

Planning Commission Staff Report

Applicant

Michael D. and Cindy Ragland
2286 E. 150th
Marion, KS 66861

Application

Application number ZP03.021. Applicant is requesting a conditional use permit for a retail sporting goods facility in an "A" Agricultural Zone District.

Project Description

Mr. and Mrs. Ragland own eighty (80) acres in the southeast quarter of Section 22, Township 20 South, Range 4 East. The home-site is located three and a half miles south and two miles east of the City of Marion.

The home-site contains three (3) outbuildings, and one (1) residence. The wastewater system that serves this property is compliant. This property is served by a private water well.

Owners propose construction a 40' X 60' metal outbuilding west of the present residence to operate retail business in.

*Appearance of bldg
as rather than
commercial*

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 submitted as of May 9, 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.

*Nearest neighbor
1/4 mile*

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

*3. increased
traffic*

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.

Property has current CUP for a boarding and breeding dog kennel. Current CUP stipulates that not more than 20 dogs be handled on-site at any time

Applicant intends to purchase and relocate an existing retail firearms business.

Site is one-eighth of a mile west of KS Highway 77.

Staff Recommendation

Not recommended for approval.

- Feels this would be best in the city - Public Welfare

1. Emergency Service Expansion Use

2. Security → easy access to Hwy 77

3. Security → easy access to Hwy 77

Tues - Sat 9-6

Security issues

Ave. Customers

Buy 10 pounds

No demonstrations

60 Guns

15-20 handguns

" rifles

" shotguns

No gun range

Security

Firearms, ammo

Reloading

Box of Arrows

Fishing Equip.