



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

Gregory Speer & Helen Laura (Tierra West LLC - Sergio Lozoya) request a Conditional Use to allow for Self-Storage in a MX-L for Lot 11-A, Block 2, Volcano Cliffs Unit 14, located at 7520 Rainbow Blvd NW, zoned MX-L [Section 14-16-4-3(D)(29) ref 14-16-6-6(A)]

Special Exception No: .... **VA-2024-00214**  
Project No: ..... **PR-2024-010691**  
Hearing Date: ..... 09-17-24  
Closing of Public Record: 09-17-24  
Date of Decision: ..... 10-02-24

On the 17<sup>th</sup> day of September, 2024, Gregory Speer & Helen Laura (Tierra West LLC - Sergio Lozoya) (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for Self-Storage in a MX-L zone (“Application”) upon the real property located at 7520 Rainbow Blvd 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 in a MX-L zone.
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 stated that the proposed use is consistent with the Comp Plan, including, without limitation, Policies 4.1.2, 5.2.1, and 5.4.2, and Goals 5.2 and 5.6.
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. Applicant established that the Subject Property would be developed in accordance with all IDO and other 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. Applicant testified that the proposed use of the Subject Property is not a “high traffic generator” and would result in no significant adverse impact.
  - a. The owner of the property adjacent to the Subject Property to the north expressed concerns regarding setback and visual impact. The Applicant agreed to increase the setback, provide an opaque fence, and install buffer landscaping.
  - b. A neighbor across the street raised concerns regarding potential negative impact to his views of the Sandia Mountains. However, the proposed development is within all height requirements on the site and no variance to height is requested. Further, Applicant is orienting the proposed building to minimize visual impact on the Sandias, and the property potentially impacted is buffered by setbacks on that owner’s property and the Subject property, as well as the public street right of way between the two 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, Applicant stated that no such negative impacts would result.

DECISION:

APPROVAL of a conditional use to allow for Self-Storage in a MX-L zone.

APPEAL:

If you wish to appeal this decision, you must do so by October 17, 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.



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cc:

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