

STAFF REPORT

DATE: April 15, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: April Planning Commission Meeting Report



ZON-22-02 – Proposed re-zoning of approximately 3.35 acres of C-1 Commercial to R-5b Zero Lot Line Residential (Elk Creek 3rd)

Planning Commission reviewed Barakeh Property LLC's request to rezone property generally located in the northwest corner of 45th and Elk Creek Drive 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 on April 14, 2022 in relation to the application where interested parties and citizens were given the opportunity to be heard. One area resident was in attendance and was asking questions about the proposed development, the layout of said development and what the proposed buildings would look like. The resident was also concerned about the location of the north line of the proposed development in relation to the separating pond and how the maintenance of the entryway along Elk Creek Drive would be handled as the Courtyards HOA and the Elk Creek HOA are currently splitting maintenance costs.

City staff present at the meeting asked for additional time to look into the concern regarding the separating pond and assist with communication between the Developer of Elk Creek 3rd and the existing HOA's regarding the maintenance of the entryway along Elk Creek Drive.

Following the comments from the resident, the agent for the applicant was given an opportunity to speak but declined to add any additional information unless the Commissioners had questions.

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:

Character of the neighborhood:

- The proposed development appears to be a different developers version of the Courtyards at Elk Creek, which has filled up quickly.

Zoning uses of nearby property:

- The requested zoning is the same as the Courtyards at Elk Creek so will present a continuation of current zoning patterns.

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

- The property is currently zoned as C-1 Commercial. The Commissioners felt that this property would be better suited for residential use as they were concerned about commercial traffic entering and exiting the property along Elk Creek Drive.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **recommend the request to rezoning the property from C-1 Commercial to R-5b Zero Lot Line Residential.**

ZON-22-02 Proposed preliminary and final plat for approximately 3.35 acres (Elk Creek 3rd).

Due to concerns expressed by the neighbor regarding the pond the Commission voted (by passing a 5-0 motion) to **table the preliminary and final plats until staff could work through the concerns with the pond.**

ZON-21-07 – Proposed re-zoning of approximately 150 acres zoned AG Agriculture to M-1 Planned Unit Development – Industrial District.

Planning Commission reviewed the City of Bel Aire's request to rezone property generally located about ¼ mile east of Rock Road and K-254 Highway 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 on April 14, 2022 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.

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:

Character of the neighborhood:

- The proposed development is at the fringe of Rural meeting Urban. With the highway to the north and a proposed interchange at K-254 and Webb Road, it is only a matter of time before this area becomes more urban. On one hand, the requested M-1 zoning is about as far away from rural residential as one can get, you can't expect that this area will stay rural forever – especially with it being this close to a City and with the intersection plans in the works with KDOT.

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

- The re-zoning of this property will not open it up for all the uses described in the M-1 zoning district. Any potential development will still need to come back before Planning Commission through the PUD process. Through this process, Planning Commission will have the opportunity to ensure that a buffer is created between the residential area to the west and the school to the south.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 5-0 motion) to **recommend rezoning of the property from AG Agricultural to M-1 Planned Unit Development – Industrial District.**

V-22-01 Vacation of certain property (54th Street Right-of-Way) in Sunflower Commerce Park 2nd.

Planning Commission reviewed the City of Bel Aire's request to vacate the 54th Street Right-of-Way as currently platted in Sunflower Commerce Park 2nd in accordance with Article 10.04 of the City of Bel Aire's Subdivision Regulations. Planning Commission studied the material provided by the applicant. The Commission conducted a public hearing on April 14, 2022 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. City Engineer, Anne Stephens explained that this property was originally platted by the City as a precursor to selling lots. Since this was platted, the City has a different party interested in purchasing the entirety of the property and has a different vision for how they would like to utilize the property and has requested that the City vacate the platted right-of-way so they can pursue their different vision for the property.

Following the public hearing Planning Commission considered the evidence and discussed the following factors based on the Criteria for Review established in section 10.04 (B) of the Subdivision Regulations. The Planning Commission found that:

- Due and legal notice had been given;
- No private rights will be injured or endangered;
- The public will suffer no loss or inconvenience; and
- In justice to the petitioner, the vacation should be granted.

Having thoroughly reviewed the issue, Planning Commission voted (by passing a 5-0 motion) to **recommend that Council approve the request to vacate certain property (54th Street Right-of-Way) as presented.**