

## Planning Commission Staff Report

### Applicant

Randy Svitak  
2761 Remington  
Marion, KS 66861

### Application

Application number ZP04.038. Applicant is requesting to rezone ten (10) acres from "A" Agriculture Zone District to "RR" Rural Residential Zone District.

### Project Description

Mr. Svitak owns one hundred-sixty (160) acres in the northwest quarter of Section 7, Township 18 South, Range 4 East. The residence is located ten miles north of the City of Marion.

This home-site contains one residence of approximately 1300 sq. ft., one utility shed of 24' x 24', one utility shed of 14' x 16' and a small detached garage. The private wastewater system that serves this property has not been operated for a considerable time and should be reconstructed. This property is served by a private water well. The well should be adequately sealed to prevent bacteria from the entering system.

### Planning Issues

*Sept 2004*

The Public Hearing Notice and Adjacent Property Owner Notification was completed in accordance with the Marion County Zoning Regulations and Kansas State Statutes. No public comments have been received as of July 8, 2004.

The purpose of the "RR" Rural Residential Zone District is to provide a transition zone between agricultural lands and low-density rural residential development. Article 3 of the Marion County Zoning Regulations states that "RR" is suitable in rural locations where adequate public roads and public services are available, but is not suitable in all rural locations. It is inappropriate in areas predominately agricultural in character where public services are adequate only to meet the needs of farm residences and farm operations.

Factors to be considered in a change of zoning classification:

- 1) Whether the change in classification would be consistent with the intent and purpose of the Marion County Zoning Regulations.
- 2) The character and condition of the surrounding neighborhood and its effect on the proposed change.

- 3) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
- 4) The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification.
- 5) Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity.
- 6) The suitability of the applicant's property for the uses to which it has been restricted.
- 7) 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.
- 8) Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- 9) The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.
- 10) The recommendations of permanent or professional staff.
- 11) Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan.
- 12) Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification.
- 13) Such other factors as may be relevant from the facts and evidence presented in the application.

Section 7 of Clear Creek West Township contains two "RR" Rural Residential Zone Districts at present time.

**Staff Recommendation**

Approve a recommendation to rezone ten (10) acres from "A" Agricultural Zone District to a "RR" Rural Residential Zone District. Recommend private wastewater system be reconstructed for compliance with the Marion County Sanitary Code. (REASON: Application is comparable to precedent set by approval of similar applications.)