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# Press Release

## Commission authorizes rezoning, tables conditional-use permit

*Permit recommendation sent back to Planning Commission for modification*

ARKANSAS CITY, Kan. (December 3, 2015) — The City Commission of Arkansas City voted 4-1, with Commissioner Dan Jurkovich dissenting, to rezone 1125 W. Skyline Road from R-3 (high-density residential district) to C-2 (restricted commercial district) during a meeting Tuesday night at City Hall.

A follow-up item — a conditional-use permit to allow a self-storage facility on the newly rezoned property — was sent back to the Arkansas City Planning Commission for reconsideration of provisions.

The Planning Commission met Nov. 10 to consider the request of the property owners, Joe and Rachel Hanna, to rezone the property to C-3 (high-density commercial district) so they could install storage units. City Planner Josh White recommended a less-intensive zoning instead, so as not to allow a variety of other non-compatible uses, with the conditional use being allowed in C-2 zoning by permit.

White admitted Tuesday that he had initial reservations about rezoning a property so that it deviates from its intended use, as expressed in the future land-use map the City adopted in 2014, which identifies the parcel as best being used for residential purposes. Jurkovich echoed those sentiments with his vote.

But White said the property has not been developed in the 14 years since it was annexed into the City, and that vacancy should take priority as a consideration when making a staff recommendation.

City Manager Nick Hernandez pointed out that if a developer wants to acquire the property in the future and turn it into a residential development, the cost of removing the storage units would be much less than if some other kind of development were in place that required more of the City's infrastructure.

After the first vote, the commissioners considered whether to allow the conditional-use permit, as recommended by White and the Planning Commission. Jurkovich indicated that now that the property had been rezoned as commercial, he would support the permit in order to address the vacancy issue.

**For immediate release**

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But Mayor Chad Giles questioned a requirement that none of the storage units' doors face Skyline Road or MeadowWalk Apartments and he asked Rachel Hanna if that would constitute a hardship. She said it would, and the commission decided to ask the Planning Commission to rework that requirement.

### **Summary of Nov. 10 Planning Commission meeting**

The conceptual site plan for the storage units initially was presented and discussed Nov. 10 at a Planning Commission meeting. Commissioner Charles Jennings questioned why the City would want to diverge from the future land-use map, which indicates site development should be residential.

Further discussion by the Planning Commission gravitated toward White's argument that the property has been vacant for a long time, with the added consideration that the planned storage units actually could complement or benefit the apartment complex to the east.

The argument was made that additional housing actually could create a demand for more storage units in the area. Eventually, the Planning Commission voted to recommend that the City Commission rezone the property from R-3 to C-2, as suggested by staff.

The second item on the Planning Commission's agenda was the conditional-use permit for the storage units. Since much of the discussion about the site itself already had occurred, there wasn't much additional discussion of this item.

White spelled out some of the conditions for the permit, including meeting the site plan review requirements for storage units from the City's subdivision regulations. Additionally, any outside storage of boats, RVs or similar vehicles needs to be screened from view of Skyline and MeadowWalk Apartments.

The lighting also must to be screened so it doesn't shine into the nearby apartment windows.

The Planning Commission eventually recommended that the City Commission approve the conditional-use permit, subject to the above conditions. It was that recommendation that city commissioners rejected Tuesday, due to the restrictions on door placement.

The third item discussed Nov. 10 was proposed amendments to the site plan review section of the subdivision regulations, as well as possible zoning regulation amendments.

Most of them centered on Article 20 (Supplemental Regulations), which mostly involves fence and accessory buildings. The amendments would provide clarity and move the regulations for accessory buildings all to one section, instead of their being scattered throughout Article 20.

The other major section of discussion was about Article 27 (Sign Regulations). The sign regulations need a major overhaul in response to a recent Supreme Court case that ruled regulations cannot be content-based, meaning you shouldn't have to read the sign in order to figure out how to regulate it.

A simplified set of regulations also was introduced to ease enforcement and improve fairness across the board. A number of zoning districts had sign regulations in them. Those all were removed and added to the Sign Regulations article instead. The sections were altered slightly to match the other regulations.

The Planning Commission will have a public hearing on the proposed changes at its next meeting at 5:30 p.m. Tuesday in the commission room at City Hall. In addition, White said, the board will consider whether to remove the provision regarding storage unit doors from the subdivision regulations.

That is the only legal way the Planning Commission can address the City Commission's concerns. Otherwise, the property owners would have to apply for a variance from the Board of Zoning Appeals.

### **In other business Tuesday, the City Commission:**

- Heard from Bert Wilson regarding the planned remodel of the Finance Department and Utility Billing Office at City Hall. Wilson questioned how City employees and Kansas Department of Corrections laborers could be employed on the project, based on the requirements of building codes. Hernandez said that once the project plans were completed, bids would be sought for a supervising general contractor for the project. City and KDOC workers then would work under the direction of the general contractor, he explained, which would comply with the codes.
- Heard from Ken Harader about another possible nonconformance with the conditional-use permit at the new Family Dollar store location, currently under construction at 1313 N. Summit St. Public Works Director Eric Broce said one of the concerns, the style of fencing around the store's dumpster enclosure, was in compliance with the approved plans, but would not be an eyesore due to the decorative masonry wall that must be placed between the retail location and Harader's property at 1313 N. First St. Broce said the wall would be made with poured-in-place concrete. Harader also was concerned about the type of metal backing being used on the store's front façade, but Broce said there wasn't anything the City could do to regulate that.
- Voted unanimously to approve the Nov. 17 regular meeting minutes as written.
- Heard a second reading of and voted unanimously to approve an ordinance modifying Municipal Code Section 42-22 to prohibit engine braking inside the City limits.

- Voted unanimously to schedule a public hearing at 5:30 p.m. Dec. 15 to amend the 2015 budget and approve publication of the notice of the budget hearing in The Arkansas City Traveler.
- Voted unanimously to approve the purchase of three pursuit-rated 2016 Ford Police Interceptor utility vehicles from Reedy Ford, for an amount not to exceed \$42,358 after trade-in value for three Chevrolet Tahoes. The trio of new patrol vehicles will be paid for in the 2016 budget.
- Voted unanimously to approve the purchase of a 2016 Dodge Ram 1-ton pickup truck from Zeller Motor Company, with a cargo box van to be installed by Brown Cargo Van, of Lawrence, for a total amount not to exceed \$34,895. It will replace a sanitation truck that burned in October.
- Voted 4-1 to approve the purchase of two 2016 Dodge Ram 1-ton pickup trucks from Zeller Motor Company, with utility beds and cranes from Midwest Truck Equipment, of Wichita, for a total amount not to exceed \$99,858. The vehicles will be used by the Public Works Department's Environmental Services Division. Commissioner Every cast the dissenting vote.
- Heard updates from Hernandez on Skyline Road, which could be reopened as early as Christmas; the new clearwell, which should see outer walls being installed in the next few weeks; Thursday's Beautification and Tree Advisory Board meeting, which featured discussion of a process for park adoption; and the City's employee Christmas party on Friday night.