

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

CMH MANUFACTURING WEST AND HOMES DIRECT (CONSENSUS PLANNING) request(s) a special exception to Page 47 of the SOUTH BROADWAY SECTOR DEVELOPMENT PLAN and 14-16-2-20(B)(5): a CONDITIONAL USE for the sale of manufactured homes for all or a portion of Lot(s) 3, BROADWAY INDUSTRIAL CENTER UNIT 1 zoned SU-2 HM, located at 2710 KARSTEN CT SE (M-15)

Special Exception No: ..... **12ZHE-80245**  
Project No: ..... **Project# 1009387**  
Hearing Date: ..... 10-16-12  
Closing of Public Record: ..... 10-16-12  
Date of Decision: ..... 10-31-12

On October 16, 2012, Jim Strozier of Consensus Planning, agent for CMH Manufacturing appeared before Zoning Hearing Examiner Joshua J. Skarsgard, requesting a conditional use for the sale of manufactured homes at 2710 Karsten Ct SE. Below are the findings of facts:

**FINDINGS:**

1. Jim Strozier, agent for CMH Manufacturing is requesting a Conditional Use to allow for the sale of manufactured homes within the property located at 2710 Karsten Ct SE.
2. Mr. Strozier testified at the hearing that this Conditional Use Application is being made in response to Notice(s) of Violation dated July 18, 2012, that was received by his client, CMH Manufacturing West, Inc. ("Karsten Homes") and Homes Direct of Albuquerque, LLC ("Homes Direct") (collectively herein Karsten Homes and Homes Direct may be referred to as "Clients").
3. Mr. Strozier testified at the hearing that his Clients were unaware of the violation and that they have been operating the business at this location for over 10 years without any issues or receipt of prior Notices of Violation.
4. Mr. Strozier testified at the hearing that his Clients have a City of Albuquerque Business License that is up to date, as well as a State of New Mexico Business License.
5. Mr. Strozier testified at the hearing that his clients Manufacturing Home sales center operate in a symbiotic fashion with the adjacent factory.
6. Mr. Strozier testified at the hearing that the "sales center" portion of the real property contains ample parking (28 parking spaces), a sales office, and display models that can be toured by prospective customers.
7. 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.*"
8. Mr. Strozier testified at the hearing that the factory helps sustain approximately 145 high quality manufacturing jobs that serve residents of this community in a beneficial manner.
9. Mr. Strozier testified at the hearing that the project will **not** be injurious to the adjacent property, the neighborhood, or the community due to the fact that the existing sales

- facility, and the adjacent factory are complimentary, and beneficial to the employees and neighboring residents (as required by City of Albuquerque Code of Ordinances § 14-16-4-2 (C.) (1.) SPECIAL EXCEPTIONS).
10. Mr. Strozier testified at the hearing that the project will **not** be injurious to the adjacent property, the neighborhood, or the community due to the fact that the sales center is located at the east end of a private drive and the traffic in and out of the factory takes place west of the sales center, which reduces the chance for conflict between the factory traffic and customer traffic (as required by City of Albuquerque Code of Ordinances § 14-16-4-2 (C.) (1.) SPECIAL EXCEPTIONS).
  11. 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.*”
  12. Mr. Strozier testified at the hearing that the factory and the sales center (located contiguous to the factory) are mutually beneficial and provide synergy on the site for employees and prospective customers and will not be significantly damaged by surrounding structures or activities (as required by City of Albuquerque Code of Ordinances § 14-16-4-2 (C.) (2.) SPECIAL EXCEPTIONS).
  13. The San Jose Neighborhood Association, President Esther Abeyta, drafted a letter of opposition that states that there is a discrepancy with the uniform property code number (UPC No.). They do not match the application submitted. The letter of opposition is in the file and the comments were duly noted by the Zoning Hearing Examiner. This discrepancy was brought up to the Applicant, and has since been corrected with an additional submittal identifying the two different parcels that are affected by this Conditional Use application.
  14. The yellow “Notice of Hearing” signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
  15. Michael Omlor submitted a “Letter of Concern” to the file which did not oppose the Conditional Use Application; however it did ask the Zoning Hearing Officer to treat the request as a new development and have the project reviewed by the various City Agencies for compliance with all current City of Albuquerque regulations for parking, paving, grading, landscaping, fire and refuse pickup. Mr. Omlor requested that these regulations be identified through a complete approved site plan.

**DECISION:**

**APPROVAL** of a CONDITIONAL USE for the sale of manufactured homes for all or a portion of Lot(s) 3, BROADWAY INDUSTRIAL CENTER UNIT 1 zoned SU-2 HM, located at 2710 KARSTEN CT SE (M-15).

**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

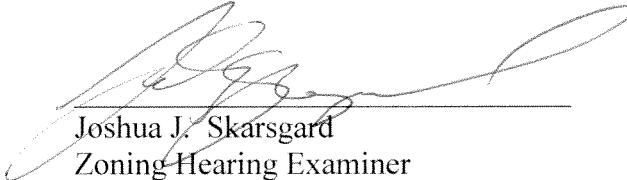
appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not 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.

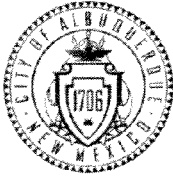
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building 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.



Joshua J. Skarsgard  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Consensus Planning, 302 8<sup>th</sup> Street NW, 87102  
CMH Manufacturing West and Homes Direct, 5000 Clayton Rd, Maryville TN, 37804  
Homes Direct, 2710 Karsten Ct SE, 87102  
Esther Abeyta, 2419 William SE, 87102  
Olivia Price, 408 Bethel Dr SE, 87102  
Deanna Baca, 408 Bethel Dr SE, 87102  
Michael Omlor, 600 San Jose SE, 87102



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PLAN and 14-16-2-20(B)(5): a CONDITIONAL  
USE for the sale of manufactured homes for  
all or a portion of Lot(s) an easterly portion of  
Lot 3 Unit 1, BROADWAY INDUSTRIAL  
CENTER UNIT 1 zoned SU-2 HM, located at  
2700 KARSTEN CT SE (M-15)

Special Exception No: ..... **12ZHE-80300**

Project No: ..... **Project# 1009449**

Hearing Date: ..... 10-16-12

Closing of Public Record: ..... 10-16-12

Date of Decision: ..... 10-31-12

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**FINDINGS:**

1. Jim Strozier, agent for CMH Manufacturing is requesting a Conditional Use to allow for the sale of manufactured homes within the property located at 2710 Karsten Ct SE.
2. Mr. Strozier testified at the hearing that this Conditional Use Application is being made in response to Notice(s) of Violation dated July 18, 2012, that was received by his client, CMH Manufacturing West, Inc. ("Karsten Homes") and Homes Direct of Albuquerque, LLC ("Homes Direct") (collectively herein Karsten Homes and Homes Direct may be referred to as "Clients").
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9. Mr. Strozier testified at the hearing that the project will **not** be injurious to the adjacent property, the neighborhood, or the community due to the fact that the existing sales facility, and the adjacent factory are complimentary, and beneficial to the employees and neighboring residents (as required by City of Albuquerque Code of Ordinances § 14-16-4-2 (C.) (1.) SPECIAL EXCEPTIONS).

10. Mr. Strozier testified at the hearing that the project will **not** be injurious to the adjacent property, the neighborhood, or the community due to the fact that the sales center is located at the east end of a private drive and the traffic in and out of the factory takes place west of the sales center, which reduces the chance for conflict between the factory traffic and customer traffic (as required by City of Albuquerque Code of Ordinances § 14-16-4-2 (C.) (1.) SPECIAL EXCEPTIONS).

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**DECISION:**

**APPROVAL** of a CONDITIONAL USE for the sale of manufactured homes for all or a portion of Lot(s) an easterly portion of Lot 3 Unit 1, BROADWAY INDUSTRIAL CENTER UNIT 1 zoned SU-2 HM, located at 2700 KARSTEN CT SE (M-15)

**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:**

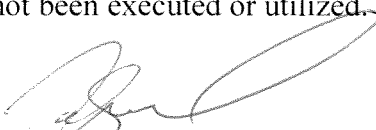
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Please note that pursuant to Section 14.16.4.4.(B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

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Joshua J. Skarsgard  
Zoning Hearing Examiner

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