

Chapel Landing- Phase 2

March 13, 2025

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Notification and Affidavit of Publication
- Owners List
- PUD Application
- Planned Unit Development Agreement
- PUD Boundary Map

STAFF REPORT

DATE: 03/06/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	3/13/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: PUD 24-04 Proposed Final R-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 Phase II.

General Location: The subject property is generally located at North Oliver Street and East 53rd Street North and is currently platted as Chapel Landing. Chapel Landing is currently zoned R-4 Single-Family Residential District. The applicant desires to amend the zoning district classification from R-4 to R-PUD Planned Unit Development Residential District.

Background:

The city placed notification on the City of Bel Aire's website as required by city code. The affidavit of publication is provided. The R-PUD process required notification of surrounding property owners within the R-PUD boundary. Publication notification was made on February 20, 2025, to all property owners as of January 30, 2025.

Case History:

1. Planning Commission Meeting: September 12, 2024

The case was initiated on August 24, 2024, when city staff discovered that duplex lots were being divided and sold as separate buildings outside of the city process. The applicant filed an R-PUD Application to convert approved duplexes to townhouses with zero interior lot lines on a reduced lot size. City staff reviewed the case based on the golden factors and recommended approval to the Planning Commission. During the processing of the R-PUD Application, it was discovered that the applicant needed to obtain signatures of all owners in the R-PUD boundary area. On September 12, 2024, the applicant asked that the item be tabled pending property owner signatures. Signatures were required to confirm applicant was the property owners agent for the purposes of the R-PUD application.

The Planning Commission tabled the case to appear on the October 10, 2024, meeting agenda.

2. Planning Commission Meeting: October 10, 2024

The meeting announcement stated that PUD-24-04 would not be heard at the meeting due to an incomplete application.

3. Planning Commission Meeting: November 14, 2024

City staff renotified all property owners within a 200' area of the R-PUD boundary. The staff report included the same information as the report developed for the September 12, 2024, Planning Commission meeting.

Similar Case- Bristol Hollows on the November 14, 2024, Agenda:

The meeting agenda included a similar lot split case for Bristol Hollows. This case appeared on the September 12, 2024 Planning Commission agenda. During this meeting the Planning Commission recommended approval of the case. Case went before the City Council on October 15, 2024. The City Council's discussion centered around zoning statutes and procedures, concerns of fire safety, conformance with City zoning code, access to utilities, and financial implications for future buyers of the properties, and if covenants for this development could be drafted to address concerns. The council tabled the case.

The case came back to Planning Commission on November 14 and the developer addressed concerns from the City Council and agreed to provide platters text and the following documents; updated restrictive covenants, a first amendment to the development agreement, an easement agreement and wall agreement. These documents would make it easy for anyone wanting to purchase a property to see the documents. Planning Commission approved the Bristol Hollows PUD with the document conditions.

Chapel Landing Case (appeared on the November 14 Agenda after Bristol Hollows case)

The Planning Commission was made aware of the City Council discussions on Bristol Hollows and the documents requested by the City Council in that case. When reviewing the case for Chapel Landing, the applicant's agent requested that the requirement for street trees be reduced from the required two trees per lot to one tree per lot due to the smaller lot sizes created by the lot splits.

The Planning Commission stated that since Chapel Landing- PUD-24-04 was similar to the Bristol Hollows case, the same conditions would apply specifically:

- An updated plat would be attached to the ordinance as Exhibit A: and,
- 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 regarding access to power meter. Those documents will be incorporated by reference, to the ordinance; and
- The applicant shall file the ordinance with all documents incorporated by reference with the Sedgwick County Register of Deeds.

The Planning Commission discussed the case and determined it would be necessary to table the case to receive the additional documents requested. The applicant requested that the case be sent to the City Council in lieu of tabling the item. There was a consensus that more information from the applicant would be necessary to make a final recommendation. Commission determined that Council would not approve the item without the requested documents. The item was tabled to the December 12, 2024, meeting.

4. Planning Commission Meeting- December 12, 2024

The staff report for this meeting reflected the basic case information presented at previous meetings and a summary of the November 14, 2024, meeting discussion. The Staff report stated that prior to the meeting the required documents had not been submitted. Staff recommended that the R-PUD should be modified as follows:

- Update the landscaping requirement to reflect one street per lot.
- Require applicant to submit the following documents as part of their R-PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.
- Update the plat's text to reference the documents.
- File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

The applicant's agent asked that the case be sent to the City Council because they did not intend to provide the documents that the Planning Commission requested. The agent stated the reason is because the documents requested are outside the scope of zoning and are not enforceable by the city. The agent said that the applicant may be willing to update the R-PUD to reflect the Commission's recommendation for number of street trees and update the face of the plat to reflect zoning setbacks. Agent stated that they were willing to comply with regulations listed in the subdivision and zoning codes.

Motion was approved that the proposed final R-PUD be approved with the condition that the documents requested be provided as outlined in Item 10 of the staff report. The case would appear on the January 7, 2025 City Council meeting agenda.

5. City Council Meeting- January 7, 2025

The staff report presented to the City Council was detailed and provided a full analysis of the case.

The staff report included the following key information/discussions:

- Prior to this City Council meeting, a more detailed analysis of the case was created and the staff report reflected that the city can request additional documents, but that they were outside the requirements of the City Code and the review criteria (golden factors) used to evaluate the R-PUD case.
- The staff report reflected further analysis of the R-PUD Application and R-PUD Agreement and provided an updated staff recommendation based on the appropriate review criteria.

- Analysis in the staff report provided zoning code references addressing each issue created by the lot-splits.
- Analysis comments were included for the R-PUD agreement
- Key issues contained in the Golden Factors were:
 - A minimum lot area should be established as the lack of any minimum lot area makes any meaningful assessment of this Criteria impossible. Minimum lot widths should also be established to ensure adequate access to the public street. With proper identification of all substitute regulations, no detrimental impact to nearby properties is expected.
 - It is recommended that the City and applicant work on revisions/clarifications to the regulations to avoid any negative impact on public health, safety, and welfare. Once completed, no loss in value or hardship upon the applicant is anticipated.
- Staff recommended that the application be returned to the Planning Commission to reconsider a revised application at their February 13, 2025, meeting. Staff did not make a recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations.

The applicant's agent stated they would accept the condition of only planting one street tree per lot and that the applicant was unwilling to accept the other conditions regarding the supplementary documents.

The Council discussed the concerns of the applicant and city staff. It was acknowledged that the updated case analysis prepared with the assistance of PEC had not been provided to the Planning Commission at their December 12 meeting. The council voted to return the case to the Planning Commission for further consideration.

6. Planning Commission Meeting- February 13, 2025

Agenda Announcement by staff stated that R-PUD-24-04 was heard on the January 9, 2025, City Council meeting and they made the motion to return the item to the Planning Commission for further consideration. City staff were working with the applicant's agent to resolve issues, and the item will appear on the March 13, 2025, Planning Commission agenda.

Current Discussion:

- A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.
- B. The case was heard on January 9, 2025, at the City Council meeting. The council voted to return the case to the Planning Commission for further consideration.

- C. The case was not heard at the Planning Commissions February 13, 2025, meeting. City staff were working with the applicant's agent to resolve case issues. In addition, City staff discovered that additional whole and partial structures had been sold and that some property owners had not been notified of the case. The 20-day notification period required that the case be brought to the Planning Commission on March 13, 2025.
- D. City staff reviewed and provided an updated Planned Unit Development Agreement to the applicant's agent. The language contained in the R-PUD Agreement addresses concerns previously discussed by the City Council and Planning Commission. The applicant has agreed to the document language presented, including the Wall Agreement which is included in the R-PUD Agreement as Exhibit 1.

Review Considerations:

1. Character of the neighborhood

Multiple two-family structures have been constructed on the subject property and on adjacent properties. Directly adjacent to the East, are two unplatted properties under the same ownership totaling approximately 11.54 acres currently used for a single-family home with accessory structures. North of East 53rd Street North is predominantly undeveloped large-lot single-family home sites. Approximate 2.0 acre lots are platted to the south of the subject property. Senior living (multiple family) units directly abut the subject property to the West.

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

2. Zoning and uses of nearby properties

North: R-4 Single-Family Residential District
East: AG Agricultural District
South: R-1 Estate Residential District
West: R-6 Multi-Family District

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

The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive than what is allowed in the base R-4 district.

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

The minimum lot area and lot widths have been established in the R-PUD Agreement. There is no detrimental impact to nearby properties is expected.

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

The property was originally platted in 2008, and building activity on the two-family structures has only recently commenced. It is not anticipated that the length of time the property was vacant/undeveloped is a factor for this specific request.

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

There is no loss in value or hardship upon the applicant

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

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

8. Impact of the proposed development on community facilities

There is no impact on community facilities. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to East 53rd Street North which has been improved to adequate standards.

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

Property Owners as of July 2024 have been notified a total of three times with this R-PUD case. Property owners identified between July 2024 and February 2025 have been notified one time with this R-PUD case. City staff has received no inquiries or feedback from notified residents for the March 13, 2025, hearing.

10. Recommendations of permanent staff

Staff and applicant have revised the R-PUD Agreement to include the following updates:

- 1) "Townhouse" as fined by the City's current Zoning Regulations as a permitted use with limitation to the number of units on each lot of record has been added.

- 2) The minimum lot area and lot widths have been identified and specified. Additionally, all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the R-PUD Agreement.
- 3) One street tree will be required for each lot that is split
- 4) The R-PUD Agreement requires, per K.S.A. 58-3706, that covenants include a description of all easements required, including public utilities. This requirement satisfies the easement agreement request by Planning Commission and City Council.
- 5) The R-PUD Agreement includes, as Exhibit 1, the Party Wall Agreement.

Although staff recognizes that it is within the City's power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s). The public gain to replatting would be the inclusion of all R-PUD Agreement provisions on the face of plat as required by 19.5.5.T. As such, it is further recommended that if the R-PUD classification is ultimately adopted, that all provisions of the R-PUD be recorded against all impacted lots. Further, if the applicant revises any restrictive covenants as a result of any ultimate zoning revisions, submittal to the city is required for City records.

Nothing contained within this application currently or anticipated would appear to violate any condition within the executed Agreement Concerning the Development of Chapel Landing (dated March 18, 2014) or the First Amendment (dated March 15, 2016, and recorded as Doc#: 29601563). As such, no restated, amended, or revised Development Agreement is expected.

Staff does not make a recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations. However, applicant has agreed to include the Party Wall Agreement as Exhibit 1 to the R-PUD Agreement.

Nothing in the City's review and actions are intended to violate any provision of the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes.

Staff recommends that the application be approved.

(Notification posted on the City of Bel Aire website, the designated official City newspaper for the City of Bel Aire on February 20, 2025)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on March 13, 2025, 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-24-04. 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.

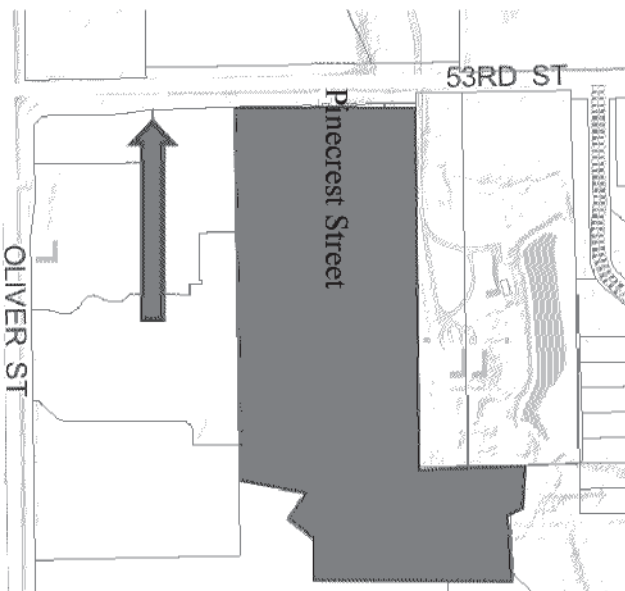
Legal Description: Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

General Location: E 53rd St N and Pinecrest 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 18 day of February, 2025.

Vicinity Map



/s/ Paula Downs
Bel Aire Planning Commission Secretary



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

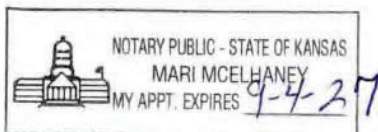
Being first duly sworn, deposes and says:

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 Official Notice of Zoning Hearing PUD-24-04 is a true copy thereof and was published on such website beginning on the 20th day of February, 2025.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 20th day of February, 2025.



(seal)

Mari McElhane
Notary Public

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



OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lots 1, 2, 3, & 4, Blk E AND That part of Lot 6, Blk E, begin at SE corner; th. SWly along curve to left 21.39'; th. NWly 139.73'; th. Ely 82.04'; th. S 121.06' to begin AND That part of Lot 9, Blk E, begin at SE cor; th. W 44.53'; th. N 120.02'; th. alg curve to left 32.85' to NE cor; th. Sly 130.74' to begin AND That part of Lot 10, Blk E, begin at SW cor; th. NWly 130.74'; th. NEly alg curve to left 14.19'; th. NEly alg curve to left 27.02'; th. SEly 141.41'; th. W 38.08' to begin AND Lots 11, 14, 15, & 16, Blk E Part of Subject Property	Chapel Landing Addition	JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213
Lot 12, Blk E, EXC begin at SE corner; th. NWly alg S line of curve to left 43.40'; th. NWly 121.05'; th. E 53.87'; th. S 134.29' to begin AND That part of Lot 12, Blk E, begin at SE cor; th. NWly alg S line of curve to left 43.40'; th. NWly 121.05'; th. E 53.87'; th. S 134.29' to begin AND Lot 13, Blk E, EXC begin at SE cor; th. Wly 132.74'; th. N 95.09'; th. Ely 140.93'; th. Sly alg curve to left 26.99' to begin AND That part of Lot 13, Blk E, begin at SE cor; th. Wly 132.74'; th. N 95.09'; th. Ely 140.93'; th. Sly alg curve to left 26.99' to begin Part of Subject Property	"	JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213



Security 1st Title

Lot 5, Blk E Part of Subject Property	“	Lanell Wagon PO Box 736 Coldwater, KS 67029
Lot 6, Blk E, EXC begin at SE corner; th. SWly alg curve to left 21.39'; th. NWly 139.73'; th. Ely 82.04'; th. S 121.06' to begin Part of Subject Property	“	Sara E. Skiles & Chadwick S. Skiles & Jane H. Skiles 5353 N. Pinecrest Ct. Wichita, KS 67220
Lot 7, Blk E, EXC begin at SE cor; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE alg curve 23.29' to begin AND That part of Lot 7, Blk E, begin at SE cor; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE alg curve 23.29' to begin Part of Subject Property	“	Cleo D. Fedje 5349 N. Pinecrest Ct. Wichita, KS 67220
Lot 8, Blk E Part of Subject Property	“	Michael & Tiffany Schmidt 5341 N. Pinecrest Ct. Wichita, KS 67220
Lot 9, Blk E, EXC begin at SE cor; th. W 44.53'; th. N 120.02'; th. alg curve to left 32.85' to NE cor; th. Sly 130.74' to begin Part of Subject Property	“	Robert Mudahemuka 5339 N. Pinecrest Ct. Wichita, KS 67220
Lot 10, Blk E, EXC begin at SW cor; th. NWly 130.74'; th. NEly alg curve to left 14.19'; th. NEly alg curve to left 27.02'; th. SEly 141.41'; th. W 38.08' to begin Part of Subject Property	“	David W. Witten 5331 N. Pinecrest Ct. Wichita, KS 67220
That part of Lot 5, Blk F, begin at NW cor thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin Part of Subject Property	“	William J. Kelly & Kathryn Kelly 5328 N. Pinecrest St. Bel Aire, KS 67220
Lot 6, Blk F, EXC begin at SE cor; th. W 135.72'; th. NWly alg W line being curve to left, 37.15'; th. E 138.68'; th. S 37.04' to begin Part of Subject Property	“	Keats M. & Abbie L. Hall 5320 N. Pinecrest St. Bel Aire, KS 67220



Security 1st Title

Lots 1, 2, 3, 4, & 7, Blk F AND Lot 5, Blk F, EXC that part begin at NW cor thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin AND That part of Lot 6, Blk F, begin at SE cor; th. W 135.72'; th. NWly alg W line being curve to left, 37.15'; th. E 138.68'; th. S 37.04' to begin AND Lots 12 thru 20 inclus, Blk F AND Lot 21, Blk F, EXC begin at NE cor; th. S 130' to SE cor of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin AND Reserve C, D, & DD Part of Subject Property	"	JCT Holdings, LLC 1815 Southwest Blvd. Wichita, KS 67213
Lot 8, Blk F, EXC begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin Part of Subject Property	"	Darris Taliaferro & Vanessa Benitez 5304 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 8, Blk F, begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin Part of Subject Property	"	Peter & Phaengsy Sourinthone Fongsamouth Sourinthone & Saythong Sourinthone & Saymork Sourinthone 5302 N. Pinecrest St. Bel Aire, KS 67220
Lot 9, Blk F, EXC begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin Part of Subject Property	"	Vamsidhar Patlolla 5298 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 9, Blk F, begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin Part of Subject Property	"	Tram Pham 5296 N. Pinecrest St. Bel Aire, KS 67220



Security 1st Title

Lot 10, Blk F, EXC begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin Part of Subject Property	"	Mary Montanez & Matthew Montanez 5290 N. Pinecrest Ct. Bel Aire, KS 67220
That part of Lot 10, Blk F, begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin Part of Subject Property	"	Jack M. & Lesa A. Weller 5288 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 11, Blk F Part of Subject Property	"	Andrea F. Adeyanju Trust PO Box 72 Kechi, KS 67067
That part of Lot 21, Blk F, begin at NE cor; th. S 130' to SE cor of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin Part of Subject Property	"	Keria Paschal 5267 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 22, Blk F Part of Subject Property	"	James Nichols 5275 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 23, Blk F Part of Subject Property	"	Kevin W. & Kathleen R. Stuber 5279 N. Pinecrest Ct. Bel Aire, KS 67220
Lot 24, Blk F, EXC begin at S cor; th. NWly 38.86'; th. NEly 130'; th. SEly 38.64' to E cor; th. SWly 130' to begin Part of Subject Property	"	Sara K. Idol 5287 N. Pinecrest Ct. Bel Aire, KS 67220
That part of Lot 24, Blk F, begin at S cor; th. NWly 38.86'; th. NEly 130'; th. SEly 38.64' to E cor; th. SWly 130' to begin Part of Subject Property	"	Yi Lip Chai & Yu Tung Samantha Leong 2720 N. Beacon Hill Ct. Wichita, KS 67220
Reserve EE Part of Subject Property	"	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Lots 27, 28, 29, & 30, Blk A	Chapel Landing 6th Addition	TW Renovations, LLC 1815 S. Southwest Blvd. Wichita, KS 67213



Security 1st Title

Lot 1, Blk A	Englert Addition	Jeffrey J. & Mary K. Englert Revocable Trust 5140 E. 53rd St. N. Kechi, KS 67067
Lot 2, Blk A	“	Envision Management, LLC 14726 E. 9th St. N. Wichita, KS 67230
The E/2 of SW/4, 13-26-1E		Kirby Kay Smith Family Trust 5650 E. 53rd St. N. Kechi, KS 67067
The W 328.7' of N 1,123' of E/2 of NW/4, EXC begin 318.85' E of NW corner of E/2 of NW/4; th. E 9.86'; th. S 532.22'; th. NWly 447.95'; th. N 84.30' to begin; & EXC for road on the N, 24-26-1E AND The E 135' of N 1,123' of W/2 of NW/4, 24-26-1E AND Begin at NE corner of Lot 15, John Savute Addition; th. N 590.82'; th. SEly 52.33'; th. SEly 439.48'; th. S 89.62'; th. SWly 14.44' to E line of Lot 15, John Savute Add; th. N to begin, 24-26-1E		Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
The N 1' m-l of Lot 15	John Savute Addition to Bel Aire	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Lots 3, 4, & 5, Blk A AND Reserves A & B	Prairie Preserve Addition, Replat of part of Chapel Landing Addition	Towanda Land Company, LLC 3709 S. West St. Wichita, KS 67217
Lot 6, Blk A	“	John & Carolyn Sutherland 5100 Prairie Ct. N. Bel Aire, KS 67220



Security 1st Title

Part of Lot 1, Blk A, begin at NE corner of said Lot; th. S 367.5'; th. W 108.43'; th. S 137.52'; th. SEly 8.03'; th. S 9.65'; th. W 34.68'; th. S 31.83'; th. W 173.64' to point on non-tangent curve to right; th. SWly, Wly, NWly alg curve 95.36' to pt on non-tang curve to left; th. Wly, SWly 67.89' to pt on non-tang curve to right; th. SWly, Wly, NWly 65.73' to pt on non-tang curve to right; th. NWly 22.07' to pt on non-tang curve to left; th. NWly, Wly 23'; th. W 51.93' to pt on W line of Lot 1; th. N 222.29'; th. NEly 101.12'; th. N 110.28'; th. E 347.21'; th. N 155.05'; th. NEly 3.59'; th. E 235.13' to begin	Homestead Senior Landing Addition	Homestead Senior Residences Bel Aire, LLC 603 Pennsylvania Ave. Holton, KS 66436
Part of Lot 1, Blk A, comm at NE corner of said Lot; th. S 367.5' for p.o.b.; th. W 108.43'; th. S 137.52'; th. SEly 8.03'; th. S 9.65'; th. W 34.68'; th. S 31.83'; th. W 173.64' to non-tang curve to right; th. SWly, Wly, NWly 95.36' to non-tang curve to left; th. Wly, SWly 67.89' to non-tang curve to right; th. SWly, Wly, NWly 65.73' to non-tang curve to right; th. NWly 22.07' to non-tang curve to left; th. NWly, Wly 23'; th. W 51.93'; th. S 257.96' to non-tang curve to right; th. Ely, SEly 30.44' to pt of tang; th. SE 43.59' to pt of curve to left; th. SEly 49.28'; th. E 331.23' to pt of curve to right; th. Ely, SEly, Sly 46.34'; th. S 42.66'; th. E 135.65'; th. N 616.18' to begin AND Part of Lot 1, Blk A, begin at SW corner of said Lot; th. N 467.29' to non-tang curve to right; th. Ely, SEly 30.44' to pt of curve; th. SE 43.59' to pt of curve to left; th. SEly 50.56'; th. E 331.23' to pt of curve to right; th. Ely, SEly, Sly 46.34'; th. S 42.66'; th. E 135.65'; th. S 328.75'; th. W 600.02' to begin	"	Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436



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 within a 200 foot radius of:

Lots 1 through 16 inclusive, Block E; and Lots 1 through 24 inclusive, Block F; and Reserves C, D, DD, and EE, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of January, 2025, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABSTRACTER

Order: 3115474

KJK

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

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

APPLICATION

PUD-24-04
CL Phase 2 area

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

-
- | | |
|-------------------------------------|---|
| ☒ | Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u> |
| ☐ | Amendments to Change Zoning Districts _____ |
| ☐ | Preliminary PUD _____ |
| ☐ | Preliminary PUD with plat/ zoning |
| ☒ | Final PUD |
| ☐ | Final PUD with plat/ zoning |

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ; Block(s) E & F ,
Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address) _____ which is generally
located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control
number: _____

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 JCT Holdings, LLC Phone _____
Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

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.

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT 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 zoning by an R-PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

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

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this R-PUD 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. This R-PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION R-PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION R-PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION R-PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description: Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USES.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family
- Townhouse units (as defined by provision 7)
- Leasing office
- Playgrounds or community spaces
- Accessory structures

1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits to divide dwelling units into separate ownerships. Lots splits are only allowed along common wall lines to create two-family (duplex) attached dwellings. Only one split per lot is permitted to create a maximum of two lots. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.
2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the City of Bel Aire.
3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in the boundary survey.
4. The Development and Performance Standards and Height and Area Regulations of the "R-4" Single-Family Residential District shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block F with the following exceptions:
 - a. There shall be no required interior side yard setbacks, provided units share a common wall line to create two-family (duplex) attached dwellings.
 - b. There shall be a 6' interior side yard setback, provided units do not share a common wall.
 - b. Divided lots, as permitted by provision 1, shall have a minimum lot area of 4,000 square feet.
 - c. Divided lots, as permitted by provision 1, shall have a minimum lot width of 25' with an approach maximum of 30' width as measured along the front building setback line.
 - d. Accessory uses shall be allowed on all lots per R-4 Zoning Code allowances.
 - e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.
5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said R-PUD to a duplex building standard as an exception to all applicable building standards adopted by the CITY, the landscape requirement shall be divided equally between the two new lots. 1 street tree will be required for each lot that is split.
6. Homes on lots that are split will be considered "townhouses units" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes.

7. Townhouses are defined as a multi-family dwelling, in which a group of 2 or more attached, single-family dwelling units is constructed so that each unit extends from foundation to roof and has open space on at least 2 sides. Each unit of the townhouse may be placed on a separate lot in which the internal setbacks between each attached unit shall be 0 feet, as specified herein.
8. Title: The transfer of the title on all or any portion of the land included in this R-PUD does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for residential development and be binding upon the present owners, their successors and assigns as amended.
9. Per K.S.A. 58-3706, A Declaration of covenants, conditions, and restrictions shall be recorded with the Sedgwick County Register of Deeds for all real estate submitted using the Townhouse Ownership Act. Said declaration shall contain the following:
 - a) Description of the real estate on which the townhouse units are or are to be located.
 - b) Description of the townhouse units.
 - c) Description of the common areas and facilities to include but not limited to all central services installed for the benefit of more than one owner, such as television antennas, incinerators, trash receptacles, pipes, wires, conduits, and other public utility lines and facilities.
 - d) Description of all easements, rights and appurtenances thereto necessary to the existence, maintenance and safety of the townhouse units.
 - e) All common expenses and the method by which such expenses may be incurred and charged to the townhouse unit owners.
 - f) All lien rights of the association for non-paid common expenses.
 - g) All easements created for the benefit of the association and all townhouse unit owners.
 - h) All provisions relating to insurance required to be obtained and maintained by the association and/or by each townhouse unit owner, including the obligation of the insurance trustee to use proceeds received after loss for rebuilding.
 - i) The method by which the declaration may be amended, consistent with the provisions of the Kansas Townhouse Act.
 - j) Such other provisions not inconsistent with the Townhouse Ownership Act as deemed necessary.
10. Amendments, adjustments, or interpretations of this R-PUD shall be done in accordance with the CITY's code.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. 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, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing Addition R-PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved 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 including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

RECORDING. The Developer shall file an executed copy of this Agreement including Exhibit 1 with the Sedgwick County Register of Deeds within 30 days of final approval and within 45 days shall provide the City with proof of filings. A copy of this Agreement including Exhibit 1 showing said recording along with a copy of the recorded plat shall be furnished by the Developer to the general contractor before building permits are issued.

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

THIS AGREEMENT is hereby executed on this _____ day of _____, 202__.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By _____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas
on the _____ day of _____, 202__ and is hereby executed on this _____ day of
_____, 202__.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING ADDITION R-PUD to the City of Bel Aire, Kansas.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING ADDITION R-PUD to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____

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1. Parties and Property
 - 1.1 This Party Wall Agreement ("Agreement") is made on (DATE) between (PARTY A) and (PARTY B) collectively referred to as the "Parties."
 - 1.2 Owner A is the owner of the property located at (ADDRESS A)
 - 1.3 Owner B is the owner of the adjacent property located at (ADDRESS B)
 - 1.4 The properties share a common wall ("Party Wall") along their shared boundary.
2. Governing Law
 - 2.1 This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.
3. Ownership and Rights
 - 3.1 The Parties agree that they each own an undivided one-half interest in the Party Wall.
 - 3.2 Each Party shall have the right to use the Party Wall for support of their respective buildings and structures.
 - 3.3 Neither Party shall make any alterations to the Party Wall that would impair its structural integrity or interfere with the other Party's use without prior written consent.
4. Maintenance and Repairs
 - 4.1 The Parties shall equally share the cost of maintaining and repairing the Party Wall.
 - 4.2 If one Party's actions necessitate repairs, that Party shall bear the full cost of such repairs.
 - 4.3 Emergency repairs may be undertaken by either Party, with costs to be shared equally unless Section 4.2 applies.
5. Destruction and Reconstruction
 - 5.1 If the Party Wall is partially or totally destroyed, the Parties shall rebuild it at their joint expense, unless one Party elects not to rebuild their structure.
 - 5.2 If one Party elects not to rebuild, they shall contribute half the cost of demolition and shall have no further rights in the Party Wall.
6. Dispute Resolution
 - 6.1 Any disputes arising from this Agreement shall be resolved through mediation before resorting to litigation.
 - 6.2 If mediation fails, this contract shall be interpreted under the laws of the State of Kansas without regard to its choice of law provisions, and that venue of any dispute requiring litigation shall be in any court of appropriate jurisdiction in Sedgwick County, Kansas.

47 7. Binding Effect

48 7.1 This Agreement shall be binding upon and inure to the benefit of the Parties, their heirs,
49 successors, and assigns.

51 8. Amendments

52 8.1 This Agreement may only be amended by written instrument signed by both Parties.

54 9. Severability

55 9.1 If any provision of this Agreement is held invalid or unenforceable, the remainder shall
56 remain in full force and effect.

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58 IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above
59 written.

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THIS AGREEMENT is hereby executed on this _____ day of _____, 20__.

PARTY A

Name

THIS AGREEMENT is hereby executed on this _____ day of _____, 20__.

PARTY B

Name

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ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK)
 ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202_,
before me, a Notary Public, came Party A, _____, who is known to me and who personally
acknowledged execution of the foregoing Agreement concerning the PARTY WALL
AGREEMENT CONCERNING DEVELOPMENT IN CHAPEL LANDING ADDITION R-PUD
to the City of Bel Aire, Kansas.

Notary Public

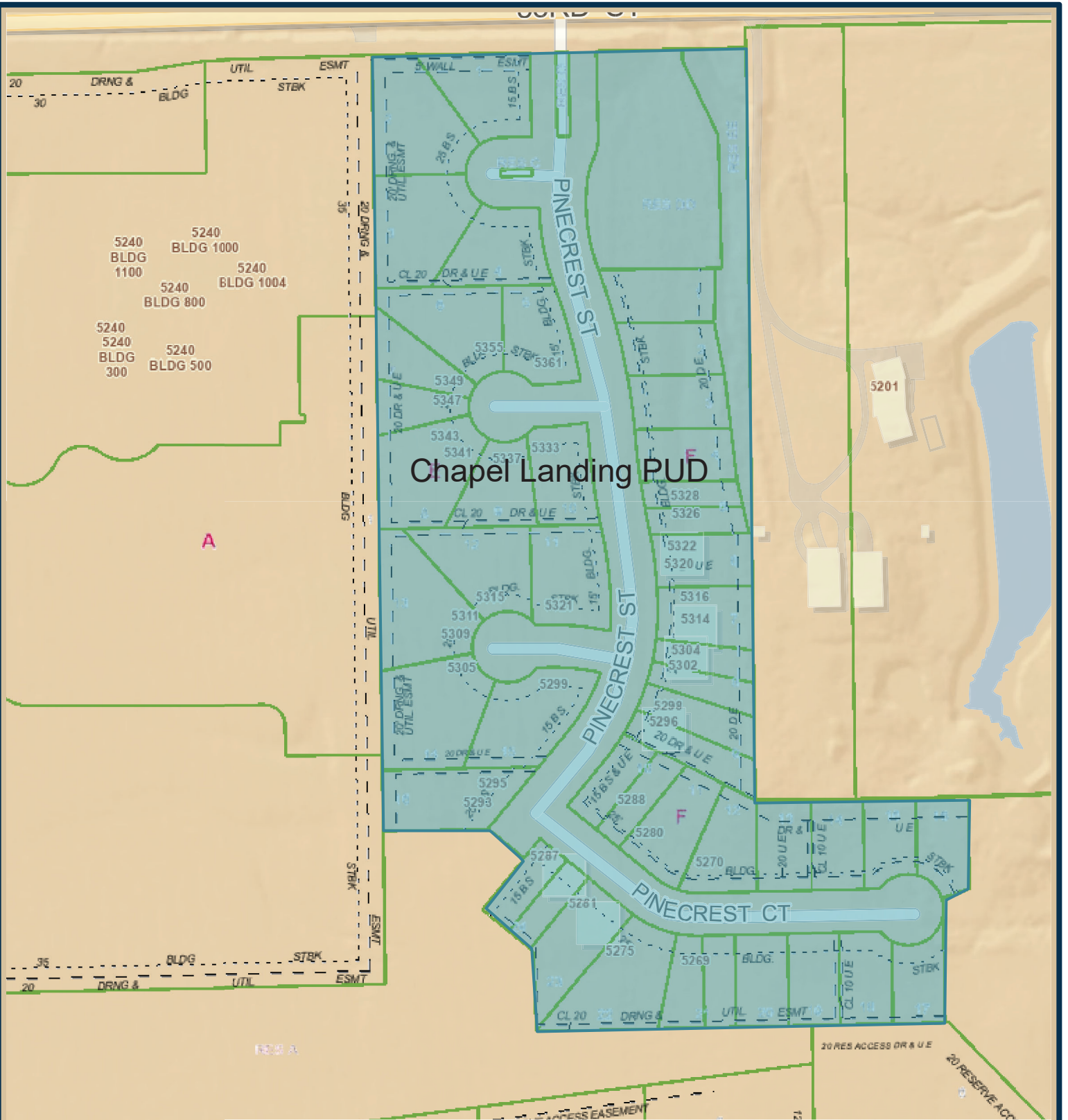
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK)
 ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202_,
before me, a Notary Public, came Party B, _____, who is known to me and who personally
acknowledged execution of the foregoing Agreement concerning the PARTY WALL
AGREEMENT CONCERNING DEVELOPMENT IN CHAPEL LANDING ADDITION R-PUD
to the City of Bel Aire, Kansas.

Notary Public

My Appointment Expires: _____



Geographic Information Services
Sedgwick County...
working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

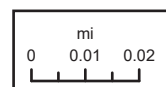
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All rights reserved.

Chapel Landing PUD

Sedgwick County, Kansas



1:2,257



Chapel Landing- Phase 2

September 12, 2024

Planning Commission Meeting

Agenda Documents:

- PUD Application
- Final PUD Review Comments
- Planned Unit Development Agreement
- PUD Boundary Map
- Staff Report- dated September 6, 2024

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

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

APPLICATION

PUD-24-04
CL Phase 2 area

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- | | |
|-------------------------------------|---|
| ☒ | Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u> |
| ☐ | Amendments to Change Zoning Districts _____ |
| ☐ | Preliminary PUD _____ |
| ☒ | Final PUD |
| ☐ | Preliminary PUD with plat/ zoning |
| ☐ | 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 JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 Block(s) E & F,
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bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address) _____ which is generally
located at (relation to nearest streets) southwest corner of 53rd St and Oliver St.

4. County control
number: _____

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

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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.

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 Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

 Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
 Address 315 S Ellis Ave, Wichita, KS Zip Code 67211
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, Kansas
7651 E. Central Park Ave
Bel Aire, Kansas 67226



FINAL PUD REVIEW

Address of proposed project: Chapel Landing PUD-24-04

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:

- | | |
|--|--|
| ☐ SETBACKS | ☐ ELEVATIONS |
| ☐ EFFECTIVE CODE COMPLIANCE | ☒ REQUIRED PLAN SUBMITTALS |
| ☐ EROSION CONTROL | ☐ EASEMENTS |
| ☐ LANDSCAPE | ☐ SCREENING |
| ☐ STORM DRAINAGE | ☒ NEIGHBORHOOD IMPACT |
| ☐ ADA ACCESSIBLE | ☐ 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 review 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.

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

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

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

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD 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. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

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Legal description:

Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
 - Playgrounds or community spaces
 - Accessory structures as approved by the city manager
1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.
 2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.
 3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.
 4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:
 - a. There shall be no required interior side yard setbacks, provided units share a common wall.
 - b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.
 - c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.
 - d. Accessory uses shall be allowed on all lots per Zoning Code.
 - e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.
 5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.
 6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. 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, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved 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 including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202__.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By _____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas
on the _____ day of _____, 202__ and is hereby executed on this _____ day of
_____, 202__.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

NOTARY PUBLIC

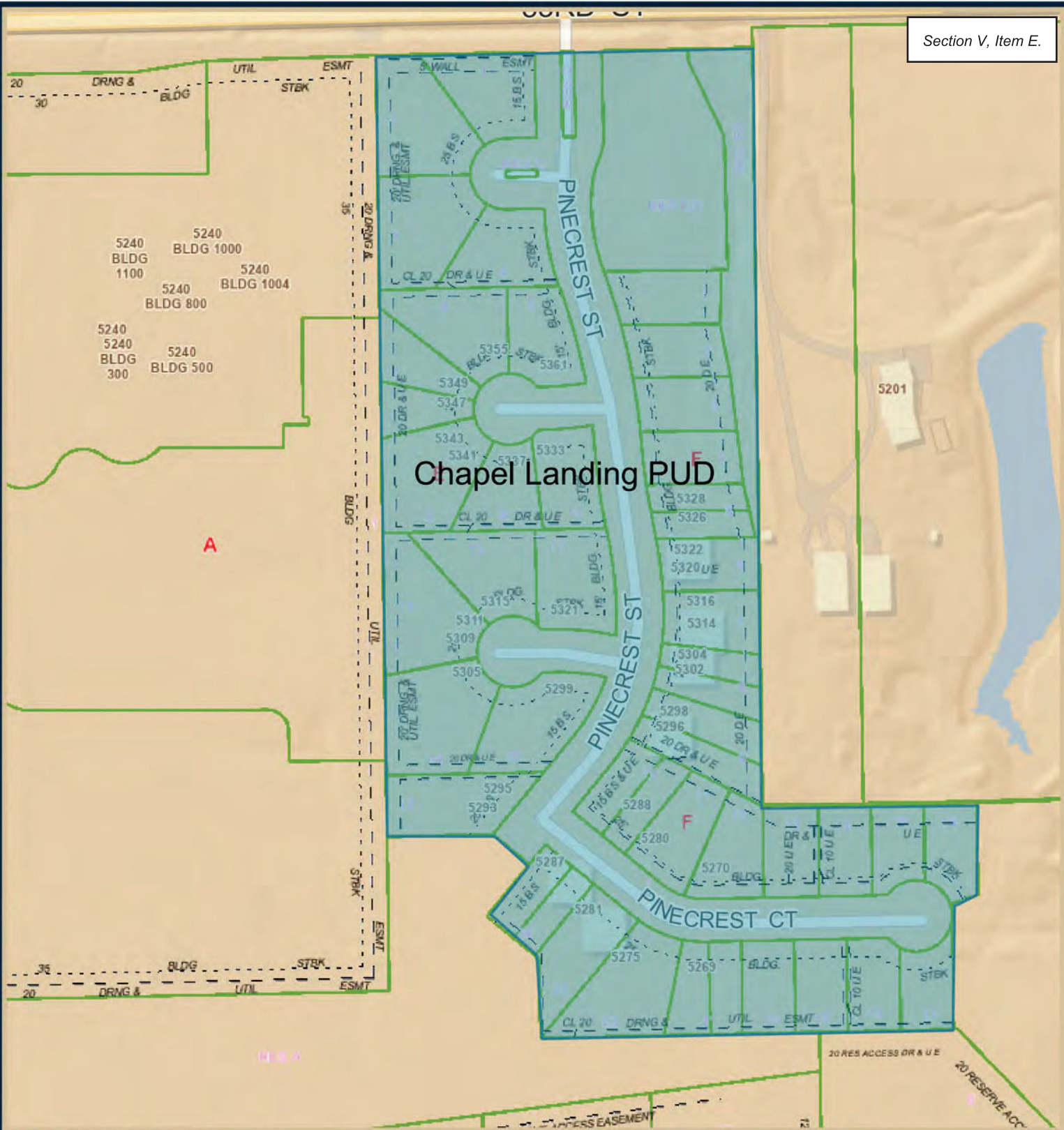
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this ____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____



Geographic Information Services
Sedgwick County...
working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

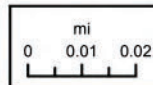
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Chapel Landing PUD

Sedgwick County, Kansas



1:2,257



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.

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- 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;**

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.

Chapel Landing- Phase 2

November 14, 2024

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Notification and Affidavit of Publication
- PUD Application
- Planned Unit Development Agreement
- PUD Boundary Map
- Ownership List
- Owner signature document
- September 12 Planning Commission Meeting Minutes

STAFF REPORT

DATE: 11/07/2024

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

STAFF COMMUNICATION

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

SUMMARY:

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 Phase II.

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. Documents are included as presented at the September 12, 2024, Planning Commission Meeting.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10' side yard setback 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.

Item appeared on the September 12, 2024, Planning Commission agenda, however, applicant requested that the item be tabled. After the September 12, 2024, meeting, the applicant submitted complete information related to ownership signatures that confirmed the applicant as an agent of the property owners for purposes of the PUD application.

Discussion

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

1. 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.

2. 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

3. 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.

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

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

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

2008 to 2024, 16 years.

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

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.

7. 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.

8. Impact of the proposed development on community facilities

Switching from a duplex development to single family homes does not create any additional burden on the community facilities. The water and sanitary sewer systems were already separate for each unit and there is no additional traffic anticipated on roadways.

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

The City had inquiries from notified residents who requested additional information on the notice. Once they understood the situation, they had not feedback positive or negative. Residents from another development spoke at the September Planning Commission meeting, however, their feedback was not directly related to this agenda item.

10. Recommendations of permanent staff

- The proposed PUD agreement should be modified as follows:
- Item 5 of the proposed PUD agreement related to submittal 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.

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.

(Published once in Ark Valley News on October 24, 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-24-04. 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.

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 Pinecrest 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 22 day of October, 2024.

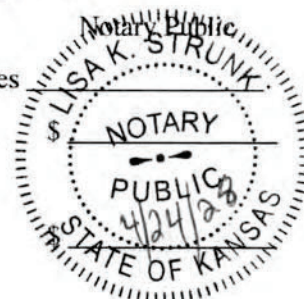
/s/ Paula Downs
Bel Aire Planning Commission Secretary

Bel Aire public notice

OFFICIAL NOTICE OF ZONING HEARING

/s/ Paula Downs
Bel Aire Planning Commission Secretary

Printer's fee



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

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

APPLICATION

PUD-24-04
CL Phase 2 area

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

☒	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>
☐	Amendments to Change Zoning Districts _____
☐	Preliminary PUD _____
☐	Preliminary PUD with plat/ zoning
☒	Final PUD
☐	Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F ,
Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address) _____ which is generally
located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control
number: _____

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 JCT Holdings, LLC Phone _____
Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
Address 315 S Ellis Ave, Wichita, KS Zip Code 67211

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.

 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.

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT 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 zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

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

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD 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. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:

Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
 - Playgrounds or community spaces
 - Accessory structures as approved by the city manager
1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.
 2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.
 3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.
 4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:
 - a. There shall be no required interior side yard setbacks, provided units share a common wall.
 - b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.
 - c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.
 - d. Accessory uses shall be allowed on all lots per Zoning Code.
 - e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.
 5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.
 6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. 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, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved 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 including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202__.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By _____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas on the _____ day of _____, 202__ and is hereby executed on this _____ day of _____, 202__.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

August 13, 2024

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

NOTARY PUBLIC

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____

74



OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lots 1, 2, 3, 4, & 6, Blk E AND Lot 7, Blk E, EXC that part begin at SE corner thereof; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE along curve 23.29' to begin AND Lots 9 thru 16 inclusive, Blk E AND Lots 1, 2, 3, 4, 6, & 7, Blk F AND Lots 12 thru 20 inclusive, Blk F AND Lot 21, Blk F, EXC begin at NE corner; th. S 130' to SE corner of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin AND That part of Lot 21, Blk F, begin at NE corner; th. S 130' to SE corner of said Lot; th. W 44.26'; th. N 130'; th. E 46.12' to begin AND Lots 22 & 24, Blk F Part of Subject Property	Chapel Landing Addition	JCT Holdings, LLC 1815 S. Southwest Blvd. Wichita, KS 67213
Lot 5, Blk E Part of Subject Property	"	Lanell Wagon PO Box 736 Coldwater, KS 67029
That part of Lot 7, Blk E, begin at SE corner thereof; th. SWly 134.15'; th. N 80.6'; th. SEly 134.8' to curve; th. SE along curve 23.29' to begin Part of Subject Property	"	Cleo D. Fedje 5349 N. Pinecrest Ct. Wichita, KS 67220
Lot 8, Blk E Part of Subject Property	"	Michael & Tiffany Schmidt 5341 N. Pinecrest Ct. Wichita, KS 67220



Lot 5, Blk F, EXC that part begin at NW corner thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin Part of Subject Property	"	Julie Docena Moore & Michael Dale Moore & Judy Docena Moore (Prior-JCT Holdings, LLC) 5326 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 5, Blk F, begin at NW corner thereof; th. E 135.91'; th. SEly 38.84'; th. W 138.02'; th. NWly 38.67' to begin Part of Subject Property	"	William J. Kelly & Kathryn Kelly (Prior-JCT Holdings, LLC) 5328 N. Pinecrest St. Bel Aire, KS 67220
Lot 8, Blk F, EXC begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin Part of Subject Property	"	Darris Taliaferro & Vanessa Benitez 5304 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 8, Blk F, begin at SE corner; th. NWly 160.35' to SW corner, being a curve; th. NEly along curve 31.77'; th. SEly 147.26' to E line of said Lot 8; th. S 48.3' to begin Part of Subject Property	"	Peter & Phaengsy Sourinthone Fongsamouth Sourinthone & Saythong Sourinthone & Saymork Sourinthone 5302 N. Pinecrest St. Bel Aire, KS 67220
Lot 9, Blk F, EXC begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin Part of Subject Property	"	Vamsidhar Patlolla 5298 N. Pinecrest St. Bel Aire, KS 67220
That part of Lot 9, Blk F, begin at SE corner; th. NWly 209.39'; th. Nly along curve 38.13'; th. SEly 183.58'; th. S 54.77' to begin Part of Subject Property	"	Tram Pham 5296 N. Pinecrest St. Bel Aire, KS 67220
Lot 10, Blk F, EXC begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin Part of Subject Property	"	Mary Montanez & Matthew Montanez 5290 N. Pinecrest Ct. Bel Aire, KS 67220
That part of Lot 10, Blk F, begin at NE corner; th. SWly 150.67'; th. NWly 41.62'; th. NEly 141.09'; th. SEly 44.66' to begin Part of Subject Property	"	Jack M. & Lesa A. Weller 5288 N. Pinecrest Ct. Bel Aire, KS 67220



Lot 11, Blk F Part of Subject Property	“	Andrea F. Adeyanju Trust 4130 S. Cypress St. Derby, KS 67037
Lot 23, Blk F Part of Subject Property	“	Kevin W. & Kathleen R. Stuber 5279 N. Pinecrest Ct. Bel Aire, KS 67220
Reserves C, D, & DD Part of Subject Property	“	53rd & Oliver, LLC PO Box 75337 Wichita, KS 67275
Reserve EE Part of Subject Property	“	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Lots 27, 28, 29, & 30, Blk A	Chapel Landing 6th Addition	TW Renovations, LLC 1815 S. Southwest Blvd. Wichita, KS 67213
Lots 3, 4, & 5, Blk A AND Reserves A & B	Prairie Preserve Addition, a Replat of part of Chapel Landing Addition	Towanda Land Company, LLC 3709 S. West St. Wichita, KS 67217
Lot 6, Blk A	“	John & Carolyn Sutherland 5100 Prairie Ct. N. Bel Aire, KS 67220
Lot 1, Blk A	Englert Addition	Jeffrey J. & Mary K. Englert Revocable Trust 5140 E. 53rd St. N. Kechi, KS 67067
Lot 2, Blk A	“	Envision Management, LLC 14726 E. 9th St. N. Wichita, KS 67230
The E/2 of the SW/4, 13-26-1E		Kirby Kay Smith Family Trust 5650 E. 53rd St. N. Kechi, KS 67067



The W 328.7' of the N 1,123' of the E/2 of NW/4, EXC begin 318.85' E of NW corner of E/2 of NW/4; th. E 9.86'; th. S 532.22'; th. NWly 447.95'; th. N 84.30' to begin; & EXC for road on the N, 24-26-1E AND The E 135' of the N 1,123' of the W/2 of NW/4, 24-26-1E AND Begin at NE corner of Lot 15, John Savute Add; th. N 590.82'; th. SEly 52.33'; th. SEly 439.48'; th. S 89.62'; th. SWly 14.44' to E line of Lot 15, John Savute Add; th. N to begin, NW/4, 24-26-1E		Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
The Nly 1' m-l of Lot 15	John Savute Addition to Bel Aire	Leonal W. Kilgore Revocable Trust 5201 E. 53rd St. N. Kechi, KS 67067
Part of Lot 1, Blk A, begin at NE corner of said Lot; th. S 367.5'; th. W 108.43'; th. S 137.52'; th. SEly 8.03'; th. S 9.65'; th. W 34.68'; th. S 31.83'; th. W 173.64' to point on non-tangent curve to right; th. SWly, Wly, & NWly along curve 95.36' to pt on non-tang cur to left; th. Wly & SWly 67.89' to pt on non-tang cur to right; th. SWly, Wly, & NWly 65.73' to pt on non-tang cur to right; th. NWly 22.07' to pt on non-tang cur to left; th. NWly & Wly 23'; th. W 51.93' to pt on W line of Lot 1; th. N 222.29'; th. NEly 101.12'; th. N 110.28'; th. E 347.21'; th. N 155.05'; th. NEly 3.59'; th. E 235.13' to begin	Homestead Senior Landing Addition	Homestead Senior Residences Bel Aire, LLC 603 Pennsylvania Ave. Holton, KS 66436
Part of Lot 1, Blk A, begin at SW corner of said Lot; th. N 467.29' to non-tang cur to right; th. Ely & SEly 30.44' to pt of cur; th. SE 43.59' to pt of cur to left; th. SEly 50.56'; th. E 331.23' to pt of cur to right; th. Ely, SEly, & Sly 46.34'; th. S 42.66'; th. E 135.65'; th. S 328.75'; th. W 600.02' to begin	"	Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436



Part of Lot 1, Blk A, comm at NE corner of said Lot; th. S 367.5' for p.o.b.; th. W 108.43'; th. S 137.52'; th. SEly 8.03'; th. S 9.65'; th. W 34.68'; th. S 31.83'; th. W 173.64' to non-tang cur to right; th. SWly, Wly, & NWly 95.36' to non-tang cur to left; th. Wly & SWly 67.89' to non-tang cur to right; th. SWly, Wly, & NWly 65.73' to non-tang cur to right; th. NWly 22.07' to non-tang cur to left; th. NWly & Wly 23'; th. W 51.93'; th. S 257.96' to non-tang cur to right; th. Ely & SEly 30.44' to pt of tang; th. SE 43.59' to pt of cur to left; th. SEly 49.28'; th. E 331.23' to pt of cur to right; th. Ely, SEly, & Sly 46.34'; th. S 42.66'; th. E 135.65'; th. N 616.18' to begin	"	Homestead Affordable Housing, Inc. 603 Pennsylvania Ave. Holton, KS 66436
--	---	---

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

Lots 1 through 16 inclusive, Block E; and Lots 1 through 24 inclusive, Block F; and Reserves C, D, DD, and EE, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of July, 2024, at 7:00 A.M.

SECURITY 1ST TITLE

By: 
LICENSED ABSTRACTER

Order: 3090509
KJK

PUD Application
Signature Page

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.

Lanell Wagnon

PO Box 736 Coldwater KS, 67029

Cleo D. Fedje

5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt

5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore

5326 N Pinecrest St, Bel Aire, KS 67220

5326 N Pinecrest St, Bel Aire, KS 67220

William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez

5304 N Pinecrest St, Bel Aire, KS 67220

5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone
5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220



Matthew Montanez (Sep 19, 2024 11:24 CDT)
Mary & Matthew Montanez

5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust

4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber

5279 N Pinecrest Ct, Bel Aire, KS 67220

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.

PUD Application
Signature Page

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William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

Authentisign

Peter Sourinthone

09/18/24

Authentisign

Phaengsy Sourinthone

09/17/24

Authentisign

Fongsamouth Sourinthone

09/18/24

Authentisign

Saythong Sourinthone

09/17/24

Authentisign

Saymork Sourinthone

09/18/24

Darris Taliaferro & Vanessa Benitez

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Peter & Phaengsy Sourinthone, ~~Fongsamouth~~ Saythong, & Saymork Sourinthone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

09/18/24

Section VII, Item B.

PUD Application
Signature Page

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5302 N Pinecrest St, Bel Aire, KS 67220


Vamsidhar Reddy Patlolla

09/18/24

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez

5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust

4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber

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PUD Application
Signature Page

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Lanell Wagnon

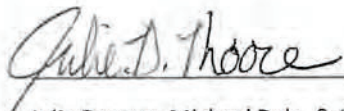
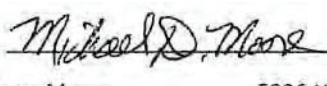
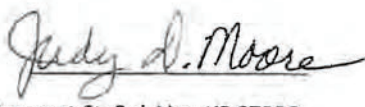
PO Box 736 Coldwater KS, 67029

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5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez

5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M Weller

dotloop verified
09/13/24 7:51 PM MST
TCZA-71FW-ASMI-BGQ²

Lesa A Weller

dotloop verified
09/13/24 8:49 PM CDT
AWXU-IVQR-ME72-SHRE

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust

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PUD Application
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Michael & Tiffany Schmidt

5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore

5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly

dotloop verified
09/05/24 9:11 AM CDT
VLXL-PAHH-MJVG-VQGE

Kathryn Kelly

dotloop verified
09/05/24 9:14 AM CDT
MDR9-NNV3-VJ21-V9VJ

William J & Kathryn Kelly

5328 N Pinecrest St, Bel Aire, KS 67220

Darris Taliaferro & Vanessa Benitez

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Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourin throne
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Vamsidhar Patlolla

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PUD Application
Signature Page

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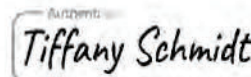
Lanell Wagon

PO Box 736 Coldwater KS, 67029

Cleo D. Fedje

5349 N Pinecrest Ct, Wichita, KS 67220

 09/13/24

 09/13/24

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Darris Taliaferro & Vanessa Benitez

5304 N Pinecrest St, Bel Aire, KS 67220

Peter & Phaengsy Sourinthone, Fonsamouth, Saythong, & Saymork Sourinthrone

5302 N Pinecrest St, Bel Aire, KS 67220

Vamsidhar Patlolla

5298 Pinecrest St, Bel Aire, KS 67220

PUD Application
Signature Page

Tram Pham

5296 N Pinecrest St, Bel Aire, KS 67220

Mary & Matthew Montanez

5290 N Pinecrest Ct, Bel Aire, KS 67220

Jack M & Lesa A. Weller

5288 N Pinecrest Ct, Bel Aire, KS 67220

Andrea F. Adeyanju Trust

4130 S Cypress Ct, Bel Aire, KS 67220

Kevin W. & Kathleen R. Stuber

5279 N Pinecrest Ct, Bel Aire, KS 67220

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

Lanell Wagon

PO Box 736 Coldwater KS, 67029

Cleo D. Fedje

5349 N Pinecrest Ct, Wichita, KS 67220

Michael & Tiffany Schmidt

5341 N Pinecrest Ct, Wichita, KS 67220

Julie Docena, Michael Dale, & Judy Docena Moore

5326 N Pinecrest St, Bel Aire, KS 67220

Bill Kelly

dotloop verified
09/05/24 9:11 AM CDT
VLXL-PAHH-MJVO-VQGE

Kathryn Kelly

dotloop verified
09/05/24 9:14 AM CDT
MDR9-NNV3-WJ21-V9VJ

William J & Kathryn Kelly

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Tram Pham

dotloop verified
09/12/24 11:55 AM CDT
49Fi-ETyH-BR2X-MU3U

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MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
September 12, 2024 6:30 PM



I. Call to Order: Vice-Chairman Phillip Jordan called the meeting to order at 6:30 p.m.

II. Roll Call

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

City Engineer Anne Stephens, City Manager Ted Henry, City Attorney Maria Schrock and Community Development Director Paula Downs were also present.

III. Pledge of Allegiance to the American Flag

Vice-Chairman Phillip Jordan led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Commissioners noted a typo in section VI. (Next Meeting Date). The motion should be corrected to reflect that the motion carried 6-0.

MOTION: Commissioner Roths moved to approve the minutes of August 8, 2024 as amended. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

V. Old Business/New Business

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

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified. Vice-Chairman Phillip Jordan then opened the public hearing.

Applicant Mark Hopp presented his application and answered questions from the Commission.

Carolyn Gunzelman, 5029 E 39th Street, said she wants to make sure the setbacks will be followed and asked if access to the shed will be on gravel or grass.

No others requested to speak. The Commission then discussed the application in relation to the “Golden Factors” of zoning. Commissioners found that the requested conditional use would be consistent with uses in the surrounding neighborhood, consistent with the character of the neighborhood, and that approval has been recommended by permanent staff.

MOTION: Commissioner Faber moved to recommend approval based on the condition of the verification of the setbacks remain the same, Permit CON-24-02 as presented. Commissioner Charleston seconded the motion. *Motion carried 5-0.*

B. PUD-24-02 - Proposed rezoning PUD to R-5 and R-6 single and multi-family uses from R-4, and to include C-1 commercial as zoned.

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified. Vice-Chairman Phillip Jordan then opened the public hearing.

The agent for the applicant, Ken Lee of Garver, presented the application for preliminary Planned Unit Development and stood for questions from the Commission.

Jeff Englert, 5140 E 53rd Street North, spoke to the Commission. He is concerned about the proposed setbacks, minimum lot width, and minimum square footage. He would like for the fence to extend further into the rear lots of phase 3, and he suggested the owner could agree to a restricted covenant to prohibit manufactured homes.

Commissioners asked Mr. Lee questions related to drainage, screening, lot sizes, greenspace, and proposed uses. Mr. Lee said that plans could be revised to address the Commission’s concerns about lot sizes, prohibiting manufactured homes, and restricting uses to single-family homes.

Staff reported no written communications were received regarding this matter. No others requested to speak. Vice-Chairman Jordan then closed the public hearing.

MOTION: Commissioner Faber moved to table the preliminary Planned Unit Development (PUD-24-02) changing the zoning to R-5 and R-6 single and multi-family uses from R-4, and to include C-1 commercial as zoned. Vice-Chairman Jordan seconded the motion. *Motion carried 5-0.*

C. SD-24-03 - Proposed platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned.

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified.

Vice-Chairman Phillip Jordan then opened the public hearing. No one requested to speak, and the public hearing was then closed.

MOTION: Commissioner Roths moved to table the preliminary plat of SD-24-03 to next month's meeting. Commissioner Faber seconded the motion. *Motion carried 5-0.*

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

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified. Vice-Chairman Phillip Jordan then opened the public hearing.

City Engineer Anne Stephens provided a brief staff report. Per the development agreement for this land, the duplex units were to be held by one owner and maintained as rentals. Recently, the Developer filed metes and bounds survey with Sedgwick County, allowing for the individual units to be sold to buyers, without going through the lot-splitting process with the City. Now, City staff is concerned that the individual units will be non-conforming to City Zoning Codes, including setbacks and minimum lot width. This non-conformance will make it impossible for future owners of the units to obtain building permits for repairs or improvements to the properties. City staff are recommending approval of the proposed zoning change in order to correct this situation and bring the units into conformance with City Zoning Codes.

The agent for the applicant, Ken Lee of Garver, spoke to the Commission and stood for questions.

No others requested to speak. Vice-Chairman Jordan then closed the public hearing.

Following the public hearing, the Commission discussed the application in relation to the City's Zoning Code and the "Golden Factors" of zoning standards including: the character of the neighborhood, the recommendations of permanent staff, the zoning uses of nearby properties, the suitability of the property for the proposed uses, and the opinions of other property owners. There was consensus that the developer should provide proof that the covenants have been filed with the register of deeds

MOTION: Vice-Chairman Jordan moved to recommend approval of the Final Planned Unit Development (PUD-24-03) 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 be approved with the conditions that the covenants that evidence that the filing with the Register of Deeds has indeed been done. Commissioner Matzek seconded the motion. *Motion carried 5-0.*

E. PUD-24-04 - Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing).

City Attorney Maria Schrock asked if Commissioners had been involved in any ex-parte communications and if they had any reason to be disqualified from the discussion of this matter. No ex-parte communications were reported and no one reported any reason to be disqualified.

City Engineer Anne Stephens reported that the agent for the applicant has requested that this item be tabled until the next Planning Commission meeting.

Vice-Chairman Phillip Jordan then opened the public hearing.

John Sutherland, 5100 Prairie Ct. North, spoke to the Commission. Mr. Sutherland spoke about his experience as a developer and on a planning advisory board in another city. He asked if there will be an HOA for this development and requirements that things are kept up. He asked if the development agreement will be updated and if trees will be planted in the open areas.

Justin Price, 5341 Pinecrest, spoke to the Commission. He owns one half of a duplex in Chapel Landing. He asked what would happen if his duplex is converted to a townhome.

Mike Schmidt, 5343 Pinecrest, spoke to the Commission. He asked for information about what is being developed in the area around his property.

MOTION: Commissioner Jordan moved to table the Final Planned Unit Development (PUD-24-04) until next month. Commissioner Faber seconded the motion. ***Motion carried 5-0.***

VI. Approval of the date of the Next Meeting.

MOTION: Commissioner Charleston moved to approve the date of the next meeting: October 10, 2024 at 6:30 p.m. Vice-Chairman Jordan seconded the motion. ***Motion carried 5-0.***

VII. Current Events

The Commission briefly discussed upcoming events, such as the Curbside Cleanup on October 5th. No action was taken.

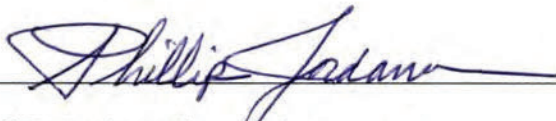
VIII. Adjournment

MOTION: Commissioner Charleston moved to adjourn. Commissioner Roths seconded the motion. ***Motion carried 5-0.***

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Approved by the Bel Aire Area Planning Commission this 14th day of November, 2024.

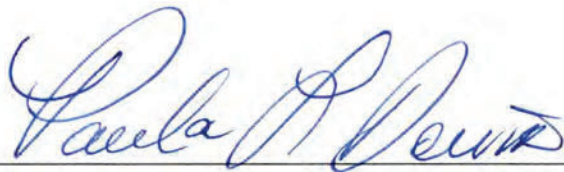
James Schmidt, Chairman



Phillip Jordan, Vice-Chairperson

11-14-2024

Date



Paula L. Downs, Planning Commission Secretary

11-14-2024

Date

Chapel Landing- Phase 2

December 12, 2024

Planning Commission Meeting

Agenda Documents:

- Staff Report
- Notification and Affidavit of Publication
- PUD Application
- Planned Unit Development Agreement
- PUD Boundary Map
- November 14, 2024 Planning Commission Meeting Minutes

STAFF REPORT

DATE: 12/06/2024

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

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

SUMMARY:

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 Phase II.

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. Documents reviewed and included in the agenda packet: affidavit of publication; PUD application; PUD Agreement; and site plan.

History

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

Item appeared on the September 12, 2024, Planning Commission agenda, however, applicant requested that the item be tabled. After the September 12, 2024, meeting, the applicant submitted complete information related to ownership signatures that confirmed the applicant as an agent of the property owners for purposes of the PUD application. The item was on the November 14, 2024, meeting agenda and was tabled pending additional information being provided.

Discussion

- A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes and building codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.
- B. The Planning Commission tabled this item at the November 14 meeting based on the following issues:
 - a. Commission reviewed Agenda Item A- PUD-24-07 and was aware of City Council concerns and the requirements set out by them on another like case.
 - b. There was consensus that the applicant should draft the following documents and present them at the December Planning Commission meeting to include in the meeting agenda packet:
 - i. Updated plat to be attached to the ordinance;
 - ii. Add platter's text to reference additional documents including: Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement to address access to power meters. These documents would also be incorporated, by reference, to the ordinance; and
 - iii. Applicant shall file the ordinance all the documents with the Register of Deeds office and provide a copy to the Bel Aire City Clerk.
 - c. The applicant requested Planning Commission send the item to Council in lieu of tabling the item.
 - d. Commission determined that Council would not approve the item without documents in place.
- C. The Commission agreed to reduce the street trees from two trees per lot to one tree per lot due to the small size of the individual lots.
- D. Commission voted to table the item.
- E. City staff provided the applicant with the link to the document templates from PUD-24-07. Prior to the posting the December Planning Commission meeting packet, the City did not receive additional documents as requested from the Commission at their November 14 meeting.

Review Considerations:

1. Character of the neighborhood

The City of 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 PUD request does not change the character of the neighborhood.

2. 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

3. 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.

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

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

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

2008 to 2024, 16 years.

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

Affordable single-family housing with each family responsible as owners is the gain. This housing potentially increases land value.

7. 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.

8. Impact of the proposed development on community facilities

Switching from a duplex development to single family homes does not create any additional burden on the community facilities. The water and sanitary sewer systems were already separate for each unit and there is no additional traffic anticipated on roadways.

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

The City previously had inquiries from notified residents who requested additional information on the notice. Once they understood the situation, they had no feedback positive or negative. Residents from another development spoke at the September Planning Commission meeting, however, their feedback was not directly related to this agenda item.

10. Recommendations of permanent staff

The proposed PUD should be modified as follows:

1. Update the landscaping requirement to reflect one street per lot.
2. Require applicant to submit the following documents as part of their PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.
3. Update the plat's text to reference the documents.
4. File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

(Published once in Ark Valley News on October 24, 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-24-04. 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.

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 Pinecrest 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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 24th day of October, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024

_____, 2024 _____, 2024

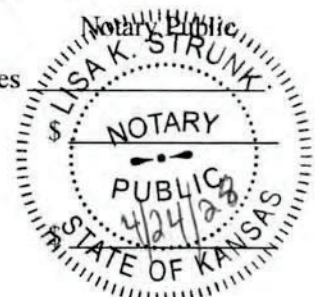
_____, 2024 _____, 2024

Subscribed and sworn to before me this 24th day of October, 2024.

My commission expires

Additional copies

Printer's fee



Bel Aire public notice

(Published in The Ark Valley News Oct. 24, 2024.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

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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 Pinecrest 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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

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

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

APPLICATION

PUD-24-04
CL Phase 2 area

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

-
- | | |
|-------------------------------------|---|
| ☒ | Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u> |
| ☐ | Amendments to Change Zoning Districts _____ |
| ☐ | Preliminary PUD _____ |
| ☒ | Final PUD |
| ☐ | Preliminary PUD with plat/ zoning |
| ☐ | 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 JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F ,
Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address) _____ which is generally
located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control
number: _____

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 JCT Holdings, LLC Phone _____
 Address 1815 Southwest Blvd, Wichita, KS Zip Code 67213

 Agent Baughman Company, P.A. (Jay Cook) Phone 316-262-7271
 Address 315 S Ellis Ave, Wichita, KS Zip Code 67211
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.

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT 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 zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

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

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD 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. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:

Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
 - Playgrounds or community spaces
 - Accessory structures as approved by the city manager
1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.
 2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.
 3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.
 4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:
 - a. There shall be no required interior side yard setbacks, provided units share a common wall.
 - b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.
 - c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.
 - d. Accessory uses shall be allowed on all lots per Zoning Code.
 - e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.
 5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.
 6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. 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, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved 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 including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202__.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By _____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas
on the _____ day of _____, 202__ and is hereby executed on this _____ day of
_____, 202__.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

NOTARY PUBLIC

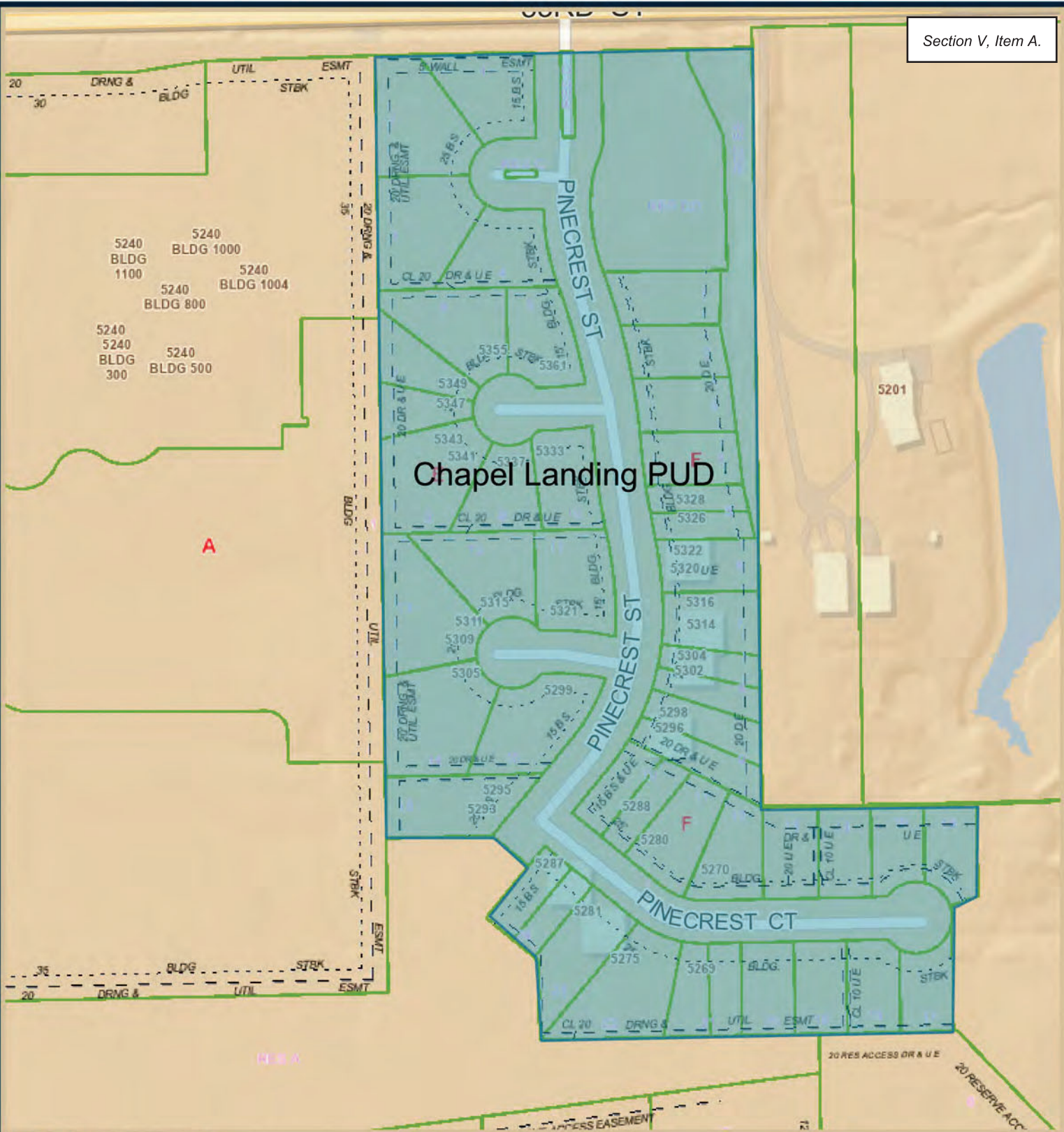
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____



Geographic Information Services
Sedgwick County...
working for you

Date: 9/12/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

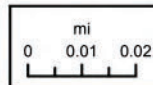
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Chapel Landing PUD

Sedgwick County, Kansas



1:2,257





MINUTES
PLANNING COMMISSION
7651 E. Central Park Ave, Bel Aire, KS
November 14, 2024 6:30 PM



-
- I. Call to Order-** Vice-Chairman Phillip Jordan called the meeting to order at 6:39 p.m.
- II. Announcement:** As of October 9, 2024, Chairman James Schmidt resigned from the Planning Commission. The Mayor has been notified and will begin the process of appointing a new member of the Commission.

III. Roll Call

Commissioners John Charleston, Edgar Salazar, Phillip Jordan, and Paul Matzek were present. Commissioners Dee Roths and Daryk Faber were absent.

Also present were City Attorney Maria Schrock, City Engineer Anne Stephens, and Director of Community Development Paula Downs.

IV. Pledge of Allegiance to the American Flag

Vice-Chairman Jordan led the pledge of allegiance.

V. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Commissioner Charleston moved to approve the minutes of September 12, 2024. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

MOTION: Commissioner Matzek moved to approve the minutes of October 10, 2024. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

VI. Announcement

A. Kansas Open Meetings Act (KOMA) Review

B. Golden Factors review

City Attorney Maria Schrock gave a brief presentation on the Kansas Open Meeting Act and the Golden Factors.

VII. Old Business/New Business

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

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for the public hearing. Before proceeding with the public hearing, he asked the Commission if any member intended to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in the Wichita Eagle. Notices were also mailed to the applicant and all the real property owners of record, listed on the security title, in the area of notification on October 25, 2024.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the staff report on this item provided in the Commission's information packet for this meeting.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. The primary change to the PUD was to add "Residential" into the document. The other changes were to documents outside of the PUD, to provide clarity. Modifications were made to the Restrictive Covenants to address protections for the residents. The developer proposes that the buildings be viewed as condominiums, so that a less-restrictive wall design is required. The documents also address resident's rights to access utility meters.

City Attorney Maria Schrock commented on Ken Lee's comments regarding the proposed firewall standard. Ms. Schrock referred to the October 15th City Council meeting in which firewall standards were discussed. At that hearing, the City building inspector stated that he had no concerns with the safety of the current walls. Since the hearing, City staff have reached out to the Sedgwick County Fire Department for advice. The Sedgwick County Fire Department offered suggestions: have a fire extinguisher on hand and use caulking over any penetrations to the wall. Phil Ruffo has agreed to add those things to the Restrictive Covenants, the First Amendment, or to a wall agreement. Regarding residents' access to power meters, Mr. Ruffo agreed to add language to the documents to allow for an easement to access power meters.

City Attorney Maria Schrock submitted Exhibit A to the Commissioners and described it. Exhibit A is a basic plat diagram of the Bristol Hollows Addition that includes text that states the diagram will include a reference to the Restrictive Covenants, First Amendment to the original development agreement, the wall agreement and an easement agreement regarding access to power. If anyone wants to purchase a property, it will be easy to see these documents.

Representative Ken Lee requested that the Commission consider allowing only one tree on each lot, instead of the two trees per lot required in the zoning code.

Vice-Chair Phillip Jordan announced that the public comments section of the hearing was open and anyone wishing to make comments could come forward at this time. No one requested to speak, so the public comments section was closed. Staff confirmed that no written comments had been received.

The Commission then deliberated. Commissioners commented that considering the small lot size, it would be acceptable to have one street tree on each lot. They also cited several of the Golden Factors as they relate to this application including:

- The Character of the Neighborhood,
- The Zoning and Uses of nearby properties supports development;
- The Relative gain to the public health, safety, and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the applicant;.
- The Conformance of the requested change to the adopted or recognized Comprehensive (master plan) being utilized by the city;
- The Impact of the proposed development on community facilities.

Commissioners also cited the recommendation of professional staff as a contributing factor in their decision.

MOTION: Vice-Chairman Jordan moved thus:

Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-07 (previously PUD-24-03) be approved with modifications based on findings as listed in the staff report, and the condition of one tree in the front of each unit, as recorded in the summary of this hearing, And the following conditions be made a part of this recommendation:

- a) An updated plat depicting the Bristol Hollows Addition R-PUD shall be provided for council consideration, and if approved by council, it will be attached to the ordinance as Exhibit A; and,

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

Commissioner Matzek seconded the motion.

Motion carried 4-0.

B. PUD-24-04- Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for public hearings. Before proceeding with the public hearing, he asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all the real property owners of record listed on the security title, in the area of notification.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the Commission's information packet for this meeting. City staff noted that, similar to Agenda Item A, the developer completed lot splits for this property, without following the procedure outlined in the City Code.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Commission. Mr. Cook asked that the requirement for street trees be reduced from two trees to one tree, due to the small size of the lots. He also requested that in lieu of tabling the item that the Planning Commission send the item to the City Council.

Vice-Chairman Jordan opened the public comments section. Mary Montanez, 5290 Pinecrest Ct N, spoke to the Commission. She asked for clarification regarding the term “zero lot line” and asked if the property owner will still own the yard. Staff explained that “zero lot line” is a term from the zoning code that describes a property boundary with no easement between properties; in this case the common wall of the duplex.

No others requested to speak, and the public comments section was closed. Staff confirmed that they had not received any written communications from the public regarding this case.

The Commission then discussed the application, as it relates to the City’s Zoning Code and the Golden Factors. Vice-Chairman Jordan commented that, given the similar circumstances, the same conditions applied to the case in Agenda Item A (PUD-24-07) should also be applied this case, specifically:

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

Commissioners discussed three Golden Factors: character of the neighborhood; zoning and uses of nearby properties, and suitability of the subject property for the uses to which it has been restricted. There was consensus that more information from the applicant would be necessary to make a final recommendation, and the Commission favored tabling the item to allow more time for the applicant to provide the information.

MOTION: Commissioner Charleston moved to table it (PUD-24-04). Commissioner Salazar seconded the motion. *Motion carried 4-0.*

C. PUD-24-02 - Proposed rezoning PUD from R-4, to R-5 and R-6 single and multi-family uses and to include C-1 commercial as zoned (Homestead at Spring).

City staff gave a brief report on this case. Staff noted that the application was first considered by the Commission in September and was tabled. Since then, the applicant has provided additional documents which are in the Commission’s information packet for this meeting.

Will Clevenger and Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission.

The Vice-Chairman then opened the public comments section. Jeff Englert, 5140 E 53rd Street, spoke to the commission about his concerns regarding manufactured housing and

fencing along his property. The representatives for the applicant noted the PUD document specifically addresses manufactured homes and fencing. No others requested to speak, so the public comments section was closed.

The Commission discussed the following golden factors as reason for approval: character of the neighborhood; zoning and uses of nearby property; suitability of the subject property for the uses to which it has been restricted; and recommendations of permeant staff as contained in the staff report. They noted they appreciated the variety of lot sizes presented.

MOTION: Commissioner Matzek moved to recommend approval of the preliminary Planned Unit Development (PUD-24-02): 1. Parcels A shall remain zoned as C-1 Commercial; 2. Parcel B shall remain zoned as R-4 Residential, with the condition that no manufactured homes are allowed; 3. Parcel C shall change zoning from R-4 to R-5; and 4. Parcel D shall change zoning from R-4 to R-6; with the condition that requires the applicant will submit a detailed site plan for Parcel D to the Planning Commission prior to issuance of building permits. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

D. SD-24-03 - Proposed platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned (Homestead at Spring).

City staff noted that the plat is for the same property that was discussed in Agenda Item C (PUD-24-02).

Vice-Chairman Jordan opened the public hearing. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. No others requested to speak, and the public hearing was closed.

The Commission then discussed the application. There was general consensus to approve the plat based on consistency with certain Golden Factors, specifically: the character of the neighborhood; zoning and uses of nearby property; and the suitability of the subject property for the uses to which it has been restricted. Commissioners noted that they appreciated the willingness of the applicant to work with nearby homeowners.

MOTION: Vice-Chairman Jordan moved to recommend approval of the preliminary plat of SD-24-03 as presented; and the preliminary sidewalk plan as presented; and the preliminary drainage plan concept as presented. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

E. Sketch Plan - Tierra Verde South, Lot 1 Block 2

Staff referenced documents in the Commission's information packet which were provided by the applicant. The Commission's discussion of the sketch plan is for feedback to the developer only, the Commission will not be making a recommendation tonight. Staff noted that changes to the easements or setbacks would require the property owner to file a PUD application with the Planning Commission.

Jeff Blubaugh presented the sketch plan and stood for questions from the Commission.

The Commission's discussion centered on entry points, traffic, sidewalks, green space, setbacks and parking. The Commission suggested providing a location map of where the development is located. Mr. Blubaugh expressed a desire to reduce some of the current setbacks; for instance, the front setback is currently 40'. Mr. Blubaugh stated that a 25' setback from the sidewalk is typical for duplexes. If the Developer chooses to reduce setbacks, the Commission suggested reducing an easement and keeping setbacks within the minimum sizes listed in the zoning code.

No action was taken by the Commission.

F. Review proposed updates to the 2024 Bel Aire Zoning Map- (supermajority (5) required for approval).

Vice-Chairman Jordan noted that a supermajority of the Commission was not present and would be needed to vote on this item. He then opened the public hearing. No one requested to speak, and the public hearing was then closed.

MOTION: Commissioner Salazar moved to table the proposed zoning map changes. Vice-Chairman Jordan seconded the motion. *Motion carried 4-0.*

G. Approval of the 2025 Meeting Dates and Time

MOTION: Vice-Chairman Jordan moved to approve the Meeting Dates and Time for 2025. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

H. Election of Planning Commission Chairperson, December 2024 to December 2025

MOTION: Commissioner Matzek moved to appoint Phillip Jordan as Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

I. Election of Planning Commission Vice-Chairperson, December 2024 to December 2025.

MOTION: Commissioner Salazar moved to appoint Deryk Faber as Vice-Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

VIII. Approval of the Next Meeting Date.

MOTION: Vice-Chairman Jordan moved to approve the date of the next meeting: December 12, 2024, at 6:30 p.m. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

IX. Current Events

A. Upcoming Events:

- Tuesday, Nov. 19th - Volunteer Appreciation Dinner, City Hall Community Room.
- Thursday November 29 & Friday November 30, City Hall closed for Thanksgiving
- Saturday, December 7, Christmas in Bel Aire community event at Bel Aire City Hall, 5:30 to 7:30 p.m.

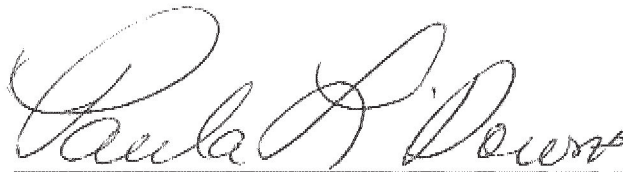
The Commission briefly discussed the upcoming events. No action was taken.

X. Adjournment

MOTION: Commissioner Salazar moved to adjourn. Vice-Chairman Jordan seconded the motion. *Motion carried 4-0.*

Approved the Planning Commission this 12 day of December, 2024.


Phillip Jordan, Chairman


Paula L. Downs, Commission Secretary

Chapel Landing- Phase 2

January 7, 2025

City Council Meeting

Agenda Documents:

- Staff Report
- December 12, 2024 Draft Planning Commission Meeting Minutes
- December 12, 2024 Planning Commission Meeting- Staff Report
- Notification and Affidavit of Publication from October 24, 2024
- PUD Application
- PUD Agreement
- PUD Boundary Map
- Ordinance
- November 14, 2024 Planning Commission Meeting Minutes

STAFF REPORT

DATE: 12/30/2024

TO: Bel Aire City Council
FROM: Paula Downs
RE: Agenda

STAFF COMMUNICATION	
FOR MEETING OF	1/07/2024
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: 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 Phase II.

History:

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

The subject property is generally located at North Oliver Street and East 53rd Street North and is currently platted as Chapel Landing (recorded March 27, 2008, as Doc#: 28962586). Chapel Landing is currently zoned R-4 Single-Family Residential District. The applicant desires to amend the zoning district classification from R-4 to R-PUD Planned Unit Development Residential District for Lots 1-16, Block E and Lots 1-24, Block F of Chapel Landing.

This case was initiated in August 2024 when lot splits were identified by City staff. Staff reports previously developed and provided to the Planning Commission were prepared by the previous Zoning Administrator and a recommendation to approve the PUD case was made. Due to additional discussions around this case and another similar case an updated staff report was provided by the current Zoning Administrator and included the recommendation to approve the PUD with additional agreements/documents recommended by the City Council during a previous case.

Prior to this City Council meeting, a more detailed analysis of the case was warranted. The previous staff recommendation included the requirement for the applicant to update existing agreements and documents and enter into additional agreements. Although the City can request these documents, it is outside the requirements of the City Code and the review criteria (golden factors) used to evaluate the PUD case.

The current staff report reflects further analysis of the PUD Application and PUD Agreement and provides an updated staff recommendation based on the appropriate review criteria.

Discussion:

The applicant desires to establish the R-PUD zoning district classification in order for the applicable Zoning Regulations to be adapted for their specific development project. As defined by 18.2.3.ET, a Planned Unit Development (PUD) is “a platted parcel, subdivision, or district that contains specific zoning rules as a replacement for the adopted city regulations...”. The applicant has not submitted a Planned Unit Development Plat (18.2.3.EV) but has submitted a PUD Agreement.

In the Permitted Use section of the submitted PUD Agreement, are two permitted residential uses: 1) Single-Family and 2) Two-Family. Definitions per 18.2.3.BK:

1. One-family dwelling – (Single-Family). A detached building used exclusively for residential purposes having suitable accommodations for only one family.
2. Two-family dwelling – (Duplex). A detached building used exclusively for residential purposes and designed for or occupied by two families independently of each other.

Per the R-4 regulations, single-family residences require a minimum 1,600 SF of living space, and two-family residences require a minimum 1,200 SF of living space per unit. Further permitted uses set forth by the applicant include leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager.

In Section 4 of the submitted PUD Agreement, the applicant desires that all regulations of the R-4 district apply (exclusive of permitted uses) with the following exceptions (not exhaustive, only pertinent requests are listed below):

- a. 0' interior side yard setbacks, provided units share a common wall
- b. R-4 requires a minimum side yard setback of 10' or 20% of lot width, whichever is greater.
 - a. The original plat sets forth a 6' minimum interior side yard setback (applied to primary structures only).
- c. 0 SF minimum lot area, provided lots are further subdivided after original platting
 - a. R-4 requires 8,400 SF per dwelling unit, which would be 16,800 SF for two-family lots.
 - i. Notably, multiple lots less than 16,800 SF were originally platted.
 - ii. The property was originally platted in 2008; research into the adopted Zoning Regulations at that time was not conducted as part of this report.
- d. 0' minimum lot width, provided lots are further subdivided after original platting
 - a. R-4 requires a minimum of 70' lot width
 - i. Notably, multiple lots have frontage widths less than 70' as originally platted.
 - ii. The property was originally platted in 2008; research into the adopted Zoning Regulations at that time was not conducted as part of this report.

Set forth in Section 1 of the submitted PUD Agreement, the applicant desires the ability to further subdivide the originally platted lots without the City's approval of lots splits per the adopted Subdivision Regulations.

The PUD Agreement seeks to define “homes on lots that are split” as “townhouses as defined in the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes. Further, it states that “all applicable sections of the act will apply to all lots that are split within this PUD.” Although K.S.A. 58-3702 does not specifically define “townhouses”, it does define “townhouse unit”. Townhouse unit means one single-family townhouse residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation: Provided however, that in any event, the term “townhouse unit” shall not mean an apartment as defined in K.S.A. 58-3102...”. The only definition of “townhouse” in the City’s adopted Zoning Regulations is contained within the Use Regulations of the R-5 Garden and Patio Homes, Townhouses, and Condominiums District. “Townhouses” are defined as “one family townhouse dwelling unit, with a private entrance which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light and ventilations.”

Multiple two-family units have been constructed on the subject lots. Some constructed two-family units are located on lots that remain as platted in 2008 (two units on one lot), and some have been further subdivided along the common wall line. This further subdivision has created multiple violations of the Zoning Regulations (see Section 18.3.4). Although multiple enforcement actions and remedies are available (see Sections 18.3.8, 18.3.9, and 18.4.7), the City desires to work with the owner(s) to bring the development into compliance.

NOTE: In completing the staff review of the Criteria for Review (18.5.2.E- “Golden Factors”), findings were developed by applying the substitute regulations set forth by the applicant.

1. Character of the neighborhood

Multiple two-family structures have been constructed on the subject property and on adjacent properties. Directly adjacent to the East, are two unplatted properties under the same ownership totaling approximately 11.54 acres currently used for a single-family home with accessory structures. North of East 53rd Street North is predominantly undeveloped large-lot single-family home sites. Approximate 2.0 acre lots are platted to the south of the subject property. Senior living (multiple family) units directly abut the subject property to the West. The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

2. Zoning and uses of nearby properties

- North: R-4 Single-Family Residential District
- East: AG Agricultural District
- South: R-1 Estate Residential District
- West: R-6 Multi-Family District

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

The property is adequately suited for the permitted uses currently allowed in the R-4 Single-Family Residential District. Notably, the applicant has only requested the following permitted uses: single-family, two-family, leasing office, playgrounds or community spaces, and accessory structures as approved by the City Manager. This is more restrictive than what is allowed in the base R-4 district.

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

A minimum lot area should be established as the lack of any minimum lot area makes any meaningful assessment of this Criteria impossible. Minimum lot widths should also be established to ensure adequate access to the public street. With proper identification of all substitute regulations, no detrimental impact to nearby properties is expected.

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

The property was originally platted in 2008, and building activity on the two-family structures has only recently been commenced. It is not anticipated that the length of time the property was vacant/undeveloped is a factor for this specific request.

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

It is recommended that the City and applicant work on revisions/clarifications to the substitute regulations to avoid any negative impact to public health, safety, and welfare. Once completed, no loss in value or hardship upon the applicant is anticipated.

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

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

8. Impact of the proposed development on community facilities

No impact on community facilities is expected. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to East 53rd Street North which has been improved to adequate standards.

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

Notified residents did appear at a previous Planning Commission meeting when a similar PUD case was on the agenda. Citizens were concerned that the same conditions discussed in the other PUD case would negatively affect ownership of their homes in Chapel Landing. At the time, there were no issues identified. Residents were notified twice with this PUD case. City staff has received no inquiries or feedback from notified residents.

10. Recommendations of permanent staff

Significant work remains for the PUD Agreement to have sufficient definition and clarity established in order for staff to make a recommendation. Staff recommends that the application be returned to the Planning Commission to reconsider a revised application specifically regarding the findings on Criteria of Review 4 and 6. The next meeting of the Planning Commission is February 13, 2025.

Specific revisions requested (to be fully developed in coordination with the applicant) to include but not limited to:

- 1) Add “Townhouse” as fined by the City’s current Zoning Regulations as a permitted use with limitation to the amount of units on each lot of record.
- 2) Identify and specify appropriate minimum lot area and minimum lot widths. Additionally, confirm all other height regulations, area regulations, accessory use regulations, development/performance standards, and landscaping/screening regulations are right-sized, appropriate, and clearly indicated within the PUD Agreement.
- 3) Removal of Sections 1, 2, 3, 4, and 5 of the submitted PUD Agreement as these are already controlled by either a previously approved document, lack of public necessity, and/or lack of authority (e.g. Special Assessment Petitions, Kansas State Statute, inability to amend Subdivision Regulations through PUD Agreement, etc.).

Although staff recognizes that it is within the City’s power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s). The public gain to replatting would be the inclusion of all PUD Agreement provisions on the face of plat as required by 19.5.5.T. As such, it is further recommended that if the R-PUD classification is ultimately adopted, that all provisions of the R-PUD be recorded against all impacted lots. Further, if the applicant revises any restrictive covenants as a result of any ultimate zoning revisions, submittal to the City is required for City records.

Nothing contained within this application currently or anticipated would appear to violate any condition within the executed Agreement Concerning the Development of Chapel Landing (dated March 18, 2014) or the First Amendment (dated March 15, 2016, and recorded as Doc#: 29601563). As such, no restated, amended, or revised Development Agreement is expected.

Staff does not make recommendation as to the necessity of additional supplementary documentation to facilitate this zoning request (e.g. Party Wall Agreement) that are not in the purview of the City's Zoning and/or Subdivision Regulations.

Nothing in the City's review and actions are intended to violate any provision of the Townhouse Ownership Act outlined in Chapter 58, Article 37 of the Kansas State Statutes.



MINUTES PLANNING COMMISSION 7651 E. Central Park Ave, Bel Aire, KS December 12, 2024 6:30 PM



I. Call to Order: Chairman Phillip Jordan called the meeting to order at 6:30 p.m.

II. Roll Call

Chairman Phillip Jordan and Commissioners Dee Roths, Deryk Faber, Paul Matzek, and Brian Mackey were present. Commissioner Edgar Salazar was absent.

Also present were City Attorney Maria Schrock, Director of Community Development Paula Downs, and City Engineer Anne Stephens.

II. Pledge of Allegiance to the American Flag

Chairman Jordan led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting.

Chairman Jordan shared typographical errors in the spelling of his first name and that it was requested for the reference of “Chairperson” be replaced with “Chairman” throughout the minutes. Staff acknowledged the errors and minutes for signature were updated.

MOTION: Chairman Jordan moved to approve the minutes of November 14, 2024. Commissioner Roths seconded the motion. *Motion carried 5-0.*

V. Announcement: Welcome of new Planning Commissioner Brian Mackey. John Charleston has resigned, and Mayor Benage is in the process of identifying a new member to the Commission.

VI. Old Business/New Business

A. PUD-24-04- Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Chairman Jordan announced the item and reviewed ground rules for public hearings. Before proceeding with the public hearing, he asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Chairman Jordan noted that proper notice of this hearing was published at least 20 days before today’s hearing date on the City’s website and in *The Ark Valley News*. Notices were also mailed to

the applicant and all of the real property owners of record listed on the security title, in the area of notification. Chairman Jordan asked if anyone on the Commission had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the Commission's information packet for this meeting. City staff noted that this case was heard at the November 14th Planning Commission meeting and was tabled for further consideration and for documentation requests made by motion.

Chairman Jordan called upon the applicant to make his/her presentation and any response to the City staff report. Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Commission. Mr. Cook asked that the case be sent to the City Council because the applicant does not intend to provide the documents that Planning Commission requested. He stated the reason is because the documents requested are outside the scope of zoning and are not enforceable by the City. He stated that the applicant may be willing to update the PUD to reflect the Commission's recommendation for number of street trees, and update face of the plat to reflect zoning setbacks. Cook stated that the applicant is willing to comply with regulations listed in the subdivision and zoning codes.

Chairman Jordan opened the public comments section. No others requested to speak and the public comments section was closed. Staff confirmed that they had not received any written communications from the public regarding this case.

The Commission then discussed the case.

MOTION: Chairman Jordan moved that having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council, that the proposed final PUD containing approved duplexes be converted townhouses with zero interior lot lines on a reduced lot size in a R-4 zoning district as built (Chapel Landing Phase 2) in PUD-24-04 be approved with modifications: the 4 modifications under Item 10 on the City recommendations, based on the findings from the review section of the staff report, as recorded in the summary of this hearing, and the following conditions be attached to this recommendation. Commissioner Mackey seconded the motion..

Discussion followed. Commissioners cited their reasons for recommending approval, namely: the recommendation of City Staff; Suitability of the subject property for the uses to which it has been restricted; and Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant. Chairman Jordan called the question. *Motion carried 5-0*

B. Review proposed updates to the 2024 Bel Aire Zoning Map- (supermajority (5) required for approval).

City staff provided a brief report. Chairman Jordan opened the public hearing. No one spoke, and the public comments section was closed.

MOTION: Commissioner Roths moved to recommend the proposed zoning map changes as presented by this Planning Commission. Commissioner Faber seconded the motion. *Motion carried 5-0.*

C. SD-24-03- Proposed final platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned (Spring Pines Subdivision, previously Homestead at Spring)

Staff stated that contrary to the written staff report, they now recommend unconditional approval of the plat.

The agent for the applicant, Will Clevenger, Garver, stood for questions from the Commission.

Chairman Jordan asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified. Chairman Jordan noted that proper notice of this hearing was published at least 20 days before today's hearing date on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all of the real property owners of record listed on the security title, in the area of notification. Chairman Jordan asked if anyone on the Commission had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

Chairman Jordan then opened the public hearing. No one spoke. The public hearing was then closed and Chairman Jordan stated he would entertain a motion.

MOTION: Commissioner Faber moved to recommend approval of the final plat of SD-24-03 as presented. Chairman Jordan seconded the motion. ***Motion carried 5-0.***

D. ZON-24-02- Proposed rezoning from C-1 Neighborhood commercial, office and retail, to R-5 garden and patio homes, townhouses and condominiums uses (Skyview at Webb Addition).

Staff recommended one change: the Dedication of right-of-way along Webb Road in conformance with the subdivision regulations relating to arterial roads.

Brian Lindebak, MKEC, represented the applicant and stood for questions from the Commission. Chairman Jordan opened the public hearing. No one spoke, so the public hearing was closed.

Chairman Jordan asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified. Chairman Jordan noted that proper notice of this hearing was published at least 20 days before today's hearing date on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all of the real property owners of record listed on the security title, in the area of notification. Chairman Jordan asked if anyone on the Commission had received any ex-parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

The Commission then discussed the application in relation to the Golden Factors and the City's Zoning Code. In support of recommending approval, Commissioners cited the zoning

and uses of nearby properties, the recommendation of permanent staff, Suitability of the subject property for the uses to which it has been restricted, and the length of time the property has been vacant.

MOTION: Chairman Jordan moved that Proposed rezoning from C-1 Neighborhood commercial, office and retail, to R-5 garden and patio homes, townhouses and condominiums uses (Skyview at Webb Addition) be approved as presented with condition of the dedication of right-of-way along Webb Rd in conformance with subdivision regulations related to required arterial right-of-way widths. Commissioner Faber seconded the motion. *Motion carried 5-0.*

E. SD-24-04- Proposed platting R-5 garden and patio homes, townhouse and condominiums uses (Skyview at Webb Addition).

Brian Lindebak, MKEC, represented the applicant and stood for questions from the Commission. Chairman Jordan opened the public hearing. No one spoke, so the public hearing was closed.

MOTION: Commissioner Faber moved to approve the rezoning application as presented and Commissioner Mackey seconded the motion. *Motion carried 5-0.*

VII. Approval of the Next Meeting Date.

MOTION: Chairman Jordan to approve the date of the next meeting: January 9, 2025 at 6:30 p.m. Commissioner Faber seconded the motion. *Motion carried 5-0.*

VIII. Current Events

A. Upcoming Agenda Items: No upcoming items were mentioned.

B. Upcoming Events:

- Saturday, December 7, Christmas in Bel Aire at Bel Aire City Hall, 5:30 – 7:30 p.m.
- City Hall will be closed on December 23 – 24, 2024 and January 1, 2025

IX. Adjournment

MOTION: Chairman Jordan moved to adjourn. Commissioner Matzek seconded the motion. *Motion carried 5-0.*

Approved by the Bel Aire Planning Commission this _____ day of _____, 2025.

Phillip Jordan, Chairman

DRAFT

STAFF REPORT

DATE: 12/06/2024

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

STAFF COMMUNICATION

FOR MEETING OF	12/12/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

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 Phase II.

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. Documents reviewed and included in the agenda packet: affidavit of publication; PUD application; PUD Agreement; and site plan.

History

The property has been zoned R-4 since 2008 and replatted in 2020. The R-4 zoning district has a 10' side yard setback 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.

Item appeared on the September 12, 2024, Planning Commission agenda, however, applicant requested that the item be tabled. After the September 12, 2024, meeting, the applicant submitted complete information related to ownership signatures that confirmed the applicant as an agent of the property owners for purposes of the PUD application. The item was on the November 14, 2024, meeting agenda and was tabled pending additional information being provided.

Discussion

- A. The city will be reviewing how to move forward with lot splits that occur after the completion of a structure. Processes/procedures, zoning and subdivision codes and building codes will be examined. This review doesn't imply this type of method could be used city wide by dividing lots and selling each as a separate building as this case reflects. The intent is to provide a sustainable neighborhood with conditions in place to maintain property values.
- B. The Planning Commission tabled this item at the November 14 meeting based on the following issues:
 - a. Commission reviewed Agenda Item A- PUD-24-07 and was aware of City Council concerns and the requirements set out by them on another like case.
 - b. There was consensus that the applicant should draft the following documents and present them at the December Planning Commission meeting to include in the meeting agenda packet:
 - i. Updated plat to be attached to the ordinance;
 - ii. Add platter's text to reference additional documents including: Restrictive Covenants, First Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement to address access to power meters. These documents would also be incorporated, by reference, to the ordinance; and
 - iii. Applicant shall file the ordinance all the documents with the Register of Deeds office and provide a copy to the Bel Aire City Clerk.
 - c. The applicant requested Planning Commission send the item to Council in lieu of tabling the item.
 - d. Commission determined that Council would not approve the item without documents in place.
- C. The Commission agreed to reduce the street trees from two trees per lot to one tree per lot due to the small size of the individual lots.
- D. Commission voted to table the item.
- E. City staff provided the applicant with the link to the document templates from PUD-24-07. Prior to the posting the December Planning Commission meeting packet, the City did not receive additional documents as requested from the Commission at their November 14 meeting.

Review Considerations:

1. Character of the neighborhood

The City of 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 PUD request does not change the character of the neighborhood.

2. 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

3. 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.

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

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

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

2008 to 2024, 16 years.

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

Affordable single-family housing with each family responsible as owners is the gain. This housing potentially increases land value.

7. 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.

8. Impact of the proposed development on community facilities

Switching from a duplex development to single family homes does not create any additional burden on the community facilities. The water and sanitary sewer systems were already separate for each unit and there is no additional traffic anticipated on roadways.

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

The City previously had inquiries from notified residents who requested additional information on the notice. Once they understood the situation, they had no feedback positive or negative. Residents from another development spoke at the September Planning Commission meeting, however, their feedback was not directly related to this agenda item.

10. Recommendations of permanent staff

The proposed PUD should be modified as follows:

1. Update the landscaping requirement to reflect one street per lot.
2. Require applicant to submit the following documents as part of their PUD application: Restrict Covenants, Amendment to the Original Development Agreement, Wall Agreement and Easement Agreement.
3. Update the plat's text to reference the documents.
4. File the plat and documents with the Register of Deeds Office and provide a copy to the City of Bel Aire City Clerk.

(Published once in Ark Valley News on October 24, 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-24-04. 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.

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 Pinecrest 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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 24th day of October, 2024, with subsequent publications being made on the following dates:

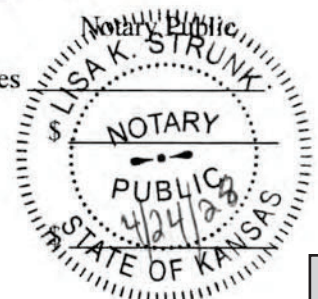
_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Subscribed and sworn to before me this 24th day of October, 2024.

My commission expires

Additional copies

Printer's fee



Bel Aire public notice

(Published in The Ark Valley News Oct. 24, 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:

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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 Pinecrest 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 22 day of October, 2024.

/s/ Paula Downs
Bel Aire Planning Commission Secretary

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

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

APPLICATION

PUD-24-04
CL Phase 2 area

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

☒	Change Zoning Districts: From: <u>R-4</u> to <u>PUD</u>
☐	Amendments to Change Zoning Districts _____
☐	Preliminary PUD _____
☐	Preliminary PUD with plat/ zoning
☒	Final PUD
☐	Final PUD with plat/ zoning

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Comments to City Council

City of Bel Aire Council

☐ Approved ☐ Rejected

Name of owner JCT Holdings, LLC

Address 1815 Southwest Blvd, Wichita, KS 67213 Telephone _____

Agent representing the owner Baughman Company, P.A. (Jay Cook)

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

1. The application area is legally described as Lot(s) 1-16 & 1-24 ;Block(s) E & F ,
Chapel Landing Addition, Bel Aire, Kansas. If appropriate, a metes and
bounds description may be attached.

2. The application area contains 17.6± acres.

3. This property is located at (address) _____ which is generally
located at (relation to nearest streets) southwest corner of 53rd St and Oliver St .

4. County control
number: _____

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	JCT Holdings, LLC	Phone	
Address	1815 Southwest Blvd, Wichita, KS	Zip Code	67213
Agent	Baughman Company, P.A. (Jay Cook)	Phone	316-262-7271
Address	315 S Ellis Ave, Wichita, KS	Zip Code	67211
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.

	BY	
Applicant's Signature		Authorized Agent (If Any)

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

**PLANNED UNIT DEVELOPMENT AGREEMENT
CONCERNING THE DEVELOPMENT
OF CHAPEL LANDING ADDITION
TO THE CITY OF BEL AIRE, KANSAS**

THIS AGREEMENT is made and entered into by and between JCT 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 zoning by a PUD from the City on a portion of land more fully described below and herein referred to as CHAPEL LANDING ADDITION to the City of Bel Aire, Kansas; and

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

PURPOSE. This agreement is necessary to address the need to establish a zoning change to a Planned Unit Development in the City. The intent of this PUD 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. This PUD is specifically designed for the final plat on a tract of land more fully described below and herein referred to as the CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas.

CHAPEL LANDING ADDITION PUD PROJECT LEGAL DESCRIPTION. The tract of land herein referred to as CHAPEL LANDING ADDITION PUD project to the City of Bel Aire, Kansas has the following legal description, to-wit:

Legal description:

Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas.

PERMITTED USE.

The Chapel Landing Addition to the City of Bel Aire, Kansas shall have the uses permitted in the "R-4" Single Family Residential District, as defined in the 2020 revised Bel Aire codified city code, including the following uses:

"R-4" Single Family:

- Single-Family
- Two-Family

- Leasing office
 - Playgrounds or community spaces
 - Accessory structures as approved by the city manager
1. Lots 1 through 16, Block E, and Lots 1 through 24, Block F shall permit the future division of platted lots without the approval of individual lot splits in order to divide dwelling units into separate ownerships. Surveyed legal descriptions of divided lots shall be recorded with the Sedgwick County Register of Deeds office to establish a new zoning lot.
 2. Once recorded with the Sedgwick County Register of Deeds, a copy of the legal descriptions of divided lots shall be submitted to the Bel Aire Planning Department.
 3. The respread of special assessment taxes shall then be divided 50% of aggregate to each new lot created in boundary survey.
 4. The property development standards of the "R-4" Single-Family Residential Zoning district shall apply to lots 1 through 16, Block E, and lots 1 through 24, Block 4 with the following exceptions:
 - a. There shall be no required interior side yard setbacks, provided units share a common wall.
 - b. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot area.
 - c. Divided lots, as permitted by provision 1, shall not be required to maintain a minimum lot width.
 - d. Accessory uses shall be allowed on all lots per Zoning Code.
 - e. All dwellings shall be built to all applicable building standards adopted by the City of Bel Aire.
 5. All construction of dwellings constructed prior to the approval of this Planned Unit Development shall be considered in accordance with said Planned Unit Development and all applicable building standards adopted by the City of Bel Aire.
 6. Homes on lots that are split will be considered "townhouses" as defined in the Townhouse Ownership Act outline in Chapter 58, Article 37 of the Kansas State Statutes. All applicable sections of the act will apply to all lots that are split within this PUD.

OBJECTIVE. A specific objective of this agreement is to assure that necessary improvements are in place to support development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Therefore, the Developer's compliance with the terms and conditions of this Agreement shall be a condition precedent to the granting of building and/or occupancy permits for development on said property.

INFRASTRUCTURE INSTALLATION. 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, streetlights, cable and telephone service shall be installed underground. The Developer shall be responsible for the costs of engineering design, construction and inspection of all private utility improvements (electricity, communications, telecommunications and gas) necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition in accordance with the utility extension requirements of each private utility company. Utility improvements shall be installed on city owned property or within public right of ways or easements. The expense of all such utility and sewer service within the property shall be borne by the Developer.

The Developer shall dedicate necessary public easements for all private and public utility improvements necessary for the platting and development of the tract of land herein referred to as the Chapel Landing Addition to the City of Bel Aire, Kansas. Said improvements include storm water system, water distribution system, sanitary sewer lines, driveways and utilities.

The Developer shall pay one hundred percent (100%) of the cost of the improvements. The Developer shall indemnify and hold harmless the City from any liability from damages that may occur during construction.

DRAINAGE. The ultimate effect of increased drainage from platted property on surrounding property must be addressed as part of the platting process. The Developer shall prepare a storm drainage plan that shall address the effect of increased drainage, meet City specifications and be approved by the City Engineer. As part of the drainage plan, a final grading plan showing all drainage inlets and a storm sewer plan including placement of inlets, pipes and manholes, shall be submitted and approved by the City prior to any issuance of permits. Street, curb, lot corner and pad elevations shall be submitted for review and approval by the City prior to any demolition, site development, construction or permits obtained. All Storm water outfall lines shall be placed within utility easements dedicated to the City. After approval by the City Engineer of said storm drainage plan, with any necessary modifications, the Developer shall install, or cause to be installed, the improvements pursuant to the drainage plan.

SANITARY SEWER. The City will provide access to the property line for public sanitary sewer in the utility easements provided with the plat per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate sanitary sewer hookups installed to City standards. The Developer shall pay all Sanitary Sewer User Fees and Hook Up Fees.

WATER. The City will provide access to the property line for public water in the right-of-way located along 53rd St N. per the approved City Engineer's drawings on file for Chapel Landing Addition. Each unit or tenant space must have separate metered water supply installed to City standards. The Developer shall pay all Water User Fees and Hook Up Fees.

All fire hydrant locations must be identified on a plan & approved by the Sedgwick County Fire Department according to its standards. Developer is responsible to meet all Sedgwick County Fire Codes & Standards and installation by the Developer shall be to City standards.

SIGNAGE. All signage shall comply with the applicable ordinances and zoning regulations of the City and be submitted in writing to the City for approval. Each site shall be allowed one six-foot wide monument type entry sign, not exceeding 6 feet in height. Any future signage must be approved by the City Manager.

PERMITS. No construction shall commence on any portion of the tract of land herein referred to Chapel Landing PUD project to the City of Bel Aire, Kansas without the Developer, or its designated builder, having first obtained the proper building and zoning permits from the City.

The development of Chapel Landing Addition project to the City of Bel Aire, Kansas shall proceed in accordance with this Agreement and subsequent platting. Any deviation, as determined by the City, shall constitute a violation of the building permit authorizing construction of the proposed development. The final site dimensions, grading plan, drainage, landscape plan, street plan, parking plan and utility plans will be submitted and approved 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 including permit fees, review fees, and building and zoning permit and review fees incurred or required by city staff and review and/or through building and zoning review shall be paid by the Developer.

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THIS AGREEMENT is hereby executed on this _____ day of _____, 202__.

DEVELOPER:

JCT Holdings, LLC

By: Travis Whistler, As Amended
Member

By _____
Travis Whistler, Member

THIS AGREEMENT was approved by vote the City Council of the City of Bel Aire, Kansas
on the _____ day of _____, 202__ and is hereby executed on this _____ day of
_____, 202__.

MAYOR, JIM BENAGE

SEAL

ATTEST:

CITY CLERK, MELISSA KREHBIEL

August 13, 2024

ACKNOWLEDGEMENTS

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jay W. Russell, as Trustee of the Jay Russell Revocable Trust, as Amended, Member of 53rd & Oliver, LLC, a Kansas limited liability company, DEVELOPER, who is known to me and who personally acknowledged execution of the foregoing Agreement concerning the CHAPEL LANDING 7TH ADDITION PUD to the City of Bel Aire, Kansas.

NOTARY PUBLIC

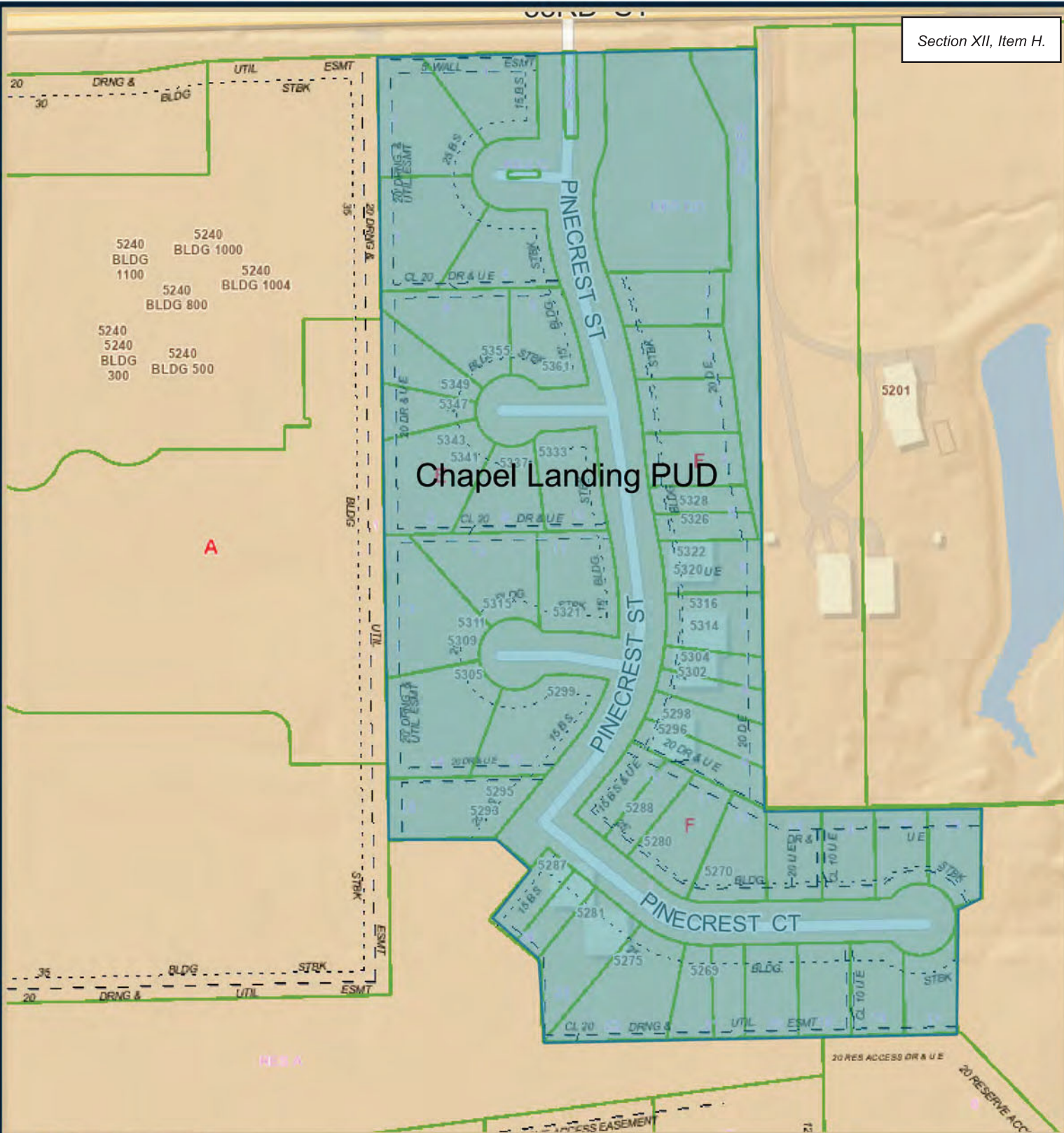
My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

BE IT KNOWN BY ALL PERSONS that on this _____ day of _____, 202__, before me, a Notary Public, came Jim Benage, who is known to me to be the Mayor of Bel Aire, Kansas and who personally acknowledged execution of the foregoing Agreement Concerning the Development of CHAPEL LANDING 7TH ADDITION to the City of Bel Aire, Kansas, and Melissa Krehbiel, who is known to me to be the City Clerk of Bel Aire, Kansas, and who personally acknowledged attesting the signature of said Jim Benage.

NOTARY PUBLIC

My Appointment Expires: _____



Sedgwick County...
working for you

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

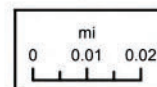
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Chapel Landing PUD

Sedgwick County, Kansas



1:2,257



(Published at www.belaireks.gov on January, _____, 2025.)

ORDINANCE NO. _____

**AN ORDINANCE APPROVING THE RECOMMENDATION OF THE BEL
AIRE PLANNING COMMISSION RECOMMENDING CHANGING THE
ZONING DISTRICT OF CERTAIN LANDS LOCATED WITHIN THE
CORPORATE CITY LIMITS OF THE CITY OF BEL AIRE, KANSAS
UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS
OF THE CITY.**

WHEREAS, the Governing Body of the City of Bel Aire, Kansas (the “City”) has received a recommendation from the Bel Aire Planning Commission for Case No. PUD-24-04; and

WHEREAS, the Governing Body finds proper notice was given and a public hearing was held for Case No. PUD-24-04 on December 12, 2024, all as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City.

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

SECTION 1. The Governing Body adopts the recommendation of the Bel Aire Planning Commission and approves the zone change request of a Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in a R-4 zoning district as built (Chapel Landing Phase 2.)

Legal Description

Lots 1 through 16, Block E, and Lots 1 through 24, Block F, Chapel Landing Addition, Bel Aire, Sedgwick County, Kansas

General Description

East 53rd Street North and Pinecrest Street, Bel Aire, Sedgwick County, Kansas

42 This zone change request is subject to the following restrictions, conditions or limitations,
43 and such restrictions, conditions or limitations shall supersede any portion of the
44 application in conflict therewith:

- 45 1. Update the landscaping requirement to reflect one street tree per lot; and,
- 46 2. Require applicant to submit the following documents as part of their PUD
47 application: Restrictive Covenants, Amendment to the Original Development
48 Agreement, Wall Agreement, and Easement Agreement; and,
- 49 3. Update the platter’s text to reference the documents; and,
- 50 4. File the plat and documents with the Register of Deeds Office and provide a
51 copy to the City of Bel Aire City Clerk.

52 SECTION 2. This Ordinance shall take effect and be in force from and after its
53 adoption by the Governing Body of the City, approval by the Mayor, and publication once
54 in the official city newspaper.

55
56 SECTION 3. The City Clerk will file this Ordinance with the Sedgwick County
57 Register of Deeds.

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60 *[Remainder of this page intentionally left blank]*

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74 PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel
75 Aire, Kansas on this _____ day of January, 2025.

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CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:

Maria A. Schrock, City Attorney



MINUTES
PLANNING COMMISSION
 7651 E. Central Park Ave, Bel Aire, KS
 November 14, 2024 6:30 PM



- I. Call to Order-** Vice-Chairman Phillip Jordan called the meeting to order at 6:39 p.m.
- II. Announcement:** As of October 9, 2024, Chairman James Schmidt resigned from the Planning Commission. The Mayor has been notified and will begin the process of appointing a new member of the Commission.

III. Roll Call

Commissioners John Charleston, Edgar Salazar, Phillip Jordan, and Paul Matzek were present. Commissioners Dee Roths and Daryk Faber were absent.

Also present were City Attorney Maria Schrock, City Engineer Anne Stephens, and Director of Community Development Paula Downs.

IV. Pledge of Allegiance to the American Flag

Vice-Chairman Jordan led the pledge of allegiance.

V. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Commissioner Charleston moved to approve the minutes of September 12, 2024. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

MOTION: Commissioner Matzek moved to approve the minutes of October 10, 2024. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

VI. Announcement

A. Kansas Open Meetings Act (KOMA) Review

B. Golden Factors review

City Attorney Maria Schrock gave a brief presentation on the Kansas Open Meeting Act and the Golden Factors.

VII. Old Business/New Business

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

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for the public hearing. Before proceeding with the public hearing, he asked the Commission if any member intended to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in the Wichita Eagle. Notices were also mailed to the applicant and all the real property owners of record, listed on the security title, in the area of notification on October 25, 2024.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the staff report on this item provided in the Commission's information packet for this meeting.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. The primary change to the PUD was to add "Residential" into the document. The other changes were to documents outside of the PUD, to provide clarity. Modifications were made to the Restrictive Covenants to address protections for the residents. The developer proposes that the buildings be viewed as condominiums, so that a less-restrictive wall design is required. The documents also address resident's rights to access utility meters.

City Attorney Maria Schrock commented on Ken Lee's comments regarding the proposed firewall standard. Ms. Schrock referred to the October 15th City Council meeting in which firewall standards were discussed. At that hearing, the City building inspector stated that he had no concerns with the safety of the current walls. Since the hearing, City staff have reached out to the Sedgwick County Fire Department for advice. The Sedgwick County Fire Department offered suggestions: have a fire extinguisher on hand and use caulking over any penetrations to the wall. Phil Ruffo has agreed to add those things to the Restrictive Covenants, the First Amendment, or to a wall agreement. Regarding residents' access to power meters, Mr. Ruffo agreed to add language to the documents to allow for an easement to access power meters.

City Attorney Maria Schrock submitted Exhibit A to the Commissioners and described it. Exhibit A is a basic plat diagram of the Bristol Hollows Addition that includes text that states the diagram will include a reference to the Restrictive Covenants, First Amendment to the original development agreement, the wall agreement and an easement agreement regarding access to power. If anyone wants to purchase a property, it will be easy to see these documents.

Representative Ken Lee requested that the Commission consider allowing only one tree on each lot, instead of the two trees per lot required in the zoning code.

Vice-Chair Phillip Jordan announced that the public comments section of the hearing was open and anyone wishing to make comments could come forward at this time. No one requested to speak, so the public comments section was closed. Staff confirmed that no written comments had been received.

The Commission then deliberated. Commissioners commented that considering the small lot size, it would be acceptable to have one street tree on each lot. They also cited several of the Golden Factors as they relate to this application including:

- The Character of the Neighborhood,
- The Zoning and Uses of nearby properties supports development;
- The Relative gain to the public health, safety, and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the applicant;.
- The Conformance of the requested change to the adopted or recognized Comprehensive (master plan) being utilized by the city;
- The Impact of the proposed development on community facilities.

Commissioners also cited the recommendation of professional staff as a contributing factor in their decision.

MOTION: Vice-Chairman Jordan moved thus:

Having considered the evidence at the hearing and the factors to evaluate the application, I move we recommend to the City Council that the zone change request from Single-Family Residential District "R-4" to a Planned Unit Development Residential District "R-PUD" in PUD-24-07 (previously PUD-24-03) be approved with modifications based on findings as listed in the staff report, and the condition of one tree in the front of each unit, as recorded in the summary of this hearing, And the following conditions be made a part of this recommendation:

- a) An updated plat depicting the Bristol Hollows Addition R-PUD shall be provided for council consideration, and if approved by council, it will be attached to the ordinance as Exhibit A; and,

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

Commissioner Matzek seconded the motion.

Motion carried 4-0.

B. PUD-24-04- Proposed Final PUD containing approved duplexes to be converted townhouses with zero interior lot lines on a reduced lot size in an R-4 zoning district as built (Chapel Landing Phase 2).

Vice-Chairman Phillip Jordan announced the item and reviewed ground rules for public hearings. Before proceeding with the public hearing, he asked the Commission if any member wished to disqualify themselves from participating in the case because they or a relative own property in the area of notification or have conflicts of interest. No one was disqualified.

Vice-Chairman Phillip Jordan noted that proper notice of this hearing was published at least 20 days before the hearing on the City's website and in *The Ark Valley News*. Notices were also mailed to the applicant and all the real property owners of record listed on the security title, in the area of notification.

Vice-Chairman Phillip Jordan asked if anyone on the Commission had received any ex parte verbal or written communications prior to this agenda item, which they would like to share. The Commissioners responded that they had not.

City staff gave a brief report on this case and referenced the Commission's information packet for this meeting. City staff noted that, similar to Agenda Item A, the developer completed lot splits for this property, without following the procedure outlined in the City Code.

Vice-Chairman Jordan called upon the applicant to make his/her presentation on the request and any response to the City staff report. Jay Cook, Baughman Company, spoke on behalf of the applicant and stood for questions from the Commission. Mr. Cook asked that the requirement for street trees be reduced from two trees to one tree, due to the small size of the lots. He also requested that in lieu of tabling the item that the Planning Commission send the item to the City Council.

Vice-Chairman Jordan opened the public comments section. Mary Montanez, 5290 Pinecrest Ct N, spoke to the Commission. She asked for clarification regarding the term “zero lot line” and asked if the property owner will still own the yard. Staff explained that “zero lot line” is a term from the zoning code that describes a property boundary with no easement between properties; in this case the common wall of the duplex.

No others requested to speak, and the public comments section was closed. Staff confirmed that they had not received any written communications from the public regarding this case.

The Commission then discussed the application, as it relates to the City’s Zoning Code and the Golden Factors. Vice-Chairman Jordan commented that, given the similar circumstances, the same conditions applied to the case in Agenda Item A (PUD-24-07) should also be applied this case, specifically:

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

Commissioners discussed three Golden Factors: character of the neighborhood; zoning and uses of nearby properties, and suitability of the subject property for the uses to which it has been restricted. There was consensus that more information from the applicant would be necessary to make a final recommendation, and the Commission favored tabling the item to allow more time for the applicant to provide the information.

MOTION: Commissioner Charleston moved to table it (PUD-24-04). Commissioner Salazar seconded the motion. *Motion carried 4-0.*

C. PUD-24-02 - Proposed rezoning PUD from R-4, to R-5 and R-6 single and multi-family uses and to include C-1 commercial as zoned (Homestead at Spring).

City staff gave a brief report on this case. Staff noted that the application was first considered by the Commission in September and was tabled. Since then, the applicant has provided additional documents which are in the Commission’s information packet for this meeting.

Will Clevenger and Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission.

The Vice-Chairman then opened the public comments section. Jeff Englert, 5140 E 53rd Street, spoke to the commission about his concerns regarding manufactured housing and

fencing along his property. The representatives for the applicant noted the PUD document specifically addresses manufactured homes and fencing. No others requested to speak, so the public comments section was closed.

The Commission discussed the following golden factors as reason for approval: character of the neighborhood; zoning and uses of nearby property; suitability of the subject property for the uses to which it has been restricted; and recommendations of permeant staff as contained in the staff report. They noted they appreciated the variety of lot sizes presented.

MOTION: Commissioner Matzek moved to recommend approval of the preliminary Planned Unit Development (PUD-24-02): 1. Parcels A shall remain zoned as C-1 Commercial; 2. Parcel B shall remain zoned as R-4 Residential, with the condition that no manufactured homes are allowed; 3. Parcel C shall change zoning from R-4 to R-5; and 4. Parcel D shall change zoning from R-4 to R-6; with the condition that requires the applicant will submit a detailed site plan for Parcel D to the Planning Commission prior to issuance of building permits. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

D. SD-24-03 - Proposed platting R-5 and R-6 single and multi-family uses, and to include C-1 commercial as zoned (Homestead at Spring).

City staff noted that the plat is for the same property that was discussed in Agenda Item C (PUD-24-02).

Vice-Chairman Jordan opened the public hearing. Ken Lee, Garver, spoke on behalf of the applicant and stood for questions from the Commission. No others requested to speak, and the public hearing was closed.

The Commission then discussed the application. There was general consensus to approve the plat based on consistency with certain Golden Factors, specifically: the character of the neighborhood; zoning and uses of nearby property; and the suitability of the subject property for the uses to which it has been restricted. Commissioners noted that they appreciated the willingness of the applicant to work with nearby homeowners.

MOTION: Vice-Chairman Jordan moved to recommend approval of the preliminary plat of SD-24-03 as presented; and the preliminary sidewalk plan as presented; and the preliminary drainage plan concept as presented. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

E. Sketch Plan - Tierra Verde South, Lot 1 Block 2

Staff referenced documents in the Commission's information packet which were provided by the applicant. The Commission's discussion of the sketch plan is for feedback to the developer only, the Commission will not be making a recommendation tonight. Staff noted that changes to the easements or setbacks would require the property owner to file a PUD application with the Planning Commission.

Jeff Blubaugh presented the sketch plan and stood for questions from the Commission.

The Commission's discussion centered on entry points, traffic, sidewalks, green space, setbacks and parking. The Commission suggested providing a location map of where the development is located. Mr. Blubaugh expressed a desire to reduce some of the current setbacks; for instance, the front setback is currently 40'. Mr. Blubaugh stated that a 25' setback from the sidewalk is typical for duplexes. If the Developer chooses to reduce setbacks, the Commission suggested reducing an easement and keeping setbacks within the minimum sizes listed in the zoning code.

No action was taken by the Commission.

F. Review proposed updates to the 2024 Bel Aire Zoning Map- (supermajority (5) required for approval).

Vice-Chairman Jordan noted that a supermajority of the Commission was not present and would be needed to vote on this item. He then opened the public hearing. No one requested to speak, and the public hearing was then closed.

MOTION: Commissioner Salazar moved to table the proposed zoning map changes. Vice-Chairman Jordan seconded the motion. *Motion carried 4-0.*

G. Approval of the 2025 Meeting Dates and Time

MOTION: Vice-Chairman Jordan moved to approve the Meeting Dates and Time for 2025. Commissioner Matzek seconded the motion. *Motion carried 4-0.*

II. Election of Planning Commission Chairperson, December 2024 to December 2025

MOTION: Commissioner Matzek moved to appoint Phillip Jordan as Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

I. Election of Planning Commission Vice-Chairperson, December 2024 to December 2025.

MOTION: Commissioner Salazar moved to appoint Deryk Faber as Vice-Chairman of the Planning Commission, term ending December 2025. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

VIII. Approval of the Next Meeting Date.

MOTION: Vice-Chairman Jordan moved to approve the date of the next meeting: December 12, 2024, at 6:30 p.m. Commissioner Charleston seconded the motion. *Motion carried 4-0.*

IX. Current Events

A. Upcoming Events:

- Tuesday, Nov. 19th - Volunteer Appreciation Dinner, City Hall Community Room.
- Thursday November 29 & Friday November 30, City Hall closed for Thanksgiving
- Saturday, December 7, Christmas in Bel Aire community event at Bel Aire City Hall, 5:30 to 7:30 p.m.

The Commission briefly discussed the upcoming events. No action was taken.

X. Adjournment

MOTION: Commissioner Salazar moved to adjourn. Vice-Chairman Jordan seconded the motion. *Motion carried 4-0.*

Approved the Planning Commission this 12 day of December, 2024.


Phillip Jordan, Chairman


Paula L. Downs, Commission Secretary