

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION RECOMMENDING A SPECIAL USE PERMIT FOR CERTAIN LANDS LOCATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, Celestine Foteck, (hereinafter the “Owner”), requests a Special Use Permit to allow a group-home limited use in one-half of a two-family (duplex) unit, which is currently zoned Garden and patio homes, townhouses and condominiums (R-5), generally located at North 53rd Street and Toben Road; and

WHEREAS, the Governing Body of the City of Bel Aire, Kansas has received a recommendation from the Bel Aire Planning Commission (hereinafter the “Commission”) that the Owner’s request for a Special Use Permit in Case No. SP-25-01 be approved; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. SP-25-01 on December 11, 2025, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. Pursuant to 18.5.4 of the City Code, the Governing Body in its Ordinance shall identify the exceptional circumstances or unique set of facts that support the consideration and approval of permitting a use within a zoning district not otherwise permitted as either a permitted or conditional use. They are listed below.

- A. As per the Application:
The home is a two-family duplex. The Owner will live in one half and operate a group home for the elderly (Residential Board and Care Home) in the other half of the home. The home is existing and there will be no additions to the home. The residents do not drive, therefore the number of cars will be for staff and visitors, and since most of the staff live next door, they will be parked in the adjacent parking area. Overall, the number of vehicles should not exceed 1-2 at a time and would appear no different from other homes on the street. The home will not have signage out front and it will not need a ramp since the home is on grade. The home will not have any different appearance from other homes nearby.

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B. As per the City Staff Report:
Noise, light, odor, and screening are not issues relevant to the group home-limited use approval.
The residence will remain as it is with no external changes. There is no detrimental effect on public health and safety or services and public utilities.

SECTION 2. Approval. The recommendation of the Commission is approved. The Governing Body hereby approves issuing a Special Use Permit to the Owner, that allows a group-home limited use in one-half of a two-family (duplex), generally located at North 53rd Street and Toben Road, legally described as:

Lots 8, Block 1, Rock Spring 3rd Addition, Bel Aire, Sedgwick County, Kansas.

SECTION 3. Effective Date. This Ordinance shall take effect and be in force from and after its adoption by the Governing Body of the City, approval by the Mayor, and publication once in the official city newspaper.

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79 ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 6th day of January,
80 2026.

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82 SIGNED by the Mayor on this _____ day of January, 2026.

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CITY OF BEL AIRE, KANSAS

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Jim Benage, Mayor

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ATTEST:

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Melissa Krehbiel, City Clerk

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APPROVED AS TO FORM:

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Maria A. Schrock, City Attorney

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