

FOR MEETING OF	11/10/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 11/03/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

V-22-03, vacation of a portion of platted building setback line, to allow a 20' setback line on two lots, in Rock Spring 3rd.

The hearing ad was placed in the Ark Valley News October 20,2022 and surround property owners within 200' were notified as required.

Staff had discussions with the engineer related to the best method to acquire buildable lots for the intended duplex construction. This is at the end of a cul-de-sac, (site plan in packet). Drainage, off street parking, other required setbacks have been reviewed and are within city standards. The majority of surrounding area is still controlled by the builders and developer's; no petition has been received. No easements need to be changed. The city code in part, is below related to a vacation order review and approval.

The recommendation is to approve the vacation of the platted setback of a 25' building set back to 20' setback on lots 13 and 14 of Block 2, Rock Spring 3rd.

B. Criteria for Review. The Planning Commission shall hold a public hearing to consider a recommendation to the Governing Body as to whether the vacation should be approved or disapproved. At the hearing, the Planning Commission shall hear such testimony as may be presented or as may be required in order to fully understand the true nature of the petition and the propriety of recommending the same.

If the Planning Commission determines from the testimony presented that:

1. due and legal notice has been given;
2. no private rights will be injured or endangered;
3. the public will suffer no loss or inconvenience; and
4. 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.

C. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk, at or before the hearing, by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the City Clerk by any owner of lands which adjoin the portion to be vacated, including owners on the opposite side of the street from vacations of setbacks and access control.

D. Action of the Governing Body. If the governing body determines from the proofs and evidence presented that due and legal notice has been given by publication as required in this act, and:

1. that no private rights will be injured or endangered by such vacation or exclusion, and
2. that the public will suffer no loss or inconvenience thereby, and
3. that in justice to the petitioner or petitioners the prayer of the petitioner ought to be granted

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