



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

Bedrock Investors (Agent, Consensus Planning Inc – Charlene Johnson) requests a conditional use to allow multifamily units on the ground floor in the Volcano Heights Urban Center for Lot w por tr1 Summary plat of 68.75 & 66.15 ac., Block 0000, Unplatted/Paradise Hills located at 99999 Avenida De Jaimito NW, zoned MX-M & MX-T [-14-16-4-3(B)(8)(i)]

Special Exception No: **VA-2024-00092**
Project No: **Project#2024-009652**
Hearing Date: 5-21-24
Closing of Public Record: 5-21-24
Date of Decision: 5-21-24

On the 21st day of May, 2024, agent for property owner, Consensus Planning (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow multifamily units on the ground floor in the Volcano Heights Urban Center (“Application”) upon the real property located at (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow multifamily units on the ground floor in the Volcano Heights Urban Center.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. All property owners within 100 feet and affected neighborhood association(s) were notified.
5. 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).
6. The City of Albuquerque Code of Ordinances Integrated Development Ordinance (“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*

any 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 of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;

(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”

7. 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).
8. 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).
9. Applicant appeared and gave evidence in support of the application.
10. Applicant has met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended. Specifically, Applicant established that the request furthers Comp Plan policies regarding Urban Centers by offering a unique housing option of higher density and intensity suitable for this area, which is largely undeveloped and located adjacent to a single-family residential subdivision. The requested use would also further Comp Plan Land Use Policies 5.1.1 and 5.6.2, and Housing Policy 9.3.1.
11. 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, Agent established that the Subject Property would be developed in accordance with all IDO and DPM requirements.
12. 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 submitted evidence that the proposed multi-family housing development and ground-floor residential units will improve this area. By providing residential activity at the street front, installing landscaping, and improving the streetscape, this development will create more vibrant streetscape and spur commercial and/or business park development of the surrounding vacant properties.
13. 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, the subject property is surrounded by vacant land on the south and east. The entrance to the proposed development will be on Avenida de Jaimito,

which will feed onto Universe Boulevard, an urban minor arterial capable of handling the traffic from the proposed development. The proposed ground floor residential units will be buffered to the street by landscaping and a view fence, which will reduce the potential for noise affecting adjacent properties.

14. 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 established that the development is entirely residential.
15. Applicant has met their burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. When transit service is extended to this area, this project and the ground-floor residential will be well situated to take advantage of those service, since the proposed development will positively impact pedestrian connectivity.

DECISION:

APPROVAL of a conditional use to allow multifamily units on the ground floor in the Volcano Heights Urban Center.

APPEAL:

If you wish to appeal this decision, you must do so by June 20, 2024 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

Mike Vorhees, 6324 Camino Alto NW