



AGENDA
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
January 11, 2024 6:30 PM



I. Call to Order

II. Roll Call

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

III. Pledge of Allegiance

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting
Motion to approve the minutes of December 14, 2023

V. Old Business/New Business

A. PUD-23-02 - Amending Zoning Districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning

Open hearing

Close hearing

Action: Motion to (recommend / deny / table) changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning (as presented / with changes or conditions / without changes or conditions).

Motion ____ Second ____ Vote ____

B. **Review proposed update to the 2023 Bel Aire Zoning Map**

Open Hearing

Close Hearing

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

Motion ____ Second ____ Vote ____

VI. Next Meeting: February 8, 2024

VII. Current Events

VIII. Adjournment



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
December 14, 2023 6:30 PM



I. Call to Order

II. Roll Call

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

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

III. Pledge of Allegiance to the Flag

Commissioner Jordan led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Motion: Commissioner Deryk Faber made a motion to approve the minutes from November 9, 2023. Commissioner John Charleston seconded the motion. *Motion Carried 5-0*

V. Old Business/New Business

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

Commissioner Jordan opened the hearing.

Secretary Anne Stephens stated that this was item was accidentally skipped last meeting. To give this enough time for the twenty day notification period to the public, our City Attorney Maria Schrock suggest to table this for the January 2024 meeting. Anne also gave suggestion to the Planning Commission to allow the public present at the meeting to speak.

First to speak from the public was Carol Russell, 6218 E 45th St N. Carol stated that she had reviewed the zoning map that was published. She would like to understand the difference between C-1 and C-2. Anne mentioned to Carol that she will provide copies of the definitions to her that she can have. Carol Russell also asked the difference between R-4 and R-5 to the Commission. Anne mentioned to Carol that she will also provide copies of the definitions to her that she can have

as well. Carol stated that she will be in attendance of the January 2024 meeting.

Second to speak from the public was Gary Jantz, 6200 E 45th St N. Gary had concerns why the new map isn't showing rural residential on the new map. Anne responded back stating that the map is updating to everything that has changed in the past to show it current. Anne did mention to Gary that she will discuss with Keith Price for verification.

Commissioner Jordan closed the hearing.

Motion: Commissioner Jordan made a motion to table the proposed zoning map changes until the January meeting. Commissioner Roths seconded the motion.

Motion Carried 5-0

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

Commissioner Jordan opened the public hearing.

Representing agent for Baughman Company, Phil Meyer was present to discuss the final plat of Chapel Landing 7th. They will be constructing a detention facility in this development in between Chapel Landing 7th and Bristol Hollows. Jay Russell agreed to take on the responsibility to maintain the detention pond since there is no defined HOA in Bristol Hollows. Anne stated that she has no issues with the drainage plan.

No one from the public wished to speak.

Commissioner Jordan closed the public hearing.

Motion: Commissioner Faber made a motion to accept the Chapel Landing 7th Addition Final Plat. Commissioner Matzek seconded the motion. **Motion Carried 5-0**

- C. General Education Session (KOMA-KORA)**

Anne Stephens mentioned that the KOMA-KORA General Education Session to be held December 18, 2023 at 6:00PM in the Council Chambers at City Hall when Maria Schrock is present.

VI. Next Meeting: Thursday, January 11, 2024 at 6:30 PM

The Commission discussed if Thursday, January 11, 2024 at 6:30 PM would work with their schedules and the Commission agreed upon Thursday, January 11, 2024 at 6:30 PM.

Motion: Commissioner Jordan made a motion to accept the next meeting date of Thursday, January 11, 2024 at 6:30 PM. Commissioner Roths seconded the motion. **Motion Carried 5-0**

VII. Current Events

Secretary Anne Stephens discussed the current events for the upcoming Planning Commission items stating that City Hall will be closed on December 25th and 26th in observance of Christmas. City Hall will also be closed on January 1st in observance of New Year's Day.

IV. ADJOURNMENT

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

City of Bel Aire

STAFF REPORT

STAFF COMMUNICATION

DATE: 01/05/2024

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

Table with 2 columns: FOR MEETING OF, 1/11/24. Rows include CITY COUNCIL and 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. Replatting, 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 made during 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 changes, 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

Subscribed and sworn to before me this 21st day of December, 2023.

[Signature]

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.

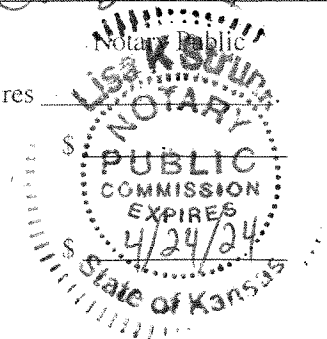
/s/ Anne Stephens
Bel Aire Planning Commission Secretary

[Signature]

My commission expires _____

Additional copies _____

Printer's fee _____



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
ME Enterprises, LLC, 2101 E. 21st St, Wichita, KS 67214
Address 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. *North Webb LLC*

x *P. J. Jank*
Applicant's Signature *Mgr Member* BY

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.



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.



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



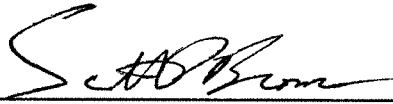
Security 1st Title

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

BENCHMARKS:

BM - CHISELED SQUARE IN THE NORTHWEST CORNER OF CONCRETE BASE OF THE WEST RAILROAD CROSSING SIGNAL POLE APPROXIMATELY 544.3 FEET SOUTH AND 32.9 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, T28S, R2E. ELEVATION=1421.96 (NAVD88)

SBM-1 - CHISELED "4" IN NORTH RIM OF SANITARY SEWER MANHOLE APPROXIMATELY 20.7 FEET NORTH AND 20.4 FEET EAST OF THE SOUTHWEST CORNER OF TERRA VERDE SOUTH ADDITION. ELEVATION=1388.21 (NAVD88)

SBM-2 - CHISELED "4" 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, T28S, R2E. ELEVATION=1400.06 (NAVD88)

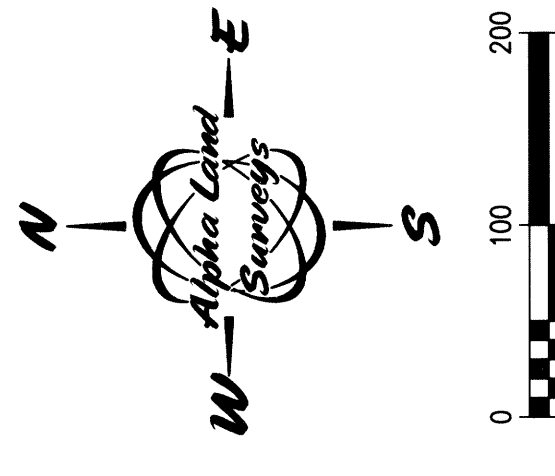
SBM-3 - CHISELED "4" IN EAST RIM OF SANITARY SEWER MANHOLE APPROXIMATELY 64.2 FEET NORTH AND 243.3 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 20, T28S, R2E. ELEVATION=1419.21 (NAVD88)

FINAL PLAT

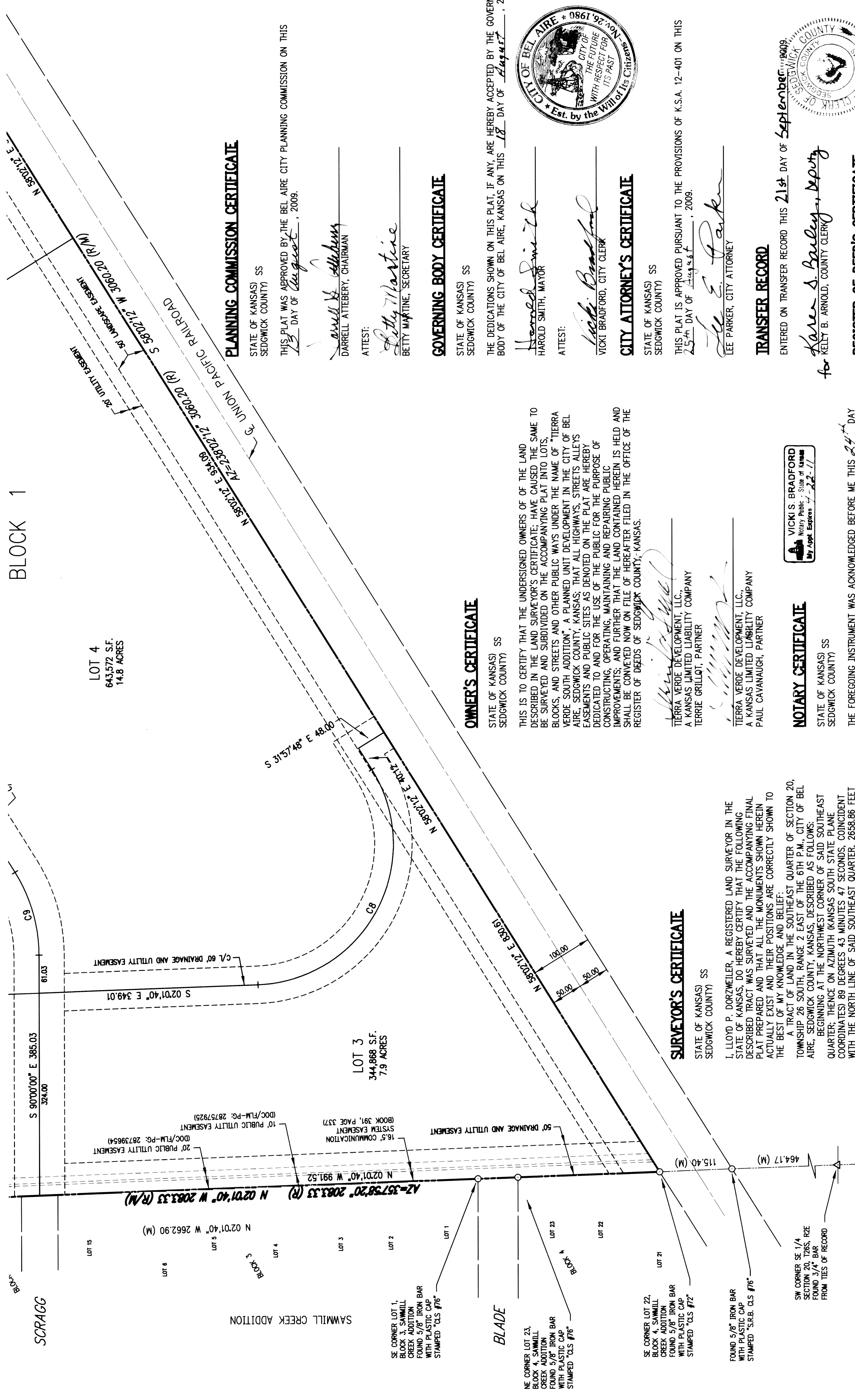
TIERRA VERDE SOUTH ADDITION

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



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 OF BEL AIRE AND ANY CONFLICTS WITH THE CITY PUD AGREEMENT SHALL BE DELETED 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 FOOTPRINTS, DRIVEWAYS, STORM DRAINAGE, SANITARY SEWER, LANDSCAPING, LIGHTING AND UTILITIES. 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 TO BE INSTALLED. THE CITY SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL IMPROVEMENTS 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 SHALL INCLUDE SANITARY SEWERS, STORM DRAINAGE, LANDSCAPING, LIGHTING AND UTILITIES. THE DEVELOPER SHALL INDENTIFY 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 APPROVAL, THE DEVELOPER OF THE CONSTRUCTION EVENT THAT IT WAS NOT KNOWN AT THE TIME OF THE LOT SPLIT APPROVAL, THE DEVELOPER OF THE CONSTRUCTION EVENT SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY IMPROVEMENTS REQUIRED. THE DEVELOPER SHALL INDENTIFY 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 TERRA VERDE SOUTH ADDITION, AN ADDITION TO BEL AIRE, SHALL BE MAINTAINED BY THE OWNERS 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 THE USES OF NATURAL ENVIRONMENT AND STORM 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 LUMINAIRES TO MINIMIZE LIGHT TRESSASS AND GLARE AND SHALL BE MOUNTED AT HEIGHT NOT EXCEEDING ONE-HALF THE DISTANCE FROM 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 STAMPOURS OF THE ZONING CODE, 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 ITEMS, ON 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 TERRA VERDE SOUTH ADDITION, WITHOUT THE DEVELOPER OR HIS DESIGNATED BUILDER, HAVING FIRST OBTAINED A VALID OCCUPANCY PERMIT FROM THE CITY OF BEL AIRE. NO CONSTRUCTION SHALL BE ALLOWED 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 TERRA 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.

PLANNING COMMISSION CERTIFICATE
STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS PLAT WAS APPROVED BY THE BEL AIRE CITY PLANNING COMMISSION ON THIS 13th DAY OF September, 2008.

Darrell Attebery
DARRELL ATTEBERY, CHAIRMAN

ATTEST:
Betty Martine
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 12th DAY OF September, 2008.

Harold Smith
HAROLD SMITH, MAYOR

ATTEST:
Vicki Bradford
VICKI BRADFORD, CITY CLERK

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 September, 2008.

Lee Parker
LEE PARKER, CITY ATTORNEY

TRANSFER RECORD
ENTERED ON TRANSFER RECORD THIS 21st DAY OF September, 2008.

Karen S. Bradley
KAREN S. BRADLEY, COUNTY CLERK

REGISTER OF DEEDS CERTIFICATE
STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE AT DALLAS, O'CONNOR, KANSAS, ON THIS 21st DAY OF September, 2008 AND IS DULY RECORDED.

Bill Meek
BILL MECK, REGISTER OF DEEDS

Tonya Buckingham
TONYA BUCKINGHAM, DEPUTY

OWNER'S CERTIFICATE
STATE OF KANSAS) SS
SEDGWICK COUNTY)

THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE LAND SURVYOR'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, AS SHOWN ON THE PLAT AND AS SET FORTH IN THE 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 OFFERED FOR SALE AS A PART OF THE DEVELOPMENT OF THE REGISTER OF DEEDS OF SEDGWICK COUNTY, KANSAS.

Terra Verde Development, LLC
TERRA VERDE DEVELOPMENT, LLC
TERRIE CULLOT, PARTNER

Paul Cavanaugh
PAUL CAVANAUGH, PARTNER

SURVYOR'S CERTIFICATE
STATE OF KANSAS) SS
SEDGWICK COUNTY)

I, LLOYD P. DORZWELLER, A REGISTERED LAND SURVYOR IN THE STATE OF KANSAS, HAVE CAUSED THE SURVEY 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.

THE TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 28 SOUTH, RANGE 2 WEST, COUNTY OF SEDGWICK COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AZIMUTH (KANSAS SOUTH STATE PLANE COORDINATES) 89 DEGREES 43 MINUTES 47 SECONDS, COINCIDENT TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON AZIMUTH 178 DEGREES 39 MINUTES 32 SECONDS, COINCIDENT WITH THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE ON AZIMUTH 238 DEGREES 02 MINUTES 17 SECONDS, COINCIDENT WITH THE NORTHERLY LINE OF THE UNION PACIFIC RAILROAD; THENCE ON AZIMUTH 178 DEGREES 39 MINUTES 32 SECONDS, COINCIDENT WITH THE LINE OF SAMMILL CREEK ADDITION; THENCE ON AZIMUTH 357 DEGREES 58 MINUTES 20 SECONDS, COINCIDENT WITH THE EAST LINE OF SAMMILL CREEK ADDITION; THENCE ON AZIMUTH 2083.33 FEET TO THE POINT OF BEGINNING.

LLOYD P. DORZWELLER, SURVYOR

NOTARY CERTIFICATE
STATE OF KANSAS) SS
SEDGWICK COUNTY)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 21st DAY OF September, 2008, BY TERRIE CULLOT & PAUL CAVANAUGH, PARTNERS OF TERRA VERDE DEVELOPMENT, A KANSAS LIMITED LIABILITY COMPANY.

MY APPT. EXPIRES 11-22-11

Victoria L. Regan
VICTORIA L. REGAN, NOTARY PUBLIC

COUNTY SURVEYOR'S CERTIFICATE
REVIEWED BY: *Victoria L. Regan*
DATE: 9/21/2008 10:11:50 AM
DEPUTY COUNTY SURVEYOR

RECEIVED IN REGISTER OF DEEDS OFFICE AT DALLAS, O'CONNOR, KANSAS ON THIS 21st DAY OF September, 2008.

RECEIVED IN REGISTER OF DEEDS OFFICE AT DALLAS, O'CONNOR, KANSAS ON THIS 21st DAY OF September, 2008.

LEGEND & ABBREVIATIONS

Δ	Section subdivision corner found
○	Section subdivision corner found
●	Section subdivision corner found with cap
C	Calculated
R	Record
M	Measured
R/W	Right of Way

Azimuth
N. North
S. South
E. East
W. West
S.F. Square Feet
F.M. Foot Meters
Inches or Seconds



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.

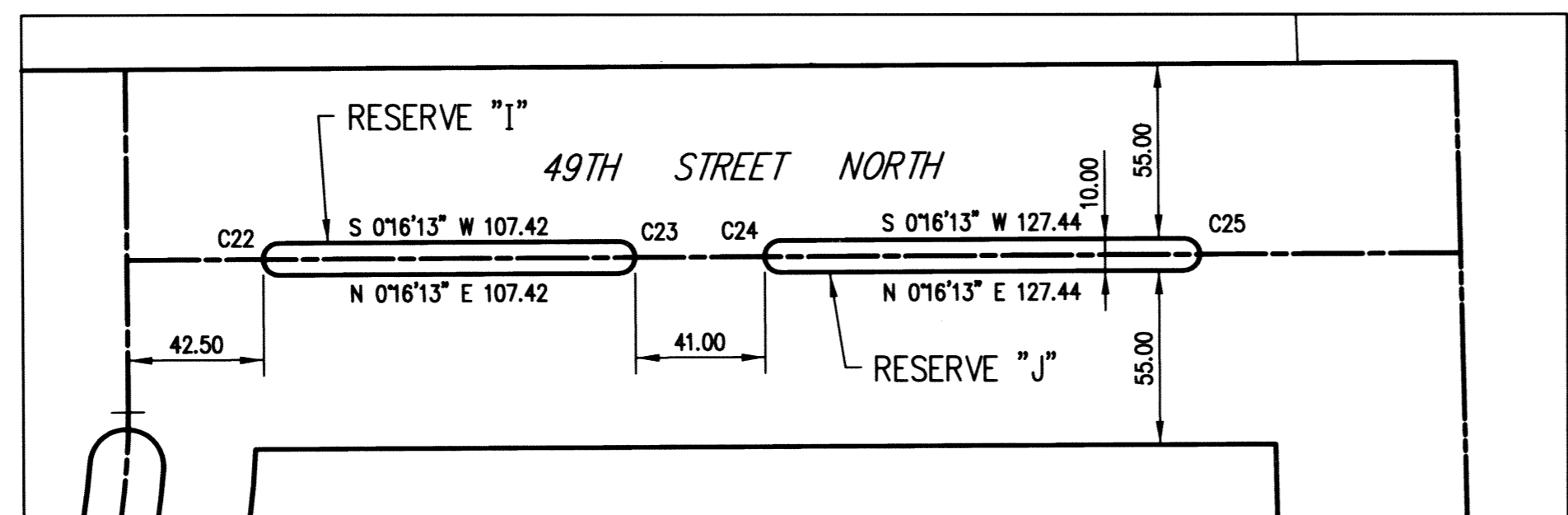
Bill Meek, Register of Deeds
Digitized rendition of original signature

Inches

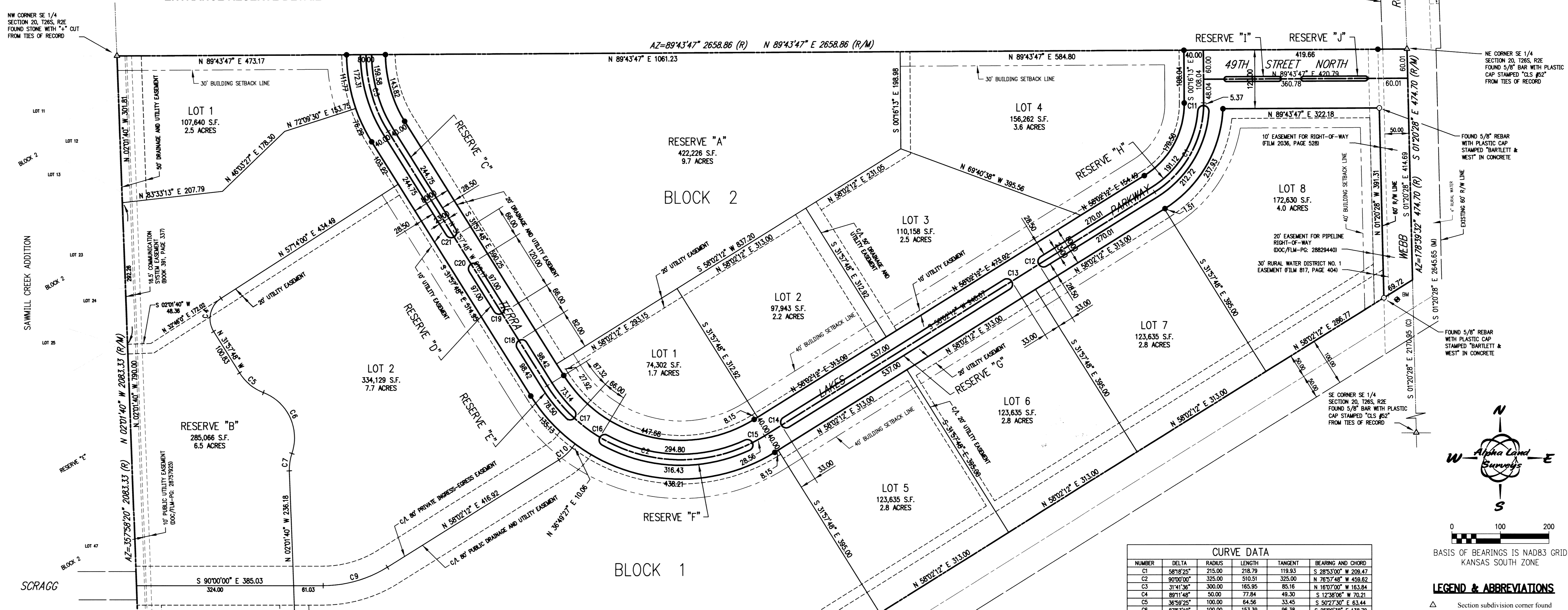
Inches

FINAL PLAT TIERRA VERDE SOUTH ADDITION

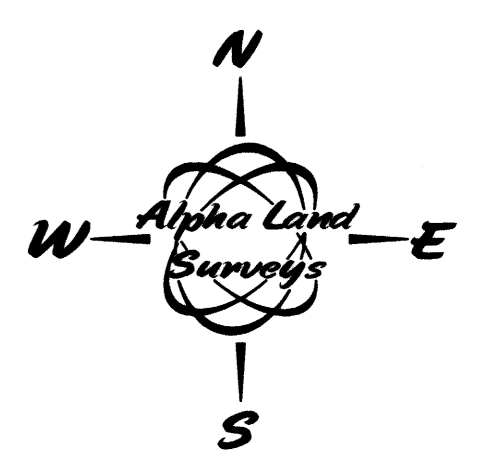
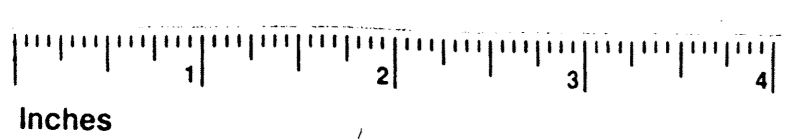
A PLANNED UNIT DEVELOPMENT IN THE
CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS
PAGE 1 OF 2



ENTRANCE RESERVE DETAIL



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.



0 100 200
BASIS OF BEARINGS IS NAD83 GRID
KANSAS SOUTH ZONE

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

CURVE DATA table with columns: NUMBER, DELTA, RADIUS, LENGTH, TANGENT, BEARING AND CHORD. Rows C1 through C25.

LEGEND & ABBREVIATIONS

- Delta symbol: Section subdivision corner found
Circle with dot: Survey monument found
Circle with cross: 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
': Feet or Minutes
": Inches or Seconds

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-0012 FAX: (620) 728-0113

**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 27

Section V, Item A.

- 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

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

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

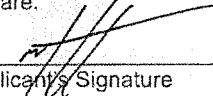

- Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
 Address 315 Ellis St, Wichita, KS Zip Code 67211

- 2. Applicant City of Bel Aire (Land Bank) Phone _____
 Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

- Agent _____ 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  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.



OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

<p>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</p>	<p>Tierra Verde South Addition</p>	<p>ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214</p>
<p>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</p>	<p>“</p>	<p>North Webb, LLC PO Box 377 Attica, KS 67009</p>
<p>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</p>	<p>“</p>	<p>City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226</p>

<p>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</p>	<p>“</p>	<p>Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009</p>
<p>Reserves C, D, E, F, G, H, I, & J Part of Subject Property</p>	<p>“</p>	<p>City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226</p>
<p>Lot 1, Blk C</p>	<p>Sunflower Commerce Park Addition</p>	<p>Webb Industrial, LLC PO Box 45 Columbus, KS 66725</p>
<p>Lot 1, Blk 1</p>	<p>Eighty-Four Lumber Addition</p>	<p>WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206</p>
<p>The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E</p>		<p>Webb254, LLC 833 S. East Ave. Columbus, KS 66725</p>
<p>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</p>		<p>R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226</p>
<p>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</p>	<p>Bel Aire Industrial Park Addition</p>	<p>WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206</p>

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 96 th 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 2 nd 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 3 rd 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

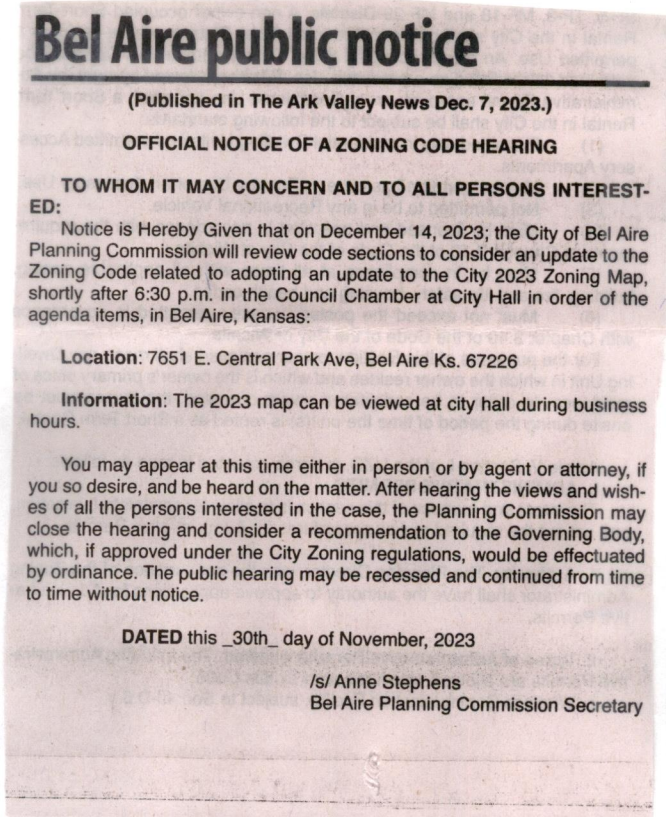
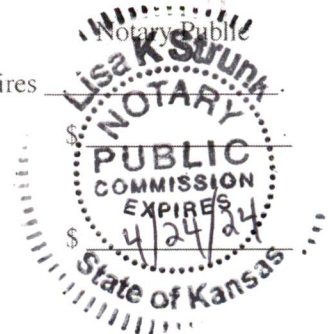
Subscribed and sworn to before me this 7th day of December, 2023.

Lisa K Strunk

My commission expires _____

Additional copies _____

Printer's fee _____



STATE OF TEXAS
COUNTY OF DALLAS

Know all men by these presents, that _____ of the County of _____ State of Texas, for and in consideration of the sum of _____ Dollars, to _____ in hand paid by _____ the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said _____ of the County of _____ State of Texas, all that certain _____

DEED OF TRUST

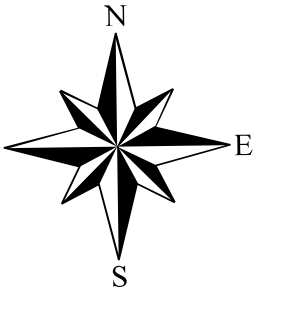
_____ of the County of _____ State of Texas, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk of the County of _____ State of Texas.

_____ County Clerk



Zoning Districts

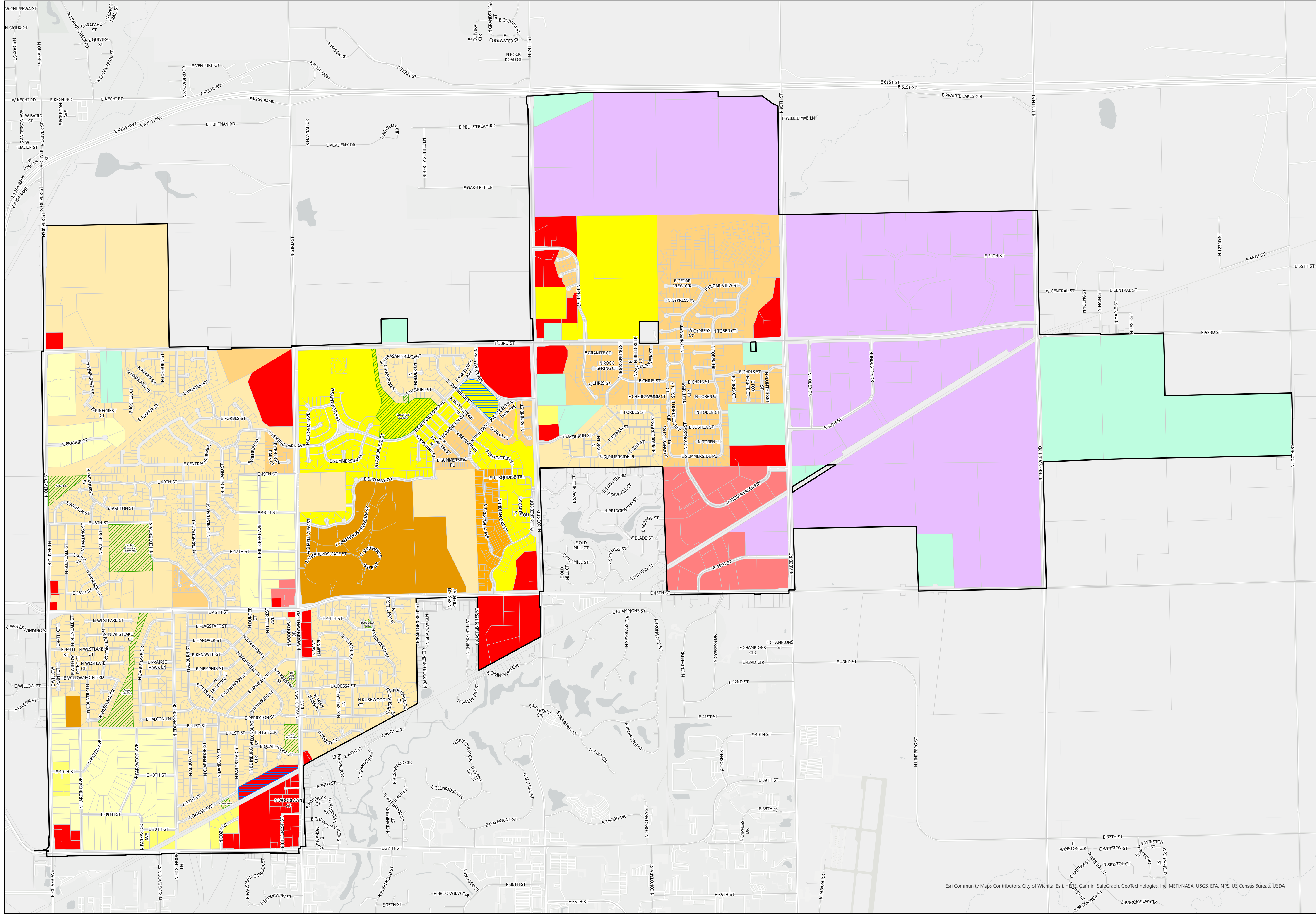
Bel Aire, Kansas



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

Zoning Types

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



October 31st, 2023



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

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. Replatting, 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 made during 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 changes, amendments or additions thereto, and duplicate copies thereof shall be kept on file in the office of the Zoning Administrator and/or building inspector.