

## STAFF REPORT

DATE: January 26, 2024

TO: Governing Body, City Manager

FROM: Anne Stephens, PE, City Engineer and Planning Commission Secretary

RE: January Planning Commission Meeting Report

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### **Citizen Comments:**

While this is not a typical part of the Planning Commission meeting, two citizens (Tim and DeAnn Sterba, 4642 Farmstead Ct) showed up asking to speak to the Paintless Dent Repair Business License that is up for renewal, but is not appearing on the current agenda. They were very concerned about the noise being generated by the applicant (316 PDR at 4648 Farmstead Ct). They passed out a petition to their surrounding neighbors and provided the petition to Planning Commission and spoke with our City Attorney regarding their concerns about the conditions on the permit being broken – work being performed with the garage door up, after hours work and the noise generated.

### **PUD-23-02 – Amending Zoning Districts in Tierra Verde South Addition PUD to include R-5 and R-6 Zoning**

Planning Commission reviewed ME Enterprises, LLC and North Webb, LLC's request to rezone property generally located about ½ mile north of 45<sup>th</sup> on the west side of Webb 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 January 11, 2024 in relation to the application where interested parties and citizens were given the opportunity to be heard. One interested party, the Owner of 87 lots directly north of the proposed development spoke in opposition to the rezoning – primarily being concerned with apartment complexes being allowed in Block 2, Reserve A. No other parties other than the agent for the applicant showed up to speak either for or against the proposed rezoning. The Planning Commission tabled this item so the opposing party and the agent could discuss the concerns in more detail and moved on to the hearing on the zoning map. Once the zoning map item was complete, the Planning Commission took up this case again. The agent indicated that they reached a mutual agreement and amended his application for the re-zoning. The revised request exempted R-6 zoning from Reserve A, Block 2 and Lot 3, Block 1.

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:

#### **Zoning uses of nearby property:**

- The re-zoning request takes into account the zoning of nearby property and restricts the more intense R-6 uses to the interior of the development.

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

- This property has been vacant for some time and the re-zoning seems to make sense with the changes presented.

The Commissioners also discussed how they appreciated the agent working with surrounding property owners and taking their concerns into consideration. The Commissioners also mentioned that City Staff recommended this re-zoning.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 6-0 motion) to **recommend changing the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the change that R-6 zoning would not be allowed in Reserve A, Block 2, or on Lot 3, Block 1.**

### **Update to the Bel Aire Zoning Map**

Planning Commission reviewed the City's request to update the official Zoning Map with all of the recent zoning changes in accordance with Article 6 of the City of Bel Aire's Zoning Regulations. Planning Commission studied the material provided by the City. The Commission conducted a public hearing on January 11, 2024 in relation to the application where interested parties and citizens were given the opportunity to be heard. Two interested parties spoke at the hearing. Mr. Gary Jantz (6200 E 45<sup>th</sup> St N) questioned why we were not using the Bel Aire Breeze for notifications. He also questioned why his neighborhood (Arthur Heights) was changed from Rural Residential (RR) to R-1 zoning. The City's Building and Zoning Inspector, Mr. Keith Price was at the meeting and indicated that the zoning districts haven't changed since 2004 and the last several maps show Arthur Heights as R-1. Mr. Jantz reiterated that the City Code has Rural Residential. Mr. Price indicated that Rural Residential must have five (5) acre lots. Arthur Heights has one (1) acre lots. Ms. Carol Russell (6218 E 45<sup>th</sup> St N) also spoke at the hearing. She was questioned what the value of having C-2 zoning close to residential zoning was. The Planning Commission was somewhat stumped by the question and mentioned business and that it was not disruptive. When asked for a specific instance, Ms. Russell quoted "Woodlawn". Without having a more specific question, a more specific response was not provided. With no further citizens wishing to speak, the hearing was closed. The Planning Commission did not have any questions for staff.

Having thoroughly reviewed the issue Planning Commission voted (by passing a 6-0 motion) to **recommend the proposed zoning map changes as presented.**