Amerco Real Estate Company requests a conditional use to allow self storage in an MX-M zone for Lot C, Alexander Center, located at 2217 4th ST NW, zoned MX-M [Section 14-16-4-2]

On the 15th day of January, 2019, Tom Neil, agent for property owner Amerco Real Estate Company (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow self storage in an MX-M zone (“Application”) upon the real property located at 2217 4th ST NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow self storage in an MX-M 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:
   (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. Tom Neil, agent for owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified of the application.
6. Near North Valley Neighborhood Association is the affected NA.
7. The subject property is currently zoned MX-M.
8. Mr. Neil has met with the Board of the Near North Valley NA on at least two occasions.
9. The subject property is located on 4th Street NW and is a location considered a “gateway to the north valley.”
10. The proposed site is not within 300 feet of a lot in a residential zone district.
11. The property is located just below Interstate-40.
12. The proposed project would be visible from I-40 westbound and 4th St. NW.
13. The subject property is designated as an Area of Change in the ABC Comp Plan.
14. This area of the City is focused specifically on growth and mixed-use development.
15. The subject property is situated near a public transit stop.
16. Since approximately 50% of Applicant’s customer base will utilize alternate modes of transportation to access to the proposed use, this would encourage multi-modal transportation.
17. The proposed use would be complementary to adjacent and nearby properties, by acting as a buffer between the mixed-use and residential zone districts.
18. The proposed use generates far less traffic than other commercial uses.
19. Nearby residential areas will benefit from the proposed use by providing it with services in the form of storage and moving of household items.
20. The Applicant estimates an average of 31 trips per weekday and 53 trips on weekends.
21. Marit Tully, president of the Near North Valley NA, appeared to give partial support of the Application.
22. The NA had a recent meeting with Tom Neil, agent and David Fite, the owner’s real estate agent.
23. The agents for Applicant agreed that the proposed use was in an area considered part of the ABC Comp Plan/4th Street Corridor.
24. The NA requested as much as is possible to construct buildings which would not appear to be industrial looking metal buildings.
25. The NA also requested the use of widows on façade design facing I-40.
26. The NA requested a wall surface which is a “stucco” finish”.
27. Agents were unable to make any final design commitments until after the ZHE process, but agreed to work with the NA during its preparation for DRB hearings and approval process.
28. A letter dated January 14, 2019, signed by Marit Tully, President Near North Valley NA, was submitted in partial support of the Application.
29. The application complies with applicable Use-Specific Standards of the IDO, the DPM and other City regulations.
30. There are no other conditions applied on the property by a prior permit or approval.
31. The proposed use is consistent with the ABC Comp. Plan, as amended, as required by, Section 14-16-6-6(A)(3)(a).
32. 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).
33. The proposed use specifically conforms to Use-Specific standards in Section 14-16-4-3(D)(28).
34. 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).
35. The proposed use will not create material adverse impacts on other land in the surrounding area through increased traffic congestion, parking congestion, noise or vibration as required by Section 14-16-6-6(A)(3)(d).
36. The proposed use will not increase non-residential activity within 300 feet of a lot in any residential zone between the hours of 8:00PM and 6:00AM as required by Section 14-16-6-6(A)(3)(e).
37. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
38. 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).
39. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow for self storage in an MX-M zone.

CONDITIONS: Applicant shall comply with all applicable Use-Specific Standard Sections, including, but not limited to Sub-Section 4-3(D)(28) (Self-Storage).

Applicant shall comply with all applicable Development standards, including, but not limited to Sub-Section 5-6 (Landscape, Buffering and Screening).

Applicant shall meet and confer with the Near North Valley NA during the DRB process to address any possible material adverse impacts to the adjacent neighborhood and the surrounding community.

APPEAL

If you wish to appeal this decision, you must do so by February 14, 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.

_______________________________
Stan Harada, Esq.
Zoning Hearing Examiner
cc: Zoning Enforcement
    ZHE File
    Amerco Real Estate Company, 2727 N Central Ave, Phoenix, AZ, 85004
    Marit Tully, PO BOX 6953, 87197