

## Planning Commission Staff Report

### Applicant

Wildcat Creek Ranch  
Klee Watchous  
4924 SE 84<sup>th</sup> St.  
Peabody, KS 67114

### Application

Application number PC-11-05. Applicant is requesting a conditional use permit for an oversized identification sign in the "A" Agricultural District.

### Project Description

The proposed sign location is on NE/4 of Sec 36-21S-3E.  
Refer to Development Plan.  
Property is designated as a "A" Agricultural Zone District.  
Property is accessed by a paved road, Hwy 50.  
Property is located in Harvey County Rural Water District #1.

### Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification have been completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes. No public comment letters have been received as of April 20, 2011.

In approving a conditional use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the planning commission or the approval of the governing body. The requirements may be made more stringent if there is potentially injurious effect, which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

Factors to be considered in a conditional use permit recommendation:

- 1) Whether approval of the conditional use would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
- 4) Whether the proposed use is made necessary or desirable because of

changed or changing conditions in the area affected.

- 5) The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
- 6) Whether the applicant's property is suitable for the proposed use.
- 7) The recommendations of permanent or professional staff.
- 8) Whether the proposed conditional use would be in conformance to and further enhance the implementation of the comprehensive plan.
- 9) Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the conditional use.
- 10) Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected.
- 11) Such other factors as may be relevant from the facts and evidence presented in the application.

#### **Staff Recommendation**

Approve a recommendation for a Conditional Use Permit for the identification sign as proposed on the portion of the parcel as presented in development plan, with the specific authorizations beyond the requirements of the Marion County Zoning Regulations being approval of the sign in conformance with the specifications shown on the development plan materials. Mainly 20x12 square feet with outside dimensions not to exceed 31'3"x30'1/16"; as well as the sign be permitted to be indirectly lit by lighting to be specified. All permits and other requirements for all signs within Marion County shall be obtained. *K. DOT*

*32" x 31" - suggested by Brad*