

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 53rd 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.

(Published once in The Wichita Eagle on October 25, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD 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-24-03. Proposed a 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.

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

General Location: E 53rd St N and Bristol St.

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 24 day of October, 2024.

/s/ Paula Downs

Bel Aire Planning Commission Secretary



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
146319	605950	Print Legal Ad-IPL02012600 - IPL0201260		\$311.16	1	48 L

Attention: No Contact

City of Bel Aire
7651 E. Central Park Ave.
Bel Aire, Kansas 67226

MKrehbiel@belaireks.gov

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO
ALL PERSONS INTERESTED:

Notice is Hereby Given that on November 14, 2024, the City of Bel Aire Planning Commission will consider the following PUD 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:

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DATED this 24 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary
IPL0201260
Oct 25 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:

10/25/24

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 10/25/2024 to 10/25/2024.

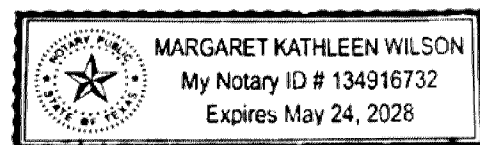
Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 10/25/2024

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



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, has 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.

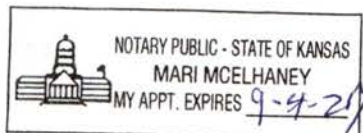
That the attached Notice of Public Hearing (PUD-24-03) is a true copy thereof and was published on such website beginning on the 24th day of October, 2024.



Signature

SUBSCRIBED AND SWORN to before me this 7th day of November, 2024.

(seal)





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



City of Bel Aire, Kansas
7651 E. Central Park Ave
Bel Aire, Kansas 67226



FINAL PUD REVIEW

Address of proposed project: Bristol Hollows Addition PUD-24-03

This report is to document that on 8.30.24 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- | | |
|--|--|
| <input type="checkbox"/> SETBACKS | <input type="checkbox"/> ELEVATIONS |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL | <input type="checkbox"/> EASEMENTS |
| <input type="checkbox"/> LANDSCAPE | <input type="checkbox"/> SCREENING |
| <input type="checkbox"/> STORM DRAINAGE | <input checked="" type="checkbox"/> NEIGHBORHOOD IMPACT |
| <input type="checkbox"/> ADA ACCESSIBLE | <input type="checkbox"/> UTILITIES TO BUILDING |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 8/30/24

Keith Price
REVIEWED BY 

Comments:

Lot splits were completed prior to city approval and filed with the county. City staff has met with stakeholders. Final draft comments below:

- No utility companies were notified, the Townhouse ownership Act can solve any cross-lot concerns to protect property rights.
- The landscape concern is each single-family dwelling is 3 trees interior, two-family is 4 trees interior. Street trees no less than 1 per lot, corner lot no less than 2. The net increase of required trees is based on number of lots created. No increase of corner lots but it shifts the burden.
- Zoning code 18.1.4 indicates that the city building code item- R302, and Table 302.1(1) that still relates to the rating of the wall from both sides. Under number 5 of the proposed PUD submittal the information should be changed to state ...accordance with said Planned Unit Development to a duplex building standard as an exception to all applicable building standards adopted by the city of Bel Aire.
- <http://www.belaireks.citycode.net/> is the link to find the requirements for platting and zoning.

APPLICATION

PUD-24-07

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.

-
- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Change Zoning Districts: From: <u>R-4</u> to <u>Planned Unit Development Residential District (R-PUD)</u> |
| <input type="checkbox"/> | Amendments to Change Zoning Districts _____ |
| <input type="checkbox"/> | Preliminary PUD _____ |
| <input type="checkbox"/> | Preliminary PUD with plat/ zoning |
| <input checked="" type="checkbox"/> | Final PUD |
| <input type="checkbox"/> | 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 Double Down Developers LLC (Phil Ruffo)

Address 13201 E. Pawnee, Wichita KS Telephone 316-734-4152

Agent representing the owner Garver LLC (Kenneth Lee)

Address 1995 Midfield Rd, Wichita KS Telephone 316-258-3190

1. The application area is legally described as Lot(s) Lots 1-19, Block A and Lots 1-21, Block B
Bristol Hollows Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 13.1 acres.

3. This property is located at (address) 5600 E. Bristol Street which is generally
located at (relation to nearest streets) 53rd Street North and Bristol Street.

4. County control 30013776-30013794, 30026337-30026341
number: 30013807-30013827, 30027474-30027483
30026342-30026351

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 Double Down Developers LLC (Phil Ruffo) Phone 316-734-4152
Address 13201 E. Pawnee, Wichita KS Zip Code 67230
- Agent Garver LLC (Kenneth Lee) Phone 316-258-3190
Address 1995 Midfield Rd, Wichita KS Zip Code 67209
2. Applicant _____ Phone _____
Address _____ Zip Code _____
- Agent _____ 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.


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.

City of Bel Aire

STAFF REPORT

DATE: 09/06/2024
TO: Bel Aire Planning Commission
FROM: Keith Price
RE: Agenda

STAFF COMMUNICATION	
FOR MEETING OF	9/12/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

CON-24-02 Property owner has requested to build an oversized private use shed in an R-1 zoned District.

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 Conditional Use process required notification of surrounding property owners.

History

The property has been zoned R-1 as the city was established.

Discussion

The one-acre parcels in the neighborhood near the lot many have oversized sheds, some have gone through zoning process for the same reason, height or footprint of the shed exceeding the primary structure.

- **The character of the neighborhood;**

There are 3 oversized out buildings within 400’ of the subject lot as accessory to a single-family house.

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

North- R-1 Single-family uses
East-R-1 single family uses
South- (Wichita) Commercial
West-R-1 Single family use, C-1 and city utility

- **The suitability of the subject property for the uses to which it has been restricted;**
The city 2018 Master Growth Plan is in line with the existing and proposed uses.
- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
No adverse changes based on the approved 2018 Master Growth Plan.
- **The length of time the property has been vacant as zoned;**

N/a.
- **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 individual landowners;**

N/a
- **Recommendations of permanent staff; and**

Staff recommends approval of the private use shed as presented.
- **Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**
The city 2018 Master Growth Plan is in line with the existing and proposed uses.
- **The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors.**

PUD-24-02.SD-24-03 Proposed a Platting and rezoning PUD to R-5 and R-6, single and multifamily uses from R-4, and to include C-1 commercial as zoned.

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.

The city review of the plat is in your packet. The newest revision will be posted.

History

The property has been zoned R-4 and C-1 by 2008 with different processes. The property west, Englert Addition Plat and special use permit was filed in 2016, Ordinance 590 allows animals on lot one, block A as a non-business use. The property south, Ordinance 654 changed the property from C-1 to R-6 in 2019 and was replatted in 2020 as Homestead Senior Landing. The city of Kechi is west of the property, that land is unplatted, however, 00520984, the north parcel, has a farm between Oliver the MOPAC railroad. There is also a property, 00520982, surrounded by this proposal that has been used for many types of rural residential uses, but now is used as single-family household.

The city staff needs clarification as listed in the city review to the engineering firm provided in your packet dated 8/30/24. Additional updates have been provided and the latest will be in the packet.

Discussion

The 2018 Master Growth Plan the land is shown as Residential Medium Density Figure 3:4 preferred growth with a park service area. Figure 3.5 indicates that the residential use preferred would be a level 2 intensity; this request is a level 3. Based on this table the use is within the adjacent acceptable use category.

- **The character of the neighborhood;**

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

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

North- Rural residential, Agriculture
East-R-4 with a Special Use permit approved.
South-R-6 single family, Senior housing; southwest (Wichita) Commercial, SF-5
West-R-4 Ranch, Farm, Agriculture

- **The suitability of the subject property for the uses to which it has been restricted;**
The city 2018 Master Growth Plan is in line with the existing and proposed uses.

- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
No adverse changes based on the approved 2018 Master Growth Plan.
- **The length of time the property has been vacant as zoned;**

2006 to 2024, 18 years.
- **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 individual landowners;**

The land contained in the application has been included in future modeling, design and construction for water and sewer design sizing to provide city services to the area. Water and sewer services are readily available to develop the area.
- **Recommendations of permanent staff; and**

The proposed preliminary plat and preliminary PUD are recommended, with the expectation that the minimum living space for each parcel area is determined. Landscape concepts and sidewalk routes be provided with the final submittals. On street parking and onsite parking be reviewed for the final PUD. The drainage design is acceptable for the density of the developed areas.
- **Conformance of the requested change to the adopted or recognized master plan being utilized by the city.**
The city 2018 Master Growth Plan is in line with the existing and proposed uses.
- **The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors.**

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

PUD-24-03. Proposed a 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.

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 what was important for the process. The city review of the plat is in your packet. The newest revision will be posted.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10' side yard set back requirement. The old Chapel Land plat would have allowed a 6' side yard with conditions.

The discovery of lot splits outside of the city process changed how a single structure defined in the city building code could be divided into two single structures. The agreements and understand 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.

Discussion

The city will be working on lot split code changes and updating building codes; that doesn't imply this type method could be used city wide by dividing lots and selling each as a separate buildings as viewed currently with a lesser construction method. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

- **The character of the neighborhood;**

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

- **The extent to which removal of the restrictions will detrimentally affect nearby property;**
No adverse changes based on the approved 2018 Master Growth Plan.

- **The length of time the property has been vacant as zoned;**

2008 to 2024, 16 years.

- **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 individual landowners;**

Affordable single-family housing with each family responsible as owners is the gain. Housing is Bel Aire's crop that increases land value for every viable sustainable property.

- **Recommendations of permanent staff; and**

The proposed PUD Under number 5 of the proposed PUD submittal the information should be changed to state ...accordance with said Planned Unit Development to a duplex building standard as an exception to all applicable building standards adopted by the city of Bel Aire. The landscape requirement should be divided equally between the two new lots.

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

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

The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors.

PUD-24-04. Proposed a 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 in a portion of Chapel Landing.

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 what was important for the process.

The city review of the plat is in your packet. The newest revision will be posted.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10' side yard set back requirement. The old Chapel Land plat would have allowed a 6' side yard with conditions.

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Discussion

The city will be working on lot split code changes and updating building codes; that doesn't imply this type method could be used city wide by dividing lots and selling each as a separate buildings as viewed currently with a lesser construction method. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.

- **The character of the neighborhood;**

The 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 is a low impact residential multi-family use.

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

North- R-4

East-R-4, Agriculture, R-5.

South-R-4 single family with reduced side yard setbacks, R-1

West-R-4, R-6 senior housing

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

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

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

No adverse changes based on the approved 2018 Master Growth Plan.

- **The length of time the property has been vacant as zoned;**

2008 to 2024, 16 years.

- **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 individual landowners;**

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- **Recommendations of permanent staff; and**

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City of Bel Aire

STAFF REPORT

DATE: 10/09/2024

TO: Bel Aire City Council

FROM: Paula Downs

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	10/15/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

PUD-24-03. Proposed a Final PUD containing approved duplexes to be converted to townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built.

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 what was important for the process.

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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 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.

Development Agreement

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

- Purpose; Paragraph three (3). Any deviations from the conceptual drawing shall be submitted for review and approval by the City;
- 2. Permitted Use:
 - All lots are zoned R-4, remain controlled by a for-profit development, as a single controlling entity or owner for the approved development;
 - A. and B. Construction shall have the following conditions:
 - Two-family dwelling units (duplexes) as shown on approved site plan;
 - Any low-density residential use based on the most current city zoning code;
 - Height and area regulations for R-4 developments;
 - Minimum dwelling unit – 1,000 s.f.;
 - Adhere to other requirements; drainage, stormwater, fencing & screening; landscaping; lighting, etc.,
- 24. Modification of Plat Through Replatting Process- *While it is intended by the parties that the development will precede in compliance with this Agreement and the existing plat of Bristol Hollows **nothing herein shall be construed to prohibit modifications to the Bristol Hollows development as a result of the formal replatting process.***
- 25. Respective Responsibilities of City and Developer:
 - C. The Developer agrees to assume responsibility to see that all original purchases of lots in the Addition receive a copy of the Developer's Agreement and the Restrictive Covenants at the time of purchase;
 - E.any individual or entity who later becomes a Developer by acquiring ownership of a lot or lots in said projects, shall do so subject to the terms of this Development Agreement....

Non-Conforming Issues Created with Lot Split:

- Landscaping requirements- 2 street trees in front yard of each side. Corner lots require three street trees of each lot;
- Interior lot line requirements- R-4 requires a 10' side yard setback. PUD eliminates the 10' side yard requirement. Outside lot lines are still at 10' and meet requirements;
- Lot coverage for accessory structures may be restricted based on size and quantity of structures;
- Home-based business use could be an issue depending on what type of business;
- Utilities installed across lots requires agreements- this would be a contract issue outside of City

PUD Application- PUD-24-03 (Final PUD is R-4 District with PUD Overlay)

Application was submitted with the following documents:

- Planned Unit Development Agreement
- PUD Exhibit referencing lot splits
- Ownership list

PUD Agreement:

- Developer desires zoning by a PUD;
- Agreement is necessary to establish a zoning change to a Planned Unit Development in the City;
- Intent is to permit a new approach to providing increased development flexibility in a manner otherwise constrained by the traditional development standards of the Zoning Code and Subdivision Regulations;
- Permitted Use: R-4 Single Family- includes Single-Family and Two-Family;
- Agreement allows:
 - Lot splits for all lots described in the PUD and requires applications for lot splits be submitted to the City and Register of Deeds office;
 - Respread of special assessment taxes divided 50% of aggregate to each new lot created in the lot split;
 - R-4 zoning district shall apply to lots described in PUD- with exceptions:
 - No required interior side yard setbacks;
 - Divided lots, shall have a minimum lot area of 4,000 square feet;
 - Divided lots, shall maintain a minimum lot width of 25';
 - All dwellings shall be built to all applicable building standards.

Staff Report recommended approval of the PUD Application with modifications to the PUD agreement listed above.

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 GIS search confirmed lot splits had been completed.

Discussion

Townhouse Information:

- Can solve cross-lot concerns to protect property rights;
- Townhouse Ownership Act: Townhouse definition from K.S.A 58-3701: General legal definition of townhouse is “a single-family home that is attached to other units and shares walls with them:
 - Attached: Townhouses are attached to other units, usually by one or two walls;
 - Single-family: Townhouses are privately owned and can be considered a single-family home;
 - Property lines: Townhouses are separated by property lines;
 - Yard or public way: Townhouses have a yard or public way on at least two sides;
 - Height: Townhouses are usually no more than three stories tall;
 - Ownership: Townhouse owners are responsible for the entire unit, including the interior, exterior, roof, and land;
 - Maintenance: Townhouse owners are responsible for all property maintenance and repairs;
 - Taxes: Townhouse owners are responsible for all real estate taxes.
- Townhouses can be part of a PUD;
- R-5 Zoning Code 18.7.6- Sets out what is permitted within this district and includes information related to townhouses.

Building Code Requirements relating to 2-hour Fire Wall:

- You can have townhomes with the 1-hour wall but only if there is no plumbing in the walls. Most of the units currently constructed have plumbing in the shared wall;
- Townhouse requires each individual wall support the roof independently;
- Sedgwick County Fire Department does not inspect residential properties;
- Bel Aire inspected based on the 1-hour requirement because of the two-family duplex construction. Walls were built as required for a two-family (duplex). There is no indication, based on our inspections that this was a 2-hour rated wall;
- Owner of property (if they own ½ of the two-family residence) should be aware of the common wall design and that the difference between 1-hour and 2-hour; affects fire spread, events that happen on one side could affect the other side i.e. water leaks, and sound. Expectation in an apartment or two-family duplex that you are more “connected” to the other side. This is typically not the expectation in home ownership.

Two-Family Unit vs. Townhouse:

- Lot split created two different lots with townhomes vs. two-family unit (duplex);
- City could require them to file their covenants to provide for the understanding of how each individual property owner would ensure their “community rights”:
 - Utility lines running under each owner’s property;
 - Sharing siding, roof, etc.

Correct Process Steps- Consideration of R-4 vs. R-5 Zoning District

- Developer created the original plat, and it was established as an R-4 zoning district;
- Prior to splitting lots they should have filed a PUD or requested a rezone to R-5.
- R-5:
 - Townhome development would have been addressed correctly in the development agreement;
 - R-5 creates the acceptance of a zero-lot line construction;
 - Construction would have then met the requirements of a townhome construction;
 - R-4 to R-5 would have moved from a single-family residential category to a multi-family residential category.
- R-5 would have rectified:
 - Zero lot lines;
 - 2-hour wall issue;
 - Landscaping;
 - All other conditions would still be present;
 - In addition, R-5 would have allowed more dense construction which would be adverse to the development of this neighborhood.
- Filing the PUD application:
 - Development remains in the R-4 zoning district;
 - Lots would remain non-conforming;
 - Less dense construction is a benefit to the neighborhood.

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 the approval of the PUD with the following conditions:

- Original Development Agreement updated with current PUD information; and
- PUD Agreement submitted with PUD-24-03 application be updated as identified in the staff report.

FINAL PLAT OF
BRISTOL HOLLOW

A REPLAT OF LOTS 1-28, BLOCK I, LOTS 41-65, BLOCK J, RESERVE H, P, U & Y,
CHAPEL LANDING ADDITION, CITY OF BEL AIRE, COUNTY OF SEDGWICK, KANSAS

MORTGAGE HOLDER

WE, LEGACY BANK, HOLDER OF A MORTGAGE ON THE ABOVE
DESCRIBED PROPERTY DO HEREBY CONSENT TO THE PLAT OF
BRISTOL HOLLOW, CITY OF BEL AIRE, COUNTY OF SEDGWICK, KANSAS.

LEGACY BANK
JOHN S. LINES
VICE-PRESIDENT COMMERCIAL LENDING

NOTARY CERTIFICATE

STATE OF KANSAS } SS
COUNTY OF SEDGWICK }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THIS 24 DAY
OF March, 2022 BY PHILIP L. RUFFO, MANAGING MEMBER
OF 3F2R HOLDINGS, LLC.

TIMOTHY R. AUSTIN
Notary Public - State of Kansas
My Comm. Expires 6-16-28

MY COMMISSION EXPIRES: June 16, 2028

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS } SS
COUNTY OF SEDGWICK }

THIS PLAT OF "BRISTOL HOLLOW" HAS BEEN SUBMITTED TO
AND APPROVED BY THE CITY OF BEL AIRE, KANSAS, AND IS
HEREBY TRANSMITTED TO THE CITY COUNCIL OF THE CITY OF
BEL AIRE, KANSAS, WITH THE RECOMMENDATION THAT SUCH
PLAT BE APPROVED AS PROPOSED.

DATED THIS 14th DAY OF November, 2019

JAMES B. SCHMIDT
CHAIRPERSON

ATTEST: KEITH PRICE
SECRETARY

GOVERNING BODY CERTIFICATE

STATE OF KANSAS } SS
COUNTY OF SEDGWICK }

THE DEDICATIONS SHOWN ON THIS PLAT, IF ANY, ARE HEREBY
ACCEPTED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE,
KANSAS ON the 20th December, 2019.

JIM BENAGE
MAYOR

MELISSA KREHBIEL
CITY CLERK

TRANSFER RECORD

ENTERED ON TRANSFER RECORD THIS ____ DAY OF ____
20__

KELLY B. ARNOLD
COUNTY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS } SS
COUNTY OF SEDGWICK }

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR
RECORD IN THE REGISTER OF DEEDS OFFICE, AT ____ M.
ON ____ DAY OF ____, 20__

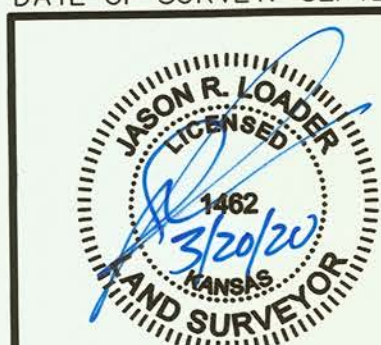
TONYA E. BUCKINGHAM
REGISTER OF DEEDS

KENLY ZEHRING
DEPUTY

SURVEYOR'S CERTIFICATION:

I, JASON R. LOADER, DO HEREBY CERTIFY THAT I AM A DULY LICENSED AND REGISTERED
PROFESSIONAL SURVEYOR IN THE STATE OF KANSAS, WITH EXPERIENCE AND PROFICIENCY IN LAND
SURVEYING; THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME OR
UNDER MY DIRECT SUPERVISION; THAT ALL SUBDIVISION REGULATIONS OF WICHITA HAVE BEEN
COMPLIED WITH IN THE PREPARATION OF THIS PLAT; THAT THIS PLAT AND THE SURVEY ON WHICH IT
IS BASED WERE MADE IN ACCORDANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY
SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE
CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF, GIVEN UNDER MY HAND AND SEAL
AT JUNCTION CITY, KANSAS, THIS 20th DAY OF March, 2020.

DATE OF SURVEY: SEPTEMBER 18, 2019



JASON R. LOADER
loader@kveeng.com

200 N. EMPORIA, SUITE 100
WICHITA, KANSAS 67202
PH. (316) 440-4304 | FAX (316) 440-4309
wh@kveeng.com | www.kveeng.com

KAW VALLEY ENGINEERING
PROJECT: FINAL PLAT OF
BRISTOL HOLLOW

PREPARED FOR:
3F2R HOLDINGS, LLC
323 N. OAKWOOD DR.
WICHITA, KS 67208

KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY
KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/20

PLAT DESCRIPTION:

ALL OF LOTS 1 THROUGH 28 IN BLOCK I AND ALL OF LOTS 41 THROUGH 65
IN BLOCK J AND ALL OF RESERVES "H", "P", "U", AND "Y", AND A PORTION
OF PLATTED JOSHUA COURT RIGHT-OF-WAY, AND A PORTION OF JOSHUA
RIGHT-OF-WAY, IN CHAPEL LANDING, BEL AIRE, SEDGWICK COUNTY, STATE
OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID RESERVE "U"; THENCE ON
THE NORTH LINE OF SAID RESERVE "U", THE NORTH LINE OF SAID JOSHUA
RIGHT-OF-WAY AND SAID RESERVE "P" AND SAID JOSHUA RIGHT-OF-WAY
AND SAID RESERVE "Y", N 89°29'38" E (THIS AND ALL OF THE FOLLOWING
BEARINGS ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM,
NAD83 (2011), SOUTH ZONE 1502) 1002.30 FEET TO THE NORTHEAST
CORNER OF SAID RESERVE "Y"; THENCE ON THE EAST LINE OF SAID
RESERVE "Y", S 20°30'22" E 664.28 FEET TO THE SOUTHEAST CORNER OF
SAID RESERVE "Y" AND THE NORTH LINE OF SAID RESERVE "U" IN SAID CHAPEL
LANDING, THENCE ON SAID NORTH LINE, S 63°29'50" W 424.86 FEET;
THENCE CONTINUING ON SAID NORTH LINE, S 63°20'13" W 832.72 FEET TO
THE EAST RIGHT-OF-WAY LINE, N 31°44'53" W 175.91 FEET; THENCE CONTINUING
ON SAID EAST RIGHT-OF-WAY LINE AND THE BEGINNING OF A CURVE TO
THE LEFT HAVING A RADIUS OF 319.53 FEET, AN ARC LENGTH OF 17.01
FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS N 33°16'22" W
17.01 FEET; THENCE N 58°15'07" E 27.57 FEET; THENCE N 31°44'53" W
39.00 FEET TO THE SOUTHWEST CORNER OF RESERVE "A", CHAPEL LANDING
3RD AND EAST LINE OF NORTHWEST QUARTER, SECTION 24, TOWNSHIP 26
SOUTH, RANGE 1 EAST; THENCE ON THE EAST LINE OF SAID NORTHWEST
QUARTER, N 00°41'21" W 965.20 FEET TO THE POINT OF BEGINNING.

CONTAINS 24.19 ACRES MORE OR LESS.

END OF DESCRIPTION

GENERAL NOTE:

ANY PLAT OR PART THEREOF OR STREET, ALLEY OR OTHER PUBLIC
RESERVATION, INCLUDING, WITHOUT LIMITATION, EASEMENTS, DEDICATIONS
BY BUILDING SETBACK LINES, AND ACCESS CONTROL, WHETHER ESTABLISHED BY
INSTRUMENT, CONDEMNATION OR EARLIER PLATS, SHALL BE VACATED BOTH
AS TO USE AND AS TO TITLE WITHOUT ANY FURTHER PROCEEDINGS UPON
THE FILING AND RECORDING OF THIS PLAT BY VIRTUE OF K.S.A. 12-512B,
AS AMENDED.

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS } SS
COUNTY OF SEDGWICK }

THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNER(S) OF THE LAND
DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE HAVE CAUSED THE
SAME TO BE SURVEYED AND SUBDIVIDED ON THE ACCOMPANYING
PLAT INTO LOTS, BLOCKS, STREETS, ALLEYS, EASEMENTS AND
PUBLIC SITES AS DENOTED ON THE PLAT ARE HEREBY DEDICATED TO
AND FOR THE USE OF THE PUBLIC FOR THE LIMITED PURPOSE OF
CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING PUBLIC
IMPROVEMENTS AND FRANCHISE UTILITIES WITHIN THE CITY OF BEL
AIRE; AND FURTHER THAT THE LAND CONTAINED HEREIN IS HELD
AND SHALL BE CONVEYED SUBJECT TO ANY APPLICABLE
RESTRICTIONS, RESERVATIONS AND COVENANTS NOW ON FILE OR
HEREAFTER FILED IN THE OFFICE OF THE REGISTER OF DEEDS OF
SEDGWICK COUNTY, KANSAS.

RESERVE "A" IS HEREBY RESERVED FOR OPEN SPACE, LANDSCAPING,
ENTRY MONUMENTS, SIDEWALKS, DRAINAGE PURPOSES, AND UTILITIES
AS CONFINED TO EASEMENTS.

RESERVE "B" IS HEREBY RESERVED FOR OPEN SPACE, LANDSCAPING,
PLAYGROUNDS, SWIMMING POOLS, UTILITIES AS CONFINED TO
EASEMENTS, AND RELATED FACILITIES (INCLUDING PARKING).

NO SIGNS, LIGHT POLES, PRIVATE DRAINAGE SYSTEMS, MASONRY
FENCES, MASONRY TRASH ENCLOSURES OR OTHER STRUCTURES
SHALL BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS UNLESS A
USE OF EASEMENT PERMIT IS OBTAINED FROM THE CITY OF BEL AIRE.

UTILITY EASEMENTS ARE HEREBY GRANTED AS INDICATED FOR THE
CONSTRUCTION AND MAINTENANCE OF ALL PUBLIC UTILITIES. UTILITY
EASEMENTS ARE HEREBY GRANTED FOR THE CONSTRUCTION AND
MAINTENANCE OF UTILITY AND SANITARY SEWER LINES.

A DRAINAGE PLAN HAS BEEN DEVELOPED FOR THIS PLAT AND ALL
RIGHTS-OF-WAY SHALL REMAIN AT ESTABLISHED GRADES, OR AS
MODIFIED WITH THE APPROVAL OF THE CITY ENGINEER AND
UNOBSTRUCTED TO ALLOW FOR THE CONVEYANCE OF STORMWATER.

ANY LAND DEDICATED TO OR OWNED BY A MUNICIPAL AUTHORITY
SHALL BE EXEMPT FROM ANY AND ALL ASSESSMENTS INCLUDING
THOSE ASSESSED BY HOMEOWNERS ASSOCIATIONS COVENANTS, LAND
WITHIN THIS PLAT OWNED BY SUCH A MUNICIPAL ORGANIZATION,
EXEMPT FROM TAXATION BY THE LAWS OF THE STATE OF KANSAS,
SHALL NOT BE SUBJECT TO ANY NON-TAXING AUTHORITY
ASSESSMENTS THROUGHOUT THE DURATION OF SUCH OWNERSHIP.

3F2R HOLDINGS, LLC

PHILIP L. RUFFO
MANAGING MEMBER

Reviewed in accordance with K.S.A. 58-2005
on this 24th day of March, 2020.

Tricia L. Robello, LS #1246
Deputy County Surveyor
Sedgwick County, Kansas

CURVE TABLE						
CURVE	CHORD BEARING	CHORD	LENGTH	TANGENT	RADIUS	DELTA
C1	S 58°34'56" E	118.83'	141.91'	112.36'	70.00'	116°09'09"
C2	N 26°46'50" E	119.14'	127.62'	74.16'	100.00'	73°07'18"
C3	S 5°08'35" E	16.17'	16.19'	8.11'	100.00'	91°16'27"

DATUM BENCHMARK:

DATUM IS U.S. SURVEY FEET AND REFER TO NAVD 88 DATUM DERIVED FROM THE
WICHITA RTM 3.0 GNSS NETWORK ORTHOMETRIC HEIGHT WAS CALCULATED USING
THE GEOID 12B MODEL.

BENCHMARK (NAVD 88 DATUM):

BM #60 CHISELED "X" CUT ON HEADWALL OF RCBC, 1075±' EAST OF NW CORNER
SEC. 24, T26S, R1E
ELEV.=1394.32

BM #61 CHISELED "X" CUT ON NORTHEAST CORNER TRANSFORMER PAD AT
NORTHEAST CORNER OF SITE.
ELEV.=1398.85

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 1°25'14" W	20.00'
L2	N 0°42'57" W	20.00'
L3	S 65°28'03" E	13.76'
L4	S 65°28'03" E	57.75'

LEGEND

- SECTION CORNER FOUND, ORIGIN UNKNOWN
- 1/2" REBAR W/BAUGHMAN CLS 58 CAP FOUND
- 1/2" X 24" REBAR W/KVE CLS 20 CAP SET
UNLESS OTHERWISE NOTED
- (P) PLATTED - BEARING & DISTANCE (PER CHAPEL LANDING PC204 3C)
- (M) MEASURED - BEARING & DISTANCE
- LINE NOT DRAWN TO SCALE
- BM BENCHMARK

POINT OF COMMENCEMENT
NW COR. NE 1/4
SEC. 24, T26S, R1E
4"X4" STONE, ORIGIN UNCERTAIN
ACCEPTED BY LS-1395
SCHWAB-EATON P.A.
DATED OCT. 20, 2005
FROM COUNTY REF. TIES

POINT OF BEGINNING
NORTHWEST COR., RESERVE U,
CHAPEL LANDING

BLOCK "A"
CHAPEL LANDING 3RD

BLOCK "J"
CHAPEL LANDING 3RD

ENBRIDGE PIPELINE (KPC) AMENDMENT OF R/W
(DOC.#/FLM-PG: 28860055)
CONOCO PHILLIPS AMENDMENT OF R/W
(DOC.#/FLM-PG: 28863860)

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF
N 89°29'38" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24.



Sedgwick County
Register of Deeds - Tonya Buckingham

Doc.#/Flm-Pg: 29946127

Receipt #: 2160122

Recording Fee: \$174.00

Pages Recorded: 10

Cashier: cponder

Authorized By:

Tonya Buckingham

Date Recorded: 04/14/2020 09:25:25 AM

**AGREEMENT
CONCERNING THE DEVELOPMENT
OF THE BRISTOL HOLLOWES, AN ADDITION
TO BEL AIRE, SEDGWICK COUNTY, KANSAS**

THIS AGREEMENT is made and entered into by and between 3F2R HOLDINGS, 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 platting by the CITY of a tract of land more fully described below and herein referred to as BRISTOL HOLLOWES ADDITION, an Addition to Bel Aire, Sedgwick County, Kansas (hereinafter, BRISTOL HOLLOWES);

A REPLAT OF LOTS 1-28, BLOCK I, LOTS 41-65,
BLOCK J, RESERVE H, P, U & Y, CHAPEL LANDING ADDITION
CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS
A TRACT IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 26 SOUTH,
RANGE 1 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS

And,

WHEREAS, the CITY is willing to plat said BRISTOL HOLLOWES under certain applicable conditions stated herein.

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 public interest, infrastructure, financial, and drainage conditions arising from the platting process. As such, approval of this Agreement is a condition precedent to the filing of the final plat and conveyance of the tract of land more fully described below and herein referred to as BRISTOL HOLLOWES.

Specifically, this agreement is to assure that necessary improvements are in place to support development of BRISTOL HOLLOWES. 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 DEVELOPER shall strictly observe and comply with the terms of this Agreement, all regulations, resolutions, policies, and ordinances of the CITY and Sedgwick County, and all statutes and laws of the State of Kansas and of the United States.

The development of BRISTOL HOLLOWES shall proceed in accordance with this Agreement and all other platting requirements. Any deviation, may result in suspension or termination of such building permit. It is understood by the parties that the final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted by the DEVELOPER and approved by the CITY in phases based on the conceptual plans. Any deviations from the conceptual drawing shall be submitted for review and approval by the CITY. Any and all costs incurred by DEVELOPER to comply with the requirements of this agreement including permit fees, review fees, and building and zoning permit and review fees, shall be paid by the DEVELOPER.

1. LEGAL DESCRIPTION: The tract of land herein referred to as BRISTOL HOLLOWES, an Addition to Bel Aire, Sedgwick County, Kansas, has the following pre-platting legal description, to-wit:

ALL OF LOTS 1 THROUGH 28 IN BLOCK I AND ALL OF LOTS 41 THROUGH 65 IN BLOCK J AND ALL OF RESERVES P, U, AND Y AND A PORTION OF RESERVE H AND THAT PORTION OF PLATTED JOSHUA COURT RIGHT-OF-WAY AND THAT PORTION PLATTED JOSHUA RIGHT-OF-WAY, IN CHAPEL LANDING, A SUBDIVISION IN THE CITY OF BEL AIRE, COUNTY OF SEDGWICK, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTHWEST CORNER OF SAID RESERVE U; THENCE ON THE NORTH LINE OF SAID RESERVES U AND THE NORTH LINE OF SAID JOSHUA RIGHT-OF-WAY AND SAID RESERVE P AND SAID JOSHUA RIGHT-OF-WAY AND SAID RESERVE Y, N 89°29'38" E (THIS AND ALL OF THE FOLLOWING BEARINGS ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE 1502) 1002.30 FEET TO THE NORTHEAST CORNER OF SAID RESERVE Y; THENCE ON THE EAST LINE OF SAID RESERVE Y, S 20°30'22" E 664.28 FEET TO THE SOUTHEAST CORNER OF SAID RESERVE Y; THENCE ON THE SOUTH LINE OF SAID RESERVE Y AND THE SOUTH LINE SAID LOT 60 IN BLOCK J AND SAID JOSHUA COURT RIGHT-OF-WAY AND SAID 59 IN BLOCK J, S 63°29'50" W 424.86 FEET; THENCE ON SAID SOUTH LINE OF LOT 59 AND THE SOUTH LINE OF SAID LOT 53 IN BLOCK J AND SAID JOSHUA COURT RIGHT OF WAY AND SAID LOTS 52, 43, 42, AND 41 IN BLOCK J, S 63°20'13" W 832.72 FEET TO THE SOUTHWEST CORNER OF SAID LOT 41; THENCE ON THE WEST LINE OF SAID LOT 41 AND ITS NORTHWESTERLY PROLONGATION, N 31°44'53" W 175.91 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 319.53 FEET, AN ARC LENGTH OF 17.01 FEET, AND BEING SUBTENDED BY A CHORD WHICH BEARS N 33°16'22" W 17.01 FEET; THENCE N 58°15'07" E 27.57 FEET; THENCE N 31°44'53" W 39.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 IN BLOCK I; THENCE ON THE WEST LINE OF SAID LOT 1 AND THE WEST LINE OF SAID LOTS 2, 3, 4, 5, 6, 7, 8, AND 9 IN BLOCK I AND THE WEST LINE OF SAID RESERVE U, N 00°41'21" W 965.20 FEET TO THE POINT OF BEGINNING. CONTAINS 24.19 ACRES MORE OR LESS.

2. PERMITTED USE: All lots are zoned R-4, remain controlled by a for-profit development, as a single controlling entity or owner for the approved development as presented, and construction upon such lots shall adhere to the following conditions:

A.

1. Two-family dwelling units (duplexes) as shown on the approved site plan.
2. Accessory structures to contain trash or mowing equipment as approved.
3. Any low density residential use based on the most current city zoning code with the Governing Body approval.

B. Height and Area Regulations for R-4 Developments

The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for parking/paving and yards, and the minimum site area per dwelling unit permitted on any lot shall be as follows, except as otherwise provided in these Regulations relating to Height and Area Regulations, Exceptions, and requirement set forth within the Subdivision Code:

1. Maximum density per acre – 8 dwelling units
2. Maximum Height:

Residences – two (2) stories, not exceeding thirty-five (35) feet from finished grade

3. Minimum dwelling unit – 1,000 square feet

3. CONSTRUCTION PERIOD REQUIREMENTS. In addition to other requirements set forth within this agreement regarding property maintenance, the following requirements shall be met specifically during the period of time during which construction of BRISTOL HOLLOWS is being developed:

All lots covered by this Agreement shall be subject to the CITY'S storm water regulations. The Contractor shall install and the DEVELOPER maintains the storm water protection devices established by the CITY and shown in the construction plans for master drainage / grading plan until such time the devices are no longer needed due to the adequate establishment of ground cover. All lots covered by this agreement shall be kept clean, shall not pond water, shall be mowed to a height not exceeding twelve (12) inches, and shall comply with all applicable laws and regulations pertaining to erosion control.

All temporary construction units must be removed when building in the immediate vicinity is completed. Temporary construction units will be relocated to areas actively being constructed.

All temporary utility connections made to expedite the development must be removed immediately as utility services are provided; i.e. temporary above ground power supply.

Vehicle access to the tract of land herein referred to as the BRISTOL HOLLOWS shall be limited to TWO (2) entry points along 53RD STREET as recommended by the Sedgwick County Fire Department for fire protection purposes and emergency vehicles. Traffic in BRISTOL HOLLOWS shall be limited to vehicles under 20 tons. Construction traffic shall enter from 53RD STREET. DEVELOPER shall be responsible for installation and removal of any temporary roads during construction. Such temporary roads shall be approved by the CITY. All roadways must be kept free of construction debris and mud. Dust created during construction must be controlled avoiding a nuisance for motorists and neighbors. CITY shall maintain one (1) point of access at all times to BRISTOL HOLLOWS during construction or reconstruction of 53rd STREET.

4. DETENTION PONDS. Any on-site detention ponds will be designed to control two, twenty-five year storm events and one, hundred year storm event. Additionally, the ponds will act as temporary sedimentation basins during construction but are limited to the amount of sediment allowed and DEVELOPER responsible for any dredging required.

Any on-site detention ponds and associated inflow and outflow systems to the property as well as the reserves, and ditches are to be maintained by the DEVELOPER indefinitely unless transferred to a home owner's association or equal resolution approved by the CITY, excluding paving and utilities within dedicated rights of ways as indicated on plat documents. Failure of the DEVELOPER to maintain such areas and property as described shall be grounds for the CITY to enforce this provisions as a nuisance abatement action, at the cost and expense of the DEVELOPER as set forth in K.S.A. 12-1617e.

5. DRAINAGE. Protecting surrounding platted property from the impacts of changes in drainage across such property resulting from the development of BRISTOL HOLLOWS must be addressed as part of the platting process. The DEVELOPER shall prepare a storm drainage plan which shall address the various impacts of increased/modified drainage, meet CITY drainage specifications, and be approved by the City Engineer. Prior to approval of said proposed storm drainage plan, the City Engineer may impose modifications upon such proposed plan as Engineer deems necessary to insure the effectiveness of such plan. After approval by the City Engineer of said storm drainage plan, including any necessary modifications, the DEVELOPER shall install, or

cause to be installed, the improvements pursuant to the drainage plan.

The DEVELOPER shall maintain a master drainage plan throughout the development stage for each parcel.

DRAINAGE PLAN. The DEVELOPER must provide a maintenance plan within the HOA Covenant document that will provide adequate provisions to protect the master drainage plan. The Maintenance Plan will include but not limited to: how to initiate the maintenance process for the drainage plan, how to inspect, what to inspect, when to inspect, how to correct drainage problems that are discovered, the appropriate records to be maintained and designating the party responsible for maintaining such records. The Developer must inform the HOA of the requirement to maintain such records in writing as part of the HOA Covenants.

6. ELECTRIC: All electric lines shall be installed underground and paid for by the DEVELOPER.

7. EROSION, STORMWATER, AND SEDIMENT CONTROL. The DEVELOPER must follow all National Pollution Discharge Elimination System (NPDES), Kansas Department of Health & Environment (KDHE) and City of Bel Aire Standards for erosion, stormwater, and sediment control on site.

8. FENCING & SCREENING: Fencing and screening methods and materials shall blend in with the architectural design of the buildings and to reasonably hide the materials, trash and recycling containers from ground view, and all fencing and screening methods and materials must be pre-approved in writing by the CITY. Black ornamental iron and other similar fencing material may be allowed if such materials blend in with the architectural design elements of the building and adjacent sites. Any plans for outside storage facilities shall comply with the applicable ordinances and zoning regulations of the CITY and be submitted in writing to the CITY for prior approval. No barbed wire is allowed. If any fencing or screening is installed by the DEVELOPER along 53RD STREET or other areas during Development, all future maintenance and upkeep shall be performed by the Developer or HOA.

9. FIRE HYDRANTS: All fire hydrants shall be of a type and quality specified by CITY Specification Standards, but not less than the minimum standards of the National Board of Fire Underwriters, and shall be provided and connected to the CITY'S municipal water supply system. Such hydrants shall be subject to the inspection and approval of the applicable Fire Chief.

10. FOUNDATION CERTIFICATIONS. Foundation Certifications will be required on each foundation after construction. Minimum low opening certifications will be required on all lots with minimum pad elevations indicated on the face of the plat.

11. HOMEOWNERS' ASSOCIATION. DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, drainage paths, detention ponds and construction areas associated with BRISTOL HOLLOW. Any land dedicated to or owned by a municipal authority shall be exempt from any and all assessments including those assessed by Homeowners Association Covenants. Land within this plat owned by such a municipal organization exempt from taxation by the laws of the State of Kansas, shall not be subject to any non-taxing authority assessments throughout the duration of such ownership.

12. INFRASTRUCTURE PETITION AND INSTALLATION: The development of BRISTOL HOLLOW is being accomplished by virtue of a multiple-phase process. Representatives of the parties shall formally meet and review the existing and proposed phases of development as well as the requirements of this agreement, prior to the submission of petitions for infrastructure improvements for each phase of development.

Installation of all improvements shall be in compliance with requirements of all applicable federal, state and local legislation, including the Americans with Disabilities Act. All electric power, street lights and telephone service shall be installed underground. Upon petitioning by the Developer pursuant to K.S.A. 12-6a(01) and K.S.A. 12-6a26, et seq., the CITY shall perform the engineering design, construction and inspection of water mains, sanitary sewer mains, storm water systems, paving, and park improvements necessary for the platting and development of the tract of land herein referred to as the BRISTOL HOLLOWS, an Addition to Bel Aire, Sedgwick County, Kansas. With the exception of storm sewer systems, all other improvements shall be dedicated to and owned and maintained by the CITY. The storm sewer systems shall be publicly owned but privately maintain by the Homeowner's Association. Said improvements shall be installed on CITY owned property or within public right of ways or easements. The DEVELOPER shall reimburse the CITY for the actual costs of the engineering design, construction, and inspection of all improvements necessary for the platting and development of the tract of land herein referred to as the BRISTOL HOLLOWS unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas.

The DEVELOPER shall dedicate necessary public right-of-ways and easements and install, or cause to be installed, all improvements necessary for the platting and development of the tract of land herein referred to as the BRISTOL HOLLOWS. Said improvements include, but are not limited to streets, curb, gutter, street signs, storm water system, sidewalks, water distribution system, sanitary sewer lines, corner pins, and utilities. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during construction. The DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire.

Whenever existing sanitary sewer, storm water, water lines, drainage channels, culverts, underground and overhead electric, communications, gas lines, pipe lines or transmission lines are required to be installed, lowered, encased, modified or relocated due to the subdivision or construction improvements required, and in the event it was not known at time of platting approval, the DEVELOPER shall pay one hundred percent (100%) of the cost of the improvements unless otherwise petitioned and approved by the Governing Body of the City of Bel Aire, Kansas. The DEVELOPER shall indemnify and hold harmless the CITY from any liability from damages that may occur during said construction.

13. LANDSCAPING & SCREENING: The DEVELOPER shall submit and have approved by the CITY, a "Landscape Plan" that is representative of the landscaping to be provided as each phase of BRISTOL HOLLOWS is developed. The "Landscaping Plan" shall show contours, utilities, size and spread at planting, any type of ground cover, shrubs, and coordinate with the Drainage Plan and Site Plan for the project.

Planting of interior trees shall meet the CITY'S street tree requirements. Any areas outside of the general boundaries of each development phase shall be planted to appropriate turf or ground cover adequate to prevent undue soil erosion and shall be maintained in accordance with applicable CITY ordinances. Any future Phases to be constructed shall also submit and have approved by the CITY, detailed landscape plans for that Phase. Within all detailed landscape plans, ground mounted mechanical equipment and trash receptacles shall be screened from ground level view.

14. LIGHTING: A Street and parking lighting plan shall be submitted to the CITY for approval and comply with the City zoning ordinance. Outdoor lighting sources shall employ cutoff luminaires to minimize light trespass and glare. Wood poles shall not be used.

15. MAINTENANCE: DEVELOPER and/or Homeowners Association will be required to provide continuous maintenance for all identified reserves, common areas, ponds, irrigation systems including those along 53RD STREET right-of-way and construction outside boundaries of BRISTOL HOLLOWS.

16. PERMITS. No construction shall commence on any portion of the tract of land herein referred to as BRISTOL HOLLOWES without the DEVELOPER having first obtained the proper building and zoning permits from the CITY.

17. ROADWAYS, PARKING, DRIVES, and ACCESS: The DEVELOPER shall cause to be installed, according to the design standards of the CITY, minimum twenty nine (29) foot back to back paved street with curb and gutter on all streets in BRISTOL HOLLOWES. If asphalt paving is used, the section shall consist of a minimum of 7" of asphalt with either a 5" reinforced rock base or a 5" concrete stabilized subgrade. If concrete paving is used, the pavement section shall be a minimum of 6" with 5" reinforced rock base. The CITY will determine which material shall be used after reviewing cost, safety, feasibility, and feedback from the DEVELOPER

All driveways shall be constructed in compliance with CITY ordinance. Access controls are as shown on the final plat of BRISTOL HOLLOWES.

18. SANITARY SEWER: The DEVELOPER shall petition the CITY to perform the engineering design review, construction and inspection of collection lines, not less than (8) inches in diameter, to transport sewage and discharge in the existing main running along the subdivision south to the lift station along Rock Road. Said sewer main shall be dedicated to and owned and maintained by the CITY. Said sewer main shall be installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted by the DEVELOPER or acquired as part of the construction project and dedicated by separate instrument. Each living unit is required to have a separate sewer tap and sewer service line. All Sanitary Sewer User Fees and Hookup Fees are subject to City Ordinances.

19. SIDEWALKS: Sidewalks shall be installed on one side of streets as delineated in the sidewalk plan submitted with the final plat. Sidewalks shall comply with the ADA Accessibility Guidelines (ADAAG). Sidewalks shall be handicap accessible and be required to extend or complete connecting links in the sidewalk system.

In general, sidewalks shall be constructed with the outside edge of the sidewalk as close as practical to the property line, subject to the discretion of the engineer designated by the CITY. The Sidewalk along shall be 5 feet wide (4" thick). Sidewalks shall be installed per the sidewalk plan approved by the CITY with curb ramps for road crossings. The costs of constructing sidewalks between driveways will be reimbursed to DEVELOPER by CITY.

20. SIGNAGE. Signs, other than street or traffic / regulatory, of such location, type and size as shall be approved as part of the building permit process or by the Governing Body, giving due regard to the prevailing type, size and pattern of location utilized throughout the area. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the CITY for written approval.

Signs are to be maintained by the DEVELOPER indefinitely unless transferred to a home owner's association any alternative plan must be approved by the CITY. Failure of the DEVELOPER to maintain such areas and property shall be grounds for the CITY to enforce this provision as a nuisance abatement action, at the cost and expense of the DEVELOPER and/or HOA.

21. WATER: The DEVELOPER shall petition the CITY to perform the engineering design, construction and inspection of transmission water lines minimum (8) inches in diameter, to the municipal water supply system of the City of Bel Aire, Kansas. Said water transmission lines shall be dedicated to and owned and maintained by the CITY. Lines shall be designed to loop and not dead-end, "lollipop". Said water transmission lines shall be

installed within dedicated easements. If not shown on the final plat, necessary easements shall be granted to the CITY by the DEVELOPER or acquired as part of the construction project and dedicated by separate instrument. Each living unit is required to have a separate water tap and water line. All water taps and service lines up to the meter shall be installed at the time of the water line construction. All Water User Fees and Hookup Fees are subject to City Ordinances.

22. BONDING CAPACITY. Assurances are to be provided whenever the CITY has been furnished a financial guarantee (irrevocable letter of credit, corporate completion bond, cashier's check, escrow account or cash) on 35% of the estimated principal cost of the project (engineering design, construction, inspections, temp note interest and administration). The Letter of Credit (LOC) or bond will be in the form approved by the CITY and name the City of Bel Aire as beneficiary. The assurances will serve to protect the general taxpayers of Bel Aire from subsidizing the special assessment debt. The assurance shall be filed prior to any debt being issued by the CITY for any of the expenses mentioned above and be in the amount equal to 35% of these same costs. It is understood that this letter of credit shall be automatically renewed for additional 2-year periods unless the DEVELOPER notifies the CITY in writing at least sixty (60) days prior to the then relevant expiration date that it will not be renewed at which time the DEVELOPER may draw up to the full amount of the credit available at that time. Provided there are no delinquent taxes or special assessments owed by the DEVELOPER, the financial guarantee will be released upon request of the DEVELOPER when development (issuance of satisfactory framing by the City of Bel Aire) of 35% of the properties covered by the LOC, the CITY will, by written instruction, authorize the release of this letter of credit, provided, however, that before this letter of credit is released the CITY shall be entitled to a partial drawing against the credit in the amount of any delinquent special assessments.

23. MISCELLANEOUS:

The DEVELOPER must make mail delivery provisions for each household with the U.S. Postal Services.

24. MODIFICATION OF PLAT THROUGH REPLATTING PROCESS. While it is intended by the parties that the development will precede in compliance with this Agreement and the existing plat of BRISTOL HOLLOWS nothing herein shall be construed to prohibit modifications to the BRISTOL HOLLOWS development as a result of the formal replatting process.

25. RESPECTIVE RESPONSIBILITIES OF CITY AND DEVELOPER:

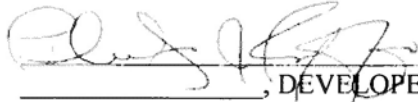
- A. Notwithstanding anything to the contrary contained herein, the CITY shall be responsible for the construction of streets, sewer, and water facilities for BRISTOL HOLLOWS or other projects or additions, including excavation, storm sewers and detention ponds, the costs for which shall be spread as special assessments against the addition on a per lot basis for a term not less than twenty (20) years, but not for four (4) years after the completion and acceptance by the city of the public improvements, or until the year 2023, whichever is greater.
- B. The CITY shall be responsible to make a reassessment for any existing special assessments against BRISTOL HOLLOWS on a per lot basis.
- C. The DEVELOPER agrees to assume responsibility to see that all original purchasers of lots in the Addition receive a copy of the Developer's Agreement and the Restrictive Covenants at the time of purchase.
- D. The DEVELOPER agrees to provide the CITY with a copy of the Restrictive Covenants once adopted.

- E. Each DEVELOPER, individual, or entity who is presently an owner of a lot or lots in BRISTOL HOLLOWS or any individual or entity who later becomes a DEVELOPER by acquiring ownership of a lot or lots in said projects, shall do so subject to the terms of this Development Agreement, and shall be liable for the payment of other costs and expenses payable by DEVELOPER hereunder which are incurred for improvements or facilities located on the lots or which are used or are available for the benefit of the lot or lots owned by the DEVELOPER.
- F. Likewise, each DEVELOPER shall be responsible for the performance or compliance with other obligations or requirements contained herein which may be performed on the lot or lots owned by the DEVELOPER or which the DEVELOPER otherwise has the legal power and authority to perform. In the event any improvements or facilities are constructed on the lots or lot of a DEVELOPER not to serve the needs of that lot or lots, but rather to serve the needs of a lot or lots not owned by the DEVELOPER, the DEVELOPER shall have no liability or responsibility for the costs and expenses incurred in the construction or maintenance of those improvements or facilities.
- G. Finally, in the event improvements or facilities are constructed and maintained to serve lots owned by more than one DEVELOPER or for the use of all DEVELOPERS, the costs and expenses for such construction and maintenance shall be paid by all DEVELOPERS whose lots are served by such improvements and facilities which costs and expenses shall be allocated to those DEVELOPERS whose lots are being served in the proportion that the number of square feet in the lots being served and respectively owned by them bears to the total square feet of all lots being served.

26. RECORDING: The DEVELOPER shall file an executed copy of this Agreement with the Sedgwick County Register of Deeds. 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.

27. 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 6th day of March, 2020.



DEVELOPER

BRISTOL HOLLOWS, an addition to Bel Aire,
Sedgwick County, Kansas

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the 7th day of April, 2020 and is hereby executed on this 7th day of April, 2020.


MAYOR,

SEAL

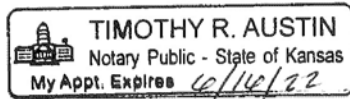
ATTEST:

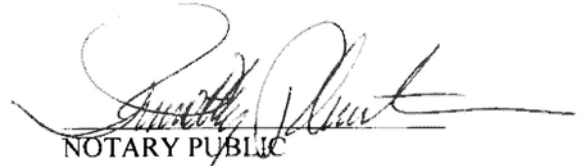



CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

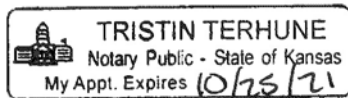
BE IT KNOWN BY ALL PERSONS that on this 6 day of March, 2020, before me, a Notary Public, came Philip Ruffe, who is known to me and who personally acknowledged execution of the forging Agreement as the Developer of BRISTOL HOLLOWS, an Addition to Bel Aire, Sedgwick County, Kansas.




NOTARY PUBLIC

My Appointment Expires: June 14, 2022

BE IT KNOWN BY ALL PERSONS that on this 7 day of April, 2020, before me, a Notary Public, came Mr. Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the forgoing Agreement Concerning the Development of the BRISTOL HOLLOWS, an Addition to Bel Aire, Sedgwick County, 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 Mr. Jim Benage.




NOTARY PUBLIC

My Appointment Expires: Oct. 25, 2021

[illegible]

Lots 1-19, Block A
 Lots 1-21, Block B
 Bristol Hollows, City of Bel Aire,
 Sedgwick County, Kansas

Gross Area of PUD: 13.1 Acres
Total Number of Lots: 40
Total Number of Dwelling Units: 80
Predominant Lot Width: 78 feet
Minimum Lot Width: 25 feet (measured at setback)
Predominant Lot Area: 9,980 sf
Minimum Lot Area: 4,000 sf



BRISTOL HOLLOWES PUD
City of Bel Aire
Sedgwick County, Kansas

FIGURE NUMBER

SHEET 1 of 1
NUMBER



OWNERSHIP LIST

PROPERTY DESCRIPTION	PROPERTY OWNER	
<p>Lots 1 thru 14 inclusive, Blk A AND Lot 15, Blk A, EXC that part begin at SW corner; th. N 142.61'; th. NEly 31.20'; th. SEly 128.01'; th. SWly 94.05' to begin AND That part of Lot 15, Blk A, begin at SW corner; th. N 142.61'; th. NEly 31.20'; th. SEly 128.01'; th. SWly 94.05' to begin AND Lot 16, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 39.29'; th. SEly 128.01'; th. SWly 39.29' to begin AND That part of Lot 16, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 39.29'; th. SEly 128.01'; th. SWly 39.29' to begin AND Lot 17, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 38.58'; th. SEly 128.01'; th. SWly 38.58' to begin AND That part of Lot 17, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 38.58'; th. SEly 128.01'; th. SWly 38.58' to begin AND Lot 18, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 39.46'; th. SEly 128.01'; th. SWly 39.46' to begin AND That part of Lot 18, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 39.46'; th. SEly 128.01'; th. SWly 39.46' to begin Part of Subject Property</p>	Bristol Hollows Addition	Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230



Security 1st Title

<p>Lot 19, Blk A, EXC that part begin at SW corner; th. NWly 128.01'; th. NEly 38.65'; th. SEly 128.01'; th. SWly 38.65' to begin AND That part of Lot 19, Blk A, begin at SW corner; th. NWly 128.01'; th. NEly 38.65'; th. SEly 128.01'; th. SWly 38.65' to begin AND Lot 1, Blk B AND Lot 2, Blk B, EXC that part begin at NE cor; th. W 127.60'; th. S 39.35'; th. E 127.48'; th. N 39.35' to begin AND That part of Lot 2, Blk B, begin at NE cor; th. W 127.60'; th. S 39.35'; th. E 127.48'; th. N 39.35' to begin AND Lot 3, Blk B, EXC that part begin at NE cor; th. W 127.35'; th. S 38.48'; th. E 127.23'; th. N 38.48' to begin AND That part of Lot 3, Blk B, begin at NE cor; th. W 127.35'; th. S 38.48'; th. E 127.23'; th. N 38.48' to begin AND Lot 4, Blk B, EXC that part begin at NE cor; th. W 127.10'; th. S 39.33'; th. E 126.98'; th. N 39.33' to begin AND That part of Lot 4, Blk B, begin at NE cor; th. W 127.10'; th. S 39.33'; th. E 126.98'; th. N 39.33' to begin AND Lot 5, Blk B, EXC that part begin at NE cor; th. W 126.85'; th. S 38.63'; th. E 126.73'; th. N 38.63' to begin AND That part of Lot 5, Blk B, begin at NE cor; th. W 126.85'; th. S 38.63'; th. E 126.73'; th. N 38.63' to begin Part of Subject Property</p>	<p>“</p>	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
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Security 1st Title

<p>Lot 6, Blk B, EXC that part begin at NE cor; th. W 126.60'; th. S 39.18'; th. E 126.48'; th. N 39.18' to begin AND That part of Lot 6, Blk B, begin at NE cor; th. W 126.60'; th. S 39.18'; th. E 126.48'; th. N 39.18' to begin AND Lot 7, Blk B, EXC that part begin at NE cor; th. W 126.35'; th. S 38.56'; th. E 126.23'; th. N 38.56' to begin AND That part of Lot 7, Blk B, begin at NE cor; th. W 126.35'; th. S 38.56'; th. E 126.23'; th. N 38.56' to begin AND Lot 8, Blk B, EXC that part begin at NE cor; th. W 126.10'; th. S 39.42'; th. E 125.98'; th. N 39.42' to begin AND That part of Lot 8, Blk B, begin at NE cor; th. W 126.10'; th. S 39.42'; th. E 125.98'; th. N 39.42' to begin AND Lot 9, Blk B, EXC that part begin at NE cor; th. W 125.86'; th. S 38.58'; th. E 125.74'; th. N 38.58' to begin AND That part of Lot 9, Blk B, begin at NE cor; th. W 125.86'; th. S 38.58'; th. E 125.74'; th. N 38.58' to begin AND Lot 10, Blk B, EXC that part begin at NE cor; th. W 125.61'; th. S 39.50'; th. E 125.48'; th. N 39.50' to begin AND That part of Lot 10, Blk B, begin at NE cor; th. W 125.61'; th. S 39.50'; th. E 125.48'; th. N 39.50' to begin Part of Subject Property</p>	<p>“</p>	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
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Security 1st Title

<p>Lot 11, Blk B, EXC that part begin at NE cor; th. W 125.36'; th. S 36.51'; th. E 125.24'; th. N 36.51' to begin AND That part of Lot 11, Blk B, begin at NE cor; th. W 125.36'; th. S 36.51'; th. E 125.24'; th. N 36.51' to begin AND Lot 12, Blk B, EXC that part begin at NE cor; th. W 125.76'; th. S 62.58'; th. NEly 138.72'; th. Nly along curve to right 28.66' to begin AND That part of Lot 12, Blk B, begin at NE cor; th. W 125.76'; th. S 62.58'; th. NEly 138.72'; th. Nly alg curve to right 28.66' to begin AND Lot 14, Blk B, EXC that part begin at NW cor; th. SWly 237.61'; th. SEly 6.24'; th. NEly 102.41'; th. Nly 173.71'; th. W alg curve to right 27.45' to begin AND That part of Lot 14, Blk B, begin at NW cor; th. SWly 237.61'; th. SEly 6.24'; th. NEly 102.41'; th. Nly 173.71'; th. W alg curve to right 27.45' to begin AND Lot 15, Blk B, EXC that part begin at NW cor; th. Sly 139.34'; th. NEly 68.19'; th. NWly 127.92'; th. Wly alg curve to right 25.34' to begin AND That part of Lot 15, Blk B, begin at NW cor; th. Sly 139.34'; th. NEly 68.19'; th. NWly 127.92'; th. Wly alg curve to right 25.34' to begin Part of Subject Property</p>	“	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
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Security 1st Title

<p>Lot 16, Blk B, EXC that part begin at NW cor; th. SEly 127.77'; th. NEly 38.78'; th. NWly 127.77'; th. SWly 38.78' to begin AND That part of Lot 16, Blk B, begin at NW cor; th. SEly 127.77'; th. NEly 38.78'; th. NWly 127.77'; th. SWly 38.78' to begin AND Lot 17, Blk B, EXC that part begin at NW cor; th. SEly 127.77'; th. NEly 39.08'; th. NWly 127.77'; th. SWly 39.08' to begin AND Lot 18, Blk B, EXC that part begin at NW cor; th. SEly 127.76'; th. NEly 39.20'; th. NWly 127.76'; th. SWly 39.20' to begin AND That part of Lot 18, Blk B, begin at NW cor; th. SEly 127.76'; th. NEly 39.20'; th. NWly 127.76'; th. SWly 39.20' to begin AND Lot 19, Blk B, EXC that part begin at NW cor; th. SEly 127.76'; th. NEly 38.89'; th. NWly 127.75'; th. SWly 38.89' to begin AND That part of Lot 19, Blk B, begin at NW cor; th. SEly 127.76'; th. NEly 38.89'; th. NWly 127.75'; th. SWly 38.89' to begin AND Lot 20, Blk B, EXC that part begin at NW cor; th. SEly 127.75'; th. NEly 39.31'; th. NWly 127.75'; th. SWly 39.31' to begin AND That part of Lot 20, Blk B, begin at NW cor; th. SEly 127.75'; th. NEly 39.31'; th. NWly 127.75'; th. SWly 39.31' to begin Part of Subject Property</p>	"	<p>Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230</p>
<p>That part of Lot 17, Blk B, begin at NW cor; th. SEly 127.77'; th. NEly 39.08'; th. NWly 127.77'; th. SWly 39.08' to begin Part of Subject Property</p>	"	<p>Alexandria Rose Meyer 5729 E. Bristol St. Wichita, KS 67220</p>



Security 1st Title

Lot 21, Blk B, EXC that part begin at NW cor; th. SEly 127.74'; th. NEly 38.80'; th. NWly 127.74'; th. SWly 38.80' to begin AND That part of Lot 21, Blk B, begin at NW cor; th. SEly 127.74'; th. NEly 38.80'; th. NWly 127.74'; th. SWly 38.80' to begin Part of Subject Property	"	Double Down Developers, LLC 13201 E. Pawnee Rd. Wichita, KS 67230
Lot 13, Blk B, EXC that part begin at N-most cor; th. SWly 174.45'; th. SEly alg curve to right 17.01'; th. SEly alg SWly line 72.24'; th. NEly 191.31'; th. NWly alg curve to right 25.07' to begin AND Lot 13, Blk B, begin at N-most cor; th. SWly 174.45'; th. SEly alg curve to right 17.01'; th. SEly alg SWly line 72.24'; th. NEly 191.31'; th. NWly alg curve to right 25.07' to begin Part of Subject Property	"	Logan Caldarrera & Ciera Lampe 12828 E. Timber Lake Rd. Wichita, KS 67230
Lots 20 thru 29 inclusive, Blk A AND Lots 23 thru 26 inclusive, Blk B	"	NexPoint SFR SPE 3, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Lot 22, Blk B	"	NexPoint SFR SPE 1, LLC 8615 Cliff Cameron Dr., Ste. 200 Charlotte, NC 28269
Reserve B	"	3F2R Holdings, LLC 323 N. Oakwood Dr. Wichita, KS 67208
Lot 20, Blk J	Chapel Landing Addition	Lynn & Jeanette A. Parker 5934 Forbes Ct. Wichita, KS 67220
Lot 21, Blk J	"	April Michaelis 5930 Forbes Ct. Wichita, KS 67220
Lot 22, Blk J	"	Chapel Landing Development, Inc. 3530 N. Beach Club Cir. Wichita, KS 67205



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Reserve HH AND Reserve II	“	Woodlawn 53, LLC 3530 N. Beach Club Cir. Wichita, KS 67205
Lot 11, Blk A, EXC that part begin at SE cor; th. W 81.75'; th. NWly 142.29'; th. NEly 24.57'; th. SEly 180.6' to begin	Chapel Landing 3rd Addition	Laura R. Stevenson Revocable Trust 5393 N. Nolen St. Wichita, KS 67220
That part of Lot 11, Blk A, begin at SE cor; th. W 81.75'; th. NWly 142.29'; th. NEly 24.57'; th. SEly 180.6' to begin AND Lot 12, Blk A	“	Neighbor Realty, LLC 13008 E. Churchill St. Wichita, KS 67230
Lot 13, Blk A, EXC that part begin at SE cor; th. NWly 142.16' to curve; th. NEly alg curve 23.94'; th. E 130.06' to E line of said Lot 13; th. S 69.38' to begin	“	Erik M. Swenson (Prior–Corbin Hamilton) 5409 N. Colburn Ct. E. Bel Aire, KS 67220
That part of Lot 13, Blk A, begin at SE cor; th. NWly 142.16' to curve; th. NEly alg curve 23.94'; th. E 130.06' to E line of said Lot 13; th. S 69.38' to begin	“	Corbin Hamilton 1018 N. Wisteria Dr. Derby, KS 67037
Lots 14 thru 19 inclusive, Blk A	“	Buckert Contracting, Inc. PO Box 780405 Wichita, KS 67278
Lot 20, Blk A	“	Diony Paillant 5493 N. Colburn Ct. E. Bel Aire, KS 67220
Lot 21, Blk A	“	Chan Nghi Tu & Lang T. Le 2028 S. Michelle St. Wichita, KS 67207
Lot 22, Blk A	“	Supreme Construction, LLC 13303 W. Maple, Ste. 139 Wichita, KS 67235



Security 1st Title

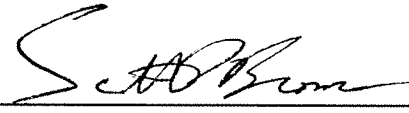
Lot 35, Blk A	"	Northwind Real Estate Holdings, LLC 4050 N. Stone Barn St. Maize, KS 67101
Lots 36 thru 40 inclus, Blk A	"	JP Rentals, Inc. PO Box 399 Maize, KS 67101
Reserve C	"	53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
Lots 3, 4, & 5, Blk A AND Lots 10 thru 14 inclusive, Blk A	Chapel Landing 5th Addition	Woodlawn 53, LLC 3530 N. Beach Club Cir. Wichita, KS 67205
Lots 11 thru 16 inclusive, Blk A	Chapel Landing 6th Addition	TW Renovations, LLC 1815 S. Southwest Blvd. Wichita, KS 67213
The E/2 of the SW/4, 13-26-1E		Kirby Kay Smith Family Trust 5650 E. 53rd St. N. Kechi, KS 67067
The SW/4 of the SE/4, EXC the S 440' of the E 495' thereof; & EXC comm 1,230' N of SW corner of SE/4 for p.o.b.; th. N 90'; th. E 475'; th. S 90'; th. W 475' to begin, 13-26-1E		Teresa McNeil & Brian McNeil PO Box 39 Kechi, KS 67067
The S 440' of the E 495' of the W/2 of the SE/4, 13-26-1E		McNeil Properties, LLC PO Box 39 Kechi, KS 67067



Security 1st Title

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of July, 2024, at 7:00 A.M.

SECURITY 1ST TITLE

By: 
LICENSED ABSTRACTER

The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described tracts. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire.

Lots 1 through 19 inclusive, Block A; and Lots 1 through 21 inclusive, Block B, all in Bristol Hollows Addition, City of Bel Aire, Sedgwick County, Kansas.

Order: 3089829
KJK

From: Philip Ruffo <lipllc316@gmail.com>
Sent: Thursday, October 24, 2024 7:34 AM
To: Paula Downs <PDowns@belaireks.gov>
Cc: Maria Schrock <mschrock@belaireks.gov>
Subject: Re: Bristol Hollows PUD Case

[External Sender]

This list is accurate, however, there is just ONE more owner. See his information below:

Mason Suntheimer
5747 Bristol St
Bel Aire, KS 67220

Legal:

TH PT LOT 20 BEG NW COR TH SELY 127.75 FT NELY 39.31 FT NWLY 127.75 FT SWLY 39.31 FT TO POB BLOCK B BRISTOL HOLLOWES ADDITION
LOT 20 EXC TH PT BEG NW COR TH SELY 127.75 FT NELY 39.31 FT NWLY 127.75 FT SWLY 39.31 FT TO POB BLOCK B BRISTOL HOLLOWES ADDITION