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

WTC, ABQ Common LLC (Agent, Consensus Planning) requests a conditional use to allow for an RV storage lot in an NR-BP zone for Lot 10, Las Lomitas Business Park, located at 1330 Cuesta Abajo CT NE, zoned NR-BP [Section 14-16-4-3(D)(21)]

Special Exception No:..... **VA-2021-00419**
Project No: ..... **Project#2019-002412**
Hearing Date: 01-18-22
Closing of Public Record: 01-18-22
Date of Decision: 02-02-22

On the 18th day of January, 2022, Consensus Planning, agent for property owner WTC, ABQ Common LLC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a conditional use to allow for an RV storage lot in an NR-BP zone ("Application") upon the real property located at 1330 Cuesta Abajo CT NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for an RV storage lot in an NR-BP zone.
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:*
   - *6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.*
   - *6-6(A)(3)(b) It complies with all applicable provisions of this 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 a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
   - *6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*
   - *6-6(A)(3)(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.*
   - *6-6(A)(3)(e) On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
   - *6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*

3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet and affected neighborhood association(s) were notified.
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, it appears from Applicant's testimony and evidence that the community would benefit from an attractive and harmoniously designed project that would further the goals and policies set forth in ABC Comp. Plan Policy 5.3.1, 5.6.2, and Goal 8.2.
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, Agent testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
9. 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, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would in fact enhance property values of the subject site and thereby to the neighboring parcels.
10. 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, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration.
11. 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 10:00 pm and 6:00 am. Specifically, Agent testified that non-residential activity would not increase in any prohibited manner.
12. 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, Agent testified that no negative impact on pedestrian or transit connectivity would result.
13. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a conditional use to allow for an RV storage lot in an NR-BP zone.

APPEAL:

If you wish to appeal this decision, you must do so by February 17, 2022 pursuant to Section 14-16-6-4(V), 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
Consensus Planning, Johnson@consensusplanning.com
John Ransom, 5051 Journal Ctr Blvd NE, 87109