



STAFF REPORT

City of Arkansas City Neighborhood Services Division

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CASE NUMBER
CU-2023-024

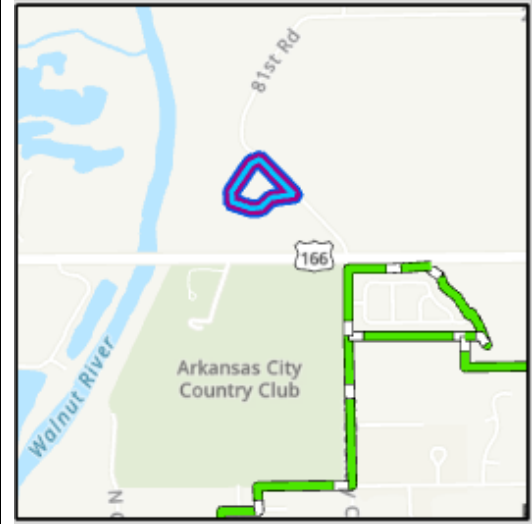
APPLICANT/PROPERTY OWNER
Etzanoa Conservancy

PUBLIC HEARING DATE
January 9, 2024

PROPERTY ADDRESS/LOCATION
28379 81st Road

BRIEF 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 applicant has submitted the request for a conditional use permit for a non-profit institution. In the R-3 District this use is only permitted with a conditional use permit. Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit be approved.



Map data ©2023 Esri World Topographic map

<p>EXISTING ZONING R-1-Low Density Residential (subject of case RZ-2023-118 which would rezone the property to R-3-High Density Residential District)</p>	<p>EXISTING LAND USE Residential</p>	<p>SURROUNDING ZONING & LAND USE Surrounded by Unzoned County/Agricultural Use</p>	<p>SITE IMPROVEMENTS Single Family Home & Farm Utility Building</p>	<p>SIZE OF PROPERTY 4.97 acres</p>
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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.

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

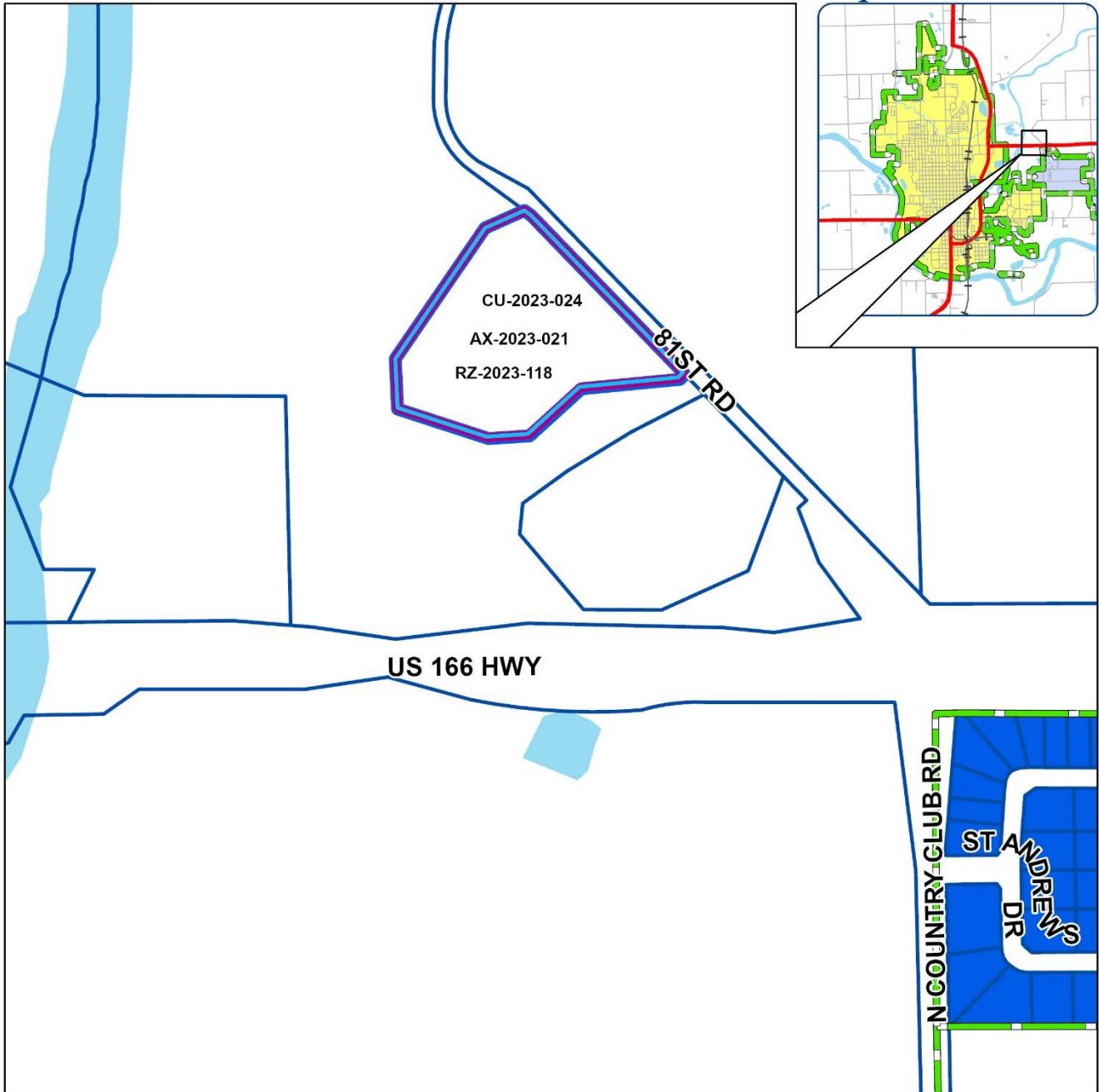
- City Limits
- Annexation
- Conditional Use
- Rezone
- Property Lines

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

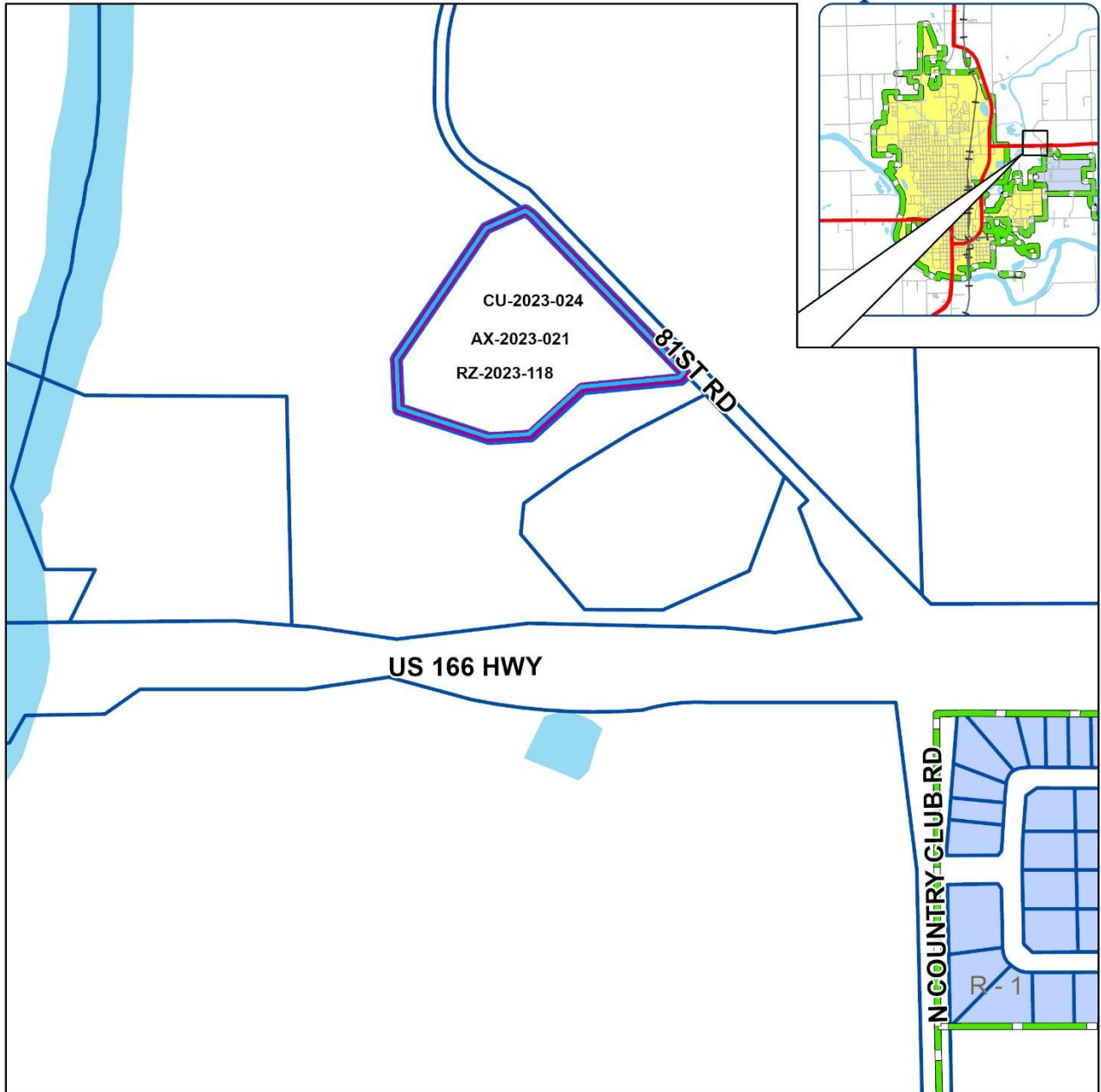
- Future Land Use
- Residential

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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 | Rezone | Zoning |
| Annexation | Property Lines | R-1, Low Density Residential District |
| Conditional Use | | |

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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 approval of the conditional use 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. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;

The proposed use of a non-profit institution would be permitted under R-3, High Density Residential District. This area surrounding the property is agricultural. The site could be designed so that it has large setbacks in order to mitigate any issues.

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 approx 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 use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided;**
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.
 - 4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;**
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.
 - 5. The length of time the subject property has remained vacant or undeveloped as zoned;**
The property is not currently vacant.
 - 6. Whether the applicant's property is suitable for the proposed conditional use;**
This property is within the Etzanoa exploration field and is the only land in the area large enough to accommodate the proposed use. The property is a suitable location for the proposed conditional use.
 - 7. Whether the proposed conditional use 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.
 - 8. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;**
With the proposed conditions, the project should not adversely affect the area affected. The biggest issue at this site is the traffic and existing road conditions.
 - 9. For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent**
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with any adopted Solid Waste Management Plan of Cowley County, and amendments thereto; and

The proposed project does not require special disposal of solid waste.

10. The recommendations of professional staff and advisors

Staff does have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of these concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit for a non-profit institution 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.

Conditions:

- Traffic should not be permitted to go north of the site on 81st Road
- All parking should be on site

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

Additional conditions may be recommended by the Planning Commission
