



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 24, 2008

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

TITLE: APPEAL: Zone Map Amendment from A-1 to R-2 (CZ-70023/CO-80008)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial

SUMMARY:

At the May 7, 2008 public hearing, the Bernalillo County Planning Commission (CPC) voted (7-0) to deny the request for a zone map amendment from A-1 to R-2 on Tracts 263A & 263B, MRGCD Map 41, located at 1058 Sunset Road SW, on the east side of Sunset Road approximately 750 feet south of Bridge Boulevard, and containing approximately 5.5 acres. The decision was based on six (6) Findings (Attachment 2).

The initial application requested on October 10, 2007 was for a zone change from A-1 to R-2. The CPC hearing date was set for December 5, 2007 and there were several letters of opposition from neighbors before and after that date (Attachment 3). On November 29, 2007, the applicant requested a deferral to the January 9, 2008 hearing. At the December 5 hearing, the commissioners voted to defer to March 2008 hearing. On February 26, 2008 the applicant requested a 60 day deferral to the May 2008 hearing in order to meet with the neighbors and address their concerns. At the March 7, 2008 hearing, the commissioners voted to defer the case to the May 7, 2008 hearing. More letters of opposition were received prior to the May hearing. Additionally, the agent submitted a signed petition of support for the request on April 28, 2008 (Attachment 3).

At the May 2, 2008 CPC hearing, neighbors in opposition expressed their concerns about the dense developed that could be the result of the zone change. A majority of the opponents were clearly worried that traffic and pedestrian safety problems will worsen if a zone change to R-2 were allowed and multi-family housing was subsequently developed. There was also strong vocal support for continuing and strengthening agricultural activities. The agent, owners, and neighbors in support of the zone change spoke about the high quality of development and improvements to the community that would be a result of the zone change. They also stated that establishing multi-family housing satisfies a need in the area for a housing type other than single family residential. The Commissioners concluded that a zone change to R-2 would not be advantageous to or compatible with the surrounding community.

On May 27, 2008, the applicants submitted an Appeal application. The letter to of justification for appeal from the agent articulates that, "CPC erred in applying County plans, policies and

ordinances in arriving at their recommendation.” It goes on to express objection with several of the findings listed in the CPC notification of decision (Attachment 1).

On June 9, 2008, the Yakima Neighborhood Association submitted a letter to convey support for the CPC decision to recommend denial of the zone change request (Attachment 5).

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:

1. Appeal application.
2. County Planning Commission Notice of Decision Letter (May 9, 2008).
3. County Planning Commission Information Packet.
4. County Planning Commission May 2008 minutes.
5. Letter/Petition from Yakima Neighborhood Association (Color Copy Commissioners Only).

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Denial of Appeal.