



# 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](mailto:jwhite@arkansascityks.gov) Website: [www.arkcity.org](http://www.arkcity.org)

CASE NUMBER  
RZ-2021-108

APPLICANT/PROPERTY OWNER  
Cowley College

PUBLIC HEARING DATE  
July 13, 2021

PROPERTY ADDRESS/LOCATION  
315 E Filmore Ave

**BRIEF SUMMARY OF REQUEST**

The subject property is located at 315 E Filmore Avenue. The surrounding area is comprised of residential and public uses. Single family homes are north, south and east of the site. A ballpark is found to the west. The property is 128.27' X 131.95'. The project will be to develop a bus barn for the college. The applicants are requesting a rezone from R-1, Low Density Residential District to a P, Public Use District. The College is a public entity and this project will be a public use. Staff recommends approval of the rezone request.



Map data ©2021 Esri World Topographic map

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. The proposed use is public. The proposed use is conditional in the residential districts. The Comprehensive Plan doesn't have a goal that focuses on this specific type of project other than to support the College as an economic development tool due to their workforce training.

**PROPERTY HISTORY**  
The property originally had a single family dwelling on it. The structure was declared dangerous and was demolished by the City in 1994. The property has been vacant ever since. The College purchased the property in 2012 for expansion purposes.

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

## Findings

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

**1. Whether the change in classification would be consistent with the intent and purpose of these regulations;**

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

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

The surrounding area is comprised of residential and public uses. Single family homes are north, south and east of the site. A ballpark is to the west. Expansion of an existing public use in the neighborhood should not negatively affect the neighborhood.

**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 R-1 Zoning District does not allow the proposed use and does not allow for the setbacks that the project would need. The college has been expanding its presence in this area for a number of years.

**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 residential. The area is zoned R-2 which matches the use. To the east and south is residential. The zoning of these areas is R-1 which matches the use. To the west is a public ballpark which is zoned P. The surrounding area is comprised of residential and public uses. The proposed use is a bus barn which is compatible with the public use to the west and can be made compatible with the residential areas as well. There should be little effect on traffic as a result of this project.

**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 a publicly owned bus barn would be permitted under the P, Public Use District. Other permitted uses within this district must be owned by a public entity. The more intense permitted uses in this district would require much larger lots than what is provided here.

**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 a public use that is not allowed typically in a residential district without a conditional use permit. A conditional use permit was considered but discarded because it would not solve the issue of the setbacks and it is also a publicly owned property.

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

The property has been vacant since 1994. The college purchased this property in 2012 with hopes of

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expanding their campus there.

**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;**

Adequate water facilities are available at the site. A sewer line will need to be extended to the site. The nearest one is on the north side of Filmore Avenue. The other utilities can be readily extended to the site or are already available. Public services should be able to serve this site without any issues.

**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 within the City that is zoned P but, the College has determined this to be the best location within properties that they own. It is also adjacent to many of the athletic venues that would utilize the buses.

**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. The proposed use is public. The proposed use is conditional in the residential districts. The Comprehensive Plan doesn't have a goal that focuses on this specific type of project other than to support the College as an economic development tool due to their workforce training.

**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 as this area already has a public use nearby.

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

**13. The recommendations of professional staff;**

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

- The development appears compatible with the area.
  - The property has remained underutilized as zoned since 1994.
  - The site has been under public ownership since 2012.
  - The project should not adversely affect the neighboring properties.
  - The public health, safety and general welfare should not be negatively impacted by this rezoning.
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