



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
August 08, 2024 6:30 PM



I. Call to Order: By Chairman James Schmidt (Time _____)

II. Roll Call

James Schmidt _____ John Charleston _____ Edgar Salazar _____
Phillip Jordan _____ Dee Roths _____ Deryk Faber _____ Paul Matzek _____

III. Pledge of Allegiance

IV. Consent Agenda

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

Action: Motion to approve the minutes of July 11, 2024 (as presented / as amended).

Motion _____ Second _____ Vote _____

V. Old Business/New Business

A. **ZON2024-00031 (County).** The applicant is requesting a zone change from RR Rural Residential District (RR) to GC General Commercial District (GC) with Protective Overlay (PO) #439, to permit Construction Sales and Service (Tree Service/Lumber Yard), Event Center in the County, Community Assembly, and Single-Family residence on the property. The property is 10.79 acres in size and is located on the southwest corner of North 127th Street East and East 56th Street North (5601 North 127th Street East).

Open Hearing (Time ____)

Close Hearing (Time ____)

Action: Motion to (recommend approval / deny / table) the request for zone change from RR Rural Residential District (RR) to GC General Commercial District (GC) with Protective Overlay (PO) #439 (as presented / as amended).

Motion _____ Second _____ Vote _____

- B. **SD-24-02 Preliminary Plat, Chapel Landing 8th.** Platting of an R-5 Residential District. The subject property is approximately 24.09 acres generally located at East 53rd Street N and Woodlawn Blvd.

Open Hearing (Time ____)

Close Hearing (Time ____)

Action: Motion to (approve / deny / table) the Preliminary Plat of Chapel Landing 8th, SD-24-02, as presented (with / without) recommendations / conditions.

Motion _____ Second _____ Vote _____

VI. Next Planning Commission Meeting

Action: Motion to approve the date of the next meeting, August 8, 2024 at 6:30 p.m.

Motion _____ Second _____ Vote _____

VII. Current Events

VIII. Adjournment

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____ (Time ____)

Additional Attachments:

- A. Planning Staff Report - August 8, 2024



MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS July 11, 2024 6:30 PM



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

II. Roll Call

Chairman James Schmidt, and Commissioners Phillip Jordan, Dee Roths, and Deryk Faber were present. Commissioners Paul Matzek, John Charleston, and Edgar Salazar were absent.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, and Zoning Administrator Keith Price.

III. Pledge of Allegiance: Chairman Schmidt led the Pledge of Allegiance to the American flag.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Commissioner Roths moved to approve the minutes of June 13, 2024 as presented. Commissioner Jordan seconded the motion. *Motion carried 4-0.*

V. Old Business/New Business

A. ZON2024-00031 (County) RR Rural Residential District to GI General Industrial District.

It was noted that there was a typo on the agenda for this item. The correct case number is 2024-00031. The information in the Commission's packet was correct.

Chairman Schmidt opened the hearing.

Brad Eatherly, Senior Planner, spoke on behalf of the Wichita- Sedgwick County Metropolitan Area Planning Commission (MAPC). The subject property is located in the county and falls within zones of influence for both the Bel Aire and Wichita-Sedgwick County comprehensive plans. The MAPC met earlier today to discuss the application. However, the applicant has decided to revise their application. Therefore, the MAPC has deferred their hearing on the case until their next regular meeting and requests that the Bel Aire Planning Commission defer this hearing until their next meeting on August 8th.

No others requested to speak. Chairman Schmidt closed the public hearing.

MOTION: Commissioner Jordan motioned to table ZON2024-00031 until the August 8th meeting. Commissioner Faber seconded the motion. *Motion carried 4-0.*

- B. ZON-24-01. Proposed re-zoning of approximately 80 acres (generally located at the frontage on the north side of E 53rd St N, between N Oliver and N Woodlawn) zoned R-4, to an AG Agricultural Use to allow a non-business horse-riding barn and stable.**

Chairman Schmidt opened the hearing. The applicant, Chris Morlan, spoke to the commission and stood for questions.

No others requested to speak. Chairman Schmidt closed the public hearing.

Following the hearing, the Commission discussed the “Golden Factors” in relation to this application including: the suitability of the proposed uses; the character of the neighborhood; the length of time the property has been vacant; and the relative gain to the public health, safety and welfare.

MOTION: Commissioner Jordan moved to recommend approval of the request to re-zone as presented. Commissioner Roths seconded the motion. *Motion carried 4-0.*

- C. SD-24-01; PUD-24-01 Sunflower Commerce Park 4th, final plat and final PUD.**

Chairman Schmidt opened the public hearing. The agent for the applicant stood for questions from the Commission.

No others requested to speak. Chairman Schmidt closed the public hearing.

MOTION: Commissioner Jordan moved to approve the final plat as presented. Commissioner Faber seconded the motion. *Motion carried 4-0.*

MOTION: Commissioner Jordan moved to approve the final PUD as presented. Commissioner Faber seconded the motion. *Motion carried 4-0.*

- D. Election of Planning Commission Chair, July 2024 to June 2025**

MOTION: Commissioner Roths moved to appoint James Schmidt as Chair of the Planning Commission, term ending June 2025. Commissioner Faber seconded the motion. *Motion carried 4-0.*

- E. Election of Planning Commission Vice-Chair, July 2024 to June 2025.**

MOTION: Commissioner Roths moved to appoint Phillip Jordan as Vice-Chair of the Planning Commission, term ending June 2025. Commissioner Faber seconded the motion. *Motion carried 4-0.*

VI. Next Meeting: August 8, 2024 at 6:30 p.m.

MOTION: Commissioner Faber moved to approve the date and time of the next Planning Commission meeting, August 8, 2024 at 6:30 p.m. Commissioner Roths seconded the motion. *Motion carried 4-0.*

VII. Current Events

Commissioners briefly discussed current events, including construction on 53rd Street.

VIII. Adjournment

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



AGENDA ITEM NO.

STAFF REPORT

MAPC: August 8, 2024

CAB 1: August 19, 2024

Bel Aire Planning Commission: August 8, 2024

CASE NUMBER: ZON2024-00031 (County)

APPLICANT/AGENT: Robert Phillips (applicant)

REQUEST: GC General Commercial District

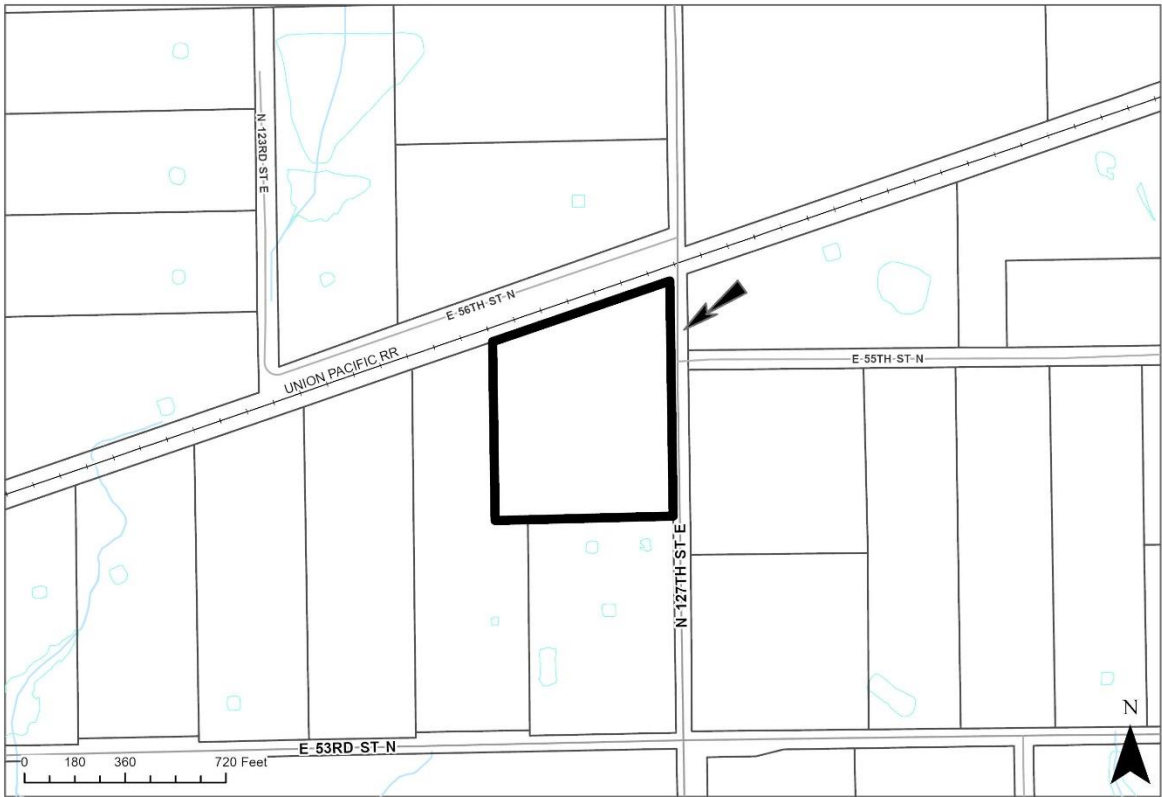
CURRENT ZONING: RR Rural Residential District

SITE SIZE: 10.79 acres

LOCATION: Located on the southwest corner of North 127th Street East and East 56th Street North (5601 North 127th Street East). (Bel-Aire Area of Influence)

PROPOSED USE: Construction Sales and Service, Event Center in the County, Community Assembly, Single-Family Residential.

RECOMMENDATION: Deny.



BACKGROUND: The applicant is requesting a zone change from RR Rural Residential District (RR) to GC General Commercial District (GC) with Protective Overlay (PO) #439, to permit Construction Sales and Service (Tree Service/Lumber Yard), Event Center in the County, Community Assembly, and Single-Family residence on the property. The property is 10.79 acres in size and is located on the southwest corner of North 127th Street East and East 56th Street North (5601 North 127th Street East). The applicant is currently using the site as a tree service/lumber yard and is attempting to bring the use into conformance. This application is in response to being served with a Notice of Violation due to valid complaints filed by neighboring properties.

On July 11, 2024, the MAPC convened at its regular scheduled meeting to hear the case. However, at the time the request was to change the zoning classification from RR to GI General Industrial District (GI). At the meeting, the applicant decided to change the zoning classification request to LC Limited Commercial District, and added several uses that were unknown to staff at the time. The MAPC voted to defer the request until August 8, 2024, to give staff enough time to consider the new request from the applicant. After the MAPC meeting on July 11, 2024, staff received written details from the applicant (see attached) regarding what uses the applicant desired to incorporate on the subject property. The applicant indicated that he would like to use the subject site as a Construction Sales and Service; Event Center in the County; Community Assembly; and Single-Family Residence. The applicant would like to use his property as a base of operations for his tree service company, an event space for events such as weddings and tree climbing competitions, an arboretum, a place of residence, and a location for his commercial trucks to stay overnight and over weekends. The applicant also stated that there would not be any open burning on the subject property but would like to use an incinerator to burn the organic waste his company produces. The burning of tree material/waste that is generated off-site, either openly or by use of an incinerator, is prohibited in the GC District. This would require a use classification of Construction Burn Site, which requires a higher zoning district and possibly a Conditional Use as well. Staff convened to determine the best course of action for the applicant and decided that all that the applicant desired to use his property for could be done with GC zoning, except for Construction Burn Site.

If the Metropolitan Area Planning Commission (MAPC) recommends approval, staff recommends a Protective Overlay to avoid possible negative impacts associated with uses and development standards that are permitted in the GC General Commercial District that would be inappropriate in this area. Staff is recommending the following items to be considered in the Protective Overlay. Staff does not recommend that the Event Center in the County be permitted. If in the future the applicant wants to use the property as an Event Center, they have the opportunity to submit a request to amend the Protective Overlay in order for the use to be permitted. An amendment to the Protective Overlay would be reviewed by the MAPC with final action by the Board of County Commissioners.

1. All uses shall be limited to those found in the RR Rural Residential District, except for Construction Sales and Services; and Community Assembly.
2. Signage shall be per the RR Rural Residential District.
3. The burning of off-site generated materials/waste is prohibited.

Should the zone change be approved, several property development standards will change, as seen in the table below:

Property Development Standards	RR Rural Residential	GC General Commercial
Minimum lot area	2 acres	No minimum
Front setback	30 feet	20 feet
Rear setback	25 feet	0 feet, subject to compatibility standards

Interior Side Setback	20 feet	0 or 5 feet, subject to compatibility standards
Street Side Setback	20 feet	0 feet, subject to compatibility standards
Maximum height	35 feet	80 feet, subject to compatibility standards
Minimum lot width	200 feet	No minimum

Section IV-B.2 of the Unified Zoning Code (UZC) requires solid screening of commercial properties when abutting or across a street or alley from residential zoning districts. Because the property abuts residential zoning districts on all sides, the applicant will be required to provide solid screening of at least a six-foot screening fence around the entirety of the property. Solid screening may be accomplished through landscaped earth berms that accomplish the same as a six-foot screening fence. The property would also need to adhere to the rules and regulations of the Sedgwick County Sign Code.

The UZC Sec. IV-C.5.a, Compatibility Height standards states that no structure shall exceed 35 feet in height within 50 feet of the lot line of property zoned TF-3 Two-Family Residential District (TF-3) or more restrictive. The proposed GC zoned site abuts and is adjacent to RR zoning districts on all sides. Any future buildings shall comply with the maximum height of 35 feet, which is the same as the abutting and adjacent RR Districts on the north, east and south sides of the property. Structures located more than 50 feet from the lot line of property zoned TF-3 or more restrictive may increase height at a ratio of one foot in height for each three feet of setback beyond 50 feet. The minimum building compatibility setback shall be 15 feet plus one foot for each five feet of lot width over 50 feet.

Should the zone change be approved, the applicant shall be required to adhere to the parking standards set forth by the UZC, which would be determined based off the combination of uses proposed.

The character of the neighborhood is residential in nature. Property to the north, south, east, and west are all zoned RR and are developed with single-family dwellings.

CASE HISTORY: The subject site is currently unplatted. The 40' x 96' building on site is currently permitted for Agriculture use only with no commercial uses. If that building is to be used as a commercial space, the site will need to be platted and a commercial building permit would be required.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family dwelling
SOUTH:	RR	Single-family dwelling
EAST:	RR	Single-family dwelling
WEST:	RR	Single-family dwelling

PUBLIC SERVICES: North 127th Street East is a two-lane, gravel arterial street with ditches on both sides. There are no sidewalks on either side. The site is served by Rural Water District #1 and utilizes an on-site sewage system.

CONFORMANCE TO PLANS/POLICIES: The requested Conditional Use is not in conformance with *The Community Investments Plan*. The *Community Investments Plan* (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for "Small City Urban Growth Area", which the *Plan* defines as: "*Generally located adjacent to existing municipal boundaries, these areas indicate the likely direction and magnitude of growth these communities can expect to experience out to the year 2035. Growth direction and amount is based upon municipal political considerations, anticipated population growth, efficient patterns of growth, current infrastructure limitations, cost effective delivery of future municipal services, and environmental factors.*" With the subject site being in the Bel Aire Urban Growth Area, staff reviewed the Bel Aire Comprehensive Plan to identify the proposed future land use of the subject site. The attached Preferred Balanced Growth Scenario Map from the City of Bel Aire's comprehensive plan does not specifically identify an appropriate future land use for the subject site. The uses of Construction Sales and Service, Event Center in the County, and Community Assembly, would not be compatible with the surrounding RR zoning district and existing residential development.

RECOMMENDATION: Based upon the information available at the time the staff report was completed, staff recommends that the request be **DENIED**.

The recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is residential in nature. Property to the north, south, east, and west are all zoned RR and are developed with single-family dwellings.
2. **The suitability of the subject property for the uses to which it has been restricted:** The property is presently zoned RR Rural Residential District and is suitable for a limited number of residential, civic, commercial, and industrial uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The size of the major commercial/industrial use could detrimentally affect nearby property with noise pollution, light pollution, traffic, and unsightly aesthetics.
4. **Length of time the property has been vacant as currently zoned:** The subject property is currently being used as a Tree Service/Lumber Yard. The applicant is requesting a zone change to come into compliance and to add new uses.
5. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval would bring major commercial/industrial development to the property, which may cause significant detrimental impacts on nearby residential uses. Denial may result in the loss of use and enjoyment for the applicant.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The requested zone change is not in conformance with *The Community Investments Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** The subject use requires significant commercial truck traffic and visitor traffic on a gravel road. It is likely to have significant detrimental impacts on the surfacing of the road over time.
8. **Opposition or support of neighborhood residents:** At the time of the publication of the staff report, staff received comments from two neighbors opposed to the zone change. The Bel Aire Planning Commission will hear the case on August 8, 2024.

Should the MAPC decide to recommend approval it is recommended that the MAPC adopt alternate findings supporting their recommendation. Staff recommends the request be subject to Protective Overlay #439.

Protective Overlay #439:

1. All uses shall be limited to those found in the RR Rural Residential District, except for Construction Sales and Services; and Community Assembly; as permitted in the GC General Commercial District.
2. Signage shall be per the RR Rural Residential District.
3. The burning of off-site generated materials/waste is prohibited.

Attachments:

- 1) Applicant's Narrative
- 2) City of Bel Aire Preferred Balanced Growth Scenario Map
- 3) Public Comment
- 4) Aerial Map

- 5) Zoning Map
- 6) Land Use Map
- 7) Site Photos

Applicant’s Narrative

Dear Brad,

Thank you for your continued engagement with our plans for 5601 N 127th St East. As we develop this property, our core vision is to blend a vibrant arboretum with our commercial operations, creating a unique space that will benefit the community and enhance our environmental stewardship.

Vision for the Property: Our goal is to transform the existing space into a forested arboretum that will serve multiple purposes:

- Community Engagement and Education:** Inspired by local institutions such as Botanica and the Kansas Forest Service in Haysville, we plan to offer educational programs and workshops on arboriculture. This initiative is aimed at fostering a deeper community connection with nature and educating residents about the benefits of sustainable tree care.
- Event Hosting:** Following the model of Bartlett Arboretum in Belle Plaine, we envision this space as an ideal venue for community events, including tree climbing competitions akin to those held in Oak Park and possibly weddings and other significant gatherings.
- Practical Training Site:** The arboretum will also be crucial for our internal operations, providing a site where we can conduct rigorous training for our employees in tree climbing, pruning, plant health care, and aerial rescue.

Current Operational Activities:

- Office and Administrative Space:** We continue to utilize a 700 sq ft office space for administrative purposes.
- Truck Parking and Maintenance:** The site also accommodates the parking and maintenance of our trucks and equipment, ensuring that they are always ready for deployment.
- Daily Crew Activities:** Crews start their day at the site, gearing up and attending briefings before heading out to job sites. They return to debrief and unwind, reflecting on the day’s activities.

Activities Not Occurring on the Site:

- Open Burning:** In response to community concerns and our commitment to environmental health, we will not engage in open burning. Instead, we plan to manage organic waste using an incinerator or by transporting it to approved off-site facilities.

Future Development and Expansion: While we aim to expand our operations moderately in the Wichita area and potentially establish branches in Tulsa and Oklahoma City, any expansion will be carefully managed to ensure it does not compromise the arboreal integrity of the 5601 N 127th St East site. If necessary, additional operational facilities might be developed elsewhere to preserve this site as a dedicated arboretum and community resource.

This project is not just about growing our business but creating a lasting legacy that marries practical

business needs with a profound respect for nature and community welfare. Your insights and support are crucial as we endeavor to bring this vision to fruition, and we are keen to align our plans with both community expectations and zoning requirements.

Thank you for your guidance and support as we undertake this transformative project.

Best regards,

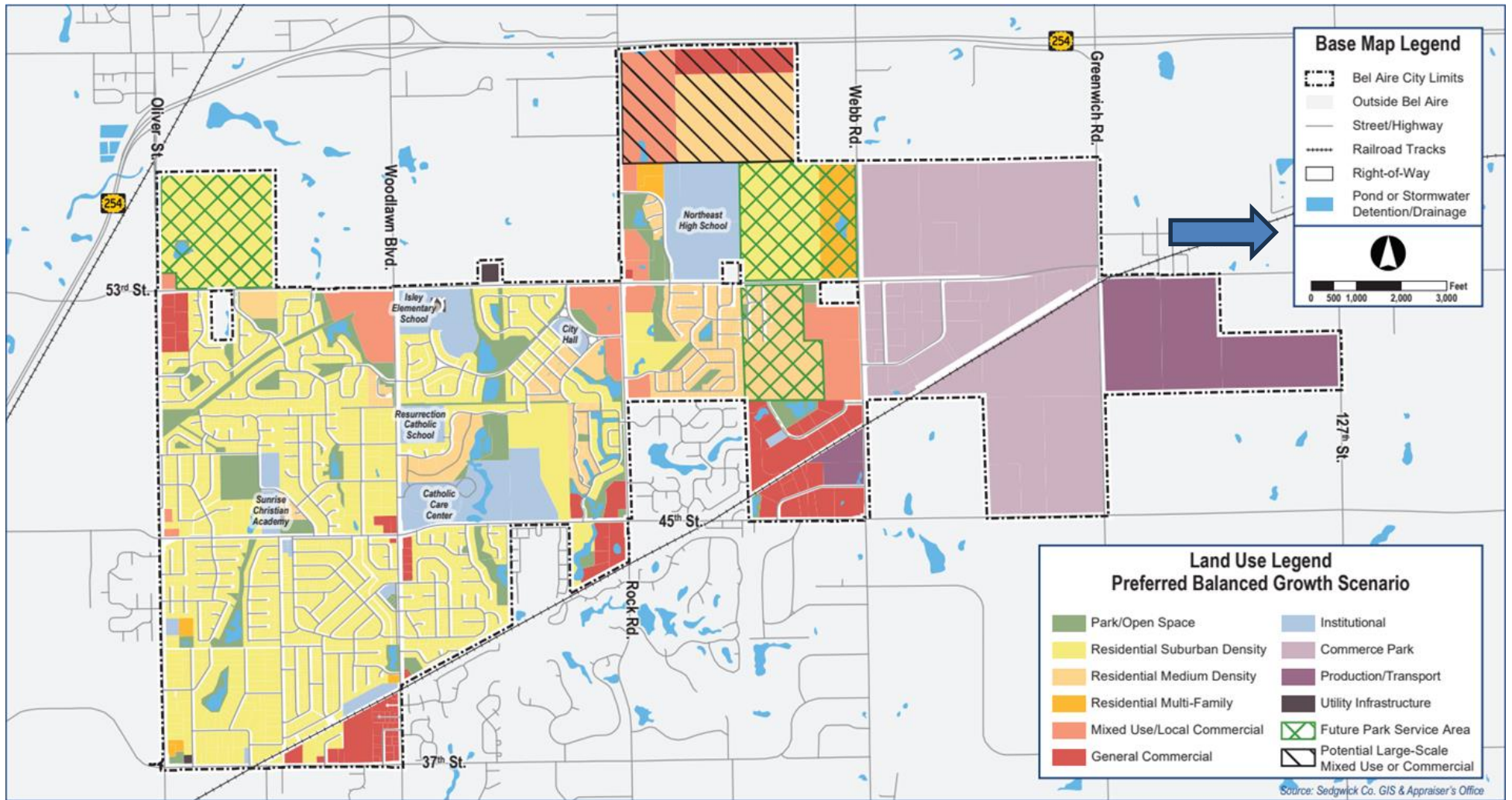
Robert Phillips Wichita Tree Service Owner,

ISA Certified Master Arborist, TRAQ Qualified, CTSP, and Kansas Certified Arborist. 316-616-8321 (Office)

316-841-8734 (Cell)

robert@wichita-treeservice.com <https://wichita-treeservice.com/>

Bel Aire Preferred Balanced Growth Scenario Map



REZONING of 5601 N. 127th E. ROBERT PHILLIPS RESIDENT OWNER

A. CONCERNS & COMPLAINTS

- A 1. Several times have stressed our concerns about the way Tree co. drivers - transport of 3 axle trucks & trailers on the rural roads in our area
- A 2. Several times have stressed to city employees about their dangerous driving habits
- A 3. Neighbors have reported burning issues with monstrous piles of height width & diameter several times.

B. OUR HEALTH & WELL BEING

1. Having to witness the mess & piles of limbs hauling in has been degrading. Knowing all the animals taking up homes in the trash piles & knowing they will be burning the piles
2. Breathing smoke & witness the size & height of the fires is scary & ridiculous
3. Having to be ignored for our concerns because of the size of fires - Why??

OVER →

B.4. Watching fires of numerous sizes & question fire dept. of their actions & have been ignored.

B.5. Under what law has he been allowed to do such a dangerous thing for neighbors. To us is not right

✓ B.6. Fireman have told us he's perfectly legal. They did not care what he should in & would do anything in "His" power according to a "CAPTAIN." - his name will be given if asked for --- AND have licent told he will watch fire & put out accordingly - Did not happen.

C. ^{CONCERNS FROM NEIGHBORS} Many neighbors have

1. expressed their opinions on their driveway & burning & appearance of 5601 N. 127th E.
2. Has been words between neighbors & Robert Phillips on his rights & accusations.

D. CONCERNS OF SERENITY

1. No peace & quiet in morning
& evening watching wildlife
& enjoying our homes we
worked so hard to have

2. Lots of noise in morning?
& day & evenings when BIG
trucks come & go - so fast
so reckless.

3. Fears of fires Phillips
has set have startling
& can only ponder why
he's allowed to do.

4. We have wondered & asked
one another, why is he
allowed to do as he damn
well pleases

5. The VALUE of our
properties will definitely
be compromised. - A lot
of hard earned money &
effort & heart & soul gone
into our homes.

Please consider the thoughts
of all who are building homes
in area - NOT A ILLEGAL
DUMP SITE.

OVER →

SUMMARY.

E. According to KDHE
 ("OPEN BURN") → EPA.
 LAWS Sdg. Co. FIRE

It will be in the city's
 best interest and ours
 as family of homes
 with morals & respect
 to please consider
 our welfare our
 health & our hard
 work we have done
 in improving the
 sites we bought
 to call home. a
 resident home
 that lives by the laws
 & understanding - what's
 right is right

Please think about what
 will become of a property
 that is given a Re Zoning
 for all the wrong
 reasons. - for only
 one thing is with
 less restriction & Self Gain !!

CAN YOU IMAGINE \$\$\$
 WHAT IT WILL LOOK LIKE Norma Wolfe

- Mr. Brad Eatherly
271 W. 3rd Street, Suite 201
Wichita, KS 67202
Case# ZON2024-00031

When I met Paul Kelley, he had a horse boarded at a friend's house. We were married in 1972.

- We started looking for some land to move a trailer on to build a barn and pen for his horse. We found George Clark Land Co. that was selling 10 acre lots, which was perfect.

- So we bought 10 acres, build a barn, fenced in part of the land for our horse and move our

trailer on.

As time went on, we were able to buy the 10 acres next to the acres we already had.

We worked hard. We kept up the land, we had grass & alfalfa which we had mowed & baled to

feed the horses, we were able to acquire more horses. Hay filled the barn year after year. We had great neighbors, they bought hay from us and we helped them bale and pick up there hay.

The Merritts, The Whites, Norma, The Schiffers, The Wilkites, all builted their houses out there.

We all looked out for each other, which I am sure that is what is happening today. A great community.

Payne township kept up the roads, the ditches, etc.

Most of the original people have died or moved on and new families have moved in. Even Paul has since passed away and I have moved into town not far from the land.

I had an auction to sell both of the 10 acres and all the furniture. When we were going through things, we were looking

two things, any important papers, and the safety deposit box key. For some reason Paul hid the key in the credenza, which Mr. Phillips bought at the auction.

I want you to know who you are dealing with. Mr. Phillips took the key to our bank (which you can check with Stryker Bank in Park City and they will confirm this) that Mr. Phillips tried to get into with the key. The bank denied him to get into the box, because his name was not on the box, just Paul's.

name and my name. The Bank called me and asked if I knew Mr. Phillips, which I did not and they refused him. I tried several times to get the key, but Mr. Phillips refused. I had to go to the bank and they had to drill to get into the box which I had to pay for.

Now there are a lot of families that live in the area, including the families in Greenwich and the surrounding area. This is dirt roads, a lot of dust and the maintenance on the roads will need

to be kept up. Big trucks,
will have wear and tear on
the roads.

The noise and families having
to deal with the trucks.

Any kids, buses picking up
and dropping off kids.

I don't know if you know
this but animals, horses,
dogs, cats etc are sensitive
to this. People ride their horses,
walk their dogs.

I know I don't live out there
any more but this is still a
place I will always call home.

Pat Kelley
316-655-6918

CASE NO: ZON2024-00031

PROTEST 7-1-'24

I am Chuck Phillips I live at 12400 E. 53 RD N. (no relation to the property owner in question) I bought my property 50 years ago to get out of the city. I object to a business moving in the area and trying to change a residential neighborhood into an industrial zone. These people have already ruined the area by hauling brush in and stacking it. They let the area grow up behind huge stacks of brush that burned for a week at a time. we don't know if our places around here will catch fire. They speed down the gravel road like its a freeway. I've seen them run the stop sign on the corner many times never slow down. my house is just across the field about 500 feet away. I don't like to have a dump next door. To sum it up the neighborhood don't want all this or any other business in our area devaluing our properties. we like our country life. Thank you very much

Chuck Phillips

JULY 8, 2024

CASE NO: ZON2024-00031

ATTN: BRAD EATHERLY

271 W 3RD STREET – SUITE 201

WICHITA KS 67202

I AM WRITING TO PROTEST THE PETITION AGAINST THE ZONE CHANGE FROM RR - RURAL RESIDENTIAL TO GI – GENERAL INDUSTRIAL AT 5601 N 127TH ST EAST, LANDOWNER ROBERT PHILLIPS.

THIS IS A RURAL NEIGHBORHOOD WITH FAMILIES AND CHILDREN THAT MOVED HERE TO ENJOY THE COUNTRY LIFE WHERE IT IS QUIET AND NOT MUCH EXCESS TRAFFIC ON THE DIRT ROADS.

SINCE HE'S MOVED HIS TREE SERVICE BUSINESS TO 5601 N 127TH ST EAST, HIS EMPLOYEES DRIVE AT EXCESSIVE SPEED AND ABOUT RUN YOU OFF THE ROAD. I'VE MEET 4-6 CARS AS I LEAVE FOR WORK EACH DAY. THESE ARE HIS EMPLOYEES BECAUSE I'VE SEEN THEM TURN INTO HIS DRIVEWAY JUST SOUTH OF THE RAILROAD TRACKS. THAT'S SOMETHING ELSE THAT IS DANGEROUS IS FLYING AT HIGH SPEEDS OVER THE TRACKS JUST BEFORE HIS DRIVEWAY. THE RAILROAD TRACKS HAVE A DROP ON THE NORTH SIDE OF THE TRACKS THAT IS ABOUT A 6FT DROP, IF NOT MORE. YOU CAN'T SEE WHO IS ON THE OTHER SIDE OF THE RR TRACKS AS YOU GET CLOSER TO THE TRACKS. NOT A GOOD SENSE OF JUDGEMENT AND I DON'T APPRECIATE BEING DAMN NEAR RAN OFF THE ROAD EVERY DAY.

THEY DRIVE MULTIPLE HEAVY DUTY TREE TRIMMING TRUCKS DOWN 127TH ST WITH THE SAME MENTALITY AS THEY DRIVE THEIR PERSONAL VEHICLES. SOME HAVE TRAILERS ON THE BACK OF THEM WITH EQUIPMENT OF SOME SORT. THESE ARE ALL DIRT ROADS IN THIS SQUARE MILE FROM 254 HWY TO 127TH ST EAST TO 53RD ST EAST TO GREENWICH ROAD TO 254 HWY.

THERE ARE SCHOOL BUSES THAT STOP AND PICKUP CHILDREN IN THIS AREA AS WELL. THEY WOULD BE IN DANGER WITH THE MENTALITY THAT THEY DRIVE THESE VEHICLES EVERY DAY. WE DON'T HAVE SCHOOL ZONES OUT HERE.

THIS AREA IS NOT BIG ENOUGH FOR A BUSINESS OR LARGE ENOUGH FOR A ZONE CHANGE TO GI – INDUSTRIAL.

THERE IS OPEN LAND ON 53RD ST EAST BETWEEN GREENWICH RD AND WEBB ROAD THAT THEY ARE DEVELOPING QUICKLY. THAT WOULD BE 1 MILE FROM HIS HOUSE/LAND. HE COULD MOVE HIS BUSINESS THERE.

I APPRECIATE YOU TAKING MY STATEMENT INTO CONSIDERATION. I PROTEST ANY KIND OF ZONE CHANGE IN THIS AREA FOR **CASE NO: ZON2024-00031**.

THANK YOU,

DENISE REMY

5612 N 123RD ST EAST

WICHITA KS 67226

From: Rusty Riggin <rusty@rigginhomes.com>
Sent: Monday, July 8, 2024 5:58 PM **To:** Planning <Planning@wichita.gov> **Cc:** AJ Riggin
 <arriggin@gmail.com> **Subject:** Attn: Brad Eatherly

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Brad and all Concerned Parties,

My family and I live just a few hundred yards from the Robert Phillips property at 5601 N 127th St E, Wichita, KS. We live at 13029 E 53rd St N. We've owned our property since 2013. A single family home with 12 acres, barn and rec building. We've spent years working/planning and invested a lot of money into making this our home.

We've watched our neighbors do the same and are all glad to be out in the country with some privacy and quiet.

The addition of a commercial enterprise into our community was not only surprising but devastating. We didn't think it would last or work out because it wasn't zoned for what they are doing, but here we are.

The first thing we noticed was a dramatic increase in traffic, especially at the 53rd St N and 127th St intersection. Large trucks just blowing through the stop sign and lots of unfamiliar personal vehicles traveling back and forth at high speed, presumably employees. I had one very close call with a personal vehicle that didn't stop as I was westbound on 53rd. They didn't even look. Not normal for our area because we are few and everyone knows everyone. Huge brush piles are stacked and burned. I don't like to burn even the smallest fire for fear of catching my neighbors on fire and I always call in with a permit. How can you get a burn permit for a landfill sized burnpile on a residential property? I don't think you can, legally and for good reason.

We can see and hear the traffic from our front porch and have seen how fast these huge trucks were traveling, creating dust and noise we had not seen before. My wife and I had to warn our kids, especially since one is 16 and the other is 14 and just learning to drive. We try to avoid going that direction whenever possible. Those properties along 127th, just south of 53rd have had the worst of the noise and dust, but it affects us all.

My wife has learned that some of the future plans for hwy 254 may result in no access at 127th/254. This would require all traffic to the Phillips property to go south. Devastating for us and all our neighbors! Potentially more traffic than we are experiencing now.

I'm really surprised the sale even took place or that it has come this far. We don't want a commercial business like this in our neighborhood. It defeats the purpose of us risking so much and making sacrifices to be here. If we want to live by the dump and watch them burn trees at all hours, we would have lived elsewhere. This not only affects our property values, but our quality of life.

I feel bad for the buyer IF he was misled into thinking this would be ok, but that does not change the zoning laws and requirements. He should have done his due diligence or had his agent advise him (maybe he did?). I'm a Real Estate Broker and it pains me to see these things happen. Everyone loses except maybe the seller who cashed out.

We strongly oppose anything but a residence at that address and will continue to fight this as long as

we live here. We have no choice but to protect our investment and our quality of life. Rural Residential is still Residential and that is what our neighbor purchased - a residence. I regret that we cannot be present for the meeting and hope this letter will suffice in our absence.

Thank you,

Rusty A. Riggin
Broker/Owner

Residential, Land, Auctions

This letter pertains to Case no. ZON2024-00031. Requesting a Zone Change for the property located at 5601 N. 127 St E. Wichita, Kansas 67226 that was sold to Robert Phillips. The signature sheet does not pertain to this cover sheet. This cover sheet is to explain the issue.

Notice of Public Hearing metropolitan area Planning Commission. Robert Phillips is the owner of Wichita Tree Service LLC. He bought 5601 N. 127 St East Wichita, Kansas 67226 knowing it is a RR (Rural Residential property). The point is Robert Phillips owns and operates a tree service company with large equipment and large trucks. He also has many employees working all this equipment that comes and go. His website states all the capabilities of Roberts LLC, he states he works hard to do the right thing first. He should have bought land somewhere zoned for this large operation and conducted his LLC. Robert's headquarters for his LLC are in Belair Kansas. The problem is Robert runs his company out of 5601 N. 127 St E. Wichita Kansas 67226. Which is zoned as a RR, not a GI (General Industrial). With this operation in full swing, which is every day from 6:00am up to 9:00pm because of day light savings time, trucks are still rolling in from the jobs that are located anywhere and everywhere in Kansas. Problem being is that all this activity is at the starting of my driveway. We own 55th N. Starts at 127 st East. This is not a county road. We maintain and pay taxes on both the easements and the road we call it 55th st just for an address for mailing purposes, this is a private drive. Robert Phillips LLC traffic activity goes on all day long, just like a large corporation land fill. Robert boasts about having cranes mounted in the trucks and being able to haul 60-95 yards of trees in just one of his large trucks. Road deterioration, noise, insects and live trees are being piled into 5601 and burned. To bring limbs and full-size trees full of insects and deceased trees into a RR from outside the burn permit location is stated on the burn permit guidelines is against the laws. Mr. Phillips was turned in for these violations and still continues operate today as business as usual. To burn (green trees) with an accelerant is against the law. Per the Burn Permit by laws. To activity operate a business from a RR in any city Greenwich City is against the laws. Burns are from Sun up to Sun down, not days of burning. No insurance company would do an underwriting for this activity. This needs to stop. GI zoning is out of the question. We did not move here to have a LLC land fill at the end of our driveway which was confirmed by the Zoning committee that 55th East and 127 st is our driveway heading East.

From: Jodi R <jrose61974@gmail.com> **Sent:**

Tuesday, July 9, 2024 10:57 PM **To:** Planning

<Planning@wichita.gov>

Subject: ZON2024-00031 Zone Change Request for 5601 N 127th St E, Wichita, KS 67226

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the

I am contesting the zoning change for 5601 N 127th St E, Wichita, KS 67226 from RR Rural Residential to GI General Industrial.

I purchased my home at the end of 2009 because it was close to the city but still far enough out to have peace and quiet a majority of the time. It has been a nice residential area where people have chosen to live for many decades, some for more than 50 years. Since Robert Phillips has purchased 5601 N 127th St E last year and decided to utilize the property for his tree business, there is no longer peace and quiet due to the following reasons:

The trucks the company uses are large, loud and very aggressive in how they are driven down our township dirt roads. The trucks drive near the center of the road, refusing to move over and are usually travelling at a very high rate of speed. A number of neighbors have reported close calls with the trucks. The additional heavy truck traffic has caused an excessive amount of wear and tear on the roads. They have never been as bad as they are now.

The tree company often begins their days early in the morning. They bang around their equipment, which can be heard from inside my home, at times waking me up. My neighbor a half mile from me can also hear them every day.

The tree debris piles are enormous, reaching heights above the roofline of a barn on the property and extending an estimated 80+ feet long and 40+ feet wide (estimated on what I can see from 127th St and 53rd St).

In accordance with Sedgwick County Burn Permit Application:

Burning of brush and tree trimmings on residential or commercial property, brush and tree trimmings must be cut from the permit location. **(Material to be burned may not be hauled or brought in from outside the permit property.)**

All of the tree debris is being brought in from outside of the permit property.

Burning **shall not create a smoke nuisance or hazard to neighboring properties or persons. Precautions shall be taken to assure confinement, intensity, and size of said burn.**

Smelling smoke for 2 weeks straight is a nuisance (especially for someone like myself with Asthma)

Setting fire to such a large pile of tree debris is in no way safe for anyone in the area and it is way beyond assuring the size of the burn. The fire smolders for 2 weeks straight after it is initially set, even if it is rained on.

If the fire were to get out of hand, it will take a large fire department presence in order to get it back under control due to the size of the fire from the very beginning.

Burning shall be conducted one hour after sunrise to one hour before sunset.

Two weeks of a fire smoldering is outside of this requirement.

A competent person of legal age will attend burning continuously from the time of ignition

to the time of extinguishment.

It is doubtful someone is attending to this fire for 2 weeks straight, 24 hours a day.

I have not made any complaints as of yet against The Wichita Tree Company as far as calling the fire department or anything else. Even though I have not made any complaints, on the evening of June 2nd at approximately 10:30 pm, I was outside of my house tending to my 26 year old sick horse (in a lit area in front of my home) due to her showing serious signs of colic. Several cars pulled into the driveway at 5601 N 127th St E. About 5-10 minutes later, a gunshot was heard from that property and above my head was the sound of a bullet passing over. A friend of mine was standing next to me and can corroborate the gunshot and hearing the bullet pass by overhead. At the time, we were in a very stressful situation with the horse, having contact with an emergency vet several times during the night. We didn't have the capacity at the time to call authorities to take a statement due to having our hands full treating the horse (who had to be put down the following morning). It is really disappointing that anyone who really wants the neighbors in the area to accept them into the neighborhood, would shoot a firearm at any of us, even if it is over our heads. It is not only against the law and not very neighborly. I am not sure if it was meant to be a threat, trying to intimidate or both. Either way, it is not acceptable from anyone to behave this way.

Ever since The Wichita Tree Company has started running their business from 5601 N 127th St E, it has changed the area in so many ways. I notice when they are out of town, because it feels like it did before they moved the business into the area. It is peaceful again during those times and reminds me of "the good ole days" before all the changes. I dearly miss how things were before they took over the property. Allowing the zoning change will not only continue to affect the peaceful nature of the neighborhood, it will affect everyone's property values in a negative way. This is a concern of many, including myself. If I had known this would be a possibility, I would have never moved into the area. If The Wichita Tree Company was already established at that location when I was looking at buying the property, I would have chosen to not consider it at all. This will be an issue for anyone selling property in the immediate area. We live in a rural area for the peace and quiet. Not many people will want to move in next door to a GI General Industrial zoned property or a property that is running this type of business.

I hope the zoning commission takes my statement into consideration while deciding on a zoning change. Thank you for your time.

Best Regards,

Jodi Rosenberry (12920 E 55th St N, Wichita, KS 67228)

METROPOLITON AREA PLANNING COMMISSSION
271 West Third Street, 2nd Floor, Ste. 203 Wichita, KS 67202

July 9, 2024

RE: Case No:ZON2024-00031

My family's property, 12700 East 56th Street North, is located directly north of the site requesting the zoning change. We have lived there since 1973. We are requesting that the application to change the zoning from Rural Residential to General Industrial be denied for several reasons.

Mr. Phillips is currently operating a tree trimming company from his property at 5601 North 12ih Street. The increased traffic and large trucks are causing significant wear and damage to the sand section line roads, especially when the roads are muddy. The road damage causes more work for the County to maintain North12i h Street and increases the potential for damage to passenger vehicles traveling those roads.

Allowing an industrial site in a residential neighborhood will reduce the property values of the adjacent and nearby properties. Although Mr. Phillips is currently using the property for his tree service company, the requested zoning change would allow possible heavy industrial use of the property in the future which would be even less appropriate for the neighborhood.

If Mr. Phillips wanted a site to operate a tree service from, he should have chosen a more suitable location that was zoned appropriately for that use than in the center of a rural residential neighborhood.

If you have any questions, you can contract me at 405-694-8907 or jim.lewellyn55@outlook.com.



Jim Lewellyn
12700 East 56th Street North
Wichita, KS 67226

Hello,

I am writing you to request a swift and immediate denial for a change in the zoning case of ZON2024-00031. The areas surrounding this property are residential/agricultural and this change would drastically affect property values and quality of life for its immediate residents. I urge you to deny this request as the residents surrounding this property have dealt with the burning of massive wood debris piles and neglect of the upkeep of the property. This business poses a potentially large fire threat and is already wreaking havoc on the roads due to heavy truck traffic which will ultimately result in a larger tax increase for the citizens within the township and a larger workload for township employees. I respectfully ask that my email address be not disclosed for privacy and protection reasons. Thank you for your consideration.

Respectfully submitted, A neighbor.

Sent from my iPhone

I know I don't live out there anymore, but it will always be called home.

George Clark Land Co.
Zoned this land as 10
acre residential lots, not
for businesses.

That is why people
moved out there, to own
their land and built there
homes, raised families,
owned houses and enjoyed
the peace and quiet of
living out in the country.

I think Mr. Phillips needs
to think about this and

consider their feelings.

You need to make a trip out there and look around, talk to the people, nice homes, good people, nice and quite.

All that will be gone if he gets his way. I understand that he doesn't

live out there, also all the burning, smoke, I have seen pictures, if that gets out of control, is there enough water to control that.

Trucks going up and down the dirt roads, kicking up

a lot of dust. More
maintonace on the roads,
Payne township grades the
roads, will any costs
go up, property taxes, etc.

I have a lot of fond
memories of living out there,
and I am sure so do the
people that live out there now.

I was recently out there
and it was so nice and
quite, except for the truck
coming down the road, dust
and the noise.

I pray you think about
all people that live there

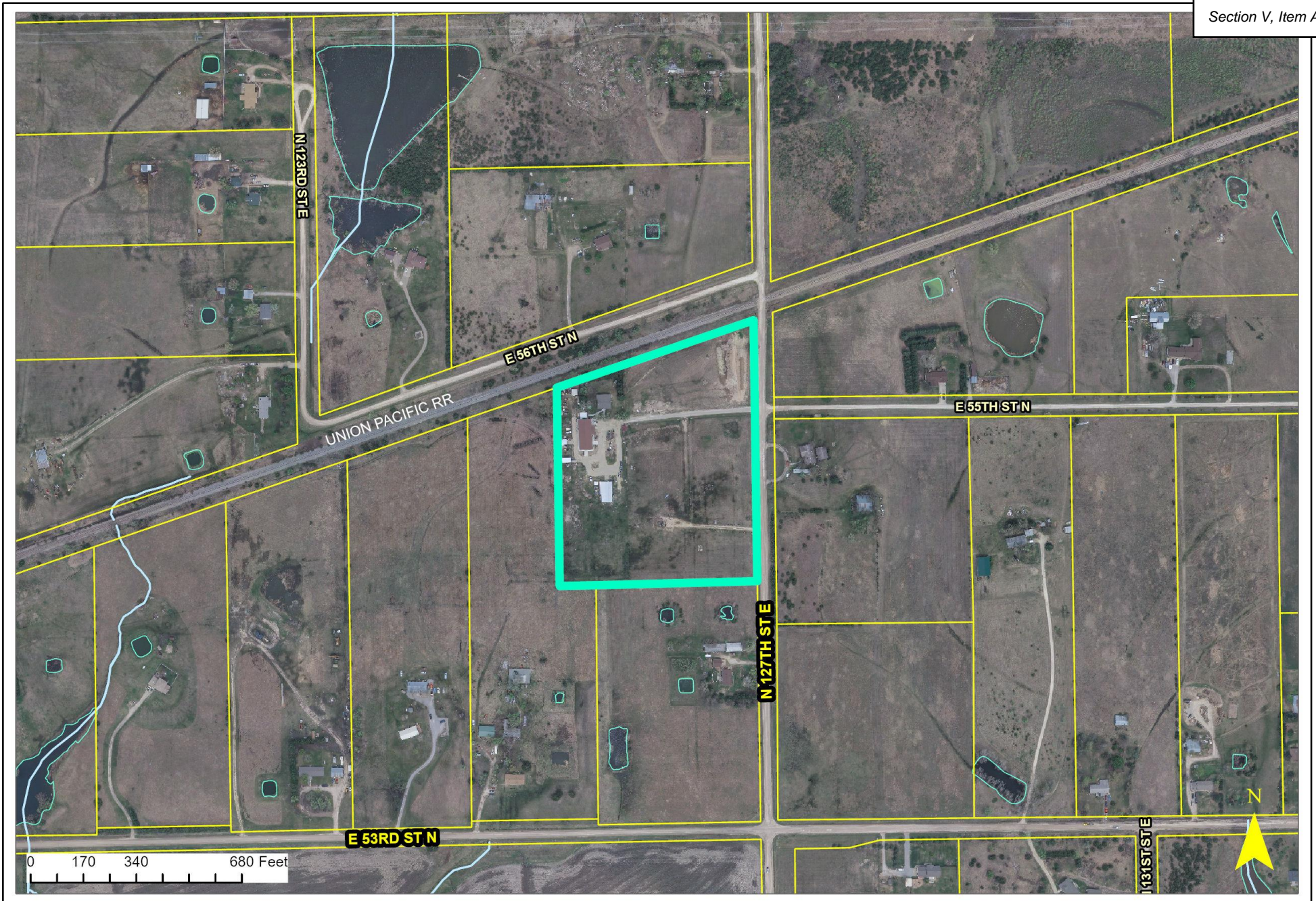
and their way of live, they deserve so much to keep what they have and their way of live of living out in the country.

One last thought, if some of the home owners want to sell there land, if they can, who wants to buy any property out there, with big trucks going up and down the roads, and burning, smoke. I certainly wouldn't. Would you.

Francisco Banuelos and Andres Banuelos bought the 10 acres across from Mr. Phillips. He is not happy that this is across the street where he and his family has planned to live. He paid a lot of money for this. He is a really nice man.

Mr. Aleppo bought the other 10 acres on the corner of 55th & 127th. He plans to build his home there.

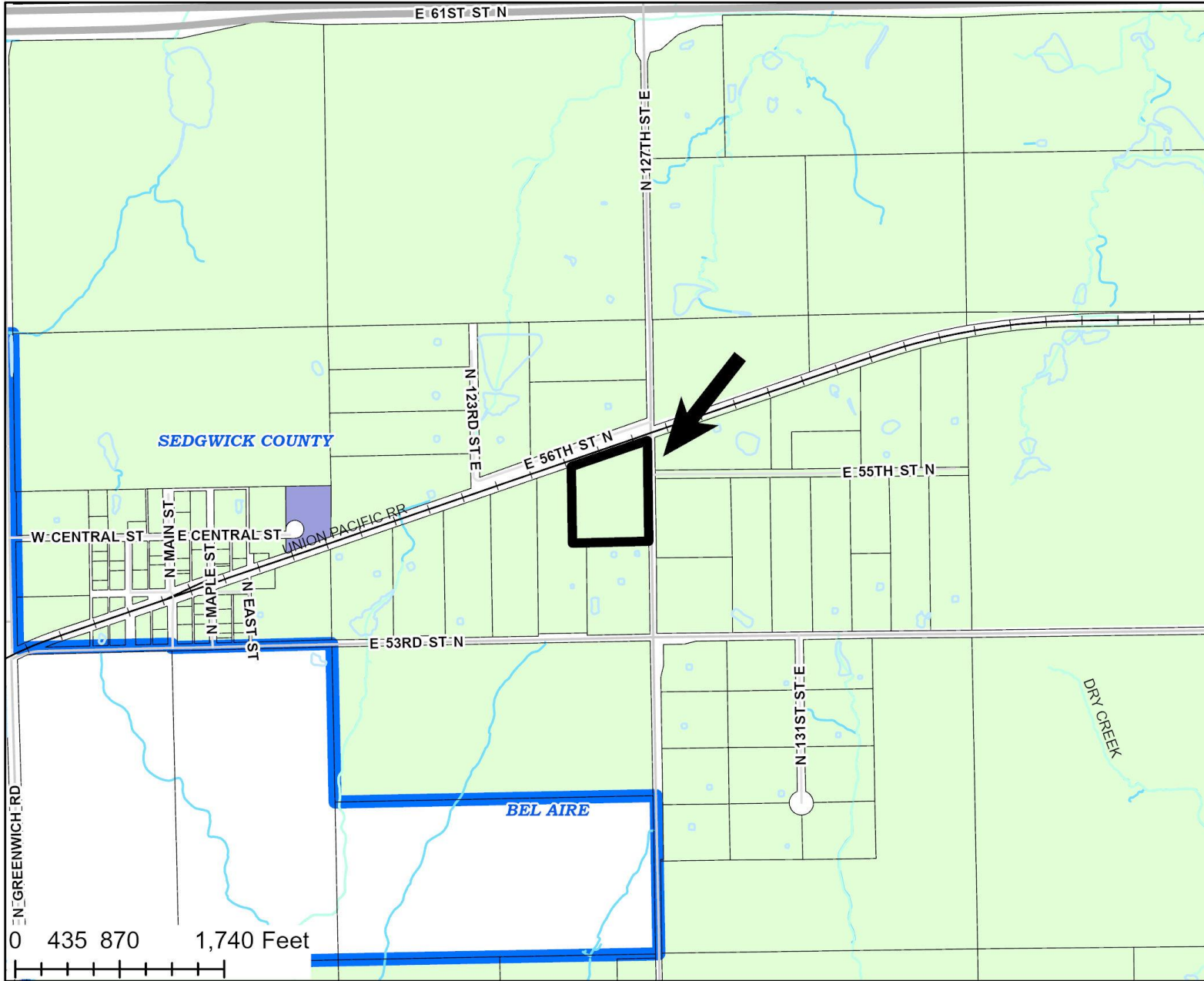
Not sure how he feels about this. Both properties are very nice.

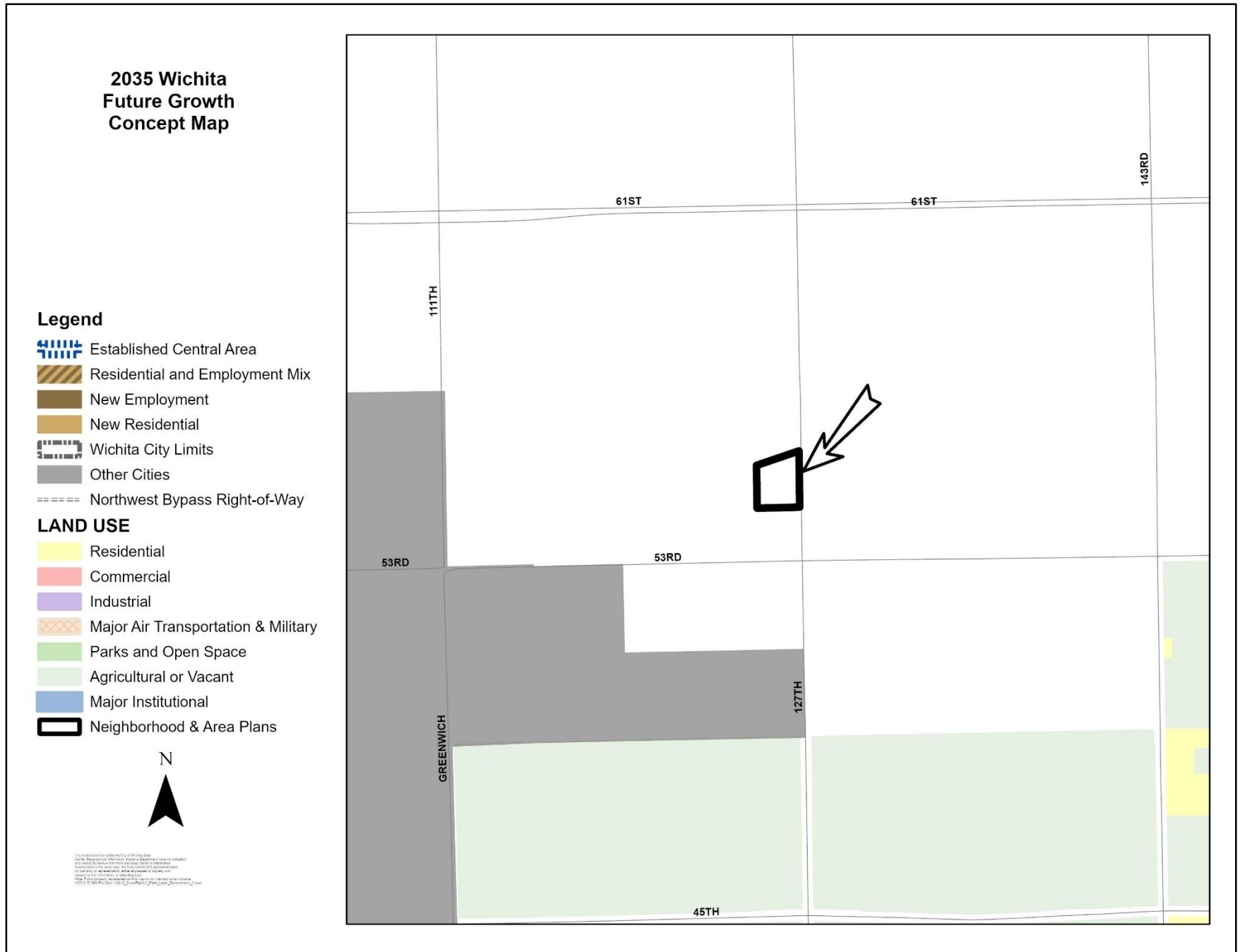


ZONING



- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN
- HISTORIC
- DELANO
- DELANO OVERLAY





Looking west into site



Looking south away from site



Looking east away from site



Looking north away from site





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



PRELIMINARY PLAT REVIEW

Address of proposed project: Chapel Landing 8th Preliminary plat

This report is to document that on 7.30.24 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 checked="" type="checkbox"/> EASEMENTS |
| <input type="checkbox"/> LANDSCAPE | <input type="checkbox"/> SCREENING |
| <input type="checkbox"/> STORM DRAINAGE | <input 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 7/30/24

Keith Price
REVIEWED BY

Comments:

Chapel landing 8th land was rezoned to R-5 by Ordinance 711. Process case is SD-24-02. Bel Aire received 15 paper plats, 2 drainage concept plans, 2 utility plans, with the application and remittance.

- Everygy has been contacted, Onegas has been contacted. Onegas had no requests. Everygy has provided a street layout diagram.
- The pipeline representatives were contacted, no response received yet, have you contacted them as well?
- Central Park addition and 259 USD 2nd addition land is zoned R-3 single family-not shown on the plat.
- Block B, lots 23 and 24 removed the R-4 zoning.
- Chapel Landing 7th, pipeline area remove the word proposed, Ordinance 707 rezoned to R-5.
- It would be good to show the USD 259 access points in relation to the access point Gabriel. Reserve E as shown isn't correct.
- The drainage plan can be submitted directly to the city engineer, Anne Stephens.
- <http://www.belaireks.citycode.net/> is the link to find the requirements for platting and zoning.

CITY OF BEL AIRE, KANSAS

File No. S/D 24-02**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 8th

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 24.09 Acres
2. Total number of lots 87
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 60 Feet
5. Predominant minimum lot area 7,200 Square Feet
6. Existing zoning R-5 District
7. Proposed zoning n/a District
8. Source of water supply City
9. Method of sewage disposal City

(Page 1 of 2)

10. Total lineal feet of new street 3360 Feet

Street Name	R/W Width	Lineal Feet
a. <u>Forbes St</u>	<u>60</u> Ft.	<u>482</u> Ft.
b. <u>Woodlow St</u>	<u>60</u> Ft.	<u>1066</u> Ft.
c. <u>Hillcrest St</u>	<u>32</u> Ft.	<u>901</u> Ft.
d. <u>Chris St & Chris Cir</u>	<u>60</u> Ft.	<u>791</u> Ft.
e. <u>Gabriel St</u>	<u>60</u> Ft.	<u>120</u> 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? _____Forbes St, Hillcrest St, Gabriel st, Chris St, Woodlow St.

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.

_____	_____	<u>Kris Rose</u>	<u>7-11-24</u>
Landowner	Date	Agent (If any)	Date

OFFICE USE ONLYPrints of the Preliminary Plat received 15 revisions 10 (Number)Vicinity map of existing and proposed street system received Yes

Statement of financing and guaranteeing proposed improvements received _____

Preliminary drainage plan, if deemed necessary, received Yes

This application was received by the Subdivision Administrator on 7.12.24, 2024. It has been checked and found to be accompanied by the required information and the fee of \$ 1220 paid to the City Clerk.

Subdivision Administrator

(Page 2 of 2)

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 18th day of July, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

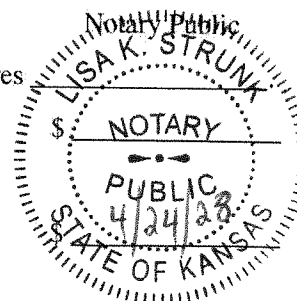
Subscribed and sworn to before me this 18th day of July, 2024.

WKS

My commission expires

Additional copies

Printer's fee



Bel Aire public notice

(Published in The Ark Valley News July 18, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on August 8th, 2024, the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

SD-24-02. Chapel Landing 8th platting of an R-5 residential district

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

General Location: East 53rd St N and Woodlawn Blvd.

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 16 day of July 2024.

/s/ Anne Stephens
Bel Aire Planning
Commission Secretary



July 19, 2024

City of Bel Aire
Keith Price
7651 E Central Park Ave
Bel Aire, KS 67226

RE: – Prelim plat-Chapel Landing 8th Add to Bel Aire, Sedgwick County KS

Dear Mr. Price,

Evergy has reviewed this final plat and will not need to request additional easements.

Suggested street light placement is marked. Please add, remove, or change the placement as needed and **please sign and return an electronic copy to Evergy, so we have your input for our records.** Kevin Rieschick is the contact for this plat and can be reached at (785)410-2986. **Any relocation or removal of existing Evergy equipment due to this plat will need to be discussed and will be at the applicant's expense.**

Thank you for sending a copy of this plat for our review.

Sincerely,

Rondee Sutton
Sr. Administrative Assistant
Evergy

Enclosure

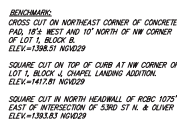
CC: Kris Rose, Baughman
Kevin Rieschick, Evergy
Vickie Phothilath, Evergy

Section V, Item B.

Rondee Sutton (316) 261-6276
Kevin Rieschick (785) 410-2986

EVERGY PRELIMINARY LIGHTING
APPROVED BY:

CITY, STATE, COUNTY OFFICIAL _____ DATE _____



Jul. 11, 2024

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

PRELIMINARY PLAT
CHAPEL LANDING 8TH
BEL AIRE, SEDGWICK COUNTY, KANSAS

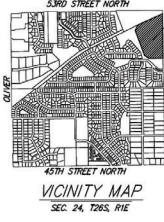
Section V, Item B.



Scale: 1" = 60'
Date of Preparation: July 12, 2024
Date of Topography: Oct. 31, 2023
Contour Interval: 1 Foot
Area = 24.09 Acres

Reserve "A" is hereby reserved for utility easements, open space, landscaping, sidewalks, lakes, drainage purposes, and utilities as confirmed to easements.
Reserve "B" is hereby reserved for open space, landscaping, drainage purposes, and utilities as confirmed to easements.

BUILDING SETBACK NOTE:
THE FRONT YARD SETBACK AND STREET SIDE SETBACK SHALL BE AS NOTED ON THE FRONT OF THE PLAT. THE MINIMUM INTERIOR SIDE YARD SETBACK SHALL BE 5 FEET. THE MINIMUM REAR YARD SETBACK SHALL BE 15 FEET.



By, Baughman Company P.A., under the supervision of the undersigned engineer and land planner as of the 11th day of October, 2023, perform a topographic survey of the above described tract of land.

Jonathan C. Haddock, P.S.
Surveyor

OWNER/DEVELOPER:
SLO & OLIVER, LLC
PO BOX 75337
MOBILE, AL 36675

LEGAL DESCRIPTION:
That part of the Northeast Quarter of Section 24, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgewick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter, FIRST COURSE, thence S00°09'40"E (beats of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgewick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 35.19 feet to the intersection with the southeast line of an Easement Pipeline (EP) Amendment of Right of Way control described and recorded in the Office of the Sedgewick County Register of Deeds in DOC #RLM-PC-2880051 and the southeast line of a Concessions Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgewick County Register of Deeds in DOC #RLM-PC-2880380, (hereinafter referred to as Pipeline Right-of-Way), a distance of 998.47 feet to the most northerly northeast corner of Reserve "A" as platted in Chapel Landing, Bel Aire, Sedgewick County, Kansas; THIRD COURSE, thence S4°16'49"W coincident with the southeast line of said Reserve "A", a distance of 207.14 feet; FOURTH COURSE, thence S10°31'37"E coincident with the east line of said Reserve "A", a distance of 805.42 feet; FIFTH COURSE, thence S34°48'39"E coincident with the east line of said Reserve "A", 171.69 feet; SIXTH COURSE, thence S8°58'36"E coincident with the southerly most north line of said Reserve "A", 548.67 feet to a point in the east line of said Northeast Quarter; SEVENTH COURSE, thence N00°09'40"W coincident with the east line of said Northeast Quarter, 1578.11 feet to the Point of Beginning, subject to a 30.00 foot road right-of-way strip west of and abutting the east line of said Northeast Quarter.

JOINING NOTE:
ALL LOTS WITHIN CHAPEL LANDING 8TH SHALL BE SINGLE FAMILY.

NOTE:
PROPERTY IS NOT LOCATED WITHIN A FEMA SPECIAL FLOOD HAZARD AREA AS OF JULY 15, 2024.

- 1/4 REBAR W/ "BAUGHMAN" CAP (2ET)
- 1/4 REBAR W/ "BAUGHMAN" CAP (FOUND)
- 5/8" REBAR W/ ALLEGED CAP (FOUND)
- 1/4 REBAR W/ THIMBLE (FOUND)
- 1/4 REBAR W/ "C" HAYS QLS 1/2" (FOUND)
- IRON W/ "LS-28" (FOUND)
- SODIC W/ DRILL CHISEL IN CENTER (FOUND)

MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES		
LOT	BLOCK	ELEVATION
1-22	A	1410.0
1-35	B	1411.0

BENCHMARK:
CROSS CUT ON NORTHEAST CORNER OF CONCRETE PAD, 18'1" WEST AND 10' NORTH OF NW CORNER OF LOT 1, BLOCK 4, CHAPEL LANDING ADDITION.
ELEV = 1386.51 MGD029

SQUARE CUT ON TOP OF CURB AT NW CORNER OF LOT 1, BLOCK 4, CHAPEL LANDING ADDITION.
ELEV = 1417.81 MGD029

SQUARE CUT IN NORTH HEADWALL OF RCBS 1075' EAST OF INTERSECTION OF 53RD ST N. & OLIVER.
ELEV = 1382.85 MGD029

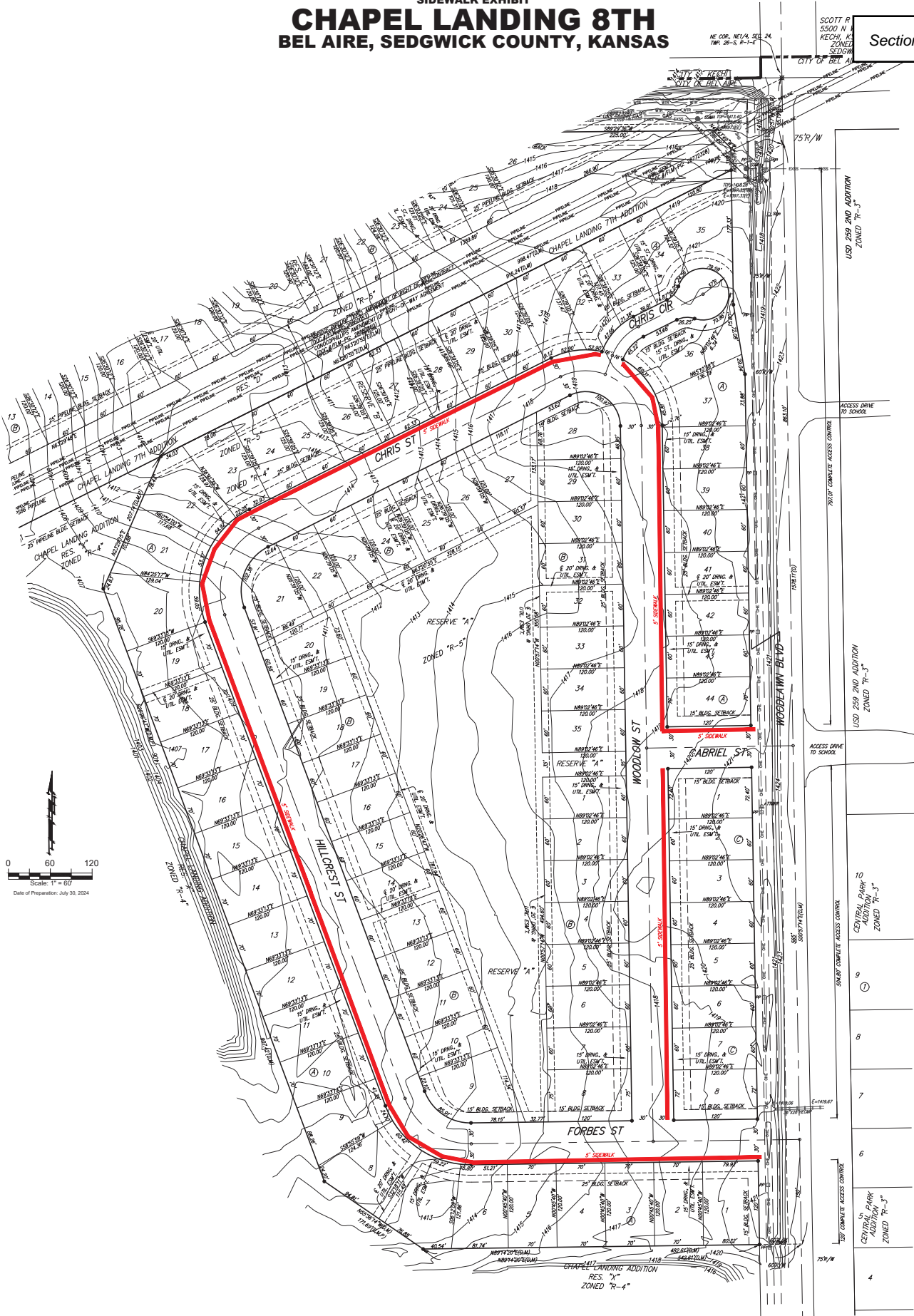
CHAPEL LANDING 8TH

REV. JUL. 30, 2024
JUL. 11, 2024

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

SIDEWALK EXHIBIT
CHAPEL LANDING 8TH
BEL AIRE, SEDGWICK COUNTY, KANSAS

Section V, Item B.



CHAPEL LANDING 8TH

Jul. 30, 2024



BAUGHMAN COMPANY
315 Ellis St. Wichita, KS 67211 316-262-7271
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City of Bel Aire

STAFF REPORT

DATE: 07/31/2024

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

STAFF COMMUNICATION	
FOR MEETING OF	8/8/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

ZON2024-00031 (county)

Brad Eatherly, will present 5601 N 127th Street East and they are looking to rezone from RR to Limited commercial (with an overlay) in order to bring their tree service business into conformance
This case falls within the area of influence of the City of Bel Aire, an area recognized by MAPC. The Bel Aire code sections below provide the purpose of the Extraterritorial Zoning once established and is the reason this case is brought to this commission for review.

18.1.2. Authority and jurisdiction.

These regulations are adopted under authority established by K.S.A. 12-741 et seq., and as amended, including K.S.A. 12-736, 12-753 to 12-761, 12-763, 12-764, 12-766, 12-3301 - 12-3302, and 12-3009 to 12-3012. These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Bel Aire, Kansas, as presently exist, as may be hereafter established, or as incorporated within by annexation. Nothing herein shall be construed to preclude the City from engaging in extraterritorial planning activities pursuant to K.S.A. 12-743, and amendments thereto.

18.1.3. Purpose.

- These regulations are intended to serve the following purposes:
- To promote the public health, safety, morals, comfort and general welfare;
- To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;
- To regulate and restrict the location, use and appearance of buildings, structures and land within each district and to zone for residential, commercial, industrial and other purposes including flood plains;

To regulate and restrict the height, number of stories and size of buildings and structures; their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;

To protect property values and conserve energy and natural resources;

To provide for adequate light and air and acceptable noise levels;

To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;

To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;

To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;

To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and exceptions; and

To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

SD-24-02, Preliminary plat, Chapel landing 8th

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet.

The city review of the plat is in your packet. The most recent revision is contained in the packet after staff had worked with Baughman Co. The property was rezoned to R-5 last year.

Sub-Division code 19.4.7

The Planning Commission shall review the preliminary plat and consider the report and recommendation of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning Commission shall conduct a public hearing, at which time interested persons may attend and offer evidence in support of or against such preliminary plat. Rules for public hearing procedures may be set forth within the By-laws of the Planning Commission.

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

If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat.

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

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

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

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

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

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

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