

Planning Commission Staff Report

Applicant

Patrick Martin
2041 K-168 HWY
Lehigh, KS 67073

Jennifer

Application

Application number ZP05.034 Applicant is requesting a conditional use permit for a breeding dog kennel on less than two (2) acres in a "RR" Rural Residential Zone District.

Project Description

Mr. and Mrs. ^{Martin} ~~Schneider~~ own approximately seventeen (17) acres in the east half of the southwest quarter of Section 27, Township 19 South, Range 1 East. The home-site is located southwest of the City of Lehigh.

The home-site contains three (3) outbuildings, and one (1) residence.

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 13, 2005.

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 imposed 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 is located on the paved road K-168 Hwy.

Lehigh Township contains three (3) other conditional use permits. A current CUP is held in section 33 of Risley Township for an animal clinic that includes animal boarding. A current CUP is also held in section 30 of Risley Township for a boarding and breeding dog kennel.

Development plan is limited in content.

Staff Recommendation

Approve a recommendation for a conditional use permit on less than ten (10) acres for a breeding dog kennel. Include recommendation that not more than 100 dogs be handled on-site at any time. Include recommendation that all waste from dogs be handled as special separate waste. Include recommendation that owner maintain all necessary Kansas State Licenses for a boarding and breeding kennel. Include recommendation that pens or open kennels shall be located at least fifty (50) feet from the front lot line and at least thirty (30) feet from any side or rear lot line.

total
adult +
puppy

KDHE

waste permit by KDHE & county

USDA

Blg: 10x24
10x20-
Whiff
No outdoor runs
est. 32 adult dogs
ave. 4 per
kennel