

## Planning Commission Staff Report

### Applicant

Timothy Ross  
1827 50<sup>th</sup>  
Peabody, KS 66866

### Application

Application number ZP03.064. Applicant is requesting a conditional use permit for automobile body and paint shop.

### Project Description

Tim Ross owns 40 acres in the northwest quarter of Section 13, Township 22 South, Range 3 East. This property is located one mile south and two miles east of the City of Peabody.

This property contains one residence of approximately 1900 sq. ft., a small outbuilding and a large 98 feet by 44 feet metal shop building.

The Conditional Use Permit requested would apply to the existing outbuilding and surrounding area of approximately five acres.

Refer to Development Plan and attachments for parking and access.

### 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 as of November 7, 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.

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**

Approve a recommendation for a conditional use permit on five acres for automobile body and paint repair as presented in the development plan. Include a recommendation that no more than three automobiles be stored outside of shop building. Include recommendation that no parts or tools be stored outside of outbuilding. Include recommendation that any necessary wastewater system permits be obtained and maintained. Include recommendation all State of Kansas operational permits be obtained and maintained. Include recommendation that one four feet by eight feet non-illuminated sign be allowed on-site. Include recommendation that all parking be provided for off street. Include recommendation that all shop wastes, including hazardous wastes, be disposed of off-site at a State of Kansas permitted disposal facility.