



# AGENDA PLANNING COMMISSION / BOARD OF ZONING APPEALS

7651 E. Central Park Ave, Bel Aire, KS  
October 09, 2025 6:30 PM



## I. Call to Order

## II. Roll Call

Deryk Faber \_\_\_\_ Phillip Jordan \_\_\_\_ Brian Mackey \_\_\_\_ Paul Matzek \_\_\_\_

Dee Roths \_\_\_\_ Brian Stuart \_\_\_\_

## 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 September 11, 2025.

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

## V. Announcements

## VI. Planning Commission Business

### A. SD-24-02 Proposed Final Plat R-5 Garden and Patio Homes, Townhouse and Condominium Uses (Chapel Landing 8th).

Open Hearing  
Close Hearing

**Action:** Motion to (recommend approval of / deny / table) the final plat of SD-24-02 (as presented / as amended).

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

### B. Review Board of Zoning Appeals Draft Bylaws Resolution

**Action:** No action required; for discussion and review only.

## VII. Board of Zoning Appeals Business: None at this time.

### **VIII. Approval of the Next Meeting Date**

**Action:** Motion to approve the date of the next meeting: October 9, 2025 at 6:30 p.m.

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

### **IX. Current Events**

#### **A. Upcoming Agenda Items:**

1. Approval of Board of Zoning Appeals Bylaws
2. Approval of Bel Aire 2035 Comprehensive Plan

#### **B. Upcoming Events:**

1. October 18 – Fall Festival at Bel Aire Recreation 10:00 a.m. – 2:00 p.m.
2. October 13 - Columbus Day- City Office Closed to the Public
3. November 11- Veterans Day- City Offices Closed

### **X. Adjournment**

**Action:** Motion to Adjourn.

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



# MINUTES PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS  
September 11, 2025, 6:30 PM



**I. Call to Order:** Vice-Chairman Deryk Faber called the meeting to order at 6:30 p.m.

**II. Roll Call**

Vice-Chairman Deryk Faber and Commissioners Brian Mackey, Paul Matzek were present in person. Commissioner Dee Roths was present by phone. Chairman Phillip Jordan and Commissioner Brian Stuart were absent. Quorum was present.

Also present in person was Paula Downs, Secretary. Maria Schrock, City Attorney was present by phone.

**III. Pledge of Allegiance to the American Flag**

Vice-Chairman Deryk Faber led the pledge of allegiance.

**IV. Consent Agenda**

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

Vice-Chairman Deryk Faber's first name was misspelled in the Roll Call portion of the meeting minutes. Secretary will update the minutes.

**Motion:** Commissioner Matzek moved to approve the corrected minutes updating the spelling of Vice-Chairman Faber's name of the August 14, 2025, meeting. Commissioner Mackey seconded the motion. ***Motion carried 4-0.***

**V. Announcements:** Paula Downs, Secretary stated that initially, as a placeholder on the original Commission agenda that was posted, the Commission was going to review the Comprehensive Plan. The plan did go before City Council at their September 2nd meeting, and they had questions, comments and data that needed to be updated. The updates could not be completed before tonight's meeting, so the item was removed. The plan will appear on the October 9<sup>th</sup> Planning Commission meeting. The staff report contains the comments that were made by Council and the data that needs to be updated. We are reconciling which data years to utilize and from what data repository. That will be updated before coming back to Commission.

**VI. Old Business/New Business**

**A. Final Planning Commission Bylaw Ordinance**

Paula Downs, Secretary stated that this item did not need action, but she provided the Bylaws Resolution in the packet- it is not an Ordinance, but actually a Resolution. They were

approved by the City Council. Secretary will be bringing the document to each meeting to serve as a reference document. The Commission was encouraged to put the document in their notebooks to have on hand and to review it. Nothing was changed outside of what the Commission had previously approved. Document is final but if there are concerns or need for changes, Commission can make changes at any time.

Secretary was thanked for providing the Bylaws document and the summary document on the Golden Factors. Secretary confirmed that the Golden Factors sheets would also be available for each meeting.

**Action:** No action required; for review only.

## **B. Overview of Bel Aire Zoning Districts**

Paula Downs, Secretary, provided an overview of the zoning districts contained in the City of Bel Aire Zoning Code. A summary document was provided in the agenda document.

The secretary reviewed the following items on zoning districts:

1. Summary document only. The summary does not include every item associated with each district. The document was developed as an overview of information that would need to be reviewed when considering a case.
2. There are 14 zoning districts
3. Each zoning district contains similar information:
  - a. General Information
  - b. Permitted Uses- what is allowed “by right” in each district
  - c. Conditional Uses- what uses are allowed with approval
  - d. Some districts list prohibited uses
4. Permitted “by right” uses. If the development is listed as a permitted use it will not require a planning and zoning case. The development can apply for a permit and build.
5. Conditional use defines uses that can be developed on a lot. The use contained on this list will require a conditional use case be filed.
6. When an individual wants to use a lot for something other than what is listed in the permitted use and conditional use lists, they would apply for a Special Use case.
7. Conditional and Special Use cases would come before the Planning Commission.
8. Zoning Districts also have Planned Unit Development (PUD) districts that come before Planning Commission.
9. Additional elements listed in each district will include “Bulk Regulations” or height and area restrictions:
  - a. Height restrictions
  - b. Minimum lot area
  - c. Setbacks
10. The summary document provides information on the permitted and conditional uses and height and area information.
11. Zoning Districts are set out in Chapter 18 Article 7 and starts with the broader districts like Agricultural District down to Industrial District.
12. Many districts will also set out accessory use regulations such as shed sizes and lot coverage restrictions.

### Zoning Districts:

1. Agricultural District
2. Rural Residential District- requires minimum of 2,400 square feet of living space.
3. Estate Residential District (R-1)
4. Single Family Residential Districts (R-2, R-3, R-4) - What sets residential districts apart are generally lot size and square footage of the living space. Example: R-2 requires a minimum of 2,000 square feet of living space.
5. Multi-family District (R-5, R-5b, and R-6)
6. Manufactured home park (MHP)- Commission asked if we have any districts in the City and Secretary was unable to confirm if there were any lots that had been zoned in this way. Zoning map shows the base zoning districts and does not show the overlay or how various areas/lots have been changed through zoning cases.
7. R-PUD- These cases ask for approval to vary zoning codes and often change the zoning district. The cases want to vary from height and area requirements and other zoning code elements. The language regarding conditional uses listed in the R-4 district is referenced in lieu of listing all the conditional issues again. The purpose of the PUD case is often not only to change the zoning but also vary from the zoning regulations. Example was the Lycee case on the August Planning Commission- they asked for C-1, C-2 and R-5 plus wanted relief from several zoning code requirements. PUD is needed because it would be impossible to create a district that would include all scenarios that may be needed for a development. It is intended to provide for innovative residential development, and the other districts are a little more prescribed.
8. C-1 and C-2. C-1 sets out requirements, but if a developer wanted to vary something there is a C-2 PUD district where those relief elements would be addressed.
9. M-1- Industrial- this district does not list height and area regulations.

Commission was under the impression that the code didn't have any zoning that could be applied to prevent duplexes in an area. Secretary clarified that there are zoning districts that allow for two-family (duplex) construction. If the current lot's zoning does not allow for two-family or multi-family construction then they have to ask for a zoning change. Commission previously had long discussions about creating zoning districts that prevent duplexes. Zoning districts are established and reflected on the zoning map. Commission is concerned that when they come to them for a zoning change that allows both single-family and two-family (duplexes) they say they are building single-family and then six months later they build duplexes. When Commission approves a re-zoning case they are approving all the permitted uses in that zoning district and the developer decides what they build as long as it meets zoning district and zoning code requirements. Commission asked why they ask for a re-zone that allows for duplexes but say they are only building single-family homes. Often developers want the flexibility and there may be delays in construction and the market shifts or a new owner purchases the land, and it makes sense to build duplexes.

Commission asked if there was any way to limit Airbnb rentals and where does that fall in the codes. At the beginning of Chapter 18 there are definitions, one of which is Bed and Breakfast and this definition may be the closest we have to Airbnb. The definition of bed and breakfast provides for rental of "rooms" and not entire homes, so it doesn't quite fit. There is not a chapter or article in the code that is titled "short term rental", however, there is a process set out in the code that has to be followed to get approval for this type of use. There is no zoning

district that lists short-term rentals as a permitted or conditional use, so the approval mechanism is a special use case. This topic will be appearing at the next City Council meeting. City of Wichita created a separate chapter to address short-term rentals. Bel Aire code only allows bed and breakfast as a conditional use in two districts- Rural Residential and R-1 which would require a conditional use case. All other districts would require a Special use case. Typically, short-term rentals are in single family residential districts.

Moving forward as we review and update the zoning codes all zoning districts will be updated to ensure they include standard sections like permitted and conditional uses and height and area regulations.

Moving forward PUD cases will not have a separate PUD agreement but the language from those agreements will be seen as platter's text so the information can be easily found like what was seen in the Lycee case last meeting.

Commission asked for a projected date for zoning codes to be completed. That project is not underway but will be shortly. The Comprehensive Plan sets out how we want to grow and what type of districts we want where. Updating the zoning codes will take some time, and the process will require workshops and discussions. The codes will need to meet best practices and state statutes. The codes have not consistently been updated or reviewed and there are errors and typos that also need to be addressed. We may take it one article at a time for review and discussion. We want to ensure that if a chapter or section is updated it doesn't conflict with any other areas of the code. Currently we have 19 chapters of the Bel Aire City Code so it will take some time.

Commission asked what we are going to do about expanding outside of where Bel Aire is right now and moving into the Agricultural and Rural residential areas- will those areas be grandfathered in? In the Comprehensive Plan land use maps, we have Bel Aire city limits and extraterritorial future planning areas. Bel Aire may never grow into the extraterritorial areas, so Bel Aire only has control over what is inside the city limits, unless a property owner asks about being annexed into the city. As the city grows we must consider expanding services and all cases must be approved. The Comprehensive Plan said that approximately 65% of the land in Bel Aire is undeveloped so there is a lot of development that still needs to occur.

Commission wanted to make sure that if annexation occurs those property owners would be involved in approving that. Secretary will bring back information to next meeting about the annexation process and how that works.

**Action:** No action required; for discussion and review only.

### **C. Overview of Planning Commission Roles and Responsibilities as the Board of Zoning Appeals**

The agenda packet includes Ordinance 746 which designates the Planning Commission as the Board of Zoning Appeals. The Ordinance sets out several sections related to establishment, authorization, members, officers, compensation, bylaws, and meetings.

The Board of Zoning Appeals hears two types of cases that do not go before the Planning Commission. The Board of Zoning Appeals is the final decision. The cases do not go before

the Planning Commission or the City Council. Board of Zoning Appeals decisions can only be appealed through Sedgwick County District Court.

The agenda packet includes a summary of the types of cases the Board of Zoning Appeals will hear, and they are set out in Chapter 18, Article 3 of the zoning regulations.

Board of Zoning Appeals will hear:

1. Appeals of administrative zoning decisions. If someone wants to appeal the administrative official's interpretation of the zoning regulations they will file a case and appear before the Board to tell why they don't agree with the interpretation. The Zoning Administrator will provide a staff report that sets out justification for the decision. The summary document sets out the general process for this type of case. Have not very many cases of this type requested.
2. Variance Cases. These cases are much more common and cover anything that someone may want to vary or seek relief from in the zoning code. Variance cases have mandatory findings that must be met, and this case requires a public hearing which resembles application requirements found in other Planning Commission cases. Variance cases will require an application, fees, an owners list, notification/publication requirements and the public can speak at the hearing. The final decision will require either an Ordinance or Resolution which will be clarified. Examples of variances being asked for:
  - a. Accessory uses- building a shed that is larger or taller than allowed
  - b. Lot coverage variance
  - c. Encroach into setbacks or property lines
  - d. Variance from parking requirements or landscaping requirements in a commercial property. Often these types of variances would come through another type of case

Board of Zoning Appeals are the only body that can hear these cases. Prior cases were being handled through a formal staff approval process. Based on previous years, the Board could see 12 or more cases a year. Development may drive how many cases are heard moving forward. There may be no cases or several cases each month. It is unlikely that cases will be emergent because they require public hearings and those hearings have to be published for 20 days, and nearby property owners have to be notified. Application deadlines are established for Planning Commission/Board of Zoning Appeals. Planning Commission/Board of Zoning Appeals meets monthly but due to publication timelines it may not allow for a special meeting to be called prior to the regularly scheduled meeting.

Board of Zoning Appeals will meet during the regularly scheduled Planning Commission meeting. Commission asked if the meetings would need to be videotaped since they will be a decision-making body. Secretary will confirm the requirements for the meeting.

Zoning regulations state that the Board of Zoning Appeals has three-members but the Ordinance appointing the Planning Commission as the Board will be what is followed.

The entire Planning Commission is the Board of Zoning Appeals. The city code will need to be updated.

The Board of Zoning Appeals will have their own Bylaws, and they will closely resemble the Planning Commission Bylaws with modifications directly related the requirements of the Board.

There is a sample agenda document in the packet that reflects how the Planning Commission will recess their meeting and convene the Board of Zoning Appeals meeting and then adjourn that meeting and reconvene the Planning Commission. The draft agenda document shows that transition will occur after the Old/New Business section of the Planning Commission meeting.

**Action:** No action required; for discussion and review only.

## VII. Approval of the Next Meeting Date.

**Motion:** Commissioner Mackey moved to approve the date of the next meeting: October 9, 2025, at 6:30 p.m. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

## VIII. Current Events

### A. Upcoming Agenda Items:

1. Board of Zoning Appeals Bylaws
2. Bel Aire 2035 Comprehensive Plan- Review Revised Plan for City Council Recommendation
3. Chapel Landing 8<sup>th</sup>- Final Plat

### B. Upcoming Events:

1. September 27 – Tree Board Park Clean-up | Bel Aire Rec Center 8-10 a.m.
2. October 4 – Fall Curbside Clean-Up

## IX. Adjournment

**Motion:** Commissioner Matzek moved to adjourn. Vice-Chairman Faber seconded the motion. *Motion carried 4-0.*

Approved by the Bel Aire Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Deryk Faber, Vice-Chairman

ATTEST:

\_\_\_\_\_  
Paula L. Downs, Secretary

DRAFT

## City of Bel Aire

**STAFF REPORT****DATE: 10/01/2025**

**TO: Bel Aire Planning Commission**  
**FROM: Paula Downs**  
**RE: SD-24-02 Chapel Land. 8 Final Plat**

**STAFF COMMUNICATION**

FOR MEETING OF	10/9/2025
CITY COUNCIL	
INFORMATION ONLY	

**SUMMARY:**

**SD-24-02 Proposed final plat R-5 Garden and Patio Homes, Townhouse and Condominium Uses (Chapel Landing 8<sup>th</sup>)**

**Legal Description:**

Lots 1 – 44, Block A; Lots 1 – 35 Block B; and Lots 1 -8, Block C, and Reserves A and B.

**General Location:**

Southwest corner of 53<sup>rd</sup> St. N. and Woodlawn Blvd.

**Background:**

Chapel Landing 8<sup>th</sup> was initially impacted in the original plat of Chapel Landing in 2007, although it was exempted from the plat. A 2021 zoning case ZON-20-01for Chapel Landing (prior to phasing) zoned the property R-4 per Ordinance #671, previously it was C-2.

Chapel Landing 8<sup>th</sup> Preliminary Plat was approved at the August 8, 2024, Planning Commission meeting. Case was published and notifications sent out. Final plat was delayed and submitted in July 2025 prior to the one-year deadline. Publication and notification is not required for Final Plat cases.

**Case History:****1. November 9, 2023- Planning Commission Meeting**

ZON-23-05 Rezoning: Approximately 26.3 acres zoned R-4 single-family, to a R-5 multi-family at the southwest corner of 53<sup>rd</sup> St. N. and Woodlawn Blvd. (Chapel Landing 8<sup>th</sup>).

Zoning case requested the change in zoning to allow for a residential subdivision on undeveloped property. Sketch Plat submitted with the application showed the development as 87 lots. The case was requesting a change from R-4 to R-5 to be able to develop

smaller lots at a sixty-foot width. Developer met with the Homeowners Association of Iron Gate and agreed that all lots on the South and West property line will be seventy foot wide and any lots not abutting those lots will all be sixty foot wide. Utilities and sanitary sewer will be front loaded on the South and West lot lines to allow all of the trees to remain where they are on the South and West. Fencing will be metal or rod iron allowed abutting any detention facility as well as the South and West lots. The developer also agreed to add a playground for the residents as well.

The Planning Commission approved the zoning case 6-0.

## **2. December 5, 2023- City Council Meeting**

ZON-23-05 Rezoning case was approved 6-0 as recommended by the Planning Commission.

Council briefly discussed the trend of building single-family homes on smaller lots and lack of a zoning classification in the Bel Aire zoning code to allow that kind of development. Motion for approval included a motion to direct Planning Commission to create a new zoning district for single-family housing on smaller lots.

Motion carried 5-0.

Ordinance 711 approving the R-5 zoning was executed on December 5, 2023.

## **3. August 8, 2024 - Planning Commission Meeting**

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

Chapel Landing Preliminary Plat contained 87 lots with all lots being single family homes. Building setbacks for front yard and street side are depicted on the face of the plat. Minimum interior side yard setback shall be 5 feet and minimum rear yard setbacks shall be 15 feet. Sidewalks were being installed on one-side of the street.

Commission did discuss details of the plat including possible park/greenspace areas and the locations of entrances/exits and expected traffic in the area. It was requested that the north access into the development, Gabriel Street, align with the school entrance across Woodlawn.

The Preliminary Plat was approved 6-0

**Current Discussion:**

The final plat conforms with the approved preliminary plat and subdivision regulations.

The final plat was distributed to city staff and utilities for review and comments. All comments were revised by the applicant and are reflected on the final plat documents.

**Recommendations of permanent staff**

Staff recommend approval of the final plat pending the outcome of Planning Commission review and public hearing.

CITY OF BEL AIRE, KANSAS

File No. S/D \_\_\_\_\_ - \_\_\_\_\_

**APPLICATION FOR FINAL PLAT APPROVAL**

This is an application for processing a final plat in accordance with the City Subdivision Regulations. The application must be completed and filed with the Subdivision Administrator at least 15 days prior to a regular meeting date of the Planning Commission.

**(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)**

Name of Subdivision Chapel Landing 8th

General Location SE corner of 53rd and Woodlawn

☒ Inside City ☐ To be Annexed ☐ Outside City

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

Address PO Box 75337, Wichita, KS 67275 Phone 316-990-2105

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

Address 315 S. Ellis St., Wichita, KS 67275 Phone 316-262-7271

Name of (Engineer) (Land Planner) Baughman Company, P.A. Attn. Kris Rose

Address 315 Ellis Wichita, KS 67211 Phone 262-7271

Name of Registered Land Surveyor same as agent

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

**Subdivision Information**

1. (Select One) ☒ Final Plat of entire preliminary plat area
  - ☐ Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments
  - ☐ Final Plat for small tract
  - ☐ Final Replat of original platted area
2. Gross acreage of plat 24.06 Acres
3. Total number of lots 87
4. 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 \_\_\_\_\_

5. Predominant minimum lot width 60 Feet
6. Predominant minimum lot area 7,200 Square Feet
7. Existing zoning R-5 District
8. Proposed zoning n/a District
9. Source of water supply City
10. Method of sewage disposal City
11. 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 &amp; 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.
i. _____	_____ Ft.	_____ Ft.
j. _____	_____ Ft.	_____ Ft.

12. Proposed type of street surfacing asphalt
13. Curb and gutter proposed: ☒ Yes ☐ No
14. Sidewalks proposed: ☒ Yes ☐ No If yes, where? \_\_\_\_\_
- See sidewalk exhibit \_\_\_\_\_
15. 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. It is further agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

\_\_\_\_\_  
Landowner Date Agent (If any) Date

#### **OFFICE USE ONLY**

Prints of the Final Plat received \_\_\_\_\_ (Number)

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

Copy of a title report for the land received \_\_\_\_\_

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

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

For plats for small tract:

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

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

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

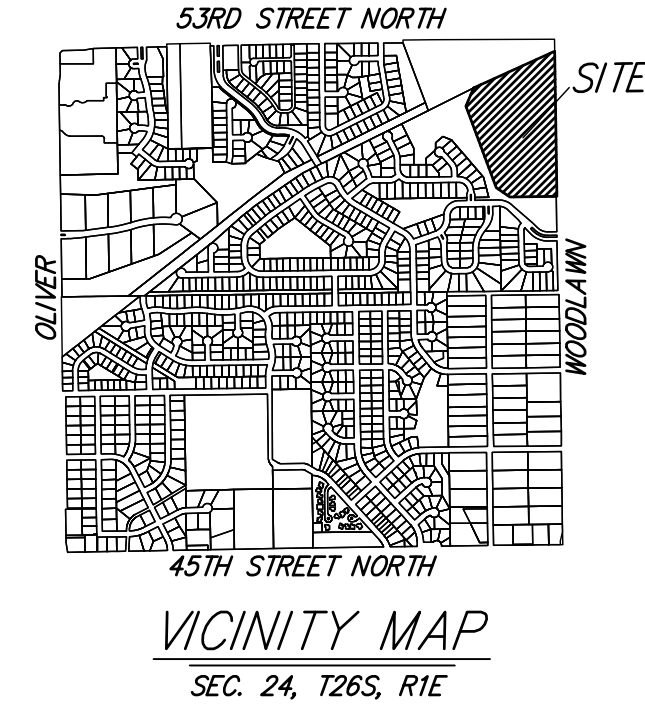
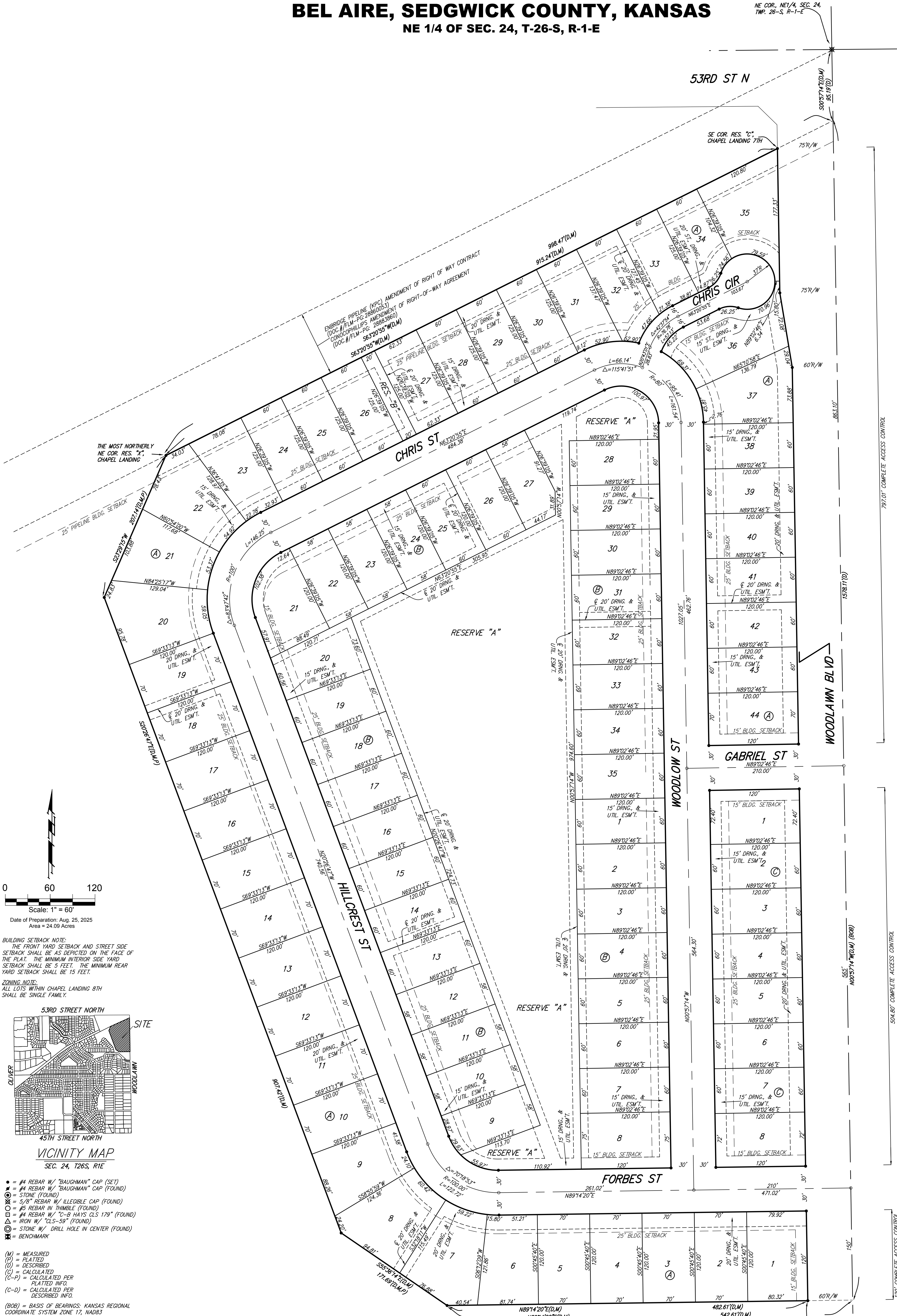
This application was received by the Subdivision Administrator on \_\_\_\_\_,  
20\_\_\_\_. It has been checked and found to be accompanied by the required  
information and the fee, if any, of \$\_\_\_\_\_ paid to the City Clerk.

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Subdivision Administrator

cc: Applicant

FINAL PLAT  
**CHAPEL LANDING 8TH**  
BEL AIRE, SEDGWICK COUNTY, KANSAS  
NE 1/4 OF SEC. 24, T-26-S, R-1-E



- = #4 REBAR W/ "BAUGHMAN" CAP (SET)
- = #4 REBAR W/ "BAUGHMAN" CAP (FOUND)
- = STONE (FOUND)
- ⊗ = 5/8" REBAR W/ ILLEGIBLE CAP (FOUND)
- = #5 REBAR IN THIMBLE (FOUND)
- = #4 REBAR W/ "C-D" HAYS CLS 179" (FOUND)
- △ = IRON W/ "CLS-59" (FOUND)
- ⊗ = STONE W/ DRILL HOLE IN CENTER (FOUND)
- ⊗ = BENCHMARK

- (M) = MEASURED
- (P) = PLATTED
- (D) = DESCRIBED
- (C) = CALCULATED
- (C-P) = CALCULATED PER PLATTED INFO.
- (C-D) = CALCULATED PER DESCRIBED INFO.

(BOB) = BASIS OF BEARINGS: KANSAS REGIONAL COORDINATE SYSTEM ZONE 17, NAD83

MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES		
LOT	BLOCK	ELEVATION NGVD29
1-6	A	1419.5
7-22	A	1406.3
1-35	B	1412.0

BENCHMARK #1:  
SQUARE CUT IN MEDIAN NOSE SOUTH ENTRANCE TO SCHOOL.  
ELEVATION = 1426.13 NAVD88

BENCHMARK #2:  
SQUARE CUT (TOP & CENTER BACK) ON CURB INLET 307± EAST OF FORBES ST AN NORTH SIDE OF CENTRAL PARK AVE.  
ELEVATION = 1416.88 NAVD88

NE COR. NET/4, SEC. 24,  
TWP. 26-S, R-1-E

53RD ST N

SE COR. RES. "C",  
CHAPEL LANDING 7TH

CHRIS CIR

CHRIS ST

RESERVE "A"

HILLCREST ST

RESERVE "A"

FORBES ST

WOODLOW ST

GABRIEL ST

WOODLAWN BLVD

BM #1

504.00' COMPLETE ACCESS CONTROL

120' COMPLETE ACCESS CONTROL

**CHAPEL LANDING 8TH**

Page 2 of 2

Oct. 1, 2025



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

FINAL PLAT  
CHAPEL LANDING 8TH  
BEL AIRE, SEDGWICK COUNTY, KANSAS  
NE 1/4 OF SEC. 24, T-26-S, R-1-E

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "CHAPEL LANDING 8TH", Bel Aire, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as that part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°57'14"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC, #/FLM-PG: 28860053 and the southeast line of a CanocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC, #/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way), and for a Point of Beginning; SECOND COURSE, thence S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S23°29'15"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S20°26'47"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S55°36'14"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence N89°14'20"E coincident with the southerly most north line of said Reserve "X", 542.61 feet to a point in the east line of said Northeast Quarter; SEVENTH COURSE, thence N00°57'14"W coincident with the east line of said Northeast Quarter, 1578.11 feet to the Point of Beginning, subject to a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

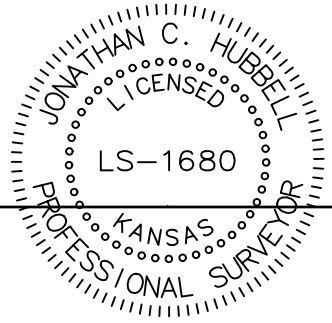
Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended.

All being situated in the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

Baughman Company, P.A.

Date of Survey

Jonathan C. Hubbell



Surveyor

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, Blocks, Reserves, and Streets, to be known as "CHAPEL LANDING 8TH", Bel Aire, Sedgwick County, Kansas. The drainage and utility easements are hereby granted to the public as indicated for drainage purposes and for the construction and maintenance of all public utilities. The street, drainage, and utility easements are hereby granted to the public as indicated for street purposes, for drainage purposes, and for the construction and maintenance of all public utilities. The streets are hereby dedicated to and for the use of the public. Reserve "A" is hereby reserved for entry monuments, open space, landscaping, sidewalks, lakes, drainage purposes, and utilities as confined to easements. Reserve "B" is hereby reserved for open space, landscaping, drainage purposes, and utilities as confined to easements. Reserves "A" and "B" shall be owned and maintained by the current owner, and/or their successors, assigns, and/or a Homeowners Association. Access controls shall be as depicted on the face of the plat and are hereby granted to the City of Bel Aire, Kansas. The Minimum Building Pad Elevation for the lowest opening to the structures shall be as indicated on the face of the plat.

53rd & Oliver, LLC  
a Kansas limited liability company

Jay W. Russell, Manager

State of Kansas) SS  
Sedgwick County) The foregoing instrument acknowledged before me, this \_\_\_\_ day of \_\_\_\_\_, 2025, by Jay W. Russell, Manager of 53rd & Oliver, LLC, a Kansas limited liability company, on behalf of the limited liability company.

Notary Public

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

We, the undersigned holders of a mortgage on the above described property, do hereby consent to this plat of "CHAPEL LANDING 8TH", Bel Aire, Sedgwick County, Kansas.  
Legacy Bank

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

The foregoing instrument acknowledged before me, this \_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_, \_\_\_\_\_ of Legacy Bank, on behalf of the bank.

Notary Public

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

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

This plat of "CHAPEL LANDING 8TH", Bel Aire, Sedgwick County, Kansas has been submitted to and approved by the Bel Aire Planning Commission, Bel Aire, Kansas, and is hereby transmitted to the City Council of the City of Bel Aire, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025.

Phillip Jordan, Chair

ATTEST:  
Paula L. Downs, Secretary

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Bel Aire, Kansas on \_\_\_\_\_, 2025.

Mayor  
Jim Benage, City of Bel Aire

ATTEST:  
Melissa Krehbiel, City Clerk

STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

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

Date Signed: \_\_\_\_\_, 2025.

Maria Schrock, City Attorney

Reviewed in accordance with K.S.A. 58-2005 on this \_\_\_\_ day of \_\_\_\_\_, 2025.

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

Entered on transfer record this \_\_\_\_ day of \_\_\_\_\_, 2025.

Kelly B. Arnold, County Clerk

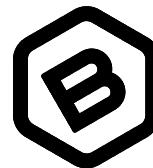
STATE OF KANSAS )  
 ) SS  
COUNTY OF SEDGWICK )

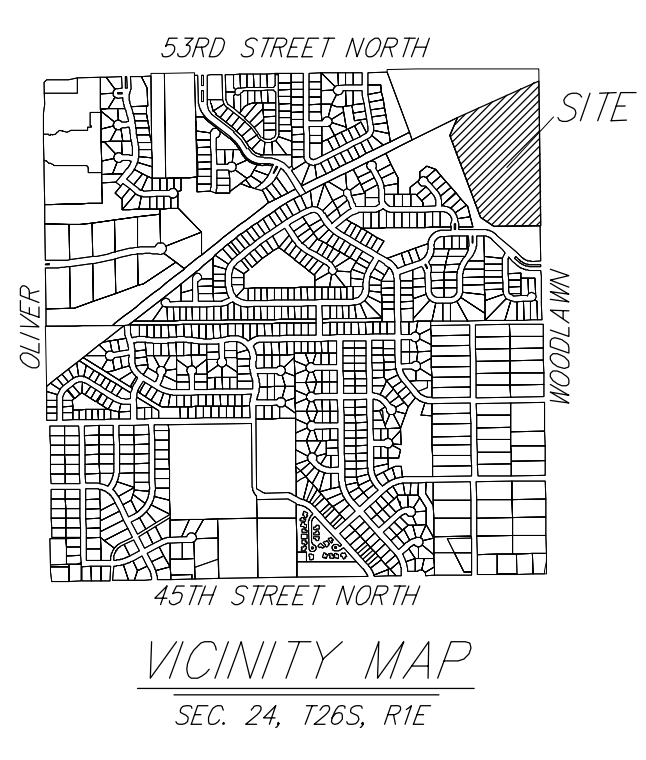
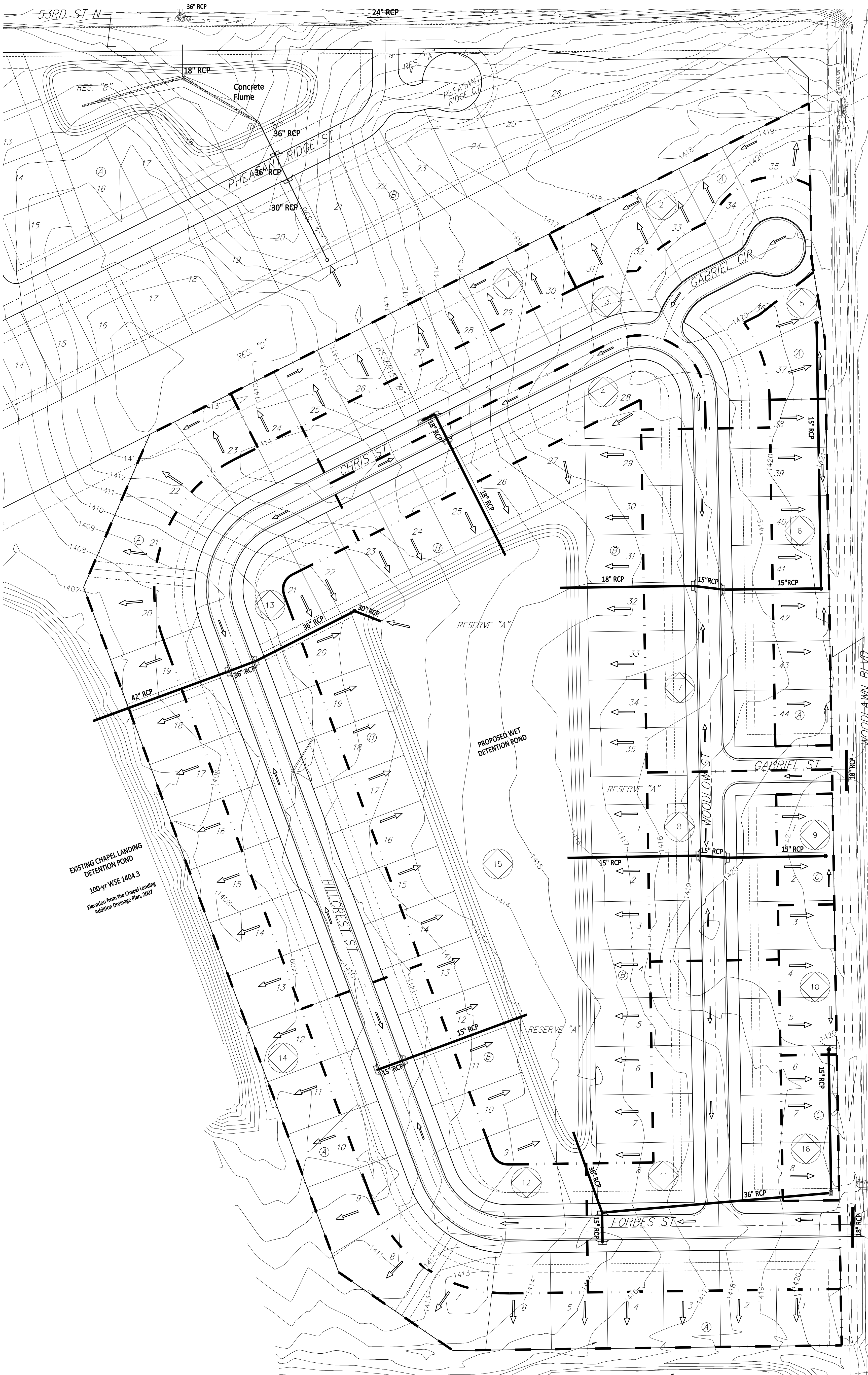
This is to certify that this instrument was filed for record in the Register of Deeds Office at \_\_\_\_ (a.m.) (p.m.) on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and is duly recorded.

Tonya Buckingham, Register of Deeds

Kenly Zehring, Deputy

CHAPEL LANDING 8TH



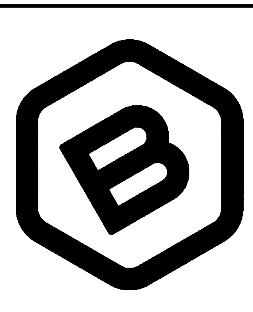
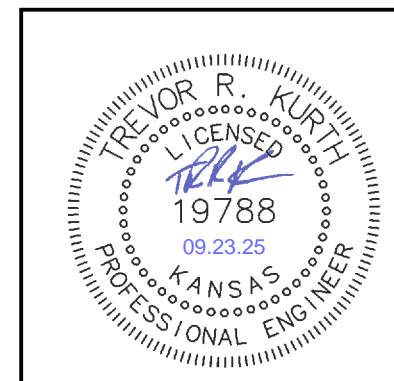


EXISTING CHAPEL LANDING  
DETENTION POND  
100-yr WSE 1404.3  
Elevation from the Chapel Landing  
Addition Drainage Plan, 2007

PROPOSED WET  
DETENTION POND

EXISTING CHAPEL LANDING  
DETENTION POND  
100-yr WSE 1417.5  
Elevation from the Chapel Landing  
Addition Drainage Plan, 2007

Offsite from East 36x28 HECMP Area = 9.0 acres		
Q = 25 cfs	Vol = 5.2 R/s	HW/D = 1.1
Q = 40 cfs	Vol = 7.3 R/s	HW/D = 1.8
Q = 50 cfs	Vol = 9.1 R/s	HW/D = 2.1



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

# CHAPEL LANDING 8TH DRAINAGE PLAN

PROJECT NUMBER:  
DESIGN: trk DRAWN: crk  
DATE: 23 September 2025  
SHEET 1 OF 1

Developed	2yr	10yr	100yr
Intensity	3.34	4.81	6.83
Rational C	0.5	0.54	0.76

Basin ID	Area (acres)	Developed Flowrates		
		2-yr cfs	10-yr cfs	100-yr cfs
1	0.8	1.3	2.0	3.9
2	0.6	1.0	1.5	3.0
3	1.7	2.9	4.5	9.0
4	0.9	1.6	2.4	4.9
5	0.2	0.4	0.6	1.2
6	0.7	1.2	1.8	3.6
7	1.6	2.7	4.2	8.4
8	0.9	1.5	2.4	4.7
9	0.2	0.4	0.6	1.1
10	0.3	0.5	0.8	1.6
11	2.0	3.3	5.1	10
12	1.7	2.9	4.5	9.0
13	2.7	4.5	7.0	14
14	2.9	4.8	7.5	15
15	8.5	11	17	34
16	0.3	0.5	0.8	1.5
TOTAL	24.1	40	63	125

Rational C values are per the  
Wichita/Sedgewick County SW  
Manual for Residential Single  
family, 1 acre lots in Type D Sub  
Intensity is per the SW Manual,  
and is based on the 15 min  
Duration

TOTAL SITE RUNOFF	
EXISTING	DEVELOPED
Area = 24.1 Acres	Area = 24.1 Acres
CN = 83	CN = 90
Tc = 15 min	Tc = NA
Q2 = 34 cfs	Q2 = 38 cfs
Q5 = 76 cfs	Q5 = 56 cfs
Q10 = 95 cfs	Q10 = 70 cfs
Q25 = 124 cfs	Q25 = 83 cfs
Q100 = 172 cfs	Q100 = 97 cfs

\*Peak flows are site flows only  
and do not include offsite  
drainage areas.

Developed Peak flows are  
pond detention pond outflows  
together with direct runoff  
from adjacent lots

POND DETENTION (Static = 1408.0)			
STAGE (elev)	INFLOW (ac-ft)	OUTFLOW (cfs)	ELEVATION
2 yr	67 cfs	30 cfs	1408.7
5 yr	91 cfs	44 cfs	1408.9
10 yr	112 cfs	51 cfs	1409.1
25 yr	141 cfs	55 cfs	1409.4
100 yr	193 cfs	58 cfs	1410.0

POND DETENTION		
STAGE (elev)	TOTAL STORAGE (ac-ft)	DISCHARGE (cfs)
1408	0.00	0.0
1409	2.4	50.3
1410	4.9	58.5
1411	7.7	63.4

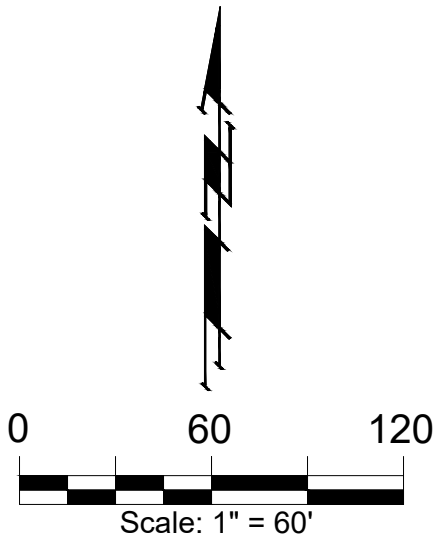
**DETENTION**  
This site will provide detention, as shown, to limit developed peak flow rates to be equal to or less than existing peak runoff rates to the existing Pond adjacent in Chapel Landing Addition. The detention pond will provide water quality volume for the site.

**FEMA**  
No mapped FEMA Floodplain encroaches this site as of this date.

**GRADING**  
All lots will be graded with a minimum 1% rear cross lot drainage and a minimum 0.5% street slope. A minimum of 2' to the lowest opening will be maintained around the proposed ponds. A Preliminary Grading Plan will be developed prior to engineering plans.

**STORMWATER SEWER**  
Storm water sewer is sized and located as shown. The storm water system is sized for the at least the 5-year peak-storm event. Emergency overflow elevation will be provided around structures as part of the Final Grading Plan(s).

**WATER QUALITY**  
Water quality will be achieved within the pond surface(s).



LEGEND

--- Proposed Water Line  
(8" Unless Noted Otherwise)

--- Existing Water Line  
(8" Unless Noted Otherwise)

♀ Proposed Fire Hydrant

--- EXSS --- EXSS

SSMH ●

Proposed Sanitary Sewer Line  
(8" Unless Noted Otherwise)

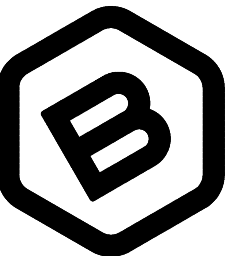
Existing Sanitary Sewer Line  
(8" Unless Noted Otherwise)

Existing Sanitary Sewer Manhole

Proposed Sanitary Sewer Manhole

Proposed Sanitary Sewer Flow

**PRELIMINARY  
PLAN. NOT FOR  
CONSTRUCTION.**  
This document is  
preliminary in nature  
and is not a final, signed  
and sealed document.



**BAUGHMAN  
COMPANY**

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

Chapel Landing  
8th Addition

**UTILITY  
PLAN**

PROJECT NUMBER:

DESIGN: AEG DRAWN: LEN

DATE: 26 September 2025

SHEET 1 OF 1

# Chapel Landing- Phase 8

November 9, 2023

## **Planning Commission Meeting**

### Agenda Documents:

1. Planning Commission Agenda
2. November 9, 2023 Staff Report
3. Zoning Case Application
4. Ownership List
5. Publication Affidavit
6. Sketch Plat
7. Rezoning Staff Review
8. November 9, 2023 Meeting  
Minutes



# AGENDA

## PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS  
November 09, 2023 6:30 PM



### I. Call to Order

### 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  
Motion to approve the minutes of October 12, 2023

### V. Old Business/New Business

- A. **ZON-23-05 Rezoning:** Approximately 26.3 acres zoned R-4 single-family district, to a R-5 multi-family at the southwest corner of 53rd St N and Woodlawn Blvd. (Chapel Landing 8th)

#### Open Hearing

#### Close Hearing

**Action:** Motion to (adopt / deny / table) the findings of fact of the staff (as presented/ as amended by this Planning Commission) and recommend to the City Council approval to change the zoning district classification of the subject property from R-4 single-family district, to a R5 multi-family based on such findings of fact.

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

- B. **SD-23-05 Final Plat:** Proposed platting of approximately 13.6 acres (Chapel Landing 7th).

#### Open Hearing

#### Close Hearing

**Action:** Motion to (accept / deny / table) the Chapel Landing 7th Addition Final Plat

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

- C. Motion to (recommend / deny / table) Tier Two status and require registration of the home occupation.

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

Motion to (recommend / deny / table) Tier Three status and require a conditional use permit of the home occupation.

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

Motion to (affirm / revoke / table) the business license.

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

Motion to (affirm / revoke / table) the business license with modified conditions and a review hearing in 30 days.

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

D. Review proposed update to the 2023 Bel Aire Zoning Map

Open Hearing

Close Hearing

**Action:** Motion to (recommend / deny / table) the proposed zoning map changes (as presented/ as amended by this Planning Commission)

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

E. General Education Session (KORM-KORA)

F. **Executive Session (if needed)**

**Action:** Motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding consultation with attorneys for the public body pursuant to the KSA 75-4319 exception for the same. Invite the Attorney and secretary. This meeting will be for a period of \_\_\_\_ minutes, and the open meeting will resume in City Council Chambers at \_\_\_\_ P.M.

**VI. Next Meeting: December 14, 2023**

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

A. Planning Commission Training Schedule

**VII. Current Events**

A. City Hall will be closed on November 10<sup>th</sup> in observance of Veteran's Day

City Hall will be closed on November 23rd and 24th for Thanksgiving

## **VIII. Adjournment**

FOR MEETING OF	11/9/23
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

## STAFF REPORT

DATE: 11/03/2023

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

### SUMMARY:

**ZON-23-05. Proposed rezoning 26.3+/- acres zoned R-4, single-family, to R-5 multi-family district. The current use farm ground.**

The rezoning case was advertised in the Ark Valley News Paper and property owners were contacted as required by city code. I'm unaware of anyone contacting the city prior to this report regarding the rezoning case. A review was sent to the applicant's agent, a copy of that review is in your packet.

The following criteria shall be the basis for evaluation of the rezoning request in relation to the specific case being considered:

**1. The character of the neighborhood;**

The subject property is zoned R-4, (Ordinance 671), previously it was C-1

**2. The zoning and uses of properties nearby**

(Ordinance 707), R-5 north Chapel landing 7<sup>th</sup>, Central Park east R-3, Chapel Landing additions to the south and west are R-4 with reduced side yard requirements.

**3. 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 the figure 3.4 showing mixed use commercial category. Figure 3.5 intensity level is a 3; the request is a level 3. Staff agrees the requested use fits the area.

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

City staff no adverse effect is expected.

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

The property was first impacted with original plat of Chapel landing in 2007, although, exempted from the plat. The current zoning is from July 2021.

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

No hardship is expected to be caused by the development.

**7. Recommendations of permanent staff;**

Yes because 2018 Master Growth plan was approved by City Council. Ordinance 707 was approved north of the pipeline easement recently, changing zoning of that property to R-5.

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

Yes the 2018 Master Growth plan based on figure 3.5 R-5 is the same category as R-4 and the adopted 2014 vision plan within the city comprehensive plan indicates this would be C-1. Down-zoning is to R-5 from a C-1 is one step based on the adopted plans. The actual request is in the same intensity level based on page 15 description under heading "Residential Suburban Density & Medium Density" of the 2018 Master Growth Plan.

**9. 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.**

Planners should ask about housing type; application indicates to allow a for a residential development.

**SD-23-05. 13.59 acres, final plat continuation of SD-23-02 preliminary plat.**

The final plat case was advertised in the Ark Valley News Paper. I'm unaware of anyone contacting the city to view or inquire about this development. The city review is in the packet. An update on the shared drainage easement with Bristol Hollows is needed.

Following are the items Jay Russell has offered the neighbors since the last process with the city based on correspondence with Jay Russell's agent, Baughman Company.

- On the west and south property line, all lots will be platted at a 70' width.
- On the west and south property line, all utilities, including sanitary sewer, will be front loaded.
- On the west and south property line, we will save the trees that exist within 15' of property line.
- Any fencing that occurs on the west and south property line will be wrought iron or aluminum fencing material, no solid fences.
- Jay Russell will include a play structure and small sport court in the reserve/common area.

Staff haven't had time to review the drainage agreement, but it is in the packet. The drainage plan in this case should be determined; as much of the plan hinges on a separate property, owned by someone other than the applicant.

**19.4.11. Planning commission action on the final plat.**

The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the final plat with all required data is filed with the Zoning Administrator, review and approve the final plat by a majority vote of the members present and voting if:

It is substantially the same as the approved preliminary plat;

There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and

It complies with all of the provisions contained in these regulations and with all other applicable regulations or laws.

If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752[b].)

**Notice is Hereby Given that on November 9th, 2023; the City of Bel Aire Planning Commission will review code sections to consider an update to the Zoning Code related to adopting an update to the City 2023 Zoning Map**

Ordinance 707 and any other zoning changes approved by city council after the finalize changes made are completed by staff before adding the action item to the city council agenda.

**DETAIL OF THE BUSINESS AT 4648 FARMSTEAD**

This license application has been requested based on a noise complaint. Code section 18.8.2 (7) no process shall be used that creates undue noise, vibration... There is a case number 202386, within the details of that report there are multiple cars at a single given time, some in the garage and some outside receiving repairs. His work hours are listed as 8pm to 8pm Monday through Saturday.

There should be conditions placed on this activity if approved such as:

- One car under repair at a time on property.
- All noise-creating or vibration activities related to the business be done with in the garage space with the door down. If breaking a decibel level of 75dB or the PPV vibration formula at the property line Before 7 AM or after 7PM that would be considered too loud and nuisance.
- Maximum cars per day 5 brought to the property for business purposes, one at a time. The repaired car leaves a new one is brought back.

- No painting, priming, or related activity.

The city did take the application fee and a former staff member had discussion related to the business for the year 2023. At this time staff in charge of this process can't determine if the original conditions were spelled out in the receipt of the license.

Review based on the city code and discussion from those that will speak for the allotted time to the commission. The packet doesn't have any attachments for this process.

#### 18.8.1 (C-G)

Home Occupations REQUIRED to register with the City:

A home occupation within a dwelling that (1) complies with all of the use limitations for the district in which it is located and (2) MINIMALLY changes the existing noise, traffic, odor, outdoor external storage or external lighting requirements of the neighborhood as determined by the Zoning Administrator is required to be registered with the City.

Minimal impact for registration purposes shall mean a permitted business with actual or anticipated:

Business traffic to or from the residence in excess of five (5) vehicles per day,

Requiring external storage used in the home occupation,

Businesses having one (1) or more business related signs displayed and visible to the outside,

Business having more than two (2) on site employees other than a members of the immediate family permanently occupying such residence.

**Business raising certain public health, public safety, or public welfare concerns determined to be minimal by the Police Chief or City Zoning Administrator.**

A list of examples of MINIMAL impact home occupations is included in section 8.03 of this article. The list in section 8.03 is not all –inclusive but intended to provide guidance regarding what is acceptable. Other local, State and federal health and safety regulations may apply and be enforced by the City as required.

Registration Requirements: Article 3 of the City Code requires persons operating an allowable home occupation that is described in 8.01 (C) and not exempt by 8.01 (B) of this Article to register that home occupation annually and pay to the City Clerk or his or her designee a permit fee for a Business Registration and Permit to Operate certificate. Application requirements for the Business Registration and Permit to

Operate certificate are specified in Chapter 3 of the City Code. The registration fee for Business Registration and Permit to Operate certificate shall be set forth in the City fee schedule. Additional information may be required as necessary to enable the Clerk and Zoning Administrator to determine whether such home occupation is in conformance with local ordinances regulating home occupations.

Home Occupations REQUIRED TO HAVE A CONDITIONAL USE PERMIT:  
Persons operating a home occupation that is not exempt by sections 8.01(B), and exceeds the impact described in 8.01 (C) or that the City Zoning Administrator determines may create a greater public health or safety concerns for neighborhood residents of the City shall be required to obtain a conditional use permit for that home occupation. The process for obtaining a conditional use permit is found in section 5.03 of this Zoning Regulation.

**Requesting Review by Planning Commission. Were the City Zoning Administrator determines an applicant shall be required to obtain a conditional use permit, before registering, that applicant may request the planning commission review that determination.** If a majority of the planning commission determines that home occupation should only be required to register, the Planning Commission's determination shall be final.

Conditional Use Permit Home Occupation Registration requirements: Upon approval of a condition use permit, Article 3 of the City Code requires persons approved to operate a home occupation to register that home occupation annually and pay to the City Clerk or his or her designee a permit fee for a Business Registration and Permit to Operate certificate. Application requirements for the Business Registration and Permit to Operate certificate are specified in Chapter 3 of the City Code. The registration fee for Business Registration and Permit to Operate certificate shall be set forth in the City fee schedule. Additional information may be required as necessary to enable the Clerk and Zoning Administrator to determine whether such home occupation is in conformance with local ordinances regulating home occupations.

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



## APPLICATION

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

☒ Change Zoning Districts: From: R-4 to R-5

☐ Amendments to Change Zoning Districts \_\_\_\_\_

### City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner 53rd & Oliver, LLC (Jay Russell)

Address PO Box 75337, Wichita, KS 67275-0337 Telephone 316-371-4499

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer)

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

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

2. The application area contains 26.3 +/- acres.

3. This property is located at (address) n/a which is generally  
located at (relation to nearest streets) southwest corner of 53rd St N and Woodlawn Blvd.

4. The particular reason for seeking reclassification:

to allow for a residential subdivision on undeveloped property.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. County control number: Pin No. 00570714

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

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

1. Applicant 53rd & Oliver, LLC (Jay Russell) Phone 316-371-4499  
Address PO Box 75337, Wichita, KS Zip Code 67275-0337

Agent Baughman Company, P.A. (Philip J. Meyer) Phone 316-262-7271  
Address 315 S. Ellis St, Wichita, KS Zip Code 67211

2. Applicant n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Applicant n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

53rd & OLIVER, LLC

BAUGHMAN COMPANY, P.A.

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.

May 28<sup>th</sup> 2004



**CHAPEL LANDING**

**ZONE CHANGE APPLICATION TO R-5**

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 542.61 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 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

Subject property contains 1,147,309.0 square feet, or 26.3± acres.





## OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
The NE/4, EXC the W 826.48' thereof; & EXC for Chapel Landing Addition; & EXC for roads, 24-26-1E <b>Subject Property</b>		53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
The E/2 of the SE/4, 13-26-1E		Katherine M. Jacobs PO Box 344 Kechi, KS 67067
The S 440' of the E 495' of the W/2 of the SE/4, 13-26-1E		McNeil Properties, LLC PO Box 39 Kechi, KS 67067
The SW/4 of the SE/4, EXC the S 440' of the E 495' thereof; & EXC comm 1,230' N of SW corner of SE/4 for p.o.b.; th. N 90'; th. E 475'; th. S 90'; th. W 475' to begin, 13-26-1E		Teresa McNeil & Brian McNeil PO Box 39 Kechi, KS 67067
The S/2 of the SW/4, EXC the S 550' of the E 550' thereof; & EXC for roads, 18-26-2E		Scott R. Bergkamp & Kathleen M. Bergkamp 5500 N. Woodlawn Kechi, KS 67067
Lot 1, Blk A	USD 259 2nd Addition	Unified School District No. 259 903 S. Edgemoor Wichita, KS 67218
Lot 3, Blk 1	Central Park Addition	Scott M. Linnebur & Sophia L. Loehr 5115 N. Colonial Ave. Wichita, KS 67226
Lot 4, Blk 1	"	Jared Miller 5121 N. Colonial Ave. Wichita, KS 67226
Lots 5, 6, 7, & 8, Blk 1	"	Mike Love Construction, Inc. PO Box 7 Valley Center, KS 67147



# Security 1<sup>st</sup> Title

Section VI, Item A.

Lot 9, Blk 1	"	Luna Enterprises, LLC 2901 N. Parkdale Ct. Wichita, KS 67205
Lot 10, Blk 1	"	John O. Irving, Jr. & Tiffinie A. Irving 5210 N. Colonial Ave. Bel Aire, KS 67226
Lot 1, Blk J	Chapel Landing Addition	Charles L. & Sandra D. Kent 6010 E. Forbes St. Wichita, KS 67220
Lot 2, Blk J	"	Aaron Mount 6006 Forbes Ct. Bel Aire, KS 67220
Lot 3, Blk J	"	Justin & Erin Welner 6002 E. Forbes St. Bel Aire, KS 67220
Lot 4, Blk J, & The part of Lot 5, Blk J, begin at SW corner, th. NEly 200.22' to E line; th. SEly 6.72'; th. SWly 200.10' to begin	"	Mark A. & Starlene P. Combs Living Trust 5998 E. Forbes St. Wichita, KS 67220
Lot 5, Blk J, EXC that part begin at SW cor, th. NEly 200.22' to E line; th. SEly 6.72'; th. SWly 200.10' to begin	"	Kasey D. & Jeriel F. Beltz 5994 Forbes Ct. Bel Aire, KS 67220
Lot 6, Blk J	"	Kyle & Johnna Hart 5990 Forbes Ct. Bel Aire, KS 67220
Reserve S1 AND Reserve X	"	Chapel Landing Development, Inc. 3530 N. Beach Club Circle Wichita, KS 67205
Reserve II	"	Woodlawn 53, LLC 3530 N. Beach Club Circle Wichita, KS 67205

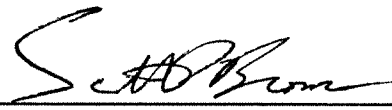


# Security 1<sup>st</sup> Title

Lot 1, Blk A	Chapel Landing 2nd Addition	James O. & Patsy L. Carrico 6229 E. Central Park Ct. Bel Aire, KS 67220
Lots 25 thru 30 inclusive, Blk B	Bristol Hollows Addition	NexPoint SFR SPE 3, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Reserve A	"	3F2R Holdings, LLC 323 N. Oakwood Dr. Wichita, KS 67208

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of June, 2023, at 7:00 A.M.

## SECURITY 1<sup>ST</sup> TITLE

By:   
 LICENSED ABSTRACTER

The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described tracts. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire or Kechi.

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the NE corner of said NE1/4; thence S00°09'40"E along the east line of said NE1/4, 1,673.30 feet; thence N89°58'06"W, 542.61 feet; thence N54°48'39"W, 171.69 feet; thence N19°39'12"W, 907.42 feet; thence N24°16'49"E, 207.14 feet; thence S64°08'30"W, 528.94 feet; thence N19°42'50"W, 753.68 feet to a point 60.00 feet normally distant south of the north line of said NE1/4; thence N00°17'10"E perpendicular to the north line of said NE1/4, 60.00 feet to a point on the north line of said NE1/4; thence S89°42'50"E along the north line of said NE1/4, 1,628.16 feet to the point of beginning.

Order: OE005379  
 KJK

# 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 19th day of October, 2023, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023

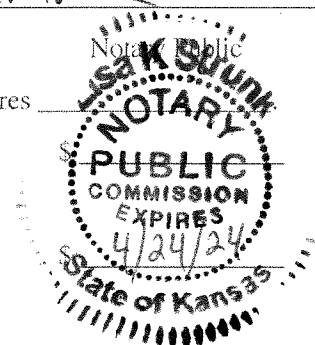
Subscribed and sworn to before me this 19th day of October, 2023.

LHS

My commission expires \_\_\_\_\_

Additional copies \$ \_\_\_\_\_

Printer's fee \$ \_\_\_\_\_



## Bel Aire public notice

(Published in The Ark Valley News Oct. 19, 2023.)

### OFFICIAL NOTICE OF ZONING HEARING

#### TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 9th, 2023, the City of Bel Aire Planning Commission will consider the following rezoning hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**ZON-23-05.** Proposed rezoning 26.3+/- acres zoned R-4, single-family, to R-5 multi-family district. The current use farm ground.

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

**General Location:** Southwest corner of 53rd St. N and N Woodlawn.

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 17th day of October 2023.

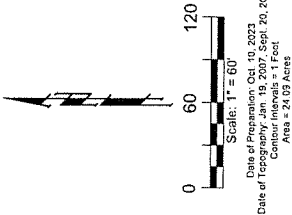
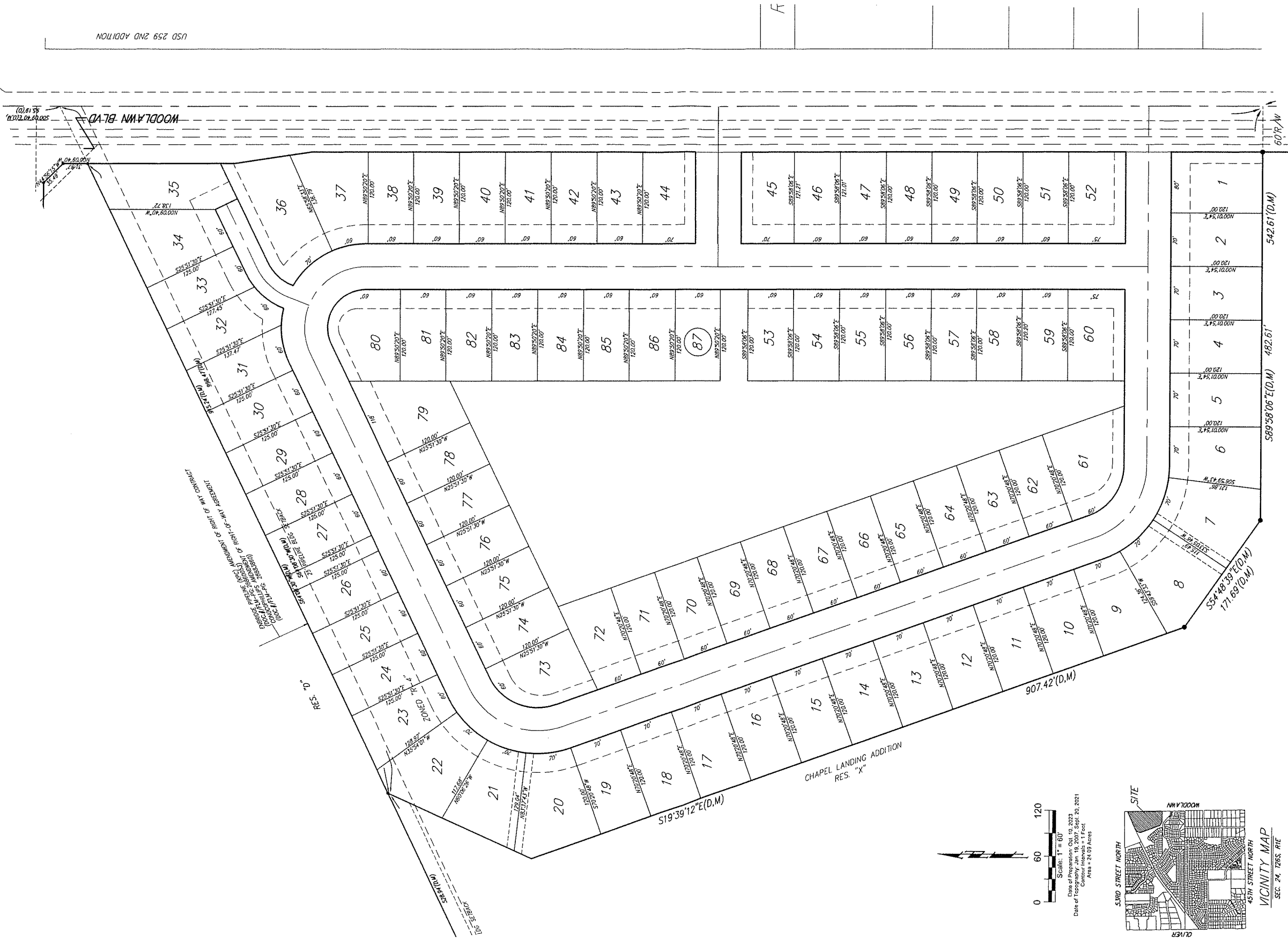
/s/ Anne Stephens

Bel Aire Planning Commission Secretary

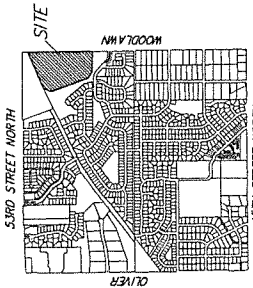
SKETCH PLAT

# CHAPEL LANDING 8TH

BEL AIRE, SEDGWICK COUNTY, KANSAS



Date of Preparation: Oct. 10, 2023  
Date of Topography: Jan. 19, 2007, Sept. 20, 2021  
Compared to: 2007 Plat  
Area = 24.93 Acres



SEC. 24, T26S, R1E

We, Baughman Company, P.A., under the supervision of the undersigned surveyor and land planner, did on this 20th day of September, 2021 perform a topographic survey of the above described tract of land.

*Jonathan C. McDaniel*  
Jonathan C. McDaniel, P.S. No. 10000  
Surveyor

CHAPEL LANDING 8TH

Oct. 10, 2023  
**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com



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



## REZONING REVIEW

Address of proposed project: Chapel Landing (8<sup>th</sup> not-platted)

This report is to document that on 10.19.23 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 10/19/23

Keith Price  
REVIEWED BY

### Comments:

The application, site plan, and abstractor's list were provided as submittals.

- The site plan doesn't show abutting zoning uses but is labeled as a sketch plan.
- The city 2018 Master growth plan figure 3.4 mixed use/local commercial; Figure 3.5 indicates the intensity level is currently 3 and that the request would be a level 2 for medium density residential.
- Page 46 of the 2014 Comprehensive plan indicates this would be a C-1 commercial, R-5, multi-family use is a down-zoning a less intense district.
- <http://www.belaireks.citycode.net/> is the link to find the requirements for platting and zoning.

# Chapel Landing 8

December 5, 2023

## **City Council Meeting**

### Agenda Documents:

- Meeting Agenda
- Draft Ordinance
- November 9, 2023, Planning

### Commission Agenda

- Staff Report-
  - Zoning Application
  - Ownership List
  - Publication Affidavit
  - November 9, 2023, Planning
- ### Commission Minutes
- Sketch Plat
  - Rezoning Staff Review

- City Council December 5, 2023, Meeting Minutes
- Ordinance 711- executed/ROD filing



**AGENDA**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**December 05, 2023 7:00 PM**



**I. CALL TO ORDER:** Mayor Jim Benage

**II. ROLL CALL**

Greg Davied \_\_\_\_ Tyler Dehn \_\_\_\_ Emily Hamburg \_\_\_\_  
Justin Smith \_\_\_\_ John Welch \_\_\_\_

**III. OPENING PRAYER:** Mark Posson

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

**V. DETERMINE AGENDA ADDITIONS**

**VI. CONSENT AGENDA**

- A.** Approve Minutes of the November 21, 2023 City Council meeting.
- B.** Reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board
- C.** Reappoint City Engineer Anne Stephens as an alternate official to the WAMPO Policy Board.
- D.** Reappoint Assistant City Manager Ted Henry as an alternate official to the WAMPO Policy Board.
- E.** Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission (PBC). The Mayor is one member and serves a 4-year term co-terminus with his Mayoral term.
- F.** Reappoint Gary O'Neal to the Bel Aire Public Building Commission (PBC). His term will expire in 2027.
- G.** Reappoint Mayor Jim Benage to the Chisholm Creek Utility Authority Board.
- H.** Reappoint Greg Davied to the Chisholm Creek Utility Authority board for 2 years, term ending December 5, 2025.

- I.** Accept Petitions for Phase 1 Paving, Sanitary Sewer, and Water Distribution System Improvements to serve Skyview at Block 49 2nd Addition Phase 2.
- J.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Skyview At Block 49 2nd Addition- Phase 2); And Amending, Restating And Repealing Resolution No. R-22-48.
- K.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/Skyview At Block 49 2nd Addition - Phase 2).
- L.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Skyview At Block 49 2nd Addition- Phase 2).
- M.** Accept Petitions for Phase 1 Paving and Drainage, Sanitary Sewer, and Water Distribution System Improvements to serve Bel Aire Lakes.
- N.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Bel Aire Lakes Addition—Phase 1).
- O.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Bel Aire Lakes - Phase 1).
- P.** Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Bel Aire Lakes- Phase 1).

**Action:** Motion to (approve / table / deny) the Consent Agenda as (listed / amended) and authorize the Mayor to sign.

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

## **VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

**A. Consideration of Appropriations Ordinance No. 23-22 in the amount of \$971,445.72****Action:** Motion to (approve / deny / table) Appropriations Ordinance No. 23-22.

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

**VIII. SEATING OF NEWLY ELECTED GOVERNING BODY MEMBERS****A. Oath of Office by Mayor Jim Benage and Councilmembers Emily Hamburg and Tyler Dean.****IX. ROLL CALL OF NEW COUNCIL**

Greg Davied _____	Tyler Dehn _____	Emily Hamburg _____
Justin Smith _____	John Welch _____	

**X. CITY REQUESTED APPEARANCES: None****XI. PUBLIC HEARING:** *Anyone wishing to address the City Council related to the proposed 2023 Budget Amendments are asked to complete a "Request to Speak" card and present it to the City Clerk prior to the start of the meeting. When called on by the Mayor, please move to the podium and state your name & address so that you can be clearly heard by the viewing public as well as the Governing Body. Comments are limited to three (3) minutes unless additional time is granted by the Mayor.***A. Public Hearing on the proposed 2023 City of Bel Aire Budget Amendments.****Action:** Motion to close the public hearing.

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

**XII. CITIZEN CONCERNS:** *If you wish to speak, please fill out a "Request to Speak" card at the podium and give it to the City Clerk before the meeting begins. When you are called on by the Mayor, please go to the podium, speak into the microphone, and state your name and address before giving your comments. Please limit your comments to 3 minutes in the interest of time. If more time is needed, you may request an extension from the Mayor.)***XIII. REPORTS**

- A. Council Member Reports**
- B. Mayor's Report**
- C. City Attorney Report**
- D. City Manager Report**

**XIV. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS****A. Adopt 2023 City of Bel Aire Budget Amendments, as published.****Action:** Motion to (adopt /deny / table) 2023 City of Bel Aire Budget Amendments, as published.

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

**B. Consideration of electing a Council President. The term is for one year and was previously held by Justin Smith.**

**Action:** Motion to (elect / table) Council Member \_\_\_\_\_ as Council President for 2024.

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

**C. Consideration of Bids for Street Repairs on Webb Road from K-254 to 45th Street. Three bids were received:**

Pearson Construction     \$47,380.00

Kansas Paving             \$33,040.00

APAC Construction        \$54,250.00

**Action:** Motion to (accept / deny / table) the bid from \_\_\_\_\_ in the amount not-to-exceed \$ \_\_\_\_\_ and authorize the Mayor to sign.

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

**D. Consideration of accepting a bid for the 37<sup>th</sup> Street Valve Replacement. Three bids were received:**

<u>Contractor</u>	<u>Total Bid</u>
Dondlinger	\$42,750.00
McCullough	\$66,250.00
UMC	\$46,610.00

**Action:** Motion to (accept / deny / table) the bid from \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for the 37th Street Valve Replacement and authorize the Mayor to sign all related documents.

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

**E. Consideration of An Ordinance which sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et 15 seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations 16 [CFR] Part 403)**

**Action:** Motion to (adopt / deny / table) An Ordinance which sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et 15 seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations 16 [CFR] Part 403) and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Roll Call Vote:

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_

**F. Consideration of An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas (ZON-23-05 - Chapel Landing 8th).**

**Action:** Motion to (approve / deny / table) An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas and authorize the Mayor to sign.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Roll Call Vote:

Greg Davied \_\_\_\_\_ Tyler Dehn \_\_\_\_\_ Emily Hamburg \_\_\_\_\_

Justin Smith \_\_\_\_\_ John Welch \_\_\_\_\_ Mayor Jim Benage \_\_\_\_\_

**G. Consideration of A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas.**

**Action:** Motion to (approve / deny / table) A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas as (presented / amended) and authorize the Mayor to sign.

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

**H. Consideration of Notification of Retirement from Ty Lasher as City Manager, submitted on October 10, 2023 (announced at the October 10th council workshop while written letters were simultaneously provided to all council members.)**

**Action:** Motion to (approve / deny / table) Ty Lasher's Notification of Retirement as received on October 10, 2023, with his last day as City Manager being March 29, 2024.

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

**I. Consideration of an Employment Agreement with Ted Henry as City Manager, effective April 1, 2024.**

**Action:** Motion to (approve / deny / table) an Employment Agreement with Ted Henry as City Manager with an effective date of April 1, 2024 and authorize the Mayor to sign.

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

**XV. EXECUTIVE SESSION**

**Action:** Motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319

exception for attorney-client privilege. Invite the City Manager, Assistant City Manager, City Engineer, Attorney Neal Gosch and the City Attorney. The meeting will be for a period of \_\_\_\_ minutes, and the open meeting will resume in City Council Chambers at \_\_\_\_\_ p.m.

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

**Action:** Motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege. Invite the City Manager and the City Attorney. The meeting will be for a period of \_\_\_\_ minutes, and the open meeting will resume in City Council Chambers at \_\_\_\_\_ p.m.

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

## **XVI. DISCUSSION AND FUTURE ISSUES**

**A. December Workshop – December 12<sup>th</sup> at 6:30 pm?**

**B. December 19<sup>th</sup> City Council Meeting?**

## **XVII. ADJOURNMENT**

**Action:** Motion to adjourn.

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

### *Additional Attachments*

**A.** Planning Commission Schedule 2024

**B.** Revised 2024 Court Schedule

**C.** Manager's Report - December 5, 2023

### **Notice**

*It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed on YouTube and at [www.belaireks.gov](http://www.belaireks.gov). Please make sure all cell phones and other electronics are turned off and put away.*

(Published in *The Ark Valley News* on \_\_\_\_\_)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.**

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. ZON-23-05; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. ZON-23-05 on November 9, 2023 all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission and approves the rezoning of the tract of land from SINGLE-FAMILY DISTRICT (R-4) to a MULTI-FAMILY (R-5) ZONING USES.

**Legal Description**

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.# /FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.# /FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of- Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 54 2. 61 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 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

Section 3. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and publication once in the official newspaper of the City.

*[Remainder of Page Intentionally Left Blank]*

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas  
this 5th day of December, 2023.

CITY OF BEL AIRE, KANSAS

[seal]

\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

FOR MEETING OF	11/9/23
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

## STAFF REPORT

DATE: 11/03/2023

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

### SUMMARY:

**ZON-23-05. Proposed rezoning 26.3+/- acres zoned R-4, single-family, to R-5 multi-family district. The current use farm ground.**

The rezoning case was advertised in the Ark Valley News Paper and property owners were contacted as required by city code. I'm unaware of anyone contacting the city prior to this report regarding the rezoning case. A review was sent to the applicant's agent, a copy of that review is in your packet.

The following criteria shall be the basis for evaluation of the rezoning request in relation to the specific case being considered:

**1. The character of the neighborhood;**

The subject property is zoned R-4, (Ordinance 671), previously it was C-1

**2. The zoning and uses of properties nearby**

(Ordinance 707), R-5 north Chapel landing 7<sup>th</sup>, Central Park east R-3, Chapel Landing additions to the south and west are R-4 with reduced side yard requirements.

**3. 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 the figure 3.4 showing mixed use commercial category. Figure 3.5 intensity level is a 3; the request is a level 3. Staff agrees the requested use fits the area.

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

City staff no adverse effect is expected.

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

The property was first impacted with original plat of Chapel landing in 2007, although, exempted from the plat. The current zoning is from July 2021.

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

No hardship is expected to be caused by the development.

- 7. Recommendations of permanent staff;**

Yes because 2018 Master Growth plan was approved by City Council. Ordinance 707 was approved north of the pipeline easement recently, changing zoning of that property to R-5.

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

Yes the 2018 Master Growth plan based on figure 3.5 R-5 is the same category as R-4 and the adopted 2014 vision plan within the city comprehensive plan indicates this would be C-1. Down-zoning is to R-5 from a C-1 is one step based on the adopted plans. The actual request is in the same intensity level based on page 15 description under heading "Residential Suburban Density & Medium Density" of the 2018 Master Growth Plan.

- 9. 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.**

Planners should ask about housing type; application indicates to allow a for a residential development.

**APPLICATION**

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

☒ Change Zoning Districts: From: R-4 to R-5

☐ Amendments to Change Zoning Districts \_\_\_\_\_

**City of Bel Aire Planning Commission**

☐ Approved ☐ Rejected

Name of owner 53rd & Oliver, LLC (Jay Russell)

Address PO Box 75337, Wichita, KS 67275-0337 Telephone 316-371-4499

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer)

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

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

2. The application area contains 26.3 +/- acres.

3. This property is located at (address) n/a which is generally  
located at (relation to nearest streets) southwest corner of 53rd St N and Woodlawn Blvd.

4. The particular reason for seeking reclassification:

to allow for a residential subdivision on undeveloped property.

5. County control number: Pin No. 00570714

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

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

1. Applicant 53rd & Oliver, LLC (Jay Russell) Phone 316-371-4499  
Address PO Box 75337, Wichita, KS Zip Code 67275-0337

Agent Baughman Company, P.A. (Philip J. Meyer) Phone 316-262-7271  
Address 315 S. Ellis St, Wichita, KS Zip Code 67211

2. Applicant n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Applicant n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent n/a Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

53rd & OLIVER, LLC

BAUGHMAN COMPANY, P.A.

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.

May 28<sup>th</sup> 2004



## CHAPEL LANDING

### ZONE CHANGE APPLICATION TO R-5

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 542.61 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 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

Subject property contains 1,147,309.0 square feet, or 26.3± acres.





## OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
The NE/4, EXC the W 826.48' thereof; & EXC for Chapel Landing Addition; & EXC for roads, 24-26-1E <b>Subject Property</b>		53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
The E/2 of the SE/4, 13-26-1E		Katherine M. Jacobs PO Box 344 Kechi, KS 67067
The S 440' of the E 495' of the W/2 of the SE/4, 13-26-1E		McNeil Properties, LLC PO Box 39 Kechi, KS 67067
The SW/4 of the SE/4, EXC the S 440' of the E 495' thereof; & EXC comm 1,230' N of SW corner of SE/4 for p.o.b.; th. N 90'; th. E 475'; th. S 90'; th. W 475' to begin, 13-26-1E		Teresa McNeil & Brian McNeil PO Box 39 Kechi, KS 67067
The S/2 of the SW/4, EXC the S 550' of the E 550' thereof; & EXC for roads, 18-26-2E		Scott R. Bergkamp & Kathleen M. Bergkamp 5500 N. Woodlawn Kechi, KS 67067
Lot 1, Blk A	USD 259 2nd Addition	Unified School District No. 259 903 S. Edgemoor Wichita, KS 67218
Lot 3, Blk 1	Central Park Addition	Scott M. Linnebur & Sophia L. Loehr 5115 N. Colonial Ave. Wichita, KS 67226
Lot 4, Blk 1	"	Jared Miller 5121 N. Colonial Ave. Wichita, KS 67226
Lots 5, 6, 7, & 8, Blk 1	"	Mike Love Construction, Inc. PO Box 7 Valley Center, KS 67147



# Security 1<sup>st</sup> Title

Section VI, Item A.

Lot 9, Blk 1	"	Luna Enterprises, LLC 2901 N. Parkdale Ct. Wichita, KS 67205
Lot 10, Blk 1	"	John O. Irving, Jr. & Tiffinie A. Irving 5210 N. Colonial Ave. Bel Aire, KS 67226
Lot 1, Blk J	Chapel Landing Addition	Charles L. & Sandra D. Kent 6010 E. Forbes St. Wichita, KS 67220
Lot 2, Blk J	"	Aaron Mount 6006 Forbes Ct. Bel Aire, KS 67220
Lot 3, Blk J	"	Justin & Erin Welner 6002 E. Forbes St. Bel Aire, KS 67220
Lot 4, Blk J, & The part of Lot 5, Blk J, begin at SW corner, th. NEly 200.22' to E line; th. SEly 6.72'; th. SWly 200.10' to begin	"	Mark A. & Starlene P. Combs Living Trust 5998 E. Forbes St. Wichita, KS 67220
Lot 5, Blk J, EXC that part begin at SW cor, th. NEly 200.22' to E line; th. SEly 6.72'; th. SWly 200.10' to begin	"	Kasey D. & Jeriel F. Beltz 5994 Forbes Ct. Bel Aire, KS 67220
Lot 6, Blk J	"	Kyle & Johnna Hart 5990 Forbes Ct. Bel Aire, KS 67220
Reserve S1 AND Reserve X	"	Chapel Landing Development, Inc. 3530 N. Beach Club Circle Wichita, KS 67205
Reserve II	"	Woodlawn 53, LLC 3530 N. Beach Club Circle Wichita, KS 67205

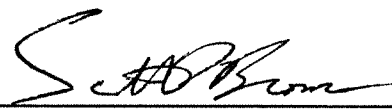


# Security 1<sup>st</sup> Title

Lot 1, Blk A	Chapel Landing 2nd Addition	James O. & Patsy L. Carrico 6229 E. Central Park Ct. Bel Aire, KS 67220
Lots 25 thru 30 inclusive, Blk B	Bristol Hollows Addition	NexPoint SFR SPE 3, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Reserve A	"	3F2R Holdings, LLC 323 N. Oakwood Dr. Wichita, KS 67208

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of June, 2023, at 7:00 A.M.

## SECURITY 1<sup>ST</sup> TITLE

By:   
 LICENSED ABSTRACTER

The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described tracts. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire or Kechi.

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at the NE corner of said NE1/4; thence S00°09'40"E along the east line of said NE1/4, 1,673.30 feet; thence N89°58'06"W, 542.61 feet; thence N54°48'39"W, 171.69 feet; thence N19°39'12"W, 907.42 feet; thence N24°16'49"E, 207.14 feet; thence S64°08'30"W, 528.94 feet; thence N19°42'50"W, 753.68 feet to a point 60.00 feet normally distant south of the north line of said NE1/4; thence N00°17'10"E perpendicular to the north line of said NE1/4, 60.00 feet to a point on the north line of said NE1/4; thence S89°42'50"E along the north line of said NE1/4, 1,628.16 feet to the point of beginning.

Order: OE005379  
 KJK

# 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 19th day of October, 2023, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023

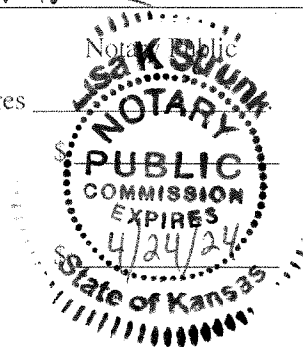
Subscribed and sworn to before me this 19th day of October, 2023.

LHS

My commission expires \_\_\_\_\_

Additional copies \$ \_\_\_\_\_

Printer's fee \$ \_\_\_\_\_



## Bel Aire public notice

(Published in The Ark Valley News Oct. 19, 2023.)

### OFFICIAL NOTICE OF ZONING HEARING

#### TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 9th, 2023, the City of Bel Aire Planning Commission will consider the following rezoning hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**ZON-23-05.** Proposed rezoning 26.3+/- acres zoned R-4, single-family, to R-5 multi-family district. The current use farm ground.

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

**General Location:** Southwest corner of 53rd St. N and N Woodlawn.

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 17th day of October 2023.

/s/ Anne Stephens

Bel Aire Planning Commission Secretary



# MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS November 9, 2023 6:30 PM



## I. Call to Order

## II. Roll Call

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

Also present were, Planning Commission Secretary and City Engineer, Anne Stephens, City Attorney, Maria Schrock, 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 Dee Roths made a motion to approve the minutes from October 12, 2023. Commissioner John Charleston seconded the motion. ***Motion Carried 6-0***

## V. Old Business/New Business

### A. **ZON-23-05 Rezoning:** Approximately 26.3 acres zoned R-4 single-family, to a R-5 multi-family at the southwest corner of 53<sup>rd</sup> St N and Woodlawn Blvd. (Chapel Landing 8th)

Chairman Schmidt opened the hearing.

Representing agent for Baughman Company, Phil Meyer was present to discuss the re-zoning of Chapel Landing 8<sup>th</sup>. The requested reasoning to change from R-4 to R-5 is to be able to do smaller lots at a sixty foot width. The developer Jay Russel did meet with the residents at the Home Owners Association of Iron Gate to address their concerns. Jay agreed that all the lots on the South and West property line will be seventy foot wide, any lots not abutting those lots will all be sixty foot wide. All utilities and sanitary sewer will be front loaded on the South and West lot lines, this will allow all of the trees to remain where they are on the South and West, just cleaned up a bit. Any fencing will be metal or rod iron allowed abutting any detention facility as well as the South and West lots. The

developer also agreed to add a playground for the residents as well.

Charles Kent, 6010 Forbes Street did speak for the entirety of the residents. He wanted to personally come to the Planning Commission meeting to thank Jay Russel for attending their HOA meeting and making all the changes based off of their concerns.

Chairman Schmidt closed the hearing.

The Planning Commission did touch base on the Golden Factors, Chairman Schmidt did state that it meets the requirement of the character of the neighborhood. Commissioner Salazar mentioned that there was effort made by the developer to meet with the homeowners and address their concerns. Commissioner Roths stated that it does meet all requirements recommended by staff.

**Motion:** Commissioner Jordan made a motion to adopt the findings of fact of the staff as presented and recommend to the City Council approval to change the zoning district classification of the subject property from R-4 single-family district, to an R-5 multi-family based on such findings of fact. Commissioner Roths seconded the motion. ***Motion Carried 6-0***

**B. SD-23-05 Final Plat:** Proposed plating of approximately 13.6 acres (Chapel Landing 7<sup>th</sup>).

Chairman Schmidt opened the public hearing.

Representing agent for Baughman Company, Phil Meyer was present to discuss the final plat of Chapel Landing 7<sup>th</sup>. They will be constructing a detention facility in this development in between Chapel Landing 7<sup>th</sup> and Bristol Hollows. An agreement will be in place between Bristol Hollows and Chapel Landing 7<sup>th</sup> for responsibilities of the detention pond but nothing finalized at this time. A playground will be installed on the West side of the property at the South end of the detention facility near Bristol Hollows.

Chairman Schmidt mentioned that staff has not been able to review all of the drainage plan yet and asked Phil Meyer if there was a signed agreement between Bristol Hollows and Chapel Landing 7<sup>th</sup>. Phil stated that there will be a signed agreement that will be a business agreement, not a drainage agreement. This will ensure the responsibilities of the detention facility dividing the properties. Commissioner Jordan asked our City Attorney, Maria Schrock, if the City is okay approving this as is with the information we have. Maria stated that the drainage plan has not been reviewed yet, so she would recommend moving this to the next meeting once the drainage plan has been reviewed by staff.

No one from the public wished to speak.

Chairman Schmidt closed the public hearing.

**Motion:** Commissioner Faber made a motion to table the Chapel Landing 7<sup>th</sup> Addition Final Plat. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

**C. Paint-less Dent Repair Business License for 316 PDR, LLC at 4648 Farmstead Ct. Review.**

Maria Schrock opened with a background of the business license to the Planning Commission. Damon Herrington works as a mobile paint-less dent repairman and brings motor vehicles to his home address of 4648 Farmstead Court at times to work. Business hours are to meet conditions of business hours to be observed from 8am to 5pm Monday through Saturday, all work is to be completed inside the garage to minimize sound pollution, only one motor vehicle to be repaired on the property at a time and failure to adhere to these conditions may result in the revocation of the business license that is being approved. Maria mentioned that Damon paid the fifty dollar fee for the business license.

Maria provided background on the complaints from the neighborhood due to the noise pollution. Code Enforcement had sent a notice to the owner in regard to not having a business license to operate. Maria mentioned that on Saturday, September 16<sup>th</sup> at 10:41PM, there was a complaint due to noise. This was clearly outside the conditions of the business license hours, along with a few other complaints, Monday, October 2<sup>nd</sup> at 6:29PM, October 19<sup>th</sup> at 6:46PM, and Thursday, October 26<sup>th</sup> at 7:00PM. Maria did show all of the videos to the Herrington's so they are aware. Mr. Herrington admitted to conducting paint-less dent repair work beyond 5pm in one specific instance. Maria advised that is in violation of the license conditions.

Rebecca and Damon Herrington were present to speak in regard to the paint-less dent repair business. First to speak was Rebecca Herrington, she requests that the Planning Commission moves forward to accept their business license since it is Damon's only source of income. Rebecca stated that the tapping is the source from the dent repair but any other noises coming from the residence such as sawing noises are from home improvements. It was mentioned that no neighbor came to them directly or indirectly with concerns of any noise coming from their home. Mr. Herrington admitted to the council that he conducted paint-less dent repair work beyond 5pm in one specific instance. Rebecca and Damon understand that there are times set by the conditions and that going forward, they will comply with the conditions.

**Motion:** Chairman Schmidt made a motion to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding consultation with attorneys for the public body pursuant to the KSA 75-4319 exception for the same. Invite the Attorney, Secretary and Code Enforcement Officer. This meeting will be for a period of thirty minutes, and the open meeting

will resume in City Council Chambers at 8:23PM. Commissioner Salazar seconded the motion. ***Motion Carried 6-0***

The Commission returned to City Council Chambers at 8:23PM and Damon Herrington was still present.

**Motion:** Chairman Schmidt made a motion to carry the license until the end of the year with modifications. The business hours are to be observed Monday through Friday from 9AM to 5PM. All noise and activity is to be performed inside the garage to eliminate sound pollution and not be conducted in the driveway. One motor vehicle is to be allowed on the premises for repair at any time. Commissioner Charleston seconded the motion. ***Motion Carried 6-0***

Chairman Schmidt shared if any other complaints are made, the commission will consider revocation of the license prior to the end of the year. If revocation is considered, proper notification will be sent to the property owner.

#### **D. General Education Session (KOMA-KORA)**

**Deferred until January 2024.**

#### **VI. Next Meeting: Thursday, December 14, 2023 at 6:30 PM**

The Commission discussed if Thursday, December 14, 2023 at 6:30 PM would work with their schedules and the Commission agreed upon Thursday, December 14, 2023 at 6:30 PM.

**Motion:** Commissioner Faber made a motion to accept the next meeting date of Thursday, December 14, 2023 at 6:30 PM. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

#### **VII. Current Events**

Secretary Anne Stephens discussed the current events for the upcoming Planning Commission items stating that City Hall will be closed on November 10<sup>th</sup> in observance of Veteran's Day. City Hall will also be closed on November 23<sup>rd</sup> and 24<sup>th</sup> for Thanksgiving.

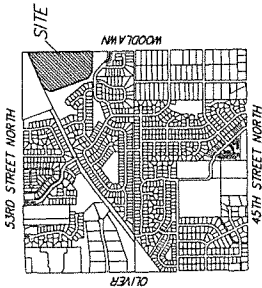
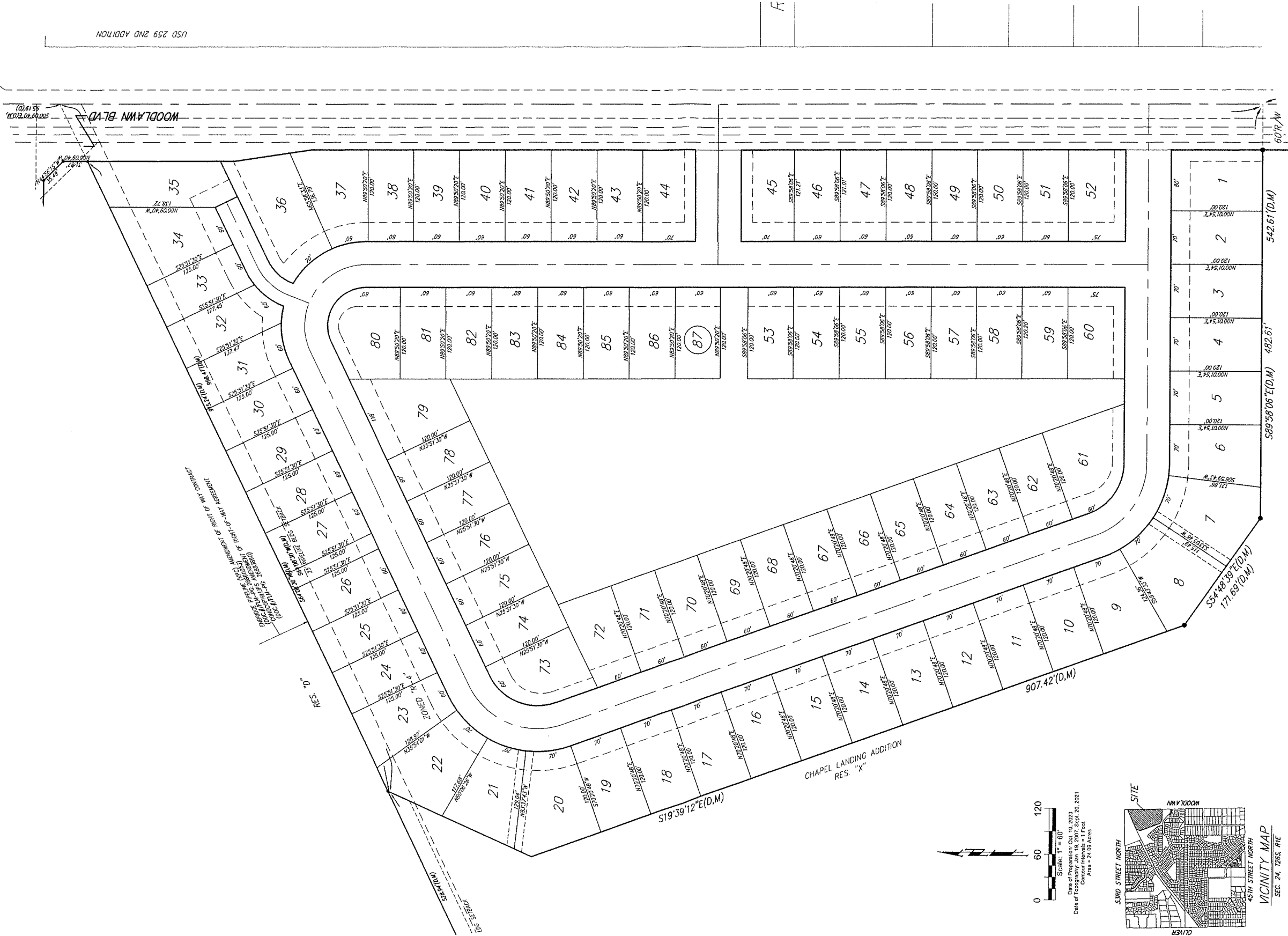
#### **IV. ADJOURNMENT**

**Motion:** Commissioner Charleston made a motion to adjourn. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

SKETCH PLAT

# CHAPEL LANDING 8TH

BEL AIRE, SEDGWICK COUNTY, KANSAS



We, Baughman Company, P.A., under the supervision of the undersigned surveyor and land planner, did on this 20th day of September, 2021 perform a topographic survey of the above described tract of land.

*Jonathan C. McDaniel*  
Jonathan C. McDaniel, P.S. No. 10000  
Surveyor

CHAPEL LANDING 8TH

Oct. 10, 2023

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



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



## REZONING REVIEW

Address of proposed project: Chapel Landing (8<sup>th</sup> not-platted)

This report is to document that on 10.19.23 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 10/19/23

Keith Price  
REVIEWED BY

### Comments:

The application, site plan, and abstractor's list were provided as submittals.

- The site plan doesn't show abutting zoning uses but is labeled as a sketch plan.
- The city 2018 Master growth plan figure 3.4 mixed use/local commercial; Figure 3.5 indicates the intensity level is currently 3 and that the request would be a level 2 for medium density residential.
- Page 46 of the 2014 Comprehensive plan indicates this would be a C-1 commercial, R-5, multi-family use is a down-zoning a less intense district.
- <http://www.belaireks.citycode.net/> is the link to find the requirements for platting and zoning.



**MINUTES**  
**CITY COUNCIL MEETING**  
**7651 E. Central Park Ave, Bel Aire, KS**  
**December 05, 2023 7:00 PM**



**I. CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Present were Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch.

Also present were City Manager Ty Lasher, City Attorney Maria Schrock, Assistant City Manager Ted Henry, City Engineer Anne Stephens, Bond Counsel Kevin Cowan of Gilmore & Bell, PA, Consultant Becky Lewis of Burns and MacDonnell, and City Clerk Melissa Krehbiel.

**III. OPENING PRAYER:** Mark Posson provided the opening prayer.

**IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

Mayor Benage led the pledge of allegiance.

**V. DETERMINE AGENDA ADDITIONS:** There were no additions.

**VI. CONSENT AGENDA**

- A. Approve Minutes of the November 21, 2023 City Council meeting.**
- B. Reappoint Mayor Jim Benage to the Wichita Area Metropolitan Planning Organization (WAMPO) Policy Board**
- C. Reappoint City Engineer Anne Stephens as an alternate official to the WAMPO Policy Board.**
- D. Reappoint Assistant City Manager Ted Henry as an alternate official to the WAMPO Policy Board.**
- E. Reappoint Mayor Jim Benage to the Bel Aire Public Building Commission (PBC). The Mayor is one member and serves a 4-year term co-terminus with his Mayoral term.**
- F. Reappoint Gary O'Neal to the Bel Aire Public Building Commission (PBC). His term will expire in 2027.**

- G. Reappoint Mayor Jim Benage to the Chisholm Creek Utility Authority Board.**
- H. Reappoint Greg Davied to the Chisholm Creek Utility Authority board for 2 years, term ending December 5, 2025.**
- I. Accept Petitions for Phase 1 Paving, Sanitary Sewer, and Water Distribution System Improvements to serve Skyview at Block 49 2nd Addition Phase 2.**
- J. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Skyview At Block 49 2nd Addition- Phase 2); And Amending, Restating And Repealing Resolution No. R-22-48.**
- K. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Skyview At Block 49 2nd Addition - Phase 2).**
- L. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Skyview At Block 49 2nd Addition- Phase 2).**
- M. Accept Petitions for Phase 1 Paving and Drainage, Sanitary Sewer, and Water Distribution System Improvements to serve Bel Aire Lakes.**
- N. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Paving Improvements/Bel Aire Lakes Addition—Phase 1).**
- O. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Sanitary Sewer Improvements/ Bel Aire Lakes - Phase 1).**
- P. Accept A Resolution Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing And Providing For The Making Of The Improvements In Accordance With Such Findings (Water Distribution System Improvements/Bel Aire Lakes- Phase 1).**

**MOTION:** Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

**VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE**

**A. Consideration of Appropriations Ordinance No. 23-22 in the amount of \$971,445.72.**

**MOTION:** Councilmember Davied moved to approve Appropriations Ordinance No. 23-22. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

**VIII. SEATING OF NEWLY ELECTED GOVERNING BODY MEMBERS**

**A. Oath of Office by Mayor Jim Benage and Councilmembers Emily Hamburg and Tyler Dean.**

Mayor Jim Benage and Councilmembers Emily Hamburg and Tyler Dehn took the Oath of Office and took their seats on the Council.

**IX. ROLL CALL OF NEW COUNCIL**

Present were Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch.

**X. CITY REQUESTED APPEARANCES:** None.

**XI. PUBLIC HEARING**

**A. Public Hearing on the proposed 2023 City of Bel Aire Budget Amendments.**

No one spoke.

**MOTION:** Councilmember Hamburg moved to close the public hearing. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**XII. CITIZEN CONCERNS**

Jeff Tredway, 8493 E Deer Run, spoke about his concerns about speeding in his neighborhood. He presented copies of a petition to the City Council regarding installing a street termination to reduce the traffic flow.

Mayor Benage stated that the petition would be reviewed and City staff would contact Mr. Tredway.

**XIII. REPORTS**

**A. Council Member Reports**

Councilmember Dehn reported briefly on the Bel Aire Chamber Mixer and thanked the Chamber members for putting on the event. He also attended the Volunteer Appreciation Dinner tonight at City Hall and he thanked the volunteers who dedicate their time to Bel Aire boards and committees.

Councilmember Hamburg briefly reported on the Sedgwick County Emergency Response training which she participated in over the weekend. She encouraged citizens to take the training.

Councilmember Welch briefly reported on the purpose for executive sessions.

**B. Mayor's Report**

Mayor Benage briefly reported on the Bel Aire Chamber Mixer, the volunteer dinner, and the annual Christmas event at City Hall last Saturday. He also thanked Public Works crews for their work over Thanksgiving weekend, clearing over 9 inches of snow.

**C. City Attorney Report**

City Attorney Maria Schrock briefly reported on code enforcement's recent efforts to educate citizens about, and abate, nuisance vehicles.

**D. City Manager Report**

City Manager Ty Lasher briefly reported on the Volunteer Appreciation Dinner. He thanked staff for their work on the dinner.

**XIV. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS**

**A. Adopt 2023 City of Bel Aire Budget Amendments, as published.**

**MOTION:** Councilmember Smith moved to adopt the 2023 City of Bel Aire Budget Amendments, as published. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**B. Consideration of electing a Council President. The term is for one year and was previously held by Justin Smith.**

**MOTION:** Councilmember Davied moved to elect Council Member Justin Smith as Council President for 2024. Councilmember Dehn seconded the motion. ***Motion carried 5-0***

**C. Consideration of Bids for Street Repairs on Webb Road from K-254 to 45th Street. Three bids were received:**

Pearson Construction	\$47,380.00
Kansas Paving	\$33,040.00
APAC Construction	\$54,250.00

**MOTION:** Councilmember Hamburg moved to deny all of the bids. Councilmember Davied seconded the motion. ***Motion carried 4-1*** with Councilmember Welch voting against the motion.

**D. Consideration of accepting a bid for the 37<sup>th</sup> Street Valve Replacement. Three bids were received:**

<u>Contractor</u>	<u>Total Bid</u>
Dondlinger	\$42,750.00
McCullough	\$66,250.00
UMC	\$46,610.00

**MOTION:** Councilmember Davied moved to accept the bid from Dondlinger in the amount of \$42,750.00 for the 37th Street Valve Replacement and authorize the Mayor to sign all related documents. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

**E. Consideration of An Ordinance which sets forth uniform requirements for Users of the Sanitary Sewer Conveyance System for the City of Bel Aire and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et 15 seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations 16 [CFR] Part 403)**

**MOTION:** Councilmember Welch moved to table the Ordinance pending revisions. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**F. Consideration of An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas (ZON-23-05 - Chapel Landing 8th).**

**MOTION:** Councilmember Smith moved to approve An Ordinance changing the zoning classification from R-4 Single-Family District to R-5 Multi-Family on certain property located within the corporate city limits of the City of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Hamburg seconded the motion.

Roll Call Vote:

Greg Davied – Aye	Tyler Dehn – Aye	Emily Hamburg -Aye
Justin Smith -Aye	John Welch -Aye	Mayor Jim Benage -Aye

***Motion carried 6-0.***

The Council briefly discussed the trend of building single-family homes on smaller lots and the lack of a zoning classification in the Bel Aire zoning code to allow that kind of development.

**MOTION:** Councilmember Welch moved to direct Planning Commission to create a new zoning district for single-family housing on smaller lots. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**G. Consideration of A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel Aire, Kansas.**

**MOTION:** Councilmember Welch moved to approve A Resolution Concerning Service, License And Permit Fees Within The Corporate Limits Of The City Of Bel

Aire, Kansas as (presented / amended) and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

**H. Consideration of Notification of Retirement from Ty Lasher as City Manager, submitted on October 10, 2023 (announced at the October 10th council workshop while written letters were simultaneously provided to all council members.)**

**MOTION:** Councilmember Welch moved to approve Ty Lasher's Notification of Retirement as received on October 10, 2023, with his last day as City Manager being March 29, 2024. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

**I. Consideration of an Employment Agreement with Ted Henry as City Manager, effective April 1, 2024.**

**MOTION:** Councilmember Smith moved to approve an Employment Agreement with Ted Henry as City Manager with an effective date of April 1, 2024 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. ***Motion carried 5-0.***

**XV. EXECUTIVE SESSION**

**MOTION:** Councilmember Smith moved to take a 5-minute recess. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

The Council then held a brief recess.

**MOTION:** Councilmember Welch to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege for consultation regarding Woodlawn Road Project contractual obligations. Invite the City Manager, Assistant City Manager, City Engineer, Attorney Neal Gosch and the City Attorney. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 8:57 p.m. Councilmember Davied seconded the motion. ***Motion carried 5-0.***

The Council held an executive session. At 9:00 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

**MOTION:** Councilmember Welch moved to extend the executive session for 15 minutes with the open meeting resuming at 9:15 p.m. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The council returned to executive session. At 9:16 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

**MOTION:** Councilmember Smith moved to go into executive session for the sole purpose of discussing the subject of Attorney-Client consultation regarding contractual obligations pursuant to the KSA 75-4319 exception for attorney-client privilege. Invite the City Manager, Assistant City Manager, and City Attorney. The meeting will be for a period of 15 minutes, and the open meeting will resume in City Council Chambers at 9:33 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

At 9:34 p.m., Mayor Benage called the meeting back to order and stated that no binding action had been taken.

## XVI. DISCUSSION AND FUTURE ISSUES

A. **December Workshop – December 12<sup>th</sup> at 6:30 pm?**

B. **December 19<sup>th</sup> City Council Meeting?**

Councilmembers briefly discussed the agendas for the upcoming Workshop on December 12<sup>th</sup> and the next City Council meeting on December 19<sup>th</sup>.

## XVII. ADJOURNMENT

**MOTION:** Councilmember Dehn moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 5-0.*

Approved by the City Council this 19<sup>th</sup> day of December, 2023.

Jim Benage  
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel  
Melissa Krehbiel, City Clerk





Sedgwick County  
Register of Deeds - Tonya Buckingham  
Doc. #/Flm-Pg: 30280226  
Receipt #: 2407504  
Pages Recorded: 3

Section VI, Item A.

Recording Fee: \$0.00

Cashier: kmilliga

Authorized By: Tonya Buckingham

Date Recorded: 12/11/2023 02:37:14 PM



(Published in *The Ark Valley News* on December 14, 2023)

## ORDINANCE NO. 711

### **AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.**

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. ZON-23-05; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. ZON-23-05 on November 9, 2023 all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission and approves the rezoning of the tract of land from SINGLE- FAMILY DISTRICT (R-4) to a MULTI-FAMILY (R-5) ZONING USES.

#### **Legal Description**

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.# /FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.# /FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of- Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 54 2. 61 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 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

Section 3. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and publication once in the official newspaper of the City.

*[Remainder of Page Intentionally Left Blank]*

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas  
this 5th day of December, 2023.

CITY OF BEL AIRE, KANSAS

[seal]



ATTEST:

  
\_\_\_\_\_  
Jim Benage, Mayor

  
\_\_\_\_\_  
Melissa Krehbiel, City Clerk

(Published in *The Ark Valley News* on December 14, 2023)

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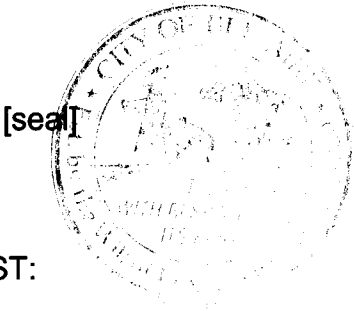
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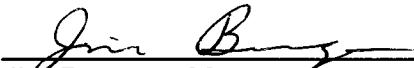
Section 3. This Ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City, approval by the Mayor and publication once in the official newspaper of the City.

*[Remainder of Page Intentionally Left Blank]*

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas  
this 5th day of December, 2023.

CITY OF BEL AIRE, KANSAS



  
Jim Benage, Mayor

ATTEST:

  
Melissa Krehbiel, City Clerk

# Chapel Landing 8

August 8, 2024

## **Planning Commission Meeting**

SD-24-02- Preliminary Plat

Agenda Documents:

- Agenda
- Preliminary Plat Review
- Preliminary Plat Application
- Publication Affidavit
- Evergy Letter
- Preliminary Plat- Evergy Mark-Up
- Preliminary Plat
- Sidewalk Exhibit
- Staff Report



# 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 127<sup>th</sup> Street East and East 56<sup>th</sup> Street North (5601 North 127<sup>th</sup> 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



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



## PRELIMINARY PLAT REVIEW

Address of proposed project: Chapel Landing 8<sup>th</sup> 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 8<sup>th</sup> 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 2<sup>nd</sup> 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 7<sup>th</sup>, 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 &amp; 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 ONLY**Prints 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.

## 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.

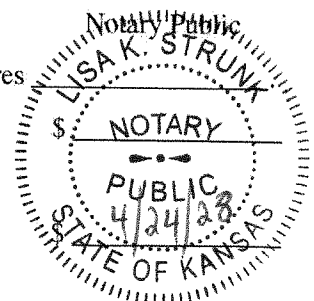
DATED this 16 day of July 2024.

/s/ Anne Stephens  
Bel Aire Planning  
Commission Secretary

My commission expires

Additional copies

Printer's fee





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

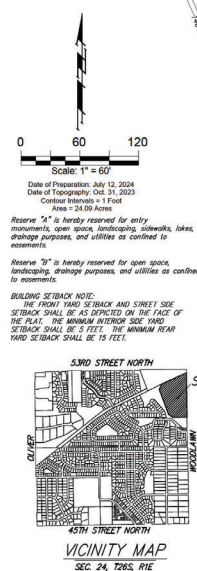
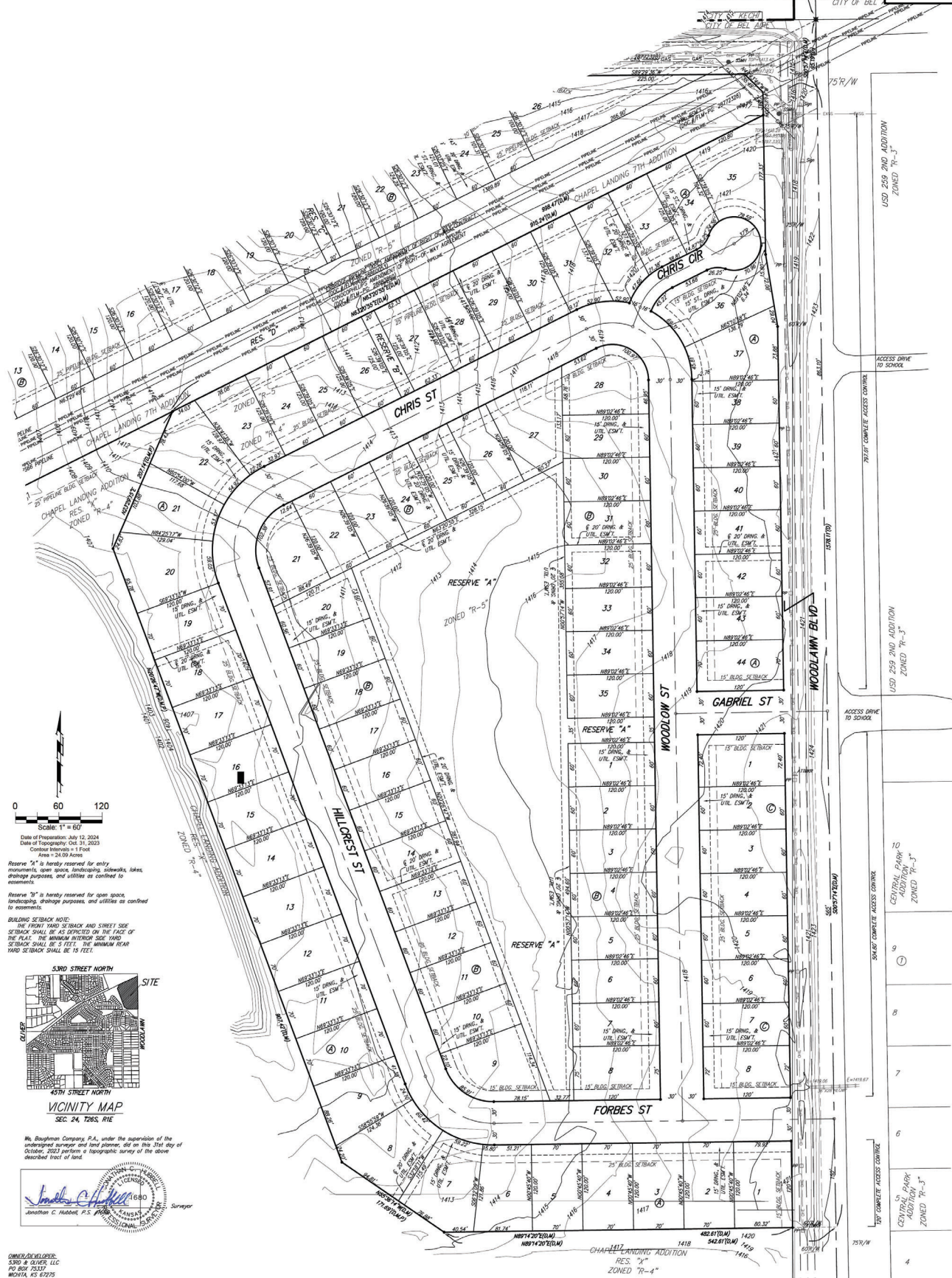
*Section VI, Item A.*

CITY, STATE, COUNTY OFFICIAL	DATE
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PRELIMINARY PLAT  
**CHAPEL LANDING 8TH**  
BEL AIRE, SEDGWICK COUNTY, KANSAS

Section VI, Item A.



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

*Jonathan C. Hahnke, P.S.*  
Surveyor

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

**LEGAL DESCRIPTION:**  
That part of the Northeast Quarter of Section 24, Township 36 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 (Right of Way) 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.

**NOTES:**  
ALL LOTS WITHIN CHAPEL LANDING 8TH SHALL BE SINGLE FAMILY.

• 1/4 REBAR W/ "BAUGHMAN" CAP (FND)  
• 1/4 REBAR W/ "BAUGHMAN" CAP (FND)  
• 5/8" REBAR W/ ALLEGED CAP (FND)  
• 1/4 REBAR W/ THIMBLE (FND)  
• 1/4 REBAR W/ "C" 8 HAYS CLS 1/2" (FND)  
• 1/4 REBAR W/ "C" 8 HAYS CLS 1/2" (FND)  
• 1/4 REBAR W/ "C" 8 HAYS CLS 1/2" (FND)  
• 1/4 REBAR W/ "C" 8 HAYS CLS 1/2" (FND)

(M) = MEASURED  
(P) = PLATTED  
(C) = CALCULATED  
(C-A) = CALCULATED FOR PLATTED INFO  
(C-B) = CALCULATED FOR DISCLOSED INFO

**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.  
ELEVATION: 1386.51 MGD029

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

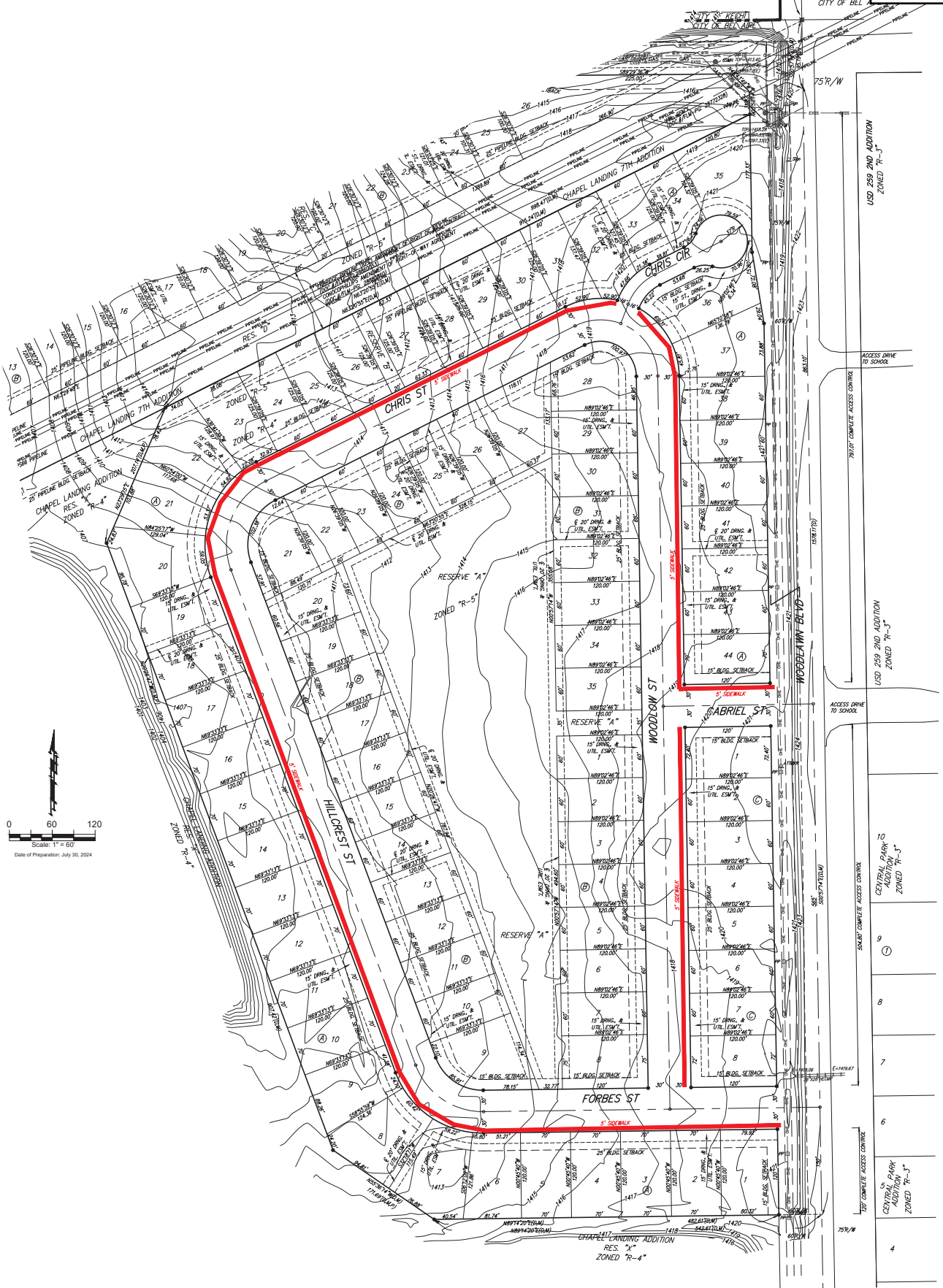
**SQUARE CUT IN NORTH HEADWALL OF RCBS 1075' EAST OF INTERSECTION OF 53RD ST N. & OLIVER.**  
ELEVATION: 1382.85 MGD029

**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 VI, Item A.



**CHAPEL LANDING 8TH**

## 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 127<sup>th</sup> 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.



# MINUTES PLANNING COMMISSION

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

City of  
**Bel Aire**

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

**II. Roll Call**

Present were James Schmidt, John Charleston, Edgar Salazar, Phillip Jordan, Dee Roths, and Deryk Faber. Commissioner Edgar Salazar arrived later, after the vote for Item IV. A. Commissioner Paul Matzek was absent.

**III. Pledge of Allegiance:** Chairman Schmidt led the pledge of allegiance.

**IV. Consent Agenda**

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

**MOTION:** Commissioner Roths moved to approve the minutes of July 11, 2024 as presented. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

**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 127<sup>th</sup> Street East and East 56<sup>th</sup> Street North (5601 North 127<sup>th</sup> Street East).

Chairman Schmidt opened the public hearing. Brad Eatherly, Senior Planner, presented a report and answered questions on behalf of the Wichita – Sedgwick County Metropolitan Area Planning Department, which has also reviewed the request, as the property lies in both the County and Bel Aire’s zones of influence.

The applicant, Robert Phillips, spoke and answered questions from the Commission regarding his business activities.

Michael Moore, 13200 E 55<sup>th</sup> St N, spoke in opposition to the requested zoning. His property is adjacent to the applicant’s property. Among other concerns, Mr. Moore cited truck traffic, noise until 10 or 11 at night, dumping of tree debris, large bonfires, and possible violations of burning permit restrictions on the applicant’s property. Mr. Moore also provided two packets of information to the Commission entitled “Wichita Tree Dump” and “5601 N 127<sup>th</sup> East – Changing Zoning request: Wichita Tree Company L.L.C” [*appended to these Minutes*].

Nadine Smith, 5445 N 127<sup>th</sup> Street E, Wichita, spoke in opposition to the requested zoning. Her property is adjacent to the applicant's property. She cited concerns about brush piles harboring rodents which have infested her property, and large burn piles located within a few feet of her property line which caused lingering smoke in her home for several days.

**MOTION:** Commissioner Faber moved to take a 20 -minute Executive Session. Commissioner Schmidt seconded the motion. ***Motion carried 6-0.***

The Commission then recessed for executive session. At 7:40 p.m. Chairman Schmidt called the meeting back to order in open session. City Attorney Maria Schrock noted that the Executive Session was taken for Attorney-Client privilege, the City Attorney and City Engineer were present and no binding action had been taken.

Pamela Phillips, 6111 Danbury, Bel Aire, Kansas, spoke in favor of the zoning request. She is the mother of the applicant. She has no concerns about safety or traffic on the property.

City Attorney Maria Schrock asked if any Commissioners had reason to be disqualified from consideration of this matter, due to any bias or conflicts of interest. Ms. Schrock asked if any Commission members had received any ex-parte communication prior to this hearing. Commissioner Dee Roths shared that she had some communications with neighbors about this matter, therefore she will not participate in the discussion or vote.

The applicant, Robert Phillips, spoke in response to the public comments and answered questions from the Commission. He stated that there would be no burning under the proposed zoning and the property would only be used for truck parking and a business office.

Chairman Schmidt asked if anyone wished to make further comments. Michael Moore spoke to the Commission again about his concerns about the activities on the subject property.

There being no others requesting to speak, Chairman Schmidt closed the public hearing and requested discussion from the Commission.

The Commission discussed the application in reference to "Golden Factors" of zoning including: the suitability of the property for the uses to which it has been restricted under its existing zoning; the character of the neighborhood; the relative gain to the public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners; conformance with the comprehensive plan; and opinions of other property owners. Commissioners noted potential C-1 growth in the area, the recommendation of the Sedgwick County Planning Department, and the restrictions of the proposed Protective Overlay. Following discussion, Chairman Schmidt requested a motion.

**MOTION:** Chairman Schmidt moved to deny the request for zone change from RR Rural Residential District (RR) to GC General Commercial District (GC) with Protective Overlay (PO) #439 as presented. Commissioner Salazar seconded the motion. ***Motion carried 4-1*** with Commissioner Jordan voting against the motion and Commissioner Roths abstaining from the 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.

Chairman Schmidt opened the public hearing.

Kris Rose, agent for the applicant, presented the preliminary plat and stood for questions from the Commission.

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

The Commission then discussed details of the plat including possible park/greenspace areas, the locations of entrances/exits, and expected traffic in the area.

**MOTION:** Commissioner Jordan moved to approve the Preliminary Plat of Chapel Landing 8th, SD-24-02, as presented with the request that one lot be committed to green space. Commissioner Faber seconded the motion. ***Motion carried 6-0.***

#### **VI. Next Planning Commission Meeting**

**MOTION:** Commissioner Faber moved to approve the date of the next meeting, September 12, 2024 at 6:30 p.m. Commissioner Roths seconded the motion. ***Motion carried 6-0.***

#### **VII. Current Events**

The Commission briefly discussed the recent ballot question that would allow the City to designate its website as the official publication of record. No action was taken.

#### **VIII. Adjournment**

**MOTION:** Commissioner Roths moved to adjourn. Commissioner Jordan seconded the motion. ***Motion carried 5-1.***

(Published at [www.belaireks.gov](http://www.belaireks.gov) on \_\_\_\_\_, \_\_\_\_\_, 2025.)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ESTABLISHING BYLAWS FOR THE  
CONDUCT OF BUSINESS BY THE BOARD OF ZONING  
APPEALS OF THE CITY OF BEL AIRE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

**ARTICLE 1 – CREATION, MEMBERSHIP, AUTHORITY AND DUTIES**

**SECTION 1. CREATION.** Pursuant to City ordinance and state law the Bel Aire City Board of Zoning Appeals, (hereinafter referred to as the “BZA”) was established by Ordinance No. 746 which was published on September 4, 2025.

**SECTION 2. MEMBERSHIP.** The Planning Commission (hereinafter referred to as the “Commission”), which consists of seven members, shall serve as the BZA pursuant to K.S.A. 12-759(g), as amended.

**SECTION 3. ATTENDANCE.** Regular attendance is an important responsibility for membership. Maintaining a quorum for voting purposes is especially important. Any member that absences themselves for three consecutive regular meetings or misses a total of five meetings during a calendar year, the Secretary will provide written notice to the City Manager, and the Mayor who may elect to remove the member.

**SECTION 4. CONFLICT OF INTEREST.** Members of the BZA shall be aware at all times of their responsibility to the citizenry of the City of Bel Aire and to the residents of the surrounding Planning Area and shall refrain from any recommendation or action that would benefit individuals or special interest groups rather than serve the best interest of the entire community. In furtherance of this responsibility, members shall refrain from recommending or acting on any matter before the BZA in which they have, either directly or indirectly, any financial interest or use their influence or position to show favoritism that could lead to the development of a clientele at a later date.

If a member is asked if they have a conflict of interest on a matter before the BZA, that member shall publicly announce the conflict and excuse themselves from the meeting room until the matter has been addressed by the remaining BZA members. If there is a question or a real or perceived conflict of interest, the affected member should contact the Secretary and City Attorney for an interpretation of the situation prior to the meeting.

A member is automatically disqualified when they or their spouse own property in the notification area of a zoning application.

**SECTION 5. AUTHORITY.** The BZA shall discharge such duties, perform such functions and exercise such jurisdiction as are delegated to it from time to time by the Zoning Regulations of the City.

**SECTION 6. COMPENSATION.** Members of the BZA shall serve without compensation for their services; however, the members may request reimbursement for their out-of-pocket expenses including travel when related to attendance at external conferences and/or meetings subject to approval of the Governing Body.

## **ARTICLE II -- OFFICERS, ELECTIONS AND DUTIES**

**SECTION 1. OFFICERS.** The officers of the BZA shall consist of a Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice Chairperson shall be members of the Commission. The Secretary shall be the City of Bel Aire Zoning Administrator and shall provide duties in support of the BZA (K.S.A. 12-745).

**SECTION 2. ELECTIONS.** At the regular Commission meeting in October of each year, the officers shall be nominated and those persons receiving the highest number of votes shall be deemed elected. The officers hold the elected role for both the Commission and BZA concurrently, for one year. Officers shall take office at the next regular scheduled meeting of the Commission and BZA. Officers may serve for more than one term.

**SECTION 3. DUTIES.** The duties of the officers shall be:

1. The Chairperson shall preside over all meetings of the BZA. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the Senior Commissioner (the person serving the longest period of time on the Commission) shall act in the manner and capacity of the Chairperson. The Chairperson shall sign all minutes and other official papers and documents to indicate that they have been approved by the BZA. The Chairperson shall represent the BZA at all meetings with other groups unless another member is designated to perform that function.
2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.
3. The Secretary, or their designee, shall perform the following duties:
  - a. Prepare the minutes of each BZA meeting and submit them to the BZA for approval. BZA meetings are recorded and once the BZA has approved the minutes the recording is deleted. When the Secretary attests to the approved minutes the Secretary is attesting that the votes of the members are accurate from that specific meeting.
  - b. Maintain the official minutes as approved and signed by the Chairperson and the Secretary or their designees and post minutes to the City of Bel Aire website or such other repository as may be established from time to time;

- c. Prepare and distribute agendas for each BZA meeting in coordination with the Chairperson.

### **ARTICLE III – MEETINGS**

**SECTION 1. REGULAR MEETINGS.** Regular meetings of the BZA will be on the second Thursday of every month, unless changed by the BZA. All meetings shall be held in the Council Room of City Hall beginning at 6:30 p.m.; provided, however, that the BZA may vote to adopt another hour, date, or place of meeting. Any such change shall be published for the convenience of persons having business before the BZA.

**SECTION 2. SPECIAL MEETINGS.** Special meetings may be called by the Chairperson or in the Chairperson's absence by the Vice-Chairperson or Senior Commissioner upon written request of any three members of the Commission. When a special meeting is called, reasonable notice as to date, time, place, manner and purpose for the meeting shall be given by the Chairperson at least 24 hours before the meeting by mail, hand delivery or telephone. The announcement of a special meeting at a regular meeting shall constitute notice to those persons present. BZA members and the Governing Body shall be notified by the Chairperson including all persons designated to receive agendas on a regular basis. (See Article III, Section 7 on Agendas.). No items other than those identified in the notice shall be considered at a special meeting.

**SECTION 3. ADJOURNED MEETINGS.** If the business before the BZA is not completed, the BZA by motion may adjourn the meeting or a specific agenda item to a specified date, time and place until the matters on the original agenda or the specified item are acted upon. When such a motion is made known to those persons in attendance, no further notice need be given.

**SECTION 4. OPEN MEETINGS AND CLOSED SESSIONS.** Pursuant to the Kansas Open Meetings Act, all meetings of the BZA except for executive sessions are open to the public. Closed sessions, if deemed necessary, may be held in accordance with the provisions of the Kansas Open Meeting Act. The motion to recess for a closed/executive session shall be placed in the minutes and include (a) a statement describing the subjects to be discussed; (b) the statutory justification for closing the meeting; and (c) the time and place at which the open meeting will resume, all in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.* In such closed sessions, no binding vote or action may be taken.

**SECTION 5. WORKSHOP SESSIONS.** The BZA may meet at a regular or special meeting in a workshop session for a general discussion on one or more topics or for a training session; however, the Kansas Open Meetings Act applies, and no binding action may be taken. While regular minutes are not required, a record of attendance and a summary of the subject(s) discussed should be made.

**SECTION 6. QUORUM.** A quorum for the conduct of business shall be four members. In the absence of a quorum at any meeting the presiding officer after consultation with the members present may announce the meeting will not take place. The presiding officer will wait ten (10) minutes and then make the announcement. The Secretary will note which BZA members were present and note that no action was taken on any of the agenda items. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

If there is a loss of a quorum during a meeting, the presiding officer after consultation with those members present, may adjourn the meeting to a specified date, time and place or similarly table any unheard an agenda item. When such information is made known to those persons in attendance, no further notice needs to be given. The Secretary will note which BZA members left the meeting and note that no action was taken on any of the agenda items yet to be heard. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

Members abstaining from voting may be counted when determining whether a quorum is present; however, members having a conflict of interest or who are disqualified from voting may not be counted as part of the quorum for the item where they have a conflict of interest or are otherwise disqualified from voting.

If a majority of BZA members have a conflict of interest on a specific agenda item, they will request that the Governing Body hear the item in a public hearing format. The agenda item will require renotification to all required individuals.

**SECTION 7. AGENDAS.** The Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and to have it posted on the City of Bel Aire website with the link shared, via email, to the BZA members in advance of the meeting. Copies of the agenda shall be posted to the City of Bel Aire website, or such other repository as may be established from time to time and be furnished to each party having an item on the agenda and to any person requesting an agenda or a notice of the date, time and place of a regular or special meeting of the BZA under the Kansas Open Meetings Act. K.S.A. 75-4318 (b) and(d). Any member of the BZA may place items on the agenda by advising the Secretary, or their designee, no later than noon on the seventh day preceding the next regular meeting. If the number of applications received creates an unduly long BZA meeting, the Secretary may carry over such items on a first-come, first-served basis to the next BZA meeting unless already advertised for public hearing.

**SECTION 8 RECORDING OF MEETINGS.** The Secretary or their designee shall keep complete records of all proceedings of the BZA. The Secretary or their designee shall prepare and maintain permanent minutes to be available for public view. Minutes shall be posted on the City of Bel Aire website or may be furnished to all persons or bodies making such a request to the Secretary or City Clerk. The Secretary or City Clerk may make such charges as are necessary to recover the cost of making such copies.

## **ARTICLE IV – CONDUCT OF MEETINGS**

**SECTION 1. ORDER OF BUSINESS.** The general order of business shall be as follows unless otherwise decided by the Commission:

- a. Call to Order
- b. Roll call
- c. Pledge of Allegiance to the American Flag
- d. Consent Agenda
- e. Approval of the Agenda
- f. Approval of the minutes
- g. Announcements
- h. Old and New Business
- i. Staff reports
- j. Public hearings
- k. Approval of Next Meeting Date
- l. Current Events- Upcoming Agenda Items and Events
- m. Adjournment.

Off-agenda items may be added to the agenda and scheduled items may be removed from the agenda at the beginning of a regular meeting by motion approved by a majority of the Commission members present and voting. No items may be added to the agenda of the special meeting.

**SECTION 2. APPEARANCE BEFORE THE COMMISSION.** When a public forum or public hearing is held, applicants and petitioners or their representatives and members of the community at large or individuals or their representative who feel that they will be affected by any action of the BZA may appear to present views and statements either for or against agenda items. Personal appearance before the BZA is recommended; however, written communication may be submitted to the BZA. The BZA may at their discretion to table postpone items coming before the BZA if the applicant or petitioner is not present and has not submitted written communication.

**SECTION 3. ACTIONS.** In all formal matters, the BZA shall act by motion unless an ordinance or resolution is required by law or governmental regulations. All notices required by law to be given by publication including those for public hearings shall be published in the officially designated city newspaper. Substantive motions before the BZA shall be restated by the presiding officer before a vote is taken. Every motion on a substantive matter shall set forth reasons based on the discussion. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

**SECTION 4. VOTING.** Unless otherwise provided by state law or by ordinance of the City, the BZA shall act by a majority vote of the members present and voting. A record of all proceedings of the BZA shall be kept. Voting shall be by individual voice “Aye” or “Nay” ballot, written ballot or show of hands; shall be tallied and the results determined by the presiding officer. In the event of a tie or a divided vote, see Article IV, Section 5 paragraph 8 and 9.

**SECTION 5. PARLIAMENTARY PROCEDURE.** All meetings of the BZA shall be conducted in accordance with the current edition of Robert’s Rules of Order-except insofar as modified by these Bylaws and procedures adopted by the BZA, unless otherwise required by state law:

1. A second shall be required for all motions.
2. The presiding officer shall have the right to make motions and to second motions without vacating the chair.
3. Substitute motions may be made for prime motions provided that substitute motions are voted on before the prime motion. Substitute motions shall be made only once and shall be debatable only if the prime motions were debatable. A substitute motion may be made without the consent of the maker of the prime motion.
4. Motions to reconsider any items shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall only be considered at the same meeting at which the item was decided.
5. The BZA may suspend the rules provided that: (a) the motion to suspend the rules takes precedence over other prime motions; (b) the motion shall state the specific purpose and rule to be suspended; (c) no such motion shall be considered approved unless the length of time such suspension will be in effect has been specified; (d) the motion shall be approved by a majority of the quorum; and no suspension of the rules shall be considered permanent.
6. If participation from the floor (audience) is repetitious; or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not reasonably permit further participation, the presiding officer may reduce their speaking time to five minutes or something less. Those persons speaking on a given item from the floor should first be recognized and then address their remarks to the presiding officer. Each member of the BZA may speak to an issue as many times as may be desired.
7. The presiding officer shall have the right to vote. If the officer chooses not to vote, he or she shall automatically be considered to have abstained from voting.
8. When a divided vote occurs, the presiding officer shall call for a roll-call vote. The Secretary shall enter into the minutes the result by name of all roll-call votes.

9. Any member abstaining or remaining silent on a vote shall be considered to have voted with the majority vote of those who voted; provided that, such member does not have a conflict of interest or bias in the matter that would otherwise disqualify them from voting. In the event of an equally divided vote, the vote of a member abstaining or remaining silent is not to be counted. Members who do abstain or remain silent on a vote are still counted as present in determining a quorum.
10. Members shall automatically be disqualified from voting when they or their spouse own property in the area of notification for a zoning application. Such abstention shall not prevent them from signing a protest petition or appearing before the BZA to speak on the zoning application. When a member is disqualified from voting, they cannot be counted as present for the quorum.
11. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless it is overruled by a majority vote of the entire membership of the BZA.

## ARTICLE V – HEARING PROCEDURES

**SECTION 1. INTENT AND PURPOSE.** It is the intent of the BZA to hold fair and impartial hearings on all matters requiring a public hearing at which adequate legal notice has been given to all concerned parties. The purpose of such hearings is to make it clear that decisions are based on the relevant evidence presented and that well organized hearings and procedures will lead to legally defensible decisions which are not arbitrary, discriminatory or unreasonable. To ensure fairness, the hearing room should be able to accommodate all persons wishing to attend and to enable them to properly hear the proceeding.

*Ex parte* contacts, i.e., those contacts in the forms of verbal or written communications outside of a hearing are discouraged. BZA members should (a) come to a hearing favoring neither side; (b) have no personal interest in the outcome other than that shared by the community-at-large; (c) treat both sides fairly and impartially; and (d) base their decision solely on the facts presented as evidence before the BZA. Any facts determined by personal investigation should be reported to the BZA at the hearing as *ex parte* information.

**SECTION 2. ORDER OF PROCEEDINGS FOR PUBLIC HEARINGS.** Proceedings requiring public hearings are considered quasi-judicial proceedings. The latter includes the procedural due process elements of notice and opportunity to be heard in a fair, open and impartial manner. According to K.S.A. 12-757, the BZA must create an accurate written summary of the proceedings for appeals, variances, exceptions and similar matters. This summary should include the evidence presented, findings of fact, and the factors considered in reaching a decision to recommend approval or denial. Additionally, the minutes should reflect the BZA's recommendations and the reasons for those recommendations. The following order of proceedings shall be used for all such public hearings:

1. Determination that a quorum is present.
2. Determination that proper notice has been given.
3. Report of *ex parte* contacts with Commission members.
4. Introduction of application or appeal by staff.
5. Presentation by applicant shall be limited to five minutes unless such time is extended by the commission.
6. BZA and staff question applicant.
7. Public comments on proposed application. Each presenter shall speak no more than once per issue and shall be limited to five minutes unless such time is extended by the BZA.
8. Receipt of written communications or petitions.
9. Applicant presents closing comments, which shall be limited to five minutes unless such time is extended by the BZA.
10. Staff presents closing comments.
11. Public portion of the hearing closed by the presiding officer.
12. BZA deliberations.
13. Review findings and factors on which recommendation is based.

While no further public comments will be received after the hearing is closed, the BZA may question any participant at any time during the proceedings.

## ARTICLE VII – AMENDMENTS TO BYLAWS

**SECTION 1. AMENDMENTS.** The BZA may, by a majority vote of the entire membership thereof, and upon approval by the Governing Body of the City, amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict or in contradiction of any of the laws of the State of Kansas or ordinances of the City of Bel Aire, Kansas. The BZA shall review the Bylaws, no less than every three (3) years to ensure timely and appropriate updates are made if necessary.

Notices of the proposed amendments shall be furnished by the Secretary to all members of the BZA and the Governing Body not less than seven calendar days prior to the meeting at which such amendments are to be considered. A current copy of the Bylaws of the BZA and such amendments thereto as may from time to time be adopted, shall be maintained by the Secretary and filed with the City Clerk

**SECTION 2. ADOPTED.** The above and foregoing Bylaws are hereby adopted as the Bylaws of the City of Bel Aire City BZA and recommended for approval of the Governing Body of the City of Bel Aire, Kansas.

**SECTION 3. SEVERABILITY.**

In the event that any portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this resolution which shall remain in full force and effect.

**SECTION 4. EFFECTIVE DATE**

This resolution shall take effect and be in force from and after its publication in the official city newspaper.

**SECTION 5. REPEALER**

All other resolutions, ordinances, parts of other resolutions or ordinances in conflict herewith are repealed. However, any section of an existing resolution or ordinance not in conflict herewith is not repealed and remains in full force and effect.

*[Remainder of this page intentionally left blank]*

ADOPTED by the Board of Zoning Appeals of the City of Bel Aire, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, 2025.

SIGNED by the Presiding Officer on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF BEL AIRE, KANSAS

\_\_\_\_\_  
Phillip Jordan, Chairperson

ATTEST:

\_\_\_\_\_  
Paula L. Downs, Secretary

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Maria A. Schrock, City Attorney

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

SIGNED by the Mayor on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF BEL AIRE, KANSAS

\_\_\_\_\_  
Jim Benage, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Maria A. Schrock, City Attorney