



# City of Arkansas City

## PLANNING COMMISSION MEETING

### AGENDA

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**Tuesday, November 08, 2022 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS**

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GoTo Meeting: <https://meet.goto.com/561024685> or call +1 (312) 757-3121 **Access Code:** 561-024-685

#### **Call to Order**

#### **Roll Call**

Mary Benton\_\_ Lloyd Colston\_\_ Brandon Jellings\_\_ Ian Kuhn\_\_ Kyle Lewis\_\_ Cody Richardson\_\_  
Tom Wheatley\_\_

#### **Public Comments**

*Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.*

#### **Consent Agenda**

1. Meeting Minutes, **October 11, 2022 meeting.**

#### **Comprehensive Plan**

2. **Comprehensive Plan discussion**

#### **Other Items**

#### **Adjournment**



# City of Arkansas City

## PLANNING COMMISSION MEETING

### MINUTES

Tuesday, October 11, 2022 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

#### Call to Order

#### Roll Call

PRESENT: Mary Benton, Ian Kuhn, Kyle Lewis, Cody Richardson, Tom Wheatley

ABSENT: Lloyd Colston, Brandon Jellings

#### Public Comments

Cody Richardson made the motion to close the public comments and Tom Wheatley made the second. Voice vote carried the motion.

#### Consent Agenda

1. Meeting Minutes, **September 13, 2022 meeting.**

Cody Richardson moved to approve the September 13, 2022 meeting minutes and Tom Wheatley made the second motion. Voice vote carried the motion.

#### Comprehensive Plan

2. **Comprehensive Plan discussion**

Chair Ian Kuhn asked Josh White to discuss the Comprehensive Plan. Josh approached the board explaining that the board had asked him to make a synopsis of the current draft plan. Josh explained that he did do that and went on to explain the beginnings of the chapters. Josh asked the board if they had any questions about the executive summary that was submitted in the packet. Josh would like to be able to present the executive summary at the public meeting for the Comprehensive Plan. Ian Kuhn made the suggestion that for the Planning Commission to take the binders of the chapter's home to really look through the Comprehensive Plan. Josh would like to be able to go through two chapters this evening instead of one, then Josh went on to explain the timeline he would like to implement to get the Comprehensive Plan adopted in January 2023. Chair Ian Kuhn clarified with Josh that the intent of a public hearing is to get public input for the Comprehensive Plan.

Josh started to discuss Chapter Six explaining that it was one of the most important chapters of the Comprehensive Plan. Josh stated that the accomplishments had been updated such as the WTP, WWTP, Summit Street Project. The City has had other small projects with Mill and Overlay with Kansas/Summit and Madison and Summit and since then KDOT has resurfaced the bridge along the bypass. Josh stated that he also put in the plan about the Public Services department and Environmental Services have been working together to repair street cuts due to main breaks.

Josh explained that most of what the goals and actions were copied from the old plan and the priority that was listed on there is what was listed on the sheet.

Josh asked for comments on Public Transportation, Ian stated that he would like to be able to take notes on the topic and discuss deeper with the next couple meetings coming up.

Josh discussed Capital Improvement Plan and that it was discussed at the Budget Retreat with the Commissioners. Josh stated that there are a number of projects discussed that are already in the CIP.

Josh stated that the city had been working on an inventory of streets and sidewalks. Josh stated that the Equal Opportunity Board were working on that. Mayor Gingher asked if that assessment involved building a sidewalk on Radio Lane, Josh stated that was a separate project that FFA was looking at for a civic project.

Josh discussed the Action that was carried from 2013 was trying to find the funding. Josh stated that federal funds were used for Summit Street. He stated that we use federal funds as they come in, but they don't go very far. The sales tax used in 2008 was used on Kansas Ave, 15th Street, some of Radio Lane, Goff Industrial Park by Creekstone, Skyline. KDOT matched some of the funds for economic development. Sales Tax is the only true good way to help fund street repair. Tom asked about low interest loans/bonds.

Cody asked about the list of projects. Josh stated that he wasn't super familiar with the plan but a lot of projects have been pushed back. 1<sup>st</sup> street to Madison, Kansas to 3<sup>rd</sup> street, some smaller bridges. Cody stated that he was just trying to understand the funding.

Josh stated that most of Sales Tax has a sunset period. Cody asked if that was still a goal that we wanted. Ian felt that those details could be worked out later. Ian asked if once this document was adopted, would this be a fluid document. Josh stated that yes that was the plan and should be adjusted as we come to it. Cody felt that it should be moved to medium goal instead of short term.

For the 2013 plan, there was an action that was sort of measurable, but the idea was that by 2030 there would not be any water lines that were less than 75 years old. Replacing Cast Iron piping to newer technology. Josh explained that the Brad Meek area had been replaced, the Crestwood area water pipes had been replaced, but other problems had not been fixed. Josh explained the Water Model prepared by PEC. That plan showed that the problem in Crestwood was water storage. Josh will get that document to the Planning Commission. Tom stated that the Crestwood area has 200 plus houses without proper water pressure, so a simple kitchen fire could lose the entire house.

There was a goal to upgrade the WWTP, Josh felt that goal could be almost be taken off, but the construction was not completely done yet. Ian Kuhn asked if the new build was going to comply with regulations and he felt that changing the wording to verify. Josh stated that the goal of the improvements was to meet the regulations.

Josh discussed Storm water issues such as public education and that there was a storm water fee study. Public Education consisted of grass clippings in the street, leaves in the street, etc.

Josh asked if there was anything the board felt wasn't addressed. Cody asked if the trash service should be in the plan. After discussion, it was decided that nothing was needed for sanitation.

Josh moved to Chapter 7, Community Health. There is an action to work alongside Winfield for healthcare. Josh mentioned about childcare being a problem in the community, because there is a need for more childcare. He also mentioned it was important to make sure that when a rezone, plat etc., make sure that Public Health is taken into account. We have Four County Mental Health clinic, Josh felt that majority of the community doesn't know about Four County Mental Health. Ian stated that mental health has become a bigger issue than it once was, more so than physical health. Ian felt that mental health should be the top priority.

Josh stated that the final topic is Land Use that would be discussed at the next meeting.

## Adjournment

Motion made by Wheatley, Seconded by Kuhn.

Voting Yea: Benton, Kuhn, Lewis, Richardson, Wheatley



# Planning Commission Agenda Item

**Meeting Date:** 11/8/22  
**From:** Josh White, Principal Planner  
**Item:** Comprehensive Plan discussion

**Purpose:** Comprehensive Plan discussion

**Background:**

After last month's meeting, I sent out all of the Chapters in Word format. Hopefully you all have had a chance to review each chapter in detail. Were there any comments on any of the first seven Chapters that need to be discussed prior to moving on to Land Use?

The topic of discussion this month is Land Use. Based on discussion this is likely the most important chapter besides land use that the Planning Commission wishes to focus on. We will spend a good amount of time going over possible goals and actions.

At the December meeting we can wrap up Land Use and the future land use map and determine if we are ready to set a public hearing for January.

**Action:**

Hold discussion.

**Attachments:**

Draft Chapters, Executive Summary



## Chapter Eight: Land Use/Growth Management

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- 8.1 Introduction**
- 8.2 Vision**
- 8.3 Past Comprehensive Plan: Land Use Analysis**
- 8.4 Land Uses under the City's Present Zoning Regulations**
- 8.5 Proposed Changes to the Land Use Regulations**
- 8.6 2007 and 2013 Community Survey Responses and Comments**
- 8.7 Future Land Use Map**
- 8.8 Fringe Area Development: The "Growth Area"**
- 8.9 Future Land Use Map for the Growth Area**
- 8.10 Accomplishments**
- 8.11 Goals and Actions**

### 8.1 INTRODUCTION

A request often heard over the course of the preparation of a city's comprehensive plan is that development should occur in a way that will preserve the city's "character". A critical aspect of any city's character is its pattern of land use – the types, location, mix and density of uses. While past and present-day development patterns put a face on "character", future development patterns will either maintain or change that character. Although not entirely within the power of citizens or their city government, development patterns are influenced by a community's policies on land use, housing, economic development and other policies such as those contained within this Plan, as well as the community's land use laws.

The pattern of land use, most notably the location of development, also significantly impacts the quality and cost of public facilities and services. Level of demand, costs of infrastructure and cost-effectiveness of providing municipal services are all a function of patterns of land use – with great cost differences (often borne by the public) resulting from sprawl development as compared to development at higher-density, urban levels.

This chapter attempts to summarize the goals necessary to achieve the development pattern desired by the City. Those policies attempt to not only advance land use objectives, but also complement, integrate and promote the goals for Housing, Economic Development and Infrastructure as set out in other chapters of this Plan.

This chapter also sets out the goals and policies the City should use as it reviews applications for development and rezonings, as it considers annexations and/or extraterritorial land use regulation, and as it adopts capital improvement plans and budgets.

### 8.2 VISION

Arkansas City will experience growth and stability in part due to careful thought given to regulation of the location of different uses of land. Those regulations will minimize conflicting uses and maximize efficiencies in public infrastructure serving those uses.

The City's land use regulations will recognize and respect private property rights, provide landowners and developers with flexibility, and will avoid development requirements and costs that do not serve a valid interest of the community.

The City will continue to plan not only for the future growth and development of land within its corporate limits, but also continue planning for its extraterritorial "growth area". The growth area is generally that unincorporated area lying north and south from the City's limits along the US-77 corridor

and west along and north of US-166, as detailed in this Chapter, where the nature, timing and intensity of land development have consequences for Arkansas City.

The City will encourage new development to occur in proximity to existing or planned streets, water, electricity, sewer and other public infrastructure. Its regulations will attempt to promote growth while simultaneously preserving the existing character of Arkansas City.

**8.3 PAST COMPREHENSIVE PLANS: LAND USE ANALYSIS**

Past Comprehensive Plans devoted significant thought and space to a survey of then-existing land uses within the City and the three-mile study area covered by the plan.

As noted elsewhere in this Plan, it is an objective to reiterate, or at least reference, those key findings and recommendations set forth in earlier comprehensive plans which hold relevance for the 2021 Comprehensive Plan. This has been the past practice of the City, and it is a commendable one for numerous reasons.

In Past Plans, special sections were included that showed key findings and recommendations from the current plan’s predecessors. While there is merit in showing how findings have changed over the years to show where we have come from, the current plan places less emphasis on these sections instead choosing to summarize the past plans and incorporating any continuing goals and actions into the current plan.

The 2003 plan noted that downtown remains the focal point of the physical fabric of the community which still holds true and will be reflected in continuing goals and actions. The plan also noted some development issues that lacked cohesion. Some of this is still occurring and should remain an emphasis in the current plan. The 2003 Plan also noted areas of incompatible uses. The 2013 Plan worked to combat many of these uses with various levels of success. The current plan should work to continue this practice. Many of the recommendations from the 2003 Plan should be carried forward as well. One such recommendation was to discourage further commercial rezonings along West Kansas Avenue. For the most part, this has happened, and no new commercial development has occurred along this corridor. The Plan also made a recommendation about the Summit Street corridor between Linden and Kansas Avenues. This corridor continues to be a challenge and much discussion still needs to occur on how to address the mixed-use nature of this corridor. The 2003 Plan also encouraged development to occur in the proper places and with proper growth management. One such recommendation which still applies was to keep retail development within the existing corridors instead of adding new ones. Responsible growth management will need to continue to be a part of Comprehensive Plans well into the future.

The 2013 Plan recognized that many of the goals from 2003 were either not met or no longer applied. The plan also recognized that the zoning and subdivision regulations needed a significant rewrite. Many of the regulations had no alteration since 1964. The plan created a framework for establishing these new regulations which will be discussed at more length in the next section. In addition to this, the Plan also shrunk the growth area from the entire 3-mile area to a smaller restricted area in response to the creation of the City of Parkerfield on the City’s east side. Changes from the 2013 Plan’s Growth Area to the 2021 Plan will be discussed at length within the new Plan’s Growth Area section.

**8.4 LAND USES UNDER THE CITY’S PRESENT ZONING REGULATIONS**

The City’s current zoning regulations were adopted in 2014 after the 2013 Plan was adopted. There have been a number of amendments to the current regulations since 2014 in response to changing needs and circumstances. The most major amendments occurred in 2016 including changes to the supplemental regulations, sign regulations, telecommunication towers and the combination of the Planning Commission and the Board of Zoning Appeals into one board with some shared membership. Additional changes were made in 2017 and 2018 which changed some definitions, modified some residential uses,

added some development standards regarding sidewalks and updated the parking regulations to better comply with Americans with Disabilities Act (ADA) guidelines.

The Subdivision Regulations were also completely reworked in 2014. It was also recognized that many of those regulations dating back to the early 1990s had become out of date. The 2014 Subdivision Regulations paid careful attention to the changes and goals noted in the 2013 Comprehensive Plan. These regulations have had some minor amendments since 2014. In 2016, the site plan review process was modified to match current practices and some development standards were changed regarding mini warehouses. In 2018, the lot split provisions were also modified. Staff has determined in practice that the site plan review regulations would be more appropriately located within the zoning regulations and recommends that this section be moved into a reserved Article 29 of the Zoning Regulations.

Following is a brief description of some of the more significant features of the current zoning regulations:

### **Intent of Districts:**

An Article is included with statements explaining the purpose or intent for each of the proposed zoning districts and overlay districts. This Article will provide the public, and property owners, with an overview to the regulatory approach the City is taking.

### **Agricultural District:**

A single Agricultural (A) District is present. Permitted and conditional uses are fairly restricted, with only a few non-agricultural uses allowed. The only residential use is single-family residential development, subject to a minimum acreage requirement.

### **Residential Districts:**

This Article sets out most of the regulations pertaining to the proposed three residential districts: Low Density (R-1) Residential, Medium Density (R-2) Residential and High Density (R-3) Residential. The permitted residential use in Low-Density is single-family housing, but duplexes are also allowed as conditional uses. Likewise, in the Medium-Density District one- and two-family housing is permitted, with three-plus family housing allowed as a conditional use. High Density District regulations permit all types of housing, from single-family to apartment houses. The residential district regulations are intended to allow optional development opportunities for property owners in hopes of encouraging new development and redevelopment that will increase and improve the City's housing stock, consistent with Plan goals.

### **Countryside District (Residential):**

The Countryside District is intended for use in largely undeveloped areas that would support "cluster development" that accommodates preservation of environmentally significant or sensitive lands and setting aside of open space.

### **Elderly Housing Overlay District (Residential):**

The Elderly Housing Overlay District, is intended to provide incentives to developers to construct detached single-family housing for senior citizens, thereby addressing a housing need identified in this Plan.

### **Manufactured Home Park District:**

This District and is intended to accommodate manufactured housing placed on rented spaces.

### **Commercial Districts:**

The commercial zoning districts are Office and Service Business District (C-1), Restricted Commercial District (C-2), General Commercial District (C-3) and Central Business District (C-4).

The C-1 Office and Service Business District focuses on commercial uses which are compatible to adjoining residential uses.

The C-2 Restricted Commercial District allows specified categories of retail sales uses at neighborhood service intensities.

The C-3 General Commercial District is designed for retail sales and services located outside the central business district and of intensity greater than that suited for neighborhood shopping areas.

The C-4 Central Business District is the core commercial district of the City. This district includes the commercial uses in the central business district which provide the major focus of retail, government and business services facilities for the entire community.

### **Manufactured Home Subdivision District:**

This Article provides for subdivisions designed for manufactured homes. The Article also allows for site-built housing within the same district.

### **Industrial Districts:**

The industrial districts provide for areas of light and heavy industrial uses and for other compatible uses. Light industrial uses (I-1) generate few effects felt off-site while Heavy Industrial uses (I-2) tend to be basic or primary industries which do often produce vibration, smoke, noise, odor, glare, dust or other effects that travel off-site.

### **Public Use District:**

The Public (P) District is applied to uses such as city hall, schools and fairgrounds. This classification becomes an alternative to public uses being either permitted or conditional uses in residential, commercial and industrial districts.

### **College Overlay District:**

The College Overlay District is an overlay district for property within the R-3 district. Its purpose is to encourage and accommodate master development plans for the campus and any related properties comprising Cowley College.

### **Planned Unit Development District:**

The Planned Unit Development (PUD) overlay district is intended to give considerable flexibility to property owners, to encourage innovation with respect to type, design and layout of buildings.

### **Housing Opportunity Overlay District:**

The Housing Opportunity Overlay District (HO-O), can be applied to any R-1, R-2 or R-3 zoned property. It allows for higher density development, intended to achieve lower development costs, and in turn lower-cost housing for homebuyers. Other development incentives are provided to encourage construction of affordable housing, again responding to housing goals and objectives set out in this Plan.

### **Mixed Use District:**

This Mixed-Use District (MU), allows for a number of potential residential-commercial mixes, all subject to approved design standards. This district is most suitable for areas which have had both residential and low-intensity commercial uses side-by-side. In a nutshell, property zoned MU can be used for any land use permitted in the proposed R-1, R-2, C-1 or C-2 districts. Conditional uses in those same four districts are also conditional uses allowed in the MU district.

### **Historic Conservation Overlay District:**

The objective of the Historic Conservation Overlay District (HC-O) is to encourage property owners of historic commercial buildings and homes in historic neighborhoods to request this special zoning

designation and thereby trigger certain development and design standards to guide new construction and redevelopment within the district.

**Other sections:**

Other sections of the zoning regulations provide the regulations concerning the Planning Commission and Board of Zoning Appeals, amendment procedures, Sign Regulations, Floodplain Management (adopted by reference), supplemental regulations, parking regulations, and regulations dealing with nonconformities and provisions for enforcement of the regulations. The site plan review regulations are currently located within the Subdivision Regulations

**8.5 PROPOSED CHANGES TO THE LAND USE REGULATIONS**

Set out below are the general objectives which the Planning Commission believes are promoted by the zoning regulations it expects to recommend for adoption by the City Commission following adoption of this Plan. Many of the districts from 2014 still work well but parts of the regulations need some adjustments.

**Countryside District:**

The Countryside District is intended for use in largely undeveloped areas that would support “cluster development” that accommodates preservation of environmentally significant or sensitive lands and setting aside of open space. This district is not currently used in the city zoning regulations and is written more for extraterritorial zoning regulations. The 2013 Plan ultimately did not end up adopting extraterritorial zoning regulations and as such, no areas were zoned Countryside (CS). If extraterritorial zoning is not recommended by this Plan, the Countryside District should be eliminated.

**Mixed Use District:**

The Mixed Use District allows for a number of potential residential-commercial mixes, all subject to approved design standards. This district is most suitable for areas which have had both residential and low-intensity commercial uses side-by-side. This district should still remain but needs some additional clarity on the design standards. There are a number of areas on the zoning map that are currently zoned Mixed Use that need to revert to a residential district. Many of these areas have not seen this sort of development in the southwest area. Along the N Summit Corridor, the development has been seen but some of it is not truly compatible with the surrounding residential uses. The areas along West Radio Lane should remain for now. The areas along East Kansas Avenue should change to Commercial south of the C Street Canal.

An overlay district may be required in certain areas to enhance the regulations. This could be an option for the North Summit Street corridor mentioned above.

**Historic Conservation Overlay District:**

The objective of the Historic Conservation Overlay District is to encourage property owners of historic commercial buildings and homes in historic neighborhoods to request this special zoning designation which should trigger certain development and design standards to guide new construction and redevelopment within the district. The current HC-O district covers the existing historic district but has no additional local regulations tied to it beyond that. This overlay could however be used as a local historic district as well and placed on the local historic register. Establishment of a local historic register district would have to be recommended by the Historic Preservation Board according to the historic preservation CLG ordinance.

**Other Zoning Amendments:**

The site plan review regulations are currently within the Subdivision Regulations. It would streamline the regulations to place them in the zoning regulations under the reserved Article 29. Very little changes

to the current Site Plan review regulations will need to be made. Some modifications related to storm water may need to be added.

Tiny homes are becoming more prevalent. Regulations related to tiny homes should be added. One option would be to modify the Manufactured Home Subdivision District to accommodate them. They could also be added to the residential districts with certain restrictions added in.

Short term rentals are also becoming a reality in Arkansas City as well and regulations related to those need to be established.

Due to staff observation and development patterns the various use tables in each district may require some adjustment. Specific adjustments will be recommended by staff.

The Supplemental Regulations will need some adjustments. There have been a number of issues related to fences that should be clarified including the types of fencing material allowed. Other smaller changes will need to be included as staff recommends.

**Subdivision Regulation Amendments:**

The Subdivision Regulations do not require many amendments with the exception of the removal of the Site Plan Review Regulations as noted previously. There does need to be a review of the Lot split requirements as this can be difficult to enforce especially in the growth area. Consideration should be given to simplifying the requirements for lot splits.

**8.6 COMMUNITY SURVEY RESPONSES**

In early 2013 citizens of Arkansas City were surveyed on a number of issues relevant to the preparation of this Plan, and its goals. One question directly related to the proposed Growth Area -- asking citizens whether the use and development of land nearby but outside the City was a matter of such interest to Arkansas City that it should be regulated by the City. The response to that question, as well as a follow-up question, follows. These responses reflect modest citizen support for City efforts to provide some degree, greater or lesser, of regulation over the use and development of land which lies outside the city limits.

**Property Outside the City Limits**

- a. Should the City be concerned with land development, outside and adjacent to existing city limits?

**Yes - 46%**    No - 34%    No Response - 20%    Total Responses - 694

- b. *If you answered yes to the question above, indicate the step(s) the City should take to regulate the use and development of land adjoining the City's present limits:*

	<b>Yes</b>	<b>No</b>
Annexation	<b>55%</b>	45%
Make the property subject to city zoning without annexing it	<b>60%</b>	40%
Encourage Cowley County to adopt zoning	<b>81%</b>	19%
Make the property subject to City-adopted building codes	<b>77%</b>	23%

The 2013 survey also asked for agreement or disagreement with the following statements:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total Responses
The City needs to increase its planning efforts to encourage quality development.	2%	7%	38%	<b>41%</b>	12%	685
I support future expansion of the city limits if developers share in the cost of infrastructure improvements.	8%	10%	28%	<b>40%</b>	13%	685

The 2013 survey listed 12 examples of how new land development can affect the community and asked which of those were the most important. The following are the three most selected choices:

	Total Responses
Whether the existing public water and sewer service is adequate for the development.	279
Compliance with reasonable and well-drafted zoning and subdivision regulations.	244
Compliance with reasonable and well-drafted building codes.	210

A number of survey respondents wrote comments reflecting their views on land use and development outside the City. Some of those comments are found at Appendix B.

## 8.7 FUTURE LAND USE MAP FOR ARKANSAS CITY

The City's Future Land Use Map (FLUM) is not a zoning map, nor is it a map of existing land uses. Rather it reflects the best judgment of the Planning Commission and City Commission of the most appropriate use of land throughout the City. The map is intended to show consistency with the goals and objectives of the Comprehensive Plan and is an important component of this Plan. A separate future land use map appears later in this chapter for land in the fringe area ("Growth Area") surrounding the City.

The Future Land Use Map's official purpose is to guide the City in the consideration of zoning and rezoning applications. Beyond that it serves as a visual representation of the future of the community.

Following is an overview of the dominant land uses within the City as envisioned by the Future Land Use Map, broken down on a quarter basis, plus the downtown. This FLUM does not vary significantly from the FLUM in the 2002 Comprehensive Plan:

**Northwest:** The City anticipates additional commercial development west of Summit and north of West Radio Lane. As the commercial development is expected to occur alongside existing and new residential uses, Mixed-Use is appropriate here. This development is expected due to new multi-family housing projects nearby, as well as continued single-family home construction, and the location of the high school.

There is a need for a wastewater facility, possibly a package plant, at some location east of North 8th Street and north of West Radio Lane. This will help supply the infrastructure needed to support continued development in this area, which will remain predominantly residential.

**Northeast:** Residential uses will continue to dominate this area. A major public use is the golf course which is anticipated to continue. New commercial development may fill in east of Summit, both north and south of East Radio Lane. The FLUM shows several areas well-suited for commercial-residential Mixed-Use zoning -- north of Kansas Avenue and east of the railroad tracks. The office and other commercial uses now present are expected to continue.

**Southwest:** Changes in land use in this quadrant of the City may occur if the second stage to the US-77 Bypass is constructed, linking US-166 to US-77. In that case the areas south of that Bypass could experience some Mixed-Use development. For the balance of the quadrant, the FLUM shows little change from the 2002 Plan's FLUM, with the exception of the reduction of industrial areas.

**Southeast:** Land uses, present and future, in this part of the City are influenced greatly by the floodplain and floodway fringe areas, which effectively limit usage to agriculture and open space. The existing residential areas extending eastwards toward Parkerfield are expected to continue at a modest rate of growth.

## 8.8 FRINGE AREA DEVELOPMENT: THE "GROWTH AREA"

The planning area for this Comprehensive Plan is not only the land within Arkansas City's corporate limits, but also the extraterritorial area of unincorporated Cowley County noted on the attached Future Land Use Map as the "Growth Area". The need for the City's planning for the growth and development of this land area outside its limits is clear and immediate. As will be explained in the following paragraphs, how and when the Growth Area develops will directly affect how and when land within Arkansas City will develop and redevelop. Should development in the Growth Area not be planned for, the quality of life for citizens of Arkansas City will be impacted, as will the ability of the community to achieve many of the goals set out in this Plan.

Why should what happens outside the City's limits be any business of the City? A fair argument can be made that if land area is important to the City, then the City ought to avoid any possible controversy of extraterritorial regulation by annexing that land – once it is made part of the corporate entity of Arkansas City any questions about legal authority to regulate land use and development become moot. However, there are reasons, practical and political, why annexation is not always the preferred course of action for a city. Sometimes the less consequential action of planning – but not making such property subject to other city laws or to city-levied taxes – is the better way to proceed for all parties.

Often when people think of sprawl development they think of low-density residential development on the fringe of a city's limits. Such development often has lower up-front costs due to land values, differences between city and county land use regulations and development requirements.

The low-density development which already typifies the Arkansas City Growth Area – and which can only be expected to continue along present lines – affects the entire community. It increases infrastructure costs, stretches municipal services to or past their limits, increases transportation costs, removes open space and can remove valuable agricultural land from production prematurely. A pattern of leapfrog development is costly and can diminish the quality of life of citizens on both sides of the city limits. Further, the more development occurs in the Growth Area, and the further out that development is, the more likely it will diminish the character and identity of Arkansas City. Such development may take away public resources much needed to restore and develop areas within the City and create more public costs for county taxpayers – both within and outside Arkansas City – than it will generate in tax revenues or other economic value.

There are other problems which can arise in areas next to a city's limits, in cases where a city does not exercise authority over land use and development, or where a city and county are not fully cooperating in their land use planning and regulation. For example:

- Desired development does not occur because developers are leery of what the land development "rules" are and are concerned about undesirable uses locating near their property.
- Development occurs, but at an intensity not efficient for urban-scale growth. The city gets hemmed in by sprawl development that makes extension of municipal services and infrastructure inefficient or economically impossible.



- Development occurs without proper thought as to future extension of city's infrastructure. Streets, sewers, water lines etc., do not line up or are otherwise incompatible. Parks and open spaces are not provided for, neither are schools or other public uses.
- Development occurs, but too much, too fast. This may take the form of relocation of homes and businesses from locations within the “more regulated” city to the “less regulated” urban fringe area.
- Development occurs but is the wrong type of development at the wrong location (cement plant, salvage yard, landfills, shopping malls).
- Loss of natural resources, environmentally sensitive land, prime agricultural land, open space, etc., consumed by unplanned, sprawl development.

In short:

- Growth that is wanted does not materialize, or
- Growth occurs, but it is of a character that creates adverse consequences for the community.

Notwithstanding the possible consequences for a city from having adjacent unzoned land, it is not uncommon for disagreement and controversy to arise from action proposed by a city to exercise its state law grant of extraterritorial zoning authority -- authority which is discussed under the following heading.

Such disagreement and controversy has accompanied the preparation of the 2013 Plan. The initial recommendations of the Planning Commission was for the City to exercise its planning, zoning and subdivision authority over an area running one mile either side of U.S. 77 for a distance of three miles north and south of the City's limits, and an area running two miles north along U.S. 166, three miles west of the City. A few other areas to the east and northwest of the City were also proposed to be included. While this recommendation did propose to extend zoning authority over an approximately 19 square mile area, it would also reduce the planning and subdivision authority the City has had since at least 1996 by approximately 74% or 53 square miles.

The City Commission requested the Planning Commission's reconsideration of the recommendations to extend City zoning authority and retract City planning and subdivision authority.

The Planning Commission did so reconsider and recommended that the language set out in the 1996 Plan, recommending extraterritorial zoning, not be carried forward as part of this Plan, but instead that the City should:

- (1) Reduce its planning jurisdiction to the US-77 and US-166 corridors as described above; and
- (2) Reduce its extraterritorial subdivision regulation to the boundaries of the Growth Area.

### **EXTRA-TERRITORIAL JURISDICTION UNDER KANSAS LAW**

**Comprehensive Planning:** - A city planning commission is authorized by state law to make a comprehensive plan for the development of not only that city but also any unincorporated territory lying outside of the city but within the same county in which that city is located. K.S.A. 12-747(a). The planning commission of any city that plans, zones or administers subdivision regulations extraterritorially must have at least two members who reside outside the city limits and within three miles of the city. K.S.A. 12-744(a).

**Zoning Regulations:** In Kansas, a city may apply its zoning regulations to land located outside the city which is not currently subject to county zoning regulations and is within three miles of the city limits, and not more than one-half the distance to the nearest city. To use this power a city must have a planning commission and its adopted comprehensive plan must "include" the extraterritorial area. K.S.A. 12-715b; K.S.A. 12-754(a). County zoning "displaces" city zoning -- the city's regulations

terminate upon county zoning regulations taking effect in the extraterritorial area. K.S.A. 12-715d. Extraterritorial zoning can also occur pursuant to an interlocal agreement between a county and city.

**Subdivision Regulations:** In situations, such as with Cowley County presently, where no county subdivision regulations are in effect outside a city's limits, a city may exercise its power under K.S.A. 12-749(a) to regulate the subdivision of land within three miles of its corporate limits, but not more than one-half the distance to another city having subdivision regulations. A city and county could also provide for such extraterritorial regulation by the city by means of interlocal agreement.

**Building Codes:** While any county may adopt and enforce building codes for the unincorporated areas regardless of whether the county also engages in planning, zoning or subdivision regulation, a city may only enforce building codes outside its limits under the authority of K.S.A. 12-751 or pursuant to an interlocal agreement. K.S.A. 12-751 allows such extraterritorial actions by cities "in conjunction with subdivision or zoning regulations."

K.S.A. 12-751a adds a protest petition provision to the law allowing cities to enforce building codes extraterritorially. K.S.A. 12-751a establishes a protest petition and election procedure to be conducted in the area outside and within three miles of the corporate limits of a city which adopts an ordinance providing for the enforcement of building codes in this unincorporated area. A sufficient protest petition (20 percent of the qualified electors residing within the extraterritorial area) must be filed within 90 days of the effective date of the ordinance. If a majority vote in favor of rejecting the building code regulation, the city must modify its ordinance to exclude the area and the city may not adopt any ordinance extending building codes in this area for at least four years.

### INTERLOCAL AGREEMENTS

The Kansas Interlocal Cooperation Act (K.S.A. 12-2901, *et seq.*) is a broad, liberal grant of authority that cities and counties can use to craft regulatory arrangements best suited for local needs and conditions. The Act has been used many times and, in many places, to provide for more effective, efficient regulation of development at the urban fringe.

### ARKANSAS CITY GROWTH AREA

The "Growth Area" described in this chapter, and on the maps accompanying this chapter, is that land area outside the present limits of the City where development potential is greatest and such development is reasonably expected to impact Arkansas City -- either positively or negatively.

The planning area of the 2003 (as well as earlier) Comprehensive Plan extended in all directions three miles from the city limits. The fact that the 2003 Plan identified future land uses only for five areas within that three-mile radius indicates the City believed only a fraction of the three-mile area was likely to experience development. The 2013 Plan recommends reducing the City's planning area to its north and west corridors. This land area is the City's "Growth Area".

The land area of the Growth Area is best shown by the accompanying map, but generally is a corridor one mile east and west of US-77 and extending three miles north of the City; a corridor one-half mile east and west of US-77 and extending three miles south of the City; and a corridor bordering US-166, two miles north of the highway and extending three miles west of the City.

## 8.9 FUTURE LAND USE MAP FOR THE GROWTH AREA

The City has determined the Arkansas City Growth Area to be that land area designated on the Future Land Use Map – Growth Area. In general, the City envisions the existing land uses to continue at their present sites – meaning non-agricultural residential development will, and should, stay in close proximity to its present locations. For the existing commercial and industrial uses, the map reflects where such uses are proposed to continue.

The great majority of the land area comprising the Growth Area is envisioned to remain in agricultural use. That preference reflects the determination by the City that non-agricultural development is not to be encouraged in the absence of adequate public infrastructure. Further, any investment of public funds by the City to accommodate development in the Growth Area should be approved only following a determination that such will not adversely affect development and redevelopment inside the City, or otherwise obstruct or detract from any of the Goals of this Plan.

The following summarizes the Future Land Use Map (FLUM) for the Growth Area, by compass direction from Arkansas City:

**North:** The Growth Area FLUM is consistent with the future land uses designated in the City-adopted US-77 Corridor Management Plan, with minor revisions to reflect changes in and use since adoption of the US-77 Plan. This north corridor of the Growth Area takes in a larger area than the US-77 Plan did, in part because the US-77 Plan had a more limited mission than does this Plan -- a mission that did not consider uses of land more than one-half mile from US-77.

As shown on the FLUM, most of the land area distant from US-77 is projected to remain in agricultural use, with some limited low-density residential development as well.

**South:** The FLUM shows commercial uses extending south from the City along the west side of US-77. Commercial uses are also expected to occur at the intersection of US-77 and 322nd Road, with some Mixed Uses (MU) to the east of that intersection, reflecting a continuation of the mixture of uses now in that area. Otherwise the City envisions this south corridor to continue in agricultural use with some scattered and low-density residential use.

**West:** The principal interest in having this corridor, which extends to the west with US-166 as its southern border, is to protect the community's investment in, and need for, municipal water wells. As the greatest portion of this corridor is in the floodplain the future uses for the entire area are projected as agricultural and scattered, low-density residential.

## 8.10 ACCOMPLISHMENTS

Upon adoption of the 2013 Plan, the City completely overhauled the zoning and subdivision regulations and adopted them in May 2014. These changes have proven to be very beneficial as they brought the regulations up to current times and are more easily interpreted. A number of amendments have been made in response to changing conditions and state and federal regulations.

## 8.11 GOALS AND ACTIONS

The goals in the Plan relating to how the City grows, and what land use is most appropriate for a given piece of property, are broad and far-reaching. Implementing strategies to attain land use goals is important to achieving other goals set forth in the Plan.

The 2013 Plan called for the City's new land use regulations, and development occurring in accordance with those regulations, to preserve the existing character of Arkansas City while at the same time promoting the area's economic development, growth and prosperity. Sufficient land area needs to be identified to serve housing needs. Those regulations were developed and have, for the most part, worked well. However, with changes in the community and technologies there is a need to update the regulations to reflect the current trends in place today.

Any updates to the City's land use regulations and future zoning actions need to take into account the goals relating to commercial and industrial growth. Again, the goal is not just "enough" land zoned to meet such demands, but land that is well-suited and well-situated for such development given all the interrelated goals of this Comprehensive Plan.

Goals and actions are organized around priorities. Generally, where specific actions build on a goal, they will be listed immediately following the goal. Some goals may not have specific actions. Short term

priority means it should be achieved within the next 5 years. Medium term priority means it should be achieved within 5-10 years. A long-term priority means it should be achieved in 10 or more years.

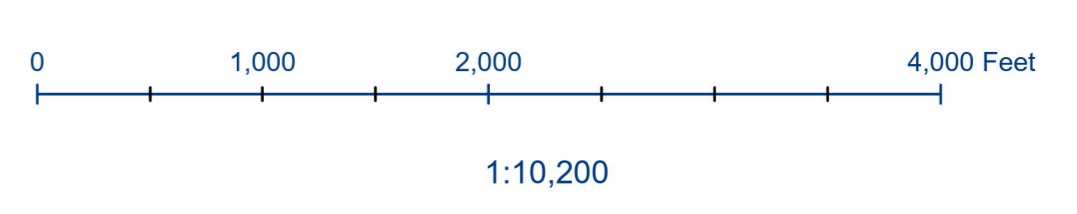
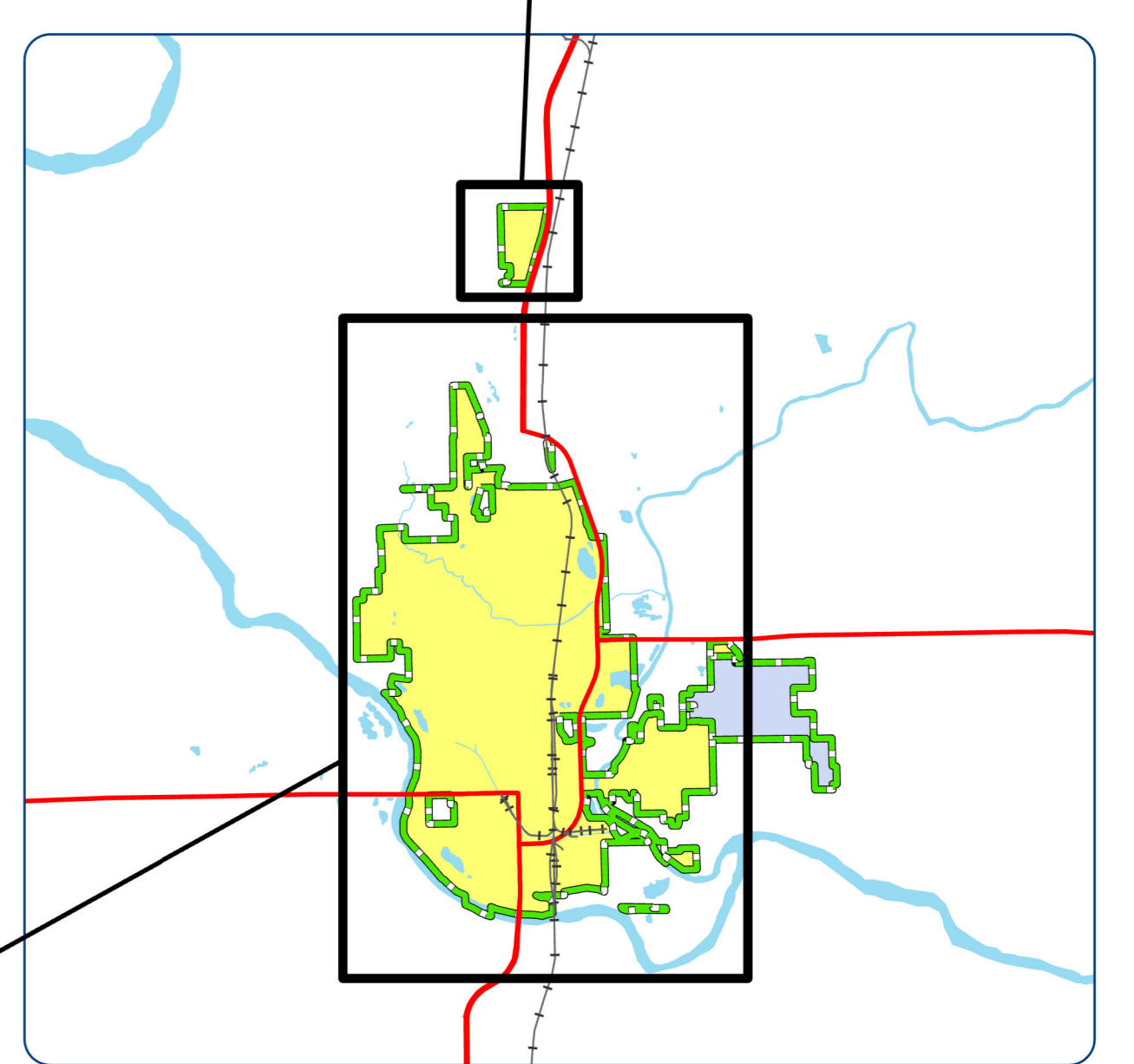
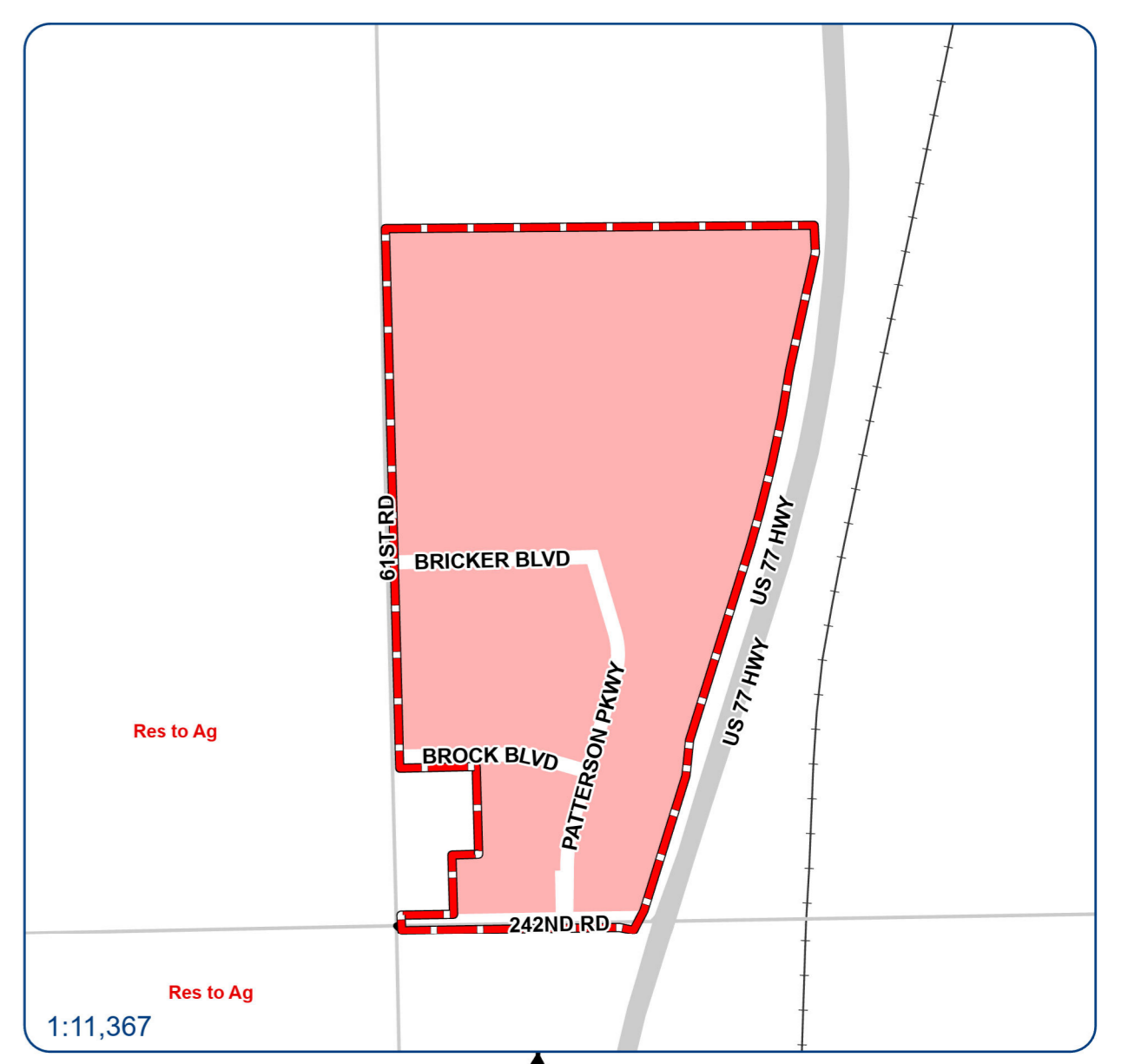
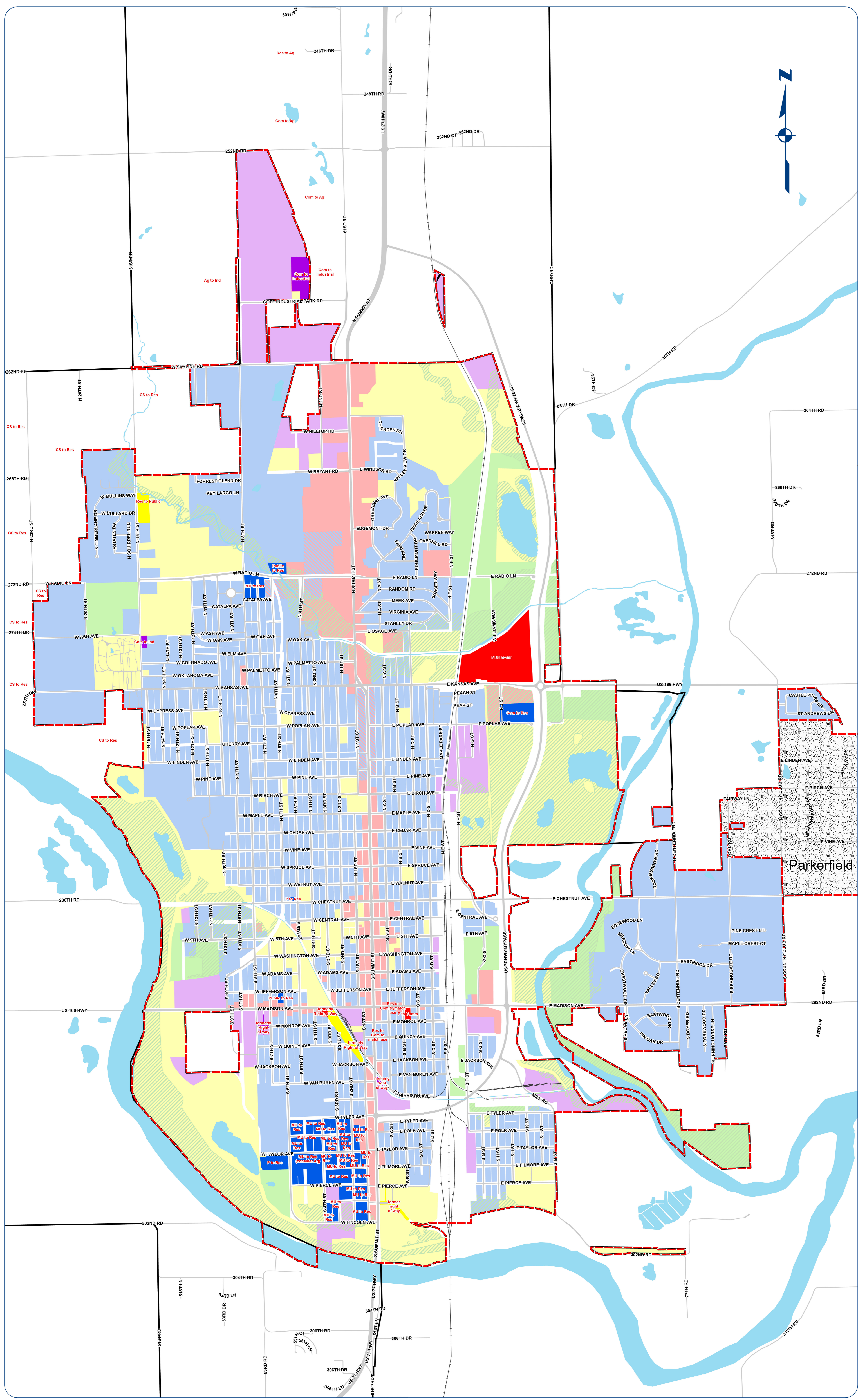
**SECTION 8-5 needs to be taken into consideration for this section**

GOAL/ACTION	PRIORITY		
	Short	Medium	Long
<b>Approve a "growth area" which will serve as the city's extraterritorial planning area.</b>			
The City will continue to plan for its "Growth Area", as designated on the Growth Area Future Land Use Map which is part of this Plan.	X		
<b>Continue to apply the city's subdivision regulations within the growth area.</b>	Short	Medium	Long
The City will continue to apply its subdivision regulations within the Growth Area	X		
<b>Preserve the character of Arkansas City while providing opportunities for growth and development that benefit the community.</b>	Short	Medium	Long
As applications and proposals for new development are reviewed, the Planning Commission and City Commission should consider issues of community character, compatibility of use and the efficiencies and economics of the provision of municipal services.	X		
Ensure that development adjacent to parks and other public open space is designed so as to facilitate public access to, and use of, such property while at the same time minimizing potential conflicts between park users and residents.	X		
Encourage future patterns of land use and development which will result in infill development, which will have the positive effects of minimizing the need for extension of public infrastructure and making more efficient use of existing and planned public infrastructure.	X		
Give priority to development of vacant or underutilized land within the City limits and lesser priority to development of land within the unincorporated fringe area. Capital improvement plans and budgeting decisions are a principal aspect of such prioritization.	X		
<b>Provide adequate and appropriate area for current and future residents for opportunities for quality housing consistent with the housing goals of this comprehensive plan.</b>	Short	Medium	Long
Incentives should be provided for the maintenance and preservation of existing housing stock.	X		
Preserve historic neighborhood features and characteristics.	X		
Support the development of new, affordable housing, with an emphasis upon such housing constructed as infill development within the City. Specifically, adopt regulations which enable manufactured housing, including single-wide units, of sound quality to be placed on the narrow lots found in many older neighborhoods in the community. Such manufactured housing should be accommodated as replacement housing for site-built homes as well as for manufactured housing which has exceeded its useful life or suffered damage.	X		

<b>Provide adequate and appropriate area for current and future residents for opportunities for quality housing consistent with the housing goals of this comprehensive plan.</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>
Residential development should be planned and designed to protect natural features such as wetlands, streams and woods.	X		
Residential development should be planned and designed to protect natural features such as wetlands, streams and woods.	X		
Residential development should be encouraged to locate adjacent to existing public infrastructure in order to achieve cost-efficiencies.	X		
<b>Provide adequate area for convenient, safe and appropriately scaled commercial development.</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>
Commercial development in the Downtown area should not be of such a design or scale as to harm the existing character of the Downtown.	X		
Any commercial development parallel to US 77 should occur only when in compliance with KDOT requirements for access to US 77.	X		
Reasonable landscaping requirements should be made applicable to commercial development.	X		
The City should discourage commercial development at locations where there is no contiguous urban development.	X		
Encourage commercial development to locate in the Downtown district and in the existing commercial area at the northern end of the City.	X		
All reviews of requests for rezonings for commercial development should take into account potential adverse impacts upon the Downtown area and/or the northern commercial area.	X		
Commercial sign regulations should be sensitive to the objective of preserving the City's character.	X		
<b>Provide adequate and appropriate areas for industrial land uses.</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>
Ensure that industrial parks and other areas are designed to minimize the adverse impacts of industrial uses upon neighboring properties.	X		
Industrial areas should have convenient access to highways and railroad facilities.	X		
<b>Use land use regulations and other means to promote preservation of the city's historical and cultural heritage.</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>
Work with public and private entities to identify and preserve historic buildings and sites of historical, cultural and aesthetic value.	X		
Encourage preparation and dissemination of informational materials to educate both citizens and visitors of the City's historic and cultural resources.	X		
Identify and promote ways to partner with state, federal and private entities for funding and technical assistance in revitalizing historic buildings, neighborhoods and areas.	X		
Adopt land use regulations which encourage development and redevelopment within designated historic areas to maintain or enhance the historic character of those areas. The City should continue its use of overlay zoning for historic areas of the community.	X		
Encourage efforts by property owners to preserve and renovate buildings and facades of architectural and historic significance.	X		

<b>Keep the plan and land use regulations up-to-date in order to serve the needs of property owners and the community at-large.</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>
The Planning Commission and City Commission should schedule annual reviews of the Comprehensive Plan, future land use maps, land use regulations and the zoning map to identify the need for amendments and revisions that take into account changing conditions and needs of the community, new approaches that may successfully address those needs and conditions, and changes to state and federal law that require amendment to the City's Plan and/or laws.	X		





1:10,200

Legend

City Limits	Agriculture	Countryside (0%)
Three Mile Area	Residential (35.8%)	Commercial (7.6%)
Growth Planning Area	Industrial (5.8%)	Mixed Use (2.6%)
Street Pavement	Public (20.8%)	Floodplain (18.8%)*
Right of Way (21.2%)		
Growth Area		

\*Floodplain is an overlay so numbers add to more than 100%

ADOPTED  
MARCH 4, 2014

CITY LIMITS INCLUDE  
(APPROX):  
9.3 SQ MILES  
5,960 ACRES

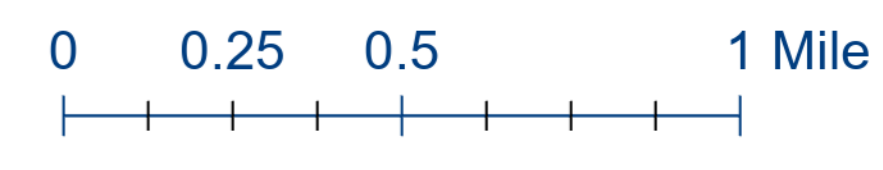
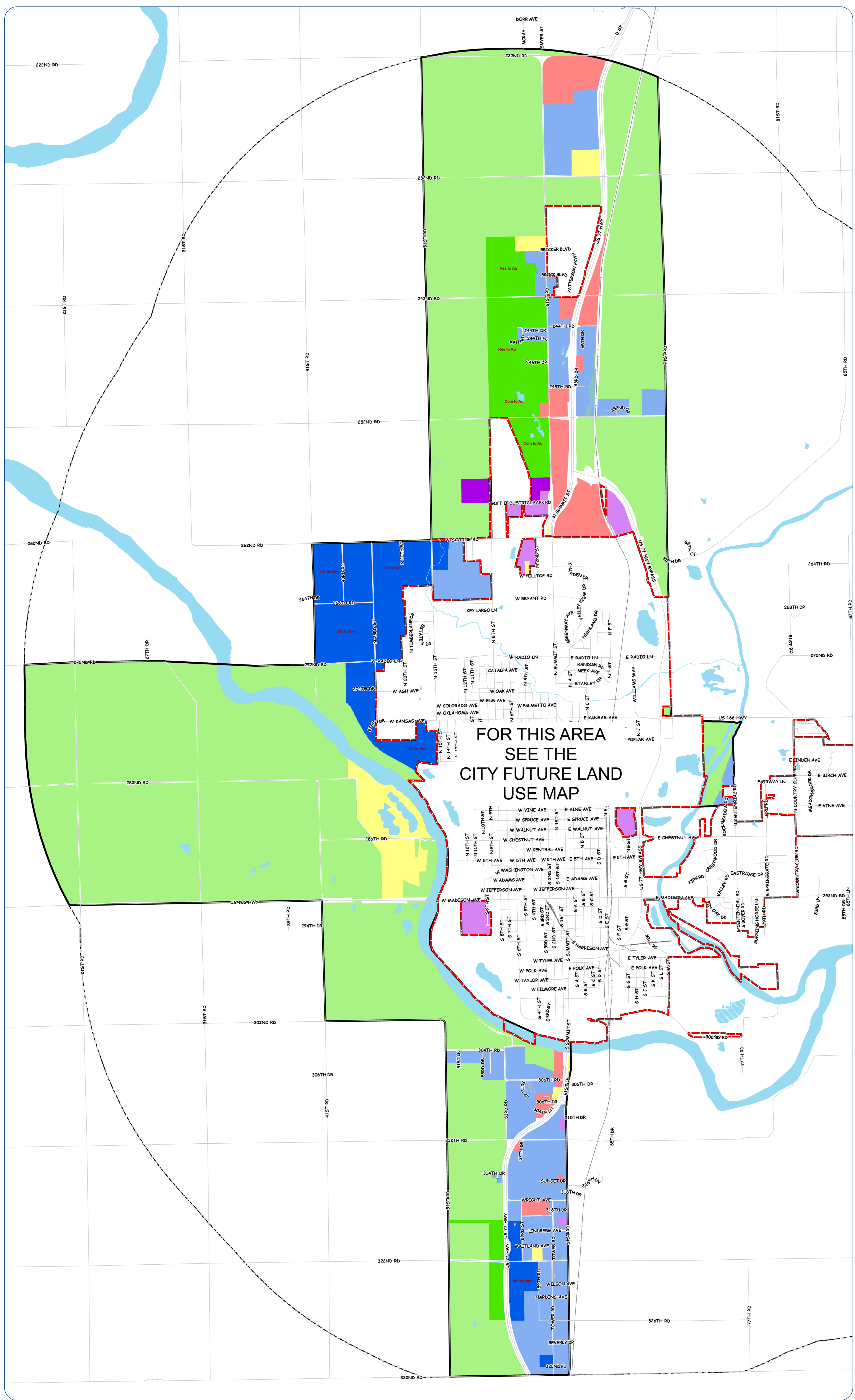
# City of Arkansas City Official City Future Land Use Map

## October 31, 2022

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







1:18,000

- Legend**
- City Limits
  - Growth Area
  - Extraterritorial Jurisdiction
  - Right of Way
  - Agriculture
  - Countryside
  - Residential
  - Commercial
  - Industrial
  - Mixed Use
  - Public
  - Floodplain
- \*Floodplain is an overlay so numbers add to more than 100%

**GROWTH AREA INCLUDES (APPROX):**  
**12,192 ACRES**  
**19 SQ MILES**

ADOPTED  
 MARCH 4, 2014

**City of Arkansas City  
 Official  
 Growth Area  
 Future Land Use Map**

**December 23, 2021**

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

