**Dan Rich**
**Ladera Enterprises, LC**
**2210 Vista Oriente NW**
**Albuquerque NM 87120**
**(505) 304-4516**

July 25th, 2023

Development Facilitation Team
City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

RE: Major Amendment to a Site Plan PR-2021-005492, Application # SI-2023-00617
Resubmittal addressing DFT comments dated April 5th, 2023
Project Address: 2210 Vista Oriente Street NW

Dear DFT Members,

The purpose of this letter is to address Planning Case Comments dated April 5th, 2023 for PR-20212-005492, application # SI-2023-00617.

The Planning Case Comment document requested, "Please provide a justification letter explaining new uses and the use definition that is applicable, i.e., Village 1, Village 2, RV Utility Hookup, and RV dry Hook Up.

Please refer to the Site Usage Chart which has been made part of the revised site plan.

To further Clarify:

**Villages 1 and 2 are comprised of 13 Full Hookup Spaces:** These spaces do not represent a new use, and the count has not changed from the November of 2021 DRB approval which allowed for converting of existing RV and Boat storage spaces to RV parking spaces with associated utility hookups. However, the current site plan as reviewed by the DFT in on April 5th presents some reconfiguring of these spaces in order to achieve a 'village' configuration.

**There are 9 dry (electric only) Hookup Spaces**: These are located at the south of the property (spaces 28-36). They are where former Canopy 8 was situated.

**In total there are 40 Full Hookup Spaces:**

> **Spaces A-M** (villages 1 and 2). As explained above, these were existing Full Utility Hookup Spaces but have been slightly reconfigured from what was approved by the DRB in November of 2021.

**Spaces 1-19,** along the north and west. These 19 are existing/approved/unchanged.

**Spaces 20-27**. Located at the east portion of Building E These 8 spaces are new and replace the 9,296 square feet of Storage Building E (east end) that will not be constructed.

"Does the entirety of the new uses meet this IDO definition?"

Yes, all new uses are consistent with definitions as per IDO 4-3(D)(14). Zoning variances were approved by the ZHE regarding Items 4-3(D)(14)(e) (20 feet setback requirement) and 4-3(D)(14)(h) (camp spot to be not more than 300 feet from a water flush toilet). Please reference Special Exceptions VA-2023-00122 and VA-2023-00123. See accompanying Notice of Decision document.

Additional Planning comment: If so, the site plan area that is a Recreational Vehicle Park and must comply with Use Specific Standards in 4-3(d)(14). Identify this as the use on the site plan and confirm in a Justification Letter/Site Plan notes how the USE Specific Standard are being met. Please refer the uses as demonstrated on the Site Plan, as well as the Usage Chart made part of the site plan. This use is consistent with existing NR-C zoning as a permissive use ("campground or recreational vehicle park"). Applicant has verified that all Use Specific Standards of a Recreational Vehicle Park, as per 4-3(d)(14), and as indicated on the Site Plan, have been met.

Additional Planning comment; Note a minimum setback of 20 feet from property line and requirements for a sewer connection. Items 4-3(D)(14)(e) (20 feet setback requirement) and 4-3(D)(14)(h) (camp spot to be not more than 300 feet from a water flush toilet) as shown in the subject site development plan, were presented to the ZHE and were given variances as per Special Exceptions VA-2023-00122 and VA-2023-00123. See accompanying Notice of Decision document.

CODE ENFORCEMENT COMMENTS:

Property is zoned NR-C and is located within the Ladera Business Park, Unit 2. As such, it must meet dimensional standards per IDO 5-1 (E), Table 5-1-3, and all other applicable sections of the IDO, DPM, or other pertinent regulations. These standards have been met. See responses to the comments above as well as the attached letter from The Architectural Design Committee of the Ladera Business Park. The existing Site Development Plan complies with all applicable provisions of the DPM, and other adopted City regulations, and any conditions specifically applied to the development of the property in a prior permit or approval affecting the property. The addition of RV park spaces does not interfere with the existing Site Development Plan's compliance with this criterion, because the addition of RV spaces is permissive under the site's NR-C zoning, and there were no conditions of approval for the existing Site Development Plan, or any previous approval for the property, that the additional use on this site would violate.

Additionally, the addition of RV parking spaces is compliant with the IDO, the Master Development Plan, and RV parking is a permissive use under the NR-C zone as "campground or recreational vehicle park."

2. Must meet requirements of IDO 4-3(D)(14), Campground or Recreational Vehicle Par. Please show how each requirement is being met in notes or justifications. These standards have been met. See responses to the comments above.

3. Campsites are required to be located 20 feet from property line: IDO 4-2(D)(14) e: Camp sites shall be set back a minimum of 20 feet from each property line. Item 4-3(D)(14)(e) (20 feet setback requirement) was presented to the presented to the ZHE and Special Exception VA-2023-00122 was approved. See accompanying Notice of Decision document.

4. Please show how you are meeting screening requirements for campsites within 100 feet of property line, per IDO 4-3(D)(14)(f): Campsites shall be screened on al sides by an opaque wall or vegetative screen at lease 6 feet high unless they are set back at lease 100 feet from each property line abutting a street. Is there a wall or vegetative screen along ease and west property lines that runs back to screen as required? Please refer to the site plan which demonstrates compliance with this requirement, as there is a minimum 7 ½ foot tall CMU block site wall on all sides of the property.

5. Please show location of restroom required and distance to campsites without sewer connections, as per IDO 4-3(D)(14)(h): Water-flush toilets and urinals shall be provided an shall not be more than 300 feet in any direction of any camp site without an individual sewer connection. Item 4-3(D)(14)(h) (camp spot to be not more than 300 feet from a water flush toilet) was presented to the presented to the ZHE and Special Exception VA-2023-00123 was approved. See accompanying Notice of Decision document.

6. Indicate where vehicle parking is located for RV lots designed as 20-27. Required one space per designated RV spot, as per IDO Table 5-5-1. Please refer to the site plan which demonstrates compliance with this requirement.

7. Site Plan should designate new additional uses of Campground or Recreational Park, as well as RV and Boat Storage. Consult Building Safety as to whether a Change of Use permit be required. Please refer to the Site Usage Chart of the Site Plan. A Change of Use permit is not required.

Sincerely,

Dan Rich
Ladera Enterprises, LLC

# SITE USAGE CHART

NOTE: UNLESS NOTED OTHERWISE, BUILDINGS, DRIVEWAYS, RV SPACES ETC. ARE PER PREVIOUSLY APPROVED SITE DEVELOPMENT PLAN.

| CAMPSITE | | | UTILITIES PROVIDED | |
|---|---|---|---|---|
| SPACE | EXISTING (APPROVED) | REVISED | ELECTRIC & WATER-SEWER | ELECTRIC ONLY |
| 1 | X | | X | |
| 2 | X | | X | |
| 3 | X | | X | |
| 4 | X | | X | |
| 5 | X | | X | |
| 6 | X | | X | |
| 7 | X | | X | |
| 8 | X | | X | |
| 9 | X | | X | |
| 10 | X | | X | |
| 11 | X | | X | |
| 12 | X | | X | |
| 13 | X | | X | |
| 14 | X | | X | |
| 15 | X | | X | |
| 16 | X | | X | |
| 17 | X | | X | |
| 18 | X | | X | |
| 19 | X | | X | |
| 20 | | X | X | |
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| 22 | | X | X | |
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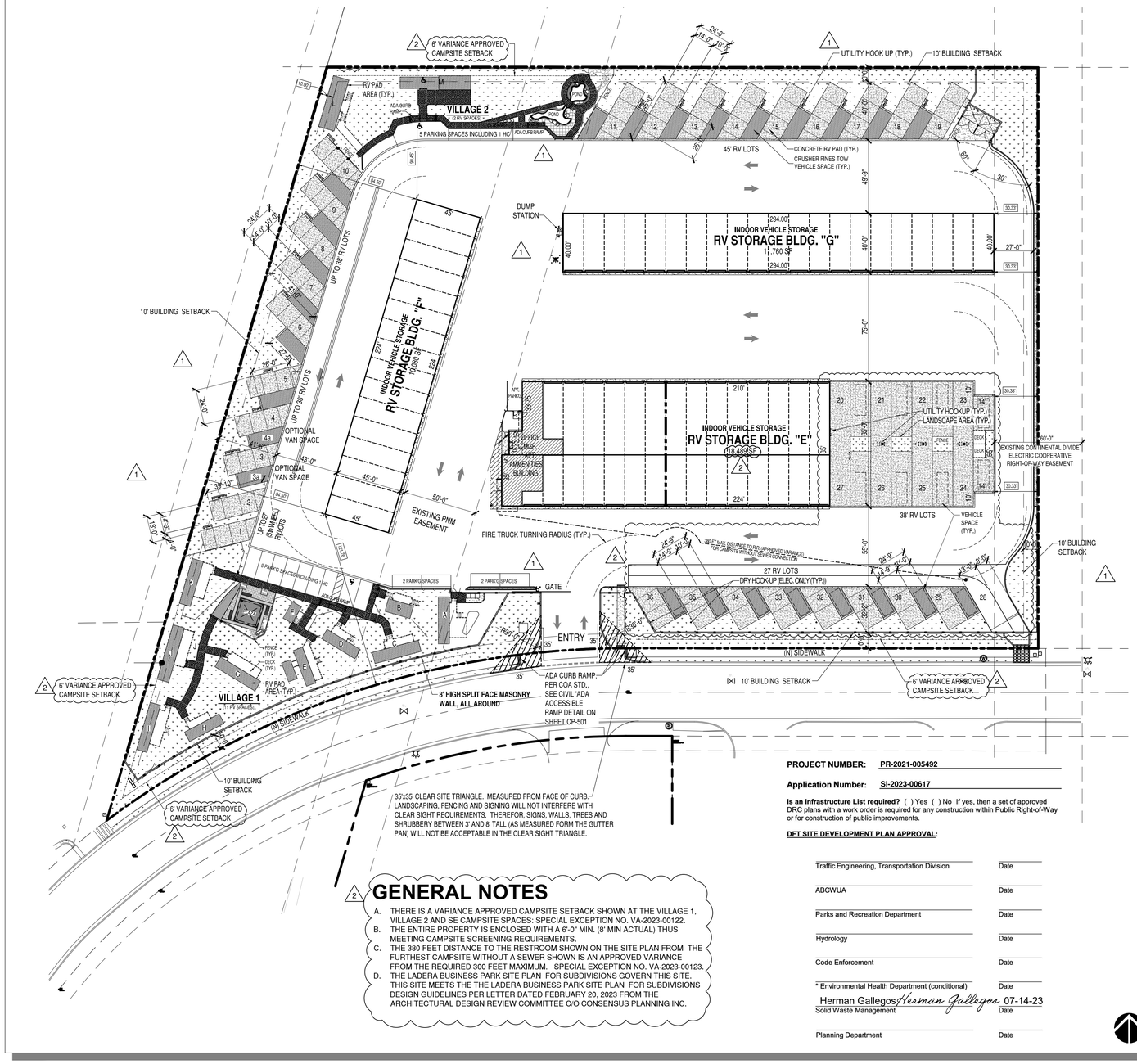
| 25 | | X | X | |
| 26 | | X | X | |
| 27 | | X | X | |
| 28 | | X | | X |
| 29 | | X | | X |
| 30 | | X | | X |
| 31 | | X | | X |
| 32 | | X | | X |
| 33 | | X | | X |
| 34 | | X | | X |
| 35 | | X | | X |
| 36 | | X | | X |
| A | | X | X | |
| B | | X | X | |
| C | | X | X | |
| D | | X | X | |
| E | | X | X | |
| F | | X | X | |
| G | | X | X | |
| H | | X | X | |
| I | | X | X | |
| J | | X | X | |
| K | | X | X | |
| L | | X | X | |
| M | | X | X | |




# GENERAL NOTES

A. THERE IS A VARIANCE APPROVED CAMPSITE SETBACK SHOWN AT THE VILLAGE 1, VILLAGE 2 AND SE CAMPSITE SPACES: SPECIAL EXCEPTION NO. VA-2023-00122.
B. THE ENTIRE PROPERTY IS ENCLOSED WITH A 6'-0" MIN. (8' MIN ACTUAL) THUS MEETING CAMPSITE SCREENING REQUIREMENTS.
C. THE 380 FEET DISTANCE TO THE RESTROOM SHOWN ON THE SITE PLAN FROM THE FURTHEST CAMPSITE WITHOUT A SEWER SHOWN IS AN APPROVED VARIANCE FROM THE REQUIRED 300 FEET MAXIMUM. SPECIAL EXCEPTION NO. VA-2023-00123.
D. THE LADERA BUSINESS PARK SITE PLAN FOR SUBDIVISIONS GOVERN THIS SITE. THIS SITE MEETS THE THE LADERA BUSINESS PARK SITE PLAN FOR SUBDIVISIONS DESIGN GUIDELINES PER LETTER DATED FEBRUARY 20, 2023 FROM THE ARCHITECTURAL DESIGN REVIEW COMMITTEE C/O CONSENSUS PLANNING INC.

**PROJECT NUMBER:** PR-2021-005492

**Application Number:** SI-2023-00617

**Is an Infrastructure List required?** ( ) Yes ( ) No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

**DFT SITE DEVELOPMENT PLAN APPROVAL:**

| | |
|---|---|
| Traffic Engineering, Transportation Division | Date |
| ABCWUA | Date |
| Parks and Recreation Department | Date |
| Hydrology | Date |
| Code Enforcement | Date |
| * Environmental Health Department (conditional) | Date |
| Herman Gallegos Herman Gallegos 07-14-23 Solid Waste Management | Date |
| Planning Department | Date |

## PROPOSED SITE PLAN REVISIONS

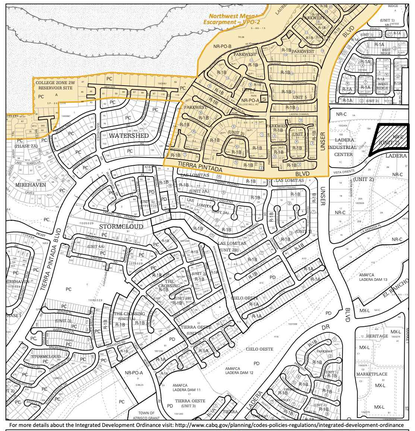
1" = 40'

0 20' 40' 80'

1

AA-SP-1

# VICINITY MAP




For more details about the Integrated Development Ordinance visit: http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance

**IDO Zone Atlas**
**May 2018**

IDO Zoning Information as of May 17, 2018
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

Gray Shading Represents Area Outside of the City Limits

Zone Atlas Page:
**H-09-Z**

Easement
Escarpment
Petroglyph National Monument
Areas Outside of City Limits
Airport Protection Overlay (APO) Zone
Character Protection Overlay (CPO) Zone
Historic Protection Overlay (HPO) Zone
View Protection Overlay (VPO) Zone
Feet
0 250 500 1,000

# SITE DATA

**PROJECT: ALBUQUERQUE RV AND BOAT STORAGE**
**ADDRESS: 2201 VISTA ORIENTE NW**
**OWNER: LADERA ENTERPRISES LLC**
**LEGAL DESCRIPTION: TRACT 1 UNIT 2 LADERA BUSINESS PARK**
**TOTAL LOT AREA: 5.215 ACRES**
**ZONING MAP: H-9-Z**
**CURRENT ZONING CLASSIFICATION: NR-C LIGHT INDUSTRIAL**
**BUILDING TYPE: II B, (NFPA 13D SPRINKLERED FOR R3 (APARTMENT) FIRE AREA)**
**TOTAL BUILDING AREA:**

**NEW BUILDING E CONFIGURATION: 18,489 SF (27,773 SF ORIGINAL PERMIT NO. BP-2021-07160)**
**(27, 729 SF PREVIOUS PERMIT NO. BP-2022-07008)**

| | |
|---|---|
| **EXISTING BUILDING F:** | **10,080 SF** |
| **EXISTING BUILDING G:** | **11,760 SF** |
| **TOTAL** | **40,329 SF (49,613 SF ORIGINAL)** |

**CANOPY 8 REMOVED AND REPLACED WITH NOMADLAND RV SPACES (SEE BELOW)**

**NUMBER OF INDOOR RV STORAGE UNITS: 65 (81 PREVIOUS)**
**NUMBER OF NOMADLAND RV CAMPSITE SPACES: 36 (32 PREVIOUS)**
**NUMBER OF CANOPY COVERED RV SPACE: 0 (18 PREVIOUS)**
**NUMBER OF VILLAGE 1 & 2 CAMPSITE SPACES: 13 (13 RECONFIGURED / 13 PREVIOUS)**
**NUMBER OF OPEN RV VEHICLE STORAGE SPACES: 0 (4 PREVIOUS)**

**NUMBER OF PARKING SPACES: FOR CAMPGROUND OR RECREATIONAL VEHICLE PARK**
**1 SPACE PER DESIGNATED CAMPING OR RV SPOT;**
**52 SPACES PROVIDED (49 REQUIRED) (25 PREVIOUS)**

**MANAGER APARTMENT PARKING SPACE: 1 SPACE PROVIDED (1 REQUIRED) (SAME AS PREVIOUS)**

Approved for access by the Solid Waste Department for 2-dumpsters. All containers must be made accessible from 5AM to 8PM.
Herman Gallegos 07-14-23 Herman Gallegos


JUNO

A R C H I T E C T S

7925 Bosque ST. NW, Albuquerque, NM 87114 Ph. (505) 892-8453 Fax. (505)890-1736


PROJECT:
**ABQ RV + BOAT STORAGE + CAMPSITE FACILITY**
**2201 VISTA ORIENTE NW, ALBUQUERQUE, NM**

SHEET TITLE:

**PROPSED SITE PLAN REVISIONS**

| NO. | REVISION | DATE |
|---|---|---|
| 1 | SITE PLAN REVISIONS | 2/21/23 |
| 2 | DFT CODE ENFOREMENT COMMENTS / GEN. / REV. | 7/13/23 |

ARCHITECT STAMP

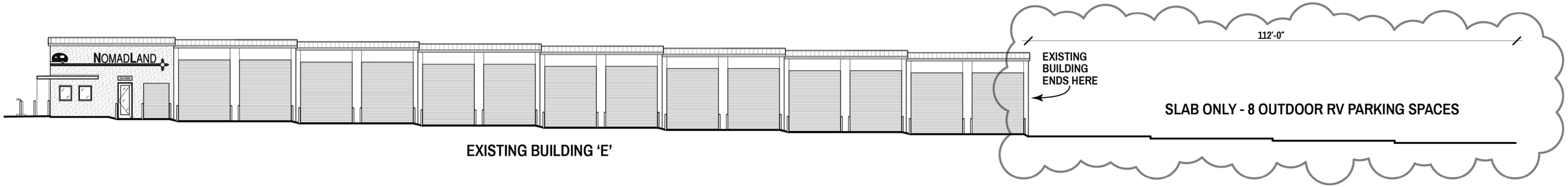
STATE OF NEW MEXICO
KEVIN JUNO
NO. 1603
REGISTERED ARCHITECT

1.4.23

CONSULTANT STAMP

DATE:
**2/24/23**
PROJECT NO.
**1614**
SHEET NO.

**AA-SP-1**




## SOUTH ELEVATION

3/32" = 1

JUNO

ARCHITECTS

7925 Bosque ST. NW, Albuquerque, NM 87114 Ph. (505) 892-8453 Fax. (505)890-1736

PROJECT:

**ABQ RV + BOAT STORAGE + CAMPSITE FACILITY**
**2201 VISTA ORIENTE NW, ALBUQUERQUE, NM**

SHEET TITLE:

**ELEVATION**

| NO. | REVISION | DATE |
|---|---|---|
| 1 | DFT CODE ENFOREMENT COMMENTS (NEW SHEET) | 7/20/23 |

ARCHITECT STAMP

STATE OF NEW MEXICO
KEVIN JUNO
NO. 1603
REGISTERED ARCHITECT

7-20-23

CONSULTANT STAMP

DATE:
**7/20/23**
PROJECT NO.
**1614**
SHEET NO.
**AS-201**

ALBUQUERQUE FIRE MARSHAL'S DIVISION OFFICE PLANS CHECKING DIVISION

**PERMIT**

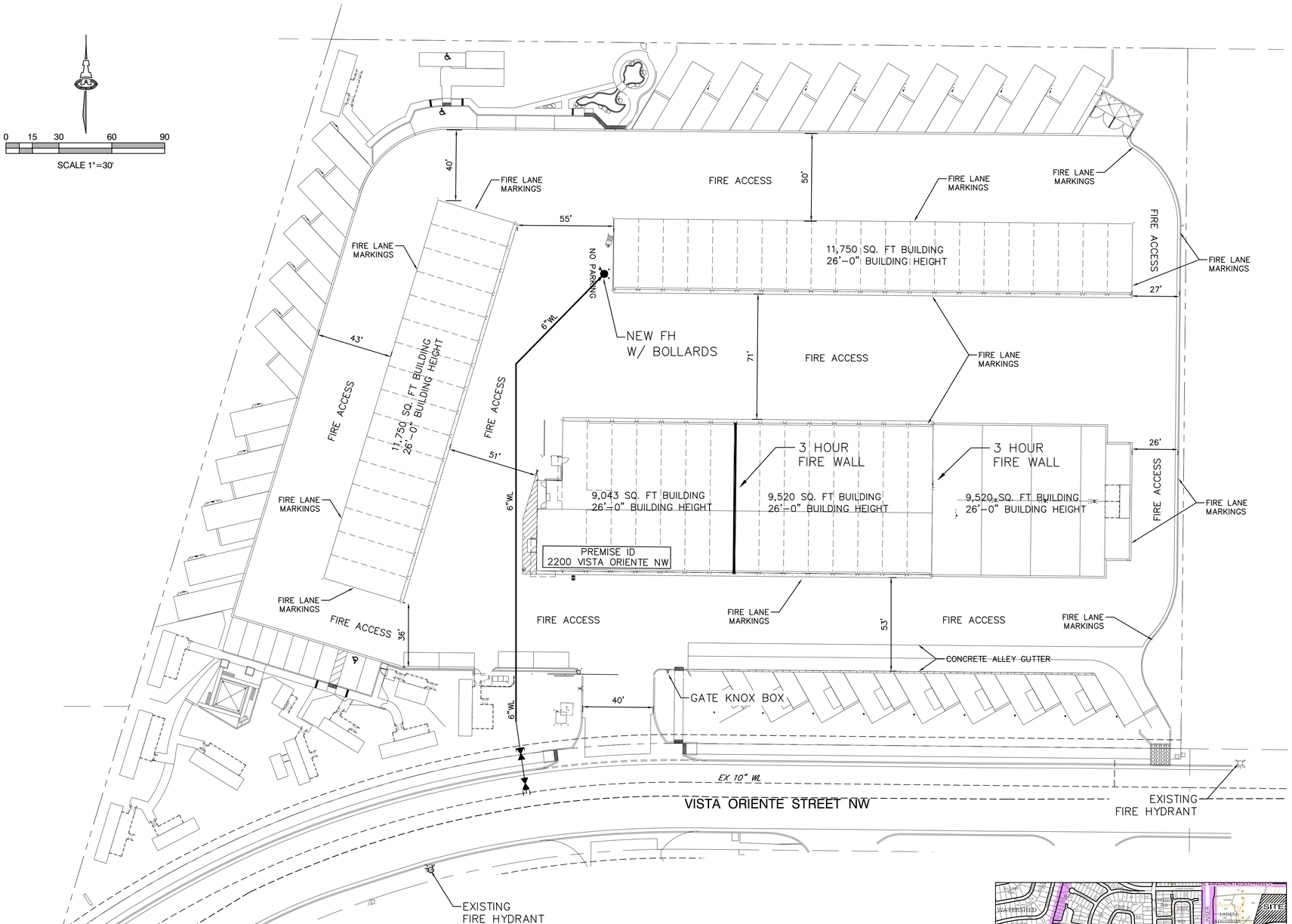
PERMIT NUMBER: FP 21-005153

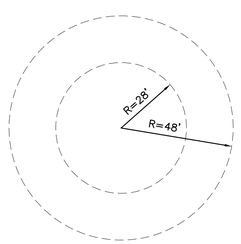
APPROVED DATE: 03/08/23

**APPROVED**

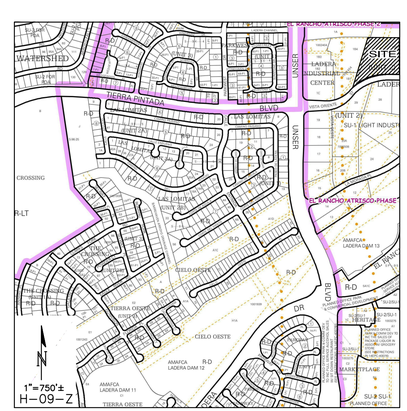
THESE CONSTRUCTION DOCUMENTS WERE REVIEWED AND APPROVED BY THE ALBUQUERQUE FIRE MARSHAL'S OFFICE IN ACCORDANCE WITH THE CITY ORDINACE, THE INTERNATIONAL FIRE CODE, AND NFPA STANDARDS. THIS PERMIT IS VALID FOR 180 DAYS. FINAL INSPECTION IS REQUIRED.

**FIRE FLOW:** 2250GPM, 2 HYDRANTS, IIB CONSTRUCTION




FIRE APPARATUS TURNING RADIUS
1"=30'




2200 VISTA ORIENTE N.W.,
ALBUQUERQUE, NM 87120
PREVIOUS FIRE 1 PLAN 21-005153

1-28,083 SQ. FT BUILDING
TYPE 2B CONSTRUCTION
NON-SPRINKELED
FIRE FLOW = 3,500 GPM
SEPARATED INTO 3 SEPARATE SECTIONS BY
3 HOUR FIRE WALLS.
PER IBC 707.3.10
2-9,520 SQ FT SECTIONS
FIRE FLOW = 2,000 GPM
1-9,043 SQ FT SECTION
FIRE FLOW = 2,000 GPM
OCCUPANCY GROUP - STORAGE GROUP S1

26'-0" BUILDING HEIGHT

2-11,750 SQ. FT BUILDINGS
TYPE 2B CONSTRUCTION
NON-SPRINKLED
FIRE FLOW =2,250 GPM
OCCUPANCY GROUP - STORAGE GROUP S1

26'-0" BUILDING HEIGHT

1 EXISTING FIRE HYDRANT NEAR SITE.
1 PROPOSED FIRE HYDRANTS ON SITE.

ALL ACCESS ROADS AND FIRE LANES HAVE GRADES LESS THAN 10% AND A LOAD CAPACITY OF 75,000 POUNDS.

ALL ACCESS ROADS AND FIRE LANES WILL ACCOMMODATE A 28' MINIMUM TRUCK TURNING RADIUS.

2278 ABQ RV STORAGE FIRE 1.dwg 07,2023

This design, calculations, and concepts are owned by and remain the property of Isaacson & Arfman, P.A. and no part thereof shall be utilized by any person, firm or corporation for any purpose whatsoever except with the written permission of Isaacson & Arfman, P.A. ©

ABQ RV &
BOAT STORAGE

EMERALD PROPERTIES, LLC

FIRE HYDRANT LOCATION
AND ACCESS PLAN

| Date: 03-2023 | No. | Revision: | Date: | Job No. 2278 |
|---|---|---|---|---|
| Drawn By: DEC | | | | FIRE 1 |
| Ckd By: FCA | | | | SH. 1 OF 1 |

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

| | |
|---|---|
| Ladera Enterprises, LLC (Dan Rich) requests a variance of 14 ft to the required 20 ft setback for a campsite to each property line for Lot 1, Ladera Business Park U-2, located at 2201 Vista Oriente NW, zoned NR-C [Section 14-16-4-3(D)(14)(e)] | Special Exception No: ..... **VA-2023-00122**<br>Project No:..... **Project#2021-005492**<br>Hearing Date:..... 06-20-23<br>Closing of Public Record:..... 06-20-23<br>Date of Decision: ..... 07-05-23 |

On the 20th day of June, 2023, Dan Rich, agent for property owner Ladera Enterprises, LLC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 14 ft to the required 20 ft setback for a campsite to each property line ("Application") upon the real property located at 2201 Vista Oriente NW ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 14 ft to the required 20 ft setback for a campsite to each property line.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: "… *an application for a Variance-ZHE shall be approved if it meets all of the following criteria*:

   *(1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*

   *(2) The Variance will not be materially contrary to the public safety, health, or welfare.*

   *(3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*

   *(4) The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*

   *(5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
3. 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).
4. 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).

5. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.
6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant established that proper notice was provide pursuant to IDO requirements.
9. Applicant has authority to pursue this Application.
10. The City Traffic Engineer submitted a report stating no objection to the Application.
11. The subject property is currently zoned NR-C.
12. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's unique layout based on historic platting and development under prior approval regimes, as well as the location of existing public and private improvements, such as infrastructure, driveways and curbcuts, create special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
13. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM).
14. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
15. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the useability of the site in line with prior approvals.
16. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
17. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 14 ft to the required 20 ft setback for a campsite to each property line.

APPEAL:

If you wish to appeal this decision, you must do so by July 20, 2023 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
Dan Rich, emeraldprops@aol.com

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

| | |
|---|---|
| Ladera Enterprises, LLC (Dan Rich) requests a variance of 80 ft to the required distance of 300 ft for water flush toilets and urinals without individual sewer connections for Lot 1, Ladera Business Park U-2, located at 2201 Vista Oriente NW, zoned NR-C [Section 14-16-4-3(D)(14)(h)] | Special Exception No: ..... **VA-2023-00123**<br>Project No:..... **Project#2021-005492**<br>Hearing Date:..... 06-20-23<br>Closing of Public Record:..... 06-20-23<br>Date of Decision: ..... 07-05-23 |

On the 20th day of June, 2023, Dan Rich, agent for property owner Ladera Enterprises, LLC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 80 ft to the required distance of 300 ft for water flush toilets and urinals without individual sewer connections ("Application") upon the real property located at 2201 Vista Oriente NW ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 80 ft to the required distance of 300 ft for water flush toilets and urinals without individual sewer connections.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: "… *an application for a Variance-ZHE shall be approved if it meets all of the following criteria*:

   *(1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*

   *(2) The Variance will not be materially contrary to the public safety, health, or welfare.*

   *(3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*

   *(4) The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*

   *(5)The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
3. 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).
4. 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).

5. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.
6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant established that proper notice was provide pursuant to IDO requirements.
9. Applicant has authority to pursue this Application.
10. The City Traffic Engineer submitted a report stating no objection to the Application.
11. The subject property is currently zoned NR-C.
12. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's unique layout based on historic platting and development under prior approval regimes, as well as the location of existing public and private improvements, such as infrastructure, driveways and curbcuts, create special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
13. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM).
14. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
15. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the useability of the site in line with prior approvals.
16. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
17. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 80 ft to the required distance of 300 ft for water flush toilets and urinals without individual sewer connections.

APPEAL:

If you wish to appeal this decision, you must do so by July 20, 2023 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
Dan Rich, emeraldprops@aol.com

CONSENSUS PLANNING

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February 20, 2023

Architectural Design Review Committee

c/o Consensus Planning, Inc.

RE: Recommendation to Architectural Design Review Committee
*Lot # - Tract 1, Unit 2 LBP*

To whom it may concern:

Application for Major Amendment, 2201 Vista Oriente, NW, have been reviewed for compliance with the 'Declaration of Covenants, Conditions and Restrictions', Article VII and Article VIII. The review finds that the proposed amendment is consistent with the original approval and that the property will continue to comply with the C, C & Rs. The amendment includes the addition and internal reconfiguration of RV parking spaces and does not change or impact the building architecture and finishes, the perimeter fencing, or landscaping.

The recommendation to the Committee for this property is as follows:

____X___ Approval

_____ Approval pending submittal of the following: Add a note that the pole mounted lighting may not exceed 25 feet in height.

_____ Disapproval based on the non-compliance of the following:

Please let me know if you have any questions regarding this recommendation.

Sincerely,

James K. Strozier, FAICP
Principal

c: Mr. Dan Rich, Ladera Enterprises

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA, ASLA, LEED AP
Jacqueline Fishman, AICP