



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



I. Call to Order

II. Roll Call

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

III. Pledge of Allegiance

IV. Consent Agenda

- A. Approval of Minutes from Previous Meeting
Motion to approve the minutes of October 12, 2023

V. Old Business/New Business

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

Open Hearing

Close Hearing

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

Motion ____ Second ____ Vote ____

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

Open Hearing

Close Hearing

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

Motion ____ Second ____ Vote ____

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

Motion ____ Second ____ Vote ____

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

Motion ____ Second ____ Vote ____

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

Motion ____ Second ____ Vote ____

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

Motion ____ Second ____ Vote ____

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

Open Hearing

Close Hearing

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

Motion ____ Second ____ Vote ____

E. General Education Session (KORM-KORA)

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

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

VI. Next Meeting: December 14, 2023

Motion ____ Second ____ Vote ____

A. Planning Commission Training Schedule

VII. Current Events

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

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

VIII. Adjournment



MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS October 12, 2023 6:30 PM



I. Call to Order

II. Roll Call

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

Also present were, Planning Commission Secretary and City Engineer, Anne Stephens, City Attorney, Maria Schrock, and Code Enforcement Officer, Garrett Wichman.

III. Pledge of Allegiance to the Flag

Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Motion: Commissioner Dee Roths made a motion to approve the minutes from September 14, 2023. Commissioner John Charleston seconded the motion. ***Motion Carried 5-0***

V. Old Business/New Business

- A. ZON-23-03 Rezoning:** Approximately 20 acres zoned AG agricultural, to M-1 manufacturing at ½ mile east of Webb Rd on the north side of 45th Street North. (Wichita Airport Authority)

Chairman Schmidt opened the hearing.

Representing the applicant was Ken Lee with Garver. John Oswald with the Wichita Airport Authority was also in attendance. Everything that has been re-zoned in this area has been zoned as manufacturing and industrial use. The City of Wichita/Sedgwick County master plan documents indicate this to be the intended use and consistent with the area.

No members of the public were present to speak for or against the proposed rezoning.

Chairman Schmidt closed the hearing.

Commissioner Matzek touched base on some of the Golden Factors in which he mentioned that the re-zoning request will fit in with the character of the neighborhood, and will be consistent with the zoning of surrounding properties.

Motion: Commissioner Roths made a motion to adopt the findings of fact of the staff as presented and recommend to the City Council approval to change the zoning district classification of the subject property from AG agricultural to M-1 manufacturing, based on such findings of fact. Commissioner Matzek seconded the motion. *Motion Carried 5-0*

- B. ZON-23-04 (Part 1) Rezoning:** Approximately 2 acres zoned C-1 commercial, to R-1 estate residential at ¼ mile south of 53rd Street North on the east side of Rock Road. (Hollenbeck Farm)

Chairman Schmidt opened the public hearing.

No one representing the applicant was present to discuss approximately 2 acres zoned C-1 commercial, to R-1 estate residential at ¼ mile south of 53rd Street North on the east side of Rock Road (Hollenbeck Farm). There was also no one from the public in attendance to speak.

Chairman Schmidt closed the public hearing.

Chairman Schmidt stated that the proposed re-zoning meets the requirements of the character of the neighborhood as there are several large residential lots surrounding this location. Commissioner Roths stated that the proposal has the support of the City's professional staff.

Motion: Commissioner Charleston made a motion to adopt the findings of fact of the staff as presented and recommend to the City Council approval to change the zoning district classification of the subject property from C-1 commercial to R-1 estate residential based on such findings of fact. Commissioner Faber seconded the motion. *Motion Carried 5-0*

- C. ZON-23-04 (Part 2) Final Plat:** Proposed platting of approximately 2 acres (Hollenbeck Farm)

Chairman Schmidt opened the hearing.

No one representing the applicant was present for the proposed platting of approximately 2 acres at the Hollenbeck Farm. There was also no one from the public in attendance to speak either for or against the proposed platting.

Chairman Schmidt closed the hearing.

Secretary Anne Stephens mentioned to the Commission that Keith Price our City

Inspector had noticed some concerns on the final plat with wording. The Planning Commission Certificate does not match the code, surveyor's text does have the date of the survey, and the utility information shows no easements provided.

Motion: Chairman Schmidt made a motion to table the final plat of Hollenbeck Farm until corrections are made. Commissioner Charleston seconded the motion.

Motion Carried 5-0

D. Election of Planning Commission Chair, October 2023 to October 2024

Motion: Commissioner Roths made a motion to appoint James Schmidt as Chair of Planning Commission, term ending December 2024. Commissioner Charleston seconded. ***Motion Carried 5-0***

E. Election of Planning Commission Vice-Chair, October 2023 to October 2024

Motion: Commissioner Matzek made a motion to appoint Phillip Jordan as Vice-Chair of the Planning Commission, term ending December 2024. Commissioner Faber seconded the motion. ***Motion Carried 5-0***

F. Approval of the 2024 Meeting Dates and Time

Motion: Commissioner Faber made a motion to approve the Meeting Dates and Time for 2024. Commissioner Matzek seconded the motion. ***Motion Carried 5-0***

VI. Next Meeting: Thursday, November 9 at 6:30 PM

The Commission discussed if Thursday, November 9 at 6:30 PM would work with their schedules and the Commission agreed upon Thursday, November 9 at 6:30 PM.

Motion: Chairman Schmidt made a motion to accept the next meeting date of Thursday, November 9 at 6:30 PM. Commissioner Faber seconded the motion. ***Motion Carried 5-0***

VII. Current Events

Secretary Anne Stephens discussed the current events for the upcoming Planning Commission items. The Planning Commission will hold a new training/workshop on November 9, 2023 at 5:30 PM for KOMA/KORA, Golden Factors & Site Plan Review Guidelines.

The Commission had brief discussion on the date listed of November 9, 2023 at 5:30 PM and decided to change the date to Wednesday, November 8, 2023 at 6:30 PM.

There will be a public hearing for the zoning map update in December.

The Fall Festival will be held at the City of Bel Aire Recreational Center on October 21, 2023.

Commissioner Roths asked Chairman Schmidt if she could add something for current events. Chairman Schmidt allowed for comment. Commissioner Roths mentioned that there are KDOT

Local Consult Meetings held every other year to invite all citizens from surrounding towns to speak to KDOT about their concerns. She requested Commissioners to show up and support KDOT action for the safety of 254 Highway. This meeting will be held on the morning of Wednesday, October 18, 2023 from 9:00 AM-12:00 PM at the Eugene M. Hughes Metropolitan Complex.

VIII. (RE-OPENED) ZON-23-04 (Part 2) Final Plat: Proposed plating of approximately 2 acres (Hollenbeck Farm).

During current events portion of the meeting, Phil Meyer with Baughman Company, representing the applicant arrived to the Planning Commission Meeting at approximately 7:00 PM. Phil did apologize that he was not here in attendance earlier due to scheduling errors on his end.

After consulting with the Commissioners, Chairman Schmidt allowed Phil Meyer with Baughman Company go ahead and speak since no one from the public was present to speak at the earlier hearing.

Chairman Schmidt re-opened the public hearing.

Representing the applicant was Phil Meyer with Baughman Company. Phil stated that this is intended for single residence with a single access point. The water supply will be coming from Rock Road and the berms will remain in place.

Chairman Schmidt asked if the row of trees on the berm next to the pond will be removed and Phil Meyer stated that the trees will stay in place.

Phil stated that anything missing from the plat will be shown on the Mylar.

Chairman Schmidt closed the public hearing.

Motion: Chairman Schmidt made a motion to rescind his motion on the facts that Phil Myer with Baughman Company was late due to scheduling issues. Commissioner Faber seconded the motion. *Motion Carried 5-0*

Motion: Chairman Schmidt made a motion to accept the final plat of Hollenbeck Farm with the condition that corrections are made to the Planning Commission Certificate, surveyor's text to have the date of the survey, and the utility information to show easements provided, corrections to be approved by staff, Anne Stephens, by November 8, 2023. Commissioner Charleston seconded the motion. *Motion Carried 5-0*

IV. ADJOURNMENT

Motion: Commissioner Matzek made a motion to adjourn. Commissioner Roths seconded the motion. *Motion Carried 5-0*

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

City of Bel Aire

STAFF REPORT

DATE: 11/03/2023

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

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

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

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

1. The character of the neighborhood;

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

2. The zoning and uses of properties nearby

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

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

City staff has compared this request to the approved Master growth Plan the figure 3.4 showing mixed use commercial category. Figure 3.5 intensity level is a 3; the request is a level 3. Staff agrees the requested use fits the area.

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

City staff no adverse effect is expected.

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

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

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

No hardship is expected to be caused by the development.

7. Recommendations of permanent staff;

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

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

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

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

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

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

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

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

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

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

19.4.11. Planning commission action on the final plat.

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

It is substantially the same as the approved preliminary plat;

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

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

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

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

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

DETAIL OF THE BUSINESS AT 4648 FARMSTEAD

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

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

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

- No painting, priming, or related activity.

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

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

18.8.1 (C-G)

Home Occupations REQUIRED to register with the City:

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

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

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

Requiring external storage used in the home occupation,

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

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

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

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

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

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

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

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

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

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



APPLICATION

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

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

☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

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

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

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

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

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

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

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

4. The particular reason for seeking reclassification:

to allow for a residential subdivision on undeveloped property.

5. County control number: _____ Pin No. 00570714

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

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

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

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

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

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

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

Agent n/a Phone _____
Address _____ Zip Code _____

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

Agent n/a Phone _____
Address _____ Zip Code _____

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

53rd & OLIVER, LLC

BAUGHMAN COMPANY, P.A.

Applicant's Signature

BY

Authorized Agent (If Any)

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

May 28th 2004



CHAPEL LANDING

ZONE CHANGE APPLICATION TO R-5

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Commencing at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way), and for a Point of Beginning; SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence S24°16'49"W coincident with the southeast line of said Reserve "X", a distance of 207.14 feet; FOURTH COURSE, thence S19°39'12"E coincident with the east line of said Reserve "X", a distance of 907.42 feet; FIFTH COURSE, thence S54°48'39"E coincident with the east line of said Reserve "X", 171.69 feet; SIXTH COURSE, thence S89°58'06"E coincident with the southerly most north line of said Reserve "X", 542.61 feet to a point in the east line of said Northeast Quarter; SEVENTH COURSE, thence N00°09'40"W coincident with the east line of said Northeast Quarter, 1578.11 feet to the Point of Beginning, subject to a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

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





OWNERSHIP LIST

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



Security 1st Title

Section V, Item A.

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




Security 1st Title

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

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

SECURITY 1ST TITLE

By: 
 LICENSED ABSTRACTER

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

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

Order: OE005379
 KJK

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of October, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

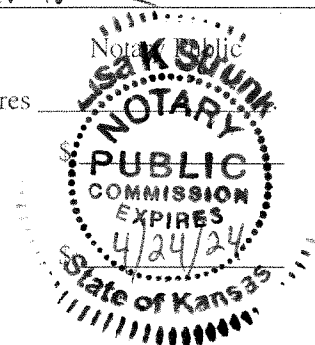
Subscribed and sworn to before me this 19th day of October, 2023.

LHS

My commission expires _____

Additional copies \$ _____

Printer's fee \$ _____



Bel Aire public notice

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

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

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

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

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

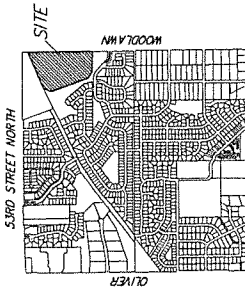
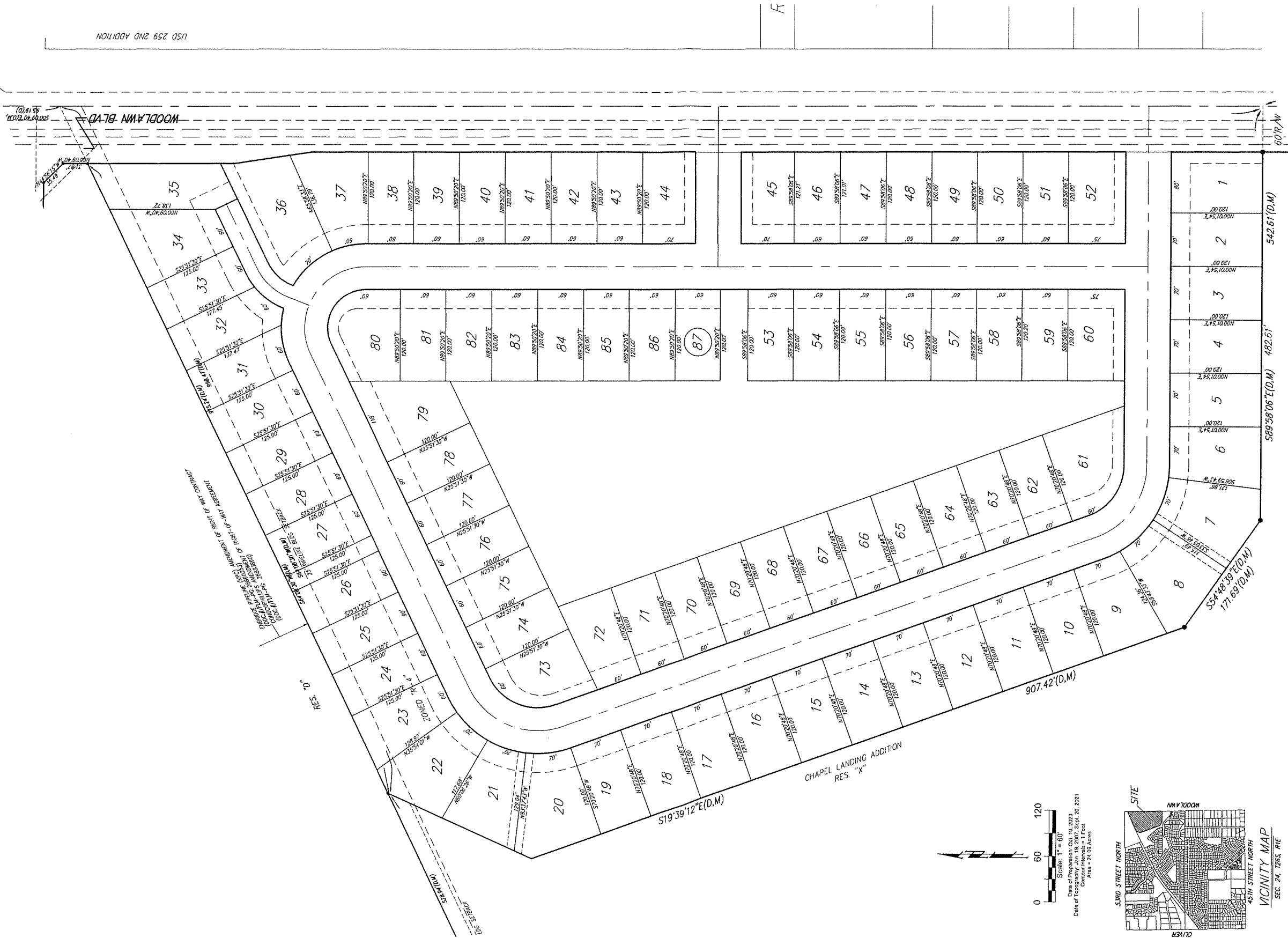
You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if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

DATED this 17th day of October 2023.

/s/ Anne Stephens

Bel Aire Planning Commission Secretary

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



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

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

CHAPEL LANDING 8TH

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



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



REZONING REVIEW

Address of proposed project: Chapel Landing (8th not-platted)

This report is to document that on 10.19.23 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

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

The review of the above property plan has been:

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

DATE 10/19/23

Keith Price
REVIEWED BY

Comments:

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

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

CITY OF BEL AIRE, KANSAS

File No. S/D 23 - 05**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 7th

General Location SE corner of 53rd and Woodlawn

☒ Inside City ☐ To be Annexed ☐ Outside City

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

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

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

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

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

Address 315 Ellis Wichita, KS 67211 Phone 262-7271

Name of Registered Land Surveyor same as agent

Address _____ Phone _____

Subdivision Information

1. (Select One) ☒ Final Plat of entire preliminary plat area
 - ☐ Final Plat of unit number _____ of _____ unit developments
 - ☐ Final Plat for small tract
 - ☐ Final Replat of original platted area
2. Gross acreage of plat 13.59 Acres
3. Total number of lots 44
4. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:
 - a. ☒ Residential-Single-Family ☐ Duplex ☐ Multiple Family ☐ Manufactured/Mobile Home
 - b. Commercial _____
 - c. Industrial _____
 - d. Other _____

5. Predominant minimum lot width 60 Feet
6. Predominant minimum lot area 7,200 Square Feet
7. Existing zoning R-5 District
8. Proposed zoning n/a District
9. Source of water supply City
10. Method of sewage disposal City
11. Total lineal feet of new street 1762 Feet

Street Name	R/W Width	Lineal Feet
a. <u>Pheasant Ridge St</u>	<u>32</u> Ft.	<u>952</u> Ft.
b. <u>Pheasant Ridge Ct</u>	<u>32</u> Ft.	<u>283</u> Ft.
c. <u>Hillcrest St</u>	<u>32</u> Ft.	<u>407</u> Ft.
d. <u>Pheasant Ridge Cir</u>	<u>32</u> Ft.	<u>120</u> 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
13. Curb and gutter proposed: ☒ Yes ☐ No
14. Sidewalks proposed: ☒ Yes ☐ No If yes, where? _____

See sidewalk exhibit

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

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

Landowner Date Kris Ro 10-12-23
Agent (If any) 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 ✓

\$ 790.00

Copy of proposed restrictive covenants, if any, received _____

Methods for financing and guaranteeing improvements _____

For plats for small tract:

a. Vicinity map received _____

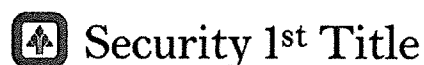
b. Topographic drawing, if required, received _____

Original drawing or photographic equivalent of Final Plat received _____

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

Subdivision Administrator

cc: Applicant



TITLE REPORT

Prepared By:
Security 1st Title
 727 N. Waco Ave., Suite 300
 Wichita, KS 67203
 Phone: (316) 293-1637
 Fax: (316) 267-8115

Contact: **David Herd**
 Email: dherd@security1st.com

Prepared Exclusively For:
Baughman Company, P.A.
 315 Ellis
 Wichita, KS 67211
 Phone:
 Fax:
 Contact: **Kris Rose**
 Email: krose@baughmanco.com

Report No: **OE002167**
 Report Effective Date: **04/12/2023, at 7:00 A.M.**
 Property Address: **No Situs Address, Wichita, KS 67220**
 Customer File Number: **Chapel Landing 7th**

This Title Search Report is NOT a commitment to insure and is not to be construed as an Abstract of Title or Title Opinion. It has been issued as a Report as to the status of title for the specific benefit of Baughman Company, P.A., and as such should not be relied upon by any other party for any Real Estate Transaction. Any and all loss or damage that may occur by reason of any errors and omissions in this Company's Report is limited to \$1,000.00 and the fee it received for the preparation and issuance of this report, whichever is less.

1. **Fee Simple** interest in the Land described in this Report is owned, at the Report Effective Date, by
 53rd & Oliver, LLC, a Kansas limited liability company
2. The Land referred to in this Report is described as follows:

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence continuing S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northwest line of said Reserve "X", a distance of 528.94 feet to the southeast corner of Reserve "II" as platted in said Chapel Landing; FOURTH COURSE, thence N19°42'50"W coincident with the east line of said Reserve "II", a distance of 89.40 feet to the northeast corner of said Reserve "II", said northeast corner also being the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick

County, Kansas; FIFTH COURSE, thence continuing N19°42'50"W coincident with the east line of said Reserve "A", a distance of 664.28 feet to the northeast corner of said Reserve "A"; SIXTH COURSE, thence N00°17'10"E, a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence S89°42'50"E coincident with the north line of said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter and a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

3. The following Real Estate Taxes, Easements, Restrictions, Judgments, Pending Suits, Mechanic Liens, State Tax Liens, Federal Tax Liens, Mortgage, and other liens and encumbrances are recorded in the local public records. No search of the oil, gas, or other mineral title has been made, and any matters incident to or growing out of the mineral estate are not included in this Report, including but not limited to conveyances, reservations, or oil and gas leases.

1. General taxes and special assessments for the year 2022 in the amount of \$45.66, PAID.

Property ID # KE-BA-02147-0001

PIN # 00570714 (Covers additional property)

2. Roadway easement, if any, over the North 30 and East 40 feet of subject property of subject property.

3. An easement for pipeline and telephone, telegraph or electrical lines, recorded as Misc. Book 98, Page **198**; confined by Amendment of Right of Way Contract filed February 26, 2007 as Doc#/Flm-Pg: **28860053** and by the Amendment of Right-of-Way Agreement filed May 21, 2007 as Doc#/Flm-Pg: **28883860**.
In favor of: Phillips Pipe Line Company, assigned to Kansas Pipeline Company
Affects: a portion of subject property

Amendment of Right of Way Agreement filed June 20, 1985 on Film 733, Page **1347**.

Assignment and Assumption and Bill of Sale Agreement by and between Phillips 66 Pipeline LLC as "Assignor" and Phillips 66 Gold Line System LLC as "Assignee", filed July 17, 2014 as Doc#/Flm-Pg: **29464531**.

4. The terms and provisions contained in the document entitled "Amendment of Right of Way Contract" filed February 26, 2007 as Doc#/Flm-Pg: **28860053**, which inter-alia establishes a building setback line on either side of the "Defined Easement".
5. The terms and provisions contained in the document entitled "Amendment of Right-of-Way Agreement" filed May 21, 2007 as Doc#/Flm-Pg: **28883860**, which inter-alia establishes a building setback line from the "Defined Easement".
6. An easement for public road and highway purposes, recorded December 4, 1967 as Misc. Book 610, Page **427**.
In favor of: Sedgwick County, Kansas
Affects: the West 10 feet of the East 50 feet of subject property
7. An easement for pipeline and electric lines, recorded as Film 1718, Page **1410**.
In favor of: Phillips Pipe Line Company
Affects: subject property

Assignment and Assumption and Bill of Sale Agreement by and between Phillips 66 Pipeline LLC as "Assignor" and Phillips 66 Plymouth LLC as "Assignee", filed May 31, 2016 as Doc#/Flm-Pg: **29611811**.

8. It is noted that subject property was annexed into the City of Bel Aire, Kansas, as evidenced by Ordinance filed November 12, 2003 on Film 2819, Page 2063.
9. An easement for public utilities and a temporary easement for construction of public utilities, recorded April 14, 2006 as Doc#/Flm-Pg: 28772328.
In favor of: City of Bel Aire
Affects: a portion of subject property
10. The terms and provisions contained in the document entitled "Encroachment Agreement" filed May 21, 2007 as Doc#/Flm-Pg: 28883859.
11. The terms and provisions contained in the document entitled "Agreement Concerning the Development of the Chapel Landing Addition to the City of Bel Aire, Kansas" filed April 7, 2008 as Doc#/Flm-Pg: 28965251.
12. Terms and provisions contained in Ordinance No. 671 regarding a change in zoning classification filed July 19, 2021 as Doc#/Flm-Pg: 30079659, as to a portion of subject property.
13. Rights or claims of parties in possession not shown by the public records.

Security 1st Title

By: 

Licensed Abstracter

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of October, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

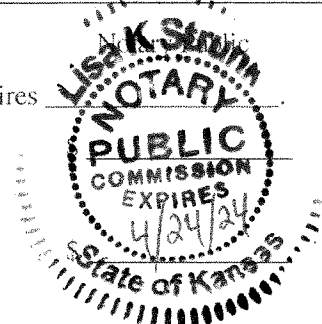
Subscribed and sworn to before me this 19th day of October, 2023.

WKS

My commission expires

Additional copies

Printer's fee



Bel Aire public notice

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

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

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

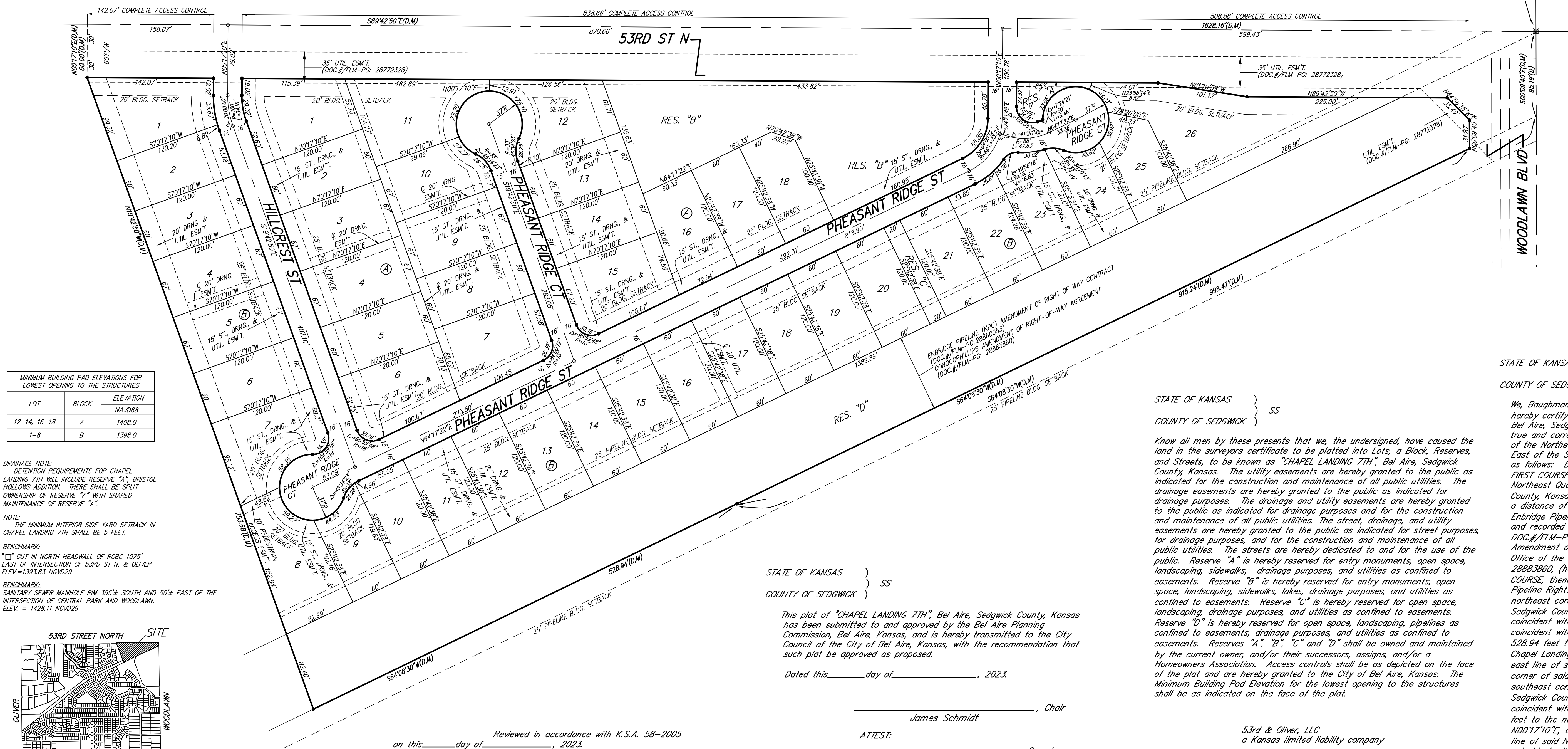
Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

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

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

DATED this 17th day of October 2023.
/s/ Anne Stephens
Bel Aire Planning Commission Secretary

FINAL PLAT
CHAPEL LANDING 7TH
BEL AIRE, SEDGWICK COUNTY, KANSAS
 NE 1/4 OF SEC. 24, T-26-S, R-1-E

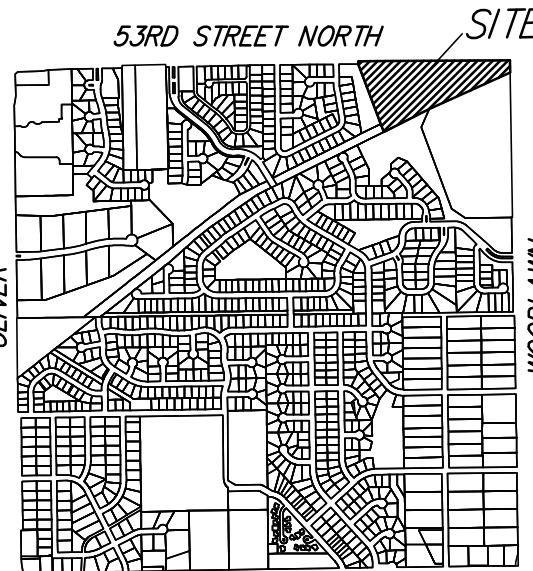


DRAINAGE NOTE:
 DETENTION REQUIREMENTS FOR CHAPEL LANDING 7TH WILL INCLUDE RESERVE "A". BRISTOL HOLLOWAYS ADDITION. THERE SHALL BE SPLIT OWNERSHIP OF RESERVE "A" WITH SHARED MAINTENANCE OF RESERVE "A".

NOTE:
 THE MINIMUM INTERIOR SIDE YARD SETBACK IN CHAPEL LANDING 7TH SHALL BE 5 FEET.

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

BENCHMARK:
 SANITARY SEWER MANHOLE RM 355± SOUTH AND 50± EAST OF THE INTERSECTION OF CENTRAL PARK AND WOODLAWN. ELEV. = 1428.11 NGVD29



VICINITY MAP
 SEC. 24, T26S, R1E

We, the undersigned holders of a mortgage on the above described property, do hereby consent to this plat of "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas.

Legacy Bank

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

The foregoing instrument acknowledged before me, this _____ day of _____, 2023, by _____, of Legacy Bank, on behalf of the bank.

My App't. Exp. _____

Entered on transfer record this _____ day of _____, 2023.

Kelly B. Arnold, County Clerk

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

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

Tonya Buckingham, Register of Deeds

Kenly Zehring, Deputy

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

This plat of "CHAPEL LANDING 7TH", 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 _____, 2023.

James Schmidt, Chair

ATTEST: _____, Secretary

Anne Stephens

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Bel Aire, Kansas on _____, 2023.

Jim Benage, Mayor

ATTEST: _____, City Clerk

Melissa Krehbiel

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

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

Date Signed: _____, 2023.

Maria Schrock, City Attorney

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, a Block, Reserves, and Streets, to be known as "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas. The utility easements are hereby granted to the public as indicated for the construction and maintenance of all public utilities. The drainage easements are hereby granted to the public as indicated for drainage purposes. The drainage and utility easements are hereby granted to the public as indicated for drainage purposes and for the construction and maintenance of all public utilities. The street, drainage, and utility easements are hereby granted to the public as indicated for street purposes, for drainage purposes, and for the construction and maintenance of all public utilities. The streets are hereby dedicated to and for the use of the public. Reserve "A" is hereby reserved for entry monuments, open space, landscaping, sidewalks, drainage purposes, and utilities as confined to easements. Reserve "B" is hereby reserved for entry monuments, open space, landscaping, sidewalks, lakes, drainage purposes, and utilities as confined to easements. Reserve "C" is hereby reserved for open space, landscaping, drainage purposes, and utilities as confined to easements. Reserve "D" is hereby reserved for open space, landscaping, pipelines as confined to easements, drainage purposes, and utilities as confined to easements. Reserves "A", "B", "C" and "D" shall be owned and maintained by the current owner, and/or their successors, assigns, and/or a Homeowners Association. Access controls shall be as depicted on the face of the plat and are hereby granted to the City of Bel Aire, Kansas. The Minimum Building Pad Elevation for the lowest opening to the structures shall be as indicated on the face of the plat.

53rd & Oliver, LLC
 a Kansas limited liability company

Jay W. Russell, Manager

State of Kansas) SS
 Sedgwick County) The foregoing instrument acknowledged before me, this _____ day of _____, 2023, 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. _____

STATE OF KANSAS)
) SS
 COUNTY OF SEDGWICK)

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we have surveyed and platted "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as that part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°09'40"E, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence continuing S64°17'22"W coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northeast line of said Reserve "X", a distance of 528.94 feet to the southeast corner of Reserve "I" as platted in said Chapel Landing; FOURTH COURSE, thence N19°42'50"W coincident with the east line of said Reserve "I", a distance of 89.40 feet to the northeast corner of said Reserve "I", said northeast corner also being the southeast corner of Reserve "A"; FIFTH COURSE, thence continuing N19°42'50"W coincident with the east line of said Reserve "A", a distance of 664.28 feet to the northeast corner of said Reserve "A"; SIXTH COURSE, thence N00°17'10"E, a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence S89°42'50"E coincident with the north line of said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter and a 30.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

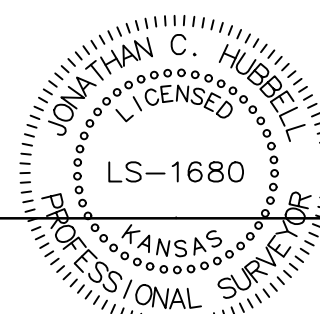
Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended.

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

Baughman Company, P.A.

Date of Survey: _____

Jonathan C. Hubbell, Surveyor



CHAPEL LANDING 7TH

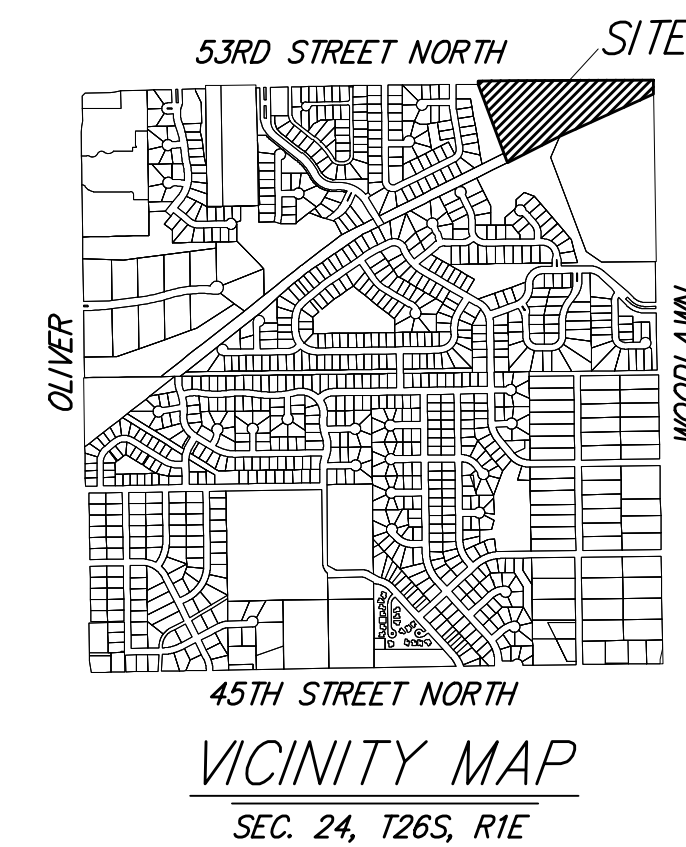
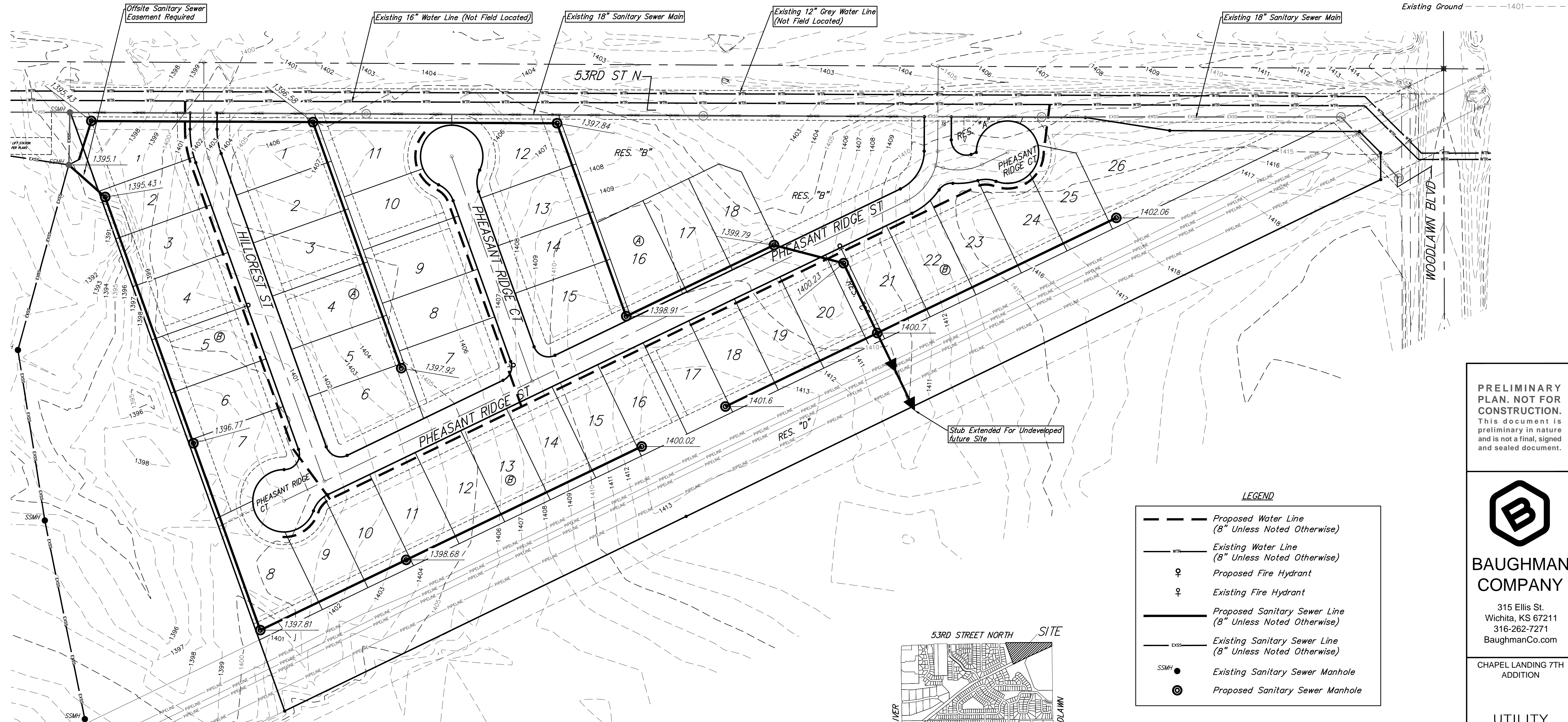
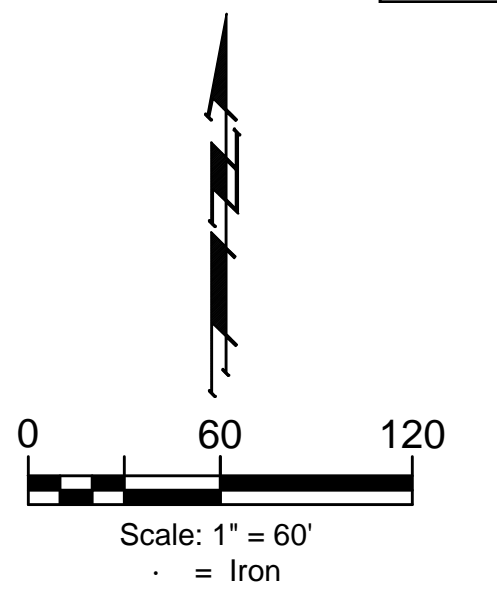
Sept. 20, 2023



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

CHAPEL LANDING 7TH ADDITION

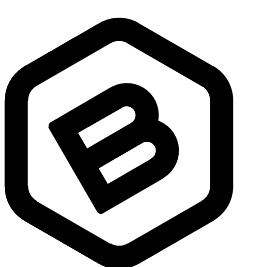
BEL AIRE, SEDGWICK COUNTY, KANSAS



LEGEND

- Proposed Water Line (8" Unless Noted Otherwise)
- WTR — Existing Water Line (8" Unless Noted Otherwise)
- ♀ Proposed Fire Hydrant
- ♀ Existing Fire Hydrant
- Proposed Sanitary Sewer Line (8" Unless Noted Otherwise)
- EXSS — Existing Sanitary Sewer Line (8" Unless Noted Otherwise)
- SSMH ● Existing Sanitary Sewer Manhole
- ⊙ Proposed Sanitary Sewer Manhole

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



BAUGHMAN COMPANY

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

CHAPEL LANDING 7TH ADDITION

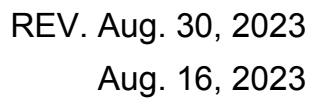
UTILITY PLAN

PROJECT NUMBER:

DESIGN: AEG DRAWN: LEN

DATE: October 12, 2023

SHEET 01 OF 01



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

Jonathan C. Hubbell, P.S. #1680

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sanguin County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S02°49'40"E., (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Be Aré, Sedgwick County, Sanguin County, Kansas, DCC#G/LFM-PC, 288838605), a distance of 528.94 feet to the southeast corner of said Northeast Quarter; SECOND COURSE, thence S84°17'22"W., a distance of 664.28 feet to the northeast corner of said Northeast Quarter; THIRD COURSE, thence N19°42'50"W., a distance of 664.28 feet to the northeast corner of Reserve "X," as platted in Chapel Landing, Be Aré, Sedgwick County, Kansas; THIRD COURSE, thence continuing N19°42'50"W. coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northwest line of said Reserve "X," a distance of 528.94 feet to the southeast corner of Reserve "W," as platted in said Chapel Landing; FOURTH COURSE, thence N19°42'50"W. coincident with the east line of said Reserve "W," a distance of 664.02 feet to the northeast corner of said Reserve "A"; FIFTH COURSE, thence continuing N19°42'50"W. coincident with the east line of said Reserve "A," a distance of 664.28 feet to the northeast corner of said Reserve "AT"; SIXTH COURSE, thence N00°17'10"E., a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence S89°42'50"E. coincident with the north line of said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a right-of-way easement over the northeast quarter of said section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sanguin County, Kansas, of about 5,100 foot road right-of-way along west end of abutting the east line of said Northeast Quarter.

DRAINAGE NOTE:
DETENTION REQUIREMENTS FOR CHAPEL
LANDING 7TH WILL INCLUDE RESERVE "A", BRISTOL
HOLLOWS ADDITION. THERE SHALL BE SPLIT
OWNERSHIP OF RESERVE "A" WITH SHARED
MAINTENANCE OF RESERVE "A".



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



FINAL PLAT REVIEW

Address of proposed project: Chapel Landing 7th Final plat

This report is to document that on 10.19.23 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

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

The review of the above property plan has been:

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

DATE 10/19/23

Keith Price
REVIEWED BY

Comments:

The preliminary plat was conditionally approved based on a shared drainage plan with Bristol Hollows addition. The city received the application, final plat, sidewalk plan, utility revised plan, and title report. The drainage plan was not included.

- Everyy has been contacted, Onegas has been contacted. Onegas had no requests.
- The pipeline representatives were contacted, no response received yet, have you contacted them as well?
- Has the drainage agreement between the owners of Bristol Hollows development and this development been finalized yet?
- The drainage plan can be submitted directly to the city engineer, Anne Stephens.
- The added drainage note will need to go through legal review to match the agreement with the owners of Bristol Hollows reserve and developer's agreement.
- <http://www.belaireks.citycode.net/> is the link to find the requirements for platting and zoning.

AFTER RECORDING RETURN TO:
 Ron H. Hamden
 Triplett Woolf Garretson, LLC
 2959 N. Rock Road, Suite 300
 Wichita, KS 67226

AGREEMENT REGARDING DRAINAGE

This Agreement Regarding Drainage ("Agreement") is made and entered this 4TH day of AUGUST, 2023, by and between 3F2R Holdings, LLC, a Kansas limited liability company ("Holdings") and 53rd & Oliver, LLC, a Kansas limited liability company ("53rd & Oliver").

RECITALS:

A. Holdings owns the residential subdivision legally described as Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas ("Hollows");

B. Hollows includes Reserve A ("Reserve A"). Reserve A currently serves as a dry detention facility pursuant to the existing drainage plan for the Hollows;

C. 53rd & Oliver owns an unplatted tract of land legally described on Exhibit "A," and proposed to be platted as Chapel Landing 7th Addition (hereafter referred to as the "7th Addition"). The 7th Addition is contiguous to the Hollows, and is specifically contiguous to Reserve A;

D. The City of Bel Aire ("City") has requested that 53rd & Oliver, in connection with the platting and drainage planning of the 7th Addition, revise the existing drainage plan for the Hollows, as required and approved by the City and establish a drainage plan for the 7th Addition as required and approved by the City for 53rd & Oliver, so that both drainage from the Hollows and the 7th Addition (following the platting and development thereof as a residential subdivision) shall drain into and be detained within Reserve A. Such wet detention shall require the construction of a pond, or ponds, within Reserve A;

E. The process of revising and preparing the revised and new drainage plans for the Hollows and the 7th Addition, including the preparation of all drawings, all meetings and communications with the City and all engineering associated therewith are referred to herein, collectively, as the "Drainage Authorization Process";

F. Holdings has agreed to cooperate with 53rd & Oliver in connection with the Drainage Authorization Process, which shall be performed at the sole cost and expense of 53rd & Oliver. The Drainage Authorization Process and the specific drainage plans and related documents (collectively, the "Drainage Documents") for the Hollows and the 7th Addition must be approved by the City, and

each of the parties hereto, which approval by such parties shall not be unreasonably withheld, delayed or conditioned; and

G. Upon the final approvals and completion of the Drainage Authorization Process and the Drainage Documents, fully executed by all applicable parties, Holdings shall convey to 53rd & Oliver the portion of Reserve A on the east side thereof which is designated according to all such plans as the portion of Reserve A to serve the 7th Addition (the "7th Addition Reserve A Area").

NOW THEREFORE for good and valuable consideration, the receipt of which is hereby irrevocably acknowledged the parties hereto agreed as follows:

1. The Recitals contained above are hereby incorporated into this Agreement.
2. Promptly following the date hereof, 53rd & Oliver shall engage Baughman Company, P.A. ("Baughman") to commence the Drainage Authorization Process and preparation of the Drainage Documents. Baughman shall delineate the 7th Addition Drainage Area as part of the Drainage Documents.
3. Holdings hereby grants to 53rd & Oliver, Baughman and their contractors such access to and on Reserve A as may be reasonably required for the platting of the 7th Addition and performing the Drainage Authorization Process and Drainage Documents. 53rd & Oliver shall require Baughman to provide to Holdings all drawings and information completed by Baughman regarding the Drainage Authorization Process and Drainage Documents. Holdings shall be made aware of meetings with the City and shall have an opportunity to be present and provide input regarding the Drainage Authorization Process and Drainage Documents.
4. 53rd & Oliver and Holdings shall cooperate using diligence to complete the Drainage Authorization Process and Drainage Documents as soon as reasonably possible. Holdings, as the current owner of Reserve A, shall execute applications and other documentation requested by the City or Baughman associated with the Drainage Authorization Process and Drainage Documents for submission to the City, but shall not incur any costs or expense related thereto.
5. When the Drainage Authorization Process and Drainage Documents are finally approved by the City and the parties hereto and shall have been executed, are processed and recorded in accordance with the City's requirements, Holdings shall convey to 53rd & Oliver by a special warranty deed the 7th Addition Reserve A Area, free of any mortgages or liens, other than a lien for the non-delinquent real estate taxes and assessments applicable to such land.
6. As soon as reasonably possible following the conveyance of the 7th Addition Reserve A Area to 53rd & Oliver as provided in paragraph 5 above, 53rd & Oliver shall commence the excavation and other construction on Reserve A as provided in the final Drainage Authorization Process and Drainage Documents, including excavation thereof, and all costs thereof shall be paid by 53rd & Oliver or specially assessed by the City to the 7th Addition. Following the completion of all applicable work on Reserve A required by the Drainage Authorization Process and Drainage Documents, Holdings and 53rd & Oliver shall be responsible for the care, maintenance, repair, and replacement of the portions of Reserve A owned by them.

7. Miscellaneous.

a. This Agreement contains the entire understanding of the parties hereto on the subject matter hereof and may not be amended or modified except by an instrument in writing, executed by the parties hereto or the successors or assigns thereof, including the respective successor owners of Reserve A.

b. This Agreement shall run with the land and be binding on the successors and assigns of the parties hereto, including specifically, the property associations established for Hollows and the 7th Addition which shall, respectively, perform the maintenance, repair and replacement to the portion of Reserve A applicable to Hollows and 7th Addition.

c. In the event any provisions, or portions thereof, of this Agreement are held to be unenforceable or invalid by any court, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

d. In the event either party defaults in the performance of its obligations hereunder, the non-defaulting party may give written notice to the defaulting party specifying such default and if the defaulting party fails to cure the default within five (5) business days following receipt of such notice, then the non-defaulting party may exercise any rights or remedies available at law or equity.

e. This Agreement may be recorded in the records of the Sedgwick County, Kansas Register of Deeds.

f. The laws of the State of Kansas shall govern the interpretation, validity, performance and enforcement of this Agreement. Any dispute or arbitration involving this Agreement shall have its exclusive venue and jurisdiction in Sedgwick County, Kansas.

g. This Amendment may be executed in two or more counterparts, each of which will be deemed to be an original copy of this Amendment and all of which, when taken together, will be deemed to constitute one and the same agreement.

[Signature page follows.]

Executed as of the day and year first above written.

Holdings:

3F2R Holdings, LLC

By:

Name:

Title:

Philip J. Ruffo
Member

53rd & Oliver:

53rd & Oliver, LLC

By: The Jay Russell Revocable Trust, as amended and restated June 23, 2020, a Member

By:

Jay W. Russell, Trustee

STATE OF KANSAS)

) ss:

COUNTY OF SEDGWICK)

BE IT REMEMBERED, that on this 6th day of September, 2023, before me a Notary Public in and for the County and State aforesaid, personally appeared Philip J. Ruffo, Member of 3F2R Holdings, LLC, a Kansas limited liability company, personally known to me to be the same person who executed the above and foregoing instrument in writing on behalf of said limited liability company and such person duly acknowledged the execution of the same to be the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

NOTARY PUBLIC

My Appointment Expires: 8/27/2025

STATE OF KANSAS)

) ss:

COUNTY OF SEDGWICK)



BE IT REMEMBERED, that on this 4th day of August, 2023, before me a Notary Public in and for the County and State aforesaid, personally appeared Jay W. Russell, Trustee of the Jay W. Russell Revocable Trust, as amended and restated June 23, 2020, a Member of 53rd & Oliver, LLC, a Kansas limited liability company, personally known to me to be the same person who executed the above and foregoing instrument in writing on behalf of said limited liability company and such person duly acknowledged the execution of the same to be the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

NOTARY PUBLIC

My Appointment Expires: 4/13/24

Jeffrey K. Campbell, Notary Public State of Kansas
My Appt Expires 4/13/24

Exhibit "A"

7th Addition Legal Description

That part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence $S00^{\circ}09'40''E$, (basis of bearings, east line of said Northeast Quarter as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas), coincident with the east line of said Northeast Quarter, 1.01 feet to the intersection with the northwest line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the northwest line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence $S64^{\circ}17'22''W$ coincident with the northwest line of said Pipeline Rights-of-Way, 1558.68 feet to the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence $N19^{\circ}42'50''W$ coincident with the east line of said Reserve "A", 664.27 feet to the northeast corner of said Reserve "A"; FOURTH COURSE, thence $N00^{\circ}17'10''E$, 60.00 feet to the intersection with the north line of said Northeast Quarter; FIFTH COURSE, thence $S89^{\circ}42'50''E$ coincident with the north line of said Northeast Quarter, 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter.

(Published once in Ark Valley News on October 19th, 2023.)

OFFICIAL NOTICE OF A ZONING CODE HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 9th, 2023; the City of Bel Aire Planning Commission will review code sections to consider an update to the Zoning Code related to adopting an update to the City 2023 Zoning Map, shortly after 6:30 p.m. in the Council Chamber at City Hall in order of the agenda items, in Bel Aire, Kansas:

Location: 7651 E. Central Park Ave, Bel Aire Ks. 67226

Information: The 2023 map can be viewed at city hall during business hours.

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 regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without notice.

DATED this 17 day of October 2023

/s/ Anne Stephens

Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

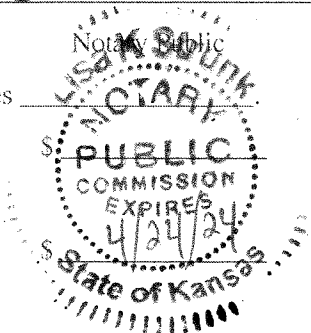
Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of October, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

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

hss
My commission expires _____
Additional copies _____
Printer's fee _____



Bel Aire public notice

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

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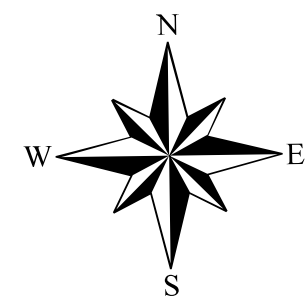
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DATED this 17th day of October 2023
/s/ Anne Stephens
Bel Aire Planning Commission Secretary

Zoning Districts

Bel Aire, Kansas



- Bel Aire City Limits
- Property Boundaries
- Parks
- Government Properties

Zoning Types

- AG -Agricultural
- C-1 -Commercial 1
- C-2 -Commercial 2
- M-1 -Manufacturing
- R-1 -Residential 1
- R-2 -Residential 2
- R-3 -Residential 3
- R-4 -Residential 4
- R-5 -Residential 5
- R-5B-Residential 5B
- R-6 -Residential 6

October 31st, 2023



Esri Community Maps Contributors, City of Wichita, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA