

FOR MEETING OF	10/12/23
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 10/05/2023

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

ZON-23-03. Proposed re-zoning approximately 20.41 acres zoned AG, Agriculture district, to a M-1 Industrial district.

The rezoning case was advertised in the Ark Valley News Paper and property owners were contacted as required by city code. I'm unaware of anyone contacting the city prior to this report regarding the rezoning case. A review was sent to the applicant's agent, a copy of that review is in your packet.

The following criteria shall be the basis for evaluation of the rezoning request in relation to the specific case being considered:

1. The character of the neighborhood;

The subject property is zoned AG **The zoning and uses of properties nearby**

Sedgwick County-Limited Industrial west and southwest, Southeast, rural residential. Bel Aire north and east are M-1 manufacturing.

2. The suitability of the subject property for the uses to which it has been restricted;

City staff has compared this request to the approved Master growth Plan the figure 3.4 showing commercial park category. Figure 3.5 intensity level is a 5; the request is a level 6 acceptable within one step. Staff agrees the future PUD details would identify any concerns for the city to work through. The city code as written will require additional public meetings before any use could occupy the land.

3. The extent to which removal of the restrictions will detrimentally affect nearby property;

City staff no adverse effect is expected.

4. The length of time the subject property has remained vacant as zoned;

The City purchased and annexed the property into Bel Aire prior to 2006. The land was sold to Wichita Airport Authority almost immediately. Agriculture district is considered a holding district.

5. 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;

No hardship is expected to be caused by the development.

6. Recommendations of permanent staff;

Yes because 2018 Master Growth plan was approved by City Council. The 2014 Comprehensive plan vision map also indicates that M-1 would be a good fit.

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

Yes the 2018 Master Growth plan based on figure 3.5 is within one step of M-1 and the adopted 2014 vision plan within the city comprehensive plan indicates this would be M-1.

8. 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.

Planners ask questions related to the current use and if that would continue until a future development is started. Do they have an estimated timeframe would be another possible discussion.

ZON-23-04. Proposed re-zoning and platting approximately 2 acres zoned AG, Agriculture district, to R-1 residential district. The current use farm ground.

The rezoning and one-step plat was advertised in the Ark Valley Newspaper and surrounding property owners were contacted as required. The city review to the agent of record is in your packet. The city didn't receive any inquiries prior to this report.

The following criteria shall be the basis for evaluation of the rezoning request in relation to the specific case being considered:

1. The character of the neighborhood;

The subject property is zoned C-1 **The zoning and uses of properties nearby**

Bel Aire surrounds all sides Agriculture north and east; C-1 south and R-6 with a PUD west.

2. The suitability of the subject property for the uses to which it has been restricted;

City staff has compared this request to the approved Master growth Plan the figure 3.4 showing Residential Suburban Density category. Figure 3.5 intensity level is a 2; the request is a level 2 and is acceptable. Staff agrees the use will be less intense than current zoning C-1 is an intensity of level 3. The 2014 Comprehensive plan indicates an R-4 zoning district.

3. The extent to which removal of the restrictions will detrimentally affect nearby property;

City staff no adverse effect is expected.

4. The length of time the subject property has remained vacant as zoned;

Ordinance 506 changed 13.34 acres to a C-1 zoning district in 2012.

5. 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;

No hardship is expected to be caused by the development.

6. Recommendations of permanent staff;

Yes because 2018 Master Growth plan was approved by City Council. The 2014 Comprehensive plan vision map also indicates that residential use would be a good fit.

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

Yes the 2018 Master Growth plan based on figure 3.5 has a single family residential use shown and the adopted 2014 vision plan within the city comprehensive plan indicates this would be a residential use.

8. 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.

A two-Arce tract with a well-built home is a good fit based on the surrounding property uses. The flood plain is east of this tract and divides the abutting tract. A large lot is north with a homestead. South is the remainder of the C-1 commercial parcel.

The review provided to the applicant's agent should provide an update to the final plat submittal.

19.4.11. Planning commission action on the final plat.

The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the final plat with all required data is filed with the Zoning Administrator, review and approve the final plat by a majority vote of the members present and voting if:

It is substantially the same as the approved preliminary plat;

There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and

It complies with all of the provisions contained in these regulations and with all other applicable regulations or laws.

If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752[b].)

2025 Calendar

Meeting dates for the 2024 year are in the packet. Staff prefers to a list of specific dates to conduct business routinely; meeting dates can be adjusted

ZC 3.03 D. Meetings. The members of the Planning Commission shall meet as determined necessary to perform its duties. Meetings may be called at any time by the chairperson or the Zoning Administrator, with twenty-four (24) hours written notice to the membership, and notification provided to the public in conformance with the Kansas Open Meetings Act. A majority of the Commission shall constitute a quorum for the transaction of business. City staff shall keep minutes of the Commission's proceedings and official actions, including its examinations and findings. Following approval and adoption by the Planning Commission, such minutes shall be filed with the City Clerk.

Election Time

Officers. The Planning Commission shall elect one (1) of its members as chairperson who shall serve one (1) year and until their successors have been selected. A City staff member shall serve as secretary and provide staff support for the Planning Commission.

Members can be voted in even if they are not present for the meeting with motion.

Elect Planning Commission Chair

i. Motion_____ Seconded_____ Vote_____

Elect Planning Commission Vice-chair

ii. Motion_____ Seconded_____ Vote_____

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