

710 EAST SAN AUGUSTINE

DEER PARK, TEXAS 77536

Minutes

of

A PRELIMINARY PUBLIC HEARING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, MAY 03, 2021 AT 6:20 P.M. ON THE REQUEST OF LISA RITTER AND DMR CREMATION AND MORTUARY SERVICES FOR A SPECIFIC USE PERMIT TO A OPERATE CREMATORY AND MORTUARY SERVICES AT 4610 CENTER STREET, WITH THE FOLLOWING MEMBERS PRESENT:

DOUGLAS COX	CHAIRMAN
STAN GARRETT	COMMISSIONER
RAY BALUSEK	COMMISSIONER
DANIELLE WENDEBURG	COMMISSIONER
DON TIPPIT	COMMISSIONER

OTHER CITY OFFICIALS PRESENT WERE:

GREG MELCHING	DEPUTY BUILDING OFFICIAL
SHANNON BENNETT	CITY SECRETARY

1. NOTICE OF PUBLIC HEARING - The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)
2. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST - Chairman Cox opened the hearing for those persons desiring to speak in favor of the request.
 - a. Paul Goodman, 1414 Asbury Lane, spoke in favor of the Specific Use Permit request.
 - b. Danny Duncan, owner of Deer Park Funeral Directors, 336 E. San Augustine, Deer Park, spoke in favor of the Specific Use Permit request and commented, "I don't want anybody to misunderstand what I am here for. This is not a new business, it is just an addition to the funeral home I already have. I have been in Deer Park for 31 years, I do not live in Deer Park but I come here every day, seven days a week. I love this City, it has been good to me. I read some things that were posted on social media and there is a lot of misinformation. These cremation units are made for human remains, not hazardous waste. They are not designed for that and that is not the intent. This unit is highly efficient, you'll never know it's there. There is no noise, you don't see the flames and the units are built with two chambers to make sure they don't pollute the air. You will not see any smoke either. The unit runs about 17 to 18 hundred degrees Fahrenheit. The only thing you will see, is the heatwaves down by the pavement. I know some people were concerned about Mercury and other pollutants, that was in the dental world and they don't use that any longer. The school and value of homes will not be

effected. No one will know it is there. There will be no signs indicating that it is there. As far as being cheaper, my cremation prices are cheaper than the corporation. It is more convenient for me to serve the family. My crematory I currently use, I do not own. It is 45 minutes each way to and from Deer Park, to get the body there and back to pick it up. You lose a lot of time. As far as regulation, the Environmental Protection Agency has no reason to be involved in crematories, it is not like it an industrial site. It is being regulated by the Funeral Commission and the Texas Air Quality Board. That who regulates this, I can't just go in and put one up without a permit. They have to approve everything. The law states that on a funeral home, it has to be a cemetery or mortuary service. I could put it at the funeral home but I would have to do a lot of major remodeling. Ms. Ritter and I have been friends for a long time and the building is not being used for anything else right at the moment and it would be perfect. I could slide it in and you would never know it was there. I also saw some people saying it was going to cause traffic jams on Center Street, I do not foresee that much business. It is by appointment and you could only do so many a day. Like I said, you would never see it. I would never do anything to upset the community of Deer Park because the City has been good to me."

Commissioner Balusek asked, "Are you going to be the owner of this facility?"

Mr. Duncan responded, "Yes."

Commissioner Balusek asked, "Why at this particular address?"

Mr. Duncan responded, "It is because it has the gas lines already there. It is easy to get the unit in the building. The bay doors will allow me to roll the unit right in."

Commissioner Balusek asked, "Why not at the funeral home on San Augustine?"

Mr. Duncan responded, "That would take remodeling of the building. I do not want to remodel the funeral home. I just did it and I don't want to have to do it again."

Commissioner Balusek asked, "Any noise involved in this?"

Mr. Duncan responded, "Not unless you are standing inside the building."

3. RECESS/RECONVENE – Chairman Cox recessed the hearing at 6:28 p.m. to open up the Board of Adjustment meeting and reconvened the hearing.

Commissioner Tippit asked, "What by-product is a result of the cremation and how is it captured and vented?"

Mr. Duncan responded, "There are two chambers in this unit. The first chamber is burning off the immediate gases. Then it goes through the second chamber."

4. RECESS/RECONVENE – Chairman Cox recessed the hearing at 6:30 p.m. to open up the Planning and Zoning meeting and reconvened the hearing.

Mr. Duncan continued, “These units were designed in California, which we all know that California has some strict Environmental Protection Agency rules. If they can use this in California, I know it is fine. The company is using all the technology to monitor it through the computer and the internet, so they can see what is going on as well as I can. I know some people were worried about certain embalming chemicals, but there aren’t that many chemicals that would cause a major hazard like that. Some people may say that “if this opens”, it would be involving the waste materials from hospitals”. I would never do that. If I did that I would be shut down because you have to have special permits for that and that is not what a crematory is for. You can only do so many a day or you would wear out your unit. You could maybe do three at the most in a day.”

Commissioner Wendeburg asked, “Can you give us the day to day process of how an individual is brought in, how many per day and if they go in the front door or back door?”

Mr. Duncan responded, “This particular building has four bay doors and the way it is designed, we can open the back door and you wouldn’t be able to see the unit. There is a cooler that will have to be in the building to keep the bodies in refrigeration and the bodies come in on a stretcher just like they do in a funeral home. I don’t think anyone has seen any bodies over there.”

Commissioner Wendeburg asked, “Is there a back door to the building?”

Mr. Duncan responded, “There is a side door on each side.”

Commissioner Wendeburg asked, “Usually, how many a day?”

Mr. Duncan responded, “Usually we can do three a day. It just depends on the size of the body. Every body that comes in is weighed and that is how you determine how long the retort is going to run. It is all computerized, there is a program. The temperature first heats up the bricks underneath to get them hot.”

c. Sara Lopez, 2009 Estate Drive, spoke in favor of the Specific Use Permit request.

5. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST – Chairman Cox opened the hearing for those persons desiring to speak against the request.

The following citizens all spoke against the Specific Use Permit request:

- a. Richard Bermea, 2617 Henderson Lane, Deer Park, Texas
- b. Loree Dodd, 3009 Stacy Lane, Deer Park, Texas
- c. Milton Perales, 7425 Evie Lane, Deer Park, Texas
- d. Mary Robbins, 7406 Faith Drive, Deer Park, Texas

- e. Troy Cothran, 317 Sylvia Street, Deer Park, Texas
 - f. Carina Pantoja, 4321 Center Street, Deer Park, Texas
 - g. Cindy Wagner, 2214 Luella Avenue, Deer Park, Texas
 - h. Robert Atherton, 4722 Jefferson Street, Deer Park, Texas
 - i. Johnny Dover, 7406 Eldridge Lane, Deer Park, Texas
 - j. Paige Newton, 917 James Street, Deer Park, Texas
 - k. Laurie Chapa, 7442 Faith Drive, Deer Park, Texas
 - l. Mary Perry, 7438 Faith Drive, Deer Park, Texas
 - m. Jessie Simpson, 3416 Pickerton Drive, Deer Park, Texas
 - n. Jasmin Husain, 7405 Faith Drive, Deer Park, Texas
 - o. Timothy Zarape, 3014 Cile Street, Deer Park, Texas
6. HEARING CLOSED – Chairman Cox closed the public hearing at 7:06 p.m.

ATTEST:

APPROVED:

Shannon Bennett, TRMC
City Secretary

Douglas Cox, Chairman
Planning & Zoning Commission