

(First published in The Ark Valley News on _____, 2024)

ORDINANCE NO: 714

AN ORDINANCE AUTHORIZING A PLANNED UNIT DEVELOPMENT CONTAINING C-2 AND R-5 USES ON CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY LIMITS OF BEL AIRE, SEDGWICK COUNTY, KANSAS AND REVOKING, REPEALING AND SUPERSEDING ORDINANCE 642 ADOPTED FOR THE SAME.

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

Legal Description

Lots 4, 5, 6, and a portion of Lot 7, Block 1, Arthur Heights, Bel Aire, Sedgwick County, Kansas, all as set forth on a map attached hereto, and identified as Appendix A "PLANNED UNIT DEVELOPMENT".

WHEREAS, A public hearing was convened on the matter of amending the C-2 zoning on the described tract on February 12, 2019, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Five of the Zoning Regulations of the City of Bel Aire, Kansas;

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

WHEREAS, The Planning Commission for the City of Bel Aire, Kansas recommends approval of the application by the property owners to amend the C-2 (Planned Unit Development) zoning of the above described tract of land, in conformance with the terms of the plat and the specific conditions as follows:

WHEREAS, A public hearing was convened on an application for final plat of entire preliminary plat area on the described tract on April 13, 2023, by the Planning Commission for the City of Bel Aire, Kansas in conformance with the requirements set forth in Article Four of the Subdivision Regulations of the City of Bel Aire, Kansas;

WHEREAS, Following the public hearing, the Planning Commission found that the evidence supported recommending approval of the final plat for Arthur Heights Estates as presented, based upon the guidelines set forth in Article Four of the Subdivision Regulations of the City of Bel Aire, Kansas;

WHEREAS, The Planning Commission for the City of Bel Aire, Kansas recommends approval of

the application for final plat of the above described tract of land. The City of Bel Aire requests the following conditions.

1. The site shall be developed in general conformance with the City of Bel Aire standards for C-1 developments (including setbacks, height, landscaping requirements, etc.). Except that, if the property is developed as R-5 then it shall be accordance with the R-5 density standard (6 dwellings/acre) and all other development standards shall be in accordance with C-1.
2. All site lighting shall be directed downward and shielded from adjacent residential areas.
3. Self-storage warehousing units shall reflect residential design elements including hip roofs, composite shingles and brick accents.
4. Self-storage warehousing units and R-5 uses shall not be allowed on lot 5 or the south half of lot 6, Block 1, Arthur Heights Addition, without first obtaining prior approval through the conditional use process within the PUD.
5. Hours of operation for self-storage warehousing shall be limited to the hours between 7 am and 11 pm.
6. A drainage and screening plan and a landscape plan shall be required and approved by the City Engineer at the time of permit.
 - a. Lots 6 and the North half of Lot 7 have been replatted into Arthur Heights Estates.
 - i. Arthur Heights Estates includes Reserve A.
 - ii. Reserve A currently serves as a proposed pond for Arthur Heights Estates. Per Appendix A, Garver accounted for 0.88 acres at 85% impervious (pavement/rooftops) area into their pond calculations. Any additional impervious surfaces would need to be handled by an on-site detention facility of some sort from the corner lot.
 - iii. The City of Bel Aire requests that the drainage plan(s) for future development on Lots 4 and 5, account for drainage in such a manner as to provide a cohesive drainage plan that works with the established drainage patterns for the overall Arthur Heights subdivision as well as the Arthur Heights Estates subdivision. Each individual lot, if not currently accounted for in the Arthur Heights Estates drainage plan shall be responsible for handling their drainage on their own lot.
 - b. The process of preparing a collective drainage plan or independent drainage plans for Lots 4 and 5, Arthur Heights, including the preparation of all drawings, all meetings and communications with the City of Bel Aire and all engineering association therewith are referred to herein, collectively, as the "Drainage Authorization Process."
 - c. Lots 4 and 5, Arthur Heights agrees to cooperate with the Drainage Authorization Process, which shall be performed at the sole cost and expense of the ownership of Lots 4 and 5, Arthur Heights. The Drainage Authorization Process and the specific drainage plans and related documents (collectively, the "Drainage Documents") for Lots 4 and 5, Arthur Heights must be approved by the City of Bel Aire.
 - d. Current owners and future owners of the property of Lots 4 and 5, Arthur Heights agree to maintain the drainage ways for and on the property as provided in this agreement.
 - e. Owners are responsible for all maintenance obligations and for meeting all standards and criteria imposed in this agreement. The City of Bel Aire has no obligation to maintain the drainage ways, but does have the right to inspect the drainage ways as provided in this

agreement.

7. Existing structures on Lot 4 shall be allowed for the use of one business/proprietor and the buildings in use will be required to comply with commercial building code before a certificate of occupancy will be issued.
8. More intensive districts shall be required to go through Planning Commission for site plan review or the conditional use process.
9. Uses allowed by right in the C-1, R-5, or more restrictive zoning districts shall be reviewed by City staff prior to issuance of a building permit.
10. Existing contours and established drainage patterns may not be modified without City approval.
11. Any major changes in this planned unit development shall be submitted to the Planning Commission and to the Governing Body for their consideration.
12. Minor changes (up to 15%) to the planned unit development and/or bulk restrictions may be approved by the zoning administrator.

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 to approve the application to amend the C-2 zoning with a PUD overlay for the above described tract of land, in conformance with the terms of the plat and specific conditions described above.

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

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

SECTION 4. This copy of this Order shall be certified by the City Clerk and sent to the County Register of Deeds to be filed.

Passed by the Governing Body this th day of , 2024.

MAYOR Jim Benage
City of Bel Aire

ATTEST:

CITY CLERK, Melissa Krehbiel

SEAL