

PLANNING COMMISSION REPORT
CASE PC 21-01
CITY OF ANTHONY / CBC ANTHONY LLC
120 N LL&G

The Anthony City Planning Commission met on December 14, 2021 to review a request from the City of Anthony and CBC Anthony LLC for a rezone of a portion of land in Block 7 and 8 of Jennings Addition from R-1 Residential to B-2 Service Business located at 120 N. LL&G.

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

Criteria for Review

- A. The general character and location of the neighborhood.**
The property is located in the 100 block of North LL&G. North LL&G is a commercial business neighborhood with zoning uses such as retail, automotive, entertainment, restaurant, etc...
- B. The current zoning and use of nearby properties.**
North LL&G is zoned primarily B-2 commercial. The property in question is zoned B-2 commercial with the exception of the west side of the block which is zoned residential. This zoning request would make the entire property requested by CBC zoned uniformly under one district instead of mixed zoning as it is now. See attached diagram.
- C. Suitability of the subject property for the uses to which it has been restricted.**
The property is well suited for the applied zoning use. As stated above, this portion of the lot in question is already majority zoned commercial. This amendment would add the area needed to this commercial zoning to complete the construction of a commercial retail business. This is very suitable for this area.
- D. Extent to which the proposed use will detrimentally affect nearby property.**
As far as can be determined, there should be little to no detrimental effect to nearby properties. In fact, development would help maintain the area for existing businesses.
- E. The length of time the subject property has remained vacant as zoned.**
The subject property has no current record of prior development.
- F. The relative gain to public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**

There does not appear to be a gain to the public if the application were to be denied.

G. Recommendation of the city staff.

It is the recommendation of the city staff to approve the zoning amendment as it is a minor zoning change which would more evenly carry the zoning district boundary line. In addition, it would provide the area needed for a commercial business to develop which is a benefit to the economy of the community.

H. Conformance of the requested change to the adopted or recognized comprehensive plan, or other planning policies and documents of the City to guide its growth and development.

The requested change conforms to the City of Anthony Comprehensive Plan.

I. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities.

Again, this is not a change in use but rather adding a small portion of land to the existing use. The existing use has adequate access to all required utilities.

J. The extent to which the proposed use will adversely affect the capacity or safety of the street or road network influenced by the use. Or if the proposed uses provide adequate access roads or ingress and egress to prevent traffic hazards.

The proposed use will construct a private access drive off North LL&G, which is also K-2 Highway. The proposed use will require KDOT approval. KDOT will verify safety of the road network. The city sees no adverse effects in the proposal thus far.

K. The environmental impacts generated by the proposed use including, but not limited to, loss of prime farmland, flooding problems, excessive storm water runoff, soil erosion and sedimentation, reduction of water supplies, including surface and ground waters, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.

Since the use is very suitable to the neighborhood, there does not appear to be potential air, noise, or lighting pollution. The undeveloped land is currently not farmed. Any concern for stormwater runoff will be addressed properly through permitting during construction. There is potential for flooding nearby this location since it sits alongside a drainage pattern that runs through the city.

However, there does not appear to be an adverse environmental impact that would be generated by this proposed use at this location.

- L. The extent to which the proposed use will result in the destruction, loss, or damage of any natural, scenic or historic feature of significant importance.**

The proposed use should have no adverse effects on such features.

- M. The ability of the applicant to satisfy any requirement (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning regulations in the Unified Development Code and other applicable ordinances.**

The applicant would be required to satisfy all requirements of the UDC and the city building and permitting codes which will require providing stamped plans and specifications prior to approval. Thus far, the applicant has made no indication that such requirements would be a problem.

The Planning Commission therefore recommends to the Anthony City Commission, by a 7-0 vote that the portion of land in Block 7 and 8 of Jennings Addition located at 120 N LL&G be rezoned from R-1 Residential to B-2 Service Business.

Blake LePard
Planning Commission Chairman

A handwritten signature in black ink, appearing to read 'Blake LePard', written over a horizontal line.

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

ORDINANCE No. S-308

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OF CERTAIN REAL ESTATE LOCATED WITHIN THE JURISDICTION OF THE CITY OF ANTHONY, KANSAS located at 120 N. LL&G AND VARIANCES THEREOF

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 Tract of Land in Blocks 7 and 8 of the Jennings Addition to the City of Anthony, Kansas, commencing at the Southeast Corner of the Southeast Quarter of Section 23, Township 33 South, Range 7 West, also being the Southeast Corner of Block 8 in Jennings Addition to the City of Anthony. Thence N 0°34'04" W along the East line of said Southeast Quarter and the East line of said Block 8, for a distance of 310.15 feet; Thence S 89°25'42" W, for a distance of 30.00 to the Point of Beginning; Thence continuing S 89°25'42" W, for a distance of 218.50 feet; Thence N 0°34'04" W parallel with the East line of said Block 8, for a distance of 198.50 feet; Thence N 89°25'42" E, for a distance of 218.50 feet to a point 30.00 feet West of the East line of said Block 7 and 8; thence S 0°34'04" E parallel with the East line of said Block 8, for a distance of 198.50 feet to the Point of Beginning. The described tract contains 0.996 acres, more or less, less the East 147.2' thereof.

Section 2: The classification of the said real estate shall be changed from R-1 Residential to B-2 Service Business District.

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 4th day of January, 2022.

Gregory Cleveland, Mayor
City of Anthony

ATTEST:

Cyndra Kastens, City Clerk/Administrator