



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: March 24, 2009

Department: Zoning, Building, Planning **Staff Contact:** Mari Simbaña, Program Planner

TITLE: APPEAL: Sector Plan Amendment (SPR-80002/CO-90012)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

SUMMARY:

At the February 4, 2009 public hearing, the County Planning Commission (CPC) voted (5-0) to deny the request to amend the Paseo del Norte North Albuquerque Acres Sector Development Plan (SDP) to allow for a zone change from the rural agricultural zone (A-1) to neighborhood commercial zone (C-N) within the plan boundaries. The decision was based on four Findings (Attachment 2).

On February 23, 2009, the agent submitted an application of appeal (Attachment 1). The letter of justification for appeal from the agent articulates that, "CPC erred in applying County plans, policies and ordinances in arriving at their recommendation." and that the CPC decision was not supported by, "substantial relevant evidence."

CPC determined that the request to amend the SDP did not meet the criteria set forth in Section 4.3 for land use changes. The SDP requires that to qualify for a non-residential zone, the site must be two lots deep and cannot be within 300 feet of an existing home.

ATTACHMENTS:

1. Appeal application.
2. County Planning Commission Notice of Decision Letter (February 6, 2009) .
3. County Planning Commission Information Packet.
4. County Planning Commission February 2009 minutes.
5. County Planning Commission August 2008 minutes.

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Denial of Appeal.