

STAFF REPORT

DATE: 04/23/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	5/6/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: VAC-25-02: Vacation request in the City to vacate a Platted 15-foot-wide building setback on Lot 1, Block 2, Tierra Verde South Addition, in VAC-25-02, generally located between 45th and 49th, on Tierra Lakes Parkway and West of Webb Road.

General Location: The subject property is generally located between 45th and 49th, on Tierra Lakes Pkwy and West of Webb Road and is currently platted as Lot 1, Block 2, Tierra Verde South Addition.

Reason for Request: To reduce a platted 40' building setback to 25' in accordance with the proposed R-6 multi-family district use.

1. Planning Commission Meeting- April 10, 2025

The Planning Commission reviewed the Vacation Application packet and the findings of fact in the staff report. No concerns were raised by the Commission related to reducing the front setback from 40' to 25'. Planning Commission motioned to recommend to the City Council that the request for vacation be approved.

Current Discussion:

Background:

Lot 1, Block 2, Tierra Verde South Addition was originally platted September 21, 2009.

Lot 1, Block 2, Tierra Verde South Addition has previously been before the Planning Commission (May 11, 2023; January 11, 2024) and the City Council (June 20, 2023; February 20, 2024; April 2, 2024) for PUD-23-02 and PUD-23-04 (formerly PUD-23-02). Prior PUD cases were approved, and zoning uses established.

Sketch Plan- Tierra Verde South, Lot 1, Block 2 was submitted for discussion and general feedback. Developer shared that they were going to reduce some of the current setbacks when the submission of a PUD application. The Commission suggested reducing an easement and keeping setbacks with minimum sizes listed in the zoning code. No recommendations or action was taken by the Commission.

PUD-25-01 application has been filed for Lot 1, Block 2 and appears on April 10, 2025, Planning Commission agenda for approval of requested adjustments to the allowed density of units and other development standards including minimum setbacks; area regulations; and parking and landscaping requirements.

Legal Considerations:

- K.S.A. 12-505 requires the Planning Commission to consider specific findings of fact which serve as the basis for the Commission's recommendation to the City Council. The findings to be determined by the Planning Commission are as follows:
 - Notice of petition to vacate and notice of the public hearing has been given in accordance with State law;
 - No private rights will be injured or endangered if the vacation is granted;
 - The public will suffer no loss or inconvenience if the vacation is granted; and
 - In justice to the petitions the vacation should be granted.
- At the conclusion of the public hearing, the Planning Commission should state its recommendation, with or without conditions, and announce the date upon which the City Council will consider the vacation.

Findings of Fact:

1. Notice of petition to vacate and notice of public hearing has been given in accordance with State Law:
 - a. Notice was published in the City's official newspaper, the City of Bel Aire website, on March 20, 2025.
 - b. Official notice was mailed to property owners within the required notification area on March 20, 2025.
2. No private rights will be injured or inconvenienced if the vacation is granted:
 - a. Original plat sets out a 40' building setback.
 - b. Effective PUD Agreement sets the minimum front yard setback at 25'.
 - c. Vacating 15' of the platted front yard setback would result in a 25' front yard setback which meets the minimum set forth by the PUD.
 - d. Owners of surrounding private properties will not be injured or inconvenienced if the vacation is granted. The vacation request will only affect Lot 1, Block.
3. The Public will suffer no loss or inconvenience if the vacation is granted:
 - a. The subject setback will not affect utility easements currently on the site.
 - b. Staff have not received any additional inquiries or comments after mailing the public hearing notification. The Commission will need to consider any testimony provided during the public hearing.
4. In justice to the petition, the vacation should be granted:
 - a. Vacating the setback will allow the applicant to proceed with the development of 12 two-family dwellings and site work.
 - b. The building setback does not affect surrounding properties or utility easements.
 - c. The vacation should be granted.

RECOMMENDED MOTION:

Recommend the approval of the vacation of 15' of the platted building setback on Lot 1, Block 2, Tierra Verde South addition as proposed.

Attachments:

Planning Commission April 10 Staff Report
Draft April 10 Planning Commission Meeting Minutes
Vacation Application
Setback Vacation Legal Description
Setback Vacation Exhibit
Notification
Ownership List