



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

Group II U26 VC LLC (Agent, Consensus Planning) requests a conditional use to allow for self-storage for Lot Portion of Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NW, zoned MX-M [Section 14-16-4-3(D)(29)]

Special Exception No:..... **VA-2022-00167**  
Project No: ..... **Project#2019-002663**  
Hearing Date: ..... 07-19-22  
Closing of Public Record: ..... 07-19-22  
Date of Decision: ..... 08-03-22

On the 19th day of July, 2022, Consensus Planning, agent for property owners Group II U26 VC LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for self-storage (“Application”) upon the real property located at 99999 Paseo Del Norte NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a conditional use to allow for self-storage.
2. On June 2, 2022, a facilitated meeting hosted by Agent, representing Applicant, was attended by neighborhood associations to discuss the proposed self-storage. As a result of this meeting, Applicant revised the proposed building elevations from 42 feet, 5 inches with a pitched roof to 37 feet, 6 inches with only a flat roof.
3. IDO Section 14-16-4, Table 4-2-1 provides that a conditional use approval is necessary for a self-storage facility if located within the MX-L or MX-M zone district.
4. The Subject Property is located in MX-M zone district.
5. Therefore, a self-storage facility on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
6. The Subject Property’s legal description of the existing tract is Tract 1, Block 2, Volcano Cliffs Subdivision Unit 26, containing 15.7217 acres.
7. The Subject Property is located in the West Mesa, and adjacent areas include the Petroglyph National Monument, near the Piedras Marcadas Canyon area.
8. 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*

9. 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).
10. 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).
11. Agent appeared and gave evidence in support of the application.
12. Applicant has not met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended.
  - a. Agent testified and provided written submittals claiming the Application is consistent with the ABC Comp. Plan because the proposed self-storage would be located within the MX-M zone district. Agent's written submittals highlight that since the proposed self-storage facility will be within a mix-used zone and an Area of Change, the Application should be approved because the ABC Comp. Plan dedicated this area for intended and direct growth.
  - b. Opponents object that the proposed self-storage is inconsistent with the ABC Comp. plan because the ABC Comp. Plan requires more stringent and sensitive development review and requirements for cultural landscapes.
  - c. The following policies in the ABC Comp. Plan protect and/or enhance significant cultural landscapes:
    - i. Policy 11.3.1 (b): "Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design..."
    - ii. Policy 11.3.1 (c): "Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs".
    - iii. Policy 11.3.1 (d): "Encourage site design that enhances and leverages views to cultural landscapes"
  - d. In addition, the ABC Comp. Plan Table A-1, includes the "Volcano Cliffs Sector Development Plan", as a city area and sector development plan with goals and policies incorporated into the ABC Comp. Plan.
    - i. The "Volcano Cliffs Sector Development Plan", updated in May 2011, vision states, "To preserve the fantastic views from the Volcano Cliffs area. Respect the many, individual, private property owners in the Volcano Cliffs area. Protect the unique location of the Volcano Cliffs area".
    - ii. Although the City's adoption of the IDO superseded the "Volcano Cliffs Sector Development Plan" and converted the zoning of the Subject Property to the IDO MX-L zone district in 2018, and ultimately in 2019 as

MX-M zone district, the underlying principles of the Volcano Cliffs Sector Development Plan are carried-over into the current ABC Comp. Plan.

- iii. The ZHE finds these principles found in the “Volcano Cliffs Sector Development Plan” provide that the Volcano Cliffs area, West Mesa, is a cultural landscape that the ABC Comp. Plan seeks to protect with sensitive type development review and requirements.
  - e. Although the MX-M zone district encourages mix use and has a height requirement of 48 feet for buildings, the ZHE reads the above-cited policies of the ABC Comp. Plan and vision of the “Volcano Cliffs Sector Development Plan” as intentional planning policy set in place to protect the cultural landscape, such as Volcano Cliffs and areas in and around Petroglyph National Monument.
  - f. Taken together, the ZHE finds that the proposed building height, although allowed within MX-M zone districts, is not consistent with the ABC Comp. Plan. Although the proposed self-storage and its building design would be allowed within the mixed-zone district, according to the ABC Comp. Plan, future development in cultural landscape areas are encouraged to practice sensitive site design and review.
  - g. The ZHE finds the proposed self-storage, due to its height and design, and nature of use inharmonious with the surrounding community, would minimize visibility of highly scenic areas and inability to blend in with existing structures, and would interfere with the cultural landscape of the surrounding area. As such, the proposed self-storage is not consistent with the ABC Comp. Plan.
  - h. Therefore, the conditional use request for the proposed self-storage should be and hereby is denied.
13. Additionally, Applicant has not 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.
- a. Agent testified and provided written submittals maintaining that the proposed self-storage would not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, because the Subject Property would be located within a mixed-use zone, in which self storage uses are appropriate. Specifically, Agent’s written submittals assert that the proposed self-storage would adhere to all specific use criteria and will be in a suitable addition to an area already zoned for commercial and multi-family uses.
  - b. Opponents claim that the design of the building would adversely impact the area, because of its inconsistency with the neighborhood and negative impacts on Petroglyph National Monument.
  - c. As stated earlier, the design is inconsistent with the ABC Comp. Plan, because it obstructs visibility, and the proposed self-storage overall design is not in harmony and consistent with what currently exists in the neighborhood.
  - d. If this conditional use is approved, the height allowance within the area will set precedent, and thus further negatively impact the intended vision for cultural landscape protection set forth in the ABC Comp. Plan and Volcano Cliffs Sector Development Plan by incorporation into the Comp Plan.

14. Because all prongs of the conditional use test must be satisfied and, as stated above, Applicant failed to satisfy IDO Sections 14-16-6-6(A)(3)(a) and (c), the Application must be denied. Consequently, in the interest of administrative and quasi-judicial economy, the ZHE will not set forth in this Notification of Decision an analysis of the other prongs of the conditional use test.

DECISION:

DENIAL of a conditional use to allow for self-storage.

APPEAL:

If you wish to appeal this decision, you must do so by August 18, 2022 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.



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