



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
April 14, 2022 6:30 PM



I. Call to Order

II. Roll Call

A. James Schmidt ____ John Charleston ____ David Floyd ____
Phillip Jordan ____ Dee Roths ____ Heath Travnichuk ____ Paul Matzek ____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

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

Action: Motion to approve the minutes of March 10, 2022.

Motion ____ Second ____ Vote ____

V. Old Business/New Business

A. **ZON-22-02 Elk Creek 3rd - Proposed re-zoning of approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.**

Open Hearing

Close Hearing

Action: Motion to (recommend approval of / deny / table) the re-zoning request for approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.

Motion ____ Second ____ Vote ____

B. **Elk Creek 3rd Preliminary Plat (ZON-22-02) - Proposed platting of approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.**

Open Hearing

Close Hearing

Action: Motion to (accept / deny / table) the preliminary plat of Elk Creek 3rd (with / without changes or conditions).

Motion _____ Second _____ Vote _____

- C. **Elk Creek 3rd Final Plat (ZON-22-02) - Proposed platting of approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses.**

Open Hearing

Close Hearing

Action: Motion to (accept / deny / table) the final plat of Elk Creek 3rd (with / without changes or conditions).

Motion _____ Second _____ Vote _____

- D. **ZON-22-01 - Proposed rezoning of certain property from the current AG zoning to M-1 zoning. The property is generally located along K-254 Highway.**

Open Hearing

Close Hearing

Action: Motion to (recommend/ deny /table) the rezoning of certain property located along K-254 from the current AG zoning to M-1 zoning.

Motion _____ Second _____ Vote _____

- E. **V-22-01. Sunflower Commerce Park 2nd - Proposed vacation of certain property by the City (54th Street right of way)**

Open Hearing

Close Hearing

Action: Motion to (recommend/ deny / table) the City's vacation of certain portions of 54th Street right of way and abutting relevant easements.

Motion _____ Second _____ Vote _____

VI. Next Meeting: May 12, 2022

Action: Motion to approve the date of the next meeting: May 12, 2022 at 6:30 p.m.

Motion _____ Second _____ Vote _____

VII. Current Events

A. Upcoming Events:

April 9 — Spring Festival and Egg Hunt

April 15 – City Council application deadline

April 30 – Arbor Day Celebration

April 30 – Document Shredding & E-Recycling

May 12-14th – City Wide Garage Sale (no permit required)

May 21 — Spring Curbside Clean-Up

June 1 – Deadline to file Backflow tests for sprinkler systems

VIII. Adjournment

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____ Time _____

A. Planning and Zoning Staff Report 4-14-2022



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
March 10, 2022 6:30 PM



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

II. Roll Call

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

Also present was Planning Commission Secretary Anne Stephens.

III. Pledge of Allegiance to the American Flag

Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Commissioner Schmidt moved to approve the minutes of February 10, 2022. Commissioner Roths seconded the motion. *Motion carried 5-0.*

V. Old Business/New Business

A. SD-22-01 Chapel Landing 5th - Proposed platting of approximately 53.99 acres R-4 Residential.

Chairman Schmidt opened the public hearing. Ken Lee, Garver, presented the plat on behalf of the applicant and stood for questions from the Commission. This plat was revised to meet the R-4 minimum square footage requirements of 8400 square feet.

Terry Cassidy spoke in opposition to the plat. She said she still has some concerns about the effect of the density of the development on surrounding home prices, quality of the development and increased crime, amenities offered, and the public safety review of the plat.

Staff commented that the plat was sent to Sedgwick County Fire Department and they offered no comments.

No others requested to speak. Chairman Schmidt closed the public hearing and the Commissioners continued to discuss the plat.

MOTION: Commissioner Roths moved to recommend approval of the final plat (Chapel Landing 5th) with the conditions that staff confirms changes to a 65-foot minimum lot width and 6 foot side yard setbacks, 8400 square foot total, and lot depth of 120 feet. Commissioner Jordan seconded the motion. ***Motion carried 5-0.***

- B. **Sketch Plan Elk Creek 3rd-** Proposed platting approximately 3.35 acres of the C-1 Commercial to a residential use.

The Commission briefly discussed the Sketch Plan for Elk Creek 3rd as presented by Kirk Miller, KE Engineering PA. Commissioners commented that due to the narrow street width they would like to see additional parking added.

- B. **Discuss rescheduling Planning Commission workshop.**

The Commission briefly discussed a new date for the Planning Commission workshop, possibly March 31st or April 7th.

VI. Next Meeting: April 14, 2022

MOTION: Commissioner Schmidt moved to approve the next meeting date: April 11, 2022 at 6:30 p.m. Commissioner Floyd seconded the motion. ***Motion carried 5-0.***

VII. Current Events

- April 9 — Spring Festival
- May 21 — Spring Curbside Clean-Up
- June 1 – Deadline to file Backflow tests for sprinkler systems

The Commission briefly discussed upcoming events including Spring Festival, Curbside Clean-Up and the deadline for backflow test filing.

VIII. Adjournment

MOTION: Commissioner Jordan moved to Adjourn. Commissioner Floyd seconded the motion. ***Motion carried 5-0.***

The meeting adjourned at 7:36 p.m.



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



RE-ZONING AND PLAT REVIEW

Address of proposed project: Rezoning and platting, Elk Creek, to Elk Creek 3rd

This report is to document that on 3.30.22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- | | |
|--|--|
| <input type="checkbox"/> SETBACKS | <input type="checkbox"/> ELEVATIONS |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL | <input type="checkbox"/> EASEMENTS |
| <input type="checkbox"/> LANDSCAPE | <input type="checkbox"/> SCREENING |
| <input type="checkbox"/> STORM DRAINAGE | <input checked="" type="checkbox"/> NEIGHBORHOOD IMPACT |
| <input type="checkbox"/> ADA ACCESSIBLE | <input type="checkbox"/> UTILITIES TO BUILDING |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 3/30/22

Keith Price
REVIEWED BY

Comments: The rezoning application, the preliminary and the final plat application are under the same case numbers and will be voted on separately by the planning commission. The planning commission reviewed a sketch plan. Paper copies of the revised plats based on this review will be provided by April 4th 8 am. PFD revisions also required. City engineers review will be separate.

- **Applications-**
- Street width is listed at 25'; city code indicates 29' to 35' road width.
- **Rezoning-**
- No comments for correction
- **Preliminary plat-**
- Everyg did request additional easements; I believe you were cced with the email containing the easements again both frontages of block A and B, Onegas didn't requires any additional easements.
- The fire code related to dead end streets may not apply based on the access from Elk Creek drive, and 45th St. A utility plan wasn't provided, road paving distance from fire hydrants is regulated by the fire code.

- Remove the word “addition” from the plat name, based on the city sub-reg.
- Current zoning of abutting properties wasn’t listed-R-5b Courtyards at Elk Creek; R-3- Elk Creek; C-1 south side of 45th St; and, R-6 west of the parcel.
- **Final plat-**
- James Schmidt is the Chair of the planning commission.
- Remove the word “addition” from the plat name, based on the city sub-reg.
- Everygy has been contacted, Onegas has been contacted. Everygy has provided a review, request an easement and light locations. Onegas had no requests at this time.
- The city engineer will contact KEmiller Engineering PA direct with any item not covered with this review.
- Provide drainage plan; would prefer lowest pad elevation list 1382+ based on the drainage information be shown on the final plat.
- The city 2018 Master growth plan figure 3.4 preferred Balanced Growth Residential suburban density.
- <http://www.belaires.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17th day of March, 2022, with subsequent publications being made on the following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

Subscribed and sworn to before me this 17th day of March, 2022.

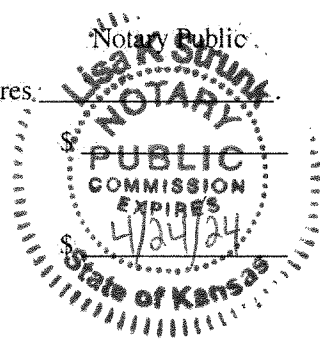
[Signature]

Notary Public

My commission expires _____

Additional copies _____

Printer's fee _____



Public notice

(Published in the Ark Valley News on March 17, 2022.)
OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on April 14, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning and re-platting hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

ZON-22-02. Proposed re-zoning and One-step platting approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. The current use farm ground.

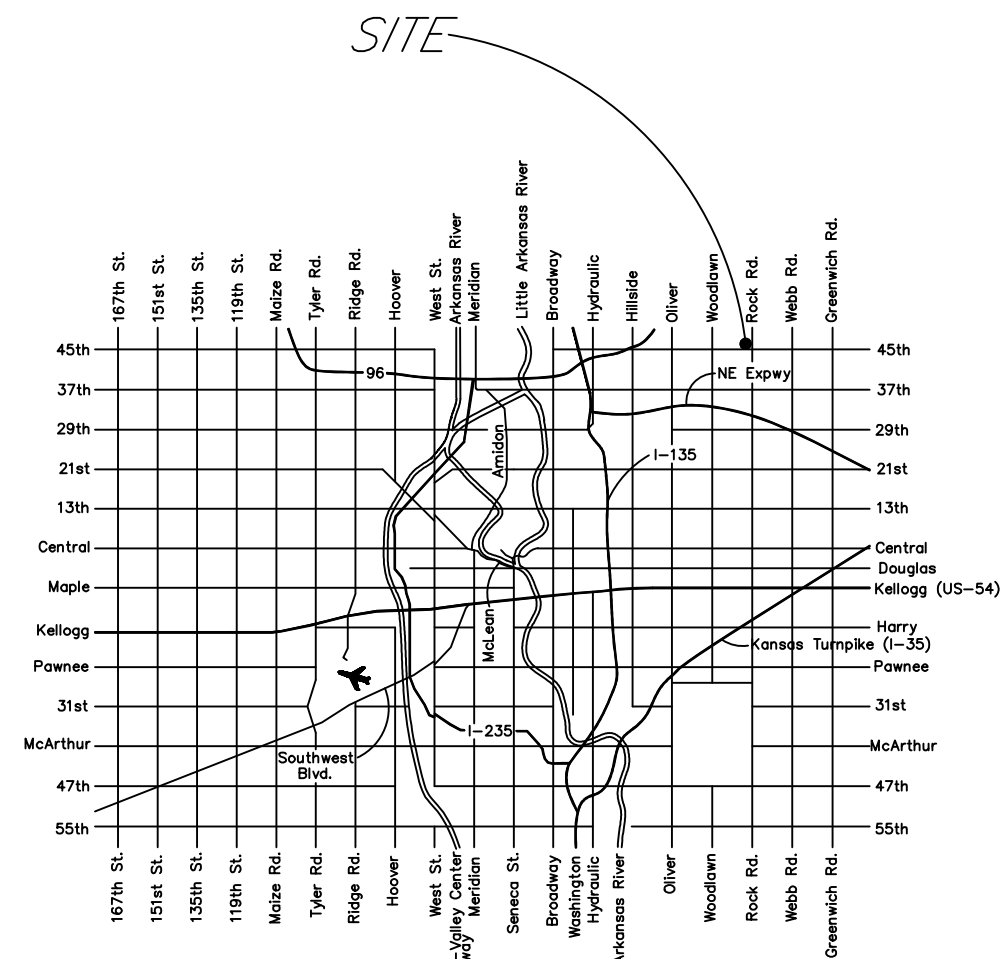
Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General Location: Elk Creek Dr. and E.45th St. N.

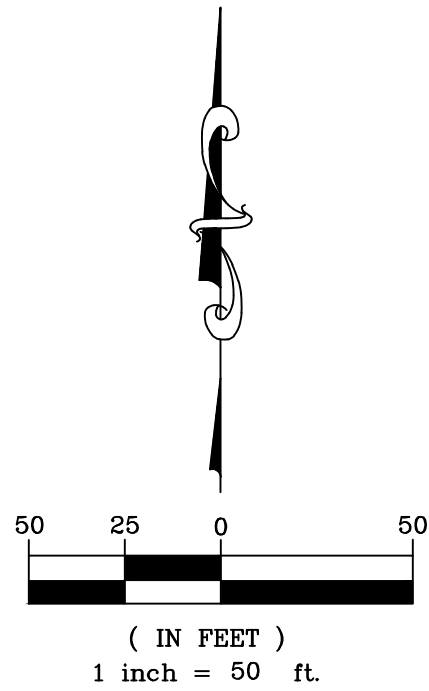
You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if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

DATED this 11 day of March, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary



LOCATION MAP
(For Visual Use Only)



State of Kansas)
County of Sedgwick)SS

I, Keith A. Severns, a licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on this day the 17th of November, 2021 and the accompanying one-step 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:

LEGAL DESCRIPTION

The tract of land in Southeast Quarter of Section 19, Township 26 South, Range 2 East of the 6th P.M. Bel Aire, Sedgwick County, Kansas described as:

Lot 1, Block 11 of Elk Creek Addition.

All easements and rights-of-way within said tract are hereby vacated by virtue of KSA 12-512b as amended.

Preliminary Plat

Elk Creek 3rd

Bel Aire, Sedgwick County, Kansas

Part of the SE ¼, Section 19, Township 26 South, Range 2 East

State of Kansas)
County of Sedgwick)SS

Know all men by these presents, that we, the undersigned, have caused the land described in the surveyor's certificate to be platted into Lots, Blocks, Reserves and Streets, to be known as Elk Creek 3rd, Bel Aire, Sedgwick County, Kansas. Any street dedications shown are dedicated to and for the use of the public. The utility easements are hereby granted to the public as indicated for drainage purposes. No signs, light poles, private drainage systems, masonry trash enclosures or other structures shall be located within public utility easements unless permitted by the Public Works Department of the appropriate governing body. The access controls are hereby granted to the appropriate governing body as shown hereon. Reserve "A" and "B" is hereby platted for landscaping, entry monuments, drainage, parking, and utilities confined to easements. Reserve "C" is hereby platted for landscaping, recreational uses, and utilities confined to easements. Reserve "A", "B", and "C" shall be owned and maintained by the Elk Creek 3rd Home Owners Association. 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.

By: Barakeh Property LLC Date

State of Kansas)
County of Sedgwick)SS

This instrument was acknowledged before me on this ____ day of _____, 2022, by Barakeh Property LLC.

Notary Public

My Commission Expires: _____

State of Kansas)
City of Bel Aire)SS

This plat of the Elk Creek 3rd, Bel Aire, Sedgwick County, Kansas, has been submitted to and approved by the Bel Aire Planning Commission, Bel Aire, Sedgwick County, Kansas. Dated this ____ day of _____, 2022.

At the Direction of the Bel Aire Planning Commission:

Keith Price, Chair

Anne Stephans, Secretary

State of Kansas)
City of Bel Aire)SS

This plat approved and all dedications shown hereon accepted by the City Council of the City of Bel Aire, Sedgwick County, Kansas, this ____ day of _____, 2022.

At the Direction of the Bel Aire City Council.

Jim Benage, Mayor

Melissa Krehbiel, City Clerk

Entered on transfer record this ____ day of _____, 2022.

Kelly B. Arnold, County Clerk

State of Kansas)
County of Sedgwick)SS

This is to certify that this plat has been filed for record in the Office of the Register of Deeds this ____ day of _____, 2022, at ____ o'clock ____M; and is duly recorded.

Tonya Buckingham, Register of Deeds

Kenly Zehring, Chief Deputy

COUNTY SURVEYOR'S CERTIFICATE

Reviewed in accordance with K.S.A. 58-2005 on this ____ day of _____, 2022.

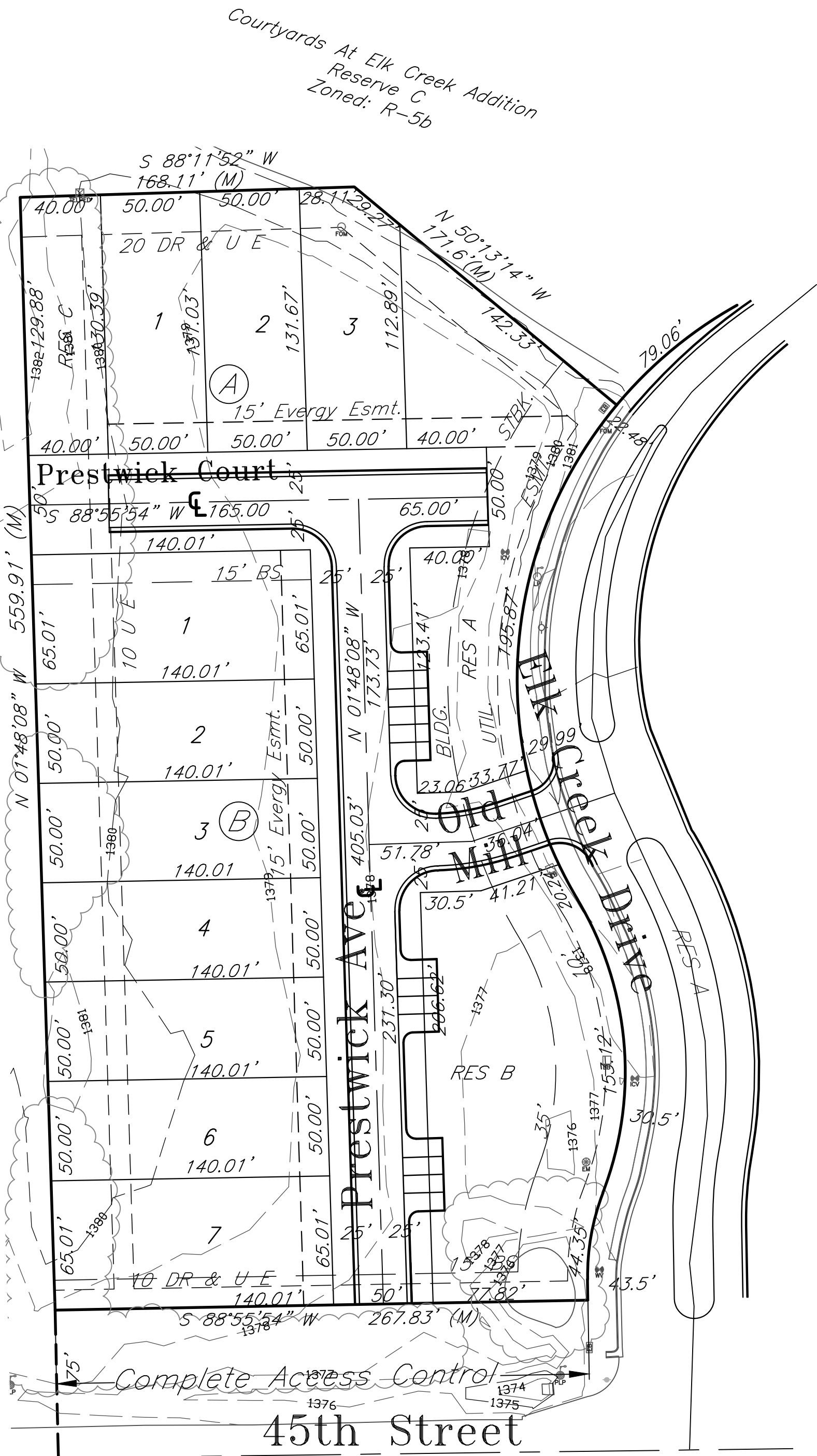
Tricia L. Robello, P.S. #1246
Deputy County Surveyor
Sedgwick County, Kansas

Benchmarks:

Square cut on the Southwest Corner of the North hubguard of a box under 45th Street N., 800' West of the Southeast Corner of Sec 19, T26S, R2E.

Elevation= 1376.52 (NVD 29)

Catholic Diocese of Wichita
424 N. Broadway Ave. Wichita, KS 67202-2310
Farming/Ranch Land
Zoned: R-6



Elk Creek Addition
Reserve D-3
Zoned: R-3

John Charles Peter
7667 E. 45th Street N. Bel Aire, KS 67226-8834
Single Family Residency
Zoned: C-1

Property
Owner/Developer: Barakeh Property LLC, 1200 E. MacArthur Road Wichita, KS, 67216-1839
Zoned: C-1 to R-5b
Ex. Use: Vacant

Elk Creek 3rd
Bel Aire, Sedgwick County, Kansas
Part of the SE ¼, Section 19, Township 26 South, Range 2 East

State of Kansas)
County of Sedgwick)SS

State of Kansas)
City of Bel Aire)SS

I, Keith A. Severns, a licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on this day the 17th of November, 2021 and the accompanying one-step 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:

This plat of the Elk Creek 3rd, Bel Aire, Sedgwick County, Kansas, has been submitted to and approved by the Bel Aire Planning Commission, Bel Aire, Sedgwick County, Kansas. Dated this ____ day of ____, 2022.

At the Direction of the Bel Aire Planning Commission:

James Schmidt, Chair

Anne Stephans, Secretary

State of Kansas)
City of Bel Aire)SS

This plat approved and all dedications shown hereon accepted by the City Council of the City of Bel Aire, Sedgwick County, Kansas, this ____ day of ____, 2022.

At the Direction of the Bel Aire City Council.

Jim Benage, Mayor

Melissa Krehbiel, City Clerk

Entered on transfer record this ____ day of ____, 2022.

Kelly B. Arnold, County Clerk

State of Kansas)
County of Sedgwick)SS

This is to certify that this plat has been filed for record in the Office of the Register of Deeds this ____ day of ____, 2022, at ____ o'clock __M; and is duly recorded.

Tonya Buckingham, Register of Deeds

Kenly Zehring, Chief Deputy

COUNTY SURVEYOR'S CERTIFICATE

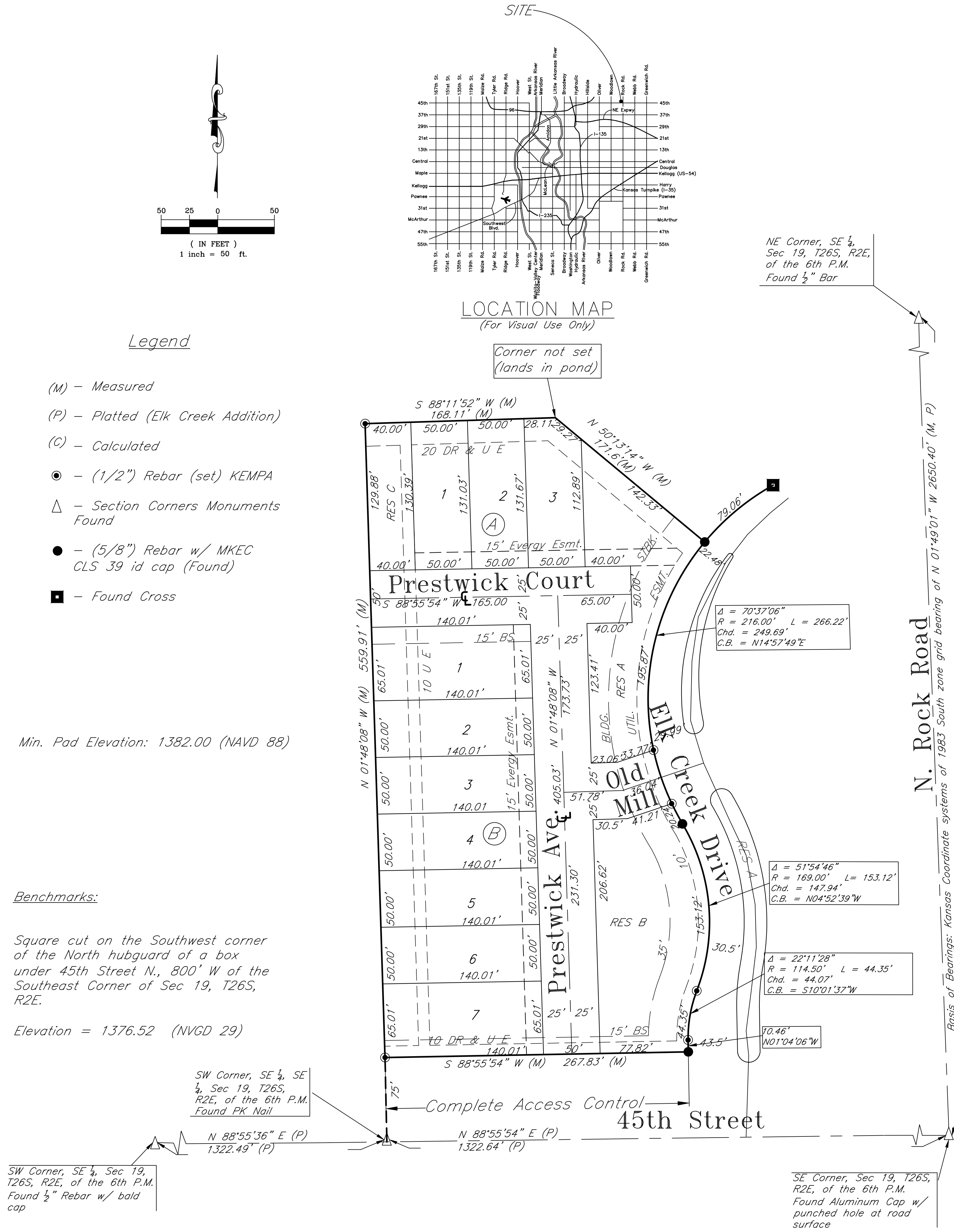
Reviewed in accordance with K.S.A. 58-2005 on this ____ day of ____, 2022.

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

211723 Elk Creek 3rd

Prepared: 2/10/2022

KEMILLER
ENGINEERING PA
117 E. Lewis, Wichita, KS 67202 (316)264-0242



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**AGREEMENT
CONCERNING THE DEVELOPMENT
OF THE ELK CREEK 3RD
TO THE CITY OF BEL AIRE, KANSAS**

This agreement is made and entered into by and between {INSERT FIRST PARTY TO BE BOUND BY THIS AGREEMENT}, a Kansas Company, {INSERT SECOND PARTY TO BE BOUND BY THIS AGREEMENT}, a Kansas Company, and {INSERT THIRD PARTY TO BE BOUND BY THIS AGREEMENT}, a Kansas Company, all jointly hereinafter referred to as "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 the ELK CREEK 3rd Addition to the City of Bel Aire, Kansas; and

WHEREAS, the City is willing to consider platting of said ELK CREEK 3RD Addition;

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process prior to final plat approval, and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the ELK CREEK 3RD Addition to the City of Bel Aire, Kansas. Additionally, 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 in association with such property. Finally, the Developer shall strictly observe and comply with 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.

LEGAL DESCRIPTION. The tract of land herein referred to as the ELK CREEK 3RD Addition to the City of Bel Aire, Kansas has the following pre-platting legal description, to-wit:

Legal Description as defined by Plat which is attached hereto as Attachment A, and incorporated herein.

INFRASTRUCTURE INSTALLATION. Installation of all improvements shall be in

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compliance with requirements of all applicable federal, state and local legislation, codes, and regulations, 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 all improvements necessary for the platting and development of the tract of land herein referred to as the ELK CREEK 3RD Addition to the City of Bel Aire, Kansas all of which improvements are to be dedicated to, owned by, 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 ELK CREEK 3RD Addition to the City of Bel Aire, Kansas unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas. For any costs of improvement not paid as set forth above, 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 and/or another unit of government.

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 ELK CREEK 3RD Addition to the City of Bel Aire, Kansas. 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, driveways and utilities. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground and overhead electric, communications, gas lines, pipe lines or transmission lines are required to be installed, lowered, encased, or relocated due to the subdivision or construction improvements required, whether known or unknown at time of platting approval, the Developer shall pay one hundred percent (100%) of the cost of such modification to existing improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas and/or another unit of government. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction or modification of existing improvements. Additionally, the Developer will be responsible for any adjustment if site grading covers manhole covers.

DRAINAGE. The developer must follow all National Pollution Discharge Elimination System (NPDES) and City of Bel Aire Standards for erosion and sediment control on site.

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The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan which shall address the effect of increased drainage, meet City specifications. City Engineer shall review the draft drainage plan, and make such modifications as deemed necessary and appropriate. Upon acceptance of such modifications by Developer, the City Engineer shall approve said finalized storm drainage plan. The Developer shall install, or cause to be installed, the improvements pursuant to the approved drainage plan.

The drainage plan shall be included in the Home Owner's Association Covenants detailing all maintenance and inspection requirements so as to provide adequate provisions to protect the master drainage plan engineered design that was approved by the City. Any representative of the City may request a copy of the inspection report to monitor compliance. The Maintenance Plan will include, but is not limited to the following provisions:

1. how to initiate the process,
2. how and what to inspect,
3. how to correct problems that are discovered,
4. all records to be kept and by whom.

The Developer shall maintain master drainage plan throughout the development stage for each parcel, by providing grass and installing landscape to ensure the reduced yard requirements have no consequence to the drainage of the property.

ROADWAYS. The Developer shall install, or cause to be installed, according to the design standards of the City, a minimum twenty nine (29) foot back to back paved street with curb and gutter, on all Streets constructed within the ELK CREEK 3RD Addition to the City of Bel Aire, Kansas. The roads associated with the alternating of houses shall be Indian Oak and Turquoise Trail.

Street signs shall be installed at such location(s), and of such type and size as shall be approved by the Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area.

Vehicle access to the tract of land herein referred to as the ELK CREEK 3RD Addition to the City of Bel Aire, Kansas shall be limited to temporary entry point from 45th Street and Elk Creek Drive with a maximum of 1 (1) entrance from each roadway, as recommended by the Sedgwick County Fire Department for fire protection purposes and to allow for emergency vehicles. Traffic through Central Park Addition shall be limited to vehicles under 3 tons. All roadways must be kept free of construction debris and mud in conformance with the City's Stormwater Pollution Prevention Plan. Dust created during construction the must be controlled avoiding a nuisance for motorist and neighbors.

The Developer shall construct/install, or cause to be constructed/installed, according to the design standards of the City, and SCFD, within a time frame as determined by the Governing Body of City.

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SIDEWALKS. Shall be constructed by Developer in accordance with standards set by the City and shall incorporate the following conditions:

- 1) Sidewalks will be required to be installed in conformance with the ADA Accessibility Guidelines (ADAAG), and shall be handicap accessible.
- 2) Sidewalks will be installed so as to extend or complete connecting links in the sidewalk system.

SANITARY SEWER. The Developer shall petition the City to perform the engineering design review, construction and inspection of collection/transmission lines, not less than (8) inches in diameter, to transport sewage and discharge in the existing lift station to the North of the ELK CREEK 3RD addition. Said sewer main shall be dedicated to and owned and maintained by the City. Said collection/transmission lines, sewer main, and lift station 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 single family home shall have a separate sanitary sewer tap from the City main line. All Sanitary Sewer User Fees and Hook Up Fees are subject to City Ordinances.

WATER. The Developer shall petition the City to perform the engineering design, construction and inspection 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. The alternate looped system in cul-de-sacs if shown to be performing below standard result from the typical design else where in the city; the empirical design will be required or an alternate design approved by the city engineer. Said water transmission lines 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 single family home shall have a separate water tap from the City main line. All Water User Fees and Hook Up Fees are subject to City Ordinances.

FIRE HYDRANTS. The type and quality specified by City standards, but not less than the minimum standards of the National Board of Fire Underwriters, shall be provided and connected to municipal type water supply system. Such hydrants shall be subject to inspection and approval of the applicable Fire Chief.

STREET LIGHTS. Upon petition by the Developer, the City shall request installation of necessary streetlights by Evergy. Wooden light poles are not permitted to be used, and City will have approval of type and style of light poles prior to installation.

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PARKING RESERVE OPEN SPACE. Parking Reserves _____ shall always remain at least 50% covered by grass and landscaping. Guest parking shall be installed to meet city standards.

SCREENING. Berms and screening may be installed at the north end of this development in a manner consistent with maximizing the value of both this development and any abutting developments. The costs of any such berms deemed necessary may be shared by any adjoining development in a manner consistent with the benefit to each development.

ATYPICAL LOT SIZE, LOT LINE, AND LOT LINE ENCROACHMENT. No lot shall be less than 50’ wide by 90’ deep, or less than 5,000 square feet, which ever is smaller. The master plan for side yard building set back as approved by the governing body will allow the main house structure foundation (concrete footing and slab on grade, no basement or window wells), to be constructed on one side yard property line, free of any platted easement and easements of public record. Typical building practices and approved architectural designs that meet the minimum building and fire codes shall be used to complete the house structure above grade, but at no point may the distance between houses be less than four (4) feet, such distance to be maintained from the ground to the sky. The opposite side yard shall be six (6) feet or more between the structure and the property line. The maximum encroachment of the abutting house wall and roof elements including guttering is two (2) feet. No exhaust openings in the wall shall be within 10’ of the property line. Any changes to the building master plan will require review of the new plan by the governing body for approval.

MAINTENANCE OF RESERVES AND MAINTENANCE AGREEMENT. Developer and/or Homeowners’ Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds and construction outside boundaries within COURTYARDS HOMES AT ELK CREEK as well as Reserves A and B of the Elk Creek Addition Plat, as well as the street right of way along Elk Creek Drive south of reserve A. Such maintenance agreement will be incorporated within the Developer’s Agreement and the Restrictive Covenants.

The maintenance agreement will be provided to each property owner at the time of entering into a contract for sale.

Additional information to be included within the maintenance agreement shall be:

1. notification to property owners of their right to maintain their house structure encroaching and abutting upon other lots as constructed by the Developer.
2. information regarding each property owner’s duty to notify abutting property owners of any construction action occurring within ten (10) feet of such abutting lot line including how to schedule the work to be completed in a

DRAFT

- manner cognizant of the proximity of abutting properties, and how conflicts between property owners will be handled by the home owner's association,
3. information concerning other zero lot line issues relating to fence construction, and landscape.
 4. All accessory structures such as sheds, garages, play equipment shall be 10' from property lines or the minimum requirements of the current zoning code, whichever is more restrictive.

MISCELLANEOUS. A minimum pad height certification on each foundation after construction will be required by the city.

Any pond equalization costs shall be shared between the ELK CREEK 3RD HOA and the VILLAS AT ELK CREEK HOA. A cross lot drainage agreement must be filed with the city and the Sedgwick County Register of Deeds.

The Developer shall participate in providing necessary documentation to satisfy the finance provider for the City that the land retained by the City is equal to pre-platting of ELK CREEK 3RD, or an agreement between parties must be attained. Any improvements occurring within the ELK CREEK 3RD Addition made during the transition between plats are hereby required to adhere fully to this Agreement.

All lots covered by this Agreement shall be kept clean, shall not pond water, shall be mowed to a height not exceeding eight (8) inches, and shall comply with all applicable laws and regulations pertaining to erosion control.

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

While it is intended by the parties that the development will precede in compliance with this agreement and the existing plat of the ELK CREEK 3RD ADDITION to the City of Bel Aire nothing herein shall be construed to prohibit modifications as a result of the formal replatting process, and as part of the ongoing review process, as approved by all parties.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to as the ELK CREEK 3RD ADDITION to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

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

DRAFT

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, heirs, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this _____ day of _____, 2012.

{NAME AND TITLE}
{INSERT CORPORATE NAME OF FIRST PARTY TO BE BOUND
BY THIS AGREEMENT}

{NAME AND TITLE}
{INSERT CORPORATE NAME OF SECOND PARTY TO BE
BOUND BY THIS AGREEMENT}

{NAME AND TITLE}
{INSERT CORPORATE NAME OF THIRD PARTY TO BE BOUND
BY THIS AGREEMENT}

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2022 and is hereby executed on this _____ day of _____, 2022.

MAYOR, Jim Benage

SEAL

DRAFT

ATTEST:

CITY CLERK, Melissa Krehbiel

ACKNOWLEDGEMENTS

[illegible]

The foregoing instrument was acknowledged before me this {DAY OF MONTH} day of {MONTH} A.D., 2012 by {NAME AS APPEARS IN FOREGOING DOCUMENT, AND TITLE AS IT APPEARS IN FOREGOING DOCUMENT}, {CITY}, Kansas, who appeared before me and is personally known by me to be the party named in the foregoing document,.

Notary Public _____ SEAL

My Appointment Expires:_____

[illegible]

The foregoing instrument was acknowledged before me this {DAY OF MONTH} day of {MONTH} A.D., 2012 by {NAME AS APPEARS IN FOREGOING DOCUMENT, AND TITLE AS IT APPEARS IN FOREGOING DOCUMENT}, {CITY}, Kansas, who appeared before me and is personally known by me to be the party named in the foregoing document,.

Notary Public _____ SEAL

My Appointment Expires: _____

[illegible]

The foregoing instrument was acknowledged before me this {DAY OF MONTH} day of {MONTH} A.D., 2012 by {NAME AS APPEARS IN FOREGOING DOCUMENT, AND TITLE AS IT APPEARS IN FOREGOING DOCUMENT}, {CITY}, Kansas, who appeared before me and is personally known by me to be the party named in the foregoing document,.

DRAFT

Notary Public _____

SEAL

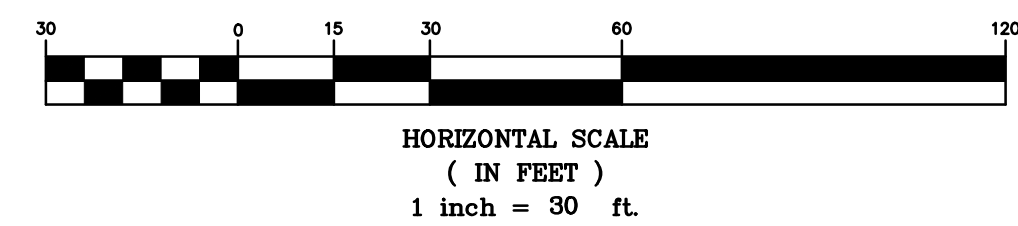
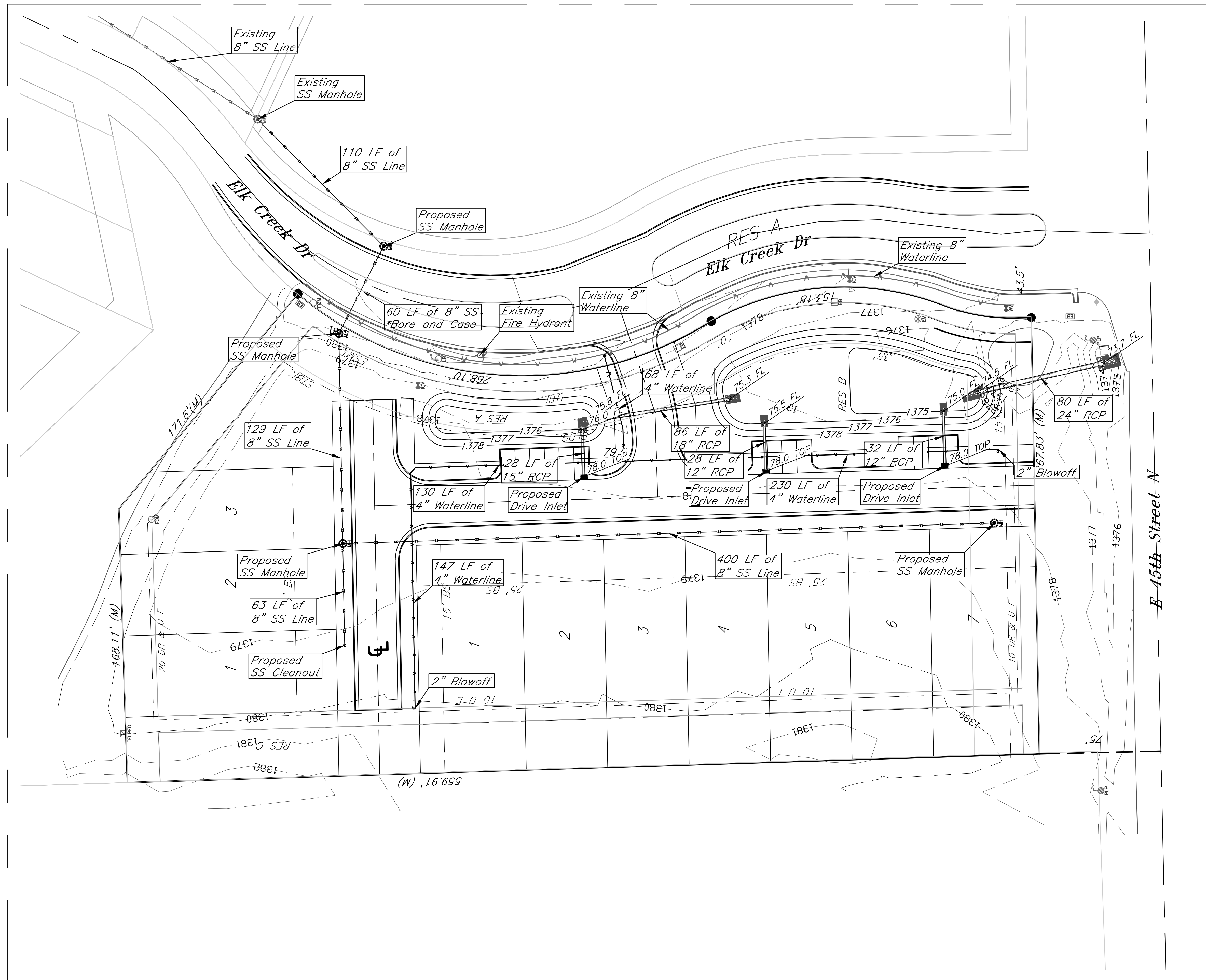
My Appointment Expires: _____

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2022, 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 forging Agreement Concerning the Development of the _____ Addition to Bel Aire, 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, as the Mayor of Bel Aire, Kansas.

—

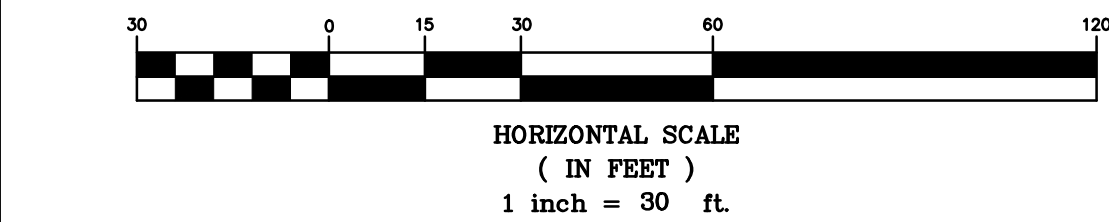
NOTARY PUBLIC


My Appointment Expires: _____



Elk Creek 3rd Addition
Utility Plan
Bel Aire, Kansas

PROJECT NUMBER			
KEMILLER ENGINEERING PA 117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 21173	FILE	DATE 04/2022
	DESIGN KM	DRAWN ME	REVISED
			SHEET 2.0



 <p>KEMILLER ENGINEERING PA 117 E. Lewis, Wichita, KS 67202 (316)264-0242</p>	PROJECT NUMBER			SHEET 1.0
	KEM NO. 21173	FILE	DATE 04/2022	
	DESIGN KM	DRAWN ME	REVISED	

ZONING CHANGE APPLICATION CITY OF BEL AIRE, KANSAS

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

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

The site plan must contain the following elements:

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

- Floodplains
- Water area or features
- Significant topographical features
- Utilities, above and below ground
- Drainage patterns

9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.

10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.

11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.

12. Modifications by the zoning change: Indicate any modifications to the existing structures or features that will result if the zoning change request is approved. If these modifications or additions are extensive, a second site drawing might be necessary to clarify the changes. These modifications or new features may include, but are not limited to:

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

13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.

14. An application for zoning change shall be accompanied by the appropriate filing fee, (\$500.00 plus publication) and is payable to the City of Bel Aire.

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 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.

- ☐ Change Zoning Districts: From: AG to M-1
- ☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner City of Bel Aire Land Bank

Address 7651 E Central Park Ave Telephone 316-744-2451

Agent representing the owner _____

Address _____ Telephone _____

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

E1/2 NW1/4 EXC FOR RD ON N SEC 17-26-2E and W1/2 NE1/4 SEC 17-26-2E

2. The application area contains 150 +/- acres.

3. This property is located at (address) 8327 E 61st N which is generally located at (relation to nearest streets) 254HWY and Rock Road.

4. The particular reason for seeking reclassification:

City Development , see attachment

5. County control number: 00540930, 00540930

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	City Of Bel Aire	Phone	316-744-2451
	Address 7651 E Central Park Ave	Zip Code	67226
	Agent	Phone	
	Address	Zip Code	
2. Applicant		Phone	
	Address	Zip Code	
	Agent	Phone	
	Address	Zip Code	
3. Applicant		Phone	
	Address	Zip Code	
	Agent	Phone	
	Address	Zip Code	

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


 Applicant's Signature

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.

ZON-22-01 site plan

The City of Bel Aire, Sedgwick County, Kansas, E1/2 NW1/4 EXC FOR RD ON N SEC 17-26-2E and W1/2 NE1/4 SEC 17-26-2E consisting of approximately 150 (+-) acres, more or less



Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17th day of March, 2022, with subsequent publications being made on the following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022



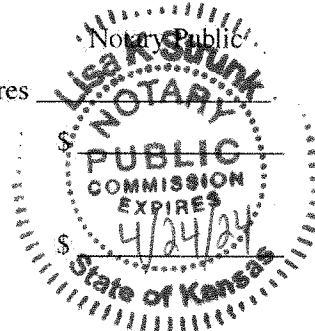
Subscribed and sworn to before me this 17th day of March, 2022.



My commission expires

Additional copies

Printer's fee



Public notice

(Published in the Ark Valley News on March 17, 2022.)
OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on April 14, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

ZON-22-01. Proposed re-zoning approximately 150+ acres zoned AG, to a M-1 Industrial Manufacturing. The current use farm ground.

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

General Location: 254HWY and East of N. Rock Road

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

DATED this 11 day of March, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

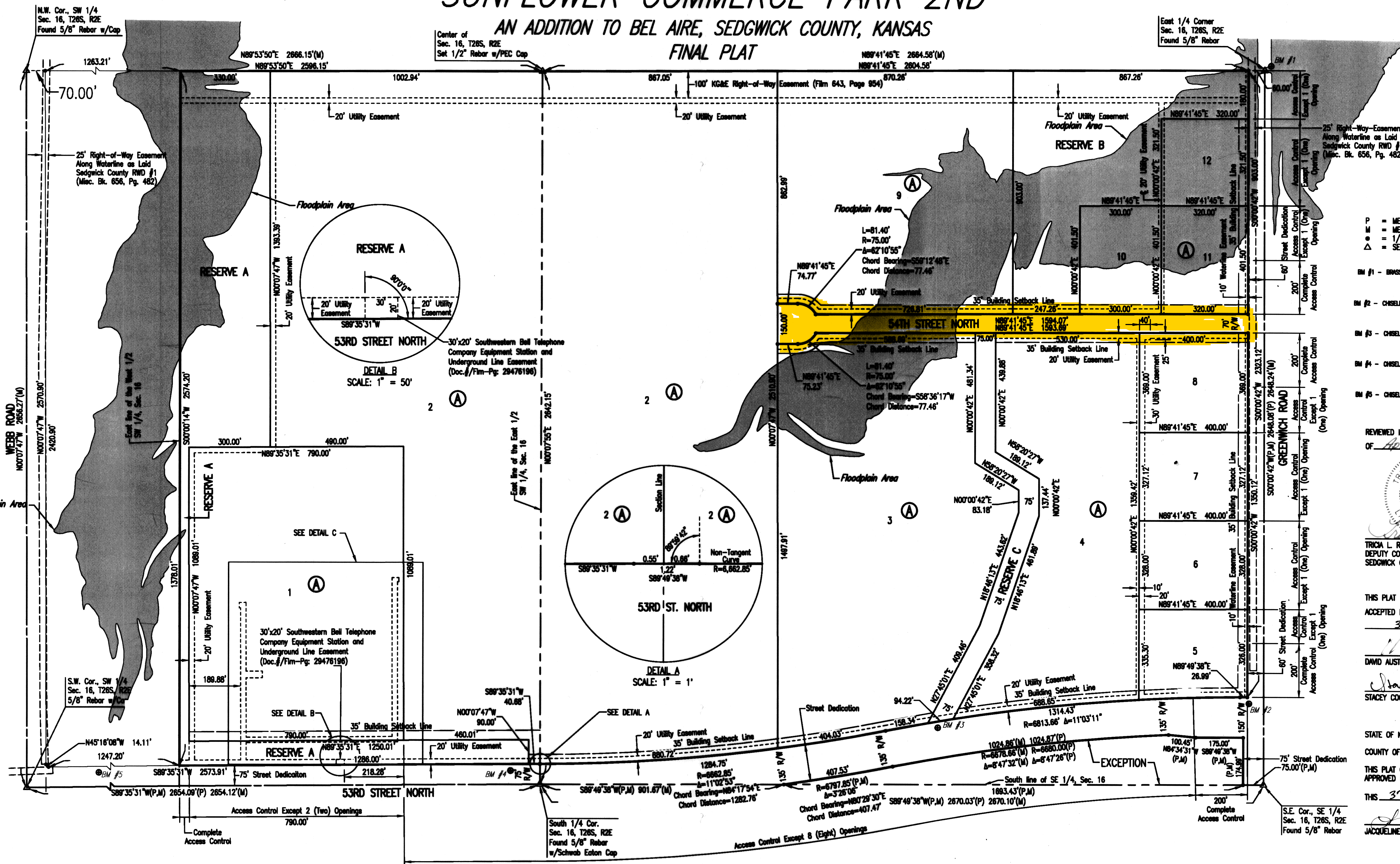
Vacation area

K.P.

SUNFLOWER COMMERCE PARK 2ND

AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS

FINAL PLAT

SCALE: 1" = 200'
PREPARED: FEBRUARY 17, 2018

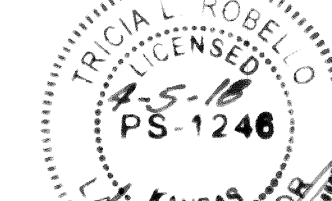
LEGEND

- P = MEASUREMENT FROM THE PLAT OF SUNFLOWER COMMERCE PARK
M = MEASURED
1/2" REBAR W/PEC CAP UNLESS OTHERWISE NOTED
Δ = SECTION CORNER

BENCH MARK LIST

- BM #1 - BRASS DISK AT NORTH END OF THE EAST HUBSPIN OF A REINFORCED CONCRETE BOX ON GREENWICH ROAD 1/2 MILE NORTH OF 53RD STREET. ELEV.=1382.002 (MM088)
BM #2 - CHISELED SQUARE ON THE NORTH END WEST OF TWO CONCRETE CULVERTS WITH ENDS AT THE NORTHWEST CORNER OF 53RD STREET AND GREENWICH ROAD. ELEV.=1405.842 (MM088)
BM #3 - CHISELED SQUARE ON THE NORTHEAST END OF A REINFORCED CONCRETE BOX ± 100' WEST OF GREENWICH ROAD ON 53RD STREET. ELEV.=1408.482 (MM088)
BM #4 - CHISELED SQUARE ON THE NORTH END OF A REINFORCED CONCRETE BOX 1/2 MILE WEST OF GREENWICH ROAD ON 53RD STREET. ELEV.=1408.012 (MM088)
BM #5 - CHISELED SQUARE ON THE NORTHEAST END OF A REINFORCED CONCRETE BOX ± 120' EAST OF WEBB ROAD ON 53RD STREET. ELEV.=1403.082 (MM088)

REVIEWED IN ACCORDANCE WITH K.S.A. 58-2005 ON THIS 5th DAY OF April, 2018.

TRICIA L. ROBELLO, LS #1246
DEPUTY COUNTY SURVEYOR
SEDGWICK COUNTY KANSASTHIS PLAT IS APPROVED AND ALL DEDICATIONS SHOWN HEREON
ACCEPTED BY THE CITY COUNCIL OF THE CITY OF BEL AIRE, KANSAS, THIS 3rd DAY OF April, 2018.DAVID AUSTIN MAYOR
STACEY COOK CITY CLERKSTATE OF KANSAS } SS
COUNTY OF SEDGWICKTHIS PLAT OF SUNFLOWER COMMERCE PARK 2ND HAS BEEN SUBMITTED TO AND
APPROVED BY THE CITY ATTORNEY OF BEL AIRE, SEDGWICK COUNTY, KANSAS,
THIS 3rd DAY OF April, 2018

JACQUELINE KELLY BEL AIRE CITY ATTORNEY

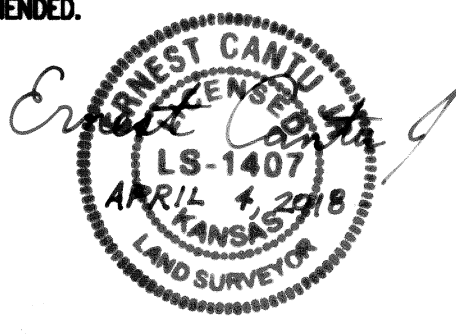
ENTERED ON TRANSFER RECORD THIS 6th DAY OF June, 2018.

KELLY ARNOLD COUNTY CLERK

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE
REGISTER OF DEEDS OFFICE AT 10:45 AM, ON THE 6th DAY
OF June, 2018.TONYA BUCKINGHAM
JUDY J. PAGET
Register of Deeds
Sedgwick County
Doc. #/Film-Pg: 29775209
Recording Fee: \$64.00
Data Recorded: 06/06/2018 03:02:23 PM
Authorized By: Tonya Buckingham

PEC PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
303 SOUTH TOPEKA WICHITA, KS 67202
316-262-2691 www.pec1.com

SHEET 1 OF 2

STATE OF KANSAS } SS
COUNTY OF SEDGWICKWE, PROFESSIONAL ENGINEERING CONSULTANTS, P.A., ENGINEERS AND SURVEYORS IN
AFORESAID STATE AND COUNTY, DO HEREBY CERTIFY ON THIS 4th DAY
OF April, 2018, THAT WE HAVE SURVEYED AND PLATTED SUNFLOWER
COMMERCE PARK 2ND, AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS, INTO
LOTS, A BLOCK, STREETS, AND RESERVES, DESCRIBED AS FOLLOWS:PARCEL 1:
THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 28 SOUTH, RANGE 2 EAST OF THE
SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, EXCEPT THAT PART PLATTED AS
SUNFLOWER COMMERCE PARK, AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS.PARCEL 2:
THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 28 SOUTH,
RANGE 2 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS.ALL PUBLIC EASEMENTS LYING WITHIN ABOVE DESCRIBED TRACT OF LAND
ARE HEREBY VACATED AND REPLATED BY VIRTUE OF K.S.A. 12-5126, AS
AMENDED.ERNEST CANTU JR., P.E. NO. 1407
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.EASEMENTS AS SHOWN FOR THE CONSTRUCTION AND MAINTENANCE OF
PUBLIC UTILITIES ARE HEREBY GRANTED.ALL ADJUTERS' RIGHTS OF ACCESS TO AND FROM GREENWICH ROAD AND
53RD STREET NORTH ARE HEREBY GRANTED TO THE APPROPRIATE
GOVERNING BODY; PROVIDED THAT LOTS 5 THROUGH 8, 11, 12, BLOCK A,
AND RESERVE B SHALL HAVE ACCESS TO GREENWICH ROAD AT ONE (1)
LOCATION FOR EACH LOT AND RESERVE. LOTS 2 THROUGH 5, BLOCK A,
RESERVE C, AND THAT PORTION OF RESERVE A ADJACENT TO LOT 2
SHALL HAVE ACCESS TO 53RD STREET NORTH FOR A TOTAL OF EIGHT (8)
OPENINGS. LOT 1, BLOCK A SHALL HAVE ACCESS TO 53RD STREET
NORTH AT TWO (2) LOCATIONS ACROSS RESERVE A. ALL ACCESS
LOCATIONS SHALL BE AS APPROVED BY THE CITY ENGINEER.ANY LAND DEDICATED TO OR OWNED BY A MUNICIPAL AUTHORITY SHALL BE
EXEMPT FROM ANY AND ALL ASSESSMENTS INCLUDING THOSE ASSESSED BY
BUSINESS ASSOCIATION COVENANTS, LAND WITHIN THIS PLAT OWNED BY AN
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.

MINIMUM OPENING

BLOCK A	ELEVATION (MM088)
LOTS 1, 2	* VARIES FROM 1394.0 TO 1403.0
LOTS 3, 4	* VARIES FROM 1393.0 TO 1408.0
LOTS 5 THRU 12	1391.0

* FINAL ELEVATION TO BE AS DIRECTED BY CITY ENGINEER BASED ON
STRUCTURE LOCATION WITHIN LOT.A DRAINAGE PLAN HAS BEEN APPROVED FOR THIS PLAT. ALL DRAINAGE
EASEMENTS, RIGHTS-OF-WAY, OR RESERVES SHALL REMAIN AT ESTABLISHED
GRADES AND UNOBTSTRUCTED TO ALLOW FOR THE CONVEYANCE OF
STORMWATER, UNLESS MODIFIED WITH THE APPROVAL OF THE CITY
ENGINEER.FEMA FLOODPLAIN AND REGULATORY FLOODWAY BOUNDARIES ARE SUBJECT
TO PERIODIC CHANGE, AND SUCH CHANGE MAY AFFECT THE INTENDED LAND
USE WITHIN THE SUBDIVISION.RESERVES A, B AND C SHALL BE OWNED AND MAINTAINED BY A PROPERTY
OWNERS ASSOCIATION AND ARE HEREBY PLATTED FOR DRAINAGE AND
STORMWATER DETENTION PURPOSES, OPEN SPACE, AND UTILITIES CONFINED TO
EASEMENTS. RESERVE A SHALL ALSO ALLOW PRIVATE DRIVES AND UTILITY
SERVICE LINES TO SERVE LOTS 1 AND 2, BLOCK A AND CONTAINS A PRIVATE
AT&T EASEMENT AS SHOWN.KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED PROPERTY
OWNERS OF THE LAND AS ABOVE SET FORTH IN THE SURVEYOR'S CERTIFICATE,
HAVE CAUSED THE LAND TO BE SURVEYED AND PLATTED INTO LOTS, A BLOCK,
STREETS, AND RESERVES, THE SAME TO BE KNOWN AS SUNFLOWER COMMERCE
PARK 2ND, AN ADDITION TO BEL AIRE, SEDGWICK COUNTY, KANSAS.OWNER:
CITY OF BEL AIRE, KANSAS PUBLIC BUILDING COMMISSIONGARY O'NEAL
GARY O'NEAL, PRESIDENTOWNER:
EPIC REAL ESTATE DEVELOPMENT II, L.L.C.

GARY PROCTOR, MANAGER

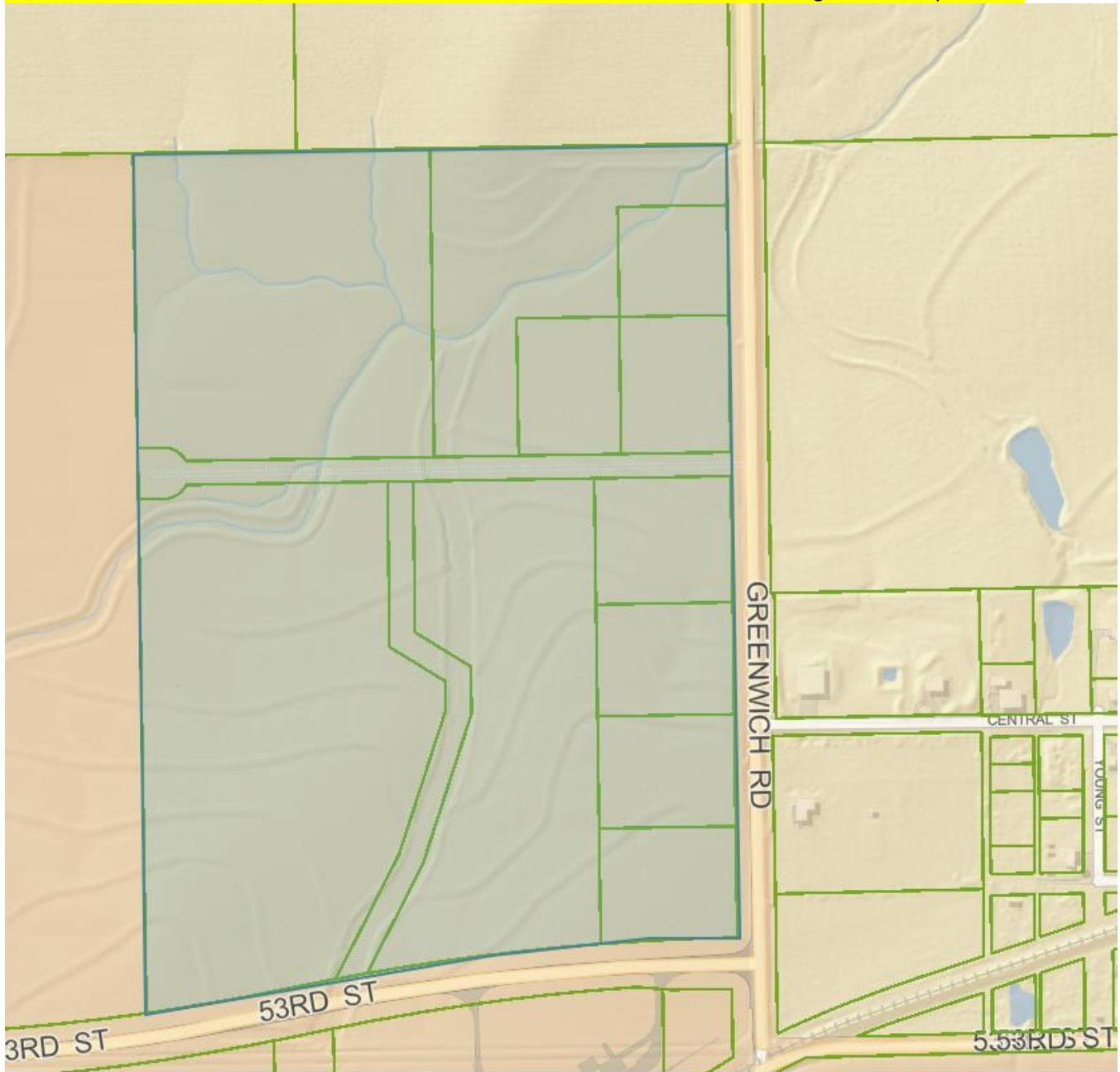
STATE OF KANSAS } SS
COUNTY OF SEDGWICKTHIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 6th DAY OF
April, 2018, BY GARY O'NEAL, PRESIDENT OF BEL AIRE,
KANSAS PUBLIC BUILDING COMMISSION.STACEY COOK NOTARY PUBLIC
MY APPOINTMENT EXPIRES 09/26/2020STATE OF KANSAS } SS
COUNTY OF SEDGWICKTHIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF
April, 2018, BY GARY PROCTOR, MANAGER OF EPIC REAL
ESTATE DEVELOPMENT II, L.L.C.STACEY COOK NOTARY PUBLIC
MY APPOINTMENT EXPIRES 09/26/2020THIS PLAT OF SUNFLOWER COMMERCE PARK 2ND HAS BEEN SUBMITTED TO
AND APPROVED BY THE BEL AIRE PLANNING COMMISSION, BEL AIRE, KANSAS,
AND IS HEREBY TRANSMITTED TO THE CITY COUNCIL OF BEL AIRE, KANSAS,
WITH THE RECOMMENDATION THAT SUCH PLAT BE APPROVED AS PROPOSED.

DATED THIS 15th DAY OF March, 2018.

JAMES SCHMIDT CHAIRPERSON
JAMES SCHMIDTATTEST:
KEITH PRICE SECRETARY

SEE SHEET NO. 2 FOR ADDITIONAL OWNERSHIP CERTIFICATE

All of 54th Street right-of-way from the west line of Greenwich Road to the east line of Lot 2, Block A,; adjacent to Lot 10, Block A and Reserve B, Sunflower Commerce Park 2nd Addition to Bel Aire, Sedgwick County, Kansas.



Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Public notice

(Published in the Ark Valley News on March 17, 2022.)
OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on April 14, 2022, the City of Bel Aire Planning Commission will consider the following "vacating a street and relevant easements" change as scheduled on the agenda starting at 6:30 p.m. in the council chamber at City Hall in Bel Aire, Kansas:

Case Numbers. V-22-01, platted Right of Way and abutting relevant easements, E. 54th St. N.

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

General Location: West of Greenwich Rd. and 54th St. N.

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

DATED this 11th day of March, 2022.

/s/ Anne Stephens
Planning Commission Secretary

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17th day of March, 2022, with subsequent publications being made on the following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

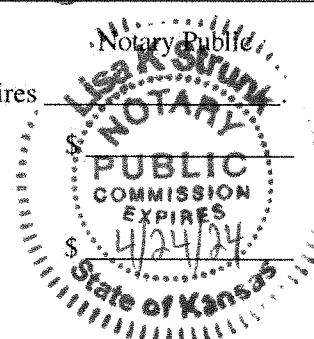
Subscribed and sworn to before me this 17th day of March, 2022.

hks

My commission expires

Additional copies

Printer's fee



Upcoming Events

April 9 — Spring Festival and Egg Hunt, 1-3 pm, Bel Aire Rec Center

April 15 – City Council application deadline

April 30 – Arbor Day Celebration in Central Park, 9 am -11am (rain location: City Hall)

April 30 – Document Shredding & E-Recycling, 9am to Noon, City Hall north parking lot

May 12-14th – City Wide Garage Sale (no permit required)

May 21 — Spring Curbside Clean-Up, 7 am

June 1 – Deadline to file Backflow tests for sprinkler systems

City Council Vacancy

Mayor Benage is asking for anyone interested in being appointed to fill the open City Council seat to submit a resume and letter of interest to jbenage@belaireks.gov.

Deadline is April 15th.

FOR MEETING OF	4/14/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 04/08/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

ZON-22-02. Proposed re-zoning and One-step platting approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. To date there is has been no one called regarding the rezoning or development.

The city review of the first draft of the plats and most current plats will be provided in the packet. This will require 3 votes -Rezoning, preliminary and final plats.

1. The character of the neighborhood;

The subject property is platted and zoned C-1 since 2009; 2006 this lot was R-5 zoned, this would be a down-zoning process.

2. The zoning and uses of properties nearby

R-3, R-5b, and R-6

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

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

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

City staff no adverse effect is expected.

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

The City hasn't rezoned this property since it was re-platted in 2008 as Elk Creek Addition

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

No hardship is expected to be caused by the development.

6. Recommendations of permanent staff;

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

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

Yes the 2018 Master Growth plan

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

- A zero-lot line development requires a good developer's agreement and covenants to control issues that arise with having maintenance completed on a home that only has access from neighbors' property.
- Drainage and yard maintenance needs to be addressed.
- Trash management, trash truck access. Maybe a centrally located collection point would work.
- Architectural control by the HOA to a standard equal to the surrounding neighborhoods will ensure the value for all stake holders
- Staff can agree this is a good fit for approval based on all of the comments as conditions for change or refinement provided to the developer and stakeholders.

Preliminary Plat. A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record. A preliminary plat for a proposed subdivision of land shows streets, lots and other characters as well as features of the proposed development.

Final Plat. A formal document prepared by a registered land surveyor to describe the precise location and dimension of lots, established easements, dedicated street rights-of ways and otherwise described property to be subdivided which are approved by the Bel Aire Planning Commission.

DUTIES OF THE PLANNING COMMISSION

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

ZON-22-01. Proposed re-zoning approximately 150+ acres zoned AG, to a M-1 Industrial Manufacturing. The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. and 1,000 ft. in the unincorporated areas. To date there is has been no one called regarding the rezoning.

V-22-01, platted Right of Way and abutting relevant easements, E. 54th St. N.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. and 1,000 ft. in the unincorporated areas. To date there is has been one person called regarding the vacation, he didn't appear to have any concern once the process was explained.

This vacation is to allow the new landowner the ability to redesign the layout of the land. The

1. due and legal notice has been given;
2. no private rights will be injured or endangered;
3. the public will suffer no loss or inconvenience; and
4. in justice to the petitioner(s) the vacation should be granted;

then the Planning Commission shall recommend that such vacation be approved and such decision shall be entered in the minutes, including an explanation of such decision, and a recommendation of approval shall be submitted to the Governing Body.

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