

M.A.P.C.

*contracted off 2-27-69
to architect for
public hearing*

~~M.A.P.C.~~ *approved 3-27-69*

B.C.C. approved 4-15-69

Closed 4-25-69

DR 69-5 - Amendment to Section 28.04.
080 of the Zoning Ordinance re: Per-
mitting Mortuaries in the "BB" Dist.

ACTION

DATE

COMMITTEE _____

M.A.P.C.

instructed staff 2-27-69
to advise for
public hearing

~~M.A.P.C.~~

~~B.C.C.~~ CO.C. approved 3-27-69

B.C.C.

approved 4-15-69

Closed 4-25-69

DR 69-5 - Amendment to Section 28.04
080 of the Zoning Ordinance re: Per-
mitting Mortuaries in the "BB" Dist.

EXCERPT FROM PLANNING COMMISSION MINUTES OF MARCH 27, 1969:

- "3. DR 69-5 - Public hearing for consideration of an amendment to the City Zoning Ordinance to permit mortuaries or funeral homes in the "BB" classification.

GALBRAITH pointed out to the Commission that on February 27 a letter requesting that the ordinance be amended to permit mortuaries and funeral homes in "BB" was considered by the Planning Commission, and at that time the staff was directed to advertise the amendment for a public hearing. He noted that such uses are permitted first in the "LC" district provided they are in excess of 200 feet of any residentially zoned area; otherwise, they were first permitted in "C" without restrictions.

GALBRAITH pointed out that the proposed amendment provides for mortuaries or funeral homes in the "BB" district, conditioned on being on an arterial street, off-street parking and screening provisions and lighting provisions, and the elimination of the wording in "LC" related to mortuaries and funeral homes which required that such buildings not be located less than 200 feet from the boundary of the "AA", "A" and "RB" districts.

GALBRAITH said that it is difficult to determine just why mortuaries, which is a professional type use, was first permitted in retail districts, but it was his belief that it may have stemmed from the time when horse drawn hearses were utilized and thus it necessitated maintaining a stable. He said that several ordinances throughout the country have been found to permit mortuaries in office type districts. It was his opinion that the "BB" district is a professional district and that mortuaries and funeral homes would be compatible with other uses permitted therein under certain conditions or restrictions.

DARRELL LEASON, part owner of a property presently zoned "BR" on which he desires to construct a mortuary, pointed out that the purpose of the discussion is to explore the question of whether or not the operation of a mortuary is compatible with the uses that are now permitted in the "BB" district and it was his belief that it was, and he, therefore, felt that the text should be amended to permit this compatible use in the "BB" district. MR. LEASON asked the Commissioners to consider all "BB" zoned property in the City which would be affected by this amendment, if adopted, and to not concern themselves with a specific property. He also felt that the price or value of real estate should not have any bearing on whether or not this is a logical amendment, and that discussion should be limited to the use and whether or not the use is compatible in "BB" districts. He felt that restrictions or lack of restrictions with regard to mortuaries in other cities have little, if any, value to this particular discussion, and noted that the Planning Commission and the City Commission have charge of the development of this community and just

because another city permits mortuaries in a certain district does not mean that Wichita should adopt it or that it would be suitable for Wichita.

MR. LEASON continued by pointing out that several years ago a study was made of the entire existing zoning ordinance by an outside consultant for which the City paid a considerable sum to provide answers to questions which had developed over the years. The study developed, known as a Prototype Zoning Ordinance, recommended that mortuaries be included in a district which they designated as R-8, and the nearest classification to the R-8 of the existing districts is the "BB" office district, and it was his feeling that if the City adopts the new ordinance, based on the prototype, that more than likely the use being considered at this time would be included in a classification comparable to the present "BB" office district.

GERALD BYRD stated that he had no objections to the use of any property for a mortuary as long as it is classified as "C" or "LC", but that he was concerned with the possibility of reduction of requirements. It was his suggestion that if they are to be allowed in the "BB" district, then much the same conditions as presently applied to motels or hotels in the "BB" district should be made applicable to mortuary or funeral home use in the "BB" district. He stated that such conditions were related to a requirement for at least 25,000 square feet of area, parking space and landscaping. He suggested that some consideration be given to limiting the ground coverage to no more than 25% in case the Commission does recommend the amendment.

CARL BELL, attorney for Cochran Mortuary, said that his client has no objection to anyone establishing a mortuary any place as long as it is zoned "LC" or "C" and they meet the standards imposed by the Commission in these districts. He continued that his client was opposed to the lowering of zoning for mortuaries below the "LC" district, and noted that even in an "LC", it is important that the entire area be fenced or screened to properly respect the feelings of those in the immediate area. He stated that there are a number of reasons why mortuaries are not the best neighbors in a residential type area - there is a continual re-occurrence of congestion of people and cars for services, the forming of frequent rather long processions, frequency of having funeral cars in the neighborhood, frequent arrival and departure of family and friends, which does create a substantial traffic flow, plus the fact that casket delivery is made from factory-operated trucks which makes the operation of a mortuary in a residential neighborhood somewhat of a problem.

MR. BELL said it was their feeling that the lessening of requirements would tend to make it easier for "fly-by-night" operators and promoters to establish themselves in a community.

At the request of KRATZER, GALBRAITH pointed out on the map the location of Mr. Leason's property which had brought about this public hearing and stated that Mr. Leason's case has been open in the files for about 2½ years, pending the time when an opportunity presented itself to make use of the property in a manner that would be satisfactory with the total access control, which was a condition of zoning approval.

KRATZER commented that he was reluctant to support a change even though the Babcock prototype ordinance does propose such use in an R-8 district (which may or may not be comparable in all respects to the present "BB"), but it was his opinion that Mr. Leason's location would be reasonable for such a use and was in favor of permitting it if it could be accomplished.

GALBRAITH said that since "IC" has been denied, he supposed the applicant could amend the application and request "C", which is a classification that permits limited manufacturing, contractors' yards and heavy commercial type uses. He continued that under the present ordinance, a mortuary could not be permitted on Mr. Leason's property even if zoned "IC" because of the 200-foot requirement from residential zoned areas.

GOEBEL said he did not think the Commission should concern itself with Mr. Leason's particular location in that this is a public hearing to change the ordinance and not a hearing with respect to a definite property. He stated that if it is decided to recommend changing the ordinance, if the applicant (Mr. Leason) is not satisfied he can ask for another zoning change. He commented, too, that he is not against a mortuary at Mr. Leason's location but there is a great deal of "BB" zoned property in Wichita to consider.

GOEBEL continued that he did not think the ordinance should be changed for one particular property and, therefore, did not think a specific location should be considered - the only thing to be considered is whether mortuaries should be allowed in "BB" regardless of where "BB" districts might be located.

There was discussion and a request for clarification with respect to the 200-foot distance in the "IC", and GALBRAITH said that it provides that the mortuary may be permitted in "IC" provided the buildings are located not less than 200 feet from the boundary of a residentially zoned area, so it is not from the residential structure itself.

MOTION: HENNESSY moved that the Planning Commission recommend to the City Commission that mortuaries and funeral homes be permitted in the "BB" district.

TROUT referred to the conditions as set out in the staff recommendation and HENNESSY said he intended to include those in the above motion.

GALBRAITH asked for clarification of the motion, specifically whether or not it was intended to eliminate the 200-foot requirement in the "LC" district, and HENNESSY said he intended to include the amendment to the "LC" district in his motion also.

WILKINSON raised the question of whether or not 25,000 square feet in area should be required as suggested by Mr. Byrd, and asked if the motion was intended to include that condition.

GALBRAITH said the staff had not considered a 1/2 acre site necessary, but if the Planning Commission desired to include such a requirement, it could be established as one of the conditions in recommending to the City Commission.

KRATZER referred to Mr. Leason's property on McLean Boulevard and asked how the 200-foot requirement related to residential zoning would affect the use of such property for a mortuary in that the Board of Zoning Appeals might be able to grant whatever relief might be required in this particular location.

GALBRAITH said he was not aware of where a structure might be located on the property and expressed doubt that the Board of Zoning Appeals would have authority to grant a variance of the 200-foot requirement.

MR. LEASON said he had hoped his specific property would not be discussed and agreed with the previous suggestion of requiring 25,000 square feet of area, and said that he favored sufficient off-street parking, landscaping, etc.

AMENDMENT TO ABOVE MOTION: HENNESSY amended the above motion to also include the requirement of 25,000 square feet of area for a mortuary or funeral home in the "BB" district in order to discourage the "fly-by-night" operator.

JAMES ROTZ, representing DeVorss-Rotz Funeral Home, was in favor of the minimum 25,000 square foot requirement to discourage the so-called "fly-by-night" operators as it was felt that it was only because of the zoning requirements now existing and the integrity of the men in the profession which has prevented such operators up to this time.

JACKSON noted that the requirement of 25,000 square feet would give a "little more teeth" to the ordinance if mortuaries are to be permitted in "BB" zoning and said he was also concerned with the possibility of "fly-by-night" operators who might operate two or three years and then leave town. He said he was not sure "BB" zoning would be the right zoning for Mr. Leason's land and asked if there was any way it could be restricted to permit only mortuaries.

HENNESSY pointed out that when one considers the uses permitted in the "BB" (which is an office and professional type district) and those uses permitted in "LC" (retail), it seems apparent that mortuary and funeral home operations, which he considered to be a profession, would be more compatible with uses in the "BB" than those in the "LC".

WILKINSON SECONDED THE ABOVE AMENDED MOTION.

GALBRAITH commented that the amended motion included the 25,000 square feet of land area for a mortuary in the "BB" district, which is the same requirement for hotels or motels in the "BB" district, and he commented also that the "BB" district presently provides that only 33 1/3% of the land area can be covered by buildings.

KRATZER asked Mr. Byrd for his opinion of the motion which now included the requirement of 25,000 square feet of area.

MR. BYRD indicated that with the area requirement, as well as other requirements originally suggested by the staff in the way of screening, etc., it seemed "fly-by-nighters" would be discouraged to the point that they would not establish themselves and operate on a pre-need sales basis of "sell what you can and get out". MR. BYRD commented also that through their own organization, as well as zoning, they are attempting to control the operation of "fly-by-nighters". MR. BYRD said that while he could not speak for other funeral directors, it appeared that the requirements proposed to be established should be sufficient.

In further discussion, MR. BYRD stated that originally mortuaries were located in "C" because of the use of horse-drawn hearses which necessitated the maintenance of livery facilities and such seemed reasonable under the circumstances prevalent at that time. But it did not seem proper that they should be considered compatible with a body and fender shop, although they are both classed in the "C" zoning district. It was his opinion that present day mortuary construction adds a great deal to the appearance of an area.

At the request of the Commission, GALBRAITH reviewed the motion and conditions to be attached to a mortuary or funeral home use in the "BB" district.

TROUT said he was still concerned with the proposed amendment to the "LC" which would eliminate the requirement of not being located closer than 200 feet of a residentially zoned area. It appeared that there might be less restrictions for mortuary use in "BB" than in the "LC" district. BYRD noted that if the same regulations proposed for "BB" related to a mortuary could be applied to such use in an "LC" district, it would provide the same protection to the public and surrounding properties.

FOSTER asked for clarification concerning the display or sale of monuments outside and MR. BYRD said that mortuary operators do not sell cemetery property, monuments, or flowers.

GALBRAITH reviewed the proposed conditions to be associated with mortuaries or funeral homes in the "BB" district as has been discussed at this hearing, which included the conditions in the notice of public hearing, the requirement for 25,000 square feet of lot area and the prohibiting of display or sale of monuments on the premises.

GALBRAITH continued that the notice of public hearing also proposed that the 200-foot requirement be eliminated in the "LC" zones but indicated that if there is some concern that by the elimination of the 200-foot requirement, then perhaps the requirement should be retained, or perhaps the use in an "LC" district could be permitted with the same conditions as proposed above to apply to such use in the "BB" district.

HENNESSY commented that in his opinion a mortuary does not fit in an "LC" district and would be more compatible in the "BB" district with the conditions as discussed, and he called for the question on the motion, which motion is to include a statement that no monuments will be displayed or sold on the premises.

WILKINSON APPROVED AND SECONDED THE MOTION AS AMENDED.

WILKINSON asked if monuments could be displayed and sold in the "LC" district and GOEBEL said that no outside display of merchandise is permitted except in "C" or less restrictive districts.

TROUT again questioned the motion which includes the change in "LC" as suggested by the staff.

HENNESSY suggested, then, that the 200-foot requirement now related to mortuaries in "LC" districts be retained in the ordinance.

KRATZER asked Mr. Leason for his opinion and LEASON commented that the same requirements might be established in "LC" as proposed for "BB".

TROUT thought this might be reasonable but expressed concern that it might result in some of the existing mortuaries or funeral homes being nonconforming if they desire to expand at some future time. LEASON felt that what is proposed to be done would not make any existing mortuary nonconforming. The suggestion was made that the 200-foot requirement should be retained in the "LC" district or perhaps revise it to require the same conditions as suggested above for the "BB" district.

GOEBEL suggested that if the 200 feet is to be left in the "LC", it might be reasonable to provide that either the 200-foot requirement could be observed, OR compliance of the same conditions as proposed for the "BB" district.

AMENDMENT TO THE AMENDED MOTION: TROUT moved to amend the above amended motion to add the following wording to the present 1.25 under Use Regulations of the "LC" district; "or provided that the conditions of the "BB" district shall be complied with".

There was further discussion of the above, and BYRD stated that it sounded logical to him that anyone wishing to operate a mortuary or funeral home in the "LC" could comply with the present 200-foot requirement from residentially zoned property OR comply with the conditions of the "BB" district, and it was his feeling that such requirements as proposed by the above motions would tend to keep "fly-by-nighters" from establishing themselves in the city.

SOUDERS seconded the above amendment to the Amended motion.

VOTE ON AMENDMENT TO THE AMENDED MOTION: Unanimous

VOTE ON AMENDED MOTION: Unanimous

VOTE ON ORIGINAL MOTION to recommend amendment of the Zoning Ordinance: Unanimous .

For clarification of the action of the Planning Commission in this case, the action is summarized as follows:

It was the action of the Planning Commission to recommend to the City Commission that the "BB" Office District be amended to permit mortuaries or funeral homes, subject to the following conditions:

- A. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than 25,000 square feet in area.

- B. The "BB" Office District is located contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.
- C. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB" or "B" residential districts (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five (5) or more than eight (8) feet in height; however, said solid wall shall be reduced to three (3) feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three (3) foot solid wall, constructed of the above mentioned materials, or low shrubbery not less than ten (10) feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

- D. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties.
- E. That in no event shall monuments be displayed or sold on the premises.

In addition, the Planning Commission recommended that Section 28.04.090 A. 1.25 be amended to read as follows:

- 1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided such buildings are located not less than two hundred (200) feet from the boundary of the "AA", "A", and "RB" Districts; or provided that the conditions of the "BB" District shall be complied with.
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WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE
March 19, 1969



TO Wichita-Sedgwick County Metropolitan
Area Planning Commission
FROM Jack H. Galbraith, Senior Planner *J.H.G.*

SUBJECT DR 69-5 - Public hearing for an amendment to the Zoning
Ordinance permitting mortuaries in the "BB" Office District

The Commission, at its regular meeting of February 27, 1969, considered a request that the "BB" Office District be amended to permit mortuaries and funeral homes, subject to certain conditions. The Commission discussed the fact that subject uses are first permitted in the "LC" Light Commercial District provided such buildings are located not less than 200 feet from the boundaries of an "AA", "A", or "RB" District; and that the district first permitting mortuaries without any qualifications is the "C" District.

After the discussion of a suggested amendment which would permit mortuaries in the "BB" District provided that the district is adjacent to an arterial street, adequate screening of the parking is provided, and outdoor lights are directed so as to deflect lights away from adjacent residences, the Commission instructed the Planning Department to advertise the suggested amendment for a public hearing.

The public hearing for consideration of the attached proposed amendment has been advertised for your next regular meeting of March 27, 1969.

JHG:ber
Attachment

APPROVED:

C. Bickley Foster

C. Bickley Foster
Director of Planning

WICHITA-SEDGWICK COUNTY

DATE

February 19, 1969

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commissioners
FROM Jack H. Galbraith, Senior Planner

SUBJECT Request for an amendment to the Zoning Ordinance permitting mortuaries in the "BB" Office District.

The Zoning Ordinance for the City of Wichita first permits mortuaries and funeral homes in the "LC" light commercial district, provided such buildings are located not less than 200 ft. from the boundaries of an "AA", "A", or "RB" district. The district permitting mortuaries without any qualification is the "C" commercial district.

Attached for your consideration is a letter signed by Kent Frizzell and Darrell Leason requesting that attention be given to amending the ordinance to permit mortuaries in the office district. Also attached for your consideration is a suggested amendment which would permit mortuaries in the "BB" district provided that the district is adjacent to an arterial street, adequate screening of the parking is provided, and outdoor lights are directed so as to deflect lights away from adjacent residences.

In order to encourage good site development, the Planning Commission may also desire to consider amending the text providing that, in the Office District, setback areas adjacent to all streets shall be landscaped and not utilized for off street parking except for points of ingress and egress. The Commission may desire to not permit parking in front of office structures as originally recommended in the Development Standards Lot - Parcel Report and approved by a previous Commission.

Consideration of an amendment, permitting mortuaries in the office district, will be placed on your agenda for your meeting of Feb. 27, 1969. If the Commission concurs in the request, the Planning Department should be directed to advertise an amendment for public hearing. If the Commission is also interested in the general appearance of office uses on major streets and desires to prohibit parking in the front setback areas, the Commission may also desire to instruct the Planning Department to prepare the necessary amendments. Please call if you have any questions concerning this memorandum and the attachments.

JHG:js

APPROVED

C. Bickley Foster
C. Bickley Foster, Director of Planning

() (Published in The Daily Record on APR 25 1969, 1969)

ORDINANCE NO. 30-556

1512
4/15/69

AN ORDINANCE RELATED TO USES PERMITTED IN THE "BB" OFFICE DISTRICT AND "LC" LIGHT COMMERCIAL DISTRICT, AMENDING SECTION 28.04.080 AND SECTION 28.04.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION I. That Section 28.04.080, of the Code of the City of Wichita, Kansas be amended as follows:

Following item number 12 of the USE REGULATIONS by inserting a new use regulation number 13 to read as follows:

13. Mortuaries or funeral homes, provided that:

a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand (25,000) square feet in area.

b. The "BB" Office District is located contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.

c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB" or "B" residential districts (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five (5) or more than eight (8) feet in height; however, said solid wall shall be reduced to three (3) feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three (3) foot solid wall, constructed of the above mentioned materials or low shrubbery not less than ten (10) feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties.

e. That in no event shall monuments be displayed or sold on the premises.



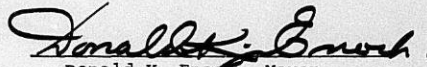
SECTION II. That Section 28.04.090, of the Code of the City of Wichita, Kansas, be amended as follows:

In Item 1:25 of the Permitted Uses, the following language shall be added after "RB" districts:

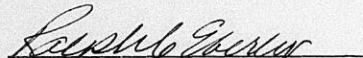
"or provided that the conditions of the "BB" District shall be complied with".

SECTION III. This ordinance shall take effect on its passage and publication once in the official city paper.

PASSED AND APPROVED at Wichita, Kansas, this 22nd day of April, 1969.


Donald K. Enoch, Mayor

ATTEST:


Ralph C. Eberly, City Clerk

(SEAL)

April 10, 1969

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 69-5 - Amendment to the Zoning
Ordinance permitting mortuaries in
the "BB" Office District

The Planning Commission, at its regular meeting of February 27, 1969, considered a request from Mr. Kent Frizzell and Mr. Darrell Leason that the "BB" Office District be amended to permit mortuaries and funeral homes, subject to certain conditions. The Commission discussed the fact that subject uses are first permitted in the "LC" Light Commercial District provided such buildings are located not less than 200 feet from the boundaries of an "AA", "A", or "RB" District; and that the district first permitting mortuaries without any qualifications is the "C" District.

After the discussion of a suggested amendment which would permit mortuaries in the "BB" District provided that the district is adjacent to an arterial street, adequate screening of the parking is provided, and outdoor lights are directed so as to deflect lights away from adjacent residences, the Commission instructed the Planning Department to advertise the suggested amendment for a public hearing.

The public hearing for consideration was held on March 27, 1969, and after considerable discussion, the Planning Commission unanimously recommended that mortuaries or funeral homes be permitted in the "BB" Office District subject to the following conditions:

- a. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than twenty-five thousand (25,000) square feet in area.

- b. The "BB" Office District is located contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.
- c. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB" or "B" residential districts (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five (5) or more than eight (8) feet in height; however, said solid wall shall be reduced to three (3) feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three (3) foot solid wall, constructed of the above mentioned materials or low shrubbery not less than ten (10) feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

- d. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties.
- e. That in no event shall monuments be displayed or sold on the premises.

In addition, the Planning Commission unanimously recommended that the condition of mortuaries being permitted in the "LC" Light Commercial District be amended as follows:

- 1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided such buildings are located not less than two hundred (200) feet from the boundary of the "AA", "A" and "RB" Districts; or provided that the conditions of the "BB" District shall be complied with.

Attached for the benefit of the Commission are the minutes of the Planning Commission discussion of this matter. It is respectfully requested that this consideration of this proposed amendment be

Page 3 - Board of City Commissioners
April 10, 1969

placed on the Agenda of the City Commission for your regular
meeting of April 15, 1969.

Respectfully submitted,

C. Bickley Foster
Secretary

JHG:CBF:ber

Attachment

March 28, 1969

Mr. Darrell Leason
443-E North St. Francis
Wichita, Kansas 67202

Subject: DR 69-5 - Amendment to the
Zoning Ordinance regarding Permitting
Mortuaries in the "BB" District.

Dear Mr. Leason:

On March 27, 1969, the Metropolitan Area Planning Commission held a public hearing to consider an amendment to the "BB" Office District permitting mortuaries and funeral homes, subject to certain conditions. The action of the Planning Commission was to recommend that the "BB" Office District be amended to permit mortuaries or funeral homes subject to the following conditions:

- A. Each lot, tract, or parcel of land when used for mortuaries or funeral homes and when located in this district shall not be less than 25,000 thousand square feet in area.
- B. The "BB" Office District is located contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.
- C. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB" or "B" residential districts (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five (5) or more than eight (8) feet in height; however, said solid wall shall be reduced to three (3) feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a

Mr. Darrell Leason
March 28, 1969
Page 2

residential zoning classification, either a three (3) foot solid wall, constructed of the above mentioned materials, or low shrubbery not less than ten (10) feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

- D. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties.
- E. That in no event shall monuments be displayed or sold on the premises.

In addition, the Planning Commission recommended that Section 28.04.090 A. 1.25 be amended to read as follows:

1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided such buildings are located not less than two hundred (200) feet from the boundary of the "AA", "A", and "RB" Districts; or provided that the conditions of the "BB" District shall be complied with.

This proposed amendment will be forwarded to the Board of City Commissioners for their consideration at their regular meeting at 9:00 a.m., on April 15, 1969, Room 201 of the City Building at 204 South Main.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

cc: Kent Frizzell, Attorney General, State Capitol Bldg., Topeka, Ks.
Carl A. Bell, Jr. 230 South Market, Wichita, Kansas 67202
Cochran Mortuary, 1411 N. Broadway, Wichita, Kansas 67214
Byrd-Snodgrass Funeral Homes, 633 N. Broadway, Wichita, Kansas
James Rots, 201 S. Hydmutic, Wichita, Kansas 67202-11

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE
March 19, 1969

THE
ROAD TO
SAFETY



TO Wichita-Sedgwick County Metropolitan
Area Planning Commission
FROM Jack H. Galbraith, Senior Planner *J.H.G.*

SUBJECT DR 69-5 - Public hearing for an amendment to the Zoning
Ordinance permitting mortuaries in the "BB" Office District

The Commission, at its regular meeting of February 27, 1969, considered a request that the "BB" Office District be amended to permit mortuaries and funeral homes, subject to certain conditions. The Commission discussed the fact that subject uses are first permitted in the "LC" Light Commercial District provided such buildings are located not less than 200 feet from the boundaries of an "AA", "A", or "RB" District; and that the district first permitting mortuaries without any qualifications is the "C" District.

After the discussion of a suggested amendment which would permit mortuaries in the "BB" District provided that the district is adjacent to an arterial street, adequate screening of the parking is provided, and outdoor lights are directed so as to deflect lights away from adjacent residences, the Commission instructed the Planning Department to advertise the suggested amendment for a public hearing.

The public hearing for consideration of the attached proposed amendment has been advertised for your next regular meeting of March 27, 1969.

JHG:ber
Attachment

APPROVED:

C. Bickley Foster

C. Bickley Foster
Director of Planning

SANDLIAN REALTY REALTORS

Real Estate Investment Counselors

COMMERCIAL & INDUSTRIAL
SALES & DEVELOPMENT

PHONE FO 3-0118
OR MU 3-3912
435 N. BROADWAY
SUITE 201
WICHITA, KANSAS
67202

February 10, 1969

Metropolitan Area Planning Commission,
City Annex Building,
Wichita, Kansas 67202.

Gentlemen:

We have recently sold a property which we own at the southwest corner of Ninth and McLean which is contingent upon being rezoned for the use of a mortuary. The property is presently zoned BB subject to platting. Under the present zoning ordinance we must have a C zoning classification.

It is our belief that in this area a review of the present requirement might be in order for several logical reasons.

To begin with the present trend in the funeral business is to build a facility which is very modern, beautiful, and esthetic which would be compatible with the uses found in the present BB classification. Also, in reviewing the present ordinance we find such uses as hospitals, clinics, churches, nursing homes, hotels, motels, apartments, and cemeteries can comply in as low as a B classification.

It is our understanding that in the new prototype zoning ordinance which is under study will reclassify mortuaries in a zone which is most comparable to the present BB zone.

In view of these facts we would respectfully request your consideration in amending the present ordinance to allow mortuaries in a BB zone. We do feel such an amendment should contain certain requirements with regard to size of lot, adequate parking, and further should be limited to new construction, not a conversion of an existing facility which might not meet a specific standard.

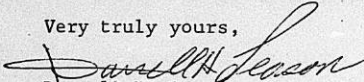
Metropolitan Area
Planning Commission

- 2 -

February 10, 1969

Your consideration of these items at your earliest opportunity would be greatly appreciated.

Very truly yours,


Darrell H. Leason

Darrell H. Leason


Kent Frizzell

Kent Frizzell

DHL:vbm



March 3, 1969

Mr. Darrell Leason
443-E North St. Francis
Wichita, Kansas 67202

Dear Mr. Leason:

The Metropolitan Area Planning Commission, at their regular meeting of February 27, 1969, considered your request that the Zoning Ordinance of the City of Wichita be amended to permit mortuaries in the "BB" office district. After considerable discussion, the action of the Planning Commission was to instruct the Planning Department to advertise the suggested amendments as presented to them for a public hearing.

This is to advise you that the proposed amendments have been advertised and scheduled for the Planning Commission meeting of March 27, 1969.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

cc: Kent Frizzell, Attorney General, State Capitol Bldg., Topeka, Ks.
Downing Mortuary, 327 N. Broadway, Wichita, Kansas 67202
Cecil Merkel, 511 Colorado Derby Bldg., Wichita, Kansas 67202
Don Livingston, 1029 McLean Blvd., NW, Wichita, Kansas 67203

(69529) (Published in The Daily Record on March 6, 1969)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on March 27, 1969, at 1:45 p.m. the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following changes to Title 28, Code of the City of Wichita, Kansas:

SECTION 28.04.080 "BB" office district regulations.

A. USE REGULATIONS - - - Add 13 to read as follows:

13. Mortuaries or funeral homes, provided that:

a. The "BB" Office District is located contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.

b. The associated off-street parking areas shall be effectively screened on each side that adjoins any property situated in an "AA", "A", "RB" or "B" residential districts (excluding streets, alleys or intervening public ways) by a solid wall, constructed either of masonry, architectural tile, wood or other similar material (excluding chain link fence) not less than five (5) or more than eight (8) feet in height; however, said solid wall shall be reduced to three (3) feet in height when extending into the required front building setbacks.

For those parking areas adjacent to a street or alley and which are situated across the public way from a residential zoning classification, either a three (3) foot solid wall, constructed of the above mentioned materials, or low shrubbery not less than ten (10) feet in width, shall be provided adjacent to the public way. Said shrubbery shall be a type and maintained in such a manner as to not constitute a traffic hazard.

c. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties.

SECTION 28.04.090 "LC" light commercial district regulations.

A. USE REGULATIONS. Amend 1.25 to read as follows:

1.25 Mortuaries or funeral homes.

The proposed amendments will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the revised Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS MY HAND AND SEAL this 3rd day of March, 1969.

C. BICKLEY FOSTER, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commis-
sion

(SEAL)

WICHITA-SEDGWICK COUNTY

DATE

February 19, 1969

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commissioners

FROM Jack H. Galbraith, Senior Planner

SUBJECT

Request for an amendment to the Zoning Ordinance permitting mortuaries in the "BB" Office District.

The Zoning Ordinance for the City of Wichita first permits mortuaries and funeral homes in the "LC" light commercial district, provided such buildings are located not less than 200 ft. from the boundaries of an "AA", "A", or "BB" district. The district permitting mortuaries without any qualification is the "C" commercial district.

Attached for your consideration is a letter signed by Kent Frizzel and Darrell Leason requesting that attention be given to amending the ordinance to permit mortuaries in the office district. Also attached for your consideration is a suggested amendment which would permit mortuaries in the "BB" district provided that the district is adjacent to an arterial street, adequate screening of the parking is provided, and outdoor lights are directed so as to deflect lights away from adjacent residences.

In order to encourage good site development, the Planning Commission may also desire to consider amending the text providing that, in the Office District, setback areas adjacent to all streets shall be landscaped and not utilized for off street parking except for points of ingress and egress. The Commission may desire to not permit parking in front of office structures as originally recommended in the Development Standards Lot - Parcel Report and approved by a previous Commission.

Consideration of an amendment, permitting mortuaries in the office district, will be placed on your agenda for your meeting of Feb. 27, 1969. If the Commission concurs in the request, the Planning Department should be directed to advertise an amendment for public hearing. If the Commission is also interested in the general appearance of office uses on major streets and desires to prohibit parking in the front setback areas, the Commission may also desire to instruct the Planning Department to prepare the necessary amendments. Please call if you have any questions concerning this memorandum and the attachments.

JHG:js

APPROVED

C. Bickley Foster
C. Bickley Foster, Director of Planning

SUGGESTED AMENDMENT TO THE ZONING ORDINANCE

Amend 28.04.090 "BB" office district regulations.

A. USE REGULATIONS - - - Add 13 to read as follows:

13. Mortuaries or funeral homes, provided that:

a. The "BB" Office District is located contiguous to an arterial as designated in the Transportation Plan Element of the Comprehensive Plan and any amendments thereto.

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c. If lighting facilities are provided, they shall be arranged so as to deflect or direct lights away from adjoining properties.

Amend 28.04.090 "LC" light commercial district regulations.

A. USE REGULATIONS. Amend 1.25 to read as follows:

~~1.25 Mortuaries or funeral homes may be permitted within the light commercial districts provided such buildings are located not less than two hundred (200) feet from the boundary of the "AA", "A", and "RR" Districts.~~

Ordinance No. 21-935, published
May 18, 1956 included "BB" Office District

Ordinance No. 25-810 published April 1, 1961
amended "BB" district to include motels
and hotels (note that hotels were a permitted
use in the "B" zone prior to this time)

WICHITA-SEDGWICK COUNTY

DATE
February 19, 1969

METROPOLITAN AREA PLANNING DEPARTMENT

TO Metropolitan Area Planning Commissioners

FROM Jack H. Galbraith, Senior Planner *JH G.*

SUBJECT Request for an amendment to the Zoning Ordinance permitting mortuaries in the "BB" Office District.

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JHG:js

APPROVED

C. Bickley Foster
C. Bickley Foster, Director of Planning

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February 14, 1969

Mr. Darrell H. Leason
443-E North St. Francis
Wichita, Kansas 67202

Dear Mr. Leason:

We are in receipt of your letter of February 10, 1969, requesting that the Planning Commission consider directing us to prepare an amendment to the Zoning Ordinance permitting mortuaries in the "BB" Office District. We had discussed earlier that we would consider bring this to the attention of the Planning Commission at their meeting yesterday, however because of a large agenda and a new member we felt it would be better if they had a copy of your letter in advance of their meeting and also had a proposal to consider.

We will, therefore, place this matter on their agenda for their regular meeting on February 27, 1969. At that time we also will submit a proposal to them for consideration, and hopefully, directions will be given us to advertise for a public hearing. It would probably be advisable for you to attend the Planning Commission meeting to answer any questions they might have.

Enclosed is an extra copy of this letter if you desire to forward it to Mr. Frizzell.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:js

cc: Mr. Kent Frizzell

*Attorney General
State Capitol Bldg
Topeka, Kansas*

SANDLIAN REALTY REALTORS

Real Estate Investment Counselors

COMMERCIAL & INDUSTRIAL
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PHONE FO 3-0118
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435 N. BROADWAY
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February 10, 1969

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To begin with the present trend in the funeral business is to build a facility which is very modern, beautiful, and esthetic which would be compatible with the uses found in the present BB classification. Also, in reviewing the present ordinance we find such uses as hospitals, clinics, churches, nursing homes, hotels, motels, apartments, and cemeteries can comply in as low as a B classification.

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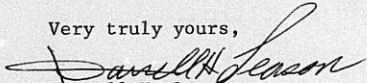
Metropolitan Area
Planning Commission

- 2 -

February 10, 1969

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Very truly yours,


Darrell H. Leason


Kent Frizzell

DHL:vbm

