

182-04

RESOLUTION NO. 182-04

A RESOLUTION APPROVING A CONDITIONAL USE FOR A CEMETERY ON 2.78-ACRES, LOCATED, AT THE SOUTHWEST CORNER OF 31<sup>ST</sup> STREET SOUTH AND WEBB ROAD ON PROPERTY ZONED "SF-20" SINGLE-FAMILY RESIDENTIAL, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 17.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 V-D of the Wichita Sedgwick County Unified Zoning Code, a conditional use for the land legally described herein is approved as follows:

**Case No. CON2004-00018**

A Conditional Use for a Cemetery on property zoned "SF-20" Single Family and described as:

The West 61.55 feet of Webb-31 Addition, Sedgwick County, Kansas together with the South 145.08 feet of Webb-31 Addition, Sedgwick County, Kansas. Generally located at the southwest corner of 31<sup>st</sup> Street South and Webb Road.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The site shall be developed in general conformance with the approved site plan.
2. The landscaping shown on the approved site plan for screening from adjoining properties shall be installed per a landscape plan approved by the Planning Director.
3. A chain security gate shall be installed at the access drive to the cemetery south of the funeral home.
4. All burial plots shall utilize a concrete burial vault.
5. Vehicular access to the subject property shall be limited to the single existing access drive to Webb Road.

- 6. Development and use of the subject property shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
- 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

**SECTION II.** 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 III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

Commissioners present and voting were:

DAVE UNRUH	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN McGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 13<sup>th</sup> day of October, 2004

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

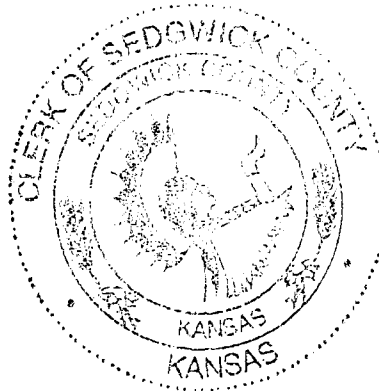
ATTEST:

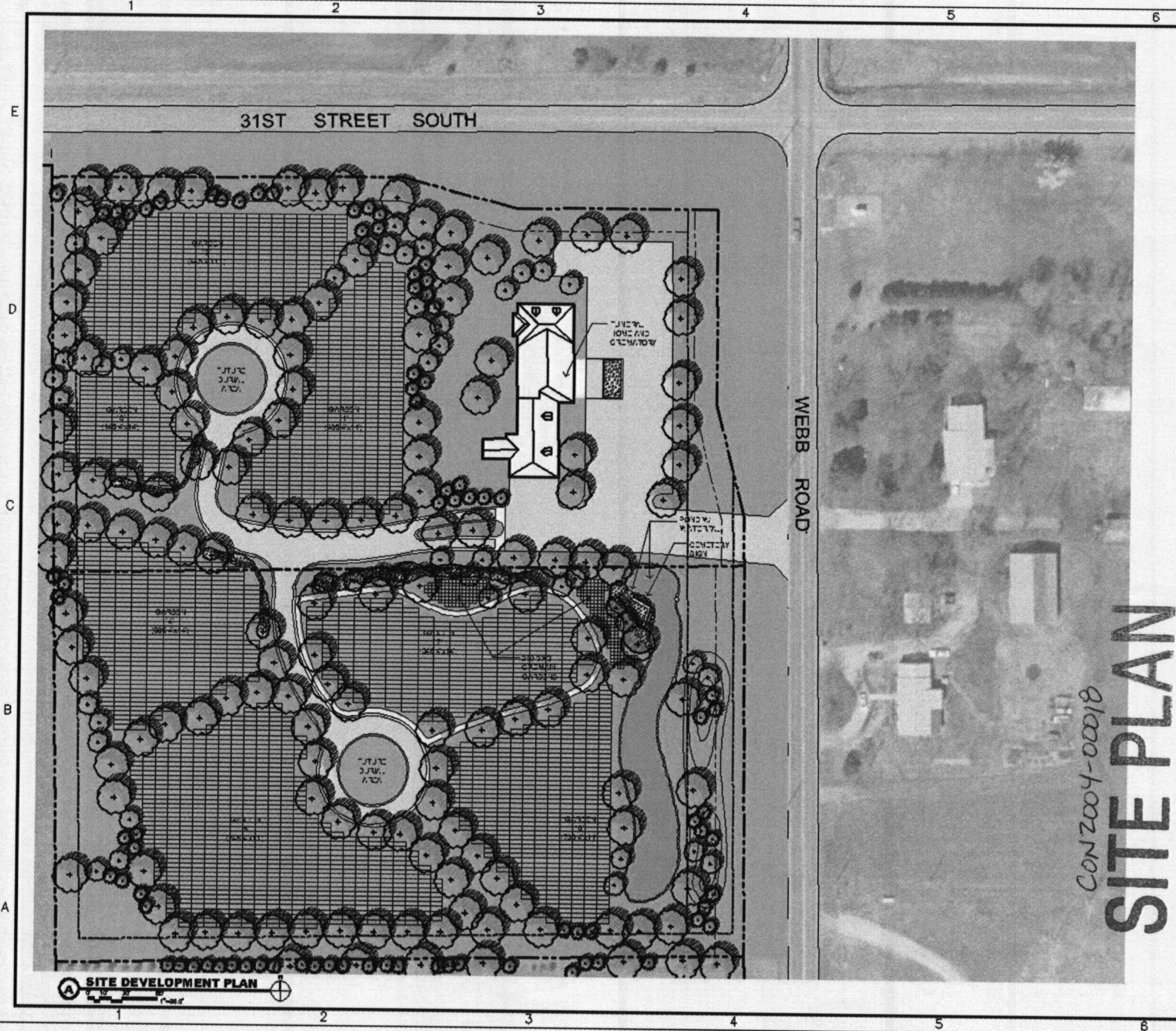
Don Brace  
DON BRACE, County Clerk

Thomas G. Winters  
THOMAS G. WINTERS, CHAIRMAN  
Third District

APPROVED AS TO FORM:

Robert W. Parnacott  
ROBERT W. PARNACOTT,  
Assistant County Counselor





CON 2004-00018

# SITE PLAN

APPROVED 10-13-04 BY B.O.C.C.

**WATSON FUNERAL HOME,  
CREMATORY & CEMETERY  
WICHITA, KANSAS**

**MKEC**  
ENGINEERING  
CONSULTANTS  
411 N. WEBB ROAD  
WICHITA, KS 67208  
(316) 864-1000

**GreenLivingston**  
Architects  
1211 South Emporia  
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No.	Date	Revised

**DEVELOPMENT PLAN**

Job No.	1077.080	1
Date	10/22/03	1
Scale	1" = 10'	1
Sheet No.	10	1 of 1



AGENDA ITEM NO. 9

## STAFF REPORT

June 10, 2004

CASE NUMBER: CON2004-00018

APPLICANT/AGENT: Family Centered Services, Inc. c/o Douglas L. Watson  
(Owner/Applicant)

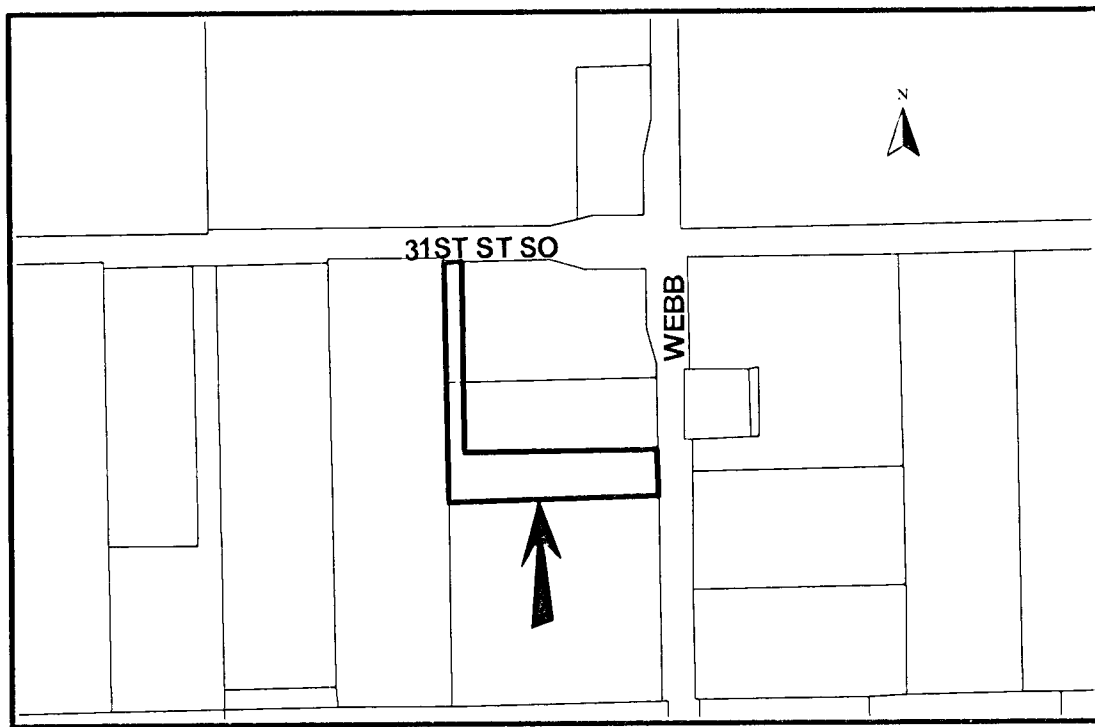
REQUEST: Conditional Use for a cemetery

CURRENT ZONING: "SF-20" Single Family Residential

SITE SIZE: 2.78 acres

LOCATION: Southwest corner of 31<sup>st</sup> Street South and Webb Road

PROPOSED USE: Cemetery



**BACKGROUND:** The applicant proposes to develop a cemetery at the southwest corner of 31<sup>st</sup> Street South and Webb Road (see attached site plan). The applicant owns a total 9.24 acres, of which 6.56 acres are zoned "LC" Limited Commercial and 2.78 acres are zoned "SF-20" Single Family Residential. A portion the applicant's property that is zoned "LC" is developed with a funeral home. The remainder of the applicant's property that is zoned "LC" is proposed to be used as a cemetery, a use that is permitted by right in the "LC" district. Cemeteries may be permitted with a Conditional Use in the "SF-20" district; therefore, the applicant has requested a Conditional Use for a cemetery on the portion of the applicant's property that is zoned "SF-20".

The surrounding properties are primarily developed with suburban residential and agricultural uses. Much of the surrounding property is zoned "SF-20" Single Family Residential. All corners of the 31<sup>st</sup> Street South and Webb Road intersection are zoned "LC" Limited Commercial, as is typical for arterial intersections in the community, and are undeveloped except for the applicant's funeral home.

**CASE HISTORY:** The applicant's property is platted as the Webb-31 Addition, which was recorded on July 15, 1999. In 2000, the applicant submitted a Conditional Use request (CON2000-00008) for a cemetery. The Conditional Use was approved by the MAPC but was appealed to the County Commission due to protest petitions representing 43% of the land area within the notification area. The applicant withdrew the request prior to the County Commission making a final decision on the request.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20" & "LC"	Agriculture
SOUTH:	"SF-20"	Agriculture, Single Family
EAST:	"SF-20" & "LC"	Agriculture, Single Family
WEST:	"SF-20"	Agriculture, Church

**PUBLIC SERVICES:** The site has frontage to 31<sup>st</sup> Street South and Webb Road, both two-lane paved arterial streets. 31<sup>st</sup> Street South has traffic volumes of approximately 2,000 vehicles per day. The 2030 Transportation Plan estimates the volume for 31<sup>st</sup> Street South will increase to approximately 5,400 vehicles per day and recommends that 31<sup>st</sup> Street South remain a two lane arterial. Webb Road has traffic volumes of approximately 3,900 vehicles per day. The 2030 Transportation Plan estimates the volume for Webb Road will increase to approximately 5,300 vehicles per day and recommends that Webb Road be widened to a four lane arterial. Municipal water and sewer services are not required for the proposed cemetery.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan indicates that the subject property is appropriate for "Commercial" development. The proposed cemetery is consistent with the "Commercial" designation.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan.
2. Development and use of the subject property shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
3. 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 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: The surrounding properties are primarily developed with suburban residential and agricultural uses. Much of the surrounding property is zoned "SF-20" Single Family Residential. All corners of the 31<sup>st</sup> Street South and Webb Road intersection are zoned "LC" Limited Commercial, as is typical for arterial intersections in the community, and are undeveloped except for the applicant's funeral home. The proposed cemetery is consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "SF-20" Single Family Residential. With a Conditional Use, a cemetery is permitted in the "SF-20" district. The "L-shaped" configuration of the portion of the applicant's property that is zoned "SF-20" is such that the most suitable development of this portion of the property is in conjunction with the remainder of the applicant's "LC"-zoned property.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The development standards of the Unified Zoning Code should limit any detrimental affects of the proposed cemetery on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan indicates that the subject property is appropriate for "Commercial" development. The proposed cemetery is consistent with the "Commercial" designation.
5. Impact of the proposed development on community facilities: The proposed cemetery will have significantly less impact on community facilities than other uses permitted by right on the applicant's property.