

## PLANNING COMMISSION REPORT

SU 21-02; Paul Jefferis

December 14, 2021

The Anthony City Planning Commission met on Tuesday, December 14, 2021 to review a request from Paul Jefferis for a Special Use Permit for heavy equipment and vehicle sales, including automobiles on property zoned as I-1 Industrial and located at 1221 N Industrial Drive in the City of Anthony

After conducting a public hearing, the Planning Commission reviewed the case and based their decision on the following criteria and conditions.

### Criteria

**A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed.**

The proposed use is multipurpose with one use (equipment and automobile sales) not being relational to the adjacent properties. Vehicle sales use is approved in commercial zoning, the property in question is located in the city industrial park, under industrial zoning. Retail sales attracts more of a customer base than typically received in heavy industrial locations. However, the Planning Commission is currently considering a text amendment that would allow such use to be considered in an industrial zoning district via a special use permit.

**B. Accessibility of the property to police, fire, refuse collection and other municipal services.**

The property is adequately accessible by police, fire, and other municipal services.

**C. Adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of the off-street parking and loading areas.**

The ingress and egress appear adequate within the location however, it should be noted since this is an industrial district, there is no paved/asphalt roadway. The city should not be held to future requests to alter the road surface to a finish more conducive to public access for the retail customer base if allowed to be present under this special use request since this road was constructed for the uses as currently zoned for industrial.

When applicable, UDC requires 1 parking space for every 400 sq. ft. of structure for specialized retail sales. The zoning administrator can adjust to a lesser number of stalls required taking into account site location. In addition, at least (1) one regular or van accessible disability parking stall on a hard surface is required or (2) two disability spaces per 25 parking spaces, per UDC. There is adequate space to provide parking, but the spaces are not currently delineated. There is no disability parking. There is adequate loading areas.

**D. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.**

There is water and electricity on site. There is no sewer or gas service and no restrooms at this facility. City sewer is not available at this location. The lots at the industrial park are served by private sewerage systems.

Commercial uses require at least one unisex, handicapped toilet facility, except those uses having no work force (such as self-storage).

**E. The location, nature and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.**

The location and height of buildings is relational to the district and adjacent properties. There is currently no screening. Appropriate storage and screening requirements as stated in the UDC should be followed for outdoor storage of auto body parts, scrap materials, non-operative motor vehicles or machinery, disassembled machinery, debris, solid waste containers, construction materials or equipment, and used machinery parts.

**F. The adequacy of required yards and open space requirements and sign provisions.**

There is adequate yard and open space at this location. Signage provisions of the UDC could be met here as well.

**G. The general compatibility with adjacent properties; other properties in the neighborhood; and the safety, health, comfort and general welfare of the community.**

Vehicle sales is not typically compatible with industrial zoning districts due to the nature of the activities typically found in industrial areas and the inventory display and public traffic of the vehicle sales market. However, there is a large distance at this location from the neighboring industrial lot and a perimeter fence in place surrounding the entire lot.

**H. The consistency of the proposed use with the Comprehensive Plan.**

The use is inconsistent with the Comp Plan. Though there is a recommendation in the land use planning section to provide a wider variety of zoning districts to create more flexibility to deal with development proposals, this reference was focused on single-family residential districts, commercial districts, and a better method to address higher density residential development, mixed use developments and home occupations. In reference to Industrial Land Uses, the siting of industrial activities must be done in a manner to provide the least amount of development impact. Land Use Objective 6 in the Comp Plan discourages individual lot developments for single purposes that fail to coordinate with the adjoining property development.

**The comments in this review provide the requirements from the UDC for vehicle sales. Not all of said comments stated here are typical for industrially zoned facilities.**

**Conditions for Approval**

1. Provide four parking stalls with curb stops and at least one regular or van accessible disability parking space positioned in close proximity to entrance doors. Parking must meet code standards.
2. Within one year from the approval date of the Special Use Permit at least one unisex, handicapped toilet facility must be functionable and available within the

facility. To achieve this, permits must be obtained to install an onsite wastewater system and an ADA bathroom. Portable ADA porta potties must be available in the interim.

3. Due to the nature of this change drawing a customer base for which the industrial district was not designed for, it is hereby understood the City of Anthony will not be responsible to provide improved access roads as part of this special use request or any future request at this site.

4. Must comply with all regulations set forth in the Unified Development Code Book.

5. Contingent upon the text amendment approval at the January 4, 2022 Commission Meeting.

6. Approval of a special use permit shall be deemed to authorize only the particular use for which it is approved. A special use permit shall run with the land.

The Planning Commission therefore recommends to the Anthony City Commission, by a 7-0 vote to allow the Special Use Request for heavy equipment and vehicle sales, including automobiles on property zoned as I-1 Industrial and located at 1221 N Industrial Drive in the City of Anthony.

A handwritten signature in cursive script, reading "Blake LePard".

Blake LePard  
Planning Commission Chairman

(Published in The Anthony Republican, January 12, 2022) 1t

**ORDINANCE No. S-307**

**AN ORDINANCE ISSUING A SPECIAL USE PERMIT FOR CERTAIN  
REAL ESTATE LOCATED WITHIN THE JURISDICTION OF THE  
CITY OF ANTHONY, KANSAS located at 1221 North Industrial Drive.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANTHONY,  
KANSAS:**

Section 1: That pursuant to Chapter XVIII, Zoning and Planning (Ordinance No. G-2718), of the City Code of the City of Anthony, Kansas, the following real estate affected by this ordinance is described as:

A 6.06-acre tract in the SW4 of Section 13, Township 33S, Range 7W to the City of Anthony, Harper County, Kansas.

Section 2: To allow a Special Use Permit for heavy equipment and vehicle sales, including automobiles on property zoned as I-1 Industrial, located at 1221 N Industrial Drive, in accordance with all Federal, State and Local requirements and conditional upon the requirements as designated on Exhibit A.

Section 3: This ordinance shall take effect from and after its publication in the Anthony Republican, the official City newspaper as provided by law.

Passed, approved, and adopted this 4<sup>th</sup> day of January, 2022.

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Gregory Cleveland, Mayor  
City of Anthony

ATTEST:

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Cyndra Kastens, City Clerk/Administrator

## EXHIBIT A

### Conditional for Approval

Case No. SU 21-02 December 14, 2021

1. Contingent upon the text amendment approval at the January 4, 2022 Commission Meeting.
2. Provide four parking stalls with curb stops and at least one regular or van accessible disability parking space positioned in close proximity to entrance doors. Parking must meet code standards.
3. Within one year from the approval date of the Special Use Permit at least one unisex, handicapped toilet facility must be functionable and available within the facility. To achieve this, permits must be obtained to install an onsite wastewater system and an ADA bathroom. Portable ADA porta potties must be available in the interim.
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