City of Bel Aire

STAFF REPORT

DATE: 11/04/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: VAC-25-03- Lycee Addition

STAFF COMMUNICATION

FOR MEETING OF	11/13/2025		
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 $\frac{1}{4}$ mile North of 53^{rd} 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:

- 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.

Current Discussion:

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.

K.S.A. 12-505 requires the Planning Commission to consider the following factors when reviewing a vacation request:

- 1. Notice of petition to vacate and notice of the public hearing has been given in accordance with state law.
- 2. No private rights will be injured or endangered if the vacation is granted.
- 3. The public will suffer no loss or inconvenience if the vacation is granted.
- 4. In justice to the petitioner, the vacation should be granted.

At the conclusion of the public hearing, the Planning Commission should adopt a resolution stating its recommendation, with or without conditions, and announce the date upon which the City Council will consider the vacation request.

Review Criteria:

- 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. At the time of this staff report preparation, staff has received no inquiries 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.
 - a. Staff recommends that the easement vacation be granted.

The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with clerk, at or before the hearing.

Staff Recommendation:

Adopt a resolution recommending vacation of the easements within Lots 1, 2, and 3, Block B, Lycee Addition, Bel Aire, and forward the resolution to the City Council for consideration.

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park Ave., Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

	Vacate building set back From: to
	Vacate street or alley:
X	Vacate utility easement and a portion of a Drainage and Utility Easement
X	Vacate other a platted joint access easement
	Apply for Vacation in conjunction With a Conditional Use or Variance application.
	City of Bel Aire Planning Commission
	Approved Rejected
 Name	e of ownerBlue Sky Ventures, LLC
	e of ownerBlue Sky Ventures, LLC ess_4006 N. Hoover Ct., Wichita, KS 67205_ Telephone
Addre	
Addre Agent	ess 4006 N. Hoover Ct., Wichita, KS 67205 Telephone
Addre Agent Addre 1. Th	ess_4006 N. Hoover Ct., Wichita, KS 67205 Telephone representing the owner_Baughman Company, P.A. (Philip J. Meyer)
Addre Agent Addre 1. Th bounce	ess_4006 N. Hoover Ct., Wichita, KS 67205 Telephone

The particular hardship which is the result of this request property:	st as applied to the subject
The existing easements are in conflict with the revised site deve	lonmont al
	iopriient pian.
5. County control number: PIN Nos. 30021453, 3002145	4, and 30021455
6. NAMES OF OWNERS - An ownership list of the names the owners of record of real property abutting a street, alley segment remaining open, and owners on the opposite side vacations of set back and access control, as well as all utilit shall be provided.	, or easement including any
The names of the owners of all property included in this app applicants. Contract purchasers, lessees or other directly as may also be listed if they desire to be advised of the proceed	Company of the Compan
Applicant Blue Sky Ventures, LLC Address 4006 N Hoover Ct Wichita KS	Phone
Address 4006 N. Hoover Ct., Wichita, KS	Zip Code 67205
AgentBaughman Company, P.A. (Philip Meyer) Address315 S. Ellis St, Wichita, KS	Phone 316-262-7271
and on the state of the state o	Zip Code 67211
2. Applicant n/a	Phone
Address	Zip Code
Agentn/a	
Address	Phone
3. Applicantn/a	Phone
Address	Zip Code
Agentn/a Address	Phone
The applicant certifies that the foregoing information is true a	Zip Code

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

BLUE SKY VENTURES, LLC

X
Applicant's Signature

BY

Vacation Application BAUGHMAN COMPANY, P.A. Page 5 of 5

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.



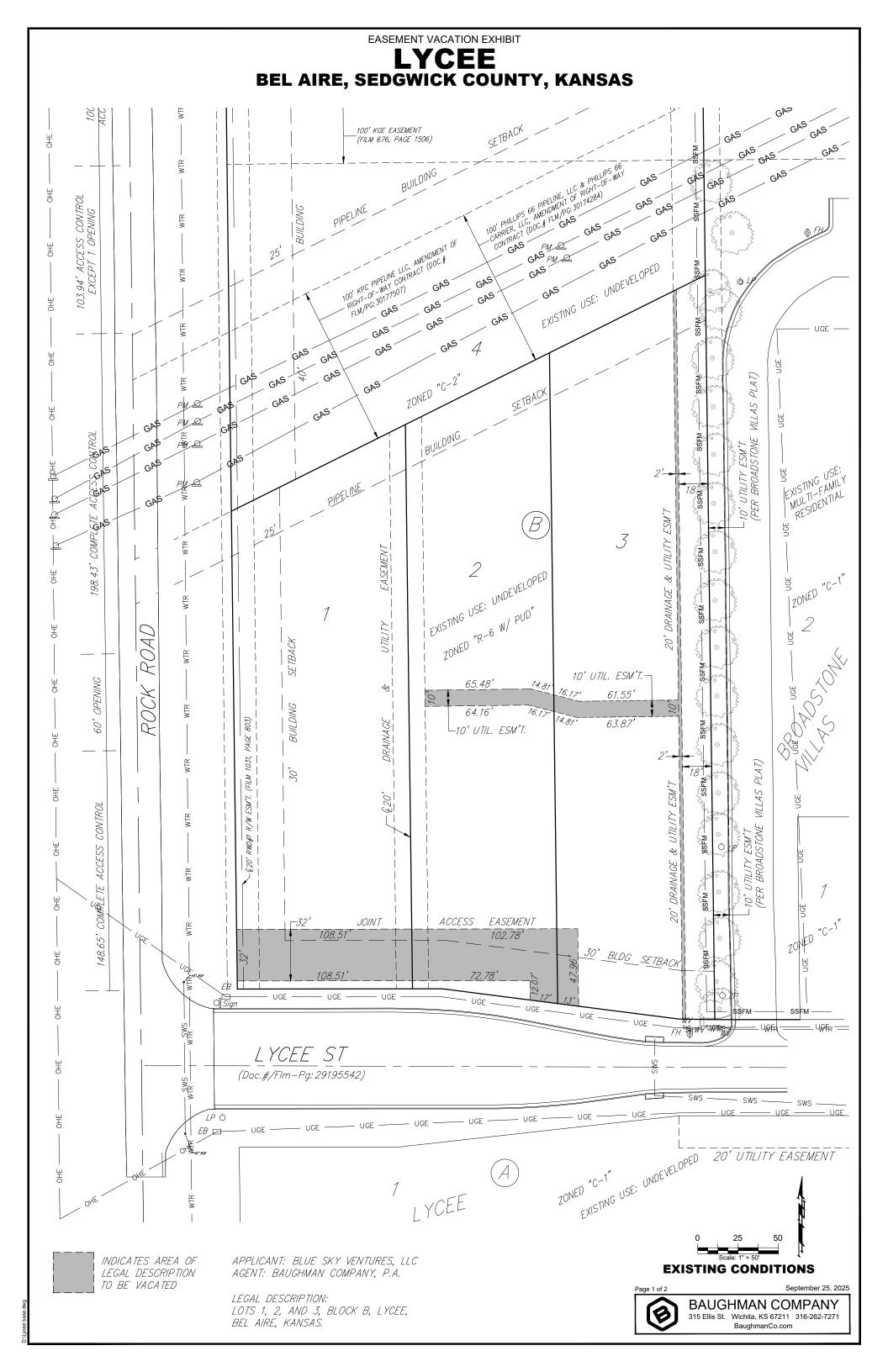
Legal Descriptions for Vacation (Lycee)

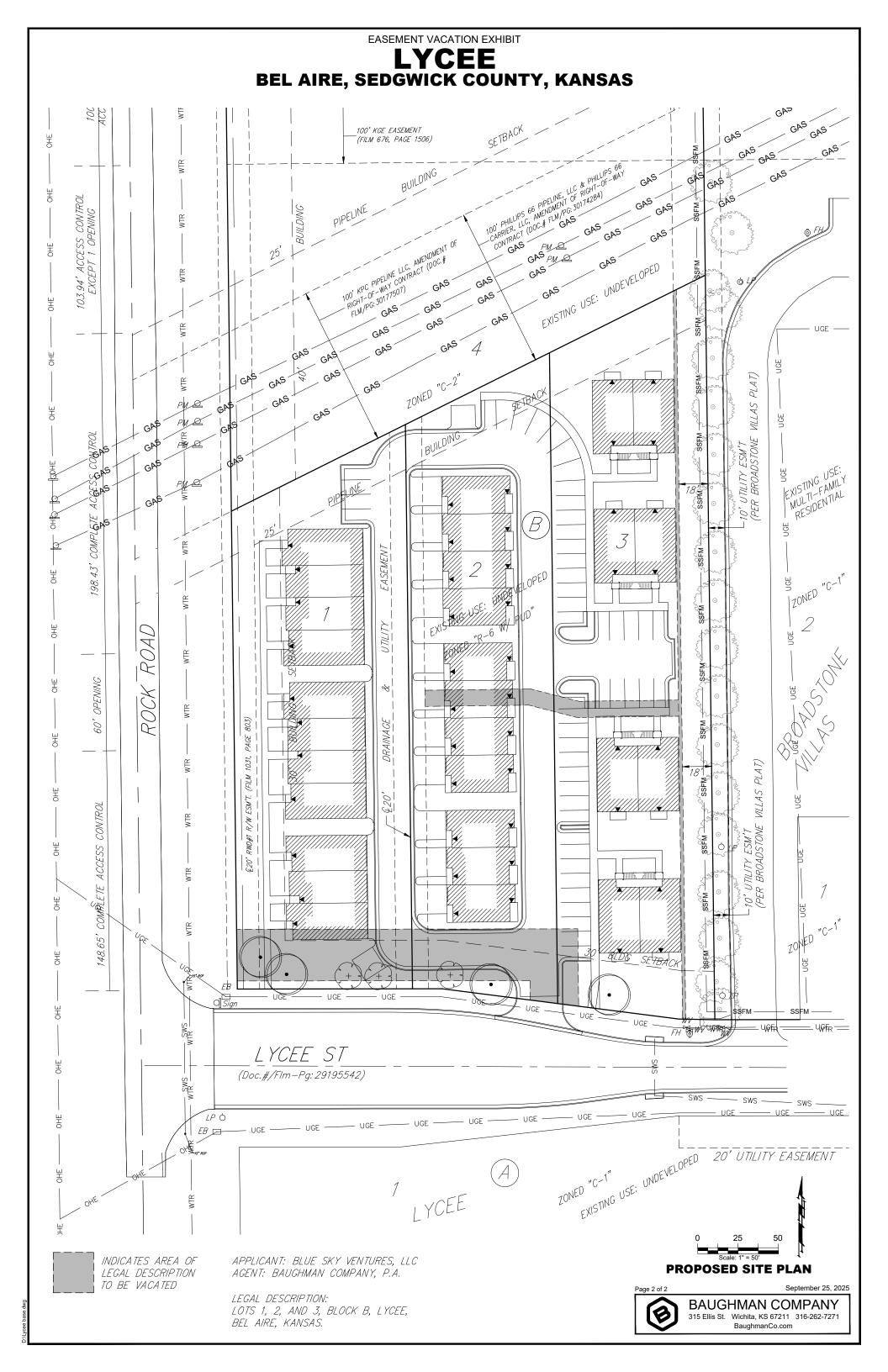
A 10 Foot Utility Easement crossing Lots 2 and 3, Block B, LYCEE, Bel Aire, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, on September 24, 2025, the center-line being described as COMMENCING at the Northwest Corner of said Lot 2; THENCE North 63°31'22" East, along the north boundary of said Lot 2, a distance of 11.10 feet, to the east line of a 20 foot Drainage and Utility Easement; THENCE South 00°43'15" East, parallel with and 10.00 feet normally distant east of the west boundary of said Lot 2, a distance 174.57 feet, to the POINT OF BEGINNING; THENCE North 89°16'45" East, 64.82 feet; THENCE South 75°41'02" East, crossing the common line of Lots 2 and 3, a distance of 30.98 feet; THENCE North 89°16'45" East, 62.21 feet to the west boundary of a 20 foot Drainage and Utility Easement, and lying South 00°44'15" East, 258.30 feet of the northern boundary of said Lot 3 at the west boundary of said 20 foot Drainage and Utility Easement, and being the POINT OF TERMINATION; the northern and southern boundary of herein described 10 Foot Utility Easement extending or shortening to intersect the adjoining 20 foot Drainage and Utility Easements.

A 32 Foot Joint Access Easement crossing Lots 1, 2 and 3 Block B, LYCEE, Bel Aire, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, on September 24, 2025, described as COMMENCING at the Southwest Corner of said Lot 1; THENCE North 00°43'15" West, coincident with the west boundary of said Lot 1, a distance of 5.00 feet, to the POINT OF BEGINNING; THENCE North 00°43'15" West, coincident with the west boundary of said Lot 1, 32.00 feet; THENCE North 89°54'29" East, parallel with and 37.00 feet normally distant north of the south line of said Lot 1, crossing the common line of Lots 1 and 2 and the common line of Lots 2 and 3, a distance of 211.29 feet; THENCE South 00°43'15" East, parallel with and 13.00 feet normally distant east of the west boundary of said Lot 3, a distance of 47.96 feet, to the south boundary of said Lot 3; THENCE North 82°42'13" West, coincident with the south boundary of said Lot 3, passing the common south corner of Lots 1 and 2, a distance of 30.30 feet; THENCE North 00°43'15" West, parallel with and 17.00 feet normally distant west of the east boundary of said Lot 2, 12.06 feet; THENCE South 89°54'29" West, passing the common south corner of said Lots 2 and 1, parallel with and 5.00 feet normally distant north of the south boundary of said Lot 1, a distance of 181.29 feet, to the POINT OF BEGINNING.

The West 2.00 feet of the East 20.00 feet of a 20 Foot Drainage and Utility Easement lying within Lot 3, Block B, LYCEE, Bel Aire, Sedgwick County, Kansas, as prepared by Baughman Co. P.A. Professional Surveyors, CLS 58, in aforesaid County and State, on September 24, 2025.









OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

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



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 11th day of September, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By:

LICENSED ABSTRACTER

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

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

Order: 3154324

KJK



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:
Melissa Krehbiel, City Clerk
Being first duly sworn, deposes and says:
That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, have published the attached notice on the City of Bel Aire website, www.belaireks.gov , which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.
That the attached Official Notice of Vacation Hearing (VAC-25-03)
is a true copy thereof and was published on such website beginning on the day of October, 2025.
Signature SUBSCRIBED AND SWORN to before me this 23 day of October, 2025. Notary Public
(seal)

City of Bel Aire Melissa Krehbiel – City Clerk

7651 East Central Park Avenue Bel Aire, Kansas 67226 316-744-2451

www.belaireks.gov

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on October 23, 2025)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 13, 2025, the City of Bel Aire Planning Commission will consider the following Vacation process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

VAC-25-03. Vacate Utility Easement and a Portion of a Drainage and Utility Easement and a Platted Joint Access Easement.

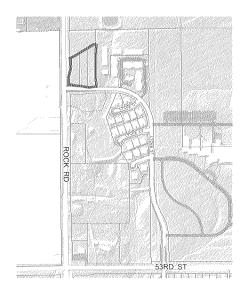
Legal Description: Lots 1 -3, Block B- Lycee Addition, Bel Aire, Sedgwick County, Kansas.

General Location: Northeast corner of Lycee St. and N. Rock Road

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub-Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this <u>23</u> day of October 2025.

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



Lycee Addition September 2, 2025

City Council Meeting

Agenda Documents:

- Agenda
- Draft Ordinance
- September 2nd Meeting Minutes
- Staff Report
- Draft August 14, 2025 Planning
 Commission Meeting Minutes



AGENDA CITY COUNCIL MEETING

7651 E. Central Park Ave, Bel Aire, KS September 02, 2025 7:00 PM



I.	CAL	L TO ORDER:	Mayor Jim Benag	ge	
II.	. ROLL CALL				
	Greg Tom S	Davied Schmitz	Tyler Dehn John Welch _	Emily Hamburg	
III.	OPE	NING PRAYER	R: Father Terry l	Hedrick	
IV.	PLEI	OGE OF ALLE	GIANCE TO TE	HE AMERICAN FLAG	
v.	DETI	ERMINE AGEN	NDA ADDITION	NS	
VI.	I. CONSENT AGENDA				
	<u>A.</u>	Approval of N	Ainutes of the Au	igust 19, 2025 City Council meeting.	
			ion to (approve / Amayor to sign.	table / deny) the Consent Agenda as (listed / amended)	and
		Motion	Second	Vote	
VII.	DISC	CUSSION AND	APPROVAL OF	APPROPRIATIONS ORDINANCE	
	<u>A.</u>	Consideration \$2,628,966.16.		ons Ordinance No. 25-16 in the amount of	
		Action: Motio	n to (approve / de	eny / table) Appropriations Ordinance No. 25-16.	
		Motion	Second	Vote	
VIII.	CITY	REQUESTED	APPEARANCE	ES: None	
IX.	PUBI	LIC HEARING	S		
	<u>A.</u>		0 0 .	posed property tax levy in excess of the Revenue Revenue Neutral Rate Resolution.	

		Kansas to Levy	,	deny / table) A Resolution of The City of Bel Aire, ate Exceeding the Revenue Neutral Rate for the 2026 o sign.
		Motion	_ Second	Roll Call Vote:
		Greg Davied	Tyler Dehn _	Emily Hamburg
		Tom Schmitz _	John Welch _	
		iii. Action: Mot	tion to close the Pu	ublic Hearing.
		Motion	_ Second	_ Vote
	<u>B.</u>	Public Hearing reg	arding the 2026 C	City of Bel Aire Budget
		i. Action 1: Ope	en the Public Hear	ing and receive public comment.
		ii. Action 2: Mo	otion to close the P	Public Hearing.
		Motion	_ Second	Vote
X.	podiu Mayo befor	um and give it to the Ci or, please go to the pod	ty Clerk before the lium, speak into the ts. Please limit you	k, please fill out a "Request to Speak" card at the meeting begins. When you are called on by the e microphone, and state your name and address ar comments to 3 minutes in the interest of time. If usion from the Mayor.
XI.	REP A. B. C. D.	ORTS Council Member I Mayor's Report City Attorney Rep City Manager Rep	ort	
XII.	ORD	INANCES, RESOLU	TIONS AND FIN	NAL ACTIONS
	<u>A.</u>	Consideration of A	pproving the 2020	6 City of Bel Aire Budget.
		Action: Motion to (a amended) and author		ble) the 2026 City of Bel Aire Budget as (presented/gnatures.
		Motion Sec	cond Roll	l Call Vote:
		Greg Davied	Tyler Dehn	_ Emily Hamburg
		Tom Schmitz	John Welch	

i. Action 1: Open the Public Hearing and receive public comment.



<u>B.</u>	Consideration of An Ordinance Levying Special Assessments On Certain Property To Pay The Costs Of Internal Improvements In The City Of Bel Aire, Kansas, As Previously Authorized By Resolution Nos. R-21-50, R-21-52, R-21-53, R-22-27, R-22-28, R-22-29, R-22-30, R-22-31, R-22-09, R-22-51, R-22-11, R-22-33, R-22-34, R-22-13, R-22-14, R-22-15 And R-22-16 Of The City; And Providing For The Collection Of Such Special Assessments.					
	Certain Prope Kansas, As Pr 27, R-22-28, R-22-13, R-22	rty To Pay The Coreviously Authoriz R-22-29, R-22-30, 2-14, R-22-15 And	osts Of Interned By Resolu R-22-31, R-2 I R-22-16 Of	al Improvements In T tion Nos. R-21-50, F 22-09, R-22-51, R-22	pecial Assessments On The City Of Bel Aire, R-21-52, R-21-53, R-22- R-11, R-22-33, R-22-34, ding For The Collection s.	
	Motion	Second	Vote			
<u>C.</u>	Obligation B		A And Gene	g The Offering For S ral Obligation Tem	Sale Of General porary Notes, Series	
	Of General O	bligation Bonds, S	eries 2025A		g The Offering For Sale ion Temporary Notes, required signatures.	
	Motion	Second	Vote			
<u>D.</u>	The Bel Aire Request From Planned Unit Generally Lo	Planning Commin A Neighborhood Development Re	ission Recom d Commerci sidential Dis st Side Of Ro	mending Approval al, Office and Retai strict "R-PUD" (Lyo ock Road And ¼ Mi	Recommendation Of Of A Zone Change I District "C-1" To A see Addition R-PUD), le North Of 53rd Street	
	Action: Pleas 756(b).	se choose one of	the following	g (3) options, in acc	ordance with K.S.A. 12-	
		1, Adopt the Ordin	_		the Planning Commission he Mayor to sign. (simple	
	for ZON-25-	2. Motion to Override the findings of fact and recommendation of the Planning Commission for ZON-25-01, Adopt alternate findings, Disapprove the zone change request and Ordinance. (2/3 majority, 4 votes required)				
	for ZON-25-0 specifying the	01 to the Planning	g Commissio to Approve	n for further conside	he Planning Commission eration, with a statement attement is;	
	Motion	Second	Ro	ll Call Vote:		



	Greg Davied Tyler Dehn Emily Hamburg			
	Tom Schmitz John Welch Mayor Jim Benage			
<u>E.</u>	Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending Approval Of The Bel Aire 2035 Comprehensive Plan for Bel Aire, Kansas.			
	Action : Please choose one of the following (3) options, in accordance with K.S.A. 12-747(b).			
	1. Motion to Approve the recommendation of the Planning Commission, Adopt the Ordinance Approving the Bel Aire 2035 Comprehensive Plan, and authorize the Mayor to sign. (simple majority, 4 votes required)			
	2. Motion to Override the recommendation of the Planning Commission and Disapprove the Bel Aire 2035 Comprehensive Plan. (2/3 majority, 4 votes required)			
	3. Motion to return the recommendation of the Planning Commission for Approval of the Bel Aire 2035 Comprehensive Plan to the Planning Commission for further consideration, with a statement specifying the basis for failure to Approve or Disapprove, the statement is; (simple majority, 4 votes required)			
	Motion Second Roll Call Vote:			
	Greg Davied Tyler Dehn Emily Hamburg			
	Tom Schmitz John Welch Mayor Jim Benage			
<u>F.</u>	Consideration of An Ordinance Designating the Bel Aire Planning Commission as the Bel Aire Board of Zoning Appeals.			
	Action: Motion to (Adopt / Deny / Table) An Ordinance Designating the Planning Commission as the Board of Zoning Appeals and authorize the Mayor to sign.			
	Motion Second Vote			
<u>G.</u>	Consideration of a Resolution Amending the Bylaws of the Bel Aire Planning Commission.			
	Action: Motion to (Adopt / Deny / Table) A Resolution Amending the Bylaws of the Planning Commission (As Presented / As Amended) and authorize the Mayor to sign.			
	Motion Second Vote			
<u>H.</u>	Consideration of A Resolution Establishing the City of Bel Aire Sidewalk Reimbursement Program for Fiscal Year 2025.			
	Action: Motion to (Adopt / Deny / Table) A Resolution Establishing The Sidewalk			

Action: Motion to (Adopt / Deny / Table) A Resolution Establishing The Sidewalk Reimbursement Program (As Presented / As Amended) with funds not to exceed \$15,000, and authorize the Mayor to sign.



		Motion Second Vote
	<u>I.</u>	Consideration of An Ordinance Amending Current Water Drought/Emergency Restrictions to Comply with Wichita's New Permanent Water Restrictions Ordinance Adopted on August, 26, 2025 and to be Implemented on September 15, 2025.
		Action: Motion to (Adopt / Deny / Table) An Ordinance Establishing Permanent Watering Restrictions (As Presented / As Amended) and authorize the Mayor to sign.
		Motion Second Vote
	<u>J.</u>	Consideration of An Amendment To The Municipal Water Conservation Plan to Comply with Wichita's New Permanent Water Restrictions Ordinance Adopted on August, 26, 2025 and to be Implemented on September 15, 2025.
		Action : Motion to (Approve / Deny / Table) Amendment No. 1 to the Municipal Water Conservation Plan (As Presented / As Amended), authorize the Mayor to sign, and authorize City Manager to submit this amendment to the City of Wichita.
		Motion Second Vote
XIII.	EXE	CUTIVE SESSION
	the Ci	n: Motion to go into executive session for the sole purpose of discussion the subject of:
	Motio	n Second Vote
XIV.	DISC	USSION AND FUTURE ISSUES
	<u>A.</u>	City Council Workshop - September 9, 2025 at 7:00 p.m.
XV.	ADJC	DURNMENT
	Action	n: Motion to adjourn.
	Motio	n Second Vote
	Additi	onal Attachments:
	A.	City Manager's Report - September 2, 2025

Notice

It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed at www.belaireks.gov and on YouTube.

Please make sure all cell phones and other electronics are turned off and put away.



(Published at <u>www.belaireks.gov</u> on September,	2025.)
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ORDINANCE NO.

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION RECOMMENDING CHANGING THE ZONING DISTRICT OF CERTAIN LANDS LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission for Case No. ZON-25-01; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held for Case No. ZON-25-01 on August 14, 2025, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The Governing Body adopts the recommendation of the Bel Aire Planning Commission and approves the zone change request from Neighborhood Commercial, Office and Retail District "C-1" to a Planned Unit Development Residential District "R-PUD" to create the Lycee Addition Planned Unit Development R-PUD (the "Lycee Addition R-PUD").

Lots 1, 2, and 3, Block B, will be zoned as Neighborhood Commercial, Office and Retail District "C-1" and Planned Unit Development, Commercial Office and Retail District "C-2."

Lot 4, Block B, will be zoned as Multi-Family District "R-6."

Legal Description

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

General Description

ZON-25-01 Page **1** of **3**

East side of Rock Road and $\frac{1}{4}$ mile North of $53^{\rm rd}$ Street North, Bel Aire, Sedgwick County, Kansas

The Lycee Addition R-PUD is subject to the following restrictions, conditions or limitations, and such restrictions, conditions or limitations shall supersede any portion of the application in conflict therewith:

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

SECTION 2. This Ordinance shall take effect and be in force from and after its adoption by the Governing Body of the City, approval by the Mayor, and publication once in the official city newspaper.

SECTION 3. The City Clerk will file this Ordinance with the Sedgwick County Register of Deeds.

[Remainder of this page intentionally left blank]

ZON-25-01 Page **2** of **3**

ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 2nd day of September, 2025. SIGNED by the Mayor on this _____ day of September, 2025. CITY OF BEL AIRE, KANSAS Jim Benage, Mayor ATTEST: Melissa Krehbiel, City Clerk APPROVED AS TO FORM: Maria A. Schrock, City Attorney

ZON-25-01 Page **3** of **3**



MINUTES CITY COUNCIL MEETING

7651 E. Central Park Ave, Bel Aire, KS September 02, 2025 7:00 PM



- I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.
- II. ROLL CALL

Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Tom Schmitz, and John Welch were present. No one was absent.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, Director of Finance Barry Smith, Director of Community Development Paula Downs, City Attorney Melissa Krehbiel, and Bond Counsel Kevin Cowan of Gilmore & Bell, P.A.

- **III. OPENING PRAYER:** A moment of silent prayer was held.
- IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

- V. **DETERMINE AGENDA ADDITIONS:** There were no additions.
- VI. CONSENT AGENDA
 - A. Approval of Minutes of the August 19, 2025 City Council meeting.

MOTION: Councilmember Welch moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 25-16 in the amount of \$2,628,966.16.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance No. 25-16. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES: None

IX. PUBLIC HEARINGS

A. Public Hearing regarding proposed property tax levy in excess of the Revenue Neutral Rate and adoption of Revenue Neutral Rate Resolution.

Mayor Benage opened the Public Hearing.

Lindsay Poe Rousseau, 5239 N Colonial, spoke to the Council. She works for Sedgwick County Finance and has lived in Bel Aire for two years. She recently reviewed Bel Aire's latest annual audit and the proposed budget. With her experience in public finance she understands the challenges that government faces. She loves living in Bel Aire; she gets wonderful services. She is proud to look at Bel Aire's budget and audit and feels good about where she lives. She thanked the Council for lowering the mill levy.

No others requested to speak.

MOTION: Councilmember Welch moved to approve A Resolution of The City of Bel Aire, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate for the 2026 budget and authorize the Mayor to sign. Councilmember Schmitz seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn – Aye

Emily Hamburg - Aye

Tom Schmitz – Aye John Welch – Aye

Motion carried 5-0.

MOTION: Councilmember Welch moved to close the Public Hearing. Councilmember Dehn seconded the motion. *Motion carried 5-0*.

B. Public Hearing regarding the 2026 City of Bel Aire Budget

Director of Finance Barry Smith gave a brief presentation about the proposed budget.

Mayor Benage opened the public hearing and requested comments from the public. No one spoke.

MOTION: Councilmember Hamburg moved to close the Public Hearing. Councilmember Welch seconded the motion. *Motion carried 5-0.*

X. CITIZEN CONCERNS

David Landoll, 4743 N Krueger Street, spoke to the Council regarding recent street and water main work near his home. Many in his neighborhood questioned why the surface work would occur before the subsurface work. About 1 month ago a water main project was started in his neighborhood. One of the paint markers was placed in the middle of his driveway. He asked City staff, the contractor, and the Mayor why the marker was in the middle of the driveway but did not receive an answer. He put in a new driveway a few years ago. Then a paving contractor damaged his driveway. He is asking the city to replace the approach to his driveway. He also noted that he has never seen a City inspector at these work sites.

XI. REPORTS

A. Council Member Reports

Councilmember Hamburg reported on the latest Chisholm Creek Utility Authority meeting.

Councilmember Davied reported on the latest CCUA meeting.

Councilmember Dehn reported that the South Central Kansas Transportation Coalition will meet on Thursday. The KDOT local consult will be held on October 8th in Wichita, and a virtual meeting on October 27th. Tomorrow, the Bel Aire Chamber will hold their monthly lunch meeting.

B. Mayor's Report

Mayor Benage reported on the latest CCUA meeting. Following a recent shooting at a Catholic school in Minnesota, Mayor Benage reached out to the City Manager to ask Bel Aire Police to help improve security at local schools.

C. City Attorney Report

City Attorney Maria Schrock briefly reported on anticipated revisions to the City's KORA ordinance and record retention schedule.

D. City Manager Report

City Manager Ted Henry reported on upcoming events, including National Night Out, Fall Fest and the Bel Aire Chamber's monthly lunch meeting.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of Approving the 2026 City of Bel Aire Budget.

MOTION: Councilmember Welch moved to approve the 2026 City of Bel Aire Budget as presented and authorize all required signatures. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

B. Consideration of An Ordinance Levying Special Assessments On Certain Property To Pay The Costs Of Internal Improvements In The City Of Bel Aire, Kansas, As Previously Authorized By Resolution Nos. R-21-50, R-21-52, R-21-53, R-22-27, R-22-28, R-22-29, R-22-30, R-22-31, R-22-09, R-22-51, R-22-11, R-22-33, R-22-34, R-22-13, R-22-14, R-22-15 And R-22-16 Of The City; And Providing For The Collection Of Such Special Assessments.

MOTION: Councilmember Hamburg moved to adopt An Ordinance Levying Special Assessments On Certain Property To Pay The Costs Of Internal Improvements In The City Of Bel Aire, Kansas, As Previously Authorized By these Resolutions listed here; And Providing For The Collection Of Such Special Assessments and authorize all required signatures. Councilmember Welch seconded the motion. *Motion carried 5-0*.

C. Consideration of A Resolution Authorizing The Offering For Sale Of General Obligation Bonds, Series 2025A And General Obligation Temporary Notes, Series 2025B, Of The City Of Bel Aire, Kansas.

MOTION: Councilmember Davied moved to accept A Resolution Authorizing The Offering For Sale Of General Obligation Bonds, Series 2025A And General Obligation Temporary Notes, Series 2025B, Of The City Of Bel Aire, Kansas and authorize all required signatures. Councilmember Dehn seconded the motion. *Motion carried 5-0*.

D. ZON-25-01: Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending Approval Of A Zone Change Request From A Neighborhood Commercial, Office and Retail District "C-1" To A Planned Unit Development Residential District "R-PUD" (Lycee Addition R-PUD), Generally Located At The East Side Of Rock Road And ¼ Mile North Of 53rd Street North, Bel Aire, Sedgwick County, Kansas.

Mayor Benage announced the agenda item. Before proceeding with the hearing, Mayor Benage asked if any Council member wished to disqualify themselves from participating in this case because they have a conflict of interest. Mayor Benage asked if any member of the City Council had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. All Councilmembers responded no to both questions. The City Clerk confirmed that no protest petitions were received regarding this case.

All of the Councilmembers confirmed that they had received the Unapproved Minutes of the Planning Commission for August 14, 2025, which summarizes the public hearing for this case. Paula Downs, Director of Community Development, provided a report on the case and stood for questions from the Council.

Councilmember Welch asked if the plans allowed for enough room between Rock Road and the development to allow for future expansion of Rock Rd. The agent for the applicant, Phil Meyer of Baughman Company, answered Mr. Welch's question: yes, there is 60 ft of half street right of way dedicated on the east side on Rock Road which will allow for a five-lane facility.

Councilmember Dehn asked if the developer can extend a sidewalk to the entrance and connect it to a public sidewalk. He also asked why a second entrance/exit was not included on the East side. Councilmember Hamburg asked if the entrance for the Commercial area would be on Rock Rd; Ms. Downs confirmed that it will be.

Mayor Benage confirmed with staff that no written communications have been received regarding this case.

The agent for the applicant, Phil Meyer of Baughman Company gave a presentation about the PUD plat and stood for questions from the City Council. He answered questions from the Council regarding the multi-family design, the placement of stairs, and street ingress/egress and ownership of the development. Mr. Meyer stated the proposed plans are for multi-family, but it is less dense than a typical apartment complex.

Mayor Benage invited public comments on the case. No one requested to speak

The Council then deliberated. In support of the recommendation, Councilmember Schmitz said it appears to be a good buffer between the R-6 multifamily housing nearby and single-family housing. It doesn't appear to be out of place where it is located and the proposed development seems to fit with what is already there.

Councilmember Welch said he know this is a difficult area, it was hard to sell, it's been vacant for a long time. He appreciates the use of it based on what's around it; and he would vote for it.

Councilmember Hamburg noted that staff and Planning Commission are recommending this. She appreciated the comments about the limitations with the utilities there; that they will make use of that hopefully for a really nice retail that citizens have been mentioning; so she will be supporting this.

Councilmember Davied said that Planning Commission and staff did a nice job, as well as the developer, in finding a nice little commercial addition to the City, and use of that land; so he will be in support of it also.

Councilmember Dehn stated that he appreciated the placement of the development with it's proximity to schools and access to safe sidewalks; he agrees with the buffering between a major arterial street and an apartment complex.

MOTION: Councilmember Dehn moved to Approve the findings of fact and recommendation of the Planning Commission for ZON-25-01, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Schmitz seconded the motion.

Roll Call Vote:

Greg Davied - Aye Tyler Dehn - Aye Emily Hamburg - Aye Tom Schmitz - Aye John Welch - Aye Mayor Jim Benage - Aye

Motion carried 6-0.

E. Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending Approval Of The Bel Aire 2035 Comprehensive Plan for Bel Aire, Kansas.

Lance Onstott, Professional Engineering Consultants, gave a brief presentation and stood for questions from the Council.

Mayor Benage stated concerns about the data used for the plan. Councilmember Schmitz stated concerns about the population estimates being low. Councilmember Dehn stated concerns about the amount of public engagement for the plan; he wished it were more robust.

MOTION: Mayor Benage moved to return the recommendation of the Planning Commission for Approval of the Bel Aire 2035 Comprehensive Plan to the Planning Commission for further consideration, with a statement specifying the basis for failure to Approve or Disapprove, the statement is; This plan has multiple issues of outdated data and information. [Mayor Benage] will provide an expanded report within a week, but

some of the examples are: outdated population, outdated average income, outdated traffic counts, inaccurate references to medical facilities, and future use proposals that are not consistent with current zoning, especially with regards to land south of the railroad tracks and east of Webb Road. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye Tom Schmitz – Aye Tyler Dehn – Aye John Welch – Nay Emily Hamburg – Aye Mayor Jim Benage – Aye

Motion carried 5-1.

F. Consideration of An Ordinance Designating the Bel Aire Planning Commission as the Bel Aire Board of Zoning Appeals.

MOTION: Councilmember Welch moved to Adopt An Ordinance Designating the Planning Commission as the Board of Zoning Appeals and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

G. Consideration of a Resolution Amending the Bylaws of the Bel Aire Planning Commission.

MOTION: Councilmember Hamburg moved to Adopt A Resolution Amending the Bylaws of the Planning Commission As Presented and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. *Motion carried 5-0.*

H. Consideration of A Resolution Establishing the City of Bel Aire Sidewalk Reimbursement Program for Fiscal Year 2025.

MOTION: Councilmember Welch moved to Adopt A Resolution Establishing The Sidewalk Reimbursement Program As Presented with funds not to exceed \$15,000 and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0*.

I. Consideration of An Ordinance Amending Current Water Drought/Emergency Restrictions to Comply with Wichita's New Permanent Water Restrictions Ordinance Adopted on August, 26, 2025 and to be Implemented on September 15, 2025.

MOTION: Councilmember Davied moved to Adopt An Ordinance Establishing Permanent Watering Restrictions As Presented and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 4-1* with Councilmember Schmitz voting against the motion.

J. Consideration of An Amendment To The Municipal Water Conservation Plan to Comply with Wichita's New Permanent Water Restrictions Ordinance Adopted on August, 26, 2025 and to be Implemented on September 15, 2025.

MOTION: Councilmember Davied moved to Approve Amendment No. 1 to the Municipal Water Conservation Plan As Presented authorize the Mayor to sign and authorize City Manager to submit this amendment to the City of Wichita. Councilmember Dehn seconded the motion. **Motion carried 4-1**, with Councilmember Schmitz voting against the motion.

XIII. EXECUTIVE SESSION: No executive session was held.

XIV. DISCUSSION AND FUTURE ISSUES

A. City Council Workshop - September 9, 2025 at 7:00 p.m.

The Council briefly discussed possible agenda topics for the workshop, and the possibility that a Special Meeting may be held on September 9th preceding the workshop. No action was taken.

XV. ADJOURNMENT

MOTION: Councilmember Schmitz moved to adjourn. Councilmember Welch seconded the motion. *Motion carried 5-0.*

Approved by the City Council this 7th day of 10to her, 2025.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

City of Bel Aire

STAFF REPORT

DATE: 08/25/2025

TO: Bel Aire City Council FROM: Paula Downs

RE: ZON-25-01- Lycee Addition

STAFF COMMUNICATION

FOR MEETING OF	9/2/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

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

Legal Description:

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

General Location:

East side of Rock Road and ¼ mile North of 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 July 24, 2025. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on July 24, 2025.

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 confirms the proper process and zoning change case for clarity moving forward.

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- Set out the following requests as referenced in the R-PUD Preliminary Plat text:

- 1. Parcel 1- Lot 4, Block B
 - a. Permitted Uses: Small-scale retail businesses, retail activities conducted wholly indoors, office, restaurant with alcohol sales, food venues to include patio dining, drive-throughs, and temporary structures as approved by the Zoning Administrator.
 - Restaurant and food venue uses are only permitted through the PUD process.
 - b. Applicant has provided 2 street trees along Rock Road. With the 40' gas pipeline removed from the calculation, 3 trees are required.
- 2. Parcel 2- Lots 1, 2, 3, Block B
 - a. Permitted Uses: Duplexes, multi-family, adult day-care, leasing office, playgrounds or community spaces, and accessory structure as approved by the Zoning Administrator.
 - i. Playgrounds and community spaces are generally permitted as a conditional use in the R-6 District.
 - ii. Day-care facilities are permitted only in the R-1 and R-4 districts.
 - b. Not all residential districts in Bel Aire specify a maximum lot coverage. As currently drafted, the applicant has set forth a 65% lot coverage.
 - c. The R-6 District includes a minimum lot area per dwelling unit of 3,630 sf. The applicant has proposed a minimum lot area per dwelling unit of 2,912 sf.
 - d. Front and side setbacks meet or exceed minimum requirements. The proposed rear setback of 25' is less than the required 75', but if the 40' pipeline easement and 25' setback on Parcel 1 is included, separation of building between the parcels is acceptable.
 - e. Landscaping review:
 - i. Street trees provided meets minimum requirements
 - ii. For multi-family projects, 1 interior lot tree is required per dwelling unit, which must be large deciduous trees or evergreen trees). 8 interior lot trees are provided.
 - f. Parking lot illumination is required for all multi-family projects. Code prohibits parking lot illumination to be provided by building mounted fixtures. The applicant is requesting to only provide parking lot illumination with building mounted fixtures.

Planning Commission Discussion:

Applicant highlighted several key issues that changed from the previous case:

1. Maximum lot coverage for Parcel 2 is currently at 65%. Might want to make it 70% in case a sidewalk or something is required to be added. City zoning code sets the maximum lot coverage at 30%.

- 2. PUD Agreement #5- Uses within the parcels:
 - a. Uses for the parcel have not changed
 - b. C-2 and C-1 uses that include restaurant, food, etc. This hasn't changed
 - c. Greg Hiser owns this lot and wants to continue along those lines. His idea was to build a wine bar.
 - d. Greg Hiser's vision for housing on parcel 2 was single. professionals, however, the current plan is not directed this way.
- 2. PUD Agreement #7- Lighting
 - a. Multiple units being built
 - b. Don't want light poles
 - c. Will use the buildings to light up areas
 - d. Will require parking lot poles relief. Lighting will be on the buildings- garages to light up the parking lots
- PUD Agreement #9- Landscaping
 - a. Asking for a waiver from landscaping
 - b. Parcel 1- will have two (2) street trees along Rock Rd. With power lines and the pipeline, it is difficult to install landscaping- have a very small landscape window.
 - c. Parcel 2- will have five (5) street trees on Lycee and Rock Rd. seven (7) street trees with eight (8) ornamentals inside the interior of front door and parking areas. Asking for a waiver for other items listed in code.
- 4. PUD Agreement #12- Parking
 - a. Parking will be based on the multi-family designation- two (2) spaces per living unit like the property to the East.
 - b. The site offers 2.7 spaces per unit.
 - c. This is viewed as multi-family because it is multiple units on one lot.

Applicant shared that the main difference now and before are the update of the unit styles and the three-plex and four-plex. There are now three (3) different types of units. Applicant confirmed that he will continue to own the units.

Commission had concerns about lighting on the site but were satisfied with the plan to utility building mounted lighting and controlling the angle and shade to not negatively affect each unit on site.

Commissioners discussed the lot coverage of 65% on the site, however, they felt that both parcels combined lot coverage percentage would be relatively low. The Secretary clarified that each parcel's lot coverage would be calculated individually, however, the Commission did not have concerns about the density due to the apartment complex to the East. They commented that this development was more "cutting-edge type development" and that it could influence other developments to "not just build duplexes".

During the public hearing three Kechi residents spoke. They all lived in a neighborhood on North Rock Road. Comments included concern about traffic on Rock Road, that the development were apartments or "section 8" housing. Applicant responded to concerns stating the development was not apartments or section 8 housing and that access to these units accessible from Lycee St. and not directly from Road Rd.

The Planning Commission approved the zone change with conditions recommended by staff to include:

- 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.

Recommendations of permanent staff

Staff recommend approval of the application pending the outcome of City Council review.



MINUTES PLANNING COMMISSION



7651 E. Central Park Ave, Bel Aire, KS August 14, 2025, 6:30 PM

I. Call to Order: Chairman Phillip Jordan called the meeting to order at 6:30

II. Roll Call

Chairman Phillip Jordan and Commissioners Dee Roths, Paul Matzek and Brian Stuart were present. Commissioners Derek Faber and Brian Mackey were absent. Quorum was present.

Also present were Paula Downs, Secretary and Maria Schrock City Attorney.

III. Pledge of Allegiance to the American Flag

Chairman Phillip Jordan led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting.

No updates or changes were requested.

Motion: Commissioner Matzek moved to approve the meeting minutes of the June 12, 2025, meeting. Commissioner Stuart seconded the motion. *Motion carried 4-0*.

V. Announcements: No announcements were made by staff.

VI. Old Business/New Business

A. Public Hearing on the Consideration of a Resolution to Adopt the Bel Aire 2035 Comprehensive Plan

Paula Downs, Secretary provided background information on the Comprehensive Plan to support Lance Onstott, PEC who will provide a more detailed presentation of the Comprehensive Plan.

The plan was initiated in 2023 through a long and thoughtful process that involved several workshops that included Planning Commission members. The plan was developed in four phases: Community Assessment; Community Engagement; Planning and Refine, Adopt & Implement. The draft document was developed from engagement and other information gathering that took place over the last year. The plan document is organized into three sections with appendices. Sections included: section one is a current visual representation of

the community; section two lays out six value statements and goals for each one; and section three includes plans and recommendations for future land use for the built environment. The final section of the plan are appendixes that provide details on the activities that occurred during the planning process.

The plan has good foundational information about the community, and it has set out design standards. It shows how we will look at the city moving forward and the engagement process that took place to prepare the plan.

Lance Onstott, PEC stated that state statute requires that the comprehensive plan have a public hearing, and the agenda item tonight is for the Planning Commission to approve and adopt the plan, by Resolution, for governing body approval by ordinance.

Lance provided highlights of the plan and is purpose:

- The comprehensive plan should represent the vision of the community for the next 10 years and be a record of the community's shared goals and desires. The plan is not an agreement on everything but reflects common themes so that the City can make informed decisions.
- O The Appendices show what has happened in Bel Aire in the last 20 years: demographics, market-based land use, development patterns, and what is happening now and what is projected for the future.
- o The plan primarily addresses the built environment or the physical part of the City.
- o The City will use the comprehensive plan to make decisions on planning and zoning cases, budgets, staffing, and public safety.
- As things change the plan may need to be updated and by statute it will be reviewed every year.
- The plan was developed in stages starting with developing the community assessment on past and current information. The second phase was the engagement of the community, city leadership, and city staff. The final stage is the final draft plan being reviewed and approved.
- Three different "teams" were engaged in preparing this plan. The core team were staff that met regularly to review and provide comments on the plan. City leadership included the City Council and the Planning Commission in workshops to engage in the development of the plan. Stakeholders provided feedback during fall festival, workshops, focus groups and interviews. There should be no surprises in the plan.

Lance stated that the three primary sections of the plan include: introduction; value Statements/Goals; and land Use Framework. In addition, the appendices are good references on how the plan was developed. This section lists; resources, community engagement details, census and other data sources, and other City plans. All notes and summary information for the community engagement activities are also included. Those details support the information contained in the other sections of the plan.

Lance stated that the values statements and goals were developed from the overarching themes that were heard during the engagement activities. For each value statement there are goals which are those things that are measurable to make sure we are making progress on the plan. There are six value statements:

- Economic Development- Bel Aire's Non-Residential Environment Will Enhance The Quality Of Life For All Residents And Visitors Alike
- Transportation- Bel Aire's Transportation System Will Be Safe, Enhance The Aesthetic Appreciation of the City, and Provide Efficient Options For All Transportation Modes.
- Parks and Recreation- Bel Aire's Parks And Recreation System Will Provide First Class Spaces And Programming For All Ages And Abilities.
- Community Identity and Character- Bel Aire's Built Environment Will Communicate A Distinct Identity To Create Cohesion, Increase Community Pride, And Attract Residents, Businesses, And Visitors
- Growth & Investment- Bel Aire Will Concentrate On Sustainable Growth Through Smart Investments And Community Communication.
- Housing- Bel Aire Will Be A Destination Of Choice For People At All Stages Of Life.
- Every decision made should be influenced by the value statements. If there is a policy change or a re-zoning application that is not furthering one of the value statements then it needs to be critically looked at. It organizes your decision making and staff recommendations and it will serve as a guide for private investment.

Lance discussed the Future Land-Use Map which shows where residential and commercial uses are in the City. The first level of assessment before projecting future growth patterns is to establish four key elements to create places. We want to create an identifiable space designed around the uses for that space. The four building blocks are: green spaces- designed park, programmed park, natural preserve; complete neighbors; corridors; and centers.

In addition to the building blocks there are place types. Place Types will represent each one of those building block key elements. There are ten place types used in the city. For each place type these elements are included: description, including a narrative of the place type to be used in a staff report; types of land uses that are appropriate in each place type; utilized existing zoning districts to determine where each district could be compatible with each place type; and images to further communicate what the place types are looking to do.

Lance highlighted three example place types. One place type is a traditional neighborhood. There are no place types in the plan that are exclusively single family or multi-family residential place types. The goal is to see various place elements like homes, churches, or a corner store to create a complete neighborhood environment. This is predominately the place type that the city's future land use map is using. Another place type is a neighborhood corridor which is based on based on the transportation corridor. The goal is to build corridors or streets to complement the neighborhood. There may be something that the neighborhood

might need to quickly access like the corner store, bank or restaurant- these elements would be within the corridor. It is not an area that would have a mall. Centers are another place type. The corridor place type is going to buffer the neighborhood place type from a Center. Multiple centers in our place types - neighborhood center is typically at the intersection of multiple neighborhood corridors or hubs of activity. Scale changes with city neighborhoods, corridors and centers which may be denser with more activity.

Lance explained that the comprehensive plan gives guidance to private sector development so that they can determine if their development is compatible with the place type identified in the development area.

Lance clarified that the neighborhood traditional place type is the most common type in the city and can be seen on the map in light yellow; corridors are largely located along the arterial roadways; purple areas are for industrial or institutional areas, and the Rock Road corridor isolates higher uses.

The Planning Commission had several questions about the Comprehensive Plan:

- Does the comprehensive plan go across 254? The land use does in certain areasplace types are predicted through the city's area of influence or the extraterritorial jurisdiction. Rural neighborhood is housing that doesn't require public utilities such as a farm, five-acre subdivision, etc.
- What are the two or three things that are different between our previous plan and this plan? What two or three ways were you surprised at the input that maybe went in a different direction from the previous plan? Previous plan was in 2018- Master Growth Plan- it only looked at future land use and it didn't have any value statements. Major difference it used the traditional way of looking at land use such as single-family residential, etc. Development patterns were similar between the plans. Water and sewer plans were developed ahead of the comprehensive plan so that information could be used to assess costs of service and return on investment as the city continues to grow. The community had a desire for different modes of transportation-they want to safely move around our community without a vehicle. The city has good potential for off street trails utilizing the floodplain areas as pathways. Any future option for a rail to trail option could be utilized in the future if changes occur in the use of the railroad tracks. Trains will continue to use the tracks in the foreseeable future.
- Commission felt the plan was well put together graphically and it is user friendly so it can be used.
- Anything surprise you when meeting with the various groups? Alternative
 transportation was surprising across all groups. It not surprising to hear that there
 was confusion about the identity of the city. People expressed the need for grocery
 stores and restaurants, but don't really want to grow. Many people want the smalltown feel, but also the large city services. City will need to navigate these needs.

- Is the City lacking in services? Land use was analyzed, and the City is 90% primarily residential. 0.8% of land use in Bel Aire is currently commercial use.
- Comprehensive plan will help the city make decision on what and how to develop in the future. The plan is a 10-year plan
- Was there any discussion about working with or looking at the plans from Metropolitan Area Planning Commission (MAPC)? This wasn't assessed in detail but did look at where they are projecting employment and housing areas. Looked at Wichita Area Metropolitan Planning Organization's (WAMPO) transportation plan to influence the plan.
- Does Wichita have any plans for East of Bel Aire? Unknown currently. Generally, they will face the need for services in that area.
- It is surprising that Bel Aire has a high rate of not-for-profit land uses in the City.
- Some concern that when the Commission reviews a case, preliminary plat and final plat we may ask for a reduction in lots to allow for green space, which the Commission doesn't have the authority to do that, so there is no enforcement.
- If is shows up on the master plan for more green space, how does that get implemented or steered that way? One way is to review zoning and subdivision regulations, building codes and policies around funding developments to steer towards implementing this vision. Developers and designers are always looking at the codes, so the city needs to ensure that codes reflect what we want to see happen. The other way is how we encourage development patterns through policies- City might want to participate in funding developments in a different way if they utilize the comprehensive plan vision.

Commissioner Jordan opened the Public Hearing:

- Donnis McPhaul- 7901 E. Oaktree Lane, Kechi, KS 67067. On the land use map in the orange area- what is the street running east/west? There is no street on the top of the orange area. Rock road area says city neighborhood- where does it stop the city neighborhood north between 254 and 53rd St.? Where does the orange area stop? The area extends Northwest Magnet anything above that is outside of Bel Aire's jurisdiction. The Comprehensive Plan covers only what is in Bel Aire.
- Jerry Hamilton, 7200 E. Oak Tree Ln. Kechi, KS- When you talk about your identity people are starting to call Bel Aire "Duplex City". Stated that he believes that Bel Aire has enough duplexes.

Commissioner Jordan closed the Public Hearing

Commission Discussion- Steering development is outside what the Planning Commission can control, and this is what the City Council can determine. Codes could assist as the Planning Commission hears cases. When the Secretary provides a staff report, one of the criteria in the "Golden Factors" is how the case is evaluated against the comprehensive plan. The Planning Commission will see comments both on how the case fits and how it doesn't fit within the comprehensive plan. This is one of several criteria the case is evaluated against.

Motion: Commissioner Matzek moved to adopt the Resolution to Adopt the Bel Aire 2035 Comprehensive Plan as presented and recommend that the Governing Body approve the Plan by publication of an Ordinance per K.S.A. 12-747(b). Commissioner Roths seconded the motion. *Motion carried 4-0.*

B. Consideration of an Ordinance to Amend the Bylaws of the Planning Commission

Paula Downs, Secretary stated that the Commission has seen the Bylaws a few times and all suggestions have been included in the document. The bylaws were shared with Mayor Benage, and he had a few suggestions that were changed in the document.

The following changes were made:

- Removed language on line 35- "such removal and" only appointments will require the consent of the City Council.
- Line 42 Added language for appointment- Policies and Procedures for Appointment and Removal of Members of the Planning Commission shall be in accordance with Ordinance 357.
- Line 178- update language-....reasonable notice as to date, time, place, manner and purpose for the meeting shall be given by the chairperson to the Secretary at least five (5) business days before the meeting by hand delivery.
- Line 181- Commission members and the Governing Body shall be notified by the Secretary (vs. Chairperson), including all persons designated to receive agendas on a regular basis.
- City of Bel Aire official city newspaper is the city website.
- Language was added that said the Planning Commission will review every three years, but changes can be made at any time should updates need to be made.

City Attorney stated that the Planning Commission will approve a resolution per statute and not an ordinance as stated in the motion language.

Motion: Chairman Jordan moved to Adopt the Resolution to Amend the Bylaws of the Planning Commission As Presented and recommend that the Governing Body Approve the Amended Bylaws. Commissioner Matzek seconded the motion. *Motion carried 4-0*.

C. Public Hearing on ZON-25-01: Zone change request in the City from a Neighborhood Commercial, Office and Retail District "C-1" to a Planned Unit Development Residential District "R-PUD" to create the Lycee Addition R-PUD, generally located at the East side of Rock Road and ¼ mile North of 53rd Street North, Bel Aire, Sedgwick County, Kansas

Chairman Jordan read the case checklist:

• Disqualification Declared & Quorum Determined- Chairman Jordan "let the record reflect that no one was disqualified".

- Chairman Jordan declared that proper notification was given.
- Ex parte communication- Chairman Jordan "let the record reflect no ex parte communication was received prior to the agenda item".

Paula Downs, Secretary, stated that the case was before Planning Commission previously and the overview of each time the case appeared at the Planning Commission and City Council is set out in the staff report. The final plat for Lycee appeared at the February 2022 Planning Commission meeting with a Planned Unit Development (PUD) agreement and updated site plan. Lycee appeared at the April 5, 2022, City Council meeting and the final plat, PUD and development agreements were approved.

Previous change in zoning had not been formally approved in the proper manner- a zoning case should have been filed and an Ordinance developed and approved. The change in zoning needed to be an R-PUD which addresses the change in zoning and provides for an R-PUD Preliminary Plat document with PUD language vs. a separate PUD Agreement.

The PUD agreement sets out Parcel 1, the commercial lot and Parcel 2, the R-6 residential lots. The general provisions set out how the area will be developed, and they have set out the relief from code they are seeking. On pages 3-4 of the staff report it sets out zoning relief they are seeking. It will have what the code requires and what the case is asking for. The applicant will further define the development and answer questions.

The staff report also includes the review criteria that staff are recommending with the key review criteria (Golden Factors) of 2, 5, 7, 8 and that the case be approved with conditions listed in review criteria 10.

Phil Meyer, Baughman & Company, owner's representative and Craig Sharp, applicant. Reviewed the R-PUD plat text. Mr. Meyer set out the following items to ensure the Planning Commission is clear on what they are asking for:

- Maximum lot coverage for Parcel 2 is currently at 65%. Might want to make it 70% in case a sidewalk or something is required to be added. City zoning code sets the maximum lot coverage at 30%.
- Site plan discussion for parcel 2:
 - o Lot 1 Units:
 - garage is in the back
 - front doors face Rock Road
 - This housing is different from the previous plan from Greg Hiser
 - o Lot 2 Units:
 - front doors face west
 - Garage and driveway up front
 - o Lot 3:
 - No garages

- PUD Agreement #5- Uses within the parcels:
 - Uses for the parcel have not changed
 - o C-2 and C-1 uses that include restaurant, food, etc. This hasn't changed
 - Greg Hiser owns this lot and wants to continue along those lines. His idea was to build a wine bar.
 - Greg Hiser's vision for housing on parcel 2 was single. professionals, however, the current plan is not directed this way.
- PUD Agreement #7- Lighting
 - o Multiple units being built
 - Don't want light poles
 - o Will use the buildings to light up areas
 - Will require parking lot poles relief. Lighting will be on the buildingsgarages to light up the parking lots
- PUD Agreement #9- Landscaping
 - Asking for a waiver from landscaping
 - Parcel 1- will have two (2) street trees along Rock Rd. With power lines and the pipeline, it is difficult to install landscaping- have a very small landscape window.
 - o Parcel 2- will have five (5) street trees on Lycee and Rock Rd. seven (7) street trees with eight (8) ornamentals inside the interior of front door and parking areas. Asking for a waiver for other items listed in code.
- PUD Agreement #12- Parking
 - Parking will be based on the multi-family designation- two (2) spaces per living unit like the property to the East.
 - o The site offers 2.7 spaces per unit.
 - o This is viewed as multi-family because it is multiple units on one lot.

• Units:

- Clarification: the site will have two (2) duplexes, and the rest are fourplexes. The prior plan were all duplexes.
- Each unit is either two (2) or three (3) bedrooms
- o Four-plexes:
 - o Lots 1 & 2 there is a tri-plex and two four-plexes.
 - Lot 3- is a quad-plex where the units are stacked- exterior steps for two (2) units on top and two (2) units on bottom.
- o There are no basements in the units.
- o Lots 1 and 2 are single units' side-by-side
- o Grass will be in the open units. Along Rock Rd., in front of the units could do more landscaping on the East, but there is a nice hedgerow and there are utilities in the easement
- Greg Hiser still wants to do a wine bar on parcel 1- very small lot size of building and parking lot is very limited.

Applicant shared that the main difference now and before are the update of the unit styles and the three-plex and four-plex. There are now three (3) different types of units. Applicant confirmed that he will continue to own the units.

The Planning Commission had concerns about the lighting for the site would come from building mounted fixtures which could shine light into units across from each other's windows. To prevent that, lighting is on the building would need to be aimed a different way. Commission asked applicant what kind of light will be shining on the unit across from each building. The applicant stated that building lighting can be angled and shaded so light can be controlled where it goes. Applicant stated that they can get better lighting on the building than on poles. Lighting will be placed on the ends of building, and they don't face windows, and they will all have garage lights and porch lights on the units. Heights and angles of lighting can be well controlled. Commission acknowledged that the 29th and Greenwich apartments have building lights and no poles and the complex is well-lit. Applicant shared that poles add more clutter to the site.

Planning Commission discussed the lot coverage percentage for the site. Applicant explained that parcel 1 has all the pipeline area in it. Commission discussed that if you take the whole PUD area (parcels 1 and 2), you won't be at a high lot coverage percentage- it would be approximately 43%. The Secretary stated that each lot is calculated individually or per parcel. The Secretary stated that the R-6 zoning district doesn't set out anything different lot coverage percentages between single-family and multi-family units. Lot coverage is calculation includes total lot size minus structures and pavement. Commission suggested that they might need to consider the entire area related to lot coverage

Commission stated that the site appears to be like an apartment complex that is broken up but done well.

Applicant confirmed that the square footage of the east units are 1170 s.f. and the rest of the units are in the 1450 s.f. range. Units in the middle have a one car garage and units on Rock Rd. have two-car garages. Updates on the R-PUD Preliminary Plat have been corrected and parcel 2 is 72,030 s.f. which creates the 65% lot coverage.

Chairman Jordan opened the public hearing:

- Carla Hamilton, 7200 E. Oak Tree Ln Kechi, KS- Comprehensive plan map was on the screen and Ms. Hamilton asked about the "orange" area-
 - Went from duplex to apartments now and we'll probably have playground and other stuff- is that right. Developer responded and stated there would be no playground
 - Don't know what it looks like- so is this Section 8 housing- is that what it is? Developer answered "no".
 - Do you have pictures of the development?- Developer didn't have pictures

- What about the traffic on Rock Road- with school and existing apartment complex and with more apartments- are there any considerations on what is going to happen? Commission stated that the area is suited for this type of development. Development doesn't empty onto Rock Road directly
- Donnis McPhaul, 7901 E. Oak Tree Ln, Kechi, KS 67067
 - Where is this development in relation to Apartments? Development is West of the apartments.
 - How many tri-plexes and four-plexes are there? There are eight (8) four-plexes and two (2) three-plexes.
 - Where is the wine bar? Wine Bar location is on Rock Road North of the housing development.
 - Where is entrance to development? Entrance is off Lycee and not Rock Road.
- Jerry Hamilton, 7200 Oak Tree Ln, Kechi KS.
 - Is there a difference between single-family vs. multi-family zoning districts? Bel Aire has several types of zoning districts in the city.
 - Mr. Hamilton would like to see single family homes along Rock Rd.
 - There is an abundance of duplexes
 - It would be good to have single family homes around the school

Chairman Jordan closed the Public Hearing

With regards to written communications Chairman Jordan stated, "let the record reflect no written communications have been received".

Applicant had no final comments but did share that the price range of leasing the units are \$1450 - \$1600. The units are an urban feel, and they are also bigger than duplexes.

Commissioner Matzek stated that he was concerned about the nearby single family large lots with this development be near. He asked what the status of Integra is, and it was confirmed by the Secretary that there was currently no status on that project. Commissioner Matzek has concerns about Rock Road traffic with the higher density development. He further stated that commercial use is 0.8% in the City and this development is now taking away additional parcels for commercial development with this development getting closer to the City Center concept on our comprehensive plan.

Commissioner Roths stated that this is an upgrade, and this is a different style. It will influence other development to not just build duplexes. More cutting-edge type development.

Commissioners cited, from the staff report, Golden Factors: 1, 3, 6, 2, 5, 10 as criteria to support the case. There are conditions recommended by staff for landscaping and trash enclosures. Planning Commission would need to use motion language #2 "approved with modifications" to include recommendations listed within #10 of the staff report.

Chairman Jordan stated that the case will be forwarded to the Governing Body with the Planning Commission recommendation and a written summary of the hearing for consideration at their regular meeting on Tuesday, September 2, 2025. He further stated that protest petitions against the case may be received by the City Clerk for 14 days after tonight, August 28, 2025, at 4:30 p.m.

Motion: Commissioner Roths moved, having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the zone change request from Neighborhood Commercial, Office and Retail District "C-1" to a Planned Unit Development Residential District "R-PUD" in ZON-25-01 be approved with modifications, based on findings: recommendation #10 listed in staff report, as recorded in the summary of this hearing. Chairman Phillip Jordan seconded the motion. *Motion carried 4-0*.

D. Overview of Zoning Case Script

Maria Schrock, City Attorney, provided an overview of the Zoning Case Checklist.

Primary and crucial duty of PC is holding the public hearing. The hearing is not only provided to hear public comments, but also to satisfy Kansas statutes. When holding a public hearing it is important to be consistent each time. All elements included in the "script" or checklist is to ensure that we address each element of the state statute and that everyone in the room is informed of key items. The benefit of the checklist reminds us to let the record show that commissioners did not disqualify themselves. When we close the public hearing we are reflecting in the minutes that there is no further discussion from the public and it can be reflected in the minutes. This announcement about closing the hearing then lets the public know no additional comments can be made and the minutes are clear. The minutes of the meeting are forwarded to the governing body, and they are required to go back to the minutes and the minutes capture everything including all comments. They are the total record of everything that occurred, and all elements considered by the Commission to make good decisions. The checklist helps make sure that everything is included in the minutes and that they are a fair and accurate depiction of what occurred at the meeting. The checklist is 3 pages and includes all the required elements and in what order for the public hearing. It is not required that the chairperson go through the checklist, any Commissioner can read the checklist especially if there are multiple items that require the checklist on an agenda.

Lawsuits can be filed and having this checklist read into the minutes helps create a record of what happened during the meeting. Checklist makes sure we follow the statutes, especially for the public hearing. We are expanding the depth of the minutes and creating more detailed information about what happened during the meeting. Moving forward the Commission meeting minutes will be more in depth moving. This is a checklist and not a script because we don't want to give any indication that the Commission is being told how to vote or how to deliberate. This checklist doesn't contain any information related to that.

Commission asked if they have to use the Golden Factors? The statute does not require the use of the Golden Factors. A case came through that provided a list of factors- state supreme case encouraged planning commissions to use these factors and add additional factors that may be unique to your community. The factors provide a consistent list of things we consider to be fair to every applicant so there is no appearance of being discriminatory or arbitrary. Not required but encouraged. Factors are a way for Commissioners to share their thinking about why they voted yes or no on a case.

Commission asked if they are we protected as Commissioners from lawsuits? The Planning Commission gets authority from Kansas statutes which is to abide by the zoning regulations and subdivision regulations that show that you are making decisions based on specific regulations. If a commissioner or the commission says that "I'm not going to abide by the regulations" that would indicate that they are operating outside the scope of their authority. Providing rationale of a decision is all that is required when making decisions on deviations from the codes.

Action: No action required; for discussion and review only.

E. Overview of Voting on Planning Commission Minutes

Maria Schrock, City Attorney, provided an overview of voting on Planning Commission minutes.

When you receive the agenda packet go through the minutes and confirm that it appears to be a fair and accurate depiction of what occurred during the meeting. Feel free to take notes during the meeting and compare them to the draft minutes and provide any updates. By voting to approve the minutes, the Commission is saying we've reviewed them, and they accurately reflect what occurred during the meeting. Minutes will be relied upon for actions. The Chairman, Vice Chairman or the Senior Commissioner may be the person signing the minutes after any given meeting. Commission is encouraged to keep notes and compare them to ensure accuracy.

Commission requested minutes to be provided earlier than the following month to recall and ensure their accuracy. Secretary will provide minutes within 10 days after the meeting. Commissioners then could provide updates prior to the next meeting via emails.

Action: No action required; for discussion and review only.

VII. Approval of the Next Meeting Date.

Commissioner Stuart will not be in attendance for the next meeting

Motion: Chairman Jordan moved to approve the date of the next meeting: September 11, 2025, at 6:30 p.m. Commissioner Matzek seconded the motion. *Motion carried 4-0*.

VIII. Current Events

A. Upcoming Agenda Items:

Secretary shared that on September 2nd an Ordinance appointing the Planning Commission as the Board of Zoning Appeals will be on the City Council's agenda.

That approval will then result in bylaws being developed and shared with the Planning Commission. Bylaws will closely resemble the PC Bylaws.

- 1. Board of Zoning Appeals Bylaws
- 2. Board of Zoning Appeals- Types of Cases

B. Upcoming Events:

- 1. August 30 Tree Board Park Clean-up | Alley Park 8-10 a.m.
- 2. September 1 City Offices Closed for Labor Day
- 3. September 27 Tree Board Park Clean-up |Bel Aire Rec Center 8-10 a.m.
- 4. October 4 Fall Curbside Clean-Up

IX. Adjournment

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

Lycee Addition August 14, 2025

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Publication Notification/Affidavit
- Zoning Application
- Owners List
- PUD Plat

City of Bel Aire

STAFF REPORT

DATE: 08/14/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: ZON-25-01- Lycee Addition

STAFF COMMUNICATION

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

SUMMARY:

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

Legal Description:

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

General Location:

East side of Rock Road and ¼ mile North of 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 July 24, 2025. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on July 24, 2025.

Case History:

1. August 12, 2021- Planning Commission Meeting

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

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

2. September 16, 2021- Planning Commission Meeting

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

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

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

The Preliminary Plat was approved 3-0

3. September 22, 2021 - Planning Commission Meeting

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

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

4. February 10, 2022- Planning Commission Meeting

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

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

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

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

5. April 5, 2022- City Council Meeting

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

The Zoning change was not formally approved via Ordinance.

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

PUD Agreement:

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

Developer's Agreement:

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

The City Council approved the PUD and Development Agreement.

Current Discussion:

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

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

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

Review Considerations:

1. Character of the neighborhood

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

2. Zoning and uses of nearby properties

North: M-1 Planned Unit Development – Industrial District

Current Use: Undeveloped

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

• Current Use: Multi-Family (Apartment Buildings)

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

• Current Use: Undeveloped

West: Sedgwick County Jurisdiction

Current Use: Undeveloped

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

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

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

No detrimental impacts on nearby property is expected.

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

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

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

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

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

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

8. Impact of the proposed development on community facilities

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

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

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

10. Recommendations of permanent staff

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

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

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

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

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

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

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

General Location: Northeast corner of Lycee St. and N. Rock Road

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub-Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 23 day of July 2025.

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





AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, has published the attached notice on the City of Bel Aire website, www.belaireks.gov, which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Notice of Zoning Hearing- ZON-25-01- Lycee Addition Proposed Re-Zoning from C-1, C-2, R-6 to R-PUD and Preliminary R-PUD platting is a true copy thereof and was published on such website beginning on the 244 day of July, 2025.

Melson Bull

SUBSCRIBED AND SWORN to before me this

Z day of July, 2025

(seal)

NOTARY PUBLIC - STATE OF KANSAS

MARI MCELHANEY

MY APPT. EXPIRES 9-4-27

Notary Public

City of Bel Aire

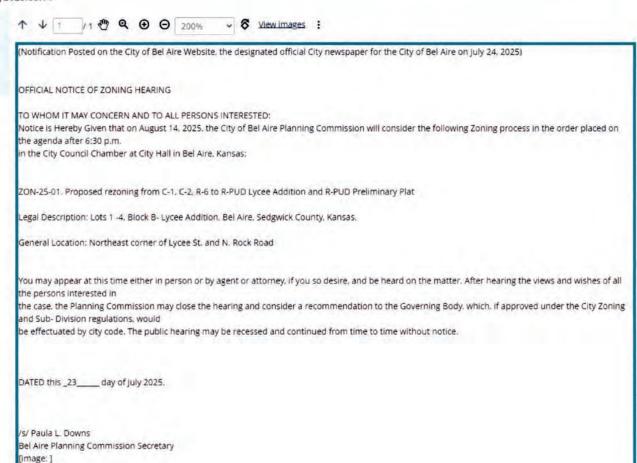
Melissa Krehbiel – City Clerk 7651 East Central Park Avenue, Bel Aire, Kansas 67226 316-744-2451 www.belaireks.gov



Zoning hearing 2025.08.14

image1.png





ZONING CHANGE APPLICATION CITY OF BEL AIRE, KANSAS

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

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

The site plan must contain the following elements:

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

- Floodplains
- Water area or features
- Significant topographical features
- Utilities, above and below ground
- Drainage patterns
- 9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.
- 10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.
- 11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.
- 12. Modifications by the zoning change: Indicate any modifications to the existing structures or features that will result if the zoning change request is approved. If these modifications or additions are extensive, a second site drawing might be necessary to clarify the changes. These modifications or new features may include, but are not limited to:
 - Buildings
 - Structures
 - Parking areas
 - Vehicular drives
 - Pedestrian walks
 - Location and height of light fixtures
 - Location of trash receptacles and loading areas
 - Landscaped areas
- 13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.
- 14. An application for zoning change shall be accompanied by the appropriate filing fee, (\$500.00 plus publication) and is payable to the City of Bel Aire.

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

✓ Change Zoning Districts: From:	C-1 to R-PUD		
Amendments to Change Zoning Dis	stricts		
City of Bel Aire Planning Commission			
Approved	Rejected		
Name of owner_			
Address	Telephone		
Agent representing the ownerBaughman C	Company, P.A.		
Address315 S Ellis Ave, Wichita, KS	Telephone		
The application area is legally described as Lot(s)1-4 ;Block(s)B , Lycee Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.			
2. The application area contains <u>4.19±</u>	acres.		
This property is located at (address) which is generally located at (relation to nearest streets)northeast corner of Lycee St and N Rock Rd			
4. The particular reason for seeking reclass	ssification:		
To allow for the development of commercial and m for this type of development.	ulti-family uses that do not match the bulk regulations		
5. County control number: Pin Nos. 3002	21453, 30021454, 30021455, 30021456		

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	ApplicantGregory Hiser	Phone
L	Address 9860 E 21st St N, Wichita, KS	Zip Code67206
	Address 5000 L 21st otty, William No.	
	AgentBaughman Company, P.A.	Phone316-262-7271
	Address315 S Ellis Ave, Wichita, KS	Zip Code67211
	Address 319 S Ellis Ave, Wichita, NO	
0	ApplicantBlue Sky Ventures, LLC	Phone
Ž.	Address 1006 N. Hegyer Ct. Wighlite KS	Zip Code <u>67205</u>
	Address4006 N Hoover Ct, Wichita, KS	210
	Amend	Phone
	Agent	Zip Code
	Address	210 0000
		Phone
3.	Applicant	
	Address	Zip Code
		and the second
	Agent	Phone
	Address	Zip Code
Th	ne applicant certifies that the foregoing information	ation is true and correct to the best of
h	eir knowledge and acknowledges that the Gov	verning Body shall have authority to
113	pose such conditions as it deems necessary i	n order to serve the public interest and
		11 01001 10 00110 210
NE	elfare.	
	51 21	
	May M	Authorities of Amont (16 Amo)
AF	oplicant'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.

Zoning change Application Page 4 of 4

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.

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ApplicantGregory Hiser	Phone	
Address9860 E 21st St N, Wichita, KS	Zip Code <u>67206</u>	
AgentBaughman Company, P.A.	Phone316-262-7271	
Address315 S Ellis Ave, Wichita, KS	Zip Code <u>67211</u>	
2. ApplicantBlue Sky Ventures, LLC	Phone	
Address4006 N Hoover Ct, Wichita, KS	Zip Code67205	
Agent	Phone	
Address	Zip Code	
3. Applicant	Phone	
Address	Zip Code	
Agent	Phone	
Address	Zip Code	
The applicant certifies that the foregoing information their knowledge and acknowledges that the Govern impose such conditions as it deems necessary in or welfare.	ing Body shall have authority to	
Applicant's Signature - Craug Sharp BY	Authorized Agent (If Any)	
The Petition must bear the signature(s) of the prope	erty 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.



OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

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

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

SECURITY 1ST TITLE

By:

LICENSED ABSTRACTER

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

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

Order: 3143031

KJK

PLANNED UNIT DEVELOPMENT Adjacent property to north zoned M-1 Manufacturing N89°29'25"E(M) 295.32'(M) KGF **PARCEL** BUILDING AMENDMENT OF AMEND CONTROL GAS GAS **ACCESS** 100' PHILLIPS 66 PIPELINE, LLC & PHILLIPS 66 CARRIER, LLC, WAY CONTRACT 100' PHILLIPS 66 PIPELINE, WAY CONTRACT AMENDMENT OF RIGHT-OF AMENDMENT OF RIGHT-OF OOC. GRS 103.94' UGE CONTROL 610.59'(D) 611.02'(M) 400£35 C ='413 SUCATIS E(M) \$\square\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\color=\co 198.43' SETBACK AND DRNG. & UTIL. **Commercial** OPENING ,09 C-1zoned # ± 108.5 east 4CCESS CONTROL Lot 3 Lot 1 tooperty à COMPLETE Adjacent 148.65 BUILDING 30' S89'54'29"W(M) 126.89'(M) N82'42'13"W(U) 147.75'(U) N82'42'13"W(CD) 147.75'(O) 7413 FH 8 LYCEE ST (Paved) N89'02'22"W(M) 22.33'(M) S89'59'29"W(CD) 22.22'(D) 98' R/W 98' R/W (Doc.#/Flm-Pg: 29195542) 60' R/W

LYCEE ADDITION

REVISIONS

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

LYCEE ADDITION
PLANNED UNIT DEVELOPMENT





LYCEE ADDITION PLANNED UNIT DEVELOPMENT

PARCEL 1 (Commercial) Lot 4

PARCEL 2 (Residential) Lots 1-3

A. Net Area: 71,822 sq. ft. ± or 1.65 acres ±

Or 1.05 acres ±

B. Maximum Total Lot Coverage: 7,182 sq.ft. or 10%C. Maximum building height: 35 feet

D. Setbacks: As shown on plan.

E. Access Points: As shown on plan.

F. Permitted Uses: See General Provision #5.

Parking: See General Provision #13.

A. Net Area: 110,816 sq. ft. ± or 2.54 acres ±

B. Maximum Total Lot Coverage: 44,326 sq.ft. or 40%

C. Maximum building height: 35 feet

D. Setbacks:

As shown on plan. No interior setbacks will be provided on

common lot lines.

E. Access Points: As shown on plan.

F. Permitted Uses: See General Provision #5.
G. Parking: See General Provision #13.

H. Min. distance between buildings: 10'

I. Dwelling units per acre: 38 / 2.54 = 15 du/ac

GENERAL PROVISIONS:

 1. Total Land Area:
 182,638 sq.ft.±

 or 4.19 acres

 Total Gross Floor Area:
 54,791.4 sq.ft.±

PROJECT DESCRIPTION:

The Planned Unit Development allows a certain level of flexibility with site development regulations under a specific zoning district The intent of this PUD is to allow a moderate density residential development in addition to the modified C-2 zoning district.

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

LEGAL DESCRIPTION:

APPLICANTS:

Lots 1-4, Block B, Lycee Addition, Bel Aire, Sedgwick County. Greg Hiser 9860 E 21st N, Wichita, KS Blue Sky Ventures, LLC 4006 N Hoover Ct, Wichita, KS LYCEE ADDITION
PLANNED UNIT DEVELOPMENT



Lycee Addition August 12, 2021

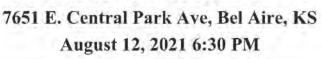
Planning Commission Meeting

Agenda Documents:

- Agenda Packet
- Meeting Minutes



MINUTES PLANNING COMMISSION





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

II. Roll Call

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

Also present was Planning Commission Secretary Anne Stephens.

III. Pledge of Allegiance - Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

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

V. Old Business/New Business

A. Review Sketch Plan for Lycee Addition

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

VI. Next meeting: September 16, 2021

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

VII. Current Events

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

VIII. Adjournment

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

The meeting adjourned at 7:05 p.m.



AGENDA PLANNING COMMISSION



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

I.	Call to Order			
II.	Roll Call			
	James Schmidt David Floyd Phillip Jordan			
	John Charleston James Farner Dee Roths			
III.	Pledge of Allegiance			
IV.	Consent Agenda			
	A. Approval of Minutes from Previous Meeting			
	Action: Motion to approve the minutes of July 15, 2021.			
	Motion Second Vote			
V.	Old Business/New Business			
	A. Review Sketch Plan for Lycee Addition			
	Action: No Action, review and provide comments to applicant			
VI.	Next meeting: September 16, 2021			
	A. Action : Motion to approve the next meeting date: September 16, 2021			
	Motion Second Vote			
VII.	Current Events			
	A. August 14th is National Night Out			
VIII	. Adjournment			
	Action: Motion to adjourn.			
	Motion Second Vote Meeting adjourned Time			



MINUTES PLANNING COMMISSION



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

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

II. Roll Call:

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

Planning Commission Secretary Anne Stephens was also present.

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

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

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

V. Old Business/New Business

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

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

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

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

VI. Next Meeting: August 12, 2021

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

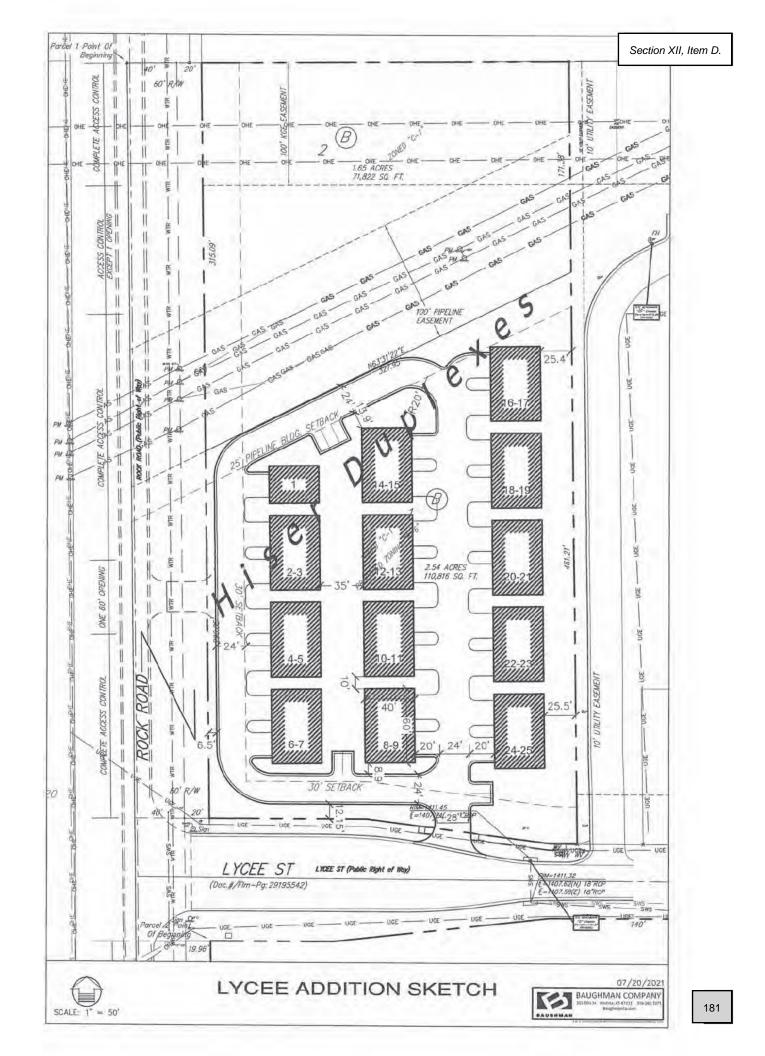
VII. Current Events:

Commissioners briefly discussed upcoming events including the Doggie Dip at the pool on August 9^{th} , and National Night Out at City Hall on August 14^{th} .

VIII. Adjournment

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

The meeting adjourned at 6:38 p.m.



City of Bel Aire

STAFF REPORT

DATE: 08/05/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

STAFF COMMUNICATION					
8/12/21					
	Section XII, Item D.				
•					

SUMMARY:

Lycee Sketch Plan:

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

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

The Planning Commission shall:

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

https://www.betterontheedge.org/



Lycee Addition September 16, 2021 Planning Commission Meeting

Agenda Documents:

- Agenda Packet
- Meeting Minutes



AGENDA PLANNING COMMISSION



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

I.	Call	to Order
II.	Roll	Call
	J	ames Schmidt David Floyd Phillip Jordan
	J	ohn Charleston James Farner Dee Roths
III.	Pled	ge of Allegiance to the American Flag
IV.	Con	sent Agenda
	<u>A.</u>	Approval of Minutes from Previous Meeting
		Action: Motion to approve the minutes of August 12, 2021.
		Motion Second Vote
V.	Old	Business/New Business
	A.	Revise the November meeting date on the 2021 Planning Commission meeting schedule. City Hall will be closed on November 11th for Veteran's Day.
		Action: Motion to (approve / deny / table) revising the 2021 Planning Commission meeting schedule to move the November meeting to (Thursday, November 4th / or Thursday, November 18th / or other date).
		Motion Second Vote
	<u>B.</u>	SD-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included).
		Open Hearing
		Close Hearing
		Action: Motion to (recommend / table / deny) the preliminary plat request (as presented / with or without changes or conditions).
		Motion Second Vote

	<u>C.</u>	V-21-02. Partial Access Control Vacation
		Open Hearing
		Close Hearing
		Action: Motion to (recommend / table / deny) the submitted portion of access control in up to two locations as described by metes and bounds (with / or without changes).
		Motion Second Vote
	<u>D.</u>	SD-21-02. Proposed Prairie Preserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.
		Open Hearing
		Close Hearing
		Action: Motion to recommend the Preliminary Plat with or without changes, and/ or conditions, table, or deny.
		Motion Second Vote
	<u>E.</u>	CON-21-01. Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.
		Open Hearing
		Close Hearing
		Action: Motion to table until the next meeting so that notification can be completed as required by city code.
		Motion Second Vote
VI.	App	roval of the Date of the Next Meeting
	A.	Next Meeting: October 14, 2021
		Action: Motion to approve the date of the next meeting: October 14, 2021
		Motion Second Vote
VII.	Curi	rent Events
	<u>A.</u>	Fall Festival - October 16th, 11 am to 2 pm at Bel Aire Rec Center, free admission
VIII.	Adjo	ournment
	Actio	on: Motion to adjourn.
	Moti	on Second Vote Time adjourned

Additional Attachments:

A.

Planning Commission Staff Report - 9-16-2021

Public notice

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

OFFICIAL NOTICE OF ZONING HEARING

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

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

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

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

General Location: North Rock Road and Lycee St.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub-Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 13th day of August, 2021.

/s/ Anne Stephens Bel Aire Planning Commission Secretary

Affidavit of Publication

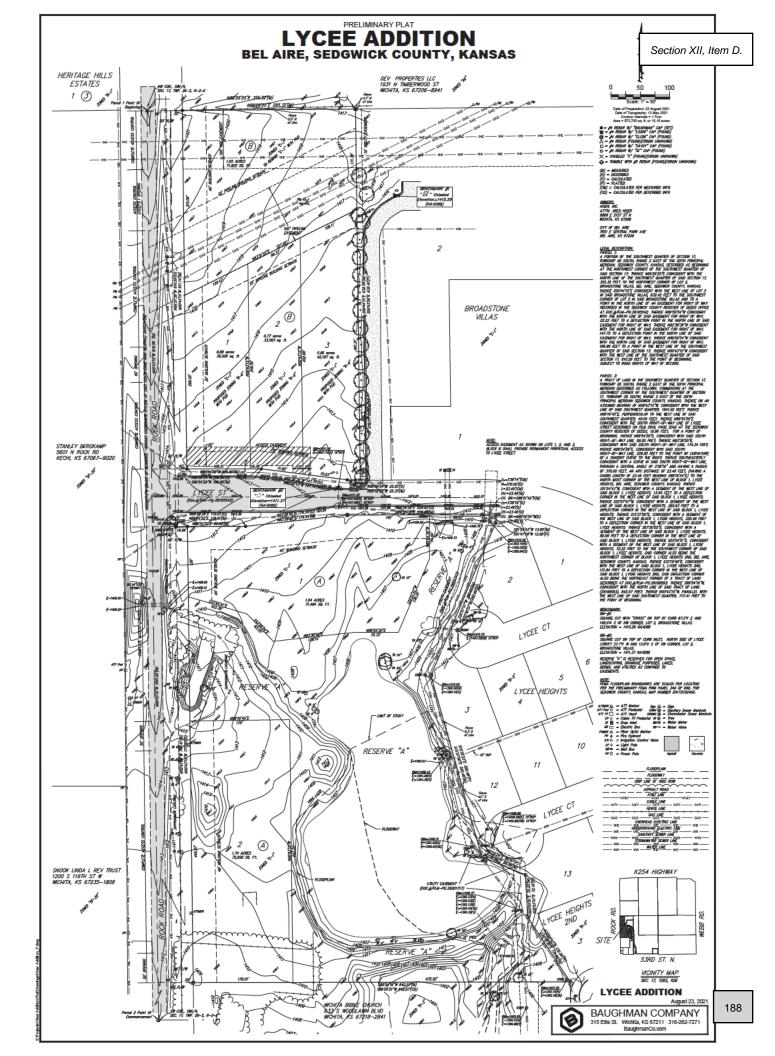
STATE OF KANSAS, SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of <u>The Ark Valley News</u>, formerly <u>The Valley Center Index</u>, 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 weekty 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.

	e is a true copy thereof and lar and entire issue of said
newspaper for	_ consecutive weeks, the
	eing made as aforesaid on the August. 2021.
with subsequent publicati	ons being made on the
following dates:	
2021	,2021
-6	68
Subscribed and sworn to	before me this <u>1944</u> day , 2021.
My commission expires	Notacy Public OTAS PUBLIC SOMMISSION SAMES
Printer's fee	\$ 4/24/24

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APPLICATION FOR PRELIMINARY PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

General Location on th		ee Addition						
		ne East side of Rock Road and approximately 1/4 mile north of 53rd St N						
				e Annexe		Outside City		
	ame of Landowner			nal Owner informati	on attache	1	245 244 224	
	CONTRACTOR AND ADDRESS OF THE PARTY OF THE P	1st St	N, Wichita, KS 672	and the selection of the second	To account	Phone	316-841-292	
Na	ame of Subdivider/Agent		Baughman Comp	any, P.A. Attn: Pl	nilip Meyer	70777		
Ac	dress 315 S Ellis	St, W	lichita, KS 67211			Phone	316-262-7271	
Na	ame of (Engineer) (Land Pla	anner)	Same as Agent					
Ac	idress					Phone		
Na	ame of Licensed Land Surv	eyor	Same as Agent					
Ac	Idress					Phone		
	Ibdivision Information Gross acreage of plat Total number of lots Proposed land use for an a. ☐ Residential-Single-F b. Commercial c. Industrial		4 4 Urban-Type ☐ Duplex X	F Rural Type		division: Manufact	ured/Mobile Home	
	d. Other	-	T 249 C)	TO THE	-			
4.	Predominant minimum lot		757-75-7	Feet				
5.	Predominant minimum lot	area	71,484	Square Feet				
6.	Existing zoning	C-1			District			
7.	Proposed zoning	R-6 (for a portion)		District			
8.	Source of water supply		City					
9.	Method of sewage disposa	al	City					

(Page 1 of 2)

10. Total lineal feet of new street	0	Feet		
Stree	t Name	RA	V Width	Lineal Feet
a			Ft.	F
b			Ft.	F
c			Ft.	F
d			Ft.	F
e			Ft.	F
f			Ft.	F
g			Ft.	F
h			Ft.	F
11. Proposed type of street surface	cing	n/a		
12. Curb and gutter proposed:	☐ Yes	TX No		
13. Sidewalks proposed:	☐ Yes	TX No	f yes, where?	
XX Ye The landowner herein agrees to co resolutions, policies and standards states that he/she is the owner of t	omply with the s of the City ar the land propo	nd statutes of the Sta osed for platting and,	ite of Kansas. The unde when requested, will per	rsigned further
14. Is any portion of the proposed XX Ye XX Ye The landowner herein agrees to corresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspec	omply with the s of the City ar the land propo	e City Subdivision Report of the Statutes of the Statuses of the Statuses of the Status end,	ite of Kansas. The unde when requested, will per	rsigned further
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The landowner herein agrees to coresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspect Landowner Landowner Prints of the Preliminary Plat receives	omply with the s of the City are the land proposit the land as	City Subdivision Rend statutes of the Statuses of the Status osed for platting and, may be necessary fo	te of Kansas. The under when requested, will per proper plat review. Agent (If any)	rsigned further rmit officials of the
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The landowner herein agrees to coresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspect Landowner Landowner Prints of the Preliminary Plat receive / icinity map of existing and proposed tatement of financing and guarantees.	omply with the s of the City are the land proposed the land as Date	c City Subdivision Rend statutes of the Statut	Agent (If any)	rsigned further rmit officials of the
The landowner herein agrees to coresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspect Landowner Landowner Prints of the Preliminary Plat receive Vicinity map of existing and proposed the preliminary and guarant Preliminary drainage plan, if deems of 21. It has been checked and	omply with the s of the City are the land proposed the land as Date Date ved sed street system teeing proposed necessary, the Subdivision found to be a set of the	City Subdivision Rend statutes of the Status and statutes of the Status and for platting and, may be necessary for the status and st	Agent (If any)	rsigned further rmit officials of the
The landowner herein agrees to corresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspec	omply with the s of the City are the land proposed the land as Date Date ved sed street system teeing proposed necessary, the Subdivision found to be a set of the	City Subdivision Rend statutes of the Status and statutes of the Status and for platting and, may be necessary for the status and st	Agent (If any)	rsigned further rmit officials of the

(Page 2 of 2)

CITY OF BEL AIRE, KANSAS

APPLICATION FOR PRELIMINARY PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Lyce		e Addition					
General Location							
		TX Inside City		┌ To be	Annexed	F	Outside City
Name of Landowner	City	of Bel Aire, Kansas	5				
Address 765	1 E. Central	Park Ave, Bel Aire	KS 67226			Phone	316-744-2451
Name of Subdivider/Ag	ent	Baughman Comp	pany, P.A.	(Philip Me	eyer)		ALC: VIII
Address 315	S. Ellis St.,	Wichita, KS 67211				Phone	316-262-7271
Name of (Engineer) (La	and Planner)	Same as Agent					
Address						Phone	
Name of Licensed Land	d Surveyor	Same as Agent					
Address						Phone	
Subdivision Informati Gross acreage of pl Total number of lots Proposed land use: Residential-Si	lat s foran ఔ		□ Rura	77.		livision:	ured/Mobile Home
b. Commercial c. Industrial d. Other	X	A. 4.30.	TA WUUU	CHO PULL		Wallulact	ureannobile Home
Predominant minim	um lot width	120	Feet				
. Predominant minim	um lot area	71,484	Squa	re Feet			
3. Existing zoning	C-1			D	istrict		
Proposed zoning	R-6 (1	for a portion)		D	strict		
3. Source of water sup	ply	City					
. Method of sewage d	isposal	City					

(Page 1 of 2)

Stron			_		
Sile	et Name		R/W	Width	Lineal Feet
a				Ft.	Ft.
b				Ft.	Ft.
C				Ft.	Ft.
d				Ft.	Ft.
e				Ft.	Ft.
f				Ft.	Ft.
g				Ft.	Ft,
h				Ft.	Ft.
11. Proposed type of street surfa	acing	n/a			
12. Curb and gutter proposed:	┌ Yes	ΓX	No		
13. Sidewalks proposed:	┌ Yes	IX	No	If yes, where?	
				proper plat review.	
Landowner	Data	_			Prince
Landowner	Date	1		Agent (If any)	 Date
Landowner OFFICE USE ONLY	Date	1			Date
			(Number	Agent (If any)	Date
OFFICE USE ONLY	ived		(Number)	Agent (If any)	Date
OFFICE USE ONLY Prints of the Preliminary Plat rece Vicinity map of existing and propo	ived sed street sy	stem received	(Number)	Agent (If any)	Date
OFFICE USE ONLY Prints of the Preliminary Plat rece	ived sed street synteeing prop	vstem received	(Number)	Agent (If any)	Date
OFFICE USE ONLY Prints of the Preliminary Plat rece Vicinity map of existing and propo Statement of financing and guara	ived sed street synteeing proponed necessar the Subdivision	vstem received osed improven ry, received on Administrate	(Number)	Agent (If any)	Date

Section XII. Item D.



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



LYCEE ADDITION SUBMITTAL REVIEW

This re	ss of proposed project: Lycee Addi port is to document that on 9/2/21 the y plan for compliance of zoning and b	Zoning	Administrator from the City of Bel Aire evaluated the above requirements:
	SETBACKS		ELEVATIONS
	EFFECTIVE CODE COMPLIANCE		REQUIRED PLAN SUBMITTALS
	EROSION CONTROL		EASEMENTS
	LANDSCAPE		SCREENING
	STORM DRAINAGE		NEIGHBORHOOD IMPACT
	ADA ACCESSIBLE		UTILITIES TO BUILDING
The rev	view of the above property plan has be	en:	
	APPROVED, as noted		
	DELAYED, as noted		
п	DENIED, as noted		
DA	TE 9/2/21		REVIEWED BY

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

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

City of Bel Aire

STAFF REPORT

DATE: 09/09/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

STAFF COMMUNICAT	ION	_
FOR MEETING OF	9/16/21	1
	3/10/21	Section XII, Item D.
CITY COUNCIL		
INFORMATION ONLY		
		_

SUMMARY:

Lycée Addition preliminary Plat, SD.21.01:

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

History:

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

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

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

- A. After the Public Hearing is closed, the Planning Commission shall determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.
- B. If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat. C. If the Planning Commission determines that the preliminary plat does not satisfy the requirements of these and other applicable Regulations it may suggest modifications so as to satisfy such violations, and if suggested modifications are made;
- 1. The subdivider may amend the preliminary plat so as to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
- 2. The subdivider may reject the suggested modification or within the time allowed by the Planning Commission for such action, may refrain from taking any action thereon. In either event the preliminary plat shall be deemed to have been disapproved and the Planning Commission shall thereupon furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.
- D. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it shall disapprove the preliminary plat and immediately notify the subdivider of its action by furnishing the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

Section XII, Item D.

- E. The foregoing provisions to the contrary notwithstanding, the Planning Commission sl disapprove the preliminary plat within 60 days from the date of filing of the preliminary plat or from the date the subdivider has submitted the last item of the required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved within 60 days thereafter, the Planning Commission shall furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations.
- F. The subdivider may appeal the disapproval of his preliminary plat to the Board of Zoning Appeals. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.
- G. If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

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

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

History:

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

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

3.04 DUTIES OF THE PLANNING COMMISSION

- A. Review the sketch plans, when submitted, and forward comments to the potential subdivider whenever this responsibility is not otherwise performed by a Subdivision Committee.
- B. Review and approve, approve conditionally or disapprove preliminary plats and lot splits.
- C. Review and approve, approve conditionally or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.
- D. Make recommendations to the Governing Body on vacations of recorded plats, rights-of way, easements and other public reservations.
- E. Make such other determinations and decisions as may be required of the Commission from time to time by these regulations or applicable sections of the Kansas Statutes Annotated.

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

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

The newest revision of the plat is in your packet.

History:

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

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

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

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Section XII, Item D.

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

History:

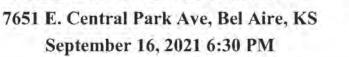
The city approved a conditional use for all of Rock Spring addition to allow a small shed in each yard to meet city code by Ordinance 576. There has been one private swimming pool in Rock Spring addition approved by conditional use process as well.

https://www.betterontheedge.org/





MINUTES PLANNING COMMISSION





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

II. Roll Call

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

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

- III. Pledge of Allegiance to the American Flag Chairman Schmidt led the pledge of allegiance.
- IV. Consent Agenda
 - A. Approval of Minutes from Previous Meeting

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

V. Old Business/New Business

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

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

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

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

Commissioners then discussed the plat.

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

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

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

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

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

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

Chairman Schmidt opened the public hearing.

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

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

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

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

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

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

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

VI. Approval of the Date of the Next Meeting

A. Next Meeting: October 14, 2021

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

VII. Current Events

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

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

VIII. Adjournment

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

The meeting adjourned at 7:36 p.m.

Lycee Addition September 22, 2021

Planning Commission Meeting

Agenda Documents:

- Agenda Packet
- Meeting Minutes



AGENDA PLANNING COMMISSION SPECIAL MEETING

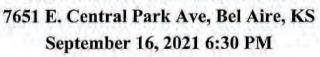


7651 E. Central Park Ave, Bel Aire, KS September 22, 2021 12:00 p.m. Noon

I.	Call to Order
п.	Roll Call
	James Schmidt David Floyd Phillip Jordan
	John Charleston James Farner Dee Roths
m.	Pledge of Allegiance to the American Flag
IV.	Consent Agenda
	A. Approval of Minutes from Previous Meeting
	Action: Motion to approve the minutes of September 16, 2021.
	Motion Second Vote
v.	Old Business/New Business
	A. Review each voting action taken on September 16th Planning Commission Agenda.
	B. Ratify all action taken on September 16th Planning Commission agenda.
	Action: Motion to (Ratify/Not Ratify) all action taken on September 16th Planning Commission agenda.
	Motion Second Vote
VIII	. Adjournment
	Action: Motion to adjourn.
	Motion Second Vote Time adjourned



MINUTES PLANNING COMMISSION





- I. Call to Order: Chairman Schmidt called the meeting to order.
- II. Roll Call

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

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

- III. Pledge of Allegiance to the American Flag Chairman Schmidt led the pledge of allegiance.
- IV. Consent Agenda
 - A. Approval of Minutes from Previous Meeting

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

V. Old Business/New Business

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

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

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

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

Commissioners then discussed the plat.

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

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

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

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

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

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

Chairman Schmidt opened the public hearing.

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

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

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

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

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

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

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

VI. Approval of the Date of the Next Meeting

A. Next Meeting: October 14, 2021

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

VII. Current Events

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

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

VIII. Adjournment

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

The meeting adjourned at 7:36 p.m.



AGENDA PLANNING COMMISSION



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

I.	Call	to Order
п.	Roll	Call
	Ja	ames Schmidt David Floyd Phillip Jordan
	Jo	ohn Charleston James Farner Dee Roths
III.	Pledg	ge of Allegiance to the American Flag
IV.	Cons	ent Agenda
	<u>A.</u>	Approval of Minutes from Previous Meeting
		Action: Motion to approve the minutes of August 12, 2021.
		Motion Second Vote
v.	Old E	Business/New Business
		Revise the November meeting date on the 2021 Planning Commission meeting schedule. City Hall will be closed on November 11th for Veteran's Day.
		Action: Motion to (approve / deny / table) revising the 2021 Planning Commission meeting schedule to move the November meeting to (Thursday, November 4th / or Thursday, November 18th / or other date).
		Motion Second Vote
		SD-20-01. Proposed Lycee Addition, platting approximately 13.15 acres of the C-1 Zoning District (down-zone hearing process not included).
	1	Open Hearing
		Close Hearing
		Action: Motion to (recommend / table / deny) the preliminary plat request (as presented / with or without changes or conditions).
	- 3	Motion Second Vote

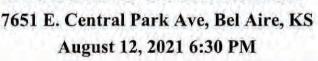
	<u>C</u>	V-21-02. Partial Access Control Vacation
		Open Hearing
		Close Hearing
		Action: Motion to (recommend / table / deny) the submitted portion of access control in up to two locations as described by metes and bounds (with / or without changes).
		Motion Second Vote
	<u>D</u> .	SD-21-02. Proposed Prairie Preserve Addition, platting approximately 50.3 acres of the R-1 Zoning District.
		Open Hearing
		Close Hearing
		Action: Motion to recommend the Preliminary Plat with or without changes, and/ or conditions, table, or deny.
		Motion Second Vote
	<u>E</u> .	CON-21-01. Property owner has requested to allow a private swimming pool in an R-5 residential zoning district.
		Open Hearing
		Close Hearing
		Action: Motion to table until the next meeting so that notification can be completed as required by city code.
		Motion Second Vote
VI.	App	roval of the Date of the Next Meeting
	A.	Next Meeting: October 14, 2021
		Action: Motion to approve the date of the next meeting: October 14, 2021
		Motion Second Vote
VII.	Cur	rent Events
	<u>A.</u>	Fall Festival - October 16th, 11 am to 2 pm at Bel Aire Rec Center, free admission
VIII	. Adjo	ournment
	Actio	on: Motion to adjourn.
	Moti	on Second Vote Time adjourned

Additional Attachments:

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



MINUTES PLANNING COMMISSION





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

II. Roll Call

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

Also present was Planning Commission Secretary Anne Stephens.

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

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

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

V. Old Business/New Business

A. Review Sketch Plan for Lycee Addition

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

VI. Next meeting: September 16, 2021

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

VII. Current Events

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

VIII. Adjournment

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

Section XII, Item D.

The meeting adjourned at 7:05 p.m.

Public notice

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

OFFICIAL NOTICE OF ZONING HEARING

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

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

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

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

General Location: North Rock Road and Lycee St.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub-Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 13th day of August, 2021.

/s/ Anne Stephens Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS, SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy was published in the regular and entire is	
newspaper for consecutive	weeks, the
first publication thereof being made as a 19+h day of AUGUS	
with subsequent publications being made	e on the
following dates:	
	.2021
2021	,2021
2021	,2021
160	£ .
Subscribed and sworn to before me this of August, 2021.	19# day
No. Works But	Ken.
My commission expires 11As	asea
Additional copies	ON I
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Printer's fee

PRELIMINARY PLAT LYCEE ADDITION Section XII, Item D. **BEL AIRE, SEDGWICK COUNTY, KANSAS** HERITAGE HILLS ESTATES 1 1 0 00 70 75 7 355 STP4 8897975T 795 57(N) CHAIRS HEER ONC. ATTN: DOCK HIGH DISC & DIST AT W HIGHER, MS ATTOR ON OF RO. ARE HIS E CONTRA PARK ARE HEL ARE, NO BEARS BROADSTONE 2 1 AND HOME SECTION IS ANSA PET IT BY AN ENGLY OF REGIONS

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SOLUTION OF THE CHEST OF THE CHARLES THAT CHARLES AND THE CHARLES OF THE LYCEE CT 1 (-1 Maraga) LYCEE HEIGHTS . 6 RESERVE "A" 18.00 11 Friedrich Cape LACEE CL The spirit of SNOOM LINDA L REV TRUST 1200 S 119TH ST W WICHTA, KS 67235-1808 K254 HIGHWAY 13 LYCEE HEIGHTS ROAD RD. ROCK HEEBS SITE RESERVE "A" SJRD ST. N. LYCEE ADDITION 211 BAUGHMAN COMPANY

CITY OF BEL AIRE, KANSAS

File No. S/D 21 - 01

APPLICATION FOR PRELIMINARY PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision L		Lycee Addition							
General Location on t		the East side of Rock Road and approximately 1/4 mile north of 53rd St N							
and the street of the street		_ K Inside Cit		area and a	Outside City				
Name of Landowner	Gre	gory Hiser (addition	onal Owner information	attached)					
Address 9860	E. 21st St	N, Wichita, KS 67	7206-3589	Phone	316-841-292				
Name of Subdivider/Ager	nt	Baughman Com	pany, P.A. Attn: Philip	Meyer					
Address 315 S	Ellis St, V	Vichita, KS 67211	TELL 12 TO 10	Phone	316-262-7271				
Name of (Engineer) (Lan	d Planner) Same as Agen	t,						
Address				Phone					
Name of Licensed Land S	Surveyor	Same as Agen	t						
Address	711.70			Phone					
Subdivision Information	-								
 Gross acreage of plat 		13.15 Acr	res						
2. Total number of lots		4							
Proposed land use for	an D	₹ Urban-Type	☐ Rural Type	Subdivision:					
a. ☐ Residential-Sing	le-Family	☐ Duplex	XX Multiple Family	☐ Manufact	tured/Mobile Home				
b. Commercial		х	A CALL STORY						
c. Industrial									
d. Other									
4. Predominant minimum	lot width	120	Feet						
5. Predominant minimum	lot area	71,484	Square Feet						
6. Existing zoning	C-1		Dis	trict					
7. Proposed zoning	R-6 (for a portion)	Dis	trict					
3. Source of water supply	1	City	1						
Method of sewage disp	oosal	City							

(Page 1 of 2)

	0		Feet		
Stree	t Name	e	R/W Wi	dth	Lineal Feet
a				_ Ft.	Ft
b				_ Ft.	Ft
C				Ft.	Ft
d,				_ Ft.	Ft
е				Ft.	F(
f				_ Ft.	FI
g				_ Ft.	Ft
h				_ Ft.	Ft.
11. Proposed type of street surface	cing		n/a	5	
12. Curb and gutter proposed:	Г	Yes	TX No		
13. Sidewalks proposed:	F	Yes	LX No	If yes, where?	
The landowner herein agrees to corresolutions, policies and standards states that he/she is the owner of t	omply on the soft the	with the City and	□ No City Subdivision Regulation City Subdivision Regulation Statutes of the State	ons and all other re Kansas. The unde requested, will pe	ersigned further
The landowner herein agrees to corresolutions, policies and standards states that he/she is the owner of the states that the states that he/she is the owner of the states that the states	omply on the soft the	with the City and	□ No City Subdivision Regulation City Subdivision Regulation Statutes of the State	ons and all other re Kansas. The unde requested, will pe	ersigned further
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The landowner herein agrees to coresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspect	omply of the soft the land	with the City ar d propo and as	No City Subdivision Regulation statutes of the State of osed for platting and, when may be necessary for prop	ons and all other re Kansas. The unde requested, will pe per plat review.	ersigned further rmit officials of the
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The landowner herein agrees to coresolutions, policies and standards states that he/she is the owner of the City, County or Township to inspect Landowner Landowner OFFICE USE ONLY Prints of the Preliminary Plat receive Vicinity map of existing and guarants	omply to so of the land the la	with the City and propose	City Subdivision Regulation statutes of the State of osed for platting and, when may be necessary for propagation of the State of the S	ons and all other re Kansas. The unde requested, will pe per plat review.	ersigned further rmit officials of the
The landowner herein agrees to co resolutions, policies and standards states that he/she is the owner of t City, County or Township to inspec	omply of softher the land of t	with the City and propose Cand as	City Subdivision Regulation of Statutes of the State of seed for platting and, when may be necessary for property (Number) The received (Number) The received (Number) The received (Number) The received (Number)	ons and all other re Kansas. The under requested, will per per plat review.	ersigned further rmit officials of the
The landowner herein agrees to coresolutions, policies and standards states that he/she is the owner of to City, County or Township to inspect Landowner Landowner Prints of the Preliminary Plat received Vicinity map of existing and propose Statement of financing and guarant Preliminary drainage plan, if deement this application was received by the	omply of softher the land of t	with the City and propose Cand as	City Subdivision Regulation of Statutes of the State of seed for platting and, when may be necessary for property (Number) The received (Number) The received (Number) The received (Number) The received (Number)	ons and all other re Kansas. The under requested, will per per plat review.	ersigned further rmit officials of the

(Page 2 of 2)

CITY OF BEL AIRE, KANSAS

APPLICATION FOR PRELIMINARY PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Lyce		ee Addition						
Ge	eneral Location							
			TX Inside City	ГТо	be Annexed	Г	Outside City	
Na	me of Landowner	City	of Bel Aire, Kansas	S	1_11 330			
Ad	dress 7651 E. C	Central	Park Ave, Bel Aire	, KS 67226		Phone	316-744-2451	
Na	me of Subdivider/Agent		Baughman Com	pany, P.A. (Philip	Meyer)			
Add	dress 315 S. Ell	is St.,	Wichita, KS 67211		11111	Phone	316-262-7271	
Na	me of (Engineer) (Land Pl	anner)	Same as Agent				PLANSAULE	
Add	dress	7	L. Stranger			Phone		
Nai	me of Licensed Land Surv	eyor	Same as Agent					
Add	dress					Phone		
Sul	bdivision Information							
1.	Gross acreage of plat		13.15 Acre	es				
2.	Total number of lots		4					
3,	Proposed land use for an	K	XUrban-Type	☐ Rural Type	Subdi	vision:		
	a. ☐ Residential-Single-F	amily	☐ Duplex	TX Multiple Fam	ily F N	/lanufact	ured/Mobile Hom	
	b. Commercial	_x		- Partie Part				
	c. Industrial							
19	d. Other							
ļ.)	Predominant minimum lot	width	120	Feet				
5.	Predominant minimum lot	area	71,484	Square Feet				
5.	Existing zoning	C-1			District			
. 1	Proposed zoning	R-6 (f	for a portion)		District			
	Source of water supply		City					
. 1	Method of sewage disposa	al	City					

(Page 1 of 2)

	et 0			Feet		
Stre	et Name		_	R/W	Width	Lineal Feet
a					Ft	Ft.
b					Ft.	Ft.
c			_		Ft.	Ft.
d					Ft.	Ft.
e					Ft.	Ft.
f					Ft.	Ft.
g			3		Ft.	Ft.
h					Ft.	Ft.
11. Proposed type of street surfa	acing		n/a			
12. Curb and gutter proposed:	T	Yes	ΓX	No		
13. Sidewalks proposed:		Yes	IX	No	If yes, where?	
Landowner				ssary ior p	proper plat review.	nit officials of the
		ate	-		proper plat review.	
		ate	-		oroper plat review. Agent (If any)	Date
OFFICE USE ONLY	E	ate	-		oroper plat review. Agent (If any)	
ARCHE TALLES CONTYCTA DIRECTOR PRODUCT		ate			Agent (If any)	
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OFFICE USE ONLY Prints of the Preliminary Plat rece Vicinity map of existing and propo Statement of financing and guara Preliminary drainage plan, if deem This application was received by to 20 It has been checked and information and the fee of \$	ived sed stree nteeing p ned neces he Subdi	et syste ropose ssary, r vision /	em received ad improvem received Administrate companied t	(Number) ents rece	Agent (If any)	

Section XII. Item D.



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



LYCEE ADDITION SUBMITTAL REVIEW

This re	ss of proposed project: Lycee Addi port is to document that on 9/2/21 the by plan for compliance of zoning and b	Zoning	Administrator from the City of Bel Aire evaluated the above requirements:
	SETBACKS		ELEVATIONS
	EFFECTIVE CODE COMPLIANCE		REQUIRED PLAN SUBMITTALS
	EROSION CONTROL		EASEMENTS
	LANDSCAPE		SCREENING
	STORM DRAINAGE		NEIGHBORHOOD IMPACT
	ADA ACCESSIBLE		UTILITIES TO BUILDING
The rev	view of the above property plan has be	en:	
	APPROVED, as noted		
	DELAYED, as noted		
	DENIED, as noted		7
DA	TE 9/2/21		REVIEWED BY

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

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

ACCESS CONTROL DEDICATION

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

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

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

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

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

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

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

TOGETHER WITH,

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

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

Executed this day of	, 2021.	
City of Bel Aire, Kansas, Land Ban	nk	
Ву:		
STATE OF KANSAS, SEDGWICK		
Be it remembered that on this me a Notary Public in and for said	day of	, 2021, before
foregoing instrument of writing and	o is personally known to me to be the same duly acknowledged the execution of the same fixed my notarial seal the day and year above	ne. In testimony whereof, I
	Notary Public:	
	My Appointment Expires:	
APPROVED AS TO FORM:		
+		
Jacqueline Kelly, City Attorney		

Section XII, Item D.



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



VACATION SUBMITTAL REVIEW

This re	ss of proposed project: Crossland C port is to document that on 9/2/21 the ty plan for compliance of zoning and b	Zoning	Administrator from the City of Bel Aire evaluated the above
	SETBACKS		ELEVATIONS
	EFFECTIVE CODE COMPLIANCE		REQUIRED PLAN SUBMITTALS
	EROSION CONTROL		EASEMENTS
	LANDSCAPE		SCREENING
	STORM DRAINAGE		NEIGHBORHOOD IMPACT
	ADA ACCESSIBLE		UTILITIES TO BUILDING
The rev	riew of the above property plan has been	en:	
	APPROVED, as noted		
	DELAYED, as noted		
	DENIED, as noted		and an all the last of the las
DA	TE_9/2/21		REVIEWED BY

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

- Access widths from a 55 MPH road should be set at 100 ft. with the drive lane meeting city standards.
- Staff would support the north drive if the access is 100 ft wide split equal on lot 2
 at the dividing property line. From that having a shoefly shown on the new site
 plan as an option.
- Provide a revised Order and site plan by 9/3/21 to include distances from 53rd street and 50th St.
- Notification was completed, no concerns were voiced, or petitions received at this time.
- http://www.egovlink.com/public documents300/belaire/published documents/Bel%20Aire %20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf contains the Zoning Code.

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



VACATION APPLICATION CITY OF BEL AIRE, KANSAS

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

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

All structures and buildings

Parking Spaces

Fences

Significant trees or stands of trees

Other landscaping

Floodplains

Water area or features

Significant topographical features

Utilities, above and below ground exact location

Drainage patterns

- 9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.
- 10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.
- 11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.
- 12. Modifications by the vacation: Indicate any modifications to the existing structures or features that will result if the Vacation request is approved. If these modifications or additions are extensive, a second site drawing might be necessary so as not be confused with the existing conditions. These modifications or new features may include, but are not limited to:

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

- 13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.
- An application for Vacation shall be accompanied by the appropriate filing fee, (\$100.00) and is payable to the City of Bel Aire.

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park Ave., Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

	Vacate building set back From: to
	Vacate street or alley:
	Vacate utility easement
V	Vacate other_Access Controls
	Apply for Vacation in conjunction With a Conditional Use or Variance application
	City of Bel Aire Planning Commission
	Approved Rejected
Addre	e of owner City of Bel Aire, Kansas, Land Bank ess 7651 E Central Park Ave., Bel Aire KS 67226 Telephone 316-744-2451 t representing the owner MKEC Engineering, Inc. Attn: Joey Deneke
	t representing the owner
1. Th	ne application area is legally described as Lot(s) 3 ;Block(s) A wer Commerce Park Addition, Bel Aire, Kansas. If appropriate, a metes and
	ds description may be attached.
2. Th	ne application area contains 3.39acres.
3. Th	nis property is located at (address) no addresswhich is generally
locate	ed at (relation to nearest streets) Webb Road and 53rd Street

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

6. NAMES OF OWNERS - An ownership list of the names, addresses and zip codes of the owners of record of real property abutting a street, alley, or easement including any segment remaining open, and owners on the opposite side of the street from the vacations of set back and access control, as well as all utility providers that are affected shall be provided.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant City of Bel Aire, Kansas, Land Bank (Lot 3)	Phone 316.744.2451
Address 7651 E CENTRAL PARK AVE, BEL AIRE, KS	Zip Code 67226-7600
Agent MKEC Engineering, Inc. Attn: Brian Lindebak	Phone 316.684.9600
Address 411 N. Webb Rd. Wichita, KS	Zip Code 67206
2. Applicant Crossland Really (Attn: Mattie Crossland) (Contract Purchaser)	Phone 620.429.1414
Address 833 S. East Ave., Columbus, KS	Zip Code 66725
Agent MKEC Engineering, Inc. Altr.: Brian Lindebak	Phone 316.684,9600
Address 411 N. Webb Rd. Wichita, KS	Zip Code 67206
3. Applicant_	Phone
Address	Zip Code
Agent	Phone
Address_	Zip Code

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

Vacation App Section XII, Item D.
Page 5 of 5

Applicant's Signature

BY

Authorized Agent (If Any)

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

Section XII, Item D.

Vacation Application

Page 5 of 5

Applicant's Signature

Crossland Realty (Altn: Mattle Crossland) (Contract Purchaser)

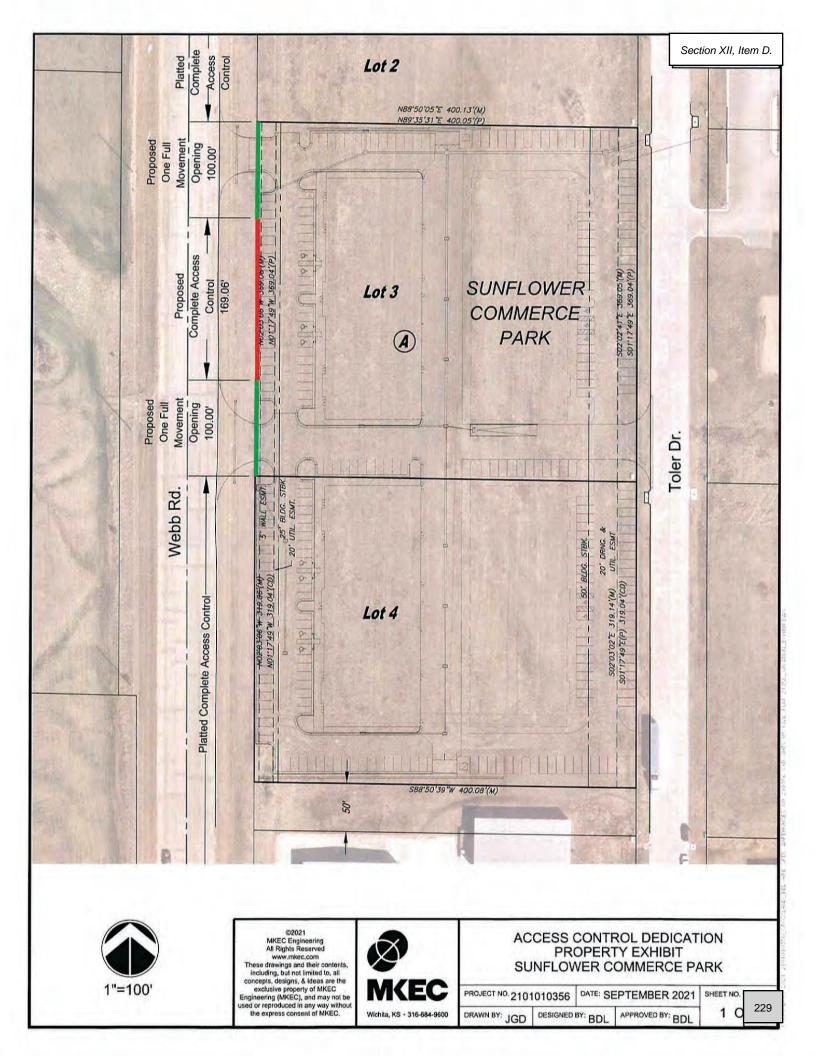
BY

Authorized Agent (If Any)

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

DESCRIPTION OF Proposed Vacation of Platted Access Controls along Webb Road

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



Public notice

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

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-

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

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

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

General Location: Webb Road and E 53rd St N

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Governing Body may close the hearing, if approved under the City sub-division regulations, would be effectuated by ordinance or vacation order. The public hearing may be recessed and continued from time to time without notice.

DATED this 12th day of August, 2021.

/s/ Anne Stephens Planning Commission Secretary

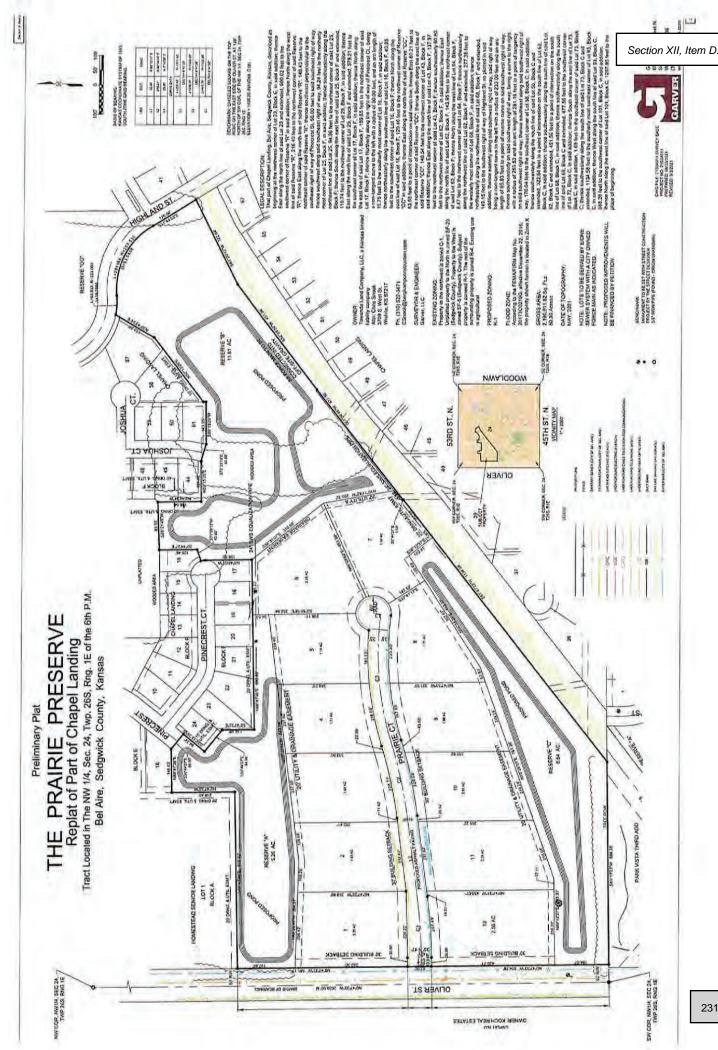
Affidavit of Publication

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 an was published in the regular and entire issue of said	
newspaper for consecutive weeks, the	
first publication thereof being made as aforesaid on 19+h day of August, 2	the 021.
with subsequent publications being made on the	
following dates:	
	021
	21
	021
Subscribed and sworn to before me this 19th, of August . 2021.	day
My commission expires S FUBLIC BOMMISSION	
Printer's fee	



Section XII. Item D.



Address of proposed project: Prairie Reserve

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



PRELIMINARY PLAT SUBMITTAL REVIEW

	port is to document that on 9/2/21 the cy plan for compliance of zoning and b		Administrator from the City of Bel Aire evaluated the above requirements:
	SETBACKS		ELEVATIONS
	EFFECTIVE CODE COMPLIANCE		REQUIRED PLAN SUBMITTALS
	EROSION CONTROL		EASEMENTS
	LANDSCAPE		SCREENING
	STORM DRAINAGE		NEIGHBORHOOD IMPACT
	ADA ACCESSIBLE		UTILITIES TO BUILDING
The rev	view of the above property plan has be	en:	
	APPROVED, as noted		
	DELAYED, as noted		
	DENIED, as noted		Water Brown
DA	TE <u>9/2/21</u>		REVIEWED BY

Comments:

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

Public notice

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

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-

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

Case No. SD/-20-02. Proposed Prairie Reserve Addition, platting ap-

proximately 50.3 acres of the R-1 Zoning District.

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

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

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

day of August, 2021. DATED this _24_

/s/ Anne Stephens Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS. SEDGWICK COUNTY, ss.

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

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

	lar and entire issue of said
newspaper for	_ consecutive weeks, the
first publication thereof be 26+11 day of/	eing made as aforesaid on the
with subsequent publication	ons being made on the
following dates:	
	.2021
, 2021	,2021
Subscribed and sworn to of August	before me this 26 H day , 2021.
My commission expiresAdditional copies	PUBLIC COMMISSION
Printer's fee	222

File No. S/D 21 _ 02

APPLICATION FOR PRELIMINARY PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Incida City V	ST. N.
vame of Landowner TOWANDA LAND COMPANY LLC	To be Annexed
Address <u>3709 S.WESTST., WICHITA, KS (67217</u> Phone lame of Subdivider/Agent	
ddress Phone	
ame of (Engineer) (Land Planner) GARVER, UC (ATTN:	ERIC GLOVER)
ddress 8535 E. 21 ST. N., STE 130 WICHITA, KS 6228 hone	(316) 221-302
dille of Kegistered Land Surveyor (ARUER / 1771	Last approximation and
ddress 8535 E. 215 ST. N. STE 130, WICHTA, KS 67206 Phone EJGlover & Garver USA, com WK Clevenger & C	(316) 221-302
undivision Institute 1054, Com Whitelevenger & C	farverUSA, com
ubdivision Information	
1 0	
1. Gross acreage of plat 50.3 Acres	
2. Total number of lots 12	
2. Total number of lots <u>12</u> 3. Proposed land use:	-Familv
 Total number of lots <u>12</u> Proposed land use: Residential-Single-Family Duplex Multiple 	-Family
 Total number of lots/2 Proposed land use: Residential-Single-Family Duplex Multiple Manufactured/Mobile Home 	-Family
 Total number of lots/2 Proposed land use: a. Residential-Single-Family Duplex Multiple Manufactured/Mobile Home b. Commercial 	-Family
 Total number of lots/2 Proposed land use: a. Residential-Single-Family Duplex Multiple Manufactured/Mobile Home b. Commercial 	-Family
2. Total number of lots	-Family
2. Total number of lots	
2. Total number of lots	
2. Total number of lots	District
2. Total number of lots	District

10.	Total lineal feet	of new street .	1,237	7 Feet		
	Street Na		R/W Widt	h	Lineal	Feet
	a. PRAIRIE	CT.	70	_ Ft		Ft.
	b			_ Ft		Ft.
	c			_ Ft		Ft.
	d			_ Ft		Ft.
	е.			_ Ft		Ft.
11.	Proposed type of s	treet surfacino	ASPHA	T MAT		
12.	Curb and gutter pro		A THE PARTY OF THE			
13.	Sidewalks proposed			The second secon	e?	
12	Vz. Lutt attaktus ite	On designated as	1/40/04/25 577	A V N A A S N S	TA OLD YOUR	
14.	Is any portion of i	the proposed su	bdivision	located in	an identifi	ed flood
	plain area? Yes _	No _X				
Test.	landowner herein agr					
the :	State of Kansas. The land proposed for pla	nces, policies e undersigned f atting and, whe	and standa urther sta n requested	rds of the C tes that he/	ity and sta she is the	tutes of
Olly	to inspect the land	as may be nec	essary for	proper pla	t review.	
	101111	12 17 5				
	Mach or	8-23-2				
/	Landowner	Date	A	gent (If any	()	Date
					144141	2242
OFFIC	CE USE ONLY					
Print	ts of the Preliminar	y Plat received	15	(Number)		
	nity map of existing		12		15	
	ement of financing an					
	minary drainage pla					
	And the second of the	25 10 90 000	1000	Salara Andrey		
This	application was rece	eived by the Su	bdivision	Administrat	or on %-2	3.2/
	It has been c					
infor	mation and the fee o	of \$ <u>380</u> pa	id to the	City Clerk.		
			6		-	
				Subdivi	sion Admini	strator

Foster & Associates, Planning Consultants, 1995. All rights reserved.

(Page 2 of 2)

Con-21-01

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

	BOARD OF ZONING APPEALS
	To vary applicable requirements in Sections 10-107c1 through 5 in conjunction with a Conditional Use Application.
	Conditions placed on permitted Conditional Use
	Security bond is required
U	Approved Rejected
Name	of owner Relph Const. INC
	ss 8667 Echris ST Telephone 316-993-4663
	representing the owner Relph Cox ST IUC
Addres	ss 8667 Chris ST Telephone 316-993-4663
1. The	application area is legally described as Lot(s) Block(s) 3 Block(s) Addition, Bel Aire, Kansas. If appropriate, a metes and s description may be attached.
2. The	application area contains 8,841 S.F

located at (relation to nearest streets)	BEE / E. Chr. 5 5 which is generally
	e will not cause substantial injury to the value wit is to be designed within district regulations:
Back corner of the	we Has A Hedge fow & the has a Draw in the adjoint
	Burchasing the Lot Z block 3
5. County control number:	
 NAMES OF OWNERS - For land inside names, addresses and zip codes of the own 200 feet of the exterior boundary of the are city limits and extending outside the city limits. 	vners of record of real property located within ea described in the application both within the
If such area is located adjacent to but within to the 200 feet inside the city limits, shall p feet into the unincorporated area.	in the city limits, the ownership list, in addition rovide similar information extending to 1,000
If such area is located outside the city limit feet in the unincorporated area and, if the lowners for 200 feet inside the city must als	s, the ownership list shall extend for 1,000 atter extends into the city limits, then such o be included on the list.
The names of the owners of all property incapplicants. Contract purchasers, lessees of may also be listed if they desire to be advise	cluded in this application MUST be listed as rother directly associated with the property ed of the proceedings.
1. Applicant Russell P-Ro Address 855000 Paralle (RD)	Phone 993-4663 TOWNEDA, KS Zip Code 67,144
Agent Garver - Ken Le Address	Phone 3/6-258-3190 Zip Code
2. Applicant	
Address	Phone_
Winds	Zip Code
Agent	Phone
Address	Zip Code
3. Applicant	Phone
	riione

Address	Zip Code
Agent	Phone
Address	Zip Code
. Applicant	Phone
Address	Zip Code
	Phone
AgentAddress	Zip Code
Applicant	Phone
Address	Zip Code
Agent	Phone
Address	
Applicant	Phone
Agent	Phone
Address	Zip Code
. Applicant	Phone
Agent	Phone
Address	Zip Code

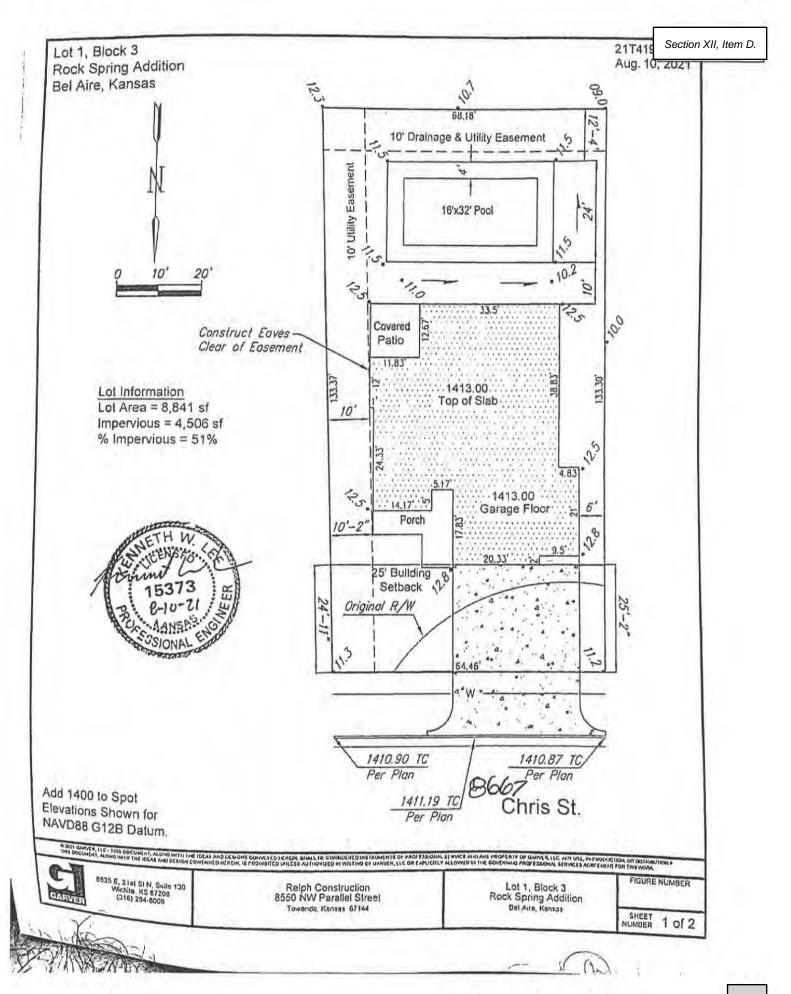
The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Planning Commission and/or Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfage.

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.



Public notice

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

OFFICIAL NOTICE OF A CONDITIONAL USE PERMIT HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-

ED:

Notice is Hereby Given that on September 16, 2021; the City of Bel Aire Planning Commission will review a Conditional Use Permit in the order of the agenda starting shortly after 5:30 p.m. in the Council Chamber at City Hall in Bel Aire, Kansas:

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

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

General Location: Chris St. and Pebblecreek St.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without notice.

DATED this _16_ day of August, 2021.

Isl Anne Stephens
Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS, SEDGWICK COUNTY, ss.

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

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

	tice is a true copy thereof and gular and entire issue of said
newspaper for	consecutive weeks, the
1010	being made as aforesaid on the August. 2021
with subsequent publica	ations being made on the
following dates:	
, 2021	,2021
	. ,2021
	,2021
	WA
Subscribed and sworn to	before me this <u>19 H</u> day 2021.
AKS	- Notary Rublica
My commission expires	O TAN
Additional copies	PUBLIC
Printer's fee	s 4/24/24

City of Bel Aire

STAFF REPORT

DATE: 09/09/2021

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

FOR MEETING OF	9/16/21	
		Section XII, Item D
CITY COUNCIL		
INFORMATION ONLY		

SUMMARY:

Lycée Addition preliminary Plat, SD.21.01:

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

History:

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

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

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

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

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

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

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

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

Section XII, Item D.

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

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

issues its statement setting forth its reasons for disapproval of the preliminary plat.

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

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

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

History:

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

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

3.04 DUTIES OF THE PLANNING COMMISSION

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

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

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

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

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

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

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

The newest revision of the plat is in your packet.

History:

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

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

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

Section XII, Item D.

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

History:

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

https://www.betterontheedge.org/



Lycee Addition February 10, 2022 Planning Commission Meeting

Agenda Documents:

- Agenda Packet
- Meeting Minutes



AGENDA PLANNING COMMISSION



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

I.	Call t	o Order
II.	Roll (Call
	James	Schmidt John Charleston David Floyd
	Phillip	p Jordan Dee Roths Heath Travnichek Paul Matzek
III.	Pledg	e of Allegiance to the American Flag
IV.	Conse	ent Agenda
	<u>A.</u>	Approval of Minutes from Previous Meeting
		Action: Motion to approve the minutes of December 16, 2021
		Motion Second Vote
V.	Old E	Business/New Business
		CASE No. ZON-21-04 Revised. Proposed re-zoning of approximately 54.99 acres of R-4 Residential to R-5 Residential. (Chapel Landing 5th).
		Open Hearing
		Close Hearing
		Action: To (recommend / table / deny) the rezoning request from R-4 Residential to R-5 Residential (with / without) changes, (and / or) conditions.
		Motion Second Vote
		CASE No. ZON-21-04 Revised. Proposed platting of approximately 54.99 acres of R-5 Residential (Chapel Landing 5th).
		Open Hearing
		Close Hearing
		Action: To (recommend / table / deny) the Preliminary Plat of Chapel Landing 5th (with / without) changes, (and / or) conditions.

	Motion	Second	vote		
<u>B.</u>	CASE No. SD (Lycee).	- 21 -07. PUD aı	d proposed final plat	tting and of approximately 4.4 acres	
	Open Hearing	ţ			
	Close Hearing	5			
	Action: To (re or) conditions.		e / deny) the Final Pla	at of Lycee (with / without) changes, ((and
	Motion	Second	Vote		
	Action: To (reconditions.	commend / tabl	e / deny) the PUD of	Lycee (with / without) changes, (and	/ or)
	Motion	Second	Vote		
<u>C.</u>	CASE No. ZO (Chapel Landin	_	sed re-zoning of app	proximately 3.3 acres of R-1- to R-4.	
	Open Hearing	5			
	Close Hearing	ţ			
	•	commend / tabl ges, (and / or) co	• /	for rezoning from R-1- to R-4 (with /	1
	Motion	Second	Vote		
	CASE No. ZO Landing 6th).	N-21-07. Propo	sed platting of appro	eximately 14.62 acres of R-4 (Chapel	
	Open Hearing	5			
	Close Hearing	ţ			
		commend / tabl ges, (and / or) co		nary Plat of Chapel Landing 6th (with	/
	Motion	Second	Vote		
<u>D.</u>	CASE No. SD	-21-06. Propose	d platting of approxi	imately 22.76 acres. (Skyview 2nd).	
	Open Hearing	ţ			
	Close Hearing	ţ			
	•	commend / tabl	e / deny) the Final Pl	at of Skyview 2nd (with / without)	

	Motion	Second	Vote	
<u>E.</u>	CASE No. S		l proposed platting and of approx	cimately 12.44 acres (Skyview
	Open Heari	ing		
	Close Heari	ng		
		(recommend / tabl nges, (and / or) co	/ deny) the Final Plat of Skyviev aditions.	v at Block 49 3rd (with /
	Motion	Second	Vote	
		(recommend / tabl d / or) conditions.	/ deny) the PUD of Skyview at I	Block 49 3rd (with / without)
	Motion	Second	Vote	
<u>F.</u>			rty owner has requested to add utility easement in a C-1 comn	0
	Open Heari	ng		
	Close Heari	ng		
	conditional to Commission	ise ordinance for	the Governing Body (approve / d sign (not contingent/contingent) property zoned C-1 located withi	upon a 60 day Planning
	Motion	Second	Vote	
<u>G.</u>		CON-22-01. Propertiential zoning dist	rty owner has requested to allow ict.	a private swimming pool in
	Open Heari	ing		
	Close Heari	ng		
	conditional u	use ordinance for a g Commission rev	the Governing Body (approve / d private swimming pool (not cont ew on certain property zoned R-5 City of Bel Aire, Kansas.	ingent/contingent) upon a 60
	Motion	Second	Vote	
H.			ning pool in an R-5 Zoning Distrer. No action is required.	rict. The case has been

VI.	Next Meeting: March 10, 2022
	Action: Motion to approve the date of the next meeting: March 10, 2022 at 6:30 p.m
	Motion Second Vote
VII.	Current Events
VIII.	Adjournment.
	Action: Motion to adjourn.
	Motion Second Vote Time adjourned
	Additional Attachments:

Planning Commission Staff Report 02-10-2022

<u>A.</u>

CITY OF BEL AIRE, KANSAS

APPLICATION FOR FINAL PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdiv	ision Ly	rcee					
General Location on the East side of Rock Road and approximately 1/4 mile north of 53rd St N					of 53rd St N		
		F Insid	A 100 To		o be Annexed		Outside City
Name of Landov	wner <u>G</u>	regory Hiser	(additional C	Owner infor	mation attache		
Address	9860 E 21st S	St N, Wichita, K	S 67206-35	89		Phone	316-841-2920
Name of Subdiv	ider/Agent	Baughman	Company,	P.A. Attn:	Philip J. Meye	er, L.A.	
Address	315 S Ellis St	Wichita, KS 6	7211		_	Phone	316-262-7271
Name of (Engine	eer) (Land Planne	er) Same as A	gent				
Address	315 Ellis Wich	nita, KS 67211			_	Phone	262-7271
Name of Registe	ered Land Survey	or Same as	Agent				
Address						Phone	
A STATE OF THE STATE OF	Signed -						
Subdivision Inf	ormation						
1. (Select One)	K Final Plat of	entire prelimina	ary plat area	1			
	Final Plat of	unit number		of	unit o	developm	ents
	Final Plat for	small tract					
	☐ Final Replat	of original platt	ed area				
2. Gross acrea	ge of plat	13.15 +/-	Acres				
3. Total numbe	r of lots		6				
4. Proposed lar	nd use for an	Urban-Typ	е г	Rural Typ	e Subd	livision:	
a. Reside	ntial-Single-Fami	ly Γ Du	plex K	Multiple F	amily Γ	Manufact	ured/Mobile Home
b. Commerc	cial X			A CHARLE			
c. Industrial	17/1 15						
d. Other	_						
21131							

water supply f sewage disposal I feet of new street Street	and R-6 with City City 0 Name	a PUD	Square Feet Feet R/W Wid	District District	Lineal Feet
vater supply f sewage disposal feet of new street Street a. b. c.	and R-6 with City City 0 Name	a PUD		District	Lineal Feet
water supply f sewage disposal If feet of new street Street a. b. c.	City City 0 Name	a PUD		th	Lineal Feet
f sewage disposal If feet of new street Street a. b.	City 0 Name			10.7	Lineal Feet
Street a. b.	0 Name			10.7	Lineal Feet
Street a. b. c.	Name			10.7	Lineal Feet
a b c			R/W Wid	10.7	Lineal Feet
b		_		10.0	
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e.				Ft.	Ft
f.				Ft.	Ft
g.		7		Ft	Ft
h.				Ft.	Ft
1.			O'CHE IS	Ft.	Ft
				Ft.	Ft
type of street surfac	ing	n/a			
gutter proposed:	□ Yes	V	No		
proposed:	┌ Yes	V	No	If yes, where?	
(1) E (1) E (1) E (1)	ALIEN		977	Olar Manual	
tion of the proposed X Yes r herein agrees to co andards of the City a lotat and supplement	omply with the and statutes o al documents at he/she is the	No e City Subdivi of the State of thereto with e owner of th	ision Regulation f Kansas, It is the Register of the land propos	ons and all other re s further agreed tha of Deeds shall be p eed for platting and,	at all costs of aid by the owner. , when requested,
ed further states that cials of the City to ins			12:	non	12/12/21
ed further states tha	1		The p	1 Myor	10/11/01
ed further states tha	1	-	Age	ent (If any)	Date
7	y Hise				

(Page 2 of 3)

Copy of proposed restrictive covenants, if any	y, received
Methods for financing and guaranteeing impr	ovements Peririan
For plats for small tract:	
a. Vicinity map received	
b. Topographic drawing, if required, received	d
Original drawing or photographic equivalent of	of Final Plat received
This application was received by the Subdivis 20_2_1. It has been checked and found to be information and the fee, if any, of \$_2_3_0	accompanied by the required
	M
	Subdivision Administrator

F/P-1 (2/15/95)

cc: Applicant

Zoning change Application
Page 3 of 4

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.

X	Change Zoning Districts: From: C-1 to C-1 and R-6 with a PUD
	Amendments to Change Zoning Districts
ì	City of Bel Aire Planning Commission
	Approved Rejected
Name	e of owner Gregory Hiser
Addre	ess 9860 E. 21st St N, Wichita, KS 67206 Telephone (316) 841-2920
Agen	nt representing the owner Baughman Company, P.A. (Philip Meyer)
	ess_ 315 Ellis St, Wichita, KS 67211
oun	ne application area is legally described as Lot(s) * ;Block(s) n/a , n/a Addition, Bel Aire, Kansas. If appropriate, a metes and ds description may be attached. *See attached legal description ne application area contains 4.40 +/- acres.
. Th	nis property is located at (address) n/a which is generally ed at (relation to nearest streets) East of Rock Road approx. 1/4 mile north of 53rd S
Th	ne particular reason for seeking reclassification:
30	allow development of duplexes on Lots 1, 2, and 3; and allow development of a
to a	taurant with alcohol sales on Lot 4
to a	staurant with alcohol sales on Lot 4
to a	staurant with alcohol sales on Lot 4
to a	staurant with alcohol sales on Lot 4

Zoning change Application Page 4 of 4

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

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

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

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

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

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

Applicant's Signature GREGORY HISER B

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.

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

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

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

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

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

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

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

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

New legal description:

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

PERMITTED USE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

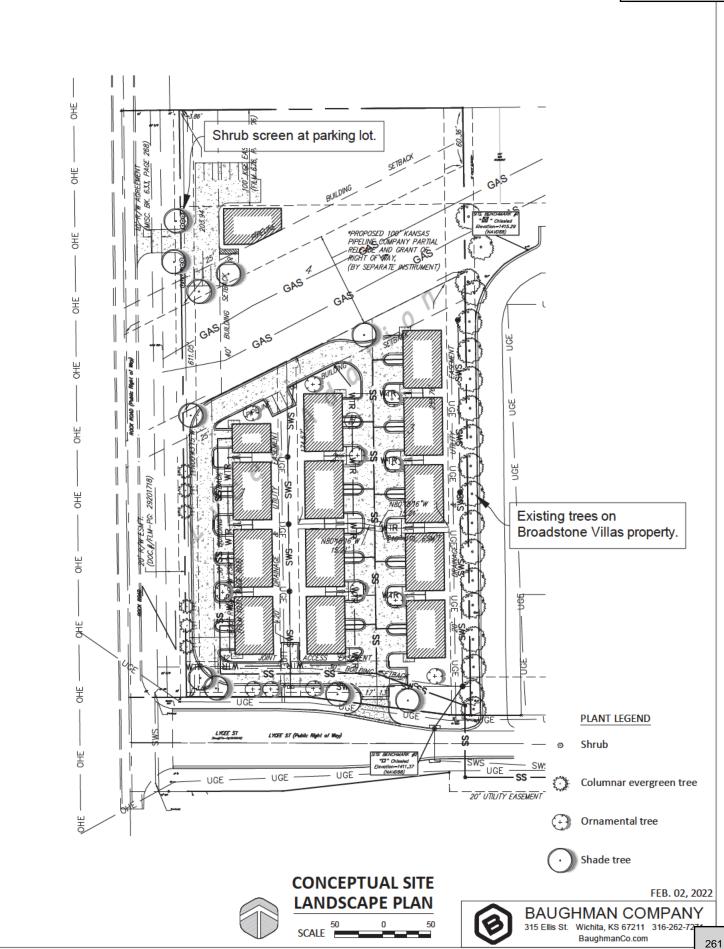
BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby execute	ed on this day of, 202_	_•
	GREGORY HISER, DEVELOPER	
	y vote the City Council of the City of Bel Aire, and is hereby executed on this	
SEAL	MAYOR, JIM BENAGE	
ATTEST:		

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

BE IT KNOWN BY ALL PERSONS that of before me, a Notary Public, came Gregory History acknowledged execution of the foregoing Agreer the City of Bel Aire, Kansas.	·
	NOTARY PUBLIC
My Appointment Expires:	
BE IT KNOWN BY ALL PERSONS that on to 202, before me, a Notary Public, came Jim Be Bel Aire, Kansas and who personally acknown Concerning the Development of LYCEE ADDITION Krehbiel, who is known to me to be the City of acknowledged attesting the signature of said Jim	enage, who is known to me to be the Mayor or eledged execution of the forging Agreemen on to the City of Bel Aire, Kansas, and Melissa Clerk of Bel Aire, Kansas and who personally
	NOTARY PUBLIC
My Appointment Expires:	



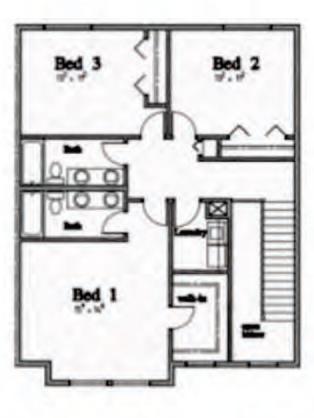
Lycee Addition Conceptual Elevation & Floorplan

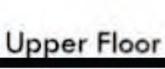


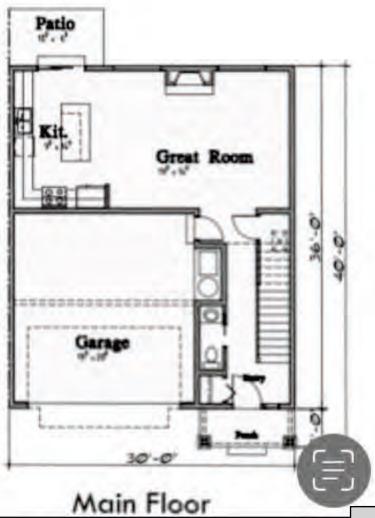
PLAN #D-638

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

GARAGE 400 SQ. FT.











Address of proposed project: Lycee Final plat, and PUD

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



LYCEE ADDITION PUD SUBMITTAL REVIEW

This re	port is to document that on 2/2/22 the ty plan for compliance of zoning and b	Zoning	Administrator from the City of Bel Aire evaluated the above requirements:
	SETBACKS		ELEVATIONS
	EFFECTIVE CODE COMPLIANCE		REQUIRED PLAN SUBMITTALS
	EROSIÓN CONTROL		EASEMENTS
	LANDSCAPE		SCREENING
	STORM DRAINAGE		NEIGHBORHOOD IMPACT
	ADA ACCESSIBLE		UTILITIES TO BUILDING
The rev	view of the above property plan has be	en:	
	APPROVED, as noted		
	DELAYED, as noted		
	DENIED, as noted		M
DA	TE 2/2/22		REVIEWED BY

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

- No additional easements were requested by Evergy or Onegas.
- The landscape plan is conceptual in nature, locations of trees would need to fit the final drainage plan and layout of the buildings.
- The architecture submittal is conceptual in nature, however the aesthetics and types of materials are near to what will be expected during construction based on the PUD agreement and site plan.
- The Plat isn't covered by the PUD completely so specific PUD plat language isn't required.
- The city engineer will contact you directly with any concerns related to the submittals.
- http://www.egovlink.com/public documents300/belaire/published documents/Bel%20Aire %20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.

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

Public notice

(Published in The Ark Valley News on Dec. 23, 2021.) OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-

Notice is Hereby Given that on January 13, 2022 the City of Bel Aire

Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

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

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

General Location: East of Rock Road approx. 1/4 mile north of E. 53rd St.N.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

day of December, 2021. DATED this _17_

/s/ Anne Stephens Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS, SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and

was published in the regu	lar and entire issue of said
newspaper for	consecutive weeks, the
first publication thereof b	peing made as aforesaid on the December, 2021.
with subsequent publicati	ions being made on the
following dates:	
2021	,, 2021
6	US
Subscribed and sworn to of December	before me this 23rd day 2021.
The) mining
My commission expires	Notary Public
Additional copies	COMMISSION
Printer's fee	\$ 11/24/24

LYCEE

Section XII. Item D.

BEL AIRE, SEDGWICK COUNTY, KANSAS State of Konsos)

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Sedgmich County

and state do hereby certify that we have surveyed and

plotted 1727. All Alm. Sedgmich County Romans and find the

All County

All Know all men by these presents mix we, me undersigned cowners, how coused the land in the surreyers certificate to be plotted into Lots, Blocks, Streets, and a Reserve, to be homen as 2 NZEF, Bet Aviz, Sodywick County, Knasas. The joint access easument is hemply granted to the public as depicted on the trees of the publ for permanent perpetual occass to Lycee Street. The joint access easument and to for driveneys ingress, and egers purposes and such accessment shall not be used for perhips purposes or sufficient in any manner so as to set forth. The village representation of the used for perhips purposes or sufficient in any manner so as to set forth. The village represents or hereby granted to the public as indicated for the construction and maintenance of all public utilities. The drivinges and utilities are hereby granted to the public as indicated for dealings purposes and for the construction and maintenance of all public utilities. The derivative perhips are public as indicated for dealings purposes and for the construction and maintenance of all public utilities. The derivative perhips are supposed to public and for the use of the public. Reserve X is hereby reserved for gain space, landicaphing of the public and the suppose of the public to special assessments for any public improvements conflicted to deasements. See not one loss of the public improvements of the public Access contrast shall be as indicated on the face of the public Access contrast shall be as depicted on the face of the public Access contrast shall be as depicted on the face of the public accessments. Date of Propuration: OS February 2002

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ORTHON OF RESERVE "A" IS LOCATED WINNY A FEMA SPECIAL
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SEL ARE, SERVINGO COUNTY, LANGES, MAP REMOVE
STOCKHONG, GEFECTIVE DECEMBER 22, 2018, FEMA FLOORINAN
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HIGE, AND SIGH OMANCE MAY ETTECT THE WITCHED LAND USE
WITE SURPLY OF CHARGE MAY ETTECT THE WITCHED LAND USE UT ON TOP OF CURB MEET, HORTH SIDE OF BET 37,7'S W AND 13,6'S S OF SW CORNER, LOT TONE MELS - MILLY MANDES Greg Hiser a/k/a Gregory K. Hiser MW COR., SWI/4, FSBC 17, TWP, 88-S. City of Bel Aire, Kansas, a municipal corp ___, City of Bel Aire NO' NZ EASHON 3 ATTEST:_ , City Clerk Malioon Krahhial State of Kansas)

Sedgwick County)

The foregoing instrument acknowledged before me,
this _____day of _____, 2022, by Greg Hiser a/k/e Gregory
K. Hiser and Rebecca Hiser, husband and wife. 1.85 ACRES 71,822 SQ. FT. My 400 2 Exp. ___ State of Kansas)
Sedgwick County)
The foregoing instrument acknowledged before me,
this ______dry of ______2022, by lim Benege, Mayor of the
City of Bel Aire, Kansas, a municipal corporation, on behalf of the 255.78 (B)176.57 2 0.96 ecres 42,197 sq. ft 2.50 cores ap. A. Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended. NBOTHETE! State of Kensas)
Scappiels County)
SS This plot of ZICEF, Bel Aire, Sedgreich County,
Kensas has been submitted to and approved by the Bel Aire Planning
Commission, Bel Aire, Kansas.
2029 All being situated in the Southwest Quarter of Section 17, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. ROAD PRESE Baughman Company, P.A. ROCK Preston 4. Stewart, PS#1396 SW COR., LOT 2. BROADSTONE VILLAS Anne Stephens LYCEE ST MBB 54 20 2(CO) 229.02(O) MBB 55 30 2(W) 229.03(W) This plet approved and all dedications sh hereon accepted by the City Council of the City of Bel Aire, Kansa this ______day of _______, 2022 20' UTUTY EASENEN 40' BULDING SETSACK To BE 11 1 A _, City Clerk AU' BLDG. SETBACK Malissa Krahbial STORY Z 1.84 ACRES 71,484 SQ. FI П AMBIEN BUILDING PAD ELEVATION FOR LONEST OPENING TO THE STRUCTURES BLOOK BLOOK BLOOK MAIDES

A 1411.4 State of Kansas)
SS The title evidence of the land included in this
plot has been review by me and this plot is approved pursuent to the
provisions of K.S.A. 12–401. SHLOT(S) FREW TOST, PAGE 5827 _HW COR, LOT 3, BLOCK I, K254 HIGHWAY _____, City Attorney Jacqueline Kelly 11 RESERVE "A" 11 Reviewed in accordance with K.S.A. 58-2005 __day of _______, 2022. 8 ROCK SITE ET) Tricia L. Robello, P.S. §1,246 Deputy County Surveyor Sedgwick County, Kansas 53RD ST. N. VICINITY MAP SEC. 17, 126S, RZE BULLETIN Entered on transfer record this . ST RAN ESST. (A) RESERVE "A" SW COR., LOT 12, BLOCK 1, "LYCEE HERSHITS Kelly B. Arnold I.74 ACRES 75.858 SQ. FT. _GEFLECTION COR., LOT 12, BLOCK 1, _LYSEX HEIGHTS STATE OF THE PERSON NAMED IN ROAD E (NELOLISES L (NELOLISES NW COR, LOT 3, BLOCK I Tonya Buckingham , Register of Deeds ROCK Π Kenly Zehring LYCEE February 2, 2022 BAUGHMAN COMPANY 588'54'16'16(N) 588'54'25'16'0) SH COR, SHI/A, SEC. 17, THP. 26-5, P-2-4 315 Ellis St. Wichita, KS 67211 316-262-7271 BaughmanCo.com

City of Bel Aire

STAFF REPORT

DATE: 02/04/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

STAFF COMMUNICAT	_	
FOR MEETING OF	2/10/22	1
	2/10/22	Section XII, Item D.
CITY COUNCIL		
INFORMATION ONLY		

SUMMARY:

(A) ZON-21-04, Chapel Landing 5th, Rezoning and replat SD-21-05:

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

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

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

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

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

1. The character of the neighborhood;

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

2. The zoning and uses of properties nearby

R-4, R-5, and R-1

The suitability of the subject property for the uses to which it has been restricted;

City staff has compared this request to the approved Master growth Plan and agr project rezoning request meets the preferred use.

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

City staff no adverse effect is expected.

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

The City hasn't rezoned this property since it was platted in 2008

5. The relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;

No hardship is expected to be caused by the development.

6. Recommendations of permanent staff;

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

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

Yes the 2018 Master Growth plan

The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors

Planners ask questions related to type of housing, (this may have been answered by the developer during the previous meetings). Staff recommends the rezoning and preliminary plat. The city should have a developer's agreement provided and require covenants at the time of the final platting is ready for final approval by city council but is not required at this time.

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

The planning commission had approved the preliminary plat and sketch plan. City staff placed an ad in the ark valley newspaper and contacted property owners within the notification area. An updated ad was placed in the Ark Valley Newspaper to announce the new hearing date February 10th. Staff has discussed this project with Linda Snook, and Donnis McPhaul, both on the notification list. Nothing negative has been stated; contact has been made to Donnis McPhaul as promised as the new revisions have been received, she indicated she would be in to view the changes. The packet contains the PUD document, the final plat, concept drawings of the site and buildings. Based on the PUD process listed below, staff can conditionally recommend approval.

Process. No property which has a zoning district classification which requires approval of a PUD may be developed or redeveloped without a preliminary PUD first having been submitted to and approved by the Planning Commission. The Planning Commission shall review the preliminary PUD to determine:

(C) ZON-21-07 Chapel Landing 6th, Rezoning approximately 3.3 acres of the R-1 zoned district and platting approximately 14.62 acres of the R-1 and R-4 use zoning district to allow two-family duplex use:

The planning commission had viewed a sketch plan last year regarding this area. City ad in the ark valley newspaper and contacted property owners within the notification area. An updated ad was placed in the Ark Valley Newspaper to announce the new hearing date February 10th. The most recent plat revision is in the packet, easements have been added. (see Chapel Landing 5th zoning 7 bullets for approval)

The city staff can conditionally recommend this based on the submittals.

SD-21-06. Skyview at Block 49, 2nd Addition: (D)

Platting and rezoning approximately 22.76 acres of the C-1 to R-5 residential use zoning district-Final plat. The case was readvertised for the February 10th meeting in the Ark Valley Newspaper, No one has inquired about the development to date. Evergy indicated easements requested for the preliminary hasn't been added; if not added on the final Evergy would need those to install their infrastructure. The most recent map submitted to the city will be included in the packet. The city staff can conditionally recommend this based on the submittals.

(E) SD-21-04. Skyview at Block 49, 3rd Addition:

Platting and rezoning approximately 12.44 acres of the AG Zoning District to be zoned to C-1 and C-2 Commercial uses. Final plat and PUD. The case was readvertised for the February 10th meeting, only that screening should be provided for the parking lot have been received to date.

The newest revisions are in your packet for the plat and site plan. The site plan does depict a concrete screening wall. Staff had asked to have the development connected to the city sidewalk system provided in the Tierra Verde South development; the developer has indicated that will be part of the improvements for the project. Staff can conditionally recommend the Final plat and PUD based on the process requirements below.

Process. No property which has a zoning district classification which requires approval of a PUD may be developed or redeveloped without a preliminary PUD first having been submitted to and approved by the Planning Commission. The Planning Commission shall review the preliminary PUD to determine:

- a. satisfactory quality of design in the individual buildings;
- b. satisfactory quality of design for the site;
- c. appropriateness of the building or buildings to the intended use;
- d. aesthetic appropriateness of the development to its surroundings.

(F) CON-21-03 Property owner has requested to add an LED message board to an existing sign pole base in an utility easement in a C-1 commercial district:

An ad was placed in the Ark Valley News as required and the property owners with 200 f.t. of the lot were mailed a certified letter with the hearing information. Only one caller within the notification area contacted the city, prior to the final packet completion. Below is the criteria to review the proposal. The city review is in the packet to the sign company. An updated ad was placed in the paper to announce the hearing date revision to February 10th.

The standard the city has used in the past has been 3000 nits or less during the evening (A measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter (1cd/m²). The sun at noon is rated at 1.6 billion nits.)

- One condition that should be placed on the sign pole located in the easement-a section XII, Item D.
 Utility providers related to removing the sign or any part of the sign to include the power supply in the event of needing access to the easement based on receiving prior approval from the City and or an unperceived emergency requiring immediate access. (To be refined by the city legal department).
- If the building or sign use changes, the latest adopted zoning and building codes would apply, or the conditions within the agreement if addressed specifically.
- If the Evergy or Bel Aire public works department doesn't have any concerns, then staff would be in favor of conditionally approving using the sign pole for the new LED sign.

CONDITIONAL USE. A use which may be appropriate within a specific zoning district, but due to the nature of such use and the nature of the effected zoning district, must be approved by recommendation of the Planning Commission and action of the Governing Body. A conditional use runs with the land until the use of the land changes, as set forth within this Code.

General Standards for Consideration of Request. The objective of permitting specific conditional uses within a district is to provide adequate consideration of the conditions in terms of these Regulations to assure:

- That proposed uses will not be contrary to the public interest.
- 2. That the spirit of the Code is observed.
- 3. That public safety and welfare is secured.
- 4. That substantially equal treatment under the law is preserved.

E. Criteria for Review. The following criteria arising out of the above listed standards, and any others applicable to any specific situation, shall be evaluated in terms of how such criteria relate to any specific case being considered and any stipulation as deemed appropriate by the Commission shall be incorporated into approval of a conditional use in association with the following concerns:

- Access and traffic load and/or flow.
- 2. Noise, light and odor.
- 3. Screening.
- 4. Parking, refer to parking section.
- 5. Services (public utilities).
- 6. Public health and safety.
- 7. Adequacy of facility and lot size.
- 8. Signs.
- 9. Review by fire marshal for designation.
- 10. Other considerations as appropriate.
- a. satisfactory quality of design in the individual buildings;
- b. satisfactory quality of design for the site;
- c. appropriateness of the building or buildings to the intended use;
- d. aesthetic appropriateness of the development to its surroundings.

(G) CON-22-01 Private swimming pool in an R-5 zoning district:

The hearing was published in the Ark Valley Newspaper and property owners were notified per the city regulations. Only one caller had contacted the city inquiring why the city had sent the notice; no concern was voiced.

History:

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

The city staff can conditionally recommend this based on the submittals in your packets.

(H)

CON-21-01 Swimming pool in an R-5 zoning district:

The case has been withdrawn. The new property owner will resubmit the application; once complete a different case number will start the new process. This just needs to be closed as an agenda item.

https://www.betterontheedge.org/





MINUTES PLANNING COMMISSION





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

II. Roll Call

Present were James Schmidt, David Floyd, Phillip Jordan, Dee Roths, Heath Travnichek, and Paul Matzek. John Charleston was absent.

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

III. Pledge of Allegiance to the American Flag

Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Chairman Schmidt moved to approve the minutes of December 16, 2021. Commissioner Roths seconded the motion. *Motion carried 6-0*.

MOTION: Chairman Schmidt moved to go into Executive Session for Attorney-Client privilege for 15 minutes. Commissioner Floyd seconded the motion. *Motion carried 6-0*.

The Commission then adjourned to Executive Session. At 6:32 p.m. the Commission returned to the Council Chambers and Chairman Schmidt called the meeting back to order in open session.

V. Old Business/New Business

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

Planning Commission reviewed Woodlawn 53, LLC's request to rezone property generally located one half mile south of 53rd Street N and one quarter-mile west of Woodlawn Boulevard in accordance with Article 5 of the City of Bel Aire's Zoning Regulations.

Ken Lee, Garver, presented the request on behalf of the applicant and stood for questions from the Commission.

Chairman Schmidt then opened the public hearing.

Marc Howell, 4849 N Glendale, spoke about his concerns regarding allowing more multifamily housing. There needs to be a good balance.

Kalen Hoffman, 5978 Forbes Ct, spoke about his concerns regarding the effect of changing zoning on the selling price of homes in the area.

David Moses, 5975 Forbes, asked that the rezoning request be denied. He stated that mutifamily housing should not be allowed unless the request goes back before the Planning Commission.

Terri Moses, 5975 Forbes, spoke to the Commission. She is concerned about safety, quality of life, and a possible higher crime rate with denser housing.

Charles Kent, 6010 Forbes St, stated that he moved to Bel Aire from Myrtle Beach. When lots of smaller houses were built in Myrtle Beach, everything went down with denser properties.

Lynn Parker,5934 Forbes Ct, spoke to the Commission. She stated she objects to the proposed rezoning. She is disappointed with the way that Bel Aire is going with all the duplexes. Iron Gate was presented as an upscale neighborhood, but the developer has lost interest in upscale neighborhoods. He has built starter homes on prominent lots in the subdivision. She is also concerned that the pool will get overcrowded, and the cost of water is high.

Curtis Mader, 5048 E 49th St N, spoke about his concerns regarding the size and number of lots and the tone of the Commission's discussion.

Kyle Hart, 5990 Forbes CT, stated that he is opposed to the rezoning, primarily due to the lot size reductions.

Terry Cassady, 5957 Forbes, asked that the zone change and plat be denied, as well as the rest of the requests on the agenda tonight. Rezoning affects everyone's property values. She stated that there is no unmet need for duplexes in Bel Aire and A-list developers won't want to develop in Bel Aire due to the downhill nature of current development.

Lee Ann Gravenstein, 5978 Forbes Ct, spoke about her concerns regarding the value of her home and those of her neighbors. She stated that many people moved to Iron Gate because they liked the amenities. She would appreciate the Commission's support by protecting their investments.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Zoning uses of nearby property:

- With the exception of the Prairie Preserve, all of the surrounding ground is currently zoned R-4. The current owners of the Prairie Preserve have sold this property with full understanding of its intended use.

Suitability of the property for the uses to which it is restricted:

- With the design of the Prairie Preserve, this parcel was not necessary and was sold to become part of Chapel Landing 6th. It is totally unsuitable to restrict the uses of this parcel to R-1 as it does not fit in with the current plan of development for Chapel Landing 6th.

MOTION: Chairman Schmidt moved to go into Executive Session for Attorney-Client privilege for 15 minutes to return at 8:37 p.m. Commissioner Floyd seconded the motion. *Motion carried 6-0*.

At 8:22 p.m. the Commission adjourned for Executive Session. The Commission returned to the Council Chambers at 8:42 p.m. Chairman Schmidt called the meeting back to order in open session and continued discussion of the rezoning request.

MOTION: Commissioner Jordan moved to deny the rezoning request. Chairman Schmidt seconded the motion. *Motion carried 5-1* with Chairman Schmidt voting against the motion.

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

Ken Lee, Garver, presented the plat and briefly reviewed the changes that had been made from the plat that was presented to the Planning Commission at a previous meeting.

Chairman Schmidt opened the public hearing at 9:07 p.m.

Curtis Mader,5048 E 49th St N, spoke regarding his concerns about the density of development.

David Moses, 5975 Forbes, spoke about his concerns regarding traffic in the area.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:11 p.m., and commissioners continued with discussion of the plat.

MOTION: Commissioner Floyd moved to recommend the Preliminary Plat of Chapel Landing 5th (with the condition that all lots be brought into conformance with R-4 Residential Zoning District requirements. Commissioner Roths seconded the motion. *Motion carried 7-0.*

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

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman Company, presented the final plat on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:30 p.m. and commissioners continued with discussion of the plat and PUD.

MOTION: Commissioner Jordan moved to recommend the Final Plat of Lycee without changes or conditions. Commissioner Roths seconded the motion. *Motion carried 6-0*.

MOTION: Commissioner Floyd moved to recommend the PUD of Lycee without changes, or conditions. Commissioner Jordan seconded the motion. *Motion carried 6-0*.

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

Planning Commission reviewed TW Renovations, LLC's request to rezone property generally located about ¼ mile east of Oliver and ¼ mile south of 53rd in accordance with Article 5 of the City of Bel Aire's Zoning Regulations.

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman Company, presented the rezoning request on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:35 p.m.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Zoning uses of nearby property:

- With the exception of the Prairie Preserve, all of the surrounding ground is currently zoned R-4. The current owners of the Prairie Preserve have sold this property with full understanding of its intended use.

Suitability of the property for the uses to which it is restricted:

- With the design of the Prairie Preserve, this parcel was not necessary and was sold to become part of Chapel Landing 6th. It is totally unsuitable to restrict the uses of this parcel to R-1 as it does not fit in with the current plan of development for Chapel Landing 6th.

MOTION: Commissioner Roths moved to recommend the request for rezoning from R-1- to R-4 without changes or conditions. Commissioner Jordan seconded the motion. *Motion carried 6-0.*

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

Chairman Schmidt opened the public hearing. Phil Meyer, Baughman Company, presented the preliminary plat on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:45 p.m. and commissioners continued with discussion of the preliminary plat

MOTION: Commissioner Roths moved to recommend the Preliminary Plat of Chapel Landing 6th as presented. Commissioner Jordan seconded the motion. *Motion carried* 6-0.

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

Chairman Schmidt opened the public hearing. Will Clevenger, Garver, presented the preliminary plat on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:55 p.m. and commissioners continued with discussion of the preliminary plat.

MOTION: Chairman Schmidt moved to recommend Final Plat of Skyview 2nd without changes. Commissioner Floyd seconded the motion. *Motion carried 6-0.*

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

Chairman Schmidt opened the public hearing. Will Clevenger, Garver, presented the final plat and PUD on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 9:58 p.m. and commissioners continued with discussion.

MOTION: Commissioner Jordan moved to recommend the Final Plat of Skyview at Block 49 3rd without changes or conditions. Commissioner Matzek seconded the motion. *Motion carried 6-0*.

MOTION: Commissioner Jordan moved to recommend the PUD of Skyview at Block 49 3rd without changes or conditions. Commissioner Travnichek seconded the motion. *Motion carried 6-0.*

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

Chairman Schmidt opened the public hearing. Shane Hutchinson and Brent Grisemore, Nu Line Signs, presented the application on behalf of the applicant and stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing at 10:10 p.m. and commissioners continued with discussion.

MOTION: Commissioner Jordan moved to recommend the Governing Body approve passing a conditional use ordinance for a sign contingent upon a 60-day Planning Commission review on certain property zoned C-1 located within the corporate city limits of the City of Bel Aire, Kansas. Commissioner Matzek seconded the motion. *Motion carried 6-0*.

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

Chairman Schmidt opened the public hearing. No one requested to speak. Chairman Schmidt closed the public hearing and commissioners continued with discussion.

MOTION: Commissioner Schmidt moved to recommend the Governing Body approve passing a conditional use ordinance for a private swimming pool not contingent upon a 60-day Planning Commission review on certain property zoned R-5 Residential located within the corporate city limits of the City of Bel Aire, Kansas. Commissioner Jordan seconded the motion. *Motion carried 6-0*.

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

VI. Next Meeting: March 10, 2022

MOTION: Commissioner Floyd moved to approve the date of the next meeting: March 10, 2022 at 6:30 p.m. Chairman Schmidt seconded the motion. *Motion carried 6-0*.

VII. Current Events

The Commission briefly discussed current events, including the Planning Commission training session planned for February 17th in the Community Room at City Hall.

VIII. Adjournment.

MOTION: Commissioner Floyd moved to adjourn. Commissioner Jordan seconded the motion. *Motion carried 6-0*.

The meeting adjourned at 10:16 p.m.

Lycee Addition April 5, 2022 City Council Meeting

Agenda Documents:

- Agenda Packet
- Meeting Minutes



AGENDA CITY COUNCIL MEETING

7651 E. Central Park Ave, Bel Aire, KS March 01, 2022 7:00 PM



I.	CALL TO ORDER: Mayor Jim Benage				
II.	ROL	L CALL			
	Greg John	Davied Dr. Joel Schroeder Justin Smith Welch Diane Wynn			
III.	OPE	NING PRAYER: Gary Green			
IV.	PLEI	OGE OF ALLEGIANCE TO THE AMERICAN FLAG			
V.	PRO	CLAMATION:			
	<u>A.</u>	American Red Cross Month, March 2022			
	<u>B.</u>	Severe Weather Awareness Week, March 7th—11th, 2022			
VI.	DET	ERMINE AGENDA ADDITIONS			
VII.	CON	SENT AGENDA			
	<u>A.</u>	Minutes of the February 15, 2022 City Council meeting.			
	<u>B.</u>	Approve Bellino Fireworks Kansas, Inc to be located at 4552 N Woodlawn Blvd as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.			
	<u>C.</u>	Approve Shocker Fireworks to be located at 4501 N Oliver as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.			
	<u>D.</u>	Approve Waz Up Fireworks, LLC to be located at 9745 E 50th St N (Clinic In A Can) as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.			
	<u>E.</u>	Approve Wholesale Fireworks Enterprises, LLC to be located at 6334 E Crestmark as qualifying for Fireworks Sales Permit pending Sedgwick County Fire Marshall inspection.			

		n: Motion to layor to sign.	(approve / table	/ deny) the Consen	t Agenda as (listed / amended) and authorize	
	Motio	on	_ Second	Vote		
VIII.	DISC	CUSSION AN	D APPROVAI	C OF APPROPRI	ATIONS ORDINANCE	
	<u>A.</u>	Considerat	ion of Appropr	riations Ordinanco	e 22-04 in the amount of \$1,185,517.15.	
		Action: Mo	otion to (approve	e / deny / table) Ap	propriations Ordinance 22-04.	
		Motion	Second	Vote	_	
IX.	CITY	REQUEST	ED APPEARA	NCES		
	<u>A.</u>	_		t Letkowski, Tran wn, 53rd and Rock	systems - KDOT TEAP Intersection	
	B.	Ken Lee, C	Garver - Gravel	Road Paving Analy	ysis and Potential Petition Amounts	
	C.	Dakota Zimmerman and Eric Strecker, Garver - Woodlawn Reconstruction Progress Update				
X.	podiu Mayo	ZEN CONCERNS: If you wish to speak, please fill out a "Request to Speak" card at the am and give it to the City Clerk before the meeting begins. When you are called on by the or, please go to the podium, speak into the microphone, and state your name and address be giving your comments. Please limit your comments to 3 minutes in the interest of time.				
XI. REPORTS A. Council Member Reports B. Mayor's Report C. City Attorney Report D. City Manager Report						
XII.	ORD	INANCES, I	RESOLUTION	S AND FINAL AC	CTIONS	
	<u>A.</u>	Residentia	l to R-4 Resider	ntial On Certain P	he Zoning Classification from R-1 Estate roperty Located Within The Corporate Chapel Landing 6th).	
		Classification Within The	on from R-1 Est	ate Residential to F Limits of the City	Ordinance Changing the Zoning R-4 Residential On Certain Property Located of Bel Aire, Kansas (Chapel Landing 6th)	
		Motion	Secon	ad Vot	e	
		Jim Benage		Greg Davied	Dr. Joel Schroeder	
		Justin Smit	h	Diane Wynn	John Welch	



					Section XII, Item D.
<u>B.</u>	and approving A property in a C- allowed to add a	an Ordinance appr 1 Commercial zoni n LED message bo	oving a conditing district. If ard to an exist	of the Bel Aire Planning (tional use (CON-21-03) or approved, the applicant v ting sign pole base located nission review. (LED Sign	i certain vill be I in a utility
	Use (CON-21-03)	` -	ty Zoned C-1 I	n Ordinance Allowing A C Located Within The Corpor	
	Motion	Second	Vote		
	Jim Benage	Greg Davie	d	Dr. Joel Schroeder	
	Justin Smith	Diane Wyr	ın	John Welch	
	(CON-22-01) On Limits of the City	Certain Property Zo of Bel Aire, Kansa	oned R-5 Locat s and authorize		
		Second			
	Jım Benage	Greg Da	vied	Dr. Joel Schroeder	
	Justin Smith	Diane W	⁷ ynn	John Welch	
<u>D.</u>		ents and land ded		ets and other public ways lic use as shown on the Fi	
		o (accept / deny / tal nd authorize all req	•	tions within the Final Plat f s.	or Skyview
	Motion	Second	Vote		
	Jim Benage	Greg Da	vied	Dr. Joel Schroeder	
	Justin Smith	Diane W	ynn	John Welch	_



<u>E.</u>	Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Skyview at Block 49 3 <u>rd</u> with PUD overlay.					
				ations within the Final Plat for Skyview Il required signatures.	w	
	Motion	Second	Vote			
	Jim Benage	Greg Da	avied	Dr. Joel Schroeder	_	
	Justin Smith	Diane V	Vynn	John Welch		
<u>F.</u>	and utility ease Lycee.	ements and land dec	licated for pu	eets and other public ways, service ablic use as shown on the Final Plat o	f	
		l required signatures		ations within the Final Plat for Lycee		
	Motion	Second	Vote			
	Jim Benage	Greg Davi	ed	Dr. Joel Schroeder		
	Justin Smith	Diane W	ynn	John Welch		
<u>G.</u>	Consideration of an Agreement for Professional Services with Garver for 47 <u>th</u> Street Reconstruction in the amount of \$19,537.50.					
			,	eement for Professional Services with nount of \$19,537.50 and authorize the		
	Motion	Second	Vote			
<u>H.</u>		9	•	at Block 49, LLC Concerning The tion, Bel Aire, Sedgwick County,		
		Action : Motion to (approve/ deny / table) An Agreement Concerning The Development Of Skyview At Block 49 2nd Addition, Bel Aire, Sedgwick County, Kansas, and authorize the Mayor to sign.				
	Motion	Second		Vote		



XIII. EXECUTIVE SESSION

	Action: Motion to go into executive session for the sole purpose of discussion the subject of:									
	(
	Motio	on Second Vote								
XIV.	DISCUSSION AND FUTURE ISSUES									
XV.	ADJOURNMENT									
	Action: Motion to adjourn.									
	Motion Second Vote									
	Additional Attachments:									
	<u>A.</u>	February 10th Planning Commission Meeting Report								
	<u>B.</u>	Manager's Report - March 1, 2022								

Notice

It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Cox Cable Channel 7 rebroadcasts of this meeting are scheduled daily or can be streamed on YouTube and at www.belaireks.gov. Please make sure all cell phones and other electronics are turned off and put away.



LYCEE

Section XII. Item D.

BEL AIRE, SEDGWICK COUNTY, KANSAS State of Konsos)

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Sedgmich County

and state do hereby certify that we have surveyed and

plotted 1727. All Alm. Sedgmich County Romans and find the

All County

All Know all men by these presents mix we, me undersigned cowners, how coused the land in the surreyers certificate to be plotted into Lots, Blocks, Streets, and a Reserve, to be homen as 2 NZEF, Bet Aviz, Sodywick County, Knasas. The joint access easument is hemply granted to the public as depicted on the trees of the publ for permanent perpetual occass to Lycee Street. The joint access easument and to for driveneys ingress, and egers purposes and such accessment shall not be used for perhips purposes or sufficient in any manner so as to set forth. The village representation of the used for perhips purposes or sufficient in any manner so as to set forth. The village represents or hereby granted to the public as indicated for the construction and maintenance of all public utilities. The drivinges and utilities are hereby granted to the public as indicated for dealings purposes and for the construction and maintenance of all public utilities. The derivative perhips are public as indicated for dealings purposes and for the construction and maintenance of all public utilities. The derivative perhips are supposed to public and for the use of the public. Reserve X is hereby reserved for gain space, landicaphing of the public and the suppose of the public to special assessments for any public improvements conflicted to deasements. See not one loss of the public improvements of the public Access contrast shall be as indicated on the face of the public Access contrast shall be as depicted on the face of the public Access contrast shall be as depicted on the face of the public accessments. Date of Propuration: OS February 2002

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REDAR MY TEXTEST CAP (FOUND) THROUGH OF THE WITCH LOSS ADJUSTED TO REPUT WITCH CONTINUE OF THE MADE ADJUSTED OF THE MADE ADJUSTED OF THE EARLING FORCE OWNERS OF THE EARLING FORCE OWNERS OF THE EARLING FORCE OWNERS OF THE OWNERS OF THE OWNERS OF THE OWNERS (PLZ) = PLATED PER LYGE HEIGHTS 2ND (CM) = CALCULATED PER MEASURED INFO. <u>HODE:</u> JOHT ACCESS EASEMENT AS SHOWN ON LOTS 1, 2, AND 3, BLOCK B SHALL PROMICE PERMANENT PERPETUAL ACCESS TO LICEE STREET. MITH "CROSS" ON TOP OF CURB 67.2"4 E AND F MY CORNER, LOT 2, BROADSTONE VILLAS. - MISSE MAYORE E.

ORTHON OF RESERVE "A" IS LOCATED WINNY A FEMA SPECIAL
OD HAZIRO AREA REF FEMA FROM FANES, 240 OF 80%, FOR CITY
SEL ARE, SERVINGO COUNTY, LANGES, MAP REMOVE
STOCKHONG, GEFECTIVE DECEMBER 22, 2018, FEMA FLOORINAN
REGULATION FA ORGONAT ROSINGHERS ARE SEMENT TO PERMOVE
HIGE, AND SIGH OMANCE MAY ETTECT THE WITCHED LAND USE
WITE SURPLY OF CHARGE MAY ETTECT THE WITCHED LAND USE UT ON TOP OF CURB MEET, HORTH SIDE OF BET 37,7'S W AND 13,6'S S OF SW CORNER, LOT TONE MELS - MILLY MANDES Greg Hiser a/k/a Gregory K. Hiser MW COR., SWI/4, FSBC 17, TWP, 88-S. City of Bel Aire, Kansas, a municipal corp ___, City of Bel Aire NO' NZ EASHON 3 ATTEST:_ , City Clerk Malioon Krahhial State of Kansas)

Sedgwick County)

The foregoing instrument acknowledged before me,
this _____day of _____, 2022, by Greg Hiser a/k/e Gregory
K. Hiser and Rebecca Hiser, husband and wife. 1.85 ACRES 71,822 SQ. FT. My 400 2 Exp. ___ State of Kansas)
Sedgwick County)
The foregoing instrument acknowledged before me,
this ______dry of ______2022, by lim Benege, Mayor of the
City of Bel Aire, Kansas, a municipal corporation, on behalf of the 255.78 (B)176.57 2 0.96 ecres 42,197 sq. ft 2.50 cores ap. A. Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended. NBOTHETE! State of Kensas)
Scappiels County)
SS This plot of ZICEF, Bel Aire, Sedgreich County,
Kensas has been submitted to and approved by the Bel Aire Planning
Commission, Bel Aire, Kansas.
2029 All being situated in the Southwest Quarter of Section 17, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. ROAD PROPERTY. Baughman Company, P.A. ROCK Preston 4. Stewart, PS#1396 SW COR., LOT 2. BROADSTONE VILLAS Anne Stephens LYCEE ST MBB 54 20 2(CO) 229.02(O) MBB 55 30 2(W) 229.03(W) This plet approved and all dedications sh hereon accepted by the City Council of the City of Bel Aire, Kansa this ______day of _______, 2022 20' UTUTY EASENEN 40' BULDING SETSACK To BE П 1 A _, City Clerk AU' BLDG. SETBACK Malissa Krahbial STORY Z 1.84 ACRES 71,484 SQ. FI П AMBIEN BUILDING PAD ELEVATION FOR LONEST OPENING TO THE STRUCTURES BLOOK BLOOK BLOOK MAIDES

A 1411.4 State of Kansas)
SS The title evidence of the land included in this
plot has been review by me and this plot is approved pursuent to the
provisions of K.S.A. 12–401. SHLOT(S) FREW TOST, PAGE 5827 _HW COR, LOT 3, BLOCK I, K254 HIGHWAY _____, City Attorney Jacqueline Kelly 11 RESERVE "A" 11 Reviewed in accordance with K.S.A. 58-2005 __day of _______, 2022. 8 ROCK SITE ET) Tricia L. Robello, P.S. §1,246 Deputy County Surveyor Sedgwick County, Kansas 53RD ST. N. VICINITY MAP SEC. 17, 126S, RZE BULLETIN Entered on transfer record this . ST RAN ESST. (A) RESERVE "A" SW COR., LOT 12, BLOCK 1, "LYCEE HERSHITS Kelly B. Arnold I.74 ACRES 75.858 SQ. FT. _GEFLECTION COR., LOT 12, BLOCK 1, _LYSEX HEIGHTS STATE OF THE PERSON NAMED IN ROAD E (NELOLISES L (NELOLISES NW COR, LOT 3, BLOCK I Tonya Buckingham , Register of Deeds ROCK Π Kenly Zehring LYCEE February 2, 2022 BAUGHMAN COMPANY 588'54'16'16(N) 588'54'25'16'0) SH COR, SHI/A, SEC. 17, THP. 26-5, P-2-4 315 Ellis St. Wichita, KS 67211 316-262-7271 BaughmanCo.com

CITY OF BEL AIRE, KANSAS

APPLICATION FOR FINAL PLAT APPROVAL

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

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdiv	ision Ly	on the East side of Rock Road and approximately 1/4 mile north of 53rd St N						
General Locatio	n or							
		F Insid	A 100 To		o be Annexed		Outside City	
Name of Landov	wner <u>G</u>	regory Hiser	(additional C	Owner infor	mation attache			
Address	9860 E 21st S	St N, Wichita, K	S 67206-35	89		Phone	316-841-2920	
Name of Subdiv	ider/Agent	Baughman	Company,	P.A. Attn:	Philip J. Meye	er, L.A.		
Address	315 S Ellis St	Wichita, KS 6	7211		_	Phone	316-262-7271	
Name of (Engine	eer) (Land Planne	er) Same as A	gent					
Address	315 Ellis Wich	nita, KS 67211			_	Phone	262-7271	
Name of Registe	ered Land Survey	or Same as	Agent					
Address						Phone		
A Committee of the Comm	Signed -							
Subdivision Inf	ormation							
1. (Select One)	K Final Plat of	entire prelimina	ary plat area					
	Final Plat of	Final Plat of unit number of				unit developments		
	Final Plat for	lat for small tract						
	☐ Final Replat	of original platt	ed area					
2. Gross acrea	ge of plat	13.15 +/-	Acres					
3. Total numbe	r of lots		6					
4. Proposed lar	nd use for an	Urban-Typ	е г	Rural Type	e Subd	livision:		
a. Reside	ntial-Single-Fami	ly Γ Du	plex K	Multiple F	amily Γ	Manufact	ured/Mobile Home	
b. Commer	cial X			A CHARLE			100000	
c. Industrial	17/1 15							
d. Other	_							

water supply f sewage disposal I feet of new street Street	and R-6 with City City 0 Name	a PUD	Square Feet Feet R/W Wid	District District	Lineal Feet
vater supply f sewage disposal feet of new street Street a. b. c.	and R-6 with City City 0 Name	a PUD		District	Lineal Feet
water supply f sewage disposal If feet of new street Street a. b. c.	City City 0 Name	a PUD		th	Lineal Feet
f sewage disposal If feet of new street Street a. b.	City 0 Name			10.7	Lineal Feet
Street a. b.	0 Name			10.7	Lineal Feet
Street a. b. c.	Name			10.7	Lineal Feet
a b c			R/W Wid	10.7	Lineal Feet
b		_		10.0	
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142		3 1		Ft.	Ft.
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e.				Ft.	Ft
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g.		7		Ft	Ft
h.				Ft.	Ft
1.			O'CHE IS	Ft.	Ft
				Ft.	Ft
type of street surfac	ing	n/a			
gutter proposed:	□ Yes	V	No		
proposed:	┌ Yes	V	No	If yes, where?	
(1) E (1) E (1) E (1)	ALIEN		977	Olar Admin a	
tion of the proposed X Yes r herein agrees to co andards of the City a lotat and supplement	omply with the and statutes o al documents at he/she is the	No e City Subdivi of the State of thereto with e owner of th	ision Regulation f Kansas, It is the Register of the land propos	ons and all other re s further agreed tha of Deeds shall be p eed for platting and,	at all costs of aid by the owner. when requested,
ed further states that cials of the City to ins			12:	non	12/12/21
ed further states tha	1		The p	1 Myor	10/11/01
ed further states tha	1	-	Age	ent (If any)	Date
7	y Hise				

(Page 2 of 3)

Copy of proposed restrictive covenants, if any,	received
Methods for financing and guaranteeing impro-	vements Peririan
For plats for small tract:	
a. Vicinity map received	
b. Topographic drawing, if required, received	and the second s
Original drawing or photographic equivalent of	Final Plat received
This application was received by the Subdivision 20 21. It has been checked and found to be information and the fee, if any, of \$ 2 3 0	accompanied by the required
	M
	Subdivision Administrator

cc: Applicant

Zoning change Application
Page 3 of 4

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.

X	Change Zoning Districts: From: C-1 to C-1 and R-6 with a PUD
	Amendments to Change Zoning Districts
ì	City of Bel Aire Planning Commission
	Approved Rejected
Nam	e of owner Gregory Hiser
Addr	ess 9860 E. 21st St N, Wichita, KS 67206 Telephone (316) 841-2920
Agen	t representing the owner Baughman Company, P.A. (Philip Meyer)
1	ess_ 315 Ellis St, Wichita, KS 67211
oun	ne application area is legally described as Lot(s) * ;Block(s) n/a , n/a Addition, Bel Aire, Kansas. If appropriate, a metes and ds description may be attached. *See attached legal description ne application area contains 4.40 +/- acres.
. Th	nis property is located at (address) n/a which is generally ed at (relation to nearest streets) East of Rock Road approx. 1/4 mile north of 53rd S
ocate	ne particular reason for seeking reclassification:
	to particular readon for bedding reducementation.
4. Th	allow development of duplexes on Lots 1, 2, and 3; and allow development of a
4. Th	
4. Th	allow development of duplexes on Lots 1, 2, and 3; and allow development of a
to a	allow development of duplexes on Lots 1, 2, and 3; and allow development of a

Zoning change Application Page 4 of 4

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

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

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

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

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

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

Applicant's Signaturé GREGORY HISER

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.

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

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

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

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

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

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

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

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

New legal description:

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

PERMITTED USE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

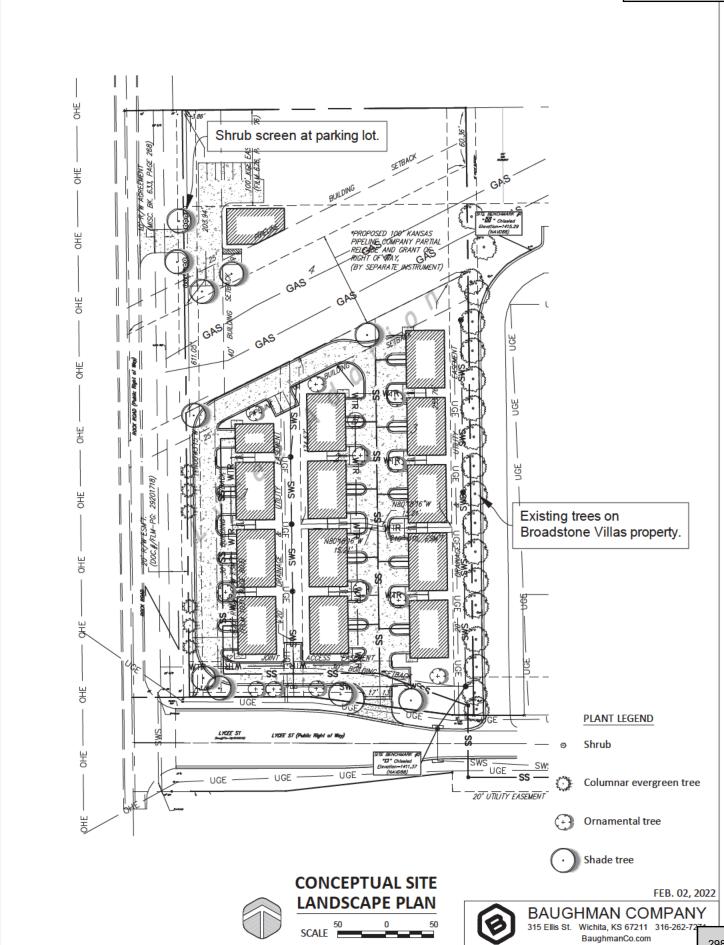
BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby execute	ed on this day of, 202_	_•
	GREGORY HISER, DEVELOPER	
	vote the City Council of the City of Bel Aire, R and is hereby executed on this o	
SEAL ATTEST:	MAYOR, JIM BENAGE	

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

BE IT KNOWN BY ALL PERSONS that of before me, a Notary Public, came Gregory His acknowledged execution of the foregoing Agreen the City of Bel Aire, Kansas.	·
	NOTARY PUBLIC
My Appointment Expires:	
BE IT KNOWN BY ALL PERSONS that on a 202, before me, a Notary Public, came Jim Be Bel Aire, Kansas and who personally acknow Concerning the Development of LYCEE ADDITION Krehbiel, who is known to me to be the City of acknowledged attesting the signature of said Jim	enage, who is known to me to be the Mayor o vledged execution of the forging Agreemen ON to the City of Bel Aire, Kansas, and Melissa Clerk of Bel Aire, Kansas and who personally
	NOTARY PUBLIC
My Appointment Expires:	



298

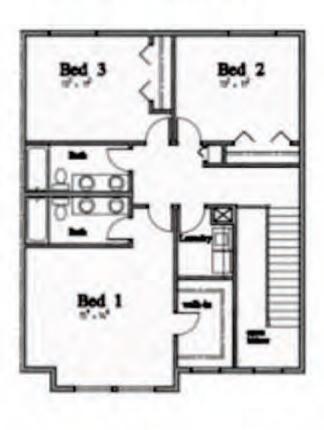
Lycee Addition Conceptual Elevation & Floorplan



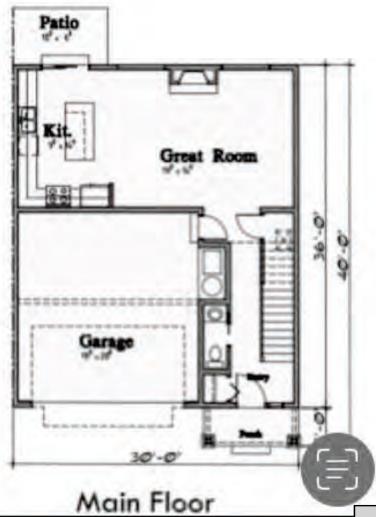
PLAN #D-638

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

GARAGE 400 SQ. FT.











Address of proposed project: Lycee Final plat, and PUD

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



LYCEE ADDITION PUD SUBMITTAL REVIEW

	port is to document that on 2/2/22 the ty plan for compliance of zoning and b		Administrator from the City of Bel Aire evaluated the above requirements:
	SETBACKS		ELEVATIONS
	EFFECTIVE CODE COMPLIANCE		REQUIRED PLAN SUBMITTALS
	EROSIÓN CONTROL		EASEMENTS
	LANDSCAPE		SCREENING
	STORM DRAINAGE		NEIGHBORHOOD IMPACT
	ADA ACCESSIBLE		UTILITIES TO BUILDING
The rev	view of the above property plan has be	en:	
	APPROVED, as noted		
	DELAYED, as noted		
	DENIED, as noted		M
DA	TE 2/2/22		REVIEWED BY

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

- No additional easements were requested by Evergy or Onegas.
- The landscape plan is conceptual in nature, locations of trees would need to fit the final drainage plan and layout of the buildings.
- The architecture submittal is conceptual in nature, however the aesthetics and types of materials are near to what will be expected during construction based on the PUD agreement and site plan.
- The Plat isn't covered by the PUD completely so specific PUD plat language isn't required.
- · The city engineer will contact you directly with any concerns related to the submittals.
- http://www.egovlink.com/public documents300/belaire/published documents/Bel%20Aire %20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf contains the Zoning Code. The landscape requirements in general, we have a master concept plan for the development.

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

Public notice

(Published in The Ark Valley News on Dec. 23, 2021.) OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST-

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

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

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

General Location: East of Rock Road approx. 1/4 mile north of E. 53rd St.N.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

day of December, 2021. DATED this _17_

/s/ Anne Stephens Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS, SEDGWICK COUNTY, ss.

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

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

	ce is a true copy thereof and ular and entire issue of said
newspaper for	consecutive weeks, the
	being made as aforesaid on the December, 2021.
with subsequent publicat	tions being made on the
following dates:	
2021	
	2021
2021	2021
6	US
Subscribed and sworn to of December	before me this <u>23</u> day day
76	Notary Public
My commission expires	Y OTAN,
Additional copies	S PUBLIC COMMISSION
Printer's fee	\$ 11/24/34

City of Bel Aire, Kansas

STAFF REPORT

DATE: February 21, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: February Planning Commission Meeting Report



ZON-21-04 Revised – Proposed re-zoning of approximately 54.99 acres of R-4 Residential to R-5 Residential (Chapel Landing 5th)

Planning Commission reviewed Woodlawn 53, LLC's request to rezone property generally located one half mile south of 53rd Street N and one quarter-mile west of Woodlawn Boulevard in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing in relation to the application where interested parties and citizens were given the opportunity to be heard. Ten area residents spoke against the re-zone request. The majority of the comments centered around the loss of property values if the developer were allowed to rezone the area for a multi-family development. The residents were also concerned about the increased traffic volumes and the safety of the area — indicating that denser housing tends to bring higher crime rates. The residents were unhappy with what they felt was a "bait and switch" on the part of the developer — they bought into the area believing that the entire area would be an upscale community and now are very concerned that it is being downgraded and re-zoned for duplexes.

Following the comments from the residents, the agent for the applicant was given an opportunity to speak and provide commentary regarding the voiced concerns. The agent indicated that the developer was not planning on building duplexes on these lots, but was wanting to re-zone and re-plat for smaller lots. The agent also mentioned that in all of the covenants that were signed at lot closing by the current owners, there was a paragraph included that mentioned that duplexes were allowed in this development and no future notice to the current property owners needed to be given.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Character of the neighborhood:

The Planning Commission has tried to keep the more intense usage closer to the arterials. This request is contrary and not consistent with past decisions by potentially allowing a more intense usage further away from the arterial.

Zoning uses of nearby property:

The requested zoning is more intense than the surrounding zoning. With the exception of the Prairie Preserve to the west, all of the surrounding zoning is at R-4.

Suitability of the property for the uses to which it is restricted:

- The requested use of the property is allowed within the current R-4 zoning. Commissioners were concerned about alternate uses that would be allowed under the R-5 zoning, but not allowed under the current R-4 zoning.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to recommend denial of the request to rezoning the property from R-4 Residential to R-5 Residential.

***** Following the Planning Commission meeting, the Developer contacted the Planning Commission Secretary to withdraw their request for a zone change to this parcel. Subsequently, the request will not be forwarded to Council for their consideration. *****

ZON-21-04 Proposed preliminary plat for approximately 54.99 acres (Chapel Landing 5th).

Planning Commission reviewed Woodlawn 53, LLC's request to replat approximately 54.99 acres of R-4 Residential in accordance with Article 4 of the City of Bel Aire's Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. Two citizens spoke at the public hearing. One was still concerned about the density of the proposed development and the other expressed his appreciation to the agent for listening to their concerns. Following the hearing, the Planning Commission considered the evidence and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to approve the preliminary plat without changes.

SD-21-07 Proposed Final Plat for approximately 13.15 acres (Lycee)

Planning Commission reviewed the City of Bel Aire and Greg Heiser's request to replat approximately 13.15 acres of R-6 Residential and C-1 Commercial in accordance with Article 4 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence reviewed the report provided by permanent staff and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes and **recommends that the governing body accept the Developer's commitment to dedicate certain land within the plat for public purposes.**

SD-21-07 Proposed PUD for Lycee

Planning Commission reviewed Greg Heiser's request to apply a PUD Overlay to the property north of 53rd Street as contained in the plat for Lycee in accordance with Article 5 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed PUD language. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the hearing, the Planning Commission considered the evidence and found that the PUD complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a7-0 motion) to approve the PUD without changes.

<u>ZON-21-07 – Proposed re-zoning of approximately 3.3 acres zoned R-1 Estate Residential to R-4 Residential.</u>

Planning Commission reviewed TW Renovations, LLC's request to rezone property generally located about ¼ mile east of Oliver and ¼ mile south of 53rd in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Zoning uses of nearby property:

With the exception of the Prairie Preserve, all of the surrounding ground is currently zoned R The current owners of the Prairie Preserve have sold this property with full understanding of it's intended use.

Suitability of the property for the uses to which it is restricted:

- With the design of the Prairie Preserve, this parcel was not necessary and was sold to become part of Chapel Landing 6th. It is totally unsuitable to restrict the uses of this parcel to R-1 as it does not fit in with the current plan of development for Chapel Landing 6th.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to recommend rezoning of the property from R-1 Estate Residential to R-4 Residential.

ZON-21-07 Proposed preliminary plat for approximately 14.62 acres (Chapel Landing 6th).

Planning Commission reviewed TW Renovation, LLC's request to replat approximately 14.62 acres of R-4 Residential in accordance with Article 4 of the City of Bel Aire's Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat. The

Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed preliminary plat. Following the hearing, the Planning Commission considered the evidence and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to approve the preliminary plat without changes.

SD-21-06 Proposed Final Plat for approximately 22.76 acres (Skyview at Block 49 2nd)

Planning Commission reviewed Block 49, LLC's request to replat approximately 22.76 acres of R-5 Residential in accordance with Article 4 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence reviewed the report provided by permanent staff and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes and recommends that the governing body accept the Developer's commitment to dedicate certain land within the plat for public purposes.

SD-21-04 Proposed Final Plat for approximately 12.44 acres (Skyview at Block 49 3rd)

Planning Commission reviewed Block 49, LLC's request to replat approximately 12.44 acres of C-2 Commercial with PUD in accordance with Article 4 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed plat and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence reviewed the report provided by permanent staff and found that the plat complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes and recommends that the governing body accept the Developer's commitment to dedicate certain land within the plat for public purposes.

SD-21-04 Proposed PUD for Skyview at Block 49 3rd

Planning Commission reviewed Block 49, LLC's request to apply a PUD Overlay to the property contained in the Skyview at Block 49 3rd plat in accordance with Article 5 of the City of Bel Aire Subdivision Regulations. The Commissioners studied the material provided by the applicant, including the proposed PUD language. The Commission conducted a public hearing on February 10, 2022 in relation to the application where interested parties and citizens were given the opportunity to

be heard. There were no parties wishing to speak at the public hearing regarding this plat. Following the hearing, the Planning Commission considered the evidence and found that the PUD complied with all provisions and applicable regulations and laws.

Having thoroughly reviewed the issue Planning Commission voted (by passing a7-0 motion) to approve the PUD without changes.

CON-21-03 Conditional Use Permit request to add a LED Message Board to an existing sign pole base located in a utility easement in C-1 Commercial Zoning District.

Planning Commission reviewed a request to add a LED message board sign to an existing sign pole base, located in a utility easement, in C-1 Commercial Zoning District. The applicant was present and stood for questions from the Commissioners. The Commissioners found that there would be limited impact and appreciated the updating and upgrading to the new sign.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to recommend that Council approve the LED Message Board in an C-1 Commercial zoning district contingent upon a 60 day review by Planning Commission.

<u>CON-22-01 Conditional Use Permit request for a proposed private swimming pool in R-5</u> Residential Zoning District.

Planning Commission reviewed a request for a private swimming pool in an R-5 Residential Zoning District. The Commissioners found that there would be limited impacts to the neighborhood.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to recommend that Council approve the private swimming pool in an R-5 district as presented.



MANAGERS REPORT

DATE: February 24, 2022

TO: Mayor Benage and City Council

FROM: Ty Lasher, City Manager **RE:** March 1, 2022 Agenda

Proclamations (Item V)

March is American Red Cross Month. The Red Cross uses this month to honor and celebrate all the volunteers who support the mission of their organization. Local civic groups often host blood drives in Bel Aire. This proclamation supports the Red Cross in the great work they do.

Severe Weather Awareness Week is an initiative of the National Weather Service, Kansas Emergency Management and Sedgwick County Emergency Management to educate our citizens of the dangers associated with severe weather. This is an opportunity for Bel Aire to take part in the awareness of severe weather and encourage our citizens to be prepared as spring is quickly approaching.

Consent Agenda (Item VII)

Contains the minutes of the February 15th City Council meeting. In addition, four applications for permits to sell fireworks have been received and are on the agenda. Bel Aire codes allow four retail fireworks permits to be issued annually. All of the applicants are requesting permits to operate in the same locations as last year, and all of them have submitted the required paperwork.

Appropriations Ordinance (Item VIII)

This period includes \$727,142.20 in bonded capital projects; listed on page 4. PD Car #37 has been up-fitted for \$14,537.09 (page 4). Parts for PD's new laptops have arrived and have been paid; the laptops are still on order.

City Requested Appearances (Item IX)

<u>TranSystems</u> - The city received a TEAP grant from KDOT in 2021 to complete a safety study on the intersections of 53rd & Woodlawn as well as 53rd & Rock. The study is complete and TranSystems will be at the meeting to present their findings as well as share their recommendations. Any recommended improvements will be included in your March workshop covering street upgrades. Therefore, Council can ask questions of

TranSystems representatives today and be ready to discuss funding of any specific changes to these intersections at the March workshop.

<u>Garver, Gravel Roads Study</u>- Ken Lee will be here to present cost estimates for the gravel roads and an approximation of the special assessments.

<u>Garver, Woodlawn Update</u> – Dakota will be here to give his regular update on Woodlawn construction progress.

Rezoning Ordinance, Chapel Landing 6th (Item A)

At their February 10th meeting, Planning Commission reviewed TW Renovations, LLC's request to rezone property located about a quarter mile east of Oliver and a quarter mile south of 53rd Street. At the same meeting, Planning Commission held a public hearing where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the rezoning. Following the public hearing Planning Commission studied the material provided by the applicant, considered the evidence and discussed the rezoning request in relation to the City's Zoning Regulations and the 'Golden Factors' of zoning. Having thoroughly reviewed the issue Planning Commission voted (by passing a 7-0 motion) to recommend rezoning of the property from R-1 Estate Residential to R-4 Residential. The zoning Ordinance now comes before Council for approval.

Conditional Use Ordinance for an LED sign (Item B)

On February 10th, Planning Commission reviewed a request to add an LED message board sign to an existing sign pole base, located in a utility easement, in C-1 Commercial Zoning District. The applicant was present and stood for questions from the Commissioners. The Commissioners found that there would be limited impact and appreciated the upgrade to the new sign. Planning Commission voted (by passing a 7-0 motion) to recommend that Council approve the LED Message Board contingent upon a 60-day review by Planning Commission. The Ordinance to approve the Conditional Use now comes before Council for approval.

Conditional Use Ordinance for a private pool (Item C)

Also on February 10th, Planning Commission reviewed a request for a private swimming pool in an R-5 Residential Zoning District. As part of the conditional use process, a notification of the hearing was published in the newspaper and notification letters were mailed to the surrounding property owners. The Commissioners found that there would be limited impacts to the neighborhood. Having thoroughly reviewed the issue, Planning Commission voted (by passing a 7-0 motion) to recommend that Council approve the private swimming pool as presented. The Ordinance to approve the Conditional Use now comes before Council for approval.

Dedications of Land for Public Purposes (Items D-F)

At their February 10th meeting, Planning Commission reviewed and approved three Final Plats: Lycee Addition, Skyview at Block 49 2nd, and Skyview at Block 49 3rd. A separate public hearing was conducted for each plat. Within each Final Plat, certain areas are designated for public purposes, such as easements, rights-of-way, and land for public use. These dedications by the Developer now come before Council for acceptance. In each case, Planning Commission recommends that Council accept the Developer's commitment to dedicate certain land within the plat for public purposes.

<u>Skyview at Block 49 2nd (Item D)</u>- Planning Commission reviewed Block 49, LLC's request to replat approximately 22.76 acres of R-5 Residential. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence and reviewed the report provided by staff. Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes.

<u>Skyview at Block 49 3rd (Item E)</u> - Planning Commission reviewed Block 49, LLC's request to replat approximately 12.44 acres of C-2 Commercial with PUD. There were no parties wishing to speak at the public hearing regarding this plat. Following the public hearing, the Planning Commission considered the evidence and reviewed the report provided by staff. Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes.

<u>Lycee Addition (Item F)</u> - Planning Commission reviewed the City of Bel Aire and the Developer's request to replat approximately 13.15 acres of R-6 Residential and C-1 Commercial. No one spoke at the public hearing. Following the public hearing, the Planning Commission considered the evidence and reviewed the report provided by staff. Planning Commission voted (by passing a 7-0 motion) to approve the final plat without changes.

Agreement with Garver, 47th Street Reconstruction (Item G)

At the February 1st meeting, Council accepted the bid from Kansas Paving to reconstruct 47th Street. City staff typically provides construction observation services on projects that are funded through the Capital Improvement Reserve Fund. Construction observation is important to ensuring that the project gets constructed according to City standards. However, staff is currently working on several other projects and does not have enough time to properly observe the construction on this project. Staff recommends hiring a consultant to observe the construction. The City is currently working with Garver for construction observation on multiple projects. Their communication with both the Contractor, the City and interested citizens sets them apart from other firms. Staff reached out to Garver and requested a bid. The cost of the services will be paid for from the

Capital Improvement Reserve Fund. Staff recommends that Council accept the contract for Construction Observation Services from Garver in the amount not-to-exceed \$19,537.50 for the 47th Street Reconstruction Project.

Development Agreement for Skyview 2nd at Block 49 (Item H)

For every new development without a PUD, the City requires a Development Agreement be negotiated and approved. This agreement spells out in writing the responsibilities of each party during construction and thereafter. The agreement is filed with the plat for future reference. Staff and the developer have agreed upon the language contained in this agreement and it is now ready for final approval by the City Council.

Executive Session (Item XIII)

Staff has no need for an Executive Session.

<u>Discussion and Future Issues - March Workshop (Item XIV)</u>

This month the workshop is planned for March 8th at 6:30 p.m.



MINUTES CITY COUNCIL MEETING

7651 E. Central Park Ave, Bel Aire, KS April 05, 2022 7:00 PM



CALL TO ORDER: Council President Justin Smith called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present were Greg Davied, Justin Smith, and John Welch. Mayor Jim Benage joined the meeting by video conference. Diane Wynn was absent.

Also present were City Manager Ty Lasher, City Attorney Jacqueline Kelly, City Engineer Anne Stephens, City Clerk Melissa Krehbiel, and Bond Counsel Kevin Cowan of Gilmore & Bell, P.C.

- III. OPENING PRAYER: Dr. Robert Lindsted provided the opening prayer.
- IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Council President Smith led the pledge of allegiance.

V. PROCLAMATION:

- A. Luke Barnwell -Sunrise Christian Academy Men's Basketball Coach of the Year
- B. Gradey Dick Sunrise Christian Academy Men's Basketball Player of the Year

Luke Barnwell and Gradey Dick were recognized for their accomplishments. Council President Justin Smith read and signed the proclamations and presented a medal to Mr. Barnwell.

VI. DETERMINE AGENDA ADDITIONS: There were none.

VII. CONSENT AGENDA

A. Minutes of the March 15, 2022 City Council meeting.

MOTION: Councilmember Welch to approve the Consent Agenda as listed and authorize the Council President to sign. Councilmember Davied seconded the motion. *Motion carried 3-0.*

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of approving Appropriations Ordinance 22-06 in the amount of \$1,326,479.85.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance 22-06. Councilmember Welch seconded. *Motion carried 3-0*.

IX. CITY REQUESTED APPEARANCES: None

X. PUBLIC HEARING

A. IRB for Homestead Senior Residences, LLC - The purpose of the public hearing is to give property owners and other interested parties the opportunity to speak on the proposed Industrial Revenue Bond and associated exemption from ad valorem taxation of property constructed or purchased with the proceeds from the IRB for Homestead Senior Residences, LLC (Homestead Senior Landing).

Council President Smith opened the public hearing. No one spoke.

MOTION: Councilmember Welch moved to close the public hearing. Councilmember Davied seconded the motion. *Motion carried 3-0*.

XI. CITIZEN CONCERNS: No one spoke.

XII. REPORTS

A. Council Member Reports

Councilmember Smith gave a brief report on the March 24th meeting of the Chisholm Creek Utility Authority (CCUA).

B. Mayor's Report-

- Mayor Benage reported that the City recently received the Tree City USA award for 2021. Thanks to Gary Northwall and the Tree Board for their work
- There are currently two openings on the Tree Board for volunteers. Applications are available on the City's website.
- Mayor Benage recently spoke with the City's auditor, Tara Laughlin of AGH.
- He attended the most recent CCUA meeting.
- On April 1st he attended the K-254 Corridor Development Association meeting.
 Mayor Benage gave a brief report of the meeting and recent progress on the K-254 Corridor Management Plan.
- Regarding the open City Council seat created by the resignation of Dr. Joel Schroeder, Mayor Benage reported that applications will be accepted through April 15th.
- A blood donation event will be held on Friday, April 8th at Sunrise Christian Academy. Citizens can sign up at www.redcrossblood.org, or call 1-800-Red-Cross.
- The League of Kansas Municipalities (LKM) will host the Governing Body Institute on April 29-30 in Manhattan.

 Mayor Benage read a letter from Councilmember Diane Wynn announcing her resignation effective May 1, 2022.

C. City Attorney Report

City Attorney Kelly briefly reported on current Legislative issues.

D. City Manager Report

City Manager Lasher reported on upcoming events:

- Saturday April 9th is Spring Fest at the Rec Center from 1-3 pm.
- Sunrise Christian Academy student volunteers will pick up trash on 53rd street on Friday, April 8th. Other volunteers are always welcome.
- April 30th is E-Recycle and Shred Day at City Hall.
- Also on April 30th, an Arbor Day celebration will be held in Central Park.

XIII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To Sunflower Property Partners LLC.

MOTION: Council President Smith moved to approve A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Authorizing The Sale And Conveyance Of Certain Property To Sunflower Property Partners, LLC, and authorize the Council President to sign. Councilmember Welch seconded the motion. *Motion carried 3-0*.

B. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of A Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents.

MOTION: Councilmember Davied moved to approve A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds For The Purpose Of Financing The Acquisition, Construction And Equipping Of A Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents and authorize the Council President to sign. Councilmember Welch seconded the motion. *Motion carried 3-0*.

C. Consideration of purchasing a Compact Excavator for Public Works. The following quotes were received:

Bobcat \$59,924.12 John Deere \$61,815.46 Komatsu \$74,000.00 **MOTION:** Councilmember Welch moved to accept the quote from Bobcat at a cost of \$59,924.12 for a new compact excavator and authorize the Council President to sign. Councilmember Davied seconded the motion. *Motion carried 3-0*.

Consideration of accepting a bid to install streetlights in Central Park.

MOTION: Councilmember Welch moved to table the quote from Atlas Electric until the next meeting. Councilmember Davied seconded the motion. *Motion carried 3-0.*

E. Consideration of An Ordinance Providing For The Erection Of Stop Signs At A Certain Intersection (Rock Road and 53rd Street North).

MOTION: Councilmember Welch moved to approve An Ordinance Providing For The Erection Of Stop Signs At A Certain Intersection; Specifying Particular Intersection (Rock Rd and 53rd Street North); And Providing For Penalties For The Violation Thereof, All Within The City Of Bel Aire, Sedgwick County, Kansas, and authorize the Council President to sign. Council President Smith seconded the motion.

Roll Call Vote:

Greg Davied- Aye Justin Smith- Aye Diane Wynn - [absent] John Welch- Aye Motion carried 3-0.

F. Consideration of the Change Order Request from Pearson Construction for additional quantities of reinforcing steel and temporary pavement marking in the amount of \$39,281.90.

Ken Lee, Garver, stood for questions from Council.

MOTION: Councilmember Welch moved to approve the Change Order Request from Pearson Construction in the amount of \$39,281.90 for <u>Woodlawn, 37th St N to 45th St N</u>, and authorize the Council President to sign all related documents. Councilmember Davied seconded the motion. *Motion carried 3-0*.

G. Consideration of accepting the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Chapel Landing 5th.

MOTION: Councilmember Davied moved to accept the dedications within the Final Plat for Chapel Landing 5th and authorize all required signatures. Councilmember Welch seconded the motion.

Roll Call Vote:

Jim Benage – Aye Justin Smith– Aye Greg Davied-Aye

Diane Wynn – [absent]

absent] John Welch- Aye

Motion carried 4-0.

H. Consideration of An Agreement with Homestead Senior Residences Bel Aire, L.L.C., Concerning The Development Of Homestead Senior Landing, Bel Aire, Sedgwick County, Kansas **MOTION:** Councilmember Davied moved to approve An Agreement Concerning The Development Of Homestead Senior Landing, Bel Aire, Sedgwick County, Kansas, and authorize the Council President to sign. Council President Smith seconded the motion. *Motion carried 3-0.*

I. Consideration of approving a Planned Unit Development (PUD) Agreement for the development of Lycee

MOTION: Councilmember Welch moved to approve the Planned Unit Development Agreement for the development of Lycee, Bel Aire, Sedgwick County, Kansas and authorize the Council President to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Jim Benage – Aye

Greg Davied-Aye

Justin Smith- Aye D

Diane Wynn - [absent]

John Welch- Aye

Motion carried 4-0.

J. Consideration of An Agreement with Gregory Hiser Concerning The Development Of Lycee, Bel Aire, Sedgwick County, Kansas.

MOTION: Councilmember Davied moved to approve An Agreement Concerning The Development Of Lycee, Bel Aire, Sedgwick County, Kansas, and authorize the Council President to sign. Councilmember Welch seconded the motion. *Motion carried 3-0*.

K. Consideration of confirming Mayor Benage's Appointment of Councilmember Justin Smith to the Bel Aire Public Building Commission. Justin will complete the term of Joel Schroeder who resigned as Councilmember.

MOTION: Councilmember Welch moved to confirm Mayor Benage's appointment of Councilmember Justin Smith to the Bel Aire Public Building Commission. Councilmember Davied seconded the motion. *Motion carried 3-0*.

L. Consideration of confirming Mayor Benage's Re-Appointment of Gary Northwall to the Bel Aire Tree Board. The term is two years.

MOTION: Councilmember Davied moved to confirm Mayor Benage's re-appointment of Gary Northwall to the Bel Aire Tree Board. Council President Smith seconded the motion. *Motion carried 3-0*.

XIV. EXECUTIVE SESSION: There was no need for an executive session.

XV. DISCUSSION AND FUTURE ISSUES

A. April 12 Workshop at 6:30 pm?

The Council briefly discussed the agenda for the City Council workshop, which will be held on April 12, 2022 at 6:30 p.m.

XVI. ADJOURNMENT

MOTION: Councilmember Welch moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 3-0.*

OF BE

Of Its Citizen

Approved by the City Council this 19th day of April , 2022

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk