



City of Olathe
City Planning Division

STAFF REPORT

Planning Commission Meeting: February 25, 2019

Application:	<u>SU18-0009</u> A special use permit for a funeral home located in AG, Agricultural zoned district
Location:	13901 S. Black Bob Road
Owner/Applicant:	Patrick McGilley, D.W. Newcomer's & Son's, Inc.
Engineer:	Jeffrey T. Skidmore, Schlagel & Associates
Staff Contact:	Dan Fernandez, Planner II

Site Area:	<u>27.54± acres</u>	Proposed Use:	<u>Funeral Home</u>
		Plat:	<u>Oak Lawn Memorial Gardens</u>

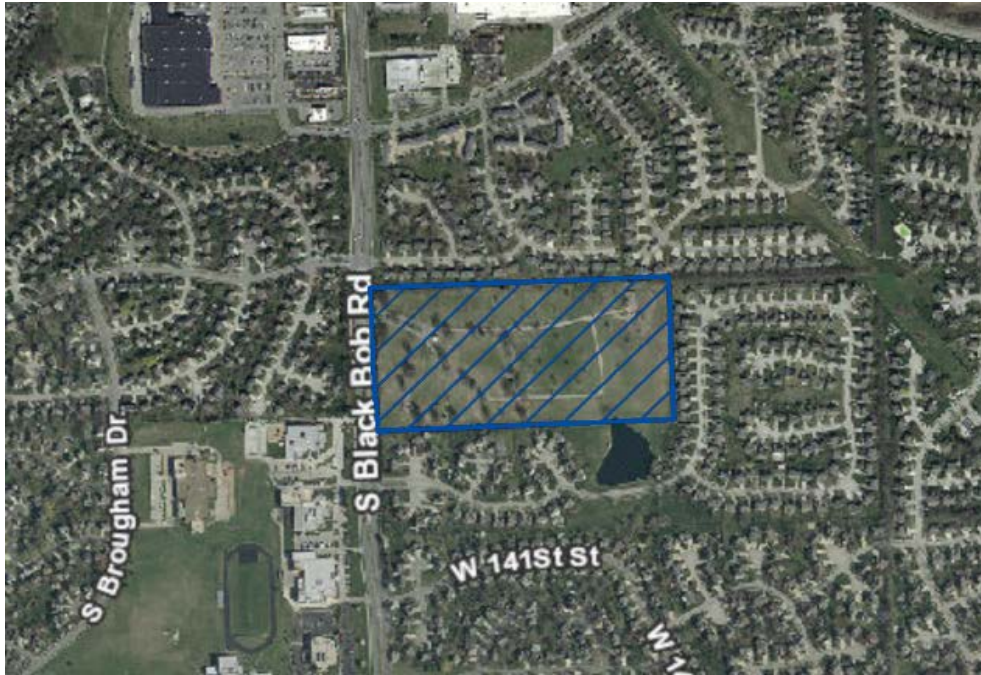
	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Cemetery</u>	<u>AG</u>	<u>Conventional Neighborhood</u>
North	<u>Duplexes</u>	<u>R-2</u>	<u>Conventional Neighborhood</u>
East	<u>Single-family homes</u>	<u>RP-1</u>	<u>Conventional Neighborhood</u>
South	<u>Single-family homes</u>	<u>RP-1</u>	<u>Conventional Neighborhood</u>
West	<u>Single-family homes/School</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>

1. Comments

This is a request for a Special Use Permit for a funeral home to be located at Oak Lawn Cemetery, 13901 S. Black Bob Road. Funeral homes are permitted in AG, Agricultural Districts with a special use permit.

2. Details of Proposal:

The proposed funeral home consists of an 8,300 square foot, single-story building with 66 parking spaces. The facility will be for funeral services and include offices. There is no crematorium proposed for this location. The applicant has stated that the hours of operation will generally be from 8:00 am to 9:00 pm. Monday through Saturday. Sundays could be used if that day is requested.



Site Aerial



View from Black Bob Road

3. Public Notification/Neighborhood Meeting:

The applicant notified neighbors within 200 feet of the subject property by certified letter, return receipt as required by the Unified Development Ordinance (UDO). The property owner notification affidavit and receipts have been submitted to staff showing that this requirement has been fulfilled. The applicant also posted a sign on the property and a notice was published in the paper.

The applicant was originally scheduled for the February 11, 2019 Planning Commission meeting but the case was continued because the neighborhood meeting was not held at least 20 days prior to this date as required by UDO Section 18.40.030. The applicant notified surrounding property owners of the new public hearing date and informed those attending the January 24, 2019 neighborhood meeting of the new date as well.

Approximately 40 residents attended the neighborhood meeting. Issues discussed included questions for why a funeral home is needed at this location, maintenance of the property, stormwater run-off, the existing pond, traffic, lighting, landscaping and operating hours. The complete minutes and sign-in sheet have been included in the Planning Commission packet for your review.

Staff has also received letters and emails from residents voicing their concerns about the proposed funeral home. All correspondence has been included in the Planning Commission packet for your review and staff has responded to all correspondence by answering questions and providing documents when requested.

4. Site/Building Design

While there are no site or building design requirements for the AG District, staff notified the applicant that the development should meet the Site Design Category 3 and the Building Design Category C standards for this location as these categories are the most appropriate for this type of use. These design categories include requirements for high quality developments such as landscaping, high quality materials and architectural features. The west elevation, or main entrance is considered primary facade.

<i>Composite Site Design (Category 3)</i>	Proposed Design Includes
<i>Outdoor Amenity Space</i>	Mature trees throughout the site will remain
<i>Landscape Options</i>	The site has a landscaped entrance as well as mature landscaping throughout the entire property
<i>Pedestrian Connectivity</i>	New sidewalks will be included around the proposed facility to access the parking lot.
<i>Detention and Drainage Features as Amenities</i>	Landscaping for screening has been provided around the detention basin

<i>Composite Building Design (Category C)</i>	Required Design
<i>Horizontal Articulation</i>	Horizontal articulation tool (ex. wall offset) used a minimum of every 75 feet of linear façade width.
<i>Vertical Articulation</i>	Vertical articulation tool (ex. variation in roof form, height) used a minimum of every 75 feet of linear façade width.
<i>Focal Point Elements</i>	Towers or raised parapets of at least 4' are required on primary facades.
<i>Façade Expression</i>	Buildings must incorporate additional façade expression tools such as awnings, canopies or ornamental cornice

<i>Mix of Building Materials</i>	The primary facades of all buildings must incorporate a mix of building materials. percentage
<i>Glass</i>	Minimum requirement of 30% glass on primary facades
<i>Overhead Doors</i>	Overhead doors may not be located on primary facades

- a. **Horizontal Articulation** – Wall offsets and wall projections are used on all elevations of the building.
- b. **Vertical Articulation** – The building uses variations in roof form for vertical articulation with the use of pitched roofs.
- c. **Focal Point Element** – The primary elevation uses pitched roof elements, including a large pitched roof over the entrance as a focal point element.
- d. **Façade Expression Tools** – A change of materials using stone, brick and glass is used as a façade expression tool.
- e. **Building Materials** – The proposed building consists of all Category 1 materials which are brick, stone and glass. There are small amounts of wood slats for screening of mechanical equipment towards the back of the building and on the rear of the building. Staff is stipulating that these slats be replaced with a more durable material such as metal or synthetic wood.
- f. **Glass** – Category C requires 30% glass on primary elevations. Several windows are included on the west elevation at an amount of 15%. The amount is appropriate for this type of facility which requires more privacy.
- g. **Overhead Doors** – No overhead doors are included in the project.

5. Setbacks

Buildings in the AG District must be setback at least 50 feet from all property lines. The proposed building is over 500 feet from the front property line, over 900 feet from the rear property line and 290 feet and 335 feet from the side property lines.

The parking lot setback for this district is 30 feet and the new parking area has over a 400foot setback.

6. Landscaping

There are no required buffers between the AG District and properties zoned residential. However, the site has mature trees along the property lines and within the site that will remain. The landscape plan includes landscaping around the proposed building location and within landscape islands and along the building foundation. Trees have also been included around the existing shed and material storage at the northeast corner of the site to screen this area. The open dumpster that is currently located near the storage area will be relocated to inside the material storage enclosure.

After meeting with the neighbors and discussions with staff, the applicant added additional landscaping to the north and south of the facility in order to add additional screening for the houses that are adjacent to the property.

Also, some residents expressed concern about visitors to the funeral home using the pond that is located at the southwest portion of the site. The applicant has agreed to add shrubs in this area to create a visual barrier to the pond and will also install no trespassing signs.

7. Stormwater

The applicants submitted a conceptual stormwater report for the special use permit application. Per the design engineer for the Oak Lawn project, the proposed building and parking lot will have minimal impact on the adjacent existing residential pond and drainage system.

The existing stormwater retention pond that lies mainly in the Meadowridge 1st plat was designed to accommodate the runoff from the existing cemetery.

According to the original design, a runoff coefficient of .5 was used in the design of the pond. With the proposed additional impervious area (parking and building) the actual composite runoff coefficient will be .37 which is less than the .5. So, the redeveloped property should result in less runoff than was originally planned. The existing pond will act as a stormwater quality BMP and as such will need to be maintained on a regular basis much like it would be otherwise without the project addition.

Neighboring residents have expressed concerns that the cemetery utilizes the pond for stormwater but has no obligation to maintain it. After hearing from the residents, the applicant has agreed to work with the home owner's association to develop an agreement where both parties are responsible for the maintenance of the pond. A maintenance agreement shall be included with the final site development plan submittal should the special use permit be approved.

8. Traffic

The site has one access drive onto Black Bob Road, approximately 300 feet south of 139th Street. Black Bob is a four-lane divided arterial street with a three-quarter access at the cemetery entrance. This allows southbound drivers to turn left and northbound drivers to turn right entering the cemetery. All exiting traffic is required to turn north.

Traffic volumes along the Black Bob Road corridor vary. Between 135th Street and 143rd Street around 20,000 vehicles travel Black Bob each day. A four-lane divided arterial can accommodate up to 30,000 vehicles per day. Black Bob Road is operating at a satisfactory level of service today.

Typically, City staff requests developers to add exclusive turn lanes on arterial streets. A number of factors enter into the decision regarding whether right-turn lanes should be used: speeds, traffic volumes, percentage of trucks, capacity, type of roadway, service provided and the arrangement and frequency of intersections. In this case, City staff did not ask for a northbound right turn. Black Bob Road can accommodate additional traffic and the road is not near capacity. In addition, there isn't space for additional right of way and utility easements near Oaklawn's driveway. When Black Bob was widened from a two-lane street to a four-lane divided street, the alignment of Black Bob was shifted to the west to minimize right of way acquisition.

9. Parking/Lighting

The UDO requires funeral homes to have 1 space per each 2 employees on the largest shift and 1 space per 4 seats. The applicant advised that the largest shift will have 10 employees and the funeral home will have seating for 224. Based on these numbers, the proposed

facility is required to have 61 parking spaces. The submitted plans exceed this minimum requirement by providing 81 parking spaces including 4 handicap accessible spaces.

The photometric plan includes 6 light poles with a maximum height of 20 feet. The average foot-candle level around the proposed facility is 1.1 fc which falls within the light level standard established in UDO Section 18.30.135.

10. Time Limit

Per Section 18.40.100.F.4 of the UDO, the Planning Commission may recommend, and the Governing Body shall grant or extend a permit for any period as is warranted under the circumstances.

Due to concerns regarding the addition of this facility in the neighborhood and complaints about existing property maintenance issues on site, staff is recommending a 3-year time limit which will give the applicants time to meet all permit stipulations and Municipal Code requirements and to ensure the development is complying with all special use permit stipulations. While issues have been raised by residents in the area, the applicant has responded to several of the requests and concerns from the residents to help mitigate these concerns.

If approved, per UDO 18.40.260 the permit can be brought back in front of the City Council at any time for a revocation proceeding should the applicant not conform with the stipulations of the approval, the UDO, and with the Municipal Code.

11. UDO Analysis

The following are the criteria for considering applications as listed in *Unified Development Ordinance (UDO) Section 18.40.100.F* and staff findings for each item:

A. *The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.*

The *Comprehensive Plan* encourages high quality design (LUCC-7.1) for architecture and the site for any proposed development. The funeral home is using high quality materials such as brick, stone and glass. The project also has been located in the middle of the site for maximum setbacks from adjacent properties and has included additional landscaping around the building for extra screening.

B. *The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).*

The surrounding area consists of duplexes to the north, single-family homes to the east and south, and single-family homes and a school to the west. The proposed funeral home is a one-story building and greatly exceeds the setbacks for the subject zoning district on all sides of the lot. The development also includes additional landscaping for screening.

C. *The zoning and uses of nearby properties and the extent to which the proposed use would be in harmony with such zoning and uses.*

The site is surrounded by single-family and two-family homes and a school and the properties are zoned R-1 and RP-1. The funeral home would be located in the center of the large lot cemetery and would be an appropriate use at this location.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

Cemeteries are permitted in AG, Agricultural zoning and the site can continue to operate as a cemetery in this district. Funeral homes are permitted and are appropriate in the AG District with the approval of a special use permit.

E. The length of time the property has remained vacant as zoned.

The property has been used as a cemetery for several decades. The interior of the site where the funeral home is proposed has been vacant and not in use by the cemetery.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The proposed development should have no detrimental effect on surrounding properties. The setbacks of the project greatly exceed the minimum requirement for this district and if the special use permit is approved, additional stormwater reports will be required to ensure negative impacts on adjacent properties.

G. The economic impact of the proposed use on the community.

The proposed facility will add additional tax dollars to the City.

H. The gain, if any, to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

Staff does not believe that there is any threat to the public health, safety and welfare with the Special Use if all stipulations are followed.

I. The extent to which the proposed special use would adversely affect the capacity or safety of that portion of road network influenced by the use, or present parking problems in the vicinity of the property.

The propose facility should not adversely affect the road network as it is located on an arterial road that is currently operating below capacity. Also, the plans include more than the required amount of parking spaces on-site for this type of use.

12. Staff Recommendation:

- a. Staff recommends approval of SU18-0009, for the following reasons:

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.

- (2) The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.

b. Staff recommends approval of SU18-0009 subject to the following stipulations:

- (1) The Special Use Permit is valid for a period of 3 years following Governing Body approval, with an expiration date of March 19, 2022.
- (2) The slats used for screening on the building shall be metal or similar type, durable material.
- (3) A maintenance agreement for the stormwater pond shared with Meadowridge shall be completed and recorded with the County prior to submitting for the final development plan. A copy of the recorded agreement shall be included with the final site development plan submittal.
- (4) The dumpster shall be relocated to inside the maintenance enclosure.
- (5) Hours for the facility shall be from 8:00 am to 9:00 pm.