



AGENDA
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
May 06, 2025 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage

II. ROLL CALL

Greg Davied ____ Tyler Dehn ____ Emily Hamburg ____
Tom Schmitz ____ John Welch ____

III. OPENING PRAYER: Father Andrew Labenz

IV. FLAG CEREMONY: Presentation of the colors by Scout Troop # 585

V. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

VI. DETERMINE AGENDA ADDITIONS

VII. CONSENT AGENDA

A. **Approval of Minutes of the April 15, 2025 City Council meeting.**

B. **Approval of Minutes of the April 29, 2025 City Council Special Meeting.**

Action: Motion to (approve / table / deny) the Consent Agenda as (listed / amended) and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. **Consideration of Appropriations Ordinance No. 25-08 in the amount of \$2,379,971.08.**

Action: Motion to (approve / deny / table) Appropriations Ordinance No. 25-08.

Motion _____ Second _____ Vote _____

IX. CITY REQUESTED APPEARANCES

A. Luke Peter, PEC – 2025 Street Maintenance Project Update

X. CITIZEN CONCERNS: *If you wish to speak, please fill out a "Request to Speak" card at the podium and give it to the City Clerk before the meeting begins. When you are called on by the Mayor, please go to the podium, speak into the microphone, and state your name and address before giving your comments. Please limit your comments to 3 minutes in the interest of time. If more time is needed, you may request an extension from the Mayor.*

XI. REPORTS

- A. Council Member Reports**
- B. Mayor's Report**
- C. City Attorney Report**
- D. City Manager Report**

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of approving a Change Order for the 2025 Street Maintenance Project for replacement of asphalt at certain locations on Stratford Lane, Stratford Court, and Hillcrest and 45th Street.

Action: Motion to (accept / deny / table) a Change Order for the 2025 Street Maintenance Project for replacement of asphalt at certain locations on Stratford Lane, Stratford Court, and Hillcrest and 45th Street, in the amount not to exceed \$107,024.00 and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

B. Consideration of A Planned Unit Development (PUD) Agreement for the Chapel Landing Addition R-PUD.

Action: Motion to (approve / deny / table) the Planned Unit Development Agreement for the Chapel Landing Addition R-PUD (As Presented / As Amended) and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

C. (PUD-24-04) Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending Approval of a Zone Change Request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" (Chapel Landing Addition R-PUD), Generally Located at 53rd Street North and Bristol Street.

Action: Please choose one of the following (3) options, in accordance with K.S.A. 12-756(b).

1. Motion to approve the findings of fact and recommendation of the Planning Commission for PUD-24-04, Adopt the Ordinance as Presented, and authorize the Mayor to sign. (simple majority, 4 votes required)

2. Motion to override the findings of fact and recommendation of the Planning Commission for PUD-24-04, Adopt alternate findings, disapprove the zone change request and Ordinance. (2/3 majority, 4 votes required)

3. Motion to return the findings of fact and recommendation of the Planning Commission for PUD-24-04 to the Planning Commission for further consideration, with a statement specifying the basis for failure to approve or disapprove, the statement is; _____. (simple majority, 4 votes required)

Motion _____ Second _____ Roll Call Vote:

Greg Davied _____ Tyler Dehn _____ Emily Hamburg _____

Tom Schmitz _____ John Welch _____ Mayor Jim Benage _____

D. Consideration of A Planned Unit Development (PUD) Agreement for the Tierre Verde South Addition.

Action: Motion to (approve / deny / table) the Residential Planned Unit Development Agreement for the Tierre Verde South Addition (As Presented / As Amended) and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

E. (VAC-25-02) Consideration of An Ordinance Approving the Recommendation of The Bel Aire Planning Commission Recommending a Vacation Request in the City to Vacate a Platted Fifteen-Foot-Wide Building Setback on Lot 1, Block 2, Tierre Verde South Addition, To Proceed with the Development of Twelve, Two-Family Dwellings and Site Work, Generally Located Between 45th And 49th Street on Tierra Lakes Parkway and West of Webb Road.

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

1. Motion to approve the findings of fact and recommendation of the Planning Commission for VAC-25-02, Adopt the Ordinance as Presented, and authorize the Mayor to sign. (simple majority, 4 votes required)

2. Motion to override the findings of fact and recommendation of the Planning Commission for VAC-25-02, Adopt alternate findings, disapprove the Vacation request and Ordinance. (2/3 majority, 4 votes required)

3. Motion to return the findings of fact and recommendation of the Planning Commission for VAC-25-02 to the Planning Commission for further consideration, with a statement specifying the basis for failure to approve or disapprove, the statement is; _____. (simple majority, 4 votes required)

Motion _____ Second _____ Roll Call Vote:

Greg Davied _____ Tyler Dehn _____ Emily Hamburg _____

Tom Schmitz _____ John Welch _____ Mayor Jim Benage _____

F. PUD-25-01 Consideration Of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending An Amendment To The Tierre 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 Street On Tierra Lakes Parkway And West Of Webb Road.

Action: Please choose one of the following (3) options, in accordance with K.S.A. 12-756(b).

1. Motion to approve the findings of fact and recommendation of the Planning Commission for PUD-25-01, Adopt the Ordinance as Presented, and authorize the Mayor to sign. (simple majority, 4 votes required)
2. Motion to override the findings of fact and recommendation of the Planning Commission for PUD-25-01, Adopt alternate findings, disapprove the zone change request and Ordinance. (2/3 majority, 4 votes required)
3. Motion to return the findings of fact and recommendation of the Planning Commission for PUD-25-01 to the Planning Commission for further consideration, with a statement specifying the basis for failure to approve or disapprove, the statement is; _____. (simple majority, 4 votes required)

Motion _____ Second _____ Roll Call Vote:

Greg Davied _____ Tyler Dehn _____ Emily Hamburg _____

Tom Schmitz _____ John Welch _____ Mayor Jim Benage _____

G. Consideration of Accepting "Change Order No. 4" for addition of a fire hydrant near the Webb Road sanitary sewer lift station, and rescinding a motion related to "Change Order No. 2 (Bel Aire Lakes Addition Phase 1)".

Action: Motion to rescind a Motion passed at the Bel Aire Council Meeting on April 15, 2025 to; “accept Change Order No. 2 (Bel Aire Lakes Addition Phase 1) for addition of a fire hydrant near the Webb Road sanitary sewer lift station in the amount not to exceed \$35,000, give city engineer authority to work through a plan, negotiate a final price, and authorize the Mayor to sign”.

Motion _____ Second _____ Vote _____

Action: Motion to accept a new change order, “Change Order No. 4”, for the Bel Aire Lakes Addition Phase 1, for the addition of a fire hydrant near the Webb Road sanitary sewer lift station in an amount not to exceed \$15,000 and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

H. Consideration of approving a quote from Tyler Technologies for Tyler One ERP Pro Payments (credit card fees).

Action: Motion to (accept / deny / table) the quote from Tyler Technologies for Tyler One ERP Pro Payments (credit card fees).

Motion _____ Second _____ Vote _____

I. Consideration Of A Resolution Approving The Acceptance of Credit Cards As A Means To Pay City Obligations.

Action: Motion to (adopt / deny / table) A Resolution Approving The Acceptance Of Credit Cards As A Means To Pay City Obligations (As Presented / As Amended) and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

J. Consideration of A Resolution In Support of the Preservation of Tax-Exempt Financing.

Action: Motion to (adopt / deny / table) A Resolution In Support of the Preservation of Tax-Exempt Financing (As Presented / As Amended) and authorize the Mayor to sign.

Motion _____ Second _____ Vote _____

XIII. EXECUTIVE SESSION

- A.** **Action:** Motion to recess into executive session to discuss with legal counsel and receive legal advice related to pending litigation. The discussion will be pursuant to K.S.A. 75-4319 (b)(2) for legal consultation with Neil Gosch, which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Engineer, City Attorney, and Katherine Chlumsky. The meeting will be for a period of (_____) minutes, and the open meeting will resume in City Council Chambers at (_____) p.m.

Motion _____ Second _____ Vote _____

XIV. DISCUSSION AND FUTURE ISSUES

- A.** **Workshop - May 13, 2025 at 7:00 p.m.?**

XV. ADJOURNMENT

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____

Additional Attachments:

- A.** Planning Commission Minutes, March 2025

- B.** Tree Board Minutes, March 2025

- C. 2025 Q1 Treasurer Report
- D. Budget Report 1-1-25 to 3-31-25
- E. Manager's Report – May 6, 2025

Notice

It is possible that sometime between 6:30 and 7:00 PM immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the Council Chambers or the lobby of City Hall. No one is excluded from these areas during these times. Video of this meeting can be streamed at www.belaireks.gov and on YouTube. Please make sure all cell phones and other electronics are turned off and put away.



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
April 15, 2025 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. ROLL CALL

Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Tom Schmitz, and John Welch were present.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Director of Public Works Marty McGee, Chief of Police Darrell Atteberry, and City Clerk Melissa Krehbiel.

III. OPENING PRAYER: Gary Green provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. PROCLAMATION

A. Arbor Day - April 26, 2025

Mayor Benage read and signed the proclamation.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Approval of Minutes of the April 1, 2025 City Council meeting.

B. Approval of the Mayor's reappointment of Paul Matzek to the Bel Aire Planning Commission, term ending 6/01/2028.

C. Approval of the Mayor's reappointment of Bruce Roepke to Tree Board, term ending 4/6/2027.

D. Approval of the Mayor's reappointment of Rebecca Armstrong to the Tree Board, term ending 4/16/2027.

MOTION: Councilmember Davied moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. ***Motion carried 5-0.***

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 25-07 in the amount of \$1,084,013.20.

MOTION: Councilmember Dehn moved to approve Appropriations Ordinance No. 25-07. Councilmember Schmitz seconded the motion. ***Motion carried 5-0.***

IX. CITY REQUESTED APPEARANCES

A. Rebecca Lewis, Burns and McDonnell - Sewer Sampling Data and Pretreatment Program Update

Ms. Lewis gave a presentation and stood for questions. No action was taken by the Council.

X. CITIZEN CONCERNS: No one spoke.

XI. REPORTS

A. Council Member Reports

Councilmember Davied said he attended the Spring Festival and thanked everyone who worked on the event.

Councilmember Dehn reported on the Spring Festival and the latest meetings of the Bel Aire Area Chamber of Commerce, Safe Routes to Schools, and K-254 Corridor Development Association.

B. Mayor's Report

Mayor Benage reported on the latest meetings of REAP Executive Committee, WAMPO TPB, the K-254 Corridor Development Association, and Republican Women United. He briefly reported Bel Aire’s Spring Festival and on recent bills in the state legislature that would affect cities. Mayor Benage wished everyone a blessed Easter.

C. City Attorney Report

City Attorney Maria Schrock briefly reported on a new Kansas statute that will allow year-round sales of fireworks. The new statute may prompt revisions to the City’s regulations regarding fireworks.

D. City Manager Report

City Manager Ted Henry reported that he recently received a letter from Sedgwick County Public Works regarding plans for repairs to sections of roads that were recently annexed by the

City. Mr. Henry also reported on how new software can be utilized for more precise, data-driven budget preparation.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

Executive Session

MOTION: Councilmember Hamburg moved to recess into executive session to discuss with legal counsel and receive legal advice related to pending litigation. The discussion will be pursuant to K.S.A. 75- 4319 (b)(2) for legal consultation with Neil Gosch, which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Engineer, City Attorney, and Katherine Chlumsky. The meeting will be for a period of 10 minutes, and the open meeting will resume in City Council Chambers at 8:03 p.m. Councilmember Welch seconded the motion. *Motion carried 5-0.*

The council then recessed for executive session. At 8:06 p.m. Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

A. Consideration of approving revised By-Laws for the Bel Aire Utility Advisory Committee (UAC).

MOTION: Councilmember Davied moved to accept the revised By-Laws for the Bel Aire Utility Advisory Committee (UAC) and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 5-0.*

B. Consideration of accepting a proposal for the purchase and outfitting of a replacement police vehicle (Dodge Durango).

MOTION: Councilmember Davied moved to accept the proposal from Parks in the amount of \$65,904 for the purchase and outfitting of a replacement police vehicle (Dodge Durango). Councilmember Dehn seconded the motion. *Motion carried 5-0.*

C. Consideration of approving Change Order No 1 (2025 Street Maintenance Project) for the reconstruction of the drainage structure under Krueger Street.

MOTION: Councilmember Hamburg moved to approve Change Order No 1 (2025 Street Maintenance Project) for the reconstruction of the drainage structure under Krueger Street in the amount of \$91,500 and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 5-0.*

D. Consideration of approving Change Order No. 2 (Bel Aire Lakes Addition Phase 1) for addition of a fire hydrant near the Webb Road sanitary sewer lift station.

MOTION: Councilmember Welch moved to accept Change Order No. 2 (Bel Aire Lakes Addition Phase 1) for addition of a fire hydrant near the Webb Road sanitary sewer lift station in the amount not to exceed \$35,000, give city engineer authority to work through a plan, negotiate a final price, and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

XIII. EXECUTIVE SESSION: This item was addressed earlier in the meeting, before Item XII A.

XIV. DISCUSSION AND FUTURE ISSUES

A. Special Meeting April 29th 7:00PM?

The Councilmembers briefly discussed their availability for a potential special meeting. There was a general consensus to schedule the meeting for 7:00 p.m. on April 29, 2025.

XV. ADJOURNMENT

MOTION: Councilmember Welch moved to adjourn. Councilmember Schmitz seconded the motion. *Motion carried 5-0.*

Approved by the City Council this _____ day of _____, 2025.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk



MINUTES CITY COUNCIL SPECIAL MEETING

7651 E. Central Park Ave, Bel Aire, KS
April 29, 2025 7:00 PM



I. **CALL TO ORDER:** Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. **ROLL CALL**

Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Tom Schmitz, and John Welch were present.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, and City Attorney Anne Stephens.

III. **READING BY CITY ATTORNEY:** City Attorney Maria Schrock read the request for special meeting aloud. The written request is attached to these minutes (p.3)

IV. **NEW BUSINESS**

A. **PEC Presents Their Concept Plan For The Woodlawn Roadway Project**

Representatives from PEC, Ben Mabry, Jason Fundis, and Bob Henthorne, presented the concept plan to the Council and stood for questions. Next steps in the engineering design phase of the project include drafting construction plans and agreements, and getting cost estimates. They anticipate that construction agreements may be ready in three to six months.

V. **EXECUTIVE SESSION**

A. **MOTION:** Councilmember Davied moved to recess into executive session to discuss with legal counsel and receive legal advice related to pending litigation. The discussion will be pursuant to K.S.A. 75- 4319 (b)(2) for legal consultation with Neil Gosch, which would be deemed privileged in the attorney-client relationship. Invite the City Manager, City Engineer, City Attorney, and Katherine Chlumsky. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 7:53 p.m. Councilmember Welch seconded the motion. *Motion carried 5-0.*

The Council then recessed for executive session. At 7:54 p.m. Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

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VI. ADJOURNMENT

MOTION: Councilmember Welch moved to adjourn. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

Approved by the City Council this _____ day of _____, 2025.

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk



REQUEST FOR A SPECIAL CITY COUNCIL MEETING




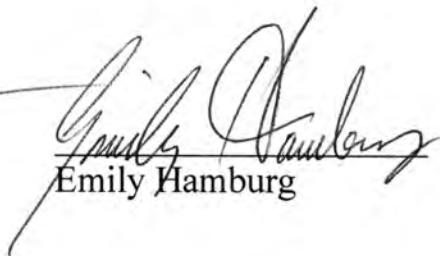
April 16, 2025

THE HONORABLE JIM BENAGE,
MAYOR OF THE CITY OF BEL AIRE:

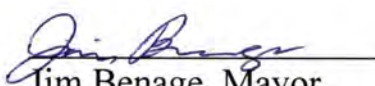
We, the undersigned council members of the City of Bel Aire, Kansas, hereby respectfully request you to call a special meeting of the Bel Aire City Council to be held at the Bel Aire City Hall, 7651 E. Central Park Avenue, Bel Aire, Kansas, on Tuesday, April 29, at 7:00 p.m., for the purpose of:

- A. PEC to Present their Concept Plan for the Woodlawn Roadway Project
- B. The Governing Body may request an executive session to discuss with legal counsel and receive legal advice related to pending litigation, if needed.

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Greg Davied
Tyler Dehn
Emily Hamburg
Tom Schmitz
John Welch

Pursuant to a Request for a Special Council Meeting dated April 16, 2025, and signed by at least three (3) members of the Council, I hereby call a Special Meeting of the Governing Body of Bel Aire, Kansas, pursuant to Bel Aire City Code 2.1.5, to be held at the time, place, and purpose as specified in the above request.


Jim Benage, Mayor

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City of Bel Aire, KS

Payment Dates 4/9/2025 - 4/29/2025

Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
Vendor DBA: 2122 -					
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINAT...	04/16/2025	04/22/2025		19.50
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINAT...	04/16/2025	04/22/2025		11.70
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINAT...	04/16/2025	04/22/2025		23.40
AIR CAPITOL EXTERMINATING	RODENT/INSECT EXTERMINAT...	04/16/2025	04/22/2025		23.40
Vendor DBA 2122 - AIR CAPITOL EXTERMINATING Total:					78.00
Vendor DBA: 2935 -					
AMBER PEREZ	COURT RESTITUTION	04/24/2025	04/25/2025		40.31
Vendor DBA 2935 - AMBER PEREZ Total:					40.31
Vendor DBA: 2790 -					
ARC PHYSICAL THERAPY PLUS	PRE-EMPLOYMENT SCREENING	04/08/2025	04/14/2025		35.00
ARC PHYSICAL THERAPY PLUS	PRE-EMPLOYMENT SCREENING	04/08/2025	04/14/2025		35.00
Vendor DBA 2790 - ARC PHYSICAL THERAPY PLUS Total:					70.00
Vendor DBA: 0055 - ARK VALLEY NEWS					
ARK VALLEY NEWS	BREEZE AD	04/16/2025	04/22/2025		500.00
Vendor DBA 0055 - ARK VALLEY NEWS Total:					500.00
Vendor DBA: 0172 -					
ATLAS ELECTRIC LLC	FLOW METER-LIFT STATION	04/08/2025	04/14/2025		240.00
Vendor DBA 0172 - ATLAS ELECTRIC LLC Total:					240.00
Vendor DBA: 0174 -					
BANK OF NEW YORK MELLON ...	03/25 O&M/DEBT SVC	04/10/2025	04/10/2025		49,021.42
BANK OF NEW YORK MELLON ...	03/25 O&M/DEBT SVC	04/10/2025	04/10/2025		48,038.17
BANK OF NEW YORK MELLON ...	03/25 O&M/DEBT SVC	04/10/2025	04/10/2025		29,398.80
BANK OF NEW YORK MELLON ...	03/25 O&M/DEBT SVC	04/10/2025	04/10/2025		61,889.48
Vendor DBA 0174 - BANK OF NEW YORK MELLON TRUST Total:					188,347.87
Vendor DBA: 0472 -					
BEALL & MITCHELL, LLC	JUDGE TERRY BEALL/COURT S...	04/15/2025	04/22/2025		1,237.98
Vendor DBA 0472 - BEALL & MITCHELL, LLC Total:					1,237.98
Vendor DBA: 2650 -					
BURNS & MCDONNELL ENGIN...	ENGINEERING SERVICES	04/16/2025	04/22/2025		2,200.00
Vendor DBA 2650 - BURNS & MCDONNELL ENGINEERING Total:					2,200.00
Vendor DBA: 2944 -					
CARLO PETERSON	REC PROGRAM REFUND	04/24/2025	04/25/2025		320.00
Vendor DBA 2944 - CARLO PETERSON Total:					320.00
Vendor DBA: 2095 -					
CENTRAL MECHANICAL WICHI...	HVAC REPAIR-REC	04/09/2025	04/14/2025		135.00
CENTRAL MECHANICAL WICHI...	HVAC REPAIR-CH	04/09/2025	04/14/2025		1,040.48
Vendor DBA 2095 - CENTRAL MECHANICAL WICHITA,LLC Total:					1,175.48
Vendor DBA: 0170 -					
CHISHOLM CREEK UTILITY AU...	03/25 CCUA CONTINGENCY	04/08/2025	04/14/2025		3,000.00
CHISHOLM CREEK UTILITY AU...	03/25 CCUA CONTINGENCY	04/08/2025	04/14/2025		2,820.00
Vendor DBA 0170 - CHISHOLM CREEK UTILITY AUTH. Total:					5,820.00
Vendor DBA: 0028 -					
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/04/2025	04/14/2025		103.11
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/04/2025	04/14/2025		62.16
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/04/2025	04/14/2025		224.52
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/04/2025	04/14/2025		106.17
CINTAS CORPORATION	PD MATS	04/16/2025	04/22/2025		137.02
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		81.47
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		41.01
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		171.37

AP ORDINANCE

Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		84.05
CINTAS CORPORATION	PD MATS	04/24/2025	04/25/2025		137.02
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		81.43
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		40.98
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		169.88
CINTAS CORPORATION	PW UNIFORMS/TOWELS	04/24/2025	04/25/2025		83.99
CINTAS CORPORATION	PD MATS	04/24/2025	04/25/2025		137.02
Vendor DBA 0028 - CINTAS CORPORATION Total:					1,661.20
Vendor DBA: 0852 - CINTAS CORPORATION					
CINTAS CORPORATION	PW: RESTOCK FIRST AID	04/16/2025	04/22/2025		78.81
CINTAS CORPORATION	PW: RESTOCK FIRST AID	04/16/2025	04/22/2025		78.82
CINTAS CORPORATION	PW: RESTOCK FIRST AID	04/16/2025	04/22/2025		78.81
CINTAS CORPORATION	PW: RESTOCK FIRST AID	04/16/2025	04/22/2025		78.82
Vendor DBA 0852 - CINTAS CORPORATION Total:					315.26
Vendor DBA: T1110 -					
COMPLETE KEY AND LOCK	LOCKS/KEYS- REPAIR/REPLACE	04/24/2025	04/25/2025		570.00
Vendor DBA T1110 - COMPLETE KEY AND LOCK Total:					570.00
Vendor DBA: 2161 - COOPER LAW OFFICES					
COOPER LAW OFFICES	CRT APPOINTED ATTY SVC	04/09/2025	04/14/2025		200.00
Vendor DBA 2161 - COOPER LAW OFFICES Total:					200.00
Vendor DBA: 2062 -					
CORE & MAIN LP	WATER METER SUPPLIES	04/04/2025	04/14/2025		433.68
CORE & MAIN LP	WATER METER SUPPLIES	04/16/2025	04/22/2025		240.00
Vendor DBA 2062 - CORE & MAIN LP Total:					673.68
Vendor DBA: 0685 -					
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/09/2025	04/14/2025		105.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/09/2025	04/14/2025		155.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/09/2025	04/14/2025		655.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/09/2025	04/14/2025		140.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/09/2025	04/14/2025		255.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/09/2025	04/14/2025		365.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/15/2025	04/22/2025		150.00
COUNTRYSIDE LAWN & TREE ...	FERTILIZER	04/15/2025	04/22/2025		1,225.00
Vendor DBA 0685 - COUNTRYSIDE LAWN & TREE CARE Total:					3,050.00
Vendor DBA: 0050 -					
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC-WAT	04/17/2025	04/14/2025		154.95
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		71.30
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		26.74
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		26.74
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		53.47
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		356.47
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		89.12
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		89.12
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		89.12
COX COMMUNICATIONS, INC	INTERNET/PHONE SERVICE	04/17/2025	04/16/2025		89.12
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC-PW	04/17/2025	04/16/2025		63.68
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC-PW	04/17/2025	04/16/2025		63.68
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC-PW	04/17/2025	04/16/2025		63.66
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC-PW	04/17/2025	04/16/2025		63.68
COX COMMUNICATIONS, INC	INTERNET/PHONE SVC-REC	04/17/2025	04/16/2025		193.69
Vendor DBA 0050 - COX COMMUNICATIONS, INC Total:					1,494.54
Vendor DBA: 1798 -					
CRAFCO, INC	FIELD SUPPLIES	04/15/2025	04/22/2025		260.00
Vendor DBA 1798 - CRAFCO, INC Total:					260.00
Vendor DBA: 0214 -					
DIGITAL OFFICE SYSTEMS - DOS	PD COPIER OVERAGE	04/16/2025	04/22/2025		39.03
Vendor DBA 0214 - DIGITAL OFFICE SYSTEMS - DOS Total:					39.03

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Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
Vendor DBA: 2367 -					
DOLLAR GENERAL #21238	COURT RESTITUTION	04/24/2025	04/25/2025		100.00
Vendor DBA 2367 - DOLLAR GENERAL #21238 Total:					100.00
Vendor DBA: 2326 -					
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
ECITY TRANSACTIONS, LLC	ONLINE PAYMENT SERVICE	04/09/2025	04/14/2025		90.00
Vendor DBA 2326 - ECITY TRANSACTIONS, LLC Total:					900.00
Vendor DBA: 2415 -					
EMPAC, INC	EMPLOYEE ASSIST PROGRAM...	04/18/2025	04/18/2025		405.45
Vendor DBA 2415 - EMPAC, INC Total:					405.45
Vendor DBA: 1802 -					
EMPOWER RETIREMENT 457	457 CITY MANAGER	04/10/2025	04/10/2025		540.00
EMPOWER RETIREMENT 457	457 EMP VOLUNTARY	04/10/2025	04/10/2025		562.00
EMPOWER RETIREMENT 457	457 CITY MANAGER	04/24/2025	04/24/2025		540.00
EMPOWER RETIREMENT 457	457 EMP VOLUNTARY	04/24/2025	04/24/2025		562.00
Vendor DBA 1802 - EMPOWER RETIREMENT 457 Total:					2,204.00
Vendor DBA: 0163 - ESRI, INC					
ESRI, INC	GIS SOFTWARE RENEWAL	04/24/2025	04/25/2025		40.00
ESRI, INC	GIS SOFTWARE RENEWAL	04/24/2025	04/25/2025		40.00
ESRI, INC	GIS SOFTWARE RENEWAL	04/24/2025	04/25/2025		40.00
Vendor DBA 0163 - ESRI, INC Total:					120.00
Vendor DBA: 0046 -					
EVERGY KANSAS CENTRAL INC	STR SIGNS/CROSSWALKS	04/16/2025	04/21/2025		29.88
EVERGY KANSAS CENTRAL INC	STR SIGNS/CROSSWALKS	04/16/2025	04/21/2025		53.14
EVERGY KANSAS CENTRAL INC	MAINT SHOP	04/09/2025	04/09/2025		91.49
EVERGY KANSAS CENTRAL INC	MAINT SHOP	04/09/2025	04/09/2025		54.89
EVERGY KANSAS CENTRAL INC	MAINT SHOP	04/09/2025	04/09/2025		109.79
EVERGY KANSAS CENTRAL INC	MAINT SHOP	04/09/2025	04/09/2025		109.78
EVERGY KANSAS CENTRAL INC	WATER TOWER	04/09/2025	04/09/2025		497.75
EVERGY KANSAS CENTRAL INC	CP STREET LIGHTS	04/17/2025	04/16/2025		8,457.92
EVERGY KANSAS CENTRAL INC	LIFT STATION	04/17/2025	04/18/2025		104.48
Vendor DBA 0046 - EVERGY KANSAS CENTRAL INC Total:					9,509.12
Vendor DBA: 0118 -					
EWING	SUPPLIES	04/16/2025	04/22/2025		13.01
Vendor DBA 0118 - EWING Total:					13.01
Vendor DBA: 2654 -					
EXPERT AUTO CENTER	PD-MAINTENANCE/REPAIR	04/24/2025	04/25/2025		790.10
EXPERT AUTO CENTER	PD-MAINTENANCE/REPAIR	04/24/2025	04/25/2025		656.74
Vendor DBA 2654 - EXPERT AUTO CENTER Total:					1,446.84
Vendor DBA: 1269 -					
FASTENAL COMPANY	HARDWARE	04/10/2025	04/14/2025		33.00
FASTENAL COMPANY	HARDWARE	04/10/2025	04/14/2025		275.88
Vendor DBA 1269 - FASTENAL COMPANY Total:					308.88
Vendor DBA: 2686 -					
FELIX'S LANDSCAPING-IRRIGAT..	IRRIGATION REPAIR	04/15/2025	04/22/2025		200.00
Vendor DBA 2686 - FELIX'S LANDSCAPING-IRRIGATION Total:					200.00
Vendor DBA: 0010 -					
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/10/2025	04/10/2025		12,098.52
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/10/2025	04/10/2025		397.66

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FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/10/2025	04/10/2025		1,110.52
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/10/2025	04/10/2025		1,422.12
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/10/2025	04/10/2025		7,897.07
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/10/2025	04/10/2025		243.47
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/10/2025	04/10/2025		441.59
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/10/2025	04/10/2025		937.20
FICA/FEDERAL W/H	MEDICARE/FICA	04/10/2025	04/10/2025		2,829.40
FICA/FEDERAL W/H	MEDICARE/FICA	04/10/2025	04/10/2025		93.00
FICA/FEDERAL W/H	MEDICARE/FICA	04/10/2025	04/10/2025		259.78
FICA/FEDERAL W/H	MEDICARE/FICA	04/10/2025	04/10/2025		332.50
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/24/2025	04/24/2025		12,473.54
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/24/2025	04/24/2025		414.68
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/24/2025	04/24/2025		980.98
FICA/FEDERAL W/H	SOCIAL SECURITY/FICA	04/24/2025	04/24/2025		1,378.64
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/24/2025	04/24/2025		7,689.53
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/24/2025	04/24/2025		264.48
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/24/2025	04/24/2025		400.24
FICA/FEDERAL W/H	FEDERAL W/H TAXES	04/24/2025	04/24/2025		874.16
FICA/FEDERAL W/H	MEDICARE/FICA	04/24/2025	04/24/2025		2,917.22
FICA/FEDERAL W/H	MEDICARE/FICA	04/24/2025	04/24/2025		96.98
FICA/FEDERAL W/H	MEDICARE/FICA	04/24/2025	04/24/2025		229.46
FICA/FEDERAL W/H	MEDICARE/FICA	04/24/2025	04/24/2025		322.38
Vendor DBA 0010 - FICA/FEDERAL W/H Total:					56,105.12

Vendor DBA: 1437 -

FREMAR CORP./MARTINS CEN... TOP SOIL	04/09/2025	04/14/2025		912.89
Vendor DBA 1437 - FREMAR CORP./MARTINS CENTRAL SAND Total:				912.89

Vendor DBA: 0068 -

GALLS, LLC	PD SUPPLIES	04/15/2025	04/22/2025	199.50
GALLS, LLC	UNIFORMS	04/15/2025	04/22/2025	77.00
Vendor DBA 0068 - GALLS, LLC Total:				276.50

Vendor DBA: 2081 -

GARVER	45TH OLIVER-WOODLAWN DI...	04/09/2025	04/14/2025	021-8832	3,975.36
GARVER	CHAPEL LANDING 5TH	04/09/2025	04/14/2025	007-8860	399.35
GARVER	CHAPEL LANDING 5TH	04/09/2025	04/14/2025	007-8861	184.50
GARVER	CHAPEL LANDING 5TH	04/09/2025	04/14/2025	007-8862	4,104.85
GARVER	SKYVIEW 2ND ADD PH 2	04/09/2025	04/14/2025	006-8860	352.00
GARVER	SKYVIEW 2ND ADD PH 2	04/09/2025	04/14/2025	006-8861	3,630.97
GARVER	SKYVIEW 2ND ADD PH 2	04/09/2025	04/14/2025	006-8862	824.00
GARVER	SAND ST CONVERSION COZY/...	04/09/2025	04/14/2025	010-8862	752.10
Vendor DBA 2081 - GARVER Total:					14,223.13

Vendor DBA: 2599 - HALL'S CULLIGAN WATER

HALL'S CULLIGAN WATER	WATER SERVICE-CH	04/07/2025	04/14/2025		29.50
HALL'S CULLIGAN WATER	WATER SERVICE-CH	04/07/2025	04/14/2025		29.50
HALL'S CULLIGAN WATER	WATER SERVICE - PD	04/04/2025	04/14/2025		15.18
HALL'S CULLIGAN WATER	WATER SERVICE - PD	04/04/2025	04/14/2025		15.17
HALL'S CULLIGAN WATER	WATER SERVICE - PD	04/24/2025	04/25/2025		38.50
HALL'S CULLIGAN WATER	WATER SERVICE-CH	04/24/2025	04/25/2025		100.50
HALL'S CULLIGAN WATER	WATER SERVICE - PW	04/24/2025	04/25/2025		5.47
HALL'S CULLIGAN WATER	WATER SERVICE - PW	04/24/2025	04/25/2025		5.48
HALL'S CULLIGAN WATER	WATER SERVICE - PW	04/24/2025	04/25/2025		5.47
HALL'S CULLIGAN WATER	WATER SERVICE - PW	04/24/2025	04/25/2025		5.48
Vendor DBA 2599 - HALL'S CULLIGAN WATER Total:					250.25

Vendor DBA: 0241 -

HAWKS INTER-STATE PESTMA... CH-HAWKS PEST CONTROL	04/24/2025	04/25/2025		98.76
Vendor DBA 0241 - HAWKS INTER-STATE PESTMASTERS Total:				98.76

Vendor DBA: T0596 -

HULNICK, STANG, GERING & L... RECORDS REQUEST REFUND	04/15/2025	04/22/2025		50.00
Vendor DBA T0596 - HULNICK, STANG, GERING & LEAVITT, P.A. Total:				50.00

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Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
Vendor DBA: 2470 -					
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		43.97
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		21.98
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		65.95
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		65.95
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		21.98
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		43.97
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		197.86
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		31.79
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		110.16
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		27.54
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		23.84
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		54.97
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		14.30
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		50.58
IDEATEK TELECOM	IDEATEK MONTHLY PHONE SE...	04/08/2025	04/14/2025		72.57
Vendor DBA 2470 - IDEATEK TELECOM Total:					847.41

Vendor DBA: 2582 -

IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		1,074.68
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		542.88
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		1,628.64
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		1,628.64
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		542.88
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		1,074.68
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		9,262.17
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2,171.52
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		1,074.68
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2,714.40
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		542.88
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2,714.40
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2,725.48
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		65.26
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		32.96
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		98.89
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		98.89
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		32.96
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		65.26
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		562.41
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		131.86
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		65.26
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		164.82
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		32.96
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		164.82
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/15/2025	04/22/2025		165.49
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		5.04
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2.55
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		7.64
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		7.64
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2.55
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		5.04
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		43.48
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		10.19
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		5.04
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		12.74
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2.55
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		12.74
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		12.79
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		327.33
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		165.35
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		496.06

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IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		496.06
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		165.35
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		327.33
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		2,821.10
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		661.41
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		327.33
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		826.76
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		165.35
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		826.76
IMAGINE IT INC	COMPUTER SUPPORT SERVICE	04/24/2025	04/25/2025		830.13
Vendor DBA 2582 - IMAGINE IT INC Total:					37,946.08
Vendor DBA: 2715 -					
INFOSEND INC	UTILITY INSERT	04/16/2025	04/22/2025		67.08
INFOSEND INC	UTILITY BILLS	04/16/2025	04/22/2025		725.24
INFOSEND INC	UTILITY LATE NOTICES	04/16/2025	04/22/2025		195.39
INFOSEND INC	UTILITY INSERT	04/16/2025	04/22/2025		67.09
INFOSEND INC	UTILITY INSERT	04/16/2025	04/22/2025		67.09
INFOSEND INC	UTILITY BILLS	04/16/2025	04/22/2025		725.25
INFOSEND INC	UTILITY LATE NOTICES	04/16/2025	04/22/2025		195.38
Vendor DBA 2715 - INFOSEND INC Total:					2,042.52
Vendor DBA: 2099 -					
JAMES BENAGE	JAN-MAR 25' MILEAGE/MEAL ...	04/07/2025	04/14/2025		679.77
Vendor DBA 2099 - JAMES BENAGE Total:					679.77
Vendor DBA: 2786 -					
JAY C HINKEL, ATTORNEY AT L...	LEGAL SERVICES	04/15/2025	04/22/2025		2,871.00
JAY C HINKEL, ATTORNEY AT L...	LEGAL SERVICES	04/22/2025	04/22/2025		247.50
JAY C HINKEL, ATTORNEY AT L...	LEGAL SERVICES	04/22/2025	04/22/2025		763.95
Vendor DBA 2786 - JAY C HINKEL, ATTORNEY AT LAW Total:					3,882.45
Vendor DBA: 2083 -					
JCI INDUSTRIES, INC.	EQUIPMENT	04/24/2025	04/25/2025		53,559.00
Vendor DBA 2083 - JCI INDUSTRIES, INC. Total:					53,559.00
Vendor DBA: 2938 -					
JENNIFER GRABOWSKI	REC REFUND-T-BALL	04/07/2025	04/14/2025		68.00
Vendor DBA 2938 - JENNIFER GRABOWSKI Total:					68.00
Vendor DBA: 0091 -					
JOHNSON CONTROLS FIRE PR...	FIRE ALARM TESTING/REPAIR	04/16/2025	04/22/2025		1,945.79
Vendor DBA 0091 - JOHNSON CONTROLS FIRE PROTECTI Total:					1,945.79
Vendor DBA: 1665 -					
JOY K WILLIAMS, ATTY AT LAW	PROSECUTOR SVC	04/09/2025	04/14/2025		903.50
Vendor DBA 1665 - JOY K WILLIAMS, ATTY AT LAW Total:					903.50
Vendor DBA: 0196 -					
K P E R S	KP&F	04/10/2025	04/10/2025		12,222.16
K P E R S	KPERS 1	04/10/2025	04/10/2025		904.61
K P E R S	KPERS 1	04/10/2025	04/10/2025		562.80
K P E R S	KPERS 1	04/10/2025	04/10/2025		412.29
K P E R S	KPERS 2	04/10/2025	04/10/2025		1,977.95
K P E R S	KPERS 2	04/10/2025	04/10/2025		328.90
K P E R S	KPERS 3	04/10/2025	04/10/2025		7,206.46
K P E R S	KPERS 3	04/10/2025	04/10/2025		1,213.93
K P E R S	KPERS 3	04/10/2025	04/10/2025		1,568.44
K P E R S	KP&F	04/24/2025	04/24/2025		12,293.77
K P E R S	KPERS 1	04/24/2025	04/24/2025		885.93
K P E R S	KPERS 1	04/24/2025	04/24/2025		457.41
K P E R S	KPERS 1	04/24/2025	04/24/2025		395.60
K P E R S	KPERS 2	04/24/2025	04/24/2025		1,989.48
K P E R S	KPERS 2	04/24/2025	04/24/2025		312.78
K P E R S	KPERS 3	04/24/2025	04/24/2025		7,188.36
K P E R S	KPERS 3	04/24/2025	04/24/2025		1,041.01

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Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
K P E R S	KPERS 3	04/24/2025	04/24/2025		1,526.55
Vendor DBA 0196 - K P E R S Total:					52,488.43
Vendor DBA: 0220 -					
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		24.91
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		12.59
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		36.68
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		26.63
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		12.61
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		14.61
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		177.58
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		56.56
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		0.35
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		25.13
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		58.13
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		12.61
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		52.69
KANSAS DEPT OF LABOR/EMP...	KDOL UNEMPLOYMENT TAX	04/17/2025	04/11/2025		47.60
Vendor DBA 0220 - KANSAS DEPT OF LABOR/EMPLOYMENT - KS EMPLOYMENT SECURITY FUND Total:					558.68
Vendor DBA: 0197 -					
KANSAS DEPT OF REVENUE	KS STATE W/H	04/10/2025	04/10/2025		4,642.33
KANSAS DEPT OF REVENUE	KS STATE W/H	04/10/2025	04/10/2025		134.88
KANSAS DEPT OF REVENUE	KS STATE W/H	04/10/2025	04/10/2025		384.92
KANSAS DEPT OF REVENUE	KS STATE W/H	04/10/2025	04/10/2025		537.71
KANSAS DEPT OF REVENUE	KS STATE W/H	04/24/2025	04/24/2025		4,704.17
KANSAS DEPT OF REVENUE	KS STATE W/H	04/24/2025	04/24/2025		142.54
KANSAS DEPT OF REVENUE	KS STATE W/H	04/24/2025	04/24/2025		355.33
KANSAS DEPT OF REVENUE	KS STATE W/H	04/24/2025	04/24/2025		518.19
Vendor DBA 0197 - KANSAS DEPT OF REVENUE Total:					11,420.07
Vendor DBA: 0199 -					
KANSAS DEPT OF REVENUE	03/25 SALES TAX	04/24/2025	04/25/2025		614.80
Vendor DBA 0199 - KANSAS DEPT OF REVENUE Total:					614.80
Vendor DBA: 0799 -					
KANSAS DEPT OF TRANSPORT...	RAIL SPUR LOAN PAYMENT #1...	04/08/2025	04/14/2025		3,844.91
KANSAS DEPT OF TRANSPORT...	RAIL SPUR LOAN PAYMENT #1...	04/08/2025	04/14/2025		32.15
Vendor DBA 0799 - KANSAS DEPT OF TRANSPORTATION Total:					3,877.06
Vendor DBA: 0287 -					
KANSAS GAS SERVICE	CH UTILITIES	04/16/2025	04/25/2025		288.21
KANSAS GAS SERVICE	POOL UTILITIES	04/16/2025	04/25/2025		50.36
KANSAS GAS SERVICE	MAINT PW UTILITIES	04/15/2025	04/25/2025		70.43
KANSAS GAS SERVICE	MAINT PW UTILITIES	04/16/2025	04/25/2025		90.65
KANSAS GAS SERVICE	MAINT PW UTILITIES	04/16/2025	04/25/2025		90.64
KANSAS GAS SERVICE	MAINT PW UTILITIES	04/16/2025	04/25/2025		90.64
KANSAS GAS SERVICE	MAINT PW UTILITIES	04/16/2025	04/25/2025		90.65
KANSAS GAS SERVICE	REC UTILITIES	04/16/2025	04/25/2025		286.16
Vendor DBA 0287 - KANSAS GAS SERVICE Total:					1,057.74
Vendor DBA: 0274 -					
KANSAS GOLF & TURF, INC	MOW EQUIP REPAIR/MAINTEN...	04/04/2025	04/14/2025		458.25
KANSAS GOLF & TURF, INC	MOW EQUIP REPAIR/MAINTEN...	04/04/2025	04/14/2025		255.93
KANSAS GOLF & TURF, INC	MOW EQUIP REPAIR/MAINTEN...	04/04/2025	04/14/2025		93.32
KANSAS GOLF & TURF, INC	EQUIP REPAIR/MAINTENANCE	04/16/2025	04/22/2025		459.99
KANSAS GOLF & TURF, INC	MOW EQUIP REPAIR/MAINTEN...	04/04/2025	04/14/2025		604.70
Vendor DBA 0274 - KANSAS GOLF & TURF, INC Total:					1,872.19
Vendor DBA: 0075 -					
KANSAS ONE-CALL SYSTEM, I...	LOCATE FEES: 322 FOR 03/25	04/09/2025	04/14/2025		214.13
KANSAS ONE-CALL SYSTEM, I...	LOCATE FEES: 322 FOR 03/25	04/09/2025	04/14/2025		214.13
Vendor DBA 0075 - KANSAS ONE-CALL SYSTEM, INC. Total:					428.26

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Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
Vendor DBA: 0191 -					
KANSAS RURAL WATER ASSOC...	CONFERENCE REGISTRATION	04/23/2025	04/25/2025		15.00
Vendor DBA 0191 - KANSAS RURAL WATER ASSOCIATION Total:					15.00
Vendor DBA: 0074 -					
KANSAS STATE TREASURER	COURT FEES	04/24/2025	04/25/2025		150.00
KANSAS STATE TREASURER	COURT FEES	04/24/2025	04/25/2025		989.71
KANSAS STATE TREASURER	COURT FEES	04/24/2025	04/25/2025		220.00
KANSAS STATE TREASURER	COURT FEES	04/24/2025	04/25/2025		63.50
KANSAS STATE TREASURER	COURT FEES	04/24/2025	04/25/2025		1,376.00
KANSAS STATE TREASURER	COURT FEES	04/24/2025	04/25/2025		300.00
Vendor DBA 0074 - KANSAS STATE TREASURER Total:					3,099.21
Vendor DBA: 0836 -					
KANZA CO-OPERATIVE ASSOC...	UNLEADED BULK FUEL	04/16/2025	04/22/2025		48.67
KANZA CO-OPERATIVE ASSOC...	DIESEL BULK FUEL	04/16/2025	04/22/2025		47.20
KANZA CO-OPERATIVE ASSOC...	UNLEADED BULK FUEL	04/16/2025	04/22/2025		194.70
KANZA CO-OPERATIVE ASSOC...	DIESEL BULK FUEL	04/16/2025	04/22/2025		141.59
KANZA CO-OPERATIVE ASSOC...	UNLEADED BULK FUEL	04/16/2025	04/22/2025		129.80
KANZA CO-OPERATIVE ASSOC...	UNLEADED BULK FUEL	04/16/2025	04/22/2025		146.02
KANZA CO-OPERATIVE ASSOC...	DIESEL BULK FUEL	04/16/2025	04/22/2025		755.15
KANZA CO-OPERATIVE ASSOC...	UNLEADED BULK FUEL	04/16/2025	04/22/2025		129.80
Vendor DBA 0836 - KANZA CO-OPERATIVE ASSOCIATION Total:					1,592.93
Vendor DBA: 1392 -					
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/09/2025	04/14/2025		200.00
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/09/2025	04/14/2025		225.00
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/09/2025	04/14/2025		450.00
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/15/2025	04/22/2025		225.00
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/15/2025	04/22/2025		225.00
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/15/2025	04/22/2025		225.00
LAUTZ LAW LLC	COURT APPT. ATTY. SERVICES	04/22/2025	04/22/2025		100.00
Vendor DBA 1392 - LAUTZ LAW LLC Total:					1,650.00
Vendor DBA: 2687 -					
LEASE FINANCE PARTNERS	36822QT: 03/25:PD COPIER	04/09/2025	04/14/2025		141.63
Vendor DBA 2687 - LEASE FINANCE PARTNERS Total:					141.63
Vendor DBA: 0225 -					
LEE REED ENGRAVING, INC	SERVICE PLAQUE	04/09/2025	04/14/2025		72.00
Vendor DBA 0225 - LEE REED ENGRAVING, INC Total:					72.00
Vendor DBA: 2560 -					
LINSTAR INC	PRINTED ID CARDS	04/15/2025	04/22/2025		12.80
LINSTAR INC	PRINTED ID CARDS	04/23/2025	04/25/2025		12.80
Vendor DBA 2560 - LINSTAR INC Total:					25.60
Vendor DBA: 2328 - MERCHANT SERVICES					
MERCHANT SERVICES	CC PROCESSING FEE	04/16/2025	04/25/2025		868.65
MERCHANT SERVICES	CC PROCESSING FEE	04/16/2025	04/25/2025		868.65
Vendor DBA 2328 - MERCHANT SERVICES Total:					1,737.30
Vendor DBA: 2843 -					
MOBILE POWER EQUIPMENT ...	SEWER CRAWLER	04/11/2025	04/11/2025		56,000.00
Vendor DBA 2843 - MOBILE POWER EQUIPMENT LLC Total:					56,000.00
Vendor DBA: 2720 -					
MUNICIPAL SUPPLY INC	SUPPLIES	04/24/2025	04/25/2025		647.64
Vendor DBA 2720 - MUNICIPAL SUPPLY INC Total:					647.64
Vendor DBA: 2153 - NATIONAL CENTER FOR SAFETY					
NATIONAL CENTER FOR SAFETY YOUTH SPORTS OFFICIAL BAC...		04/08/2025	04/14/2025		315.00
Vendor DBA 2153 - NATIONAL CENTER FOR SAFETY Total:					315.00
Vendor DBA: 0460 -					
NATIONAL SIGN COMPANY, I...	SIGNS, MATERIALS/SUPPLIES	04/24/2025	04/25/2025		737.66
Vendor DBA 0460 - NATIONAL SIGN COMPANY, INC. Total:					737.66

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Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
Vendor DBA: 2764 -					
NEARMAP US, INC	PW GIS SUBSCRIPTION	04/08/2025	04/14/2025		3,270.00
NEARMAP US, INC	PW GIS SUBSCRIPTION	04/08/2025	04/14/2025		3,270.00
Vendor DBA 2764 - NEARMAP US, INC Total:					6,540.00
Vendor DBA: 0226 -					
NOWAK CONSTRUCTION CO I...	LAKES ADDITION IMPROVEM...	04/16/2025	04/22/2025	014-8880	66,060.00
NOWAK CONSTRUCTION CO I...	LAKES ADDITION IMPROVEM...	04/16/2025	04/22/2025	005-8881	188,743.95
Vendor DBA 0226 - NOWAK CONSTRUCTION CO INC. Total:					254,803.95
Vendor DBA: 1345 -					
OREILLY AUTO PARTS	VEHICLE MAINT/REPAIR	04/24/2025	04/25/2025		5.29
Vendor DBA 1345 - OREILLY AUTO PARTS Total:					5.29
Vendor DBA: 2712 -					
PACE ANALYTICAL SERVICES L...	SW:SUSPENDED SOLIDS TESTI...	04/24/2025	04/25/2025		397.50
PACE ANALYTICAL SERVICES L...	SW:SUSPENDED SOLIDS TESTI...	04/24/2025	04/25/2025		397.50
PACE ANALYTICAL SERVICES L...	SW:SUSPENDED SOLIDS TESTI...	04/24/2025	04/25/2025		397.50
Vendor DBA 2712 - PACE ANALYTICAL SERVICES LLC Total:					1,192.50
Vendor DBA: 2248 -					
PARKS INC	NEW VEHICLE PURCHASE	04/17/2025	04/18/2025		42,050.00
Vendor DBA 2248 - PARKS INC Total:					42,050.00
Vendor DBA: 2369 -					
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	04/10/2025	04/11/2025		486.62
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	04/17/2025	04/18/2025		99.22
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	04/21/2025	04/21/2025		32.30
PAYLOCITY CORPORATION	FSA EMPLOYEE EXPENSE	04/24/2025	04/25/2025		244.66
Vendor DBA 2369 - PAYLOCITY CORPORATION Total:					862.80
Vendor DBA: 2493 -					
PEARSON MATERIALS	11.010 TN ASPHALT	04/15/2025	04/22/2025		732.17
PEARSON MATERIALS	14.020 TN ASPHALT	04/15/2025	04/22/2025		932.33
PEARSON MATERIALS	10.090 TON ASPHALT-	04/15/2025	04/22/2025		670.99
PEARSON MATERIALS	38TH ST N. & PARKWOOD AVE	04/16/2025	04/22/2025		617.25
Vendor DBA 2493 - PEARSON MATERIALS Total:					2,952.74
Vendor DBA: 2732 - PIVOLOCITY					
PIVOLOCITY	ERP IMPLEMENTATION	04/09/2025	04/14/2025		250.00
Vendor DBA 2732 - PIVOLOCITY Total:					250.00
Vendor DBA: 2324 -					
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/09/2025	04/14/2025		4,114.41
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/09/2025	04/14/2025	025-8026	10,500.00
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/09/2025	04/14/2025	005-8860	4,457.00
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/09/2025	04/14/2025	005-8861	4,457.00
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/09/2025	04/14/2025		26,850.00
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/09/2025	04/14/2025		10,000.00
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/24/2025	04/25/2025		1,000.00
PROFESSIONAL ENGINEERING...	MONTHLY SERVICES	04/24/2025	04/25/2025	001-8891	7,152.42
Vendor DBA 2324 - PROFESSIONAL ENGINEERING CONSU Total:					68,530.83
Vendor DBA: 0105 -					
PUBLIC WORKS & UTILITIES	3,081,000 GAL 03/10/25-04/0...	04/23/2025	04/25/2025		15,198.70
Vendor DBA 0105 - PUBLIC WORKS & UTILITIES Total:					15,198.70
Vendor DBA: 0153 - PYEBARKER FIRE & SAFETY					
PYEBARKER FIRE & SAFETY	CH-FIRE EXT. CERT. ANNUAL	04/24/2025	04/25/2025		115.00
PYEBARKER FIRE & SAFETY	PD FIRE EXT. CERT. ANNUAL	04/24/2025	04/25/2025		450.00
Vendor DBA 0153 - PYEBARKER FIRE & SAFETY Total:					565.00
Vendor DBA: 0456 -					
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		16.76
QUILL	QUILL - OFFICE SUPPLIES	04/08/2025	04/22/2025		-68.84
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		111.83
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		85.98
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		85.98

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QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		85.98
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		85.98
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		42.99
QUILL	QUILL - OFFICE SUPPLIES	04/15/2025	04/22/2025		68.84
Vendor DBA 0456 - QUILL Total:					515.50
Vendor DBA: T1536 -					
REBECCA ARMSTRONG	SHRUBS/BUSHES	04/23/2025	04/25/2025		362.00
Vendor DBA T1536 - REBECCA ARMSTRONG Total:					362.00
Vendor DBA: 2614 -					
RUSH TRUCK CENTERS	VEH REP/MAINT	04/16/2025	04/22/2025		210.40
RUSH TRUCK CENTERS	VEH REP/MAINT	04/16/2025	04/22/2025		210.39
RUSH TRUCK CENTERS	VEH REP/MAINT	04/16/2025	04/22/2025		210.40
RUSH TRUCK CENTERS	VEH REP/MAINT	04/16/2025	04/22/2025		210.40
Vendor DBA 2614 - RUSH TRUCK CENTERS Total:					841.59
Vendor DBA: 2874 -					
SCHAEFER ARCHITECTURE	UTILITY & PUBLIC WORKS FAC...	04/16/2025	04/22/2025	001-8836	113,496.00
Vendor DBA 2874 - SCHAEFER ARCHITECTURE Total:					113,496.00
Vendor DBA: 0471 -					
SECURITY BANK OF KANSAS CI...	PBC2021 INT/PRINCIPAL PAY...	04/22/2025	04/22/2025		955,000.00
SECURITY BANK OF KANSAS CI...	PBC2021 INT/PRINCIPAL PAY...	04/22/2025	04/22/2025		106,155.00
SECURITY BANK OF KANSAS CI...	PBC2021 INT/PRINCIPAL PAY...	04/22/2025	04/22/2025		618.71
Vendor DBA 0471 - SECURITY BANK OF KANSAS CITY Total:					1,061,773.71
Vendor DBA: 0216 -					
SEDGWICK COUNTY DIV OF FL...	03/25 PRISONER HOUSING FE...	04/07/2025	04/14/2025		96.90
Vendor DBA 0216 - SEDGWICK COUNTY DIV OF FINANCE Total:					96.90
Vendor DBA: 2943 -					
SHANNON LE	REFUND REC PROGRAM	04/24/2025	04/25/2025		39.00
Vendor DBA 2943 - SHANNON LE Total:					39.00
Vendor DBA: 0911 - SIMPLE CLEAN					
SIMPLE CLEAN	04/25 JANITORIAL SVC: REC	04/08/2025	04/14/2025		682.50
SIMPLE CLEAN	04/25 JANITORIAL SVC: PW	04/08/2025	04/14/2025		103.20
SIMPLE CLEAN	04/25 JANITORIAL SVC: PW	04/08/2025	04/14/2025		103.20
SIMPLE CLEAN	04/25 JANITORIAL SVC: PW	04/08/2025	04/14/2025		103.20
SIMPLE CLEAN	04/25 JANITORIAL SVC: CH	04/08/2025	04/14/2025		1,832.50
Vendor DBA 0911 - SIMPLE CLEAN Total:					2,824.60
Vendor DBA: 1822 -					
SIMPLOT TURF & HORTICULT...	REC:HERBICIDE	04/09/2025	04/14/2025		256.73
Vendor DBA 1822 - SIMPLOT TURF & HORTICULTURE OKLAHOMA CITY Total:					256.73
Vendor DBA: 0140 -					
SPECTRUM PROMOTIONAL P...	REC SPORTS SHIRTS/UNIFOR...	04/24/2025	04/25/2025		276.83
Vendor DBA 0140 - SPECTRUM PROMOTIONAL PRODUCTS Total:					276.83
Vendor DBA: 1953 -					
SUMNERONE - SUMNER GRO...	SUMNER ONE PRINTING CHA...	04/24/2025	04/25/2025		85.61
SUMNERONE - SUMNER GRO...	SUMNER ONE PRINTING CHA...	04/24/2025	04/25/2025		103.04
SUMNERONE - SUMNER GRO...	SUMNER ONE PRINTING CHA...	04/24/2025	04/25/2025		103.04
Vendor DBA 1953 - SUMNERONE - SUMNER GROUP INC Total:					291.69
Vendor DBA: 0266 -					
SUPERIOR RUBBER STAMP & ...	OFFICE SUPPLIES	04/09/2025	04/14/2025		188.05
SUPERIOR RUBBER STAMP & ...	OFFICE SUPPLIES	04/09/2025	04/14/2025		5.20
Vendor DBA 0266 - SUPERIOR RUBBER STAMP & SEAL Total:					193.25
Vendor DBA: 1963 -					
SURENCY LIFE & HEALTH INS ...	04/25 VISION INSURANCE	04/14/2025	04/18/2025		444.68
SURENCY LIFE & HEALTH INS ...	04/25 VISION INSURANCE	04/14/2025	04/18/2025		17.23
SURENCY LIFE & HEALTH INS ...	04/25 VISION INSURANCE	04/14/2025	04/18/2025		33.61
SURENCY LIFE & HEALTH INS ...	04/25 VISION INSURANCE	04/14/2025	04/18/2025		44.00
Vendor DBA 1963 - SURENCY LIFE & HEALTH INS CO Total:					539.52

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Vendor DBA	Description (Item)	Post Date	Payment Date	Project Account Key	Amount
Vendor DBA: 0479 -					
TREE TOP NURSERY & LANDS...	CONTRACT MOWING	04/08/2025	04/14/2025		208.00
TREE TOP NURSERY & LANDS...	CONTRACT MOWING	04/08/2025	04/14/2025		98.35
Vendor DBA 0479 - TREE TOP NURSERY & LANDSCAPE Total:					306.35
Vendor DBA: 2788 -					
TYLER TECHNOLOGIES INC	ERP PRO 10	04/09/2025	04/14/2025		978.75
TYLER TECHNOLOGIES INC	ERP PRO 10	04/09/2025	04/14/2025		580.00
TYLER TECHNOLOGIES INC	ERP PRO 10	04/24/2025	04/25/2025		7,250.00
TYLER TECHNOLOGIES INC	ERP PRO 10	04/24/2025	04/25/2025		8,011.25
Vendor DBA 2788 - TYLER TECHNOLOGIES INC Total:					16,820.00
Vendor DBA: 0700 -					
ULINE	DOG WASTE BAGS	04/09/2025	04/14/2025		139.86
Vendor DBA 0700 - ULINE Total:					139.86
Vendor DBA: 0503 -					
UNDERGROUND VAULTS & ST...	DOCUMENT SHREDDING	04/24/2025	04/25/2025		10.00
UNDERGROUND VAULTS & ST...	DOCUMENT SHREDDING	04/24/2025	04/25/2025		10.00
Vendor DBA 0503 - UNDERGROUND VAULTS & STORAGE-UV&S Total:					20.00
Vendor DBA: 2286 -					
UTILITY MAINTENANCE CONT...	WATER SERVICE INSTALL	04/16/2025	04/22/2025		7,980.00
UTILITY MAINTENANCE CONT...	WATER SERVICE INSTALL	04/24/2025	04/25/2025		7,911.03
Vendor DBA 2286 - UTILITY MAINTENANCE CONTRACTOR Total:					15,891.03
Vendor DBA: 0035 -					
UTILITY SERVICE CO, INC -USG...	S. WATER TOWER CONTRACT...	04/16/2025	04/22/2025		5,600.50
Vendor DBA 0035 - UTILITY SERVICE CO, INC -USG WATER SOLUTIONS Total:					5,600.50
Vendor DBA: 1205 -					
WASTE CONNECTIONS OF KA...	03/25 RECYCLE/TRASH SVC	04/16/2025	04/22/2025		111.24
WASTE CONNECTIONS OF KA...	03/25 RECYCLE/TRASH SVC	04/16/2025	04/22/2025		111.28
WASTE CONNECTIONS OF KA...	03/25 RECYCLE/TRASH SVC	04/16/2025	04/22/2025		111.24
WASTE CONNECTIONS OF KA...	03/25 RECYCLE/TRASH SVC	04/16/2025	04/22/2025		35,882.14
WASTE CONNECTIONS OF KA...	03/25 RECYCLE/TRASH SVC	04/16/2025	04/22/2025		13,098.00
Vendor DBA 1205 - WASTE CONNECTIONS OF KANSAS Total:					49,313.90
Vendor DBA: 0102 - WHITE STAR MACHINERY & SPL					
WHITE STAR MACHINERY & SPL	MINOR EQUIP/TOOLS	04/23/2025	04/25/2025		169.25
WHITE STAR MACHINERY & SPL	MINOR EQUIP/TOOLS	04/23/2025	04/25/2025		169.25
WHITE STAR MACHINERY & SPL	MINOR EQUIP/TOOLS	04/23/2025	04/25/2025		169.25
WHITE STAR MACHINERY & SPL	MINOR EQUIP/TOOLS	04/23/2025	04/25/2025		169.25
Vendor DBA 0102 - WHITE STAR MACHINERY & SPL Total:					677.00
Vendor DBA: 0106 -					
WICHITA WINWATER WORKS	WATER SERV/MAINT. SUPPLIES	04/16/2025	04/22/2025		60.00
Vendor DBA 0106 - WICHITA WINWATER WORKS Total:					60.00
Vendor DBA: 0003 - WILLIAMS JANITORIAL SUPPLY WAREHOUSE					
WILLIAMS JANITORIAL SUPPLY...	JANITORIAL SUPPLIES	04/09/2025	04/14/2025		143.47
Vendor DBA 0003 - WILLIAMS JANITORIAL SUPPLY WAREHOUSE Total:					143.47
Vendor DBA: 2791 -					
WORKSTEPS, INC	PRE-EMPLOYMENT SCREENING	04/08/2025	04/14/2025		75.00
WORKSTEPS, INC	PRE-EMPLOYMENT SCREENING	04/08/2025	04/14/2025		75.00
Vendor DBA 2791 - WORKSTEPS, INC Total:					150.00
Vendor DBA: 1849 - WRIGHT EXPRESS FSC					
WRIGHT EXPRESS FSC	FLEET FUEL	04/24/2025	04/25/2025		2,901.18
WRIGHT EXPRESS FSC	FLEET FUEL	04/24/2025	04/25/2025		163.39
WRIGHT EXPRESS FSC	FLEET FUEL	04/24/2025	04/25/2025		320.41
WRIGHT EXPRESS FSC	FLEET FUEL	04/24/2025	04/25/2025		48.72
WRIGHT EXPRESS FSC	FLEET FUEL	04/24/2025	04/25/2025		114.89
Vendor DBA 1849 - WRIGHT EXPRESS FSC Total:					3,548.59
Grand Total:					2,202,772.85

Report Summary

Fund Summary

Fund	Payment Amount
100 - General Fund	212,344.46
120 - COP & PBC Trustee Fund	1,061,773.71
200 - Special Street & Highway	20,453.82
315 - Equipment Reserve	98,050.00
320 - Capital Projects Fund 2	394,614.14
355 - Capital Improvement Reserve	31,295.36
410 - Bond & Interest	3,877.06
520 - Water Utility	212,332.56
530 - Sewer Utility	119,051.60
540 - Solid Waste Utility	48,980.14
Grand Total:	2,202,772.85

Account Summary

Account Number	Account Name	Payment Amount
100-000-000-2014	FEDERAL TAX PAYABLE	15,586.60
100-000-000-2016	SOCIAL SECURITY PAYAB...	24,572.06
100-000-000-2018	MEDICARE PAYABLE	5,746.62
100-000-000-2020	STATE TAX PAYABLE	9,346.50
100-000-000-2022	KPERS 1 PAYABLE	1,790.54
100-000-000-2024	KPERS 2 PAYABLE	3,967.43
100-000-000-2026	KPERS 3 PAYABLE	14,394.82
100-000-000-2028	KP&F PAYABLE	24,515.93
100-000-000-2034	457 DEFERRED COMP P...	2,204.00
100-000-000-2054	VISION INS PAYABLE	444.68
100-000-000-2062	FSA HEALTH PAYABLE	862.80
100-000-000-2076	COURT REINST FIXED FEE...	150.00
100-000-000-2078	COURT REINST FEE PAY...	989.71
100-000-000-2080	COURT JUDICIAL DOCKET..	220.00
100-000-000-2082	COURT JUDICIAL EDUCAT..	63.50
100-000-000-2084	COURT KLETC FEE PAYAB...	1,376.00
100-000-000-2090	COURT RESTITUTION PA...	140.31
100-000-000-2092	COURT STATE DUI FEE P...	300.00
100-000-000-4214	POLICE REPORT FEES	50.00
100-000-000-4400	RECREATION PROGRAM ...	427.00
100-100-110-5034	UNEMPLOYMENT EXPEN...	24.91
100-100-110-7014	IT - MANAGED SERVICES	1,472.31
100-100-110-7024	CONTRACTUAL SERVICES	655.45
100-100-110-7030	ENGINEERING SERVICES	26,850.00
100-100-110-7046	COMMUNICATION SERV...	115.27
100-100-110-7804	LEGAL SERVICES	2,595.49
100-100-130-5034	UNEMPLOYMENT EXPEN...	12.59
100-100-130-6014	OFFICE SUPPLIES	42.99
100-100-130-7014	IT - MANAGED SERVICES	743.74
100-100-130-7032	ENGINEERING SERVICES -..	10,000.00
100-100-130-7046	COMMUNICATION SERV...	21.98
100-100-140-5034	UNEMPLOYMENT EXPEN...	36.68
100-100-140-6028	PUBLICATIONS/PRINTING	103.04
100-100-140-7014	IT - MANAGED SERVICES	2,231.23
100-100-140-7046	COMMUNICATION SERV...	65.95
100-100-150-6048	TRAINING/CONFERENCE...	679.77
100-100-150-7046	COMMUNICATION SERV...	26.74
100-100-160-5034	UNEMPLOYMENT EXPEN...	26.63
100-100-160-6014	OFFICE SUPPLIES	188.05
100-100-160-6028	PUBLICATIONS/PRINTING	500.00
100-100-160-7014	IT - MANAGED SERVICES	2,231.23
100-100-160-7046	COMMUNICATION SERV...	92.69
100-100-170-5034	UNEMPLOYMENT EXPEN...	12.61

Account Summary

Account Number	Account Name	Payment Amount
100-100-170-7014	IT - MANAGED SERVICES	743.74
100-100-170-7046	COMMUNICATION SERV...	21.98
100-100-170-7804	LEGAL SERVICES	3,882.45
100-120-240-5034	UNEMPLOYMENT EXPEN...	14.61
100-120-240-6014	OFFICE SUPPLIES	5.20
100-120-240-7014	IT - MANAGED SERVICES	1,472.31
100-120-240-7024	CONTRACTUAL SERVICES	290.00
100-120-240-7026	COURT APPT ATTY/INVE...	1,850.00
100-120-240-7046	COMMUNICATION SERV...	97.44
100-120-240-7064	INMATE HOUSING FEES	96.90
100-120-240-7804	LEGAL SERVICES	2,141.48
100-120-250-5034	UNEMPLOYMENT EXPEN...	177.58
100-120-250-6014	OFFICE SUPPLIES	111.58
100-120-250-6020	IT - COMPUTERS AND E...	39.03
100-120-250-6040	UNIFORMS/CLOTHING	77.00
100-120-250-6056	PETROLEUM PRODUCTS	2,901.18
100-120-250-6300	POLICE SUPPLIES	199.50
100-120-250-6602	VEH/EQUIP REPAIRS & ...	575.29
100-120-250-6604	VEHICLE REPAIR/MAINT	1,446.84
100-120-250-7014	IT - MANAGED SERVICES	12,689.16
100-120-250-7024	CONTRACTUAL SERVICES	1,090.69
100-120-250-7046	COMMUNICATION SERV...	554.33
100-130-330-6004	CHEMICALS	655.00
100-130-330-7046	COMMUNICATION SERV...	31.79
100-130-330-7048	UTILITIES	50.36
100-130-350-5034	UNEMPLOYMENT EXPEN...	56.91
100-130-350-6000	AGRICULT/HORTICULT S...	256.73
100-130-350-6006	IRRIGATION MAINT/REP...	200.00
100-130-350-6014	OFFICE SUPPLIES	85.98
100-130-350-6028	PUBLICATIONS/PRINTING	152.69
100-130-350-6034	CLEANING SUPPLIES	143.47
100-130-350-6056	PETROLEUM PRODUCTS	48.67
100-130-350-6400	RECREATIONAL EQUIP/S...	276.83
100-130-350-7014	IT - MANAGED SERVICES	2,974.98
100-130-350-7024	CONTRACTUAL SERVICES	740.00
100-130-350-7038	JANITORIAL SERVICES	682.50
100-130-350-7046	COMMUNICATION SERV...	303.85
100-130-350-7048	UTILITIES	286.16
100-130-360-7046	COMMUNICATION SERV...	116.66
100-140-440-8010	PUBLIC GROUNDS IMPR...	362.00
100-150-510-5034	UNEMPLOYMENT EXPEN...	25.13
100-150-510-6004	CHEMICALS	360.00
100-150-510-6040	UNIFORMS/CLOTHING	266.01
100-150-510-6054	MINOR EQUIP: TOOLS,E...	169.25
100-150-510-6056	PETROLEUM PRODUCTS	241.90
100-150-510-6100	CONSTRUCTION MATER...	1,530.14
100-150-510-6400	RECREATIONAL EQUIP/S...	139.86
100-150-510-6602	VEH/EQUIP REPAIRS & ...	1,412.20
100-150-510-6604	VEHICLE REPAIR/MAINT	210.40
100-150-510-7014	IT - MANAGED SERVICES	1,472.31
100-150-510-7024	CONTRACTUAL SERVICES	206.98
100-150-510-7046	COMMUNICATION SERV...	87.52
100-150-510-7048	UTILITIES	293.38
100-150-510-8000	VEH/EQUIP LEASE/PURC...	459.99
100-160-610-5034	UNEMPLOYMENT EXPEN...	58.13
100-160-610-6014	OFFICE SUPPLIES	85.98
100-160-610-6028	PUBLICATIONS/PRINTING	103.04
100-160-610-6056	PETROLEUM PRODUCTS	163.39

Account Summary

Account Number	Account Name	Payment Amount
100-160-610-7012	COMPUTER SUPPORT SE...	40.00
100-160-610-7014	IT - MANAGED SERVICES	3,718.72
100-160-610-7024	CONTRACTUAL SERVICES	180.00
100-160-610-7046	COMMUNICATION SERV...	144.09
100-190-910-6004	CHEMICALS	1,365.00
100-190-910-6014	OFFICE SUPPLIES	171.58
100-190-910-7022	MOWING SERVICES	208.00
100-190-910-7024	CONTRACTUAL SVCS	3,330.03
100-190-910-7038	JANITORIAL SVCS	1,832.50
100-190-910-7048	UTILITIES	288.21
120-125-067-8700	DEBT SVC-PRINCIPAL PBC...	955,000.00
120-125-067-8782	DEBT SVC-INTEREST PBC...	106,773.71
200-000-000-2014	FEDERAL TAX PAYABLE	507.95
200-000-000-2016	SOCIAL SECURITY PAYAB...	812.34
200-000-000-2018	MEDICARE PAYABLE	189.98
200-000-000-2020	STATE TAX PAYABLE	277.42
200-000-000-2022	KPERS 1 PAYABLE	1,020.21
200-000-000-2054	VISION INS PAYABLE	17.23
200-210-200-5034	UNEMPLOYMENT EXPEN...	12.61
200-210-200-6004	CHEMICALS	670.00
200-210-200-6040	UNIFORMS/CLOTHING	144.15
200-210-200-6054	MINOR EQUIP: TOOLS,E...	169.25
200-210-200-6056	PETROLEUM PRODUCTS	591.80
200-210-200-6100	CONSTRUCTION MATER...	275.88
200-210-200-6104	SIGNS, MATERIAL/SUPPL...	737.66
200-210-200-6604	VEHICLE REPAIR/MAINT	210.39
200-210-200-7014	IT - MANAGED SERVICES	743.74
200-210-200-7022	MOWING SERVICES	98.35
200-210-200-7024	CONTRACTUAL SERVICES	96.00
200-210-200-7040	STREET LIGHTING	8,457.92
200-210-200-7046	COMMUNICATION SERV...	77.98
200-210-200-7048	UTILITIES	228.55
200-210-200-8014	STREET IMPROVEMENTS	5,114.41
315-315-315-8000	VEH/EQUIP LEASE/PURC...	98,050.00
320-320-320-8836	DESIGN - ARCHITECT	113,496.00
320-320-320-8860	INSPECTION - WATER	5,208.35
320-320-320-8861	INSPECTION - SEWER	8,272.47
320-320-320-8862	INSPECTION - PAVING	5,680.95
320-320-320-8880	CONSTRUCTION - WATER	66,060.00
320-320-320-8881	CONSTRUCTION - SEWER	188,743.95
320-320-320-8891	OWNER'S REP	7,152.42
355-355-355-7024	CONTRACTUAL SERVICES	16,820.00
355-355-355-8014	STREET IMPROVEMENTS	3,975.36
355-355-355-8026	PUB GROUNDS IMPROV...	10,500.00
410-410-410-8700	DEBT SERVICE PRINCIPAL	3,844.91
410-410-410-8702	DEBT SERVICE INTEREST	32.15
520-000-000-2014	FEDERAL TAX PAYABLE	841.83
520-000-000-2016	SOCIAL SECURITY PAYAB...	2,091.50
520-000-000-2018	MEDICARE PAYABLE	489.24
520-000-000-2020	STATE TAX PAYABLE	740.25
520-000-000-2024	KPERS 2 PAYABLE	641.68
520-000-000-2026	KPERS 3 PAYABLE	2,254.94
520-000-000-2054	VISION INS PAYABLE	33.61
520-210-520-2006	STATE SALES TAX COLLE...	614.80
520-210-520-5034	UNEMPLOYMENT EXPEN...	52.69
520-210-520-6014	OFFICE SUPPLIES	42.99
520-210-520-6028	PUBLICATIONS/PRINTING	1,054.81
520-210-520-6038	MERCHANDISE TSF OR D...	72.00

Account Summary

Account Number	Account Name	Payment Amount
520-210-520-6040	UNIFORMS/CLOTHING	565.77
520-210-520-6046	TRAINING/CONFERENCES	15.00
520-210-520-6054	MINOR EQUIP: TOOLS,E...	169.25
520-210-520-6056	PETROLEUM PRODUCTS	949.89
520-210-520-6100	CONSTRUCTION MATER...	13.01
520-210-520-6500	WATER SYSTEM SUPPLIES	706.68
520-210-520-6604	VEHICLE REPAIR/MAINT	210.40
520-210-520-6800	WATER TOWER MAINT	5,600.50
520-210-520-6802	WATER SYSTEM MAINT/...	16,598.67
520-210-520-7000	CREDIT CARD PROCESSI...	868.65
520-210-520-7014	IT - MANAGED SERVICES	3,718.72
520-210-520-7016	SOFTWARE/HARDWARE...	40.00
520-210-520-7024	CONTRACTUAL SERVICES	3,890.19
520-210-520-7046	COMMUNICATION SERV...	358.31
520-210-520-7048	UTILITIES	879.89
520-210-520-7058	WATER PURCHASED	15,198.70
520-210-520-7060	WATER TREATMENT OP...	52,021.42
520-210-520-7062	WATER DEBT SERVICE - ...	48,038.17
520-210-520-8002	BUILDINGS/FIXED EQUI...	53,559.00
530-000-000-2014	FEDERAL TAX PAYABLE	1,811.36
530-000-000-2016	SOCIAL SECURITY PAYAB...	2,800.76
530-000-000-2018	MEDICARE PAYABLE	654.88
530-000-000-2020	STATE TAX PAYABLE	1,055.90
530-000-000-2022	KPERS 1 PAYABLE	807.89
530-000-000-2026	KPERS 3 PAYABLE	3,094.99
530-000-000-2054	VISION INS PAYABLE	44.00
530-210-530-5034	UNEMPLOYMENT EXPEN...	47.60
530-210-530-6028	PUBLICATIONS	920.63
530-210-530-6040	UNIFORMS/CLOTHING	274.21
530-210-530-6054	MINOR EQUIP: TOOLS,E...	169.25
530-210-530-6056	PETROLEUM PRODUCTS	244.69
530-210-530-6604	VEHICLE REPAIR/MAINT	210.40
530-210-530-6806	LIFT STATION OPERATIO...	344.48
530-210-530-7000	CREDIT CARD PROCESSI...	868.65
530-210-530-7014	IT - MANAGED SERVICES	3,733.89
530-210-530-7016	SOFTWARE/HARDWARE...	40.00
530-210-530-7024	CONTRACTUAL SERVICES	3,890.20
530-210-530-7026	WASTEWATER SAMPLIN...	1,192.50
530-210-530-7046	COMMUNICATION SERV...	225.37
530-210-530-7048	UTILITIES	311.67
530-210-530-7052	SEWER TREATMENT OP...	32,218.80
530-210-530-7054	SEWER DEBT SERVICE - ...	61,889.48
530-210-530-7800	ENGINEERING SERVICES	2,200.00
540-540-540-7042	SOLID WASTE SERVICES ...	35,882.14
540-540-540-7044	RECYCLING SERVICES	13,098.00
Grand Total:		2,202,772.85

Project Account Summary

Project Account Key	Payment Amount
None	1,793,683.35
001-8836	113,496.00
001-8891	7,152.42
005-8860	4,457.00
005-8861	4,457.00
005-8881	188,743.95
006-8860	352.00
006-8861	3,630.97
006-8862	824.00

Project Account Summary

Project Account Key	Payment Amount
007-8860	399.35
007-8861	184.50
007-8862	4,104.85
010-8862	752.10
014-8880	66,060.00
021-8832	3,975.36
025-8026	10,500.00
Grand Total:	<u>2,202,772.85</u>



City of Bel Aire, KS

Section VIII, Item A.

Payroll Check Register Report Summary

Pay Period: 3/22/2025-4/4/2025

Packet: PYPKT00130 - PP 03/22/25-04/04/25:PD 04/10/2025

Payroll Set: Payroll Set 01 - 01

Type	Count	Amount
Regular Checks	3	3,273.53
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	63	84,151.35
Total	66	87,424.88



City of Bel Aire, KS

Payroll Check Register

Section VIII, Item A.

Report Summary

Pay Period: 4/5/2025-4/18/2025

Packet: PYPKT00134 - PP 04/05-04/18/25:PAID 04/24/25
Payroll Set: Payroll Set 01 - 01

Type	Count	Amount
Regular Checks	2	758.80
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	71	89,014.55
Total	73	89,773.35

Approved 4/30/2025

AP ORD 25-08 Total Expenses: \$2,379,971.08

Special Assessment Project Costs: \$273,955.75

Barry Smith

City of Bel Aire, Kansas

STAFF REPORT

DATE: April 30, 2025

TO: Ted Henry, City Manager

FROM: Anne Stephens, PE, City Engineer

RE: 2025 Street Maintenance Project, Change Order No. 2



BACKGROUND:

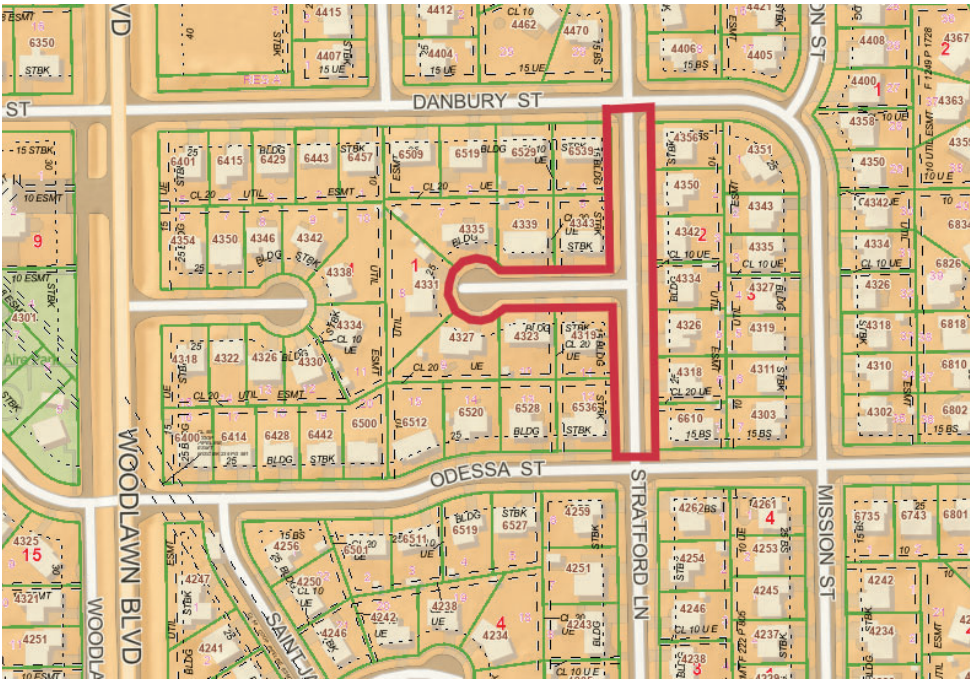
The original plan was to perform a 2” mill and overlay on Stratford and when the mill was completed, multiple soft spots were found. Additionally, following the completion of the resurfacing of the North Woodlawn Addition, the entrance off of 45th on Hillcrest had pretty much disintegrated, requiring complete replacement as well.

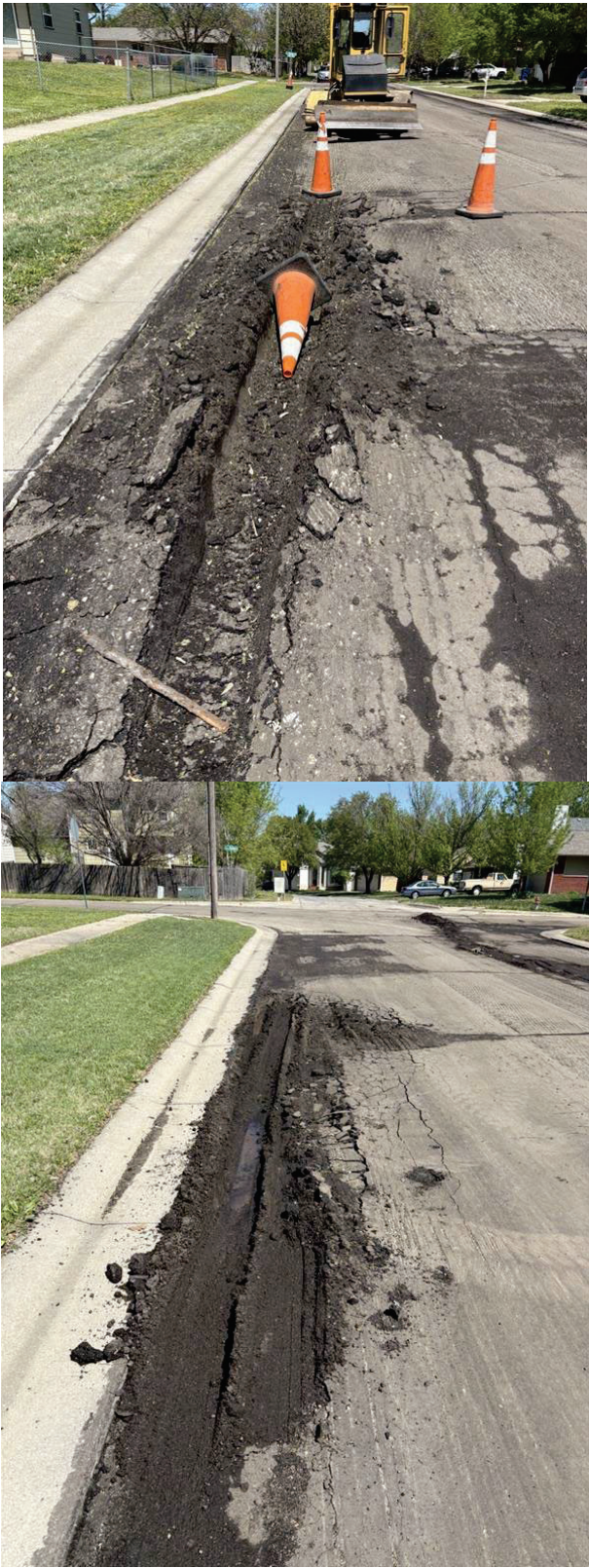
DISCUSSION:

Stratford and Stratford Ct:

The milling of Stratford between Danbury and Odessa and Stratford Court as highlighted below, uncovered several soft spots. The original section of the roadway is unknown, but in these areas, there is very little to no solid asphalt surface left. During the overlay operation of Danbury, empty dump trucks were observed traversing this section of road and the road was pumping and the deteriorated portions expanding.

Knowing that this road is traversed by garbage trucks, delivery trucks and school busses, simply patching the worst areas is not going to provide the desired long-term solution, therefore a full-depth replacement is recommended for this area.







45th and Hillcrest (South):

The mill and overlay operations in the North Woodlawn neighborhood proved too much for the return off of 45th Street into the neighborhood. Following the milling, there just was not enough asphalt left to support the weight of the trucks traversing the area. Ideally, this return would be replaced with concrete to better hold up to turning movements, but since the 45th Street Replacement Project will be occurring in a few years, the decision was made to go back with a full-depth asphalt replacement as this will need to be removed with that project to match the lines and grades of the new street. This return was dangerous for vehicles and school buses to traverse, so the decision was made to allow the Contractor to go ahead and repair the intersection.



FINANCIAL CONSIDERATIONS: The funds for this change order will be paid from the Street Improvement line item in the Streets Fund. The City had additional carryover funds from the 2024 streets program that were not utilized.

RECOMENDATION: Staff recommends that the City Council accept Change Order No. 2 for the full-depth replacement on Stratford, Stratford Ct and the south return of the intersection at 45th and Hillcrest with the 2025 Street Maintenance Project in the amount of \$107,024.00.

Date of Issuance: 4/30/2025

Project Name: 2025 Street Maintenance – Pavement & Curb Repairs	Owner: City of Bel Aire	Owner's Project Number:
Engineer's Project Number (if applicable): 31-237363-013-2564	Date of Contract: 3/26/2025	
Contractor: APAC Kansas Inc., Shears Division	Funding Agency Project Number (if applicable):	

The following changes are hereby made to the CONTRACT DOCUMENTS:

Additional work as described in the attached documents. No additional contract time.

Justification:☒ **Change to CONTRACT PRICE**

Original CONTRACT PRICE: \$ 1,219,247.70

Current CONTRACT PRICE (as adjusted by previous CHANGE ORDERS): \$ 1,310,747.70

Increase in CONTRACT PRICE as of this Change Order: \$ 107,024.00

The new CONTRACT PRICE incorporating this CHANGE ORDER: \$ 1,417,771.70

☐ **Change to CONTRACT TIME:**Original Contract Times: ☐ Working Days ☐ Calendar Days

Substantial completion Select One : _____

Final completion Select One : _____

The CONTRACT TIME (as adjusted by previous CHANGE ORDERS):

Substantial completion Select One : _____

Final completion Select One : _____

Select One in CONTRACT TIME as of this Change Order:

Substantial completion Select One : _____

Final completion Select One : _____

CONTRACT TIMES with all approved CHANGE ORDERS:

Substantial completion Select One : _____

Final completion Select One : _____

REQUESTED:

RECOMMENDED:

ACCEPTED:

By: _____
Contractor (Authorized Signature)By: _____
Engineer (Authorized Signature)By: _____
Owner (Authorized Signature)Date: _____
Approved by Funding Agency (if applicable):

Date: _____

Date: _____

Date: _____

OWNER: CITY OF BEL AIRE
PROJECT: 2025 STREET MAINTENANCE IMPROVEMENTS
DATE: APRIL 2025



CHANGE ORDER #2

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S OPINION OF PROBABLE COST	
				UNIT PRICE	COST
STRATFORD CT.					
1	Pavement Removal	972	SY	\$ 5.00	\$ 4,860.00
2	Full Depth Asphalt Repair (6")	972	SY	\$ 28.00	\$ 27,216.00
3	Crushed Rock Base (5" Reinforced)	972	SY	\$ 10.00	\$ 9,720.00
4	A.C. Surface Course, 2" (BM-2) (PG 64-22)	-106	TONS	\$ 74.00	\$ (7,844.00)
SUBTOTAL				\$	33,952.00

STRATFORD LANE - FROM ODESSA TO DANBURY					
1	Pavement Removal	1,871	SY	\$ 5.00	\$ 9,355.00
2	Full Depth Asphalt Repair (6")	1,871	SY	\$ 28.00	\$ 52,388.00
3	Crushed Rock Base (5" Reinforced)	1,871	SY	\$ 10.00	\$ 18,710.00
4	A.C. Surface Course, 2" (BM-2) (PG 64-22)	-203	TONS	\$ 74.00	\$ (15,022.00)
SUBTOTAL				\$	65,431.00

HILLCREST ST & 45TH STREET RETURN					
1	Pavement Removal	219	SY	\$ 5.00	\$ 1,095.00
2	Full Depth Asphalt Repair (6")	219	SY	\$ 28.00	\$ 6,132.00
3	Crushed Rock Base (5" Reinforced)	219	SY	\$ 10.00	\$ 2,190.00
4	A.C. Surface Course, 2" (BM-2) (PG 64-22)	-24	TONS	\$ 74.00	\$ (1,776.00)
SUBTOTAL				\$	7,641.00

CHANGE ORDER TOTAL	\$	107,024.00
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1 **PLANNED UNIT DEVELOPMENT AGREEMENT**
2 **CONCERNING THE DEVELOPMENT**
3 **OF CHAPEL LANDING ADDITION**
4 **TO BEL AIRE, SEDGWICK COUNTY, KANSAS**
5
6

7 THIS AGREEMENT is made and entered into this 6th day of May, 2025, by and between
8 JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the
9 "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, a municipal corporation, hereinafter
10 referred to as the "CITY."

11
12 WHEREAS the Developer desires zoning by an R-PUD from the City on a portion of land
13 more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City
14 of Bel Aire, Kansas; and
15

16 NOW, THEREFORE, in consideration of the mutual covenants herein contained, the
17 Developer and the City agree as follows:
18

19 **PURPOSE.** This agreement is necessary to address the need to establish a zoning change
20 to a Planned Unit Development in the City. The intent of this R-PUD is to permit a new approach
21 to providing increased development flexibility in a manner otherwise constrained by the traditional
22 development standards of the Zoning Code and Subdivision Regulations. This R-PUD is
23 specifically designed for the final plat on a tract of land more fully described below and herein
24 referred to as the CHAPEL LANDING ADDITION R-PUD project to the City of Bel Aire,
25 Kansas.
26

27 **CHAPEL LANDING ADDITION R-PUD PROJECT LEGAL DESCRIPTION.** The
28 tract of land herein referred to as CHAPEL LANDING ADDITION R-PUD project to the City of
29 Bel Aire, Kansas has the following legal description, to-wit:
30

31 Legal description:
32 Lots 1 through 9, 11 through 16, Block E, Chapel Landing, Bel Aire, Sedgwick County,
33 Kansas, TOGETHER with Lot 10, Block E, Chapel Landing, Bel Aire, Sedgwick
34 County, Kansas, EXCEPT that part described as Beginning at the southwest corner of
35 said Lot 10; thence N06°30'50"W, coincident with the west line of said Lot 10, 130.74
36 feet to the northwest corner of said Lot 10; thence northeasterly, coincident with the north
37 line of said Lot 10, said line being a curve to the left, having a central angle of 16°15'55",
38 a radius of 50.00 feet, an arc distance of 14.19 feet (having a chord length of 14.15 feet
39 bearing N44°35'18"E) to a deflection corner in the north line of said Lot 10; thence
40 continuing northeasterly coincident with the north line of said Lot 10, said line being a
41 curve to the left, having a central angle of 2°36'33", a radius of 593.39 feet, an arc
42 distance of 27.02 (having a chord length of 27.02 feet bearing N88°16'52"E); thence
43 S06°29'01"E, 141.41 feet to the south line of said Lot 10; thence S89°35'09"W,
44 coincident with the south line of said Lot 10, 38.08 feet to the point of beginning.
45 (Excluded Parcel a/k/a 5333 N. Pinecrest Ct, Bel Aire, Kansas)
46

Lots 1 through 24, Block F, Chapel Landing, 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.

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.

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 (Party Wall Agreement) 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 (Party Wall Agreement) showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the City and 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 this page intentionally left blank]

Signed this _____ day of _____, 2025.

JCT Holdings, LLC, (DEVELOPER)
A Kansas Limited Liability Company

Travis Whisler, Amended Member

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of May, 2025, before me, a Notary Public, came Travis Whisler, Amended Member of JCT Holdings LLC, a Kansas limited liability company, DEVELOPER, who is known to me to be the same person who executed the within instrument of writing and such person duly acknowledged execution of the same to be the act and deed of said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

THIS AGREEMENT was approved by the Governing Body of the City of Bel Aire, Kansas, on this 6th day of May, 2025.

Signed by the Mayor on this _____ day of May, 2025.

CITY OF BEL AIRE, KANSAS (CITY)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

Maria A. Schrock, City Attorney

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of May, 2025, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas, a municipal corporation, who is known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of the City of Andover and such person duly acknowledged execution of the same to be the act and deed of said City of Bel Aire, Kansas.

NOTARY PUBLIC

My Appointment Expires: _____

(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.

47 8. Amendments
48 8.1 This Agreement may only be amended by written instrument signed by both Parties.
49
50 9. Severability
51 9.1 If any provision of this Agreement is held invalid or unenforceable, the remainder shall
52 remain in full force and effect.
53
54 IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above
55 written.
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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

134 ACKNOWLEDGEMENTS

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137 STATE OF KANSAS)
138 COUNTY OF SEDGWICK)
139 ss:

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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: _____

158 STATE OF KANSAS)
159 COUNTY OF SEDGWICK)
160 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: _____

(Published at www.belaireks.gov on May, _____, 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 April 10, 2025, 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 from Single-Family Residential District “R-4” to a Planned Unit Development Residential District “R-PUD” to create the Chapel Landing Addition Planned Unit Development Residential District (the “Chapel Landing Addition R-PUD”), on property described as:

Legal Description

Lots 1 through 9, 11 through 16, Block E, Chapel Landing, Bel Aire, Sedgwick County, Kansas, TOGETHER with Lot 10, Block E, Chapel Landing, Bel Aire, Sedgwick County, Kansas, EXCEPT that part described as Beginning at the southwest corner of said Lot 10; thence N06°30'50"W, coincident with the west line of said Lot 10, 130.74 feet to the northwest corner of said Lot 10; thence northeasterly, coincident with the north line of said Lot 10, said line being a curve to the left, having a central angle of 16°15'55", a radius of 50.00 feet, an arc distance of 14.19 feet (having a chord length of 14.15 feet bearing N44°35'18"E) to a deflection corner in the north line of said Lot 10; thence continuing northeasterly coincident with the north line of said Lot 10, said line being a curve to the left, having a central angle of 2°36'33", a radius of 593.39 feet, an arc distance of 27.02 (having a chord length of 27.02 feet bearing N88°16'52"E); thence S06°29'01"E, 141.41 feet to the south line of said Lot 10; thence

S89°35'09"W, coincident with the south line of said Lot 10, 38.08 feet to the point of beginning. (Excluded Parcel a/k/a 5333 N. Pinecrest Ct, Bel Aire, Kansas)

Lots 1 through 24, Block F, Chapel Landing, Bel Aire, Sedgwick County, Kansas.

General Description

53rd Street North and Bristol Street, Bel Aire, Sedgwick County, Kansas

The Chapel Landing Addition R-PUD 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. A Party Wall Agreement is referenced in the Chapel Landing Addition PUD Agreement. It shall be incorporated by reference and attached to the PUD Agreement as Exhibit 1; and,
2. The Chapel Landing Addition PUD Agreement shall be provided for council consideration, and if approved by council, it shall be attached to the ordinance as Exhibit A; and,
3. The applicant shall file the Chapel Landing Addition PUD Agreement as approved by the City's Governing Body (Exhibit A to this Ordinance) and the Party Wall Agreement (Exhibit 1 to the Chapel Landing PUD Agreement), 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 PUD Agreement and a copy of the Party Wall Agreement, showing said recordings, shall be furnished by the Developer to the City and general contractor, before building permits are issued.

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 6th day of May, 2025.

CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

Maria A. Schrock, City Attorney

1 **PLANNED UNIT DEVELOPMENT AGREEMENT**
2 **CONCERNING THE DEVELOPMENT**
3 **OF CHAPEL LANDING ADDITION**
4 **TO BEL AIRE, SEDGWICK COUNTY, KANSAS**
5
6

7 THIS AGREEMENT is made and entered into this 6th day of May, 2025, by and between
8 JCT Holdings, LLC, a Kansas Limited Liability Company, hereinafter referred to as the
9 "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, a municipal corporation, hereinafter
10 referred to as the "CITY."

11
12 WHEREAS the Developer desires zoning by an R-PUD from the City on a portion of land
13 more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City
14 of Bel Aire, Kansas; and
15

16 NOW, THEREFORE, in consideration of the mutual covenants herein contained, the
17 Developer and the City agree as follows:
18

19 **PURPOSE.** This agreement is necessary to address the need to establish a zoning change
20 to a Planned Unit Development in the City. The intent of this R-PUD is to permit a new approach
21 to providing increased development flexibility in a manner otherwise constrained by the traditional
22 development standards of the Zoning Code and Subdivision Regulations. This R-PUD is
23 specifically designed for the final plat on a tract of land more fully described below and herein
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- Single-Family
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- Leasing office
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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.

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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.

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b) Description of the townhouse units.

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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.

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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.

- 138
139 10. Amendments, adjustments, or interpretations of this R-PUD shall be done in accordance
140 with the CITY's code.

141 **OBJECTIVE.** A specific objective of this agreement is to assure that necessary
142 improvements are in place to support development of the tract of land herein referred to as the
143 Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance
144 with the terms and conditions of this Agreement shall be a condition precedent to the granting of
145 building and/or occupancy permits for development on said property.
146

147 **INFRASTRUCTURE INSTALLATION.** Installation of all improvements shall be in
148 compliance with requirements of all applicable federal, state and local legislation, including the
149 Americans with Disabilities Act. All electric power, streetlights, cable and telephone service shall
150 be installed underground. The Developer shall be responsible for the costs of engineering design,
151 construction and inspection of all private utility improvements (electricity, communications,
152 telecommunications and gas) necessary for the platting and development of the tract of land herein
153 referred to as the Chapel Landing Addition in accordance with the utility extension requirements
154 of each private utility company. Utility improvements shall be installed on city owned property or
155 within public right of ways or easements. The expense of all such utility and sewer service within
156 the property shall be borne by the Developer.
157

158 The Developer shall dedicate necessary public easements for all private and public utility
159 improvements necessary for the platting and development of the tract of land herein referred to as
160 the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm
161 water system, water distribution system, sanitary sewer lines, driveways and utilities.
162

163 The Developer shall pay one hundred percent (100%) of the cost of the improvements. The
164 Developer shall indemnify and hold harmless the City from any liability from damages that may
165 occur during construction.
166

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

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

183
184 **WATER.** The City will provide access to the property line for public water in the right-
185 of-way located along 53rd St N. per the approved City Engineer’s drawings on file for Chapel
186 Landing Addition. Each unit or tenant space must have separate metered water supply installed to
187 City standards. The Developer shall pay all Water User Fees and Hook Up Fees.
188

189 All fire hydrant locations must be identified on a plan & approved by the Sedgwick County
190 Fire Department according to its standards. Developer is responsible to meet all Sedgwick County
191 Fire Codes & Standards and installation by the Developer shall be to City standards.
192

193 **SIGNAGE.** All signage shall comply with the applicable ordinances and zoning
194 regulations of the City and be submitted in writing to the City for approval. Each site shall be
195 allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future
196 signage must be approved by the City Manager.
197

198 **PERMITS.** No construction shall commence on any portion of the tract of land herein
199 referred to Chapel Landing Addition R-PUD project to the City of Bel Aire, Kansas without the
200 Developer, or its designated builder, having first obtained the proper building and zoning permits
201 from the City.
202

203 The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall
204 proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined
205 by the City, shall constitute a violation of the building permit authorizing construction of the
206 proposed development. The final site dimensions, grading plan, drainage, landscape plan, street
207 plan, parking plan and utility plans will be submitted and approved in phases based on the
208 conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and
209 approval by the City.
210

211 Any and all costs including permit fees, review fees, and building and zoning permit and
212 review fees incurred or required by city staff and review and/or through building and zoning review
213 shall be paid by the Developer.
214

215 **RECORDING.** The Developer shall file an executed copy of this Agreement including
216 Exhibit 1 (Party Wall Agreement) with the Sedgwick County Register of Deeds within 30 days of
217 final approval and within 45 days shall provide the City with proof of filings. A copy of this
218 Agreement including Exhibit 1 (Party Wall Agreement) showing said recording along with a copy
219 of the recorded plat shall be furnished by the Developer to the City and general contractor before
220 building permits are issued.
221

222 **BINDING.** The terms and conditions of this Agreement, as set forth herein, shall be
223 binding upon the City and the Developer, their successors, representatives, trustees, and assigns.
224

225
226 *[Remainder of this page intentionally left blank]*
227
228

Signed this _____ day of _____, 2025.

JCT Holdings, LLC, (DEVELOPER)
A Kansas Limited Liability Company

Travis Whisler, Amended Member

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of May, 2025, before me, a Notary Public, came Travis Whisler, Amended Member of JCT Holdings LLC, a Kansas limited liability company, DEVELOPER, who is known to me to be the same person who executed the within instrument of writing and such person duly acknowledged execution of the same to be the act and deed of said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

THIS AGREEMENT was approved by the Governing Body of the City of Bel Aire, Kansas, on this 6th day of May, 2025.

Signed by the Mayor on this _____ day of May, 2025.

CITY OF BEL AIRE, KANSAS (CITY)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

Maria A. Schrock, City Attorney

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of May, 2025, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas, a municipal corporation, who is known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of the City of Andover and such person duly acknowledged execution of the same to be the act and deed of said City of Bel Aire, Kansas.

NOTARY PUBLIC

My Appointment Expires: _____

(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.

47 8. Amendments
48 8.1 This Agreement may only be amended by written instrument signed by both Parties.
49

50 9. Severability
51 9.1 If any provision of this Agreement is held invalid or unenforceable, the remainder shall
52 remain in full force and effect.
53

54 IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above
55 written.
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60 *[Remainder of this page intentionally left blank]*

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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

134 ACKNOWLEDGEMENTS

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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: _____

STAFF COMMUNICATION

FOR MEETING OF	5/6/2025
CITY COUNCIL	
INFORMATION ONLY	

STAFF REPORT

DATE: 04/23/2025

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 in the PUD boundary. In addition to notification, property owners signed the document making them a party in the PUD application. One owner was notified and did not respond by signing the document to be included in the PUD application.

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 plat'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.

8. Planning Commission Meeting- April 10, 2025

The agenda item presented to the Commission included signatures of property owners contained in the PUD area. One property owner did not sign the application, and an updated PUD legal description was provided to exempt this property owner from the PUD application. This property owner will be contacted outside of the application process to follow requirements to make a conforming lot. All property owners were notified of the case and provided their signatures in agreement. The applicant's PUD application was complete. No public appearances were made, and the applicant had no comments, and the Commission had no questions for the applicant. The Planning Commission motioned to recommend to the City Council that the zone change from Single-Family Residential District "R-4" to a PUD Residential District "R-PUD" be approved.

Current Discussion:

- A. The city is developing a process to address 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 last by the City Council at their January 9, 2025, meeting. The council voted to return the case to the Planning Commission for further consideration.
- C. 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 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 have received no inquiries or feedback from notified residents to date.

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 recommend that the application be approved.



MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS April 10, 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, Paul Matzek were present. Commissioner Brian Stuart arrived during the vote for the Minutes.

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: Chairman Jordan moved to approve the minutes of March 13, 2025.

Commissioner Faber seconded the motion. *Motion carried 5-0-1*, with Commissioner Stuart abstaining from the 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.

Director of Community Development Paula Downs made the announcement. No questions or comments were received from the Commission.

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).

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments.

Staff gave a brief review of the PUD application and related documents including all previous case activity brought before the Planning Commission and City Council.

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. Applicant Jay Cook had no comments. No questions were asked of the applicant by the Commission. No one requested to speak. Therefore, Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received, and staff confirmed that none had been received.

Chairman Jordan then requested discussion among the Commission. Commissioners cited Review Criteria 1, 3, 6, 9, and 10 in the staff report for this meeting as evidence in support of approving the zone change request. Specifically, Commissioners cited the following Review Criteria from the Staff Report:

1. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.
3. 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.
6. There is no loss in value or hardship upon the applicant
9. 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. 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.

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 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.

Commissioner Mackey seconded the motion. *Motion carried 6-0.*

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.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. 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.

Paula Downs, Director of Community Development gave a brief report, referencing the application for vacation and the staff report included the Commission’s information packet for this meeting. Ms. Downs reviewed the staff recommendation to approve the vacation request based on findings 1-4 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;

Chairman Phillip Jordan opened the public comment section. Applicant Kirk Miller agreed with the staff report and stood for questions. Mr. Miller answered questions from the Commission and staff regarding the legal description of the vacated portion and the location on the plat. Mr. Miller confirmed that the legal description is for the 15-foot portion that will be vacated.

No others requested to speak. Therefore, Chairman Jordan closed the public hearing and requested discussion among the Commission. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

MOTION: Commissioner Mackey 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 15 foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02 be approved based on findings 1 through 4 as listed in the staff report. Commissioner Faber seconded the motion.

Motion carried 6-0.

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.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. 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.

Paula Downs, Director of Community Development, gave a brief review of the PUD application and staff report, including all previous case activity brought before the Planning Commission and City Council. Ms. Downs stated that staff recommend approval of the vacation request, and noted key findings to support the recommendation: the character of the neighborhood, the length of time the property has been vacant as zoned, and the proximity of utilities to serve the development.

Chairman Phillip Jordan opened the public comment section. Applicant Jeff Blubaugh and Representative Kirk Miller, KE Miller Engineering, answered questions from the Commission regarding building setbacks and future changes to the PUD. The applicant did not foresee any need for future changes to the PUD.

No others requested to speak; therefore Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

The Commission then deliberated. Commissioners expressed their support for approving the zone change request, based on Review Criteria 1, 5, 9 and 10 listed in the staff report, specifically:

- 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.
- 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.
- 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.

MOTION: Commissioner Roths moved that 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 findings 1, 5, 9, and 10 listed in the staff report, as recorded in the summary of this hearing. Chairman Jordan seconded the motion. *Motion carried 6-0.*

VII. Approval of the Next Meeting Date.

MOTION: Commissioner Jordan moved to approve the date of the next meeting: May 8, 2025, at 6:30 p.m. Commissioner Faber seconded the motion. *Motion carried 6-0.*

VIII. Current Events

A. Upcoming Agenda Items:

Planning Commission Bylaws- Staff stated that no planning cases had been submitted for the May 8, 2025, meeting. Staff are working on developing Commission Bylaws to present at the meeting. Bylaws will be sent to the Commission in advance for review. Staff asked Commissioners to consider workshop topics for the meeting.

- 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

The Commission briefly discussed upcoming City events. No action was taken. Chairman Phillip Jordan inquired about holding an executive session to discuss the absence of Edgar Salazar. City Attorney Maria Schrock stated that discussion of a volunteer position is not an allowed topic for discussion in executive session.

IX. Adjournment

MOTION: Commissioner Matzek moved to adjourn. Chairman Jordan seconded the motion.
Motion carried 6-0.

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

Phillip Jordan, Chairman

Chapel Landing- Phase 2

April 10, 2025

Planning Commission Meeting

Agenda Documents:

- Staff Report
- PUD Application
- PUD Application Area
Description
- Planned Unit Development
Agreement
- Property Owner Signatures

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 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 plat'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.

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.

<input checked="" type="checkbox"/>	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>
<input type="checkbox"/>	Amendments to Change Zoning Districts _____
<input type="checkbox"/>	Preliminary PUD _____
<input type="checkbox"/>	Preliminary PUD with plat/ zoning
<input checked="" type="checkbox"/>	Final PUD
<input type="checkbox"/>	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) _____; Block(s) _____, _____
Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached. See attached for application area.

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.


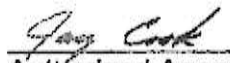
1. Applicant JCT Holdings, LLC Phone _____
Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

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.

CHAPEL LANDING ADDITION**PUD APPLICATION AREA**

Lots 1 through 9, 11 through 16, Block E, Chapel Landing, Bel Aire, Sedgwick County, Kansas, TOGETHER with Lot 10, Block E, Chapel Landing, Bel Aire, Sedgwick County, Kansas, EXCEPT that part described as Beginning at the southwest corner of said Lot 10; thence N06°30'50"W, coincident with the west line of said Lot 10, 130.74 feet to the northwest corner of said Lot 10; thence northeasterly, coincident with the north line of said Lot 10, said line being a curve to the left, having a central angle of 16°15'55", a radius of 50.00 feet, an arc distance of 14.19 feet (having a chord length of 14.15 feet bearing N44°35'18"E) to a deflection corner in the north line of said Lot 10; thence continuing northeasterly coincident with the north line of said Lot 10, said line being a curve to the left, having a central angle of 2°36'33", a radius of 593.39 feet, an arc distance of 27.02 (having a chord length of 27.02 feet bearing N88°16'52"E); thence S06°29'01"E, 141.41 feet to the south line of said Lot 10; thence S89°35'09"W, coincident with the south line of said Lot 10, 38.08 feet to the point of beginning. (Excluded Parcel a/k/a 5333 N. Pinecrest Ct, Bel Aire, Kansas)

Lots 1 through 24, Block F, Chapel Landing, Bel Aire, Sedgwick County, Kansas.

**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 9, 11 through 16, Block E, Chapel Landing, Bel Aire, Sedgwick County, Kansas, TOGETHER with Lot 10, Block E, Chapel Landing, Bel Aire, Sedgwick County, Kansas, EXCEPT that part described as Beginning at the southwest corner of said Lot 10; thence N06°30'50"W, coincident with the west line of said Lot 10, 130.74 feet to the northwest corner of said Lot 10; thence northeasterly, coincident with the north line of said Lot 10, said line being a curve to the left, having a central angle of 16°15'55", a radius of 50.00 feet, an arc distance of 14.19 feet (having a chord length of 14.15 feet bearing N44°35'18"E) to a deflection corner in the north line of said Lot 10; thence continuing northeasterly coincident with the north line of said Lot 10, said line being a curve to the left, having a central angle of 2°36'33", a radius of 593.39 feet, an arc distance of 27.02 (having a chord length of 27.02 feet bearing N88°16'52"E); thence S06°29'01"E, 141.41 feet to the south line of said Lot 10; thence S89°35'09"W, coincident with the south line of said Lot 10, 38.08 feet to the point of beginning. (Excluded Parcel a/k/a 5333 N. Pinecrest Ct, Bel Aire, Kansas)

Lots 1 through 24, Block F, Chapel Landing, 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.
 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.

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.

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

DEVELOPER:

JCT Holdings, LLC

By: Travis Whisler, As Amended
Member

By _____
Travis Whisler, 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 Travis Whisler, as Member of JCT Holdings 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: _____

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.

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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

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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: _____

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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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0H22-YTVA-T3H4-ZD45

Lip Chai & Yu Tung, and Samantha Leong 5285 N Pinecrest Ct., Bel Aire, KS 67220

PUD Application
Signature Page

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David Witten

5331-5333 N Pinecrest St, Bel Aire, KS

Applicant
Keats M. Hall 02/15/25

Applicant
Abbie L. Hall 02/15/25

Keats M. and Abbie L Hall

5320 N Pinecrest St., Bel Aire, KS 67220

Keria Paschal

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James Nichols

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Lip Chai & Yu Tung, and Samantha Leong

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PUD Application
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.

PUD Application
Signature Page

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Keats M. Hall 02/15/25

Authent
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Signature Page

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PUD Application
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Sara, Chadwick S, and Jane Skiles

Jane H. Skiles
5353 N Pinecrest Ct., Bel Aire, KS 67220

Cleo Fedje

5347-5349 N Pinecrest Ct, Bel Aire

[Signature]

Robert Mudakemuka
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[Signature]

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5267 N Pinecrest Ct., Bel Aire, KS 67220

James Nichols

5273-5275 N Pinecrest Ct., Bel Aire, KS

[Signature]

Lip Chai & (Yu Tung, and Samantha Leong) SL
one name
5285 N Pinecrest Ct., Bel Aire, KS 67220

JACKIE HORN
5333 N. PINECREST CT

MANNY DELEON

PUD Application
Signature Page

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Lanell Wagon 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 11:21 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

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Authentesign ID: 998694E8-2F75-EF11-991A-002248299C60

PUD Application
Signature Page

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Authent
Peter Sourinthone

Authent
Phaengsy Sourinthone

Authent
Fongsamouth Sourinthone

Authent
Saythong Sourinthone

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Authent
Saymork Sourinthone

09/18/24

Fongsamouth
Peter & Phaengsy Sourinthone, ~~Fongsamouth~~, Saythong, & Saymork Sourinthone
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Vamsidhar Patlolla

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09/18/24

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Vamsidhar Reddy Patlolla

09/18/24

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

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Field Application
Signature Page

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Lanell Wagnon


PO Box 736 Coldwater KS, 67029

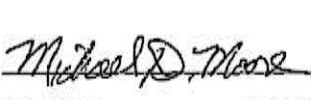
Cleo D. Fedje

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Vamsidhar Patilolla

5298 Pinecrest St, Bel Aire, KS 67220

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PUD Application
Signature Page

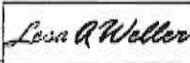
Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez

5290 N Pinecrest Ct, Bel Aire, KS 67220

 Notary Public
State of Kansas
Commission Expires 12/31/2025

 Notary Public
State of Kansas
Commission Expires 12/31/2025

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

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PUD Application
Signature Page

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5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly
dotloop verified
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Kathryn Kelly
dotloop verified
09/05/24 9:14 AM CDT
MD99-NNV3-VQ21-V9M

William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

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PUD Application
Signature Page

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Lanell Wagnon

PO Box 736 Coldwater KS, 67029

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5349 N Pinecrest Ct, Wichita, KS 67220

 09/13/24

Tiffany Schmidt 09/13/24

Michael & Tiffany Schmidt

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Julie Docena, Michael Dale, & Judy Docena Moore

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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

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.

5296 N Pinecrest St, Bel Aire, KS 67220

iram kham

5290 N Pinecrest Ct, Bel Aire, KS 67220

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dotloop signature verification:

PUD Application
Signature Page

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Lanell Wagon

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

Bill Kelly
dotloop verified
03/05/24 9:11 AM CDT
VLXL-PAIH-MJVO-VOGE

William J & Kathryn Kelly

Kathryn Kelly
dotloop verified
03/05/24 9:14 AM CDT
MDR9-NNV3-WJ21-V9VJ

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Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

dotloop signature verification:

PUD Application
Signature Page

Tram Pham

dotloop verified
09/12/24 11:35 AM CDT
49FI ETYH-DR2X-MUJU

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

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Authenti-
[Darris Taliaferro 09/06/24]

Authenti-
[Vanessa Benitez 09/06/24]

Darris Taliaferro & Vanessa Benitez

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Authentisign ID: 66290676-9468-EF11-991A-002248299C60

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

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Authentic
Andrea F Adeyanju 09/05/24

Andrea F. Adeyanju Trust

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Authentic
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Lanell Wagnon PO Box 736 Coldwater KS, 67029

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

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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., 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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1. Applicant CLEO D. FEDJE Phone 916-396-6804
Address 5347 PINECREST CT. N., BELMONT, 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 BY _____ Authorized Agent (If Any)
Applicant's Signature

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PUD Application
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Sara, Chadwick 5, 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., Bcl Aire, KS 67220

David Witten

5331-5339 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

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.

Mansour Mardini
dotloop verified
03/19/25 11:16 PM CDT
XU9Y-PLFX-L07H-01ZU

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

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Cleo Fedje

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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

Kerja Paschal

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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

PUD Application
Signature Page

E-Signed: 03/24/2025 11:19 AM EDT	
Sara K. Idol	
IP: 209.137.215.96	
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.

PUD Application
Signature Page

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Gary Alan Tapia

dotloop verified
03/20/25 12:37 PM CDT
CQWP-QYWC-SYN7-4LCQ

Gary Tapia

5293-5295 N Pinecrest Ct., Bel Aire, KS 67220

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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

Michael & Tiffany Schmidt
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Julie Docena, Michael Dale, & Judy Docena Moore
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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



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

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Lanell Wagon

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William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez

5304 N Pinecrest St, Bel Aire, KS 67220

Authent
Peter Sourinthone

09/18/24

Authent
Phaengsy Sourinthone

09/17/24

Authent
Fongsamouth Sourinthone

09/18/24

Authent
Saythong Sourinthone

09/17/24

Authent
Saymork Sourinthone

09/18/24

Fongsamouth
Peter & Phaengsy Sourinthone, Fongsamouth, Saythong, & Saymork Sourinthone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

09/18/24

PUD Application
Signature Page

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Lanell Wagon

PO Box 736 Coldwater KS, 67029

Cleo D. Fedje

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Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone
5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Reddy Patlolla

09/18/24

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

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APPENDIX
Signature Page

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Lanell Wagnon

PO Box 736 Coldwater KS, 67029

Cleo D. Fedje

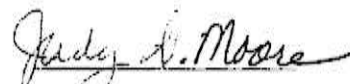
5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt

5341 N Pinecrest Ct, Wichita, KS 67220


Julie Docena, Michael Dale, & Judy Docena Moore





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Vamsidhar Patlolla

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dotloop signature verification.


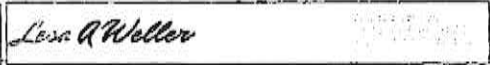
PUD Application
Signature Page

Tram Pham

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Mary & Matthew Montanez

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Bill Kelly
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Kathryn Kelly
dotloop verified
09/05/24 9:14 AM CDT
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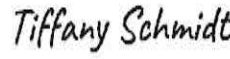
Lanell Wagnon

PO Box 736 Coldwater KS, 67029

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5349 N Pinecrest Ct, Wichita, KS 67220

 09/13/24

 09/13/24

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Iram Pnam

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William J & Kathryn Kelly

Kathryn Kelly
dotloop verified
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dotloop signature verification:

PUD Application
Signature Page

Tram Pham

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09/12/24 11:55 AM CDT
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Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

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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 Sourinthone
5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patiolla

5298 Pinecrest St, Bel Aire, KS 67220

Authentisign ID: 8D290676-9462-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.

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.

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez

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PUD Application
Signature Page

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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.

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.

<div><div><div>Sara Skiles</div><div>03/27/25</div></div><div><div>Chad S. Skiles</div><div>03/25/25</div></div></div>	
Sara, Chadwick S, and Jane Skiles 67220	5353 N Pinecrest Ct., Bel Aire, KS
<div>Cleo Fedje</div>	5347-5349 N Pinecrest Ct, Bel Aire
<div>Robert Mudakemuka 67220</div>	5339 N Pinecrest Ct., Bel Aire, KS
<div>David Witten KS</div>	5331-5333 N Pinecrest St, Bel Aire,
Keats M. and Abbie L Hall 67220	5320 N Pinecrest St., Bel Aire, KS
<div>Keria Paschal 67220</div>	5267 N Pinecrest Ct., Bel Aire, KS
<div>James Nichols KS</div>	5273-5275 N Pinecrest Ct., Bel Aire,

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

APPLICATION

PUD-24-04
CL Phase 2 area

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.

<input checked="" type="checkbox"/>	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>
<input type="checkbox"/>	Amendments to Change Zoning Districts _____
<input type="checkbox"/>	Preliminary PUD _____
<input type="checkbox"/>	Preliminary PUD with plat/ zoning
<input checked="" type="checkbox"/>	Final PUD
<input type="checkbox"/>	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.

	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.



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:

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

The review of the above property plan has been:

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

DATE 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

August 13, 2024

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

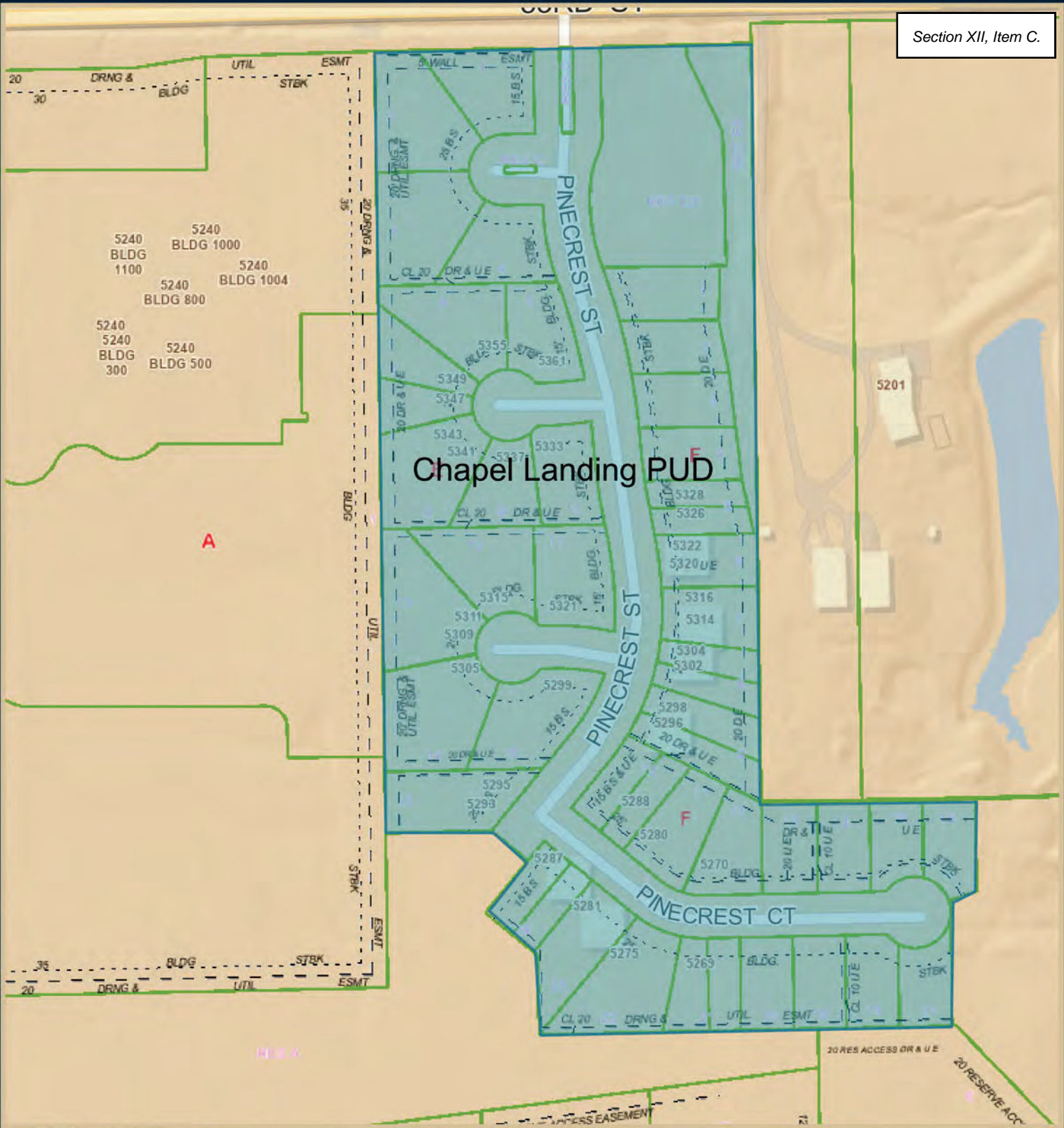
My Appointment Expires: _____

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: _____



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

October 10, 2024

Planning Commission Meeting

Agenda Documents:

Case was not heard due to incomplete
application- no packet provided

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

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

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

PUD-24-04
CL Phase 2 area

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.

<input checked="" type="checkbox"/>	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>		
<input type="checkbox"/>	Amendments to Change Zoning Districts _____		
<input type="checkbox"/>	Preliminary PUD _____	<input type="checkbox"/>	Preliminary PUD with plat/ zoning
<input checked="" type="checkbox"/>	Final PUD	<input type="checkbox"/>	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.

	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.

**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: _____

195



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 Wagon 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. Fedge 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



<p>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</p> <p>AND</p> <p>The E 135' of the N 1,123' of the W/2 of NW/4, 24-26-1E</p> <p>AND</p> <p>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</p>		<p>Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067</p>
<p>The Nly 1' m-l of Lot 15</p>	<p>John Savute Addition to Bel Aire</p>	<p>Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067</p>
<p>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</p>	<p>Homestead Senior Landing Addition</p>	<p>Homestead Senior Residences Bel Aire, LLC 603 Pennsylvania Ave. Holton, KS 66436</p>
<p>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</p>	<p>"</p>	<p>Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436</p>



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
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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

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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

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Authent <i>Peter Sourinthone</i>	Authent <i>Phaengsy Sourinthone</i>	Authent <i>Fongsamouth Sourinthone</i>	Authent <i>Saythong Sourinthone</i>	09/17/24
09/18/24	09/17/24	09/18/24	<i>Saymork Sourinthone</i>	09/18/24

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

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla

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09/18/24

Section XII, Item C.

PUD Application
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Vamsidhar Reddy Patlolla

09/18/24

Vamsidhar Patlolla

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PUD Application
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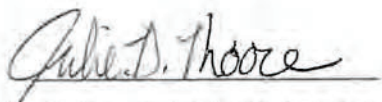
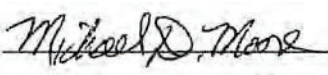
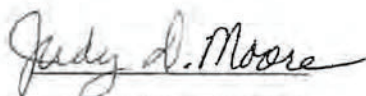
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Mary & Matthew Montanez

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Jack M Weller

dotloop verified
09/13/24 7:51 PM MST
TCZA-71FW-ASMI-BGQ²

Lesa A Weller

dotloop verified
09/13/24 8:49 PM CDT
AWXU-IVQR-ME72-SHRE

Jack M & Lesa A. Weller

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Bill Kelly

dotloop verified
09/05/24 9:11 AM CDT
VLXL-PAHH-MJVG-VQGE

Kathryn Kelly

dotloop verified
09/05/24 9:14 AM CDT
MDR9-NNV3-VJ21-V9VJ

William J & Kathryn Kelly

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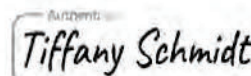
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dotloop verified
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VLXL-PAHH-MJVO-VQGE

Kathryn Kelly

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

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Tram Pham

dotloop verified
09/12/24 11:55 AM CDT
49Fi-ETyH-BR2X-MU3U

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Authentic
[Darris Taliaferro 09/06/24] [Vanessa Benitez 09/06/24]

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MINUTES PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS
September 12, 2024 6:30 PM



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

11-14-2024
Date


Paula L. Downs, Planning Commission Secretary

11-14-2024
Date

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

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 plat'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

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

PUD-24-04
CL Phase 2 area

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.

<input checked="" type="checkbox"/>	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>
<input type="checkbox"/>	Amendments to Change Zoning Districts _____
<input type="checkbox"/>	Preliminary PUD _____
<input type="checkbox"/>	Preliminary PUD with plat/ zoning
<input checked="" type="checkbox"/>	Final PUD
<input type="checkbox"/>	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.

	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.

**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

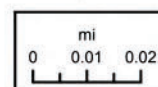
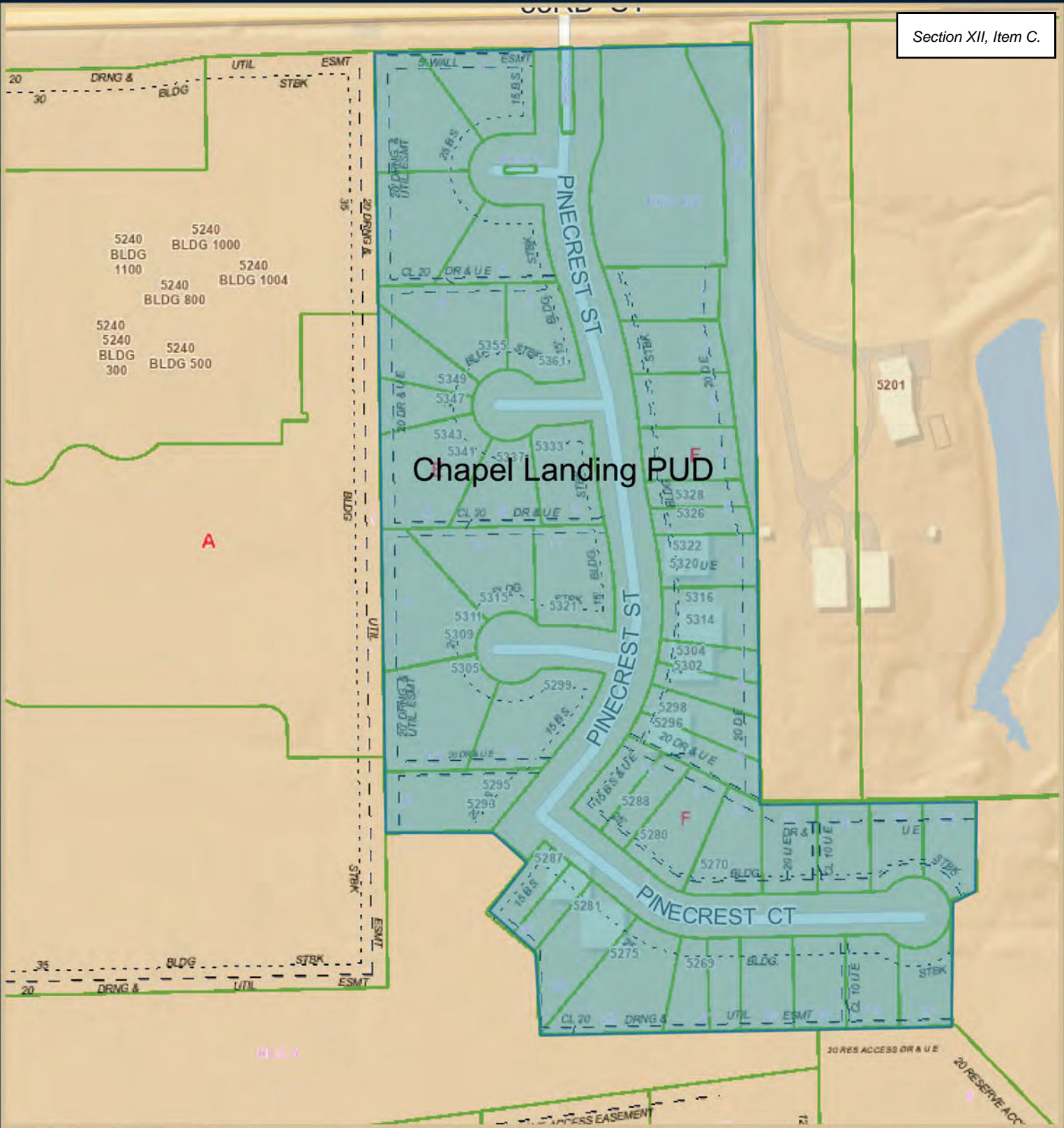
My Appointment Expires: _____

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: _____





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 plat’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

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 than 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.*

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

Phillip Jordan, Chairman

DRAFT

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 plat'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:

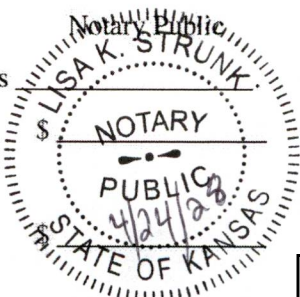
_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Ca Strunk

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

WKS

My commission expires
Additional copies
Printer's fee



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

APPLICATION

PUD-24-04
CL Phase 2 area

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.

-
- | | |
|---|--|
| <input checked="" type="checkbox"/> Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u> | |
| <input type="checkbox"/> Amendments to Change Zoning Districts _____ | |
| <input type="checkbox"/> Preliminary PUD _____ | <input type="checkbox"/> Preliminary PUD with plat/ zoning |
| <input checked="" type="checkbox"/> Final PUD | <input type="checkbox"/> 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.

	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.

**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

August 13, 2024

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:

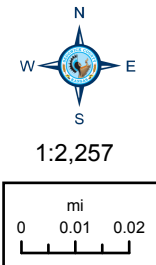
BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City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

Chapel Landing PUD

Sedgwick County, Kansas



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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(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

42 This zone change request is subject to the following restrictions, conditions or limitations,
43 and such restrictions, conditions or limitations shall supersede any portion of the
44 application in conflict therewith:

- 45 1. Update the landscaping requirement to reflect one street tree per lot; and,
- 46 2. Require applicant to submit the following documents as part of their PUD
47 application: Restrictive Covenants, Amendment to the Original Development
48 Agreement, Wall Agreement, and Easement Agreement; and,
- 49 3. Update the platter’s text to reference the documents; and,
- 50 4. File the plat and documents with the Register of Deeds Office and provide a
51 copy to the City of Bel Aire City Clerk.

52 SECTION 2. This Ordinance shall take effect and be in force from and after its
53 adoption by the Governing Body of the City, approval by the Mayor, and publication once
54 in the official city newspaper.

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56 SECTION 3. The City Clerk will file this Ordinance with the Sedgwick County
57 Register of Deeds.

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60 *[Remainder of this page intentionally left blank]*

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74 PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel
75 Aire, Kansas on this _____ day of January, 2025.

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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 plat’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



MINUTES
CITY COUNCIL MEETING
 7651 E. Central Park Ave, Bel Aire, KS
 January 07, 2025 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. ROLL CALL

Councilmembers Tyler Dehn, Emily Hamburg, Tom Schmitz, and John Welch were present. Councilmember Greg Davied was absent. Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Community Development Director Paula Downs, City Clerk Melissa Krehbiel, Bond Counsel Kevin Cowan of Gilmore and Bell, PA and Kurt Jurgensen of Professional Engineering Consultants, and Matthew Hamm of Schaefer Architects.

III. OPENING PRAYER: Mark Posson provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. PROCLAMATION

A. Martin Luther King Jr Day - January 20, 2025

Mayor Benage read and signed the proclamation.

VI. DETERMINE AGENDA ADDITIONS: There were no additions.

VII. CONSENT AGENDA

A. Approval of Minutes of the December 17, 2024 City Council meeting.

MOTION: Councilmember Welch moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. *Motion carried 4-0.*

VIII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 24-24 in the amount of \$1,175,502.54.

MOTION: Councilmember Dehn moved to approve Appropriations Ordinance No. 24-24. Councilmember Hamburg seconded the motion. *Motion carried 4-0.*

IX. CITY REQUESTED APPEARANCES

A. Aaron Maxwell - Bel Aire Chamber of Commerce

Mr. Maxwell gave a brief end-of-year report for 2024.

X. CITIZEN CONCERNS: No one spoke.

XI. REPORTS

A. Council Member Reports

Councilmember Hamburg gave a brief report on the Dec 19th meeting of the Chisholm Creek Utility Authority (CCUA).

Councilmember Dehn thanked Public Works staff for clearing roads.

B. Mayor's Report

Mayor Benage briefly reported on the latest meetings of CCUA and the Wichita Regional Economic Area Partnership (REAP). Regarding upcoming meetings, the Sedgwick County Association of Cities (SCAC) will meet on January 11th and the K-254 Corridor Development Association will meet on January 17th.

Mayor Benage gave his annual report for 2024. Among the highlights were the appointment of Ted Henry to City Manager following Ty Lasher's retirement, paving Cozy Drive and 53rd Street, a new cost of service agreement with CCUA, implementation of the sewer pre-treatment ordinance, the appointment of Tom Schmitz to fill the seat of long-time councilmember Justin Smith, implementation of a new ERP software system, contracting with Sedgwick County for commercial building inspections, and ongoing work in 12 different developments.

C. City Attorney Report

City Attorney Maria Schrock gave a brief regarding camping on public property. She anticipates this will be a topic at the next City Council workshop.

D. City Manager Report

City Manager Ted Henry reported on snow removal procedures.

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Resolution Authorizing And Providing For The Construction And Equipping Of A New Public Works Facility Building In The City Of Bel Aire, Kansas; And Providing For The Payment Of The Costs Thereof.

MOTION: Councilmember Welch moved to adopt A Resolution Authorizing And Providing For The Construction And Equipping Of A New Public Works Facility Building In The City Of Bel Aire, Kansas; And Providing For The Payment Of The Costs Thereof and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

B. Consideration of selecting a bid for Construction of the new Public Works Facility. Four bids were received:

	<u>Commerce</u>	<u>Crossland</u>	<u>Eby</u>	<u>Icon</u>
Base Bid	\$4,977,500	\$4,853,000	\$5,180,000	\$5,055,000
<i>Calendar Days</i>	<i>330</i>	<i>220</i>	<i>290</i>	<i>365</i>
Alternate #1 (Vehicle Storage)	\$543,000	\$435,000	\$416,400	\$460,000
Alternate #2 (Material Storage)	\$398,000	\$360,000	\$329,400	\$348,000
Alternate #3 (Concrete Blocks)	(\$18,500)	(\$48,000)	(\$40,000)	(\$39,000)
Alternate #4 (Metal Panel 2)	\$190,000	\$178,000	\$97,300	\$180,000
Alternate #5 (Metal Panel 1)	\$217,000	\$205,000	\$125,700	\$207,000

MOTION: Councilmember Welch moved to accept the base bid from Crossland Construction in the amount of \$4,853,000 and Alternate #1 in the amount of \$435,000, and Alternate #2 in the amount of \$360,000. Councilmember Hamburg seconded the motion. *Motion carried 4-0.*

C. Consideration of Work Order No 24-11 from Professional Engineering Consultants for 2025 Street Preservation Projects Engineering Services.

MOTION: Councilmember Dehn moved to accept Work Order 24-11 from PEC in the amount of \$125,000.00 for the design, bidding and construction observation and administration services for the 2025 Street Preservation Program Projects and authorize the Mayor to sign. Councilmember Schmitz seconded the motion. *Motion carried 4-0.*

D. Consideration of approving reimbursement to Dondlinger Construction for waterline replacement in Aurora Park in the amount of \$15,442.00.

MOTION: Councilmember Dehn moved to approve reimbursement to Dondlinger Construction for waterline replacement in Aurora Park in the amount of \$15,442.00 and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 4-0.*

E. Consideration of An Ordinance Concerning The Amendment Of Chapter 18, Of The City Code Of Bel Aire, Kansas, In Connection With The Zoning Map, All Within The City Of Bel Aire, Sedgwick County, Kansas.

MOTION: Councilmember Schmitz moved to approve An Ordinance Concerning The Amendment Of Chapter 18, Of The City Code Of Bel Aire, Kansas, In Connection With The Zoning Map, All Within The City Of Bel Aire, Sedgwick County, Kansas and authorize the Mayor to sign. Councilmember Welch seconded the motion.

Roll Call Vote:

Jim Benage - Aye	Greg Davied – [Absent]	Tyler Dehn - Aye
Emily Hamburg - Aye	Tom Schmitz - Aye	John Welch - Aye

Motion carried 5-0.

F. PUD-24-02 Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending a zone change request in the City, from R-4 to R-5 and R-6, in a Preliminary PUD for Spring Pines (formerly called “Homestead at Spring PUD”), generally located at North and east of East 53rd Street North and North Oliver.

Mayor Benage announced agenda item XII.F. Before proceeding with the hearing, Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage asked if anyone on the Council had received any ex-parte verbal or written communications prior to this agenda item. No one reported ex-parte communication. The City Clerk confirmed that she has not received any protest petitions regarding this case. All Councilmembers confirmed that they had reviewed the minutes of the November Planning Commission meeting, when the public hearing for this case was held.

Community Development Director Paula Downs then stood for questions from the Council and provided a brief presentation, referencing the staff report provided in the Council’s information packet for the January 7th meeting.

The City Clerk confirmed that no written communication had been received regarding this case. Mayor Benage invited public comments. No one spoke. The applicant was not present.

MOTION: Councilmember Welch moved to approve the findings of fact and recommendation of the Planning Commission for PUD-24-02, Adopt the Ordinance as Presented, and authorize the Mayor to sign. Councilmember Dehn seconded the motion.

Roll Call Vote:

Greg Davied – [Absent]	Tyler Dehn - Aye	Emily Hamburg - Aye
Tom Schmitz - Aye	John Welch - Aye	Jim Benage - Aye

Motion carried 5-0.

G. Consideration of the dedication of streets and other public ways, service and utility easements and land dedicated for public use as shown on the Final Plat of Spring Pines Subdivision (SD-24-03).

Councilmembers noted that Development Agreement had not been drafted for this development.

MOTION: Councilmember Welch moved to table the dedications within the Final Plat for Spring Pines Subdivision. Councilmember Schmitz seconded the motion. *Motion carried 4-0.*

MOTION FOR RECESS: Councilmember Welch moved to take a 7-minute recess. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

- H. PUD-24-04 Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Recommending a zone change request in the City for 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,) generally located at East 53rd Street North and Pinecrest Street. (A protest petition was not filed with the Bel Aire City Clerk within 14 days, after conclusion of the public hearing on 12/12/24.)**

Mayor Benage announced agenda item XII.H. Before proceeding with the hearing, Mayor Benage asked if anyone on the Council intended to disqualify themselves from participating in this case because they have a conflict of interest. No one was disqualified. Mayor Benage asked if anyone on the Council had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. Mayor Benage shared that when he contacted the Chairman of the Planning Commission regarding an appointment to the Commission, the Chairman had mentioned this case. According to Mayor Benage, the Chairman said he was trying to pattern this similar to another case like this in his discussions. That was the only ex-parte communication the Mayor had.

The City Clerk confirmed that she had not received any protest petitions on this case. Everyone on the Council then confirmed that they had received the Unapproved Minutes of the Planning Commission for December 12, 2024, which summarizes the public hearing for this case.

Mayor Benage then called upon City Staff to provide a report on the case. Paula Downs, Community Development Director, stood for questions from the Council and presented the staff recommendation, referring to the staff report provided in the Council's information packet for this meeting. Ms. Downs recommended that City Council return the case to the Planning Commission so that City staff could work with the applicant to revise the PUD agreement. Ms. Downs explained that in preparation for tonight's meeting, City staff reevaluated the case with assistance from Professional Engineering Consultants (PEC). However, the Planning Commission did not have access to this new, in-depth analysis at the time of their meeting on December 12th. Further, staff does not recommend requiring the supplementary documentation from the applicant that was referenced in the Planning Commission's recommendation. Staff does not recommend the supplementary documentation, because that is outside of the City's zoning and subdivision regulations. Also, Ms. Downs noted that returning the case to the Planning Commission would allow for the Commission to provide a more detailed analysis of Golden Factors as they relate to this case, specifically Golden Factors #4 and #6 listed in the staff report.

Following the staff report, the City Clerk confirmed that she had not received any written communication regarding this case. Mayor Benage then invited the applicant to speak on the case.

Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Council. Mr. Cook noted that it was unusual for staff to provide a different recommendation than Planning Commission. Mr. Cook stated that the client was unaware that the process for lot splits is different in Bel Aire than it is in Wichita. Immediately after his client was made aware of the zoning problem created by the lot splits, he contacted Baughman to fix the problem. The representative for the applicant then met with staff and the applicant has done everything that staff has asked as far as getting the PUD drawn up.

He stated that minimum lot sizes and widths were not mentioned by the Planning Commission. Mr. Cook stated the applicant would be willing to accept one condition of the Planning Commission’s recommendation regarding street trees. The applicant is not willing to accept the other conditions regarding supplementary documentation. Mayor Benage then invited public comments. No one spoke.

The Council then deliberated. Councilmembers asked further questions of Mr. Cook and City staff during their deliberation. Councilmembers discussed concerns of the applicant, concerns of city staff, the applicant’s suggestion to update the platter’s text, the applicant’s concerns about changes in Golden Factors listed in staff reports, and concerns that the new case analysis from PEC was not available to the Planning Commission on December 12th.

MOTION: Councilmember Welch moved to return the findings of fact and recommendation of the Planning Commission for PUD-24-04 to the Planning Commission for further consideration, with a statement specifying the basis for failure to approve or disapprove, the statement is: It needs further discussion with City staff, need to review the Golden Factors and make sure all parties agree to what’s listed, and address individual lot requirements such as trees and sizing. Councilmember Schmitz seconded the motion.

Roll Call Vote:
Greg Davied – [Absent] Tyler Dehn - Aye Emily Hamburg - Aye
Tom Schmitz - Aye John Welch - Aye Jim Benage - Aye
Motion carried 5-0.

XIII. EXECUTIVE SESSION

A. City Attorney’s performance review

MOTION: Councilmember Welch moved to recess into executive session to discuss the City Attorney’s performance review. The discussion will be pursuant to K.S.A. 75-4319 (b)(1) to discuss personnel matters of non-elected personnel. The meeting will be for a period of 15 minutes minutes, and the open meeting will resume in City Council Chambers at 10:20 p.m. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

The Council then recessed for executive session. At 10:21 p.m., Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

XIV. DISCUSSION AND FUTURE ISSUES

- A. City Council Workshop - January 14th at 7:00 p.m.?**
- B. Sedgwick County Shared Roads Discussion**

City Manager Ted Henry briefly discussed the proposed agenda for the workshop which will be held at 7:00 p.m. on January 14th.

Mayor Benage reported he met with County representatives regarding shared roads agreements. The Council briefly discussed the possibility of shared roads agreements. No action was taken.

XV. ADJOURNMENT

MOTION: Councilmember Welch moved to adjourn. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

Approved by the City Council this 21st day of January, 2025.



Jim Benage, Mayor

ATTEST:



Melissa Krehbiel, City Clerk



Chapel Landing- Phase 2

February 13, 2025

Planning Commission Meeting

Agenda Documents:

Case was not heard due to incomplete
application- no case information
provided

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

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 plat'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.

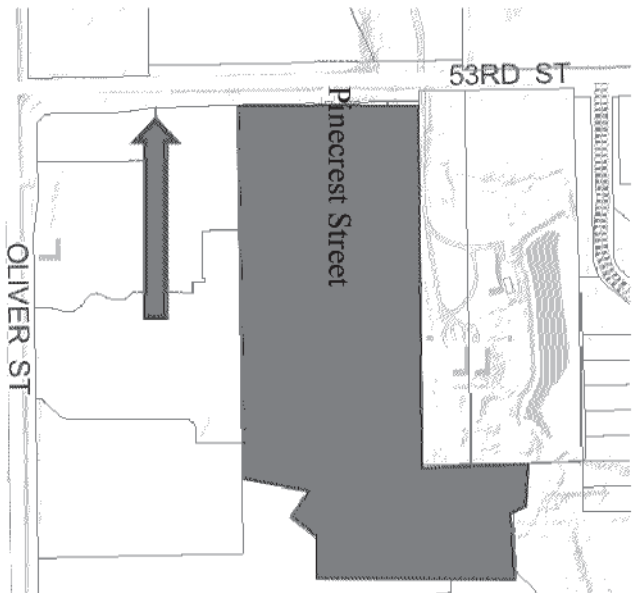
Legal Description: Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

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



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

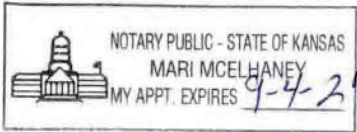
Being first duly sworn, deposes and says:

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.



(seal)

Mari McElhane
Notary Public

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
<p>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</p>	<p>Chapel Landing Addition</p>	<p>JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213</p>
<p>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</p>	<p>“</p>	<p>JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213</p>



Lot 5, Blk E Part of Subject Property	“	Lanell Wagon 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

APPLICATION

PUD-24-04
CL Phase 2 area

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.

<input checked="" type="checkbox"/>	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>
<input type="checkbox"/>	Amendments to Change Zoning Districts _____
<input type="checkbox"/>	Preliminary PUD _____
<input type="checkbox"/>	Preliminary PUD with plat/ zoning
<input checked="" type="checkbox"/>	Final PUD
<input type="checkbox"/>	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.

	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.

**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.

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.

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.

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 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: _____

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.

47 7. Binding Effect
48 7.1 This Agreement shall be binding upon and inure to the benefit of the Parties, their heirs,
49 successors, and assigns.
50

51 8. Amendments
52 8.1 This Agreement may only be amended by written instrument signed by both Parties.
53

54 9. Severability
55 9.1 If any provision of this Agreement is held invalid or unenforceable, the remainder shall
56 remain in full force and effect.
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58 IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above
59 written.
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64 *[Remainder of this page intentionally left blank]*

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

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96 PARTY A

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

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110 PARTY B

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128 ACKNOWLEDGEMENTS

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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

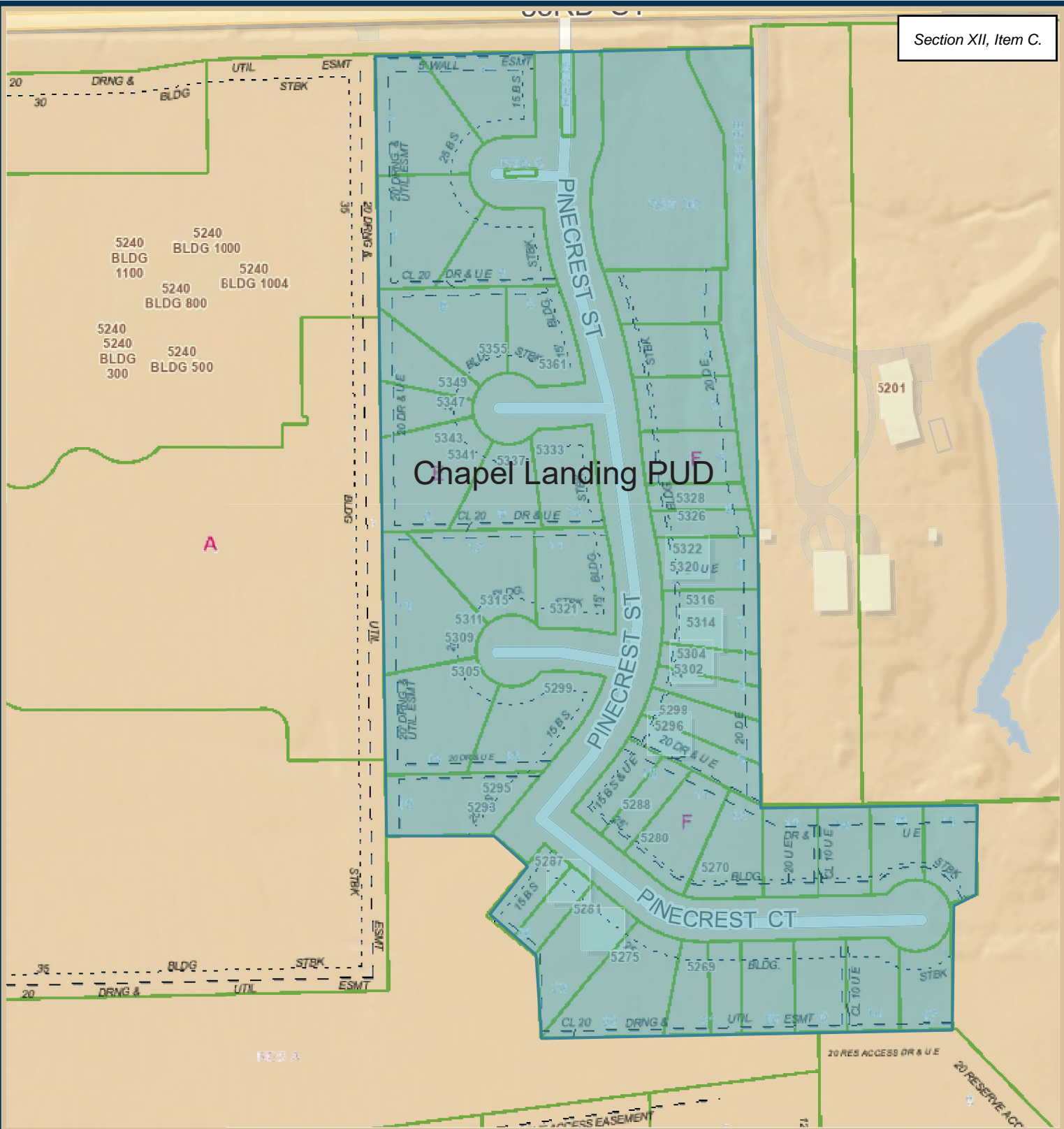
My Appointment Expires: _____

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.

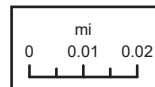
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Chapel Landing PUD

Sedgwick County, Kansas



1:2,257





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.

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 10th day of April, 2025.


Phillip Jordan, Chairman

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 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 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: _____

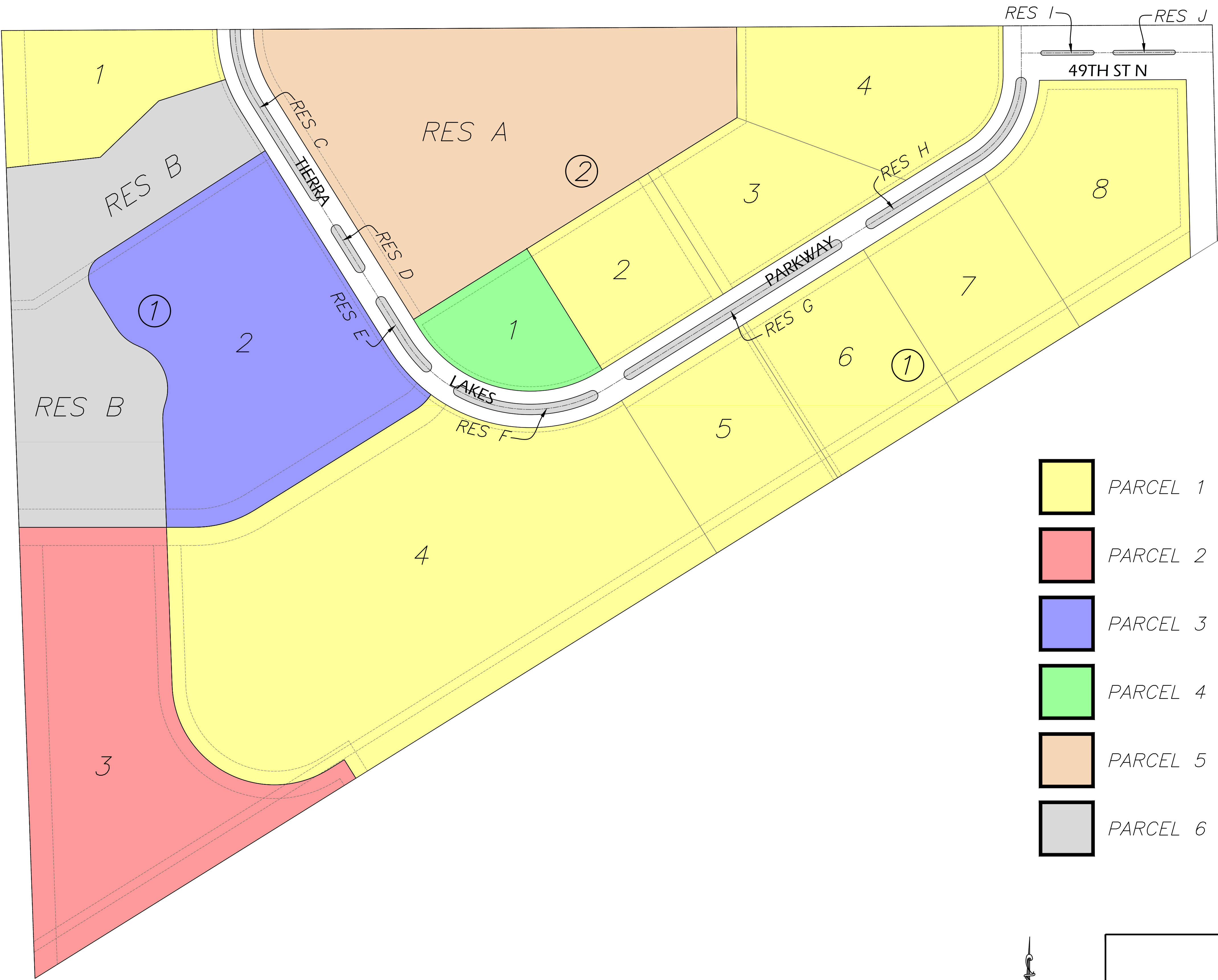
STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

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

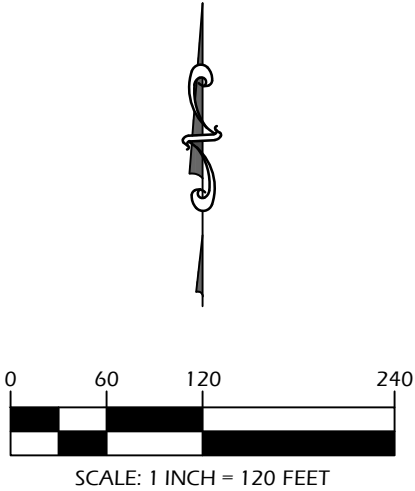
My Appointment Expires: _____

EXHIBIT 'A'



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.



 117 E. Lewis, Wichita, KS 67202 (316)264-0242	PUD EXHIBIT				
	TIERRA VERDE SOUTH ADDITION				
	BEL AIRE, KS				
DATE 04.2025	KEM PROJ. 24105	DRAWN JMW	DESIGNED KEM	SHEET 1.0	

(Published at www.belaireks.gov on May, _____, 2025.)

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE VACATION OF A PLATTED FIFTEEN-FOOT-WIDE BUILDING SETBACK ON LOT 1, BLOCK 2, TIERRE VERDE SOUTH ADDITION, BETWEEN 45TH AND 49TH STREET ON TIERRA LAKES PARKWAY AND WEST OF WEBB ROAD, IN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS.

WHEREAS, a petition for vacation of a platted fifteen-foot-wide Building Setback in VAC-25-02, will allow the applicant to proceed with the development of twelve, two-family dwellings and site work; and

WHEREAS, a public hearing on such petition was held before the Planning Commission of the City of Bel Aire, Kansas, on April 10, 2025; and

WHEREAS, the Planning Commission voted to recommend to the Governing Body that the petition for vacation of a platted fifteen-foot-wide Building Setback in VAC-25-02 be approved.

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

Section 1. Findings and Conclusions. The Governing Body determines from the evidence presented:

- (A) That due and legal notice has been given as required under K.S.A. 12-504, by publication on the City of Bel Aire Municipal Website at www.belaireks.gov.
- (B) No private rights will be injured or endangered by the vacation.
- (C) The public will suffer no loss or inconvenience thereby.
- (D) In justice to the Petitioner, the request of the petition ought to be granted.
- (E) No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

Section 2. Order of Vacation. The following described fifteen-foot wide Building Setback located within the corporate limits of the City of Bel Aire, Kansas is hereby ordered vacated, to-wit:

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.

General Location: Between 45th and 49th Street on Tierra Lakes Parkway and West of Webb Road, Bel Aire, Sedgwick County, Kansas

The City of Bel Aire, Kansas reserves to itself any property rights it may hold in the area that are not expressly vacated herein.

Section 3. Recording. The City Clerk shall certify a copy of this Ordinance is sent to the Register of Deeds of Sedgwick County, Kansas.

Section 4. Publication. The City Clerk shall cause this Ordinance, as soon as practicable after it has been passed and approved, to be published on the City's website as the designated official city newspaper.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

71 Passed by the Governing Body of the City of Bel Aire, Kansas on the 6th day of May, 2025.

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73 Approved by the Mayor on the _____ day of May, 2025.

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CITY OF BEL AIRE, KANSAS

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Jim Benage, Mayor

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83 ATTEST:

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Melissa Krehbiel, City Clerk

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91 APPROVED AS TO FORM ONLY:

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Maria A. Schrock, City Attorney

STAFF REPORT

DATE: 04/23/2025

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

STAFF COMMUNICATION	
FOR MEETING OF	5/6/2025
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, Tierra 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.

1. Planning Commission Meeting- April 10, 2025

The Planning Commission reviewed the Vacation Application packet and the findings of fact in the staff report. No concerns were raised by the Commission related to reducing the front setback from 40' to 25'. Planning Commission motioned to recommend to the City Council that the request for vacation be approved.

Current Discussion:

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.

Attachments:

- Planning Commission April 10 Staff Report
- Draft April 10 Planning Commission Meeting Minutes
- Vacation Application
- Setback Vacation Legal Description
- Setback Vacation Exhibit
- Notification
- Ownership List



MINUTES

PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS
April 10, 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, Paul Matzek were present. Commissioner Brian Stuart arrived during the vote for the Minutes.

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: Chairman Jordan moved to approve the minutes of March 13, 2025.

Commissioner Faber seconded the motion. ***Motion carried 5-0-1***, with Commissioner Stuart abstaining from the 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.

Director of Community Development Paula Downs made the announcement. No questions or comments were received from the Commission.

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).

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments.

Staff gave a brief review of the PUD application and related documents including all previous case activity brought before the Planning Commission and City Council.

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. Applicant Jay Cook had no comments. No questions were asked of the applicant by the Commission. No one requested to speak. Therefore, Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received, and staff confirmed that none had been received.

Chairman Jordan then requested discussion among the Commission. Commissioners cited Review Criteria 1, 3, 6, 9, and 10 in the staff report for this meeting as evidence in support of approving the zone change request. Specifically, Commissioners cited the following Review Criteria from the Staff Report:

1. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.
3. 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.
6. There is no loss in value or hardship upon the applicant
9. 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. 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.

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 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.

Commissioner Mackey seconded the motion. *Motion carried 6-0.*

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.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. 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.

Paula Downs, Director of Community Development gave a brief report, referencing the application for vacation and the staff report included the Commission’s information packet for this meeting. Ms. Downs reviewed the staff recommendation to approve the vacation request based on findings 1-4 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;

Chairman Phillip Jordan opened the public comment section. Applicant Kirk Miller agreed with the staff report and stood for questions. Mr. Miller answered questions from the Commission and staff regarding the legal description of the vacated portion and the location on the plat. Mr. Miller confirmed that the legal description is for the 15-foot portion that will be vacated.

No others requested to speak. Therefore, Chairman Jordan closed the public hearing and requested discussion among the Commission. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

MOTION: Commissioner Mackey 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 15 foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02 be approved based on findings 1 through 4 as listed in the staff report. Commissioner Faber seconded the motion.

Motion carried 6-0.

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.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. 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.

Paula Downs, Director of Community Development, gave a brief review of the PUD application and staff report, including all previous case activity brought before the Planning Commission and City Council. Ms. Downs stated that staff recommend approval of the vacation request, and noted key findings to support the recommendation: the character of the neighborhood, the length of time the property has been vacant as zoned, and the proximity of utilities to serve the development.

Chairman Phillip Jordan opened the public comment section. Applicant Jeff Blubaugh and Representative Kirk Miller, KE Miller Engineering, answered questions from the Commission regarding building setbacks and future changes to the PUD. The applicant did not foresee any need for future changes to the PUD.

No others requested to speak; therefore Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

The Commission then deliberated. Commissioners expressed their support for approving the zone change request, based on Review Criteria 1, 5, 9 and 10 listed in the staff report, specifically:

- 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.
- 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.
- 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.

MOTION: Commissioner Roths moved that 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 findings 1, 5, 9, and 10 listed in the staff report, as recorded in the summary of this hearing. Chairman Jordan seconded the motion. *Motion carried 6-0.*

VII. Approval of the Next Meeting Date.

MOTION: Commissioner Jordan moved to approve the date of the next meeting: May 8, 2025, at 6:30 p.m. Commissioner Faber seconded the motion. *Motion carried 6-0.*

VIII. Current Events

A. Upcoming Agenda Items:

Planning Commission Bylaws- Staff stated that no planning cases had been submitted for the May 8, 2025, meeting. Staff are working on developing Commission Bylaws to present at the meeting. Bylaws will be sent to the Commission in advance for review. Staff asked Commissioners to consider workshop topics for the meeting.

- 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**

The Commission briefly discussed upcoming City events. No action was taken. Chairman Phillip Jordan inquired about holding an executive session to discuss the absence of Edgar Salazar. City Attorney Maria Schrock stated that discussion of a volunteer position is not an allowed topic for discussion in executive session.

IX. Adjournment

MOTION: Commissioner Matzek moved to adjourn. Chairman Jordan seconded the motion.
Motion carried 6-0.

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

Phillip Jordan, Chairman

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, Tierra 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 Jerrone Castillo Phone (316) 312-6697
 Address 906 N. Main St, Suite 2, Wichita, KS Zip Code 67203
 Email Address jerronec@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.

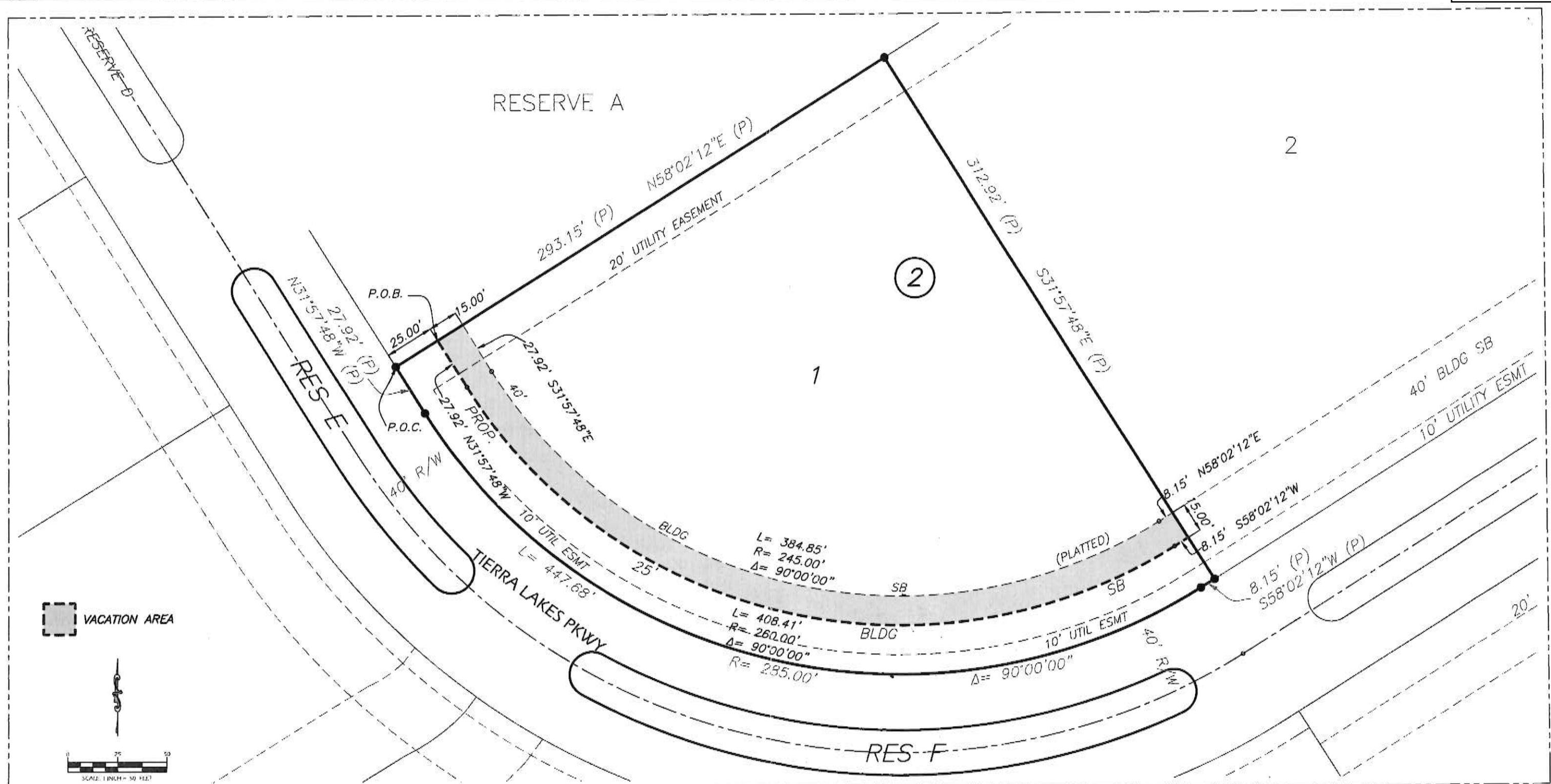

Applicant's Signature _____ BY _____ Authorized Agent (If Any) _____

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.

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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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.

Said tract contains approx. 6,490.44 sq ft more or less.



SETBACK VACATION EXHIBIT
TIERRA VERDE SOUTH ADD.

BEL AIRE, KS

DATE 01.2025	KEM PROJ. 24105	DRAWN JMW	DESIGNED KEM	SHEET 10
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(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'

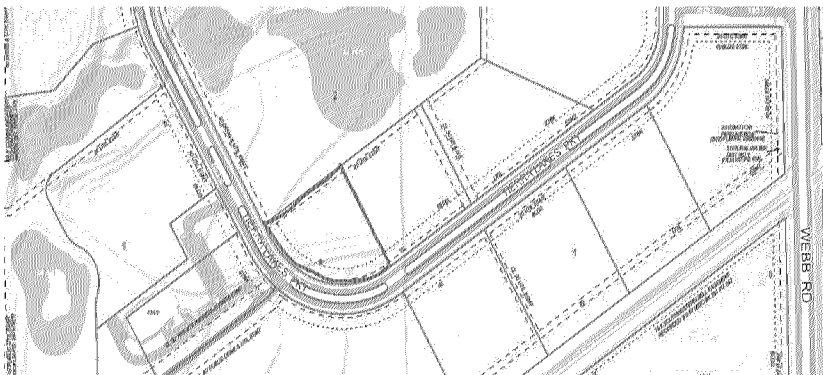
Legal Description: Lot 1, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

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





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.



(seal)

Mari McElhaney
Notary Public

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
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

(Published at www.belaireks.gov on May, _____, 2025.)

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION AMENDING THE TIERRE VERDE PLANNED UNIT DEVELOPMENT PROVISIONS 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-25-01; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held for Case No. PUD-25-01 on April 10, 2025, 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 that approves PUD-25-01, an amendment to the Tierre Verde Planned Unit Development (the “Tierre Verde PUD”), that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements. The Zoning Regulations of the City of Bel Aire, Kansas are hereby amended to modify the General Provisions of the Tierre Verde PUD as set forth on Exhibit “A,” incorporated herein.

Legal Description

Lot b, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

General Description

Between 45th and 49th Street on Tierra Lakes Parkway and West of Webb Road, Bel Aire, Sedgwick County, Kansas

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.

49 [Remainder of this page intentionally left blank]

71 PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire,
72 Kansas on this 6th day of May, 2025.

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CITY OF BEL AIRE, KANSAS

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Jim Benage, Mayor

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ATTEST:

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Melissa Krehbiel, City Clerk

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APPROVED AS TO FORM:

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Maria A. Schrock, City Attorney

STAFF REPORT**DATE: 04/23/2025****TO: Bel Aire Planning Commission****FROM: Paula Downs****RE: Agenda****STAFF COMMUNICATION**

FOR MEETING OF	5/6/2025
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.

7. Planning Commission Meeting- April 10, 2025

Commission reviewed application that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements. Zoning code requirements were provided for each application request.

After agenda document review and discussion of the review considerations in the staff report, the Planning Commission motioned to recommend that the City Council approve the application.

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 May 6, 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 City Council review and public hearing.



MINUTES

PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS
April 10, 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, Paul Matzek were present. Commissioner Brian Stuart arrived during the vote for the Minutes.

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: Chairman Jordan moved to approve the minutes of March 13, 2025.

Commissioner Faber seconded the motion. ***Motion carried 5-0-1***, with Commissioner Stuart abstaining from the 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.

Director of Community Development Paula Downs made the announcement. No questions or comments were received from the Commission.

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).

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments.

Staff gave a brief review of the PUD application and related documents including all previous case activity brought before the Planning Commission and City Council.

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. Applicant Jay Cook had no comments. No questions were asked of the applicant by the Commission. No one requested to speak. Therefore, Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received, and staff confirmed that none had been received.

Chairman Jordan then requested discussion among the Commission. Commissioners cited Review Criteria 1, 3, 6, 9, and 10 in the staff report for this meeting as evidence in support of approving the zone change request. Specifically, Commissioners cited the following Review Criteria from the Staff Report:

1. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.
3. 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.
6. There is no loss in value or hardship upon the applicant
9. 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. 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.

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 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.

Commissioner Mackey seconded the motion. *Motion carried 6-0.*

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.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. 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.

Paula Downs, Director of Community Development gave a brief report, referencing the application for vacation and the staff report included the Commission’s information packet for this meeting. Ms. Downs reviewed the staff recommendation to approve the vacation request based on findings 1-4 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;

Chairman Phillip Jordan opened the public comment section. Applicant Kirk Miller agreed with the staff report and stood for questions. Mr. Miller answered questions from the Commission and staff regarding the legal description of the vacated portion and the location on the plat. Mr. Miller confirmed that the legal description is for the 15-foot portion that will be vacated.

No others requested to speak. Therefore, Chairman Jordan closed the public hearing and requested discussion among the Commission. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

MOTION: Commissioner Mackey 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 15 foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02 be approved based on findings 1 through 4 as listed in the staff report. Commissioner Faber seconded the motion.

Motion carried 6-0.

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.

Chairman Phillip Jordan announced the item as listed on the agenda and reviewed Planning Commission procedures for public hearings, including a five-minute time limit for public comments. 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.

Paula Downs, Director of Community Development, gave a brief review of the PUD application and staff report, including all previous case activity brought before the Planning Commission and City Council. Ms. Downs stated that staff recommend approval of the vacation request, and noted key findings to support the recommendation: the character of the neighborhood, the length of time the property has been vacant as zoned, and the proximity of utilities to serve the development.

Chairman Phillip Jordan opened the public comment section. Applicant Jeff Blubaugh and Representative Kirk Miller, KE Miller Engineering, answered questions from the Commission regarding building setbacks and future changes to the PUD. The applicant did not foresee any need for future changes to the PUD.

No others requested to speak; therefore Chairman Jordan closed the public hearing. Chairman Jordan asked if any written communications had been received. Commissioners and staff confirmed that none had been received.

The Commission then deliberated. Commissioners expressed their support for approving the zone change request, based on Review Criteria 1, 5, 9 and 10 listed in the staff report, specifically:

- 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.
- 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.
- 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.

MOTION: Commissioner Roths moved that 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 findings 1, 5, 9, and 10 listed in the staff report, as recorded in the summary of this hearing. Chairman Jordan seconded the motion. *Motion carried 6-0.*

VII. Approval of the Next Meeting Date.

MOTION: Commissioner Jordan moved to approve the date of the next meeting: May 8, 2025, at 6:30 p.m. Commissioner Faber seconded the motion. *Motion carried 6-0.*

VIII. Current Events

A. Upcoming Agenda Items:

Planning Commission Bylaws- Staff stated that no planning cases had been submitted for the May 8, 2025, meeting. Staff are working on developing Commission Bylaws to present at the meeting. Bylaws will be sent to the Commission in advance for review. Staff asked Commissioners to consider workshop topics for the meeting.

- 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

The Commission briefly discussed upcoming City events. No action was taken. Chairman Phillip Jordan inquired about holding an executive session to discuss the absence of Edgar Salazar. City Attorney Maria Schrock stated that discussion of a volunteer position is not an allowed topic for discussion in executive session.

IX. Adjournment

MOTION: Commissioner Matzek moved to adjourn. Chairman Jordan seconded the motion.
Motion carried 6-0.

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

Phillip Jordan, Chairman

Tierra Verde South

April 10, 2025

Planning Commission Meeting

Agenda Documents:

- Staff Report
- PUD Application
- Amended Planned Unit Development Agreement
- PUD Exhibit A
- Site Plan
- Affidavit and Publication Notice
- Ownership List

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.

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.

-
- | | |
|--|--|
| <input type="checkbox"/> Change Zoning Districts: From: _____ to _____ | |
| <input type="checkbox"/> Amendments to Change Zoning Districts _____ | |
| <input type="checkbox"/> Preliminary PUD _____ | <input type="checkbox"/> Preliminary PUD with plat/ zoning |
| <input checked="" type="checkbox"/> Final PUD | <input type="checkbox"/> 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 Jerrone Castillo Phone 316-312-6697
Address 906 N Main St, Suite 2, Wichita, KS Zip Code 67203
Email Address jerronec@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 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 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: _____

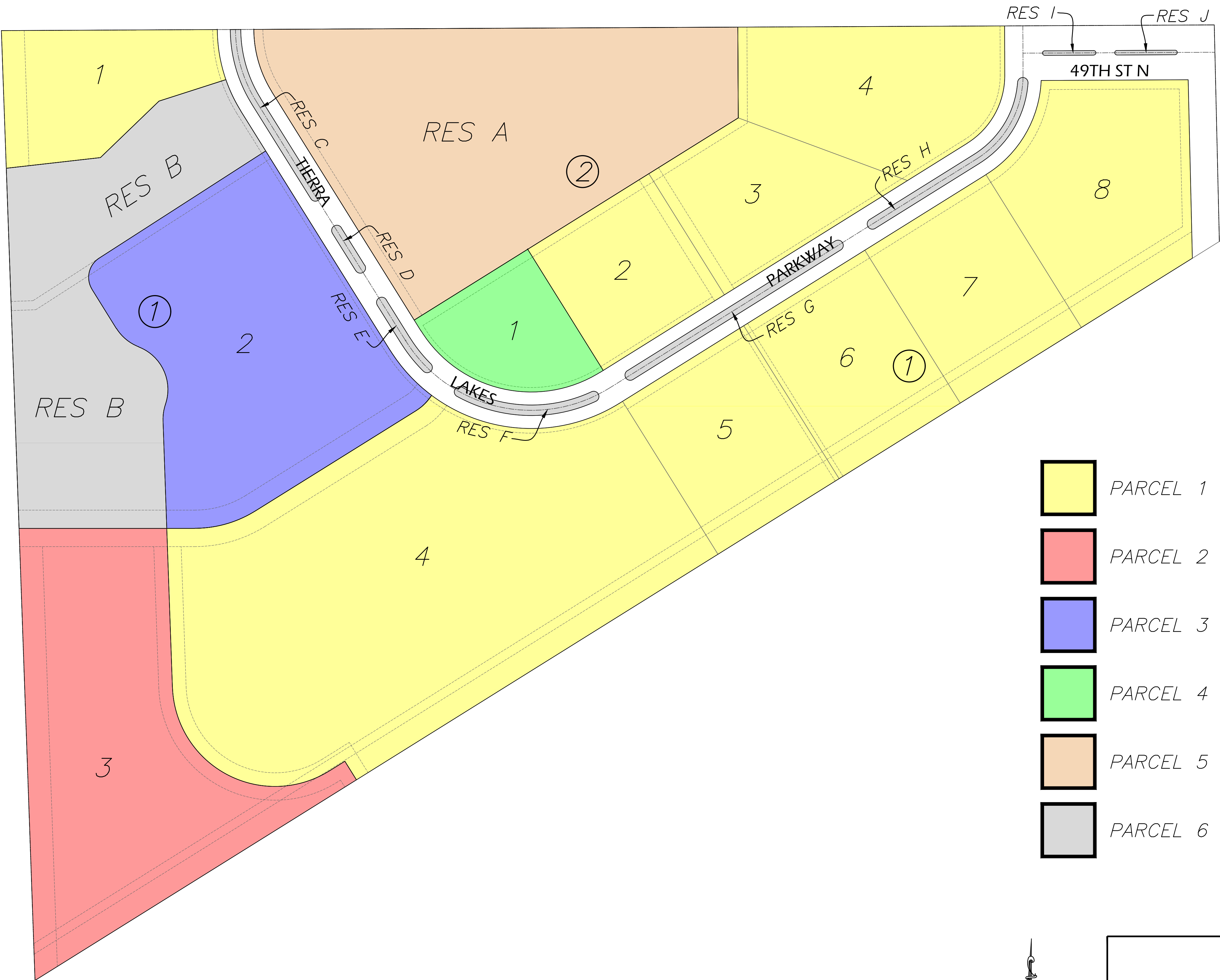
STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

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'



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.



KEMILLER
ENGINEERING

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

PUD EXHIBIT

TIERRA VERDE SOUTH ADDITION

BEL AIRE, KS

DATE 04.2025	KEM PROJ. 24105	DRAWN JMW	DESIGNED KEM	SHEET 1.0
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LEGAL DESCRIPTION:

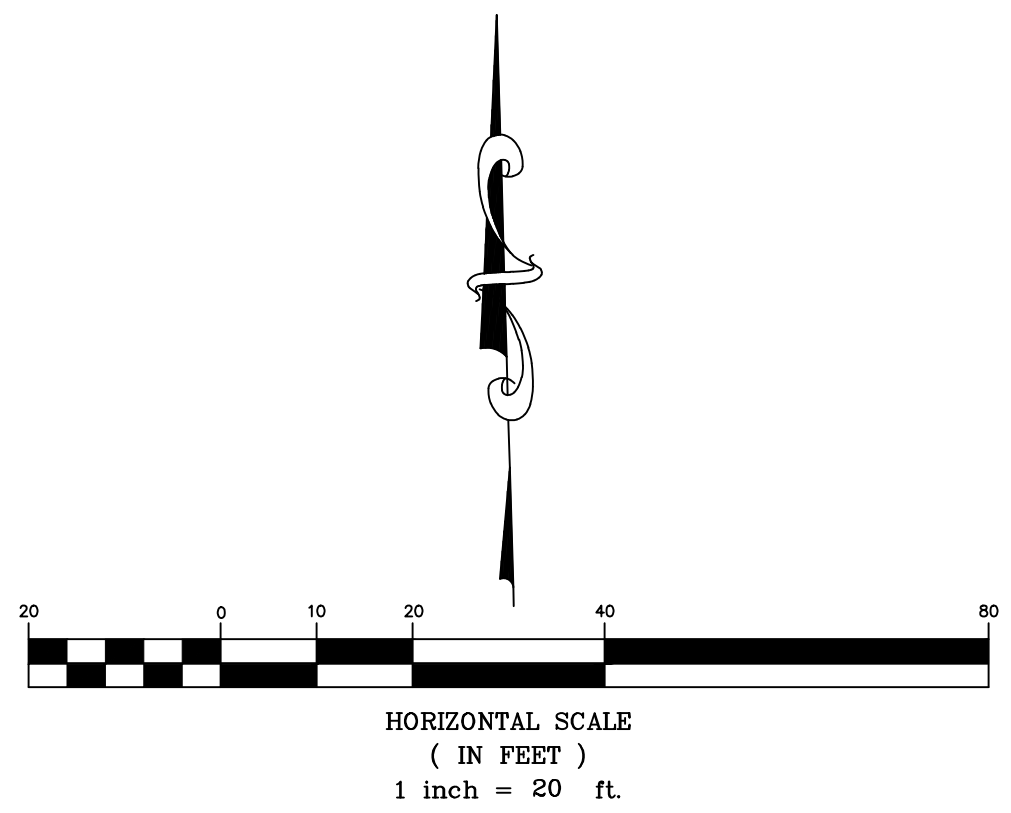
Lot 1, Block 2, Tierra Verde South Addition,
a Planned Unit Development in Bel Aire,
Sedgwick County, Kansas.

DWELLING UNITS:


– 12 proposed duplexes (24 dwelling units)

PARKING:

– 42 total spaces



Tierra Verde South Addition Duplexes
Site Plan
Bel Aire, Kansas

PROJECT NUMBER			
 KEMILLER ENGINEERING, P.A. 117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 24105	FILE	DATE 09/2024
	DESIGN KM	DRAWN JW	REVISED
	SHEET 1.0		



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.



(seal)

Mari McElhane
Notary Public

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

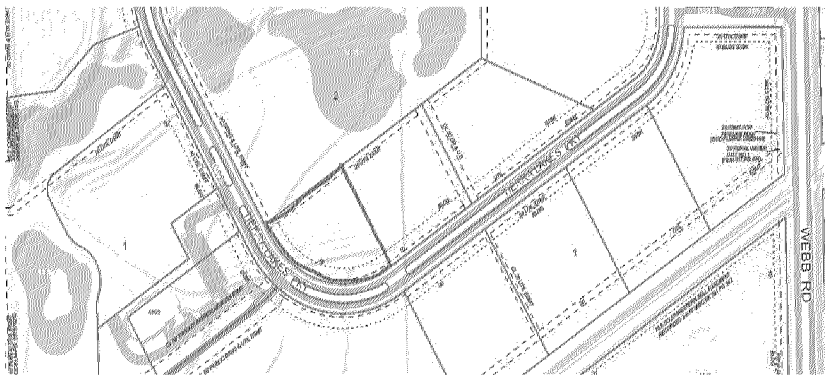
Legal Description: Lot 1, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

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





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

Tierra Verde South

May 11, 2023

Planning Commission Meeting

Agenda Documents:

- Staff Report
- PUD Application
- Legal Description
- Ownership List
- Amended Planned Unit Development Agreement
- May 11, 2023 Meeting Minutes

procedures. A final PUD must contain:

PUD 22

Section XII, Item F.

- 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

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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.doc 1/9/06

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	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  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.



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. 21 st 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 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

**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 ETEAZI, 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: 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 standard silver as a concept. Bio-swailes 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.



MINUTES PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS
May 11, 2023 6:30 PM



I. Call to Order

II. Roll Call

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

Also present were, Planning Commission Secretary, Jay Cook, and Code Enforcement Officer, Garrett Wichman.

III. Pledge of Allegiance to the Flag

Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Motion: Commissioner Roths made a motion to approve the minutes from April 13, 2023. Commission Jordan seconded the motion. *Motion Carried 5-0*

V. Old Business/New Business

A. ZON-23-01 - Rezoning approximately 64 acres from AG to M-1 Industrial at Southeast of K-254 and Rock Rd.

Chairman Schmidt opened the public hearing.

Representing the applicant was Phil Meyer with Baughman Company. The applicant is requesting to change the zoning of the parcel located at the southeast corner of Rock Rd and Hwy 254 in the city limits of Bel Aire from AG to M-1 Industrial. Phil explained that this is the last piece of land south of Hwy 254 to be zoned M-1. Phil stated there is no exact use for the location right now, but it is a site that Integra has looked at to expand their chip manufacturing business.

Chairman Schmidt closed the public hearing.

Several residents from the Heritage Hills subdivision in Kechi, KS spoke regarding the zoning change and concerns with traffic, lights, air quality, home values and possible environmental impacts of an industrial area. One of the main issues was the amount of additional traffic that would be present if a large industry moved into the area and the existing accidents and

possible future accidents in the area. One resident stated that it would make more sense to move the desired company to the east towards Webb Rd instead of Rock Rd. A resident wanted to ensure that the neighborhood would be in the process of all decisions made about Integra and requested that the Kechi residents in the Heritage Hills Subdivision be treated better than Bel Aire residents. One resident asked that a decision not be made during the meeting but wait until more information was available.

The Planning Commission allowed Phil Meyer from Baughman Company to speak to the concerns of the residents. He discussed the plating process and that most concerns would be taken care of during that time.

Chairman Schmidt Reopened the hearing and allowed members of the audience to ask questions. The commission fielded the questions and Chairman Schmidt stated that all the Planning Commission could do was make a recommendation to approve or deny to the Governing Body and that the Council made the final decision.

Chairman Schmidt closed the hearing again. Following the public hearing, the Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in Section 5.2 (E) of the Zoning Regulations. A discussion was had on the factors commonly known as the Golden Factors. There were mixed reviews on the Golden Factors, some in favor of the zoning change and some opposed. Overall, the factors seemed to be divided evenly between recommendation and denial. Commissioner Jordan gave his reasonings on each of the Golden Factors with most being in favor of denial but a few being in favor of approval. Other commissioners stated that they believed the weight of some Golden Factors made them believe the change meets the criteria.

Motion: Commissioner Roths made a motion to recommend the request to re-zone property at the southeast corner of Hwy 254 and Rock Rd. containing approximately 64 acres from AG to M-1 Industrial use without changes or conditions. Chairman Schmidt seconded the motion.

Motion carried 3-2.

B. PUD-23-03 - Preliminary PUD for Dayton Freight Lines, INC in Sunflower Commerce Park Addition

Chairman Schmidt opened the public hearing.

Representing the applicant was Russ Henestofel of EMH&T. The applicant is requesting a Dayton Freight be allowed in Sunflower Commerce Park. Dayton Freight is looking to expand and the property in Lot 7 Block C of Sunflower Commerce Park addition was the proper size to have warehouse capabilities and also a space for self storage. The self-storage will be fully automated with a kiosk that allows for access. Russ stated that the square footage of the full build will be 30,000 that is expandable to 41,000 sq ft with 48 docks for freight. The operations will be a truck transfer that will have roughly 75 trucks per day when fully completed. Russ stated that it is not a 24-hour location and that most trucks will be in and out before night. One concern from Commissioner Roths was the lighting of the operation. Russ stated there will be lights along the wall to each dock but will have shields and should shine directly down to reduce light pollution.

Chairman Schmidt closed the public hearing.

The Planning Commission felt that the presentation provided, and the documents presented, were sufficient and did not have excessive amounts of discussion. There was some discussion of lights and the plans to keep the lights on site.

Motion: Commissioner Paul Matzek made a motion to accept the Preliminary PUD for Dayton Freight Lines, INC in Sunflower Commerce Park Addition as presented without changes or conditions. *Motion carried 5-0.*

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

Chairman Schmidt opened the public hearing.

Representing the applicant was Phil Meyer with Baughman Company. The applicant is requesting allowing R-5 and R-6 residential in the existing Tierra Verde South Addition PUD that is currently a C-2 PUD. The request is to provide more options for development. Phil stated that the development has sat relatively vacant for a long time and the ability to do a some mixed used will benefit with the ability for variety. There is not a specific user for the properties.

The Commission allowed for citizen concern. Chuck Robinson spoke on his concern of R-6 being close to the Sawmill Creek Development that is west of Tierra Verde. He also stated that he was concerned with the possibility of a through road from Skragg St to access the property. His desire was for the Commission to consider the impact on Sawmill Creek. The next individual to speak was Keith Fort, the vice president of the HOA in Sawmill Creek. His concern was also the possibility of apartments or multi-family housing close to Sawmill Creek and the additional crime that could come with multi-family housing. He was also concerned about the increased traffic if Blade and Skragg Streets became through streets.

Chairman Schmidt closed the public hearing.

The Commission discussed the request and the possibility of selecting which lots would allow R-6 and which could be R-5 and make sure that the berm and trees remain to separate the two developments. Lot 3, the lot that is closest to Sawmill Creek, is the lot that would need special attention. Commissioner Floyd offered allowing R-4 in Lot 3 to make single family homes but taking the more intensive residential uses allowed. They discussed the the possibility of making a motion to allow the change but to keep one lot coherent to the existing PUD.

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.*

VI. Next Meeting: Thursday, June 8 at 6:30 PM

Motion: Chairman Schmidt made a motion to approve the next meeting date of Thursday, June 8, 2023 at 6:30 p.m. Commissioner Jordan seconded the motion. *Motion Carried 5-0*

VIII. ADJOURNMENT

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

Tierra Verde South

June 20, 2023

City Council Meeting

Agenda Documents:

- Staff Report
- PUD Application
- Legal Description
- Ownership List
- Amended Planned Unit Development Agreement

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 22

Section XII, Item F.

- 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

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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.doc 1/9/06

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	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.

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.



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

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. 21 st 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 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

**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 ETEAZI, 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: _____



MINUTES
CITY COUNCIL MEETING
 7651 E. Central Park Ave, Bel Aire, KS
 June 20, 2023 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present were Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch. Also present were City Manager Ty Lasher, Assistant City Manager Ted Henry, City Attorney Maria Schrock, Director of Public Works Marty McGee, Director of Community Development Jay Cook, and City Clerk Melissa Krehbiel.

III. OPENING PRAYER: Terry Hedrick provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

- A. Minutes of the June 6, 2023 City Council meeting.**
- B. Accept Petitions for Paving, Sanitary Sewer and Water Distribution System Improvements in Arthur Heights.**
- C. Approval of three (3) Resolutions Determining The Advisability Of The Making Of Certain Internal Improvements In The City Of Bel Aire, Kansas; Making Certain Findings With Respect Thereto; And Authorizing and Providing For The Making Of The Improvements In Accordance With Such Findings (Paving, Sanitary Sewer System, Water Distribution System /Arthur Heights Estates).**
- D. Appointment of Maria Schrock as Bel Aire City Attorney.**
- E. Appointment of Art Tenbrink as a CCUA Alternate Board Member.**

MOTION: Councilmember Hamburg moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance 23-11 in the amount of \$478,328.82

MOTION: Councilmember Smith moved to approve Appropriations Ordinance 23-11. Councilmember Davied seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES

A. Gary O'Neal, President of the Bel Aire Area Chamber of Commerce

President Gary O'Neal gave a brief presentation about the Chamber's recent activities and successes. He requested that the Council consider allotting \$15,000 in the 2024 budget for the Chamber.

IX. CITIZEN CONCERNS: No one spoke.

X. REPORTS

A. Council Member Reports

Councilmember Hamburg reported she attended the latest meetings of the CCUA and a tour of Goodwill Industries with the Chamber.

Councilmember Smith reported on the latest meeting of the CCUA. He noted that CCUA will meet again on June 22nd and June 29th for special meetings.

Councilmember Davied reported that he attended the latest CCUA meeting, the tour of Goodwill Industries, and the K-254 meeting. He noted that there will be a public open house regarding K-254 on Tuesday, June 27th at Circle Middle School.

Councilmember Dehn reported that he also attended the tour of Goodwill Industries with the Chamber. He noted that Bel Aire will hold an Open House at the Rec Center next Tuesday. He wished everyone a safe and happy July 4th.

B. Mayor's Report

- Safewise has ranked Bel Aire as the 4th safest city in Kansas. Mayor Benage thanked police and City staff for helping Bel Aire consistently attain a high ranking with Safewise.
- He attended the tour of Goodwill Industries and encouraged residents to support Goodwill.
- Mayor Benage also attended the latest meeting of the K-254 Corridor Development Association and attended a change of command ceremony at McConnell Airforce Base.
- He encouraged residents to provide input at the meetings on June 27th for the K-254 Management Plan and Parks open house.

C. City Attorney Report

City Attorney Maria Schrock reported that she is getting oriented in her new position and thanked the council for the privilege of serving as the City Attorney.

D. City Manager Report

City Manager Lasher reported that the first Tuesday meeting of the Council has been moved from July 4th to July 11th due to the holiday. He also noted that a new fireworks ordinance will go into effect this year, expanding the number of days when detonation of fireworks is allowed.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of a bid for a lawn mower. Four Bids were received:

<u>Supplier</u>	<u>Bid</u>
Kansas Golf & Turf: Spartan KGZ-XD 60"	\$14,100
Wichita Tractor Co: Bad Boy Rogue 61"	\$13,317.10
White Star: Bobcat ZT7000 61"	\$13,517
White Star: Bobcat ZT7000 72"	\$14,351

MOTION: Councilmember Smith moved to accept the bid from Kansas Golf & Turf at a cost not to exceed \$14,100 and authorize all required signatures. Councilmember Welch seconded the motion. *Motion carried 5-0.*

B. Consideration of the Planning Commission's recommendation to Amend the Tierra Verde Planned Unit Development to allow R-5 and R-6 Zoning (PUD-23-02).

Phil Meyer, Baughman Company, represented the applicant and stood for questions from City Council. City Staff also stood for questions.

MOTION: Councilmember Hamburg moved to accept the Bel Aire 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 all required signatures. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

C. Consideration of a contract with InfoSend to print and mail utility bills/notices. Contract has been reviewed by City Attorney.

MOTION: Councilmember Smith moved to accept the contract with InfoSend to print and mail utility bills and notices and authorize the City Manager to sign all related documents. Councilmember Davied seconded the motion. *Motion carried 5-0.*

XII. EXECUTIVE SESSION

MOTION: Councilmember Welch moved to go into executive session for the sole purpose of discussing the subject of: Attorney-Client consultation regarding contractual obligations pursuant to KSA 75-4319 exception for attorney-client privilege. Invite the City Manager, City Attorney, Art Tenbrink and Jennifer Hill. The meeting will be for a period of 30 minutes, and the open meeting will resume in City Council Chambers at 8:15 p.m. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

The City Council then held an executive session. At 8:17 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Smith moved to extend the executive session by an additional 20 minutes, with the open meeting resuming in Council Chambers at 8:37 p.m. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

The City Council then returned to executive session. At 8:40 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Welch moved to extend the executive session by an additional 15 minutes, with the open meeting resuming in Council Chambers at 8:55 p.m. Councilmember Smith seconded the motion. *Motion carried 5-0.*

The City Council then returned to executive session. At 9:00 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

XIII. DISCUSSION AND FUTURE ISSUES

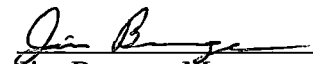
The Council briefly discussed the agenda for the July 11th workshop. There was consensus to schedule a second workshop on July 12th at 6:30 p.m.

XIV. ADJOURNMENT

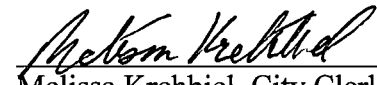
MOTION: Councilmember Welch moved to adjourn. Councilmember Davied seconded the motion. *Motion carried 5-0.*


The meeting adjourned at 9:05 p.m.

Approved by the City Council this 11th day of July, 2023.


Jim Benage, Mayor

ATTEST:


Melissa Krehbiel, City Clerk





Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30253481

Section XII, Item F.

Receipt #: 2389734
Pages Recorded: 5

Recording Fee: \$89.00

Cashier: KVENATOR

Authorized By: Tonya Buckingham

Date Recorded: 07/26/2023 03:13:31 PM



Please do not remove this cover page, it has become part of this document

Grantor	ME ENTERPRISES IV LLC
Grantee	TIERRA VERDE SOUTH ADDITION
Type of Document	MISC.AGMT
Recording Fees	\$89.00
Mtg Reg Tax	\$0.00
Total Amount	\$89.00
Return Address	BAUGHMAN RETURNED TO CUSTOMER

**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 25th day of July, 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 20th day of June, 2023 and is hereby executed on this 20th day of June, 2023.





MAYOR, JIM BENAGE

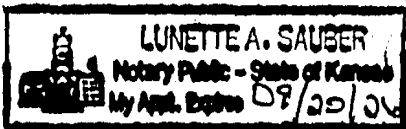


CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 25th day of July, 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.



Lunette A. Sauber
NOTARY PUBLIC

My Appointment Expires: 09/20/2026

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 20 day of June, 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.



Tristin Terhune
NOTARY PUBLIC

My Appointment Expires: Nov. 5, 2025

Tierra Verde South

January 11, 2024

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Affidavit and Notice of Publication
- PUD Application
- Legal Description
- Request for PUD Amendment
Clarification
- Ownership List
- Final Plat Pages 1-2
- Amended Planned Unit Development
Agreement

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 in 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

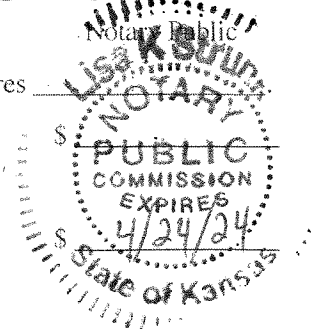
Subscribed and sworn to before me this 21st day of December, 2023.

Lisa K. Sullivan

My commission expires _____

Additional copies _____

Printer's fee _____



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

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.

BAUGHMAN COMPANY, PA

x 
Applicant's Signature

BY


Authorized Agent (if Any)

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

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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. 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.



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

Section XII, Item F.

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



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



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



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

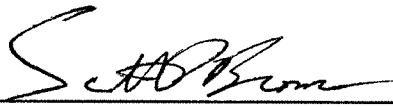
Section XII, Item F.

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

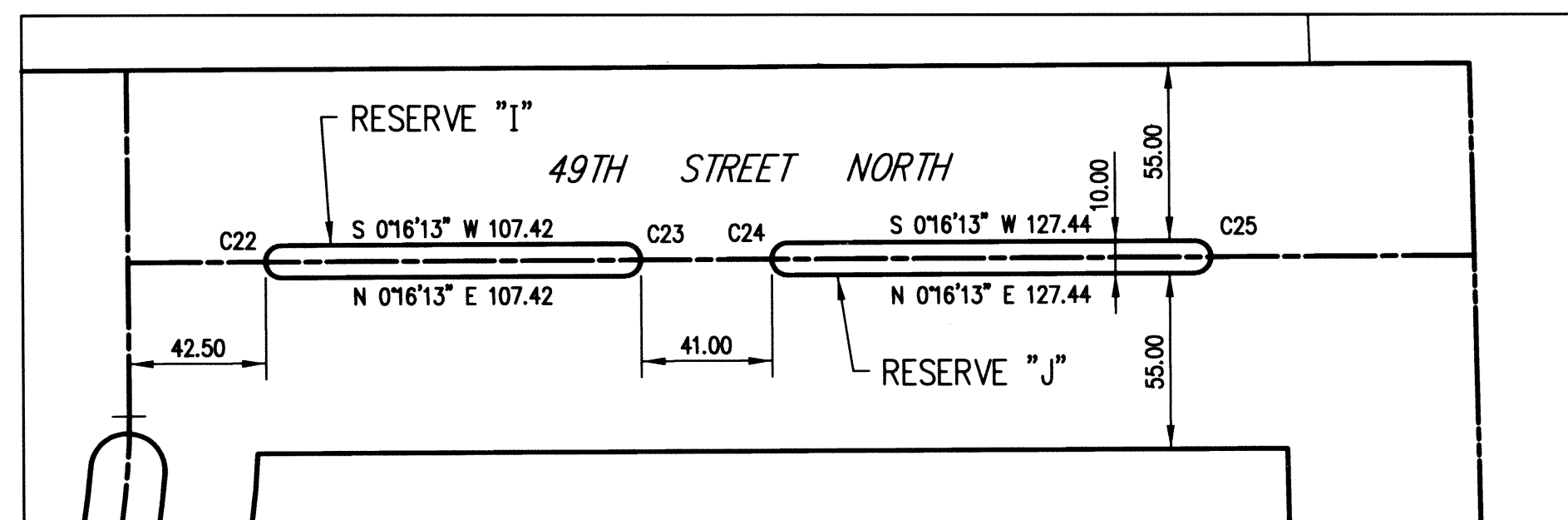
Order: OE008635
KJK

PC 216-10B

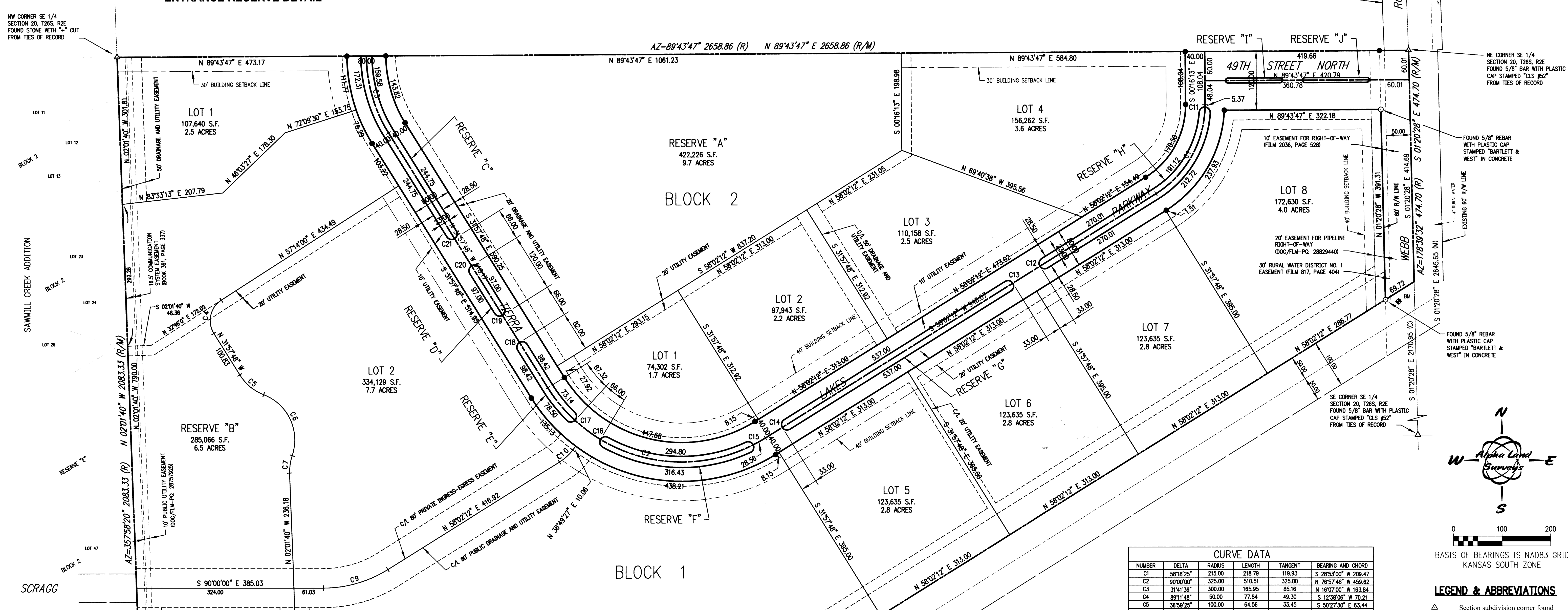
FINAL PLAT

TIERRA VERDE SOUTH ADDITION

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



ENTRANCE RESERVE DETAIL

**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:

- 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.

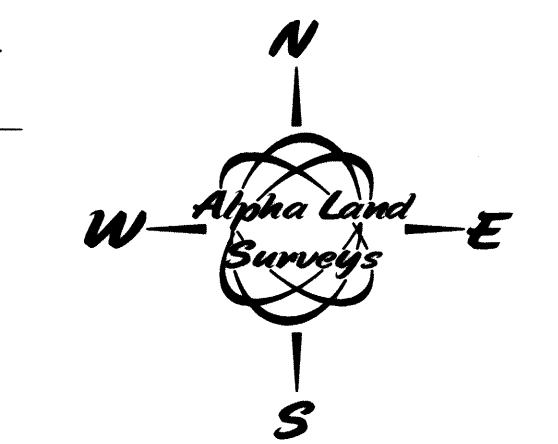
- THE POSTED SPEED LIMIT FOR RESIDENTIAL AREAS WITHIN THE DEVELOPMENT SHALL BE A MAXIMUM OF 20 MPH.
- THE POSTED SPEED LIMIT FOR ALL NON-RESIDENTIAL AREAS OR MIXED USE AREAS SHALL BE 25 MPH.
- MINIMUM 4' WIDE SIDEWALKS SHALL BE REQUIRED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY WITH THE OUTSIDE EDGE OF THE SIDEWALK BEING PARALLEL TO AND ADJACENT TO THE RIGHT-OF-WAY LINE.
- NO VEHICULAR PARKING IS ALLOWED WITHIN THE STREET RIGHT-OF-WAY.
- 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

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	BEARING AND CHORD
C1	58°18'25"	215.00	218.79	119.93	S 28°33'00" W 208.47
C2	90°00'00"	325.00	510.51	325.00	N 76°57'48" W 458.62
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 12°38'08" W 70.21
C5	36°59'23"	100.00	64.56	33.45	S 50°27'30" E 63.44
C6	87°53'10"	100.00	153.39	96.38	S 20°02'38" 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°24'45"	100.00	37.02	18.73	N 47°25'48" E 36.81
C11	180°00'00"	11.50	36.13	INFINITE	S 85°40'28" 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°40'11" 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



BASIS OF BEARINGS IS NAD83 GRID
KANSAS SOUTH ZONE

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

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
HUTCHINSON, KANSAS 67501
PH: (620) 728-0012 FAX: (620) 728-0413

PC 216-10B

**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 22

Section XII, Item F.

- 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.doc 1/9/06

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	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.

x		BY	 BAUGHMAN COMPANY, PA
	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.



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

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. 21 st 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 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

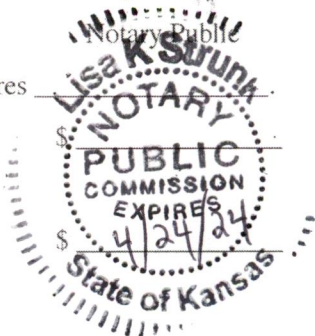
Subscribed and sworn to before me this 7th day of December, 2023.

Lisa K Strunk

My commission expires _____

Additional copies _____

Printer's fee _____



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





MINUTES

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, Deryk Faber, Edgar Salazar, Paul Matzek, and Phillip Jordan were present. Dee Roths was absent.

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

III. Pledge of Allegiance

Chairman Schmidt led the Pledge of Allegiance.

IV. Public Comments

Chairman Schmidt opened the public hearing.

Chairman Schmidt allowed the public to make comments or concerns before further discussion of the agenda. First to speak from the public was Tim Sterba and Deanna Sterba, 4642 N Farmstead Ct, shared concerns about the “316 PDR” paintless dent repair business located at 4648 Farmstead Ct. Tim shared his concerns about the noise that comes from the paintless dent repair business that is a constant pounding sound. Deanna shared that she went around the neighborhood with a petition that was created due to the concern that the environment produced is not compatible with the residential neighborhood. Deanna provided the petition to our City Attorney, Maria Schrock, and the petition was signed by sixteen residents in the neighborhood. Deanna did mention that the changes to the business license and code has been much better. They shared that the noise can be heard inside their home if the garage door is closed or not at the address of 4648 Farmstead Ct. Commission had discussion about a decibel reading with in our city code, City Attorney Maria shared that we do have decibel reading within our city code. With that, law enforcement can enforce this by recording on body camera and assign a citation if reasonable. Deanna and Tim have collected videos that will be provided to Maria for review as well. There was no one else from the public to make comments at this time that are not a part of tonight’s agenda.

Chairman Schmidt closed the public hearing.

V. Consent Agenda

A. Approval of Minutes from Previous Meeting, December 14, 2023.

Motion: Commissioner Deryk Faber made a motion to approve the minutes from December

14, 2023. Commissioner Phillip Jordan seconded the motion. ***Motion Carried 6-0***

VI. 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.**

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***

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

Chairman Schmidt opened the hearing.

First to speak from the public was Gary Jantz, 6200 E 45th St N, asking if the public announcements will be in the Bel Aire Breeze or on our website. Secretary, Anne Stephens responded stating that it will be posted to the city's website and Ark Valley News as the Bel Aire Breeze is not our official newspaper. Gary also asked if the zoning will change from rural residential to R-1 residential. Anne stated that to her knowledge, it has never been rural residential and she asked Keith Price our City Inspector to provide additional input. Keith responded to Gary stating that it has always been indicated as R-1. Carol Russell, 6218 E 45th St N, was also present to share her questions with the Planning Commission. Carol wanted to know the value of having C-2 near residential and

Commissioner Jordan stated that it would bring business.
There was no one else present to speak from the public.

Chairman Schmidt Closed the hearing.

Action: Commissioner Matzek made a motion to recommend the proposed zoning map changes as presented by this Planning Commission. Commissioner Jordan seconded the motion. ***Motion Carried 6-0***

C. **Re-Open Hearing - PUD-23-02 - Amending Zoning Districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning.**

Chairman Schmidt re-opened the hearing for PUD-23-02 from “Old Business/New Business A.”.

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.

Action: 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***

VII. Next Meeting: February 8, 2024 at 6:30 PM

Action: Commissioner Salazar made a motion to accept the next meeting date of February 8, 2024 at 6:30 PM. Commissioner Faber seconded the motion. ***Motion Carried 6-0***

VIII. Current Events

Secretary Anne Stephens mentioned to the Planning Commission that on Monday, January 15, 2024, City of Bel Aire will be closed for Martin Luther King Jr.(MLK) Day.

IX. Adjournment

Action: Commissioner Charleston made a motion to adjourn. Commissioner Salazar seconded the motion. *Motion Carried 6-0*

Tierra Verde South
February 20, 2024
City Council Meeting

Agenda Documents:

- Staff Report
- PUD Application
- Legal Description
- Request for PUD Amendment Clarification
- Deed
- Affidavit and Publication Notification
- Final Plat
- Ordinance

(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

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. Replatting, 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:

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.

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.

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.

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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.



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.

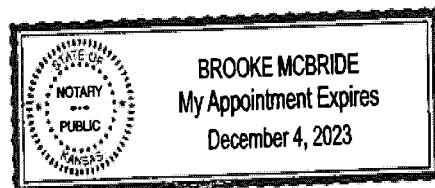
Subscribed and sworn to before me this 19 day of April, 2021.

Brooke McBride

Signature

Brooke McBride

Notary Printed Name:



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

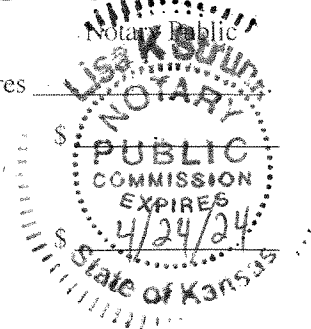
Subscribed and sworn to before me this 21st day of December, 2023.

Lisa K Sullivan

My commission expires _____

Additional copies _____

Printer's fee _____



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



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



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



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



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



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

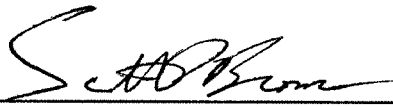
Section XII, Item F.

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



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
February 20, 2024 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present were Councilmembers Greg Davied, Tyler Dehn, Emily Hamburg, Justin Smith and John Welch. Also present were City Manager Ty Lasher, Assistant City Manager, City Attorney Maria Shrock, City Engineer Anne Stephens, and City Clerk Melissa Krehbiel.

III. OPENING PRAYER: Gary Green provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

A. Approval of Minutes of the February 6, 2024 City Council meeting.

B. Accept and file the Bel Aire Land Bank 2023 Ending Sales and Financial Report.

MOTION: Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 24-03 in the amount of \$547,694.08.

MOTION: Councilmember Davied moved to approve Appropriations Ordinance No. 24-03. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

VIII. CITY REQUESTED APPEARANCES

A. 45th Street Update - Ken Lee, PE, Garver

Mr. Lee gave a brief update on the Aurora Park and Cozy Drive paving projects: he anticipates bids to be taken in April, and construction to begin in May.

Regarding the Design of 45th Street, Mr. Lee presented the results of traffic studies and a public survey. He presented a Design Concept for 45th street with specific recommendations for Council to consider. He then stood for questions from the Council.

IX. CITIZEN CONCERNS

Carol Russell, 6218 E 45th St N, spoke regarding concerns about the Woodlawn report.

X. REPORTS

A. Council Member Reports

Councilmember Hamburg briefly reported on the monthly meeting of the Bel Aire Chamber of Commerce, which was held at the Catholic Care Center. She commented on the end of the Bel Aire Rec Center’s basketball season and thanked staff and volunteer coaches for their work.

Councilmember Dehn reported on recent meetings he attended including the Kansas Active Transportation webinar, Bike-Walk Bel Aire, K-254 Corridor Association strategic planning committee, and the Transit open house hosted by the Wichita Area Metropolitan Planning Organization (WAMPO). at the Bel Aire Rec Center.

B. Mayor's Report

Mayor Benage briefly reported on recent meetings he attended including the Utility Advisory Committee, Sedgwick County Fire District No 1 Steering Committee, WAMPO Transportation Policy Body, and the WAMPO open house regarding the regional transportation plan.

C. City Attorney Report: No report was given.

D. City Manager Report: No report was given.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

A. Consideration of A Design Concept in conjunction with the 45th, Woodlawn to Oliver Design Project. Two Actions are requested of the Council.

MOTION: Councilmember Davied moved to approve the design of a 2-lane roundabout for traffic control at the intersection of 45th and Oliver in conjunction with the 45th, Woodlawn to Oliver design project. Councilmember Dehn seconded the motion. *Motion carried 4-1* with Councilmember Welch voting against the motion.

MOTION: Councilmember Welch moved to approve the Design Concept as amended to include all deceleration lanes as add/alternates and to enclose the ditch at the southwest corner of 45th and Oliver in conjunction with the 45th, Woodlawn to Oliver design project. Councilmember Hamburg seconded the motion. *Motion carried 5-0.*

B. Consideration of 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 (Tierra Verde South, PUD-23-02).

MOTION: Councilmember Dehn moved to accept 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 (Tierra Verde South Addition, PUD-23-02) and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye	Tyler Dehn – Aye	Emily Hamburg – Aye
Justin Smith – Aye	John Welch – Aye	Jim Benage – Aye

Motion carried 6-0.

C. Consideration of accepting a bid for 53rd Street Reconstruction, Oliver to Woodlawn. Four bids were received.

MOTION: Councilmember Smith moved to accept the bid from Kansas Paving in the amount not to exceed \$1,757,951.50 contingent on the Right of Way acquisition being completed and adoption of an authorizing Resolution. Councilmember Welch seconded the motion. Discussion followed.

MOTION: Councilmember Smith moved to withdraw his earlier motion. Discussion followed.

MOTION: Councilmember Hamburg moved to go into executive session for the sole purpose of discussing the subject of: attorney-client consultation regarding contractual obligations pursuant to K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. Invite the City Manager, Assistant City Manager, City Attorney, and the City Engineer. The meeting will be for a period of 10 minutes, and the open meeting will resume in City Council Chambers at 9:20 p.m. Councilmember Dehn seconded the motion.

Councilmember Welch raised a procedural question regarding Councilmember Smith’s last motion.

MOTION: Councilmember Smith moved to withdraw his earlier motion. Councilmember Davied seconded. **Motion carried 4-1**, with Councilmember Welch voting against the motion.

MOTION: Mayor Benage stated that Councilmember Hamburg’s motion for Executive Session would now be entertained. Councilmember Dehn seconded the motion. **Motion carried 4-1**, with Councilmember Davied voting against the motion.

The Council then recessed into Executive Session. At 9:20 p.m., Mayor Benage called the meeting back to order in open session and stated that no binding action had been taken.

MOTION: Councilmember Welch moved to table this item. Councilmember Davied seconded the motion. *Motion carried 5-0.*

D. Consideration of a Kansas Local Bridge Improvement Program Bridge Reconstruction/Rehabilitation Agreement.

Mayor Benage noted the time and requested a motion to remove certain items from the agenda for consideration at a later date.

MOTION: Councilmember Hamburg moved to remove items D, G, and H from the agenda. Councilmember Smith seconded the motion. *Motion carried 5-1* with Councilmember Welch voting against the motion.

MOTION FOR RECESS: Councilmember Welch moved to take a 5-minute recess. Councilmember Davied seconded the motion. *Motion carried 5-0.*

Following the recess, Mayor Benage requested a motion to address Item XII. A. (Executive Session for attorney-client consultation regarding contractual obligations).

MOTION: Councilmember Smith moved to go into executive session for the sole purpose of discussing the subject of: attorney-client consultation regarding contractual obligations pursuant to K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. Invite the City Manager, Assistant City Manager, City Attorney, City Engineer and Neil Gosch. The meeting will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 9:52 p.m. Councilmember Davied seconded the motion. *Motion carried 5-0.*

The Council then recessed into executive session. At 9:55 p.m. Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

E. Consideration of a quote from Imagine IT for server replacement.

MOTION: Councilmember Smith moved to accept the quote from Imagine IT for server replacement for a one-time fee of \$23,397.50, and a recurring monthly fee of \$880.88 and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

F. Consideration of a quote from Imagine IT for the Security Shield Program.

MOTION: Councilmember Dehn moved to accept the quote from Imagine IT for the Security Shield Program for a one-time fee of \$6,000, and a recurring monthly fee of \$1,989.20 and authorize the Mayor to sign. Councilmember Davied seconded the motion. *Motion carried 5-0.*

G. Consideration of a Resolution designating signatories for the City's checking account.

This item was removed from the agenda for consideration at a later date.

H. Consideration of a Resolution designating signatories for the City's account with the Kansas Municipal Investment Pool.

This item was removed from the agenda for consideration at a later date.

I. Consideration of A Software and Professional Services Agreement with gWorks for software data conversion.

MOTION: Councilmember Hamburg moved to approve the Software and Professional Services Agreement with gWorks at a cost not to exceed \$24,500 and authorize the Mayor to sign. Councilmember Welch seconded the motion. ***Motion carried 5-0.***

XII. EXECUTIVE SESSION

A. *This Item was addressed earlier in the meeting.*

B. MOTION: Councilmember Dehn moved to recess into Executive Session to discuss contract negotiations pursuant to K.S.A. 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship. The Executive Session will include the City Manager, Assistant City Manager, and Attorneys for the City. The Executive Session will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 10:23 p.m. Councilmember Smith seconded the motion. ***Motion carried 5-0.***

The Council then recessed into executive session. At 10:25 p.m. Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

C. MOTION: Councilmember Hamburg moved to recess into Executive Session to discuss personnel performance pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel. The Executive Session will include the City Manager, Assistant City Manager, and Attorney for the City. The Executive Session will be for a period of 20 minutes, and the open meeting will resume in City Council Chambers at 10:47 p.m. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

The Council then recessed into executive session. At 10:48 p.m. Mayor Benage called the meeting to order in open session and stated that no binding action had been taken.

XIII. DISCUSSION AND FUTURE ISSUES: There was no further discussion.

XIV. ADJOURNMENT

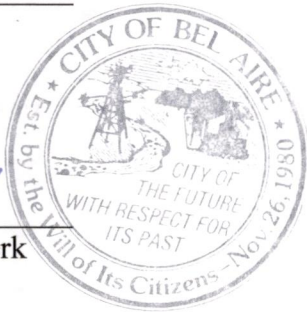
MOTION: Councilmember Smith moved to adjourn. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

Approved by the City Council this 5th day of March, 2024.

Jim Benage
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel
Melissa Krehbiel, City Clerk





Sedgwick County

Register of Deeds - Tonya Buck

Doc.#/Flm-Pg: 302937

Receipt #: 2416790
Pages Recorded: 2

Section XII, Item F.

Recording Fee: \$0.00

Authorized By:

Cashier: escala

Date Recorded: 03/01/2024 02:47:49 PM

(Published in *The Ark Valley News* on February 29, 2024)**THE CITY OF BEL AIRE, KANSAS****ORDINANCE NO. 716****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.

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PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas
this 20th day of February, 20, 2024.

CITY OF BEL AIRE, KANSAS

[seal]



Jim Benage
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel
Melissa Krehbiel, City Clerk

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 29th day of February, 2024, with subsequent publications being made on the following dates:

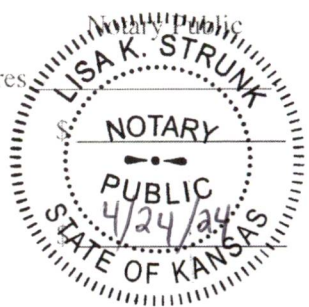
_____ 2024	_____ 2024
_____ 2024	_____ 2024
_____ 2024	_____ 2024

Chris Strunk

Subscribed and sworn to before me this 29th day of February, 2024.

WBS

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



Bel Aire public notice

(Published in The Ark Valley News Feb. 29, 2024.)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. 716

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.

PASSED AND APPROVED by the Governing Body of the City of Bel Aire, Kansas this 20th day of February, 2024.

CITY OF BEL AIRE, KANSAS
Jim Benage, Mayor

ATTEST:
Melissa Krehbiel, City Clerk

Tierra Verde South

April 2, 2024

City Council Meeting

Agenda Documents:

- Staff Report
- Amended PUD Agreement

**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 ETEAZI, 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

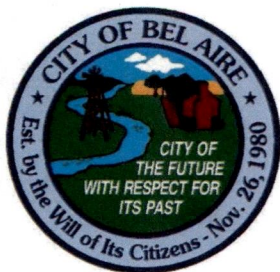
My Appointment Expires: _____

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: _____



MINUTES
CITY COUNCIL MEETING
7651 E. Central Park Ave, Bel Aire, KS
April 02, 2024 7:00 PM



I. CALL TO ORDER: Mayor Jim Benage called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present were Councilmembers Tyler Dehn, Emily Hamburg, Justin Smith, and John Welch. Councilmember Greg Davied was absent.

Also present were City Manager Ted Henry, City Attorney Maria Schrock, City Engineer Anne Stephens, Director of Public Works Marty McGee, City Clerk Melissa Krehbiel, Bond Counsel Kevin Cowan of Gilmore and Bell, PA and Ken Lee, P.E. of Garver.

III. OPENING PRAYER: John Barkett provided the opening prayer.

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

A. Approval of Minutes of the March 19, 2024 City Council meeting.

B. Accept and file a Termination and Release of Real Estate Exchange Agreement between the Bel Aire PBC and Willowrock Properties, LLC.

MOTION: Councilmember Smith moved to approve the Consent Agenda as listed and authorize the Mayor to sign. Councilmember Dehn seconded the motion. ***Motion carried 4-0.***

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

A. Consideration of Appropriations Ordinance No. 24-06 in the amount of \$1,040,810.35.

MOTION: Councilmember Dehn moved to approve Appropriations Ordinance No. 24-06. Councilmember Smith seconded the motion. ***Motion carried 4-0.***

VIII. CITY REQUESTED APPEARANCES

A. City Manager Ted Henry - Oath of Office

Ted Henry took the Oath of Office for his new role as City Manager.

B. Gary Northwall - Service Recognition

Mayor Benage recognized Gary Northwall and presented a plaque to him for his many years of service on the Tree Board.

C. Tristin Terhune - Service Recognition

Tristin Terhune, Director of Communications and HR, was recognized and presented with a plaque for her 13 years of service to the City in many roles. Ms. Terhune has accepted the role of Assistant City Manager for the City of Maize, Kansas.

IX. CITIZEN CONCERNS: No one spoke.

X. REPORTS

A. Council Member Reports

Councilmember Hamburg reported she recently attended Spring Fest, a ride along with a Bel Aire Police Officer and the Eagle Lake Park cleanup with the Tree Board.

Councilmember Smith briefly reported on the most recent meeting of the CCUA.

Councilmember Dehn reminded the public of upcoming events: the Bel Aire Chamber monthly luncheon will be held next Wednesday at City Hall and a public Open House for K-96 Improvements will be held next Thursday, April 11th.

B. Mayor's Report

Mayor Benage noted that this weekend I-135 will be closed from K-254 interchange to the K-96 interchange. Information from KDOT is available on the Bel Aire website.

He also noted that property theft through title deeds is an ongoing nationwide problem. Bel Aire citizens can take preventative measures by signing up for a “Property Activity Alert” on the website of the Sedgwick County Register of Deeds.

He briefly reported on the most recent meetings of the CCUA and the Sedgwick County Fire District #1 Steering Committee. Mayor Benage thanked Spring Fest sponsors, the Bel Aire Lions Club, Bel Aire Chamber of Commerce and City staff for their work on the event.

C. City Attorney Report

City Attorney Maria Schrock gave a brief report on the recent Kansas Rural Water Association conference.

D. City Manager Report

City Manager Ted Henry thanked his family and the Council for their support as he steps into the role of City Manager. He briefly reflected on the City’s motto “City of the Future with Respect for its Past” and his leadership philosophy.

XI. Public Hearing

- A. Public Hearing - IRB Issuance, Waltons 53rd Holdings, LLC:** The purpose of the public hearing is to hear from taxpayers, citizens, and other stakeholders regarding the issuance by the Issuer of its Taxable Industrial Revenue Bonds (Waltons 53rd Holdings LLC), in a principal amount not to exceed \$12,000,000 (the “Bonds”) and in regard to an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. The Bonds are proposed to be issued to pay the costs of acquiring, equipping and constructing a 100,000-square-foot facility to house a meat processing supply and equipment commercial facility located on Lot 8, Block C of the Sunflower Commerce Park Addition (just south of 53rd Street, between Webb Road and Greenwich Road). The Issuer further intends to lease such facility to Waltons 53rd Holdings LLC, a Kansas limited liability company, or a related entity (the “Tenant”).

Mayor Benage opened the public hearing and asked if anyone in attendance would like to speak. No one spoke.

MOTION: Councilmember Hamburg moved to close the public hearing.
Councilmember Smith seconded the motion. *Motion carried 4-0.*

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

- A. Consideration of A Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds To Finance Acquiring, Constructing And Equipping A Facility To House A Meat Processing Supply And Equipment Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents (Waltons 53rd Holdings, LLC).**

MOTION: Councilmember Smith moved to accept the Resolution Of The Governing Body Of The City Of Bel Aire, Kansas Determining The Advisability Of Issuing Taxable Industrial Revenue Bonds To Finance Acquiring, Constructing And Equipping A Facility To House A Meat Processing Supply And Equipment Commercial Facility To Be Located In The City; And Authorizing Execution Of Related Documents and authorize the Mayor to sign. Councilmember Welch seconded the motion. *Motion carried 4-0.*

- B. Consideration of a Letter of Intent to Issue IRB’s and Provide Other Incentives for Construction of a Industrial, Manufacturing, Warehouse, Distribution, Flex and/or Office Facility (Aspen Funds, LLC).**

MOTION: Councilmember Dehn moved to approve a Letter of Intent to Issue IRB’s and Provide Other Incentives for Construction of an Industrial, Manufacturing,

Warehouse, Distribution, Flex and/or Office Facility (Aspen Funds, LLC) and authorize the Mayor to sign. Councilmember Hamburg seconded the motion. *Motion carried 4-0.*

C. **Consideration of a Notice of Hearing regarding Issuance of IRB’s and Other Incentives for Construction of an Industrial, Manufacturing, Warehouse, Distribution, Flex and/or Office Facility (Aspen Funds, LLC).**

MOTION: Councilmember Dehn moved to approve a Notice of Hearing regarding Issuance of IRB’s and Other Incentives for Construction of an Industrial, Manufacturing, Warehouse, Distribution, Flex and/or Office Facility (Aspen Funds, LLC) and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 4-0.*

D. **Consideration of an Amended Planned Unit Development Agreement Concerning The Development Of Tierra Verde South Addition To The City Of Bel Aire, Kansas.**

MOTION: Councilmember Hamburg moved to approve the Amended Planned Unit Development Agreement Concerning The Development Of Tierra Verde South Addition To The City Of Bel Aire, Kansas and authorize the Mayor to sign. Councilmember Smith seconded the motion. *Motion carried 4-0.*

E. **Consideration of the activation of the traffic signal at 45th and Woodlawn.**

MOTION: Councilmember Smith moved to approve the activation of the traffic signal at 45th and Woodlawn with detection activated signal cycles. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

F. **Consideration of a quote to inspect, clean, and line a sewer pipe on Odessa Street. One bid was received:**

<u>Company</u>	<u>Bid</u>
Mayer Specialty Services	\$21,200.00

MOTION: Councilmember Smith moved to accept the quote from Mayer Specialty Services in the amount of \$21,200.00 to inspect, clean, and line the sewer pipe on Odessa Street and authorize the Mayor to sign. Councilmember Dehn seconded the motion. *Motion carried 4-0.*

XIII. **EXECUTIVE SESSION:** No executive session was held.

XIV. **DISCUSSION AND FUTURE ISSUES: Workshop April 9th at 6:30 p.m.?**

The Council briefly discussed the agenda for the upcoming workshop which will be held on April 9th at 6:30 p.m.

XV. **ADJOURNMENT**

MOTION: Councilmember Dehn moved to adjourn. Councilmember Welch seconded the motion. *Motion carried 4-0.*

Approved by the City Council this 16th day of April, 2024.

Jim Benage
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel
Melissa Krehbiel, City Clerk





Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30302487

Section XII, Item F.

Receipt #: 2422665
Pages Recorded: 5

Recording Fee: \$89.00

Cashier: vbunch

Authorized By: *Tonya Buckingham*

Date Recorded: 04/16/2024 12:43:08 PM



**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 entirety 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 with 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 16th day of April, 2024.

ME ENTERPRISES IV, LLC, DEVELOPER

By [Signature]
MASOUD ETEZAZI, MEMBER

NORTH WEBB, LLC, DEVELOPER

By [Signature]
P. JOHN ECK, MANAGER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the 2nd day of April, 2024 and is hereby executed on this 3rd day of April, 2024.

SEAL

ATTEST:

[Signature]
CITY CLERK, MELISSA KREHBIEL

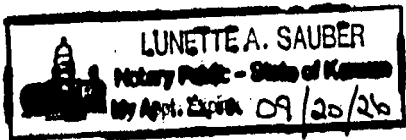


[Signature]
MAYOR, JIM BENAGE

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 16th day of April, 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.

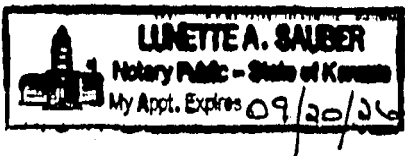


Lunette A. Sauber
NOTARY PUBLIC

My Appointment Expires: 09/20/2026

STATE OF KANSAS)
COUNTY OF SEdGwIck) ss:

BE IT KNOWN BY ALL PERSONS that on this 8th day of APRIL, 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.



Lunette A. Sauber
NOTARY PUBLIC

My Appointment Expires: 09/20/2026

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 3rd day of April, 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.



Tristin Terhune
NOTARY PUBLIC

My Appointment Expires: Nov. 5, 2025

Tierra Verde South

November 14, 2024

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Site Sketch Plan Pages 1-2
- Utility Sketch Plan
- Final Plat Page 1

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)

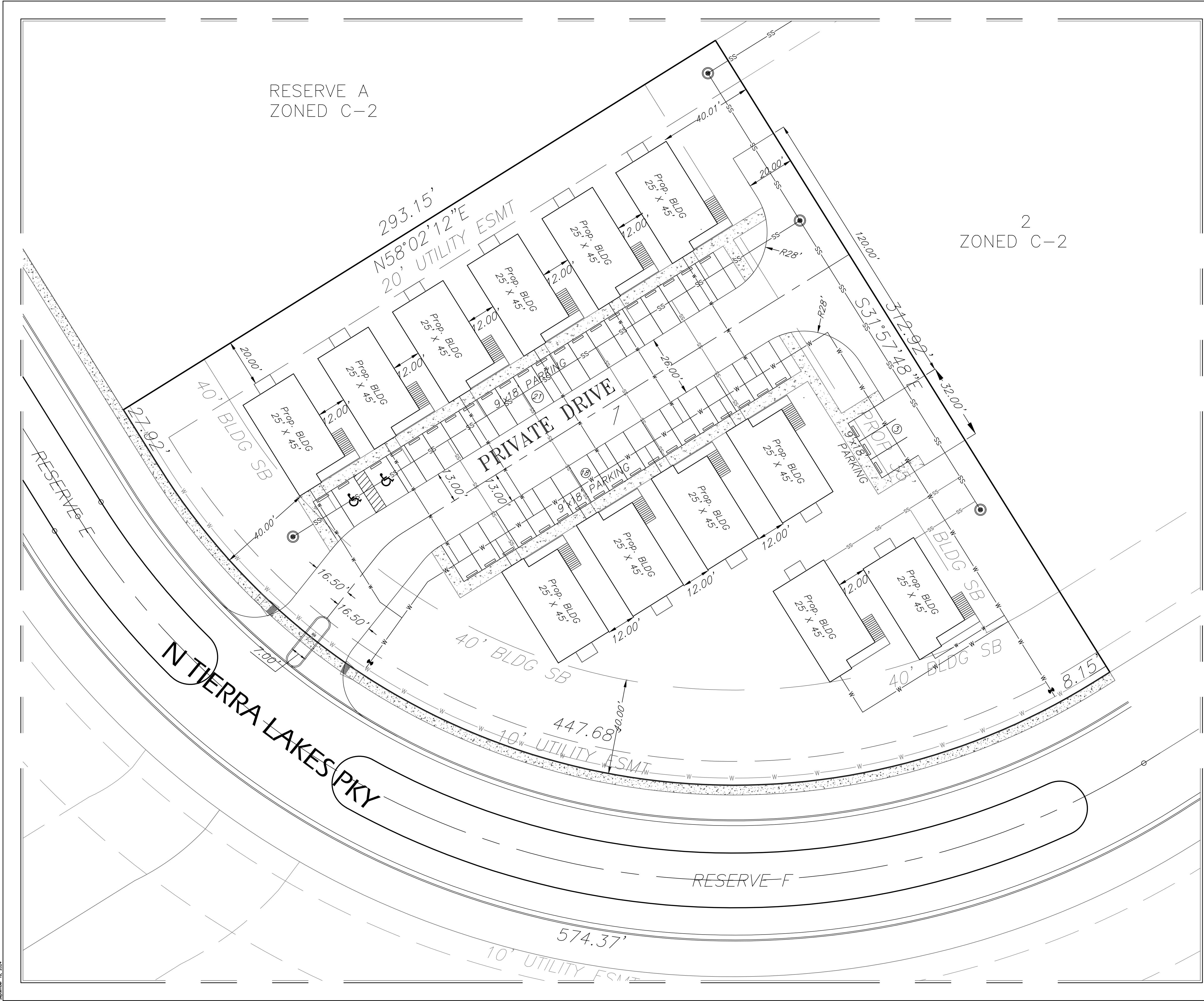
General zoning was not discussed during the recent PUD-23-04 case.

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

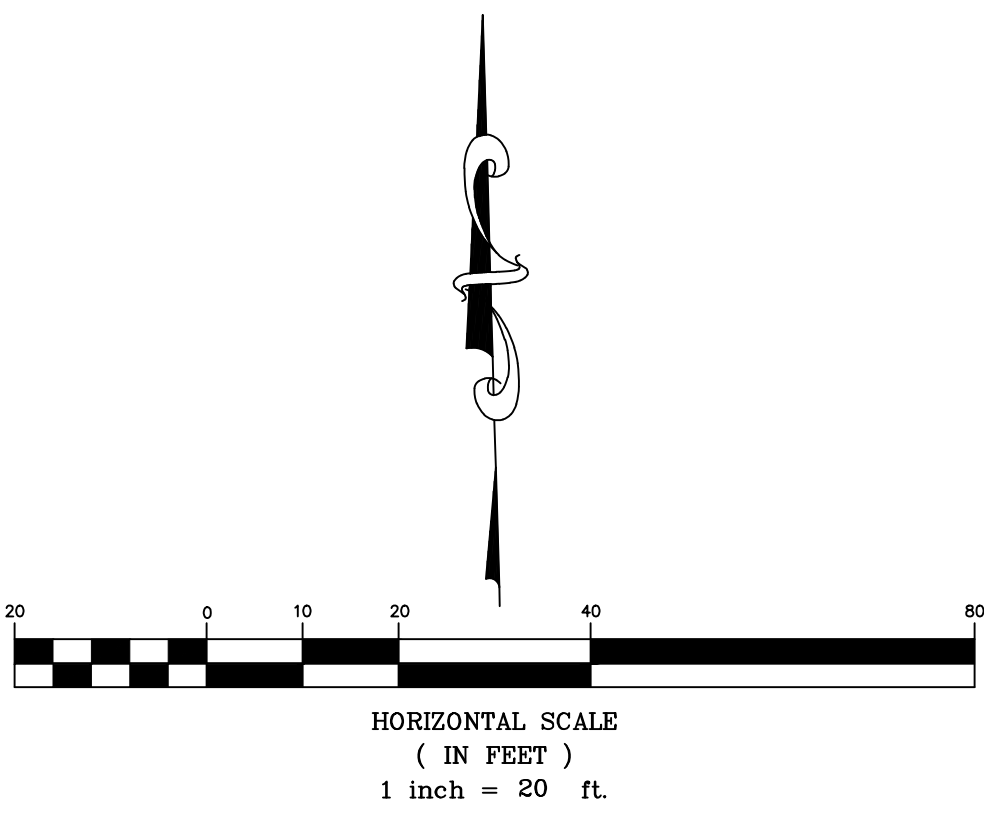
(TOTAL LOT AREA = 74,301.464 sq. ft)

-TOTAL DWELLING UNITS ALLOWED = 20
-TOTAL DUPLEXES ALLOWED = 10


-MIN FRONT SB = 30' (40' PLATTED)

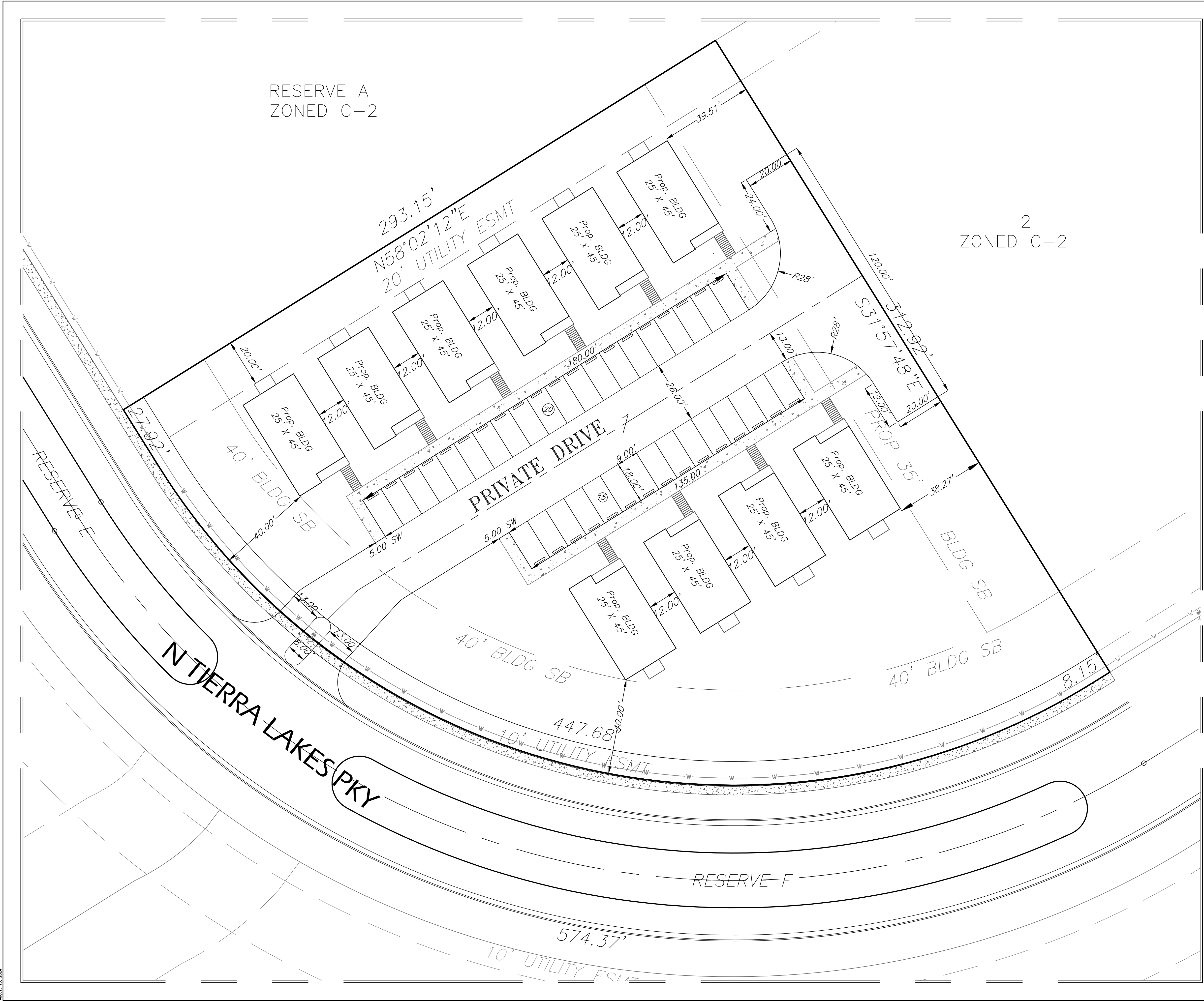
-MINIMUM SIDE-YARD SB =
15' MIN = 75' FROM PL ADJOINING
LAND ZONED C-2 THROUGH M-3
[INCLUSIVE]

-MINIMUM REAR SB = 35' MIN = 75' FROM
PL ADJOINING LAND ZONED C-2 THROUGH
M-3 [INCLUSIVE]



Tierra Verde South Addition Duplexes
Site Plan
Bel Aire, Kansas

PROJECT NUMBER			
 KEMILLER ENGINEERING, P.A. 117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 24105	FILE	DATE 09/2024
	DESIGN KM	DRAWN CC	REVISED
			SHEET 1.0



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)

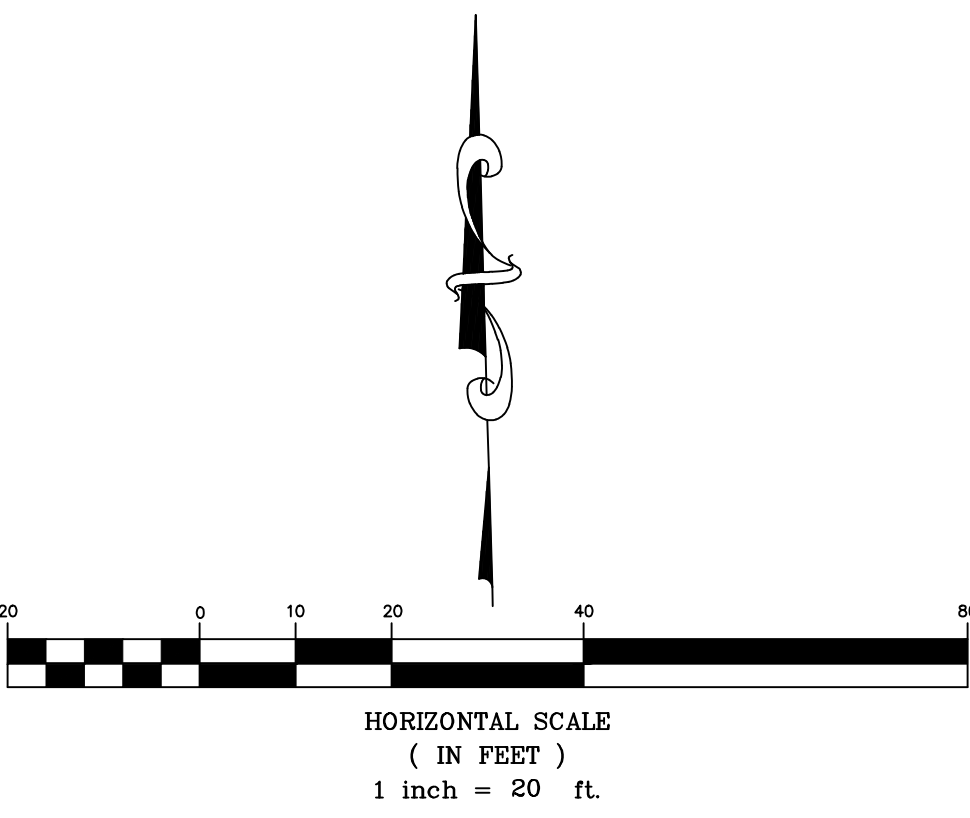
-TOTAL DWELLING UNITS ALLOWED = 20

-TOTAL DUPLEXES ALLOWED = 10

-MIN FRONT SB = 30' (40' PLATTED)

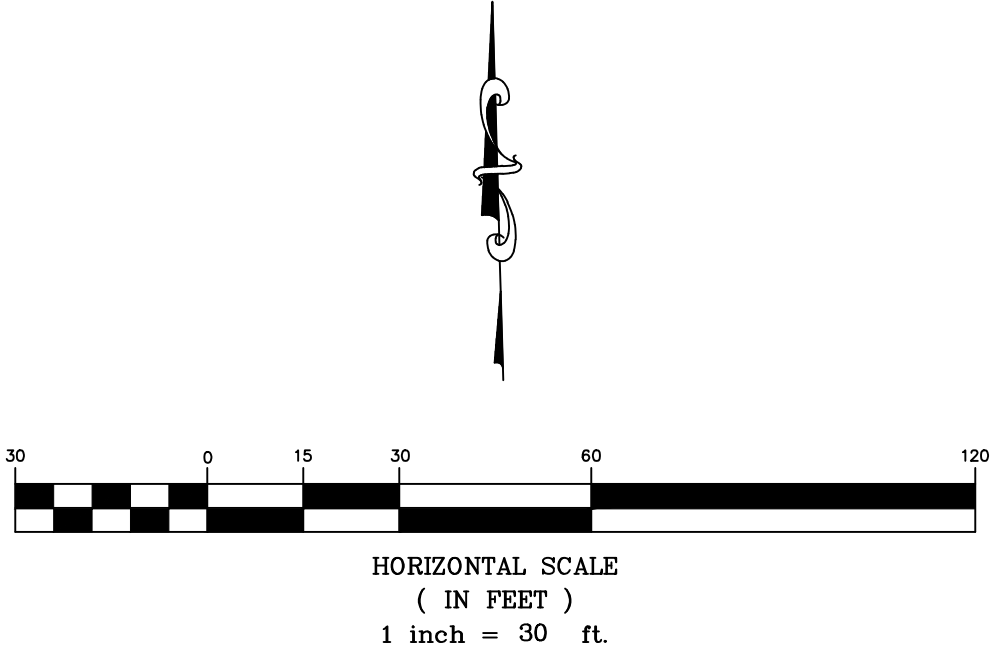
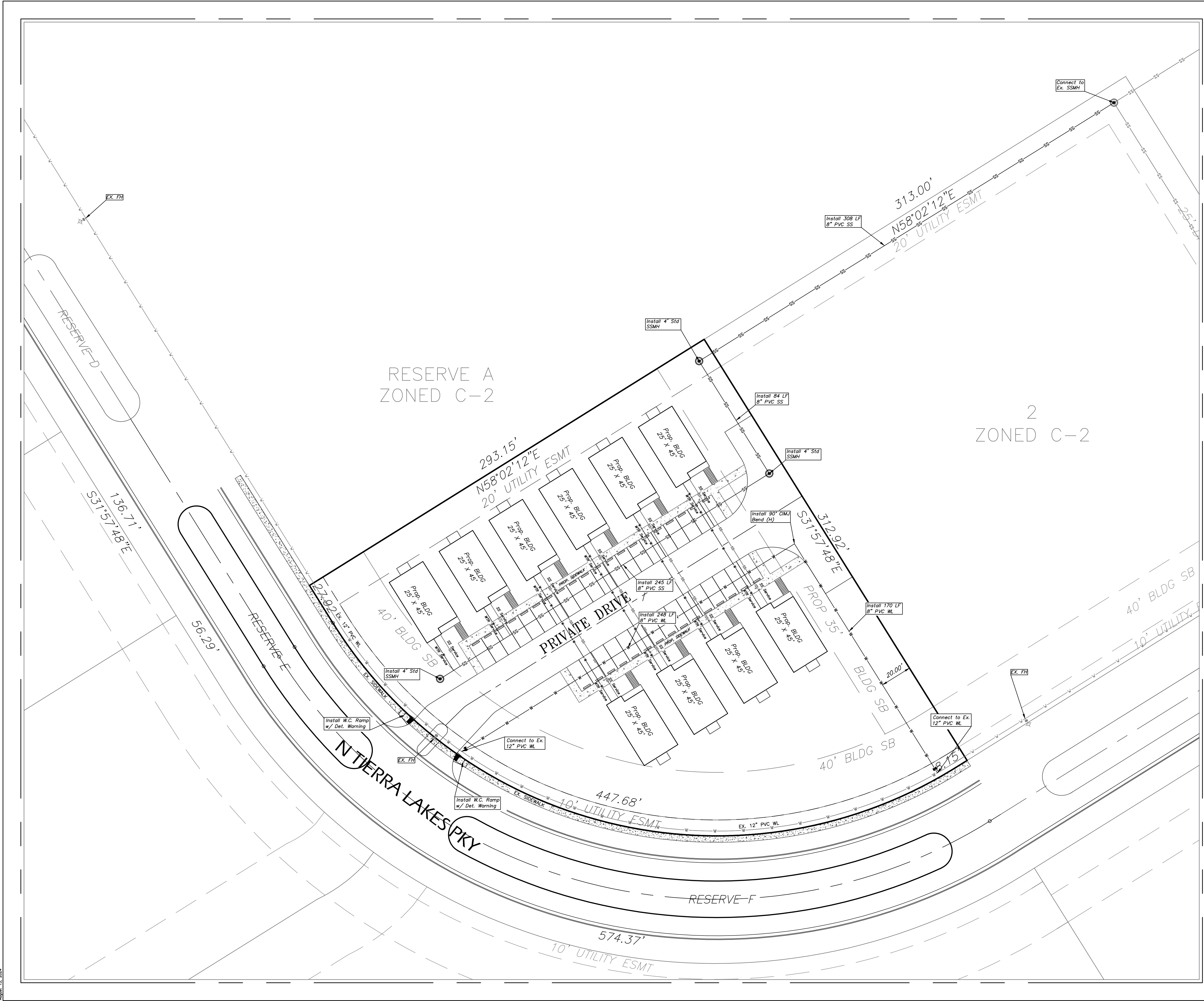
-MINIMUM SIDE-YARD SB =
15' MIN = 75' FROM PL ADJOINING LAND ZONED C-2 THROUGH M-3 [INCLUSIVE]

-MINIMUM REAR SB = 35' MIN = 75' FROM PL ADJOINING LAND ZONED C-2 THROUGH M-3 [INCLUSIVE]




Tierra Verde South Addition Duplexes
Site Plan
Bel Aire, Kansas

KEMILLER ENGINEERING, P.A.		PROJECT NUMBER	
117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 24105	FILE	DATE 08/2024
DESIGN KM	DRAWN CC	REVISED	SHEET 1.0



Tierra Verde South Addition Duplexes
Utility Plan
Bel Aire, Kansas

**KEMILLER**
ENGINEERING, P.A.
117 E. Lewis, Wichita, KS 67202 (316)264-0242

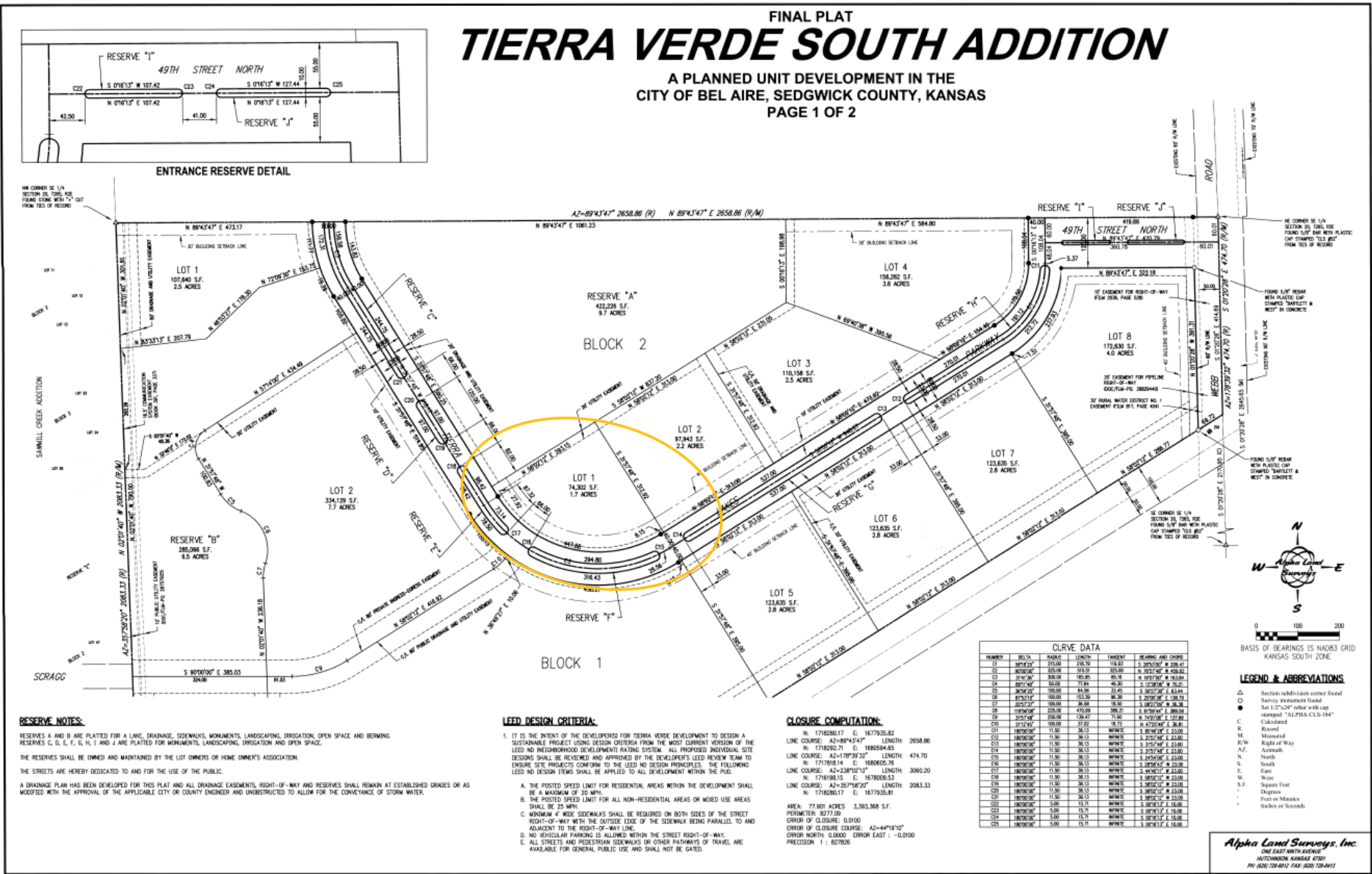
PROJECT NUMBER			
KEM NO. 24105	FILE	DATE 08/2024	SHEET 2.0
DESIGN KM	DRAWN CC	REVISED	

August 15, 2024

541

Tierra Verde South Addition Lot 1 Block 2 general location

001 916 50



001 916 100



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 plat’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

City of Bel Aire, Kansas

STAFF REPORT

DATE: April 30, 2025

TO: Ted Henry, City Manager

FROM: Anne Stephens, PE, City Engineer

RE: Webb Road Lift Station Fire Hydrant - Amended

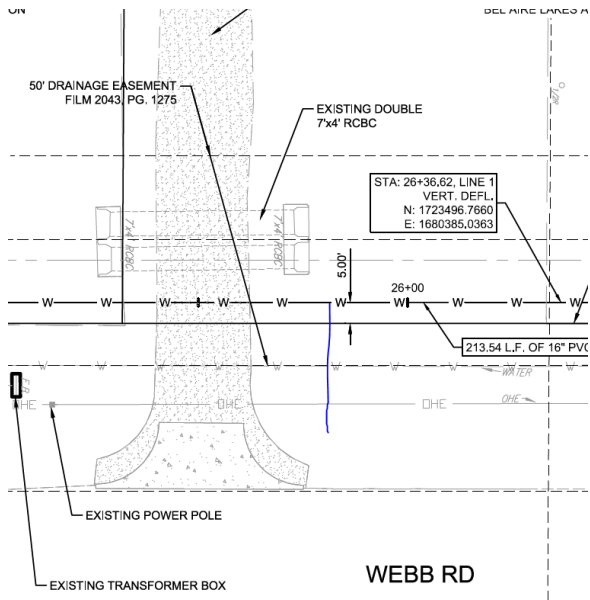


BACKGROUND:

When the Webb Road Lift Station was constructed, there were no water lines in the vicinity to provide a yard/fire hydrant to the lift station. Now that the Bel Aire Lakes project is being installed, there are two water lines in the vicinity available to service the lift station.

DISCUSSION:

The City met with Nowak and PEC (Construction Inspection) on-site to discuss options for relocating the fire hydrant and lowering the cost of the installation. It was decided to locate the hydrant in the northwest corner of the entrance drive so the hydrant will be able to be used for fire protection as well as lift station cleaning, etc.



FINANCIAL CONSIDERATIONS: The funds for this change order will be paid for from the Water System Improvements fund.

RECOMENDATION: Due to the additional change orders that have been approved since the initial Change Order was presented, this change order needed a new number so the contract prices in the documentation could be correct. After consulting with our City Attorney, she recommended that an amended motion be made to void Change Order 2 and approve Change Order 4 for the fire hydrant at a cost of \$15,000.

Date of Issuance: 4/28/2025

Project Name: Water and Sanitary Sewer Improve to serve PH 1 Bel Aire Lakes Addition	Owner: City of Bel Aire	Owner's Project Number:
Engineer's Project Number (if applicable):	Date of Contract: 1/7/2025	
Contractor: Nowak Construction Co, Inc	Funding Agency Project Number (if applicable):	

The following changes are hereby made to the CONTRACT DOCUMENTS:

Addition of a Fire Hydrant (see attached). No additional time. Proposed Change Order 02 is
Justification: voided.

☒ **Change to CONTRACT PRICE**

Original CONTRACT PRICE: \$ 1,066,007.70

Current CONTRACT PRICE (as adjusted by previous CHANGE ORDERS): \$ 1,069,279.90

Increase in CONTRACT PRICE as of this Change Order: \$ 15,000.00

The new CONTRACT PRICE incorporating this CHANGE ORDER: \$ 1,084,279.90

☐ **Change to CONTRACT TIME:**Original Contract Times: ☐ Working Days ☐ Calendar Days

Substantial completion Select One : _____

Final completion Select One : _____

The CONTRACT TIME (as adjusted by previous CHANGE ORDERS):

Substantial completion Select One : _____

Final completion Select One : _____

Select One in CONTRACT TIME as of this Change Order:

Substantial completion Select One : _____

Final completion Select One : _____

CONTRACT TIMES with all approved CHANGE ORDERS:

Substantial completion Select One : _____

Final completion Select One : _____

REQUESTED:

By: Alan Blough
 Contractor (Authorized Signature)

Date: 4/28/25
 Approved by Funding Agency (if applicable): _____

RECOMMENDED:

By: [Signature]
 Engineer (Authorized Signature)

Date: 4/28/2025**ACCEPTED:**

By: _____
 Owner (Authorized Signature)

Date: _____

Date: _____

Section XII, Item G.

From: Alan Blough <alan@nowakconstruction.com>
 Sent: Friday, April 25, 2025 3:24 PM
 To: AStephens
 From: Clint Rogers; Shavon Morgan; Jack Nowak
 Subject: RE: [External Sender] Bel Aire Lakes Fire Hydrant Discussion

Anne,

The quote for the Fire Hydrant at station 25+83 on the new 16" line will be \$ 15,000
 This will include the following:
 16"x8" Anchor tee
 8" Gate Valve
 20 LF of 8" DIP
 1 Ea Fire Hydrant
 Tracer wire and 1" Test station with anode
 Concrete thrust blocking as required.

Let us know, as we are getting close to this location.

Thank You



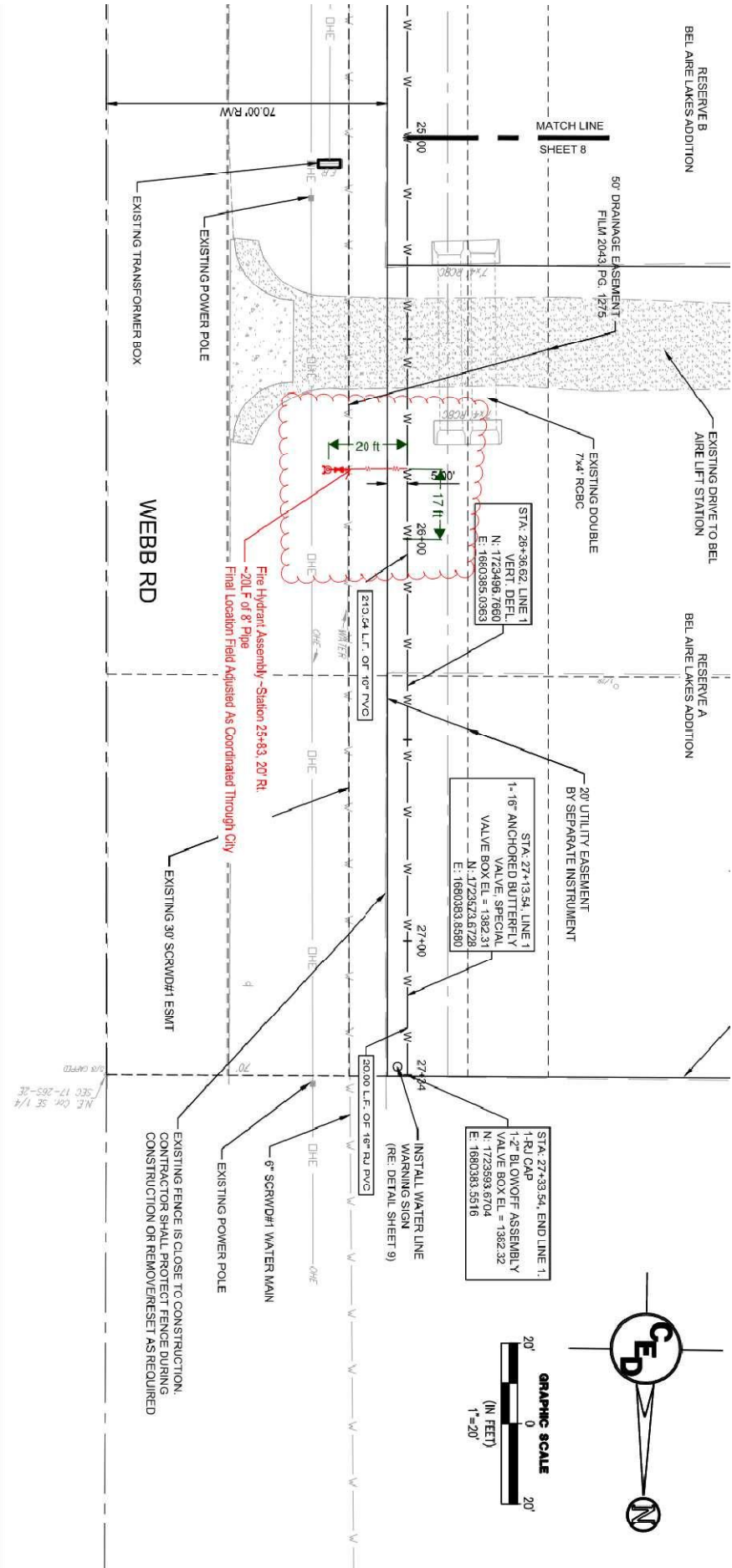
Alan Blough
 Nowak Construction Co., Inc.
 PO Box 218
 Goddard, KS 67052
 316-794-8898
Alan@Nowakconstruction.com

From: Clint Rogers <Clint.Rogers@pec1.com>
Sent: Friday, April 25, 2025 11:46 AM
To: Shavon Morgan <Shavon.Morgan@pec1.com>
Cc: AStephens <AStephens@belaireks.gov>; mmgee <mmgee@belaireks.gov>; lmills@cedpa.com; Alan Blough <alan@nowakconstruction.com>
Subject: RE: [External Sender] Bel Aire Lakes Fire Hydrant Discussion

Ms. Morgan,

Please see snip markup from today's discussion. Nowak will put together a price for this work and get it to you. Snip below is what I understood was the proposed CO work to add a hydrant near existing SS lift station. Some field adjustment may be needed on final location and can be coordinated through the City. Contractor will need to field verify location and depth of existing RWD WL.

REF: Transmission Waterline SHEET 9 of 10; Line-1 P&P:



Regards,

Clinton J. Rogers

Municipal Lead | Inspection Division

clt.Rogers@pec1.com

P 754.2691 | C 316.250.1865

100 S Washington St | Wichita, KS 67202

Professional Engineering Consultants



-----Original Appointment-----

From: Anne Stephens <AStephens@belaireks.gov>

Sent: Wednesday, April 23, 2025 11:56 AM

To: Anne Stephens; Clint Rogers; jmills@cedpa.com

Subject: Bel Aire Lakes Fire Hydrant Discussion

When: Friday, April 25, 2025 10:30 AM-11:30 AM (UTC-06:00) Central Time (US & Canada).

Where: On-Site

Inviting you in case you want to attend. I'll report back what, if anything is decided.

City of Bel Aire, Kansas

STAFF REPORT

DATE: May 6, 2025

TO: Ted Henry, City Manager

FROM: Barry Smith, Finance Director

RE: Payment Card Processing Fees



BACKGROUND:

On February 4th, 2025, the City Council and staff discussed updates regarding payment processing fees for online, phone, and in-person payment card transactions. Staff presented three options provided by the sales team at Tyler Technologies: the Absorbed method, Convenience Fee method, and Service Fee option. Each option had its own set of pros and cons. The Absorbed method incurs costs for the city per transaction, while the Convenience Fee method requires customers to cover the costs but raised legal concerns voiced by the city's attorney. The Service Fee option, though the most expensive for customers, addresses legal concerns by allowing a third party to collect the fee, displayed as a separate transaction on the customer's side.

During the meeting, the City Council instructed our City Attorney to meet with Tyler Technologies' attorneys to clarify any concerns. Following this meeting, staff was surprised to learn that the Convenience Fee method was no longer available according to Tyler Technologies' attorneys. As a result, we are now left with two viable options: the Absorbed method or the Service Fee option.

DISCUSSION:

Attached to this report is a breakdown of costs. I will present these options and lead the discussion at the upcoming City Council meeting.

Utilities - Absorbed (Current)	Paid by	In-Person	Online/IVR
CC processing fee (\$0.50 Minimum)	City	2.00%	2.00%
TP Fee		\$0.00	\$0.00
Interchange Fees	~0.5%		
<i>*Transactions from \$0.01 to \$25.00 will incur the minimum fee charge</i>			
	Amount	Total Fee	Total Fee
Example Transaction:	\$100.00	\$2.50	\$2.50
Example Transaction:	\$150.00	\$3.75	\$3.75
Example Transaction:	\$300.00	\$7.50	\$7.50

Utilities - Service Fee		In-Person	Online
CC processing fee (\$2.50 Minimum)		3.70%	3.70%
TP Fee		\$0.00	\$0.00
<i>*Transactions from \$0.01 to \$63.30 will incur the minimum fee charge</i>			
	Amount	Total Fee	Total Fee
Example Transaction:	\$100.00	\$3.70	\$3.70
Example Transaction:	\$150.00	\$5.55	\$5.55
Example Transaction:	\$300.00	\$11.10	\$11.10

Misc/Licenses/Permits - Absorbed (Current)	Paid by	In-Person	Online/IVR
CC processing fee	City	\$0.65 + 0.65%	\$0.65 + 0.65%
TP Fee		\$0.00	\$1.25
Interchange Fees	~0.5%		
	Amount	Total Fee	Total Fee
Example Transaction:	\$25.00	\$0.35	\$1.60
Example Transaction:	\$70.00	\$0.87	\$2.12
Example Transaction:	\$150.00	\$1.79	\$3.04

Misc/Licenses/Permits - Service Fee		In-Person	Online/IVR
CC processing fee (\$2.50 Minimum)		3.75%	3.75%
TP Fee		\$0.00	\$1.25
<i>*Transactions from \$0.01 to \$63.30 will incur the minimum fee charge</i>			
	Amount	Total Fee	Total Fee
Example Transaction:	\$25.00	\$2.50	\$3.75
Example Transaction:	\$70.00	\$2.63	\$3.88
Example Transaction:	\$150.00	\$5.63	\$6.88

REC - Absorbed Estimate		In-Person	Online/IVR
CC processing fee (\$0.50 Minimum)		2.00%	2.00%
TP Fee		\$0.00	\$1.25
Interchange Fees	~0.5%		
<i>*Transactions from \$0.01 to \$25.00 will incur the minimum fee charge</i>			
	Amount	Total Fee	Total Fee
Example Transaction:	\$25.00	\$0.63	\$1.88
Example Transaction:	\$70.00	\$1.75	\$3.00
Example Transaction:	\$150.00	\$3.75	\$5.00

REC - Service Fee (Current)		In-Person	Online/IVR
CC processing fee (\$2.50 Minimum)		3.75%	3.75%
TP Fee		\$0.00	\$1.25
<i>*Transactions from \$0.01 to \$63.30 will incur the minimum fee charge</i>			
	Amount	Total Fee	Total Fee
Example Transaction:	\$25.00	\$2.50	\$3.75
Example Transaction:	\$70.00	\$2.63	\$3.88
Example Transaction:	\$150.00	\$5.63	\$6.88

COURT - Service Fee (Current)		In-Person	Online/IVR
CC processing fee (\$2.50 Minimum)*		3.95%	3.95%
TP Fee - \$0.01 to \$99.99		\$0.00	\$1.00
TP Fee - \$100.00 and Above		\$0.00	\$2.50
<i>*Transactions from \$0.01 to \$63.30 will incur the minimum fee charge</i>			
	Amount	Total Fee	Total Fee
Example Transaction:	\$25.00	\$2.50	\$3.50
Example Transaction:	\$70.00	\$2.77	\$3.77
Example Transaction:	\$150.00	\$5.93	\$8.43

**Sales Quotation For:**

City of Bel Aire
 7651 E Central Park Ave
 Bel Aire KS 67226-7600

Quoted BY John Hardin
 Quote Expiration 9/27/25
 Quote Name

Payments

	Use Case	List Price	Fee%	Min	Basis Points	Rate	Cap	POS	Online	IVR
Payments - Payer Card Cost - Technology Fees										
Tyler One										
ERP Pro Payments	Utility Billing		3.70%	\$ 2.50				X	X	
ERP Pro Payments	Municipal Justice		3.95%	\$ 2.50				X	X	
ERP Pro Payments	Miscellaneous		3.75%	\$ 2.50				X	X	
ERP Pro Payments	Licenses		3.75%	\$ 2.50				X	X	
ERP Pro Payments	Permits		3.75%	\$ 2.50				X	X	
Payments - Other Fees										
Tyler One										
Credit Card Chargebacks		\$ 15.00								

Payer Card Cost
Credit Card Chargebacks

per card transaction with Visa, MasterCard, Discover, and American Express when applicable.
If a card payer disputes a transaction at the card issuing bank (e.g. stolen card)

Summary

Total Tyler Services

Summary Total

One Time Fees

\$ 0

Recurring Fees

\$ 0

Comments

Work will be delivered remotely unless otherwise noted in this agreement.

Expenses associated with onsite services are invoiced as incurred according to Tyler's standard business travel policy.

SaaS is considered a term of one year unless otherwise indicated.

Your use of Tyler Payments and any related items included on this order is subject to the terms found at:

<https://www.tylertech.com/terms/payment-card-processing-agreement>. By signing this order or the agreement in which it is included, you agree you have read, understand, and agree to such terms. Please see attached Tyler Payments fee schedule.

Credit Card Chargebacks

If a card payer disputes a transaction at the card issuing bank (e.g. stolen card)

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms, subject to payment terms in an agreement, amendment, or similar document in which this sales quotation is included:

- License fees for Tyler and third-party software are invoiced upon the earlier of (i) delivery of the license key or (ii) when Tyler makes such software available accessible.
- Fees for hardware are invoiced upon delivery.
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware.
- Annual Maintenance and Support fees are first payable when Tyler makes the software accessible to the Client, and SaaS fees, Hosting fees, and Subscription fees are first payable on the first day of the month following the date this quotation was signed (or if later, the commencement of the agreement's initial term). Any such fees are prorated to align with the applicable term under the agreement, with renewals invoiced annually thereafter in accord with the agreement.

Fees for services included in this sales quotation shall be invoiced as indicated below.

- Implementation and other professional services fees shall be invoiced as delivered.

- Client has six months to use the services. If Client does not use the services within six months, Tyler may remove the unused services or issue a new quote to provide services at then-current rates.
- Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
- Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
- Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
- If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
- Notwithstanding anything to the contrary stated above, the following payment terms shall apply to fees specifically for migrations: Tyler will invoice Client 50% of any Migration Services Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Annual SaaS Fees will be invoiced upon availability of the hosted environment.

Any SaaS or hosted solutions added to an agreement containing Client-hosted Tyler solutions are subject to Tyler's SaaS Services terms found here: <https://www.tylertech.com/terms/tyler-saas-services>.

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held for six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval:

Date:

Print Name:

P.O.#:

(Published at www.belaireks.gov on May, _____, 2025.)

RESOLUTION NO.

A RESOLUTION APPROVING THE ACCEPTANCE OF CREDIT CARDS AS A MEANS TO PAY CITY OBLIGATIONS

WHEREAS, the City of Bel Aire, Kansas (hereinafter the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, a significant number of the payments the City receives for utilities along with various permits and fees for the services the City provides are made by credit card, which entails processing charges from credit card issuers that are based on a percentage of the payment made; and

WHEREAS, these processing charges, in the aggregate, are sufficiently substantial to impair the City’s ability to pay for staff additions that would enhance the provision of citywide services; and

WHEREAS, it is against public policy to subsidize with general public funds the payment options selected by discreet individuals for their personal benefit; and

WHEREAS, the Kansas Legislature has acknowledged this public policy by passing legislation codified as K.S.A. 12-16,125, which allows all Kansas cities to accept credit payments and recoup a portion of the processing charges issued by card processors;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS, AS FOLLOWS:

Section 1. Credit Card Acceptance: In accordance with K.S.A. 12-16,125, City staff is hereby directed to accept credit cards for the payment of all financial obligations owing to the City. City staff are authorized to determine which credit cards the City will accept. City staff may set a fee to be added to each credit card transaction equal to the charge paid by the City for the use of the credit card by the person. City staff shall provide notice of such fee and of the acceptable credit cards to the person making payment by credit card.

Section 2. Debit Card Denial: Debit cards are not legal tender, and the City is lawfully allowed to deny payment by this means. The federal regulation of debit card use is intricate, confusing and compliance would be an inefficient use of City staff time. The state statute is imprecise with fees and debit card use. Therefore, the City does not authorize payment by means of debit card at this time and directs City staff to provide notice of the same. City staff are

42 authorized to negotiate alternative payment processes for payors desiring to avoid fees that are to
43 be placed upon credit card transactions.

44
45 **Section 3. Effective Date.** This Resolution shall be in full force and effect from and after
46 its adoption by the Bel Aire City Council.

47
48 **Section 4. Publication.** The City Clerk shall cause this Resolution, as soon as practicable
49 after it has been passed and approved, to be published on the City's website as the designated
50 official city newspaper.

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52 *[Remainder of this page intentionally left blank]*
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81 PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire,
82 Kansas on this 6th day of May, 2025.

83
84
85 CITY OF BEL AIRE, KANSAS
86
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89

90 _____
91 Jim Benage, Mayor

92 ATTEST:
93
94
95

96 _____
97 Melissa Krehbiel, City Clerk
98

99 APPROVED AS TO FORM:
100
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102

103 _____
104 Maria A. Schrock, City Attorney

(Published at www.belaireks.gov on May, _____, 2025.)

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF THE
PRESERVATION OF TAX-EXEMPT FINANCING

WHEREAS, tax-exempt municipal bonds are the primary means by which state and local governments finance three quarters of the critical infrastructure of our nation, including roads, bridges, hospitals, schools, and utility systems; and

WHEREAS, through the tax exemption, the federal government continues to provide critical support for the federal, state and local partnership that develops and maintains essential infrastructure, which it cannot practically replicate by other means; and

WHEREAS, the municipal tax exemption has enabled state and local governments to finance more than \$3 trillion in infrastructure investment from 2012 - 2022; and

WHEREAS, this tax exemption is part of a more than century-long system of reciprocal immunity under which owners of federal bonds are, in turn, not required to pay state and local income tax on the interest they receive from federal bonds; and

WHEREAS, municipalities benefit from this tax exemption through substantial savings on the interest cost of borrowed money; and

WHEREAS, tax exempt bonds benefit state and local governments who need the support of investors to finance critical infrastructure, taxpayers across the country who depend on this infrastructure for reliable transportation systems, schools, public health facilities, energy, clean water and affordable housing, the federal government, who gets quite a bargain on their partnership with state and local government to provide the nation's infrastructure through the exemption; and investors who buy bonds for many reasons, including the safe nature of these financial products; and

WHEREAS, municipal bonds are the second safest investment, aside from U.S. Treasuries, with state and local governments having nearly a zero-default rate; and

WHEREAS, 72.4 percent of the total outstanding muni debt is held by individual investors, either directly or through mutual funds and money market funds (Source - 2010 Thomson Reuters); and

WHEREAS, Proposals at the federal level would repeal the tax exemption on municipal bonds; and

38 **WHEREAS**, these proposals to reduce or repeal the tax exemption would have severely
39 detrimental impacts on national infrastructure development and the municipal market, raising costs
40 for state and local borrowers and creating uncertainty for investors; and

41 **WHEREAS**, total repeal of the exemption over the next decade (2026 – 2035) could cost
42 state and local governments over \$800 billion in additional interest costs; and

43 **WHEREAS**, the municipal tax exemption has a long history of success, having been
44 maintained through two world wars and the Great Depression, as well as the recent Great Recession,
45 and it continues to finance the majority of our nation’s infrastructure needs for state and local
46 governments of all sizes when no other source exists to do so;

47 **BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE,**
48 **KANSAS, AS FOLLOWS:**

49 **Section 1.** The City of Bel Aire, Kansas (hereinafter the “City”), opposes any efforts by
50 Congress and the White House to reduce or repeal the federal tax exemption on interest earned
51 from municipal bonds; and

52 **Section 2.** The City opposes any action that would reduce or repeal the exemption on tax-
53 exempt bond interest, and affirm that there should be no legislative action to apply any changes
54 retroactively to current outstanding bonds; and

Section 3. The City shall have a copy of this resolution be sent to our Congressional Representatives (United States Representative Ron Estes, United States Senator Roger Marshall, United States Senator Jerry Moran) and key members of the Administration.

58 **Section 4. Effective Date.** This Resolution shall be in full force and effect from and after
59 its adoption by the Governing Body of the City of Bel Aire.

60 **Section 5. Publication.** The City Clerk shall cause this resolution, as soon as practicable
61 after it has been passed and approved, to be published on the City’s website as the designated official
62 city newspaper.

63 **Section 6. Notification.** The City Clerk shall cause a copy of this resolution, to be mailed
64 to the addresses of the Wichita Offices for the Congressional Representatives mentioned in this
65 resolution and the address of the White House for the key members of the Administration, to give
66 them notice of this resolution.

67
68
69 [Remainder of this page intentionally left blank]

PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire,
Kansas on the 6th day of May, 2025.

CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

Maria A. Schrock, City Attorney



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.

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 10th day of April, 2025.


Phillip Jordan, Chairman



Bel Aire Tree Board

CITY HALL – SENIOR CENTER

Monday March 24, 2025

6:00 P.M.

☐ Call to Order: Time 6:05pm

☐ Present:

☐ Rebecca Armstrong Y

☐ Hilde Yops Y

☐ Bruce Roepke Y

☐ Emily Ryder Y

☐ Jesse Miller

☐ Sharon Armbrister Y

1. Guests: NO

2. Approval of Minutes Last Meeting

a. Motion: SHARON

b. Second: BRUCE

c. Vote: ALL

3. Board Member Reports:

a. Communications-

i. Bel Aire Breeze:

1. Nick Bishop, Communications Director said they would not be putting articles from the Tree Board in the Breeze. There was not enough room. The suggestion is that we contact Chris Strunk to see if he is willing to run articles from the Tree Board.

ii. City Hall: Talked about a regular report to the Council during their meeting on Tuesday so they had a 'report'. The idea was liked. Bruce could present it on the nights he goes, we can put in beforehand our request to speak and Bruce could read our statement. We would have to have something written before so it can be read.

b. Hilde- Plaque Updates Gary Northwall: no update. Discussed walking around the Central Park area and listing all the missing plaques, then asking for replacement. We are planning to take these strolls during the summer when school lets out.

c. Bruce- City Council Meeting Report: Discussed how to engage more[see above]. Everyone liked this idea. Now figure out the steps. a



Bel Aire Tree Board

d. Jesse-Lions

Club and Chamber of Commerce: no update

- e. Emily-Park Clean Up and Outreach: Getting this activity on a regular weekend will help. The process is pretty good and the council comes for the clean up. Most of our parks are pretty clean so expanding this to planting will help.
 - f. Sharon-Community Engagement: Many ideas we have need to be coordinated better and to figure out how to get the support and advertising will help. We discussed the support we are getting from Marty McGee and hope to utilize this more on the Bel Aire Park garden beds.
 - g. Rebecca-Progress and Events {went through the list of activities. We will table at the Spring Fest to hand out April 26 fliers. We will go get plants in Cheney anyone wanting to come can. Bushes will be ordered through Kansas Forestry. Well put the signs out on Sunday, talk with Ted and Mary for the details, buy bagels and coffee and orange juice....and have a great time digging in the dirt. Emily can stay in the play area and point to where we are planting so she can keep an eye on Max.
4. Old Business:
- a. Year 2024 in Review
 - i. Challenges: Scheduling our events is challenging. Connection with the Lion's Club will help with the scheduling. We will try to coordinate better. We need more members to get the work donw. April 8 City Council will have a workshop where they will consider this request.
 - ii. Events for 2025
 - 1. Spring Festival: Table, fliers
 - 2. Nights Out: Walk?
 - 3. Oktoberfest: Table, ?
 - 4. Park Clean ups,,,last Saturday of the month to keep it regular.
 - 5. Opportunities:
 - a. Trip to Hidden River Nursery
 - b. Plantings in Parks
 - c. Counting Trees/Pictures
 - i. Plaques replaced
 - ii. Mulching
 - d. Other



e. Expanding Engagement

5. Adjournment:

- a. Motion: Bruce
- b. Second: Sharon
- c. Vote: All

VOLUNTEER HOURS

NAME	DATE	ACTIVITIES	TOTAL TIME
REBECCA ARMSTRONG	Jan Feb 2025		10
HILDE YOPS			
EMILY RYDER GRABER			
JESSE MILLER			
SHARON ARMBRISTER			
BRUCE ROEPKE			
		TOTAL FOR MONTH:	
		TOTAL FOR YEAR:	

City of Bel Aire, Kansas
Treasurer's Quarterly Financial Report
For the First Quarter, Ending March 31, 2025

**Revenue receipts and expenses include fund transfers.*

***All amounts shown are unaudited*

Fund Description	Beginning Balance 01/01/2025	Revenue Receipts	Expenses	Accounts Payable Outstanding	Ending Balance 03/31/2025
General Fund	\$ 3,416,396	\$ 6,631,733	\$ 2,853,650	\$ 42,849	\$ 7,151,630
Trustee Fund (COP & PBC)	\$ 9,389	\$ 1,484,060	\$ 328,495	\$ -	\$ 1,164,954
Special Street & Highway Fund	\$ 1,490,752	\$ 91,495	\$ 108,985	\$ 4,509	\$ 1,468,754
Drug Forfeiture Funds	\$ 3,653	\$ -	\$ -	\$ -	\$ 3,653
Capital Projects Fund	\$ (15,508)		\$ -	\$ -	\$ (15,508)
Equipment Reserve Fund	\$ 680,069	\$ 3,100	\$ -	\$ -	\$ 683,169
Capital Projects #2 Fund	\$ 14,395,581	\$ 84,641	\$ 512,940	\$ 795,349	\$ 13,171,933
Capital Improvement Reserve Fund	\$ 1,934,009	\$ 21,619	\$ 62,512	\$ 56,528	\$ 1,836,588
Land Bank Fund	\$ 6,205,593	\$ 32,015	\$ 2,672,638	\$ -	\$ 3,564,971
Bond & Interest Fund	\$ 719,290	\$ 1,628,331	\$ 18,635		\$ 2,328,986
Water Utility Fund	\$ 2,395,818	\$ 794,780	\$ 477,673	\$ (27,207)	\$ 2,740,133
Sewer Utility Fund	\$ 4,108,734	\$ 904,486	\$ 1,339,708	\$ (32,935)	\$ 3,706,446
Solid Waste Utility Fund	\$ 341,531	\$ 194,688	\$ 98,098	\$ 43,690	\$ 394,430
Stormwater Utility Fund	\$ 541,740	\$ 34,112	\$ -	\$ (2,418)	\$ 578,270
Total Cash on Hand	\$ 36,227,046	\$ 11,905,060	\$ 8,473,334	\$ 880,365	\$ 38,778,407

Temporary Notes (Outstanding)	\$ 24,915,000
General Obligation Bonds (Outstanding)	\$ 43,765,000
PBC Revenue Bonds (Outstanding)	\$ 12,045,000
Total Outstanding Debt	\$ 80,725,000

I do hereby certify the above statement to be correct, to the best of my knowledge.

Princess Fonseca, City Treasurer





Budget Report

Group Summary

For Fiscal: 2025 Period Ending: 03/31/2025

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 100 - General Fund						
Department: 000 - GENERAL						
40 - REVENUES	9,111,754.00	9,111,754.00	711,849.41	6,631,832.78	-2,479,921.22	27.22%
50 - EXPENSES - PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00%
90 - EXPENSES - TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00%
Department: 000 - GENERAL Surplus (Deficit):	9,111,754.00	9,111,754.00	711,849.41	6,631,832.78	-2,479,921.22	27.22%
Department: 100 - ADMINISTRATION						
50 - EXPENSES - PERSONNEL	1,188,818.00	1,188,818.00	91,389.67	312,367.02	876,450.98	73.72%
60 - EXPENSES - COMMODITIES	137,600.00	137,600.00	3,621.08	35,127.35	102,472.65	74.47%
70 - EXPENSES - CONTRACTUAL	304,850.00	304,850.00	16,869.67	63,506.72	241,343.28	79.17%
80 - EXPENSES - CAPITAL PROJECTS	10,001.00	10,001.00	0.00	0.00	10,001.00	100.00%
Department: 100 - ADMINISTRATION Total:	1,641,269.00	1,641,269.00	111,880.42	411,001.09	1,230,267.91	74.96%
Department: 120 - POLICE						
50 - EXPENSES - PERSONNEL	1,850,225.00	1,850,225.00	125,301.26	468,183.30	1,382,041.70	74.70%
60 - EXPENSES - COMMODITIES	177,800.00	177,800.00	4,684.03	14,646.16	163,153.84	91.76%
70 - EXPENSES - CONTRACTUAL	235,600.00	235,600.00	9,373.58	58,349.17	177,250.83	75.23%
80 - EXPENSES - CAPITAL PROJECTS	0.00	0.00	0.00	141.63	-141.63	0.00%
Department: 120 - POLICE Total:	2,263,625.00	2,263,625.00	139,358.87	541,320.26	1,722,304.74	76.09%
Department: 130 - RECREATION						
50 - EXPENSES - PERSONNEL	423,875.00	423,875.00	30,832.06	96,817.28	327,057.72	77.16%
60 - EXPENSES - COMMODITIES	99,200.00	99,200.00	4,689.30	12,293.41	86,906.59	87.61%
70 - EXPENSES - CONTRACTUAL	92,050.00	92,050.00	5,251.53	12,190.81	79,859.19	86.76%
80 - EXPENSES - CAPITAL PROJECTS	60,000.00	60,000.00	0.00	93.00	59,907.00	99.85%
90 - EXPENSES - TRANSFERS	59,000.00	59,000.00	59,000.00	59,000.00	0.00	0.00%
Department: 130 - RECREATION Total:	734,125.00	734,125.00	99,772.89	180,394.50	553,730.50	75.43%
Department: 140 - LAND BANK						
60 - EXPENSES - COMMODITIES	78,000.00	78,000.00	0.00	0.00	78,000.00	100.00%
70 - EXPENSES - CONTRACTUAL	0.00	0.00	3,069.64	3,069.64	-3,069.64	0.00%
80 - EXPENSES - CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00%
90 - EXPENSES - TRANSFERS	2,167,646.00	2,167,646.00	1,425,060.00	1,425,060.00	742,586.00	34.26%
Department: 140 - LAND BANK Total:	2,245,646.00	2,245,646.00	1,428,129.64	1,428,129.64	817,516.36	36.40%
Department: 150 - PARKS						
50 - EXPENSES - PERSONNEL	161,350.00	161,350.00	13,091.16	49,382.57	111,967.43	69.39%
60 - EXPENSES - COMMODITIES	57,850.00	57,850.00	3,208.81	5,882.36	51,967.64	89.83%
70 - EXPENSES - CONTRACTUAL	37,000.00	37,000.00	1,025.82	3,687.48	33,312.52	90.03%
80 - EXPENSES - CAPITAL PROJECTS	80,000.00	80,000.00	0.00	0.00	80,000.00	100.00%
Department: 150 - PARKS Total:	336,200.00	336,200.00	17,325.79	58,952.41	277,247.59	82.47%
Department: 160 - PLANNING & ZONING						
50 - EXPENSES - PERSONNEL	455,750.00	455,750.00	31,558.25	112,879.26	342,870.74	75.23%
60 - EXPENSES - COMMODITIES	26,800.00	26,800.00	316.49	1,176.57	25,623.43	95.61%
70 - EXPENSES - CONTRACTUAL	55,000.00	55,000.00	2,021.12	5,593.85	49,406.15	89.83%
80 - EXPENSES - CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00%
Department: 160 - PLANNING & ZONING Total:	537,550.00	537,550.00	33,895.86	119,649.68	417,900.32	77.74%
Department: 190 - FACILITIES						
50 - EXPENSES - PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00%
60 - EXPENSES - COMMODITIES	22,800.00	22,800.00	1,252.57	5,270.18	17,529.82	76.89%
70 - EXPENSES - CONTRACTUAL	261,000.00	261,000.00	10,669.41	108,932.00	152,068.00	58.26%
80 - EXPENSES - CAPITAL PROJECTS	40,000.00	40,000.00	0.00	0.00	40,000.00	100.00%
90 - EXPENSES - TRANSFERS	1,365,000.00	1,365,000.00	0.00	0.00	1,365,000.00	100.00%

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Department: 190 - FACILITIES Total:	1,688,800.00	1,688,800.00	11,921.98	114,202.18	1,574,597.82	93.24%
Total Revenues	9,111,754.00	9,111,754.00	711,849.41	6,631,832.78	-2,479,921.22	27.22%
Total Expenses	9,447,215.00	9,447,215.00	1,842,285.45	2,853,649.76	6,593,565.24	69.79%
Fund: 100 - General Fund Surplus (Deficit):	-335,461.00	-335,461.00	-1,130,436.04	3,778,183.02	4,113,644.02	1,226.27%

Budget Report

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SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 200 - Special Street & Highway						
Department: 210 - PUBLIC WORKS						
40 - REVENUES	1,273,680.00	1,273,680.00	27,651.81	91,494.72	-1,182,185.28	92.82%
50 - EXPENSES - PERSONNEL	111,495.00	111,495.00	8,495.44	32,957.57	78,537.43	70.44%
60 - EXPENSES - COMMODITIES	164,700.00	164,700.00	4,485.34	35,154.41	129,545.59	78.66%
70 - EXPENSES - CONTRACTUAL	137,500.00	137,500.00	9,544.45	33,788.20	103,711.80	75.43%
80 - EXPENSES - CAPITAL PROJECTS	955,000.00	955,000.00	0.00	7,084.67	947,915.33	99.26%
90 - EXPENSES - TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00%
Department: 210 - PUBLIC WORKS Surplus (Deficit):	-95,015.00	-95,015.00	5,126.58	-17,490.13	77,524.87	81.59%
Total Revenues	1,273,680.00	1,273,680.00	27,651.81	91,494.72	-1,182,185.28	92.82%
Total Expenses	1,368,695.00	1,368,695.00	22,525.23	108,984.85	1,259,710.15	92.04%
Fund: 200 - Special Street & Highway Surplus (Deficit):	-95,015.00	-95,015.00	5,126.58	-17,490.13	77,524.87	81.59%

Budget Report

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 400 - Land Bank Fund						
Department: 400 - LAND BANK						
40 - REVENUES	125,000.00	125,000.00	8,921.80	32,015.36	-92,984.64	74.39%
60 - EXPENSES - COMMODITIES	5,000.00	5,000.00	0.00	40.96	4,959.04	99.18%
70 - EXPENSES - CONTRACTUAL	0.00	0.00	0.00	0.00	0.00	0.00%
80 - EXPENSES - CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00%
90 - EXPENSES - TRANSFERS	0.00	0.00	0.00	2,672,597.00	-2,672,597.00	0.00%
Department: 400 - LAND BANK Surplus (Deficit):	120,000.00	120,000.00	8,921.80	-2,640,622.60	-2,760,622.60	2,300.52%
Total Revenues	125,000.00	125,000.00	8,921.80	32,015.36	-92,984.64	74.39%
Total Expenses	5,000.00	5,000.00	0.00	2,672,637.96	-2,667,637.96	53,352.76%
Fund: 400 - Land Bank Fund Surplus (Deficit):	120,000.00	120,000.00	8,921.80	-2,640,622.60	-2,760,622.60	2,300.52%

Budget Report

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 410 - Bond & Interest						
Department: 410 - BOND AND INTEREST						
40 - REVENUES	4,396,701.00	4,396,701.00	134,529.70	1,628,330.79	-2,768,370.21	62.96%
80 - EXPENSES - CAPITAL PROJECTS	4,382,500.00	4,382,500.00	10,881.25	18,635.37	4,363,864.63	99.57%
90 - EXPENSES - TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00%
Department: 410 - BOND AND INTEREST Surplus (Deficit):	14,201.00	14,201.00	123,648.45	1,609,695.42	1,595,494.42	11,235.08%
Total Revenues	4,396,701.00	4,396,701.00	134,529.70	1,628,330.79	-2,768,370.21	62.96%
Total Expenses	4,382,500.00	4,382,500.00	10,881.25	18,635.37	4,363,864.63	99.57%
Fund: 410 - Bond & Interest Surplus (Deficit):	14,201.00	14,201.00	123,648.45	1,609,695.42	1,595,494.42	11,235.08%

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 520 - Water Utility						
Department: 210 - PUBLIC WORKS						
40 - REVENUES	4,043,436.00	4,043,436.00	241,047.93	794,780.11	-3,248,655.89	80.34%
50 - EXPENSES - PERSONNEL	455,420.00	455,420.00	26,807.95	75,529.38	379,890.62	83.42%
60 - EXPENSES - COMMODITIES	727,400.00	727,400.00	31,317.48	66,384.16	661,015.84	90.87%
70 - EXPENSES - CONTRACTUAL	2,490,000.00	2,490,000.00	109,502.64	309,901.79	2,180,098.21	87.55%
80 - EXPENSES - CAPITAL PROJECTS	51,716.00	51,716.00	0.00	25,857.25	25,858.75	50.00%
90 - EXPENSES - TRANSFERS	310,000.00	310,000.00	0.00	0.00	310,000.00	100.00%
Department: 210 - PUBLIC WORKS Surplus (Deficit):	8,900.00	8,900.00	73,419.86	317,107.53	308,207.53	-3,463.01%
Total Revenues	4,043,436.00	4,043,436.00	241,047.93	794,780.11	-3,248,655.89	80.34%
Total Expenses	4,034,536.00	4,034,536.00	167,628.07	477,672.58	3,556,863.42	88.16%
Fund: 520 - Water Utility Surplus (Deficit):	8,900.00	8,900.00	73,419.86	317,107.53	308,207.53	-3,463.01%

Budget Report

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SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 530 - Sewer Utility						
Department: 210 - PUBLIC WORKS						
40 - REVENUES	3,269,872.00	3,269,872.00	281,648.11	904,485.75	-2,365,386.25	72.34%
50 - EXPENSES - PERSONNEL	355,290.00	355,290.00	36,971.57	126,192.52	229,097.48	64.48%
60 - EXPENSES - COMMODITIES	501,000.00	501,000.00	6,574.60	15,564.18	485,435.82	96.89%
70 - EXPENSES - CONTRACTUAL	1,722,400.00	1,722,400.00	931,026.75	1,182,106.69	540,293.31	31.37%
80 - EXPENSES - CAPITAL PROJECTS	431,690.00	431,690.00	0.00	15,844.72	415,845.28	96.33%
90 - EXPENSES - TRANSFERS	330,000.00	330,000.00	0.00	0.00	330,000.00	100.00%
Department: 210 - PUBLIC WORKS Surplus (Deficit):	-70,508.00	-70,508.00	-692,924.81	-435,222.36	-364,714.36	-517.27%
Total Revenues	3,269,872.00	3,269,872.00	281,648.11	904,485.75	-2,365,386.25	72.34%
Total Expenses	3,340,380.00	3,340,380.00	974,572.92	1,339,708.11	2,000,671.89	59.89%
Fund: 530 - Sewer Utility Surplus (Deficit):	-70,508.00	-70,508.00	-692,924.81	-435,222.36	-364,714.36	-517.27%

Budget Report

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 540 - Solid Waste Utility						
Department: 540 - SOLID WASTE						
40 - REVENUES	725,000.00	725,000.00	65,177.51	194,688.16	-530,311.84	73.15%
70 - EXPENSES - CONTRACTUAL	650,000.00	650,000.00	48,774.38	98,098.21	551,901.79	84.91%
90 - EXPENSES - TRANSFERS	100,000.00	100,000.00	0.00	0.00	100,000.00	100.00%
Department: 540 - SOLID WASTE Surplus (Deficit):	-25,000.00	-25,000.00	16,403.13	96,589.95	121,589.95	486.36%
Total Revenues	725,000.00	725,000.00	65,177.51	194,688.16	-530,311.84	73.15%
Total Expenses	750,000.00	750,000.00	48,774.38	98,098.21	651,901.79	86.92%
Fund: 540 - Solid Waste Utility Surplus (Deficit):	-25,000.00	-25,000.00	16,403.13	96,589.95	121,589.95	486.36%

SubObjec...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 550 - Stormwater Utility						
Department: 550 - STORMWATER						
40 - REVENUES	99,500.00	99,500.00	11,440.29	34,112.22	-65,387.78	65.72%
70 - EXPENSES - CONTRACTUAL	10,000.00	10,000.00	0.00	0.00	10,000.00	100.00%
80 - EXPENSES - CAPITAL PROJECTS	400,000.00	400,000.00	0.00	0.00	400,000.00	100.00%
90 - EXPENSES - TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00%
Department: 550 - STORMWATER Surplus (Deficit):	-310,500.00	-310,500.00	11,440.29	34,112.22	344,612.22	110.99%
Total Revenues	99,500.00	99,500.00	11,440.29	34,112.22	-65,387.78	65.72%
Total Expenses	410,000.00	410,000.00	0.00	0.00	410,000.00	100.00%
Fund: 550 - Stormwater Utility Surplus (Deficit):	-310,500.00	-310,500.00	11,440.29	34,112.22	344,612.22	110.99%
Report Surplus (Deficit):	-693,383.00	-693,383.00	-1,584,400.74	2,742,353.05	3,435,736.05	495.50%

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
100 - General Fund	-335,461.00	-335,461.00	-1,130,436.04	3,778,183.02	4,113,644.02
200 - Special Street & Highway	-95,015.00	-95,015.00	5,126.58	-17,490.13	77,524.87
400 - Land Bank Fund	120,000.00	120,000.00	8,921.80	-2,640,622.60	-2,760,622.60
410 - Bond & Interest	14,201.00	14,201.00	123,648.45	1,609,695.42	1,595,494.42
520 - Water Utility	8,900.00	8,900.00	73,419.86	317,107.53	308,207.53
530 - Sewer Utility	-70,508.00	-70,508.00	-692,924.81	-435,222.36	-364,714.36
540 - Solid Waste Utility	-25,000.00	-25,000.00	16,403.13	96,589.95	121,589.95
550 - Stormwater Utility	-310,500.00	-310,500.00	11,440.29	34,112.22	344,612.22
Report Surplus (Deficit):	-693,383.00	-693,383.00	-1,584,400.74	2,742,353.05	3,435,736.05

MANAGER'S REPORT

DATE: May 1, 2025
TO: Mayor Benage and City Council
FROM: Ted Henry, City Manager
RE: May 6, 2025 Agenda



Flag Ceremony (Item IV)

Boy Scout Troop #585 will present the colors.

Consent Agenda (Item VII)

The consent agenda contains the minutes of the April 15th regular City Council meeting and the April 29th special meeting.

Appropriations Ordinance (Item VIII)

This appropriation ordinance encompasses 04/09/2025 through 04/29/2025 expenses and two payroll cycles. Expenditures amounted to \$2,379,971.08. Of the reported expenses, \$273,955.75 are infrastructure costs for new developments. These costs are paid through special assessments.

City Requested Appearances (Item IX)

Luke Peter, PEC, will provide an update on the 2025 Street Maintenance Project.

Change Order for asphalt replacement, 2025 Street Maintenance Project (Item A)

Asphalt mill and overlay repairs were approved by Council for several streets as part of the 2025 Street Maintenance Plan. However recently, when repairs began in certain locations it was discovered that the existing asphalt had degraded more than expected. In these locations, a full-depth replacement of the asphalt is necessary. Anne has provided a report in your packet and will be available at the meeting to answer any questions. The funds for this change order will be paid from the Street Improvement line item in the Streets Fund. The City had additional carryover funds from the 2024 streets program that were not utilized. Staff recommends that the City Council accept Change Order No. 2 for the full depth replacement on Stratford, Stratford Ct and the south return of the intersection at 45th and Hillcrest in the amount of \$107,024.00.

Development Agreement and Zoning Ordinance for Chapel Landing (Items B-C)

At their April meeting, the Planning Commission voted to recommend approval of an R-PUD for Chapel Landing Addition, contingent upon the approval of a Development Agreement and a Party Wall Agreement. Now the Recommendation and agreements come before Council for consideration. The May 5th City Council agenda packet includes the unapproved Minutes of the April Planning Commission meeting and a detailed staff report on the case. When the Council considers the zoning ordinance, certain public hearing procedures should be followed – Mayor Benage will lead the Council through the procedures. Community Development Director Paula Downs and City Attorney Maria Schrock will be present to answer questions.

Development Agreement for Tierra Verde South Addition PUD (Item D)

The Development Agreement outlines the responsibilities of the Developer and the City, before, during and after construction. Paula and Maria will be available to answer any questions.

Vacation Ordinance and Zoning Ordinance for Tierra Verde South (Item E-F)

At their April meeting, the Planning Commission considered two applications for the same property in Tierra Verde South Addition; one for vacation of a building setback, and one to amend the zoning (PUD). Following public hearings on each application, the Planning Commission voted, in two separate actions, to Recommend approval of the Vacation and PUD with no conditions. Now the Recommendations come before Council for consideration. The May 5th City Council agenda packet includes the unapproved Minutes of the April Planning Commission meeting and a detailed staff report on both cases. Mayor Benage will lead the Council through the public hearing procedures. Community Development Director Paula Downs and City Attorney Maria Schrock will be present to answer questions.

New Change Order for fire hydrant near sewer lift station (Item G)

On April 15th, the City Council discussed adding a fire hydrant near the Webb Rd sewer lift station to aid in lift station maintenance and reduce corrosion in nearby sewer infrastructure. The Council was favorable to the idea but wanted the City Engineer to work with the engineers for the Bel Aire Lakes Addition (PEC) to find lower cost options. Anne worked with PEC to provide the new change order presented in the packet, lowering the cost from \$35,000 to \$15,000. In order to approve the new change order, the City Attorney recommends that the Council take two actions: rescind the motion from April 15th that approved the old change order (No. 2, not to exceed \$35,000) and then accept the new change order (No. 4, not to exceed \$15,000). Anne and Maria will be present to answer questions.

Quote for Tyler One ERP Pro Payments (Item H)

On February 4th, 2025, the City Council and staff discussed updates regarding payment processing fees for card transactions. Staff presented three options provided by the sales team at Tyler Technologies: the Absorbed method, Convenience Fee method, and Service Fee option. During the meeting, the City Council instructed our City Attorney to meet with Tyler Technologies' attorneys to clarify any concerns. Following this meeting, staff was surprised to learn that the Convenience Fee method was no longer available according to Tyler Technologies' attorneys. As a result, we are now left with two viable options: the Absorbed method or the Service Fee option. The Absorbed method incurs costs for the City per transaction. The Service Fee option, though the most expensive for customers, addresses legal concerns by allowing a third party to collect the fee, displayed as a separate transaction on the customer's side. Included in the packet is a report with a breakdown of costs. Finance Director Barry Smith will present the options and lead the discussion at the City Council meeting.

Resolution Approving Acceptance of Credit Cards (I)

A significant number of the payments for utilities and other City services are made by card. Bel Aire customers seem to prefer the convenience of paying by card. However, these payments come with fees from the payment processing companies. K.S.A. 12-16,125 allows all Kansas cities to accept credit payments and recoup a portion of the processing charges issued by card

processors. In accordance with K.S.A. 12-16,125, the Resolution would direct City staff to accept credit cards for the payment of all financial obligations owing to the City.

Resolution In Support of Tax-Exempt Financing (J)

Tax-exempt municipal bonds are the primary means by which state and local governments finance critical infrastructure such as roads, bridges, hospitals, schools, and utility systems. Recent proposals at the federal level would repeal the tax exemption on municipal bonds. These proposals to reduce or repeal the tax exemption would have severely detrimental impacts on national infrastructure and the municipal market. Total repeal of the exemption over the next decade (2026 – 2035) could cost state and local governments over \$800 billion in additional interest costs. If approved, this Resolution In Support of Tax-Exempt Financing will be sent to State and Federal Legislators.

Executive Session

One Executive Session is on the agenda.

Discussion And Future Issues – Workshop, May 13th

The next scheduled City Council workshop will be held at 7:00 p.m. on May 13, 2025.