



City of Arkansas City

CITY COMMISSION MEETING AGENDA

Tuesday, June 07, 2022 at 5:30 PM — 118 W Central Ave, Arkansas City, KS

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/532363253>

You can also dial in using your phone.

United States: +1 (571) 317-3112

- One-touch: tel:+15713173112,,532363253#

Access Code: 532-363-253

I. Routine Business

1. Roll Call
2. Opening Prayer and Pledge of Allegiance
3. Additions or Deletions (**Voice Vote**)
4. Approval of the Agenda (**Voice Vote**)

II. Awards and Proclamations

1. Butterfly Effect presented by Kim Imel.
2. Recognize Traeh Barton, Devon Bruno-McBride, and Zek Edgar for initiative taken in cleaning up the skate park.
3. Recognize KanPak, winner of the 2021 Governor's Award of Excellence.

III. Comments from the Audience for Items Not on the Agenda

Per the Kansas Open Meetings Act, the City Commission is not required to entertain any comments from the public during any meeting.

*The following rules **must** be strictly adhered to by all citizens wishing to speak during a virtual/hybrid meeting, **whether they are on the agenda or recognized by the Mayor during the meeting itself**:*

- Each speaker will state his or her name and address before making any comments.
- Each speaker will have three (3) minutes to present his or her comments.
- Comments or questions will be directed only to the City Commission.
- Debate or argument between parties in the audience will not be allowed. **"Logged in" citizens will remain muted during the meeting, unless recognized and called upon specifically by the Mayor.**
- Repeated reiterations by speakers will not be allowed.
- Violations of comment procedure will result in being directed to cease speaking or being muted.

IV. Consent Agenda (Voice Vote)

Note: All matters listed below on the Consent Agenda are considered under one motion and enacted by one motion. There should be no separate discussion. If such discussion is desired, any item may be removed from the Consent Agenda and then considered separately under Section VII: New Business.

1. Approve the May 13, 2022 special call meeting, and the May 17, 2022 regular meeting minutes as written.

V. New Business

Ordinances for Consideration

1. Consider an Ordinance authorizing the rezoning of 401 W Madison Avenue , from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District). (**Roll Call Vote**)

- [2.](#) Consider an Ordinance authorizing the vacating of a portion of alley and a portion of 3rd Street adjacent to Block 2, Park Place Addition, Arkansas City, Cowley County, Kansas. ***(Roll Call Vote)***
- [3.](#) Consider an Ordinance denying the petition to rezone of 2305 N 8th Street , from R-1 (Low Density Residential District) to R-3 (Medium Density Residential District). ***(Roll Call Vote)***

City Manager's Report on Upcoming Activities

VI. Adjournment

Recognition of Excellence

This recognition is proudly presented to:

KANPAK

Winner of the 2021 Governor's Award of Excellence

Presented this 7th day of June, 2022

Charles Jennings

Diana Spielman

Jay Warren

Kanyon Gingher

Scott Rogers

Governor Laura Kelly Names Manufacturer KanPak Winner of Kansas' Top Business Award

May 12, 2022

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~Honors Business Leaders at Inaugural To the Stars: Celebrating Kansas Business Banquet~

TOPEKA – Yesterday, Governor Laura Kelly announced KanPak, an Arkansas City-based manufacturing company, is the winner of the 2021 Governor’s Award of Excellence, the top award given to a business by the state. The Governor joined the Kansas Department of Commerce in honoring KanPak and other Kansas businesses at the inaugural *To the Stars: Celebrating Kansas Businesses* banquet, a new annual celebration of Kansas businesses and their contributions to communities and the state economy.

“Private sector leaders like KanPak have helped make Kansas one of the best places in the nation to do business,” **Governor Laura Kelly said.** “By creating jobs and driving economic growth, local businesses improve the communities they serve. Congratulations to KanPak and the other amazing Kansas businesses for their outstanding contributions to the state.”

Founded in 1965 as Kansas Food Packers, KanPak began as a family-owned dairy company producing juices, coffee drinks, and ice cream treats. In the decades since, KanPak has grown to be an industry leader and innovator in aseptic beverage and dessert packaging technology. KanPak's customers include nationally recognized brands such as Chick-fil-A, Whataburger, and 7-Eleven. Once a small operation, KanPak now distributes products worldwide.

This year's *To the Stars* banquet honored 178 businesses, including 133 Merit Award winners and 45 Regional Award winners. In addition to KanPak, six Regional Award winners were recognized as the overall statewide winner in their award categories. These include:

- Community Health Center of Southeast Kansas, Pittsburg, Hospital/Non-Profit Award
- Dodge City Brewing, Dodge City, Retail Award
- Landoll Corporation, Marysville, Business Innovation Award
- NIC, Inc., Olathe, Service Award
- Paul Porter, Iola, Welcome Back Award
- Waylon Sheetz, Belleville, Under 30 Entrepreneur/Businessperson Award

"We are grateful to the Kansas business community for supporting strong communities, healthy families, and a high quality of life," **Lieutenant Governor and Commerce Secretary David Toland said.** "These businesses are prospering and creating new opportunities for growth across our state."

The 2021 *To the Stars* banquet was delayed until May 2022 due to the COVID-19 pandemic. The 2022 celebration will take place this fall, and the nomination process will launch this summer. The complete list of this year's winning nominees, along with photos from the event, can be found [here](#).

NEXT POST >

posts



City Commission Agenda Item

Meeting Date: June 7, 2022
From: Lesley Shook, City Clerk
Item: Approving May 13, 2022 and May 17, 2022 Minutes

Purpose: Consent Agenda Item: Approve the May 13, 2022 special call meeting, and the May 17, 2022 regular meeting minutes as written.

Background:

Each meeting, the City Commission reviews and approves the minutes of its prior meeting(s).

Commission Options:

1. Approve with consent agenda.
2. Remove item from consent agenda for further consideration.

Approved for Agenda by:

A handwritten signature in black ink, appearing to be "Randy Frazer", is written over a horizontal line. The signature is stylized with a large, sweeping initial "R" and "F".

Randy Frazer, City Manager



City of Arkansas City

SPECIAL CALL CITY COMMISSION MEETING

MINUTES

Friday, May 13, 2022 at 12:00 PM — 118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

Commissioner Scott Rogers
Commissioner Diana Spielman
Mayor Canyon Gingher

ABSENT

Commissioner Charles Jennings
Commissioner Jay Warren

Also present at roll call City Manager Randy Frazer, City Attorney Larry Schwartz, Municipal Projects Manager Nick Rizzio, City Clerk Lesley Shook, and Deputy City Clerk Tiffany Parsons.

Business

1. A Resolution of Support by the Mayor and City Commission of the City of Arkansas City for the Central Trail (Phase 1) Project.

City Clerk Shook presented for discussion a Resolution of Support by the Mayor and City Commission of the City of Arkansas City for the Central Trail (Phase 1) Project.

Municipal Projects Manager Rizzio stated this project will extend the Hike-Bike Trail loop (50% completed, 50% in progress using previous 2019-2020 TAP grant funds) north through west-central Arkansas City by utilizing the existing 6th Street/abandoned railroad right-of-way between Chestnut and Kansas avenues. Once additional phases are completed in future years, the Central Trail will serve as the “spine” of Arkansas City’s trail system to connect the northern half of town with the existing recreational trail opportunities in the southern half. It also will be our “core” north-south trail from which future trails, bicycle lanes, Safe Routes to Schools projects and additional sidewalks will radiate outward. This Resolution of Support has a deadline for 5/13/22 to be approved and mailed for this to be considered.

Motion made by Commissioner Rogers, Seconded by Commissioner Spielman to approve a Resolution of Support by the Mayor and City Commission of the City of Arkansas City for the Central Trail (Phase 1) Project.

Voting Yea: Commissioner Rogers, Commissioner Spielman, Mayor Gingher. Mayor Gingher declared the motion approved and given **Resolution No. 2022-05-3482.**

Adjournment

Motion made by Commissioner Spielman, Seconded by Commissioner Rogers to adjourn the meeting.

Voting Yea: Commissioner Rogers, Commissioner Spielman, Mayor Gingher. Mayor Gingher declared the meeting adjourned.

**THE CITY OF ARKANSAS CITY
BOARD OF CITY COMMISSIONERS**

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

Prepared by:

Lesley Shook, City Clerk



City of Arkansas City

CITY COMMISSION MEETING MINUTES

Tuesday, May 17, 2022 at 5:30 PM — 118 W Central Ave, Arkansas City, KS

Routine Business

1. Roll Call

PRESENT

Commissioner Charles Jennings
Commissioner Scott Rogers
Commissioner Diana Spielman
Commissioner Jay Warren
Mayor Kanyon Gingher

Also present: City Manager Randy Frazer, City Attorney Larry Schwartz, Police Chief Eric Burr, Public Services Superintendent Tony Tapia, Deputy City Clerk Tiffany Parsons, Principal Planner Josh White, and Water Treatment Facility Supervisor Mike Frank.

2. Opening Prayer was led by Karston Evinger and Pledge of Allegiance was led by Faith Hirst.

3. Additions or Deletions

- City Manager Frazer requested to remove Item # 1 from New Business: Purchase two Whelen Warning Sirens from Precision Communications, Aberdeen, MS, for an amount not to exceed \$36,058.40.

Motion made by Commissioner Jennings, Seconded by Commissioner Warren to approve the deletion of New Business, Item 1 from the agenda.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

4. Approval of the Agenda

Motion made by Commissioner Spielman, Seconded by Commissioner Rogers to approve the agenda as amended.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the agenda approved as amended.

Awards and Proclamations

1. Proclaim June 2022 as Archaeology and Historic Preservation Month in Arkansas City as read by Brayden Ghram.
 - a. Rachel Graham introduced her service dog Ollie and also spoke of her role as teacher for the vision impaired and blind in Cowley County.

2. Best Tasting Water in Kansas Award was presented to the City of Arkansas City by Jason Solomon with the Kansas Rural Water Association (KRWA). Water Treatment Facility Supervisor Mike Frank was present to accept the award.

Comments from the Audience

1. Greg Schwartz, 1018 W. Oak, spoke to the commission of possible improvements for an additional grocery or convenience store with emphasis on pharmacy or filling station options. The commission stated they will follow up with the City's Economic Development personnel Ricky Hays in regards to Mr. Schwartz suggestion.

Consent Agenda

Note: All matters listed below on the Consent Agenda are considered under one motion and enacted by one motion. There should be no separate discussion. If such discussion is desired, any item may be removed from the Consent Agenda and then considered separately under Section VII: New Business.

Motion made by Commissioner Warren, Seconded by Commissioner Rogers to approve the consent agenda as presented.

1. Approve the May 3, 2022, regular meeting minutes as written.
2. Consider a Resolution concerning an addendum to a purchase contract for certain real estate at 401 W Madison Avenue
3. Receive and file the 2021 Audit by Gordon CPA LLC.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the consent agenda approved.

New Business

Other Items for Consideration

1. Deputy City Clerk Parsons presented for discussion approval of the City of Arkansas City 2022 Community Development Block Grant Hosing Rehabilitation Plan.

Motion made by Commissioner Warren, Seconded by Commissioner Rogers to approve the City of Arkansas City 2022 Community Development Block Grant Housing Rehabilitation Plan.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

2. Deputy City Clerk Parsons presented for discussion approval of the City of Arkansas City 2022 Community Development Block Grant Contactor Guidelines.

Motion made by Commissioner Jennings, Seconded by Commissioner Warren to approve the City of Arkansas City 2022 Community Development Block Grant Contractor Guidelines.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the motion approved.

Staff Report Presentations

1. City Manager Frazer provided the commissioners with the following reminders and updates:
 - a. Financial summary located in last pages of packets
 - b. Kansas Department Wildlife & Parks Grant expires September 30, 2022, review options
 - c. Main Street Vision, presented by South Dakota State University, final project presentation to take place Monday, May 23, 2022 at the Buford Theater and by zoom
 - d. Pre-Construction Meeting for the Summit Street overlay project to be held Friday May 20, 2022 at 10:00 a.m.
 - e. Staff is working towards attending housing webinars and to meet with developers for future housing options with the passing of recent State housing funds
 - f. Finalized version of work plan

Adjournment

Motion made by Commissioner Warren, Seconded by Commissioner Rogers to adjourn the meeting.

Voting Yea: Commissioner Jennings, Commissioner Rogers, Commissioner Spielman, Commissioner Warren, Mayor Gingher. Mayor Gingher declared the meeting adjourned.

**THE CITY OF ARKANSAS CITY
BOARD OF CITY COMMISSIONERS**

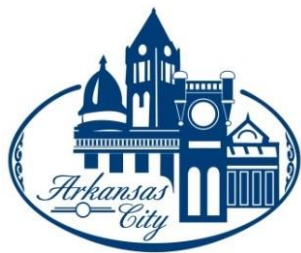
Kanyon Gingher, Mayor

ATTEST:

Tiffany Parsons, Deputy City Clerk

Prepared by:

Tiffany Parsons, Deputy City Clerk



City Commission Agenda Item

Meeting Date: 6/7/22
From: Josh White, Principal Planner
Item: 401 W Madison Rezone

Purpose: An ordinance authorizing the rezoning of 401 W Madison Avenue , from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District). (Roll Call Vote)

Background:

AAB Engineering has requested 401 W Madison Avenue be rezoned. The surrounding area is comprised of public, industrial, commercial and residential uses. The City Water Treatment Facility is to the north, Former Railroad Right of way and the ADM Mill are east of the site. A restaurant is the west of the site and residential uses are south of the site. The property consists of approximately 1.34 acres. The project will be to develop a retail store. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. There is also an area that was formerly railroad right of way and unzoned that would also be zoned C-2. A portion of the subject property is already zoned C-2. A sale of the property to Rupe Helmer Group LLC dba Arkansas City 23987 LLC is contingent upon approval of this request. The Planning Commission held a public hearing on Tuesday, April 12, 2022. The item was tabled at the applicant's request. On May 10, 2022 the application returned to the Planning Commission with an alteration of the area to be rezoned. The Planning Commission discussed the changes and voted unanimously on Tuesday, May 10, 2022 to recommend that the City Commission approve the request.

Commission Options:

1. Approve ordinance on the first reading
2. Table and approve on second reading
3. Dissapprove ordinance with 2/3 majority
4. Table and send back to Planning Commission for further consideration

Fiscal Impact:

Amount: Cost of publication

Fund:

Department:

Expense Code:

_____ Included in Budget

_____ Grant

_____ Bonds

_____ Other (explain)

Attachments: Staff report, ordinance

Approved for Agenda by:

Randy Frazer, City Manager

(First Published in the Cowley CourierTraveler, _____2022)

ORDINANCE NO. 2022-06-

AN ORDINANCE AUTHORIZING THE RE-ZONING OF 401 W MADISON AVENUE, FROM “R-2” (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO “C-2” (RESTRICTED COMMERCIAL DISTRICT).

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757, has considered the proposed request to re-zone property, and recommended the City grant the Petition to re-zone; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the re-zoning of the property at issue; and

WHEREAS, a portion of the re-zone area was formerly railroad right-of-way and therefore did not carry a zoning district and this action would rectify that.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The property legally described as:

Lots 1-7 & 21-26 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

AND

All of the 10th Street Right of Way (as platted) adjoining Lots 1-7 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

AND

The 16 foot wide alley between Lots 22-28 and Lots 1-7 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

IS HEREBY RE-ZONED from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

SECTION TWO: This ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this ____ day of June, 2022.

Kanyon Ginger, Mayor

(Seal)

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM

Larry R. Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__ -
_____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2022 as the
same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



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-2022-110

APPLICANT/PROPERTY OWNER
AAB Engineering/MKT Investments/City of Arkansas City

PUBLIC HEARING DATE
April 12, 2022

PROPERTY ADDRESS/LOCATION
401 W Madison Ave

SUMMARY OF REQUEST

The subject property is located at 401 W Madison Avenue. The surrounding area is comprised of public, industrial, commercial and residential uses. The City Water Treatment Facility is to the north, Former Railroad Right of way and the ADM Mill are east of the site. A restaurant is the west of the site and residential uses are south of the site. The property consists of approximately 1.34 acres. The project will be to develop a retail store. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. There is also an area that was formerly railroad right of way and unzoned that would also be zoned C-2. A portion of the subject property is already zoned C-2. A sale of the property to Rupe Helmer Group LLC is contingent upon approval of this request. Staff recommends approval of the rezone request.



Map data ©2022 Esri World Topographic map

| | | | | |
|---|-----------------------------|---|---------------------------|--------------------------------|
| EXISTING ZONING R-2-Medium Density Residential Unzoned former Railroad Right of Way | EXISTING LAND USE Vacant | SURROUNDING ZONING & LAND USE North-P/I-1; Public East-Unzoned/I-2; Vacant/Industrial South-R-2; Residential West-R-2/C-2; Residential/Commercial | SITE IMPROVEMENTS None | SIZE OF PROPERTY 1.34 acres |
|---|-----------------------------|---|---------------------------|--------------------------------|

STAFF RECOMMENDATION

☒ **APPROVE**

☐ **APPROVE WITH CONDITIONS**

☐ **DENY**

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates the subject property as commercial use. The proposed use is commercial. This will also help to meet the goal from Chapter 4 to "target industries and retail enterprises that more most likely to benefit from Arkansas City's labor force, geography and market characteristics" The market for this type of business should be fairly good on the south side of town where there are not many such businesses.

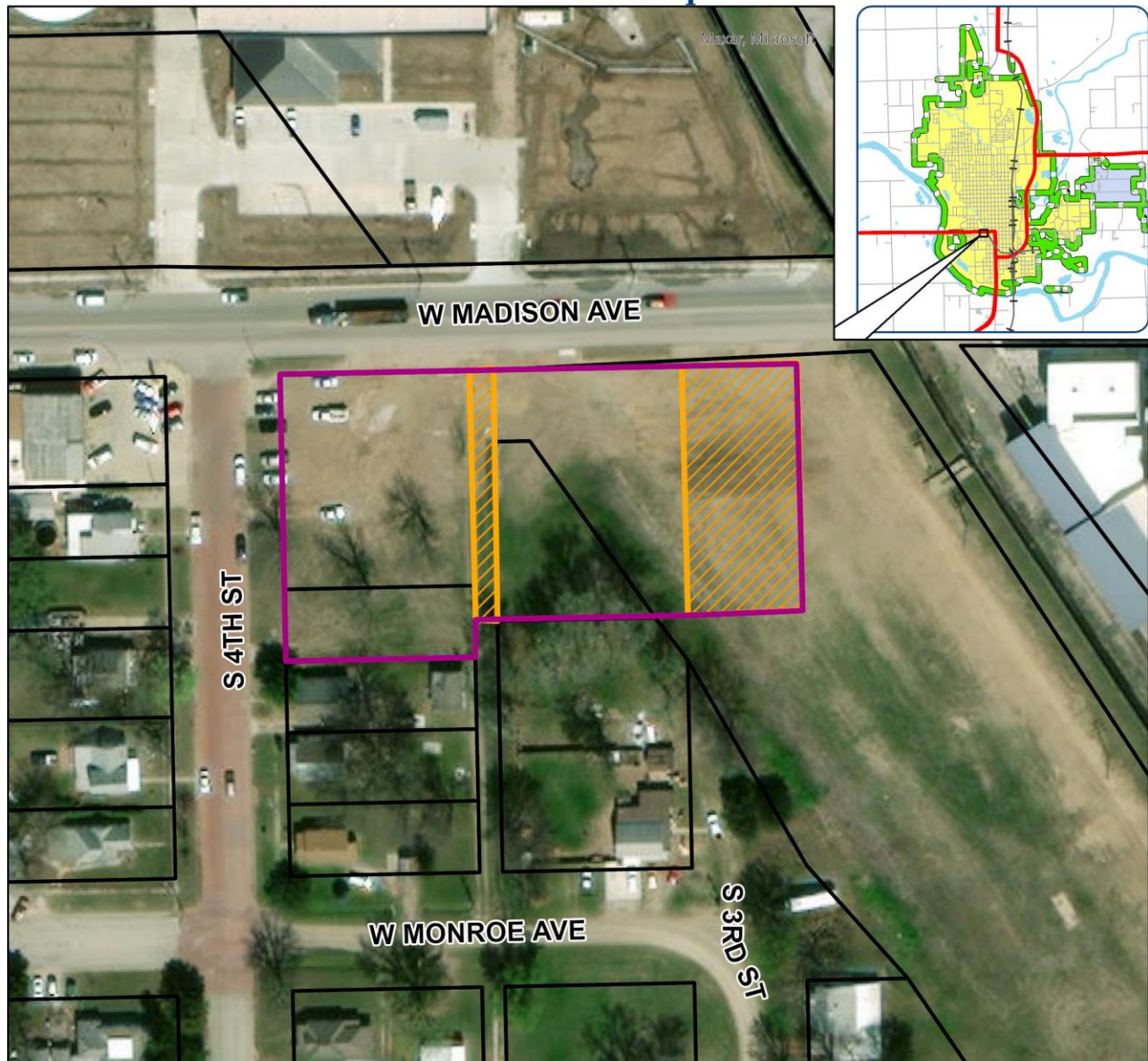
PROPERTY HISTORY

The property was developed as a service station originally. Nearby was a lumber yard and railroad depot. There was also a small retail business to the east of the service station which most recently offered massages. All the buildings had been demolished by 2017 when the City purchased the property. In 2019, a portion of the property was deeded to the land bank which is under contract for purchase and the subject of a contingency related to this case. The east portion of the property was formerly Railroad right of way which in recent years was vacated to the City. The city will maintain much of the former right of way, part of which will serve as the route for the soon to be developed hike-bike trail. No other land use cases were found for the properties.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of public, industrial, commercial and residential uses. It is the intent of the commercial zoning 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.

Rezone/Vacation Request



A request for a rezone at 401 W Madison Ave from an R-2 Medium Density Residential District and Unzoned Area to a C-2 Restricted Commercial District

AND

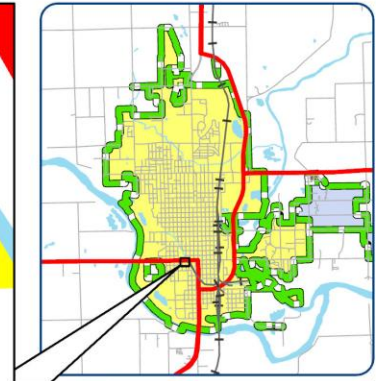
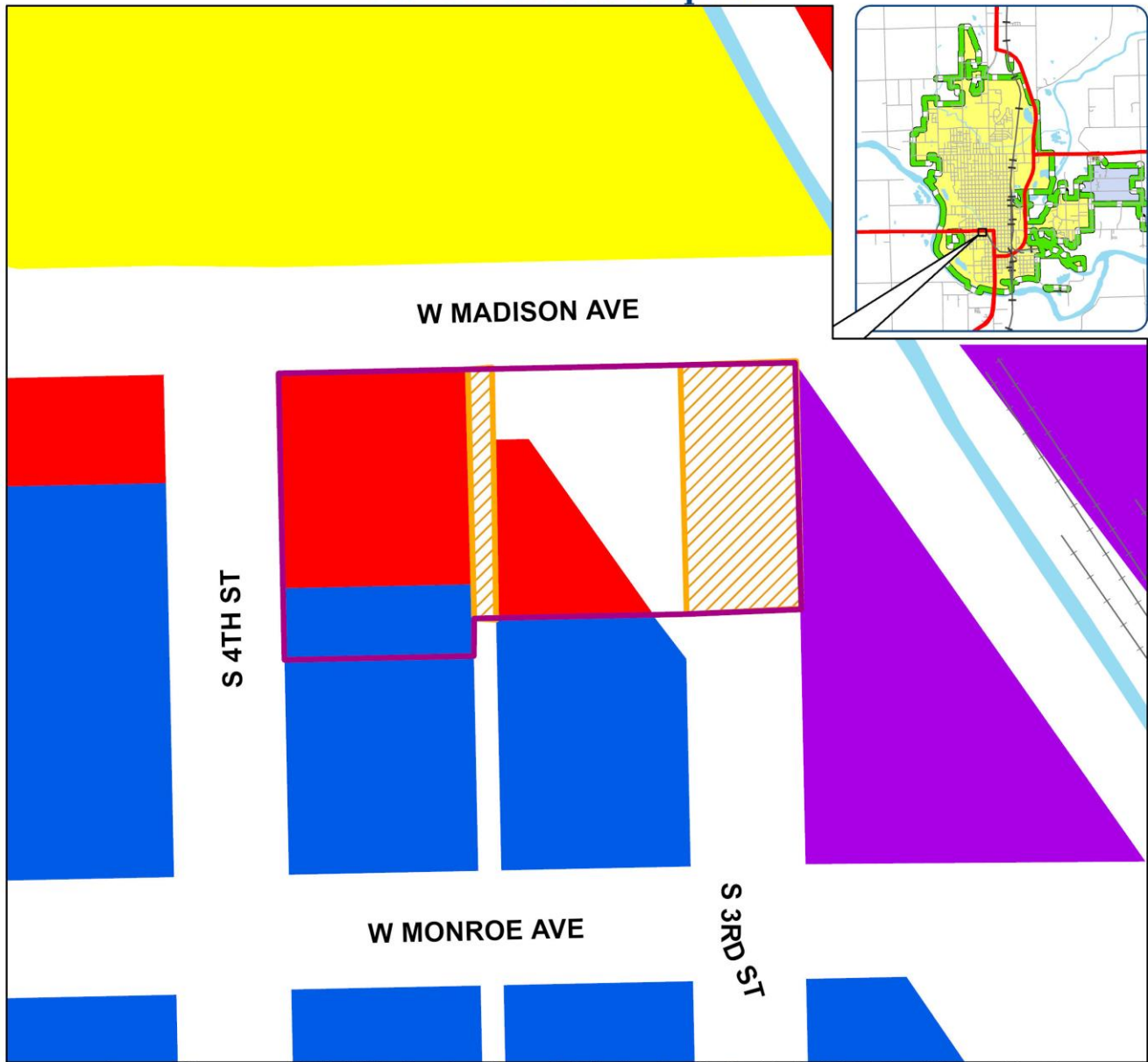
A request for a vacation of the alley and a portion of 3rd Street (10th Street as platted) adjacent to the rezone request

-  City Limits
-  Rezone
-  Vacation Request
-  Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: May 20, 2022



Rezone/Vacation Request



A request for a rezone at 401 W Madison Ave from an R-2 Medium Density Residential District and Unzoned Area to a C-2 Restricted Commercial District

AND

A request for a vacation of the alley and a portion of 3rd Street (10th Street as platted) adjacent to the rezone request

- City Limits
- Rezoning
- Vacation Request

Future Land Use

- Residential
- Commercial
- Industrial
- Public

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: May 20, 2022



Zoning map

Rezone/Vacation Request



A request for a rezone at 401 W Madison Ave from an R-2 Medium Density Residential District and Unzoned Area to a C-2 Restricted Commercial District

AND

A request for a vacation of the alley and a portion of 3rd Street (10th Street as platted) adjacent to the rezone request

- City Limits
- Rezone
- Vacation Request

Zoning

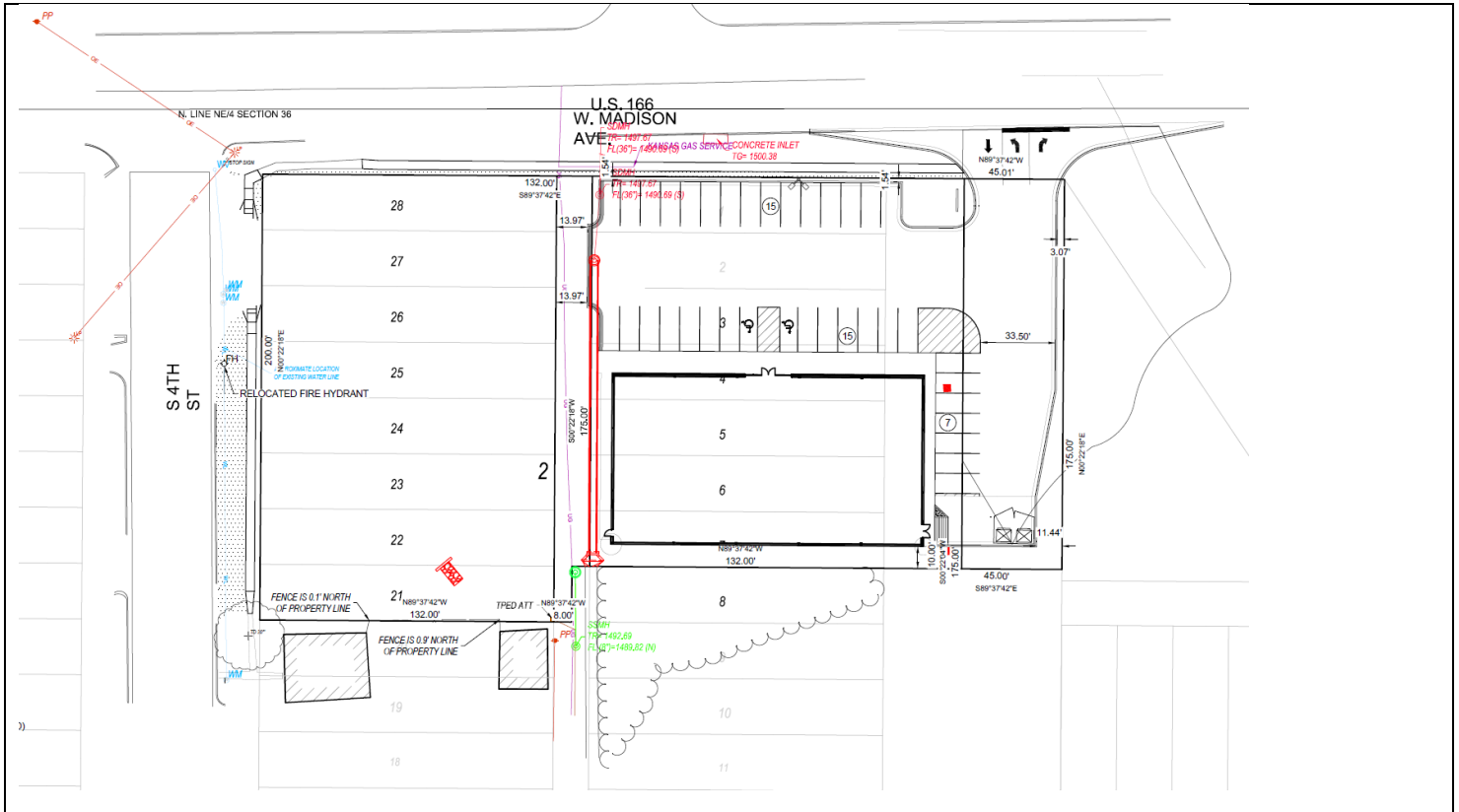
- R-2, Medium Density Residential District
- C-2, Restricted Commercial District

- C-3, General Commercial District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- P, Public Use District

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: May 20, 2022



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 public, industrial, commercial and residential uses. It is the intent of the commercial zoning 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 public, industrial, commercial and residential uses. The City Water Treatment Facility is to the north, Former Railroad Right of way and the ADM Mill are east of the site. A restaurant is the west of the site and residential uses are south of the site. Commercial development in this area should not negatively affect the neighborhood as there was formerly commercial uses on this site as well as adjacent to it. Commercial uses are to the west while industrial type uses are east and north of the site.

Neighborhood Photos



The subject property



Looking to the south along 4th Street



Looking to the north along 4th Street



Looking to the east along Madison Ave/US 166



Looking to the west along Madison Ave/US 166



Google StreetView from Sep 2021 looking south at drainage ditch and eastern portion of property.

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 Zoning District does not allow the proposed use. Some of the area does not currently have a zoning district designation due to its former status as railroad right of way that has since been abandoned. This action would also eliminate that issue. The area, due to its proximity to Madison Avenue/US 166 is trending commercial.

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

North of the site is public. This area is zoned industrial and public. To the west is commercial and residential and the zoning is also residential and zoning to match the uses. To the east is the former railroad right of way that is unzoned and farther east is industrial which is also zoned industrial. The area is trending commercial due to its proximity to Madison Avenue/US 166

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 of retail would be permitted under the C-2, Restricted Commercial District. The area along Madison Ave is a mix of commercial and residential. The proposed use is in line with the former commercial uses on a portion of this site. The C-2 district does allow other medium density commercial uses and due to the restricted list of uses, any other uses should remain compatible with the area.

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

The property is currently zoned for residential use; the property is vacant. The proposed use is not a commercial use and part of the site is already zoned commercial. The 2013 Comprehensive Plan called for this area to be commercial but had some housing on it at the time of the plan and so was zoned residential in these areas.

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

The buildings were all removed by the City around 2017. In 2019, a portion of the property was transferred to the land bank. On the eastern portion of the property a railroad depot was torn down in 2015. A former lumber yard (likely south of this development) was torn down in 2009. The entire property has remained vacant ever since these demolitions were carried out.

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 are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services.

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 could be used for such a use but not necessarily in a place conducive to business for this particular company. The south part of town does not have much in the way of retail sales or grocery services so this could be a benefit to the area.

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 the subject property as commercial use. The proposed use is commercial. This will also help to meet the goal from Chapter 4 to "target industries and retail enterprises that more most likely to benefit from Arkansas City's labor force, geography and market characteristics" The market for this type of business should be fairly good

on the south side of town where there are not many such businesses.

- 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 public health, safety and general welfare should not be negatively impacted by this rezoning.

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

The area of rezoning was expanded to include the entire adjacent street which was originally platted as 10th Street (now known as 3rd Street, to be vacated).

- 13. The recommendations of professional staff;**

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

- The development appears compatible with the area.
- The property has remained vacant since 2017.
- The use is similar to the previous use in intensity
- The project should not adversely affect the neighboring properties.
- The project brings retail services to the south end of town that is lacking in this area
- The public health, safety and general welfare should not be negatively impacted by this rezoning.



City Commission Agenda Item

Meeting Date: 6/7/22
From: Josh White, Principal Planner
Item: Block 2 Park Place Vacations

Purpose: An ordinance authorizing the vacating of a portion of alley and a portion of 3rd Street adjacent to Block 2, Park Place Addition, Arkansas City, Cowley County, Kansas. (Roll Call Vote)

Background:

AAB Engineering, LLC has filed a request to vacate a portion of the alley and a portion of 3rd Street (originally platted as 10th Street) adjacent to Block 2, Park Place Addition. All adjacent property owners were notified. The Technical Advisory Committee noted that there are a number of utilities present in the area and that a utility easement would be needed for the area as the various utilities will need to continue to have access to the area. Staff also feels that having a shared access easement would also be beneficial to retain access to the property the city owns to the south and east of this development.

Staff recommends approval of the request to vacate the area.

The Planning Commission held a public hearing on April 12, 2022 voted to recommend approval of this vacation subject to the reservation of the access and utility easement at their meeting on May 10, 2022.

Commission Options:

1. Approve
2. Disapprove
3. Table

Fiscal Impact:

Amount:

Fund:

_____ Included in Budget

Department:

_____ Grant

_____ Bonds

Expense Code:

_____ Other (explain):

Attachments: Staff report, ordinance

Approved for Agenda by:

Randy Frazer, City Manager

(First Published in the Cowley CourierTraveler, _____2022)

ORDINANCE NO. 2022-06-_____

AN ORDINANCE AUTHORIZING THE VACATING OF A PORTION OF ALLEY AND A PORTION OF 3RD STREET ADJACENT TO BLOCK 2, PARK PLACE ADDITION TO ARKANSAS CITY, COWLEY COUNTY, KANSAS.

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-504, has considered the proposed vacation of the public right-of-way at issue, and recommended the City grant the petition to vacate; and

WHEREAS, the City of Arkansas City Planning Commission and the Technical Advisory Committee determined that an access and utility easement would be necessary to maintain access to utilities and for emergency vehicles; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the vacating of the public right-of-way at issue.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The property legally described as:

All of the 10th Street Right of Way (as platted) adjoining Lots 1-7 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

AND

The 16 foot wide alley between Lots 22-28 and Lots 1-7 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

IS HEREBY VACATED, but the City specifically reserves a utility and access easement over the above described area for accessing existing and/or future utilities and the adjacent property to the south.

SECTION TWO: The City Clerk shall make proper notification of this Ordinance which shall be in full force and effect thirty (30) days after either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney unless one or more interested parties files a written protest before the expiration of such time with the office of City Clerk. If such written protest is filed, the Governing Body of the City is required to convene a Public Hearing to consider any and all objections to the proposed Ordinance and, upon conclusion of the Hearing, is required to either confirm the vacating Ordinance and file the same with the County Clerk and Register of Deeds office or if not confirmed, the vacating Ordinance shall be void and have no force and effect.

SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this ____ day of June, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM

Larry R. Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__-_____
of the City of Arkansas City, Kansas adopted by the governing body on _____, 2022 as the same
appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk



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
 VR-2022-043

APPLICANT/PROPERTY OWNER
 AAB Engineering LLC/City of Arkansas City

PUBLIC HEARING DATE
 April 12, 2022

PROPERTY ADDRESS/LOCATION
 A portion of alley and street adjacent to Block 2 Park Place Addition

SUMMARY OF REQUEST

AAB Engineering, LLC has filed a request to vacate a portion of the alley and a portion of 3rd Street (originally platted as 10th Street) adjacent to Block 2, Park Place Addition. The applicant/City owns or controls all of the land surrounding the proposed vacations. All adjacent property owners were notified. The Technical Advisory Committee noted that there are a number of utilities present in the area and that a utility easement would be needed for the area as the various utilities will need to continue to have access to the area.



Map data ©2022 Esri World Topographic Map

| | | | | |
|-----------------------------------|---|--|---|--------------------------------------|
| EXISTING ZONING Not applicable | EXISTING LAND USE Mostly vacant but platted alley and street | SURROUNDING ZONING & LAND USE North-P/I-1; Public East-Unzoned/I-2; Vacant/Industrial South-R-2;Residential West-R-2/C-2; Residential/Commercial | SITE IMPROVEMENTS Utilities/drainage ditch | SIZE OF PROPERTY Approx 0.2 acres |
|-----------------------------------|---|--|---|--------------------------------------|

STAFF RECOMMENDATION

Staff recommends **approval** subject to retaining an access and utility easement over the entire area.

TECHNICAL ADVISORY COMMITTEE COMMENTS

The committee reported no issues as long as the utility easements are retained and emergency and utility vehicle and equipment access is maintained. Also access to future development to the south should be maintained.

PROPERTY HISTORY

This area was platted in 1886. At some point the railroad right of way took over 10th Street (3rd Street) in this area. The railroad right of way has since been vacated and returned to the City but the street itself was never opened. The alley in this block was only partially completed due to the open canal running its length. Other than the concurrent rezone request for this area there are no other land use cases associated with the area.

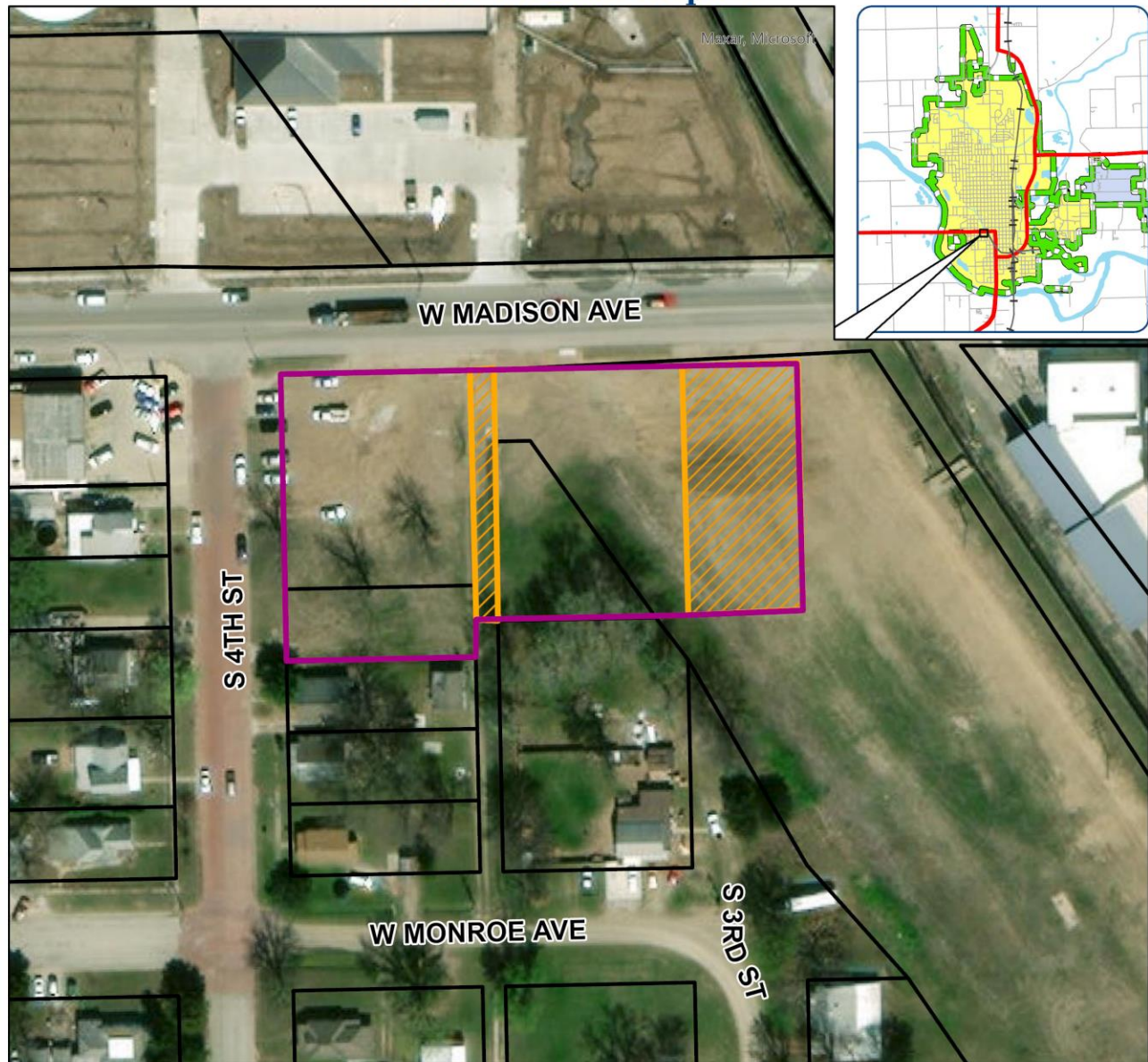
NOTICE GIVEN

Proper notice was published in the newspaper. Notices were sent to the adjacent property owners.

PRIVATE RIGHTS /PUBLIC GAIN/LOSS

No private rights will be injured or endangered as the applicant owns (or will own) all of the property adjacent to the proposed vacations. A utility easement will be retained over the vacated alley

Rezone/Vacation Request



A request for a rezone at 401 W Madison Ave from an R-2 Medium Density Residential District and Unzoned Area to a C-2 Restricted Commercial District

AND

A request for a vacation of the alley and a portion of 3rd Street (10th Street as platted) adjacent to the rezone request

-  City Limits
-  Rezone
-  Vacation Request
-  Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: May 20, 2022



Portion of Plat

Park Place Addition to Arkansas City Kan

city

1st Avenue 75 feet wide

| | | | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 26X182 1 | 28 26X182 | 26X182 1 | 28 26X182 | 26X182 7 | 28 26X182 | 26X182 1 | 28 26X182 |
| 26X182 2 | 27 26X182 | 26X182 2 | 27 26X182 | 26X182 2 | 27 26X182 | 26X182 2 | 27 26X182 |
| 26X182 3 | 26 26X182 | 26X182 3 | 26 26X182 | 26X182 3 | 26 26X182 | 26X182 3 | 26 26X182 |
| 26X182 4 | 25 26X182 | 26X182 4 | 25 26X182 | 26X182 4 | 25 26X182 | 26X182 4 | 25 26X182 |
| 26X182 5 | 24 26X182 | 26X182 5 | 24 26X182 | 26X182 5 | 24 26X182 | 26X182 5 | 24 26X182 |
| 26X182 6 | 23 26X182 | 26X182 6 | 23 26X182 | 26X182 6 | 23 26X182 | 26X182 6 | 23 26X182 |
| 26X182 7 | 22 26X182 | 26X182 7 | 22 26X182 | 26X182 7 | 22 26X182 | 26X182 7 | 22 26X182 |
| 26X182 8 | 21 26X182 | 26X182 8 | 21 26X182 | 26X182 8 | 21 26X182 | 26X182 8 | 21 26X182 |
| 26X182 9 | 20 26X182 | 26X182 9 | 20 26X182 | 26X182 9 | 20 26X182 | 26X182 9 | 20 26X182 |
| 26X182 10 | 19 26X182 | 26X182 10 | 19 26X182 | 26X182 10 | 19 26X182 | 26X182 10 | 19 26X182 |
| 26X182 11 | 18 26X182 | 26X182 11 | 18 26X182 | 26X182 11 | 18 26X182 | 26X182 11 | 18 26X182 |
| 26X182 12 | 17 26X182 | 26X182 12 | 17 26X182 | 26X182 12 | 17 26X182 | 26X182 12 | 17 26X182 |
| 26X182 13 | 16 26X182 | 26X182 13 | 16 26X182 | 26X182 13 | 16 26X182 | 26X182 13 | 16 26X182 |
| 26X182 14 | 15 26X182 | 26X182 14 | 15 26X182 | 26X182 14 | 15 26X182 | 26X182 14 | 15 26X182 |

Howard Avenue 30 feet wide.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 34 26X182 | 33 26X182 | 32 26X182 | 31 26X182 | 30 26X182 | 29 26X182 | 28 26X182 | 27 26X182 | 26 26X182 | 25 26X182 | 24 26X182 | 23 26X182 | 22 26X182 | 21 26X182 | 20 26X182 | 19 26X182 | 18 26X182 | 17 26X182 | 16 26X182 | 15 26X182 | 14 26X182 | 13 26X182 | 12 26X182 | 11 26X182 | 10 26X182 | 9 26X182 | 8 26X182 | 7 26X182 | 6 26X182 | 5 26X182 | 4 26X182 | 3 26X182 | 2 26X182 | 1 26X182 |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|

This is a portion of the Park Place Addition plat filed in 1886. Block 2 is located in the upper right. The highlighted areas show the approximate location of the vacation request. Note that the name of the partial street to be vacated is 10th Street on this plat and was later renamed to 3rd Street though it is not likely that this portion of the street was ever built. Also in this image, 1st Avenue is now Madison Avenue and Howard Avenue is now Monroe Avenue. 11th, 12th & 13th Streets are now 4th, 5th & 6th Streets respectively.

Neighborhood Photos



The subject property



Google StreetView from Sep 2021 looking south at drainage ditch and eastern portion of property.



City Commission Agenda Item

Meeting Date: 5/3/22
From: Josh White, Principal Planner
Item: 2305 N 8th St Rezone

Purpose: An ordinance denying the petition to rezone of 2305 N 8th Street , from R-1 (Low Density Residential District) to R-3 (Medium Density Residential District). (Roll Call Vote)

Background:

Jose Paz-Ontiveros has requested 2305 N 8th Street be rezoned. The surrounding area is comprised of residential uses. The property consists of approximately 3.4 acres. The project will be to develop a duplex in addition to the existing single family home on the site. A portion of the site is within the floodplain. The applicants are requesting a rezone from R-1, Low Density Residential District to an R-3, High Density Residential District. The Planning Commission held a public hearing on Tuesday, April 12, 2022 and voted 6-1 to recommend that the City Commission deny the request citing concerns from citizens about additional housing causing additional traffic on 8th Street which is already insufficient and about the majority of the property being within an established floodplain.

An alternative to this proposal could be to split the property in accordance with the lot split requirements and build an additional single family home there. The Floodplain Management Ordinance would be followed for any development in the floodplain. The new home would also be required to connect to the city sanitary sewer system. This alternative would not require a rezone.

Commission Options:

1. Approve ordinance on the first reading
2. Table and approve on second reading
3. Dissapprove ordinance with 2/3 majority
4. Table and send back to Planning Commission for further consideration

Fiscal Impact:

Amount: Cost of publication

Fund: _____ Department: _____ Expense Code: _____
 Included in Budget _____ Grant _____ Bonds _____ Other (explain) _____

Attachments: Staff report, ordinance

Approved for Agenda by:

Randy Frazer, City Manager

(First Published in the Cowley CourierTraveler, _____2022)

ORDINANCE NO. 2022-06-

AN ORDINANCE DENYING THE PETITION TO RE-ZONE OF 2305 N 8TH STREET, FROM “R-1” (LOW DENSITY RESIDENTIAL DISTRICT) TO “R-3” (HIGH DENSITY RESIDENTIAL DISTRICT).

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-756 and K.S.A. § 12-757, has considered the proposed request to re-zone property, and recommended the City refuse to grant the Petition to re-zone; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration of the Planning Commission recommendation of denial desires to approve that recommendation by formally refusing to grant to Petition to re-zone the property.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The Governing Body has determined that the Petition to Re-Zone should not be granted, as re-zoning the property as requested will have a negative effect on the neighborhood surrounding the property at issue. Therefore, the Governing Body hereby formally denies the Petition of Jose Paz-Ontiveros to re-zone property legally described as:

Part of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 South, Range 3 East of the 6th Principal Meridian beginning at a point 1024.1 feet North of the Southeast Corner of said Quarter, thence West 516.7 feet, thence Northwest 297.32 feet , thence East 616.7 feet, thence South 280 feet to the Point of Beginning, less Right-of-Way. All within Arkansas City, Cowley County, Kansas.

More commonly known as 2305 N 8th Street, Arkansas City, Kansas.

SECTION TWO: This ordinance shall take effect and be in full force from and after its adoption by the governing body of the City of Arkansas City and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this ____ day of June, 2022.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, Clerk

APPROVED AS TO FORM

Larry Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-__-____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2022 as the same appears of record in my office.

DATED: _____.

Lesley Shook, Clerk



STAFF REPORT

Section , Item 3.

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-2022-111

APPLICANT/PROPERTY OWNER
 Jose Paz-Ontiveros

PUBLIC HEARING DATE
 May 10, 2022

PROPERTY ADDRESS/LOCATION
 2305 N 8th Street

SUMMARY OF REQUEST

The subject property is located at 2305 N 8th Street. The surrounding area is comprised of residential uses. The property consists of approximately 3.4 acres. The project will be to develop a duplex. A portion of the site is within the floodplain. The applicants are requesting a rezone from R-1, Low Density Residential District to an R-3, High Density Residential District.



Map data ©2022 Esri World Topographic map

| | | | | |
|---|----------------------------------|--|---|-------------------------------|
| EXISTING ZONING R-1-Low Density Residential FP-O, Floodplain Management Overlay District | EXISTING LAND USE Residential | SURROUNDING ZONING & LAND USE North-R-1; Residential East-R-1; Residential South-R-1; Residential West-R-1; Residential | SITE IMPROVEMENTS Single Family Dwelling and Accessory structures | SIZE OF PROPERTY 3.4 acres |
|---|----------------------------------|--|---|-------------------------------|

STAFF RECOMMENDATION

☒ **APPROVE**

☐ **APPROVE WITH CONDITIONS**

☐ **DENY**

COMPATIBILITY with the COMPREHENSIVE PLAN

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is also residential. The Plan did not differentiate in terms of residential density. This will also help to meet the goal from Chapter 3 to "encourage the availability of housing in Arkansas City for all ages and income groups." Recent studies of our current housing situation also suggests that the City work to create greater housing options with greater density.

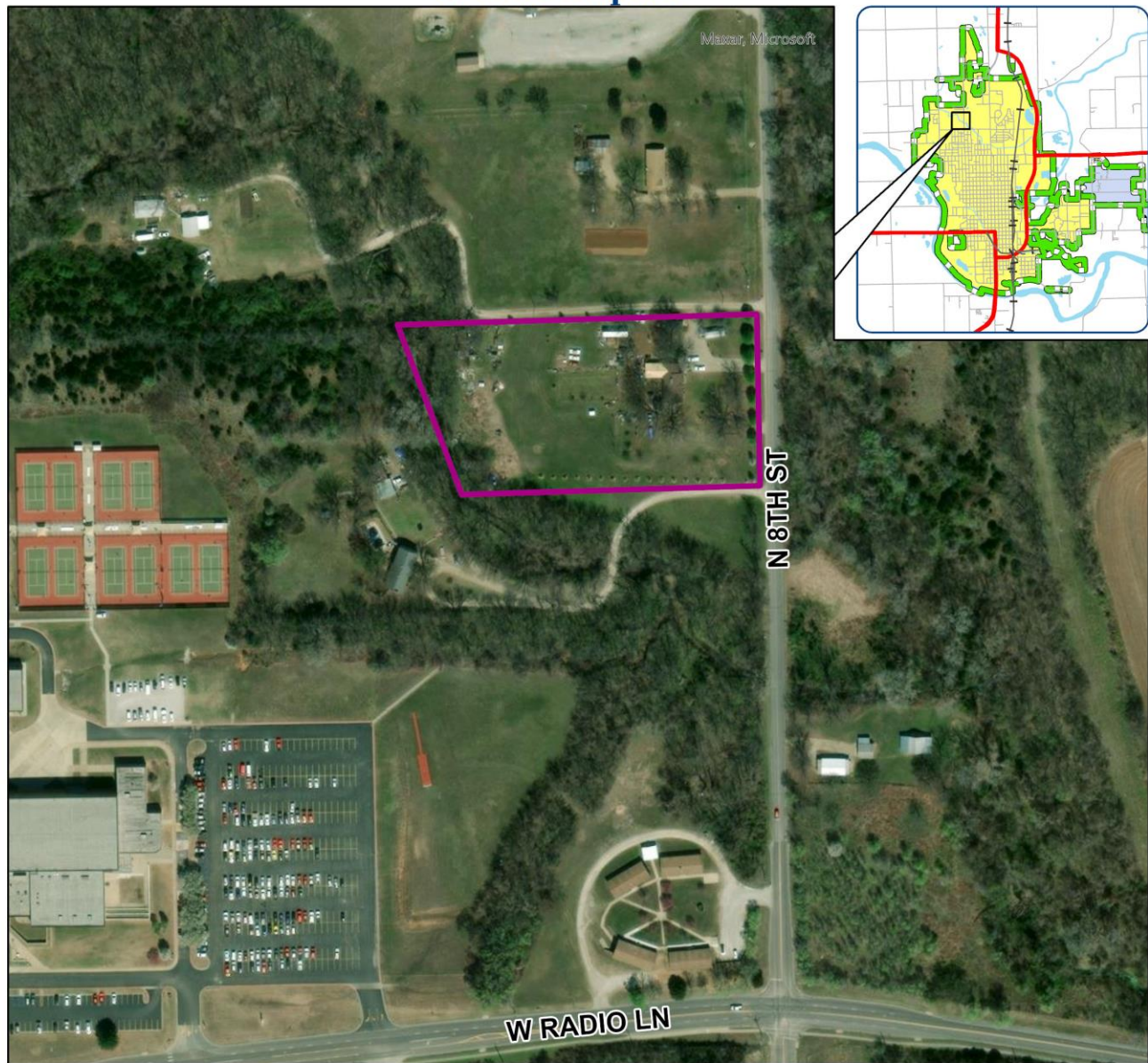
PROPERTY HISTORY

The property was developed with a single family dwelling unit in 1962 according to County records. Additional site improvements have been made in the years since. No other land use records were found.

COMPATIBILITY with the ZONING ORDINANCE

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.

Rezone Request



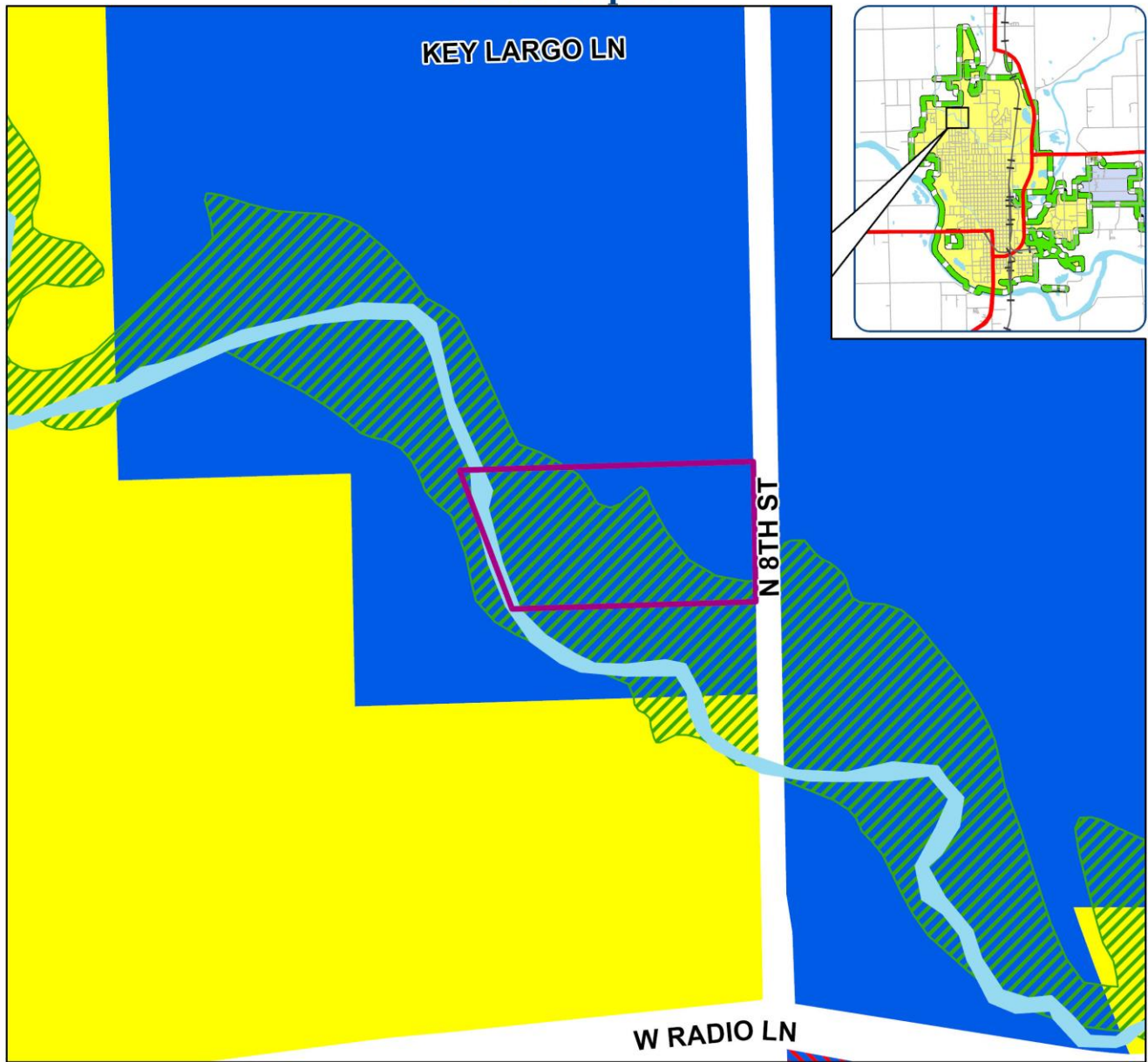
A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- City Limits
- Rezone

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: April 11, 2022



Rezone Request



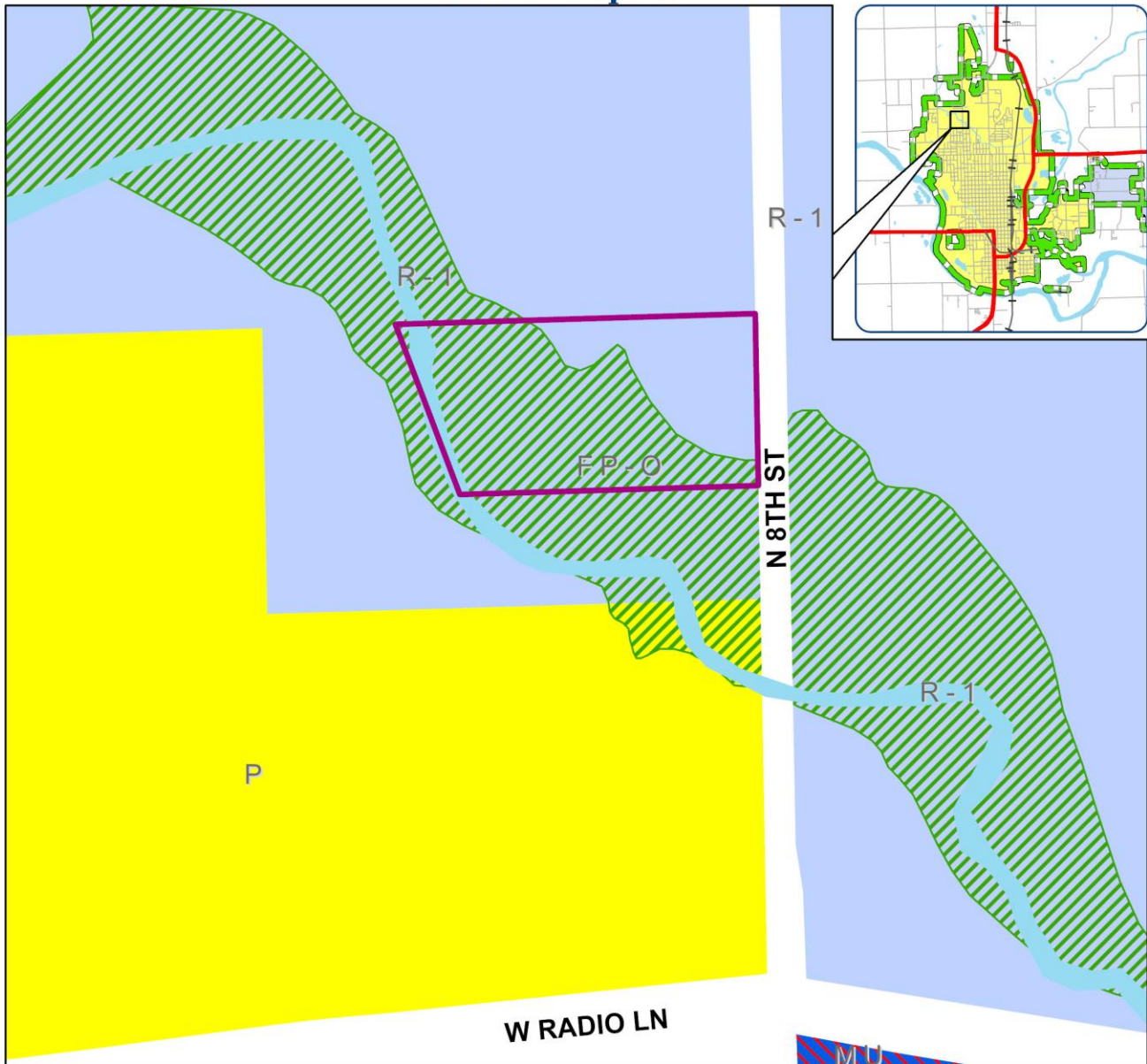
A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- | | |
|------------------------|-------------|
| City Limits | Residential |
| Rezone | Mixed Use |
| Future Land Use | Public |
| Floodplain | |

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: April 11, 2022



Rezone Request



A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- City Limits
- Rezone
- Zoning**
- P, Public Use District
- MU, Mixed Use District
- R-1, Low Density Residential District
- FP-O, Floodplain Management Overlay District

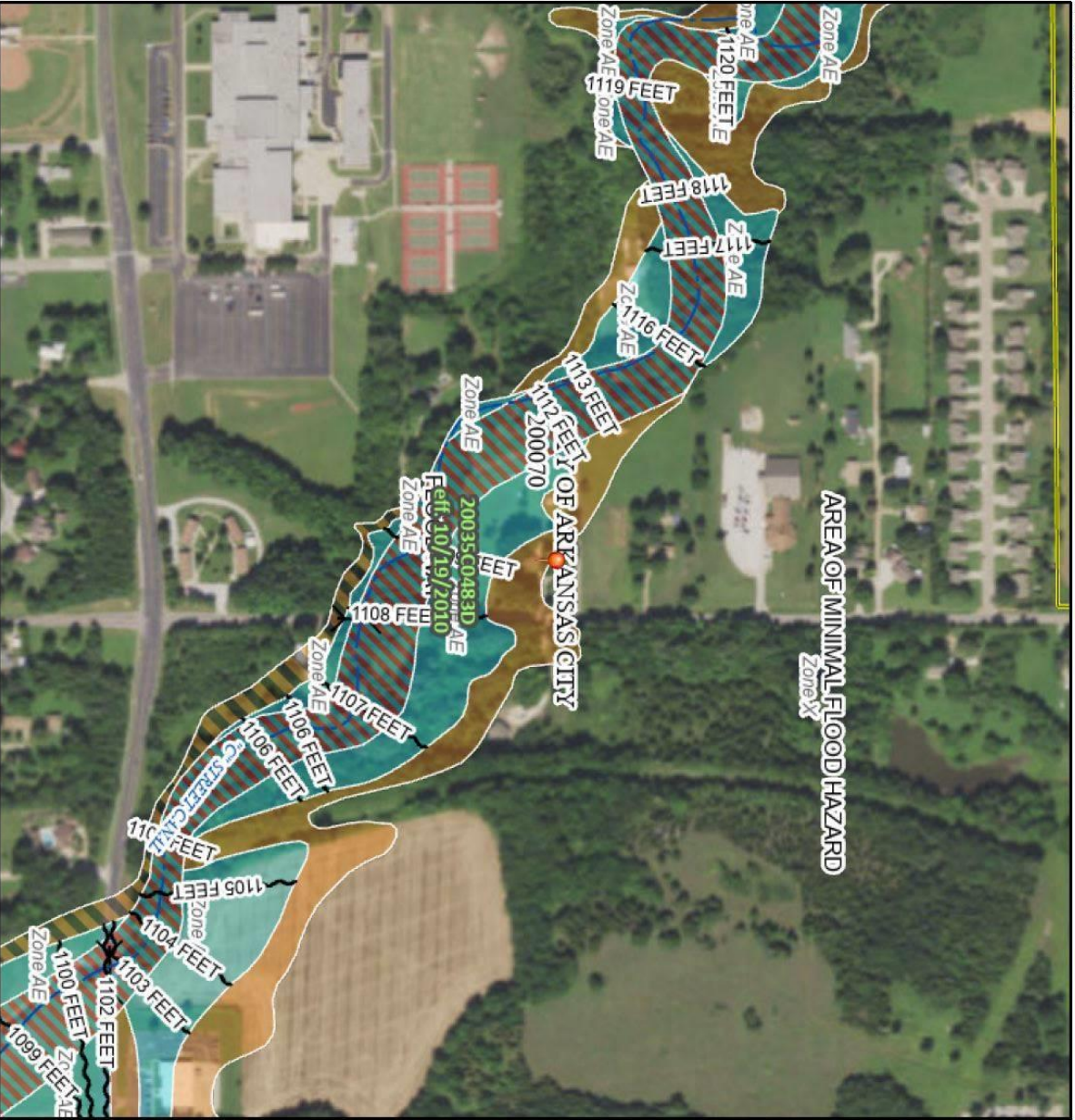
Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: April 11, 2022



National Flood Hazard Layer FIRMette



97°31'8" W 37°53'4" N



0 250 500 1,000 1,500 2,000 Feet
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020
97°24'1" W 37°53'5" N

Legend

SEE ITS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

| | |
|--|--|
| | Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway |
|--|--|

| | |
|--|---|
| | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | Area with Reduced Flood Risk due to Levee, See Notes, Zone X |
| | Area with Flood Risk due to Levee Zone D |

| | |
|--|--|
| | Area of Minimal Flood Hazard Zone X |
| | Effective LOMRs |
| | Area of Undetermined Flood Hazard Zone D |
| | Channel, Culvert, or Storm Sewer |
| | Levee, Dike, or Floodwall |

| | |
|--|--|
| | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | Coastal Transsect |
| | Base Flood Elevation Line (BFE) |
| | Limit of Study |
| | Jurisdiction Boundary |
| | Coastal Transsect Baseline |
| | Profile Baseline |
| | Hydrographic Feature |

| | |
|--|---------------------------|
| | Digital Data Available |
| | No Digital Data Available |
| | Unmapped |

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/21/2022 at 2:52 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRMette panel number, and FIRMette effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

A site plan was not provided for this application and was not required.

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;

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 residential uses. The proximity of the site to the C Street Canal Floodplain has largely prevented increased density from occurring. Much of the existing site is also in the floodplain. Any development within the floodplain would be required to meet all floodplain management regulations.

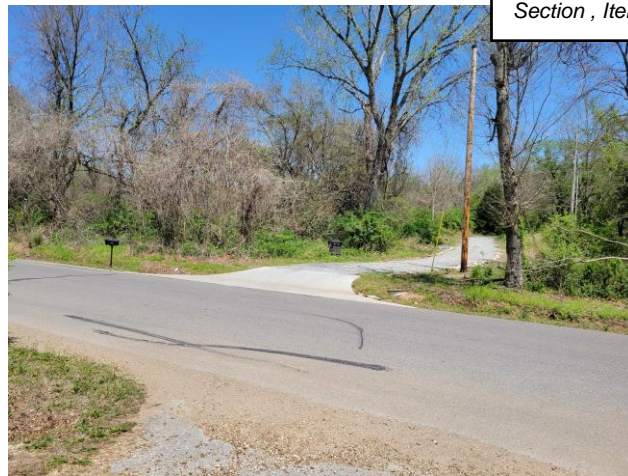
Neighborhood Photos



The subject property-4/25/22



Looking to the south along 8th Street-4/25/22

Looking to the north along 8th Street-4/25/22Looking across 8th Street-4/25/22

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 Zoning District does not allow the proposed use. The current district allows single family dwellings and Two Family dwellings are allowed with a conditional use permit. The proposed use is to add two dwelling units for a total of three units. An alternative to the proposal would be to rezone the property to R-2 and a conditional use permit would then be needed to allow three or more families. It is for the reason of simplicity that R-3 was chosen as the most appropriate district for this project. R-3 would also permit additional dwelling units to be added in the future. The general area around this site has seen increased housing demand.

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

The area is surrounded by residential uses and is all zoned for residential. The general area around the site is seeing an increase in housing demand and increasing density of residential uses.

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;

R-3 zoning does allow increased housing density. All development is currently served by septic tanks for sewage disposal.

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

The property is currently zoned for residential use and is large enough to sustain additional residential density. The proposed use is an increase in residential density that is not allowed in an R-1 district. Increased density will put additional pressure on the existing floodplain. All construction will have to be built to the standards set out in the floodplain management ordinance.

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 water, sewer and other utilities are readily available at or near the site. Police and Fire should be able to serve the proposed use without any changes to existing services.

- 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 could be used for such a use within the City but it is not owned by the applicant.

- 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 the subject property as residential use. The proposed use is also residential. The Plan did not differentiate in terms of residential density. This will also help to meet the goal from Chapter 3 to "encourage the availability of housing in Arkansas City for all ages and income groups." Recent studies of our current housing situation also suggests that the City work to create greater housing options with greater density.

- 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 public health, safety and general welfare should not be negatively impacted by this rezoning.

- 12. Public Comments**

The public overall was not in opposition to the request. One owner wanted to ensure that her private drive would not be used for access to this property.

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

The Planning Commission recommended denial of this request due to citizen feedback. Citizens were concerned about increased traffic on an already insufficient 8th Street. Planning Commissioners also had concerns about increased housing density within the floodplain.

- 14. 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:

- The development appears compatible with the area.
- The lot is large enough to handle additional dwelling units
- The use helps to alleviate the current housing shortage
- The general area around the site is seeing an increase in housing demand and density
- The public health, safety and general welfare should not be negatively impacted by this rezoning
- All utilities are readily available at or near the site.

Based on the decision of the Planning Commission, staff now recommends denial of the application and suggests an alternate approach of splitting the lot according to the lot split requirements and building a single family home on the new lot. Floodplain Management requirements would still have to be met. The new home would also be required to connect to the city sanitary sewer. This alternative would not require a rezoning of the property.