



# STAFF REPORT

City of Arkansas City Neighborhood Services Division

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CASE NUMBER  
RZ-2021-107

APPLICANT/PROPERTY OWNER  
KLANDS Venture LLC/City of Arkansas City

PUBLIC HEARING DATE  
July 13, 2021

PROPERTY ADDRESS/LOCATION  
1110 E Kansas Ave

## BRIEF SUMMARY OF REQUEST

The subject property is located at 1110 E Kansas Ave. The surrounding area is comprised of commercial and agricultural uses. A greenhouse is west of the site. Agriculture is found to the north and east. A commercial area is to the south. The property consists of approximately 12 acres. The project will be to develop a travel center. The applicants are requesting a rezone from MU, Mixed Use District to a C-3, General Commercial District. The City is still the owner of the property currently but the proposal will be to split off approximately 12 acres and transferred to KLANDS Venture LLC. Staff recommends approval of the rezone request.



Map data ©2021 Esri World Topographic map

EXISTING ZONING MU-Mixed Use District FP-O-Floodplain Management Overlay District	EXISTING LAND USE Undeveloped agricultural land	SURROUNDING ZONING & LAND USE North-MU; Agriculture East-A; Highway/Agriculture South-C-3, I-1; Commercial West-MU; Agriculture/Greenhouse	SITE IMPROVEMENTS none	SIZE OF PROPERTY 12 acres
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## STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

<b>COMPATIBILITY</b> with the COMPREHENSIVE PLAN The Future Land Use portion of the Comprehensive Plan designates the subject property as mixed use. The proposed use is commercial. Mixed use does allow for commercial but in a less intense form. It was unclear when the Plan was developed if this area would develop as residential or commercial. The flood plain status created further barriers to any kind of development. The site has been issued a Conditional Letter of Map Revision based on fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA) that will allow its development in the floodplain. This will also help the goal from Chapter 4 to "Attract new industries that complement Arkansas City's economy and utilize its labor force." While this proposal will not be a major industry employer, it does support a major industry already present. Trucks going to Creekstone Farms have little parking as they await shipments. This development would provide a better area to stage those trucks which should streamline shipping in the area of Creekstone Farms and allow for additional expansion in their operations. This would also mean that Chapter 4's goal to "Retain existing businesses and support their expansion" would also be indirectly met.	<b>PROPERTY HISTORY</b> This property was originally annexed into the city in 2007 with what was then referred to as R-1, Residential, Single Family District as the default zoning. The property appears to have always been agricultural.
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## COMPATIBILITY with the ZONING ORDINANCE

The surrounding area is comprised of agricultural and 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.

## **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 and 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. The character and condition of the surrounding neighborhood and its effect on the proposed change;**

The surrounding area is comprised of agricultural and commercial uses. A greenhouse is west of the site. Agriculture is found to the north. A commercial area is to the south. Commercial development in this area should not negatively affect the neighborhood.

**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 Mixed Use Zoning District does not allow the proposed use. The area is primed for development at the junction of two federal highways. The area is largely commercial except for the house at the corner of the site which has been vacant for many years.

**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 agricultural land. To the west is commercial. The zoning of these areas is Mixed Use. The 2013 Comprehensive Plan designated this area as mixed use because it was unknown how it would develop. To the south is commercial. The zoning to the south is C-3 and I-1. The uses are commercial. The area that is zoned I-1 was zoned that way due to outside storage of materials. The surrounding area is comprised of agricultural and commercial uses. To the east is US 77 and agricultural land. The zoning to the east is A which matches the use. There is a greenhouse to the west and south of the site are commercial businesses. The proposed use is heavy commercial which is compatible with the commercial uses and vacant agricultural land in the area. Kansas Avenue will likely need some upgrades as a result of the project but the roundabout should be able to handle the traffic. It is not anticipated that the travel center will increase traffic through the roundabout but it will likely increase this traffic on E Kansas Avenue adjacent to the site. The increase in traffic on Kansas Avenue should not adversely affect the adjacent land uses provided the upgrades to Kansas Avenue are made.

**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 a travel center would be permitted under the C-3, High Density Residential District. The area to the south is commercial and agricultural and the proposed use should be compatible with these uses. There is a house in the vicinity but it has been abandoned.

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

The property is currently zoned for mixed use; the property is vacant. The proposed use is still a

commercial use as allowed in a mixed use district but is more intense than the mixed use district will allow. The 2013 Comprehensive Plan called for this area to be mixed use because it was unclear at the time whether this area would develop as commercial or residential.

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

The property has been vacant for many years, used as agricultural land.

**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;**

Adequate water facilities are available at the site. A sewer line will need to be extended to the site from just west of the railroad tracks. This sewer expansion is included in the development agreement with the City. The other utilities can be readily extended to the site or are already available. Public services should be able to serve this site without any issues due to its proximity to the highway.

**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 within the City that is zoned C-3 but not enough collectively to develop a travel center nearby. The City is in need of a travel center to serve the trucks associated with Creekstone Farms. A travel center also needs to be adjacent to major highways.

**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 mixed use. The proposed use is commercial. Mixed use does allow for commercial but in a less intense form. It was unclear when the Plan was developed if this area would develop as residential or commercial. The flood plain status created further barriers to any kind of development. The site has been issued a Conditional Letter of Map Revision based on fill (CLOMR-F) from the Federal Emergency Management Agency (FEMA) that will allow its development in the floodplain. This will also help the goal from Chapter 4 to "Attract new industries that complement Arkansas City's economy and utilize its labor force." While this proposal will not be a major industry employer, it does support a major industry already present. Trucks going to Creekstone Farms have little parking as they await shipments. This development would provide a better area to stage those trucks which should streamline shipping in the area of Creekstone Farms and allow for additional expansion in their operations. This would also mean that Chapter 4's goal to "Retain existing businesses and support their expansion" would also be indirectly met.

**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 as this area has been designated for mixed use development and adequate public facilities will be part of the development.

**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 MU to C-3 be approved based on the following conclusions:

- The development appears compatible with the area.
- The property has remained underutilized for many years, agricultural use only.
- The site is adjacent to a major highway that can handle the truck traffic.
- The project should not adversely affect the neighboring properties.
- This project provides a travel center, a much needed resource in Arkansas City to handle the staging of trucks for Creekstone Farms.
- The public health, safety and general welfare should not be negatively impacted by this rezoning.