



City of Arkansas City

PLANNING COMMISSION MEETING

AGENDA

Tuesday, January 14, 2025 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/776579325> or call +1 (224) 501-3412 Access Code: 776-579-325

Call to Order

Roll Call

Mike Bergagnini
 Duane Oestman

Lloyd Colston
 Cody Richardson

Brandon Jellings
 Dotty Smith

Chris Johnson

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.

Consent Agenda

1. Meeting Minutes, **December 10, 2024 meeting.**

Public Hearings

2. Hold a public hearing to consider the advisability of granting a conditional use permit to allow a short-term rental in an R-2, Medium Density Residential District located at 311 Highland Drive.

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.

Other Items

Adjournment



City of Arkansas City

PLANNING COMMISSION MEETING AGENDA

Tuesday, December 10, 2024 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

Dotty Smith called the meeting called to order at 5:30 PM

Mike Bergagnini
 Duane Oestman

Lloyd Colston
 Cody Richardson

Brandon Jellings
 Dotty Smith

Chris Johnson

Consent Agenda

1. After reviewing the minutes, Lloyd Colston made the motion to approve the minutes from September 10, 2024 as written and Duane Oestman made the second motion. Voice vote carried the motion.

Public Hearings

2. Cody Richardson made the motion to open the meeting to a public hearing at 5:31 PM and Lloyd Colston made the second. Voice vote carried the motion. Josh went over the proposed amended Off-Premises/Billboard Signs Regulation.
 - LC stated that a citizen approached him about these regulations and what would the citizen need to do if the citizen did not like/agree with the regulation. Josh stated that anyone could propose an amendment.
 - DO asked if a business wanted to put a sign on a roof, Josh stated that these regulations do not allow that.
 - DO made the motion to close the hearing at 5:45 PM and Cody Richardson made the second motion, voice vote carried the motion.
 - There was not further discussion. Cody Richardson made the motion to approve the proposed regulations and Duane Oestmann made the second motion. Roll Call vote carried the motion.

Other Items: Josh stated that there was a conditional use permit application that would be on the agenda on the January 14, 2025 agenda.

Adjournment: DO made the motion to adjourn at 5:48 PM and MB made the second. Voice vote carried the motion.



Planning Commission Agenda Item

Meeting Date: 1/14/25
From: Josh White, Principal Planner
Item: 311 Highland Drive Conditional Use Permit

Purpose: Hold a public hearing to consider the advisability of granting a conditional use permit to allow a short-term rental in an R-2, Medium Density Residential District located at 311 Highland Drive.

Background:

The subject property is located at 311 Highland Drive. The surrounding area is comprised of residential uses. The property consists of approximately 0.28 acres. The applicant has submitted a request for a conditional use permit for a short-term rental. In the R-2 District this use is only permitted with a conditional use permit. Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit be approved based on the following conclusions:

- The proposed use is still residential in character.
- There is adequate parking available.
- The proposed use should not negatively impact the neighborhood.

Recommended Conditions:

- Maximum of 5 guests per night
- No pets allowed
- All parking should be off street when feasible

Action:

Hold a public hearing. After the public hearing is closed, make a motion to recommend the City Commission approve/disapprove the request for a conditional use permit to allow short term rental in an R-2, Medium Density Residential District located at 311 Highland Drive

Attachments:

Staff report

Presentation Link: <https://arcg.is/1jCLja0>



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
CU-2024-026

APPLICANT/PROPERTY OWNER
Budija Enterprises LLC

PUBLIC HEARING DATE
January 14, 2025

PROPERTY ADDRESS/LOCATION
311 Highland Drive

BRIEF SUMMARY OF REQUEST

The subject property is located at 311 Highland Drive. The surrounding area is comprised of residential uses. The property consists of approximately 0.28 acres. The applicant has submitted a request for a conditional use permit for a short-term rental. In the R-2 District this use is only permitted with a conditional use permit. Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit be approved.



Map data ©2024 Esri World Topographic map

EXISTING ZONING R-2 Medium Density Residential District	EXISTING LAND USE Residential	SURROUNDING ZONING & LAND USE Surrounded by R-2 and Residential Land Use	SITE IMPROVEMENTS Home and outbuildings	SIZE OF PROPERTY 0.28 acres
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates this area as residential. There is not a goal associated with the proposed use in the Comprehensive Plan. The main reason for requiring a conditional use permit for short-term rentals is to ensure that they do not negatively impact the surrounding neighborhood or further reduce the amount of available housing. By requiring such a conditional use permit, the city can control how many short-term rentals are in a specific neighborhood.

PROPERTY HISTORY

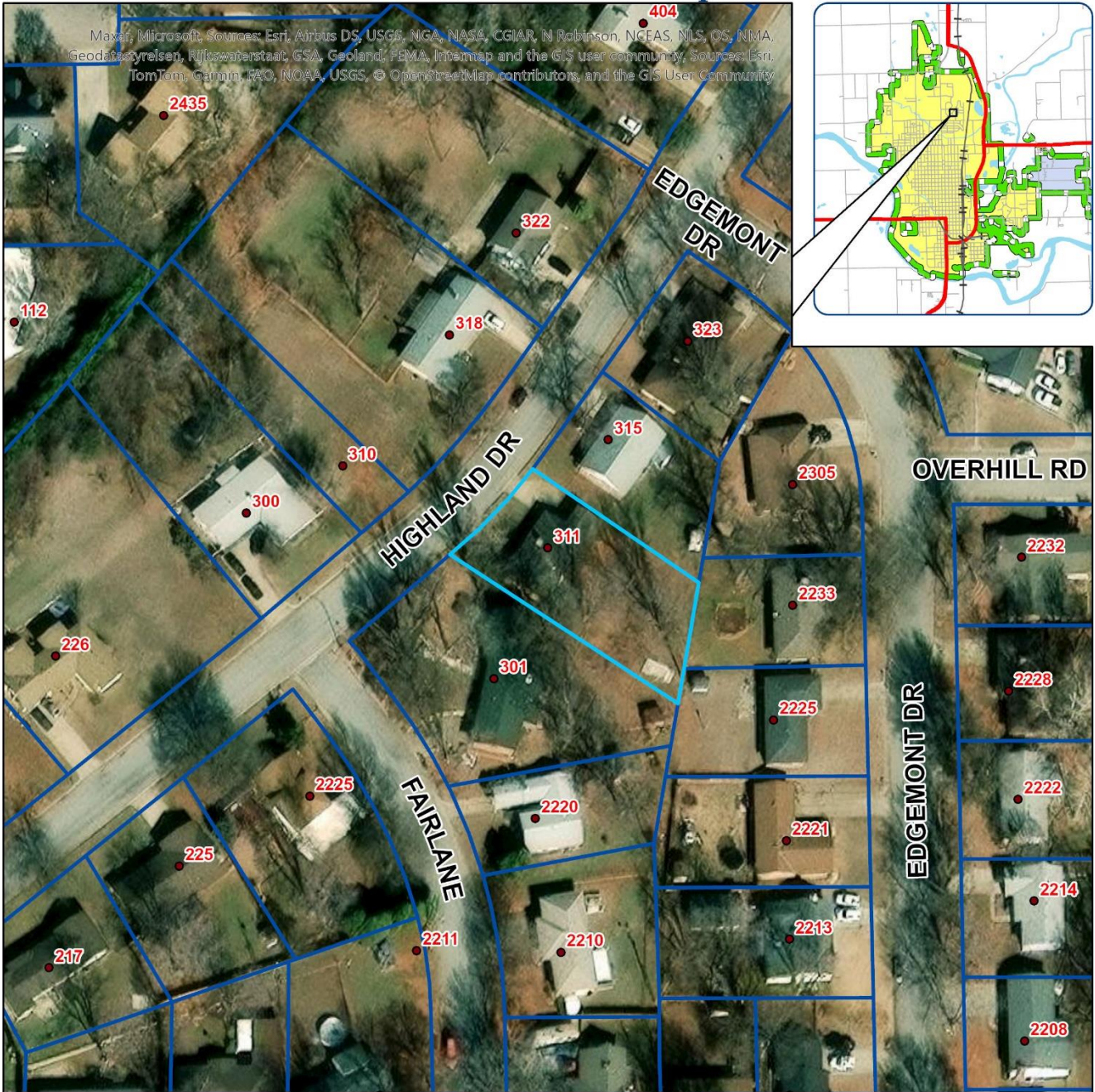
According to County Records the house was built in 1959. In 1979 the carport on the north side of the house was converted into a garage. All other permits were minor. No other land use cases were found for the property.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of residential uses. It is the intent of the residential zoning districts to provide for areas of low, medium and high-density residential development including certain public or private uses which are compatible with residential development. The requested conditional use would be consistent with the intent and purpose of these regulations.

Area map

Conditional Use Permit Request



A request for a conditional use permit to operate a short-term rental at 311 Highland Drive

- Conditional Use
- Property Lines

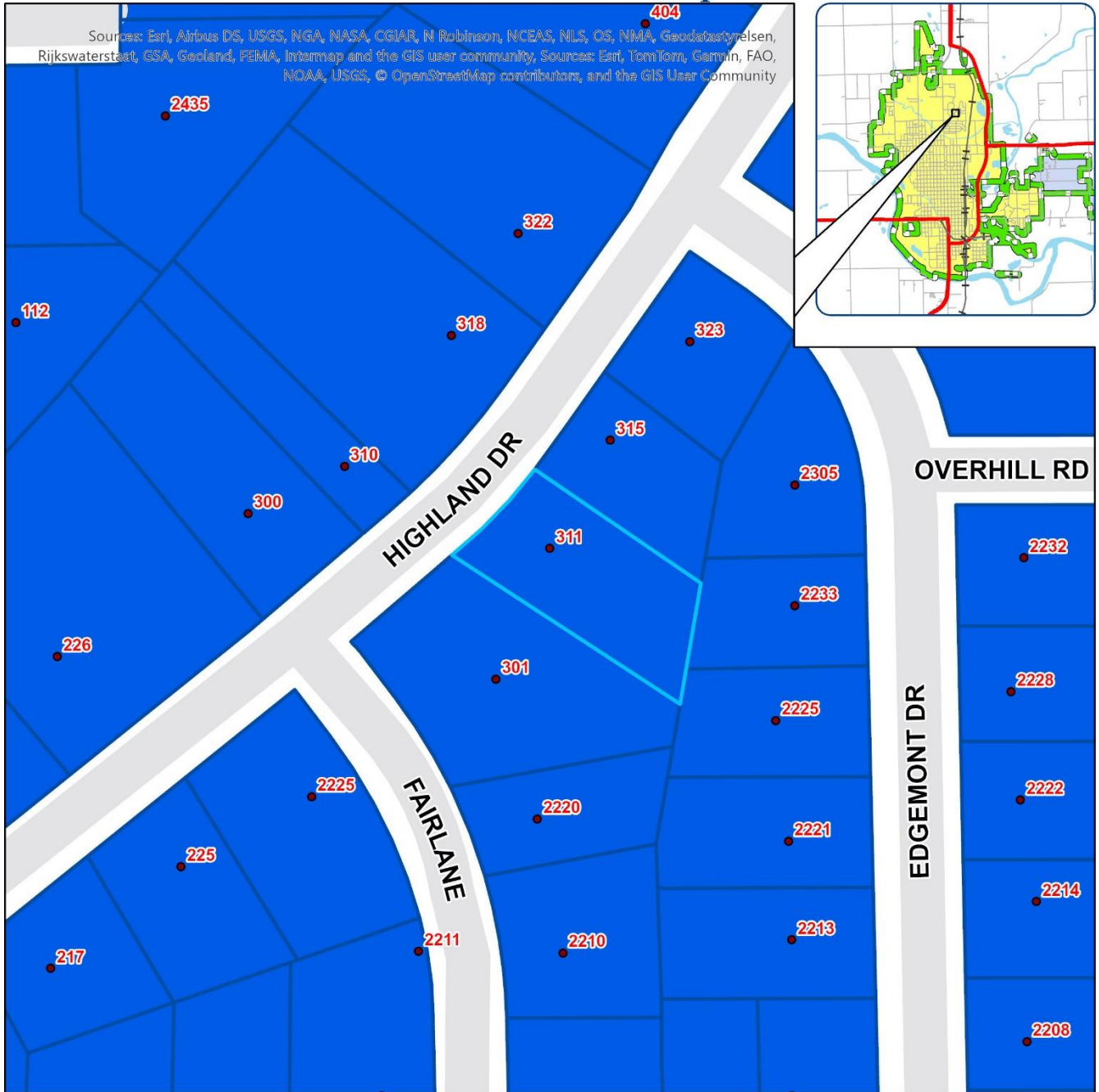
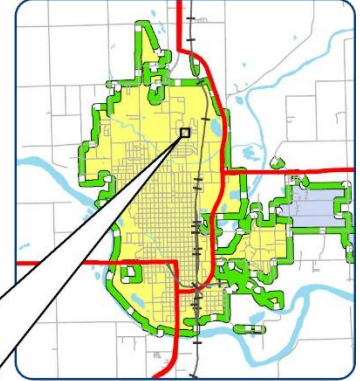
Produced by the City of Arkansas City GIS using the best available data to date. Created: December 03, 2024



Future Land Use map

Conditional Use Permit Request

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



A request for a conditional use permit to operate a short-term rental at 311 Highland Drive

- Conditional Use
- Property Lines
- Future Land Use
- Residential

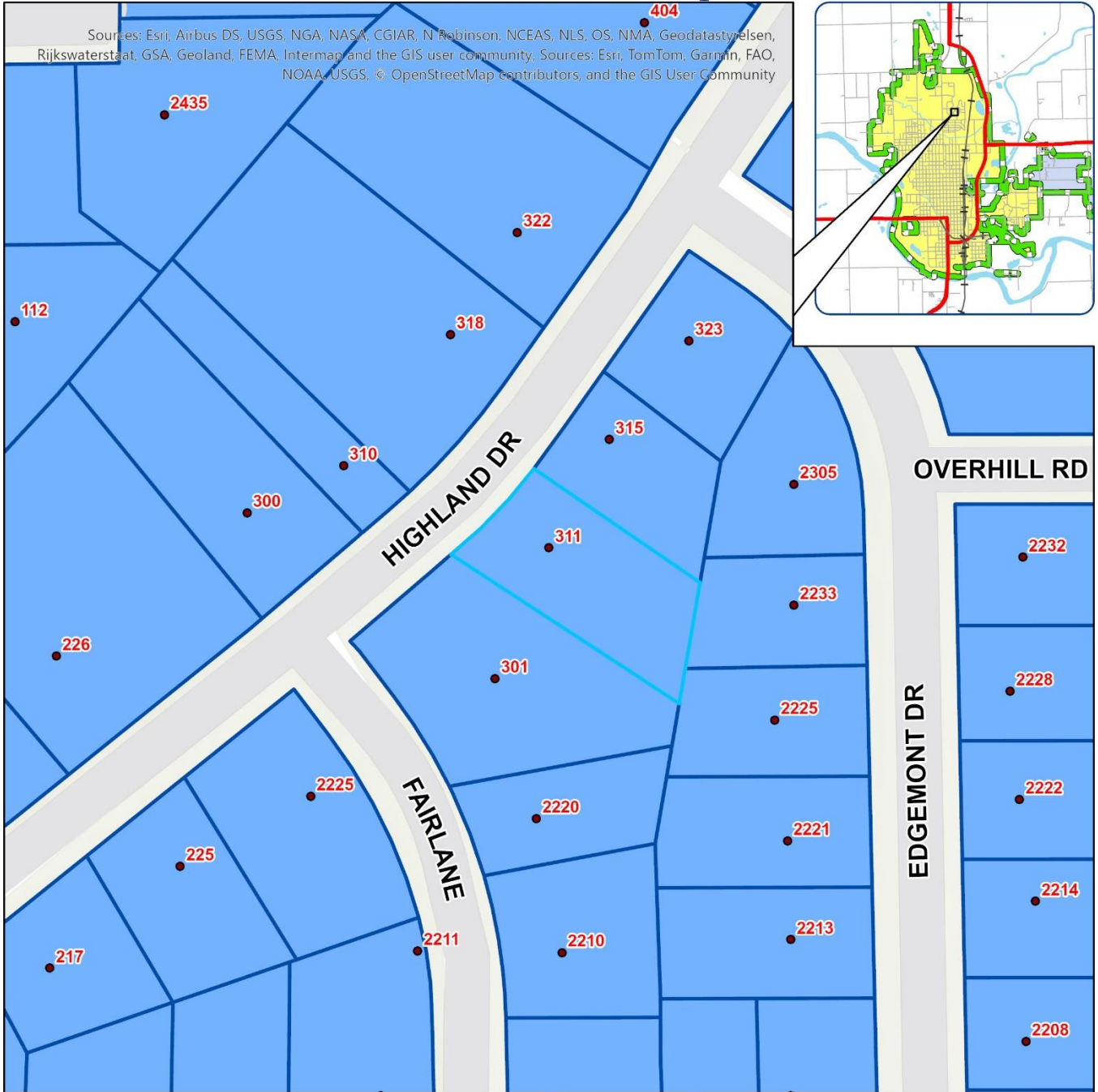
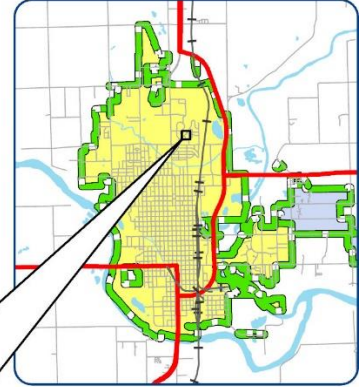
Produced by the City of Arkansas City GIS using the best available data to date. Created: December 03, 2024



Zoning map

Conditional Use Permit Request

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



A request for a conditional use permit to operate a short-term rental at 311 Highland Drive

- Conditional Use
- Property Lines
- Zoning Districts
- R-2, Medium Density Residential District

Produced by the City of Arkansas City GIS using the best available data to date. Created: December 03, 2024



Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations

The surrounding area is comprised of residential uses. It is the intent of the residential zoning districts to provide for areas of low, medium and high-density residential development including certain public or private uses which are compatible with residential development. The requested conditional use would be consistent with the intent and purpose of these regulations.

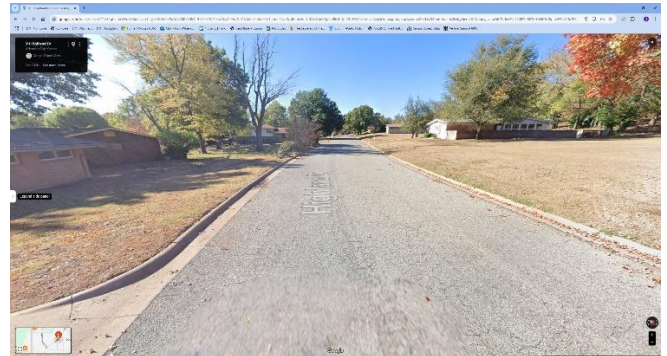
2. Whether the location of the proposed use is compatible with other land uses in the surrounding neighborhood;

The proposed use of a short-term rental would be permitted under the R-2, Medium Density Residential District with this conditional use permit. This area surrounding the property is residential.

Neighborhood Photos



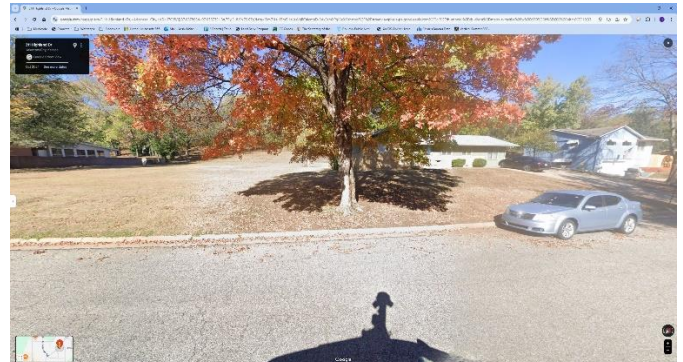
Subject Property. Google Street View from October 2024.



Neighborhood looking SW along Highland Drive. Google Street View from October 2024



Neighborhood looking NE along Highland Drive. Google Street View from October 2024



Across the street from the subject property. Google Street View from October 2024.

Site Plan

A site plan was not provided with this request and is not required for approval as no new construction is proposed.

- 3. **Whether the proposed use places an undue burden on the existing public infrastructure in area affected and, if so, whether additional infrastructure can be provided;**
No additional infrastructure would be required for the proposed use.
- 4. **Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;**
The conditions of the area are not changing. This property is within a residential area that is stable.
- 5. **The length of time the subject property has remained vacant or undeveloped as zoned;**
The property is not currently vacant.
- 6. **Whether the applicant’s property is suitable for the proposed conditional use;**
The property is a suitable location for the proposed conditional use if the conditions for the proposed use are met.
- 7. **Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**
The Future Land Use portion of the Comprehensive Plan designates this area as residential. There is not a goal associated with the proposed use in the Comprehensive Plan. The main reason for requiring a conditional use permit for short-term rentals is to ensure that they do not negatively impact the surrounding neighborhood or further reduce the amount of available housing. By requiring such a conditional use permit, the city can control how many short-term rentals are in a specific neighborhood.
- 8. **Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;**
With the proposed conditions, the project should not adversely affect the area affected. The biggest potential issue would be the number of overnight guests, and the issues excessive numbers of guests can cause which can be mitigated by conditions.
- 9. **For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with any adopted Solid Waste Management Plan of Cowley County, and amendments thereto;**
The proposed project does not require special disposal of solid waste and is not such a facility.
- 10. **The recommendations of professional staff and advisors**
Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of these concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit for a short-term rental be approved based on the following conclusions:
 - The proposed use is still residential in character.
 - There is adequate parking available.
 - The proposed use should not negatively impact the neighborhood.
- Conditions:**
 - Maximum of 5 guests per night
 - No pets allowed
 - All parking should be off street when feasible.
- 11. **Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

Additional conditions may be recommended by the Planning Commission