AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
April 10, 2025 6:30 PM

I. Call to Order

II. Roll Call

Deryk Faber ____ Phillip Jordan ____ Brian Mackey ____

Paul Matzek ____ Dee Roths ____ Brian Stuart ____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

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

Action: Motion to approve the minutes of March 13, 2025.

Motion _____ Second _____ Vote _____

V. Announcements: Edgar Salazar will no longer serve on the Bel Aire Planning Commission. The position is currently vacant and the Mayor will be identifying a new member.

VI. Old Business/New Business

A. **PUD-24-04- Proposed Final R-PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).**

Open hearing
Close hearing

Action: Please choose one of the following (3) options.

1. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-04 be (approved), based on findings: _____, as recorded in the summary of this hearing.

2. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in

PUD-24-04 be (approved with modifications) based on findings: _____, as recorded in the summary of this hearing, and the following conditions be made a part of this recommendation:

a) A Party Wall Agreement is referenced in the Chapel Landing Addition R-PUD Agreement. It shall be incorporated by reference and attached to the R-PUD Agreement as Exhibit 1; and,

b) The Chapel Landing Addition R-PUD Agreement shall be provided for council consideration, and if approved by council, it shall be attached to the ordinance as Exhibit A; and,

c) The applicant shall file the ordinance including Exhibit A and an executed copy of the Chapel Landing Addition R-PUD Agreement including Exhibit 1, with the Sedgwick County Register of Deeds within 30 days of final approval, and within 45 days shall provide the City with proof of the filings. A copy of the Chapel Landing Addition R-PUD Agreement including Exhibit 1, showing said recording shall be furnished by the Developer to the general contractor, before building permits are issued.

3. Having considered the evidence at the hearing and the factors to evaluate the application, I move that we recommend to the City Council that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-04 be (disapproved) based on findings: _____, as recorded in the summary of this hearing.

Motion_____ Second _____ Vote_____

B. **VAC-25-02: Vacation request in the City to vacate platted 15 foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02, generally located between 45th and 49th, on Tierra Lakes Parkway and West of Webb Road.**

Open hearing
Close hearing

Action: Please choose one of the following (4) options.

1. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the request for vacation of a Platted 15 foot-wide building setback on Lot 1, Block 2, Tierre Verde South Addition, in VAC-25-02 be (APPROVED), based on the following findings: _____, as recorded in the summary of this hearing.

2. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the request for vacation of a Platted 15 foot-wide building setback on Lot 1, Block 2, Tierre Verde South Addition, in VAC-25-02 be (APPROVED WITH CONDITIONS) based on the following findings:
Planning Commission – April 10, 2025 Page 3 of 4
_____, as recorded in the summary of this hearing, and the following conditions be made a part of this recommendation: _____

3. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the request for vacation of a Platted 15 foot-wide building setback on Lot 1, Block 2, Tierre Verde South Addition, in VAC-25-02 be (DISAPPROVED) based on the following findings: _____, as recorded in the summary of this hearing.

4. I move that Case No. VAC-25-02 be tabled until Thursday, May 8, 2025 at 6:30pm, for the following reason(s): _____.

Motion _____ Second _____ Vote _____

C. **PUD-25-01- An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements, generally located between 45th and 49th on Tierra Lakes Pkwy and West of Webb Road and currently platted as Lot 1, Block 2, Tierra Verde South Addition.**

Open hearing
Close hearing

Action: Please choose one of the following (4) options.

1. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend that the City Council (APPROVE) PUD-25-01, An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, area regulations, parking, and landscape requirements, based on the following findings: _____, as recorded in the summary of this hearing.

2. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend that the City Council, (APPROVE WITH MODIFICIATIONS) PUD-25-01, An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, area regulations, parking, and landscape requirements, based on the following findings: _____, as recorded in the summary of this hearing, and the following conditions be made a part of this recommendation: _____.

3. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend that the City Council (DISAPPROVE) PUD-25-01, An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, area regulations, parking, and landscape requirements, based on the following findings: _____, as recorded in the summary of this hearing.

4. I move that PUD-25-01 be tabled until Thursday, May 8, 2025, at 6:30pm, for the following reason(s): _____.

Motion_____ Second _____ Vote_____

VII. Next Meeting: May 8, 2025

Action: Motion to approve the date of the next meeting: May 8, 2025, at 6:30 p.m.

Motion _____ Second _____ Vote _____

VIII. Current Events

A. **Upcoming Agenda Items:**

a. Planning Commission Bylaws

B. **Upcoming Events:**

a. Springfest, April 12

b. Citywide Garage Sale Weekend, April 24-26

c. Shred & E-Recycle Day, May 3

d. Curbside Cleanup, May 17

IX. Adjournment

Action: Motion to Adjourn.

Motion _____ Second _____ Vote _____

MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
March 13, 2025 6:30 PM

I. Call to Order: Chairman Phillip Jordan called the meeting to order.

II. Roll Call

Chairman Phillip Jordan and Commissioners Dee Roths, Deryk Faber, Brian Mackey and Brian Stuart were present. Commissioners Edgar Salazar and Paul Matzek were absent.

Also present were Paula Downs, Director of Community Development and Maria Schrock, City Attorney.

III. Pledge of Allegiance to the American Flag

Chairman Phillip Jordan led the pledge of allegiance.

IV. Consent Agenda

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

MOTION: Commission Faber moved to approve the minutes of February 13, 2025. Commissioner Mackey seconded the motion. ***Motion carried 5-0.***

V. Announcements: Follow-up response from Planning and Zoning Workshop- February 13, 2025 regarding ability to make requests on submitted cases.

Director of Community Development Paula Downs addressed questions received from the Commission at the February 13th workshop. No action was taken.

VI. Old Business/New Business

A. PUD-24-04- Proposed Final R-PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Director of Community Development Paula Downs informed the Commission that the application is missing the signatures of several new property owners. After the application was submitted, several lots within the proposed zoning area were sold to new owners. Signatures from the new owners are required on the application by statute. City Attorney Maria Schrock reviewed the Kansas statute and procedure for notifying property owners of public hearings for zoning matters. City staff recommended that the Commission table this item, to allow the applicant to obtain the required signatures.

DRAFT

MOTION: Commissioner Roths moved that Case No. PUD-24-04 be tabled until Thursday, April 10, 2025, at 6:30pm, for the following reason(s): to allow the applicant to obtain additional signatures from property owners. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

B. VAC-25-01- Vacation of Platted Utility Easement on Lots 7 & 8, Block 1, Sunflower Commerce Park 3rd Addition.

Staff gave a brief review of the application for vacation and related documents included the Commission's information packet for this meeting.

Chairman Phillip Jordan asked the members of the Commission if anyone wished to disqualify themselves due to conflict of interest with this case. No one was disqualified. He asked if any member of the Commission had received any ex-parte verbal or written communications which they would like to share. No ex-parte communications were reported. He reviewed the notification of public hearing and declared that proper notification had been given, according to state statute.

Chairman Phillip Jordan opened the public comment section. No one requested to speak. Therefore, Chairman Jordan closed the public hearing and requested discussion among the Commission.

MOTION: Chairman Jordan moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the request for vacation of a platted 20' utility easement on Lots 7 & 8, Block 1, Sunflower Commerce Park 3rd Addition, in VAC-25-01 be approved, based on findings 1 through 4 as listed in the staff report:

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State law;
2. No private rights will be injured or inconvenienced if the vacation is granted;
3. The Public will suffer no loss or inconvenience if the vacation is granted; and
4. In justice to the petitioner, the vacation should be granted;

as recorded in the summary of this hearing.
Commissioner Faber seconded the motion. ***Motion carried 5-0.***

VII. Approval of the Next Meeting Date.

MOTION: Commissioner Mackey moved to approve the date of the next meeting: April 10, 2025, at 6:30 p.m. Commissioner Roths seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. **Upcoming Agenda Items:**
   a. Tierra Verde Final PUD
   b. Tierra Verde Setback Vacation

B. **Upcoming Events:**
   a. Springfest: April 12
   b. Citywide Garage Sale Weekend: April 24-26
   c. Shred & E-Recycle Day: May 3
   d. Curbside Cleanup: May 17

Commissioners briefly discussed current events. No action was taken.

IX. Adjournment

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

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

_____
Phillip Jordan, Chairman

DRAFT

STAFF COMMUNICATION

FOR MEETING OF	4/10/2025
CITY COUNCIL	
INFORMATION ONLY	

STAFF REPORT

DATE: 04/08/2025

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

SUMMARY: **PUD 24-04 Proposed Final R-PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing Phase II.**

General Location: The subject property is generally located at North Oliver Street and East 53rd Street North and is currently platted as Chapel Landing. Chapel Landing is currently zoned R-4 Single-Family Residential District. The applicant desires to amend the zoning district classification from R-4 to R-PUD Planned Unit Development Residential District.

Background:

The city placed notification on the City of Bel Aire's website as required by city code. The affidavit of publication is provided. The R-PUD process required notification of surrounding property owners within the R-PUD boundary. Publication notification was made on February 20, 2025, to all property owners as of January 30, 2025.

Case History:

1. Planning Commission Meeting: September 12, 2024

The case was initiated on August 24, 2024, when city staff discovered that duplex lots were being divided and sold as separate buildings outside of the city process. The applicant filed an R-PUD Application to convert approved duplexes to townhouses with zero interior lot lines on a reduced lot size. City staff reviewed the case based on the golden factors and recommended approval to the Planning Commission. During the processing of the R-PUD Application, it was discovered that the applicant needed to obtain signatures of all owners in the R-PUD boundary area. On September 12, 2024, the applicant asked that the item be tabled pending property owner signatures. Signatures were required to confirm applicant was the property owners agent for the purposes of the R-PUD application.

The Planning Commission tabled the case to appear on the October 10, 2024, meeting agenda.

2. Planning Commission Meeting: October 10, 2024

The meeting announcement stated that PUD-24-04 would not be heard at the meeting due to an incomplete application.

3. Planning Commission Meeting: November 14, 2024

City staff renotified all property owners within a 200' area of the R-PUD boundary. The staff report included the same information as the report developed for the September 12, 2024, Planning Commission meeting.

Similar Case- Bristol Hollows on the November 14, 2024, Agenda:

The meeting agenda included a similar lot split case for Bristol Hollows. This case appeared on the September 12, 2024 Planning Commission agenda. During this meeting the Planning Commission recommended approval of the case. Case went before the City Council on October 15, 2024. The City Council's discussion centered around zoning statutes and procedures, concerns of fire safety, conformance with City zoning code, access to utilities, and financial implications for future buyers of the properties, and if covenants for this development could be drafted to address concerns. The council tabled the case.

The case came back to Planning Commission on November 14 and the developer addressed concerns from the City Council and agreed to provide platters text and the following documents; updated restrictive covenants, a first amendment to the development agreement, an easement agreement and wall agreement. These documents would make it easy for anyone wanting to purchase a property to see the documents. Planning Commission approved the Bristol Hollows PUD with the document conditions.

Chapel Landing Case (appeared on the November 14 Agenda after Bristol Hollows case)

The Planning Commission was made aware of the City Council discussions on Bristol Hollows and the documents requested by the City Council in that case. When reviewing the case for Chapel Landing, the applicant's agent requested that the requirement for street trees be reduced from the required two trees per lot to one tree per lot due to the smaller lot sizes created by the lot splits.

The Planning Commission stated that since Chapel Landing- PUD-24-04 was similar to the Bristol Hollows case, the same conditions would apply specifically:

- An updated plat would be attached to the ordinance as Exhibit A: and,
- The platter's text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement regarding access to power meter. Those documents will be incorporated by reference, to the ordinance; and
- The applicant shall file the ordinance with all documents incorporated by reference with the Sedgwick County Register of Deeds.

The Planning Commission discussed the case and determined it would be necessary to table the case to receive the additional documents requested. The applicant requested that the case be sent to the City Council in lieu of tabling the item. There was a consensus that more

information from the applicant would be necessary to make a final recommendation. Commission determined that Council would not approve the item without the requested documents. The item was tabled to the December 12, 2024, meeting.

4. Planning Commission Meeting- December 12, 2024

The staff report for this meeting reflected the basic case information presented at previous meetings and a summary of the November 14, 2024, meeting discussion. The Staff report stated that prior to the meeting the required documents had not been submitted. Staff recommended that the R-PUD should be modified as follows:

- Update the landscaping requirement to reflect one street per lot.
- Require applicant to submit the following documents as part of their R-PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.
- Update the platter's text to reference the documents.
- File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

The applicant's agent asked that the case be sent to the City Council because they did not intend to provide the documents that the Planning Commission requested. The agent stated the reason is because the documents requested are outside the scope of zoning and are not enforceable by the city. The agent said that the applicant may be willing to update the R-PUD to reflect the Commission's recommendation for number of street trees and update the face of the plat to reflect zoning setbacks. Agent stated that they were willing to comply with regulations listed in the subdivision and zoning codes.

Motion was approved that the proposed final R-PUD be approved with the condition that the documents requested be provided as outlined in Item 10 of the staff report. The case would appear on the January 7, 2025 City Council meeting agenda.

5. City Council Meeting- January 7, 2025

The staff report presented to the City Council was detailed and provided a full analysis of the case.

The staff report included the following key information/discussions:

- Prior to this City Council meeting, a more detailed analysis of the case was created and the staff report reflected that the city can request additional documents, but that they were outside the requirements of the City Code and the review criteria (golden factors) used to evaluate the R-PUD case.
- The staff report reflected further analysis of the R-PUD Application and R-PUD Agreement and provided an updated staff recommendation based on the appropriate review criteria.
- Analysis in the staff report provided zoning code references addressing each issue created by the lot-splits.
- Analysis comments were included for the R-PUD agreement
- Key issues contained in the Golden Factors were:

- A minimum lot area should be established as the lack of any minimum lot area makes any meaningful assessment of this Criteria impossible. Minimum lot widths should also be established to ensure adequate access to the public street. With proper identification of all substitute regulations, no detrimental impact to nearby properties is expected.

- It is recommended that the City and applicant work on revisions/clarifications to the regulations to avoid any negative impact on public health, safety, and welfare. Once completed, no loss in value or hardship upon the applicant is anticipated.

- Staff recommended that the application be returned to the Planning Commission to reconsider a revised application at their February 13, 2025, meeting. Staff did not make a recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations.

The applicant's agent stated they would accept the condition of only planting one street tree per lot and that the applicant was unwilling to accept the other conditions regarding the supplementary documents.

The Council discussed the concerns of the applicant and city staff. It was acknowledged that the updated case analysis prepared with the assistance of PEC had not been provided to the Planning Commission at their December 12 meeting. The council voted to return the case to the Planning Commission for further consideration.

6. Planning Commission Meeting- February 13, 2025

Agenda Announcement by staff stated that R-PUD-24-04 was heard on the January 9, 2025, City Council meeting and they made the motion to return the item to the Planning Commission for further consideration. City staff were working with the applicant's agent to resolve issues, and the item will appear on the March 13, 2025, Planning Commission agenda.

7. Planning Commission Meeting- March 13, 2025

Agenda item appeared on the March 13, 2025, Planning Commission agenda. Paula Downs, Director of Community Development informed the Commission that the application was missing the signatures of several new property owners. After the application was submitted, several lots within the proposed R-PUD area were sold to new owners. Signatures from the new owners are required on the application by statute. City Attorney Maria Schrock reviewed the Kansas statute and procedure for notifying property owners of public hearings for zoning matters. City staff recommended that the Commission table this item, to allow the applicant to obtain the required signatures.

Motion was made to table PUD-24-04 until the Thursday, April 10, 2025 Planning Commission meeting. Motion carried 5-0.

Current Discussion:

A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

B. The case was heard on January 9, 2025, at the City Council meeting. The council voted to return the case to the Planning Commission for further consideration.

C. The case was not heard at the Planning Commissions February 13, 2025, meeting. City staff were working with the applicant's agent to resolve case issues. In addition, City staff discovered that additional whole and partial structures had been sold and that some property owners had not been notified of the case. The 20-day notification period required that the case be brought to the Planning Commission on March 13, 2025.

D. City staff reviewed and provided an updated Planned Unit Development Agreement to the applicant's agent. The language contained in the R-PUD Agreement addresses concerns previously discussed by the City Council and Planning Commission. The applicant has agreed to the document language presented, including the Wall Agreement which is included in the R-PUD Agreement as Exhibit 1.

Review Considerations:

1. **Character of the neighborhood**

   Multiple two-family structures have been constructed on the subject property and on adjacent properties. Directly adjacent to the East, are two unplatted properties under the same ownership totaling approximately 11.54 acres currently used for a single-family home with accessory structures. North of East 53rd Street North is predominantly undeveloped large-lot single-family home sites. Approximate 2.0 acre lots are platted to the south of the subject property. Senior living (multiple family) units directly abut the subject property to the West.

   The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

2. **Zoning and uses of nearby properties**

   North: R-4 Single-Family Residential District
   East: AG Agricultural District
   South: R-1 Estate Residential District
   West: R-6 Multi-Family District

3. **Suitability of the subject property for the uses to which it has been restricted**

   The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive than what is allowed in the base R-4 district.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

   The minimum lot area and lot widths have been established in the R-PUD Agreement. There is no detrimental impact to nearby properties is expected.

5. **Length of time the property has been vacant as zoned**

   The property was originally platted in 2008, and building activity on the two-family structures has only recently commenced. It is not anticipated that the length of time the property was vacant/undeveloped is a factor for this specific request.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

   There is no loss in value or hardship upon the applicant

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

   The 2018 Master Growth Plan sets forth the property as Residential Suburban Density. Further the Plan encourages PUDs to promote alternatives to traditional development models in these designated areas.

8. **Impact of the proposed development on community facilities**

   There is no impact on community facilities. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to East 53rd Street North which has been improved to adequate standards.

9. **Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)**

   Property Owners as of July 2024 have been notified a total of three times with this R-PUD case. Property owners identified between July 2024 and February 2025 have been notified one time with this R-PUD case. City staff has received no inquiries or feedback from notified residents for the March 13, 2025, hearing.

10. Recommendations of permanent staff

Staff and applicant have revised the R-PUD Agreement to include the following updates:

1) "Townhouse" as fined by the City's current Zoning Regulations as a permitted use with limitation to the number of units on each lot of record has been added.
2) The minimum lot area and lot widths have been identified and specified. Additionally, all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the R-PUD Agreement.
3) One street tree will be required for each lot that is split
4) The R-PUD Agreement requires, per K.S.A. 58-3706, that covenants include a description of all easements required, including public utilities. This requirement satisfies the easement agreement request by Planning Commission and City Council.
5) The R-PUD Agreement includes, as Exhibit 1, the Party Wall Agreement.

Although staff recognizes that it is within the City's power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s). The public gain to replatting would be the inclusion of all R-PUD Agreement provisions on the face of plat as required by 19.5.5.T. As such, it is further recommended that if the R-PUD classification is ultimately adopted, that all provisions of the R-PUD be recorded against all impacted lots. Further, if the applicant revises any restrictive covenants as a result of any ultimate zoning revisions, submittal to the city is required for City records.

Nothing contained within this application currently or anticipated would appear to violate any condition within the executed Agreement Concerning the Development of Chapel Landing (dated March 18, 2014) or the First Amendment (dated March 15, 2016, and recorded as Doc#: 29601563). As such, no restated, amended, or revised Development Agreement is expected.

Staff does not make a recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations. However, applicant has agreed to include the Party Wall Agreement as Exhibit 1 to the R-PUD Agreement.

Nothing in the City's review and actions are intended to violate any provision of the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes.

Staff recommends that the application be approved.

Chapel Landing- Phase 2

March 13, 2025

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Notification and Affidavit of Publication
- Owners List
- PUD Application
- Planned Unit Development Agreement
- PUD Boundary Map

City of Bel Aire

STAFF REPORT

DATE: 03/06/2025

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	3/13/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: **PUD 24-04 Proposed Final R-PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing Phase II.**

General Location: The subject property is generally located at North Oliver Street and East 53rd Street North and is currently platted as Chapel Landing. Chapel Landing is currently zoned R-4 Single-Family Residential District. The applicant desires to amend the zoning district classification from R-4 to R-PUD Planned Unit Development Residential District.

Background:

The city placed notification on the City of Bel Aire's website as required by city code. The affidavit of publication is provided. The R-PUD process required notification of surrounding property owners within the R-PUD boundary. Publication notification was made on February 20, 2025, to all property owners as of January 30, 2025.

Case History:

1. Planning Commission Meeting: September 12, 2024

The case was initiated on August 24, 2024, when city staff discovered that duplex lots were being divided and sold as separate buildings outside of the city process. The applicant filed an R-PUD Application to convert approved duplexes to townhouses with zero interior lot lines on a reduced lot size. City staff reviewed the case based on the golden factors and recommended approval to the Planning Commission. During the processing of the R-PUD Application, it was discovered that the applicant needed to obtain signatures of all owners in the R-PUD boundary area. On September 12, 2024, the applicant asked that the item be tabled pending property owner signatures. Signatures were required to confirm applicant was the property owners agent for the purposes of the R-PUD application.

The Planning Commission tabled the case to appear on the October 10, 2024, meeting agenda.

2. Planning Commission Meeting: October 10, 2024

The meeting announcement stated that PUD-24-04 would not be heard at the meeting due to an incomplete application.

3. Planning Commission Meeting: November 14, 2024

City staff renotified all property owners within a 200' area of the R-PUD boundary. The staff report included the same information as the report developed for the September 12, 2024, Planning Commission meeting.

Similar Case- Bristol Hollows on the November 14, 2024, Agenda:

The meeting agenda included a similar lot split case for Bristol Hollows. This case appeared on the September 12, 2024 Planning Commission agenda. During this meeting the Planning Commission recommended approval of the case. Case went before the City Council on October 15, 2024. The City Council's discussion centered around zoning statutes and procedures, concerns of fire safety, conformance with City zoning code, access to utilities, and financial implications for future buyers of the properties, and if covenants for this development could be drafted to address concerns. The council tabled the case.

The case came back to Planning Commission on November 14 and the developer addressed concerns from the City Council and agreed to provide platters text and the following documents; updated restrictive covenants, a first amendment to the development agreement, an easement agreement and wall agreement. These documents would make it easy for anyone wanting to purchase a property to see the documents. Planning Commission approved the Bristol Hollows PUD with the document conditions.

Chapel Landing Case (appeared on the November 14 Agenda after Bristol Hollows case)

The Planning Commission was made aware of the City Council discussions on Bristol Hollows and the documents requested by the City Council in that case. When reviewing the case for Chapel Landing, the applicant's agent requested that the requirement for street trees be reduced from the required two trees per lot to one tree per lot due to the smaller lot sizes created by the lot splits.

The Planning Commission stated that since Chapel Landing- PUD-24-04 was similar to the Bristol Hollows case, the same conditions would apply specifically:

- An updated plat would be attached to the ordinance as Exhibit A: and,
- The platter's text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement regarding access to power meter. Those documents will be incorporated by reference, to the ordinance; and
- The applicant shall file the ordinance with all documents incorporated by reference with the Sedgwick County Register of Deeds.

The Planning Commission discussed the case and determined it would be necessary to table the case to receive the additional documents requested. The applicant requested that the case be sent to the City Council in lieu of tabling the item. There was a consensus that more information from the applicant would be necessary to make a final recommendation. Commission determined that Council would not approve the item without the requested documents. The item was tabled to the December 12, 2024, meeting.

4. Planning Commission Meeting- December 12, 2024

The staff report for this meeting reflected the basic case information presented at previous meetings and a summary of the November 14, 2024, meeting discussion. The Staff report stated that prior to the meeting the required documents had not been submitted. Staff recommended that the R-PUD should be modified as follows:

- Update the landscaping requirement to reflect one street per lot.
- Require applicant to submit the following documents as part of their R-PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.
- Update the platter's text to reference the documents.
- File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

The applicant's agent asked that the case be sent to the City Council because they did not intend to provide the documents that the Planning Commission requested. The agent stated the reason is because the documents requested are outside the scope of zoning and are not enforceable by the city. The agent said that the applicant may be willing to update the R-PUD to reflect the Commission's recommendation for number of street trees and update the face of the plat to reflect zoning setbacks. Agent stated that they were willing to comply with regulations listed in the subdivision and zoning codes.

Motion was approved that the proposed final R-PUD be approved with the condition that the documents requested be provided as outlined in Item 10 of the staff report. The case would appear on the January 7, 2025 City Council meeting agenda.

5. City Council Meeting- January 7, 2025

The staff report presented to the City Council was detailed and provided a full analysis of the case.

The staff report included the following key information/discussions:

- Prior to this City Council meeting, a more detailed analysis of the case was created and the staff report reflected that the city can request additional documents, but that they were outside the requirements of the City Code and the review criteria (golden factors) used to evaluate the R-PUD case.
- The staff report reflected further analysis of the R-PUD Application and R-PUD Agreement and provided an updated staff recommendation based on the appropriate review criteria.

- Analysis in the staff report provided zoning code references addressing each issue created by the lot-splits.
- Analysis comments were included for the R-PUD agreement
- Key issues contained in the Golden Factors were:
  - A minimum lot area should be established as the lack of any minimum lot area makes any meaningful assessment of this Criteria impossible. Minimum lot widths should also be established to ensure adequate access to the public street. With proper identification of all substitute regulations, no detrimental impact to nearby properties is expected.

  - It is recommended that the City and applicant work on revisions/clarifications to the regulations to avoid any negative impact on public health, safety, and welfare. Once completed, no loss in value or hardship upon the applicant is anticipated.
- Staff recommended that the application be returned to the Planning Commission to reconsider a revised application at their February 13, 2025, meeting. Staff did not make a recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations.

The applicant's agent stated they would accept the condition of only planting one street tree per lot and that the applicant was unwilling to accept the other conditions regarding the supplementary documents.

The Council discussed the concerns of the applicant and city staff. It was acknowledged that the updated case analysis prepared with the assistance of PEC had not been provided to the Planning Commission at their December 12 meeting. The council voted to return the case to the Planning Commission for further consideration.

6. Planning Commission Meeting- February 13, 2025

Agenda Announcement by staff stated that R-PUD-24-04 was heard on the January 9, 2025, City Council meeting and they made the motion to return the item to the Planning Commission for further consideration. City staff were working with the applicant's agent to resolve issues, and the item will appear on the March 13, 2025, Planning Commission agenda.

Current Discussion:

A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

B. The case was heard on January 9, 2025, at the City Council meeting. The council voted to return the case to the Planning Commission for further consideration.

C. The case was not heard at the Planning Commissions February 13, 2025, meeting. City staff were working with the applicant's agent to resolve case issues. In addition, City staff discovered that additional whole and partial structures had been sold and that some property owners had not been notified of the case. The 20-day notification period required that the case be brought to the Planning Commission on March 13, 2025.

D. City staff reviewed and provided an updated Planned Unit Development Agreement to the applicant's agent. The language contained in the R-PUD Agreement addresses concerns previously discussed by the City Council and Planning Commission. The applicant has agreed to the document language presented, including the Wall Agreement which is included in the R-PUD Agreement as Exhibit 1.

Review Considerations:

1. **Character of the neighborhood**

   Multiple two-family structures have been constructed on the subject property and on adjacent properties. Directly adjacent to the East, are two unplatted properties under the same ownership totaling approximately 11.54 acres currently used for a single-family home with accessory structures. North of East 53rd Street North is predominantly undeveloped large-lot single-family home sites. Approximate 2.0 acre lots are platted to the south of the subject property. Senior living (multiple family) units directly abut the subject property to the West.

   The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

2. **Zoning and uses of nearby properties**

   North: R-4 Single-Family Residential District
   East: AG Agricultural District
   South: R-1 Estate Residential District
   West: R-6 Multi-Family District

3. **Suitability of the subject property for the uses to which it has been restricted**

   The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive than what is allowed in the base R-4 district.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

   The minimum lot area and lot widths have been established in the R-PUD Agreement. There is no detrimental impact to nearby properties is expected.

5. **Length of time the property has been vacant as zoned**

   The property was originally platted in 2008, and building activity on the two-family structures has only recently commenced. It is not anticipated that the length of time the property was vacant/undeveloped is a factor for this specific request.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

   There is no loss in value or hardship upon the applicant

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

   The 2018 Master Growth Plan sets forth the property as Residential Suburban Density. Further the Plan encourages PUDs to promote alternatives to traditional development models in these designated areas.

8. **Impact of the proposed development on community facilities**

   There is no impact on community facilities. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to East 53rd Street North which has been improved to adequate standards.

9. **Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)**

   Property Owners as of July 2024 have been notified a total of three times with this R-PUD case. Property owners identified between July 2024 and February 2025 have been notified one time with this R-PUD case. City staff has received no inquiries or feedback from notified residents for the March 13, 2025, hearing.

10. **Recommendations of permanent staff**

    Staff and applicant have revised the R-PUD Agreement to include the following updates:

    1) “Townhouse” as fined by the City’s current Zoning Regulations as a permitted use with limitation to the number of units on each lot of record has been added.

2) The minimum lot area and lot widths have been identified and specified. Additionally, all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the R-PUD Agreement.
3) One street tree will be required for each lot that is split
4) The R-PUD Agreement requires, per K.S.A. 58-3706, that covenants include a description of all easements required, including public utilities. This requirement satisfies the easement agreement request by Planning Commission and City Council.
5) The R-PUD Agreement includes, as Exhibit 1, the Party Wall Agreement.

Although staff recognizes that it is within the City's power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s). The public gain to replatting would be the inclusion of all R-PUD Agreement provisions on the face of plat as required by 19.5.5.T. As such, it is further recommended that if the R-PUD classification is ultimately adopted, that all provisions of the R-PUD be recorded against all impacted lots. Further, if the applicant revises any restrictive covenants as a result of any ultimate zoning revisions, submittal to the city is required for City records.

Nothing contained within this application currently or anticipated would appear to violate any condition within the executed Agreement Concerning the Development of Chapel Landing (dated March 18, 2014) or the First Amendment (dated March 15, 2016, and recorded as Doc#: 29601563). As such, no restated, amended, or revised Development Agreement is expected.

Staff does not make a recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations. However, applicant has agreed to include the Party Wall Agreement as Exhibit 1 to the R-PUD Agreement.

Nothing in the City's review and actions are intended to violate any provision of the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes.

Staff recommends that the application be approved.

(Notification posted on the City of Bel Aire website, the designated official City newspaper for the City of Bel Aire on February 20, 2025)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on March 13, 2025, the City of Bel Aire Planning Commission will consider the following PUD hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-24-04. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing.

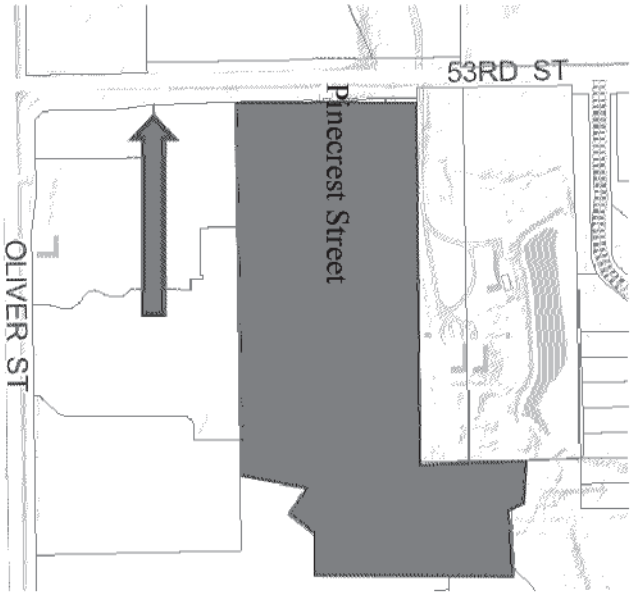
Legal Description: Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

General Location: E 53rd St N and Pinecrest St.

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

DATED this _18_____ day of February, 2025.

Vicinity Map



/s/ Paula Downs
Bel Aire Planning Commission Secretary

City of
Bel Aire

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, has published the attached notice on the City of Bel Aire website, www.belaireks.gov, which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Zoning Hearing PUD-24-04 is a true copy thereof and was published on such website beginning on the 20th day of February, 2025.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 20th day of February, 2025.

NOTARY PUBLIC - STATE OF KANSAS
MARI MCELHANEY
MY APPT. EXPIRES 9-4-27

Mari McElhaney
Notary Public

(seal)

City of Bel Aire
Melissa Krehbiel – City Clerk
7651 East Central Park Avenue
Bel Aire, Kansas 67226
316-744-2451
www.belaireks.gov

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lots 1, 2, 3, & 4, Blk E AND That part of Lot 6, Blk E, begin at SE corner; th. SWly along curve to left 21.39'; th. NWly 139.73'; th. Ely 82.04'; th. S 121.06' to begin AND That part of Lot 9, Blk E, begin at SE cor; th. W 44.53'; th. N 120.02'; th. alg curve to left 32.85' to NE cor; th. Sly 130.74' to begin AND That part of Lot 10, Blk E, begin at SW cor; th. NWly 130.74'; th. NEly alg curve to left 14.19'; th. NEly alg curve to left 27.02'; th. SEly 141.41'; th. W 38.08' to begin AND Lots 11, 14, 15, & 16, Blk E **Part of Subject Property**	Chapel Landing Addition	JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213
Lot 12, Blk E, EXC begin at SE corner; th. NWly alg S line of curve to left 43.40'; th. NWly 121.05'; th. E 53.87'; th. S 134.29' to begin AND That part of Lot 12, Blk E, begin at SE cor; th. NWly alg S line of curve to left 43.40'; th. NWly 121.05'; th. E 53.87'; th. S 134.29' to begin AND Lot 13, Blk E, EXC begin at SE cor; th. Wly 132.74'; th. N 95.09'; th. Ely 140.93'; th. Sly alg curve to left 26.99' to begin AND That part of Lot 13, Blk E, begin at SE cor; th. Wly 132.74'; th. N 95.09'; th. Ely 140.93'; th. Sly alg curve to left 26.99' to begin **Part of Subject Property**	"	JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213

Lot 5, Blk E **Part of Subject Property**	"	Lanell Wagnon PO Box 736 Coldwater, KS 67029
Lot 6, Blk E, EXC begin at SE corner; th. SWly alg curve to left 21.39'; th. NWly 139.73'; th. Ely 82.04'; th. S 121.06' to begin **Part of Subject Property**	"	Sara E. Skiles & Chadwick S. Skiles & Jane H. Skiles 5353 N. Pinecrest Ct. Wichita, KS 67220
Lot 7, Blk E, EXC begin at SE cor; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE alg curve 23.29' to begin AND That part of Lot 7, Blk E, begin at SE cor; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE alg curve 23.29' to begin **Part of Subject Property**	"	Cleo D. Fedje 5349 N. Pinecrest Ct. Wichita, KS 67220
Lot 8, Blk E **Part of Subject Property**	"	Michael & Tiffany Schmidt 5341 N. Pinecrest Ct. Wichita, KS 67220
Lot 9, Blk E, EXC begin at SE cor; th. W 44.53'; th. N 120.02'; th. alg curve to left 32.85' to NE cor; th. Sly 130.74' to begin **Part of Subject Property**	"	Robert Mudahemuka 5339 N. Pinecrest Ct. Wichita, KS 67220
Lot 10, Blk E, EXC begin at SW cor; th. NWly 130.74'; th. NEly alg curve to left 14.19'; th. NEly alg curve to left 27.02'; th. SEly 141.41'; th. W 38.08' to begin **Part of Subject Property**	"	David W. Witten 5331 N. Pinecrest Ct. Wichita, KS 67220
That part of Lot 5, Blk F, begin at NW cor thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin **Part of Subject Property**	"	William J. Kelly & Kathryn Kelly 5328 N. Pinecrest St. Bel Aire, KS 67220
Lot 6, Blk F, EXC begin at SE cor; th. W 135.72'; th. NWly alg W line being curve to left, 37.15'; th. E 138.68'; th. S 37.04' to begin **Part of Subject Property**	"	Keats M. & Abbie L. Hall 5320 N. Pinecrest St. Bel Aire, KS 67220

Lots 1, 2, 3, 4, & 7, Blk F AND Lot 5, Blk F, EXC that part begin at NW cor thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin AND That part of Lot 6, Blk F, begin at SE cor; th. W 135.72'; th. NWly alg W line being curve to left, 37.15'; th. E 138.68'; th. S 37.04' to begin AND Lots 12 thru 20 inclus, Blk F AND Lot 21, Blk F, EXC begin at NE cor; th. S 130' to SE cor of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin AND Reserve C, D, & DD **Part of Subject Property**	"	JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213
Lot 8, Blk F, EXC begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin **Part of Subject Property**	"	Darris Taliaferro & Vanessa Benitez 5304 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 8, Blk F, begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin **Part of Subject Property**	"	Peter & Phaengsy Sourinthone Fongsamouth Sourinthone & Saythong Sourinthone & Saymork Sourinthone 5302 N. Pinecrest St. Bel Aire, KS 67220
Lot 9, Blk F, EXC begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin **Part of Subject Property**	"	Vamsidhar Patlolla 5298 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 9, Blk F, begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin **Part of Subject Property**	"	Tram Pham 5296 N. Pinecrest St. Bel Aire, KS 67220

Lot 10, Blk F, EXC begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin **Part of Subject Property**	"	Mary Montanez & Matthew Montanez 5290 N. Pinecrest Ct. Bel Aire, KS 67220
That part of Lot 10, Blk F, begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin **Part of Subject Property**	"	Jack M. & Lesa A. Weller 5288 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 11, Blk F **Part of Subject Property**	"	Andrea F. Adeyanju Trust PO Box 72 Kechi, KS 67067
That part of Lot 21, Blk F, begin at NE cor; th. S 130' to SE cor of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin **Part of Subject Property**	"	Keria Paschal 5267 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 22, Blk F **Part of Subject Property**	"	James Nichols 5275 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 23, Blk F **Part of Subject Property**	"	Kevin W. & Kathleen R. Stuber 5279 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 24, Blk F, EXC begin at S cor; th. NWly 38.86'; th. NEly 130'; th. SEly 38.64' to E cor; th. SWly 130' to begin **Part of Subject Property**	"	Sara K. Idol 5287 N. Pinecrest Ct. Bel Aire, KS 67220
That part of Lot 24, Blk F, begin at S cor; th. NWly 38.86'; th. NEly 130'; th. SEly 38.64' to E cor; th. SWly 130' to begin **Part of Subject Property**	"	Yi Lip Chai & Yu Tung Samantha Leong 2720 N. Beacon Hill Ct. Wichita, KS 67220
Reserve EE **Part of Subject Property**	"	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Lots 27, 28, 29, & 30, Blk A	Chapel Landing 6th Addition	TW Renovations, LLC 1815 S. Southwest Blvd. Wichita, KS 67213

Lot 1, Blk A	Englert Addition	Jeffrey J. & Mary K. Englert Revocable Trust 5140 E. 53rd St. N. Kechi, KS 67067
Lot 2, Blk A	"	Envision Management, LLC 14726 E. 9th St. N. Wichita, KS 67230
The E/2 of SW/4, 13-26-1E		Kirby Kay Smith Family Trust 5650 E. 53rd St. N. Kechi, KS 67067
The W 328.7' of N 1,123' of E/2 of NW/4, EXC begin 318.85' E of NW corner of E/2 of NW/4; th. E 9.86'; th. S 532.22'; th. NWly 447.95'; th. N 84.30' to begin; & EXC for road on the N, 24-26-1E AND The E 135' of N 1,123' of W/2 of NW/4, 24-26-1E AND Begin at NE corner of Lot 15, John Savute Addition; th. N 590.82'; th. SEly 52.33'; th. SEly 439.48'; th. S 89.62'; th. SWly 14.44' to E line of Lot 15, John Savute Add; th. N to begin, 24-26-1E		Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
The N 1' m-l of Lot 15	John Savute Addition to Bel Aire	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Lots 3, 4, & 5, Blk A AND Reserves A & B	Prairie Preserve Addition, Replat of part of Chapel Landing Addition	Towanda Land Company, LLC 3709 S. West St. Wichita, KS 67217
Lot 6, Blk A	"	John & Carolyn Sutherland 5100 Prairie Ct. N. Bel Aire, KS 67220

Part of Lot 1, Blk A, begin at NE corner of said Lot; th. S 367.5’; th. W 108.43’; th. S 137.52’; th. SEly 8.03’; th. S 9.65’; th. W 34.68’; th. S 31.83’; th. W 173.64’ to point on non-tangent curve to right; th. SWly, Wly, NWly alg curve 95.36’ to pt on non-tang curve to left; th. Wly, SWly 67.89’ to pt on non-tang curve to right; th. SWly, Wly, NWly 65.73’ to pt on non-tang curve to right; th. NWly 22.07’ to pt on non-tang curve to left; th. NWly, Wly 23’; th. W 51.93’ to pt on W line of Lot 1; th. N 222.29’; th. NEly 101.12’; th. N 110.28’; th. E 347.21’; th. N 155.05’; th. NEly 3.59’; th. E 235.13’ to begin	Homestead Senior Landing Addition	Homestead Senior Residences Bel Aire, LLC 603 Pennsylvania Ave. Holton, KS 66436
Part of Lot 1, Blk A, comm at NE corner of said Lot; th. S 367.5’ for p.o.b.; th. W 108.43’; th. S 137.52’; th. SEly 8.03’; th. S 9.65’; th. W 34.68’; th. S 31.83’; th. W 173.64’ to non-tang curve to right; th. SWly, Wly, NWly 95.36’ to non-tang curve to left; th. Wly, SWly 67.89’ to non-tang curve to right; th. SWly, Wly, NWly 65.73’ to non-tang curve to right; th. NWly 22.07’ to non-tang curve to left; th. NWly, Wly 23’; th. W 51.93’; th. S 257.96’ to non-tang curve to right; th. Ely, SEly 30.44’ to pt of tang; th. SE 43.59’ to pt of curve to left; th. SEly 49.28’; th. E 331.23’ to pt of curve to right; th. Ely, SEly, Sly 46.34’; th. S 42.66’; th. E 135.65’; th. N 616.18’ to begin AND Part of Lot 1, Blk A, begin at SW corner of said Lot; th. N 467.29’ to non-tang curve to right; th. Ely, SEly 30.44’ to pt of curve; th. SE 43.59’ to pt of curve to left; th. SEly 50.56’; th. E 331.23’ to pt of curve to right; th. Ely, SEly, Sly 46.34’; th. S 42.66’; th. E 135.65’; th. S 328.75’; th. W 600.02’ to begin	“	Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436

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

Lots 1 through 16 inclusive, Block E; and Lots 1 through 24 inclusive, Block F; and Reserves C, D, DD, and EE, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

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 January, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By: _____

LICENSED ABSTRACTER

Order: 3115474
KJK

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

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

PUD-Z4-04
CL Phase 2 area

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☑ Change Zoning Districts: From: R-4 to PUD

☐ Amendments to Change Zoning Districts _____

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☑ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F , Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address)_____ which is generally located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control number:_____

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant JCT Holdings, LLC Phone
   Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

   Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
   Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

2. Applicant Phone
   Address Zip Code

   Agent Phone
   Address Zip Code

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

Applicant's Signature BY Authorized Agent (If Any)

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

PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS

THIS AGREEMENT is made and entered into by and between JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS the Developer desires zoning by an R-PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this R-PUD is to permit a new approach to providing increased development flexibility in a manner otherwise constrained by the traditional development standards of the Zoning Code and Subdivision Regulations. This R-PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION R-PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION R-PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION R-PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description: Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USES.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family
- Townhouse units (as defined by provision 7)
- Leasing office
- Playgrounds or community spaces
- Accessory structures

1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits to divide dwelling units into separate ownerships. Lots splits are only allowed along common wall lines to create two-family (duplex) attached dwellings. Only one split per lot is permitted to create a maximum of two lots. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.

2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the City of Bel Aire.

3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in the boundary survey.

4. The Development and Performance Standards and Height and Area Regulations of the "R-4" Single-Family Residential District shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block F with the following exceptions:

    a. There shall be no required interior side yard setbacks, provided units share a common wall line to create two-family (duplex) attached dwellings.

    b. There shall be a 6' interior side yard setback, provided units do not share a common wall.

    b. Divided lots, as permitted by provision 1, shall have a minimum lot area of 4,000 square feet.

    c. Divided lots, as permitted by provision 1, shall have a minimum lot width of 25' with an approach maximum of 30' width as measured along the front building setback line.

    d. Accessory uses shall be allowed on all lots per R-4 Zoning Code allowances.

    e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.

5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said R-PUD to a duplex building standard as an exception to all applicable building standards adopted by the CITY, the landscape requirement shall be divided equally between the two new lots. 1 street tree will be required for each lot that is split.

6. Homes on lots that are split will be considered "townhouses units" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes.

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7. Townhouses are defined as a multi-family dwelling, in which a group of 2 or more attached, single-family dwelling units is constructed so that each unit extends from foundation to roof and has open space on at least 2 sides. Each unit of the townhouse may be placed on a separate lot in which the internal setbacks between each attached unit shall be 0 feet, as specified herein.

8. Title: The transfer of the title on all or any portion of the land included in this R-PUD does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns as amended.

9. Per K.S.A. 58-3706, A Declaration of covenants, conditions, and restrictions shall be recorded with the Sedgwick County Register of Deeds for all real estate submitted using the Townhouse Ownership Act. Said declaration shall contain the following:
   a) Description of the real estate on which the townhouse units are or are to be located.
   b) Description of the townhouse units.
   c) Description of the common areas and facilities to include but not limited to all central services installed for the benefit of more than one owner, such as television antennas, incinerators, trash receptacles, pipes, wires, conduits, and other public utility lines and facilities.
   d) Description of all easements, rights and appurtenances thereto necessary to the existence, maintenance and safety of the townhouse units.
   e) All common expenses and the method by which such expenses may be incurred and charged to the townhouse unit owners.
   f) All lien rights of the association for non-paid common expenses.
   g) All easements created for the benefit of the association and all townhouse unit owners.
   h) All provisions relating to insurance required to be obtained and maintained by the association and/or by each townhouse unit owner, including the obligation of the insurance trustee to use proceeds received after loss for rebuilding.
   i) The method by which the declaration may be amended, consistent with the provisions of the Kansas Townhouse Act.
   j) Such other provisions not inconsistent with the Townhouse Ownership Act as deemed necessary.

10. Amendments, adjustments, or interpretations of this R-PUD shall be done in accordance with the CITY's code.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

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INFRASTRUCTURE INSTALLATION. Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing Addition R-PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

RECORDING. The Developer shall file an executed copy of this Agreement including Exhibit 1 with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days shall provide the City with proof of filings. A copy of this Agreement including Exhibit 1 showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

DRAFT

THIS AGREEMENT is hereby executed on this _____ day of _____, 202___.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended Member

By_____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 202__ and is hereby executed on this _____ day of _____, 202__.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

DRAFT

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING ADDITION R-PUD to the City of Bel Aire, Kansas.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING ADDITION R-PUD to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____

DRAFT

EXHIBIT 1

PARTY WALL AGREEMENT
CONCERNING DEVELOPMENT IN
CHAPEL LANDING ADDITION R-PUD

1. Parties and Property
1.1 This Party Wall Agreement ("Agreement") is made on (DATE) between (PARTY A) and (PARTY B) collectively referred to as the "Parties."
1.2 Owner A is the owner of the property located at (ADDRESS A)
1.3 Owner B is the owner of the adjacent property located at (ADDRESS B)
1.4 The properties share a common wall ("Party Wall") along their shared boundary.

2. Governing Law
2.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

3. Ownership and Rights
3.1 The Parties agree that they each own an undivided one-half interest in the Party Wall.
3.2 Each Party shall have the right to use the Party Wall for support of their respective buildings and structures.
3.3 Neither Party shall make any alterations to the Party Wall that would impair its structural integrity or interfere with the other Party's use without prior written consent.

4. Maintenance and Repairs
4.1 The Parties shall equally share the cost of maintaining and repairing the Party Wall.
4.2 If one Party's actions necessitate repairs, that Party shall bear the full cost of such repairs.
4.3 Emergency repairs may be undertaken by either Party, with costs to be shared equally unless Section 4.2 applies.

5. Destruction and Reconstruction
5.1 If the Party Wall is partially or totally destroyed, the Parties shall rebuild it at their joint expense, unless one Party elects not to rebuild their structure.
5.2 If one Party elects not to rebuild, they shall contribute half the cost of demolition and shall have no further rights in the Party Wall.

6. Dispute Resolution
6.1 Any disputes arising from this Agreement shall be resolved through mediation before resorting to litigation.
6.2 If mediation fails, this contract shall be interpreted under the laws of the State of Kansas without regard to its choice of law provisions, and that venue of any dispute requiring litigation shall be in any court of appropriate jurisdiction in Sedgwick County, Kansas.

7. Binding Effect

7.1 This Agreement shall be binding upon and inure to the benefit of the Parties, their heirs, successors, and assigns.

8. Amendments

8.1 This Agreement may only be amended by written instrument signed by both Parties.

9. Severability

9.1 If any provision of this Agreement is held invalid or unenforceable, the remainder shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

[*Remainder of this page intentionally left blank*]

THIS AGREEMENT is hereby executed on this _____ day of _____, 20__.

PARTY A

_____

Name

THIS AGREEMENT is hereby executed on this _____ day of _____, 20__.

PARTY B

_____

Name

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK)
ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202_, before me, a Notary Public, came Party A, _____, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the PARTY WALL AGREEMENT CONCERNING DEVELOPMENT IN CHAPEL LANDING ADDITION R-PUD to the City of Bel Aire, Kansas.

_____
Notary Public

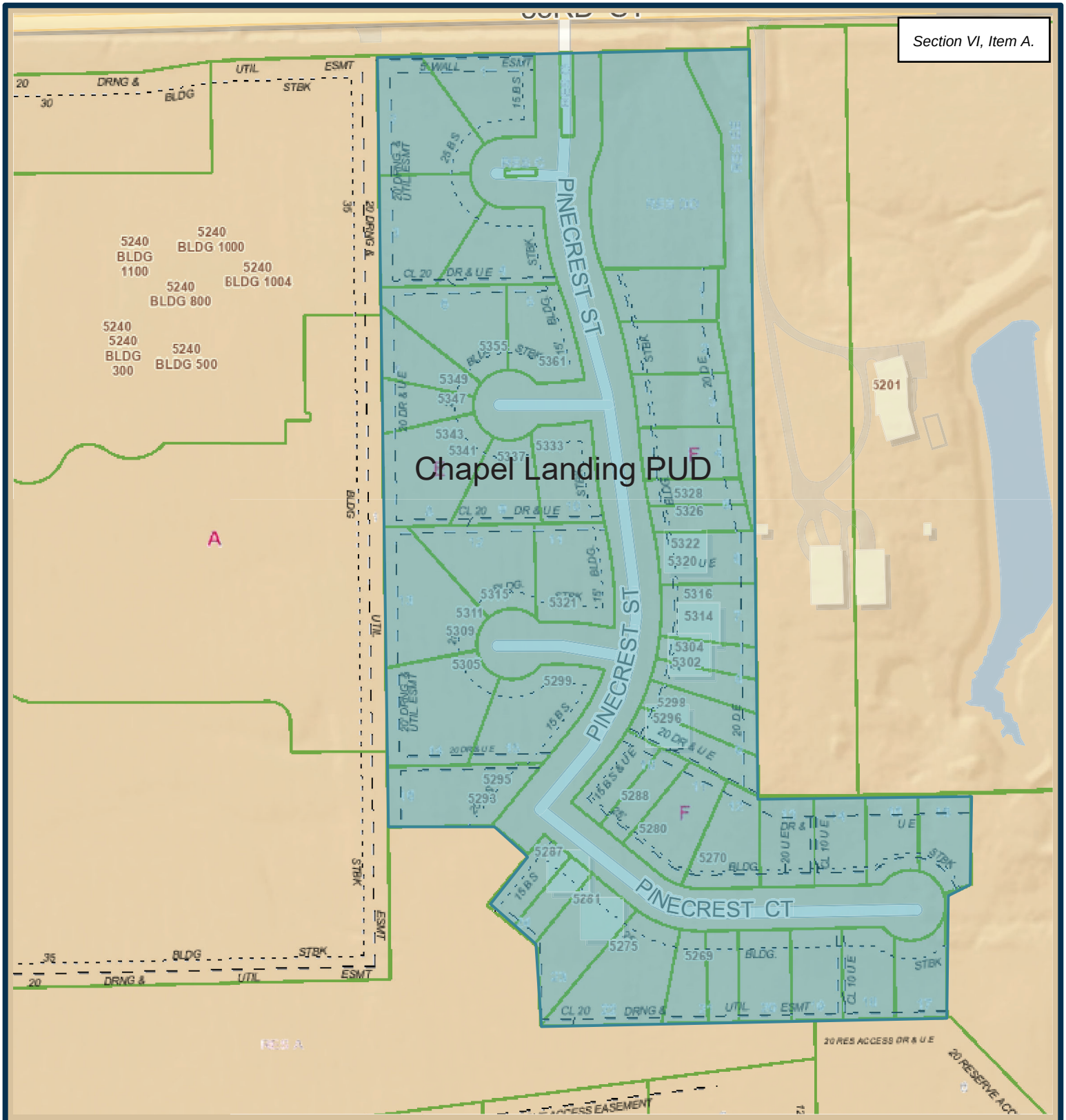
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK)
ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202_, before me, a Notary Public, came Party B, _____, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the PARTY WALL AGREEMENT CONCERNING DEVELOPMENT IN CHAPEL LANDING ADDITION R-PUD to the City of Bel Aire, Kansas.

_____
Notary Public

My Appointment Expires: _____



Geographic Information Services
Sedgwick County... working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

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All rights reserved.

Chapel Landing PUD

Sedgwick County, Kansas

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Chapel Landing- Phase 2

September 12, 2024

Planning Commission Meeting

Agenda Documents:

- PUD Application
- Final PUD Review Comments
- Planned Unit Development Agreement
- PUD Boundary Map
- Staff Report- dated September 6, 2024

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

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

PUD-Z4-04
CL Phase 2 area

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☑ Change Zoning Districts: From: R-4 to PUD

☐ Amendments to Change Zoning Districts _____

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☑ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F , Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address)_____ which is generally located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control number:_____

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant JCT Holdings, LLC Phone
   Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

   Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
   Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

2. Applicant Phone
   Address Zip Code

   Agent Phone
   Address Zip Code

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

Applicant's Signature BY Authorized Agent (If Any)

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

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

FINAL PUD REVIEW

Address of proposed project: Chapel Landing PUD-24-04
This report is to document that on 8.30.24 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

☐ SETBACKS	☐ ELEVATIONS
☐ EFFECTIVE CODE COMPLIANCE	☒ REQUIRED PLAN SUBMITTALS
☐ EROSION CONTROL	☐ EASEMENTS
☐ LANDSCAPE	☐ SCREENING
☐ STORM DRAINAGE	☒ NEIGHBORHOOD IMPACT
☐ ADA ACCESSIBLE	☐ UTILITIES TO BUILDING

The review of the above property plan has been:

☒ APPROVED, as noted

☐ DELAYED, as noted

☐ DENIED, as noted

DATE 8/30/24

Keith Price
REVIEWED BY

Comments:
Lot splits were completed prior to city approval and filed with the county. City staff has met with stakeholders. Final draft review below:.

- No utility companies were notified, the Townhouse ownership Act can solve any cross-lot concerns to protect property rights.
- The landscape concern is each single-family dwelling is 3 trees interior, two-family is 4 trees interior. Street trees no less than 1 per lot, corner lot no less than 2. The net increase of required trees is based on number of lots created. No increase of corner lots but it shifts the burden.
- Zoning code 18.1.4 indicates that the city building code item- R302, and Table 302.1(1) that still relates to the rating of the wall from both sides. Under number 5 of the proposed PUD submittal the information should be changed to state …accordance with said Planned Unit Development to a duplex building standard as an exception to all applicable building standards adopted by the city of Bel Aire.

- http://www.belaireks.citycode.net/ is the link to find the requirements for platting and zoning.

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD is to permit a new approach to providing increased development flexibility in a manner otherwise constrained by the traditional development standards of the Zoning Code and Subdivision Regulations. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:
Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
- Playgrounds or community spaces
- Accessory structures as approved by the city manager

1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.

2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.

3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.

4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:

    a. There shall be no required interior side yard setbacks, provided units share a common wall.

    b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.

    c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.

    d. Accessory uses shall be allowed on all lots per Zoning Code.

    e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.

5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.

6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202___.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended Member

By_____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 202__ and is hereby executed on this _____ day of _____, 202__.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

_____
NOTARY PUBLIC

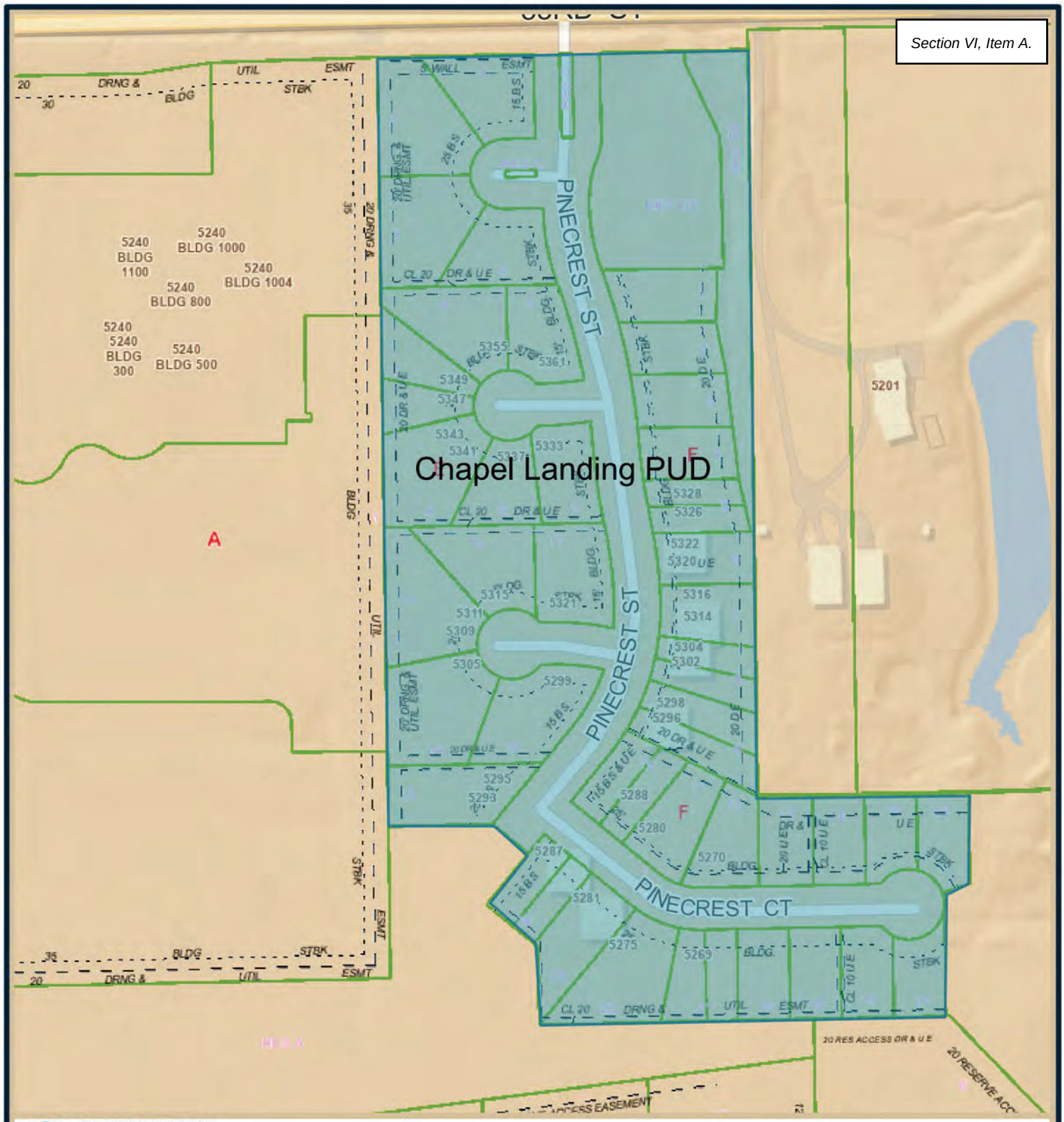
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____



Geographic Information Services
Sedgwick County... working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

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Chapel Landing PUD

Sedgwick County, Kansas

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City of Bel Aire

STAFF REPORT

DATE: 09/06/2024

TO: Bel Aire Planning Commission
FROM: Keith Price
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	9/12/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

CON-24-02 Property owner has requested to build an oversized private use shed in an R-1 zoned District.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The Conditional Use process required notification of surrounding property owners.

History

The property has been zoned R-1 as the city was established.

Discussion
The one-acre parcels in the neighborhood near the lot many have oversized sheds, some have gone through zoning process for the same reason, height or footprint of the shed exceeding the primary structure.

- **The character of the neighborhood;**

  There are 3 oversized out buildings within 400' of the subject lot as accessory to a single-family house.

- **The zoning and uses of nearby properties**;

  North- R-1 Single-family uses
  East-R-1 single family uses
  South- (Wichita) Commercial
  West-R-1 Single family use, C-1 and city utility

- **The suitability of the subject property for the uses to which it has been restricted;**
  The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
  No adverse changes based on the approved 2018 Master Growth Plan.

- **The length of time the property has been vacant as zoned;**

  N/a.

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

  N/a

- **Recommendations of permanent staff; and**

  Staff recommends approval of the private use shed as presented.

- **Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**
  The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **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.**

PUD-24-02.**SD-24-03** Proposed a Platting and rezoning PUD to R-5 and R-6, single and multifamily uses from R-4, and to include C-1 commercial as zoned.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The PUD process required notification of surrounding property owners.

The city review of the plat is in your packet. The newest revision will be posted.

History

The property has been zoned R-4 and C-1 by 2008 with different processes. The property west, Englert Addition Plat and special use permit was filed in 2016, Ordinance 590 allows animals on lot one, block A as a non-business use. The property south, Ordinance 654 changed the property from C-1 to R-6 in 2019 and was replatted in 2020 as Homestead Senior Landing. The city of Kechi is west of the property, that land is unplatted, however, 00520984, the north parcel, has a farm between Oliver the MOPAC railroad. There is also a property, 00520982, surrounded by this proposal that has been used for many types of rural residential uses, but now is used as single-family household.

The city staff needs clarification as listed in the city review to the engineering firm provided in your packet dated 8/30/24. Additional updates have been provided and the latest will be in the packet.

Discussion

The 2018 Master Growth Plan the land is shown as Residential Medium Density Figure 3:4 preferred growth with a park service area. Figure 3.5 indicates that the residential use preferred would be a level 2 intensity; this request is a level 3. Based on this table the use is within the adjacent acceptable use category.

- **The character of the neighborhood;**

  The Kechi and county are rural residential, Bel Aire has housing that is built and utilized for the current zoning R-4 residential. The senior housing south is a low impact residential multi-family use.

- **The zoning and uses of nearby properties**;

  North- Rural residential, Agriculture
  East-R-4 with a Special Use permit approved.
  South-R-6 single family, Senior housing; southwest (Wichita) Commercial, SF-5
  West-R-4 Ranch, Farm, Agriculture

- **The suitability of the subject property for the uses to which it has been restricted;** The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
  No adverse changes based on the approved 2018 Master Growth Plan.

- **The length of time the property has been vacant as zoned;**

  2006 to 2024, 18 years.

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

  The land contained in the application has been included in future modeling, design and construction for water and sewer design sizing to provide city services to the area. Water and sewer services are readily available to develop the area.

- **Recommendations of permanent staff; and**

  The proposed preliminary plat and preliminary PUD are recommended, with the expectation that the minimum living space for each parcel area is determined. Landscape concepts and sidewalk routes be provided with the final submittals. On street parking and onsite parking be reviewed for the final PUD. The drainage design is acceptable for the density of the developed areas.

- **Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**
  The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **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.**

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

PUD-24-03. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The PUD process required notification of surrounding property owners.
City staff met with the applicants to finalize what was important for the process.
The city review of the plat is in your packet. The newest revision will be posted.

History
The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10' side yard set back requirement. The old Chapel Land plat would have allowed a 6' side yard with conditions.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building code could be divided into two single structures. The agreements and understand of use were changed. The zoning code and building code issues created within the Bel Aire is not a new problem in the region for other jurisdictions.

Discussion

The city will be working on lot split code changes and updating building codes; that doesn't imply this type method could be used city wide by dividing lots and selling each as a separate buildings as viewed currently with a lesser construction method. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

- **The character of the neighborhood;**

  The Kechi and county are rural residential, Bel Aire has housing that is built and utilized for the current zoning R-4 residential duplex design. The senior housing south is a low impact residential multi-family use.

- **The zoning and uses of nearby properties**;

  North- Rural residential, Agriculture
  East-R-4 and R-5.
  South-R-4 single family with reduced side yard setbacks,
  West-R-4, Agriculture

- **The suitability of the subject property for the uses to which it has been restricted;**
  The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
  No adverse changes based on the approved 2018 Master Growth Plan.

- **The length of time the property has been vacant as zoned;**

  2008 to 2024, 16 years.

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

  Affordable single-family housing with each family responsible as owners is the gain. Housing is Bel Aire's crop that increases land value for every viable sustainable property.

- **Recommendations of permanent staff; and**

  The proposed PUD Under number 5 of the proposed PUD submittal the information should be changed to state …accordance with said Planned Unit Development to a duplex building standard as an exception to all applicable building standards adopted by the city of Bel Aire. The landscape requirement should be divided equally between the two new lots.

- **Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**
  The city 2018 Master Growth Plan is in line with the existing and proposed uses.

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.

PUD-24-04. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The PUD process required notification of surrounding property owners.
City staff met with the applicants to finalize what was important for the process.
The city review of the plat is in your packet. The newest revision will be posted.

History
The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10' side yard set back requirement. The old Chapel Land plat would have allowed a 6' side yard with conditions.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building code could be divided into two single structures. The agreements and understand of use were changed. The zoning code and building code issues created within the Bel Aire is not a new problem in the region for other jurisdictions.

Discussion

The city will be working on lot split code changes and updating building codes; that doesn't imply this type method could be used city wide by dividing lots and selling each as a separate buildings as viewed currently with a lesser construction method. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

- **The character of the neighborhood;**

  The Kechi and county are rural residential, Bel Aire has housing that is built and utilized for the current zoning R-4 residential duplex design. The senior housing south is a low impact residential multi-family use.

- **The zoning and uses of nearby properties**;

  North- R-4
  East-R-4, Agriculture, R-5.
  South-R-4 single family with reduced side yard setbacks, R-1
  West-R-4, R-6 senior housing

- **The suitability of the subject property for the uses to which it has been restricted;** The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
  No adverse changes based on the approved 2018 Master Growth Plan.

- **The length of time the property has been vacant as zoned;**

  2008 to 2024, 16 years.

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

  Affordable single-family housing with each family responsible as owners is the gain. Housing is Bel Aire's crop that increases land value for every viable sustainable property.

- **Recommendations of permanent staff; and**

  The proposed PUD Under number 5 of the proposed PUD submittal the information should be changed to state …accordance with said Planned Unit Development to a duplex building standard as an exception to all applicable building standards adopted by the city of Bel Aire. The landscape requirement should be divided equally between the two new lots.

- **Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**
  The city 2018 Master Growth Plan is in line with the existing and proposed uses.

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.

Chapel Landing- Phase 2

November 14, 2024

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Notification and Affidavit of Publication
- PUD Application
- Planned Unit Development Agreement
- PUD Boundary Map
- Ownership List
- Owner signature document
- September 12 Planning Commission Meeting Minutes

City of Bel Aire

STAFF REPORT

DATE: 11/07/2024

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	11/14/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-24-04 Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing Phase II.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The PUD process required notification of surrounding property owners.

The city review of the plat is in your packet. Documents are included as presented at the September 12, 2024, Planning Commission Meeting.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10’ side yard setback requirement. The old Chapel Land plat would have allowed a 6’ side yard with conditions.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building code could be divided into two single structures. The agreements and understand of use were changed. The zoning code and building code issues created within the Bel Aire is not a new problem in the region for other jurisdictions.

Item appeared on the September 12, 2024, Planning Commission agenda, however, applicant requested that the item be tabled. After the September 12, 2024, meeting, the applicant submitted complete information related to ownership signatures that confirmed the applicant as an agent of the property owners for purposes of the PUD application.

Discussion

The city will be working on lot split code changes and updating building codes; that doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as viewed currently with a lesser construction method. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

1. **Character of the neighborhood**

   The Kechi and county are rural residential, Bel Aire has housing that is built and utilized for the current zoning R-4 residential duplex design. The senior housing south is a low impact residential multi-family use.

2. **Zoning and uses of nearby properties**

   North- R-4
   East-R-4, Agriculture, R-5.
   South-R-4 single family with reduced side yard setbacks,
   R-1 West-R-4, R-6 senior housing

3. **Suitability of the subject property for the uses to which it has been restricted**

   The city 2018 Master Growth Plan is in line with the existing and proposed uses.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

   No adverse changes based on the approved 2018 Master Growth Plan.

5. **Length of time the property has been vacant as zoned**

   2008 to 2024, 16 years.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

   Affordable single-family housing with each family responsible as owners is the gain. Housing is Bel Aire's crop that increases land value for every viable sustainable property.

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

   The city 2018 Master Growth Plan is in line with the existing and proposed uses.

8. **Impact of the proposed development on community facilities**

   Switching from a duplex development to single family homes does not create any additional burden on the community facilities. The water and sanitary sewer systems were already separate for each unit and there is no additional traffic anticipated on roadways.

9. **Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)**

   The City had inquiries from notified residents who requested additional information on the notice. Once they understood the situation, they had not feedback positive or negative. Residents from another development spoke at the September Planning Commission meeting, however, their feedback was not directly related to this agenda item.

10. **Recommendations of permanent staff**

    The proposed PUD agreement should be modified as follows:
    - Item 5 of the proposed PUD agreement related to submittal information should be changed to state "…accordance with said Planned Unit Development to a duplex building standard as an exception to all applicable building standards adopted by the city of Bel Aire."
    - The landscape requirement should be divided equally between the two new lots.

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

(Published once in Ark Valley News on October 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-24-04. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing.

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

General Location: E 53rd St N and Pinecrest St.

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 _22_____ day of October, 2024.

/s/ Paula Downs
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 24th day of October, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____

Subscribed and sworn to before me this 24th day of October, 2024.

_____
Notary Public

My commission expires _____

Additional copies _____

Printer's fee _____

LISA K. STRUNK NOTARY PUBLIC STATE OF KANSAS 4/24/28

Bel Aire public notice

(Published in The Ark Valley News Oct. 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-24-04. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing.

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

General Location: E 53rd St N and Pinecrest St.

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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

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

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

PUD-Z4-04
CL Phase 2 area

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☑ Change Zoning Districts: From: R-4 to PUD

☐ Amendments to Change Zoning Districts _____

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☑ Final PUD ☐ Final PUD with plat/ zoning

H:\zoning forms\PUDAPPLICATION.doc1/9/06

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F , Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address)_____ which is generally located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control number:_____

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant JCT Holdings, LLC Phone
   Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

   Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
   Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

2. Applicant Phone
   Address Zip Code

   Agent Phone
   Address Zip Code

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

Applicant's Signature BY Authorized Agent (If Any)

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

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD is to permit a new approach to providing increased development flexibility in a manner otherwise constrained by the traditional development standards of the Zoning Code and Subdivision Regulations. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:
Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
- Playgrounds or community spaces
- Accessory structures as approved by the city manager

1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.

2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.

3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.

4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:

    a. There shall be no required interior side yard setbacks, provided units share a common wall.

    b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.

    c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.

    d. Accessory uses shall be allowed on all lots per Zoning Code.

    e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.

5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.

6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202___.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By_____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 202__ and is hereby executed on this _____ day of _____, 202__.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

_____
NOTARY PUBLIC

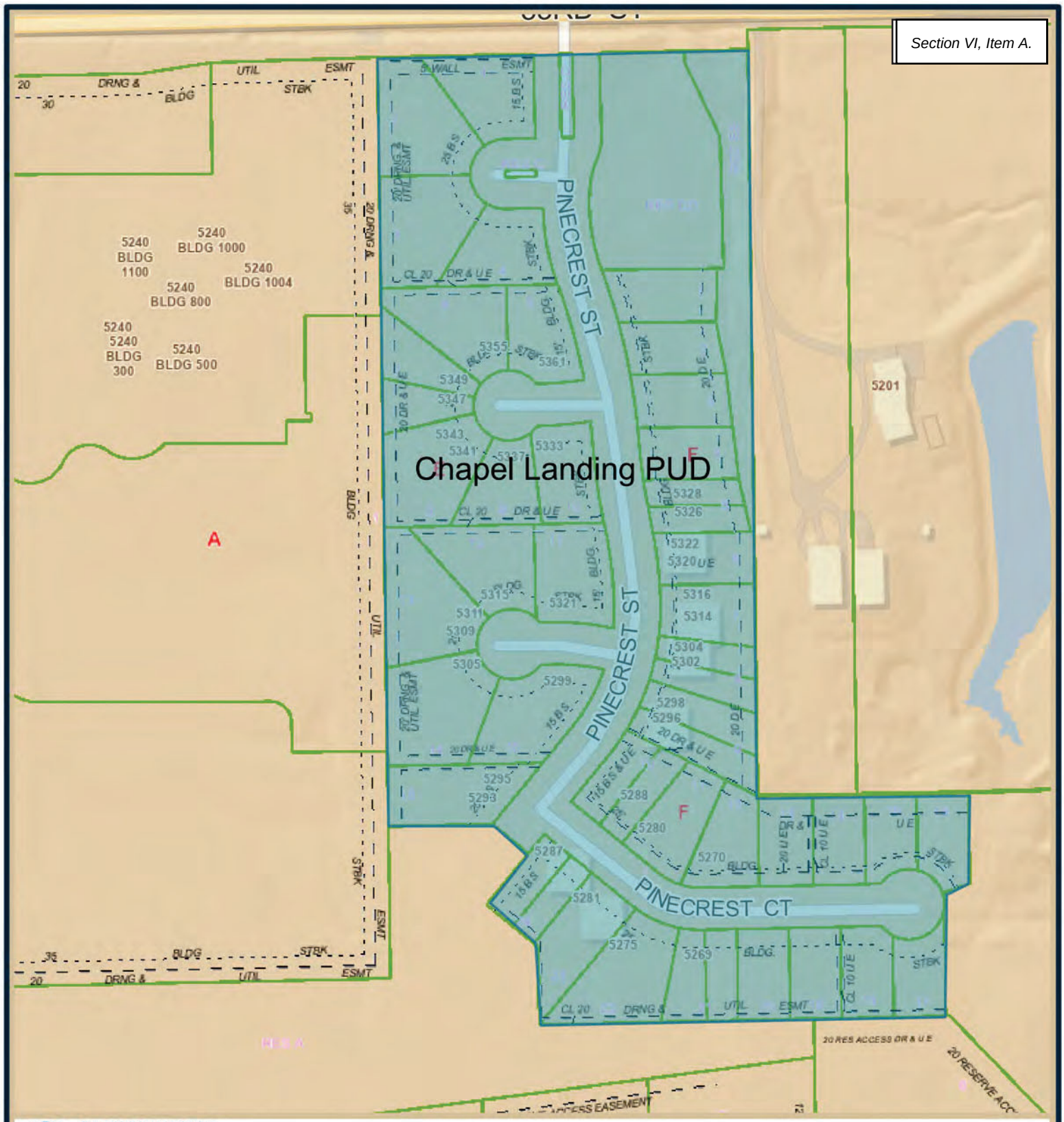
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____



Geographic Information Services
Sedgwick County... working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

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All rights reserved.

Chapel Landing PUD

Sedgwick County, Kansas

N
W E
S

1:2,257

mi
0 0.01 0.02

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lots 1, 2, 3, 4, & 6, Blk E AND Lot 7, Blk E, EXC that part begin at SE corner thereof; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE along curve 23.29' to begin AND Lots 9 thru 16 inclusive, Blk E AND Lots 1, 2, 3, 4, 6, & 7, Blk F AND Lots 12 thru 20 inclusive, Blk F AND Lot 21, Blk F, EXC begin at NE corner; th. S 130' to SE corner of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin AND That part of Lot 21, Blk F, begin at NE corner; th. S 130' to SE corner of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin AND Lots 22 & 24, Blk F **Part of Subject Property**	Chapel Landing Addition	JCT Holdings, LLC 1815 S. Southwest Blvd. Wichita, KS 67213
Lot 5, Blk E **Part of Subject Property**	"	Lanell Wagnon PO Box 736 Coldwater, KS 67029
That part of Lot 7, Blk E, begin at SE corner thereof; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE along curve 23.29' to begin **Part of Subject Property**	"	Cleo D. Fedje 5349 N. Pinecrest Ct. Wichita, KS 67220
Lot 8, Blk E **Part of Subject Property**	"	Michael & Tiffany Schmidt 5341 N. Pinecrest Ct. Wichita, KS 67220

Lot 5, Blk F, EXC that part begin at NW corner thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin **Part of Subject Property**	"	Julie Docena Moore & Michael Dale Moore & Judy Docena Moore (Prior–JCT Holdings, LLC) 5326 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 5, Blk F, begin at NW corner thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin **Part of Subject Property**	"	William J. Kelly & Kathryn Kelly (Prior–JCT Holdings, LLC) 5328 N. Pinecrest St. Bel Aire, KS 67220
Lot 8, Blk F, EXC begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin **Part of Subject Property**	"	Darris Taliaferro & Vanessa Benitez 5304 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 8, Blk F, begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin **Part of Subject Property**	"	Peter & Phaengsy Sourinthone Fongsamouth Sourinthone & Saythong Sourinthone & Saymork Sourinthone 5302 N. Pinecrest St. Bel Aire, KS 67220
Lot 9, Blk F, EXC begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin **Part of Subject Property**	"	Vamsidhar Patlolla 5298 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 9, Blk F, begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin **Part of Subject Property**	"	Tram Pham 5296 N. Pinecrest St. Bel Aire, KS 67220
Lot 10, Blk F, EXC begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin **Part of Subject Property**	"	Mary Montanez & Matthew Montanez 5290 N. Pinecrest Ct. Bel Aire, KS 67220
That part of Lot 10, Blk F, begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin **Part of Subject Property**	"	Jack M. & Lesa A. Weller 5288 N. Pinecrest Ct. Bel Aire, KS 67220

Lot 11, Blk F **Part of Subject Property**	"	Andrea F. Adeyanju Trust 4130 S. Cypress St. Derby, KS 67037
Lot 23, Blk F **Part of Subject Property**	"	Kevin W. & Kathleen R. Stuber 5279 N. Pinecrest Ct. Bel Aire, KS 67220
Reserves C, D, & DD **Part of Subject Property**	"	53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
Reserve EE **Part of Subject Property**	"	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Lots 27, 28, 29, & 30, Blk A	Chapel Landing 6th Addition	TW Renovations, LLC 1815 S. Southwest Blvd. Wichita, KS 67213
Lots 3, 4, & 5, Blk A AND Reserves A & B	Prairie Preserve Addition, a Replat of part of Chapel Landing Addition	Towanda Land Company, LLC 3709 S. West St. Wichita, KS 67217
Lot 6, Blk A	"	John & Carolyn Sutherland 5100 Prairie Ct. N. Bel Aire, KS 67220
Lot 1, Blk A	Englert Addition	Jeffrey J. & Mary K. Englert Revocable Trust 5140 E. 53rd St. N. Kechi, KS 67067
Lot 2, Blk A	"	Envision Management, LLC 14726 E. 9th St. N. Wichita, KS 67230
The E/2 of the SW/4, 13-26-1E		Kirby Kay Smith Family Trust 5650 E. 53rd St. N. Kechi, KS 67067

The W 328.7’ of the N 1,123’ of the E/2 of NW/4, EXC begin 318.85’ E of NW corner of E/2 of NW/4; th. E 9.86’; th. S 532.22’; th. NWly 447.95’; th. N 84.30’ to begin; & EXC for road on the N, 24-26-1E AND The E 135’ of the N 1,123’ of the W/2 of NW/4, 24-26-1E AND Begin at NE corner of Lot 15, John Savute Add; th. N 590.82’; th. SEly 52.33’; th. SEly 439.48’; th. S 89.62’; th. SWly 14.44’ to E line of Lot 15, John Savute Add; th. N to begin, NW/4, 24-26-1E		Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
The Nly 1’ m-l of Lot 15	John Savute Addition to Bel Aire	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Part of Lot 1, Blk A, begin at NE corner of said Lot; th. S 367.5’; th. W 108.43’; th. S 137.52’; th. SEly 8.03’; th. S 9.65’; th. W 34.68’; th. S 31.83’; th. W 173.64’ to point on non-tangent curve to right; th. SWly, Wly, & NWly along curve 95.36’ to pt on non-tang cur to left; th. Wly & SWly 67.89’ to pt on non-tang cur to right; th. SWly, Wly, & NWly 65.73’ to pt on non-tang cur to right; th. NWly 22.07’ to pt on non-tang cur to left; th. NWly & Wly 23’; th. W 51.93’ to pt on W line of Lot 1; th. N 222.29’; th. NEly 101.12’; th. N 110.28’; th. E 347.21’; th. N 155.05’; th. NEly 3.59’; th. E 235.13’ to begin	Homestead Senior Landing Addition	Homestead Senior Residences Bel Aire, LLC 603 Pennsylvania Ave. Holton, KS 66436
Part of Lot 1, Blk A, begin at SW corner of said Lot; th. N 467.29’ to non-tang cur to right; th. Ely & SEly 30.44’ to pt of cur; th. SE 43.59’ to pt of cur to left; th. SEly 50.56’; th. E 331.23’ to pt of cur to right; th. Ely, SEly, & Sly 46.34’; th. S 42.66’; th. E 135.65’; th. S 328.75’; th. W 600.02’ to begin	“	Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436

Part of Lot 1, Blk A, comm at NE corner of said Lot; th. S 367.5' for p.o.b.; th. W 108.43'; th. S 137.52'; th. SEly 8.03'; th. S 9.65'; th. W 34.68'; th. S 31.83'; th. W 173.64' to non-tang cur to right; th. SWly, Wly, & NWly 95.36' to non-tang cur to left; th. Wly & SWly 67.89' to non-tang cur to right; th. SWly, Wly, & NWly 65.73' to non-tang cur to right; th. NWly 22.07' to non-tang cur to left; th. NWly & Wly 23'; th. W 51.93'; th. S 257.96' to non-tang cur to right; th. Ely & SEly 30.44' to pt of tang; th. SE 43.59' to pt of cur to left; th. SEly 49.28'; th. E 331.23' to pt of cur to right; th. Ely, SEly, & Sly 46.34'; th. S 42.66'; th. E 135.65'; th. N 616.18' to begin	"	Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436

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

Lots 1 through 16 inclusive, Block E; and Lots 1 through 24 inclusive, Block F; and Reserves C, D, DD, and EE, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

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 July, 2024, at 7:00 A.M.

SECURITY 1ST TITLE

By: _____

LICENSED ABSTRACTER

Order: 3090509
KJK

PUD Application
Signature Page

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.

Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

Matthew Montanez (Sep 19, 2024 11:24 CDT)

Mary & Matthew Montanez — 5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller — 5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust — 4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber — 5279 N Pinecrest Ct, Bel Aire, KS 67220

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

PUD Application
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Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter Sourinthone 09/18/24

Phaengsy Sourinthone 09/17/24

Fongsamouth Sourinthone 09/18/24

Saythong Sourinthone 09/17/24

Saymork Sourinthone 09/18/24

Peter & Phaengsy Sourinthone, ~~Lopsamouth~~ Fongsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6AD44646-E675-EF11-991A-0022A8259C60

09/18/24

PUD Application
Signature Page

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5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Reddy Patlolla 09/18/24

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6A044646-E675-EF11-991A-002248299C60

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez	5290 N Pinecrest Ct, Bel Aire, KS 67220
Jack M & Lesa A. Weller	5288 N Pinecrest Ct, Bel Aire, KS 67220
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dotloop signature verification.

PUD Application
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Jack M Weller dotloop verified 09/13/24 7:51 PM MST TCZA-71FW-A9M1-BGQP

Lesa A Weller dotloop verified 09/13/24 8:49 PM CDT AWXU-IV0R-ME7Z-8HRE

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dotloop signature verification:

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Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly dotloop verified 09/05/24 9:11 AM CDT VLXL-PAHH-MJVO-VQGE

Kathryn Kelly dotloop verified 09/05/24 9:14 AM CDT MDRS-NNV3-WJ21-V9VJ

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

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Authentisign ID: 88181A46-4B71-EF11-991A-002248289C60

PUD Application
Signature Page

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Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

09/13/24 — Tiffany Schmidt 09/13/24

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

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Authentisign ID: 88181A46-4B71-EF11-991A-002248299C60

PUD Application
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dotloop signature verification: dtlp.us/jldf-OWiL-liwR

PUD Application
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Bill Kelly dotloop verified 09/05/24 9:11 AM CDT VLXL-PAHH-MJVO-VQGE

Kathryn Kelly dotloop verified 09/05/24 9:14 AM CDT MDR9-NNV3-WJ21-V9VJ

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

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dotloop signature verification: dtlp.us/jldf-OWiL-liwR

PUD Application
Signature Page

Tram Pham dotloop verified 09/12/24 11:55 AM CDT 49FI-ETYH-BR2X-MU3U

Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

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Jack M & Lesa A. Weller — 5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust — 4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber — 5279 N Pinecrest Ct, Bel Aire, KS 67220

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

PUD Application
Signature Page

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.

Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Authenti · Darris Taliaferro 09/06/24 — Authenti · Vanessa Benitez 09/06/24

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6B290676-946B-EF11-991A-002248299C60

PUD Application
Signature Page

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Mary & Matthew Montanez	5290 N Pinecrest Ct, Bel Aire, KS 67220
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MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
September 12, 2024 6:30 PM

City of Bel Aire

I. Call to Order: Vice-Chairman Phillip Jordan called the meeting to order at 6:30 p.m.

II. Roll Call

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

City Engineer Anne Stephens, City Manager Ted Henry, City Attorney Maria Schrock and Community Development Director Paula Downs were also present.

III. Pledge of Allegiance to the American Flag

Vice-Chairman Phillip Jordan led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Commissioners noted a typo in section VI. (Next Meeting Date). The motion should be corrected to reflect that the motion carried 6-0.

MOTION: Commissioner Roths moved to approve the minutes of August 8, 2024 as amended. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

V. Old Business/New Business

A. CON-24-02 - Property owner has requested to build an oversized private use shed, in an R-1 zoned district.

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified. Vice-Chairman Phillip Jordan then opened the public hearing.

Applicant Mark Hopp presented his application and answered questions from the Commission.

Carolyn Gunzelman, 5029 E 39th Street, said she wants to make sure the setbacks will be followed and asked if access to the shed will be on gravel or grass.

No others requested to speak. The Commission then discussed the application in relation to the "Golden Factors" of zoning. Commissioners found that the requested conditional use would be consistent with uses in the surrounding neighborhood, consistent with the character of the neighborhood, and that approval has been recommended by permanent staff.

MOTION: Commissioner Faber moved to recommend approval based on the condition of the verification of the setbacks remain the same, Permit CON-24-02 as presented. Commissioner Charleston seconded the motion. ***Motion carried 5-0.***

B. PUD-24-02 - Proposed rezoning PUD to R-5 and R-6 single and multi-family uses from R-4, and to include C-1 commercial as zoned.

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified. Vice-Chairman Phillip Jordan then opened the public hearing.

The agent for the applicant, Ken Lee of Garver, presented the application for preliminary Planned Unit Development and stood for questions from the Commission.

Jeff Englert, 5140 E 53rd Street North, spoke to the Commission. He is concerned about the proposed setbacks, minimum lot width, and minimum square footage. He would like for the fence to extend further into the rear lots of phase 3, and he suggested the owner could agree to a restricted covenant to prohibit manufactured homes.

Commissioners asked Mr. Lee questions related to drainage, screening, lot sizes, greenspace, and proposed uses. Mr. Lee said that plans could be revised to address the Commission's concerns about lot sizes, prohibiting manufactured homes, and restricting uses to single-family homes.

Staff reported no written communications were received regarding this matter. No others requested to speak. Vice-Chairman Jordan then closed the public hearing.

MOTION: Commissioner Faber moved to table the preliminary Planned Unit Development (PUD-24-02) changing the zoning to R-5 and R-6 single and multi-family uses from R-4, and to include C-1 commercial as zoned. Vice-Chairman Jordan seconded the motion. ***Motion carried 5-0.***

C. SD-24-03 - Proposed platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned.

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified.

Vice-Chairman Phillip Jordan then opened the public hearing. No one requested to speak, and the public hearing was then closed.

MOTION: Commissioner Roths moved to table the preliminary plat of SD-24-03 to next month's meeting. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

D. PUD-24-03. Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Bristol Hollows).

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified. Vice-Chairman Phillip Jordan then opened the public hearing.

City Engineer Anne Stephens provided a brief staff report. Per the development agreement for this land, the duplex units were to be held by one owner and maintained as rentals. Recently, the Developer filed metes and bounds survey with Sedgwick County, allowing for the individual units to be sold to buyers, without going through the lot- splitting process with the City. Now, City staff is concerned that the individual units will be non-conforming to City Zoning Codes, including setbacks and minimum lot width. This non-conformance will make it impossible for future owners of the units to obtain building permits for repairs or improvements to the properties. City staff are recommending approval of the proposed zoning change in order to correct this situation and bring the units into conformance with City Zoning Codes.

The agent for the applicant, Ken Lee of Garver, spoke to the Commission and stood for questions.

No others requested to speak. Vice-Chairman Jordan then closed the public hearing.

Following the public hearing, the Commission discussed the application in relation to the City's Zoning Code and the "Golden Factors" of zoning standards including: the character of the neighborhood, the recommendations of permanent staff, the zoning uses of nearby properties, the suitability of the property for the proposed uses, and the opinions of other property owners. There was consensus that the developer should provide proof that the covenants have been filed with the register of deeds

MOTION: Vice-Chairman Jordan moved to recommend approval of the Final Planned Unit Development (PUD-24-03) containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built be approved with the conditions that the covenants that evidence that the filing with the Register of Deeds has indeed been done. Commissioner Matzek seconded the motion. ***Motion carried 5-0.***

E. PUD-24-04 - Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing).

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified.

City Engineer Anne Stephens reported that the agent for the applicant has requested that this item be tabled until the next Planning Commission meeting.

Vice-Chairman Phillip Jordan then opened the public hearing.

John Sutherland, 5100 Prairie Ct. North, spoke to the Commission. Mr. Sutherland spoke about his experience as a developer and on a planning advisory board in another city. He asked if there will be an HOA for this development and requirements that things are kept up. He asked if the development agreement will be updated and if trees will be planted in the open areas.

Justin Price, 5341 Pinecrest, spoke to the Commission. He owns one half of a duplex in Chapel Landing. He asked what would happen if his duplex is converted to a townhome.

Mike Schmidt, 5343 Pinecrest, spoke to the Commission. He asked for information about what is being developed in the area around his property.

MOTION: Commissioner Jordan moved to table the Final Planned Unit Development (PUD-24-04) until next month. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

VI. Approval of the date of the Next Meeting.

MOTION: Commissioner Charleston moved to approve the date of the next meeting: October 10, 2024 at 6:30 p.m. Vice-Chairman Jordan seconded the motion.
Motion carried 5-0.

VII. Current Events

The Commission briefly discussed upcoming events, such as the Curbside Cleanup on October 5th. No action was taken.

VIII. Adjournment

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

[Remainder of this page intentionally left blank]

Approved by the Bel Aire Area Planning Commission this 14th day of November, 2024.

James Schmidt, Chairman

Phillip Jordan, Vice-Chairperson — Date: 11-14-2024

Paula L. Downs, Planning Commission Secretary — Date: 11-14-2024

Chapel Landing- Phase 2

December 12, 2024

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Notification and Affidavit of Publication
- PUD Application
- Planned Unit Development Agreement
- PUD Boundary Map
- November 14, 2024 Planning Commission Meeting Minutes

City of Bel Aire

STAFF REPORT

DATE: 12/06/2024

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	12/12/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-24-04 Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing Phase II.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The PUD process required notification of surrounding property owners.

The city review of the plat is in your packet. Documents reviewed and included in the agenda packet: affidavit of publication; PUD application; PUD Agreement; and site plan.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10’ side yard setback requirement. The old Chapel Land plat would have allowed a 6’ side yard with conditions.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building code could be divided into two single structures. The agreements and understand of use were changed. The zoning code and building code issues created within the Bel Aire is not a new problem in the region for other jurisdictions.

Item appeared on the September 12, 2024, Planning Commission agenda, however, applicant requested that the item be tabled. After the September 12, 2024, meeting, the applicant submitted complete information related to ownership signatures that confirmed the applicant as an agent of the property owners for purposes of the PUD application. The item was on the November 14, 2024, meeting agenda and was tabled pending additional information being provided.

Discussion

A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes and building codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

B. The Planning Commission tabled this item at the November 14 meeting based on the following issues:
    a. Commission reviewed Agenda Item A- PUD-24-07 and was aware of City Council concerns and the requirements set out by them on another like case.
    b. There was consensus that the applicant should draft the following documents and present them at the December Planning Commission meeting to include in the meeting agenda packet:
        i. Updated plat to be attached to the ordinance;
        ii. Add platter's text to reference additional documents including: Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement to address access to power meters. These documents would also be incorporated, by reference, to the ordinance; and
        iii. Applicant shall file the ordinance all the documents with the Register of Deeds office and provide a copy to the Bel Aire City Clerk.
    c. The applicant requested Planning Commission send the item to Council in lieu of tabling the item.
    d. Commission determined that Council would not approve the item without documents in place.

C. The Commission agreed to reduce the street trees from two trees per lot to one tree per lot due to the small size of the individual lots.

D. Commission voted to table the item.

E. City staff provided the applicant with the link to the document templates from PUD-24-07. Prior to the posting the December Planning Commission meeting packet, the City did not receive additional documents as requested from the Commission at their November 14 meeting.

Review Considerations:

1. **Character of the neighborhood**

   The City of Bel Aire has housing that is built and utilized for the current zoning R-4 residential duplex design. The senior housing south is a low impact residential multi-family use. The PUD request does not change the character of the neighborhood.

2. **Zoning and uses of nearby properties**

   North- R-4
   East-R-4, Agriculture, R-5.
   South-R-4 single family with reduced side yard setbacks,
   R-1 West-R-4, R-6 senior housing

3. **Suitability of the subject property for the uses to which it has been restricted**

   The city 2018 Master Growth Plan is in line with the existing and proposed uses.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

   No adverse changes based on the approved 2018 Master Growth Plan.

5. **Length of time the property has been vacant as zoned**

   2008 to 2024, 16 years.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

   Affordable single-family housing with each family responsible as owners is the gain. This housing potentially increases land value.

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

   The city 2018 Master Growth Plan is in line with the existing and proposed uses.

8. Impact of the proposed development on community facilities

Switching from a duplex development to single family homes does not create any additional burden on the community facilities. The water and sanitary sewer systems were already separate for each unit and there is no additional traffic anticipated on roadways.

9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)

The City previously had inquiries from notified residents who requested additional information on the notice. Once they understood the situation, they had no feedback positive or negative. Residents from another development spoke at the September Planning Commission meeting, however, their feedback was not directly related to this agenda item.

10. Recommendations of permanent staff

The proposed PUD should be modified as follows:

1. Update the landscaping requirement to reflect one street per lot.

2. Require applicant to submit the following documents as part of their PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.

3. Update the platter's text to reference the documents.

4. File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

(Published once in Ark Valley News on October 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-24-04. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing.

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

General Location: E 53rd St N and Pinecrest St.

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 _22_____ day of October, 2024.

/s/ Paula Downs
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 24th day of October, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____

Subscribed and sworn to before me this 24th day of October, 2024.

_____
Notary Public

My commission expires _____

Additional copies _____

Printer's fee _____

LISA K. STRUNK NOTARY PUBLIC STATE OF KANSAS 4/24/28

Bel Aire public notice

(Published in The Ark Valley News Oct. 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

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General Location: E 53rd St N and Pinecrest St.

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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

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

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

PUD-Z4-04
CL Phase 2 area

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☑ Change Zoning Districts: From: R-4 to PUD

☐ Amendments to Change Zoning Districts _____

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☑ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F , Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address)_____ which is generally located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control number:_____

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant JCT Holdings, LLC Phone
   Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

   Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
   Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

2. Applicant Phone
   Address Zip Code

   Agent Phone
   Address Zip Code

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

Applicant's Signature BY Authorized Agent (If Any)

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

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD is to permit a new approach to providing increased development flexibility in a manner otherwise constrained by the traditional development standards of the Zoning Code and Subdivision Regulations. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:
Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
- Playgrounds or community spaces
- Accessory structures as approved by the city manager

1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.

2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.

3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.

4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:

    a. There shall be no required interior side yard setbacks, provided units share a common wall.

    b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.

    c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.

    d. Accessory uses shall be allowed on all lots per Zoning Code.

    e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.

5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.

6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202___.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended Member

By_____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 202__ and is hereby executed on this _____ day of _____, 202__.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

_____
NOTARY PUBLIC

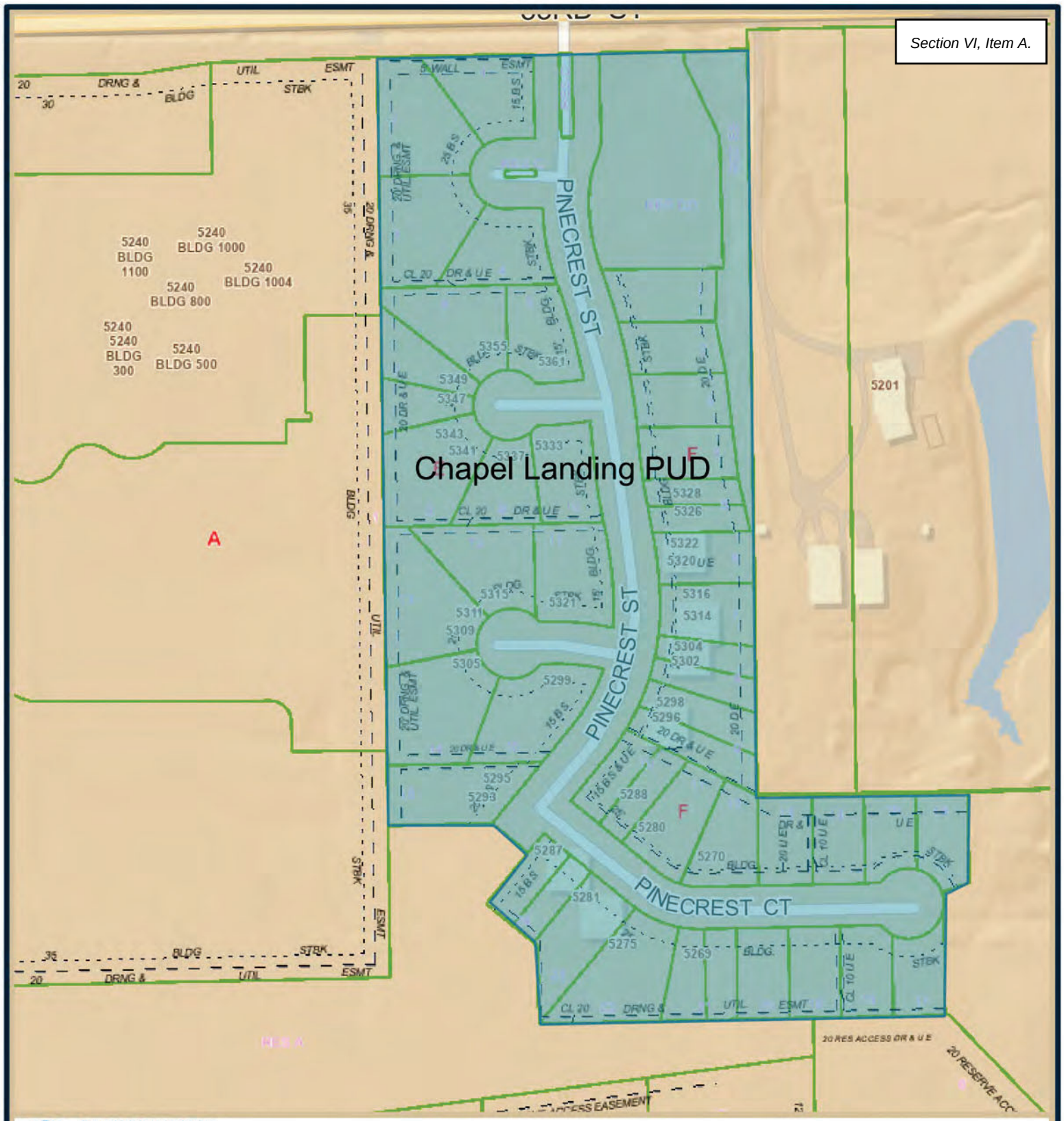
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____



Geographic Information Services
Sedgwick County... working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

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Chapel Landing PUD

Sedgwick County, Kansas

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MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
November 14, 2024 6:30 PM

City of Bel Aire

I. Call to Order- Vice-Chairman Phillip Jordan called the meeting to order at 6:39 p.m.

II. Announcement: As of October 9, 2024, Chairman James Schmidt resigned from the Planning Commission. The Mayor has been notified and will begin the process of appointing a new member of the Commission.

III. Roll Call

Commissioners John Charleston, Edgar Salazar, Phillip Jordan, and Paul Matzek were present. Commissioners Dee Roths and Daryk Faber were absent.

Also present were City Attorney Maria Schrock, City Engineer Anne Stephens, and Director of Community Development Paula Downs.

IV. Pledge of Allegiance to the American Flag

Vice-Chairman Jordan led the pledge of allegiance.

V. Consent Agenda

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

MOTION: Commissioner Charleston moved to approve the minutes of September 12, 2024. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

MOTION: Commissioner Matzek moved to approve the minutes of October 10, 2024. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

VI. Announcement

A. **Kansas Open Meetings Act (KOMA) Review**

B. **Golden Factors review**

City Attorney Maria Schrock gave a brief presentation on the Kansas Open Meeting Act and the Golden Factors.

VII. Old Business/New Business

A. PUD-24-07 (previously PUD-24-03): Zone change request in the City from Single-Family Residential District (R-4) to a Planned Unit Development Residential District (R-PUD) to create the Bristol Hollows Addition R-PUD, for the purpose of bringing structures that were conforming in 2020 and made non-conforming in 2023, due to lot splits that were completed without City notice and approval, generally located at 53rd Street North and Bristol Street.

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for the public hearing. Before proceeding with the public hearing, he asked the Commission if any member intended to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in the Wichita Eagle. Notices were also mailed to the applicant and all the real property owners of record, listed on the security title, in the area of notification on October 25, 2024.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the staff report on this item provided in the Commission's information packet for this meeting.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. The primary change to the PUD was to add "Residential" into the document. The other changes were to documents outside of the PUD, to provide clarity. Modifications were made to the Restrictive Covenants to address protections for the residents. The developer proposes that the buildings be viewed as condominiums, so that a less- restrictive wall design is required. The documents also address resident's rights to access utility meters.

City Attorney Maria Schrock commented on Ken Lee's comments regarding the proposed firewall standard. Ms. Schrock referred to the October 15th City Council meeting in which firewall standards were discussed. At that hearing, the City building inspector stated that he had no concerns with the safety of the current walls. Since the hearing, City staff have reached out to the Sedgwick County Fire Department for advice. The Sedgwick County Fire Department offered suggestions: have a fire extinguisher on hand and use caulking over any penetrations to the wall. Phil Ruffo has agreed to add those things to the Restrictive Covenants, the First Amendment, or to a wall agreement. Regarding residents' access to power meters, Mr. Ruffo agreed to add language to the documents to allow for an easement to access power meters.

City Attorney Maria Schrock submitted Exhibit A to the Commissioners and described it. Exhibit A is a basic plat diagram of the Bristol Hollows Addition that includes text that states the diagram will include a reference to the Restrictive Covenants, First Amendment to the original development agreement, the wall agreement and an easement agreement regarding access to power. If anyone wants to purchase a property, it will be easy to see these documents.

Representative Ken Lee requested that the Commission consider allowing only one tree on each lot, instead of the two trees per lot required in the zoning code.

Vice-Chair Phillip Jordan announced that the public comments section of the hearing was open and anyone wishing to make comments could come forward at this time. No one requested to speak, so the public comments section was closed. Staff confirmed that no written comments had been received.

The Commission then deliberated. Commissioners commented that considering the small lot size, it would be acceptable to have one street tree on each lot. They also cited several of the Golden Factors as they relate to this application including:

- The Character of the Neighborhood,
- The Zoning and Uses of nearby properties supports development;
- The Relative gain to the public health, safety, and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the applicant;.
- The Conformance of the requested change to the adopted or recognized Comprehensive (master plan) being utilized by the city;
- The Impact of the proposed development on community facilities.

Commissioners also cited the recommendation of professional staff as a contributing factor in their decision.

MOTION: Vice-Chairman Jordan moved thus:

Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-07 (previously PUD-24-03) be approved with modifications based on findings as listed in the staff report, and the condition of one tree in the front of each unit, as recorded in the summary of this hearing, And the following conditions be made a part of this recommendation:

a) An updated plat depicting the Bristol Hollows Addition R-PUD shall be provided for council consideration, and if approved by council, it will be attached to the ordinance as Exhibit A; and,

b) The platter's text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement Re: Access to Power Meter. Those documents will be incorporated by reference, to the Bristol Hollows Addition R-PUD and ordinance; and
c) The applicant shall file the ordinance and all documents incorporated by reference to the Bristol Hollows Addition R-PUD, with the Sedgwick County Register of Deeds. Proof of filings shall be provided to the Bel Aire City Clerk, within 30 days of filing with the Sedgwick County Register of Deeds.

Commissioner Matzek seconded the motion.
Motion carried 4-0.

B. PUD-24-04- Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for public hearings. Before proceeding with the public hearing, he asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all the real property owners of record listed on the security title, in the area of notification.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the Commission's information packet for this meeting. City staff noted that, similar to Agenda Item A, the developer completed lot splits for this property, without following the procedure outlined in the City Code.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Commission. Mr. Cook asked that the requirement for street trees be reduced from two trees to one tree, due to the small size of the lots. He also requested that in lieu of tabling the item that the Planning Commission send the item to the City Council.

Vice-Chairman Jordan opened the public comments section. Mary Montanez, 5290 Pinecrest Ct N, spoke to the Commission. She asked for clarification regarding the term "zero lot line" and asked if the property owner will still own the yard. Staff explained that "zero lot line" is a term from the zoning code that describes a property boundary with no easement between properties; in this case the common wall of the duplex.

No others requested to speak, and the public comments section was closed. Staff confirmed that they had not received any written communications from the public regarding this case.

The Commission then discussed the application, as it relates to the City's Zoning Code and the Golden Factors. Vice-Chairman Jordan commented that, given the similar circumstances, the same conditions applied to the case in Agenda Item A (PUD-24-07) should also be applied this case, specifically:

a) An updated plat to be attached to the ordinance as Exhibit A; and,
b) The platter's text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement Re: Access to Power Meter. Those documents will be incorporated by reference, to the ordinance; and
c) The applicant shall file the ordinance and all documents incorporated by reference with the Sedgwick County Register of Deeds. Proof of filings shall be provided to the Bel Aire City Clerk, within 30 days of filing with the Sedgwick County Register of Deeds.

Commissioners discussed three Golden Factors: character of the neighborhood; zoning and uses of nearby properties, and suitability of the subject property for the uses to which it has been restricted. There was consensus that more information from the applicant would be necessary to make a final recommendation, and the Commission favored tabling the item to allow more time for the applicant to provide the information.

MOTION: Commissioner Charleston moved to table it (PUD-24-04). Commissioner Salazar seconded the motion. ***Motion carried 4-0.***

C. PUD-24-02 - Proposed rezoning PUD from R-4, to R-5 and R-6 single and multi-family uses and to include C-1 commercial as zoned (Homestead at Spring).

City staff gave a brief report on this case. Staff noted that the application was first considered by the Commission in September and was tabled. Since then, the applicant has provided additional documents which are in the Commission's information packet for this meeting.

Will Clevenger and Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission.

The Vice-Chairman then opened the public comments section. Jeff Englert, 5140 E 53rd Street, spoke to the commission about his concerns regarding manufactured housing and

fencing along his property. The representatives for the applicant noted the PUD document specifically addresses manufactured homes and fencing. No others requested to speak, so the public comments section was closed.

The Commission discussed the following golden factors as reason for approval: character of the neighborhood; zoning and uses of nearby property; suitability of the subject property for the uses to which it has been restricted; and recommendations of permeant staff as contained in the staff report. They noted they appreciated the variety of lot sizes presented.

MOTION: Commissioner Matzek moved to recommend approval of the preliminary Planned Unit Development (PUD-24-02): 1. Parcels A shall remain zoned as C-1 Commercial; 2. Parcel B shall remain zoned as R-4 Residential, with the condition that no manufactured homes are allowed; 3. Parcel C shall change zoning from R-4 to R-5; and 4. Parcel D shall change zoning from R-4 to R-6; with the condition that requires the applicant will submit a detailed site plan for Parcel D to the Planning Commission prior to issuance of building permits. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

D. SD-24-03 - Proposed platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned (Homestead at Spring).

City staff noted that the plat is for the same property that was discussed in Agenda Item C (PUD-24-02).

Vice-Chairman Jordan opened the public hearing. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. No others requested to speak, and the public hearing was closed.

The Commission then discussed the application. There was general consensus to approve the plat based on consistency with certain Golden Factors, specifically: the character of the neighborhood; zoning and uses of nearby property; and the suitability of the subject property for the uses to which it has been restricted. Commissioners noted that they appreciated the willingness of the applicant to work with nearby homeowners.

MOTION: Vice-Chairman Jordan moved to recommend approval of the preliminary plat of SD-24-03 as presented; and the preliminary sidewalk plan as presented; and the preliminary drainage plan concept as presented. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

E. Sketch Plan - Tierra Verde South, Lot 1 Block 2

Staff referenced documents in the Commission's information packet which were provided by the applicant. The Commission's discussion of the sketch plan is for feedback to the developer only, the Commission will not be making a recommendation tonight. Staff noted that changes to the easements or setbacks would require the property owner to file a PUD application with the Planning Commission.

Jeff Blubaugh presented the sketch plan and stood for questions from the Commission.

The Commission's discussion centered on entry points, traffic, sidewalks, green space, setbacks and parking. The Commission suggested providing a location map of where the development is located. Mr. Blubaugh expressed a desire to reduce some of the current setbacks; for instance, the front setback is currently 40'. Mr. Blubaugh stated that a 25' setback from the sidewalk is typical for duplexes. If the Developer chooses to reduce setbacks, the Commission suggested reducing an easement and keeping setbacks within the minimum sizes listed in the zoning code.

No action was taken by the Commission.

F. Review proposed updates to the 2024 Bel Aire Zoning Map- (supermajority (5) required for approval).

Vice-Chairman Jordan noted that a supermajority of the Commission was not present and would be needed to vote on this item. He then opened the public hearing. No one requested to speak, and the public hearing was then closed.

MOTION: Commissioner Salazar moved to table the proposed zoning map changes. Vice-Chairman Jordan seconded the motion. ***Motion carried 4-0.***

G. Approval of the 2025 Meeting Dates and Time

MOTION: Vice-Chairman Jordan moved to approve the Meeting Dates and Time for 2025. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

H. Election of Planning Commission Chairperson, December 2024 to December 2025

MOTION: Commissioner Matzek moved to appoint Phillip Jordan as Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

I. Election of Planning Commission Vice-Chairperson, December 2024 to December 2025.

MOTION: Commissioner Salazar moved to appoint Deryk Faber as Vice-Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

VIII. Approval of the Next Meeting Date.

MOTION: Vice-Chairman Jordan moved to approve the date of the next meeting: December 12, 2024, at 6:30 p.m. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

IX. Current Events

A. Upcoming Events:

- Tuesday, Nov. 19th - Volunteer Appreciation Dinner, City Hall Community Room.
- Thursday November 29 & Friday November 30, City Hall closed for Thanksgiving
- Saturday, December 7, Christmas in Bel Aire community event at Bel Aire City Hall, 5:30 to 7:30 p.m.

The Commission briefly discussed the upcoming events. No action was taken.

X. Adjournment

MOTION: Commissioner Salazar moved to adjourn. Vice-Chairman Jordan seconded the motion. ***Motion carried 4-0.***

Approved the Planning Commission this 12 **day of** December, **2024.**

Phillip Jordan, Chairman

Paula L. Downs, Commission Secretary

Chapel Landing- Phase 2

January 7, 2025

City Council Meeting

Agenda Documents:

- Staff Report
- December 12, 2024 Draft Planning Commission Meeting Minutes
- December 12, 2024 Planning Commission Meeting- Staff Report
- Notification and Affidavit of Publication from October 24, 2024
- PUD Application
- PUD Agreement
- PUD Boundary Map
- Ordinance
- November 14, 2024 Planning Commission Meeting Minutes

City of Bel Aire

STAFF REPORT

DATE: 12/30/2024

TO: Bel Aire City Council
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	1/07/2024
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: **PUD 24-04 Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing Phase II.**

History:

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is provided. The PUD process required notification of surrounding property owners.

The subject property is generally located at North Oliver Street and East 53rd Street North and is currently platted as Chapel Landing (recorded March 27, 2008, as Doc#: 28962586). Chapel Landing is currently zoned R-4 Single-Family Residential District. The applicant desires to amend the zoning district classification from R-4 to R-PUD Planned Unit Development Residential District for Lots 1-16, Block E and Lots 1-24, Block F of Chapel Landing.

This case was initiated in August 2024 when lot splits were identified by City staff. Staff reports previously developed and provided to the Planning Commission were prepared by the previous Zoning Administrator and a recommendation to approve the PUD case was made. Due to additional discussions around this case and another similar case an updated staff report was provided by the current Zoning Administrator and included the recommendation to approve the PUD with additional agreements/documents recommended by the City Council during a previous case.

Prior to this City Council meeting, a more detailed analysis of the case was warranted. The previous staff recommendation included the requirement for the applicant to update existing agreements and documents and enter into additional agreements. Although the City can request these documents, it is outside the requirements of the City Code and the review criteria (golden factors) used to evaluate the PUD case.

The current staff report reflects further analysis of the PUD Application and PUD Agreement and provides an updated staff recommendation based on the appropriate review criteria.

Discussion:

The applicant desires to establish the R-PUD zoning district classification in order for the applicable Zoning Regulations to be adapted for their specific development project. As defined by 18.2.3.ET, a Planned Unit Development (PUD) is "a platted parcel, subdivision, or district that contains specific zoning rules as a replacement for the adopted city regulations…". The applicant has not submitted a Planned Unit Development Plat (18.2.3.EV) but has submitted a PUD Agreement.

In the Permitted Use section of the submitted PUD Agreement, are two permitted residential uses: 1) Single-Family and 2) Two-Family. Definitions per 18.2.3.BK:

1. One-family dwelling – (Single-Family). A detached building used exclusively for residential purposes having suitable accommodations for only one family.
2. Two-family dwelling – (Duplex). A detached building used exclusively for residential purposes and designed for or occupied by two families independently of each other.

Per the R-4 regulations, single-family residences require a minimum 1,600 SF of living space, and two-family residences require a minimum 1,200 SF of living space per unit. Further permitted uses set forth by the applicant include leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager.

In Section 4 of the submitted PUD Agreement, the applicant desires that all regulations of the R-4 district apply (exclusive of permitted uses) with the following exceptions (not exhaustive, only pertinent requests are listed below):

a. 0' interior side yard setbacks, provided units share a common wall
b. R-4 requires a minimum side yard setback of 10' or 20% of lot width, whichever is greater.
    a. The original plat sets forth a 6' minimum interior side yard setback (applied to primary structures only).
c. 0 SF minimum lot area, provided lots are further subdivided after original platting
    a. R-4 requires 8,400 SF per dwelling unit, which would be 16,800 SF for two-family lots.
        i. Notably, multiple lots less than 16,800 SF were originally platted.
        ii. The property was originally platted in 2008; research into the adopted Zoning Regulations at that time was not conducted as part of this report.
d. 0' minimum lot width, provided lots are further subdivided after original platting
    a. R-4 requires a minimum of 70' lot width
        i. Notably, multiple lots have frontage widths less than 70' as originally platted.
        ii. The property was originally platted in 2008; research into the adopted Zoning Regulations at that time was not conducted as part of this report.

Set forth in Section 1 of the submitted PUD Agreement, the applicant desires the ability to further subdivide the originally platted lots without the City's approval of lots splits per the adopted Subdivision Regulations.

The PUD Agreement seeks to define “homes on lots that are split” as “townhouses” as defined in the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes. Further, it states that “all applicable sections of the act will apply to all lots that are split within this PUD.” Although K.S.A. 58-3702 does not specifically define “townhouses”, it does define “townhouse unit”. Townhouse unit means one single-family townhouse residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation: Provided however, that in any event, the term “townhouse unit” shall not mean an apartment as defined in K.S.A. 58-3102…”. The only definition of “townhouse” in the City’s adopted Zoning Regulations is contained within the Use Regulations of the R-5 Garden and Patio Homes, Townhouses, and Condominiums District. “Townhouses” are defined as “one family townhouse dwelling unit, with a private entrance which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light and ventilations.”

Multiple two-family units have been constructed on the subject lots. Some constructed two-family units are located on lots that remain as platted in 2008 (two units on one lot), and some have been further subdivided along the common wall line. This further subdivision has created multiple violations of the Zoning Regulations (see Section 18.3.4). Although multiple enforcement actions and remedies are available (see Sections 18.3.8, 18.3.9, and 18.4.7), the City desires to work with the owner(s) to bring the development into compliance.

NOTE: In completing the staff review of the Criteria for Review (18.5.2.E- “Golden Factors”), findings were developed by applying the substitute regulations set forth by the applicant.

1. **Character of the neighborhood**

   Multiple two-family structures have been constructed on the subject property and on adjacent properties. Directly adjacent to the East, are two unplatted properties under the same ownership totaling approximately 11.54 acres currently used for a single-family home with accessory structures. North of East 53rd Street North is predominantly undeveloped large-lot single-family home sites. Approximate 2.0 acre lots are platted to the south of the subject property. Senior living (multiple family) units directly abut the subject property to the West. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

2. **Zoning and uses of nearby properties**

   North: R-4 Single-Family Residential District
   East: AG Agricultural District
   South: R-1 Estate Residential District
   West: R-6 Multi-Family District

3. **Suitability of the subject property for the uses to which it has been restricted**

   The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive that what is allowed in the base R-4 district.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

   A minimum lot area should be established as the lack of any minimum lot area makes any meaningful assessment of this Criteria impossible. Minimum lot widths should also be established to ensure adequate access to the public street. With proper identification of all substitute regulations, no detrimental impact to nearby properties is expected.

5. **Length of time the property has been vacant as zoned**

   The property was originally platted in 2008, and building activity on the two-family structures has only recently been commenced. It is not anticipated that the length of time the property was vacant/undeveloped is a factor for this specific request.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

   It is recommended that the City and applicant work on revisions/clarifications to the substitute regulations to avoid any negative impact to public health, safety, and welfare. Once completed, no loss in value or hardship upon the applicant is anticipated.

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

   The 2018 Master Growth Plan sets forth the property as Residential Suburban Density. Further the Plan encourages PUDs to promote alternatives to traditional development models in these designated areas.

8. **Impact of the proposed development on community facilities**

   No impact on community facilities is expected. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to East 53rd Street North which has been improved to adequate standards.

9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)

Notified residents did appear at a previous Planning Commission meeting when a similar PUD case was on the agenda. Citizens were concerned that the same conditions discussed in the other PUD case would negatively affect ownership of their homes in Chapel Landing. At the time, there were no issues identified. Residents were notified twice with this PUD case. City staff has received no inquiries or feedback from notified residents.

10. Recommendations of permanent staff

Significant work remains for the PUD Agreement to have sufficient definition and clarity established in order for staff to make a recommendation. Staff recommends that the application be returned to the Planning Commission to reconsider a revised application specifically regarding the findings on Criteria of Review 4 and 6. The next meeting of the Planning Commission is February 13, 2025.

Specific revisions requested (to be fully developed in coordination with the applicant) to include but not limited to:

1) Add “Townhouse” as fined by the City’s current Zoning Regulations as a permitted use with limitation to the amount of units on each lot of record.
2) Identify and specify appropriate minimum lot area and minimum lot widths. Additionally, confirm all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the PUD Agreement.
3) Removal of Sections 1, 2, 3, 4, and 5 of the submitted PUD Agreement as these are already controlled by either a previously approved document, lack of public necessity, and/or lack of authority (e.g. Special Assessment Petitions, Kansas State Statute, inability to amend Subdivision Regulations through PUD Agreement, etc.).

Although staff recognizes that it is within the City’s power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s). The public gain to replatting would be the inclusion of all PUD Agreement provisions on the face of plat as required by 19.5.5.T. As such, it is further recommended that if the R-PUD classification is ultimately adopted, that all provisions of the R-PUD be recorded against all impacted lots. Further, if the applicant revises any restrictive covenants as a result of any ultimate zoning revisions, submittal to the City is required for City records.

Nothing contained within this application currently or anticipated would appear to violate any condition within the executed Agreement Concerning the Development of Chapel Landing (dated March 18, 2014) or the First Amendment (dated March 15, 2016, and recorded as Doc#: 29601563). As such, no restated, amended, or revised Development Agreement is expected.

Staff does not make recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations.

Nothing in the City's review and actions are intended to violate any provision of the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes.

MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
December 12, 2024 6:30 PM

I. Call to Order: Chairman Phillip Jordan called the meeting to order at 6:30 p.m.

II. Roll Call

Chairman Phillip Jordan and Commissioners Dee Roths, Deryk Faber, Paul Matzek, and Brian Mackey were present. Commissioner Edgar Salazar was absent.

Also present were City Attorney Maria Schrock, Director of Community Development Paula Downs, and City Engineer Anne Stephens.

II. Pledge of Allegiance to the American Flag

Chairman Jordan led the pledge of allegiance.

IV. Consent Agenda

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

Chairman Jordan shared typographical errors in the spelling of his first name and that it was requested for the reference of "Chairperson" be replaced with "Chairman" throughout the minutes. Staff acknowledged the errors and minutes for signature were updated.

MOTION: Chairman Jordan moved to approve the minutes of November 14, 2024. Commissioner Roths seconded the motion. ***Motion carried 5-0***.

V. Announcement: Welcome of new Planning Commissioner Brian Mackey. John Charleston has resigned, and Mayor Benage is in the process of identifying a new member to the Commission.

VI. Old Business/New Business

A. PUD-24-04- Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Chairman Jordan announced the item and reviewed ground rules for public hearings. Before proceeding with the public hearing, he asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Chairman Jordan noted that proper notice of this hearing was published at least 20 days before today's hearing date on the City's website and in *The Ark Valley News*. Notices were also mailed to

the applicant and all of the real property owners of record listed on the security title, in the area of notification. Chairman Jordan asked if anyone on the Commission had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the Commission's information packet for this meeting. City staff noted that this case was heard at the November 14th Planning Commission meeting and was tabled for further consideration and for documentation requests made by motion.

Chairman Jordan called upon the applicant to make his/her presentation and any response to the City staff report. Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Commission. Mr. Cook asked that the case be sent to the City Council because the applicant does not intend to provide the documents that Planning Commission requested. He stated the reason is because the documents requested are outside the scope of zoning and are not enforceable by the City. He stated that the applicant may be willing to update the PUD to reflect the Commission's recommendation for number of street trees, and update face of the plat to reflect zoning setbacks. Cook stated that the applicant is willing to comply with regulations listed in the subdivision and zoning codes.

Chairman Jordan opened the public comments section. No others requested to speak and the public comments section was closed. Staff confirmed that they had not received any written communications from the public regarding this case.

The Commission then discussed the case.

MOTION: Chairman Jordan moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the proposed final PUD containing approved duplexes be converted townhouses with zero interior lot lines on a reduced lot size in a R-4 zoning district as built (Chapel Landing Phase 2) in PUD-24-04 be approved with modifications: the 4 modifications under Item 10 on the City recommendations, based on the findings from the review section of the staff report, as recorded in the summary of this hearing, and the following conditions be attached to this recommendation. Commissioner Mackey seconded the motion..

Discussion followed. Commissioners cited their reasons for recommending approval, namely: the recommendation of City Staff; Suitability of the subject property for the uses to which it has been restricted; and Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant. Chairman Jordan called the question. ***Motion carried 5-0***

B. Review proposed updates to the 2024 Bel Aire Zoning Map- (supermajority (5) required for approval).

City staff provided a brief report. Chairman Jordan opened the public hearing. No one spoke, and the public comments section was closed.

MOTION: Commissioner Roths moved to recommend the proposed zoning map changes as presented by this Planning Commission. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

C. SD-24-03- Proposed final platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned (Spring Pines Subdivision, previously Homestead at Spring)

Staff stated that contrary to the written staff report, they now recommend unconditional approval of the plat.

The agent for the applicant, Will Clevenger, Garver, stood for questions from the Commission.

Chairman Jordan asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified. Chairman Jordan noted that proper notice of this hearing was published at least 20 days before today's hearing date on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all of the real property owners of record listed on the security title, in the area of notification. Chairman Jordan asked if anyone on the Commission had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

Chairman Jordan then opened the public hearing. No one spoke. The public hearing was then closed and Chairman Jordan stated he would entertain a motion.

MOTION: Commissioner Faber moved to recommend approval of the final plat of SD-24-03 as presented. Chairman Jordan seconded the motion. ***Motion carried 5-0.***

D. ZON-24-02- Proposed rezoning from C-1 Neighborhood commercial, office and retail, to R-5 garden and patio homes, townhouses and condominiums uses (Skyview at Webb Addition).

Staff recommended one change: the Dedication of right-of-way along Webb Road in conformance with the subdivision regulations relating to arterial roads.

Brian Lindebak, MKEC, represented the applicant and stood for questions from the Commission. Chairman Jordan opened the public hearing. No one spoke, so the public hearing was closed.

Chairman Jordan asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified. Chairman Jordan noted that proper notice of this hearing was published at least 20 days before today's hearing date on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all of the real property owners of record listed on the security title, in the area of notification. Chairman Jordan asked if anyone on the Commission had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

The Commission then discussed the application in relation to the Golden Factors and the City's Zoning Code. In support of recommending approval, Commissioners cited the zoning

and uses of nearby properties, the recommendation of permanent staff, Suitability of the subject property for the uses to which it has been restricted, and the length of time the property has been vacant.

MOTION: Chairman Jordan moved that Proposed rezoning from C-1 Neighborhood commercial, office and retail, to R-5 garden and patio homes, townhouses and condominiums uses (Skyview at Webb Addition) be approved as presented with condition of the dedication of right-of-way along Webb Rd in conformance with subdivision regulations related to required arterial right-of-way widths. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

E. SD-24-04- Proposed platting R-5 garden and patio homes, townhouse and condominiums uses (Skyview at Webb Addition).

Brian Lindebak, MKEC, represented the applicant and stood for questions from the Commission. Chairman Jordan opened the public hearing. No one spoke, so the public hearing was closed.

MOTION: Commissioner Faber moved to approve the rezoning application as presented and Commissioner Mackey seconded the motion. ***Motion carried 5-0.***

VII. Approval of the Next Meeting Date.

MOTION: Chairman Jordan to approve the date of the next meeting: January 9, 2025 at 6:30 p.m. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

VIII. Current Events

A. Upcoming Agenda Items: No upcoming items were mentioned.

B. Upcoming Events:

- Saturday, December 7, Christmas in Bel Aire at Bel Aire City Hall, 5:30 – 7:30 p.m.
- City Hall will be closed on December 23 – 24, 2024 and January 1, 2025

IX. Adjournment

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

DRAFT

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

_____
Phillip Jordan, Chairman

DRAFT

City of Bel Aire

STAFF REPORT

DATE: 12/06/2024

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	12/12/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-24-04 Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing Phase II.

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet. The PUD process required notification of surrounding property owners.

The city review of the plat is in your packet. Documents reviewed and included in the agenda packet: affidavit of publication; PUD application; PUD Agreement; and site plan.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10’ side yard setback requirement. The old Chapel Land plat would have allowed a 6’ side yard with conditions.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building code could be divided into two single structures. The agreements and understand of use were changed. The zoning code and building code issues created within the Bel Aire is not a new problem in the region for other jurisdictions.

Item appeared on the September 12, 2024, Planning Commission agenda, however, applicant requested that the item be tabled. After the September 12, 2024, meeting, the applicant submitted complete information related to ownership signatures that confirmed the applicant as an agent of the property owners for purposes of the PUD application. The item was on the November 14, 2024, meeting agenda and was tabled pending additional information being provided.

Discussion

A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes and building codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

B. The Planning Commission tabled this item at the November 14 meeting based on the following issues:
    a. Commission reviewed Agenda Item A- PUD-24-07 and was aware of City Council concerns and the requirements set out by them on another like case.
    b. There was consensus that the applicant should draft the following documents and present them at the December Planning Commission meeting to include in the meeting agenda packet:
        i. Updated plat to be attached to the ordinance;
        ii. Add platter's text to reference additional documents including: Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement to address access to power meters. These documents would also be incorporated, by reference, to the ordinance; and
        iii. Applicant shall file the ordinance all the documents with the Register of Deeds office and provide a copy to the Bel Aire City Clerk.
    c. The applicant requested Planning Commission send the item to Council in lieu of tabling the item.
    d. Commission determined that Council would not approve the item without documents in place.

C. The Commission agreed to reduce the street trees from two trees per lot to one tree per lot due to the small size of the individual lots.

D. Commission voted to table the item.

E. City staff provided the applicant with the link to the document templates from PUD-24-07. Prior to the posting the December Planning Commission meeting packet, the City did not receive additional documents as requested from the Commission at their November 14 meeting.

Review Considerations:

1. **Character of the neighborhood**

   The City of Bel Aire has housing that is built and utilized for the current zoning R-4 residential duplex design. The senior housing south is a low impact residential multi-family use. The PUD request does not change the character of the neighborhood.

2. **Zoning and uses of nearby properties**

   North- R-4
   East-R-4, Agriculture, R-5.
   South-R-4 single family with reduced side yard setbacks,
   R-1 West-R-4, R-6 senior housing

3. **Suitability of the subject property for the uses to which it has been restricted**

   The city 2018 Master Growth Plan is in line with the existing and proposed uses.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

   No adverse changes based on the approved 2018 Master Growth Plan.

5. **Length of time the property has been vacant as zoned**

   2008 to 2024, 16 years.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

   Affordable single-family housing with each family responsible as owners is the gain. This housing potentially increases land value.

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

   The city 2018 Master Growth Plan is in line with the existing and proposed uses.

8. Impact of the proposed development on community facilities

Switching from a duplex development to single family homes does not create any additional burden on the community facilities. The water and sanitary sewer systems were already separate for each unit and there is no additional traffic anticipated on roadways.

9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)

The City previously had inquiries from notified residents who requested additional information on the notice. Once they understood the situation, they had no feedback positive or negative. Residents from another development spoke at the September Planning Commission meeting, however, their feedback was not directly related to this agenda item.

10. Recommendations of permanent staff

The proposed PUD should be modified as follows:

1. Update the landscaping requirement to reflect one street per lot.

2. Require applicant to submit the following documents as part of their PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.

3. Update the platter's text to reference the documents.

4. File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

(Published once in Ark Valley News on October 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-24-04. Proposed a Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built in a portion of Chapel Landing.

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

General Location: E 53rd St N and Pinecrest St.

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 _22_____ day of October, 2024.

/s/ Paula Downs
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 24th day of October, 2024. with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

Subscribed and sworn to before me this 24th day of October, 2024.

Notary Public

My commission expires 4/24/2028.

Additional copies

Printer's fee

LISA K. STRUNK NOTARY PUBLIC STATE OF KANSAS

Bel Aire public notice

(Published in The Ark Valley News Oct. 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

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

General Location: E 53rd St N and Pinecrest St.

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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

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

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

PUD-Z4-04
CL Phase 2 area

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☑ Change Zoning Districts: From: R-4 to PUD

☐ Amendments to Change Zoning Districts _____

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☑ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F , Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address)_____ which is generally located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control number:_____

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant JCT Holdings, LLC Phone
   Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

   Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
   Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

2. Applicant Phone
   Address Zip Code

   Agent Phone
   Address Zip Code

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

Applicant's Signature BY Authorized Agent (If Any)

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

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD is to permit a new approach to providing increased development flexibility in a manner otherwise constrained by the traditional development standards of the Zoning Code and Subdivision Regulations. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:
Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
- Playgrounds or community spaces
- Accessory structures as approved by the city manager

1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.

2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.

3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.

4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:

    a. There shall be no required interior side yard setbacks, provided units share a common wall.

    b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.

    c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.

    d. Accessory uses shall be allowed on all lots per Zoning Code.

    e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.

5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.

6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the City.

Any and all costs including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202___.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By_____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 202__ and is hereby executed on this _____ day of _____, 202__.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

_____
NOTARY PUBLIC

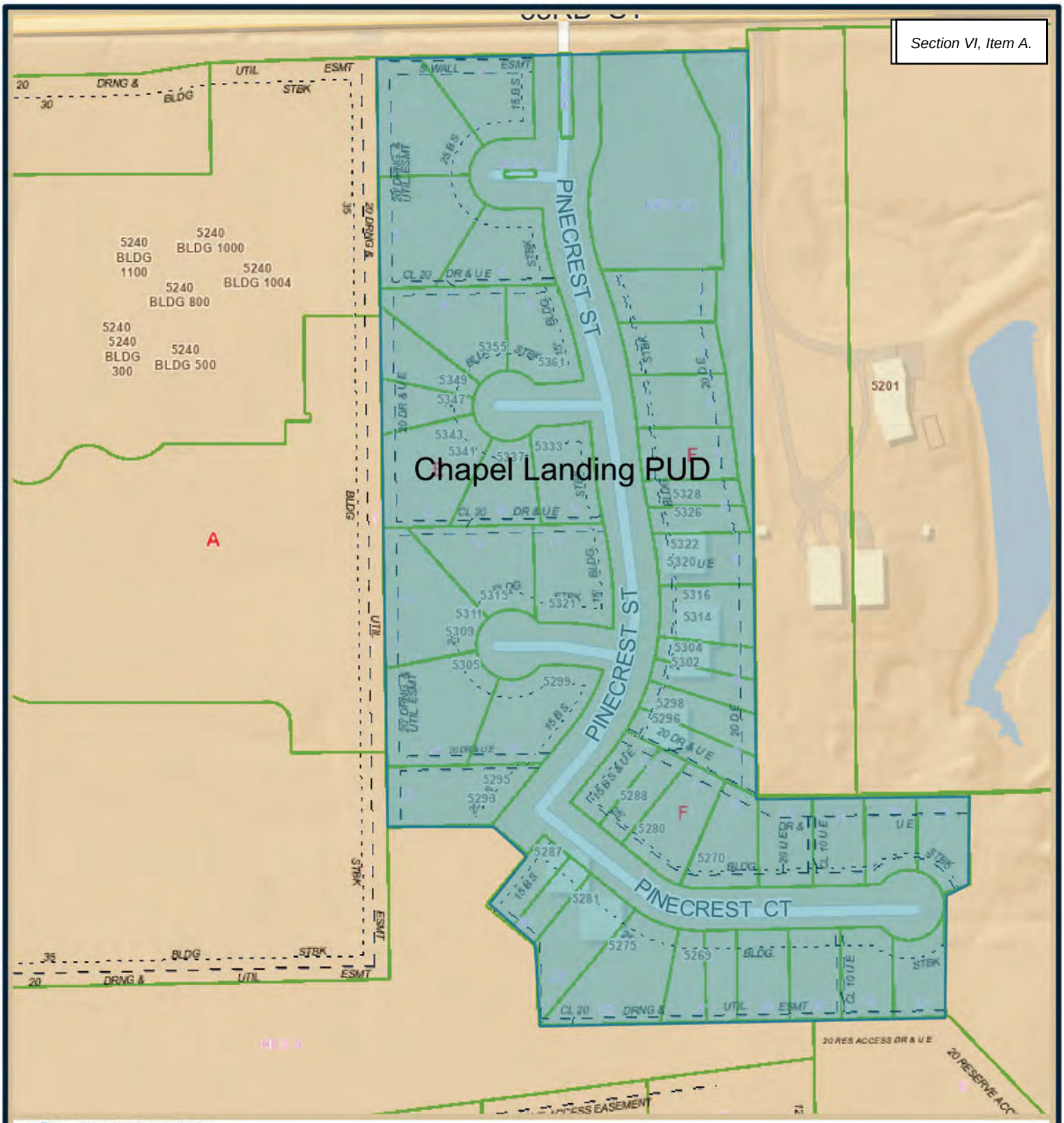
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____



Geographic Information Services
Sedgwick County... working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

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Chapel Landing PUD

Sedgwick County, Kansas

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(Published at www.belaireks.gov on January, _____, 2025.)

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION RECOMMENDING CHANGING THE ZONING DISTRICT OF CERTAIN LANDS LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission for Case No. PUD-24-04; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held for Case No. PUD-24-04 on December 12, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. The Governing Body adopts the recommendation of the Bel Aire Planning Commission and approves the zone change request of a Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in a R-4 zoning district as built (Chapel Landing Phase 2.)

Legal Description

Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas

General Description

East 53rd Street North and Pinecrest Street, Bel Aire, Sedgwick County, Kansas

This zone change request is subject to the following restrictions, conditions or limitations, and such restrictions, conditions or limitations shall supersede any portion of the application in conflict therewith:

1. Update the landscaping requirement to reflect one street tree per lot; and,
2. Require applicant to submit the following documents as part of their PUD application: Restrictive Covenants, Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement; and,
3. Update the platter's text to reference the documents; and,
4. File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

SECTION 2. This Ordinance shall take effect and be in force from and after its adoption by the Governing Body of the City, approval by the Mayor, and publication once in the official city newspaper.

SECTION 3. The City Clerk will file this Ordinance with the Sedgwick County Register of Deeds.

[*Remainder of this page intentionally left blank*]

PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas on this _____ day of January, 2025.

CITY OF BEL AIRE, KANSAS

_____

Jim Benage, Mayor

ATTEST:

_____

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

_____

Maria A. Schrock, City Attorney

MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
November 14, 2024 6:30 PM

I. **Call to Order**- Vice-Chairman Phillip Jordan called the meeting to order at 6:39 p.m.

II. **Announcement:** As of October 9, 2024, Chairman James Schmidt resigned from the Planning Commission. The Mayor has been notified and will begin the process of appointing a new member of the Commission.

III. **Roll Call**

Commissioners John Charleston, Edgar Salazar, Phillip Jordan, and Paul Matzek were present. Commissioners Dee Roths and Daryk Faber were absent.

Also present were City Attorney Maria Schrock, City Engineer Anne Stephens, and Director of Community Development Paula Downs.

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

Vice-Chairman Jordan led the pledge of allegiance.

V. **Consent Agenda**

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

MOTION: Commissioner Charleston moved to approve the minutes of September 12, 2024. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

MOTION: Commissioner Matzek moved to approve the minutes of October 10, 2024. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

VI. **Announcement**

A. **Kansas Open Meetings Act (KOMA) Review**

B. **Golden Factors review**

City Attorney Maria Schrock gave a brief presentation on the Kansas Open Meeting Act and the Golden Factors.

VII. Old Business/New Business

A. PUD-24-07 (previously PUD-24-03): Zone change request in the City from Single-Family Residential District (R-4) to a Planned Unit Development Residential District (R-PUD) to create the Bristol Hollows Addition R-PUD, for the purpose of bringing structures that were conforming in 2020 and made non-conforming in 2023, due to lot splits that were completed without City notice and approval, generally located at 53rd Street North and Bristol Street.

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for the public hearing. Before proceeding with the public hearing, he asked the Commission if any member intended to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in the Wichita Eagle. Notices were also mailed to the applicant and all the real property owners of record, listed on the security title, in the area of notification on October 25, 2024.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the staff report on this item provided in the Commission's information packet for this meeting.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. The primary change to the PUD was to add "Residential" into the document. The other changes were to documents outside of the PUD, to provide clarity. Modifications were made to the Restrictive Covenants to address protections for the residents. The developer proposes that the buildings be viewed as condominiums, so that a less- restrictive wall design is required. The documents also address resident's rights to access utility meters.

City Attorney Maria Schrock commented on Ken Lee's comments regarding the proposed firewall standard. Ms. Schrock referred to the October 15th City Council meeting in which firewall standards were discussed. At that hearing, the City building inspector stated that he had no concerns with the safety of the current walls. Since the hearing, City staff have reached out to the Sedgwick County Fire Department for advice. The Sedgwick County Fire Department offered suggestions: have a fire extinguisher on hand and use caulking over any penetrations to the wall. Phil Ruffo has agreed to add those things to the Restrictive Covenants, the First Amendment, or to a wall agreement. Regarding residents' access to power meters, Mr. Ruffo agreed to add language to the documents to allow for an easement to access power meters.

City Attorney Maria Schrock submitted Exhibit A to the Commissioners and described it. Exhibit A is a basic plat diagram of the Bristol Hollows Addition that includes text that states the diagram will include a reference to the Restrictive Covenants, First Amendment to the original development agreement, the wall agreement and an easement agreement regarding access to power. If anyone wants to purchase a property, it will be easy to see these documents.

Representative Ken Lee requested that the Commission consider allowing only one tree on each lot, instead of the two trees per lot required in the zoning code.

Vice-Chair Phillip Jordan announced that the public comments section of the hearing was open and anyone wishing to make comments could come forward at this time. No one requested to speak, so the public comments section was closed. Staff confirmed that no written comments had been received.

The Commission then deliberated. Commissioners commented that considering the small lot size, it would be acceptable to have one street tree on each lot. They also cited several of the Golden Factors as they relate to this application including:

- The Character of the Neighborhood,
- The Zoning and Uses of nearby properties supports development;
- The Relative gain to the public health, safety, and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the applicant;.
- The Conformance of the requested change to the adopted or recognized Comprehensive (master plan) being utilized by the city;
- The Impact of the proposed development on community facilities.

Commissioners also cited the recommendation of professional staff as a contributing factor in their decision.

MOTION: Vice-Chairman Jordan moved thus:

Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-07 (previously PUD-24-03) be approved with modifications based on findings as listed in the staff report, and the condition of one tree in the front of each unit, as recorded in the summary of this hearing, And the following conditions be made a part of this recommendation:

a) An updated plat depicting the Bristol Hollows Addition R-PUD shall be provided for council consideration, and if approved by council, it will be attached to the ordinance as Exhibit A; and,

b) The platter's text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement Re: Access to Power Meter. Those documents will be incorporated by reference, to the Bristol Hollows Addition R-PUD and ordinance; and
c) The applicant shall file the ordinance and all documents incorporated by reference to the Bristol Hollows Addition R-PUD, with the Sedgwick County Register of Deeds. Proof of filings shall be provided to the Bel Aire City Clerk, within 30 days of filing with the Sedgwick County Register of Deeds.

Commissioner Matzek seconded the motion.
Motion carried 4-0.

B. PUD-24-04- Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for public hearings. Before proceeding with the public hearing, he asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all the real property owners of record listed on the security title, in the area of notification.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the Commission's information packet for this meeting. City staff noted that, similar to Agenda Item A, the developer completed lot splits for this property, without following the procedure outlined in the City Code.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Commission. Mr. Cook asked that the requirement for street trees be reduced from two trees to one tree, due to the small size of the lots. He also requested that in lieu of tabling the item that the Planning Commission send the item to the City Council.

Vice-Chairman Jordan opened the public comments section. Mary Montanez, 5290 Pinecrest Ct N, spoke to the Commission. She asked for clarification regarding the term "zero lot line" and asked if the property owner will still own the yard. Staff explained that "zero lot line" is a term from the zoning code that describes a property boundary with no easement between properties; in this case the common wall of the duplex.

No others requested to speak, and the public comments section was closed. Staff confirmed that they had not received any written communications from the public regarding this case.

The Commission then discussed the application, as it relates to the City's Zoning Code and the Golden Factors. Vice-Chairman Jordan commented that, given the similar circumstances, the same conditions applied to the case in Agenda Item A (PUD-24-07) should also be applied this case, specifically:

a) An updated plat to be attached to the ordinance as Exhibit A; and,
b) The platter's text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement Re: Access to Power Meter. Those documents will be incorporated by reference, to the ordinance; and
c) The applicant shall file the ordinance and all documents incorporated by reference with the Sedgwick County Register of Deeds. Proof of filings shall be provided to the Bel Aire City Clerk, within 30 days of filing with the Sedgwick County Register of Deeds.

Commissioners discussed three Golden Factors: character of the neighborhood; zoning and uses of nearby properties, and suitability of the subject property for the uses to which it has been restricted. There was consensus that more information from the applicant would be necessary to make a final recommendation, and the Commission favored tabling the item to allow more time for the applicant to provide the information.

MOTION: Commissioner Charleston moved to table it (PUD-24-04). Commissioner Salazar seconded the motion. ***Motion carried 4-0.***

C. PUD-24-02 - Proposed rezoning PUD from R-4, to R-5 and R-6 single and multi-family uses and to include C-1 commercial as zoned (Homestead at Spring).

City staff gave a brief report on this case. Staff noted that the application was first considered by the Commission in September and was tabled. Since then, the applicant has provided additional documents which are in the Commission's information packet for this meeting.

Will Clevenger and Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission.

The Vice-Chairman then opened the public comments section. Jeff Englert, 5140 E 53rd Street, spoke to the commission about his concerns regarding manufactured housing and

fencing along his property. The representatives for the applicant noted the PUD document specifically addresses manufactured homes and fencing. No others requested to speak, so the public comments section was closed.

The Commission discussed the following golden factors as reason for approval: character of the neighborhood; zoning and uses of nearby property; suitability of the subject property for the uses to which it has been restricted; and recommendations of permeant staff as contained in the staff report. They noted they appreciated the variety of lot sizes presented.

MOTION: Commissioner Matzek moved to recommend approval of the preliminary Planned Unit Development (PUD-24-02): 1. Parcels A shall remain zoned as C-1 Commercial; 2. Parcel B shall remain zoned as R-4 Residential, with the condition that no manufactured homes are allowed; 3. Parcel C shall change zoning from R-4 to R-5; and 4. Parcel D shall change zoning from R-4 to R-6; with the condition that requires the applicant will submit a detailed site plan for Parcel D to the Planning Commission prior to issuance of building permits. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

D. SD-24-03 - Proposed platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned (Homestead at Spring).

City staff noted that the plat is for the same property that was discussed in Agenda Item C (PUD-24-02).

Vice-Chairman Jordan opened the public hearing. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. No others requested to speak, and the public hearing was closed.

The Commission then discussed the application. There was general consensus to approve the plat based on consistency with certain Golden Factors, specifically: the character of the neighborhood; zoning and uses of nearby property; and the suitability of the subject property for the uses to which it has been restricted. Commissioners noted that they appreciated the willingness of the applicant to work with nearby homeowners.

MOTION: Vice-Chairman Jordan moved to recommend approval of the preliminary plat of SD-24-03 as presented; and the preliminary sidewalk plan as presented; and the preliminary drainage plan concept as presented. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

E. Sketch Plan - Tierra Verde South, Lot 1 Block 2

Staff referenced documents in the Commission's information packet which were provided by the applicant. The Commission's discussion of the sketch plan is for feedback to the developer only, the Commission will not be making a recommendation tonight. Staff noted that changes to the easements or setbacks would require the property owner to file a PUD application with the Planning Commission.

Jeff Blubaugh presented the sketch plan and stood for questions from the Commission.

The Commission's discussion centered on entry points, traffic, sidewalks, green space, setbacks and parking. The Commission suggested providing a location map of where the development is located. Mr. Blubaugh expressed a desire to reduce some of the current setbacks; for instance, the front setback is currently 40'. Mr. Blubaugh stated that a 25' setback from the sidewalk is typical for duplexes. If the Developer chooses to reduce setbacks, the Commission suggested reducing an easement and keeping setbacks within the minimum sizes listed in the zoning code.

No action was taken by the Commission.

F. Review proposed updates to the 2024 Bel Aire Zoning Map- (supermajority (5) required for approval).

Vice-Chairman Jordan noted that a supermajority of the Commission was not present and would be needed to vote on this item. He then opened the public hearing. No one requested to speak, and the public hearing was then closed.

MOTION: Commissioner Salazar moved to table the proposed zoning map changes. Vice-Chairman Jordan seconded the motion. ***Motion carried 4-0.***

G. Approval of the 2025 Meeting Dates and Time

MOTION: Vice-Chairman Jordan moved to approve the Meeting Dates and Time for 2025. Commissioner Matzek seconded the motion. ***Motion carried 4-0.***

H. Election of Planning Commission Chairperson, December 2024 to December 2025

MOTION: Commissioner Matzek moved to appoint Phillip Jordan as Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

I. Election of Planning Commission Vice-Chairperson, December 2024 to December 2025.

MOTION: Commissioner Salazar moved to appoint Deryk Faber as Vice-Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

VIII. Approval of the Next Meeting Date.

MOTION: Vice-Chairman Jordan moved to approve the date of the next meeting: December 12, 2024, at 6:30 p.m. Commissioner Charleston seconded the motion. ***Motion carried 4-0.***

IX. Current Events

A. Upcoming Events:

- Tuesday, Nov. 19th - Volunteer Appreciation Dinner, City Hall Community Room.
- Thursday November 29 & Friday November 30, City Hall closed for Thanksgiving
- Saturday, December 7, Christmas in Bel Aire community event at Bel Aire City Hall, 5:30 to 7:30 p.m.

The Commission briefly discussed the upcoming events. No action was taken.

X. Adjournment

MOTION: Commissioner Salazar moved to adjourn. Vice-Chairman Jordan seconded the motion. ***Motion carried 4-0.***

Approved the Planning Commission this 12 **day of** December, **2024.**

Phillip Jordan

Phillip Jordan, Chairman

Paula L. Downs

Paula L. Downs, Commission Secretary

City of Bel Aire

STAFF REPORT

DATE: 03/06/2025

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	3/13/25
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

VAC-25-01- Vacation of Platted 20' Utility Easement on Lots 7 & 8, Block 1, Sunflower Commerce Park 3rd Addition.

General Location: 5440 Sunflower Court- North of 53rd Street, between Webb and Greenwich Road.

Reason for Request: Vacate a platted 20 ft. wide utility easement along the south property line of lot 7 and the north property line of lot 8 to construct a parking lot for the development of a warehouse on subject property.

Background Information:

- The subject 20 ft. wide utility easement was established with the platting in 2023.
- The property owner intends to construct a parking lot as part of the site improvements for a building currently located on the site. In order to construct the parking lot to serve the building, the utility easement must be vacated.
- Site plan review and approval are required prior to site improvements on the property.

Legal Considerations:

- KSA 12-505 requires the Planning Commission to consider specific findings of fact which serve as the basis for the Commission's recommendation to the City Council. The findings to be determined by the Planning Commission are as follows:
  - Notice of petition to vacate and notice of the public hearing has been given in accordance with State law;
  - No private rights will be injured or endangered if the vacation is granted;
  - The public will suffer no loss or inconvenience if the vacation is granted; and
  - In justice to the petitioner, the vacation should be granted.
- At the conclusion of the public hearing, the Planning Commission should adopt a resolution stating its recommendation, with or without conditions, and announce the date upon which the City Council will consider the vacation.
  - A draft resolution has been prepared based upon staff's review of the vacation request.
  - The Planning Commission may instruct staff to modify the resolution as necessary to reflect the decision of the Commission.

dotloop signature verification: dtlp.us/ApCL-PIO3-Hsre

PUD Application
Signature Page

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.

Sara, Chadwick S, and Jane Skiles	5353 N Pinecrest Ct., Bel Aire, KS 67220
Cleo Fedje	5347-5349 N Pinecrest Ct, Bel Aire
Robert Mudakemuka	5339 N Pinecrest Ct., Bel Aire, KS 67220
David Witten	5331-5333 N Pinecrest St, Bel Aire, KS
Keats M. and Abbie L Hall	5320 N Pinecrest St., Bel Aire, KS 67220
Keria Paschal	5267 N Pinecrest Ct., Bel Aire, KS 67220
James Nichols	5273-5275 N Pinecrest Ct., Bel Aire, KS
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Lip Chai & Yu Tung, and Samantha Leong	5285 N Pinecrest Ct., Bel Aire, KS 67220

Authentisign ID: 030B1AA4-D3EB-EF11-88F8-002248264582

PUD App
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PUD App
Signature Page

_____

Sara Idol 5287 N Pinecrest Ct., Bel Aire KS 67220

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.

Authentisign ID: 030B1AA4-D3EB-EF11-88F8-002248264582

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PUD App
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Sara Idol 5287 N Pinecrest Ct., Bel Aire KS 67220

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PUD Ap
Signature Page

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Jane H. Skiles

Sara, Chadwick S, and Jane Skiles — 5353 N Pinecrest Ct., Bel Aire, KS 67220

Cleo Fedje — 5347-5349 N Pinecrest Ct, Bel Aire

4-2-25

Robert Mudakemuka — 5339 N Pinecrest Ct., Bel Aire, KS 67220

David Witten — 5331-5333 N Pinecrest St, Bel Aire, KS

Keats M. and Abbie L Hall — 5320 N Pinecrest St., Bel Aire, KS 67220

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James Nichols — 5273-5275 N Pinecrest Ct., Bel Aire, KS

Lip Chai & (Yu Tung, and Samantha Leong) SL — 5285 N Pinecrest Ct., Bel Aire, KS 67220

one name

5333 N. PINECREST CT

JACKIE HORN

MANNY DELEON

PUD Application
Signature Page

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.

Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez Matthew Montanez (Sep 19, 2024 11:24 CDT)	5290 N Pinecrest Ct, Bel Aire, KS 67220
Jack M & Lesa A. Weller	5288 N Pinecrest Ct, Bel Aire, KS 67220
Andrea F. Adeyanju Trust	4130 S Cypress Ct, Bel Aire, KS 67220
Kevin W. & Kathleen R. Stuber	5279 N Pinecrest Ct, Bel Aire, KS 67220

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.

Authentisign ID: 998694E8-2F75-EF11-991A-002248299C60

PUD Application
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Peter Sourinthone 09/18/24
Phaengsy Sourinthone 09/17/24
Fongsamouth Sourinthone 09/18/24
Saythong Sourinthone 09/17/24
Saymork Sourinthone 09/18/24

Peter & Phaengsy Sourinthone, ~~Fongsamouth~~ Fongsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6A044646-E675-EF11-991A-002248299C60

PUD Application
Signature Page

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Lanell Wagnon — PO Box 736 Coldwater KS, 67029

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Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Authentisign
Vamsidhar Reddy Patlolla 09/18/24

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6A044646-E675-EF11-991A-002248299C60

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez	5290 N Pinecrest Ct, Bel Aire, KS 67220
Jack M & Lesa A. Weller	5288 N Pinecrest Ct, Bel Aire, KS 67220
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5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

dotloop signature verification.

PUD Application
Signature Page

Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez — 5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M Weller dotloop verified 09/13/24 7:51 PM MST TCZA-71FW-A9MI-BGQP
Lesa A Weller dotloop verified 09/13/24 8:49 PM CDT AWXU-IV0R-HE7Z-8HRE

Jack M & Lesa A. Weller — 5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust — 4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber — 5279 N Pinecrest Ct, Bel Aire, KS 67220

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Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly dotloop verified 09/05/24 9:11 AM CDT VLXL-PAHH-MJVO-VQGE

Kathryn Kelly dotloop verified 09/05/24 9:14 AM CDT MDR9-NNV3-WJ21-V9VJ

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 88181A46-4B71-EF11-991A-002248299C60

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Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

Authentisign 09/13/24 — Authentisign Tiffany Schmidt 09/13/24

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 88181A46-4B71-EF11-991A-002248299C60

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez	5290 N Pinecrest Ct, Bel Aire, KS 67220
Jack M & Lesa A. Weller	5288 N Pinecrest Ct, Bel Aire, KS 67220
Andrea F. Adeyanju Trust	4130 S Cypress Ct, Bel Aire, KS 67220
Kevin W. & Kathleen R. Stuber	5279 N Pinecrest Ct, Bel Aire, KS 67220

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Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez — 5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller — 5288 N Pinecrest Ct, Bel Aire, KS 67220

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dotloop signature verification: dtlp.us/jldf-OWiL-liwR

PUD Application
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Lanell Wagnon — PO Box 736 Coldwater KS, 67029

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Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly dotloop verified 09/05/24 9:11 AM CDT VLXL-PAHH-MJVO-VQGE

Kathryn Kelly dotloop verified 09/05/24 9:14 AM CDT MDR9-NNV3-WJ21-V9VJ

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

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5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

dotloop signature verification: dtlp.us/jldf-OWiL-liwR

PUD Application
Signature Page

Tram Pham dotloop verified 09/12/24 11:55 AM CDT 49FI-ETYH-BR2X-MU3U

Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez — 5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller — 5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust — 4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber — 5279 N Pinecrest Ct, Bel Aire, KS 67220

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Authentisign ID: 049B9E78-876C-EF11-991A-002248299C60

PUD Application
Signature Page

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Lanell Wagnon — PO Box 736 Coldwater KS, 67029

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Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Authenti Darris Taliaferro 09/06/24 Vanessa Benitez 09/06/24

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez	5290 N Pinecrest Ct, Bel Aire, KS 67220
Jack M & Lesa A. Weller	5288 N Pinecrest Ct, Bel Aire, KS 67220
Authenti... Andrea F Adeyanju 09/05/24	
Andrea F. Adeyanju Trust	4130 S Cypress Ct, Bel Aire, KS 67220
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PUD Application
Signature Page

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Authentisign
LaNell Wagnon 09/06/24

Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore — 5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6B290676-946B-EF11-991A-002248299C60

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez	5290 N Pinecrest Ct, Bel Aire, KS 67220
Jack M & Lesa A. Weller	5288 N Pinecrest Ct, Bel Aire, KS 67220
Authenti Andrea F Adeyanju 09/05/24 Andrea F. Adeyanju Trust	4130 S Cypress Ct, Bel Aire, KS 67220
Kevin W. & Kathleen R. Stuber	5279 N Pinecrest Ct, Bel Aire, KS 67220

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.

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant CLEO D. FEDJE Phone 916-396-6804
   Address 5349 PINECREST CT. N., BELAIRE KS Zip Code 67220

   Agent _____ Phone _____
   Address _____ Zip Code _____

2. Applicant _____ Phone _____
   Address _____ Zip Code _____

   Agent _____ Phone _____
   Address _____ Zip Code _____

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

Cleo D. Fedje
Applicant's Signature BY _____ Authorized Agent (If Any)

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1. Applicant CLEO D. FEDJE Phone 916-396-6804
   Address 5347 PINECREST CT. N., BEL AIR Zip Code 67220 KS

   Agent _____ Phone _____
   Address _____ Zip Code _____

2. Applicant _____ Phone _____
   Address _____ Zip Code _____

   Agent _____ Phone _____
   Address _____ Zip Code _____

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

Cleo D. Fedje
Applicant's Signature

BY _____
Authorized Agent (If Any)

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PUD Application
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Sara, Chadwick S, and Jane Skiles	5353 N Pinecrest Ct., Bel Aire, KS 67220
Cleo Fedje	5347-5349 N Pinecrest Ct, Bel Aire
Robert Mudakemuka	5339 N Pinecrest Ct., Bel Aire, KS 67220
David Witten	5331-5333 N Pinecrest St, Bel Aire, KS
Keats M. and Abbie L Hall	5320 N Pinecrest St., Bel Aire, KS 67220
Keria Paschal	5267 N Pinecrest Ct., Bel Aire, KS 67220
James Nichols	5273-5275 N Pinecrest Ct., Bel Aire, KS
Lip Chai & Yu Tung, and Samantha Leong	5285 N Pinecrest Ct., Bel Aire, KS 67220

dotloop signature verification: dtlp.us/IVvi-4aSm-490a

PUD App
Signature Page

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Mansour Mardini
dotloop verified
03/19/25 11:16 PM CDT
XU9Y-PLFX-E07H-B1ZU

Mansour Mardini 5299-5301 N Pinecrest Ct., Bel Aire, KS 67220

Mansour Mardini
dotloop verified
03/19/25 11:16 PM CDT
4S7U-TMFR-MQ51-RIBF

Mansour Mardini 5303-5305 N Pinecrest Ct., Bel Aire, KS 67220

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PUD Application
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Sara, Chadwick S, and Jane Skiles	5353 N Pinecrest Ct., Bel Aire, KS 67220
Cleo Fedje	5347-5349 N Pinecrest Ct, Bel Aire
Robert Mudakemuka	5339 N Pinecrest Ct., Bel Aire, KS 67220
David Witten	5331-5333 N Pinecrest St, Bel Aire, KS
Keats M. and Abbie L Hall	5320 N Pinecrest St., Bel Aire, KS 67220
Keria Paschal	5267 N Pinecrest Ct., Bel Aire, KS 67220
James Nichols	5273-5275 N Pinecrest Ct., Bel Aire, KS
Lip Chai & Yu Tung, and Samantha Leong	5285 N Pinecrest Ct., Bel Aire, KS 67220

Doc ID: 20250324101806979

PUD App
Signature Page

E-Signed : 03/24/2025 11:19 AM EDT
Sara K. Idol
IP: 209.137.215.96
Electronic Signature
Sara Idol DocID: 20250324101806979

5287 N Pinecrest Ct., Bel Aire KS 67220

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.

dotloop signature verification: dtlp.us/7KC8-GZqn-cchI

PUD App
Signature Page

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Gary Alan Tapia

dotloop verified
03/20/25 12:37 PM CDT
CQWP-OYWC-SYNZ-4LCQ

Gary Tapia

5293-5295 N Pinecrest Ct., Bel Aire, KS 67220

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5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
Mary & Matthew Montanez Matthew Montanez (Sep 19, 2024 11:24 CDT)	5290 N Pinecrest Ct, Bel Aire, KS 67220
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Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter Sourinthone 09/18/24 | Phaengsy Sourinthone 09/17/24 | Fongsamouth Sourinthone 09/18/24 | Saythong Sourinthone 09/17/24 | Saymork Sourinthone 09/18/24

Peter & Phaengsy Sourinthone, ~~Loosamouth~~ Fongsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

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Authentisign ID: 6A044646-E675-EF11-991A-002248299C60

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Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Authentisign
Vamsidhar Reddy Patlolla 09/18/24

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 6A044646-E675-EF11-991A-002248299C60

PUD Application
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Tram Pham	5296 N Pinecrest St, Bel Aire, KS 67220
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Lanell Wagnon — PO Box 736 Coldwater KS, 67029

Cleo D. Fedje — 5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt — 5341 N Pinecrest Ct, Wichita, KS 67220

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5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla — 5298 Pinecrest St, Bel Aire, KS 67220

dotloop signature verification.

PUD Application
Signature Page

Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez — 5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M Weller dotloop verified 09/13/24 7:51 PM MST TCZA-71FW-A9MI-BGQP
Lesa A Weller dotloop verified 09/13/24 8:49 PM CDT AWXU-IV0R-HE7Z-8HRE

Jack M & Lesa A. Weller — 5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust — 4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber — 5279 N Pinecrest Ct, Bel Aire, KS 67220

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dotloop signature verification:

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Bill Kelly dotloop verified 09/05/24 9:11 AM CDT VLXL-PAHH-MJVO-VQGE

Kathryn Kelly dotloop verified 09/05/24 9:14 AM CDT MDR9-NNV3-WJ21-V9VJ

William J & Kathryn Kelly — 5328 N Pinecrest St, Bel Aire, KS 67220

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Authentisign ID: 88181A46-4B71-EF11-991A-002248299C60

PUD Application
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Authentisign 09/13/24 — Authentisign Tiffany Schmidt 09/13/24

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dotloop signature verification: dtlp.us/jldf-OWiL-liwR

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dotloop signature verification: dtlp.us/jldf-OWiL-liwR

PUD Application
Signature Page

Tram Pham dotloop verified 09/12/24 11:55 AM CDT 49FI-ETYH-BR2X-MU3U

Tram Pham — 5296 N Pinecrest St, Bel Aire, KS 67220

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Authentisign ID: 049B9E78-876C-EF11-991A-002248299C60

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Authenti Darris Taliaferro 09/06/24 Vanessa Benitez 09/06/24

Darris Taliaferro & Vanessa Benitez — 5304 N Pinecrest St, Bel Aire, KS 67220

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Authentisign ID: 6B290676-9468-EF11-991A-002248299C60

PUD Application
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Authenti... Andrea F Adeyanju 09/05/24	
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LaNell Wagnon 09/06/24

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Authentisign ID: 313C075D-8D09-F011-90CE 00224822F75A

BAUGHMAN
BETTER BY [DESIGN]

September 12, 2024

To Whom it may Concern:

My name is Jay Cook and I am a land use planner with Baughman Company, P.A. in Wichita, KS. The developers of Chapel Landing Addition have reached out to our office to assist in complying with a zoning and lot split requirement placed on the development by the City of Bel Aire.

Currently, all lot splits on duplexes constructed and purchased have been legally split with Sedgwick County and are considered individual lots in the county. However, there is an additional step required by the City of Bel Aire to complete the split process to their standards and allow for a fully executed lot split.

Without the PUD Application that we have processed with the city (and need your signatures for), individual lot owners will not be allowed to pull building permits for fences, storage buildings, sprinkler systems, roofing changes, additions, and alterations, etc. as single lot owners in the city. There are also issues with special assessment tax issues that can negatively affect one owner or another owner of the lot split.

These signatures are necessary to complete the process and fully execute the lot split.

Sincerely,
Baughman Company, P.A.

Jay Cook

Jay Cook, Planner

315 ELLIS | WICHITA, KS 67211 [BaughmanCo.com] [P] 316.262.7271 [F] 316.262.0149

Authentisign ID: 313C075D-8D09-F011-90CE-00224822F75A

PUD Application
Signature Page

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.

Sara Skiles 03/27/25	03/25/25
Sara, Chadwick S, and Jane Skiles 67220	5353 N Pinecrest Ct., Bel Aire, KS
Cleo Fedje	5347-5349 N Pinecrest Ct, Bel Aire
Robert Mudakemuka 67220	5339 N Pinecrest Ct., Bel Aire, KS
David Witten KS	5331-5333 N Pinecrest St, Bel Aire,
Keats M. and Abbie L Hall 67220	5320 N Pinecrest St., Bel Aire, KS
Keria Paschal 67220	5267 N Pinecrest Ct., Bel Aire, KS
James Nichols KS	5273-5275 N Pinecrest Ct., Bel Aire,

Authentisign ID: 313C075D-8D09-F011-90CE-00224822F75A

PUD Application
Signature Page

Lip Chai & Yu Tung, and Samantha Leong
67220

5285 N Pinecrest Ct., Bel Aire, KS

Sara Idol
67220

5287 N Pinecrest Ct., Bel Aire KS

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.

Authentisign ID: BD242647-C305-F011-90CE-0022482F75A

PUD Application
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Authentisign
Leanna M Davidson 03/20/25

Leanna M Davidson 5322 N Pinecrest Ct., Bel Aire, KS 67220

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.

City of Bel Aire

STAFF REPORT

DATE: 04/08/2025

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	4/10/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: **VAC-25-02:** Vacation request in the City to vacate a Platted 15 foot-wide building setback on Lot 1, Block 2, Tierre Verde South Addition, in VAC-25-02, generally located between 45th and 49th, on Tierra Lakes Parkway and West of Webb Road.

General Location: The subject property is generally located between 45th and 49th, on Tierra Lakes Pkwy and West of Webb Road and is currently platted as Lot 1, Block 2, Tierra Verde South Addition.

Reason for Request: To reduce a platted 40' building setback to 25' in accordance with the proposed R-6 multi-family district use.

Background:

Lot 1, Block 2, Tierra Verde South Addition was originally platted September 21, 2009.

Lot 1, Block 2, Tierra Verde South Addition has previously been before the Planning Commission (May 11, 2023; January 11, 2024) and the City Council (June 20, 2023; February 20, 2024; April 2, 2024) for PUD-23-02 and PUD-23-04 (formerly PUD-23-02). Prior PUD cases were approved, and zoning uses established.

Sketch Plan- Tierra Verde South, Lot 1, Block 2 was submitted for discussion and general feedback. Developer shared that they were going to reduce some of the current setbacks when the submission of a PUD application. The Commission suggested reducing an easement and keeping setbacks with minimum sizes listed in the zoning code. No recommendations or action was taken by the Commission.

PUD-25-01 application has been filed for Lot 1, Block 2 and appears on April 10, 2025, Planning Commission agenda for approval of requested adjustments to the allowed density of units and other development standards including minimum setbacks; area regulations; and parking and landscaping requirements.

Legal Considerations:

- K.S.A. 12-505 requires the Planning Commission to consider specific findings of fact which serve as the basis for the Commission's recommendation to the City Council. The findings to be determined by the Planning Commission are as follows:

  - Notice of petition to vacate and notice of the public hearing has been given in accordance with State law;
  - No private rights will be injured or endangered if the vacation is granted;
  - The public will suffer no loss or inconvenience if the vacation is granted; and
  - In justice to the petitions the vacation should be granted.
- At the conclusion of the public hearing, the Planning Commission should state its recommendation, with or without conditions, and announce the date upon which the City Council will consider the vacation.

Findings of Fact:

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State Law:
    a. Notice was published in the City's official newspaper, the City of Bel Aire website, on March 20, 2025.
    b. Official notice was mailed to property owners within the required notification area on March 20, 2025.
2. No private rights will be injured or inconvenienced if the vacation is granted:
    a. Original plat sets out a 40' building setback.
    b. Effective PUD Agreement sets the minimum front yard setback at 25'.
    c. Vacating 15' of the platted front yard setback would result in a 25' front yard setback which meets the minimum set forth by the PUD.
    d. Owners of surrounding private properties will not be injured or inconvenienced if the vacation is granted. The vacation request will only affect Lot 1, Block.
3. The Public will suffer no loss or inconvenience if the vacation is granted:
    a. The subject setback will not affect utility easements currently on the site.
    b. Staff have not received any additional inquiries or comments after mailing the public hearing notification. The Commission will need to consider any testimony provided during the public hearing.
4. In justice to the petition, the vacation should be granted:
    a. Vacating the setback will allow the applicant to proceed with the development of 12 two-family dwellings and site work.
    b. The building setback does not affect surrounding properties or utility easements.
    c. The vacation should be granted.

RECOMMENDED MOTION:

Recommend the approval of the vacation of 15' of the platted building setback on Lot 1, Block 2, Tierra Verde South addition as proposed, and forward the recommendation to the City Council for consideration at its regular meeting on May 6, 2025.

Attachments:

Vacation Application
Setback Vacation Legal Description
Setback Vacation Exhibit
Notification
Ownership List

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: 40' to 25'

☐ Vacate street or alley: _____

☐ Vacate utility easement _____

☐ Vacate other _____

☐ Apply for Vacation in conjunction With a Conditional Use or Variance application.

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner NORTH WEBB, LLC, a Kansas limited liability company

Address 13410 W Hayden St, Wichita KS, 67235 Telephone 316-258-0478

Email Address john@eck.net

Agent representing the owner K.E. Miller Engineering P.A.

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

Email Address kirk@kemiller.com

1. The application area is legally described as Lot(s) 1 ;Block(s) 2 , Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 1.71 acres.

3. This property is located at (address) N/A which is generally located at (relation to nearest streets) N of Tierra Lakes Pkwy; W of Webb Rd.

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

To reduce a platted, 40' bldg setback to 25' in accordance with the proposed "R-6" Multi-family District use; as allowed by the Amended PUD Agreement recorded on Doc#/Flm-Pg: 30302487

5. County control number: 00598557

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 John Eck, Manager, North Webb, LLC Phone 316-258-0478
   Address 13410 W Hayden St, Wichita ,KS Zip Code 67235
   Email Address john@eck.net

   Agent K.E. Miller Engineering P.A. Phone 316-264-0242
   Address 117 E Lewis St, Wichita, KS Zip Code 67202
   Email Address kirk@kemiller.com

2. Applicant Jeff Blubaugh Phone 316-640-0656
   Address 10915 W Atlanta Cir, Wichita, KS Zip Code 67215
   Email Address jeffblubaughhomes@gmail.com

   Agent Phone
   Address Zip Code
   Email Address

3. Applicant Jerrome Castillo Phone (316) 312-6697
   Address 906 N. Main St, Suite 2, Wichita, KS Zip Code 67203
   Email Address jerromec@yahoo.com

Agent_____Phone_____
Address_____ Zip Code_____
Email Address_____

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.

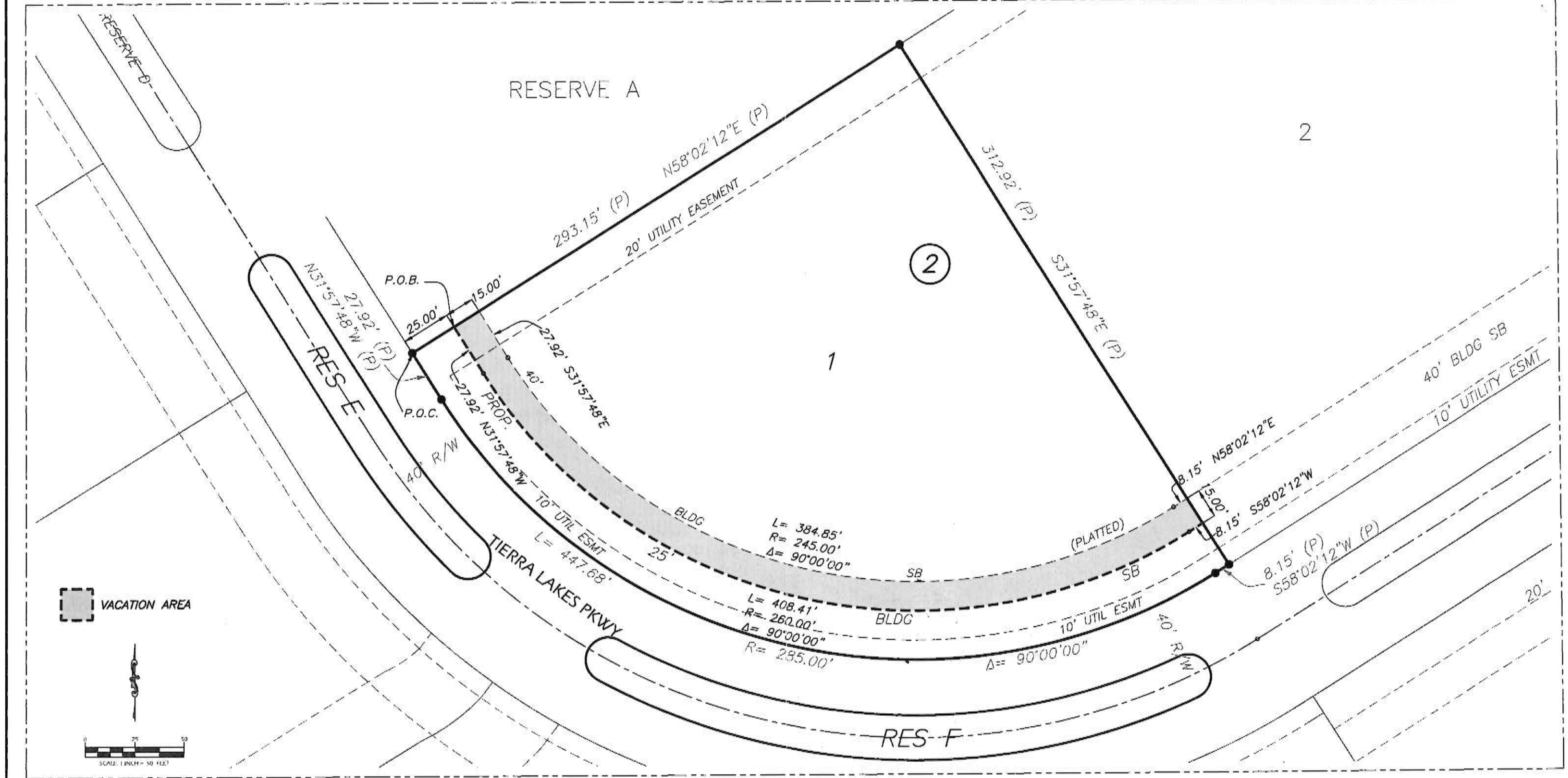
_____ BY _____
Applicant's Signature Authorized Agent (If Any)

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.

SETBACK VACATION LEGAL DESCRIPTION

That part of Lot 1, Block 2, Tierra Verde South Addition PUD, Bel Aire, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Westerly, Southwest corner of said Lot 1; thence northeast, along the West line of said Lot 1, along N58°02'12"E a distance of 25.00 feet to the POINT OF BEGINNING; thence continuing northeast along the West line of said Lot 1, along N58°02'12"E, a distance of 15.00 feet; thence southeast, perpendicular to the West line of said Lot 1, S31°57'48"E a distance of 27.92 feet; thence along a curve to the left, said curve having a length of 384.85 feet, a radius of 245.00 feet, and a delta of 90°00'00"; thence northeast, perpendicular to the East line of said Lot 1, N58°02'12"E a distance of 8.15 feet to a point on the East line of said Lot 1; thence southeast along the East line of said Lot 1, along S31°57'48"E a distance of 15.00 feet; thence southwest, perpendicular to the East line of said Lot 1, S58°02'12"W a distance of 8.15 feet; thence along a curve to the right, said curve having a length of 408.41 feet, a radius of 260.00 feet, and a delta of 90°00'00"; thence northwest, perpendicular to the West line of said Lot 1, N31°57'48"W a distance of 27.92 feet to a point on the West line of said Lot 1, said point also being the Point of Beginning.



SETBACK VACATION LEGAL DESCRIPTION:

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Said tract contains approx. 6,490.44 sq ft more or less.

KEMILLER ENGINEERING
1171 L. Lewis, Wichita, KS 67207 (316)264-0242

SETBACK VACATION EXHIBIT

TIERRA VERDE SOUTH ADD.

BEL AIRE, KS

DATE	KEM PROJ.	DRAWN	DESIGNED	SHEET
01.2025	24105	JMW	KEM	1 0

(Notification posted on www.belaireks.gov, the designated official City newspaper for the City of Bel Aire on March 19, 2025)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on April 10, 2025, the City of Bel Aire Planning Commission will consider the following Vacation 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:

VAC-25-02. Vacate Building Setback from 40' to 20'

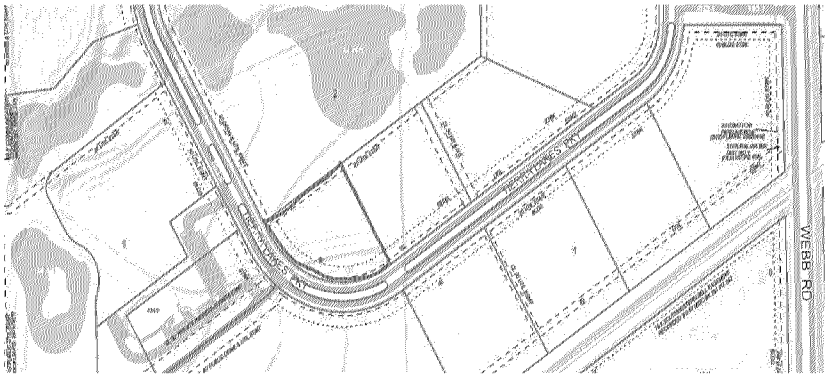
Legal Description: Lot 1, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

General Location: North of Tierra Lakes Pkwy; West of Webb Road

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

DATED this _19_____ day of March, 2025.

/s/ Paula Downs
Bel Aire Planning Commission Secretary



City of
Bel Aire

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, have published the attached notice on the City of Bel Aire website, www.belaireks.gov, which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Zoning Hearing (VAC-25-02)

is a true copy thereof and was published on such website beginning on the 19th day of March, 2025.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 7th day of April, 2025.

NOTARY PUBLIC - STATE OF KANSAS
MARI MCELHANEY
MY APPT. EXPIRES 9-4-27

Mari McElhaney
Notary Public

(seal)

City of Bel Aire
Melissa Krehbiel – City Clerk
7651 East Central Park Avenue
Bel Aire, Kansas 67226
316-744-2451
www.belaireks.gov

Security 1st Title

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 2 **Subject Property**	Tierra Verde South Addition	North Webb, LLC PO Box 377 Attica, KS 67009
Lots 4 & 5, Blk 1 AND Lot 2, Blk 2 AND Reserve A	"	ME Enterprises IV, LLC 2101 E. 21st St. N. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin	"	AH Property, Inc. 14726 E. 9th St. N. Wichita, KS 67230
Begin 458.66' SEly of NE cor of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin	"	North Webb, LLC PO Box 377 Attica, KS 67009

Security 1st Title

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves D, E, F, & G	"	City of Bel Aire Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226

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

Lot 1, Block 2, Tierra Verde South Addition to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of January, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By: _____

LICENSED ABSTRACTER

Order: 3113362
KJK

City of Bel Aire

STAFF REPORT

DATE: 04/08/2025

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	4/10/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: **PUD-25-01 An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements.**

General Location: The subject property is generally located between 45th and 49th, on Tierra Lakes Pkwy and West of Webb Road and is currently platted as Lot 1, Block 2, Tierra Verde South Addition.

Background:

The city placed notification on the City of Bel Aire's website as required by city code. The affidavit of publication is provided. The PUD process required notification of surrounding property owners. Publication notification was made on March 20, 2025, to all known property owners as of January 21, 2025.

Lot 1, Block 2, Tierra Verde South Addition was originally platted September 21, 2009.

Case History:

1. Planning Commission Meeting: May 11, 2023

PUD-23-02- Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have a re-platting changes at this time.

The Planning Commission recommended approval to amend the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. The original C-1 designation would also remain to encourage development of the property.

The applicant wanted to allow R-6 Zoning uses to provide more options for development. The land has sat relatively vacant for a long time and the ability to do some mixed use will benefit with the ability for variety. At that time, there was no specific use for the properties.

2. City Council Meeting: June 20, 2023

PUD-23-02 was on the agenda with an Amended PUD Agreement. Council approved the Planning Commission's recommendation to amend the Tierra Verde South Addition PUD Agreement to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3 and authorize signatures. The amended PUD Agreement was signed June 20, 2023, and filed with the Register of Deeds on July 26, 2023.

3. Planning Commission Meeting: January 11, 2024

PUD-23-04 (Formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. The case was advertised.

The case had been approved by the Planning Commission and nothing about the design, site plan or anything regarding those facts has changed. The only change was that the original application only had one owner's signature and in this case there are two owners requiring both signatures. In addition, it was agreed that apartments would not be placed on Reserve A, Block 2 which is excluded from R-6 uses.

Planning Commission approved the case.

Amended Planned Unit Development Agreement, dated December 13, 2023, was part of the agenda packet.

The PUD agreement was updated and dated January 12, 2024.

4. City Council Meeting- February 20, 2024

PUD-23-04- Ordinance 716 was approved by the City Council at their February 20, 2024, meeting. The Council approved additional zoning classifications and excluded R-6 zoning uses from Lot 3, Block 1 and Reserve A, Block 2.

5. **City Council Meeting- April 2, 2024**

The Amended PUD document dated January 12, 2024, was brought before the City Council for approval. Agreement was approved and signed on April 3, 2024. The document was filed with the Register of Deeds April 16, 2024.

6. Planning Commission Meeting- November 14, 2024

Sketch Plan- Tierra Verde South, Lot 1, Block 2 was submitted for discussion and general feedback.

Developer shared that they were going to reduce some of the current setbacks with the submission of a PUD application. The Commission suggested reducing an easement and keeping setbacks with minimum sizes listed in the zoning code.

No recommendations or action was taken by the Commission.

Current Discussion:

PUD-25-01- Amended PUD Agreement sets out the following requests for Lot 1, Block 2 referenced in the PUD Agreement as Parcel 4. Lot 1, Block 2 follows R-6 zoning district requirements:

1. **Minimum Setbacks:**
    a. Zoning Code Requirements:
        i. Front Building Setback- 30’
        ii. Side-Yard Setback- 15’
        iii. Rear Building Setback- 35’
    b. PUD-25-01:
        i. Front Building Setback- 25’
        ii. Side-Yard Setback- 20’
        iii. Rear Building Setback- 20’
2. **Minimum Building Separation Distance**:
    a. Zoning Code Requirement: 45’
    b. PUD-25-01:
        i. Requesting 12’
        ii. Site Plan provides 15’
3. **Minimum Parking Setback**
    a. Zoning Code Requirements:
        i. Front Building Setback- 30’
        ii. Side-Yard Setback- 15’
        iii. Rear Building Setback- 35’
    b. PUD-25-01:
        i. Front Building Setback- 25’
        ii. Side-Yard Setback- 20’
        iii. Rear Building Setback- 20’
4. **Minimum Paving Setback:**
    a. Zoning Code Requirement: 20’
    b. PUD-25-01- 10’

5. **Minimum Lot Area Per Dwelling unit:**
    a. **General Notes:**
        i. **74,302 s.f. on lot 1**
        ii. **Development calls for 24 dwelling units. 12 two-story buildings each story with a dwelling unit (could be described as a vertical two-family dwelling)**
    b. Zoning Code Requirement:
        i. 3,630 feet
        ii. 20.5 dwelling units
    c. PUD-25-01:
        i. 2,094 feet (calculations would require 3,096 s.f.)
        ii. 15 dwelling units per acre (Have 24 dwelling units/12 Buildings per acre)
6. **Minimum Number of Required Parking Spaces Per Dwelling Unit:**
    a. Zoning Code Requirement:
        i. Total number of parking spaces per dwelling unit- 4
        ii. Total number of required parking spaces for site – 48 (4 spaces x 12 dwelling units)
        iii. 2 of the 4 required to be enclosed
    b. PUD-25-01:
        i. 1.75 spaces per dwelling unit
        ii. Total number of parking spaces for site – 42 (1.75 x 12 dwelling units)
        iii. No parking spaces enclosed
        iv. Site shows 42 total parking spaces
7. **Minimum Number of Large Deciduous Shade or Evergreen Trees:**
    a. Zoning Code Requirement: 4 trees for every two-family dwelling unit
    b. PUD-25-01: 1 tree for every two-family dwelling unit

Review Considerations:

1. **Character of the neighborhood**

    The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

    Neighborhood is largely undeveloped. Non-residential use (Bel Aire Recovery Center) exists across Tierra Lakes Parkway to the southwest.

    North of subject property is Skyview at Block 49 Addition which is a two-family residential district.

2. **Zoning and uses of nearby properties**

North: Allowed Zoning Districts: R-5; C-1; C-2. Platted as a Reserve, currently undeveloped.

East: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped.

South: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped.

West: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped except for lot 2, Block 1- Bel Aire Recovery Center

3. **Suitability of the subject property for the uses to which it has been restricted**

The property is adequately suited for the permitted uses currently allowed.

4. **Extent to which removal of the restrictions will detrimentally affect nearby property**

No detrimental impact to nearby properties is expected.

5. **Length of time the property has been vacant as zoned**

The property was originally platted in 2009. The property has been undeveloped for 16 years under its current zoning.

6. **Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant**

Denial of the application is not expected to provide relative gain to the public health, safety and welfare. Approval of the application would result in no loss in value or hardship upon the applicant.

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

The 2018 Master Growth Plan sets forth the property as General Commercial. Further, the Plan encourages PUDs to promote alternatives to traditional development models in these designated areas.

Tierra Verde South Addition plat and Planned Unit Development Agreements allow for R-5, R-6, C-1 and C-2 development.

8. Impact of the proposed development on community facilities

There is no impact on community facilities. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to Tierra Lakes Parkway which is an improved road.

9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)

Property Owners as of March 20, 2025, have been notified. City staff have received no inquiries or feedback from notified residents for the April 10, 2025, hearing.

10. Recommendations of permanent staff

Key review criteria elements:

1) Length of time vacant. Lot 1, Block 2 has been undeveloped and vacant for 16 years and will be developed as an R-5 or R-6 district.
2) Character of the neighborhood based on uses of surrounding properties. Lot 1, Block 2 development will be developed in character of the surrounding properties.
3) Infrastructure public utilities and streets. Lot 1, Block 2 currently has public utilities and is supported by a local street- Tierra Lakes Parkway.

Although staff recognize that it is within the City's power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s).

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

PUD-25-01

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.

☐ Change Zoning Districts: From: _____ to_____

☐ Amendments to Change Zoning Districts _____

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☑ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner NORTH WEBB, LLC, a Kansas limited liability company

Address 13410 W Hayden St, Wichita, KS, 67235 Telephone 316-258-0478

Email Address john@eck.net

Agent representing the owner K.E. Miller Engineering P.A.

Address 117 E Lewis St, Wichita, KS, 67203 Telephone 316-264-0242

Email Address kirk@kemiller.com

1. The application area is legally described as Lot(s) 1 ;Block(s) 2 , Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 1.71 acres.

3. This property is located at (address) N/A which is generally located at (relation to nearest streets) N of Tierra Lakes Pkwy; W of Webb Rd .

4. County control number: 00598557

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

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

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

1. Applicant John Eck, Manager, North Webb, LLC Phone 316-258-0478
   Address 13410 W Hayden St, Wichita, KS Zip Code 67235
   Email Address john@eck.net

   Agent K.E. Miller Engineering P.A. Phone 316-264-0242
   Address 117 E Lewis St, Wichita, KS Zip Code
   Email Address kirk@kemiller.com

2. Applicant Jeff Blubaugh Phone 316-640-0656
   Address 10915 W Atlanta Cir, Wichita, KS Zip Code 67215
   Email Address jeffblubaughhomes@gmail.com

3. Applicant Jerrome Castillo Phone 316-312-6697
Address 906 N Main St, Suite 2, Wichita, KS Zip Code 67203
Email Address jerromec@yahoo.com

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

Applicant's Signature BY Authorized Agent (If Any)

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

AMENDED PLANNED UNIT DEVELOPMENT OF
TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT LEGAL DESCRIPTION

LEGAL DESCRIPTION –

TIERRA VERDE SOUTH ADDITION, A PLANNED UNIT DEVELOPMENT IN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS.

PARCEL 1

LEGAL DESCRIPTION-

Lots 1, 4, 5, 6, 7, & 8, Block 1, and Lots 2, 3, & 4, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) **NET AREA-** ± 38.0 acres

2) **GENERAL PROVISIONS-**

   a) Parcel 1 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined herein by **'Exhibit A'**.

3) **PERMITTED USES-**

   Parcel 1 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

   a) "R-5" Garden and Patio Homes, Townhouse and Condominium District

   b) "R-6" Multi-Family District, and including:

i) Single-Family

ii) Duplexes

iii) Garden & Patio Homes

iv) Townhomes

v) Condominiums

vi) Multi-Family

vii) Churches

viii) Day-cares

ix) Schools

x) Leasing Offices

xi) Playgrounds or Community Spaces

xii) Accessory Structures as approved by the City Manager

c) "C-1" Neighborhood Commercial Office and Retail District, and including:

i) Accessory structure as approved by the City Manager

ii) Special Events permits approved by the City Manager

d) "C-2" Planned Commercial District ("C-2" uses require a PUD amendment unless approved with the Master Plan for this development), and including:

i) Accessory structure as approved by the City Manager

ii) Special Events permits approved by the City Manager

4) MINIMUM SETBACKS-

Parcel 1 shall be subject to any building setback requirements as defined by the 2020 revised Bel Aire codified city code, for the respective use or underlying zoning district, unless otherwise stated below.

a) FOR PERMITTED "R-5" AND "R-6" USES:

i) Front Building Setback – Twenty-five feet (25')

ii) Side-Yard Building Setback – Ten feet (10')

iii) Rear Building Setback – Twenty feet (20')

*NOTE: The building setbacks listed above are NOT in lieu of any building setbacks platted in Tierra Verde South Addition. *

b) FOR PERMITTED "C-1" AND "C-2" USES:

i) All building setbacks shall be per the recorded plat of Tierra Verde South Addition, and per Bel Aire City Code.

5) HEIGHT & AREA REGULATIONS-

a) Per Bel Aire City Code

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

PARCEL 2

LEGAL DESCRIPTION-

Lot 3 Block 1, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 7.9 acres

2) GENERAL PROVISIONS-

a) Parcel 2 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined herein by **'Exhibit A'**.

3) **PERMITTED USES-**

Parcel 2 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

a) "R-5" Garden and Patio Homes, Townhouse and Condominium District

b) "C-1" Neighborhood Commercial Office and Retail District, and including:

i) Accessory structure as approved by the City Manager

ii) Special Events permits approved by the City Manager

c) "C-2" Planned Commercial District ("C-2" uses require a PUD amendment unless approved with the Master Plan for this development), and including:

i) Accessory structure as approved by the City Manager

ii) Special Events permits approved by the City Manager

4) **MINIMUM SETBACKS-**

Parcel 2 shall be subject to any building setback requirements as defined by the 2020 revised Bel Aire codified city code, for the respective use or underlying zoning district, unless otherwise stated below.

a) FOR PERMITTED "R-5" USES:

i) Front Building Setback – Twenty-five feet (25')

ii) Side-Yard Building Setback – Ten feet (10')

iii) Rear Building Setback – Twenty feet (20')

*NOTE: The building setbacks listed above are NOT in lieu of any building setbacks platted in Tierra Verde South Addition. *

b) FOR PERMITED "C-1" AND "C-2" USES:

i) All building setbacks shall be per the recorded plat of Tierra Verde South Addition, and per Bel Aire City Code.

5) HEIGHT & AREA REGULATIONS-

a) Per Bel Aire City Code

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

PARCEL 3

LEGAL DESCRIPTION-

Lots 2 Block 1, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 7.7 acres

2) GENERAL PROVISIONS-

a) Parcel 6 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined hereon in **'Exhibit A'**.

3) PERMITTED USES-

Parcel 3 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code:

a) "C-2" Planned Commercial District ("C-2" uses require a PUD amendment unless approved with the Master Plan for this development).

4) MINIMUM SETBACKS-

a) Per the recorded plat of Tierra Verde South Addition and per Bel Aire City Code

5) HEIGHT & AREA REGULATIONS-

a) Per Bel Aire City Code

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

PARCEL 4

LEGAL DESCRIPTION-

Lots 1 Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 1.7 acres

2) GENERAL PROVISIONS-

a) Parcel 4 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined herein by **'Exhibit A'**.

3) PERMITTED USES-

Parcel 4 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

b) "R-5" Garden and Patio Homes, Townhouse and Condominium District

c) "R-6" Multi-Family District, and including:

i) Single-Family

ii) Duplexes

iii) Garden & Patio Homes

iv) Townhomes

v) Condominiums

vi) Multi-Family

vii) Churches

viii) Day-cares

ix) Schools

x) Leasing Offices

xi) Playgrounds or Community Spaces

xii) Accessory Structures per Bel Aire City Code

d) "C-1" Neighborhood Commercial Office and Retail District, and including:

i) Accessory structure per Bel Aire City Code

ii) Special Events permits per Bel Aire City Code

e) "C-2" Planned Commercial District ("C-2" uses require a PUD amendment unless approved with the Master Plan for this development), and including:

i) Accessory structure per Bel Aire City Code

ii) Special Events permits per Bel Aire City Code

4) MINIMUM SETBACKS-

a) Front Building Setback- Twenty-five feet (25')

b) Side-Yard Building Setback- Twenty feet (20')

c) Rear Building Setback – Twenty feet (20')

The aforementioned side-yard and rear yard building setbacks shall remain at the distances established above in the event that any adjacent lot is developed with any permitted "C-2" Planned Commercial District uses.

d) The minimum building separation distance shall be twelve feet (12') for the permitted "R-6" Multi-Family District uses of "Single-Family, Duplexes, and Garden & Patio Homes." All other uses permitted in the "R-6" Multi-Family District shall follow the minimum separation requirements as outlined in the Bel Aire City Code.

e) The Minimum Parking Setback shall be the same as required front, side and rear yards.

f) The Minimum Paving Setback shall be ten feet (10') from all interior property lines.

5) HEIGHT & AREA REGULATIONS-

a) The maximum building height shall be per Bel Aire City Code

b) The Minimum Lot Area per Dwelling unit shall be two-thousand-nine-hundred-four square feet (2,904 sq ft.) allowing up to fifteen (15) dwelling units per acre.

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) The Minimum Number of Required Parking spaces for all two-family dwellings shall be 1.75 (spaces) per dwelling unit. No required parking is required to be enclosed.

b) The Minimum Number of large deciduous shade or evergreen trees shall be required within the interior of each lot at a ratio of one (1) tree for every two-family dwelling

i) All other landscaping requirements shall be per Bel Aire City Code.

PARCEL 5

LEGAL DESCRIPTION-

Reserve "A", Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 9.7 acres

2) GENERAL PROVISIONS-

a) Parcel 5 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined hereon in **'Exhibit A'**.

3) PERMITTED USES-

a) "Reserve "A" shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District."

b) "Reserve A shall be reserved for entry monuments, landscape, irrigation, drainage and open space. Any changes to the Reserve shall be approved by the City to ensure that conveyance of storm water is preserved."

4) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

PARCEL 6

LEGAL DESCRIPTION-

Reserves "B", "C", "D", "E", "F", "G", "H", "I", and "J", Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 7.7 acres

2) GENERAL PROVISIONS-

a) Parcel 6 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined hereon in **'Exhibit A'**.

3) PERMITTED USES-

a) "Reserves B-J shall be reserved for entry monuments, landscape, irrigation, drainage, and open space. Any changes to the Reserves shall be approved by the City to ensure that conveyance of storm water is preserved."

4) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

The terms and conditions of this Instrument, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS INSTRUMENT is hereby executed on this _____ day of _____, 2025.

NORTH WEBB, LLC, DEVELOPER

By_____

P. JOHN ECK, MANAGER

THIS INSTRUMENT was approved by vote of the City Council of Bel Aire, Kansas on the _____ day of _____, 2025 and is hereby executed on this _____ day of _____ _____, 2025.

_____

MAYOR, JIM BENAGE

SEAL

ATTEST:

_____

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2025, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing instrument concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

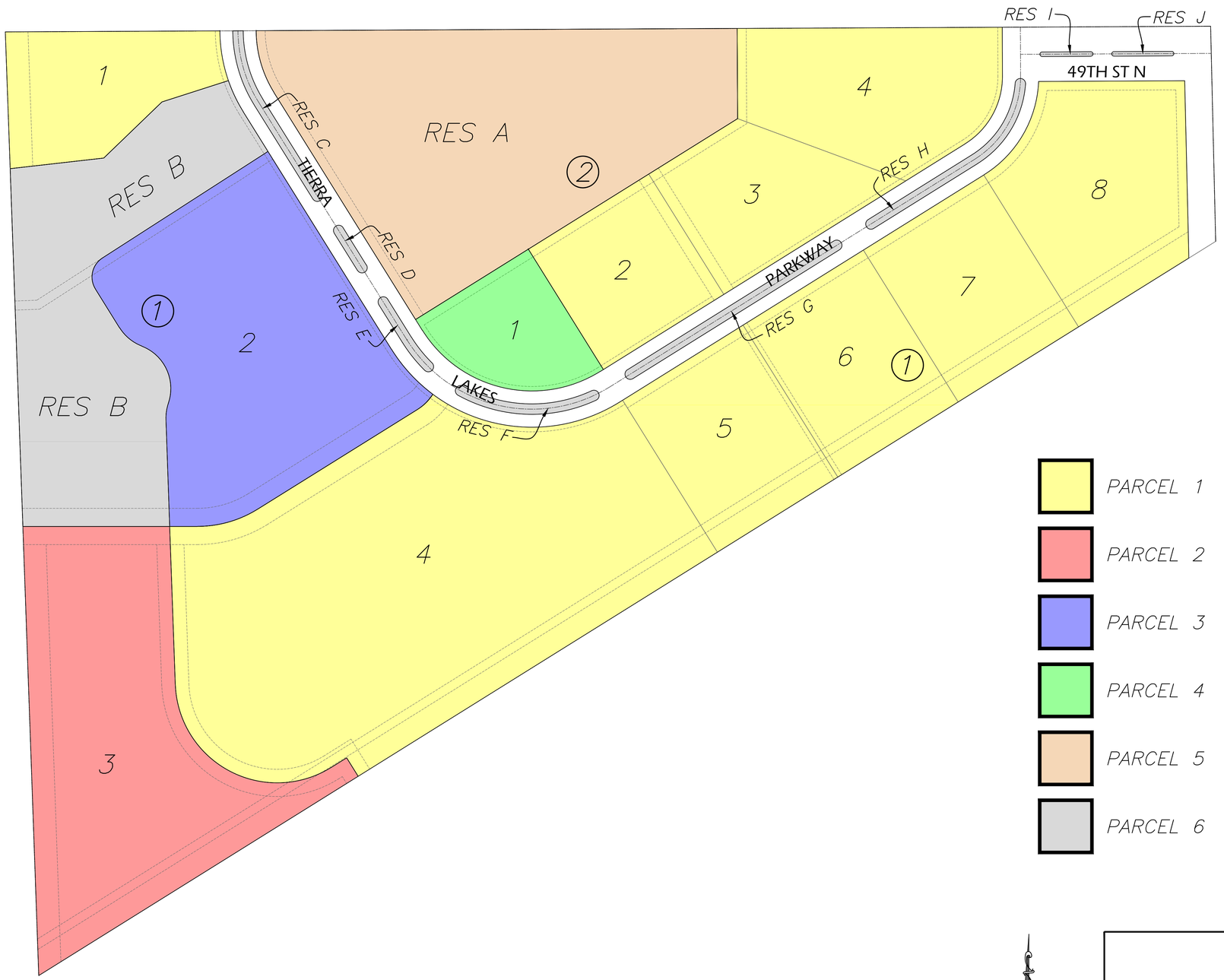
BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2025, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire , Kansas and who personally acknowledged execution of the foregoing instrument concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

_____

NOTARY PUBLIC

My Appointment Expires: _____

EXHIBIT 'A'



PARCEL 1

PARCEL 2

PARCEL 3

PARCEL 4

PARCEL 5

PARCEL 6

GENERAL PROVISIONS:
(PER THE RECORDED PLAT OF TIERRA VERDE SOUTH ADDITION)

1. THIS AGREEMENT ESTABLISHES THE TERMS AND CONDITIONS FOR A PLANNED UNIT DEVELOPMENT ZONING DISTRICT. THE REQUIREMENTS CONTAINED IN THIS PUD ARE IN LIEU OF ANY REQUIREMENTS CONTAINED IN THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY AND COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PUD AGREEMENT SHALL BE DEEMED IN COMPLIANCE WITH THE CITY ZONING AND SUBDIVISION REGULATIONS OF THE CITY.

2. INSTALLATION OF ALL IMPROVEMENTS SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF ALL APPLICABLE FEDERAL STATE AND LOCAL LEGISLATION, INCLUDING THE AMERICANS WITH DISABILITIES ACT. ALL INFRASTRUCTURE IMPROVEMENTS SHALL BE DETAILED ON A FINAL PLANNED UNIT DEVELOPMENT SITE PLAN, WHICH DELINEATES BUILDING LOCATIONS, AT THE TIME THE LOTS ARE DEVELOPED. SAID FINAL PLANNED UNIT DEVELOPMENT SITE PLAN (HEREIN THE "FINAL PUD SITE PLAN") SHALL BE APPROVED BY THE DEVELOPER AND BY THE CITY ENGINEER, ATTACHED HERETO AND MADE A PART HEREOF, AT THE TIME THE LOT IS DEVELOPED.

3. ALL ELECTRIC POWER, PARKING LOT LIGHTS, CABLE, STREET LIGHTS AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND. THE CITY SHALL APPROVE THE ENGINEERING DESIGN AND INSPECT ALL OF THE IMPROVEMENTS NECESSARY FOR THE DEVELOPMENT OF TIERRA VERDE SOUTH ADDITION. ALL PUBLIC IMPROVEMENTS SHALL BE DEDICATED TO AND OWNED AND MAINTAINED BY THE CITY AND SHALL BE INSTALLED ON CITY OWNED PROPERTY OR WITHIN RIGHT-OF-WAYS OR EASEMENTS.

4. THE DEVELOPER SHALL INSTALL ALL IMPROVEMENTS DELINEATED ON THE FINAL PUD SITE PLAN, SAID IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, STREETS, SIDEWALKS, WATER DISTRIBUTION SYSTEM, SANITARY SEWER SERVICE LINES, DETENTION PONDS, STORMWATER SEWER SYSTEM, DRIVEWAYS, LANDSCAPING, LIGHTING, AND UTILITIES. THE DEVELOPER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY LIABILITY FROM THE DAMAGES THAT MAY OCCURS DURING CONSTRUCTION BY ON BEHALF OF THE DEVELOPER. THE DEVELOPER SHALL PAY ONE HUNDRED PERCENT (100%) OF THE COST OF ALL IMPROVEMENTS DELINEATED ON THE PUD SITE PLAN AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.

5. WHENEVER EXISTING SANITARY OR STORM WATER SEWERS, WATER LINES, DRAINAGE CHANNELS, CULVERTS, UNDERGROUND ELECTRIC, COMMUNICATIONS, GAS LINES, PIPE LINES OR TRANSMISSION LINES ARE REQUIRED TO BE INSTALLED, LOWERED, ENCASED, OR RELOCATED DUE TO THE LOT SPLIT OR CONSTRUCTION IMPROVEMENTS REQUIRED, AND IN THE EVENT THAT IT WAS NOT KNOWN AT THE TIME OF THE LOT SPLIT APPROVAL, THE DEVELOPER OF THE CONSTRUCTION IMPROVEMENTS SHALL PAY ONE HUNDRED (100%) OF THE COST OF IMPROVEMENTS. THE DEVELOPER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY LIABILITY FROM THE DAMAGES THAT MAY OCCUR DURING CONSTRUCTION.

6. ALL EASEMENTS RECORDED ON THE FACE OF THE FINAL PLAT OF TIERRA VERDE SOUTH ADDITION, AN ADDITION TO BEL AIRE, KANSAS SHALL REMAIN IN EFFECT PURSUANT TO THIS PLANNED UNIT DEVELOPMENT AGREEMENT. THE SURFACE OF SUCH EASEMENTS MAY BE USED BY THE OWNER(S) FOR DRIVEWAYS ,PARKING AND LANDSCAPING, AS DELINEATED ON THE FINAL PUD SITE PLAN. SAID IMPROVEMENTS WILL BE APPROVED DURING THE CONSTRUCTION PLAN REVIEW PHASE FOR EACH BUILDING AND/OR LOT DEVELOPMENT. SAID IMPROVEMENTS ARE SUBJECT TO REMOVAL FOR ACCESS TO UTILITIES AT OWNER'S EXPENSE.

7. THE DEVELOPER SHALL PREPARE A LANDSCAPE AND STORM DRAINAGE PLAN, WHICH SHALL ADDRESS THE EFFECT OF CHANGES TO THE NATURAL ENVIRONMENT AND INCREASED DRAINAGE. SAID LANDSCAPE AND STORM DRAINAGE PLAN SHALL BE APPROVED BY THE CITY ENGINEER, ATTACHED HERETO, AND MADE A PART HEREOF AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED. AFTER APPROVAL BY THE DEVELOPER AND THE CITY ENGINEER OF SAID LANDSCAPE AND STORM DRAINAGE PLAN, THE DEVELOPER SHALL INSTALL, OR CAUSE TO BE INSTALLED, THE IMPROVEMENTS PURSUANT TO THE SAID PLAN.

8. THE DEVELOPER SHALL PREPARE A SIGNAGE PLAN THAT SHALL INCLUDE ALL FREE STANDING BUILDING SIGNAGE, WHICH SHALL BE APPROVED BY THE CITY ADMINISTRATOR, ATTACHED HERETO AND MADE A PART HEREOF AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.

9. OUTDOOR LIGHTING SOURCES SHALL EMPLOY CUTOFF LUMINARIES TO MINIMIZED LIGHT TRESPASS AND GLARE, AND SHALL BE MOUNTED AT A HEIGHT NOT EXCEEDING ONE-HALF THE DISTANCE FROM THE NEIGHBORING LOTS, UNLESS EVIDENCE IS PROVIDED TO THE SATISFACTION OF THE ZONING ADMINISTRATOR THAT THE LIGHT SOURCE WILL BE AIMED OR SHIELDED SUCH THAT THE LIGHT SOURCE IS NOT VISIBLE FROM THE NEIGHBORING LOTS.

10. IF SCREENING EXISTS ON ANY SIDE OF A DEVELOPING PROPERTY LINE THAT MEETS OR EXCEEDS THE STANDARDS OF THE ZONING CODE, ADDITIONAL SCREENING SHALL NOT BE REQUIRED. HOWEVER, IF AT ANY TIME THE EXISTING SCREENING FAILS TO MEET THE REQUIREMENTS OF THE ZONING CODE, COMPLIANCE SHALL BE ATTAINED BY THE PROPERTY OWNERS OF THE LOT, IN THE PUD WHICH FAILS TO MEET THESE REQUIREMENTS.

11. THE DEVELOPER SHALL ENCLOSE OR CAUSE TO BE ENCLOSED ALL TRASH AND RECYCLING CONTAINERS AND SIMILAR EQUIPMENT AS SET FORTH IN THE FINAL PUD SITE PLAN AS APPROVED BY THE CITY ENGINEER AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.

12. IN ACCORDANCE WITH THE APPROVED FINAL PUD SITE PLAN, THE CITY SHALL REQUEST INSTALLATION OF NECESSARY STREET LIGHTS BY DEVELOPER'S CONTRACTOR AND THE DEVELOPER SHALL INSTALL PARKING LOT, BUILDING LIGHTING AND SECURITY FIXTURES AS PROVIDED IN THE FINAL PUD SITE PLAN.

13. ANY REQUIRED SANITARY SEWER MAINS REQUIRED TO BE INSTALLED IN ADDITION TO THOSE MENTIONED IN #4, WILL BE THE DEVELOPER'S RESPONSIBILITY TOP CONTRACT, ENGINEER AND SHALL BE INSTALLED PER CITY STANDARDS. SAID NEW IMPROVEMENTS SHALL BE DEDICATED BY THE DEVELOPER TO THE CITY UPON APPROVAL BY THE CITY ENGINEER. THE COST OF ANY REQUIRED SANITARY SEWER MAINS SHALL BE PAID TO THE CITY AT THE TIME THE PERMIT IS APPROVED.

14. DEVELOPER SHALL CONSTRUCT A WATER SERVICE LINE TO EACH LOT. THE LOCATION OF SUCH TAP SHALL BE SHOWN ON THE FINAL PUB SITE PLAN AS APPROVED BY THE CITY ENGINEER.

15. NO DEMOLITION, SITE CLEARANCE OR CONSTRUCTION SHALL COMMENCE ON ANY PORTION OF THE TRACT OF LAND HEREIN REFERRED TO AS TIERRA VERDE SOUTH ADDITION, WITHOUT THE DEVELOPER, OR ITS DESIGNATED BUILDER, HAVING FIRST OBTAINED THE PROPER PERMITS FOR THE CITY. NO OCCUPANCY WILL BE ALLOWED OF ANY BUILDING ON SAID PROPERTY WITHOUT A VALID OCCUPANCY PERMIT FROM THE CITY.

16. A SPECIFIC PURPOSE OF THIS AGREEMENT IS TO ASSURE THAT THE NECESSARY IMPROVEMENTS ARE IN PLACE TO SUPPORT DEVELOPMENT OF THE LOTS OF LAND HEREIN REFEREED TO AS TIERRA VERDE SOUTH ADDITION. THEREFORE, THE DEVELOPER'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS AGREEMENT SHALL BE A CONDITION PRECEDENT TO THE GRANTING OF BUILDING AND/OR OCCUPANCY PERMITS FOR THE DEVELOPMENT OF SAID PROPERTY.

17. THE DEVELOPER SHALL FILE WITH THE SEDGWICK COUNTY REGISTER OF DEEDS AN EXECUTED COPY OF THIS AGREEMENT INCLUDING THE ATTACHMENTS OF THE FINAL PUD SITE PLAN, THE LANDSCAPE AND DRAINAGE PLAN AND THE SIGNAGE PLAN ALL AS APPROVED BY THE CITY OR GOVERNING BODY.

18. UPON FULL EXECUTION HEREOF AND UPON ATTACHMENT OF THE PUD SITE PLAN, THE LANDSCAPE PLAN, THE DRAINAGE PLAN, AND THE SIGNAGE PLAN, ALL APPROVED AS PROVIDED HEREIN AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED, THE TERMS AND CONDITIONS OF THIS AGREEMENT, AS SET FORTH HEREIN, SHALL BE BINDING UPON THE CITY AND THE DEVELOPER, THEIR SUCCESSORS, REPRESENTATIVES, TRUSTEES, AND ASSIGNS.

0 60 120 240

SCALE: 1 INCH = 120 FEET

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

PUD EXHIBIT

TIERRA VERDE SOUTH ADDITION

BEL AIRE, KS

DATE	KEM PROJ.	DRAWN	DESIGNED	SHEET
04.2025	24105	JMW	KEM	1.0

March 25, 2025



LEGAL DESCRIPTION:

Lot 1, Block 2, Tierra Verde South Addition, a Planned Unit Development in Bel Aire, Sedgwick County, Kansas.

DWELLING UNITS:

– 12 proposed duplexes (24 dwelling units)

PARKING:

– 42 total spaces

20 0 10 20 40 80

HORIZONTAL SCALE
(IN FEET)
1 inch = 20 ft.

Tierra Verde South Addition Duplexes

Site Plan

Bel Aire, Kansas

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

PROJECT NUMBER			
KEM NO. 24105	FILE	DATE 09/2024	SHEET 1.0
DESIGN KM	DRAWN JW	REVISED	

April 2, 2025

City of
Bel Aire

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, have published the attached notice on the City of Bel Aire website, www.belaireks.gov, which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Zoning Hearing (PUD-25-01)

is a true copy thereof and was published on such website beginning on the 20th day of March, 2025.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 7th day of April, 2025.

NOTARY PUBLIC - STATE OF KANSAS
MARI MCELHANEY
MY APPT. EXPIRES 9-4-27

Mari McElhaney
Notary Public

(seal)

City of Bel Aire
Melissa Krehbiel – City Clerk
7651 East Central Park Avenue
Bel Aire, Kansas 67226
316-744-2451
www.belaireks.gov

(Notification posted on www.belaireks.gov, the designated official City newspaper for the City of Bel Aire on March 20, 2025)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on April 10, 2025, the City of Bel Aire Planning Commission will consider the following Planned Unit Development in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-25-01. Final PUD- Amended Planned Unit Development Agreement

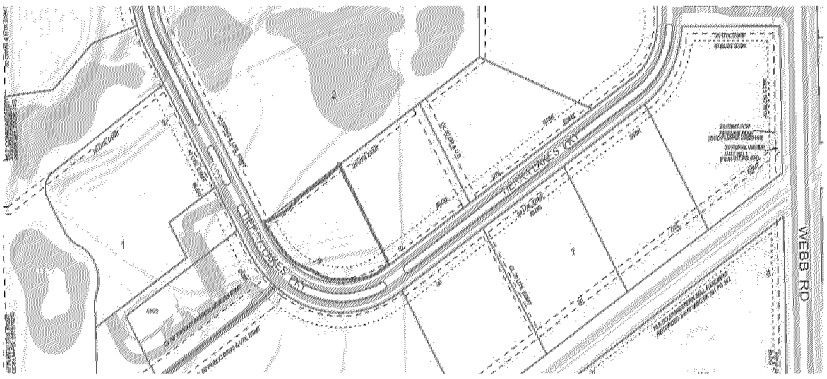
Legal Description: Lot 1, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

General Location: North of Tierra Lakes Pkwy; West of Webb Road

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

DATED this _20_____ day of March 2025.

/s/ Paula Downs
Bel Aire Planning Commission Secretary



Security 1st Title

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 2 **Subject Property**	Tierra Verde South Addition	North Webb, LLC PO Box 377 Attica, KS 67009
Lots 4 & 5, Blk 1 AND Lot 2, Blk 2 AND Reserve A	"	ME Enterprises IV, LLC 2101 E. 21st St. N. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin	"	AH Property, Inc. 14726 E. 9th St. N. Wichita, KS 67230
Begin 458.66' SEly of NE cor of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin	"	North Webb, LLC PO Box 377 Attica, KS 67009

Security 1st Title

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves D, E, F, & G	"	City of Bel Aire Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226

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

Lot 1, Block 2, Tierra Verde South Addition to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of January, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By: _____

LICENSED ABSTRACTER

Order: 3113362
KJK

City of Bel Aire

STAFF REPORT

DATE: 05/05/2023

TO: Bel Aire Planning Commission
FROM: Keith Price
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	5/11/23
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

ZON-23-01. Proposed re-zoning approximately 63+ acres zoned AG, to a M-1 Industrial Manufacturing. The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft.

History: The land was annexed into the city during the 2002-2005 timeframe as Bel Aire was in the growth mode to prevent being landlocked.

Discussion:

All M-1 zoning requires a PUD for development. AG zoning has been a holding district for future Use. The 2018 Master growth plan and the antiquated comprehensive indicates this would be a commercial use district. M-1 is two steps from table 1.2 contained within the 2018 Master Growth Plan; commercial use category and meets the initial requirement.

Conclusion:

Staff recommends approving based on other recent zoning changes nearby for the same purpose-for the best and highest use.

PUD-23-02. Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

Tierra Verde started as a concept plan dividing the commercial uses from the residential use with the north addition for housing and the south addition for commercial uses in 2009 master

plan concept. The commercial uses would attempt to meet the LEED standa[illegible] silver as a concept. Bio-swales were incorporated in the drainage system. Groundbreaking for the Concierge Surgical Recovery Suites & Wellness Center--Phase I of The Healing Center at Tierra Verde was Friday, May 31, 2013.
During the first building project, the project was in foreclosure, due in part by the untimely death of Dr. George Watson.
The current business in the completed building was established in 2018 with the city on the portion of lot 4, in block 1. The building does have components to help with the LEED points total.
The majority of ground hasn't been developed in the south addition; the current plat was filed 9/21/09; that is almost 14 years without using the infrastructure installed within the development.

Discussion:

New housing is needed within Sedgwick County, there are studies to indicate that is true. Bel Aire's Master Growth Plan that was adopted indicates that is a prime objective for land once owned by the city. Table 1.2 indicates that two steps from local commercial/mixed use would be multi-family uses and allowable. Figure 3.3 describing multi-family acres in 2018 as just under 12 is antiquated with the recent platting and building. The master growth plan indicated 917 acres would be for housing of the 2,267 acres. That is 40% of the total acres available from that point in time. Many of the commercial areas already designated wouldn't be suitable for housing at this moment. Based on the land approved to date for housing since 2018 would be +/-50% of that total.
To follow the LEED design and air space concerns related to green building construction methods and quality of housing to reduce noises would be good to consider.
A good street appeal variation from recent duplex areas would help build a neighbor branding or identifier.

Conclusion:

Recommends approval of the project with the conditions once understanding of the scope of the project is determined.

PUD-23-03. Proposed PUD to allow open self-storage, warehousing, office, partial gravel parking, with basic items not pre-approved with the over-all existing PUD documents. 16+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

SCP was platted 7/24/12 with a master plan provided with concepts. Prohibited uses:

- Food/Meat Processing
- Fuel Storage/Refinement
- Asphalt/Concrete Plants

- Correctional Facilities
- Group Homes
- Hazardous Operations
- Landfill
- Mining or Quarrying
- Oil and Gas Drilling
- Rock Crushing
- Solid Waste Incinerator
- Transfer Station
- Wrecking/Salvage Yard
- Agricultural Uses: Elevators, grain storage yard, feed lots, etc.

Discussion:

Self-storage units weren't a use listed specifically in any of the master plans for SCP. The history of Bel Aire zoning code self-storage units has required conditional use, special use, or PUD.
The landscape plan provided can be approved as a concept to follow that would need to meet the city code or be approved as proposed. The signage should be discussed and approved as proposed to ensure that it is part of the PUD; industrial uses wall signs are limited to 200s.f.and limited to 3 walls total.
Phasing of the project should be understood to know how the project will look and what to expect with landscaping and construction.

Conclusion:
Recommends approval of the project with any conditions once understanding of the scope of the project is determined.

procedures. A final PUD must contain: PUD-23

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

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☐ Change Zoning Districts: From: _____ to Add R-5 & R-6

☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Addition PUD to include R-6

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☐ Final PUD ☐ Final PUD with plat/ zoning

H:\zoning forms\PUDAPPLICATION.doc1/9/06

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner ME Enterprises IV, LLC (Masoud Etezazi)

Address 2101 E. 21st St N, Wichita, KS 67214 Telephone _____

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

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

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

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
   Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

   Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
   Address 315 Ellis St, Wichita, KS Zip Code 67211

2. Applicant City of Bel Aire (Land Bank) Phone
   Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

   Agent Baughman Company, PA 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.

BAUGHMAN COMPANY, PA

x _____ BY _____

Applicant's Signature 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.

H:\zoning forms\PUDAPPLICATION.doc1/9/06

BAUGHMAN

BETTER BY [DESIGN]

TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

315 ELLIS | WICHITA, KS 67211 [BaughmanCo.com] [P] 316.262.7271 [F] 316.262.0149

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 AND Reserve A **Part of Subject Property**	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B **Part of Subject Property**	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin **Part of Subject Property**	"	City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226

That part of Lot 2, Blk 1, comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin **Part of Subject Property**	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves C, D, E, F, G, H, I, & J **Part of Subject Property**	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20-26-2E; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Capital Corporation 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclus, Blk 2 AND Lots 22 thru 26 inclus, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Steven L. & Amy K. Renn 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	"	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	"	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Lot 4, Blk 3	"	Vision Homes Investments, Inc. 8722 E. Blade Ct. Wichita, KS 67226
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	"	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	"	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	"	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	"	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215
Lot 24, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lot 25, Blk 1	"	Artistic Builders, LLC 11000 Fremont Circle Mulvane, KS 67110

Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14 thru 25 inclus, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of March, 2023, at 7:00 A.M.

Security 1st Title, LLC

By: JoAnn Childers
Licensed Abstracter

Order: OE002489
KJK

AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT CONCERNING THE DEVELOPMENT OF TIERRA VERDE SOUTH ADDITION TO THE CITY OF BEL AIRE, KANSAS

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family District, "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family

- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this _____ day of _____, 2023.

ME ENTERPRISES IV, LLC, DEVELOPER

_____
MASOUD ETEZAZI, MEMBER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2023.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____

City of Bel Aire, Kansas

STAFF REPORT

DATE: June 14, 2023

TO: Governing Body, City Manager

FROM: Planning Commission

RE: May 11, 2023, Planning Commission Meeting

PUD-23-02. Amending Zoning Districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning.

The planning commission considered an amendment to the Tierra Verde PUD to allow for R-5 and R-6 Zoning (as well as C-1 as originally plated). The Commissioners studied the material provided by the applicant, including the proposed amended PUD language (attached) and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on May 11, 2023, in relation to the application where interested parties and citizens were given the opportunity to be heard. There were two citizen concerns addressed during the open hearing. Both were concerned with the proximity of the development to Sawmill Creek in Wichita. There was concern that Lot 3, which abuts Sawmill Creek on the east side, could have an apartment or hotel built. They were also concerned with Skragg St becoming a through street from Sawmill to Tierra Verde.

Phil Meyer with Baughman Company spoke on behalf of the applicant and addressed concerns from citizens and the Planning Commission. He stated that a request was being made to offer more options for development in an area that has been vacant for some time. The applicant, as well as Mr. Meyer, thought that providing more options for land use could encourage development of the property. He noted that at this time, there are no specific developments or developers in mind for the area.

After the hearing was closed, the Commission spoke at length about ensuring the separation of Sawmill Creek and Tierra Verde be honored as there is a berm and tree line that separates the two developments. It was also mentioned that keeping Lot 3 as stated in the original PUD and not allowing for R-5 or R-6 use would be a good compromise. After deliberation on this opinion, it was stated that allowing R-5 would be an acceptable use in Lot 3. The commissioners agreed that this was a reasonable request as multi-family homes are located north of Tierra Verde and development of the property would benefit the city and the property owner.

After review, the Planning Commission voted (by passing a 5-0 motion) to **recommend approval to amend the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3.**

procedures. A final PUD must contain: PUD-23

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

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☐ Change Zoning Districts: From: _____ to Add R-5 & R-6

☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Addition PUD to include R-6

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☐ Final PUD ☐ Final PUD with plat/ zoning

H:\zoning forms\PUDAPPLICATION.doc1/9/06

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner ME Enterprises IV, LLC (Masoud Etezazi)

Address 2101 E. 21st St N, Wichita, KS 67214 Telephone _____

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

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

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

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
   Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

   Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
   Address 315 Ellis St, Wichita, KS Zip Code 67211

2. Applicant City of Bel Aire (Land Bank) Phone
   Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

   Agent Baughman Company, PA 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.

BAUGHMAN COMPANY, PA

x _____ BY _____

Applicant's Signature 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.

H:\zoning forms\PUDAPPLICATION.doc1/9/06

BAUGHMAN

BETTER BY [DESIGN]

TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

315 ELLIS | WICHITA, KS 67211 [BaughmanCo.com] [P] 316.262.7271 [F] 316.262.0149

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 AND Reserve A **Part of Subject Property**	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B **Part of Subject Property**	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin **Part of Subject Property**	"	City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226

That part of Lot 2, Blk 1, comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin **Part of Subject Property**	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves C, D, E, F, G, H, I, & J **Part of Subject Property**	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
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Lots 10 thru 14 inclus, Blk 2 AND Lots 22 thru 26 inclus, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Steven L. & Amy K. Renn 8714 E. Scragg St. Wichita, KS 67226
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Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Lot 4, Blk 3	"	Vision Homes Investments, Inc. 8722 E. Blade Ct. Wichita, KS 67226
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
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Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
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Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215
Lot 24, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lot 25, Blk 1	"	Artistic Builders, LLC 11000 Fremont Circle Mulvane, KS 67110

Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14 thru 25 inclus, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of March, 2023, at 7:00 A.M.

Security 1st Title, LLC

By: JoAnn Childers
Licensed Abstracter

Order: OE002489
KJK

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this _____ day of _____, 2023.

ME ENTERPRISES IV, LLC, DEVELOPER

_____
MASOUD ETEZAZI, MEMBER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2023.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, hereinafter referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this _____ day of _____, 2023.

ME ENTERPRISES IV, LLC, DEVELOPER

_____
MASOUD ETEZAZI, MEMBER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2023.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____

City of Bel Aire

STAFF REPORT

DATE: 01/05/2024

TO: Bel Aire Planning Commission
FROM: Keith Price
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	1/11/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-23-04. (formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

Tierra Verde started as a concept plan dividing the commercial uses from the residential use with the north addition for housing and the south addition for commercial uses in 2009 master plan concept. The commercial uses would attempt to meet the LEED standard for gold or silver as a concept. Bio-swales were incorporated in the drainage system. Groundbreaking for the Concierge Surgical Recovery Suites & Wellness Center--Phase I of The Healing Center at Tierra Verde was Friday, May 31, 2013.
During the first building project, the project was in foreclosure, due in part by the untimely death of Dr. George Watson.
The current business in the completed building was established in 2018 with the city on the portion of lot 4, in block 1. The building does have components to help with the LEED points total.
The majority of ground hasn't been developed in the south addition; the current plat was filed 9/21/09; that is almost 14 years without using the infrastructure installed within the development.

This PUD was in front of the planning commission May 11, 2023. Sawmill Creek a Wichita development in Wichita had speakers voice concerns. Through streets at Blade or Scragg Streets, elevated crime rate, Multi-family housing were the concerns listed in the minutes. Motion made and approved at the time.
Motion: Commissioner Jordan made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. Commissioner Floyd seconded the motion. ***Motion Carried 5-0.***

Discussion:

New housing is needed within Sedgwick County, there are studies to indicate that is true. Bel Aire's Master Growth Plan that was adopted indicates that is a prime objective for land once owned by the city. Table 1.2 indicates that two steps from local commercial/mixed use would be multi-family uses and allowable. Figure 3.3 describing multi-family acres in 2018 as just under 12 is antiquated with the recent platting and building. The master growth plan indicated 917 acres would be for housing of the 2,267 acres. That is 40% of the total acres available from that point in time. Many of the commercial areas already designated wouldn't be suitable for housing at this moment. Based on the land approved to date for housing since 2018 would be +/-50% of that total.
To follow the LEED design and air space concerns related to green building construction methods and quality of housing to reduce noises would be good to consider.
A good street appeal variation from recent duplex areas would help build a neighborhood branding or identifier.

Conclusion:

Recommends approval of the project with the conditions once understanding of the scope of the project is determined. An Ordinance will need to be created to contain the PUD revisions. Replating, if needed or required, would reflect these changes as well.

SUMMARY:

Notice is Hereby Given that on January 11, 2024; 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

The city advertised the hearing in the Ark Valley newspaper as required.

Discussion:

The city received a question About Arthur Heights- After looking into the question, the Arthur Heights was zoned R-1 with the 2006 zoning map to match the 2005 adoption of the 2004 code. The basic reasons are the lot size is 1 acre and it is for housing purposes. That district heading was "R-1 Single-family Residential" and not "Rural Residential". The title given for the R-1 since the 2004 code has been "Estate Residential".
The 1994 map used until 2006 indicated these were R-1 zoned, 40,000 s.f. lots. Any lot under 1 acre would be allowed to continue in a non-conforming status.
The 1985 code had this as R-1- and 2-acre lot size requirement. Some of the R-1 lots were not platted as 1 acre so it created many no conforming lots, but the plat was done in the 50's before the city was a city.
The city isn't required to adjust zoning districts to make parcels compliant with the zoning code, but large areas have been adjusted over time to match most closely as to what was built to protect and fortify what could be rebuilt.

Staff would like to update the official zoning map annually to match changes m
zoning hearing processes throughout the year by the governing body as a codification process. This would mean that a zoning code update related to districts, new districts, new or changed boundaries would still come back to planning commission, all approved changes would be incorporated in the newly dated official zoning map.

The request motion should include updating the city official zoning map to reflect as present and any of the recently approved zoning ordinance changes. The added request is to allow updating the official map with the Bel Aire code codifications to reflect only zoning districts that have been approved by the governing body prior to the codification process.

Below is the city zoning code section revision by the 2023 codification listed on the city web site related to the city zoning map:

18.6.1. Official zoning map.

The location and boundaries of the districts established by this Zoning Code are hereby established to be as shown on a map officially designated as the Zoning District Map. The map and all the notations, references and information shown thereon are hereby made as much a part of this Zoning Code as if the same were set forth in full herein. It shall be the duty of the city clerk to keep in a file in his or her office an authentic copy of the map, all charges, amendments or additions thereto, and duplicate copies thereof shall be kept on file in the office of the Zoning Administrator and/or building inspector.

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 21st day of December, 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 21st day of December, 2023.

Notary Public

My commission expires _____.

Additional copies $ _____

Printer's fee $ _____

LISA K SUTTON NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas

Bel Aire public notice

(Published in The Ark Valley News Dec. 21, 2023.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on January 11, 2024, the City of Bel Aire Planning Commission will consider the following PUD revision to existing document changes hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-23-04. Proposed document changes within the current PUD to allow multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres. Formerly, case number PUD-23-02.

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

General Location: ½ mile north of 45th on the west side of Webb Road.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. Sub- Division regulations 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 _15_____ day of December, 2023.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

PUD -23-04
revised 12-

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

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

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☐ Change Zoning Districts: From: _____ to_____

☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Add. PUD to include R-5 and R-6

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☐ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner ME Enterprises, LLC -and- North Webb, LLC

Address ME Enterprises, LLC, 2101 E. 21st St, Wichita, KS 67214
North Webb, LLC, PO Box 377, Attica, KS 67009 Telephone _____

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

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

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

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
   Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

   Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
   Address 315 Ellis St, Wichita, KS Zip Code 67211

2. Applicant North Webb, LLC Phone
   Address PO Box 377, Attica, KS Zip Code 67009-0377

   Agent Baughman Company, PA Phone
   Address same as above Zip Code

3. Applicant City of Bel Aire (Land Bank) possible Reserve A ownership
   Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

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.

BAUGHMAN COMPANY, PA

x _____ BY _____

Applicant's Signature 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.

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   Address PO Box 377, Attica, KS Zip Code 67009-0377

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   Address same as above Zip Code

3. Applicant City of Bel Aire (Land Bank) possible Reserve A ownership
   Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

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.

North Webb LLC

x P. DeBoer Mgr Member BY

Applicant's Signature

BAUGHMAN COMPANY, PA

Philip A Meyer

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.

BAUGHMAN

BETTER BY [DESIGN]

TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

315 ELLIS | WICHITA, KS 67211 [BaughmanCo.com] [P] 316.262.7271 [F] 316.262.0149

REQUEST FOR PUD AMENDMENT CLARIFICATION

This case is being filed to correct an ownership issue that occurred in the application process with the City of Bel Aire in April, 2023 (See PUD-23-02). The Applicants are not seeking to modify or make any additional changes to the PUD from that approved by the Planning Commission and City Council within the previously mentioned Application.

Security 1st Title

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 **Part of Subject Property**	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B **Part of Subject Property**	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin **Part of Subject Property**	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226

Security 1st Title

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin **Part of Subject Property**	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves A, C, D, E, F, G, H, I, & J **Part of Subject Property**	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at NW corner of SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		Bryant Family Trust R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments #11, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect. 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin	"	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Security 1st Title

Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Investments, LLC (Prior–WAM Capital Corporation) 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclusive, Blk 2 AND Lots 22 thru 26 inclusive, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Benjamin J. & Jennifer R. Fisher 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	"	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	"	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Security 1st Title

Lot 4, Blk 3	"	Vision Homes Investments, Inc. PO Box 224 Colwich, KS 67030
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	"	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	"	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	"	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	"	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215

Security 1st Title

Lots 24 & 25, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14, 15, & 16, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 17, 18, & 19, Blk D AND Lot 20, EXC the W 1.20' thereof, Blk D AND Lot 21, & the W 1.20' of Lot 20, Blk D AND Lot 22, & the E 2.80' of Lot 23, Blk D AND Lot 23, EXC the E 2.80' thereof; & The E 4.30' of Lot 24, Blk D AND Lot 24, EXC the E 4.30' thereof; & The E 3' of Lot 25, Blk D AND Lot 25, EXC the E 3' thereof, Blk D	"	Superior Homes, LP 3500 N. Rock Rd., Bldg. 1600 Wichita, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

Security 1st Title

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of November, 2023, at 7:00 A.M.

SECURITY 1ST TITLE

By: _____

LICENSED ABSTRACTER

Order: OE008635
KJK

PC 216-10A

FINAL PLAT

TIERRA VERDE SOUTH ADDITION

A PLANNED UNIT DEVELOPMENT IN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS

SHEET 2 OF 2

BASIS OF BEARINGS IS NAD83 GRID
KANSAS SOUTH ZONE

N
W — Alpha Land Surveys — E
S

0 100 200

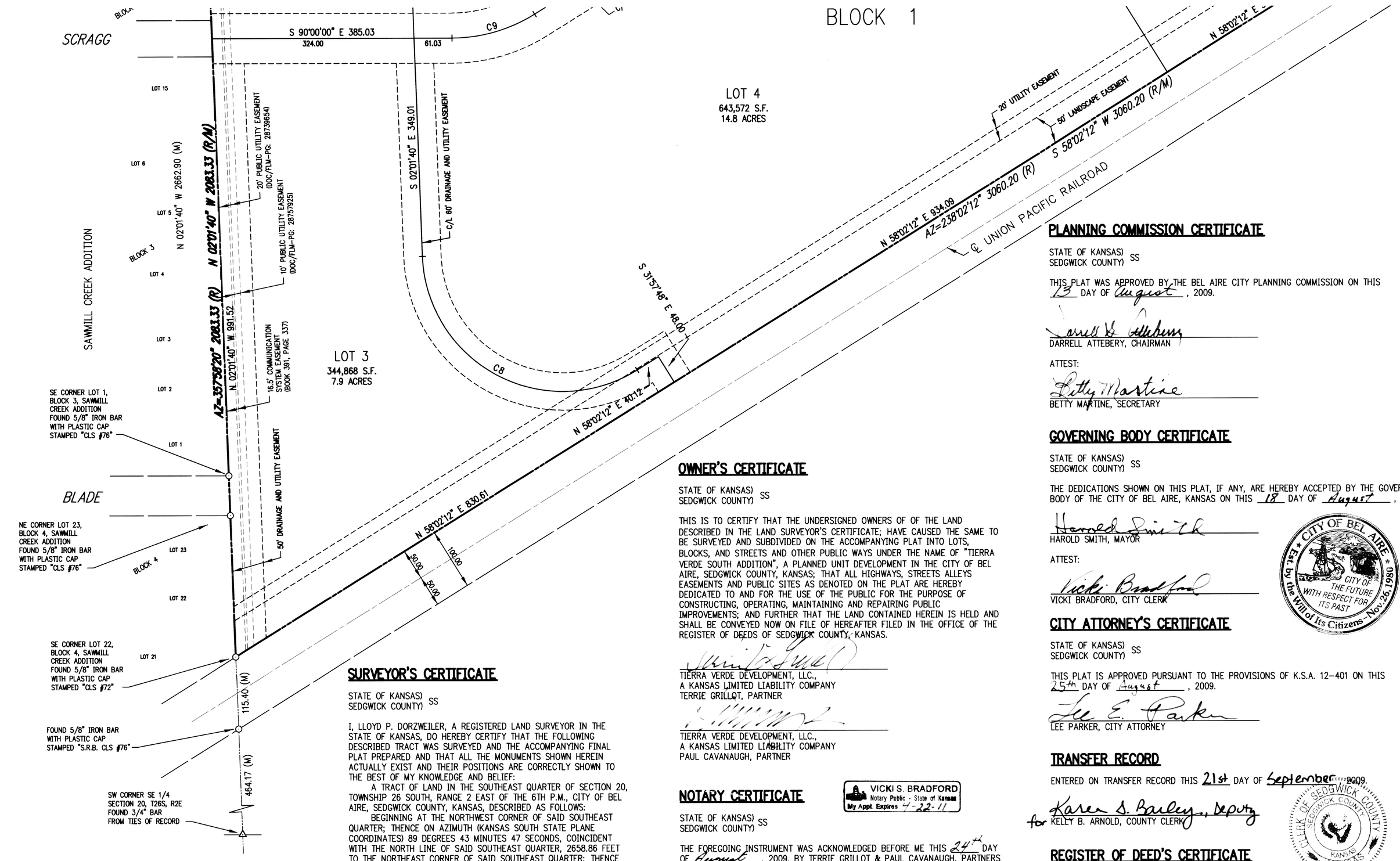
BENCHMARKS:

BM – CHISELED SQUARE IN THE NORTHWEST CORNER OF CONCRETE BASE OF THE WEST RAILROAD CROSSING SIGNAL POLE APPROXIMATELY 514.3 FEET SOUTH AND 32.9 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, T26S, R2E.
ELEVATION=1421.96 (NAVD88)

SBM–1 – CHISELED '+' IN NORTH RIM OF SANITARY SEWER MANHOLE APPROXIMATELY 20.7 FEET NORTH AND 20.4 FEET EAST OF THE SOUTHWEST CORNER OF TIERRA VERDE SOUTH ADDITION.
ELEVATION=1398.21 (NAVD88)

SBM–2 – CHISELED '+' IN SOUTH RIM OF SANITARY SEWER MANHOLE APPROXIMATELY 61.4 FEET NORTH AND 24.8 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, T26S, R2E.
ELEVATION=1400.06 (NAVD88)

SBM–3 – CHISELED '+' IN EAST RIM OF SANITARY SEWER MANHOLE APPROXIMATELY 64.2 FEET NORTH AND 243.3 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, T26S, R2E.
ELEVATION=1419.21 (NAVD88)



LEGEND & ABBREVIATIONS

△	Section subdivision corner found	AZ.	Azimuth
○	Survey monument found	N.	North
●	Set 1/2"x24" rebar with cap stamped "ALPHA CLS-1847"	S.	South
		E.	East
C.	Calculated	W.	West
R.	Record	S.F.	Square Feet
M.	Measured	°	Degrees
R/W	Right of Way	'	Feet or Minutes
		"	Inches or Seconds

OWNER'S CERTIFICATE

STATE OF KANSAS)
SEDGWICK COUNTY) SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNERS OF OF THE LAND DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE; HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED ON THE ACCOMPANYING PLAT INTO LOTS, BLOCKS, AND STREETS AND OTHER PUBLIC WAYS UNDER THE NAME OF "TIERRA VERDE SOUTH ADDITION", A PLANNED UNIT DEVELOPMENT IN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS; THAT ALL HIGHWAYS, STREETS ALLEYS EASEMENTS AND PUBLIC SITES AS DENOTED ON THE PLAT ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING PUBLIC IMPROVEMENTS; AND FURTHER THAT THE LAND CONTAINED HEREIN IS HELD AND SHALL BE CONVEYED NOW ON FILE OF HEREAFTER FILED IN THE OFFICE OF THE REGISTER OF DEEDS OF SEDGWICK COUNTY, KANSAS.

TIERRA VERDE DEVELOPMENT, LLC.,
A KANSAS LIMITED LIABILITY COMPANY
TERRIE GRILLOT, PARTNER

TIERRA VERDE DEVELOPMENT, LLC.,
A KANSAS LIMITED LIABILITY COMPANY
PAUL CAVANAUGH, PARTNER

NOTARY CERTIFICATE

STATE OF KANSAS)
SEDGWICK COUNTY) SS

VICKI S. BRADFORD
Notary Public - State of Kansas
My Appt. Expires 4-22-11

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 24th DAY OF August, 2009, BY TERRIE GRILLOT & PAUL CAVANAUGH, PARTNERS OF TIERRA VERDE DEVELOPMENT, A KANSAS LIMITED LIABILITY COMPANY.

Vicki S. Bradford, NOTARY PUBLIC

MY APP'T. EXPIRES 4-22-11.

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
SEDGWICK COUNTY) SS

I, LLOYD P. DORZWEILER, A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT THE FOLLOWING DESCRIBED TRACT WAS SURVEYED AND THE ACCOMPANYING FINAL PLAT PREPARED AND THAT ALL THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 26 SOUTH, RANGE 2 EAST OF THE 6TH P.M., CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AZIMUTH (KANSAS SOUTH STATE PLANE COORDINATES) 89 DEGREES 43 MINUTES 47 SECONDS, COINCIDENT WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, 2658.86 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AZIMUTH 178 DEGREES 39 MINUTES 32 SECONDS, COINCIDENT WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, 474.70 FEET TO THE NORTHERLY LINE OF THE UNION PACIFIC RAILROAD; THENCE ON AZIMUTH 238 DEGREES 02 MINUTES 12 SECONDS, COINCIDENT WITH SAID NORTHERLY LINE, 3060.20 FEET TO THE SOUTHEAST CORNER OF LOT 22, BLOCK 4, OF SAWMILL CREEK ADDITION; THENCE ON AZIMUTH 357 DEGREES 58 MINUTES 20 SECONDS, COINCIDENT WITH THE EAST LINE OF SAWMILL CREEK ADDITION, 2083.33 FEET TO THE POINT OF BEGINNING.

LLOYD P. DORZWEILER, LS #885
REGISTERED LAND SURVEYOR
LS-885
KANSAS
LAND SURVEYOR

_____, SURVEYOR
LLOYD P. DORZWEILER, LS #885

COUNTY SURVEYOR'S CERTIFICATE

REVIEWED IN ACCORDANCE WITH K.S.A. 58-2005 ON THIS ____ DAY OF _____, 2009, BY

TRICIA L. REED, L.S. #1246
DEPUTY COUNTY SURVEYOR
SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS PLAT WAS APPROVED BY THE BEL AIRE CITY PLANNING COMMISSION ON THIS 18 DAY OF August, 2009.

DARRELL ATTEBERY, CHAIRMAN

ATTEST:

BETTY MARTINE, SECRETARY

GOVERNING BODY CERTIFICATE

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THE DEDICATIONS SHOWN ON THIS PLAT, IF ANY, ARE HEREBY ACCEPTED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS ON THIS 18 DAY OF August, 2009.

HAROLD SMITH, MAYOR

ATTEST:

VICKI BRADFORD, CITY CLERK

CITY OF BEL AIRE
CITY OF THE FUTURE WITH RESPECT FOR ITS PAST
Est. 1954 • Incorporated by the Will of its Citizens • Nov. 16, 1960

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS PLAT IS APPROVED PURSUANT TO THE PROVISIONS OF K.S.A. 12-401 ON THIS 25th DAY OF August, 2009.

LEE PARKER, CITY ATTORNEY

TRANSFER RECORD

ENTERED ON TRANSFER RECORD THIS 21st DAY OF September, 2009.

for Karen S. Bailey, Deputy
KELLY B. ARNOLD, COUNTY CLERK

SEDGWICK COUNTY, KANSAS

REGISTER OF DEED'S CERTIFICATE

STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTRAR OF DEEDS OFFICE AT 10:11:50 O'CLOCK A M ON THIS 21st DAY OF September, 2009 AND IS DULY RECORDED.

BILL MEEK, REGISTER OF DEEDS

TONYA BUCKINGHAM, DEPUTY

Sedgwick County
Register of Deeds - Bill Meek
DOC#/FLM-PG: 29092138
Receipt #: 1728886
Pages Recorded: 2
Cashier Initials: AKB
Recording Fee: $40.00
Authorized By:

Date Recorded: 9/21/2009 10:11:50 AM

GENERAL PROVISIONS:

1. THIS AGREEMENT ESTABLISHES THE TERMS AND CONDITIONS FOR A PLANNED UNIT DEVELOPMENT ZONING DISTRICT. THE REQUIREMENTS CONTAINED IN THIS PUD ARE IN LIEU OF ANY REQUIREMENTS CONTAINED IN THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY AND COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PUD AGREEMENT SHALL BE DEEMED IN COMPLIANCE WITH THE CITY ZONING AND SUBDIVISION REGULATIONS OF THE CITY.
2. INSTALLATION OF ALL IMPROVEMENTS SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF ALL APPLICABLE FEDERAL, STATE AND LOCAL LEGISLATION, INCLUDING THE AMERICANS WITH DISABILITIES ACT. ALL INFRASTRUCTURE IMPROVEMENTS SHALL BE DETAILED ON A FINAL PLANNED UNIT DEVELOPMENT SITE PLAN, WHICH DELINEATES BUILDING LOCATIONS, AT THE TIME THE LOTS ARE DEVELOPED. SAID FINAL PLANNED UNIT DEVELOPMENT SITE PLAN (HEREIN THE "FINAL PUD SITE PLAN") SHALL BE APPROVED BY THE DEVELOPER AND BY THE CITY ENGINEER, ATTACHED HERETO AND MADE A PART HEREOF, AT THE TIME THE LOT IS DEVELOPED.
3. ALL ELECTRIC POWER, PARKING LOT LIGHTS, CABLE, STREET LIGHTS AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND. THE CITY SHALL APPROVE THE ENGINEERING DESIGN AND INSPECT ALL OF THE IMPROVEMENTS NECESSARY FOR THE DEVELOPMENT OF TIERRA VERDE SOUTH ADDITION. ALL PUBLIC IMPROVEMENTS SHALL BE DEDICATED TO AND OWNED AND MAINTAINED BY THE CITY AND SHALL BE INSTALLED ON CITY OWNED PROPERTY OR WITHIN RIGHT-OF-WAYS OR EASEMENTS.
4. THE DEVELOPER SHALL INSTALL ALL IMPROVEMENTS DELINEATED ON THE FINAL PUD SITE PLAN, SAID IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, STREETS, SIDEWALKS, WATER DISTRIBUTION SYSTEM, SANITARY SEWER SERVICE LINES, DETENTION PONDS, STORM WATER SEWER SYSTEM, DRIVEWAYS, LANDSCAPING, LIGHTING AND UTILITIES. THE DEVELOPER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY LIABILITY FROM DAMAGES THAT MAY OCCUR DURING CONSTRUCTION BY OR ON BEHALF OF THE DEVELOPER. THE DEVELOPER SHALL PAY ONE HUNDRED PERCENT (100%) OF THE COST OF ALL IMPROVEMENTS DELINEATED ON THE PUD SITE PLAN AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.
5. WHENEVER EXISTING SANITARY OR STORM WATER SEWERS, WATER LINES, DRAINAGE CHANNELS, CULVERTS, UNDERGROUND ELECTRIC, COMMUNICATIONS, GAS LINES, PIPE LINES OR TRANSMISSION LINES ARE REQUIRED TO BE INSTALLED, LOWERED, ENCASED, OR RELOCATED DUE TO THE LOT SPLIT OR CONSTRUCTION IMPROVEMENTS REQUIRED, AND IN THE EVENT THAT IT WAS NOT KNOWN AT THE TIME OF THE LOT SPLIT APPROVAL, THE DEVELOPER OF THE CONSTRUCTION IMPROVEMENTS SHALL PAY ONE HUNDRED PERCENT (100%) OF THE COST OF THE IMPROVEMENTS. THE DEVELOPER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY LIABILITY FROM DAMAGES THAT MAY OCCUR DURING CONSTRUCTION,
6. ALL EASEMENTS RECORDED ON THE FACE OF THE FINAL PLAT OF TIERRA VERDE SOUTH ADDITION, AN ADDITION TO BEL AIRE, KANSAS SHALL REMAIN IN EFFECT PURSUANT TO THIS PLANNED UNIT DEVELOPMENT AGREEMENT. THE SURFACE OF SUCH EASEMENTS MAY BE USED BY THE OWNER(S) FOR DRIVEWAYS, PARKING AND LANDSCAPING, AS DELINEATED ON THE FINAL PUD SITE PLAN. SAID IMPROVEMENTS WILL BE APPROVED DURING THE CONSTRUCTION PLAN REVIEW PHASE FOR EACH BUILDING AND/OR LOT DEVELOPMENT. SAID IMPROVEMENTS ARE SUBJECT TO REMOVAL FOR ACCESS TO UTILITIES AT OWNER'S EXPENSE.
7. THE DEVELOPER SHALL PREPARE A LANDSCAPE AND STORM DRAINAGE PLAN, WHICH SHALL ADDRESS THE EFFECT OF CHANGES TO THE NATURAL ENVIRONMENT AND INCREASED DRAINAGE. SAID LANDSCAPE AND STORM DRAINAGE PLAN SHALL BE APPROVED BY THE CITY ENGINEER, ATTACHED HERETO, AND MADE A PART HEREOF AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED. AFTER APPROVAL BY THE DEVELOPER AND THE CITY ENGINEER OF SAID LANDSCAPE AND STORM DRAINAGE PLAN, THE DEVELOPER SHALL INSTALL, OR CAUSE TO BE INSTALLED, THE IMPROVEMENTS PURSUANT TO THE SAID PLAN.
8. THE DEVELOPER SHALL PREPARE A SIGNAGE PLAN THAT SHALL INCLUDE ALL FREE STANDING AND BUILDING SIGNAGE, WHICH SHALL BE APPROVED BY THE CITY ADMINISTRATOR, ATTACHED HERETO AND MADE A PART HEREOF AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.
9. OUTDOOR LIGHTING SOURCES SHALL EMPLOY CUTOFF LUMINARIES TO MINIMIZE LIGHT TRESPASS AND GLARE, AND SHALL BE MOUNTED AT A HEIGHT NOT EXCEEDING ONE-HALF THE DISTANCE FROM THE NEIGHBORING LOTS, UNLESS EVIDENCE IS PROVIDED TO THE SATISFACTION OF THE ZONING ADMINISTRATOR THAT THE LIGHT SOURCE WILL BE AIMED OR SHIELDED SUCH THAT THE LIGHT SOURCE IS NOT VISIBLE FROM THE NEIGHBORING LOTS.
10. IF SCREENING EXISTS ON ANY SIDE OF A DEVELOPING PROPERTY LINE THAT MEETS OR EXCEEDS THE STANDARDS OF THE ZONING CODE, ADDITIONAL SCREENING SHALL NOT BE REQUIRED. HOWEVER, IF AT ANY TIME THE EXISTING SCREENING FAILS TO MEET THE REQUIREMENTS OF THE ZONING CODE, COMPLIANCE SHALL BE ATTAINED BY THE PROPERTY OWNERS OF THE LOT, IN THE PUD WHICH FAILS TO MEET THESE REQUIREMENTS.
11. THE DEVELOPER SHALL ENCLOSE OR CAUSE TO BE ENCLOSED ALL TRASH AND RECYCLING CONTAINERS AND SIMILAR EQUIPMENT AS SET FORTH IN THE FINAL PUD SITE PLAN AS APPROVED BY THE CITY ENGINEER AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.
12. IN ACCORDANCE WITH THE APPROVED FINAL PUD SITE PLAN, THE CITY SHALL REQUEST INSTALLATION OF NECESSARY STREET LIGHTS BY DEVELOPER'S CONTRACTOR AND THE DEVELOPER SHALL INSTALL PARKING LOT, BUILDING LIGHTING AND SECURITY FIXTURES AS PROVIDED IN THE FINAL PUD SITE PLAN.
13. ANY REQUIRED SANITARY SEWER MAINS REQUIRED TO BE INSTALLED IN ADDITION TO THOSE MENTIONED IN #4, WILL BE THE DEVELOPER'S RESPONSIBILITY TO CONTRACT, ENGINEER AND SHALL BE INSTALLED PER CITY STANDARDS. SAID NEW IMPROVEMENTS SHALL BE DEDICATED BY THE DEVELOPER TO THE CITY UPON APPROVAL BY THE CITY ENGINEER. THE COST OF ANY REQUIRED SANITARY SEWER MAINS SHALL BE PAID TO THE CITY AT THE TIME THE PERMIT IS APPROVED.
14. DEVELOPER SHALL CONSTRUCT A WATER SERVICE LINE TO EACH LOT. THE LOCATION OF SUCH TAP SHALL BE SHOWN ON THE FINAL PUD SITE PLAN AS APPROVED BY THE CITY ENGINEER.
15. NO DEMOLITION, SITE CLEARANCE OR CONSTRUCTION SHALL COMMENCE ON ANY PORTION OF THE TRACT OF LAND HEREIN REFERRED TO AS TIERRA VERDE SOUTH ADDITION, WITHOUT THE DEVELOPER, OR ITS DESIGNATED BUILDER, HAVING FIRST OBTAINED THE PROPER PERMITS FOR THE CITY. NO OCCUPANCY WILL BE ALLOWED OF ANY BUILDING ON SAID PROPERTY WITHOUT A VALID OCCUPANCY PERMIT FROM THE CITY.
16. A SPECIFIC PURPOSE OF THIS AGREEMENT IS TO ASSURE THAT NECESSARY IMPROVEMENTS ARE IN PLACE TO SUPPORT DEVELOPMENT OF THE LOTS OF LAND HEREIN REFERRED TO AS TIERRA VERDE SOUTH ADDITION. THEREFORE, THE DEVELOPER'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS AGREEMENT SHALL BE A CONDITION PRECEDENT TO THE GRANTING OF BUILDING AND/OR OCCUPANCY PERMITS FOR DEVELOPMENT ON SAID PROPERTY.
17. THE DEVELOPER SHALL FILE WITH THE SEDGWICK COUNTY REGISTER OF DEEDS AN EXECUTED COPY OF THIS AGREEMENT INCLUDING THE ATTACHMENTS OF THE FINAL PUD SITE PLAN, THE LANDSCAPE AND DRAINAGE PLAN AND THE SIGNAGE PLAN ALL AS APPROVED BY THE CITY OR GOVERNING BODY.
18. UPON FULL EXECUTION HEREOF AND UPON ATTACHMENT OF THE PUD SITE PLAN, THE LANDSCAPE PLAN, THE DRAINAGE PLAN, AND THE SIGNAGE PLAN, ALL APPROVED AS PROVIDED HEREIN AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED, THE TERMS AND CONDITIONS OF THIS AGREEMENT, AS SET FORTH HEREIN, SHALL BE BINDING UPON THE CITY AND THE DEVELOPER, THEIR SUCCESSORS, REPRESENTATIVES, TRUSTEES, AND ASSIGNS.

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-0012 FAX: (620) 728-0413

PC 216-10A

Section VI, Item C.

This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.

Bill Meek, Register of Deeds
Digitized rendition of original signature

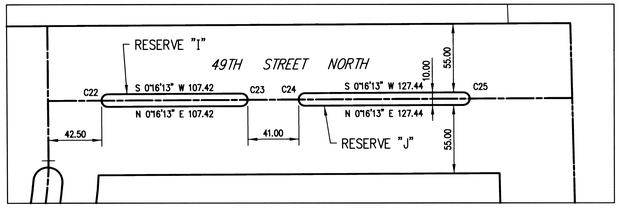
Inches

PC 216-10B

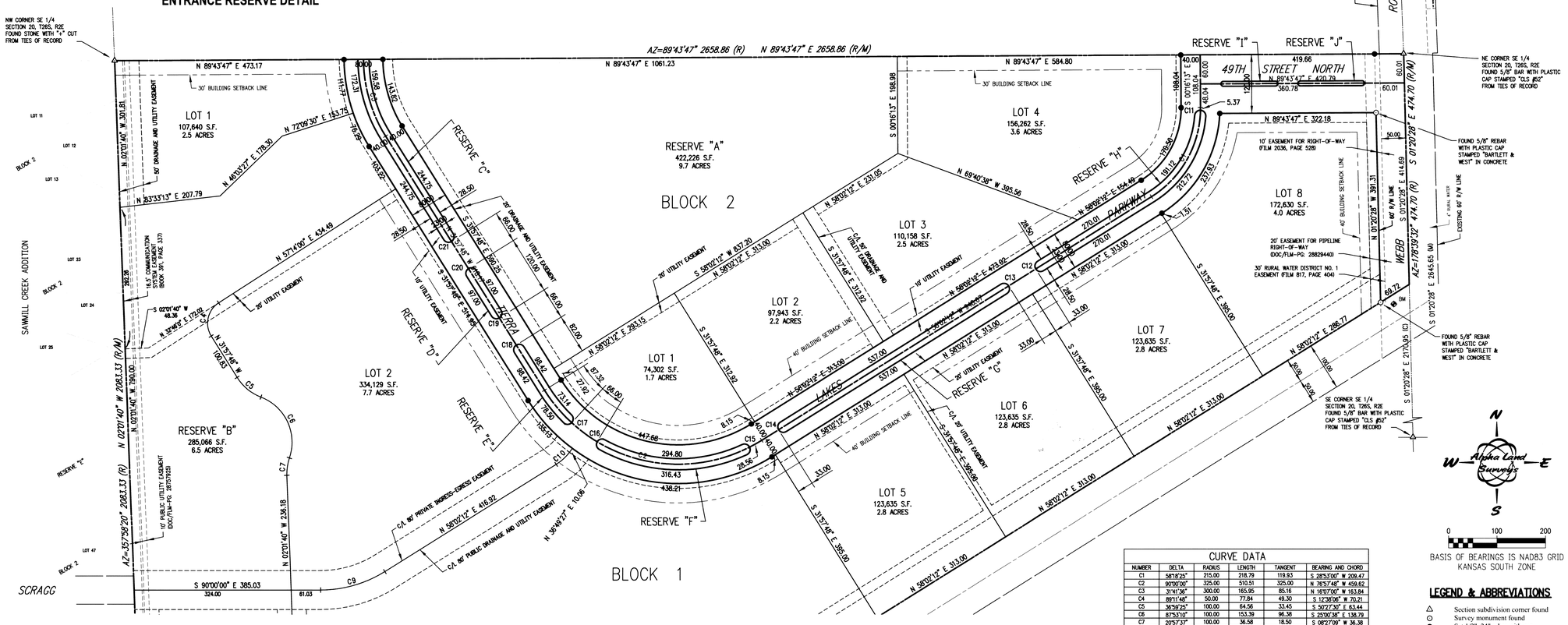
FINAL PLAT

TIERRA VERDE SOUTH ADDITION

A PLANNED UNIT DEVELOPMENT IN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS



ENTRANCE RESERVE DETAIL



BASIS OF BEARINGS IS NAD83 GRID KANSAS SOUTH ZONE

CURVE DATA

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	BEARING AND CHORD
C1	58°18'25"	215.00	218.79	119.93	S 28°53'00" W 209.47
C2	90°00'00"	325.00	510.51	325.00	N 76°57'48" W 459.62
C3	31°41'36"	300.00	165.95	85.16	N 16°07'00" W 163.84
C4	89°11'48"	50.00	77.84	49.30	S 13°38'06" W 70.21
C5	36°56'25"	100.00	64.56	33.45	S 50°27'30" E 63.44
C6	87°53'10"	100.00	153.39	96.38	S 25°00'38" E 138.79
C7	20°57'37"	100.00	36.58	18.50	S 09°27'09" W 36.38
C8	119°56'08"	225.00	470.99	389.21	S 61°59'44" E 389.59
C9	31°57'48"	250.00	139.47	71.60	N 74°01'06" E 137.66
C10	21°37'45"	100.00	37.02	18.73	N 47°25'49" E 36.81
C11	180°00'00"	11.50	36.13	INFINITE	S 85°46'28" E 23.00
C12	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C13	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C14	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C15	180°00'00"	11.50	36.13	INFINITE	S 24°54'00" E 23.00
C16	180°00'00"	11.50	36.13	INFINITE	S 28°58'43" W 23.00
C17	180°00'00"	11.50	36.13	INFINITE	S 44°40'01" W 23.00
C18	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C19	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C20	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C21	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C22	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C23	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C24	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C25	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00

LEGEND & ABBREVIATIONS

- △ Section subdivision corner found
- ○ Survey monument found
- ● Set 1/2"x24" rebar with cap stamped "ALPHA CLS-184"
- C. Calculated
- R. Record
- M. Measured
- R/W Right of Way
- AZ. Azimuth
- N. North
- S. South
- E. East
- W. West
- S.F. Square Feet
- ° Degrees
- ' Feet or Minutes
- " Inches or Seconds

RESERVE NOTES:

RESERVES A AND B ARE PLATTED FOR A LAKE, DRAINAGE, SIDEWALKS, MONUMENTS, LANDSCAPING, IRRIGATION, OPEN SPACE AND BERMING.
RESERVES C, D, E, F, G, H, I AND J ARE PLATTED FOR MONUMENTS, LANDSCAPING, IRRIGATION AND OPEN SPACE.

THE RESERVES SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS OR HOME OWNER'S ASSOCIATION.

THE STREETS ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC.

A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT AND ALL DRAINAGE EASEMENTS, RIGHT-OF-WAY AND RESERVES SHALL REMAIN AT ESTABLISHED GRADES OR AS MODIFIED WITH THE APPROVAL OF THE APPLICABLE CITY OR COUNTY ENGINEER AND UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER.

LEED DESIGN CRITERIA:

1. IT IS THE INTENT OF THE DEVELOPER(S) FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED ND (NEIGHBORHOOD DEVELOPMENT) RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW TEAM TO ENSURE SITE PROJECTS CONFORM TO THE LEED ND DESIGN PRINCIPLES. THE FOLLOWING LEED ND DESIGN ITEMS SHALL BE APPLIED TO ALL DEVELOPMENT WITHIN THE PUD.
   - A. THE POSTED SPEED LIMIT FOR RESIDENTIAL AREAS WITHIN THE DEVELOPMENT SHALL BE A MAXIMUM OF 20 MPH.
   - B. THE POSTED SPEED LIMIT FOR ALL NON-RESIDENTIAL AREAS OR MIXED USE AREAS SHALL BE 25 MPH.
   - C. MINIMUM 4' WIDE SIDEWALKS SHALL BE REQUIRED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY WITH THE OUTSIDE EDGE OF THE SIDEWALK BEING PARALLEL TO AND ADJACENT TO THE RIGHT-OF-WAY LINE.
   - D. NO VEHICULAR PARKING IS ALLOWED WITHIN THE STREET RIGHT-OF-WAY.
   - E. ALL STREETS AND PEDESTRIAN SIDEWALKS OR OTHER PATHWAYS OF TRAVEL ARE AVAILABLE FOR GENERAL PUBLIC USE AND SHALL NOT BE GATED.

CLOSURE COMPUTATION:

N: 1718280.17 E: 1677935.82
LINE COURSE: AZ=89°43'47" LENGTH: 2658.86
N: 1718292.71 E: 1680594.65
LINE COURSE: AZ=178°39'32" LENGTH: 474.70
N: 1717818.14 E: 1680605.76
LINE COURSE: AZ=238°02'12" LENGTH: 3060.20
N: 1716198.15 E: 1678009.53
LINE COURSE: AZ=357°58'20" LENGTH: 2083.33
N: 1718280.17 E: 1677935.81

AREA: 77.901 ACRES 3,393,368 S.F.
PERIMETER: 8277.09
ERROR OF CLOSURE: 0.0100
ERROR OF CLOSURE COURSE: AZ=44°19'10"
ERROR NORTH: 0.0000 ERROR EAST : -0.0100
PRECISION 1 : 827826

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-0012 FAX: (620) 728-0413

PC 216-10B

This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.
Bill Meek, Register of Deeds
Digitized rendition of original signature

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, and NORTH WEBB, LLC, a Kansas Limited Liability Company, hereinafter collectively referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this _____ day of _____, 2024.

ME ENTERPRISES IV, LLC, DEVELOPER

_____
MASOUD ETEZAZI, MEMBER

NORTH WEBB, LLC, DEVELOPER

_____
P. JOHN ECK, MANAGER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2024.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF _____) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____

procedures. A final PUD must contain: PUD-23

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

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☐ Change Zoning Districts: From: _____ to Add R-5 & R-6

☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Addition PUD to include R-6

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☐ Final PUD ☐ Final PUD with plat/ zoning

H:\zoning forms\PUDAPPLICATION.doc1/9/06

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner ME Enterprises IV, LLC (Masoud Etezazi)

Address 2101 E. 21st St N, Wichita, KS 67214 Telephone _____

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

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

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

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
   Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

   Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
   Address 315 Ellis St, Wichita, KS Zip Code 67211

2. Applicant City of Bel Aire (Land Bank) Phone
   Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

   Agent Baughman Company, PA 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.

BAUGHMAN COMPANY, PA

x _____ BY _____

Applicant's Signature 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.

H:\zoning forms\PUDAPPLICATION.doc1/9/06

BAUGHMAN

BETTER BY [DESIGN]

TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

315 ELLIS | WICHITA, KS 67211 [BaughmanCo.com] [P] 316.262.7271 [F] 316.262.0149

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 AND Reserve A **Part of Subject Property**	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B **Part of Subject Property**	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin **Part of Subject Property**	"	City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226

That part of Lot 2, Blk 1, comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin **Part of Subject Property**	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves C, D, E, F, G, H, I, & J **Part of Subject Property**	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20-26-2E; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Capital Corporation 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclus, Blk 2 AND Lots 22 thru 26 inclus, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Steven L. & Amy K. Renn 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	"	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	"	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Lot 4, Blk 3	"	Vision Homes Investments, Inc. 8722 E. Blade Ct. Wichita, KS 67226
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	"	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	"	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	"	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	"	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215
Lot 24, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lot 25, Blk 1	"	Artistic Builders, LLC 11000 Fremont Circle Mulvane, KS 67110

Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14 thru 25 inclus, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of March, 2023, at 7:00 A.M.

Security 1st Title, LLC

By: JoAnn Childers
Licensed Abstracter

Order: OE002489
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 7th day of December, 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 7th day of December, 2023.

Lisa K Strunk

Notary Public

My commission expires _____.

Additional copies $ _____

Printer's fee $ _____

Lisa K Strunk NOTARY PUBLIC COMMISSION EXPIRES 4/24/27 State of Kansas

Bel Aire public notice

(Published in The Ark Valley News Dec. 7, 2023.)

OFFICIAL NOTICE OF A ZONING CODE HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on December 14, 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 _30th_ day of November, 2023

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

City of Bel Aire

STAFF REPORT

DATE: 01/05/2024

TO: Bel Aire Planning Commission
FROM: Keith Price
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	1/11/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-23-04. (formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

Tierra Verde started as a concept plan dividing the commercial uses from the residential use with the north addition for housing and the south addition for commercial uses in 2009 master plan concept.

Groundbreaking for the Concierge Surgical Recovery Suites & Wellness Center--Phase I of The Healing Center at Tierra Verde was Friday, May 31, 2013. During the first building project, the project was in foreclosure, due in part by the untimely death of Dr. George Watson.

The current business in the completed building was established in 2018 with the city on the portion of lot 4, in block 1. The majority of ground hasn't been developed in the south addition; the current plat was filed 9/21/09; that is almost 14 years without using the infrastructure installed within the development.

This PUD was in front of the planning commission May 11, 2023. Sawmill Creek a Wichita development in Wichita had speakers voice concerns. Through streets at Blade or Scragg Streets, elevated crime rate, Multi-family housing were the concerns listed in the minutes. Motion made and approved at the time.

Motion: Commissioner Jordan made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. Commissioner Floyd seconded the motion. ***Motion Carried 5-0.***

Minutes from the January 11, 2024 Planning Commission Meeting

PUD-23-02 - Amending Zoning Districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning. Chairman Schmidt opened the hearing.

City Attorney, Maria Schrock shared that this has already been approved by the Planning Commission, nothing about the design, site plan or anything regarding those facts have changed. The only thing that has changed that the original application only had one signature, now today there are two signatures. The reason there are now

two signatures is because there are two owners involved. The last time this was seen by the Planning Commission, it had a legal description specific lot in it, which had a different owner and their signature was missing. Today the application has a signature from all lot owners.

Representing agent for Baughman Company, Phil Meyer was present to discuss the amending zoning districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning. Phil is agreeance with Maria on her findings. Also present was Basem Krichati, owner and broker with Superior Reality who owns the parcel development to the north, Basem shared that he is opposed to have apartments next to his lots.

Chairman Schmidt recommended to Phil Myer and Basem Krichati to step aside to have further discussion for clarification on location and we will come back to this after the next item on the agenda.

Chairman Schmidt Closed the hearing at this time.

Action: Commissioner Jordan made a motion to table until we review item B first and come back to item A. Commissioner Charleston seconded the motion. Motion Carried 6-0

Chairman Schmidt re-opened the hearing for PUD-23-02 from “Old Business/New Business”.

Representing agent for Baughman Company, Phil Meyer, still present. Phil Meyer has agreed to not place apartments on Reserve A.

Chairman Schmidt closed the hearing.

Commissioner Salazar mentioned that he appreciated the developer taking onto account the opinions of the neighbors. Commissioner Charleston stated that he agreed with Commissioner Salazar regarding the opinion of the neighbors. Commissioner Faber stated that he agrees that they had communication with the surrounding neighbors and it seems to fit with nearby zoning uses, especially with the step down zoning. Commissioner Matzek stated that they met the recommendations from staff. Commissioner Jordan stated that it seems suitable for the property and Chairman Schmidt agreed with Jordan.

Motion: Chairman Schmidt made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with changes with the amendments that Reserve A, Block 2 is excluded from R-6 uses. Commissioner Jordan seconded. **Motion Carried 6-0**

Discussion:

New housing is needed within Sedgwick County, there are studies to indicate that is true. Bel Aire's Master Growth Plan that was adopted indicates that is a prime objective for land once owned by the city. Table 1.2 indicates that two steps from local commercial/mixed use would be multi-family uses and allowable. Figure 3.3 describing multi-family acres in 2018 as just under 12 is antiquated with the recent platting and building. The master growth plan indicated 917 acres would be for housing of the 2,267 acres. That is 40% of the total acres available from that point in time. Many of the commercial areas already designated wouldn't be suitable for housing at this moment. Based on the land approved to date for housing since 2018 would be +/-50% of that total.
To follow the LEED design and air space concerns related to green building construction methods and quality of housing to reduce noises would be good to consider.

A good street appeal variation from recent duplex areas would help build a neighborhood branding or identifier.

Conclusion:

Recommends approval of the project with the conditions once understanding of the scope of the project is determined. An Ordinance will need to be created to contain the PUD revisions. Replating, if needed or required, would reflect these changes as well.

Staff would like to update the official zoning map annually to match changes made with zoning he throughout the year by the governing body as a codification process. This would mean that a zoning code update related to districts, new districts, new or changed boundaries would still come back to planning commission, all approved changes would be incorporated in the newly dated official zoning map.

The request motion should include updating the city official zoning map to reflect as present and any of the recently approved zoning ordinance changes. The added request is to allow updating the official map with the Bel Aire code codifications to reflect only zoning districts that have been approved by the governing body prior to the codification process.

Below is the city zoning code section revision by the 2023 codification listed on the city web site related to the city zoning map:

PUD -23-04
revised 12-

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

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

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 6751 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

☐ Change Zoning Districts: From: _____ to_____

☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Add. PUD to include R-5 and R-6

☐ Preliminary PUD_____ ☐ Preliminary PUD with plat/ zoning

☐ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

_____

_____

_____

City of Bel Aire Council

☐ Approved ☐ Rejected

_____

_____

_____

Name of owner ME Enterprises, LLC -and- North Webb, LLC

Address ME Enterprises, LLC, 2101 E. 21st St, Wichita, KS 67214
North Webb, LLC, PO Box 377, Attica, KS 67009 Telephone _____

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

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

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

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
   Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

   Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
   Address 315 Ellis St, Wichita, KS Zip Code 67211

2. Applicant North Webb, LLC Phone
   Address PO Box 377, Attica, KS Zip Code 67009-0377

   Agent Baughman Company, PA Phone
   Address same as above Zip Code

3. Applicant City of Bel Aire (Land Bank) possible Reserve A ownership
   Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

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.

BAUGHMAN COMPANY, PA

x _____ BY _____

Applicant's Signature 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.

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.

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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.

North Webb LLC

x P. DeBoer Mgr Member BY

Applicant's Signature

BAUGHMAN COMPANY, PA

Philip A Meyer

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.

BAUGHMAN

BETTER BY [DESIGN]

TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

315 ELLIS | WICHITA, KS 67211 [BaughmanCo.com] [P] 316.262.7271 [F] 316.262.0149

REQUEST FOR PUD AMENDMENT CLARIFICATION

This case is being filed to correct an ownership issue that occurred in the application process with the City of Bel Aire in April, 2023 (See PUD-23-02). The Applicants are not seeking to modify or make any additional changes to the PUD from that approved by the Planning Commission and City Council within the previously mentioned Application.

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30051498
Receipt #: 2230432 Recording Fee: $21.00
Pages Recorded: 1
Cashier: jcrawfor Authorized By: Tonya Buckingham
Date Recorded: 04/19/2021 01:25:01 PM

CLEAR TITLE **Scrivener's Affidavit** **FILE NUMBER T2102059**

NAME OF DOCUMENT & DATE: Warranty Deed dated March 12, 2021

GRANTOR: City of Bel Aire

GRANTEE: ME Enterprises IV, LLC, a Limited Liability Company

GRANTEE MAILING ADDRESS: 2101 East 21st St North, Wichita, KS 67214

LEGAL DESCRIPTION: Reserve A, Block 2, TIERRA VERDE SOUTH ADDITION, a Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas.

RE: Warranty Deed dated March 12, 2021 and recorded on March 18, 2021 at 08:39:48 am in Document Number: 30041652; Receipt #: 2223922 in the Sedgwick County, Kansas Recorder of Deeds.

****This Affidavit is being recorded to correct part of the previously recorded Warranty Deed:**
The original Warranty Deed had the Grantee listed as City of Bel Aire. This re-recording is being done to correct the name to show as City of Bel Aire, **Land Bank**.

IN WITNESS WHEREOF, Affiant has hereunto set his/her hand this 19 day of April, 2021.

Brett R. Hart
Signature

Brett R. Hart
Printed Name of Affiant

STATE OF Kansas) ss.
COUNTY OF Johnson)

On this 19 day of April 2021 before me appeared, Brett R. Hart Affiant, as Representative of Clear Title, to me personally known and upon being duly sworn under oath stated that he/she is authorized to execute the document herein, and acknowledged that he/she executed the same at his/her free will. He/She did say the following statements are true and correct to the best of his/her knowledge and belief: that the Warranty Deed is to be corrected as listed above.

Subscribed and sworn to before me this 19 day of April, 2021.

Brooke McBride
Signature

Brooke McBride
Notary Printed Name:

STATE OF KANSAS NOTARY PUBLIC
BROOKE MCBRIDE
My Appointment Expires
December 4, 2023

Bel Aire public notice

(Published in The Ark Valley News Dec. 21, 2023.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on January 11, 2024, the City of Bel Aire Planning Commission will consider the following PUD revision to existing document changes hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-23-04. Proposed document changes within the current PUD to allow multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres. Formerly, case number PUD-23-02.

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

General Location: ½ mile north of 45th on the west side of Webb Road.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. Sub- Division regulations 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 _15_____ day of December, 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 21st day of December, 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 21st day of December, 2023.

Notary Public

My commission expires _____.

Additional copies $ _____

Printer's fee $ _____

LISA K SUTTON NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas

Security 1st Title

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 **Part of Subject Property**	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B **Part of Subject Property**	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin **Part of Subject Property**	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226

Security 1st Title

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin **Part of Subject Property**	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves A, C, D, E, F, G, H, I, & J **Part of Subject Property**	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at NW corner of SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		Bryant Family Trust R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments #11, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect. 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin	"	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Security 1st Title

Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Investments, LLC (Prior–WAM Capital Corporation) 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclusive, Blk 2 AND Lots 22 thru 26 inclusive, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Benjamin J. & Jennifer R. Fisher 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	"	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	"	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Security 1st Title

Lot 4, Blk 3	"	Vision Homes Investments, Inc. PO Box 224 Colwich, KS 67030
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	"	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	"	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	"	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	"	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215

Security 1st Title

Lots 24 & 25, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14, 15, & 16, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 17, 18, & 19, Blk D AND Lot 20, EXC the W 1.20' thereof, Blk D AND Lot 21, & the W 1.20' of Lot 20, Blk D AND Lot 22, & the E 2.80' of Lot 23, Blk D AND Lot 23, EXC the E 2.80' thereof; & The E 4.30' of Lot 24, Blk D AND Lot 24, EXC the E 4.30' thereof; & The E 3' of Lot 25, Blk D AND Lot 25, EXC the E 3' thereof, Blk D	"	Superior Homes, LP 3500 N. Rock Rd., Bldg. 1600 Wichita, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

Security 1st Title

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of November, 2023, at 7:00 A.M.

SECURITY 1ST TITLE

By: _____

LICENSED ABSTRACTER

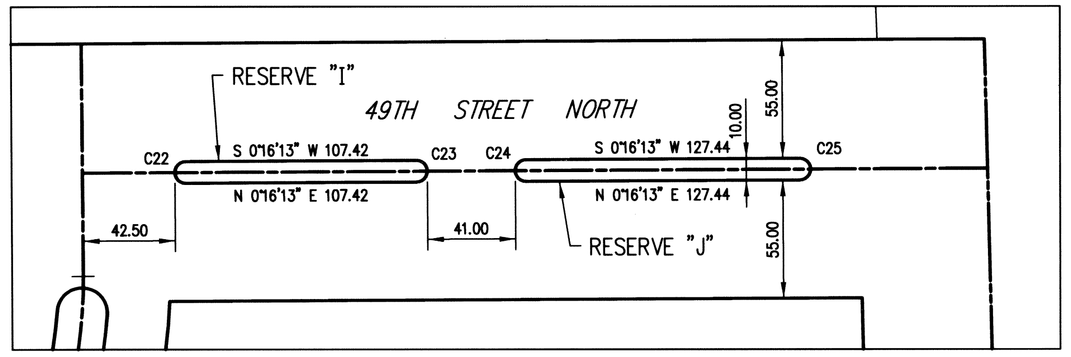
Order: OE008635
KJK

PC 216-10B

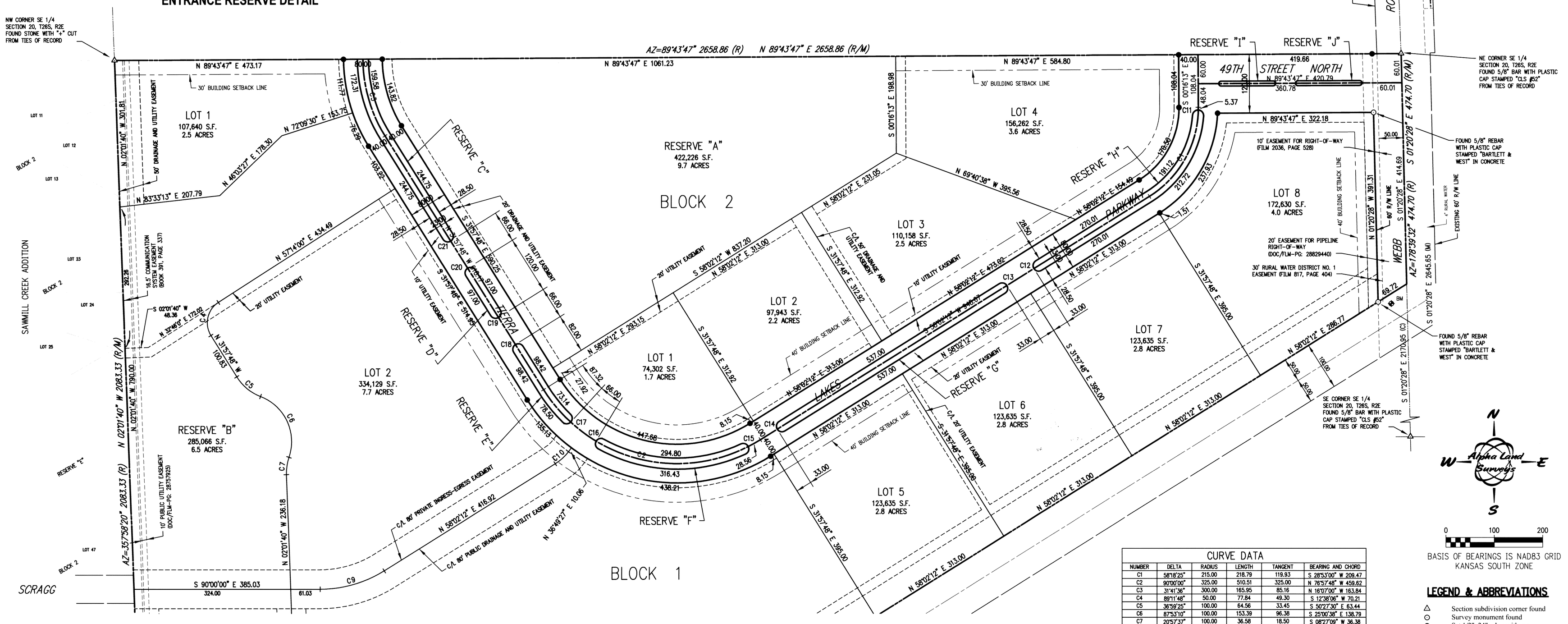
FINAL PLAT

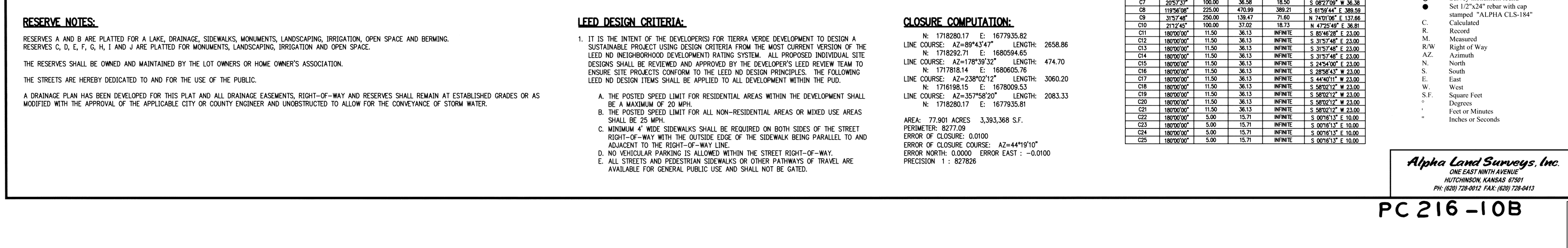
TIERRA VERDE SOUTH ADDITION

A PLANNED UNIT DEVELOPMENT IN THE
CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS
PAGE 1 OF 2



ENTRANCE RESERVE DETAIL





BASIS OF BEARINGS IS NAD83 GRID KANSAS SOUTH ZONE

CURVE DATA

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	BEARING AND CHORD
C1	58°18'25"	215.00	218.79	119.93	S 28°53'00" W 209.47
C2	90°00'00"	325.00	510.51	325.00	N 76°57'48" W 459.62
C3	31°41'36"	300.00	165.95	85.16	N 16°07'00" W 163.84
C4	89°11'48"	50.00	77.84	49.30	S 13°38'06" W 70.21
C5	36°58'25"	100.00	64.56	33.45	S 50°27'30" E 63.44
C6	87°53'10"	100.00	153.39	96.38	S 25°00'38" E 138.79
C7	20°57'37"	100.00	36.58	18.50	S 08°27'09" W 36.38
C8	119°56'08"	225.00	470.99	389.21	S 61°59'44" E 389.59
C9	31°57'48"	250.00	139.47	71.60	N 74°01'06" E 137.66
C10	21°27'45"	100.00	37.02	18.73	N 47°25'49" E 36.81
C11	180°00'00"	11.50	36.13	INFINITE	S 85°46'28" E 23.00
C12	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C13	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C14	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C15	180°00'00"	11.50	36.13	INFINITE	S 24°54'00" E 23.00
C16	180°00'00"	11.50	36.13	INFINITE	S 28°58'43" W 23.00
C17	180°00'00"	11.50	36.13	INFINITE	S 44°40'01" W 23.00
C18	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C19	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C20	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C21	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C22	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C23	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C24	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C25	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00

RESERVE NOTES:

RESERVES A AND B ARE PLATTED FOR A LAKE, DRAINAGE, SIDEWALKS, MONUMENTS, LANDSCAPING, IRRIGATION, OPEN SPACE AND BERMING.
RESERVES C, D, E, F, G, H, I AND J ARE PLATTED FOR MONUMENTS, LANDSCAPING, IRRIGATION AND OPEN SPACE.

THE RESERVES SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS OR HOME OWNER'S ASSOCIATION.

THE STREETS ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC.

A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT AND ALL DRAINAGE EASEMENTS, RIGHT-OF-WAY AND RESERVES SHALL REMAIN AT ESTABLISHED GRADES OR AS MODIFIED WITH THE APPROVAL OF THE APPLICABLE CITY OR COUNTY ENGINEER AND UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER.

LEED DESIGN CRITERIA:

1. IT IS THE INTENT OF THE DEVELOPER(S) FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED ND (NEIGHBORHOOD DEVELOPMENT) RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW TEAM TO ENSURE SITE PROJECTS CONFORM TO THE LEED ND DESIGN PRINCIPLES. THE FOLLOWING LEED ND DESIGN ITEMS SHALL BE APPLIED TO ALL DEVELOPMENT WITHIN THE PUD.
   A. THE POSTED SPEED LIMIT FOR RESIDENTIAL AREAS WITHIN THE DEVELOPMENT SHALL BE A MAXIMUM OF 20 MPH.
   B. THE POSTED SPEED LIMIT FOR ALL NON-RESIDENTIAL AREAS OR MIXED USE AREAS SHALL BE 25 MPH.
   C. MINIMUM 4' WIDE SIDEWALKS SHALL BE REQUIRED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY WITH THE OUTSIDE EDGE OF THE SIDEWALK BEING PARALLEL TO AND ADJACENT TO THE RIGHT-OF-WAY LINE.
   D. NO VEHICULAR PARKING IS ALLOWED WITHIN THE STREET RIGHT-OF-WAY.
   E. ALL STREETS AND PEDESTRIAN SIDEWALKS OR OTHER PATHWAYS OF TRAVEL ARE AVAILABLE FOR GENERAL PUBLIC USE AND SHALL NOT BE GATED.

CLOSURE COMPUTATION:

N: 1718280.17 E: 1677935.82
LINE COURSE: AZ=89°43'47" LENGTH: 2658.86
N: 1718292.71 E: 1680594.65
LINE COURSE: AZ=178°39'32" LENGTH: 474.70
N: 1717818.14 E: 1680605.76
LINE COURSE: AZ=238°02'12" LENGTH: 3060.20
N: 1716198.15 E: 1678009.53
LINE COURSE: AZ=357°58'20" LENGTH: 2083.33
N: 1718280.17 E: 1677935.81

AREA: 77.901 ACRES 3,393,368 S.F.
PERIMETER: 8277.09
ERROR OF CLOSURE: 0.0100
ERROR OF CLOSURE COURSE: AZ=44°19'10"
ERROR NORTH: 0.0000 ERROR EAST : -0.0100
PRECISION 1 : 827826

LEGEND & ABBREVIATIONS

- △ Section subdivision corner found
- ○ Survey monument found
- ● Set 1/2"x24" rebar with cap stamped "ALPHA CLS-1847"
- C. Calculated
- R. Record
- M. Measured
- R/W Right of Way
- AZ. Azimuth
- N. North
- S. South
- E. East
- W. West
- S.F. Square Feet
- ° Degrees
- ' Feet or Minutes
- " Inches or Seconds

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-0012 FAX: (620) 728-0413

PC 216-10B

This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.
Bill Meek, Register of Deeds
Digitized rendition of original signature

Inches

Section VI, Item C.

(Published in *The Ark Valley News* on _____)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. _____

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

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. PUD-23-04; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. PUD-23-04 on January 11, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission and approves changing the zoning classifications allowed in the Tierra Verde South Addition PUD to include R-5 and R-6 zoning, with the condition that R-6 zoning uses are excluded from Lot 3, Block 1 and Reserve A, Block 2.

Legal Description

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

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

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

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas this _____ day of February 20, 2024.

CITY OF BEL AIRE, KANSAS

[seal]

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

MANAGERS REPORT

DATE: April 2, 2024

TO: Mayor Benage and City Council

FROM: Ted Henry, Assistant City Manager

RE: March 28, 2024 Agenda

Consent Agenda (Item VI)

In addition to the Minutes of the March 19, 2024 City Council meeting, the Consent Agenda also contains an action to accept and file a Termination and Release of Real Estate Exchange Agreement between the Bel Aire Public Building Commission (PBC) and Willowrock Properties, LLC.

In 2011, the PBC owned the northeast corner of 53rd and Webb which is in Phase 2 of the Sunflower Commerce Park. At that time, there was no development north of 53rd and the land was being farmed. Kevin Arnel (DBA Willowrock Properties, LLC) owned the 80 acres where Deer Run is now being developed. Utilities were at the Arnel property and the area was prime for residential development. Development of the parcel in Phase 2 of the Sunflower Commerce Park is just now seeing interest. In order to utilize the public infrastructure in 2011, the PBC traded Arnel the 80 acres at Webb & 53rd for the parcel now privately owned and being developed as Deer Run. There is a developer now interested in purchasing the Willowrock Properties parcel and would like the Real Estate Exchange Agreement between the PBC and Willowrock removed from the deed. The PBC will meet shortly before the City Council meeting to consider this document. If the PBC approves the document, the only action requested of the City Council is to accept and file the document.

Appropriations Ordinance (Item VII)

This appropriations ordinance encompasses 03/12/2024 through 03/26/2024 expenses and two payroll cycles. Expenditure amounted to $1,040,810.35. Of the reported expenses, $339,306.44 are infrastructure costs for new developments. These costs are paid through special assessments.

City Requested Appearances (Item VIII)

There are three items under City Requested Appearances. First, I will take the Oath of Office for my new role as City Manager. Then, the Mayor would like to recognize Gary Northwall, who has recently ended his long-time service on the Tree Board. Finally, he would like to recognize Tristin Terhune, Director of Human Resources and Communications, who has recently accepted a new position with the City of Maize.

Public Hearing for IRB Issuance, Waltons 53rd Holdings, LLC (Item XI)

At the March 19th meeting, the Council approved a Letter of Intent to issue Taxable Industrial Revenue Bonds for Waltons 53rd Holdings LLC. A Notice of Public Hearing was published in the City's official newspaper of record and Notice was mailed to local taxing entities (Circle School District and the Sedgwick County Clerk), per State statute requirements. Now, the Council will conduct the public hearing. The purpose of the public hearing is to hear from taxpayers, citizens, and other stakeholders regarding the proposed issuance of the bonds. Later in the meeting, the Council will consider the Resolution of Intent to issue the bonds.

IRB Resolution, Waltons 53rd Holdings, LLC (Item A)

A related Public Hearing will be held directly before this item. If the Resolution is approved, the bonds will be used to pay the costs of acquiring, equipping and constructing a 100,000-square-foot commercial facility. The City further intends to lease the facility to Waltons 53rd Holdings LLC (the "Tenant"). The company provides equipment and supplies for meat processing. The facility would be located on Lot 8, Block C of the Sunflower Commerce Park Addition (just south of 53rd Street, between Webb Road and Greenwich Road).

LOI to Issue IRB's & Notice of Hearing, Aspen Funds, LLC (Items B & C)

Aspen Funds LLC is planning to develop a speculative building project on 75 acres located at the northeast corner of 53rd Street and Webb Road in the City of Bel Aire. The proposal involves an investment of $105 million to finance the construction of five buildings, covering a total of 912,925 square feet. This development is expected to generate approximately 609 jobs with an average salary of $44,000. The project is slated to begin with the construction of Building 1, estimated to cost $23 million, with market demand assessments guiding the timeline for the remaining buildings. The completion of all five buildings is anticipated by the end of the fourth quarter of 2034.

To support this initiative, Aspen Funds has applied for Industrial Revenue Bonds (IRBs), seeking property tax abatement and sales tax exemptions. An agreement has been finalized for a 100% property tax exemption for the first five years and a

75% exemption for the subsequent five years, in addition to a 1% origination fee, capped at $100,000.

Two cost-benefit analyses conducted by the Wichita State University Center for Economic Development and Business Research have yielded favorable outcomes, with ratios of 1.34 for Building 1 and 1.38 for all five buildings, demonstrating that public benefits surpass costs. Based on these positive findings and the anticipated community benefits, city staff recommends scheduling a public hearing on April 16, 2024, to further discuss and consider the proposal. The Developer will be at the meeting to explain the project. Kevin Cowan and staff will be available for questions.

Amended PUD, Tierra Verde South Addition (Item D)

The Ordinance adopting this Amended Planned Unit Development (PUD) was approved by City Council in February. Now the Developer is ready to sign the Agreement included in your packet. The agreement outlines the responsibilities of the Developer and City during and after construction of the development. Staff recommends Council approve the agreement.

Traffic signal at 45th and Woodlawn (Item E)

The traffic signal at 45th and Woodlawn is currently flashing red in all four directions. Council members and citizens have expressed the desire to turn this into a fully functioning signal. Staff reached out to Pearson to determine what is needed to fully activate the traffic signal at 45th and Woodlawn. Pearson questioned whether we wanted the signal on pre-timed cycles, or permanently stripe the intersection and utilize detection to determine when to change the signal. Any permanent striping south of the intersection will likely need to be removed or blacked out when the reconstruction of Woodlawn begins. At the time of this report, we are still waiting on costs from Pearson, but they are estimated to be under $5,000.

Urgent Sewer Pipe Repair, Odessa Street (Item F)

Late last week, Public Works was called out for a sewer backup and could not resolve the problem. Mayer Specialty was called out for an emergency to clean and televise the line. The 8” clay pipe was determined to be full of roots and have several misaligned joints of pipe causing the sewer to hold water and material causing it not to drain properly. This 140-foot sewer line was installed around 1952 and staff feels needs to be replaced immediately. Marty is here to answer any questions.

Executive Session (Item XIII)
Staff has no need for an executive session.

Discussion And Future Issues: Workshop April 9th (Item XIV)
The next City Council workshop will be held on April 9th at 6:30 p.m.

AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, and NORTH WEBB, LLC, a Kansas Limited Liability Company, hereinafter collectively referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

WHEREAS, the Developer desires zoning by a PUD from the City on a portion of land more fully described below and herein referred to as TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Developer and the City agree as follows:

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, and Reserve A, Block 2, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplexes
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-cares
- Schools
- Leasing offices
- Playgrounds or community spaces.
- Accessory structures as approved by the City Manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as defined in the current City Code Neighborhood Commercial, Office Retail
- C-2 uses require a PUD amendment unless approved with the Master Plan for this development

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

Reserves A-J shall be reserved for entry monuments, landscape, irrigation, drainage and open space. Any changes to the Reserves shall be approved by the City to ensure that conveyance of stormwater is preserved.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

Any re-platting will follow City Code and can be done in entirely or a portion thereof.

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

RECORDING. The Developer shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days provide City will proof of filing. A copy of this Agreement showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

BINDING. The terms and conditions of this Agreement, as set forth herein, shall be binding upon the City and the Developer, their successors, representatives, trustees, and assigns.

THIS AGREEMENT is hereby executed on this _____ day of _____, 2024.

ME ENTERPRISES IV, LLC, DEVELOPER

By_____
MASOUD ETEZAZI, MEMBER

NORTH WEBB, LLC, DEVELOPER

By_____
P. JOHN ECK, MANAGER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2024 and is hereby executed on this _____ day of _____, 2024.

_____
MAYOR, JIM BENAGE

SEAL

ATTEST:

_____
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF _____) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

_____
NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

_____
NOTARY PUBLIC

My Appointment Expires: _____

City of Bel Aire

STAFF REPORT

DATE: 11/07/2024

TO: Bel Aire Planning Commission
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	11/14/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

Sketch Plan- Tierra Verde South, Lot 1, Block 2

The Sketch plan does not require the city to place a notification ad in the Ark Valley Newspaper.

History

The sketch plan was accepted based on the history of the PUD plan for Tierra Verde. PUD-23-04, Ordinance 716 provided locations where housing is allowed within the PUD without plat adjustments. Unit developments are part of the platting process. Any appeals, waivers, modifications would go to the city manager, Board of Zoning Appeals, and city council.

Discussion

Discussion of this item does not require consideration of the golden factors.

Packet includes:

- Sketch plan- 10-unit layout
- Sketch plan- 12-unit layout
- Utility Plan (as required)
- Plat sheet (showing location of lot within Tierra Verde South Addition)

General zoning was not discussed during the recent PUD-23-04 case.

Sketch plan legend includes information related to the Bel Aire Zoning Code. Review of the sketch plan legend against the layout of the lot should be discussed. The setback information contained in the zoning code is provided as follows:

- Minimum front yard setback– thirty (30) feet from street right-a-way.
- Minimum side yard setback:
  - Fifteen (15) from property lines;
  - Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-2 inclusive;
  - Corner lot – thirty (30) feet from street right-of-way
- Minimum rear yard:
  - Thirty-five (35) feet from property line;
  - Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-3, inclusive.
- Minimum distance between building – forty-five (45) feet

Recommendations of permanent staff

The Sketch plan does not require recommendations by staff or a motion from the Planning Commission.



PARKING DENSITY:

1.75 SPACES PER DWELLING UNIT
-1.75 x 24 DWELLING UNITS= 42 SPACES
(40 STANDARD, 2 ADA COMPLIANT)

****FROM BEL AIRE ZONING REGS****

ZONING: MULTI-FAMILY R6

-MIN LOT AREA PER DWELLING UNIT = 3,630 sq ft

(TOTAL LOT AREA = 74,301.464 sq. ft)

-TOTAL DWELLING UNITS ALLOWED = 20
-TOTAL DUPLEXES ALLOWED = 10

-MIN FRONT SB = 30' (40' PLATTED)

-MINIMUM SIDE-YARD SB =
15' MIN = 75' FROM PL ADJOINING LAND ZONED C-2 THROUGH M-3 [INCLUSIVE]

-MINIMUM REAR SB = 35'MIN = '75' FROM PL ADJOINING LAND ZONED C-2 THROUGH M-3 [INCLUSIVE]

20 0 10 20 40 80

HORIZONTAL SCALE
(IN FEET)
1 inch = 20 ft.

Tierra Verde South Addition Duplexes

Site Plan

Bel Aire, Kansas

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

PROJECT NUMBER			
KEM NO. 24105	FILE	DATE 09/2024	SHEET 1.0
DESIGN KM	DRAWN CC	REVISED	

September 16, 2024



FROM BEL AIRE ZONING REGS

ZONING: MULTI-FAMILY R6

-MIN LOT AREA PER DWELLING UNIT = 3,630 sq ft

(TOTAL LOT AREA = 74,301.464 sq. ft)

-TOTAL DWELLING UNITS ALLOWED = 20
-TOTAL DUPLEXES ALLOWED = 10

-MIN FRONT SB = 30' (40' PLATTED)

-MINIMUM SIDE-YARD SB =
15' MIN = 75' FROM PL ADJOINING LAND ZONED C-2 THROUGH M-3 [INCLUSIVE]

-MINIMUM REAR SB = 35'MIN = '75' FROM PL ADJOINING LAND ZONED C-2 THROUGH M-3 [INCLUSIVE]

20 0 10 20 40 80

HORIZONTAL SCALE
(IN FEET)
1 inch = 20 ft.

Tierra Verde South Addition Duplexes

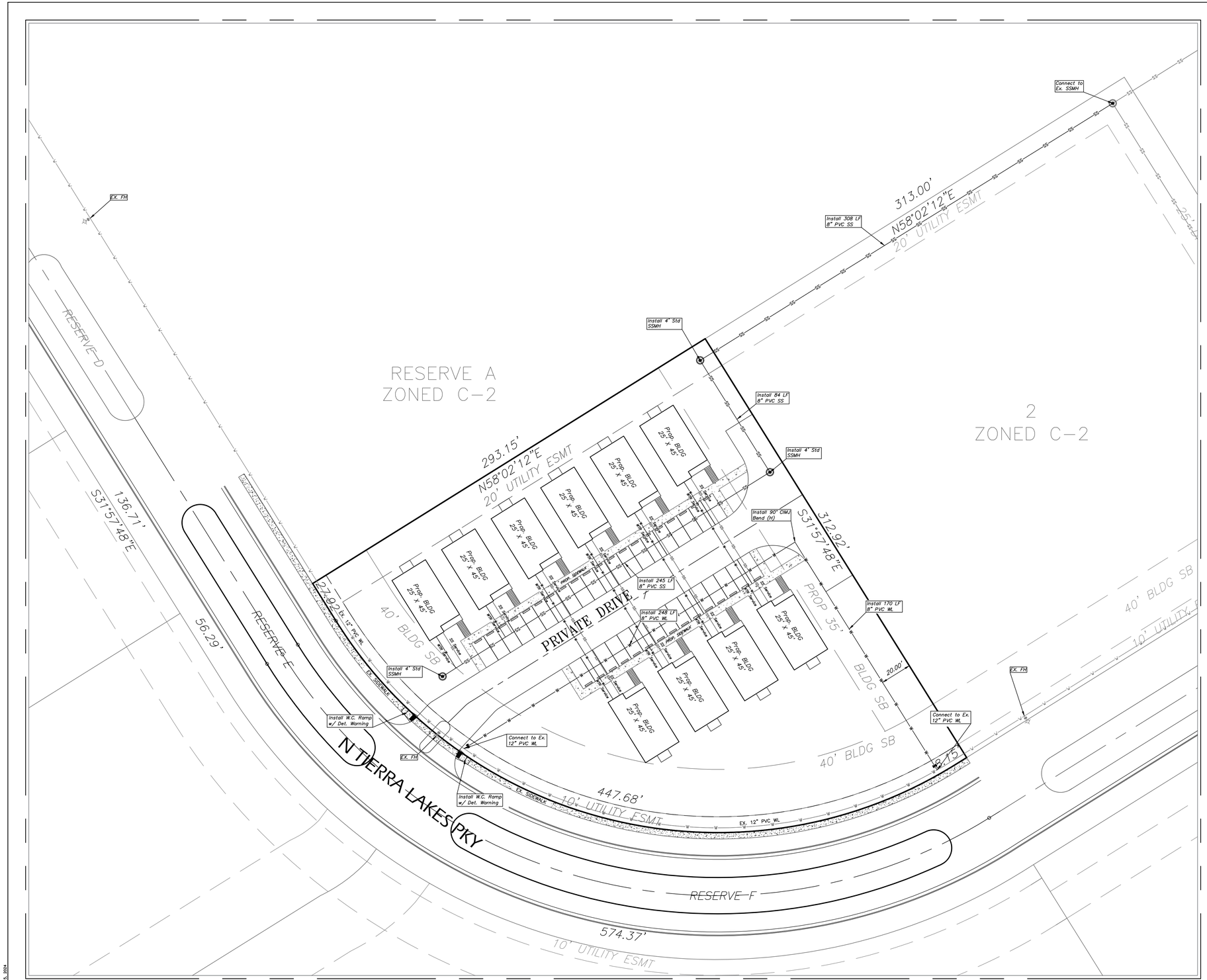
Site Plan

Bel Aire, Kansas

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

PROJECT NUMBER			
KEM NO. 24105	FILE	DATE 08/2024	SHEET 1.0
DESIGN KM	DRAWN CC	REVISED	

August 15, 2024





30 0 15 30 60 120

HORIZONTAL SCALE
(IN FEET)
1 inch = 30 ft.

Tierra Verde South Addition Duplexes
Utility Plan
Bel Aire, Kansas

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

PROJECT NUMBER			
KEM NO. 24105	FILE	DATE 08/2024	SHEET 2.0
DESIGN KM	DRAWN CC	REVISED	

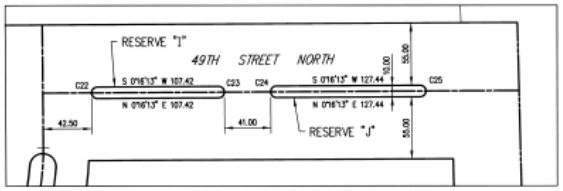
August 15, 2024

Tierra Verde South Addition Lot 1 Block 2 general location

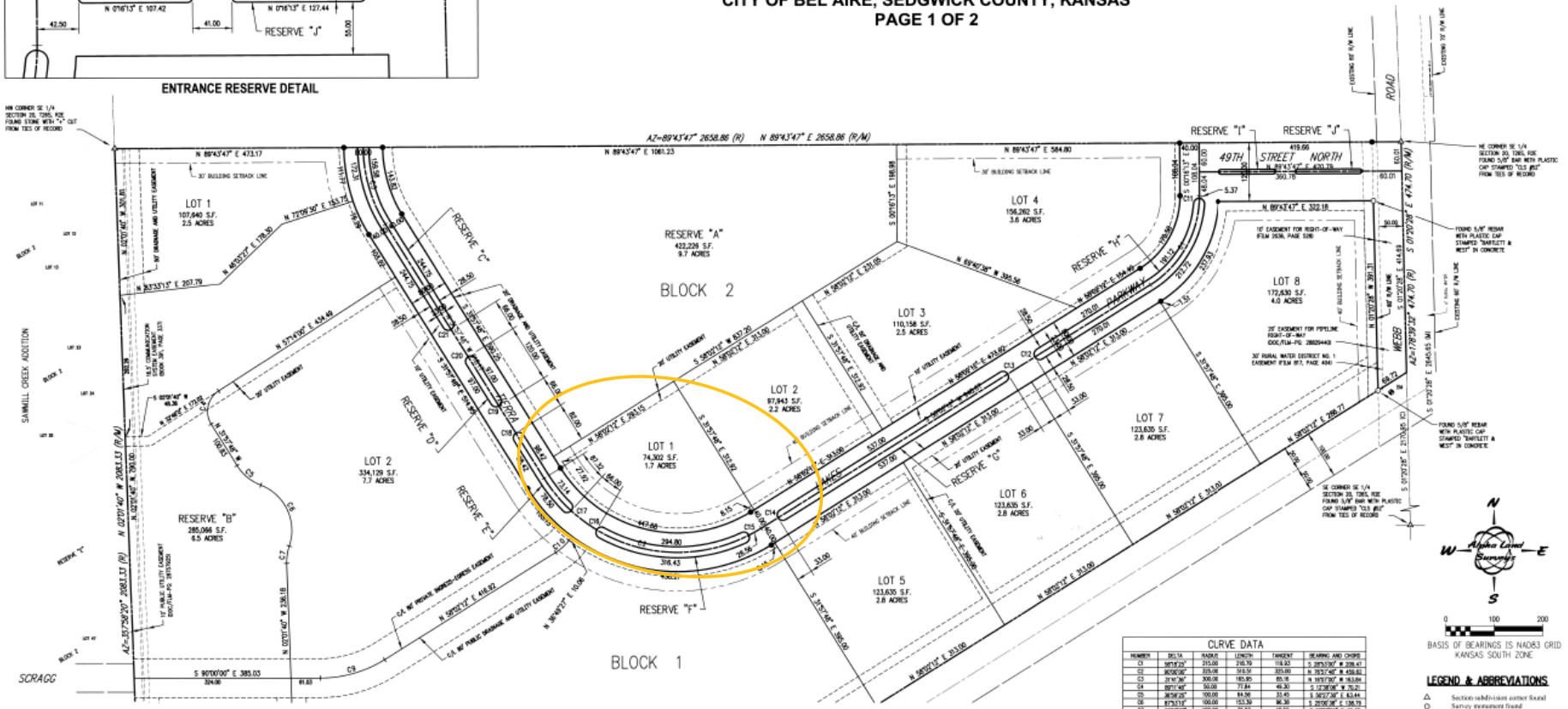
FINAL PLAT

TIERRA VERDE SOUTH ADDITION

A PLANNED UNIT DEVELOPMENT IN THE
CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS
PAGE 1 OF 2



ENTRANCE RESERVE DETAIL



CURVE DATA

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	BEARING AND CHORD
C1	32°18'23"	315.00	296.79	153.83	S 28°53'35" W 286.47
C2	90°00'00"	325.00	549.50	325.00	N 76°57'40" W 494.82
C3	31°41'36"	300.00	165.95	85.16	N 76°57'38" W 163.84
C4	89°11'49"	50.00	77.84	49.30	S 13°36'06" W 70.21
C5	36°56'25"	100.00	64.56	33.45	S 36°02'36" E 63.44
C6	87°33'13"	100.00	153.30	96.39	S 25°06'28" E 138.79
C7	20°57'37"	100.00	36.58	18.50	S 09°31'39" W 36.38
C8	118°56'08"	225.08	470.99	388.21	S 87°56'44" E 389.56
C9	21°57'46"	250.08	136.47	69.11	N 74°01'06" E 135.66
C10	21°12'45"	100.00	37.02	18.73	N 47°35'46" E 36.81
C11	180°00'00"	11.50	36.13	INFINITE	S 89°46'28" E 23.00
C12	180°00'00"	11.50	36.13	INFINITE	S 31°57'46" E 23.00
C13	180°00'00"	11.50	36.13	INFINITE	S 31°57'46" E 23.00
C14	180°00'00"	11.50	36.13	INFINITE	S 31°57'46" E 23.00
C15	180°00'00"	11.50	36.13	INFINITE	S 24°54'06" E 23.00
C16	180°00'00"	11.50	36.13	INFINITE	S 28°58'47" W 23.00
C17	180°00'00"	11.50	36.13	INFINITE	S 44°40'11" W 23.00
C18	180°00'00"	11.50	36.13	INFINITE	S 58°02'15" W 23.00
C19	180°00'00"	11.50	36.13	INFINITE	S 58°02'15" W 23.00
C20	180°00'00"	11.50	36.13	INFINITE	S 58°02'15" W 23.00
C21	180°00'00"	11.50	36.13	INFINITE	S 58°02'15" W 23.00
C22	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C23	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C24	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C25	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00

LEGEND & ABBREVIATIONS

- △ Section subdivision corner found
- ○ Survey monument found
- ● Set 1/2"x24" rebar with cap stamped "ALPHA CLS-184"
- C. Calculated
- R. Record
- M. Measured
- R/W Right of Way
- AZ. Azimuth
- N. North
- S. South
- E. East
- W. West
- S.F. Square Feet
- ° Degrees
- ' Feet or Minutes
- " Inches or Seconds

RESERVE NOTES:

RESERVES A AND B ARE PLATTED FOR A LAKE, DRAINAGE, SIDEWALKS, MONUMENTS, LANDSCAPING, IRRIGATION, OPEN SPACE AND BERMING.
RESERVES C, D, E, F, G, H, I AND J ARE PLATTED FOR MONUMENTS, LANDSCAPING, IRRIGATION AND OPEN SPACE.

THE RESERVES SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS OR HOME OWNER'S ASSOCIATION.

THE STREETS ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC.

A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT AND ALL DRAINAGE EASEMENTS, RIGHT-OF-WAY AND RESERVES SHALL REMAIN AT ESTABLISHED GRADES OR AS MODIFIED WITH THE APPROVAL OF THE APPLICABLE CITY OR COUNTY ENGINEER AND UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER.

LEED DESIGN CRITERIA:

1. IT IS THE INTENT OF THE DEVELOPER(S) FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED ND (NEIGHBORHOOD DEVELOPMENT) RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW TEAM TO ENSURE SITE PROJECTS CONFORM TO THE LEED ND DESIGN PRINCIPLES. THE FOLLOWING LEED ND DESIGN ITEMS SHALL BE APPLIED TO ALL DEVELOPMENT WITHIN THE PUD.

A. THE POSTED SPEED LIMIT FOR RESIDENTIAL AREAS WITHIN THE DEVELOPMENT SHALL BE A MAXIMUM OF 20 MPH.
B. THE POSTED SPEED LIMIT FOR ALL NON-RESIDENTIAL AREAS OR MIXED USE AREAS SHALL BE 25 MPH.
C. MINIMUM 4' WIDE SIDEWALKS SHALL BE REQUIRED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY WITH THE OUTSIDE EDGE OF THE SIDEWALK BEING PARALLEL TO AND ADJACENT TO THE RIGHT-OF-WAY LINE.
D. NO VEHICULAR PARKING IS ALLOWED WITHIN THE STREET RIGHT-OF-WAY.
E. ALL STREETS AND PEDESTRIAN SIDEWALKS OR OTHER PATHWAYS OF TRAVEL ARE AVAILABLE FOR GENERAL PUBLIC USE AND SHALL NOT BE GATED.

CLOSURE COMPUTATION:

N: 1718280.17 E: 1677935.82
LINE COURSE: AZ=89°43'47" LENGTH: 2658.86
N: 1718292.71 E: 1680594.65
LINE COURSE: AZ=178°39'32" LENGTH: 474.70
N: 1718168.14 E: 1680605.76
LINE COURSE: AZ=238°02'12" LENGTH: 3060.20
N: 1716198.15 E: 1678008.53
LINE COURSE: AZ=357°58'20" LENGTH: 2083.33
N: 1718280.17 E: 1677935.81

AREA: 77.901 ACRES 3,393,368 S.F.
PERIMETER: 8277.09
ERROR OF CLOSURE: 0.0100
ERROR OF CLOSURE COURSE: AZ=44°18'10"
ERROR NORTH: 0.0000 ERROR EAST : -0.0100
PRECISION 1 : 827826

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-6012 FAX: (620) 728-0413