



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

Rose Arnell requests a conditional use to allow wholesaling and distribution on Lot 3, Block 2, Towner Addn, located at 2513 4th St NW, zoned MX-M [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00099**
Project No: **Project# 2019-002223**
Hearing Date: 05-21-19
Closing of Public Record: 05-21-19
Date of Decision: 06-05-19

On the 21st day of May, 2019, property owner Rose Arnell (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow wholesaling and distribution (“Application”) upon the real property located at 2513 4th St NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow wholesaling and distribution.
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. Henry Patalan, agent for Rose Arnell, 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. Near North Valley Neighborhood Association is the affected NA.
7. The subject property is currently zoned MX-M.

8. The address of the subject property is 2513 4th St. NW.
9. The subject property was formerly the Hi-Lo Market.
10. A site plan and photographs were submitted in support of the Application.
11. The requested use is for wholesaling and distribution of ice cream products.
12. There is no retail sales use requested and there will be no traffic or parking congestion affecting the adjacent or surrounding neighborhood.
13. The subject business is a small business with 6 employees.
14. Transportation issued a report indicating no objection to the requested use.
15. Marit Tully, President of the Near North Valley Neighborhood, appeared and gave testimony in support of the request.
16. The Board of the NNVNA has met with the Applicant and support the requested use.
17. Her letter on behalf of the Board, dated May 20, 2019, was submitted in support of the request.
18. The requested use will help create a center that prioritizes employment opportunities, which complies with ABC Comp. Plan, Policy 5.1.5, Employment Centers.
19. The requested use will help create quality urban environment with integrated communities, which complies with ABC Comp. Plan, Polity 5.5.5, in an area of Change, Policy 5.6.2.
20. The requested use will also foster compact development and foster employment, which also complies with ABC Comp. Plan policy 5.3.3 and 5.4.2.
21. The proposed use is consistent with the ABC Comp. Plan, as required by Section 14-16-6-6(A)(3)(a).
22. 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; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property as required by Section 14-16-6-6(A)(3)(b).
23. The proposed use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community required by Section 14-16-6-6(A)(3)(c).
24. 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 without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts as required by Section 14-16-6-6(A)(3)(d).
25. 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).
26. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
27. 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).
28. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow wholesaling and distribution.

APPEAL:

If you wish to appeal this decision, you must do so by June 20, 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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