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Press Release

Planning Commission blesses vacation, rezone, conditional use

Recommendations on two Ark City properties now go to City Commission

ARKANSAS CITY, Kan. (August 12, 2015) — The Arkansas City Planning Commission voted unanimously Tuesday night to approve a vacation request, a rezoning and a conditional use permit.

Board members present at the meeting were Gordon Fry, Charles Jennings, Mike Munson, Andy Paton, Dr. Scott Rogers, Rick Rush and Charles Tweedy III. Brian Wells was absent.

The first item of business facing the commission was holding a public hearing regarding a request by a local property owner to vacate the right-of-way on Central Avenue, between 10th and 11th streets.

There is no actual street in that section of right-of-way, nor does the City of Arkansas City have any long-term plans to build one there, according to City Planner and GIS Technician Josh White.

White requested that the Planning Commission maintain a utility easement on the south 50 feet of the property to be vacated for access to a sanitary sewer line and drainage ditch.

The Utility Advisory Committee indicated it has no concerns with this proposal.

Tim Marr, owner of the adjacent property to the south at 1114 W. Fifth Ave., and his father, James, were the only two citizens to speak at the hearing.

Both men expressed that they only sought the south half of the right-of-way, but that their neighbors to the north have been uncooperative to this point. Marr and his father are concerned that they will end up paying to survey the entire right-of-way, while only receiving half of it.

To address their concerns, White and the Planning Commission indicated an ordinance could be drafted with language suggesting to Cowley County officials that the entire right-of-way should be given to Marr, rather than the common practice of dividing the land evenly between adjacent owners.

For immediate release

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An ordinance approving the vacation, with the recommendation of the Planning Commission to approve it, will come before the City Commission at its meeting Sept. 1 at City Hall, 118 W. Central Ave.

Rezone and conditional use

The Planning Commission also held two public hearings regarding property owned by Jacob Bogner at 723 W. Madison Ave. that used to be an automobile repair business, but since has been unoccupied.

Bogner is interested in starting a new auto repair business there that would involve painting cars, but since the area is zoned as a C-2 restricted commercial district, that would be a nonconforming use.

At one time, the existing business had a permit to continue with that nonconforming use, but since the business has closed, the legal nonconforming status has been lost.

As a result, Bogner requested a conditional use permit that would let him start the new business.

White also sought to have the property rezoned as a C-3 general commercial district, to bring it more into line with the intended use, as part of Bogner's request.

He said Fire Chief Bobby Wolfe had some concerns about the nature of Bogner's business, so there would be some requirements in order to issue the conditional use permit and Certificate of Occupancy:

- All work must be performed and all materials must be stored within the building.
- An enclosure and pad need to be built for the dumpster that currently is free-standing.
- No vehicles will be allowed to accumulate on the lot for an indefinite period of time.
- Parking must be off South Seventh Street, not West Madison Avenue, which is a highway.
- All hazardous waste must be disposed of with prescribed storage and disposal procedures.
- A proper and code-compliant fire suppression system using dry chemicals must be installed in the paint booth and mixing room.

Bogner said the last requirement would be the most cumbersome for him, because the systems he had priced were running about \$15,000. He asked if there would be any possibility of a time extension.

White said that as long as Bogner only was working on his own personal cars on the premises and not doing work as a public business, he could continue to operate. He can do commercial work on other cars as long as painting is not involved.

But he will need to bring the business up to State Fire Code concerning the paint booth and mixing room before a Certificate of Occupancy will be granted for the operation of a business.

The Planning Commission voted to rezone the property and approve the conditional use permit, but if the fire suppression system is not installed within one calendar year, the permit will expire.

Both actions also will go before the City Commission at its meeting Sept. 1 at City Hall.