

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **RESOLUTION 2019-374-A**

5 A RESOLUTION GRANTING AN APPEAL FILED BY LYDIA F.  
6 BELL, PURSUANT TO SECTION 656.141, *ORDINANCE*  
7 *CODE*, APPEALING THE FINAL ORDER ISSUED BY THE  
8 PLANNING COMMISSION APPROVING ZONING EXCEPTION  
9 APPLICATION E-19-19 FOR A CREMATORY AT 810 44<sup>TH</sup>  
10 STREET WEST (COUNCIL DISTRICT 7); ADOPTING  
11 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND  
12 USE AND ZONING COMMITTEE; PROVIDING AN EFFECTIVE  
13 DATE.  
14

15 **WHEREAS**, Warden Ventures, Inc., applied to the Planning  
16 Commission for a Zoning Exception to allow a crematory at 810 44<sup>th</sup>  
17 Street West (Application E-19-19), in Council District 7, in the  
18 Commercial Community/General-1 (CCG-1) Zoning District; and

19 **WHEREAS**, the Planning Commission approved Application E-19-19 by  
20 Final Order dated April 18, 2019; and

21 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, Lydia F.  
22 Bell filed a notice of appeal; and

23 **WHEREAS**, such appeal was timely filed and the appellant has  
24 standing to appeal; now, therefore

25 **BE IT RESOLVED** by the Council of the City of Jacksonville:

26 **Section 1. Adoption of recommended findings and conclusions.**

27 The Council has reviewed the record of proceedings, which is **On**  
28 **File** with the City Council Legislative Services Division and the  
29 Planning and Development Department, and has considered the recommended  
30 findings and conclusions of the Land Use and Zoning Committee. The

1 recommended findings and conclusions of the Land Use and Zoning  
2 Committee are hereby adopted and this Resolution is the final action of  
3 the Council. Based on the competent substantial evidence in the record  
4 of proceedings, the Appeal is granted, the Planning Commission Final  
5 Order granting Application E-19-19 is overturned, and Application E-19-  
6 19 is denied. Pursuant to Section 166.033(2), *Florida Statutes*, the  
7 Council hereby finds:

8 (1) This Resolution shall serve as written notice to the  
9 applicant, Warden Ventures, Inc.

10 (2) Based on the competent substantial evidence in the record of  
11 proceedings, Application E-19-19 fails to meet the criteria for an  
12 Exception in Sections 656.131(c)(1)(iii) and 656.131(c)(1)(vi),  
13 *Ordinance Code*.

14 **Section 2. Notice.** Legislative Services is hereby directed  
15 to mail a copy of this Resolution, as adopted, to the appellant, the  
16 applicant, and any other parties to this matter who testified before  
17 the Land Use and Zoning Committee, or otherwise filed a qualifying  
18 written statement as defined in Section 656.140(c), *Ordinance Code*.

19 **Section 3. Effective Date.** The adoption of this  
20 Resolution shall be deemed to constitute a quasi-judicial action of the  
21 City Council and shall become effective upon signature by the Council  
22 President and Council Secretary.

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24 Form Approved:

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26           /s/ Shannon K. Eller          

27 Office of General Counsel

28 Legislation Prepared by: Shannon K. Eller

29 GC-#1295835-v1-2019-374-A