



STAFF REPORT

City of Arkansas City Neighborhood Services Division

Josh White, Principal Planner

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CASE NUMBER
CU-2024-025

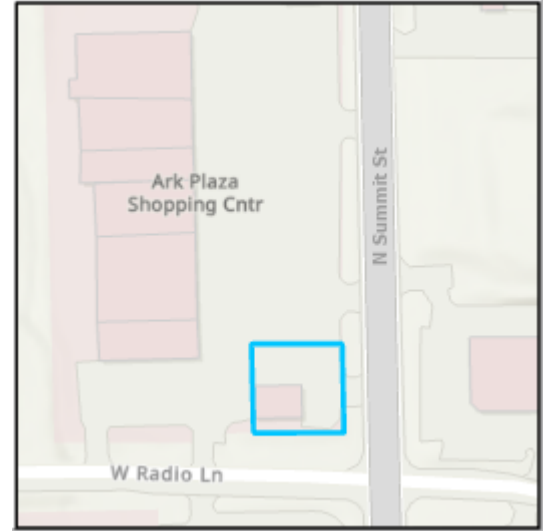
APPLICANT/PROPERTY OWNER
Summit Locations LLC/DOCO LLC

PUBLIC HEARING DATE
June 11, 2024

PROPERTY ADDRESS/LOCATION
2113 N Summit Street

BRIEF SUMMARY OF REQUEST

The subject property is located at 2113 N Summit Street. The surrounding area is comprised of commercial uses. The property consists of approximately 0.36 acres. The applicant has submitted the request for a conditional use permit for an off-premises billboard sign. In the C-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 ©2024 Esri World Topographic map

EXISTING ZONING C-3 General Commercial District	EXISTING LAND USE Commercial	SURROUNDING ZONING & LAND USE Surrounded by C-3 and Commercial Land Use	SITE IMPROVEMENTS Restaurant/paved parking	SIZE OF PROPERTY 0.36 acres
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

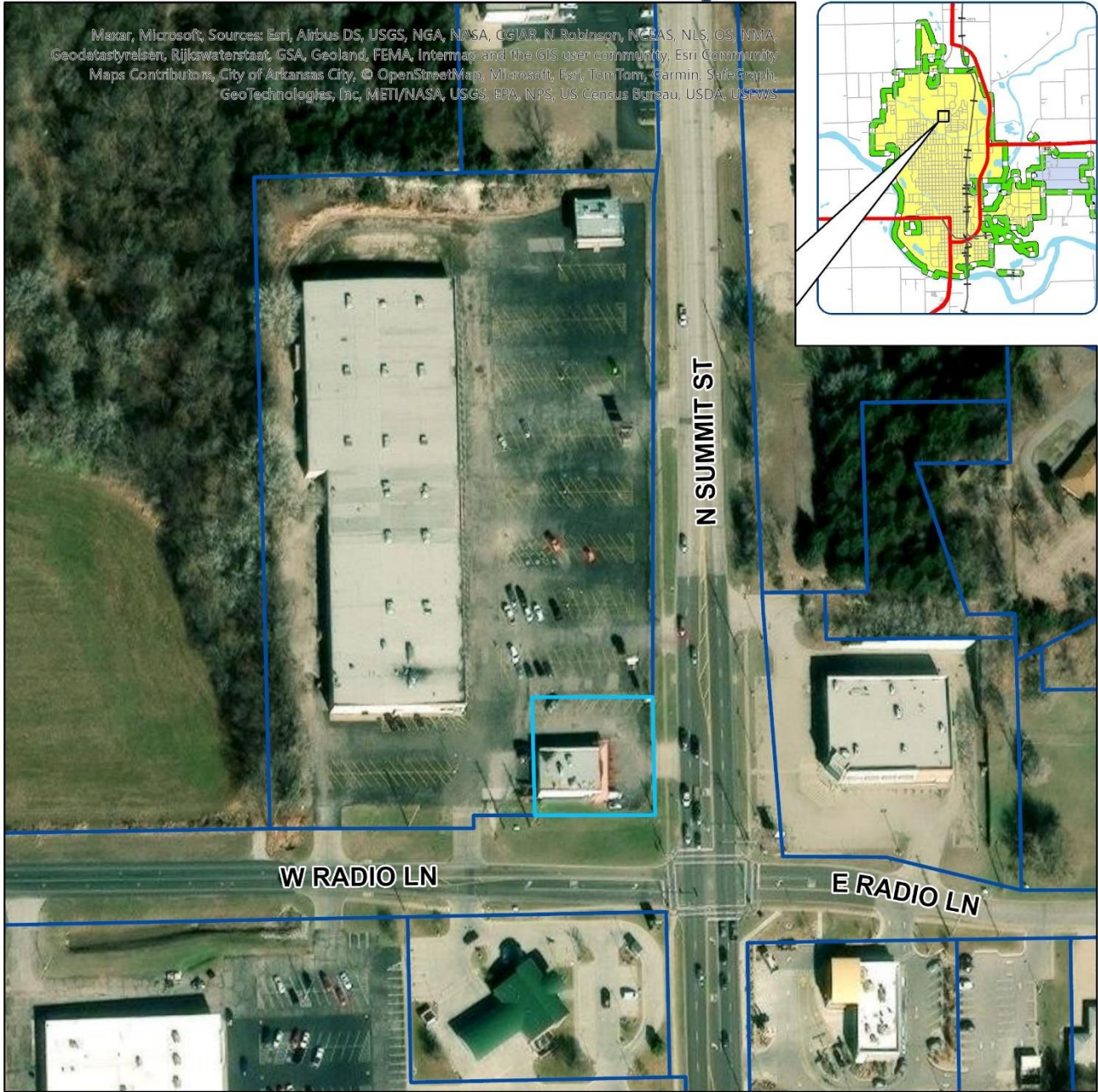
COMPATIBILITY with the COMPREHENSIVE PLAN The Future Land Use portion of the Comprehensive Plan designates this area as commercial. There isn't a specific goal related to the placement of off-premises signs other than to provide an advertising outlet for businesses to promote themselves.	PROPERTY HISTORY According to County Records the Restaurant was built in 1975. The property was annexed into the City in 1960. In RZ-1974-053, it along with several other properties were rezoned from R-1 to B-2. In 2014 when the city was rezoned it was assigned C-3 based on that B-2 zoning. In BZA-1976-013, the restaurant in business at the time requested a variance to increase the size of their sign beyond the maximum allowed. The variance was granted.
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COMPATIBILITY with the ZONING ORDINANCE The surrounding area is comprised of commercial uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations.
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Area map

Conditional Use Permit Request

Maxar, Microsoft, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodastyrrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community, Esri Community Maps Contributors, City of Arkansas City, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



A request for a conditional use permit to place a off-premises/billboard sign

-  Conditional Use
-  Property Lines

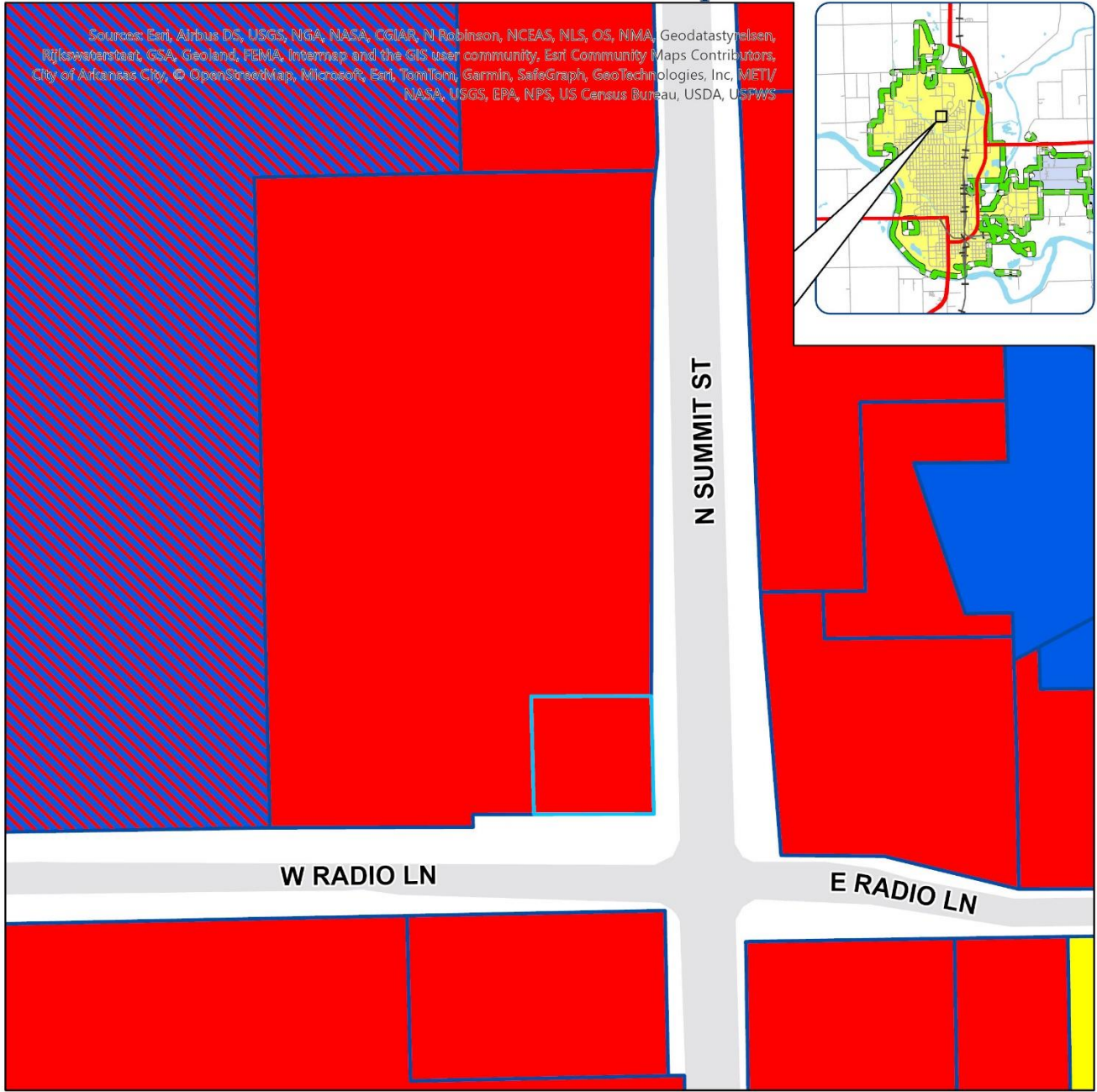
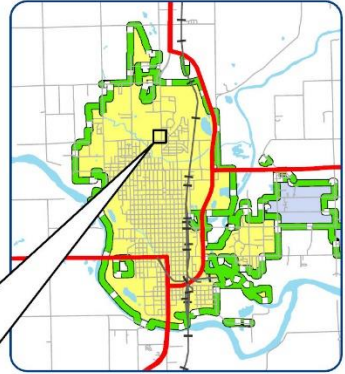
Produced by the City of Arkansas City GIS using the best available data to date. Created: May 09, 2024



Future Land Use map

Conditional Use Permit Request

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastynelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Arkansas City, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



-  Conditional Use
-  Property Lines

A request for a conditional use permit to place a off-premises/billboard sign

Future Land Use

-  Residential
-  Commercial
-  Mixed Use
-  Public

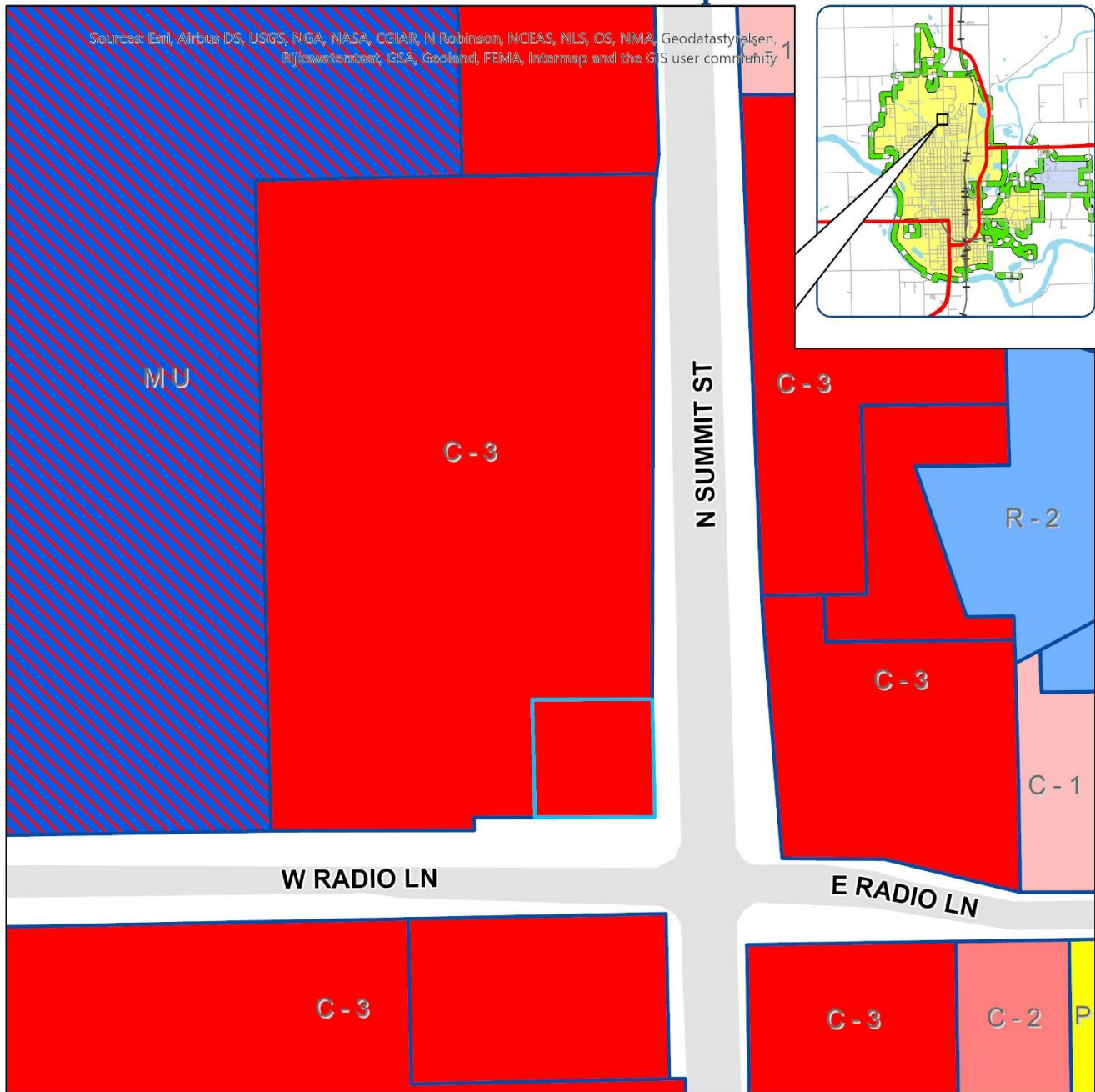
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Zoning map

Conditional Use Permit Request

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastypelsen, Bjfksweierstet, GSA, Geoland, FEMA, Intermap and the GIS user community



A request for a conditional use permit to place a off-premises/billboard sign

-  Conditional Use
-  Property Lines
-  PavedAreas

-  R-2, Medium Density Residential District
-  C-1, Office and Service Business District
-  C-2, Restricted Commercial District
-  C-3, General Commercial District
-  P, Public Use District
-  MU, Mixed Use District

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

The proposed use of an off-premises/billboard sign would be permitted under the C-3, General Commercial District with this conditional use permit. This area surrounding the property is commercial. The sign must certain requirements in the Zoning Regulations which include size, height, and location requirements.

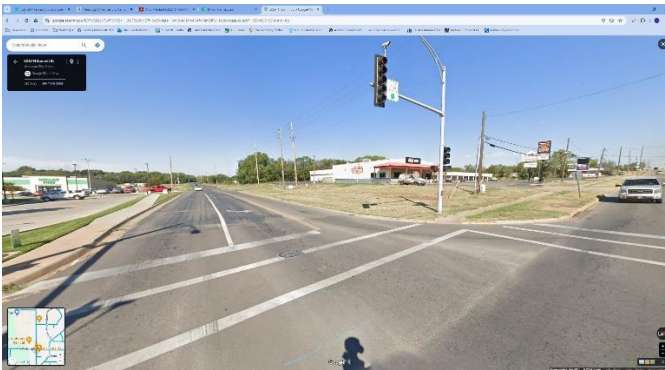
Neighborhood Photos



Subject Property Google StreetView from September 2023.



Neighborhood along Summit Street. Google StreetView from September 2023



Neighborhood along Radio Lane. Google StreetView from September 2023

Site Plan



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;**
No additional infrastructure would be required for the placement of this sign.
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. This property is within a commercial area that is stable.
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;**
The property is a suitable location for the proposed conditional use if the requirements for such signs are met. It is also recommended that bollards be placed around the base of the sign to prevent cars from running into it.
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 designates this area as commercial. There isn't a specific goal related to the placement of off-premises signs other than to provide an advertising outlet for businesses to promote themselves.

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 proximity to parking. Care will need to be taken to protect the base of the sign and point out its location with high visibility barriers or bollards around the base.

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 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 do 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 an off-premises billboard sign be approved based on the following conclusions:

- The sign is in a commercial area that would allow this use with conditions
- The sign is not near any residential uses
- The sign does not require any additional infrastructure

Conditions:

- The sign must meet the requirements of Zoning Regulations Section 27-13 (attached).
- The base of the sign shall be protected with bollards or other high visibility barriers at its base.

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

After hearing several objections from the audience, the Planning Commission decided to table the request to solicit additional public comment.

Staff utilized a Google Form posted on Facebook to gather the additional feedback. Respondents overwhelmingly objected to the size, height and location of the proposed billboard, citing that it would be an eyesore for the community with others citing that this site would cause distracted driving. Some were concerned about content, but staff note that content could not be regulated by the city. There were also numerous comments suggesting that billboards should not be allowed within City Limits and that they should be along highways instead.

SECTION 27-13 BILLBOARDS/OFF-PREMISES SIGNS

27-1301. Off-premises billboard signs are allowed in the C-3, I-1 and I-2 Districts upon the issuance of a conditional use permit, and subject to the requirements of this section.

27-1302. Location:

- a. Billboard signs shall not be located within 300 feet of any structure occupied as a residential or other non-commercial or non-industrial use.
- b. Billboard signs shall not be located within fifty (50) feet of any state or federal highway, as measured from the edge of the right-of-way.
- c. Billboard signs shall not be attached to the roof or wall of any building.

27-1303. Maximum Height: The top edge of any billboard sign shall not exceed fifty (50) feet above average grade.

27-1304. Maximum Sign Area:

- a. The maximum sign area of any billboard sign shall not exceed a total of 750 square feet.
- b. For purposes of this subsection, each face of a billboard sign, whether back-to-back, V-shaped, or some other configuration, shall be considered a separate sign.

27-1305. Lighting: Billboard signs may be indirectly illuminated but shall not cast glare upon any adjacent highway so as to pose a hazard to vehicular traffic.

27-1306. Minimum Spacing Requirements: No billboard sign hereafter erected shall be less than 300 feet from any other existing billboard sign on the same side of the street. Such minimum spacing distance shall be measured along the center line of the frontage street or highway from a point opposite any edge of a billboard sign and perpendicular to the center line of each street or highway.
