

Marion County Planning Commission Staff Report

Applicant

Sharon A. Self
Sandra K. Jackson

Application

Application number PC-11-06. Applicant is requesting to rezone a surveyed lot from "A" Agriculture Zone District to "SR" Suburban Residential Zone District.

Project Description

The 5.36 acre tract is improved with a home, barns, and other outbuildings (some dating back to the early 1900's). Applicants inherited the tract with the improvements in place upon the death of their mother, Evelyn Anderson. The improved tract is surrounded by cropland currently under lease. Applicants wish to plat the 5.76 acre tract to separate the improvements from the cropland at the existing physical boundaries. This would allow the applicants to finalize estate matter and to offer the improved parcel for separate sale or lease as a single family residence with minimal disruption to the tenant farmer. It would also make it possible for the applicants to retain most of the original Anderson homestead. This site is located 3 miles west and half a mile south of Marion in Wilson Township.

The property is on private well. The wastewater system is a septic system with lateral field. Heat is propane. AC and other utilities are electric. Phone cable is also onsite.

The farm tenant accesses the fields directly from Pawnee Road without using the Lot 1 driveways, so no easement is necessary.

Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification was completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes on August 3rd, 2011. No public comments have been received as of August 12, 2011.

The purpose of this district is to provide for the platted development of the low-density residential neighborhoods that retain the character of the basically rural area and yet allow an influx of residential development.

Factors to be considered in a change of zoning classification:

- 1) Whether the change in classification would be consistent with the intent and purpose of the Marion County Zoning Regulations.

- 2) The character and condition of the surrounding neighborhood and its effect on the proposed change.
- 3) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
- 4) The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification.
- 5) Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity.
- 6) The suitability of the applicant's property for the uses to which it has been restricted.
- 7) 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.
- 8) Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- 9) The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.
- 10) The recommendations of permanent or professional staff.
- 11) Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan.
- 12) Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification.
- 13) Such other factors as may be relevant from the facts and evidence presented in the application.

Staff Recommendation

Approve a recommendation to rezone a tract from "A" Agricultural Zone District to a "SR" Suburban Residential Zone District @ 1836 Pawnee, Marion KS Lot 1 Block A 5.76 acres as subject to a plat of Anderson Farm Subdivision, a subdivision of Marion County, KS with said plat rectifying all easements and right of ways.

The plat is to finalize the creation of the new lot as required by the Subdivision Regulations. Recommend the PC approve the plat and that it be forwarded to the County Commission for approval on September 12, 2011 @ 10am.