

STAFF REPORT

DATE: 11/14/2024

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

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

SUMMARY:

**PUD-24-07 (previously PUD-24-03).** Zone change request in the City from Single-Family Residential District (R-4) to a Planned Unit Development Residential District (R-PUD) to create the Bristol Hollows Addition R-PUD, for the purpose of bringing structures that were conforming in 2020, but made non-conforming due to lot splits in 2023 that were completed without City notice and approval, generally located at 53<sup>rd</sup> Street North and Bristol Street.

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

City staff met with the applicants to finalize details that was important for the process.

History

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

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

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

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

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

**Status of Construction:**

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

**Golden Factors:**

- **The character of the neighborhood;**

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

- **The zoning and uses of nearby properties;**

North- Rural residential, Agriculture  
East-R-4 and R-5.  
South-R-4 single family with reduced side yard setbacks,  
West-R-4, Agriculture

- **The suitability of the subject property for the uses to which it has been restricted;**

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

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

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

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

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

- **Relative gain to the public health, safety, and welfare by the destruction of the value of petitioner’s property as compared to the hardship imposed upon the applicant;**

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

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

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

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

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

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

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

### **Recommendations of professional staff:**

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

- a. An updated plat depicting the Bristol Hollows Addition R-PUD shall be provided for council consideration, and if approved by council, it will be attached to the ordinance as Exhibit A; and,
- b. The platter’s text in Exhibit A will reference additional documents, such as; the Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement, and Easement Agreement Re: Access to Power Meter. Those documents will be incorporated by reference, to the Bristol Hollows Addition R-PUD and ordinance; and
- c. The applicant shall file the ordinance and all documents incorporated by reference to the Bristol Hollows Addition R-PUD, with the Sedgwick County Register of Deeds. Proof of filings shall be provided to the Bel Aire City Clerk, within 30 days of filing with the Sedgwick County Register of Deeds.