

PLANNING COMMISSION MEETING AGENDA

Tuesday, December 09, 2025 at 5:30 PM - 400 W Madison Ave, Arkansas City, KS GoTo Meeting: https://meet.goto.com/260460381 or call +1 (571) 317-3122 Access Code: 260-460-381 Call to Order Roll Call ☐ Brandon Jellings ☐ Chris Johnson ☐ Mike Bergagnini ☐ Lloyd Colston ☐ Duane Oestman ☐ Cody Richardson ☐ Dotty Smith ☐ Travis Pearman 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, November 11, 2025 meeting. **Public Hearings** Hold a public hearing to consider the advisability of rezoning 706 E Madison Ave from an R-2 (Medium Density Residential District) to a C-3 (General Commercial District). 3. Hold a public hearing to consider the advisability of rezoning 2200 E Chestnut Ave from an R-1 (Low Density Residential District) to a P (Public Use District). **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



PLANNING COMMISSION MEETING MINUTES

Tuesday, November 11, 2025 at 5:30 PM - 400 W Madison Ave, Arkansas City, KS

Meeting called to order at 5:30 PM Roll Call

⊠ Mike Bergagnini		☐ Brandon Jellings	Chris Johnson
☐ Travis Pearman	□ Duane Oestman		□ Dotty Smith □

City Commissioner Charlie Tweedy was also present.

Consent Agenda

1. Meeting Minutes, October 14, 2025 meeting.

<u>Lloyd Colston made the motion to approve the minutes as written and Mike Bergagnini made the</u> second motion. Voice vote carried the motion.

Public Hearings

2. Front yard carports Amendments public hearing

Lloyd Colston made the motion to open the public hearing at 5:33 PM and Cody Richardson made the second motion. Voice vote carried the motion.

Josh White reminded everyone that if the provisions were enacted that carports for single family and two family homes located on lots that do not have platted alley's associated with them would be allowed such as the Brad-Meek Addition.

The proposed amendment would require a paved driveway, the carport could not be used for storage of materials or equipment that isn't a car, the carport has to be open on three sides, the carport could be up to 18 feet in width, the carport cannot be closer than five feet from the front property line and the carport should be constructed with the materials that are compatible with the existing residential structure.

Dotty Smith asked if this was specific to different areas or just areas without an alley. Josh replied that is was specific to areas that have no platted alleys. Dotty also asked what kind of enforcement would be used should any of the carports be framed into room additions over the weekend. Josh stated a letter would be sent to the property owner listing out the violations.

Cody Richardson asked how closely other departments work together. Since the other departments, such as Sanitation, drive all over town, they could write down the houses that may have property maintenance issues, or what roads need to be worked on. Josh noted that code enforcement is primarily done on a complaint driven basis.

Duane Oestman moved to close the public hearing at 5:58 PM and Mike Bergagnini made the second motion. Voice vote carried the motion.

Duane Oestman made the motion to approve the proposed amendments and Lloyd Colston made the second motion. A roll Call vote carried the motion.

Board of Zoning Appeals

3. Recess the Planning Commission and convene the Board of Zoning Appeals

<u>Duane made the motion to close the PC Meeting at 6:02 PM and open the BOZA meeting and Lloyd</u> made the second. Voice vote carried the motion.

4. Consider the advisability of granting a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue.

Josh explained the variance. Lloyd made the motion to grant the variance to the front yard setback and Duane made the second. Voice vote carried the motion.

5. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

<u>Duane made the motion to adjourn the BOZA at 6:06 PM and reconvene the PC Meeting and Lloyd</u> made the second. Voice vote carried the motion.

Other Items: Josh clarified that they would be at a PC meeting in December. There is a rezoning petition and the city also needs to rezone property for the new water tower at Lord Road and Chestnut Ave.

Adjournment: Lloyd made the motion to adjourn the meeting at 6:09 PM and Duane made the second. Voice vote carried the motion.



Planning Commission Agenda Item

Meeting

Date: 12/09/2025

From: Josh White, Principal Planner

Item: 706 E Madison Rezone

Purpose:

Hold a public hearing to consider the advisability of rezoning 706 E Madison Ave from an R-2 (Medium Density Residential District) to a C-3 (General Commercial District).

Background:

The subject property is located at 706 E Madison Ave. The surrounding area is comprised of commercial uses. The property consists of approximately 0.71 acres. The project will involve the construction of a new building to park equipment for the neighboring business at 708 also owned by the applicants. The applicant is requesting a rezone from the R-2, Medium Density Residential District to a C-3, General Commercial District.

It is the recommendation of staff that the requested rezoning R-2 to C-3 be approved based on the following conclusions:

- The property has not been developed as residential since 1999.
- No additional infrastructure will be needed.
- The property is within a commercial neighborhood and adjacent to the railroad.
- The project will allow a local business to expand.
- The public health, safety and general welfare of the community will not be negatively affected.

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 706 E Madison Ave from an R-2 (Medium Density Residential District) to a C-3 (General Commercial District).

Attachments:

Staff report

Presentation Link: https://arcg.is/unju8





City of Arkansas City Neighborhood Services Division Josh White, Principal Planner

118 W Central Ave, Arkansas City, KS 67005

STAFF REPO

Phone: 620-441-4420 Email: iwhite@arkansascityks.gov Website: www.arkcity.org

CASE NUMBER RZ-2024-121

APPLICANT/PROPERTY OWNER **Brad & Deborah Kimmell**

PUBLIC HEARING DATE

December 9, 2025

PROPERTY ADDRESS/LOCATION

706 E Madison Ave

Madison Ave

Map data ©2025 Esri World Topographic map

SUMMARY OF REQUEST

The subject property is located at 706 E Madison Ave. The surrounding area is comprised of commercial uses. The property consists of approximately 0.71 acres. The project will involve the construction of a new building to park equipment for the neighboring business at 708 also owned by the applicants. The applicant is requesting a rezone from the R-2, Medium Density Residential District to a C-3, General Commercial District. Staff recommend approval of the rezone.

EXISTING ZONING R-2. Medium Density Residential District

EXISTING LAND USE Vacant

SURROUNDING ZONING & LAND USF North:A; Vacant

South: C-3; Commercial (gas station) East: C-3; Commercial (Auto shop) West: Unzoned; Railroad Right of way SITE IMPROVEMENTS None

SIZE OF PROPERTY 0.71 acres

STAFF RECOMMENDATION

⋈ APPROVE

☐ APPROVE WITH CONDITIONS

□ DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates this property as residential as that was the proposed use in 2014 when the maps were originally drawn. The use remained residential in 2022 when the maps were updated. The properties to the south are commercial. The East Madison Ave Corridor is largely a mix of commercial and industrial. There is a goal in Chapter 4 of the Plan to "Attract new industries and businesses that complement our economy and labor force." This expansion could add jobs to the local economy and will allow this local business to expand operations.

PROPERTY HISTORY

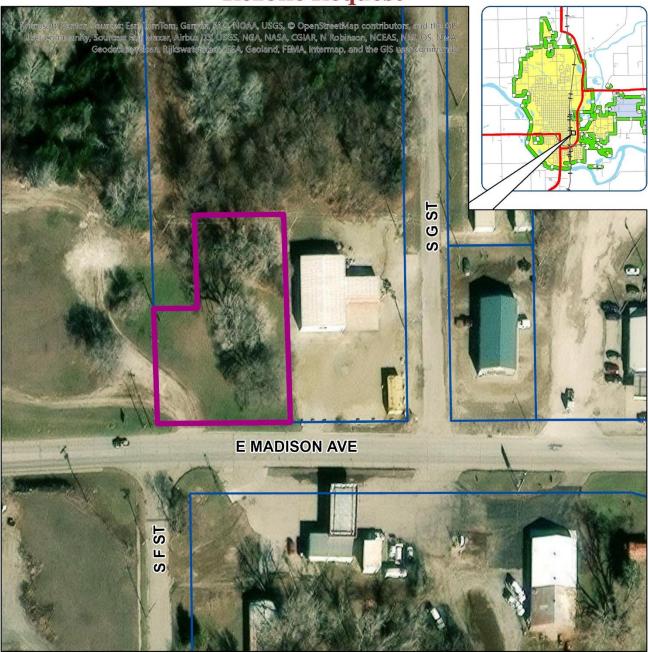
This property was flooded in 1999 and was part of the FEMA buyout program. The flood damaged structure was removed. The property was placed in the city land bank. An attempt was made to sell this property as residential, but the plans didn't pan out, and it was returned to the land bank. It was sold to the applicant in March 2025. The property remains vacant. There are no other land use cases.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of commercial uses. It is the intent of the commercial districts to provide for areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations.

Area map

Rezone Request



A request to rezone 706 E Madison Ave from R-2, Medium Density Residential District to C-3, General Commercial District



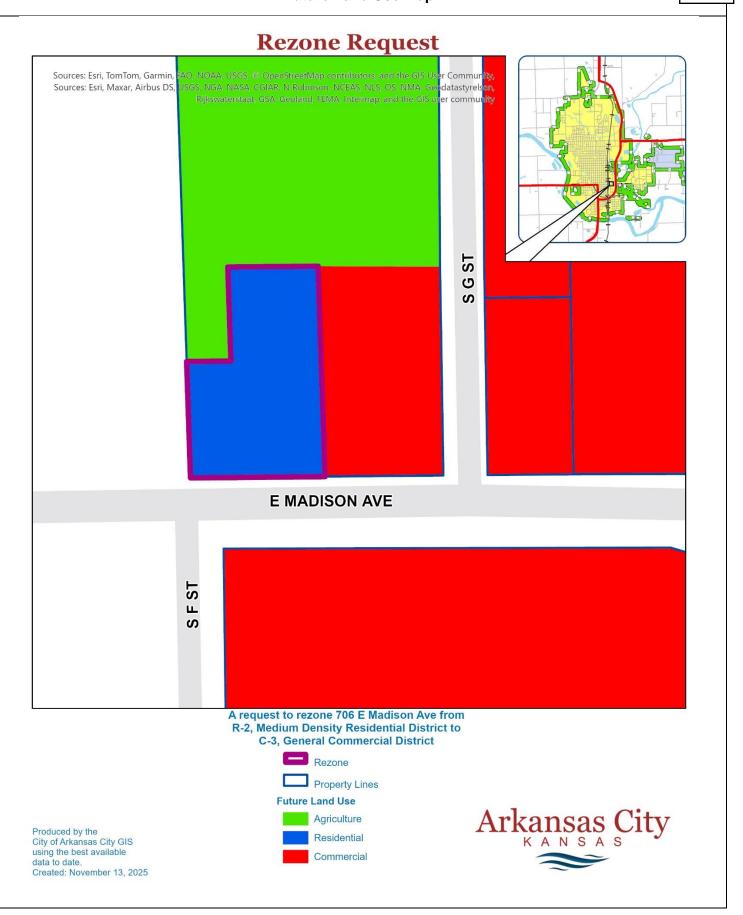


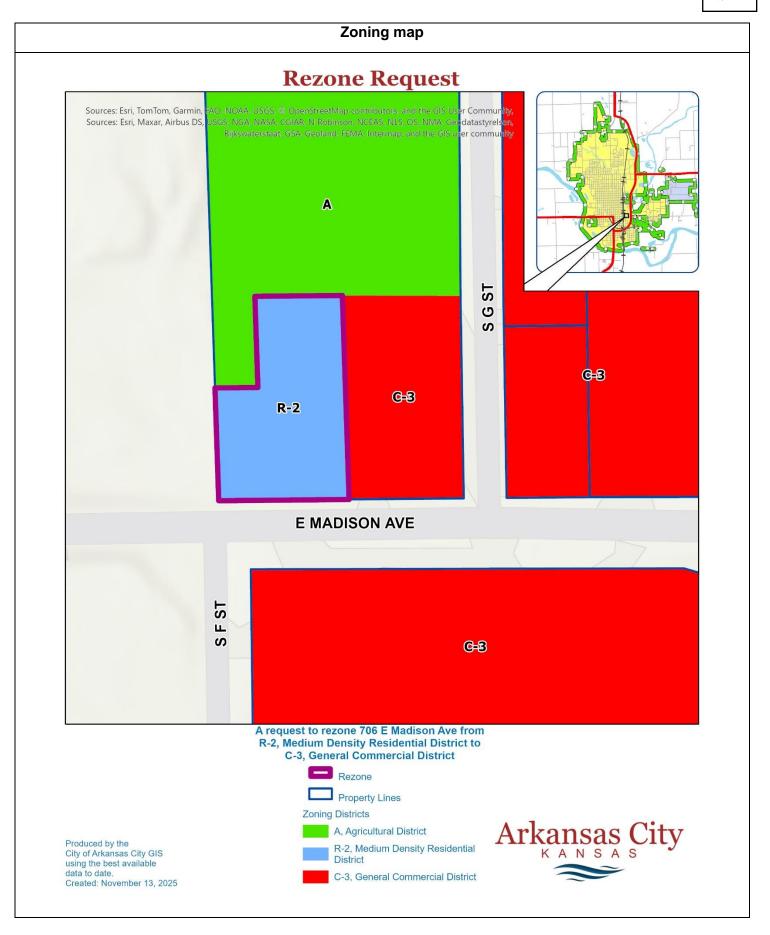
Property Lines

Produced by the City of Arkansas City GIS using the best available data to date. Created: November 13, 2025



Future Land Use map





Site Plan

No site plan was provided and was not required for the application.

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 commercial uses. It is the intent of the commercial districts to provide for areas of compatible commercial and service businesses. 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 commercial uses. **Neighborhood Photos**



Subject Property 706 E Madison Ave. Google Streetview from October 2024



Adjacent business 708 E Madison Ave. Google Streetview from October 2024.



Looking East along Madison Ave. Google Streetview from September 2023.



Looking West along Madison Ave. Google Streetview from October 2024.

Item 2.

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 Residential District does not allow the proposed use. The proposed C-3 district allows commercial use as proposed. The conditions of the area are not changing outside of this property. This property was zoned residential in the past as it had a single-family residence on site. This site is not very conducive to residential development due to the proximity of commercial businesses and the railroad.

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 commercial. There is an agriculture zone to the north, but it is undeveloped and owned by the applicant. The proposed use is generally the same intensity as the surrounding uses. The change in classification would be compatible with the nearby properties.

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 use is compatible with the properties in the immediate vicinity.

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

The property is currently zoned for residential use. It is not very conducive to residential development due to its proximity to commercial businesses as well as the railroad. The proposed zoning district would be more suitable for the property.

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

The property has been vacant since the 1999 flood.

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.

No additional infrastructure will be required.

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 commercial land available in the city but not immediately adjacent to the neighboring business which is trying to expand onto this property.

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 designates this property as residential as that was the proposed use in 2014 when the maps were originally drawn. The use remained residential in 2022 when the maps were updated. The properties to the south are commercial. The East Madison Ave Corridor is largely a mix of commercial and industrial. There is a goal in Chapter 4 of the Plan to "Attract new industries and businesses that complement our economy and labor force." This expansion could add jobs to the local economy and will allow this local business to expand operations.

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,

The relative gain to the public health, safety, and general welfare should not be negatively affected by this reclassification. The property is better suited for commercial use.

- 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-2 to C-3 be approved based on the following conclusions:

- The property has not been developed as residential since 1999.
- No additional infrastructure will be needed.
- The property is within a commercial neighborhood and adjacent to the railroad.
- The project will allow a local business to expand.
- The public health, safety and general welfare of the community will not be negatively affected.



Planning Commission Agenda Item

Meeting Date: 12/09/2025

From: Josh White, Principal Planner Item: 2200 E Chestnut Ave Rezone

Purpose: Hold a public hearing to consider the advisability of rezoning 2200 E Chestnut Ave from

an R-1 (Low Density Residential District) to a P (Public Use District).

Background:

The subject property is located at 2200 E Madison Ave. The surrounding area is comprised of residential uses. The property consists of approximately 0.54 acres. The project will be to erect a water tower. This will enhance water pressure and quality across the East Pressure Zone which includes the city east of the Walnut River. The applicant is requesting a rezone from an R-1, Low Density Residential District to a P, Public Use District. Staff recommend approval of the rezone.

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

- The proposed project directly meets a goal from the Comprehensive Plan
- The proposed project enhances the water infrastructure of the neighborhood.
- Public uses are generally compatible with residential neighborhoods.

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 2200 East Chestnut Ave from an R-1 (Low Density Residential District) to a P (Public Use District).

Attachments:

Staff report

Presentation Link: https://arcg.is/1GLemD



Arkansas City

City of Arkansas City Neighborhood Services Division Josh White, Principal Planner

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CASE NUMBER RZ-2025-122

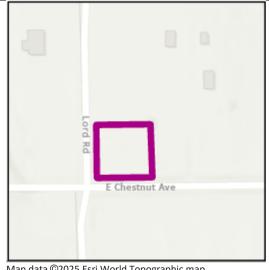
APPLICANT/PROPERTY OWNER City of Arkansas City

PUBLIC HEARING DATE December 9, 2025

PROPERTY ADDRESS/LOCATION 2200 E Chestnut Ave

SUMMARY OF REQUEST

The subject property is located at 2200 E Madison Ave. The surrounding area is comprised of residential uses. The property consists of approximately 0.54 acres. The project will be to erect a water tower. This will enhance water pressure and quality across the East Pressure Zone which includes the city east of the Walnut River. The applicant is requesting a rezone from an R-1, Low Density Residential District to a P, Public Use District. Staff recommend approval of the rezone.



Map data ©2025 Esri World Topographic map

EXISTING ZONING	
R-1, Low Density Residential	
District	

EXISTING LAND USE Vacant

SURROUNDING ZONING & LAND USF

> North:R-1; Residential South: R-1; Agricultural East: R-1; Residential West: R-1; Vacant

SITE IMPROVEMENTS None

SIZE OF PROPERTY 0.54 acres

STAFF RECOMMENDATION

⋈ APPROVE

☐ APPROVE WITH CONDITIONS

□ DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates this property as commercial as that was the use in 2014 when the maps were originally drawn. The use remained commercial in 2022 when the maps were updated. The properties to the south are industrial. The West Madison Ave Corridor is largely a mix of commercial and industrial. There is a goal in Chapter 4 of the Plan to "Attract new industries and businesses that complement our economy and labor force." This expansion will add 3-5 jobs to the local economy with a possibility for additional jobs in the future. There is also a goal in Chapter 8 of the Plan to "Provide adequate and appropriate areas for industrial land uses" with an action of "Industrial areas should have convenient access to highways and railroad facilities." This property is located along US-166 Highway.

PROPERTY HISTORY

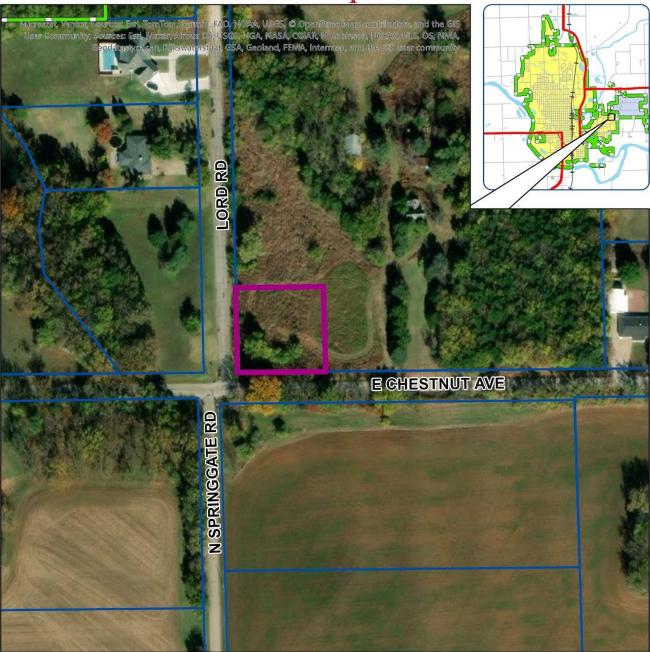
This property was annexed into the city in 1986. It was part of a larger property but was the subject of a lot split in 2025, when the property was purchased by the city.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of residential uses. The "P" Public Use District is intended for application to sites in public ownership and used for major public facilities. The change in classification would be consistent with the intent and purpose of these regulations.

Area map

Rezone Request



A request to rezone 2200 E Chestnut Ave from R-1, Low Density Residential District to P, Public Use District

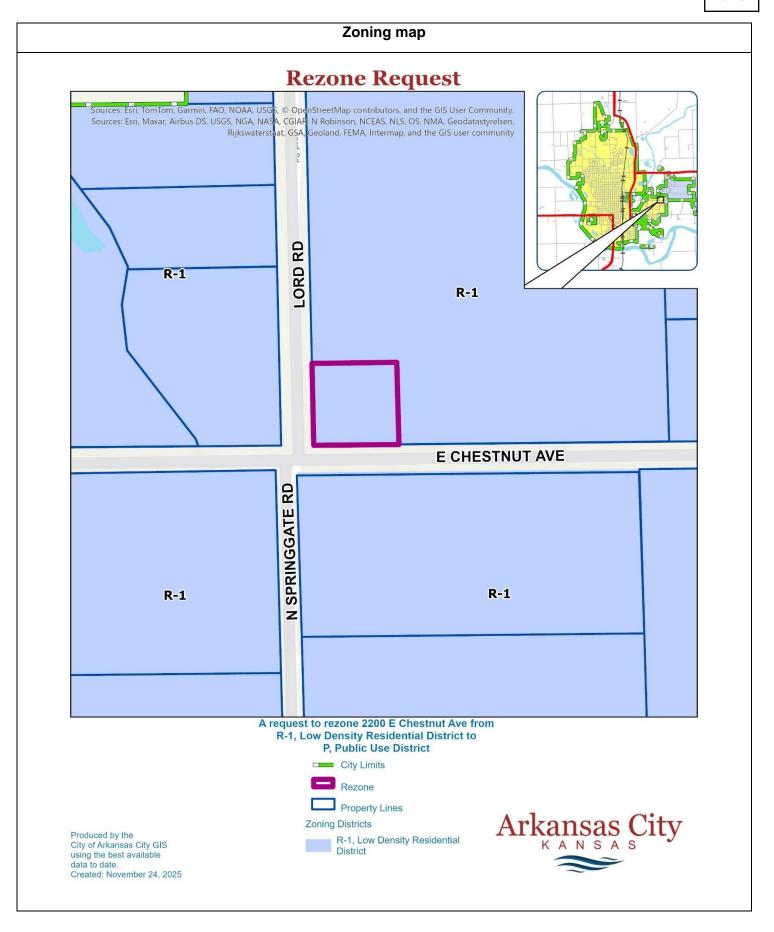


Arkansas City

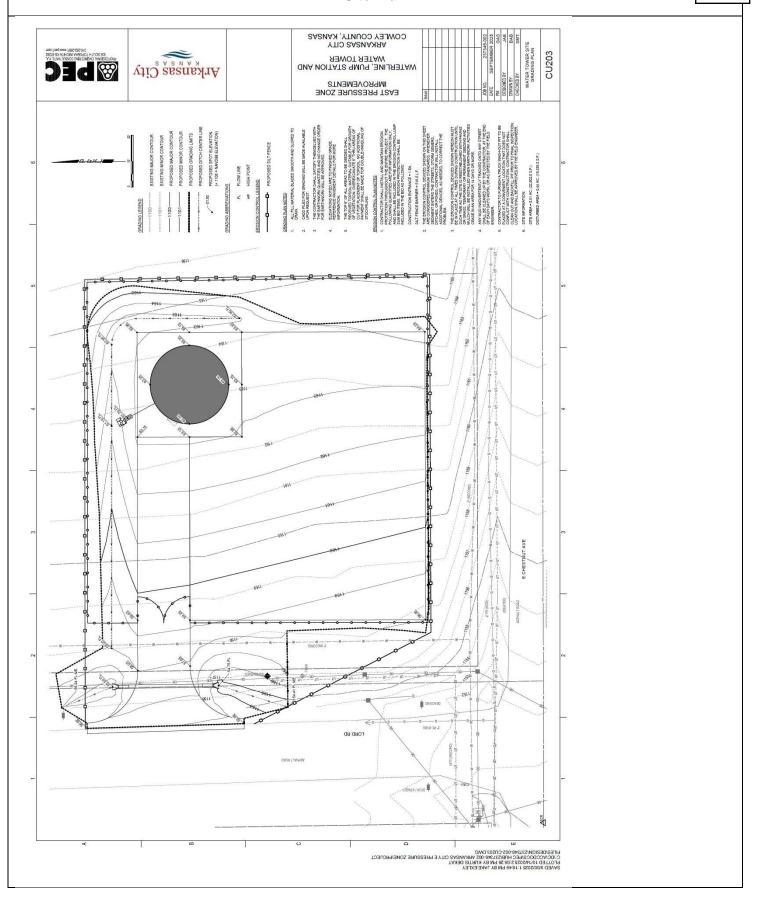
Produced by the City of Arkansas City GIS using the best available data to date. Created: November 13, 2025

Future Land Use map





Site Plan



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 residential uses. The "P" Public Use District is intended for application to sites in public ownership and used for major public facilities. 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 residential uses.

Neighborhood Photos



Subject Property 2200 E Chestnut Ave. Google Streetview from September 2023



Looking West along Chestnut Ave. Google Streetview from September 2023.



Looking East along Madison Ave. Google Streetview from September 2023.



Looking North along Lord Rd. Google Streetview from September 2023.



Looking South along Springgate Rd. Google Streetview from September 2023.

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 residential district allows the proposed use but with extra restrictions. The proposed use is public use and meets the intent of the district.

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 residential. The proposed use is public use which are normally compatible with residential uses. The change in classification would be compatible with the nearby properties.

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.

Public uses are normally considered compatible with residential uses. The proposed project of a water tower is a necessary upgrade to the infrastructure of the neighborhood.

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

The property is currently zoned for residential use. The area is suitable for residential uses but some public uses are necessary to enhance the infrastructure of a residential area.

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

The property has been split from a residential property. The new lot has never been developed.

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.

This project is an upgrade to the water facilities of the neighborhood and will enhance water pressure for the entire East Pressure Zone.

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.

An engineering study concluded that this was the best site for the water tower to be located.

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 designates this property as residential as that was the use in 2014 when the maps were originally drawn. The use remained residential in 2022 when the maps were updated. Public uses are often necessary within residential areas in order to provide proper infrastructure for the neighborhoods. This project helps fulfill the goal from Chapter 6 to "Make necessary improvements to the water treatment and distribution infrastructure "and specifically addresses the action to "Upgrade east pressure zone pump station and add Water tower."

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,

The proposed project will greatly enhance the public health, safety, and general welfare of the neighborhood by providing sufficient water pressure for firefighting and enhancing water quality to ensure the greatest public health outcomes for the neighborhood.

- 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 P be approved based on the following conclusions:

- The proposed project directly meets a goal from the Comprehensive Plan
- The proposed project enhances the water infrastructure of the neighborhood.
- Public uses are generally compatible with residential neighborhoods.

Item 3.

