

MEMORANDUM

DATE: July 25, 2022

TO: File

FROM: Laura Berkley, Development & Planning Administrator

RE: Land Use History of 1200 East 39th Street

In presentation of Case REZ22-04 to rezone 1200 E 39th Street (Cunnick-Collins Mortuary & Crematorium Services) from S-OS Open Space District to C-1 – Neighborhood Commercial, the following land use history has been outlined.

The 1983 Davenport Municipal Code Zoning Ordinance listed Cemeteries as a Special Use in the R-1 Zoning District.

On October 1, 1986, the Zoning Board of Adjustment reviewed a Request of Davenport Memorial Park, 1022 E 39th Street, for a special use permit to construct and operate a mortuary within the cemetery grounds. The property was zoned R-1 at the time of the request. The special use was unanimously approved.

On December 31, 2003, the Davenport Memorial Park subdivision was recorded (2003-64728) also referred to as Case F2-36. As part of the subdivision, the mortuary was subdivided onto a separate lot.

As part of a zoning code text change (Ordinance 2006-214), a definition for Cemetery was added to which in part “Mortuaries shall be included when operated within the boundaries of such cemetery.”

Upon adoption of the code in 2006, the mortuary became legal non-conforming since it was no longer within the boundary of the cemetery.

The 2019 Zoning Code created the S-OS Open Space District which allows Cemeteries, but does not allow Funeral Homes. The property remains legal non-conforming as a standalone property.