



STAFF REPORT

City of Arkansas City Neighborhood Services Division

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

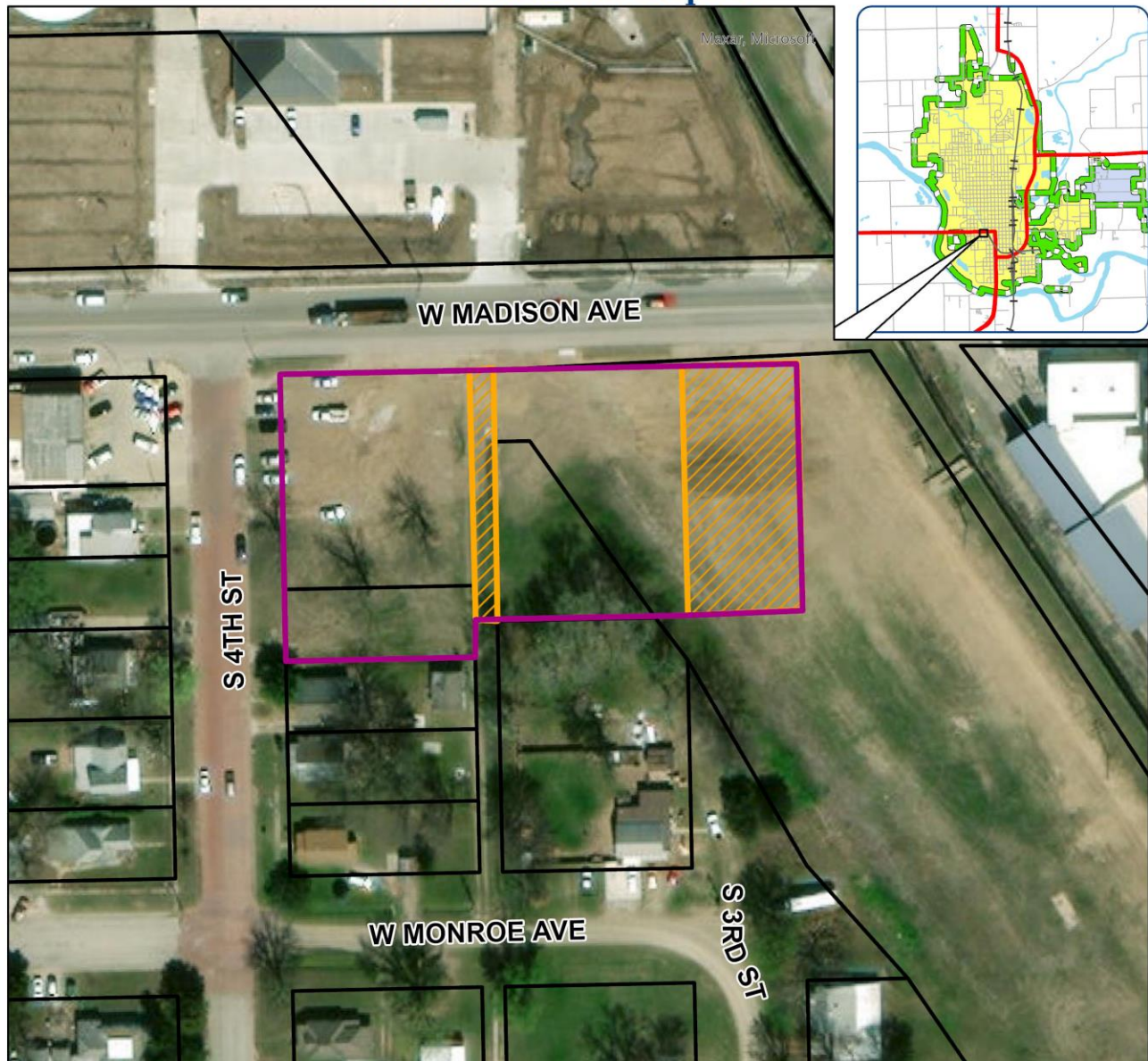
The property was developed as a service station originally. Nearby was a lumber yard and railroad depot. There was also a small retail business to the east of the service station which most recently offered massages. All the buildings had been demolished by 2017 when the City purchased the property. 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.

Area 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

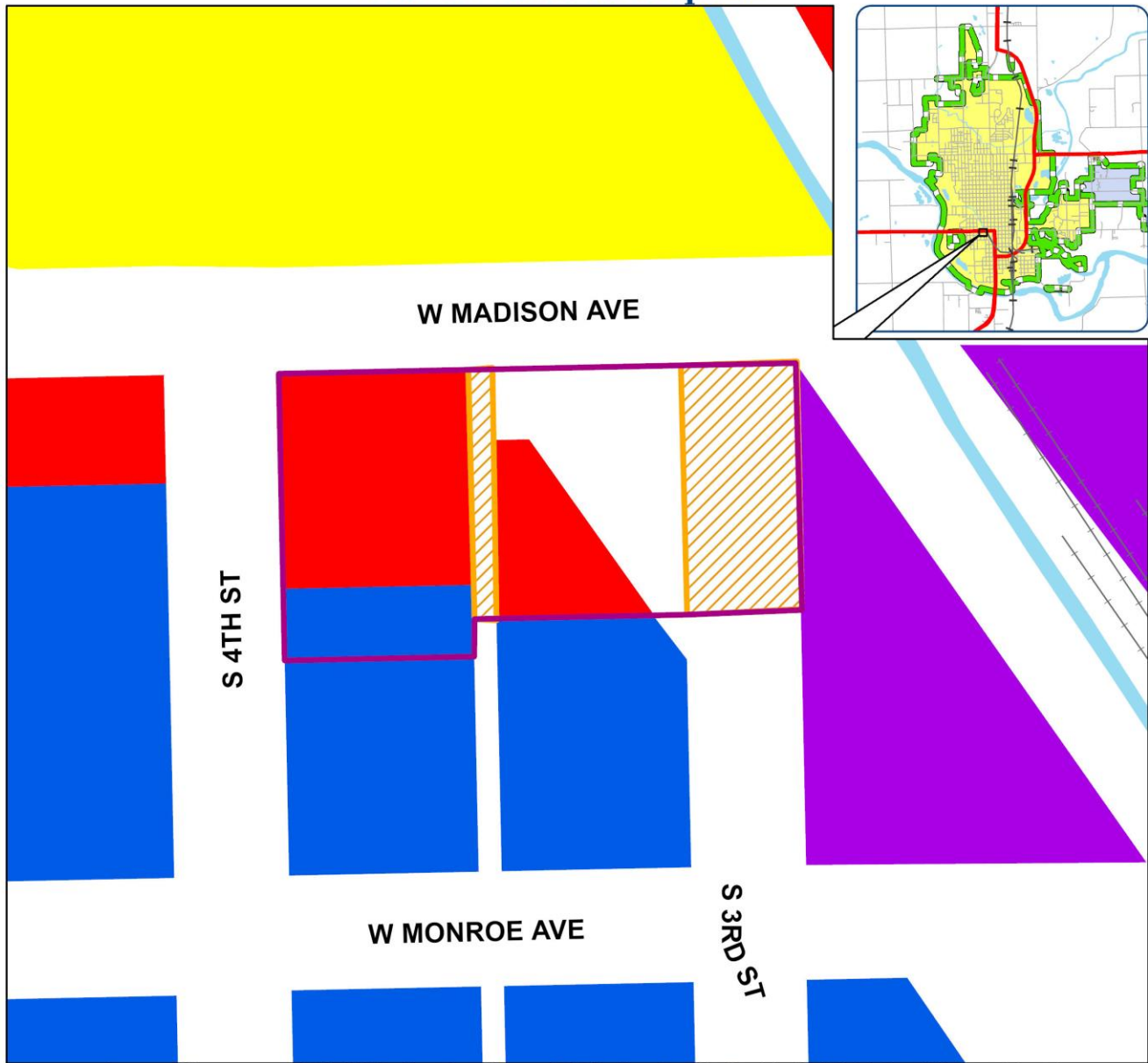
-  City Limits
-  Rezone
-  Vacation Request
-  Property Lines

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



Future Land Use map

Rezone/Vacation Request



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-  City Limits
-  Rezone
-  Vacation Request

Future Land Use

-  Residential
-  Commercial
-  Industrial
-  Public

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Zoning map

Rezone/Vacation Request



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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

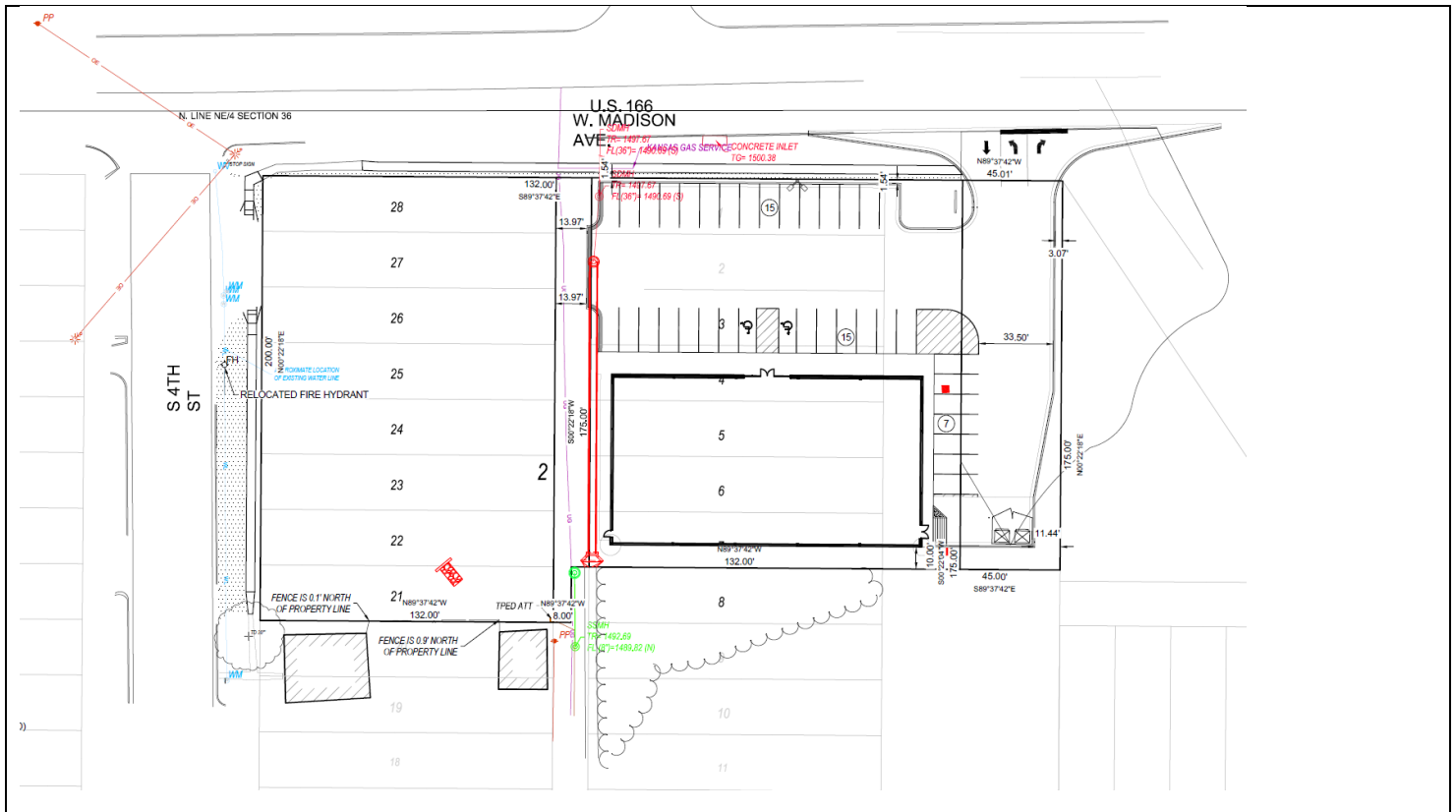
I-2, Heavy Industrial District

P, Public Use District

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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.
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