



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

Anthem Oil, LLC (Agent, JAG Planning & Zoning) requests a conditional use to allow light vehicle sales for Lot A2, Thunderbird Partnership, located at 9160 Coors BLVD NW, zoned MX-L [Section 14-16-4-2]

Special Exception No:..... **VA-2021-00133**
Project No: **Project#2021-005425**
Hearing Date: 06-15-21
Closing of Public Record: 06-15-21
Date of Decision: 06-30-21

On the 15th day of June, 2021, JAG Planning & Zoning, agent for property owner Anthem Oil, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow light vehicle sales (“Application”) upon the real property located at 9160 Coors BLVD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow light vehicle 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:*”
 - 6-6(A)(3)(a) *It is consistent with the adopted ABC Comp Plan, as amended.*
 - 6-6(A)(3)(b) *It complies with all applicable provisions of this 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 a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - 6-6(A)(3)(c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*
 - 6-6(A)(3)(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.*
 - 6-6(A)(3)(e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
 - 6-6(A)(3)(f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).

4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. All property owners within 100 feet and affected neighborhood association(s) were timely notified.
6. The subject property is currently zoned MX-L.
7. City Transportation stated no objection to the Application.
8. The Subject Property is located in an Area of Change and within the Coors Boulevard Character Protection Overlay Zone.
9. Based on evidence submitted by the Applicant, the requested conditional use is consistent with the ABC Comp. Plan, as amended. Specifically, applicant cited that the Subject Property is located along a major corridor and an area of change, where development is encouraged. Further, Applicant submitted evidence that the proposed conditional use furthers the following policies of the ABC Comp Plan:
 - a. Policy 5.1.12 (*Direct more intense growth to Centers and Corridors . . .*), by proposing an appropriate commercial use along Coors Boulevard, which is a Corridor.
 - b. Policy 5.2.1 (*Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. . . . (h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development*), by creating infill development on a vacant property that is surrounded by developed properties, while remaining consistent with surrounding uses.
 - c. Policy 5.6.2 (*Areas of Change: Direct Growth to areas where change is encouraged*), by developing a commercial use in an area designated for change, rather than in outside a corridor and within a residential area.
10. Based on evidence submitted by the Applicant, the requested conditional 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; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property.
11. Based on evidence submitted by the Applicant, the requested conditional use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
12. Based on evidence submitted by the Applicant, the requested conditional use 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.
13. Applicant established that IDO Section 6-6(A)(3)(e) does not apply, because the Subject Property is more than 300 feet from the nearest lot in a Residential zone district, and therefore the proposed conditional use will not cause any increase in non-residential activity within that specified distance.
14. Based on evidence submitted by the Applicant, the requested conditional use proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-

6-6(A)(3)(f). Agent submitted evidence that no changes are proposed to occur in relation to transit or pedestrians.

15. 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).
16. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow light vehicle sales.

APPEAL:

If you wish to appeal this decision, you must do so by July 15, 2021 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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
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