

Planning Commission Staff Report

Applicant

Clark Wiebe
1131 190th
Hillsboro, KS 67063

Application

Application number ZP04.008. Applicant is requesting a Conditional Use Permit for a woodworking shop and hardwood lumber sales operated at retail on an existing farmstead in an "A" Agricultural District.

Project Description

Mr. Wiebe owns one hundred sixty (160) acres in the northwest quarter of Section 2, Township 20 South, Range 2 East. This property is located less than one mile east of the City of Hillsboro.

This property contains one residence of approximately 1800 sq. ft., a pole shed 18' x 32,' a steel shed 40' x 48,' a utility shed 20' x 40,' a qunset hut 38' x 60,' a small utility shed 20' x 30,' and four grain bins.

The Conditional Use Permit requested would apply to one existing outbuilding and surrounding area of approximately one acre.

Refer to Development Plan and attachments for parking and access.

Planning Issues

The Public Hearing Notice and Adjacent Property Owner Notification has been completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes.

No public comment letters have been received as of February 13, 2003.

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 impose 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.

Property is located adjacent to a paved road.

Staff Recommendation

Approve a recommendation for a Conditional Use Permit on one acre for a retail woodworking and hardwood sales shop as presented in the development plan. Include a recommendation that no wood materials be stored outside of shop building. Include recommendation that no parts or related tools be stored outside of outbuilding. Include recommendation that any necessary wastewater system permits be obtained and maintained. Include recommendation all State of Kansas operational permits be obtained and maintained. Include recommendation that one four feet by eight feet non-illuminated sign be allowed on-site. Include recommendation that all parking be provided for off street. Include recommendation that all shop wastes, including hazardous wastes, be disposed of off-site at a State of Kansas permitted disposal facility.