



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

John & Kathleen Battaglia request a conditional use to allow outdoor vehicle storage on Lot Q4, Atrisco Business Park Unit 4, located at 623 Coors Blvd NW, zoned NR-BP [Section 14-16-4-2]

Special Exception No:..... VA-2019-00168
Project No: Project# 2019-002386
Hearing Date: 06-18-19
Closing of Public Record: 06-18-19
Date of Decision: 07-03-19

On the 18th day of June, 2019, Jonathan Turner, Garcia/Kraemer & Associates, agent for property owners John & Kathleen Battaglia (through their authorized agent, "Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a conditional use to allow outdoor vehicle storage ("Application") upon the real property located at 623 Coors Blvd NW ("Subject Property"). Below are the ZHE's findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow outdoor vehicle storage.
2. Applicant has authority to pursue this Application.
3. The Subject Property is currently zoned NR-BP under the City of Albuquerque Integrated Development Ordinance ("IDO").
4. The NR-BP zone lists outdoor vehicle storage as a conditional use with use-specific standards as required under IDO Section 4-3(D)(20).
5. The City of Albuquerque Integrated Development 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;*
 - (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*

6. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(F)(2).
7. Applicant appeared at the ZHE hearing on this matter and gave evidence in support of the Application.
8. Applicant testified at the hearing that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
9. Applicant testified at the hearing that all property owners and neighborhood association entitled to notice were notified of the Application.
10. 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. Specifically, Applicant submitted evidence supporting that the requested Conditional Use approval furthers the following goals of the ABC Comp. Plan:

Policy 5.5.5 Developing and Established Urban Areas: Create a quality urban environment that perpetuates the tradition of identifiable, individual, compact but integrated communities within the metropolitan area and that offers variety and maximum choice in housing, transportation, work areas, and lifestyles, while creating a visually pleasing built environment.

(g) Accommodate new growth through infill and compact development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured-

This request helps further the above policy since approval would allow a compact infill development on vacant land which is contiguous to existing urban facilities. The integrity of existing neighborhoods is ensured through the public notification process for the proposed use, and through special buffering, screening, and character protection overlay regulation requirements of the Coors Blvd CP0-2.

(m) Encourage quality and innovation in design that is appropriate to the Plan area in all new development including.—cisterns and water harvesting, xeriscaping and other green technologies.

This policy for Established Urban areas is partially furthered by this request because the required landscape areas are to be xeriscaped with drought tolerant trees and shrubs and water harvesting will occur on site with the use of pervious pavement and a grading plan that controls "and reduces water runoff.

(p) Continue to redevelop and rehabilitate older neighborhoods in the Established Urban Area.

The conditional use request and associated development of the land would help to rehabilitate an older neighborhood; therefore, the request would help to further this policy.

Policy 5.7.4 Streamlined Development: Encourage efficiencies in the development review process.

(a) Encourage and facilitate meetings between developers and residents to Nene, and address issues prior to the official submittal of projects for approval.

All of the affected neighboring property owners and neighborhood associations and coalitions were notified and offered a facilitated meeting or private meeting prior to the submittal of the application.

11. 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. Specifically, Applicant testified and confirmed in written submittals that: (A) the conditional use, if approved, will comply with the special screening and buffering regulations of the IDO for outdoor vehicle storage use; (B) the submitted site plan clearly shows the location of the special landscape buffer adjacent to the R-T zoned property; and (C) the proposed outdoor lighting and any signage are to be in compliance with the Coors Boulevard- Character Protection Overlay zone 2 (CPO-2). In addition, upon approval of the conditional use request, an engineered grading & drainage plan in compliance with the regulations of the DPM is to be submitted to the hydrology section for approval and permit No evidence was submitted to the contrary. No prior permits or approvals apply.
12. 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. Specifically, Applicant testified and confirmed in written submittals that owners of RVs and other vehicles who use and need this type of storage do not typically make trips to the storage area on a weekly or even monthly basis; therefore, it is anticipated that the infill development of this vacant parcel will have positive impacts on the surrounding properties including the Cedar Ridge Estates residential subdivision to the west, given that the RV storage use does not generate an inordinate or unpredictable amount of traffic which could have adverse impacts on the larger community, the surrounding neighborhood, or adjacent properties. Additionally, Applicant provided evidence that development of this vacant lot will contribute to the removal of blight, enhance the appearance, improve drainage, and increase property values within the Atrisco Business Park subdivision; therefore, public safety, health, and welfare will be improved and strengthened while stabilizing land use and property values. No evidence was submitted to the contrary.
13. 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. Specifically, Applicant testified and confirmed in written submittals that the Conditional Use Approval will not create material adverse impacts on other land in the area, because the proposed use is intended to allow a customer to leave a vehicle on the Subject Property for long periods of time without having to show up on site to evaluate what is being stored. Furthermore, noise and vibration are not types of impacts that long-term parked vehicles are capable of creating. Traffic and parking congestion are adverse impacts from which the proposed vehicle storage use is designed to provide relief and a useful alternative. No evidence was submitted to the contrary.

14. 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 8:00 pm and 6:00 am. Specifically, Applicant testified that business hours would be restricted to 6:00 a.m. to 8:00 p.m. No evidence was submitted to the contrary.
15. 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. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result. No evidence was submitted to the contrary.
16. The City Traffic Engineering Division stated no objection.
17. The criteria within IDO Section 14-16-6-6(A)(3) are satisfied.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow outdoor vehicle storage.

CONDITIONS:

- A. All outdoor areas where vehicles are stored must be screened from any adjacent Residential zone district or lot containing a Residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).
- B. Business hours on the Subject Property are restricted to 6:00 a.m. to 8:00 p.m.

APPEAL:

If you wish to appeal this decision, you must do so by July 18, 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.



Robert L. Lucero, Jr., Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File

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