



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

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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Meeting Date: January 27, 2009

Department: Zoning, Building, Planning Staff Contact: Adella Gallegos, Assoc. Program Planner

**TITLE: APPEAL:** Denial of an amendment to a Special Use Permit to Include Contractor's Storage Yard and Additional RV Storage (C0-90001/CSU-80018)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

### SUMMARY:

At the November 5, 2008 public hearing, the County Planning Commission voted 6-1 (Sanchez opposed) to recommend denial of an amendment to a Special Use Permit to Include Contractor's Storage Yard and Additional RV Storage on Tract 2, located at 3901 Ervien Lane SW, zoned A-1 with a Special Use Permit for Specific Uses for Mini Storage, RV Storage, Container Storage, Sales and Storage of Antique Cars, and containing approximately 24.36 acres.

The County Planning Commission (CPC) determined that the applicant failed to demonstrate that the existing A-1 zoning was inappropriate. Also, that the changed community conditions that exist are of a residential nature and not industrial (multiple contractor's yards, open storage, RV parking and storage, etc. as proposed by the appellant) (Attachment 4, pp. 81, 83, 86 and 89)/commercial uses that may be detrimental to the adjacent residentially zoned properties. In addition, the request conflicts with adopted plans and policies that call for the stabilization of residential zoning within the Plan area and encourages the placement of C-2, M-1 and M-2 land uses in the area located south of Woodward between I-25 and Second Street and Paseo Del Volcan and I-40.

The appellant contends that CPC erred in their recommendation, and that CPC and staff erred in their interpretation of the application in that: (1) "... request was for the expansion of outdoor storage ....., not the addition of numerous Contractor's Yards"; (2) "...A-1 zoning is obsolete and inappropriate due to the presence of an abandoned landfill.", (3) "This request does not propose changing a current residential use .... but rather an expansion of an existing established commercial use."; (4) "...the southerly portion of the site as 16 open storage areas would not intensify the use....or change the existing use of the property."; (5) "The SWAP Policy 29(d) cited refers only to new industrial uses...."; and, (6) That there is no evidence that the property is more detrimental to the public health, safety and general welfare of the area.

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created, or (2) changed neighborhood or community conditions justify the land use change, or (3) a different land use category is more advantageous to the community, as articulated in the

Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

**ATTACHMENTS:**

1. Appeal Application Dated December 1, 2008
2. County Planning Commission Notice of Decision Letter (November 7, 2008)
3. County Planning Commission Information Packet
4. County Planning Commission Minutes (November 5, 2008)
5. Site Plan Dated September 22, 2008 (Commissioners Only)

**STAFF ANALYSIS SUMMARY**

**ZONING, BUILDING & PLANNING:**

Staff Recommends Denial

*VERSION 5.0*