

Planning Commission Staff Report

Applicant

Roma Becker
1885 Jade
Hillsboro, KS 67063

Application

Application number ZP02.007. Applicant is requesting a conditional use permit for automobile repair, restoration and sales.

Project Description

Roma Becker owns three and thirty-two tenths acres in the northeast quarter of Section 3, Township 20 South, Range 2 East. This property is located on the southeastern edge of the City of Hillsboro.

The proposed project would consist the subdivision and resale of two and thirty-two tenths acres with an existing outbuilding. The Conditional Use Permit requested would apply to the existing outbuilding and surrounding area of approximately one half of an acre.

Refer to Development Plan and attachments A thru E

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.

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.

Adjacent property holds a conditional use permit.

Staff Recommendation

Approve a recommendation for a conditional use permit on approximately one half of a acre for automobile repair, restoration and sales as presented in the development plan. Include a recommendation that no more than three operational automobiles be stored outside of outbuilding. Include recommendation that no parts or tools be stored outside of outbuilding.