

## CONDITIONAL USE RESOLUTION NO. CU- 515

**WHEREAS**, St. Paul's Evangelical Lutheran Church of Cheney (Owner) c/o John Voss, Leonard Voss, and Jean Harding Superintendents, Cemetery Board, 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 a cemetery on 5.31 acres zoned "RR" Rural Residential described as:

Beginning at the Southwest corner of the Southeast Quarter of Section 27, Township 27S, Range 4W of the 6th P.M., thence East along the South line of said Southeast Quarter, 34 rods; thence North parallel with the East line of said Southeast Quarter, 25 rods; thence West parallel with the South line of said Southeast Quarter, 34 rods; thence South along the West line of said Southeast Quarter, 25 rods to the place of beginning. Generally located 15th Street South approximately ½ mile west of 343rd Street West.

**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 April 15, 1999, consider said application; and

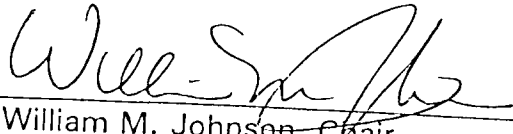
**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow a cemetery on 5.31 acres zoned "RR" Rural Residential described as

Beginning at the Southwest corner of the Southeast Quarter of Section 27, Township 27S, Range 4W of the 6th P.M., thence East along the South line of said Southeast Quarter, 34 rods; thence North parallel with the East line of said Southeast Quarter, 25 rods; thence West parallel with the South line of said Southeast Quarter, 34 rods; thence South along the West line of said Southeast Quarter, 25 rods to the place of beginning. Generally located 15th Street South approximately ½ mile west of 343rd Street West.

Adopted this 15th day of April, 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

  
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William M. Johnson, Chair

ATTEST:

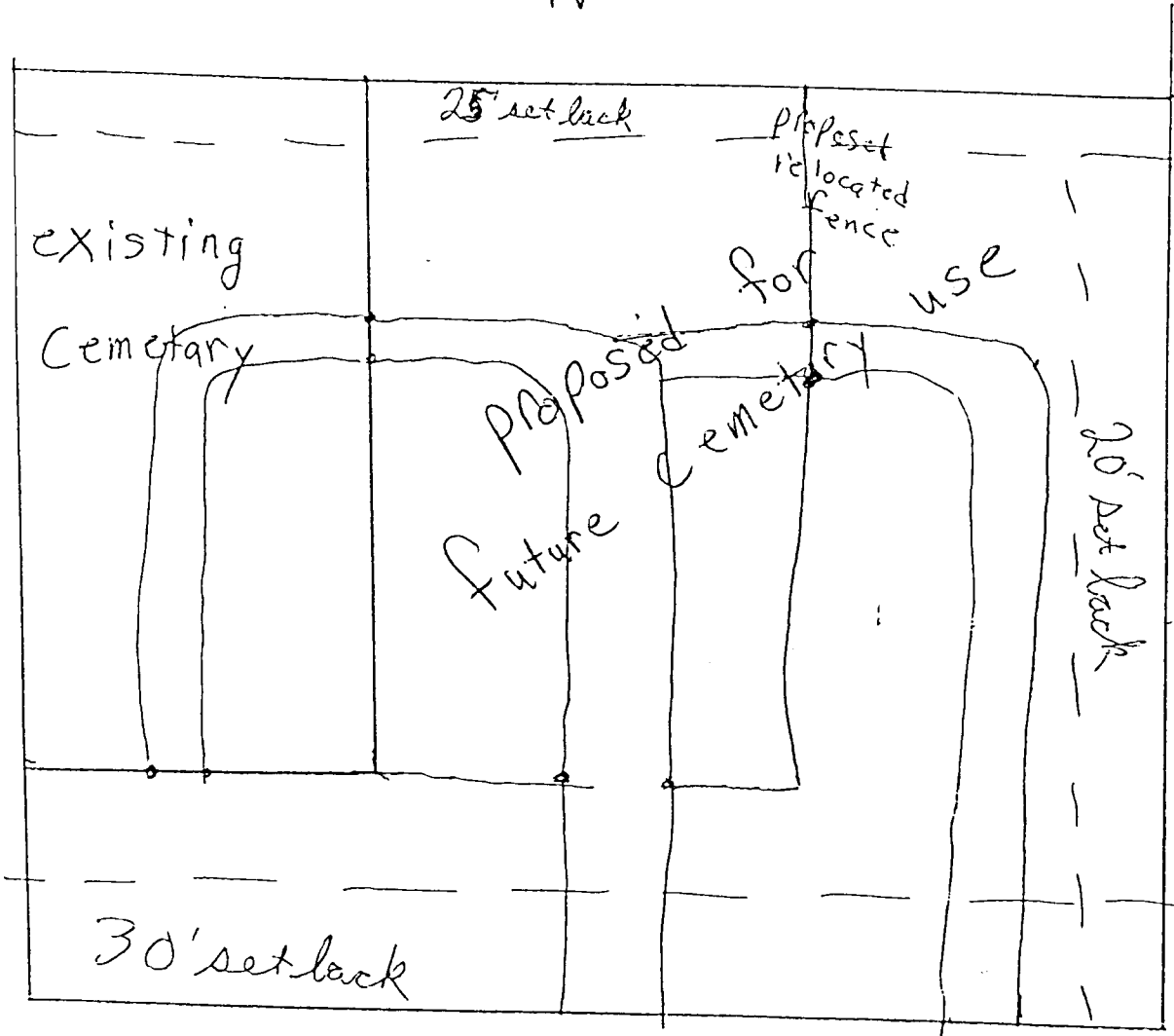
  
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Marvin S. Krout, Secretary

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15<sup>th</sup> Street South



AGENDA ITEM NO. 10

## STAFF REPORT

MAPC April 15, 1999

Cheney Planning Commission April 12, 1999

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**CASE NUMBER:** CU-515

**APPLICANT/AGENT:** St. Paul's Evangelical Lutheran Church of Cheney (Owner)  
c/o John Voss, Leonard Voss, and Jean Harding  
Superintendents, Cemetery Board

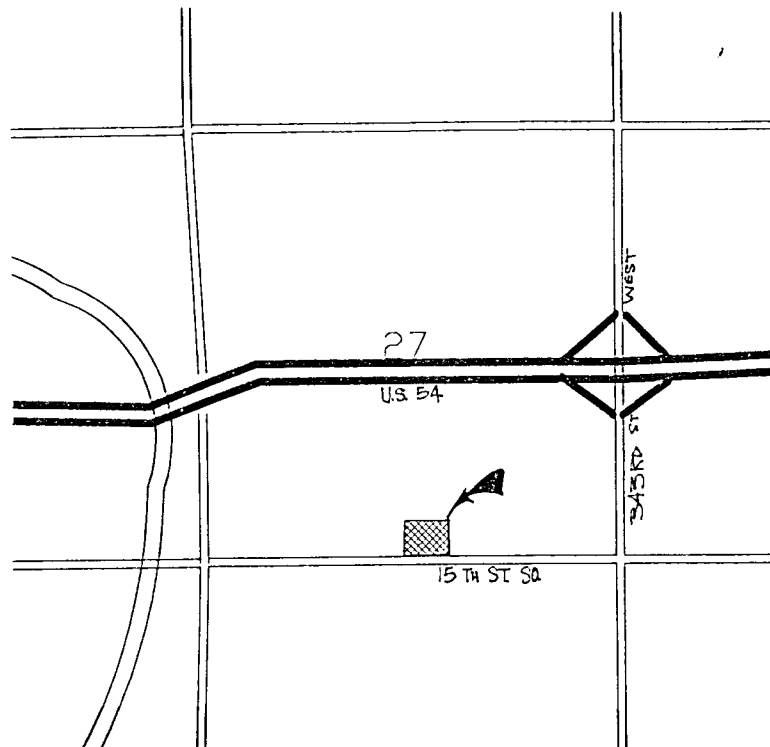
**REQUEST:** Conditional Use for a cemetery

**CURRENT ZONING:** "RR" Rural Residential

**SITE SIZE:** 5.31 acres

**LOCATION:** 15th Street South approximately ½ mile west of 343rd Street West

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



**BACKGROUND:** The applicant is requesting a "Conditional Use" to expand an existing cemetery on a 5.31 acre site zoned "RR" Rural Residential. Cemeteries are permitted as a "Conditional Use" in the "RR" Rural Residential zoning district.

The site is located north of 15th Street South (old US 54) approximately ½ mile west of 343rd Street West. The eastern portion of the site is currently vacant while the western portion is used as a cemetery. The land surrounding the site is agricultural on all sides.

The cemetery was established in 1884 as part of a rural church. Plots are available only to members of the church. At one time, the site had a church, parsonage, school building and cemetery. The church was moved to Cheney in 1962. Sometime thereafter, the school and parsonage were removed.

The applicant proposes to expand the cemetery to the east of the current site, as shown on the attached site plan. Two entrances for ingress/egress are to be provided onto 15th Street South at the location of the two existing drives onto 15th Street South from the original church and parsonage. Setbacks are shown as being 30 feet along 15th Street South (the road frontage), 25 feet along the rear property line and 20 feet along the eastern and western interior side property lines for the expansion area. These building setback lines conform with the requirements of the "RR" Rural Residential zoning classification. The middle portion of the tract would be utilized in the next phase of expansion. The applicant projects that this middle portion would provide adequate space for approximately 50 years. The final phase for expansion would be the eastern portion of the site. There are no plans to have a building on the site. In the event that a building or structure is added to the cemetery, the property would probably need to be platted.

**CASE HISTORY:** The proposed site is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH: "RR" Rural Residential; agricultural  
SOUTH: "RR" Rural Residential, agricultural  
EAST: "RR" Rural Residential, agricultural  
WEST: "RR" Rural Residential, agricultural

**PUBLIC SERVICES:** This application area is located along 15th Street South, a 2-lane arterial road (old US 54). 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. 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.

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.
2. Suitability of the subject property for the uses to which it has been restricted: The eastern portion of the property could be used for agriculture, although cemetery use is an equally suitable use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: None.
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 road, and is the logical expansion of the historic cemetery adjacent to this site.
5. Impact of the proposed development on community facilities: Water and sewer service requirements would be minimal for the proposed use. 15th Street South is projected to have available traffic capacity to serve traffic generated by the proposed use.