



# City of Arkansas City

## PLANNING COMMISSION MEETING

### MINUTES

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Tuesday, May 10, 2022 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

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#### Call to Order

#### Roll Call

PRESENT: Mary Benton, Lloyd Colston, Brandon Jellings, Ian Kuhn, Cody Richardson, Tom Wheatley

ABSENT: Paisley Howerton, Kyle Lewis, Joni Spicer

Staff present at roll call was Principal Planner Josh White

Also present at roll call was Mayor Canyon Gingher and multiple citizens

#### Declaration

*At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.*

No such declarations were made.

#### Public Comments

*Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.*

Debbie Savala 1015 Key Largo Lane commented on the Bird scooters. She was concerned they were dangerous. Kuhn advised her to approach the City Commission with any concerns relating to the scooters. Jellings also noted that the scooters were owned by a private company and the City didn't spend any funds on the project.

#### Consent Agenda

1. Meeting Minutes, **April 12, 2022 meeting.**

Motion made by Colston, Seconded by Wheatley to approve the minutes as written.

Voting Yea: Benton, Colston, Jellings, Kuhn, Richardson, Wheatley

#### Consideration

2. Consider the advisability of rezoning 401 W Madison Avenue from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

Lewis joined the meeting in progress. White stated the public hearing had been held at the previous meeting. He said the request had been modified to include additional right of way of the former 10th Street (3rd Street).

Motion made by Jellings, Seconded by Benton to recommend approval of the rezoning of 401 W Madison Avenue from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the motion passed unanimously 7-0.

3. Consider the advisability of vacating a portion of alley and a portion of 3<sup>rd</sup> Street adjacent to Block 2, Park Place Addition to Arkansas City.

Similar to the previous item, the public hearing had been held at the previous meeting. White noted that the same area of right of way was requested for the vacation in addition to the previously requested right of way. Kuhn asked if the developer was requesting any aid from the City for utility relocation. Alan Betchan of AAB Engineering responded that the developer would be paying for any relocation costs and briefly discussed the proposed relocations.

Motion made by Colston, Seconded by Wheatley to recommend approval of the vacation of an alley and a portion of 3rd Street (10th Street) adjacent to Block 2, Park Place Addition to Arkansas City.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

### Public Hearings

4. Hold a public hearing to consider the advisability of rezoning 1118 Key Largo Lane from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Kuhn turned the meeting over to White. White presented the staff report. He noted the proposal was for a duplex. He noted that R-1 would not allow more than one residential unit. Two units would require a conditional use permit. R-2 would allow two residential units and a additional units could be added by conditional use permit. R-3 would allow three or more units by right. The proposal would be for 3 total units and discussion between the applicant and staff it was determined that R-3 would be the best choice for simplicity sake. He noted that the Comprehensive Plan designated the area as residential without regard to density. It could also help with the housing shortage. Staff recommends the rezone be approved with reservations. He noted that multiple citizens had expressed multiple concerns with the proposal including the street needing improvements and the property not being served by sanitary sewer but could possibly support additional septic systems. Jellings noted that other developments were not allowed to proceed which did not have all improvements. Wheatley felt this would be considered spot zoning noting that other parcels could be developed in this manner. Jellings noted that R-3 would allow additional units to be developed.

Motion made by Wheatley, Seconded by Jellings to open the public hearing

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Terry Newman of 1112 Forrest Glenn Dr submitted photos of a property the applicant is working on that is unfinished. He is also opposed to this rezoning due to drainage issues. Debbie Savala of 1015 Key Largo Ln is opposed to the request due to existing drainage issues and prefers the existing rural character of the neighborhood. Nick Albrecht of 1219 Forrest Glenn Dr is opposed to the request due to the possibility of increased traffic, the road would have to be improved for this to work as it is too narrow. He also noted the existing rural character. Brett House of 1209 Forrest Glenn Dr is opposed to the request. He feels it will affect quality of life including loss of rural character. He noted there are already issues with the septic tanks in the neighborhood. He felt that 8th Street would also need to be improved. Jon Bossi of Central Christian Church at 2411 N 8th St is opposed to the request due to drainage issues. He was also concerned about any special assessments would be difficult for the church to bear. Roxanna & Matt James of 1004 Key Largo Ln are opposed to the request. They felt that 8th Street and Key Largo would have to be improved but that Key Largo couldn't be expanded because the existing houses are too close to the road. It would also cause them to lose trees and make the drainage issues worse. They were also concerned with their quality of life. Russell Meinen of 2627 N 8th St is opposed to the request. He felt the applicant knew this was a single family area when he bought this property and should've known it couldn't be developed any further.

Motion made by Wheatley, Seconded by Colston to close the public hearing.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Motion made by Colston, Seconded by Wheatley to deny the request to rezone 1118 Key Largo Lane from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District) Kuhn noted that the applicant was not here and that should weigh heavily on the decision. White noted he was

notified about this meeting. Jellings noted that he had visited with the applicant several years ago about building several single family homes in the area but Jellings noted the neighborhood would have required the improvements that many of the residents had noted during the hearing. Kuhn felt that rezoning the property would be a spot zoning.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the motion passed and the rezoning request denied. White clarified the next steps. Staff would forward the recommendation of denial to the City Commission. The City Commission would have to have a 3/4 majority to override this recommendation. Russell Meinen asked for clarification about how public notices were sent out. White explained that letters were sent to all property owners within 200 feet of the property. Staff has since discussed this with the resident that is outside the 200 feet perimeter and also sent a public notice to them. Terry Newman asked if residents would be notified when this item would go before the City Commission. Kuhn said that would be available on the city's website when the meeting was scheduled. White noted that it would likely be on the agenda for the first meeting in June.

5. Hold a public hearing to consider the advisability of rezoning 2305 N 8<sup>th</sup> Street from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Kuhn turned the meeting over to White. White presented the staff report. This is a similar request. He noted that a portion of the property is within the floodplain. The proposal is in line with the comprehensive plan without respect to density. Jellings asked if there would be any improvements. The proposal was for an additional duplex in addition to the existing single family home. Staff recommends approval of this request. Kuhn asked if the applicant was a developer. Jellings noted he was a contractor for several years but not a developer.

Motion made by Wheatley, Seconded by Colston to open the public hearing.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Don Hamilton representing Connie Palmer of 2355 N 8th Street noted that if this was approved that they would like to request a similar rezoning. White explained the procedure for applying for a rezone. Rich Jones of 2215 N 8th Street was opposed to high density residential but could support one duplex. He was also concerned about the floodplain and any development could increase issues with the water flow which could affect his bridge. He was also concerned the 8th Street bridge couldn't support heavy loads. Debbie Savala of 1015 Key Largo Lane was concerned about additional traffic on 8th Street if this property is allowed to have additional housing. There are issues with water degrading 8th Street. Nick Albrecht of 1219 Forrest Glenn Dr noted that 8th Street already needs improvements. Brett House of 1209 Forrest Glenn Dr echoed Albrecht's concern and noted that housing should be located elsewhere.

Motion made by Kuhn, Seconded by Colston to close the public hearing.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Colston was greatly concerned about additional development in the floodplain.

Motion made by Colston, Seconded by Wheatley to recommend denial of the request to rezone 2305 N 8th Street from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Voting Yea: Benton, Colston, Kuhn, Lewis, Richardson, Wheatley

Voting Nay: Jellings

Kuhn declared the motion passed the recommendation of denial on a 6-1 vote. Colston acknowledged that we do need more housing but felt there were not enough plans to approve this particular request. Kuhn noted that R-2 may have been better and thanked the residents for their comments. He also noted that he appreciated their concerns as it is sometimes difficult to get public input and noted that these issues about 8th Street and the sanitary sewer would be noted in the Comprehensive Plan.

## **Comprehensive Plan**

### **6. Comprehensive Plan discussion**

There was some brief discussion about what happened in the public hearings. Jellings noted that they needed to be careful about not allowing the community to progress over simply citizen feedback but acknowledged many of the concerns were valid. Colston noted that all of the issues would be slow to be implemented due to cost constraints. White noted the City does some maintenance on Key Largo Ln. Kuhn reminded everyone that this was a big part of the Comprehensive Plan and really its purpose. Richardson wondered if the 8th Street property couldn't be split off and developed that way. White said that could be an option but the applicant would have to deal with the floodplain requirements.

White noted changes to the Economic Development Chapter. The Planning Commission discussed goals and actions as they relate to Economic Development. White then noted that Parks and Recreation could be moved to the next meeting but briefly introduced the Chapter and asked Commissioners to read over the Chapter.

#### **Other Items**

7. June Planning Commission meeting discussion

White mentioned that he would be unavailable for the June meeting. He noted that it had been a long time since the Planning Commission had a month off so he thought this was a good time for a break. There are also no new applications either. Planning Commissioners agreed cancelling was a good idea.

#### **Adjournment**

Motion made by Colston, Seconded by Jellings to adjourn the meeting.

Voting Yea: Benton, Colston, Jellings, Kuhn, Lewis, Richardson, Wheatley

Kuhn declared the meeting adjourned at 7:26 p.m.