

STAFF REPORT

DATE: 03/06/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	3/13/25
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

VAC-25-01- Vacation of Platted 20' Utility Easement on Lots 7 & 8, Block 1, Sunflower Commerce Park 3rd Addition.

General Location: 5440 Sunflower Court- North of 53rd Street, between Webb and Greenwich Road.

Reason for Request: Vacate a platted 20 ft. wide utility easement along the south property line of lot 7 and the north property line of lot 8 to construct a parking lot for the development of a warehouse on subject property.

Background Information:

- The subject 20 ft. wide utility easement was established with the platting in 2023.
- The property owner intends to construct a parking lot as part of the site improvements for a building currently located on the site. In order to construct the parking lot to serve the building, the utility easement must be vacated.
- Site plan review and approval are required prior to site improvements on the property.

Legal Considerations:

- KSA 12-505 requires the Planning Commission to consider specific findings of fact which serve as the basis for the Commission's recommendation to the City Council. The findings to be determined by the Planning Commission are as follows:
 - Notice of petition to vacate and notice of the public hearing has been given in accordance with State law;
 - No private rights will be injured or endangered if the vacation is granted;
 - The public will suffer no loss or inconvenience if the vacation is granted; and
 - 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.
 - A draft resolution has been prepared based upon staff's review of the vacation request.
 - The Planning Commission may instruct staff to modify the resolution as necessary to reflect the decision of the Commission.

Findings of Fact:

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State law:
 - a. Notice was published in the City's official newspaper, The City of Bel Aire website, on February 20, 2025.
 - b. Official notice was mailed to property owners within the required notification area on February 20, 2025.
2. No private rights will be injured or inconvenienced if the vacation is granted:
 - a. Notice was provided to the following private utility agencies: Evergy and Kansas Gas Service as part of the City's general notification process.
 - i. Evergy has no objection to the vacation of the proposed utility easement and did not request any additional easement for this site plan. Any relocation or removal of existing Evergy equipment will be at the applicant's expense. There is no transmission in or near the area of the plat.
 - ii. Kansas Gas Service does not object and does not have any lines or equipment in the easement. There is a service line for the lot that may be in conflict, however, Kansas Gas Service will work directly with the customer to adjust as needed.
 - b. Owners of surrounding private properties will not be injured or inconvenienced if the vacation is granted. The utility easement is only platted on the subject property.
3. The Public will suffer no loss or inconvenience if the vacation is granted:
 - a. The subject easement is not being used as a utility easement. There are no public sanitary sewer, water, or stormwater sewer lines in the easement
 - b. Staff have not received any additional inquiries or comments after mailing the public hearing notification. The Commission will need to consider any testimony provided during the public hearing.
4. In justice to the petitioner, the vacation should be granted:
 - a. Vacating the easement will allow the applicant to proceed with site plan review and design of the parking lot to facilitate the development of a warehouse on the subject property.
 - b. There are no conflicts with private or public utilities.
 - c. The vacation should be granted

RECOMMENDED MOTION:

- Approve the vacation of a 20 ft. utility easement on Lots 7 and 8, Block 1, Sunflower Commerce Park 3rd Addition and forward to the City Council for consideration at its regular meeting on March 18, 2025.

Attachments:

Location Map

Vacation Application

Vacation Application Attachments: Land Title Survey and Site Plan

Notification

Ownership List

(Notification posted on the City of Bel Aire website, the designated official City newspaper for the City of Bel Aire on February 20, 2025)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

VAC-25-01. Vacate 20' Utility Easement Reception No. PC 314-1

Legal Description: Lots 7 and 8; Block 1, Sunflower Commerce Park 3rd Addition, Bel Aire, Sedgwick County, Kansas.

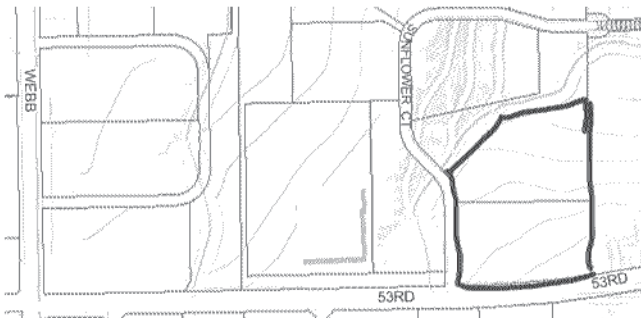
General Location: 5440 Sunflower Court- E 53rd St and Webb Rd.

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 20 day of February 2025.

/s/ Paula Downs

Bel Aire Planning Commission Secretary





AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

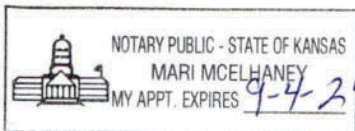
Being first duly sworn, deposes and says:

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 Official Notice of Zoning Hearing PUD-24-04 is a true copy thereof and was published on such website beginning on the 20th day of February, 2025.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 20th day of February, 2025.



(seal)

Mari McElhane
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



OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 8, Blk 1 Subject Property	Sunflower Commerce Park 3rd Addition	Bayside Development, LLC 3819 N. Toben St. Wichita, KS 67226
Lot 7, Blk 1 AND Reserves A & B	“	Bayside Development, LLC 3819 N. Toben St. Wichita, KS 67226
Lot 3, Blk A AND Reserve A	Sunflower Commerce Park 2nd Addition	BA Industrial, LLC 165 S. Rock Island, Ste. 300 Wichita, KS 67202
Lot 7, Blk C	Sunflower Commerce Park Addition	Stream’s Edge Properties, LLC 6450 Poe Ave, Ste. 311 Dayton, OH 45414
Lot 8, Blk C	“	Waltons, Inc. 3639 N. Comotara St. Wichita, KS 67226
Reserve C	“	City of Bel Aire Public Building Commissio 7651 E. Central Park Ave. Bel Aire, KS 67226



Security 1st Title

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described lots within a 200 foot radius of:

Lot 8, Block 1, Sunflower Commerce Park 3rd Addition to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of February, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER

Order: 3117562

KJK

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.

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-
- ☐ Vacate building set back From: _____ to _____
- ☐ Vacate street or alley: _____
- ☒ Vacate utility easement 20' Utility Easement Reception No. PC 314-1
- ☐ Vacate other _____
- ☐ Apply for Vacation in conjunction With a Conditional Use or Variance application.

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner Bayside Development, LLC

Address 3819 N Toben St, Wichita, KS 67226 Telephone _____

Agent representing the owner Garrett George (CESO, Inc.)

Address 1000 Legion Place, Orlando, FL 32801 Telephone 321-759-4889

1. The application area is legally described as Lot(s) 7&8; Block(s) 1, Sunflower Commerce Park 3rd Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 19.76 acres.

3. This property is located at (address) 5440 Sunflower Court which is generally located at (relation to nearest streets) E 53rd Street and Greenwich Road.

4. The particular hardship which is the result of this request as applied to the subject property:

The easement in question was dedicated as part of the master development. The two lots that the easement bisect will be owned by the same entity, with development spanning across the easement. As such, there is no need for an easement with both lots being under common ownership.

5. County control number: _____

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 Bayside Development, LLC Phone _____
Address 3819 N Toben St, Wichita, KS Zip Code 67226

Agent Garrett George (CESO, Inc.) Phone _____
Address 1000 Legion Place, Orlando, FL Zip Code 32801

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 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.



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.

LOCATED IN: SECTION 16, TOWNSHIP 26 SOUTH, RANGE 2 EAST
BEL AIRE, SEDGWICK COUNTY, KANSAS 67226

[illegible]

LINE	BEARING	DISTANCE
1	S. 20° 45' 00" E	3.74

WAVELENGTH	WAVELENGTH	WAVELENGTH	WAVELENGTH	WAVELENGTH	
μm	nm	μm	nm	μm	
1.0	1000	1.5	1500	2.0	2000
1.2	1200	1.8	1800	2.5	2500
1.5	1500	2.0	2000	3.0	3000
1.8	1800	2.5	2500	3.5	3500
2.0	2000	3.0	3000	4.0	4000
2.5	2500	3.5	3500	4.5	4500
3.0	3000	4.0	4000	5.0	5000
3.5	3500	4.5	4500	5.5	5500
4.0	4000	5.0	5000	6.0	6000
4.5	4500	5.5	5500	6.5	6500
5.0	5000	6.0	6000	7.0	7000
5.5	5500	6.5	6500	7.5	7500
6.0	6000	7.0	7000	8.0	8000
6.5	6500	7.5	7500	8.5	8500
7.0	7000	8.0	8000	9.0	9000
7.5	7500	8.5	8500	9.5	9500
8.0	8000	9.0	9000	10.0	10000

BLEW

Surveying | Engineering | Environmental
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLWINCCOM
OFFICE: 479.443.4506 FAX: 479.582.1883
WWW.BLWINCCOM

SURVEYOR JOB NUMBER: 4-3225	SURVEY DRAWN BY: TL - 11/21/2024
SURVEY REVIEWED BY: D	SHEET: 3 OF 9

