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RESOLUTION NO.

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW A CEMETERY , CREMATORIUM, MAUSOLEUM, AND COLUMBARIUM ON CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, a conditional use permit to allow a sand extraction and topsoil removal operation on property zoned 'R-1' Suburban Residential District, legally described below:

Case No. CU-386

Conditional Use Permit for a cemetery, crematorium, mausoleum, and columbarium,, located in an area northeast of 21st Street North and Greenwich Road, described as:

The Southwest Quarter of Section 3, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT the following tracts:

A. Commencing at the Northwest corner of said Southwest Quarter; thence bearing S 0 degrees 43' 06" E along the west line of said Southwest Quarter a distance of 48.90 feet; thence bearing N 89 degrees 16'54" E a distance of 50.00 feet to the point of beginning; thence bearing N 89 degrees 49'11" E a distance of 522.46 feet; thence bearing S 85 degrees 58'54" E a distance of 301.62 feet; thence bearing S 73 degrees 44'11" E a distance of 322.28 feet to a point on a curve to the right having a radius of 2039.86 feet and a chord 1696.46 feet bearing S 48 degrees 12'42" E; thence along said curve through

a central angle of 49 degrees 08' 34" an arc distance of 1749.60 feet; thence bearing S 89 degrees 12'08" W along the South line of the Northeast Quarter of said Southwest Quarter a distance of 292.15 feet; thence bearing N 23 degrees 04'20" W a distance of 61.60 feet to a point on the curve to the left having a radius of 1779.86 feet and chord of 602.84 feet bearing N 39 degrees 02'00" W, thence along said curve through a central angle of 19 degrees 30'00" an arc distance of 605.76 feet; thence bearing N 54 degrees 47'00" W a distance of 372.09 feet; thence bearing N 66 degrees 47' 00" W a distance of 372.09 feet; thence bearing N 79 degrees 20'00" W a distance of 278.69 feet; thence bearing N 88 degrees 11'31" W a distance of 258.61 feet; thence bearing S 87 degrees 05'38" W a distance of 420.57 feet; thence bearing S 58 degrees 32'58" W a distance of 115.59 feet to a point in the East (50 feet) right-of-way line of Greenwich Rd.; thence bearing N 0 degrees 43'06" W parallel to and 50.00 feet east of the West line of said Southwest Quarter a distance of 380.02 feet to the point of beginning, as taken in Condemnation Case 87C-1432.

B. Beginning at a point in the East line and 836.81 feet north of the southeast corner of the Southwest Quarter of said Section 3, thence bearing S 0 degrees 35'35" E along said East line a distance of 796.81 feet to a point 40.00 feet north of the southeast corner of said Southwest Quarter; thence bearing S 89 degrees 16'46" W parallel to and 40.00 feet north of the south line of said Southwest Quarter a distance of 1137.82 feet; thence bearing N 0 degrees 43' 14" W a distance of 10.00 feet; thence bearing N 89 degrees 16' 46" E a distance of 650 feet; thence bearing N 41 degrees 30' 18" E a distance of 84.66 feet; thence bearing N 4 degrees 14' 48" E a distance of 695.32 feet; thence bearing N 11 degrees 08' 02" W a distance of 368.00 feet; thence bearing N 23 degrees 04' 20" W a distance of 170.76 feet to a point in the North line of the southeast Quarter of the Southwest Quarter of said Section 3, thence bearing N 89 degrees 12'08" E along said North line a distance of 292.15 feet to a point on a curve to the right having a chord of 12.71 feet bearing S 23 degrees 27.42" E and a radius of 2039.86 feet through a central angle of 0 degrees 21' 26" an arc distance of 12.71 feet; thence bearing S 24 degrees 09'37" E a distance of 520.14 feet to the point of beginning, as given for Highway K-96 on Film 925, Page 1535.

C. Commencing from the Northwest corner of said Southwest Quarter; thence S 00 degrees 43' 06" E along the West line of said Southwest Quarter for a distance of 428.92 feet; thence bearing N 89 degrees 16'54" E for a distance of 50.00 feet to the point of beginning, said point being in the East line of Greenwich Road and the South line of K96 Bypass; thence bearing N 58 degrees 32' 58"E along the South line of K96 Bypass for a distance of 115.59 feet; thence bearing N 87 degrees 05'38" E along the South line of K-96

Bypass for a distance of 420.57 feet; thence bearing S 88 degrees 11' 31" E along the South line of K96 Bypass for a distance of 258.61 feet; thence bearing S 79 degrees 20'00" E along the South line of K-96 Bypass for a distance of 278.69 feet; thence bearing S 66 degrees 47'00" E along the South line of K96 Bypass for a distance of 186.04 feet; thence S 23 degrees 13'00" W for a distance of 30.00 feet; thence bearing N 66 degrees 47' 00" W for a distance of 182.74 feet; thence bearing N 79 degrees 20'00" W for a distance of 273.06 feet; thence bearing N 88 degrees 11' 31" W for a distance of 255.05 feet; thence bearing S 87 degrees 05'38" W for a distance of 411.71 feet; thence bearing S 58 degrees 32' 58" W for a distance of 125.79 feet to a point in the East line of Greenwich Road; thence bearing N 00 degrees 43'06" W along said East line being 50 feet east of the West line of said Southwest Quarter for a distance of 34.90 feet to the point of beginning, as given for K-96 Bypass on Film 1164, Page 547.

D. That portion of the North Half of the Southwest Quarter lying north and east of the Northerly and Easterly Right of Way line of Highway as condemned in Case 87C-1432, as described above.

E. That portion of the Southeast Quarter of the Southwest Quarter lying north and east of the Easterly line of Highway as established on Film 925, Page 1535 and described above.

F. A tract described as beginning at the Southwest corner of said Section; thence north along the West line of said Section, 1246.25 feet; thence east parallel to the South line of said Section, 772.24 feet; thence south parallel to the West line of said Section, 1246 feet; thence west along the South line of said Section, 772.24 feet to the point of beginning.

G. A tract described as beginning 1246.25 feet north and 30 feet East of the Southwest corner of said Southwest Quarter; thence East 590 feet; thence North 366 feet; thence West 590 feet; thence South 366 feet to the point of beginning.

H. The west 50 feet and south 40 feet for road.

In an area located northeast of 21st Street North and Greenwich Road.

SECTION II. That upon the taking effect of this Resolution, the notation of such conditional use permit shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	Aye
PAUL W. HANCOCK	Aye
THOMAS G. WINTERS	Aye
MELODY C. MILLER	Aye
MARK F. SCHROEDER	Aye

DATED this 24th day of January, 1996.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

SUSAN E. CROCKETT-SPOON
County Clerk

APPROVED AS TO FORM:

Assistant County Counselor

THOMAS G. WINTERS, Chairman

MELODY C. MILLER, Chair Pro Tem

BETSY GWIN, Commissioner

PAUL W. HANCOCK, Commissioner

MARK F. SCHROEDER, Commissioner

WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

STAFF REPORT

December 14, 1995

CASE NUMBER: CU-386 & SCZ-0702

APPLICANT/AGENT: Kensington Gardens, L.C. c/o William L. Cozine & W. Ashley Cozine (property owner) \ Martin, Pringle, Oliver, Wallace & Swartz c/o George Bruce (agent)

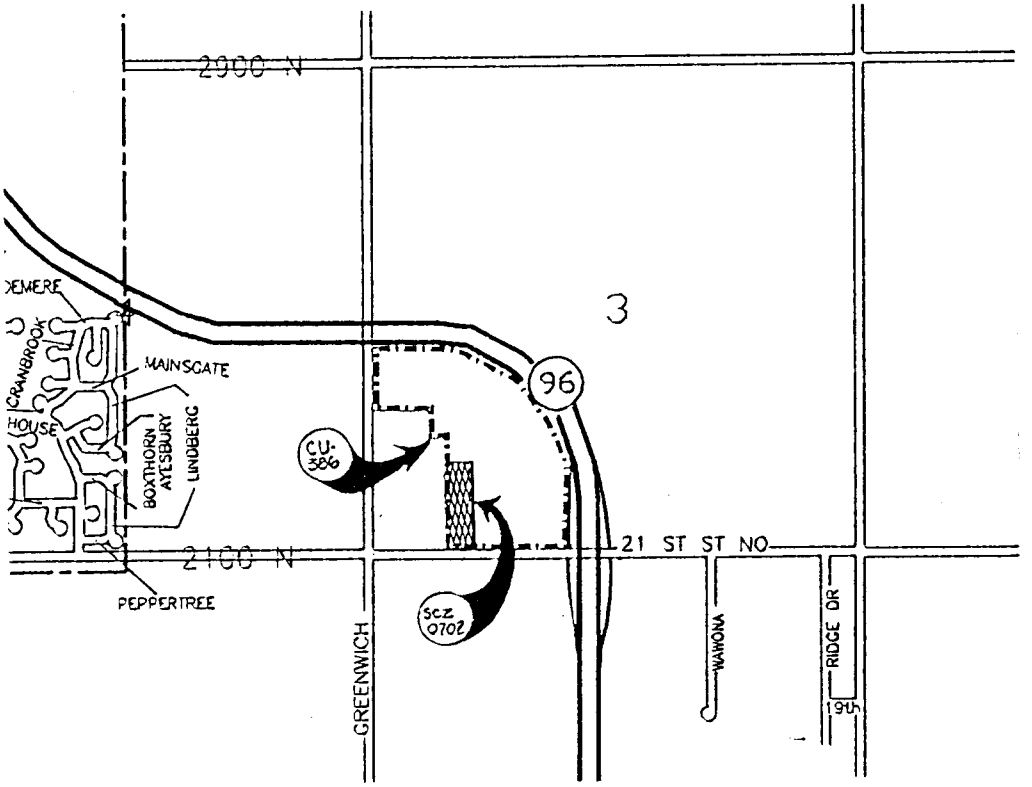
REQUEST: Conditional Use Permit for a cemetery, crematorium, mausoleum, and columbarium; AND a zone change to 'LC' Light Commercial.

CURRENT ZONING: 'R-1' Suburban Residential

SITE SIZE:
Conditional Use: 68 acres
Zone change: 7.02 acres

LOCATION:
Conditional Use: An area located northeast of 21st Street North and Greenwich Road.
Zone change: West of the K-96 Expressway on the north side of 21st Street North.

PROPOSED USE: Cemetery, mortuary, crematory, and sales office in conjunction with the cemetery.



BACKGROUND: The applicant requests a Conditional Use permit for a cemetery and associated crematory for a 68 acre site located in an area northeast of 21st Street North and Greenwich Road and south of the K-96 Expressway. The applicant also requests a zone change from the 'R-1' Suburban Residential District to the 'LC' Light Commercial District for a 7.02 acre tract located west of the K-96 Expressway on the north side of 21st Street North, to accommodate a proposed mortuary.

The subject property is currently used for agricultural purposes and includes three lakes and a large number of existing trees and vegetation, particularly along the southeastern half of the property. The property is surrounded by the K-96 Expressway to the north and east, and agricultural uses to the south and west. A 20 acre tract adjacent to the applicant's property, located at the northeast corner of the 21st/Greenwich Road intersection, is proposed for a commercial development. Approximately 80 acres on the west side of Greenwich Road is proposed for a mixture of commercial and industrial uses.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	'R-1'	K-96 Expressway, agricultural uses
SOUTH:	'R-1'	Agricultural uses
EAST:	'R-1'	K-96 Expressway, agricultural uses
WEST:	'R-1', 'LC'	Agricultural Uses (approved for 'LC' and 'E')

PUBLIC SERVICES: Neither municipal water or sewer services are currently available to serve this site. The nearest municipal water service is a 24-inch City water line that is located at 21st Street and Clubhouse Drive, approximately ½ mile west of Greenwich Road. City Engineering staff indicate that water service can be extended to serve this area in the future. The nearest municipal sewer service is a City sewer line in the Tallgrass residential area, approximately ½ mile west of Greenwich Road. City Engineering staff indicate that a lift station and additional improvements to the City's sewer system may be necessary for the City to have the capacity to serve this area with sewer.

The nearest sewer line for the County's Four Mile Creek Sewer District is located in the Cobblestone Addition near 17th Street North and 127th Street, approximately 1½ miles from the subject property. County Bureau of Public Services staff indicate that the Four Mile Creek sewer service could be extended to serve this area; however, the sewer lines would have to be routed around a cemetery, under a railroad line, and under the K-96 Expressway. Also, additional improvements may be necessary to the Four Mile Creek system in order for the system to have the capacity to serve development in the 21st Street / Greenwich Road area.

The site has access to 21st Street North, a 2-lane arterial with 40 feet of existing half-street right-of-way, and Greenwich Road, a 2-lane arterial with 50 feet of existing half-street right-of-way. Existing traffic volumes on Greenwich Road range from 1,600 average daily trips (ADT) south of the 21st St. intersection to 1,500 ADT north of the intersection. Existing traffic volumes on 21st Street range from 6,000 ADT west of the Greenwich Road intersection to 7,500 ADT east of the intersection.

The 2020 Transportation Plan projects that traffic on Greenwich Road will increase to approximately 5,500 ADT south of the intersection and 5,000 ADT north of the intersection. Traffic volumes on 21st Street are projected to increase to 11,450 ADT west of the intersection and 12,100 ADT east of the intersection.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan does not specifically address the siting for new cemeteries. However, the Land Use Guide of the Comprehensive Plan identifies the 21st Street North/Greenwich interchange area as appropriate for "large-scale retail uses" which serve a regional or subregional market.

RECOMMENDATION: Planning staff recognizes that this site has several unique natural features (lakes, trees, vegetation, and changes in topography) and we feel that the proposed cemetery would not have a detrimental impact upon proposed commercial and industrial development in this area. However, staff has a concern that the proposed cemetery would be a significant underutilization of this tract of land, which is designated by the Comprehensive Plan for "large scale" commercial development. Also, we feel that the existing natural features do not inhibit the site from being developed, but rather, offer exceptional opportunities to create an attractive residential, commercial, or office park development.

Given the substantial investment that Sedgwick County residents have made in the K-96 Expressway, we feel that higher intensity development should be promoted along this corridor, due to the traffic carrying capacity of that roadway. Also, since a cemetery does not require municipal water/sewer services, we feel that there are other locations throughout Sedgwick County that could be developed with a cemetery. We do support the request of 'LC' zoning; however, we do not feel that this elongated 7 acre parcel could be logically developed by itself if the associated Conditional Use Permit for the cemetery is denied.

Therefore, based upon information available prior to the public hearings, planning staff recommends that both the Conditional Use Permit and zone change requests be DENIED, and that the applicant return with a development plan for the entire site before additional nonresidential zoning is approved.

If the Planning Commission determines that the requests are appropriate for this area, then the requests should be approved subject to platting within 1-year, and

the MAPC will need to cite appropriate findings in support of that recommendation. Also, staff recommends that any 'LC' zoning include site development restrictions, to be included in the Outside-the-City Water Agreement, similar to those restrictions volunteered by the developers for the commercial and industrial park developments on both the east and west sides of 21st / Greenwich Road.

The staff recommendation for denial is based on the following findings:

1. The zoning, uses and character of the neighborhood: The requests are consistent with the agricultural character of the area as it exists today. However, the area is proposed for significant commercial and industrial park development, and a cemetery would not be in character with uses that typically locate near Expressway interchanges.

2. The suitability of the subject property for the uses to which it has been restricted: Although the Comprehensive Plan contemplates more intensive use for this property, the size and configuration of this property are such that subdivision for single family development would seem feasible, similar to a number of subdivisions that have been and are being developed along K-96 and I-35 in this part of the county.

3. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The proposed use would underutilize the significant public investment in existing and planned community facilities for this area. Denial of the Conditional Use Permit and zone change requests for the cemetery and mortuary would not impose a hardship upon the applicant, since the property can be developed at a much higher intensity and likely a greater return on the investment in this property. Also, since a cemetery does not require municipal water/sewer services, there are numerous other locations throughout Sedgwick County that could be developed with a cemetery.

5. Conformance of the requested change to adopted or recognized Plans/Policies: The request for a cemetery is not consistent with the Land Use Guide of the Comprehensive Plan, which identifies the 21st Street North/Greenwich interchange area as appropriate for "large-scale retail uses" that serve a regional or subregional market. The Plan recommends that major commercial developments be located in planned centers along major thoroughfares or at highway interchanges.

6. Impact of the proposed development on community facilities: Neither municipal water or sewer services are currently available to serve this site. However, the City plans for future extensions of water service to this area and staff from both the City and County indicate that this area can and will eventually be served with sewer service. The proposed use would be a significant underutilization of the City and County's substantial investment for construction of the K-96 Expressway and extensions of water and sewer service to this area.