



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

INTERSTELLAR CARTOON CORP INC  
(WILLIAM FERGUSON, AGENT) request(s) a  
special exception to Section Pg. 75 SU-2 MC  
and 14-16-2-17(B)(3): a CONDITIONAL USE  
to allow for a proposed church in a SU-2 MC  
zone on all or a portion of Lot(s) A, Block(s)  
34, TERRACE ADDN zoned SU-2 MC,  
located at 1215 HAZELDINE AVE SE (K-15)

Special Exception No: ..... **10ZHE-80033**  
Project No:..... **Project# 1008179**  
Hearing Date: ..... 03-16-10  
Closing of Public Record:..... 03-16-10  
Date of Decision:..... 03-31-10

**STATEMENT OF FACTS:** The applicant, Interstellar Cartoon Corp., Inc. requests a conditional use to allow for a proposed church in a SU-2 MC zone. Daniel Sanchez of Victory Outreach represented the applicant. This is a church that operates 7 days a week from 9:00 a.m. to 5:00 p.m. and on weekends until 8:00 p.m. They will have church services and capacity will not exceed 200. There is sufficient parking and all landscaping will be complied with. The total number of employees will be seven. The yellow signs were posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file. The applicant submits that this request will not cause injury to the neighborhood, adjacent property or the community; and therefore, meets the test for the granting of a conditional use.

This request is supported by the Sycamore Neighborhood Association. The Association representative, Ruth Koury, was present at the hearing and indicated that pursuant to meetings held, proposed conditions for my consideration were agreed to and the file contains the signature of William Ferguson of Interstellar, Danny Sanchez of Victory Outreach Church and Ruth Koury, Zoning Chair of the Sycamore Neighborhood Association. The Neighborhood Association does not oppose this request; however, they would want these conditions to be incorporated in the decision for which the applicant has agreed. I have reviewed these proposed conditions and do not take issue with any of them. Therefore, I will approve this request and attach the conditions as an appendage to this decision.

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

**FINDINGS AND CONCLUSIONS:** I find that this request complies with Section 14.16.4.2.(C).1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

**DECISION:** Approved with the following conditions:

**CONDITIONS:**

1. If the applicant decides to operate any ancillary use of a church including, but not limited to, a school other than a child daycare, emergency shelter, homeless shelter, soup kitchen, or community residential program on the Property, it shall submit an application to the City of Albuquerque and apply for a separate conditional use.
2. The applicant shall advise its employees, congregants and visitors to park vehicles according to the following priorities and in no other areas:
  - a. First, the thirty (30) off-street parking spaces on the west side of the property and the legal on-street parking adjacent to the Property;
  - b. Second, the paved parking spaces available on the north side of Albuquerque Public School's Milne Stadium on the paved area only, so as to minimize dust created by vehicles driving and parking on unpaved areas;
  - c. The parking spaces available on the paved parking lots owned by Daniels Family Funeral Services at 1100 Coal Avenue SE that are not required off-street parking for Daniels Family Funeral Services.
3. The applicant shall actively encourage employees, congregants and visitors to use public transit and other alternative modes of transportation to access the Church by:
  - a. Encouraging carpooling and use of alternative transportation; and
  - b. Making City of Albuquerque transit information easily available to persons using the premises; and
  - c. Maintaining safe bicycle parking on the premises.
4. The applicant shall establish and maintain a landscape buffer between the Property the church occupies and its adjacent residential properties.
5. The applicant shall exercise moderation in their use of the park, and use the park in accordance with City regulations pertaining to the park's use including obtaining any permits required to use the park. They shall notify Sycamore Neighborhood Association of any permit request to use the park that includes amplified sound and will limit signage, including banners to the south side of the Property.
6. The applicant shall maintain the safety measures already in place to diminish the attraction of crime to the property. This includes maintaining an alarm system on the premises, but only one that will not sound externally, and by maintaining

outdoor safety lighting on all sides of the facility that do not throw illumination into the residential parts of the neighborhood or Roosevelt Park in accordance with provisions of the City of Albuquerque Comprehensive City Zoning Code.

7. The applicant and Sycamore Neighborhood Association shall sustain a relationship of open communication to deal with problems that might arise regarding the use of the Property.

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 April 15, 2010 in the manner described below:**

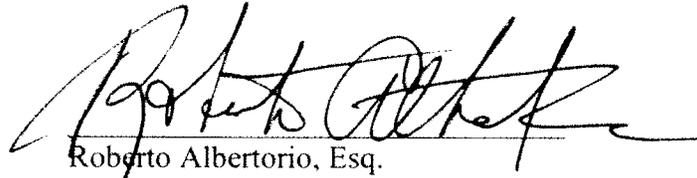
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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.



Roberto Albertorio, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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87110  
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Kyle Duncan, 8931 Dakota Ridge, 87121  
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