



STAFF REPORT

City of Arkansas City Neighborhood Services Division
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CASE NUMBER
 RZ-2023-116

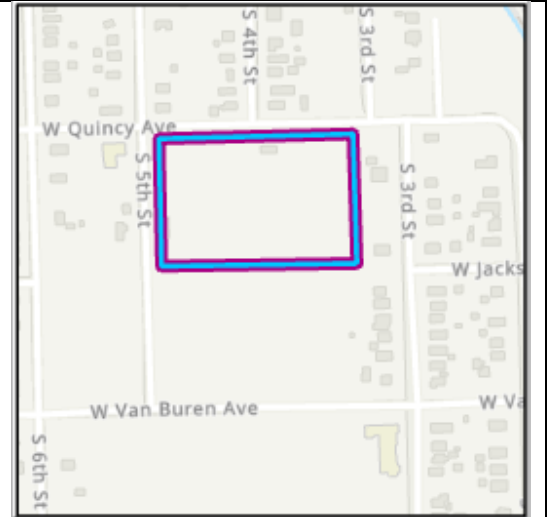
APPLICANT/PROPERTY OWNER
 Chris Befort/Glenna Baker & Verna Welch

PUBLIC HEARING DATE
 September 12, 2023

PROPERTY ADDRESS/LOCATION
 425 W Quincy Ave

SUMMARY OF REQUEST

The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The project will be to develop a self storage facility. That use would also require a conditional use permit. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. The sale of the property to Chris Befort is contingent upon approval of this request. Staff recommends tentatively approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all.



Map data ©2023 Esri World Topographic map

EXISTING ZONING R-2-Medium Density Residential	EXISTING LAND USE Agricultural	SURROUNDING ZONING & LAND USE North-R-2; Residential East-R-2; Residential South-R-2; Residential/Institutional West-R-2; Residential/Institutional	SITE IMPROVEMENTS Numerous Outbuildings Drainage ditch	SIZE OF PROPERTY 11.22 acres
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

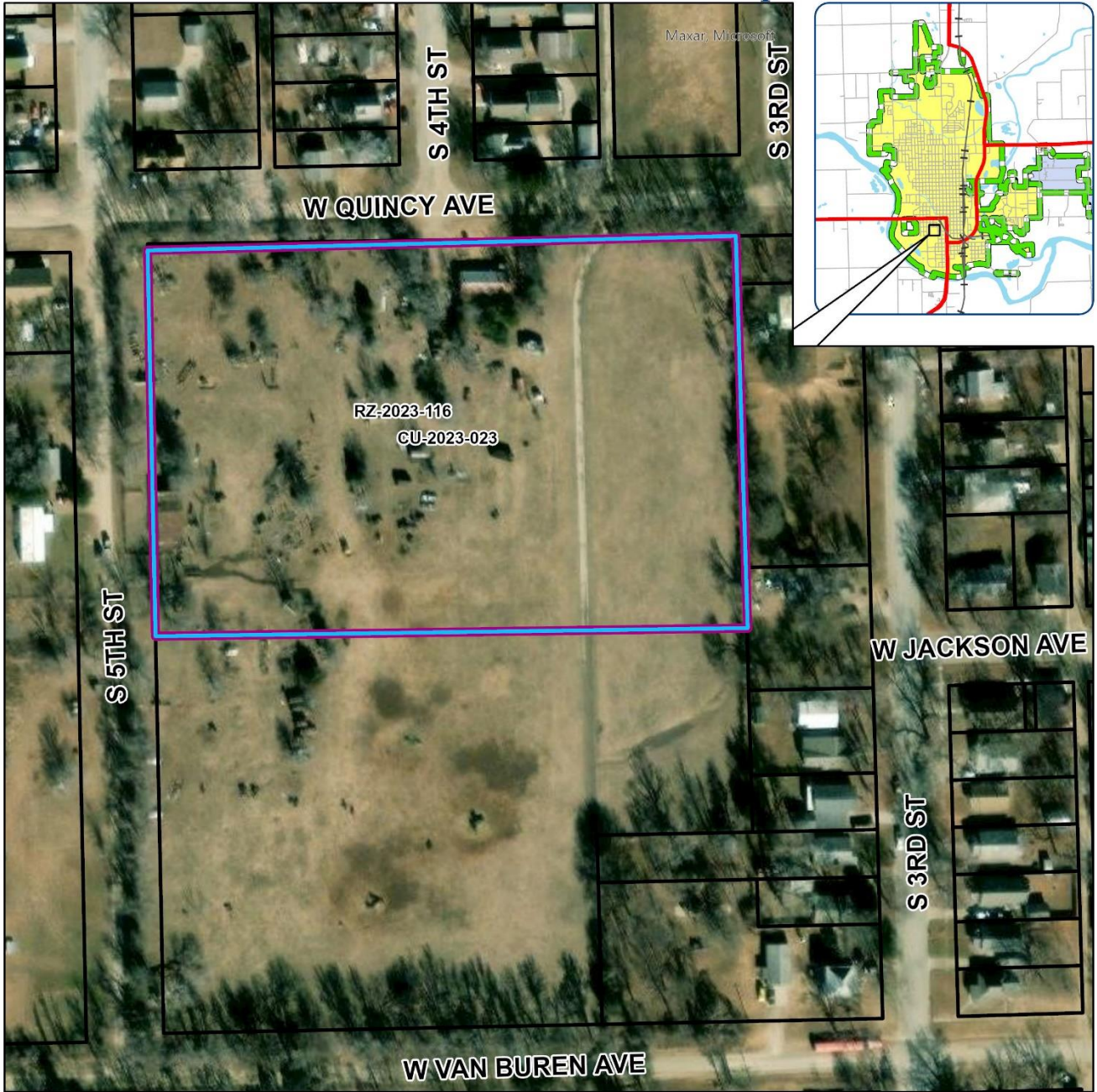
COMPATIBILITY with the COMPREHENSIVE PLAN
 The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City.

PROPERTY HISTORY
 The property has long been used as a pasture as well as a welding shop. In 1969, the area around the welding shop was rezoned from R-2 (Single Family Residential District, similar to our current R-2 district) to B-2 (General Business District, similar to our current C-3 district). In 2002, a front yard setback variance was issued for the construction of an accessory building with zero setback along 5th Street. The property designated as R-2 (Medium Density Residential District) in 2014 when the new zoning map was established as the welding shop had become inactive. The last time it was used as a welding shop was likely in 2007 with it mostly being used for storage or small projects since. In 2014, a rezone request to rezone the property from R-2 to A was denied and later withdrawn after the Planning Commission determined the rezone was unnecessary as the existing use had become legal non-conforming and would be allowed to continue.

COMPATIBILITY with the ZONING ORDINANCE
 The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

Area map

Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue
from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)
and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

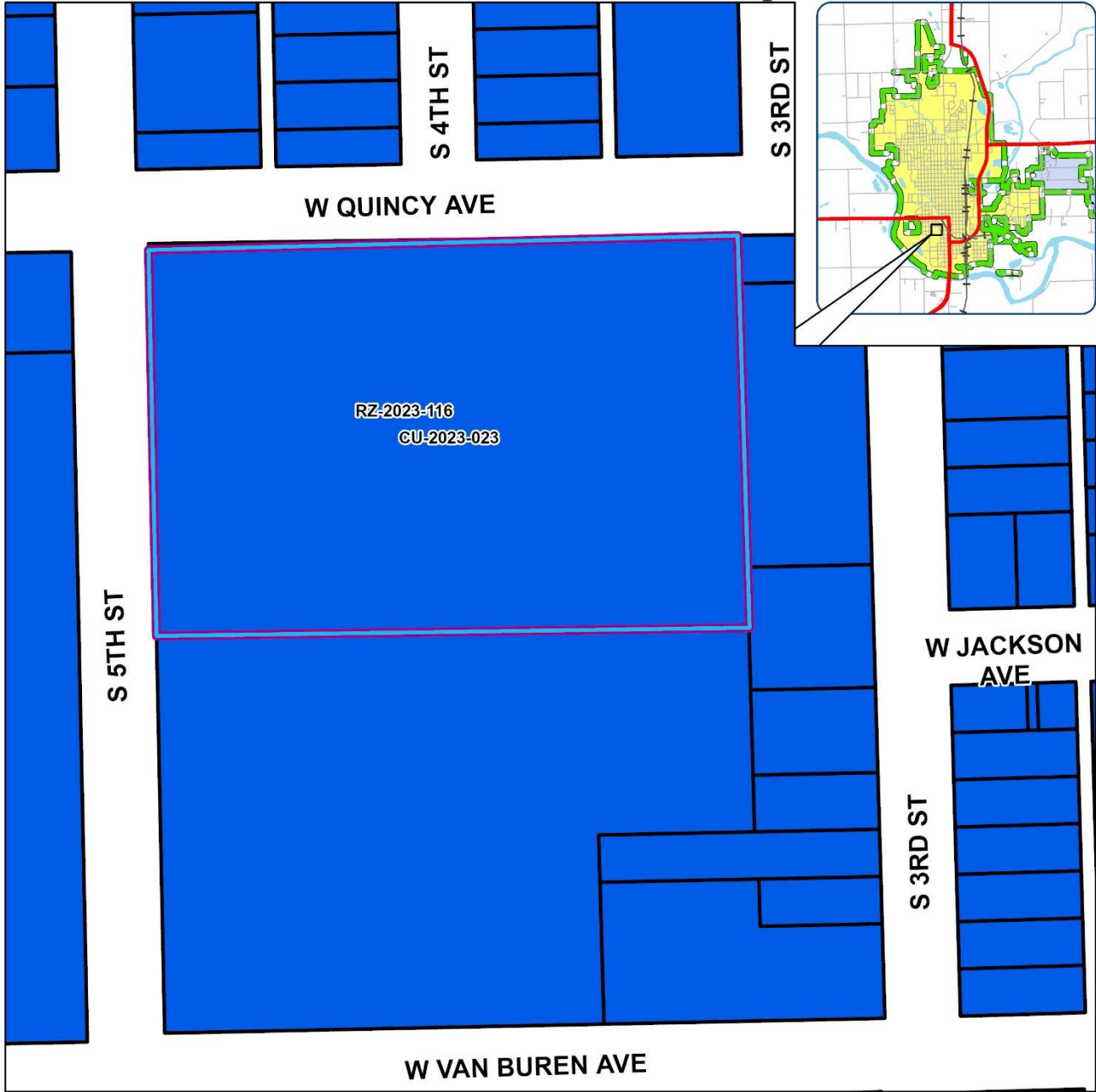
-  Conditional Use
-  Rezone
-  Property Lines

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using the best available
data to date.
Created: August 16, 2023



Future Land Use map

Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue
from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)
and
A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
- Future Land Use**
-  Residential

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Zoning map

Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue
from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District
and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
-  R-2, Medium Density Residential District

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Site Plan

A site plan was not provided but may be available at the public hearing.

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 institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

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

The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. Commercial development in this area should not negatively affect the neighborhood if certain conditions are applied to the development. The proposed use requires a conditional use permit where these issues can be addressed.

Neighborhood Photos



Looking east along Quincy Ave. Google StreetView from March 2014.



Looking west along Quincy Ave. Google StreetView from March 2014



Looking east from 5th Street. Taken 7/11/2014 by Josh White



Welding Shop. Google StreetView from March 2014

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 C-2, Restricted Commercial District is the most restrictive district that allows the proposed use. The area in the past was partially zoned for commercial use but had been discontinued and in 2014 was designated as R-2, Medium Density Residential. The conditions of the area are not changing but are primed for some sort of development, whether residential or otherwise.

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 surrounding the property is all zoned R-2, Medium Density Residential Districts. All nearby uses comply with this designation. A couple of churches are present in the area but comply with the regulations as an institutional use. The area does not appear to be changing. The proposed use is similar to a previous use of the property.

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 self-storage facility would be permitted under the C-2, Restricted Commercial District. This area surrounding the property is residential but is low density in this area. The site could be designed so that it has large setbacks and screened from the view of the residential properties in order to mitigate any issues.

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 mostly vacant, being used most recently as a cattle pasture approximately a year ago. The site could be developed as a residential site or could be modified as is proposed to be commercial. The 2022 Comprehensive Plan called for this area to be residential, which is likely the best use. Any commercial development must have conditions attached to it to mitigate any negative impacts it would have on the surrounding area.

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

The welding shop is still present but hasn't been used as a welding shop since approximately 2007. It has mostly been used for storage (with the occasional small project) since then. The balance of the property had been used as a cattle pasture as recently as about a year ago.

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. The area's streets are gravel. The proposed use will generate some traffic but not a substantial amount. Additional grading frequency may be necessary or perhaps the street could have millings applied to it as has occurred with other gravel streets in the City.

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 self-storage industry has also suggested that there is a high demand in our community for additional facilities, especially in this 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 residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City.

11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,

Public health, safety and general welfare should not be negatively impacted by this rezoning. The site should have adequate lighting and security measures to reduce the probability of crime in the area. Lighting should be focused away from residential areas.

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;

Staff tentatively recommend approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all. Assuming the issues can be mitigated and the fact that a conditional use permit would have to be issued, it is the recommendation of staff that the requested rezoning R-2 to C-2 be approved based on the following conclusions:

- The property has remained underutilized for the past year or more.
 - A portion of the area has been a commercial use in the recent past.
 - The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit.
 - The public health, safety and general welfare should not be negatively impacted by this rezoning.
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