

STAFF REPORT

DATE: 07/31/2024

TO: Bel Aire Planning Commission
FROM: Keith Price
RE: Agenda

STAFF COMMUNICATION	
FOR MEETING OF	8/8/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

ZON2024-00031 (county)

Brad Eatherly, will present 5601 N 127th Street East and they are looking to rezone from RR to Limited commercial (with an overlay) in order to bring their tree service business into conformance
This case falls within the area of influence of the City of Bel Aire, an area recognized by MAPC. The Bel Aire code sections below provide the purpose of the Extraterritorial Zoning once established and is the reason this case is brought to this commission for review.

18.1.2. Authority and jurisdiction.

These regulations are adopted under authority established by K.S.A. 12-741 et seq., and as amended, including K.S.A. 12-736, 12-753 to 12-761, 12-763, 12-764, 12-766, 12-3301 - 12-3302, and 12-3009 to 12-3012. These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Bel Aire, Kansas, as presently exist, as may be hereafter established, or as incorporated within by annexation. Nothing herein shall be construed to preclude the City from engaging in extraterritorial planning activities pursuant to K.S.A. 12-743, and amendments thereto.

18.1.3. Purpose.

- These regulations are intended to serve the following purposes:
- To promote the public health, safety, morals, comfort and general welfare;
 - To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;
 - To regulate and restrict the location, use and appearance of buildings, structures and land within each district and to zone for residential, commercial, industrial and other purposes including flood plains;

To regulate and restrict the height, number of stories and size of buildings and structures including their distance from any street or highway; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;

To protect property values and conserve energy and natural resources;

To provide for adequate light and air and acceptable noise levels;

To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;

To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;

To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;

To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and exceptions; and

To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

SD-24-02, Preliminary plat, Chapel landing 8th

The city placed an ad in the Ark Valley Newspaper as required by the city code. The affidavit of publication is in the packet.

The city review of the plat is in your packet. The most recent revision is contained in the packet after staff had worked with Baughman Co. The property was rezoned to R-5 last year.

Sub-Division code 19.4.7

The Planning Commission shall review the preliminary plat and consider the report and recommendation of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning Commission shall conduct a public hearing, at which time interested persons may attend and offer evidence in support of or against such preliminary plat. Rules for public hearing procedures may be set forth within the By-laws of the Planning Commission.

After the Public Hearing is closed, the Planning Commission shall determine on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the development plan of the City and the zoning regulations of the City, other applicable provisions of the ordinances of the City, or the applicable zoning regulations of the unincorporated area.

If the foregoing considerations are satisfied, the Planning Commission shall approve the preliminary plat.

If the Planning Commission determines that the preliminary plat does not satisfy the requirements of these and other applicable Regulations it may suggest modifications so as to satisfy such violations, and if suggested modifications are made;

The subdivider may amend the preliminary plat so as to incorporate such modifications and re-submit the preliminary plat to the Planning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or

The subdivider may reject the suggested modification or within the time allowed by the Planning Commission for such action, may refrain from taking any action thereon. In either event the preliminary plat shall be deemed to have been disapproved and the Planning Commission shall thereupon furnish the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it shall disapprove the preliminary plat and immediately notify the subdivider of its action by furnishing the subdivider a written statement setting forth the reasons for disapproval of the preliminary plat.

The foregoing provisions to the contrary notwithstanding, the Planning Commission shall approve or disapprove the preliminary plat within 60 days from the date of filing of the preliminary plat or from the date the subdivider has submitted the last item of the required data, whichever date is later, unless such time is extended by mutual consent. If the preliminary plat is disapproved within 60 days thereafter, the Planning Commission shall furnish the subdivider a statement in writing setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations.

The subdivider may appeal the disapproval of his preliminary plat to the Board of Zoning Appeals. Such appeal shall be made in writing and filed with the City Clerk within 60 days after the date the Planning Commission issues its statement setting forth its reasons for disapproval of the preliminary plat.

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date such plat is filed or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.