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

ALAM LLC (JAG Planning & Zoning, LLC - Juanita Garcia) requests a Conditional Use to allow a Light Vehicle Fueling Station in the MX-L zone and adjacent to a Residential zone district for Lot 33-A, Block A, Altura Addition, located at 2016 Carlisle Blvd NE, zoned MX-L [Section 14-16-4 Table 4-2-1 Section 14-16-4-3(D)(18)(G)]

Special Exception No:	**VA-2024-00326**
Project No:	**PR-2024-011303**
Hearing Date:	01-21-25
Closing of Public Record:	01-21-25
Date of Decision:	02-05-25

On the 21st day of January, 2025, JAG Planning & Zoning, LLC - Juanita Garcia, agent for property owner ALAM LLC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a conditional use to allow a Light Vehicle Fueling Station in the MX-L zone and adjacent to a Residential zone district ("Application") upon the real property located at 2016 Carlisle 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 Light Vehicle Fueling Station in the MX-L zone and adjacent to a Residential zone district.
2. The Subject Property was formerly used as a Light Vehicle Fueling Station, but that use was abandoned for over a year, and therefore the proposed conditional use is required to allow that same use.
3. 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, 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

4. 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).
5. 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).
6. All property owners within 100 feet and affected neighborhood association(s) were notified.
7. 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(J)(4).
8. The ZHE finds that the Applicant has authority to pursue this Application.
9. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals and policies of the ABC Comp. Plan by helping to ensure appropriate scale and location of development and character of design, placing development along corridors, and providing employment and services for the area.
10. Applicant has met its 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 testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements.
11. Applicant has met its 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 and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact.
12. Applicant has met its 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. Applicant confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation.
13. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Applicant confirmed in written submittals that non-residential activity would not increase in any prohibited manner.
14. 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. Applicant confirmed in written submittals that no negative impact on pedestrian or transit connectivity would result.

15. The City Traffic Engineer submitted a report stating no objection to the Application, provided that a TCL is approved for the Subject Property.

DECISION:

APPROVAL WITH CONDITION of a conditional use to allow a Light Vehicle Fueling Station in the MX-L zone and adjacent to a Residential zone district.

CONDITION:

Per City Transportation Development Review Services Section, a TCL must be approved for the Subject Property.

APPEAL:

If you wish to appeal this decision, you must do so by February 20th, 2025 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
JAG JAG <jag@jagpandz.com>
Delwar Alam, 5980 Alameda Blvd NE, 87113
Adam Martinez, PO Box 27351, ABQ, NM 87125