

## STAFF REPORT

DATE: July 27, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: July 14<sup>th</sup> Planning Commission Meeting Report

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### **PUD-22-01. Proposed changing the current PUD to allow R-6 multi-family zoning and amended parking requirements. (Arthur Heights PUD)**

Planning Commission reviewed the applicants request to change the current PUD to allow R-6 multi-family zoning and amended parking requirements for Arthur Heights. This property is located immediately west of the northwest corner of 45<sup>th</sup> and Woodlawn. Will Clevenger and Ken Lee of Garver, LLC were present to represent the property owner, Russ Relph, who was also in attendance. Mr. Clevenger spoke of the initial PUD that was for a storage facility on the property in 2019. Initial concerns from the Planning Commission regarding the alteration of the current PUD was the request to have less than 2 parking stalls per unit. The current parking plan allotted 1.65 spots per unit, according to Mr. Clevenger. He also stated that each unit would have a designated parking spot and the fire lane and other parking would be notated. After hearing concerns about the density of the plat, the Planning Commission requested there be at least 2 (possibly 3) parking spots per unit. Mr. Clevenger discussed the possibility of removing of unit(s) to allow for the amount of parking requested by the Planning Commission. Another consideration requested from the Planning Commission was to narrow the outbound drive of the entrance but would require approval from the Sedgwick County Fire Department. Other concerns included screening on southwest corner of the lot and added traffic.

The Planning Commission opened the floor to residence and allotted each resident with 3 minutes to express grievances, concerns, or support. The Planning Commission also allowed Mr. Clevenger to address these concerns after all residents spoke. The first to speak was Gary Jantz of 6200 E 45<sup>th</sup> St N Lot 8. His issues were concerning the drainage, curb appeal, and general concerns of added necessity of BAPD being called on parking and other problems. The second resident to speak was the neighbor to the immediate west of the property 6218 E 45<sup>th</sup> St N, Mrs. Carol Russel. Her concerns included drainage on the backside of her property as the proposed PUD is on a flag-shaped lot that would touch two sides of her lot. She also stated her concerns around security of her property and the calls that the BAPD may receive if the development was approved. She is also concerned about trees on her lot being taken down. Dennis McCallum of 4650 N Hillcrest was the next to speak and his concerns were focused solely on the drainage plan of the development. He is also concerned with the style of building proposed, as well as the effect on his property value that the development may cause. The last resident to speak, Randy Kreutzer of 5284 Toben, spoke in favor of the development stating that he is the property manager of many of the applicant's other multi-family dwellings and spoke of the strict background checks and quality of the other housing owned by Mr. Relph.

Following the comments from the various residents, the Planning Commission allowed Mr. Clevenger and Mr. Lee to respond to the concerns. Mr. Lee explained how he had been working with the city

engineer on the drainage plan and that water will remain on the property and drain properly. Mr. Lee explained that the initial plans for the buildings had changed to allow for more efficient drainage and that no trees on any other lots would be taken down. Another explanation on concerns given was that there was only a separation fence on the east side of the property because that lot was apart of the original PUD. Mr. Lee discussed about the step-down zoning of going from commercial to multi-family to single-family zoning.

Following the public hearing, Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 5.02 (D) of the Zoning Regulation. A significant amount of discussion circled around factors commonly known as the Golden Factors, below are notes of *some* of the Golden Factors discussion:

Character of the neighborhood:

- The Catholic Care Center sits to the west of the intersection of 45<sup>th</sup> and Woodlawn with residential developments to the west and south of the property.

Zoning uses of nearby property:

- The surrounding zoning is C-1, C-2, R-2, R-4, R-5, and R-6. The intersection of Woodlawn and 45<sup>th</sup> St N has commercial and residential zoning with the Catholic Care Center to the east of Woodlawn and residential housing to the west.

Suitability of the property for the uses to which it is restricted:

- The Planning Commission has concerns regarding adopting a lesser code requirement for parking. Going from 2 stalls per unit to 1.65 is seen as detrimental to the surrounding areas.

The length of time the subject property has remained vacant as zoned:

- The property has remained vacant under the current PUD and the zoning before.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **table changing the PUD to allow R-6 multi-family zoning with adding 2-3 parking stalls per unit and a 10' tall fence bordering other parts of the property.**

**ZON-22-02 Preliminary Plat. Approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3<sup>rd</sup>. The current use is farm ground.**

The Planning Commission reviewed the applicant's preliminary plat for Elk Creek 3<sup>rd</sup>. Kirk Miller stood for questions on behalf of the applicant. There was concern regarding filling in the pond that connects the Courtyards at Elk Creek to the Elk Creek 3<sup>rd</sup> development. Mr. Miller explained that the pond was improperly built, and that the intention is to fill in only to the property line as the pond encroaches a few feet onto a single lot of the plat.

Staff questioned whether filling in any of the pond could alter the master drainage plan of Bel Aire. Explanation was given that Elk Creek 3<sup>rd</sup> drainage arrows going east simply go to the utility easement and then drain south into dry ponds. The planning commission decided that all the detention necessary to the development to the north is there and that any fill would just correct that mistake and a drainage study would be an undue burden.

No residents requested to speak regarding the plat.

Having reviewed the information provided, the Planning Commission voted (by passing a 5-0 motion) to **accept the preliminary plat for Elk Creek 3<sup>rd</sup> without conditions.**

**ZON-22-02 Final Plat. Approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3<sup>rd</sup>. The current use is farm ground.**

The Planning Commission, having discussed any issues in the preliminary plat hearing, had little to discuss on the final plat. The Planning Commission voted (by passing a 5-0 motion) to **approve the final plat of Elk Creek 3<sup>rd</sup> without conditions.**

**PUD-22-02 Winkley Addition Commercial. Proposed changing the current PUD to reduce building setbacks, remove certain screening requirements and add a fuel take storage area.**

The Planning Commission reviewed the applicant's request to change the building setbacks and screening requirements from the original PUD. Phil Meyer with Baughman Company, P.A. spoke on behalf of the property owner, Matt Hermes (who was also in attendance). The changes that Phil spoke on was reducing the 50' building setback from Oliver to 40' building setback. There was a fence on the original PUD at the NW corner of the building that will be removed due to having a fence that encompasses the property. There will be a building addition on the NE and NW corner of existing building with a need to reduce the building setback from 35' to 30'. There will be two 500 ga. storage tanks; one for gasoline and one for diesel toward the east of the property. There was initially a 10' buffer on the east property line that is being requested to remove. There will be a fence that sits on the property line. There was an old lease agreement with the property owner to the south that is no longer applicable, and the applicant is requesting to move fence to the southern property line (removing the 25' easement). The planning commission discussed the mobile fuel storage tanks and Mr. Meyer stated that the tanks would meet all state and local requirements for the tanks per the PUD. Mr. Hermes has spoken with gas companies to ensure that he is meeting all applicable requirements.

There were no residents in attendance to speak on the issue.

Taking all considerations into account, the Planning Commission voted (by passing a 5-0 motion) to **approve amending the PUD for Winkley Addition Commercial to reduce building setbacks, remove certain screening requirements and add a fuel tank storage area without changes).**

**ZON-21-07 Proposed platting of approximately 14.62 acres of R-4 (Chapel Landing 6<sup>th</sup>).**

The Planning Commission reviewed the platting for Chapel Landing 6<sup>th</sup>. Phil Meyer with Baughman Company, P.A. spoke on behalf of the applicant. The preliminary plat has been approved pending some changes that are present on the Final Plat. One condition was Every requesting an easement that is shown on the final plat.

There were no residents to speak on the platting.

No further discussion was necessary, and the Planning Commission voted (by passing a 5-0 motion) to **recommend the Final Plat of Chapel Landing 6<sup>th</sup> without changes or conditions.**

**ZON-22-04 Rezoning: Approximately 73 acres zoned AG to M-1 Industrial. Currently used as farmland. Was recently annexed into the city. (Located directly east of Webb Rd, south of Sunflower Commerce Park**

The Planning Commission reviewed the application for a rezoning of AG to M-1 Industrial north of the northeast corner of 45<sup>th</sup> and Webb. Steve Barrett was present as the possible purchaser of the property. The property is under contract committed to buy with the condition of rezoning. Property was recently annexed by the City. Attorney Kelly explained that changing the zoning to M-1 would require the owner to apply for a PUD when ready to utilize property.

**Character of the Neighborhood**

- Sunflower Commerce Park is north of the property, continuing an industrial zoning with other commercial property to the west.

**Zoning and Uses of Nearby Properties**

- The surrounding properties are zoned M-1, C-2, and AG with Sunflower Commerce Park being directly north.

There were no residents to speak on the rezoning.

After consideration of the Golden Factors and the request for the zoning change, the Planning Commission voted (by passing a 5-0 motion) to **recommend the request to rezone certain recently annexed property along Webb Rd, south of Sunflower Commerce Park containing approximately 73 acres from AG to M-1 Industrial use without changes or conditions.**

The Planning Commission, due to unforeseen absences, moved the next meeting from August 11<sup>th</sup> to August 23<sup>rd</sup> at 6:30PM in the Council Chambers.