

## STAFF REPORT

DATE: May 30, 2023  
TO: Ted Henry, Asst. City Manager  
FROM: Anne Stephens, City Engineer  
RE: Bill King Driveways

### **Proposal Focus:**

#### Our Mission

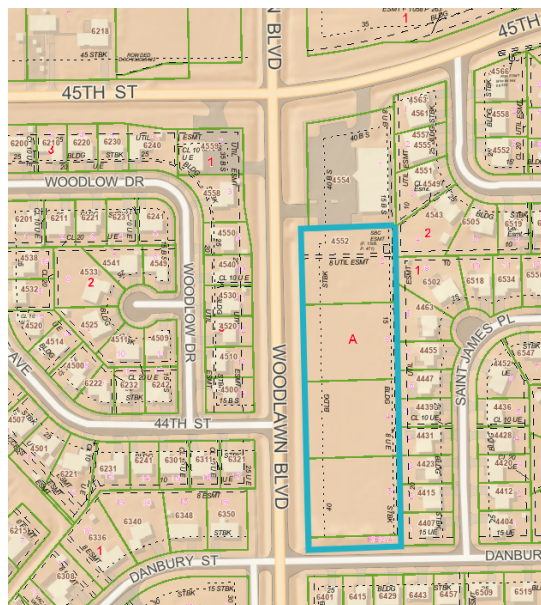
- Attractive growth and safe living – Encourage attractive neighborhoods and new developments.

#### Our Values

- Working Together – Departments working together as one team. Staff working with residents, HOA's and neighborhoods. Citizens working with each other.

### **Current Situation:**

Mr. King owns the empty lots south of Dollar General and north of Danbury on the east side of Woodlawn. During the planning and initial construction stages of the Woodlawn project, Mr. King came in to request access points for Lots 2, 3, 4 and 5. In 2020, Baughman drew up site plans showing a combined driveway into Lots 2/3 and Lots 4/5. No other building/development plans were provided at this time of the initial request. Due to the amount of stormwater coming down Woodlawn, having a dropped curb at the requested driveway locations would not be a good idea, unless the driveways were installed at the same time. It is not the City's practice to install driveways on development/re-development projects unless there is already a driveway in existence to that particular lot or property. The City did install a concrete driveway as part of the Woodlawn Reconstruction Project at the north end of Lot 2, as this lot already had an existing driveway.



**Goals:**

- To grow the City in an attractive, safe manner that is consistent with City standards.

**Discussion:**

In 2006, this subdivision was replatted into a PUD with one access granted off of Woodlawn for Lot 1, which is now the Dollar General store. Additional access points may be requested and approved as part of the additional development of the other lots. At some point between 2006 and now, an access was made into Lot 2, but no further access points off Woodlawn have been created. In 2020, Mr. King hired Baughman Company to put together a site plan showing the location and dimensions of his desired driveways. Mr. King met with the City Engineer early into the Woodlawn construction project requesting that the curb be dropped in the proposed driveway locations as it would be easier to do it while the curb was being installed than having to come back and do it later. The City Engineer was open to hearing the request, but with no development/building plans available, it was her recommendation to not install the dropped curb due to the fact that there was no building plans/building permits applied for. With the amount of water coming down Woodlawn, it is not advisable to have a dropped curb with no driveway behind it as the stormwater would likely overtop the dropped curb and cause erosion and maintenance concerns behind the curb in this location. Additionally, without specific building plans/permits ready to go, there is no guarantee that plans wouldn't change. It is generally advisable to not install dropped curbs until buildings are ready to be installed due to the possibility for change in access points as development progresses and ideas become more solidified.

Recently, Mr. King met with City Staff again to request that the driveways be installed with the Woodlawn project. At this time, there was a misunderstanding due to the nature of the request. City Staff assumed that Mr. King was asking for permission to access Woodlawn at the identified locations from Baughman's drawings and it was determined that due to the statement in the 2006 City Council minutes regarding "future driveway access to the PUD may be requested and approved as part of the additional development of the other lots", any additional requests for access must go before the City Council as an alteration to the approved PUD. It was not until the City received the letter from Mr. King dated May 17, 2023 that staff understood that Mr. King was requesting that the actual driveway be installed by the City as part of the Woodlawn project.

**Financials:**

Staff has not obtained a cost from Pearson for adding these two driveways to the Woodlawn project as it is against City Policy to pay for driveways that were not pre-existing as part of a construction project.

**Recommendation:**

It is staff's recommendation that no improvements shall be made prior to development/building plans being submitted to the City for review and approval. Furthermore, it is staff's recommendation that the City Council adhere to City Policy regarding driveway installations. Item 6 of the General Provisions on the PUD for this property indicates that "The Developer shall install, or cause to be installed all improvements delineated on the PUD Site Plan. Said improvements include, but are not limited to sidewalks, water distribution system, sanitary sewer service lines, driveways, landscaping, lighting and utilities." "The Developer shall pay 100% of the cost of the improvements delineated on the PUD Site Plan at the time each individual lot is developed." The PUD states very clearly that the Developer should be responsible for payment of any improvements to the lots when they are developed.

17th May 2023

**To: Ty Lasher (Bel Air City Manager)**

**From: William R. King (Owner/Developer)**

**Re: Woodlawn Driveways (Bel Aire East 2nd Addition)**

Manager Lasher

I appreciate your attention to this matter.

After a meeting with Jay Cook, Ann Stephens, and Keith Price, it was decided that I should write to you requesting that the matter of the timely installation of the driveways be presented to the city council for their approval.

The driveways will be constructed as shown on Baughman engineering drawings (Sept. 2020) which were given to Ann Stephens as construction was proceeding on the Woodlawn improvement. No changes were made or suggested to the drawings.

The two driveways are designed to serve lots two (2) and three(3) together and lots four (4) and five (5) together rather than asking for a driveway for each one (1) acre lost as platted

It is my intention to control the development in this fashion with cross easements between the lots.

Pearson construction needs permission to install the driveways so that they may be completed before road construction is completed.

Thank you for your consideration.

With respect,

William R. King



C.C. Jay Cook

BEL AIRE EAST 2ND ADDITION  
ACCESS DRIVE EXHIBIT

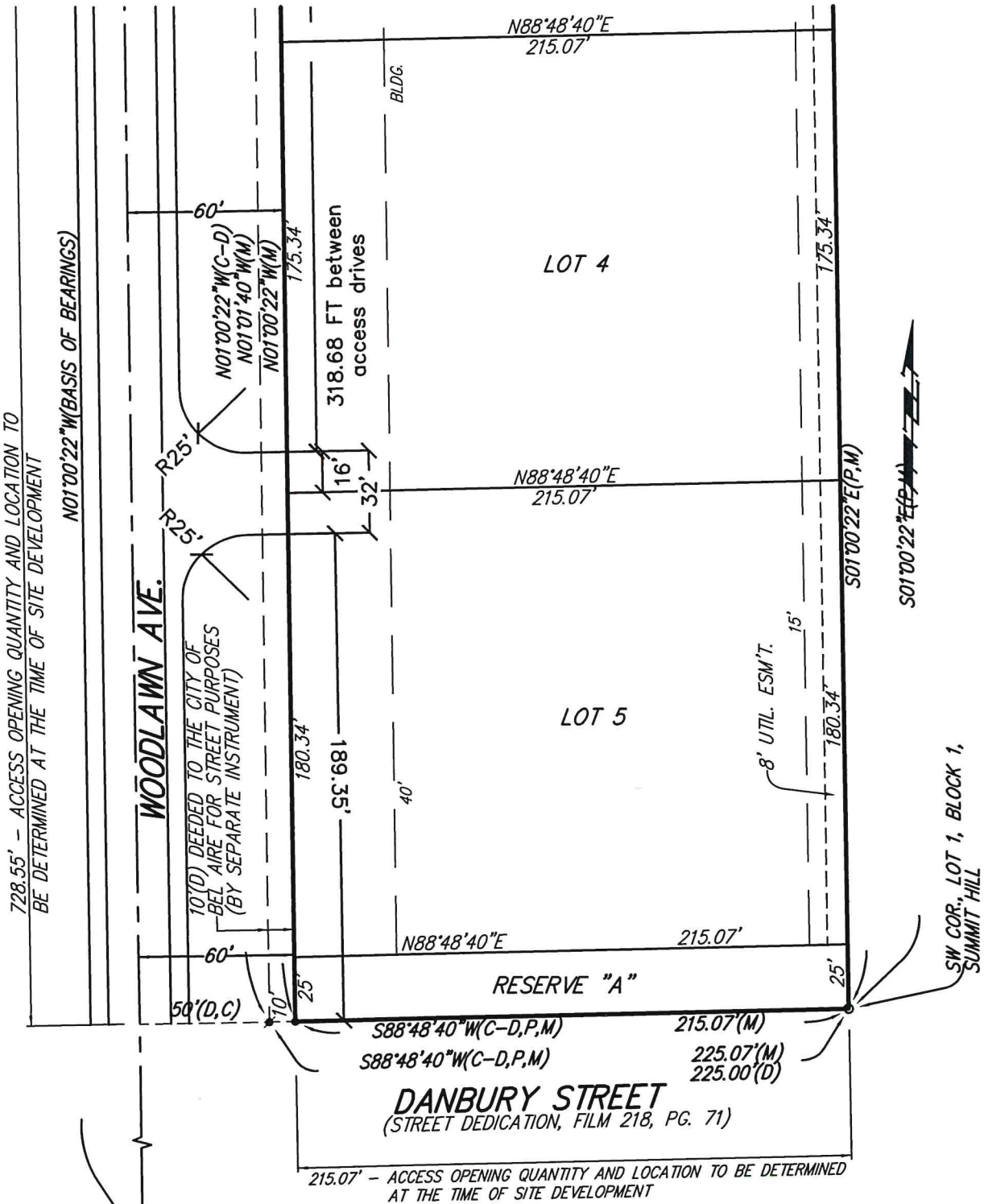
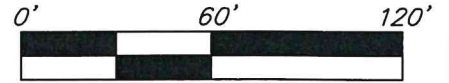


**Baughman Company, P.A.**  
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149  
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

F: |sketch|Bel Aire 2nd Addition|Access Drive Exhibit.dwg

# EXHIBIT

BEL AIRE EAST 2ND ADDITION  
ACCESS DRIVE EXHIBIT



SOUTH ACCESS DRIVE

1" = 60'-0"

SEPTEMBER 2020

**Baughman**  Baughman Company, P.A.  
315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149  
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

F:\sketch\Bel Aire 2nd Addition\Access Drive Exhibit.dwg



# BEL AIRE EAST 2ND ADDITION PLANNED UNIT DEVELOPMENT

## GENERAL PROVISIONS:

1. Total Land Area: 214,829 ± sq.ft. or 4.93 ± acres  
Net Land Area: 207,453 ± sq.ft. or 4.78 ± acres
2. Total Gross Floor Area: 72,827 sq.ft.  
Total Floor Area Ratio: 33.9 percent ±
3. 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 Agreement shall be deemed in compliance with the zoning and subdivision regulations of the City.
4. 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 (hereinafter the "PUD Site Plan") shall be approved by Developer and by the City Engineer, attached hereto and made a part hereof, at the time each individual lot is developed.
5. All electric power, parking lot lights, cable, streetlights and telephone service shall be installed underground. The City shall approve the engineering design, and inspect all of the improvements necessary for the development of Bel Aire East 2nd Addition. All public improvements shall be dedicated to and owned and maintained by the City, and shall be installed on city owned property or within public right-of-ways or easements.
6. The Developer shall install, or cause to be installed all improvements delineated on the PUD Site Plan. Said improvements include, but are not limited to: sidewalks, water distribution system, sanitary sewer service lines, driveways, landscaping, lighting and utilities. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction by or on behalf of the Developer. The Developer shall pay one hundred percent (100%) of the cost of the improvements delineated on the PUD Site Plan of the time each individual lot is developed.
7. Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground and overhead electric, communications, gas lines, pipe lines or transmission lines are required to be installed, lowered, encased, or relocated due to the lot split or construction improvements required, and in the event it was not known at time of the lot split approved, 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.
8. All easements recorded on the face of the final plat of Bel Aire East 2nd Addition to Bel Aire, Kansas shall remain in effect pursuant to this Planned Unit Development Agreement. 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.
9. The Developer shall prepare a Landscape and Storm Drainage Plan, which shall address the effect of changes to the natural environment and increased drainage. Said Landscape and Storm Drainage Plan shall be approved by the City Engineer, attached hereto and made a part hereof at the time each individual lot is developed. After approval by the Developer and the City Engineer of said Landscape and Storm Drainage Plan, the Developer shall install, or cause to be installed, the improvements pursuant to the said plan.
10. The Developer shall prepare a Signage Plan that shall include all free standing and building signage, which shall be approved by the City Administrator, attached hereto and made a part hereof at the time each individual lot is developed.
11. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot.
12. 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 obtained by the property owners of the lot, or lots, in the PUD which fails to meet these requirements.
13. The Developer shall enclose or cause to be enclosed, all trash and recycling containers and similar equipment as set forth in the PUD Site Plan as approved by the City Engineer at the time each individual lot is developed.
14. No outside storage of any product or material shall be permitted on said property unless specifically approved by the City Administrator and placed within an approved enclosure.
15. Roadway access to the tract of land herein referred to as Lots 1 through 5 shall be as shown on the PUD Site Plan at the time each individual lot is developed, and as approved by the City Engineer and by the Sedgewick County Fire Department for fire protection purposes.
16. In accordance with the approved PUD Site Plan, the City shall request installation of necessary streetlights by the Kansas Gas and Electric Company and the Developer shall install parking lot, building lighting and security fixtures as provided in the PUD Site Plan at the time each individual lot is developed.
17. Any required sanitary sewer main(s) shall be dedicated by the Developer to the City upon approval of the City Engineer. The cost of any required sanitary sewer main(s) shall be paid to the City at the time the permit is approved.
18. Developer shall construct water service lines to serve Lots 1 through 5. The location of such tap shall be as shown on the PUD Site Plan as approved by the City Engineer at the time each individual lot is developed.
19. No demolition, site clearance or construction shall commence on any portion of the tract of land herein referred to as Lots 1 through 5 without the Developer, or its designated builder, having first obtained the proper permits from the City. No occupancy will be allowed of any building on said property without a valid Occupancy Permit from the City of Bel Aire.
20. Parking, as designated on the PUD Site Plan submitted at the time each individual lot is developed, shall be deemed sufficient for all commercial uses.
21. Prior to development, all lots shall be maintained in accordance with the municipal code of the City of Bel Aire.
22. 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.
23. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the lot of land herein referred to as Lots 1 through 5. 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.
24. The Developer shall file with the Sedgewick County Register of Deeds an executed copy of this Agreement including the attachments of the PUD Site Plan, the Landscape and Storm Drainage Plan and the Signage Plan as approved by the City Engineer at the time each individual lot is developed.
25. Upon full execution hereof and upon attachment of the PUD Site Plan, the Landscape and Storm 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 Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.
26. Construction of a City sidewalk on the property line, or an approved alternative location, connecting Danbury's existing sidewalk to 45th street parallel to Woodlawn and from 45th street back to the East property line shall be completed within (1) year of the first building permit issued for the entire development. 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.
27. All fire hydrant locations must be identified on a plan & approved by the Sedgewick County Fire Department according to its standards. Developer is responsible to meet all Sedgewick County Fire Codes & Standards and installation by the Developer shall be to City standards.
28. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. The site shall be viewed one six-foot wide movement type entry sign, not exceeding 6 feet in height. Reserve "A" is allowed to have one community information sign and one subdivision entry marker defined in chapter 27.02 (H), (PP) only, in the current location as shown on the plat map. The Reserve "A" is a buffer area and is restricted from commercial signs. Any future signage must be approved by the City.

## LOT 1

- A. Net Area: 50,175 sq.ft. or 1.15 acres  
B. Maximum Building Coverage: 15,052 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 17,561 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## LOT 2

- A. Net Area: 50,175 sq.ft. or 1.15 acres  
B. Maximum Building Coverage: 15,052 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 17,561 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## LOT 3

- A. Net Area: 50,175 sq.ft. or 1.15 acres  
B. Maximum Building Coverage: 15,052 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 17,561 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## LOT 4

- A. Net Area: 50,175 sq.ft. or 1.15 acres  
B. Maximum Building Coverage: 15,052 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 17,561 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## LOT 5

- A. Net Area: 50,175 sq.ft. or 1.15 acres  
B. Maximum Building Coverage: 15,052 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 17,561 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## LOT 2

- A. Net Area: 37,693 sq.ft. or 0.87 acres  
B. Maximum Building Coverage: 11,308 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 13,193 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## LOT 4

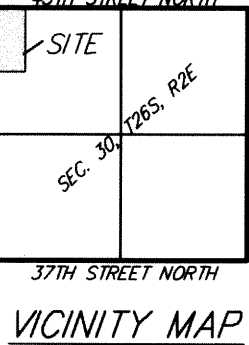
- A. Net Area: 37,711 sq.ft. or 0.87 acres  
B. Maximum Building Coverage: 11,313 sq.ft. or 30 percent  
C. Maximum Gross Floor Area: 13,199 sq.ft.  
D. Floor Area Ratio: 35 percent  
E. Maximum Number of Buildings: One (1)  
F. Maximum building height: 45 feet  
G. Setbacks: See Drawing  
H. Access Points: See Drawing  
I. Proposed Uses: C-1 permitted uses as defined in Chapter 21 and all Special Uses of the city's Zoning Ordinance #418. The list is not all inclusive.

## RESERVE "A"

- A. Net Area: 5,377 sq.ft. or 0.12 acres  
B. Maximum Building Coverage: N/A  
C. Maximum Gross Floor Area: N/A  
D. Floor Area Ratio: N/A  
E. Maximum Number of Buildings: N/A  
F. Maximum building height: N/A  
G. Setbacks: N/A  
H. Access Points: N/A  
I. Proposed Uses: Landscaping, open space, berms, drainage purposes, signage, entry monuments, utilities, and access to or from Lot 5.

## BENCHMARK:

"C" CUT NORTH END OF R.C.P., 38.5" W x 3.0" N. OF SW COR., LOT 1, BLOCK A. ELEV. = 1389.38 NGVD29



on this 24th day of March, 2008, in accordance with K.S.A. 58-2005

Paul S. Murphy, Vice President of Commerce Bank, N.A., on behalf of the bank.

My App'l. Exp. 5/17/09

This is to certify that this plat has been filed for record in the office of the Register of Deeds, this 13th day of March, 2008, at 1:00 P.M., and is duly recorded.

Bill Meek, Register of Deeds

Don Brace, County Clerk

Harold Smith, Mayor

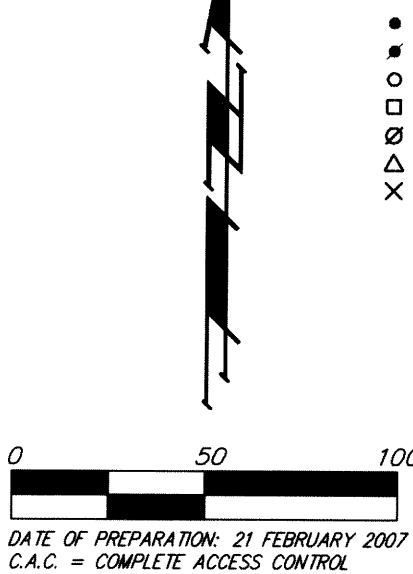
Heather Hahnemann, Notary Public

Bel Aire, Sedgewick County, Kansas, this 24th day of February, 2008, by William R. King and Charlotte King, husband and wife.

My App'l. Exp. 11-7-09

My App'l. Exp. 8/2/10

My App'l. Exp. 8/2/10



NOTE: DECLARATION OF DRAINAGE EASEMENT FOR SURFACE DRAINAGE OVER PREVIOUSLY UNPLATTED PORTION OF BEL AIRE EAST 2ND ADDITION. (FILM 1249, PAGE 1723).

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

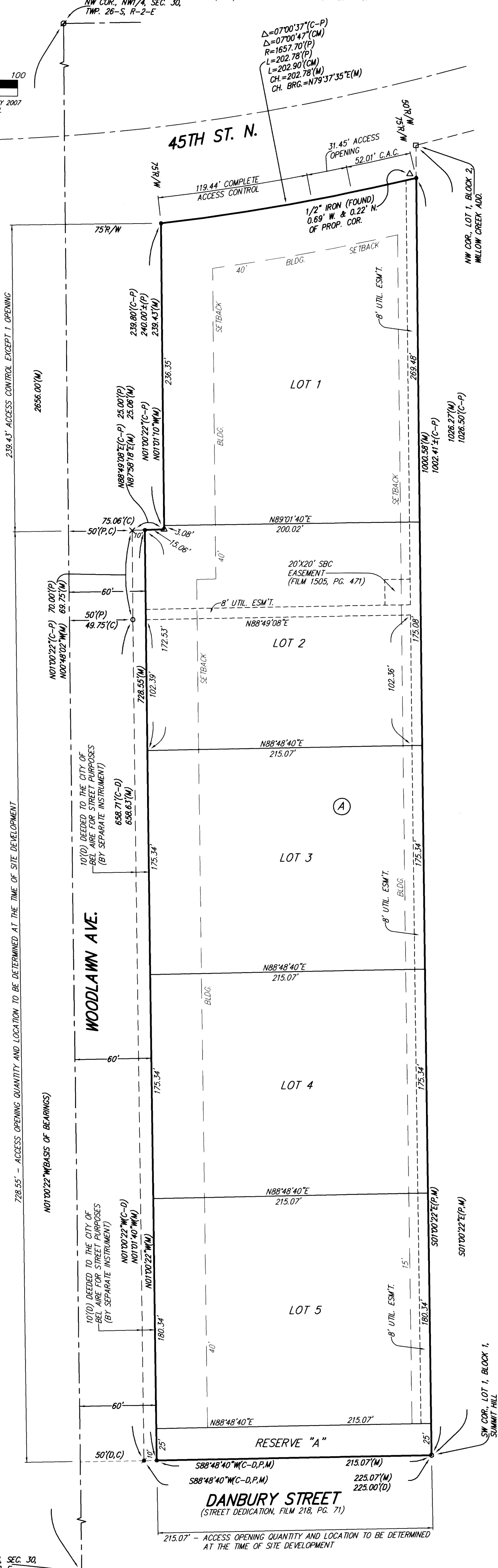
NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

NOTE: PROPERTY IS OUT OF FLOODPLAIN.

NOTE: 10' WIDE K&B AFFIDAVIT AFFECTING A PORTION OF LOT 1, BLOCK A, MISC. BOOK 593, PAGE 126.

- = #4 REBAR W/ "BAUGHMAN" CAP (SET)
- = #4 REBAR W/ "M&C" CAP (FOUND)
- = #4 REBAR W/ "ANDERSON" CAP (FOUND)
- = #4 REBAR W/ "CARBIDE" CAP (FOUND)
- △ = 1/2" IRON (FOUND)
- X = "P-K" NAIL (SET)

- (M) = MEASURED
- (P) = PLATTED
- (C) = CALCULATED
- (D) = DESCRIBED
- (CM) = CALCULATED PER MEASURED INFO
- (C-D) = CALCULATED PER DESCRIBED INFO
- (C-P) = CALCULATED PER PLATTED INFO



State of Kansas) SS We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "BEL AIRE EAST 2ND ADDITION", Bel Aire, Sedgewick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as and being a replat of Lots 1 and 2, Block A, Bel-Aire East Addition, Sedgewick County, Kansas, together with a tract of land lying in the NW1/4 of Section 32, Twp. 26-S, R-2-E of the 6th P.M., Sedgewick County, Kansas, more particularly described as follows: Beginning at the SW corner of Bel-Aire East Addition, Sedgewick County, Kansas; thence east along the south line of said Bel-Aire East Addition, a distance of 225 feet, more or less, to the NW corner of Summit Hill, on Addition to Bel Aire, Sedgewick County, Kansas; thence south along the west line of said Summit Hill a distance of 658.71 feet, more or less, to the southwest corner of Lot 1, Block 1, Summit Hill; thence west along the north line of Danbury Street, as said street was established by the Street Dedication filed on Film 218, Page 71, to a point 50 feet east of the west line of said NW1/4 of Section 32, thence north along a line 50 feet east of and parallel to the west line of said NW1/4 of Section 32 to the point of beginning.

Existing public easements and dedications being vacated by virtue of K.S.A. 12-512(b).

Baughman Company, P.A.

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Michael G. Conroy

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, a Block, a Reserve, and a Street, to be known as "BEL AIRE EAST 2ND ADDITION", Bel Aire, Sedgewick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. Reserve "A" is hereby reserved for landscaping, open space, berms, drainage purposes, signage, entry monuments, utilities, and access to or from Lot 5, Block A. Reserve "A" shall be owned and maintained by the owner of Lot 5, Block A. The streets are hereby dedicated to and for the use of the public. Access controls shall be as depicted on the face of the plat and are hereby granted to the City of Bel Aire, Kansas. The quantity and location of all permitted access openings shall be as determined by the City Engineer of the City of Bel Aire, Kansas at the time of site development.

William R. King, Charlotte King

Family Video Movie Club, Inc. an Illinois corporation

K.A. Hargrave, President

Judith M. Terhune, Notary Public

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

Judith M. Terhune

We, the undersigned holders of a mortgage on that part of the above described property owned by Family Video Movie Club, Inc., an Illinois corporation, (that part of the aforementioned property previously being described as Lot 1, Block A, Bel-Aire East Addition, Sedgewick County, Kansas, TOGETHER with that part of Lot 2 in said Block A described as follows: Beginning at the NE corner of said Lot 2, thence S00°00'00"E along the east line of said Lot 2, 77.28 feet; thence N89°57'58"W, 200.02 feet to a point on the west line of said Lot 2, thence N00°00'48"W along the west line of said Lot 2, 78.55 feet to the most northerly NW corner of said Lot 2, thence N89°49'10"E along the north line of said Lot 2, 200.04 feet to the point of beginning), do hereby consent to this plat of BEL AIRE EAST 2ND ADDITION, Bel Aire, Sedgewick County, Kansas.

Commerce Bank, N.A.

Paul S. Murphy, Vice President of Commerce Bank, N.A., on behalf of the bank.

My App'l. Exp. 5/17/09

This plat of "BEL AIRE EAST 2ND ADDITION", Bel Aire, Sedgewick County, Kansas, has been submitted to and approved by the City of Bel Aire Planning Commission, Wichita, Kansas.

Dated this 23rd day of March, 2008

Don E. Sy, Vice-Chairman

Betty Martine, Secretary

Betty Martine

Betty Martine

Betty Martine

Betty Martine

Betty Martine

Betty Martine

Betty Martine

Betty Martine

Betty Martine

Betty Martine

BEL AIRE EAST 2ND ADDITION  
PLANNED UNIT DEVELOPMENT

Baughman Company, P.A.

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman

Baughman



**BEL AIRE COUNCIL MEETING  
CITY HALL – BEL AIRE, KANSAS  
MARCH 7, 2006  
7:00 P.M.**

The Honorable Mayor Brian Withrow, March 7, 2006 at 7:00 p.m., called the City of Bel Aire Council Meeting to order. Council members present: Gary Breault, Peggy O'Donnell, Carolyn Marlier and Teresa Reynolds. Absent: Mark Keene. Also Present: City Attorney Lee Parker, City Administrator Barb Crouse, Police Chief Chris Ludiker, and City Clerk Sherryl Cutter.

**MOMENT OF SILENT PRAYER** - A moment of silent prayer was held.

**PLEDGE OF ALLEGIANCE TO THE NATIONAL FLAG** - Led by Mayor Brian Withrow.

**CONSENT AGENDA**

**Approval of minutes of previous meetings**

MOTION C.Marlier moved to approve the Consent Agenda. P.O'Donnell seconded.  
Motion carried 4 – 0

**DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

**Appropriations Ordinance 06-04 in the amount of \$ 84,060.57.**

MOTION T.Reynolds moved to approve the Appropriations Ordinance. C.Marlier seconded. Motion carried 4 – 0

**CITY REQUESTED APPEARANCES: PROFESSIONAL DISK GOLF ASSOCIATION**

Robert Decker, President of Air Capital Disc Golf of Wichita, gave a presentation on Disk Golf with a video showing people playing disk golf which was throwing a round plastic disk into an elevated wire basket. Mr. Decker stated many Community Benefits of Disc Golf.

- Low cost of construction and maintenance – Can play all year round.
- Attracts players to the local community
- Provides a low impact and safe means of exercise for all
- Mental strategy is involved in negotiating obstacles
- Reduction of mental fatigue
- Aesthetic enhancement of park
- Low resource impacts
- Crime deterrent as the park is utilized by more people
- Schools may introduce the course into their curricula
- Games and tournaments bring community members together
- Families and friends can share time together

Bill Paulson, Vice President, a certified course designer spoke of course design and that their primary concern is safety and being environmentally friendly. A course does not require major land improvement. Most courses are 9 or 18 holes and what land is available determines what type of course to build.

Ken Voth, resident of Bel Aire for over 15 years, stated he enjoys disk golf, it is easy to learn and a lot of fun and you do get exercise. He encouraged Council to allow Bel Aire to open a course. It would be a great draw in bringing people to our city. Mr. Voth stated if there was an area with trees, near a recreation center, with a playground, picnic area and skate park,

they could all share a single parking lot, and build bike paths along all the streets to the recreation area. This would be a great asset to Bel Aire.

Mr. Decker offered his support, cooperation and expertise to the Council on pursuing a Disk Golf course in Bel Aire.

### **CITIZEN CONCERNS:**

Mike Robinson stated his concern of stocking the lakes in Central Park and having the public fishing that close to the homes. There would be dead fish left and trash left around.

### **REPORTS:**

A. Mayor's Report – Good evening and again welcome to city hall.

Mayor Withrow introduced Boy Scouts Braden Hoak and Logan Posson and their leader Keith Hoak from Troop 405, which meets at Central Christian Church. They are working on their Communication merit badge.

1. On Wednesday, February 22, 2006 I attended a public meeting of the K-254 Coalition. This county sponsored group has completed a study on the economic development of the K-254 corridor. Based on their analysis Bel Aire will realize between 35 and 45 percent of the commercial and industrial development of the corridor. This is encouraging.
2. On Thursday, February 23, 2006, the council met in a special meeting to complete the sale of the Certificates of Participation. This issue effectively completes this council's plan to refinance the debt associated with the land purchased by the previous Governing Body. Furthermore, it constitutes the demise of the Bel Aire Development Authority, LLC and insures citizens of Bel Aire will have a direct say in future developmental issues and land transactions.
3. On Friday, February 24, 2006, I participated as a judge in WSU's History Day competition. Every time I am around young people I am encouraged about the future of our nation. Later that day Tim Brown and I taped a rather extensive version of our increasingly popular "Ask the Mayor" segment.
4. On Monday February 27, 2006 I chaired the regular meeting of the Chisholm Creek Utility Authority. At this meeting I made a motion, that was unanimously passed by the Authority, that may be of interest to Bel Aire residents. This motion called for a change in the daily management of the Authority. Currently, the water/wastewater facility located in Park City is managed by OEI, Inc. This is the same company that built the plant. Given the recent accountability issues associated with water and our water/wastewater delivery system I felt it best to initiate more direct control over the facility. My motion effectively removes OEI, Inc. from daily management of the facility at the end of the year. After this transition the individuals that work for the Authority will answer directly to the elected representatives of the Authority. These representatives include myself, Council Member Reynolds, Park City Mayor Dee Stuart and Park City Administrator Jack Whitson.
5. The remainder of last week was spent at an academic conference sponsored by the Academy of Criminal Justice Sciences, in Baltimore Maryland.
6. Last Sunday's Wichita Eagle included an article that should be of interest to citizens of Bel Aire. The Wichita Heights High School Women's Bowling Team came from behind and won the state championship. In the photo accompanying the story was Dene Eickbush; she is the one with her mouth open. Dene, her mother and brother live in Bel Aire. The coach Jolie Plumley also lives in Bel Aire with her husband and two sons. We congratulate the team and our residents for their come from behind win.
7. On Tuesday, March 14<sup>th</sup> at 7:00 pm the council and I will host another quarterly town hall meeting. The purpose of this meeting is to discuss the city's 2007 budget process



and to update the community on various issues relating to water, roads and economic development. The format of this meeting will be a bit different. The formal part will last only about an hour. Following this I will turn the room over to Dr. Jay Price and his WSU students that are working on our history project. I spoke with Dr. Price yesterday and he asked me to encourage individuals attending the town hall meeting to bring old photos, memorabilia and their recollections to the meeting. The students will be interviewing residents and asking for information about their experiences in Bel Aire. Of course this is entirely voluntary, but I think many residents would enjoy participating in this community project.

8. The next council workshop will be Monday, March 13<sup>th</sup> at 6:30 p.m.

#### B. Council Member Reports

- C.Marlier reported attending the Senior Club potluck dinner with the speaker being Jay Prater with Channel 12, the Senior Center Mardi Gras party, and the Senior Center potluck dinner with the speaker being Master Gardener Kathy Terrebonne speaking of things that grow best in our area.
- C.Marlier reported the next SCAC meeting will be held Saturday in Sedgwick, Kansas
- C.Marlier reported the next MAPD meeting is Tuesday.
- P.O'Donnell asked where we are on the coin design. Mayor Withrow stated he has been collecting and the designs are in his office.
- T.Reynolds asked where we will get the money to make these coins. Mayor Withrow stated the Council has not discussed this at this time.

#### C. City Attorney Report:

- Attorney Parker reported the big bill we have been watching on exempting personal property is going to pass. This is on new equipment on businesses so we may see less sales tax coming in next year. The League has asked people to speak against this bill. This decision may bolster economic development in the State.
- Attorney Parker stated he needed a 15 minute executive session for attorney/client relations.

#### D. City Administrator Report

- Adm. Crouse reported that today we had about 40 city clerks visit our City Hall as part of their Pre-Conference at their annual meeting. She gave a talk on Economic Development and they toured city hall. We served them pie ala-mode and iced tea and coffee.
- Adm. Crouse reported the culvert on Perryton has been completed and the street was reopened today. They will move over to Danbury to start that culvert next week. The street will be closed 2 – 3 weeks.
- Adm. Crouse reported our web site and e-mails were down for a week and she apologized to the public for this inconvenience. If someone tried to send an e-mail during this period, please resend it as we probably never received it.
- Mr. Robinson was in and we discussed the Central Park lakes fishing program. Mr. Banister will contact all the residents in Central Park within the next couple of weeks to explain the program with Kansas Wildlife & Parks Community Fishing Grant.
- Adm. Crouse stated she has been asked for \$200 for refreshments for the Town Hall meeting and asked for Council approval. Mayor Withrow stated the WSU students requested cookies and punch to serve the people they interview. Discussion followed with no action taken.
- Adm. Crouse reported that she needed 10-minutes in executive session.

E. Committee/Board/Commissions Reports – No reports

## **ORDINANCES, RESOLUTIONS AND FINAL ACTIONS:**

### **A. ORDINANCE SBC FRANCHISE**

Attorney Parker reported the current Franchise Ordinance # 3 approved in 1981 is for 3% and expiring at the end of March. The new ordinance that would be in effect until Dec 31<sup>st</sup> and a new one must be adopted annually. The city needs to decide on the amount of franchise fee. Mr. Parker presented three options:

- Charge \$2.25 per access line per month (SBC claims 1,533 access lines)
- Charge 3% of gross receipts
- Charge 5% of gross receipts

All franchise fees are passed on to the consumer, collected by the utility company, and then sent to each city charging the franchise fee. All utilities pay franchise fees for the right to use the city's rights-of-ways. Cable TV is now using wire connections for telephones and they have not come to us to ask for franchise. Topeka is looking into franchising this and we haven't heard how the negotiations have gone.

MOTION T.Reynolds moved to table this ordinance until the next meeting to allow us to have further discussion prior to acting on it. P.O'Donnell seconded. Motion carried 4 – 0.

### **B. FINAL PUD – REPLAT OF BEL AIRE EAST 2<sup>ND</sup> ADDITION**

Adm. Crouse reported the Planning Commission held a public hearing and has approved passing this PUD and replat of Bel Aire East 2<sup>nd</sup> Addition on to the Governing Body. They are allowing 5 access roads off of Woodlawn and one off of 45<sup>th</sup> North. Attorney Parker suggested he talk with the fire department about the access roads and bring their recommendation back to the next meeting. Adm. Crouse stated she has a larger map they could look at to check access roads.

MOTION P.O'Donnell moved to recess for 5-minutes. G.Breault seconded. Motion carried 4 – 0. Time 8:20 pm  
Regular meeting reconvened 8:25 p.m.

Attorney Parker stated originally Lot 1 had 2 access roads off of Woodlawn and on this new plat they have vacated one and built a new access road. They did not vacate the second access road off of Woodlawn.

MOTION P.O'Donnell moved to approve the PUD and Final Plat of Bel Aire East 2<sup>nd</sup> Addition allowing a single driveway access off of Woodlawn as designated on the face of the PUD for Lot 1, and that future driveway accesses to the PUD may be requested and approved as part of the additional development of the other lots. T.Reynolds seconded. Motion carried 4 – 0.

### **C. CONTRACT - APAC**

Adm. Crouse stated that Temporary Note for Central Park Phase II included funds for paying, but we didn't have the contract for approval at the same time we approved the other contracts. She presented the contract with APAC for paving and recommended approval.

MOTION G.Breault moved to approve the contract with APAC for Paving Central Park Addition Phase 2 in the amount of \$695,134.50, and authorize the Mayor to sign. T.Reynolds seconded. Motion carried 4 – 0.

## **DISCUSSION AND FUTURE ISSUES**

### **A. RESOLUTION – SCHOOL BOUNDARIES**

Mayor Withrow announced yesterday he received a letter at City Hall from the Wichita School District USD 259 with a non-binding letter on intent to purchase land from the City with 7 conditions, one of which the school district boundaries for USD 259 and Circle School District USD 375 be changed. This would put all of Bel Aire into one school district. If the two school districts do not agree to move boundaries, then it is subject to approval by the Kansas State Board of Education.

Eliese Holt, Superintendent of Circle School District USD 375, spoke of the Circle USD 375 school district and stated the towns of Benton, Towanda, Greenwich, the western edge of El Dorado and northeastern Wichita make up the District's communities.

Superintendent Holt explained the different schools and locations. Circle High School and Towanda Elementary are in Towanda, Oil Hill Elementary is in El Dorado, Benton Elementary and Circle Middle School are in Benton. Circle High School is a 4A school and there are 1,531 students in the District with 118 Certified Staff Members. She explained their Kansas State Assessments Scores and the extracurricular activities available to students. Also present were Assistant Superintendent Dr. Robert Grassino, Vice President Marvin Dodson, Board Member Stu Stephens, and teacher Stacy Veager. The Governing Body was invited to visit each of the schools. Mrs. Holt presented the idea of a neighborhood campus school in Bel Aire with students K – 6 and 7<sup>th</sup> & 8<sup>th</sup>.

### **B. Mayor's Boards and Commissions Recommendations**

Mayor Withrow asked Council if they are interested in creating the following Boards and Commissions:

- The Bel Aire Youth Commission
- The Bel Aire Parks and Recreation Board
- The Bel Aire Library Board
- The Bel Aire Economic Advisory Board

G.Breault stated he felt it is an excellent idea, but it is difficult to fill the positions. He suggested combining some of the boards.

Attorney Parker stated that there are state statutes regarding a Library Board and a Recreation Board.

Kay Atterbery stated she felt they were all good recommendations and she would support them and would volunteer to work on the Library Board and the Youth Commission.

Mayor Withrow stated we would discuss this again at the next meeting.

### **C. Installation of Water Meters on Water Main from CCUA**

Adm. Crouse presented a detailed report on the water system with CCUA, the billing mechanism and problems we have encountered. Council will discuss this item at the next workshop.

### **D. Policy for Consent Search & Seizure**

Attorney Parker stated this policy isn't ready for discussion.

Police Chief Ludiker stated this is one of several policies they are working on. He has given a manual to the Attorney and Governing Body to Review.

Attorney Parker requested a 5-minute executive session for attorney/client relations.

MOTION T.Reynolds moved to go into executive session for attorney/client relations for a period of 5-minutes. P.O'Donnell seconded. Motion carried 4 – 0. Time 9:26 p.m. Regular meeting reconvened 9:31 p.m. Mayor Withrow stated executive session was held for 5-minutes for attorney/client relations. No binding action was taken.

**E. Bid Specifications on City Liability Insurance**

Adm. Crouse reported the commercial insurance coverage for the City of Bel Aire expires March 31, 2006. In anticipation of the deadline, bids have been sent out for coverage of the following categories: Workers Compensation, Property (Blanket Building and Personal Property, including all machinery and equipment), Electronic Data Processing, Equipment Breakdown, Crime (employee theft, includes specified non-compensated officers as employees, all board members excluding treasurer), General Liability, Business Auto, Public Official Liability (Law enforcement, firefighters, council, employees, etc), and Equipment Floater. Policy coverage is April 1, 2006 through April 1, 2007.

**F. Regional Economic Area Partnership – Air Fare**

Mayor Withrow reported REAP is lobbying in support of securing State participation in affordable Aire Fare through Mid-Continent Airport. REAP has been advised that broad-based local participation through financial commitments will be critical in gaining state legislative action on this priority. They are requesting Bel Aire's voluntary support of \$250. They projected a flat fee to each REAP member based on population. This item will be placed on the next agenda.

**G. Reminder of Town Hall Meeting March 14<sup>th</sup> at 7 pm**

The purpose of this meeting is to discuss budget ideas for 2007 and the WSU students working on our history project will also be present to interview long time residents.

**EXECUTIVE SESSION**

MOTION G.Breault moved to go into executive session for attorney/client relations and non-elected personnel for a period of 30 minutes and to invite in the City Administrator. C.Marlier seconded. Motion carried 4 – 0. Time 9:40 p.m.

Regular meeting reconvened 10:17 p.m. Mayor Withrow stated executive session was held for 30-minutes for attorney/client relations and non-elected personnel and we invited in the City Administrator. No binding action was taken.

**ADJOURNMENT:**

MOTION C.Marlier moved to adjourn. P.O'Donnell seconded. Motion carried 4 – 0.  
Time of Adjournment: 10:19 P.M.

Next Regular Meeting March 21, 2006 @ 7:00 p.m.  
7651 E. Central Park Ave., Bel Aire, KS

Sherryl L. Cutter, City Clerk