



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
May 12, 2022 6:30 PM



I. Call to Order

II. Roll Call

James Schmidt ____ John Charleston ____ David Floyd ____

Phillip Jordan ____ Dee Roths ____ Heath Travnichek ____ Paul Matzek ____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

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

Action: Motion to approve the minutes of April 14, 2022.

Motion ____ Second ____ Vote ____

V. Old Business/New Business

A. **SD-22-02. Sham Way Estate Addition Preliminary Plat - Request to plat approximately 78.80 acres of the single-family residential use as R-5 zoning district (rezoning process at a later date).**

Action: Motion to (approve / deny / table) Sham Way Estate Addition Preliminary Plat (with / without changes or conditions).

Motion ____ Second ____ Vote ____

VI. Next Meeting Date: June 9, 2022

Action: Motion to approve the date of the next meeting: June 9, 2022 at 6:30 p.m.

Motion ____ Second ____ Vote ____

VII. Current Events

A. **Upcoming Events:**

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



MINUTES
PLANNING COMMISSION
 7651 E. Central Park Ave, Bel Aire, KS
 April 14, 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, John Charleston, David Floyd, Phillip Jordan, and Heath Travnichek. Dee Roths and Paul Matzek were absent.

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

III. Pledge of Allegiance to the American Flag

Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Commissioners noted that under Item B the name of the consulting firm should read “KE Miller Engineering, PA”.

MOTION: Commissioner Floyd moved to approve the minutes of March 10, 2022 as amended. Commissioner Jordan seconded the motion. *Motion carried 5-0.*

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.

Chairman Schmidt opened the public hearing. Kirk Miller, KE Miller Engineering, spoke on behalf of the applicant and stood for questions from the Commission.

Terry Schriener, 4741 N Prestwick Ave, asked questions about the proposed development and spoke about his concerns about irrigation, maintenance of the entryway along Elk Creek Drive, and the location of the north line of the proposed development in relation to the separating pond.

Following the comments from the resident, the agent for the applicant was given an opportunity to speak but declined to add any additional information unless the Commissioners had questions.

City staff asked for additional time to look into the concern regarding the separating pond and assist with communication between the Developer of Elk Creek 3rd and the existing HOA's regarding the maintenance of the entryway along Elk Creek Drive.

No others requested to speak. Chairman Schmidt closed the public hearing and the Commission resumed discussion of the matter.

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

1. Character of the neighborhood- The proposed development appears to be a different developer's version of the Courtyards at Elk Creek, which has filled up quickly.
2. Zoning uses of nearby property- The requested zoning is the same as the Courtyards at Elk Creek so will present a continuation of current zoning patterns.
3. Suitability of the property for the uses to which it is restricted -The property is currently zoned as C-1 Commercial. The Commissioners felt that this property would be better suited for residential use as they were concerned about commercial traffic entering and exiting the property along Elk Creek Drive.

MOTION: Chairman Schmidt moved to recommend approval of the re-zoning request for approximately 3.35 acres zoned C-1 to R-5b Zero Lot line for single-family houses. Commissioner Floyd seconded the motion. *Motion carried 5-0.*

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.

Due to concerns regarding the pond the Commission voted to table the preliminary and final plats (agenda items B and C) until staff could work through the concerns with the pond.

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.

MOTION: Chairman Schmidt moved to table the preliminary and final plats of Elk Creek 3rd. Commissioner Jordan seconded the motion. *Motion carried 5-0.*

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.

Chairman Schmidt opened the public hearing.

City Attorney Jacqueline Kelly spoke on behalf of the applicant, the City of Bel Aire, and stood for questions from the Commission.

No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning. Chairman Schmidt closed the public hearing.

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

1. Character of the neighborhood:

- The proposed development is at the fringe of Rural meeting Urban. With the highway to the north and a proposed interchange at K-254 and Webb Road, it is only a matter of time before this area becomes more urban. On one hand, the requested M-1 zoning is about as far away from rural residential as one can get, you can't expect that this area will stay rural forever – especially with it being this close to a City and with the intersection plans in the works with KDOT.

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

The re-zoning of this property will not open it up for all the uses described in the M-1 zoning district. Any potential development will still need to come back before Planning Commission through the PUD process. Through this process, Planning Commission will have the opportunity to ensure that a buffer is created between the residential area to the west and the school to the south.

MOTION: Chairman Schmidt moved to recommend the rezoning of certain property located along K-254 from the current AG zoning to M-1 zoning. Commissioner Floyd seconded the motion. *Motion carried 5-0.*

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

Chairman Schmidt opened the public hearing. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning.

City Engineer Anne Stephens explained that this property was originally platted by the City as a pre-cursor to selling lots. A different party is now interested in purchasing the entire property and has a different vision for how they would like to utilize the property. They have requested that the City vacate the platted right-of-way so they can pursue their different vision for the property.

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

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 10.04 (B) of the Subdivision Regulations. The Planning Commission found that:

1. Due and legal notice had 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, the vacation should be granted.

MOTION: Chairman Schmidt moved to recommend the City's vacation of certain portions of 54th Street right of way and abutting relevant easements. Commissioner Travnichek seconded the motion. ***Motion carried 5-0.***

VI. Next Meeting: May 12, 2022

MOTION: Commissioner Floyd moved to approve the date of the next meeting: May 12, 2022 at 6:30 p.m. Commissioner Jordan seconded the motion. ***Motion carried 5-0.***

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

The Commission briefly discussed upcoming events.

VIII. Adjournment

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

The meeting adjourned at 8:20 p.m.



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



PRELIMINARY PLAT REVIEW

Address of proposed project: Shamway Estates plat

This report is to document that on 4.28.22 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 4/28/22

Keith Price
REVIEWED BY

Comments: City received application, plat maps, and remittance for the preliminary platting process only. The land will need to be rezoned R-5 based on lot size. The proposal is for single family housing only; the developer's agreement will need to restrict the R-5 zoning district to that use.

The city has been using value engineering practices to reduce setback and lot sizes for single family when feasible. On street parking requirement of concern is as follows: one space between each driveway; with curb cuts for 3-car driveways on the width of 65' lots, combined with mailboxes, fire hydrants, and other clearances required. The city has been designing neighborhoods with the premise that RVs and trailers can not be stored in the street or in driveways; therefore, would have limited impact on a daily basis of overflow parking into the street. This code may change based on some discussion. HOA covenants can control parking in driveways and yards. What would you propose to do related codes changes, guest parking spaces to meet current rules, or other thought related to larger vehicle access such as trash trucks and emergency vehicles and on street parking?

- Everygy has been contacted, Onegas has been contacted. Everygy has been in direct contact with The Savoy Co., P.A. and has requested easements. Onegas had no requests.

- SCGIS has been contacted. One concern is the name Fox Point; Wichita does have Fox Pointe Cir ; west of Webb , east of Cypress.
- The city will require 6' side yard setbacks, 20' rear yard setbacks, 25' building setback lines, except as shown with 15' building setback lines on corner lot side yards if approved by the city engineer based on easement requirements discovered through the platting process.
- The plat should contain the date of the actual survey.
- A Sidewalk Plan is required-please provide a proposal map for the planning commission to review for approval.
- A vicinity map should be provided on the preliminary map or in the application.
- The city engineer will contact Savoy Company P.A. direct with any item not covered with this review.
- 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.



Sham Way Estate – Preliminary Plat Review – May 6, 2022

1. Top left corner – unplatted – Bel Aire is missing an “e”.
2. Center bottom – change the name of the subdivision to Cedar Pass. The Developer changed the name of this subdivision prior to filing the final plat.
3. Distinguish between existing and proposed sanitary sewer and force main.
4. Show zoning classification of Cedar Pass/Rock Spring 5th.
5. Add outline of all proposed streets and sidewalks and existing road (Webb).
6. Show proposed storm sewer as well.
7. Add a vicinity map.
8. Need a copy of the drainage concept.
9. What is the proposed zoning?

CITY OF BEL AIRE, KANSAS

File No. S/D 22-02APPLICATION 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 SHAM WAY ESTATES
 General Location Located on the West Side of Webb Road and 2 1/4 of a mile North of 53rd St Inside City ☒ To be Annexed ☐
 Name of Landowner SHAM WAY LLC by Basem Krichati
 Address 1109 S. Rock Rd, Wichita, KS 67207 Phone 316-440-6000
 Name of Subdivider/Agent Mark Savoy / Savoy Company, P.A.
 Address 433 S. Hydraulic, Wichita, KS 67211 Phone 316-265-0005
 Name of (Engineer) (Land-Planner) CEO Certified Engineers Logan Mills
 Address 1935 W. Maple St, Wichita, KS 67213 Phone 316-262-8808
 Name of Registered Land Surveyor Mark A. Savoy P.S. #783
 Address 433 S. Hydraulic Wichita, KS 67211 Phone 316-265-0005

Subdivision Information

1. Gross acreage of plat 78.80 Acres excluding the Webb Rd ROW
2. Total number of lots 213
3. Proposed land use:
 - a. Residential-Single-Family ☒ Duplex ☐ Multiple-Family ☐
 Manufactured/Mobile Home ☐
 - b. Commercial ☐
 - c. Industrial ☐
 - d. Other ☐
4. Predominant minimum lot width 70 Feet
5. Predominant minimum lot area 1,400 Square Feet
6. Existing zoning AG Agricultural District
7. Proposed zoning R5 Residential District
8. Source of water supply City of Bel-Aire
9. Method of sewage disposal City of Bel Aire Sanitary Sewer

10. Total lineal feet of new street _____ Feet

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

11. Proposed type of street surfacing _____

12. Curb and gutter proposed: Yes ☒ No _____

13. Sidewalks proposed: Yes _____ No _____ If yes, where? ? _____

Sidewalk Plan required

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

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

OK [Signature] Landowner
 April 18, 2022 Date
 Mark D. Long Agent (If any)
 12 APR 22 Date

OFFICE USE ONLY

Prints of the Preliminary Plat received 15 (Number)

Vicinity map of existing and proposed street system received NO

Statement of financing and guaranteeing proposed improvements received NO

Preliminary drainage plan, if deemed necessary, received NO

This application was received by the Subdivision Administrator on 4.19.22,
19. It has been checked and found to be accompanied by the required
 information and the fee of \$ 1265 paid to the City Clerk.

[Signature]
 Subdivision Administrator

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 21st day of April, 2022, with subsequent publications being made on the following dates:

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

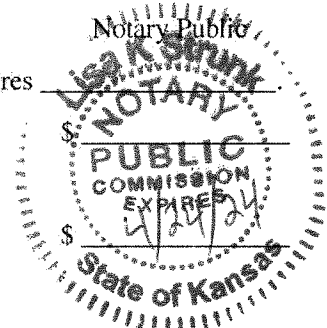
Subscribed and sworn to before me this 21st day of April, 2022.

Notary Public

My commission expires

Additional copies

Printer's fee



Public notice

(Published in the Ark Valley News on April 21, 2022.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on May 12, 2022 the City of Bel Aire Planning Commission will consider the following Platting process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

SD-22-02. Sham Way Estates Addition, to plat approximately 78.80 acres of the single-family residential use as R-5 zoning district. (re-zoning process at a later date)

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

General Location: 1/4 mile N of E 53rd St N and West of Webb 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.

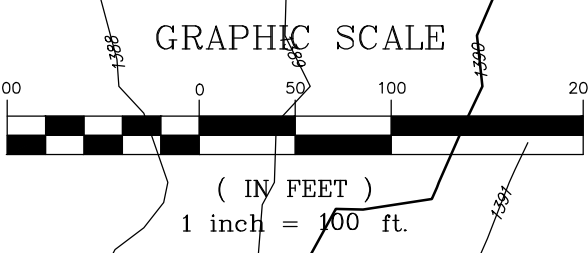
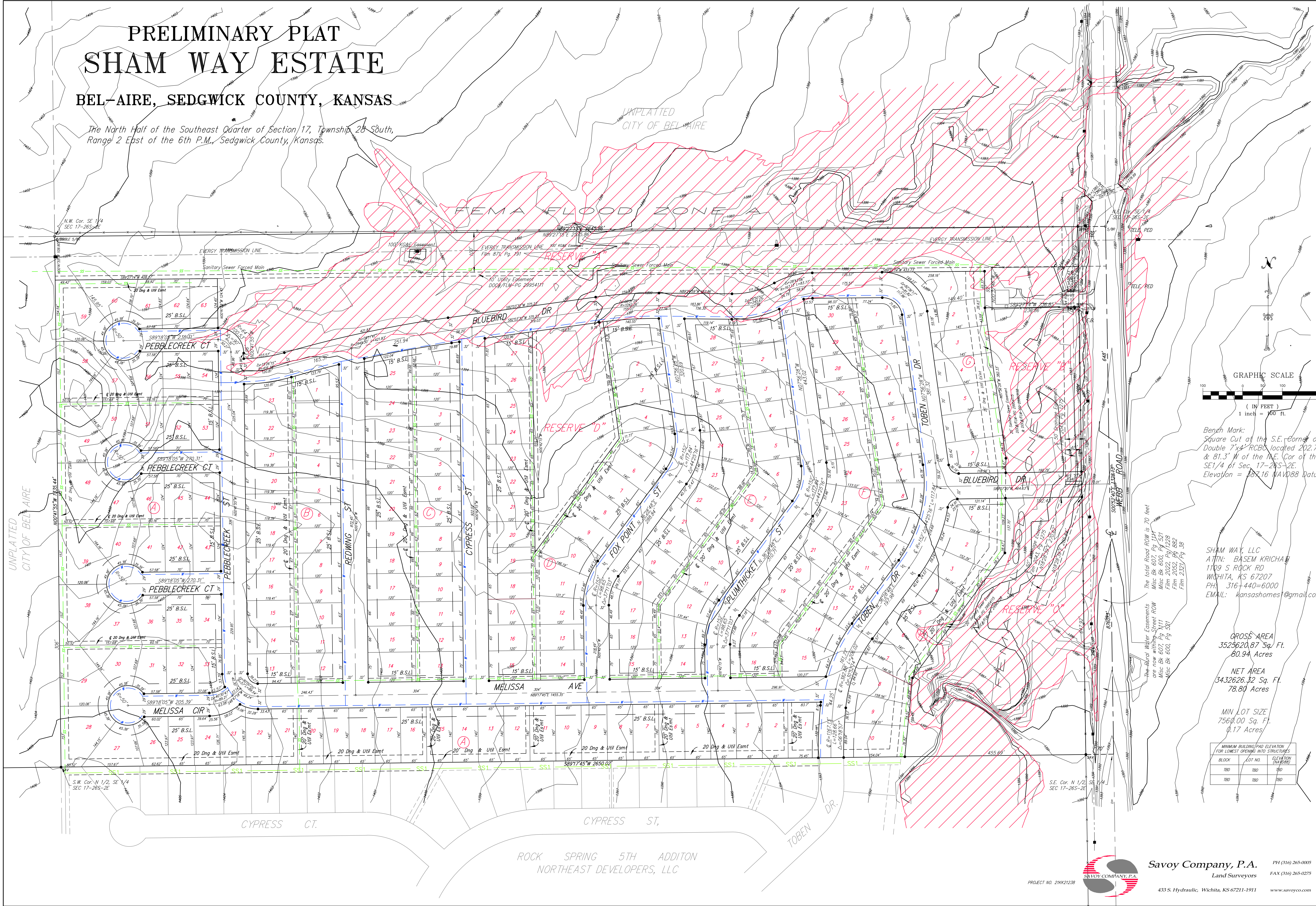
DATED this 19 day of April 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

PRELIMINARY PLAT SHAM WAY ESTATE

BEL-AIRE, SEDGWICK COUNTY, KANSAS

The North Half of the Southeast Quarter of Section 17, Township 28 South,
Range 2 East of the 6th P.M., Sedgwick County, Kansas.



Bench Mark:
Square Cut at the S.E. Corner of the
Double 7'x4' RCBO located 202.7' S
& 81.3' W of the N.E. Cor of the
SE1/4 of Sec. 17-26S-2E.
Elevation = 107.16 NAVD88 Datum

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

GROSS AREA
3525620.87 Sq. Ft.
80.94 Acres

NET AREA
3432626.32 Sq. Ft.
78.80 Acres

MIN LOT SIZE
7560.00 Sq. Ft.
0.17 Acres

MINIMUM BUILDING/PAV ELEVATION FOR LOWEST OPENING INTO STRUCTURE		
BLOCK	LOT NO.	ELEVATION (NAVD88)
TBD	TBD	TBD
TBD	TBD	TBD



Savoy Company, P.A.
Land Surveyors
PH (316) 265-0005
FAX (316) 265-0275
433 S. Hydraulic, Wichita, KS 67211-1911
www.savoyco.com

PROJECT NO. 21W21238

18 FEBRUARY 2022

Upcoming Events

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 May 19, 2022*

*This seat was vacated by Diane Wynn. Another seat (vacated by Dr. Joel Schroeder) was recently filled.

FOR MEETING OF	5/12/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 05/06/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

PUD-22-01. Proposed changing partial zoning within the current PUD to allow R-6 multi-family housing. Arthur Heights PUD

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 has been several calls and two visitors to discuss the project. The zoning category will be changed inside the PUD if approved. The owner of lot 5 has provided an email stating he would want an 8' fence separation but is also reaching out to the applicant to discuss a second entry along the north of the property of lot 5. This project was reviewed based on all of the access drives as private and not city streets. Some discussion has been about adding a city street off of Woodlawn at the back of lot 5; this would require a cul-de-sac or an approved turn-around. Based on current details that would be a developer expense; mostly likely be a private drive to meet SCFD standards.

SCFD has indicated two entrances will be required for living units over 30 and requires turn-arounds is the reason for discussion of street or added drive from Woodlawn.

1. The character of the neighborhood;

The subject property is platted and zoned C-2 for a few years; The PUD has mix uses approved by right, but only has the old business buildings in use as a C-2. 45th and Woodlawn is one of the city's busiest intersections, traffic noise is already there during the business day into the early evening. There are houses west and south of the portion requesting change. The east lot 5 of the existing PUD has R-6 Catholic Care facility.

2. The zoning and uses of properties nearby

R-1, R-4, C-1, C-2, 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 if two entries are provided and access can be created. Parking spaces will also need to be discussed as the amount is under the general code.

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

property;

City staff no adverse effect is expected if drainage, fire service, and parking is addressed.

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

The City hasn't rezoned this property since the PUD was created a few years ago.

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 if the concerns are addressed and sized to meet the conditions and confinements.

6. Recommendations of permanent staff;

Yes conditionally, because 2018 Master Growth plan was approved by City Council. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses

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

For staff recommendation :

- Fire department concerns need to be resolved.
- Drainage and yard maintenance needs to be addressed.
- Trash management, trash truck access.
- Parking stalls code verses site plan provided.
- Architectural control by the HOA to a standard equal to the surrounding neighborhoods will ensure the value for all stakeholders for the other lot owners in the PUD development. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses

A. SD-22-02. Sham Way Estate Addition Preliminary Plat - Request to plat approximately 78.80 acres of the single-family residential use as R-5 zoning district (rezoning process at a later date).

The city advertised the hearing in the Ark Valley newspaper. To date there hasn't been any calls from citizens. The rezoning will require property owner notification in addition to the newspaper notification. A staff report is in the packet lining out a few items sent to the developer.

Staff didn't receive an update to the original submittal; Every noted additional easements needed. This would need to be reviewed as an R-5 because of the lot sizes. Drainage plans, final grade, on street parking, walkability, an HOA is required to meet the intent of the zoning district. The application has "Estates" and the plat shows "Estate" is another item to discuss.

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.

<https://www.betterontheedge.org/>

