



STAFF REPORT

City of Arkansas City Neighborhood Services Division

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CASE NUMBER
RZ-2023-118

APPLICANT/PROPERTY OWNER
Etzanoa Conservancy

PUBLIC HEARING DATE
January 9, 2024

PROPERTY ADDRESS/LOCATION
28379 81st Rd

SUMMARY OF REQUEST

The subject property is located at 28379 81st Road. The surrounding area is comprised of agricultural uses. The property consists of approximately 4.97 acres. The project will be to develop the Etzanoa Cultural & Immersion Center. The applicant is requesting a rezone from the default R-1, Low Density Residential District to an R-3, High Density Residential District. R-3 is the most restrictive district that allows the proposed use. A conditional use permit will also be required for non-profit institutional use. Staff recommend approval of the rezone.



Map data ©2023 Esri World Topographic map

EXISTING ZONING R-1, Low Density Residential District (subject to approval of annexation case AX-2023-021)	EXISTING LAND USE Residential	SURROUNDING ZONING & LAND USE Surrounded by Unzoned County/Agricultural Use	SITE IMPROVEMENTS Single Family Home & Farm Utility Building	SIZE OF PROPERTY 4.97 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 does not cover this property. When the Comprehensive Plan was developed, the plans for the center were not known. The proposed use is a non-profit institution. While there isn't a specific goal for Etzanoa there is a Goal to "Maintain coordination among community partners to coordinate goals and establish a funding stream for economic development" and under it is an action to "Work with Visit Ark City to promote tourism opportunities". This project will generate tourism for the area which will generate additional sales at area stores, restaurants and stays at our lodging institutions.

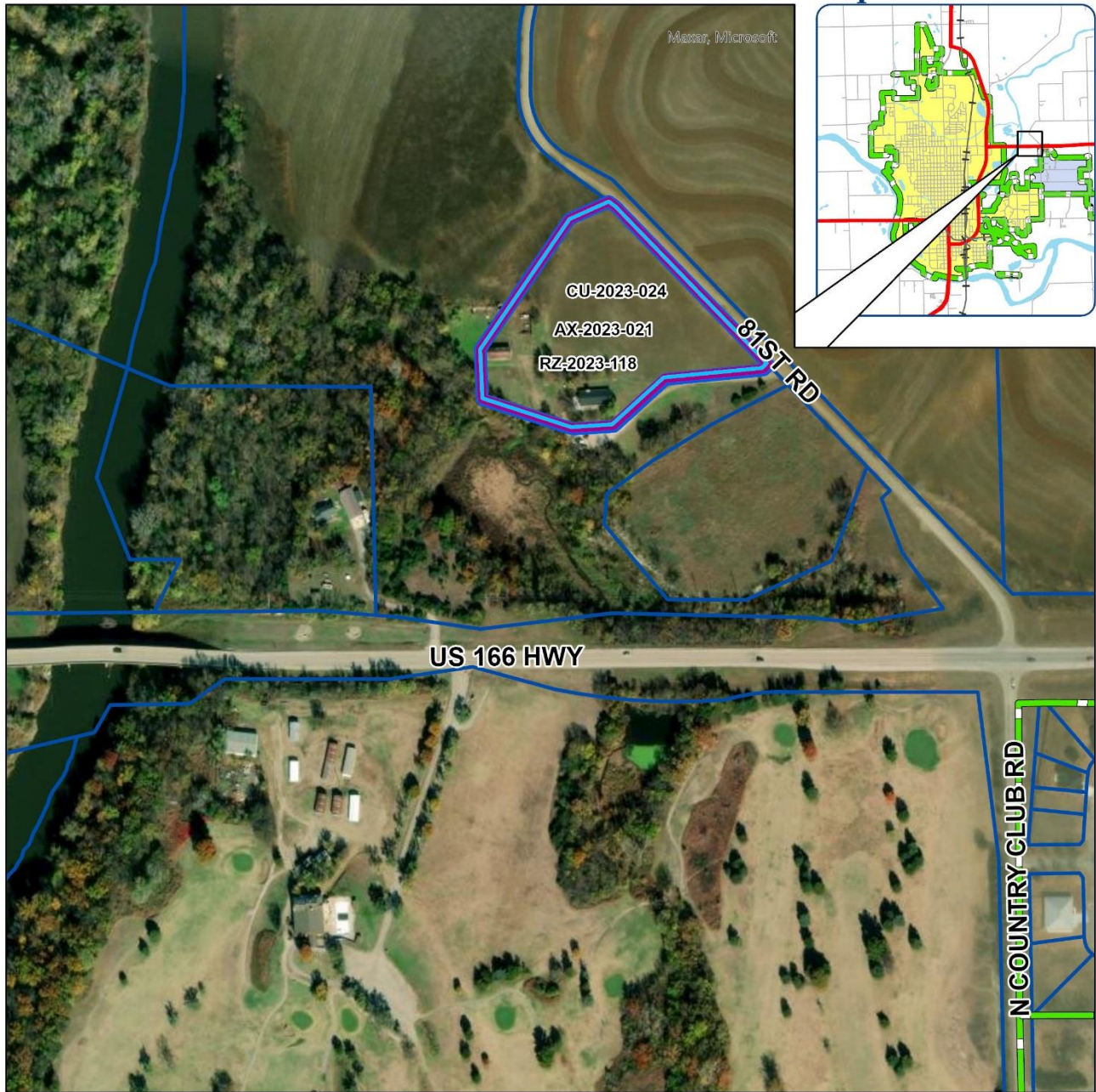
PROPERTY HISTORY
According to County Records the Single-Family Home was built in 1956 and the utility building in 1990. The land had never been within the City Limits prior to the proposed annexation, so no further records or cases were found.

COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of agricultural 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 residential development. The change in classification would be consistent with the intent and purpose of these regulations. This project also requires a conditional use permit.

Area map

Annexation/Rezone/Conditional Use Permit Request



A request to annex, rezone from R-1 to R-3, and a conditional use permit for a non-profit institution in an R-3 district the property at 28379 81st Rd

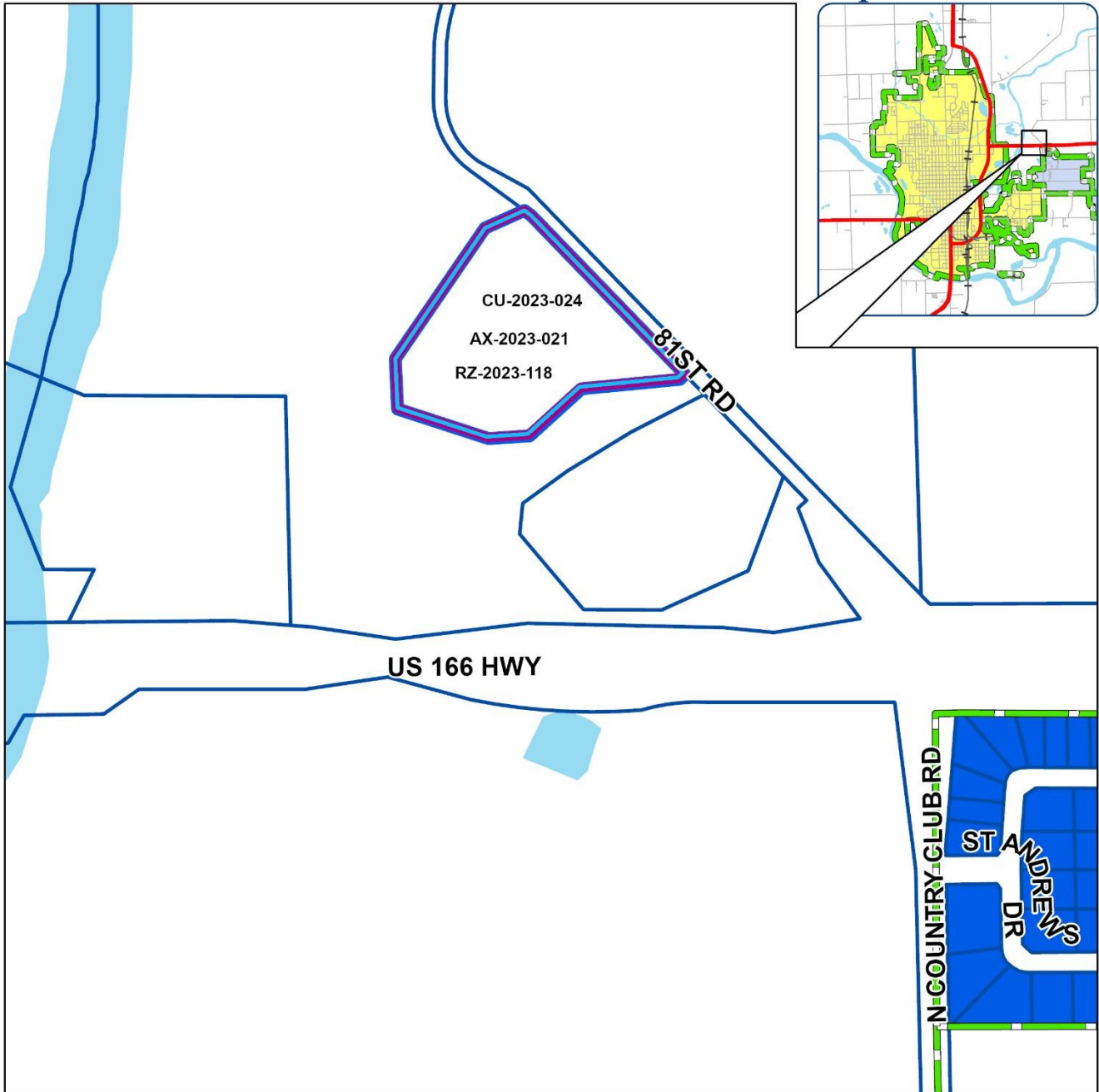
- City Limits
- Annexation
- Conditional Use
- Rezone
- Property Lines

Produced by the City of Arkansas City GIS using the best available data to date. Created: December 14, 2023



Future Land Use map

Annexation/Rezone/Conditional Use Permit Request



A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

- City Limits
- Annexation
- Conditional Use

- Rezone
- Property Lines

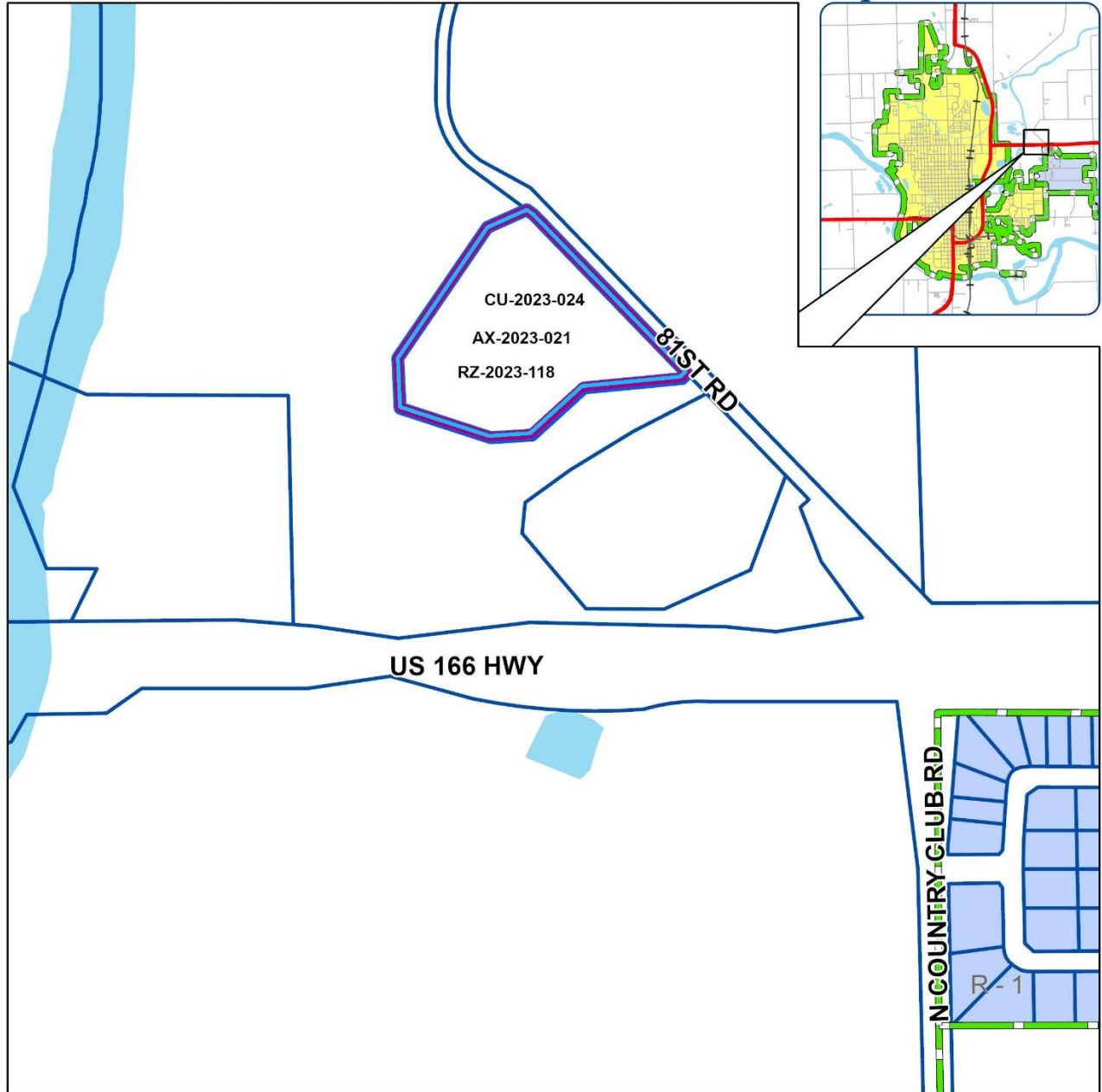
- Future Land Use
- Residential

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Zoning map

Annexation/Rezone/Conditional Use Permit Request



A request to annex, rezone from R-1 to R-3,
and a conditional use permit for a non-profit institution in an R-3 district
the property at 28379 81st Rd

- City Limits
- Annexation
- Conditional Use

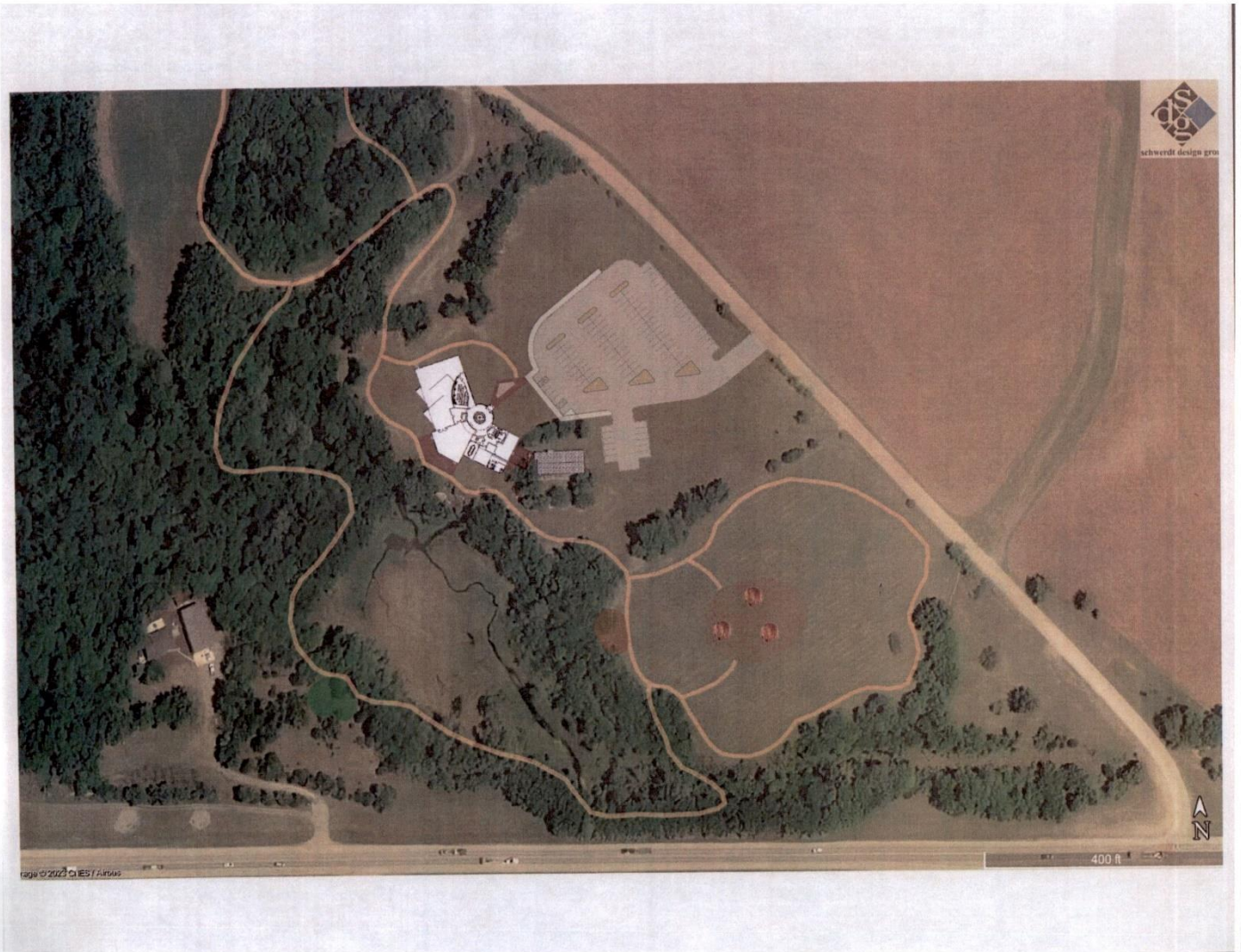
- Rezone
- Property Lines

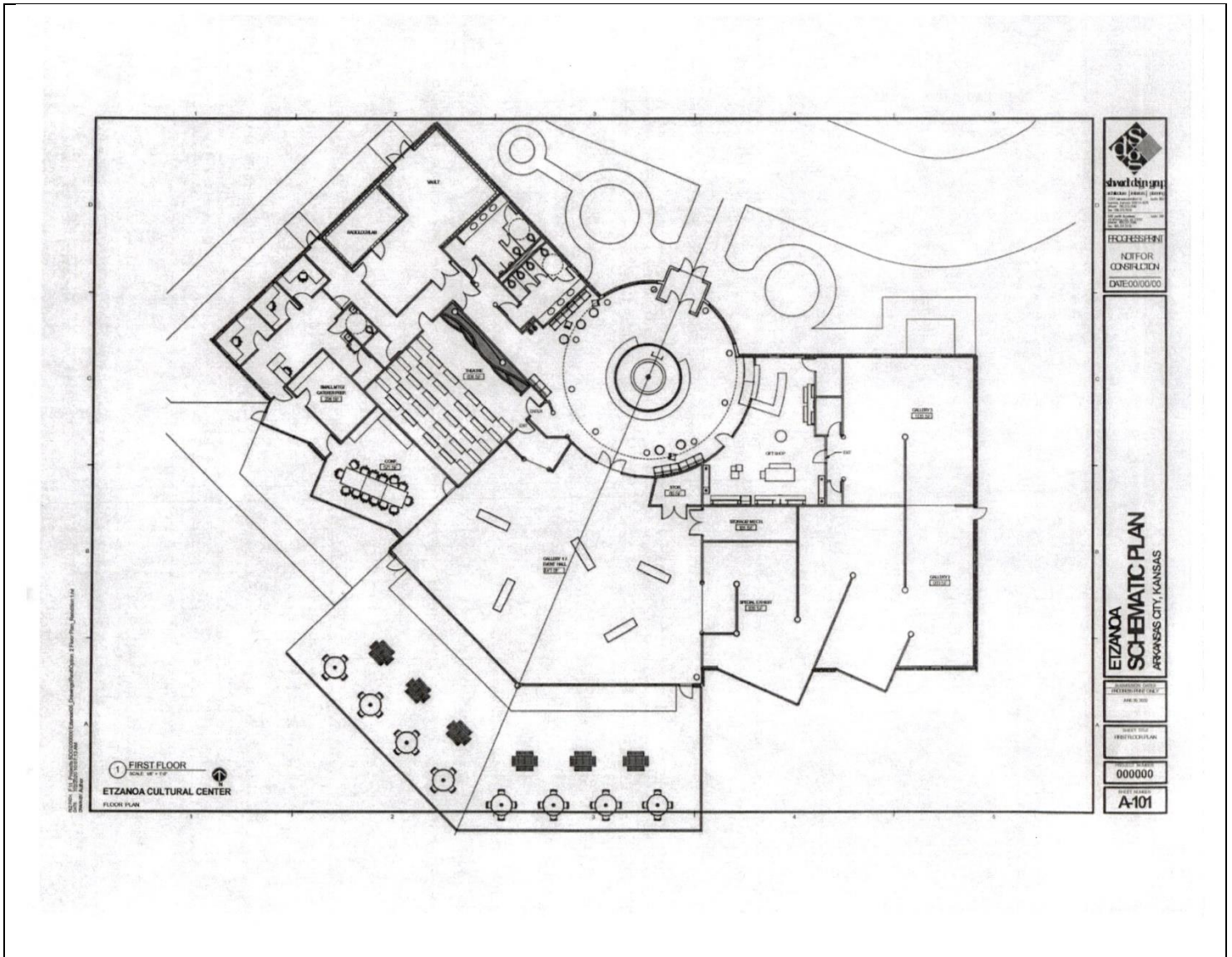
- Zoning
- R-1, Low Density Residential District

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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 agricultural 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 residential development. 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 agricultural uses.

Neighborhood Photos



Subject Property Google Streetview from September 2023



Looking east across 81st Rd taken 12/27/2023 by Josh White



Looking South along 81st Rd taken 12/27/2023 by Josh White



Looking North along 81st Rd taken 12/27/2023 by Josh White



End of pavement approximately 400 feet north of intersection, south of site taken 12/27/2023 by Josh White



Intersection of 81st & US 166 taken 12/27/2023 by Josh White

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 Low Density Residential District does not allow the proposed use. The proposed R-3 district allows non-profit institutional uses with a conditional use permit. The R-3 district is the most restrictive district that allows the use with the requirement of the conditional use permit. The conditions

of the area are not changing outside of this property. This property is within the Etzanoa exploration field and is the only land in the area large enough to accommodate the proposed use.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

The properties surrounding the site are Unzoned County with agricultural uses. The proposed use is more intense than the surrounding uses and would require conditions to be approved. As noted above, this is the only appropriate location for the site in the area.

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 R-3 district allows multi-family homes and institutional uses at greater intensities than the R-1 district. The R-3 district allows is the most restrictive district that will allow the use. Conditions will have to be applied to approve the rezoning in the form of a conditional use permit.

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

The property is currently zoned for low density residential use. That is likely the most appropriate use for the site, however, the site could certainly support higher density development with conditions.

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

The property is not currently vacant.

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 will need to be extended from nearby Country Club Estates. Police and Fire should be able to serve the center without any major changes to services. The road serving the site likely will need to be upgraded due to increased traffic.

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 has the appropriate zoning, but this project aims to provide a cultural immersion center. The location of the center is important and there isn't any other land that is large enough to develop into the center.

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 does not cover this property. When the Comprehensive Plan was developed, the plans for the center were not known. The proposed use is a non-profit institution. While there isn't a specific goal for Etzanoa there is a Goal to "Maintain coordination among community partners to coordinate goals and establish a funding stream for economic development" and under it is an action to "Work with Visit Ark City to promote tourism opportunities". This project will generate tourism for the area which will generate additional sales at area stores, restaurants and stays at our lodging institutions.

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. However, a traffic study may be needed to ensure the safety of drivers in the area. It will also be important to provide adequate transportation shuttles between city businesses and the center.

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 R-3 be approved based on the following conclusions:

- This is the most restrictive district that allows the use with conditions.
 - The project will enhance tourism opportunities and the related economic development associated with tourism.
 - Utilities can be extended to the site relatively easily
 - A conditional use permit will accompany this request to mitigate negative factors.
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