



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

Via Real Estate, LLC requests a conditional use to allow warehouse uses on Lot 11-N, Block 11, Gutierrez-Ofimiano J Lower Terrace Subd, located at 4516 Wyoming Blvd NE, zoned MX-M [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00011**  
Project No: ..... **Project# 2018-001937**  
Hearing Date: ..... 03-19-19  
Closing of Public Record: ..... 03-19-19  
Date of Decision: ..... 04-03-19

On the 19th day of March, 2019, Jim Strozier, Consensus Planning, agent for property owner Via Real Estate, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow warehouse uses (“Application”) upon the real property located at 4516 Wyoming Blvd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow warehouse uses.
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. Jim Strozier from Consensus Planning, agent for Gordori Investments, LLC, property owner, appeared and gave evidence in support of the application.
5. A site plan was submitted, accompanied by several photographs of the site and surrounding area.
6. All property owners within 100 feet and affected neighborhood association(s) were notified.

7. Loma Del Rey Neighborhood Association is the affected NA.
8. The subject property is currently zoned MX-M. Transportation reports no objection to the requested use.
9. The subject site is in an Area of Change, as designated in the ABC Comp. Plan. and along Wyoming Blvd., a Multimodal Corridor.
10. The requested conditional use has been in operation for several years and serves as an adjacent commercial use to the restaurant.
11. The subject property is located on Wyoming Blvd. NE, just north of Montgomery Blvd. NE.
12. The subject property is 1.03 acres in area, and is currently developed as the Quarters BBQ Restaurant, parking lot, and a small warehouse, located at the southern end of the lot, used as storage for the restaurant.
13. These uses have been in operation for several decades and have not created any negative impacts on the surrounding neighborhood.
14. There is a 20 foot alleyway, and a 6 foot tall CMU wall running on the northern side of the alleyway.
15. The adjacent single family development to the north is zoned R-1C.
16. The adjacent property to the east of the subject property is 3.77 acre Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) property, which is developed with a large water tank, parking lot, and associated utility buildings.
17. There are no residential uses on this property, which is currently zoned R-1C.
18. The requested use will promote efficient development pattern and local businesses.
19. The requested use allows for redevelopment on existing commercial property within an Area of Change.
20. This use is consistent with ABC Comp. Plan, GOAL: 5.3: Efficient Development Patterns.
21. The use is the efficient use of land that has already been developed.
22. This use is consistent with ABC Comp. Plan GOAL: 5.6: City Development areas.
23. The requested use is served by existing infrastructure and services, existing streets, bus service, sidewalks, water and sewage, and storm drainage.
24. The requested use will continue to provide employment opportunities within an identified Area of Change and Multimodal Corridor.
25. The use occupies a property that is within a highly connected street grid that provides access to Wyoming Blvd NE and Montgomery Blvd. NE.
26. This use complies with ABC Comp. Plan Policy 5.6.2 Areas of Change.
27. The requested use continues to support operations of an existing established local business.
28. This use complies with ABC Comp. Plan, Policy 8.2.1: Local Business.
29. The proposed use is consistent with the ABC Comp. Plan, as required by Section 14-16-6-6(A)(3)(a).
30. The requested conditional use complies with all applicable provisions of the IDO.
31. The proposed site design complies with all applicable provisions of Use-specific Standards, Section 14-16-4-3(E)(16), and any other prior permit or approval affecting the subject property, as required by Section 14-16-6-6(A)(3)(b).
32. The requested use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, as required by Section 14-16-6-6(A)(3)(c).
33. The requested use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestions, noise or vibration, without

sufficient mitigation on civic or environmental benefits that outweigh the expected impacts, as required by Section 14-16-6-6(A)(3)(d).

34. The requested use 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 pm, as required by Section 14-16-6-6(A)(3)(e).
35. The requested use will not negatively impact pedestrian or transit connectivity without appropriate mitigation, as required by Section 14-16-6-6(A)(3)(f).
36. 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).
37. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow warehouse uses.

CONDITIONS:

The use is regulated by Specific-use Standards, Section 14-16-4-3(E)(16).

APPEAL:

If you wish to appeal this decision, you must do so by April 18, 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.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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