

# CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

ADMINISTRATION

600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor

Albuquerque, NM 87102

Tel: (505) 924-3339



December 8, 2023

Mr. Carl Garcia,  
ABQ Land Use Consulting LLC  
6300 Riverside Plaza Ln NW, Suite 100  
Albuquerque, NM 87120

Mr. Garcia:

Thank you for requesting a determination regarding a proposed use that is not listed in Table 4-2-1 to be treated as a similar listed use. The subject site is zoned NR-C and located at 601 Aspen Ave NW. According to the justification letter provided with your request, your client has a large classic vehicle collection that has become too large to safely store at his residence, therefore he proposes to store and protect his collection by erect a building at 601 Aspen Ave NW, for indoor storage of his classic vehicle collection. The subject vehicles are titled, licensed and operative and are not dismantled or inoperative in any way. There are currently no listed or defined uses in the Integrated Development Ordinance (IDO) that accommodate the indoor storage of vehicles.

Pursuant to IDO Subsection 14-16-4-1(B), [w]hen a proposed land use is not explicitly listed in Table 4-2-1, the Zoning Enforcement Officer (ZEO) shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. In making this determination, the ZEO shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties.

## ANALYSIS

Pursuant to Subsection 14-16-4-1(B) of the IDO, the following criteria must be considered and not have any negative impact on surrounding properties: 1) size 2) scale 3) operating characteristics 4) external impacts 5) character 6) traffic impacts 7) storm drainage impacts 8) utility demands. According to the justification letter for the request, the proposed indoor vehicle storage use will be smaller in size than the existing allowed use of outdoor vehicle storage due to the containment of the proposed use in a building, rather than throughout the open outdoor areas of the parcel. According to AGIS, the size of the subject property where the Indoor Vehicle Storage use is proposed is .3039 Acres or 13,237 square feet in size. The size of the proposed building is 4,800 square feet. Based upon AGIS analysis, it is possible to ascertain that a 4,800-sf building will be significantly smaller in size than the open lot area where outdoor storage of vehicles could potentially be located on the site.

There are (3) defined land uses in the Integrated Development Ordinance that share the most common characteristics and impacts as *Indoor Vehicle Storage*. The uses are: Self-Storage, Warehousing, and Outdoor Vehicle Storage. As illustrated in the excerpted Table 4-2-1 below, all three IDO-defined land uses are not widely permissive throughout the city's various zone districts, and are primarily permitted in the Non-Residential zones, which accommodate medium-scale retail, office, commercial and institutional uses, particularly where additional residential development is not appropriate or desired.

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**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory  
 CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary  
 Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-Use				Non-Residential				Use-Specific Standards			
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM		NR-SU	NR-PO-A	NR-PO-B
Land Uses																		
Outdoor vehicle storage											C	C	P	P			A	
Self-Storage								C	C	P	P	P	P	P			A	
Warehousing									C	C	P	P	P	P				

*Self-storage* is defined in the IDO as a land use consisting of **3 or more individual, small, self-contained, fully enclosed units in buildings that are leased or owned for the storage of business and household goods or contractors' supplies.** Storage areas provided for renters of residential dwellings on the same premises are not considered self-storage. While this use shares common characteristics such as the storage of goods within buildings, it requires that the use consist of 3 or more individual units that are leased for the storage of goods. This is a significant departure from the proposed use in that the proposed vehicle storage will be for one single owner, not 3 or more. Furthermore, due to the fact that self-storage contemplates multiple customers regularly accessing the site to access their stored goods, self-storage appears to create a higher impact on surrounding properties than the proposed use.

The IDO defines *Warehousing* as the use of a building **primarily for the holding or storage of goods**, including cold storage, and merchandise **for onward transportation or for distribution to retailers**, but not for sale to the general public, **and not including self-storage.** While on the surface, warehousing would appear to be most consistent with the proposed indoor vehicle storage use, the use does not appear to accommodate long term or permanent storage of personal property, as onward transportation or distribution to retailers is not a component of indoor vehicle storage. While generally to Indoor Vehicle Storage, *Warehousing* appears to be geared toward high-intensity commercial and/or industrial usage in nature and thus facilitates higher impacts than the proposed use would result in.

*Outdoor Vehicle Storage* is defined in the IDO as the **keeping of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis outside of a building**, generally for a period of 7 calendar days or more, whether or not the motor vehicle is titled, licensed, or operable, **either as a primary use or accessory use, but not including a salvage yard.** Save for the outdoor nature of this use, *outdoor vehicle storage* is consistent with the proposed Indoor Vehicle Storage in terms of character, scale, and impact as it allows for the keeping of motor vehicles not used on a regular basis. The IDO-defined use contemplates the storage of vehicles outside of a building, thereby creating visual impacts that can be mitigated via screening. Storage of similar items (automobiles) within a building on the same site is consistent in terms of nature of use, but also provides a subtle mitigation of the visual impacts of outdoor vehicle storage. Nonetheless, the Use-Specific Standards for Outdoor Vehicle Storage contained in IDO Subsection 14-16-4-3(D)(21) provide for additional screening for any adjacent Residential zone district or lot containing a residential use in ant Mixed-Use zone.

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Upon conducting a thorough review of the provisions, defined land uses, and definitions contained in the Integrated Development Ordinance, the Development Process Manual, and common language definitions and descriptions of indoor and outdoor storage of vehicles, I have determined that the IDO-defined and regulated use that is most similar to the proposed use in terms of function, operation, and impacts on surrounding property is *Outdoor Vehicle Storage*. In determining that *Outdoor Vehicle Storage* is most consistent with the proposed Indoor Vehicle Storage use, I also determine that enhanced compliance with the Use-Specific Standards for Outdoor Vehicle Storage included in IDO Subsection 14-16-4-3(D)(21) is required. In the context of Indoor Vehicle Storage, the Use-Specific Standard in IDO 4-3(D)(21) applies not only to “all areas where vehicles are stored outside of a fully enclosed building” but also **to any portions of the building where vehicles are stored** that are adjacent to any residential zone district or lot or lot containing a residential use in any Mixed-use zone district.

## CONCLUSION

It is my determination that the proposed use of *Indoor Vehicle Storage* is consistent with the definition of *Outdoor Vehicle Storage* under the provisions of the IDO. In being defined as *Outdoor Vehicle Storage*, the proposed land use is permissive in any zone where *Outdoor Vehicle Storage* is a permissive use, and subject to the Use-Specific Standards for Outdoor Vehicle Storage included in IDO Subsection 14-16-4-3(D)(21) as prescribed in this determination.

Please feel free to reach out if you have questions or require any additional information regarding this matter.

Respectfully,

James M. Aranda, MCRP

Deputy Director and Zoning Enforcement Officer,

Albuquerque Planning Department