

**Memorandum
City Attorney**

To: City Manager

Subject: Crematory Plat and BZA Special Exception

Date: November 4, 2015

The Board of Zoning Appeals (BZA) approved a special exception for the crematory at Memorial Park Cemetery after a BZA public hearing. The BZA has the authority to make final decisions on applications for special exceptions pursuant to the City's existing ordinance. The decision of the BZA on any such application becomes final unless an application for judicial review is filed within 35 days of the decision.

In relation to the Special Exception granted by the BZA, the City Council considered a one-lot minor final plat for the Blackhawk Crematory Addition located at 4205 30th Street. The City Council approved the re-platting of the subject property after the matter appeared on the September 14, 2015 Agenda. The approved new plat was recorded in the office of the county recorder on or about October 27, 2015.

Per public comments at recent City Council meetings, it has been suggested that City Council rescind the September 14, 2015 approval of the re-platting of the subject property.

RECOMMENDATION: I cannot recommend that City Council rescind its September 14, 2015 approval of the plat for the subject property.

Submitted by: David G. Morrison, City Attorney

Approved by: Thomas Thomas, City Manager
