

PLANNING COMMISSION REPORT
CASE PC 23-02
HARPER COUNTY BOARD OF COUNTY COMMISSIONERS
103 W Steadman

The Anthony City Planning Commission met on March 20, 2023 to review a request from the Harper County Board of County Commissioners for a rezone from B-1 Service Business to R-1 Residential for property located at 103 W Steadman legally described as Lots 10, 11, 12 and 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.

Criteria for Review

- A. The general character and location of the neighborhood.

The property is located at 103 W Steadman and is currently zoned, B-1 Central Business District. The general character of the neighborhood on this block is residential containing primarily single-family residential housing, a church, and a post office. Neighboring this block on the south is commercial zoning and, on the north, east, and west is residential. The zoning amendment consideration is for a property on the southeast corner of the block.

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

The property in question is zoned B-1 Central Business District with the rest of the entire block zoned R-1 Residential. The structure at this location is built in such a way that could be utilized for a commercial or residential property. It is surrounded on three sides by businesses (though two of the businesses are zoned residential and are allowed in residential zoning). There are mixed uses in this area though the zoning is primarily residential on this block and all neighboring blocks with the exception of the B-1 district across the street south of this property.

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

The property could be suited for commercial or residential purposes due to the structure of the facility and the mixed uses within the neighborhood in which it is located.

- 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 since there are houses already located on this block. However, it is also acknowledged that this location is the furthest south on the block which means, unlike the other residences located here, there are active businesses on three sides of this subject property. Notices were mailed to neighboring properties giving them the opportunity to present comments at the hearing in the event a neighboring business would be negatively impacted by converting this property to residential use.

From a zoning perspective, amending this property to residential zoning brings the property in greater uniformity to the rest of the block. From a use perspective, making this property a residential use is uniform to the houses north of the property but not as uniform to the uses of businesses on its south, east, and west. Basically, there is enough of both uses and zoning in this area that there is potential justification to approve this change as long as there is no conflict with neighboring businesses.

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

The subject property has not been vacant and has been in use as a commercial facility to operate county offices within.

- 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.

The gain to the public if this was denied would be that this street front would remain uniform for business use and neighboring businesses could continue to utilize the availability of the on-street parking for commercial patrons use as they do now. However, since the landowner currently plans to utilize the property as a day care (which would take approval of a special use permit), it could also be viewed that denial of the application could be a hardship to the community which is in need of day care services. Since this application is for a zoning change only, focus should remain on all residentially zoned uses at this location (not just a day care) and whether they are or are not a gain or hardship to the public and/or applicant.

- G. Recommendation of the city staff.

It is recognizably allowable to change this property to residential zoning since there are already houses on this block across the street from the courthouse, and residential zoning is the primary zoning on the block. However, it is also recognized that this property, unlike the neighboring

homes north of it, is directly adjacent on three sides to current businesses which places the use of someone's residential living quarters directly adjacent to the use of operating businesses on a fairly busy commercial street. Both uses are recognizably possible therefore, city staff encourages the Planning Commission to consider the area and determine whether any neighboring businesses reported any issue with this property as a residential use adjacent to their daily operations. If no such concerns were received, and traffic and parking are appropriately reviewed, the zoning administrator would recommend approval of said zoning change request.

- 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.

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.

Recognizing that this property is located on a well utilized commercial block there is potential for impact to the road network and parking. Residential occupants may have limited open space for parking at this home and/or the homeowners could keep personal vehicles in the on-street parking that limit availability for the business patrons to use it as they do now. This does not mean that the application should be denied based upon this effect since similar impacts occur on the east side of this block (adjacent to the courthouse), it simply warrants discussion on the issue and recognition that there could be impact. Discussion with neighboring businesses and/or the police chief might be encouraged.

- 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 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. 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 6-0 vote that property located at 103 W Steadman legally described as Lots 10, 11, 12 and South 5' of Lot 9 in Block 21, Original City of Anthony, Harper County, Kansas, be rezoned from B-1 Central Business to R-1 Residential.

Blake LePard
Planning Commission Chairman

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

ORDINANCE No. S-311

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OF
CERTAIN REAL ESTATE LOCATED WITHIN THE JURISDICTION
OF THE CITY OF ANTHONY, KANSAS located at 103 W Steadman 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 10, 11, 12 & South 5' of Lot 9 in Block 21, Original City of Anthony, Harper County, Kansas

Section 2: The classification of the said real estate shall be changed from B-1 Central 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 4th day of April, 2023.

Gregory Cleveland, Mayor
City of Anthony

ATTEST:

Cyndra Kastens, City Clerk/Administrator