



STAFF REPORT

City of Arkansas City Neighborhood Services Division

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CASE NUMBER

RZ-2022-113

APPLICANT/PROPERTY OWNER

Jose & Corinna Garcia

PUBLIC HEARING DATE

July 12, 2022

PROPERTY ADDRESS/LOCATION

405 S 3rd St

SUMMARY OF REQUEST

The subject property is located at 405 S 3rd Street. The surrounding area is comprised of public and residential uses. The City Water Treatment Facility and school district bus barn is to the west. Residential can be found north, south and east of the site. The property consists of approximately 0.51 acres. The project will be to convert the former greenhouse into a dwelling. The applicants are requesting a rezone from C-3, General Commercial District to an R-3, High Density Residential District. Staff recommends approval of the rezone request.



Map data ©2022 Esri World Topographic map

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
C-3-General Commercial District	Former greenhouse and living quarters	North-R-3; Residential East-R-3; Residential South-R-3; Residential West-P; Public	Greenhouse and warehouse	0.51 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 residential. As noted previously this is a residential neighborhood. Now that the century old business has closed, it is appropriate for a residential use to be placed on this site. This action does not meet a specific goal of the Comprehensive Plan but as has been noted in the development of the new Comprehensive Plan, we are experiencing a housing shortage and conversion of an underused building into a residential use provides yet another housing unit.

PROPERTY HISTORY

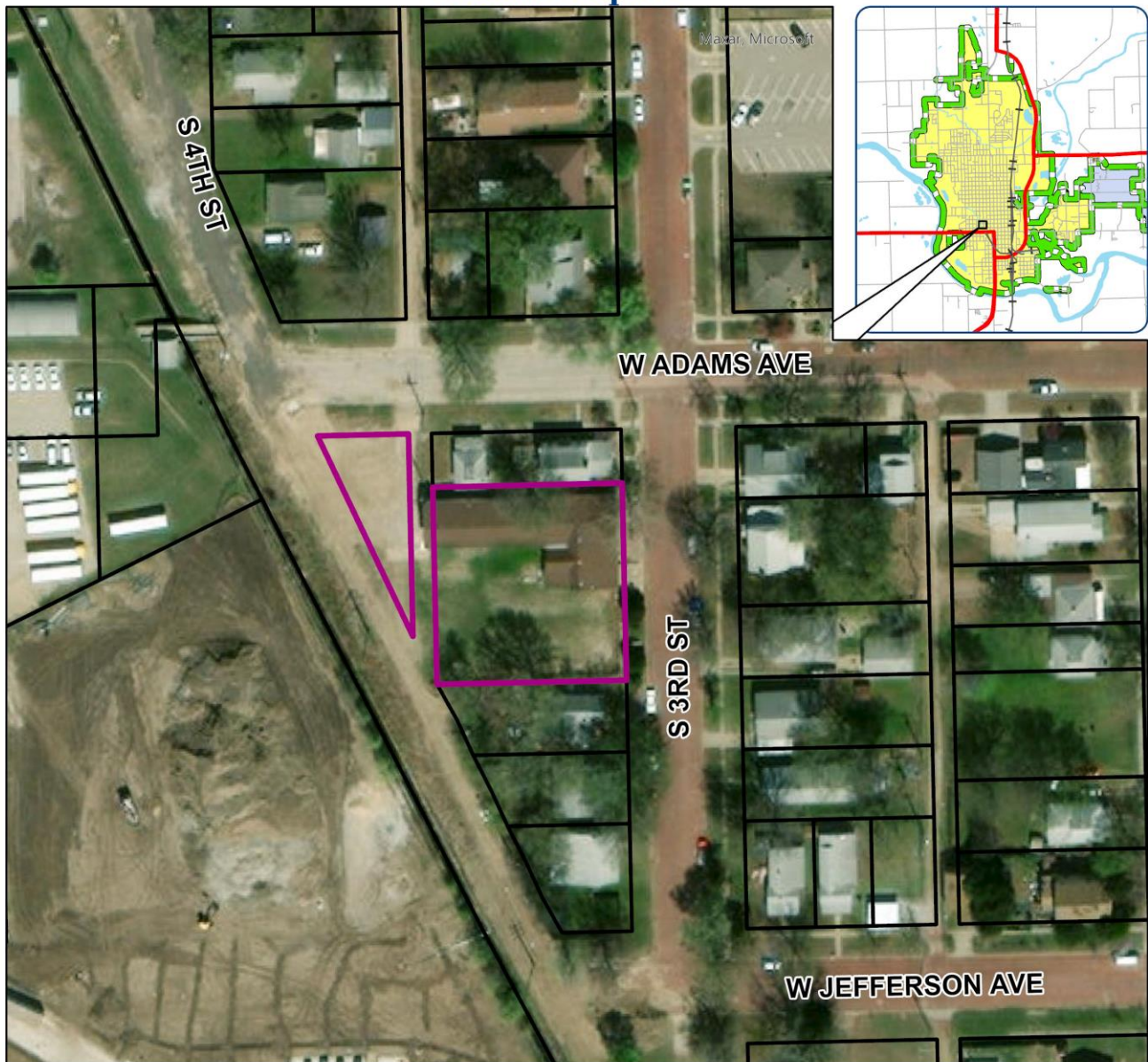
According to an Arkansas City Traveler article from December 25, 2013, the business had recently closed. The business was originally started in 1909 in another location. The article doesn't specifically state when the shop moved to this location but notes the business was a century old. Country records have buildings on this site built anywhere from 1890 to 1950 so it is very difficult to determine the precise date these buildings were built. In 1965, the property was rezoned from residential to commercial but the case file itself appears lost so no details are available. An accessory structure was removed in 2017. In 2020, a conditional use permit was requested for a tire and lube shop, the request was tabled and later withdrawn.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of public and residential uses. 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 the residential neighborhood. The change in classification would be consistent with the intent and purpose of these regulations as the proposed use is residential.

Area map

Rezone Request



A request for a rezone at 405 S 3rd Street
from a C-3 General Commercial District
to an R-3 High Density Residential District

-  City Limits
-  Rezone
-  Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: June 03, 2022



Future Land Use map

Rezone Request



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Future Land Use

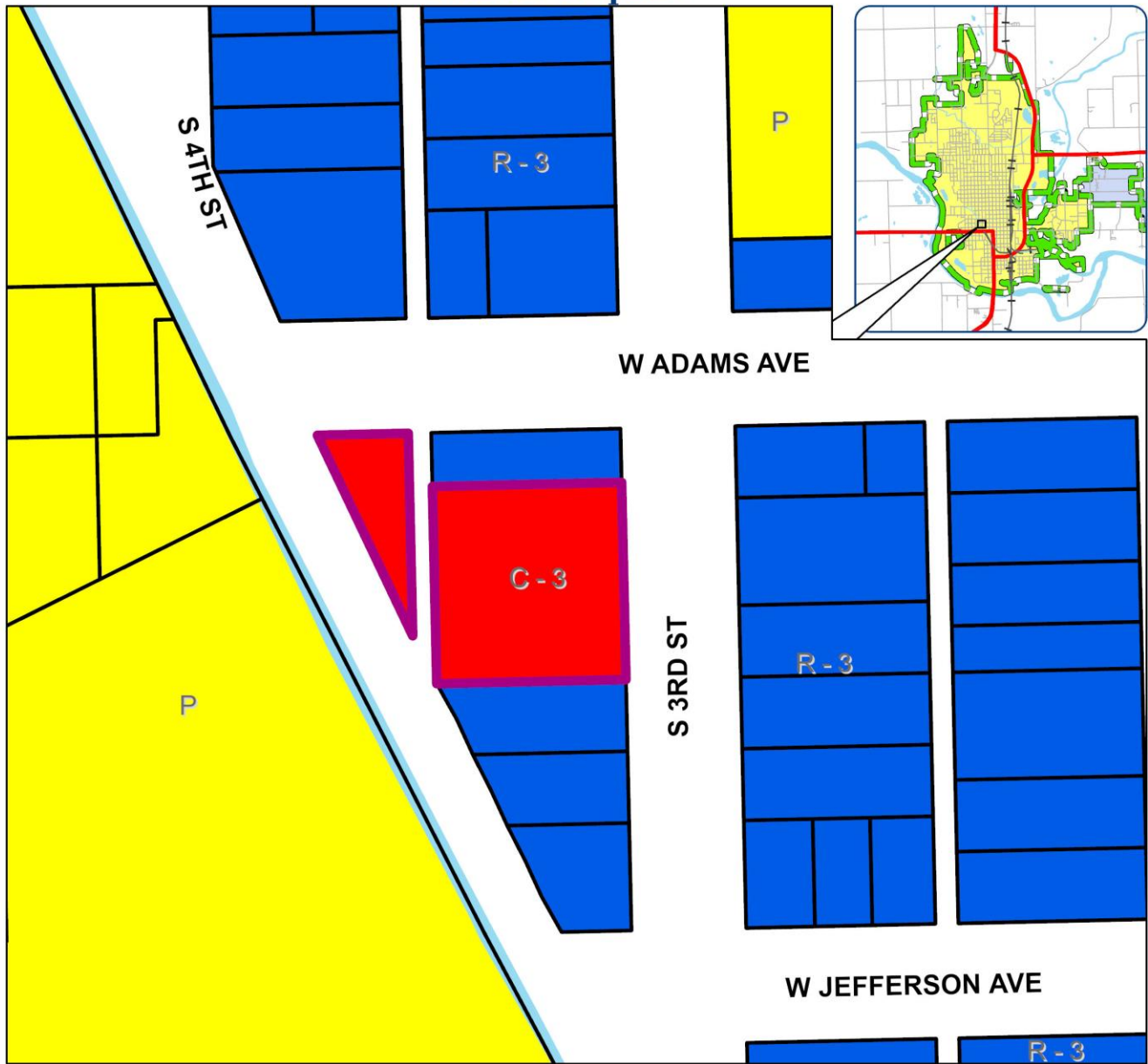
- Residential
- Commercial
- Public

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Zoning map

Rezone Request



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Zoning

- R-3, High Density Residential
- C-3, General Commercial District
- P, Public Use District

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Site Plan

No site plan was provided and none was 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;

The surrounding area is comprised of public and residential uses. 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 the residential neighborhood. The change in classification would be consistent with the intent and purpose of these regulations as the proposed use is residential.

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

The surrounding area is comprised of public and residential uses. The City Water Treatment Facility and school district bus barn is to the west. Residential can be found north, south and east of the site. Residential development in this area should not negatively affect the neighborhood as it is already predominately residential. This had been a long standing business that was closed and the applicant wants to convert it into their home.

Neighborhood Photos



The subject property



North along 3rd Street



Rear of property and view of Adams Street



North side 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 Commercial Zoning District does not allow the proposed use. While residential is permitted in commercial districts, it cannot be on the ground floor. This use would also match the residential character of the neighborhood. The neighborhood appears to not be changing from residential to 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, south and east of the site is residential. This area is zoned residential. To the west is public and is zoned public to match the uses. The area, with the exception of the public areas to the west is not changing from residential.

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 residential would be permitted under the R-3 High Density Residential District. This is part of the core residential area of the City that has a mix of densities so that is why this district was chosen. The R-3 district does allow more intense residential density but again the neighborhood is already mixed density and is adjacent to the college just north of the neighborhood.

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

The property is currently zoned for commercial use; the buildings are vacant. The proposed use is not a commercial use and commercial use no longer appears compatible with the neighborhood. The 2013 Comprehensive Plan called for this area to be commercial but that was when the business was still open.

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

McCool's Flower shop closed in 2013 and the buildings have been vacant ever since.

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 certainly other land that is zoned residential however this is not new construction and utilizes and underused building.

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 residential. As noted previously this is a residential neighborhood. Now that the century old business has closed, it is appropriate for a residential use to be placed on this site. This action does not meet a specific goal of the Comprehensive Plan but as has been noted in the development of the new Comprehensive Plan, we are experiencing a housing shortage and conversion of an underused building into a residential use provides yet another housing unit.

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**

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

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

- The development appears compatible with the area.
 - The buildings have not been fully utilized since 2013.
 - The project should not adversely affect the neighboring properties as it matches their use
 - The public health, safety and general welfare should not be negatively impacted by this rezoning.
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