



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



I. Call to Order

II. Roll Call

James Schmidt ____ John Charleston ____ David Floyd ____

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

III. Pledge of Allegiance to the Flag

IV. Consent Agenda

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

Action: Motion to approve the minutes of July 7th, 2022.

Motion ____ Second ____ Vote ____

V. Old Business/New Business

A. **PUD-22-01.** Proposed changing the current PUD to allow R-6 multi-family zoning and amended parking requirements. (Arthur Heights PUD)

Open hearing

Close hearing

Action: Motion to (recommend / deny / table) changing the PUD to allow R-6 multi-family zoning (with/without) the amended parking requirements as shown on the PUD.

Motion ____ Second ____ Vote ____

B. **ZON-22-02 Preliminary Plat.** Approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. The current use farm ground.

Open hearing

Close hearing

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

Motion _____ Second _____ Vote _____

- C. **ZON-22-02 Final Plat.** Approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. The current use farm ground.

Open hearing

Close hearing

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

Motion _____ Second _____ Vote _____

- D. **PUD-22-02 Winkley Addition Commercial.** Proposed changing the current PUD to reduce building setbacks, remove certain screening requirements and add a fuel tank storage area.

Open hearing

Close hearing

Action: Motion to (recommend / deny / table) amending the PUD for Winkley Addition Commercial to reduce building setbacks, remove certain screening requirements and add a fuel take storage area (with/without changes / conditions).

Motion _____ Second _____ Vote _____

- E. **CASE No. ZON-21-07.** Proposed platting of approximately 14.62 acres of R-4 (Chapel Landing 6th).

Open Hearing

Close Hearing

Action: To (recommend / table / deny) the Final Plat of Chapel Landing 6th (with / without) changes, (and / or) conditions.

Motion _____ Second _____ Vote _____

- F. **ZON-22-04 Rezoning:** Approximately 73 acres zoned AG to M-1 Industrial. Currently used as farmland. Was recently annexed into city. (located directly east of Webb Road, south of Sunflower Commerce Park)

Open hearing

Close hearing

Action: Motion to (recommend / deny / table) the request to re-zone certain recently annexed property along Webb Road, south of Sunflower Commerce Park containing approximately 73 acres from AG to M-1 Industrial use (with / without changes / conditions).

Motion _____ Second _____ Vote _____

VI. Next Meeting: Thursday August 11, 2022 at 6:30 p.m.

Action: Motion to (approve / deny / table) next meeting date: August 11, 2022 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 Commission Staff Report - July 14, 2022



MINUTES PLANNING COMMISSION SPECIAL MEETING

7651 E. Central Park Ave, Bel Aire, KS
July 07, 2022 12:00 PM



I. Call to Order: Chairman Schmidt called the meeting to order at 12:00 p.m.

II. Roll Call

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

Also present were City Engineer Anne Stephens and Jay Cook, Director of Planning and Community Development.

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

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Chairman Schmidt moved to approve the minutes of May 12, 2022. Commissioner Roths seconded the motion. *Motion carried 5-0.*

V. Old Business/New Business

A. ZON-22-03 Zoning. Proposed rezoning from AG to an R-5 for single-family zoning use (Bel Aire Lakes - formerly Sham Way Estates). The current use is farm ground.

Chairman Schmidt opened the public hearing. Mark Savoy, Savoy Company, P.A., presented the zoning request on behalf of the applicant and stood for questions from the Commission. At their May meeting, the Commission discussed a preliminary plat for this property. Mr. Savoy reviewed changes to the proposed subdivision to address the Commission's concerns. The Developer is currently working with the adjoining housing development to work out a few items that affect both properties.

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

The Commission discussed the zoning request in relation to the requirements listed in the City's zoning code, and the commonly accepted "Golden Factors" zoning criteria. The commissioners discussed the character of the neighborhood; the zoning uses of nearby properties and the suitability of the property for the uses to which it is restricted. They found that there would be no detrimental affect to nearby property and the zoning would be consistent with the City's master plan.

MOTION: Commissioner Jordan moved to approve agenda item ZON-22-03, the proposed rezoning from AG to an R-5 (Bel Aire Lakes) for single-family zoning use without changes. Commissioner Matzek seconded the motion. ***Motion carried 5-0.***

- B. **V-22-02.** Vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition.

Tom Goodson, 5125 E 46th ST N, the applicant, spoke to the Commission. He would like to build a garage addition onto his house, so that the current garage could be converted into living space. He and his wife would like to have more first-floor living space, so that they can remain in their home as they age.

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

The Commissioners discussed the application in reference to the zoning regulations in the City Code. They considered the uses of nearby properties, what effect, if any, the vacation might have on neighboring properties, and the reasonableness of the request.

MOTION: Chairman Schmidt moved to recommend vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition without changes. Commissioner Floyd seconded the motion. ***Motion carried 5-0.***

- C. **Election of Planning Commission Chair, July 2022 to June 2023**

MOTION: Commissioner Matzek moved to appoint James Schmidt as Chair of the Planning Commission, term ending June 2023. Commissioner Floyd seconded the motion. ***Motion carried 5-0.***

- D. **Election of Planning Commission Vice-Chair, July 2022 to June 2023**

MOTION: Commissioner Matzek moved to appoint Phillip Jordan as Vice-Chair of the Planning Commission, term ending June 2023. Chairman Schmidt seconded the motion. ***Motion carried 5-0.***

VI. Approval of the Next Meeting Date

MOTION: Commissioner Floyd moved to approve the next meeting date: July 14, 2022 at 6:30 p.m. Commissioner Jordan seconded the motion. ***Motion carried 5-0.***

VII. Current Events – The Commission briefly discussed the agenda for the next meeting.

VIII. Adjournment

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

The meeting adjourned at 12:44 p.m.



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



ORDINANCE 642 PUD REVISION SUBMITTAL REVIEW

Address of proposed project: LOTS 4, 5, 6, AND A PORTION OF LOT 7, BLOCK 1, ARTHUR HEIGHTS ADDITION.

This report is to document that on 5.31.22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- | | |
|---------------------------------------------------------------|--------------------------------------------------------------|
| <input checked="" type="checkbox"/> SETBACKS | <input type="checkbox"/> ELEVATIONS |
| <input checked="" 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 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-if a new site plan to reflect SCFD's requirements can be met by May 4th
- ☐ DENIED, as noted

DATE 5/31/22

Keith Price
REVIEWED BY

Comments:

Bel Aire received the application 4.1.5.22 with the remittance and site plans.

Ordinance 642 is posted on the city web site www.belaireks.gov. This process will alter the PUD if changes are approved. A new ordinance document would then be created to reflect the changes to Ordinance 642. Housing that meets R-5 zoning can be built by right at 6 units per acre that meets Bel Aire city code.

This site plan is submitted to alter portions of lots 6 and 7; although the PUD includes part of lot 5 and lot 4. Any general rule in the zoning code related to R-6 can be altered by the city council.

The city staff has met with two different neighbors within the 200' area of notification. The new notification has gone out to announce June 16, 2022 as the date for the public hearing. The emailed listed and comments and questions have been added with answers from the first message in red.

Revised PUD-(preliminary or final)

- The parking less than the city general code. *We would like to ask the Planning Commission to approve 1.5 parking spaces per dwelling unit as shown on the most recent site plan.*
- The fire chief did want the fire lanes marked as “no parking”, this would go a long way to help with approval. *Yes, we would agree to the no parking markings in the fire lanes.*
- How will vehicles be handled based on per unit? *We propose that parking stalls be marked for the corresponding units and visitor stalls be marked.*
- City engineer drainage review; okay? *The drainage concept has been sent to the City of Bel Aire and we are awaiting comment.*
- Did you resend a copy to Evergy? *Evergy has approved the revised site plan.*
- Parking lot lighting is required for parking lots over 20 spaces in multi-family developments per the code. A plan must be submitted to include a point by point photometric.
- A landscape plan is required. During the initial meeting we expected green space or community space.
- The other question is related to screening between the single-family residential uses- site plan doesn't show any screening, the landscape layout general rule is 1 tree per building, plus street trees and screening landscape. The utility easement does hinder the ability to build or plant. This will be another area to discuss as exception to the rule. The Comp plan indicates this is commercial-screening is required; R-6 is a residential use.
- The proposed 8' fence is located in the depicted easement and would require another exception to the general rule as this meets the definition of a structure in the Zoning code.
- To build across lot lines the lots would require the lots to be merged at the county level or as another exception to allow building across property lines.
- The document to amend Ordinance 642 would need to alter the portion covered by the site plan and leave intact the remainder as part of the new ordinance.
- Agreement final review subject to City Attorney review.
- http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

\$210.00
4-15-22

PUD-22-01

PUD Ap

Section V, Item A.

Page 9 of 9

16. Chapter 5 of the Zoning Code has a more detail regarding Applications and procedures. A final PUD must contain:

- a. Deeds of Dedication
- b. Copy of all covenants part of the preliminary PUD
- c. Evidence of ownership, financial and administrative ability as required by the terms of the preliminary PUD
- d. Evidence of satisfaction of any stipulation of the preliminary PUD
- e. Evidence of platting consistence with the Zoning Ordinance 418 and the PUD

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 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: _____ to _____
- ☒ Amendments to Change Zoning Districts ARTHUR HEIGHTS ADDITION PUD
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner RKR, LLC (ATTENTION RUSS RELPH)

Address 8550 NW PARALLEL ST. KS Telephone 316-993-4663

Agent representing the owner GARVER, LLC (ATTENTION WILL CLEVENGER)
1995 MIDFIELD RD.

Address WICHITA, KS 67309 Telephone (316) 221-3027

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

2. The application area contains 2.34 acres.

3. This property is located at (address) N/A which is generally
located at (relation to nearest streets) NORTHWEST OF 45TH ST. N. & WOODLAWN.

4. County control
number: 00271636

5. 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.

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 RKR, LLC (MEMBER ATTN: RUSS RELPH) Phone 316-993-4663
Address 8550 NW PARALLEL ST, TOWANDA, KS Zip Code 67042

Agent GARVER, LLC (ATTN: WILL CLEVINGER) Phone 316-221-3027
Address 1995 MIDFIELD RD, WICHITA, KS Zip Code 67209

2. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

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


Applicant's Signature

BY

Authorized Agent (If Any)

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

PUD Amendment Description

Lot 6, Arthur Heights, Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southeast Corner of said Lot 6; thence West along the South line of said Lot 6, 165.92 feet to the Southwest corner of said Lot 6; thence North along the West line of said Lot 6, 10.00 feet; thence East parallel with said South line, 14.90 feet; thence Northeast, 100.00 feet to a point 35.00 feet North of said South line; thence East parallel with said South line, 54.15 feet to the East line of said Lot 6; thence South along said East line, 35.00 feet to the point of beginning; TOGETHER WITH Lot 7, Arthur Heights, Sedgwick County, Kansas, EXCEPT that part of Lot 7 described as follows: Beginning at the Southwest corner of said Lot 7; thence northerly, on the West line of said Lot 7 a distance of 181.61 feet; thence easterly to a point on the East line of said Lot 7, said point being 179.83 feet north of the Southeast corner of said Lot 7; thence southerly, on said East line, a distance of 179.83 feet to said Southeast corner; thence westerly on the South line of said Lot 7, a distance of 204.08 feet to the point of beginning.

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lot 6, EXC that part begin at SE corner of Lot 6, th. W 165.92' to SW corner thereof; th. N 10'; th. E 14.9'; th. NEly 100' to point 35' N of said S line; th. E 54.15' to E line of said Lot 6; th. S along E line 35' to begin; & Lot 7, EXC begin at SW corner of Lot 7, th. N 181.61'; th. E to E line; th. S 179.83'; th. W 204.08' to begin Subject Property	Arthur Heights Addition	RKR, LLC 8550 NW Parallel St. Towanda, KS 67144
Lot 3	"	Annetta L. Ziller & Wayne R. Ziller 160 E. Rancho Vista Way Cottonwood, AZ 86326
Lot 4	"	Truly Blessed, LLC 1542 Graystone Wichita, KS 67230
Lot 5	"	Higher Grounds, LLC 1606 Grandview Dr. Garden City, KS 67846
Begin at the SE corner of Lot 6, th. W 165.92' to SW corner thereof; th. N 10'; th. E 14.9'; th. NEly 100' to point 35' N of said S line; th. E 54.15' to E line of said Lot 6; th. S along E line 35' to begin	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226
That part of Lot 7 begin at SW corner, th. N 181.61'; th. E to E line; th. S 179.83'; th. W 204.08' to begin	"	Carol L. Russell 6218 E. 45 th St. Bel Aire, KS 67220
Lot 8	"	Gary A. Jantz 6200 E. 45 th St. Bel Aire, KS 67220

Lot 9	“	Twila A. Bleam & Carrie A. Unruh & Daniel E. Bleam & Jill A. Bleam 4630 N. Hillcrest Bel Aire, KS 67220
Lot 10	“	Dennis D. & Cheryl R. McCallum Revocable Living Trust 4650 N. Hillcrest Wichita, KS 67220
Lot 11	“	Maxine Diane Martin 4700 N. Hillcrest Bel Aire, KS 67220
Lot 2, Blk 3	North Woodlawn Addition	James Williamson 6210 E. Woodlow Dr. Bel Aire, KS 67220
Lot 3, Blk 3	“	Melissa A. Dillon 6220 E. Woodlow Dr. Bel Aire, KS 67220
Lot 4, Blk 3	“	Connie A. Row 6230 E. Woodlow Dr. Bel Aire, KS 67220
Lot 1, Blk 1	North Woodlawn Second Addition	Kevin D. & Barbara J. Lorance Revocable Trust 6240 E. Woodlow Dr. Bel Aire, KS 67220
Lot 2, Blk 1	“	Burris Valley Ranch, Inc. 7300 N. Comanche Ave. Oklahoma City, OK 73132

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described lots within a 200 foot radius of:

Lot 6, Arthur Heights Addition, Sedgwick County, Kansas, EXCEPT that part described as beginning at the Southeast corner of said Lot 6; thence West along the South line of said Lot 6, 165.92 feet to the Southwest corner of said Lot 6; thence North along the West line of said Lot 6, 10.00 feet; thence East parallel with said South line, 14.90 feet; thence Northeast, 100.00 feet to a point 35.00 feet North of said South line; thence East parallel with said South line, 54.15 feet to the East line of said Lot 6; thence South along said East line, 35.00 feet to the point of beginning; TOGETHER WITH Lot 7, Arthur Heights Addition, Sedgwick County, Kansas, EXCEPT that part of Lot 7 described as follows: Beginning at the Southwest corner of said Lot 7; thence northerly, on the West line of said Lot 7 a distance of 181.61 feet; thence easterly to a point on the East line of said Lot 7, said point being 179.83 feet north of the Southeast corner of said Lot 7; thence southerly, on said East line, a distance of 179.83 feet to said Southeast corner; thence westerly on the South line of said Lot 7, a distance of 204.08 feet to the point of beginning.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 8th day of March, 2022, at 7:00 A.M.

Security 1st Title LLC

By: JoAnn Childers
Licensed Abstracter

Order: 2508842
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 21st day of April, 2022, with subsequent publications being made on the following dates:

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

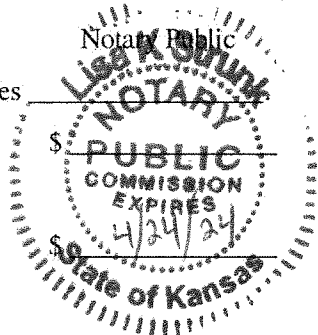
[Signature]
Subscribed and sworn to before me this 21st day of April, 2022.

[Signature]

My commission expires _____

Additional copies \$ _____

Printer's fee \$ _____



Public notice

(Published in the Ark Valley News on April 21, 2022.)
OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on May 12, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning/PUD 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:

PUD-22-01. Proposed changing partial zoning within the current PUD to allow R-6 multi-family housing. Arthur Heights PUD
Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General Location: E 45th and N 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 18 day of April, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

(OWNER OF LOT 5, ARTHUR HEIGHTS)

Section V, Item A.

Clevenger, William K.

From: Donny Huber <highergroundsgc@gmail.com>
Sent: Tuesday, April 12, 2022 2:58 PM
To: Clevenger, William K.; Brew Crew
Subject: Re: PUD Amendment at 45th Street North and Woodlawn
Attachments: image001.png

I am agreement to the amendment as long as this item is satisfied:

Construct and maintain an eight foot privacy fence on their property.

Let me know if you have any questions.

On Thu, Apr 7, 2022 at 11:48 AM Clevenger, William K. <WKClevenger@garverusa.com> wrote:

Hello Donny,

Thank you for taking my call this morning. Attached is the preliminary drawing we have created for the amendment of the Planned Unit Development. Please let me know if you have any questions or concerns. If you like our concept, would you respond to this email describing your support for the project?

Thank you,



William Clevenger, PS

Project Surveyor
Survey Team

📞 316-221-3016

📠 316-833-8426



Donny & Lindsay Huber
Higher Grounds LLC dba Scooter's Coffee

SITE PLAN FOR PART OF LOTS 6 AND 7,
ARTHUR HEIGHTS ADDITION
BEL AIRE, SEDGWICK COUNTY, KANSAS
AMENDMENT TO ORDINANCE 642
PLANNED UNIT DEVELOPMENT

- CONDITIONS:
1. The site shall be developed in General Conformance with the Developer's Agreement.
 2. All site lighting shall be directed downward and shielded from adjacent residential areas.
 3. A Drainage Plan shall be required and approved by the City Engineer as a condition of the Building Permit.
 4. All Allowed Conditional Uses shall be subject to the submission of a site plan for approval in accordance with Article 5.03E of the Zoning Code.

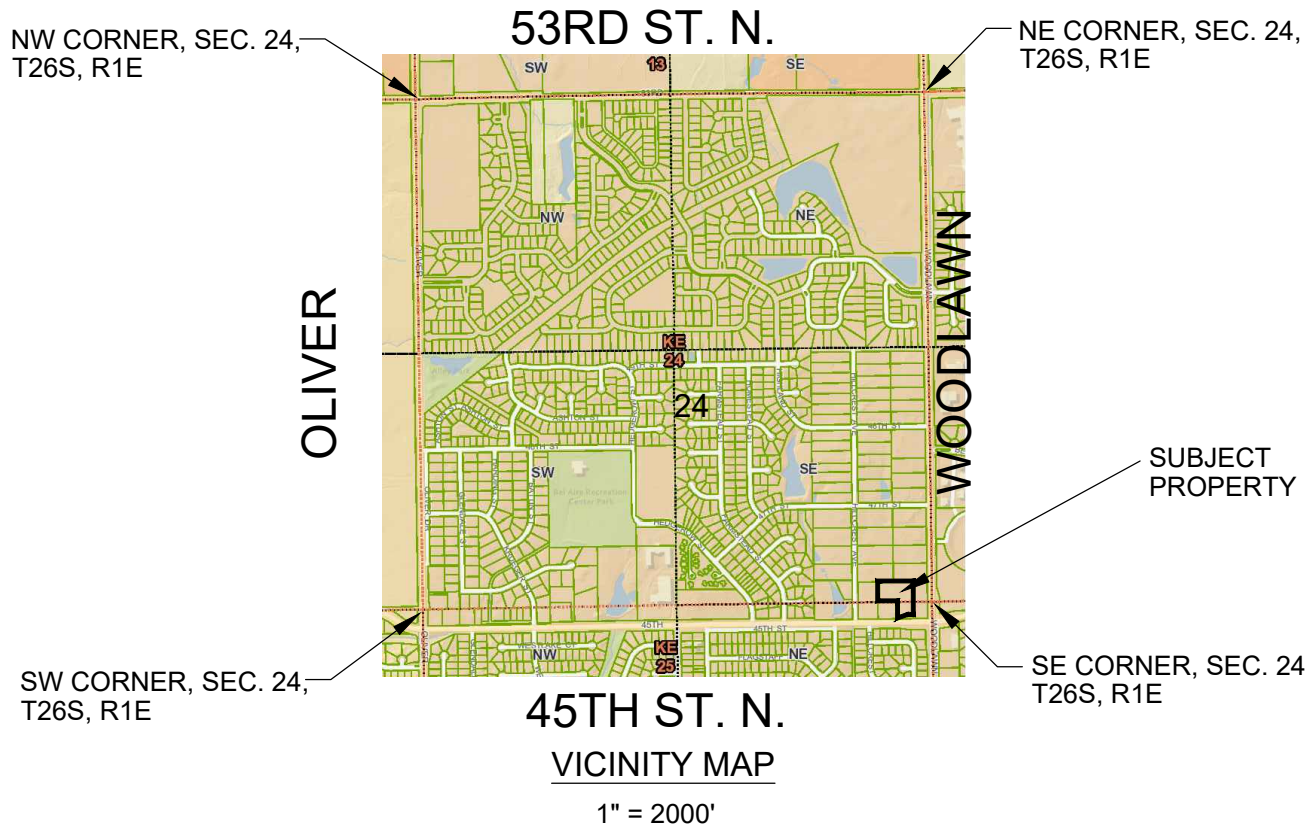
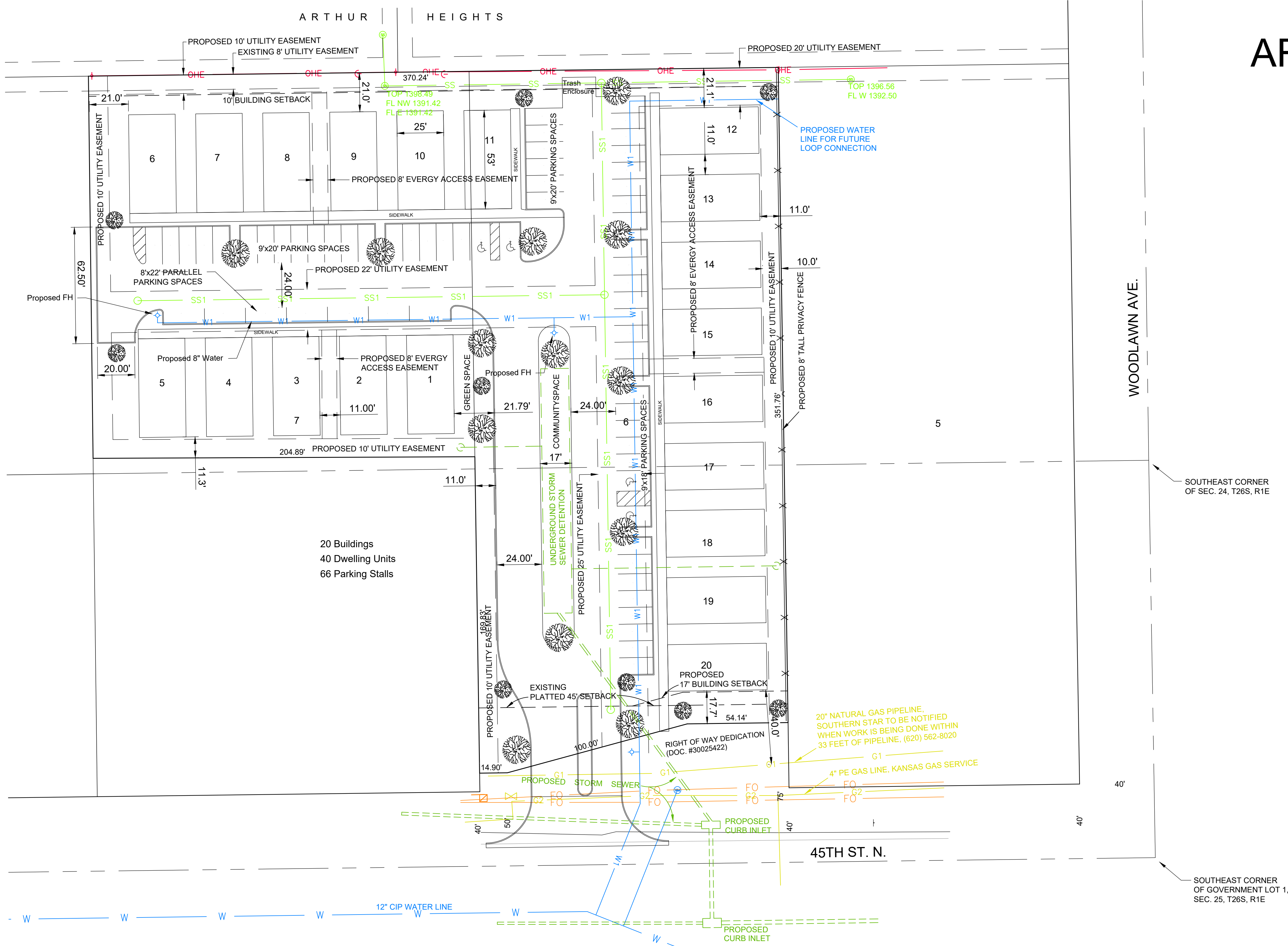
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Proposed Zoning - R-6
Proposed Uses - Those uses permitted by right in the R-6 Zoning District.

Owner:
RKR, LLC
Attn: Russ Relph
8550 SW Parallel St.
Towanda, KS 67144

Area: 2.34 Acres
101,997.8 Sq. Ft.

LEGEND	
	PROPOSED 8' PRIVACY FENCE
	SANITARY SEWER (BEL AIRE)
	GAS LINE (SOUTHERN STAR CENTRAL)
	GAS LINE (KANSAS GAS SERVICE)
	WATER MAIN (CITY OF BEL AIRE)
	OVERHEAD ELECTRIC (EVERGY)
	UNDERGROUND FIBER OPTIC (AT&T)
	POWER POLE (EVERGY)
	SANITARY SEWER MANHOLE
	GAS VALVE
	TELEPHONE PEDESTAL
LEGEND (PROPOSED UTILITIES)	
	PROPOSED FIRE HYDRANT
	PROPOSED PRIVATE SANITARY SEWER
	PROPOSED WATER

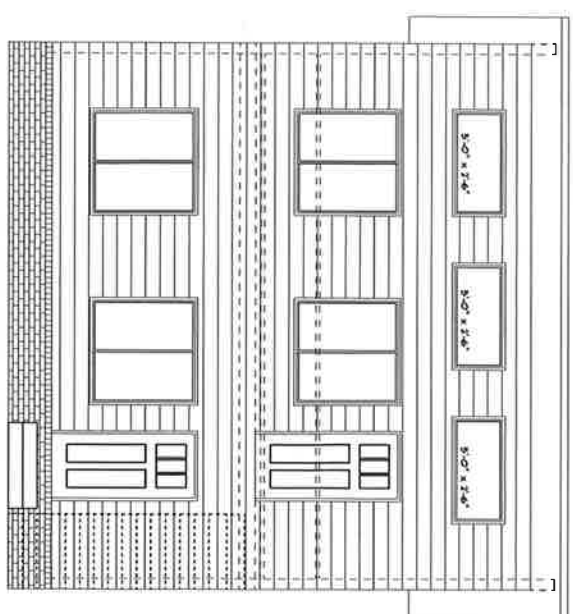
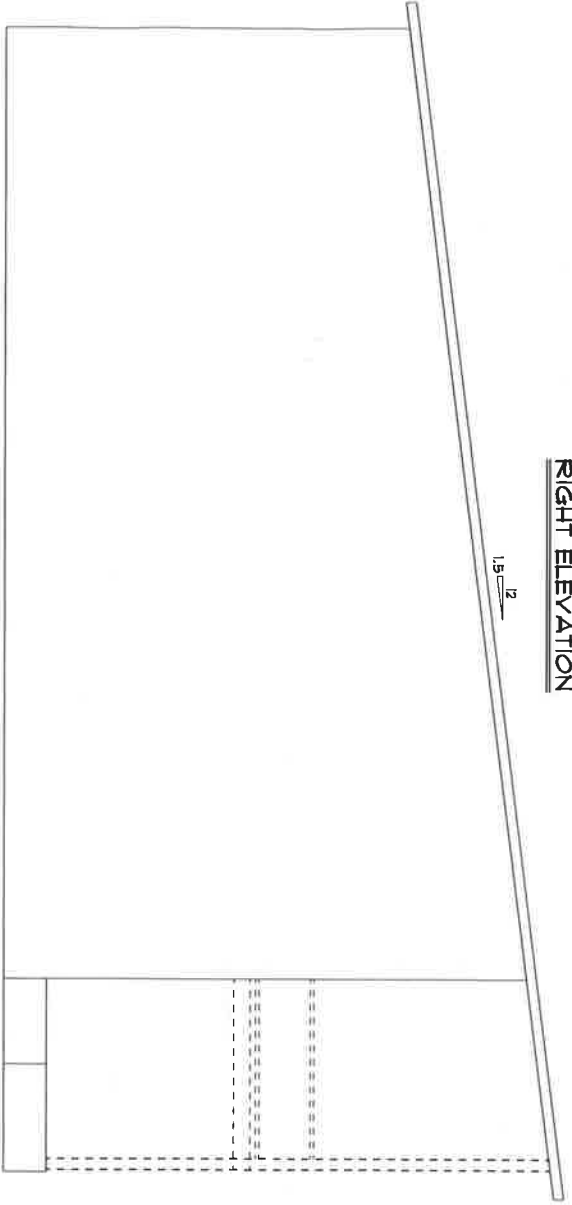
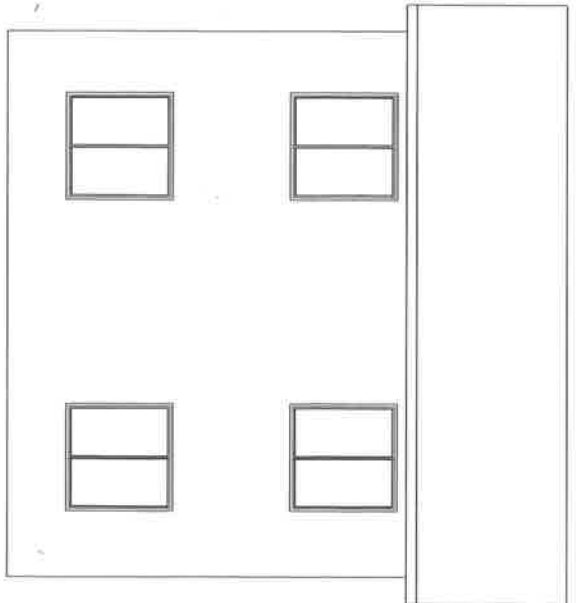
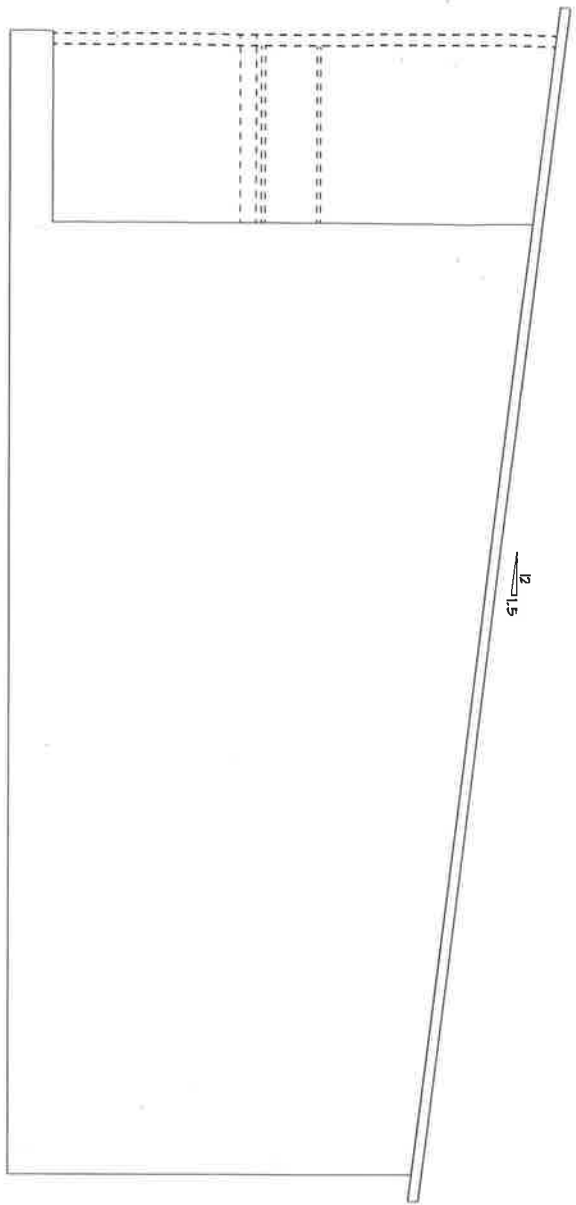


BENCHMARK:
CHISELED SQUARE WITH DIVOT ON THE CONCRETE
TRANSFORMER PAD IN LOT 2, BLOCK 1, NORTH
WOODLAWN SECOND ADDITION, SEDGWICK COUNTY,
KANSAS, 91' W. AND 72' S. OF THE CENTER OF
INTERSECTION OF 45TH ST. N. AND WOODLAWN
ELEVATION = 1393.91 (NAVD88, G18)

DWG FILE: 22S04005 SURVEY BASE
PROJECT NO. 22S04005
MAY 16, 2022

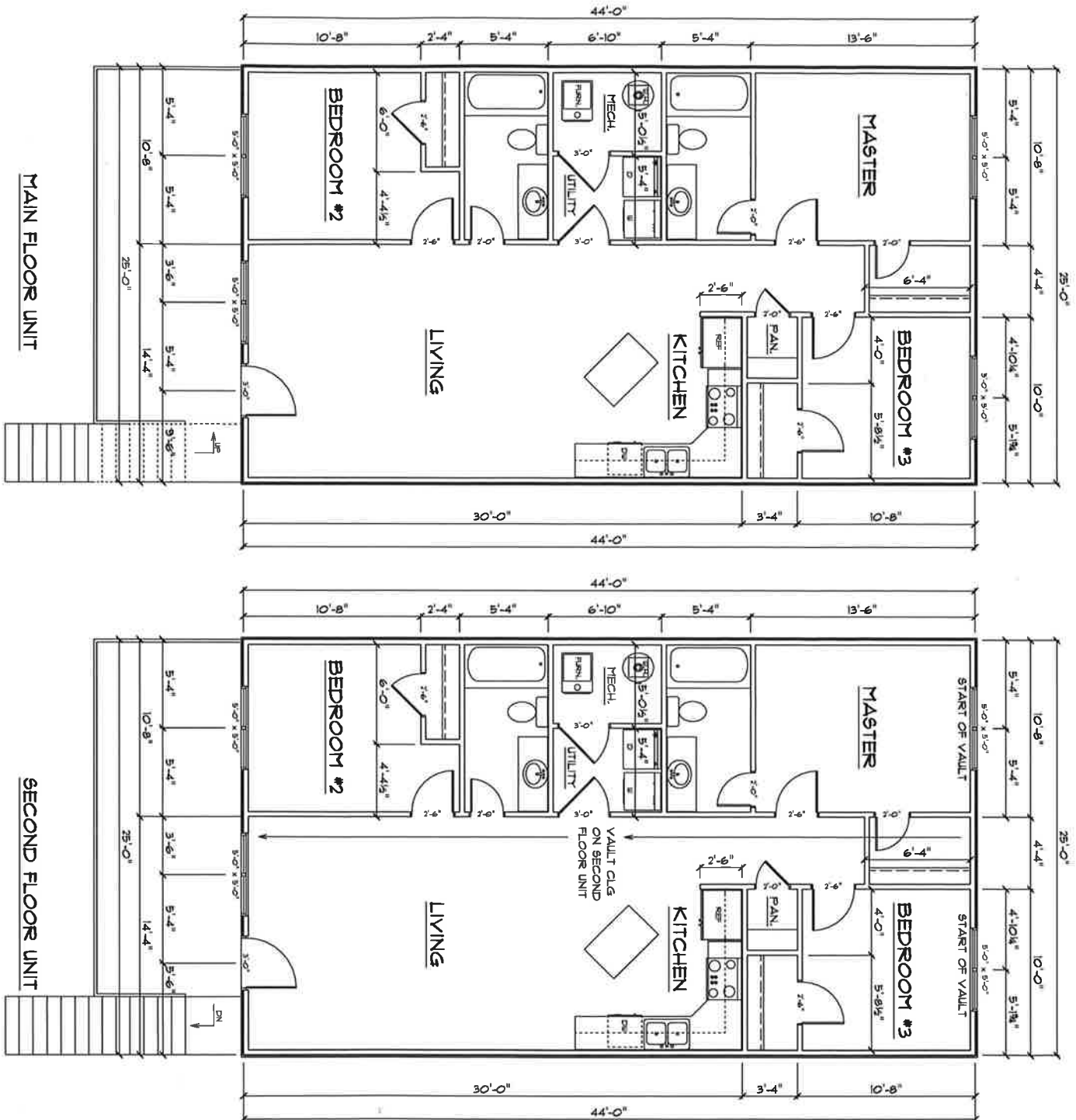


GARVER
1995 MIDFIELD RD.
Wichita, KS 67209
(316) 264-8008
www.GarverUSA.com

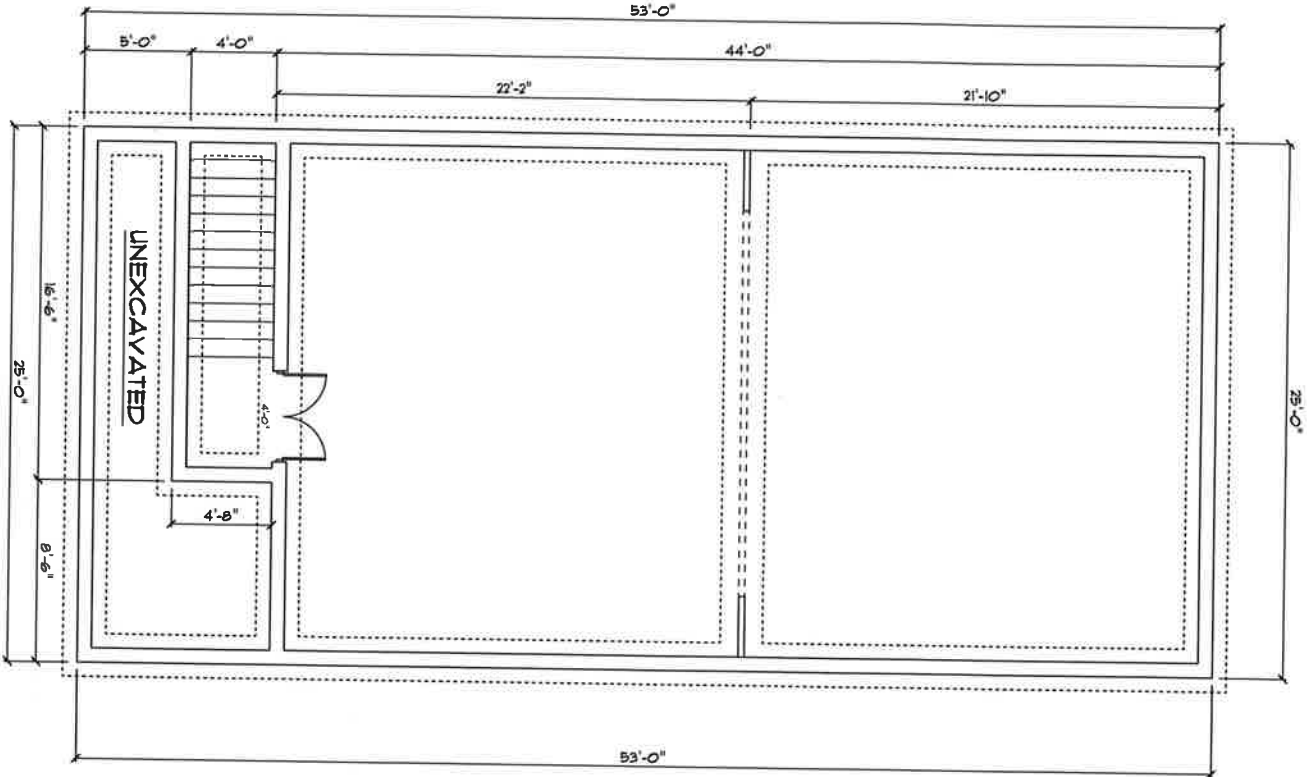


also
10610-12 Kinkard
Cedar Creek

RJ Castle Custom Homes		
Elevation	Conceptual Only	Scale: 1/4" = 1'
Plan: RJ20201023		
Plan Date: 10/23/2020 Sheet No: 3 of 3		



RJ Castle Custom Homes		
Floor Plan	Ceilings: 8' except where noted	Scale: 1/4" = 1'
Plan: RJ20201023	Plan Date: 10/23/2020	
Sq Ft: 1117 Per Unit	Sheet No: 2 of 3	
Sq Ft: 2234 Total		



RJ Castle Custom Homes		
Basement	Walls: 8'	Scale: 1/4" = 1'
Plan: RJ20201023		
Plan Date: 10/23/2020	Sheet No: 1 of 3	

(Published once in Ark Valley News on May 19, 2022.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on June 16, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning and re-platting hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

ZON-22-03. Proposed re-zoning from AG to an R-5 for single-family zoning Use. Sham Way Estates development. 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: 1/4 mile N of E 53rd St N and West of Webb Road




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

DATED this 16 day of May, 2022.

/s/ Anne Stephens

Bel Aire Planning Commission Secretary

8535 E. 21st Street North
Suite 130
Wichita, Kansas 67206


<u>GROUND COVERS</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SPACING</u>
	34,243 sf	Seeded Turf	Kansas Premium Fescue Seed	N/A
	6,115 sf	Turf	Buffalo Sod	N/A
	389	Vinca minor	Common Periwinkle	24" o.c.

REV.	DATE	DESCRIPTION	BY



ARTHUR HEIGHTS PUD
AMENDMENT
DRAINAGE CONCEPT

JOB NO.:
DATE:
DESIGNED BY:
DRAWN BY:

0  1"
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER

L-101

SHEET NUMBER



Property Location:	45th and Woodlawn	
Current Zoning:	R-6 Multi-Family District	
Parcel Size:	102,104 S.F. (2.34 ACRES)	
<u>ITEM</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
Street Trees:	1 Tree	3 Trees
Parking Lot Landscape Island:	1 Tree/Island (8)	10 Trees
Interior Rear/Side Yard Buffers:	Not Required	1 Tree / 30 L.F.
North Property Line (371' / 30= 12.3)	13 Trees	11 Trees
South Property Line (205' / 30= 6.8)	7 Trees	7 Trees
East Property Line (352' / 30= 11.7)	12 Trees	8' Privacy Fence
N West Property Line (206' / 30= 6.8)	7 Trees	11 Trees
S West Property Line (178' / 30= 5.6)	6 Trees	4 Trees
Interior Trees:	1 Tree per Dwelling Unit (40)	52 Trees (not including parking lot trees)

1

ARTHUR HEIGHTS LANDSCAPE CONCEPT

SCALE: 1" = 30'

8535 E. 21st Street North
Suite 130
Wichita, Kansas 67206

REV.	DATE	DESCRIPTION	BY

City of
Bel Aire
www.belaires.gov

CITY OF BEL AIR
KANSAS

JOB NO.:
DATE:
DESIGNED BY:
DRAWN BY:

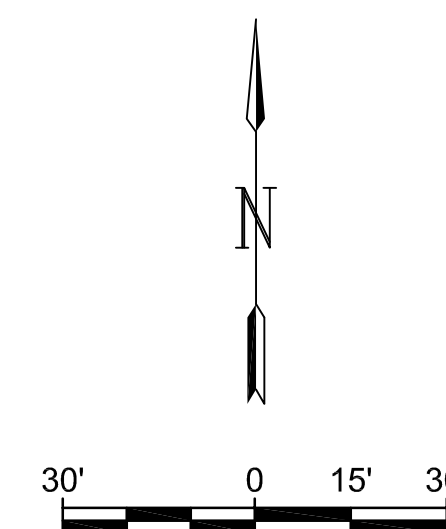
BAR IS ONE INCH ON
ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET
ADJUST COALES ACCORDINGLY


DRAWING NUMBER

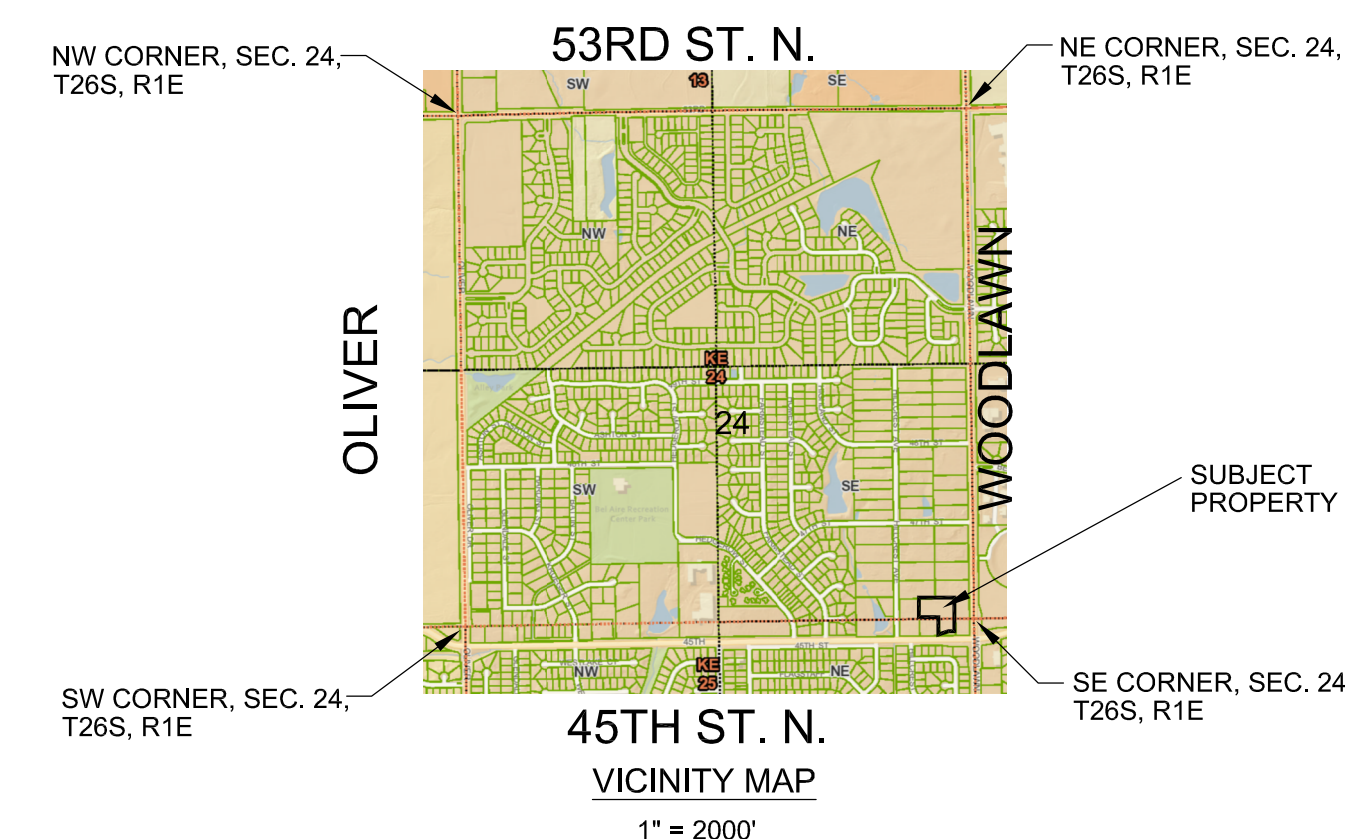
SHEET
NUMBER

The site plan illustrates a residential development in Arthur Heights, featuring 20 lots arranged in two main rows. The northern row contains lots 6 through 11, and the southern row contains lots 1 through 5. To the east of these are two vertical rows of lots, with the western row containing lots 12 through 17 and the eastern row containing lots 18 through 20. The plan includes various utility lines: a 12" CIP water line running horizontally at the bottom, a 20" natural gas pipeline running vertically on the right, and a 4" PE gas line running horizontally at the bottom right. Proposed utilities include a 22" utility easement running horizontally between the two rows of lots, and a 26" utility easement running vertically between the two vertical rows of lots. Setbacks are indicated for several lots, including a 10' building setback for lots 6-11 and a 17' building setback for lot 20. Easements include a 10' utility easement along the western boundary, a 20' utility easement along the northern boundary, and an 8' evergreen access easement for several lots. Other features include a proposed inlet, a proposed SWS (Storm Water Storage), a proposed curb inlet, and a proposed 8' tall privacy fence along the eastern boundary. The plan also shows existing features like a trash enclosure and a flume under a walkway. Elevation points are noted at various locations, such as TOP 1398.49, FL NW 1391.42, and TOP 1396.56, FL W 1392.50. The plan is titled 'ARTHUR HEIGHTS' and includes a north arrow pointing towards the top right.

1. Final storm sewer, hydraulic and hydrologic data and other information will be provided prior to final plat approval.
2. The on-site soils are Rosehill Silty Clay (Hydrologic Soil Group D).
3. Underground Detention will be provided under the proposed grassed median. The Final Drainage Plan will identify the proposed type of detention (storm chambers, boxes or pipes, gravel beds with perforated pipes or storm vaults).
4. Hydroexcavation in coordination with Southern Star will be performed to determine best means for SWS crossings.
5. Flumes to be added under sidewalks as necessary to carry drainage from between buildings out to pavement.



 **BENCHMARK:**
 CHISELED SQUARE WITH DIVOT ON THE CONCRETE
 TRANSFORMER PAD IN LOT 2, BLOCK 1, NORTH
 WOODLAWN SECOND ADDITION, SEDGWICK COUNTY
 KANSAS, 91' W. AND 72' S. OF THE CENTER OF
 INTERSECTION OF 45TH ST. N. AND WOODLAWN
 ELEVATION = 1393.91 (NAVDS88, G18)





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



PLAT REVIEW

Address of proposed project: Elk Creek 3rd preliminary and final plat revisions

This report is to document that on 5.24.22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

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

The review of the above property plan has been:

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

DATE 5/23/22

Keith Price
REVIEWED BY

Comments: The rezoning was approved by city council by ordinance 687. The case number will stay the same for the revisions. City engineer's review will be separate, reach out to Anne Stephens. The planning commission meeting was moved to June 16, 2022 for this part of the process at the normal meeting time and place. The cut off for new revisions is June 8, 2022 in the morning.

Preliminary plat-

- Everyg has reviewed the revision and made correction.
- SCFD has approved the revised plat based on an email, dated 5/10/22, from the fire Chief Robert Timmons, and will need the proposed fire hydrant locations submitted when that information is available for their approval.
- The north edge of the development appears to be over the edge of the pond, part of the courtyards at elk creek. The Elk Creek development of the original plat with the developer's agreement and the release of declaration for a portion of the Elk Creek may have created issue after the bankruptcy of the developer. The city staff has been directed to reach out to the HOA's for comments. Have you reached out to the HOA's of record for the abutting developments?

Final plat-

- Covenants should be provided to city council for approval. Developer's agreement should be approved with the final plat. Lot closures statement. Petitions are to be filed with the final plat.
- The plat should indicate the rear yard setback and side yard setback information. The president set is to allow one side yard to be 6' at the foundation and the opposing side to be a zero-lot line. The rear yard to be 25' building setback, (easements will take care of most of that issue). All city approved accessory structures will be at 6' setback. Lot coverage should be listed by percentage based on the drainage plan. City general code is 30% lot coverage. 30% coverage with the 7,000 square foot lot would include the driveway, patio, sidewalk, house, and garage on a typical home. This would place the property at 1,200+ square feet house with 400+ square foot garage.
- The final plat does require a revised copy because of the missing setback information and any items listed by the city engineer.
- The city 2018 Master growth plan figure 3.4 preferred Balanced Growth Residential suburban density.
- <http://www.belaires.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

CITY OF BEL AIRE, KANSAS

File No. S/D _____

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 Elk Creek 3rd Addition
 General Location _____

_____ Inside City X To be Annexed _____

Name of Landowner Barakeh Property LLC

Address 1200 E. MacArthur Wichita, KS, 67216 Phone 316-519-3353

Name of Subdivider/Agent K.E. Miller Engineering P.A.

Address 117 E. Lewis St. Wichita, KS, 67202 Phone 316-264-0242

Name of (Engineer) (Land Planner) Kirk E. Miller, P.E.

Address 117 E. Lewis St. Wichita, KS, 67202 Phone 316-264-0242

Name of Registered Land Surveyor Keith A. Severns, L.S.

Address 117 E. Lewis St. Wichita, KS, 67202 Phone 316-264-0242

Subdivision Information

1. Gross acreage of plat 3.351 Acres
2. Total number of lots 10
3. Proposed land use:
 - a. Residential-Single-Family X Duplex _____ Multiple-Family _____
 Manufactured/Mobile Home _____
 - b. Commercial _____
 - c. Industrial _____
 - d. Other _____
4. Predominant minimum lot width 50 Feet
5. Predominant minimum lot area 5644.5 Square Feet
6. Existing zoning C-1 District
7. Proposed zoning R-5b District
8. Source of water supply City of Bel Aire
9. Method of sewage disposal City of Bel Aire

10. Total lineal feet of new street 722.08 Feet

	Street Name	R/W Width	Lineal Feet
a.	<u>Old Mill</u>	<u>25</u> Ft.	<u>86.78</u> Ft.
b.	<u>Prestwick Ave</u>	<u>25</u> Ft.	<u>405.3</u> Ft.
c.	<u>Prestwick Court</u>	<u>25</u> Ft.	<u>230.00</u> Ft.
d.	_____	_____ Ft.	_____ Ft.
e.	_____	_____ Ft.	_____ Ft.

11. Proposed type of street surfacing Asphalt

12. Curb and gutter proposed: Yes X No _____

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

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

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

Landowner

Date

[Signature]
Agent (If any)

3/10/22
Date

OFFICE USE ONLY

Prints of the Preliminary Plat received _____ (Number)

Vicinity map of existing and proposed street system received _____

Statement of financing and guaranteeing proposed improvements received _____

Preliminary drainage plan, if deemed necessary, received _____

This application was received by the Subdivision Administrator on 3-11-22, 19____. It has been checked and found to be accompanied by the required information and the fee of \$_____ paid to the City Clerk.

total amount \$1,000

[Signature]
Subdivision Administrator

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Public notice

(Published in the Ark Valley News on May 19, 2022.)

OFFICIAL NOTICE OF ZONING HEARINGS

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTEREST- ED:

Notice is Hereby Given that on June 16, 2022 the City of Bel Aire Planning Commission will consider the following zoning processes in the order placed on the agenda after 6:30 p.m. that were part of the deferred hearings and other items on the agenda in the City Council Chamber at City Hall in Bel Aire, Kansas:

ZON-22-02. Proposed One-step platting approximately 3.35 acres, now Zoned R-5b Zero Lot line for single-family houses at Elk Creek 3rd. This is a continuation process. The current use farm ground.

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

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

General Location: E 45th and N Woodlawn Blvd.

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

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 May, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of May, 2022, with subsequent publications being made on the following dates:

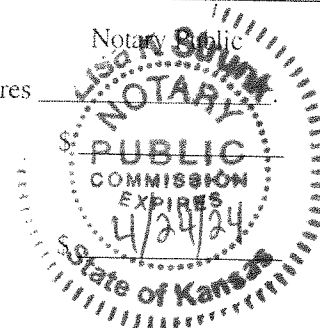
_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

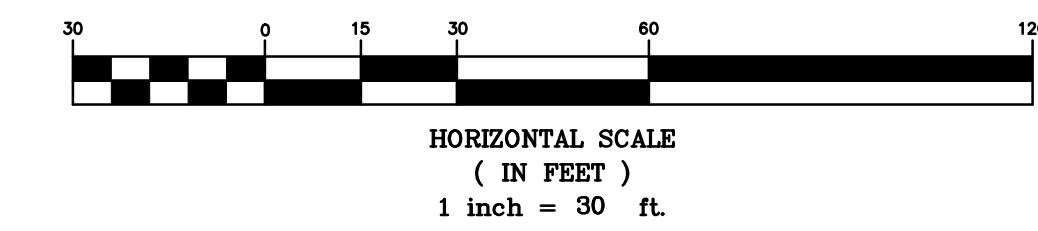
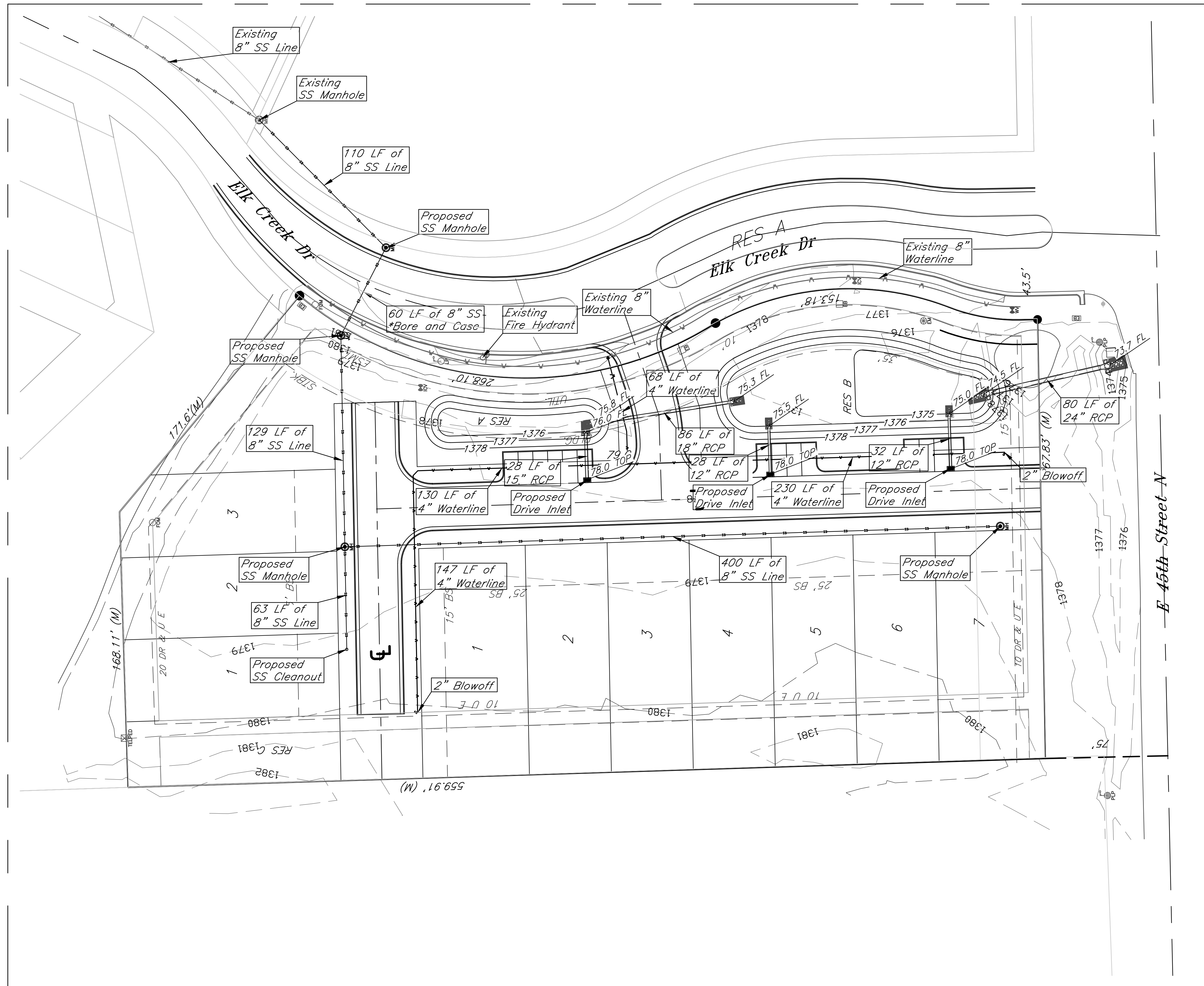
Subscribed and sworn to before me this 19th day of May, 2022.

My commission expires _____


Additional copies _____

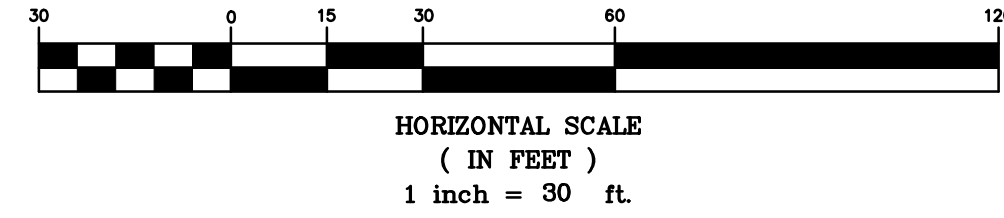
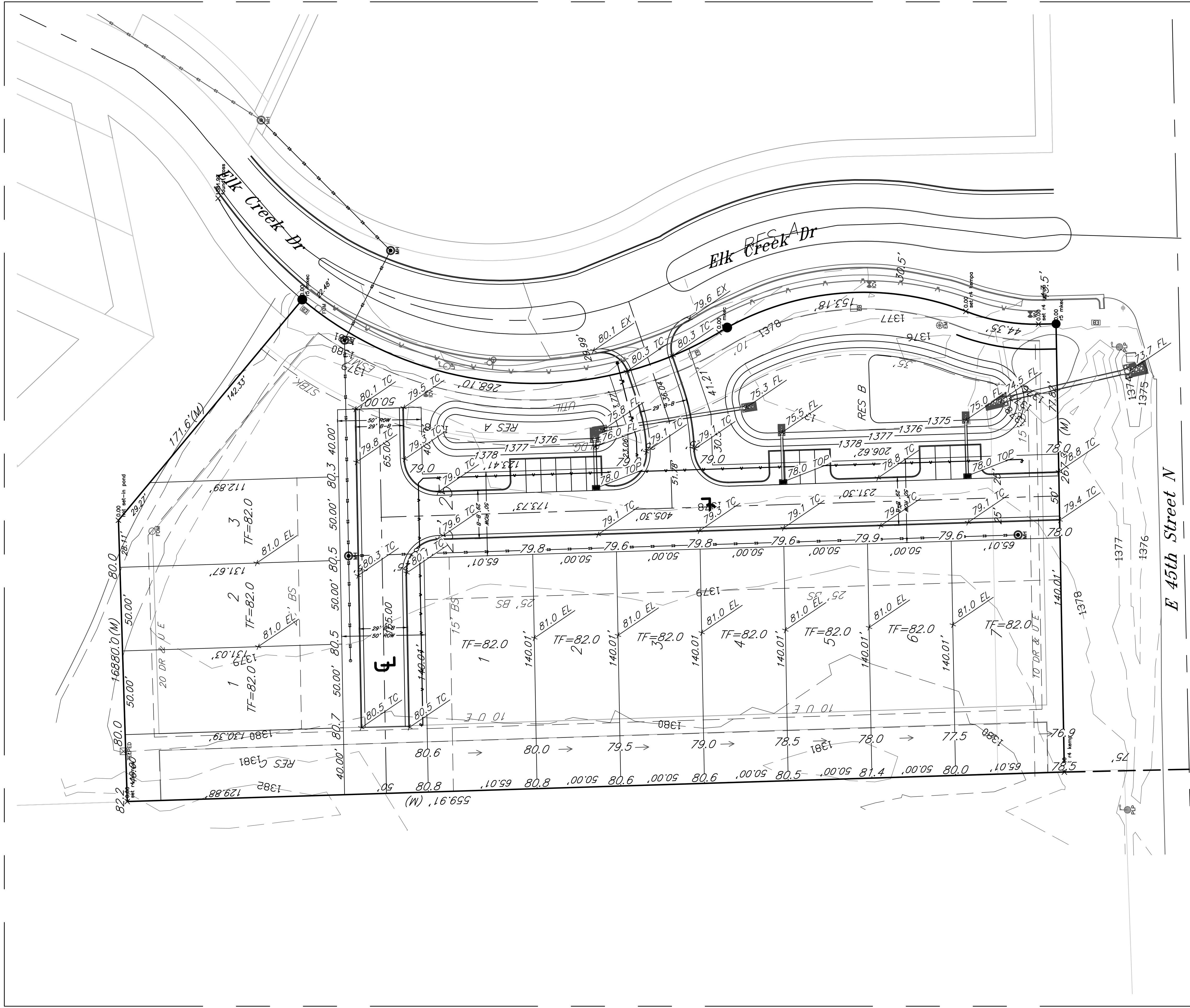
Printer's fee _____





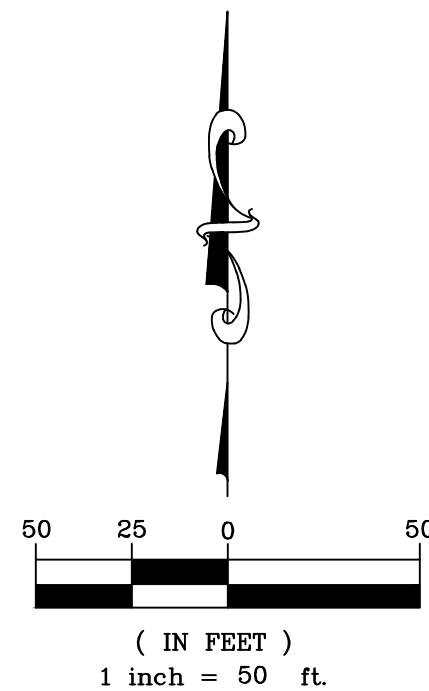
Elk Creek 3rd Addition
Utility Plan
Bel Aire, Kansas

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



Elk Creek 3rd Addition
Lot Grading Plan
Bel Aire, Kansas

PROJECT NUMBER			
KEM NO. 21173	FILE	DATE 04/2022	SHEET 1.0
DESIGN KM	DRAWN ME	REVISED	



Courtyards At Elk Creek Addition
Reserve C
Zoned: R-5h

I, Keith A. Severns, a licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on this day the 17th of November, 2021 and the accompanying one-step final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

Part of the SE $\frac{1}{4}$, Section 19, Township 26 South, Range 2 East

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

Lot 1, Block 11 of Elk Creek Addition.

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

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

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

At the Direction of the Bel Aire City Council.

Jim Benage, Mayor

Melissa Krehbiel, City Clerk

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

Kelly B. Arnold, County Clerk

State of Kansas)
County of Sedgwick) SS

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

Tonya Buckingham, Register of Deeds

Kenly Zehring, Chief Deputy

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

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

By: Barakeh Property LLC Date: _____

State of Kansas)
County of Sedgwick) SS

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

Notary Public

My Commission Expires: _____

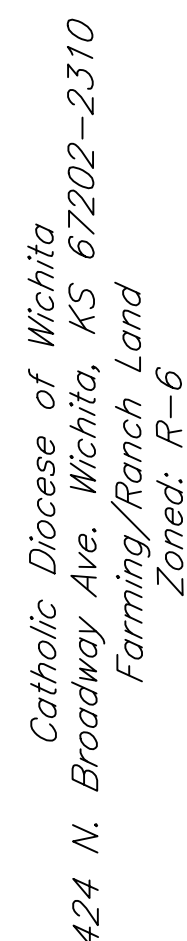
State of Kansas)
County of Sedgwick) SS

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

At the Direction of the Bel Aire Planning Commission:

Keith Price, Chair

Anne Stephens, Secretary



Elk Creek Addition
Reserve D
Zoned: R-3

Benchmarks:

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

Elevation= 1376.52 (NVGD 29)

This plat is 3.35± acres.

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

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

21173\ Elk Creek 3rd Prepared: 2/10/2022

KEMILLER
ENGINEERING PA

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



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



PLAT REVIEW

Address of proposed project: Elk Creek 3rd preliminary and final plat revisions

This report is to document that on 5.24.22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

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

The review of the above property plan has been:

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

DATE 5/23/22

Keith Price
REVIEWED BY

Comments: The rezoning was approved by city council by ordinance 687. The case number will stay the same for the revisions. City engineer's review will be separate, reach out to Anne Stephens. The planning commission meeting was moved to June 16, 2022 for this part of the process at the normal meeting time and place. The cut off for new revisions is June 8, 2022 in the morning.

Preliminary plat-

- Everyg has reviewed the revision and made correction.
- SCFD has approved the revised plat based on an email, dated 5/10/22, from the fire Chief Robert Timmons, and will need the proposed fire hydrant locations submitted when that information is available for their approval.
- The north edge of the development appears to be over the edge of the pond, part of the courtyards at elk creek. The Elk Creek development of the original plat with the developer's agreement and the release of declaration for a portion of the Elk Creek may have created issue after the bankruptcy of the developer. The city staff has been directed to reach out to the HOA's for comments. Have you reached out to the HOA's of record for the abutting developments?

Final plat-

- Covenants should be provided to city council for approval. Developer's agreement should be approved with the final plat. Lot closures statement. Petitions are to be filed with the final plat.
- The plat should indicate the rear yard setback and side yard setback information. The president set is to allow one side yard to be 6' at the foundation and the opposing side to be a zero-lot line. The rear yard to be 25' building setback, (easements will take care of most of that issue). All city approved accessory structures will be at 6' setback. Lot coverage should be listed by percentage based on the drainage plan. City general code is 30% lot coverage. 30% coverage with the 7,000 square foot lot would include the driveway, patio, sidewalk, house, and garage on a typical home. This would place the property at 1,200+ square feet house with 400+ square foot garage.
- The final plat does require a revised copy because of the missing setback information and any items listed by the city engineer.
- The city 2018 Master growth plan figure 3.4 preferred Balanced Growth Residential suburban density.
- <http://www.belaires.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

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 Elk Creek 3rd Addition
 General Location _____
 _____ Inside City _____ To Be Annexed _____
 Name of Landowner Barakeh Property LLC
 Address 1200 E. MacArthur Wichita, KS, 67216 Phone 316-519-3353
 Name of Subdivider/Agent K.E. Miller Engineering P.A.
 Address 117 E. Lewis St. Wichita, KS, 67202 Phone 316-264-0242
 Name of (Engineer) (Land Planner) Kirk E. Miller, P.E.
 Address 117 E. Lewis St. Wichita, KS, 67202 Phone 316-264-0242
 Name of Registered Land Surveyor Keith A. Seyerns, L.S.
 Address 117 E. Lewis St. Wichita, KS, 67202 Phone 316-264-0242

Subdivision Information

1. (Select one) Final Plat of entire preliminary plat area X
 Final Plat of unit number _____ of _____ unit developments
 Final Plat for small tract _____
 Final Replat of original platted area _____
2. Gross acreage of plat 3.351 Acres
3. Total number of lots 10
4. Proposed land use:
 - a. Residential-Single-Family X Duplex _____ Multiple-Family _____
 Manufactured/Mobile Home _____
 - b. Commercial _____
 - c. Industrial _____
 - d. Other _____

5. Predominant minimum lot width 50 Feet
 6. Predominant minimum lot area 5644.5 Square Feet
 7. Existing zoning C-1 District
 8. Proposed zoning R-5b District
 9. Source of water supply City of Bel Aire
 10. Method of sewage disposal City of Bel Aire
 11. Total lineal feet of new street 722.08 Feet

	Street Name	R/W Width	Lineal Feet
a.	<u>Old Mill</u>	<u>25</u> Ft.	<u>86.78</u> Ft.
b.	<u>Prestwick Ave</u>	<u>25</u> Ft.	<u>406.30</u> Ft.
c.	<u>Prestwick Court</u>	<u>25</u> Ft.	<u>230.00</u> Ft.
d.		Ft.	Ft.
e.		Ft.	Ft.

12. Proposed type of street surfacing Asphalt
 13. Curb and gutter proposed: Yes X No
 14. Sidewalks proposed: Yes No X If yes, where?
 15. Is any portion of the proposed subdivision located in an identified flood plain area? Yes No X

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) 3/10/12 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 3.11.22,
19____. It has been checked and found to be accompanied by the required
information and the fee, if any, of \$_____ paid to the City Clerk.

total \$1,000



Subdivision Administrator

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

State of Kansas)
County of Sedgwick) SS

I, Keith A. Severns, a licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on this day the 17th of November, 2021 and the accompanying one-step final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

State of Kansas)
County of Sedgwick) SS

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

James Schmidt, Chair

Anne Stephens, Secretary

State of Kansas)
County of Segwick) SS

The dedications shown on this plat are hereby accepted by the Governing Body of the City of Bel, Aire, Kansas on ____ day of ____, 2022.

At the Direction of the Bel Aire City Council.

Jim Benage, Mayor

Melissa Krehbiel, City Clerk

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

Kelly B. Arnold, County Clerk

State of Kansas)
County of Sedgwick) SS

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

Tonya Buckingham, Register of Deeds

Kenly Zehring, Chief Deputy

COUNTY SURVEYOR'S CERTIFICATE

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

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

LEGAL DESCRIPTION

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

Lot 1, Block 11 of Elk Creek Addition.

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

Keith A. Severns, PS #1355

State of Kansas)
County of Sedgwick) SS

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

By: Barakeh Property LLC Date

State of Kansas)
County of Sedgwick) SS

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

Notary Public

My Commission Expires: ____

State of Kansas)
County of Sedgwick)

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

Jacqueline Kelly, City Attorney Date



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



ZONING REVIEW

Address of proposed project: Revised PUD site plan 4720 N Oliver

This report is to document that on 6.29.22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

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

The review of the above property plan has been:

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

DATE 6/29/22

Keith Price
REVIEWED BY

Comments: Revisions to the PUD were reviewed as each change was made to the point a final draft was provide 6/15/22. Within the site revision is a vacation request for the building setback from 50' to 40' along Oliver or to allow to build over the line as close as 40'.

- Discussion with the property owner today regarding two leased fuel storage tanks with electrical hook ups. This will need to be added to the site plan with proper setback from property lines and structures. Construction of containment, and vehicle impact measures, site circulation, are items that could require more space.
- SCFD has been asked to review the site for fuel storage as described long term storage of two 500 gallon above ground storage tanks on skids.
- The city engineer will Baughman direct with any item not covered with this review.
- <http://www.belaireks.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

16. Chapter 5 of the Zoning Code has a more detail regarding Applications and procedures. A final PUD must contain:

- a. Deeds of Dedication
- b. Copy of all covenants part of the preliminary PUD
- c. Evidence of ownership, financial and administrative ability as required by the terms of the preliminary PUD
- d. Evidence of satisfaction of any stipulation of the preliminary PUD
- e. Evidence of platting consistence with the Zoning Ordinance 418 and the PUD

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 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: _____ to _____
- ☒ Amendments to ~~Change Zoning Districts~~ ^{PUD} Winkley Addition Commercial Community PUD
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD _____ ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council☐ Approved ☐ Rejected

Name of owner Premier Landscape Management, LLC n/k/a Elite Landscape Solutions, LLC (Matt Hermes)Address 4720 N. Oliver St, Bel Aire, KS 67220 Telephone (316) 644-5302Agent representing the owner Baughman Company, P.A. (Philip J. Meyer, L.A.)Address 315 Ellis, Wichita, KS 67211 Telephone (316) 262-7271

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

2. The application area contains 1.17 +/- acres.

3. This property is located at (address) 4720 N. Oliver which is generally located at (relation to nearest streets) east of Oliver approx. 400 feet north of 45th Street.

4. County control number: Pin Nos. 273140 and 30017177

5. 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.

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 Elite Landscape Solutions, LLC (Matt Hermes) Phone 316-644-5302
 Address 4720 N. Oliver St, Wichita, KS Zip Code 67220

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

2. Applicant n/a Phone _____
 Address _____ Zip Code _____

Agent _____ Phone _____
 Address _____ Zip Code _____

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

X 
 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.

OWNERSHIP LIST

PROPERTY DESCRIPTION

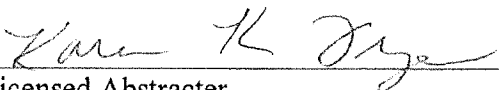
PROPERTY OWNER

The E/2 of the NE/4, EXC that part deeded to State for Hwy, 17-26-2E Subject Property		Webb254, LLC (Prior--Marine Kohl, Sr. Living Trust) 833 S. East Ave. Columbus, KS 66725
The W/2 of the NE/4, 17-26-2E		City of Bel Aire, Kansas Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
The SE/4, EXC the S/2 thereof; & EXC the E 70' for road, 17-26-2E		Sham Way, LLC 1109 S. Rock Rd. Wichita, KS 67207
The W/2 of the SW/4, EXC comm at the SW corner of the SW/4, th. E 70'; th. N 30' for p.o.b.; th. N 55'; th. SE 14.11'; th. E 1,247'; th. Sly 45'; th. W 1,247' m-l to begin; & EXC the W 70' for road, 16-26-2E		Willowrock Properties, LLC 8112 E. Deer Run St. Wichita, KS 67226
The N/2 of the S/2 of the NW/4, EXC the W 70' for road, 16-26-2E AND The S/2 of the S/2 of the NW/4, EXC the W 70' for road, 16-26-2E		Eazy Eighty, LLC PO Box 780188 Wichita, KS 67278
Begin 1,657.64' S of NW corner of SW/4, th. E 1,327.56'; th. S 331.03'; th. W 1,327.73'; th. N 331.53' to begin, EXC the W 50' for road, 9-26-2E		Ray & Tammy Matticks 6320 N. Webb Rd. Wichita, KS 67226
The SE/4, EXC part deeded to State, 8-26-2E		Barakehs, LLC 13218 E. Bridlewood St. Wichita, KS 67230
Lot 1, Blk A	Goshen Christian Center Addition	PC Ventures, LLC 9222 E. 69 th St. Valley Center, KS 67147

Lot 1, Blk 1, EXC part deeded to State for Hwy; & EXC additional 0.063 Acres on the W for road	Prairie Lakes Addition	Encore Properties Georgia, LLC 1794 Covington Ridge, Unit 803 Auburn, AL 36830
Lot 2, Blk 1, EXC part taken for road; & EXC 0.02 Acres m-l deeded to State for Hwy	“	Joell M. Dunham 9900 E. Willie Mae Lane Wichita, KS 67226
Lot 5, Blk 1, EXC the W 10' for road	“	Donald F. & Barbara J. Vespa PO Box 780511 Wichita, KS 67278
Lot 6, Blk 1, EXC the W 10' for road	“	Margareth Elizabeth Mar 6000 N. Webb Rd. Wichita, KS 67226

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 3rd day of June, 2022, at 7:00 A.M.

Security 1st Title LLC

By: 
Licensed Abstracter

Note:

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

RE:

The East Half of the Northeast Quarter of Section 17, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT A tract of land in the Northeast quarter of Section 17, Township 26 South, Range 2 East, 6th P.M., described as follows: Beginning at the Northeast corner of said Northeast Quarter; FIRST COURSE, thence on an assumed bearing of South 00 degrees 38 minutes 35 seconds East along the East line of said Northeast Quarter, a distance of 364.28 feet; SECOND COURSE, thence South 89 degrees 21 minutes 25 seconds West, a distance of 50.00 feet; THIRD COURSE, thence North 65 degrees 12 minutes 30 seconds West, a distance of 158.80 feet; FOURTH COURSE, thence North 52 degrees 30 minutes 41 seconds West, a distance of 256.12 feet; FIFTH COURSE, thence South 89 degrees 46 minutes 49 seconds West, a distance of 929.30 feet to the West line of the East Half of said Northeast Quarter; SIXTH COURSE, thence North 00 degrees 40 minutes 15 seconds West along said West line, a distance of 120.43 feet to the Northwest corner of said East Half; SEVENTH COURSE, thence North 88 degrees 53 minutes 49 seconds East along the North line of said Northeast Quarter, a distance of 1,324.26 feet to the point of beginning.

Order: 2527848
KJK

(First published in The Ark Valley News on February 8, 2018.)

ORDINANCE NO: 631

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM "C-1" TO "C-2" WITH A PUD OVERLAY ON CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF BEL AIRE, SEDGWICK COUNTY, KANSAS.

WHEREAS, the legal description of the tract of land is as follows:

Legal Description

Lot 1, Block 1, Winkley Addition, Bel Aire, Sedgwick County, Kansas, all as set forth on a map attached hereto, and identified as Appendix A.

WHEREAS, a public hearing was convened on the matter of rezoning the described tract on January 11, 2018, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Five of the Zoning Regulations of the City of Bel Aire, Kansas;

WHEREAS, following the public hearing, the Planning Commission found that the evidence supported recommending approval of this requested zone change based upon the guidelines set forth in Article 5.01 of the Zoning Regulations of the City of Bel Aire, Kansas;

WHEREAS, the Planning Commission for the City of Bel Aire, Kansas recommends approval of the application by the property owner to change the above described tract of land, as described above, from C-1 to C-2 WITH A PUD OVERLAY, in conformance with the terms of the plat, and with specific conditions as follows:

1. Total Land Area: 51,052 sq.ft.±
or 1.17 acres
Total Gross Floor Area: 9,000 sq.ft.
Total Floor Area Ratio: 18 percent
2. This Agreement establishes the terms and conditions for a Planned Unit Development zoning district. The requirements contained in this PUD are in lieu of any requirements contained in the zoning and subdivision regulations of the City and compliance with the terms and conditions of this PUD Agreement shall be deemed in compliance with the zoning and subdivision regulations of the City.
3. Installation of all improvements shall be in compliance with the requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All infrastructure improvements shall be detailed on a Planned Unit Development Site Plan, which delineates building locations, at the time each individual lot is developed. Said Planned Unit Development Site Plan (herein the "PUD Site Plan") shall be approved by Developer and by the City Engineer, attached hereto and made a part hereof, at the time each individual lot is developed.

4. All easements recorded on the face of the final plat of Winkley Addition to Bel Aire, Kansas shall remain in effect pursuant to this Planned Unit Development Agreement. The surface of such easements may be used by the owner(s) for driveways, parking and landscaping, as delineated on the PUD Site Plan at the time each individual lot is developed.
5. Within the undeveloped portion of the site, the Developer shall prepare a Landscape and Storm Drainage Plan, which shall address the effect of changes to the natural environment and increased drainage. Said Landscape and Storm Drainage Plan shall be approved by the City Engineer, attached hereto, and made a part hereof at the time each individual lot is developed. After approval by the Developer and the City Engineer of said Landscape and Storm Drainage Plan, the Developer shall install, or cause to be installed, the improvements pursuant to the said Plan.
6. Parcel 1 shall be limited to the following uses: Single-family, Duplex, Community Assembly, Office (General), Construction Sales and Service (General), and Outdoor storage as limited herein.
7. Signage shall be based on the standards of the "C-2" Commercial zoning district, except an individual sign may be permitted up to 150 square feet in area. No LED, billboard, or off-site signs shall be permitted.
8. Outdoor lighting sources shall employ cutoff luminaries to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot.
9. Screening:
 - A. Screening shall be provided by an eight (8) foot high wood fence with galvanized metal posts where shown on the plan.
 - B. Solid screening shall be provided for all outdoor work and storage areas, parking lots and loading docks within 200 feet of residential uses in order to screen these areas from residential zoning districts.
 - C. The 10-foot alley along the north line of Parcel 1, the 10-foot easement along the east line of Parcel 1, and the south 25 feet of Parcel 1 shall all be considered buffers to the development.
10. Landscaping requirements shall be per the Bel Aire Zoning Code for commercial uses. Existing landscaping may be permitted within Oliver right-of-way, and shall be considered as meeting this requirement. Screening around the perimeter of the PUD shall not be required.
11. The design layout shown on the plan illustrates only one development concept. Modifications to the location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan.

12. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
13. The Developer shall enclose or cause to be enclosed, all trash and recycling containers and similar equipment as set forth in the PUD Site Plan as approved by the City Engineer at the time each individual lot is developed.
14. Outside storage of all equipment, products or material shall be permitted on said property within those areas indicated on the plan. The center outdoor storage area, as indicated on the plan, may be paved with crushed asphalt millings, or similar material which reduces dust.
15. Parking shall be provided as required by City Code for all new construction. The existing business shall be required a minimum of 5 parking spaces.
16. The Developer shall file with the Sedgwick County Register of Deeds an executed copy of this Agreement.
17. Upon full execution hereof and upon attachment of the PUD Site Plan, the Landscape and Drainage Plan and the Signage Plan, all approved as provided herein at the time each individual lot is developed, the terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.
18. A detailed site shall be submitted including parking, building elevations, landscaping, and utility locations, etc. signage criteria, and streets improvements, at the time the undeveloped portion of site is developed. The location of any additional building is indicated on the plan.

WHEREAS, the Governing Body has considered the factors set forth in Article 5 of the Zoning Regulations of the City of Bel Aire, Kansas.

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

SECTION 1. The Governing Body adopts the recommendation of the Bel Aire Planning Commission and approves the Planning Commission's recommendation for rezoning of the tract of land described above from C-1 to C-2 WITH A PUD OVERLAY, in conformance with and all specific conditions as set forth within the preamble above.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after publication of its summary in the Ark Valley News, an official city newspaper.

Passed by the Governing Body this 6th day of February, 2018.


MAYOR David Austin

ATTEST:


CITY CLERK, Stacey Cook

SEAL

th Price

n:
:

Wednesday, June 15, 2022 6:58 PM

Keith Price; Anne Stephens

Notice of Zoning Hearing/45th and Oliver

Subject:

Good evening!

I received a notice of zoning hearing for the business next door (Elite Landscape) today and I am writing to show my support for changing the site plan to accommodate the proposed improvements to the property.

Mr. Hermes has improved on the lot since we moved in about two years ago. When we bought our house, the sellers remarked about what a great neighbor he was and they were right. He is conscientious, respectful, and helpful. The property is clean and well-maintained. The noise level is very low and not intrusive.

It is very exciting to see the business doing so well and growing!

I am not sure how these hearings work or your involvement, but I urge you to vote in favor of these changes. Thank you for your time!

Respectfully,

Cathy Peters

WINKLEY ADDITION COMMERCIAL PLANNED UNIT DEVELOPMENT

GENERAL PROVISIONS:

1. Total Land Area: 51,052 sq.ft.± or 1.17 acres
Total Gross Floor Area: 10,210 sq.ft.
Total Floor Area Ratio: 20 percent
2. This Agreement establishes the terms and conditions for a Planned Unit Development zoning district. The requirements contained in this PUD are in lieu of any requirements contained in the zoning and subdivision regulations of the City and compliance with the terms and conditions of this PUD Agreement shall be deemed in compliance with the zoning and subdivision regulations of the City.
3. Installation of all improvements shall be in compliance with the requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All infrastructure improvements shall be detailed on a Planned Unit Development Site Plan, which delineates building locations, at the time each individual lot is developed. Said Planned Unit Development Site Plan (herein the "PUD Site Plan") shall be approved by Developer and by the City Engineer, attached hereto and made a part hereof, at the time each individual lot is developed.
4. All easements recorded on the face of the final plot of Winkley Addition to Bel Aire, Kansas shall remain in effect pursuant to this Planned Unit Development Agreement. The surface of such easements may be used by the owner(s) for driveways, parking and landscaping, as delineated on the PUD Site Plan at the time each individual lot is developed.
5. Within the undeveloped portion of the site, the Developer shall prepare a Landscape and Storm Drainage Plan, which shall address the effect of changes to the natural environment and increased drainage. Said Landscape and Storm Drainage Plan shall be approved by the City Engineer, attached hereto, and made a part hereof at the time each individual lot is developed. After approval by the Developer and the City Engineer of said Landscape and Storm Drainage Plan, the Developer shall install, or cause to be installed, the improvements pursuant to the said Plan.
6. Parcel 1 shall be limited to the following uses: Single-family, Duplex, Community Assembly, Office (General), Construction Sales and Service (General), and Outdoor storage as limited herein.
7. Signage shall be based on the standards of the "C-2" Commercial zoning district, except an individual sign may be permitted up to 150 square feet in area. No LED, billboard, or off-site signs shall be permitted.
8. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, unless evidence is provided to the satisfaction of the Zoning Administrator that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot.
9. Screening:
 - A. Screening shall be provided by an eight (8) foot high wood fence with galvanized metal posts where shown on the plan.
 - B. Solid screening shall be provided for all outdoor work and storage areas, parking lots and loading docks within 200 feet of residential uses in order to screen these areas from residential zoning districts.
 - C. The 10-foot alley along the north line of Parcel 1, the 10-foot easement along the east line of Parcel 1, and the south-25 feet of Parcel 1 shall all be considered a buffers to the development.
10. Landscaping requirements shall be per the Bel Aire Zoning Code for commercial uses. Existing landscaping may be permitted within Oliver right-of-way, and shall be considered as meeting this requirement. Screening around the perimeter of the PUD shall not be required.
11. The design layout shown on the plan illustrates only one development concept. Modifications to the location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan.
12. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
13. The Developer shall enclose or cause to be enclosed, all trash and recycling containers and similar equipment as set forth in the PUD Site Plan as approved by the City Engineer at the time each individual lot is developed.
14. Outside storage of all equipment, products or material shall be permitted on said property within those areas indicated on the plan. The center outdoor storage area, as indicated on the plan, may be paved with crushed asphalt millings, or similar material which reduces dust.
15. Parking shall be provided as required by City Code for all new construction. The existing business shall be required a minimum of 5 parking spaces.
16. Fuel tank storage area shall meet all local and state requirements for placement, setback, spacing, containment, and site circulation.
17. The Developer shall file with the Sedgwick County Register of Deeds an executed copy of this Agreement.
18. Upon full execution hereof and upon attachment of the PUD Site Plan, the Landscape and Drainage Plan and the Signage Plan, all approved as provided herein at the time each individual lot is developed, the terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.
19. A detailed site shall be submitted including parking, building elevations, landscaping, and utility locations, etc. signage criteria, and streets improvements, at the time the undeveloped portion of site is developed. The location of any additional building is indicated on the plan. Building additions to existing structures or parking improvements may be reviewed and approved administratively by the City.

LEGAL DESCRIPTION:

Lot 1, Block 1, Winkley Addition to Bel Aire, Sedgwick County.

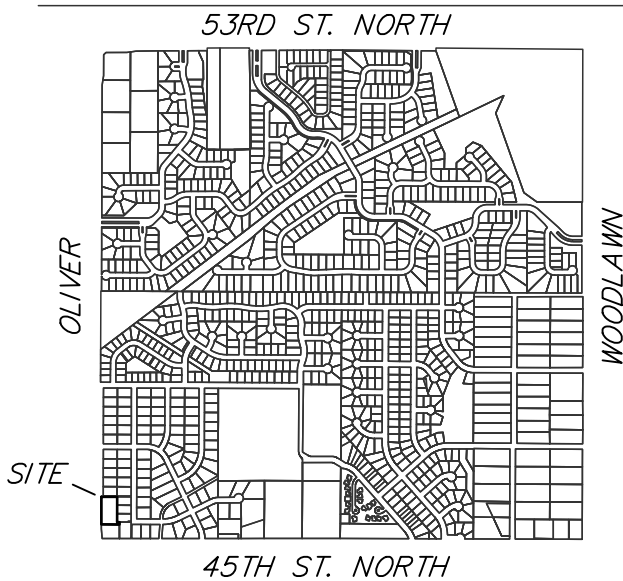
PARCEL 1

- A. Net Area: 51,052 sq. ft. ± or 1.17 acres ±
- B. Maximum Building Coverage: 10,210 sq.ft. or 20 percent
- C. Maximum Gross Floor Area: 10,210 sq.ft.
- D. Floor Area Ratio: 20 percent
- E. Maximum building height: 35 feet, except for any other structures exempt by the UZC.
- F. Setbacks: As shown on plan.
- G. Access Points: As shown on plan.
- H. Permitted Uses: See General Provision #6.

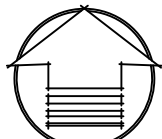
REVISIONS

Planned Unit Development Filed: December 18, 2017
Revised per staff comments: January 10, 2018
Approved by Planning Commission: January 11, 2018
Approved by City Council: February 6, 2018
Amendment #1: June 14, 2022
Revised per staff comments: July 5, 2022

VICINITY MAP



WINKLEY ADDITION COMMERCIAL PLANNED UNIT DEVELOPMENT



SCALE: 1" = 20'

BAUGHMAN

CITY OF BEL AIRE, KANSAS

File No. S/D 22-03**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 6th

General Location 1/2 mile west of Woodlawn on the south side of 53rd St N

☒ Inside City ☐ To be Annexed ☐ Outside City

Name of Landowner TW Renovations, LLC Attn: Travis Whisler

Address 1815 Southwest Blvd., Wichita, KS 67213 Phone 316-371-4499

Name of Subdivider/Agent same as (Engineer)(Land Planner)

Address _____ Phone _____

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 above

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 14.62 Acres
3. Total number of lots 34
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 70 Feet
6. Predominant minimum lot area 9,100 Square Feet
7. Existing zoning "R-4" District
8. Proposed zoning n/a District
9. Source of water supply City of Bel Aire
10. Method of sewage disposal City of Bel Aire
11. Total lineal feet of new street 2,055 Feet

Street Name	R/W Width	Lineal Feet
a. <u>Highland Cir.</u>	<u>60</u> Ft.	<u>1655</u> Ft.
b. <u>Highland Ct.</u>	<u>60</u> Ft.	<u>514</u> Ft.
c. _____	_____ Ft.	_____ Ft.
d. _____	_____ Ft.	_____ Ft.
e. _____	_____ Ft.	_____ Ft.
f. _____	_____ Ft.	_____ Ft.
g. _____	_____ Ft.	_____ Ft.
h. _____	_____ Ft.	_____ Ft.
i. _____	_____ Ft.	_____ Ft.
j. _____	_____ Ft.	_____ Ft.

12. Proposed type of street surfacing asphalt mat
13. Curb and gutter proposed: ☒ Yes ☐ No
14. Sidewalks proposed: ☒ Yes ☐ No If yes, where? _____

Per City of Bel Aire sidewalk policy

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

Karen R.
Agent (If any)

6-13-22
Date

OFFICE USE ONLY

Prints of the Final Plat received 15 (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 6.13.22,
2022. It has been checked and found to be accompanied by the required
information and the fee, if any, of \$ 370.00 paid to the City Clerk.



Subdivision Administrator

cc: Applicant

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, a Block, Reserves, and Streets, to be known as "CHAPEL LANDING 6TH", Bel Aire, Sedgwick County, Kansas. The utility easements are hereby granted as indicated for the construction and maintenance of all public utilities. The drainage easements are hereby granted as indicated for drainage purposes. The drainage and utility easements are hereby granted as indicated 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, berms, sidewalks, playgrounds, recreation areas, gazebos, lakes, drainage purposes, streets as confined to easement, and utilities as confined to easements. Reserve "B" is hereby reserved for open space, landscaping, sidewalks, playgrounds, swimming pools and related facilities, drainage purposes, streets as confined to easement, 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.

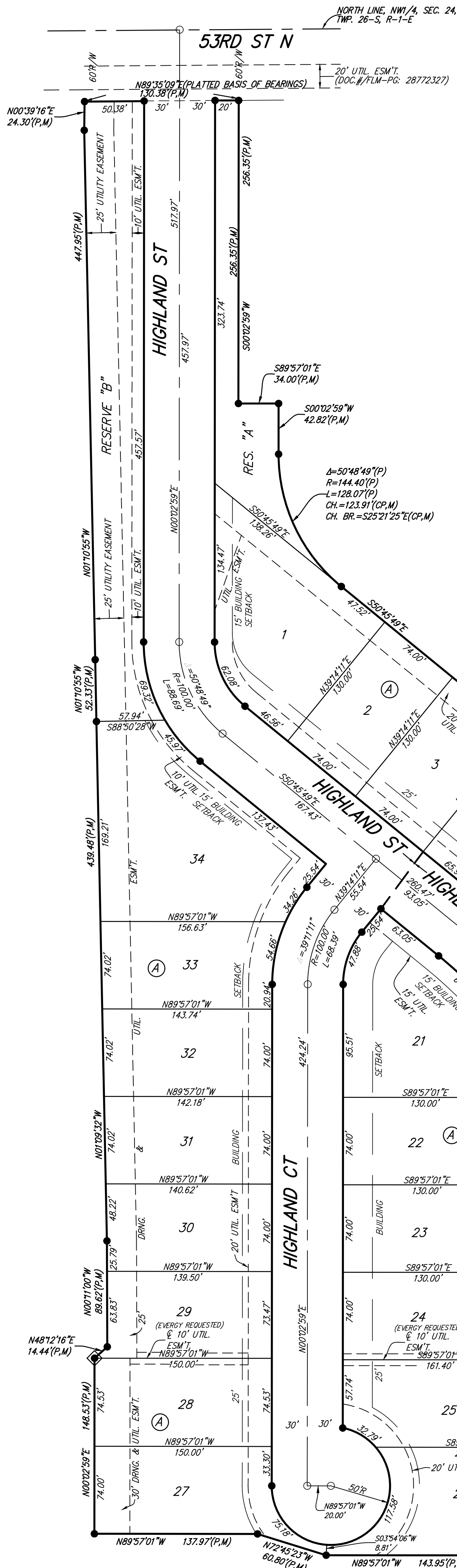
53rd & Oliver, LLC,
a Kansas limited liability company

_____, Manager
Jay W. Russell

State of Kansas) SS The foregoing instrument acknowledged before
Sedgwick County) me, this _____ day of _____, 2022, 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. _____



FINAL PLAT
CHAPEL LANDING 6TH
BEL AIRE, SEDGWICK COUNTY, KANSAS
NW & NE 1/4 OF SEC. 24, T-26-S, R-1-E

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "CHAPEL LANDING 6th", Bel Aire, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as and being a replat of all of Lots 58, 59, and 60, Block C, TOGETHER with all of Lots 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 68 and 69, Block F, TOGETHER with all of Reserves "E", "F", "G" and "S", all as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas, TOGETHER with that part of Lot 61 in said Block C described as follows: Beginning at the most northerly corner common to said Lots 60 and 61; thence S36°59'18"E coincident with the lot line common to said Lots 60 and 61, 154.65 feet to the most easterly corner common to said Lots 60 and 61; thence S64°07'45"W coincident with the southeast line of said Lot 61, 72.04 feet; thence N25°52'15"W 132.02 feet; thence N71°44'35"W 19.61 feet to the intersection with the northwest line of said Lot 61; thence northeasterly coincident with said northwest line, being a curve to the right, through a central angle of 03°20'42" and having a radius of 970.00 feet, an arc distance of 56.63 feet, (having a chord length of 56.62 feet bearing N57°58'17"E) to the point of beginning, TOGETHER with that part of Lot 66 in said Block F described as follows: Commencing at the most southerly corner common to Lots 66 and 67 in said Block F; thence N36°59'18"W coincident with the lot line common to said Lots 66 and 67, 26.37 feet for a point of beginning; thence N71°44'35"W 39.24 feet; thence N66°33'24"W 82.09 feet to the intersection with the northwest line of said Lot 66; thence N53°00'42"E coincident with the northwest line of said Lot 66, 62.88 feet to the most northerly corner common to said Lots 66 and 67; thence S36°59'18"E coincident with the lot line common to said Lots 66 and 67, 103.64 feet to the point of beginning, TOGETHER with Lot 67 in said Block F, EXCEPT that part of said Lot 67 described as follows: Beginning at the most southerly corner common to Lots 66 and 67 in said Block F; thence N36°59'18"W coincident with the lot line common to said Lots 66 and 67, 26.37 feet; thence S71°44'35"E, 32.18 feet to the intersection with the southeast line of said Lot 67; thence southwesterly coincident with said southeast line, being a curve to the left, through a central angle of 01°01'14" and having a radius of 1030.00 feet, an arc distance of 18.35 feet, (having a chord length of 18.35 feet bearing S53°13'16"W) to the point of beginning, and TOGETHER with that part of Reserve "A" as platted in Chapel Landing 3RD/, Bel Aire, Sedgwick County, Kansas, lying generally south of and abutting the following described line: Beginning at the northwest corner of Lot 1, Block A in said Chapel Landing 3rd/, thence N89°57'01"W coincident with the northwesterly prolongation of the north line of said Lot 1, 34.00 feet to the intersection with the west line of said Reserve "A", and for a point of termination.

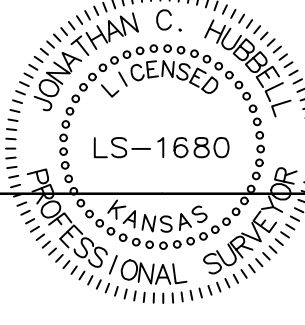
Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended.

All being situated in the Northwest and 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

We, the undersigned holders of a mortgage on the above described property, do hereby consent to this plat of "CHAPEL LANDING 6TH", Bel Aire, Sedgwick County, Kansas.

Emprise Bank

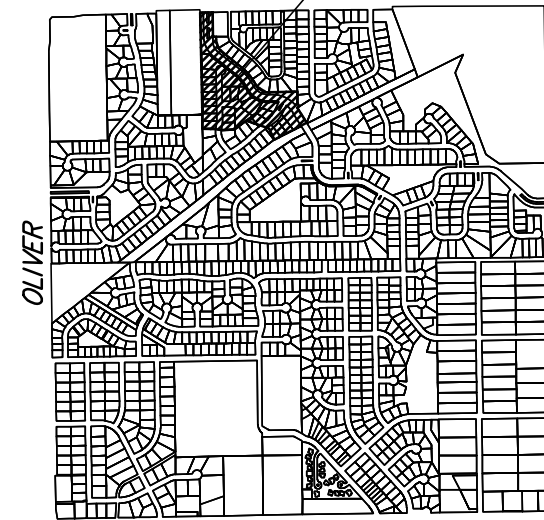
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

The foregoing instrument acknowledged before me, this _____ day of _____, 2022, by _____ of Emprise Bank, on behalf of the bank.

(Title)

_____, Notary Public
My App't. Exp. _____

53RD STREET NORTH SITE



45TH STREET NORTH
VICINITY MAP
SEC. 24, T26S, R1E

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

This plat of "CHAPEL LANDING 6TH", 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 _____, 2022.

_____, Chair
James Schmidt

ATTEST: _____, Secretary
Anne Stephens

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Bel Aire, Kansas on _____, 2022.

_____, Mayor
Jim Benage
ATTEST: _____, City Clerk
Melissa Krehbiel

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

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: _____, 2022.

_____, City Attorney
Jacqueline Kelly

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

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

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

_____, County Clerk
Kelly B. Arnold

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS

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.

_____, Register of Deeds
Tonya Buckingham

_____, Deputy
Kenly Zehring

NOTE: THE FRONT YARD BUILDING SETBACK LINE WITHIN THE PROPOSED ADDITION SHALL BE A MINIMUM OF 25 FEET. WHEN A CORNER LOT IS INVOLVED, THE SIDE YARD BUILDING SETBACK LINE SHALL BE A MINIMUM OF 15 FEET WITH COMPLETE ACCESS CONTROL.

NOTE: THE MINIMUM INTERIOR SIDE YARD SETBACK IN CHAPEL LANDING 6TH SHALL BE 6 FEET FOR THE PRIMARY STRUCTURE ONLY AND NO GROUND LEVEL OR NEAR GROUND LEVEL ENCROACHMENTS SHALL BE ALLOWED IN THIS SETBACK, INCLUDING, BUT NOT LIMITED TO WINDOW WELLS, THE PLACEMENT OF HEATING, (INCLUDING A CHIMNEY), OR AIR CONDITIONING EQUIPMENT, OR ANY OTHER GROUND LEVEL TYPE ENCROACHMENTS THAT WOULD RESTRICT CIRCULATION AROUND THE PRIMARY STRUCTURE. OVERHEAD ENCROACHMENTS, INCLUDING, BUT NOT LIMITED TO OVERHANGING EAVES AND GUTTERS SHALL BE PERMITTED IN THIS SETBACK ONLY AS ALLOWED BY THE ZONING ORDINANCE.

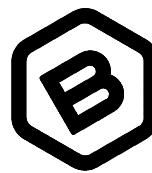
BENCHMARK: SANITARY SEWER MANHOLE RM 355.2 SOUTH AND 50'± EAST OF THE INTERSECTION OF CENTRAL PARK AND WOODLAWN. ELEV. = 1428.11 NGVD29

BENCHMARK: "C" CUT IN NORTH HEADWALL OF RCBC 1075' EAST OF INTERSECTION OF 53RD ST N. & OLIVER. ELEV.=1393.83 NGVD29

MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES		
LOT	BLOCK	ELEVATION
15-19	A	1403.7
25-28	A	1405.7

CHAPEL LANDING 6TH

REV: Jun. 30, 2022
Jun. 13, 2022



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

Zoning change Application
Page 3 of 4**APPLICATION**

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

- ☒ Change Zoning Districts: From: AG to M1
- ☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner Marjorie A. WirthAddress 10810 T Ave, Columbus Jct, IA ⁵²⁷³⁸⁻⁹³⁹⁶ Telephone 319.212.4006Agent representing the owner Grant TidemannAddress 150 N. Market, Wichita, KS 67202 Telephone 316.292.3908

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.

2. The application area contains 12.674- acres.

3. This property is located at (address) _____ which is generally located at (relation to nearest streets) Webb and 45th, N of NEtc.

4. The particular reason for seeking reclassification:

To change from agriculture to industrial to match the surrounding use.

5. County control number: PIN: 002896110

May 28th 2004

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 Marjorie A. Wirth Phone 319.212.4000
Address 10810 T Avenue, Columbus, Jet., IA Zip Code 52733-9396

Agent Grant Tidemann Phone 319.292-3908
Address 150 N. Market, Wichita, KS Zip Code 67202

2. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

3. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

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

DocuSigned by:

Marjorie A. Wirth
FO9316872420432
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 28th 2004

3. LEGAL DESCRIPTION

The North Half of the Southwest Quarter of Section 21, Township 26 South, Range 2 East of the 6th P.M. Sedgwick County, Kansas, EXCEPT that part lying North and West of Mopac ROW, and EXCEPT the West 60 feet for road.

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

The N/2 of the SW/4, EXC that part lying N & W of MOPAC r.o.w., 21-26-2E Subject Property		Marjorie A. Wirth 10810 T Ave. Columbus Junction, IA 52738
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E		R. Kevin & Sherlyn Bryant 4956 N. Webb Rd. Wichita, KS 67226
Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		Bryant Family Trust R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
The S/2 of the SW/4, EXC comm at SW corner of SW/4, th. E 60'; th. N 25' to p.o.b.; th. N 90'; th. SEly 71.05'; th. E 2,180.55'; th. N 50'; th. E 100'; th. S 50'; th. E 277.67'; th. S 40.01'; th. W to begin; & EXC for road, 21-26-2E		Wichita Airport Authority 2173 Air Cargo Rd. Wichita, KS 67209
The NW/4, EXC the W 935' of the N 1,050' thereof; & EXC the W 70' for road; & EXC that part platted as Sunflower Commerce Park Add, 21-26-2E AND The NE/4, EXC for r.o.w.; & EXC that part platted as Sunflower Commerce Park Add, 21-26-2E AND The W/2 of the SE/4, EXC the S 1,170' of the W 760' thereof, 21-26-2E		Greenwich Group, LLC 15550 E. Kellogg Wichita, KS 67230

The S 1,170' of the W 760' of the SE/4, EXC comm at SW corner of SE/4, th. N 25.01' to p.o.b.; th. N 40.01'; th. E 310.1'; th. NWly 50.09'; th. E 100.19'; th. SEly 50.09'; th. E 349.83'; th. S 40.01'; th. W 760.12' to begin; & EXC for road, 21-26-2E		Wichita Airport Authority 455 N. Main Wichita, KS 67202
The E 1,235' of the S/2 of the NE/4, EXC the N 882' thereof, 20-26-2E		Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
The N 882' of the E 1,235' of the S/2 of the NE/4, 20-26-2E		Holland Capital, LLC 1645 S. West St. Wichita, KS 67213
The E 210' of the S 290' of Lot 5, Blk A	Sunflower Commerce Park Addition	Sunflower Property Partners, LLC 9720 E. 50 th St. Bel Aire, KS 67226
Lot 5, Blk B	"	Century Manufacturing, Inc. 9750 E. 50 th St. Bel Aire, KS 67226
Lot 1, Blk C	"	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 2, Blk C, EXC the NEly 8' thereof	"	CIAC, LLC 3545 N. Santa Fe St. Wichita, KS 67219
Reserve B, EXC the NEly 8' thereof	"	City of Bel Aire, Kansas Public Building Commission 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1	Wickham Industrial Addition	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1	Eighty-Four Lumber Addition	Graham-Michaelis Corporation 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Lot 8, Blk 1	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21 st St. Wichita, KS 67214
Reserves I & J	“	City of Bel Aire, Kansas Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226

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 3rd day of June, 2022, at 7:00 A.M.

Security 1st Title LLC

By: Kan K Orze
Licensed Abstracter

Note:

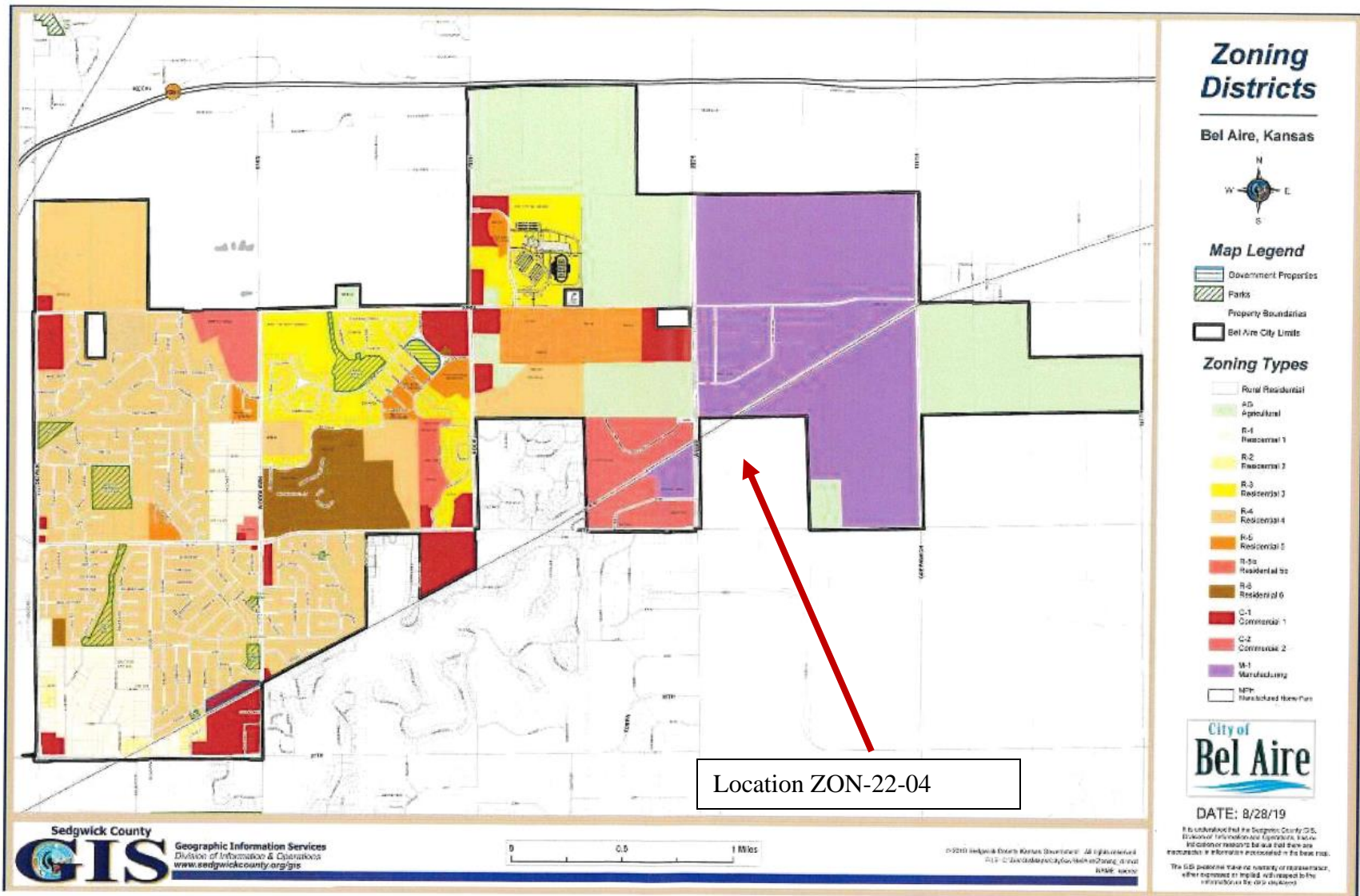
The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described lots. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire.

RE:

The North Half of the Southwest Quarter of Section 21, Township 26, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part lying North and West of Missouri Pacific Railroad right-of-way; and EXCEPT the West 60 feet for road.

Order: 2527843

KJK



ZON-22-04

49th St

N Webb Road

FOR MEETING OF	7/14/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 07/08/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

(New information added, project was tabled for the May date, no quorum June date)

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

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. The first submittal there has been several calls and two visitors to discuss the project in May, none have contacted my department with the second or third notification. The zoning category will be changed inside the PUD if approved. The owner of lot 5 has provided an email stating he would want an 8' fence separation but is also reaching out to the applicant to discuss a second entry along the north of the property of lot 5. This project was reviewed based on all of the access drives as private and not city streets.

SCFD has approved the revised site plan that is in in your packet if the parking lot drive lanes is marked with "Fire Lane, NO Parking" .

Reminder-This PUD effects all of the lot owners listed in the ordinance; none have opposed this development on record to date.

1. The character of the neighborhood;

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

2. The zoning and uses of properties nearby

R-1, R-4, C-1, C-2, and R-6

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

City staff has compared this request to the approved Master growth Plan. Parking spaces will need to be discussed as the amount is under the general code. The developer indicated they will mark the fire lanes and assign the parking spaces to the living units.

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

property;

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

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

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

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

No hardship is expected to be caused by the development if the concerns are addressed and sized to meet the conditions and confinements.

6. Recommendations of permanent staff;

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

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

Yes the 2018 Master Growth plan

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

For staff recommendation :

- Fire department fire lanes marked "no parking tow zone". Tenant spaces also marked, including guest parking spaces.
- Drainage and yard maintenance needs to be addressed.
- Trash management, trash truck access.
- Items listed in the revised review to the developer are addressed.
- Architectural control by the HOA to a standard equal to the surrounding neighborhoods will ensure the value for all stakeholders for the other lot owners in the PUD development. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses.

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

The city advertised the hearing in the Ark Valley newspaper again. Previously, staff sent notices to the property owners within the required distance of 200 ft. to include the platting portion of the process. We did receive calls regarding this proposal. The main concern is the pond shore and the developer's agreement to include setback information for sideyards.

The plats have been tweaked to match what the city, SCFD, and utility companies needed.

The preliminary, final, and a larger print of the plat be provided in the packet.

This will require 2 votes - preliminary and final plats.

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

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

DUTIES OF THE PLANNING COMMISSION

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

- ❖ **PUD-22-02** Proposed changing the site plan and vacating or allowing development over platted building setbacks within the current PUD. Winkley Addition Commercial

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. One letter is included in your packet the city received. A few other calls received sounded okay with the fence moving to the property line and expanding the business. Unsure if other staff received calls.

This is a revision of the PUD adopted by Ordinance 631; the original was left at the preliminary PUD approval to set a benchmark for this type of business in this location so close to residential housing. The golden rules are the standards for review. The history of the property had barricade storage piled high and all over the site followed by a landscape business that didn't keep up the property. The building was built in 1992 and was overused and under maintained for over 20 years prior to the current use.

The track record of the current landscape business to date since this PUD was approved has been stellar and a good fit for the city. Plan review and construction documents would be reviewed by SCFD and Bel Aire if this is approved for expansion. Vacation of the building setback to 40' from the city right of way can be done within the PUD document or a separate order.

PLANNED UNIT DEVELOPMENT. PUD, a platted parcel, subdivision, or district that contains specific zoning rules as a replacement for the adopted city regulations, such Planned Unit Development must be approved by the governing body. (See Plat, Planned Unit Development)

8.06 **PLANNED UNIT DEVELOPMENT A.** PUD Planned Unit Development District ("PUD") 1. Purpose. The Planned Unit Development ("PUD") is a special purpose zoning district or zoning overlay upon an underlying zoning district intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by: a. b. c. d. 2. reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots; allowing greater freedom in selecting the means to provide access, light, open space and design amenities; promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and allowing deviations from certain

zoning standards that would otherwise apply when such deviations are not contrary to the general spirit and intent of this Code.

- ❖ **ZON-22-04.** Proposed re-zoning from AG to an M-1 Industrial The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. Staff had received one call based on discussions, no concern voiced. The city zoning within the area is M-1 and has rail access; AG is also the city holding pattern for future zoning districts based on long term goals.

8. The character of the neighborhood;

The subject property was recently annexed by the city

The zoning and uses of properties nearby

M-1, C-2, AG and Sedgwick County RR.

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. This will require a PUD to develop, so any concern for actual use can be tailored to address those issues in the future.

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

City staff no adverse effect is expected if: Airport airspace, Webb Road access, rail access, noise and light glare concerns for the homestead (county RR zoned) are addressed.

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

The City hasn't rezoned this property since it was annexed.

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

No hardship is expected to be caused by the development if the concerns are addressed
Recommendations of permanent staff;

Yes conditionally, (PUD required), because 2018 Master Growth plan was approved by City Council.

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

Yes the 2018 Master Growth plan

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

❖ **SD-22-03.** Chapel Landing 6th, Duplex zoning, final plat.

The city advertised the hearing in the Ark Valley newspaper 20 days prior to the public hearing. The preliminary plat and zoning were approved earlier this year. Every, Onegas, and Bel Aire Public Works were notified and provided plats. Staff reviewed the first draft of the submittal; your packet has the revised final plat. If the listed items provided by the city engineer has been completed that pertain to the plat document content, staff supports conditionally approving the final plat.

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

DUTIES OF THE PLANNING COMMISSION

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

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

