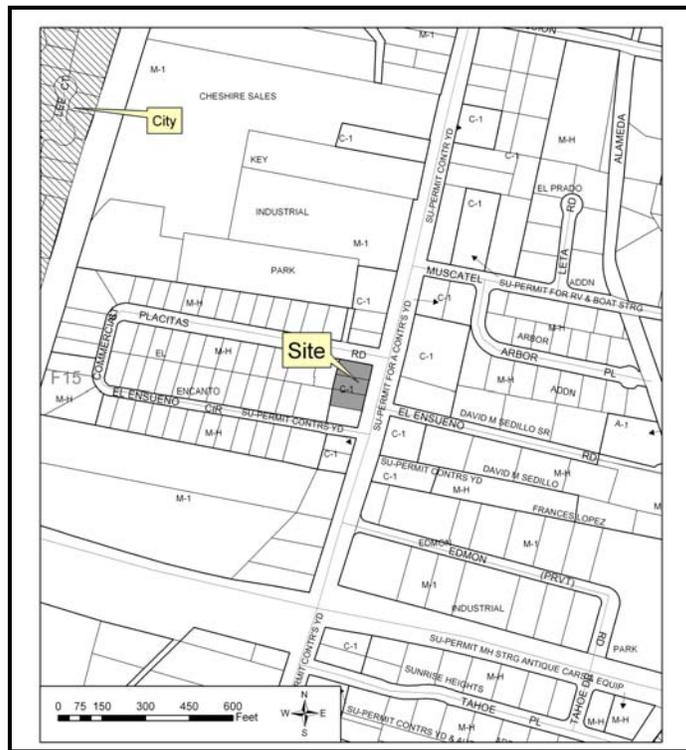


Applicant:	Suzanne M. Gaudern-Rice
Agent:	R2 Consulting Services
Location:	5721 Edith Blvd. NE
Property Size:	.42 acres (approximately)
Existing Zone:	C-1
Proposed Zoning/SUP	Special Use Permit for Contractor's Yard
Recommendation:	Approval



Summary: This request is for a Special Use Permit for a Contractor's Yard on a .42 acre tract (three parcels) of land on the southwest corner of Edith Blvd. and Placitas Rd., about 1000 feet north of Montano Rd. The property has C-1 zoning and has been used for an auto repair business and single family dwelling.

Staff Planner: Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Area and Land Use Maps
 3. Previous zone change request (agreement)
 4. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 6/24/08 to 7/14/08. Their comments were used in preparation of this report, and begin on Page 11.

**AGENDA ITEM NO.: 11
 County Planning Commission
 August 6, 2008**

CSU-80021 R2 Consulting Services, agent for Suzanne Gaudern-Rice, requests approval of a Special Use Permit for a Contractor's Yard on Lots 38, 39 & 40, El Encanto Subdivision, located at 5721 Edith Boulevard NE, located on the west side of Edith between Placitas Road and El Ensueno Road, zoned C-1, and containing approximately .42 acres. (F-15)

**AREA CHARACTERISTICS AND ZONING HISTORY
 Surrounding Zoning & Land Uses**

Site	Zoning	Land use
	C-1	Single Family Residential Vacant buildings
North	C-1	Retail (Sign business)
South	C-1	Commercial (Office)
East	C-1	Commercial Single Family Residential
West	M-H	Single Family Residential

BACKGROUND

The Request

The applicant is requesting a Special Use Permit for a Contractor's Yard on a .42 acre tract of land (three parcels) located on the southeast corner Edith Blvd. and Placitas Rd., about 1000 feet north of Montano Rd. The property currently has C-1 zoning and includes a single family dwelling, a garage, a storage building and a large parking area.

Under the request, an established general contractor (Northern Contractors) will relocate part of its operation to the site. The existing garage and storage building will be utilized for the contractors business, the existing residence will be converted into an office, and an additional 2400 square foot storage building will be added on the site. The site plan also includes parking for 17 employees, truck parking, and a small area for materials storage.

In 1989, the Board of County Commissioners voted, on appeal, to remand to the County Planning Commission a request for M-1 zoning on the property (CZ-89-1). The applicant withdrew the request and an agreement was reached with County Zoning staff to allow an auto repair business to remain on the site with additional storage beyond that allowed under C-1 zoning (Attachment 3). This use has been discontinued.

Request justification. In the response to Resolution 116-86, the applicant states that the proposed land use will not be harmful to the area, as it will be consistent with other businesses. It also is consistent with the Comprehensive and Master Plans, which recognize the trend in the area towards light industrial uses. Further, he states, the existing C-1 zoning is not appropriate for the site as there are changed neighborhood conditions as more intense uses are more common in the area than C-1 uses. The agent also requests that the Special Use Permit be granted for the life of the use.

Surrounding Land Uses and Zoning

Although the property is located adjacent to an established residential subdivision (Encanto Subdivision), the general vicinity of the site near Edith Blvd. has a mixture of uses. Generally, in this area on the west side of Edith Blvd., properties have M-1 zoning, C-1 zoning, or C-1 zoning with Special Use Permits for more intense uses. Properties with M-1 zoning include such uses as office/warehouse, lumber yard, and auto dismantling yard. Properties with C-1 zoning, including the property to the immediate south, have service type uses on them, such as professional offices. Further south, a property has a Special Use Permit for a Contractor's Yard (CSU-99-20), and beyond that properties have M-1 zoning.

On the east side of Edith Blvd., properties have C-1 zoning. Some of these have residential uses, and others have commercial uses, such as offices. Several properties have Special Use Permits for more intense uses than allowed by the existing C-1 zoning, particularly Special Use Permits for Contractor's Yards (e.g., CSU-50021; CSU-95-19; CSU-60034; CSU-87-42).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to "maintain the character and identity

of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses.”

North Valley Area Plan

This property is located within the Semi-Urban area of the North Valley Area Plan. The plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

Policy 2.3.c states that the City and County shall promote commercial development and redevelopment of existing commercially-zoned properties.

Policy 2d (Land Use) requires landscape buffering and other measures are necessary to limit potential impacts of non-residential uses on residential areas.

The property is also located in an area the Plan refers to as the Edith Blvd. corridor in a sub-area described as “rural-residential” between Osuna Rd. and Griegos Rd. However, the Plan does note that some locations within this area along Edith Blvd. have made a transition to manufacturing/heavy commercial uses. The Plan states that the “land use pattern should reflect the present zoning” (Appendix, p.4).

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.

- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant has requested a Special Use Permit for a Contractor's Yard to be located on approximately .42 acres to the west of Edith Blvd. at Placitas Rd. The property already has C-1 zoning, which does not allow the type of use being requested. The requested use appears to be compatible with the non-residential uses such as contractor's yards or offices nearby the property along Edith Blvd., which were established over the last twenty years under M-1 zoning or Special Use Permits. It appears that for a number of years this site has been used for more intense uses than are allowed under C-1 zoning, such as auto repair with additional vehicle storage. However, there are residential properties to the west of this property that

could be impacted by this use.

Plans

This property is located in the Semi-Urban Area. The Comprehensive Plan and the North Valley Area Plan suggest that properties within this area should retain their semi-rural, residential, character with limitations on new commercial or industrial uses. However, the North Valley Area Plan does state that existing commercially-zoned properties may be developed or redeveloped with commercial uses and recognizes that properties in some areas along Edith Blvd. have existing heavy commercial and light industrial uses.

Zoning Ordinance

It appears that this request is consistent with Resolution 116-86 of the Zoning Ordinance in that changed neighborhood conditions have taken place in the area of the site along Edith Blvd. This includes a change towards more intense uses under M-1 zoning and the granting of several Special Use Permits for Contractor's Yards nearby the site. The request is also consistent with the North Valley Area Plan policies that support the redevelopment of existing commercially-zoned properties.

Agency Comments

County staff and representatives from other agencies have provided comments on this case. A majority have no adverse comments.

The Zoning Administrator notes in his comments that the site plan appears to comply with landscaping, fencing, and surfacing requirements of the County Zoning Ordinance but that clarification could be provided regarding the parking calculations, especially given the square footage of the existing and proposed structures on the site. The sign proposed for the site (16 feet) exceeds the height allowed under C-LI zoning (10 feet). Clarification could be provided on the location of storage and truck parking.

Public Works comments indicate that the width of driveways along Edith Blvd. may need to be increased. A grading and drainage plan exists for the property but must be revised in accordance with new development.

County Environmental Health comments state that the property has City/County water service for one building which might need to be expanded to other buildings on the site. Hazardous materials should not be located on the site.

Analysis Summary

Zoning	
Resolution 116-86	Changed neighborhood conditions appear to exist. Use is consistent with other nearby uses along Edith Blvd.
Requirements	Comply with code requirements for landscaping, fencing, signage, parking, surfacing.
Plans	
Comprehensive Plan	Use is not inconsistent with Semi-urban Area designation.
Area Plan	Use is consistent with North Valley Area Plan policies regarding re-development of commercial properties
Other Requirements	
Environmental Health	Has water and sewer account; must expand service as appropriate.
Public Works	Provide drive pads to County standards, revise grading and drainage plan.

Conclusion

In conclusion, it appears that a Special Use Permit for a Contractor's Yard could be appropriate in this instance. The proposed use is consistent with other light industrial uses in the area and would be consistent with policies in the North Valley Area plan regarding the redevelopment of commercially-zoned properties. (The site currently has C-1 zoning). Conditions of approval could help mitigate the impacts of the use on the nearby residential properties.

RECOMMENDATION

APPROVAL of CSU-80021, based on the following Findings, and subject to the following Conditions.

Catherine VerEecke
 Program Planner

FINDINGS:

1. This request is for approval of a Special Use Permit for a Contractor's Yard on Lots 38, 39 & 40, El Encanto Subdivision, located at 5721 Edith Boulevard NE, located on the west side of Edith between Placitas Road and El Ensueno Road, zoned C-1, and containing approximately .42 acres.
2. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. This request is consistent with Resolution 116-86 in that the proposed land use is more advantageous to the community since the North Valley Area Plan Policy 2.3.c states that the City and County shall promote commercial development and redevelopment of existing commercially-zoned properties.
4. This request is consistent with Resolution 116-86 in that changed neighborhood conditions in the vicinity of the site, including the development of several heavy commercial and light industrial businesses, justify this land use change.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

CONDITIONS OF APPROVAL

1. Building permits shall be required for conversion of the existing residential structure to office uses and for the proposed structure on the site.
2. A Fire Protection Plan for the site shall be submitted to the Fire Marshall's Office for approval within six months of the final Board of County Commissioners' approval. A copy of the approval shall be submitted to the Zoning, Building, Planning, and Environmental Health Department.
3. There shall be no hazardous materials located on the site.
4. Lighting shall be site specific. Shielded or cutoff features shall be provided so that no fugitive light crosses into adjacent lots. On-site lighting shall be shown on the revised site plan.
5. No parking will be allowed along Edith Blvd. or Placitas Rd. Trucks shall not back out onto Edith Blvd.
6. Driveways accessing Edith Blvd. shall meet the standards of Bernalillo County Public Works. The final site plan shall be modified in accordance with the standards.
7. A revised grading and drainage plan shall be submitted to Bernalillo County Public Works for approval prior to any new development on the site. A copy of the approval shall be submitted to the Zoning, Building, Planning, and Environmental Health Department.
8. Freestanding signs on the site shall be limited to 32 square feet and 10 feet in height as specified in Section 15.5 (C-LI – Commercial Light Industrial Zone) of the Zoning Ordinance.
9. Any open storage of materials must be screened by a six foot high solid wall.
10. Hours of operation shall be Monday to Friday, 7 a.m. to 6 p.m., and Saturday 8 a.m. to noon.
11. There shall be a six-foot high solid wall along the property line abutting residential zones, which shall be completed within six months of the final Board of County Commissioners' approval.
12. There shall be a 10 foot wide landscaped front yard along the property's frontages and a 6 foot landscape buffer along the along the side of the property abutting residential uses. Landscaping shall be installed within nine months of the final Board of County Commissioners' approval and shall be in compliance with the landscaping requirements in the County Zoning Ordinance.
13. The applicant shall comply with all applicable Bernalillo County ordinances and

regulations.

14. The Special Use Permit shall be issued for ten (10) years.
15. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months after the final approval of the Board of County Commissioners. The site plan shall include spaces for vehicle, truck, and equipment parking and for materials storage.
16. 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.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No comments received.

Environmental Health:

1. Water and sewer is connected to the property at the SFD only.
2. Are their employee toilet facilities? If so, depict this on the site plan and provide separate water and sewer accounts.
3. Employer vehicle parking is not listed on the site plan. Where does the employer park the company vehicles.
4. No on-site dumping or collection of waste matter is allowed. A NOI [Notice of Intent] is required to be submitted and approved by the State of NM for this activity should it occur.
5. A SWPPP [storm water pollution prevention plan] may be required for on-site dumping or collection of run-off.

Zoning Enforcement Manager:

Based on the above comments there is no adverse comments at this time.
there are no zoning violations.

Zoning Administrator

"Contractor's Yard" is a defined term in the zoning ordinance (Sec. 5) meaning, "A premises where equipment, materials, and supplies are stored, kept, and/or maintained in connection with a contracting operation." If approved, the property will allow for both outdoor and inside storage of tools, equipment, and materials, as well as vehicle parking and office activities.

Landscaping required by the ordinance for the combined area of the subject lots necessitates a landscape setback along all streets of no less than ten (10) feet, a landscape buffer of six (6) feet between the single-family residential uses and the subject property, and a minimum of 15% of the paved areas of the site to be landscaped (Sec. 19.A.1.). The noted buffers along the north (Placitas Road), east (Edith Blvd.), and west sides of the property meet these requirements. Additionally, vegetative coverage standards (75% of each landscaping buffer), reference to maintenance responsibilities, and screening requirements (6-ft. high solid fence/wall) along the west side of the property adjacent to residential development have been noted.

The off-street parking regulations (Sec. 21) don't specifically address space requirements for a contractor's yard; however, the 1,267-sq. ft. office located toward the northern end of the site necessitates 7 parking spaces (Sec. 21.A.15.), and when considered with the reduction in "open areas" of the site upon construction of the

proposed 2,400-sq. ft. storage building, it seems that the property may be deficient in an adequate number of parking spaces. Nevertheless, staff has noted the "truck parking area" listed to the east of the 1,800-sq. ft. storage building, the 15-foot wide setback distance between the western property line and the storage buildings, as well as the possibility of parking some equipment/vehicles/trucks inside one of the existing buildings. It would appear that the intent of the parking regulations (accessibility, prevention of parking within the public right-of-way, etc.) can be accomplished if approved by the CPC. Similarly, the solid surfacing requirements (Sec. 21.D.2.) and handicapped parking standards (Sec. 21.B.) will be met.

The 13-sq. ft. sign to be provided toward the SE corner of the property will meet the allowances of the underlying zone [Sec. 14.B.2.a(18)].

NO ADVERSE COMMENTS FOR THIS PROPOSAL

Fire:

Upon the development of this project the Owner, Developer, Builder is required to provide fire protection for existing buildings and new construction.. There will be Monitored smoke and heat detectors required per the International Fire Code 2006 (IFC 2006) for all structures including the SDF to be converted to offices and all existing storage areas and the new proposed building. All fire protection plans must be submitted to the Fire Marshal's Office for approval before construction and remodel can begin.

Access is required to be a minimum of 20 ft. for ingress and egresses.

A fire protection plan is required to be submitted to the Fire Marshal's Office.....DFM JAG

Public Works:

DRAN:

1. A resubmittal of the Grading and Drainage plan for the site (PWDN 990134) is required prior to approval of additional development proposed for the site.

DRE:

1. Turning movements on the site must assure that no trucks back out onto Edith Boulevard.

3. Two driveways exist at present and they do not meet County standards 30-35 feet in width for non-residential uses on Minor Arterials and a minimum distance from intersecting streets of 75'.

4. Please contact David Albright in Bernalillo County Public Works, 848-1500 regarding Traffic Impact Analysis for the site.

Parks & Recreation:

REVIEWED, NO COMMENTS

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

MRCOG has no comment on the proposed action.

For information purposes, Edith Bd has a functional classification of urban minor arterial.

AMAFCA:

No comment.

City Planning Department:

No comments received.

City Public Works:

Transportation Planning: No comments received.

Transportation Development: No adverse comments.

Water Resources: No comments received.

City Transit:

No objections.

City Environmental Health:

No comments received.

City Open Space:

Open Space has no adverse comments.

APS

El Encantado, Lots 38, 39, and 40, is located at 5721 Edith Blvd NE. The owner of the above property requests a special use permit for a contractor's yard. This will have no adverse impacts to the APS district.

NMDOT

Case description: Special use permit development for contractors yard

Location: 5721 Edith Boulevard NE, Albuquerque NM

Type of development (Residential/commercial): Commercial.

Possible Impacted NMDOT roadway(s): NM 47 (2nd Street)

Departments Comments: Due to the size, and location of the development, there will be no significant impact to the state roadway system. Therefore, we have no requirements or objections to the processing of the requested special use permit.

COUNTY PLANNING COMMISSION
AUGUST 6, 2008
CSU-80021

NEIGHBORHOOD ASSOCIATIONS:
North Edith Corridor Association