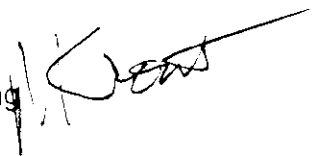


RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0702 - Zone change from 'R-1' Suburban Residential to 'LC' Light Commercial, located west of the K-96 Expressway on the north side of 21st Street North; and

CU-386 - Conditional Use Permit for a cemetery, crematorium, mausoleum, and columbarium, located in an area northeast of 21st Street North and Greenwich Road.

PRESENTED BY: Marvin S. Krout, Director of Planning 

PROPOSED AGENDA DATE: January 24, 1996

COMMISSION DISTRICT #1

MAPC Recommendation: Approve, subject to platting and recording a development plan agreement for the property to be zoned 'LC' Light Commercial. (11-1)

Staff Recommendation: Deny

Background/Discussion: 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.

While this site has several unique natural features (lakes, trees, vegetation, and changes in topography), it is the opinion of Planning Staff 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.

At the MAPC meeting on December 28, 1995, representatives of two other area cemeteries expressed opposition to the request. The protestors indicated that there was not enough demand or the need for an additional cemetery in Sedgwick County. After limited discussion, the MAPC voted 13-0 to recommend approval of the Conditional Use Permit and the zone change, subject to platting and recording a development plan agreement for the property proposed for 'LC' zoning. The MAPC determined that the requests would be in character with the surrounding area and they also noted the support expressed by letters from several area property owners.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change and Conditional Use Permit subject to the condition of platting and recording a development plan agreement for the property proposed to be zoned 'LC' Light Commercial; adopt a resolution establishing the zone change and instruct the Planning Department to withhold publication until the plat and development agreement has been recorded with the Register of Deeds; or
2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants: Kensington Gardens, L.C., 1147 South Broadway, Wichita, KS 67212

Protestors: Mark Little, 8524 E. Scott, Wichita KS 67210
Bill Cozine, 1147 S. Broadway, Wichita, 67211
Hap Bledsoe, 11800 W. Highway 54, Wichita, KS 67209

RESOLUTION NO. 19-1996

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 7.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, the zoning district of the lands legally described below are hereby changed as follows:

Case No. SCZ-0702

Zone change request from 'R-1' Suburban Residential to 'LC'Light Commercial, located west of the K-96 Expressway on the north side of 21st Street North described as:

That part of the Southwest 1/4 of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as beginning at a point on the south line of said section 772.24 feet east of the southwest corner thereof; thence north parallel with the west line of said section 940.00 feet; thence east parallel with the south line of said section, 340.00 feet; thence south parallel with the west line of said section, 940.00 feet to the south line of said section; thence west 340.00 feet to the point of beginning; except the south 40 feet thereof; containing 7.02 acres, more or less, generally located west of the K-96 Expressway on the north side of 21st Street North.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change 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 its adoption and publication in the official county paper.

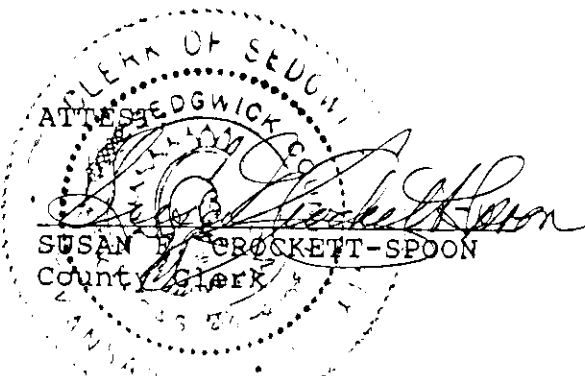
Commissioners present and voting were:

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

Aye
Aye
Aye
Aye
Aye

DATED this 24th day of January, 1996.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



APPROVED AS TO FORM:

Susan E. Crockett-Spoon
Assistant County Counselor

Thomas G. Winters
THOMAS G. WINTERS, Chairman

Melody C. Miller
MELODY C. MILLER, Chair Pro Tem

Betsy Gwin
BETSY GWIN, Commissioner

Paul W. Hancock
PAUL W. HANCOCK, Commissioner

Mark F. Schroeder
MARK F. SCHROEDER, Commissioner