

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**JUNE 23, 2016**

**Case # 16-127**

**A request by Millard Family Investments, LLC (owner) to rezone land from a mixture of C-P (Planned Business District) and C-2 (Central Business District) to C-P, and to approve a C-P development plan to be known as "Millard Family Funeral Chapels 10-12 E Ash Street." The 1.38-acre subject site is located on the south side of Ash Street, approximately 260 feet east of Garth Avenue.**

Staff report by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the amended C-P development plan and approval of the C-P rezoning request, subject to the statement of intent being revised to include only the following uses:

- Counseling centers operated by charitable or not-for-profit organizations; excluding halfway houses or any use connected with penal or correctional institutions.
- Office buildings used for the administrative functions of businesses, professions, companies, corporations; and social, philanthropic, eleemosynary, or governmental organizations or societies.
- Offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to:
  - (1) Artists, sculptors, photographers.
  - (2) Authors, writers, composers.
  - (3) Lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions.
  - (4) Ministers, rabbis, priests, or other clergy members.
  - (5) Physicians, dentists, chiropractors, or other licensed medical practitioners.
  - (6) Seamstresses, tailors.
  - (7) Teachers of private lessons in art, music, or dance.
- Mortuaries, which may include a crematory, provided that:
  - (a) Such use shall be conducted within a fully enclosed legally permitted structure.
  - (b) Such use shall have fee-simple ownership of the required parking spaces to meet the requirements of section 29-30 (off-street parking and loading) for the intended use. The use of shared parking shall be prohibited, unless approved by the board of adjustment after consideration of the required documentation stated in section 29-30(e).
  - (c) No outside storage or display of equipment or merchandise used or customarily sold in conjunction with such use shall be permitted.
  - (d) The operator of such use shall be licensed by the State of Missouri, as required.

MR. STRODTMAN: Thank you, Mr. MacIntyre. Are there any questions for staff? Ms. Loe on a

roll? Yes, Ms. Loe?

MS. LOE: Mr. MacIntyre, the R-3 buildings on that street, it was difficult to tell if they were single-family or multi-family.

MR. MacINTYRE: Immediately east of the site there are one, two, three, four -- five single-family homes. And, yeah, they are all single-family, despite their R-3 designations. To the north there are also a few single-family homes, and a couple of vacant lots in there. I'm not sure that the O-P is currently being used as an office or a home, but I believe it is or was a conversion of an existing single-family home.

MS. LOE: Part of the reason I asked was because the landscaping -- the trees along the street in front of the parking lot currently are a nice screening. And I wasn't seeing a lot of landscaping on the proposed plan. I understand it is one lot away from the R-3 developed as a single-family, but I was wondering if there had been any comments on that?

MR. MacINTYRE: Yeah. The proposed plan will -- is required to meet the landscaping requirements. So for the parking edge -- I have to unfold it to speak to that. Additional parking area includes 12 spaces and, yeah, the -- so they are meeting the -- there's a large tree requirement or medium to large shade tree requirement based on the square footage of parking area. But since they are beyond the 20 feet back from the property line with their parking, they aren't required to meet the typical six foot kind of shrubbery hedge that we are used to seeing at abutting parking areas. Now that is not to say that the applicant couldn't if he wanted to add voluntary plantings. That is usually something that is permitted by the City Arborist. We see a lot of that, but oftentimes just reflect the bare minimum.

MR. ZENNER: It also may be, Ms. Loe, as a result of the -- and the engineer of record is here on this that may be able to address it more clearly, but there may be a stormwater requirement that that front portion is actually being used for retention of some nature and therefore isn't shown being vegetated as a result of that, but we will let Mr. Murphy here with A Civil Group respond to that probably if there's additional information.

MS. LOE: Thank you.

MR. STRODTMAN: Are there any additional questions for staff? I see none. We'll go ahead and open this to a public hearing.

#### **PUBLIC HEARING OPENED**

MR. STRODTMAN: If you have some information for us, please come forward and give us your name and address, and we appreciate it.

MR. MURPHY: Good evening, Chairman and Commissioners. Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. I have Clay Vogl with Millard Family Funeral Homes and Carl Edwards, Sr. with me if we need them up for anything -- any questions on -- on this. Yes, we are adding a crematorium to this for the foreseeable future. We have other possible future uses for this in case the property gets sold. As you know, this is a bit of a process. It is costly to go through this each and every time you come back. We feel that these buildings could be repurposed for a number of

different uses as they are without having to tear them down or anything. I will get into the uses a bit later, but as staff noted, we are adding on to the west property that is currently zoned C-2. We had discussed coming -- using the C-2 designation and just the two-story requirement for C-2 kind of got in the way. We were going to try to go for a Board of Adjustment variance for that and we decided just to redo and incorporate this into the existing C-P plan. I'm going to -- I hope I don't go on too much here, but I want to get into the process of the crematory. Some folks don't know about it, so I'll try not to make this too graphic. So hopefully nobody is too squeamish. But some questions that typically come up is about smell and air quality and smoke and things of that nature. I would like to state that they're regulated by the DNR and for the EPA. The EPA would also be involved. The DNA has permits to regulate them statewide. Just like any combustion-based industry, like a coal plant or a power plant or anything of that nature, anything built burning carbon. And so there is licensing, record keeping, inspections, things of that nature that goes on with this. The process basically is they have a heated chamber. They preheat that chamber to anywhere from 1500 to 2000 degrees, which is extremely hot. It is meant to quickly burn and vaporize in that, the columns of flames produced by natural gas, and the body is quickly placed into that chamber and as the gasses escape from that burning, it goes into a secondary burn chamber where those gasses are reheated and burned off even more to eliminate the smoke and vaporize the gas and reduce any smells. The exhaust then goes through a cooler, a scrubber, and a filtration system -- a filter before going out the chimney. So there is certain conditions -- weather conditions, extreme weather conditions, that may affect that, but typically, there is not any smell. A lot of folks downtown, they -- the Millards also own Parker Funeral Home now where they currently have a cremation service downtown, but they are going to move it to this location is what they want to do. And some folks downtown will say -- they'll smell something and it's, Well, they are burning bodies today. They are burning bodies today. Well, a lot of times it is Lakota cooking their coffee beans or one of the other coffee shops in town. But anyways, as far as getting back to the uses, we initially had proposed some commercial uses here, innocuous-type uses - let's see, where did I have those -- such as barber and beauty shops, cleaning companies, photograph shops, appliance repair shops, bakeries, bike repair shops, you know, things of that nature -- printing shops, trade schools or wholesale offices and sample rooms. I've got a -- kind of a map here, and I know you folks have been looking at the M-DT regulating plan. Again, I would like to say that's, you know, not in stone yet. It seems like there is quite a few things to work out on that now, but there's limited C-2 ground downtown -- commercial-type ground, and it is fast getting very quickly filled up, and will continue to do so. And if -- if there is any need for expansion of that, it only -- it only makes sense to go and fill in the spots where we have various holes on the edges. We've got plenty of C-2 abutting R-3 ground around the edges of downtown, and so these were the types of uses we were originally looking for. Staff kind of backed off of that and wanted to do some office uses, so we proposed -- there was additional uses where it says hospitals for human beings, we basically kept that in there for medical -- that continues to say medical or dental clinics, sanitariums and medical laboratories. So those were the things we were looking at. Obviously, we don't believe a hospital is going to go in this location.

The other thing, we are limited by parking as to how much we can do with any of these types of uses, so I would -- I would ask that you would consider, you know, even some of these commercial uses that I -- that we initially proposed or if you need be, what the expanded uses that we did propose with the Statement of Intent that -- in front of you. But if not, I guess we could go with the staff's, but, you know, that was -- that was our request, and that's what we were looking for in those types of uses. If anyone has any questions, I'd be happy to answer those.

MR. STRODTMAN: Are there any questions for this speaker? I've got a couple -- yes, go ahead, Ms. --

MS. BURNS: Are there set hours for the crematorium to be doing its job?

MR. MURPHY: I can let Clay answer that.

MR. VOGL: Do I come up?

MR. MURPHY: Or is there any other questions for me?

MR. STRODTMAN: I have a couple of real quick ones before Mr. -- Clay comes up. Is the DNR -- you mentioned the DNR and the EPA. Is there a permitting process or something -- an application or something? And has that been done? And would they approve this site, I guess, or is it approved already?

MR. MURPHY: Yes. It's not necessarily based on site, it's based on the equipment and the air quality that you provide. They have that permit for their existing site, and they will apply for that.

MR. STRODTMAN: So the DNR or EPA doesn't look at neighboring uses or anything of that nature?

MR. MURPHY: No.

MR. STRODTMAN: They are just looking at --

MR. MURPHY: The production and the burning of the carbon --

MR. STRODTMAN: Actual equipment itself?

MR. MURPHY: Yeah. I will also mention that one -- one concern that came up. A neighbor to the east of us in one of those single-family houses that -- some concerns about stormwater runoff. Currently, there is a fairly good drainage way that runs behind those houses on down to First Street, and I just wanted to note that our parking lot and our project here will be picking up a lot of that and putting it into an existing storm sewer in the front of the existing lot. So it will be intercepting a lot of what they are already getting.

MR. STRODTMAN: So that will help the neighbors?

MR. MURPHY: It would help, yes.

MR. STRODTMAN: My last question is staff -- Mr. MacIntyre referenced -- or maybe Mr. Zenner referenced that area in the front of the proposed new parking lot maybe had some retention capacity or maybe it was -- do you have any knowledge of that or --

MR. MURPHY: We haven't gotten into the numbers to do that. Typically, more and more so with rezonings, we tend to tell our clients that, you know, Well, let's make sure we get this done first before we

go and spend another \$20,000, \$30,000 --

MR. STRODTMAN: But it is not currently --

MR. MURPHY: -- on such things.

MR. STRODTMAN: -- being used for that?

MR. MURPHY: No.

MR. STRODTMAN: For the neighboring site or --

MR. MURPHY: No. It just --

MR. STRODTMAN: -- anything --

MR. MURPHY: No.

MR. STRODTMAN: -- of that nature?

MR. MURPHY: No, sir. And if would not be -- it would not need to be used for that. It's just for beautification purposes. I can show on a revised plan that we can take to Council, like a couple of additional trees in there. We just did -- again, we basically -- a lot of times just try to do -- you know, meet the requirements of the ordinance. But if that's something -- and I'm sure the Millard family would do additional work as well.

MS. LOE: I have a question for this speaker.

MR. STRODTMAN: Yes, Ms. Loe.

MS. LOE: A crematory is allowed in a C-2 with a conditional use permit. Why did you choose not to go that route versus rezoning?

MR. MURPHY: Just discussions with staff again. The C-2 also now has a two-story requirement where we didn't necessarily need a second story on the building.

MS. LOE: Okay.

MR. MURPHY: And so we would have to get a variance for that, and just thought this was the process to go through.

MS. LOE: Thank you.

MR. STRODTMAN: Any other questions? Thank you, Mr. Murphy.

MR. MURPHY: Thanks so much.

MR. STRODTMAN: Can we have -- can you come please, sir, and give us your name and address. And I think Ms. Burns might have a question for you.

MR. VOGL: Sure. My name is Clay Vogl. It is spelled V-o-g-l. And I reside at 3203 Granite Creek Drive in Columbia, 65202. I currently operate the crematory -- certified crematory operator at Parker Funeral Service downtown. Last year, we were purchased by the Millard family in Jeff City. The name remains Parkers, but we do -- we are physically owned by Millard. January of 2007, I started here at Parkers, and I basically took over the crematory operations at that time. And over the past almost 10 years now, I've had into the 2,000-plus of cremations that I have overseen and handled on my own. So I can certainly account for the cleanliness and the quiet operation of a crematory. If properly maintained and properly ran then it does not produce any pollutants or basically any noise beyond, you know,

ambient noise immediately adjacent to the building.

MS. BURNS: What are the hours? Are they regular business hours to your --

MR. VOGL: Well, basically. The crematory is physically manned during business hours, which for us is 8:00 to 4:00. However, it does have automatic shutoff systems, so if we are able to come in after regular business hours, we are able to safely start a cremation, and the machine itself will see it through to completion and shut off automatically when it is supposed to via timers.

MS. BURNS: So there is no set times it could occur?

MR. VOGL: Correct.

MS. BURNS: Okay.

MR. VOGL: Yeah.

MR. STRODTMAN: Any additional? Mr. Stanton?

MR. STANTON: It's right in my neighborhood. I live across the street --

MR. VOGL: Sure.

MR. STANTON: -- like a block over on LaSalle, so, yeah, I definitely want to make sure that we have environmental regulations. So what you are saying is it doesn't have any smoke? I mean, what -- because I heard all the jokes about Parker because I help build --

MR. VOGL: Oh, yeah. Absolutely.

MR. STANTON: Orr Street down there --

MR. VOGL: Sure.

MR. STANTON: -- and we used to say that all the time. So those are all false is what you are telling me?

MR. VOGL: They are. Absolutely. Now, I'm not going to say that we have never produced smoke. There are bodies like my own, very large people that are much more difficult to contain, but we are able to do that when we're able to focus on the machine. So once every, you know, 400 or 500 pound cremation, we have to take extra precautions to make sure that there is no smoke produced. And in regards to the odors that we produce, I can account for two different occasions where someone had called the funeral home stating that they were getting an odor from the crematory, and we were actually not even running the crematory at that time or at any point during that day. So I do assure you we do not produce odors, and we very extremely rarely ever produce any smoke. If we do, it is for no more than five minutes because we are able to operate the machine physically with its computers and its switches. We're able to make sure that, you know, no real pollutants are going to enter there.

MR. STANTON: Thank you, sir.

MR. STRODTMAN: Any additional questions? Does the -- I have one.

MR. VOGL: Sure.

MR. STRODTMAN: Does the weather make a difference -- winter? I mean, would a neighbor be able to see steam or smoke or anything in a wintertime situation versus summer or vice versa? I mean, is there any --

MR. VOGL: Well, actually that is a good question. The only thing that you will be able to see -- so the crematory has a large stack or chimney that comes up out of the roof. The only thing that you should be able to see during the operation of the crematory is actual ambient heat produced through the chimney, just like looking out over a parking lot in July, you can see the heat rising off of the asphalt. In a good cremation, that is all you will be able to see.

MR. STRODTMAN: And this is the same exact system that you are using now just across --

MR. VOGL: Actually, the one we'll be using is an upgrade from what we have downtown, so --

MR. STRODTMAN: Okay.

MR. VOGL: And I will be happy to kind of tell you the difference on those two and --

MR. STRODTMAN: I was just making sure that it wasn't a different lesser grade or, you know, something different.

MR. VOGL: It is vastly improved from the one we currently use.

MR. STRODTMAN: How often do you get inspected by the DNR or EPA?

MR. VOGL: The DNR and EPA -- actually, the EPA does not inspect us unless a physical complaint has been filed. The DNR comes around once -- maybe once a year, maybe every two years to inspect. However, there are -- there are the maintenance groups for the crematories that come by and inspect them annually to make sure that everything is running correctly and that they are not producing any -- of any pollutants or anything like that. So -- and they do check our -- they check our licensings and our paperwork that we have to file through the State every year.

MR. STRODTMAN: To your knowledge, has your facility ever had an EPA investigation?

MR. VOGL: We have not.

MR. STRODTMAN: Thank you. Is there any additional questions? Thank you, sir.

MR. VOGL: Thank you.

MR. STRODTMAN: Is there anyone else that would like to come forward and speak on this matter?

MR. ALBERT: Kurt Albert. I have an office at 1512 Windsor. I own the two lots immediately across from this. One is O-P, and there is just a yard, green grass, trees. I don't know these people, but they are very good neighbors. They maintain a good lot. They keep it clean. They keep it mowed. I support this recommendation from the staff as they have said. I understand that crematoriums are ecologically correct. They are adding a few more parking places, which that is a good idea here. I do understand that the neighbor -- some of the other meetings we had talked about some of the water retention. I would like to see some of that done. But I think it's -- they've got a beautiful building. It's a shame there is not a picture of it, but it is gorgeous and well maintained. And I'm certain they'll use the same architectural materials to do the addition. So it -- I'm done. Has anyone got a question?

MR. STRODTMAN: Do we have any questions? I see none. I do appreciate you coming in. We love to hear from the neighbors, so thank you. Is there any additional? Yes, sir, please come forward.

MR. EDWARDS: I'm Carl Edwards, Sr., and I'm the attorney for the Millard Family Chapels. And

I just want to rest my case.

MR. STRODTMAN: Any questions for that speaker? Thank you, sir. Is there anybody else in the audience that would like to come forward and speak on this matter? I see none. We'll go ahead and close this public hearing.

**PUBLIC HEARING CLOSED**

MR. STRODTMAN: Commissioners, does anybody have any questions, additional comments for staff? Anything else that you would like to talk about? Would somebody like to frame a motion? One motion? Yeah. Does anybody have any comments on the Statement of Intent, the uses?

MR. STANTON: Yeah. I support the staff in removing some of those uses. I support the staff's removal of those.

MR. STRODTMAN: Everybody's looking at me. Anyone like to -- any additional comments or would someone like to frame a motion on this matter? Seeing none, I'll take a shot at it. For Case 16-127, Millard Family Chapel's rezoning and C-P Plan Revision, my recommendation is approval of the rezoning, subject to the Statement of Intent revisions to remove the hospitals, residential care facilities, laboratories, and reference to the retail businesses. Additionally, I would recommend approval of the C-P Plan Revision.

MR. STANTON: Second.

MR. STRODTMAN: A motion has been made by myself. Mr. Stanton seconds it. Is there any discussion on the motion? I see none. Ms. Secretary, may we have a roll call, please?

MS. LOE: It's a vote on 16-127.

**Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 8-0.**

MS. LOE: We have eight votes for. The motion carries. Recommendation for approval will be forwarded to City Council.

MR. STRODTMAN: We do thank you guys for sticking around. We know it was a longer night, but we do appreciate you sticking that out.