

**EXCERPT MINUTES OF JUNE 8, 2017 WICHITA-SEDGWICK COUNTY METROPOLITAN
AREA PLANNING COMMISSION MEETING**

Case No. CON2017-00012 – County Conditional Use for a cemetery in a SF-20 Single Family Residential District for the property generally located on the south side of W. 69th St. N., and East of N. Meridian Street (2401 W. 69th St N) on property described as:

A tract of land located in the Northeast corner (NE/c) of the Northwest Quarter (NW/4) of Section 7, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the NE/c of said NW/4; thence South a distance of 1244.58 feet along the West line of said NW/4; thence West a distance of 700 feet; thence North a distance of 1244.58 feet to the North line of said NW/4; thence East a distance of 700 feet along the North line of said NW/4 to the point of beginning.

APPLICATION UPDATE: *This application was originally considered by the Planning Commission at the meeting of April 20, 2017. At that meeting, MAPC recommended approval of the request by a 12-0 vote.*

After the public hearing, it was found that there was an error in the mailing to adjoining property owners.

Due to this deficiency in the mailing, it is necessary to re-hear the Conditional Use request.

Proper mailing has been provided to all residents in the notice area.

Please see underlined section below for an update on the cemetery site plan

BACKGROUND: The applicant is requesting a Conditional Use in a SF-20 Single-Family Residential District (SF-20) to allow a cemetery on a 20-acre site on the south side of West 69th Street North, approximately 1,600 feet east of North Meridian Avenue.

The Unified Zoning Code (“UZC”) allows a cemetery to be considered as a Conditional Use, and defines a cemetery as “*land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A funeral home may be included as an Accessory Use to a cemetery.*”

The applicant explains that the cemetery would be developed in four phases, with each phase taking approximately 25 years to reach capacity. The first phase would be on the north part of the 20-acre site. Farming would continue on other areas of the property until future phases are implemented. Please see the attached letter from the applicant with additional details about the cemetery.

A revised site plan has been submitted with the Conditional Use indicates the location of access from West 69th Street North, a general phasing plan and areas designated for future parking and future buildings. This updated plan was designed to address the comments of MAPC at the April 20th meeting. The site plan provides details on fencing and landscaping, and a gate at the cemetery entrance. A four foot fence is screened by evergreen trees at a 20-foot spacing with three shrubs between the trees.

Development of the property with buildings and parking will require platting.

Fencing would be provided for the cemetery with each phase of operation.

This Conditional Use for a cemetery would result in a permanent use of the land with no opportunity to transition or redevelop to another land use category based on future market conditions or demands.

The property is in unincorporated Sedgwick County, and the location abuts the city limits of the City of Valley Center on the north and east. The Community Development Director of the City of Valley Center will attend the MAPC public hearing, and provide any comments from that City.

Also, it should be noted that the sign ordinance would limit a monument sign to 8-square feet for the cemetery. The Planning Commission may authorize an increase in sign area to 32 square feet with the Conditional Use application.

There are single family homes north of the property on West 69th Street North, and large lot single family homes east of the site along Interurban Road. West and south of the cemetery site is agricultural land owned by the applicant. Farther south of the site is the Little Arkansas River and an area of single-family homes.

CASE HISTORY: The property is unplatted, the site is presently being used for agricultural purposes.

ADJACENT ZONING AND LAND USE:

NORTH: RR-1- Single-family residences/City of Valley Center
SOUTH: SF-20 vacant/Little Arkansas River, single-family residences
EAST: RR-1 Single-family residences/City of Valley Center
WEST: SF-20 vacant/agricultural.

PUBLIC SERVICES: Access to the site will be from West 69th Street North, a designated two lane arterial road. The proposed cemetery will not have significant demand for public services.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as within the Urban Growth Area of the City of Valley Center. The Future Land Use Plan of the Comprehensive Development Plan of City of Valley Center designates the site for agricultural uses. The plan also includes a statement that future residential growth will occur to the north and northeast portions of Valley Center due to better accessibility of sewer and water.

Staff advised the City of Valley Center of the application on March 21, 2017.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a cemetery be **APPROVED**, subject to the following conditions:

1. The cemetery shall be operated as described in the applicant's narrative.
2. The cemetery shall be developed as shown on proposed cemetery site plan, dated 5/30/17. Each phase shall have fencing and landscaping as shown for phase 1. A parking study shall be submitted as required by the UZC to justify the number of parking spaces for the proposed cemetery.
3. The applicant shall comply with all applicable provisions of Kansas State Statutes and Administrative Regulations.

4. The applicant shall obtain all applicable state and local inspections, permits and licenses.
5. The Conditional Use approval shall include a non-illuminated monument sign of 32 square feet.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** There are single family homes north of the property on West 69th Street North, and large lot single family homes east of the site along Interurban Road. West and south of the cemetery site is agricultural land owned by the applicant. Farther south of the site is the Little Arkansas River and an area of single-family homes.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-20, and the property could be developed with single family homes with the existing zoning, or continue with the existing agricultural uses. A cemetery can be considered with a Conditional Use application in a SF-20 zoning district.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** The proposed cemetery should have no adverse impact on nearby properties. The cemetery would be a low traffic volume use and should not generate any external factors that would be objectionable to adjoining property owners.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as within the Urban Growth Area of the City of Valley Center. The Future Land Use Plan of the Comprehensive Development Plan of City of Valley Center designates the site for agricultural uses. The Plan also includes a statement that future residential growth will occur to the north and northeast portions of Valley Center due to better accessibility of sewer and water.
5. **Impact of the proposed development on community facilities:** The cemetery should not have any negative impact on community facilities due to its low traffic generation and minimal demand for public services.

DAVE CLEMENTS, PLANNING STAFF presents staff report.

HUSSAM MADI, 2525 QUINCY CIRCLE; WICHITA KANSAS said they have complied with all the conditions including landscaping and the fence suggested by the Commission.

ELLISON commented that the neighbors received notifications, and asked if there were comments from any neighbors in the area.

MADI responded none that he knows of.

ELLISON said he is from the area and he is shocked to hear that there will be a cemetery. He asked if the site is an appropriate place for a cemetery in what would have been a housing development.

RICHARDSON said there are cemeteries all over town, some in the middle of residential neighborhoods. He said it is the landowner's prerogative, allowed and not for the Commission to question what the owner wants to do with the land.

DAILEY asked if Jonathan House still owns the land and if approved by the Commission the land would be purchased by the applicant.

MADI responded correct.

DAILEY commented that he likes the plan site and that the gate is very important and a great improvement.

MADI said he made notes of the recommendations from the previous MAPC meeting.

ELLISON said Mr. Dailey's property backs up to the area and asked if he had any comments about a cemetery in the area.

DAILEY commented that he would rather have a cemetery there than a high school, and stated for clarification that he is out of the notification zone.

MOTION: To approve subject to staff recommendation

GREENE moved, **WARREN** seconded the motion, and it carried (11-1).

ELLISON – nay.
