

(First published in The Ark Valley News on February 8, 2018.)

ORDINANCE NO: 631

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FROM "C-1" TO "C-2" WITH A PUD OVERLAY ON CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF BEL AIRE, SEDGWICK COUNTY, KANSAS.

WHEREAS, the legal description of the tract of land is as follows:

Legal Description

Lot 1, Block 1, Winkley Addition, Bel Aire, Sedgwick County, Kansas, all as set forth on a map attached hereto, and identified as Appendix A.

WHEREAS, a public hearing was convened on the matter of rezoning the described tract on January 11, 2018, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Five of the Zoning Regulations of the City of Bel Aire, Kansas;

WHEREAS, following the public hearing, the Planning Commission found that the evidence supported recommending approval of this requested zone change based upon the guidelines set forth in Article 5.01 of the Zoning Regulations of the City of Bel Aire, Kansas;

WHEREAS, the Planning Commission for the City of Bel Aire, Kansas recommends approval of the application by the property owner to change the above described tract of land, as described above, from C-1 to C-2 WITH A PUD OVERLAY, in conformance with the terms of the plat, and with specific conditions as follows:

1. Total Land Area: 51,052 sq.ft.±
or 1.17 acres
 Total Gross Floor Area: 9,000 sq.ft.
 Total Floor Area Ratio: 18 percent
2. 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 zoning and subdivision regulations of the City.
3. 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 Planned Unit Development Site Plan, which delineates building locations, at the time each individual lot is developed. Said Planned Unit Development Site Plan (herein the "PUD Site Plan") shall be approved by Developer and by the City Engineer, attached hereto and made a part hereof, at the time each individual lot is developed.

4. All easements recorded on the face of the final plat of Winkley 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 PUD Site Plan at the time each individual lot is developed.
5. Within the undeveloped portion of the site, 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.
6. Parcel 1 shall be limited to the following uses: Single-family, Duplex, Community Assembly, Office (General), Construction Sales and Service (General), and Outdoor storage as limited herein.
7. Signage shall be based on the standards of the "C-2" Commercial zoning district, except an individual sign may be permitted up to 150 square feet in area. No LED, billboard, or off-site signs shall be permitted.
8. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare, and shall be mounted at a height not exceeding one-half the distance from the neighboring lot, 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 lot.
9. Screening:
 - A. Screening shall be provided by an eight (8) foot high wood fence with galvanized metal posts where shown on the plan.
 - B. Solid screening shall be provided for all outdoor work and storage areas, parking lots and loading docks within 200 feet of residential uses in order to screen these areas from residential zoning districts.
 - C. The 10-foot alley along the north line of Parcel 1, the 10-foot easement along the east line of Parcel 1, and the south 25 feet of Parcel 1 shall all be considered buffers to the development.
10. Landscaping requirements shall be per the Bel Aire Zoning Code for commercial uses. Existing landscaping may be permitted within Oliver right-of-way, and shall be considered as meeting this requirement. Screening around the perimeter of the PUD shall not be required.
11. The design layout shown on the plan illustrates only one development concept. Modifications to the location of improvements, building layout, and/or access locations may be permitted, provided they meet all requirements of this plan.

12. All applicable permits, licenses, inspections or change in use shall be obtained prior to occupancy.
13. The Developer shall enclose or cause to be enclosed, all trash and recycling containers and similar equipment as set forth in the PUD Site Plan as approved by the City Engineer at the time each individual lot is developed.
14. Outside storage of all equipment, products or material shall be permitted on said property within those areas indicated on the plan. The center outdoor storage area, as indicated on the plan, may be paved with crushed asphalt millings, or similar material which reduces dust.
15. Parking shall be provided as required by City Code for all new construction. The existing business shall be required a minimum of 5 parking spaces.
16. The Developer shall file with the Sedgwick County Register of Deeds an executed copy of this Agreement.
17. Upon full execution hereof and upon attachment of the PUD Site Plan, the Landscape and 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.
18. A detailed site shall be submitted including parking, building elevations, landscaping, and utility locations, etc. signage criteria, and streets improvements, at the time the undeveloped portion of site is developed. The location of any additional building is indicated on the plan.

WHEREAS, the Governing Body has considered the factors set forth in Article 5 of the Zoning Regulations of the City of Bel Aire, Kansas.

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

SECTION 1. The Governing Body adopts the recommendation of the Bel Aire Planning Commission and approves the Planning Commission's recommendation for rezoning of the tract of land described above from C-1 to C-2 WITH A PUD OVERLAY, in conformance with and all specific conditions as set forth within the preamble above.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after publication of its summary in the Ark Valley News, an official city newspaper.

Passed by the Governing Body this 6th day of February, 2018.


MAYOR David Austin

ATTEST:


CITY CLERK, Stacey Cook

SEAL