



## STAFF REPORT

City of Arkansas City Neighborhood Services Division

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CASE NUMBER

RZ-2022-111

APPLICANT/PROPERTY OWNER

Jose Paz-Ontiveros

PUBLIC HEARING DATE

May 10, 2022

PROPERTY ADDRESS/LOCATION

2305 N 8<sup>th</sup> Street

### SUMMARY OF REQUEST

The subject property is located at 2305 N 8<sup>th</sup> Street. The surrounding area is comprised of residential uses. The property consists of approximately 3.4 acres. The project will be to develop a duplex. A portion of the site is within the floodplain. The applicants are requesting a rezone from R-1, Low Density Residential District to an R-3, High Density Residential District.



Map data ©2022 Esri World Topographic map

EXISTING ZONING R-1-Low Density Residential FP-O, Floodplain Management Overlay District	EXISTING LAND USE Residential	SURROUNDING ZONING & LAND USE North-R-1; Residential East-R-1; Residential South-R-1; Residential West-R-1; Residential	SITE IMPROVEMENTS Single Family Dwelling and Accessory structures	SIZE OF PROPERTY 3.4 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 also residential. The Plan did not differentiate in terms of residential density. This will also help to meet the goal from Chapter 3 to "encourage the availability of housing in Arkansas City for all ages and income groups." Recent studies of our current housing situation also suggests that the City work to create greater housing options with greater density.

### PROPERTY HISTORY

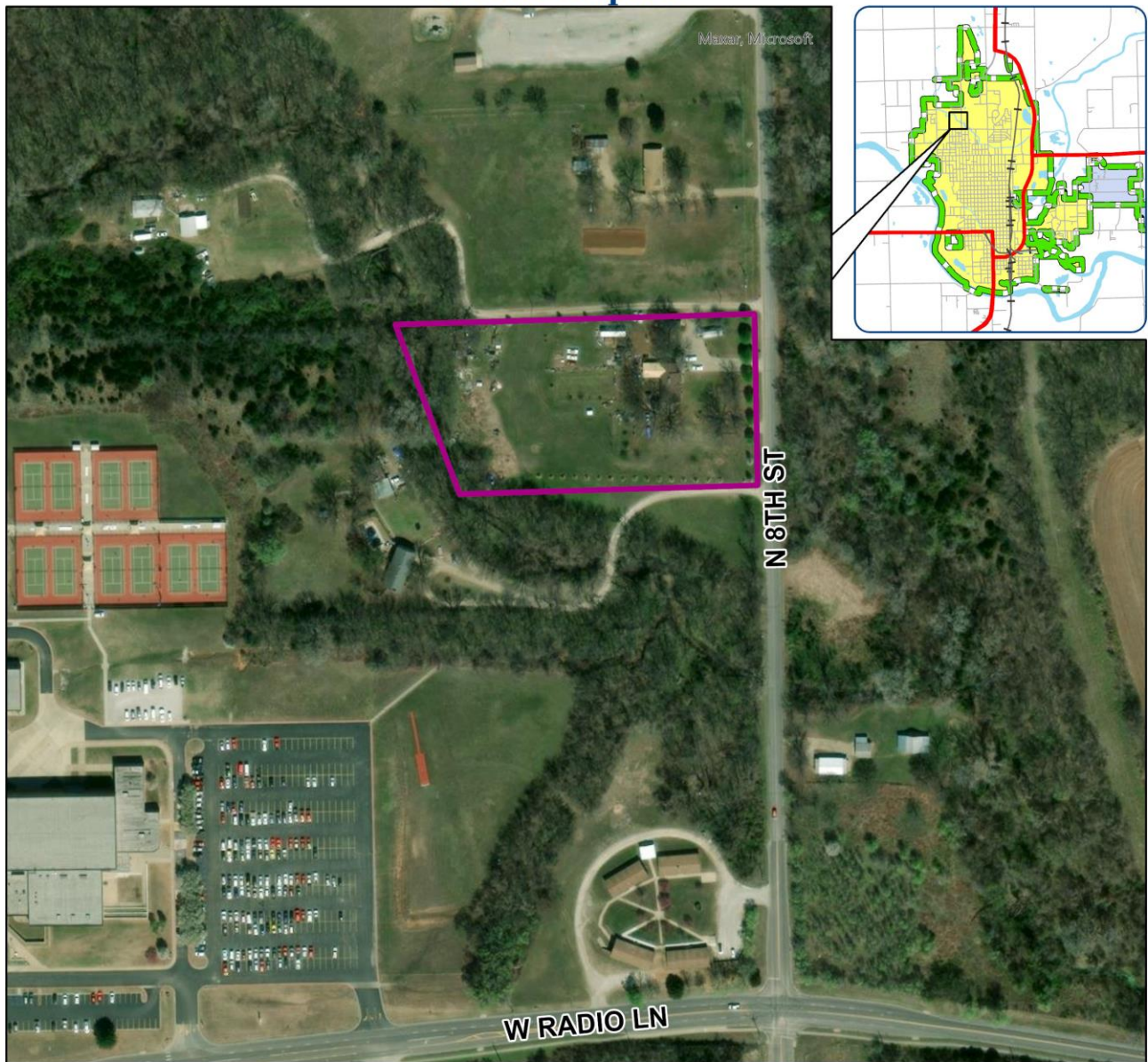
The property was developed with a single family dwelling unit in 1962 according to County records. Additional site improvements have been made in the years since. No other land use records were found.

### COMPATIBILITY with the ZONING ORDINANCE

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

### Rezone Request



A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

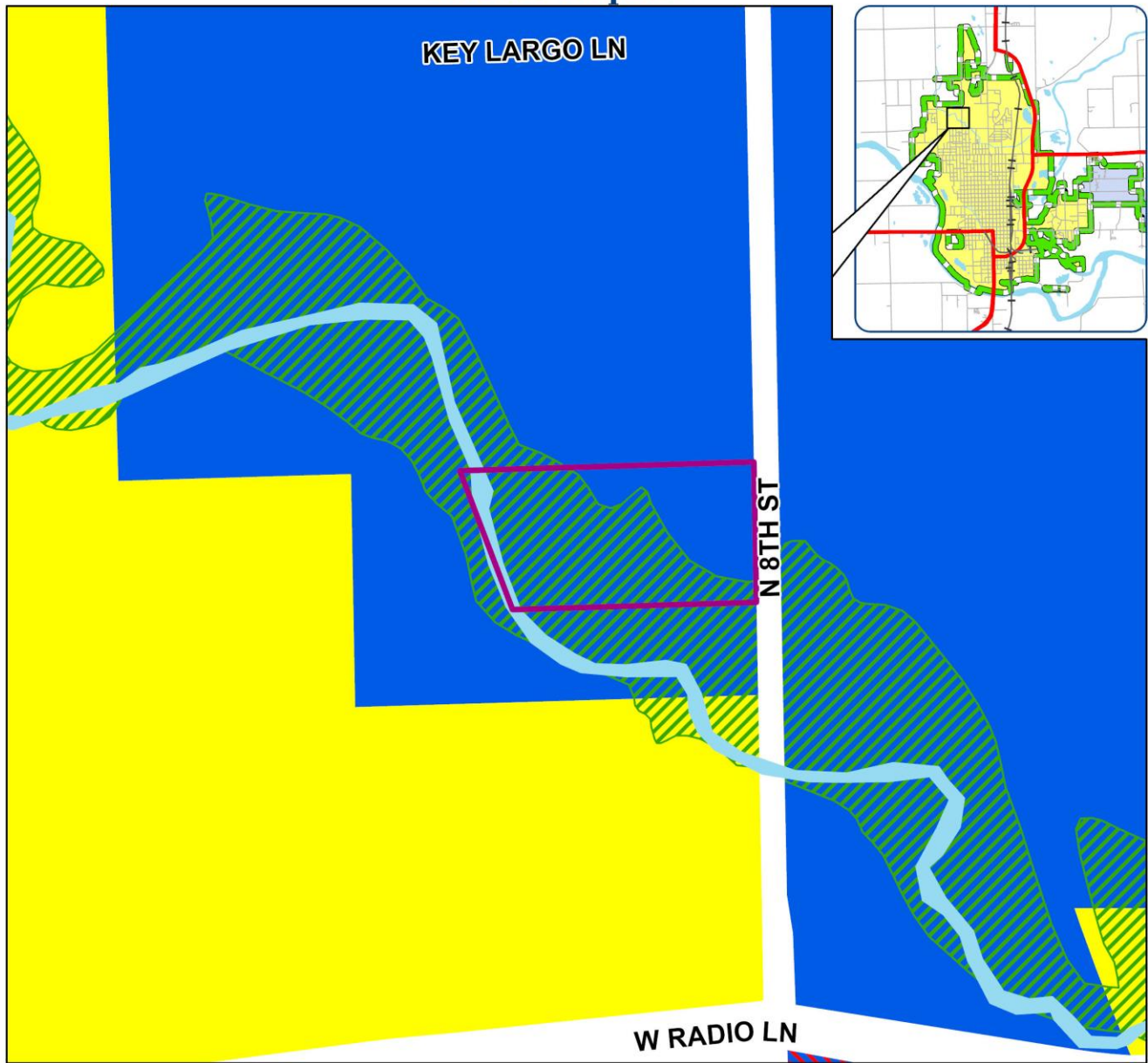
-  City Limits
-  Rezone

Produced by the  
City of Arkansas City GIS  
using the best available  
data to date.  
Created: April 11, 2022



## Future Land Use map

### Rezone Request



A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- |                        |             |
|------------------------|-------------|
| City Limits            | Residential |
| Rezone                 | Mixed Use   |
| <b>Future Land Use</b> | Public      |
| Floodplain             |             |

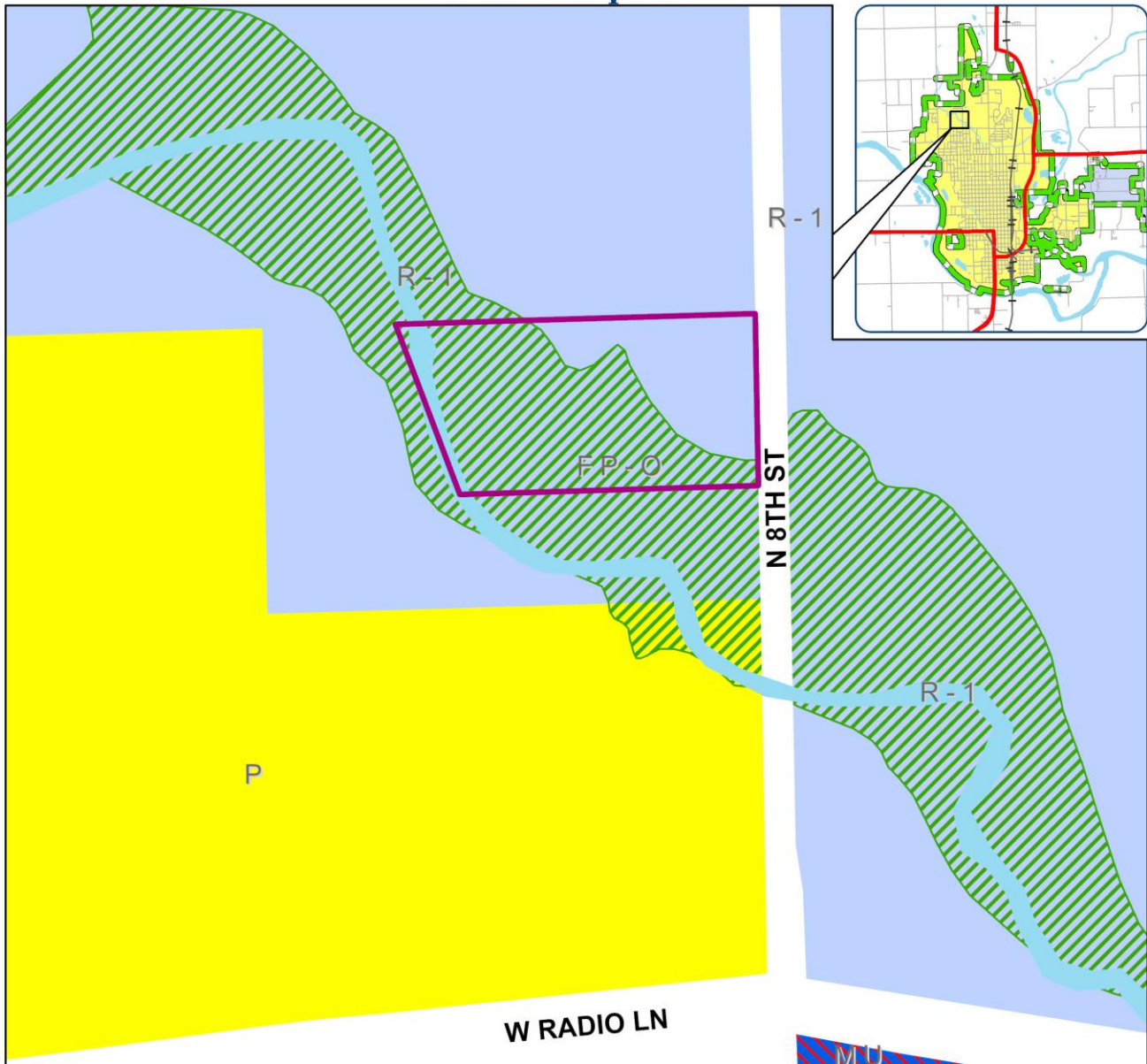
Produced by the  
City of Arkansas City GIS  
using the best available  
data to date.  
Created: April 11, 2022





## Zoning map

### Rezone Request



A request for a rezone at 2305 N 8th St from a R-1 Low Density Residential District to a R-3 High Density Residential District

- |                                       |  |
|---------------------------------------|--|
| City Limits                           | P, Public Use District                       |
| Rezone                                | MU, Mixed Use District                       |
| <b>Zoning</b>                         | FP-O, Floodplain Management Overlay District |
| R-1, Low Density Residential District |  |

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# National Flood Hazard Layer FIRMette



## Legend

SEE ITS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

	Without Base Flood Elevation (BFE)
	Zone A, V, AE9 With BFE or Depth Zone AE, AO, AH, VE, AP
	Regulatory Floodway

	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee, See Notes, Zone X
	Area with Flood Risk due to Levee Zone D

	NO SCREEN Area of Minimal Flood Hazard Zone X
	Effective LOMRs
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall

	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transsect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transsect Baseline
	Profile Baseline
	Hydrographic Feature

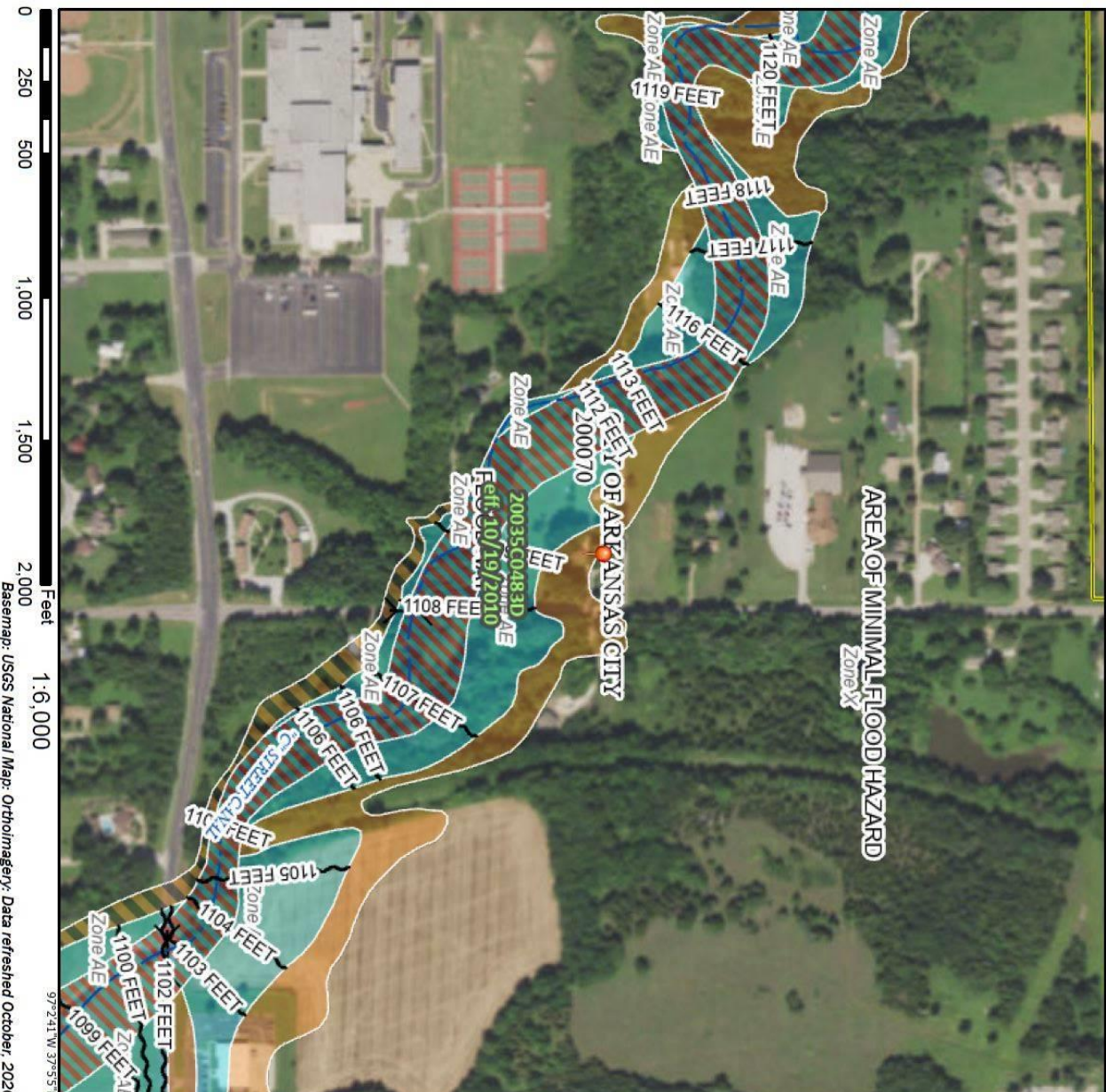
	Digital Data Available
	No Digital Data Available
	Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/21/2022 at 2:52 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRMette panel number, and FIRMette effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





## Site Plan

A site plan was not provided for this application and was not 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;**

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 residential uses. The proximity of the site to the C Street Canal Floodplain has largely prevented increased density from occurring. Much of the existing site is also in the floodplain. Any development within the floodplain would be required to meet all floodplain management regulations.

### Neighborhood Photos



The subject property-4/25/22



Looking to the south along 8<sup>th</sup> Street-4/25/22



Looking to the north along 8<sup>th</sup> Street-4/25/22



Looking across 8<sup>th</sup> Street-4/25/22

**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 current district allows single family dwellings and Two Family dwellings are allowed with a conditional use permit. The proposed use is to add two dwelling units for a total of three units. An alternative to the proposal would be to rezone the property to R-2 and a conditional use permit would then be needed to allow three or more families. It is for the reason of simplicity that R-3 was chosen as the most appropriate district for this project. R-3 would also permit additional dwelling units to be added in the future. The general area around this site has seen increased housing demand.

**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 is surrounded by residential uses and is all zoned for residential. The general area around the site is seeing an increase in housing demand and increasing density of residential uses.

**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;**

R-3 zoning does allow increased housing density. All development is currently served by septic tanks for sewage disposal.

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

The property is currently zoned for residential use and is large enough to sustain additional residential density. The proposed use is an increase in residential density that is not allowed in an R-1 district. Increased density will put additional pressure on the existing floodplain. All construction will have to be built to the standards set out in the floodplain management ordinance.

**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 water, sewer and other utilities are readily available at or near the site. Police and Fire should be able to serve the proposed use without any changes to existing 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 within the City but it is not owned by the applicant.

- 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 also residential. The Plan did not differentiate in terms of residential density. This will also help to meet the goal from Chapter 3 to "encourage the availability of housing in Arkansas City for all ages and income groups." Recent studies of our current housing situation also suggests that the City work to create greater housing options with greater density.

- 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. Public Comments**

The public overall was not in opposition to the request. One owner wanted to ensure that her private drive would not be used for access to this property.

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

The Planning Commission recommended denial of this request due to citizen feedback. Citizens were concerned about increased traffic on an already insufficient 8<sup>th</sup> Street. Planning Commissioners also had concerns about increased housing density within the floodplain.

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**14. 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:

- The development appears compatible with the area.
- The lot is large enough to handle additional dwelling units
- The use helps to alleviate the current housing shortage
- The general area around the site is seeing an increase in housing demand and density
- The public health, safety and general welfare should not be negatively impacted by this rezoning
- All utilities are readily available at or near the site.

Based on the decision of the Planning Commission, staff now recommends denial of the application and suggests an alternate approach of splitting the lot according to the lot split requirements and building a single family home on the new lot. Floodplain Management requirements would still have to be met. The new home would also be required to connect to the city sanitary sewer. This alternative would not require a rezoning of the property.

On June 7, 2022, the City Commission tabled action and referred the petition back to the Planning Commission with instructions to reconsider. They felt that the reasons for denial were insufficient based on the fact that this project will not negatively impact traffic on 8<sup>th</sup> Street and the original decision sends the wrong message about housing. Options include reaffirming the original recommendation, reversing the original recommendation and approving the original request, suggest an alternative recommendation or take no action which would essentially return the original recommendation to the City Commission. Staff suggests considering alternatives and is willing to discuss the possible options. Included below is Zoning Regulations Section 6-301 which contains the use table for residential districts.

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## **SECTION 6-3 PERMITTED AND CONDITIONAL USES**

**6-301.** In the residential zoning districts the uses listed in Table 6-1 within the designated zoning districts are permitted uses or conditional uses as designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No building or land shall be used and no building or structure shall be hereafter erected, enlarged or altered unless otherwise provided for in these zoning regulations, except as listed in Table 6-1.

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**TABLE 6-1**  
**Residential Zoned Districts**  
**Permitted and Conditional Uses**

**P** = Indicates Permitted Uses

**C** = Conditional Uses

<b>USE</b>		<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
1.	Any public building or land use by any department of the City, county, state or federal government.	<b>C</b>	<b>C</b>	<b>C</b>
2.	Bed and breakfast inns.			<b>P(1) / C</b>
3.	Churches and similar places of worship	<b>C</b>	<b>P</b>	<b>P</b>
4.	Community recreation building owned and operated by a public agency.		<b>P</b>	<b>P</b>
5.	Day care facilities: adult day care homes, child care centers, day care homes, family day care homes, group day care homes and preschools.	<b>P(3)</b>	<b>P(3)</b>	<b>P(3) / C(1)</b>
6.	Dormitories for students of colleges and theological institutions.	<b>C(3)</b>	<b>C(3)</b>	<b>C(3)</b>
7.	<b>Dwellings:</b> a. Single family (including Modular home and Residential design manufactured home).	<b>P</b>	<b>P</b>	<b>P</b>
	b. Two family.	<b>C</b>	<b>P</b>	<b>P</b>
	c. Three or more families.		<b>C</b>	<b>P</b>
8.	Fraternal organizations, lodges.	<b>C</b>	<b>C</b>	<b>C</b>
9.	Golf courses.	<b>P(5)</b>	<b>P(5)</b>	<b>P(5)</b>
10.	Group boarding homes for minors.			<b>P(2) / C(4)</b>
11.	Group homes.	<b>P(4)</b>	<b>P(4)</b>	<b>P(4)</b>
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	<b>C</b>	<b>C</b>	<b>C</b>
13.	Large group homes.		<b>C(3)</b>	<b>P(2) / C(4)</b>
14.	Lodging houses.		<b>C</b>	<b>P(1) / C</b>
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			<b>C</b>
16.	Nursing homes, rest homes, convalescent homes and similar facilities.		<b>C</b>	<b>C</b>
17.	Rehabilitation houses.		<b>C</b>	<b>C(5)</b>
18.	Safe houses.	<b>P</b>	<b>P</b>	<b>P</b>
19.	Schools:			
	a. Public and private elementary schools	<b>P</b>	<b>P</b>	<b>P</b>
	b. Public and private secondary schools	<b>C</b>	<b>P</b>	<b>P</b>
	c. Post-secondary educational institutions	<b>C</b>	<b>C</b>	<b>P</b>
20.	Telephone exchanges, electric substations and similar public utilities.			<b>C</b>