

STAFF COMMUNICATION

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-23-04. 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].