City of Arkansas City

PLANNING COMMISSION MEETING AGENDA

Tuesday, December 12, 2023 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: https://meet.goto.com/884934981 or call +1 (872) 240-3212 **Access Code:** 884-934-981

Call to Order

Roll Call

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.

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.

Consent Agenda

1. Meeting Minutes, **October 10, 2023 meeting.**

Board of Zoning Appeals

2. **Recess the Planning Commission and convene the Board of Zoning Appeals**

3. **Consider the advisability of granting a variance to allow construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue.**
4. **Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission**

Public Hearings

5. Consider the advisability of vacating a portion of an alley within Block 1, Bowman Addition.

Other Items

6. Consider a recommendation to the City Commission regarding the annexation of 101 acres in the Northwest Quarter of Section 13, Township 34 South, Range 3 East of the 6th Principal Meridian.

Adjournment

City of Arkansas City

PLANNING COMMISSION MEETING MINUTES

Tuesday, October 10, 2023 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

Meeting called to order at 5:31 PM

Roll Call

☐ **Dr. Tyson Blatchford**	☒ **Lloyd Colston**	☒ **Brandon Jellings**	☒ **Ian Kuhn**
☒ **Kyle Lewis**	☒ **Cody Richardson**	☒ **Dotty Smith**	☒ **Tom Wheatley**

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. None were discussed

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. No comments were made.

Consent Agenda

1. Lloyd Colston made the motion to approve the meeting minutes from the September 12, 2023 meeting and Tom Wheatley made the second. Voice vote carried the motion.

Public Hearings

2. Hold a public hearing to consider the advisability of rezoning Blocks 19, 20 & 21 of Sleeth Addition from a P (Public Use District) to an R-3 (High Density Residential District).

A motion was carried to hold a public hearing. Josh White explained to the Planning Commission about the rezone request. The city did enter a memorandum of understanding with the applicant in May. Josh explained the history of the property and went on to explain the future land use of the location. Josh stated that the rezone does go along with a some of the goals of the Comprehensive Plan. Josh also included a draft site plan that would include approximately 50 residential dwellings. Ian Kuhn opened the meeting to public comments at 5:41 PM. Dotty asked about sidewalks, Josh stated there would more than likely. Josh also stated that the homes would be manufactured by Skyline with permanent foundations. The applicant was present and explained further the plan should the rezone pass. He explained that he would like to add a gathering area that included a splash pad, doggie park, etc. Brandon Jellings asked what the price point would be, the applicant stated $130,000. Dotty asked about a shelter; Lloyd told him to contact the Kansas Emergency Management and what the size of the home; it would be a double wide, 3 bed 2 bath. It is the goal to have a few homes set by spring/summer 2024. Cody asked about the property taxes, Josh explained the RHID. Lloyd made the motion to close the public hearing at 6:07 PM and Dotty Smith made the second. Voice vote carried the motion. Lloyd Colston made the motion to rezone the area to R-3 and Brandon Jellings made the second. Roll Call vote carried the motion. Ian explained to the public that the Planning Commission is an advisory board only,

and the final decision will be made with the City Commission.

3. Hold a public hearing to consider the advisability of amendments to the Subdivision and Zoning Regulations

Dotty made the motion to open the public hearing at 6:11 PM and Lloyd Colston made second. Voice vote carried the motion. Josh went on to give a summary of the changes of the regulations. Lloyd Colston made the motion to close the public hearing at 6:29 PM and Dotty Smith made the second. Voice vote carried the motion. Lloyd Colston made the motion to approve and Dotty Smith made the second. Roll call vote carried the motion. Josh stated that he wanted to give the city commission time to go over the document, he would notify the planning commission when that would be scheduled.

Other Items

None.

Adjournment

Dotty Smith made the motion to adjourn the meeting at 6:32 PM and Lloyd Colston made the second. Voice vote carried the motion.

Planning Commission Agenda Item

Meeting Date: 12/12/23

From: Josh White, Principal Planner

Item: Recess Planning Commission and convene the BZA

Purpose: **Recess the Planning Commission and convene the Board of Zoning Appeals**

Background:

At this time it is necessary to recess the Planning Commission and convene the Board of Zoning Appeals. Growth Area members should excuse themselves.

Action:

Make a motion to recess the Planning Commission and convene the Board of Zoning Appeals

Board of Zoning Appeals Agenda Item

Meeting Date: 12/12/23

From: Josh White, Principal Planner

Item: 1020 W 5th Ave Floodplain variance

Purpose: **Consider the advisability of granting a variance to allow construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue.**

Background:

Marcela Jimenez has requested a variance to allow the construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue. The property is currently developed with one home. The area surrounding the property is residential. Due to an error in measuring, the home was built lower than required. The required elevation is one foot above the base flood elevation of 1070.0 feet. The options to remedy this situation are limited. The first option is to elevate the home. The second option is to relocate the home to a site that is not in the floodplain. The homeowner has been made aware that if the variance is approved, the house will remain in non-conformance with FEMA regulations, and this will require a much higher premium on flood insurance. Based on site observations and historical knowledge, it appears likely that the base flood elevation is too high and should be adjusted downward which may mean the property will be brought into compliance administratively in the future, but staff must enforce current regulations including the current base flood elevation regardless of that.

Based on FEMA and National Floodplain Insurance Program (NFIP) regulations, staff cannot recommend approval of this variance but does recognize that there may be issues with the current mapping including that the historical flood depth has been well below the base flood elevation in this area.

***At the June 13, 2023, Board of Zoning Appeals Meeting, the Board tabled this item for 180 days. The 180 days have passed. Staff looked into alternatives to elevating the structure but have found no feasible alternative. Staff recommends denial of the variance with direction to the property owner to bring the structure into compliance. ***

Action:

Consider the update, then make a motion to approve/disapprove a variance to allow construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue.

Attachments:

Staff report Presentation Link https://arcg.is/1y588G0

STAFF REPORT
City of Arkansas City Neighborhood Services Division
Josh White, Principal Planner
118 W Central Ave, Arkansas City, KS 67005
Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER	APPLICANT/PROPERTY OWNER
BZA-2023-211	Marcela Jimenez
PUBLIC HEARING DATE	**PROPERTY ADDRESS/LOCATION**
June 13, 2023	1020 W 5th Ave

BRIEF SUMMARY OF REQUEST

Marcela Jimenez has requested a variance to allow the construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue. The property is currently developed with one home. The area surrounding the property is residential. Due to an error in measuring, the home was built lower than required. The required elevation is one foot above the base flood elevation of 1070.0 feet. The options to remedy this situation are limited. The first option is to elevate the home. The second option is to relocate the home to a site that is not in the floodplain. The homeowner has been made aware that if the variance is approved, the house will remain in non-conformance with FEMA regulations, and this will require a much higher premium on flood insurance. Based on site observations and historical knowledge, it appears likely that the base flood elevation is too high and should be adjusted downward which may mean the property will be brought into compliance administratively in the future, but staff must enforce current regulations including the current base flood elevation regardless of that.

Map data ©2023 Esri World Topographic map

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-1 Low Density Residential District	Single Family Residential	North-R-1 South-R-1 West-R-1 East-R-2	Single Family Dwelling and pasture	350' X 350' 2.81 acres

STAFF RECOMMENDATION

☐ **APPROVE** ☐ **APPROVE WITH CONDITIONS** ☐ **DENY**

Based on FEMA and National Floodplain Insurance Program (NFIP) regulations, staff cannot recommend approval of this variance but does recognize that there may be issues with the current mapping including that the historical flood depth has been well below the base flood elevation in this area.

DOES STRICT ADHERANCE TO THE REGULATIONS REPRESENT AN UNNECESSARY HARSHIP ON THE APPLICANT?

The home is currently completed. Elevating the structure to the required elevation is technically possible but will be a significant cost for the homeowner. The only other option would be demolition of the structure or relocation to another site not within the floodplain.

PROPERTY HISTORY

There was a previous home on the site that was demolished in 2022 in preparation for the building of this home. That house was at a lower elevation than the current house. No other land use records were found.

RELIEF SOUGHT:

- A variance to allow construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue.

Findings

In order to consider a request for a variance, the Board of Zoning Appeals must make written findings of facts that the following conditions apply to the property in question.

1. Will granting this variance cause danger to life or property?

No. While this home will be below the base flood elevation, it should not negatively impact other properties. It is a common belief that the base flood elevation on NFIP maps is too high. Flood depths have not been known to be as high as the base flood elevation.

2. Would there be a danger of materials being swept onto adjacent property?

No, this flood zone is static and does not involve flowing water. Also, the home is anchored to a slab foundation.

3. What is the susceptibility of the proposed development to flood damage if a variance is granted?

Since the structure will be below the base flood elevation, there is a chance it will experience flood damage but the flood depths historically have not been high enough to cause any damage to a structure built at this height.

4. Are the services provided by the facility important to the community?

Not really, however there is a housing shortage in the community.

5. Are alternate sites, not subject to flood damage, available?

Not that this property owner owns. The entire property is located within the floodplain so a different placement on the same property will not eliminate the need for a variance without elevating the structure.

6. Is the proposed use compatible with the neighborhood?

Yes, this is a residential neighborhood.

7. Is the proposed use compatible with the comprehensive plan and any floodplain management program for the area?

The Comprehensive Plan does call for residential development for this area with caution due to the floodplain. While the floodplain management ordinance does typically dictate that homes be elevated to 1 foot above the base flood elevation, the historical flood depths in this area have been well below the base flood elevation and therefore, the likelihood of flood damage remains low.

8. How will the property be accessed during a flood event?

The property can be accessed from 9th Street or 5th Avenue

9. Anticipated costs of government services, including roads and utilities, during and after flood conditions?

The granting of this variance should not increase the cost of government services as many of the neighboring homes are also below the required base flood elevation.

10. Is the property or structure listed on any Historic Registry? No

11. What is the size of the lot? 2.8 acres

12. Is the proposed variance site located in a floodway? No

13. Is the proposed variance minimum necessary?

In order for the home to remain at its existing elevation, a variance would be required. A variance would not be required if the home were to be elevated.

14. Will the proposed variance cause an increase in flood heights? No

15. Will the variance conflict with other state or local laws? No

16. Explain any exceptional hardship created should the variance not be granted?

The home is currently completed. Elevating the structure to the required elevation is technically possible but will be a significant cost for the homeowner. The only other option would be demolition of the structure or relocation to another site not within the floodplain.

17. The recommendations of professional staff;

Based on FEMA and National Floodplain Insurance Program (NFIP) regulations, staff cannot recommend approval of this variance but does recognize that there may be issues with the current mapping including that the historical flood depth has been well below the base flood elevation in this area.

If approved, in accordance with the Floodplain Management Ordinance staff will provide the homeowner with a Notice of Risk with the following text:

FLOODPLAIN VARIANCE NOTICE OF RISK FOR ARKANSAS CITY

A Variance (BZA-2023-211) was issued by the Arkansas City Board of Zoning Appeals for Lots 1-28 and all of Vacated 10th Street adjacent, Block 5, Love's 1st Addition commonly known as 1020 W 5th Ave on _____, 2023.

Marcela Jimenez is hereby notified that:

(1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and
(2) Such construction below the base flood level increases risks to life and property.

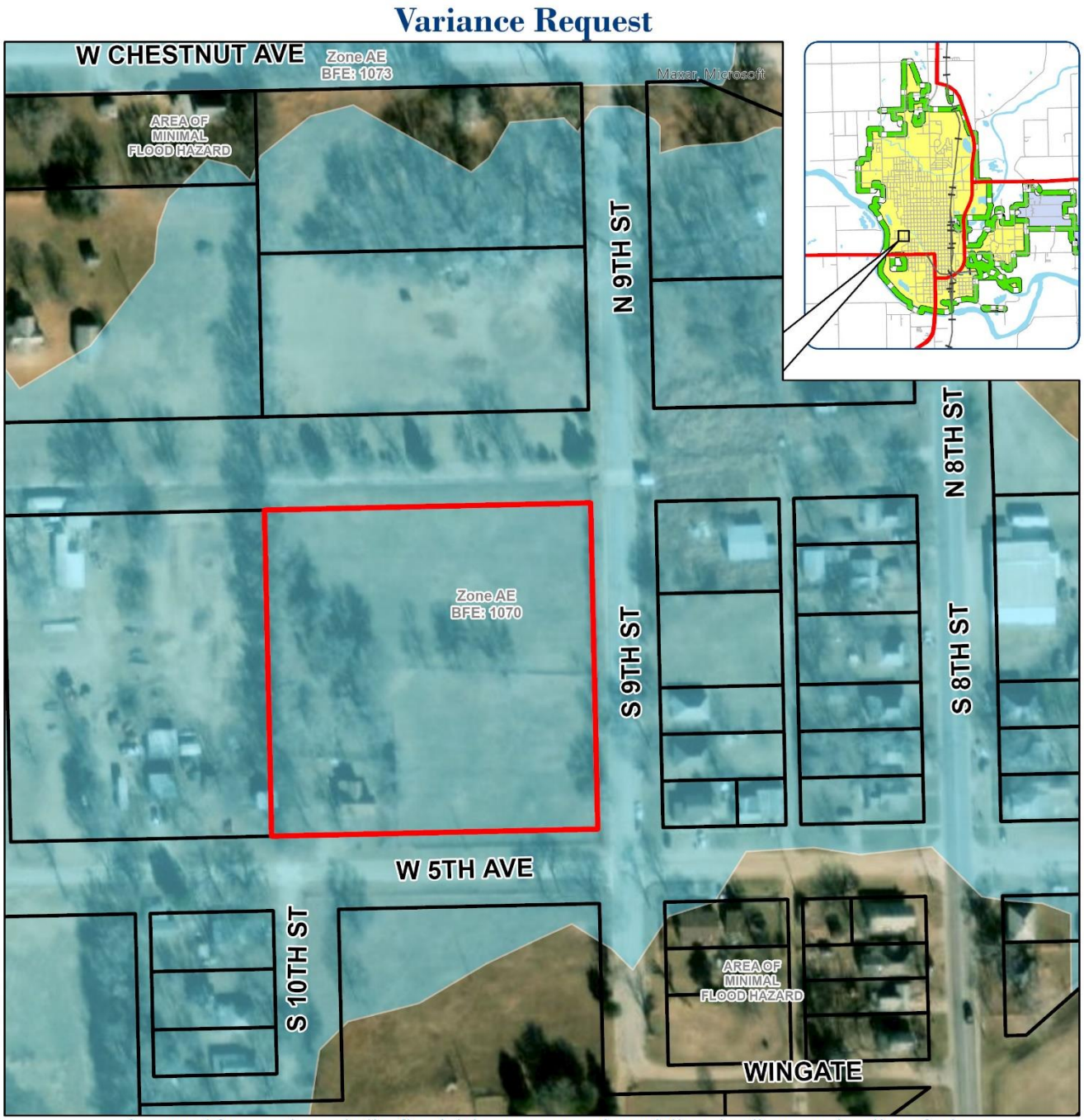
Dated this ___ day of _____, 2023

_____
Arkansas City Floodplain Administrator

This notice would also be filed with the Cowley County Register of Deeds and with the Kansas Department of Agriculture Division of Water Resources.

If not approved, the house will be required to be elevated to the proper elevation or relocated to an area that is not within the floodplain.

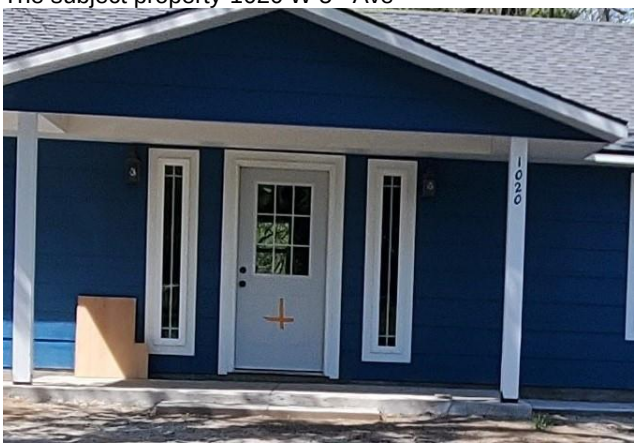
Area map


Variance Request
W CHESTNUT AVE
Zone AE
BFE: 1073
Maxar, Microsoft
AREA OF
MINIMAL
FLOOD HAZARD
N 9TH ST
N 8TH ST
Zone AE
BFE: 1070
S 9TH ST
S 8TH ST
W 5TH AVE
S 10TH ST
AREA OF
MINIMAL
FLOOD HAZARD
WINGATE
A request for a variance to the floodplain management regulations to allow construction of a home below the base flood elevation.
City Limits
BZA-Variance
Property Lines
Floodway
1% Annual Flood Chance (100 Year) Flood Zones
Zone A
Zone AE
Zone AO
0.2% Annual Flood Chance (500 year) Flood Zones
0.2% Annual Chance Flood Hazard
Area with Reduced Flood Risk Due to Levee-Zone X
Produced by the City of Arkansas City GIS using the best available data to date.
Created: May 04, 2023
Base Flood Elevation: 1070.0 ft
Required Elevation; 1071.0 ft
Variance Elevation: 1069.25 ft
Arkansas City

Neighborhood Photos

The subject property-1020 W 5th Ave

House with orange cross showing required height



Close up view of orange cross marking required elevation

Bottom of stick shows required elevation at road level

Bottom of stick shows required elevation in relation to mailbox

Photos provided by Kings Construction

Homeowner's Guide to Retrofitting

Six Ways to Protect Your Home From Flooding

FEMA P-312, 3rd Edition / June 2014

FEMA

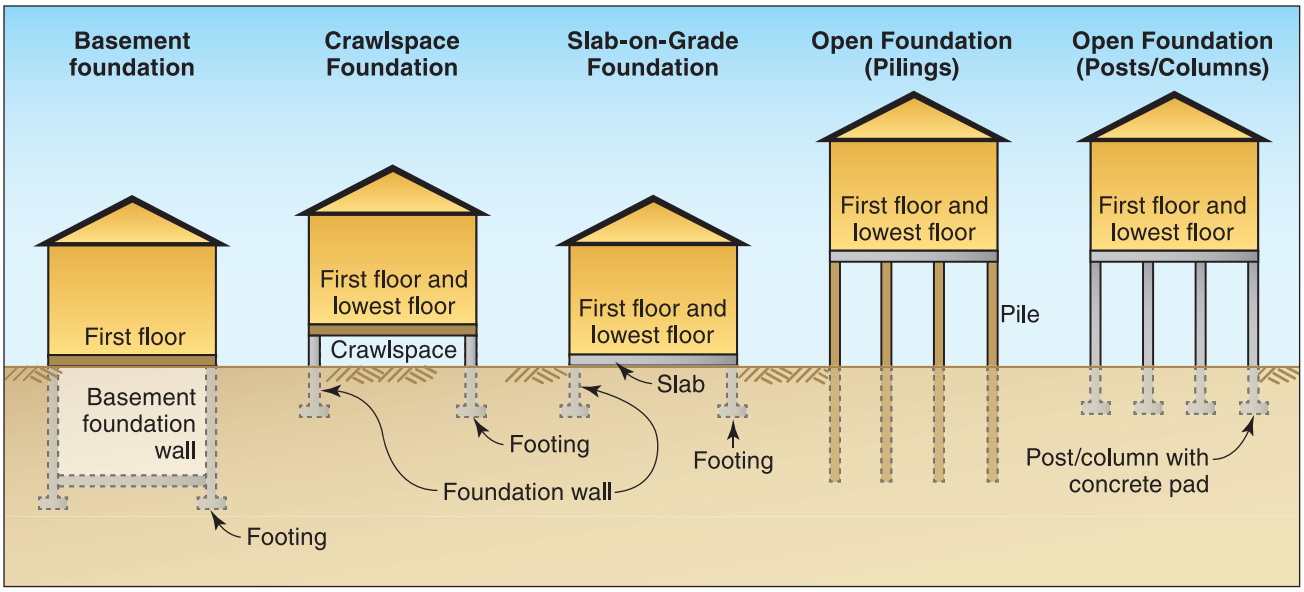


Figure 3-5. Home foundation types.

3.3 Retrofitting Methods and Costs

The following sections give an overview of the six retrofitting methods, explain how they work and where they are appropriate, and list their advantages and disadvantages. With this information, you will be ready for Chapter 4, *Deciding Which Method Is Right for Your Home.*

3.3.1 Elevation

Elevating a home to prevent floodwaters from reaching living areas is an effective retrofitting method. The goal of the elevation process is to raise the lowest floor to or above the DFE. You can do this by elevating the entire home, including the floor, or by leaving the home in its existing position and constructing a new raised floor within the home. The method used depends largely on construction type, foundation type, and flooding conditions. Chapter 5 presents more detailed information on elevation.

During the elevation process, most homes (including manufactured homes) are separated from their foundations, raised on hydraulic jacks, and held by temporary supports while a new or extended foundation is constructed below. This method works well for homes originally built on basement, crawlspace, and open foundations. As explained later in this section, the new or extended foundation can consist of continuous walls or separate piers, posts, columns, or piles.

NOTE

When you elevate your home, the existing foundation will need to be extended or demolished and rebuilt. This decision will depend on the condition of the existing foundation and its ability to carry additional loads.

CROSS REFERENCE

FEMA P-550, *Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations* (FEMA. 2009), offers more detail about these foundation types and elevation.

For homes with slab-on-grade foundations, elevation can be done in one of two ways. One approach is to leave the home attached to the slab foundation and lift both together. After the home and slab are lifted, a new foundation is constructed below the slab. The other approach is to detach the home from the slab and elevate the home, leaving the slab foundation in place. After the home is lifted, a new, elevated floor is constructed.

Unlike other types of construction in which elevation can be relatively straightforward, elevating slab-on-grade homes with the slab intact is technically challenging and often not feasible. When a slab-on-grade home is elevated with the slab intact, the slab, which was previously continuously supported by the soils beneath it, must function as a structural element. It must span the distance between the portions of the foundation that support the elevated home. Typically, these slabs often are either unreinforced or only lightly reinforced with welded wire fabric and are essentially non-structural. These slabs may not be able to support the loads of an elevated home. Consequently, the slab foundation should be thoroughly evaluated by a registered design professional before choosing this mitigation option.

Alternative techniques are available for masonry homes on slab-on-grade foundations. As described later in this section, these techniques do not require the lifting of the home. Instead, they involve raising the floor within the home or moving the living space to an upper story. Guidance for elevating slab-on-grade masonry homes can be found in FEMA P-347, *Above the Flood: Elevating Your Floodprone House* (FEMA. 2000).

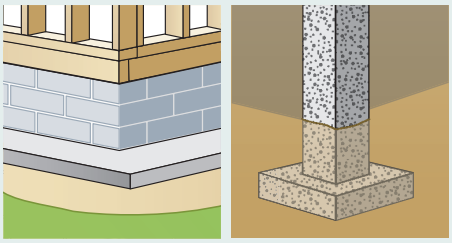
Although elevating a home can help protect it from floodwaters, you need to consider other hazards before choosing this method. Elevating the home can make it more susceptible to damage from earthquakes. In addition, both continuous wall foundations and open foundations can fail as a result of damage caused by erosion and the impact of debris carried by floodwaters. If portions of the original foundation, such as the **footings**, are used to support new walls or other foundation members, or a new second story, they must be capable of safely carrying the additional loads imposed by the new construction and the expected flood, wind, and earthquake forces.

CROSS REFERENCE

FEMA has produced a videotape titled *Best Build 3: Protecting a Flood-Prone Home*, which illustrates the retrofitting methods described in this guide (see Appendix A).

DEFINITION

A **footing** is the base of a foundation. Footings are usually made of concrete and may be reinforced with steel bars. Foundation walls are supported on continuous footings; separate foundation members, such as piers, are supported on individual footings.



NOTE

Elevation on open foundations is required by the NFIP in Zone V areas (even when the ground elevation lies above the BFE) and is strongly recommended for Coastal A Zones. Some States and communities have formally adopted open foundation requirements for Coastal A Zone construction.

Method #1: Elevating on Continuous Foundation Walls

Although this method is usually used in flood hazard areas where the risks of wave action and high-velocity flow are low (Figures 3-6 and 3-7), continuous foundation walls in low-velocity flow areas with wave action can also be susceptible to structural damage. Open foundations should be considered as a reasonable mitigation option. After the home is detached from its foundation and raised on jacks, the existing foundation is often saved and the

foundation walls are extended. The new portions of the walls are usually made of masonry block or cast-in-place concrete. Although this method may be the easiest way to elevate a home, it can involve some additional construction modifications or reinforcements.

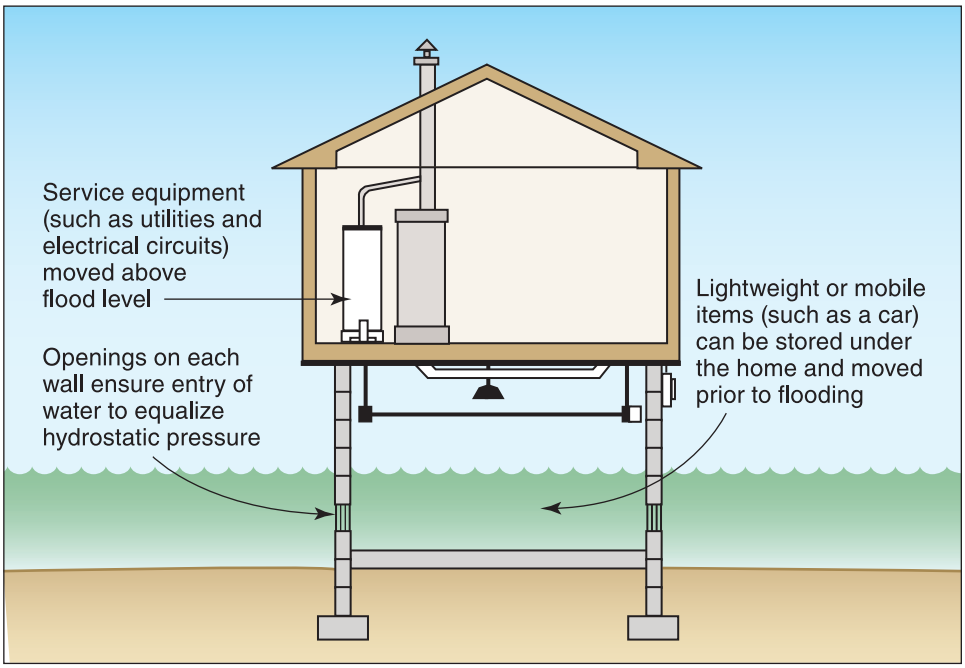


Figure 3-6. Typical cross-section of home elevated on continuous foundation walls.

Figure 3-7. Before (left) and after (right) photos of a retrofitted home elevated on extended continuous foundation walls.

Depending on the size of your home, the amount of elevation, and the magnitude of the potential environmental loads (such as those from floods, wind, earthquakes, and snow), your contractor may have to modify or reinforce the footings and foundation walls to ensure the structural stability of the home. The original footings may have to be replaced with ones that have a higher capacity for environmental loads. Both the footings and the foundation walls may need to be reinforced with steel bars.

This type of foundation creates what is referred to under the NFIP as an "enclosure." The enclosure must be constructed of flood damage-resistant materials, have all service equipment elevated above the DFE, and be used only for parking, access, or storage. NFIP Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements* (FEMA. 2008), defines a "flood [damage]-resistant material" as "any building product [material, component, or system] capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage."

"Prolonged contact" means at least 72 hours, and "significant damage" means any damage requiring more than cosmetic repair. Technical Bulletin 2 provides a detailed list of appropriate flood damage-resistant materials and also classifies flood damage-resistance of materials as acceptable or unacceptable based on water resistance and ability to be cleaned.

The enclosure must also be constructed with openings to allow equalization of hydrostatic pressure to comply with NFIP and building code requirements. As explained in Chapter 2, unequalized hydrostatic pressure exerted by floodwaters can collapse walls, regardless of the construction materials used. The NFIP may require that openings be installed in the foundation walls so that water can flow into and out of any enclosed area below the newly elevated home. NFIP Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures* (FEMA. 2008), provides guidance on the NFIP regulations concerning openings in foundation walls. When the water levels on both sides of the foundation walls are the same, the hydrostatic pressure is equalized. If you are elevating your home as part of a Substantial Improvement or in connection with repairs of Substantial Damage, your community's floodplain management ordinance, regulation, or provisions of the building code will require that you install openings in all areas below the BFE. Consult your local officials about local requirements for openings.

Method #2: Elevating on Open Foundations

Unlike continuous foundations, open foundations consist of individual vertical structural members that support the home only at key points. Because they present less of an obstacle to flood flows than continuous walls, open foundations can be used in areas where there are risks of wave action and high-velocity flood. Most open foundations consist of piers, posts, columns, or piles.

Piers. Piers (or columns) are commonly built with masonry block or are made of cast-in-place concrete (Figure 3-8). Piers can be made from wood and steel as well. The bottom of each pier sits on a concrete footing. Pier foundations are used in conventional construction; they are not just a means of elevating a flood-prone home. In conventional use, they are designed primarily for vertical loading—to hold the weight of the home. They are not normally designed to resist large horizontal forces, such as those associated with moving floodwaters, waves, impacts from floodborne debris, wind, and earthquakes. As a result, pier foundations are generally used where the risks of wave action and high-velocity flow are low to moderate and the potential for earthquakes is low.

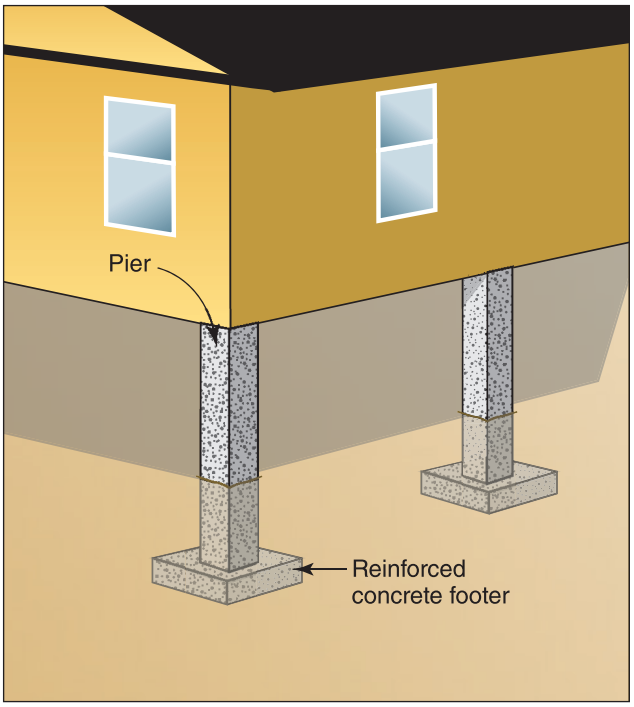


Figure 3-8. Home elevated on reinforced concrete piers.

If you decide to elevate your home on a pier foundation, you should expect your contractor to reinforce the piers and footings with steel reinforcing bars and to connect the piers to the footings so they will not separate under flood or other forces. Adequate connections between the piers and the home are also necessary so that the home and foundation will resist lateral loads from floods, winds, and earthquakes, and uplift from buoyancy.

Posts. Posts are usually made of wood or steel (Figure 3-9). They are generally square but may also be round. Posts are set in holes, and their ends are encased in concrete, or supported on concrete pads (as in the figure). After posts are set, the holes are filled with concrete, dirt, gravel, or crushed stone.

Posts can be connected to each other with bracing made of wood, steel rods, or guy wires. The type is usually determined by cost, flood conditions, expected loads, the availability of materials, and local construction practice. Like piers, posts are generally used where the risks of wave action and high-velocity flow are low to moderate.

One primary difference between piers, and posts is the dimension of the element – piers are larger in cross section because they usually are CMU (concrete masonry unit) or concrete block and are usually shorter than posts. Posts are braced together because they are usually taller and more slender with less stability than piers.

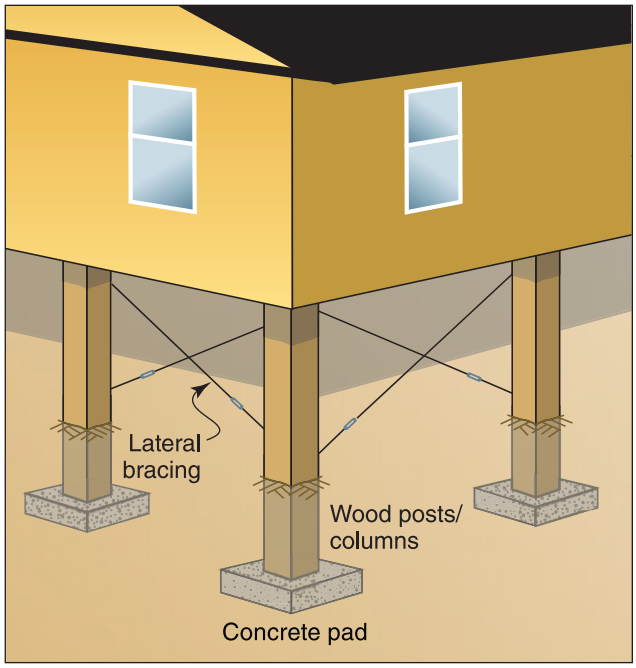


Figure 3-9. Home elevated on posts

Piles. Piles are usually made of wood, but fiber-reinforced polymer, steel, or **precast** concrete piles are also common in some areas (Figure 3-10). Piles are similar to posts but, instead of being set in holes, they are driven into the ground or jetted in with streams of water. Also, piles are embedded deeper in the ground than either piers or posts. As a result, pile foundations are less susceptible to the effects of high-velocity flow, waves, debris impact, erosion, and scour than the other types of open foundations. Piles differ from piers and posts also in that they do not rest on footings. Instead they are driven until they rest on a solid support layer, such as bedrock, or until they are embedded deep enough that the friction between the ground and the piles will enable them to resist the loads that are expected to act on them.

DEFINITION

Concrete materials such as posts, beams, and blocks that are brought to the construction site in finished form are referred to as **precast**.

Jetting is a process in which the hole for the installation of a pile is made by a high-pressure stream of water from a nozzle attached to the bottom of the pile.

Cribbing usually consists of a framework of crisscrossed timbers that provides temporary structural support.

Because driving and **jetting** piles requires bulky, heavy construction machinery, an existing home must normally be moved off its existing foundation and set on **cribbing** until the operation is complete. As a result, elevating a home by placing it on a pile foundation will usually require more space and cost more than elevating with another type of foundation. Pile foundations are used primarily in areas where other elevation methods are not feasible, such as where floodwaters are deep and the risks of wave action and high-velocity flow are great. For example, pile foundations are used extensively in oceanfront areas exposed to high-velocity flow, waves, and high winds (Figure 3-11).

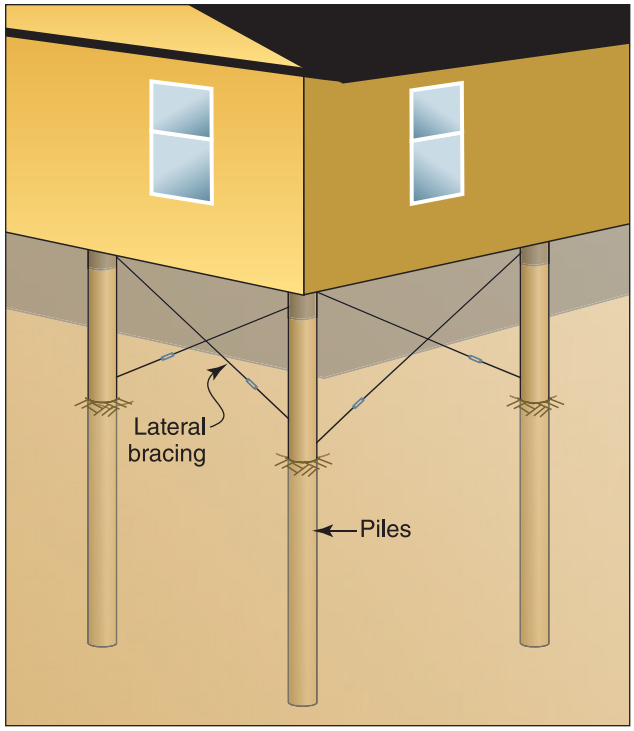


Figure 3-10. Home elevated on piles.

Figure 3-11. Example of well-elevated and embedded pile foundation tested by Hurricane Katrina. Note adjacent building failures (Dauphin Island, AL, 2005).

Methods #3 and #4: Elevating by Extending the Walls of the Home or Moving the Living Space to an Upper Floor

For masonry homes on slab-on-grade foundations, two alternative elevation methods are available. One is to remove the roof, extend the walls of the home upward, replace the roof, and build a new, raised floor at the DFE (Figure 3-12). This technique works best where the floor needs to be raised less than 4 feet to reach the DFE. The floor can be either a new slab or a new wood-framed floor. For a new slab, fill dirt is placed on top of the old slab and the new slab is built on top. If a new wood-framed floor is built, the space between it and the old slab is left open and becomes a crawlspace (and must be retrofitted with openings to allow floodwaters in the crawlspace).

CROSS REFERENCE

As discussed in Section 2.6, the cost of elevating a Substantially Damaged home may be eligible for a flood insurance claim under ICC coverage.

Figure 3-12. The owner of this flood-prone home in south Florida decided to build a new wood-framed second story on top of the masonry first story. The new second story is well above the BFE.

The second technique is to abandon the entire lower floor, or lower enclosed area, of the home and move the living space to an existing or newly constructed upper story. This technique works best for multi-story homes where the DFE is more than 4 feet above the level of the lower floor. The abandoned lower floor or enclosed area is then used only for parking, building access, or storage.

These techniques, like the others, have their limitations. The portions of the home below the DFE will be exposed to flooding and must, therefore, be made of flood damage-resistant materials. That is why this method is applicable to masonry homes rather than frame homes, which would be much more easily damaged by flooding. The area below the DFE cannot be used for living space; it may be used only for parking, building access, or storage. In addition, all appliances and utilities must be moved to the upper floor. Also, openings must be cut into the walls of the lower floor to allow water to enter during flooding so that the hydrostatic pressure on the walls will be equalized. In essence, the lower floor is wet floodproofed (see Section 3.4.1).

Adding a new second story to a single-story home may require that the foundation be strengthened so that it can support the additional load. You must consult an engineer if you plan to use this method. The second story can be frame or masonry (to match the lower floor). The method you choose will depend on the advice of your engineer,

cost, appearance, the availability of materials and experienced contractors, and the risks of other natural hazards such as hurricanes and earthquakes.

Table 3-1 presents the advantages and disadvantages of elevation.

The relative costs shown in Table 3-2 are for elevating frame, masonry veneer, and masonry homes of various foundation types. The costs for extending utilities and adding or extending staircases are included. The costs shown for elevating frame, masonry veneer, and masonry homes on existing slab-on-grade foundations are based on the assumption that the home is raised with the existing slab attached.

Table 3-1. Advantages and Disadvantages of Elevation

Advantages	Disadvantages
• Brings a Substantially Damaged or Improved building into compliance with the NFIP if the lowest horizontal structural member of the lowest floor is elevated to the BFE • Reduces flood risk to the structure and its contents • Eliminates the need to relocate vulnerable items above the flood level during flooding • Often reduces flood insurance premiums • Uses established techniques • Can be initiated quickly because qualified contractors are often readily available (unless project is implemented immediately after a disaster) • Reduces the physical, financial, and emotional strains that accompany flood events • Does not require the additional land that may be needed for floodwalls or levees	• May be cost-prohibitive • May adversely affect the structure's appearance • May adversely affect access to the structure • Cannot be used in areas with high-velocity water flow, fast-moving ice or debris flow, or erosion, unless special measures are taken • May require additional costs to bring the structure up to current building codes for plumbing, electrical, and energy systems • Requires consideration of forces from wind and seismic hazards and possible changes to building design

NFIP = National Flood Insurance Program; BFE = base flood elevation

Table 3-2. Relative Costs of Elevating a Home

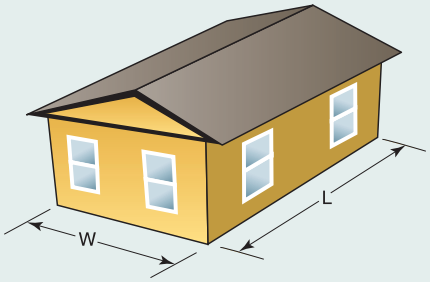
Construction Type	Existing Foundation	Retrofit	Relative Cost
Frame	Basement, crawlspace, or open foundation	Elevate on continuous foundation walls or open foundation	Lowest
Frame with masonry veneer		Elevate on continuous foundation walls or open foundation	
Load bearing masonry		Extend existing walls and create new elevated living area	
Frame	Slab-on-grade	Elevate on continuous foundation walls or open foundation	
Frame with masonry veneer		Elevate on continuous foundation walls or open foundation	
Load bearing masonry		Elevate on continuous foundation walls or open foundation	Highest

Occasionally, slab-on-grade homes are raised without the slab. Although this method can be less expensive than raising the home with the slab, it involves detaching the home from the slab and requires extensive alterations to interior and exterior walls.

The cost of abandoning an existing lower level will depend on whether the home already has an upper level that can be used for living space. If an upper level is available, abandoning the lower floor would involve primarily elevating or relocating utilities, adding openings in the lower-level walls, and ensuring that all construction materials below the BFE are flood damage resistant. This method is well-suited to a home with a walkout-on-grade basement, which can be wet floodproofed and used for parking, building access, or storage. The cost of adding a new frame upper level and raising the roof to accommodate the new level would vary, depending upon the amount of interior finishing and other factors.

DEFINITION

The footprint of a house is the land area it covers (see figure). This area is equal to the length of the house multiplied by its width. Note that the footprint is not necessarily equal to the total square footage of the house.



Footprint = L x W

3.3.2 Relocation and Demolition

Relocation is the retrofitting measure that can offer the greatest security from future flooding. It involves moving an entire structure to another location, usually outside the floodplain. Relocation as a retrofitting measure not only relieves anxiety about future flooding, but also offers the opportunity to reduce future flood insurance premiums. Demolition is tearing down a damaged home. A new compliant home can be rebuilt on site, rebuilt on another property, or the owner can simply move in to another structure elsewhere. These retrofitting methods are discussed below.

Board of Zoning Appeals Agenda Item

Meeting Date: 12/12/23

From: Josh White, Principal Planner

Item: Adjourn the BZA and reconvene the Planning Commission

Purpose: **Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission**

Background:

At this time it is necessary to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

Action:

Make a motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission. Growth area members may return.

Planning Commission Agenda Item

Meeting Date: 12/12/23

From: Josh White, Principal Planner

Item: Bowman Addition Alley Vacation

Purpose: Consider the advisability of vacating a portion of an alley within Block 1, Bowman Addition.

Background:

Stephen and Adriani Nelson have filed a request to vacate a portion of the alley adjacent to the property which is undeveloped. They desire to expand their yard space and have been maintaining the area for some time. The alley was platted in this manner because the house on Lot 16 was already built at the time of platting. Utility easements are still present across Lot 16 to accommodate utilities. The Sanitation trucks no longer pick up trash in the alley. Staff believe the North-South portion of the alley should be retained to provide rear access to the properties in the block. All adjacent property owners were notified. The Technical Advisory Committee noted that there are no utilities within the area to be vacated and has no concerns. Staff recommends approval of the request to vacate the area.

- No private rights will be injured or endangered. No utilities are present within the area to be vacated. The alley will remain open and can be used for rear access to the adjacent properties as well as for utility maintenance.

Action:

Hold a public hearing, at the close of the hearing make a motion to recommend the City Commission approve/disapprove the request to vacate a portion of an alley within Block 1, Bowman Addition.

Attachments:

Staff Report

Presentation Link: https://arcg.is/b9n9P

STAFF REPORT

City of Arkansas City Neighborhood Services Division
Josh White, Principal Planner
118 W Central Ave, Arkansas City, KS 67005
Phone: 620-441-4420 Fax: 620-441-4403 Email: jwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER	APPLICANT/PROPERTY OWNER
VR-2023-045	Stephen & Adriani Nelson
PUBLIC HEARING DATE	**PROPERTY ADDRESS/LOCATION**
December 12, 2023	A portion of alley in Block 1 Bowman Addition adjacent to 1325 N 6th Street

SUMMARY OF REQUEST

Stephen and Adriani Nelson have filed a request to vacate a portion of the alley adjacent to the property which is undeveloped. They desire to expand their yard space and have been maintaining the area for some time. The alley was platted in this manner because the house on Lot 16 was already built at the time of platting. Utility easements are still present across Lot 16 to accommodate utilities. The Sanitation trucks no longer pick up trash in the alley. Staff believe the North-South portion of the alley should be retained to provide rear access to the properties in the block. All adjacent property owners were notified. The Technical Advisory Committee noted that there are no utilities within the area to be vacated and has no concerns.

Map data ©2023 Esri World Topographic Map with overlays

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
Not applicable	Vacant, platted as alley	North-R-2; Residential East-R-2; Residential South-R-3;Residential West-R-2; Residential	Drive entrance	Approx 0.07 acres

STAFF RECOMMENDATION

Staff recommends **approval**.

TECHNICAL ADVISORY COMMITTEE COMMENTS

There are no utilities in the area to be vacated and no other concerns were expressed.

PROPERTY HISTORY

This area was platted in 1954. In 1976, a previous request for vacation of the alley was denied as there were objections by the fire chief and the sanitation superintendent as well as neighborhood objections.

NOTICE GIVEN

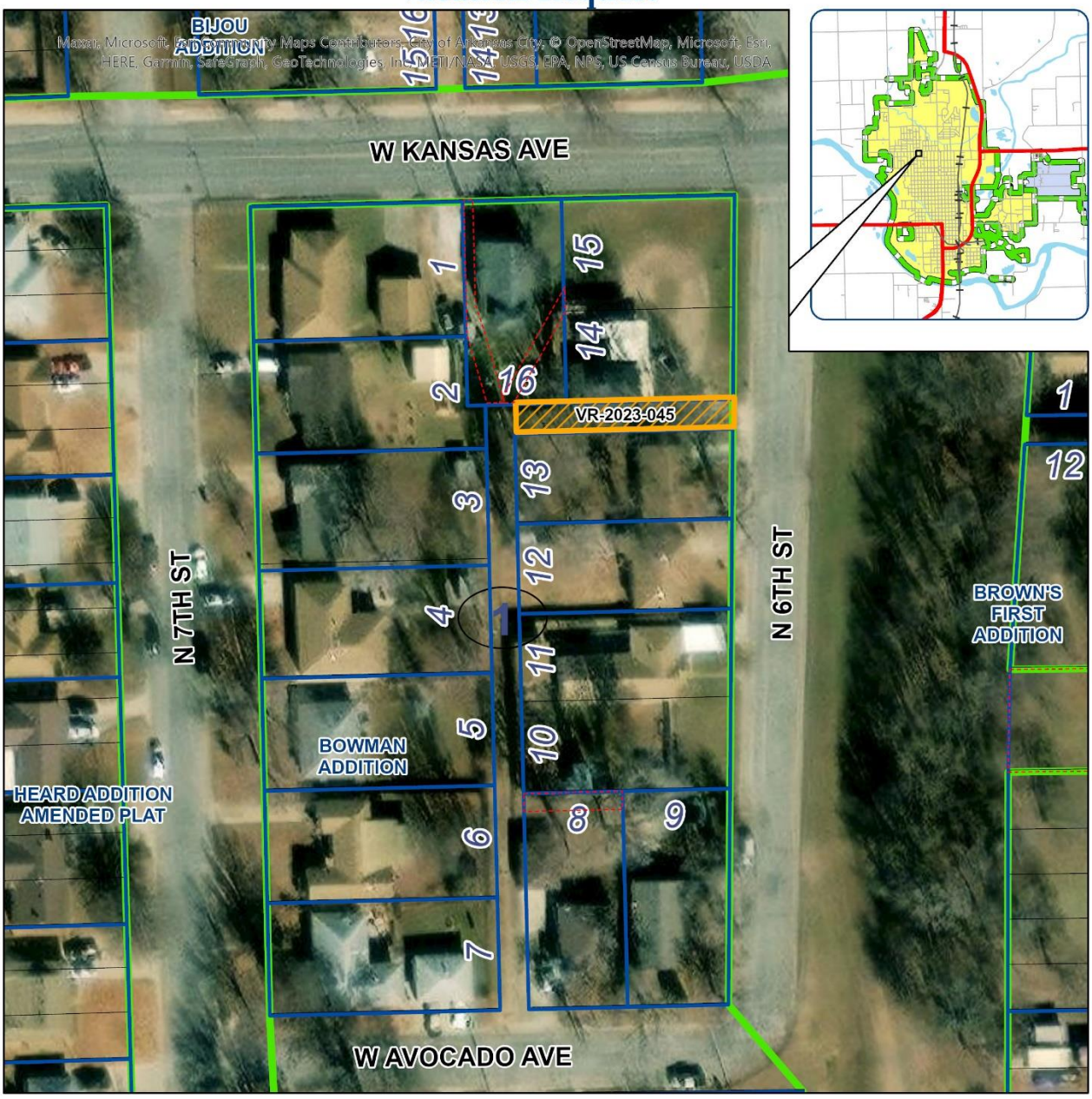
Proper notice was published in the newspaper. Notices were sent to the property owners within 200 feet.

PRIVATE RIGHTS /PUBLIC GAIN/LOSS

No private rights will be injured or endangered. No utilities are present within the area to be vacated. The remaining alley will remain open and can be used for rear access to the adjacent properties as well as for utility maintenance.

Area map

Vacation Request



A request to vacate the alley running East-West adjacent to Lots 13, 14 and 16 Block 1 Bowman Addition

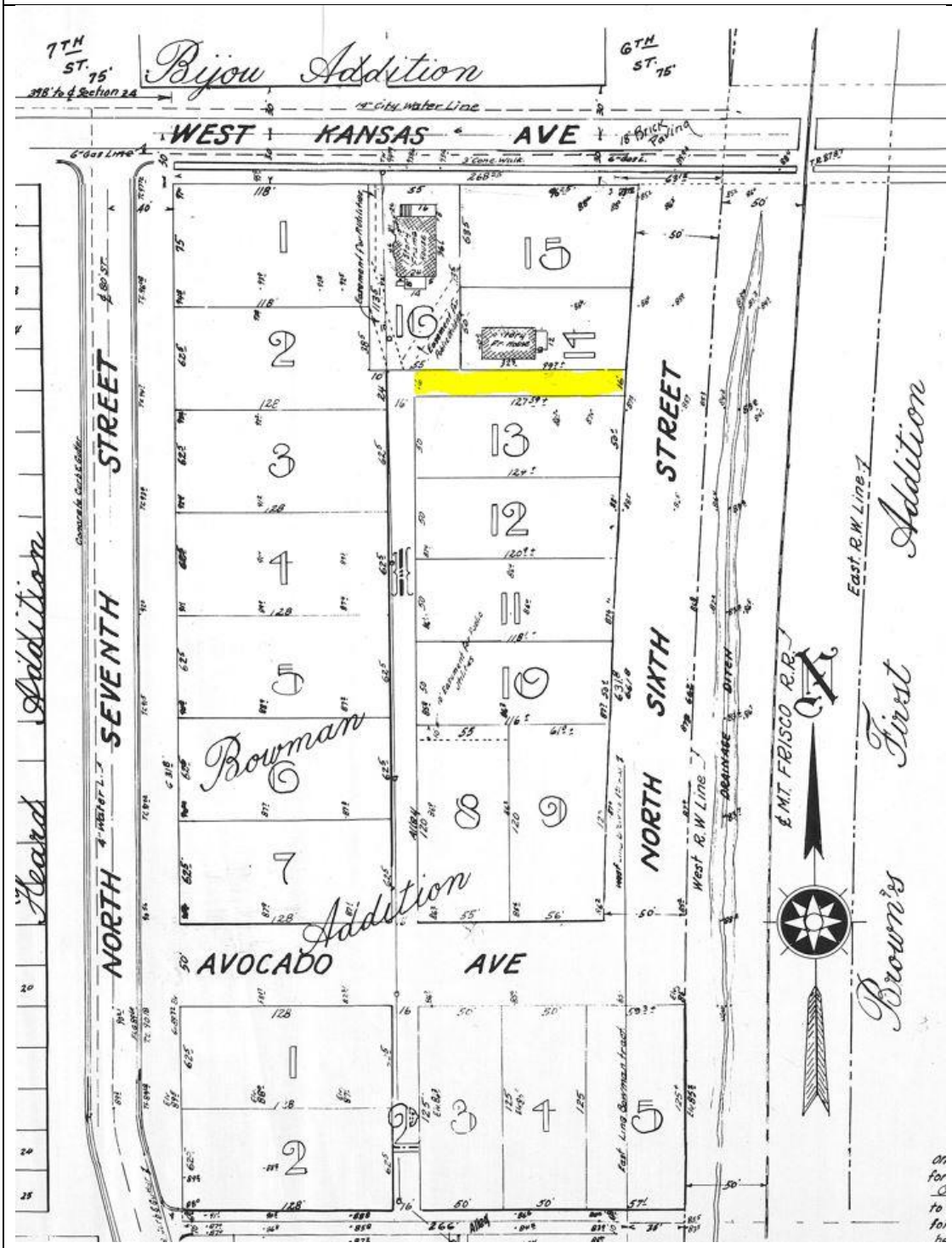
Utility Easement

Vacation Request

Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: November 01, 2023

Portion of Plat



This is a portion of the Bowman Addition plat filed in 1954. The highlighted area shows the approximate location of the vacation request. The alley is in an east-west orientation. The plat was believed to have included the alley in this manner because the house on Lot 16 had already been built. The east-west portion of the alley is not currently being used as an alley and has not been improved by the City.

Neighborhood Photos

North/South portion of alley looking north from Avocado Ave. This portion would not be vacated by this action. Photo taken on 11-14-2023 by Josh White

Portion of alley to be vacated looking east from 6th Street. Photo taken on 11-14-2023 by Josh White

6th Street looking South. Photo taken on 11-14-2023 by Josh White

Planning Commission Agenda Item

Meeting Date: 12/12/23

From: Josh White, Principal Planner

Item: Housing Tract 101 acres Annexation

Purpose: Consider a recommendation to the City Commission regarding the annexation of 101 acres in the Northwest Quarter of Section 13, Township 34 South, Range 3 East of the 6th Principal Meridian.

Background:

The City of Arkansas City recently purchased 101 acres southwest of the intersection of 8th & Skyline Road. Planning Commission input is not required for Consent Annexations but a recommendation would still be helpful to the City Commission. The area was purchased with the intent to transfer the property to housing developers. The annexation will provide additional tax revenue for the City as well as much needed housing. The total area to be annexed is 101 acres. The City desires to annex the entire parcel so that a Reinvestment Housing Incentive District (RHID) can be pre-certified. At this time, staff recommend leaving the zoning as the default R-1, Low Density Residential District. Rezonings will occur as projects are proposed as necessary.

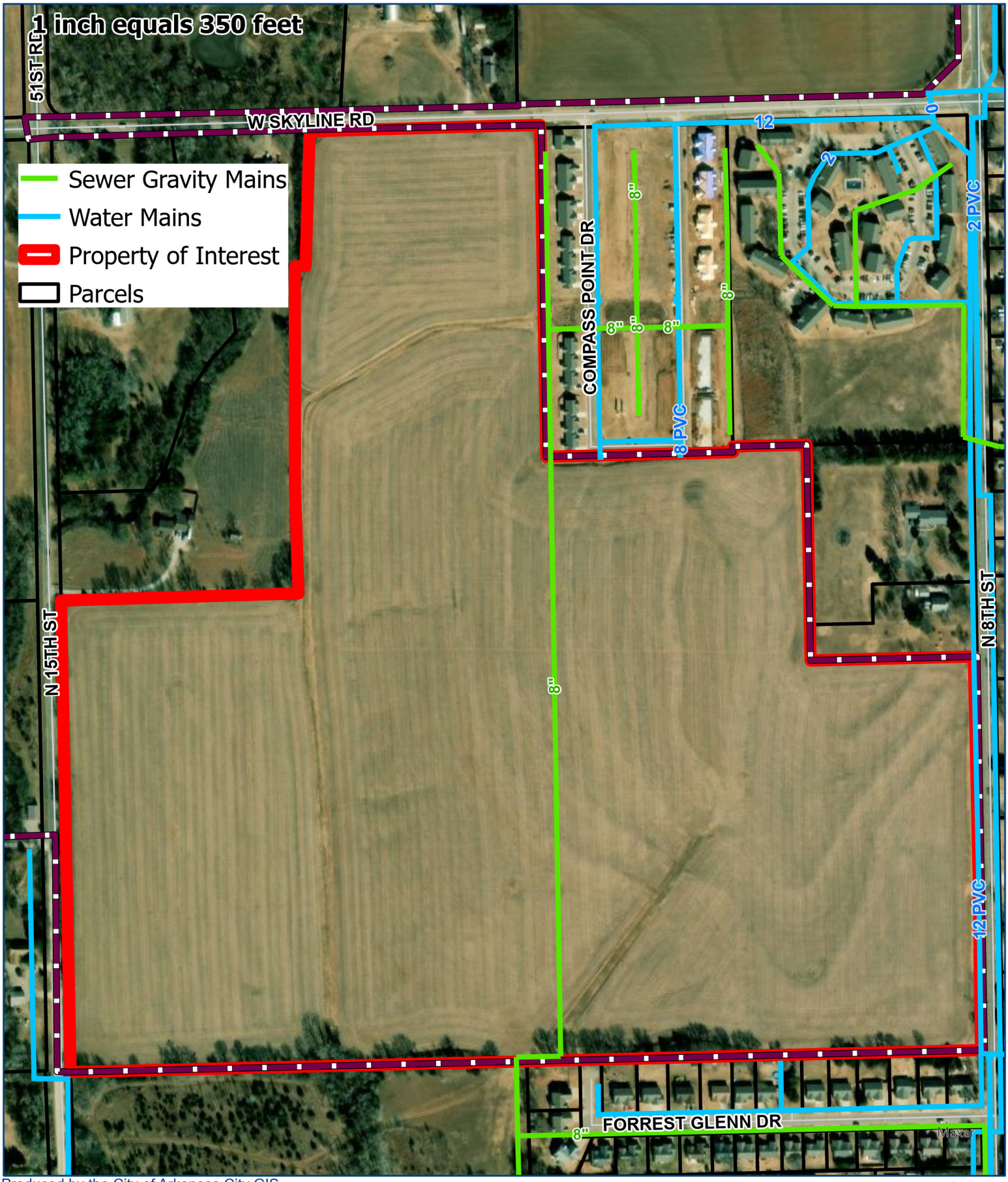
Action:

Hold discussion on the proposed annexation. After discussion, make a motion to recommend the City Commission approve/disapprove a request to annex 101 acres in the Northwest Quarter of Section 13, Township 34 South, Range 3 East of the 6th Principal Meridian. This will be a voice vote.

Attachments:

Area maps

101 acre site



Produced by the City of Arkansas City GIS
using the best available data to date.
The City makes no warranty or representation,
expressed or implied, with respect to the data
displayed. November 09, 2023

0 125 250 500 750 1,000 Feet

Exhibit A

The Northwest Quarter of Section 13, Township 34 South, Range 3 East of the 6th P.M., Cowley County, Kansas
LESS AND EXCEPT A TRACT: Beginning at the Northwest corner of said Northwest Quarter; thence North 90 deg. East (assumed) along the North line of said Quarter Section, 757.07 feet; thence South 2 deg. 04 min. West, 400 feet; thence North 90 deg. West, 30 feet; thence South 2 deg. 04 min. West, 612.65 feet; thence South 0 deg. 08 min. 20 sec. West, 300 feet; thence North 89 deg. 39 min. West, 693 feet to the West line of said Quarter Section; thence North 0 deg. 08 min. 20 sec. East, along the West line of said Quarter Section, 1308 feet to the point of beginning;
AND LESS AND EXCEPT A TRACT: Beginning at a point on the East line, 943.16 feet South of the Northeast corner of said Northwest Quarter, said East line on an assumed bearing of South 0 deg. 00 min. East; thence South 0 deg. 00 min. East, along the East line of said Quarter Section, 501.54 feet; thence South 89 deg. 31 min. 10 sec. West, and parallel with the North line of said Quarter Section, 490.53 feet; thence North 0 deg. 46 min. 15 sec. West, 504.97 feet; thence North 89 deg. 55 min. 18 sec. East, 497.51 feet to the point of beginning;
AND LESS AND EXCEPT: Beginning at a point 1444.7 feet South of the Northeast corner of said Northwest Quarter; thence West parallel with the North line of said Quarter Section, 490.53 feet; thence South parallel with the East line of said Quarter Section, 100 feet; thence East parallel with the North line of said Quarter Section, 490.53 feet to the East line of said Quarter Section; thence North along the East line of said Quarter Section, 100 feet to the point of beginning, except the East 40 feet.
AND LESS AND EXCEPT A TRACT: Beginning at the Northeast Corner of said Northwest Quarter; thence South 00 degrees, 00 minutes, 00 seconds East (assumed) along the East Line of said Northwest Quarter a distance of 943.16 feet to the Northeast Corner of a tract recorded in Book 481, Page 159, in the Cowley County Register of Deeds Office; thence South 89 degrees, 55 minutes, 18 seconds West along the North Line of said recorded tract produced a distance of 700.00 feet to a 1/2" Iron Pin; thence North 00 degrees, 00 minutes, 00 seconds East a distance of 938.26 feet to a point on the North Line of said Northwest Quarter; thence North 89 degrees, 31 minutes, 16 seconds East along the North Line of said Northwest Quarter a distance of 700.02 feet to the Point of Beginning;
AND LESS AND EXCEPT A TRACT: Commencing at the Northeast Corner of said Northwest Quarter; thence South 89 degrees, 31 minutes, 16 seconds West (assumed) along the North Line of said Northwest Quarter a distance of 700.02 feet to the Point of Beginning of the herein described parcel of land; thence South 00 degrees, 00 minutes, 00 seconds East parallel with the East Line of said Northwest Quarter, a distance of 540.00 feet to a point; thence South 89 degrees, 31 minutes, 16 seconds West parallel with the North Line of said Northwest Quarter a distance of 522.00 feet to a point; thence North 00 degrees, 00 minutes, 00 seconds West, parallel with the East Line of said Northwest Quarter a distance of 540.00 feet to a point on the North Line of said Northwest Quarter; thence North 89 degrees, 31 minutes, 16 seconds East along said North Line a distance of 522.00 feet to the Point of Beginning; AND commencing at the Northeast corner of said Northwest Quarter, thence South 89 deg. 31 min. 16 sec. West (assumed) along the North line of said Northwest Quarter, 700.02 feet, thence South 0 deg. 00 min. East, parallel with the East line of said Northwest Quarter, 540.00 feet to the point of beginning of said tract, thence South 0 deg. 00 min. East, 417.26 feet, thence South 89 deg. 31 min. 16 sec. West, 522.00 feet, thence North 0 deg. 00 min. East, 417.26 feet, thence North 89 deg. 31 min. 16 sec. East, 522.00 feet to the point of beginning, said land subsequently platted and now known as Lots 1 thru 14, inclusive, Block A; Lots 1 thru 26, inclusive, Block B; Lots 1 thru 14, inclusive, Block C; Reserve A, B and C, all in Compass Point Addition to the City of Arkansas City.