



City of Arkansas City

PLANNING COMMISSION MEETING

AGENDA

Tuesday, January 09, 2024 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/826424117> or call +1 (872) 240-3212 Access Code: 826-424-117

Call to Order

Roll Call

Dr. Tyson Blatchford
 Kyle Lewis

Lloyd Colston
 Cody Richardson

Brandon Jellings
 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.

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, **December 12, 2023 meeting.**

Consideration

2. Elect a chair and vice-chair for 2024

3. Consider a recommendation to the City Commission regarding the annexation of 28379 81st Rd

Public Hearings

4. Hold a public hearing to consider the advisability of rezoning 28379 81st Road from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

5. Hold a public hearing to consider the advisability of granting a conditional use permit to allow a non-profit institution in an R-3, High Density Residential District located at 28379 81st Road.

Other Items

Adjournment



City of Arkansas City

PLANNING COMMISSION MEETING AGENDA

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

Call to Order

Roll Call

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Dr. Tyson Blatchford | <input type="checkbox"/> Lloyd Colston | <input checked="" type="checkbox"/> Brandon Jellings | <input type="checkbox"/> Ian Kuhn |
| <input checked="" type="checkbox"/> Kyle Lewis | <input checked="" type="checkbox"/> Cody Richardson | <input checked="" type="checkbox"/> Dotty Smith | <input checked="" type="checkbox"/> 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. No declarations were made.

Tom Wheatley made the motion to open the meeting to Public Comments and Dotty Smith made the second. Voice vote carried the motion. 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 public comments were made.

Consent Agenda

- Tom Wheatley made the motion to approve the meeting minutes from the October 10, 2023 meeting Brandon Jellings made the second motion. Voice vote carried the motion.

Board of Zoning Appeals

- Tom Wheatley made the motion to recess the Planning Commission and convene the Board of Zoning Appeals and Dotty Smith made the second motion. Voice vote carried the motion.
- 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:** Josh explained to the board that this was discussed 180 days, the builder and the home owner had been notified of this meeting, but neither was present. Josh explained the situation again to the board. After discussion, Tom Wheatley made a motion to deny the variance, Dotty Smith seconded. Roll call vote carried the motion.
- Tom Wheatley made the motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission and Dotty Smith made the second. Voice vote carried the motion.

Public Hearings

- Consider the advisability of vacating a portion of an alley within Block 1, Bowman Addition:** Josh explained the proposed vacancy to the Planning Commission. After the presentation, Josh stated that staff recommended proposal. The property owner of 1336 N 7th ST was present and approached the board with his opinions of the vacation. Cody Richardson asked him how long he had been at his residence; he had been there since 1986. Ken Harader was present and asked the board questions. Cody asked what maintenance the city does on alleys; Josh explained what the cities responsibility was. After discussion, Tom Wheatley made the motion to close the public hearing and Dotty Smith made the second. Voice vote carried the motion. Dotty Smith made the motion to deny the vacation and Tom Weakley made the second motion. Roll Call vote carried the motion.

Other Items

- 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:** Josh explains to the board about the annexation of the property and possible zoning. Josh explained this would go to the second meeting in January. Tom Weakley made the motion to recommend the annexation. Dotty Smith

asked the other Planning Commissioners if any of them were interested in purchasing any portion of this land? Brandon, Cody, Kyle and Tom all stated that they were not interested in purchasing any portion of this land. Dotty Smith made the second motion. Voice vote carried the motion.

7. Tom Wheatley explained that the Chair position was now vacant. Dotty Smith was nominated to fill the chair position starting January 1, 2024. Dotty Smith accepted the position.

Tom Wheatley made the motion to adjourn the meeting at 6:19 PM and Brandon Jellings made the second. Voice vote carried the motion.

DRAFT



Planning Commission Agenda Item

Meeting Date: 1/9/24
From: Josh White, Principal Planner
Item: Elect a chair and vice-chair for 2024

Purpose: Elect a chair and vice-chair for 2024

Background:

In accordance with the bylaws, a new chair and vice-chair should be elected at the first meeting of each year. The current Chair position is vacant with the resignation of Ian Kuhn. The current Vice-Chair is Tom Wheatley. Tom has recommended that Dotty Smith be appointed as Chair.

Staff recommends that Dotty Smith be appointed Chair for 2024. Staff recommends Tom Wheatley be retained as vice-chair for 2024.

Action:

Make a motion to appoint a chair for 2024. Make a motion to appoint a vice-chair for 2024.

Attachments:

None



Planning Commission Agenda Item

Meeting Date: 1/9/24
From: Josh White, Principal Planner
Item: Etzanoa Conservancy Annexation

Purpose: Consider a recommendation to the City Commission regarding the annexation of 28379 81st Rd

Background:

A letter of consent for annexation has been filed by Etzanoa Conservancy. Planning Commission input is not required for Consent Annexations but a recommendation would still be helpful to the City Commission. The area is to be the site of the Etzanoa Cultural & Immersion Center. The annexation will provide support for the local community through tourism and a potential UNESCO site. The annexation will also help with the application of grants for the center and will allow the site to be connected to city utilities. The total area to be annexed is 4.97 acres. The site will be rezoned by the next item.

This annexation would be a non-adjoining parcel to the City. Therefore, the City must request the Board of Cowley County Commissioners to make a determination that the annexation will not hinder the growth and development of the area or that of any other incorporated city within Cowley County.

Action:

Hold discussion on the proposed annexation. After discussion, make a motion to recommend the City Commission approve/disapprove a request to annex 28379 81st Road. This will be a voice vote.

Attachments:

Area map



Etzanoa

Etzanoa Conservancy
 31639 US-77,
 Arkansas City, KS 67005
 620-442-6750
 etzanoa@yahoo.com

December 4, 2023

City Commissioners
 City of Arkansas City
 118 W Central
 Arkansas City, KS 67005

Subject: Petition for Annexation of Property into City Limits

Dear City Commissioners,

Etzanoa Conservancy, the undersigned landowner of the property located at 28379 81st Road, Arkansas City, Kansas, am submitting this petition to request the annexation of my property into the city limits of Arkansas City KS. I believe that the annexation will bring about mutual benefits for both the city and the property, contributing to the overall development and prosperity of the community.

Property Details:

- Property Address: 28379 81st Road, Arkansas City, KS 67005

- Legal Description: *A tract of land situated in the Northeast Quarter of Section 20, Township 34 South, Range 4 East of the 6th P.M., Cowley County, Kansas, being more particularly described as follows: Commencing at the Southeast Corner of said Northeast Quarter; thence North 00 deg. 31 min. 01 sec. West (assumed), along the East Line of said Northeast Quarter, a distance of 630.00 feet to a point; thence South 89 deg. 28 min. 59 sec. West, a distance of 569.00 feet, more or less, to a point on the West Right-of-Way line for a County Road, described in Road Record Book 1, Page 105 in the Cowley County Engineers Office and the Point of Beginning of the herein described tract; thence South 47 deg. 02 min. 26 sec. West, a distance of 17.00 feet to a 1/2" rebar-cap#1323; thence South 85 deg. 55 min. 15 sec. West, a distance of 240.00 feet to a 1/2" rebar-cap#1323; thence South 49 deg. 06 min. 16 sec. West, a distance of 170.00 feet to a 1/2" rebar-cap#1323; thence South 87 deg. 35 min. 08 sec. West, a distance of 100.00 feet to a 1/2" rebar-cap#1323; thence North 70 deg. 35 min. 12 sec. West, a distance of 232.00 feet to a point; thence North 01 deg. 14 min. 56 sec. West, a distance of 122.00 feet to a 1/2" rebar-cap#1323; thence North 35 deg. 48 min. 27 sec. East, a distance of 385.00 feet to a 1/2" rebar-cap#1323; thence North 67 deg. 19 min. 16 sec. East, a distance of 105.0 feet, more or less, to a point on said West Right-of-Way; thence South 42 deg. 57 min. 34 sec. East, along said West Right-of-Way, a distance of 557.0 feet, more or less, to the Point of Beginning.*

- Current Zoning: Not currently zoned; default is R-1 Low Density

- Land Size: 4.97 acres

Reasons for Annexation:

Proximity to city services, desire for municipal utilities, and future tourism opportunities.

Proposed Use:

The future home of the Etzanoa Cultural & Immersion Center.

Community Benefits:

Support of the local community through tourism and potential future UNESCO site.

Supporting Documents:

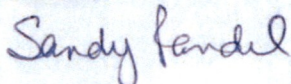
See attached.

I understand that the annexation process involves city and county commission reviews, and I am committed to actively participating in these proceedings to address any questions or concerns that may arise.

I appreciate your time and consideration of this petition. I am confident that the annexation of my property will be a positive step towards the shared growth and prosperity of Arkansas City Ks.

Thank you for your attention to this matter. I look forward to the opportunity to discuss this petition further.

Sincerely,



Sandy Randel
Director

Enc

Annexation/Rezone/Conditional Use Permit Request



A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

-  City Limits
-  Annexation
-  Conditional Use
-  Rezone
-  Property Lines



Etzanoa

Etzanoa Conservancy
 31639 US-77,
 Arkansas City, KS 67005
 620-442-6750
 etzanoa@yahoo.com

Exhibit A

Property Details:

- Property Address: 28379 81st Road, Arkansas City, KS 67005

- Legal Description: *A tract of land situated in the Northeast Quarter of Section 20, Township 34 South, Range 4 East of the 6th P.M., Cowley County, Kansas, being more particularly described as follows: Commencing at the Southeast Corner of said Northeast Quarter; thence North 00 deg. 31 min. 01 sec. West (assumed), along the East Line of said Northeast Quarter, a distance of 630.00 feet to a point; thence South 89 deg. 28 min. 59 sec. West, a distance of 569.00 feet, more or less, to a point on the West Right-of-Way line for a County Road, described in Road Record Book 1, Page 105 in the Cowley County Engineers Office and the Point of Beginning of the herein described tract; thence South 47 deg. 02 min. 26 sec. West, a distance of 17.00 feet to a 1/2" rebar-cap#1323; thence South 85 deg. 55 min. 15 sec. West, a distance of 240.00 feet to a 1/2" rebar-cap#1323; thence South 49 deg. 06 min. 16 sec. West, a distance of 170.00 feet to a 1/2" rebar-cap#1323; thence South 87 deg. 35 min. 08 sec. West, a distance of 100.00 feet to a 1/2" rebar-cap#1323; thence North 70 deg. 35 min. 12 sec. West, a distance of 232.00 feet to a point; thence North 01 deg. 14 min. 56 sec. West, a distance of 122.00 feet to a 1/2" rebar-cap#1323; thence North 35 deg. 48 min. 27 sec. East, a distance of 385.00 feet to a 1/2" rebar-cap#1323; thence North 67 deg. 19 min. 16 sec. East, a distance of 105.0 feet, more or less, to a point on said West Right-of-Way; thence South 42 deg. 57 min. 34 sec. East, along said West Right-of-Way, a distance of 557.0 feet, more or less, to the Point of Beginning.*



Planning Commission Agenda Item

Meeting Date: 1/9/24
From: Josh White, Principal Planner
Item: Etzanoa Rezone

Purpose: Hold a public hearing to consider the advisability of rezoning 28379 81st Road from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Background:

The subject property is located at 28379 81st Road. The surrounding area is comprised of agricultural uses. The property consists of approximately 4.97 acres. The project will be to develop the Etzanoa Cultural & Immersion Center. The applicant is requesting a rezone from the default R-1, Low Density Residential District to an R-3, High Density Residential District. R-3 is the most restrictive district that allows the proposed use. A conditional use permit will also be required for non-profit institutional use. It is the recommendation of staff that the requested rezoning R-1 to R-3 be approved based on the following conclusions:

- This is the most restrictive district that allows the use with conditions.
- The project will enhance tourism opportunities and the related economic development associated with tourism.
- Utilities can be extended to the site relatively easily
- A conditional use permit will accompany this request to mitigate negative factors.

Action:

Hold a public hearing. After the public hearing is closed, make a motion to recommend the City Commission approve/disapprove the request to rezone 28379 81st Road from an R-1 (Low Density Residential District) to an R-3 (High Density Residential District).

Attachments:

Staff report

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



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
 RZ-2023-118

APPLICANT/PROPERTY OWNER
 Etzanoa Conservancy

PUBLIC HEARING DATE
 January 9, 2024

PROPERTY ADDRESS/LOCATION
 28379 81st Rd

SUMMARY OF REQUEST

The subject property is located at 28379 81st Road. The surrounding area is comprised of agricultural uses. The property consists of approximately 4.97 acres. The project will be to develop the Etzanoa Cultural & Immersion Center. The applicant is requesting a rezone from the default R-1, Low Density Residential District to an R-3, High Density Residential District. R-3 is the most restrictive district that allows the proposed use. A conditional use permit will also be required for non-profit institutional use. Staff recommend approval of the rezone.



Map data ©2023 Esri World Topographic map

<p>EXISTING ZONING R-1, Low Density Residential District (subject to approval of annexation case AX-2023-021)</p>	<p>EXISTING LAND USE Residential</p>	<p>SURROUNDING ZONING & LAND USE Surrounded by Unzoned County/Agricultural Use</p>	<p>SITE IMPROVEMENTS Single Family Home & Farm Utility Building</p>	<p>SIZE OF PROPERTY 4.97 acres</p>
---	--	--	---	--

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

<p>COMPATIBILITY with the COMPREHENSIVE PLAN The Future Land Use portion of the Comprehensive Plan does not cover this property. When the Comprehensive Plan was developed, the plans for the center were not known. The proposed use is a non-profit institution. While there isn't a specific goal for Etzanoa there is a Goal to "Maintain coordination among community partners to coordinate goals and establish a funding stream for economic development" and under it is an action to "Work with Visit Ark City to promote tourism opportunities". This project will generate tourism for the area which will generate additional sales at area stores, restaurants and stays at our lodging institutions.</p>	<p>PROPERTY HISTORY According to County Records the Single-Family Home was built in 1956 and the utility building in 1990. The land had never been within the City Limits prior to the proposed annexation, so no further records or cases were found.</p>
<p>COMPATIBILITY with the ZONING ORDINANCE The surrounding area is comprised of agricultural 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 change in classification would be consistent with the intent and purpose of these regulations. This project also requires a conditional use permit.</p>	

Annexation/Rezone/Conditional Use Permit Request



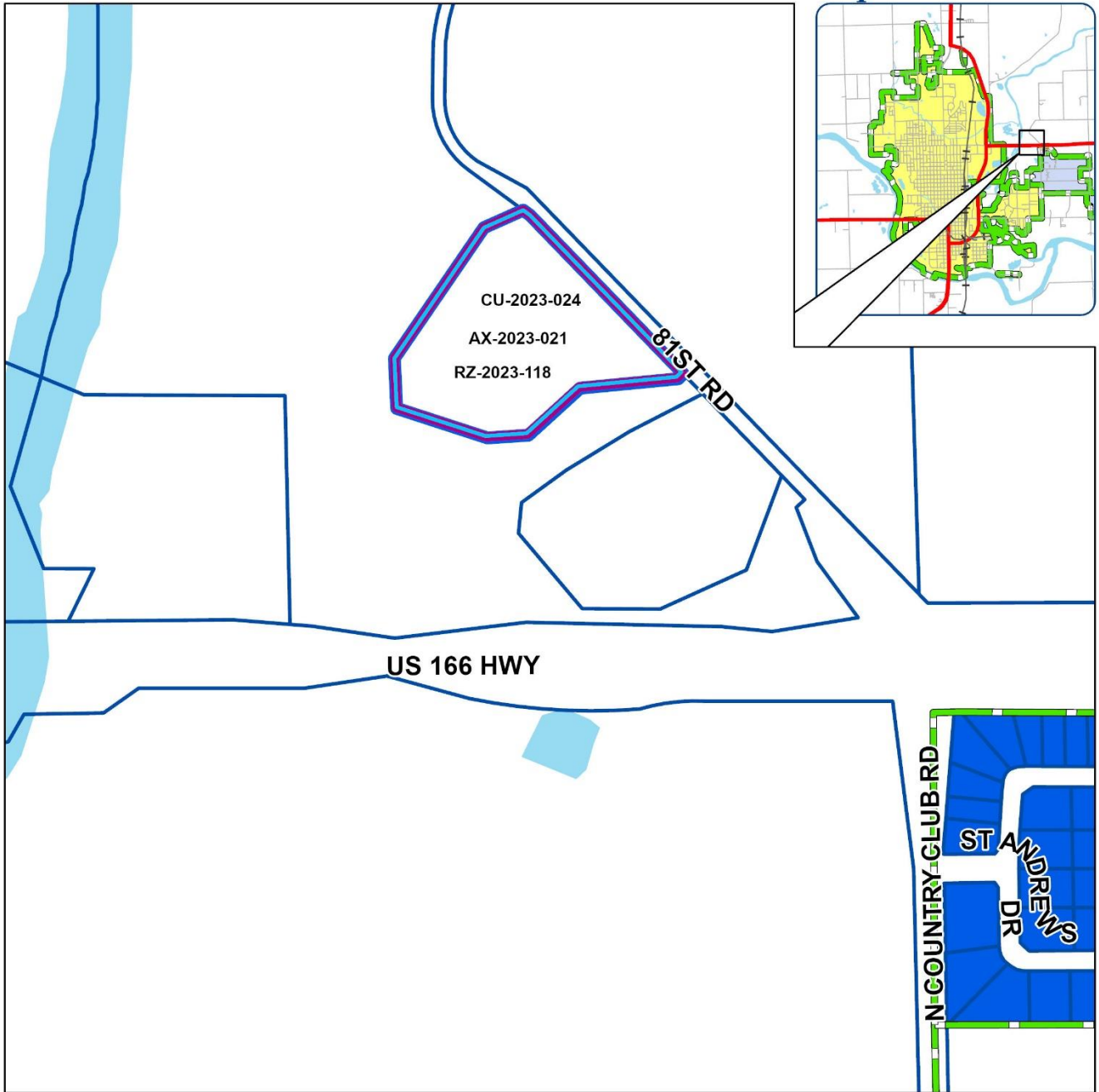
A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

-  City Limits
-  Annexation
-  Conditional Use
-  Rezone
-  Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: December 14, 2023



Annexation/Rezone/Conditional Use Permit Request



A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

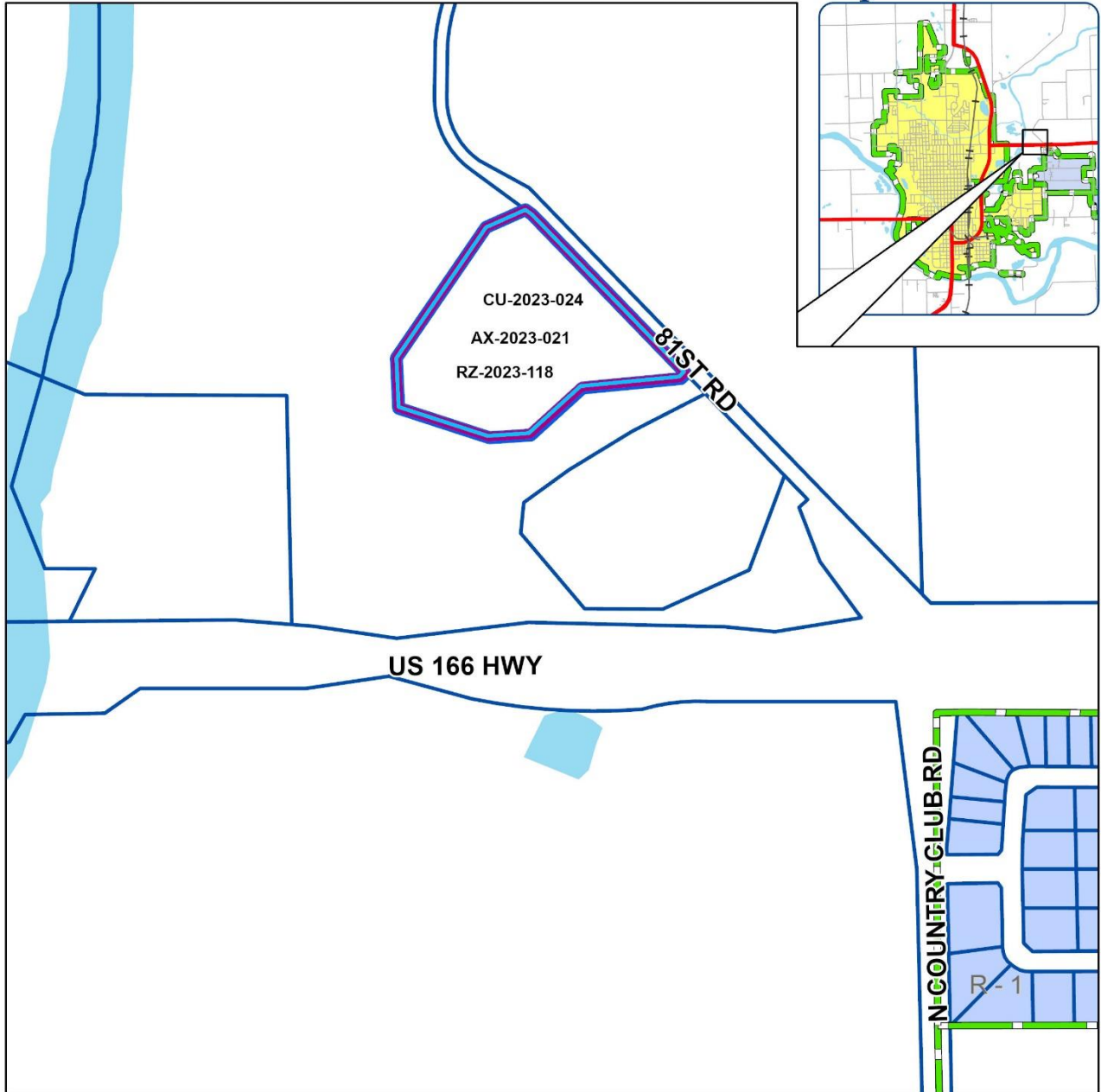
- | | | |
|-----------------|----------------|------------------------|
| City Limits | Rezone | Future Land Use |
| Annexation | Property Lines | Residential |
| Conditional Use | | |

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: December 14, 2023



Zoning map

Annexation/Rezone/Conditional Use Permit Request

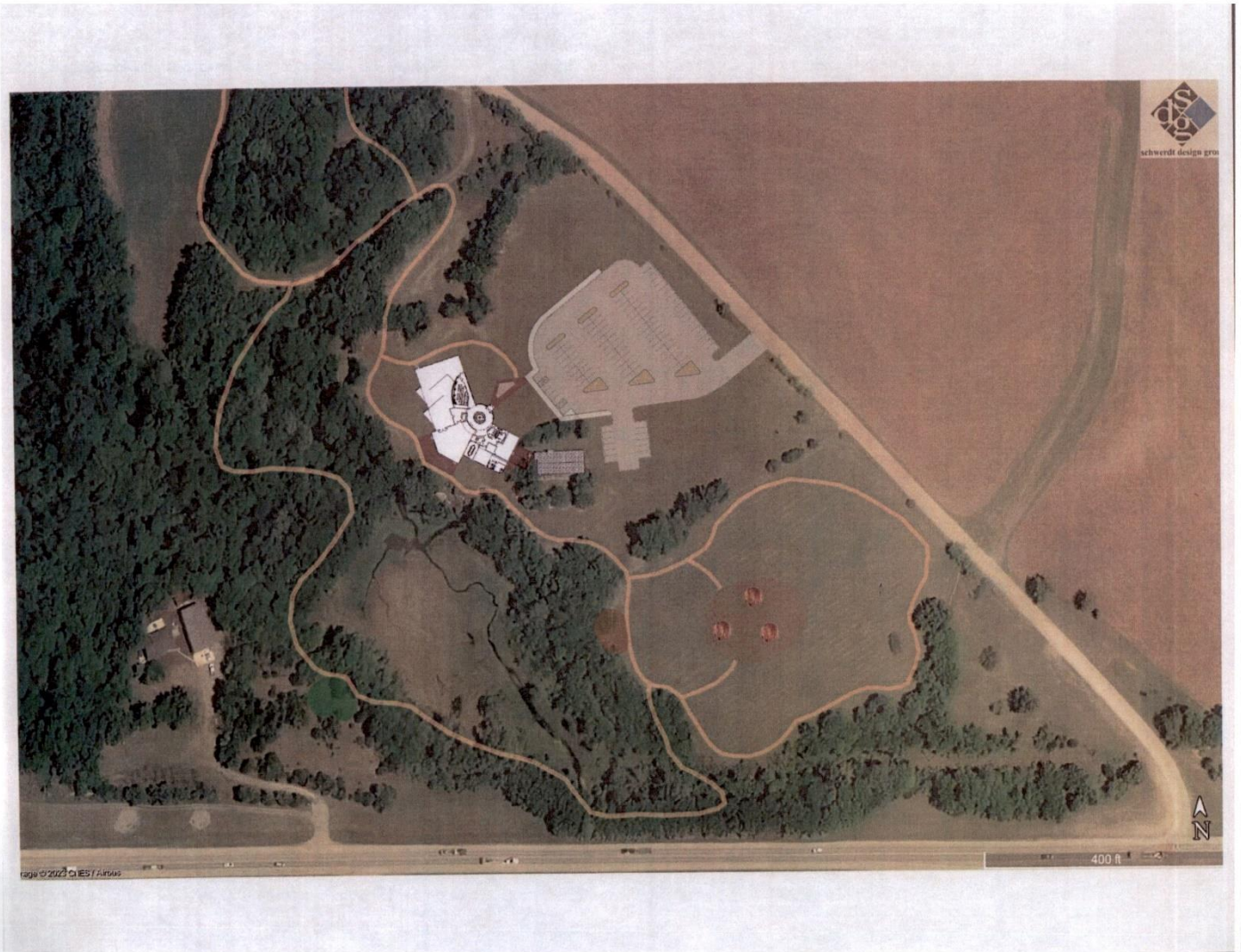


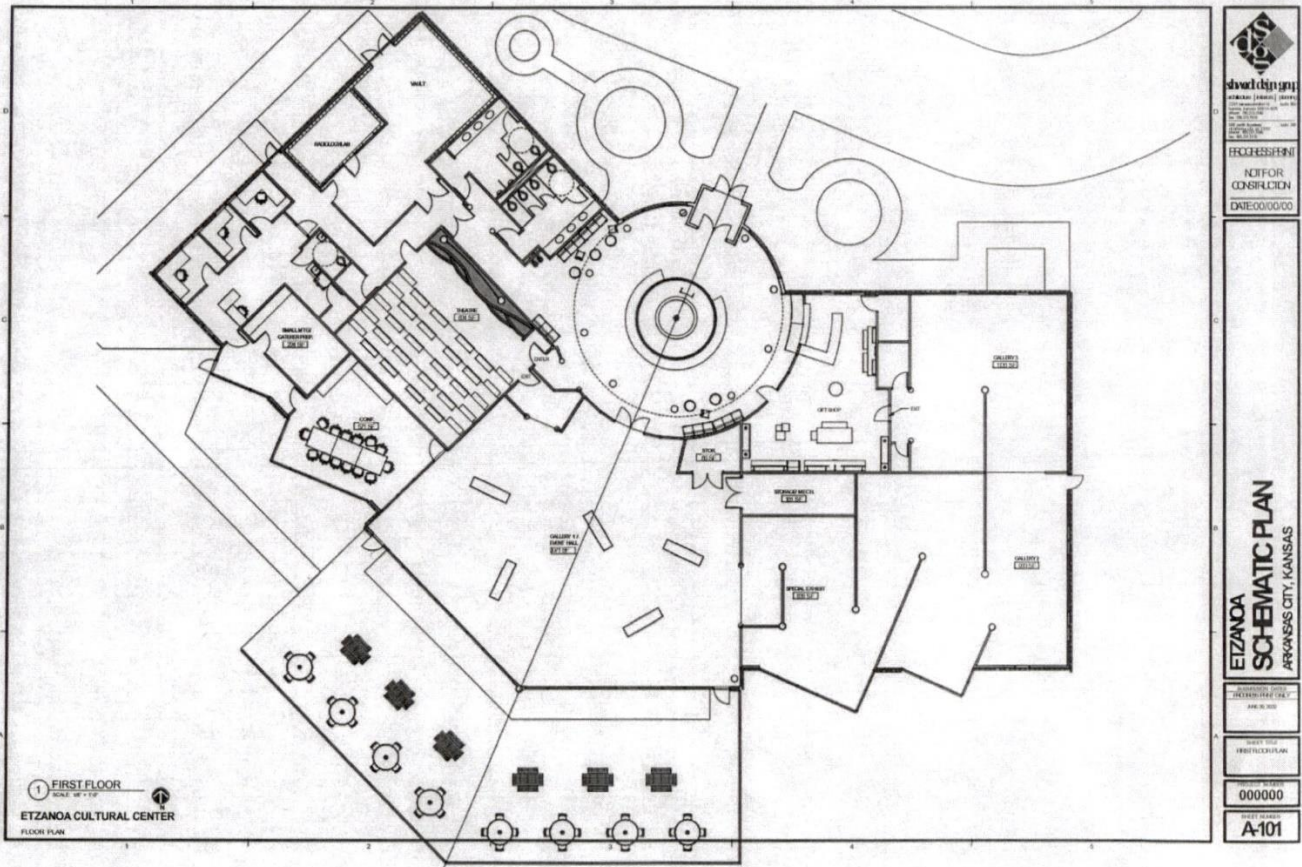
A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

- | | | |
|-----------------|----------------|---------------------------------------|
| City Limits | Rezone | Zoning |
| Annexation | Property Lines | R-1, Low Density Residential District |
| Conditional Use | | |

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: December 14, 2023







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 the change in classification would be consistent with the intent and purpose of these regulations;

The surrounding area is comprised of agricultural 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 change in classification would be consistent with the intent and purpose of these regulations.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The surrounding area is comprised of agricultural uses.

Neighborhood Photos



Subject Property Google Streetview from September 2023



Looking east across 81st Rd taken 12/27/2023 by Josh White



Looking South along 81st Rd taken 12/27/2023 by Josh White



Looking North along 81st Rd taken 12/27/2023 by Josh White



End of pavement approximately 400 feet north of intersection, south of site taken 12/27/2023 by Josh White



Intersection of 81st & US 166 taken 12/27/2023 by Josh White

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The current Low Density Residential District does not allow the proposed use. The proposed R-3 district allows non-profit institutional uses with a conditional use permit. The R-3 district is the most restrictive district that allows the use with the requirement of the conditional use permit. The conditions

of the area are not changing outside of this property. This property is within the Etzanoa explorative field and is the only land in the area large enough to accommodate the proposed use.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

The properties surrounding the site are Unzoned County with agricultural uses. The proposed use is more intense than the surrounding uses and would require conditions to be approved. As noted above, this is the only appropriate location for the site in the area.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

The proposed R-3 district allows multi-family homes and institutional uses at greater intensities than the R-1 district. The R-3 district allows is the most restrictive district that will allow the use. Conditions will have to be applied to approve the rezoning in the form of a conditional use permit.

6. The suitability of the applicant’s property for the uses to which it has been restricted;

The property is currently zoned for low density residential use. That is likely the most appropriate use for the site, however, the site could certainly support higher density development with conditions.

7. The length of time the subject property has remained vacant or undeveloped as zoned;

The property is not currently vacant.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

All sewer, water and other utilities will need to be extended from nearby Country Club Estates. Police and Fire should be able to serve the center without any major changes to services. The road serving the site likely will need to be upgraded due to increased traffic.

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

There is other land that has the appropriate zoning, but this project aims to provide a cultural immersion center. The location of the center is important and there isn't any other land that is large enough to develop into the center.

10. Whether the proposed amendment 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 does not cover this property. When the Comprehensive Plan was developed, the plans for the center were not known. The proposed use is a non-profit institution. While there isn't a specific goal for Etzanoa there is a Goal to "Maintain coordination among community partners to coordinate goals and establish a funding stream for economic development" and under it is an action to "Work with Visit Ark City to promote tourism opportunities". This project will generate tourism for the area which will generate additional sales at area stores, restaurants and stays at our lodging institutions.

11. Whether the relative gain to the public health, safety, and general welfare outweighs the

hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,

Public health, safety and general welfare should not be negatively impacted by this rezoning. However, a traffic study may be needed to ensure the safety of drivers in the area. It will also be important to provide adequate transportation shuttles between city businesses and the center.

12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application

13. The recommendations of professional staff;

It is the recommendation of staff that the requested rezoning R-1 to R-3 be approved based on the following conclusions:

- This is the most restrictive district that allows the use with conditions.
- The project will enhance tourism opportunities and the related economic development associated with tourism.
- Utilities can be extended to the site relatively easily
- A conditional use permit will accompany this request to mitigate negative factors.



Planning Commission Agenda Item

Meeting Date: 1/9/24
From: Josh White, Principal Planner
Item: Etzanao Conditional Use Permit

Purpose: Hold a public hearing to consider the advisability of granting a conditional use permit to allow a non-profit institution in an R-3, High Density Residential District located at 28379 81st Road.

Background:

The subject property is located at 28379 81st Road. The surrounding area is comprised of agricultural uses. The property consists of approximately 4.97 acres. The applicant has submitted the request for a conditional use permit for a non-profit institution. In the R-3 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:

- This is the most restrictive district that allows the use with conditions.
- The project will enhance tourism opportunities and the related economic development associated with tourism.
- Utilities can be extended to the site relatively easily.
- A conditional use permit will accompany this request to mitigate negative factors.

Recommended Conditions:

- Traffic should not be permitted to go north of the site on 81st Road.
- All parking should be on site.
- Any additional conditions imposed by the Planning Commission.

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 a non-profit institution in an R-3, High Density Residential District located at 28379 81st Road.

Attachments:

Staff report

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



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-2023-024

APPLICANT/PROPERTY OWNER
 Etzanoa Conservancy

PUBLIC HEARING DATE
 January 9, 2024

PROPERTY ADDRESS/LOCATION
 28379 81st Road

BRIEF SUMMARY OF REQUEST

The subject property is located at 28379 81st Road. The surrounding area is comprised of agricultural uses. The property consists of approximately 4.97 acres. The applicant has submitted the request for a conditional use permit for a non-profit institution. In the R-3 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 ©2023 Esri World Topographic map

<p>EXISTING ZONING R-1-Low Density Residential (subject of case RZ-2023-118 which would rezone the property to R-3-High Density Residential District)</p>	<p>EXISTING LAND USE Residential</p>	<p>SURROUNDING ZONING & LAND USE Surrounded by Unzoned County/Agricultural Use</p>	<p>SITE IMPROVEMENTS Single Family Home & Farm Utility Building</p>	<p>SIZE OF PROPERTY 4.97 acres</p>
---	--	---	--	--

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

<p>COMPATIBILITY with the COMPREHENSIVE PLAN The Future Land Use portion of the Comprehensive Plan does not cover this property. When the Comprehensive Plan was developed, the plans for the center were not known. The proposed use is a non-profit institution. While there isn't a specific goal for Etzanoa there is a Goal to "Maintain coordination among community partners to coordinate goals and establish a funding stream for economic development" and under it is an action to "Work with Visit Ark City to promote tourism opportunities". This project will generate tourism for the area which will generate additional sales at area stores, restaurants and stays at our lodging institutions.</p>	<p>PROPERTY HISTORY According to County Records the Single-Family Home was built in 1956 and the utility building in 1990. The land had never been within the City Limits prior to the proposed annexation, so no further records or cases were found.</p>
<p>COMPATIBILITY with the ZONING ORDINANCE The surrounding area is comprised of agricultural 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 change in classification would be consistent with the intent and purpose of these regulations.</p>	

Annexation/Rezone/Conditional Use Permit Request



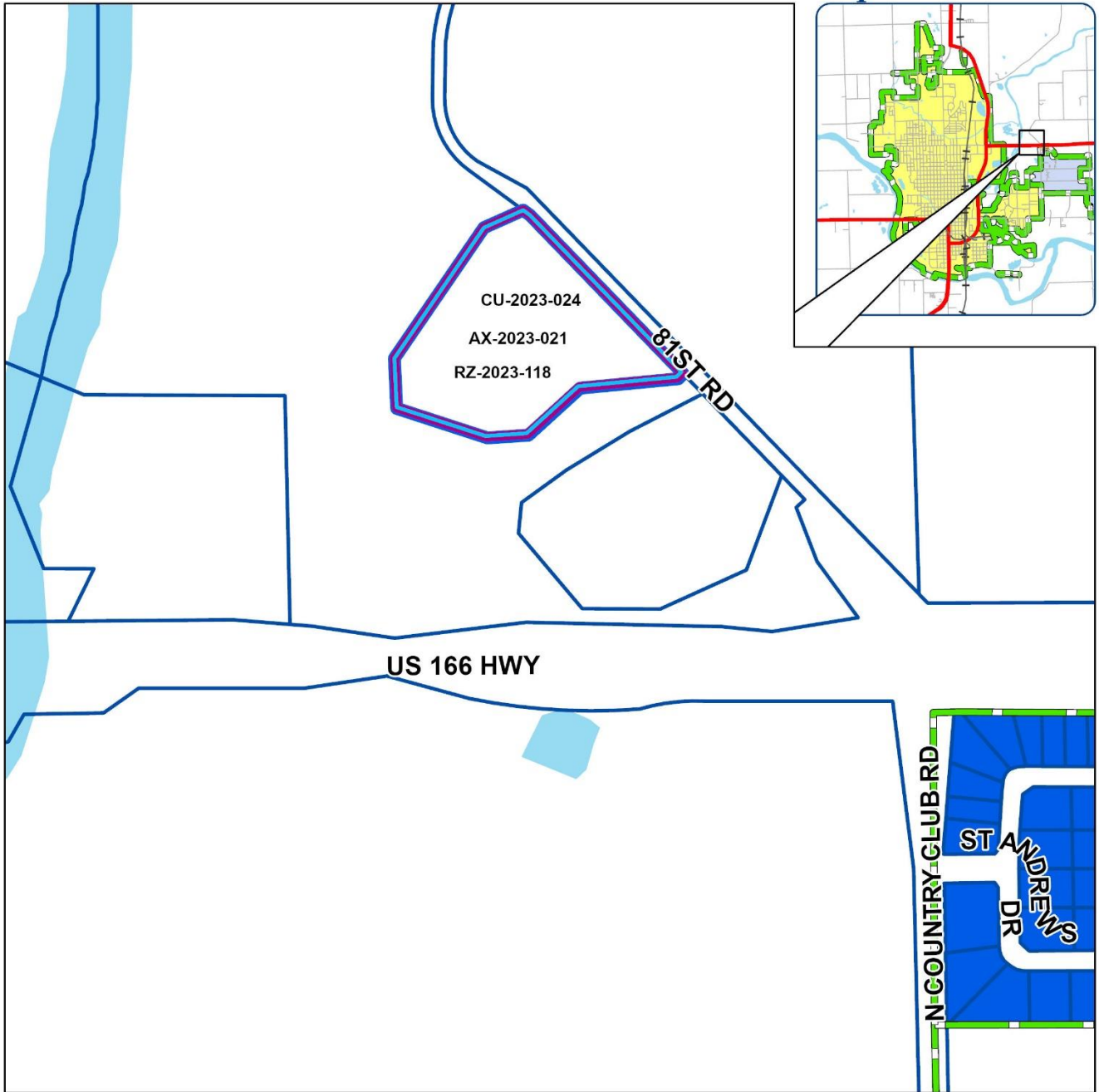
A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

-  City Limits
-  Annexation
-  Conditional Use
-  Rezone
-  Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: December 14, 2023



Annexation/Rezone/Conditional Use Permit Request



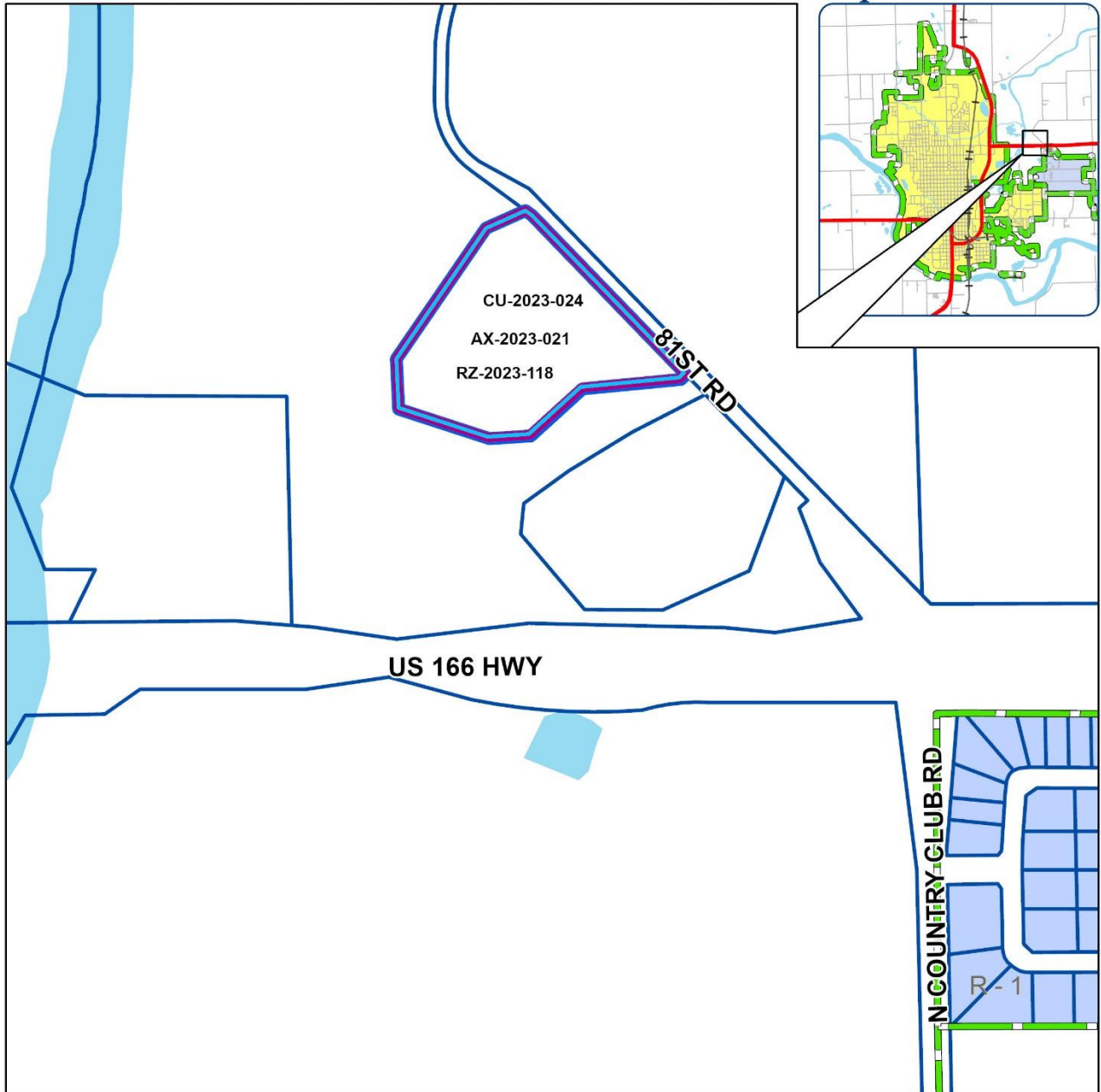
A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

- | | | |
|-----------------|----------------|------------------------|
| City Limits | Rezone | Future Land Use |
| Annexation | Property Lines | Residential |
| Conditional Use | | |

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: December 14, 2023



Annexation/Rezone/Conditional Use Permit Request



A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

- | | | |
|-----------------|----------------|---------------------------------------|
| City Limits | Rezone | Zoning |
| Annexation | Property Lines | R-1, Low Density Residential District |
| Conditional Use | | |

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: December 14, 2023



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 agricultural 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 change in classification would be consistent with the intent and purpose of these regulations.

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

The proposed use of a non-profit institution would be permitted under R-3, High Density Residential District. This area surrounding the property is agricultural. The site could be designed so that it has large setbacks in order to mitigate any issues.

Neighborhood Photos



Subject Property Google StreetView from September 2023.



Looking east across 81st Rd taken 12/27/2023 by Josh White



Looking South along 81st Rd Taken 12/27/2023 by Josh White



Looking North along 81st Rd Taken 12/27/2023 by Josh White



End of pavement approx 400 feet north of intersection, south of site taken 12/27/2023 by Josh White



Intersection of 81st & US 166 taken 12/27/2023 by Josh White

3. **Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided;**
All sewer, water and other utilities will need to be extended from nearby Country Club Estates. Police and Fire should be able to serve the center without any major changes to services. The road serving the site likely will need to be upgraded due to increased traffic.
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 outside of this property. This property is within the Etzanoa exploration field and is the only land in the area large enough to accommodate the proposed use.
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;**
This property is within the Etzanoa exploration field and is the only land in the area large enough to accommodate the proposed use. The property is a suitable location for the proposed conditional use.
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 does not cover this property. When the Comprehensive Plan was developed, the plans for the center were not known. The proposed use is a non-profit institution. While there isn't a specific goal for Etzanoa there is a Goal to "Maintain coordination among community partners to coordinate goals and establish a funding stream for economic development" and under it is an action to "Work with Visit Ark City to promote tourism opportunities". This project will generate tourism for the area which will generate additional sales at area stores, restaurants and stays at our lodging institutions.
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 issue at this site is the traffic and existing road 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 and

The proposed project does not require special disposal of solid waste.

10. The recommendations of professional staff and advisors

Staff does 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 non-profit institution be approved based on the following conclusions:

- This is the most restrictive district that allows the use with conditions.
- The project will enhance tourism opportunities and the related economic development associated with tourism.
- Utilities can be extended to the site relatively easily
- A conditional use permit will accompany this request to mitigate negative factors.

Conditions:

- Traffic should not be permitted to go north of the site on 81st Road
- All parking should be on site

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