BCC Public Hearing

SE-17-05-038

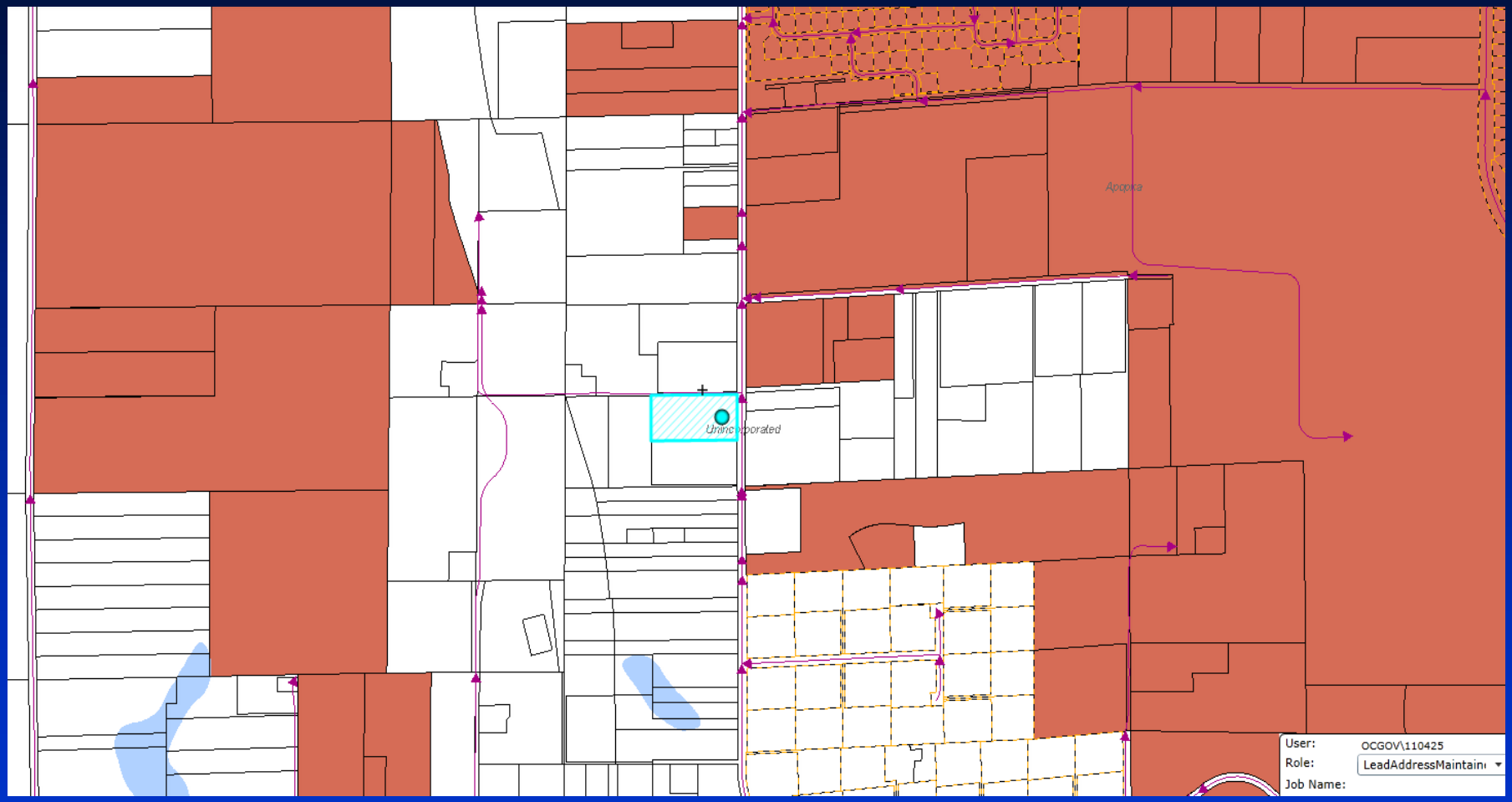
Waldon Professional Funeral & Cremation Services, LLC

July 11, 2017

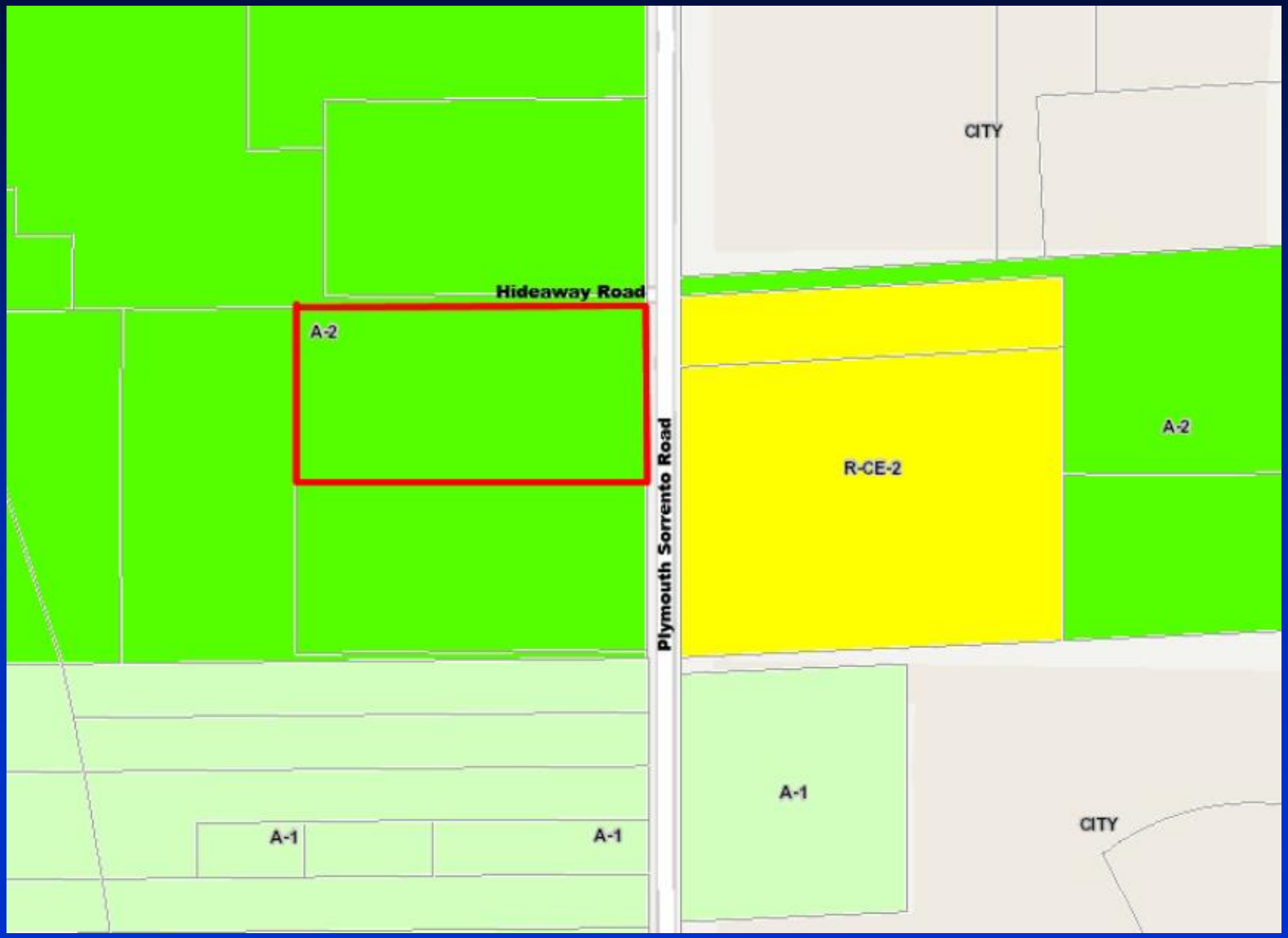
Background

CASE #:	SE-17-05-038
APPLICANT:	Waldon Professional Funeral & Cremation Services, LLC
REQUEST:	Special Exception in the A-2 zoning district to allow a funeral home and crematory.
ZONING:	A-2
TRACT SIZE:	4.91 acres
LOCATION:	3560 Plymouth Sorrento Road, Apopka, FL 32712 Northwest corner of Hideaway Road and Plymouth Sorrento Road, ½ mile north of W. Ponkan Road
DISTRICT:	# 2

Location Map



Zoning Map


CITY
Hideaway Road
A-2
Plymouth Sorrento Road
R-CE-2
A-2
A-1
CITY
A-1
A-1

Aerial

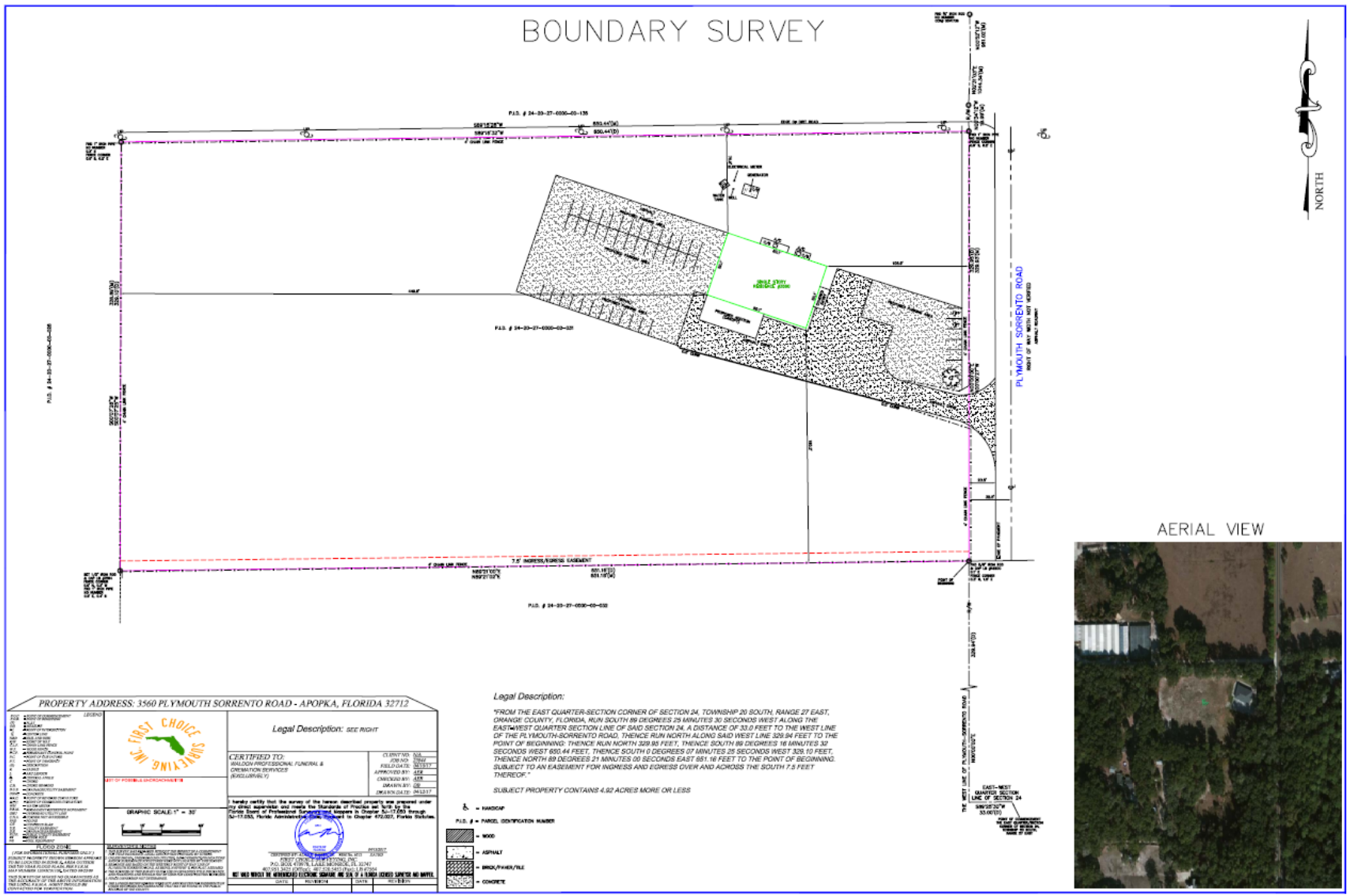
Agri-businesses, landscape nurseries, and citrus grove operations.
Hideaway Road
Plymouth Sorrento Road

Aerial

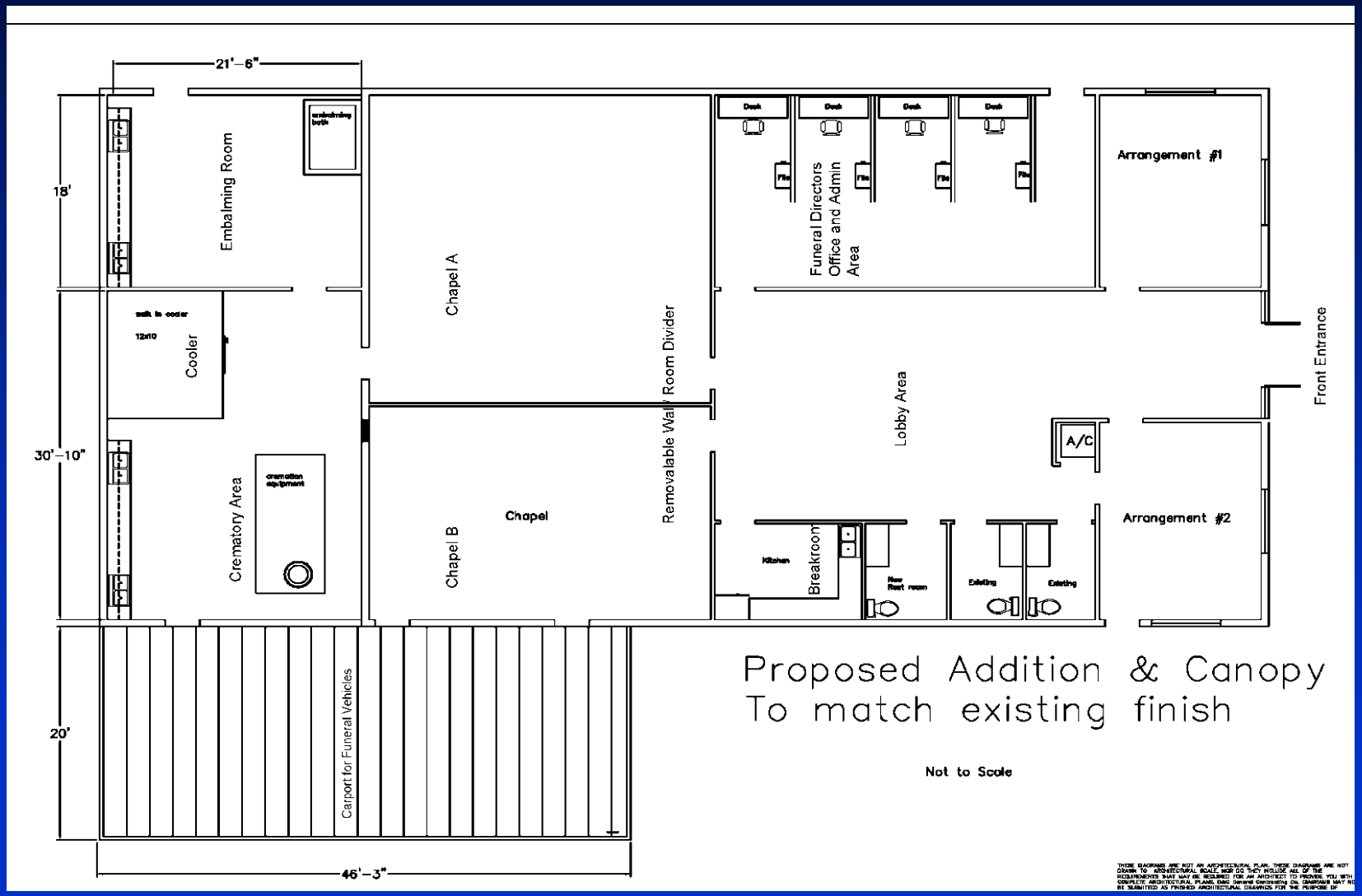
Front of Building

Front of Building

Proposed Site Plan



Proposed Floor Plan



Staff Findings and Analysis

1. Waldon Professional Funeral & Cremation Services, LLC is proposing a 6,000 sq. ft., one-story funeral home and crematory.
2. The proposed crematory will utilize state-of-the-art technology. The applicant provided documentation detailing the techniques used during the cremation process, which will further minimize odor, noise, and ash concerns.
3. The area is characterized by large agriculturally zoned tracts, some of which contain agri-businesses such as landscape nurseries and citrus grove operations. The proposed funeral home and crematory uses are commercial/industrial uses and are not compatible with the agricultural character of the area.
4. Funerals homes and crematories are reasonable land uses when in conjunction with cemeteries.
5. The expectation from the property owners in this area are single family residential and agri-business uses.

Staff Findings and Analysis

6. Currently, the applicant operates its funeral home and crematory in Sanford, Florida, located on State Road 46, which is a four (4) lane divided principal arterial roadway.

7. This section of Plymouth-Sorrento Road is a narrow two (2) lane rural roadway with high speed truck traffic. The average traveling speed on this section of roadway is approximately fifty-five (55) to sixty (60) miles per hour. Significant roadway improvements may be required to operate these uses safely from this site.

5. The facility should be located adjacent to a principal arterial roadway with safe ingress and egress.

Funeral Homes, Crematories, and Cemeteries

Orange County

- Woodlawn Memorial Park, Inc. - Zoned A-1 & P-D - Funeral Home, Crematory, and Cemetery
- Bay Ridge Cemetery – Zoned A-1 - Established in late 1880's- Grandfathered
- Jancy Pet Burial Services - Zoned A-1 - Pet Cemetery and Pet Crematory - BZA Approved in 1988

City of Apopka

- Marvin C. Zanders Funeral Home - Zoned C-1 - No cremations on site
- Greenbrier Memory Gardens For Pets - Zoned A-1 - Pet Cemetery and Pet Crematory

Lake County

- Sorrento Cemetery – Zoned AC

Funeral Homes, Crematories, and Cemeteries

City of Orlando

- Baldwin Fairchild Funeral Home - Zoned MU-2/T/SP - No cremations on site

City of Winter Park

- Golden's Funeral Home, Inc. - Zoned C-3 - No cremations on site

Public Feedback

- There were two (2) speakers at the hearing who spoke in favor of the applicant's request.
- Staff mailed out 728 notices in a one mile radius; we received a total of nineteen (19) commentaries in opposition including the City of Apopka and two (2) commentaries in opposition were received after the hearing date.
- There was no opposition at the hearing.
- There were no commentaries in favor.

Opposition from City of Apopka

From: Kyle Wilkes <kwilkes@apopka.net>
Sent: Tuesday, May 02, 2017 4:20 PM
To: Molina, Marla L
Subject: City of Apopka Comments for 3560 Plymouth Sorrento Road - Special Exception for Funeral Home/Crematory

Importance: High

Good afternoon Ms. Molina:

I'm writing in regards to the special exception application for a funeral home and crematory at 3560 Plymouth Sorrento Road, in unincorporated Orange County. Based on internal discussions, Community Development Department staff have the following concerns related to the proposed special exception use at this site:

- The current land uses and zoning adjacent to the proposed special exception are predominantly rural and/or residential in nature. The proposed use for a funeral home/crematory is commercial in nature and, Community Development Department staff believes, is inconsistent and incompatible with the rural and residential nature of the area.
- The proposed use and limited access onto a two-lane roadway would adversely impact surrounding properties and generate traffic inconsistent with other uses in this area.

Community Development Department staff finds the proposed special exception at 3560 Plymouth Sorrento incompatible with existing uses and zoning, and submits these comments for consideration to Orange County Zoning for any and all related public hearings.

Please feel free to contact me should you have any questions.

Sincerely,

Kyle P. Wilkes, AICP
Planner II
Community Development Dept.
City of Apopka
120 E. Main St.
Apopka, FL 32703
(407) 703-1739

Special Exception Criteria

Section 38-78, Orange County Code

- The use shall be consistent with the Comprehensive Plan.
- The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
- The use shall not act as a detrimental intrusion into a surrounding area.
- The use shall meet the performance standards of the district in which the use is permitted.
- The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
- Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

Staff Recommendation

- Staff has concerns about this request. Specifically, the proposed land uses (funeral home and crematorium) are not compatible with the agricultural uses in the area. The request does not meet Section 38-78 (2), Orange County Code which states,

"The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development."

BCC Action Requested

- Uphold the BZA recommendation of denial of May 4, 2017.

BCC Public Hearing

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Recommended Conditions

If the Board considers approval of this request, the following conditions are recommended:

1. Development in accordance with site plan dated April 19, 2017 and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development;

Recommended Conditions (Cont.)

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard;

4. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail;

5. The stacks (chimney-like structures) shall not be visible from Plymouth Sorrento Road and blowers shall be noise-baffled as determined by the Division of Building Safety; and

6. Construction plans shall be submitted within three years or this approval becomes null and void.