

Planning Commission Staff Report

Applicant

Ebenfeld Mennonite Brethren Church
1498 Kanza
Hillsboro, KS 67063

Application

Application number ZP02.110. Applicant is requesting a conditional use permit for a church on approximately six (6) acres in an "A" Agricultural Zone District.

Project Description

The Ebenfeld Mennonite Brethren Church Trustee's own three (3) acres in the northwest quarter of Section 25, Township, 20 South, Range 2 East. The existing church building and yard are located one mile west and four miles south of the City of Hillsboro.

This property is currently served by a public water supply. The wastewater system that presently serves this property is compliant.

The Trustee's propose to construct two additional secondary structures.

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 January 10, 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.

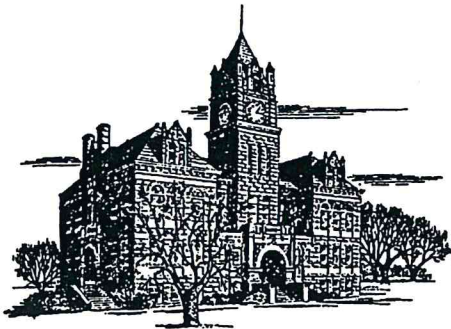
- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
- 5) The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as viable use 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.

Tract is not in a Flood Hazard Zone.

Existing non-conforming use.

Staff Recommendation

Approve a recommendation for a conditional use permit on up to six (6) acres. Include recommendation for county sanitarian to review existing wastewater system size for increased useage. Include recommendation for one (1) off-street parking space per five (5) auditorium seats. (Refer to Article 16)



MARION COUNTY COURTHOUSE

MARION COUNTY KANSAS OFFICE OF THE PLANNING COMMISSION

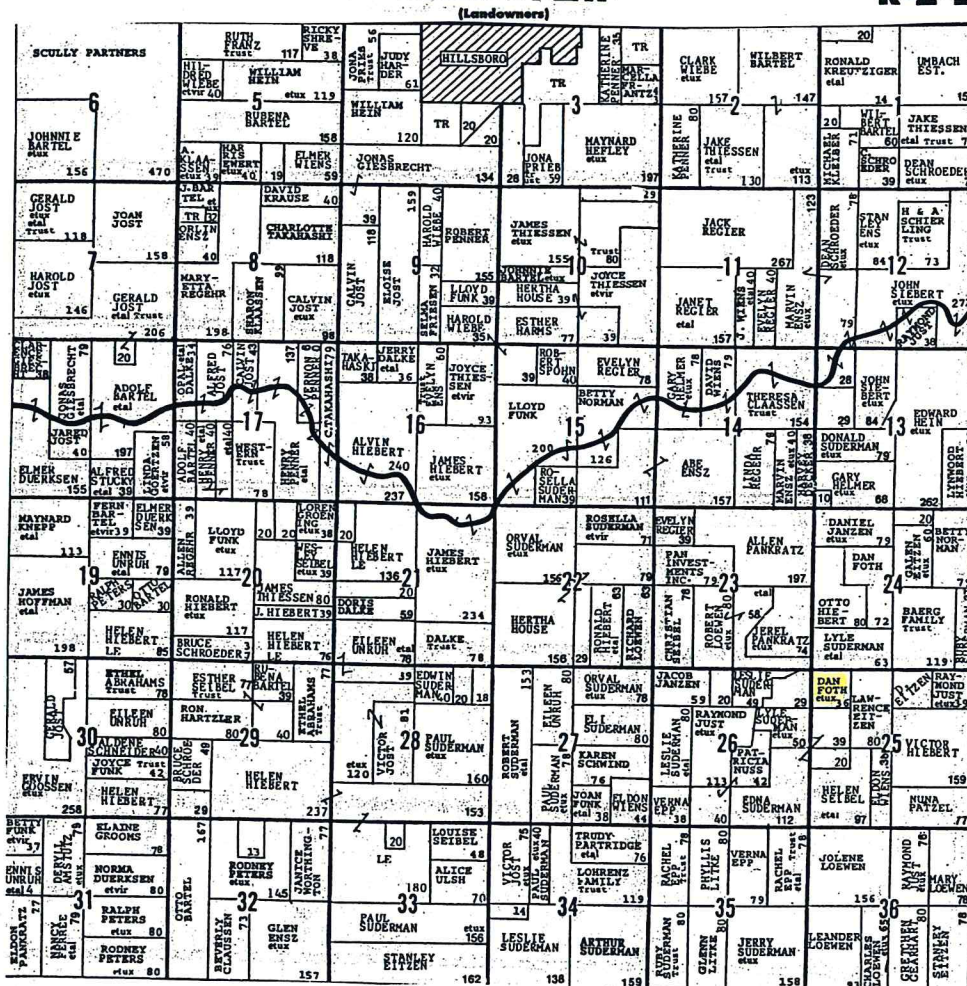
P.O. BOX 157
MARION, KANSAS 66861
PHONE (620) 382-2550
Toll Free 1-800-305-8848

Per Marion County Zoning Regulations: All surrounding property owners within 5,280 feet of an area proposed to be changed, shall be notified by mail at least twenty (20) days prior to the public hearing. If you are receiving this notice, you are within 5,280 feet of a property whose owner has made application to the Marion County Planning Commission to alter their zoning status. If you will read the notice on this page, it will tell you who the property owner is, what change they are requesting to be made to their property and when the public hearing will be held. You may attend this hearing at the date and time listed below.

T-20-S

LIBERTY PLAT

R-2-E



(First Published in the Marion County Record, Hillsboro Star, Peabody Gazette, Tuesday, December 31, 2002)

NOTICE PUBLICATION Conditional Use Pending

Application: Ebenfeld Mennonite Brethren Church
Address: 1498 Kanza Road, Hillsboro, KS 67063
Conditional Use: Church
Legal Description: Pt of NW ¼ of Sec 25-T20S-R2E

Public Hearing
Marion Co. Planning Commission
January 23, 2003