



CITY OF TOPEKA
TOPEKA PLANNING COMMISSION

MINUTES

Monday, April 16, 2018

6:00PM – Municipal Building, 214 SE 8th Street, 2nd floor Council Chambers

Members present: Brian Armstrong, Marc Fried, Dennis Haugh, Carole Jordan, Wiley Kannarr, Corliss Lawson, Katrina Ringler, Matt Werner (8)

Members Absent: Ariane Messina (1)

Staff Present: Bill Fiander, Planning Director; Mike Hall, Planner III; John Neunuebel, Planner II; Kris Wagers, Administrative Officer; Mary Feighny, Legal

Roll Call – Chairperson Katrina Ringler called the meeting to order with eight members present for a quorum.

Approval of Minutes from March 19, 2018

Motion to approve; moved by Mr. Werner, **second** by Mr. Haugh. **APPROVED** (6-0-2 with Ms. Ringler & Ms. Jordan abstaining.)

Declaration of conflict of interest/ex parte communications by members of the commission or staff – None

Action Items

CU07/05A by Robert & Jeannene Freeman / Heavenly Pet Memorials requesting to amend a Conditional Use Permit and site plan for 0.25-acre property located at 1137 SW Gage Blvd. to provide for the expansion of a pet crematorium to include one (1) cremator and outbuilding.

Mr. Fiander pointed out the handout; an email from Michael McNary expressing some concerns about the proposed CUP.

Mr. Neunuebel presented the staff report and staff recommendation for approval, noting that there are 10 conditions listed in the staff report. Condition #6 should, per Mr. Neunuebel, be amended, removing the requirement of including a cap or cupola atop the smokestack. This amendment is pursuant to information provided by the equipment manufacturer.

Mr. Armstrong inquired as to Mr. McNary's concern about parking, and Mr. Neunuebel explained that there are no standards in the City code specifically for crematoriums. He explained that general requirements call for 1 space per 200 feet of building. The building in question is 1,400 sq feet and while there are only 3 parking places indicated on the site plan, there's enough room for additional parking to provide 7spaces, thus meeting City standards.

Mr. Fried asked for clarification regarding the requested amendment to Condition #6. Mr. Neunuebel explained that the manufacturer of the cremator was concerned that a cap or cupola might restrict necessary air flow. Ms. Ringler asked for and received confirmation that the 3.6' height limit is still in effect.

APPROVED

Brian Smith came forward representing the applicants, who he stated were also present and available for questions. Mr. Smith stated that the applicants agree to the staff recommendations.

Regarding odor from the cremator, Mr. Smith stated that they have never received any complaints from neighbors. He explained that regarding parking, several years ago the applicant had approached one of their neighbors about the possibility of renting a space for them to park their truck. The insurance agent declined and everything has been okay. He noted that 70% of their business comes from their employees picking up animals at outlying vet offices and it's only sporadically that they get people dropping animals off. Generally there is 1 employee present per day, in addition to the owners.

Mr. Fried asked about air quality and Mr. Smith explained that the company has a permit from the state which is renewable every couple years, with the state reviewing for air quality standards.

Ms. Ringler declared the **public hearing open**.

Steven Conser of 1138 SW Mission Avenue came forward to speak against Conditional Use Permit .

Mr. Concern stated he has no objections to the expansion of the business but he has safety concerns about the installation of the new cremator and having multiple cremators running simultaneously. He's concerned about lightning strikes, faulty equipment, criminal tampering, and additional gas lines or perhaps propane tanks required to run the cremator(s). He noted that the fire department has identified no safety issues but he feels the impact on the general area hasn't yet been felt.

With nobody else coming forward to speak, **the public hearing was closed**.

Mr. Werner asked about Condition #4 regarding landscaping. Mr. Neunuebel and Mr. Hall explained that staff are asking for a mix of evergreens and deciduous trees to provide a more immediate impact.

Mr. Kannarr asked if staff was aware of any prior vandalism or tampering with the cremators. Mr. Neunuebel stated he knows of no issues. Mr. Smith stated that a 6' fence surrounds the property and there have been no issues. He also stated that there are no propane tanks. The machines run off natural gas lines and the new cremator will be professionally installed.

Ms. Lawson asked when the cremators would be operated and Mr. Neunuebel pointed to condition #7 which stated they can only be in operation between 8AM and 9PM.

Ms. Ringler asked for confirmation that KDHE permits are required and Mr. Neunuebel stated that they would be required prior to consideration by the Governing Body.

Mr. Werner asked if the building and placement of the equipment goes through a permitting process by the City and Mr. Neunuebel confirmed that it does.

Motion by Mr. Kannarr to recommend approval to the Governing Body, including the 10 staff conditions, with Condition #6 being amended to remove the requirement of a cap or cupola atop the smokestack. **Second by Mr. Armstrong.**
APPROVAL (8-0-0)

Communications to the Commission

Mr. Fiander no zoning cases came in for the May Planning Commission meeting so it will be a work session focusing on Building Design Guidelines. There will be no public hearings. Sign Code update will be discussed at a future meeting.

With no further agenda items, meeting was adjourned at 6:31PM.