

Tierra Verde South

April 10, 2025

Planning Commission Meeting

Agenda Documents:

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

City of Bel Aire

STAFF REPORT**DATE: 04/08/2025****TO: Bel Aire Planning Commission****FROM: Paula Downs****RE: Agenda****STAFF COMMUNICATION**

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

SUMMARY: PUD-25-01 An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements.

General Location: The subject property is generally located between 45th and 49th, on Tierra Lakes Pkwy and West of Webb Road and is currently platted as Lot 1, Block 2, Tierra Verde South Addition.

Background:

The city placed notification on the City of Bel Aire's website as required by city code. The affidavit of publication is provided. The PUD process required notification of surrounding property owners. Publication notification was made on March 20, 2025, to all known property owners as of January 21, 2025.

Lot 1, Block 2, Tierra Verde South Addition was originally platted September 21, 2009.

Case History:**1. Planning Commission Meeting: May 11, 2023**

PUD-23-02- Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have a re-platting changes at this time.

The Planning Commission recommended approval to amend the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. The original C-1 designation would also remain to encourage development of the property.

The applicant wanted to allow R-6 Zoning uses to provide more options for development. The land has sat relatively vacant for a long time and the ability to do some mixed use will benefit with the ability for variety. At that time, there was no specific use for the properties.

2. City Council Meeting: June 20, 2023

PUD-23-02 was on the agenda with an Amended PUD Agreement. Council approved the Planning Commission's recommendation to amend the Tierra Verde South Addition PUD Agreement to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3 and authorize signatures. The amended PUD Agreement was signed June 20, 2023, and filed with the Register of Deeds on July 26, 2023.

3. Planning Commission Meeting: January 11, 2024

PUD-23-04 (Formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. The case was advertised.

The case had been approved by the Planning Commission and nothing about the design, site plan or anything regarding those facts has changed. The only change was that the original application only had one owner's signature and in this case there are two owners requiring both signatures. In addition, it was agreed that apartments would not be placed on Reserve A, Block 2 which is excluded from R-6 uses.

Planning Commission approved the case.

Amended Planned Unit Development Agreement, dated December 13, 2023, was part of the agenda packet.

The PUD agreement was updated and dated January 12, 2024.

4. City Council Meeting- February 20, 2024

PUD-23-04- Ordinance 716 was approved by the City Council at their February 20, 2024, meeting. The Council approved additional zoning classifications and excluded R-6 zoning uses from Lot 3, Block 1 and Reserve A, Block 2.

5. City Council Meeting- April 2, 2024

The Amended PUD document dated January 12, 2024, was brought before the City Council for approval. Agreement was approved and signed on April 3, 2024. The document was filed with the Register of Deeds April 16, 2024.

6. Planning Commission Meeting- November 14, 2024

Sketch Plan- Tierra Verde South, Lot 1, Block 2 was submitted for discussion and general feedback.

Developer shared that they were going to reduce some of the current setbacks with the submission of a PUD application. The Commission suggested reducing an easement and keeping setbacks with minimum sizes listed in the zoning code.

No recommendations or action was taken by the Commission.

Current Discussion:

PUD-25-01- Amended PUD Agreement sets out the following requests for Lot 1, Block 2 referenced in the PUD Agreement as Parcel 4. Lot 1, Block 2 follows R-6 zoning district requirements:

1. Minimum Setbacks:

- a. Zoning Code Requirements:
 - i. Front Building Setback- 30'
 - ii. Side-Yard Setback- 15'
 - iii. Rear Building Setback- 35'
- b. PUD-25-01:
 - i. Front Building Setback- 25'
 - ii. Side-Yard Setback- 20'
 - iii. Rear Building Setback- 20'

2. Minimum Building Separation Distance:

- a. Zoning Code Requirement: 45'
- b. PUD-25-01:
 - i. Requesting 12'
 - ii. Site Plan provides 15'

3. Minimum Parking Setback

- a. Zoning Code Requirements:
 - i. Front Building Setback- 30'
 - ii. Side-Yard Setback- 15'
 - iii. Rear Building Setback- 35'
- b. PUD-25-01:
 - i. Front Building Setback- 25'
 - ii. Side-Yard Setback- 20'
 - iii. Rear Building Setback- 20'

4. Minimum Paving Setback:

- a. Zoning Code Requirement: 20'
- b. PUD-25-01- 10'

5. Minimum Lot Area Per Dwelling unit:**a. General Notes:**

- i. 74,302 s.f. on lot 1
- ii. Development calls for 24 dwelling units. 12 two-story buildings each story with a dwelling unit (could be described as a vertical two-family dwelling)

b. Zoning Code Requirement:

- i. 3,630 feet
- ii. 20.5 dwelling units

c. PUD-25-01:

- i. 2,094 feet (calculations would require 3,096 s.f.)
- ii. 15 dwelling units per acre (Have 24 dwelling units/12 Buildings per acre)

6. Minimum Number of Required Parking Spaces Per Dwelling Unit:**a. Zoning Code Requirement:**

- i. Total number of parking spaces per dwelling unit- 4
- ii. Total number of required parking spaces for site – 48 (4 spaces x 12 dwelling units)
- iii. 2 of the 4 required to be enclosed

b. PUD-25-01:

- i. 1.75 spaces per dwelling unit
- ii. Total number of parking spaces for site – 42 (1.75 x 12 dwelling units)
- iii. No parking spaces enclosed
- iv. Site shows 42 total parking spaces

7. Minimum Number of Large Deciduous Shade or Evergreen Trees:

- a. Zoning Code Requirement: 4 trees for every two-family dwelling unit
- b. PUD-25-01: 1 tree for every two-family dwelling unit

Review Considerations:**1. Character of the neighborhood**

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

Neighborhood is largely undeveloped. Non-residential use (Bel Aire Recovery Center) exists across Tierra Lakes Parkway to the southwest.

North of subject property is Skyview at Block 49 Addition which is a two-family residential district.

2. Zoning and uses of nearby properties

- North: Allowed Zoning Districts: R-5; C-1; C-2. Platted as a Reserve, currently undeveloped.
- East: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped.
- South: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped.
- West: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped except for lot 2, Block 1- Bel Aire Recovery Center

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

The property is adequately suited for the permitted uses currently allowed.

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

No detrimental impact to nearby properties is expected.

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

The property was originally platted in 2009. The property has been undeveloped for 16 years under its current zoning.

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

Denial of the application is not expected to provide relative gain to the public health, safety and welfare. Approval of the application would result in no loss in value or hardship upon the applicant.

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

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

Tierra Verde South Addition plat and Planned Unit Development Agreements allow for R-5, R-6, C-1 and C-2 development.

8. Impact of the proposed development on community facilities

There is no impact on community facilities. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to Tierra Lakes Parkway which is an improved road.

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

Property Owners as of March 20, 2025, have been notified. City staff have received no inquiries or feedback from notified residents for the April 10, 2025, hearing.

10. Recommendations of permanent staff

Key review criteria elements:

- 1) Length of time vacant. Lot 1, Block 2 has been undeveloped and vacant for 16 years and will be developed as an R-5 or R-6 district.
- 2) Character of the neighborhood based on uses of surrounding properties. Lot 1, Block 2 development will be developed in character of the surrounding properties.
- 3) Infrastructure public utilities and streets. Lot 1, Block 2 currently has public utilities and is supported by a local street- Tierra Lakes Parkway.

Although staff recognize that it is within the City's power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s).

Staff recommend approval of the application pending the outcome of Planning Commission review and public hearing.

PUD-25-01

APPLICATION

This form **MUST** be completed and filed at City Hall, Bel Aire, Kansas, 7651 E Central Park Ave, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

-
- ☐ Change Zoning Districts: From: _____ to _____
☐ Amendments to Change Zoning Districts _____
☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
☒ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner NORTH WEBB, LLC, a Kansas limited liability company

Address 13410 W Hayden St, Wichita, KS, 67235 Telephone 316-258-0478

Email Address john@eck.net

Agent representing the owner K.E. Miller Engineering P.A.

Address 117 E Lewis St, Wichita, KS, 67203 Telephone 316-264-0242

Email Address kirk@kemiller.com

1. The application area is legally described as Lot(s) 1; Block(s) 2,
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 1.71 acres.

3. This property is located at (address) N/A which is generally
located at (relation to nearest streets) N of Tierra Lakes Pkwy; W of Webb Rd.

4. County control number: 00598557

5. NAMES OF OWNERS - For land inside the city limits, an ownership list of the
names, addresses and zip codes of the owners of record of real property located within
200 feet of the exterior boundary of the area described in the application both within the
city limits and extending outside the city limits when necessary.

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

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

1. Applicant John Eck, Manager, North Webb, LLC Phone 316-258-0478
Address 13410 W Hayden St, Wichita, KS Zip Code 67235
Email Address john@eck.net

Agent K.E. Miller Engineering P.A. Phone 316-264-0242
Address 117 E Lewis St, Wichita, KS Zip Code _____
Email Address kirk@kemiller.com

2. Applicant Jeff Blubaugh Phone 316-640-0656
Address 10915 W Atlanta Cir, Wichita, KS Zip Code 67215
Email Address jeffblubaughhomes@gmail.com

3. Applicant Jerrome Castillo Phone 316-312-6697
Address 906 N Main St, Suite 2, Wichita, KS Zip Code 67203
Email Address jerromec@yahoo.com

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


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

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

AMENDED PLANNED UNIT DEVELOPMENT OF TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT LEGAL DESCRIPTION

LEGAL DESCRIPTION –

TIERRA VERDE SOUTH ADDITION, A PLANNED UNIT DEVELOPMENT IN THE CITY OF
BEL AIRE, SEDGWICK COUNTY, KANSAS.

PARCEL 1

LEGAL DESCRIPTION-

Lots 1, 4, 5, 6, 7, & 8, Block 1, and Lots 2, 3, & 4, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) **NET AREA-** ± 38.0 acres

2) **GENERAL PROVISIONS-**

- a) Parcel 1 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined herein by ‘**Exhibit A**’.

3) **PERMITTED USES-**

Parcel 1 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

- a) “R-5” Garden and Patio Homes, Townhouse and Condominium District
- b) “R-6” Multi-Family District, and including:

- i) Single-Family
- ii) Duplexes
- iii) Garden & Patio Homes
- iv) Townhomes
- v) Condominiums
- vi) Multi-Family
- vii) Churches
- viii) Day-cares
- ix) Schools
- x) Leasing Offices
- xi) Playgrounds or Community Spaces
- xii) Accessory Structures as approved by the City Manager
- c) "C-1" Neighborhood Commercial Office and Retail District, and including:
 - i) Accessory structure as approved by the City Manager
 - ii) Special Events permits approved by the City Manager
- d) "C-2" Planned Commercial District ("C-2" uses require a PUD amendment unless approved with the Master Plan for this development), and including:
 - i) Accessory structure as approved by the City Manager
 - ii) Special Events permits approved by the City Manager

4) MINIMUM SETBACKS-

Parcel 1 shall be subject to any building setback requirements as defined by the 2020 revised Bel Aire codified city code, for the respective use or underlying zoning district, unless otherwise stated below.

a) FOR PERMITTED "R-5" AND "R-6" USES:

- i) Front Building Setback – Twenty-five feet (25')
- ii) Side-Yard Building Setback – Ten feet (10')
- iii) Rear Building Setback – Twenty feet (20')

*NOTE: The building setbacks listed above are NOT in lieu of any building setbacks platted in Tierra Verde South Addition. *

b) FOR PERMITTED "C-1" AND "C-2" USES:

- i) All building setbacks shall be per the recorded plat of Tierra Verde South Addition, and per Bel Aire City Code.

5) HEIGHT & AREA REGULATIONS-

- a) Per Bel Aire City Code

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

- a) Per Bel Aire City Code

PARCEL 2**LEGAL DESCRIPTION-**

Lot 3 Block 1, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 7.9 acres**2) GENERAL PROVISIONS-**

- a) Parcel 2 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined herein by **‘Exhibit A’**.

3) PERMITTED USES-

Parcel 2 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

- a) “R-5” Garden and Patio Homes, Townhouse and Condominium District
- b) “C-1” Neighborhood Commercial Office and Retail District, and including:
 - i) Accessory structure as approved by the City Manager
 - ii) Special Events permits approved by the City Manager
- c) “C-2” Planned Commercial District (“C-2” uses require a PUD amendment unless approved with the Master Plan for this development), and including:
 - i) Accessory structure as approved by the City Manager
 - ii) Special Events permits approved by the City Manager

4) MINIMUM SETBACKS-

Parcel 2 shall be subject to any building setback requirements as defined by the 2020 revised Bel Aire codified city code, for the respective use or underlying zoning district, unless otherwise stated below.

- a) FOR PERMITTED “R-5” USES:
 - i) Front Building Setback – Twenty-five feet (25’)
 - ii) Side-Yard Building Setback – Ten feet (10’)

iii) Rear Building Setback – Twenty feet (20')

*NOTE: The building setbacks listed above are NOT in lieu of any building setbacks platted in Tierra Verde South Addition. *

b) FOR PERMITTED “C-1” AND “C-2” USES:

i) All building setbacks shall be per the recorded plat of Tierra Verde South Addition, and per Bel Aire City Code.

5) HEIGHT & AREA REGULATIONS-

a) Per Bel Aire City Code

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

PARCEL 3

LEGAL DESCRIPTION-

Lots 2 Block 1, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 7.7 acres

2) GENERAL PROVISIONS-

a) Parcel 6 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined hereon in ‘**Exhibit A**’.

3) PERMITTED USES-

Parcel 3 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code:

a) “C-2” Planned Commercial District (“C-2” uses require a PUD amendment unless approved with the Master Plan for this development).

4) MINIMUM SETBACKS-

a) Per the recorded plat of Tierra Verde South Addition and per Bel Aire City Code

5) HEIGHT & AREA REGULATIONS-

a) Per Bel Aire City Code

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

a) Per Bel Aire City Code

PARCEL 4

LEGAL DESCRIPTION-

Lots 1 Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 1.7 acres

2) GENERAL PROVISIONS-

- a) Parcel 4 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined herein by ‘**Exhibit A**’.

3) PERMITTED USES-

Parcel 4 shall have the uses permitted in the following districts, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

- b) “R-5” Garden and Patio Homes, Townhouse and Condominium District
- c) “R-6” Multi-Family District, and including:
 - i) Single-Family
 - ii) Duplexes
 - iii) Garden & Patio Homes
 - iv) Townhomes
 - v) Condominiums
 - vi) Multi-Family
 - vii) Churches
 - viii) Day-cares
 - ix) Schools
 - x) Leasing Offices
 - xi) Playgrounds or Community Spaces
 - xii) Accessory Structures per Bel Aire City Code
- d) “C-1” Neighborhood Commercial Office and Retail District, and including:
 - i) Accessory structure per Bel Aire City Code
 - ii) Special Events permits per Bel Aire City Code
- e) “C-2” Planned Commercial District (“C-2” uses require a PUD amendment unless approved with the Master Plan for this development), and including:

- i) Accessory structure per Bel Aire City Code
- ii) Special Events permits per Bel Aire City Code

4) MINIMUM SETBACKS-

- a) Front Building Setback- Twenty-five feet (25')
- b) Side-Yard Building Setback- Twenty feet (20')
- c) Rear Building Setback – Twenty feet (20')

The aforementioned side-yard and rear yard building setbacks shall remain at the distances established above in the event that any adjacent lot is developed with any permitted “C-2” Planned Commercial District uses.

- d) The minimum building separation distance shall be twelve feet (12') for the permitted “R-6” Multi-Family District uses of “Single-Family, Duplexes, and Garden & Patio Homes.” All other uses permitted in the “R-6” Multi-Family District shall follow the minimum separation requirements as outlined in the Bel Aire City Code.
- e) The Minimum Parking Setback shall be the same as required front, side and rear yards.
- f) The Minimum Paving Setback shall be ten feet (10') from all interior property lines.

5) HEIGHT & AREA REGULATIONS-

- a) The maximum building height shall be per Bel Aire City Code
- b) The Minimum Lot Area per Dwelling unit shall be two-thousand-nine-hundred-four square feet (2,904 sq ft.) allowing up to fifteen (15) dwelling units per acre.

6) DEVELOPMENT & PERFORMANCE REGULATIONS-

- a) The Minimum Number of Required Parking spaces for all two-family dwellings shall be 1.75 (spaces) per dwelling unit. No required parking is required to be enclosed.
- b) The Minimum Number of large deciduous shade or evergreen trees shall be required within the interior of each lot at a ratio of one (1) tree for every two-family dwelling
 - i) All other landscaping requirements shall be per Bel Aire City Code.

PARCEL 5

LEGAL DESCRIPTION-

Reserve “A”, Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

1) NET AREA- ± 9.7 acres

2) GENERAL PROVISIONS-

- a) Parcel 5 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined hereon in ‘**Exhibit A**’.

3) PERMITTED USES-

- a) "Reserve "A" shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District."
- b) "Reserve A shall be reserved for entry monuments, landscape, irrigation, drainage and open space. Any changes to the Reserve shall be approved by the City to ensure that conveyance of storm water is preserved."

4) DEVELOPMENT & PERFORMANCE REGULATIONS-

- a) Per Bel Aire City Code

PARCEL 6**LEGAL DESCRIPTION-**

Reserves "B", "C", "D", "E", "F", "G", "H", "I", and "J", Tierra Verde South Addition, Bel Aire, Sedgwick County, KS.

- 1) NET AREA-** ± 7.7 acres

2) GENERAL PROVISIONS-

- a) Parcel 6 is subject to all General Provisions as outlined in the Final Plat of *Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas*, as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. – DOC#/FLM-PG: 29092138). Said General Provisions are also outlined hereon in '**Exhibit A**'.

3) PERMITTED USES-

- a) "Reserves B-J shall be reserved for entry monuments, landscape, irrigation, drainage, and open space. Any changes to the Reserves shall be approved by the City to ensure that conveyance of storm water is preserved."

4) DEVELOPMENT & PERFORMANCE REGULATIONS-

- a) Per Bel Aire City Code

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

THIS INSTRUMENT is hereby executed on this _____ day of _____, 2025.

NORTH WEBB, LLC, DEVELOPER

By _____

P. JOHN ECK, MANAGER

THIS INSTRUMENT was approved by vote of the City Council of Bel Aire, Kansas on the _____ day of _____, 2025 and is hereby executed on this _____ day of _____, 2025.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2025, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing instrument concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

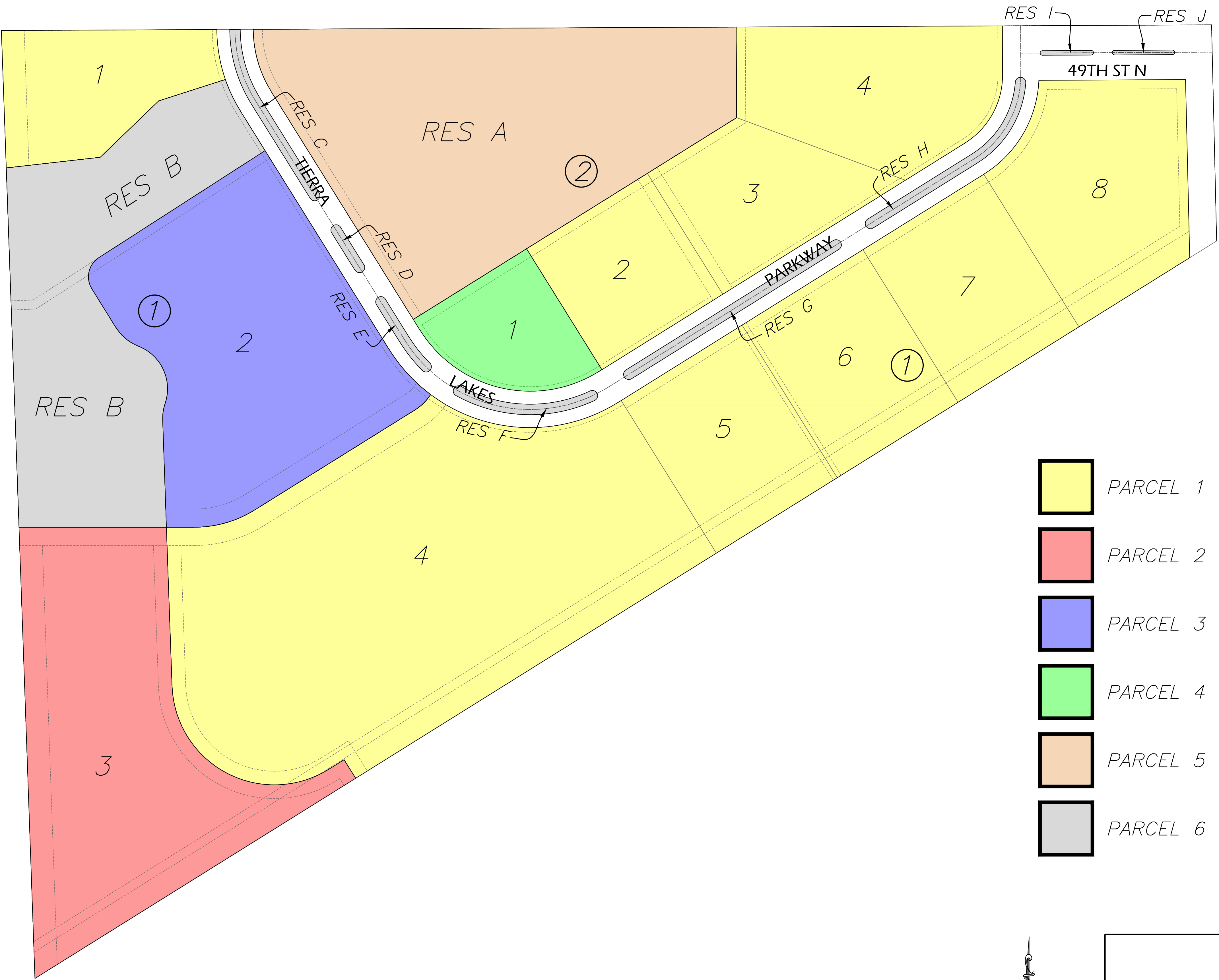
STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2025, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing instrument concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

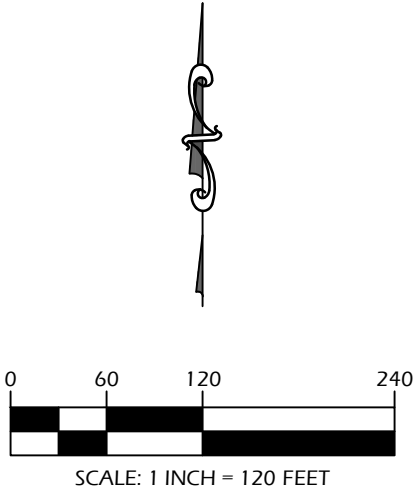
My Appointment Expires: _____


EXHIBIT 'A'



GENERAL PROVISIONS:
(PER THE RECORDED PLAT OF TIERRA VERDE SOUTH ADDITION)

1. THIS AGREEMENT ESTABLISHES THE TERMS AND CONDITIONS FOR A PLANNED UNIT DEVELOPMENT ZONING DISTRICT. THE REQUIREMENTS CONTAINED IN THIS PUD ARE IN LIEU OF ANY REQUIREMENTS CONTAINED IN THE ZONING AND SUBDIVISION REGULATIONS OF THE CITY AND COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PUD AGREEMENT SHALL BE DEEMED IN COMPLIANCE WITH THE CITY ZONING AND SUBDIVISION REGULATIONS OF THE CITY.
2. INSTALLATION OF ALL IMPROVEMENTS SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF ALL APPLICABLE FEDERAL STATE AND LOCAL LEGISLATION, INCLUDING THE AMERICANS WITH DISABILITIES ACT. ALL INFRASTRUCTURE IMPROVEMENTS SHALL BE DETAILED ON A FINAL PLANNED UNIT DEVELOPMENT SITE PLAN, WHICH DELINEATES BUILDING LOCATIONS, AT THE TIME THE LOTS ARE DEVELOPED. SAID FINAL PLANNED UNIT DEVELOPMENT SITE PLAN (HEREIN THE "FINAL PUD SITE PLAN") SHALL BE APPROVED BY THE DEVELOPER AND BY THE CITY ENGINEER, ATTACHED HERETO AND MADE A PART HEREOF, AT THE TIME THE LOT IS DEVELOPED.
3. ALL ELECTRIC POWER, PARKING LOT LIGHTS, CABLE, STREET LIGHTS AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND. THE CITY SHALL APPROVE THE ENGINEERING DESIGN AND INSPECT ALL OF THE IMPROVEMENTS NECESSARY FOR THE DEVELOPMENT OF TIERRA VERDE SOUTH ADDITION. ALL PUBLIC IMPROVEMENTS SHALL BE DEDICATED TO AND OWNED AND MAINTAINED BY THE CITY AND SHALL BE INSTALLED ON CITY OWNED PROPERTY OR WITHIN RIGHT-OF-WAYS OR EASEMENTS.
4. THE DEVELOPER SHALL INSTALL ALL IMPROVEMENTS DELINEATED ON THE FINAL PUD SITE PLAN, SAID IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO, STREETS, SIDEWALKS, WATER DISTRIBUTION SYSTEM, SANITARY SEWER SERVICE LINES, DETENTION PONDS, STORMWATER SEWER SYSTEM, DRIVEWAYS, LANDSCAPING, LIGHTING, AND UTILITIES. THE DEVELOPER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY LIABILITY FROM THE DAMAGES THAT MAY OCCURS DURING CONSTRUCTION BY ON BEHALF OF THE DEVELOPER. THE DEVELOPER SHALL PAY ONE HUNDRED PERCENT (100%) OF THE COST OF ALL IMPROVEMENTS DELINEATED ON THE PUD SITE PLAN AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.
5. WHENEVER EXISTING SANITARY OR STORM WATER SEWERS, WATER LINES, DRAINAGE CHANNELS, CULVERTS, UNDERGROUND ELECTRIC, COMMUNICATIONS, GAS LINES, PIPE LINES OR TRANSMISSION LINES ARE REQUIRED TO BE INSTALLED, LOWERED, ENCASED, OR RELOCATED DUE TO THE LOT SPLIT OR CONSTRUCTION IMPROVEMENTS REQUIRED, AND IN THE EVENT THAT IT WAS NOT KNOWN AT THE TIME OF THE LOT SPLIT APPROVAL, THE DEVELOPER OF THE CONSTRUCTION IMPROVEMENTS SHALL PAY ONE HUNDRED (100%) OF THE COST OF IMPROVEMENTS. THE DEVELOPER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM ANY LIABILITY FROM THE DAMAGES THAT MAY OCCUR DURING CONSTRUCTION.
6. ALL EASEMENTS RECORDED ON THE FACE OF THE FINAL PLAT OF TIERRA VERDE SOUTH ADDITION, AN ADDITION TO BEL AIRE, KANSAS SHALL REMAIN IN EFFECT PURSUANT TO THIS PLANNED UNIT DEVELOPMENT AGREEMENT. THE SURFACE OF SUCH EASEMENTS MAY BE USED BY THE OWNER(S) FOR DRIVEWAYS, PARKING AND LANDSCAPING, AS DELINEATED ON THE FINAL PUD SITE PLAN. SAID IMPROVEMENTS WILL BE APPROVED DURING THE CONSTRUCTION PLAN REVIEW PHASE FOR EACH BUILDING AND/OR LOT DEVELOPMENT. SAID IMPROVEMENTS ARE SUBJECT TO REMOVAL FOR ACCESS TO UTILITIES AT OWNER'S EXPENSE.
7. THE DEVELOPER SHALL PREPARE A LANDSCAPE AND STORM DRAINAGE PLAN, WHICH SHALL ADDRESS THE EFFECT OF CHANGES TO THE NATURAL ENVIRONMENT AND INCREASED DRAINAGE. SAID LANDSCAPE AND STORM DRAINAGE PLAN SHALL BE APPROVED BY THE CITY ENGINEER, ATTACHED HERETO, AND MADE A PART HEREOF AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED. AFTER APPROVAL BY THE DEVELOPER AND THE CITY ENGINEER OF SAID LANDSCAPE AND STORM DRAINAGE PLAN, THE DEVELOPER SHALL INSTALL, OR CAUSE TO BE INSTALLED, THE IMPROVEMENTS PURSUANT TO THE SAID PLAN.
8. THE DEVELOPER SHALL PREPARE A SIGNAGE PLAN THAT SHALL INCLUDE ALL FREE STANDING BUILDING SIGNAGE, WHICH SHALL BE APPROVED BY THE CITY ADMINISTRATOR, ATTACHED HERETO AND MADE A PART HEREOF AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.
9. OUTDOOR LIGHTING SOURCES SHALL EMPLOY CUTOFF LUMINARIES TO MINIMIZED LIGHT TRESPASS AND GLARE, AND SHALL BE MOUNTED AT A HEIGHT NOT EXCEEDING ONE-HALF THE DISTANCE FROM THE NEIGHBORING LOTS, UNLESS EVIDENCE IS PROVIDED TO THE SATISFACTION OF THE ZONING ADMINISTRATOR THAT THE LIGHT SOURCE WILL BE AIMED OR SHIELDED SUCH THAT THE LIGHT SOURCE IS NOT VISIBLE FROM THE NEIGHBORING LOTS.
10. IF SCREENING EXISTS ON ANY SIDE OF A DEVELOPING PROPERTY LINE THAT MEETS OR EXCEEDS THE STANDARDS OF THE ZONING CODE, ADDITIONAL SCREENING SHALL NOT BE REQUIRED. HOWEVER, IF AT ANY TIME THE EXISTING SCREENING FAILS TO MEET THE REQUIREMENTS OF THE ZONING CODE, COMPLIANCE SHALL BE ATTAINED BY THE PROPERTY OWNERS OF THE LOT, IN THE PUD WHICH FAILS TO MEET THESE REQUIREMENTS.
11. THE DEVELOPER SHALL ENCLOSE OR CAUSE TO BE ENCLOSED ALL TRASH AND RECYCLING CONTAINERS AND SIMILAR EQUIPMENT AS SET FORTH IN THE FINAL PUD SITE PLAN AS APPROVED BY THE CITY ENGINEER AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED.
12. IN ACCORDANCE WITH THE APPROVED FINAL PUD SITE PLAN, THE CITY SHALL REQUEST INSTALLATION OF NECESSARY STREET LIGHTS BY DEVELOPER'S CONTRACTOR AND THE DEVELOPER SHALL INSTALL PARKING LOT, BUILDING LIGHTING AND SECURITY FIXTURES AS PROVIDED IN THE FINAL PUD SITE PLAN.
13. ANY REQUIRED SANITARY SEWER MAINS REQUIRED TO BE INSTALLED IN ADDITION TO THOSE MENTIONED IN #4, WILL BE THE DEVELOPER'S RESPONSIBILITY TOP CONTRACT, ENGINEER AND SHALL BE INSTALLED PER CITY STANDARDS. SAID NEW IMPROVEMENTS SHALL BE DEDICATED BY THE DEVELOPER TO THE CITY UPON APPROVAL BY THE CITY ENGINEER. THE COST OF ANY REQUIRED SANITARY SEWER MAINS SHALL BE PAID TO THE CITY AT THE TIME THE PERMIT IS APPROVED.
14. DEVELOPER SHALL CONSTRUCT A WATER SERVICE LINE TO EACH LOT. THE LOCATION OF SUCH TAP SHALL BE SHOWN ON THE FINAL PUB SITE PLAN AS APPROVED BY THE CITY ENGINEER.
15. NO DEMOLITION, SITE CLEARANCE OR CONSTRUCTION SHALL COMMENCE ON ANY PORTION OF THE TRACT OF LAND HEREIN REFERRED TO AS TIERRA VERDE SOUTH ADDITION, WITHOUT THE DEVELOPER, OR ITS DESIGNATED BUILDER, HAVING FIRST OBTAINED THE PROPER PERMITS FOR THE CITY. NO OCCUPANCY WILL BE ALLOWED OF ANY BUILDING ON SAID PROPERTY WITHOUT A VALID OCCUPANCY PERMIT FROM THE CITY.
16. A SPECIFIC PURPOSE OF THIS AGREEMENT IS TO ASSURE THAT THE NECESSARY IMPROVEMENTS ARE IN PLACE TO SUPPORT DEVELOPMENT OF THE LOTS OF LAND HEREIN REFEREED TO AS TIERRA VERDE SOUTH ADDITION. THEREFORE, THE DEVELOPER'S COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS AGREEMENT SHALL BE A CONDITION PRECEDENT TO THE GRANTING OF BUILDING AND/OR OCCUPANCY PERMITS FOR THE DEVELOPMENT OF SAID PROPERTY.
17. THE DEVELOPER SHALL FILE WITH THE SEDGWICK COUNTY REGISTER OF DEEDS AN EXECUTED COPY OF THIS AGREEMENT INCLUDING THE ATTACHMENTS OF THE FINAL PUD SITE PLAN, THE LANDSCAPE AND DRAINAGE PLAN AND THE SIGNAGE PLAN ALL AS APPROVED BY THE CITY OR GOVERNING BODY.
18. UPON FULL EXECUTION HEREOF AND UPON ATTACHMENT OF THE PUD SITE PLAN, THE LANDSCAPE PLAN, THE DRAINAGE PLAN, AND THE SIGNAGE PLAN, ALL APPROVED AS PROVIDED HEREIN AT THE TIME EACH INDIVIDUAL LOT IS DEVELOPED, THE TERMS AND CONDITIONS OF THIS AGREEMENT, AS SET FORTH HEREIN, SHALL BE BINDING UPON THE CITY AND THE DEVELOPER, THEIR SUCCESSORS, REPRESENTATIVES, TRUSTEES, AND ASSIGNS.



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

LEGAL DESCRIPTION:

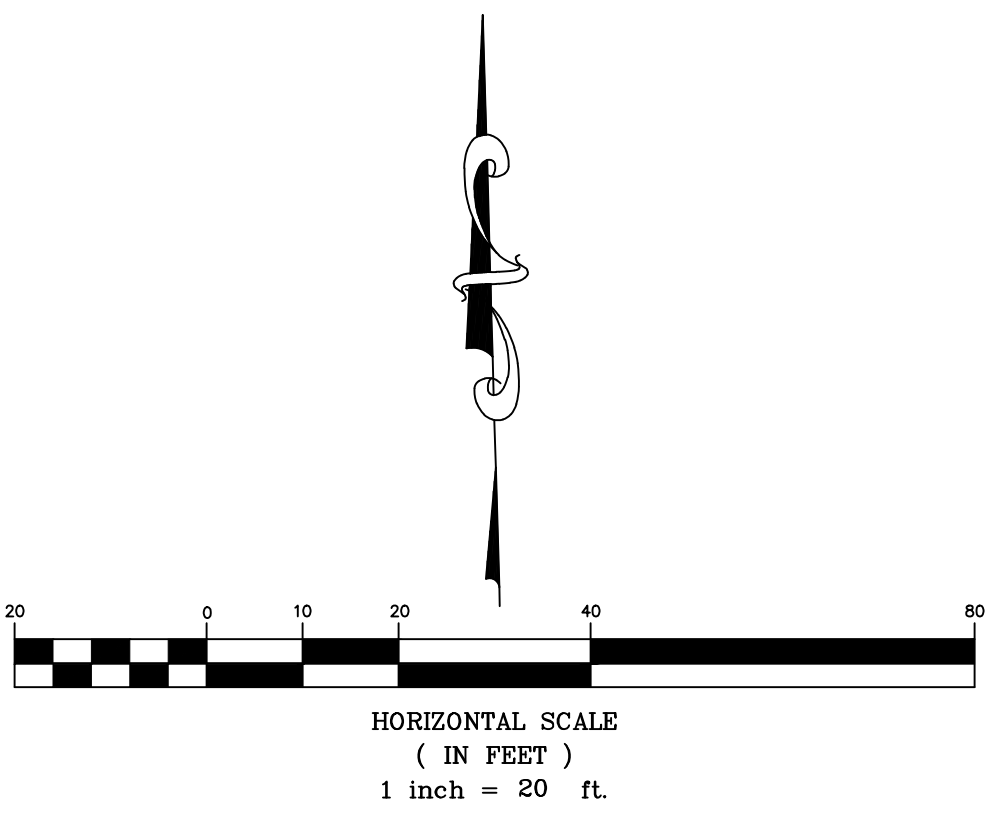
Lot 1, Block 2, Tierra Verde South Addition,
a Planned Unit Development in Bel Aire,
Sedgwick County, Kansas.

DWELLING UNITS:


- 12 proposed duplexes (24 dwelling units)

PARKING:

- 42 total spaces



Tierra Verde South Addition Duplexes
Site Plan
Bel Aire, Kansas

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



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

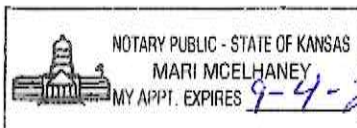
Being first duly sworn, deposes and says:

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

That the attached Official Notice of Zoning Hearing (PUD-25-01) is a true copy thereof and was published on such website beginning on the 20th day of March, 2025.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 7th day of April, 2025.



(seal)

Mari McElhane
Notary Public

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

(Notification posted on www.belaireks.gov, the designated official City newspaper for the City of Bel Aire on March 20, 2025)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on April 10, 2025, the City of Bel Aire Planning Commission will consider the following Planned Unit Development in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-25-01. Final PUD- Amended Planned Unit Development Agreement

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

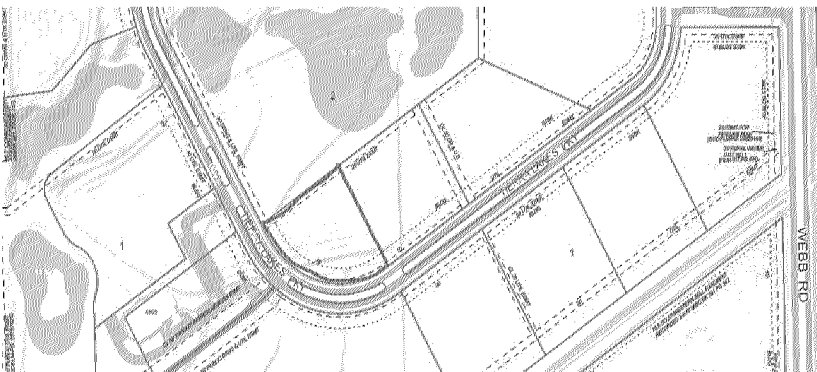
General Location: North of Tierra Lakes Pkwy; West of Webb Road

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

DATED this 20 day of March 2025.

/s/ Paula Downs

Bel Aire Planning Commission Secretary





Security 1st Title

OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 2 Subject Property	Tierra Verde South Addition	North Webb, LLC PO Box 377 Attica, KS 67009
Lots 4 & 5, Blk 1 AND Lot 2, Blk 2 AND Reserve A	"	ME Enterprises IV, LLC 2101 E. 21st St. N. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin	"	AH Property, Inc. 14726 E. 9th St. N. Wichita, KS 67230
Begin 458.66' SEly of NE cor of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin	"	North Webb, LLC PO Box 377 Attica, KS 67009



Security 1st Title

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves D, E, F, & G	"	City of Bel Aire Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226

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

Lot 1, Block 2, Tierra Verde South Addition to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of January, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER

Order: 3113362
KJK

Tierra Verde South

May 11, 2023

Planning Commission Meeting

Agenda Documents:

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

procedures. A final PUD must contain:

PUD 22

Section V, Item C.

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

APPLICATION

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

-
- ☐ Change Zoning Districts: From: _____ to Add R-5 & R-6
- ☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Addition PUD to include R-6
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD _____ ☐ Final PUD with plat/ zoning

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City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner ME Enterprises IV, LLC (Masoud Etezazi)

Address 2101 E. 21st St N, Wichita, KS 67214 Telephone

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer, L.A.)

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

1. The application area is legally described as Lot(s) *; Block(s) *,
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and
 bounds description may be attached. *See attached for legal description.

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally
 located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control
 number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

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

H:\zoning forms\PUDAPPLICATION.doc 1/9/06

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

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

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


1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone _____
 Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

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

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

Agent Baughman Company, PA Phone _____
 Address _____ Zip Code _____

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

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

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



TIERRA VERDE SOUTH ADDITION
PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.



OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 AND Reserve A Part of Subject Property	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21 st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B Part of Subject Property	“	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin Part of Subject Property	“	City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226

That part of Lot 2, Blk 1, comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin Part of Subject Property	“	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves C, D, E, F, G, H, I, & J Part of Subject Property	“	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Reserve B	“	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20-26-2E; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Capital Corporation 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclus, Blk 2 AND Lots 22 thru 26 inclus, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	“	Steven L. & Amy K. Renn 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	“	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	“	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	“	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	“	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Lot 4, Blk 3	“	Vision Homes Investments, Inc. 8722 E. Blade Ct. Wichita, KS 67226
Lot 5, Blk 3	“	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	“	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	“	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	“	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	“	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	“	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	“	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	“	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215
Lot 24, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lot 25, Blk 1	“	Artistic Builders, LLC 11000 Fremont Circle Mulvane, KS 67110

Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	“	C & J Investment Group, LLC 2222 SW 96 th St. Sedgwick, KS 67135
Reserve C	“	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14 thru 25 inclus, Blk D	Skyview at Block 49 2 nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3 rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of March, 2023, at 7:00 A.M.

Security 1st Title, LLC

By: JoAnn Childers
Licensed Abstracter

Order: OE002489
KJK

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

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

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

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family District, "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family

- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

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

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

THIS AGREEMENT is hereby executed on this _____ day of _____, 2023.

ME ENTERPRISES IV, LLC, DEVELOPER

MASOUD ETEAZI, MEMBER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2023.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____

City of Bel Aire

STAFF REPORT

DATE: 05/05/2023

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

STAFF COMMUNICATION	
FOR MEETING OF	5/11/23
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

ZON-23-01. Proposed re-zoning approximately 63+ acres zoned AG, to a M-1 Industrial Manufacturing. The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft.

History: The land was annexed into the city during the 2002-2005 timeframe as Bel Aire was in the growth mode to prevent being landlocked.

Discussion:

All M-1 zoning requires a PUD for development. AG zoning has been a holding district for future Use. The 2018 Master growth plan and the antiquated comprehensive indicates this would be a commercial use district. M-1 is two steps from table 1.2 contained within the 2018 Master Growth Plan; commercial use category and meets the initial requirement.

Conclusion:

Staff recommends approving based on other recent zoning changes nearby for the same purpose-for the best and highest use.

PUD-23-02. Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

Tierra Verde started as a concept plan dividing the commercial uses from the residential use with the north addition for housing and the south addition for commercial uses in 2009 master

plan concept. The commercial uses would attempt to meet the LEED standard silver as a concept. Bio-swailes were incorporated in the drainage system. Groundbreaking for the Concierge Surgical Recovery Suites & Wellness Center--Phase I of The Healing Center at Tierra Verde was Friday, May 31, 2013.

During the first building project, the project was in foreclosure, due in part by the untimely death of Dr. George Watson.

The current business in the completed building was established in 2018 with the city on the portion of lot 4, in block 1. The building does have components to help with the LEED points total.

The majority of ground hasn't been developed in the south addition; the current plat was filed 9/21/09; that is almost 14 years without using the infrastructure installed within the development.

Discussion:

New housing is needed within Sedgwick County, there are studies to indicate that is true. Bel Aire's Master Growth Plan that was adopted indicates that is a prime objective for land once owned by the city. Table 1.2 indicates that two steps from local commercial/mixed use would be multi-family uses and allowable. Figure 3.3 describing multi-family acres in 2018 as just under 12 is antiquated with the recent platting and building. The master growth plan indicated 917 acres would be for housing of the 2,267 acres. That is 40% of the total acres available from that point in time. Many of the commercial areas already designated wouldn't be suitable for housing at this moment. Based on the land approved to date for housing since 2018 would be +/-50% of that total.

To follow the LEED design and air space concerns related to green building construction methods and quality of housing to reduce noises would be good to consider.

A good street appeal variation from recent duplex areas would help build a neighbor branding or identifier.

Conclusion:

Recommends approval of the project with the conditions once understanding of the scope of the project is determined.

PUD-23-03. Proposed PUD to allow open self-storage, warehousing, office, partial gravel parking, with basic items not pre-approved with the over-all existing PUD documents. 16+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

SCP was platted 7/24/12 with a master plan provided with concepts. Prohibited uses:

- Food/Meat Processing
- Fuel Storage/Refinement
- Asphalt/Concrete Plants

- Correctional Facilities
- Group Homes
- Hazardous Operations
- Landfill
- Mining or Quarrying
- Oil and Gas Drilling
- Rock Crushing
- Solid Waste Incinerator
- Transfer Station
- Wrecking/Salvage Yard
- Agricultural Uses: Elevators, grain storage yard, feed lots, etc.

Discussion:

Self-storage units weren't a use listed specifically in any of the master plans for SCP. The history of Bel Aire zoning code self-storage units has required conditional use, special use, or PUD.

The landscape plan provided can be approved as a concept to follow that would need to meet the city code or be approved as proposed. The signage should be discussed and approved as proposed to ensure that it is part of the PUD; industrial uses wall signs are limited to 200s.f.and limited to 3 walls total.

Phasing of the project should be understood to know how the project will look and what to expect with landscaping and construction.

Conclusion:

Recommends approval of the project with any conditions once understanding of the scope of the project is determined.



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



I. Call to Order

II. Roll Call

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

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

III. Pledge of Allegiance to the Flag

Chairman Schmidt led the Pledge of Allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

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

V. Old Business/New Business

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

Chairman Schmidt opened the public hearing.

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

Chairman Schmidt closed the public hearing.

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

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

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

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

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

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

Motion carried 3-2.

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

Chairman Schmidt opened the public hearing.

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

Chairman Schmidt closed the public hearing.

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

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

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

Chairman Schmidt opened the public hearing.

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

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

Chairman Schmidt closed the public hearing.

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

Motion: Commissioner Jordan made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. Commissioner Floyd seconded the motion. ***Motion Carried 5-0.***

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

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

VIII. ADJOURNMENT

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

Tierra Verde South

June 20, 2023

City Council Meeting

Agenda Documents:

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

City of Bel Aire, Kansas

STAFF REPORT

DATE: June 14, 2023

TO: Governing Body, City Manager

FROM: Planning Commission

RE: May 11, 2023, Planning Commission Meeting



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

The planning commission considered an amendment to the Tierra Verde PUD to allow for R-5 and R-6 Zoning (as well as C-1 as originally plated). The Commissioners studied the material provided by the applicant, including the proposed amended PUD language (attached) and other evidence presented by the representative for the applicant. The Commission conducted a public hearing on May 11, 2023, in relation to the application where interested parties and citizens were given the opportunity to be heard. There were two citizen concerns addressed during the open hearing. Both were concerned with the proximity of the development to Sawmill Creek in Wichita. There was concern that Lot 3, which abuts Sawmill Creek on the east side, could have an apartment or hotel built. They were also concerned with Skragg St becoming a through street from Sawmill to Tierra Verde.

Phil Meyer with Baughman Company spoke on behalf of the applicant and addressed concerns from citizens and the Planning Commission. He stated that a request was being made to offer more options for development in an area that has been vacant for some time. The applicant, as well as Mr. Meyer, thought that providing more options for land use could encourage development of the property. He noted that at this time, there are no specific developments or developers in mind for the area.

After the hearing was closed, the Commission spoke at length about ensuring the separation of Sawmill Creek and Tierra Verde be honored as there is a berm and tree line that separates the two developments. It was also mentioned that keeping Lot 3 as stated in the original PUD and not allowing for R-5 or R-6 use would be a good compromise. After deliberation on this opinion, it was stated that allowing R-5 would be an acceptable use in Lot 3. The commissioners agreed that this was a reasonable request as multi-family homes are located north of Tierra Verde and development of the property would benefit the city and the property owner.

After review, the Planning Commission voted (by passing a 5-0 motion) to **recommend approval to amend the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3.**

procedures. A final PUD must contain:

PUD 22

Section XI, Item B.

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

APPLICATION

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

-
- ☐ Change Zoning Districts: From: _____ to Add R-5 & R-6
- ☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Addition PUD to include R-6
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD _____ ☐ Final PUD with plat/ zoning

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City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner ME Enterprises IV, LLC (Masoud Etezazi)

Address 2101 E. 21st St N, Wichita, KS 67214 Telephone

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer, L.A.)

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

1. The application area is legally described as Lot(s) *; Block(s) *,
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and
 bounds description may be attached. *See attached for legal description.

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally
 located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control
 number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

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

H:\zoning forms\PUDAPPLICATION.doc 1/9/06

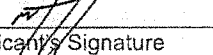

200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

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

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

1. Applicant	ME Enterprises IV, LLC (Masoud Etezazi)	Phone	
Address	2101 E 21st St. N, Wichita, KS	Zip Code	67214
Agent	Baughman Company, PA (Philip Meyer, LA)	Phone	316-262-7271
Address	315 Ellis St, Wichita, KS	Zip Code	67211
2. Applicant	City of Bel Aire (Land Bank)	Phone	
Address	7651 E. Central Park Ave, Bel Aire, KS	Zip Code	67226-7600
Agent	Baughman Company, PA	Phone	
Address		Zip Code	

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

x  BY  Authorized Agent (If Any)

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



TIERRA VERDE SOUTH ADDITION
PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.



OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 AND Reserve A Part of Subject Property	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21 st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B Part of Subject Property	“	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin Part of Subject Property	“	City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226

That part of Lot 2, Blk 1, comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin Part of Subject Property	“	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves C, D, E, F, G, H, I, & J Part of Subject Property	“	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Reserve B	“	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20-26-2E; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Capital Corporation 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclus, Blk 2 AND Lots 22 thru 26 inclus, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	“	Steven L. & Amy K. Renn 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	“	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	“	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	“	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	“	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Lot 4, Blk 3	“	Vision Homes Investments, Inc. 8722 E. Blade Ct. Wichita, KS 67226
Lot 5, Blk 3	“	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	“	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	“	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	“	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	“	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	“	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	“	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	“	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215
Lot 24, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lot 25, Blk 1	“	Artistic Builders, LLC 11000 Fremont Circle Mulvane, KS 67110

Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	“	C & J Investment Group, LLC 2222 SW 96 th St. Sedgwick, KS 67135
Reserve C	“	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14 thru 25 inclus, Blk D	Skyview at Block 49 2 nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3 rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of March, 2023, at 7:00 A.M.

Security 1st Title, LLC

By: JoAnn Childers
Licensed Abstracter

Order: OE002489
KJK

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

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

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

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

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

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

THIS AGREEMENT is hereby executed on this _____ day of _____, 2023.

ME ENTERPRISES IV, LLC, DEVELOPER

MASOUD ETEAZI, MEMBER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2023.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2023, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____



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



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

II. ROLL CALL

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

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

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

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

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

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

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

VIII. CITY REQUESTED APPEARANCES

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

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

IX. CITIZEN CONCERNS: No one spoke.

X. REPORTS

A. Council Member Reports

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

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

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

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

B. Mayor's Report

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

C. City Attorney Report

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

D. City Manager Report

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

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

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

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

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

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

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

MOTION: Councilmember Hamburg moved to accept the Bel Aire Planning Commission's recommendation to amend the Tierra Verde South Addition PUD Agreement to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3, and authorize all required signatures. Councilmember Dehn seconded the motion. *Motion carried 5-0.*

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

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

XII. EXECUTIVE SESSION

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

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

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

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

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

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

XIII. DISCUSSION AND FUTURE ISSUES

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

XIV. ADJOURNMENT

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

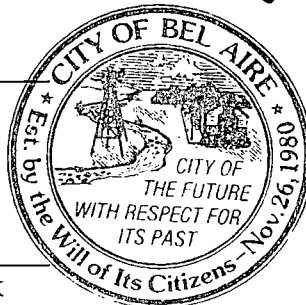
The meeting adjourned at 9:05 p.m.

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


Jim Benage, Mayor

ATTEST:


Melissa Krehbiel, City Clerk





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

Receipt #: 2389734
Pages Recorded: 5

Recording Fee: \$89.00

Cashier: KVENATOR

Authorized By: *Tonya Buckingham*

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



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

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

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

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

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

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

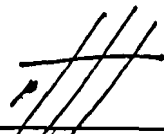
PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

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

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

THIS AGREEMENT is hereby executed on this 25th day of July, 2023.

ME ENTERPRISES IV, LLC, DEVELOPER



MASOUD ETEZAZI, MEMBER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the 20th day of June, 2023 and is hereby executed on this 20th day of June, 2023.





MAYOR, JIM BENAGE

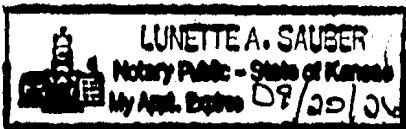


CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 25th day of July, 2023, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.



Lunette A. Sauber
NOTARY PUBLIC

My Appointment Expires: 09/20/2026

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 20 day of June, 2023, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.



Tristin Terhune
NOTARY PUBLIC

My Appointment Expires: Nov. 5, 2025

Tierra Verde South

January 11, 2024

Planning Commission Meeting

Agenda Documents:

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

City of Bel Aire

STAFF REPORT

STAFF COMMUNICATION

FOR MEETING OF	1/11/24
CITY COUNCIL	
INFORMATION ONLY	

DATE: 01/05/2024

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

PUD-23-04. (formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

Tierra Verde started as a concept plan dividing the commercial uses from the residential use with the north addition for housing and the south addition for commercial uses in 2009 master plan concept. The commercial uses would attempt to meet the LEED standard for gold or silver as a concept. Bio-swales were incorporated in the drainage system. Groundbreaking for the Concierge Surgical Recovery Suites & Wellness Center--Phase I of The Healing Center at Tierra Verde was Friday, May 31, 2013.

During the first building project, the project was in foreclosure, due in part by the untimely death of Dr. George Watson.

The current business in the completed building was established in 2018 with the city on the portion of lot 4, in block 1. The building does have components to help with the LEED points total.

The majority of ground hasn't been developed in the south addition; the current plat was filed 9/21/09; that is almost 14 years without using the infrastructure installed within the development.

This PUD was in front of the planning commission May 11, 2023. Sawmill Creek a Wichita development in Wichita had speakers voice concerns. Through streets at Blade or Scragg Streets, elevated crime rate, Multi-family housing were the concerns listed in the minutes. Motion made and approved at the time.

Motion: Commissioner Jordan made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. Commissioner Floyd seconded the motion. ***Motion Carried 5-0.***

Discussion:

New housing is needed within Sedgwick County, there are studies to indicate that is true. Bel Aire's Master Growth Plan that was adopted indicates that is a prime objective for land once owned by the city. Table 1.2 indicates that two steps from local commercial/mixed use would be multi-family uses and allowable. Figure 3.3 describing multi-family acres in 2018 as just under 12 is antiquated with the recent platting and building. The master growth plan indicated 917 acres would be for housing of the 2,267 acres. That is 40% of the total acres available from that point in time. Many of the commercial areas already designated wouldn't be suitable for housing at this moment. Based on the land approved to date for housing since 2018 would be +/-50% of that total.

To follow the LEED design and air space concerns related to green building construction methods and quality of housing to reduce noises would be good to consider.

A good street appeal variation from recent duplex areas would help build a neighborhood branding or identifier.

Conclusion:

Recommends approval of the project with the conditions once understanding of the scope of the project is determined. An Ordinance will need to be created to contain the PUD revisions. Replatting, if needed or required, would reflect these changes as well.

SUMMARY:

Notice is Hereby Given that on January 11, 2024; the City of Bel Aire Planning Commission will review code sections to consider an update to the Zoning Code related to adopting an update to the City 2023 Zoning Map

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

Discussion:

The city received a question About Arthur Heights- After looking into the question, the Arthur Heights was zoned R-1 with the 2006 zoning map to match the 2005 adoption of the 2004 code. The basic reasons are the lot size is 1 acre and it is for housing purposes. That district heading was "R-1 Single-family Residential" and not "Rural Residential". The title given for the R-1 since the 2004 code has been "Estate Residential".

The 1994 map used until 2006 indicated these were R-1 zoned, 40,000 s.f. lots. Any lot under 1 acre would be allowed to continue in a non-conforming status.

The 1985 code had this as R-1- and 2-acre lot size requirement. Some of the R-1 lots were not platted as 1 acre so it created many no conforming lots, but the plat was done in the 50's before the city was a city.

The city isn't required to adjust zoning districts to make parcels compliant with the zoning code, but large areas have been adjusted over time to match most closely as to what was built to protect and fortify what could be rebuilt.

Staff would like to update the official zoning map annually to match changes made during zoning hearing processes throughout the year by the governing body as a codification process. This would mean that a zoning code update related to districts, new districts, new or changed boundaries would still come back to planning commission, all approved changes would be incorporated in the newly dated official zoning map.

The request motion should include updating the city official zoning map to reflect as present and any of the recently approved zoning ordinance changes. The added request is to allow updating the official map with the Bel Aire code codifications to reflect only zoning districts that have been approved by the governing body prior to the codification process.

Below is the city zoning code section revision by the 2023 codification listed on the city web site related to the city zoning map:

18.6.1. Official zoning map.

The location and boundaries of the districts established by this Zoning Code are hereby established to be as shown on a map officially designated as the Zoning District Map. The map and all the notations, references and information shown thereon are hereby made as much a part of this Zoning Code as if the same were set forth in full herein. It shall be the duty of the city clerk to keep in a file in his or her office an authentic copy of the map, all charges, amendments or additions thereto, and duplicate copies thereof shall be kept on file in the office of the Zoning Administrator and/or building inspector.

Affidavit of Publication

STATE OF KANSAS.
SEDGWICK COUNTY, ss.

Bel Aire public notice

(Published in The Ark Valley News Dec. 21, 2023.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on January 11, 2024, the City of Bel Aire Planning Commission will consider the following PUD revision to existing document changes hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-23-04. Proposed document changes within the current PUD to allow multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres. Formerly, case number PUD-23-02.

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

General Location: ½ mile north of 45th on the west side of Webb Road.

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

DATED this 15 day of December, 2023.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 21st day of December, 2023, with subsequent publications being made on the following dates:

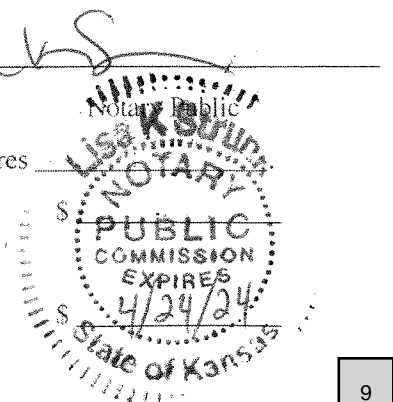
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

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

My commission expires _____

Additional copies _____

Printer's fee _____



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

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

APPLICATION

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

-
- ☐ Change Zoning Districts: From: _____ to _____
- ☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Add. PUD to include R-5 and R-6
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner ME Enterprises, LLC -and- North Webb, LLC
ME Enterprises, LLC, 2101 E. 21st St, Wichita, KS 67214
 Address North Webb, LLC, PO Box 377, Attica, KS 67009 Telephone _____

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer, L.A.)
 Address 315 Ellis St, Wichita, KS 67211 Telephone 316-262-7271

1. The application area is legally described as Lot(s) _____; Block(s) _____,
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached. *See attached for legal description.

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally
 located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control
 number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

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

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

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


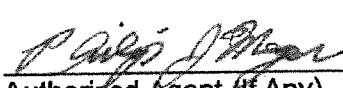
The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
Address 315 Ellis St, Wichita, KS Zip Code 67211
2. Applicant North Webb, LLC Phone
Address PO Box 377, Attica, KS Zip Code 67009-0377

Agent Baughman Company, PA Phone
Address same as above Zip Code
3. Applicant City of Bel Aire (Land Bank) possible Reserve A ownership
Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

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

x  BY 
Applicant's Signature Authorized Agent (if Any)

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

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

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
 Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

 Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
 Address 315 Ellis St, Wichita, KS Zip Code 67211
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The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare. *North Webb LLC*

BAUGHMAN COMPANY, PA

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

Philip A Meyer
 Authorized Agent (If Any)

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



TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

REQUEST FOR PUD AMENDMENT CLARIFICATION

This case is being filed to correct an ownership issue that occurred in the application process with the City of Bel Aire in April, 2023 (See PUD-23-02). The Applicants are not seeking to modify or make any additional changes to the PUD from that approved by the Planning Commission and City Council within the previously mentioned Application.



OWNERSHIP LIST

PROPERTY DESCRIPTION	PROPERTY OWNER	
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 Part of Subject Property	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B Part of Subject Property	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin Part of Subject Property	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226



Security 1st Title

Section V, Item A.

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin Part of Subject Property	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves A, C, D, E, F, G, H, I, & J Part of Subject Property	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at NW corner of SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		Bryant Family Trust R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments #11, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect. 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin	"	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206



Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Investments, LLC (Prior-WAM Capital Corporation) 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclusive, Blk 2 AND Lots 22 thru 26 inclusive, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Benjamin J. & Jennifer R. Fisher 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	"	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	"	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226



Security 1st Title

Section V, Item A.

Lot 4, Blk 3	"	Vision Homes Investments, Inc. PO Box 224 Colwich, KS 67030
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	"	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	"	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	"	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	"	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215



Lots 24 & 25, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14, 15, & 16, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 17, 18, & 19, Blk D AND Lot 20, EXC the W 1.20' thereof, Blk D AND Lot 21, & the W 1.20' of Lot 20, Blk D AND Lot 22, & the E 2.80' of Lot 23, Blk D AND Lot 23, EXC the E 2.80' thereof; & The E 4.30' of Lot 24, Blk D AND Lot 24, EXC the E 4.30' thereof; & The E 3' of Lot 25, Blk D AND Lot 25, EXC the E 3' thereof, Blk D	"	Superior Homes, LP 3500 N. Rock Rd., Bldg. 1600 Wichita, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226



Security 1st Title

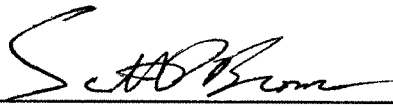
Section V, Item A.

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of November, 2023, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER

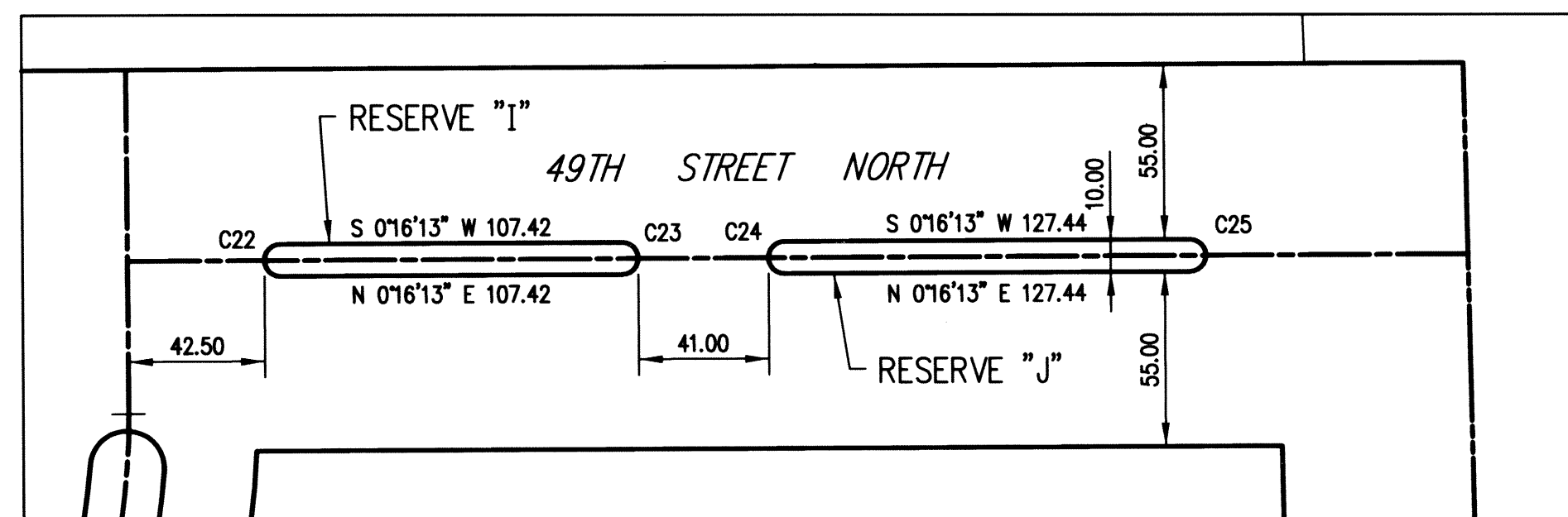
Order: OE008635
KJK

PC 216-10B

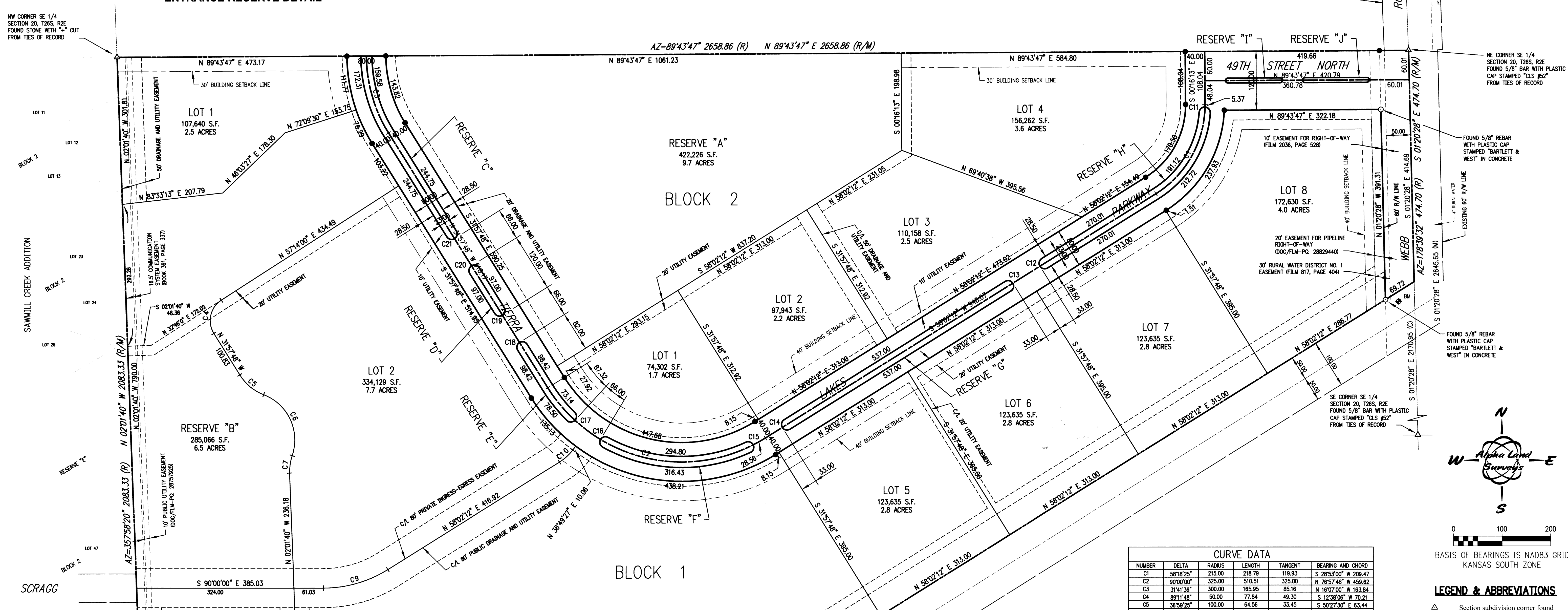
FINAL PLAT

TIERRA VERDE SOUTH ADDITION

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



ENTRANCE RESERVE DETAIL

**RESERVE NOTES:**

RESERVES A AND B ARE PLATTED FOR A LAKE, DRAINAGE, SIDEWALKS, MONUMENTS, LANDSCAPING, IRRIGATION, OPEN SPACE AND BERMING.
RESERVES C, D, E, F, G, H, I AND J ARE PLATTED FOR MONUMENTS, LANDSCAPING, IRRIGATION AND OPEN SPACE.

THE RESERVES SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS OR HOME OWNER'S ASSOCIATION.

THE STREETS ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC.

A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT AND ALL DRAINAGE EASEMENTS, RIGHT-OF-WAY AND RESERVES SHALL REMAIN AT ESTABLISHED GRADES OR AS MODIFIED WITH THE APPROVAL OF THE APPLICABLE CITY OR COUNTY ENGINEER AND UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER.

LEED DESIGN CRITERIA:

- IT IS THE INTENT OF THE DEVELOPER(S) FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED ND (NEIGHBORHOOD DEVELOPMENT) RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW TEAM TO ENSURE SITE PROJECTS CONFORM TO THE LEED ND DESIGN PRINCIPLES. THE FOLLOWING LEED ND DESIGN ITEMS SHALL BE APPLIED TO ALL DEVELOPMENT WITHIN THE PUD.

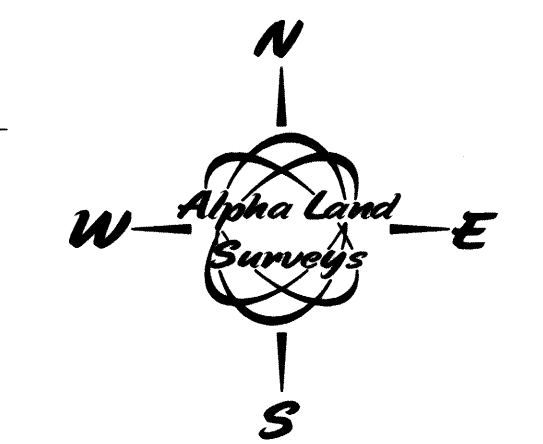
- THE POSTED SPEED LIMIT FOR RESIDENTIAL AREAS WITHIN THE DEVELOPMENT SHALL BE A MAXIMUM OF 20 MPH.
- THE POSTED SPEED LIMIT FOR ALL NON-RESIDENTIAL AREAS OR MIXED USE AREAS SHALL BE 25 MPH.
- MINIMUM 4' WIDE SIDEWALKS SHALL BE REQUIRED ON BOTH SIDES OF THE STREET RIGHT-OF-WAY WITH THE OUTSIDE EDGE OF THE SIDEWALK BEING PARALLEL TO AND ADJACENT TO THE RIGHT-OF-WAY LINE.
- NO VEHICULAR PARKING IS ALLOWED WITHIN THE STREET RIGHT-OF-WAY.
- ALL STREETS AND PEDESTRIAN SIDEWALKS OR OTHER PATHWAYS OF TRAVEL ARE AVAILABLE FOR GENERAL PUBLIC USE AND SHALL NOT BE GATED.

CLOSURE COMPUTATION:

N: 1718280.17 E: 1677935.82
LINE COURSE: AZ=89°43'47" LENGTH: 2658.86
N: 1718292.71 E: 1680594.65
LINE COURSE: AZ=178°39'32" LENGTH: 474.70
N: 1717818.14 E: 1680605.76
LINE COURSE: AZ=238°02'12" LENGTH: 3060.20
N: 1716198.15 E: 1678009.53
LINE COURSE: AZ=357°58'20" LENGTH: 2083.33
N: 1718280.17 E: 1677935.81

AREA: 77,901 ACRES 3,393,368 S.F.
PERIMETER: 8277.09
ERROR OF CLOSURE: 0.0100
ERROR OF CLOSURE COURSE: AZ=44°19'10"
ERROR NORTH: 0.0000 ERROR EAST: -0.0100
PRECISION 1: 827826

NUMBER	DELTA	RADIUS	LENGTH	TANGENT	BEARING AND CHORD
C1	58°18'25"	215.00	218.79	119.93	S 28°33'00" E 208.47
C2	90°00'00"	325.00	510.51	325.00	N 76°57'48" W 458.62
C3	31°41'36"	300.00	165.95	85.16	N 16°07'00" W 163.84
C4	89°11'48"	50.00	77.84	49.30	S 12°38'08" W 70.21
C5	36°59'23"	100.00	64.56	33.45	S 50°27'30" E 63.44
C6	87°53'10"	100.00	153.39	96.38	S 2°00'38" E 138.79
C7	20°57'37"	100.00	36.58	18.50	S 08°27'09" W 36.38
C8	119°56'08"	225.00	470.99	389.21	S 61°59'44" E 389.59
C9	31°57'48"	250.00	139.47	71.60	N 74°01'06" E 137.66
C10	21°24'45"	100.00	37.02	18.73	N 47°25'48" E 36.81
C11	180°00'00"	11.50	36.13	INFINITE	S 85°40'28" E 23.00
C12	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C13	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C14	180°00'00"	11.50	36.13	INFINITE	S 31°57'48" E 23.00
C15	180°00'00"	11.50	36.13	INFINITE	S 24°54'00" E 23.00
C16	180°00'00"	11.50	36.13	INFINITE	S 28°58'43" W 23.00
C17	180°00'00"	11.50	36.13	INFINITE	S 44°40'11" W 23.00
C18	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C19	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C20	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C21	180°00'00"	11.50	36.13	INFINITE	S 58°02'12" W 23.00
C22	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C23	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C24	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00
C25	180°00'00"	5.00	15.71	INFINITE	S 00°16'13" E 10.00



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

LEGEND & ABBREVIATIONS

- △ Section subdivision corner found
- Survey monument found
- Set 1/2"x24" rebar with cap stamped "ALPHA CLS-184"
- C. Calculated
- R. Record
- M. Measured
- R/W. Right of Way
- AZ. Azimuth
- N. North
- S. South
- E. East
- W. West
- S.F. Square Feet
- ° Degrees
- ' Feet or Minutes
- " Inches or Seconds

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

PC 216-10B

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, and NORTH WEBB, LLC, a Kansas Limited Liability Company, hereinafter collectively referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

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

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplex
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-care
- Schools
- Leasing office
- Playgrounds or community spaces.
- Accessory structures as approved by the city manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as define in Chapter 7 zoning code – section 7.11 Neighborhood Commercial, Office Retail

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

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

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

THIS AGREEMENT is hereby executed on this _____ day of _____, 2024.

ME ENTERPRISES IV, LLC, DEVELOPER

MASOUD ETEZAZI, MEMBER

NORTH WEBB, LLC, DEVELOPER

P. JOHN ECK, MANAGER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2023 and is hereby executed on this _____ day of _____, 2024.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 2024, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF _____) ss:

BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 2024, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forging Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____

procedures. A final PUD must contain:

PUD 27

Section V, Item A.

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

APPLICATION

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

-
- ☐ Change Zoning Districts: From: _____ to Add R-5 & R-6
- ☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Addition PUD to include R-6
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD _____ ☐ Final PUD with plat/ zoning

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

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner ME Enterprises IV, LLC (Masoud Etezazi)

Address 2101 E. 21st St N, Wichita, KS 67214 Telephone

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer, L.A.)

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

1. The application area is legally described as Lot(s) *; Block(s) *,
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and
 bounds description may be attached. *See attached for legal description.

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally
 located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control
 number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

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

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

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

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

1. Applicant	ME Enterprises IV, LLC (Masoud Etezazi)	Phone	
Address	2101 E 21st St. N, Wichita, KS	Zip Code	67214
Agent	Baughman Company, PA (Philip Meyer, LA)	Phone	316-262-7271
Address	315 Ellis St, Wichita, KS	Zip Code	67211
2. Applicant	City of Bel Aire (Land Bank)	Phone	
Address	7651 E. Central Park Ave, Bel Aire, KS	Zip Code	67226-7600
Agent	Baughman Company, PA	Phone	
Address		Zip Code	

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

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

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



TIERRA VERDE SOUTH ADDITION
PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.



OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 AND Reserve A Part of Subject Property	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21 st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B Part of Subject Property	“	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin Part of Subject Property	“	City of Bel Aire, Kansas 7651 E. Central Park Ave. Bel Aire, KS 67226

That part of Lot 2, Blk 1, comm at N-most NE corner thereof, th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & Wly along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin Part of Subject Property	“	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves C, D, E, F, G, H, I, & J Part of Subject Property	“	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at the NW corner of the SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206

Reserve B	“	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20-26-2E; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4 of Sect 20; th. N 461.87' to Sly r.o.w. line of Union Pacific Railroad; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Capital Corporation 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclus, Blk 2 AND Lots 22 thru 26 inclus, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	“	Steven L. & Amy K. Renn 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	“	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	“	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	“	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	“	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226

Lot 4, Blk 3	“	Vision Homes Investments, Inc. 8722 E. Blade Ct. Wichita, KS 67226
Lot 5, Blk 3	“	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	“	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	“	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	“	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	“	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	“	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	“	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	“	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215
Lot 24, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lot 25, Blk 1	“	Artistic Builders, LLC 11000 Fremont Circle Mulvane, KS 67110

Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	“	C & J Investment Group, LLC 2222 SW 96 th St. Sedgwick, KS 67135
Reserve C	“	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14 thru 25 inclus, Blk D	Skyview at Block 49 2 nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3 rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with all of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 31st day of March, 2023, at 7:00 A.M.

Security 1st Title, LLC

By: JoAnn Childers
Licensed Abstracter

Order: OE002489
KJK

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 7th day of December, 2023, with subsequent publications being made on the following dates:

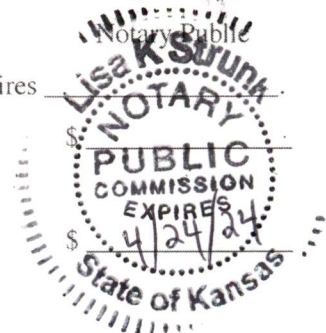
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

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

My commission expires _____

Additional copies _____

Printer's fee _____



Bel Aire public notice

(Published in The Ark Valley News Dec. 7, 2023.)

OFFICIAL NOTICE OF A ZONING CODE HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on December 14, 2023; the City of Bel Aire Planning Commission will review code sections to consider an update to the Zoning Code related to adopting an update to the City 2023 Zoning Map, shortly after 6:30 p.m. in the Council Chamber at City Hall in order of the agenda items, in Bel Aire, Kansas:

Location: 7651 E. Central Park Ave, Bel Aire Ks. 67226

Information: The 2023 map can be viewed at city hall during business hours.

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

DATED this 30th day of November, 2023

/s/ Anne Stephens
Bel Aire Planning Commission Secretary





MINUTES

PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS

January 11, 2024 6:30 PM



I. Call to Order

II. Roll Call

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

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

III. Pledge of Allegiance

Chairman Schmidt led the Pledge of Allegiance.

IV. Public Comments

Chairman Schmidt opened the public hearing.

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

Chairman Schmidt closed the public hearing.

V. Consent Agenda

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

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

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

VI. Old Business/New Business

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

Chairman Schmidt opened the hearing.

City Attorney, Maria Schrock shared that this has already been approved by the Planning Commission, nothing about the design, site plan or anything regarding those facts have changed. The only thing that has changed that the original application only had one signature, now today there are two signatures. The reason there are now two signatures is because there are two owners involved. The last time this was seen by the Planning Commission, it had a legal description specific lot in it, which had a different owner and their signature was missing. Today the application has a signature from all lot owners.

Representing agent for Baughman Company, Phil Meyer was present to discuss the amending zoning districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning. Phil is agreeance with Maria on her findings.

Also present was Basem Krichati, owner and broker with Superior Reality who owns the parcel development to the north, Basem shared that he is opposed to have apartments next to his lots.

Chairman Schmidt recommended to Phil Myer and Basem Krichati to step aside to have further discussion for clarification on location and we will come back to this after the next item on the agenda.

Chairman Schmidt Closed the hearing at this time.

Action: Commissioner Jordan made a motion to table until we review item B first and come back to item A. Commissioner Charleston seconded the motion. ***Motion Carried 6-0***

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

Chairman Schmidt opened the hearing.

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

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

Chairman Schmidt Closed the hearing.

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

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

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

Representing agent for Baughman Company, Phil Meyer, still present. Phil Meyer has agreed to not place apartments on Reserve A.

Chairman Schmidt closed the hearing.

Commissioner Salazar mentioned that he appreciated the developer taking onto account the opinions of the neighbors. Commissioner Charleston stated that he agreed with Commissioner Salazar regarding the opinion of the neighbors. Commissioner Faber stated that he agrees that they had communication with the surrounding neighbors and it seems to fit with nearby zoning uses, especially with the step down zoning. Commissioner Matzek stated that they met the recommendations from staff. Commissioner Jordan stated that it seems suitable for the property and Chairman Schmidt agreed with Jordan.

Action: Chairman Schmidt made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with changes with the amendments that Reserve A, Block 2 is excluded from R-6 uses. Commissioner Jordan seconded. ***Motion Carried 6-0***

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

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

VIII. Current Events

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

IX. Adjournment

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

Tierra Verde South

February 20, 2024

City Council Meeting

Agenda Documents:

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

(Published in *The Ark Valley News* on _____)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. PUD-23-04; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. PUD-23-04 on January 11, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission and approves changing the zoning classifications allowed in the Tierra Verde South Addition PUD to include R-5 and R-6 zoning, with the condition that R-6 zoning uses are excluded from Lot 3, Block 1 and Reserve A, Block 2.

Legal Description

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

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

[Remainder of Page Intentionally Left Blank]

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

CITY OF BEL AIRE, KANSAS

[seal]

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

City of Bel Aire

STAFF REPORT

DATE: 01/05/2024

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

STAFF COMMUNICATION

FOR MEETING OF	1/11/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-23-04. (formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres.

The city advertised the hearing in the Ark Valley newspaper and notified property owners as required within the required distance of 200 ft.

History:

Tierra Verde started as a concept plan dividing the commercial uses from the residential use with the north addition for housing and the south addition for commercial uses in 2009 master plan concept.

Groundbreaking for the Concierge Surgical Recovery Suites & Wellness Center--Phase I of The Healing Center at Tierra Verde was Friday, May 31, 2013. During the first building project, the project was in foreclosure, due in part by the untimely death of Dr. George Watson.

The current business in the completed building was established in 2018 with the city on the portion of lot 4, in block 1. The majority of ground hasn't been developed in the south addition; the current plat was filed 9/21/09; that is almost 14 years without using the infrastructure installed within the development.

This PUD was in front of the planning commission May 11, 2023. Sawmill Creek a Wichita development in Wichita had speakers voice concerns. Through streets at Blade or Scragg Streets, elevated crime rate, Multi-family housing were the concerns listed in the minutes. Motion made and approved at the time.

Motion: Commissioner Jordan made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. Commissioner Floyd seconded the motion. ***Motion Carried 5-0.***

Minutes from the January 11, 2024 Planning Commission Meeting

PUD-23-02 - Amending Zoning Districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning. Chairman Schmidt opened the hearing.

City Attorney, Maria Schrock shared that this has already been approved by the Planning Commission, nothing about the design, site plan or anything regarding those facts have changed. The only thing that has changed that the original application only had one signature, now today there are two signatures. The reason there are now

two signatures is because there are two owners involved. The last time this was seen by the Planning Commission, it had a legal description specific lot in it, which had a different owner and their signature was missing. Today the application has a signature from all lot owners.

Representing agent for Baughman Company, Phil Meyer was present to discuss the amending zoning districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning. Phil is agreeance with Maria on her findings. Also present was Basem Krichati, owner and broker with Superior Reality who owns the parcel development to the north, Basem shared that he is opposed to have apartments next to his lots.

Chairman Schmidt recommended to Phil Myer and Basem Krichati to step aside to have further discussion for clarification on location and we will come back to this after the next item on the agenda.

Chairman Schmidt Closed the hearing at this time.

Action: Commissioner Jordan made a motion to table until we review item B first and come back to item A. Commissioner Charleston seconded the motion. Motion Carried 6-0

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

Representing agent for Baughman Company, Phil Meyer, still present. Phil Meyer has agreed to not place apartments on Reserve A.

Chairman Schmidt closed the hearing.

Commissioner Salazar mentioned that he appreciated the developer taking onto account the opinions of the neighbors. Commissioner Charleston stated that he agreed with Commissioner Salazar regarding the opinion of the neighbors. Commissioner Faber stated that he agrees that they had communication with the surrounding neighbors and it seems to fit with nearby zoning uses, especially with the step down zoning. Commissioner Matzek stated that they met the recommendations from staff. Commissioner Jordan stated that it seems suitable for the property and Chairman Schmidt agreed with Jordan.

Motion: Chairman Schmidt made a motion to recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with changes with the amendments that Reserve A, Block 2 is excluded from R-6 uses. Commissioner Jordan seconded. **Motion Carried 6-0**

Discussion:

New housing is needed within Sedgwick County, there are studies to indicate that is true. Bel Aire's Master Growth Plan that was adopted indicates that is a prime objective for land once owned by the city. Table 1.2 indicates that two steps from local commercial/mixed use would be multi-family uses and allowable. Figure 3.3 describing multi-family acres in 2018 as just under 12 is antiquated with the recent platting and building. The master growth plan indicated 917 acres would be for housing of the 2,267 acres. That is 40% of the total acres available from that point in time. Many of the commercial areas already designated wouldn't be suitable for housing at this moment. Based on the land approved to date for housing since 2018 would be +/-50% of that total. To follow the LEED design and air space concerns related to green building construction methods and quality of housing to reduce noises would be good to consider.

A good street appeal variation from recent duplex areas would help build a neighborhood branding or identifier.

Conclusion:

Recommends approval of the project with the conditions once understanding of the scope of the project is determined. An Ordinance will need to be created to contain the PUD revisions. Replatting, if needed or required, would reflect these changes as well.

Staff would like to update the official zoning map annually to match changes made with zoning he throughout the year by the governing body as a codification process. This would mean that a zoning code update related to districts, new districts, new or changed boundaries would still come back to planning commission, all approved changes would be incorporated in the newly dated official zoning map.

The request motion should include updating the city official zoning map to reflect as present and any of the recently approved zoning ordinance changes. The added request is to allow updating the official map with the Bel Aire code codifications to reflect only zoning districts that have been approved by the governing body prior to the codification process.

Below is the city zoning code section revision by the 2023 codification listed on the city web site related to the city zoning map:

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

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

APPLICATION

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

-
- ☐ Change Zoning Districts: From: _____ to _____
- ☒ Amendments to Change Zoning Districts a portion of Tierra Verde South Add. PUD to include R-5 and R-6
- ☐ Preliminary PUD _____ ☐ Preliminary PUD with plat/ zoning
- ☐ Final PUD ☐ Final PUD with plat/ zoning

City of Bel Aire Planning Commission☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council☐ Approved ☐ Rejected

Name of owner ME Enterprises, LLC -and- North Webb, LLC
ME Enterprises, LLC, 2101 E. 21st St, Wichita, KS 67214
 Address North Webb, LLC, PO Box 377, Attica, KS 67009 Telephone _____

Agent representing the owner Baughman Company, P.A. (Philip J. Meyer, L.A.)
 Address 315 Ellis St, Wichita, KS 67211 Telephone 316-262-7271

1. The application area is legally described as Lot(s) _____*; Block(s) _____*,
Tierra Verde South Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached. *See attached for legal description.

2. The application area contains 57.38 +/- acres.

3. This property is located at (address) n/a which is generally
 located at (relation to nearest streets) 1/2 mile north of 45th St on west side of Webb Rd

4. County control
 number: PIN Nos. 598549, 598551-598557, 598559-598561, 598562

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

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


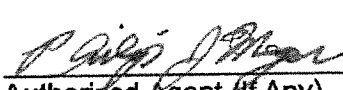
If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
 Address 2101 E 21st St. N, Wichita, KS Zip Code 67214
 Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
 Address 315 Ellis St, Wichita, KS Zip Code 67211
2. Applicant North Webb, LLC Phone
 Address PO Box 377, Attica, KS Zip Code 67009-0377
 Agent Baughman Company, PA Phone
 Address same as above Zip Code
3. Applicant City of Bel Aire (Land Bank) possible Reserve A ownership
 Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

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

BAUGHMAN COMPANY, PA

x  BY 
 Applicant's Signature Authorized Agent (if Any)

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

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

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

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

1. Applicant ME Enterprises IV, LLC (Masoud Etezazi) Phone
 Address 2101 E 21st St. N, Wichita, KS Zip Code 67214

 Agent Baughman Company, PA (Philip Meyer, LA) Phone 316-262-7271
 Address 315 Ellis St, Wichita, KS Zip Code 67211
2. Applicant North Webb, LLC Phone
 Address PO Box 377, Attica, KS Zip Code 67009-0377

 Agent Baughman Company, PA Phone
 Address same as above Zip Code
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 Address 7651 E. Central Park Ave, Bel Aire, KS Zip Code 67226-7600

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

BAUGHMAN COMPANY, PA

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

Philip A Meyer
 Authorized Agent (If Any)

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



TIERRA VERDE SOUTH ADDITION

PLANNED UNIT DEVELOPMENT

Amendment Application to allow R-6 Uses to the following:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.



REQUEST FOR PUD AMENDMENT CLARIFICATION

This case is being filed to correct an ownership issue that occurred in the application process with the City of Bel Aire in April, 2023 (See PUD-23-02). The Applicants are not seeking to modify or make any additional changes to the PUD from that approved by the Planning Commission and City Council within the previously mentioned Application.



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30051498

Section XI, Item B.

Receipt #: 2230432

Recording Fee: \$21.00

Pages Recorded: 1

Cashier: jcrowfor

Authorized By: *Tonya Buckingham*

Date Recorded: 04/19/2021 01:25:01 PM

CLEAR TITLE

Scrivener's Affidavit

FILE NUMBER T2102059

NAME OF DOCUMENT & DATE: Warranty Deed dated March 12, 2021

GRANTOR: City of Bel Aire

GRANTEE: ME Enterprises IV, LLC, a Limited Liability Company

GRANTEE MAILING ADDRESS: 2101 East 21st St North, Wichita, KS 67214

LEGAL DESCRIPTION: Reserve A, Block 2, TIERRA VERDE SOUTH ADDITION, a Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas.

RE: Warranty Deed dated March 12, 2021 and recorded on March 18, 2021 at 08:39:48 am in Document Number: 30041652; Receipt #: 2223922 in the Sedgwick County, Kansas Recorder of Deeds.

****This Affidavit is being recorded to correct part of the previously recorded Warranty Deed:**

The original Warranty Deed had the Grantee listed as City of Bel Aire. This re-recording is being done to correct the name to show as City of Bel Aire, Land Bank.

IN WITNESS WHEREOF, Affiant has hereunto set his/her hand this 19 day of April, 2021.

Brett R. Hart

Signature

Brett R. Hart

Printed Name of Affiant

STATE OF Kansas) ss.

COUNTY OF Johnson)

On this 19 day of April, 2021, before me appeared, Brett R. Hart
Affiant, as Representative of Clear Title, to me personally known and upon being duly sworn under oath stated that he/she is authorized to execute the document herein, and acknowledged that he/she executed the same at his/her free will. He/She did say the following statements are true and correct to the best of his/her knowledge and belief: that the Warranty Deed is to be corrected as listed above.

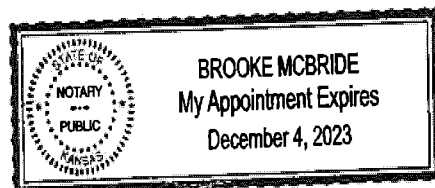
Subscribed and sworn to before me this 19 day of April, 2021.

Brooke McBride

Signature

Brooke McBride

Notary Printed Name:



Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Bel Aire public notice

(Published in The Ark Valley News Dec. 21, 2023.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on January 11, 2024, the City of Bel Aire Planning Commission will consider the following PUD revision to existing document changes hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

PUD-23-04. Proposed document changes within the current PUD to allow multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. 57.38+/- acres. Formerly, case number PUD-23-02.

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

General Location: ½ mile north of 45th on the west side of Webb Road.

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

DATED this 15 day of December, 2023.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 21st day of December, 2023, with subsequent publications being made on the following dates:

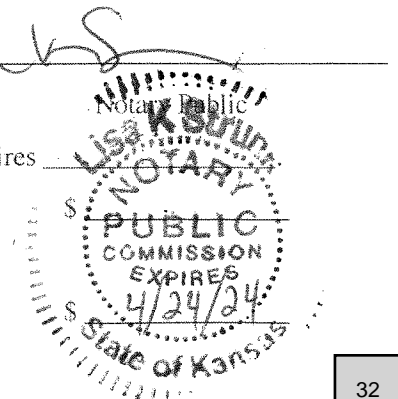
_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

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

My commission expires _____

Additional copies _____

Printer's fee _____





OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 1, Blk 1 AND Lots 3 thru 8 inclusive, Blk 1 AND Lots 2, 3, & 4, Blk 2 Part of Subject Property	Tierra Verde South Addition	ME Enterprises IV, LLC 2101 E. 21st St. Wichita, KS 67214
Lot 2, Blk 1, EXC begin 458.66' SEly of NE corner of Lot 2; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin; & EXC that part of Lot 2 comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin AND Lot 1, Blk 2 AND Reserve B Part of Subject Property	"	North Webb, LLC PO Box 377 Attica, KS 67009
Begin 458.66' SEly of NE corner of Lot 2, Blk 1; th. SEly 56.29'; th. SEly along curve 135.13'; th. SWly 10.06'; th. SWly along curve 37.02'; th. SWly 411.58'; th. NWly 198.77'; th. NEly 432.41' to begin Part of Subject Property	"	City of Bel Aire 7651 E. Central Park Ave. Bel Aire, KS 67226



Security 1st Title

Section XI, Item B.

That part of Lot 2, Blk 1, comm at N-most NE corner thereof; th. SEly 321.95' to p.o.b.; th. SEly 136.71'; th. SWly 432.41'; th. SEly 198.76' to Sly line of Lot 2; th. SWly along Sly line 5.34' to curve; th. SWly & W along curve 139.47'; th. Wly 61.03' to SW corner of Lot 2; th. Nly 179.18'; th. NEly 352.45'; th. NWly 110'; th. NEly 180' to begin Part of Subject Property	"	Tierra Webb Properties, LLC PO Box 377 Attica, KS 67009
Reserves A, C, D, E, F, G, H, I, & J Part of Subject Property	"	City of Bel Aire, Kansas, Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk C	Sunflower Commerce Park Addition	Webb Industrial, LLC PO Box 45 Columbus, KS 66725
Lot 1, Blk 1	Eighty-Four Lumber Addition	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
The N/2 of the SW/4, EXC that part lying N & W of MOPAC Railroad r.o.w., 21-26-2E		Webb254, LLC 833 S. East Ave. Columbus, KS 66725
The N 150' of the W 340' of the N/2 of the SW/4, EXC the W 60' for road, 21-26-2E AND Begin at NW corner of SW/4, th. E to MOPAC r.o.w.; th. SWly along r.o.w. to W line of SW/4; th. N to begin, EXC the W 340' of the N 150' thereof, 21-26-2E		Bryant Family Trust R. Kevin Bryant & Sherlyn K. Bryant 4956 N. Webb Rd. Wichita, KS 67226
Lot 2, Blk 2 AND Reserve A	Bel Aire Industrial Park Addition	WAM Investments #11, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lot 4, Blk 2, EXC begin at SE corner, th. SW 42.42' to W line of SE/4 of SE/4 of Sect. 20-26-2E; th. N 133.99' to point on Ely line of Lot 4; th. SE 127.10' to begin	"	WAM Investments, LLC 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206



Reserve B	"	Security Bank of Kansas City 7651 E. Central Park Ave. Bel Aire, KS 67226
Lot 1, Blk 1, EXC begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin AND That part of Lot 1, Blk 1, begin at SW corner, th. NW 127.10' to W line of E/2 of SE/4; th. N 461.87' to Sly r.o.w. line of Union Pacific RR; th. NE 5.97'; th. E 355.68'; th. S 500.04'; th. W 19.41'; th. along curve 114.06'; th. SW 195.98' to begin	Bel Aire Industrial Park 2nd Addition	WAM Investments, LLC (Prior-WAM Capital Corporation) 1223 N. Rock Rd., Ste. E200 Wichita, KS 67206
Lots 10 thru 14 inclusive, Blk 2 AND Lots 22 thru 26 inclusive, Blk 2 AND Reserve E	Sawmill Creek Addition	Sawmill Properties, LLC 9235 E. Harry, Ste. 100 Wichita, KS 67207
Lot 46, Blk 2	"	Benjamin J. & Jennifer R. Fisher 8714 E. Scragg St. Wichita, KS 67226
Lot 47, Blk 2	"	David L. & Tamara S. Doan 8718 E. Scragg St. Wichita, KS 67226
Lot 1, Blk 3	"	Curtis A. & Cindy R. Nickel 8734 E. Blade St. Wichita, KS 67226
Lot 2, Blk 3	"	Larry R. & Debra J. Stene 8730 E. Blade St. Wichita, KS 67226
Lot 3, Blk 3	"	William F. Hensley, Jr. & Mary E. Hensley 8726 E. Blade St. Wichita, KS 67226



Security 1st Title

Section XI, Item B.

Lot 4, Blk 3	"	Vision Homes Investments, Inc. PO Box 224 Colwich, KS 67030
Lot 5, Blk 3	"	Scott G. & Laura N. Mossman 8718 E. Blade Ct. Wichita, KS 67226
Lot 6, Blk 3	"	Anil Amritial Bhula & Kirti Anil Bhula 8714 E. Blade Ct. Wichita, KS 67226
Lot 14, Blk 3	"	Hassan Abed Moubarak 8709 E. Scragg St. Wichita, KS 67226
Lot 15, Blk 3	"	Ahmad Moubarak 8713 E. Scragg St. Wichita, KS 67226
Lot 20, Blk 4	"	Christy J. Vasconcellos 8709 E. Millrun St. Wichita, KS 67226
Lot 21, Blk 4	"	Ricky J. & Terry L. Brittain 8713 E. Millrun St. Wichita, KS 67226
Lot 22, Blk 4	"	Asa M. & Vanessa G. Latour 8717 E. Millrun St. Wichita, KS 67226
Lot 23, Blk 4	"	Mitsunori & Hiroka Fujinuma 8721 E. Millrun St. Wichita, KS 67226
Lot 6, Blk 1	Pines at Sawmill Creek Addition	New Era III, LLC PO Box 487 Wichita, KS 67201
Lots 28 & 29, Blk A	Deer Run Addition to Bel Aire	2BD, LLC 2418 S. Hoover Wichita, KS 67215



Security 1st Title

Section XI, Item B.

Lots 24 & 25, Blk 1	Skyview at Block 49 Addition	JKC, LLC PO Box 10 McPherson, KS 67460
Lots 26, 27, & 28, Blk 1 AND Lot 1, Blk 5	"	C & J Investment Group, LLC 2222 SW 96th St. Sedgwick, KS 67135
Reserve C	"	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 14, 15, & 16, Blk D	Skyview at Block 49 2nd Addition	Skyview at Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226
Lots 17, 18, & 19, Blk D AND Lot 20, EXC the W 1.20' thereof, Blk D AND Lot 21, & the W 1.20' of Lot 20, Blk D AND Lot 22, & the E 2.80' of Lot 23, Blk D AND Lot 23, EXC the E 2.80' thereof; & The E 4.30' of Lot 24, Blk D AND Lot 24, EXC the E 4.30' thereof; & The E 3' of Lot 25, Blk D AND Lot 25, EXC the E 3' thereof, Blk D	"	Superior Homes, LP 3500 N. Rock Rd., Bldg. 1600 Wichita, KS 67226
Lot 1, Blk 1 AND Reserve A	Skyview at Block 49 3rd Addition	Block 49, LLC 5219 N. Hampton St. Bel Aire, KS 67226



Security 1st Title

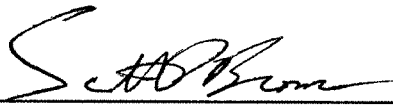
Section XI, Item B.

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

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Lots 1, 2, 3, and 4, Block 2, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas, TOGETHER with All of Reserves A, B, C, D, E, F, G, H, I, and J, Tierra Verde South Addition, to the City of Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 7th day of November, 2023, at 7:00 A.M.

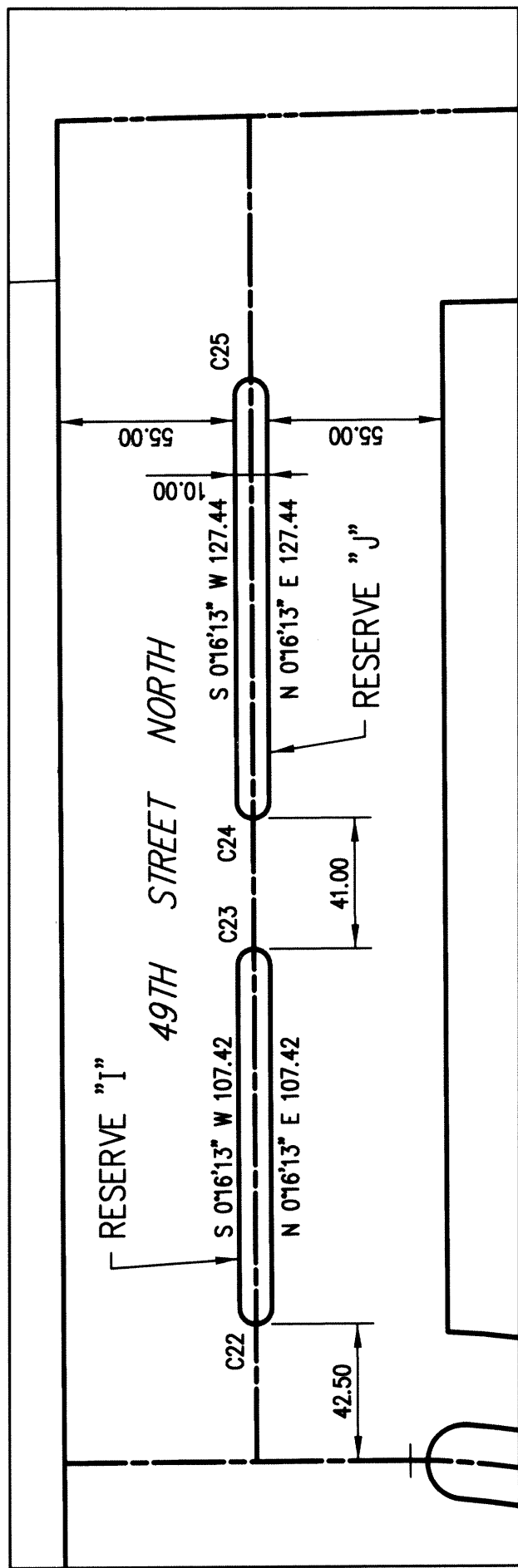
SECURITY 1ST TITLE

By: 

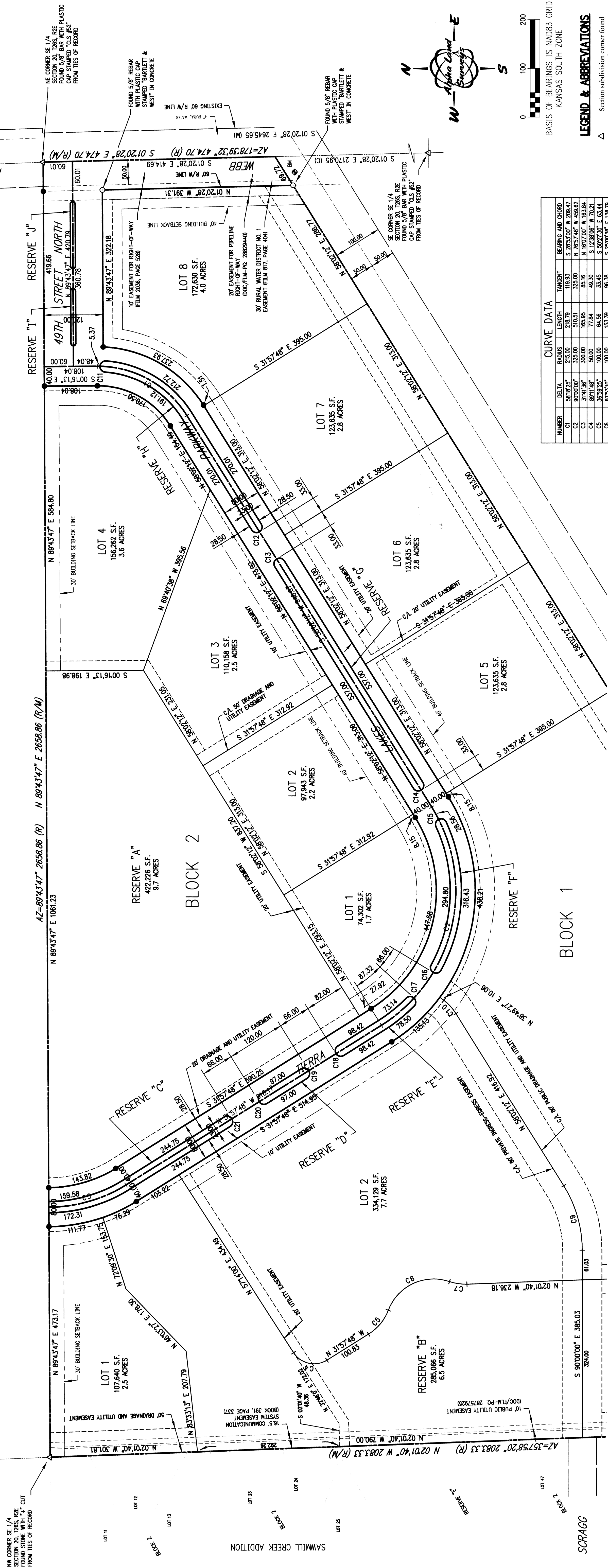
LICENSED ABTRACTER

Order: OE008635
KJK

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



ENTRANCE RESERVE DETAIL



A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT AND ALL DRAINAGE EASEMENTS, RIGHT-OF-WAY AND RESERVES SHALL REMAIN AT ESTABLISHED GRADES OR AS MODIFIED WITH THE APPROVAL OF THE APPLICABLE CITY OR COUNTY ENGINEER AND UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORM WATER.

1. IT IS THE INTENT OF THE DEVELOPER(S) FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED (NEIGHBORHOOD DEVELOPMENT) RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW TEAM TO ENSURE SITE PROJECTS CONFORM TO THE LEED ND DESIGN PRINCIPLES. THE FOLLOWING LEED ND DESIGN ITEMS SHALL BE APPLIED TO ALL DEVELOPMENT WITHIN THE PUD.

LINE COURSE: AZ=357°58'20" LENGTH
N: 1718280.17 E: 1677935.81

NUMBER	CURVE DATA				TANGENT	BEARING AND CURVE
	STATION	STATION	LENGTH	ANGLE		
C1	89752.07	225.00	218.79	119.83	INFINITE	S 89°53'07" E 258.42
C2	90700.07	325.00	510.51	325.00	INFINITE	N 75°51'46" W 429.47
C3	91413.95	300.00	105.95	85.16	INFINITE	N 193°07'00" W 76.71
C4	89714.95	300.00	105.95	85.16	INFINITE	S 75°51'46" W 429.47
C5	89714.95	100.00	44.56	36.38	INFINITE	S 25°03'50" E 138.78
C6	87531.97	100.00	153.39	98.38	INFINITE	S 25°03'50" E 138.78
C7	89752.07	100.00	36.38	18.50	INFINITE	S 89°07'00" E 223.00
C8	91928.06	225.00	470.99	308.21	INFINITE	S 45°59'47" E 308.59
C9	91928.06	100.00	36.38	18.50	INFINITE	S 45°59'47" E 308.59
C10	91928.06	100.00	37.02	18.75	INFINITE	N 177°59'46" E 23.00
C11	90700.07	11.50	36.13	INFINITE	INFINITE	S 84°52'09" E 23.00
C12	90700.07	11.50	36.13	INFINITE	INFINITE	S 35°51'46" E 23.00
C13	90700.07	11.50	36.13	INFINITE	INFINITE	S 35°51'46" E 23.00
C14	90700.07	11.50	36.13	INFINITE	INFINITE	S 35°51'46" E 23.00
C15	90700.07	11.50	36.13	INFINITE	INFINITE	S 24°54'00" E 23.00
C16	90700.07	11.50	36.13	INFINITE	INFINITE	S 49°49'15" W 23.00
C17	90700.07	11.50	36.13	INFINITE	INFINITE	S 44°49'11" W 23.00
C18	90700.07	11.50	36.13	INFINITE	INFINITE	S 44°49'11" W 23.00
C19	90700.07	11.50	36.13	INFINITE	INFINITE	S 44°49'11" W 23.00
C20	90700.07	11.50	36.13	INFINITE	INFINITE	S 39°07'12" W 23.00
C21	90700.07	11.50	36.13	INFINITE	INFINITE	S 39°07'12" W 23.00
C22	90700.07	5.00	15.71	INFINITE	INFINITE	S 39°07'12" E 10.00
C23	90700.07	5.00	15.71	INFINITE	INFINITE	S 39°07'12" E 10.00
C24	90700.07	5.00	15.71	INFINITE	INFINITE	S 00°13'15" E 10.00
C25	90700.07	5.00	15.71	INFINITE	INFINITE	S 00°13'15" E 10.00

Section subdivision corner found
Survey monument found
Set 1/2"x24" rebar with cap
stamped "ALPHA CLS-184"

Record
Measured
Right of Way
Azimuth
Z.
N.
S.
E.
W.
F.
Square Feet
Degrees
Feet or Minutes
Inches or Seconds

Alpha Land Surveys, Inc.



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



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

II. ROLL CALL

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

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

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

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

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

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

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

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

VIII. CITY REQUESTED APPEARANCES

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

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

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

IX. CITIZEN CONCERNS

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

X. REPORTS

A. Council Member Reports

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

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

B. Mayor's Report

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

C. City Attorney Report: No report was given.

D. City Manager Report: No report was given.

XI. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

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

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

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

B. Consideration of An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Changing The Zoning District Classification Of Certain Lands Located In The City Of Bel Aire, Kansas Under The Authority Granted By The Zoning Regulations Of The City (Tierra Verde South, PUD-23-02).

MOTION: Councilmember Dehn moved to accept An Ordinance Approving The Recommendation Of The Bel Aire Planning Commission Changing The Zoning District Classification Of Certain Lands Located In The City Of Bel Aire, Kansas Under The Authority Granted By The Zoning Regulations Of The City (Tierra Verde South Addition, PUD-23-02) and authorize the Mayor to sign. Councilmember Davied seconded the motion.

Roll Call Vote:

Greg Davied – Aye

Tyler Dehn – Aye

Emily Hamburg – Aye

Justin Smith – Aye

John Welch – Aye

Jim Benage – Aye

Motion carried 6-0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XII. EXECUTIVE SESSION

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

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

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

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

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

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

XIV. ADJOURNMENT

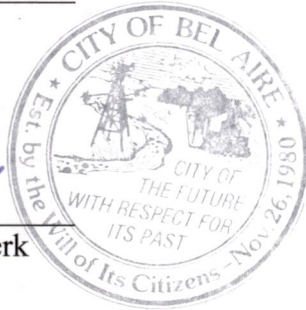
MOTION: Councilmember Smith moved to adjourn. Councilmember Dehn seconded the motion. ***Motion carried 5-0.***

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

Jim Benage
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel
Melissa Krehbiel, City Clerk






Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30293792

Receipt #: 2416790
Pages Recorded: 2

Recording Fee: \$0.00

Cashier: ealcala
Authorized By: *Tonya Buckingham*
Date Recorded: 03/01/2024 02:47:49 PM


(Published in *The Ark Valley News* on February 29, 2024)

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. 716

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. PUD-23-04; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. PUD-23-04 on January 11, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission and approves changing the zoning classifications allowed in the Tierra Verde South Addition PUD to include R-5 and R-6 zoning, with the condition that R-6 zoning uses are excluded from Lot 3, Block 1 and Reserve A, Block 2.

Legal Description

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

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

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

CITY OF BEL AIRE, KANSAS

[seal]



Jim Benage
Jim Benage, Mayor

ATTEST:

Melissa Krehbiel
Melissa Krehbiel, City Clerk

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said

newspaper for 1 consecutive weeks, the

first publication thereof being made as aforesaid on the 29th day of February, 2024.

with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

_____, 2024 _____, 2024

Chris Strunk

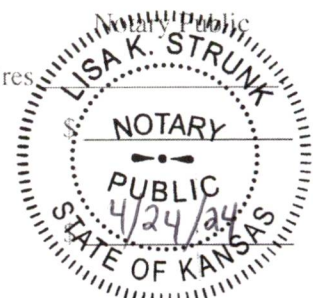
Subscribed and sworn to before me this 29th day of February, 2024.

WBS

My commission expires

Additional copies

Printer's fee



Bel Aire public notice

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

THE CITY OF BEL AIRE, KANSAS

ORDINANCE NO. 716

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL AIRE PLANNING COMMISSION CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE CITY OF BEL AIRE, KANSAS UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the "City") has received a recommendation from the Bel Aire Planning Commission on Case No. PUD-23-04; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held on Case No. PUD-23-04 on January 11, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. The Governing Body supports the recommendation of the Bel Aire Planning Commission and approves changing the zoning classifications allowed in the Tierra Verde South Addition PUD to include R-5 and R-6 zoning, with the condition that R-6 zoning uses are excluded from Lot 3, Block 1 and Reserve A, Block 2.

Legal Description

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

Section 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map is hereby reincorporated as a part of the Zoning Regulations as amended.

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

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

CITY OF BEL AIRE, KANSAS
Jim Benage, Mayor

ATTEST:
Melissa Krehbiel, City Clerk

Tierra Verde South

April 2, 2024

City Council Meeting

Agenda Documents:

- Staff Report
- Amended PUD Agreement

**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, and NORTH WEBB, LLC, a Kansas Limited Liability Company, hereinafter collectively referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

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

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, and Reserve A, Block 2, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplexes
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-cares
- Schools
- Leasing offices
- Playgrounds or community spaces.
- Accessory structures as approved by the City Manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as defined in the current City Code Neighborhood Commercial, Office Retail
- C-2 uses require a PUD amendment unless approved with the Master Plan for this development

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

Reserves A-J shall be reserved for entry monuments, landscape, irrigation, drainage and open space. Any changes to the Reserves shall be approved by the City to ensure that conveyance of stormwater is preserved.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

Any re-platting will follow City Code and can be done in entirely or a portion thereof.

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

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

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

THIS AGREEMENT is hereby executed on this _____ day of _____, 2024.

ME ENTERPRISES IV, LLC, DEVELOPER

By _____
MASOUD ETEAZI, MEMBER

NORTH WEBB, LLC, DEVELOPER

By _____
P. JOHN ECK, MANAGER

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 2024 and is hereby executed on this _____ day of _____, 2024.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 2024, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF _____) ss:

BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 2024, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 2024, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____



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



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

II. ROLL CALL

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

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

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

IV. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Benage led the pledge of allegiance.

V. DETERMINE AGENDA ADDITIONS: There were no additions.

VI. CONSENT AGENDA

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

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

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

VII. DISCUSSION AND APPROVAL OF APPROPRIATIONS ORDINANCE

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

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

VIII. CITY REQUESTED APPEARANCES

A. City Manager Ted Henry - Oath of Office

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

B. Gary Northwall - Service Recognition

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

C. Tristin Terhune - Service Recognition

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

IX. CITIZEN CONCERNS: No one spoke.

X. REPORTS

A. Council Member Reports

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

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

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

B. Mayor's Report

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

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

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

C. City Attorney Report

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

D. City Manager Report

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

XI. Public Hearing

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

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

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

XII. ORDINANCES, RESOLUTIONS AND FINAL ACTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XIII. EXECUTIVE SESSION: No executive session was held.

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

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

XV. ADJOURNMENT

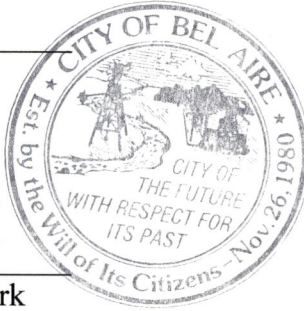
MOTION: Councilmember Dehn moved to adjourn. Councilmember Welch seconded the motion. *Motion carried 4-0.*

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


Jim Benage, Mayor

ATTEST:


Melissa Krehbiel, City Clerk





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

Receipt #: 2422665
Pages Recorded: 5

Recording Fee: \$89.00

Cashier: vbunch

Authorized By: *Tonya Buckingham*

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



**AMENDED PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF TIERRA VERDE SOUTH ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between ME ENTERPRISES IV, LLC, a Kansas Limited Liability Company, and NORTH WEBB, LLC, a Kansas Limited Liability Company, hereinafter collectively referred to as the "DEVELOPER" and the CITY OF BEL AIRE, KANSAS, hereinafter referred to as the "CITY."

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

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

PURPOSE. This agreement is necessary to address certain financial, infrastructure and drainage conditions arising from the platting process which must be dealt with prior to final plat approval and as such, is a condition precedent to final consideration by the City of the Developer's request for approval of the final plat on a tract of land more fully described below and herein referred to as the TIERRA VERDE SOUTH ADDITION PUD project to the City of Bel Aire, Kansas.

TIERRA VERDE SOUTH ADDITION PUD PROJECT LEGAL DESCRIPTION. A portion of TIERRA VERDE SOUTH ADDITION PUD, City of Bel Aire, Kansas more particularly described as, to-wit:

Lots 1, 3, 4, 5, 6, 7, 8, Block 1, and Lots 1, 2, 3, 4, Block 2, and Reserve A, Block 2, Tierra Verde South Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Tierra Verde South Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "R-6" Multi-Family District, "C-1" Neighborhood Commercial Office & Retail District and "C-2" Planned Commercial District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

Lot 3, Block 1, and Reserve A, Block 2, shall not be allowed any "R-6" Multi-family District uses. It shall be restricted to the "R-5" Garden and Patio Homes, Townhouse and Condominiums District, "C-1" Neighborhood Commercial Office & Retail District, and "C-2" Planned Commercial District.

"R-6" Multi-Family:

- Single- Family
- Duplexes
- Garden & Patio Homes
- Townhomes
- Condominiums
- Multi-Family
- Churches
- Day-cares
- Schools
- Leasing offices
- Playgrounds or community spaces.
- Accessory structures as approved by the City Manager.

The building setbacks for the "R-5" Garden and Patio Homes, Townhouse and Condominiums District and "R-6" Multi-Family shall be as follows: twenty-five feet (25') front yard setback; ten feet (10') side yard setback; and twenty feet (20') rear yard setback.

"C-1 and C-2":

- Accessory structure as approved by the City Manager.
- Special Events permits approved by the City Manager
- C-1 permitted uses as defined in the current City Code Neighborhood Commercial, Office Retail
- C-2 uses require a PUD amendment unless approved with the Master Plan for this development

The building setback for "C-1" and "C-2" shall be per the recorded plat of Tierra Verde South Addition. No building shall be constructed within a public utility easement.

Reserves A-J shall be reserved for entry monuments, landscape, irrigation, drainage and open space. Any changes to the Reserves shall be approved by the City to ensure that conveyance of stormwater is preserved.

GENERAL PROVISIONS. This agreement shall be subject to all General Provisions as outlined in the Final Plat of Tierra Verde South Addition, A Planned Unit Development in the City of Bel Aire, Sedgwick County, Kansas as recorded at the Register of Deeds on the 21st day of September, 2009. (Recording Info. - DOC #/FLM-PG: 29092138)

Any re-platting will follow City Code and can be done in entirety or a portion thereof.

PURPOSE. A specific purpose of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Tierra Verde South Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property. The City reserves the right to clarify any conflicts between this document and plat.

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

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

THIS AGREEMENT is hereby executed on this 16th day of April, 2024.

ME ENTERPRISES IV, LLC, DEVELOPER

By 
MASOUD ETEZAZI, MEMBER

NORTH WEBB, LLC, DEVELOPER

By 
P. JOHN ECK, MANAGER

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

SEAL

ATTEST:


CITY CLERK, MELISSA KREHBIEL

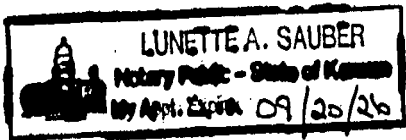



MAYOR, JIM BENAGE

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 16th day of April, 2024, before me, a Notary Public, came Masoud Etezazi, Member of ME Enterprises IV, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.

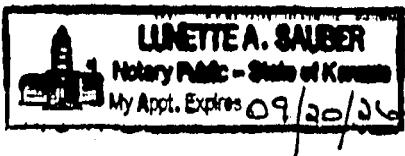


Lunette A. Sauber
NOTARY PUBLIC

My Appointment Expires: 09/20/2026

STATE OF KANSAS)
COUNTY OF SEdGwIck) ss:

BE IT KNOWN BY ALL PERSONS that on this 8th day of APRIL, 2024, before me, a Notary Public, came P. John Eck, Manager of North Webb, LLC, a Kansas limited liability company, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the TIERRA VERDE SOUTH ADDITION PUD to the City of Bel Aire, Kansas, for said limited liability company.



Lunette A. Sauber
NOTARY PUBLIC

My Appointment Expires: 09/20/2026

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this 3rd day of April, 2024, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of TIERRA VERDE SOUTH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas and who personally acknowledged attesting the signature of said Jim Benage.



Tristin Terhune

NOTARY PUBLIC

My Appointment Expires: Nov. 5, 2025

Tierra Verde South

November 14, 2024

Planning Commission Meeting

Agenda Documents:

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

City of Bel Aire

STAFF REPORT

DATE: 11/07/2024

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

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

SUMMARY:

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

The Sketch plan does not require the city to place a notification ad in the Ark Valley Newspaper.

History

The sketch plan was accepted based on the history of the PUD plan for Tierra Verde. PUD-23-04, Ordinance 716 provided locations where housing is allowed within the PUD without plat adjustments. Unit developments are part of the platting process. Any appeals, waivers, modifications would go to the city manager, Board of Zoning Appeals, and city council.

Discussion

Discussion of this item does not require consideration of the golden factors.

Packet includes:

- Sketch plan- 10-unit layout
- Sketch plan- 12-unit layout
- Utility Plan (as required)
- Plat sheet (showing location of lot within Tierra Verde South Addition)

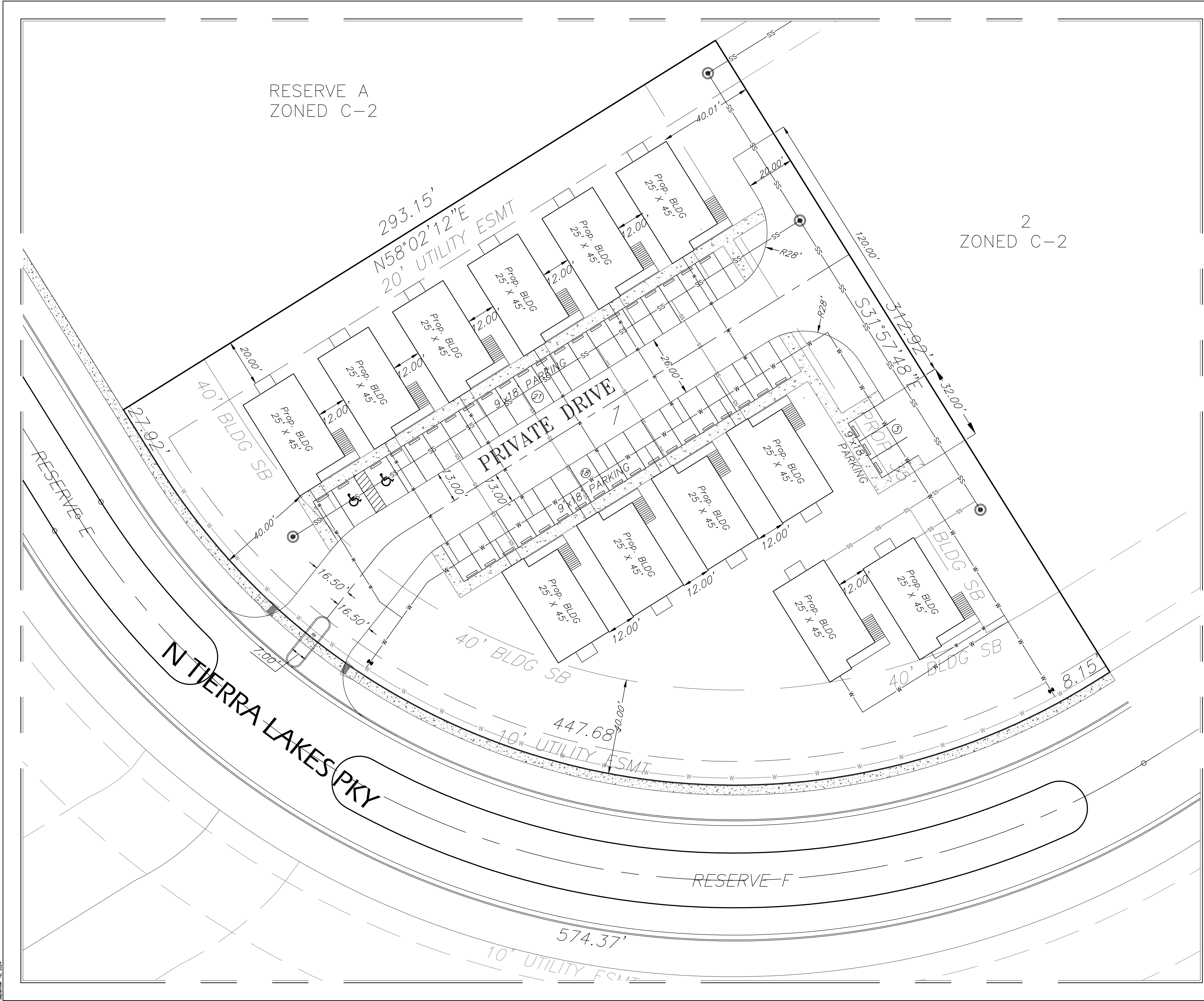
General zoning was not discussed during the recent PUD-23-04 case.

Sketch plan legend includes information related to the Bel Aire Zoning Code. Review of the sketch plan legend against the layout of the lot should be discussed. The setback information contained in the zoning code is provided as follows:

- Minimum front yard setback– thirty (30) feet from street right-a-way.
- Minimum side yard setback:
 - Fifteen (15) from property lines;
 - Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-2 inclusive;
 - Corner lot – thirty (30) feet from street right-of-way
- Minimum rear yard:
 - Thirty-five (35) feet from property line;
 - Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-3, inclusive.
- Minimum distance between building – forty-five (45) feet

Recommendations of permanent staff

The Sketch plan does not require recommendations by staff or a motion from the Planning Commission.



PARKING DENSITY:

1.75 SPACES PER DWELLING UNIT
-1.75 x 24 DWELLING UNITS= 42 SPACES
(40 STANDARD, 2 ADA COMPLIANT)

FROM BEL AIRE ZONING REGS

ZONING: MULTI-FAMILY R6

-MIN LOT AREA PER DWELLING UNIT= 3,630 sq ft

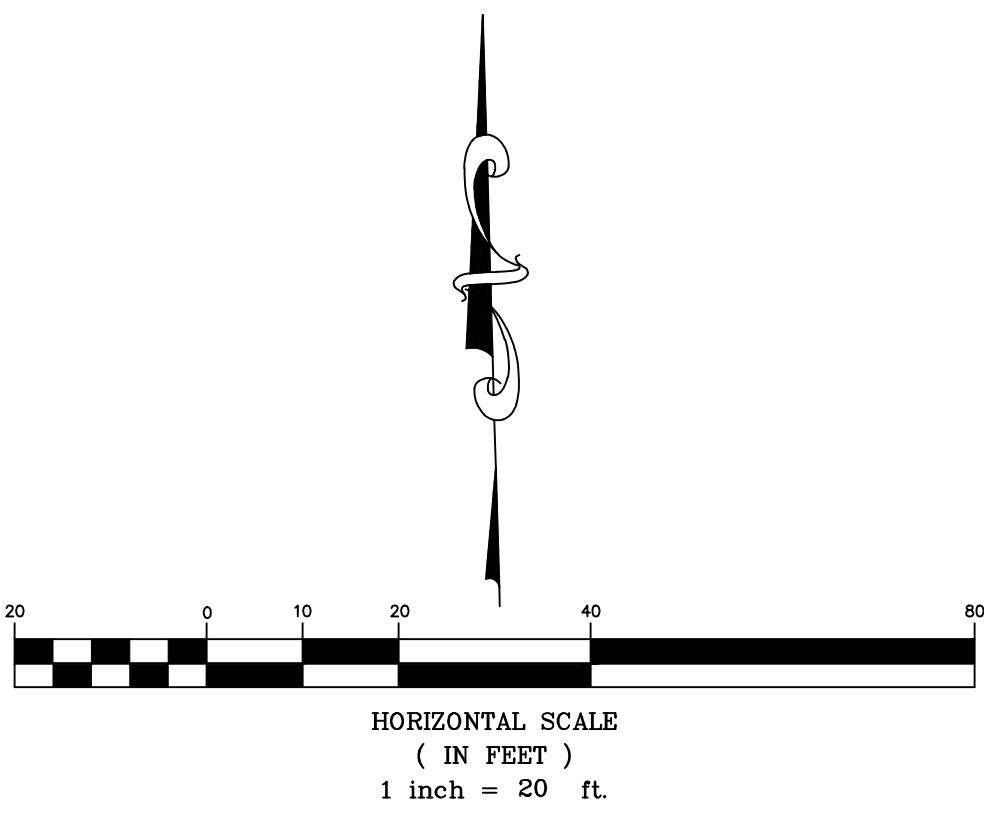
(TOTAL LOT AREA = 74,301.464 sq. ft)


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

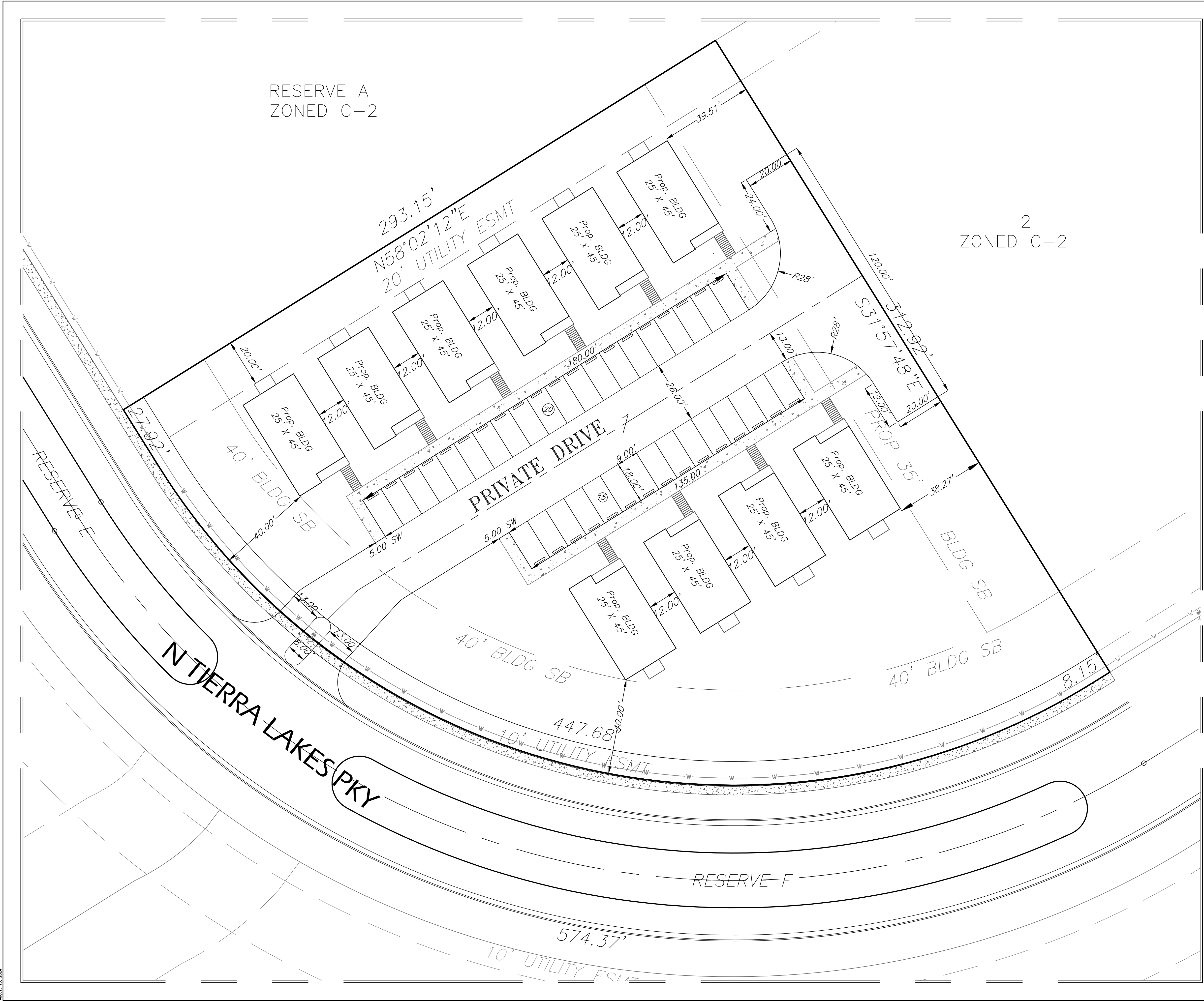
-MIN FRONT SB = 30' (40' PLATTED)

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

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

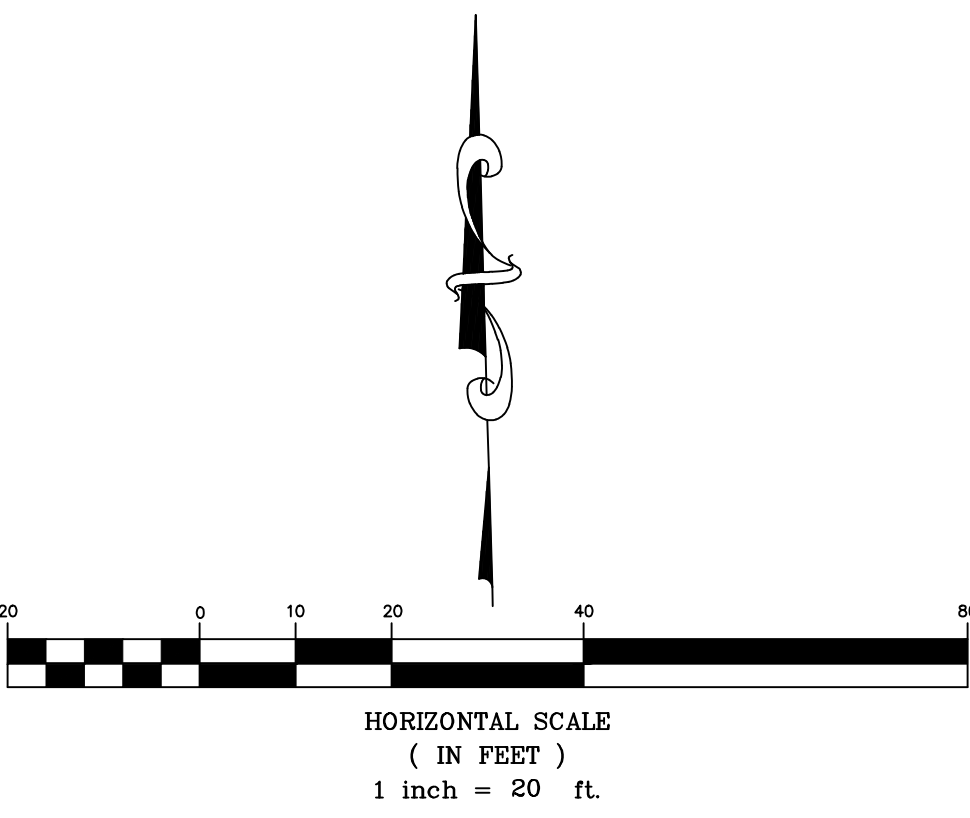


Tierra Verde South Addition Duplexes Site Plan Bel Aire, Kansas				
PROJECT NUMBER				
 KEMILLER ENGINEERING, P.A. 117 E. Lewis, Wichita, KS 67202 (316)264-0242	KEM NO. 24105	FILE	DATE 09/2024	SHEET 1.0
	DESIGN KM	DRAWN CC	REVISED	




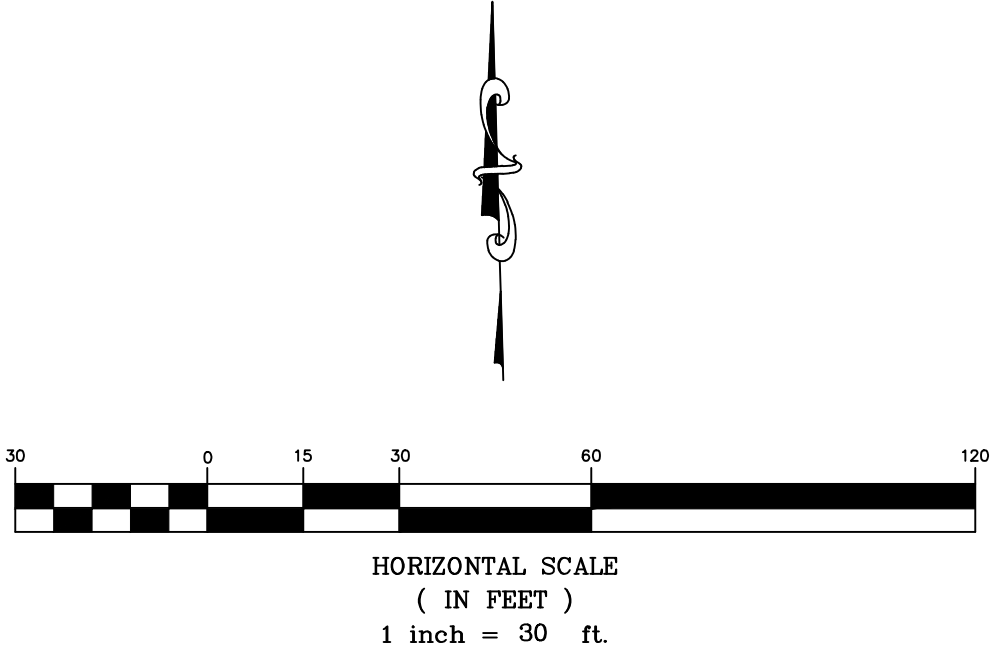
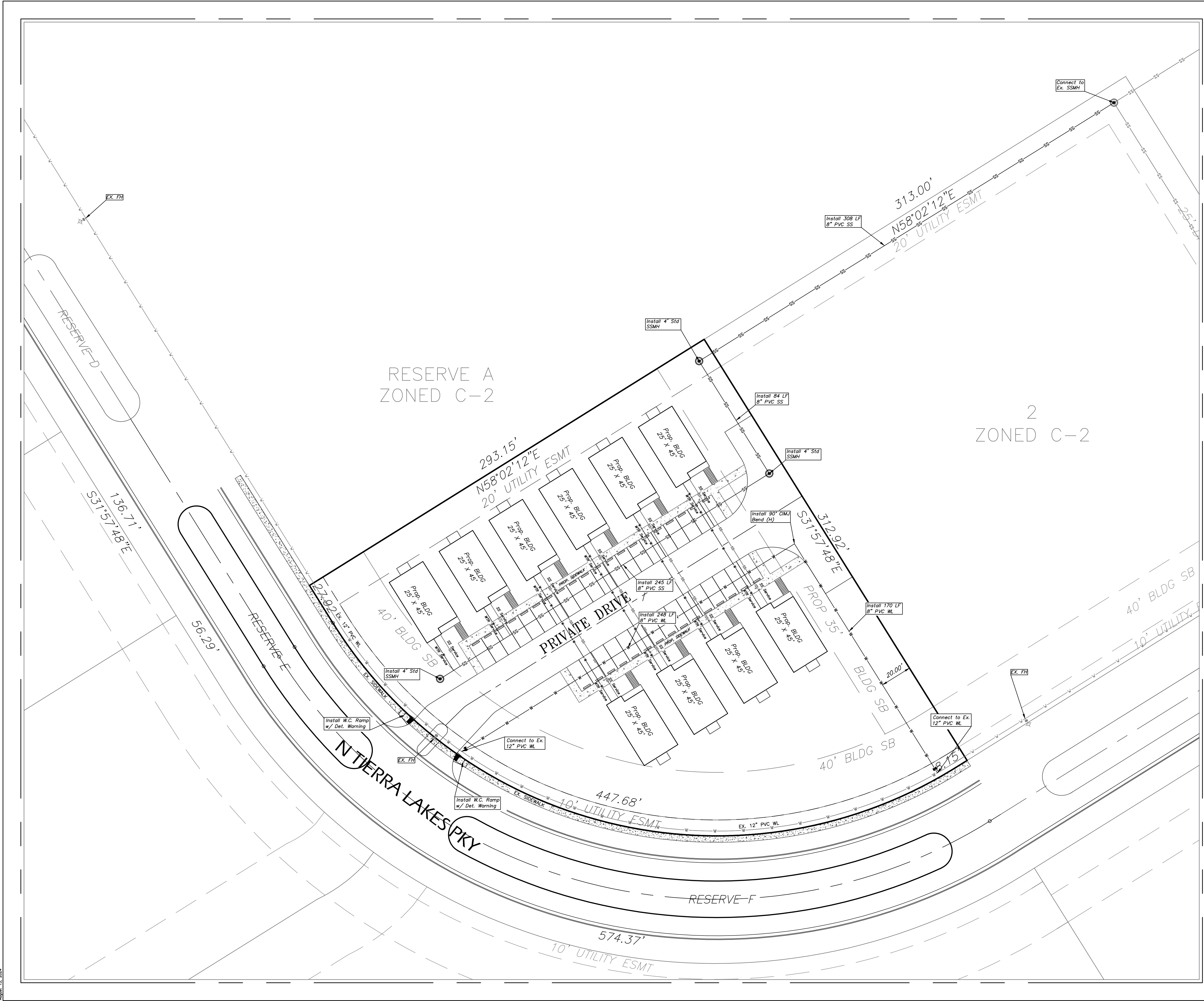
FROM BEL AIRE ZONING REGS

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



Tierra Verde South Addition Duplexes

Utility Plan

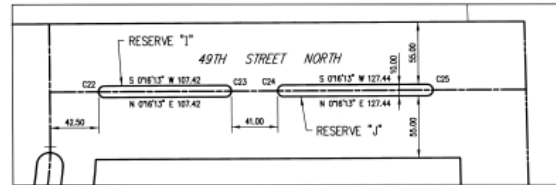
Bel Aire, Kansas

 117 E. Lewis, Wichita, KS 67202 (316)264-0242	PROJECT NUMBER			
	KEM NO. 24105	FILE	DATE 08/2024	SHEET 2.0
	DESIGN KM	DRAWN CC	REVISED	

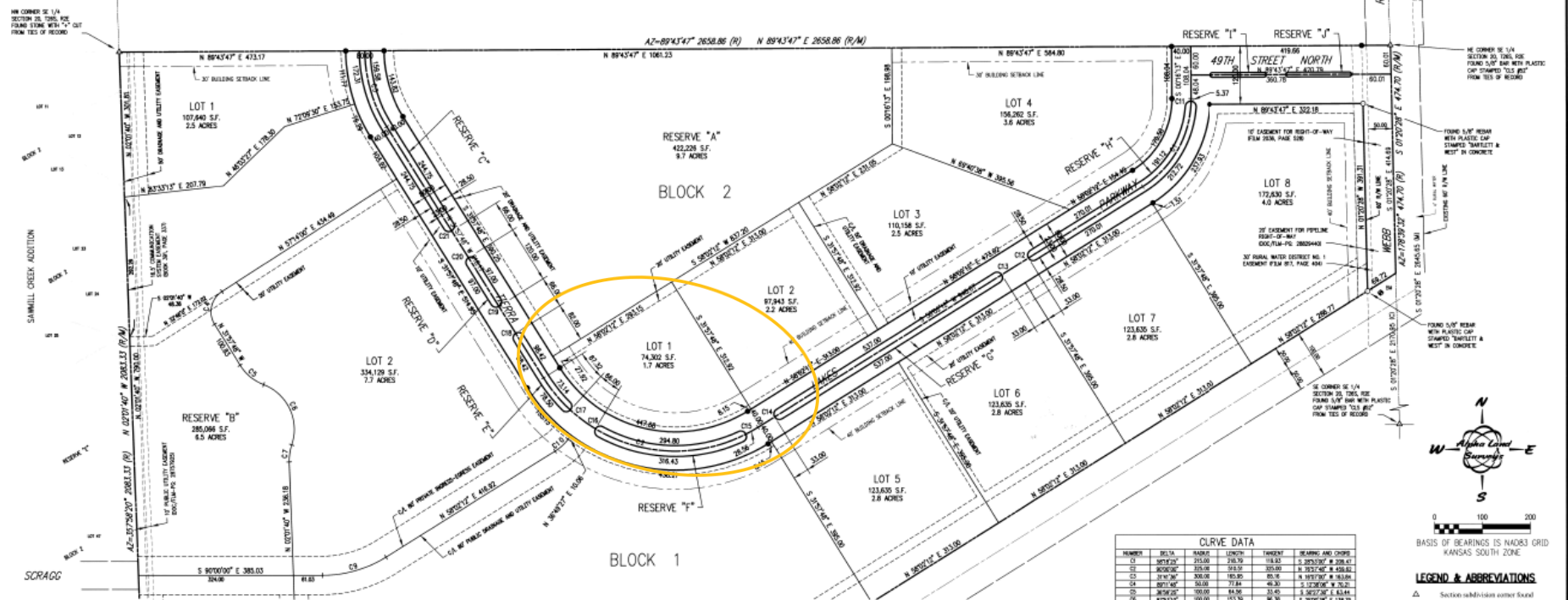
Tierra Verde South Addition Lot 1 Block 2 general location

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

ENTRANCE RESERVE DETAIL

**RESERVE NOTES:**

RESERVES A AND B ARE PLATTED FOR A LAKE, DRAINAGE, SIDEWALKS, MONUMENTS, LANDSCAPING, IRRIGATION, OPEN SPACE AND BERMING.
RESERVES C, D, E, F, G, H, I AND J ARE PLATTED FOR MONUMENTS, LANDSCAPING, IRRIGATION AND OPEN SPACE.
THE RESERVES SHALL BE OWNED AND MAINTAINED BY THE LOT OWNERS OR HOME 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:

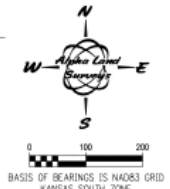
1. IT IS THE INTENT OF THE DEVELOPER FOR TIERRA VERDE DEVELOPMENT TO DESIGN A SUSTAINABLE PROJECT USING DESIGN CRITERIA FROM THE MOST CURRENT VERSION OF THE LEED FOR NEIGHBORHOOD DEVELOPMENT RATING SYSTEM. ALL PROPOSED INDIVIDUAL SITE DESIGNS SHALL BE REVIEWED AND APPROVED BY THE DEVELOPER'S LEED REVIEW 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-BP4547° LENGTH: 2658.06
N: 1718292.71 E: 1882594.85
LINE COURSE: A2-178°39'32" 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°46'20" LENGTH: 2083.33
N: 17182861.7 E: 1677935.81
AREA: 77,601 ACRES 3,383,368 S.F.
PERIMETER: 8277.09
CIRCUM OF CLOSURE: 62100
ORDER OF CLOSURE COURSE: A2-44°18'20"
CIRCUM NORTH: 0.0000 CIRCUM EAST: -0.0000
PRECISION: 1: 827626

NUMBER	BEARING	LENGTH	ADJACENT	BEARING AND CHORD
C1	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C2	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C3	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C4	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C5	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C6	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C7	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C8	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C9	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C10	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C11	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C12	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C13	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C14	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C15	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C16	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C17	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C18	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C19	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C20	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C21	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C22	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C23	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C24	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C25	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C26	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
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C34	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
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C43	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
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C45	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C46	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C47	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C48	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C49	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C50	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C51	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C52	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C53	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C54	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C55	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C56	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C57	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C58	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C59	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C60	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C61	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C62	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C63	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C64	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C65	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C66	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C67	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C68	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C69	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C70	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C71	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C72	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C73	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C74	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C75	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C76	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C77	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C78	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C79	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C80	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C81	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C82	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C83	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C84	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C85	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C86	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C87	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C88	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C89	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C90	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C91	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C92	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C93	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C94	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C95	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C96	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C97	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C98	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C99	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00
C100	N 89°45'47" E	215.00	N 89°45'47" E	N 89°45'47" E 215.00

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. Monitored
- 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) 728-6812 FAX: (620) 728-6813

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



-
- I. Call to Order-** Vice-Chairman Phillip Jordan called the meeting to order at 6:39 p.m.
- II. Announcement:** As of October 9, 2024, Chairman James Schmidt resigned from the Planning Commission. The Mayor has been notified and will begin the process of appointing a new member of the Commission.

III. Roll Call

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

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

IV. Pledge of Allegiance to the American Flag

Vice-Chairman Jordan led the pledge of allegiance.

V. Consent Agenda

A. Approval of Minutes from Previous Meeting

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

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

VI. Announcement

A. Kansas Open Meetings Act (KOMA) Review

B. Golden Factors review

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

VII. Old Business/New Business

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION: Vice-Chairman Jordan moved thus:

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

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

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

Commissioner Matzek seconded the motion.

Motion carried 4-0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No action was taken by the Commission.

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

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

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

G. Approval of the 2025 Meeting Dates and Time

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

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

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

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

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

VIII. Approval of the Next Meeting Date.

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

IX. Current Events

A. Upcoming Events:

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

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

X. Adjournment

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

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


Phillip Jordan, Chairman


Paula L. Downs, Commission Secretary