



Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2013

Hope Mennonite Church
808 North Maize Road
Wichita, KS 67212

Marcus Loganbill
11602 West Kenny
Wichita, KS 67212

RE: CON2013-00008 - City Conditional Use request for a "cemetery" (columbarium) on property zoned SF-5 Single-family Residential ("SF-5") generally located on the east side of North Maize Road, 1,700 feet north of West Central Avenue (868 North Maize Road).

Dear Ladies and Gentlemen:

At its regular meeting on May 9, 2013, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request, subject to the conditions in the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink that reads 'Dale Miller'.

Dale Miller
Current Plans Manager

Copies to: WCC V, Jeff Longwell, Mail Stop 1-13
Julianne Kallman, Mail Stop 1-71
Neighborhood Assistant V, Megan Buckmaster, Mailstop 1-135
MACBD

Attachments

CONDITIONAL USE RESOLUTION NO. CON2013-00008

WHEREAS, the Hope Mennonite Church (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a "cemetery" columbarium on approximately 3.06 acres zoned SF-5 Single-family Residential ("SF-5"), described as:

Lot 1, Hope Mennonite Church Addition to Wichita, Sedgwick County, Kansas

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of May 9, 2013, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a "cemetery" columbarium on property zoned , described as: SF-5 Single-family Residential ("SF-5")


Lot 1, Hope Mennonite Church Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

- A. The Conditional Use permits a columbarium whose dimensions are substantially the same height, length and width as depicted on the approved site plan. The columbarium shall be located in generally the same location as shown as on the approved site plan.
- B. The columbarium shall be developed and maintained in conformance with all applicable local, state or federal laws or regulations.
- C. The Conditional Use shall not be effective until a covenant that assigns perpetual maintenance of the columbarium to the owner of Lot 1, Hope Mennonite Church Addition has been recorded.
- D. If the Zoning Administrator finds that there is a violation of any conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 9th day of May 2013.

METROPOLITAN AREA PLANNING COMMISSION


David Dennis, Chair MAPC

ATTEST


John L. Schlegel, Secretary

BACKGROUND: The application area is zoned SF-5 Single-family Residential (“SF-5”), contains approximately 3.06 platted acres, is developed with the Hope Mennonite Church and associated parking, and is located on the east side of North Maize Road, 1,700 feet north of East Central Avenue. Hope Mennonite Church is requesting Conditional Use approval to construct a columbarium - a structure containing recesses in which urns containing the ashes of those cremated may be placed. The proposed columbarium is to be located north of the northeast corner of the existing church, approximately 17 feet from the north property line, which is an interior side yard. The proposed columbarium is to be seven feet wide by two feet deep, and five feet tall. (See the attached site plan and drawings labeled: “estimating copy,” “preliminary drawings,” “unlabeled drawing depicting dimensions” and “spring 2003 hope memorial garden initial design.”)

Properties located to the north, east and south are zoned SF-5 and developed with single-family residences. Properties located to the west, across North Maize Road, are zoned GO General Office (“GO”), and are developed with offices and single-family residences.

Among the concerns created by a request for a Conditional Use to permit a cemetery or columbarium is the long-term viability of the church and the church’s ability to provide for the long-term maintenance of a cemetery. Financing by traditional lending institutions can sometimes be problematic for small congregations. If the church fails, the long-term maintenance responsibility of a cemetery or columbarium can potentially then fall upon a governmental entity if no other private entity can be found to accept management and maintenance responsibilities.

CASE HISTORY: The property is platted as the Hope Mennonite Church Addition.

ADJACENT ZONING AND LAND USE:

North: SF-5; single-family residential
South: SF-5; single-family residential
East: SF-5; single-family residential
West: GO, SF-5; general office and residential

PUBLIC SERVICES: At the application site, North Maize Road has 50 feet of half-street right-of-way. The site is served by, or has access to, all publicly supplied utilities.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts the site as being appropriate for “major institutional” uses. Major institutional uses include a range of uses such as government facilities, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.

RECOMMENDATION: Based upon the information available at the staff report was prepared staff recommends approval subject to the following conditions:

- A. The Conditional Use permits a columbarium whose dimensions are substantially the same height, length and width as depicted on the approved site plan. The columbarium

- shall be located in generally the same location as shown as on the approved site plan.
- B. The columbarium shall be developed and maintained in conformance with all applicable local, state or federal laws or regulations.
 - C. If the Zoning Administrator finds that there is a violation of any conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

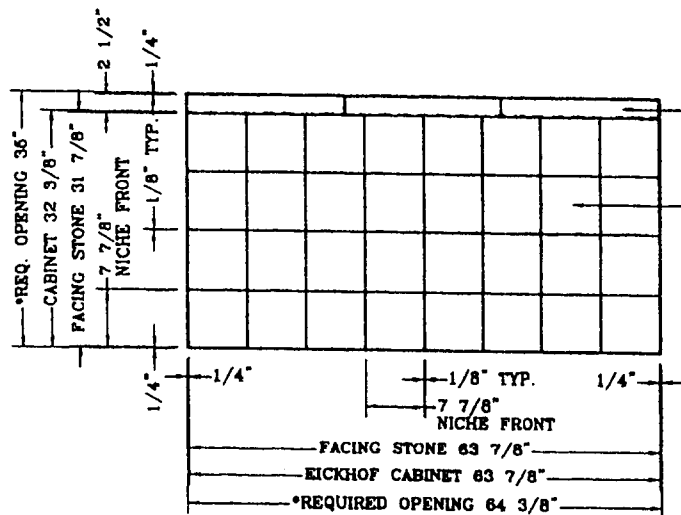
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North Maize Road is a significant arterial, carrying over 21,500 average trips per day. Property to the north, east and south is all zoned SF-5 and is developed with single-family residences. Properties located to the west, across North Maize Road, are zoned GO General Office (“GO”), and are developed with offices and single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5, which permits a church by-right. The property has been developed with a church, and could continue to be used as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed columbarium is relatively small, seven feet wide by two feet deep, and five feet tall, and is screened by evergreens to the extent that few adjoining property owners are likely to notice it. The recommended conditions of development should minimize any physical impacts to nearby property owners.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will provide additional burial choices. Denial presumably would be a hardship to the church in that they have members have expressed an interest in the facility.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as being appropriate for “major institutional” uses. Major institutional uses include a range of uses such as government facilities, libraries, schools, cemeteries, churches, hospital and medical treatment facilities.
6. Impact of the proposed development on community facilities: None identified.

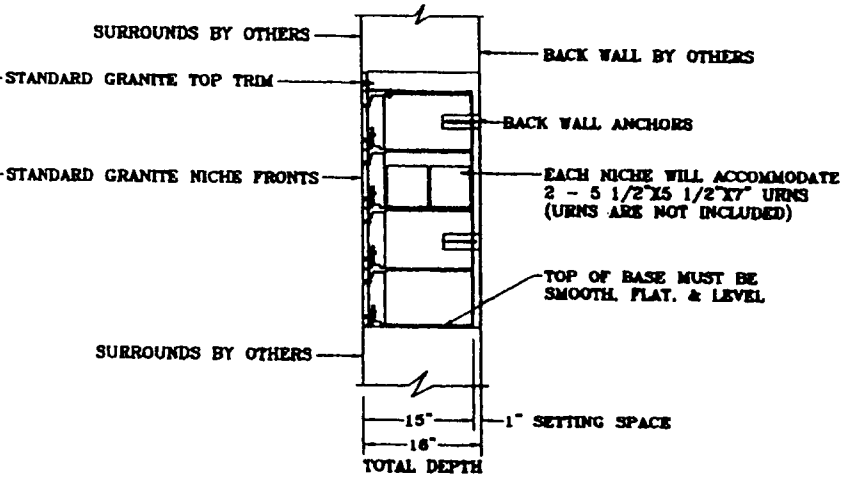
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 U.S. PAT. NO. 6,842,888
 U.S. PAT. NO. 6,842,889
 U.S. PAT. NO. 6,842,890
 U.S. PAT. NO. 6,842,891
 U.S. PAT. NO. 6,842,892

PRELIMINARY DRAWINGS

32 - 8"X8" COMPANION NICHES
64 TOTAL URN SPACES



ELEVATION



SECTION

HOPE MENNONITE CHURCH
WICHITA, KS

- NOTES:**
- 1) COLUMBARIUM WILL BE DELIVERED ONLY.
 - 2) ALL NICHE SIZES ARE NOMINAL.
 - 3) *THIS DIMENSION INCLUDES ALL JOINTS IN-BETWEEN STONE FRONTS INCLUDING AN ADDITIONAL 1/2" SPACE REQUIRED TO PUT NICHES INTO PLACE.

SITE PLAN

APPROVED ⁷6-13-13 BY *DM*

DATE: 1/18/2011	
DRAWING: 10049-2	
DRAWN BY: TAY B.	
CHECKED BY:	DATE:
TAA:	
AK:	
SCALE: 3/4" = 1'-0"	
JOB NUMBER: 10049	
SHEET NUMBER: 1 OF 1	

(0X)13-09
 DWG NO. 5-9-13