



**AGENDA**  
**PLANNING COMMISSION**  
**City Hall – Bel Aire, Kansas**  
**July 16, 2020**  
**6:30 P.M.**



**I. Roll Call:**  
James Schmidt \_\_\_ David Floyd \_\_\_ Phillip Jordan \_\_\_  
John Charleston \_\_\_ James Farner \_\_\_

**II. Pledge of Allegiance**

**III. Approval of Minutes from Previous Meeting.**  
Motion to approve the minutes of June 11, 2020

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_

**IV. OLD/NEW BUSINESS**

**Continuation of Hearing**

**A. Case No. SD/-20-01.** Proposed platting approximately 17.86 acres of the R-6 Multi-family Zoning District. (Homestead Senior Living)  
Action: To recommend the final plat without changes and/ or conditions, table, or deny.

**Close Hearing**

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_

**Open Hearing**

**B. Case V-19-01.** Proposed Vacating a portion of a platted utility (Broadstone Villas) easement as presented.

**Close Hearing**

Action: To recommend without changes and/ or conditions, table, or deny the vacation of the portion of platted easement as presented.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_

**C. Elect Planning Commission Chair**

i. Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_

**D. Elect Planning Commission Vice-chair**

ii. Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_

**E. Next meeting August 13, 2020**

Action: Motion to approve  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_

**F. Executive Session Training**

Action: none.

**V. Current Events:**

City Brush site will open August 9<sup>th</sup>

2020 Census-61.8% for the US households have completed the survey by phone or mail. 91,400,000 households

**VI. Adjournment**

Action: Motion to adjourn.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Vote \_\_\_\_\_  
Meeting adjourned. Time \_\_\_\_\_



**MINUTES**  
**PLANNING COMMISSION**  
**7651 E. Central Park Ave**  
**Bel Aire, KS**  
**June 11, 2020 6:30 P.M.**



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**I. Roll Call:**

Present were James Schmidt, David Floyd, Phillip Jordan, John Charleston, and James Farner.

**II. Pledge of Allegiance** – Chairman Schmidt led the pledge of allegiance.

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

Motion to approve the minutes of March 12, 2020

**MOTION:** Commissioner Floyd moved to approve the minutes as presented. Commissioner Jordan seconded the motion. ***Motion carried 5-0.***

**Executive Session:**

**MOTION:** Chairman Schmidt moved to go into executive session for 10 minutes and to invite City staff. Commissioner Charleston seconded the motion. ***Motion carried 5-0.***

The Commission went into executive session at 6:36 p.m. The open meeting resumed at 6:46 p.m.

**IV. OLD/ NEW BUSINESS**

**Case No. SD/-20-01.** Proposed platting approximately 17.86 acres of the R-6 Multi-family Zoning District (preliminary and final plats).

Chairman Schmidt opened the public hearing for the preliminary plat at 6:47 p.m. Phil Meyer, Baughman Company, spoke on behalf of the applicant and stood for questions from the commission. There being no others requesting to speak, Chairman Schmidt closed the public hearing at 6:56 p.m.

The commission discussed ingress/egress, allowing more time for the City Engineer to review the drainage plan, and consistency with the zoning regulations, growth plan and subdivision regulations.

**MOTION:** Chairman Schmidt moved to recommend approval of the preliminary plat without changes or conditions. Commissioner Jordan seconded the motion. **Motion carried 4-1**, with Commissioner Farner voting against the motion.

Chairman Schmidt opened the public hearing for the final plat at 7:07 p.m. No one requested to speak. Chairman Schmidt closed the public hearing at 7:08 p.m.

After discussion among commissioners regarding the revised final plat, Mr. Meyer requested that the final plat be tabled until the next meeting.

**MOTION:** Commissioner Floyd moved to table the final plat to July. Commissioner Charleston seconded the motion. **Motion carried 5-0.**

#### **Next meeting July 16, 2020**

**MOTION:** Commissioner Floyd moved to approve the date of the next meeting as July 16, 2020. Commissioner Farner seconded the motion. **Motion carried 5-0.**

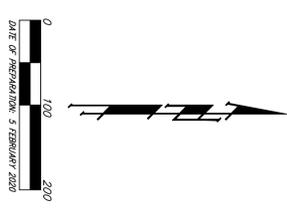
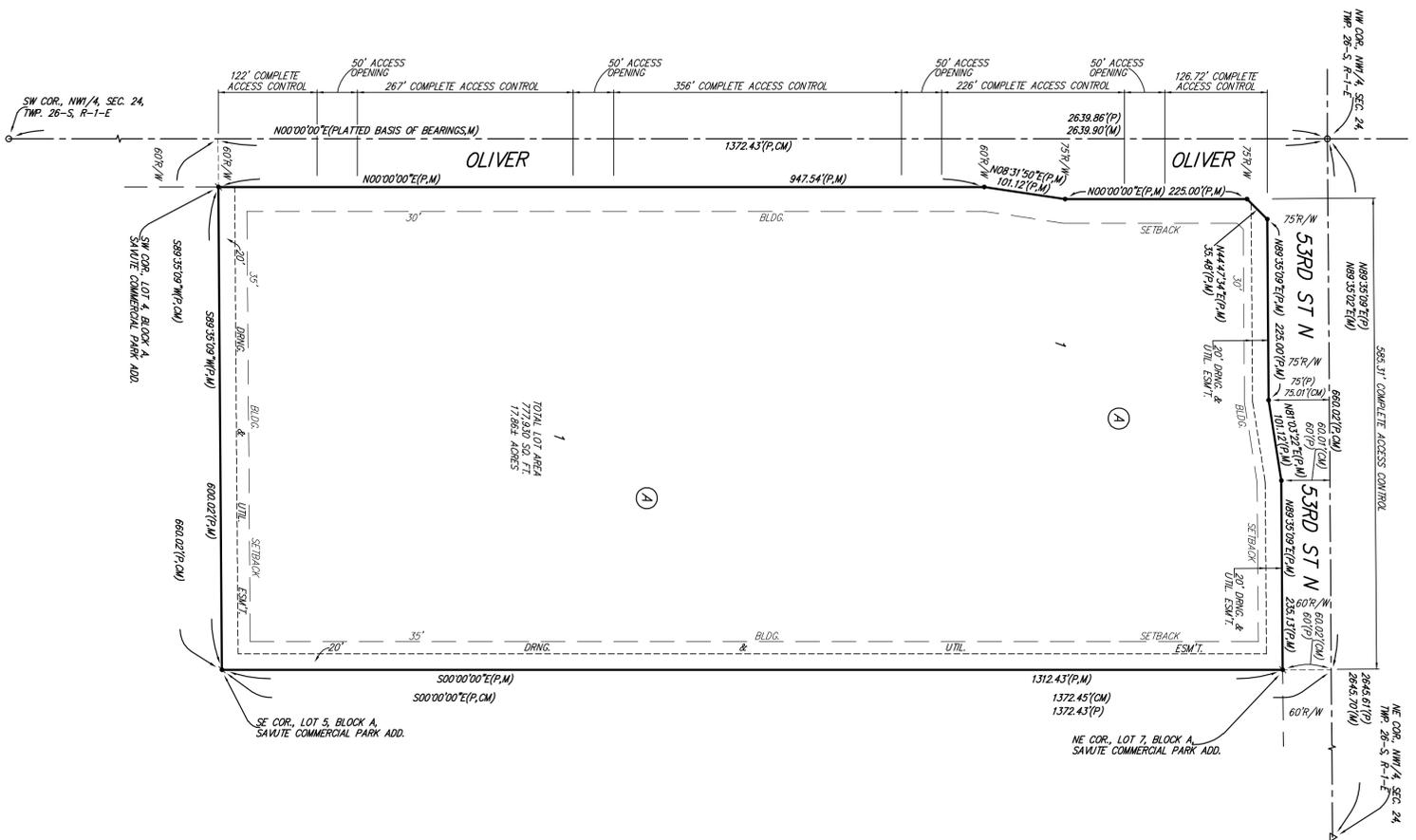
#### **V. Adjournment**

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

The meeting adjourned at 7:34 p.m.

# HOMESTEAD SENIOR RESIDENCE

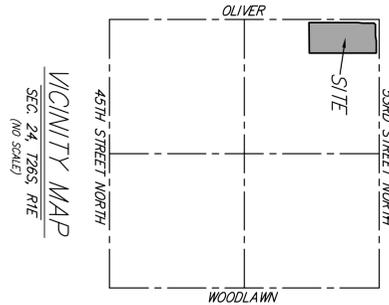
## BEL AIRE, SEDGWICK COUNTY, KANSAS



● = #4 REBAR W/ BAUGHMAN™ CAP (SET)  
 ● = #4 REBAR W/ BAUGHMAN™ CAP (ROUND)  
 ▲ = STONE (ROUND)  
 ○ = #8 REBAR IN THIMBLE (ROUND)

(M) = MEASURED  
 (P) = PLATTED  
 (CM) = CALCULATED FROM MEASURED INFO

BENCHMARK:  
 GEODETIC SQUARE COT IN NORTH  
 HEADQUARTERS OF ROAD, 1075' EAST OF  
 INTERSECTION OF 53RD ST N & OLIVER  
 ELEV. = 1393.83 NAVD83



NOTE: A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS SUBDIVISION AND IS ON FILE WITH THE CITY OF BEL AIRE. ANY CHANGES TO THE DRAINAGE PLAN MUST BE APPROVED BY THE CITY ENGINEER OF THE CITY OF BEL AIRE, KANSAS. NO OBSTRUCTIONS WHICH IMPED THE FLOW OF THIS DRAINAGE SYSTEM ARE ALLOWED.

NOTE: ALL DRAINAGE EASEMENTS SHALL BE SUBMITTED TO THE CITY OF BEL AIRE, KANSAS FOR APPROVAL PRIOR TO THE RECORDING OF SAID DRAINAGE EASEMENTS.

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NOTE: ALL PUBLIC UTILITIES THAT MAY BE EXTENDED THROUGHOUT THE SITE DURING THE CONSTRUCTION OF THIS PROJECT SHALL BE EXTENDED THROUGHOUT THE SITE DURING THE CONSTRUCTION OF THIS PROJECT. THE LOCATION AND DEPTH OF ANY UTILITIES SHALL BE DETERMINED BY THE ENGINEER OF THE CITY OF BEL AIRE, KANSAS PRIOR TO THE RECORDING OF SAID DRAINAGE EASEMENTS.

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NOTE: ALL DRAINAGE EASEMENTS SHALL BE SUBMITTED TO THE CITY OF BEL AIRE, KANSAS FOR APPROVAL PRIOR TO THE RECORDING OF SAID DRAINAGE EASEMENTS.

State of Kansas) SS We, Baughman Company, P.A., Surveyors in Sedgwick County and state do hereby certify that we have surveyed and plotted "HOMESTEAD SENIOR RESIDENCE", 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 report of the following: All of Lots 1 through 7, Block 4, Savite Commercial Park Addition, Bel Aire, Sedgwick County, Kansas.

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 Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas. Baughman Company, P.A.

Michael G. Conroy, Surveyor

Know all men by these presents that we, the undersigned, have caused the land in the surveys certificate to be platted into a Lot and a Block to be known as "HOMESTEAD SENIOR RESIDENCE", Bel Aire, Sedgwick County, Kansas. The drainage and utility easements are hereby granted to the City of Bel Aire, Kansas as indicated for drainage purposes and for the constructing, operating, maintaining and repairing of all public utilities. The minimum distance between habitable structures constructed on Lot 1, Block 4, shall be as follows: Side yard setback - 20 feet, Rear yard setback - 30 feet. Access controls shall be as depicted on the face of the plat and are hereby granted to the City of Bel Aire, Kansas. Homestead Senior Residences Bel Aire, LLC, a Kansas limited liability company.

Thomas A. Bishop, President/CEO of Homestead Affordable Housing, Inc., a Kansas not-for-profit corporation

State of Kansas) SS The foregoing instrument acknowledged before me, this day of February, 2020, by Thomas A. Bishop, President/CEO of Homestead Affordable Housing, Inc., a Kansas not-for-profit corporation, Manager of Homestead Senior Residences Bel Aire, LLC, a Kansas limited liability company, on behalf of the limited liability company.

My App't. Exp. \_\_\_\_\_, Notary Public

We, the undersigned holders of a mortgage on the above described property, do hereby consent to this plat of "HOMESTEAD SENIOR RESIDENCE", Bel Aire, Sedgwick County, Kansas. Local Initiatives Support Corporation, a New York not-for-profit corporation.

State of Kansas) SS The foregoing instrument acknowledged before me, this day of February, 2020, by \_\_\_\_\_, of Local Initiatives Support Corporation, a New York not-for-profit corporation, on behalf of the not-for-profit corporation.

My App't. Exp. \_\_\_\_\_, Notary Public

State of Kansas) SS This plat of "HOMESTEAD SENIOR RESIDENCE", Bel Aire, Sedgwick County, Kansas has been submitted to and approved by the City of Bel Aire Planning Commission, Bel Aire, Kansas. Dated this day of February, 2020. City of Bel Aire Planning Commission

James Schmidt, Chairman  
Anne Stephens, Secretary

This plat approved and all dedications shown hereon accepted by the City Council of the City of Bel Aire, Kansas this day of February, 2020.

Jim Benago, Mayor  
Melissa Krehbiel, City Clerk

State of Kansas) SS The title evidence of the land included in this Sedgwick County 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

Reviewed in accordance with K.S.A. 58-2005 on this day of February, 2020.

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

Entered on transfer record this day of February, 2020.

Kelly B. Arnold, County Clerk

State of Kansas) SS This is to certify that this plat has been filed for record in the office of the Register of Deeds, this day of February, 2020 at o'clock M., and is duly recorded.

Tony Buckingham, Register of Deeds  
Kenly Zehring, Deputy

**Baughman Company, P.A.**  
 315 E. ILL. ST. WICHITA, KS 67211 P 316.262.7271 F 316.262.0149  
 SURVEYORS & ENGINEERS | KANSAS | ILLINOIS | MISSOURI | ARKANSAS | MISSISSIPPI | ALABAMA | TEXAS | OKLAHOMA

FOR MEETING OF	7/16/20
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

## STAFF REPORT

DATE: 07/09/2020

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

### SUMMARY:

#### **Case No. SD/-20-01**

Proposed platting approximately 17.86 acres of the R-6 Multi-family Zoning District. Preliminary and final plats, Tabled June 11<sup>th</sup>, 2020. Please bring previous packet information. A revised final plat will be part of the new packet.

#### **Case V-19-01**

Proposed Vacating a portion of a platted utility (Broadstone Villas) easement as presented. The underlying KGE easement, film 676, page 1506, filed 8/10/84 will still remain. The project was advertised in the Ark Valley Newspaper June 18, 2020; property owners other than the city within 200' of the parcel received a hearing notice 20 days or greater from July 16, 2020. The city has not received any petitions as of July 7, 2020.

We received only one inquiry to date from the property owners list. Staff contacted the pipeline utility in the area as well; we received no response to date.

Evergy has been working with Garver, an engineering company, on behalf of the city. The City is currently designing a wastewater lift station on Webb Road about ½ mile north of 53<sup>rd</sup> Street. This lift station will serve the new Rock Spring 3<sup>rd</sup> development as well as open up additional acres for future development. The force main serving this lift station will run along the southern side of this easement.

Evergy explanation from their prospective: "After this is completed they will install the force main along the south side of our easement in a 10' wide strip. I explained we could not allow them to take up both sides of our easement for a UE, one or the other. The south side is better for their plans, thus the existing UE on the north side of our easement is to be vacated".

#### **Criteria for Review.**

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

- A. due and legal notice has been given;
- B. no private rights will be injured or endangered;
- C. the public will suffer no loss or inconvenience; and
- D. in justice to the petitioner(s) the vacation should be granted;

then the Planning Commission shall recommend that such vacation be approved and such decision shall be entered in the minutes, including an explanation of such decision, and a recommendation of

approval shall be submitted to the Governing Body. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The recommendation may be conditioned upon the petitioner's responsibility to remove or relocate all underground or surface utilities or paving in or on the vacated land. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk, at or before the hearing, by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk by any owner of lands which adjoin the portion to be vacated, including owners on the opposite side of the street from vacations of setbacks and access control.

The four points to consider have been reviewed by staff; notice has been given, private rights have been limited since 1984 and will expand somewhat with an added use; the public will have improved services to additional properties. No petition has been received to date. The recommendation is to approve the vacation as presented.

### **Chair and Vice-Chair**

The Planning Commission shall elect one (1) of its members as chairperson who shall serve one (1) year and until their successors have been selected. A City staff member shall serve as secretary and provide staff support for the Planning Commission.

### **Other**

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



# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 18th day of June, 2020, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2020      \_\_\_\_\_, 2020  
\_\_\_\_\_, 2020      \_\_\_\_\_, 2020  
\_\_\_\_\_, 2020      \_\_\_\_\_, 2020

*Chris Strunk*  
\_\_\_\_\_  
Notary Public

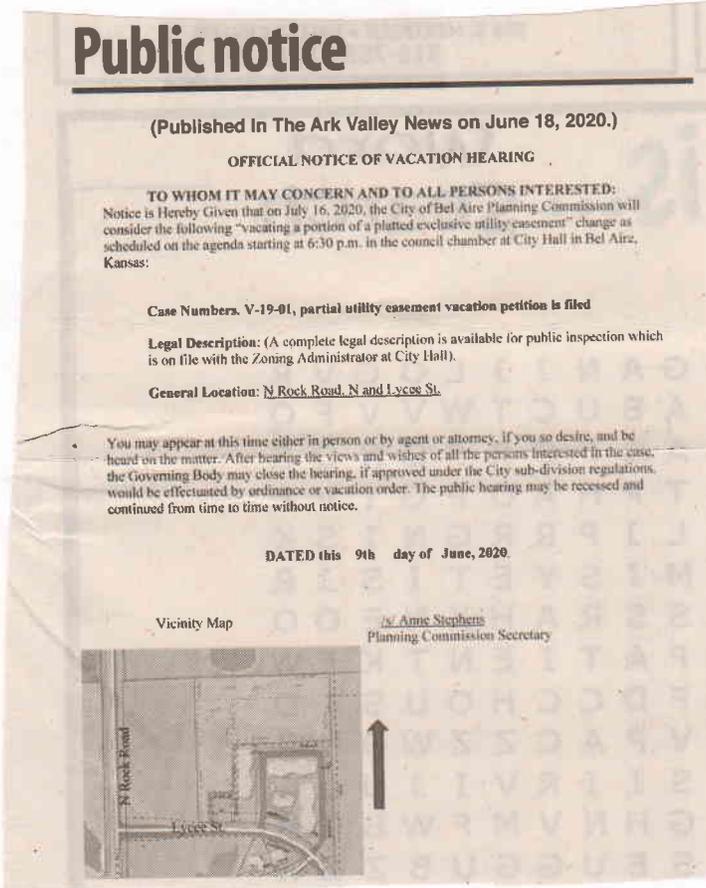
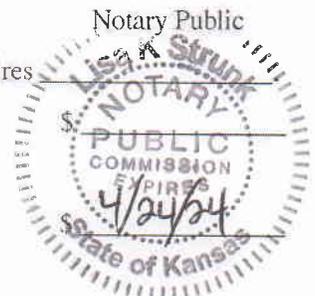
Subscribed and sworn to before me this 18th day of June, 2020.

*hks*  
\_\_\_\_\_

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

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

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



### APPLICATION

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

- 
- 
- Vacate building set back From: \_\_\_\_\_ to \_\_\_\_\_
- Vacate street or alley: \_\_\_\_\_
- Vacate utility easement IN PART OF LOT 2, BROADSTONE VILLAS
- Vacate other \_\_\_\_\_
- Apply for Vacation in conjunction With a Conditional Use or Variance application.

#### City of Bel Aire Planning Commission

Approved       Rejected

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Name of owner CITY OF BEL AIRE

Address 7651 E. CENTRAL, BEL AIRE, KS 67226 Telephone (316) 744-2451

Agent representing the owner WILL CLEVENGER WITH GARVER

Address 8535 E. 21<sup>ST</sup> ST. N, STE 130 WICHITA, KS 67206 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 0.09 acres.

3. This property is located at (address) 5700 N. LYCEE ST. which is generally located at (relation to nearest streets) NORTHEAST OF 53<sup>RD</sup> ST. N. & ROCK RD.

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

IN ORDER TO ALLOW CONSTRUCTION OF A SANITARY SEWER  
FORCE MAIN AT THIS LOCATION, EVERGY IS REQUIRING THAT  
THIS PORTION OF THE PLATTED UTILITY EASEMENT BE VACATED.

5. County control number: 30003161

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

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

1. Applicant CITY OF BELAIRE (ATTN. ANNE STEPHENS) Phone (316) 744-2451, ext. 133  
Address 7651 E. CENTRAL AVE., BELAIRE, KS Zip Code 67226

Agent GARVER (WILL CLEVINGER) Phone (316) 221-3027  
Address 8535 E. 21<sup>ST</sup> ST. N., SUITE 130, WICHITA, KS Zip Code 67206  
wkclevenger@GarverUSA.com

2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

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

  
\_\_\_\_\_  
Applicant's Signature

BY

\_\_\_\_\_  
Authorized Agent (If Any)

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

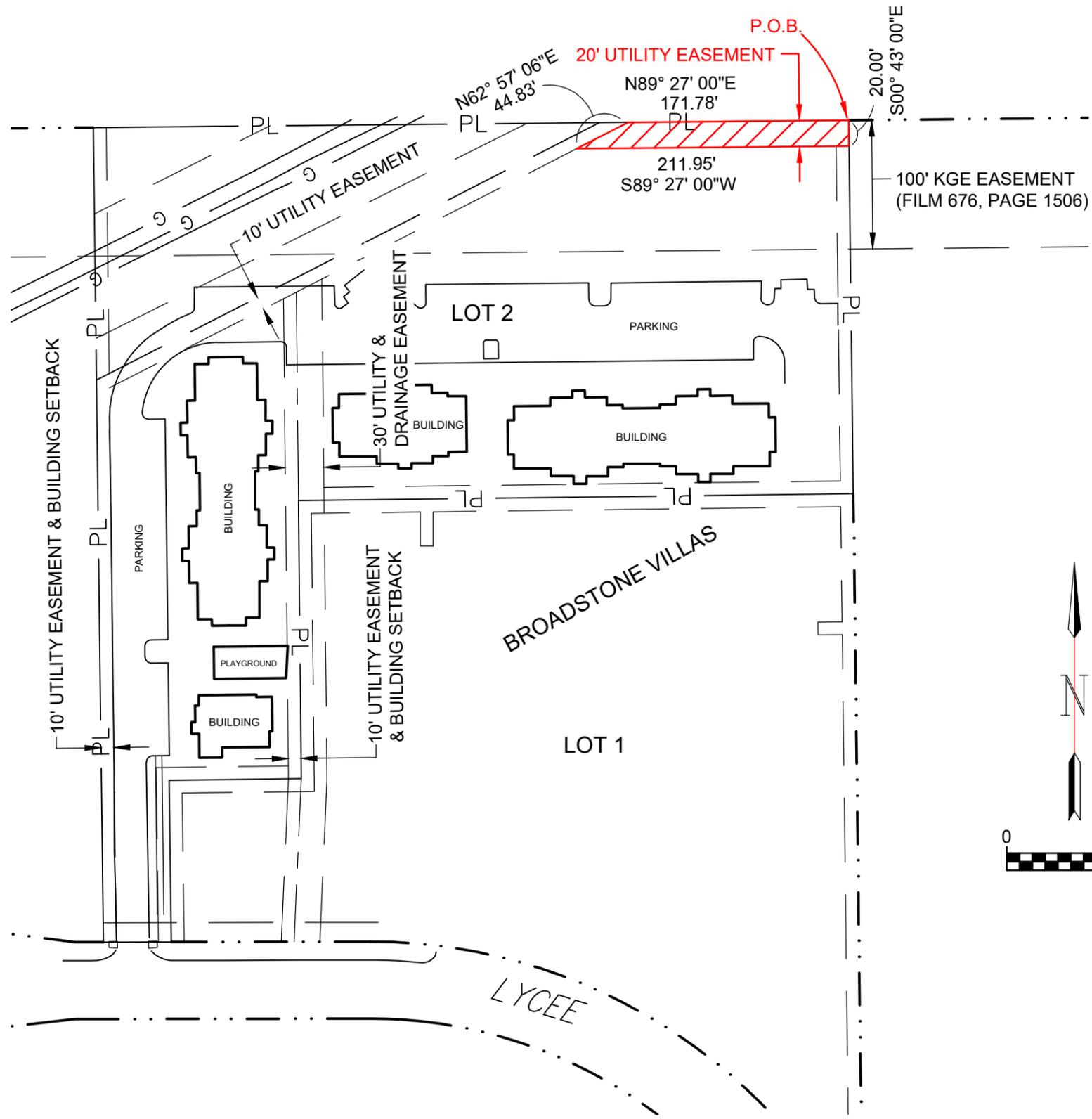


**Utility Easement Vacation**

That part of a 20.00 Foot Utility Easement located in Lot 2, Broadstone Villas, Bel Aire, Sedgwick County, Kansas, described as beginning at the northeast corner of said Lot 2; thence S00°43'00"E along the east line of said Lot 2, 20.00 feet; thence S89°27'00"W along the extended south line of said easement, 211.95 feet; thence N62°57'06"E, parallel with the adjacent building setback line as platted in said addition, 44.83 feet to the north line of said Lot 2; thence N89°27'00"E along said north line, 171.78 feet to the place of beginning.

# SITE PLAN

## UTILITY EASEMENT VACATION BEL AIRE, SEDGWICK COUNTY, KANSAS



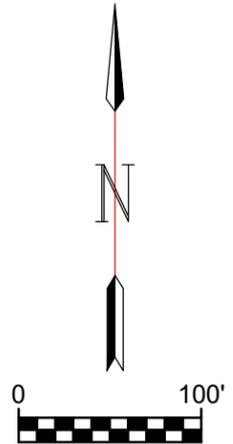
**VACATION DESCRIPTION**

That part of a 20.00 Foot Utility Easement located in Lot 2, Broadstone Villas, Bel Aire, Sedgwick County, Kansas, described as beginning at the northeast corner of said Lot 2; thence S00°43'00"E along the east line of said Lot 2, 20.00 feet; thence S89°27'00"W along the extended south line of said easement, 211.95 feet; thence N62°57'06"E, parallel with the adjacent building setback line as platted in said addition, 44.83 feet to the north line of said Lot 2; thence N89°27'00"E along said north line, 171.78 feet to the place of beginning.

APPLICANT/OWNER:  
City of Bel Aire

AGENT:  
Will Clevenger  
Garver, LLC  
8535 E. 21st St. N., Ste. 130  
Wichita, KS 67206

(316) 221-3027  
WKClevenger@GarverUSA.com



 = PROPOSED EASEMENT VACATION

DWG FILE: VACATION SITE PLAN  
PROJECT NO. 19T41278  
APRIL 2, 2020



GARVER  
8535 E. 21st Street N.  
Suite 130  
Wichita, KS 67206  
(316) 264-8008  
www.GarverUSA.com