

**PLANNING COMMISSION REPORT
CASE PC 23-01
CITY OF ANTHONY / CBC ANTHONY LLC
120 N LL&G**

The Anthony City Planning Commission met on March 20, 2023 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 particular property was rezoned to B-2 commercial in December 2021 to construct a new retail structure however, since that time additional land was needed to construct drainage basins to meet the needs of this commercial property and therefore, the basin land needs to be rezoned as well. See attached Diagram of basin locations.

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

The property is well suited for 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 total construction needs of the 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 bring uniform zoning to the newly constructed commercial facility at this location. Not to approve zoning would leave the subject property in a mixed zoning status.

- 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 addition of drainage basins will have no impact to the street or road network. Sufficient easements are required by the city to satisfy access to the basins and to city main improvements, none of which would have any impact to traffic safety or hazards.

- 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.

The construction of the drainage basins is the solution to potential environmental impacts in this area which could have been caused due to the construction of this commercial facility. This will properly channel and release storm water in a timed manner into the drainage and culverts of the city and KDOT so as not to inundate them and cause negative impacts.

- 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 has satisfied state and local permitting thus far. There are deeds and easements still required under local jurisdiction. Co-applicant has placed a \$50,000 bond to ensure the appropriate filing of said documents.

The Planning Commission therefore recommends to the Anthony City Commission, by a 6-0 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