

Planning Commission Staff Report

Applicant

Applicant (Lessee): Heather, Molly, Daniel C., and Tamra Holub
Landowner (Lessor): Marion County
Marion County Lake
10 Heated Dock Rd
Marion, KS 66861

Application

Application number PC-11-02. Applicant is requesting approval to permit a recreational cabin rental facility at 10 Heated Dock Road, with a total of 16 recreational cabins, and boat rental operation.

Project Description

The project is designed to have three basic development areas. All cabins are intended to be conventional construction; fully insulated; built on a concrete slab, with a metal roof and faux log siding inside and out.

Area 1 is west of the heated dock and will have 8 cabins and an office which will include a laudromat and a lounge area. Area 2 will be south of the Lake office and will have 3 cabins with a higher degree of amenities. Area 3 will be north of the existing manufactured home area and will have 4 cabins.

Pricing for the individual units will be dependant upon the amenities within each unit and the season.

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 at of January 4, 2011.

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

Staff recommends the application for a Conditional Use Permit for the establishment of a recreational cabin rental facility and private boat rental operation at Marion County Lake be recommended for approval, subject to the limitation of a total of 16 structures as addressed in the documents submitted with this application; subject to placement of the individual structures receiving approval from the Lake Superintendent; and subject to compliance with all setback requirements for structures in the Zoning Regulations. Additionally, a survey showing the property embodied in the lease and the location of all structures and infrastructure supporting the operations shall be prepared and filed with the Zoning office following construction of the structures if approved.