



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

City of Albuquerque requests a conditional use to allow a community center and park and ride in an NR-C zone for unplatted lot, located at 10001 DeVargas RD SW, zoned NR-C [Section 14-16-4-2-1]

Special Exception No:.....**VA-2018-00054**
Project No:**Project#2018-001373**
Hearing Date:09-18-18
Closing of Public Record:09-18-18
Date of Decision:10-03-18

On the 18th day of September, 2018, Lee Gamelsky Architects, agent for property owner, City of Albuquerque (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a community center and park and ride in an NR-C zone (“Application”) upon the real property located at 10001 DeVargas RD SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a community center and park and ride in an NR-C zone.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - (a) *It is consistent with the ABC Comp. Plan, as amended;*
 - (b) *It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
 - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - (e) *It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;*
 - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4-(F)(2).
4. Lee Gamelsky Architects, agent for property owner, City of Albuquerque (“Applicant”) appeared and gave evidence in support of the Application.
5. The subject property is currently zoned NR-C.
6. Route 66 West NA and Westgate Heights NA are the affected neighborhood associations.

7. All property owners within 100 feet and affected neighborhood associations were notified of the application.
8. A meeting was held on July 31, 2018, wherein the application was presented to interested members of the Westgate Neighborhood Association.
9. No opposition to the application was offered during this meeting.
10. The requested conditional uses are consistent with the adopted ABC Comprehensive Plan.
11. The application will provide a variety of community recreational programs and services, support the local transportation network by reducing the number of single occupancy vehicles and serve as a community gathering space.
12. It supports multimodal corridors by providing improved mobility options.
13. The application will support a health community by providing opportunities for physical activity, social interaction and healthy activities for youth, adults and seniors.
14. It supports economic vitality by creating alternative modes of transportation and a desirable place to live through the provisions of new amenities.
15. It will create a mix of uses that are conveniently accessible from surrounding neighborhoods.
16. The application supports a diversity of transportation opportunities, through connections with existing trails, bicycle and pedestrian paths, connected to the City-Wide Bicycle Network which will offer multiple efficient and safe transportation choices for commuting and daily needs.
17. The application will support sustainability by energy efficient design, will support equity by applying Universal Design Principles, and support community health by providing recreation and fitness components as well as open space activity areas.
18. The application will maintain compatibility with surrounding land uses with appropriate densities and site design and buffering.
19. The application will provide public amenities to serve a traditionally underserved area of Albuquerque and support economic growth by providing an attractive amenity in the neighborhood.
20. The application complies with all applicable provisions of the IDO, including any Use-Specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted city regulations; and any condition specifically applied to the development of the property in a prior permit or approval affecting the property.
21. The ZHE finds that in the proposed use will not be injurious to the adjacent property, the neighborhood or the community as required by Section 14-16-4-2(C)(1)(a).
22. The application will enhance the surrounding area and by providing community facilities in a traditionally underserved area and is designed to be accessible through the trail system, sidewalks and streets.
23. The application will not create parking congestion, noise or vibration effects beyond the property lines of the subject property.
24. Exterior lighting will comply with the Dark Skies Ordinance.
25. The application will not be active between 8:00pm and 6:00am.
26. The proposed use is consistent with the ABC Comp Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).

27. The proposed use complies with all applicable provisions of the IDO, including, but not limited to any use-specific standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; any conditions specifically applied to the development of the property in a prior permit or approval affecting the property, as required by Section 14-16-6-6(A)(3)(b).
28. The proposed use will not create significant adverse impacts on the adjacent properties, the surrounding neighborhood or the larger community, as required by Section 14-16-6-6(A)(3)(c).
29. The proposed use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise or vibration as requires by Section 14-16-6(A)(3)(d).
30. The proposed use will not increase non-residential activity within 300 feet of a lot in any residential zone between the hours of 8:00pm and 6:00am as required by Section 14-16-6-6(A)3)(e).
31. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
32. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
33. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow a community center and park and ride in an NR-C zone.

If you wish to appeal this decision, you must do so by October 18, 2018 in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal must be filed with the Planning Department within 15 days after the decision. The appeal shall specifically state the section of the Integrated Development Ordinance, City regulation, or condition attached to a decision that has not been interpreted correctly, as required by Section 14-16-6-4(U)(3)(a)(3) of the Integrated Development Ordinance. 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.

Once an appeal is accepted by the Planning Department, it shall prepare and transmit a record of the appeal together with all appeal material received from the appellant to impacted parties and to the Land Use Hearing Officer (LUHO) through the Clerk of the City Council.

The LUHO shall then schedule a hearing on the matter within 30 consecutive days of receipt and notify the parties, pursuant to Section 14-16-6-4(U)(3)(d).

The Planning Department 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 14-16-6-4(U), of the Integrated Development Ordinance, 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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
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