



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

Macritchie Storage Ventures LLC (Agent, Michelle Henrie) requests a conditional use to allow outdoor vehicle storage for Lot C48, Town of Atrisco Grant Unit 4, located at 99999 Volcano RD NW, zoned NR-BP [Section 14-16-4-2]

Special Exception No:..... **VA-2020-00394**
Project No: **Project#2020-004676**
Hearing Date: 12-15-20
Closing of Public Record: 12-15-20
Date of Decision: 12-30-20

On the 15th day of December, 2020, Michelle Henrie, agent for property owner Macritchie Storage Ventures LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow outdoor vehicle storage (“Application”) upon the real property located at 99999 Volcano RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow outdoor vehicle 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(F)(2).
4. Agent and Applicant representatives appeared at the ZHE hearing on this matter and gave evidence in support of the Application.

5. Applicant provided evidence that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
6. Applicant provided evidence that all property owners and neighborhood association entitled to notice were notified of the Application.
7. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals of the ABC Comp. Plan to promote sustainable communities by providing business services in appropriate areas of need.
8. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the conditional use, if approved, will comply with the special screening and buffering regulations of the IDO for outdoor vehicle storage use.
9. Applicant stated that EPC case Z-92-57 is a prior approval applicable to the Subject Site, However, that approval does not appear germane to the Application.
10. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant testified and confirmed in written submittals that owners of RVs and other vehicles who use and need this type of storage do not typically make trips to the storage area on a weekly or even monthly basis; therefore, it is anticipated that the infill development of this vacant parcel will have positive impacts on the surrounding properties, given that the RV storage use does not generate an inordinate or unpredictable amount of traffic which could have adverse impacts on the larger community, the surrounding neighborhood, or adjacent properties. Additionally, Applicant provided evidence that development of this vacant lot will contribute to the removal of blight, enhance the appearance, improve drainage, and increase property values within neighboring area; therefore, public safety, health, and welfare will be improved and strengthened while stabilizing land use and property values.
11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, the Conditional Use Approval will not create material adverse impacts on other land in the area, because the proposed use is intended to allow a customer to leave a vehicle on the Subject Property for long periods of time without having to show up on site with any frequency to evaluate what is being stored. Furthermore, noise and vibration are not types of impacts that long-term parked vehicles are capable of creating. Traffic and parking congestion are adverse impacts from which the proposed vehicle storage use is designed to provide relief and a useful alternative.
12. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified that business hours would be restricted to 6:00 a.m. to 8:00 p.m.

13. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result.
14. The City Traffic Engineering Division stated no objection.
15. The criteria within IDO Section 14-16-6-6(A)(3) are satisfied.

DECISION:

APPROVAL of a conditional use to allow outdoor vehicle storage.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Michelle Henrie, michelle@mhenrie.com
Ben Lokhorst, blokhorst@macritchie.biz



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NOTIFICATION OF DECISION

Macritchie Storage Ventures LLC (Agent, Michelle Henrie) requests a conditional use to allow outdoor vehicle storage for Lot C49, Town of Atrisco Grant Unit 4, located at 99999 Volcano RD NW, zoned NR-BP [Section 14-16-4-2]

Special Exception No:..... **VA-2020-00395**
Project No: **Project#2020-004676**
Hearing Date: 12-15-20
Closing of Public Record: 12-15-20
Date of Decision: 12-30-20

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FINDINGS:

1. Applicant is requesting a conditional use to allow outdoor vehicle storage.
2. The City of Albuquerque Code of Ordinances Section 14-16-6(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:*
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 - (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. Agent and Applicant representatives appeared at the ZHE hearing on this matter and gave evidence in support of the Application.

5. Applicant provided evidence that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
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7. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals of the ABC Comp. Plan to promote sustainable communities by providing business services in appropriate areas of need.
8. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the conditional use, if approved, will comply with the special screening and buffering regulations of the IDO for outdoor vehicle storage use.
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11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, the Conditional Use Approval will not create material adverse impacts on other land in the area, because the proposed use is intended to allow a customer to leave a vehicle on the Subject Property for long periods of time without having to show up on site with any frequency to evaluate what is being stored. Furthermore, noise and vibration are not types of impacts that long-term parked vehicles are capable of creating. Traffic and parking congestion are adverse impacts from which the proposed vehicle storage use is designed to provide relief and a useful alternative.
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14. The City Traffic Engineering Division stated no objection.
15. The criteria within IDO Section 14-16-6-6(A)(3) are satisfied.

DECISION:

APPROVAL of a conditional use to allow outdoor vehicle storage.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 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.

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