



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



I. Call to Order

- 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

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

IV. Pledge of Allegiance to the American Flag

V. Consent Agenda

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

Action: Motion to approve the minutes of September 12, 2024.

Motion _____ Second _____ Vote _____

Action: Motion to approve the minutes of October 10, 2024.

Motion _____ Second _____ Vote _____

VI. Announcement

- A. **Kansas Open Meetings Act (KOMA) Review**
- B. **Golden Factors review**

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.**

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

1. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the 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), based on findings: _____, as recorded in the summary of this hearing.

2. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the zone change request from Single-Family Residential District “R-4” to a Planned Unit Development Residential District “R-PUD” in PUD-24-07 (previously PUD-24-03) 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. 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 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 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.

3. Having considered the evidence at the hearing and the factors to evaluate the application, I move that we recommend to the City Council that the zone change request from Single-Family Residential District “R-4” to a Planned Unit Development Residential District “R-PUD” in PUD-24-07 (previously PUD-24-03) be (disapproved) based on findings: _____, as recorded in the summary of this hearing.

4. I move that Case No. PUD-24-07 (previously PUD-24-03) be tabled until December 12, 2024 at 6:30pm, for the following reason(s): _____.

Motion _____ Second _____ Vote _____

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).

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

1. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the 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) in PUD-24-04 be (approved), based on findings: _____, as recorded in the summary of this hearing.

2. Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the 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) in PUD-24-04 be (approved with modifications) based on findings: _____, as recorded in the summary of this hearing, and the following conditions be attached to this recommendation:

3. Having considered the evidence at the hearing and the factors to evaluate the application, I move that we recommend to the City Council that the 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) in PUD-24-04 be (disapproved) based on findings: _____, as recorded in the summary of this hearing.

4. I move that Case No. PUD-24-04 be tabled until December 12, 2024 at 6:30pm, for the following reason(s): _____.

Motion _____ Second _____ Vote _____

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).

Open hearing
Close hearing

Action: Motion to (recommend approval of/ deny / table) 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.

Motion _____ Second _____ Vote _____

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).

Open hearing
Close hearing

Action: Motion to (recommend approval / deny / table) the preliminary plat of SD-24-03 (as presented / as amended); and

1. the preliminary sidewalk plan as presented; and
2. the preliminary drainage concept as presented.

Motion _____ Second _____ Vote _____

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

Action: No action required; for feedback to applicant only.

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

Open Hearing
Close Hearing

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

Motion _____ Second _____ Vote _____

G. Approval of the 2025 Meeting Dates and Time

Action: Motion to approve the Meeting Dates and Time for 2025.

Motion _____ Second _____ Vote _____

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

Action: Motion to appoint _____ as Chairperson of the Planning Commission, term ending December 2025.

Motion _____ Second _____ Vote _____

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

Action: Motion to appoint _____ as Vice-Chairperson of the Planning Commission, term ending December 2025.

Motion _____ Second _____ Vote _____

VIII. Approval of the Next Meeting Date.

Action: Motion to approve the date of the next meeting: December 12, 2024, at 6:30 p.m.

Motion _____ Second _____ Vote _____

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 Holiday

Saturday, December 7, Christmas in Bel Aire community event at Bel Aire City Hall, 5:30 – 7:30 p.m.

X. Adjournment

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____



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 _____ day of _____, 2024.

James Schmidt, Chairman



MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
October 10, 2024 6:30 PM



- I. It was confirmed, at 6:33, that Planning Commission members were not going to attend the scheduled meeting.
- II. The Planning Commission meeting was not called to order due to lack of a quorum. In attendance were Commissioners Phillip Jordan and Deryk Faber.
- III. No business was discussed.
- IV. It was announced to all in attendance the agenda items would be placed on the November 14, 2024, Planning Commission meeting agenda.

City of Bel Aire

STAFF REPORT

DATE: 11/14/2024

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

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

SUMMARY:

PUD-24-07 (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, but made non-conforming due to lot splits in 2023 that were completed without City notice and approval, generally located at 53rd Street North and Bristol Street.

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 details that was important for the process.

History

The property has been zoned R-4 since 2008 and was replatted in 2020. The R-4 zoning district has a 10’ side yard set back requirement.

Without knowledge of our processes, the developer hired a surveying company that completed a metes and bounds survey to split the lots. This survey was filed with the Sedgwick County Register of Deeds Office, which accepted and processed the lot split.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building and zoning code could be divided into two single structures. The agreements and understanding 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.

Final plat of Bristol Hollows was approved in November 2019. Final plat document was approved by City Council December 2019.

A Development Agreement was approved by City Council and signed on April 7, 2020. Key elements of the Development Agreement:

Status of Construction:

- Currently 40 two-family homes (duplexes);
- Lots are at all stages of construction;
- Some lots have not yet been constructed;
- Some lots have received final occupancy certificates;
- City has issued building permits based on building plans submitted;
- Lot split information was discovered around August- building inspector noticed boundary pins on the lots and Sedgwick County Geographic Information Systems (GIS) search confirmed lot splits had been completed.

Golden Factors:

- **The character of the neighborhood;**

The City of 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 of the PUD area 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 of Bel Aire 2018 Master Growth Plan is in line with the existing and proposed uses.

- **Extent to which removal of the restrictions will detrimentally affect nearby property;**

There are no adverse changes to nearby properties based on the approved City of Bel Aire 2018 Master Growth Plan.

- **Length of time the property has remained vacant as zoned;**

The PUD area was vacant for 16 years- 2008 to 2024.

- **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 City of Bel Aire will gain affordable single-family housing with each family responsible as owners. Ownership adds value to neighborhoods and to the city.

- **Conformance of the requested change to the adopted or recognized Comprehensive (master plan) being utilized by the city.**

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

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

City installed a lift station and has prepared for development in this area. The city has required separate water and sewer for each unit. Community facilities are in place with no adverse impact.

- **Opposition or support of neighborhood residents. By itself this factor is not a sufficient reason to approve or deny a request.**

Letter from a property owner in the notification area concerned that construction was going to be very dense. They reviewed the case and were satisfied with the development.

Recommendations of professional staff:

Staff recommends APPROVAL WITH MODIFICATIONS of the zone change request from Single-Family Residential District “R-4” to a Planned Unit Development Residential District “R-PUD” in PUD-24-07 (originally PUD-24-03), and the following conditions be attached to 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.

(Published once in The Wichita Eagle on October 25, 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-24-03. 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.

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 Bristol 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 24 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
146319	605950	Print Legal Ad-IPL02012600 - IPL0201260		\$311.16	1	48 L

Attention: No Contact

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

MKrehbiel@belaireks.gov

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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DATED this 24 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary
IPL0201260
Oct 25 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

10/25/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 10/25/2024 to 10/25/2024.

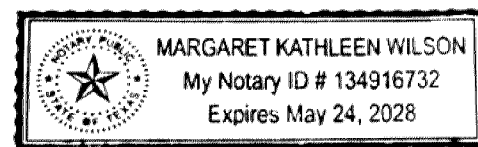
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/25/2024

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



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 Notice of Public Hearing (PUD-24-03) is a true copy thereof and was published on such website beginning on the 24th day of October, 2024.

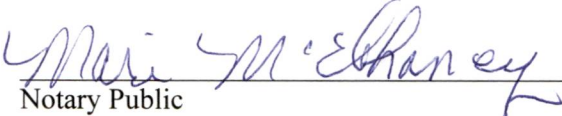


Signature

SUBSCRIBED AND SWORN to before me this 7th day of November, 2024.

(seal)





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



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



FINAL PUD REVIEW

Address of proposed project: Bristol Hollows Addition PUD-24-03

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 comments 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.

APPLICATION

PUD-24-07

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

-
- ☐ Change Zoning Districts: From: R-4 to Planned Unit Development Residential District (R-PUD)
 - ☐ Amendments to Change Zoning Districts _____
 - ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
 - ☒ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner Double Down Developers LLC (Phil Ruffo)

Address 13201 E. Pawnee, Wichita KS Telephone 316-734-4152

Agent representing the owner Garver LLC (Kenneth Lee)

Address 1995 Midfield Rd, Wichita KS Telephone 316-258-3190

1. The application area is legally described as Lot(s) Lots 1-19, Block A and Lots 1-21, Block B
Bristol Hollows Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 13.1 acres.

3. This property is located at (address) 5600 E. Bristol Street which is generally
located at (relation to nearest streets) 53rd Street North and Bristol Street.

4. County control 30013776-30013794, 30026337-30026341
30013807-30013827, 30027474-30027483
number: 30026342-30026351

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 Double Down Developers LLC (Phil Ruffo) Phone 316-734-4152
Address 13201 E. Pawnee, Wichita KS Zip Code 67230
- Agent Garver LLC (Kenneth Lee) Phone 316-258-3190
Address 1995 Midfield Rd, Wichita KS Zip Code 67209
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 _____ 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

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.

City of Bel Aire

STAFF REPORT

DATE: 10/09/2024

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

STAFF COMMUNICATION	
FOR MEETING OF	10/15/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-24-03. Proposed a Final PUD containing approved duplexes to be converted to 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 details what was important for the process.

History

The property has been zoned R-4 since 2008 and was replatted in 2020. The R-4 zoning district has a 10’ side yard set back requirement.

Without knowledge of our processes, the developer hired a surveying company that completed a metes and bounds survey to split the lots. This survey was filed with the Sedgwick County Register of Deeds Office, which accepted and processed the lot split.

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 understanding 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.

Final plat of Bristol Hollows was approved in November 2019. Final plat document was approved by City Council December 2019.

Development Agreement

The Development Agreement was approved by City Council and signed on April 7, 2020. Key elements of the Development Agreement:

- Purpose; Paragraph three (3). Any deviations from the conceptual drawing shall be submitted for review and approval by the City;
- 2. Permitted Use:
 - All lots are zoned R-4, remain controlled by a for-profit development, as a single controlling entity or owner for the approved development;
 - A. and B. Construction shall have the following conditions:
 - Two-family dwelling units (duplexes) as shown on approved site plan;
 - Any low-density residential use based on the most current city zoning code;
 - Height and area regulations for R-4 developments;
 - Minimum dwelling unit – 1,000 s.f.;
 - Adhere to other requirements; drainage, stormwater, fencing & screening; landscaping; lighting, etc.,
- 24. Modification of Plat Through Replatting Process- *While it is intended by the parties that the development will precede in compliance with this Agreement and the existing plat of Bristol Hollows **nothing herein shall be construed to prohibit modifications to the Bristol Hollows development as a result of the formal replatting process.***
- 25. Respective Responsibilities of City and Developer:
 - C. The Developer agrees to assume responsibility to see that all original purchases of lots in the Addition receive a copy of the Developer's Agreement and the Restrictive Covenants at the time of purchase;
 - E.any individual or entity who later becomes a Developer by acquiring ownership of a lot or lots in said projects, shall do so subject to the terms of this Development Agreement....

Non-Conforming Issues Created with Lot Split:

- Landscaping requirements- 2 street trees in front yard of each side. Corner lots require three street trees of each lot;
- Interior lot line requirements- R-4 requires a 10' side yard setback. PUD eliminates the 10' side yard requirement. Outside lot lines are still at 10' and meet requirements;
- Lot coverage for accessory structures may be restricted based on size and quantity of structures;
- Home-based business use could be an issue depending on what type of business;
- Utilities installed across lots requires agreements- this would be a contract issue outside of City

PUD Application- PUD-24-03 (Final PUD is R-4 District with PUD Overlay)

Application was submitted with the following documents:

- Planned Unit Development Agreement
- PUD Exhibit referencing lot splits
- Ownership list

PUD Agreement:

- Developer desires zoning by a PUD;
- Agreement is necessary to establish a zoning change to a Planned Unit Development in the City;
- Intent 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;
- Permitted Use: R-4 Single Family- includes Single-Family and Two-Family;
- Agreement allows:
 - Lot splits for all lots described in the PUD and requires applications for lot splits be submitted to the City and Register of Deeds office;
 - Respread of special assessment taxes divided 50% of aggregate to each new lot created in the lot split;
 - R-4 zoning district shall apply to lots described in PUD- with exceptions:
 - No required interior side yard setbacks;
 - Divided lots, shall have a minimum lot area of 4,000 square feet;
 - Divided lots, shall maintain a minimum lot width of 25’;
 - All dwellings shall be built to all applicable building standards.

Staff Report recommended approval of the PUD Application with modifications to the PUD agreement listed above.

Status of Construction:

- Currently 40 two-family homes (duplexes);
- Lots are at all stages of construction;
- Some lots have not yet been constructed;
- Some lots have received final occupancy certificates;
- City has issued building permits based on building plans submitted;
- Lot split information was discovered around August- building inspector noticed boundary pins on the lots and GIS search confirmed lot splits had been completed.

Discussion

Townhouse Information:

- Can solve cross-lot concerns to protect property rights;
- Townhouse Ownership Act: Townhouse definition from K.S.A 58-3701: General legal definition of townhouse is “a single-family home that is attached to other units and shares walls with them:
 - Attached: Townhouses are attached to other units, usually by one or two walls;
 - Single-family: Townhouses are privately owned and can be considered a single-family home;
 - Property lines: Townhouses are separated by property lines;
 - Yard or public way: Townhouses have a yard or public way on at least two sides;
 - Height: Townhouses are usually no more than three stories tall;
 - Ownership: Townhouse owners are responsible for the entire unit, including the interior, exterior, roof, and land;
 - Maintenance: Townhouse owners are responsible for all property maintenance and repairs;
 - Taxes: Townhouse owners are responsible for all real estate taxes.
- Townhouses can be part of a PUD;
- R-5 Zoning Code 18.7.6- Sets out what is permitted within this district and includes information related to townhouses.

Building Code Requirements relating to 2-hour Fire Wall:

- You can have townhomes with the 1-hour wall but only if there is no plumbing in the walls. Most of the units currently constructed have plumbing in the shared wall;
- Townhouse requires each individual wall support the roof independently;
- Sedgwick County Fire Department does not inspect residential properties;
- Bel Aire inspected based on the 1-hour requirement because of the two-family duplex construction. Walls were built as required for a two-family (duplex). There is no indication, based on our inspections that this was a 2-hour rated wall;
- Owner of property (if they own ½ of the two-family residence) should be aware of the common wall design and that the difference between 1-hour and 2-hour; affects fire spread, events that happen on one side could affect the other side i.e. water leaks, and sound. Expectation in an apartment or two-family duplex that you are more “connected” to the other side. This is typically not the expectation in home ownership.

Two-Family Unit vs. Townhouse:

- Lot split created two different lots with townhomes vs. two-family unit (duplex);
- City could require them to file their covenants to provide for the understanding of how each individual property owner would ensure their “community rights”:
 - Utility lines running under each owner’s property;
 - Sharing siding, roof, etc.

Correct Process Steps- Consideration of R-4 vs. R-5 Zoning District

- Developer created the original plat, and it was established as an R-4 zoning district;
- Prior to splitting lots they should have filed a PUD or requested a rezone to R-5.
- R-5:
 - Townhome development would have been addressed correctly in the development agreement;
 - R-5 creates the acceptance of a zero-lot line construction;
 - Construction would have then met the requirements of a townhome construction;
 - R-4 to R-5 would have moved from a single-family residential category to a multi-family residential category.
- R-5 would have rectified:
 - Zero lot lines;
 - 2-hour wall issue;
 - Landscaping;
 - All other conditions would still be present;
 - In addition, R-5 would have allowed more dense construction which would be adverse to the development of this neighborhood.
- Filing the PUD application:
 - Development remains in the R-4 zoning district;
 - Lots would remain non-conforming;
 - Less dense construction is a benefit to the neighborhood.

Golden Factors:

- **The character of the neighborhood;**

The City of 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 of the PUD area 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 of Bel Aire 2018 Master Growth Plan is in line with the existing and proposed uses.

- **Extent to which removal of the restrictions will detrimentally affect nearby property;**

There are no adverse changes to nearby properties based on the approved City of Bel Aire 2018 Master Growth Plan.

- **Length of time the property has remained vacant as zoned;**

The PUD area was vacant for 16 years- 2008 to 2024.

- **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 City of Bel Aire will gain affordable single-family housing with each family responsible as owners. Ownership adds value to neighborhoods and to the city.

- **Conformance of the requested change to the adopted or recognized Comprehensive (master plan) being utilized by the city.**

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

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

City installed a lift station and has prepared for development in this area. The city has required separate water and sewer for each unit. Community facilities are in place with no adverse impact.

- **Opposition or support of neighborhood residents. By itself this factor is not a sufficient reason to approve or deny a request.**

Letter from a property owner in the notification area concerned that construction was going to be very dense. They reviewed the case and were satisfied with the development.

Recommendations of professional staff:

Staff recommends the approval of the PUD with the following conditions:

- Original Development Agreement updated with current PUD information; and
- PUD Agreement submitted with PUD-24-03 application be updated as identified in the staff report.



**AGREEMENT
CONCERNING THE DEVELOPMENT
OF THE BRISTOL HOLLOWES, AN ADDITION
TO BEL AIRE, SEDGWICK COUNTY, KANSAS**

THIS AGREEMENT is made and entered into by and between 3F2R 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 platting by the CITY of a tract of land more fully described below and herein referred to as BRISTOL HOLLOWES ADDITION, an Addition to Bel Aire, Sedgwick County, Kansas (hereinafter, BRISTOL HOLLOWES);

A REPLAT OF LOTS 1-28, BLOCK I, LOTS 41-65,
BLOCK J, RESERVE H, P, U & Y, CHAPEL LANDING ADDITION
CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS
A TRACT IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 26 SOUTH,
RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS

And,

WHEREAS, the CITY is willing to plat said BRISTOL HOLLOWES under certain applicable conditions stated herein.

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 public interest, infrastructure, financial, and drainage conditions arising from the platting process. As such, approval of this Agreement is a condition precedent to the filing of the final plat and conveyance of the tract of land more fully described below and herein referred to as BRISTOL HOLLOWES.

Specifically, this agreement is to assure that necessary improvements are in place to support development of BRISTOL HOLLOWES. 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 DEVELOPER shall strictly observe and comply with the terms of this Agreement, all regulations, resolutions, policies, and ordinances of the CITY and Sedgwick County, and all statutes and laws of the State of Kansas and of the United States.

The development of BRISTOL HOLLOWES shall proceed in accordance with this Agreement and all other platting requirements. Any deviation, may result in suspension or termination of such building permit. It is understood by the parties that the final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted by the DEVELOPER and approved by the CITY 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 incurred by DEVELOPER to comply with the requirements of this agreement including permit fees, review fees, and building and zoning permit and review fees, shall be paid by the DEVELOPER.

1. LEGAL DESCRIPTION: The tract of land herein referred to as BRISTOL HOLLOWES, an Addition to Bel Aire, Sedgwick County, Kansas, has the following pre-platting legal description, to-wit:

ALL OF LOTS 1 THROUGH 28 IN BLOCK I AND ALL OF LOTS 41 THROUGH 65 IN BLOCK J AND ALL OF RESERVES P, U, AND Y AND A PORTION OF RESERVE H AND THAT PORTION OF PLATTED JOSHUA COURT RIGHT-OF-WAY AND THAT PORTION PLATTED JOSHUA RIGHT-OF-WAY, IN CHAPEL LANDING, A SUBDIVISION IN THE CITY OF BEL AIRE, COUNTY OF SEDGWICK, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTHWEST CORNER OF SAID RESERVE U; THENCE ON THE NORTH LINE OF SAID RESERVES U AND THE NORTH LINE OF SAID JOSHUA RIGHT-OF-WAY AND SAID RESERVE P AND SAID JOSHUA RIGHT-OF-WAY AND SAID RESERVE Y, N 89°29'38" E (THIS AND ALL OF THE FOLLOWING BEARINGS ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE 1502) 1002.30 FEET TO THE NORTHEAST CORNER OF SAID RESERVE Y; THENCE ON THE EAST LINE OF SAID RESERVE Y, S 20°30'22" E 664.28 FEET TO THE SOUTHEAST CORNER OF SAID RESERVE Y; THENCE ON THE SOUTH LINE OF SAID RESERVE Y AND THE SOUTH LINE SAID LOT 60 IN BLOCK J AND SAID JOSHUA COURT RIGHT-OF-WAY AND SAID 59 IN BLOCK J, S 63°29'50" W 424.86 FEET; THENCE ON SAID SOUTH LINE OF LOT 59 AND THE SOUTH LINE OF SAID LOT 53 IN BLOCK J AND SAID JOSHUA COURT RIGHT OF WAY AND SAID LOTS 52, 43, 42, AND 41 IN BLOCK J, S 63°20'13" W 832.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 41; THENCE ON THE WEST LINE OF SAID LOT 41 AND ITS NORTHWESTERLY PROLONGATION, N 31°44'53" W 175.91 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 319.53 FEET, AN ARC LENGTH OF 17.01 FEET, AND BEING SUBTENDED BY A CHORD WHICH BEARS N 33°16'22" W 17.01 FEET; THENCE N 58°15'07" E 27.57 FEET; THENCE N 31°44'53" W 39.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 IN BLOCK I; THENCE ON THE WEST LINE OF SAID LOT 1 AND THE WEST LINE OF SAID LOTS 2, 3, 4, 5, 6, 7, 8, AND 9 IN BLOCK I AND THE WEST LINE OF SAID RESERVE U, N 00°41'21" W 965.20 FEET TO THE POINT OF BEGINNING. CONTAINS 24.19 ACRES MORE OR LESS.

2. PERMITTED USE: All lots are zoned R-4, remain controlled by a for-profit development, as a single controlling entity or owner for the approved development as presented, and construction upon such lots shall adhere to the following conditions:

- A.
1. Two-family dwelling units (duplexes) as shown on the approved site plan.
 2. Accessory structures to contain trash or mowing equipment as approved.
 3. Any low density residential use based on the most current city zoning code with the Governing Body approval.
- B. Height and Area Regulations for R-4 Developments

The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for parking/paving and yards, and the minimum site area per dwelling unit permitted on any lot shall be as follows, except as otherwise provided in these Regulations relating to Height and Area Regulations, Exceptions, and requirement set forth within the Subdivision Code:

1. Maximum density per acre — 8 dwelling units
2. Maximum Height:

Residences – two (2) stories, not exceeding thirty-five (35) feet from finished grade

3. Minimum dwelling unit – 1,000 square feet

3. CONSTRUCTION PERIOD REQUIREMENTS. In addition to other requirements set forth within this agreement regarding property maintenance, the following requirements shall be met specifically during the period of time during which construction of BRISTOL HOLLOWS is being developed:

All lots covered by this Agreement shall be subject to the CITY'S storm water regulations. The Contractor shall install and the DEVELOPER maintains the storm water protection devices established by the CITY and shown in the construction plans for master drainage / grading plan until such time the devices are no longer needed due to the adequate establishment of ground cover. All lots covered by this agreement shall be kept clean, shall not pond water, shall be mowed to a height not exceeding twelve (12) inches, and shall comply with all applicable laws and regulations pertaining to erosion control.

All temporary construction units must be removed when building in the immediate vicinity is completed. Temporary construction units will be relocated to areas actively being constructed.

All temporary utility connections made to expedite the development must be removed immediately as utility services are provided; i.e. temporary above ground power supply.

Vehicle access to the tract of land herein referred to as the BRISTOL HOLLOWS shall be limited to TWO (2) entry points along 53RD STREET as recommended by the Sedgwick County Fire Department for fire protection purposes and emergency vehicles. Traffic in BRISTOL HOLLOWS shall be limited to vehicles under 20 tons. Construction traffic shall enter from 53RD STREET. DEVELOPER shall be responsible for installation and removal of any temporary roads during construction. Such temporary roads shall be approved by the CITY. All roadways must be kept free of construction debris and mud. Dust created during construction must be controlled avoiding a nuisance for motorists and neighbors. CITY shall maintain one (1) point of access at all times to BRISTOL HOLLOWS during construction or reconstruction of 53rd STREET.

4. DETENTION PONDS. Any on-site detention ponds will be designed to control two, twenty-five year storm events and one, hundred year storm event. Additionally, the ponds will act as temporary sedimentation basins during construction but are limited to the amount of sediment allowed and DEVELOPER responsible for any dredging required.

Any on-site detention ponds and associated inflow and outflow systems to the property as well as the reserves, and ditches are to be maintained by the DEVELOPER indefinitely unless transferred to a home owner's association or equal resolution approved by the CITY, excluding paving and utilities within dedicated rights of ways as indicated on plat documents. Failure of the DEVELOPER to maintain such areas and property as described shall be grounds for the CITY to enforce this provisions as a nuisance abatement action, at the cost and expense of the DEVELOPER as set forth in K.S.A. 12-1617e.

5. DRAINAGE. Protecting surrounding platted property from the impacts of changes in drainage across such property resulting from the development of BRISTOL HOLLOWS must be addressed as part of the platting process. The DEVELOPER shall prepare a storm drainage plan which shall address the various impacts of increased/modified drainage, meet CITY drainage specifications, and be approved by the City Engineer. Prior to approval of said proposed storm drainage plan, the City Engineer may impose modifications upon such proposed plan as Engineer deems necessary to insure the effectiveness of such plan. After approval by the City Engineer of said storm drainage plan, including any necessary modifications, the DEVELOPER shall install, or

cause to be installed, the improvements pursuant to the drainage plan.

The DEVELOPER shall maintain a master drainage plan throughout the development stage for each parcel.

DRAINAGE PLAN. The DEVELOPER must provide a maintenance plan within the HOA Covenant document that will provide adequate provisions to protect the master drainage plan. The Maintenance Plan will include but not limited to: how to initiate the maintenance process for the drainage plan, how to inspect, what to inspect, when to inspect, how to correct drainage problems that are discovered, the appropriate records to be maintained and designating the party responsible for maintaining such records. The Developer must inform the HOA of the requirement to maintain such records in writing as part of the HOA Covenants.

6. ELECTRIC: All electric lines shall be installed underground and paid for by the DEVELOPER.

7. EROSION, STORMWATER, AND SEDIMENT CONTROL. The DEVELOPER must follow all National Pollution Discharge Elimination System (NPDES), Kansas Department of Health & Environment (KDHE) and City of Bel Aire Standards for erosion, stormwater, and sediment control on site.

8. FENCING & SCREENING: Fencing and screening methods and materials shall blend in with the architectural design of the buildings and to reasonably hide the materials, trash and recycling containers from ground view, and all fencing and screening methods and materials must be pre-approved in writing by the CITY. Black ornamental iron and other similar fencing material may be allowed if such materials blend in with the architectural design elements of the building and adjacent sites. Any plans for outside storage facilities shall comply with the applicable ordinances and zoning regulations of the CITY and be submitted in writing to the CITY for prior approval. No barbed wire is allowed. If any fencing or screening is installed by the DEVELOPER along 53RD STREET or other areas during Development, all future maintenance and upkeep shall be performed by the Developer or HOA.

9. FIRE HYDRANTS: All fire hydrants shall be of a type and quality specified by CITY Specification Standards, but not less than the minimum standards of the National Board of Fire Underwriters, and shall be provided and connected to the CITY'S municipal water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

10. FOUNDATION CERTIFICATIONS. Foundation Certifications will be required on each foundation after construction. Minimum low opening certifications will be required on all lots with minimum pad elevations indicated on the face of the plat.

11. HOMEOWNERS' ASSOCIATION. DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, drainage paths, detention ponds and construction areas associated with BRISTOL HOLLOWS. Any land dedicated to or owned by a municipal authority shall be exempt from any and all assessments including those assessed by Homeowners Association Covenants. Land within this plat owned by such a municipal organization exempt from taxation by the laws of the State of Kansas, shall not be subject to any non-taxing authority assessments throughout the duration of such ownership.

12. INFRASTRUCTURE PETITION AND INSTALLATION: The development of BRISTOL HOLLOWS is being accomplished by virtue of a multiple-phase process. Representatives of the parties shall formally meet and review the existing and proposed phases of development as well as the requirements of this agreement, prior to the submission of petitions for infrastructure improvements for each phase of development.

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, street lights and telephone service shall be installed underground. Upon petitioning by the Developer pursuant to K.S.A. 12-6a(01) and K.S.A. 12-6a26, et seq., the CITY shall perform the engineering design, construction and inspection of water mains, sanitary sewer mains, storm water systems, paving, and park improvements necessary for the platting and development of the tract of land herein referred to as the BRISTOL HOLLOWS, an Addition to Bel Aire, Sedgwick County, Kansas. With the exception of storm sewer systems, all other improvements shall be dedicated to and owned and maintained by the CITY. The storm sewer systems shall be publicly owned but privately maintain by the Homeowner's Association. Said improvements shall be installed on CITY owned property or within public right of ways or easements. The DEVELOPER shall reimburse the CITY for the actual costs of the engineering design, construction, and inspection of all improvements necessary for the platting and development of the tract of land herein referred to as the BRISTOL HOLLOWS unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas.

The DEVELOPER shall dedicate necessary public right-of-ways and easements and install, or cause to be installed, all improvements necessary for the platting and development of the tract of land herein referred to as the BRISTOL HOLLOWS. Said improvements include, but are not limited to streets, curb, gutter, street signs, storm water system, sidewalks, water distribution system, sanitary sewer lines, corner pins, and utilities. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during construction. The DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire.

Whenever existing sanitary sewer, storm water, water lines, drainage channels, culverts, underground and overhead electric, communications, gas lines, pipe lines or transmission lines are required to be installed, lowered, encased, modified or relocated due to the subdivision or construction improvements required, and in the event it was not known at time of platting approval, the DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during said construction.

13. LANDSCAPING & SCREENING: The DEVELOPER shall submit and have approved by the CITY, a "Landscape Plan" that is representative of the landscaping to be provided as each phase of BRISTOL HOLLOWS is developed. The "Landscaping Plan" shall show contours, utilities, size and spread at planting, any type of ground cover, shrubs, and coordinate with the Drainage Plan and Site Plan for the project.

Planting of interior trees shall meet the CITY'S street tree requirements. Any areas outside of the general boundaries of each development phase shall be planted to appropriate turf or ground cover adequate to prevent undue soil erosion and shall be maintained in accordance with applicable CITY ordinances. Any future Phases to be constructed shall also submit and have approved by the CITY, detailed landscape plans for that Phase. Within all detailed landscape plans, ground mounted mechanical equipment and trash receptacles shall be screened from ground level view.

14. LIGHTING: A Street and parking lighting plan shall be submitted to the CITY for approval and comply with the City zoning ordinance. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare. Wood poles shall not be used.

15. MAINTENANCE: DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, irrigation systems including those along 53RD STREET right-of-way and construction outside boundaries of BRISTOL HOLLOWS.

16. PERMITS. No construction shall commence on any portion of the tract of land herein referred to as BRISTOL HOLLOWES without the DEVELOPER having first obtained the proper building and zoning permits from the CITY.

17. ROADWAYS, PARKING, DRIVES, and ACCESS: The DEVELOPER shall cause to be installed, according to the design standards of the CITY, minimum twenty nine (29) foot back to back paved street with curb and gutter on all streets in BRISTOL HOLLOWES. If asphalt paving is used, the section shall consist of a minimum of 7" of asphalt with either a 5" reinforced rock base or a 5" concrete stabilized subgrade. If concrete paving is used, the pavement section shall be a minimum of 6" with 5" reinforced rock base. The CITY will determine which material shall be used after reviewing cost, safety, feasibility, and feedback from the DEVELOPER

All driveways shall be constructed in compliance with CITY ordinance. Access controls are as shown on the final plat of BRISTOL HOLLOWES.

18. SANITARY SEWER: The DEVELOPER shall petition the CITY to perform the engineering design review, construction and inspection of collection lines, not less than (8) inches in diameter, to transport sewage and discharge in the existing main running along the subdivision south to the lift station along Rock Road. Said sewer main shall be dedicated to and owned and maintained by the CITY. Said sewer main shall be installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted by the DEVELOPER or acquired as part of the construction project and dedicated by separate instrument. Each living unit is required to have a separate sewer tap and sewer service line. All Sanitary Sewer User Fees and Hookup Fees are subject to City Ordinances.

19. SIDEWALKS: Sidewalks shall be installed on one side of streets as delineated in the sidewalk plan submitted with the final plat. Sidewalks shall comply with the ADA Accessibility Guidelines (ADAAG). Sidewalks shall be handicap accessible and be required to extend or complete connecting links in the sidewalk system.

In general, sidewalks shall be constructed with the outside edge of the sidewalk as close as practical to the property line, subject to the discretion of the engineer designated by the CITY. The Sidewalk along shall be 5 feet wide (4" thick). Sidewalks shall be installed per the sidewalk plan approved by the CITY with curb ramps for road crossings. The costs of constructing sidewalks between driveways will be reimbursed to DEVELOPER by CITY.

20. SIGNAGE. Signs, other than street or traffic / regulatory, of such location, type and size as shall be approved as part of the building permit process or by the Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the CITY for written approval.

Signs are to be maintained by the DEVELOPER indefinitely unless transferred to a home owner's association any alternative plan must be approved by the CITY. Failure of the DEVELOPER to maintain such areas and property shall be grounds for the CITY to enforce this provision as a nuisance abatement action, at the cost and expense of the DEVELOPER and/or HOA.

21. WATER: The DEVELOPER shall petition the CITY to perform the engineering design, construction and inspection of transmission water lines minimum (8) inches in diameter, to the municipal water supply system of the City of Bel Aire, Kansas. Said water transmission lines shall be dedicated to and owned and maintained by the CITY. Lines shall be designed to loop and not dead-end, "lollipop". Said water transmission lines shall be

installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted to the CITY by the DEVELOPER or acquired as part of the construction project and dedicated by separate instrument. Each living unit is required to have a separate water tap and water line. All water taps and service lines up to the meter shall be installed at the time of the water line construction. All Water User Fees and Hookup Fees are subject to City Ordinances.

22. BONDING CAPACITY. Assurances are to be provided whenever the CITY has been furnished a financial guarantee (irrevocable letter of credit, corporate completion bond, cashier’s check, escrow account or cash) on 35% of the estimated principal cost of the project (engineering design, construction, inspections, temp note interest and administration). The Letter of Credit (LOC) or bond will be in the form approved by the CITY and name the City of Bel Aire as beneficiary. The assurances will serve to protect the general taxpayers of Bel Aire from subsidizing the special assessment debt. The assurance shall be filed prior to any debt being issued by the CITY for any of the expenses mentioned above and be in the amount equal to 35% of these same costs. It is understood that this letter of credit shall be automatically renewed for additional 2-year periods unless the DEVELOPER notifies the CITY in writing at least sixty (60) days prior to the then relevant expiration date that it will not be renewed at which time the DEVELOPER may draw up to the full amount of the credit available at that time. Provided there are no delinquent taxes or special assessments owed by the DEVELOPER, the financial guarantee will be released upon request of the DEVELOPER when development (issuance of satisfactory framing by the City of Bel Aire) of 35% of the properties covered by the LOC, the CITY will, by written instruction, authorize the release of this letter of credit, provided, however, that before this letter of credit is released the CITY shall be entitled to a partial drawing against the credit in the amount of any delinquent special assessments.

23. MISCELLANEOUS:

The DEVELOPER must make mail delivery provisions for each household with the U.S. Postal Services.

24. MODIFICATION OF PLAT THROUGH REPLATTING PROCESS. While it is intended by the parties that the development will precede in compliance with this Agreement and the existing plat of BRISTOL HOLLOWS nothing herein shall be construed to prohibit modifications to the BRISTOL HOLLOWS development as a result of the formal replatting process.

25. RESPECTIVE RESPONSIBILITIES OF CITY AND DEVELOPER:

- A. Notwithstanding anything to the contrary contained herein, the CITY shall be responsible for the construction of streets, sewer, and water facilities for BRISTOL HOLLOWS or other projects or additions, including excavation, storm sewers and detention ponds, the costs for which shall be spread as special assessments against the addition on a per lot basis for a term not less than twenty (20) years, but not for four (4) years after the completion and acceptance by the city of the public improvements, or until the year 2023, whichever is greater.
- B. The CITY shall be responsible to make a reassessment for any existing special assessments against BRISTOL HOLLOWS on a per lot basis.
- C. The DEVELOPER agrees to assume responsibility to see that all original purchasers of lots in the Addition receive a copy of the Developer’s Agreement and the Restrictive Covenants at the time of purchase.
- D. The DEVELOPER agrees to provide the CITY with a copy of the Restrictive Covenants once adopted.

- E. Each DEVELOPER, individual, or entity who is presently an owner of a lot or lots in BRISTOL HOLLOWS or any individual or entity who later becomes a DEVELOPER by acquiring ownership of a lot or lots in said projects, shall do so subject to the terms of this Development Agreement, and shall be liable for the payment of other costs and expenses payable by DEVELOPER hereunder which are incurred for improvements or facilities located on the lots or which are used or are available for the benefit of the lot or lots owned by the DEVELOPER.
- F. Likewise, each DEVELOPER shall be responsible for the performance or compliance with other obligations or requirements contained herein which may be performed on the lot or lots owned by the DEVELOPER or which the DEVELOPER otherwise has the legal power and authority to perform. In the event any improvements or facilities are constructed on the lots or lot of a DEVELOPER not to serve the needs of that lot or lots, but rather to serve the needs of a lot or lots not owned by the DEVELOPER, the DEVELOPER shall have no liability or responsibility for the costs and expenses incurred in the construction or maintenance of those improvements or facilities.
- G. Finally, in the event improvements or facilities are constructed and maintained to serve lots owned by more than one DEVELOPER or for the use of all DEVELOPERS, the costs and expenses for such construction and maintenance shall be paid by all DEVELOPERS whose lots are served by such improvements and facilities which costs and expenses shall be allocated to those DEVELOPERS whose lots are being served in the proportion that the number of square feet in the lots being served and respectively owned by them bears to the total square feet of all lots being served.

26. RECORDING: The DEVELOPER shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds. 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.

27. 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 6th day of March, 2020.

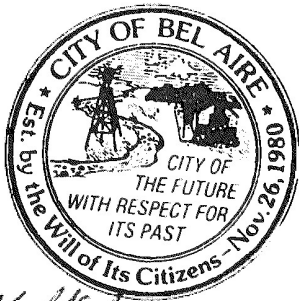
[Signature], DEVELOPER
BRISTOL HOLLOWS, an addition to Bel Aire,
Sedgwick County, Kansas

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the 7th day of April, 2020 and is hereby executed on this 7th day of April, 2020.

[Signature]
MAYOR,

SEAL

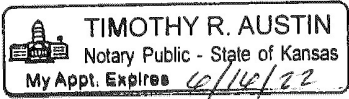
ATTEST:



[Signature]
CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

BE IT KNOWN BY ALL PERSONS that on this 6 day of March, 2020, before me, a Notary Public, came Philip Ruffo, who is known to me and who personally acknowledged execution of the forging Agreement as the Developer of BRISTOL HOLLOWS, an Addition to Bel Aire, Sedgwick County, Kansas.



[Signature]
NOTARY PUBLIC

My Appointment Expires: June 14, 2022

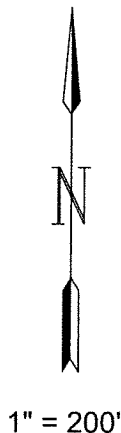
BE IT KNOWN BY ALL PERSONS that on this 7 day of April, 2020, before me, a Notary Public, came Mr. Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forgoing Agreement Concerning the Development of the BRISTOL HOLLOWS, an Addition to Bel Aire, Sedgwick County, 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 Mr. Jim Benage.



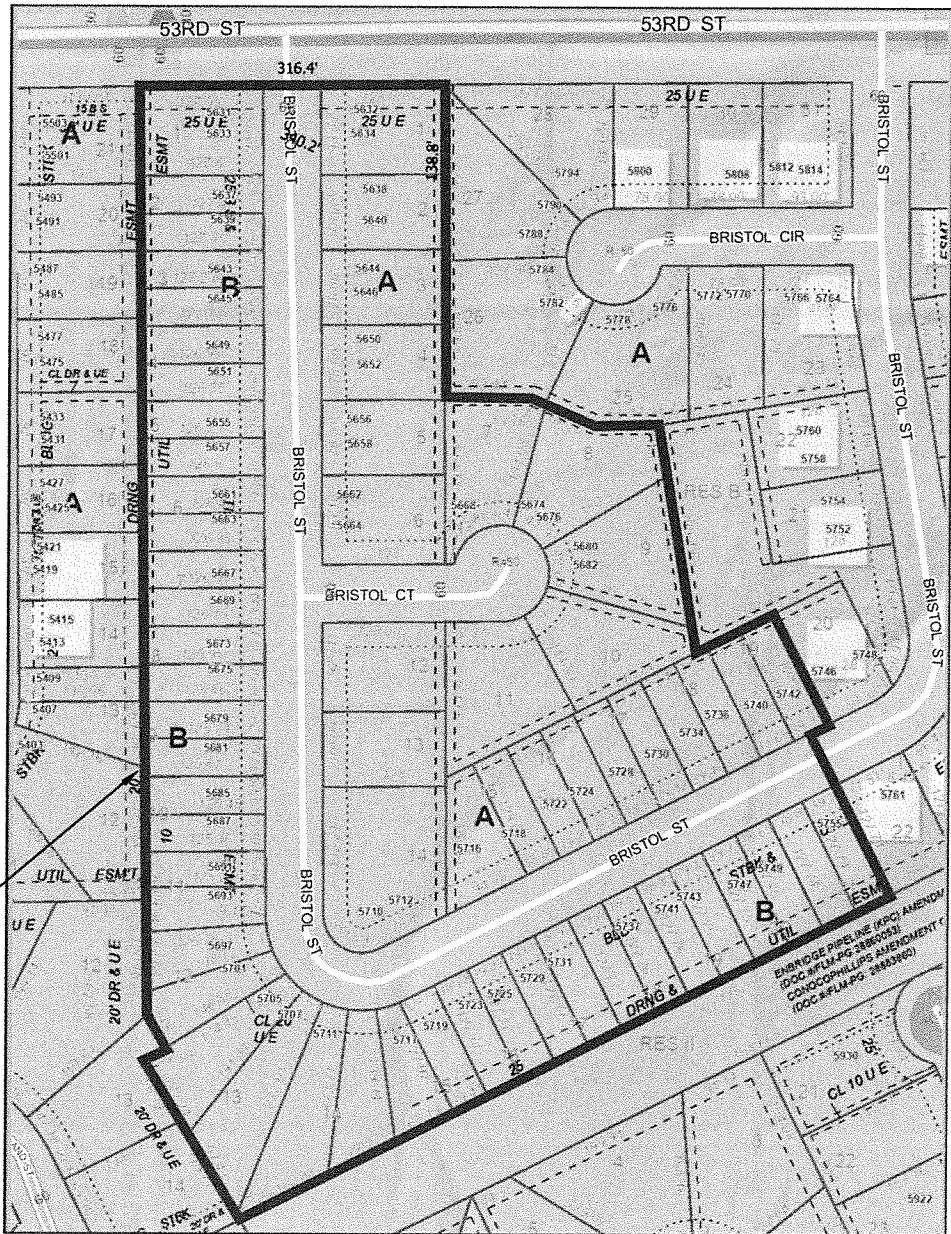
[Signature]
NOTARY PUBLIC

My Appointment Expires: Oct. 25, 2021

BRISTOL HOLLOWES ADDITION PUD



Proposed
PUD Area



PUD LEGAL DESCRIPTION

Lots 1-19, Block A
Lots 1-21, Block B
Bristol Hollowes, City of Bel Aire,
Sedgwick County, Kansas

PUD INFORMATION

Gross Area of PUD: 13.1 Acres
Total Number of Lots: 40
Total Number of Dwelling Units: 80
Predominant Lot Width: 78 feet
Minimum Lot Width: 25 feet (measured at setback)
Predominant Lot Area: 9,980 sf
Minimum Lot Area: 4,000 sf

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1995 Midfield Road
Wichita, KS 67209
(316) 264-8008

BRISTOL HOLLOWES PUD
City of Bel Aire
Sedgwick County, Kansas

PUD EXHIBIT

FIGURE NUMBER

SHEET NUMBER 1 of 1



OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
<p>Lots 1 thru 14 inclusive, Blk A AND Lot 15, Blk A, EXC that part begin at SW corner; th. N 142.61'; th. NEly 31.20'; th. SEly 128.01'; th. SWly 94.05' to begin AND That part of Lot 15, Blk A, begin at SW corner; th. N 142.61'; th. NEly 31.20'; th. SEly 128.01'; th. SWly 94.05' to begin AND Lot 16, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 39.29'; th. SEly 128.01'; th. SWly 39.29' to begin AND That part of Lot 16, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 39.29'; th. SEly 128.01'; th. SWly 39.29' to begin AND Lot 17, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 38.58'; th. SEly 128.01'; th. SWly 38.58' to begin AND That part of Lot 17, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 38.58'; th. SEly 128.01'; th. SWly 38.58' to begin AND Lot 18, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 39.46'; th. SEly 128.01'; th. SWly 39.46' to begin AND That part of Lot 18, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 39.46'; th. SEly 128.01'; th. SWly 39.46' to begin Part of Subject Property</p>	<p>Bristol Hollows Addition</p>	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>



<p>Lot 19, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 38.65'; th. SEly 128.01'; th. SWly 38.65' to begin AND That part of Lot 19, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 38.65'; th. SEly 128.01'; th. SWly 38.65' to begin AND Lot 1, Blk B AND Lot 2, Blk B, EXC that part begin at NE cor; th. W 127.60'; th. S 39.35'; th. E 127.48'; th. N 39.35' to begin AND That part of Lot 2, Blk B, begin at NE cor; th. W 127.60'; th. S 39.35'; th. E 127.48'; th. N 39.35' to begin AND Lot 3, Blk B, EXC that part begin at NE cor; th. W 127.35'; th. S 38.48'; th. E 127.23'; th. N 38.48' to begin AND That part of Lot 3, Blk B, begin at NE cor; th. W 127.35'; th. S 38.48'; th. E 127.23'; th. N 38.48' to begin AND Lot 4, Blk B, EXC that part begin at NE cor; th. W 127.10'; th. S 39.33'; th. E 126.98'; th. N 39.33' to begin AND That part of Lot 4, Blk B, begin at NE cor; th. W 127.10'; th. S 39.33'; th. E 126.98'; th. N 39.33' to begin AND Lot 5, Blk B, EXC that part begin at NE cor; th. W 126.85'; th. S 38.63'; th. E 126.73'; th. N 38.63' to begin AND That part of Lot 5, Blk B, begin at NE cor; th. W 126.85'; th. S 38.63'; th. E 126.73'; th. N 38.63' to begin Part of Subject Property</p>	<p>“</p>	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
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<p>Lot 6, Blk B, EXC that part begin at NE cor; th. W 126.60'; th. S 39.18'; th. E 126.48'; th. N 39.18' to begin AND That part of Lot 6, Blk B, begin at NE cor; th. W 126.60'; th. S 39.18'; th. E 126.48'; th. N 39.18' to begin AND Lot 7, Blk B, EXC that part begin at NE cor; th. W 126.35'; th. S 38.56'; th. E 126.23'; th. N 38.56' to begin AND That part of Lot 7, Blk B, begin at NE cor; th. W 126.35'; th. S 38.56'; th. E 126.23'; th. N 38.56' to begin AND Lot 8, Blk B, EXC that part begin at NE cor; th. W 126.10'; th. S 39.42'; th. E 125.98'; th. N 39.42' to begin AND That part of Lot 8, Blk B, begin at NE cor; th. W 126.10'; th. S 39.42'; th. E 125.98'; th. N 39.42' to begin AND Lot 9, Blk B, EXC that part begin at NE cor; th. W 125.86'; th. S 38.58'; th. E 125.74'; th. N 38.58' to begin AND That part of Lot 9, Blk B, begin at NE cor; th. W 125.86'; th. S 38.58'; th. E 125.74'; th. N 38.58' to begin AND Lot 10, Blk B, EXC that part begin at NE cor; th. W 125.61'; th. S 39.50'; th. E 125.48'; th. N 39.50' to begin AND That part of Lot 10, Blk B, begin at NE cor; th. W 125.61'; th. S 39.50'; th. E 125.48'; th. N 39.50' to begin Part of Subject Property</p>	<p>"</p>	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
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<p>Lot 11, Blk B, EXC that part begin at NE cor; th. W 125.36'; th. S 36.51'; th. E 125.24'; th. N 36.51' to begin AND That part of Lot 11, Blk B, begin at NE cor; th. W 125.36'; th. S 36.51'; th. E 125.24'; th. N 36.51' to begin AND Lot 12, Blk B, EXC that part begin at NE cor; th. W 125.76'; th. S 62.58'; th. NEly 138.72'; th. Nly along curve to right 28.66' to begin AND That part of Lot 12, Blk B, begin at NE cor; th. W 125.76'; th. S 62.58'; th. NEly 138.72'; th. Nly alg curve to right 28.66' to begin AND Lot 14, Blk B, EXC that part begin at NW cor; th. SWly 237.61'; th. SEly 6.24'; th. NEly 102.41'; th. Nly 173.71'; th. W alg curve to right 27.45' to begin AND That part of Lot 14, Blk B, begin at NW cor; th. SWly 237.61'; th. SEly 6.24'; th. NEly 102.41'; th. Nly 173.71'; th. W alg curve to right 27.45' to begin AND Lot 15, Blk B, EXC that part begin at NW cor; th. Sly 139.34'; th. NEly 68.19'; th. NWly 127.92'; th. Wly alg curve to right 25.34' to begin AND That part of Lot 15, Blk B, begin at NW cor; th. Sly 139.34'; th. NEly 68.19'; th. NWly 127.92'; th. Wly alg curve to right 25.34' to begin Part of Subject Property</p>	<p>“</p>	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
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<p>Lot 16, Blk B, EXC that part begin at NW cor; th. SEly 127.77'; th. NEly 38.78'; th. NWly 127.77'; th. SWly 38.78' to begin AND That part of Lot 16, Blk B, begin at NW cor; th. SEly 127.77'; th. NEly 38.78'; th. NWly 127.77'; th. SWly 38.78' to begin AND Lot 17, Blk B, EXC that part begin at NW cor; th. SEly 127.77'; th. NEly 39.08'; th. NWly 127.77'; th. SWly 39.08' to begin AND Lot 18, Blk B, EXC that part begin at NW cor; th. SEly 127.76'; th. NEly 39.20'; th. NWly 127.76'; th. SWly 39.20' to begin AND That part of Lot 18, Blk B, begin at NW cor; th. SEly 127.76'; th. NEly 39.20'; th. NWly 127.76'; th. SWly 39.20' to begin AND Lot 19, Blk B, EXC that part begin at NW cor; th. SEly 127.76'; th. NEly 38.89'; th. NWly 127.75'; th. SWly 38.89' to begin AND That part of Lot 19, Blk B, begin at NW cor; th. SEly 127.76'; th. NEly 38.89'; th. NWly 127.75'; th. SWly 38.89' to begin AND Lot 20, Blk B, EXC that part begin at NW cor; th. SEly 127.75'; th. NEly 39.31'; th. NWly 127.75'; th. SWly 39.31' to begin AND That part of Lot 20, Blk B, begin at NW cor; th. SEly 127.75'; th. NEly 39.31'; th. NWly 127.75'; th. SWly 39.31' to begin Part of Subject Property</p>	"	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
<p>That part of Lot 17, Blk B, begin at NW cor; th. SEly 127.77'; th. NEly 39.08'; th. NWly 127.77'; th. SWly 39.08' to begin Part of Subject Property</p>	"	<p>Alexandria Rose Meyer 5729 E. Bristol St. Wichita, KS 67220</p>



Lot 21, Blk B, EXC that part begin at NW cor; th. SEly 127.74'; th. NEly 38.80'; th. NWly 127.74'; th. SWly 38.80' to begin AND That part of Lot 21, Blk B, begin at NW cor; th. SEly 127.74'; th. NEly 38.80'; th. NWly 127.74'; th. SWly 38.80' to begin Part of Subject Property	"	Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230
Lot 13, Blk B, EXC that part begin at N-most cor; th. SWly 174.45'; th. SEly alg curve to right 17.01'; th. SEly alg SWly line 72.24'; th. NEly 191.31'; th. NWly alg curve to right 25.07' to begin AND Lot 13, Blk B, begin at N-most cor; th. SWly 174.45'; th. SEly alg curve to right 17.01'; th. SEly alg SWly line 72.24'; th. NEly 191.31'; th. NWly alg curve to right 25.07' to begin Part of Subject Property	"	Logan Caldarrera & Ciera Lampe 12828 E. Timber Lake Rd. Wichita, KS 67230
Lots 20 thru 29 inclusive, Blk A AND Lots 23 thru 26 inclusive, Blk B	"	NexPoint SFR SPE 3, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Lot 22, Blk B	"	NexPoint SFR SPE 1, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Reserve B	"	3F2R Holdings, LLC 323 N. Oakwood Dr. Wichita, KS 67208
Lot 20, Blk J	Chapel Landing Addition	Lynn & Jeanette A. Parker 5934 Forbes Ct. Wichita, KS 67220
Lot 21, Blk J	"	April Michaelis 5930 Forbes Ct. Wichita, KS 67220
Lot 22, Blk J	"	Chapel Landing Development, Inc. 3530 N. Beach Club Cir. Wichita, KS 67205



Reserve HH AND Reserve II	“	Woodlawn 53, LLC 3530 N. Beach Club Cir. Wichita, KS 67205
Lot 11, Blk A, EXC that part begin at SE cor; th. W 81.75'; th. NWly 142.29'; th. NEly 24.57'; th. SEly 180.6' to begin	Chapel Landing 3rd Addition	Laura R. Stevenson Revocable Trust 5393 N. Nolen St. Wichita, KS 67220
That part of Lot 11, Blk A, begin at SE cor; th. W 81.75'; th. NWly 142.29'; th. NEly 24.57'; th. SEly 180.6' to begin AND Lot 12, Blk A	“	Neighbor Realty, LLC 13008 E. Churchill St. Wichita, KS 67230
Lot 13, Blk A, EXC that part begin at SE cor; th. NWly 142.16' to curve; th. NEly alg curve 23.94'; th. E 130.06' to E line of said Lot 13; th. S 69.38' to begin	“	Erik M. Swenson (Prior–Corbin Hamilton) 5409 N. Colburn Ct. E. Bel Aire, KS 67220
That part of Lot 13, Blk A, begin at SE cor; th. NWly 142.16' to curve; th. NEly alg curve 23.94'; th. E 130.06' to E line of said Lot 13; th. S 69.38' to begin	“	Corbin Hamilton 1018 N. Wisteria Dr. Derby, KS 67037
Lots 14 thru 19 inclusive, Blk A	“	Buckert Contracting, Inc. PO Box 780405 Wichita, KS 67278
Lot 20, Blk A	“	Diony Paillant 5493 N. Colburn Ct. E. Bel Aire, KS 67220
Lot 21, Blk A	“	Chan Nghi Tu & Lang T. Le 2028 S. Michelle St. Wichita, KS 67207
Lot 22, Blk A	“	Supreme Construction, LLC 13303 W. Maple, Ste. 139 Wichita, KS 67235



Lot 35, Blk A	"	Northwind Real Estate Holdings, LLC 4050 N. Stone Barn St. Maize, KS 67101
Lots 36 thru 40 inclus, Blk A	"	JP Rentals, Inc. PO Box 399 Maize, KS 67101
Reserve C	"	53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
Lots 3, 4, & 5, Blk A AND Lots 10 thru 14 inclusive, Blk A	Chapel Landing 5th Addition	Woodlawn 53, LLC 3530 N. Beach Club Cir. Wichita, KS 67205
Lots 11 thru 16 inclusive, Blk A	Chapel Landing 6th Addition	TW Renovations, LLC 1815 S. Southwest Blvd. Wichita, KS 67213
The E/2 of the SW/4, 13-26-1E		Kirby Kay Smith Family Trust 5650 E. 53rd St. N. Kechi, KS 67067
The SW/4 of the SE/4, EXC the S 440' of the E 495' thereof; & EXC comm 1,230' N of SW corner of SE/4 for p.o.b.; th. N 90'; th. E 475'; th. S 90'; th. W 475' to begin, 13-26-1E		Teresa McNeil & Brian McNeil PO Box 39 Kechi, KS 67067
The S 440' of the E 495' of the W/2 of the SE/4, 13-26-1E		McNeil Properties, LLC PO Box 39 Kechi, KS 67067

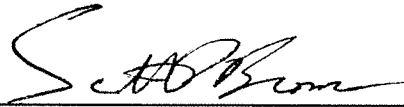


Security 1st Title

Section VII, Item A.

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of July, 2024, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER

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

Lots 1 through 19 inclusive, Block A; and Lots 1 through 21 inclusive, Block B, all in Bristol Hollows Addition, City of Bel Aire, Sedgwick County, Kansas.

Order: 3089829
KJK

From: Philip Ruffo <lipllc316@gmail.com>
Sent: Thursday, October 24, 2024 7:34 AM
To: Paula Downs <PDowns@belaireks.gov>
Cc: Maria Schrock <mschrock@belaireks.gov>
Subject: Re: Bristol Hollows PUD Case

Section VII, Item A.

[External Sender]

This list is accurate, however, there is just ONE more owner. See his information below:

Mason Suntheimer
5747 Bristol St
Bel Aire, KS 67220

Legal:

TH PT LOT 20 BEG NW COR TH SELY 127.75 FT NELY 39.31 FT NWLY 127.75 FT SWLY 39.31 FT TO POB BLOCK B BRISTOL HOLLOWES ADDITION
LOT 20 EXC TH PT BEG NW COR TH SELY 127.75 FT NELY 39.31 FT NWLY 127.75 FT SWLY 39.31 FT TO POB BLOCK B BRISTOL HOLLOWES ADDITION

STAFF REPORT

DATE: 11/07/2024

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

STAFF COMMUNICATION

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

SUMMARY:

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

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

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

History

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

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

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

Discussion

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

1. Character of the neighborhood

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

2. Zoning and uses of nearby properties

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

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

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

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

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

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

2008 to 2024, 16 years.

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

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

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

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

8. Impact of the proposed development on community facilities

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

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

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

10. Recommendations of permanent staff

The proposed PUD agreement should be modified as follows:

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

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

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

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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

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

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

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

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

DATED this 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 24th day of October, 2024, with subsequent publications being made on the following dates:

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

Ce 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:

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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: _____



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. Fedje 5349 N. Pinecrest Ct. Wichita, KS 67220
Lot 8, Blk E Part of Subject Property	"	Michael & Tiffany Schmidt 5341 N. Pinecrest Ct. Wichita, KS 67220



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



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



<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
--	---	---

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

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

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of July, 2024, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER

Order: 3090509
KJK

PUD Application
Signature Page

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

Lanell Wagnon

PO Box 736 Coldwater KS, 67029

Cleo D. Fedje

5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt

5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore

5326 N Pinecrest St, Bel Aire, KS 67220

5328 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

5304 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez

5304 N Pinecrest St, Bel Aire, KS 67220

5302 N Pinecrest St, Bel Aire, KS 67220

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

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220



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

5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust

4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber

5279 N Pinecrest Ct, Bel Aire, KS 67220

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William J & Kathryn Kelly

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Authentisign

Darris Taliaferro & Vanessa Benitez

5304 N Pinecrest St, Bel Aire, KS 67220

Authentisign

Authentisign

Peter Sourinthone

09/18/24

Authentisign

Phaengsy Sourinthone

09/17/24

Authentisign

Fongsamouth Sourinthone

09/18/24

Authentisign

Saythong Sourinthone

09/17/24

Authentisign

Saymork Sourinthone

09/18/24

Authentisign

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

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

82

PUD Application
Signature Page

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Authentisign


Vamsidhar Reddy Patlolla

09/18/24

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

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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

Jack M Weller

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

Lesa A Weller

dotloop verified
09/13/24 8:49 PM CDT
AWXJ-IVOR-ME72-SHRE

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust

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Michael & Tiffany Schmidt

5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore

5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly

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

Kathryn Kelly

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

William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez

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 09/13/24

Michael & Tiffany Schmidt

 09/13/24

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Vamsidhar Patlolla

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PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez

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5295b N Pinecrest St, Bel Aire, KS 67220

iram r nam

5290 N Pinecrest Ct, Bel Aire, KS 67220

Mary & Matthew Montanez

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Jack M & Lesa A. Weller

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Andrea F. Adeyanju Trust



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PUD Application
Signature Page

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Julie Docena, Michael Dale, & Judy Docena Moore

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Bill Kelly

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

Kathryn Kelly

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

William J & Kathryn Kelly

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5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

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

Tram Pham

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Authenti
[Darris Taliaferro] 09/06/24

Authenti
[Vanessa Benitez] 09/06/24

Darris Taliaferro & Vanessa Benitez

5304 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
LaNell Wagnon 09/06/24

LaNell Wagnon

PO Box 736 Coldwater KS, 67029

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Authentisign
Andrea F Adeyanju 09/05/24

Andrea F. Adeyanju Trust

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City of Bel Aire

STAFF REPORT

DATE: 11/07/2024

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

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

SUMMARY:

PUD-24-02 & SD-24-03 Proposed a Platting and 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).

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. Housing elevations and floor plans documents are included as presented at the September 12, 2024, Planning Commission Meeting. The following documents have been updated to incorporate the preliminary drainage concept requiring a reduction in the number of lots:

- Preliminary drainage concept (updated)
- Preliminary Sidewalk plan (new document-not previously provided)
- Utilities plan (new document- not previously provided)
- Homestead at Spring PUD documents (sheets 1-3)
- Preliminary plat documents (sheets 1–3)
- Site phase plan (new document- not previously provided)

PUD-24-02 & SD-24-03 appeared on the October 10, 2024, Planning Commission agenda. Meeting was not held due to failing to have a quorum.

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.

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.

PUD includes the following parcel descriptions:

- Parcel A- will remain zoned as C-1 Commercial;
- Parcel B- will remain zoned R-4 Residential- Single Family with 66 dwelling units, with the condition that no manufactured homes are allowed;
- Parcel C- shall change zoning from R-4 to R-5- Two-Family with 104 dwelling units;
- Parcel D- shall change zoning from R-4 to R-6: with the condition that requires the applicant to submit a detailed site plan for Parcel D to the Planning Commission prior to issuing building permits. Parcel is anticipating 272 dwelling units.

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. The senior housing south is a low impact residential multi-family use.

2. 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; and
- West-R-4 Ranch, Farm, Agriculture.

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

2006 to 2024, 18 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

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.

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

City has installed a new lift station and water, and sewer has been modeled for that area. City has purchased water rights from the rural water district. City planned for the development of this area.

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)

City staff met with an adjacent property owner explaining the zone change for the PUD. Property owners had not objection.

During September 12, 2024, Planning Commission meeting, Jeff Englert, spoke to the Planning Commission. Mr. Englert's concerns are reflected in the meeting minutes provided.

10. Recommendations of permanent staff

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 are shown with the house elevations, expectations are the landscaping would meet the zoning code requirements of each zoning district within the PUD. Sidewalk routes are acceptable as presented. On street parking and onsite parking, be reviewed for the final PUD. The drainage design is acceptable for the density of the developed areas.

Applicant will submit site plans for Planning Commission approval for Parcel D prior to building permits being issued.

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 HEARINGS

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 and platting hearings 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-24-02.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.
Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General Location: North and east of E 53rd St N and N Oliver.

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:

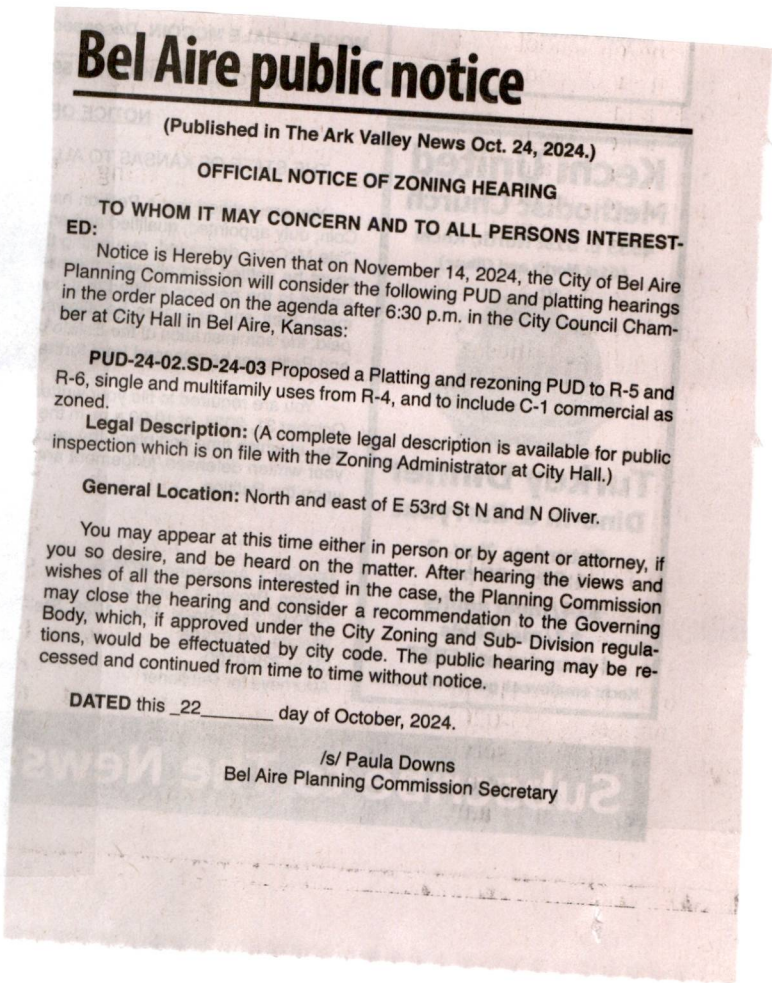
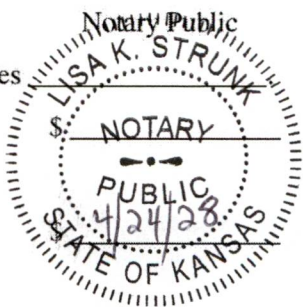
_____ , 2024	_____ , 2024
_____ , 2024	_____ , 2024
_____ , 2024	_____ , 2024

[Signature]

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

[Signature]

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



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.

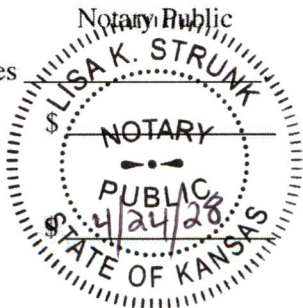
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 22nd day of August, 2024, with subsequent publications being made on the following dates:

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

Chris Strunk
Subscribed and sworn to before me this 22nd day of August, 2024.

Lisa K. Strunk

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



Bel Aire public notice
(Published in The Ark Valley News Aug. 22, 2024.)
OFFICIAL NOTICE OF ZONING HEARING
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
Notice is Hereby Given that on September 12, 2024, the City of Bel Aire Planning Commission will consider the following PUD and platting hearings 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-24-02.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.
Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)
General Location: North and east of E 53rd St N and N Oliver.
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 August, 2024.
/s/ Anne Stephens
Bel Aire Planning Commission Secretary



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



PRELIMINARY PLAT/ PUD REVIEW

Address of proposed project: Homestead at Spring housing development

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:

The application was modified to reflect total 141 lots and additional information was provided by the deadline. One draft received appears to show 111 and another shows 145, all parcels listed in the application are in Bel Aire.

Final draft review below:

-
- Everygy and Onegas were contacted, Everygy responded with street light placement information, Onegas had no requests.
 - Bel Aire's City Engineer can be reached for drainage and utility comments, this review doesn't contain any requirements that may result.
 - The property is currently zoned C-1 commercial and R-4 residential. The PUD is requested based on the two versions of the plat received to reduce lot size in width and depth from the R-4 residential. Is the request to increase lot coverage over 30% or have a reduced size yard less than 10? Is there any changes to the C-1 Commercial zoned district? Does the metes and bounds zoned C-1 district match the proposed platted lot?
 - Preliminary plat doesn't list the zoning of surrounding parcels. Homestead Senior development should be shown as R-6 (some maps may show an error); Englert Addition is R-4, west is R-4, and Chapel Landing is R-4.

- It appears that the townhouse examples exceed the lot width of some of the lots proposed. Townhouse 1.1 appears to be over 1,300 square foot per unit main floor. Is there a plan to split lots or have a zero-lot line development? Is the single family proposed in phase 1 townhouses that meet building code standards of 2-hour firewall?
 - What is the minimum house square footage requested? R-4 requires 1,600 s.f. single family, duplex can be 1,200 s.f. per unit. Some of the examples indicate basements will be provided.
 - Provide the revisions and information in paper form and digital form by September 4th.
-
- <http://www.belaires.ky.citycode.net/> is the link to find the requirements for platting and zoning.

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 _____
- ☐ Preliminary PUD _____ ☒ Preliminary PUD with plat/ zoning
- ☐ Final PUD _____ ☐ Final PUD with plat/ zoning

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.

ATTN: ALAN HSU ALANHSU@GMAIL.COM

1. Applicant ENVISION MANAGEMENT LLC Phone 316-992-3866
Address 14726 E 9TH ST N, WICHITA, KS Zip Code 67230

Agent GARVER, ATN: KEN LEE KWLEE@GARVERUSA.COM Phone 316-221-3029
Address 1995 MIDFIELD RD, WICHITA, KS Zip Code 67209

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.

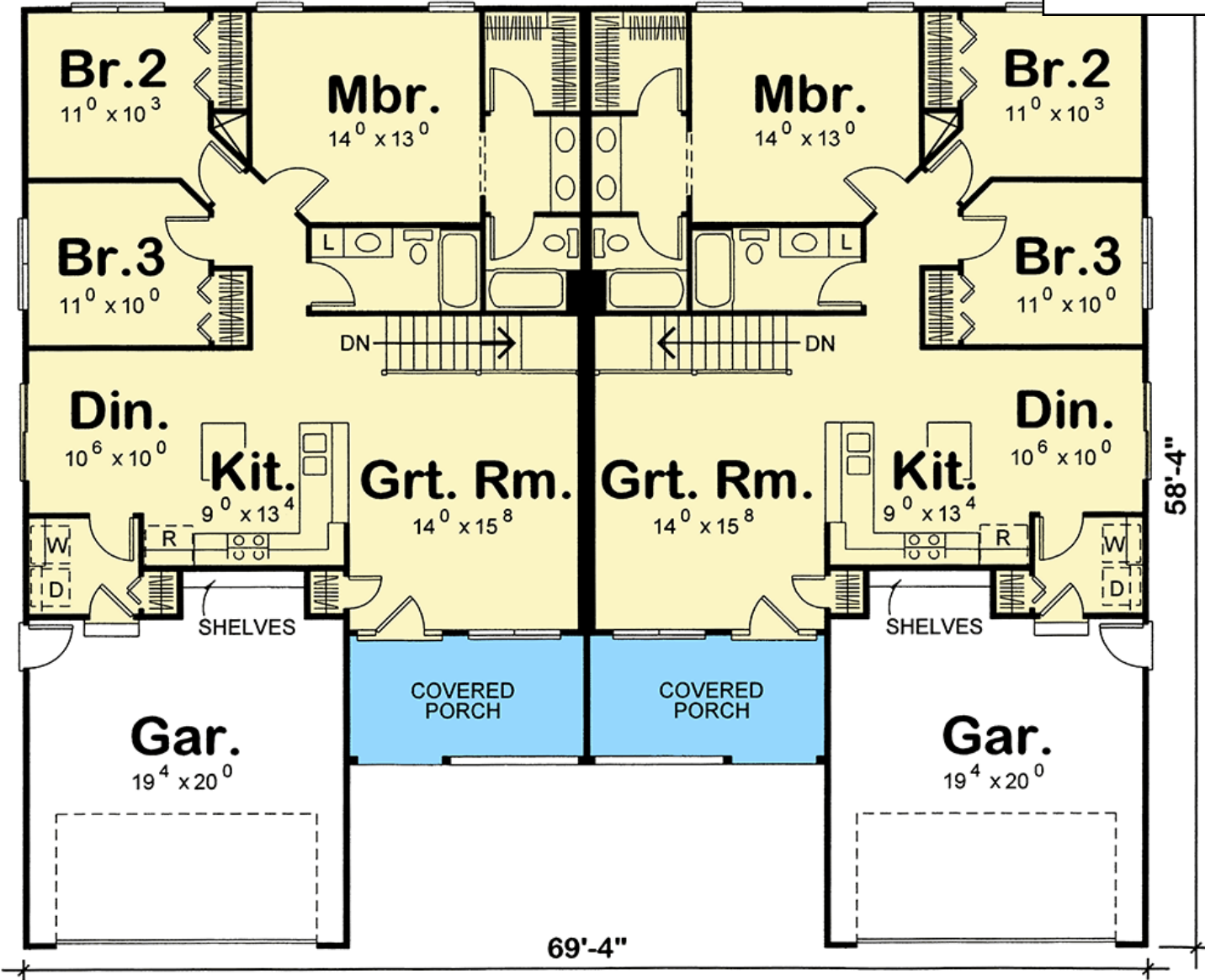
Alan Hsu
Applicant's Signature

BY

Authorized Agent (If Any)

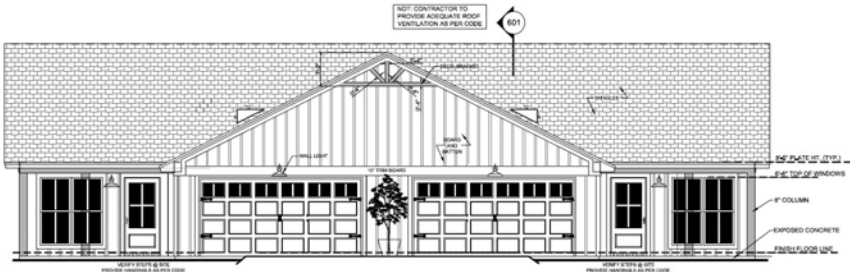
The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.



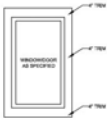




- EXTERIOR ELEVATION NOTES:
1. CONTRACTOR TO VERIFY ALL WINDOW AND DOOR STYLES AND SIZES WITH OWNER PRIOR TO CONSTRUCTION.
 2. PROVIDE STEPS AND GUARD RAILS AS PER CODE BASED ON SITE CONDITIONS.
 3. GROUND LINES SHOWN FOR REFERENCE ONLY AND ON VARY DEPENDING ON SITE CONDITIONS.
 4. ALL FINISH MATERIALS TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.
 5. REFER TO TYPICAL WALL DETAIL FOR FRAMING METHODS AND OTHER MISC. INFORMATION.
 6. CONTRACTOR TO PROVIDE ADEQUATE ROOF VENTILATION AS REQ'D BY CURRENT CODES.
- REV. 07.28.22



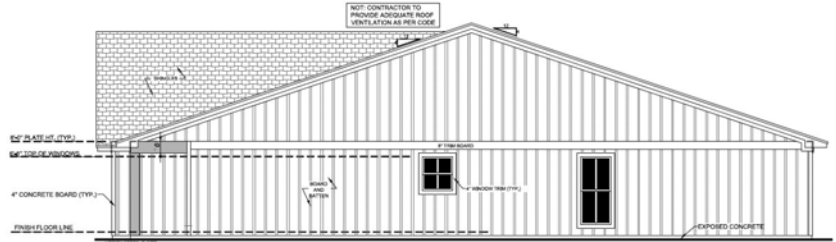
401 FRONT VIEW
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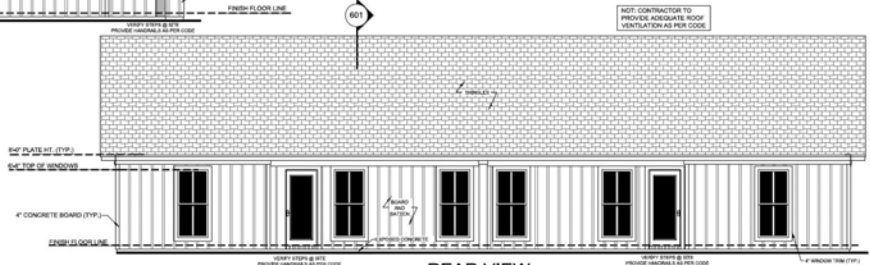
405 TYPICAL TRIM DETAIL
SCALE: 1/2"===== 1'-0"



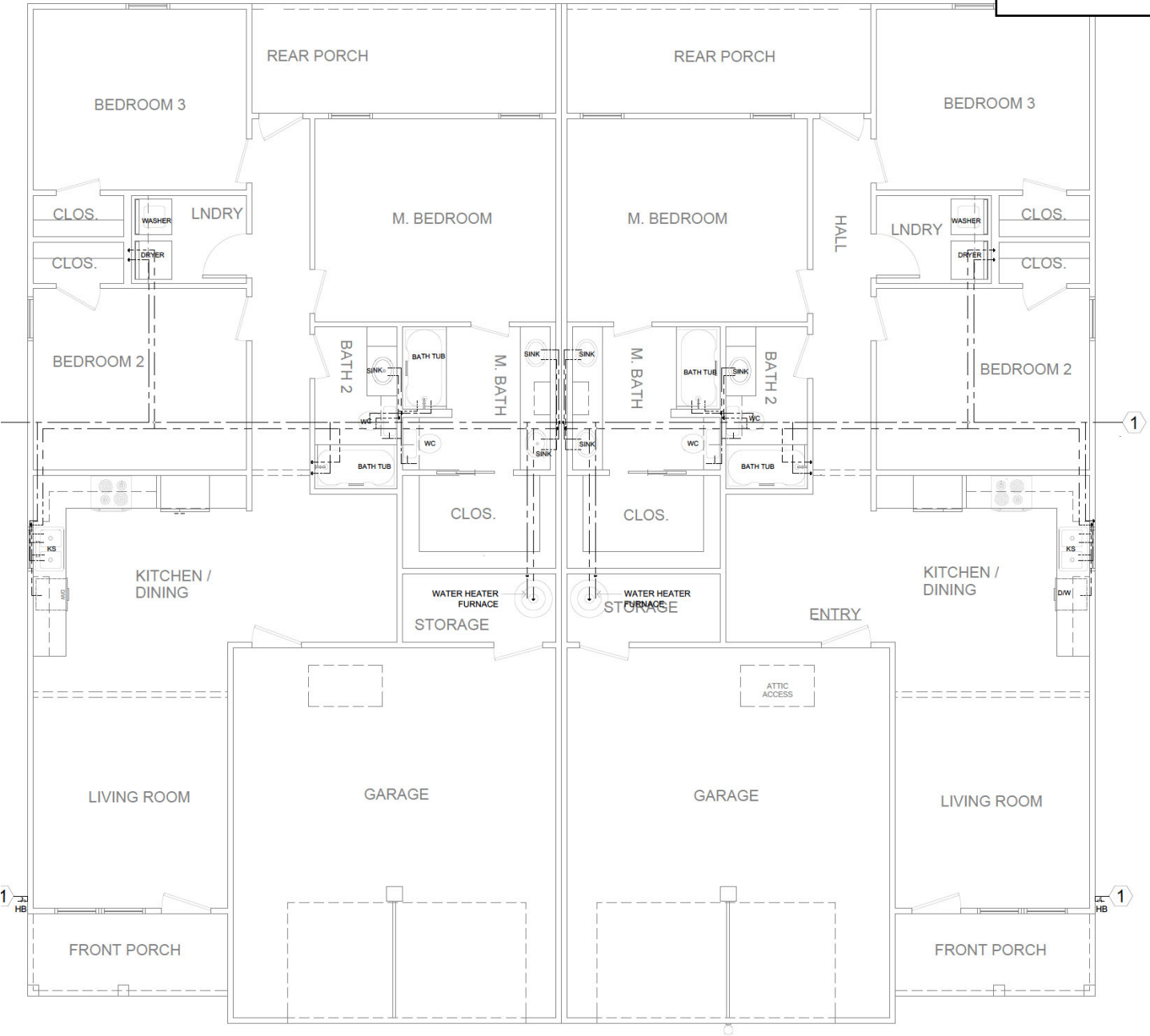
403 LEFT VIEW
SCALE: 1/4"===== 1'-0"

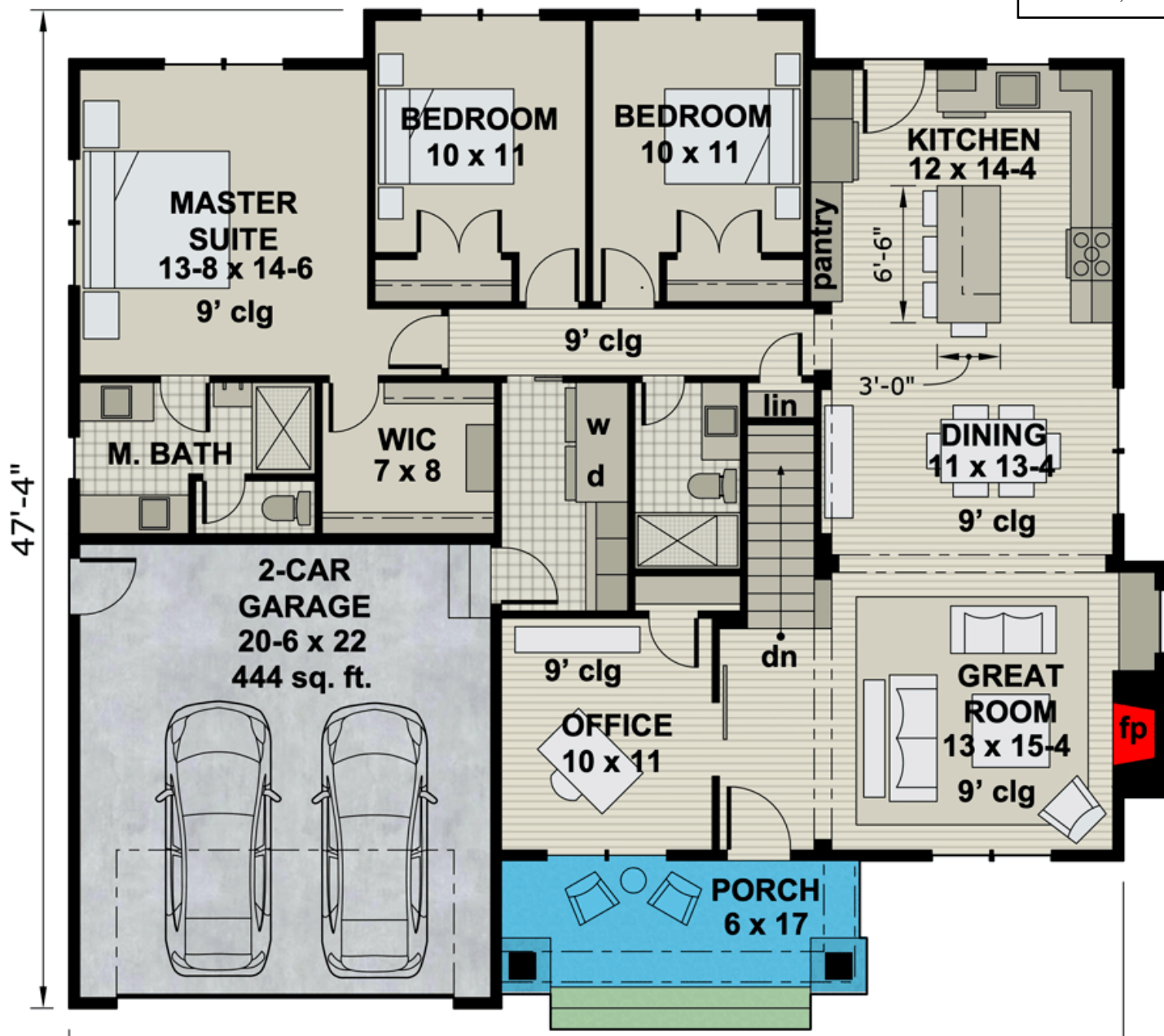


402 RIGHT VIEW
SCALE: 1/4"===== 1'-0"

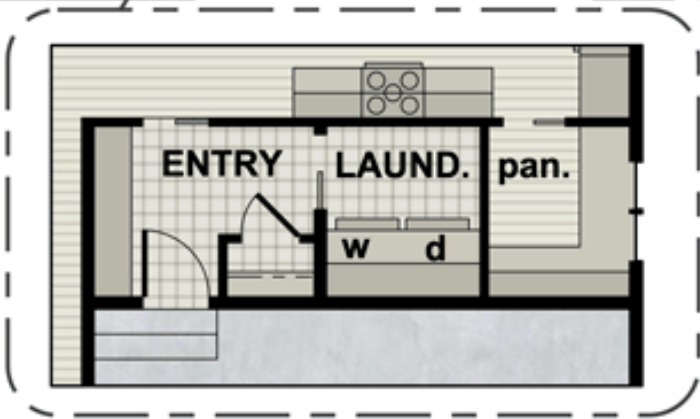
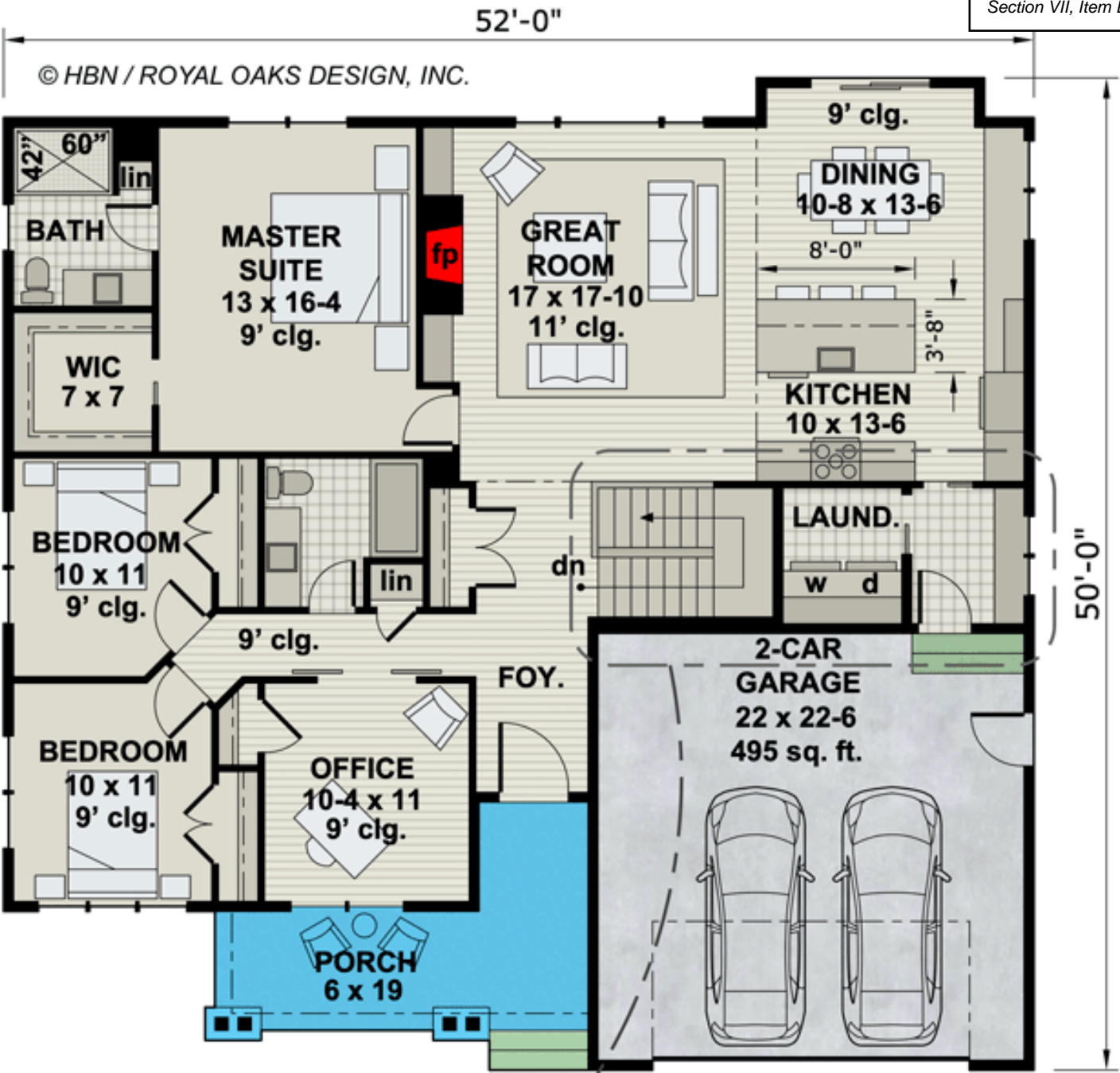


404 REAR VIEW
SCALE: 1/4"===== 1'-0"







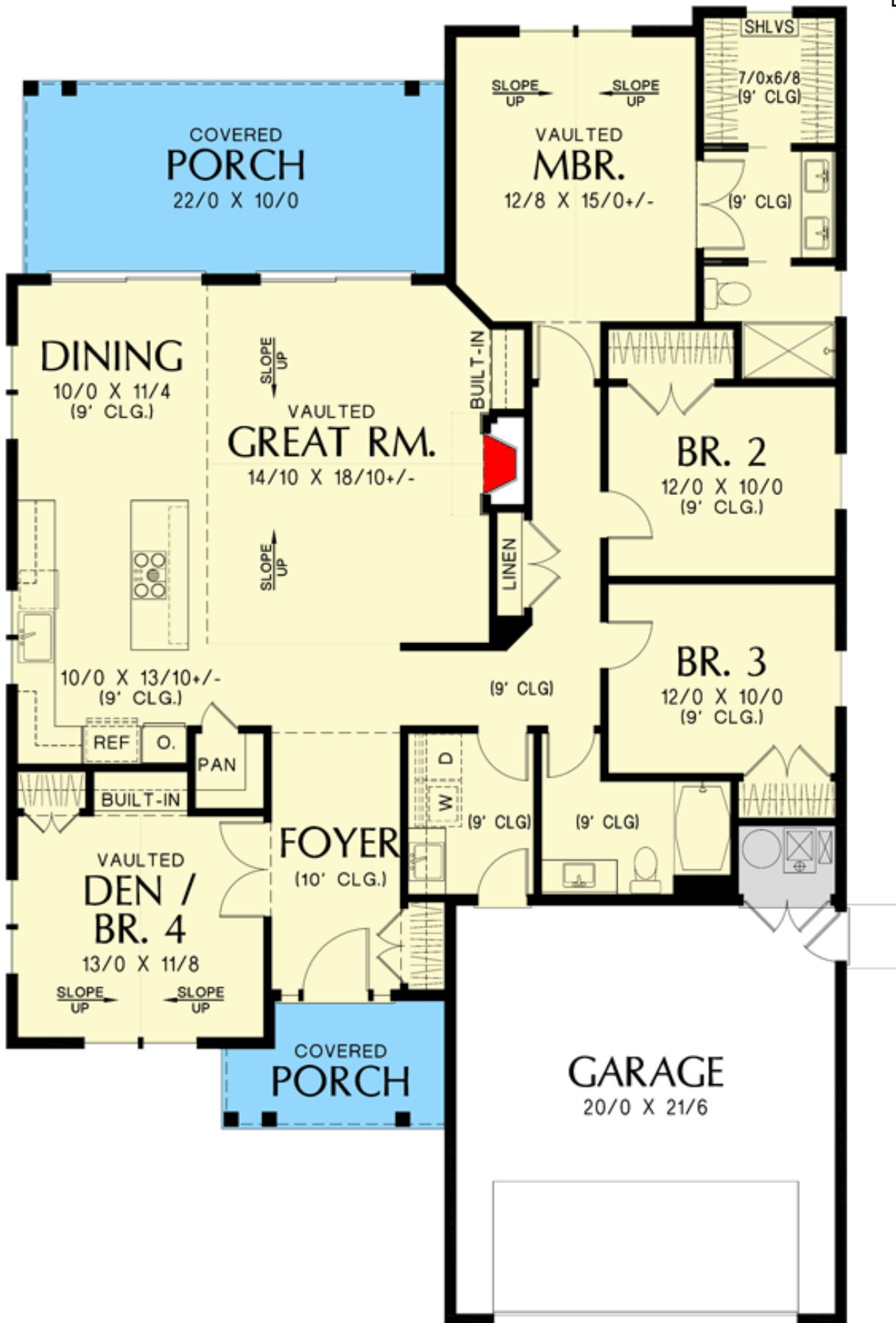


SLAB & CRAWSPACE





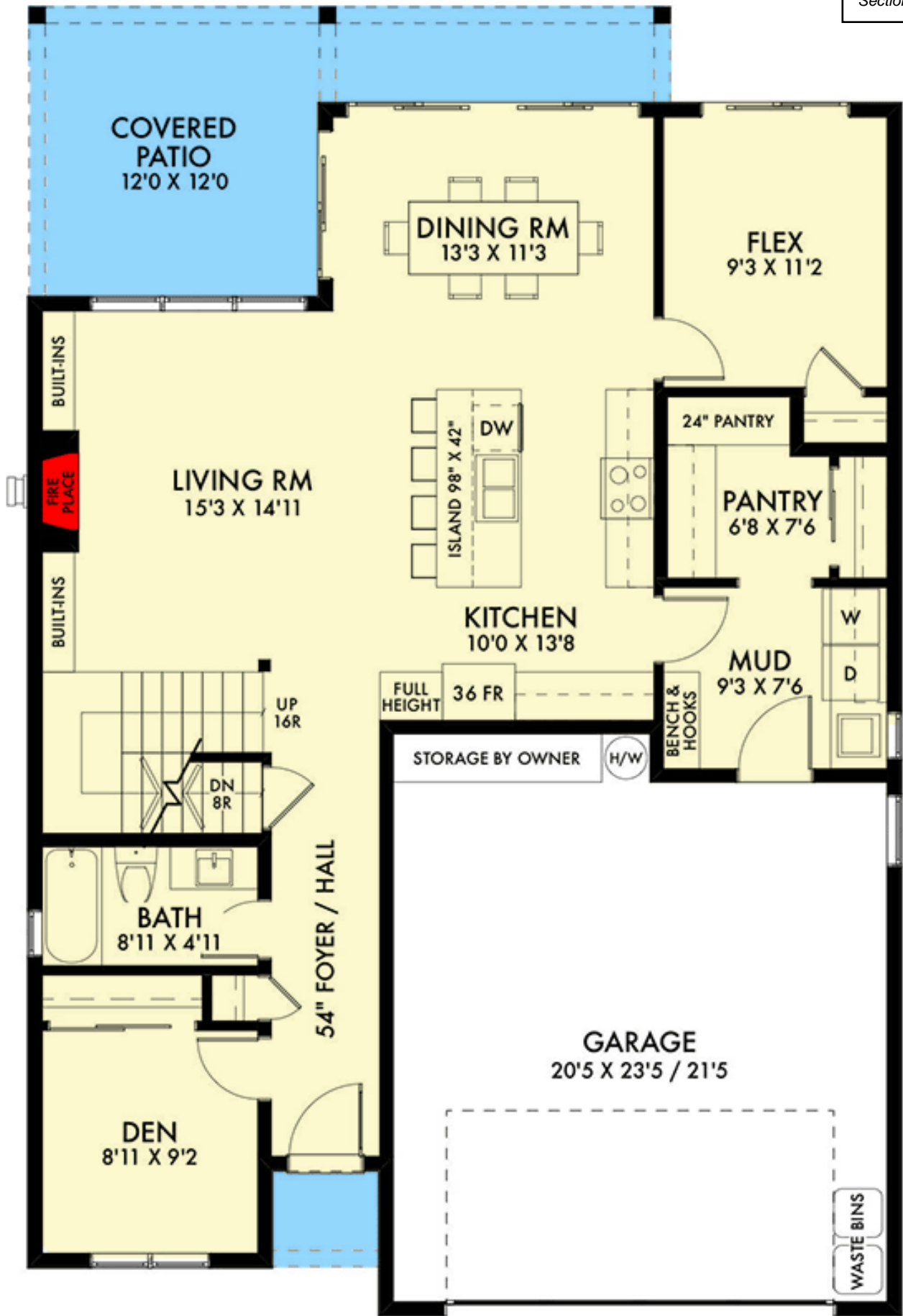


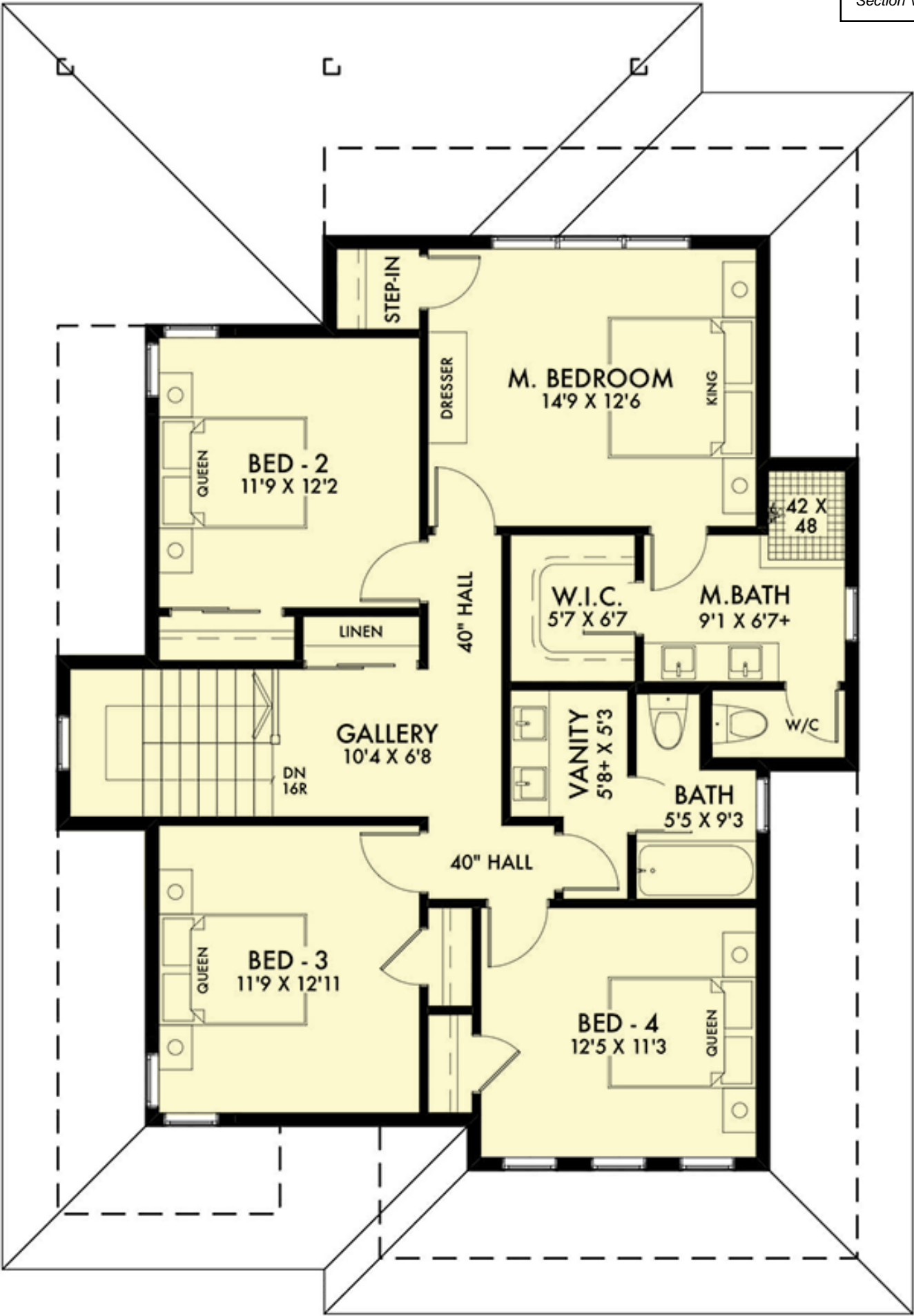




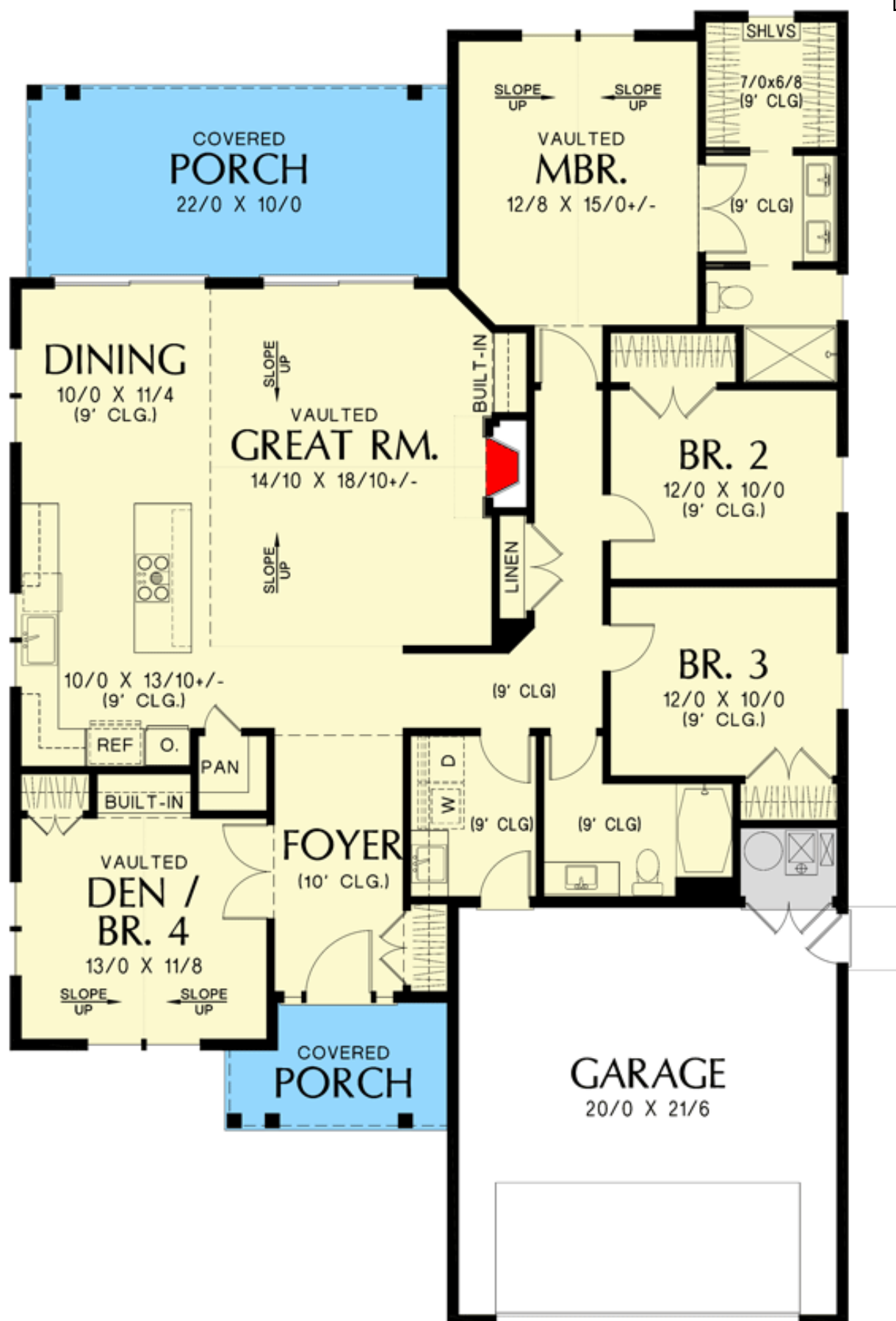












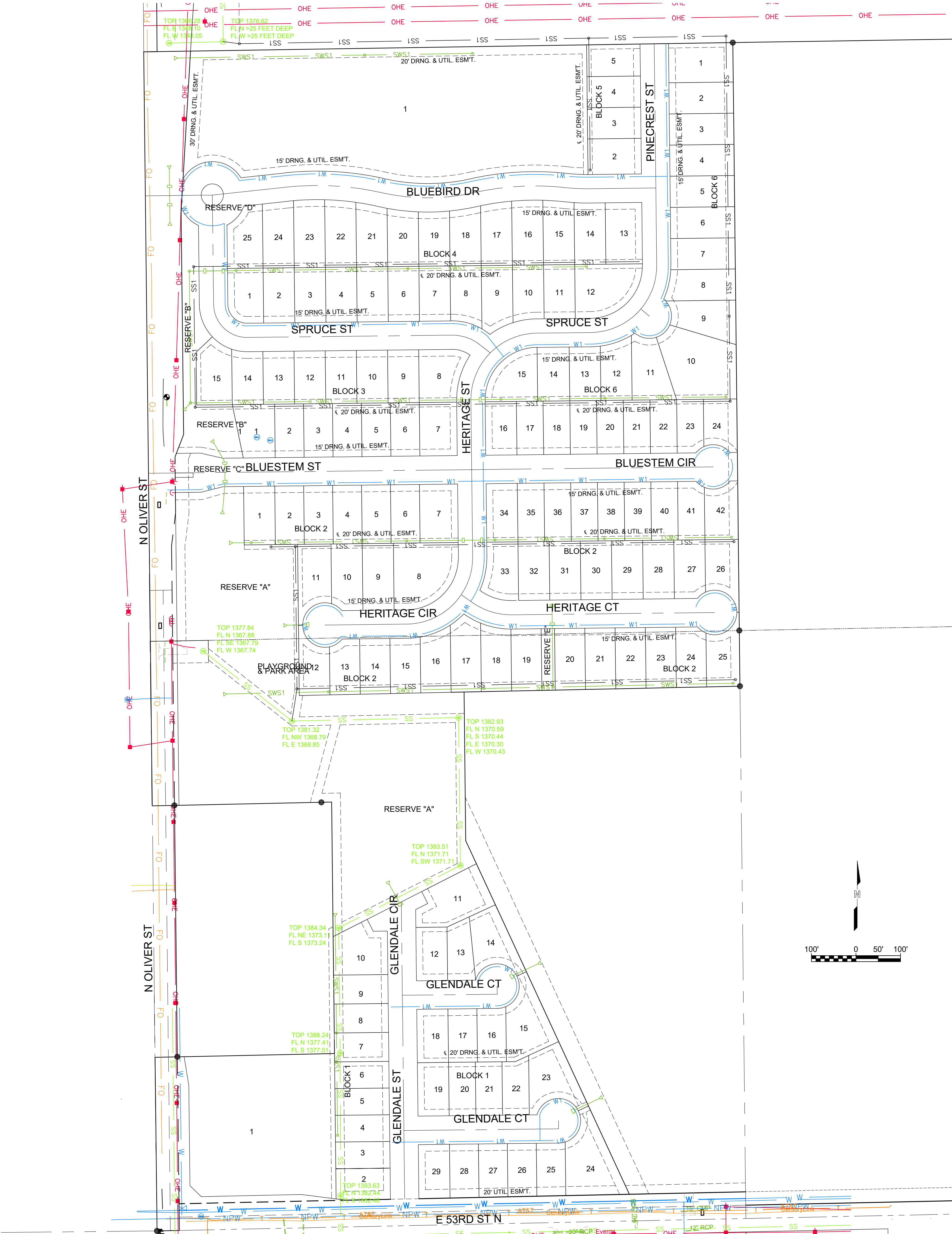




Utility Plan

HOMESTEAD AT SPRING

Bel Aire, Sedgwick County, Kansas



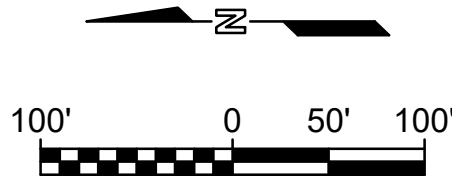
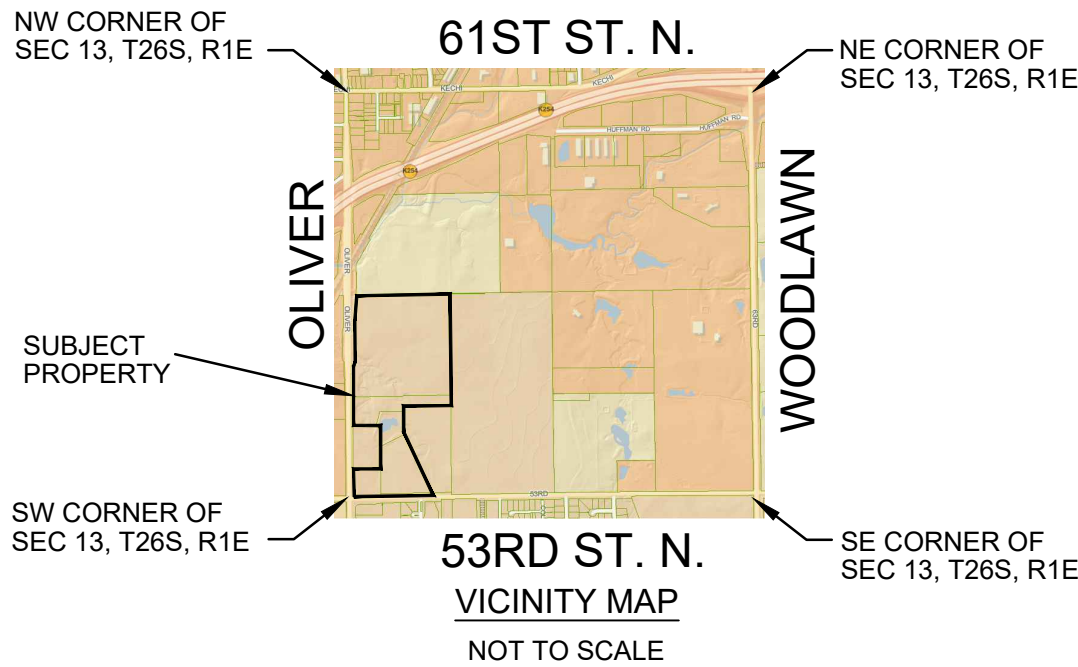


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AGREEMENT FOR THIS WORK.

1995 Midfield Road
Wichita, KS 67206
(316) 264-8008

PRELIMINARY SIDEWALK PLAN
**HOMESTEAD AT
SPRING**

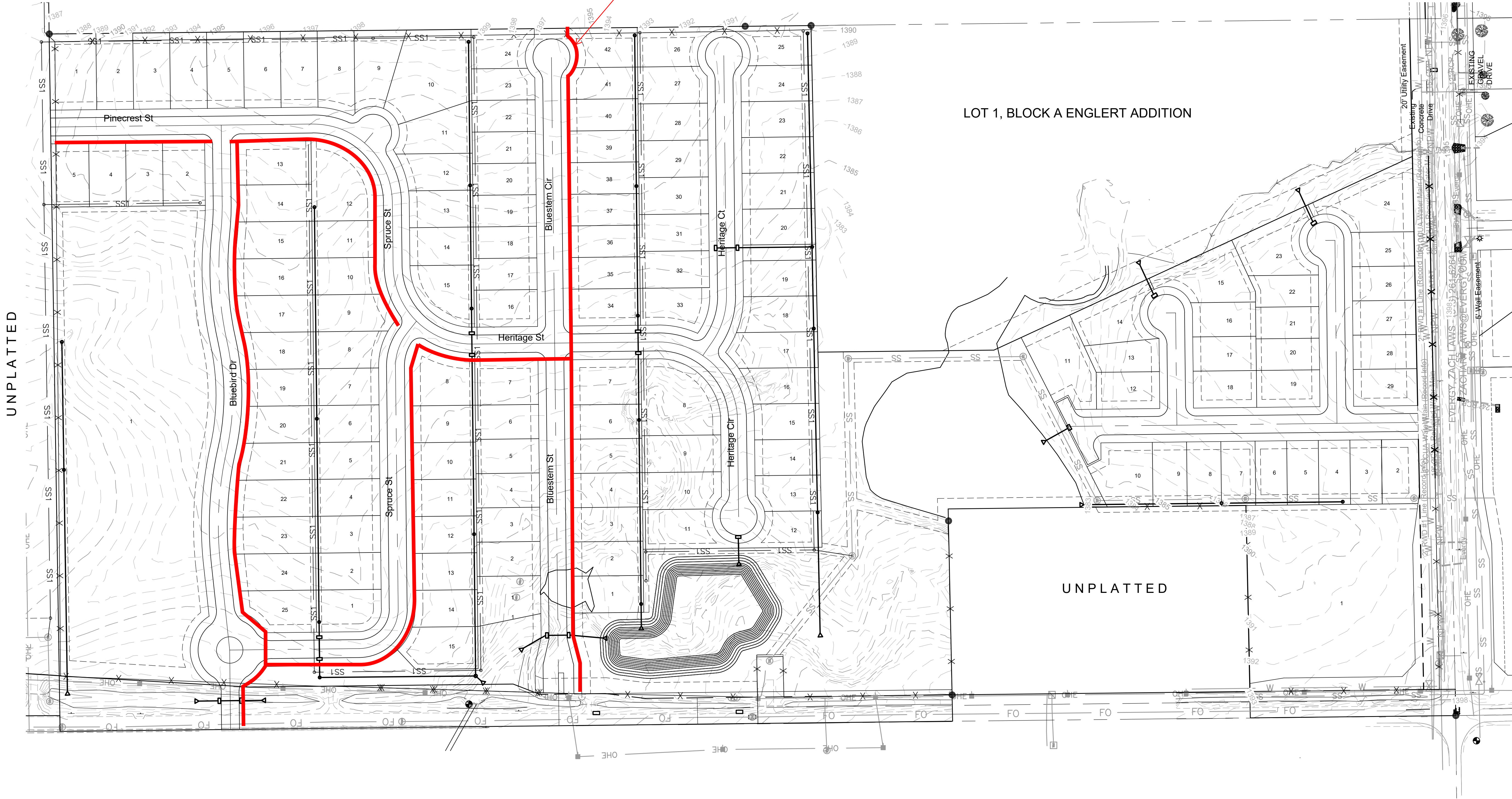
Bel Aire, Sedgwick County, Kansas



UNPLATTED

Proposed Sidewalk

LOT 1, BLOCK A ENGLERT ADDITION



REV.	DATE	DESCRIPTION	BY

CITY OF BEL AIRE
BEL AIRE, KANSAS

www.belaires.gov

HOMESTEAD AT SPRING

Preliminary
Sidewalk Plan

JOB NO.: 2400521
DATE: 9/30/2024
DESIGNED BY: .
DRAWN BY: MCP

BAR IS ONE INCH ON
ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER

SHEET
NUMBER 1 OF 1



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1995 Midfield Road
Wichita, KS 67206
(316) 264-8008

REV.	DATE	DESCRIPTION	BY



CITY OF BEL AIRE
BEL AIRE, KANSAS

HOMESTEAD AT SPRING

Drainage
Concept

JOB NO.: 2400521
DATE: 9/30/2024
DESIGNED BY: .
DRAWN BY: MCP

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER

SHEET
NUMBER 1 OF 1

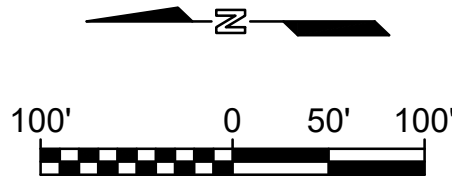
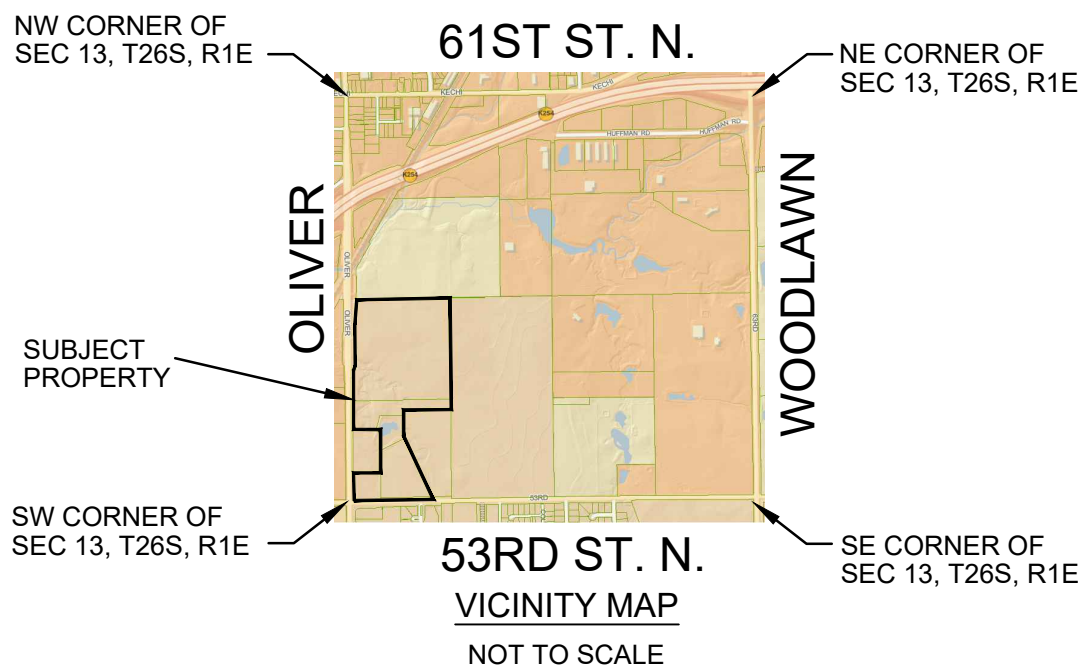
PRELIMINARY DRAINAGE CONCEPT

HOMESTEAD AT
SPRING

Bel Aire, Sedgwick County, Kansas

NOTES

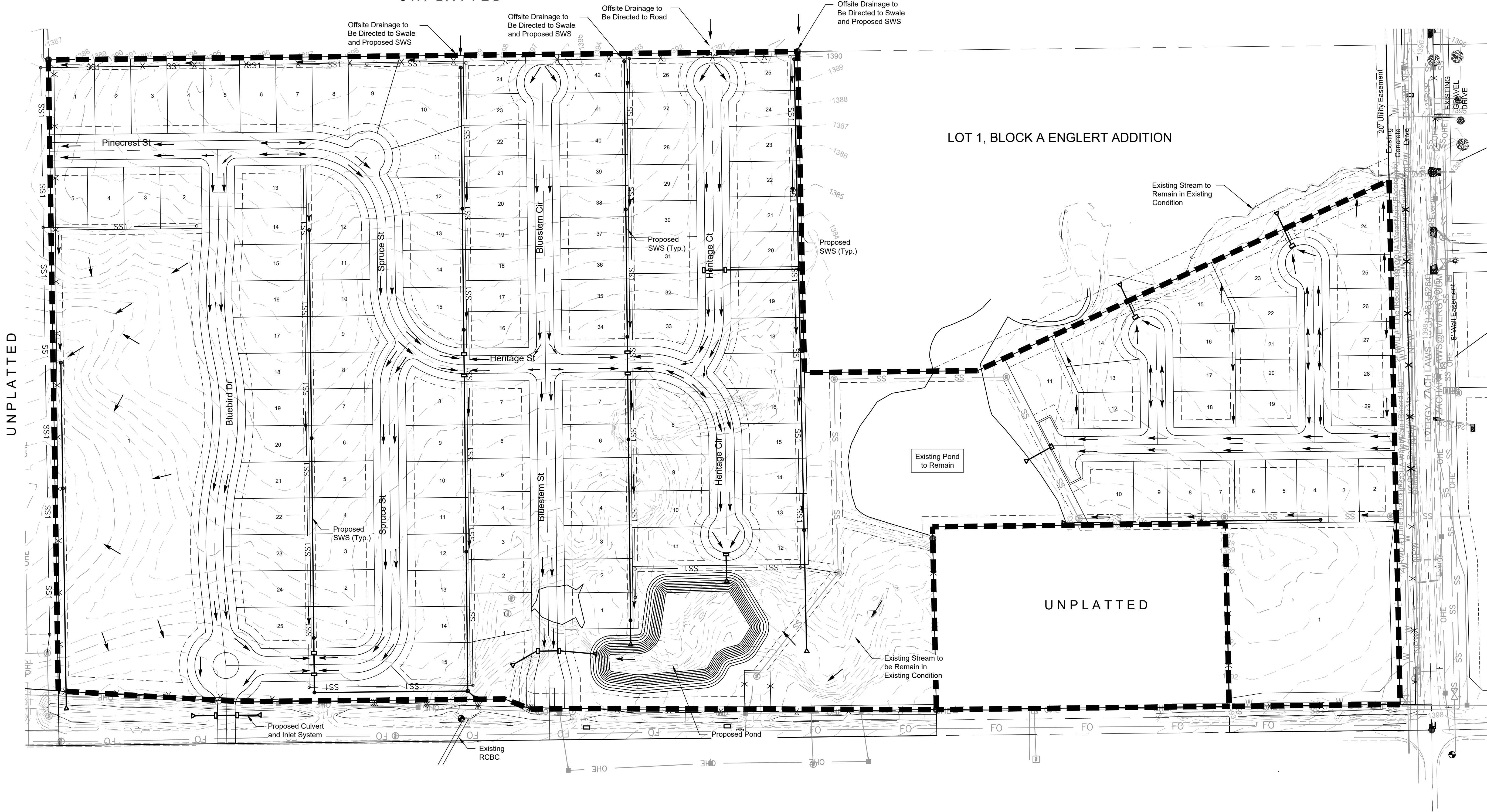
1. The onsite soils are primarily Clime Silty Clay (Hydrologic Group D) north of the onsite pond and Farnum Loam (Hydrologic Group B) south of the pond. A Soil Map will be provided in supplementary information with Final Plat.
2. Roadway improvements, storm sewer and culverts to be installed in this development must comply with City of Bel Aire design standards.
3. The proposed detention pond will detain developed flows to at or below pre-developed levels.
4. The storm sewer for the apartment Complex area (Lot 1, Block 6) will be designed at the time of the development of that lot.



UNPLATTED

LOT 1, BLOCK A ENGLERT ADDITION

UNPLATTED



Preliminary Plat

HOMESTEAD AT SPRING

Bel Aire, Sedgwick County, Kansas

LEGAL DESCRIPTION:
Parcel 1:
The N1/2 of the W1/2 of the SW1/4 of Section 13, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, TOGETHER WITH the S1/2 of the W1/2 of said SW1/4, EXCEPT the north 565.00 feet of the south 955.00 feet of the west 403.00 feet thereof, AND EXCEPT that part platted as Englert, Bel Aire, Sedgwick County, Kansas, AND EXCEPT that part dedicated to the City of Bel Aire for road right-of-way purposes on Doc#/Flm-Pg: 30277676.

Parcel 2:
Lot 2, Block A, and Reserve A, Englert, Bel Aire, Sedgwick County, Kansas.

Parcel 3:
The South 1,320 feet of the NW1/4, except for the Railroad right-of-way, and except the East 660 feet (calculated as to except the E1/2 of the E1/2 of said NW1/4) and except that part taken in Condemnation Case B-19603 and except the West 30 feet for road, in Section 13, T26S, R1E of the 6th P.M., Sedgwick County, Kansas.

OWNER:
Envision Management LLC, a Kansas limited liability company
Ollie E. Thomison
Stephanie R. Thomison
Oscar W. Thomison
AH Property Management LLC, a Kansas limited liability company

Attn: Alan Hsu
Ph. (316) 992-8866
alanchsu@gmail.com

SURVEYOR & ENGINEER:
Garver, LLC

EXISTING ZONING:
Property to the northeast is zoned SF-5. Subject property and the rest of the surrounding property is zoned SF-20. Existing use is agricultural

PROPOSED ZONING:
PUD

FLOOD ZONE:
According to the FEMA/FIRM Map No. 20173C0217G, effective December 22, 2016; the property shown hereon is located in Zones AE and X

GROSS AREA:
2,696,861 Sq. Ft.±
61.91 Acres±

DATE OF TOPOGRAPHY:
JANUARY, 2024

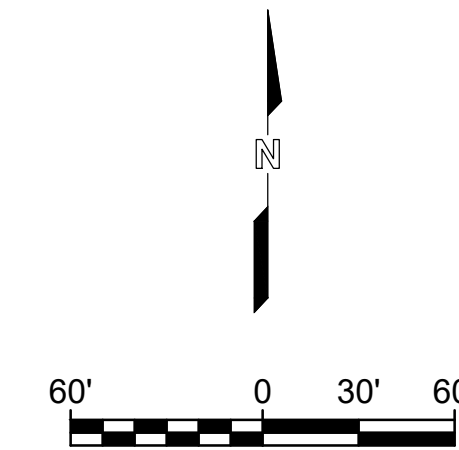
Know all men by these presents that we, the undersigned, have caused the land described in the surveyor's certificate to be platted into Lots, Blocks, Reserves and Streets, to be known as "Homestead at Spring", Bel Aire, Sedgwick County, Kansas. The utility easements are hereby granted to the public as indicated for the construction and maintenance of all public utilities. The drainage easements are hereby granted to the public as indicated for drainage purposes. The drainage & utility easements are hereby granted to the public as indicated for drainage purposes and for the construction and maintenance of all public utilities. The sewer easements are hereby granted to the public as indicated for the construction and maintenance of all sewer facilities. The Access Easements are hereby granted to the Homeowners Association for the construction and maintenance of pedestrian paths for use of the residents. No sign, light poles, private drainage systems, berms, walls masonry trash enclosures or other structures shall be located within public utility easements unless permitted by the City of Bel Aire Department of Engineering and that they do not inhibit the conveyance of surface drainage. No private drainage systems shall be located within public drainage easements unless a Residential Drainage Relief Permit is obtained from the City of Wichita Public Works & Utilities Department. Access Controls as indicated are hereby granted to the appropriate governing body. Reserves "A" and "B" are hereby reserved for irrigation, walls, signage, walks, lighting, landscaping, berms, park improvements, lakes, a club house, swimming pool, drainage, drainage structures, and utilities confined to easements. Reserves "C" and "D" are hereby reserved for entry features, landscaping, irrigation, signage, lighting, street improvements, drainage, drainage improvements and utilities confined to easements. The Reserves are to be owned and maintained by the Home Owners Association for the addition, their successors and/or assigns.

DWG FILE: T41-2301734 SURVEY BASE
PROJECT NO. T41-2301734
OCTOBER 1, 2024

GARVER
GARVER
1995 MIDFIELD RD.
Wichita, KS 67209
(316) 264-8008
www.GarverUSA.com



Preliminary Plat
**HOMESTEAD AT
SPRING**
Bel Aire, Sedgwick County, Kansas



LEGEND	
	BUILDING SETBACK LINE
	FENCE
	SANITARY SEWER (CITY OF BEL AIRE)
	OVERHEAD ELECTRIC (EVERGY)
	UNDERGROUND TELEPHONE (AT&T)
	UNDERGROUND FIBER OPTIC (AT&T)
	WATER MAIN
	NON POTABLE WATER
	AIR RELEASE VALVE
	FIRE HYDRANT
	WATER VALVE BOX
	WATER METER
	POTABLE WATER WELL
	SIGN
	TELEPHONE PEDESTAL
	TELEPHONE JUNCTION BOX
	FIBER OPTIC MANHOLE
	POWER POLE (EVERGY)
	GUY ANCHOR
	MAILBOX
	SANITARY SEWER MANHOLE
	SANITARY SEWER VALVE
	SANITARY SEWER LIFT STATION
	BENCHMARK

UNPLATTED
OWNER:
KIRBY KAY SMITH FAMILY TRUST

Lot 1, Block A, Englert Addition
OWNER:
Jeffery J. & Mary K. Englert

Preliminary Plat
**HOMESTEAD AT
SPRING**
Bel Aire, Sedgwick County, Kansas



UNPLATTED
OWNER:
KIRBY KAY SMITH FAMILY TRUST

LEGEND	
	BUILDING SETBACK LINE
	FENCE
	SANITARY SEWER (CITY OF BEL AIRE)
	OVERHEAD ELECTRIC (EVERGY)
	UNDERGROUND TELEPHONE (AT&T)
	UNDERGROUND FIBER OPTIC (AT&T)
	WATER MAIN
	NON POTABLE WATER
	AIR RELEASE VALVE
	FIRE HYDRANT
	WATER VALVE BOX
	WATER METER
	POTABLE WATER WELL
	SIGN
	TELEPHONE PEDESTAL
	TELEPHONE JUNCTION BOX
	FIBER OPTIC MANHOLE
	POWER POLE (EVERGY)
	GUY ANCHOR
	MAILBOX
	SANITARY SEWER MANHOLE
	SANITARY SEWER VALVE
	SANITARY SEWER LIFT STATION
	BENCHMARK

HOMESTEAD AT SPRING PUD

BEL AIRE, SEDGWICK COUNTY, KANSAS

OWNER, APPLICANT AND AGENT

Owner:
Envision Management LLC, a Kansas limited liability company

Applicant:
AH Property Management LLC, a Kansas limited liability company
Sole Member: Alan Hsu
Ph. (316) 992-8866
alanchsu@gmail.com

Agent:
Garver, LLC
Engineer: Ken Lee
Ph. (316) 221-3029
KWLee@GarverUSA.com

Land Surveyor: Will Clevenger
Ph. (316) 221-3027
WKClevenger@GarverUSA.com

PARCEL INFORMATION

Gross Acreage - 60.45 Acres
Total Number of Lots - 140
Total Number of Dwelling Units - 442
Unit Density - 7.31 Dwelling Units per acre
Minimum Lot Width - 60'
Minimum Lot Area - 7,200 SF
Sedgwick County Control Numbers - 520984, 557498, 30005870, 30005871

PROPOSED IMPROVEMENTS

New roads will be paved with curb and gutter

EASEMENTS

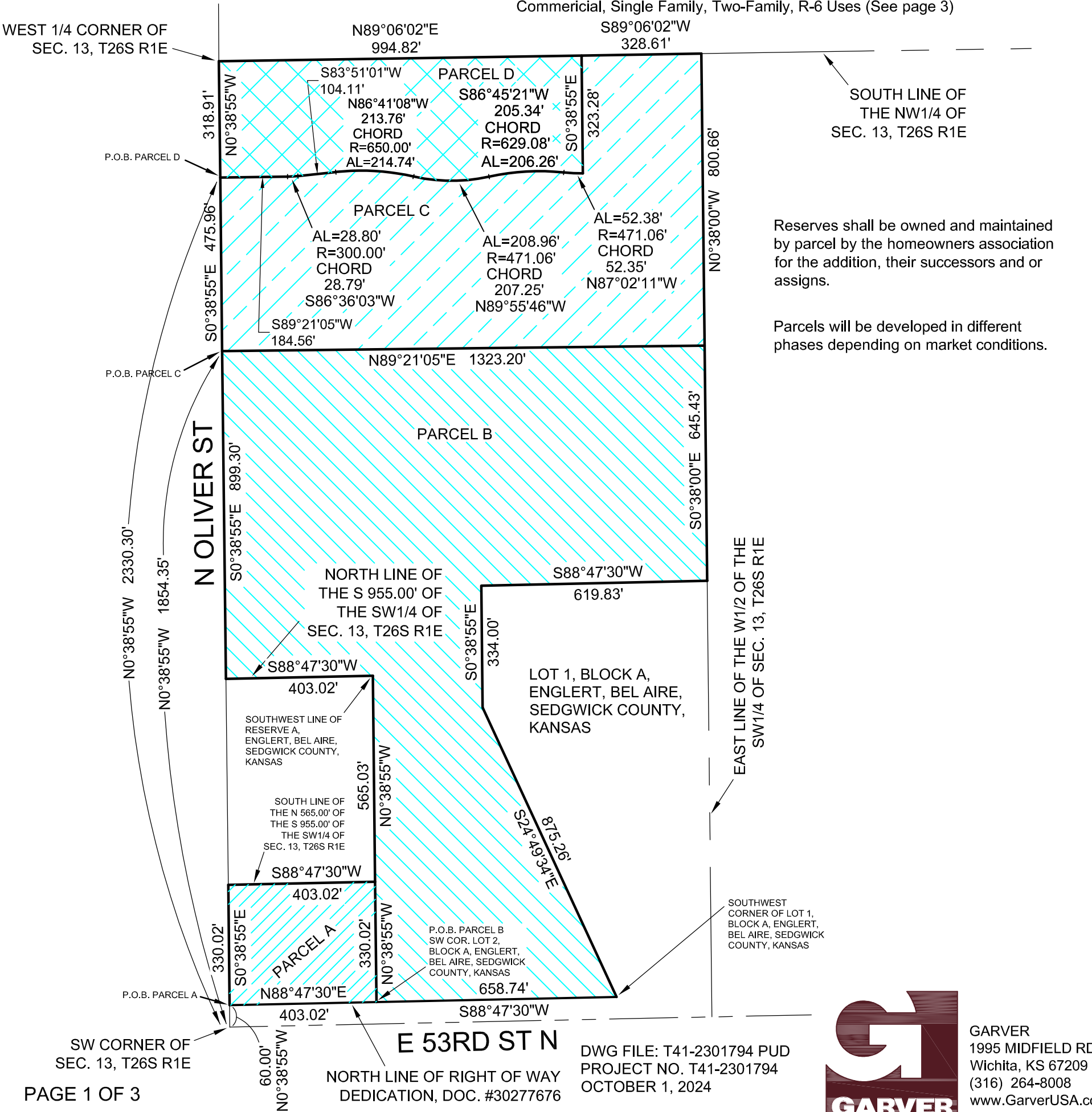
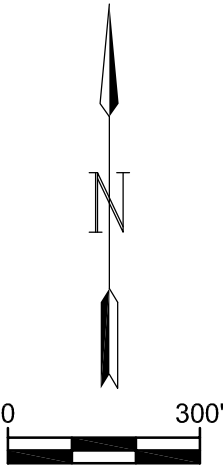
Unless otherwise noted on the final plat:
Front Easements - 15' Utility Easements
Rear Easements - 20' Drainage & Utility Easements

BUILDING SETBACK LINES

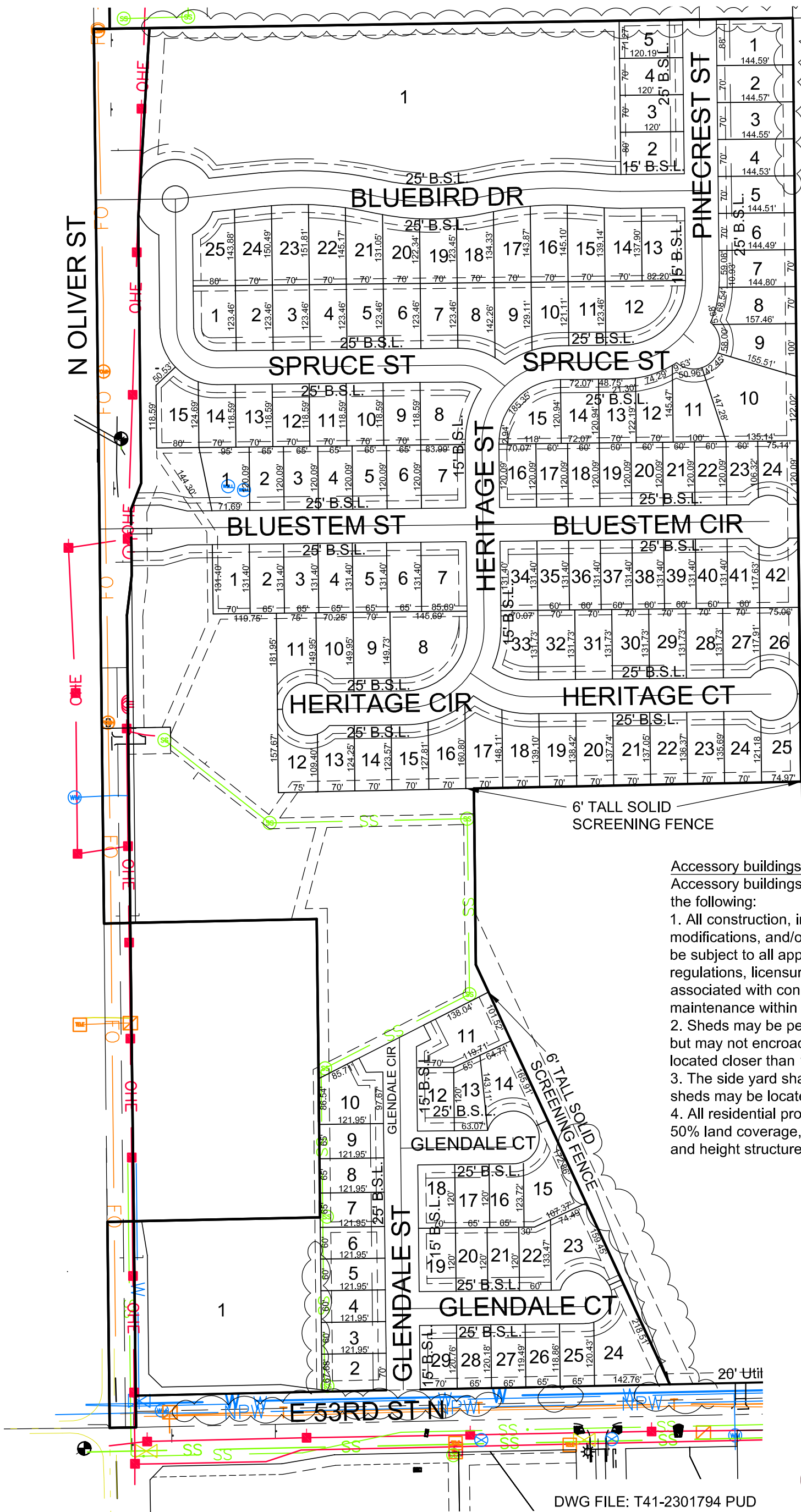
Unless otherwise noted, all building setbacks are as follows:
Front Setbacks are 25 feet
Street Side Setbacks are 15 feet
Interior Side Setbacks are 6 feet
Rear Setbacks are 20 feet

ALLOWED USES

Commercial, Single Family, Two-Family, R-6 Uses (See page 3)



HOMESTEAD AT SPRING PUD BEL AIRE, SEDGWICK COUNTY, KANSAS



Accessory buildings
Accessory buildings are allowed on all lots, subject to the following:

1. All construction, including additions, alterations, modifications, and/or use of any detached shed, shall be subject to all applicable governmental laws, codes, regulations, licensure, permitting and inspection associated with construction and property maintenance within the City of Bel Aire, Kansas.
2. Sheds may be permitted upon a rear set back line but may not encroach upon any easement, or be located closer than 10' to a rear property line.
3. The side yard shall be maintained at 6 feet, and no sheds may be located within a side yard setback.
4. All residential properties shall have no more than 50% land coverage, as well as conform to the type and height structure restrictions.



HOMESTEAD AT SPRING PUD BEL AIRE, SEDGWICK COUNTY, KANSAS

PARCEL DESCRIPTIONS

Parcel A - Commercial

Allowed uses : All uses permitted in the C-1 zoning district.

Landscaping requirements per the C-1 zoning district.

Description:

That part of the SW1/4 of Section 13, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, written by William K. Clevenger, PS-1437 on June 26, 2024, described as commencing at the southwest corner of said SW1/4; thence N00°38'55"W along the west line of said SW1/4, 60.00 feet to the place of beginning; thence N88°47'30"E, parallel with the south line of said SW1/4, 403.02 feet to the southwest corner of Lot 2, Block A, Englert, Bel Aire, Sedgwick County, Kansas; thence N00°38'55"W along the west line of said Lot 2, 330.02 feet to the south line of the north 565.00 feet of the south 955.00 feet of said SW1/4; thence S88°47'30"W along the south line of the north 565.00 feet of the south 955.00 feet of said SW1/4, 403.02 feet to said west line; thence S00°38'55"E along said west line, 330.02 feet to the place of beginning.

Parcel B - Single Family

Allowed uses : All single family uses permitted in the R-4 zoning district (NO Manufactured Homes allowed).

Landscaping requirements per the R-4 zoning district.

Number of Dwelling Units - 66

Description:

That part of the SW1/4 of Section 13, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, written by William K. Clevenger, PS-1437 on June 26, 2024, described as commencing at the southwest corner of said SW1/4; thence N00°38'55"W along the west line of said SW1/4, 60.00 feet; thence N88°47'30"E, parallel with the south line of said SW1/4, 403.02 feet to the southwest corner of Lot 2, Block A, Englert, Bel Aire, Sedgwick County, Kansas, for a place of beginning; thence N00°38'55"W along the west line of said Lot 2 and extended, 895.05 feet to a point of intersection on the west line of Reserve A in said Englert, also being the north line of the south 955.00 feet of said SW1/4; thence S88°47'30"W along said north line, 403.02 feet to the west line of said SW1/4; thence N00°38'55"W along said west line, 899.30 feet; thence N89°21'05"E, 1323.20 feet to the east line of the W1/2 of said SW1/4; thence S00°38'00"E along said east line, 645.43 feet to the northeast corner of Lot 1, Block A in said Englert; thence S88°47'30"W along the north line of said Lot 1, 619.83 feet to the northwest corner of said Lot 1; thence S00°38'55"E along the west line of said Lot 1, 334.00 feet to a point of intersection on the west line of said Lot 1; thence S24°49'34"E along the west line of said Lot 1, 875.26 feet to the southwest corner of said Lot 1; thence S88°47'30"W, parallel with the south line of said SW1/4, 658.74 feet to the place of beginning.

Parcel C - Two-Family

Allowed uses : All uses permitted in the R-5 zoning district.

Landscaping requirements per the R-5 zoning district.

Number of Dwelling Units - 104

Description:

That part of the W1/2 of Section 13, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, written by William K. Clevenger, PS-1437 on June 26, 2024, described as commencing at the southwest corner of the SW1/4 of said Section 13; thence N00°38'55"W along the west line of said SW1/4, 1854.35 feet to the place of beginning; thence N89°21'05"E, 1323.20 feet to the east line of the W1/2 of said SW1/4; thence N00°38'00"W along said east line, 800.66 feet to the south line of the NW1/4 of said Section 13; thence S89°06'02"W along said south line, 328.61 feet; thence S00°38'55"E, 323.28 feet to a non-tangent curve to the right, said curve having a radius of 471.06 feet; an arc length of 52.38 feet, chord bearing N87°02'11"W, 52.35 feet; thence westerly along said curve, 52.38 feet to a point of reverse curve of a curve to the left, said curve having a radius of 629.08 feet, an arc length of 206.26 feet, chord bearing S86°45'21"W, 205.34 feet; thence westerly along said curve, 206.26 feet to a point of reverse curve of a curve to the right, said curve having a radius of 471.06 feet, an arc length of 208.96 feet, chord bearing N89°55'46"W, 207.25 feet; thence westerly along said curve, 208.96 feet to a point of reverse curve of a curve to the left, said curve having a radius of 650.00 feet, an arc length of 214.74 feet, chord bearing N86°41'08"W, 213.76 feet; thence westerly along said curve, 214.74 feet to a point of tangency; thence S83°51'01"W, 104.11 feet to a point of curvature of a curve to the right, said curve having a radius of 300.00 feet, an arc length of 28.80 feet, chord bearing S86°36'03"W, 28.79 feet; thence westerly along said curve, 28.80 feet to a point of tangency; thence S89°21'05"W, 184.56 feet to a point on the west line of said SW1/4; thence S00°38'55"E along said west line, 475.96 feet to the place of beginning.

Parcel D - Multi-Family

Allowed uses : All uses permitted in the R-6 zoning district.

Landscaping requirements per the R-6 zoning district.

Number of Dwelling Units - 272

Description:

That part of the W1/2 of Section 13, T26S, R1E of the 6th P.M., Sedgwick County, Kansas, written by William K. Clevenger, PS-1437 on June 26, 2024, described as commencing at the southwest corner of the SW1/4 of said Section 13; thence N00°38'55"W along the west line of said SW1/4, 2330.30 feet to the place of beginning; thence continuing N00°38'55"W along said west line, 318.91 feet to the northwest corner of said SW1/4; thence N89°06'02"E along the north line of said SW1/4, 994.82 feet to a point 328.61 feet West of the northeast corner of the W1/2 of said SW1/4 as measured along the north line thereof; thence S00°38'55"E, 323.28 feet to a non-tangent curve to the right, said curve having a radius of 471.06 feet; an arc length of 52.38 feet, chord bearing N87°02'11"W, 52.35 feet; thence westerly along said curve, 52.38 feet to a point of reverse curve of a curve to the left, said curve having a radius of 629.08 feet, an arc length of 206.26 feet, chord bearing S86°45'21"W, 205.34 feet; thence westerly along said curve, 206.26 feet to a point of reverse curve of a curve to the right, said curve having a radius of 471.06 feet, an arc length of 208.96 feet, chord bearing N89°55'46"W, 207.25 feet; thence westerly along said curve, 208.96 feet to a point of reverse curve of a curve to the left, said curve having a radius of 650.00 feet, an arc length of 214.74 feet, chord bearing N86°41'08"W, 213.76 feet; thence westerly along said curve, 214.74 feet to a point of tangency; thence S83°51'01"W, 104.11 feet to a point of curvature of a curve to the right, said curve having a radius of 300.00 feet, an arc length of 28.80 feet, chord bearing S86°36'03"W, 28.79 feet; thence westerly along said curve, 28.80 feet to a point of tangency; thence S89°21'05"W, 184.56 feet to the place of beginning.



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)

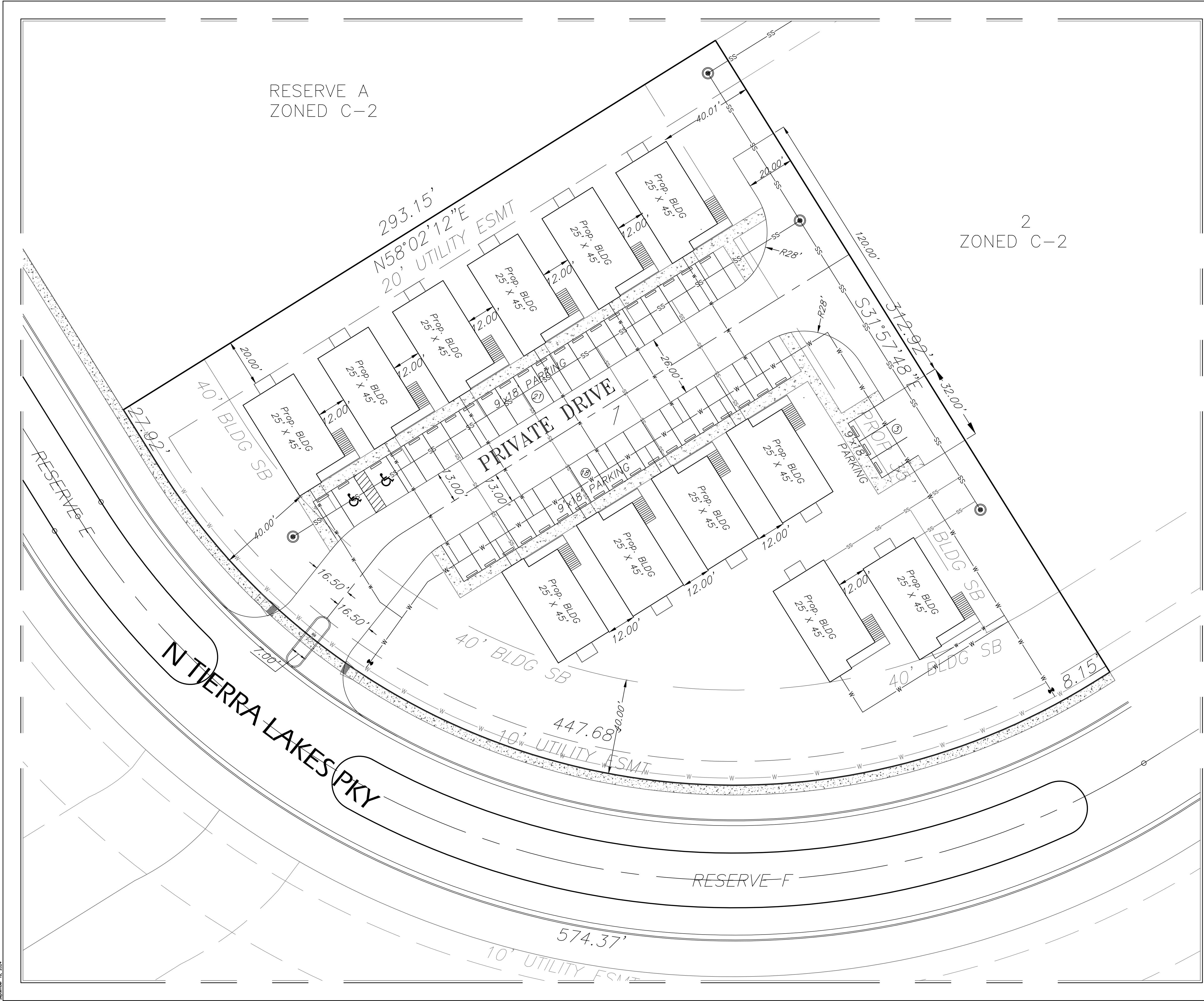
General zoning was not discussed during the recent PUD-23-04 case.

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

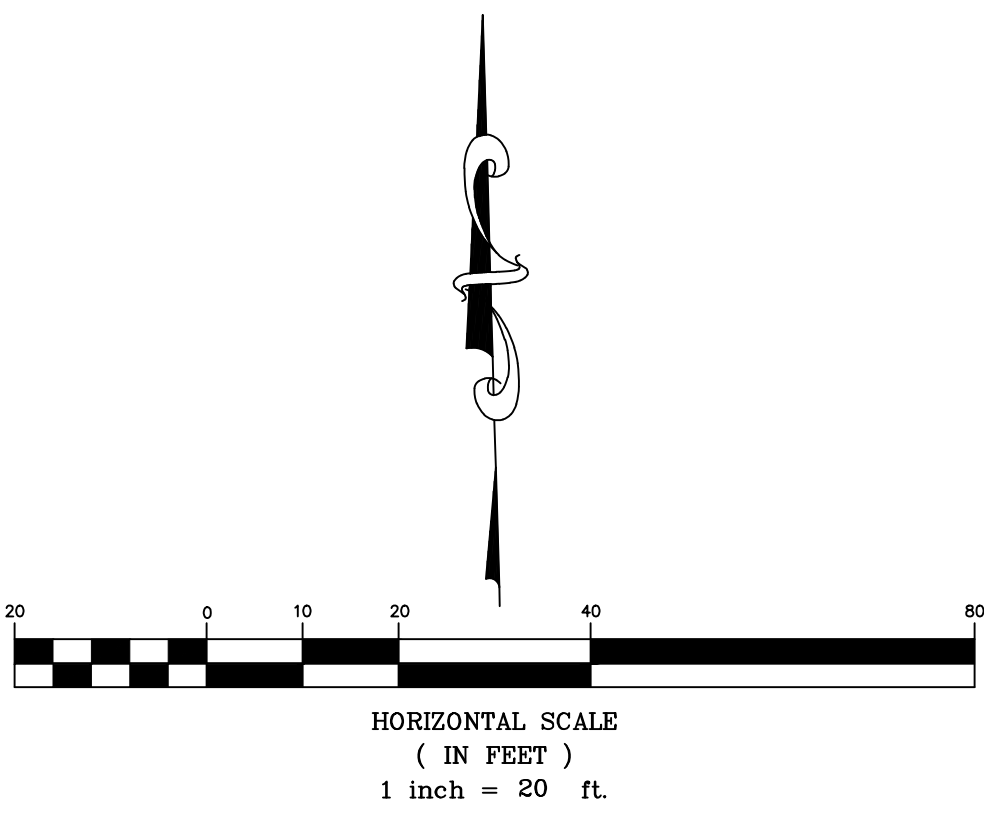
(TOTAL LOT AREA = 74,301.464 sq. ft)


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

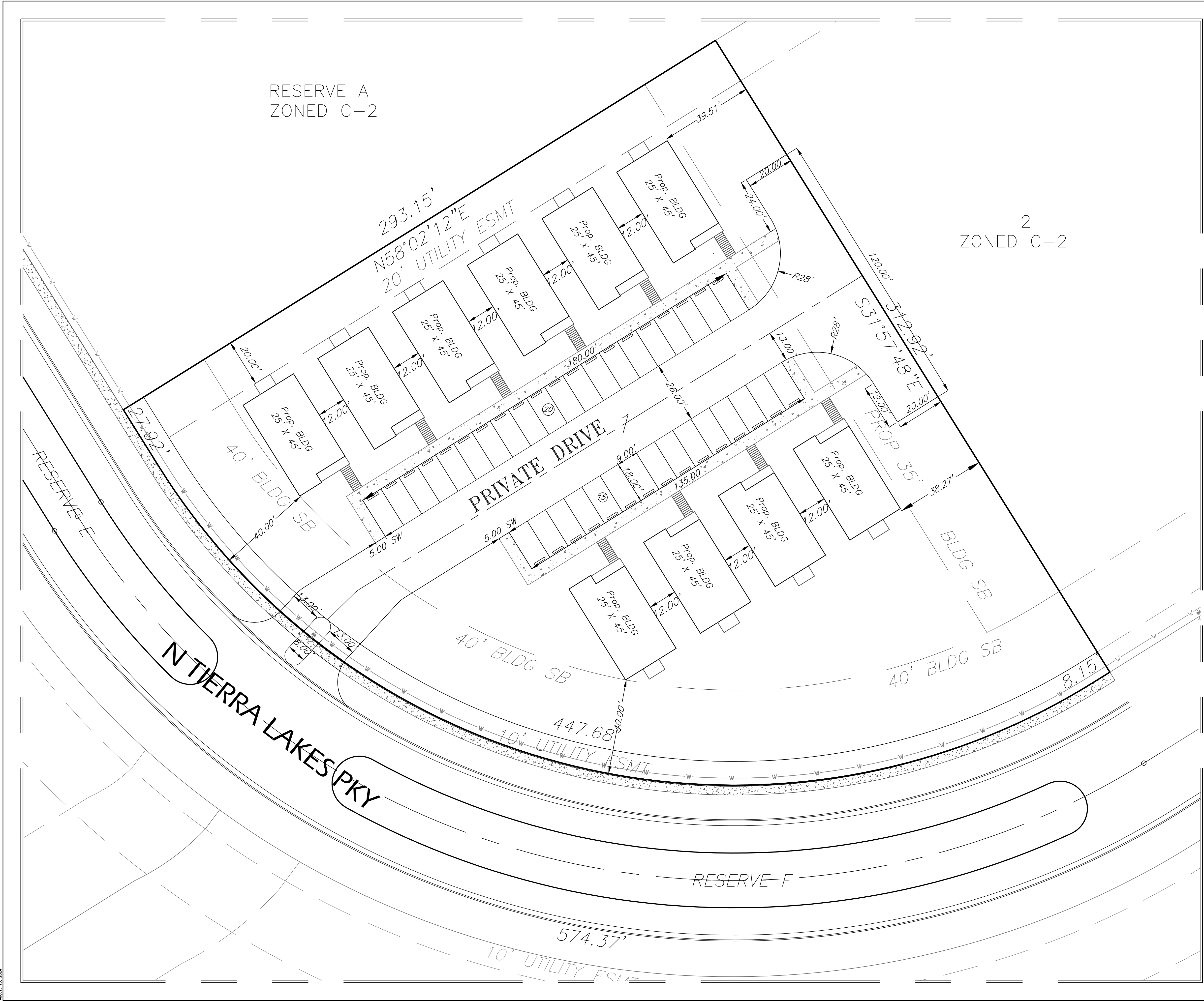
-MIN FRONT SB = 30' (40' PLATTED)

-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]

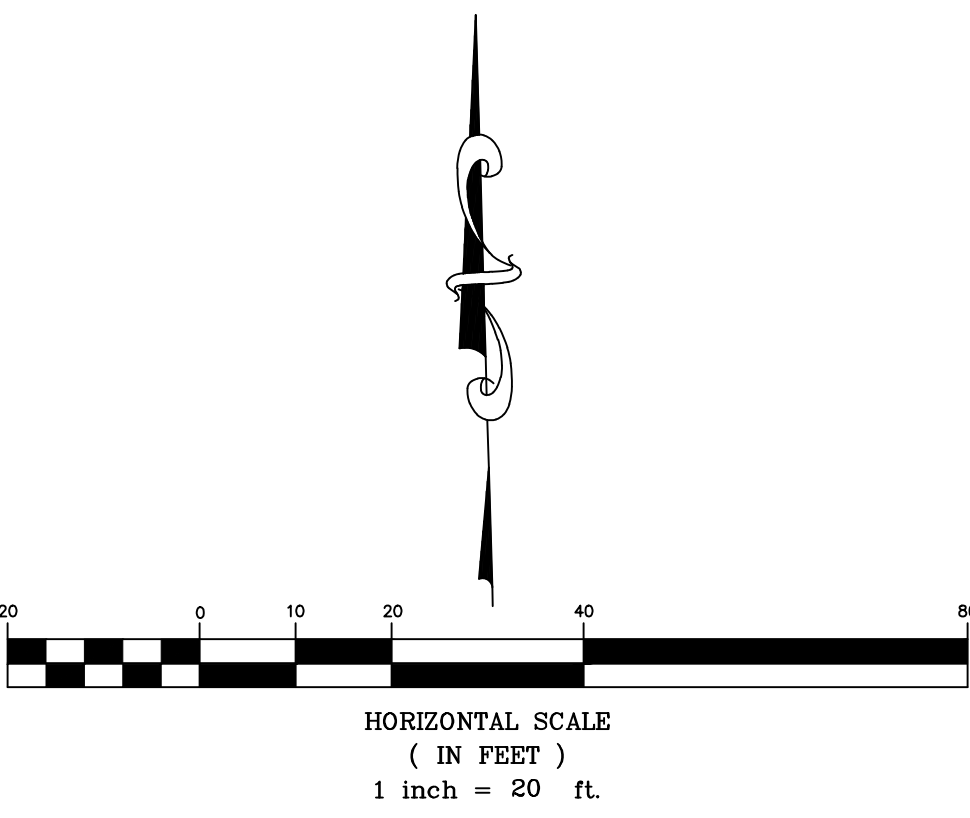


Tierra Verde South Addition Duplexes Site Plan Bel Aire, Kansas				
PROJECT NUMBER				
 KEMILLER ENGINEERING, P.A. 117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 24105	FILE	DATE 09/2024	SHEET 1.0
	DESIGN KM	DRAWN CC	REVISED	



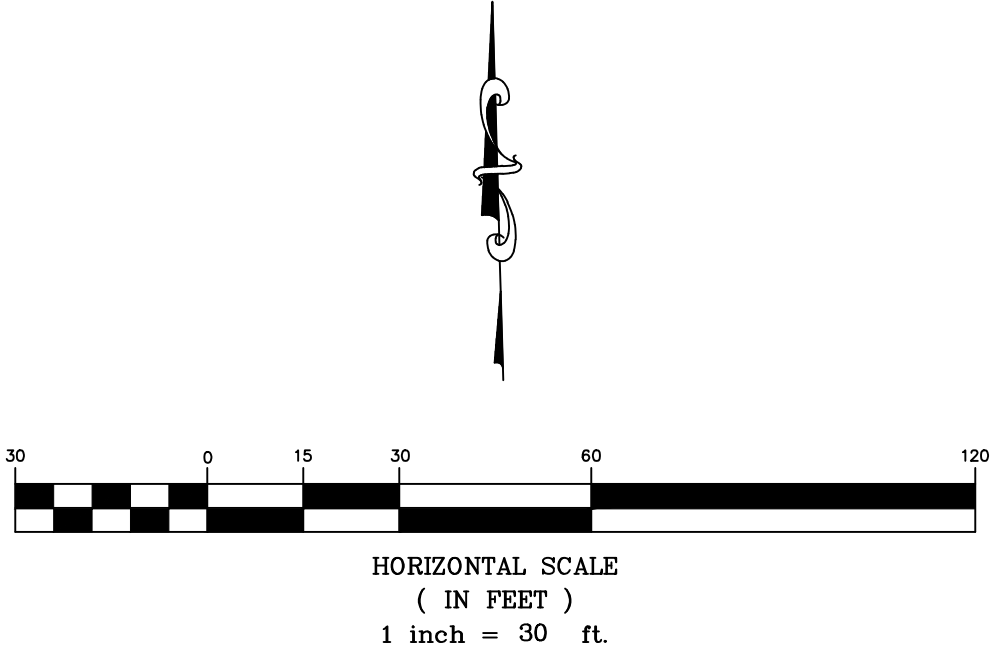
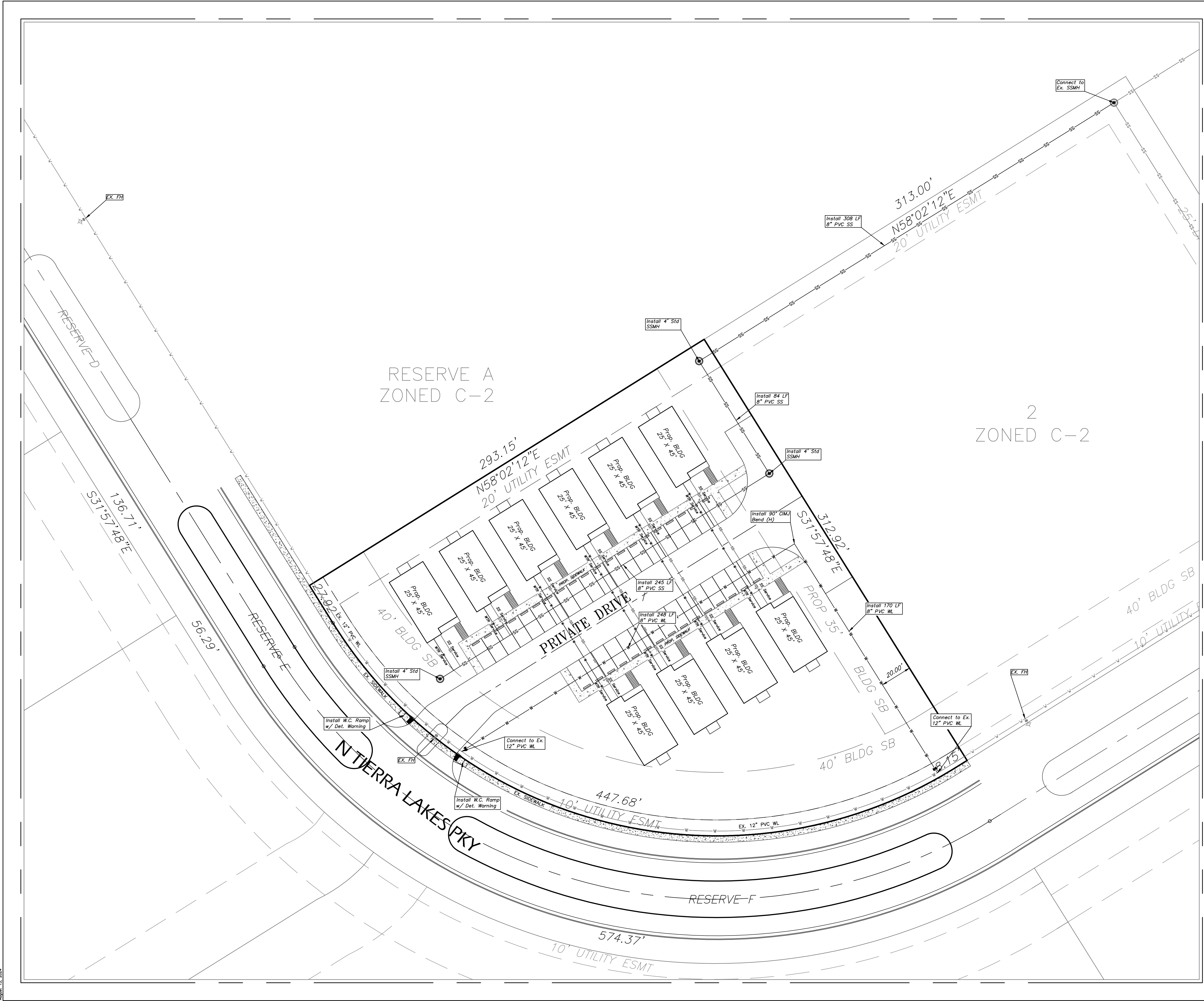
FROM BEL AIRE ZONING REGS

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

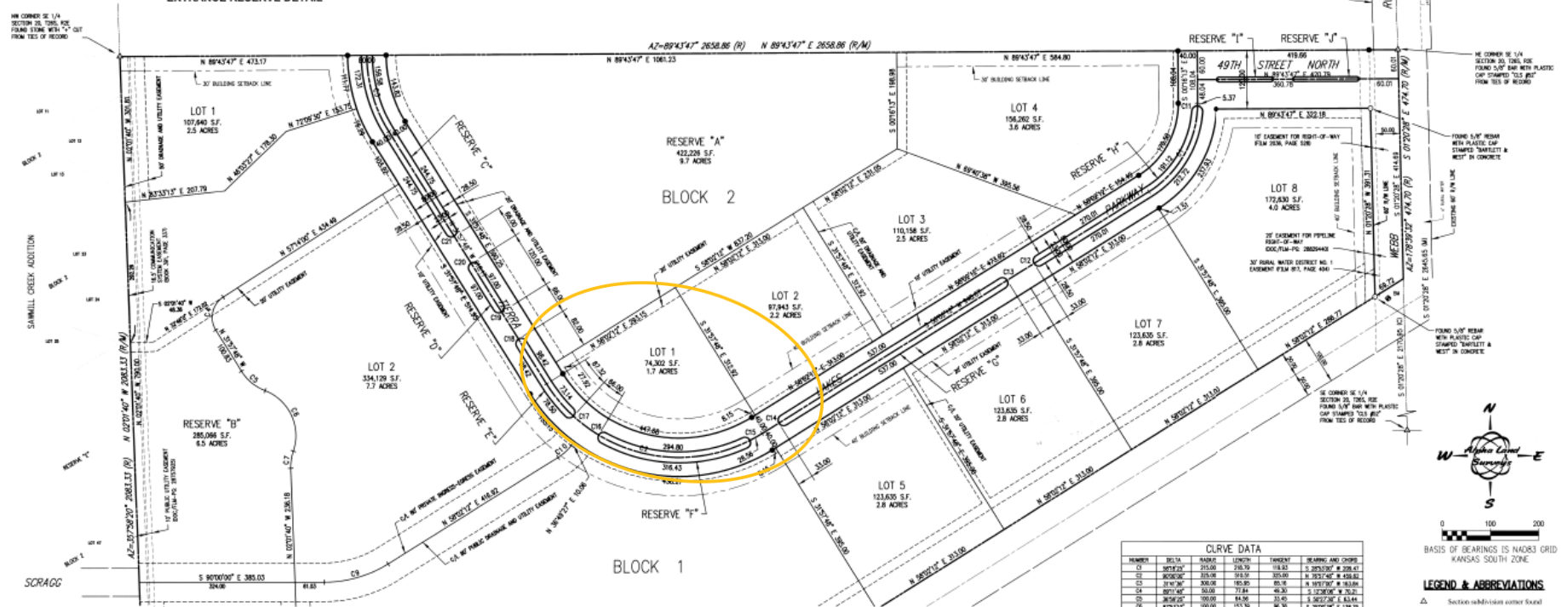
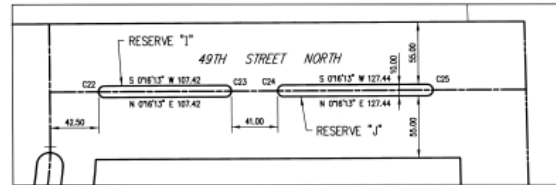


Tierra Verde South Addition Duplexes Utility Plan Bel Aire, Kansas				
PROJECT NUMBER				
KEMILLER ENGINEERING, P.A. 117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 24105	FILE	DATE 08/2024	SHEET 2.0
	DESIGN KM	DRAWN CC	REVISED	

Tierra Verde South Addition Lot 1 Block 2 general location

001 916 50

FINAL PLAT

TIERRA VERDE SOUTH ADDITIONA PLANNED UNIT DEVELOPMENT IN THE
CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS
PAGE 1 OF 2**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 OWNERS 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 EXISTENCES, RIGHT-OF-WAY AND RESERVES SHALL REMAIN AT ESTABLISHED GRADES OR AS MODIFIED WITH THE APPROVAL OF THE APPLICABLE CITY OR COUNTY ENGINEER AND UNRESTRICTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER.

LEED DESIGN CRITERIA:

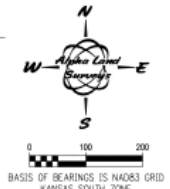
1. IT IS THE INTENT OF THE DEVELOPER FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED FOR NEIGHBORHOOD DEVELOPMENT RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW TEAM TO ENSURE SITE PRODUCTS 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 25 MPH.
- THE POSTED SPEED LIMIT FOR ALL NON-RESIDENTIAL AREAS OR MIXED USE AREAS SHALL BE 35 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: 17182861.7 E: 1677935.82
LINE COURSE: A2=89°43'47" LENGTH: 2658.06
N: 1718292.71 E: 1882594.85
LINE COURSE: A2=178°09'32" LENGTH: 474.70
N: 1717081.14 E: 1886025.79
LINE COURSE: A2=238°02'12" LENGTH: 3060.20
N: 1716198.15 E: 1878005.53
LINE COURSE: A2=53°04'20" LENGTH: 2083.33
N: 17182861.7 E: 1677935.81
AREA: 77,601 ACRES 3,383,368 S.F.
PERIMETER: 8277.09
CIRCUMFERENCE: 10100
ORDER OF CLOSURE: 0.0000
CIRCUMFERENCE: A2=44°18'00"
CIRCUMFERENCE: 0.0000 CIRCUMFERENCE: 0.0000
PRECISION: 1: 827606

NUMBER	BEARING	LENGTH	ADJACENT	BEARING AND CHORD
C1	N 89°43'47" E	2658.06	N 89°43'47" E	2658.06
C2	N 178°09'32" E	474.70	N 178°09'32" E	474.70
C3	N 238°02'12" E	3060.20	N 238°02'12" E	3060.20
C4	N 53°04'20" E	2083.33	N 53°04'20" E	2083.33
C5	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C6	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C7	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C8	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C9	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C10	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C11	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C12	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C13	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C14	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C15	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C16	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C17	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C18	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C19	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C20	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C21	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C22	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C23	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C24	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C25	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C26	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C27	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C28	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C29	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C30	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C31	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C32	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C33	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C34	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C35	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C36	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C37	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C38	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C39	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C40	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C41	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C42	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C43	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C44	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C45	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C46	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C47	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C48	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C49	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C50	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C51	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C52	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C53	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C54	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C55	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C56	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C57	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C58	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C59	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C60	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C61	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C62	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C63	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C64	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C65	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C66	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C67	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C68	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C69	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C70	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C71	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C72	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C73	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C74	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C75	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C76	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C77	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C78	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
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C80	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C81	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C82	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C83	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C84	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C85	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C86	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C87	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C88	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C89	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C90	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C91	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C92	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C93	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C94	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C95	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C96	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C97	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C98	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C99	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000
C100	N 44°18'00" E	0.0000	N 44°18'00" E	0.0000



BASIS OF BEARINGS IS NAD83 GRID

KANSAS SOUTH ZONE

LEGEND & ABBREVIATIONS

- △ Section subdivision corner found
- Survey monument found
- Set 1/2" x 24" other with cap stamped "ALPHA C.L.S. 104"
- Calculated
- C Recent
- M Monument
- R/W Right of Way
- A/Z As Shown
- N North
- S South
- E East
- W West
- S.F. Square Foot
- ± From or Between
- ± Inches or Seconds

Alpha Land Surveys, Inc.
ONE EAST NINTH AVENUE
MIDWINTER, KANSAS 67051
PH: (620) 728-0812 FAX: (620) 728-0813

001 916 100

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:

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

History

The city advertised the hearing in the Ark Valley newspaper as required.

City staff worked with Professional Engineering Consultants (PEC) to update the City of Bel Aire Zoning Map to reflect current information as of August 2024. The Zoning Map is updated each year to include changes in zoning districts and zoning types. The current Zoning Map was created December 2023.

Staff updates the official zoning map annually to match zoning district changes approved throughout the year. The City of Bel Aire zoning code section 18.6.1 provides information on the Official Zoning Map.

Full descriptions of each zoning type can be found in the Bel Aire City Code Chapter 18, Article 7. Zoning Districts. The City Code is available on the City of Bel Aire website- Government tab, City Clerk page.

Discussion

Summary of changes made to the Zoning Map:

- 1. Lot 1, Blk A, Homestead Senior Landing changed to R-6
- 2. Unplatted Parcel 00520983 updated to AG
- 3. Lycee Addition Lot 4, Blk B updated to C-2, and lots 1,2,3, Blk B updated to R-6

- 4. Rock Spring Addition, Reserve B has been determined to have already been updated to R-5 with previous updates
- 5. Sunflower Commerce Park lots 6, 7, Blk B updated to have government facility overlay
- 6. Skyview at Block 49 2nd, lots 14, 15, 16, block D updated to have park overlay
- 7. Sliver of land to the west of N Jasmine St updated to R-5.
- 8. Added legend symbology to reflect all districts including unused ones (Rural Residential and Manufactured Home Parks).
- 9. Modified zoning district colors and styles to easily distinguish zoning types.

Recommendation of permanent staff

Approve 2024 Bel Aire Zoning Map that accurately reflects updates to zoning districts in 2024.

(Published once in Ark Valley News on October 22, 2024.)

OFFICIAL NOTICE OF A ZONING CODE 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 review code sections to consider an update to the Zoning Code related to adopting an update to the City 2024 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 2024 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 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.

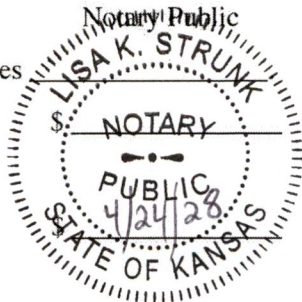
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 24th day of October, 2024, with subsequent publications being made on the following dates:

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

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

hbs

My commission expires
Additional copies
Printer's fee



Bel Aire public notice

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

OFFICIAL NOTICE OF A ZONING CODE HEARING

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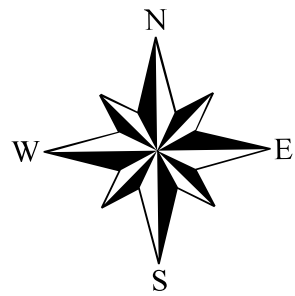
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DATED this 22 day of October 2024

/s/ Paula Downs
Bel Aire Planning Commission Secretary

Zoning Districts

Bel Aire, Kansas



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

Zoning Types

- AG -Agricultural
- C-1 -Commercial 1
- C-2 -Commercial 2
- M-1 -Manufacturing
- R-1 -Residential 1
- R-2 -Residential 2
- R-3 -Residential 3
- R-4 -Residential 4
- R-5 -Residential 5
- R-5B-Residential 5B
- R-6 -Residential 6
- RR -Rural Residential
- MHP - Manufactured Home Park

Map Production:
October 17th, 2024
Current as of:
August, 2024
ZON-24-01

Planning Commission:
November 14th, 2024

City Council:
November 19th, 2024





2025 PLANNING COMMISSION DATES

	Application Closing Date	Meeting Date
January	12/16/2024	01/9/2025
February	12/31/2024	02/13/2025
March	01/27/2025	03/13/2025
April	02/24/2025	04/10/2025
May	03/24/2025	05/08/2025
June	04/28/2025	06/12/2025
July	05/26/2025	07/10/2025
August	06/30/2025	08/14/2025
September	07/28/2025	09/11/2025
October	08/25/2025	10/09/2025
November	09/29/2025	11/13/2025
December	10/27/2025	12/11/2025
January	11/24/2025	01/08/2026

All applications must include all required supporting documents. Completed applications must go through a review process before being approved. Staff review and application updates must be completed prior to the required public notification period. Public notification must occur 20 days prior to the Planning Commission meeting date.

Planning Commission Secretary	Paula Downs 316-744-2451 ext. 214	pdowns@belaireks.gov
Community Development Director	Paula Downs 316-744-2451 ext. 214	zoning@belaireks.gov
City Engineer	Anne Stephens 316-744-2451 ext. 133	astephens@belaireks.gov
City Manager	Mr. Ted Henry 316-744-2451 ext. 217	thenry@belaireks.gov

All site plans must be reviewed by the City engineer and Zoning Administrator, 2 sets of the required plans must be delivered directly to city hall. (public hearing submittal quantities based on city code requirements) Cost associated with engineering will be passed on to the applicant.

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