



STAFF REPORT

DATE: October 22, 2021

TO: Governing Body, City Manager

FROM: Planning Commission

RE: October Planning Commission Meeting Report

CON-21-01 Conditional Use Permit request for a proposed private swimming pool in R-5 Residential Zoning District.

At the request of staff, Planning Commission tabled this application until the City receives a completed application or a notice to withdraw the application. Staff has been in contact with the applicant regarding the missing pieces of the application.

CON-21-02 Conditional Use Permit request for a proposed private swimming pool in R-5 Residential Zoning District.

Planning Commission reviewed a request for a private swimming pool in an R-5 Residential Zoning District. The applicant was present and stood for questions from the Commissioners. The Commissioners found that there would be limited impacts to the neighborhood and the property was currently fenced.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 5-0 motion) to **recommend that Council approve the private swimming pool in an R-5 district as presented.**

ZON-21-03 (Rock Spring 5th) – Proposed re-zoning and preliminary platting of approximately 81.01 acres zoned AG to R-5 and C-1 Neighborhood Commercial Development.

Planning Commission reviewed Northeast Developers, LLC's request to rezone property located in the northwest corner of 53rd and Webb Road in accordance with Article 5 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing in relation to the application where interested parties and citizens were given the opportunity to be heard. No interested parties, other than the agent for the applicant showed up to speak either for or against the proposed rezoning. The agent submitted a letter to the Planning and Zoning Administrator in advance of the Planning Commission meeting acknowledging an error on their part on the requested zone change and required notification had not yet been completed. The agent for the applicant requested that the Planning Commission table the zone change until the following meeting when the notification process would be complete.

The Commissioners also discussed the preliminary plat and felt that until the zoning was accepted that it would be best to table the preliminary plat until such a time as the zone change request was reheard.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **table the rezoning of the property from AG Agricultural to R-5 and C-1 Neighborhood Commercial and the Preliminary Plat until the following meeting.**

ZON-21-04 Proposed rezoning and preliminary platting of approximately 53.99 acres from R-4 Residential to R-5 Residential.

Planning Commission reviewed Woodlawn 53, LLC's request to rezone property located one half-mile south of 53rd Street and one quarter-mile west of Woodlawn in accordance with Article 5 of the City of Bel Aire Zoning Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing in relation to the application where interested parties and citizens were given the opportunity to be heard. Seven people spoke in opposition to the proposed rezoning. A summary of their comments is as follows:

- The smaller units will lower the values of the existing homes.
- Concerns regarding increased traffic through the existing development and streets.
- Crime rates increase with more dense housing types (single family versus duplex or multi-family)
- The lack of screening between existing and proposed developments.
- The proposed walking path adjacent to the pipeline easement will destroy privacy.

City staff also received several comments (emails and in-person visits) regarding this proposal. The comments received by staff echo those presented at the meeting. Additionally, questions were received on the type of development that was proposed – several were concerned about apartments being planned for this property.

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:

The character of the neighborhood

- The requested zoning change will create a denser development than what is currently present or zoned to the north, south, east or west sides. The only access points proposed are to the east and south through less dense subdivisions. There has been no mention of buffers proposed, other than the existing tree row to the south, between the less dense usage. The increased traffic from the proposed subdivision through the existing less dense subdivisions is also a concern regarding the impact to the character of the neighborhood.

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

- The property is currently zoned R-4, which allows for duplexes. The only thing that is gained by switching to R-5 is smaller lots, which allows for an increased density.

Extent the proposed change will detrimentally affect nearby property

- The increased density and lower property values of the proposed development will detrimentally affect the homes in the adjoining subdivisions by bringing down property values and increasing traffic on existing streets.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **not**

recommend rezoning the property from R-4 Residential to R-5 Residential to Council.

Following the Planning Commission meeting, the Planning Commission Chair received a letter from the developer requesting that the Planning Commission reconsider their denial of the zone change based on new information provided by the Developer that was not presented at the Planning Commission meeting. The Planning Commission will consider this request by the Developer at their regularly scheduled meeting on November 4th.