

STAFF REPORT

DATE: August 25, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: August 23, 2022



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 for Arthur Heights. This property is located immediately west of the northwest corner of 45th and Woodlawn. Ken Lee of Garver, LLC was present to represent the property owner, Russ Relph to discuss the application. Mr. Lee spoke to some of the requests that were previously made by the Planning Commission regarding amendments to the original application that was tabled at the previous Planning Commission meeting. The first item discussed as a request from the Planning Commission was to adhere to City regulations concerning the need to have two (2) parking stalls per unit. Mr. Lee explained that the required amount of parking would be seventy-two (72) stalls to accommodate the requirement and the amended PUD contains seventy-seven (77) parking stalls. This was completed by eliminating two dwellings from the original twenty (20) dwelling units to eighteen (18). The space vacated by the two (2) became a “green space” for residents. The second item discussed was installing a perimeter fence for screening purposes. Mr. Lee explained the amended PUD would have a 6 or 8-foot fence on most of the perimeter and then a row of Emerald Green Arborvitae trees on the southwest boundary of the property for screening purposes. Another change that was made was working with the Sedgwick County Fire Department on narrowing the entry way to allow for more green space. Mr. Lee also spoke to adding inlets to maintain the amount of possible water that could come onto the property.

Commissioners asked questions regarding the proposed changes in terms of maturity of planted screening, building plans of the conceptual dwelling drawings, maintenance of the green spaces, drainage retention, and easement encroachment of the trash enclosure. Mr. Lee explained the maturity time of the Arborvitae being between 8 to 10 years, that buildings would be built to code but would not have a back door, any maintenance of the green spaces would be carried out by the owner through a landscape company, the retention and detention of water runoff would be sufficient and drain through the Woodlawn project and off of the property, and the understanding that easement encroachment is done so at the responsibility of the owner.

Following this discussion, Chairman Schmidt opened the floor to residents and allotted each resident with three (3) minutes to express grievances, concerns, or support. The Planning Commission also allowed Mr. Lee to address these concerns after all residents spoke. The first to speak was Dennis McCallum, 4650 N Hillcrest, spoke to sharing 150 ft of shared property line with the PUD and stated that he was worried about his property value dropping and the possibility of more calls to the Bel Aire Police Department. Another concern was the drainage issue on his property and the concern that

adding this development may increase said water issues. The next to speak was Carol Russell, 6218 E 45th St. Her concern was with the trees that would abut her property line as screening and the possibility of children running in and out of the tree line. She was also concerned with individuals hiding in said trees to attack her on her way home. The last citizen to voice concern was Gary Jantz, 6200 E 45th St N, had concerns about the density of the PUD and the possible fire event that could take place. He was also concerned with the setbacks from the property lines proposed. Concern also arose regarding the gas pipeline on the southern portion of the property. He stated feeling violated by loss of privacy and stolen property due to lowering property values.

Mr. Lee was given the opportunity to discuss the concerns and answered questions and specific issues that citizens mentioned.

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 PUD plan presented is an improvement for the character of the neighborhood compared to other applications. The surrounding area has several different zoning types and that allows the PUD to fit into the existing character of the neighborhood and hence appropriate.

Zoning uses of nearby property:

- The surrounding zoning is C-1, C-2, R-2, R-4, R-5, and R-6. This supports the new zoning with surrounding properties.

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

- The Planning Commission discussed the use as an R-6 density as opposed to the R-5 density and that it is a combination of the two. The addition of green space is helpful in the R-6 zoning.

The extent to which removal of the restrictions will detrimentally affect nearby property:

- The engineered design of the drainage system presented by the civil engineers indicate that the chances for run-off or water issues on other properties would be satisfactory.

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 which supports approval.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **recommend changing the partial zoning within the current PUD to allow R-6 multi-family housing with the condition of a default eight (8) foot fence or appropriate screening as otherwise mutually agreed upon with neighboring properties.**

ZON-22-05 Rezoning: Approximately 71 acres zoned AG to M-1 Industrial. Currently used as farmland. Was recently annexed into city. (Located at the southwest corner of HWY 254 and Webb Rd.

The Planning Commission reviewed the application for a rezoning of AG to M-1 Industrial at the southwest corner of Hwy 254 and Webb Rd. Property was recently annexed by the City.

The hearing was opened, and the Chairman opened the floor to residents and allotted each with three (3) minutes to express grievances, concerns, or support. Franklin Vespa, owner of the property directly east of the application, spoke with concerns for the rezoning. He stated that he would not have purchased his property if he had known an industrial zone would be allowed next to his property. He has concerns for lowering property values, increase in crime, excessive noise and lighting, and environmental issues.

After hearing concerns, the Planning Commission discussed the zoning change to the south of the property becoming residential. It was also stated that M-1 Industrial zoning would require a PUD and that the residential area to the south should be taken into consideration when that arises. There was discussion as to ideas that the developer may have in mind for the property from a PowerPoint showed to the Planning Commission in a previous meeting. Questions were asked regarding the airspace from Jabara airport. The attorney explained that, in communication with the airport, Jabara would not be opposed to any rezoning or changes as long as it did not affect the airspace around their property. Therefore, communication between the City and Jabara would have to take place regarding future PUDs.

Character of the Neighborhood

- Comments were made involving the rezoning of this property is in continuation of what has been planned in the area with other rezonings.

Conformance of the Requested Change to the Adopted or Recognized Master Plan Being Utilized by the City

- It agrees with the master plan which contemplates a unique commercial district. It should be a large commercial destination.

Zoning and Uses of Nearby Properties

- The zoning around the property is M-1, C-2, AG, and Sedgwick County RR.

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 at the southwest corner of Hwy 254 and Webb Rd. Containing approximately 71 acres from AG to M-1 Industrial use without changes or conditions.**

The Planning Commission voted (by passing a 5-0 motion) to approve the next meeting date of September 8th, 2022, at 6:30.