



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 20, 2016

**NAME OF PROJECT:** Probst Family Funerals

**NAME OF APPLICANT:** Clint Probst

**AGENDA ITEM:** Conditional Use Permit

**LOCATION OF ITEM:** 741 East Main Street

**ZONING DESIGNATION:** C-2

### **ITEM: 3**

Paul Berg, agent for Probst Family Funerals, is requesting a Conditional Use Permit for a mixed use development that will include a mortuary and a residence. The property is located at 741 East Main and is in the C-2 zone.

### **BACKGROUND:**

This request for a Conditional Use Permit (CUP) by Clint Probst is for a mixed use project that will include a funeral home and a residential unit. The parcel on which the project is proposed is zoned C-2 and currently is undeveloped and being used for agriculture. The parcel is 0.75 acres in size and has about 170 feet of frontage on Main Street. Mr. Probst is currently running his business at 79 East Main Street but he would like to build a new facility that will include his personal residence.

The City's Land Use Code does allow mixed use projects in the C-2 and C-3 zones as a CUP as long as requirements are met. First, the commercial square footage of the project must be at least 20% of the square footage of the entire project. The applicant has met this requirement because the square footage of the funeral home is greater than the square footage of the residential unit. The building itself has a footprint of 8,000 square feet.

The proposed plan has its access directly from Main Street. Access will need to be approved by the City and by UDOT since Main Street is a state owned and maintained road. Parking requirements include a minimum of 40 stalls or one stall for each 60 square feet of floor space in the assembly rooms, whichever is greater. For the proposal the requirement is 42 stalls based on the 2,520 square feet that is planned as assembly areas. Also, two stalls are required for the residence (located in the attached garage.) Finally, water requirements must be met which include the dedication of the required acre feet that are needed for the project. The Water Board will review the project during their May 2<sup>nd</sup> meeting.

The site plan does comply with the requirements for a commercial use in the C-2 zone. The code requires any commercial buildings to have a setback of 10' to 30' from Main Street. The proposal has a 10' setback on the proposed plan. Setbacks bordering residential uses require a 15' setback. There are residences on both the west and the north of the project and the setback is much greater than 15' on both of the aforementioned sides. The setback on the east is a zero lot line because the property is in the commercial zone and is not being used for residential. The proposed setback on the east is 10'. The City has planned a future public road to the east of the property. If the road does border the proposal in the future, the proposed setback will comply with the 10' setback. There will also be an access from the proposal to the future road once that road is built.

The City would like to extend the street profile that is present from 200 West to 300 East. This will include curb and gutter, an extended park strip, 6' sidewalks, and parallel parking. The site plan does not yet reflect this street profile.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

#### **ANALYSIS:**

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-2 zone. The proposal appears to comply with the requirements specific to mixed use developments as listed earlier in this report. The design of the project does generally follow the architectural guidelines listed for commercial development in the C-2 zone; the VAC will review the project before the item is scheduled for a City Council agenda. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*

2. The proposed use is consistent with the General Plan; *the proposal does meet the vision of the General Plan by creating a mixed use environment that helps create an active Main Street. The architecture of the proposed building also does include some of the architectural suggestions as listed in the code.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the business that will be located in the development is required to have an approved business license with the City. The business will need to apply for a license and it will be issued once all the requirements are met.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *the proposal will be engineered for drainage and all increased runoff will be captured and stored in sumps or detention ponds that will be installed on site.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed uses will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property and on the surrounding roads.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of business.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *UDOT will need to approve the driveway location since Main Street is a state road.*

#### **WATER BOARD RECOMMENDATION:**

The Water Board recommended has yet to review the proposal. There review will take place before the proposal is heard by the City Council.

#### **VISUAL AND ARCHITECTURAL COMMITTEE RECOMMENDATION:**

The Visual and Architectural Committee has yet to review the proposal. There review will take place before the proposal is heard by the City Council.

**POSSIBLE FINDINGS:**

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the area.
- The proposal does comply with the vision of Main Street as described in the General Plan.

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. Construction plans will need to be approved by the City Engineer before construction of any improvements.
2. UDOT must approve of the proposed driveway location.
3. Midway Sanitation District must review the plans for the project before approval is granted.



GOOGLE

Imagery Date: 6/16/2015 40°30'40.37" N 111°27'49.22" W elev. 5572

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1993





Scale 1" = 20'  
 Scale 1" = 40' for 11/17

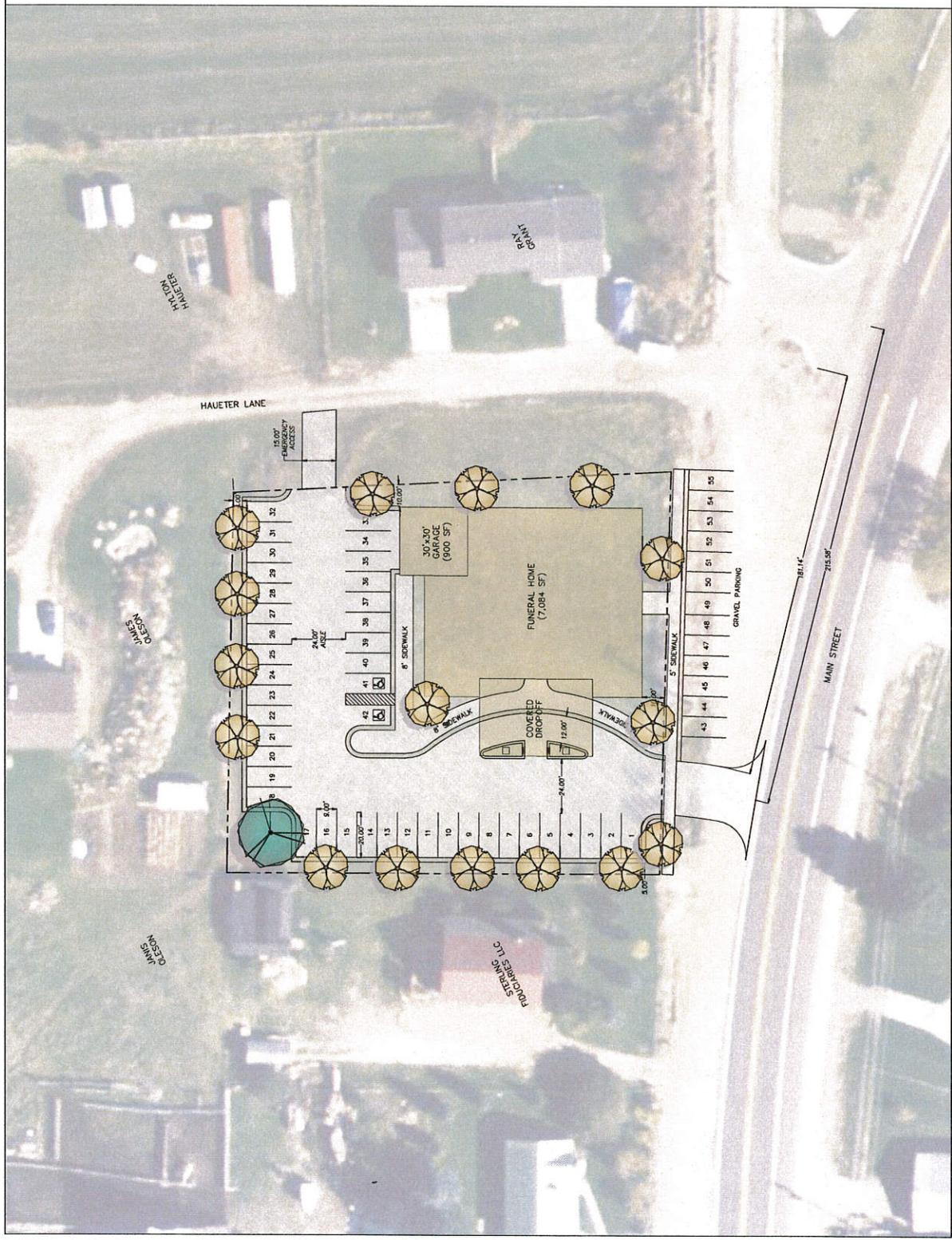
**LAND USE CALCS**  
 C-2 0.765 ACRES  
**TOTAL AREA:**  
 BUILDING AREA 7,084 SF  
 FUNERAL HOME 7,984 SF  
 GARAGE 900 SF  
**OFF-STREET PARKING** 42 SPACES  
**ON-STREET PARKING** 13 SPACES  
**TOTAL PARKING** 55 SPACES

MIDWAY CITY CODE SECTION 16.13.03  
 MORTUARIES OR FUNERAL PARLORS SHALL  
 PROVIDE 42 PARKING SPACES  
 FOR EACH 25 SQUARE FEET OF FLOOR  
 SPACE IN ALL ASSEMBLY ROOMS,  
 WHICHEVER IS GREATER.  
 ALLOWED ASSEMBLY ROOM AREA  
 PER 42 PARKING SPACES  
 42 x 25 = 1,050 SQUARE FEET

PROPOSED MIDWAY CITY CODE  
 MORTUARIES OR FUNERAL PARLORS SHALL  
 PROVIDE 42 PARKING SPACES  
 FOR EACH 60 SQUARE FEET OF FLOOR  
 SPACE IN ALL ASSEMBLY ROOMS,  
 WHICHEVER IS GREATER.  
 PROPOSED ASSEMBLY ROOM AREA  
 PER 42 PARKING SPACES  
 42 x 60 = 2,520 SQUARE FEET

THIS DOCUMENT IS PREPARED  
 FOR THE CLIENT'S USE ONLY.  
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 WITHOUT THE APPROVAL OF THE ENGINEER.  
 PAUL S. BERG, P.E.  
 SERIAL NO. 282526  
 DATE 12/01/2015

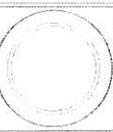
CLIENT PROIST	11
FUNERAL HOME	
CONCEPT PLAN	
<b>BERG ENGINEERING</b>	
1800 E MAIN ST. SUITE 204 MIDWAY, MO 64579	
DESIGN BY: CME	DATE: 10/27/2015
DRAWN BY: CME	REV:
	SHEET



INFORMATION CLAUSE

PROBET FAMILY FUNERAL HOME  
1501 PLAZA AVENUE  
ST. LOUIS, MISSOURI 63103  
TEL: (314) 433-1111  
WWW.PROBETFUNERALHOME.COM

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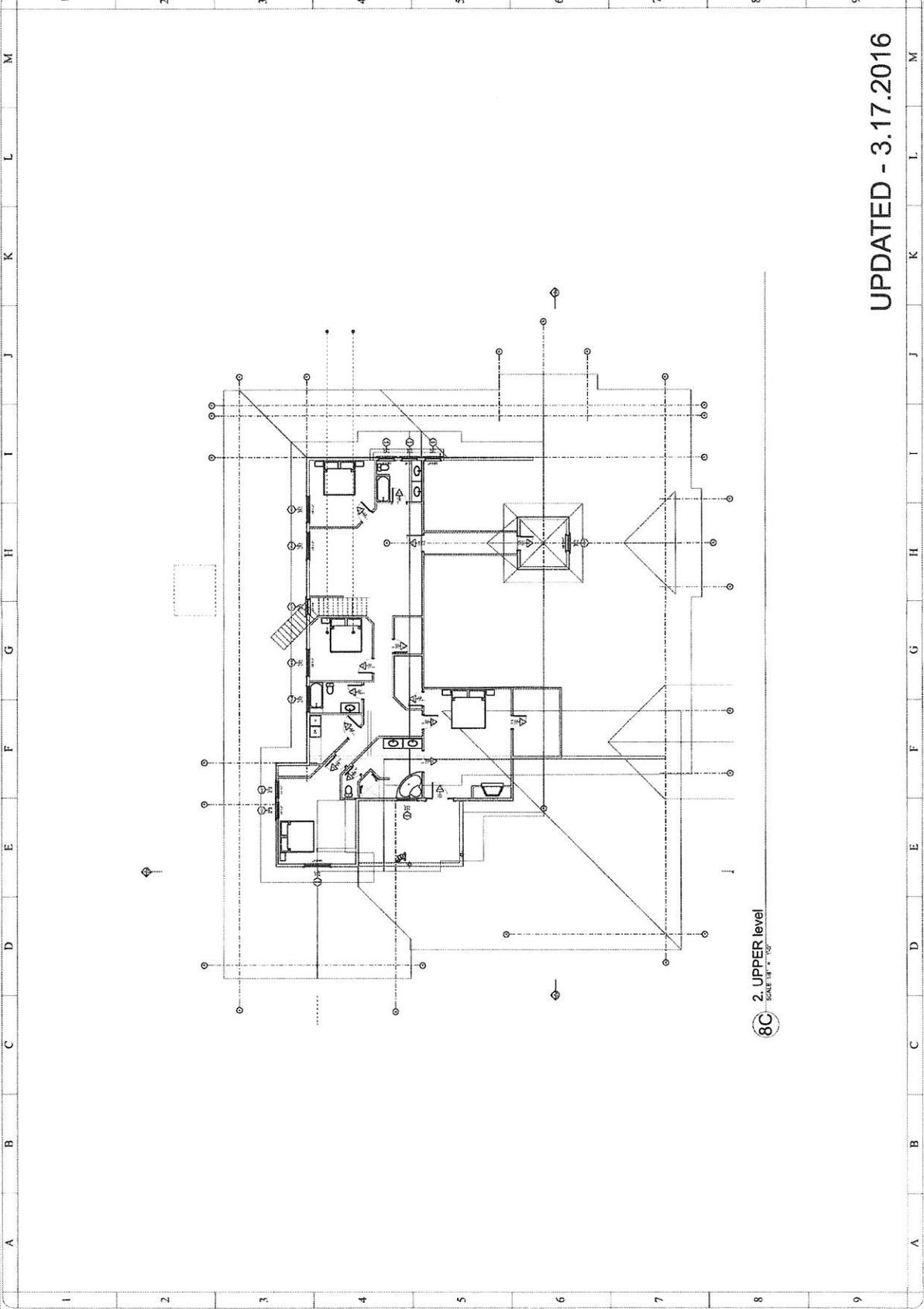


Lythgoe Design Group, Inc.  
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PROJECT DESCRIPTION: Funeral Home  
1501 Plaza Avenue  
St. Louis, Missouri  
DATE: \_\_\_\_\_  
LMS# - PROJECT #: Project ID

#	Date	Description

SECOND LEVEL  
FLOOR PLAN  
A1.3



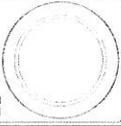
8C 2. UPPER level  
SCALE: 1/8" = 1'-0"

UPDATED - 3.17.2016

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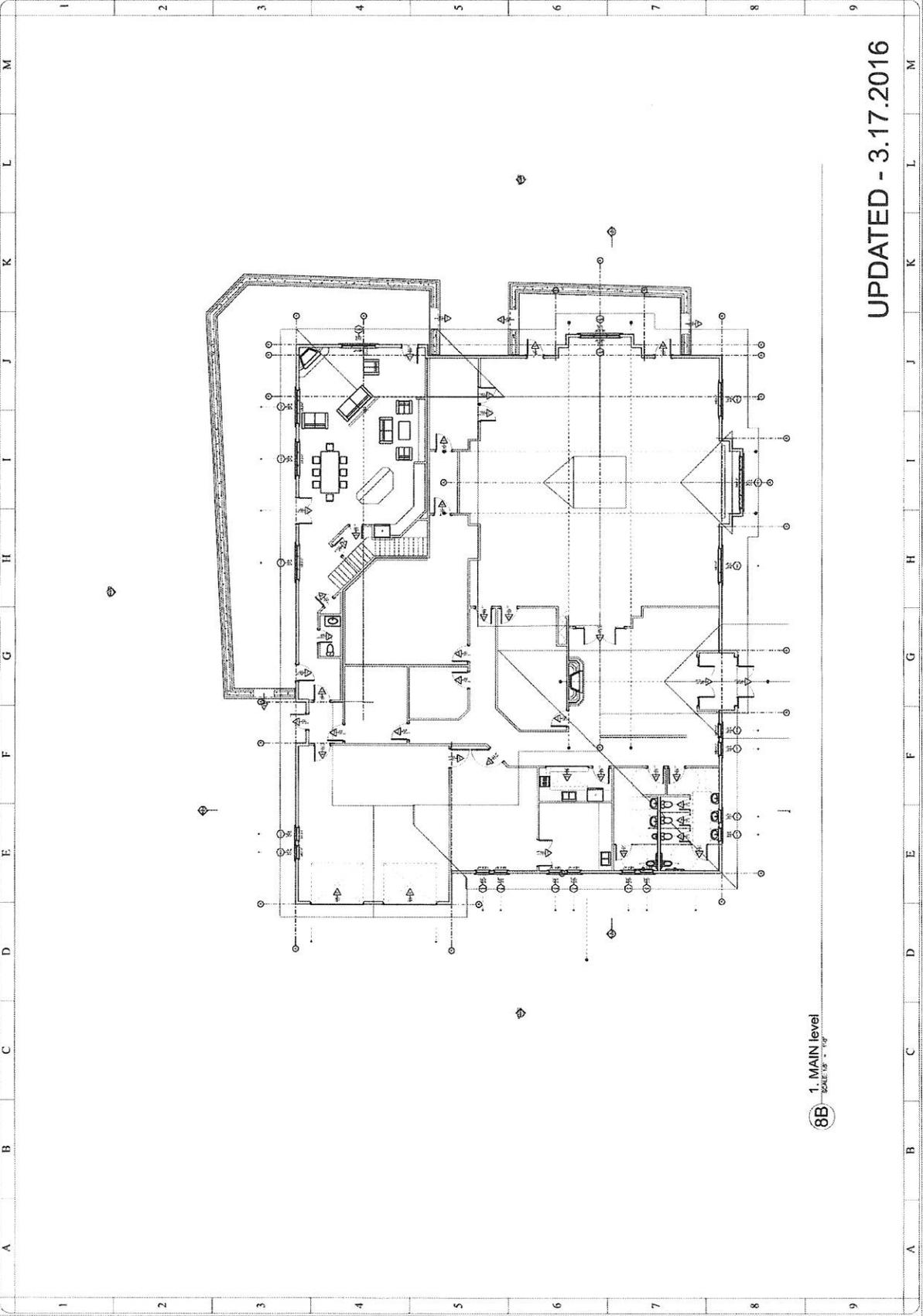


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**Probst Family Funeral**  
1514 First Avenue  
PROJECT DESCRIPTION: Funeral Home  
DATE: \_\_\_\_\_

Revisions	Date	Description

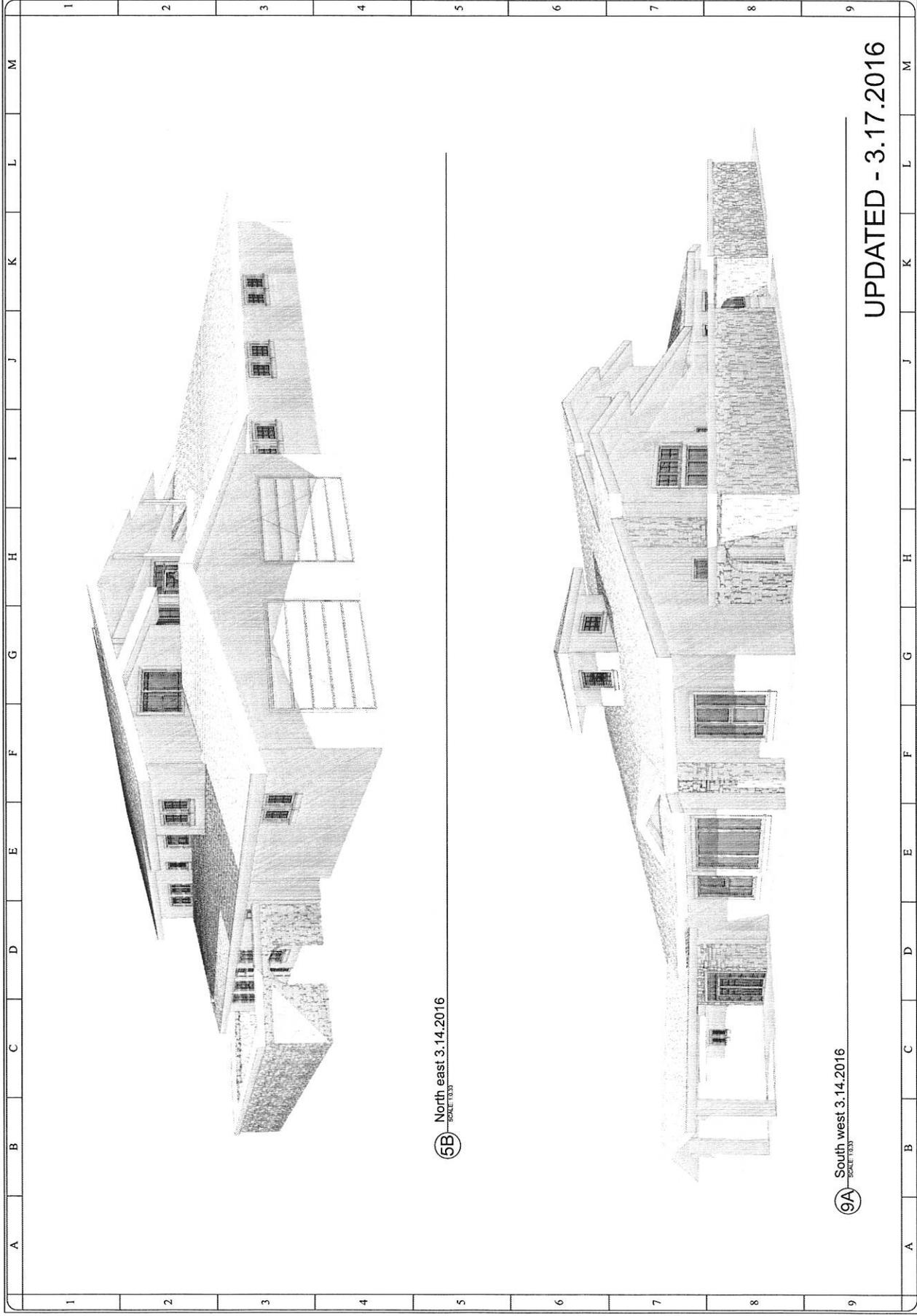
**MAIN LEVEL FLOOR PLAN**  
**A1.2**



**UPDATED - 3.17.2016**

**8B**  
1. MAIN level  
SCALE: 1/8" = 1'-0"

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© 2015, Lythgoe Design Group, Inc. License # 402185 (Colorado)			PROJECT DESCRIPTION: Funeral Home SITE: Full Address																		
Lane M. Lythgoe, AIA License # 402185 (Colorado)		Revisions: <table border="1"> <thead> <tr> <th>#</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	#	Date	Description																3D RENDERING VIEWS <b>A3.3</b>
#	Date	Description																			



**5B** North east 3.14.2016  
SCALE 1/32"

**9A** South west 3.14.2016  
SCALE 1/32"

**UPDATED - 3.17.2016**