

(Published in The Anthony Republican, September 13, 2023) 1t

**ORDINANCE No. S-315**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OF  
CERTAIN REAL ESTATE LOCATED WITHIN THE JURISDICTION  
OF THE CITY OF ANTHONY, KANSAS LOCATED ON NORTH WEST  
AVE IN SUNRISE 2<sup>ND</sup> ADDITION 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: Lots 1 & 2, Block 5, Sunrise 2<sup>nd</sup> Addition, City of Anthony, Harper County, Kansas.

Section 2: The classification of the said real estate shall be changed from B-2 Service Business to R-1 Residential 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 5<sup>th</sup> day of September, 2023

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Gregory Cleveland, Mayor  
City of Anthony

ATTEST:

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Cyndra Kastens, City Clerk/Administrator

## **PLANNING COMMISSION REPORT**

**CASE PC 23-01**

**CITY OF ANTHONY**

**Sunrise 2<sup>nd</sup> Addition**

The Anthony City Planning Commission met on August 22, 2023 to review a request from the City of Anthony for a rezone of Lots 1 and 2 in Block 5 of Sunrise 2<sup>nd</sup> Addition from B-2 Service Business to R-1 Residential located on North West Ave., Anthony, Ks.

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.

**This property is located in the Sunrise 2<sup>nd</sup> Addition to the City of Anthony. In Block 5 of this addition (located on the west side of the proposed new West Street), lots 1-2 are zoned commercial and lots 3-16 are zoned residential. Therefore, there is a mixed zoning condition that exists side by side in Block 5. The area is surrounded by farm ground on the north and west, and various developments of the City of Anthony on the east and south. The City is in the development stages of developing the west side of the platted area into a single-family residential housing community.**

- B. The current zoning and use of nearby properties.

**Directly across the street east from lots 1-16 in Block 5 are undeveloped commercial and multi-family residentially zoned lots. Further east across the proposed new West Street is a commercial Building (NAPA), a church, and R-2 Multi-Family Residence properties. There is a mix of residential and commercial properties neighboring this platted area.**

- C. Suitability of the subject property for the uses to which it has been restricted.

**The property can be suited to either residential or commercial zoning with the neighboring uses. Leaving the zoning as is or approving the zoning change, both will create a mixed zoning scenario since there is mixed uses in this addition. Approving the zoning change will align all of the residential lots along the west side of the new West Street and leave the commercial zoning grouped on the northeast. It does not completely remove the mixed zoning scenario since commercial and residential would be across the street from each other.**

- D. Extent to which the proposed use will detrimentally affect nearby property.

**Since mixed zoning will exist either way, whether approving the zoning change request or not, the Planning Commission should consider which**

**zoning designation of Lots 1 & 2 in Block 5 would provide the best suitability to the area and the least detrimental effect to the properties nearby.**

- E. The length of time the subject property has remained vacant as zoned.**

**The subject property is undeveloped and had remained vacant since platted.**

- 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 is no foreseeable gain to public health, safety and welfare due the denial of this re-zone, unless the Planning Commission believes it is not beneficial to public welfare and safety to have residential zoning across the street from commercial. A possible hardship imposed to the landowners of lots 3-16 in Block 5, and the multi-family lots in Block 4 if the application is denied could be increased noise and commercial traffic traversing on the proposed new West Street if a business developed on the north on lots 1 & 2 in Block 5. Of course, even if the application is approved, depending on the development of the commercial lots on the east of West Street (specifically Lot 1 Block 1, and Lots 4 & 5 Block 2) there could still be some commercial traffic. Future development of the commercial lots may warrant some consideration to keep the access on the east instead of West Street. This would need further review for Lot 5 Block 2. All other commercial lots could access and front Grace Lane and Serenity Lane creating a safer separation between residential development on the west and commercial development on the east.**

- G. Recommendation of the city staff.**

**City staff recognizes the need for additional residential housing lots and the time and financial investment already underway to develop the west side of the proposed West Street to meet this need and dedicate it to residential housing. Approval of this zoning change would also create uniformity for the development of housing on the west and commercial on the northeast. This is favorable to city staff with the understanding that additional requirements may need to be considered for east side access or screening requirements for the commercial developments in Blocks 1 and 2 to provide even more satisfactory separation between the two zoning uses. The Zoning Administrator would recommend approval of said zoning change request if no concerns are received.**

- 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.

**Their proposed use will have adequate access to all required utilities, police and fire services once the construction is complete at Sunrise 2<sup>nd</sup>. Construction began in August 2023 and is expected to be completed by February 2024, weather and material dependent.**

- 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.

**If this property is left as zoned it could create extra noise, traffic hazards and extra wear and tear on the streets.**

- 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.

**There does not appear to be any 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.

**Applicant can provide any required documentation or site plans necessary to satisfy zoning requirements.**

The Planning Commission therefore recommends to the Anthony City Commission, by a 6-0 vote, that Lots 1 and 2 in Block 5 of Sunrise 2<sup>nd</sup> Addition located on North West Ave., Anthony, Ks be rezoned from B-2 Service Business to R-1 Residential.

The Planning Commission also recommends to the Anthony City Commission, by a 6-0 vote that *in Sunrise 2nd Addition* there will be no commercial access on West Avenue. A variance will be considered for landowners of Lot 4, Block 2 to access Lot 5 of Block 2. Also, to implement screening standards for the west side of Lot 1, Block 1 and Lots 4 & 5 of Block 2 as stated in the Commercial Appearance Code of the UDC, Article 11, Section 11-1, E-1.

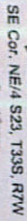
Blake LePard  
Planning Commission Chairman





to the City of Anthony, Kansas  
FINAL PLAT

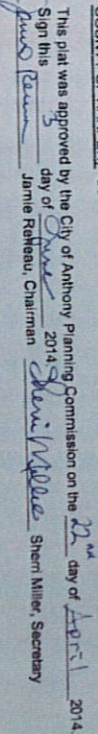
NW Cor E/2, NE/4 S23, T33S, R7W



**SURVEYOR'S CERTIFICATION AND DESCRIPTION**  
I, Michael F. Aylard, Licensed Professional Land Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, and the accompanying plat was prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
[Signature]

**Legal Description:** Commencing at the Northeast Corner of the Northeast Quarter of Section 23, Township 33 South, Range 7 West of the 6th P. M. in Harper County, Kansas; Thence Westerly along the North line of said Northeast Quarter and on an assumed bearing of South 89 degrees 39 minutes 27 seconds West 170 feet to the Point of Beginning; Thence continuing Westerly on a bearing of South

a distance of 70 feet to the Point or beginning of the line; Thence Southerly on the bearing of South 00 degrees 27 seconds West a distance of 124.9776 feet to point; Thence Southerly on the bearing of South 00 degrees 27 seconds West a distance of 254.155 feet to a point on the bearing of South 00 degrees 01 minutes 28 seconds East a distance of 254.155 feet to a point on the bearing of South 00 degrees 01 minutes 28 seconds East a distance of 950.23 feet to a point; Thence Northerly on the bearing of North 00 degrees 00 minutes 43 seconds East a distance of 860.00 feet to a point; Thence Southerly on the bearing of South 89 degrees 48 minutes 04 seconds West a distance of 860.00 feet to a point; Thence Southerly on the bearing of South 89 degrees 48 minutes 04 seconds West a distance of 25.00 feet to a point; Thence Southerly on the bearing of South 89 degrees 48 minutes 04 seconds West a distance of 25.00 feet to a point; Thence Southerly on the bearing of South 89 degrees 48 minutes 04 seconds West a distance of 161.00



STATE OF KANSAS)  
COUNTY OF HARPER) SS

This plat was approved by the City of Anthony Planning Commission on the 22<sup>nd</sup> day of April, 2014.

STATE OF KANSAS)  
COUNTY OF HARPER) SS

Dedications shown on this plat are hereby accepted by the Governing Body by the City of Anthony, Kansas.

STATE OF KANSAS)  
COUNTY OF HARPER)

This plat is certified as  
of K.S.A. 58-2005.

Signed this 26

70th day of May 2014



# SUNRISE 2ND ADDITION

to the City of Anthony, Kansas  
FINAL PLAT



SE COR. NE/4 S23, T33S, R7W

**SURVEYOR'S CERTIFICATION AND DESCRIPTION.**  
I, Michael F. Aldridge, Licensed Professional Land Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on the 21st day of April, 2014, and the accompanying plat was prepared and that all the requirements herein are met and that the positions are correctly shown to the best of my knowledge and belief.  
Signed this 21st day of April, 2014.

## Legal Description:

Commencing at the Northeast Corner of the Northeast Quarter of Section 23, Township 33 South, Range 7 West of the 6th P.M. in Harper County, Kansas; Thence West along the North line of said Northeast Quarter and on an assumed bearing of South 89 degrees 39 minutes 27 seconds West a distance of 70 feet to the Point of Beginning; Thence continuing West along a bearing of South 89 degrees 39 minutes 27 seconds West a distance of 1249.75 feet to a point; Thence South along a bearing of South 00 degrees 01 minutes 26 seconds East a distance of 2641.55 feet to a point on the South line of said Northeast Quarter; Thence East along said South line on a bearing of North 89 degrees 46 minutes 43 seconds East a distance of 950.23 feet to a point; Thence North along a bearing of North 00 degrees 02 minutes 04 seconds West a distance of 680.00 feet to a point; Thence West along a bearing of South 89 degrees 46 minutes 43 seconds East a distance of 26.00 feet to a point; Thence South on a bearing of South 89 degrees 46 minutes 43 seconds East a distance of 161.00 feet to the Point of Beginning.



## PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS  
COUNTY OF HARPER, SS

This plat was approved by the City of Anthony Planning Commission on the 22nd day of April, 2014.  
Signed this 22nd day of April, 2014.  
Jamie Robreau, Chairman  
Sherrill Miller, Secretary

## GOVERNING BODY CERTIFICATE

STATE OF KANSAS  
COUNTY OF HARPER, SS

This plat is hereby accepted by the Governing Body by the City of Anthony, Kansas.  
Signed this 22nd day of April, 2014.

## APPOINTED PLAT REVIEW

STATE OF KANSAS  
COUNTY OF HARPER

This plat is certified as true and correct by the Surveyor of the State of Kansas.  
Signed this 22nd day of April, 2014.

Signed this 22nd day of April, 2014.