

PLANNING COMMISSION FINAL REPORT

Case No. 0418-02

INFOR No. 18ZN1008

Planning Commission Hearing Date: May 2, 2018

Applicant & Legal Description	Owner: Corpus Christi's Limousines Unlimited, Inc. Applicant: Saxet Funeral Home Location Address: 4001 Leopard Street Legal Description: Villa Gardens Annex, Lots 2 thru 5, located on the south side of Leopard Street, west of Villa Drive, and east of Van Cleve Drive.			
Zoning Request	From: "CG-2" General Commercial District To: "IL" Light Industrial District Area: 0.51 acres Purpose of Request: To allow for the installation and operation of a crematorium in addition to the existing funeral home.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"CG-2" General Commercial	Commercial	Commercial
	<i>North</i>	"CG-2" General Commercial	Commercial	Commercial
	<i>South</i>	"RS-6" Single-Family 6	Public/Semi-Public and Low Density Residential	Government and Medium Density Residential
	<i>East</i>	"CG-2" General Commercial	Public/Semi-Public and Vacant	Government and High Density Residential
	<i>West</i>	"CG-2" General Commercial	Commercial	Commercial
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Westside Area Development Plan and is planned for commercial uses. The proposed rezoning to the "IL" Light Industrial District is inconsistent with the adopted Comprehensive Plan (Plan CC). Map No.: 049045 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 136 feet of street frontage along Leopard Street which is designated as an "A1" Minor Arterial Street, approximately 223 feet along Villa Street which is designated as a Local/Residential Street, and approximately 105 feet along Leigh Drive which is also designated as a Local/Residential Street. The site is serviced by Route 27 of the Corpus Christi Regional Transit Authority. The closest bus stops are 450 to the west and 300 feet to the east in front of Oak Park Elementary School.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Leopard Street	"A1" Minor Arterial Street	95' ROW 64' paved	105' ROW 64' paved	10,537 ADT (2014)
	Villa Street	Local/Residential	50' ROW 28' paved	60' ROW 34' paved	N/A
	Leigh Drive	Local/Residential	50' ROW 28' paved	50' ROW 30' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "CG-2" General Commercial District to the "IL" Light Industrial District to allow for the installation and operation of a crematorium in addition to the existing funeral home.

Development Plan: The subject property is 0.51 acres in size. The request is for a change in zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The owner would like to operate a crematorium as part of the existing funeral home. According to the owner, due to the rising costs for burials, more people are choosing to be cremated. The crematorium will be an addition service provided by the existing funeral home. Due to stringent EPA standards, there will be no odor and very little smoke, if any at all, being emitted from the crematorium. Furthermore, the owner is aware that the requested "IL" District may not be suitable in an area abutting a public school and a residential area. Therefore the owner, is willing to accept a Special Permit for the crematorium subject to conditions imposed to other funeral homes.

Existing Land Uses & Zoning: The subject property is currently zoned "CG-2" General Commercial District and consists of an existing funeral home business (Saxet Funeral Home). The subject property was annexed in 1939 and zoned "CG-2" General Commercial before 1960. To the north across Leopard Street are commercial uses zoned "CG-2" General Commercial District. Such uses include a Dollar General, self-storage, and various motels. To the south is a single-family residential subdivision (Villa Gardens Subdivision) and West Heights Baptist Church across Leigh Drive all zoned "RS-6" Single-Family 6 District. To the east is Oak Park Elementary School zoned "CG-2" General Commercial District, a vacant lot zoned "RM-1" Multifamily District, and a single-family residential subdivision (Westland Subdivision). To the west are commercial uses zoned "CG-2" General Commercial. Such uses include an auto repair shop and various restaurants.

AICUZ: The subject property is not located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ).

Plat Status: The property is platted.

PlanCC & Area Development Plan Consistency: The subject property is located within the boundaries of the Westside Area Development Plan (ADP). The proposed rezoning to the “IL” Light Industrial District is inconsistent with the adopted Comprehensive Plan (Plan CC). However, the proposed use is consistent with the following policies:

- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use. (Future Land Use, Zoning, and Urban Design Policy Statement 1)
- Given this overall purpose, the plan provides for a compatible configuration of activities with emphasis on protecting residential uses from incompatible industrial and commercial activities; the placement of commercial activities at locations with good access and high visibility; and the identification of environmental sensitive areas that should be preserved. Table 1 shows the proposed land use distribution for the Westside Area. (Policy Statement C.1)

Department Comments:

- The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC).
- The proposed use (funeral home with a crematorium) is compatible with neighboring properties and with the general character of the surrounding area. The proposed use (funeral home with a crematorium) does not have a negative impact upon the surrounding neighborhood.
- The potential rezoning to the “IL” Light Industrial District would have a negative impact upon the surrounding neighborhood as it would allow all uses allowed by right in the “IL” Light Industrial District.
- Rather than rezoning to the “IL” District for the purposes of an accessory crematorium, a better option would be to grant the accessory crematorium use by Special Permit (SP).
- The property is currently a funeral home that has operated at this location since 2007.
- Currently there are only three licensed and operating crematoriums (Maxwell P. Dunne, Guardian, and Seaside) in Corpus Christi. Most recently, a rezoning including a Special Permit was granted for Trevino Funeral Home in October of 2017.
- A potential text amendment to the Unified Development Code (UDC) is under consideration to allow crematoriums as an accessory uses to a funeral home business by-right.

Planning Commission and Staff Recommendation (May 2, 2018):

Denial of the change of zoning from the “CG-2” General Commercial District to the “IL” Light Industrial District, in lieu thereof approval of the “CG-2/SP” General Commercial District with a Special Permit (SP) with the following conditions.

1. **Uses:** The only use authorized by this Special Permit other than uses permitted by right in the base zoning district is “Crematorium” as defined by the Unified Development Code (UDC).

2. **Hours of Operation:** The hours of operation of the crematorium shall be daily from 7:00 AM to 10:00 PM.
3. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
4. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Vote Results:

For: 7
Opposed: 0
Absent: 2
Abstained: 0

Public Notification	Number of Notices Mailed – 15 within 200-foot notification area 5 outside notification area	
	<u>As of April 27, 2018:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.	

Attachments:

- A. Location Map (Existing Zoning & Notice Area)
- B. Public Comments Received (if any)