

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

ELEANOR J. CARLTON request(s) a special exception to Section (APPENDIX G) 14.A.(R-4)(B)(1) of the DOWNTOWN NEIGHBORHOOD SECTOR DEVELOPMENT PLAN (SU-2 HDA): a CONDITIONAL USE to allow permissive uses in a C-2 zone (retailing of clothing, antiques and decorative items) not to exceed 10% of the gross floor area for all or a portion of Lot(s) 12A, Block(s) 54, ORIGINAL TOWNSITE OF ABQ. zoned SU-2 HDA, located on 924 TIJERAS AV NW (J-13)

Special Exception No:..... **12ZHE-80179**
Project No: **Project# 1009295**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-3-12

On September 18, 2012 Eleanor J. Carlton appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada, for a conditional to allow permissive uses in a C-2 zone (retailing of clothing, antiques and decorative items) not to exceed 10% of the gross floor area at 924 Tijeras Ave NW.

SUMMARY:

1. Ms. Carlton testified that she would like to open up a business at her 924 Tijeras NW property.
2. Ms. Carlton testified that the property consists of 11 apartments with some accessory space, which is zoned SU-2/HDA, and is located 4 blocks from the City/County building.
3. Ms. Carlton testified that this urban area is in dire need of small retail businesses.
4. Ms. Carlton testified that the conditional use requests will consist of an antiques and decorative items, and custom sewn clothing items. Ms. Carlton brought a few items to show what would be sold.
5. Ms. Carlton testified that she attended a facilitated meeting to meet with interested parties paining to her business venture. Ms. Carlton said that the meeting was positive and she did not have much opposition.
6. Ms. Carlton testified that there was opposition as to what Sector Development Plan would be used to determine the special exception request. The old plan was adopted in 1999. The new plan was adopted in June 14, 2012.
7. Ms. Carlton testified that she submitted the application on June 6, 2012, before the new Downtown Neighborhood Sector Development Plan was approved. This was confirmed by Jonathan Turner of Code Enforcement office.

8. Robert Bellows, the submitted a letter of opposition for the Board of Directors of the Downtown Neighborhoods Association that the DNA is Committed to preserving the character and quality of life in the residential zones it represents while at the same time promoting commercial activities in the downtown core area.
9. There was no one testifying at the hearing in opposition of this request.
10. There are 7 letters of support of this request in the file.
11. Ms. Carlton testified that this request would not be injurious to the adjacent property, the neighborhood or the community. She stated that all of her tenants and many neighbors have said that they are happy to have this retail business in the area.
12. Ms. Carlton testified that the request will not be significantly damaged by surrounding structures or activities.
13. Ms. Carlton testified that she has owned the property for 27 years.
14. Ms. Carlton testified that

CONCLUSION: Eleanor J. Carlton has met the burden for a conditional use to allow permissive uses in a C-2 zone (retailing of clothing, antiques and decorative items) not to exceed 10% of the gross floor area at 924 Tijeras Ave NW.

DECISION: Approved with conditions.

CONDITIONS:

1. The items to be sold are retailing of clothing, antiques and decorative items only.
2. The stock of these items shall not exceed 10 % of the gross floor area.
3. The applicant must main a business license.
4. The applicant must follow the Zoning Code regulations for signage at the business.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 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.

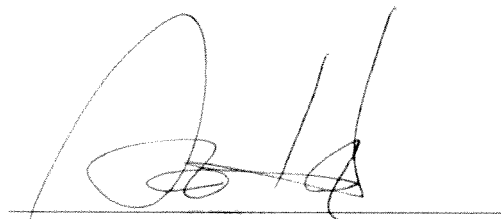
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written

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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
Elanor Jane Carlton, 800 Valverde SE 87108
Ruta2@hotmail.com
Jo Fawcett, 200 10th St NW 87102
Siva R. Challa, 920 Tijeras NW 87102
ZHE File