

REVISED REZONING REPORT *

CASE NUMBER: Z- 01 - 21

APPLICANT: Katie Carothers

REQUEST: Proposed change of zoning district classification from the A-3 Agricultural Transition District to the I-1 Light Industrial District.

CASE HISTORY: Formerly agricultural ground used for cultivation and grazing.

LOCATION: A tract of land, East of Anthony, Kansas along the South side of HWY 44. More commonly known as 147 E Ks Hwy 44, Anthony, Ks 67003.

SITE SIZE: Approximately 1 acres, more or less.

PROPOSED USE: To be used for the “Plant in a Box”, a chicken processing plant.

ADJACENT ZONING AND EXISTING LAND USE:

North: A-3 Agricultural Transition District – Single-family dwellings

South: A-3 Agricultural Transition District - Agricultural land

East: A-3 Agricultural Transition District - Agricultural land

West: A-3 Agricultural Transition District - Agricultural land containing single-family dwelling

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission’s considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

Subject property has been a single-family farm residence.

FACTORS AND FINDINGS: **

1. What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood? *(See existing land use on page 1 of 4.)*

> ***Agricultural use along with a single resident.***

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification? *(See existing zoning on page 1 of 4.)*

> ***The subject property is in the A-3 Agricultural Transition District.***

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?

> ***No.***

4. Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?

> ***No.***

5. Is the change in zoning requested because of changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

> ***There has been an increase in consumer demand for farm to fork products. This change has resulted in the back log in small scale processing facilities. More facilities are needed to meet this increased demand.***

** **NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

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6. Do adequate sewage disposal and water supply and all other necessary public facilities including road or street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning was approved?

> ***The facility's water supply will be supplied by the City of Anthony. Application for sewage disposal has been filed with the County. Due to the water usage requirements and the soil restrictions the Applicant has contacted KDHE to determine alternative systems.***

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines if the change in zoning was approved?

> ***The subject property is not platted and is not being divided, therefore, there is no need to plat. Platting is under the extraterritorial jurisdiction of the City of Anthony.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?

> ***Screening will be necessary on the North. Traffic flow will consist of one truck (not a semi) a day and will be limited to the graveled circular drive around the facility.***

9. Is the general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classification as is requested for the subject property?

> ***Land for the Applicant's purpose is presently zoned. However, this is an extension of a homebased business related to agriculture and therefore location at this site is desirable for the property owner.***

10. In the event that the subject property is requested for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***Yes. Land for such services is in short supply and employment opportunities are welcome.***

11. Is the subject property suitable for the current zoning to which it has been restricted?

> ***Yes, it could remain as agricultural land.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***The location consists of sparsely located rural residence and is a transition area from the city to agricultural land. The negative affect to the surrounding properties could be minimized by a carefully followed site plan that would include appropriate screening.***

13. Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

> ***Yes. Light Industrial zoning includes food and meat processing, distribution and storage facilities.***

14. Is the request for the zoning change in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

> ***The Comprehensive Development Plan for the Unincorporated Area of Harper County, Kansas: 2003-2020 encourages industrial land uses to be in or near cities. The proximity of this property to the city limits of Anthony makes this location and requested zoning align with the aforementioned plan.***
(Comments have been sought from the City of Anthony and none were received.)

15. What is the nature of the support or opposition to the requested change in zoning?

> ***No public was present.***

16. Are there any informational materials or recommendations available from professional persons knowledgeable on this request which would be helpful in its evaluation?

> ***The surrounding land use and screening makes it possible to accommodate this type of zoning district in this location.***

17. Does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?

> ***There does not appear to be any gain to the public health, safety and general welfare by not approving the zoning request, but a hardship on the Applicant to locate another site for the intended purpose.***

CONDITIONS:

1. That the Applicant receive a permit for the handling of the wastewater discharge from Kansas Department of Health and Environment, and adhere to all the minimal standards set in place under such permit.
2. Exterior lights must be downward facing and not project onto roadways or neighboring properties.
3. The Applicant will follow all state and federal regulation guidelines concerning the disposal of chicken byproducts and waste.
4. Screening to the North of the facility will be required to soften the view.

cc: Applicant
Anthony Zoning Administrator

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