



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

Thakur Enterprises, LLC requests a conditional use to allow self-storage in MX-M Zone for Lot A-WLY Portion Of, Block 20, Bellehaven Addn, located at 99999 Indian School Rd NE, zoned MX-M [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00010**
Project No: **Project# 2019-001936**
Hearing Date: 03-19-19
Closing of Public Record: 03-19-19
Date of Decision: 04-03-19

On the 19th day of March, 2019, Jackie Fishman, Consensus Planning, agent for property owner Thakur Enterprises, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow self-storage (“Application”) upon the real property located at 99999 Indian School Rd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for self-storage.
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(N)(1).
4. Jacqueline Fishman of Consensus Planning, agent for Thakur Enterprises, LLC, property owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.

6. Indian Moon Neighborhood Association and North Eastern Association of Residents are the affected NAs.
7. An e-mail from Jo Martin, President of the NEAR NA, dated January 2, 2019, stating the Board of NEAR had “no objection” to the proposed use and variance requests, was submitted in support of the Applications.
8. The subject property is currently zoned MX-M.
9. A site plan and accompanying photographs of the adjacent area were submitted in support of the application.
10. The subject property is in an Area of Change, and near a Multimodal Corridor as designated by the ABC Comp. Plan.
11. The requested conditional use is for indoor storage, which is regulated by Use-specific Standards contained in Section 14-16-4-3(D)(28) **Self-Storage**.
12. The proposed project is a multi-story indoor storage facility.
13. The facility will be developed with slightly larger unit sizes, distinguishing it from those found in other local storage facilities.
14. Ceiling heights will be taller to accommodate the larger volume storage units.
15. A site plan and photographs of the subject property and surrounding area was submitted in support of the requested use and variance requested.
16. The shape of the subject site is long and narrow, with the narrow end on Indian School Rd. NE.
17. The site is currently a vacant, underutilized dirt lot, with dimensions of 170 feet wide by 302 feet deep (rear dimension is 162 feet wide), and is 1.16 acres in area.
18. Adjacent commercial properties to the east are a drive-through restaurant and a plumbing business warehouse building, zoned MX-M.
19. Adjacent property to the west is a medical office building, zoned MX-M.
20. There are no windows or entryways on the medical building façade facing the site.
21. One third of the site is currently being used as overflow parking for the adjacent medical office building.
22. The subject property is the only remaining vacant site in this area.
23. There is an R-1C zone district development of single-family homes to the south of the subject property.
24. There is an existing 20 foot alley on the southern boundary edge with the adjacent resident zone district.
25. There are two other indoor storage facilities in the area.
26. The proposed use will serve the surrounding community with a low intensity, low traffic generating, commercial infill development on a vacant and undeveloped lot.
27. The proposed use, indoor storage, is low intensity, low traffic generating use, that will not generate significant, adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
28. The requested use will not increase traffic, congestion, noise or vibration, since all customers access the units through indoor hall access.
29. The requested use, in comparison to other commercial uses, generates the fewest trips relative to the square footage.
30. The proposed use will help direct growth to corridors in need of reinvestment and allow infill in an appropriate area.

31. The requested use will promote the public good by utilizing the existing infrastructure and services, existing streets, bus service, sidewalks, water and sewage, and storm drainage.
32. This efficient use of land is consistent with ABC Comp. Plan GOAL 5.3 Efficient Development patterns.
33. This efficient use of land is also consistent with ABC Comp. Plan Policy 5.3.1 Infill Development.
34. The requested use will expand employment opportunities within an identified Area of Change and Multimodal Corridor.
35. The requested use is consistent with ABC Comp. Plan GOAL: 5.5 City Development Areas; and Policy: 5.6.2 Areas of Change.
36. The requested use will enhance the built environment and blend in with surrounding structures and streetscape.
37. The requested use is consistent with ABC Comp. Plan Policy 7.3.4: Infill.
38. The proposed use is consistent with the ABC Comp. Plan, as required by Section 14-16-6-6(A)(3)(a).
39. The requested conditional use complies with all applicable provisions of the IDO.
40. The proposed site design complies with all applicable provisions of Use-specific Standards, Section 14-16-4-3(D)(28), and any other prior permit or approval affecting the subject property, as required by Section 14-16-6-6(A)(3)(b).
41. The proposed site plan complies with all applicable Neighborhood Edges provisions of the IDO.
42. The site is buffered from nearby uses through the use of setbacks, landscaping, building stepdown and buffer areas.
43. The requested use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, as required by Section 14-16-6-6(A)(3)(c).
44. The requested use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestions, noise or vibration, without sufficient mitigation on civic or environmental benefits that outweigh the expected impacts, as required by Section 14-16-6-6(A)(3)(d).
45. The requested use 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 pm, as required by Section 14-16-6-6(A)(3)(e).
46. The requested use will not negatively impact pedestrian or transit connectivity without appropriate mitigation, as required by Section 14-16-6-6(A)(3)(f).
47. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
48. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow self-storage.

CONDITIONS:

This use is regulated by Use-specific Standards contained in Section 14-16-4-3(D)(28) **Self-Storage**.

APPEAL:

If you wish to appeal this decision, you must do so by April 18, 2019 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.

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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