

## Planning Commission Staff Report

### Applicant

APAC-Kansas Inc.  
Landowner: Joel Hayes  
2630 Hwy 50, Florence KS

### Application

Application number PC-10-12. Applicant is requesting a conditional use permit for a temporary asphalt plant within the Florence Rock Quarry in an "A" Agricultural Zone District with a Conditional Use for the Rock Quarry.

### Project Description

Joel Hayes owns approximately one hundred forty (140) acres in the SW/4 of Section 5, Township 21, and Range 5. This site is located within the current Florence Rock Quarry @ 2630 Highway 50, Florence, KS.

The temporary asphalts plant located in the Florence Rock Quarry for purpose of completely two KDOT. APAC is mandated to follow all KDOT requirements for asphalt plants and plat sites. Construction will take place between April 1, 2011 and November 30, 2011.

See Attached Development Plan

### 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 on November 8, 2010. No public comments have been received as of November 18, 2010.

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 a temporary asphalt plant at the current Florence Rock Quarry located at 2630 Hwy 50. Conditions to include:

1. Honor all aspects of the provided development plan which includes: reclamation, SWPP controls KDOT plant requirements.
2. Copies of the Construction Storm water and Industrial Storm water permits with KDHE be provided to the Planning & Zoning office.