



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: January 27, 2009

Department: Zoning, Building, Planning & Env. Health Staff Contact: Brennon Williams, Zoning Administrator

TITLE: PUBLIC HEARING: Appeal of the Board of Adjustment's determination to uphold the Zoning Administrator's decision in approving a site development plan as remanded by the District Court for an existing Special Use Permit for C-1 and R-2 Uses (CZ-94-22) (CO-90004/BA-80009/ZA-80096)

BOARD OF ADJUSTMENT RECOMMENDATION:

Denial of the appeal.

SUMMARY:

On December 3, 2008, the Board of Adjustment (BA) voted 5-0 (Commissioner Pacias excused) to grant approval of a site development plan for property located at the southwest corner of Coors & La Orilla based on eight (8) Findings and two (2) Conditions (Attachment 2). The subject property is zoned A-1 Rural Agricultural, but is governed by an existing Special Use Permit for C-1 and R-2 Uses (CZ-94-22). Review of the site plan for the property was deemed necessary by the District Court who remanded the site development plan back to the county for evaluation.

The final determination made by the BA in December 2008 was rendered after the matter had been previously continued from their October 2008 hearing. The board concluded in October that continuation of the appeal was necessary so that the developer of the project could incorporate various design elements suggested by the BA into the site plan for clarification and additional understanding. These items included building elevations, a sidewalk along Coors Boulevard, increased landscaping throughout the site, and renderings addressing the screening of rooftop equipment.

The Comprehensive Zoning Ordinance of Bernalillo County allows decisions of the BA to be appealed to the Board of County Commissioners (BCC) (Sec. 24.B.4.f.). For this matter, the BCC may choose to affirm, deny, change or modify the BA's decision.

ATTACHMENTS:

1. Appeal application
2. Board of Adjustment's Notice of Decision (Dec. 8, 2008) & Notice of Continuation (Oct. 3, 2008)
3. Material submitted by appellant's agent after BA publication deadline (Nov. 24, 2008)
4. Material submitted by agent of SUP owner after BA publication deadline (Nov. 24, 2008)
5. Board of Adjustment packet (December 3, 2008, hearing)
6. Minutes from Oct. and Dec. 2008 BA meetings (Commissioners only)
7. Site plan (Commissioners only)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:
Staff recommends denial of the appeal