



**AGENDA**  
**PLANNING COMMISSION**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**April 13, 2023 6:30 PM**



**I. Call to Order**

**II. Roll Call**

James Schmidt \_\_\_\_ John Charleston \_\_\_\_ David Floyd \_\_\_\_

Phillip Jordan \_\_\_\_ Dee Roths \_\_\_\_ Heath Travnichek \_\_\_\_ Paul Matzek \_\_\_\_

**III. Pledge of Allegiance**

**IV. Consent Agenda**

A. **Approval of Minutes from Previous Meeting**

**Action:** Motion to approve the minutes of March 9th, 2023.

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**V. Old Business/New Business**

A. **PUD-23-01.** Final plat for approximately 2.4 acres for the Arthur Heights PUD.

**Open hearing**

**Close hearing**

**Action:** Motion to (recommend / deny / table) the final plat for Arthur Heights (as presented / with changes or conditions / without changes or conditions).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

B. **SD-23-03. Bel Aire Lakes Addition Final Plat - Request to plat approximately 78.80 acres of the single-family residential use as R-5 zoning district.**

**Action:** Motion to (recommend / deny / table) Bel Aire Lakes Final Plat (as presented / with changes or conditions / without changes or conditions).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

C. **SD-23-02 Preliminary Plat.** Approximately 13.6 acres zoned R-4 (Chapel Landing 7th).

**Open Hearing**

### **Close Hearing**

**Action:** Motion to (accept / deny / table) the preliminary plat for Chapel Landing 7th Addition (as presented / with changes or conditions / without changes or conditions).

Motion                  Second                  Vote

- D.    **CON-23-03 Property owner has requested to add an LED sign at Resurrection Catholic School in R-6 zoned area.**

### **Open Hearing**

### **Close Hearing**

**Action:** Motion to recommend to (approve/ deny / table) the sign proposed at the Resurrection Catholic School in an R-6 district (as presented / with changes or conditions / without changes or conditions).

- E.    **VAC-23-02 Vacating 10' back building setback to 4' at the Villas at Prestwick.**

### **Open Hearing**

### **Close Hearing**

**Action:** Motion to (recommend / deny / table) the request to vacate the back building setback from 10' to 4' at Villas at Prestwick (as presented / with changes or conditions / without changes or conditions).

Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote\_\_\_\_\_

## **VI. Next Meeting: Thursday, May 11 at 6:30 PM**

**Action:** Motion to (approve / deny / table) next meeting date: May 11, 2023 at 6:30 p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

## **VII. Staff Report**

- A.    Staff Report

## **VIII. ADJOURNMENT**

**Action:** Motion to adjourn.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_



# MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS March 09, 2023 6:30 PM



## I. Call to Order

## II. Roll Call

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

Also present were, Planning Commission Secretary, Jay Cook, and Code Enforcement Officer, Garrett Wichman.

## III. Pledge of Allegiance to the Flag – Phillip Jordan led the Pledge of Allegiance.

## IV. Consent Agenda

### A. Approval of Amended Minutes from Previous Meeting

**Motion:** Commissioner Floyd made a motion to approve the minutes of February 9, 2023. Commissioner Roths seconded the motion. ***Motion carried 5-0***

## V. Old Business/New Business

### A. **PUD-23-01 Preliminary Plat.** For approximately 2.4 acres for the Arthur Heights PUD.

Vice-Chairman Jordan opened the public hearing. Dennis McCallum, 4650 N. Hillcrest was the first citizen to comment. Dennis was wanting to know exactly what has changed and what will be going on the lots. Ken Lee with Garver mentioned to the Commission if he could speak on this matter before the public hearing, that the citizens would then have a better understanding.

Secretary, Jay Cook agreed to have Will Clevenger and Ken Lee with Garver speak upon this matter, then allow the public hearing to be re-opened for discussion. Ken stated that they lowered the density to thirteen (13) units and to incorporate storage units next to the neighboring lots instead of residential units, to be in favor of the community. The parking requirement will now allow three (3) parking stalls for each unit.

After the discussion from Garver, Vice-Chairman Jordan allowed time for citizen concerns. Secretary Jay Cook offered Dennis McCallum the opportunity to speak again if he had more comments, Dennis McCallum had no further comments. Carol Russell, 6218 E 45<sup>th</sup> St. N, did want to know if it is going to be thirteen (13) units or buildings that are going to be built. Jay Cook did answer her and state that it would be thirteen (13) units in total. There will

be seven (7) structures total, six (6) of those duplexes and one (1) to be a single-family home by the R-5 PUD.

Ken Lee did state that the preliminary drainage concept was approved by Anne Stephens, City Engineer. All drainage will go to a retention pond that will be placed on the lot. This will allow to pick up all of the water that comes from the North.

Vice-Chairman Jordan closed the hearing and the Planning Commission discussed the plat presented. It was stated that the land needed to be split into two tracts to allow for a city road on the property. The Commission discussed the applicant's willingness to stay within the rules of the existing PUD and to lessen the density of the request as well as provide more parking for the dwellings.

**Motion:** Commissioner Roths made a motion to accept the preliminary plat for Arthur Heights without changes. Commissioner Charleston seconded the motion. ***Motion carried 5-0***

B. **SD-23-01 Preliminary Plat.** Approximately 0.64 acres zoned R-5 to move previously platted reserve A (Park) to separate location on the original plat and replace it with buildable lots.

Vice-Chairman Jordan opened the hearing to speak on the Preliminary Plat. Will Clevenger with Garver explained that the developer had offered more ideal lots for the park that was originally located in Reserve A. With the Reserve being moved, the client requested putting three buildable lots back in Reserve A. The hearing was closed. After a brief discussion of the application, the Planning Commission decided this was reasonable considering the park being moved.

**Motion:** Commissioner Roths made a motion to accept the preliminary plat for alterations to Skyview at Block 49<sup>th</sup> 4<sup>th</sup> Addition without conditions. Commissioner Charleston seconded the motion. ***Motion carried 5-0***

C. **SD-23-01 Final Plat.** Approximately 0.64 acres zoned R-5 to move previously platted reserve A (Park) to separate location on the original plat and replace it with buildable lots.

Vice-Chairman Jordan opened the hearing and allowed Will Clevenger with Garver to speak on behalf their client. The plat was to provide buildable lots where the original park was located. The hearing was closed and the Planning Commission discussed and agreed upon the merits of the plat and its contents.

**Motion:** Commissioner Matzek made a motion to accept the final plat for alterations to Skyview at Block 49<sup>th</sup> 4<sup>th</sup> Addition without conditions. Commissioner Jordan seconded the motion. ***Motion carried 5-0***

**VI. Next Meeting: Thursday, April 13th at 6:30 PM**

After brief discussion the Planning Commission agreed upon April 13th, 2023, at 6:30 p.m.

**MOTION:** Commissioner Floyd made the motion to approve the next meeting date to April 13, 2023, at 6:30 p.m. Commissioner Jordan seconded the motion. ***Motion carried 5-0.***

## **VII. Director Report and Attorney Training**

Planning Commission Secretary, Jay Cook, asked the Planning Commissioners to review a re-zone just north of Deer Run Subdivision. Currently it is zoned commercial but is looking to possibly re-zone to R-1.

City Attorney, Jacqueline Kelly, spoke to the Planning Commission as a training refresher of main tools needed.

## **VIII. ADJOURNMENT**

**MOTION:** Commissioner Floyd made a motion to adjourn the meeting. Commissioner Charleston seconded the motion. ***Motion carried 5-0.***

CITY OF BEL AIRE, KANSAS

 PUD-23-01  
 Final Plat  
 File No. S/D \_\_\_\_\_
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 Subdivision ARTHUR HEIGHTS ESTATES  
 General Location NORTHWEST OF 45<sup>TH</sup> ST. N. & WOODLAWN  
 Inside City \_\_\_\_\_ To Be Annexed \_\_\_\_\_  
 Name of Landowner RKR, LLC (ATTN. RUSS RELPH) RPRelph@gmail.com  
 Address 8550 SW PARALLEL ST, TOWANDA, KS 67144 Phone (316) 993-4663  
 Name of Subdivider/Agent \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Name of (Engineer) (Land Planner) GARVER (KEN LEE) KWLee@GarverUSA.com  
 Address 1995 MIDFIELD RD, WICHITA, KS 67209 Phone (316) 221-3029  
 Name of Registered Land Surveyor GARVER (WILL CLEVENGER) WKClevenger@GarverUSA.com  
 Address 1995 MIDFIELD RD, WICHITA, KS 67209 Phone (316) 221-3027

Subdivision Information

1. (Select one) Final Plat of entire preliminary plat area X  
 Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments  
 Final Plat for small tract \_\_\_\_\_  
 Final Replat of original platted area \_\_\_\_\_
2. Gross acreage of plat 2.34 Acres
3. Total number of lots 2
4. Proposed land use:
  - a. Residential-Single-Family X Duplex X Multiple-Family \_\_\_\_\_  
 Manufactured/Mobile Home \_\_\_\_\_
  - b. Commercial STORAGE FACILITY
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_

5. Predominant minimum lot width 66 Feet  
 6. Predominant minimum lot area 33,788 Square Feet  
 7. Existing zoning C-2 (PUD) District  
 8. Proposed zoning SAME District  
 9. Source of water supply PUBLIC  
 10. Method of sewage disposal PUBLIC  
 11. Total lineal feet of new street \_\_\_\_\_ Feet

|    | Street Name                    | R/W Width     | Lineal Feet    |
|----|--------------------------------|---------------|----------------|
| a. | <u>45<sup>TH</sup> ST N CT</u> | <u>60</u> Ft. | <u>236</u> Ft. |
| b. | _____                          | _____ Ft.     | _____ Ft.      |
| c. | _____                          | _____ Ft.     | _____ Ft.      |
| d. | _____                          | _____ Ft.     | _____ Ft.      |
| e. | _____                          | _____ Ft.     | _____ Ft.      |

12. Proposed type of street surfacing CONCRETE  
 13. Curb and gutter proposed: Yes X No \_\_\_\_\_  
 14. Sidewalks proposed: Yes \_\_\_\_\_ No X If yes, where? \_\_\_\_\_  
 15. Is any portion of the proposed subdivision located in an identified flood plain area? Yes \_\_\_\_\_ No X

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. It is further agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

[Signature] 3-1-2023 \_\_\_\_\_  
 Landowner Date Agent (If any) Date

#### OFFICE USE ONLY

Prints of the Final Plat received 15 (Number)

Final drainage plan, if required, received \_\_\_\_\_

Copy of a title report for the land received Yes

Copy of proposed restrictive covenants, if any, received \_\_\_\_\_

Methods for financing and guaranteeing improvements \_\_\_\_\_

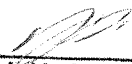
For plats for small tract:

a. Vicinity map received \_\_\_\_\_

b. Topographic drawing, if required, received \_\_\_\_\_

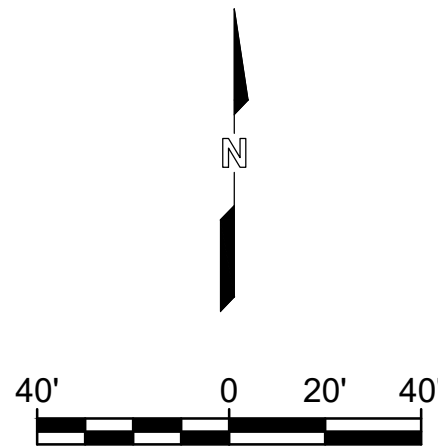
Original drawing or photographic equivalent of Final Plat received Y/15

This application was received by the Subdivision Administrator on 3/3, 2023. It has been checked and found to be accompanied by the required information and the fee, if any, of \$ 120 paid to the City Clerk.

  
Subdivision Administrator

# ARTHUR HEIGHTS ESTATES

Bel Aire, Sedgwick County, Kansas  
Part of the SE1/4 of Sec. 24 and NE1/4 of Sec. 25, T26S, R1E



BENCHMARK:  
CHISELED SQUARE WITH DIVOT ON THE CONCRETE  
TRANSFORMER PAD IN LOT 2, BLOCK 1, NORTH  
WOODLAWN SECOND ADDITION, SEDGWICK COUNTY,  
KANSAS, 91° W. AND 72° S. OF THE CENTER OF  
INTERSECTION OF 45TH ST. N. AND WOODLAWN  
ELEVATION = 1393.91 (NAVD88, G18)

(BASIS) = Basis of Bearings = Kansas Coordinate  
System of 1983 South Zone Grid Bearing

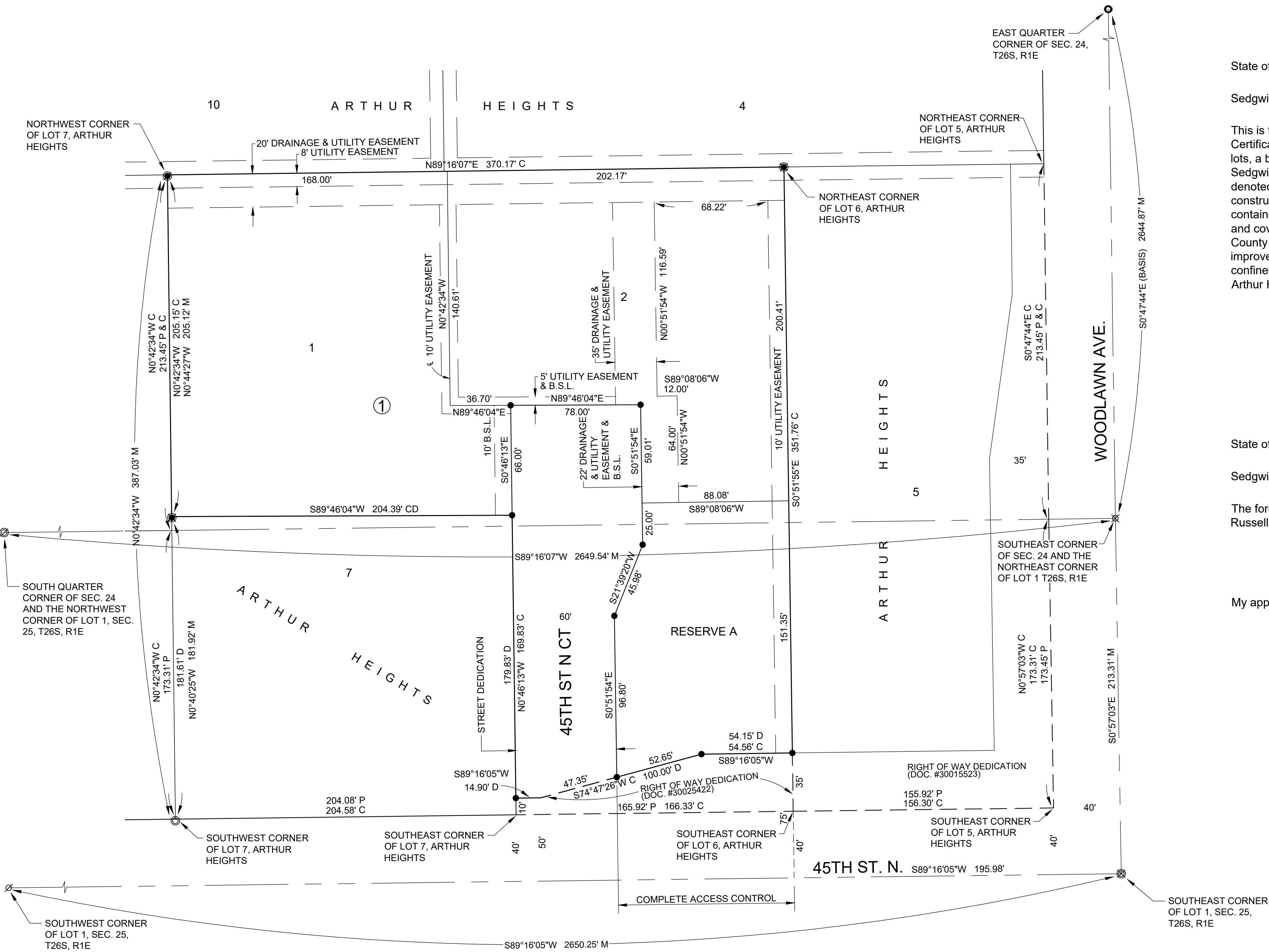
P = Platted  
M = Measured  
C = Calculated  
D = Described  
B.S.L. = Building Setback Line

#### SURVEY MARKER LEGEND

- 1/2" IRON PIPE (FOUND - ORIGIN UNKNOWN)
- ⊗ 1/2" REBAR (FOUND - ORIGIN UNKNOWN)
- ⊗ 5/8" REBAR (FOUND - ORIGIN UNKNOWN)
- ⊗ 1/2" IRON PIPE (FOUND - ORIGIN UNKNOWN)
- ⊗ 3/4" IRON PIPE (FOUND - ORIGIN UNKNOWN)
- ⊗ 1" IRON PIPE (FOUND - ORIGIN UNKNOWN)
- ⊗ 3/4" REBAR (FOUND - ORIGIN UNKNOWN)
- ⊗ 1/2" REBAR W/KAW VALLEY ENGINEERING CAP (FOUND)
- ⊗ 5/8" REBAR W/UNREADABLE CAP (FOUND - ORIGIN UNKNOWN)
- 1/2" REBAR W/GARVER CAP (SET)

| PARCEL         | SQ. FT.  |
|----------------|----------|
| LOT 1, BLOCK 1 | 36,987.2 |
| LOT 2, BLOCK 1 | 33,780.6 |
| RESERVE A      | 15,495.5 |

| MINIMUM BUILDING PAD<br>ELEVATION FOR LOWEST<br>OPENING INTO STRUCTURES |         |                       |
|-------------------------------------------------------------------------|---------|-----------------------|
| BLOCK                                                                   | LOT NO. | ELEVATION<br>(NAVD88) |
| 1                                                                       | 2       | 1395.0                |



State of Kansas )  
SS  
Sedgwick County)

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on \_\_\_\_\_, 2023 and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

Lot 6, Arthur Heights, Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southeast Corner of said Lot 6; thence West along the South line of said Lot 6, 165.92 feet to the Southwest corner of said Lot 6; thence North along the West line of said Lot 6, 10.00 feet; thence East parallel with said South line, 14.90 feet; thence Northeast, 100.00 feet to a point 35.00 feet North of said South line; thence East parallel with said South line, 54.15 feet to the East line of said Lot 6; thence South along said East line, 35.00 feet to the point of beginning; TOGETHER WITH Lot 7, Arthur Heights, Sedgwick County, Kansas, EXCEPT that part of Lot 7 described as follows: Beginning at the Southwest corner of said Lot 7; thence northerly, on the West line of said Lot 7 a distance of 181.61 feet; thence easterly to a point on the East line of said Lot 7, said point being 179.83 feet north of the Southeast corner of said Lot 7; thence southerly, on said East line, a distance of 179.83 feet to said Southeast corner; thence westerly on the South line of said Lot 7, a distance of 204.08 feet to the point of beginning.

All public easements and dedications are hereby vacated by virtue of K.S.A. 12-512b, as amended.

Garver, LLC

Land Surveyor

William K. Clevenger, PS #1437

State of Kansas )  
SS  
Sedgwick County)

This is to certify that the undersigned owner(s) of the land described in the Land Surveyor's Certificate have caused the same to be surveyed and subdivided on the accompanying plat into lots, a block, a reserve and a street under the name of "ARTHUR HEIGHTS ESTATES", Bel Aire, Sedgwick County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas. Reserve "A" is hereby reserved for irrigation, walls, lighting, landscaping, park improvements, a pond, parking, walks, signage, drainage, drainage structures, and utilities confined to easements. Reserve "A" is to be owned and maintained by the owner of Lot 2, Block 1, Arthur Heights Estates, Bel Aire, Sedgwick County, Kansas.

RKR, LLC

Member

Russell P. Relph

State of Kansas )  
SS  
Sedgwick County)

The foregoing instrument acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Russell P. Relph, Member, on behalf of RKR, LLC.

Notary Public

My appointment expires \_\_\_\_\_.

State of Kansas )  
SS  
County of Sedgwick)

This plat of "ARTHUR HEIGHTS ESTATES", Bel Aire, Sedgwick County, Kansas, has been submitted to and approved by the Bel Aire Planning Commission, Bel Aire, Kansas, and is hereby transmitted to the City Council of the City of Bel Aire, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairperson

James Schmidt

Attest:

Secretary

Jay Cook

State of Kansas )  
SS  
County of Sedgwick)

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Bel Aire, Kansas on \_\_\_\_\_, 2023.

Mayor

Jim Benage

Attest:

City Clerk

Melissa Krehbiel

State of Kansas )  
SS  
County of Sedgwick)

The title evidence of the land included in this plat has been reviewed by me and this plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: \_\_\_\_\_, 2023.

By:

Jennifer M. Hill, City Attorney

Reviewed in accordance with K.S.A. 58-2005 on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Deputy County Surveyor

Sedgwick County Kansas

Tricia L. Robello, PS #1246

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

County Clerk

Kelly B. Arnold

State of Kansas )  
SS  
Sedgwick County)

This is to certify that this plat has been filed for record in the office of the Register of

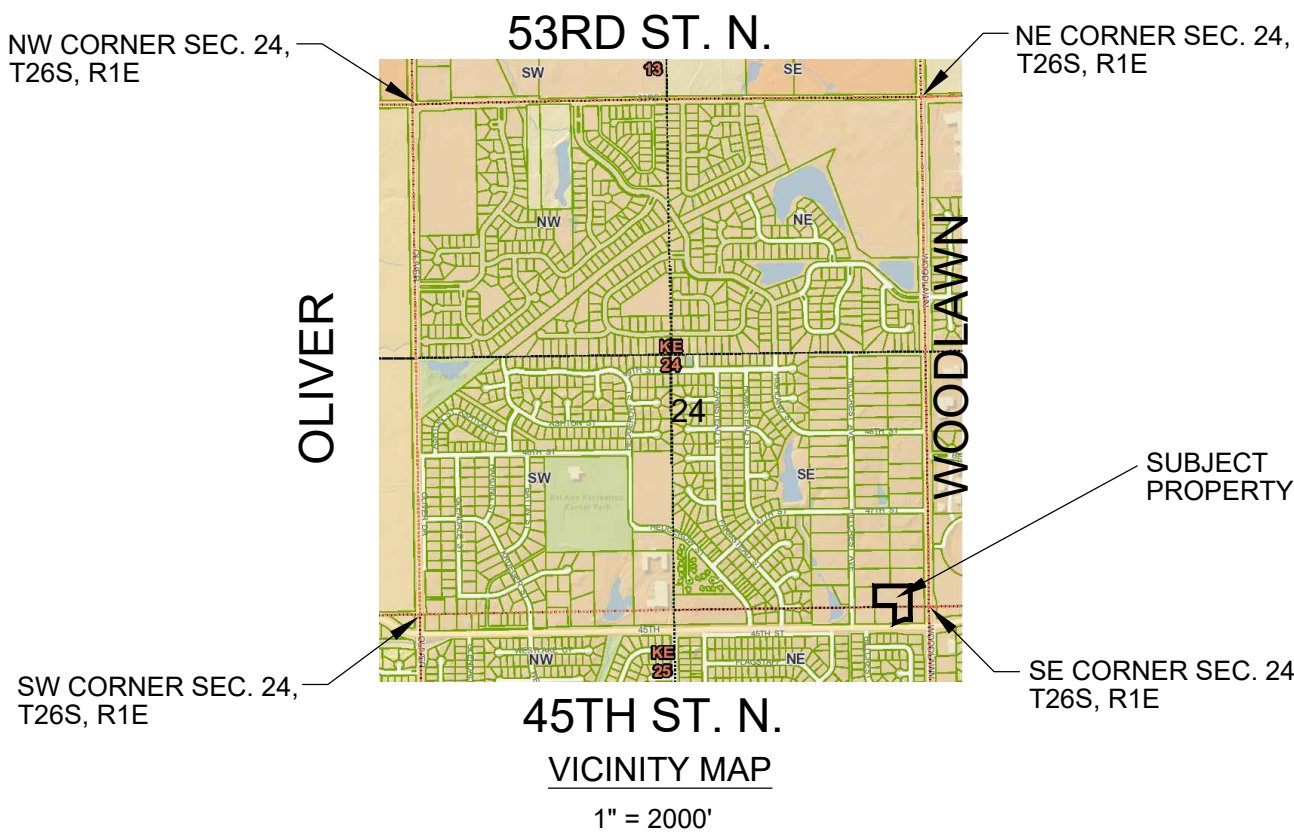
Deeds, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and is duly recorded.

Register of Deeds

Tonya Buckingham

Deputy

Kenly Zehring



DWG FILE: 22S04005 SURVEY BASE  
PROJECT NO. 22S04005  
MARCH 29, 2023



GARVER  
1995 MIDFIELD RD.  
Wichita, KS 67209  
(316) 264-8008  
www.GarverUSA.com

**AGREEMENT  
CONCERNING THE DEVELOPMENT  
OF ARTHUR HEIGHTS ESTATES,  
BEL AIRE, SEDGWICK COUNTY, KANSAS**

This agreement is made and entered into by and between RKR, LLC, 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 ARTHUR HEIGHTS ESTATES, Bel Aire, Sedgwick County, Kansas (hereinafter, ARTHUR); and

**WHEREAS**, the CITY is willing to plat said ARTHUR under certain applicable conditions stated herein;

**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 public interest, infrastructure, financial, and drainage conditions arising from the platting process. As such, approval of this Agreement is a condition precedent to the filing of the final plat and conveyance of the tract of land more fully described below and herein referred to as ARTHUR.

Specifically, this agreement is to assure that necessary improvements are in place to support development of ARTHUR. 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 DEVELOPER shall strictly observe and comply with the terms of this Agreement, all regulations, resolutions, policies, and ordinances of the CITY and Sedgwick County, and all statutes and laws of the State of Kansas and of the United States.

The development of ARTHUR shall proceed in accordance with this Agreement and all other platting requirements. Any deviation, may result in suspension or termination of such building permit. It is understood by the parties that the final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted by the DEVELOPER and approved by the CITY 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 incurred by DEVELOPER to comply with the requirements of this agreement including permit fees, review fees, and building and zoning permit and review fees, shall be paid by the DEVELOPER.

**ARTHUR LEGAL DESCRIPTION:** The tract of land herein referred to as Arthur Heights Estates, Bel Aire, Sedgwick County, Kansas, has the following pre-platting legal

description, to-wit:

Lot 6, Arthur Heights, Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southeast Corner of said Lot 6; thence West along the South line of said Lot 6, 165.92 feet to the Southwest corner of said Lot 6; thence North along the West line of said Lot 6, 10.00 feet; thence East parallel with said South line, 14.90 feet; thence Northeast, 100.00 feet to a point 35.00 feet North of said South line; thence East parallel with said South line, 54.15 feet to the East line of said Lot 6; thence South along said East line, 35.00 feet to the point of beginning; TOGETHER WITH Lot 7, Arthur Heights, Sedgwick County, Kansas, EXCEPT that part of Lot 7 described as follows: Beginning at the Southwest corner of said Lot 7; thence northerly, on the West line of said Lot 7 a distance of 181.61 feet; thence easterly to a point on the East line of said Lot 7, said point being 179.83 feet north of the Southeast corner of said Lot 7; thence southerly, on said East line, a distance of 179.83 feet to said Southeast corner; thence westerly on the South line of said Lot 7, a distance of 204.08 feet to the point of beginning.

**PERMITTED USE:** All lots are zoned to C-2 (Planned Unit Development – Ordinance No: 642), to remain controlled by a for-profit development, as a single controlling entity or owner for the approved development as presented, and construction upon such lots shall adhere to the following conditions:

- A.
  1. Two-family dwelling units (duplexes) as shown on the approved site plan.
  2. Accessory structures to contain trash or mowing equipment as approved.
  3. Single-family dwelling units as shown on the approved site plan.
  4. Commercial uses on Lot 1, Block 2 shall be limited to the PUD allowed uses

**CONSTRUCTION PERIOD REQUIREMENTS.** In addition to other requirements set forth within this agreement regarding property maintenance, the following requirements shall be met specifically during the period of time during which construction of ARTHUR is being developed:

All lots covered by this Agreement shall be subject to the CITY'S storm water regulations. The Contractor shall install and the DEVELOPER maintains the storm water protection devises established by the CITY and shown in the construction plans for master drainage / grading plan until such time the devises are no longer needed due to the adequate establishment of ground cover. All lots covered by this agreement shall be kept clean, shall

not pond water, shall be mowed to a height not exceeding twelve (12) inches, and shall comply with all applicable laws and regulations pertaining to erosion control.

All temporary construction units must be removed when building in the immediate vicinity is completed. Temporary construction units will be relocated to areas actively being constructed.

All temporary utility connections made to expedite the development must be removed immediately as utility services are provided; i.e. temporary above ground power supply.

Vehicle access to the tract of land herein referred to as ARTHUR shall be limited to One (1) entry point along 45<sup>th</sup> Street North as recommended by the Sedgwick County Fire Department for fire protection purposes and emergency vehicles. Traffic in ARTHUR shall be limited to vehicles under 20 tons.

**DETENTION PONDS.** Any on-site detention ponds will be designed to control two, twenty-five year storm events and one, hundred year storm event. Additionally, the ponds will act as temporary sedimentation basins during construction but are limited to the amount of sediment allowed and DEVELOPER responsible for any dredging required.

Any on-site detention ponds and associated inflow and outflow systems to the property as well as the reserves, and ditches are to be maintained by the DEVELOPER indefinitely unless transferred to a home owner's association or equal resolution approved by the CITY, excluding paving and utilities within dedicated rights of ways as indicated on plat documents. Failure of the DEVELOPER to maintain such areas and property as described shall be grounds for the CITY to enforce this provisions as a nuisance abatement action, at the cost and expense of the DEVELOPER as set forth in K.S.A. 12-1617e.

**DRAINAGE.** Protecting surrounding platted property from the impacts of changes in drainage across such property resulting from the development of ARTHUR must be addressed as part of the platting process. The DEVELOPER shall prepare a storm drainage plan which shall address the various impacts of increased/modified drainage, meet CITY drainage specifications, and be approved by the City Engineer. Prior to approval of said proposed storm drainage plan, the City Engineer may impose modifications upon such proposed plan as Engineer deems necessary to insure the effectiveness of such plan. After approval by the City Engineer of said storm drainage plan, including any necessary modifications, the DEVELOPER shall install, or cause to be installed, the improvements pursuant to the drainage plan.

The DEVELOPER shall maintain a master drainage plan throughout the development stage for each parcel.

**DRAINAGE PLAN.** The DEVELOPER must provide a maintenance plan that will provide adequate provisions to protect the master drainage plan. The Maintenance Plan will include but not limited to: how to initiate the maintenance process for the drainage plan,

how to inspect, what to inspect, when to inspect, how to correct drainage problems that are discovered, the appropriate records to be maintained and designating the party responsible for maintaining such records.

**ELECTRIC:** All electric lines shall be installed underground and paid for by the DEVELOPER.

**EROSION, STORMWATER, AND SEDIMENT CONTROL.** The DEVELOPER must follow all National Pollution Discharge Elimination System (NPDES), Kansas Department of Health & Environment (KDHE) and City of Bel Aire Standards for erosion, stormwater, and sediment control on site.

**FENCING & SCREENING:** Fencing and screening methods and materials shall blend in with the architectural design of the buildings and to reasonably hide the materials, trash and recycling containers from ground view, and all fencing and screening methods and materials must be pre-approved in writing by the CITY. Outside storage facilities shall comply with the applicable ordinances and zoning regulations of the CITY. No barbed wire is allowed. If any fencing or screening is installed by the DEVELOPER along 45<sup>th</sup> Street North or other areas during Development, all future maintenance and upkeep shall be performed by the Developer or HOA.

**FIRE HYDRANTS:** All fire hydrants shall be of a type and quality specified by CITY Specification Standards, but not less than the minimum standards of the National Board of Fire Underwriters, and shall be provided and connected to the CITY'S municipal water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

**FOUNDATION CERTIFICATIONS.** Foundation Certifications will be required on each foundation after construction. Minimum low opening certifications will be required on all lots with minimum pad elevations indicated on the face of the plat.

**HOMEOWNERS' ASSOCIATION.** DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, drainage paths, detention ponds and construction areas associated with ARTHUR. Any land dedicated to or owned by a municipal authority shall be exempt from any and all assessments including those assessed by Homeowners Association Covenants. Land within this plat owned by such a municipal organization exempt from taxation by the laws of the State of Kansas, shall not be subject to any non-taxing authority assessments throughout the duration of such ownership.

**INFRASTRUCTURE PETITION AND INSTALLATION:** The development of ARTHUR may be accomplished by virtue of a multiple-phase process. Representatives of the parties shall formally meet and review the existing and proposed phases of development as well as the requirements of this agreement, prior to the submission of petitions for infrastructure improvements for each phase of development.

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, street lights and telephone service shall be installed underground. The CITY shall perform the engineering design, construction and inspection of water mains, sanitary sewer mains, storm water systems and paving necessary for the platting and development of the tract of land herein referred to as the Arthur Heights Estates, Bel Aire, Sedgwick County, Kansas. With the exception of storm sewer systems, all other improvements shall be dedicated to and owned and maintained by the CITY. Said improvements shall be installed on CITY owned property or within public right of ways or easements. The DEVELOPER shall reimburse the CITY for the actual costs of the engineering design, construction, and inspection of all improvements necessary for the platting and development of the tract of land herein referred to as the ARTHUR unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas.

The DEVELOPER shall dedicate necessary public right-of-ways and easements and install, or cause to be installed, all improvements necessary for the platting and development of the tract of land herein referred to as the ARTHUR. Said improvements include, but are not limited to streets, curb, gutter, street signs, storm water system, sidewalks, water distribution system, sanitary sewer lines, corner pins, and utilities. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during construction. The DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire.

Whenever existing sanitary sewer, storm water, water lines, drainage channels, culverts, underground and overhead electric, communications, gas lines, pipe lines or transmission lines are required to be installed, lowered, encased, modified or relocated due to the subdivision or construction improvements required, and in the event it was not known at time of platting approval, the DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during said construction.

**LANDSCAPING & SCREENING:** The DEVELOPER shall submit and have approved by the CITY, a "Landscape Plan" that is representative of the landscaping to be provided as each phase of ARTHUR 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 street tree requirements. 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 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.

**LIGHTING:** A Street and parking lighting plan shall be submitted to the CITY for approval and comply with the City zoning ordinance. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare. Wood poles shall not be used.

**MAINTENANCE:** DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, irrigation systems including those along 45<sup>th</sup> Street North right-of-way and construction outside boundaries of ARTHUR.

**PERMITS.** No construction shall commence on any portion of the tract of land herein referred to as ARTHUR without the DEVELOPER having first obtained the proper building and zoning permits from the CITY.

**ROADWAYS, PARKING, DRIVES, and ACCESS:** The DEVELOPER shall cause to be installed, according to the design standards of the CITY, minimum thirty one (31) foot back to back paved street with curb and gutter on 45<sup>th</sup> St N Ct in ARTHUR. If asphalt paving is used, the section shall consist of a minimum of 7" of asphalt with either a 5" reinforced rock base or a 5" concrete stabilized subgrade. If concrete paving is used, the pavement section shall be a minimum of 6" with 5" reinforced rock base. The CITY will determine which material shall be used after reviewing cost, safety, feasibility, and feedback from the DEVELOPER.

All driveways shall be constructed in compliance with CITY ordinance. Access controls are as shown on the final plat of ARTHUR.

**SANITARY SEWER:** The DEVELOPER shall petition the CITY to perform the engineering design review, construction and inspection of collection lines, not less than (8) inches in diameter, to transport sewage and discharge into existing downstream sanitary sewer mains. Said sewer main shall be dedicated to and owned and maintained by the CITY. Said sewer main shall be installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted by the DEVELOPER or acquired as part of the construction project and dedicated by separate instrument. Each living unit is required to have a separate sewer tap and sewer service line. All Sanitary Sewer User Fees and Hookup Fees are subject to City Ordinances.

**SIDEWALKS:** Sidewalks shall be installed on one side of 45<sup>th</sup> St N Ct as delineated on the preliminary plat. Sidewalks shall comply with the ADA Accessibility Guidelines (ADAAG). Sidewalks shall be handicap accessible and be required to extend or complete connecting links in the sidewalk system.

In general, sidewalks shall be constructed with the outside edge of the sidewalk as close as practical to the property line, subject to the discretion of the engineer designated by the CITY. The Sidewalk along shall be 5 feet wide (5" thick). Sidewalks shall be installed per the sidewalk plan approved by the CITY with curb ramps for road crossings. Sidewalks shall be installed when the streets are installed, unless an alternate approved plan is accepted by the city Engineer.

**SIGNAGE.** Signs, other than street or traffic / regulatory, of such location, type and size as shall be approved as part of the building permit process or by the Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the CITY for written approval.

Signs are to be maintained by the DEVELOPER indefinitely unless transferred to a home owner's association any alternative plan must be approved by the CITY. Failure of the DEVELOPER to maintain such areas and property shall be grounds for the CITY to enforce this provision as a nuisance abatement action, at the cost and expense of the DEVELOPER and/or HOA.

**WATER:** The DEVELOPER shall petition the CITY to perform the engineering design, construction and inspection of transmission water lines minimum (8) inches in diameter, to the municipal water supply system of the City of Bel Aire, Kansas. Said water transmission lines shall be dedicated to and owned and maintained by the CITY. Lines shall be designed to loop. Said water transmission lines shall be installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted to the CITY by the DEVELOPER or acquired as part of the construction project and dedicated by separate instrument. Each living unit is required to have a separate water tap and water line. All water taps and service lines up to the meter shall be installed at the time of the water line construction. All Water User Fees and Hookup Fees are subject to City Ordinances.

**BONDING CAPACITY.** Assurances are to be provided whenever the CITY has been furnished a financial guarantee (irrevocable letter of credit, corporate completion bond, cashier's check, escrow account or cash) on 35% of the estimated principal cost of the project (engineering design, construction, inspections, temp note interest and administration). The Letter of Credit (LOC) or bond will be in the form approved by the CITY and name the City of Bel Aire as beneficiary. The assurances will serve to protect the general taxpayers of Bel Aire from subsidizing the special assessment debt. The assurance shall be filed prior to any debt being issued by the CITY for any of the expenses mentioned above and be in the amount equal to 35% of these same costs. It is understood that this letter of credit shall be automatically renewed for additional 2-year periods unless the DEVELOPER notifies the CITY in writing at least sixty (60) days prior to the then relevant expiration date that it will not be renewed at which time the DEVELOPER may draw up to the full amount of the credit available at that time. Provided there are no

delinquent taxes or special assessments owed by the DEVELOPER, the financial guarantee will be released upon request of the DEVELOPER when development (issuance of satisfactory framing by the City of Bel Aire) of 35% of the properties covered by the LOC, the CITY will, by written instruction, authorize the release of this letter of credit, provided, however, that before this letter of credit is released the CITY shall be entitled to a partial drawing against the credit in the amount of any delinquent special assessments.

#### **MISCELLANEOUS:**

The DEVELOPER must make mail delivery provisions for each household with the U.S. Postal Services.

**MODIFICATION OF PLAT THROUGH REPLATTING PROCESS.** While it is intended by the parties that the development will precede in compliance with this Agreement and the existing plat of ARTHUR nothing herein shall be construed to prohibit modifications to the ARTHUR development as a result of the formal replatting process.

**RESPECTIVE RESPONSIBILITIES OF CITY AND DEVELOPER:** Notwithstanding anything to the contrary contained herein, the CITY shall be responsible for the construction of streets, sewer, and water facilities for ARTHUR or other projects or additions, including excavation, storm sewers and detention ponds, the costs for which shall be spread as special assessments against the addition on a square footage basis, but not for three (3) years, or until the year 2027.

The DEVELOPER agrees to assume responsibility to see that all original purchasers of lots in the Addition receive a copy of the Developer's Agreement and the Restrictive Covenants at the time of purchase.

The DEVELOPER agrees to provide the CITY with a copy of the Restrictive Covenants once adopted.

Each DEVELOPER, individual, or entity who is presently an owner of a lot or lots in ARTHUR or any individual or entity who later becomes a DEVELOPER by acquiring ownership of a lot or lots in said projects, shall do so subject to the terms of this Development Agreement, and shall be liable for the payment of other costs and expenses payable by DEVELOPER hereunder which are incurred for improvements or facilities located on the lots or which are used or are available for the benefit of the lot or lots owned by the DEVELOPER.

Likewise, each DEVELOPER shall be responsible for the performance or compliance with other obligations or requirements contained herein which may be performed on the lot or lots owned by the DEVELOPER or which the DEVELOPER otherwise has the legal power and authority to perform. In the event any improvements or facilities are constructed on the lots or lot of a DEVELOPER not to serve the needs of that lot or lots, but rather to serve the needs of a lot or lots not owned by the DEVELOPER, the DEVELOPER shall have no

liability or responsibility for the costs and expenses incurred in the construction or maintenance of those improvements or facilities.

Finally, in the event improvements or facilities are constructed and maintained to serve lots owned by more than one DEVELOPER or for the use of all DEVELOPERS, the costs and expenses for such construction and maintenance shall be paid by all DEVELOPERS whose lots are served by such improvements and facilities which costs and expenses shall be allocated to those DEVELOPERS whose lots are being served in the proportion that the number of square feet in the lots being served and respectively owned by them bears to the total square feet of all lots being served.

**RECORDING:** The DEVELOPER shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds. 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 executed on this \_\_\_\_ day of \_\_\_\_\_, 2023.

DEVELOPER  
RKR, LLC



Russell P. Relph, Member  
Arthur Heights Estates, Bel Aire,  
Sedgwick County, Kansas

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, a Notary Public, came Russell P. Relph, who is known to me and who personally acknowledged execution of the forgoing Agreement as the Developer of Arthur Heights Estates Addition, Bel Aire, Sedgwick County, Kansas.

\_\_\_\_\_  
NOTARY PUBLIC

My Appointment Expires: \_\_\_\_\_

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR, JIM BENAGE

SEAL

ATTEST:

\_\_\_\_\_  
CITY CLERK, MELISSA KREHBIEL

BE IT KNOWN BY ALL PERSONS that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a Notary Public, came Mr. Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forgoing Agreement Concerning the Development of the Arthur Heights Estates, Bel Aire, Sedgwick County, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Mr. Jim Benage.

\_\_\_\_\_  
NOTARY PUBLIC

My Appointment Expires:\_\_\_\_\_

CITY OF BEL AIRE, KANSAS

File No. S/D 23-03APPLICATION 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 Subdivision BEL AIRE LAKES  
 General Location West side of Webb Rd, 1/4 mile North of 53rd St. N.  
 \_\_\_\_\_ Inside City X To Be Annexed \_\_\_\_\_  
 Name of Landowner Sham Wzy. LLC, Basem Krichati, President  
 Address 3500 N. Rock Rd, Bldg 1000, Wich Ks 67226 Phone 316-440-6000  
 Name of Subdivider/Agent Mark Szvay / Szvay Company, P.A.  
 Address 433 S. Hydraulic, Wichita, Ks 67211 Phone 316-265-0005  
 Name of (Engineer) (Land Planner) Logan Mills / Certified Engineering Design  
 Address 1935 W. Maple St. Wichita, Ks 67213 Phone 316-262-8808  
 Name of Registered Land Surveyor Mark Szvay PLS #733  
 Address 433 S. Hydraulic, Wichita, Ks 67211 Phone 316-265-0005

Subdivision Information

1. (Select one) Final Plat of entire preliminary plat area X  
     Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments  
     Final Plat for small tract \_\_\_\_\_  
     Final Replat of original platted area \_\_\_\_\_
2. Gross acreage of plat 78.80 Acres
3. Total number of lots 197
4. Proposed land use:
  - a. Residential-Single-Family X Duplex \_\_\_\_\_ Multiple-Family \_\_\_\_\_  
     Manufactured/Mobile Home \_\_\_\_\_
  - b. Commercial \_\_\_\_\_
  - c. Industrial \_\_\_\_\_
  - d. Other \_\_\_\_\_

10. Total lineal feet of new street \_\_\_\_\_ Feet

|    | Street Name      | R/W Width | Lineal Feet |
|----|------------------|-----------|-------------|
| a. | Pebble Creek St  | _____ Ft. | _____ Ft.   |
| b. | Pebble Creek Cts | _____ Ft. | _____ Ft.   |
| c. | Meliss Ave E Cir | _____ Ft. | _____ Ft.   |
| d. | Red Bluff        | _____ Ft. | _____ Ft.   |
| e. | Cypress          | _____ Ft. | _____ Ft.   |
|    | Plum Thicket     | 64 Ft.    | 8,945.0 Ft. |
|    | Toben Dr.        |           |             |
|    | Bluebird Dr.     |           |             |

11. Proposed type of street surfacing \_\_\_\_\_

12. Curb and gutter proposed: Yes ☒ No \_\_\_\_\_

13. Sidewalks proposed: Yes ☒ No \_\_\_\_\_ If yes, where? NEAR PLAT

14. Is any portion of the proposed subdivision located in an identified flood plain area? Yes ☒ No \_\_\_\_\_

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

OK [Signature] Landowner April 13, 2022 Date Mark [Signature] Agent (If any) 13 APR 22 Date

OFFICE USE ONLY

Prints of the Preliminary Plat received 15 (Number)

Vicinity map of existing and proposed street system received \_\_\_\_\_

Statement of financing and guaranteeing proposed improvements received \_\_\_\_\_

Preliminary drainage plan, if deemed necessary, received \_\_\_\_\_

This application was received by the Subdivision Administrator on march 8, 1922. It has been checked and found to be accompanied by the required information and the fee of \$ 11.95 paid to the City Clerk.

[Signature]  
Subdivision Administrator

Copy of proposed restrictive covenants, if any, received No

Methods for financing and guaranteeing improvements \_\_\_\_\_

For plats for small tract:

a. Vicinity map received \_\_\_\_\_

b. Topographic drawing, if required, received \_\_\_\_\_

Original drawing or photographic equivalent of Final Plat received \_\_\_\_\_

This application was received by the Subdivision Administrator on March 8,  
1992. It has been checked and found to be accompanied by the required  
information and the fee, if any, of \$ 1185 paid to the City Clerk.

[Signature]  
Subdivision Administrator

FINAL PLAT  
BEL AIRE LAKES

BEL AIRE, SEDGWICK COUNTY, KANSAS

*The North Half of the Southeast Quarter of Section 17, Township 26 South,  
Range 2 East of the 6th P.M., Sedgwick County, Kansas.*

State of Kansas) SS  
Sedgwick County)

We, Savoy Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we have surveyed and platted "BEL AIRE LAKES", Bel Aire, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

The North Half of the Southeast Quarter of Section 17, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

All Public easements and dedications being vacated by virtue of K.S.A. 12-512b as amended.

Savoy Company, P.A.

Surveyor  
Mark A. Savoy PS #788

State of Kansas) SS  
Sedgwick County)

This is to certify that the undersigned owner(s) of the the land described in the Land Surveyor's Certificate have caused the same to be surveyed and subdivided on the accompanying plat into Lots, Blocks, Reserves and Streets under the name of "BEL AIRE LAKES", Bel Aire, Sedgwick County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to an applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Sedgwick County, Kansas. Access Controls as indicated are hereby granted to the appropriate governing body. Reserves "A", "B", "C" and "D" are hereby reserved for park improvements, irrigation, walls, signage, lighting, landscaping, berms, drainage, drainage structures and utilities confined to easements. Reserve "E" is hereby reserved for signage, entry monuments, lighting, landscaping, drainage, drainage structures and utilities confined to easements. The Reserves shall be owned and maintained by the Home Owners Association for the addition, their successors and/or assigns.

Sham Way, LLC

President  
Basem Krichati

State of Kansas) SS  
Sedgwick County)

The foregoing instrument acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Basem Krichati, President of Sham Way, LLC a limited liability company, on behalf of the company.

Notary Public

My App't. Exp \_\_\_\_\_

State of Kansas) SS  
Sedgwick County)

This plat of "BEL AIRE LAKES", Bel Aire, Sedgwick County, Kansas has been submitted to and approved by the City of Bel Aire Planning Commission, Bel Aire, Kansas, and is hereby transmitted to the City Council of the City of Bel Aire, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairperson  
James Schmidt

Attest Secretary  
Jay Cook

State of Kansas) SS  
Sedgwick County)

This plat approved and all dedications shown hereon, are hereby accepted by the City Council of the City of Bel Aire, Sedgwick County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Mayor  
Jim Benage

Attest City Clerk  
Melissa Krehbiel

State of Kansas) SS  
Sedgwick County)

The title evidence of the land included in this plat has been reviewed by me and this plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: \_\_\_\_\_ 2023.

By City Attorney  
Jennifer M. Hill

Reviewed in accordance with K.S.A. 58-2005 on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Deputy County Surveyor  
Sedgwick County, Kansas  
Tricia L. Robello, PS #1246

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

County Clerk  
Kelly B. Arnold

State of Kansas) SS  
Sedgwick County)

This is to certify that this plat has been filed for record in the office of the Register of Deeds, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and is duly recorded.

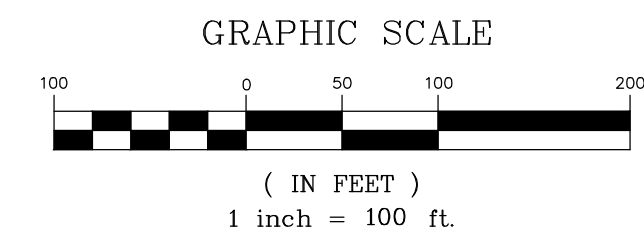
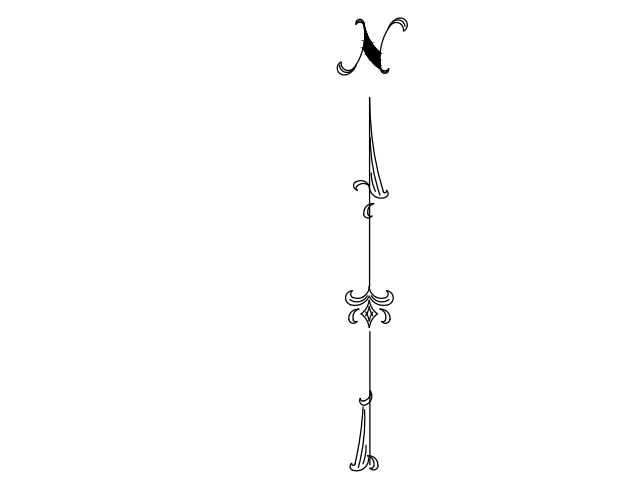
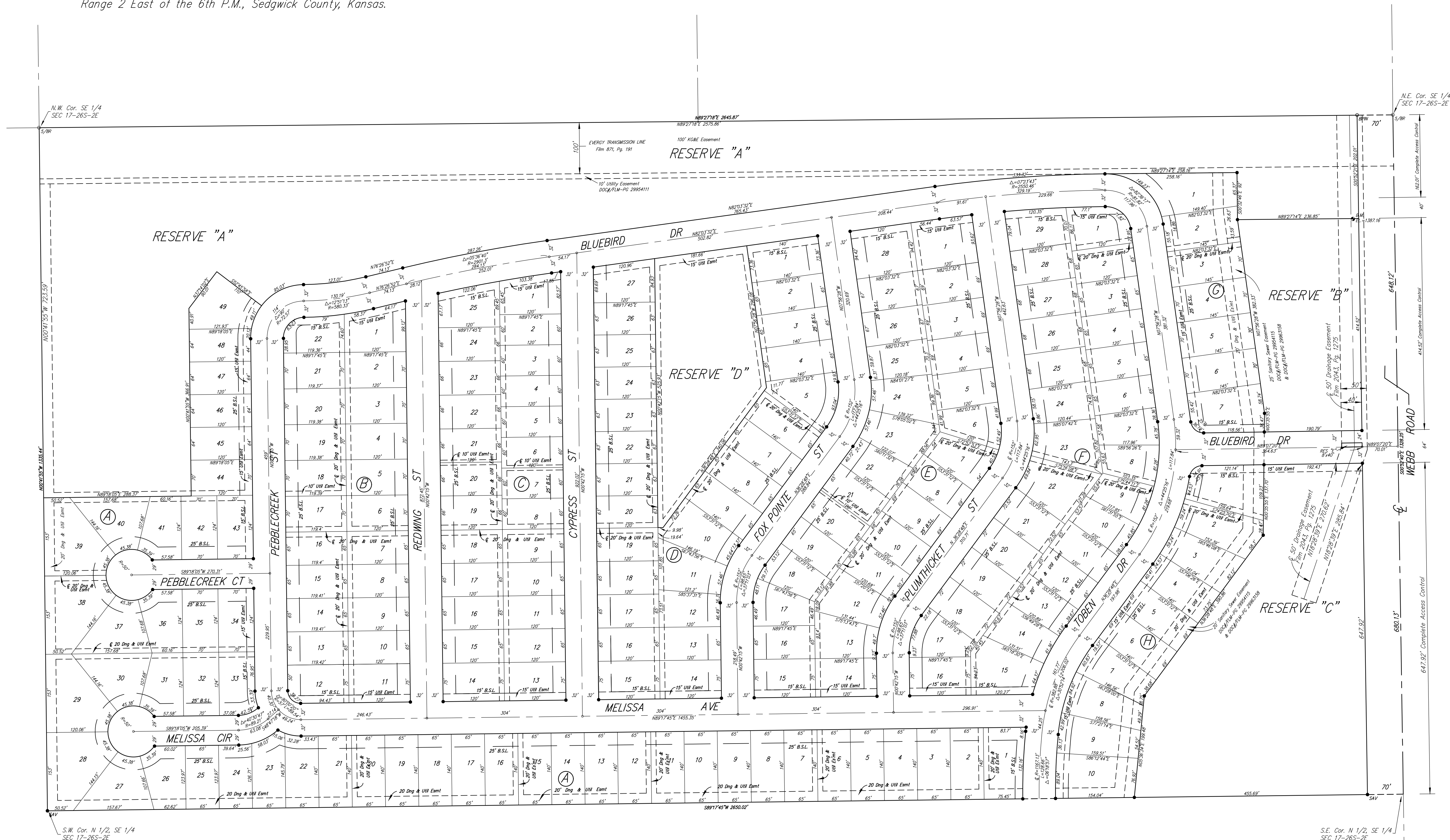
Register of Deeds  
Tonya Buckingham

Deputy  
Kenly Zehring

# FINAL PLAT BEL AIRE LAKES

BEL AIRE, SEDGWICK COUNTY, KANSAS

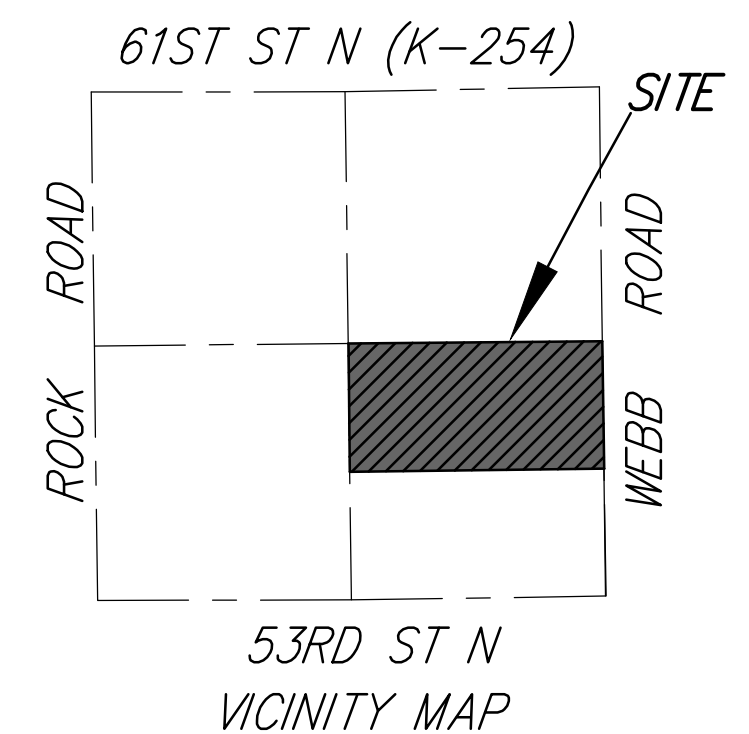
The North Half of the Southeast Quarter of Section 17, Township 26 South,  
Range 2 East of the 6th P.M., Sedgwick County, Kansas.



Bench Mark:  
Square Cut at the S.E. Corner of the  
Double 7x4' RCB located 202.7' S  
& 81.3' W of the N.E. Cor. of the  
SE 1/4 of Sec. 17-26S-2E.  
Elevation = 1397.16 NAVD88 Datum

- SURVEY MARKER LEGEND
- 1/2" Rebar w/Baughman Cap (Found)
  - 1/2" Rebar w/Carver Cap (Found)
  - 1/2" Rebar (Found)
  - 5/8" Rebar (Found)
  - 1/2" Rebar w/Savoy Cap (Set)

| MINIMUM BUILDING PAD ELEVATION<br>FOR LOWEST OPENING INTO STRUCTURES |       |                       |
|----------------------------------------------------------------------|-------|-----------------------|
| LOT NO.                                                              | BLOCK | ELEVATION<br>(NAVD88) |
| 1, 25                                                                | C     | 1395.3                |
| 1-10                                                                 | D     | 1395.5                |
| 19-27                                                                | D     | 1395.5                |
| 1, 2, 27, 28                                                         | E     | 1391.0                |
| 1, 2, 28, 29                                                         | F     | 1390.0                |
| 1                                                                    | G     | 1389.9                |
| 2-4                                                                  | G     | 1387.4                |
| 5-7                                                                  | G     | 1387.9                |
| 1-3                                                                  | H     | 1389.4                |
| 4-6                                                                  | H     | 1389.8                |
| 7-10                                                                 | H     | 1392.0                |



BUILDING SETBACK REQUIREMENTS  
FRONT YARD -- 25 FEET (Unless otherwise noted on plat)  
SIDE YARD -- 6 FEET  
REAR YARD -- 20 FEET



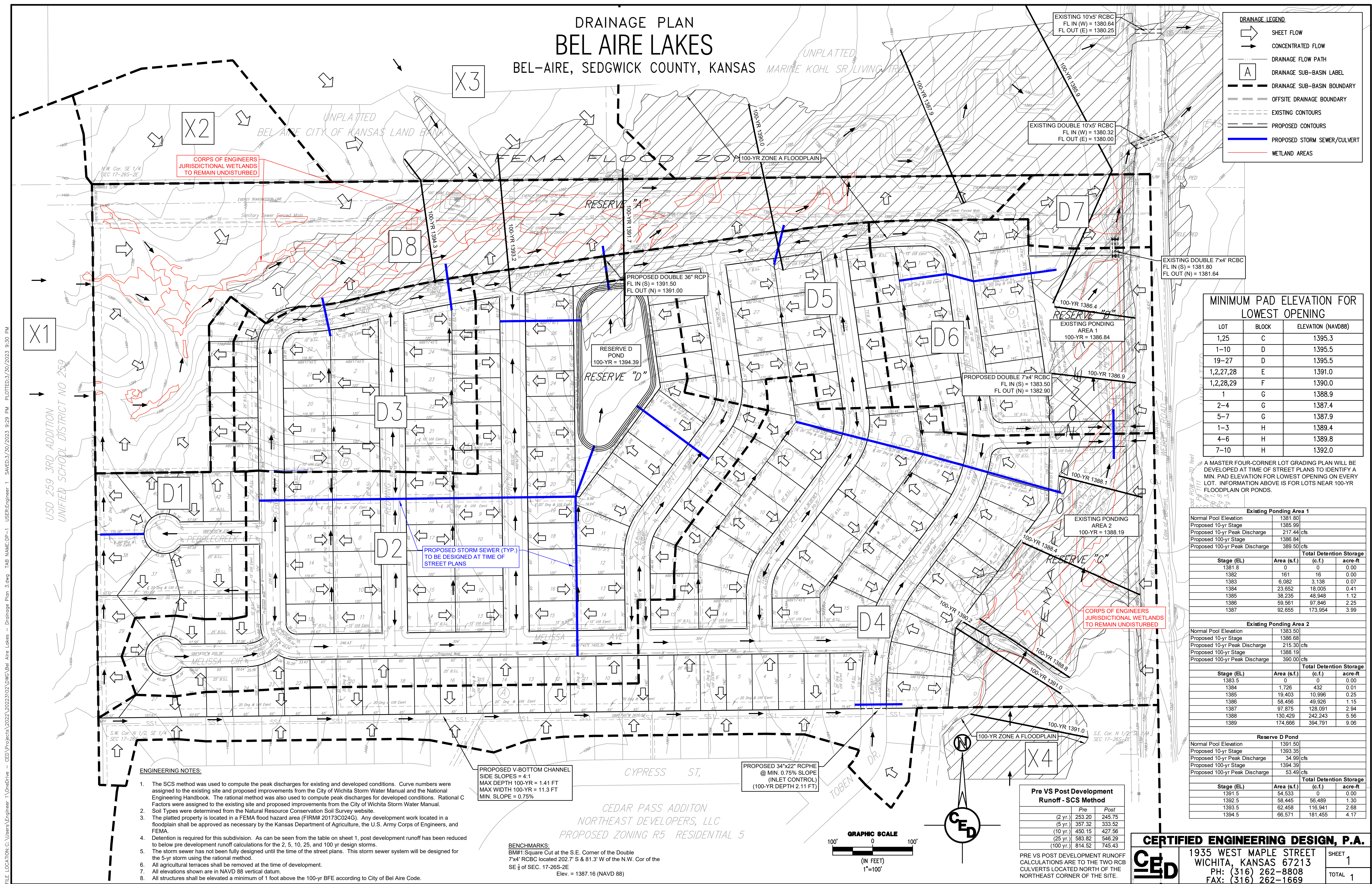
Savoy Company, P.A.  
Land Surveyors

PH (316) 265-0005  
FAX (316) 265-0275

433 S. Hydraulic, Wichita, KS 67211-1911

www.savoyco.com

22 FEBRUARY 2023

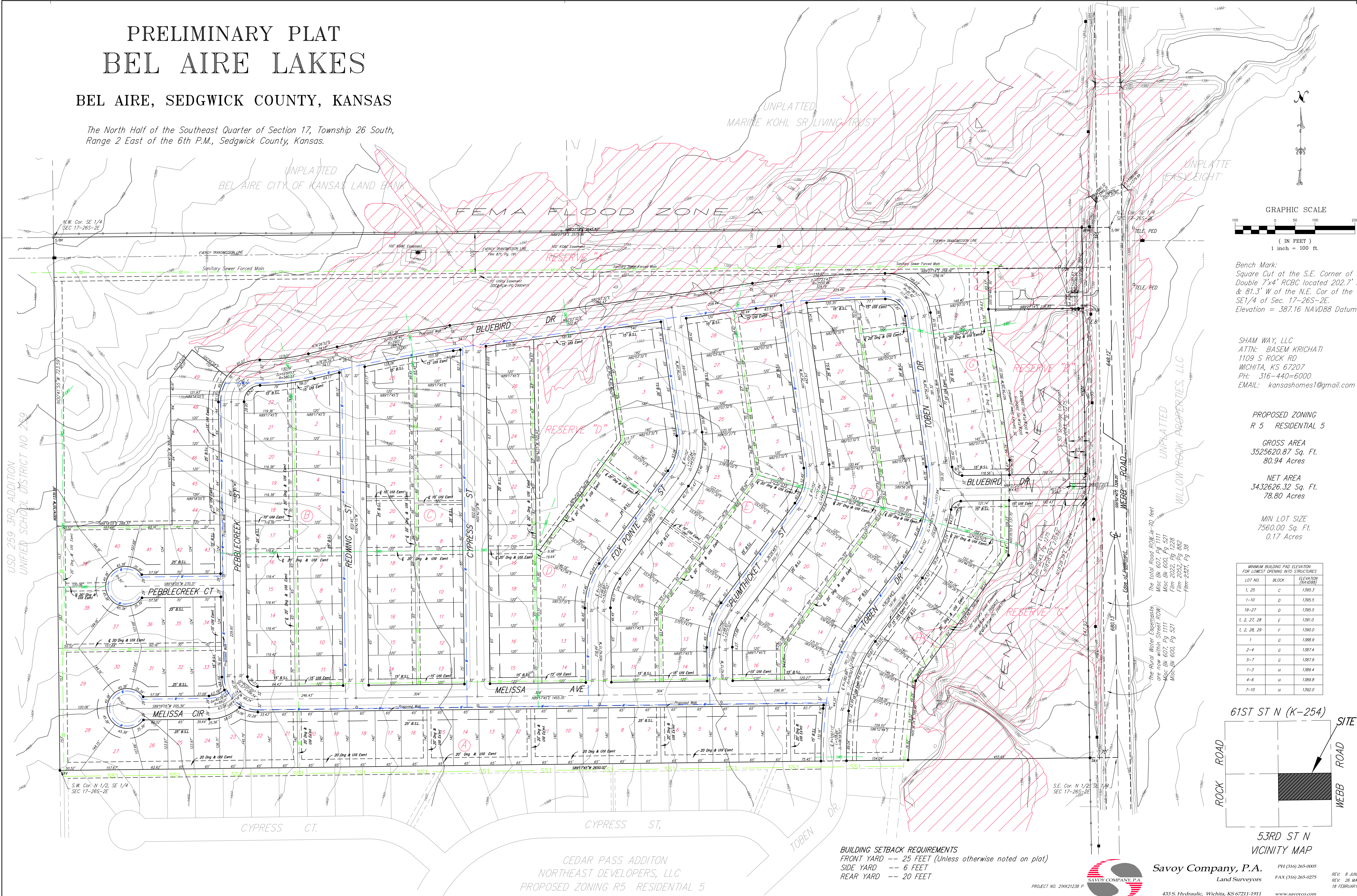


FILE LOCATION: C:\Users\Engineer\OneDrive - CED\Projects\2022\2022102\DWG\Bel Aire Lakes - Drainage Plan 3.dwg TAB NAME: DP-1 USER: Engineer 1 SAVED: 3/30/2023 9:23 PM PLOTTED: 3/30/2023 9:30 PM

# PRELIMINARY PLAT BEL AIRE LAKES

BEL AIRE, SEDGWICK COUNTY, KANSAS

The North Half of the Southeast Quarter of Section 17, Township 26 South,  
Range 2 East of the 6th P.M., Sedgwick County, Kansas.



Bench Mark:  
Square Cut at the S.E. Corner of the  
Double 7'x4' RCBC located 202.7' S  
& 81.3' W of the N.E. Cor of the  
SE1/4 of Sec. 17-26S-2E.  
Elevation = 387.16 NAVD88 Datum

SHAM WAY, LLC  
ATTN: BASEM KRICHATI  
1109 S ROCK RD  
WICHITA, KS 67207  
PH: 316-440-6000  
EMAIL: kansashomes1@gmail.com

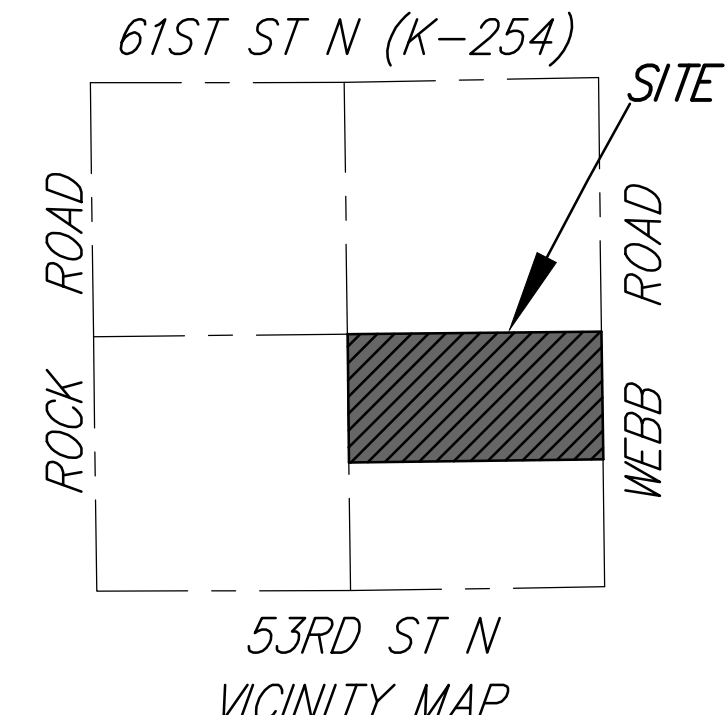
PROPOSED ZONING  
R 5 RESIDENTIAL 5

GROSS AREA  
3525620.87 Sq. Ft.  
80.94 Acres

NET AREA  
3432626.32 Sq. Ft.  
78.80 Acres

MIN LOT SIZE  
7560.00 Sq. Ft.  
0.17 Acres

| MINIMUM BUILDING PAD ELEVATION<br>FOR LOWEST OPENING INTO STRUCTURES |       |                       |
|----------------------------------------------------------------------|-------|-----------------------|
| LOT NO.                                                              | BLOCK | ELEVATION<br>(NAVD88) |
| 1, 25                                                                | C     | 1395.5                |
| 1-10                                                                 | D     | 1395.5                |
| 19-27                                                                | D     | 1395.5                |
| 1, 2, 27, 28                                                         | E     | 1391.0                |
| 1, 2, 28, 29                                                         | F     | 1390.0                |
| 1                                                                    | G     | 1388.9                |
| 2-4                                                                  | G     | 1387.4                |
| 5-7                                                                  | G     | 1387.9                |
| 1-3                                                                  | H     | 1389.4                |
| 4-6                                                                  | H     | 1389.8                |
| 7-10                                                                 | H     | 1392.0                |



BUILDING SETBACK REQUIREMENTS  
FRONT YARD -- 25 FEET (Unless otherwise noted on plat)  
SIDE YARD -- 6 FEET  
REAR YARD -- 20 FEET

CEDAR PASS ADDITON  
NORTHEAST DEVELOPERS, LLC  
PROPOSED ZONING R5 RESIDENTIAL 5



**Savoy Company, P.A.**  
Land Surveyors  
PH (316) 265-0005  
FAX (316) 265-0275  
REV. 8 JUNE 2022  
REV. 26 MAY 2022  
18 FEBRUARY 2022

433 S. Hydraulic, Wichita, KS 67211-1911  
www.savoyco.com

PROJECT NO. 210421238 P

CITY OF BEL AIRE, KANSAS

File No. S/D 23 - 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)

Name of Subdivision Chapel Landing 7th

General Location \_\_\_\_\_

☒ Inside City ☐ To be Annexed ☐ Outside City

Name of Landowner 53rd & Oliver, LLC Attn. Jay Russell

Address PO Box 75337, Wichita, KS 67275 Phone 316-371-4499

Name of Subdivider/Agent Baughman Company, P.A. (Kris Rose)

Address 315 S. Ellis St., Wichita, KS 67211 Phone 316-262-7271

Name of (Engineer) (Land Planner) Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Licensed Land Surveyor Same as Agent

Address \_\_\_\_\_ Phone \_\_\_\_\_

**Subdivision Information**

1. Gross acreage of plat 13.59 Acres

2. Total number of lots 34

3. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:

a. ☐ Residential-Single-Family ☒ Duplex ☐ Multiple Family ☐ Manufactured/Mobile Home

b. Commercial \_\_\_\_\_

c. Industrial \_\_\_\_\_

d. Other \_\_\_\_\_

4. Predominant minimum lot width 70 Feet

5. Predominant minimum lot area 8,400 Square Feet

6. Existing zoning R-4 District

7. Proposed zoning R-4 District

8. Source of water supply City

9. Method of sewage disposal City

10. Total lineal feet of new street \_\_\_\_\_ Feet

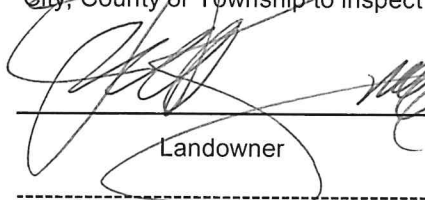
| Street Name     | R/W Width | Lineal Feet |
|-----------------|-----------|-------------|
| a. Joshua St    | 32 Ft.    | 1015 Ft.    |
| b. Joshua Ct    | 32 Ft.    | 384 Ft.     |
| c. Hillcrest St | 32 Ft.    | 254 Ft.     |
| d. _____        | _____ Ft. | _____ Ft.   |
| e. _____        | _____ Ft. | _____ Ft.   |
| f. _____        | _____ Ft. | _____ Ft.   |
| g. _____        | _____ Ft. | _____ Ft.   |
| h. _____        | _____ Ft. | _____ Ft.   |

11. Proposed type of street surfacing asphalt12. Curb and gutter proposed: ☒ Yes ☐ No13. Sidewalks proposed: ☐ Yes ☒ No If yes, where? \_\_\_\_\_

14. Is any portion of the proposed subdivision located in an identified flood plain area?

☐ Yes ☒ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies and standards of the City and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County or Township to inspect the land as may be necessary for proper plat review.

 3-6-23  
 Landowner Date

 3-6-23  
 Agent (If any) Date

**OFFICE USE ONLY**Prints of the Preliminary Plat received 15 (Number)

Vicinity map of existing and proposed street system received \_\_\_\_\_

Statement of financing and guaranteeing proposed improvements received \_\_\_\_\_

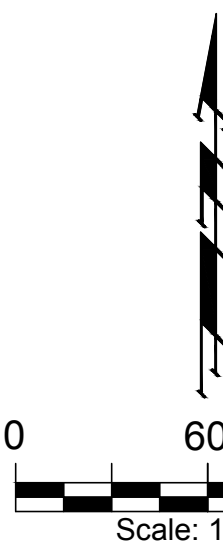
Preliminary drainage plan, if deemed necessary, received \_\_\_\_\_

This application was received by the Subdivision Administrator on 3/7,  
 2023. It has been checked and found to be accompanied by the required  
 information and the fee of \$ 370 paid to the City Clerk.

\_\_\_\_\_  
Subdivision Administrator

(Page 2 of 2)

## PRELIMINARY PLAT



Jonathan C. Hubbell, P.S. #1680

**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com

## 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

☐ Approved

☐ Rejected

Name of owner CATHOLIC DIOCESE OF WICHITA

Address 2351 N. MARKET ST. Telephone (316) 269. 3900

Agent representing the owner MIKE DECKER

Address 7840 E. 26<sup>th</sup> ST. N. Telephone (316) 655. 4156

1. The application area is legally described as Lot(s) 1; Block(s) A,  
Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

EXG THE E 523.9'  
AND  
THE E 523.39' OF  
LOT 1, BLK A

2. The application area contains 18.8 acres.

3. This property is located at (address) 4910 N. WOODLAWN which is generally located at (relation to nearest streets) WOODLAWN BTWN. 45<sup>th</sup> & 53<sup>rd</sup> N.

4. State why the proposed conditional Use will not cause substantial injury to the value of other property in the neighborhood, how it is to be designed within district regulations:

THE SIGN WILL SET PERPENDICULAR TO THE STREET.  
THERE WILL BE A SIGN ON EACH SIDE - ONE TO  
ADDRESS NORTH TRAFFIC THE OTHER THE SOUTH TRAFFIC.  
THE SIGNS WILL NOT SHINE TOWARD HOUSES ON THE  
OPPOSITE SIDE OF WOODLAWN. SIGN SIZE WILL BE:  
11'6" WIDE AT THE BASE, 7'3" TALL, AND 2'6" WIDE AT  
THE BASE - THE LED SCREENS WILL BE 3'5" TALL AND 7'3" WIDE

5. County control number: \_\_\_\_\_

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 CATHOLIC DIOCESE OF WICHITA Phone (316) 269-3900  
Address 2351 N. MARKET ST. Zip Code 67214

Agent MIKE DECKER Phone (316) 655-4156  
Address 7840 E. 26<sup>th</sup> ST. N. Zip Code 67226

2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

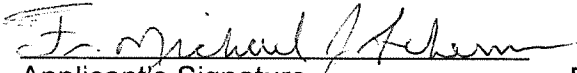
Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_

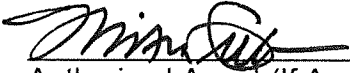
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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.

## OWNERSHIP LIST

## PROPERTY DESCRIPTION

## PROPERTY OWNER

|                                                                                                            |                                               |                                                                                                            |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Lot 1, Blk A, EXC the E 523.39' thereof<br>AND<br>The E 523.39' of Lot 1, Blk A<br><b>Subject Property</b> | Church of the Resurrection Addition           | Catholic Diocese of Wichita<br>2351 N. Market St.<br>Wichita, KS 67214                                     |
| Lots 1 thru 13 inclusive, Blk 1<br>AND<br>Lots 1 thru 7 inclusive, Blk 3                                   | Catholic Life Center 3 <sup>rd</sup> Addition | Catholic Diocese of Wichita<br>2351 N. Market St.<br>Wichita, KS 67214                                     |
| Lot 7, Blk A                                                                                               | Arthur Heights 2 <sup>nd</sup> Addition       | Joshua D. & Jenna L. Arrington<br>4901 N. Woodlawn Blvd.<br>Bel Aire, KS 67220                             |
| Lot 8, Blk A                                                                                               | "                                             | Juan Barrios<br>5910 E. 55 <sup>th</sup> St.<br>Derby, KS 67037                                            |
| Lot 9, Blk A                                                                                               | "                                             | Adam & Chelsea Lies<br>5025 N. Marblefalls St.<br>Wichita, KS 67219                                        |
| Lot 10, Blk A                                                                                              | "                                             | Gerardo Treto<br>5935 S. Minnie St.<br>Wichita, KS 67217                                                   |
| Lot 11, Blk A                                                                                              | "                                             | Randy K. Tennant & Imelda A. Tennant Joint Revocable Trust<br>4957 N. Woodlawn Blvd.<br>Bel Aire, KS 67220 |
| Lot 12, Blk A                                                                                              | "                                             | Frank J. Wille, Jr. & Coreen L. Wille Living Trust<br>4965 N. Woodlawn Blvd.<br>Bel Aire, KS 67220         |
| Lot 10, Blk C                                                                                              | "                                             | Thane Poling<br>4855 N. Woodlawn Blvd.<br>Bel Aire, KS 67220                                               |
| Lot 13, Blk A                                                                                              | Chapel Landing 2 <sup>nd</sup> Addition       | Ralph T. & Lori S. Herrell<br>6277 E. Central Park Ct.<br>Bel Aire, KS 67220                               |

|               |                       |                                                                                                      |
|---------------|-----------------------|------------------------------------------------------------------------------------------------------|
| Reserve A     | “                     | Chapel Landing Development,<br>Inc.<br>3530 N. Beach Club Circle<br>Wichita, KS 67205                |
| Lot 4, Blk 4  | Central Park Addition | Denise Fumagalli<br>5029 N. Colonial Ct.<br>Bel Aire, KS 67226                                       |
| Lot 5, Blk 4  | “                     | John Crittenden Harris &<br>Kelli Daniele Harris<br>5023 N. Colonial Ct.<br>Bel Aire, KS 67226       |
| Lot 6, Blk 4  | “                     | Ted & Karen Fox<br>5017 N. Colonial Ct.<br>Bel Aire, KS 67226                                        |
| Lot 12, Blk 4 | “                     | James & Maranda Wilson<br>6609 E. Summerside Place<br>Bel Aire, KS 67226                             |
| Lot 13, Blk 4 | “                     | Douglas A. & Joanna L. Hupp<br>6615 E. Summerside Place<br>Bel Aire, KS 67226                        |
| Lot 14, Blk 4 | “                     | Mark A. Tregellas & Kimberly<br>S. Tregellas Trust<br>6621 E. Summerside Place<br>Bel Aire, KS 67226 |
| Lot 15, Blk 4 | “                     | Rachel Porter &<br>Anthony Porter<br>6627 E. Summerside Place<br>Bel Aire, KS 67226                  |
| Lot 16, Blk 4 | “                     | Amy Sawyer<br>6633 E. Summerside Place<br>Bel Aire, KS 67226                                         |
| Lot 17, Blk 4 | “                     | Richard R. & Rachelle Smith<br>6703 E. Summerside Place<br>Bel Aire, KS 67226                        |
| Lot 18, Blk 4 | “                     | Mark D. & Cynthia A. Wilson<br>6737 E. Summerside Place<br>Bel Aire, KS 67226                        |
| Lot 19, Blk 4 | “                     | Fred A. & Connie A. Cabala<br>6741 E. Summerside Place<br>Bel Aire, KS 67226                         |

|               |   |                                                                                                              |
|---------------|---|--------------------------------------------------------------------------------------------------------------|
| Lot 20, Blk 4 | “ | Donald S. Clark & Vivienne V. Clark Revocable Living Trust<br>6730 E. Summerside Place<br>Bel Aire, KS 67226 |
| Reserve F     | “ | Security Bank of Kansas City<br>7651 E. Central Park<br>Bel Aire, KS 67220                                   |

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 1, Block A, EXCEPT the East 523.39 feet thereof, Church of the Resurrection Addition, in the City of Bel Aire, Sedgwick County, Kansas.

AND

The East 523.39 feet of Lot 1, Block A, Church of the Resurrection Addition, in the City of Bel Aire, Sedgwick County, Kansas.

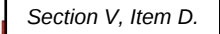
as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 28th day of February, 2023, at 7:00 A.M.

Security 1<sup>st</sup> Title, LLC

By: JoAnn Childers  
Licensed Abstracter

Order: SG1172  
KJK

**X**



**DATE:** 01\23   **SKETCH:** 20206.1

---

**ADDRESS** | 4900 N Woodlawn

**SALESPERSON** | Mary Wilson

**SCALE** |  $1/2'' = 1'$

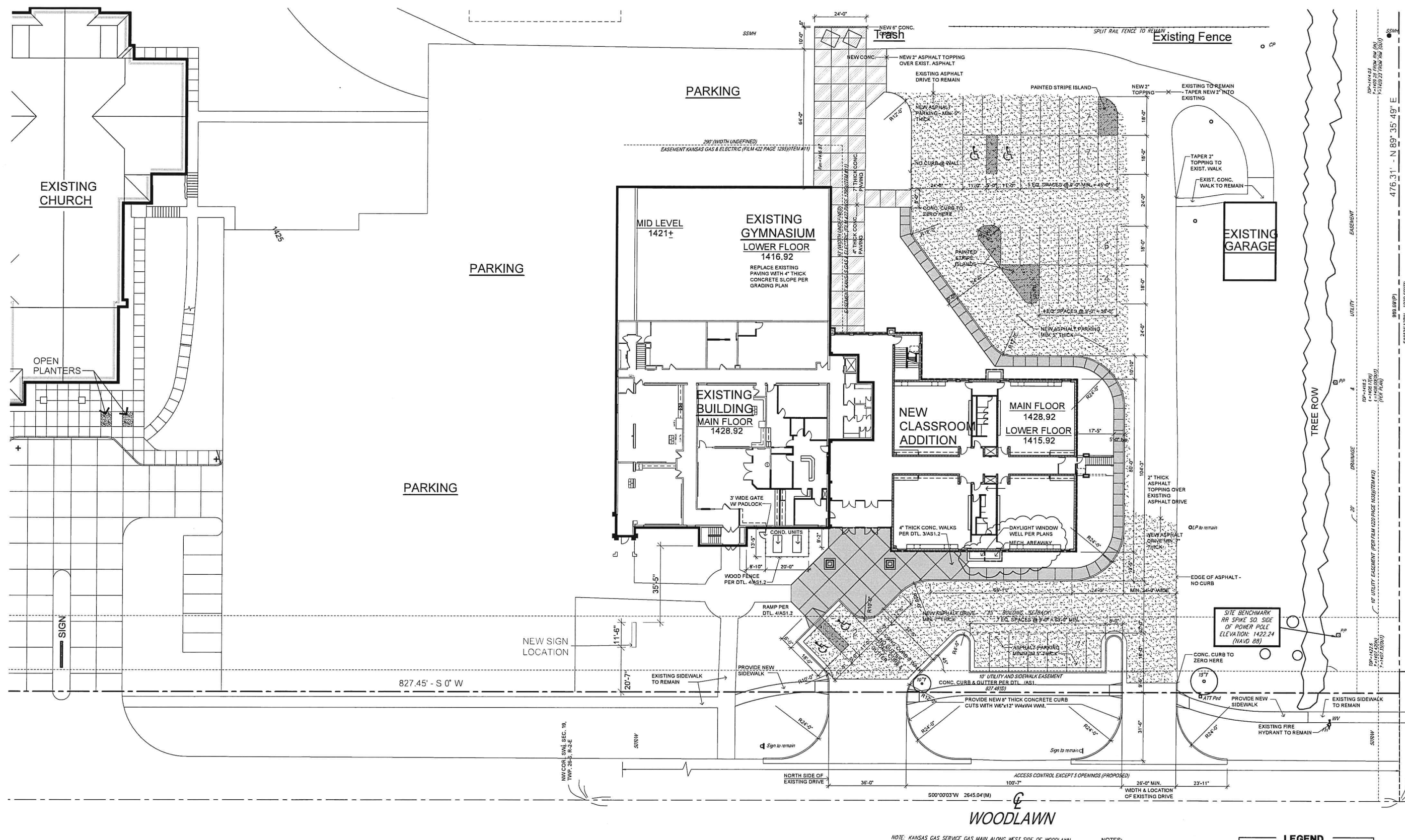
**COLORS** (proof only colors may not match final output)

Colors TBD

**SPECS** **FILE NAME:** S:\Customers\Resurrection Catholic School\2022-23\art\ResurrectionCatholic 2022

Sketch: Update sign sketches from 12/21 to match what Mike Decker sent us. Adding new monument sign for the school and will go in determined area in front of school. New sign to be made of metal frame and skirting with Watchfire EMC and a lower and upper I.D. routed face cabinets for ID. Top cap/crown will be made of aluminum to look like decorative stone cap/crown. Stone base will be provided by others.

designs and concepts represented on any accompanying layout(s) are the exclusive copyrighted designs of George Lay Signs Inc., and may NOT be reproduced in any form without written consent.



# ARCHITECTURAL SITE PLAN

1"=20'

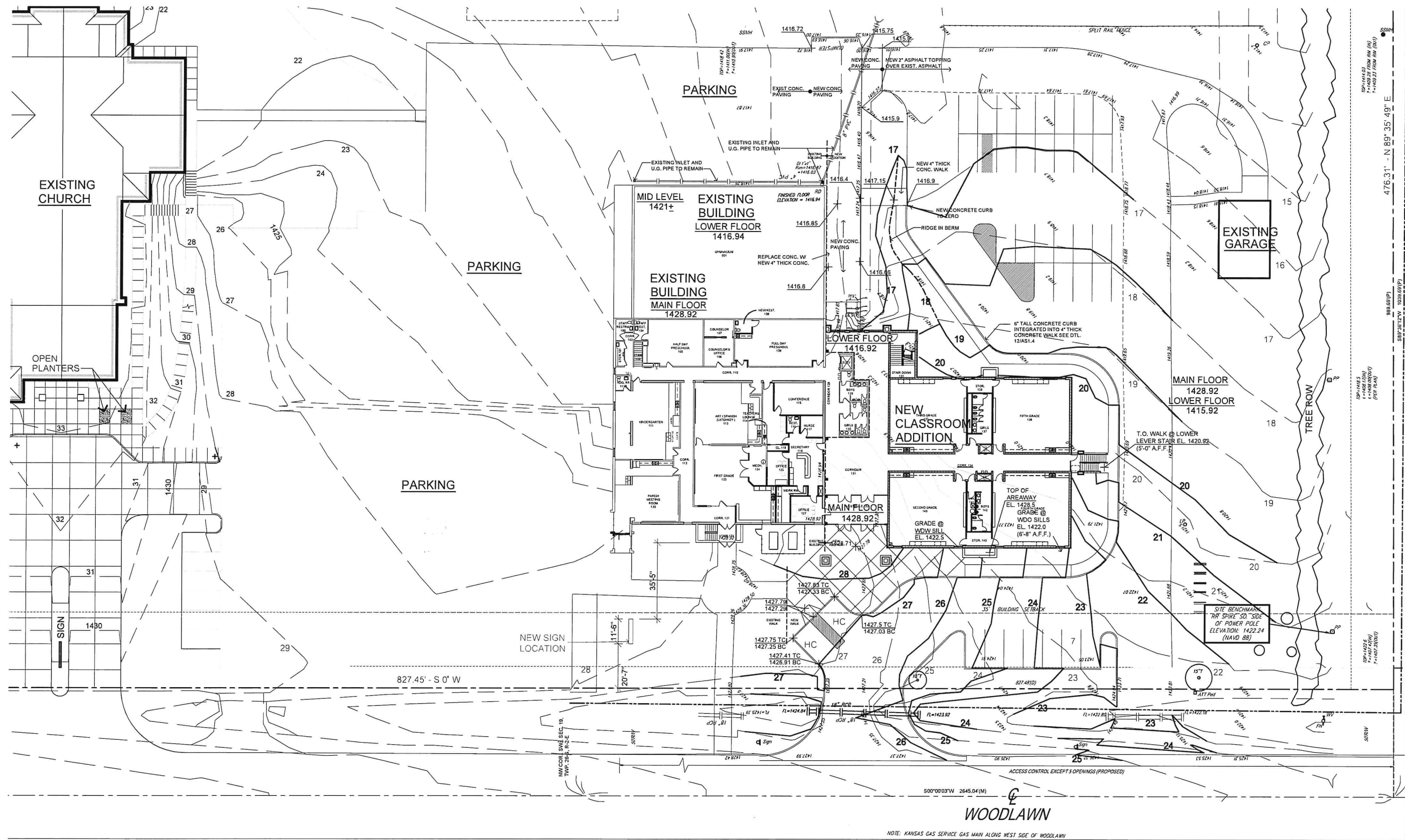
- NOTES:
- 1. ALL DIMENSIONS ARE TO FINISH FACE OF CURB OR EDGE OF PAVING
  - 2. FIELD VERIFY ALL DIMENSIONS. CONTACT ARCHITECT IF CONDITIONS ARE DIFFERENT OR IF DISCREPANCIES ARE FOUND

| LEGEND |                                                    |
|--------|----------------------------------------------------|
|        | 4" THICK CONCRETE SIDEWALK & PAVING PER DTL. AS1.  |
|        | NEW ASPHALT PAVING SEE NOTES ON PLAN FOR THICKNESS |
|        | 7" THICK CONCRETE PAVING                           |

SPANGENBERG PHILLIPS  
ARCHITECTURE  
121 N. Mead, Suite 201, Wichita, KS 67202  
TEL: 316.267.4002 FAX: 316.267.1509  
www.spangenbergphillips.com

## THE CATHOLIC DIOCESE OF WICHITA CHURCH OF THE RESURRECTION SCHOOL ADDITION

REVISED  
30 NOV 09  
PERMIT SET  
21 SEP 09  
DEMO SITE PLAN  
AND  
ARCHITECT' L PLAN  
**AS1.1**



SW CORP.

**SPANGENBERG PHILLIPS  
ARCHITECTURE**  
121 N. Mead, Suite 201, Wichita, KS 67202  
TEL: 316.267.4002 FAX: 316.267.1509  
[www.spangenbergphillips.com](http://www.spangenbergphillips.com)

**THE CATHOLIC DIOCESE OF WICHITA**  
**CHURCH OF THE RESURRECTION SCHOOL ADDITION**  
4910 NORTH WOODLAWN WICHITA, KANSAS

DEL. RETAIN'G WALL  
30 NOV 09  
PERMIT SET  
21 SEP 09

SITE  
GRADING  
PLAN

## AS1.2



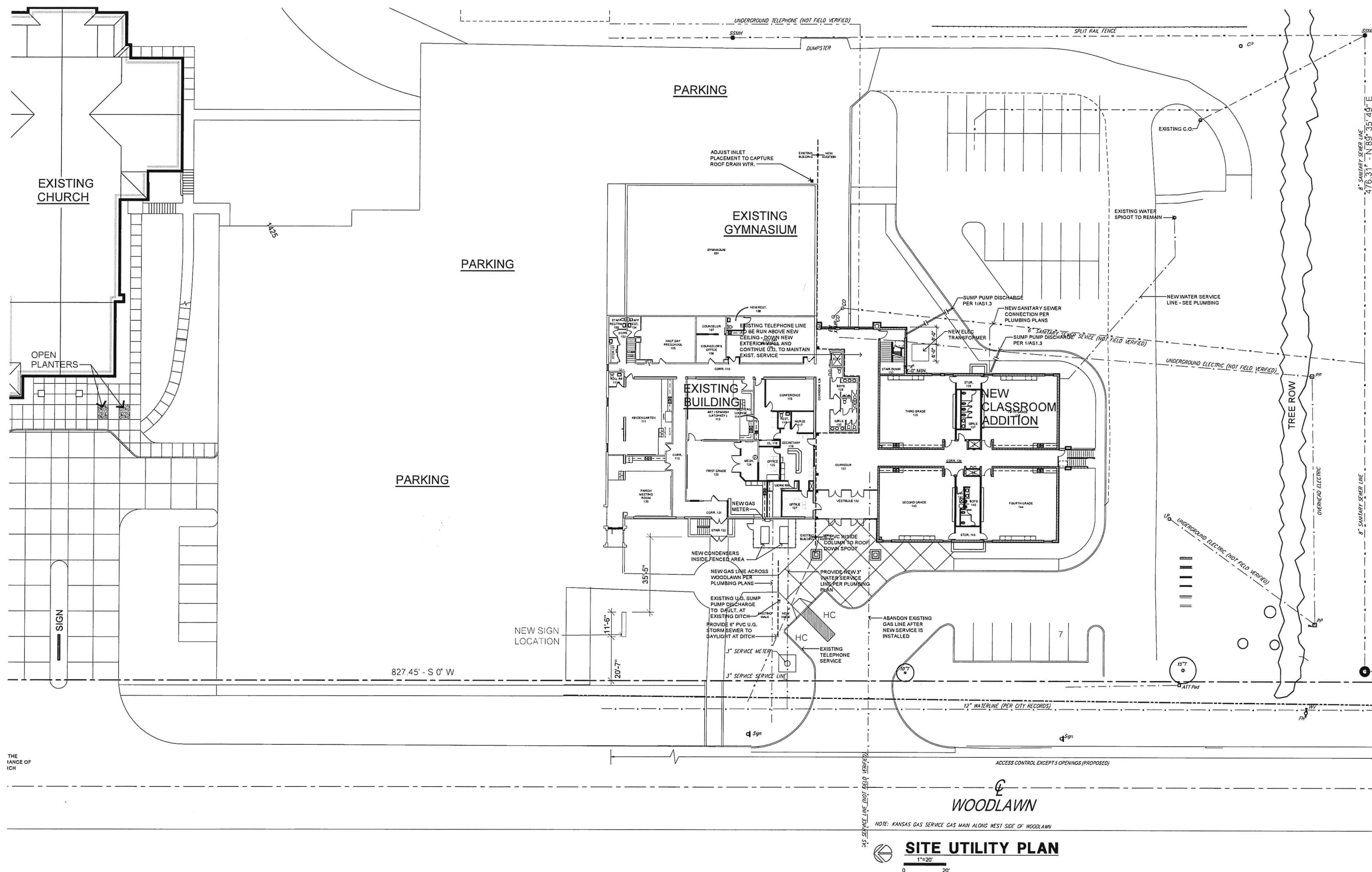
SPANGENBERG PHILLIPS  
ARCHITECTURE  
121 N. Mead, Suite 201, Wichita, KS 67202  
TEL: 316.267.4002 FAX: 316.267.1509

**THE CATHOLIC DIOCESE OF WICHITA  
CHURCH OF THE RESURRECTION SCHOOL ADDITION**

REVISED  
30 NOV 09  
PERMIT SET  
21 SEP 09

SITE  
UTILITY  
PLAN

### AS1.3



V-2

**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: 10 foot rear setback to 4 foot rear setback
- ☐ Vacate street or alley: \_\_\_\_\_
- ☐ Vacate utility easement \_\_\_\_\_
- ☐ 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 Villas at Prestwick LLC

Address 2243 N. Ridge Rd. Ste. 105 Telephone 316.854.0001

Agent representing the owner MKEC Engineering, Inc. Attn: Joey Deneke

Address 411 N. Webb Rd. Telephone 316.684.9600

1. The application area is legally described as Lot(s) 20; Block(s) 1,  
Villas at Prestwick Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

2. The application area contains .32 acres.

3. This property is located at (address) no address which is generally  
located at (relation to nearest streets) Central Park Avenue and Jasmine Street.

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

The proposed building plan encroaches into the existing rear setback.  
The rear lot abuts an open reserve and there are no adjacent buildings immediately north of the subject property. We kindly request the reduction of the rear setback to allow for the proposed building building.

5. County control number: 30010261

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 Villas at Prestwick LLC Attn: Marv Schellenberg Phone 316.854.0001  
Address 2243 N. Ridge Rd. Ste. 105 Zip Code 67205

Agent MKEC Engineering, Inc. Attn: Joey Deneke Phone 316.684.9600  
Address 411 N. Webb Rd., Wichita, KS Zip Code 67206

2. Applicant Phone  
Address Zip Code

Agent Phone  
Address Zip Code

3. Applicant Phone  
Address Zip Code

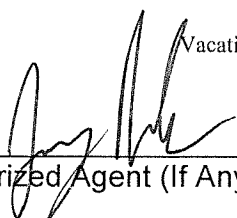
Agent Phone  
Address Zip Code

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.

**Sign**

  
Applicant's Signature BY

Vacation Application  
Page 5 of 5

 (MKEC)  
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.

**Vacation of a portion of 10 foot platted setback  
Lot 20, Block 1, Villas at Prestwick Addition**

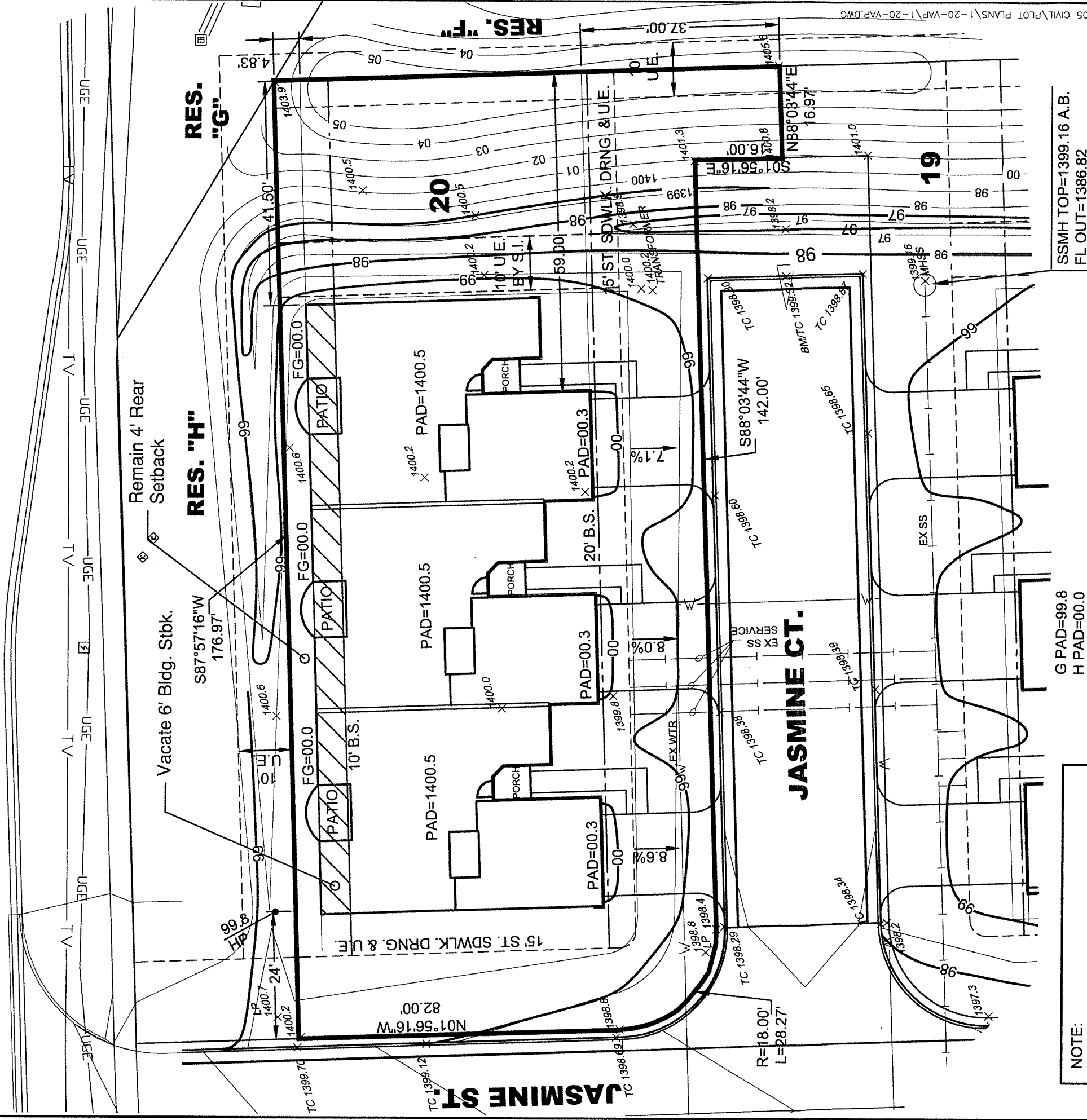
**Setback Vacation Tract**

The south 6 feet of the north 10 feet of the platted setback lying within Lot 20, Block 1, Villas at Prestwick Addition, an addition to Bel Aire, Sedgwick County, Kansas, EXCEPT the west 15 feet thereof.

**Remaining Setback Tract**

The north 4 feet of setback lying within Lot 20, Block 1, Villas at Prestwick Addition, an addition to Bel Aire, Sedgwick County, Kansas, EXCEPT the west 15 feet thereof.

**CENTRAL PARK AVE.**



**NOTE:**  
FOUNDATION MAY REQUIRE THICKER  
FOOTING AND/OR ENGINEERED FILL  
UNDER FOOTING AND FLOOR.

## LEGEND

| TF   | TOP OF FOUNDATION             | WO PIT                 | WALK-OUT/WALK-UP PIT    |
|------|-------------------------------|------------------------|-------------------------|
| BF   | BASEMENT FLOOR                | ADD STEP               | STEP FROM GARAGE TO TF  |
| TC   | TOP OF CURB                   | PAD                    | ELEV. @ GARAGE OPENING  |
| PTC  | PROP. TOP OF CURB (NO SURVEY) | FG                     | FINISHED GROUND         |
| FL   | FLOW LINE                     | INL                    | INLET                   |
| HP   | HIGH POINT                    | $000.00 \times$        | EXISTING ELEVATIONS     |
| VO   | VIEW OUT                      | $\times \times \times$ | PROPOSED ELEVATIONS     |
| WO   | WALK OUT                      | $\nearrow 2.0\%$       | FLOW ARROW & % SLOPE    |
| BSMT | BASEMENT                      | $\text{---}$           | DROP SIDING/BRICK LEDGE |
| TW   | TOP OF WALL                   |                        |                         |

**BENCHMARK:**

|                                                                                   |       |       |
|-----------------------------------------------------------------------------------|-------|-------|
| BM=Square Cut Top of Curb<br>Between Lots 19 & 20 Block 1<br>ELEV=1399.32 NAVD 88 | FRONT | 21.0' |
|                                                                                   | REAR  | -     |
|                                                                                   | LEFT  | 22.8' |
|                                                                                   | RIGHT | 41.5' |

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[www.mkec.com](http://www.mkec.com)

These drawings and their contents,  
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(MKEC), and may not be used or  
reproduced in any way without the  
express consent of MKEC.



**VILLAS AT PRESTWICK  
LOT 20, BLOCK 1**

|                                           |        |             |         |                                    |
|-------------------------------------------|--------|-------------|---------|------------------------------------|
| BUILDER: SCHELLENBERG DEVELOPMENT COMPANY |        |             |         |                                    |
| PAD                                       | 1400.5 | MINIMUM PAD | N/A     | DRAWN BY: DM                       |
| SSWR FL                                   | 1386.4 | BFE         | N/A     | DESIGNED BY: JTC                   |
| PAD - SSWR                                | 14.1'  | DEV. DATUM  | NAV/D88 | APPROVED BY: KLA                   |
| DATE: FEBRUARY 20                         |        |             |         | SHEET NO. <b>1-20-VAP 23222-09</b> |

*Section V, Item E.*

# FINAL PLAT VILLAS AT PRESTWICK ADDITION AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS

| MINIMUM PAD ELEVATIONS<br>LOWEST OPENINGS |       |                      |
|-------------------------------------------|-------|----------------------|
| LOT(S)                                    | BLOCK | ELEVATION<br>NAVD 88 |
| 1 & 2                                     | 1     | 1398.9               |
| 3 & 4                                     | 1     | 1395.0               |
| 6 & 7                                     | 1     | 1396.5               |
| 8, 9, 10                                  | 1     | 1398.5               |
| 11, 12                                    | 1     | 1395.8               |
| 5, 13, 14                                 | 1     | 1392.0               |
| Res. C                                    |       | 1395.8               |

## BOUNDARY CLOSURE

Boundary Area: 15.50 acres  
Perimeter: 3413.96 ft  
Error Closure: 0.001  
Error North: 0.0002  
Error East: -0.0005



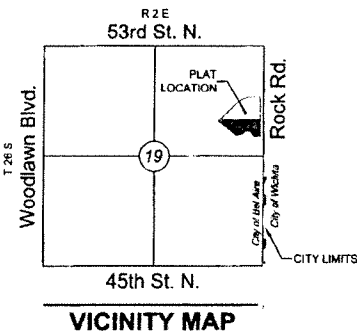
## RESERVES D AND E DETAIL

1" = 30'

## LEGEND

Date of Survey: March 2018

- = Found 3/8" rebar w/ MKEC CLS 39 id. cap or see annotation for type
- = Set 3/8" rebar w/ MKEC CLS 39 id. cap or see annotation for type
- ⊕ = Benchmark
- (M) = Measured
- (P) = Platted
- (CM) = Calculated from Measured
- (CP) = Calculated from Plat
- ① = Lot
- ② = Block



## BENCH MARKS

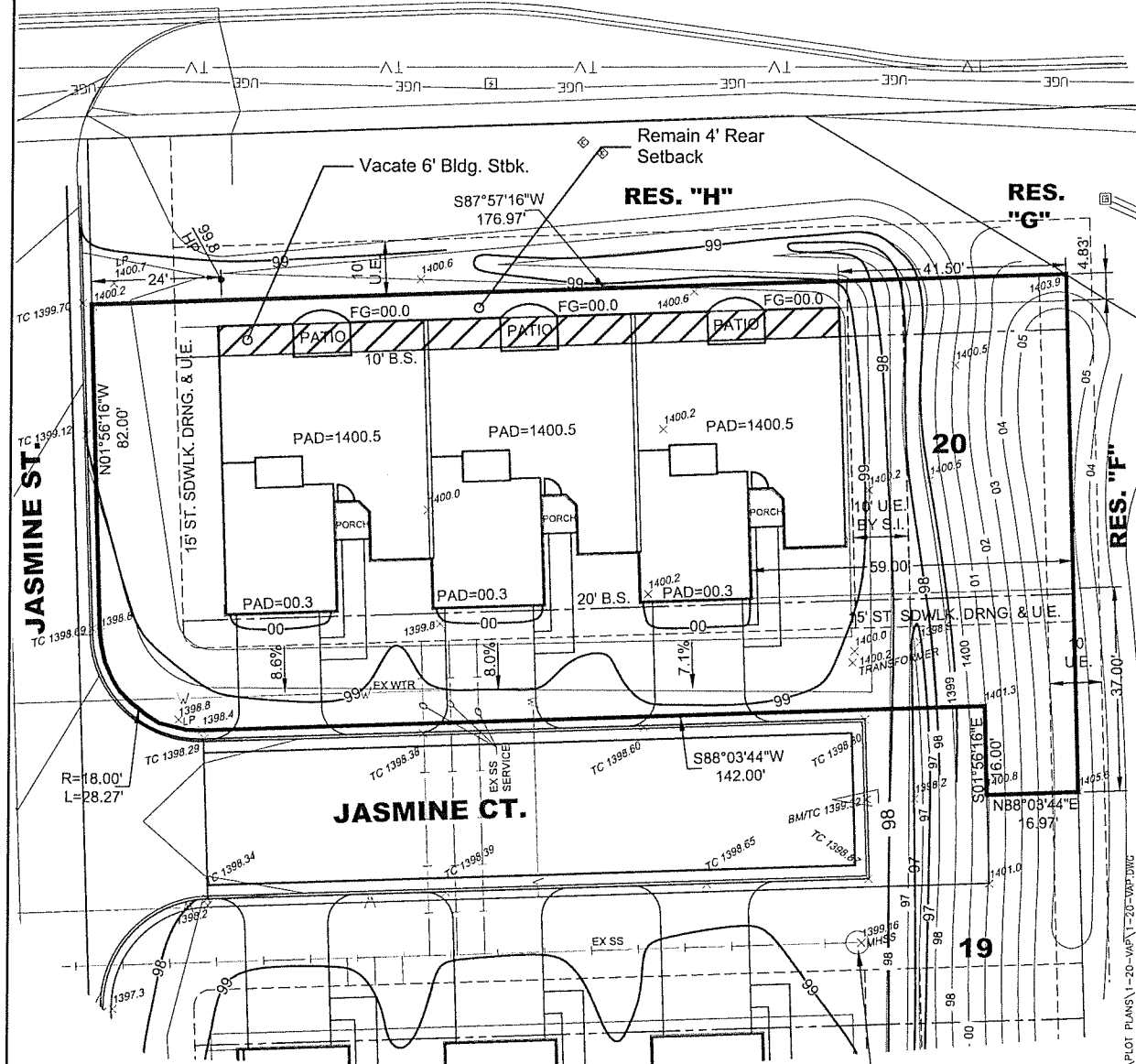
- BM #10 Chiseled square southwest corner of south headwall at field entrance, 66 feet north and 48 feet west of East Quarter Corner, Section 19, Township 26 South, Range 2 East (offsite). Elev. = 1386.94 NAVD88
- BM #20 Chiseled square on top of west end of median at Central Park Avenue and Rock Road. Elev. = 1401.45 NAVD88
- BM #22 Chiseled square on top of curb, near southwest corner of Villas at Central Park Addition, 81 feet north of centerline of Brookstone street. Elev. = 1402.10 NAVD88
- BM #21 Chiseled square on top of curb, southeast side of Prestwick Avenue near PC into roundabout. Elev. = 1403.41 NAVD88

Vacate 6 feet of rear setback (4 feet to remain)



Date of prepared / submitted: June, 2018

CENTRAL PARK AVE.



NOTE:  
FOUNDATION MAY REQUIRE THICKER  
FOOTING AND/OR ENGINEERED FILL  
UNDER FOOTING AND FLOOR.

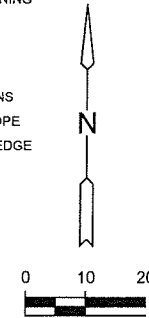
LEGEND

|      |                               |          |                         |
|------|-------------------------------|----------|-------------------------|
| TF   | TOP OF FOUNDATION             | WO PIT   | WALK-OUT/WALK-UP PIT    |
| BF   | BASEMENT FLOOR                | ADD STEP | STEP FROM GARAGE TO TF  |
| TC   | TOP OF CURB                   | PAD      | ELEV. @ GARAGE OPENING  |
| PTC  | PROP. TOP OF CURB (NO SURVEY) | FG       | FINISHED GROUND         |
| FL   | FLOW LINE                     | INL      | INLET                   |
| HP   | HIGH POINT                    | 000.00   | EXISTING ELEVATIONS     |
| VO   | VIEW OUT                      | XX.X     | PROPOSED ELEVATIONS     |
| WO   | WALK OUT                      | 2.0%     | FLOW ARROW & % SLOPE    |
| BSMT | BASEMENT                      |          | DROP SIDING/BRICK LEDGE |
| TW   | TOP OF WALL                   |          |                         |

GENERAL NOTES

1. Builder shall provide retaining walls along property line for grade transitions when required to maintain proper slopes between houses.
2. This drawing is provided for grading purposes only.
  - drawing does not represent a boundary or mortgage title inspection. Easement and Building Setback information shown is from the recorded plat unless otherwise indicated.
  - Utilities shown are for information only, and builder shall verify depths and locations prior to construction. Builder will be required to provide a minimum advance notice of seventy-two (72) hours to utility companies prior to starting any excavation as follows: Kansas One Call 1-800-344-7233 or 687-2470 (local Wichita).
3. Care should be taken to protect existing sidewalk. Sidewalk may need to be removed and replaced due to damages from construction and/or to more gradually slope driveway from house to curb.

| BENCHMARK:                                                                     | DISTANCE FROM HOUSE TO PROPERTY LINE |
|--------------------------------------------------------------------------------|--------------------------------------|
| BM=Square Cut Top of Curb Between Lots 19 & 20 Block 1<br>ELEV=1399.32 NAVD 88 | FRONT 21.0'                          |
|                                                                                | REAR -                               |
|                                                                                | LEFT 22.8'                           |
|                                                                                | RIGHT 41.5'                          |



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Wichita, KS • 316.604.9600

**VILLAS AT PRESTWICK  
LOT 20, BLOCK 1**

BUILDER: SCHELLENBERG DEVELOPMENT COMPANY

|            |        |             |        |             |     |           |               |
|------------|--------|-------------|--------|-------------|-----|-----------|---------------|
| PAD        | 1400.5 | MINIMUM PAD | N/A    | DRAWN BY    | DM  | DATE      | FEBRUARY 2023 |
| SSW FL     | 1386.4 | D/E         | N/A    | DESIGNED BY | JTC | SHEET NO. | 1-20-VAP      |
| PAD - SSWR | 14.1'  | DEV DATUM   | NAVD88 | APPROVED BY | KLA |           | 23222-09      |

City of Bel Aire

STAFF REPORT

DATE: 04/06/2023

TO: Bel Aire Planning Commission  
FROM: Keith Price  
RE: Agenda

| STAFF COMMUNICATION |         |
|---------------------|---------|
| FOR MEETING OF      | 4/13/23 |
|                     |         |
| CITY COUNCIL        |         |
| INFORMATION ONLY    |         |

SUMMARY:

**PUD-23-01. Proposed partial replating and document changes within the current PUD to allow single family, duplex, and commercial storage. Arthur Heights PUD; plat- Arthur Heights Estates, 2.34 acres.**

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft.

History:

Ordinance 642 allows the current uses intended without further action as presented.

Discussion:

The purpose of notification of the surrounding property owners of the process beyond the requirement of an ad in the legal newspaper of Bel Aire was to change the legal description of the lots and names given if the preliminary plat is approved.

Utility providers were contacted, no additional easements were requested at this time. A drainage and landscape plan was submitted to the City Engineer for review with the preliminary plat. Southern Star was contacted; staff is waiting to hear back. The final plat should have the pipeline easement shown.

Ordinance 642 -Legal Description Lots 4, 5,6, and a portion of Lot 7, Block l, Arthur Heights, Bel Aire, Sedgwick County, Kansas, all as set forth on a map attached hereto, and identified as Appendix A "PLANNED WIT DEVELOPMENT should be changed to reflect the new plat name combined with the original remaining lots from Arthurs Heights plat and the dedicated ROW removed from the PUD control.

Additionally, the City Engineer should approve the submitted drainage and landscape plan provided before permits will be issued. Each plan submitted for the land controlled,  
The billboard was removed from the lots covered in the PUD, therefore number 10 condition can be removed from the document.

Conclusion:

Staff recommends approving the concept plan and final plat with any changes needed for drainage and for basic construction constrains based on the final submittals.

**SD-23-03. Bel Aire Lakes platting of a single-family residential district, (ZON-22-3).**

The city advertised the hearing in the Ark Valley newspaper as required for plat process. Utility companies have been contacted; no additional easements are required at this time.

**History:**

A sidewalk plan was included on the original preliminary plat, but many things have changed with the preliminary to the final.

The 1% change floodplain has been part of the drainage plan in review.

**Conclusion:**

Once the FEMA information is added to the final plat, the sidewalk plan is ready for the approval of the planning commission. It will be ready to recommend approval by staff.

**SD-23-02. Chapel Landing 7<sup>th</sup> platting of an R-4 residential district**

**History:**

The city advertised the hearing in the Ark Valley newspaper as required for plat process. Utility companies have been contacted; no additional easements are required at this time.

At the time of this report the City Engineer hasn't completed a complete review.

**Conclusion:**

Once the city engineer reviewed and approved the public way. The preliminary plat will be ready to recommend approval by staff.

**Case No. CON-23-03 Property owner has requested an LED monument sign in an R-6 zoned district.**

**History:**

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. Conditional use has two parts for the exception to the general rules; the monument sign size overall is slightly larger than 10'; and the commission in the past has always requested the LED signs reviewed on a case-by-case basis. Ordinance 681 was a recent approval with the condition related to the brighten be subject to a 6-month period of review to filed complaints and evaluate the concerns brought to the city.

The city standard used in the past has been to reduce the brightness at night to ten (10) nits or less by an automatic controller that can be programmed.

Monument Signs: Every building constructed for a permitted non-residential use shall be permitted one (1) monument sign not to exceed ten (10) feet.

Prohibited signs code in part-

Sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. Exterior neon lighting, illuminated banding or other types of lighting that creates a glow is prohibited unless it is approved by the City as part of an overall theme for the development area.

#### Conclusion:

Staff recommends approving the sign as presented with conditions placed on brightness in the evenings and including the probation period of 6-months.

### **V-23-02, platted building setback lines, in an R-6 PUD zoning district**

#### History:

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. Everygy was contacted by staff and city utilizes have been reviewed in the area. The approved master drainage plan can work with this adjustment.

#### Conclusion:

The City of Bel Aire has not received any petitions prior to this report. Staff recommends approving the vacant of the setback from 10' to 4' as shown on the submittals.