



Agenda Item Number: _____

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

Meeting Date: March 25, 2008

Department: Zoning, Building, Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: CONSENT: Special Use Permit for a Specific Use for Sale of Yard Equipment (repair with open storage) and Retailing of Consumer Products (motorcycle, ATV, Class A in-board boats and snow mobiles only) (CSU-70035)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the February 6, 2008 public hearing, the County Planning Commission voted (5-0; Commissioners Bererra, Holcomb excused) to recommend approval of the request for a Special Use Permit for Special Use Permit for Specific Use for Sale of Yard Equipment (repair with open storage) and Retailing of Consumer Products (motorcycle, ATV, Class A in-board boats and snow mobiles only) on Tracts A & B, located at 8994 4th Street NW, zoned C-1, and containing approximately 1.95 acres. The decision was based on the following seven (7) Findings and subject to the following fourteen (14) Conditions.

Findings:

1. This is a request for approval of a Special Use Permit for Specific Use for Sale of Yard Equipment (repair with open storage), and Retailing of Consumer Products (motorcycle, ATV, Class A in-board boats and snow mobiles only) on Tracts A & B, located at 8994 Fourth Street NW, zoned C-1, and containing approximately 1.95 acres.
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The request is consistent with Resolution 116-86 in that the Special Use Permit would result in a use that is more and advantageous to the community as articulated in the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan by allowing a retail business in an area that is designated as commercial, which serves the neighborhood.
4. This request is consistent with Resolution 116-86 in that changed community conditions, including more intense commercial development next to the site, justify the land use change.
5. This request has substantial neighborhood support.

6. This request is consistent with the health, safety, and general welfare of the residents of the County.
7. The request for a Special Use Permit for C-1 Uses, Recreational Vehicle Retailing, and Rental Sales of Household Yard and Garden Equipment (CZ-96-33) is superseded by this Special Use Permit for Specific Use for Sale of Yard Equipment (repair with open storage), and Retail of Consumer Products such as (motorcycle, ATV, Class A in-board boats and snowmobiles only) (CSU-70035).

Conditions:

1. Lighting shall be site specific. Shielded or cutoff lighting fixtures shall be provided so that no fugitive light crosses into adjacent lots.
2. Signage (free-standing) shall comply with the requirements of C-2 zoning. A sign permit shall be obtained from the Zoning, Building, Planning, and Environmental Health Planning Department.
3. There shall be a six-foot high solid fence along the property lines abutting residential zones.
4. There shall be a 15 foot landscape setback along Fourth St. that complies with the standards outlined in the Zoning Ordinance.
5. There shall be a six foot landscape buffer on the sides of the property that abut residential uses that complies with the standards outlined in the Zoning Ordinance.
6. The outdoor storage of equipment, materials, and vehicles in the rear of the property shall not exceed eight feet in height and shall be enclosed by a solid wall or solid fence at least six feet high.
7. The applicant shall submitted proof of permits for the handling of fluids or materials from repairs to the Office of Environmental Health. All equipment or vehicle repair and servicing shall be conducted within an enclosed building.
8. All off-street parking areas on the property shall be surfaced with a combination of gravel and millings. Spaces shall be appropriately marked to indicate the location of the space. Vehicles (motorcycles, ATV, Class A in-board boats and snow mobiles only) for sale shall not be parked in customer parking spaces.
9. Applicant shall bring site's drive pad (entry) into compliance with Bernalillo County Street Standards.
10. Hours of operation shall be from 8:00 A.M. to 6:00 P.M., Monday to Saturday.
11. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
12. The Special Use Permit shall be issued for ten (10) years.

13. 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 Board of County Commissioners' approval.
14. 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.

ATTACHMENTS:

1. County Planning Commission Notice of Decision Letter (February 8, 2008)
2. County Planning Commission Information Packet.
3. Site Plan (Commissioners Only).

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff Recommends Approval