



**AGENDA**  
**PLANNING COMMISSION**  
7651 E. Central Park Ave, Bel Aire, KS  
May 09, 2024 6:30 PM



**I. Call to Order**

**II. Roll Call**

James Schmidt \_\_\_\_ John Charleston \_\_\_\_ Edgar Salazar \_\_\_\_  
Phillip Jordan \_\_\_\_ Dee Roths \_\_\_\_ Deryk Faber \_\_\_\_ Paul Matzek \_\_\_\_

**III. Pledge of Allegiance**

**IV. Consent Agenda**

A. **Approval of Minutes from Previous Meeting**

**Action:** Motion to (approve / deny / table) the Planning Commission meeting Minutes of April 11, 2024 (as presented / as amended).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

**V. Old Business/New Business**

A. **SD-23-05 Revised Final Plat: Proposed platting of approximately 13.6 acres (Chapel Landing 7th).**

**Open Hearing**

**Close Hearing**

**Action:** Motion to (accept / deny / table) the Chapel Landing 7th Addition Revised Final Plat with the condition that the drainage agreement regarding Reserve A Bristol Hollows between the ownership of Chapel Landing 7th and Bristol Hollows Reserve A be reviewed and approved by the City of Bel Aire. (with additional changes or conditions/ without additional conditions).

Motion \_\_\_\_ Second \_\_\_\_ Vote \_\_\_\_

B. **Sketch Plan - 5650 E 53rd Street North**

**Action:** For discussion only, no formal action recommended at this time.

**VI. Next Meeting: June 13, 2024**

**Action:** Motion to approve the date of the next meeting: June 13, 2024 at 6:30 p.m.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**VII. Current Events**

Workshop for Comprehensive Development Plan - May 14, 2024 at 6:30 p.m.

Curbside Cleanup - May 18, 2024 at 6:00 A.M.

**VIII. Adjournment**

**Action:** Motion to adjourn.

Motion\_\_\_\_\_ Second\_\_\_\_\_ Vote \_\_\_\_\_ Time: \_\_\_\_\_

*Additional Attachments:*

[A.](#) **Planning Commission Staff Report - May 9, 2024**



# MINUTES PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS  
April 11, 2024 6:30 PM



**I. Call to Order:** Chairman James Schmidt called the meeting to order at 6:30 p.m.

**II. Roll Call**

Present were Chairman James Schmidt, and Commissioners Edgar Salazar, Phillip Jordan, Dee Roths, Deryk Faber, and Paul Matzek. Commissioner John Charleston was absent.

Also present were City Manager Ted Henry, City Engineer / Planning Commission Secretary Anne Stephens, and Eryn Ebach, Land Use Planner with Professional Engineering Consultants.

**III. Pledge of Allegiance** – Chairman Schmidt led the pledge of allegiance.

**IV. Consent Agenda**

**A. Approval of Minutes from the Previous Meeting.**

Commissioner Roths noted a mistake in the first motion of Item V.A. The motion should read “Motion failed 2-4”.

**MOTION:** Commissioner Roths moved to approve the minutes of February 8, 2024, as corrected. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***

**V. Old Business/New Business**

**A. Discussion of creating a new zoning district with consultants from Professional Engineering Consultants (PEC).**

Eryn Ebach, Professional Engineering Consultants, gave a presentation about a proposed new zoning district classification that would allow moderate density single-family developments. Local developers have expressed interest in providing single-family housing on smaller lots. In the Bel Aire Zoning Code the current minimum lot size for a single-family home is 8,400 square feet in R-4 zoning districts. The national average minimum size is 5,000 square feet. PEC’s proposed district classification would allow single-family lots at a minimum of 5,000 square feet.

**MOTION:** Commissioner Salazar moved to take a 2-minute recess. Commissioner Faber seconded the motion. ***Motion carried 6-0.***

The Commission then held a brief recess. At 7:17 p.m., Chairman Schmidt called the meeting back to order.

Commissioners discussed the presentation and asked questions of Ms. Ebach. Commissioners expressed concerns about allowing duplexes or a zero lot line on a smaller lot size. Ms. Ebach stated she would take their feedback and rework the proposed district.

#### **VI. Approval of the next meeting date.**

**MOTION:** Commissioner Faber moved to approve the date and time of the next meeting: May 9, 2024 at 6:30 p.m. Commissioner Jordan seconded the motion. ***Motion carried 6-0.***

#### **VII. Current Events**

The Commission briefly discussed the opening of the Kechi brush site for use by Bel Aire residents. They also discussed upcoming community events including:

- Arbor Day, April 20<sup>th</sup>
- Shred & E-Recycle Day, April 27<sup>th</sup>
- Curbside Cleanup, May 18<sup>th</sup>

#### **VIII. Adjournment**

**MOTION:** Commissioner Roths moved to adjourn. Commissioner Salazar seconded the motion. ***Motion carried 6-0.***

The meeting was adjourned at 7:57 p.m.



City of Bel Aire, Kansas  
7651 E. Central Park Ave  
Bel Aire, Kansas 67226



## FINAL PLAT REVIEW

Address of proposed project: Chapel Landing 7<sup>th</sup> revised Final Plat

This report is to document that on 5.2.24 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- |  |  |
|--|--|
| <input type="checkbox"/> SETBACKS                  | <input type="checkbox"/> ELEVATIONS                          |
| <input type="checkbox"/> EFFECTIVE CODE COMPLIANCE | <input checked="" type="checkbox"/> REQUIRED PLAN SUBMITTALS |
| <input type="checkbox"/> EROSION CONTROL           | <input checked="" type="checkbox"/> EASEMENTS                |
| <input type="checkbox"/> LANDSCAPE                 | <input type="checkbox"/> SCREENING                           |
| <input type="checkbox"/> STORM DRAINAGE            | <input type="checkbox"/> NEIGHBORHOOD IMPACT                 |
| <input type="checkbox"/> ADA ACCESSIBLE            | <input type="checkbox"/> UTILITIES TO BUILDING               |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 5/2/24

\_\_\_\_\_  
Keith Price  
REVIEWED BY

### Comments:

The preliminary plat was conditionally approved based on a shared drainage plan with Bristol Hollows addition in 2023. The city received the application, final plat, sidewalk plan, utility revised plan, and title report for that process. The drainage plan was not included. The final plat was submitted to the Planning Commission with the expectation that the drainage details would be worked out between developments. Chapel landing 7<sup>th</sup> was approved conditionally in 2023 as well by the city planning commission. The City Council didn't have this project on the agenda for the main reason the drainage plan and drainage plan agreement weren't completed as required for final approval.

This final plat revision dated April 9th will make the previous approved version null with "all rights are waived as to the approved status by the Planning Commission" and will follow the continuation towards approval of the final plat process related to the revisions from the preliminary plat to the new layout changes.

The new submittals include the application, the revised final plat, and the revised sidewalk plan. No drainage information related to Bristol Hollows or the reserve.

- Everygy has been contacted, Onegas has been contacted. Onegas had no requests.

- The pipeline representatives were contacted, no response received yet, have you contacted them as well?
- Has the drainage agreement between the owners of Bristol Hollows development and this development been finalized yet?
- The drainage plan can be submitted directly to the city engineer, Anne Stephens.
- The added drainage note will need to go through legal review to match the agreement with the owners of Bristol Hollows reserve and developer's agreement. This is critical to the approval of the final plat and developer's agreement.
- <http://www.belaireks.citycode.net/> is the link to find the requirements for platting and zoning.

C.L. 7<sup>th</sup> Final  
Revision

Section V, Item A.

SD-23-05

File No. S/D \_\_\_\_\_

CITY OF BEL AIRE, KANSAS

### APPLICATION FOR FINAL PLAT APPROVAL

This is an application for processing a final plat in accordance with the City Subdivision Regulations. The application must be completed and filed with the Subdivision Administrator at least 15 days prior to a regular meeting date of the Planning Commission.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED)

Name of Subdivision Chapel Landing 7th  
General Location SE corner of 53rd and Woodlawn  
☒ Inside City ☐ To be Annexed ☐ Outside City  
Name of Landowner 53rd & Oliver, LLC Attn. Jay Russell  
Address PO Box 75337, Wichita, KS 67275 Phone 316-990-2105  
Name of Subdivider/Agent Baughman Company, P.A. Attn. Kris Rose  
Address 315 S. Ellis St., Wichita, KS 67275 Phone 316-262-7271  
Name of (Engineer) (Land Planner) Baughman Company, P.A. Attn. Kris Rose  
Address 315 Ellis Wichita, KS 67211 Phone 262-7271  
Name of Registered Land Surveyor same as agent  
Address \_\_\_\_\_ Phone \_\_\_\_\_

#### Subdivision Information

1. (Select One) ☒ Final Plat of entire preliminary plat area  
☐ Final Plat of unit number \_\_\_\_\_ of \_\_\_\_\_ unit developments  
☐ Final Plat for small tract  
☐ Final Replat of original platted area
2. Gross acreage of plat 13.59 Acres
3. Total number of lots 42
4. Proposed land use for an ☒ Urban-Type ☐ Rural Type Subdivision:  
a. ☒ Residential-Single-Family ☐ Duplex ☐ Multiple Family ☐ Manufactured/Mobile Home  
b. Commercial \_\_\_\_\_  
c. Industrial \_\_\_\_\_  
d. Other \_\_\_\_\_

5. Predominant minimum lot width 60 Feet
6. Predominant minimum lot area 7,200 Square Feet
7. Existing zoning R-5 District
8. Proposed zoning n/a District
9. Source of water supply City
10. Method of sewage disposal City
11. Total lineal feet of new street 1583 Feet

Street Name	R/W Width	Lineal Feet
a. <u>Pheasant Ridge St</u>	<u>32</u> Ft.	<u>321</u> Ft.
b. <u>Pheasant Ridge Cir</u>	<u>32</u> Ft.	<u>536</u> Ft.
c. <u>Hillcrest St</u>	<u>32</u> Ft.	<u>300</u> Ft.
d. <u>Dundee St</u>	<u>32</u> Ft.	<u>426</u> Ft.
e. _____	_____ Ft.	_____ Ft.
f. _____	_____ Ft.	_____ Ft.
g. _____	_____ Ft.	_____ Ft.
h. _____	_____ Ft.	_____ Ft.
i. _____	_____ Ft.	_____ Ft.
j. _____	_____ Ft.	_____ Ft.

12. Proposed type of street surfacing asphalt
13. Curb and gutter proposed: ☒ Yes ☐ No
14. Sidewalks proposed: ☒ Yes ☐ No If yes, where? \_\_\_\_\_
- See sidewalk exhibit

15. Is any portion of the proposed subdivision located in an identified flood plain area?
- ☐ Yes ☒ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, policies and standards of the City and statutes of the State of Kansas. It is further agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City to inspect the land as may be necessary for proper plat review.

\_\_\_\_\_  
Landowner

\_\_\_\_\_  
Date

Kris R  
Agent (If any)

7-22-24  
Date

**OFFICE USE ONLY**

Prints of the Final Plat received 15 (Number)

Final drainage plan, if required, received unknown

Copy of a title report for the land received —



Copy of proposed restrictive covenants, if any, received NONE

Methods for financing and guaranteeing improvements ✓

For plats for small tract:

a. Vicinity map received \_\_\_\_\_

b. Topographic drawing, if required, received \_\_\_\_\_

*side walk revision*

Original drawing or photographic equivalent of Final Plat received \_\_\_\_\_

This application was received by the Subdivision Administrator on 4.22.24,  
2024. It has been checked and found to be accompanied by the required  
information and the fee, if any, of \$ — paid to the City Clerk. *Waived*

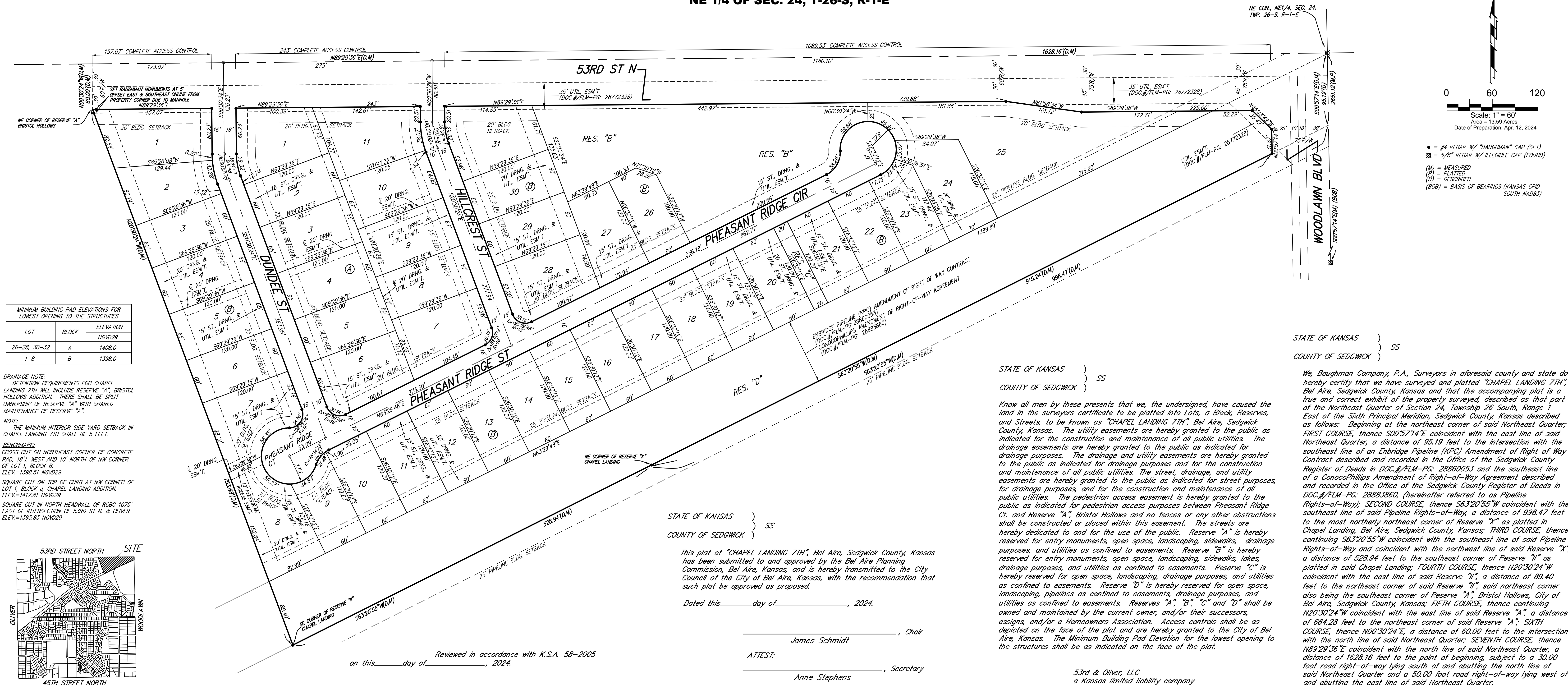
  
\_\_\_\_\_  
Subdivision Administrator

cc: Applicant

# CHAPEL LANDING 7TH

## BEL AIRE, SEDGWICK COUNTY, KANSAS

### NE 1/4 OF SEC. 24, T-26-S, R-1-E



STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

Know all men by these presents that we, the undersigned, have caused the land in the surveyors certificate to be platted into Lots, a Block, Reserves, and Streets, to be known as "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas, and that the accompanying plat is a true and correct exhibit of the property surveyed, described as that part of the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as follows: Beginning at the northeast corner of said Northeast Quarter; FIRST COURSE, thence S00°57'14"E coincident with the east line of said Northeast Quarter, a distance of 95.19 feet to the intersection with the southeast line of an Enbridge Pipeline (KPC) Amendment of Right of Way Contract described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28860053 and the southeast line of a ConocoPhillips Amendment of Right-of-Way Agreement described and recorded in the Office of the Sedgwick County Register of Deeds in DOC.#/FLM-PG: 28883860, (hereinafter referred to as Pipeline Rights-of-Way); SECOND COURSE, thence S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way, a distance of 998.47 feet to the most northerly northeast corner of Reserve "X" as platted in Chapel Landing, Bel Aire, Sedgwick County, Kansas; THIRD COURSE, thence continuing S63°20'55"W coincident with the southeast line of said Pipeline Rights-of-Way and coincident with the northwest line of said Reserve "X", a distance of 528.94 feet to the southeast corner of Reserve "X", as platted in said Chapel Landing; FOURTH COURSE, thence N20°30'24"W coincident with the east line of said Reserve "X", a distance of 89.40 feet to the northeast corner of said Reserve "X", said northeast corner also being the southeast corner of Reserve "A", Bristol Hollows, City of Bel Aire, Sedgwick County, Kansas; FIFTH COURSE, thence continuing N20°30'24"W coincident with the east line of said Reserve "A", a distance of 664.28 feet to the northeast corner of said Reserve "A"; SIXTH COURSE, thence N00°30'24"E, a distance of 60.00 feet to the intersection with the north line of said Northeast Quarter; SEVENTH COURSE, thence N89°29'36"E coincident with the north line of said Northeast Quarter, a distance of 1628.16 feet to the point of beginning, subject to a 30.00 foot road right-of-way lying south of and abutting the north line of said Northeast Quarter and a 50.00 foot road right-of-way lying west of and abutting the east line of said Northeast Quarter.

53rd & Oliver, LLC  
a Kansas limited liability company

Jay W. Russell, Manager

State of Kansas) SS  
Sedgwick County) The foregoing instrument acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Jay W. Russell, Manager of 53rd & Oliver, LLC, a Kansas limited liability company, on behalf of the limited liability company.

My App't. Exp. \_\_\_\_\_, Notary Public

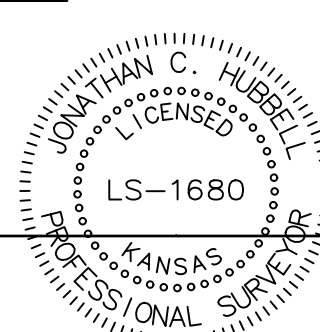
Existing public easements, building setbacks, access controls, and dedications, if any, being vacated by virtue of K.S.A. 12-512b, as amended.

All being situated in the Northeast Quarter of Section 24, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

Baughman Company, P.A.

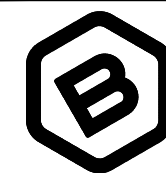
Date of Survey

Jonathan C. Hubbell, Surveyor



## CHAPEL LANDING 7TH

REV. Apr. 19, 2024



**BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

This plat of "CHAPEL LANDING 7TH", Bel Aire, Sedgwick County, Kansas has been submitted to and approved by the Bel Aire Planning Commission, Bel Aire, Kansas, and is hereby transmitted to the City Council of the City of Bel Aire, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

James Schmidt, Chair

ATTEST: \_\_\_\_\_, Secretary

Anne Stephens

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Bel Aire, Kansas on \_\_\_\_\_, 2024.

Jim Benage, Mayor  
City of Bel Aire

ATTEST: \_\_\_\_\_, City Clerk  
Melissa Krehbiel

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

The title evidence of the land included in this plat has been reviewed by me and the plat is approved pursuant to the provisions of K.S.A. 12-401.

Date Signed: \_\_\_\_\_, 2024.

Maria Schrock, City Attorney

STATE OF KANSAS )  
COUNTY OF SEDGWICK ) SS

This is to certify that this instrument was filed for record in the Register of Deeds Office at \_\_\_\_\_ (a.m.) (p.m.) on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and is duly recorded.

Tonya Buckingham, Register of Deeds

Kenly Zehring, Deputy

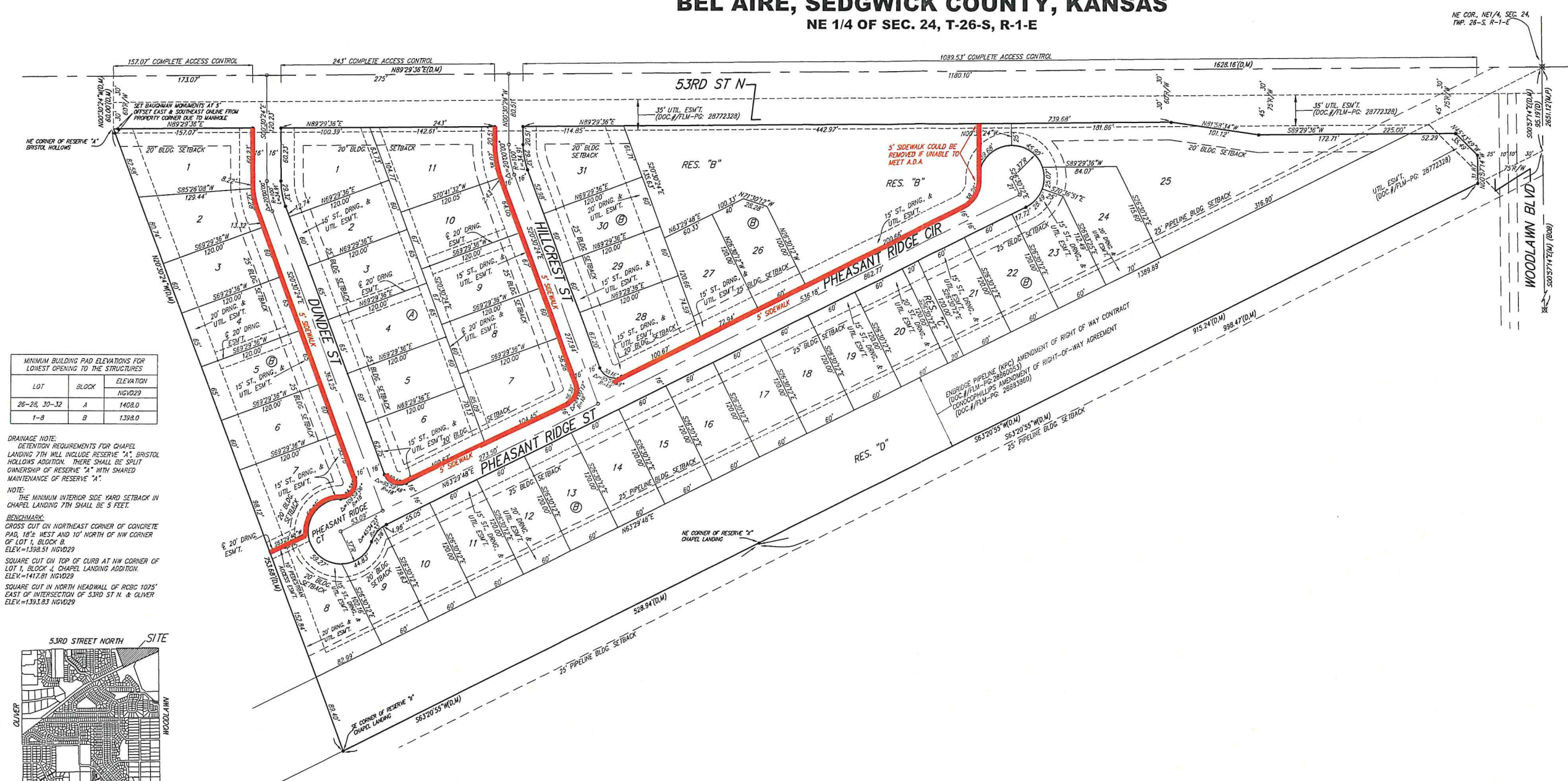
Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Kelly B. Arnold, County Clerk

Tricia L. Robello, P.S. #1246  
Deputy County Surveyor  
Sedgwick County, Kansas



**SIDEWALK EXHIBIT**  
**CHAPEL LANDING 7TH**  
**BEL AIRE, SEDGWICK COUNTY, KANSAS**  
**NE 1/4 OF SEC. 24, T-26-S, R-1-E**



VICINITY MAP  
SEC. 24, T26S, R1E

0 60 120  
Scale: 1" = 60'  
Area = 13.59 Acres  
Date of Preparation: 4/19, 2024

# = #4 REBAR W/ "BAUGHMAN" CAP (SET)  
 X = 5/8" REBAR W/ ILLEGIBLE CAP (FOUND)  
 M = MEASURED  
 P = PLATTED  
 D = DESCRIBED  
 0000 = BASIS OF BEARINGS (KANSAS GRID SOUTH MAGN)

**SIDEWALK EXHIBIT  
CHAPEL LANDING 7TH**

REV. Apr. 19, 2024

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 **BAUGHMAN COMPANY**  
315 Ellis St. Wichita, KS 67211 316-262-7271  
BaughmanCo.com

Kirby & Kim Smith

5650 E 53<sup>rd</sup> St N

Kechi KS 67067

Keith Price, Bel Aire Zoning Administrator

We own 30 acres in Kechi with a residence on it. I have recently added a 70ft x 100ft garage/shop next to the residence (shown in blue on the attached maps). I also own the 80 acres directly to the west of my residence, which is in Bel Aire. I purchased that property because I want to live on a suburban, larger acreage property just as most of this section is currently developed and do not desire to have dense housing next to my property as is happening on the south side of 53<sup>rd</sup> St. N. The current zoning for these 80 acres is SF-4. The actual use is and has been crop land growing brome grass to be baled.

On a northern part of 80 acres, I am wanting to build a 100ft x 120ft building with a dirt floor to use as a private horse-riding barn for myself and family. Additionally, I want to build a 50ft x 96ft attached building to be used as a stable and storage(both shown in orange on the maps). I am not interested in boarding horses for others or doing any kind of commercial venture with these structures. My grandchildren live close and ride horses as a hobby. The large barn will be used as a place to ride during inclement weather, mainly when it is cold and windy. The smaller building will be used to house the horses and their feed, equipment, etc.

Please review this request for these new structures and inform me of what changes and/or requests need to be made for this to be allowed.

Thank you,



Kirby Smith



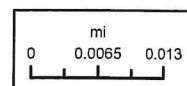


**K. Smith - 5650 E 53rd St N**

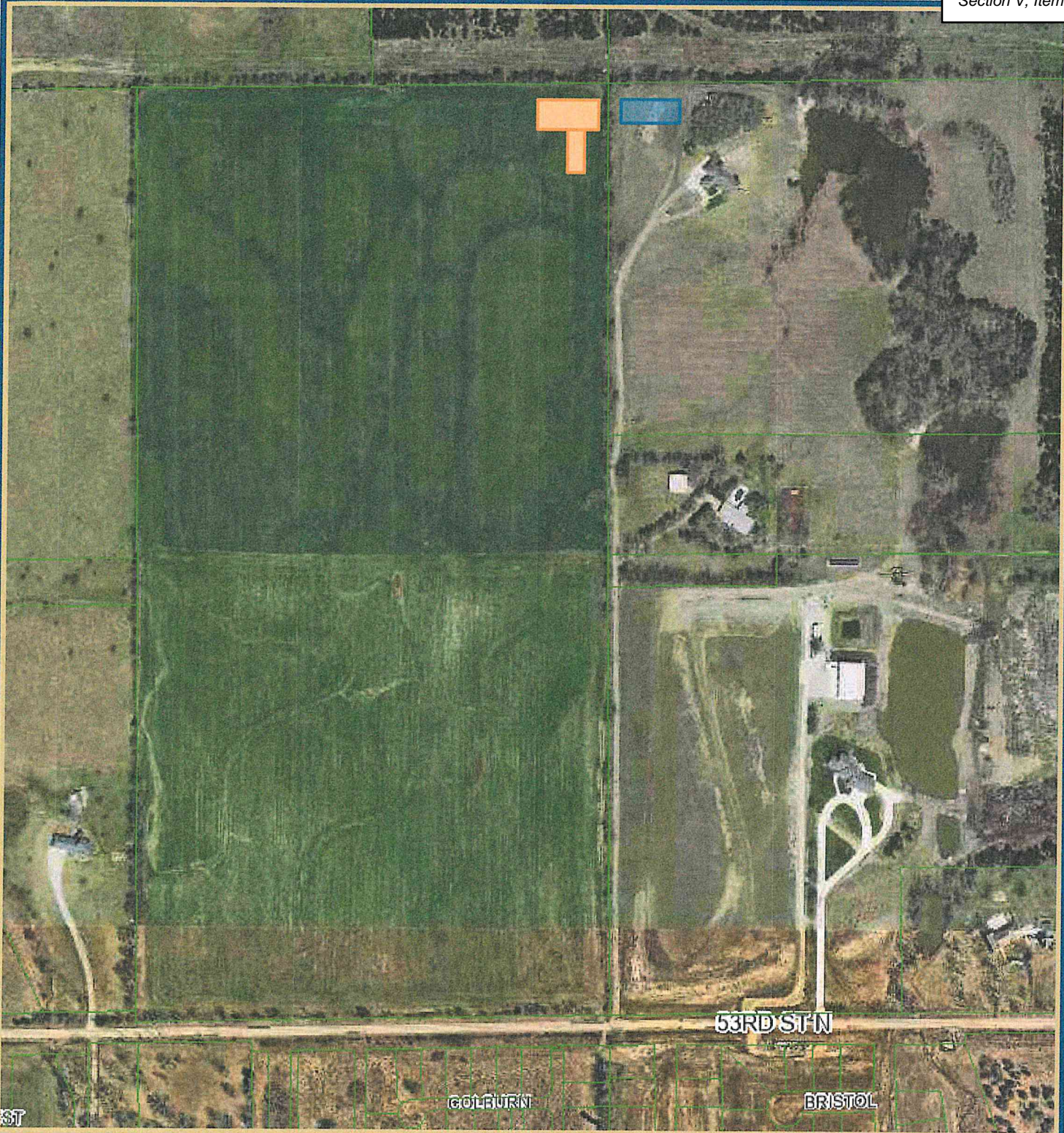
Sedgwick County, Kansas



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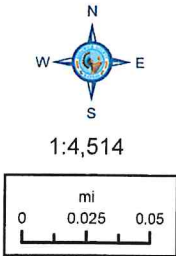




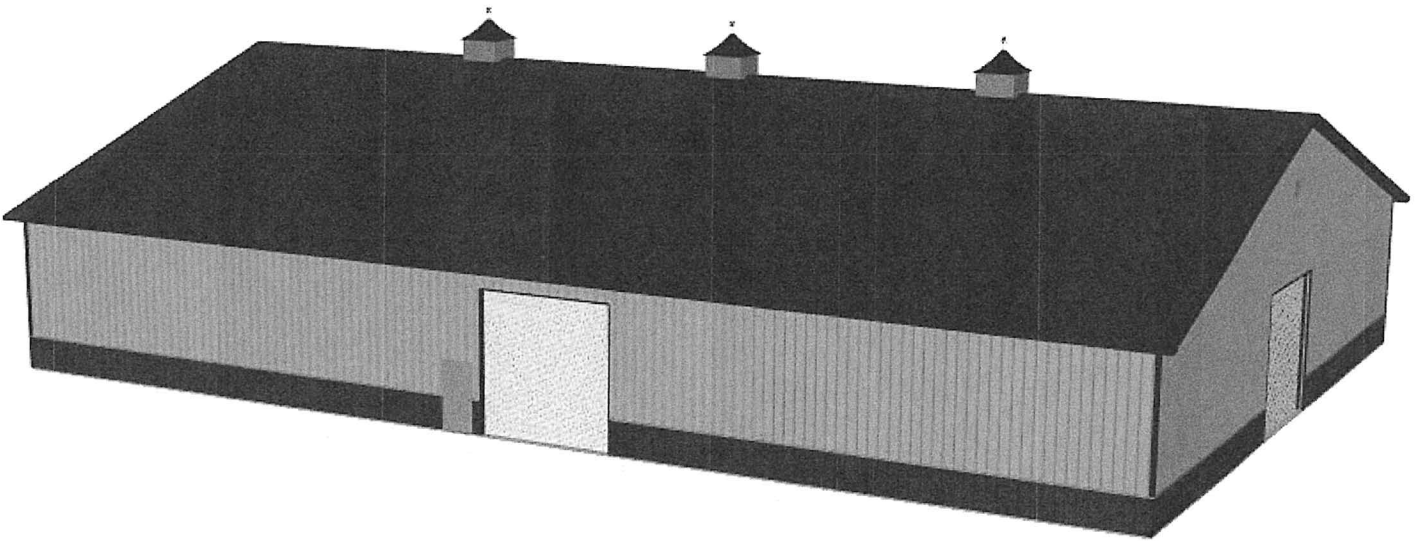


**K. Smith - 5650 E 53rd St N**

Sedgwick County, Kansas







City of Bel Aire

STAFF REPORT

DATE: 05/03/2024

TO: Bel Aire Planning Commission  
FROM: Keith Price  
RE: Agenda

STAFF COMMUNICATION	
FOR MEETING OF	5/9/24
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

5650 E 53<sup>rd</sup> St N, and parcel ID#00520983 Sketch Plan

History:

5650 E 53<sup>rd</sup> St is in the city limits of Kechi, accessible from E 53<sup>rd</sup> St N, the city of Bel Aire’s right of way for the most part between Oliver and Woodlawn from the early 2000’s.

Bel Aire has had the parcel that is the reason for discussion annexed in the city since the same timeframe, ID#00520983.  
The zoning was changed in the mid 2000’s to R-4 to reflect the housing growth expected and the rural water rights Bel Aire negotiated with water district #1.

Bel Aire has ready in the area, city services water and sewer access for the land to be developed. Bel Aire has franchise agreements with Evergy and with KGS.

The current zoning is R-4 single-family housing. Anything other than a single-family structure is considered an accessory structure. The size of each of the buildings are larger than what is defined as a personal structure or garage.

There was some confusion brought about from the on set as to the scope of the request and the processes that would be required with the recently purchased land. The goal is to work together as neighboring cities and citizens. To help streamline this request, the basic layout of the buildings are shown contained in the packet information with a narrative of the proposal.

Chris Morlan, a former zoning administrator for Kechi, will be attending the planning commission meeting to help present the project.

Discussion:



The request to build a private horse arena on unplatted, residential zoned require many processes to meet the city general regulations.

This is brought to you as Sketch plan to get directions as to what each of you would recommend considering the result of allowing buildings of this size and location. Discussion would be helpful to know animal quantity, allowable access points to the area, possible utility access, in addition to how this might fit into the city vision and the 2018 master growth plan.

Bel Aire did approve and conditional use permit for a property west of this location to allow some animals. (2016). Southwest of this location recently a parcel was annexed into the city as Agriculture. (Bel Aire 2023 Zoning Map)

A sketch plan is brought to the planning commission during a regular meeting without additional notification by mail or by legal ads. Lot splits can be completed administratively, if all of the conditions in the code section 19.9.3 can be met.

Rezoning, Variances, Conditional Use, Special Use, Platting require published hearing notices and for the most part to include contacting individual property owners within 200 feet or 1,000 feet of the parcel depending on the status of the abutting land.

Appeals to the BZA would require a meeting date be set by the Planning Commission for a future time to go through the assessment made by staff as to the process required and what the code may allow.

Below are partial code sections that direct the process, R-4 zoning district permitted uses, accessory structure uses, AG zoning district and what is allowable, in addition to relevant code sections:

#### **18.7.5. Single-family residential district (R-4).**

(moderate density/minimum 8,400 sq. ft.)

The zoning of property as R-4, Single-Family Residential District, is intended to provide for residential development with a minimum of 8,400 sq. ft. lots in areas where adequate public facilities and services exist, and residential development is appropriate given the surrounding land uses and neighborhood.

Use Regulations. No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered except for one (1) or more of the uses set forth herein, or similar uses subject to all applicable development and performance standards.

**Permitted uses:** The following uses shall be permitted by right in the R-4, Single-Family Residential District, subject to all applicable development and performance standards:

Single-family residences with a minimum of 1,600 square feet of living space.

Single family with 1,200 square feet minimum living space on lots platted prior to January 1, 2003 that have a minimum lot area per dwelling unit of 7,500 square feet.

Two-family residences (duplexes) with not less than 1,200 square feet per unit

Churches and their accessory buildings

Day care

Golf Course

Group home, limited

Parks, playgrounds and community buildings or Governmental buildings owned and/or operated by the city

Residential Design Manufactured Homes (see 7.05 C below)

School, elementary, middle and high

Utility, minor

**Conditional uses:** The following uses shall be permitted in the “R-4” District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Articles 6 and 8 of this Zoning Code.

All conditional uses listed for the R-3 district

Accessory use regulation(s):

A shed is by definition an Accessory Structure, but sheds of less than 120 square feet shall be permitted by right within this zoning district upon obtaining all necessary building permits, including determination that the proposed accessory structure has not been located on/within any platted or recorded easement, or over any known utility. The combined footprint of all Accessory Structures, including sheds, may not exceed the footprint of the Principal Building or 30% of the Lot Area.

#### **18.6.6. Accessory uses and accessory structures, purpose.**

This section regulates uses and Structures that are incidental to Principal Uses and Buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary Access around Structures, help maintain privacy to abutting Lots, and maintain open Front Setbacks.

#### **GENERAL STANDARDS FOR ACCESSORY STRUCTURES**

The standards of this section apply to all Accessory Uses and Structures.

**Time of Construction.** Accessory Structures shall be constructed in conjunction with or after the Principal Building. They shall not be built prior to the construction of the Principal Building.

**Subordinate Nature.**

Accessory Uses shall be a subordinate part of a Principal Use and be clearly incidental to a Principal Use.

Accessory Structures shall be of secondary importance and subordinate in size and Scale to the Principal Building on a site.

**Building separation.** Unless attached to the Principal Structure, Accessory Structures shall be located at least three feet from the Principal Structure.

**Setbacks from easements.** No Accessory structure shall be located on any platted or recorded easement, or over any known utility.

**Density and Dimensional Standards.**

Unless otherwise expressly stated, the Setback, Height, and Building coverage standards of the Base District apply to both principal and Accessory Structures (See Density and Dimensional Standards). Accessory Structures in residential districts shall be located to the rear of the front Building line. Accessory Structures shall be set back at least ten feet from the centerline of any platted or dedicated Alley, and if no Alley exists, then five feet from the rear Lot Line. Accessory Structures may not utilize more than one-half of any required rear Yard. There shall be no Setback required between an Accessory Structure and an Alley when Access to the Structure is parallel to the Alley, except that no part of the Structure shall overhang or otherwise encroach onto the Alley.

**Corner Lot Setbacks.** Whenever located on a Key Lot, Accessory Structures shall not project beyond the Front Setback line required on the Lot in the rear of such Key Lot.

**Side Setbacks.** Accessory Structures shall comply with the Side Setback standards for Principal Uses, provided that an Accessory Structure shall not be required to set back more than three feet from an interior side Lot Line when all parts of the Accessory Structure are located more than one-half the depth of the Lot behind the front property line. Accessory Structures may not utilize more than one-half of any required side Yard.

#### **Building Coverage of Lot.**

A detached Accessory Structure may not have a larger footprint than the Building footprint of the Principal Building.

Unless otherwise expressly stated within the regulations concerning a specific zoning district, the combined footprint of all Accessory Structures may be equal to the footprint of the Principal Building or 30% of the Lot Area, provided the total footprint of all Structures does not exceed the maximum Building coverage as permitted by for the corresponding Zoning District. Lot coverage shall be calculated by total lot size minus improvements, structures, and pavement, including but not limited to sheds, decks, concreted areas, patios, and swimming pools.

No Accessory structure shall be located on any platted or recorded easement, or over any known utility.

**Height of Accessory Structures.** Unless otherwise expressly stated within the regulations concerning a specific zoning district, Accessory Structures may not exceed 25 feet in Height, or the Height of the Principal Building on the same Lot, whichever is less, except on properties of five acres or more where height may reach a maximum of sixty (60) feet.

**Agricultural Accessory Uses.** Agricultural Uses shall include Accessory Uses and activities customarily associated with agricultural operations, as determined by the Zoning Administrator.

**Home Occupation Storage.** No Outdoor Storage of equipment, materials or vehicles used in a Home Occupation shall be allowed as a residential Accessory Use except as otherwise permitted by this Code.

**Storage Building Design Standard.** Storage buildings shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage sheds or buildings, or any similar item as determined by the zoning administrator.

### **18.7.0. Agricultural district.**

The zoning of property as AG, Agricultural District, is intended to maintain and enhance agricultural operations and preserve agricultural lands utilized for crop production or the raising of livestock. In addition, the Agricultural District may serve as a "holding zone" for land where future urban expansion is possible, but not yet appropriate due to the unavailability of urban level facilities and services. Property zoned AG for "holding zone" purposes may be used for certain commercial and industrial special uses where those uses would be of limited duration or compatible with the uses shown on the Future Land Use Plan of the Comprehensive Plan.

#### **Use Regulations.**

No building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed moved or altered except for one (1) or more of the uses set forth herein, or similar uses, subject to all applicable development and performance standards.

Permitted uses: The following uses shall be permitted by right in the Agricultural District:

Agricultural production – crops

Agricultural production – livestock and animal specialties

Agricultural services

Single-family residences with a minimum of 1,800 square feet living space.

Accessory Structures typically associated with agricultural services, and ordinary domestic household needs. Accessory structures associated with other types of businesses shall comply with such regulations as set forth within Section 6.06 of this Zoning Code.

Conditional uses: The following uses shall be permitted in the “AG” District if reviewed and approved by the Planning Commission in accordance with the procedures and standards of Article 5.03:

Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.

#### Height and Area Regulations for AG Developments

The maximum height of buildings and structures, the minimum dimension of lots, setbacks for parking/paving and yards, and the minimum lot area per dwelling unit permitted on any lot shall be as follows, except as otherwise provided in these Regulations relating to Height and Area Regulations, Exceptions, and requirements set forth within the Subdivision Code:

Minimum lot area per dwelling unit – twenty (20) net acres.

Maximum height:

Residences – two and one-half (2 ½) stories, not exceeding thirty-five (35) feet from finished grade.

Agricultural structures – fifty (50) feet from finished grade.

Non-agricultural structures and uses – seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.

Minimum front, side and rear yards – fifty (50) feet.

Minimum lot width – six hundred (600) feet.

Minimum setbacks for parking/paving (nonagricultural uses):

Thirty (30) feet from street right-of-way.

Thirty (30) feet from property lines other than street right-of-way.

#### Development and Performance Standards for AG Developments

Parking and Loading – See Article 9

Sign Code – As adopted by the Governing Body

Landscaping and Screening – See Article 10

There shall be no restrictions as to operation of agricultural vehicles and machinery, or the sale of market raised on the premises.

All buildings, structures or yards used for the raising, feeding, housing or sale of livestock or poultry shall be located at least one hundred (100) feet from residentially zoned land.

There shall be no disposal of garbage, rubbish or offal, other than regular removal thereof, within three hundred (300) feet of residentially zoned land.

Where a lot or tract had less than the twenty (20) acre minimum lot area required herein in separate ownership on January 1, 2004, these Regulations shall not prohibit the erection or alteration of a single-family dwelling.

Where development utilizing septic tanks is proposed, applicant shall submit a septic tank suitability study in accordance with at the time of filing the application for Agricultural zoning.

Noise levels in accordance with all City regulations governing noise, including those provided for within these Regulations.

### **19.3.6. Building permits.**

No building permit or occupancy certificate except those involving repairs, maintenance, continuation of an existing use or occupancy or accessory structures, shall be issued for a principal building or structure or use on any lot, tract or parcel of any subdivision that is subject to the provisions of these regulations until a copy of the recorded plat is available for examination by the applicable official charged with issuing such permits or certificates.

**Furthermore, no such building or zoning occupancy certificates shall be issued for the use of any building or structure within a subdivision approved for platting, replatting or lot splitting until required utility facilities have been installed and made ready to service the property, roadways providing access to the subject lot or lots have been constructed or are in the course of construction, or guarantees have been provided to ensure the installation of such utilities and roadways. If platting is not required, dedications in lieu of platting may be required to obtain easements and access control and to widen rights-of-way as well as to provide necessary public improvements during the process of issuing permits. (See Vesting of Development Rights and Exemptions From Platting.)**

### **19.11.4. Modifications.**

In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design criteria, the Planning Commission may grant a modification from such provision according to the following guidelines:

A request for a modification shall be made to the City Manager who shall transmit it to the Board of Zoning Appeals. The Board of Zoning Appeals shall give the subdivider and any other interested person an opportunity to be heard with respect to the requested modification in conformance with the provisions of the by-laws of that body.

The Board of Zoning Appeals shall not grant a modification unless it shall find that

the strict application of these regulations will create an unwarranted hardship;

modification is in harmony with the general spirit and intended purpose of these regulations;

the rights of adjacent property owners will not adversely be affected; and

the public safety, health and general welfare will be protected.

When used in this Section, the term "unwarranted hardship" shall mean the effective deprivation of use as distinguished from a mere inconvenience.

Modifications permitted under the provisions of this Article shall not include modifications from the required improvement standards, required improvements or guaranteeing their installation. All modification of improvements standards shall be heard and determined by the Governing Body in the manner provided for by these Regulations.

The provisions of this Section may not be used to seek a zoning variances.

### **Conclusion:**

If the request appears to fit the future growth plan as a temporary use or as a permanent use as indicated in the language of the Agriculture zoning district, then the processes can work backwards to the starting point.

- A portion or all of the land could be rezoned to AG as a “holding zone” for the single-family housing district if approved.
- A lot split dedication of easements and access control could be used as method to complete the bare minimum if approved for a portion of the land. Platting is required if a single lot is completed.
- A conditional Use or a Special Use permit could be used to place conditions and future time frames, and transfer of ownership details in addition to limiting the barn and arena private use. This process would also be needed to clarify that these buildings wouldn’t be an accessory use to a Bel Aire homestead if approved.
- Have the applicant submit the completed applications and submittals to start the public hearing or hearings process.

As the Planning Commission for the city of Bel Aire read through the current comprehensive plan and the 2018 Master growth plan combined with the Bel Aire code. Please provide feedback to Kirby and Kim Smith to their correspondence contained in the packet. If the outcome of this effort to provide an equitable method to get basic answers to his expectations doesn’t fit the future as a temporary use or as a permanent use, the option would be to set a meeting as the functioning BZA board to hear the grievance for Kirby and Kim Smith if requested.

### **Final Plat SD-23-05 Chapel Landing 7<sup>th</sup> revision**

The packet contains an update to the final plat reviewed last. There have been some drainage updates and platting text changes since the staff review contained in the packet sent to the engineer of record. Additional discussion will be provided during the meeting.