

City of Bel Aire

STAFF REPORT

DATE: 06/06/2024

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	6/6/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

CON-24-01 Property owner has requested to operate a daycare in an R-5 multi-family Zoned District.

History:

Rock Spring addition was zoned R-5 with a developer’s agreement overlay that created a duplex and a single-family area within the platted area in 2011. The R-5 district is a zero-lot line category; the plattor text and the developer’s agreement help define setbacks and requirements. R-5 zoned districts require home-based businesses to have a conditional use permit.

Discussion:

The city placed an ad in the Ark Valley Newspaper and sent out notifications to the property owners within the 200’ notification area as required by the city code.

Staff met with the applicants prior to the submittal for the daycare use. The use could easily fit the tier two business license. Tier two would only require that the business register every year and pay the standard home-based business license fee. R-4 zoning district is the predominate single-family district in Bel Aire has minimum lot size of 8,400 s.f.; The applicant’s lot is 8,943 s.f.

KDHE basic rules:

Licensed Day Care Home

- A childcare facility in which care is provided for a maximum of ten children under 16 years of age and includes children under 11 years of age related to the provider. The total number of children in care at any time is based on the ages of the children in care.
- The license is usually issued for the provider's own home but may be issued at a location other than the provider's home such as a commercial setting. The license identifies the address of the

child care facility.

- The licensee must be 18 years of age, a high school graduate or the equivalent, have an understanding of children, complete certified first aid and CPR as well as childcare-related training in health and safety topics.
- A KBI criminal history and child abuse and neglect background check are processed on all persons living, working, or volunteering in the licensed daycare facility.
- State Licensing fee \$85. Local fees may also apply.
- The licensed daycare home is inspected to check compliance with regulations to protect the health, safety, and well-being of the children in care at least once every 12 months.

Conclusion:

Please review the golden rules. Staff can support this request with a normal renewal annually with standard process for a tier two city business license. An ordinance will be required. Conditions placed on the business if approved would be related to expiration if not renewed each year and that the business isn't transferable if the house is sold or rented to another family.

SD-24-01; PUD-24-01. Sunflower Commerce Park 4th approximately 74.56 acres of the M-1 Industrial Use zoning district to be used for office/warehouse.

History:

This parcel was rezoned M-1 as part of the city project related to Sunflower Commerce Park 2nd addition approximately in 2015. This land has remained vacant since that time. The Sunflower Commerce Park II plat didn't include this parcel at that time.

Discussion:

The city placed an ad in the Ark Valley Newspaper and sent out notifications to the property owners within the 200' and 1,000' notification area as required by the city code.

The city met with the TESSERE team that presented the project prior to the application date. The plat will be on the agenda separate from the preliminary PUD process.

The city reached out to Evergy and Onegas, no additional easements have been requested at this time.

Details related to building and site signage will need to be contained in the PUD and developer's agreement.

The landscape plan discussion has been to have a concept plan with the PUD and developer's agreement allow a specific site plan to be provided as each area is developed.

Parking lot requirements will change based on uses; as tenant finishes are proposed parking requirements will be analyzed and the general code can allow and fortified with the PUD language.

Building materials are shown in the submittal as tilt up concrete design. The discussion was to link the Sunflower Commerce Park covenants to the Sunflower Commerce Park 4th. This would fortify the type of materials to use for the buildings and overlay the landscape and site requirements.

The follow-up staff report to the developer will be in the packet.

Conclusion:

Please review the golden rules. Staff can support this request for the preliminary plat and the preliminary PUD. The format of the plat would be as a PUD plat with the PUD rules as a page filed with final plat.

ZON2024-00027 (county)

Philip Zevenbergen, AICP, Will present a case to change from Rural Residential, RR, to Limited Commercial, LC.

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.

Final Plat SD-23-05 Chapel Landing 7th revision

The packet contains an update to the final plat reviewed last. There have been some drainage updates and platting text changes since the staff review contained in the packet sent to the engineer of record. Additional discussion will be provided during the meeting.