



**SANDOVAL COUNTY PLANNING AND ZONING COMMISSION  
SEPTEMBER 26, 2017 REGULAR MEETING**

To: Planning & Zoning Commission  
From: Planning and Zoning Division Staff  
Date: September 26, 2017

RE: **CU-17-002** Request by Alan Tooraen, Agent for Fred C. Dobbs LLC, for approval of a Conditional Use in the CD-AL (Algodones Community District) Zone to allow commercial business establishments of up to 10,000 square feet at 1403 Highway 313. The purpose of the request is to allow for self-storage use on the property. The location of the proposed use is 1403 NM Highway 313, Tract 48-B, MRGCD Map 5, Section 2, Township 13 North, Range 4 East, NMPM, Algodones, Sandoval County, New Mexico.

**FACTS:**

In January 2008, the Planning and Zoning Commission reviewed and approved a request for a Conditional Use Permit (CU-08-001) under the Algodones Community District (CD-AL) for a commercial business which had been in operation since before the time zoning was established in the County. The approved Conditional Use Permit removed the legal nonconforming status of the commercial use on the subject site.

The 2008 Conditional Use Permit request was also seeking an allowance for self-storage units adjacent to the existing commercial building. Citizen concern raised over the proposed self-storage use resulted in the Planning and Zoning Commission's decision to approve the commercial building's uses but denied the self-storage use.

The applicant has returned with a new request for a Conditional Use Permit to allow for the self-storage use on the subject site. The applicant was advised that due to the Planning and Zoning Commission's vote to deny the request for the self-storage use in 2008, the applicant is required to show a change in the community's position on the self-storage use in order for this request to be considered.

Included with the applicant's application is a petition signed by adjacent land owners who were made aware of this request and have signed the petition in favor of this request. Though the petition is dated and this application has been delayed for review, the petition falls within the 2017 calendar year.

The existing commercial building contains approximately 1,500 square feet of floor area. Section 9 (2.1), Comprehensive Zoning Ordinance, Algodones Community District (CD-AL), subsections C (2, 3) allows the following: “Retail commercial business... establishments intended to serve the local market area, provided such establishment does not exceed ten thousand (10,000) square feet of floor area” and “Business... services, provided that the maximum floor area for each establishment shall not exceed ten thousand (10,000) square feet.”

In the event that the Planning and Zoning Commission approves this request, the self-storage use will be limited to a maximum of 8,500 square feet of floor area. The applicant has indicated that the self-storage use will comprise of small individual, portable storage structures.

The Sandoval County Planning & Zoning Commission must consider the appropriateness of the requested Conditional Use for this property. Staff will present information contained in the Sandoval County Comprehensive Plan, the Algodones Area Development Policy, Sandoval County Comprehensive Zoning Ordinance, as well as other information, to the Planning and Zoning Commission. The Planning and Zoning Commission will vote on a staff recommendation on this case. Requests for Conditional Uses are heard and ruled upon only by the Planning and Zoning Commission. The Board of County Commissioners only considers such matters if the Planning & Zoning Commission decision is appealed within 30 days.

#### **REVIEW OF REQUEST - PLANS, POLICIES, AND REGULATIONS:**

##### Sandoval County Comprehensive Plan:

The following policies in the Sandoval County Comprehensive Plan are applicable to this request:

Section I: Land Use and Natural, Historic, and Cultural Resources.

##### **B. POLICY:**

*“Sandoval County shall retain a prevailing rural residential character while promoting an orderly development of business and industry **in appropriate locations.**” (emphasis added) (p. 7).*

The subject site lies within the main business district of the Algodones community. In close proximity are the County Fire Station, a Post Office, Algodones Elementary School, and a church.

##### Algodones Area Development Policy:

The Algodones Area Development Policy, adopted by the Board of County Commissioners in 1987 as a component of the Sandoval County Comprehensive Plan, establishes the following:

##### **POLICY 4:**

*“The Algodones Community District shall be preserved as a predominantly residential community with necessary commercial/business and other non-residential activities existing to serve the local residents.”*

The subject site is located within an area of Algodones that is under the Algodones Community District (CD-AL). The site currently provides commercial services and would provide additional services under this proposal.

Sandoval County Comprehensive Zoning Ordinance:

Section 17, Conditional Uses, of the Sandoval County Comprehensive Zoning Ordinance (CZO), establishes Guidelines for the review and consideration of a request for a Conditional Use Permit under existing zoning (Subsection D, Guidelines, CZO, p. 91-92). The Sandoval County Planning and Zoning Commission shall not approve any conditional use unless satisfactory provision has been made concerning the following:

*“1. Accessibility to property and proposed structures thereon, with particular reference to pedestrian safety, traffic control, and emergency access in case of fire, flood, or catastrophe;”*

The subject site has access from Highway 313, which is maintained by the State. The self-storage units are to be accessed via a driveway from Highway 313.

*“2. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;”*

A parking area already exists adjacent to the commercial building that meets the requirements of the Comprehensive Zoning Ordinance for the building. The parking demand created by self-storage units is very limited.

*“3. Water and liquid waste facilities, with reference to soil limitations, locations, and public health.”*

The subject site is served by a community water system. The New Mexico Environment Department has already approved the septic tank system for the existing building. There will be no plumbing connected to the self-storage units.

*“4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties;”*

There should be little or no noise or odor effects from the existing and proposed uses on neighboring properties. Self-storage units create little noise and no odor. A condition has been proposed to control lighting.

*“5. General compatibility with adjacent properties;”*

The subject site lies within the main business district of the Algodones community. In close proximity are the County Fire Station, a Post Office, Algodones Elementary School, and a church.

“6. *The overall health and safety of the community.*”

Self-storage units generate very limited traffic and no liquid waste. There should be negligible impact to the health and safety of the community beyond the impacts of the commercial use that has existed on the property for many years.

**Other Information:**

The applicant has submitted a petition signed by land owners adjacent to the subject site who are in favor of this request. The petition indicates a change in position on this request by some adjacent land owners in the Algodones community. To date, staff has not received any objections to this request.

**STAFF RECOMMENDATION**

In the matter of **CU-17-002**, Staff recommends that the Planning and Zoning Commission **APPROVE** this request, based on the following **FINDINGS** and subject to the following recommended **CONDITIONS OF APPROVAL**:

**FINDINGS**

- (1) **CU-17-002** is a request by Alan Tooraen, Agent for Fred C. Dobbs LLC, for approval of a Conditional Use in the CD-AL (Algodones Community District) Zone to allow commercial business establishments of up to 10,000 square feet at 1403 Highway 313. The location of the proposed use is 1403 NM Highway 313, Tract 48-B, MRGCD Map 5, Section 2, Township 13 North, Range 4 East, NMPM, Algodones, Sandoval County, New Mexico.
- (2) The purpose of the request is to allow for self-storage use on the property.
- (3) The self-storage use is a conditional use under the Algodones Community District (CD-AL). A Conditional Use Permit under the CD-AL is required for this use.
- (4) This request is in conformance with the Sandoval County Comprehensive Plan and the Algodones Area Development Policy.
- (5) This request is in conformance with Section 17, Conditional Uses, of the Sandoval County Comprehensive Zoning Ordinance (CZO).
- (6) The applicant has submitted a petition signed by land owners adjacent to the subject site who are in favor of this request. The petition indicates a change in position on this request by some adjacent members of the Algodones community.
- (7) To date, staff has not received any objections to this request from citizens in the Algodones community.

## CONDITIONS OF APPROVAL

- (1) The maximum square footage of the approved self-storage use shall not exceed 8,500 square feet.
- (2) Prior to establishment of self-storage buildings on the subject site, a grading and drainage plan for the subject site must be submitted to Planning and Zoning Division Staff for review and approval by the County Engineer.
- (2) A landscaping plan, satisfactory to Planning and Zoning Division Staff, must be submitted for the site. That plan must include a buffer landscape strip of evergreen trees along all of the property boundaries that lie between the self-storage units and residential uses. **The plan will also include landscaping on the property frontage in conformance with applicable County requirements.** Landscaping must be installed within ninety (90) days of approval of the Conditional Use Permit by the Planning and Zoning Commission and such installation shall include provisions for watering. The County shall have the right to enforce maintenance of the landscaping in question.
- (4) The applicant shall submit a lighting plan for approval by Planning and Zoning Division Staff. The plan will restrict light such that it will not shine on adjacent properties. In any case, lighting shall be in conformance with the Night Sky Protection Act 74-12-1 to 74-12-10 NMSA 1978. The applicant shall provide the lighting plan within thirty (30) days of approval of this request.
- (5) Prior to business use of any new self-storage buildings, the Sandoval County Fire Marshal must review and approve plans for the self-storage building arrangement for conformance with County fire requirements.