

TOWN OF EDGEWOOD
COUNTY OF SANTA FE
STATE OF NEW MEXICO

*In re. Conditional Use Permit East Mountain
Auto & RV Service CU-2010-1*

RESOLUTION 2010-11
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Town of Edgewood Planning & Zoning Commission on April 5, 2010 for a requested Conditional Use Permit to operate East Mountain Auto & RV Service in the Town of Edgewood. The Commission has duly considered the evidence presented by the Applicant, Town Staff, and other interested parties. This evidence has taken the form of documents and testimony presented at a hearing before the Commission held April 5, 2010.

Being thus sufficiently advised, the Planning & Zoning Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact.

1. The Town of Edgewood incorporated in 1999 and is a duly formed municipal corporation and political subdivision of the State of New Mexico.

2. The property that is the subject of the requested conditional use permit is located within the municipal boundaries of the Town of Edgewood, as they currently exist.

3. The jurisdiction of the Town over the requested conditional use permit is not contested.

4. The Town of Edgewood as of April 19, 2010 has complied with all notice & procedural requirements in New Mexico statutes and the 2003-4 Zoning Ordinance.

5. The property is located at 1902 Highway 66, Edgewood New Mexico.

6. The property is zoned Commercial C-2, surrounding properties are zoned as follows:

- | | | |
|----------|---|-----------------|
| a. North | - | Commercial C-2 |
| b. South | - | Residential R-1 |
| c. East | - | Commercial C-2 |
| d. West | - | Commercial C-2 |

7. Section 21.C.2. of the zoning ordinance lists Motor vehicle sales and services, provided that:

- a. Any repair work shall be conducted entirely within an enclosed building;
- b. Outdoor storage of materials shall be enclosed by sufficient visual barrier.

8. Section 33. Of the Zoning Ordinance, pertaining to the issuance of conditional use permits states that unless satisfactory provisions have been made concerning the following issues, where applicable, a conditional use permit shall not be approved:

- a. Accessibility to the property and proposed structures on the premises, with particular reference to vehicular and pedestrian safety, traffic control, off street parking, and emergency access in case of fire, flood, or catastrophe;
- b. Connections to water and sewer services and other public utilities, with reference to necessary easements or dedications;
- c. Storm water drainage control and flood protection with reference to the National Flood Insurance Program;
- d. Solid waste management systems and the potential for hazardous waste;
- e. Hobby Breeder sites will comply with all requirements of the animal control ordinance.
- f. The economic, noise, glare, or odor effects of the conditional use on contiguous properties; and general compatibility with contiguous properties and other properties in the area.

9. The property has a building that has been remodeled to accommodate a repair and maintenance shop for Auto's, Light trucks & RV's.

10. The building has not been inspected for compliance with the Santa Fe County Fire Code.

11. Staff recommends approval subject to compliance with the Santa Fe County adopted Fire Code.

12. The Town Planning & Zoning Commission made a motion to approve the Conditional Use permit with conditions.

13. Grant of the request is consistent with the public interest and welfare of the citizens of Edgewood and with applicable zoning regulations adopted by the Town.

II. CONCLUSIONS OF LAW.

- a. The Commission has jurisdiction over the requested conditional use permit;
- b. The application is complete; and
- c. The application as proposed in the application and in compliance with the recommended conditions, the development will comply with the requirements of the Zoning Ordinance.

3. East Mountain Auto & RV Service Conditional Use Application for permit shall be granted subject to the following conditions:

- a. Maintenance of vehicles shall be conducted inside the building.
- b. Outdoor storage of materials shall be enclosed by sufficient visual barrier.
- c. The applicant submits to the Community Planning & Development Department Santa Fe County Fire inspection approval documents.
- d. The property owner shall submit to the New Mexico Department of Transportation a letter updating the use of the property.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

The property that is the subject of this requested conditional use permit hereby is approved.

IT IS SO ORDERED.

Approved:



Doyce Wilhite, Chairman Planning & Zoning Commission

5-17-2010
Date