



Wichita-Sedgwick County Metropolitan Area Planning Department

July 21, 2017

Basem Krichati
1109 S. Rock Rd.
Wichita, KS 67207

RE: CON2017-000012 - County Conditional Use to allow a cemetery on 20 acres; generally located on the south side of West 69th Street North and 1,600 feet east of North Meridian Street (2401 W. 69th Street North)

Dear Basem:

At its regular meeting on **July 12, 2017**, the Board of Sedgwick County Commissioners considered the above captioned request. The action of the Board was to **APPROVE** the request.

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

Sincerely,

A handwritten signature in black ink that reads 'D.M. Clements'.

David M. Clements, AICP
Principal Planner

Copies to: MABCD
BoCC 4, Richard Ranzau, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 349
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213
Ryan Shrack Community Development Director, PO Box 188; 121 S. Meridian, Valley Center, KS 67147
Bob Rogers, 1527 W. 69th N. Wichita, KS 67204

RESOLUTION NO. 124-2017

Published on: July 19, 2017

A RESOLUTION GRANTING A CONDITIONAL USE FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS 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 V-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for the lands legally described hereby is approved as follows:

Case No. CON 2017-00012

A Conditional Use request to allow a Cemetery in a SF-20 Single-Family Residential District and legally described as follows:

A tract of land located in the Northeast corner of the Northwest Quarter (NW/4) of Section 7, Township 26 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as beginning at the Northeast corner of said NW/4; thence South a distance of 1244.58 feet along the West line of said NW/4; thence West a distance of 700 feet; thence North a distance of 1244.58 feet to the North line of said NW/4; thence East a distance of 700 feet along the North line of said NW/4 to the point of beginning.

SECTION II. That application CON2017-0012 is hereby approved and the Conditional Use is subject to the following Conditions:

1. The cemetery shall be operated as described in the applicant's narrative.
2. The cemetery shall be developed as shown on proposed cemetery site plan, dated 5/30/17. Each phase shall have fencing and landscaping as shown for phase 1. A parking study shall be submitted as required by the Unified Zoning Code to justify the number of parking spaces for the proposed cemetery.
3. The applicant shall dedicate by separate instrument 60 feet of right-of-way for the future widening of West 69th Street North.
4. The applicant shall comply with all applicable provisions of Kansas State Statutes and Administrative Regulations.
5. The applicant shall obtain all applicable state and local inspections, permits and licenses.
6. The Conditional Use approval shall include a non-illuminated monument sign not to exceed 32 square feet.

7. 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.

SECTION III. That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION IV. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>no</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 12th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, Clerk



David M. Unruh
DAVID M. UNRUH, Chairman
Commissioner, First District

Michael B. O'Donnell, II
MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

Justin M. Waggoner
JUSTIN M. WAGGONER,
Assistant County Counselor

David T. Dennis
DAVID T. DENNIS
Commissioner, Third District

Richard Ranzau
RICHARD RANZAU
Commissioner, Fourth District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

STAFF REPORT
MAPC June 8, 2017
Please see application update below

CASE NUMBER: CON2017-00012

APPLICANT/AGENT: Jonathon House (Owner), Basem Krichati (Applicant)

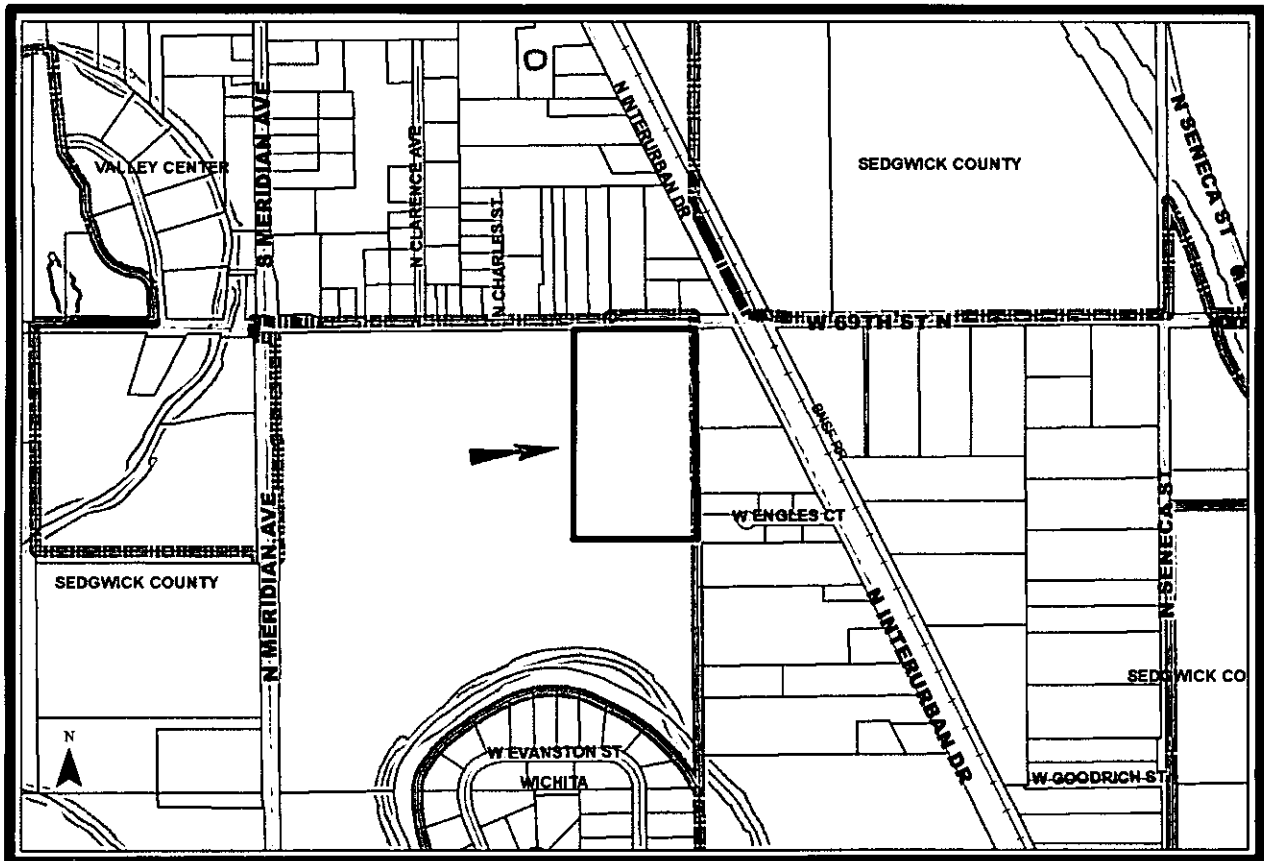
REQUEST: Conditional Use to Allow A Cemetery

CURRENT ZONING: SF-20 Single-Family Residential

SITE SIZE: 20-acres

LOCATION: Generally located on the south side of West 69th Street North and approximately 1,600 feet east of North Meridian Street (2401 West 69th Street North)

PROPOSED USE: Cemetery



APPLICATION UPDATE: *This application was originally considered by the Planning Commission at the meeting of April 20, 2017. At that meeting, MAPC recommended approval of the request by a 12-0 vote.*

After the public hearing, it was found that there was an error in the mailing to adjoining property owners.

Due to this deficiency in the mailing, it is necessary to re-hear the Conditional Use request.

Proper mailing has been provided to all residents in the notice area.

Please see underlined section below for an update on the cemetery site plan

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 part 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 revised site plan has been 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 future buildings. This updated plan was designed to address the comments of MAPC at the April 20th meeting. The site plan provides details on fencing and landscaping, and a gate at the cemetery entrance. A four foot fence is screened by evergreen trees at a 20-foot spacing with three shrubs between the trees.

Development of the property with buildings and parking will require platting.

Fencing would be provided for the cemetery with each phase of operation.

This Conditional Use for a cemetery would result in a permanent use of the land with no opportunity to transition or redevelop to another land use category based on future market conditions or demands.

The property is in unincorporated Sedgwick County, and the location abuts the city limits of the City of Valley Center on the north and east. The Community Development Director of the City of Valley Center will attend the MAPC public hearing, and provide any comments from that City.

Also, it should be noted that the sign ordinance would limit a monument sign to 8-square feet for the cemetery. The Planning Commission may authorize an increase in sign area to 32 square feet with the Conditional Use application.

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.

CASE HISTORY: The property is unplatted, the site is presently being used for agricultural purposes.

ADJACENT ZONING AND LAND USE:

NORTH: RR-1- Single-family residences/City of Valley Center
SOUTH: SF-20 vacant/Little Arkansas River, single-family residences
EAST: RR-1 Single-family residences/City of Valley Center
WEST: SF-20 vacant/agricultural.

PUBLIC SERVICES: Access to the site will be from West 69th Street North, a designated two lane arterial road. The proposed cemetery will not have significant demand for public services.

CONFORMANCE TO PLANS/POLICIES: 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.

Staff advised the City of Valley Center of the application on March 21, 2017.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the Conditional Use request for a cemetery be **APPROVED**, subject to the following conditions:

1. The cemetery shall be operated as described in the applicant's narrative.
2. The cemetery shall be developed as shown on proposed cemetery site plan, dated 5/30/17. Each phase shall have fencing and landscaping as shown for phase 1. A parking study shall be submitted as required by the UZC to justify the number of parking spaces for the proposed cemetery.
3. The applicant shall dedicate by separate instrument 60 feet of right-of-way for the future widening of West 69th Street North.
4. The applicant shall comply with all applicable provisions of Kansas State Statutes and Administrative Regulations.
5. The applicant shall obtain all applicable state and local inspections, permits and licenses.
6. The Conditional Use approval shall include a non-illuminated monument sign of 32 square feet.
7. 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.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** 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.
2. **The suitability of the subject property for the uses to which it has been restricted:** The site is zoned SF-20, and the property could be developed with single family homes with the existing zoning, or continue with the existing agricultural uses. A cemetery can be considered with a Conditional Use application in a SF-20 zoning district.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** 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.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** 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.
5. **Impact of the proposed development on community facilities:** The cemetery should not have any negative impact on community facilities due to its low traffic generation and minimal demand for public services.

Staff Report Attachments:

1. Applicants Narrative
2. Revised site plan
3. Valley Center letter

NOTES:

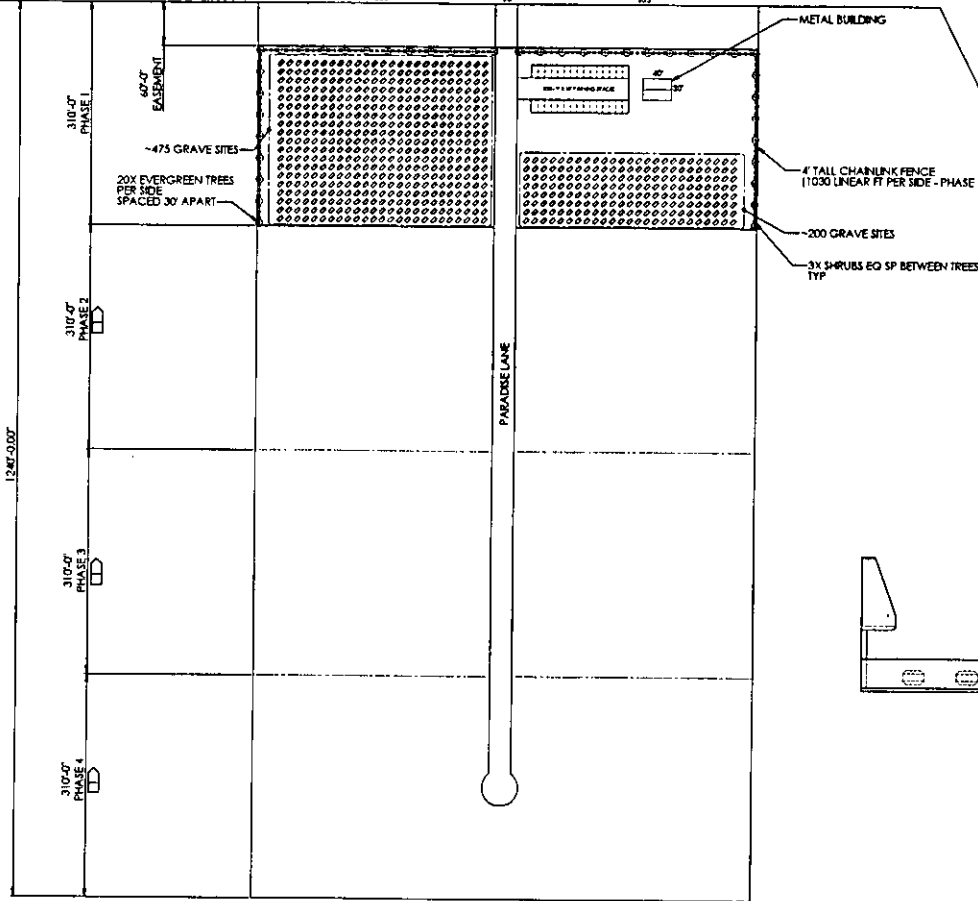
□ TREES, SHRUBS, & FENCING LAYOUT TYPICAL THROUGHOUT EACH PHASE OF DEVELOPMENT

REVISIONS				
NO.	BY	DESCRIPTION	DATE	APPROVED
1	R	CEMETERY SITE PLAN	5/30/2017	E. LUMB

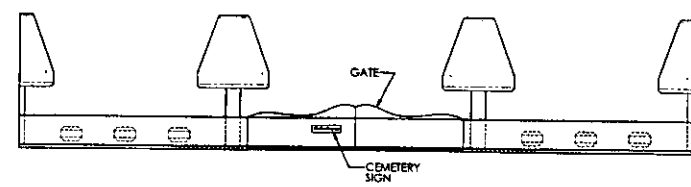
WEST 69TH STREET NORTH

SEDGWICK COUNTY

NORTH INTERURBAN DR



APPROVED CUP
 7/12/17
 D. Clements



VIEW A-A
 LOOKING SOUTH
 SCALE 1 : 100
 ROTATED 180°

PARADISE CEMETERY SITE PLAN
 SCALE 1:1000

APPROVALS	DATE
DWG: K. KURTZ	5/30/2017

PROPOSED CEMETERY SITE PLAN	THE INFORMATION CONTAINED HEREIN IS PROPRIETARY AND SHALL NOT BE REPRODUCED OR INCORPORATED IN WHOLE OR IN PART OR USED FOR ANY PURPOSE EXCEPT WHEN SUCH USER POSSESSES DIRECT WRITTEN AUTHORITY FROM CURTIS SERVICE, INC.			
	TITLE: PARADISE CEMETERY 2401 W. 69TH ST N WICHITA, KS 67204			
SCALE: NONE	SIZE: D	LOT SIZE: 20 ACRES	CASE NO.: CON2017-00012	REV: IR
SHEET 1 OF 1				