



Agenda Item Number: \_\_\_\_\_

# BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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Meeting Date: June 23, 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. Through these criteria, the SDP requires that to qualify for a non-residential zone, the site in consideration must be two lots deep and cannot be within 300 feet of an existing home. Neither of these criteria are met by the site and case (CZ-80003) prompting the amendment to the SDP.

Subsequent to the appeal hearing, the agent submitted a request for a 90-day deferral related to Bernalillo County Public Works process of acquisition of property for the Eubank widening project (Attachment 4). At the March 24, 2009 public hearing, the Board of County Commissioners hearing deferred the case to the June 23, 2009 hearing. To date, no new materials have been submitted by the agent or applicant.

### **ATTACHMENTS:**

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

4. Agent Letter Requesting Deferral (March 20, 2009).
5. Board of County Commissioners Notice of Decision Letter (March 26, 2009).
6. County Planning Commission February 2009 minutes.
7. County Planning Commission August 2008 minutes.

## **STAFF ANALYSIS SUMMARY**

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

Staff Recommends Denial of Appeal.