

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

MOHAMMAD BUNDRAGE (JAMES M. PRATO, AGENT) request(s) a special exception to Section 14-16-2-16(B)(3): a CONDITIONAL USE to allow a proposed auto, trailer and truck rental storage and service in a C-1 zone for all or a portion of Lot(s) 73A, Block(s) 73, SNOW HEIGHTS ADDN zoned C-1, located on 10500 CANDELARIA NE (H-21)

Special Exception No:..... **12ZHE-80172**
Project No: **Project# 1009277**
Hearing Date: 08-07-12
Closing of Public Record: 08-07-12
Date of Decision: 08-20-12

On August 7, 2012, James Prato, agent for Mohammad Bundrage appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed auto trailer and truck rental storage and service in a C-1 zone at 10500 Candelaria Rd NE.

SUMMARY:

1. Mr. James Prato, agent for Mohammad Bundrage, requests a conditional use to allow a proposed auto trailer and truck rental storage and service in a C-1 zone.
2. Mr. Prato testified the conditional request is to allow an additional service to his business which is a mini mart store.
3. Mr. Prato testified that Mr. Mohammad has owned the mini mart for the past few months.
4. Mr. Prato testified that the request is to offer his patrons and other interested parties to the ability to lease trucks and trailers at Mr. Mohammad's mini mart. There are many families that are in need of having moving services and Mr. Prato feels that this location is convenient and accessible to local residences.
5. Mr. Prato testified that there will be no vehicle that exceeds 35' in length, 12' in height or weigh 26,000 LBS or more. The longest vehicle will be 26' in length.
6. Mr. Prato testified that there will be no bodies of trailers that will be over 14' long.
7. Mr. Prato also testified that the parked or stored vehicles will not cover more than 25% of the premises.
8. Mr. Prato testified that Mr. Mohammad has partnered with U-Haul Company.
9. Mr. Prato testified that U-Haul Dealers provide economic support to a community by attracting customers who otherwise might not visit the location. With an excellent record of safety, more than 13 million customers rented U-Haul trucks and trailers in 2011 throughout the US and Canada. U-

- Haul dealers in Albuquerque have served residents with 7,132 customers. Of the 7,132 transactions, only one resulted in a paid liability claim.
10. Mr. Prato has submitted a site plan with the special exception application showing where the proposed parking and rental of U-Haul trucks and trailers.
 11. Mr. Prato testified that that the request will not be injurious to the surrounding community because there are residential homes in the near vicinity that will benefit with the proposed request due to families wanting to move items and can do so conveniently.
 12. Mr. Prato also testified that there will be no surrounding structures damaged because of this request because the requested use will not be invasive to the community. The rental units will be abiding by the proposed site plan Mr. Prato submitted.
 13. The yellow signs were posted for the time required.

FINDINGS: Mr. Prato has met the burden of a conditional use request to allow proposed auto trailer and truck rental storage and service in a C-1 zone at 10500 Candelaria Rd NE. The property does not appear to show any evidence of being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved with a conditions.

CONDITIONS:

1. The applicant must abide by the site plan that was submitted with the application for parking of the vehicles for rent. Any deviation of the site plan will be grounds for rescinding this approval.
2. There will be no vehicles that exceed 35' in length, 12' in height or weigh 26,000 LBS or more. The longest vehicle will be 26' in length.
3. There will be no bodies of trailers over 14' long.
4. The parked or stored vehicles will not cover more than 25% of the premises.
5. This approval is for the current applicant, and any change of ownership or business purpose will require a new application.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

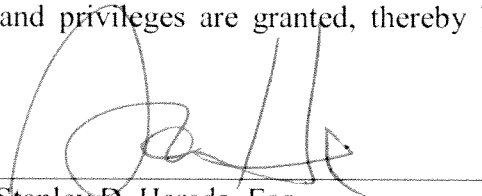
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
James Prato, 3101 Princeton NE 87107
Mohammad Bundrage, 10500 Candelaria Rd NE