

FOR MEETING OF	6/16/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 06/09/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

(New information added, project was tabled for the May date)

- ❖ **PUD-22-01.** Proposed changing partial zoning within the current PUD to allow R-6 multi-family housing. Arthur Heights PUD

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. The first submittal there has been several calls and two visitors to discuss the project in May, none have contacted my department with the second notification. The zoning category will be changed inside the PUD if approved. The owner of lot 5 has provided an email stating he would want an 8' fence separation but is also reaching out to the applicant to discuss a second entry along the north of the property of lot 5. This project was reviewed based on all of the access drives as private and not city streets.

SCFD has approved the revised site plan that is in in your packet if the parking lot drive lanes is marked with "Fire Lane, NO Parking"

1. The character of the neighborhood;

The subject property is platted and zoned C-2 for a few years; The PUD has mix uses approved by right, but only has the old business buildings in use as a C-2. 45th and Woodlawn is one of the city's busiest intersections, traffic noise is already there during the business day into the early evening. There are houses west and south of the portion requesting change. The east lot 5 of the existing PUD has R-6 Catholic Care facility.

2. The zoning and uses of properties nearby

R-1, R-4, C-1, C-2, and R-6

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. Parking spaces will need to be discussed as the amount is under the general code. The developer indicated they will mark the fire lanes and assign the parking spaces to the living units.

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

City staff no adverse effect is expected if drainage, and parking is addressed.

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

The City hasn't rezoned this property since the PUD was created a few years ago.

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 if the concerns are addressed and sized to meet the conditions and confinements.

6. Recommendations of permanent staff;

Yes conditionally, because 2018 Master Growth plan was approved by City Council. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses

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

Yes the 2018 Master Growth plan

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

For staff recommendation :

- Fire department fire lanes marked "no parking tow zone".
- Drainage and yard maintenance needs to be addressed.
- Trash management, trash truck access.
- Items listed in the revised review to the developer are addressed.
- Architectural control by the HOA to a standard equal to the surrounding neighborhoods will ensure the value for all stakeholders for the other lot owners in the PUD development. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses.

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- ❖ **ZON-22-02.** Proposed One-step platting approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper again. Previously, staff sent notices to the property owners within the required distance of 200 ft. to include the platting portion of the process. We did receive calls regarding this proposal. The main concern is the pond shore. The plats have been tweaked to match what the city, SCFD, and utility companies needed

The preliminary, final, and a larger print of the plat be provided in the packet. This will require 2 votes - preliminary and final plats.

Preliminary Plat. A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record. A preliminary plat for a proposed subdivision of land shows streets, lots and other characters as well as features of the proposed development.

Final Plat. A formal document prepared by a registered land surveyor to describe the precise location and dimension of lots, established easements, dedicated street rights-of ways and otherwise described property to be subdivided which are approved by the Bel Aire Planning Commission.

DUTIES OF THE PLANNING COMMISSION

Review and approve, approve conditionally, or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.

❖ **V-22-02, vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition.**

The city advertised the hearing in the Ark Valley newspaper and property owner notification. No citizens have contacted the city to date regarding the request. Staff review is in the packet. Primary utility providers had no requests.

Normally a request for a building setback alteration wouldn't be considered for in the middle of a block. The factors at play: 1) The quantity lots on the block is two in the neighborhood and a few more in the undeveloped platted sunset addition. 2) the corner lot has the building set back at 15'. 3) The vision triangle wouldn't be impacted if the Sunset addition was built out as platted. 4) The value of the garage addition and house remodel will increase the house value.

- due and legal notice has been given;
- no private rights will be injured or endangered; the public will suffer no loss or inconvenience;
- and in justice to the petitioner(s) the vacation should be granted;

then the Planning Commission shall recommend that such vacation be approved and such decision shall be entered in the minutes, including an explanation of such decision, and a recommendation of approval shall be submitted to the Governing Body.

❖ **ZON-22-03 BEL AIRE LAKES – rezone to-single family residential use as R-5 zoning district (Preliminary plat update in packet) (Formally Sham Way Estates)**

The city advertised the hearing in the Ark Valley newspaper and property owner notification. To date there hasn't been any calls from citizens. A staff report is in the packet lining out a few items sent to the developer.

Staff received the updated preliminary Plat as part of the boundary to show the zoning area.

8. The character of the neighborhood;

The subject property is zoned AG since annexed in the city in the 2000's; Cedar Pass (previously Rock Spring 5th) is south, west is unplatted AG, North is land the city rezoned to M-1 this year, east is AG zoned property. No improvements have been made to the surrounding properties yet.

9. The zoning and uses of properties nearby

AG, R-5, C-1, and M-1

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 extent to which removal of the restrictions will detrimentally affect nearby**

property;

City staff no adverse effect is expected if drainage, and access into the development can work with the known flood plain.

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

Since annexed into the city in the 2000's.

11. 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 if the concerns are addressed and sized to meet the conditions and confinements.

12. Recommendations of permanent staff;

Yes conditionally, because 2018 Master Growth plan was approved by City Council. R-5 and R-5b can allow single-family housing and the current comprehensive plan vision map indicates residential housing. The vision map does show the possibility of a park in the floodplain areas. Housing size of 1,200 s.f. living space is small and is the minimum for R-5; R-5b is 1,170 s.f. and would be a mental sigma to be concerned with the future house to your normal 1,400-2,000 s.f. house could have as little as 1,170 s.f.

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

Yes the 2018 Master Growth plan

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.

❖ Vote for Chairman and Vice Chair

You know what to do.

<https://www.betterontheedge.org/>

