

CONDITIONAL USE RESOLUTION NO. CU- 514

WHEREAS, Jerry L. Griffith (Owner); El Paso Cemetery Association (Contract Purchaser); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow Conditional Use for a cemetery on 40 acres zoned "RR" Rural Residential described as:

The west ½ of the east ½ of the SW 1/4 of Sec. 16, Twp. 29-S, R-2-E of the 6th P.M., Sedgwick County, Kansas. Generally located North of 95th Street South approximately ¼ mile east of Webb Road.

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 March 25, 1999, 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 permit a conditional use to allow Conditional Use for a cemetery on 40 acres zoned "RR" Rural Residential described as

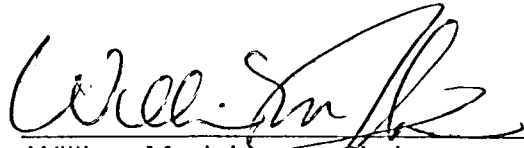
The west ½ of the east ½ of the SW 1/4 of Sec. 16, Twp. 29-S, R-2-E of the 6th P.M., Sedgwick County, Kansas. Generally located North of 95th Street South approximately 1/4 mile east of Webb Road.

subject to the following conditions:

1. To platting being finalized within 1 year.

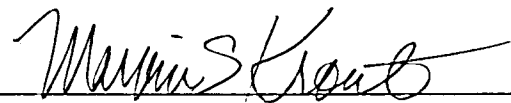
Adopted this 25th day of March, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



William M. Johnson, Chairman

ATTEST:



Marvin S. Krout, Secretary

El Paso Cemetery Association

Conditional Use CU-514

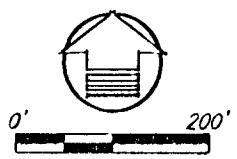
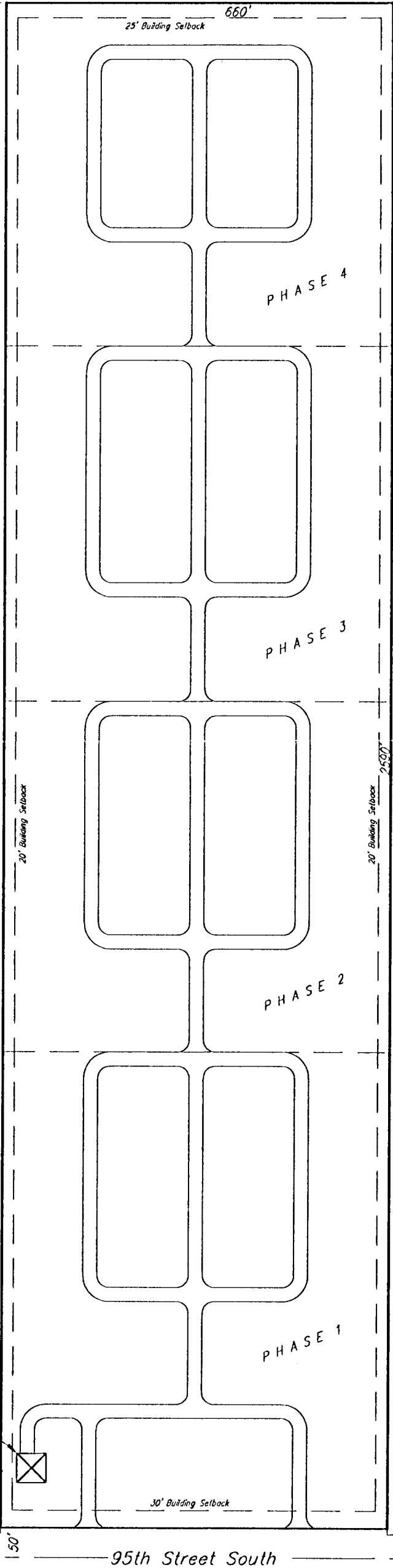
Zoned "RR" Rural Residential

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CU 514



AGENDA ITEM NO. 11

STAFF REPORT

MAPC March 25, 1999

Derby Planning Commission March 18, 1999

CASE NUMBER: CU-514

APPLICANT/AGENT: Jerry L. Griffith (Owner); El Paso Cemetery Association (Contract Purchaser); Baughman Company, P.A. c/o Russ Ewy (Agent)

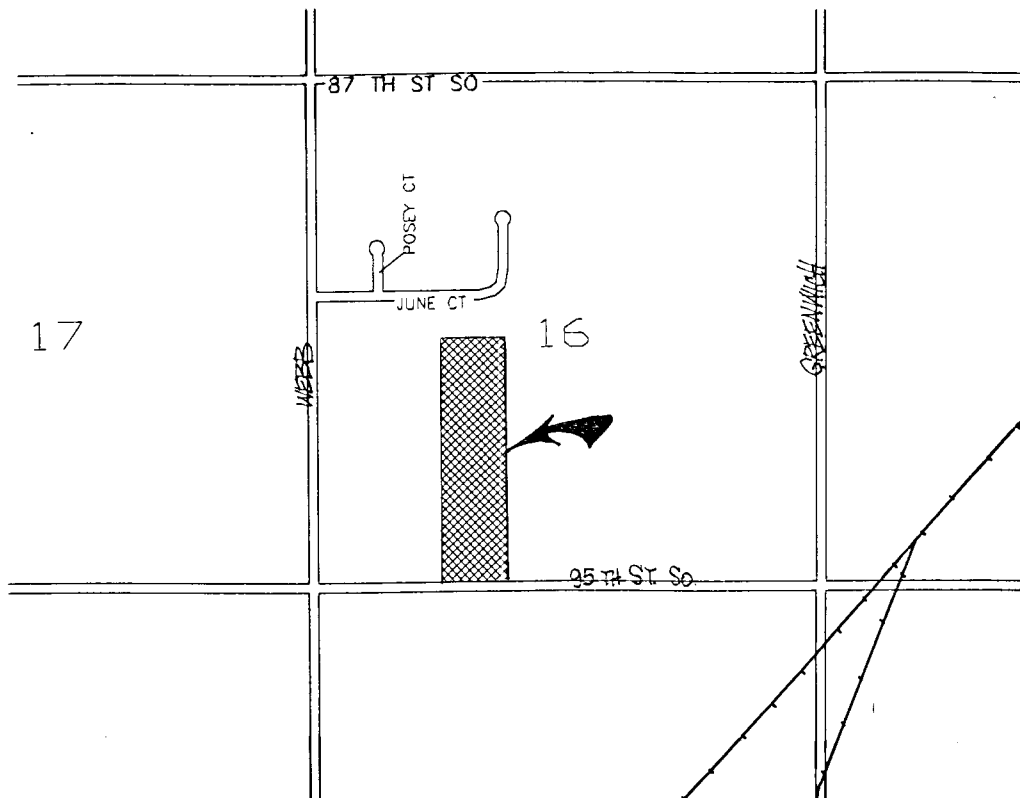
REQUEST: Conditional Use for a cemetery

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 40 acres

LOCATION: North of 95th Street South approximately ¼ mile east of Webb Road

PROPOSED USE: The applicant requests a "Conditional Use" to develop a cemetery



BACKGROUND: The applicant is requesting a "Conditional Use" to develop a cemetery on a 40 acre site zoned "RR" Rural Residential. Cemeteries are permitted as a Conditional Use in the "RR" Rural Residential zoning district.

The proposed cemetery comprises 40 acres on a narrow site, measuring 660 feet in width and 2,590 (½ mile) in depth. The site is located north of 95th Street South approximately ¼ mile east of Webb Street. The conceptual site plan for the cemetery indicates development will be completed in four phases, with Phase 1 being nearest 95th Street South and Phase 4 being nearest the northern edge of the site. An office/maintenance building with approximately 2,500 square feet is proposed for location at the southwest corner of the site. Two entrances for ingress/egress are to be provided onto 95th Street South. The setbacks are shown as being 30 feet along 95th Street South (the road frontage), 25 feet along the rear property line and 20 feet along the eastern and western interior side property lines. These building setback lines conform with the requirements of the "RR" Rural Residential zoning classification. The applicant indicates that he will be submitting a final site plan showing the internal road configuration, burial plot layout and any additional features at the time of subdivision platting. This final site plan will need to be made a part of the conditional use application and adhere to the setbacks, street dedication, and general design of this conceptual site plan.

The site is currently being used as agricultural land. The land surrounding the site is agricultural on the east, south, and west, and includes two single family homes located on this farmland. Additionally, there are two large suburban lots to the northeast and to the southeast of the proposed site. June Estates is a subdivision located on the northern edge of the proposed cemetery. June Estates is developed with 17 single family homes on large lots and is served by private sewage treatment.

The site is accessed via 95th Street South, a 2-lane arterial. Traffic counts of this segment of 95th Street South were 1,638 in 1996 (ADT). Traffic is projected to increase to 3,717 ADT by 2020. The site plan designates 50 feet of right-of-way from the centerline of 95th Street South, which is the amount of right-of-way that Sedgwick County will be requesting at the time of the platting process. The property is within the Derby jurisdiction for subdivision platting purposes.

CASE HISTORY: The proposed site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; single family dwellings
SOUTH: "RR" Rural Residential, agricultural and single family dwelling
EAST: "RR" Rural Residential, agricultural
WEST: "RR" Rural Residential, agricultural and single family dwelling

PUBLIC SERVICES: This application area is located along 95th Street South, a 2-lane arterial. No public sewer service or municipal water service is available to the site.

CONFORMANCE TO PLANS/POLICIES: The Adopted Land Use Guide of the Comprehensive Plan identifies the area as appropriate for agricultural use. It is approximately ½ mile beyond the small cities future growth area for Derby. The Comprehensive Plan does not specifically identify locations appropriate for cemeteries, but provides locational guidelines that cemeteries are a semi-public use and should have convenient access to arterials, public transportation and major utility trunk lines.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED subject to platting being finalized within 1 year.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: Cemeteries are allowed as a Conditional Use in the "RR" Rural Residential, which is the zoning for this site. The surrounding area also is zoned "RR" Rural Residential and can be characterized as being occupied by agricultural use or suburban lots. While the cemetery is a semi-public use rather than residential, it is generally compatible with agricultural and suburban land uses.
2. Suitability of the subject property for the uses to which it has been restricted: The property could continue to be used for agriculture or be developed into large suburban lots. Because of the narrow shape of the site, residential development that would be more intensive than using the site for two 20-acre sites would be awkward unless the property were developed in conjunction with the adjoining property to the east.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The detrimental effects to residences to the north should be minimal due to low traffic volumes generated by the use and due to the primary access for June Estates being via Webb Road rather than 95th Street South.
4. Conformance of the requested change to adopted or recognized Comprehensive Plan: Cemeteries are identified as semi-public uses in the Comprehensive Plan. This site has convenient access to a 2-lane arterial, one of the guidelines for location of semi-public uses.
5. Impact of the proposed development on community facilities: Water and sewer service requirements would be minimal for the proposed use. 95th Street South is projected to have available traffic capacity to serve traffic generated by the proposed use.