



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

J.J. Mancini requests a conditional use to allow auto sales for Lot A, Murphy-Daniel D Addn, located at 1705 San Mateo Blvd NE, zoned MX-L [Section 14-16-4-2]

Special Exception No:..... **VA-2018-00225**
Project No: **Project# 2018-001911**
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, Felipe Torrez, agent for property owner J.J. Mancini (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow auto sales (“Application”) upon the real property located at 1705 San Mateo Blvd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow light vehicle auto sales.
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. Felipe Torrez, agent for property owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood associations were notified.
6. Pueblo Alto NA and Mile Hi NA are the affected neighborhood associations.

7. An e-mail from Johanna Bair, V-president of Mile Hi NA, dated December 12, 2018, stating “OK” to the application was submitted in support of the Application.
8. No one appeared in opposition to the application.
9. The subject property has an existing, abandoned gas station.
10. The gas station has been vacant for almost two years.
11. The subject property is currently zoned MX-L.
12. A site plan and accompanying photographs were submitted in support of the application.
13. The subject property is located in an Area of Change as defined in the ABC Comp. Plan, as amended.
14. The requested use is regulated by Use-specific Standards in Section 14-16-4-3(D)(19): (Light Vehicle Sales and Rental).
15. Any accessory outdoor vehicle display, storage or incidental maintenance or servicing areas must be screened from any adjacent Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscape, Buffering and Screening).
16. San Mateo Blvd is designated as an Urban Principal Arterial and Constitution is designated a collector street as defined by the LSRT.
17. The proposed use is a diverse use and will provide new employment opportunities on a property that has been vacant and underutilized.
18. The proposed use will not have an adverse impact on traffic flow or congestion.
19. There is a 28 foot alley to the west of the subject property, which provides a boundary and buffer to the residential zone district to the west.
20. An existing 6 foot block wall on the west side of the subject property provides a barrier to the adjacent residential zone district.
21. The requested use will facilitate removal of the abandoned and potentially hazardous underground gasoline storage tanks.
22. The existing building will be repurposed as the office for the auto sales business.
23. The proposed use will serve the surrounding and overall community by capturing regional growth in Centers and Corridors.
24. This will further the Comp Plan’s goals and policies for directing growth to areas in need of private reinvestment and allow infill in an appropriate area.
25. The proposed use is consistent with Comp Plan Policy 5.1.1. (Desired Growth).
26. The hours of operation for the requested use will be 9:00am to 6:00pm.
27. The requested use will not adversely affect the adjacent residential zone district with increases in noise, lighting, pollution and traffic.
28. The requested use will allow a broader mix of uses on vacant, underutilized property within an Area of Change.
29. The proposed use is consistent with Comp Plan Policy 5.3.1., and will promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
30. The subject property is served by existing streets, bus services, sidewalks, water and sewer and storm drainage.
31. The proposed use is consistent with Comp. Plan policy 5.6.2 and will expand employment opportunities, in an area where adequate infrastructure and a developed and highly connected street grid and transit service presently exist.

32. The proposed use is consistent with Comp. Plan policy 5.6.2, and will minimize negative effects of noise, lighting and air pollution, and traffic on any adjacent or surrounding residential neighborhoods.
33. The proposed use is consistent with the adopted ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
34. The proposed use complies with all applicable provisions of the IDO, including any Use-Specific standards applicable to the use, the DPM; other City regulations; and any conditions specifically applied to the property in any prior permit or approval as required by Section 14-16-6-6(A)(3)(b).
35. The requested use is consistent with the ABC Comp. Plan
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 light vehicle auto sales.

CONDITIONS:

The requested use shall comply with Use-specific Standards contained in Section 14-16-4-3(D)(19): (Light Vehicle Sales and Rental).

Any accessory outdoor vehicle display, storage or incidental maintenance or servicing areas must be screened from any adjacent Residential zone district or residential component of any Mixed-use zone district as required by Section 14-16-5-6 (Landscape, Buffering and Screening).

Accessory outdoor display, storage and sales areas are prohibited within 50 feet of any Residential zone district or lot containing a Residential use in any Mixed-use district, and are prohibited within any required front setback area.

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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
J.J. Mancini, 1705 San Mateo NE, 87110
Felipe Torrez, 1705 San Mateo NE, 87110