



Agenda Item Number: _____

BERNALILLO COUNTY Board of County Commissioners

Meeting Date: May 26, 2009

Department: Zoning, Building & Planning **Staff Contact:** Enrico Gradi, Program Planner

TITLE: APPEAL: Denial of a Zone Map Amendment from R-1 to CL-I (CZ-90007/CO-90014)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denied

SUMMARY:

At the April 1, 2009 public hearing, the County Planning Commission (CPC) voted (5-1; Sanchez opposed; Melendrez excused) to deny a request for a zone change from R-1 to CL-I on Lots 19 & 20, Block B, Carlos Rey Subdivision, located at 3120 & 3229 Tower Road SW, on the north side of Tower Road between old & new Coors Boulevard, and containing approximately .37 acres.

The CPC recommended denial of this request on the basis that the proposed CL-I zone may be detrimental to the residential uses located adjacent to the subject site. The applicant's basis for the appeal is that the majority of property in the vicinity of this site is currently zoned for industrial uses and that the most recent trend in land use in this area has been for industrial zoning.

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 (April 14, 2009).
2. County Planning Commission Notice of Decision Letter (April 3, 2009).
3. County Planning Commission Information Packet.

4. Draft County Planning Commission Minutes.

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING DEPARTMENT:

Staff Recommends Denial of the Appeal