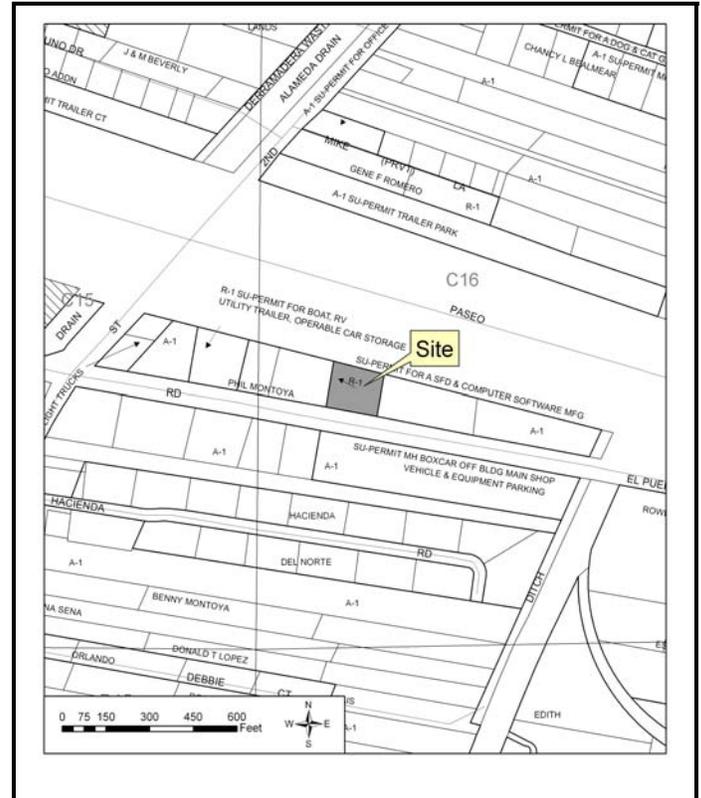


Applicant:	Jose A. Navarro
Agent:	Orlando Vigil
Location:	129 El Pueblo Rd. NW
Property Size:	.60 acres (approximately)
Existing Zone:	R-1/Special Use Permit for Single Family Dwelling and Computer Software Manufacturing
Proposed Zoning/SUP	Special Use Permit for Specific Use for Manufacturing of Electronic Devices and Instruments and Single Family Dwelling
Recommendation:	Approval



Summary:	This request is for a Special Use Permit for Specific Use for Manufacturing of Electronic Devices and Instruments and Single Family Dwelling on a .6 acre property located on the north side of El Pueblo Rd. between Edith Blvd. and Second St. with a Special Use Permit for Single Family Dwelling and Computer Software Manufacturing. The proposed use would take place within an enclosed building on the site.
Staff Planner:	Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Land Use and Zoning Maps
 3. Previous Special Use Permit documentation
 4. Petitions of support
 5. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 4/28/08 to 5/12/08. Their comments were used in preparation of this report, and begin on Page 11.

AGENDA ITEM NO.: 12
County Planning Commission
June 4, 2008

CSU-80015 Orlando Vigil, agent for Jose A. Navarro, requests approval of a Special Use Permit for Specific Use for Manufacturing of Electronic Devices and Instruments, and a Single Family Dwelling, on Tract B5A, MRGCD Map #24, Lands of Montoya, located at 129 El Pueblo Road NW, zoned R-1 with a Special Use Permit for Specific Uses for Single Family Dwelling & Computer Software Manufacturing Business, and containing approximately .60 acres. (C-16)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	R-1/ Special Use Permit for Single Family Dwelling and Computer Software Manufacturing	Single family residential
North	--	Paseo del Norte
South	A-1/Special Use Permit for Boxcar Office Building, Main Shop, Vehicle & Equipment Parking	Landscape Contractor's Yard
East	A-1	Single family residential
West	A-1	Single family residential

BACKGROUND:

The Request

This request is for a Special Use Permit for Specific Use for Manufacturing of Electronic Devices and Instruments, and a Single Family Dwelling, on a .60 acre property located on the north side of El Pueblo Rd. to the east of Second St. and west of Edith Blvd. nearby the Rail Runner Train Station. The property is currently zoned R-1 with a Special Use Permit for a Single Family Dwelling & Computer Software Manufacturing Business (CZ-92-6).

In 1992, the previous owner requested a zone change to M-1 for the subject site but received a Special Use Permit for a single family dwelling and a cabinet manufacturing shop (CZ-92-6). This was recently converted into a computer software establishment under an administrative amendment to this Special Use Permit.

According to the application, the site would accommodate a business that fabricates small electrical components using computer operated machines. The business would be located in an existing 2752 square foot building on the site and would have up to three employees.

Request justification.

In the response to Resolution 116-86, the agent states that the proposed use is consistent with the site's vicinity and with the Comprehensive Plan and Master Plan. The use is consistent with the previous Special Use Permit, which was for a similar use (Cabinet Manufacturing) that allowed up to three employees. The agent states that this will be an owner-occupied use and that changed neighborhood conditions have taken place along El Pueblo Rd. including several Special Use Permits for non-residential uses.

Surrounding Land Uses and Zoning

Generally speaking, the subject property is located in a relatively rural, residential setting in the North Valley where a majority of the properties still have A-1 or R-1 zoning, with residential and some agricultural-type or owner-occupied commercial uses under Special Use Permits and several nurseries.

To the immediate west of the site is a single-family residence under A-1 zoning. The property had a Special Use Permit for a Restaurant Development Establishment (CZ-93-26), which expired in 2003. In late 2003, the property owner attempted to amend this Special Use Permit to add a contractor's yard (CSU-30012). This request was denied by both the County Planning Commission and the Board of County Commissioners. The property then reverted to R-1 zoning and residential use. Further west, a three-quarter acre property has a Special Use Permit for RV and Boat Storage (CZ 95-25; CZ-10021), with its caretaker on the adjacent residential property. Beyond that, adjacent to Second Street, a property has a Special Use Permit for a single-family dwelling, mini-warehouses and an automobile repair business (CSU-72-22; CSU-83-46).

To the southwest of the site, extending to Second Street are located several farms and pastures and low-density single family uses. To the southeast of the site nearby Edith Blvd. is the Rowlands Plant World Nursery, which recently expanded its area (CSU-60020, CSU-60021). A 3.6 acre property to the south of the subject site extending to the railroad tracks

received a Special Use Permit for vehicle and equipment and contractor's yard (CSU 72-35; CSU 76-19) and is being used as a landscape contractor's yard and nursery.

To the east of the subject site are two properties with residential zoning. The owner of one of the properties submitted a request for Contractor's Equipment Storage and Sale (swimming pools) but recently withdrew the request (CSU-70006). Beyond these properties is the AT&SF railroad tracks, and beyond that is the new Rail Runner Station and parking lot, which was constructed on New Mexico Department of Transportation right-of-way land.

On the south side of El Pueblo Rd. at Second St., a request was submitted for a Special Use Permit to establish a convenience store, a car wash, and a gasoline service station on a .82 acre property (CSU-40027). The County Planning Commission and Board of County Commissioners both voted to deny this request.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. 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."

Policy 3.a of the Plan (Land Use) states that "Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre."

Policy 3.g states that the following policies shall guide commercial development in rural areas:

- Small-scale, local industries which employ few people and may sell products on the same premises are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional-scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

North Valley Area Plan

This property is located within the Rural Area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

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 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.

North Valley Area Plan Character Descriptions/Development Scenarios

The property is located in 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 Fourth Street Corridor up to Alameda Blvd. is shown in the Plan (Preferred Scenario) as being comprised of mixed, small-scale neighborhood commercial and residential uses. The plan states that “the narrow areas between Fourth and Second Street and Second and the railroad tracks are particularly vulnerable to zone changes that alter the character of the area”.

The Plan (Preferred and Comprehensive Plan Scenario) recommends that new commercial and higher density development occur at village centers to be located at 4th Street and Alameda Blvd., and at 2nd St. and Alameda Blvd., with some higher density residential development along the corridors. The Preferred Scenario also states that long narrow parcels between Fourth and Second Streets and between Second Street and the railroad tracks should be developed as zoned with cluster housing, conventional housing, or mobile home parks. It states, “the present zoning pattern should guide future land uses.”

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

This request is for a Special Use Permit for Specific Use for Manufacturing of Electronic Devices and Instruments, and a Single Family Dwelling, on a .60 acre property located on the north side of El Pueblo Rd. to the east of Second St. west of Edith Blvd. The property is currently zoned R-1 with a Special Use Permit for a Single Family Dwelling & Computer Software Manufacturing Business (CZ-92-6). The proposed uses appear to be consistent with the previous uses on the property. The area nearby the site along El Pueblo Rd. has both residential and non-residential uses, including mini-warehouses, RV and boat storage, landscape contractor's yards, and nurseries. The proposed uses appear to be relatively consistent with these uses.

Plans

The request is not consistent with the Comprehensive Plan and the North Valley Area Plan "Rural Area" land use designation and policies that both call for the vicinity of the site to be predominantly residential and rural and for new commercial or light industrial activities to be located elsewhere in designated commercial or industrial areas. However, the Comprehensive Plan does make an allowance for some commercial activities, namely the development of small-scale locally-owned and operated businesses, particularly those already developed with non-residential uses. It appears that the proposed use would be relatively consistent with that policy.

Zoning Ordinance

This request generally appears in general to be consistent with Resolution 116-86 due to 'changed neighborhood conditions'. There have been changes in the immediate vicinity of the site in the last 20 years, including the development of several low intensity businesses along El Pueblo Rd. A Special Use Permit could help limit the activities on the site and the impacts to adjacent properties by imposing conditions of approval.

A petition of support has been provided, including one property within 200 feet of the subject site.

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 and fencing should be added to bring the site up to code. Building and Environmental Health staff are requesting clarification on the use to ensure there are no safety or hazardous materials issues.

Analysis Summary

Zoning	
Resolution 116-86	There are some changed neighborhood conditions away from non-residential uses.
Requirements	Must comply with requirements for landscaping, fencing, and parking. Has submitted petitions of support.
Plans	
Comprehensive Plan	Request is inconsistent with designation of the general area of the site as 'Rural'. However, the request is for an owner-occupied business, which is acknowledged by the Comprehensive Plan.
Area Plan	In inconsistent with designation of the general area of the site as 'Rural' and residential. However, non-residential use already exists on the site.
Other Requirements	
Environmental Health	Is connected to Albuquerque/Bernalillo County sewer and water. Provide a hazardous materials disposal plan.
Public Works	No adverse comments

Conclusion

The applicant wishes to establish a business on the subject site that manufactures electronic instruments and devices. This use is consistent with previous uses on the site (cabinet manufacturing, computer software manufacturing), with uses in its vicinity, and generally with plan policies that allow for the continuation of locally-owned and operated businesses in appropriate locations.

Evidence of neighborhood support has been provided (Attachment 4).

RECOMMENDATION

APPROVAL of CSU-80015, based on the following Findings and Conditions.

Catherine VerEecke
 Program Planner

FINDINGS:

1. This is a request for approval of a Special Use Permit for Specific Use for Manufacturing of Electronic Devices and Instruments, and a Single Family Dwelling, on Tract B5A, MRGCD Map #24, Lands of Montoya, located at 129 El Pueblo Road NW, zoned R-1 with a Special Use Permit for Specific Uses for Single Family Dwelling & Computer Software Manufacturing Business, containing approximately .60 acres.
2. The Special Use Permit for a Single Family Dwelling & Computer Software Manufacturing Business (CZ-92-6) is superseded by this Special Use Permit (CSU-80015).
3. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
4. This request is not in significant conflict with the North Valley Area Plan Policy 3.c, which 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. There shall be no retail activities on the site. The business shall be limited to three employees. Hours of operation shall be limited to 8 a.m. to 6 p.m. Monday through Saturday.
3. The parking area shall be paved with a durable surface consisting of concrete or bituminous material, as prescribed in the Zoning Ordinance.
4. There shall be no outdoor storage on the site. All business activities shall be conducted within the building.
5. 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 ten (10) 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.
6. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
7. The Special Use Permit shall be issued for ten (10) years.
8. 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.
9. 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:

Corrections listed below must be corrected for approval:

The Building Section will require a review of the scope and nature of the intended use as a condition of approval.

If the machine shop does not pose any significant life safety issues, then the use may be classified by the Senior Plans examiner as a moderate hazard F (Factory) occupancy with the consequent safety provisions reflected in a floor plan. Please contact James Sandoval (314-0480) for any action on this review.

05/22/08: THIS OFFICE HAS REVIEWED THE INTENDED USE FOR THE PROPOSED MACHINE SHOP AND FINDS THAT THE OCCUPANCY CLASSIFICATION IS A GROUP F-2 OCCUPANCY. THIS IS A LOW HAZARD TYPE OCCUPANCY AND THIS OFFICE FINDS NO HAZARDOUS CONDITIONS OR PROCESSES WILL TAKE PLACE WITHIN THE PROPOSED SCOPE OF THE USE OF THE BUILDING.JS

SEE BUILDING COMMENTS.

Environmental Health:

Water & sewer are available to this property. Accounts verified through County GIS (ACCOUNT #23014321).

The property is situated close to private residential dwellings. The applicant should be aware of the Noise Ordinance 30-116, which states, "it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any person residing in the area..."

1. Will this project produce hazardous or toxic materials waste? Please provide an explanation of activities including explanation of recycled residue.
2. Does this activity produce emissions from welding or soldering? Is appropriate ventilation in place? Does this activity require fume hoods or personnel respirators?

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

Zoning Administrator:

No comments received.

Zoning Enforcement:

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

COUNTY PLANNING COMMISSION

JUNE 4, 2008

CSU-80015

Fire:

This place of business must provide fire protection which will include monitored smoke detectors with an approved plan and must comply with all current fire codes for running a business. and is required to have annual fire inspections.

Public Works:

DRAN:

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", 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.
2. Trip generation for the intensity of this use is below the threshold for a TIA requirement.

Parks & Recreation:

REVIEWED, NO ADVERSE COMMENT.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRCOG:

MPO Project 539.0 "El Pueblo Rd" has been identified in the 2030 MTP as a project to reconstruct and widen El Pueblo Rd from 2nd St to Edith Bd. Safety improvements will also be made as part of this project. Bernalillo County has been identified as the lead agency for this project. This project has no funding programmed for it in the 2008-2013 TIP, so implementation would begin no sooner than FY 2014. Coordination with County Public Works is recommended to insure land use development consistent with this planned project. For information purposes, El Pueblo Rd has a functional classification of urban collector.

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 comments received.

City Transit:
No comments received.

City Open Space:
Open Space has no adverse comments.

NMDOT

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.

APS

Lands of Montoya, Lot B-4-A and B-5-A, is located at 129 El Pueblo Rd NW. The owner of the above property requests a special use permit for the manufacture of electronic devices and instruments in a single family dwelling. This will have no adverse impact on the APS district.

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association