



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

Melissa Martinez requests a conditional use to allow auto sales on Lot A, Block1, Indian Acres, located at 3505 Carlisle Blvd NE, zoned MX-L [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00037**  
Project No: ..... **Project# 2019-002037**  
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, Cesar Miranda, agent for property owner Melissa Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow auto sales (“Application”) upon the real property located at 3505 Carlisle Blvd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow auto sales.
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. Cesar Miranda, agent for Melissa Martinez, 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. McKinley neighborhood Association is the affected NA.
7. The subject property is currently zoned MX-L.

8. The requested use is for a small scaled, used auto retail sales business.
9. Applicant has received no opposition from adjacent neighbors nor the NA.
10. A site plan and accompanying photographs of the existing property and buildings was submitted in support of the Application.
11. The subject property is located on Carlisle Blvd NE, and has an office building (3500 square feet), and an asphalt paved parking lot.
12. Carlisle is designated as an arterial in the LRTS Guide.
13. The adjacent property to the west/rear of the subject lot is zoned R-ML.
14. There is a 6 foot tall cedar fence, with an existing landscape buffer separating the subject property from the residential zone.
15. Moderately tall and dense evergreen trees provide a total visual barrier from the residential zone onto the subject property.
16. The requested use will utilize and repurpose the existing buildings and will not require infrastructure improvements.
17. The requested use will provide new employment in an area of Change.
18. The requested use will make the subject property safer by providing a more open environment.
19. The requested use will provide economic assess to more people in the surrounding community.
20. The subject property is located in an Area of Change and on Carlisle MT as designated in the ABC Comp. Plan.
21. The requested use is regulated by Use-specific Standard in Section 14-16-4-3(D)(19): Light Vehicle Sales and Rental.
22. The requested use will conduct business from 6:00 am to 8:00 pm.
23. The requested use is consistent with ABC Comp. Plan Goal 5.5: City Development Area
24. The requested use is consistent with ABC Comp. Plan, policy 5.6.2 by providing new employment in an area of Change, where adequate transitions and buffers can be provided to protect abutting residential areas.
25. The proposed use is consistent with the ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
26. 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).
27. 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).
28. 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).
29. 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).
30. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).

31. 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).
32. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow auto sales.

CONDITIONS:

The approved use is regulated by Use-specific Standard in Section 14-16-4-3(D)(19): Light Vehicle Sales and Rental.

4-3(D)(19)(a) Where allowed, accessory outdoor vehicle display, storage or incidental maintenance or servicing area must be screened from any adjacent Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening)

4-3(D)(19)(c) In other zone districts where this use is allowed, accessory outdoor display, storage, and sales are prohibited within 50 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district, and are prohibited within any required front setback area.

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.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement

ZHE File

Melissa Martinez, 3505 Carlisle Blvd NE, 87110

Cesar Miranda, 233 La Vida Nueva del Este, 87105