GUARDIAN STORAGE (CONSENSUS PLANNING, AGENT) requests a special exception to Section 14-16-2-16(B)(21): a CONDITIONAL USE to allow the storage of household goods in a C-1 zone for all or a portion of Lot 1, Bosque Plaza zoned C-1 (SC), located on 3600 BOSQUE PLAZA LN NW (D-12)

On the 21st day of February, 2017, CONSENSUS PLANNING acting as agent on behalf of the property owner GUARDIAN STORAGE (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow storage of household goods in a C-1 zone (“Application”) upon the real property located at 3600 BOSQUE PLAZA LN NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow storage of household goods in a C-1 zone.

2. The City of Albuquerque Code of Ordinances Section 14-16-4-2(C)(1) (Special Exceptions – Conditional Use) reads: “A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:
   (a) Will not be injurious to the adjacent property, the neighborhood, or the community;
   (b) Will not be significantly damaged by surrounding structures or activities.

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 14-16-4-2(C).

4. The ZHE finds that in the proposed use will not be injurious to the adjacent property, the neighborhood, or the community as required by Section 14-16-4-2(C)(1)(a).

5. This Application was previously in front of the ZHE. It has subsequently been through the Board of Appeals, the Land Use Hearing Officer and the City Council, and to the Environmental Planning Commission for site development plan revisions, and now remanded back the ZHE.

6. The ZHE has reviewed the record of each of these applications and hearings, and incorporates them into the record in this matter, as well as incorporating all prior testimony and evidence.
7. The ZHE finds that the Applicant and neighborhood association representatives worked to reach resolution of the prior outstanding disputes, and Applicant now presents an Application that is in accordance with the zoning requirements and the Westside Strategic/Coors Corridor SDP, as reflected and explained in the Applicant’s January 17, 2017 letter.
8. The ZHE further finds that the proposed conditions of approval agreed to by the Applicant and neighborhood association will help ensure compliance and an appropriate development.
9. The ZHE further finds that the suggested condition of approval by the neighborhood association regarding road maintenance is appropriate and reasonable.
10. The ZHE finds that in the proposed use will not be significantly damaged by surrounding structures or activities as required by Section 14-16-4-2(C)(1)(b).
11. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
12. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow storage of household goods in a C-1 zone.

CONDITIONS OF APPROVAL

(1) The height of an indoor storage building is limited to 26 feet, including the parapets. Height of the building must meet the requirements of the C-1 zone, Section 14-16-2-16(C).
(2) The height and massing of an indoor storage building shall meet the View Regulations outlined in Section 4.c. of the Coors Corridor Plan.
(3) The design of an indoor storage building shall meet the special design standards defined on Sheet 1 (Required Information section) and Sheet 3, Section G.3.3 Architectural Objectives, Territorial Style Elements for Larger Buildings as provided on the amended Bosque Plaza Site Development Plan for Subdivision. Indoor storage is limited to an FAR of 1.0 and must be designed per the design elements and prototypes shown on Sheet 3, Section G.3.3 of the Bosque Plaza Site Plan for Subdivision.
(4) Applicant shall ensure that the property owners association shall be brought into good standing and that the property owners association shall have an obligation to maintain Bosque Plaza Lane, and shall meet that obligation. If Applicant is unable to meet these requirements, Applicant shall have the obligation to maintain Bosque Plaza Lane.

If you wish to appeal this decision, you must do so by March 23, 2017, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department’s Land Development Coordination counter and is required at the time the Appeal is filed.
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of $105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. Please present this letter of notification when filing an appeal. When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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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Zoning Hearing Examiner

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