

County of Bernalillo
State of New Mexico
Planning & Development Services Department
111 Union Square SE, Suite 100
Albuquerque, New Mexico 87102
Office: (505) 314-0350 Fax: (505) 314-0480
www.bernco.gov

NOTICE OF APPEAL

February 25, 2019

To Whom It May Concern:

The following appeal has been filed with the Bernalillo County Planning and Development Services:

APPEAL NO: COA2019- 0002

ORIGINAL CASE NO: CSU2019-0001

APPELLANTS: Denicia Sam Cadena, 1305 Trujillo Rd. SW, Albuquerque, NM 87105

Jennifer Cruz, 1512 Cerro Vista Rd. SW, Albuquerque, NM 87105

Evelyn Fernandez, 1585 Trujillo Rd. SW, Albuquerque, NM 87105

Karen Loring, 1407 Gonzales Rd. SW, Albuquerque, NM 87105

Charlotte Walters, 1425 Dennison Rd. SW, Albuquerque, NM 87105

Dory Wegryzn, 1404 Gonzales Rd. SW, Albuquerque, NM 87105

REASON FOR APPEAL: See Attached

**SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS
ON:**

Tuesday, April 9, 2019 at 3:00 P.M., at the Vincent E. Griego Chambers, Concourse Level II, One Civic Plaza,
NW.

You and all other interested parties are invited and urged to be present at this hearing.

Applicants, agents and those in support or opposition to a request are required to submit any evidence and presentation materials to the Board of County Commissioners (BCC) through the staff. Appeals follow the procedures described in the attached Bernalillo County Board of County Commission Rules of Procedure.

COMMISSIONERS

Maggie Hart Stebbins, Chair, District 3 Debbie O'Malley, Vice Chair, District 1
Steven Michael Quezada, Member, District 2 Lonnie C. Talbert, Member, District 4 Charlene E. Pyskotsy, Member, District 5

ELECTED OFFICIALS

Tanya R. Giddings, Assessor Linda Stover, Clerk Cristy J. Carbón-Gaul, Probate Judge Manuel Gonzales III, Sheriff Nancy M. Bearce, Treasurer

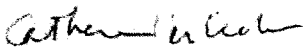
COUNTY MANAGER

Julie Morgas Baca

Es necesario traer un interprete si no habla ingles o puede llamar a Miriam Aguilar al 314-0369.

If you have any questions, please feel free to contact me directly at 314-0387.

Sincerely,



Catherine VerEecke
Planning Manager

CV/fs

cc: File

Kevin Grovet, Public Works
Raeleen Marie Bierner, Public Works
Blaine Carter, Public Works
Rene Sedillo, Technology Manager
Jeff Senseney, Building Official
Joel Kurzawa, Project Coordinator
Monica Gonzales, GIS Tech
Valentin P. Sais and Ron A. Perea, 1302 Neetsie Dr. SW, Albuquerque, NM 87105
Rio Grande Huerta LLC, Marlise Metodi, 624 Amherst Dr. SE, Albuquerque, NM 87106
Peter Rehn, 4519 Compound North Ct. NW, Albuquerque, NM 87107
Faith Okuma, 3105 El Toboso Dr. NE, Albuquerque, NM 87104
Rod Mahoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105
John Padilla, 1573 Trujillo Rd. SW, Albuquerque, NM 87105
Evelyn Fernandez, 1585 Trujillo Rd. SW, Albuquerque, NM 87105
Dory Wegrzyn, 1404 Gonzales Rd. SW, Albuquerque, NM 87105
Christy McCarthy, 1413 El Oriente Rd. SW, Apt. A, Albuquerque, NM 87105
Albert Sanchez, 224 Five Points SW, Albuquerque, NM 87105
Charlotte Walters, 1424 Dennison Rd. SW, Albuquerque, NM 87105
Penina Bellen, 2299 Campbell Rd. SW, Albuquerque, NM 87105
Aaron and Olivia Hill, 10804 Wolf Creek Rd. SE, Albuquerque, NM 87123
Felix Lucero, 1020 La Vega SW, Albuquerque, NM 87105
Maggie Seeley, 407 Amherst Dr. SE, Albuquerque, NM 87106
Jennifer Cruz, 1512 Cero Vista Rd. SW, Albuquerque, NM 87105
Anne Witherspoon Bolger, 1278 Tapia Rd. SW, Albuquerque, NM 87105
Amily Reem Musallam Berthdd, 1413 Dennison Rd SW, Albuquerque, NM 87105
Marianne Dickinson, 2328 Rio Grande NW, Albuquerque, NM 87104
Martin Ortega, 1417 Neetsie Dr. SW, Albuquerque, NM 87105
Michael O'Hearr, 1734 Hooper Rd. SW, Albuquerque, NM 87105
Ruben Garcia, 832 Madison St. NE, Albuquerque, NM 87110
Amanda Webb Knox, 2016 Poplar Lane SW, Albuquerque, NM 87105
Karen Loring, 1407 Gonzales Rd. SW, Albuquerque, NM 87105
Marygold Walsh-Dilley, 443 Hermosa Dr. NE, Albuquerque, NM 87108
Pamela Heater, 760 Montclair Dr. NE, Albuquerque, NM 87110

Lissa Hammit and Salley Trefethen, 501 Walter St. SE, Albuquerque, NM 87102
Deborah Bock, 8301 4th St. NW, #3, Bldg 3, Los Ranchos, NM 87114
Mary and James Brown, 5215 Montano Plaza Dr. NW, Albuquerque, NM 87120
Patti Lentz, 415 Amherst NE, Albuquerque, NM 87106
Aryon Hopkins, 1703 Gonzales Rd. SW, Albuquerque, NM 87105
Jeffrey Holmes, 3227 Rio Grande Blvd. NW, Albuquerque, NM 87107
Suzanna and Joshua Garcia, 1143 Desert Sunflower Dr. NE, Rio Rancho, NM 87144
Johnnee Cunningham and Joan Pickard, 186 Caminito Alegre, Corrales, NM 87048
Jonathan or Ellen Craig, 937 La Font Rd. SW, Albuquerque, NM 87105
Setso Metodi, 624 Amherst Dr. SE, Albuquerque, NM 87105
Gilbert Morales, 13108 Calle Azul SE, Albuquerque, NM 87123
Stevey Hunter, 3227 Rio Grande Blvd. NW, Albuquerque, NM 87107
Beth Moore-Love, 1738 La Vega SW, Albuquerque, NM 87105
David Ryan, 813 Mountain Rd. NW, Albuquerque, NM 87102
Priscilla Sais, P.O. Box 27633, Albuquerque, NM 87125
Steve Cone, 1217 N Chaco Ave., Farmington, NM 87401
Willa Pilar, 744 Montclair Dr. NE, Albuquerque, NM 87110
Blake Whitcombe Hunt and Davis PC, 2632 Mesilla St. NE, Albuquerque, NM 87110

**Bernalillo County Board of County Commissioners Rules of Procedure
Procedure for Quasi-Judicial Hearings (Verbatim).**

The BCC procedures to be followed for appeals are generally follows: [VRCI]

- A. Appeal or Public Hearing Time Limits: A fifteen (15) minute time limit on each party's argument before the Commission may be established with the understanding that the Chair may alter the time limit when the case is unusually complex. Where numerous speakers sign up to present argument, the Chair may assign a time limit of two (2) minutes per speaker, but in any event, each party's argument shall not exceed the total time allowed. In all cases, the maximum time available for proponents should be equal to the maximum time allowed for the opponents. If necessary, a staff person shall be assigned by the County Manager to be the official timekeeper.
- B. In order to focus the Board of County Commissioners on the issues the party is presenting on appeal, they are encouraged to cite to the facts in the record from the County Planning Commission, and present legal arguments based on the facts in the record. No new evidence shall be presented on appeal to the Board of County Commissioners except as provided in paragraph 22.J below.
- C. The County Manager or designee shall describe the quasi-judicial item to be considered and make a presentation pertaining to the item. This presentation shall be limited to five (5) minutes. The Chair shall then inquire as to whether any Commissioner has questions for the staff members who made the presentation.
- D. The zoning applicant, or appellant, or his/her representative will [VRCI] make a presentation pertaining to the application or appeal. This presentation shall be limited to ten (10) minutes. The Chair will once again inquire as to whether Commissioners have questions of the applicant/appellant and the applicant's/appellant's representatives.
- E. The opponents will make a presentation pertaining to the application or appeal. The presentation will be limited to fifteen (15) minutes. The Chair will once again inquire as to whether Commissioners have questions of the opponents or the opponent's representatives.
- F. There will be an opportunity for applicant/appellant rebuttal and summation. This presentation shall be limited to five (5) minutes.
- G. Staff will then be provided an opportunity to present closing comments. There shall be a time limit of two (2) minutes for closing comments.
- H. The Chair will then inquire of the Commissioners as to whether they have further questions of staff, the applicant/appellant or the opponents and will recognize Commissioners who wish to question the parties or staff.
- I. The Chair will then inquire of the Commissioners as to whether they are prepared to vote on the issue of the application/appeal before them.
- J. No new evidence shall be presented by the applicant/appellant or the opponents. If a party shows good cause why new evidence is necessary for the Commission to act on the case and why the evidence was not available to be presented to the County Planning Commission, the Board of County Commissioners shall either:
 - i. Remand the case to the County Planning Commission to hear the new evidence and any rebuttal evidence, or;

ii. If the proposed new evidence is brief and concise in nature and will not prejudice the other party's opportunity to respond to it the Commission may allow the evidence to be presented and considered; swear any witness; allow the opposing party to rebut the new evidence, and; allow for brief cross examination on the new evidence presented through the Chair.

K. The Commission shall then take action on the item.



County of Bernalillo
State of New Mexico
Planning & Development Services
111 Union Square SE, Suite 100
Albuquerque, New Mexico 87102
(505) 314-0350
APPLICATION

SITE ADDRESS/LOCATION

1300 Gonzales Rd SW,
Albuquerque, NM 87105

PERMIT NO: ZCOA2019-0002

Printed: February 22, 2019

PROPERTY OWNER

SAIZ VALENTIN P
375 SUNSET RD SW
ALBUQUERQUE, NM 87105 2739

UPC

101305700818630240

LEGAL DESCRIPTION

MRGCD MAP #40 TRACT 88A1A1
CONT 3.06 AC M/L

APPELLANT

Dory Wegrzyn AND OTHERS.

Fees Paid: \$100.00

Description: Requesting an appeal to CSU2019-0001.

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND
KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND
ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH
WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT
PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF
ANY OTHER STATE OR LOCAL LAW REGULATING LAND USE.**

Signature:

Dory Wegrzyn
(Applicant Owner Or Authorized Agent)

2/22/2019
Date

Processed By:

Man J
(PPS Staff)

2-22-19
Date

FOR INFORMATION CALL (505) 314-0350

Hearing Date: 04/09/2019

Sign Posting Date(s)

From:

To:

BERNALILLO COUNTY

Planning and Development Services
111 Union Square SE, Suite 100
Albuquerque, NM 87102
(505) 314-0350 Fax: (505) 314-0480
www.bernco.gov



Planning

APPEAL TO COUNTY COMMISSION

Application Date: 2-22-19
Appeal Number: ZCOA 2019-0002
Hearing Date: APRIL 9, 2019

APPELLANT DORY WEGRZYN and others as listed in Exhibit A		PHONE 604-5956
MAILING ADDRESS 1404 Gonzales Rd SW	CITY ABQ	ZIP 87105

AGENT FOR APPELLANT (if applicable) TBD		PHONE
MAILING ADDRESS	CITY	ZIP

PROPERTY OWNER/APPLICANT FOR REQUEST DORY Wegrzyn and others as listed in Exhibit A		PHONE 505 604-5956
MAILING ADDRESS 1404 Gonzales Rd SW	CITY ALBUQUERQUE	ZIP 87105

SITE ADDRESS 1300 Gonzales Rd SW	Case # CSU-2019-0001
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DIRECTIONS/LOCATION

LEGAL DESCRIPTION TRACT 88A1A1, TRACT 87B1 TRACT 88A1A2 MRG-CD Map 40
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ZONE MAP PAGE # K-13-2, K-12-2	CURRENT ZONE(S) A-1	PROPERTY SIZE IN ACREAGE 3.8 acres
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UPC # 101305700618630240	PROPOSED ZONE(S) SUP-PDA	SUBDIVISION NAME
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EXISTING USE Vacant A-1

PROPOSED USE SUP-PDA Cluster housing 27 units on 3.8 acres

SCOPE OF APPEAL, INCLUDING CASE NUMBER Appeal of CSU-2019-0001 (copy of Notification of Decisions)

DETAILED INFORMATION (JUSTIFICATION MUST BE PROVIDED PER ZONING CODE REQUIREMENTS, ADDITIONAL INFORMATION MAY BE ATTACHED) Justification for appeal is set out in Exhibit B, Appellant basis of standing is set out in exhibit C.
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I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Dory Wegrzyn
Printed Name

Signature

2/22/2019
Date

6/20/17

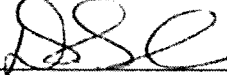
February 21, 2019

County of Bernalillo
Planning & Development Services Department
111 Union Square SE Suite 100
Albuquerque, NM 87102

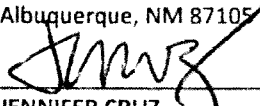
RE: APPELLANT SIGNATURE - EXHIBIT A - APPEAL FOR CASE #CSU-2019-0001

EXHIBIT A

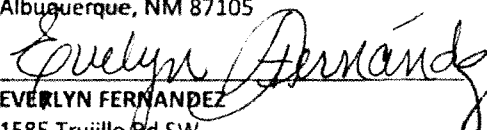
The Appellants as listed below are individual Property Owners who live in the Vecinos Del Bosque Neighborhood. The individual property owners within 500' of the subject site at 1300 Gonzales Rd are noted with a **.



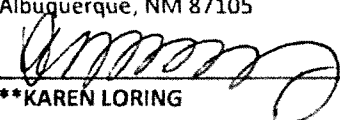
DENICIA SAM CADENA
1305 Trujillo Rd SW
Albuquerque, NM 87105



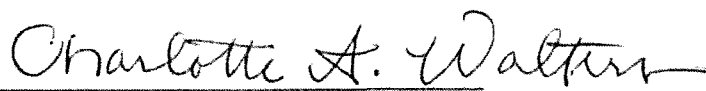
JENNIFER CRUZ
1512 Cerro Vista Rd. SW
Albuquerque, NM 87105




EVERLYN FERNANDEZ
1585 Trujillo Rd SW
Albuquerque, NM 87105



****KAREN LORING**
1407 Gonzales Rd SW
Albuquerque, NM 87105



CHARLOTTE WALTERS
1425 Dennison Rd SW
Albuquerque, NM 87105



****DORY WEGRZYN**
1404 Gonzales Rd SW
Albuquerque, NM 87105

EXHIBIT B

REASONS FOR APPEAL

Presented by residents of the Vecinos del Bosque neighborhood

Planned Development Area

In the applicant's Special Use Permit SUP) for a Planned Development Area (PDA), the Site Plan general note states, "height will conform to R-2 zone, Sec.10.c" and that "90% of buildings will be two-story". Zoning Code Section 10.C R-2 Apartment Zones states in its height regulations, "Structures may exceed 26 feet in height."

However, in the Notice of Decision dated 2/7/2019, it states to revise "Building Footprint" note and "General" note to read "height will conform to the A-1 zone, Section 7.C", which allows heights up to 26' or 2 1/2 stories. The applicant failed to submit a clearly defined height conformance to the correct zoning classification and failed to define the height of its two-story structures which will be the dominate feature of the site (90% of buildings will be two-story).

In the Bernalillo County zoning code R-2 zone, Sec.10C there is no building height restriction; therefore, the building height of a two-story building can be subjective. As such an unspecified height regulation, the regulation does not provide a singularly interpretable basis for measurement of a "two-story building".

Neighborhood concern:

- 1) The applicant submitted an inaccurate zone classification for the height of the buildings.
- 2) Multi-story buildings as updated and stated in the Notice of Decision to conform to A-1 zone at 26 ft is inconsistent with the semi- rural character of this area. Over 95% of the homes located in the Vecinos Del Bosque Neighborhood area are single story homes, less than 15 ft in height. The applicant neither provided nor demonstrated a justification for height of 26 ft or 2 ½ stories.
- 3) The Character of the Neighborhood will be significantly impacted and changed by the approval of this 27 unit development, and will set a precedence for continued development on other vacant or undeveloped parcels along the Rio Grande Valley State Park,(RGVSP) AKA "The Bosque"; an impact to both the Neighborhood Character and the Natural areas enjoyed by all residents of Bernalillo County and visitors to the state of New Mexico.

Bernalillo County Planning Report in Support of Special Use Permit of PDA

This report states: "The site is not adjacent to the State Park, MRGCD-owned land and the Atrisco Drain lies between them." (pg 8)

The Planning Report ignores maps published by the City of Albuquerque. Attached is both a map, provided by City of Albuquerque, showing the Rio Grande Valley State Park as a whole and a section showing the proximity of Valle del Bosque Park to the river and how the Rio Grande Valley State Park borders the 3.7-acre subject site. (attachment's A and B)

Neighborhood concern: The subject site borders the Rio Grande Valley State Park, AKA "the Bosque" The applicant claims its project has support from adjoining property owners. However, the eastern border of the parcel is comprised of the Rio Grande Valley State Park, land held in trust for the people of NM. The State of New Mexico owns the land comprising the Rio Grande Valley State Park and was not notified, by County Planning staff, of the proposed PDA application. Only MRGCD and County Open Space Division were notified. MRGCD did not comment and County Open Space Division supported the application.

Conclusion:

In conclusion, under the Albuquerque/Bernalillo County Comprehensive Plan, the subject site is located in a Rural Area, principally zoned A-1 for agricultural use. The principal goal for this area is to "maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns." Although the site is located in what is defined as "Developing Urban" and adopted in the Southwest Rea Plan (SWAP), the area's character is actually semi- rural, consisting of single- story homes with minimal lot sizes of 8,000 square feet and up to 3 acres. The character of the area has only changed in the subdivision north of Gonzales Road located in the City of Albuquerque boundary.

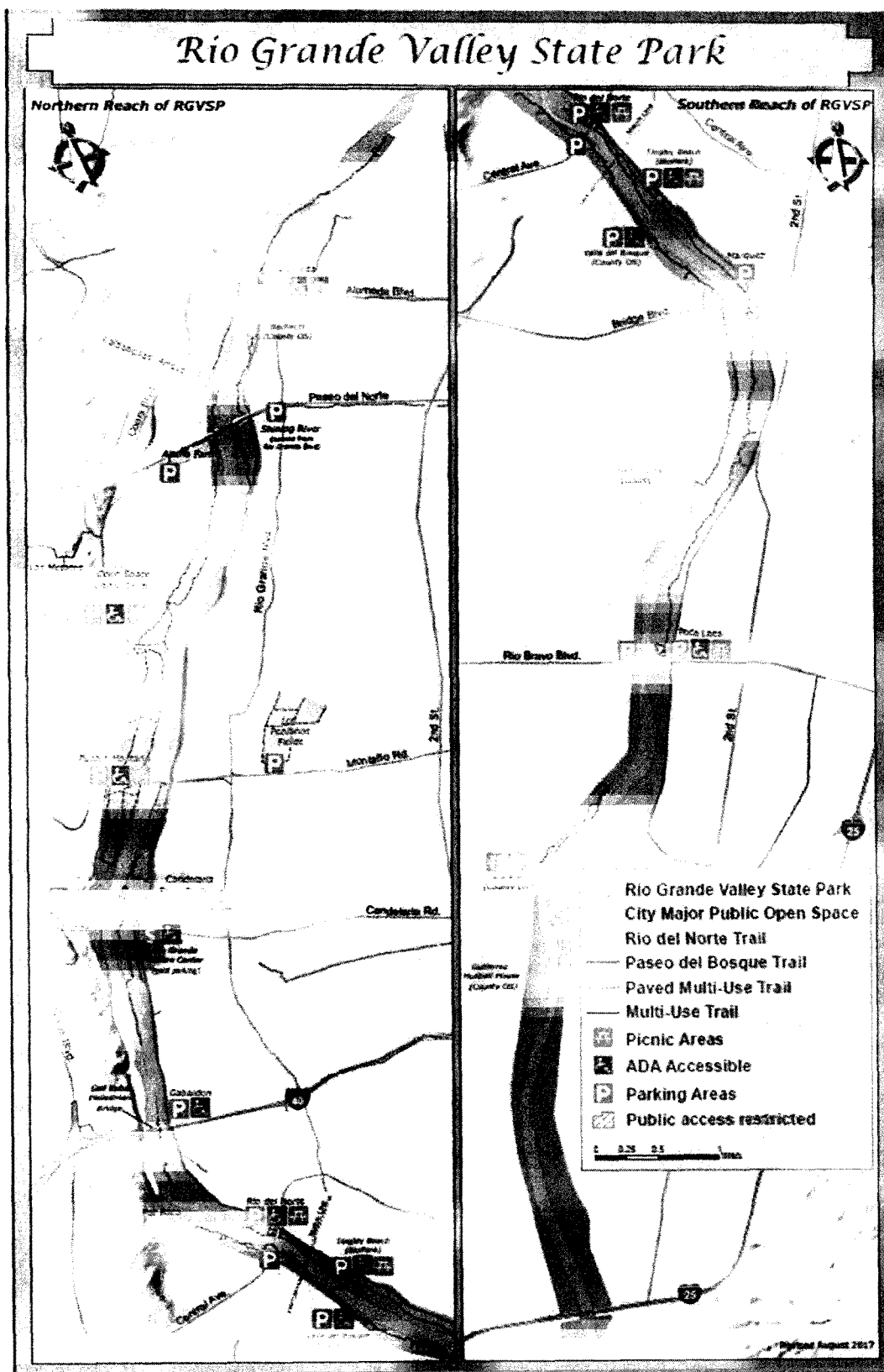
In supporting special use permits, the CPC is permitting expansion of an ever-growing number of special uses encroaching into A-1 zones and specifically all lands adjacent to the Rio Grande Valley State Park, AKA "The Bosque". Accordingly, the proposed special use at this site significantly conflicts with adopted plans (Southwest Area Plan) and the CPC's approval was contrary to Bernalillo County zoning ordinance.

In its formal Notice of Decision, the CPC employed the minimum language necessary for the approval of the requested permit. However, the CPC provided no analysis to support the statements that purportedly underpinned the approval itself. Simply stating that "the

request has substantial neighborhood support", or using a the term "grassroots", or as stated in the applicant's justification that 'neighborhood conditions have changed' they state, "agricultural zoning is actually the exception now, in effect spot zoning" does not demonstrate that the CPC actually evaluated evidence regarding these issues raised by the opposition ----especially when no such evidence was offered by the applicant.

Thus, the CPC's decision was contrary to established zone codes, contrary to the ABC Comprehensive Plan and SWAP; arbitrary in its conclusions and should be reversed. Accordingly, this appellant group respectfully requests that the Commission overturn the CPC's approval of CSU-2019-0001.

Land Use Appeal to the Bernalillo County Board of Commissioners – Attachment A



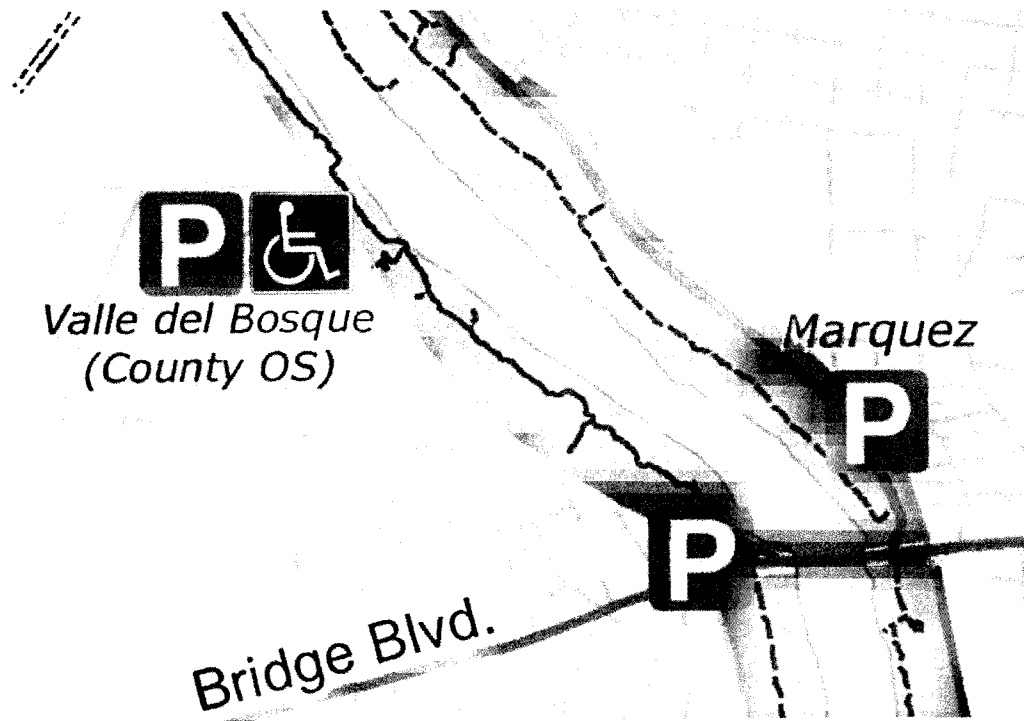


Exhibit C

APPELLANTS BASIS OF STANDING FOR THE APPEAL OF CPC SPECIAL USE PERMIT DECISION OF FEBRUARY 6, 2019 IN CSU-2019-0001

SUBJECT SITE ADDRESS: 1300 GONZALES RD SW

Appellants are individual property owners and residents adversely affected by the subject special use permit decision, because the permit will harm their quality of life including the character of the neighborhood, views corridors, street and pedestrian access, road conditions, density, public safety, transportation issues, and open space issues and impacts on wildlife and water fowl, the decision violated fundamental principles of state zoning law and County Zoning Ordinance, and the process for the decision was arbitrary , unfair, violated due process.

The addresses of the Appellants are:

DENICIA SAM CADENA

1305 Trujillo Rd SW
Albuquerque, NM 87105

JENNIFER CRUZ

1512 Cerro Vista Rd. SW
Albuquerque, NM 87105

EVERLYN FERNANDEZ

1585 Trujillo Rd SW
Albuquerque, NM 87105

KAREN LORING

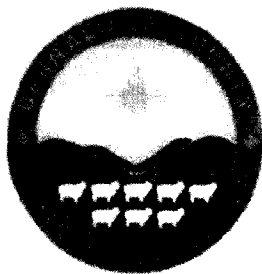
1407 Gonzales Rd SW
Albuquerque, NM 87105

CHARLOTTE WALTERS

1425 Dennison Rd SW
Albuquerque, NM 87105

DORY WEGRZYN

1404 Gonzales Rd SW
Albuquerque, NM 87105



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State of New Mexico
Planning & Development Services Department
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Office: (505) 314-0350 Fax: (505) 314-0480
www.bernco.gov

NOTIFICATION OF DECISION
COUNTY PLANNING COMMISSION

February 7, 2019

Valentin P. Sais and Ron A. Perea
1302 Neetsie Dr. SW
Albuquerque, NM 87105

SUBJECT: FILE NO: CSU2019-0001

LEGAL DESCRIPTION: Rio Grande Huerta LLC, agent for Valentin P. Sais and Ron A. Perea, requests approval of a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on Tract 88A1A1 MRGCD Map 40, Tract ~~88A1A2~~ MRGCD Map 40, and Tract 87B1 MRGCD Map 40, located at ~~1300~~ Gonzales Rd. SW, zoned A-1 and containing approximately 3.83 acres. (K-13)

ACTION: APPROVED A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AREA (RESIDENTIAL AND AGRICULTURAL USES)

To Whom It May Concern:

At the February 6, 2019 public hearing, the County Planning Commission voted to approve the request for a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on Tract 88A1A1 MRGCD Map 40, Tract ~~88A1A2~~ MRGCD Map 40, and Tract 87B1 MRGCD Map 40, located at 1300 Gonzales Rd. SW, zoned A-1 and containing approximately 3.83 acres. The decision was based on the following Findings and is subject to the following Conditions.

Findings:

1. This request is for a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on Tract 88A1A1 MRGCD Map 40, Tract ~~88A1A2~~ MRGCD Map 40, and Tract 87B1 MRGCD Map 40, located at 1300 Gonzales Rd. SW, zoned A-1 and containing approximately 3.83 acres.

COMMISSIONERS

Maggie Hart Stebbins, Chair, District 3 Debbie O'Malley, Vice Chair, District 1
Steven Michael Quezada, Member, District 2 Lonnie C. Talbert, Member, District 4 Charlene E. Pyskoty, Member, District 5

ELECTED OFFICIALS

Tanya R. Giddings, Assessor Linda Stover, Clerk Cristy J. Carbon-Gaul, Probate Judge Manuel Gonzales III, Sheriff Nancy M. Bearce, Treasurer

COUNTY MANAGER

Julie Morgas Baca

2. The site development plan illustrates the location of 27 dwelling units inside 5 buildings, a pool and recreation area, agricultural uses including gardens, orchards and greenhouses, parking for vehicles and bicycles, a garage, workshop, storage buildings and a monument sign.
3. The applicant indicates that the site will accommodate a "co-housing" type development with shared responsibilities amongst homeowners, although this use is not listed in the County Zoning Code.
4. The subject property is located within the Comprehensive Plan's Established Urban Area and within the Southwest Area Plan's Residential Area 5, thereby allowing up to 9 dwelling units per net acre.
5. The request furthers goals and policies of the Comprehensive Plan and the Southwest Area Plan related to density, land use, housing, developed landscape, energy management and water management.
6. As required by Zoning Code Section 18 for a Planned Development Area, the applicant demonstrated the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features, or to facilitate development as allowed by an approved Master Plan. The site plan includes areas dedicated to open space, agricultural and recreational uses.
7. The applicant provided adequate justification for the request that met the criteria of Resolution 116-86. Specifically, the applicant described changed conditions in the area and how approval of the Special Use Permit is more advantageous to the community than the existing zoning because it furthers goals and policies of the Comprehensive Plan and Southwest Area Plan.
8. Although not required, the applicant provided evidence of support in the form of a petition. There is both support and opposition to this request.
9. According to the Albuquerque Bernalillo County Water Utility Authority, the applicant requested a water and wastewater availability statement but it has not been completed as of the printing of this report.
10. The request is consistent with the health, safety and general welfare of the County.

Conditions:

1. Development of the site shall comply with the approved site plan including the multi-family dwelling units, open space, storage, recreational areas, parking, landscaping, fencing and agricultural areas.
2. The Site Development Plan shall be revised, as follows:
 - a. Revise "Building Footprint" note and "General" note to read "height will conform to A-1 zone, Section 7.C", which allows heights up to 26' or 2 ½ stories.
 - b. The sign shall comply with sign regulations of the C-1 zone.
 - c. A note shall indicate the type of paving approved by County Public Works.
3. The Landscape Plan shall be revised, as follows:
 - a. Clarify the concrete vs. porous paving areas (as on the site development plan).
 - b. Revise paving material as approved by PW.
 - c. Provide a legend detail for the pedestrian walkway material.
 - d. Identify the "Bosque Restoration Area" on the plan.

- e. Identify the square footage of "Agriculture Areas".
 - f. Identify the square footage of "Play Field/Blue Gramma Field".
 - g. Identify location of the "Chicken Run".
4. The covered parking structure shall comply with Zoning Code Section 22.D.2.e. (fire resistive) since it is located less than 5' from the north property line.
 5. Obtain permits required by Bernalillo County Building Ordinance Section 110.
 6. Within 60 days of approval, the applicant shall submit to the Public Works Division construction plans (PWCO) for the driveway connection to Gonzalez Road SW and any other work within the County right-of-way.
 7. Within 60 days of approval, the applicant shall submit to the Public Works Division a final Grading and Drainage Plan that includes all proposed site features.
 8. Prior to issuance of a building permit, water and wastewater utilities shall be approved by ABCWUA.
 9. This Special Use Permit shall be issued for the life of the use.
 10. A replat is required to combine the three lots into one, prior to issuance of any building permits.
 11. Three copies of a revised site development plan, consistent with the conditions of approval, shall be submitted for review and approval to the Zoning Administrator within 60-days of approval of this Special Use Permit.
 12. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
 13. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.
 14. The applicant shall add a Responsibility for Maintenance Statement to the Landscape Plan.

This decision is final unless it is appealed by 12:00 noon on **February 22, 2019** in the manner described below. A filing fee of \$75.00 is required for properties consisting of one (1) acre or less, and \$100.00 is required for all others.

APPEALS: Appeal of any denial or approval of an application by the County Planning Commission may be submitted in writing to the office of Planning and Development Services within 15 days after the date of the notice of decision by the County Planning Commission.

The date of the notice of decision in question shall not be included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day shall be considered as the deadline for filing the appeal.

A building permit or Certificate of Occupancy & Compliance shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

WRITTEN NOTICE OF APPEAL SHALL BE FILED WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT ON THE PRESCRIBED FORM ALONG WITH PAYMENT OF THE REQUIRED FILING FEE.

If you have any questions, please feel free to contact me directly at 314-0387.

Sincerely,



Catherine VerEecke
Planning Manager

CV/fs

cc: File

Kevin Grovet, Public Works
Raeleen Marie Biemer, Public Works
Blaine Carter, Public Works
Rene Sedillo, Technology Manager
Jeff Senseney, Building Official
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