

Planning Commission Staff Report

Applicant

Jana and Dale Dalke
1320 190th
Hillsboro, KS 67063

Application

Application number ZP03.001. Applicant is requesting a conditional use permit for a greenhouse operated as a retail business in an "A" Agricultural Zone District.

Project Description

Mr. And Mrs. Dalke own forty-seven (47) acres in the southwest quarter of Section 31, Township, 19 South, Range 3 East. This property is located two and a half miles east of the City of Hillsboro. A greenhouse has already been constructed. A construction application was received and approved for a wholesale operation. The wastewater system that presently serves this property is not compliant.

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 comments have been received as of February 14, 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.

Staff Recommendation

Approve a recommendation for a conditional use permit on up to six (6) acres. Include recommendation to reconstruct existing wastewater system. Include recommendation for all parking spaces to be located off public right of way. Include recommendation that CUP is for existing greenhouse structure only.