



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

Maverik Inc requests a conditional use to allow liquor retail for Lot Unplatted, Truck Plaza Inc, located at 1901 Menaul Blvd NE, zoned NR-LM [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00141**
Project No: **Project# 2019-002295**
Hearing Date: 05-21-19
Closing of Public Record: 05-21-19
Date of Decision: 06-05-19

On the 21st day of May, 2019, property owner Maverik Inc (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow liquor retail (“Application”) upon the real property located at 1901 Menaul Blvd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow liquor retail.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: *“An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - (a) It is consistent with the ABC Comp. Plan, as amended;*
 - (b) It complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property;*
 - (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - (d) It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - (e) It will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am;*
 - (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. Ron Bohannan of Tierra West LLC, agent for Maverick Inc., property owner appeared and gave evidence in support of the application.
5. The subject property is currently zoned NR-LM.
6. The address of the subject property is 1901 Menaul Blvd. NE.

7. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
8. Santa Barbara Martineztown Neighborhood Association, Martineztown Work Grp and Semillas y. Raices neighborhood Community Group are the affected neighborhood associations.
9. The affected neighborhood associations were notified by mail dated April 4, 2019.
10. No request for a meeting was requested and nothing was submitted in opposition to the Application.
11. The closest residential zone is south of I-40, several thousands of feet from the subject site.
12. The subject property is located at the northwest corner of Menaul Blvd. NE and University Blvd. NE. and is 2.5 acres in size.
13. The property is currently developed with an existing commercial structure, designated for demolition.
14. This project represents a much needed foundational step in the redevelopment of an area that is presently underutilized and in distress.
15. This would be the first phase of a much larger development of the subject property.
16. Future phases would include construction of a hotel site and a restaurant site.
17. The proposed project for a gas convenience store and a heavy and light vehicle fueling station, is a permissive for the subject zoning district, however the Liquor Retail Sales Use is a Conditional Use subject to IDO Section 14-16-4-3(D)(36).
18. The proposed project will redevelop an underutilized site, and thereby increase the economic vitality of the area.
19. It will encourage economic vitality by providing employment opportunities.
20. The proposed project will generate tax dollars that could then be used for infrastructure and municipal services.
21. Alexander D'Von Boggs, 1742 Menaul Blvd. NE, appeared and gave testimony in opposition to the request.
22. He is the owner of 88 Keys Piano Warehouse, a piano business adjacent to the subject property.
23. He is generally opposed to allowing more liquor sales outlets, which he feels adds more problems to the existing alcohol problems of our community.
24. He is in support of the redevelopment and has no problems with the proposed projects, however is strongly opposed to any sales of liquor.
25. He noted problems created by a nearby Circle-K selling liquor to the homeless and transients, which leads to crime, trash and vandalism to his business and other nearby businesses.
26. Applicant responded by acknowledging adverse social issues involved in alcohol sales.
27. He stated that Maverick has a proven track record of strong enforcement of liquor sales regulations.
28. Maverick has over 1500 stores throughout the southwest and train their employees to monitor sales of alcohol to prevent sales to impaired individuals.
29. This Maverick store will be open 24/7, which means a constant presence of security on the premises to prevent alcohol related crime in the area
30. He feels Maverick will be able to mitigate any problems related to retail liquor sales.
31. The actions proposed by Applicant are sufficient to mitigate any potential adverse impact on the surrounding area.
32. These goals are consistent with the ABC Comp. Plan.

33. The subject site is not within 500 feet of any Residential or NR-PO zone district nor any group home use.
34. The subject site is surrounded by various commercial and industrial uses.
35. The proposed facility is located in an existing industrial area with direct access to arterial streets.
36. The proposed use is consistent with the ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
37. The proposed use complies with all applicable provisions of the IDO, including, but not limited to any Use-specific standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; any conditions specifically applied to the development of the property in a prior permit or approval affecting the property, as required by Section 14-16-6-6(A)(3)(b).
38. The proposed use will not create significant adverse impacts on the adjacent properties; the surrounding neighborhood, or the larger community, as required by Section 14—16-6-6(A)(3)(c).
39. The proposed use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration as requires by Section 14-16-6(A)(3)(d).
40. The proposed use will not increase non-residential activity within 300 feet of a lot in any Residential zone between the hours of 8:00 pm and 6:00 am as required by Section 14-16-6-6(A)3(e).
41. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
42. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
43. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow liquor retail.

CONDITIONS:

Compliance with Use-Specific Standards in IDO Section 14-16-4-3(D)(36).

APPEAL:

If you wish to appeal this decision, you must do so by June 20, 2019 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
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