



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

SL Juan Tabo Land, LLC requests a conditional use to allow self-storage for Lot G1, Academy Place, located at 4909 Juan Tabo Blvd NE, zoned MX-L [Section 14-16-5-6]

Special Exception No:..... **VA-2019-00086**
Project No: **Project# 2019-002184**
Hearing Date: 04-16-19
Closing of Public Record: 04-16-19
Date of Decision: 05-01-19

On the 16th day of April, 2019, Jim Strozier, Consensus Planning, agent for property owner SL Juan Tabo Land, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow self-storage (“Application”) upon the real property located at 4909 Juan Tabo Blvd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS

1. Applicant is requesting a conditional use to allow Self-Storage.
2. The City of Albuquerque Code of Ordinances Section 14-16-6(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.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-(F)(2).
4. Jim Strozier of Concensus Planning, agent for SL Juan Tqbo Land LLC, owner appeared and gave evidence in support of the application.
5. The address of the subject property is 4909 Juan Tabo NE.
6. The subject property is currently zoned MX-L.
7. The MX-L zone allows indoor storage as a conditional use.

8. The requested use is regulated by Specific-use Standards Section 14-16-4-3(D)(28): Self-Storage.
9. All storage units for the proposed use will be located inside the structure, with access through interior corridors; with no outdoor storage of vehicles or goods on the subject property.
10. The subject property does not abut any residential zone or any lots containing residential use.
11. The application complies with applicable Use-specific standards of the IDO, the DPM; other City regulations.
12. There are no other conditions applied on the property by a prior permit or approval.
13. All property owners within 100 feet and affected neighborhood association were notified of the application.
14. Amberglen HOA, Inc., Oso Grande Neighborhood Association, and John B. Roberts Neighborhood Association are the affected NAs.
15. A site plan and photographs of the subject property and views from the subject property were submitted in support of the Application.
16. The property owner does business as Guardian Storage.
17. The subject property is 2.37 acres in area and is currently vacant, and is located on the southeast corner of the intersection of Juan Tabo and Osuna Blvd. NE.
18. The subject property is located within an Area of Consistency as designated by the ABC Comp. Plan.
19. The subject property is near Juan Tabo Blvd. NE., a Multi-modal Corridor designated by the ABC Comp. Plan.
20. Juan Tabo Blvd. NE is an Urban Principal Arterial as designated in the LRTS Guide.
21. Adjacent to the subject site to the south is an ABCWUA parcel and the CNM Montoya Campus.
22. The site has a 17 foot slope from Juan Tabo to the site floor.
23. There is a mix of moderate density residential in the R-T and MX-T zones to the north.
24. NR-PO-B to the east includes the John B. Robert Dam; Bear Canyon Open Space and Office.
25. NR-PO-A and R-1D zones properties to the west are the Oso Grande Park and Utilities.
26. The proposed project would be a newly constructed facility that would house a climate controlled multi-story self-storage unit on the property.
27. The proposed use will serve the surrounding neighborhood with a business which is low intensity, generates low traffic volume and congestion, commercial infill on currently vacant and underutilized and underdeveloped land.
28. This proposed use is consistent with ABC Comp. Plan Goal 5,3: Efficient Development Patterns; in promoting a development pattern that that will maximize the use of existing infrastructure and public facilities and the efficient use of land to support the public good.
29. The proposed building will be a 3 story, 120,000 square feet and 35 foot tall.
30. The proposed building will be constructed with an approximate 62 foot setback on the north; approximate 50 foot setback on the south; approximate 74 foot and 60 foot setbacks on the east; and a 75 foot setback to the west.
31. The building will have interior drive-in loading area with garage door ingress and egress to each unit.
32. Site access will be from an entrance to the north from Osuna Road.
33. The business will operate from 7:00 am through 5:30 pm, with gate access closed at 7:00 pm.
34. There will be no ingress or egress from Juan Tabo Blvd. NE.

35. The subject site is located adjacent to the Bear Canyon Arroyo Major Public Open Space, making it subject to the regulations of Section 14-16-5-2(C).
36. The Applicant shall conduct an analysis of the site constraints of the property as it relates to sensitive lands prior to the design process.
37. Agent for the Applicant participated in a site visit and a City of Albuquerque Land Use Facilitation meeting with representatives of the Oso Grande Neighborhood Association, Jon B. Robert Neighborhood Association and Amberglen Home Owners Association. held February 7, 2019 at the Holiday Park Community Center.
38. The Report from the facilitators was submitted with the Application.
39. The Report, Report Amendment, and Appendix summarizes potential adverse impacts to the adjacent area raised by opponents to the Application into three general areas of concern: Traffic impacts; Drainage; and Viewscape.
40. Opponents raised potential adverse traffic impacts relating to congestion and parking problems generated by the requested use.
41. Applicant pointed out that the requested conditional use generates far less traffic than many of the allowed uses on an MX-L zone district.
42. This use generates an average of 5 to 6 vehicles per hour, even during peak usage hours. With a daily average of approximately 50 per day.
43. The parking lot will be primarily used by employees of the proposed facility and potential new customers who want to rent a storage unit.
44. Existing customers will drive inside the building to drop off of pick up items.
45. Juan Tabo Blvd. currently generates 24,000 trips per average day.
46. Ingress and egress to the facility will only be from Osuna Blvd. There will be not access from Juan Tabo Blvd.
47. Osuna Blvd. does not continue to the west.
48. Access and circulation have been designed to ensure safe ingress and egress.
49. The City Fire Marshall's office has approved the Fire 1 Plan.
50. Opponents were concerned that storm runoff and drainage from the proposed use would potentially adversely impact nearby City Open Spaces and wildlife habitat areas.
51. Applicant has acknowledged the subject property is adjacent to the Bear Canyon Arroyo Overlay Zone/Corridor.
52. Although the site is not in a flood plain as designated by FEMA, Applicant agrees and stipulated ; since it is adjacent, the development will be assessed for compliance with a) drainage policies that prevent unnatural erosion and degradation of drainage ways, and b) approval by the City engineer.
53. Applicant will prepare and submit a Grading and Drainage Plan (site plan) to be approved by City Hydrology, with specific plans to stabilize the existing steep slope on the east edge of the property; b) provide on-site improvements to eliminate adverse impacts to the property to the west (including the pedestrian path) and c) improve storm water quality.
54. Applicant will maintain contact with AMAFCA, the agency that regulates the adjacent channel, and comply with any regulations by that agency.
55. Opponents raised concerns that the development will block the viewscape of the John B. Roberts Dam, a cultural landmark; that the development will destroy the feeling of openness.
56. Applicant has testified that the subject site is lower than the residential neighborhood to the north and the businesses to the southeast; that the property is privately owned and is not city "Open Space", and height is permissive in the MX-L zone.

57. Applicant has agreed to consider the viewscape from all directions with the intention and goal to design and site the building so that impacts are acceptable.
58. The proposed building is planned to be a three-story building with glass and a finished building materials that will blend in with other office, institutional, and commercial developments surrounding the subject property.
59. The Oso Grande Neighborhood Association submitted a Conditional Use-Impact Statement in opposition to the requested use.
60. Paige Baird, 2900 Louisiana Blvd. NE, appeared and gave testimony in support of the Application.
61. Janie McGuigan, 4929 Purcell Dr. NE, appeared and gave testimony in opposition of the Application.
62. Kathy Alvarado, 4920 Serena Cir NE, appeared and gave testimony in opposition of the Application.
63. Phil Jester, 4225-C Paseo Del Oso NE, appeared and gave testimony in opposition of the Application.
64. Alicia Quinoes, Oso Grande NE, appeared and gave testimony in opposition of the Application.
65. Tom Knoll, 9412 Northridge Dr. NE, appeared and gave testimony in opposition of the Application.
66. Alan Markey, 10345 Camino Del Oso NE, appeared and gave testimony in opposition of the Application.
67. Andrew Leverett, 10416 Karen Ave NE, appeared and gave testimony in opposition of the Application.
68. Steve Armstrong, 9813 Mesa Arriba NE, appeared and gave testimony in opposition of the Application.
69. Robert Fire, 10262 Gutierrez Road NE, appeared and gave testimony in opposition of the Application.
70. The proposed use is consistent with the ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
71. The proposed use 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; any conditions specifically applied to the development of the property in a prior permit or approval affecting the property, as required by Section 14-16-6-6(A)(3)(b).
72. Although, the proposed use potentially might create adverse impacts on the adjacent properties; the surrounding neighborhood, or the larger community, the Applicant has proposed and stipulated mitigation that would outweigh the adverse impacts as required by Section 14—16-6-6(A)(3)(c).
73. The proposed use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration as requires by Section 14-16-6(A)(3)(d).
74. The proposed use will not increase non-residential activity within 300 feet of a lot in any Residential zone between the hours of 8:00 pm and 6:00 am as required by Section 14-16-6-6(A)(3)(e).
75. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).

76. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
77. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow Self-Storage.

CONDITIONS:

Applicant shall comply with Specific-use Standards Section 14-16-4-3(D)(28): Self-Storage. Applicant shall comply with Section 14-16-5-2(C); specifically Applicant shall conduct an analysis of the site constraints of the property as it relates to sensitive lands prior to the design process.

APPEAL:

If you wish to appeal this decision, you must do so by May 16, 2019 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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
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