the HOA to the resident property owners when 80% of the properties are sold. The Iron Gate resident owners will never be able to manage their own neighborhood and ensure enforcement of the HOA covenants if this rezoning is approved as it'll be impossible for 80% to be resident owned and occupied.
- As early buyers in Iron Gate, we trusted that the single family portion of the development would continue to be built out similarly to the original homes on Forbes and Forbes Court. Over the past two to three years we've seen houses built in Iron Gate not adhering to the standard or quality of the original homes. Recent builds have minimal brick/stone facades, less roof pitch and cheaper interior finishes. One owner referred to this as "bait and switch." There is poor covenant enforcement of maintenance, including the first home on Central Park and Wildfire, at the entrance to the single family portion of Iron Gate, being allowed to put pea gravel or other non-turf material on the majority of the backyard. That along with poor exterior maintenance by the owner presents a negative first impression to prospective buyers of the subdivision and negatively impacts the salability of earlier-built, higher priced homes.
- We're appealing to the Planning Commissioners and City Council members to protect our property values from being eroded by multi-family zoning and construction.

**For these reasons, as well as those raised by Iron Gate owner Kyle Hart and others, if the City of Bel Aire wants high quality subdivisions the R-5 rezoning and platting proposals submitted by Randy Harder for Iron Gate must be denied by the Planning Commission and the City Council.**