

**ITEM NO. 5      TEXT AMENDMENT TO DEVELOPMENT CODE; COLUMBARIUMS (BJP)**

**TA-16-00388:** Consider a Text Amendment to the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding *Funeral and Interment Services as defined in Section 20-1729. The requested amendment would allow Columbariums as Accessory Uses to established Religious Assembly Institutions.* Submitted by Corpus Christi Catholic Church. *Initiated by City Commission on 9/20/16. Deferred by Planning Commission on 1/25/17.*

**STAFF PRESENTATION**

Ms. Becky Pepper presented the item.

**PUBLIC HEARING**

Ms. Courtney Shipley asked if the exception in the Kansas statute that religious organizations did not need to keep the same trust would be effective.

Ms. Pepper said it would be considered a cemetery corporation but the condition that they have a management or disposition plan.

Ms. Shipley inquired about the guidelines a church would follow if they wanted their own cemetery.

Ms. Pepper said it would be site planned and reviewed for how the church plans to maintain the cemetery through funding or a disposition plan.

Mr. Randy Larkin, staff attorney, said if a cemetery was in place and a church moved or dissolved there would be some type of plan of what to do with the cemetery. He stated there would be some type of trust fund to maintain it or some other situation where someone would have the responsibility to take care of the cemetery instead of it going to the City. He said it would be an approved plan and that the situation may be different for each cemetery.

Ms. Shipley expressed concern about trusts being cost prohibitive for non-profit organizations.

Mr. Larkin said the plan did not have to be a trust, just some type of assurance it would be maintained to protect the City.

**COMMISSION DISCUSSION**

Commissioner Kelly inquired about what the "plan" for disposition would look like.

Mr. McCullough said the intent was to protect the City but the plan could be flexible.

Mr. Larkin said the plan could be something as simple as the church giving the property to the land next door and that person would mow and maintain it. He said the plan would be on a case-by-case basis.

Commissioner Carpenter was satisfied that his concerns had been addressed with this text amendment.

Commissioner Britton asked if a disposition plan was only required for cemeteries, not columbariums.

Mr. Larkin said the disposition plan was mostly connected to cemeteries but that it would depend on the situation. He said the City was not as concerned with columbariums since they were portable to some degree and there was a state procedure for disposing of the ashes.

Mr. McCullough said columbariums were primarily a civil issue, where cemeteries had a link to the City taking over if abandoned.

Commissioner Britton asked if the text amendment required cemeteries created after the effective date to be accompanied by a disposition plan but no requirement for columbariums to have something similar to that.

Mr. McCullough said that was correct.

Commissioner Willey inquired about the timeframe of the management plan.

Mr. McCullough said that would be part of the disposition plan and approving it with the site plan. He stated nothing would be 100% foolproof and that the City may still have to get involved if a cemetery is abandoned and not maintained with a 30 year old agreement. He said the management plan was to document that it was not the intent of the City to take on maintenance if it was abandoned.

Commissioner Willey suggested adding similar language for the requirement of a management plan for new columbariums.

Mr. Larkin said the language could be wordsmithed to meet the intent.

#### **ACTION TAKEN**

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to forward a recommendation for approval the City Commission of the proposed amendment, TA-16-00388, to establish a use group for Columbariums amending Sections 20-402, 20-403, 20-505, and 20-1729, with the addition of "Passive Interment Improvements" to the condition regarding management and disposition plan (Section 20-505).

Commissioner Britton liked the language of management and disposition plan because it was vague enough to provide flexibility to address specific situations.

Unanimously approved 10-0.