

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

LAURA A. MENDOZA request(s) a special exception to Section 14-16-2-18(B)(7): a CONDITIONAL USE to allow the processing of recyclables in a C-3 zone for all or a portion of Lot(s) 1A1, HAGER INDUSTRIAL PARK NO. 2 zoned C-3, located on 500 VIRGINIA ST SE (L-19)

Special Exception No: ..... **12ZHE-80294**  
Project No: ..... **Project# 1009435**  
Hearing Date: ..... 10-16-12  
Closing of Public Record: ..... 10-16-12  
Date of Decision:..... 10-31-12

On October 16, 2012, Laura Mendoza appeared before Zoning Hearing Examiner, Joshua J. Skarsgard, requesting a Conditional Use to allow the processing of recyclables in a C-3 zone at 500 Virginia St SE. Below are the findings of facts.

**FINDINGS:**

1. Laura Mendoza requests a conditional use to allow the processing of recyclables at 500 Virginia Street SE.
2. Marisa Garcia, sister-in-law translated for Ms. Mendoza at the public hearing.
3. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (a) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be injurious to the adjacent property, the neighborhood, or the community.*"
4. Ms. Mendoza stated at the public hearing that this conditional use, if approved, would not be injurious to any of the neighboring properties or surrounding commercially zoned properties.
5. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (b) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be significantly damaged by surrounding structures or activities.*"
6. Ms. Mendoza testified at the public hearing that she didn't believe that the conditional use, if approved, would significantly damage her neighboring structures or the activities conducted on the neighboring properties.
7. Ms. Garcia testified that Ms. Mendoza would like to recycle items such as aluminum, copper, iron etc. There will be no cars, heavy equipment, chemicals, or melting.
8. Ms. Garcia testified that Ms. Mendoza ran the same type of business on Coors Rd SW, with her partner, but when they split up he kept the business. Ms. Mendoza would like to open a new business at this location.
9. Ms. Garcia testified that the recyclables would be placed in enclosed containers off the ground.
10. Ms. Garcia testified that Ms. Mendoza would store what people drop off for no more than a week.

11. Ms. Garcia testified that Ms. Mendoza would sell the drop off items to larger facilities in town, such as Acme or National.
12. Ms Garcia testified that Ms. Mendoza would only purchase copper if the individual fills out the proper forms and proper identification per the State of New Mexico regulations, and fully compliant with the Albuquerque Police Department.
13. Ms. Garcia testified that Ms. Mendoza would not buy burnt copper from individuals.
14. There was a facilitated meeting between the applicant and the neighborhood (Facilitated meeting report included in the file) to discuss the request. The main area of concern would be the criminal element that copper brings with it.
15. The neighbors of the subject site attended the public hearing and indicated that they were concerned about what the purchasing of copper would do to the character of the community.
16. The Applicant adequately justified the CONDITIONAL USE (*with conditions applied by the ZHE*) to allow the processing of recyclables in a C-3 zone for all or a portion of Lot(s) 1A1, HAGER INDUSTRIAL PARK NO. 2 zoned C-3, located on 500 VIRGINIA ST SE (L-19)

**DECISION:**

APPROVAL WITH CONDITIONS of the CONDITIONAL USE to allow the processing of recyclables in a C-3 zone for all or a portion of Lot(s) 1A1, HAGER INDUSTRIAL PARK NO. 2 zoned C-3, located on 500 VIRGINIA ST SE (L-19)

**CONDITIONS OF APPROVAL:**

1. The Applicant shall not purchase, store or resale copper on the Subject Property.
2. The Applicant shall not allow for the storage of recyclables outside of proper containers.
3. The Applicant shall not allow for the build up or stacking of recyclables to a height that would compromise the visibility of the neighboring parcels or compromise sight triangles for vehicles entering or exiting the subject property.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on November 16, 2012 in the manner described below:**

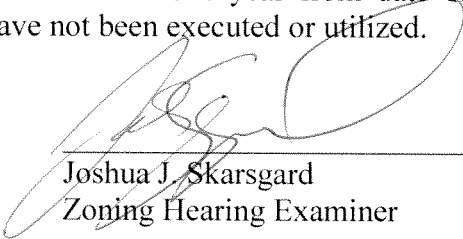
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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



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Joshua J. Skarsgard  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Laura Mendoza, 500 Virginia SE, 87106