

Approved minutes 6.14.18



MINUTES
PLANNING COMMISSION
City Hall – Bel Aire, Kansas
June 14, 2018
6:00 P.M.



The meeting of the Bel Aire Planning Commission was called to order at 6:00 pm by James Schmidt

Members Present: James Schmidt, David Floyd, Phillip Jordan, John Charleston, and Jeff Artz

Members Absent: Dee Roths, Carla Zielke- position hasn't been filled.

Others Present: Keith Price, Zoning Administrator, Anne Stephens, City Engineer and Public Works Director, City Attorney, Jacqueline Kelly arrived at 6:15

Pledge of Allegiance: Led by James Schmidt

Motion to approve 5/10/18 Minutes with changes submitted by David Floyd and Phillip Jordan by David Floyd
Seconded by Phillip Jordan. Motion carried 5-0

James Schmidt reopened the continuation of
SD/18-02 Rezone a C-1 Zoning District to an R-5 Zoning District; Lot 7, Block B in Aurora Park Addition

James Schmidt read The Governing Body sent both the Aurora Park rezoning request and the Aurora Park setback request to Planning Commission to reconsider based on additional information provided at the Council meeting. Please see the statement specifying the basis for its decision to send it back, starting with the recommended motion.

Both Bonnie Stinson and Rick Hoffman have confirmed they will meet here at City Hall on June 19th to discuss any available options for the project for both cases. The motion provided has a hard date for Rick Hoffman to bring back new materials on July 12, 2018.

Move to place on the July 12th Agenda the rezoning of certain property located in Aurora Park for reconsideration.

James Schmidt made a motion to table this until the July 12 meeting.

Phillip Jordan-Asked if there is a Statute requiring the planning commission to make a decision and sent it back to the city council. I was hoping to ask the city attorney, I think it is a question that requires an answer.

Anne Stephens- City Attorney, Jacqueline Kelly, was planning on being here, but is running late. I was at the city council meeting. They did intend for it to come back to planning commission tonight, and for you to place it on the agenda for the July meeting, to consider the additional information provided from the Mr. Hoffman and Ms. Stenson meeting.

Phillip Jordan-I agree with all of that, but are we violating a policy?

Keith Price-The paragraph contained in the staff report was prepared by the city attorney and should be enough information for you to make a decision.

Jeff Artz-Keith you do not need to make notes of this I will give you a copy when I'm done.

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David Floyd-I second the motion, but would like to comment. Thank you for your thoughts Mr. Artz. One of the issues I see that is motivating the city council decision is that they didn't have the minutes before their meeting, they were not available to them. The mayor asked if I would comment and I did. In summary I did support the decision to bring it back, to exhaust the process.

When it comes back we can reaffirm our previous decision of 3-3 to deny, or we can approve, or we can nothing and it reverts back to original decision to deny. That is part of process with zoning change with the mayor's suggestion to the council that I support.

I agree with you regarding the setback rules and averaging, there is grey areas of the code, but I think it only applies by rights to the same zoning district. So, it may not be the right tool to use the setback. But, at the time, city council was wanting to give this more consideration, part of that process was returning this to us. We have now approved the minutes that will allow them to review the record of our last meeting. Maybe they can get the minutes from this meeting before hearing this again.

City Attorney, Jacqueline Kelly arrived at 6:15

James Schmidt-We have a neighborhood that doesn't want it, we have a builder that wants to do something in the support of Bel Aire. I have to admire the builder that want to get together with the neighbors and try and hash this out, where everyone is happy-the city, the builder, and the neighbors. I don't know of any other time this has happened, I'm sure it probably has at some point. A group of people that want to sit down that need a little bit of time before it gets sent back I admire that a great deal.

Phillip Jordan addressed Jacqueline Kelly with the question related to the amount of time for a decision before it is required to go back to the city council.

Jacqueline Kelly- Let me answer your question in totality. The city council has directed the planning commission to study this issue; you the planning commission must fulfil that obligation to the Governing Body. Whether you send it back having the same recommendation as last time essentially confirming your earlier decision; if you decide to take in new information and do something different that is ok too. To extend that further you could decide to approve the rezoning. Merely, you are to study the issue in light of new facts Council asked you to consider. That new information, is the developer is willing to meet with the neighbors, to possibly come up with an amended petition.

Council also requested you look at the building setback lines in that location, and how they vary. As it was said, the city code has grey areas with setbacks. You have been directed to look at that as well. These two pieces are new to your discussion and have to be discussed now as part of the city council directive. Once that is done you can vote on it. You can provide a new recommendation with your comments. City Council will consider at that point.

Statutorily, you are subject to city council; you have to execute that directive. If you say we have studied now and send it back we are done, you can do that. Setting a specific date to give time to research is an option; it can be justified because you established needing more time to consider information presented to you. Does that answer your questions?

Phillip Jordan-yes. So we would table this until the developer and Ms. Stinson have had time to talk on the 19th of June, then we can take action at the meeting in July. Is there a Statute that this goes back to city council at their next meeting?

Jacqueline Kelly-No. One other item to add, the meeting is not conducted by the city. This meeting is driven by the petitioner willing to change his petition.

Moved to place on the July 12th Agenda the rezoning of certain property located in Aurora Park for reconsideration by **James Schmidt**, seconded by **David Floyd** Vote **3-2**.

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James Schmidt reopened the continuation

SD/18-02 Vacate a 50' building setback to a 25' setback, Lot 7, Block B in Aurora Park Addition

David Floyd asked for discussion.

Phillip Jordan- Doesn't believe 25' is not enough setback for this development. I appreciate Jeff's comment earlier about setbacks being a grey area. I now know tonight that it doesn't apply to different zoning districts. R-1 is all around the C-1 district; they may be treated differently.

David Floyd-The setback is almost contingent on the zone change. After the deny vote on the zone change last month, it felt like we were voting on changing the setback on a C-1 district. They are moving in tandem, one vote could go one way and the other, another way. Obviously there is purpose for the builder, so the lot can build out to that zoning.

In my research with the setbacks using Sedgwick county GIS and getting to the character of the neighborhood when considering the zoning, of the 91 homes counted in Aurora Park, 14 of those homes have the same setback we are asked to vacate. Almost all of them or all of them are on Harding for whatever reason when the addition was platted with a 50' setback on both sides of the street with exceptions. 77 homes have a 30' setback. The weighted average setback is 33' for the addition. I share Mr. Jordan's opinion if the developer comes back with something else less aggressive.

Motion was made to move the meeting time to the July 12 also by James Schmidt Seconded Phillip Jordan Vote 4-1

Jeff Artz excused himself, he had a prior engagement scheduled and needed to leave-time 6:33pm

James Schmidt opened the hearing

**A. SD/18-04 Platting process for hermitage housing in an R-6 Zoning District
Final plat in an R-6 Zoning District with Ordinance 632, Conditional Use Permit**

Kris Rose with the Baughman Company-The final resembles the preliminary. You have already approved the zoning and preliminary plat. Questions?

General questions were asked by the commissioners about plats and site plans. And, how plain one single lot appears.

James Schmidt-Asked questions about the sanitary sewer.

Kris Rose-The development will have a line from a manhole near a shed on the cemetery property and extend it to this site and use lift station for the private line. They will put the service lines to the lift station and that will pump back to the manhole.

Phillip Jordan- Asked questions about the use of lift station and maintenance concerns.

Kris Rose-The length of the run is so long and a gravity flow is not even possible in this case. This would be a private system, so the owners would need to maintain it. The building are small and the use will be limited.

Phillip Jordan-Asked about the SCFD access and if was shown on the plat and if it was approved.

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Kris Rose-Yes that is shown as a hammerhead type of turn-around. There are about five types approved for a turn-around. By my experiences, SCFD will have to approve the road prior to any construction.

James Schmidt closed the hearing

Motion was made to approve as presented by Phillip Jordan Seconded David Floyd _ Vote 4-0

James Schmidt opened the hearing

B. SD/18-05 Platting process in a predominate R-5 Zoning District. A partial Re-zoning of said property contained in plat will be scheduled July 12, 2018 as a separate hearing.

Jason Gish- MKEC, working for the city as the applicant. Starting with the zoning piece just to describe what is going on, that part of the project will come back to next month. He noted the area of change will be out along Rock Road. There are three zoning types that will be made into one. In Bel Aire we have to down-zone to meet the residential use.

This plat simple sets up the lots, utility easements and the streets to serve the public and this development for Mr. Schellenberg. We have set up these lots for a tri-plex, similar to a Maize development, Hampton Lakes. One of the communities is this exact housing type. Some of the lots along Rock Road could work with a 4-plex; it would be up to the developer Mr. Schellenberg. These are some of the details I would like to make you aware of, for the potential of the development. We have center that divides the drainage to the north and continues to the south joining with Elk Creek. We have an existing pond shown on the plat that is shown in Reserve D. We will have sidewalk activity from the cul-de-sac to the east and the loop street on the west because of the location of the clubhouse planned in a centralized area adjacent to lot 6.

Phillip Jordan-How does the overflow get from the pond to reserve H, through a pipe or other method?

Jason Gish-This plat is showing existing conditions. There is a drainage report that will be provided. There will some sort of outfall, we don't have all the answers figured out yet. We will have some sort of structure to help control erosion.

James Schmidt-What type of screening will be along Rock Road?

Jason Gish-We will be much better prepared for the rezoning hearing to discuss that. We will meet the city code, and we want to be a good neighbor. Mr. Schellenberg is very interested in the way his properties look.

James Schmidt-Would you consider extending the berms from Elk Creek to the north?

Jason Gish-That is a possibility, but I can't promise anything at this time.

James Schmidt-The city development in Central Park is also called the Villas and there are signs on the corners. What can we do to differentiate from this development? Change the name?

Jason Gish-We understood that when we received staff comments. The plat is one name and if we can amend that out to differentiate shouldn't be a big deal.

For the zoning, we will provide some elevations and we may take pictures to show you the existing project. You are more than welcome to drive by as well.

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David Floyd- discussed viewing an aerial of the Maize development and like what he saw. As for the four-plexes, I'm glad that those are being proposed along Rock Road, so the overall intensity of the development is moving east, I think that is good planning and density desired in this area.

James Schmidt-Discussed the knowledge of Mr. Schellenberg's work and is happy he has come to Bel Aire.

Mr. Schellenberg-Schellenberg Development Company, We are excited to come to Bel Aire. This is something we have perfected now, we will call the Villas. We will have a total of around 75 units, if we do some four-plex we will more than that. It is an area we will maintain really well. The average age, with the age restriction is around 71 years old. People come here long term this is where they want to grow old; not a short term. The next step would be full care.

We take a lot of pride in our development, we know when something is not quite right; we take care of it. That is what my reputation is. This is a product you will be very pleased with. We are looking at doing two different phases, first area (showing block 2 of the plat) we will put in 6 tri-plexes plus the clubhouse; maybe more depending on the pre-lease and lease. We may do all of the housing on Block 2 in one shot once we get things rolling. We do all of the maintenance, the tenant doesn't do anything.

David Floyd-Is each individual unit sold?

Mr. Schellenberg-These are strictly rentals. We maintain everything. We have great group of people; I encourage you to call the City of Maize, they are happy and hear good things. We have engineers, school teachers, attorneys; a good cross section of people that don't want ownership at that point. Some of them have home away from there and are gone 3 months out of the year know that everything will be maintained. They don't need to get on ladders and change lightbulbs, we have somebody to take care of that. We try to provide everything they need so they can live there as long as they can without assistance.

David Floyd- The Google Earth search I did, it appeared some of the units has two-car garages and others have a one-car garage. In the development in Maize, is that the kind of diversity that will be present here?

Mr. Schellenberg-No. What I did before was section 42 housing, affordable housing. We tried to make them all nice so you couldn't tell from the street. Out of the 94 doors, we have 30 units that are affordable housing; not low income, just affordable. I'm do full market here, that is the difference.

No one was present to speak from the audience as James Schmidt asked.
James Schmidt closed the hearings

Approve with or without changes and/ or conditions, table, or deny
Motion to approve as presented by David Floyd Seconded Phillip Jordan Vote 4-0

Current events

Citywide garage sale coming up on this coming weekend and does require a permit.

The city pool is now open.

City brush pile drop off went well. They was a line of cars coming into the site. The free mulch was available and was a big hit. People with cars brought bags to haul it home.

City staff is there to help and to watch the site so that the materials dropped off are not the wrong type.

Information provide by Anne Stephen.

James Schmidt commented on how good city staff was to help out as he noticed people needing help during his visit to the site.

Next meeting July 12, 2018

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James Schmidt motioned to approve. David Floyd seconded.
Motion carried 4-0.

Adjournment

John Charleston motioned to adjourn the meeting Phillip Jordan seconded.
Motion carried 4-0.
Meeting adjourned. 6:59 pm

Submitted by Keith Price, Building and Zoning

SOLELY ON THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION.

I REALIZE SOME OF MY OPINIONS MAY BE ARGUED OR EVEN OFFENSIVE TO SOME. BUT I SIT HERE AS AN APPOINTEE, WHO HAS TAKEN HIS POSITION SERIOUSLY. HOWEVER, IF THE GOVERNING BODY JUST WANTS A YES PERSON SITTING UP HERE SO THEY CAN THEN HAVE A PUPPET COMMISSION, THEN I SHOULD BE REPLACED.

IN SUMMARY, MY OPINION IS THIS COMMISSION DENY A CONTINUATION OF SD/18-02 AS WE HAVE ALREADY VOTED ON IT, SEND IT BACK TO THE CITY COUNCIL AND HAVE THEM TAKE THE INITIATIVE AND VOTE ONE WAY OR THE OTHER ON THE PROPOSALS, AND ALLOW THIS COMMISSION THEN TO MOVE ON TO OTHER ISSUES.