

Planning Commission/Board of Zoning Appeals Staff Report

Applicant

Ralph Popp
521 S. Cedar
Marion, KS 66861

Application

Application number ZP05.035 and ZP05.036. Applicant is requesting a conditional use permit for storage and retail sales business in an "A" Agricultural Zone District. Applicant is also requesting an Agricultural Zone District acreage variance from forty (40) acres to the area included in the Development Plan. Applicant is requesting a side yard setback variance from fifty (50) feet to twenty (20) feet in an Agricultural Zone District.

Project Description

Mr. Popp owns approximately thirty-one (31) acres in the northeast quarter of Section 31, Township 19 South, Range 4 East. The site is located adjacent to the City of Marion.

The site contains three (3) large metal outbuildings. Applicant proposes to remodel and repair existing structures for storage of second-hand goods and antiques.

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 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.

Center North Township contains eleven (11) other conditional use permits.

1,01 A.

Staff Recommendation

Approve recommendation of storage and retail sales CUP. Recommend CUP parcel be surveyed to ensure accurate property description. Recommend CUP parcel frontage be a minimum of two-hundred (200) feet. Recommend CUP primary use to be for storage.

- 1. Parcel survey*
- 2. Retail sales become full time CUP reviewed*