



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 a Special Use Permit for Specific Use For Tire Repair & Retail  
(CO-90003/CZ-70022)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

### SUMMARY:

At the December 3, 2008 public hearing, the County Planning Commission voted 4-1 (McMahon opposed, Pacias excused) to recommend denial of a Special Use Permit for Specific Use For Tire Repair and Retail on Lot 18, Lucero Addition, located on the north side of Bridge Boulevard SW between Old Coors Road SW and Abo Street, approximately 70 feet west of Abo Street, zoned R-1 and containing approximately .17 acres.

The County Planning Commission (CPC) determined that the applicant failed to demonstrate that the existing A-1 zoning was inappropriate, that the request conflicts with adopted plans that recommend the stabilization of residential zoning and that the requested land use may be detrimental to the adjacent residential properties. In addition, the CPC, at their August 6, 2008 hearing, determined that the site plan was incomplete and approved a continuation for the purpose of allowing the applicant time to submit a revised site plan that would incorporate required changes and/or additions (Attachment 4); unfortunately, the applicant opted not to submit a revised site plan (Attachment 6). Without a revised site plan, the CPC could not determine whether the proposed use on small lot would adequately meet the Code requirements and still meet the health, safety and general welfare to the area residents.

The appellant contends that the CPC erred in applying County plans, policies and ordinances in arriving at their recommendation given the fact that the CPC recognized that the R-1 zoning was inappropriate; and, that the CPC recommendation of denial was based on the applicant's decision not to resubmit a site plan.

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 January 5, 2009

2. County Planning Commission Notice of Decision Letter (December 8, 2008)
3. County Planning Commission Information Packet
4. County Planning Commission Notice of Decision Letter (Dated August 8, 2008)
5. County Planning Commission Minutes (December 3, 2008 & August 6, 2008)
- 6 Letter from Applicant Dated November 18 (with support petition attached)
7. Letter from Appellant Date January 8, 2008
8. Site Plan Dated June 23, 2008 (Commissioners Only)

## **STAFF ANALYSIS SUMMARY**

### **ZONING, BUILDING & PLANNING:**

Staff Recommends Denial

*VERSION 5.0*