

PLANNING COMMISSION REPORT
CASE SU 23-01
Harper Co. Board of County Commissioners
103 W Steadman St.

The Anthony City Planning Commission met on March 20, 2023 to review a request from Harper County Board of County Commissioners for a Special Use Permit on property zoned as R-1 Residential. The purpose of the permit is to for a daycare for six (6) persons or more at 103 W Steadman, legal description being Lot 10, 11, 12 & South 5' of Lot 9 in Block 21, Original City of Anthony, Harper County Kansas.

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

Criteria

The Planning Commission therefore recommends to the Anthony City Commission, by a 5-1 vote, to allow the Special Use Request with conditions, on property zoned as R-1 Residential for the purpose of a daycare for six (6) persons or more at 103 W Steadman legally described as Lot 10, 11, 12 & South 5' of Lot 9 in Block 21, Original City of Anthony, Harper County Kansas.

- 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 for a childcare facility for six persons or more. If the property is rezoned to R-1 Residential, then the use is acceptable to the site in meeting zoning requirements as long as the owner can demonstrate compliance with Section 14-2A of the Unified Development Code. The proposed use could be questionably relational to the adjacent uses. Notification of the intended use has been sent to the surrounding properties with an opportunity to report conflicts at the hearing.

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

All services are currently available and sufficiently accessible. The Planning Commission is not reviewing this site to verify fire safety standards required of Day Care facilities in the State of Kansas and will default to the HP CO Health Department and the State License for that purpose.

- 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.

This site has questionable adequacy for ingress/egress and loading/unloading due to the commercial traffic. Off street drop off/pick up may need to be evaluated. A plan of egress/ingress, traffic flow, and pick up/drop off must be provided by the owner for review.

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

All utility services are currently available and established according to city standards.

- 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.

Buffering or screening could be discretionary for the safety of the children at play given the public location and traffic of the facility but not mandatory by current UDC requirements.

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

The location is adequate to meet the required yard, open space, and sign provisions. Plans should be submitted for approval of signs and fencing prior to placement and or construction.

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

This use is typical in a residential neighborhood and is compatible with most adjacent uses. There are some questions as to compatibility on commercial uses and jail location. These are being reviewed and neighboring businesses have been given the opportunity to report at the hearing. The impact to the safety, health, comfort or general welfare of the community by permitting the establishment of a daycare center in this location could have positive and negative impacts for the community due to mixed uses at this location. By not permitting this establishment, the negative impact may be that a need is not met for families who need adequate childcare in the community.

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

The comprehensive plan does not designate any specific area for daycare centers. However, establishing daycare centers is consistent with the intent of providing for growth in the community. Establishing these uses in residential areas does provide increased safety for children by limiting the dangers of increased or heavy traffic that occurs with commercial or industrial uses. This location does border commercial use and activity on three sides. This is why ingress/egress and pick up/drop off should be further evaluated, to ensure child and traffic safety at this location.

Conditions/Modifications

1. Contingent upon City Commission approval of the zoning change from B-1 Central Business District to R-1 Residential at the April 4, 2023 Commission Meeting.
2. Provide a dedicated pick-up and drop off for daycare on the west side of the property.
3. An agreement between Harper County and their daycare employees to provide/allow parking at the courthouse or install a driveway.
4. Must provide signage for caution signs for alley traffic located on property owners' property.

(Published in the Anthony Republican, April 12, 2023) 1t

ORDINANCE No. S-312

AN ORDINANCE ISSUING SPECIAL USE PERMIT FOR CERTAIN
REAL ESTATE LOCATED WITHIN THE JURISDICTION OF THE
CITY OF ANTHONY, KANSAS located at 103 W Steadman St.

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 10, 11, 12 & South 5' of Lot 9 in Block 21, Original City of Anthony,
Harper County, Kansas

Section 2: To allow a Special Use Permit for a daycare for six (6) persons or more on property zoned as R-1 Residential located at 103 W Steadman St. with the following conditions:

1. Contingent upon City Commission approval of the zoning change from B-1 Central Business District to R-1 Residential at the April 4, 2023 Commission Meeting.
2. Provide a dedicated pick-up and drop off for daycare on the west side of the property.
3. An agreement with Harper County and their daycare employees to provide/allow parking at the courthouse or install a driveway.
4. Must provide signage for caution signs for alley traffic located on property owners' property.

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 April, 2023.

Gregory Cleveland, Mayor

ATTEST:

Cyndra Kastens/City Clerk/Administrator