APPLICATION FOR SPECIAL EXCEPTION
CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICATION INFORMATION–PLEASE PRINT

EDWARD FITZGERALD / ARCHITECTS
PROFESSIONAL / AGENT NAME (FIRST, LAST)

121 JEFFERSON NE
MAILING ADDRESS

ALBQ. NM 87108
CITY STATE ZIP CODE

STANLEY MOUNT, MOUNT CORP.
OWNER NAME (FIRST, LAST–IF ANY)

2639 ALOYSIA LANE NW
MAILING ADDRESS

ALBQ. NM 87104
CITY STATE ZIP CODE

TELEPHONE (INCLUDE AREA CODE)
(H) ___-___-___
(W) 505-268-9055
(C) ___-___-___

(H) ___-___-___
(W) 505-450-1885
(C) ___-___-___

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

1201 RIO GRANDE BLVD NW, ALBQ. NM 87104
STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE

55
LOT(S) TRACT(S) BLOCK(s)

REPLAT OF FLORAL GARDENS
SUBDIVISION / ADDITION / MRGCD MAP NO.

101305 909619 132212
UNIFORM PROPERTY CODE

CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here MF.

EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

TRAFFIC ENGINEERING REVIEW– **REQUIRED FOR ALL WALLS, FENCES, AND CARPORTS IN THE FRONT AND STREET SIDE YARD SETBACKS.** Call the Traffic Investigations Supervisor at 505.857.8685 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor. Initial Here MF.

ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

MF+M
SIGNATURE 20100 80123 4.9.10
DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1008289 **APPLICATION #:** 10 ZHE 80123

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☒ (ZHE04) Variance:
  - ☐ Distance ☐ Setback
  - ☐ Height ☒ Parking
  - ☐ Size ☐ Other

SECTION NO. 14-16-3-1 (A) (27) REFERENCE SECTION NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 1 parking space to the required 7 parking spaces for a proposed Addition

SECTOR DEVELOPMENT AREA: Rio Grande Blvd. Corridor / Lo Duranes

ZONED: C-1 ZONE MAP PAGE: H-13 NO. OF SIGNS ISSUED: 2

1201 Rio Grande Blvd. NW
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

FEE: $145.00

David Kilpatrick 4-9-2010
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) DATE

04-09-10
DATE OF PUBLIC HEARING

(APN) 441018 / 4971000 $ 35.00
(CMP) 441032 / 3424000 $ 10.00
(ZHE) 441006 / 3451000 $ 100.00

Revised. February 2009

Treasury Division
4/9/2010 4:01PM LOC: ANNX
WS# 007 TRANS# 0038
RECEIPT# 00129508-00129508
PERMIT# 2010080123 TRSDMG
Trans Amt $145.00
APN Fee $35.00
Conflict Manag. Fee $10.00
ZHE Actions $100.00
CK $145.00
CHANGE $0.00
Thank You

SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: _____ APPLICATION #: 10 ZHE 80154

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☐ (ZHE04) Variance: ☐ Distance ☐ Setback ☐ Height ☐ Parking ☐ Size ☐ Other

SECTION NO. Page 54 U.D.4 REFERENCE NO: 14-16-3-19(A)(3)a

(LEGAL AD) ACTION DESCRIPTION A variance of 3' to the allowed 3 height for a proposed wall

PROJECT #: _____ APPLICATION #: 10 ZHE 80155

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☒ (ZHE04) Variance: ☐ Distance ☐ Setback ☐ Height ☐ Parking ☐ Size ☒ Other

SECTION NO. 14-16-3-10 (E)(3)(b) REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 6' to the required side ~~yard~~ Landscape buffer for a proposed Addition

PROJECT #: _____ APPLICATION #: 10 ZHE 80156

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☒ (ZHE04) Variance: ☐ Distance ☐ Setback ☐ Height ☐ Parking ☐ Size ☒ Other

SECTION NO. 14-16-3-10 (E)(3)(b) REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 6' To the required rear Landscape buffer

PROJECT #: _____ APPLICATION #: ___ ZHE _____

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☐ (ZHE04) Variance: ☐ Distance ☐ Setback ☐ Height ☐ Parking ☐ Size ☐ Other

SECTION NO. _____ REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

PROJECT #: _____ APPLICATION #: ___ ZHE _____

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ (ZHE01) Conditional Use
- ☐ (ZHE02) Expansion of a NonConforming Use
- ☐ (ZHE03) NonConforming Use / Status Established Building
- ☐ (ZHE04) Variance: ☐ Distance ☐ Setback ☐ Height ☐ Parking ☐ Size ☐ Other

SECTION NO. _____ REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

For more current information and more details visit: http://www.cabq.gov/gis

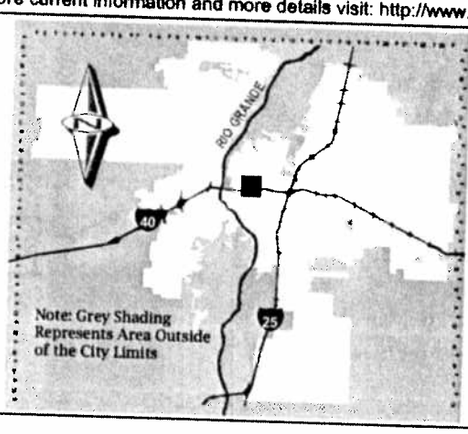
Site

CITY OF ALBUQUERQUE

AGIS

Albuquerque Geographic Information System

Map amended through: 2/4/2010



Zone Atlas Page:

H-13-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contour
- Wall Overlay Zone

0 750 1,500 Feet

those of International Electro Commission (IEC) Publication 651 or those of the latest respective revisions thereof;

b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;

c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methology. An alternative predictive methodology consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.

(3) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:

(a) Within five feet of public street right-of-way, where they shall not exceed three feet in height above the abutting grade on the street side; and

(b) If a wall, fence, retaining wall, or vertical combination of these abutting a residential zone has a height of over eight feet above the abutting grade on the residential side, the Zoning Hearing Examiner shall decide the required height through a conditional use.

(4) No wall, fence, or retaining wall or vertical combination of these shall be erected in the clear sight triangle unless the Traffic Engineer based on a finding that it would not be a traffic hazard approves its type and location.

(B) Design Regulations.

(1) Applicability. These design regulations shall apply to the following:

(a) The side of all walls, fences, retaining walls or a vertical combination of these that exceed four feet in height and that face:

1. Arterial, collector and local street rights-of-way;

2. Public park;

3. Public open space; and

4. Designated Public trails.

(b) Any wall that does not exceed four feet in height above the abutting grade on the public side shall only comply with (2) (b) Façade and (2) (c) Materials & Texture of this section.

(c) The public street side of all front, side, and rear yard walls that require a special exception.

(2) Design Standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.

(a) Layout.

1. The layout shall incorporate at least one of the following features to break the massing

those of International Electro Commission (IEC) Publication 651 or those of the latest respective revisions thereof;

b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;

c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methology. An alternative predictive methodology consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.

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(2) Design Standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.

(a) Layout.

1. The layout shall incorporate at least one of the following features to break the massing

(2) Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials, which have been approved by the applicable public utility as part of a plan for landscaping on the public right-of-way, shall be the responsibility of such public utility. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials.

(3) Landscaping shall have adequate maintenance. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notification.

(E) Landscaping Area Requirements.

(1) The total landscaped area required for each development shall equal not less than 15% of the net lot area. For the purposes of this section, ***NET LOT AREA*** means the total area of the lot minus:

(a) The area of the lot covered by buildings;

(b) The portions of the lot that are not required for off-street parking or a parking lot and which are fully screened from view from any adjacent lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscaping will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening; and

(c) The area of any approved landscaping that the property owner installs and maintains in the adjacent public right-of-way, exclusive of the area of any existing or planned public sidewalk.

(2) Clear sight areas satisfactory to the Planning Director shall be maintained at all exits of parking areas. The clear sight triangle (at street corners), as defined in Chapter 8, Traffic Code, and also in § 14-16-1-5 of this Zoning Code, shall be kept clear.

(3) Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. On sites controlled by the shopping center regulations (§ 14-16-3-2) and planned development areas controlled by site development plans, these requirements shall be based on the entire area of the planning site unless otherwise approved by the Planning Commission. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. Landscaping approved within adjacent public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscaping and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer locations and minimum widths shall be as follows:

(a) Front — Ten feet for sites of three acres or less, increasing at the rate of one foot in width per two-acre increase in site size to a maximum required width of 20 feet.

(b) Side — Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.

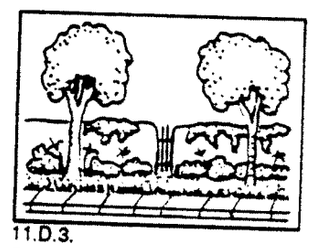
Walls and Fences

11.D. Wall regulations are the same as Section 40.C, of the Zoning Code with the following exceptions:

11.D.1. Three foot high solid walls, fences or a dense hedge located at least six feet from the public right-of-way shall be required on street sides of (1) off-street parking areas with five or more parking spaces, and (2) circulation areas on commercial, office and industrial sites. Each site plan will be reviewed by the Traffic Engineer to ensure compliance with the Clear Sight Triangle Ordinance. (Outdoor storage of construction equipment is regulated in Design Overlay regulation 11.A.) Plant materials capable of screening views of paved areas are listed and marked with an "S" in Appendix H of this plan. (See Design Overlay Zone regulations under 11.D for landscaping requirements.)

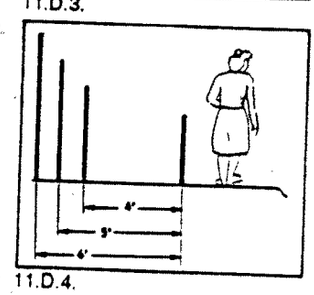
11.D.2. Standard unstuccoed 8-inch by 16-inch CMU block, untreated metal and unlandscaped chainlink fencing are not allowed as finish materials for site perimeter walls or fences. Chainlink fencing may be used if rapid growing vines or tall, thick shrubs are planted and maintained to cover it. (See plant materials marked with an "S" in Appendix H, 1 and 2.)

11.D.3. Continuous solid site perimeter walls or fences over 3 feet high facing Rio Grande Boulevard shall contain at least one opening, recess or other form of horizontal relief every 25 feet or less to break the sense of barricade and monotony for pedestrians.



11.D.3.

11.D.4. Site perimeter walls and fences facing Rio Grande Boulevard may not exceed three feet in height (including those for rear and side yards) unless they are set back inside the property line at least the same number of feet as the height of the wall.



11.D.4.

(c) Rear — Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.

(4) Special Buffer Landscaping/Screening Requirements. Where a nonresidential zone is developed after April 2, 1990 for a nonresidential purpose and the site abuts a residential zone, special buffer landscaping is required to minimize noise and sight impact of the non-residential activities in the residential area:

(a) The standard buffer landscaping shall be a landscaping strip at least ten feet wide where located along the residential/nonresidential boundary. The required landscaped setbacks specified in division (3) above may be utilized for this purpose;

(b) The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees;

(c) Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening;

(d) This division (4) requirement does not apply to lots which were entirely developed as of January 1, 1976.

(5) Special Screening Requirements for Certain Uses. In addition to the above requirements in division (4), an additional screening requirement applies where a principal business is:

(a) A mobile home sales lot; or

(b) Outdoor vehicle storage where the vehicles are typically not moved for one week or more: if the site is so developed after April 2, 1990, and abuts a residential zone or is separated only by public right-of-way from a residential zone, a minimum eight foot high opaque wall or fence shall be required to visually screen the parking or display area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening.

(F) ***Plant Sizes.*** Except as otherwise specified in this section, the minimum acceptable sizes of plants or amounts of seed, at the time of planting, are as follows:

(1) Trees. Two inches in caliper measured six inches above grade, or 10 - 12 feet in height;

(2) Shrubs and low-growing evergreens: one gallon;

(3) Ground cover and turf: adequate to provide general ground coverage within one growing season after planting.

(G) ***Special Landscaping Standards.***

(1) Off-Street Parking Area Landscaping. Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:

1. Four spaces if the dwelling has up to two bedrooms; or

2. Five spaces if the dwelling has three or four bedrooms; or

3. Six spaces if the dwelling has five or more bedrooms.

(f) Parking on any portion of a front yard setback area, other than the improved parking and maneuvering areas, is prohibited.

(25) Residential use apartment in the R-4 zone: for each dwelling unit, one space per bath but not less than one and one-fourth spaces.

(26) Restaurant, bar: one space for each four seats for establishments without a full service liquor license; otherwise one space per three persons of permitted fire occupancy load.

(27) Retail and service uses unless otherwise specified in this section: one space per 200 square feet for the first 15,000 square feet of net leasable area; then, one space per 250 square feet for the next 45,000 square feet of net leasable area; then, one space per 300 square feet for the net leasable area that exceeds 60,000 square feet.

(28) School elementary and middle: one space for each employee.

(29) School high: one space for each four seats in the main auditorium or three spaces for each classroom, whichever is greater

(30) School private commercial and private trade: one space for each two seats, or to the extent that seats are not provided, one space for each two student and employee stations.

(31) Warehouse: one space per 2,000 square feet of net leasable area.

(B) Parking for bicycles shall be provided on-site or on a site within 300 feet of the use, measured along the shortest public right-of-way, as follows:

(1) Residential use, five or more dwelling units or mobile homes per lot: one bicycle space per two dwelling units

(2) Dormitory, fraternity or sorority house: one bicycle space for each six persons in residence

(3) Nonresidential uses: one bicycle space per each 20 parking spaces required for automobiles and light trucks, but not less than two spaces per premises, unless otherwise specified below:

(a) Drive-in theater, mortuary, or motel or hotel rental unit: None

(b) School elementary and middle: one bicycle space for each 20 students.

(c) School high, commercial, and trade: one bicycle space for each 50 students.

(C) Parking for motorcycles, mopeds, and motor scooters shall be provided on-site as follows:

(1) Non-Residential Uses:

Project: **MOUNT CORPORATION OFFICE RENOVATION**

Request for Variance for: **Parking, Setback and Landscape Buffer**

Property Location: 1201 Rio Grande NW, Albuquerque, NM 87104 (see Zone Atlas Page H-13-Z)

Legal Description: Lot 55, Replat of Floral Gardens, Subdivision in School District No.13, Bernalillo County

Owner: Stanley Mount, Mount Corporation

Agent: Edward Fitzgerald / Architects
121 Jefferson NE
Albuquerque, NM 87108
505-268-9055

Re:

1. Request for **Parking Variance** to allow for six (6) total parking spaces instead of the required seven (7).

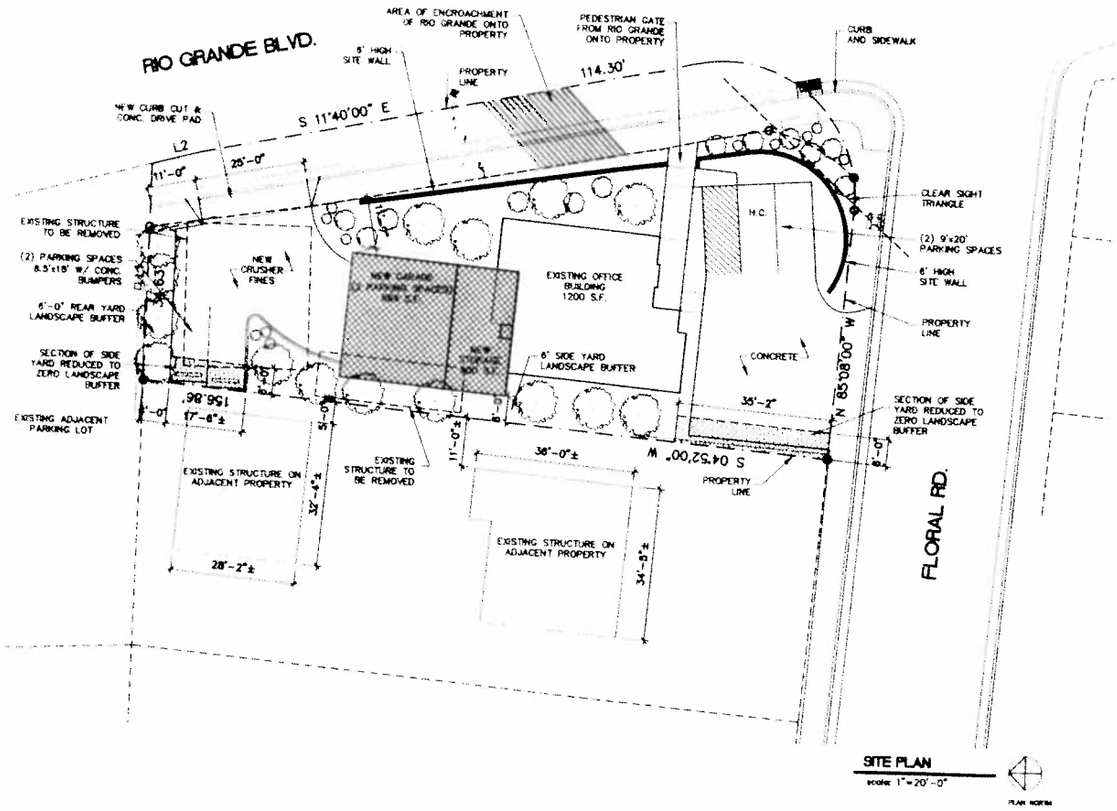
2. Request for **Setback Variance** to allow for a six foot (6') high wall to be along the existing edge of the City sidewalk.

3. Request for Variance to reduce the required side yard **landscape buffer** from six feet (6') to zero (0') at areas required for off street parking.

1. **Parking Variance**: Based on ***City of Albuquerque Zoning Code (14-16-3-1 (21))*** Office space is required to have one off-street parking space per 200 sf. Based on 1,600 sf of office space this Project is required to provide eight (8) parking spaces with a credit for one space due to proximity to Bus Route. This makes the total required spaces seven (7). *We are requesting this Variance due to a hardship to provide the required seven (7) parking spaces, based on the Site's irregular, narrow triangular shape with its shallow depth on its north side and the fact that Rio Grande Blvd. encroaches onto the property (an action by the City of Albq. for which no compensation has been paid).*

2. **Setback Variance**: Based on requirements in the ***Rio Grande Boulevard Corridor Plan (11.D.4)*** Site perimeter walls and fences facing Rio Grande Boulevard may not exceed three feet (3') in height unless they are set back inside the property line at least the same number of feet as the height of the wall. We are proposing to build a six foot (6') high site wall so we are required to build our wall six feet (6') from the property line along Rio Grande Blvd.. Rio Grande Blvd. encroaches onto the Property 15' so in theory building along the existing sidewalk would be in accordance with the Rio Grande Blvd. Corridor Plan. *We are requesting a Variance based on a hardship due to this Site's unusual triangular configuration and the fact that Rio Grande Blvd. encroaches onto the property (an action by the City of Albq. for which no compensation has been paid).*

3. **Landscape Buffer Variance**: Based on ***City of Albuquerque Zoning Code (14-16-3-10)*** Landscaping Regulations there is a required six foot (6') side and rear landscape buffer requirement for non-residential development. We request a Variance to reduce the six feet (6') to zero feet (0') at along the side yard where we are proposing off-street parking. *We are requesting this Variance to the required six foot (6') landscape buffer due to a hardship to provide both the required off street parking and required landscape buffer, based on the Site's irregular, narrow triangular shape with its shallow depth on its north side and the fact that Rio Grande Blvd. encroaches onto the property (an action by the City of Albq. for which no compensation has been paid).*



SITE PLAN
scale: 1"=20'-0"

PLAN NORTH

LEGAL DESCRIPTION

LOT 55
REPLAT OF FLORAL GARDENS
ZONE: C-1

PARKING SPACES

(2) FRONT (ONE H.C.)
(2) REAR
(2) GARAGE

(6) TOTAL

OFFICE RENOVATION + ADDITION
MOUNT CORPORATION
1201 RIO GRANDE BLVD. NW
ALBUQUERQUE, NEW MEXICO 87104

EDWARD FITZGERALD

C1.1