



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
November 10, 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 Flag

IV. Consent Agenda

A. **Approval of Amended Minutes from August Meeting**

Action: Motion to (approve/deny/table) the amended minutes of August 23, 2022.

Motion ____ Second ____ Vote ____

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

Action: Motion to (approve/deny/table) the minutes of October 13, 2022.

Motion ____ Second ____ Vote ____

V. Old Business/New Business

A. **VAC-22-03 Rezoning:** Vacating 25' front setback to 20' at 5243-45 and 5237-39 Toben Court

Open hearing

Close hearing

Action: Motion to (recommend / deny / table) the request to vacate the front building setback from 25' to 20' at 5243-45 and 5237-39 Toben Court (with / without changes / conditions).

Motion ____ Second ____ Vote ____

VI. Engineer Report

Director Report

A. **Planning and Zoning report -November**

VII. Next Meeting: Thursday, December 8th at 6:30 PM

Action: Motion to (approve / deny / table) next meeting date: December 8th, 2022 at 6:30 p.m.

Motion _____ Second _____ Vote _____

VIII. ADJOURNMENT

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____



MINUTES PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS
August 23, 2022 6:30 PM



I. Call to Order

II. Roll Call

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

Also present were City Engineer, Anne Stephens, Director of Planning and Community Development, Jay Cook, City Attorney, Jaqueline Kelly, and Code Enforcement Officer, Garrett Wichman

III. Pledge of Allegiance to the Flag – Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Motion: Chairman Schmidt moved to approve the minutes of July 14th, 2022.
Commissioner Dee Roths seconded the motion. *Motion carried 5-0*

V. Old Business/New Business

A. PUD-22-01. Proposed changing partial zoning within the current PUD to allow R-6 multifamily housing (Arthur Heights PUD)

Chairman Schmidt opened the public hearing. Planning Commission reviewed the applicants request to change the current PUD to allow R-6 multi-family zoning for Arthur Heights. This property is located immediately west of the northwest corner of 45th and Woodlawn. Ken Lee of Garver, LLC was present to represent the property owner, Russ Relph to discuss the application. Mr. Lee spoke to some of the requests that were previously made by the Planning Commission regarding amendments to the original application that was tabled at the previous Planning Commission meeting.

Following this discussion, Chairman Schmidt opened the floor to residents and allotted each resident with three (3) minutes to express grievances, concerns, or support. The Planning Commission also allowed Mr. Lee to address these concerns after all residents spoke.

The first to speak was Dennis McCallum, 4650 N Hillcrest, spoke to sharing 150 feet of shared property line with the PUD and stated that he was worried about his property value dropping and the possibility of more calls to the Bel Aire Police

Department. Another concern was the drainage issue on his property and the concern that adding this development may increase said water issues. Mr. McCallum also provided photographs which shows the current water/drainage issues on his property.

The next to speak was Carol Russell, 6218 E 45th St. Her concern was with the trees that would abut her property line as screening and the possibility of children running in and out of the tree line. She was also concerned with individuals hiding in said trees to attack her on her way home.

The last citizen to voice concern was Gary Jantz, 6200 E 45th St N, had concerns about the density of the PUD and the possible fire event that could take place. He was also concerned with the setbacks from the property lines proposed. Concern also arose regarding the gas pipeline on the southern portion of the property. He stated feeling violated by loss of privacy and stolen property due to lowering property values.

No other citizens requested to speak. Chairman James Schmidt closed 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: the character of the neighborhood, zoning uses of nearby property, suitability of the property for the uses to which it is restricted, the extent to which removal of the restrictions will detrimentally affect nearby property and the length of time the subject property has remained vacant as zoned.

MOTION: Commissioner Phillip Jordan made a motion to recommend change to the partial zoning within the current PUD to allow R-6 multi-family housing with the condition of default eight (8) foot fence or appropriate screening as otherwise mutually agreed upon with neighboring properties. David Floyd seconded the motion. ***Motion carried 5-0.***

- B. **ZON-22-05 Rezoning:** Approximately 71 acres zoned AG to M-1 Industrial. Currently used as farmland. Was recently annexed into city. (Located at the southwest corner of HWY 254 and Webb Rd.)

Chairman Schmidt opened the public hearing to the residents and allotted each with three (3) minutes to express grievances, concerns, or support.

Franklin Vespa, owner of the property directly east of the application, spoke with concerns for the rezoning. He stated that he would not have purchased his property if he had known an industrial zone would be allowed next to his property. He has concerns for lowering property values, increase in crime, excessive noise and lighting, and environmental issues.

No other citizens requested to speak. Chairman James Schmidt closed public hearing.

After hearing concerns, the Planning Commission discussed the zoning change to the south of the property becoming residential. It was also stated that M-1 Industrial zoning would require a PUD and that the residential area to the south should be taken into consideration when that arises. There was discussion as to ideas that the developer may have in mind for the property from a PowerPoint showed to the Planning Commission in a previous meeting. Questions were asked regarding the airspace from Jabara airport. The attorney explained that, in communication with the airport, Jabara would not be opposed to any rezoning or changes as long as it did not affect the airspace around their property.

MOTION: Chairman Schmidt recommend the request to rezone certain recently annexed property at the southwest corner of Hwy 254 and Webb Rd. containing approximately 71 acres from AG to M-1 Industrial use without changes or conditions. David Floyd seconded the motion. *Motion carried 5-0.*

VI. Staff Reports

Director Report

Director Jay Cook recommended for the commission to utilize the planning and zoning department.

VII. Next Meeting: Thursday, September 8th at 6:30 PM

After brief discussion the Planning Commission agreed upon September 8, 2022, at 6:30 p.m.

MOTION: Chairman Schmidt approved the next meeting date to September 8, 2022, at 6:30 p.m. Commissioner David Floyd seconded the motion. *Motion carried 5-0.*

VIII. ADJOURNMENT

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



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
October 13, 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 was absent.

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

III. Pledge of Allegiance to the Flag – Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

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

Motion: Commissioner Floyd made a motion to defer the minutes of August 23, 2022. Commissioner Jordan seconded the motion. ***Motion carried 6-0***

B. **Approval of the 2023 Meeting Dates and Time**

Motion: Chairman Schmidt made a motion to approve the Meeting Dates and Time for 2023. Commissioner Roths seconded the motion. ***Motion carried 6-0***

V. Staff Reports

Director Report

Director Jay Cook recommended for the commission to discuss reviewing and updating the comprehensive development plan and to make sure that it is very concise. Jay Cook has spoken to a few agencies that develop the comprehensive plan to have them produce a scope of services in place for the City of Bel Aire and would like for the Planning Commission to act as the steering committee for the project.

It was asked by Director Jay Cook to the commission if they would like to be more in control of writing the development plan or have an outside agency complete the process with necessary guidance from the Commission. Chairman Schmidt would like for a plan to be presented to them to review. Commissioner Jordan also recommended a kick-off meeting to all get together to have an understanding of the data presented once a workshop has been completed.

Commissioner Travnichuk voiced his opinion on the process that should take place and the way in which the meetings with the outside agency should proceed. Stating the idea of an initial workshop with the agency, a kickoff meeting, and the need for periodic updates from the agency.

The Planning Commission decided to allow staff to receive bids for the project, pick the most economical agency and assist the agency as needed while the Commissions acts as a steering committee for the project.

VI. Next Meeting: Thursday, November 10th at 6:30 PM

After brief discussion the Planning Commission agreed upon November 10, 2022, at 6:30 p.m.

MOTION: Commissioner Roths made a motion to approve the next meeting date of November 10, 2022, at 6:30 p.m. Commissioner Charleston seconded the motion. ***Motion carried 6-0.***

VII. ADJOURNMENT

MOTION: Commissioner Charleston made a motion to adjourn the meeting. Commissioner Roths seconded the motion. ***Motion carried 6-0.***

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park Ave., Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

-
- ☒ Vacate building set back From: 25' to 20'
- ☐ Vacate street or alley: _____
- ☐ Vacate utility easement _____
- ☐ Vacate other _____
- ☐ Apply for Vacation in conjunction With a Conditional Use or Variance application.

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner Kreutzer Investments LLC

Address 8550 NW Parallel Road Telephone (316) 993-4663

Agent representing the owner Garver, LLC

Address 1995 Midfield Road Telephone (316) 264-8008

1. The application area is legally described as Lot(s) 13 & 14; Block(s) 2, Rock Spring 3rd Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains Rock Spring 3rd acres.

3. This property is located at (address) 5243-45 & 5237-39 Toben Court which is generally located at (relation to nearest streets) Toben Dr & Toben Ct.

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

The 25' building setback reduces the depth of duplex for both lots.

5. County control number: 30013190, 30013191

6. NAMES OF OWNERS - An ownership list of the names, addresses and zip codes of the owners of record of real property abutting a street, alley, or easement including any segment remaining open, and owners on the opposite side of the street from the vacations of set back and access control, as well as all utility providers that are affected shall be provided.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant Russel Relph Phone (316) 993-4663
Address 8550 NW Parallel Road Zip Code 67144

Agent Phone
Address Zip Code

2. Applicant Phone
Address Zip Code

Agent Phone
Address Zip Code

3. Applicant Phone
Address Zip Code

Agent Phone
Address Zip Code

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


Applicant's Signature

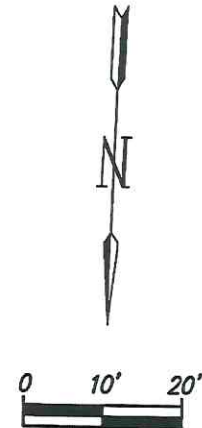
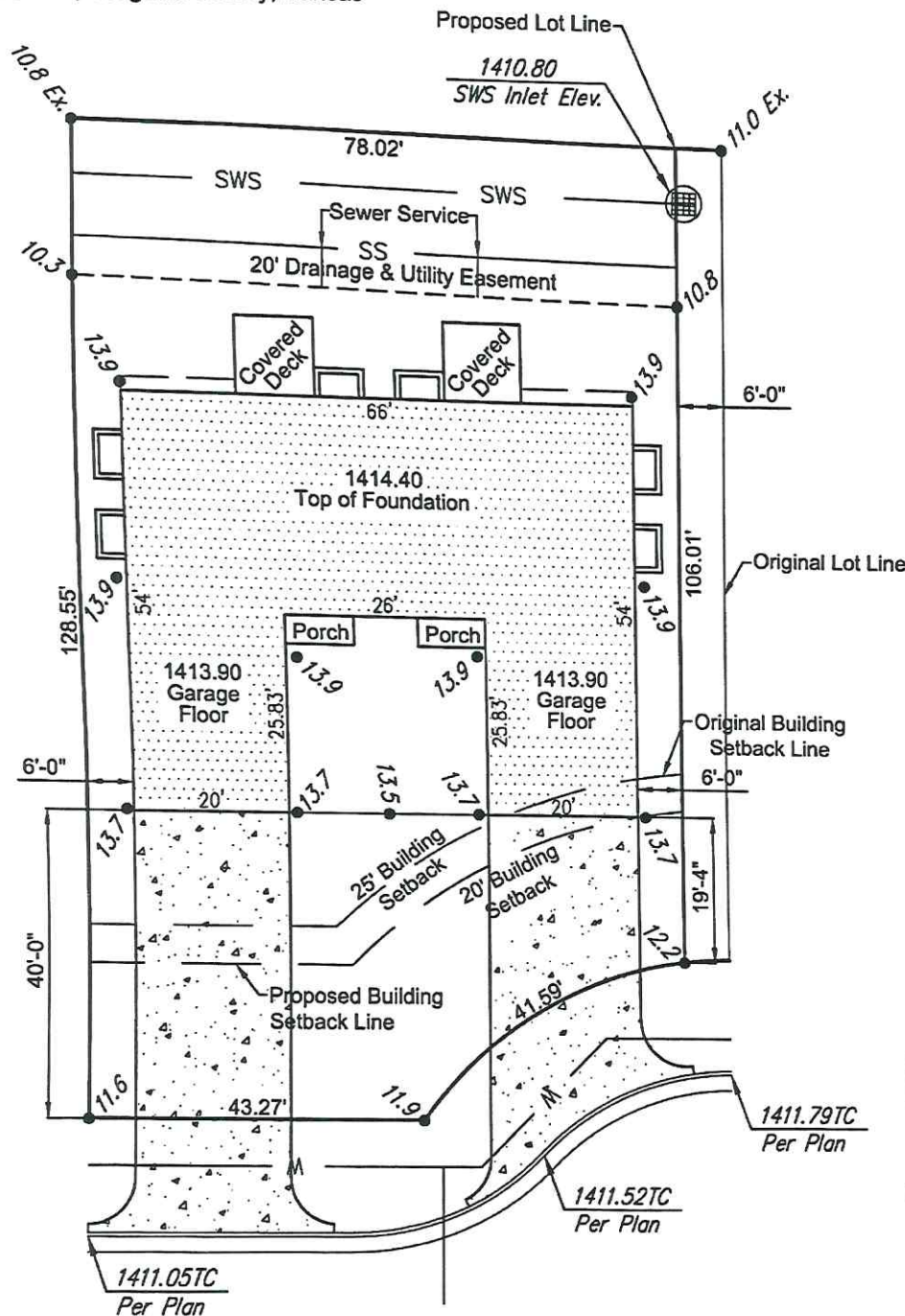
BY

Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

Lot 14, Block 2 EXCEPT
the West 6.00' Thereof
Rock Spring 3rd Addition
Bel Aire, Sedgwick County, Kansas

22T41999-162
Sept. 22, 2022



Lot Information

Lot Area = 9,478 sf
Impervious = 4,498 sf
% Impervious = 47%

Drop Siding as Necessary
to Match Indicated Grades.

Add 1400 to Spot
Elevations Shown for
NAVD88 G12A Datum.

5237- 39 Toben Ct.

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1995 Midfield Road
Wichita, KS 67209
(316) 264-8008

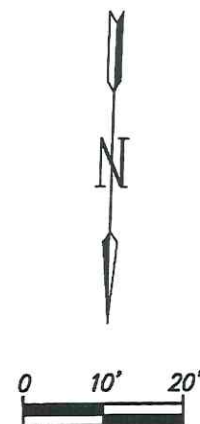
Kreutzer Homes, LLC
8550 NW Parallel Road
Towanda, Kansas 67144

Lot 14, Block 2 EXCEPT
the West 6.00' Thereof
Rock Spring 3rd Addition
Bel Aire, Sedgwick County, Kansas

FIGURE NUMBER

SHEET
NUMBER 1 of 2

22T41999-163
Sept. 22, 2022



Builder to verify and regrade easement for positive drainage.

Lot Area = 12,567 sf
Impervious = 4,603 sf
% Impervious = 37%

**Drop Siding as Necessary
to Match Indicated Grades.**

Add 1400 to Spot
Elevations Shown for
NAVD88 G12A Datum.

5243- 45 Toben Ct.

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Kreutzer Homes, LLC
8550 NW Parallel Road
Towanda, Kansas 67144

**Lot 13, Block 2 AND
the West 6.00' of Lot 14, Block 2
Rock Spring 3rd Addition
Bel Aire, Sedgwick County, Kansas**

FIGURE NUMBER

SHEET NUMBER 1 of 2

(Published in the Ark Valley News on October 20, 2022)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 10, 2022, the City of Bel Aire Planning Commission will consider the following “vacating a portion of a platted building setback” change as scheduled on the agenda starting at 6:30 p.m. in the council chamber at City Hall in Bel Aire, Kansas:

V-22-03, vacation of a portion of platted building setback line, to allow a 20’ setback line on two lots, in Rock Spring 3rd.

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

General Location: Toben Drive and Toben Ct N.

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

DATED this 17th day of October, 2022.

Vicinity Map

/s/ Jay Cook
Planning Commission Secretary



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 20th day of October, 2022, with subsequent publications being made on the following dates:

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

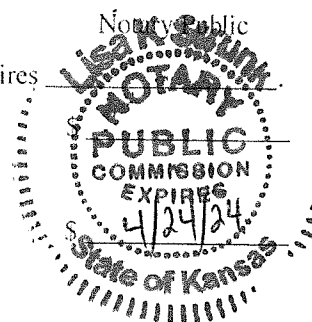
Subscribed and sworn to before me this 20th day of October, 2022.

Notary Public

My commission expires _____

Additional copies _____

Printer's fee _____



Public notice

(Published in The Ark Valley News Oct. 20, 2022.)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

General Location: Toben Drive and Toben Ct N.

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

DATED this 17th day of October, 2022.

/s/ Jay Cook
Planning Commission Secretary

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lots 13 & 14, Blk 2	Rock Spring 3 rd Addition	Kreutzer Investments, LLC 2517 W. Keywest Ct. Wichita, KS 67204
Lots 7 & 8, Blk 2	"	A & D Properties, Inc. PO Box 781974 Wichita, KS 67278
Lots 9 & 10, Blk 2	"	Open Door Custom Homes, Inc. 863 E. Rough Creek Ct. Derby, KS 67037
Lot 11, Blk 2	"	MMR, LLC 863 E. Rough Creek Ct. Derby, KS 67037
Lot 12, Blk 2	"	Quad Investments, LLC PO Box 781974 Wichita, KS 67278
Lots 15, 16, 17, & 18, Blk 2	"	Relph Construction & Development, Inc. 8550 NW Parallel St. Towanda, KS 67144

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 5th day of October, 2022, at 7:00 A.M.

Security 1st Title, LLC

By: 

Licensed Abstractor

Order: SG790
KJK

FOR MEETING OF	11/10/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 11/03/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

V-22-03, vacation of a portion of platted building setback line, to allow a 20' setback line on two lots, in Rock Spring 3rd.

The hearing ad was placed in the Ark Valley News October 20,2022 and surround property owners within 200' were notified as required.

Staff had discussions with the engineer related to the best method to acquire buildable lots for the intended duplex construction. This is at the end of a cul-de-sac, (site plan in packet). Drainage, off street parking, other required setbacks have been reviewed and are within city standards. The majority of surrounding area is still controlled by the builders and developer's; no petition has been received. No easements need to be changed. The city code in part, is below related to a vacation order review and approval.

The recommendation is to approve the vacation of the platted setback of a 25' building set back to 20' setback on lots 13 and 14 of Block 2, Rock Spring 3rd.

B. Criteria for Review. The Planning Commission shall hold a public hearing to consider a recommendation to the Governing Body as to whether the vacation should be approved or disapproved. At the hearing, the Planning Commission shall hear such testimony as may be presented or as may be required in order to fully understand the true nature of the petition and the propriety of recommending the same.

If the Planning Commission determines from the testimony presented that:

1. due and legal notice has been given;
2. no private rights will be injured or endangered;
3. the public will suffer no loss or inconvenience; and
4. in justice to the petitioner(s) the vacation should be granted; then the Planning Commission shall recommend that such vacation be approved and such decision shall be entered in the minutes, including an explanation of such decision, and a recommendation of approval shall be submitted to the Governing Body.

C. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk, at or before the hearing, by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk by any owner of lands which adjoin the portion to be vacated, including owners on the opposite side of the street from vacations of setbacks and access control.

- D. Action of the Governing Body. If the governing body determines from the proofs presented that due and legal notice has been given by publication as required in this act, and:
1. that no private rights will be injured or endangered by such vacation or exclusion, and
 2. that the public will suffer no loss or inconvenience thereby, and
 3. that in justice to the petitioner or petitioners the prayer of the petitioner ought to be granted

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

