

Planning Commission Staff Report

Applicant

Morning Star Church
3403 Falcon
Tampa, KS 67483

Application

Application number ZP02.019. Applicant is requesting a conditional use permit for a church on approximately five (5) acres in an "A" Agricultural Zone District.

Project Description

Calvin Wilho

The Morning Star Church Trustee's own five (5) acres in the northeast quarter of Section 13, Township 17 South, Range 1 East. The existing church building and yard are located five miles north and two miles west of the City of Durham.

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 remove the existing church building and replace it with a new, larger building.

An additional three (3) acres has been purchased.

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 March 16, 2002.

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.

The NE1/4 of Section 24 contains a current CUP.

Staff Recommendation

Approve a recommendation for a conditional use permit on five (5) acres. Include recommendation to construct a compliant wastewater lagoon with construction of new church building. Include recommendation for one (1) off-street parking space per five (5) auditorium seats. (Refer to Article 16)