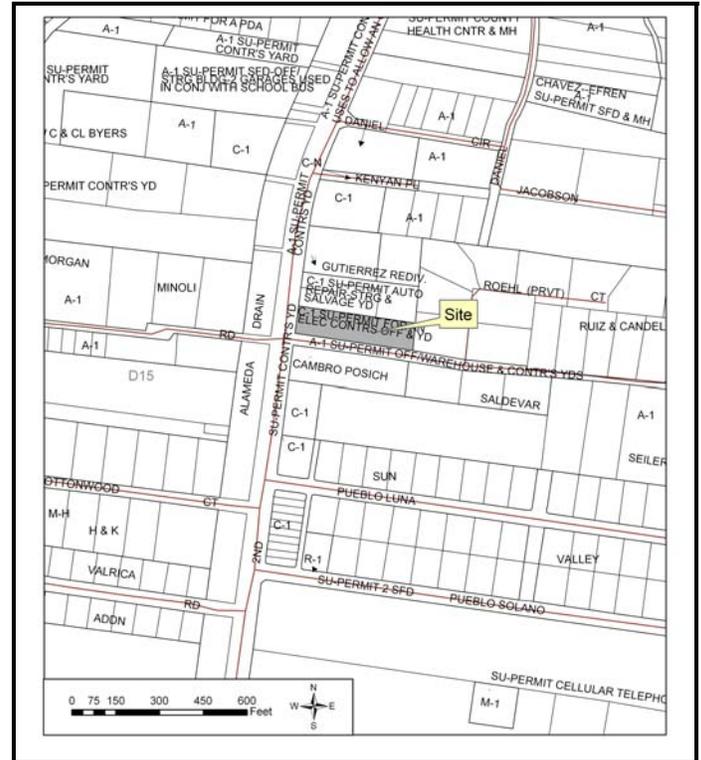


<b>Applicant:</b>	Donald W. & Wilma A. Wilcox
<b>Agent:</b>	George C. Kraehe, Esq.
<b>Location:</b>	7500 Second St., NW
<b>Property Size:</b>	.89 acres (approximately)
<b>Existing Zone:</b>	C-1/SUP for Electrical Contractor's Office & Yard
<b>Proposed Zoning/SUP</b>	Special Use Permit for Specific Use for Repairing, Assembling, Packaging, & Sale of Electronic Instruments & Devices
<b>Recommendation:</b>	Approval



<b>Summary:</b>	This is a request for a Special Use Permit for a Specific Use for Repairing, Assembling, Packaging, & Sale of Electronic Instruments & Devices on a .89 acre property located on the southeast corner of Second St. and Roehl Rd. The property has C-1 zoning and has had Special Use Permits for more intense uses since the 1970s. The most recent Special Use Permit was for an Electrical Contractor's Office and Yard (CSU-94-27). The request seeks to address a zoning violation in which the property has not been in compliance with the existing Special Use Permit.
<b>Staff Planner:</b>	Catherine VerEecke, Program Planner

- Attachments:**
1. Application
  2. Zoning and Land Use Maps
  3. Previous Special Use Permit Notices of Decision
  4. Notice of Violation
  5. Petition of support
  6. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 2/25/08 to 3/10/08. Their comments were used in preparation of this report, and begin on Page 10 .

**AGENDA ITEM NO.: 5**  
**County Planning Commission**  
**April 2, 2008**

CSU-80012 George C. Kraehe, agent for Donald W. & Wilma A. Wilcox, requests approval of a Special Use Permit for Specific Use for Repairing, Assembling, Packaging & Sale of Electronic Instruments and Devices on Tract 160B, MRGCD Map 27, located at 7500 2<sup>nd</sup> Street NW, on the north east corner of 2<sup>nd</sup> Street and Roehl Court NW, containing approximately .89 acres, and zoned C-1 with a Special Use Permit for an Electrical Contractor's Office and Yard. (D-15)

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

<b>Site</b>	<b>Zoning</b>	<b>Land use</b>
	C-1/Electrical Contractor's Yard and Office	Electrical device assembly and sale
<b>North</b>	C-1/SUP Auto Repair, Storage & Salvage Yard.	Auto repair shop
<b>South</b>	C-1/SUP Office Warehouse & Contractor's Yard.	Contractor's yard & warehouse
<b>East</b>	R-1	Single Family Residential
<b>West</b>	Drain A-1	Drain Single Family Residential

**BACKGROUND:**

**The Request**

The applicants are requesting a Special Use Permit for Specific Use for Repairing, Assembling, Packaging, & Sale of Electronic Instruments and Devices on a .89 acre tract of land located on the north east corner of 2<sup>nd</sup> Street and Roehl Rd. NW, containing approximately .89 acres. The property is zoned C-1.

On January 31, 1995, the Board of County Commissioners authorized a Special Use Permit for an Electrical Contractor's Office and Yard on the subject property (CSU-94-27) for the life of the use (Attachment 3). Conditions of approval included a final site plan, no outdoor storage, and connections to City water and sewer service. Previously, the property had a Special Use Permit for Jewelry Manufacturing (CSU-73-63; CZ-79-70).

This request is the result of a violation on the property in which it was noted that a building had been added in the rear of the property and the use had been changed without the required amendment to the existing Special Use Permit (Attachment 4). In addition, the applicants had failed to submit a final site plan, as required in the conditions of the Special Use Permit.

This request, according to the agent, seeks to make the Special Use Permit on the property consistent with the current use—repair, assembly, and packaging of electronic instruments and devices for sale and use in school intercom and institutional multi-media retrieval systems. The use is located within two buildings on the site that total approximately 10,000 square feet. One of the buildings was constructed in 2002 without amending the existing Special Use Permit, although a building permit was obtained for the structure. The agent states that the site will comply with all landscaping, and parking requirements. However, a waiver is requested to allow a chain link fence along the east property line where the property abuts R-1 zoning.

Request justification. The applicant's agent argues that changed neighborhood conditions have occurred in the area of the site. This includes the development of more intense uses along Second St. nearby the site. The current use is consistent with the previous use on the property and is advantageous to the community by providing a needed service.

**Surrounding Land Uses and Zoning**

This property is located in an area along Second St. to the north of Osuna Rd. with a variety of uses and residential densities. A number of properties along the east side of Second St. (nearby the site) have C-1 zoning, several of which have Special Use Permits, mainly for Contractor's Yards (e.g., CSU-85-32). The property to the immediate north has a Special Use Permit for Auto Repair, Storage, and Salvage Yard (CSU-79-48). To the south (across Roehl Rd.), a property has a Special Use Permit for Office Warehouse and Contractor's Yards (CSU-85-32). Further east, however, properties have R-1 zoning with residential lot areas of an acre or more, and to the southeast, properties have A-1 zoning. Further south, are located residential lots of about one-third of an acre within the Sun Valley Subdivision, and beyond this is a large tract of land with M-1 zoning and industrial uses.

On the west side of Second St., in the immediate vicinity of the property, properties have A-1 or R-1 zoning. However, a few hundred feet to the northeast of the site, a school bus yard

exists under a Special Use Permit (CSU 74-10), and several other contractor's yards have been approved (e.g. CSU-20; CSU-85-62).

**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 4.4 of the Plan states that the County and City shall encourage rural standards for development, especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 2.2.d (Land Use) of the Plan states that "the County and City shall retain the low density character of the North Valley and that the minimum lot area for R-1 zoned land in the Rural area should be three-quarters of an acre."

Policy 3.a (Land Use) states that "the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors."

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

The property is also located in an area the Plan refers to as the "Second Street to Fourth Street Sub-Area" of the Plan, which extends from Fourth Street in the west to the railroad in

the east, and north from Montano Rd. to Paseo del Norte. The plan calls out the portion of Second St. between Osuna Rd. and Paseo del Norte as “a transitional area between the more rural to the north and the more urban environment in the south. The provision of urban services into this portion of the plan area has supported requests for higher density residential and commercial zoning.”

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 subject property has C-1 zoning and has had Special Use Permits for more intense uses since the 1970s. The previously approved use (Electrical Contractor’s Yard and Office) was similar to the current use, although an additional warehouse has been added on the property (CSU-94-27). This use appears to be consistent with other uses nearby the site along Second St. under C-1 zoning or Special Use Permits, which include retail, contractor’s yards, school bus storage, and auto repairing.

##### **Plans**

This property is located in the Semi-Urban Area of the Comprehensive Plan and the North Valley Area Plan, which both recommend that the area of the site should retain its semi-rural, residential character. However, the property is located in an area along Second St. with C-1 zoning, which the plan recognizes as an area that is transitional between residential uses and commercial and light industrial uses. In addition, the North Valley Area Plan does state that existing commercially-zoned properties may be developed or redeveloped with commercial uses.

##### **Zoning Ordinance**

It appears this request is consistent with Resolution 116-86 of the Zoning Ordinance in that the particular use would not have a significant impact on adjacent properties and would be consistent with other uses in the area. ‘Changed neighborhood conditions’ can be used as a justification for this request as there has been a trend towards Special Use Permits under C-1

zoning for more intense uses in the immediate vicinity of the site. The request is also consistent with the North Valley Area Plan policies that support the redevelopment of existing commercially-zoned properties.

The applicants have provided evidence of neighborhood support from properties within 200 feet of the subject site (Attachment 5).

**Agency Comments**

County staff and representatives from other agencies have provided comments on this case. A majority of the departments have no adverse comments for the development and indicate that the applicant must comply with department regulations, including landscaping and fencing. In particular, landscaping should be added to bring the site up to code. A waiver to allow the existing chain link fence to remain along the east property line that abuts R-1 zoning would be required.

The New Mexico Department of Transportation states no access will be allowed on Second St.

**Analysis Summary**

<b>Zoning</b>	
Resolution 116-86	Changed neighborhood conditions have taken place and the use is consistent with other uses along Second St.
Requirements	Must comply with code requirements for landscaping and fencing. Evidence of substantial neighborhood support has been provided.
<b>Plans</b>	
Comprehensive Plan	Use does not appear to be consistent with Semi-Urban Area designation; does not maintain semi-rural features of the area.
Area Plan	Use is consistent with North Valley Area Plan policies regarding re-development of commercial properties.
<b>Other Requirements</b>	
Environmental Health	No adverse comments.
Public Works	No adverse comments.

**Conclusion**

The applicant wishes to maintain a business that assembles, repairs, packages, and sells electronic instruments and devices on the subject site. This use is consistent with previous uses on the site and with uses in its vicinity and generally with North Valley Area Plan land use policies. Evidence of neighborhood support has been provided (Attachment 5).

## **RECOMMENDATION**

APPROVAL of CSU-80012, based on the above Findings with the following Conditions.

Catherine VerEecke  
Program Planner

## **FINDINGS**

1. This is a request for approval of a Special Use Permit for Specific Use for Repairing, Assembling, Packaging & Sale of Electronic Instruments and Devices on Tract 160B, MRGCD Map 27, located at 7500 2<sup>nd</sup> Street NW, on the north east corner of 2<sup>nd</sup> Street and Roehl Rd. NW, containing approximately .89 acres, and zoned C-1.
2. The Special Use Permit for a Specific Use for Electrical Contractor's Yard and Office (CSU-94-27) is superseded by this Special Use Permit (CSU-80012).
3. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
4. This request is consistent with Resolution 116-86 in that the proposed land use is more advantageous to the community because 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.
5. This request is consistent with Resolution 116-86 in that changed neighborhood conditions in the vicinity of the site, including the development of heavy commercial and light industrial businesses nearby the site, justify this land use change.
6. This request has substantial neighborhood support.
7. The request is consistent with the health, safety, and general welfare of the residents Bernalillo County.

### CONDITIONS OF APPROVAL

1. 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.
2. No access will be allowed along Second St. All access issues shall be resolved with County Public Works and New Mexico Department of Transportation prior to approval of the final site plan by the Zoning Administrator.
3. Landscaping for the Special Use Permit shall meet the standards outlined in the Zoning Ordinance, including:
  - a. There shall be a landscaped buffer along all streets of no less than fifteen (15) feet.
  - b. There shall be a landscaped buffer of no less than six (6) feet along the portions of the property adjacent to residential uses.
  - c. A solid wall or solid fence at least six (6) feet high shall be erected along the portions of the property adjacent to residential uses, except for those sides abutting public right-of-way.
  - d. All landscaped buffers shall incorporate both coniferous and deciduous trees, shrubs, and vegetation to achieve a minimum of 75 percent coverage and a largely opaque screen within two years of initial planting.
  - e. At the time of planting, all trees shall be a minimum of 1½-inch caliper measured at two feet above ground, and shrubs shall be a minimum of five gallons in size. The landscaped buffers shall also provide gravel coverage at a minimum depth of two inches, and shall be watered by a designated irrigation system.
4. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
5. The Special Use Permit shall be issued for twenty (20) years.
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 after the final approval of the Board of County Commissioners.
7. 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:

Water and sewer is connected to both buildings.

Acct.#23015751 and Acct.#23011416

No adverse comments.

Zoning Enforcement Manager:

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

Zoning Administrator:

No comments received.

Fire:

NO ADVERSE COMMENTS AT THIS TIME.

Public Works:

DRAN:

This Special Use Permit Request appears to be in conformance with the approved grading and drainage plan (PWDN 10062). No significant changes to the current development or terrain are implied. A revised grading and drainage plan is not required for approval of the request. A formal grading and drainage plan with full report and analysis meeting the requirements of Bernalillo County Code Chapter 38, "Floods", prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works, may be required prior to any additional development, re-grading or re-surfacing.

DRE:

1. No adverse comment.

Parks & Recreation:

REVIEWED, NO COMMENT.

Sheriff's:

No comment received.

**COMMENTS FROM OTHER AGENCIES**

MRCOG:

2nd St has been identified as a corridor for ITS implementation viz. CCTV, fiberoptics, and remote traffic monitoring. Coordination with County representative on the ITS Subcommittee is recommended.

COUNTY PLANNING COMMISSION

APRIL 2, 2008

CSU-80012

For information purposes, 2nd St has a functional classification of urban principal arterial.

AMAFCA:

No comment.

City Planning Department:

No comments received.

City Public Works:

Transportation Planning: No comments received.

Transportation Development: No adverse comments.

Water Utility Authority:

No adverse comments.

City Transit:

No comments received.

City Open Space:

Open Space has no adverse comments.

NMDOT

Case description: Special Use Permit for specific use for repairing, assembling, packing and sale of electronic instruments and devices

Location: 7500 2nd Street NW, Albuquerque NM 87121

Type of development (Residential/commercial): Commercial

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

Departments Comments: NMDOT has the following condition in conjunction with the approval of the development. All access shall be made through Rohl Road

1. No direct access will be granted from the development onto NM 47 (2nd Street)

2. The developer shall upgrade the NW quadrant of the intersection of NM 47 (2nd Street) and Rohl Road to provide for an ADA ramp that is in compliance with Current NMDOT standards.

MRGCD

No comments received.

PNM

No comments received.

**NEIGHBORHOOD ASSOCIATIONS:**

Alameda North Valley Association