

Marion County
Planning, Zoning
Environmental Health

230 E Main St
PO Box 157
Marion, KS 66861
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October 10, 2007

Staff Report for Conditional Use Permit Application
Alltel Communications Inc.

The following Golden Factors as required by law must be considered before a decision is made concerning this application:

- 1: ***What is the character of the neighborhood?*** Current zoning for this parcel is Agriculture. Surrounding land is zoned agricultural and is primarily used for farming/ranching purposes.
- 2: ***What zoning and land uses exist on nearby properties?*** Currently, surrounding properties are zoned agricultural. The land use surrounding this parcel is agricultural with a small incorporated city located approximately ¼ mile north and then east of this property.
- 3: ***Is the parcel suitable for development as one of the uses to which it has been restricted by the zoning regulations?*** The site is currently used as a pasture. The proposed use is listed as Item #33 in Article 21 as a supplementary use and is permitted when approved by the Governing Body. Article 32 states that the proposed use may be permitted in all districts as a principle or an incidental use subject to yard and/or setback requirements.
- 4: ***What is the extent to which removal of the restrictions will detrimentally affect nearby property?*** Permitting the requested Conditional Use will not change the condition of the property. There will not be a detrimental affect on neighboring property.
- 5: ***What is the length of time the subject property has remained vacant as zoned?*** The property has remained as agricultural use for an undetermined amount of time. It is not considered vacant, nor will the requested use require vacating the current use, except for the small portion of the entire parcel that will be fenced off for the tower site.

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- 6: ***What is the relative gain to the public health, safety and welfare by the destruction of the value of applicant's property as compared to the hardship imposed on the individual landowner?*** This type of use will provide the general public with expanded cellular phone service within Marion County and will provide a location for emergency communications equipment, further expanding Marion County's capacity to protect and serve the citizens.
- 7: ***Does the proposed use conform to the Comprehensive Plan?*** The comprehensive plan lists several objectives, 2 of which will be served by approving this application.
- A. Pursue and facilitate public and private partnerships – by encouraging shared resources between the business community and county and local government.
 - B. Identify and mitigate safety issues affecting the quality of life – by alleviating reception issues both with cell phones and with emergency communications.
- 8: ***Recommendation of permanent or professional staff shall be considered.*** Staff recommends the planning commission discuss an agreement between Marion County Emergency Communications and the applicant to allow equipment placement on the tower for 911 communications. This would be in compliance with Article 32, Section 102, Item I, Number 3 – Shared Use Required for New Towers. Additionally, careful comparison of the proposed plans with the regulations should be considered and all discrepancies should be noted in the minutes as reviewed and approved. Any necessary discrepancies shall be listed as approved in the resolution.