



Planning Commission Meeting

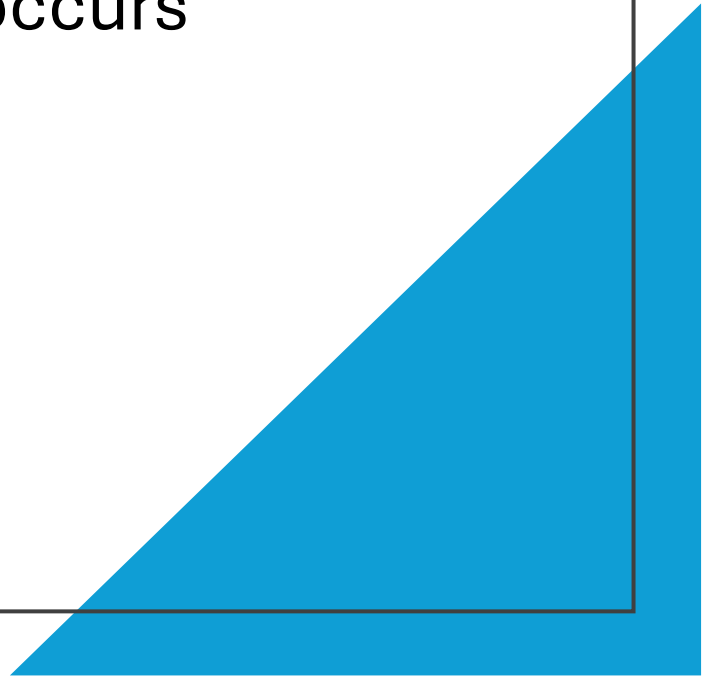
Planning & Zoning Workshop

February 13, 2025



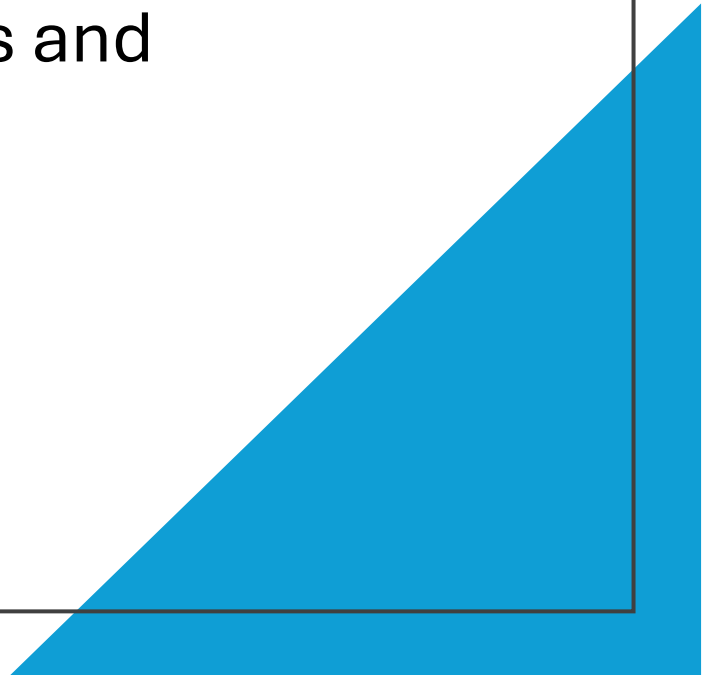
# What is Zoning?

- Regulates what, how much and where buildings and uses can be built
- Provides locations of where new development occurs
- Shapes a framework for appropriate growth



# What Zoning Does

- Determines what is allowed to be built
- Establishes development patterns
- Influences permitted uses and how buildings and residences are built



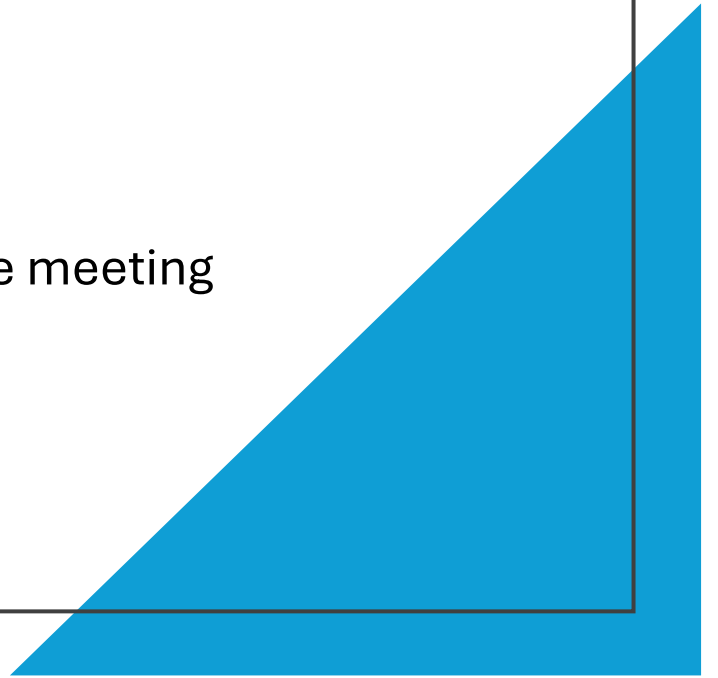
# Authority for Planning & Zoning

- K.S.A. 12-741, et seq., enables cities to enact “planning and zoning laws and regulations...” – Protection of the public health, safety & welfare
- The act “is not intended to prevent the enactment and enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act.”



# Planning Commission's Responsibilities

- Review & decide planning cases and make recommendations to the City Council
- Consider all presented information when making a recommendation
- Allow the public the opportunity to participate
- Respect all views and treat everyone fairly
- Make findings of fact
- Consider the interests of the entire community, not just those at the meeting
- Consider the long-term effect of case.



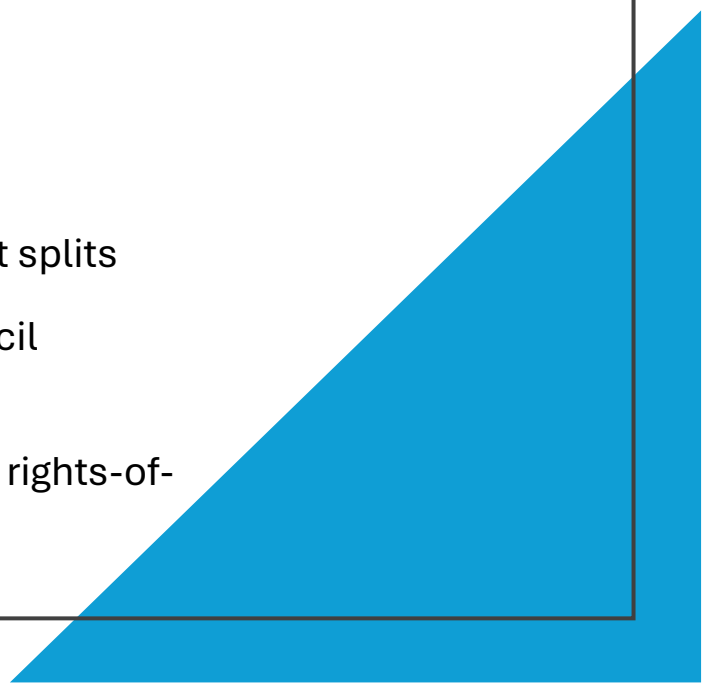
# Planning Commissions Role & Duties

Primary role of the Planning Commission is to hear applications and petitions related to city planning and zoning

Planning Commission was established with the authority of K.S.A. 12-744 and amendments thereto

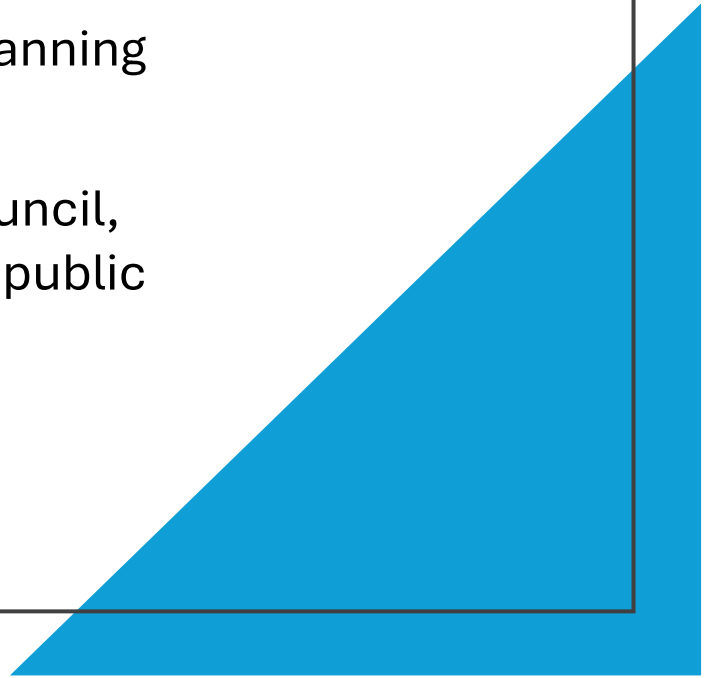
Structure of Planning Commission is set out in 18.3.2.

Planning Commission Duties (19.3.4)

- Review Sketch Plans
  - Review and approve/conditionally approve/disapprove preliminary plats and lot splits
  - Review and approve/conditionally approve/disapprove final plats for City Council acceptance
  - Make recommendations to the Governing Body on vacations or recorded plats, rights-of-ways, easement and other public reservations
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# Role of Planning Staff

- Develop meeting agendas and staff reports
- Provide accurate information and guidance to the Planning Commission and City Council
- Manage the day-to-day tasks related to planning
- Provide technical and professional reviews of information to the Planning Commission and City Council
- Provide technical assistance to the Planning Commission, City Council, developers, designers, builders, business owners, and the general public

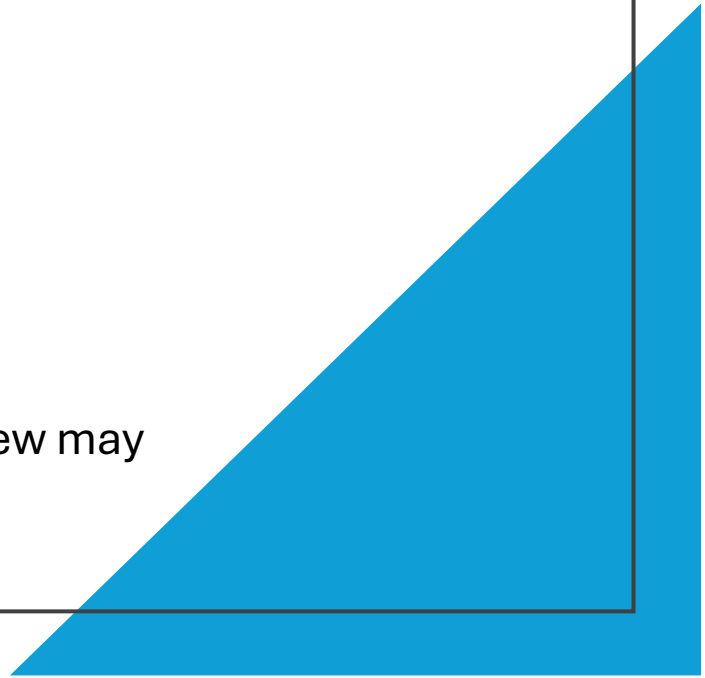


# The Comprehensive Plan

K.S.A. 12-747 states that the comprehensive plan shall include recommendations regarding:

- a) Existing and Needed Land Uses
- b) Population & Building Intensity Standards
- c) Public Facilities, including Transportation System
- d) Public/Capital Improvement Needs & Urgency
- e) Public Expenditure Demands & Goals
- f) Utilization and Conservation of Natural Resources
- g) Any other element deemed necessary

Planning Commission completes an annual review of the plan. The annual review may require updates to zoning and subdivision codes.





# Zoning Map

City is divided into districts enacted pursuant to K.S.A. 12-753

City Code provides additional clarity in Chapter 18, Article 6- Zoning Districts

- Zoning Map is updated each year to include change in zoning districts and zoning types
- Staff works with Professional Engineering Consultants (PEC) to update the map based on changes during the year
- Planning Commission approves the Zoning Map at the end of each year with details of what was modified



# Zoning Districts

Bel Aire, Kansas



- Bel Aire City Limits
- Property Boundaries
- Parks
- Government Properties

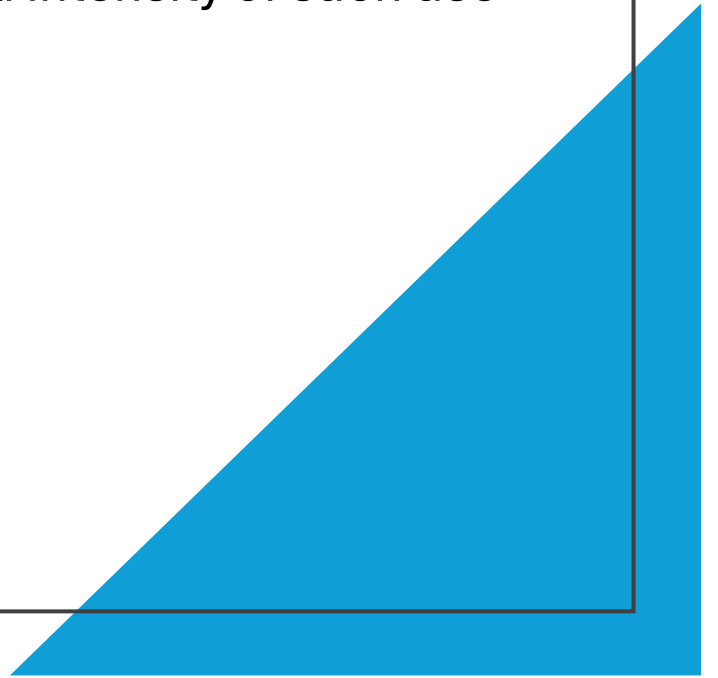
## Zoning Types

- AG -Agricultural
- C-1 -Commercial 1
- C-2 -Commercial 2
- M-1 -Manufacturing
- R-1 -Residential 1
- R-2 -Residential 2
- R-3 -Residential 3
- R-4 -Residential 4
- R-5 -Residential 5
- R-5B-Residential 5B
- R-6 -Residential 6
- RR -Rural Residential
- MHP - Manufactured Home Park

Map Production:  
October 17th, 2024  
Current as of:  
August, 2024  
ZON-24-01  
Planning Commission:  
November 14th, 2024  
City Council:  
November 19th, 2024

# Zoning Regulations

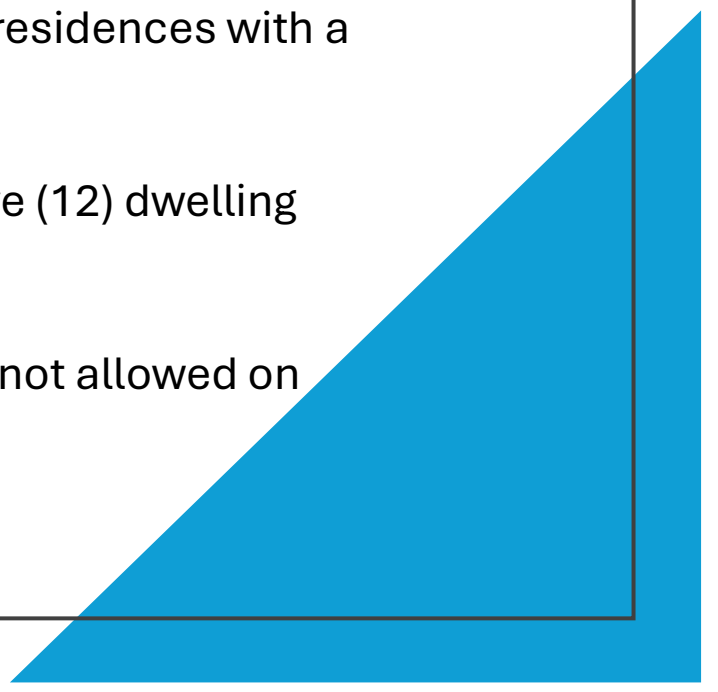
K.S.A. 12-753 authorizes the formation of districts of “such number, shape, area and of such different classes, according to the use of land and buildings and intensity of such use as may be deemed suited to carry out the purposes of this act.



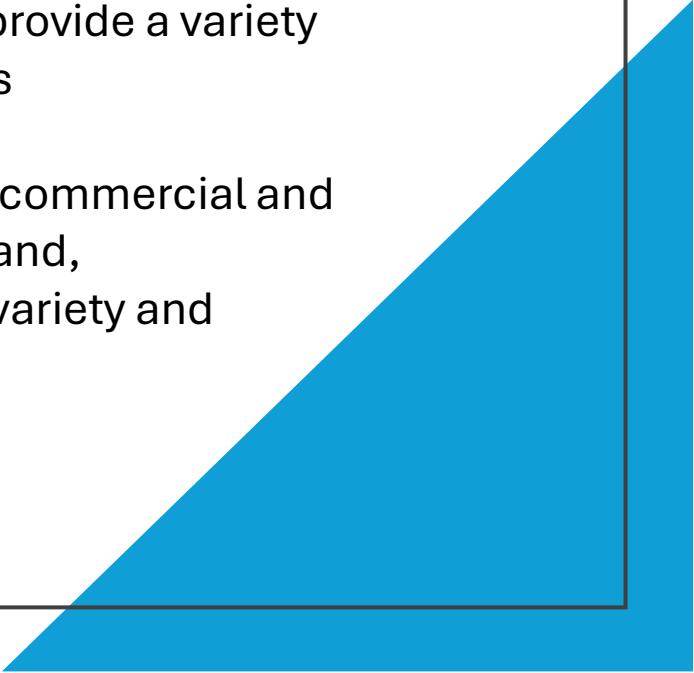
# City of Bel Aire Zoning Districts

- Agriculture district (18.7.0) – enhance agricultural lands or serve as a “holding zone” for future urban expansion
- Rural Residential district (18.7.1) – single family dwelling not to exceed one (1) dwelling per five (5) acres
- Estate Residential district- R-1 (18.7.2) – low density residential developments- one (1) unit per acre
- Single-Family Residential district- R-2 (18.7.3) – development of standard low density residential development
- Single-Family Residential district- R-3 (18.7.4)- single family units with a minimum of 11,050 s.f. lots

# City of Bel Aire Zoning Districts (cont.)

- Single-Family Residential district- R-4 (18.7.5)- single family units with a minimum of 8,400 s.f. lots
  - Garden and Patio Homes, Townhouses and Condominiums- R-5 (18.7.6)- multi-family district with an emphasis on open space with up to six (6) dwellings units per acre
  - Single family/zero lot line residential- R-5b (18.7.7)- provides minimum yard residences with a minimum of 1,170 s.f. of living space
  - Multi-Family district- R-6 (18.7.8) – emphasis on open space with up to twelve (12) dwelling units per net acre and attached dwellings not less than 800 s.f. living space
  - Manufactured Home Park- MHP (18.7.9) – one or more mobile components- not allowed on individually zoned lots- single family/zero lot line residential district
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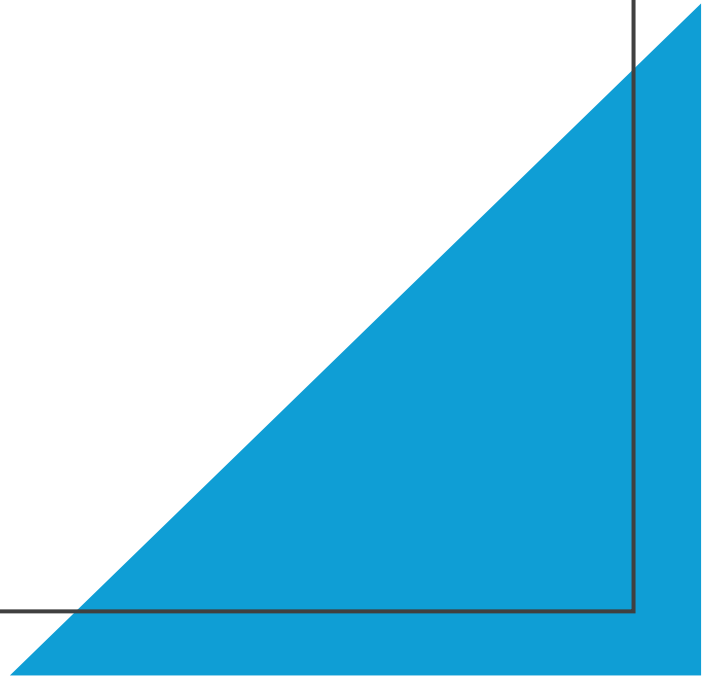
# City of Bel Aire Zoning Districts (cont.)

- Planned Unit Development Residential district- R-PUD (18.7.10)- innovative residential development
  - Neighborhood Commercial, Office and Retail- C-1 (18.7.11)- small scale retail business wholly indoors
  - Planned Unit Development- Commercial Office and Retail- C-2 (18.7.12)- provide a variety of general commercial uses, innovative residential and/or commercial uses
  - Planned Unit Development- Industrial district- M-1 (18.7.13)- innovation in commercial and industrial development through designs allowing for more efficient use of land, incorporation of new techniques in urban land development and a greater variety and flexibility in type, design and layout of structures
- 

# Zoning Regulations

Matters that can be addressed by zoning regulations include, but are not limited to:

- Restricting the height, number of stories and size of buildings
- The size of yards, courts and other open spaces
- Location use and appearance of buildings, structures and land
- Conservation of natural resources, including agricultural land
- Use of land located in floodplains
- Setbacks
- Parking & loading
- Landscaping & Screening
- Floodplain Zoning (BZA role)

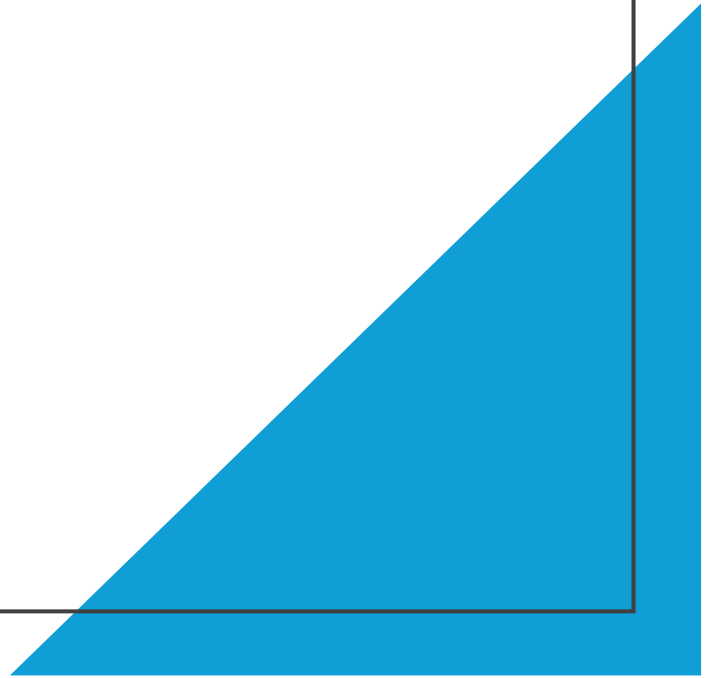


# Planned Unit Development (PUD)

18.8.6- The PUD is a special purpose zoning district intended to encourage innovative land planning and design

The PUD can address any requests to modify the district. This can include changes to:

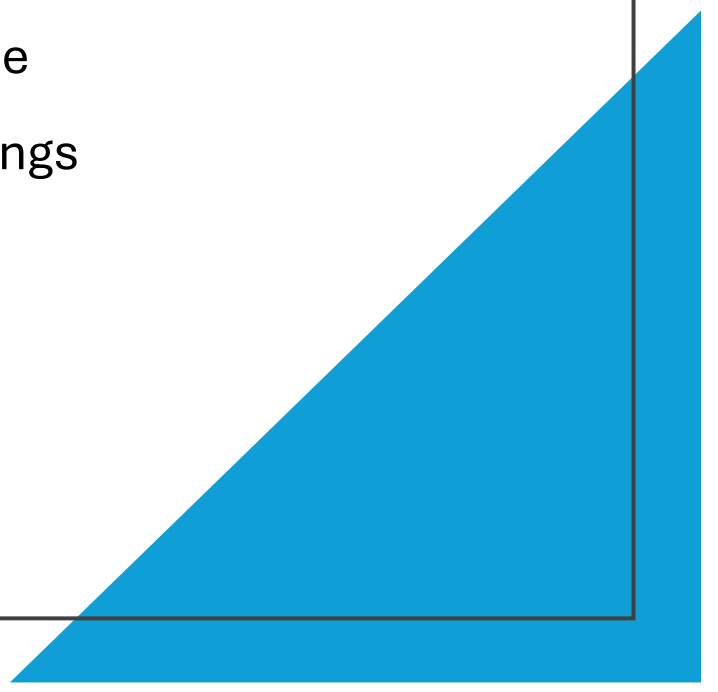
- Permitted uses
- Development intensity (increased or decreased)
- Development standards (height, landscaping, etc.)
- Others





# Planning Commission PUD Role

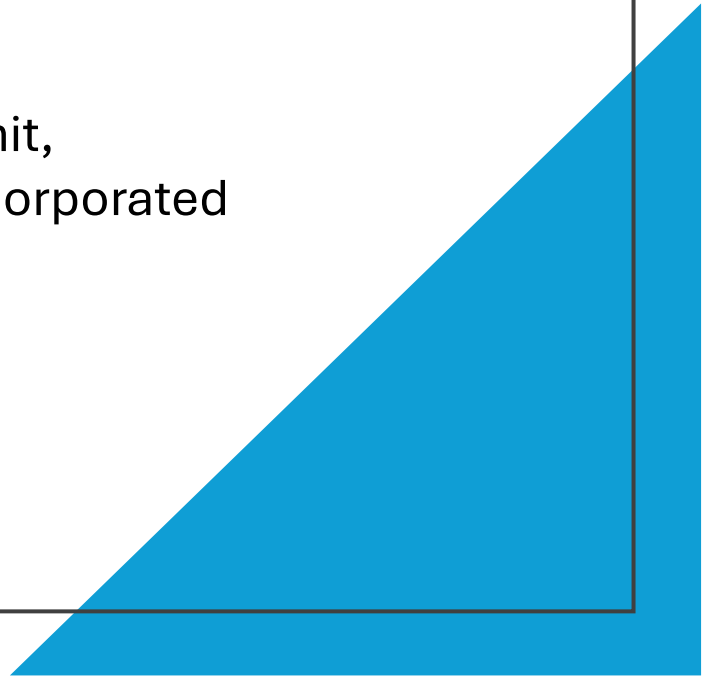
18.8.6.A.5- Planning Commission reviews the preliminary PUD to determine:

1. Satisfactory quality of design in the individual buildings
  2. Satisfactory quality of design for the site
  3. Appropriateness of the building or buildings to the intended use
  4. Aesthetic appropriateness of the development to its surroundings
  5. Satisfactory design quality and harmony
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# Rezoning

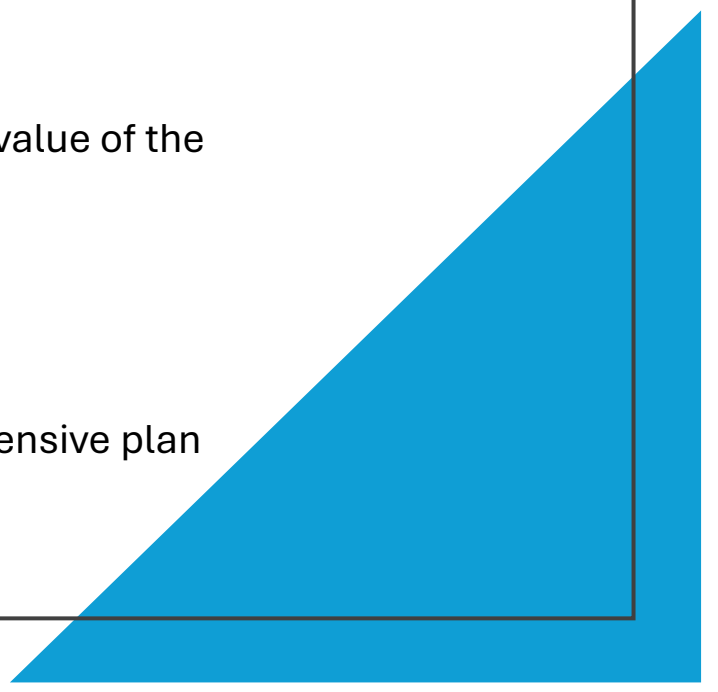
Proposed amendments must be submitted to the Planning Commission

- Notice of public hearing published in the official city newspaper at least 20 days prior to the hearing
- All property owners within 200 feet of the designated property receive certified notice
- If zoning change impacts property located adjacent to the city's limit, notification area can be extended to at least 1,000 feet in the unincorporated area



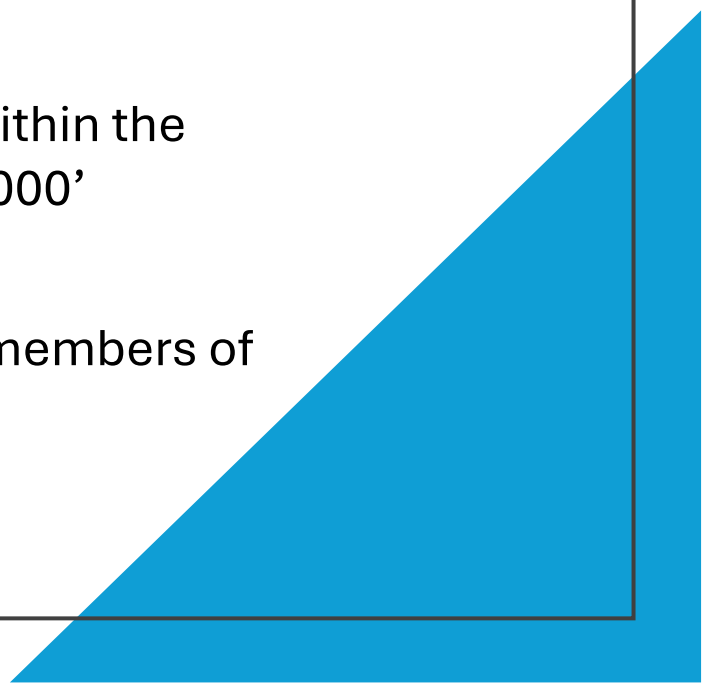
# Zoning Review Criteria- The Golden Rules

18.5.2.D - Criteria that is the basis for evaluation of the rezoning request:

1. Character of the neighborhood
  2. Zoning and uses of properties nearby
  3. Suitability of the property for the uses to which it has been restricted
  4. Extent to which removal of the restrictions will detrimentally affect nearby properties
  5. Length and time property has remained vacant as zoned
  6. Relative gain to the public health, safety and welfare by the destruction of the value of the landowner's property v. hardship imposed on the landowner
  7. Impact on community facilities
  8. Opposition or support of neighboring residents
  9. Conformance of the requested change to the adopted or recognized comprehensive plan
  10. Recommendations of permanent or professional staff
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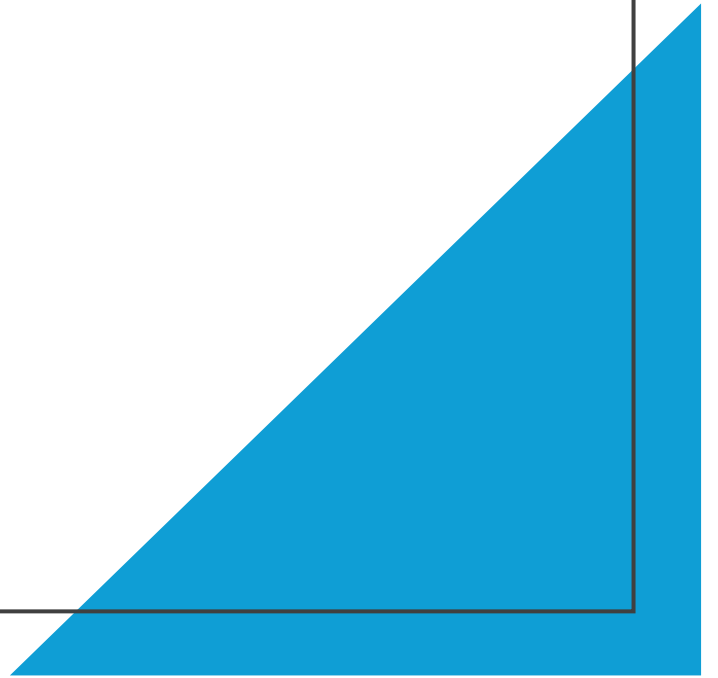
# Protest Petition

18.5.2.F- Protest petition(s) may be filed against the proposed amendment

- Must be filed with the City Clerk within 14 days after conclusion of the public hearing
  - Signed by 20% or more of owners of record of property proposed to be rezoned OR
  - By 20% or more of owners of record of the total real property within the area required to be notified of the proposed change (200' or 1,000' notification area)
  - Valid protest petition requires a supermajority vote of  $\frac{3}{4}$  of all members of the City Council in order to approve the change
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# Subdivision Regulations- Chapter 19

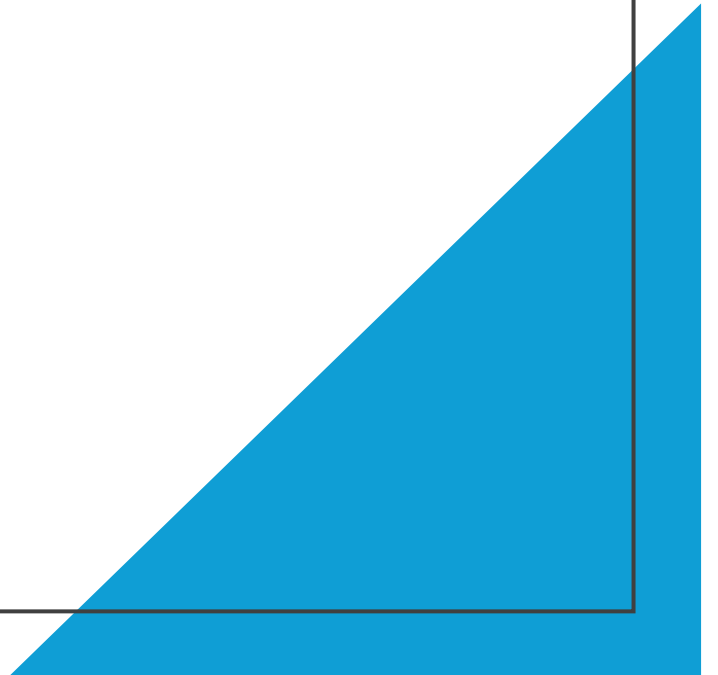
- Set minimum standards for placement of streets, water lines, utilities, and storm water drainage for proposed subdivisions
- Governs lot size and placement and creation of open space



# Zoning Terminology: Bulk Regulations

Overall placement of a building on a zoning lot- such as:

- Lot size
- Lot coverage
- Open Space
- Heights
- Setbacks: rear, front, side yard

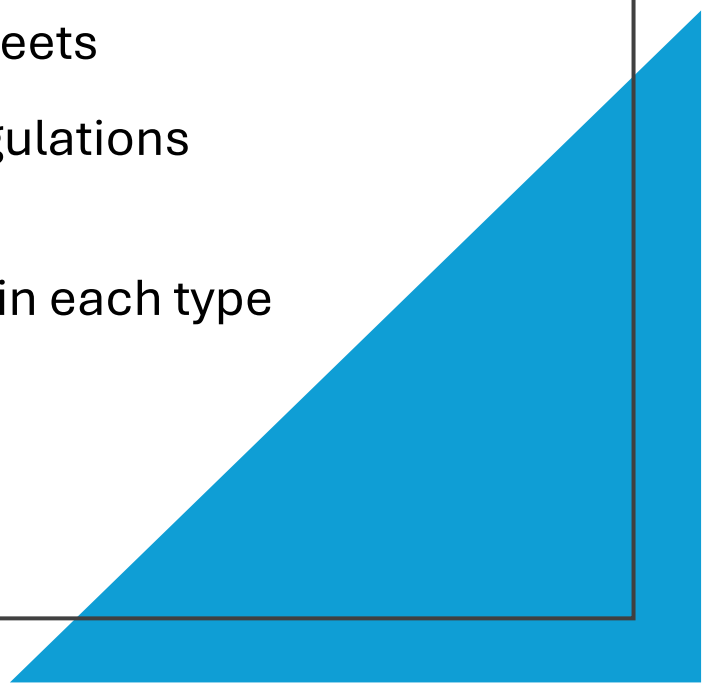


# Plat Reviews (Preliminary/Final)

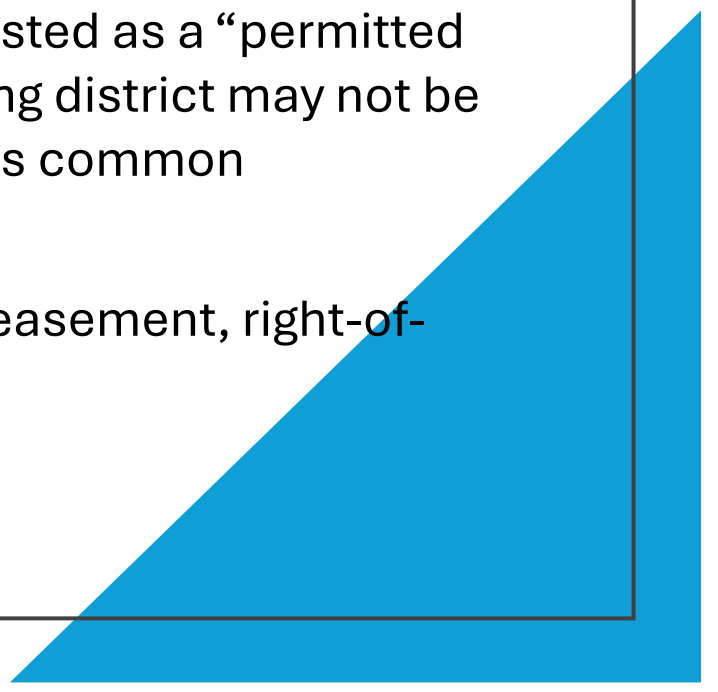
Preliminary Plat- 19.5.3

Preliminary PUD Plat- 19.5.5- (C-2, M-1, Industrial)

Final Plat- 19.5.5

1. Plat is a drawing of a subdivision submitted for approval
  2. Platting subdivides land into lots, reserves, easements and streets
  3. Specific requirements for platting are found in Subdivision Regulations (Chapter 19 , Article 5)
  4. Article 5 sets out the required contents that must be included in each type of plat document (a checklist)
  5. Required contents provide a fair and uniform process of review
  6. Ensures compatibility with the Comprehensive Plan
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# Other Types of Cases

- Sketch Plans (19.4.3 and 19.5.2)- sets out the contents of the Sketch Plan for Planning Commission to provide suggestions and feedback for the future development
  - Conditional Use Permits (18.5.3)- permitting of special conditional uses within a district to ensure uses is contrary to public interest, safety and welfare
  - Special Uses (18.5.4)- required for any use that is not specifically listed as a “permitted use” or “conditional use”- a “not permitted” use within in any zoning district may not be approved through special use. Used for “exceptional, unique or less common circumstances”
  - Vacation Requests (Chapter 19, Article 10)- requests to vacate an easement, right-of-way, reserve, dedication, and access control
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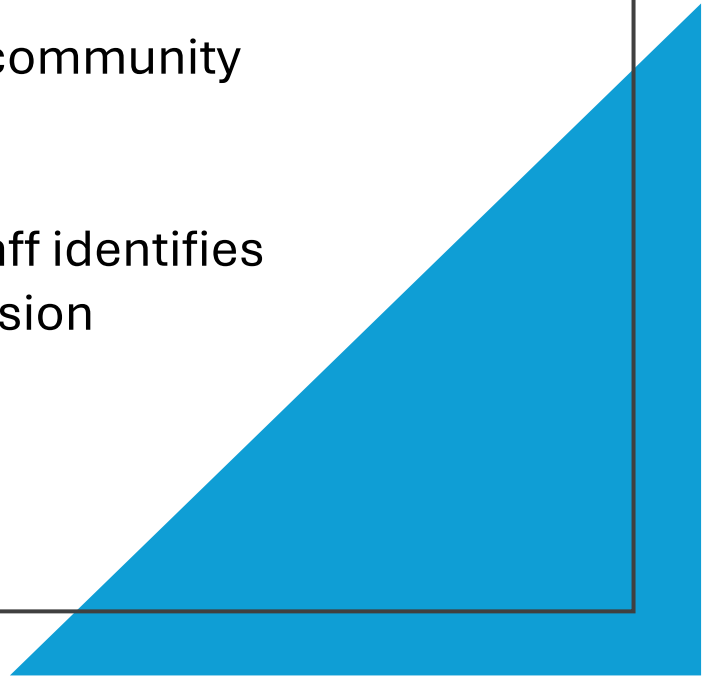


# Review & Amendment of Zoning & Subdivision Regulations

Zoning and Subdivision Regulations are the city's primary tools for planning and enforcement

Annual review affirms that regulations are current and compliant with community goals and visions

Throughout the year while applying and interpreting the regulations, staff identifies areas of potential amendments or revisions, and the Planning Commission determines whether an amendment should be pursued



# Board of Zoning Appeals

K.S.A. 12-759(a) “Any governing body which has enacted a zoning ordinance or resolution shall create a board of zoning appeals...”

K.S.A. 12-759(c)–(d) – Appeal hearing procedures. – May reverse or affirm, wholly or partly, or modify the official decision appealed. – May establish conditions. – May issue or direct issuance of permits.

Bel Aire City Code 18.3.3.B- Three members, two appointed by Mayor and the Chair is the Planning Commission Chair

Three (3) basic functions of the BZA:

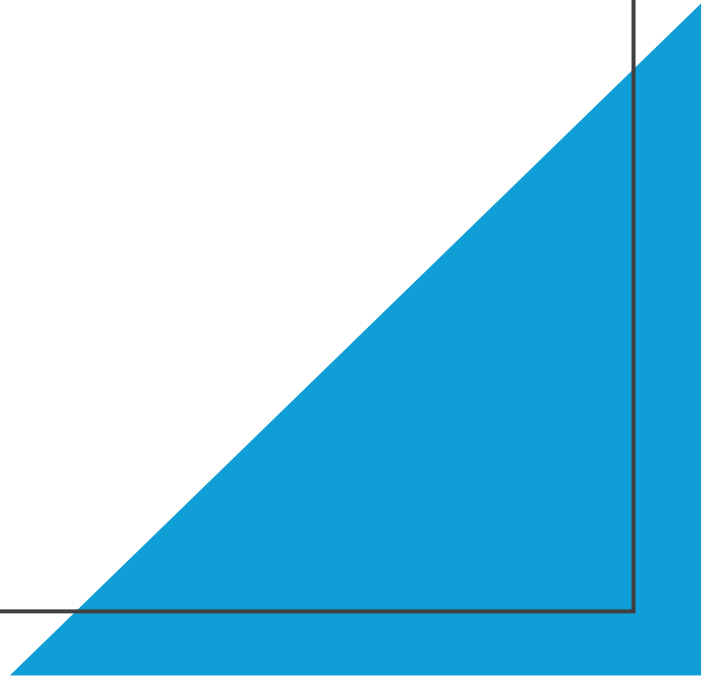
1. Hear appeals from decisions made by the official charged with administering zoning regulations.
2. Consider requests for variances.
3. Consider requests for exceptions.

Decisions of the BZA are final and are not a recommendation to the City Council

# Variances

BZA can grant variances. K.S.A. 12-759(e)(1) and 18.5.6 of Zoning Regulations

- Appropriate when literal enforcement of zoning regulations would result in unnecessary hardship
- Variances of development standards only, not use variances
- Requires a public hearing with notification
- Must meet 5 conditions:
  1. Condition unique to property
  2. No adverse affect to adjacent owners
  3. Strict application results in hardship
  4. No adverse affect to public health and safety
  5. Variance not in conflict with general spirit and intent of zoning regulations



# Appeals

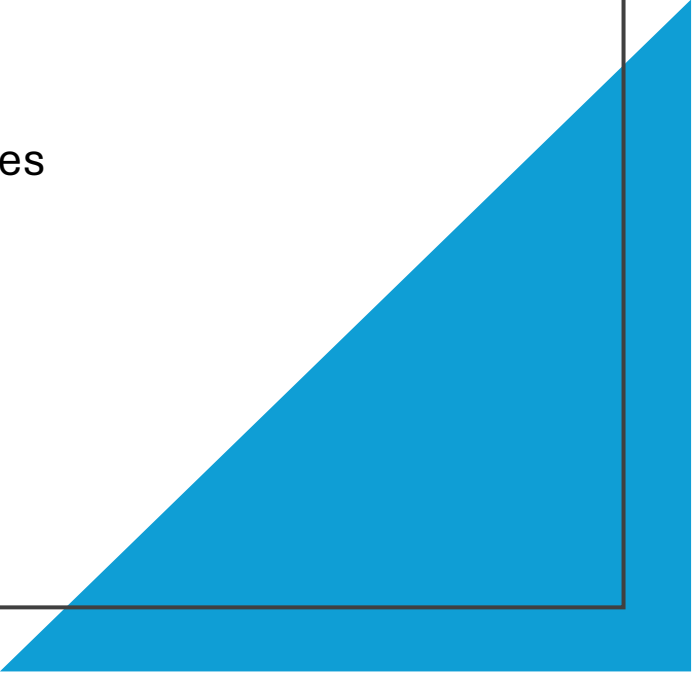
The BZA hears appeals from decisions of the Zoning Administrator including:

- Permitted uses
- Height and area regulations
- Development and performance standards
- Other Zoning regulations
- Subdivision regulations

Items to be considered:

- Basis of Zoning Administrator's decision/interpretation of applicable rules
- Testimony and evidence of aggrieved party

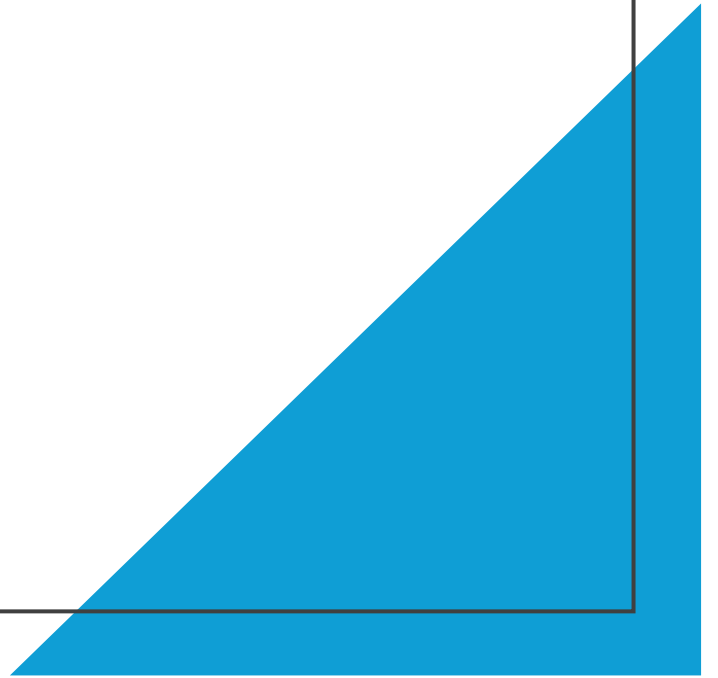
Possible Actions

- Affirm and uphold the decision
  - Modify the decision including addition of conditions
  - Reverse the decision
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# Procedure for Approval of Lot Splits

## Chapter 19- Article 9

- Sets out procedures for approval of lot splits
- Requires lot splits to be completed before a building permit is issued
- Provides for an application process
- Sets out approval guidelines



# Overview & Next Steps

## Overview:

- Planning Commission will continue to review and make recommendations on growing complex planning and zoning cases
- Critical for staff to develop and provide detailed information on each case/issue
- Moving forward ensure regulations are reviewed and updated
- Ensure current appointments to the Board of Zoning Appeals

## Next Steps:

- As the Comprehensive Plan is finalized, review and update zoning and subdivision regulations to reflect best practices and community goals
  - Develop and approve Planning Commission By-Laws
  - Develop and approve Board of Zoning Appeals By-Laws
  - Continue to schedule workshops to discuss and review key concepts and review codes
- 