

## **Planning Commission Staff Report**

### **Applicant**

Tabor Mennonite Church  
891 Chisholm Trail  
Newton, KS 67114

### **Application**

Application number ZP03.033. Applicant is requesting a conditional use permit for a church on up to seven (7) acres in an "A" Agricultural Zone District.

### **Project Description**

The Tabor Mennonite Church Trustee's own approximately four (4) acres in the northeast quarter of Section 28, Township 21 South, Range 1 East. The existing church building, parsonage and yard are located three miles south and one mile east of the City of Goessel.

This property is currently served by a public water supply. The wastewater system that presently serves this property is non-compliant. A private wastewater system construction application has been received

The Trustee's propose expand the church acreage in order to construct a compliant wastewater lagoon. The Trustee's also would like to receive approval for possible future structures on the total seven (7) acre parcel.

### **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 July 11, 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 compliant, non-conforming use for church building and use.

Wastewater system is failing.

### **Staff Recommendation**

Approve a recommendation for a conditional use permit on up to seven (7) acres. Allow for the expansion of two church related structures. Include recommendation to construct a compliant wastewater system. Include recommendation for one (1) off-street parking space per five (5) auditorium seats. (Refer to Article 16)