

Planning Commission Staff Report

Applicant

Jeff Bina
1915 275th
Marion, KS 66861

Agnes Bina
St. Luke Living Center
Marion, KS 66861

Application

Application number ZP05.065. Applicant is requesting a Conditional Use Permit for a Commercial Feed Lot in an "A" Agricultural Zone District

Project Description

Mrs. Bina owns approximately one-hundred sixty (160) acres in the southeast quarter of Section 18, Township 18 South, Range 4 East. This property is located five miles south of the City of Ramona.

The Conditional Use Permit requested would apply part of the east half of the southeast quarter.

Refer to Development Plan and attachments for proposed operation relocation.

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 written public comments have been received as 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 located adjacent to a gravel and a paved road.

Existing feeding operation is located directly adjacent to a perennial stream.

Existing feeding operation is less than 1000 head of Livestock. Proposed commercial feeding operation is for 1350 head of Livestock

Proposed operation will meet required Kansas Department of Health and Environment design and location criteria.

Staff Recommendation

Approve a recommendation for a Conditional Use Permit on forty (40) acres or less for a Commercial Feedlot Facility as presented in the development plan. Include recommendation to limit maximum occupancy to no more than fifteen hundred (1500) head of Livestock on-site at any one time. Include recommendation that all required State and Federal Permits be obtained and maintained. Include recommendation that operation maintain a separation distance of 1320 feet from any existing residence.

Waiver signed

