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

A. APPLICANT INFORMATION–PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

Diamond Shamrock Stations (H) ___-___-____
OWNER NAME (FIRST, LAST)

P.O. Box 690110 (W) ___-___-____
MAILING ADDRESS

San Antonio TX 78269 (C) ___-___-____
CITY STATE ZIP CODE

Tierra West LLC (H) ___-___-____
AGENT NAME (FIRST, LAST–IF ANY)

5571 Midway Park Place (W) 505-858-3100
MAILING ADDRESS

Albuquerque NM 87109 (C) ___-___-____
CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

TRACT(S) 101605713729132910
UNIFORM PROPERTY CODE

16 22, 23, 24
BLOCK LOT(S) MRGCD MAP NO.

University Heights
SUBDIVISION / ADDITION

2550 Central Ave. SE 87106
STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE

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

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

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

E. TRAFFIC ENGINEERING REVIEW– **REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS.** Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor. Initial Here

F. 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

SIGNATURE 201008 0142 DATE 4/9/10

----------ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY----------

PROJECT #: 1008301 **APPLICATION #:** 10 **ZHE** 80142

APPLICATION FOR: (CHECK AS APPROPRIATE)
? Conditional Use
? Expansion of a NonConforming Use
? NonConforming Use / Status Established Building

? Variance: (CHECK AS APPROPRIATE)
? Distance ? Setback
? Height ? Parking
? Size ? Other

SECTION NO. Page 21 3b REFERENCE SECTION NO:

LEGAL AD A variance of 5' To the required 5' landscape buffer between the parking area & the side walks For a

SECTOR DEVELOPMENT AREA: University Neighborhoods / Proposed addn

ZONED: SU-2 UC ZONE ATLAS PAGE: K-16 NO. OF SIGNS ISSUED: 2

2550 Central Av SE
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

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

05-18-10
DATE OF PUBLIC HEARING

City Of Albuquerque
Treasury Division
4/12/2010 10:34AM LOC: ANNX
WS# 006 FEES: $ 0010
RECEIPT# 00118630-00118630
PERMIT# 201008 0142
Trans Amt $145.00
APN Fee (APN) 441018 / 4971000 $ 35.00
Conflict Manag. Fee $100.00
ZHE Actions (SEA) 441006 / 4917000 $ 100.00
CK $145.00
CHANGE $0.00
(CMP) 441032 / 3424000 $ 10.00

SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

PROJECT #: 1 0 0 8 3 0 1 **APPLICATION #:** 1 0 Z H E 8 0 1 6 1

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 72 UC 2. a. REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A conditional Use for the retailing of gasoline, oil, and liquified petroleum products includinge outside sales

PROJECT #: 1 0 0 8 3 0 1 **APPLICATION #:** 1 0 Z H E 8 0 1 5 7

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 21. 5. REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 100% to the requirement for 50% Window's & Doors on the street facing facades of new construction

PROJECT #: 1 0 0 8 3 0 1 **APPLICATION #:** 1 0 Z H E 8 0 1 5 8

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. ~~2.~~ Page 21 3. b. REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 5' to the the required 5' landscape buffer between the parking area and the side walks

PROJECT #: _ _ _ _ _ _ _ **APPLICATION #:** _ _ Z H E _ _ _ _ _

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 #:** _ _ Z H E _ _ _ _ _

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

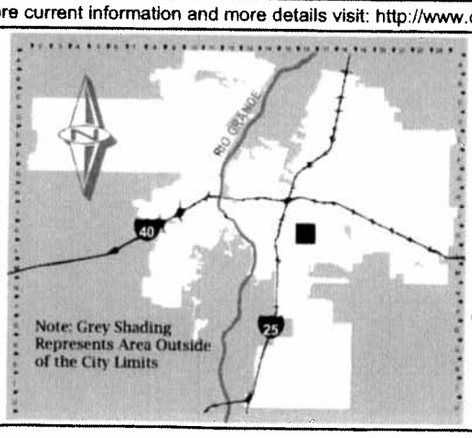
SECTION NO. _____ REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION _____

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

AGIS
Albuquerque Geographic Information System

Map amended through: 3/10/2009



Zone Atlas Page:

K-16-Z

Selected Symbols

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

0 750 1,500 Feet

Design Regulations.

1. Structures shall not have a front yard setback along Central Avenue.

2. For new construction, where a front yard setback is allowed, parking facilities shall not be placed in the front yard of the building.

3. Parking facilities and public sidewalks shall be separated by:

a) a wall with a minimum height of 1' 6" (height appropriate for sitting), a maximum height of 3' and top width of 1', and/ or
b) a landscaped area, including a shade tree at least every 20', with a minimum width of five feet and with barriers to protect the landscaping from vehicles.

4. Access to parking should be from the alley, however if necessary, a single parking driveway of not more than 20' width shall be allowed crossing the public sidewalk.

5. Not less than 50% of the ground floor street facade of new construction shall be windows or doors. At least 75% of this required window/door area shall be less than six feet above the average grade of the building site.

Design Guidelines.

1. Buildings of more than 50 feet of street frontage should be broken into smaller "store fronts" by vertical dividers such as pillars or piers. Each should have its own group of windows and a door.

2. Buildings of more than 1500 square feet of interior floor space should be designed so that the structural system and placement of doors and utilities allows them to be broken into smaller "commercial spaces" by the addition of partition walls. This gives the flexibility to provide small spaces for beginning businesses while also facilitating the gradual expansion of successful businesses. (Again, Guidelines are not binding. This item is included because businessmen and property managers in the area have found such flexibility desirable.)

2. Silver Avenue Residential Design Enhancement Area.

The Silver Avenue Enhancement Area is the best maintained and best known residential area in the neighborhood. It contains an important urban amenity--the boulevard--and has potential for designation as an historic district (see III. M. Historic Preservation). Residents and property owners of the area who were involved in developing this Plan feel it is important to maintain and enhance Silver Avenue's streetscape, including the setback and massing of buildings, the double canopy of trees over the boulevard and the predominate tall profile of trees in the area. This Design Area is intended to provide visual unity to the area.

Design Policy.

Streetscape. New construction and landscaping should maintain the prevailing streetscape.

The R-3 RESIDENTIAL land use area corresponds to the R-3 Residential Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with the following five exceptions:

1. Conditional uses:
   a. Group Training Home provided the maximum number of persons resident or normally present is ten, and provided the residents being helped are:
      1. Mildly or moderately retarded, or
      2. Under 19 years old.

2. Height:
   Shall be as in the DR land use.

3. Floor Area Ratio:
   a. For lots with a minimum lot dimension of less than 142 feet, a floor area ration of 0.5 is the maximum permitted.
   b. For lots with a minimum lot dimension of 142 feet or greater, a floor area ration of 1.0 is the maximum permitted.

4. Off-street parking:
   a. When the off-street parking will require backing in an alley, then it shall be at 90-degree angle and shall have 44 feet of length, including access drive and alley width.
   b. parking under buildings shall be enclosed by a solid wall.
   c. Parking is not permitted on the off-street public right-of-way.

5. For areas within the Siver Avenue Design Enhancement Area, the design regulations found on page 22 of this Plan shall apply.

The UC UNIVERSITY COMMERCIAL land use shown on the land use plan corresponds to C-2 Commercial Zone in the Comprehensive City Zoning Code and is subject to the same regulations as that zone with five exceptions:

1. Uses Not Permitted:
   a. Drive-through windows.
   b. Automobile, truck, trailer and boat sales, rentals, service, repair, storage, including outdoor sales.
   c. Full Service liquor license east of University Avenue only.
   d. Adult amusement establishments, adult book stores, adult photo studio, and adult theater.

2. Conditional Uses:
   a. Gasoline, oil and liquified petroleum gas retailers, including outdoor sales.
   b. Rescue Mission.

3. Off-street Parking:
   a. Parking requirements for non-residential uses shall be one space per 300 square feet or net leasable area.

TIERRA WEST, LLC

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

April 8, 2010

Mr. Roberto Albertorio, Esq.
Zoning Hearing Examiner
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: VARIANCE TO LANDSCAPE REQUIREMENTS, DESIGN REQUIREMENTS & CONDITIONAL USE PERMIT
2550 CENTRAL AVENUE SE
VALERO GAS/ CONVENIENCE STATION

Dear Mr. Albertorio:

Tierra West LLC, on behalf of Diamond Shamrock Stations, Inc., requests approval of a Conditional Use Permit for a non-conforming use, variance to the design guidelines in the University Neighborhood Sector Development Plan and a variance to the landscaping requirement for on-site landscaping as defined by the Zoning Code in Section 14-16-3-10. The site consists of 0.48 acres and is the location of an existing gas station/convenience store located on Central Avenue SE between Columbia Street SE and Stanford Street SE. Valero recently purchased the store and desires to construct a 315 SF addition to the existing 960 SF store for a total of 1280 SF.

Prior to the adoption of the University Neighborhoods Sector Development Plan, the gas station/convenience store use was permissive in the zone and has continued to operate as such. The University Neighborhoods Sector Development Plan altered the zoning to where the use was no longer permissive but would be allowed as a conditional use. The site has been in nonconformance and the proposed expansion requires the approval of a conditional use for the gas station/convenience store.

The University Neighborhood Sector Development Plan also requires "not less than 50% of the ground floor street façade of new construction shall be windows or doors. At least 75% of this required window/door area shall be less than six feet above the average grade of the building site". We are requesting a variance to this regulation for this site due to the nature of the building addition, which is the construction of a cooler. Adding exterior windows to a cooler is counterproductive and would also require significant energy expenditures to maintain the interior climate for which the cooler is intended. The main part of the convenience store currently meets the window/door area requirement for the Central Avenue building facade.

The current site does contain landscaping which, as demonstrated on the attached plan, is scheduled to be increased. We are seeking a variance to the required 5 foot landscape buffer due to the location of existing fuel pumps. The existing fuel pumps prohibit the

installation of landscaping along the Central Avenue frontage, as required by the Landscape Ordinance and the University Neighborhoods SDP. The University Neighborhoods Sector Development Plan does offer an alternative to the landscape buffer with the construction of a wall with a minimum height of 18" in lieu of the 5' landscape buffer. Construction of a wall of any height in this location is not practical given the likely potential for damage to car doors as drivers exit their vehicles to dispense fuel at the northernmost pumps. The landscaping showing on the attached plan does meet the percentages specified in the Landscape Ordinance.

It is our opinion that the site is exceptional in nature as compared to other land in the area because of the long term existing use, which was a permissive use at one time but became a conditional use upon the adoption of the University Neighborhoods SDP. Due to the circulation required to get vehicles to and from the gasoline pumps and the trucks to the fuel tanks, there is no space on the Central frontage in which to locate additional landscaping. As a result of the exceptional nature of the parcel, it is impossible to retrofit landscaping onto the Central frontage of the property; however, the landscaping is retrofitted in other sections of the property so as to meet the requirements of the Landscape Ordinance.

This variance request is consistent with the spirit of the Zoning Ordinance as there currently exists onsite landscaping, additions to which are planned with the expansion of the convenience store. The use of the property is not changing with this request and the variance will not affect any of the surrounding properties. A Traffic Impact Study was not required due to the small size of the addition.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

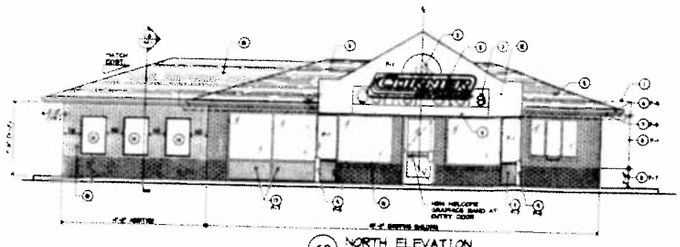
Ronald R. Bohannan, P.E.

Enclosure/s

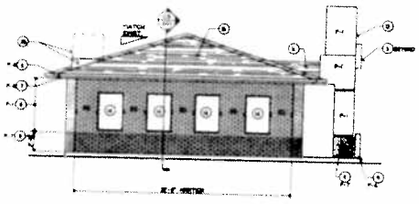
cc: Corey Stinar

JN: 29047
RRB/kdk

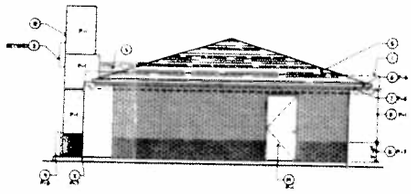
Z:\2009\29047\Correspondence\29047 Roberto Albertorio ZHE Letter 03-18-10.doc



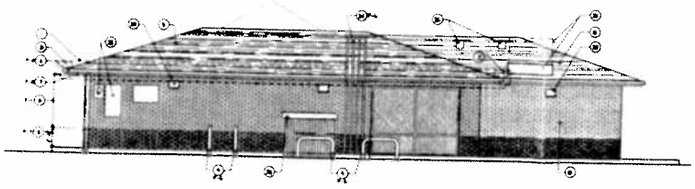
C2 NORTH ELEVATION
SCALE



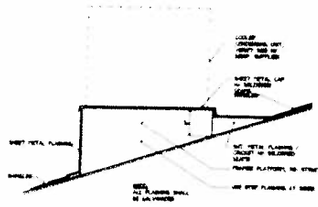
A4 EAST ELEVATION
SCALE



D4 WEST ELEVATION
SCALE



C6 SOUTH ELEVATION
SCALE



F6 DETAIL @ CONDENSER PLATFORM
SCALE

KEY NOTES

1. REMOVE EXISTING METAL FASCIA PANELS
2. REMOVE EXISTING LARGE STONE SIGN AND LARGE SIGN - PATCH HOLES AND PREP SURFACE FOR PAINTING
3. NEW 2 1/2" x 4" CORNER STONE SIGN
4. REMOVE EXISTING PLASTIC FACES AND REPLACE WITH NEW "SHADOW" VALUENT ACRYLIC FACES
5. REMOVE EXISTING SHAKE SHINGLE ROOFING AND REPLACE IN IN KIND WITH 1" SHINGLE ROOFING OVER 1 LAYERS OF FELT - VERIFY SHINGLE COLOR WITH OWNER
6. NEW METAL GUTTER
7. NEW 1 INCH SCHEDULE - PAINT
8. EXISTING BRICK
9. EXISTING BALLARD
10. NEW VENT
1. EXISTING EIFS COLUMN
2. EXISTING EIFS FACADE
3. NEW BRICK
4. NEW ADVERTISEMENT SIGNAGE FRAME
5. NEW VENT
6. EXISTING EQUIPMENT TO REMAIN - VERIFY PAINTING REQUIREMENTS WITH OWNER
7. EXISTING SPANDREL PANEL
8. ASPHALT SHINGLE OVER 2 LAYERS OF ROOFING FELT OVER NEW BASE SHEATHING 1 TRUSSES
9. EXISTING YELLOW METAL DOOR 1 FRAME - PAINT
10. NEW WALL PACK SECURITY LIGHTS, RE: LIGHTING PLAN
11. REMOVE EXISTING FASCIA MOUNTED LIGHT FIXTURES
12. EXISTING ELEC. METER AND DISCONNECT SWITCH
13. EXISTING ELEC. CONDUITS AND RACEWAY
14. EXISTING PRODUCT TANK VENT RISER
15. NEW TRAPPED CONDENSER CONDENSING UNIT (CONDITION ON PLATFORM), RE: DETAIL F6/A3.1 1 STRUCTURAL AND PLATFORM FLASHING 1 "CONDENSER MANUFACTURER"

PAINT SCHEDULE

CODE	NAME	DESCRIPTION
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

VAD CONSULTANTS, INC.
Vision Design Partnership, Inc.
Dan Hayes, AIA
San Antonio, TX 78209-1410

CAD
Architectural Design Partnership
Dan Hayes, AIA
5436 Mesa Cuesta Dr.
Loveland, CO 80538
phone: 970 669 6262

DIAMOND SHAMROCK STATIONS, INC.
dba: VALERO CORNER STORE #1221
2550 CENTRAL AVENUE SE
ALBUQUERQUE, NEW MEXICO

PROJECT NO. 0237-99

ISSUE	DATE
PDR	

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NO.
A3.1