



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

TEAM BROADCASTING INC. (NCA ARCHITECTS & PLANNERS, AGENT) request(s) a special exception to Section Pg. 94 COORS CORRIDOR SDP: a VARIANCE of 24' to the 35' minimum required landscaped setback area for a portion of a drive aisle on all or a portion of Lot(s) H12B, RIVERVIEW zoned SU-1 MIXED USES TO INCLUDE C-1 PERM USES W/ RESTAURANTS W/ FULL SERVICE LIQUOR, located at 6600 COORS BLVD NW (D-13)

Special Exception No:..... **11ZHE-80092**
Project No: **Project# 1008765**
Hearing Date: 05-17-11
Closing of Public Record: 05-17-11
Date of Decision: 05-23-11

This matter was heard on May 17, 2011.

STATEMENT OF FACTS: The applicant, Team Broadcasting Inc., requests a variance of 24' to the 35' minimum required landscaped setback area for a portion of a drive aisle. Mark Gonzales, agent for the applicant, testified at the hearing that this lot is exceptional because of its irregular shape. Their intent is to add 10-12 additional parking spaces and therefore the need for this variance is required. Mr. Gonzales stated that there will be approximately 63% landscaping on this parcel, where only 15% is required. This is ample landscaping to comply with the spirit of the Coors Corridor Sector Plan. Mr. Gonzales testified that currently 25% of the building is leased; 75% remains leasable.

Patsy Nelson, President of the Alban Hills Neighborhood Association, testified in opposition to this request. Concerns addressed were: increased traffic with additional parking spaces; liquor sales, usage of the building to accommodate assemblage; adequate parking without additional spaces.

There is also a letter of opposition from the Taylor Ranch Neighborhood Association noted in the file.

The applicant testified that his parcel is currently zoned to allow mixed uses to include C-1 permissive uses with restaurants with full service liquor. Adding 10-12 extra parking spaces would not change the allowable uses or encourage the property to be used in a particular way. By adding extra parking spaces it could help protect the neighbors from over spill parking.

Based on all of the testimony and a review of the entire file and the recordings, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because of its irregular shape and, therefore, it meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find

that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. The variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest. Finally, the existing 63% landscaping complies with the intent and spirit of the Landscaping Ordinance.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on June 7, 2011 in the manner described below:

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

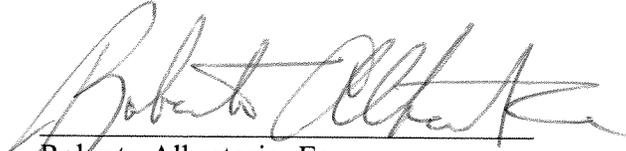
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4.(B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.

A handwritten signature in black ink, appearing to read "Roberto Albertorio". The signature is fluid and cursive, with a long horizontal stroke at the end.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Team Broadcasting, Inc. 4131 Barbara Loop SE, Ste. 2B, Rio Rancho, 87124
NCA Architects & Planners, 1306 Rio Grande Blvd., NW, 87104
Patsy Nelson
Mary Kaye & Charles Cottingham
Rene Horvath, TRNA
Debra Cox