



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

FELICIA TORRES (AMERICAN DREAM VACATIONS) request(s) a special exception to Section 14-16-2-19(B) and 14-16-2-20(A)(4): a CONDITIONAL USE for existing automobile rental in an IP zone for all or a portion of Lot(s) 1, NEWPORT INDUSTRIAL PARK UNIT 2 zoned IP, located on 2001 RANDOLPH RD SE (M-15)

Special Exception No: **12ZHE-80290**
Project No: **Project# 1009431**
Hearing Date: 10-16-12
Closing of Public Record: 10-16-12
Date of Decision: 10-31-12

On October 16, 2012, Felicia Torres with American Dream Vacations appeared before Zoning Hearing Examiner, Josh Skarsgard, requesting a Conditional Use to allow existing automobile rental in an IP zone at 2001 Randolph Rd SE. Below are the findings of facts.

FINDINGS:

1. Felicia Torres requests a conditional use for an existing automobile rental in an IP zone at 2001 Randolph Rd SE.
2. Ms. Torres testified that the property was previously occupied by Avis Car Rental.
3. Ms. Torres testified that she believes that the property is an ideal sight for her business.
4. Ms. Torres Company rents recreational vehicles, travel trailers, and tent campers. The vehicles will be rented by day, week, or month to qualified individuals. The vehicles are fully insured and the renter will be given a thorough orientation on the vehicles before they embark on their journey.
5. Ms. Torres testified that the business will be open 6 days a week and be open from 8 am to 6 pm Monday – Friday, and 8 am to 3 pm on Saturdays.
6. Ms. Torres testified that her parent company, American Dreams is a 16 year old chain of retail RV rental stores with 9 stores in 5 states.
7. Ms. Torres testified that she has negotiating a 5 year lease with the property owner. The property owner has submitted a letter to the ZHE file giving permission to do business at the site.
8. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (a) “SPECIAL EXCEPTIONS” reads in part: “*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be injurious to the adjacent property, the neighborhood, or the community.*”
9. Ms. Torres testified that American Dream Vacations will not be injurious to the adjacent property, the neighborhood, or the community because it fits in well with the commercial character of the surrounding community.
10. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (b) “SPECIAL EXCEPTIONS” reads in part: “*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be significantly damaged by surrounding structures or activities.*”

11. Ms. Torres testified that there are no surrounding structures or activities that would be adversely affected by this condition use, if approved by the ZHE.
12. Ms. Torres testified that she has spoken to her nearest neighbor's (Presbyterian and Lovelace) and have received positive feedback.
13. There are no letters of opposition in the file.
14. Ms. Torres testified that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within the City of Albuquerque Code of Ordinances.

DECISION:

APPROVAL of a CONDITIONAL USE for existing automobile rental in an IP zone for all or a portion of Lot(s) 1, NEWPORT INDUSTRIAL PARK UNIT 2 zoned IP, located on 2001 RANDOLPH RD SE (M-15)

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 16, 2012 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.



Josh Skarsgard
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Felicia Torres, 2001 Randolph RD SE, 87106
Sharif A. Rabadi, 120 Wyoming Blvd SE, 87123