

FOR MEETING OF	7/14/22
CITY COUNCIL	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 07/08/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

(New information added, project was tabled for the May date, no quorum June date)

- ❖ **PUD-22-01.** Proposed changing partial zoning within the current PUD to allow R-6 multi-family housing. Arthur Heights PUD

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. The first submittal there has been several calls and two visitors to discuss the project in May, none have contacted my department with the second or third notification. The zoning category will be changed inside the PUD if approved. The owner of lot 5 has provided an email stating he would want an 8' fence separation but is also reaching out to the applicant to discuss a second entry along the north of the property of lot 5. This project was reviewed based on all of the access drives as private and not city streets.

SCFD has approved the revised site plan that is in in your packet if the parking lot drive lanes is marked with "Fire Lane, NO Parking" .

Reminder-This PUD effects all of the lot owners listed in the ordinance; none have opposed this development on record to date.

1. The character of the neighborhood;

The subject property is platted and zoned C-2 for a few years; The PUD has mix uses approved by right, but only has the old business buildings in use as a C-2. 45th and Woodlawn is one of the city's busiest intersections, traffic noise is already there during the business day into the early evening. There are houses west and south of the portion requesting change. The east lot 5 of the existing PUD has R-6 Catholic Care facility.

2. The zoning and uses of properties nearby

R-1, R-4, C-1, C-2, and R-6

The suitability of the subject property for the uses to which it has been restricted;

City staff has compared this request to the approved Master growth Plan. Parking spaces will need to be discussed as the amount is under the general code. The developer indicated they will mark the fire lanes and assign the parking spaces to the living units.

3. The extent to which removal of the restrictions will detrimentally affect nearby

property;

City staff no adverse effect is expected if drainage, and parking is addressed.

4. The length of time the subject property has remained vacant as zoned;

The City hasn't rezoned this property since the PUD was created a few years ago.

5. The relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;

No hardship is expected to be caused by the development if the concerns are addressed and sized to meet the conditions and confinements.

6. Recommendations of permanent staff;

Yes conditionally, because 2018 Master Growth plan was approved by City Council. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses

7. Conformance of the requested change to the adopted or recognized master plan being utilized by the city.

Yes the 2018 Master Growth plan

The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors

For staff recommendation :

- Fire department fire lanes marked "no parking tow zone". Tenant spaces also marked, including guest parking spaces.
- Drainage and yard maintenance needs to be addressed.
- Trash management, trash truck access.
- Items listed in the revised review to the developer are addressed.
- Architectural control by the HOA to a standard equal to the surrounding neighborhoods will ensure the value for all stakeholders for the other lot owners in the PUD development. R-5 and R-6 are lower on the scale of types of developments verses C-1 and C-2 uses.

❖ **ZON-22-02.** Proposed One-step platting approximately 3.35 acres zoned C-1, to a R-5b Zero Lot line for single-family houses at Elk Creek 3rd. The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper again. Previously, staff sent notices to the property owners within the required distance of 200 ft. to include the platting portion of the process. We did receive calls regarding this proposal. The main concern is the pond shore and the developer's agreement to include setback information for sideyards.

The plats have been tweaked to match what the city, SCFD, and utility companies needed.

The preliminary, final, and a larger print of the plat be provided in the packet.

This will require 2 votes - preliminary and final plats.

Preliminary Plat. A map or drawing on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record. A preliminary plat for a proposed subdivision of land shows streets, lots and other characters as well as features of the proposed development.

Final Plat. A formal document prepared by a registered land surveyor to describe the precise location and dimension of lots, established easements, dedicated street rights-of ways and otherwise described property to be subdivided which are approved by the Bel Aire Planning Commission.

DUTIES OF THE PLANNING COMMISSION

Review and approve, approve conditionally, or disapprove final plats and transmit the same to the Governing Body for their acceptance of dedications of streets, alleys and other public ways and sites.

- ❖ **PUD-22-02** Proposed changing the site plan and vacating or allowing development over platted building setbacks within the current PUD. Winkley Addition Commercial

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. One letter is included in your packet the city received. A few other calls received sounded okay with the fence moving to the property line and expanding the business. Unsure if other staff received calls.

This is a revision of the PUD adopted by Ordinance 631; the original was left at the preliminary PUD approval to set a benchmark for this type of business in this location so close to residential housing. The golden rules are the standards for review. The history of the property had barricade storage piled high and all over the site followed by a landscape business that didn't keep up the property. The building was built in 1992 and was overused and under maintained for over 20 years prior to the current use.

The track record of the current landscape business to date since this PUD was approved has been stellar and a good fit for the city. Plan review and construction documents would be reviewed by SCFD and Bel Aire if this is approved for expansion. Vacation of the building setback to 40' from the city right of way can be done within the PUD document or a separate order.

PLANNED UNIT DEVELOPMENT. PUD, a platted parcel, subdivision, or district that contains specific zoning rules as a replacement for the adopted city regulations, such Planned Unit Development must be approved by the governing body. (See Plat, Planned Unit Development)

8.06 PLANNED UNIT DEVELOPMENT A. PUD Planned Unit Development District ("PUD") 1. Purpose. The Planned Unit Development ("PUD") is a special purpose zoning district or zoning overlay upon an underlying zoning district intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by: a. b. c. d. 2. reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots; allowing greater freedom in selecting the means to provide access, light, open space and design amenities; promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and allowing deviations from certain

zoning standards that would otherwise apply when such deviations are not contrary to the general spirit and intent of this Code.

❖ **ZON-22-04.** Proposed re-zoning from AG to an M-1 Industrial The current use farm ground.

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. Staff had received one call based on discussions, no concern voiced. The city zoning within the area is M-1 and has rail access; AG is also the city holding pattern for future zoning districts based on long term goals.

8. The character of the neighborhood;

The subject property was recently annexed by the city

The zoning and uses of properties nearby

M-1, C-2, AG and Sedgwick County RR.

The suitability of the subject property for the uses to which it has been restricted;

City staff has compared this request to the approved Master growth Plan. This will require a PUD to develop, so any concern for actual use can be tailored to address those issues in the future.

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

City staff no adverse effect is expected if: Airport airspace, Webb Road access, rail access, noise and light glare concerns for the homestead (county RR zoned) are addressed.

9. The length of time the subject property has remained vacant as zoned;

The City hasn't rezoned this property since it was annexed.

10. The relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;

No hardship is expected to be caused by the development if the concerns are addressed
Recommendations of permanent staff;

Yes conditionally, (PUD required), because 2018 Master Growth plan was approved by City Council.

11. Conformance of the requested change to the adopted or recognized master plan being utilized by the city.

Yes the 2018 Master Growth plan

The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors

❖ **SD-22-03.** Chapel Landing 6th, Duplex zoning, final plat.

The city advertised the hearing in the Ark Valley newspaper 20 days prior to the public hearing. The preliminary plat and zoning were approved earlier this year. Every, Onegas, and Bel Aire Public Works were notified and provided plats. Staff reviewed the first draft of the submittal; your packet has the revised final plat. If the listed items provided by the city engineer has been completed that pertain to the plat document content, staff supports conditionally approving the final plat.

Final Plat. A formal document prepared by a registered land surveyor to describe the precise location and dimension of lots, established easements, dedicated street rights-of ways and otherwise described property to be subdivided which are approved by the Bel Aire Planning Commission.

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