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525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Details (With Text)

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On agenda: 7/12/2017 **Final action:** 7/12/2017
Title: CON2017-00012 - A COUNTY CONDITIONAL USE FOR A CEMETERY ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 69th STREET NORTH, 1,600 FEET EAST OF NORTH MERIDIAN STREET (2401 WEST 69th STREET NORTH).
Presented by: Dale Miller, Director of the Metropolitan Area Planning Department.

RECOMMENDED ACTION: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

Sponsors:

Indexes:

Code sections:

Attachments: 1. CON2017-00012 RESOLUTION.pdf, 2. CON2017-12 MAP, 3. Letter from applicant, 4. Paradise Cemetery Site Plan - REVISED, 5. 4-20-17 EXCERPT MINUTES OF CON2017-00012, 6. 6-8-17 EXCERPT MINUTES OF CON2017-00012

Date	Ver.	Action By	Action	Result
7/12/2017	1	Board of Sedgwick County Commissioners	Approved	Pass

CON2017-00012 - A COUNTY CONDITIONAL USE FOR A CEMETERY ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WEST 69th STREET NORTH, 1,600 FEET EAST OF NORTH MERIDIAN STREET (2401 WEST 69th STREET NORTH).

Presented by: Dale Miller, Director of the Metropolitan Area Planning Department.

RECOMMENDED ACTION: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution.

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 side 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 site plan 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 buildings. Fencing and landscaping would be provided for the cemetery with each phase of operation.

Analysis: 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.

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.

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.

The cemetery should not have any negative impact on community facilities due to its low traffic generation and minimal demand for services.

The request was heard by the Metropolitan Area Planning Commission (MAPC) on June 8, 2017. MAPC recommended approval of the request by an 11-1 vote. The MAPC recommendation is subject to the following conditions:

1. The cemetery shall be developed as shown on the proposed cemetery site plan, dated 5/30/17. Each phase shall have fencing and landscaping as shown for Phase I. A parking study shall be submitted as required by the UZC to justify the number of parking spaces for the proposed cemetery.
2. The applicant shall comply with all applicable provisions of Kansas State Statutes and Administrative Regulations.
3. The applicant shall obtain all applicable state and local inspections, permits and licenses.
4. The Conditional Use approval shall include a non-illuminated monument sign of 32 square feet.
5. 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.

One protest petition was submitted in opposition to the request. The protest petition totals 6.49 of the net protest area. This percent does not meet the 20 percent for a valid protest requiring a larger majority vote of the Board of County Commissioners. Please see the attached protest area map.

Alternatives: Approve the Conditional Use, subject to the conditions recommended by the Metropolitan Area Planning Commission (MAPC), adopt the findings of the MAPC and authorize the Chairman to sign the prepared resolution. (Requires a simple majority vote); or Deny the application, by making alternative findings, and override the MAPC recommendation. (Two-thirds majority vote

required.). Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Requires a simple majority vote).

Financial Considerations: There are no additional financial considerations to the County associated with this application.

Legal Considerations: Approved as to form and signed by County Counselor's Office.

Policy Considerations: The MAPC recommendations are based upon the findings of fact stated in the MAPC minutes.

Outside Attendees: Jonathon House (applicant), Basem Krichati (agent)

Multimedia Presentation: Powerpoint