



Agenda Item Number: \_\_\_\_\_

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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Meeting Date: January 22, 2008

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

**TITLE:** CONSENT: Special Use Permit for a Planned Development Area (CSU-70040)

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

### SUMMARY:

At the November 7, 2007 public hearing, the County Planning Commission voted (5-0; Commissioner Becerra excused) to recommend approval of the request for a Special Use Permit for a Planned Development Area on Tracts 42C1, 42C2 & 43A, located at 10512 & 10514 2<sup>nd</sup> Street NW, on the east side of 2<sup>nd</sup> Street approximately 300 feet north of Diers Road NW, zoned A-1 & C-1, and containing approximately 4.6 acres. The decision was based on the following five (5) Findings and subject to the following fifteen (15) Conditions.

#### Findings:

1. This request is for a Special Use Permit for a Planned Development Area on Tracts 42C1, 42C2 & 43A, located at 10512 & 10514 2<sup>nd</sup> Street NW, on the east side of 2<sup>nd</sup> Street approximately 300 feet north of Diers Road NW, zoned A-1 & C-1, and containing approximately 4.6 acres. The request includes 9 residential lots and approximately 1.78 acres of common open space.
2. The property is located in the Rural 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 applicant has demonstrated that the proposed land use change is more advantageous to the community as articulated in the North Valley Area Plan Policy 7 (Housing), which states that the County should “provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles.”
4. The request is consistent with Section 18.b.23 of the Bernalillo County Zoning Ordinance (Planned Development Area) in that the applicant has demonstrated the need to vary lot size in accordance with the preservation of a portion of the site as open space in relative compliance with the Cluster Housing Guidelines as set forth in the North Valley Area Plan.
5. The request is consistent with the health, safety and general welfare of the residents of the

County.

Conditions:

1. Lighting shall be site specific. Lighting fixtures shall be provided so that no fugitive light crosses onto adjacent lots.
2. Applicants shall connect to Albuquerque/Bernalillo County water and sewer service as prescribed in the water and sewer availability statement dated 8/31/07 upon development of the property.
3. A mosquito control plan shall be submitted for approval to the Office of Environmental Health. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department within two months of the final Board of County Commissioners approval.
4. Landscaping for the common open space shall conform to the landscaping plan dated 9/24/07 with modifications as agreed by the Marie Diers Neighborhood Association (non-allergenic plants, low water use plants, remove all Chinese Elms and Russian Olive trees, and preserve the 1-2 existing Cottonwoods trees). Applicants shall develop landscaping and irrigation for the subdivision prior to issuance of certificates of occupancy to property owners in accordance with the site plan and landscaping plan
5. A six foot high solid wall shall be located along the property lines abutting residential zones, excluding the common open space, which will be enclosed by a four foot high solid wall.
6. A water conservation plan and budget, in accordance with the Bernalillo County Water Conservation Ordinance, shall be approved by the Public Works Division subdivision prior to the approval of the final site plan by the Zoning Administrator.
7. A grading and drainage plan shall be submitted for review and approval to the Bernalillo County Public Works Division, prior to the signing of final plat. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
8. The applicants shall provide evidence that all road and pedestrian access issues have been resolved with the Public Works Division and the Parks and Recreation Department prior to approval of the final site plan by the Zoning Administrator. A plan providing public easement crossing the lots as indicated on the site plan (date September 24, 2007) for public use as a trail shall be submitted and approved by Bernalillo County Parks and Recreation Department and Bernalillo County Public Works Division as a condition of approval. The disclosure statement shall include language which makes individuals aware that they are purchasing lots with public easements, and certain portion of these properties have full public access.
9. A New Mexico Department of Transportation Driveway Permit shall be required prior to approval of the final plat. A copy of the approved permit shall be submitted to the Zoning, Building, and Planning Department and the Public Works Division.

10. An access license and approval for the re-channeling of the acequia (irrigation ditch) on the property shall be obtained from the Middle Rio Grande Conservancy District (MRGCD) prior to final plat approval. A plan for the utilization of the acequia shall be submitted to MRGCD and the Office of Environmental Health prior to final plat approval. A copy of the license and approval shall be submitted to the Zoning, Building, and Planning Department and the Public Works Division.
11. The applicants shall submit a draft of Declaration of Restrictive Covenants and Conditions with the application for subdivision plat. This shall provide for the establishment of a Homeowner's Association, continuing maintenance of the development infrastructure (road, pedestrian path) and open space landscaping, along with design guidelines for the development. The covenants shall be filed with the Bernalillo County Clerk's Office at the time of approval of the final plat.
12. The Homeowners Association shall be responsible for the maintenance of all trails, sidewalks, landscaped strips, and landscaped common areas. The subdivision plat and disclosure statement shall include a note that the common open space as shown on the plat shall be owned and maintained by the homeowner's association of the subdivision in perpetuity.
13. A revised site development plan consistent with the Conditions of Approval shall be submitted for review to the Zoning Administrator within two months after the final Board of County Commissioners' approval. The revised site plan shall provide detailed access (road and pedestrian) information and landscaping and fencing plans and shall indicate building setbacks (residential, accessory buildings) and include building envelopes to show setback parameters to create variation in house location on the lots.
14. The applicants shall comply with all applicable Bernalillo County ordinances and regulations.
15. The foregoing conditions shall become effective 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 (November 13, 2007)
2. County Planning Commission Information Packet.
3. Site Plan (Commissioners Only).

**STAFF ANALYSIS SUMMARY**

**ZONING, BUILDING & PLANNING:**

Staff Recommends Approval