



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

M & M Co/AMREP, Jarod Likar (Agent, Tierra West, LLC) requests a conditional use to allow a hospital in an MX-M zone within 330 ft from a residential zone for Lot 1A1, La Miranda, located at 4315 Wyoming BLVD NE, zoned MX-M [Section 14-16-4-3(C)(4)]

Special Exception No:..... **VA-2021-00366**  
Project No: ..... **Project#2019-002309**  
Hearing Date: ..... 11-16-21  
Closing of Public Record: ..... 11-16-21  
Date of Decision: ..... 12-01-21

On the 16th day of November, 2021, Tierra West, LLC, agent for property owner M & M Co/AMREP, Jarod Likar (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a hospital in an MX-M zone within 330 ft from a residential zone (“Application”) upon the real property located at 4315 Wyoming BLVD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a hospital in an MX-M zone within 330 ft from a residential zone.
2. The City of Albuquerque Code of Ordinances IDO 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 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.*
  - (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) *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.*
  - (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. Applicant provided evidence that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
5. Applicant provided evidence that all property owners and neighborhood association entitled to notice were notified of the Application.
6. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, Applicant's testimony that the community would benefit from access to health care in the neighborhood demonstrates that the requested Conditional Use approval would help "create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods" as stated as a goal in ABC Comp. Plan Policy 5.2.1.
7. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
8. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant testified and demonstrated in written submittals that the requested Conditional Use approval would not create any adverse impact.
9. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and demonstrated in written submittals that the requested Conditional Use approval would not create any adverse impact.
10. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified that non-residential activity would not increase in any prohibited manner.
11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result.
12. A facilitated meeting was held and all input was positive.
13. The City Traffic Engineering Division stated no objection.
14. The criteria within IDO Section 14-16-6-6(A)(3) are satisfied.
15. IDO Section 14-16-4-3(C)(4) requires the following Use-Specific Standards for a Hospital:

*In the MX-M zone district, this use is limited to no more than 20 overnight beds and, if located within 330 feet of any Residential zone district, shall require a Conditional Use approval, pursuant to Subsection 14-16-6-6(A).*

16. Applicant has met its burden of providing evidence that the Use-Specific Criteria are satisfied.
17. The Subject Property is the subject of a DRB platting action under DRB case number PR-2019-002309. Applicant agrees that this Notice of Decision should be limited to Tract 3 as shown on the DRB preliminary plat approved as of this date.

DECISION:

APPROVAL WITH CONDITION of a conditional use to allow a hospital in an MX-M zone within 330 ft from a residential zone.

CONDITION:

This approval is limited to Tract 3 as shown on the DRB preliminary plat approved as of this date under DRB case number PR-2019-002309.

APPEAL:

If you wish to appeal this decision, you must do so by December 16, 2021 pursuant to Section 14-16-6-4(V), 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  
Tierra West, LLC, [kwalker@tierrawestllc.com](mailto:kwalker@tierrawestllc.com), [jgarcia@tierrawestllc.com](mailto:jgarcia@tierrawestllc.com),  
[JNiski@tierrawestllc.com](mailto:JNiski@tierrawestllc.com),