

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

PROFESSIONAL/AGENT NAME (FIRST, LAST) Eniss Trujillo-Rodriguez (H) _____ TELEPHONE (INCLUDE AREA CODE) _____
MAILING ADDRESS 509 Menaul Blvd NE (W) 505-888-6200
Albuquerque (C) 505-854-2037
CITY STATE ZIP CODE

OWNER NAME (FIRST, LAST-IF ANY) Pedro Moreno (H) _____
MAILING ADDRESS 509 Menaul Blvd NE (W) 505-888-6200
Albuquerque (C) 505-440-8936
CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION 1606 Roma Av NE Albuquerque New Mexico 87106 ZIP CODE
lot 30 BLOCK(S)
Country Club Addition TRACT(S)
SUBDIVISION / ADDITION / MRGCD MAP NO 101505737246412527
UNIFORM PROPERTY CODE _____

CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here MM

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 AND FENCES 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.

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 [Signature] DATE 10-10-08
2008080383

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1007514 APPLICATION #: 08 ZHE 80383

APPLICATION FOR: (CHECK AS APPROPRIATE)

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

SECTION NO. 14-16-3-12(A)(7) REFERENCE SECTION NO. _____

(LEGAL AD) ACTION DESCRIPTION Requesting a variance of 224' to the required minimum 1500' separation between community residential programs to allow a proposed community residential development area.

ZONED: R-1 ZONE MAP PAGE: k-15 CITY OF ALBUQUERQUE

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 1606 Roma Av NE CITY OF ALBUQUERQUE

APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) Michael Anya DATE 10-10-08

DATE OF PUBLIC HEARING 11-18-08

APN Fee	\$143.00
Conflict Manag. Fee	\$10.00
ZHE Actions	\$100.00
CK	\$185.00
TOTAL	\$338.00

APPLICATION**A. Pre-Application Discussion**

While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

B. Criteria For Decision

By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

C. Drawings

1. Submit three (3) copies of a site plan, building development plan, drawing of other related information on reproducible paper no smaller than 8 ½ inches by 14 inches and using a scale of at least 1 inch = 20 feet.
2. The submitted drawing shall show the following:
 - a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
 - b. If the Special Exception requested is a variance, please show clearly the point of variance and the height, width, and any appropriate dimensions of structures and/or parking spaces
 - c. A "north" directional arrow and scale.

D. Public Hearing Schedule

Contact the Zoning Hearing Examiner at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website www.cabq.gov. Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

SIGN POSTING

- A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
- B. Signs shall be posted for fifteen (15) days prior to the hearing.
- C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
- D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
- E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.
- F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

ZONING HEARING EXAMINER'S PUBLIC HEARING

- A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.
- B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.
- C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. **Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.**
- D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.
- E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, or deny.
- F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.
- G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

CONSTRUCTION PERMIT

- A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
- B. The Notice of Decision must accompany the construction permit application.

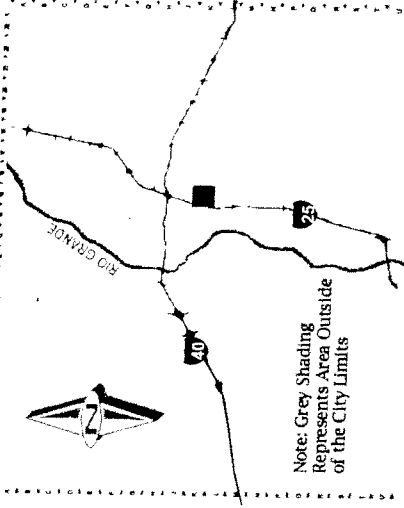


For more current information and more details visit: <http://www.cabq.gov/gis>



AGIS
Albuquerque Geographic Information System

Map amended through: 2/18/2007



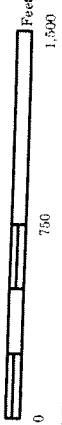
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

K-15-Z

Selected Symbols

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



§ 14-16-3-12 COMMUNITY RESIDENTIAL PROGRAM REGULATIONS.

(14) Applicants for permissive Community residential programs shall satisfy the Zoning Enforcement Officer and applicants for conditional Community residential programs shall satisfy the Zoning Hearing Examiner that they will meet the following standards:

- (1) Prior to occupancy of the facility, the program will obtain any applicable license from the State of New Mexico; any city approval is conditional upon the Zoning Enforcement Officer receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state.
- (2) The program will provide a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy, and assistance in the development of daily living skills.
- (3) The program will be operated under the authority of a reputable governing board, proprietor, or government official to whom staff are responsible and who will be available to city officials, if necessary, to resolve complaints pertaining to the facility. To afford accessibility, a governing board shall include one or more residents of the Albuquerque metropolitan area.
- (4) The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture. The Zoning Enforcement Officer or the Zoning Hearing Examiner, whichever is applicable, shall consider lawful covenants and/or should consider elements and characteristics of the neighborhood including but not limited to:
 - a. roof types;
 - b. setbacks;
 - c. percentage of impervious surface coverage;
 - d. garage style and design;
 - e. major façade elements;
 - f. landscaping type and design; and
 - g. architectural style

that apply to the facility and are in effect at the time of review in the determination of whether the design of the facility will be compatible with the neighborhood.

- (5) The health and safety of the residents will be protected by the physical structure which will be used. Programs which are not licensed by the state shall satisfy the Zoning Enforcement Officer that they meet all city ordinances and regulations; in doing so, he shall seek the review of the Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] and the Director of the Department of Environmental Health.

- (6) The operators will have a workable, written plan for facilitating good relationships with neighboring residents and businesses, including a method for recording and resolving complaints by neighbors pertaining to the operations of the program. Complaints, efforts to resolve complaints, and the result of such efforts shall be recorded.

(7) In order to better allow integration of the clients of Community residential programs into their neighborhoods, Community residential programs shall be located a minimum of 1,500 feet from any other Community residential program or Emergency shelter.

- (8)(a) The total combined number of Emergency shelters and Community residential programs located in any City Council District shall not exceed one for each 1,000 dwelling units within

Special Exception—Variance

Part A

Roma Gardens is requesting a special exception to the variance of 1500 ft. from another Community Residential Program (“CRP”). The property we are requesting a CRP for is 1606 Roma Ave. NE (“Roma Property”) which is 1276 ft. from the current CRP at 1817 Sigma Chi Rd NE (“Sigma Chi Property”). We believe that our property is exceptional as compared to the Sigma Chi Property for two significant reasons:

1. The Sigma Chi Property was granted the only SU-1 with a permanent CRP permit in 2002. However, based on documentation, the property was never utilized as a CRP and is not, at any time, going to be utilized as a CRP. In fact, the building on the property is currently vacant, and is slated to be destroyed by the University of New Mexico (see attached).
2. In 2006, Roma Gardens went through the proper steps to obtain a CRP permit and was granted one. Because the CRP was granted, a significant amount of time and money has been invested in the remodeling of the house in order to make it a high level facility. Although we were unaware that the facility needed to be opened within 365 days of the permit, as we progressed, we again went to the city to obtain a certificate of occupancy and were informed that we were not able to get a CRP based on the 2002 CRP of the Sigma Chi Property.

Part B/Part C

Not only is this property exceptional for its use as a CRP, but the errors of the city zoning department should not cost us the return on our investment. The money invested in the remodeling of this property was specific to its use as an Adult Residential Care Facility. An elegant and comfortable home for those elderly people who no longer wish to live at home alone but do not require the help of a nursing home. To this end, policy and procedures were written and submitted to the State licensing department and subsequently approved. It was a reasonable investment based on the permit we were given in 2006, to utilize this property as a CRP. Now when we have completed the repairs and remodeling, a vacant building prevents us from opening our facility and getting a return on our investment.

October 9, 2008

Ms. Juanita Garcia
Assistant Planning Manager
City of Albuquerque
600 2nd Street NW Suite #500
Albuquerque, New Mexico 87102

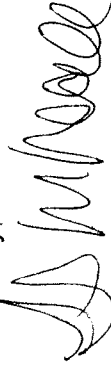
Dear Ms. Garcia,

The purpose of this letter is to notify the City of Albuquerque that the University of New Mexico has no plans to use the property at 1817 Sigma Chi NE for any type of Community Residential Program. In fact, our plan for this site includes removal of the current structure.

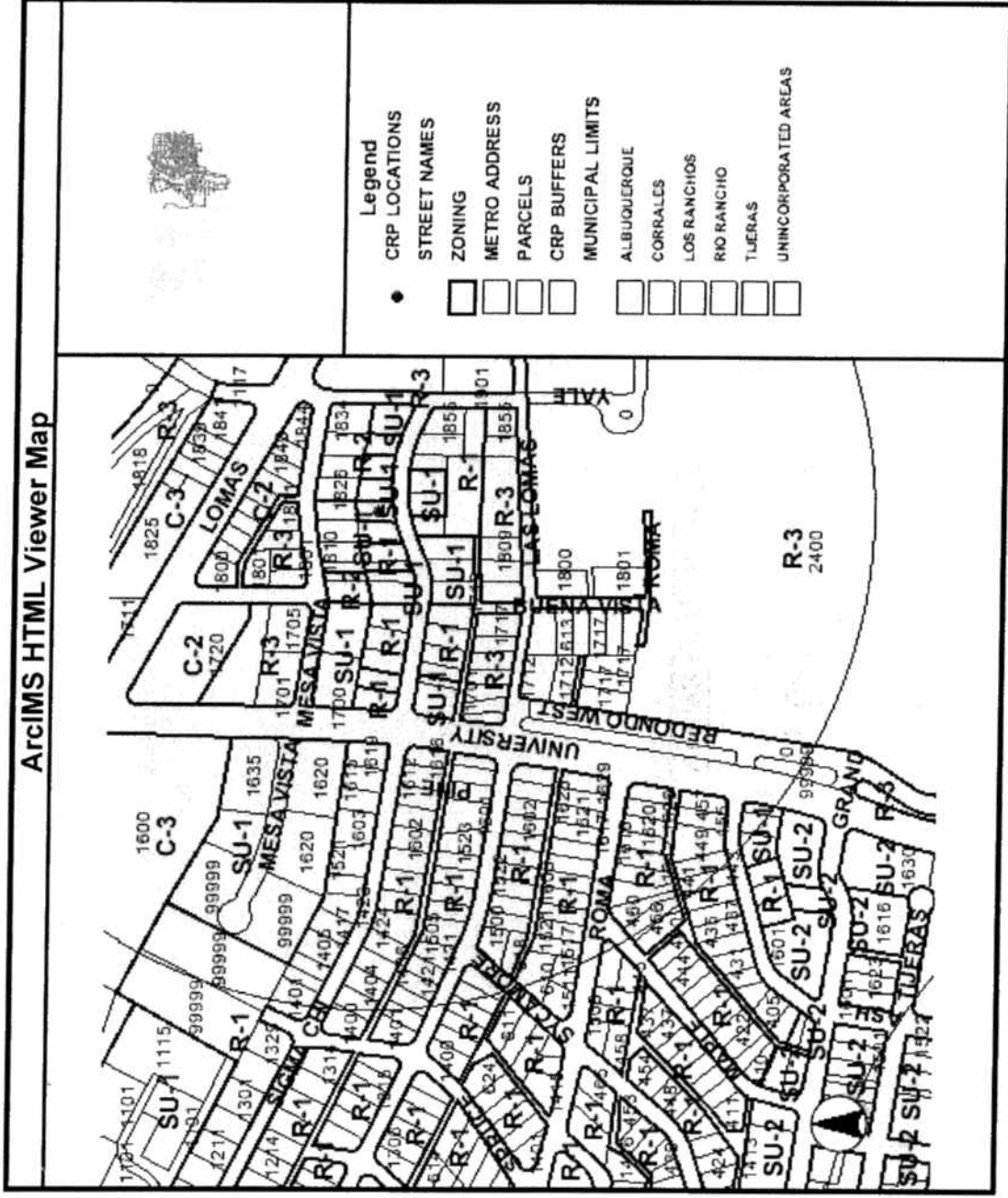
Therefore the current City zoning of SU-1 for Community Residential Program is unnecessary as the property will not be utilized as such, and should not prevent the opening of a Community Residential Program within 1500 ft. of this property.

If you have any questions, please contact the Real Estate Department at (505) 277-4620.

Sincerely,



Thomas M. Neale
Associate Director of Real Estate
University of New Mexico
1712 Las Lomas NE
Albuquerque, N.M. 87106

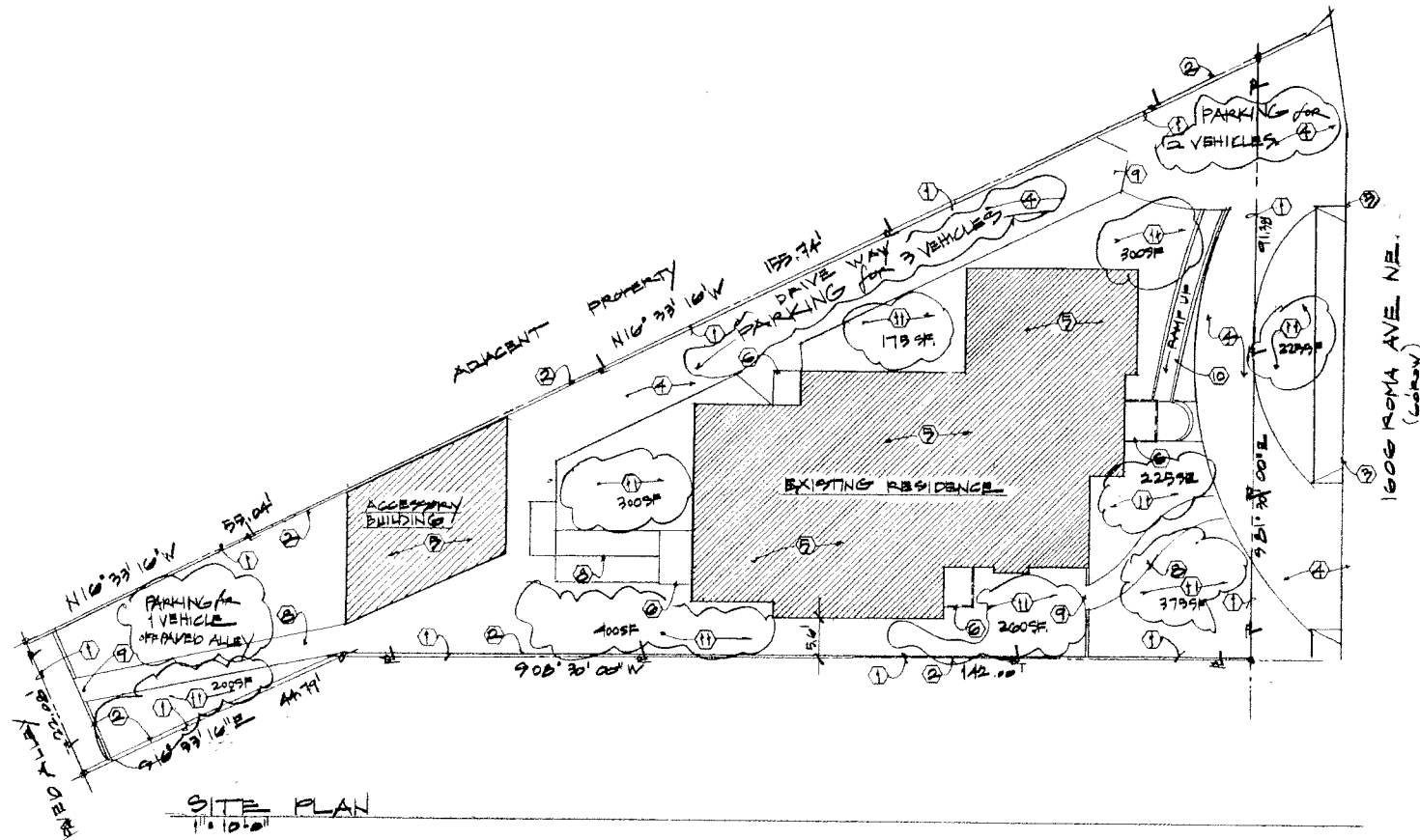


ArcIMS HTML Viewer Map



Legend

- CRP LOCATIONS
- MAJOR STREETS
 - Urban Principal Arterial
 - Urban Minor Arterial
 - Urban Collector
 - Urban Freeway
- STREET NETWORK
- CRP BUFFERS
- MUNICIPAL LIMITS
 - ALBUQUERQUE
 - CORRALES
 - LOS RANCHOS
 - RIO RANCHO
 - TUERAS
 - UNINCORPORATED AREAS



SITE PLAN
11/10/08

PROJECT DATA:

OWNER: PEDRO & DOLORES MORENO
 ADDRESS: 1606 ROMA AVE NE,
 ALBUQUERQUE, NEW MEXICO
 ZONING: RESIDENTIAL
 SITE AREA: 9231 S.F. ± 0.219 AC
 BUILDING AREAS:
 EXISTING RESIDENCE: 4055 SF
 EXISTING ACCESSORY BUILDING: 364 SF
 TOTAL: 4419 SF

NO NEW ADDITIONS PLANNED
 OCCUPANCY GROUP: R-2
 TYPE OF CONSTRUCTION: VB
 OCCUPANT LOAD CALCULATIONS:
 EXISTING RESIDENCE: 2
 4055 ÷ 200 = 2
 EXISTING ACCESSORY BUILDING: 1
 364 ÷ 200 = 2
 TOTAL: 2

NUMBER OF STORIES: TWO
 HEIGHT OF STRUCTURES: 26' MAXIMUM
 EXISTING
 NO OCCUPANCY SEPARATION REQUIRED
 SPRINKLERS: NOT REQUIRED

LEGAL DESCRIPTION:

LOT 30 BLOCK 3 COUNTRY CLUB ADDITION
 ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

SCOPE OF WORK:

RENOVATION & REMODEL OF EXISTING
 RESIDENCE FOR RESIDENTIAL CARE
 OF ELDERLY (NON-ASSISTED)

GENERAL NOTES:

- DRAWINGS ARE BASED UPON FIELD MEASUREMENTS, OBSERVATIONS AND INFORMATION PROVIDED BY OWNER. ALL DIMENSIONS AND CONDITIONS SHALL BE VERIFIED BY OWNER/CONTRACTOR. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT.
- DIMENSIONS ARE TO FACE OF EXISTING WALLS, CEILINGS AND FLOORS UNLESS OTHERWISE NOTED.

KEYED NOTES:

- 1- EXISTING PROPERTY LINE.
- 2- EXISTING WALL.
- 3- EXISTING CURB AND GUTTER.
- 4- EXISTING DRIVEWAY.
- 5- EXISTING RESIDENTIAL STRUCTURE.
- 6- EXISTING DECK OR PORCH.
- 7- EXISTING FRONT ENTRANCE.
- 8- EXISTING WALK.
- 9- EXISTING GATE.
- 10- NEW HANDICAP ACCESSIBLE RAMP (11' 3") TO FRONT ENTRANCE.

REVISIONS FOR PERMIT 9/11/08
 11. LANDSCAPE AREA: 2463 SF.
 PARKING FOR 6 VEHICLES

GUADALUPE ARCHITECTS
 DAVID WEATHERMAN, ARCHITECT
 5961 GUADALUPE TRAIL NW
 ALBUQUERQUE, NEW MEXICO
 (505) 243-1905

ROMA HOUSE, RENOVATION & REMODEL

THE MORENO'S
 1606 ROMA AVENUE NE,
 ALBUQUERQUE, NEW MEXICO

