

City of Bel Aire

STAFF REPORT

DATE: 11/24/2025

TO: Bel Aire City Council
FROM: Paula Downs
RE: VAC-25-03- Lycee Addition

STAFF COMMUNICATION

FOR MEETING OF	12/02/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

VAC-25-03: Vacation request in the City to vacate a portion of a drainage and utility easement and platted joint access easement on Lots 1-3, Block B, Lycee Addition, generally located at the northeast corner of Rock Road and Lycee St.

Legal Description:

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

General Location:

East side of Rock Road and ¼ mile North of 53rd 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 October 23, 2025. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on October 23, 2025.

VAC-25-03 was filed due to existing easements being in conflict with a revised site development plan. The development plan was approved in Zoning Case- ZON-25-01.

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.

6. August 14, 2025- Planning Commission Meeting

ZON-25-01- Previous change in zoning had not been formally approved in the proper manner- a zoning case should have been filed, approved, and an Ordinance developed. The zoning change for this case needed to be a Planned Unit Development Residential District "R-PUD" which addresses the change in zoning and provides for an R-PUD Preliminary Plat document with PUD text vs. a separate PUD Agreement. ZON-25-01 case was filed to ensure the proper process and zoning change case for clarity moving forward.

The PUD Plat referenced vacating a joint access easement and drainage easement that would be filed under another case.

The case set out permitted uses, landscaping requirements, lot coverage relief, minimum lot area per dwelling relief; front and side yard setback relief; parking lot illumination relief. Planning Commission discussed the permitted uses and relief requests and were satisfied with the applicant's requests. The zoning case was approved with conditions recommended by staff including: .

1. Landscape plan is to be reviewed and approved by Zoning Administrator for Parcel 2 before any building permits are issued.
2. 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.

7. September 2, 2025- City Council Meeting

ZON-25-01 came before the City Council for approval.

Council confirmed that no protest petitions were received regarding the case.

Applicant confirmed:

1. There is enough room between Rock Road and the development to allow for future expansion of Rock Rd. There is a 60-ft-half street right of way which will allow for a five-lane road.
2. Council requested that a sidewalk extension be included to connect to the public sidewalk.
3. Plans are for multi-family, but less dense than a typical apartment complex.

Council approved the zoning case 6-0.

8. November 13, 2025- Planning Commission Meeting:

Applicant requests vacating a portion of a drainage and utility easement and platted joint access easement on the property. Vacation of easements is necessary because they are in conflict with the revised site development plan approved during ZON-25-01.

Vacation case was provided to the utility companies. Kansas Gas found no conflict with KGS lines or equipment in the easement locations and approved the vacation request. Evergy had no objections to the vacation request.

The Planning Commission per K.S.A. 12-505 reviewed the required criteria and were satisfied and have no concerns on the following:

1. Notice of petition to vacate and notice of the public hearing has been given in accordance with state law.
 - a. Notice was published in the official city newspaper on October 23, 2025.
 - b. Notice was mailed to property owners within 200 ft. of the subject property on October 23, 2025.
 - c. No inquiries were received about the case.
2. No private rights will be injured or endangered if the vacation is granted.
 - a. Notice of the vacation was provided to utilities.
 - b. Utilities have no concerns or objections to the vacation of easements as presented.
3. The public will suffer no loss or inconvenience if the vacation is granted.
 - a. The proposed vacation will allow the approved development to move forward.
 - b. Vacated easements are not in use, and no loss or inconvenience will be suffered by the public.
4. In justice to the petitioner(s) the vacation should be granted.

The Planning Commission approved the vacation 5-0.

Current Discussion

On November 13, 20025, the Planning Commission confirmed that the Vacation case met the required criteria and approved the case 5-0. The Planning Commission adopted a resolution stating its recommendation with no conditions.

Staff recommends approval of case by Ordinance.