



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

Titan Ladera SS, LLC requests a conditional use to allow a drive-through facility on Lot 5A1C2, El Rancho Atrisco Phase 3, located at 1901 Ladera DR NW, zoned MX-L [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00130**  
Project No: ..... **Project# 2019-002291**  
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, Jim Strozier, agent for property owner, Titan Ladera SS, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a drive-through facility (“Application”) upon the real property located at 1901 Ladera DR NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a drive-through facility.
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. Jim Strozier of Consensus Planning, agent for Titan Ladera SS 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. Ladera West Neighborhood Association, Tres Volcanes Neighborhood Association and Laurelwood Neighborhood Association are is the affected NA’s.

7. No request for a meeting was requested and nothing was submitted in opposition to the Application.
8. The address of the subject property is 1901 Ladera Drive NW.
9. The subject property is currently zoned MX-L.
10. The request for approval of a Conditional Accessory Use for a drive through facility on the subject property.
11. A site plan with accompanying photographs was submitted in support of the Application.
12. The requested use is regulated by Use Specific Standards Section 14-16-4-3(F)(4) (*Drive-through or Drive-up Facility Design*).
13. The requested use is also regulated by Development Standards Section 14-16-5-5(I)(1) (*Parking and Loading*).
14. The IDO standards address placement, buffering and stacking requirements for drive-through facilities.
15. This request is for a newly proposed development and will be required to submit a site plan that will be reviewed for conformance with IDO requirements including parking and loading.
16. The subject property is currently vacant and is within an Area of Consistency as designated by the ABC Comp. Plan.
17. The subject property is on the northeast corner of Ladera Drive NW and Unser Blvd. NW.
18. The subject property consists of 1.588 acres in size.
19. The site is accessible via an existing driveway from Ladera Drive NW, which is shared with a newly built three-story storage facility.
20. Unser Blvd. is designated a Commuter Corridor with high traffic volumes and limited access.
21. No access to the site is permitted from Unser Blvd. NW.
22. Other uses in the surrounding area are other drive-through restaurants, gas stations and large retail facilities.
23. The nearest residential properties are southwest from the subject site across the Ladera and Unser intersection with rear yards facing the streets.
24. The residential district also has a 6 foot subdivision wall and a landscaping strip separating the residential yards from the streets.
25. Transportation reported No Objection to the Conditional Use request.
26. The requested use will allow auto-oriented development along a commuter corridor and encourage access through Ladera into the various commercial development, which is consistent with and furthers ABC Comp. Plan, Policy 5.1.12. (*Commuter Corridors*).
27. The requested use will facilitate infill development on a vacant property that is surrounded by residential and other commercial uses, which is consistent with ABC Comp. Plan, Policy 5.2.1(h), (*Land Uses*).
28. The use would encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.
29. The use would be conveniently accessible from the surrounding residential areas by both Ladera Drive and Unser Blvd.
30. The requested use will reinforce the scale, intensity and set backs of the immediate surrounding areas that already include drive-through uses and smaller scale commercial development.
31. This is consistent with ABC Comp. Plan, Policy 5.6.3(b), (*Areas of Consistency*).
32. All IDO standards shall be met in the site design to prevent any adverse impact to the surrounding area and larger community.

33. The proposed use is sufficiently separated from any nearby residential uses, and the existing shared access point will ensure traffic in and out of the site is adequately controlled and will not create any adverse impacts to the Unser and Ladera intersection.
34. The subject property is more than 300 feet from the nearest residential zone district and will not cause any increase in non-residential activity.
35. Public sidewalks will not be affected by the proposed project.
36. The closest bus stops are located 500 feet and 900 feet from the project.
37. No one appeared in opposition to the Application.
38. The proposed use is consistent with the ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
39. 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).
40. 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).
41. 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).
42. The proposed use will not increase non-residential activity within 300 feet of a lot in any Residential zone between the hours of 8:00 pm and 6:00 am as required by Section 14-16-6-6(A)(3)(e).
43. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
44. 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).
45. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow a drive-through facility.

CONDITIONS:

Compliance with Use Specific Standards Section 14-16-4-3(F): (Drive-through or Drive-up Facility Design), and Development Standards Section 14-16-5-5(I)(1): (Parking and Loading).

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.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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