



DEC 30 2002

City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: December 20, 2002

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1002326**
02EPC-01676 Zone Map Amendment
02EPC-01677 EPC Site Development Plan- to
Amendment Building Permit

East End 23 Properties, LLC
a New Mexico limited liability Co.
P.O. Box 26207
Albuq. NM 87125

LEGAL DESCRIPTION: for all or a portion of
Lot(s) 16-18, Block(s) 25, East End Addition, a
zone map amendment from R-1 to SU-1 for Auto
Sales & Storage, located on VERMONT ST. NE,
between LOMAS BLVD. NE and MARBLE AVE.
NE, containing approximately .45 acre(s). (J-19)
Juanita Vigil, Staff Planner

On December 19, 2002 the Environmental Planning Commission voted to approve Project 1002326/
02EPC-01676, a Zone Map Amendment from R-1 to SU-1 for Auto Sales and Storage, for Portions of Lots
16-18, Block 25, East End Addition, based on the following Findings:

FINDINGS:

1. This is a request for a zone map amendment from R-1 to SU-1 for Auto Sales and Storage for Portions of Lot 16-18, Block 25, East End Addition, containing approximately 0.45 acres, located on Vermont Street between Lomas Boulevard and Marble Avenue.
2. The subject request would accommodate the expansion of an auto business located on Lomas Boulevard. Lomas Boulevard is commonly known as "auto row" in this area because of the large number of auto related business. Numerous zone changes have occurred along this corridor, which have facilitated the expansion of this industry.

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3. Approval of the subject request would represent further, although minor, encroachment into the residential development by commercial uses; however, the subject request would not appear to be harmful to adjacent land uses.
 4. The request for a special use zone category further enhances the *Comprehensive Plan* as established in Policy 5i which states: Quality and innovation in design shall be encourage in all new development; design shall be encouraged which is appropriate to the plan area.
 5. The applicant has justified the request based on changed condition, including numerous zone changes in the vicinity as required in Resolution 270-1980.
 6. An adjacent neighborhood has expressed support for this as they have in the past.
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On December 19, 2002 the Environmental Planning Commission voted to approve Project 1002326/02EPC-01677, a Site Development Plan for Building Permit, for Portions of Lots 16-18, Block 25, East End Addition, currently zoned R-1 and proposed to change to SU-1 for Auto Sales and Storage, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a Site Development Plan for Building Permit for Portions of Lots 16-18, Block 25, East End Addition, containing approximately 0.45 acres, located on Vermont Street between Lomas Boulevard and Marble Avenue. The subject site is currently zone R-1 and the applicant is requesting a zone map amendment to SU-1 for Auto Sales and Display.
2. The subject request would accommodate the expansion of an auto business located on Lomas Boulevard. Lomas Boulevard is commonly known as "auto row" in this area because of the large number of auto related business. Numerous zone changes have occurred along this corridor, which have facilitated the expansion of this industry.
3. This request meets the requirement of Policy 5i of the *Comprehensive Plan*, which states that: "employment and service uses shall be located to complement residential area and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments."
4. This request generally meets the definition of a site plan for building permit as defined in the *Comprehensive City Zoning Code*.

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CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. The submittal shall address the following conditions of approval presented from the City Engineer:
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
 - b. Driveway must meet DPM site triangle requirement.
 - c. An approved conceptual grading and drainage plan is required for Site Plan sign-off by the City Engineer. Approval of drainage plan required prior to placement on DRB agenda.
3. The site shall be replatted into one lot that conforms to the zone boundary lines.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JANUARY 3, 2003 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,


Victor J. Chavez
Planning Director

VJC/JV/ac

cc: John Myers, 1401 Central NW, Albuquerque, NM 87104