



Agenda Item Number: \_\_\_\_\_

# BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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Meeting Date: February 24, 2009

**Department:** Zoning, Building, Planning, & EH **Staff Contact:** Nano Chavez, Planning Manager

**TITLE:** APPEAL: Site Plan Approval for a Cemetery (CO-90009/CSU-40004)

## COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

### SUMMARY:

At the January 7, 2009 hearing, the County Planning Commission voted (6-0) to recommend site plan approval for a cemetery located on Tracts 1, 2, A-1 & A-2, Lands of Chapman, located at 6903 & 6915 Edith Boulevard NE, on the west side of Edith Boulevard approximately .25 miles north of Osuna Road NE, zoned A-1 with a Special Use Permit for a Cemetery, and containing approximately 17.13 acres. The site plan approval was based on five (5) Findings and subject to fourteen (14) Conditions (Attachment 2).

District Court upheld the Board of County Commissioner's (BCC) decision in approving the Special Use Permit for a Cemetery, but concluded that the application was deficient and should be reviewed on its technical merits (Attachment 3, page 90). At the August 26, 2008 hearing, the BCC remanded to the County Planning Commission (CPC) to review only the site plan for the cemetery.

CPC concluded that the site plan meets the technical requirements of the Zoning Ordinance, Section 18.C (Attachment 3, page 22), and other requirements from Public Works (drainage and water resources), Environmental Health, and Fire.

The appellant contends CPC decision is illegal and that operational issues were not addressed (Attachment 1).

### ATTACHMENTS:

1. Appeal Application
2. County Planning Commission Notice of Decision Letter (Dated January 12, 2009)
3. County Planning Commission Information Packet
4. Draft County Planning Commission Minutes
5. Revised Site Plan Dated November 17, 2008 (Commissioners Only)

## **STAFF ANALYSIS SUMMARY**

### **Zoning, Building, Planning & EH:**

Staff recommends denial of the appeal.