

City of Bel Aire

STAFF REPORT

DATE: 02/06/2024

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	2/8/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

History:

The 2023 license was initially approved conditionally by a previous City of Bel Aire employee using a list refined from a list of conditions and questions provided at the time based on a complaint the business was already operational.

The business was discovered after a complaint was received. The intensity of the work and the clientele appears to be greater than mentioned in the applications based on the recent petition received. A petition received is an indicator that something is going on and it isn't a normal neighborhood housing activity.

Discussion:

The 2023 fall review by the planning commission of the license was a method to review the list of conditions placed on the licenses and set a benchmark going forward to the end of the year for the stakeholders if the determination was favorable to the license holder. The newly requested hours of 8-5 Monday-Saturday changed the original condition of 9-5 Monday-Friday.

The rights of the surrounding property owners in addition to the business owner's rights are the focus of this process. Conditions placed on the license beyond the public offense code or the city zoning code without all the immediate stakeholders having an option to weigh in doesn't give enough information related to the impact.

A usual first line protection for types of accessory uses that homeowners sometimes add to a homestead should be an active HOA.

Conclusion:

The recommendation that a conditional use permit be acquired to continue the business at this household location in 2024 making this a tier 3 business. The impact related to

vibration and sound off property should be taken seriously. The primary use of a house is to provide lodging for a family. Not all accessory uses can be allowed. Some require conditions be placed on the accessory use; since the conditions were created by staff, the license was anticipated to having concerns from the start. Conditions placed by the planning commission, if allowed, can be carried to the renewal date, (with any checks and balances written in the agreement now), from year to year.

If the Planning Commission indicates that tier three is required before renewing the license. A public hearing would be required based on Article 5 ZC at the business owner's expense. A comprehensive list related to the concerns and the solutions can be devised within the permit contained in an ordinance. Conditional uses usually are tied to the property, the business use could be terminated if the owners of the property change or an infraction of the agreement has been determined.

If tier two is the decision made, staff would ask to keep the conditions placed in the fall of 2023 at the Planning Commission meeting.