

Planning Commission Staff Report

Applicant

Todd Svitak
2753 Remington
Lincolnvile, KS 66858

Application

Application number ZP02.084. Applicant is requesting a conditional use permit for used auto sales and service on less than three (3) acres in an "A" Agricultural Zone District.

Project Description

Mr. Svitak owns eighty (80) acres in the east one half of the southwest quarter of Section 10, Township 18 South, Range 4 East. This site is located three quarters west of the City of Lincolnvile.

The site contains one metal 50 feet by 100 feet shop building. The wastewater system that serves this property is compliant.

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. One public comment has been submitted as of September 13, 2002.

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.

*In business
12 1/2 yrs
at it west
for
Auto
Repair*

- 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 on a paved road

This property is currently compliant with zoning and holds a CUP for auto repair.

Staff Recommendation

Approve a recommendation for a conditional use permit on less than three (3) acres for auto sales and service. Include recommendation that not more than fifteen (15) used operable vehicles are onsite at any given time. Include recommendation that not more than ten (10) inoperable vehicles are onsite at any given time. Include recommendation that owner must maintain all appropriate permits and licenses from State of Kansas for auto sales and service.

*Signage - follow state guidelines
4' x 8' non-ill.*