

Planning Commission Staff Report

Applicant

Charla Wheeler
509 S. Lincoln
Marion, KS 66861

Michael D. Wheeler
221 S. Duncan
Newton, KS

Lewis and Barbara Graham
2011 Nighthawk
Marion, KS 66861

to purchase
& approval
by BB

Application

Application number ZP05.062. Applicant is requesting a conditional use permit for a service/repair shop for motorized vehicles and storage and rental of recreational vehicles..

Project Description

Lewis and Barbara Graham own approx. ten (10.0) acres in the southeast quarter of Section 29, Township 19 South, Range 3 East. This site is located one mile north of the Unincorporated Canada Development.

Refer to Development Plan.

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 at of September 9, 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.

Property is designated as a "RR" Rural Residential Zone District.

Property is accessed by a paved road.

Property is located in Marion Rural Water District #4.

Application ZP00.034 was approved by the governing body on the 19th of June, 2000. This application was for a recreational hunting and fishing lodge with boat repair at the intersection of Nighthawk and Hwy 56. The construction for this development did not commence. Approved CUP was void after allotted six-month period.

Staff Recommendation

Approve a recommendation for a conditional use permit on entire "RR" Zone District parcel as presented in development plan. 1) Include recommendation that no outside storage of equipment be allowed, except for display of available recreational vehicles for rent and for vending machines. 2) Include recommendation that public water system be inspected on an annual basis. 3) Include recommendation that on-site wastewater system be inspected for adequacy to support increased use. 4) Include recommendation that all signage meet Article 18-107 of the Marion County Zoning Regulations and be compliant with KDOT corridor and highway visibility signage regulations. 5) Include recommendation that all applicable state and federal licenses be obtained and maintained.

X 6) entrance to SO.

Do not include a recommendation for fuel storage and sales (above or below ground).

7) extend length of CUP from 6mo to 18mo.

Public comment

Road concerns
Safety of children
Blind corner
Safe traffic
Community of residential area

Is there a
dead end
yes sign? 2