



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

GRAYLAND CORP. & CLIFFORD CAPITOL FUND request(s) a special exception to Section 14-16-2-19(B) and 14-16-2-20(A)(4) : a CONDITIONAL USE to allow for automotive sales, rental, service, repair, and storage in a I-P zone for all or a portion of Lot(s) 182,183,184 & 185A-1, TOWN OF ATRISCO GRANT AIRPORT UNIT zoned SU-1 IP, located on 7701 FORTUNA RD NW (J-10)

Special Exception No:.....07ZHE-80055
Project No:Project# 1006761
Hearing Date:09-26-07
Closing of Public Record:09-26-07
Date of Decision:10-09-07

STATEMENT OF FACTS: The applicant, Grayland Corp., & Clifford Capitol Fund, request a conditional use to allow for automotive sales, rental, service repair and storage in an I-P zone. William Kraemer, agent for the applicant testified that this business will be for the sale and service of Kenworth tractors. The hours of operation will be Monday through Friday from 7 am to midnight and Saturday from 8:00 am to 4:30 pm. The yellow signs were posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file. The conditional use requires that the applicant demonstrate that the proposed use will not cause injury to the neighborhood, adjacent property, or the community nor be damaged by surrounding structures or activities. The applicant has so demonstrated.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14.16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 24, 2007 in the manner described below:

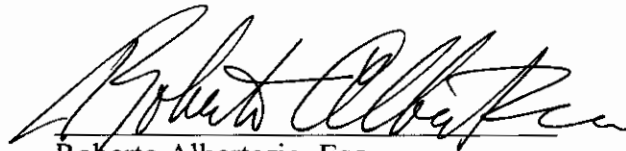
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File (2)
Grayland Corp., & Clifford Capital Fund, P O Box 35640, 87176
Garcia/Kraemer & Assoc., 200 Lomas NW, Ste. 1111, 87102
Jack Clifford, 12528 Royal Winslow Place NE, 87111
Phil Ward, P O Box 6548, 87197
David Raleigh, 3120 Pan American Freeway NE, 87107

SIGN-IN SHEET FOR SEPTEMBER 26, 2007

PLEASE PRINT LEGIBLY! THANK YOU!

NAME <u>PLEASE PRINT LEGIBLY</u>	ZHE CASE #	MAILING ADDRESS, INCLUDE ZIP <u>PLEASE PRINT LEGIBLY</u>	PHONE #'S
MURRAY CONRAD	07ZHE- 80044	800 LOUISIANA ST ALBU, NM 87108	H - C - W - 256-2050
Kelly Chappelle	07ZHE- 80060 80066	9135 Santa Catalina NE Albuquerque NM 87121	H - 836-1766 C - W -
Jose R. Jaramila	07ZHE- #39	10904 Rio Puerco TRL-SW. ALB. NM. 87121.	H - 838-915 C - W -
Jack Clifford	07ZHE- 40	12528 Royal Winslow Pl NE Alb. NM 87111	H - C - W - 351-0900
Phil Ward	07ZHE- 40	P.O Box 6548 ABQ 87197	H - C - 710-7740 W -
Robert E Romero	07ZHE- 80041	1521 EDITH NE 87102	H - 242-3232 C - W -
Robert S. Romero	07ZHE- 80067 80068	1521 Edith NE 87102	H - 242-3232 C - W -

Miguel Mestas

80066

9400 Harbor Rd NW 87101

831-9629

SIGN-IN SHEET FOR SEPTEMBER 26, 2007

PLEASE PRINT LEGIBLY! THANK YOU!

NAME <u>PLEASE PRINT LEGIBLY</u>	ZHE CASE #	MAILING ADDRESS, INCLUDE ZIP <u>PLEASE PRINT LEGIBLY</u>	PHONE #'S
Edward + Carole Sanchez	07ZHE- 00039	Edward + Carole Sanchez 4213 Delamar Ave., N.E. Albuquerque, New Mexico 87110	H-881-8764 C- W-
GREGOR WELLS/DAWN TIBBERTS	07ZHE- 80053	1605 HENDOLA DRIVE NE ALBUQUERQUE, NM 87110	H-291-1702 C-239-2192 W-923-3516
Brad Stramb	07ZHE- 80071	8905 Robs PL NE ABQ NM 87122	H-797-1019 C- W-
Sue BRYCH	07ZHE- 80054	927 11th St NW ABQ NM 87102	H-345-3929 C-350-8853 W-
She Fastwold	07ZHE- 80044	1508 Alvarado NE 87112	H-252679 C- W-
KEN HOOVER	07ZHE- 80066	2430 MIDTOWN PLACE STE A 87107	H- C- W-341 3302
David Raleigh	07ZHE- 8055	3120 Pan American Frey NE ABQ, NM 87107	H- C-362-1419 W-884-0300



9/17/07 – Spoke with Max Garcia, Los Volcanes NA, regarding Grayland Corp. Will send letter of support.

Spoke with Robert Gaugh, Laurelwood NA, said that this area was pretty far from their neighborhood.

Left message for Miguel Maestas, Avalon NA.

Left message for Van Barber, Westside Merchants Assoc.

34.	07ZHE-80008 Princess Jeanne (R)	Project# 1006646	LAS COLINAS REALTY & DEVELOPMENT CO. request(s) a special exception to Section 14.16. 2. 17. (A). (9). (d). (1).: a VARIANCE of 19' to the 26' freestanding, on premise, sign height requirement (within 200' of a freeway) for a proposed 45' high freestanding sign on all or a portion of Lot(s) 4C 2C, Horn Development ADDN, zoned C-2 and located at 55 HOTEL CIRCLE NE (K-21)
35.	07ZHE-80051 Near North Valley (R)	Project# 1006756	JO TORRES request(s) a special exception to Section 14-16-2-6(E)(1) : a VARIANCE of 4.5' to the 20' front yard setback area requirement for a proposed garage for all or a portion of Lot(s) 3, DICK'S ACRES zoned R-1, located on 1021 MATTHEW AVE NW (G-14)
36.	07ZHE-80041 Uptown NA List of NA's	Project# 1006741	JOHN P. MONTANO request(s) a special exception to Section 14-16-2-17(B)(13) : a CONDITIONAL USE to allow for the proposed parking of 2 truck tractors and 2 semitrailers for over 2 hours in a C-2 zone for all or a portion of Lot(s) 1 - 3, Block(s) 2, VISTA ENCANTADA zoned SU-2 R-2 C-2, located on 6107 MENAUL BLVD NE (H-18)
37.	07ZHE-80064 West Park (R)	Project# 1006770	GENESIS WORLDWIDE PROPERTIES request(s) a special exception to Section 14-16-2-15(C)(1) and 14-16-2-17(C) : a VARIANCE of 31' to the 26' structure height requirement for a proposed hotel in C-2 zone for all or a portion of Lot(s) 145B, MRGCD MAP 38 zoned C-2, located on 2026 CENTRAL AVE SW (J-13)
38.	07ZHE-80049 West Mesa (R), Vista Magnifica (R), Riverview Heights (R)	Project# 1006754	EDNA DIAZ request(s) a special exception to Section 14-16-2-6(B)(3) : a CONDITIONAL USE to allow for a proposed carport in a the front yard setback area for all or a portion of Lot(s) 16, WEST WAY HILL zoned R-1, located on 152 ATRISCO DR NW (H-11)
39.	07ZHE-80063 Westgate Heights (R), Westgate Mecinos	Project# 1006769	JOSE JARAMILLO request(s) a special exception to Section 14-16-2-6(B)(3) : a CONDITIONAL USE to allow for a proposed carport in the front yard setback area for all or a portion of Lot(s) 442, Block(s) 18, ATRISCO VILLAGE UNIT 2 zoned R-1, located on 1901 DELGADO DR SW (M-8)
40.	07ZHE-80055 Los Volcanes (R), Barlowood (R), Barloway (R), Westside Merchants (R)	Project# 1006761	GRAYLAND CORP. & CLIFFORD CAPITOL FUND request(s) a special exception to Section 14-16-2-19(B) and 14-16-2-20(A)(4) : a CONDITIONAL USE to allow for automotive sales, rental, service, repair, and storage in a I-P zone for all or a portion of Lot(s) 182,183,184 & 185A-1, TOWN OF ATRISCO GRANT AIRPORT UNIT zoned SU-1 IP, located on 7701 FORTUNA RD NW (J-10)
41.	07ZHE-80056 Taylor Ranch (R)	Project# 1006762	KERRY & KIMBERLY SINGLETON request(s) a special exception to Section 14-16-2-6 (E) (3) (A0) : a VARIANCE of 7' 9" to the 20' corner side yard setback area requirement for a existing ADDN to the dwelling for all or a portion of Lot(s) 10, VOLCANO CLIFFS UNIT 7 zoned R-1, located on 6001 SIERRA LINDA AVE NW (E-11)
42.	07ZHE-80057 No Associations	Project# 1006763	JAYBILL PROPERTIES LLC request(s) a special exception to Section 14-16-3-10(E)(3)(a) : a VARIANCE of 10' to the 10' front yard landscape buffer requirement for a proposed warehouse ADDN for all or a portion of Lot(s) B1A, MENAU DEVELOPMENT AREA zoned M-1, located on 2515 PRINCETON DR NE (H16)
43.	07ZHE-80058 No Associations	Project# 1006763	JAYBILL PROPERTIES LLC request(s) a special exception to Section 14-16-3-10(e)(3)(b) : a VARIANCE of 3' 6" to the 6' side yard landscape buffer requirement for a proposed warehouse ADDN for all or a portion of Lot(s) B1A, MENAU DEVELOPMENT AREA zoned M-1, located on 2515 PRINCETON DR NE (H16)

**CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: September 26, 2007
Zone Atlas Page: J-10
Notification Radius: 100 Ft.

Project# 1006761
App#07ZHE-80055

Cross Reference and Location: 7701 FORTUNA RD NW / TOWN OF ATRISCO
GRANT AIRPORT UNIT

Applicant: GRAYLAND CORP & CLIFFORD CAPITAL FUND
PO BOX 35640
ALBUQUERQUE, NM 87176

Agent: GARCIA/KRAEMER & ASSOC
200 LOMAS NW STE 1111
ALBUQUERQUE, NM 87102

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: SEPTEMBER 11, 2007
Signature: ERIN TREMLIN



APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICATION INFORMATION-PLEASE PRINT

GARCIA / KRAEMER & ASSOCIATES
PROFESSIONAL/AGENT NAME (FIRST, LAST)
200 LOMAS NW SUITE 1111
MAILING ADDRESS
ALBUQUERQUE NM 87102
CITY STATE ZIP CODE

TELEPHONE (INCLUDE AREA CODE)

(H) _____
(W) 505-242-5566
(C) _____

GRAYLAND CORP & CLIFFORD CAPITAL FUND
OWNER NAME (FIRST, LAST-IF ANY)
P.O. BOX 35640
MAILING ADDRESS
ALBUQUERQUE NM 87176
CITY STATE ZIP CODE

(H) _____
(W) 505-881-0900
(C) _____

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

76th & FORTUNA NW 7701 FORTUNA RD NW 87121
STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE
182, 183, 184 & 185 A-1
LOT(S) TRACT(S) BLOCK(S)
TOWN OF ATRISCO GRANT AIRPORT UNIT
SUBDIVISION / ADDITION / MRGCD MAP NO
101005809928220203, 101005806227020202, 101005811228120207
UNIFORM PROPERTY CODE

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

WTK

EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

TRAFFIC ENGINEERING REVIEW-

**REQUIRED FOR ALL WALLS AND FENCES
IN THE FRONT AND STREET SIDE YARD SETBACKS.**

Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

Initial Here

N/A

ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

William J Kraemer
SIGNATURE

08/20/07
DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 4006161

APPLICATION #: 01 ZHE 80056

APPLICATION FOR: (CHECK AS APPROPRIATE)

- ☒ (ZHE01) Conditional Use
☐ (ZHE02) Expansion of a NonConforming Use
☐ (ZHE03) NonConforming Use / Status Established Building

☐ (ZHE04) Variance:

- ☐ Distance ☐ Setback
☐ Height ☐ Parking
☐ Size ☐ Other

SECTION NO. 14-16-2-19(B) REFERENCE SECTION NO: 14-16-2-20(A)(4)

(LEGAL AD) ACTION DESCRIPTION CONDITIONAL USE TO ALLOW FOR AUTOMOBILE SALES, SERVICE, REPAIR AND STORAGE

SECTOR DEVELOPMENT AREA:

ZONED: SU-1 IP ZONE MAP PAGE: J-10 NO. OF SIGNS ISSUED: 1

7701 FORTUNA RD NW
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

LEVI CRISWELL
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) DATE

09-26-07
DATE OF PUBLIC HEARING

3.20.2007
FEE: \$ 145.00
RECEIVED: 09/03/2007
APN: 441018 / 4971000 \$ 35.00
APN: 441032 / 3424000 \$ 10.00
APN: 441006 / 3927000 \$ 100.00

R e c	UPC CODE	OWNER	OWNE R ADDRE SS	OW NER CITY	OW NER STA TE	OW NE R ZIP CO DE	PR OP ER TY CL AS S	TA X DI ST RICT	LEGAL
1	10100 58015 26130 201	STATE HIGHWAY DEPT	PO BO X 1149	SAN TA F E	N M	87 50 41 14 9	V	A1 A	NW SW PORT OF TR 186 & 187 EXC PORT OUT TO RAW CONT 1.69 AC
2	10100 58112 28120 207	GRAYLAND CORP & CLIFFO RD CAPITAL FUND INC & DA VID R & DIANE F LEE & ETA L	PO BO X 3564 0	ALB UQU ERQ UE	N M	87 17 6	V	A1 A	TOWN OF ATRISCO GRANT NO 8 TRA 182 AC P OR T
3	10100 58120 19030 107	M & B INVESTMENTS LTD C O	P O BO X 6363	ALB UQU ERQ UE	N M	87 19 70 50 0	V	A1 A	E'LY PORT OF TR S-1A OF TRS S-1A & S- 2A ATRISCO BUSINESS PARK UNIT 2 BEING A R EPLAT OF AN UNDIVIDED PORT OF TRS S- 1 & ALL OF LTS 4 THRU 6 ATRISCO BUSINESS P ARK UNIT 2
4	10100 58099 28220 203	GRAYLAND CORP & CLIFFO RD CAP FUND INC ETAL C/ O CLIFFORD CAPITAL FUND INC	PO BO X 3564 0	ALB UQU ERQ UE	N M	87 17 6	V	A1 A	THE S'LY PORTIONS OF TRACTS 182 & 183 AIR PORT UNIT TOWN OF ATRISCO GRANT UNIT 8 CONT 4.1300 AC +/-
5	10100 58108 30020 206	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERQ UE	N M	87 10 6	V	A1 A	AS PORT OF TR182 APU AS PERD227P417 105X 210
6	10100 58110 33720 220	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERQ UE	N M	87 10 6	V	A1 A	THE CENTRAL N'LY TRIANGULAR PORT OF TR 182 SOUTH OF I- 40 AIRPORT UNIT WITHIN THE TOWN OF ATRIS CO GRANT IN SEC 15 T10N R2E (AKA PARCEL C-2-5-EL) CONT .0026 AC
7	10100 58108 32320 205	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERQ UE	N M	87 10 6	V	A1 A	THE NWLY PORT OF TR 182 SOUTH OF I- 40 AIRPORT UNIT WITHIN THE TOWN OF ATRIS CO GRANT IN SECTION 15 T10N R 2E (AKA PAR CEL C-2-4-EL) CONT .4418 AC
8	10100 58119 31620 210	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERQ UE	N M	87 10 6	V	A1 A	TR1 TOWN ATR GT8 TRA182 105X410 10N2ESE C15
9	10100 58045 28920 226	STATE HIGHWAY DEPT	PO BO X 1149	SAN TA F E	N M	87 50 1	V	A1 A	PORT TR 185 AIRPORT UNIT ATRISCO GRT ADJ TO S BDY FREEWAY CO NT 0.25 AC
10	10100 58133 28520 212	MARRUFO JEANETTE B & A NTONIA B TORRES & MATT HEW BLEA & PATRICIA GAR CIA ETAL	2317 BARTO LO AVE SW	ALB UQU ERQ UE	N M	87 10 5	V	A1 A	N 103.70FT OF S 414.62FT TR 181 AIRPORT UNI T ATRISCO GRANT I N SEC 15 T10N
11	10090 58530 25440 301	STATE HIGHWAY COMM	PO BO X 1149	SAN TA F E	N M	87 50 41 14 9	V	A1 A	SLY POR TR 188 TOWN OF ATRISCO GRANT AI RPORT UNIT
12	10100 58050 17030 106	TABET LUMBER CO INC	606 B ACA AV E	BEL EN	N M	87 00 2	V	A1 A	WLY PORT OF TR S-1A OF TRS S-1A & S- 2A ATRISCO BUSINESS PARK UNIT 2 BEING A R EPLAT OF AN UNDIVIDED PORT OF TRS S- 1 & ALL OF LTS 4 THRU 6 ATRISCO BUSINESS P ARK UNIT 2
13	10100 58133 26520 216	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERQ UE	N M	87 10 6	V	A1 A	THE SOUTH 207.43 OF TR 181 AIRPORT UNIT O F TRS ALOTTED FROM THE TOWN OF ATRISCO GRANT CONT 1.000 AC M/L

1 4	10100 58118 34020 221	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERO UE	N M	87 10 6	V	A1 A	THE N'ELY PORT OF TR 182 SOUTH OF I-40 AIRPORT UNIT WITHIN THE TOWN OF ATRISCO GRANT IN SECTION 15 T10N R2E (AKA PARCEL C-2-6-EL) CONT .1072 AC
1 5	10100 58062 27020 202	GRAYLAND CORP & CLIFFORD CAP FUND INC ETAL C/O CLIFFORD CAPITAL FUND INC	PO BOX 35640	ALB UQU ERQ UE	N M	87 17 6	V	A1 A	TRACT 185-A-1 REPLAT OF TRACT 185-A TOGETHER WITH THE S'LY PORT OF TRACT 184 AIRPORT UNIT TOWN OF ATRISCO GRANT UNIT 8 CONT 3.5600 AC +/-
1 6	10100 58133 27520 217	LORENTZEN JOHN	2909 YALE B LVD SE	ALB UQU ERQ UE	N M	87 10 6	V	A1 A	THE NORTH 103.70 FT OF THE SOUTH 311.12 FT OF TRACT 181 AIRPORT UNIT OF TRS ALLOTTED FROM THE TOWN OF ATRISCO GRANT CO NT 0.50 AC M/L

Or Current Resident

GRAYLAND CORP & CLIFFORD CAP
FUND INC ETAL C/O CLIFFORD
CAPITAL FUND INC
PO BOX 35640
ALBUQUERQUE, NM 87176

Or Current Resident

MARRUFO JEANETTE B & ANTONIA
B TORRES & MATTHEW BLEA &
PATRICIA GARCIA ETAL
2317 BARTOLO AVE SW
ALBUQUERQUE, NM 87105

Project# 1006761

GARCIA/KRAEMER & ASSOC
200 LOMAS NW STE 111
ALBUQUERQUE, NM 87102

Or Current Resident

LORENTZEN JOHN
2909 YALE BLVD SE
ALBUQUERQUE, NM 87106

Or Current Resident

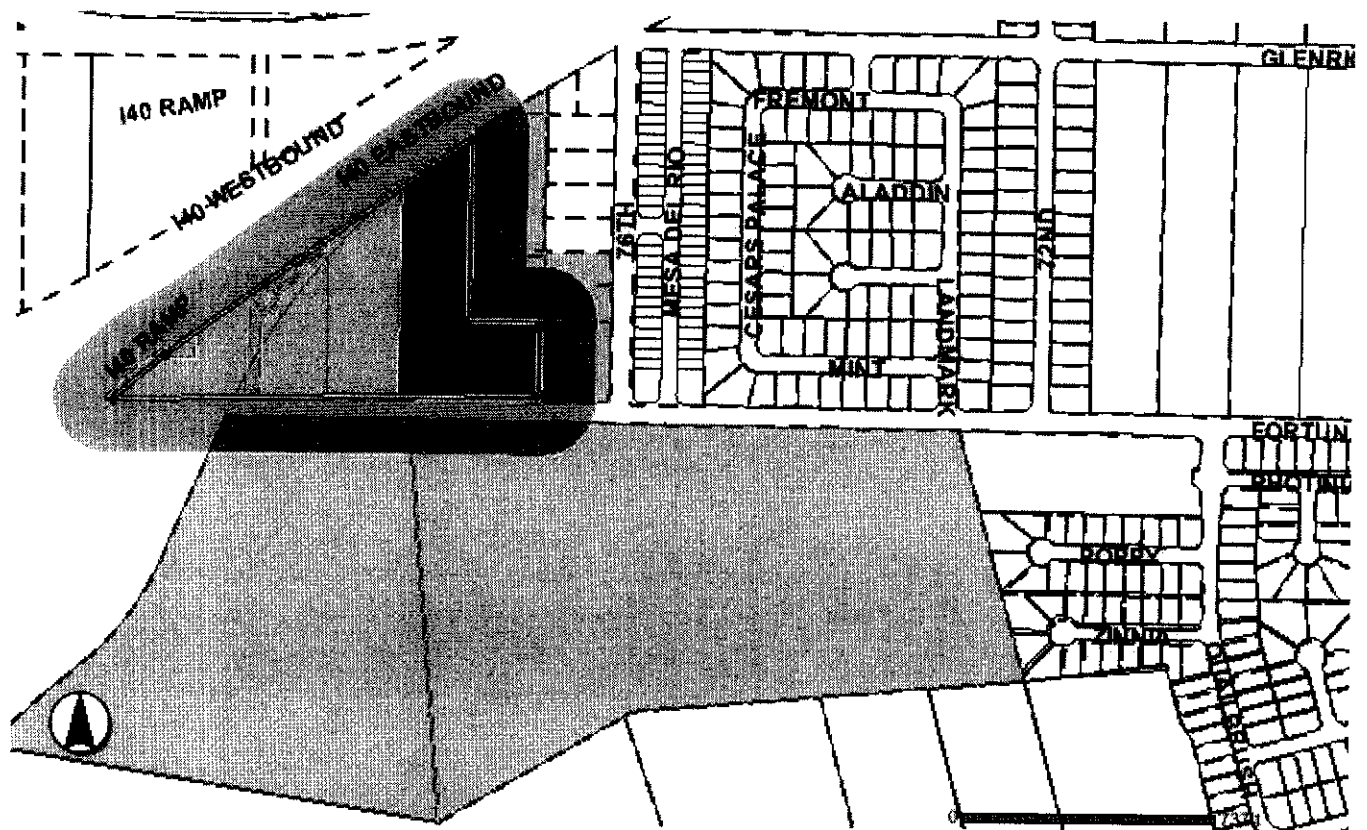
STATE HIGHWAY COMM
PO BOX 1149
SANTA FE, NM 87504 1149

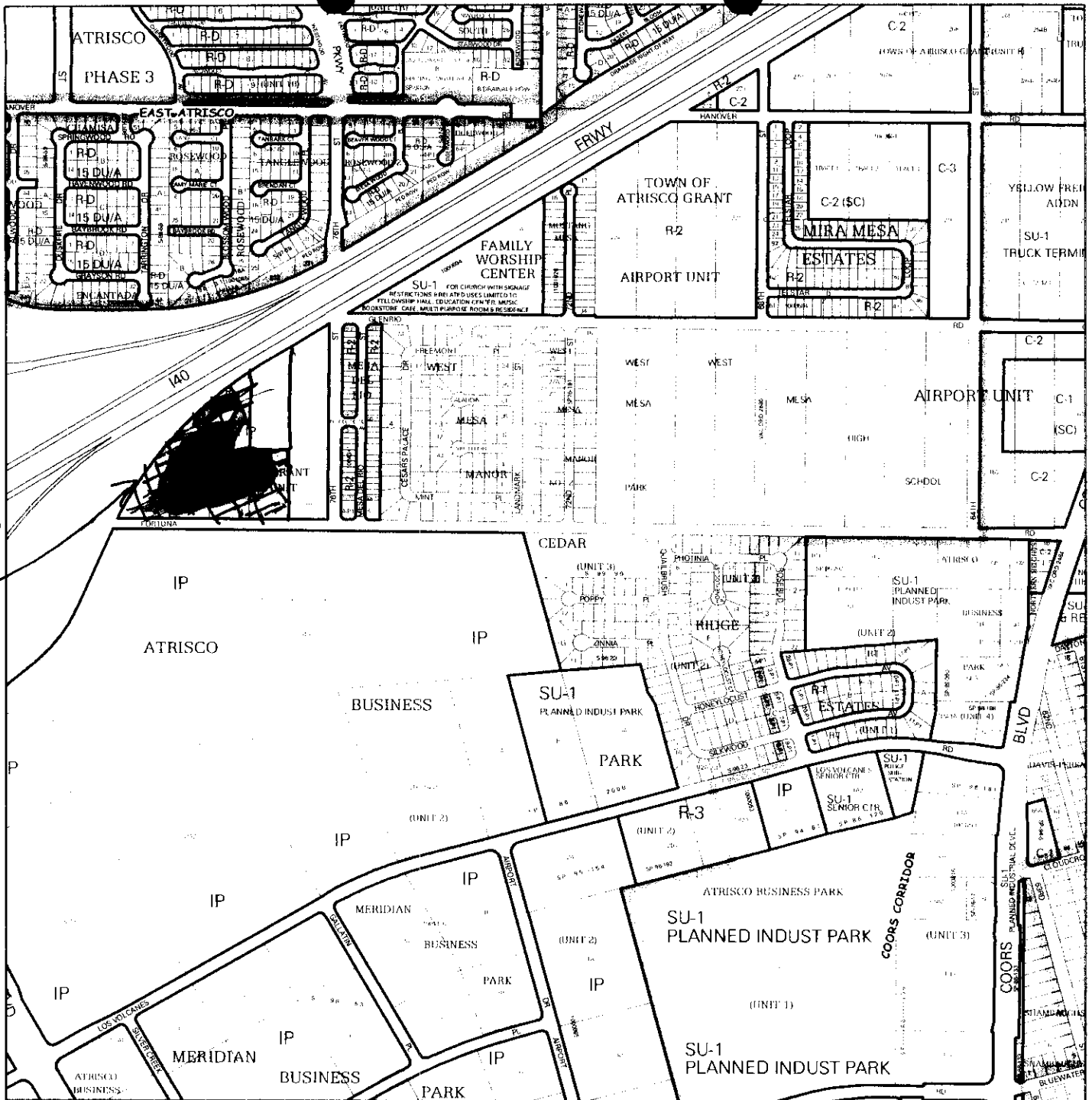
Or Current Resident

M & B INVESTMENTS LTD CO
P O BOX 6363
ALBUQUERQUE, NM 87197 0500

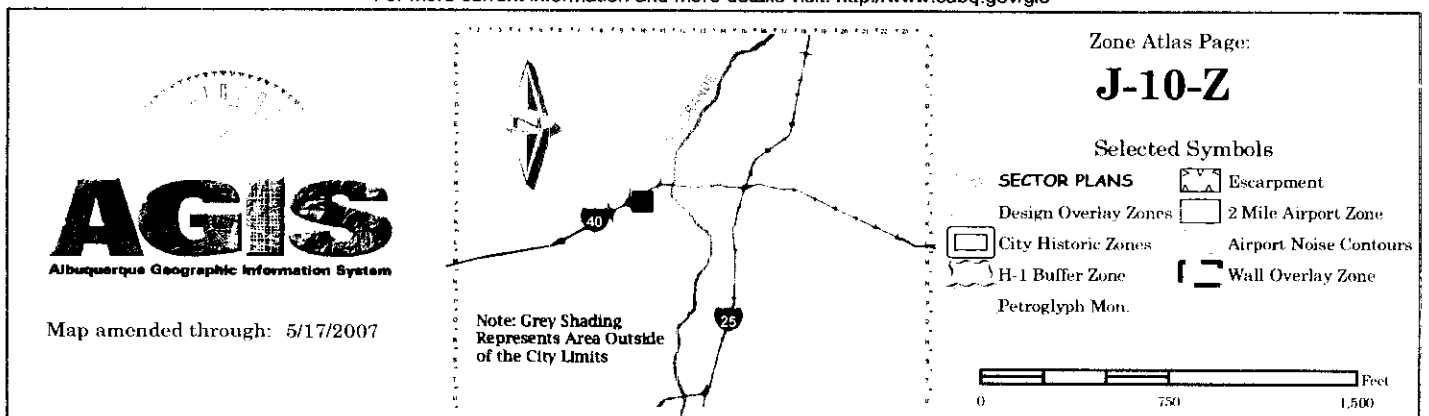
Or Current Resident

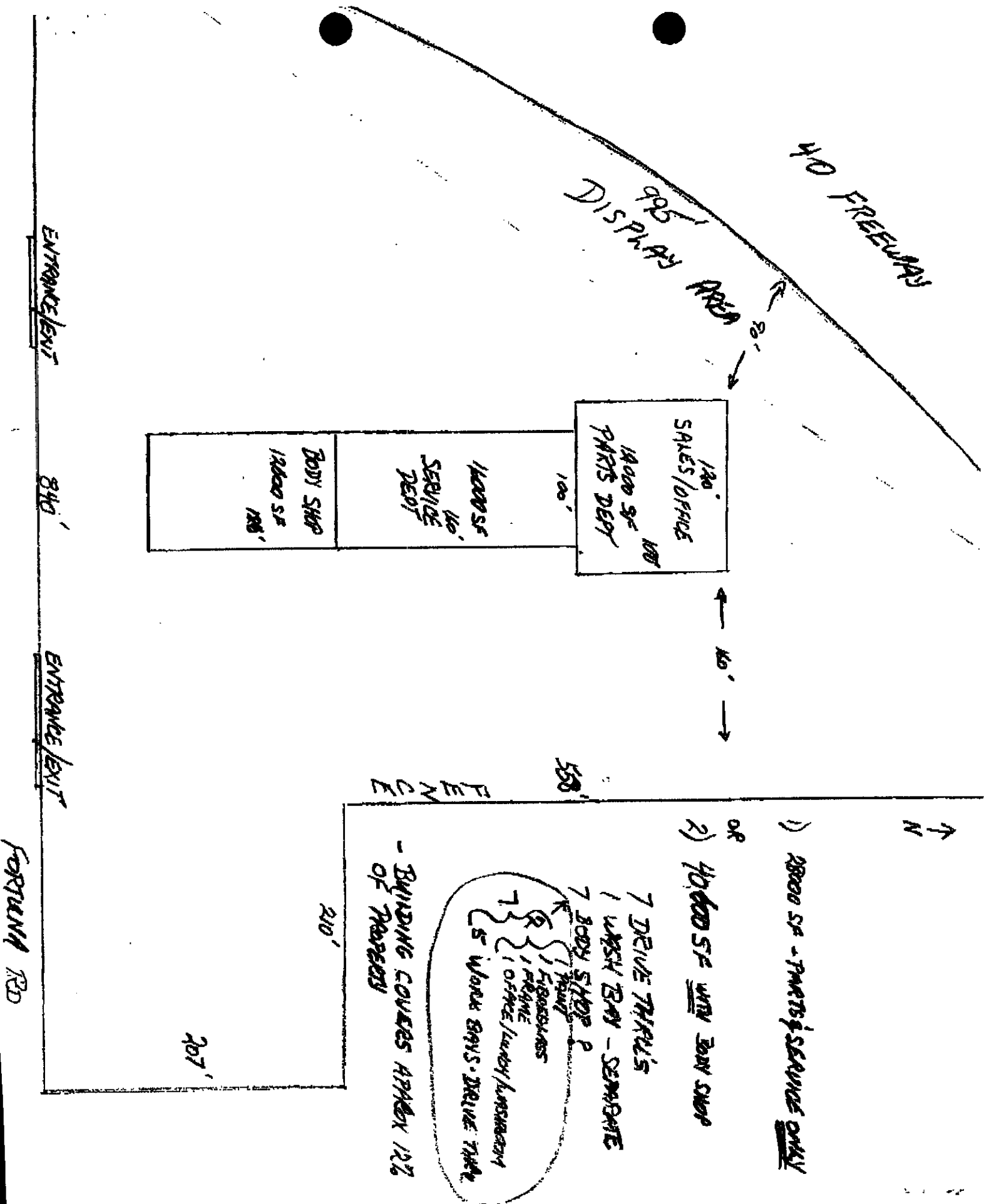
TABET LUMBER CO INC
606 BACA AVE
BELEN, NM 87002





For more current information and more details visit: <http://www.cabq.gov/gis>







APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICATION INFORMATION-PLEASE PRINT

GARCIA / KRAEMER & ASSOCIATES

PROFESSIONAL/AGENT NAME (FIRST, LAST)

200 LOMAS NW SUITE 1111

MAILING ADDRESS

ALBUQUERQUE

CITY

NM

STATE

87102

ZIP CODE

TELEPHONE (INCLUDE AREA CODE)

(H) _____

(W) 505-242-5566

(C) _____

GRAYLAND CORP & CLIFFORD CAPITAL FUND

OWNER NAME (FIRST, LAST-IF ANY)

P.O. BOX 35640

MAILING ADDRESS

ALBUQUERQUE

CITY

NM

STATE

87176

ZIP CODE

(C) _____

(W) 505-881-0900

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

76th & FORTUNA NW 7701 FORTUNA RD NW 87121

STREET ADDRESS OF SPECIAL EXCEPTION

ZIP CODE

LOT(S)

TOWN OF ATRISCO GRANT

TRACT(S)

AIRPORT UNIT

BLOCK(S)

SUBDIVISION / ADDITION / MRGCD MAP NO

101005809928220203, 101005806227020202, 101005811228120207

UNIFORM PROPERTY CODE

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here

WIK

EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

TRAFFIC ENGINEERING REVIEW-

**REQUIRED FOR ALL WALLS AND FENCES
IN THE FRONT AND STREET SIDE YARD SETBACKS.**

Initial Here

Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

N/A

ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE

William I Kraem

DATE

08/20/07

-----ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY-----

PROJECT #: 4206761

APPLICATION #: 07 ZHE 80056

APPLICATION FOR: (CHECK AS APPROPRIATE)

☒ (ZHE01) Conditional Use

☐ (ZHE02) Expansion of a NonConforming Use

☐ (ZHE03) NonConforming Use / Status Established Building

☐ (ZHE04) Variance:

☐ Distance ☐ Setback

☐ Height ☐ Parking

☐ Size ☐ Other

SECTION NO. 14-16-2-19(B) REFERENCE SECTION NO. 14-16-2-20(A)(4)

(LEGAL AD) ACTION DESCRIPTION CONDITIONAL USE TO ALLOW FOR AUTOMOBILE SALES, SERVICE, REPAIR AND STORAGE

SECTOR DEVELOPMENT AREA: _____

ZONED: SU-1 IP

ZONE MAP PAGE: J-10

NO. OF SIGNS ISSUED: 1

7701 FORTUNA RD NW

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

FEE: \$ 145.00

LEVI CRISWELL

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)

DATE

09-26-07

DATE OF PUBLIC HEARING

(APN) 441018 / 4971000 \$ 35.00

(CMP) 441032 / 3424000 \$ 10.00

(ZHE) 441006 / 3927000 \$ 100.00

SPECIAL EXCEPTION PROCEDURE

APPLICATION

A. Pre-Application Discussion

While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

B. Criteria For Decision

By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

C. Drawings

1. Submit three (3) copies of a site plan, building development plan, drawing of other related information on reproducible paper no smaller than 8 ½ inches by 14 inches and using a scale of at least 1 inch = 20 feet.
2. The submitted drawing shall show the following:
 - a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
 - b. If the Special Exception requested is a variance, please show clearly the point of variance and the height, width, and any appropriate dimensions of structures and/or parking spaces
 - c. A "north" directional arrow and scale.

D. Public Hearing Schedule

Contact the Zoning Hearing Examiner at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website www.cabq.gov. Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

SIGN POSTING

- A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
- B. Signs shall be posted for fifteen (15) days prior to the hearing.
- C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
- D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
- E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.
- F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

ZONING HEARING EXAMINER'S PUBLIC HEARING

- A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.
- B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.
- C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. **Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.**
- D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.
- E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, or deny.
- F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.
- G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

CONSTRUCTION PERMIT

- A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
- B. The Notice of Decision must accompany the construction permit application.

- (26) Sheet metal working.
- (27) Swimming pool.
- (28) Warehouse.
- (29) Wholesaling.
- (30) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
 - (a) A free-standing wireless telecommunications facility, up to 65 feet in height.
 - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
 - (c) A face-mounted wireless telecommunications facility.
 - (d) A roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
 - (e) A concealed wireless telecommunications facility.
 - (f) A Community Identity Feature if it is approved by the Planning Commission pursuant to § 14-16-3-17 of this Zoning Code.
 - (g) A wireless telecommunications facility, the antennas of which all are mounted on an existing vertical structure.

Conditional Uses. Uses permissive or conditional in the M-1 zone and not permissive in this zone, except not Community Residential program, Emergency shelter, or dwelling unit other than caretaker or watchman premises on the premises of the commercial or industrial use.

(C) Height.

- (1) Structure height and width shall fall within 45° angle planes drawn from the horizontal at the mean grade along each boundary of the premises, but a structure shall not exceed a height of 120 feet.
- (2) Exceptions to the above are provided in § 14-16-3-3 of this Zoning Code and, for sign height, in division (A) of this section.

(D) Lot Size. Minimum lot area shall be one-half acre. Minimum lot width shall be 100 feet. No more than 50% of the surface of any lot or site shall be covered with buildings.

(E) Setback. The following regulations apply, except as provided in § 14-16-3-3 of this Zoning Code:

- (1) There shall be a front-yard setback of not less than 20 feet.
- (2) There shall be a side-yard setback of not less than ten feet.
- (3) There shall be a rear-yard setback of not less than ten feet.

§ 14-16-2-20 M-1 LIGHT MANUFACTURING ZONE.

This zone provides suitable sites for heavy commercial and light manufacturing uses.

(A) Permissive Uses.

- (1) Uses first listed as permissive and as regulated in the C-3 zone (§ 14-16-2-18(A)).
- (2) Uses permissive and as regulated in the IP zone.
- (3) Antenna, without limit as to height.
- (4) Automotive sales, rentals, service, repair, and storage, provided:
 - (a) The area meets all of the specifications for a parking lot as defined in this Zoning Code.
 - (b) Major automotive repair is conducted within a completely enclosed building.
- (5) Automobile dismantling, provided:
 - (a) All activities are conducted in a completely enclosed building or are enclosed by a solid wall or fence at least six feet high.
 - (b) Inoperative automobile bodies may be stacked to a height that does not exceed the height of the required wall.
- (6) Commercial agricultural activity and incidental structures. Animals permissive are cattle, horses, goats, and sheep, provided the number of head of cattle or horses does not exceed one for each 10,000 square feet of open lot area, or one sheep or goat for each 4,000 square feet of open lot area, or equivalent combination. Animals shall be so controlled that they cannot graze on any other premises. Animals under four months old are not counted.
- (7) Emergency shelter, provided that the standards of § 14-16-3-13 of this Zoning Code are met.
- (8) Manufacturing, assembling, treating, repairing, or rebuilding articles, except those conditional or otherwise limited in this zone or specifically listed as permissive or conditional in the M-2 zone, provided all manufacturing is conducted within a completely enclosed building.
- (9) Incidental uses within a building, most of which is occupied by offices, including news, cigar or candy stand, personal-service establishment and the like, provided:
 - (a) The use is intended primarily for the use of occupants of the building.
 - (b) The use is limited to a maximum of 10% of the total floor area.
- (10) Parking lot, as regulated in the O-1 zone.
- (11) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.
- (12) Sign, off-premise, as provided in the C-2 zone and § 14-16-3-5 of this Zoning Code, except:
 - (a) Size. Free-standing sign area of any one sign shall not exceed 672 square feet. An

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August 20, 2007

REASON FOR REQUEST INLAND/KENWORTH DEALERSHIP Conditional Use

This is a request for approval of a special exception, **CONDITIONAL USE** to allow a truck dealership on approximately 8.8 acres zoned SU-1/IP within the Atrisco Business Park, more particularly described as portions of Tracts 182, 183, 184 and 185A, TOWN OF ATRISCO, AIRPORT UNIT.

The applicant Inland/Kenworth is a Canadian Corporation that has contracted to purchase the subject property conditioned upon obtaining necessary zoning approvals to build a new dealership including a sales office, parts department, service department, body shop and outdoor display areas. The basic layout of the proposed dealership is shown on the attached sketch site plan and will include approximately 40,600 square feet of building, an FAR of .12.

This use is **CONDITIONAL** in the IP zone which lists "Uses permissive or conditional in the M-1 zone..." as allowed conditional uses. "Tractor, trailer, or truck storage, including maintenance facilities" is a permissive use in the M-1 zoned provided the uses are conducted within an enclosed building or wall or fence, Section 14-16-2-20(A)(17.) Other applicable incidental uses are listed as permissive or conditional. This **CONDITIONAL USE** application is the threshold determination. It is the first critical step in the development process. Since the subject property is zoned SU-1 it will require EPC and DRB approval of a site development plan prior to build out of this site for the proposed uses.

The subject property is situated within a vacant area of the Atrisco Business Park. There are two other projects, in early stages of the approval process, which impact the feasibility of the Inland/Kenworth Dealership at this location.

1) Weber & Company proposes an almost 600,000 square foot shopping center, including a TARGET STORE, just South of the subject property. The ZHE approved a **CONDITIONAL USE** in June 2007 to allow certain retail sales in conjunction with that proposed development Project#1005500 (07ZHE00465.) That project requires a replat and DRB review of a site plan for that development.

2) Another adjacent property owner proposes to develop a FEDEX truck terminal. Project#1000845. The project also requires a replat and DRB site plan approval.

The major importance of these two proposals is that both plan to extend Gallatin Place from its current terminus at Los Volcanes, north to FORTUNA Rd. The extension of Gallatin is a strict prerequisite in order for the subject site to be suitable as a Semi-Truck dealership. The only existing access is east to Coors Boulevard passing directly past residential neighborhoods and West Mesa High School. My clients will not pursue this project without more direct access to the UNSER/I-40 interchange. This property has great visibility to and from I-40, but could not function as an INLAND/KENWORTH Dealership without access to a freeway interchange. The issue of extending GALLATIN PLACE will be addressed at a DRB public hearing scheduled for September 12, 2007.

The requested Conditional Use meets the Criteria of Decision contained in Section 14-16-4-2 (C) (1) of the zoning code since the use will not be injurious to adjacent property, the neighborhood or the community. Neither will the use be damaged by surrounding structures or activities. Meeting those criteria is obviously dependent upon being able to secure the proposed extension of GALLATIN.

We have been in contact with representatives of other property owners and developers in the area. We are hopeful that they will be supportive of this request. We respectfully request approval of a Conditional Use to allow an Inland/Kenworth Truck Dealership to be developed on the site.