

PLANNING COMMISSION STAFF REPORT

RUSSON BROTHERS CONDITIONAL USE **Case #PLNPCM2010-00173** **255 South 200 East** **May 12, 2010**



Planning and Zoning
Division
Department of Community
and Economic Development

Applicant:

Russon Brothers Mortuary

Staff:

Ray Milliner milliner@slcgov.com
(801)535-7645

Tax ID

16-06-179-005

Current Zone:

D-1 Central Business District

Master Plan Designation:

Central Community, Central Business
District

Council District:

Council District 4 Luke Garrott

Lot Size:

.90 acres

Current Use:

Funeral Home

Applicable Land Use Regulations:

21.54.080 – Conditional Use
21A.40.170 – Crematoriums
21A.30.020 – D-1 Zone

Notice

Mailed: April 29, 2010
Posted: April 29, 2010
State Web Page: April 29, 2010

Attachments:

- A. Proposed Site Plan
- B. Department Comments
- C. Applicant licenses
- D. Photos

REQUEST

The applicant, Russon Brothers Mortuary, is requesting Conditional Use approval of a crematorium at its existing funeral home at 255 South 200 East.

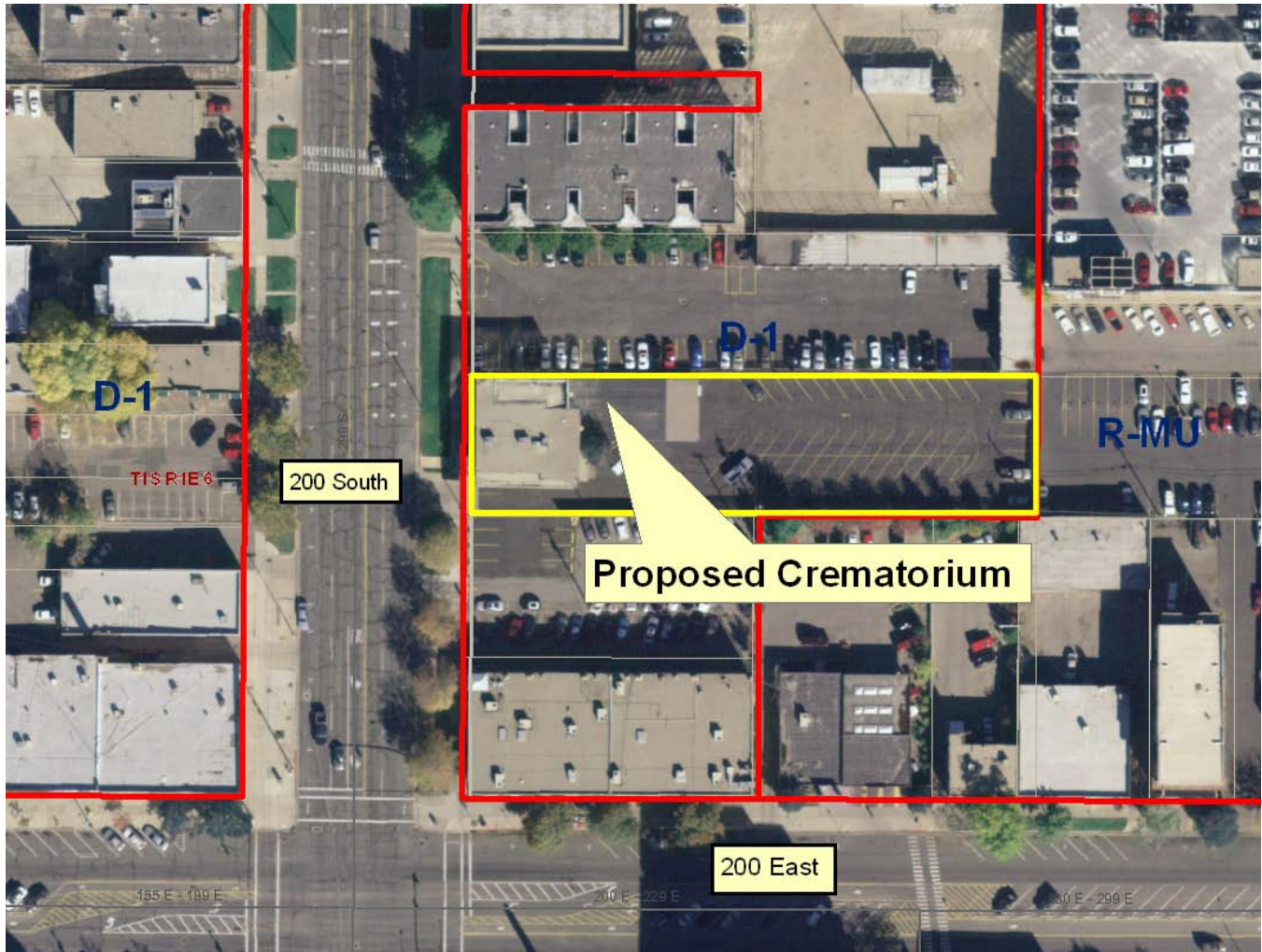
STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed conditional use, conduct a public hearing and approve the request pursuant to the analysis, findings and conditions of approval in this staff report.

Conditions of Approval

1. The crematorium shall not be used for the disposal of medical or industrial waste.
2. All building permits shall be received prior to any construction.

Vicinity Map



BACKGROUND

In September of 2008 the applicant, Russon Brothers Mortuary, received a building permit for a complete remodel and addition to an existing funeral home. The project featured a new crematorium retort within the addition. The permit was issued, and the applicant began construction. Later, City officials determined that a crematorium is not an allowed use in the D-1 zone, and the permit was revoked.

In the wake of the revocation, it was noted that many of the existing funeral homes in the City are non conforming uses and that crematoriums were allowed only in Open Space zones. Staff was directed to process an application to amend the zoning ordinance to allow funeral homes in appropriate zones, and to create conditional use criteria for crematoriums. These amendments were adopted by the City Council and went into effect on April 7, 2010. The Russon Brothers Mortuary is now an allowed use in the D-1 zone.

The applicant is now seeking conditional use approval of a crematorium. If approved, the revoked permit would be reissued and the 2008 project completed.

Proposal

The applicant proposes to install and operate a crematorium in the funeral home at 255 South 200 East. The crematorium would be located in the rear of the funeral home within an entirely enclosed building. Access to the use would be from a driveway leading to a large garage door where vehicles may enter the building. All activity relating to the dead will be conducted within the building.

Comments

Public Comments

The funeral home is in the Central City Community Council area, and within 600 feet of the Downtown Community Council area. As a result, the use was featured at an open house meeting. Staff sent information to the affected Community Councils as well as notified property owners within 450 feet of the property. No public comments were received. To date, staff has received no public comments relating to the proposed conditional use.

City Department Comments

The crematorium was reviewed by all applicable City departments and divisions. The review comments have been attached to this report as Exhibit D. There were no issues raised by the City departments that would prevent the proposal from proceeding. The applicant must comply with all City requirements.

ANALYSIS

Section 21A.40.170 of the Zoning Ordinance authorizes Planning Commission approval of crematoriums in the D-1 zone as an accessory to a licensed funeral home subject to the following factors for approval:

Factor 1: The crematorium shall emit no visible emissions or odor.

Analysis: Information submitted by the applicant indicates that the crematorium will emit no visible emissions. Due to the sensitive nature of the cremation process, crematorium retorts are specifically designed to limit emissions into the air. The retorts are self contained machines with the entire air combustion process completed within the machine chamber. As a result, the emissions left coming out of the stack are limited and not visible to the naked eye. Further, the model proposed is equipped with a “pollution monitoring and control system” that monitors the stack gases to prevent visible emissions. This feature enables the unit to make all necessary adjustments automatically. Further, the stack is lined with filters designed to remove any particulates that are not removed by the other processes in the machine.

If the machinery malfunctions or emits undesirable emissions into the air, the State Division of Air Quality will be responsible for taking enforcement action.

Finding: The proposed crematorium is designed to emit no visible emissions or odors. The machine is equipped with a monitoring system that monitors emissions to ensure that no unintended gasses or odors escape into the air.

Factor 2: Noise emitted from the crematorium shall not exceed maximum sound levels set forth in section 9.28 of the *Salt Lake City Code* (Health and Safety: Noise Control).

Analysis: The manufacturer states that standing adjacent to the machine; it operates at approximately 50 decibels. Section 9.28 of the Ordinance requires that the machine operate at 50 decibels between 9:00 pm and 7:00 am and 55 decibels between 7:00 am and 9:00 pm. The proposed crematorium will be located within an enclosed structure, at least 30 feet away from the nearest occupied building. As a result, any noise from the retort will be muffled by the walls of building, and the distance between the machine and any surrounding buildings.

Finding: Staff finds that the proposal meets this factor.

Factor 3: All activity relating to the dead shall be handled discretely and screened from public view to the maximum extent possible, including delivery and storage of the remains.

Analysis: The proposed crematorium is located within an enclosed structure that is attached to the existing funeral home. The applicant has indicated that individual remains will enter the building through a large garage door in the rear of the building, and all preparatory work and storage of the remains will be conducted within the structure. At no time will the remains be anywhere but inside.

Finding: Staff finds that all activity relating to the dead shall be handled discretely and within an enclosed structure.

Factor 4: The crematorium shall not be used for the disposal of any waste materials, including medical or industrial.

Analysis: It is not the intent of the applicant to use the retort for any other purpose than to provide cremation services to clients. A condition of approval prohibiting the use of the crematory for the disposal of industrial or medical waste materials has been placed in this staff report.

Finding: Staff finds the proposed crematorium meets this factor.

Factor 5: In the case of pet crematoriums, the use shall be for the preparation and cremation of pets only.

Finding: This factor is not applicable.

Factor 6: The crematorium shall receive all necessary approvals from applicable state and federal agencies.

Analysis: The applicant, Russon Brothers Mortuary has received all necessary licenses and approvals to legally operate as a funeral home with a crematorium from related state and federal agencies (see attachment C).

Finding: The proposed crematorium has received all necessary licenses and approvals from applicable state and federal agencies.

Factor 7: The crematorium use shall be consistent with all adopted City ordinance and master plans.

Analysis: Although the Central Community master plan is silent on crematories and funeral homes, it does indicate a need to foster a “vital and sustainable” downtown commerce area. This application has been reviewed for conformity with all applicable standards, in the Zoning Ordinance as well as the Central Community master plan and found compliant. As a result, it is staff’s finding that the use will contribute to the overall viability and success of the downtown area.

Finding: Staff finds that the proposed crematorium is consistent with all adopted city plans and ordinance.

Factor 8: The crematorium use shall be associated with a licensed funeral home for human cremation, or a dedicated animal cremation service for animal cremation.

Analysis: The applicant, Russon Brothers Mortuary, is licensed by both the City and the State to operate as a funeral home at 255 South 200 East. The crematory will be owned and operated by Russon Brothers Mortuary.

Finding: The crematorium is associated with a licensed funeral home.

Conditional Use Standards

Section 21A.54.080 of the Zoning Ordinance provides General Standards for Approval of a conditional use. Staff has applied these standards to the proposed use, and made the following findings (staff analysis is in italics):

Standard 1: Master Plan and Zoning Ordinance Compliance: The proposed conditional use shall be:

- a. Consistent with any policy set forth in the City-Wide, Community and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Analysis: Although the Central Community master plan is silent on crematories and funeral homes, it does indicate a need to foster a “vital and sustainable” downtown commerce area. The addition of a crematorium to the funeral home will enable the applicant to better serve families in the City, by providing them with an additional option when dealing with the death of a loved one. Statistics

indicate that the incidence of cremation is steadily rising throughout the country, including Salt Lake City.

This application has been reviewed for conformity with all applicable standards, in the Zoning Ordinance as well as the Central Community master plan and found compliant. As a result, it is staff's finding that the use will contribute to the overall viability and success of the downtown area.

The use is a conditional use in the D-1 zone.

Finding: Staff finds that the proposed crematorium will increase the viability and sustainability of the Russon Brothers Mortuary in Salt Lake City, and therefore is consistent with all adopted city plans and ordinance.

Standard 2: Use Compatibility: The proposed conditional use shall be compatible with the character of the site, adjacent properties and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:

- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
- b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
 - iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use during hours of operation will be likely to create noise, light or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
- d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries and mechanical equipment resulting from the proposed use; and

- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

Analysis: The unique and delicate nature of the use requires that the applicant use the upmost in discretion when transporting, handling and preparing each individual's personal remains. As a result, the applicant has built and designed a structure wherein all activity relating to the dead is conducted within the existing enclosed building.

Department comments indicate that the use has sufficient access, parking, circulation and utility access to accommodate the proposed use. The use is within an enclosed building at least 30 feet from all adjacent uses (see attachment B).

There are no other conditional uses for a crematorium within a ¼ mile radius of the proposed use. As a result, staff finds no detrimental concentration of uses within the exterior boundary of the property.

Finding: Staff finds that the proposed crematorium is compatible with the surrounding uses in character and circulation design.

Standard 3: Design Compatibility The proposed conditional use is compatible with the character of the area where the use will be located with respect to:

- a. Site design and location of parking lots, access ways, and delivery areas;
- b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views or large parking or storage areas; or views or sounds of loading and unloading areas; and
- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
- d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-use development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

Analysis: The proposed use is located in the D-1 zone with office, commercial, retail and restaurant uses adjacent. The existing building is a one story structure with a pitched roof and is approximately 16 feet in height. When viewed from the street it has the lowest profile of any other structure on the street front. The crematorium use will be housed entirely within the existing building. As a result, the size of the use will have no impact on the surrounding uses and structures. Further, because the use will be carried out entirely within the structure, the handling and preparation of individual remains will be completed in a discreet and appropriate manner.

Staff has reviewed the proposed retort to ensure that the emissions from the retort are both invisible and odorless, and is confident that the machinery proposed meets the minimum requirement of the ordinance (for further information see staff analysis in factor 1 above).

Finding: Staff finds that the use is compatible with adjacent uses in the neighborhood, and that the negative impacts of the project are mitigated through careful design and conditions of approval in this staff report. The building is existing; no further remodeling is proposed.

Standard 4. Detriment to Persons or Property The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:

- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
- b. Not encroach on any river or stream or direct runoff into a river or stream;
- c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Analysis: The does not propose to introduce any known pollutant to the ground or air (see staff analysis in factor 1 above). The use will be consistent with the neighborhood in size, scale and design.

Finding: Staff finds that the proposed crematorium will not be a detriment to neighboring persons or property because of its pollutants, and hazards, and that it will be consistent with the character and type of development in the area.

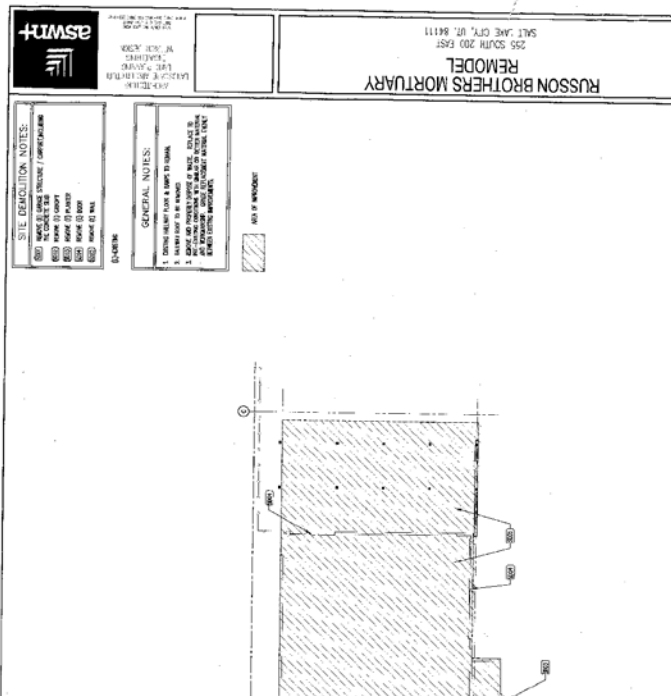
Standard 5. Compliance with Other Applicable Regulations: The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Analysis: The project complies with all zoning ordinance requirements, including parking. The property is not located within a historic district; therefore no historic design guideline review is necessary.

Finding: Staff finds that the proposed development must comply with all associated City Code requirements.

Attachment A: Site Plan/Floor Plans

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Attachment B: Department Comments

We have reviewed the request and as a condition of approval ask that the by-products of the proposed crematorium be properly disposed of. The sanitary sewer lateral and the waste water treatment plant are appropriate locations for waste or by-products of the proposed crematorium. Solid waste disposal should be used. The applicant should work with the state department of environmental quality regarding the need for any filters on the exhaust vents.

Justin D. Stoker, PE, LEED® AP, CFM

Salt Lake City Public Utilities

1530 S. West Temple, SLC, UT 84115

ph. (801) 483-6786 - .stoker@slcgov.com



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Date	Task/Inspection	Status/Result	Action By	Comments
3/31/2010	Staff Assignment	Assigned	Milliner, Ray	
4/2/2010	Staff Assignment	Assigned	Paterson, Joel	
4/5/2010	Staff Assignment	Routed	Milliner, Ray	
4/9/2010	Engineering Review	Complete	Drummond, Randy	Our Division has no concerns regarding this application.
4/14/2010	Building Review	Complete	Anderson, Kenneth	No Comments
4/14/2010	Zoning Review	Complete	Hardman, Alan	No zoning issues.

Attachment C: Applicant Licenses

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

Certificate of License Renewal

Control Number: 100482-0901-20080602-012

RENEWAL DATE: 06/02/2008

EXPIRATION DATE: 05/31/2010

ISSUED TO: Russon Brothers Mortuary



REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAILS(S)

100482-0901

Funeral Service Establishment

Please note that DOPL reserves the right to initiate action at any time against a licensee who did not meet the renewal/reinstatement requirements at the time this license was issued.

NOTICE; THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS PLACE

SALT LAKE CITY CORPORATION

CITY I.D. NUMBER LIC1979-03023

(726-4985)

RUSSON BROTHERS MORTUARY
255 S 200 E
Salt Lake, UT 84111-2437

This is to certify that the herein named, having complied
with the ordinances in force, relating to licenses, is
hereby licensed to transact the business of:

FUNERAL HOMES

BUSINESS LICENSE -	1
EMPLOYEES - FULL T	2
MISC SERVICES	1

within Salt Lake City, Utah at the address indicated

Commencing	1/1/2010
and Ending	12/31/2010

ATTEST:

Christine Meeker

ACTING CITY RECORDER



In Testimony Whereof, I have
hereunto set my hand

Ralph Becker

MAYOR OF SALT LAKE CITY

RUSSON BROTHERS MORTUARY
255 SO 200 EAST
SLC UT 84111-0000

THIS LICENSE IS NOT TRANSFERABLE