



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: April 28, 2009

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

TITLE: APPEAL: Special Use Permit a Specific Use for Contractor's Equipment Storage, Rental and Sale (CO-90013/CSU-90010)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the March 4, 2009 public hearing, the County Planning Commission voted (5-1; Commissioner Sanchez opposed; Commissioner Barbour, recused) to recommend approval of the request for a Special Use Permit for a Specific Use for Contractor's Equipment Storage, Rental and Sale on Tract 3B1, Walker Subdivision, located at 1410 NM 333, zoned A-2 with a Special Use Permit for a Contractor's Yard, and containing approximately 8.14 acres. The decision was based on three (3) Findings and subject to eleven (11) Conditions (Attachment 1, Pages 3-5).

The initial application, CSU-90010, requested an "Amendment of existing SUP for Contractor's Equipment Storage, Rental, Maintenance, and Sale" (Attachment 2, Page 28). The agent's cover letter explains that, "In addition to serving as a Contractor's Equipment Storage and Contractor's Yard, the Property also serves as a site for the rental and sale of contractor's equipment" (Page 29). The agent's Response to Resolution 116-86 cites, "growth of the Town of Edgewood" and "increasing commercial presence of Edgewood" as changed neighborhood conditions (Page 36).

On March 23, 2009, the East Mountain Coalition of Neighborhood Associations submitted an application of appeal (Attachment 3, Pages 124-134). The letter of justification for appeal asserts that the approved use is too intense for the site and area. Additionally, the opinion expressed is that the request is not consistent with East Mountain Area Plan goals as they pertain to general land use, preservation of the natural environment, economic and commercial development, transportation and traffic, and fire safety.

During the March 4, 2009 hearing it was made clear that the applicant, U Brothers Realty New Mexico LLC, is not a contractor and does not have a contracting business but wishes to operate a business for the sales and rental of contractor's equipment (Attachment 4, Pages 208, 230). Subsequently, the County Planning Commission voted to recommend approval Special Use Permit for a Specific Use for Contractor's Equipment Storage, Rental and Sale based on the recent development changes in the area.

Criteria for Evaluating Zone Map Changes and Special Use Permit Applications

Resolution 116-86 states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

ATTACHMENTS:	PAGE
1. County Planning Commission Notice of Decision Letter. (March 10, 2009)	3
2. County Planning Commission Information Packet.	7
3. Appeal application and justification.	124
4. Letters in Support of the Appeal.	135
5. County Planning Commission March 2009 minutes.	153
6. Site Plan (Commissioners Only)	237

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Denial of Appeal.