

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

THIS Second Amendment to the Planned Unit Development Agreement Concerning the Development of Tierra Verde South Addition, (hereinafter referred to as the “SECOND AMENDMENT”), is made and entered into this 20th day of May, 2025, by and between: the City of Bel Aire, Kansas, a municipal corporation, (hereinafter referred to as the “CITY”), and Tierra Webb Properties, LLC, a domestic limited liability company, (hereinafter referred to as “PROPERTY OWNER 1”) and ME Enterprises IV, LLC, a domestic limited liability company, (hereinafter referred to as “PROPERTY OWNER 2”) and AH Property, INC., a domestic for-profit corporation, (hereinafter referred to as “PROPERTY OWNER 3”) and North Webb, LLC., a domestic limited liability company, (hereinafter referred to as “PROPERTY OWNER 4”), and the City of Bel Aire Land Bank, a municipal corporation, (hereinafter referred to as “PROPERTY OWNER 5”). PROPERTY OWNER 1, PROPERTY OWNER 2, PROPERTY OWNER 3, PROPERTY OWNER 4, and PROPERTY OWNER 5 are collectively, (hereinafter referred to as the PROPERTY OWNERS”).

WHEREAS, the PROPERTY OWNERS currently own certain real property located within the Tierra Verde Planned Unit Development, (hereinafter referred to as the “TIERRA VERDE PUD”); and

WHEREAS, the TIERRA VERDE PUD was created in 2009 and amended on April 2, 2024; and

WHEREAS, PROPERTY OWNER 4 is the only owner of Parcel 4, Lot 1, Block 2, (hereinafter referred to as the “SUBJECT LOT”) which is located within the TIERRA VERDE PUD. PROPERTY OWNER 4 filed an application to amend the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements of the SUBJECT LOT within the TIERRA VERDE PUD, as more particularly described and updated in this SECOND AMENDMENT; and

WHEREAS, the CITY published notification of the public hearing in the official city newspaper and notified all PROPERTY OWNERS on March 20, 2025. The public hearing was held on April 10, 2025. None of the PROPERTY OWNERS appeared or shared any objections.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions herein contained, the CITY and PROPERTY OWNERS agree as follows:

PURPOSE. This SECOND AMENDMENT is necessary to address the application from

PROPERTY OWNER 4 to amend the zoning requirements of the SUBJECT LOT within the TIERRA VERDE PUD, in the CITY.

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

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

RECORDING. The DEVELOPER shall file an executed copy of this Amendment 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 Amendment 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 Amendment, as set forth herein, shall be binding upon the CITY and the DEVELOPER, their successors, representatives, trustees, and assigns.

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PASSED and ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 20th day of May, 2025.

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

CITY OF BEL AIRE, KANSAS (CITY)

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

Maria A. Schrock, City Attorney

(Exhibit A attached)

308 Signed by PROPERTY OWNER 1 on this _____ day of _____, 2025.

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310 Tierra Webb Properties, LLC

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314 Signature

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319 Printed Name, P. John Eck

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324 Title

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327 Signed by PROPERTY OWNER 2 on this _____ day of _____, 2025.

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329 ME Enterprises IV, LLC

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333 Signature

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338 Printed Name, Masoud Etezazi

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343 Title

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346 Signed by PROPERTY OWNER 3 on this _____ day of _____, 2025.

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348 AH Property, INC.

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351 _____
352 Signature

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356 _____
357 Printed Name, Alan Hsu

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361 _____
362 Title

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365 Signed by PROPERTY OWNER 4 on this _____ day of _____, 2025.

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367 North Webb, LLC.

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370 _____
371 Signature

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375 _____
376 Printed Name, P. John Eck

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380 _____
381 Title

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384 Signed by PROPERTY OWNER 5 on this _____ day of _____, 2025.

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386 City of Bel Aire Land Bank

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389 _____
390 Signature

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394 _____
395 Printed Name, Jim Benage

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399 _____
400 Title, Mayor

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