RESOLUTION NO. 9015

CONDITIONAL USE PERMIT

A RESOLUTION introduced by City Manager Brent Trout, in accordance with Section 18.60.010 of the Topeka Municipal Code (TMC), amending a Conditional Use Permit (#CU07/05A) to allow for the expansion of a pet crematorium to include one additional cremator and a building to enclose the cremator on property zoned “O&I-2” Office and Institutional District located at 1137 SW Gage Boulevard in the City of Topeka, Shawnee County, Kansas. (CU07/05A) (Council District #9)

BE IT RESOLVED by the Governing Body of the City of Topeka, Kansas, that the application under the provisions of TMC 18.60.010, amending a Conditional Use Permit (CU07/05A) to allow for the expansion of a pet crematorium by the addition of one cremator and a building to enclose the cremator as indicated on amended Conditional Use Permit site plan for property located at 1137 SW Gage Boulevard in the City of Topeka, Shawnee County, Kansas and legally described as:

NORTH BRENTWOOD, Lot 2+, GAGE BLVD LOT 3 & N 30 FT LOT 2 NORTH
BRENTWOOD ADDITION SECTION 34 TOWNSHIP 11 RANGE

be, and the same is hereby approved, subject to:

1. Use and development of the site shall be in accordance with the approved Resolution and compliance with the Statement of Operations for Heavenly Pet Memorials Funeral Home and Crematorium and amended CUP Site Plan as approved.

2. The Statement of Operations shall be revised to include reference to the model of the new cremator as “The Sierra-300 by U.S. Cremation Equipment/American Incinerators Corporation or an equivalent model.”

3. CUP Site Plan shall be titled as “Site Plan for Heavenly Pet Memorials Conditional Use Permit as Amended (Case CU07/05A).”

4. The applicant shall provide a landscape plan subject to the approval of Planning Department staff to demonstrate substantial screening to mitigate the visual impact of the two structures sheltering the cremators. The landscape plan shall include trees of one or more species centered between the rear fence and structures that will provide screening in all seasons of the year. Trees at time of planting shall conform to the minimum size requirements in the City of Topeka Landscape Ordinance, Section 18.235.060.
5. The CUP site plan shall be revised to provide for a minimum 6 feet of separation between all buildings and structures.

6. To mitigate visual impacts on adjoining properties, maximum smokestack height for new cremator, or replacement cremator(s), shall be no higher than 3’6” above the roof structure. This requirement shall be noted on the CUP site plan.

7. As indicated by the applicant, the daily hours of operation for any cremator shall be no earlier than 8:00 a.m. and no later than 9:00 p.m. The Statement of Operations for Heavenly Pet Memorials Funeral Home and Crematorium shall be revised to reflect these hours of operation for any cremator.

8. The applicant shall provide documentation that all permits required by the Kansas Department of Health and Environment for the existing pet cremators have been obtained. Said documentation shall be submitted to the Planning Department prior to the Conditional Use Permit Amendment being considered by the Governing Body. Additionally, documentation that permits have been obtained from KDHE for the new cremator shall be submitted to the Planning Department within 45 days of installation.

9. The CUP Site Plan shall be revised to include the following notations: “No further expansion of cremation footprint (12’ x 21’) beyond that approved as part of this CUP Amendment is permitted.”

10. The CUP Site Plan shall be revised to include the following notation: “New shelter structure for cremator shall be comprised of non-glaring or non-reflective materials.”

ADOPTED AND APPROVED by the Governing Body of the City of Topeka, May 15, 2018.

CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk