

REVISED REZONING REPORT *

CASE NUMBER: Z-02 - 21

APPLICANT: Darrin Eck

REQUEST: Proposed change of zoning district classification from the A-2 Agricultural District to the I-1 Light Industrial District.

CASE HISTORY: Agricultural ground used for cultivation and grazing.

LOCATION: A tract of land, containing 5.7 acres more or less, at the corner of the NW4 W2 of Section 19 Township 32 Range 07, along NW 70 Rd. The address is 449 NW 70 Rd., Harper, KS 67058

SITE SIZE: 500 ft. X 500 ft. Approximately 5.7 acres, more or less.

PROPOSED USE: To be used for chemical and fertilizer sales, along with meat and hay sales.

ADJACENT ZONING AND EXISTING LAND USE:

North: A-2 Agricultural District – Agricultural land and 1 residence

South: A-2 Agricultural District - Agricultural land and US Hwy 160

East: A-2 Agricultural District - Agricultural land

West: A-2 Agricultural District - Agricultural land

* **NOTE:** This report is to assist the Planning Board to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Board’s considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

Subject property has been agricultural land.

FACTORS AND FINDINGS: **

1. What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood? ***(See existing land use on page 1 of 4.)***

> ***Agricultural use.***

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification? ***(See existing zoning on page 1 of 4.)***

> ***The subject property is in the A-2 Agricultural District.***

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?

> ***No.***

4. Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?

> ***No.***

5. Is the change in zoning requested because of changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?

> ***The practices of agriculture are continually changing and evolving resulting in a need for increased chemical/fertilizer storage, sales, and application. The inherent nature of chemical and fertilizer storage makes the rural location of this site desirable.***

**** NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Board in deciding upon its recommendation.

6. Do adequate sewage disposal and water supply and all other necessary public facilities including road or street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning was approved?

> ***The facility's water supply will be from a private well. Septic system will need to be permitted through Harper County Environmental Services.***

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines if the change in zoning was approved?

> ***The subject property is not platted and is not being divided, therefore, no need to plat.***

8. Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?

> ***Security lighting will be added for the perimeter and doors of the building.***

9. Is the general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classification as is requested for the subject property?

> ***Land for the Applicant's purpose is available but this location is viable for the Applicant and not far from the Highway.***

10. In the event that the subject property is requested for business or industrial uses, are such uses needed to provide more services or employment opportunities?

> ***Yes. Agricultural related business opportunities are welcome and needed to expand jobs and services.***

11. Is the subject property suitable for the current zoning to which it has been restricted?

> ***Yes, it could remain as agricultural land.***

12. To what extent would the removal of the restrictions, i.e., the approval of the zoning request detrimentally affect other property in the neighborhood?

> ***The location consists of sparsely located rural residences. The Intended use will be serving an ag community with ag services. Conditions could be stipulated that zoning would revert back to A-2 if the business ceases to exist.***

13. Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?

> ***Yes. Light Industrial zoning includes fertilizer mixing, sales and storage facilities. It also includes meat and agricultural distribution and sales.***

14. Is the request for the zoning change in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?

> ***The Comprehensive Development Plan for the Unincorporated Area of Harper County, Kansas: 2003-2020 encourages industrial land uses to be in or near cities. However; the nature of the intended use would be better suited in a rural area locating it in the area of intended service.***

15. What is the nature of the support or opposition to the requested change in zoning?

> ***Public comments were voiced in favor of the change in zoning for the business.***

16. Are there any informational materials or recommendations available from professional persons knowledgeable on this request which would be helpful in its evaluation?

> ***The surrounding land use makes it possible to accommodate this type of zoning district in this location.***

17. Does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?

> ***There does not appear to be any gain to the public health, safety and general welfare by not approving the zoning request, but a hardship on the Applicant to locate another site for the intended purpose.***

CONDITIONS:

1. Environmental permit will need to be obtained before either a well or septic system is installed.
2. The Zoning District of I-1 Industrial will revert to A-2 Agricultural District if the facility suspends operation as purposed in this case for 12 months or sold for any other purposes.

cc: Applicant
Anthony Zoning Administrator