



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

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: February 26, 2008

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

**TITLE:** APPEAL: Denial of a Special Use Permit for Specific Uses for an Apartment and a Single Family Dwelling Unit on Lot 35, Mervosh Addition, located at 2412 Mervosh Avenue SW, zoned R-1, and containing approximately .25 acres. The decision was based on the following Findings (CO-80005/CSU-70009).

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial of a Special Use Permit

### SUMMARY:

At the January 9, 2008 public hearing, the County Planning Commission (CPC) voted (5-1; Becerra opposed) to recommend denial of a request for a Special Use Permit for Specific Uses for an Apartment and a Single Family Dwelling Unit on Lot 35, Mervosh Addition, located at 2412 Mervosh Avenue SW, zoned R-1, and containing approximately .25 acres. The decision was based on seven (7) Findings (Attachment 2).

The decision was partially based on the fact that the applicant had not followed the direction of the CPC to demonstrate that the dwelling units included in the request were safe and consistent with the Bernalillo County Building Code. In addition, the CPC found that the request conflicted with Resolution 116-86 in that the request conflicts with Resolution 116-86 because Southwest Area Plan Policy 26 (g) allows a maximum residential density of up to three dwelling units per net acre when city sewer services are available.

The applicants appeal includes a request for additional time to secure assistance in order to prepare an appropriate application (Attachment 1).

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 (January 28, 2008).

2. County Planning Commission Notification of Decision Letter (January 11, 2008).
3. County Planning Commission Information Packet.
4. County Planning Commission Minutes
5. Site Plan (Commissioners Only)

## **STAFF ANALYSIS SUMMARY**

### **ZONING, BUILDING & PLANNING DEPARTMENT**

Staff recommends denial of the appeal.