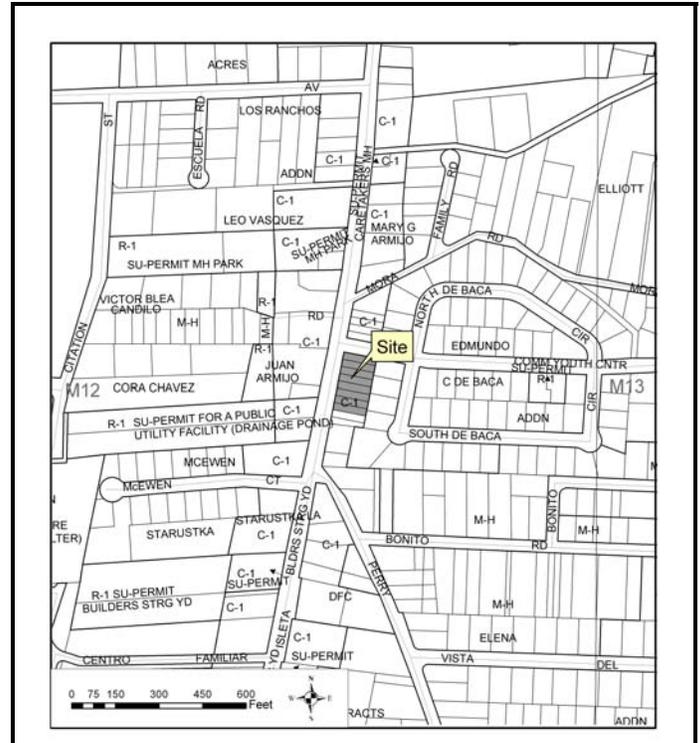


Applicant:	Mariano J. & Dora M. Garcia
Agent:	Carlos Dorcas
Location:	1906 Isleta Blvd. SW
Property Size:	.60 acres (approximately)
Existing Zone:	C-1
Proposed Request:	Special Use Permit for Specific Use for Permissive C-1 Uses & Truck Rental
Recommendation:	Approval



Summary: The applicant is requesting a renewal of a Special Use Permit for Specific Use for Permissive C-1 Uses & Truck Rental for approximately .60 acres located at 1906 Isleta Boulevard SW. The site contains a gas station, an auto repair garage and a small truck rental (U-Haul) business. The applicants have been in business at this location for over 20 years.

The subject site is located in the Semi Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area Three (3) of the Southwest Area Plan.

This request was continued from the December 5, 2007 County Planning Commission hearing in order to allow the applicant ample time to submit a revised site plan that included existing structures and uses on the subject site.

Staff Planner: Adella Gallegos, Associate Program Planner

- Attachments:**
1. Application (Neighborhood Support attached)
 2. Land Use Map
 3. Revised Site Plan (Dated April 2, 2008)

Bernalillo County Departments and other interested agencies reviewed this application from 10/23/07 to 11/07/07. Agency comments are verbatim and were used in preparation of this report, which begin on page 9.

AGENDA ITEM NO.: 4
County Planning Commission
June 4, 2008

CSU-70046 Carlos Dorcas, agent for Mariano J. & Dora M. Garcia, requests approval of a Special Use Permit for Specific Use for Permissive C-1 Uses & Truck Rental on Lots 3 – 10, C de Baca-Edmundo Addition, located at 1906 Isleta Boulevard SW, zoned C-1, and containing approximately .60 acres. (M-12) (CONTINUED FROM THE DECEMBER 5, 2007 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	C-1	Gas station, auto repair garage and a small truck rental (U-Haul) business
North	C-1	Vacant Building & Vito Romero Road
South	C-1	Fast Food Restaurant
East	R-1	Residential Dwellings
West	R-1 and C-1	Residential Dwellings

BACKGROUND:

The Request

The applicant is requesting a renewal of a Special Use Permit for Specific Uses for Permissive C-1 Uses & Truck Rental. The subject site is situated at the southeast corner of Isleta Boulevard and Vito Romero Road SW. Currently existing on the site is a gas station, an auto repair garage and a small (four) truck rental (U-Haul) business.

This application was prompted by the owner being notified that his Special Use Permit has expired and the need for reapplication or removal of the truck rental business. A gas station and auto repair garage are permissive uses in the C-1 zone.

In 2002, this Special Use Permit had been scheduled for cancellation due to the non-compliance of the conditions of approval. After several months of working with the agent, the conditions had been met and the Special Use Permit remained in compliance.

Request Justification

The applicant contends that the existing business operation provides a service to the community area residents and is consistent with the existing adjacent to and in the general vicinity of the site.

Surrounding Land Use and Zoning

The subject site is currently zoned C-1. C-1 zoning exists adjacent to the site on the north and south and across Isleta Boulevard on the west. The C-1 zoned properties primarily are developed with commercial uses; however, a number of residential dwellings exist on the C-1 zoned property on Isleta Boulevard, west of the subject site. To the east, the site is developed with residential dwellings.

The most current zoning activity in the area was a Special Use Permit for a Contractor's Yard at 2206 Isleta Boulevard SW (CSU-50032). The County Planning Commission on November 7, 2007 recommended the cancellation of the contractor's yard.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to "maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses."

Policy a states that "development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre."

Policy c states that "The following policies shall govern industrial and commercial development in Semi-Urban areas:

- . Neighborhood-scale rather than regional-scale commercial centers are appropriate.

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- . Strip commercial development is discouraged in favor of clustered commercial development
- . Mixed-use area should protect residential uses in the area, while offering a variety of local employment opportunities.

Southwest Area Plan (SWAP)

This site is located within Residential Area Three of the Southwest Area Plan, which allows a minimum of three dwelling units per acre when City sewer is available, or a maximum of one dwelling unit per net acre when using individual liquid waste disposal systems.

Policy 16 states that heavy industrial and commercial traffic shall be limited in village centers and residential areas to enhance residential stability, respect the history and integrity of the area, and promote neighborhood scale (CN zoning) economic development.

Policy 29 states the County and City shall stabilize residential zoning and land use in the plan area.

Policy 34 states standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.

Policy 45 encourages the location of newly developing neighborhood scale commercial and office use be within their defined village centers.

Policy 46 balance economic development and the quality of life for existing communities as well as for newly developed areas.

Policy 49 promotes small-scale community commercial centers, which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of area residents.

Bernalillo County Zoning Ordinance

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

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- 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.

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- 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 Board of County Commissioners.
- 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. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- 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. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. 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 sector development plan or area development 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.
- I. 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 realization of the Comprehensive Plan and any applicable adopted sector development plan or area development 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.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant is requesting the renewal of the Special Use Permit for Specific Uses for Permissive C-1 Uses & Truck Rental. The subject site is located on Isleta Boulevard where there exist a substantial amount of commercial zoning and development in addition to residential development. The area is adjacent to C-1 zoning on the north and south along with C-1 zoning existing on the west of Isleta Boulevard. Residential zoning and development exist adjacent to the site on the east.

Upon staff's site visit to the property, it was noted that the site plan does not accurately depict what is on the property.

Plans

Albuquerque Bernalillo County Comprehensive Plan

This site is located in the Semi-Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan. The goal in the Comprehensive Plan is to maintain the character and identify of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses.

The request appears to facilitate the Comprehensive Plan Goal and the following associated policies in that the existing uses on the subject site will be keeping with neighborhood values and are of a neighborhood commercial nature thereby assuring the integrity of the existing neighborhoods. The subject site is also adjacent to and surrounded by commercial development that exists along Isleta Boulevard.

Southwest Area Plan

The site is located in Residential Area Three (3) of the Southwest Area Plan, which recommends three (3) dwelling units per acre in this area of the South Valley.

Although the site is not within a defined village center as called for in the Southwest Area Plan, Policy 46 calls for balancing economic development and the quality of life for existing communities as well as for newly developed areas.

Agency Comments

The Office of Environmental Health is requiring that the applicant acquire separate accounts for each facility with restrooms and/or water disposal. In addition, the Office of Environmental Health is requiring that the applicant submit proof of licensing and certification for the fuel storage tanks and gas pumps from the New Mexico Petroleum Storage Tank Bureau and a hazardous materials handling plan and an emergency response plan for review and approval.

The Zoning Administrator has noted that the site plan has not been drawn to scale, the number of the parking spaces and size cannot be verified and the handicapped parking spaces are not shown. In addition, the Zoning Administrator has noted that additional landscaping is needed. An alternate landscaping plan can be considered that must incorporate an equal amount of landscaping on the subject site. A 10-foot wide landscaped buffer is required along both Isleta Boulevard & Vito Romero with a 6-ft. wide landscaping buffer along east side of property.

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Analysis Summary

Zoning	
Resolution 116-86	This request is appropriate for the area given the changed neighborhood conditions that exist along Isleta Boulevard that are of a commercial nature.
	The existing land use would be more advantageous to the community in that it provides neighborhood scale services to this particular area of the South Valley.
Plans	
Comprehensive Plan	Consistent with Semi-Urban designation in that the continuance of the existing uses will maintain the character and identify of surrounding area for mixed uses.
Southwest Area Plan	The proposed use could balance economic development and the quality of life for existing communities as well as for newly developed areas and would not interfere with the integrity and character of the area.
Other Requirements	
Environmental Health	Proof of licensing and certification for the fuel storage tanks and gas pumps and a hazardous materials handling plan and an emergency response plan for review and approval.
Zoning Administrator	Parking requirements and landscaping buffering.

Conclusion

The applicant has maintained a gas station, auto repair garage at this location for over 20 years; he later acquired a Special Use Permit to add the four (4) truck rental (U-Haul) business which was approved by the Board of County Commission in October, 2002.

The subject site is located in the Semi-Urban area, not in defined village center as called for in the Southwest Area Plan; however, the site is surrounded with commercial uses that are compatible in character and that have existed in this area for over 30 years. This request appears to contribute to the surrounding general business environment along Isleta Boulevard. The applicant has been operating a gas station and auto repair garage operation at the subject site that contributes to the general business environment along Isleta Boulevard.

There has been no opposition to this request and the applicant has submitted substantial neighborhood support. Due to the issues concerning the site plan, a deferral seems appropriate in order to give the applicant time to provide an accurate site plan with the proper scale, landscaping and parking requirements.

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ADDITIONAL PLANNING DEPARTMENT COMMENTS (June 4, 2008):

At the December 5, 2007 hearing, the County Planning Commission continued this request in order to allow the applicant an opportunity to submit a site plan that included all the existing structures and uses on the site. The applicant has submitted a revised site plan which appears to be complete.

The applicant has also met with the Office of Environmental Health and has agreed to a replat the property into one contiguous lot that would eliminate the maze of sewer lines which would achieve compliance.

RECOMMENDATION:

Staff recommends approval of CSU-70046 based on the following Findings and Conditions.

Adella Gallegos
Associate Program Planner

FINDINGS:

1. This is a request for a Special Use Permit for Specific Use for Permissive C-1 Uses & Truck Rental on Lots 3 – 10, C de Baca-Edmundo Addition, located at 1906 Isleta Boulevard SW, zoned C-1, and containing approximately .60 acres.
2. The property is located in the Semi-Urban Area as designated in Albuquerque/Bernalillo County Comprehensive Plan and in Residential Area Three (3) of the Southwest Area Plan.
3. The request is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in area towards a mixture of commercial and residential uses along Isleta Boulevard and the subject site is of a commercial nature amid both commercial and residential uses.
4. This request is not in significant conflict with the elements of the Southwest Area Plan, as articulated in Policies 45 and 46, in that the request is for community commercial uses that would provide neighborhood scale services to this area of the South Valley.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided to prevent fugitive light from crossing onto adjacent lots or public rights-of-way

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2. Landscaping for the Special Use Permit shall meet the standards outlined in the Zoning Ordinance, including:
 - a. There shall be a landscaped buffer along Isleta Boulevard and Vito Romero Road of not less than ten (10) feet.
 - b. There shall be a continued six foot landscaped buffer along the east property line that abuts the residential development.
 - c. Landscaping on the submitted site plan shall be fifteen percent of the paved areas in accordance with Bernalillo County Zoning Ordinance.
3. There shall be no more than four (4) rental trucks, no longer than seventeen (17) feet each, parked on the site at any one time and parked in the locations as noted on the site plan.
4. The applicant shall submit for review and approval proof of licensing and certification for the fuel storage tanks and gas pumps and a hazardous materials handling plan and an emergency response plans to the Office of Environmental Health.
5. The applicant shall replat the subject property. The necessary subdivision procedures shall be completed within 120 days of the final approval from the Board of County Commission.
6. 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 of the final Board of County Commissioners approval. The site plan shall include the north arrow and other items as required.
7. This Special Use Permit shall be issued for five years.
8. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
9. The foregoing Conditions of Approval shall become effective immediately upon execution or utilization of any portion of the rights or privileges authorized by this Special Use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

The applicant is required to submit a hazardous materials handling plan and submit all necessary checklists and emergency response plan for review and approval.

1. One water and sewer account exists for this business, acct.#23031837. Separate accounts are required for each facility with restrooms and/or water disposal. Sewer lines cannot cross property lines per ABCWUA policy.

This project is subject to being located on multiple lots.

Assessor lots - five (5) separate lots.

Platted lots - eight (8) separate lots.

Provide proof of separate sewer accounts to all structures.

2. Provide proof of licensing and certification for fuel storage tanks and gas pumps from the New Mexico Petroleum Storage Tank Bureau.

Contact Ms. Lane Andress, Project Manager
New Mexico Environment Department
Petroleum Storage Tank Bureau
5500 San Antonio Dr. NE
Albuq. NM 87109
phones - 505-222-9500 or 505-222-9525

May 14, 2008

Mr. Carlos Docas has agreed that since the sewer lines cross property lines he will submit for a Subdivision Replat application and consolidate all the existing platted lots into one contiguous lot. Once the replatting has been achieved the property with the maze of sewer lines will be in compliance.

Fire: No comments received

Zoning Administrator

Compliance with existing standards and previous conditions should be verified

Noted Deficiencies

Submitted site plan has not been drawn to scale; marked at 1 to 20, but does not match

- size of parking spaces cannot be verified (8' x 20' for standard, 11' x 20' for hc)
- hc spaces not shown (# to be determined by amount of standard spaces)
- number of required pkg. spaces cannot be verified (1 space required for each 200-sq. ft. of building area on the property)

Additional landscaping needed

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- the overall size of the property necessitates 10-foot wide landscaping buffers along both Isleta Blvd. & Vito Romero)
- all landscaping buffers - including 6-ft. wide along E side of property - should incorporate trees (deciduous & coniferous), shrubs and ground cover; details needed
- alternate landscaping plan can be considered, but must incorporate an equal amount of landscaping on the subject site
- six-foot high solid fence/wall necessary along E side of site

Paving/surfacing

- aerial photos seem to indicate that the lot is asphalted and level, but due to underlying zoning designation (C-1) and nature of activity [ref. Sec. 15.B.2.a.(6)], this should be noted on the plan and implemented on the site
- hc spaces/access should be clarified and provided

Zoning Enforcement Manager:

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

Building Department Manager: No comments received

Public Works:

DRAN:

1. A grading and drainage plan is not required at this time for approval of the Special Use Permit Request, because this request appears to be consistent with the current use of the property and no significant changes to the current development or terrain are implied. A formal grading and drainage plan with full report and analysis meeting the requirements of Bernalillo County Code Chapter 38, Floods, and Flood Damage Prevention, prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works, is required prior to any additional development, re-grading or re-surfacing.

2. A portion of this property appears to be within a designated 100-year floodplain. Any development of this property must conform to the Bernalillo County code Chapter 38, Floods, and Flood Damage Prevention. The property may be subject to flood insurance requirements of the Federal Emergency Management agency. Flood insurance is likely to be required for development of this property. Development in and around the floodplain will have to be addressed specifically by a grading and drainage plan.

DRE

1. No adverse comment to Special Use Permit request.
2. Improvements completed with Isleta Boulevard Phase Two improvements should be shown on the revised site plan.

Parks & Recreation: No adverse comments.

Sheriff's:

No comment received

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COMMENTS FROM OTHER AGENCIES

MRGCOG:

Isleta Bd Improvements Stage II is a Bernalillo County project to reconstruct intersections, and add bicycle and pedestrian improvements. MPO recommends that coordination with County Public Works to insure development consistent with the County's planned improvements. For information purposes, Isleta Bd is classified a principal arterial.

MRGCD: No adverse comments.

AMAFCA: No comment.

City Planning Department/Development Services: No comments received

City Open Space: No adverse comments

Municipal Development Dept.:

Transp. Planning: No comments received

Transp. Development: No comments received.

City Transit: No comments received.

ABCWUA/Utility Development Section: No comments received.

City Environmental Health: No comments received

NM Department of Transportation:

The development will have no direct or significant impact on the State's transportation system.

Albuquerque Public School: This will have no adverse impacts on the APS district.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Alliance of Neighbors

South West Alliance

South Valley Coalition of Neighborhood Associations