

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

MECHENBIER CONSTRUCTION INC. and
PG. 37, Section A(5) of the North I-25 Sector
Plan: a VARIANCE of 2.9 acres to the
required 5 or more requirement for two
proposed free-standing monument signs for all
or a portion of Lot(s) 5A, RICHFIELD PARK
zoned SU-2 IP OR SU-2 NC, located on 4545
ALAMEDA BLVD NE (C-17)

Special Exception No:..... **12ZHE-80110**
Project No: **Project# 1009213**
Hearing Date: 05-15-12
Closing of Public Record: 05-15-12
Date of Decision: 05-31-12

STATEMENT OF FACTS: The applicant, John Mechenbier requests a variance of 2.9 acres to the required 5 acres requirement for two proposed free-standing monument signs at 4545 Alameda NE. Mr. Mechenbier testified that the subject location was once two separate parcels. Each lot was approximately 1 acre in size. He stated that if he had submitted the site development plan prior to re-platting the lots, he would have been able to construct and erect two separate monument signs. The reason for re-plat was associated with the economy, and the ability to use shared services in having more business on one single lot than to have it on two lots. Mr. Mechenbier would like to have 12 small retailers at his location and feels that this large number of tenants would need to be identified as compared to the other larger sites along Alameda Blvd. He feels that in order to accommodate the regulations of the Alameda Design Overlay Zone, which requires the parking of vehicles at the rear of the business, ten of the twelve retailers for the proposed development will have their main entrances located on the side of the building rather than facing Alameda. Traffic speeds are 40 M.P.H. along Alameda. Mr. Mechenbier testified that passing traffic would be able to identify the business more clearly, which increases the need for visible monument signs. Mr. Mechenbier was required by the State Department of Transportation to provide property for a deceleration lane because Alameda drive began a limited access thoroughfare. In addition, the City of Albuquerque required an extension of this deceleration lane to the adjacent property for safety traffic purposes. The commitment of this land makes this parcel exceptional in relation to neighboring or adjacent properties because it compresses the available land for the proposed usage. There is a letter in the file from the Traffic Engineer's Office that indicates no obstruction to the clear sight requirements. The applicant was advised that, if approved, clear sight must be maintained and that vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to these signs. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, 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 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. Finally, 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.

DECISION: Approved with conditions.

CONDITIONS: The applicant must comply with any and all requirements made by the City Traffic Engineer in that clear sight must be maintained. Vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to these signs.

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.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on June 15, 2012 in the manner described below:

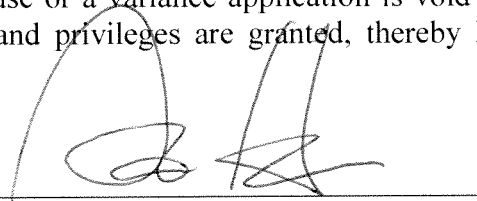
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

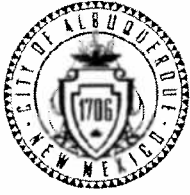
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building 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.

A handwritten signature in black ink, appearing to read 'S. Harada', is written over a horizontal line.

Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
John Mechenbier, 8500 Washington St NE, Suite A5, 87113



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

MECHENBIER CONSTRUCTION INC.
request(s) a special exception to Section 14-16-3-5(B)(2)(b): a VARIANCE of 10' to the 10' setback area requirement for a proposed monument sign for all or a portion of Lot(s) 5A, RICHFIELD PARK zoned SU-2 IP OR SU-2 NC, located on 4545 ALAMEDA BLVD NE (C-17)

Special Exception No:..... **12ZHE-80117**
Project No: **Project# 1009213**
Hearing Date: 05-15-12
Closing of Public Record: 05-15-12
Date of Decision: 05-31-12

STATEMENT OF FACTS: The applicant, John Mechenbier requests a variance of 10' to the 10' set back area requirement for a proposed monument sign. Mr. Mechenbier testified that the subject location was once two separate parcels. Each lot was approximately 1 acre in size. He stated that if he had submitted the site development plan prior to re-platting the lots, he would have been able to construct and erect two separate monument signs. The reason for re-plat was associated with the economy, and the ability to use shared services in having more business on one single lot than to have it on two lots. Mr. Mechenbier would like to have 12 small retailers at his location and feels that this large number of tenants would need to be indentified as compared to the other larger sites along Alameda Blvd. He feels that in order to accommodate the regulations of the Alameda Design Overlay Zone, which requires the parking of vehicles at the rear of the business, ten of the twelve retailers for the proposed development will have their main entrances located on the side of the building rather than facing Alameda. Traffic speeds are 40 M.P.H. along Alameda. Mr. Mechenbier testified that passing traffic would be able to indentify the business more clearly, which increases the need for visible monument signs. Mr. Mechenbier was required by the State Department of Transportation to provide property for a deceleration lane because Alameda drive began a limited access thoroughfare. In addition, the City of Albuquerque required an extension of this deceleration lane to the adjacent property for safety traffic purposes. The commitment of this land makes this parcel exceptional in relation to neighboring or adjacent properties because it compresses the available land for the proposed usage. There is a letter in the file from the Traffic Engineer's Office that indicates no obstruction to the clear sight requirements. The applicant was advised that, if approved, clear sight must be maintained and that vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to these signs. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, 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 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. Finally, 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.

DECISION: Approved with conditions.

CONDITIONS: The applicant must comply with any and all requirements made by the City Traffic Engineer in that clear sight must be maintained. Vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to these signs.

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.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

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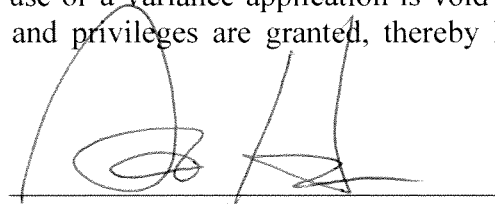
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Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

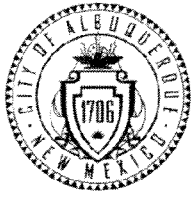
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A handwritten signature in black ink, appearing to read 'Stanley D. Harada', is written over a horizontal line.

Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
John Mechenbier, 8500 Washington St NE, Suite A5, 87113



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

MECHENBIER CONSTRUCTION INC.
request(s) a special exception to Section 14-16-3-5(B)(2)(b): a VARIANCE of 10' to the required 10' maximum requirement setback for a proposed monument sign for all or a portion of Lot(s) 5A, RICHFIELD PARK zoned SU-2 IP OR SU-2 NC, located on 4545 ALAMEDA BLVD NE (C-17)

Special Exception No:..... **12ZHE-80118**
Project No: **Project# 1009213**
Hearing Date: 05-15-12
Closing of Public Record: 05-15-12
Date of Decision: 05-31-12

STATEMENT OF FACTS: The applicant, John Mechenbier requests a variance of 10' to the required 10' maximum requirement setback for a proposed monument sign at 4545 Alameda NE. Mr. Mechenbier testified that the subject location was once two separate parcels. Each lot was approximately 1 acre in size. He stated that if he had submitted the site development plan prior to re-platting the lots, he would have been able to construct and erect two separate monument signs. The reason for re-plat was associated with the economy, and the ability to use shared services in having more business on one single lot than to have it on two lots. Mr. Mechenbier would like to have 12 small retailers at his location and feels that this large number of tenants would need to be identified as compared to the other larger sites along Alameda Blvd. He feels that in order to accommodate the regulations of the Alameda Design Overlay Zone, which requires the parking of vehicles at the rear of the business, ten of the twelve retailers for the proposed development will have their main entrances located on the side of the building rather than facing Alameda. Traffic speeds are 40 M.P.H. along Alameda. Mr. Mechenbier testified that passing traffic would be able to identify the business more clearly, which increases the need for visible monument signs. Mr. Mechenbier was required by the State Department of Transportation to provide property for a deceleration lane because Alameda drive began a limited access thoroughfare. In addition, the City of Albuquerque required an extension of this deceleration lane to the adjacent property for safety traffic purposes. The commitment of this land makes this parcel exceptional in relation to neighboring or adjacent properties because it compresses the available land for the proposed usage. There is a letter in the file from the Traffic Engineer's Office that indicates no obstruction to the clear sight requirements. The applicant was advised that, if approved, clear sight must be maintained and that vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to these signs. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, 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 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. Finally, 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.

DECISION: Approved with conditions.

CONDITIONS: The applicant must comply with any and all requirements made by the City Traffic Engineer in that clear sight must be maintained. Vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to these signs.

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.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

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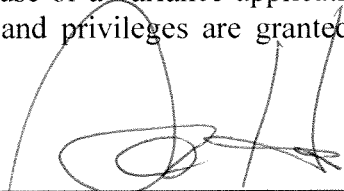
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Please note that pursuant to Section 14.16.4.4.(B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

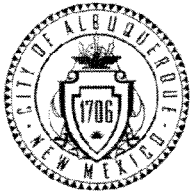
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Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

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ZHE File
John Mechenbier, 8500 Washington St NE, Suite A5, 87113



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

MECHENBIER CONSTRUCTION INC. and
PG. 27 Section (E)(3) of the ALAMEDA
BOULEVARD DESIGN OVERLAY ZONE: a
VARIANCE of 27 parking spaces to the
allowable zero located in the street facing the
side for a proposed new building for all or a
portion of Lot(s) 5A, RICHFIELD PARK
zoned SU-2 IP OR SU-2 NC, located on 4545
ALAMEDA BLVD NE (C-17)

Special Exception No:..... **12ZHE-80119**
Project No:..... **Project# 1009213**
Hearing Date:..... 05-15-12
Closing of Public Record:..... 05-15-12
Date of Decision: 05-31-12

STATEMENT OF FACTS: The applicant, John Mechenbier requests a variance of 27 parking spaces to the allowable zero located in the street facing the side for a proposed new building at 4545 Alameda NE. Mr. Mechenbier testified that Alameda Blvd is a limited access road that is a major arterial that connects the east side of Albuquerque with the communities west of the river. This limited access was imposed by the State of New Mexico Department of Transportation as the main corridor. Mr. Mechenbier also testified that there were restrictions placed on lots 4 and 5 that prohibited drive cuts/drive pads from his property directly on to Alameda. He testified that in 2009 he re-platted lots 4 and 5 as one tract of land. The Department of Transportation granted Mr. Mechenbier a drive pad to and from Alameda with the requirement that a deceleration lane be included. It was the belief that a deceleration land and a drive pad would not impede the traffic flow or speed of Alameda. The City of Albuquerque required him to extend his original access easements through former lot 5, to carry traffic flows to the business on the adjacent lot. In doing this, coupled with adding the deceleration lane significantly reduces the depth of the re-platted lot. These factors make it difficult for Mr. Mechenbier to accommodate the amount of parking spaces required by the Alameda Design Overlay Zone. Mr. Mechenbier testified that he has provided more parking spaces than are required for the development of the building. He also mentioned that there is going to be The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, 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 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. Finally, 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.

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.

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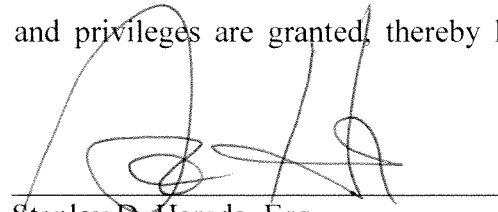
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Stanley D. Harada, Esq.
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