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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

October 07, 2020

TO: Pat Davis, President, City Council

FROM: Brennon Williams, Planning Director *Brennon Williams*

SUBJECT: AC-20-10, Project PR-2020-003911, VA-2020-00143, VA-2020-00313: Los Altos Civic Association, appeals the decision of the Zoning Hearing Examiners decision to approve a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

The reasons for the appeal, excerpted from appellant's letter, are listed below, with a bulleted, italicized response from Planning Department staff. Please see the Appellant's letter and submittal packet for further details.

"... Murphy Oil Company provided erroneous information to the Zoning Hearing Examiner in written documents and under oath during the hearings. The incorrect assertions were used as the basis for deciding that the applicant met the burden for providing evidence establishing that the requested Conditional Use as consistent with the ABC Comp Plan."

"... Murphy Oil's submitted responses about benefit to the community relative to the hardship imposed on residents did not meet the burden of proof through evidence of any sort; they are simply general assertions without evidence."

"... Murphy Oil's submitted responses asserting that these uses would not create adverse impacts on the adjacent properties were not supported by evidence" and "... did not meet the burden of proof that was required."

"... at the public hearing, numerous members of the community provided strong arguments to the contrary of Murphy Oil's assertions and evidence, but that the hearing officer neither required Murphy Oil to show otherwise (burden of proof on the Petitioner) nor included the content of them in his official determination."

“... members of the community provided information that the hearing officer should have required to be refuted with evidence by the petitioner, and this did not happen.”

- *The Zoning Hearing Examiner (ZHE) must rely on the evidence submitted into the public record.*
- *The ZHE deferred this request first heard July 21, 2020. “Specifically, the ZHE would like additional evidence regarding Comp Plan Policy 5.3.7, which pertains to “Locally Unwanted Land Uses,” and which exists to [e]nsure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.”*
- *The ZHE ruled that the applicant met their burden of proof by providing testimony and written submittals stating that the Criteria for Approval and Applicable Use-Specific Standards would be satisfied.*
- *The ZHE acknowledged that evidence in opposition was submitted into the record in Findings #11, 14, 17 and 18.*
- *The ZHE imposed conditions of approval to mitigate neighborhood concerns based on documents and testimony entered into the record.*
- *The ZHE ruled that “on balance” the preponderance of evidence was in favor of the applicant.*
- *The ZHE’s Notice of Decision does not constitute approval of plans for a building permit. The Integrated Development Ordinance Section 14-16-1-7(B) states that a building permit shall not be issued without approval by the City Engineer. The City Engineer approval includes a review of traffic flow.*

Lorena Patten-Quintana, ZHE Planner





AC-20-10 Appeal Memo

Final Audit Report

2020-10-07

Created:	2020-10-07
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CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Special Exception No:..... **VA-2020-00143**
Project No: **Project#2020-003911**
Hearing Date: 08-18-20
Closing of Public Record: 08-18-20
Date of Decision: 09-02-20

On the 18th day of August, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district (“Application”) upon the real property located at 99999 Bridge Blvd SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.
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. Agent for property owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.
6. The subject property is currently zoned MX-M.
7. The subject property is in a designated “area of change” within the ABC Comp. Plan.
8. The subject property is located within the Bridge/Tower Major Transit Corridor.
9. The ABC Comp. Plan and the IDO promote development and redevelopment within areas of change located on or along transit corridors.
10. Agent testified that Applicant is under contract to sell the subject property to gas station and convenience store owner and operator Murphy USA. A representative of Murphy USA testified in support of the Application.
11. Multiple community members testified in opposition to the Application, which opponents included many residents who live next-door or near the subject site.
12. IDO section 14-16-6-4(W)(1) provides that, “[u]nless specified otherwise on the permit or approval document for a specific type of development approval, permits and approvals run with the land and are not affected by changes in ownership or the form of ownership of the property.”
13. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), Applicant submitted evidence in support of the following ABC Comp. Plan Goals and Policies:

2.4.6 FOCUSING GROWTH IN CENTERS & CORRIDORS - Existing and designated Centers and Corridors are intended to accommodate much of the anticipated future growth in the city and county. Instead of low density, single-use growth at our edges, new development and redevelopment will be encouraged in existing Centers connected by a strong transportation network that accommodates cars and trucks, transit, cyclists, and pedestrians.

Applicant Response (Bold): **The subject site is located adjacent to the Tower Employment Center. The subject property sites squarely at the intersection of Tower/Bridge and Old Coors in the Tower/Bridge Corridor and is a designation Major Transit Corridor, which is a strong transportation network.**

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Applicant Response (Bold): **Future development on the subject site zoned NR-C and MX-M zone would be subject to IDO requirements including Neighborhood Edges (14-16- 5-9), the mixed-use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5- 6-(E), and building design standards (14-16-4-11). These would help ensure appropriate scale and location of development and character of building design.**

POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Applicant Response (Bold): **The subject property is located in the Bridge/Tower Comprehensive Corridor along a Major Transit Corridor in "Area of Change" and would be an infill project in an area lacking investment and revitalization. it would encourage employment density and redevelopment and would further this policy as this is the most appropriate area to accommodate growth and discourage the need for development at the urban edge.**

5.1.1.3 Evaluate existing land uses and development trends to identify opportunities for increased land use Intensity to support transit-oriented development within 660 ft of transit stations along Premium Transit Corridors.

Applicant Response (Bold): **This furthers this policy by increasing the land use intensity to support infill development within a Transit Corridor as the subject site is located in the Tower Transit Corridor and is designated as a Major Transit Corridor.**

5.1.1.4 Promote ongoing public-private cooperation necessary to create private market conditions that support intensified development of jobs and housing in Transit Corridors.]

Applicant Response (Bold): **The Property is located in a Transit Corridor on Albuquerque's Southwest area in which the jobs to housing balance is significantly low as is the availability of day-to-day goods as services without the need to cross the river. The location is most appropriate to accommodate development and encourage appropriate density in an infill location, in a Transit Corridor, and thus discourage the need for development at the urban edge.**

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Applicant Response (Bold): **The subject site is located in a designated Transit Corridor, and in an Area of Change that is intended to develop. The current zoning of MX-M zone allows for a wide array of moderate intensity retail and commercial uses that provide for the day to day goods and services of the community that is encouraged in Centers and Corridors.**

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response (Bold): **The proposed Conditional Use request would allow for a mix of goods and services to be available which are conveniently accessible. This will encourage redevelopment that brings goods and services within walking and biking distance of neighborhoods. The location within a transit corridor offers choice transportation to services. Characteristics of the community will be maintained since the requested use would occur in an existing commercial zone within a transit corridor.**

POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Applicant Response (Bold): **This request would support additional growth in an Area of Change with existing infrastructure and public facilities.**

POLICY 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.*
- b) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.*
- c) Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.*
- d) See Policy 5.2.1 for desired land uses to support complete communities.*

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response (Bold): **While the request for Conditional Use may be objectionable to immediate neighbors, it would be useful to society and will be equitable to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque Area.**

Murphy USA has a long-proven track record of strong enforcement of liquor sales regulations. Murphy has more than 1,500 stores throughout the United States and train their employees to monitor the

sales of alcohol to prevent sales to impaired individuals. Murphy USA currently has zero violations or complaints with the State Liquor Board. Tthe most recent Murphy that opened late last year had just 33 calls for service to-date in 2020 as compared to a Circle K across the street that saw 231 calls for service from the Albuquerque Police Department in that same time period. Murphy strives to operate their business's where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program In their stores, which begins with store layout and design.

Murphy follows the model of the Smart Policing Initiatives and has adopted the CPTED (Crime Prevention through Environmental Design) crime prevention program. CPTED is a concept that is data driven with a proven concept that considers the physical environment and its effect on crime prevention. There are four guiding principles.

Natural Surveillance:

People must be able to see illegal acts taking place to defend property or prevent crime. Surveillance puts the perpetrator(s) under the threat of being observed, and therefore identified and apprehended.

Territoriality:

Territoriality is all about defining what is public space, what semi-public space is, and what is private space. It involves establishing ownership of areas and can be encouraged by activities and management processes that reduce large impersonal spaces to smaller areas that can be personalized and protected.

Access Control:

This principle relates to territoriality by directing people where to go and denying them access to areas that they do not belong in. This is accomplished through having established vehicle and pedestrian entrances and exits, fencing, door and window locks, access control devices, and appropriate, visible signage.

Maintenance:

Poorly maintained and neglected areas attract unwanted people and activities. Proper maintenance of landscaping, lighting, and other features are essential CPTED principles. A positive community image is a significant deterrent to criminal behavior. Principles such as natural surveillance, access management, territoriality, physical maintenance, and order maintenance inform our design. Murphy USA pays particular

attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

Murphy USA has an extensive security monitoring system with both interior and exterior surveillance systems in place that operates 24/7 that is monitored by the home office. There is a constant presence of security on the premises to prevent alcohol related crime in the area. Murphy USA feels it has a proven method and track record of mitigating any problems related to retail liquor sales. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area.

Agent also submitted a “Retail Liquor Void Analysis Report”, containing, among other information, the following evidence:

Applicant Response (Bold):

- **There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;**
- **The average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;**
- **The average number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.**
- **The distance between the proposed site and the nearest Liquor Retail opportunity is 7,392 sq. ft. away;**
- **The market trade area for this use is underserved by more than 40% as compared to the Albuquerque average.**

GOAL 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2

Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Applicant Response (Bold): **The subject Property is located in an Area of Change and will direct growth and more intense development to this corridor where change is encouraged. Because the proposed request will encourage growth and high-quality future redevelopment in accordance with this policy in a Transit Corridor.**

POLICY 8.1.2. Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Applicant Response (Bold): **The proposed project will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing members of the community and contribute to a diverse and vibrant economy by revitalizing an area with growth that is consistent with and enhances the establish character of existing development. This type of economic development is best suited for infill locations supported by commercial corridors. This subject site encompasses all aspects of successful economic development and furthers this Policy.**

POLICY 8.1.3

Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Applicant Response (Bold): **This request allows for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.**

14. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), opponents submitted testimony and evidence that the requested use would:
 - **Increase crime in the area;**
 - **Increase noise caused by traffic and “boom boxes”;**
 - **Increase noxious fumes;**
 - **Increase drunk driving, which is already an issue of grave concern in Albuquerque and throughout New Mexico; and**
 - **Increase loitering and littering**
15. On balance, Applicant has met its burden of providing evidence that establishes that the requested Conditional Use is consistent with the ABC Comp. Plan, as amended, as required by IDO section 14-16-6-6(A)(3)(a)

16. As required by IDO section 14-16-6-6(A)(3)(b), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
17. Regarding the requirement under IDO section 14-16-6-6(A)(3)(c), that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(c).
18. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), that the requested Conditional Use approval 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, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. In addition:
 - a. Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above.
 - b. Agent submitted evidence that the Bernalillo County public works department has jurisdiction over the traffic planning for the intersection and area surrounding the subject property, has redesigned the intersection at the subject property, and has approved the preliminary site plan regarding access to and from the subject property.
 - c. Agent's written submittals confirmed Applicant's willingness to hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
 - d. Agent's written submittals confirmed Applicant's willingness to add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
 - e. Agent's written submittals confirmed Applicant's plan to place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis.
 - f. Agent testified that Applicant agrees to sell no intoxicating spirits and to limit its alcohol sales to beer and wine, only.
 - g. Agent stated in multiple written submittals and testimony that the requested use would be specific to Murphy USA and would not run with the land.

On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d).

19. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), which requires that the requested Conditional Use approval 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:

- a. The subject property is located within 300 feet of a lot in a residential zone district.
- b. Applicant testified that non-residential activity would not increase in any prohibited manner, because the proposed Murphy USA gas station and store attract only “passerby” traffic that already exists, not destination shoppers. However, as to liquor sales, this testimony appears to be contradicted by the evidence Applicant provided that there are no liquor stores within a 1.5-mile radius of this location and that the average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5. Given the relative lack of liquor sales, it would appear that liquor sales could create a destination that would increase traffic beyond merely passerby traffic.
- c. There is no commercial activity on the subject property currently, and therefore any commercial activity would be an increase in non-residential activity.
- d. Murphy testified and stated in written submittals that its store would be open 24 hours a day.
- e. If the liquor retail use were restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am, there would appear to be no significant increase in non-residential activity during those times.

On balance, Applicant will have met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d), if liquor retail use is restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am.

20. Regarding the requirement under IDO section 14-16-6-6(A)(3)(e), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result. No evidence was submitted to the contrary.
21. Applicable Use-Specific Standards include the following:

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.

4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.

4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.

4-3(D)(17)(g) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.

4-3(D)(17)(h) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.
4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.
4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.
4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.
Applicant provided testimony and written submittals stating that the Applicable Use-Specific Standards would be satisfied. No evidence was presented to the contrary.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.

CONDITIONS:

1. The approved conditional use is personal to Murphy USA and does not run with the land.
2. The subject property must adhere to the Use Specific Standards set forth in IDO 4-3(D)(17) Light Vehicle Fueling Station.
3. Murphy USA must follow the model of the Smart Policing Initiatives and adopt and comply with the CPTED (Crime Prevention through Environmental Design) crime prevention program Applicant, as described in its submittals, cited above.
4. Murphy USA must hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
5. Murphy USA must add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
6. Murphy USA must place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis
7. Murphy USA may not sell any intoxicating spirit and must limit its alcohol sales to beer and wine, only.
8. Any liquor retail use is restricted to prohibit the sale of alcohol between 8:00 pm and 6:00 am.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" and last name "Lucero" clearly distinguishable.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Angela Williamson, Modulus Architects, awilliamson@modulusarchitects.com



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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Special Exception No:..... **VA-2020-00143**
Project No: **Project#2020-003911**
Hearing Date: 07-21-20
Closing of Public Record: 07-21-20
Date of Decision: 08-05-20

On the 21st day of July, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district (“Application”) upon the real property located at 99999 Bridge Blvd SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Questions have arisen regarding the uses, addresses, and legal descriptions noticed for this application and the related application listed under VA-2020-00144, Project#2020-003911.
2. The ZHE also has questions regarding whether the proposed conditional use may or may not satisfy IDO Section 14-16-6-6(a)(3)(a), which requires that the proposed conditional use be consistent with the adopted ABC Comp Plan, as amended. Specifically, the ZHE would like additional evidence regarding Comp Plan Policy 5.3.7, which pertains to “Locally Unwanted Land Uses,” and which exists to “[e]nsure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.”
3. This matter should be deferred to allow Applicant and the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on August 18, 2020.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Modulus Architects, Angela Williamson, awilliamson@modulusarchitects.com



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input checked="" type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input checked="" type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: LOS ALTOS CIVIC ASSOCIATION, ALB. NEIGHBORHOOD ASSOCIATION UNDER O-92 ORDINANCE		Phone: 512-529-7048
Address: C/O 2831 LOS ALTOS PLACE SW		Email: ATHENALAROUX@GMAIL.COM
City: ALBUQUERQUE	State: NM	Zip: 87105
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site: 99999 BRIDGE BLVD SW		List all owners: JOSE ALFREDO & AILDA MARTINEZ

BRIEF DESCRIPTION OF REQUEST

APPEAL - VA-2020-00143 REQUEST FOR CONDITIONAL USE TO ALLOW FOR A LIGHT VEHICLE FUELING STATION ADJACENT TO A RESIDENTIAL ZONE DISTRICT FOR COMMERCIAL TRACT; AND

APPEAL - VA-2020-00144 REQUEST FOR CONDITIONAL USE TO ALLOW FOR LIQUOR SALES WITHIN 500 FT OF RESIDENTIAL ZONE

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: B	Block: 5	Unit:
Subdivision/Addition: LOS ALTOS	MRGCD Map No.:	UPC Code: 10110562493742072
Zone Atlas Page(s): L 11	Existing Zoning: MX-M	Proposed Zoning:
# of Existing Lots: 1	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street: • 99999 BRIDGE BLVD SW	Between:	and:
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PROJECT #PR-2020-003911 VA-2020-00143; VA-2020-00144

Signature: <i>Athena LaRoux</i>	Date: 09/17/2020
Printed Name: ATHENA LAROUX	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent <input type="checkbox"/> APPELLANT

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date: Project #

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☐ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

☐ Interpreter Needed for Hearing? ☐ If yes, indicate language: _____

☒ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDORS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

☒ Project number of the case being appealed, if applicable: PR-2020-003911

☒ Application number of the case being appealed, if applicable: VA-2020-00143 & VA-2020-00144

☒ Type of decision being appealed: APPROVALS OF BOTH REQUESTS WITHOUT EVIDENCE OF CLAIMS IN APPLICATIONS

☐ Letter of authorization from the appellant if appeal is submitted by an agent

☒ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)

☒ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)

☒ Copy of the Official Notice of Decision regarding the matter being appealed

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Athens la Roux LACA President

Date: 9.17.2020

Printed Name: Athens la Roux

☒ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:



List of documents included in this PDF for Development Review Application Appeal, regarding PR 2020-003911

1. The City of Albuquerque Developmental Review Application, filled out and signed by the president of Los Altos Community Association, a neighborhood within 500 feet of the proposed development.
2. This list of documents.
3. A letter of support of the appeal from State Senator Linda Lopez, representing District 11.
4. A copy of confirmation of Los Altos Community Association as being registered in good standing with the Office of Neighborhood Coordination, City of Albuquerque.
5. The appeal with Appendices 1-4 of the decision for petition VA-2020-00143.
6. The appeal with Appendix 1 of the decision for petition VA-2020-00144 (note that this appendix is simply the complete appeal from petition VA-2020-00143, to be sure all documents accompany both petitions).

In regard to Project Number 202-003911, petition for Special Exception VA-2020-001443, The Los Altos Neighborhood Association appeals the decision to allow Murphy Oil Company to build and run a gas station and mini-mart with alcohol sales on the corner of Old Coors Road and Bridge Boulevard/Avenida Dolores Huerta.

Our appeal is based on the following.

Herein, we show that Murphy Oil Company provided erroneous information to the Zoning Hearing Examiner in written documents and under oath during the hearings. The incorrect assertions were used as the basis for deciding that the applicant met the burden for providing evidence establishing that the requested Conditional Use as consistent with the ABC Comp Plan. We are providing the correct information and urge that the petition be reconsidered in light of the correct information.

Herein, we also show that Murphy Oil's submitted responses about benefit to the community relative to the hardship imposed on residents did not meet the burden of proof through evidence of any sort; they are simply general assertions without evidence. This is particularly egregious because the City of Albuquerque code includes as Policy 5.3.7 that "land uses that are objectionable to immediate neighbors [...] are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area." Sticking a gas station-minimart-liquor retail spot across the fence from homes in an old, established neighborhood on Albuquerque's Southwest side is exactly the kind of development that this policy was created for. The burden of proof is on the petitioner, and an assertion is not proof. They must provide clear evidence. We provide evidence-based public documents that clearly show the harm this will bring, and also the relatively small good such a business will bring.

Herein, we also show that Murphy Oil's submitted responses asserting that these uses would not create adverse impacts on the adjacent properties were not supported by evidence. Given that myriad sources of credible research about the adverse impacts of such businesses are widely available, Murphy Oil was particularly remiss in submitting no proof to the contrary. This is not a matter of assertion, but of evidence; Murphy Oil submitted no such evidence, so did not meet the burden of proof that was required. We have submitted examples of the expected adverse impacts based on studies that are in the public record. It would be impossible to submit the overwhelming number that exist.

Herein, we also note that at the public hearing, numerous members of the community provided strong arguments to the contrary of Murphy Oil's assertions and evidence, but that the hearing officer neither required Murphy Oil to show otherwise (burden of proof on the Petitioner) nor included the content of them in his official determination. It is not the community's job to provide proof of harm; it is the petitioner's burden of proof to show strong benefit. Nonetheless, members of the community provided information that the hearing officer should have required to be refuted with evidence by the petitioner, and this did not happen.

As a community, we strongly believe that all available evidence shows that this finding should be vacated, and that the Zoning Board and other responsible public officials should find that the requested conditional use of this lot is inconsistent with Albuquerque's policy to protect residents and communities from harm caused by use of land that attracts or creates discomfort, adverse health effects, danger to property and people, and that lowers property values and curtails profits of existing businesses in the immediate area.

For ease of reading, we have attached a copy of the Zoning Hearing Examiner Notification of Decision on 9-2-20; within this document, we highlight the areas of concern and provide a brief explanation of incorrect information, assertion, or conclusion and reference attached appendices that provide complete details.



New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

CHAIR:
• Rules

MEMBER:
• Judiciary

SENATOR LINDA M. LOPEZ

D-Bernalillo-11

9132 Suncrest Rd. SW
Albuquerque, NM 87121

Phone: (505) 831-4148
E-mail: linda.lopez@nmlegis.gov

September 17, 2020

To Whom It May Concern:

The issue of having access to liquor in our community has been a long standing concern to many in the community that I represent. Over the years community members/leaders have worked hard to address the issues that existed with the Drift-In Lounge and the A Mi Gusto Bar that existed on Old Coors. The incidence of DWI/DUI's were rampant. After the closing of these two establishments, the incident numbers decreased. The Legislature also closed drive-up liquor windows during the same time period. MADD has supported our community to stop easy access.

While I am not against drinking of alcoholic beverages, I do not support making access easier to potential patrons when they can buy the liquor, gas up their auto, pop open a beer can or other liquor and drive off. I have stood with neighborhood associations in the Southwest Mesa who did not want this type of liquor access in our community.

I support the Los Altos Neighborhood Association and other community businesses and neighbors in their stand to say No to liquor being sold at this proposed "new" gas station site.

Thank you for your consideration of our request.

A handwritten signature in black ink, appearing to read "Linda M. Lopez", is written over the typed name.

Linda M. Lopez
NM State Senator
District 11

From: "Carmona, Dalaina L." <dlcarmona@cabq.gov>
Date: September 15, 2020 at 5:26:41 PM MDT
To: Athena La Roux <athenalaroux@gmail.com>
Subject: RE: LACA neighborhood civic association

Hi Athena,

Your association is in good status as of now. We have giving the associations a waiver due to the COVID-19 pandemic. Below is the e-mail that was sent by Vanessa from our office on May 29, 2020.

Dear Neighborhood Association Members:

Due to the ongoing COVID-19 public health emergency in the State of New Mexico and concerns about group gatherings in the foreseeable future, the Office of Neighborhood Coordination (ONC) is waiving all annual meeting and annual report requirements through Tuesday, March 9, 2021.

Effective Wednesday, March 10, 2021, all neighborhood associations citywide will be expected to comply with requirements specified in the Neighborhood Association Recognition Ordinance (NARO), and bylaws specific to your association's annual meeting. The required annual report will still be due 60 days from the date of your annual meeting.

We recognize that not all neighborhood associations have the ability or resources to host online or virtual meetings during these unprecedented times, and we do not want to penalize those associations who cannot. We also recognize that, even if City community centers and other gathering places do open on an abbreviated basis, the limits on amounts of people allowed would likely also affect the ability to host a meeting per bylaws and NARO requirements.

However, if your association has already held its 2020 annual meeting and submitted your annual report to our office, or if your association is planning to hold an annual meeting online and submit its annual report between now and March 9, 2021, that is also acceptable.

Please also note that the City Council will be extending the NARO Interim Guidelines currently in effect as a result of the NARO revision process. The Interim Guidelines previously in place were effective through Friday, July 31, 2020; and will be effective through Thursday, December 31, 2020. The legislation for the updated Interim Guidelines will be introduced at the City Council Meeting on Monday, June 1, 2020 and will be voted upon at the City Council Meeting on Monday, June 15, 2020. Here is a link to the proposed legislation:

<https://cabq.legistar.com/LegislationDetail.aspx?ID=4548995&GUID=CCCE40D2-A77D-4FB4-91A1-F17304442E7D&Options=ID|Text|&Search=>

Please contact our office with any questions you might have regarding annual meetings and/or reports. Thank you, and stay well and safe.

Thanks,

Dalaina L. Carmona
Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: www.cabq.gov/neighborhoods



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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Special Exception No:..... **VA-2020-00143**
Project No: **Project#2020-003911**
Hearing Date: 08-18-20
Closing of Public Record: 08-18-20
Date of Decision: 09-02-20

On the 18th day of August, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district (“Application”) upon the real property located at 99999 Bridge Blvd SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.
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. Agent for property owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.
6. The subject property is currently zoned MX-M.
7. The subject property is in a designated “area of change” within the ABC Comp. Plan.
8. The subject property is located within the Bridge/Tower Major Transit Corridor.
9. The ABC Comp. Plan and the IDO promote development and redevelopment within areas of change located on or along transit corridors.
10. Agent testified that Applicant is under contract to sell the subject property to gas station and convenience store owner and operator Murphy USA. A representative of Murphy USA testified in support of the Application.
11. Multiple community members testified in opposition to the Application, which opponents included many residents who live next-door or near the subject site.
12. IDO section 14-16-6-4(W)(1) provides that, “[u]nless specified otherwise on the permit or approval document for a specific type of development approval, permits and approvals run with the land and are not affected by changes in ownership or the form of ownership of the property.”
13. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), Applicant submitted evidence in support of the following ABC Comp. Plan Goals and Policies:

2.4.6 FOCUSING GROWTH IN CENTERS & CORRIDORS - Existing and designated Centers and Corridors are intended to accommodate much of the anticipated future growth in the city and county. Instead of low density, single-use growth at our edges, new development and redevelopment will be encouraged in existing Centers connected by a strong transportation network that accommodates cars and trucks, transit, cyclists, and pedestrians.

Applicant Response (Bold): **The subject site is located adjacent to the Tower Employment Center. The subject property sites squarely at the intersection of Tower/Bridge and Old Coors in the Tower/Bridge Corridor and is a designation Major Transit Corridor, which is a strong transportation network.**

The community responds: The applicant misnames this: It is actually the Tower Employment District, an area proposed for redevelopment in the Bridge Boulevard Redevelopment Plan that calls for Tower Road to be redirected to intersect directly with Bridge and for the triangular area beyond the new intersection to become a park; the plan aims to attract more residential construction, including a senior center and a medical campus. Had the petitioner showed the plan to the Zoning Hearing Examiner, it would have been clear that this is actually the kind of business that impedes the Tower Employment District plan. (See appendix 1, which shows the intended redevelopment in detail.)

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Applicant Response (Bold): **Future development on the subject site zoned NR-C and MX-M zone would be subject to IDO requirements including Neighborhood Edges (14-16- 5-9), the mixed-use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5- 6-**

(E), and building design standards (14-16-4-11). These would help ensure appropriate scale and location of development and character of building design.

POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Applicant Response (Bold): The subject property is located in the Bridge/Tower Comprehensive Corridor along a Major Transit Corridor in "Area of Change" and would be an infill project in an area lacking investment and revitalization. **it would encourage employment density and redevelopment** and would further this policy as this is the most appropriate area to accommodate growth and discourage the need for development at the urban edge.

The community responds: It is disingenuous to claim that a gas station/mini-mart selling alcohol revitalizes a community, encouraging employment density. Businesses such as this are shown to suppress residential property values, to attract crime, and to suppress business investment. Please see Appendix 2 for examples of research that supports our claim. Please note that the petitioner's assertion is not backed by evidence; simple assertion of opinion does not meet the burden of proof.

5.1.1.3 Evaluate existing land uses and development trends to identify opportunities for increased land use Intensity to support transit-oriented development within 660 ft of transit stations along Premium Transit Corridors.

Applicant Response (Bold): This furthers this policy by increasing the land use intensity to support infill development within a Transit Corridor as the subject site is located in the Tower Transit Corridor and is designated as a Major Transit Corridor.

5.1.1.4 Promote ongoing public-private cooperation necessary to create private market conditions that support intensified development of jobs and housing in Transit Corridors.]

Applicant Response (Bold): The Property is located in a Transit Corridor on Albuquerque's Southwest area in which the jobs to housing balance is significantly low as is **the availability of day-to-day goods as services without the need to cross the river**. The location is most appropriate to accommodate development and encourage appropriate density in an infill location, in a Transit Corridor, and thus discourage the need for development at the urban edge.

The community responds: This assertion is blatantly untrue. Within 150 feet of the lot intended for redevelopment is an established butcher that is so popular its parking lot is usually full all day Saturday, busy every day, and considered a destination shopping location. On the southeast corner is a gas station/minimart owned by Circle K. Within one mile to the north are three neighborhood markets and another gas station/minimart. Within two miles of this lot are numerous chain and single-location markets (including a Smith's supermarket), restaurants, gas stations, "Dollar" stores, and drugstores. Within the last two years, a supermarket closed because competition was too intense with the Smith's store across the street. The petitioner has not only not met the burden of proof for this assertion, but provided a false statement. See Appendix 3 for a map with locations marked.

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Applicant Response (Bold): **The subject site is located in a designated Transit Corridor, and in an Area of Change that is intended to develop. The current zoning of MX-M zone allows for a wide array of moderate intensity retail and commercial uses that provide for the day to day goods and services of the community that is encouraged in Centers and Corridors.**

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response (Bold): The proposed Conditional Use request would allow for a mix of goods and services to be available which are conveniently accessible. This will encourage redevelopment that brings goods and services within walking and biking distance of neighborhoods. The location within a transit corridor offers choice transportation to services. Characteristics of the community will be maintained since the requested use would occur in an existing commercial zone within a transit corridor.

POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Applicant Response (Bold): This request would support additional growth in an Area of Change with existing infrastructure and public facilities.

POLICY 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.*
- b) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.*
- c) Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.*
- d) See Policy 5.2.1 for desired land uses to support complete communities.*

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response (Bold): While the request for Conditional Use may be objectionable to immediate neighbors, it would be useful to society and will be equitable to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque Area.

Murphy USA has a long-proven track record of strong enforcement of liquor sales regulations. Murphy has more than 1,500 stores throughout the United States and train their employees to monitor the

sales of alcohol to prevent sales to impaired individuals. Murphy USA currently has zero violations or complaints with the State Liquor Board. The most recent Murphy that opened late last year had just 33 calls for service to-date in 2020 as compared to a Circle K across the street that saw 231 calls for service from the Albuquerque Police Department in that same time period. Murphy strives to operate their business's where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program In their stores, which begins with store layout and design.

Murphy follows the model of the Smart Policing Initiatives and has adopted the CPTED (Crime Prevention through Environmental Design) crime prevention program. CPTED is a concept that is data driven with a proven concept that considers the physical environment and its effect on crime prevention. There are four guiding principles.

Natural Surveillance:

People must be able to see illegal acts taking place to defend property or prevent crime. Surveillance puts the perpetrator(s) under the threat of being observed, and therefore identified and apprehended.

Territoriality:

Territoriality is all about defining what is public space, what semi-public space is, and what is private space. It involves establishing ownership of areas and can be encouraged by activities and management processes that reduce large impersonal spaces to smaller areas that can be personalized and protected.

Access Control:

This principle relates to territoriality by directing people where to go and denying them access to areas that they do not belong in. This is accomplished through having established vehicle and pedestrian entrances and exits, fencing, door and window locks, access control devices, and appropriate, visible signage.

Maintenance:

Poorly maintained and neglected areas attract unwanted people and activities. Proper maintenance of landscaping, lighting, and other features are essential CPTED principles. A positive community image is a significant deterrent to criminal behavior. Principles such as natural surveillance, access management, territoriality, physical maintenance, and order maintenance inform our design. Murphy USA pays particular

attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

The Community responds:

By federal banking law, those residential properties within 300 feet of a tank full of explosive material, including gasoline storage tanks, cannot get a FHA insured mortgage (see Appendix 2). This would make it difficult to sell the house and would certainly lower the property values. This is not just an annoying outcome of a new business nearby, it would be devastating for people who have invested in property in this location. To overcome this serious a financial blow to those who already have purchased and lived in this community for a long periods, the business in question should be of overwhelming importance to the community. However, this is not the case for another gas station and minimart in this location.

All of these needs are currently met quite well within less than a mile of the proposed gas station—including the ability to purchase these goods at late hours. Murphy Oil wishes to syphon profits from existing businesses, putting them at real risk of failure. Many of these businesses are “mom and pop” stores and restaurants, especially Latino-owned and operated, and their closure would leave vacant properties and would erase the wonderful local characteristics, run out of town by an out-of-state corporation.

Murphy USA has an extensive security monitoring system with both interior and exterior surveillance systems in place that operates 24/7 that is monitored by the home office. There is a constant presence of security on the premises to prevent alcohol related crime in the area. Murphy USA feels it has a proven method and track record of mitigating any problems related to retail liquor sales. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area.

The Community responds: Murphy Oil’s assertion that they have an excellent reputation for security glosses over the fact that even the best-run gas stations and mini-marts with late hours are far more vulnerable to crime and bring crime into the immediate vicinity. Murphy Oil cannot show that neighborhoods are safer or equally safe when Murphy Oil locates there; they can only show that they bring less danger than other similar companies. We assert that Murphy Oil will make the community more dangerous, and

Murphy Oil's own documents, indicating that they have fewer calls than nearby locations owned by competitors indicates that they bring less crime, not no crime, to the neighborhood. (See Appendix 3 for a short summary from Community Environmental Defense Services; their website has extensive resources.) The burden of proof is not on the community, but the applicant.

Agent also submitted a "Retail Liquor Void Analysis Report", containing, among other information, the following evidence:

Applicant Response (Bold):

- There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;
- The average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;
- The average number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.
- The distance between the proposed site and the nearest Liquor Retail opportunity is 7,392 sq. ft. away;
- The market trade area for this use is underserved by more than 40% as compared to the Albuquerque average.

The Community responds: The information suggesting that this neighborhood is underserved with alcohol retailers is false in number and deliberately misleading in calculation:

Murphy Oil has submitted a document and attested to information, both as sworn statements, claiming only one Liquor Retail Opportunity within a 1.5-mile radius of this location. In fact, currently, there are seven. The closest is 4,225 linear feet from their lot (Chevron, offering for sale all forms of alcohol in all sizes). Two other gas station/minimarts are also within 1.5 miles. There are three full-service liquor stores less than 1.5 miles from the proposed location: one to the north, one to the east, and one to the south as well as a chain drugstore that sells all forms of alcohol. Murphy Oil is about to open another location within 1.5 miles that will sell alcohol as well.

A similarly disingenuous statement--"the average number of liquor opportunities in Albuquerque within a 2-mile radius"--includes every dense retail area with restaurants serving alcohol, and does not refer to residential areas. Nob Hill, Uptown, Old Town, and other areas that are commercial districts have a huge percentage of alcohol-serving and alcohol-selling businesses, but they are not residential. A quick look at Albuquerque's neighborhoods shows that there are far fewer alcohol-selling businesses nearby. In Albuquerque, people drive from their neighborhoods to purchase groceries alcohol, and other goods. Appendix 3 shows a map of local gas stations (and food purchase opportunities).

GOAL 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2

Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Applicant Response (Bold): The subject Property is located in an Area of Change and will direct growth and more intense development to this corridor where change is encouraged. Because the proposed request will encourage growth and high-quality future redevelopment in accordance with this policy in a Transit Corridor.

The Community Responds: That “change is encouraged” does not mean that all forms of change are encouraged. The assertion about growth and high-quality future development is unsupported by data, because it is easily refuted by data. Meeting a burden of proof requires more than assertion. In fact, gas stations with mini-marts and hypermarkets contribute to community blighting. Stations and stores owned by corporations take more than half of the money out of the community

POLICY 8.1.2. Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Applicant Response (Bold): The proposed project will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing members of the community and contribute to a diverse and vibrant economy by revitalizing an area with growth that is consistent with and enhances the establish character of existing development. This type of economic development is best suited for infill locations supported by commercial corridors. This subject site encompasses all aspects of successful economic development and furthers this Policy.

The Community responds: This assertion is unsupported, and unsupportable, by evidence. Further, it restates assertions about lack of sufficient community resources that we have refuted in Appendix 3.

POLICY 8.1.3

Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Applicant Response (Bold): This request allows for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

The Community Responds:

- (1) There is no reliance on government spending in this corridor, so it cannot be reduced.
- (2) A gas station/minimart selling alcohol does not truly diversify employment; virtually every business in this corridor requires the same skillset (entry-level hourly wage workers and supervision of hourly

workers).

(3) A gas station/minimart selling alcohol does not promote higher wages; it is a minimum-wage job.

(4) The petitioner's assertion is made without any reliance on evidence/proof, is easily refuted, and should not have been considered a sufficient argument to overcome the negative impacts of the proposed business.

14. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), opponents submitted testimony and evidence that the requested use would:

- Increase crime in the area;
- Increase noise caused by traffic and “boom boxes”;
- Increase noxious fumes;
- Increase drunk driving, which is already an issue of grave concern in Albuquerque and throughout New Mexico; and
- Increase loitering and littering

The Community Responds: The Zoning Examiner has inaccurately summarized two major concerns of *this* business at *this* location.

(1) this particular corner is one of the most dangerous for vehicle and vehicle-pedestrian accidents in the city, for several reasons:

- It is at the edge of a bluff and a major east-west artery, and the street goes from 4 lanes to 2 lanes immediately west of the intersection, and a third major road intersects at an angle slightly west of the intersection. These conditions combine for very difficult sightlines just where lanes are merging in very short footprints, where traffic moves fast, and where early morning and late afternoon sun dazzles drivers.
- The lot in question is situated in such a way that all in-and-out traffic will greatly interfere with the flow of traffic. We are quite simply opposed to *any* business that has a high volume of entrances and exits in a short period of time. Many businesses could work well in such a space without increasing danger; a gas station simply can't. At this location, there are also use specific standards about entry access that can't be met (see point 21 of decision).

(2) The second point that was raised at the meeting is addressed in section 19 below.

15. On balance, Applicant has met its burden of providing evidence that establishes that the requested Conditional Use is consistent with the ABC Comp. Plan, as amended, as required by IDO section 14-16-6-6(A)(3)(a)

The Community Responds: The applicant made several assertions without providing evidence of their truth; most of the assertions did not include any supportive evidence; some of the assertions are provably false; some of the assertions are misleading. We assume that this is because factual evidence would have been contrary to the wishes of the petitioner. But the petitioner is not just required to show up and make statements that conform to the format of the petition. The petitioner is required to prove that its proposed use is of greater benefit to the community than the harm it causes, and this petitioner provided proof only that its company policy mitigates some small harms without addressing the larger harms.

16. As required by IDO section 14-16-6-6(A)(3)(b), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
17. Regarding the requirement under IDO section 14-16-6-6(A)(3)(c), that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(c).

The Community Responds: The Zoning Hearing Examiner is incorrect in asserting that the petitioner met the burden of proof regarding adverse impacts on adjacent properties. We strongly request that this point be addressed with actual evidence. The assertions made by the petitioner claim that there will not be an increase in traffic because this is a major transportation corridor, but that is an assertion about traffic moving on the street, not being at the business. The point is that the use of the business, which includes a substantially outdoor use and will mostly involve vehicles, will increase noise from cars and customers, smell from food and gasoline, headlight glare at night, danger from entry and exit, more traffic seeking shortcuts from the business through the neighborhood, and so on. It is a 24-hour business, and so will impact residents constantly. It will not only decrease the quality of the lives of those who live there, but will also materially affect their property value and the ease of resale. Please see Appendix 4 for affidavits from two realtors regarding the likelihood of reduced property value for longtime residents.

18. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), that the requested Conditional Use approval 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, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. In addition:

- a. Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above.

The Community Responds: The petitioner did not submit evidence, but rather simply made unsupported assertions of what they wish to be true.

- b. Agent submitted evidence that the Bernalillo County public works department has jurisdiction over the traffic planning for the intersection and area surrounding the subject property, has redesigned the intersection at the subject property, and has approved the preliminary site plan regarding access to and from the subject property.

The Community Responds: See "Point 21: Applicable Use-Specific Standards include the following 4-3(D)(17)(e)": Whether or not Bernalillo County public works department has approved the preliminary site plan, the current intersection and lanes and the publicly available plans for changes to the intersection and lanes do not meet this requirement. On Bridge Street/Avenida Dolores Huerta, there is only one lane in each direction and no possible room for a turn lane, due to the diagonal intersection of Tower Road that already uses a turn lane at that location for southbound turns from Westbound traffic. See Appendix 5.

- c. Agent's written submittals confirmed Applicant's willingness to hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
- d. Agent's written submittals confirmed Applicant's willingness to add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
- e. Agent's written submittals confirmed Applicant's plan to place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis.
- f. Agent testified that Applicant agrees to sell no intoxicating spirits and to limit its alcohol sales to beer and wine, only.
- g. Agent stated in multiple written submittals and testimony that the requested use would be specific to Murphy USA and would not run with the land.

On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d).

19. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), which requires that the requested Conditional Use approval 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:

- a. The subject property is located within 300 feet of a lot in a residential zone district.
- b. Applicant testified that non-residential activity would not increase in any prohibited manner, because the proposed Murphy USA gas station and store attract only “passerby” traffic that already exists, not destination shoppers. However, as to liquor sales, this testimony appears to be contradicted by the evidence Applicant provided that there are no liquor stores within a 1.5-mile radius of this location and that the average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5. Given the relative lack of liquor sales, it would appear that liquor sales could create a destination that would increase traffic beyond merely passerby traffic.

The Community Responds: This assertion is clearly incorrect. If customers come to this location, which is currently a vacant lot, non-residential activity must increase. “Passerby” traffic at present is not stopping at this location, but driving by it. The quality of life will be materially diminished for residents with a business operating in their backyard. It is unconscionable to allow a 24-hour business within feet of the bedroom windows of longtime residents.

- c. There is no commercial activity on the subject property currently, and therefore any commercial activity would be an increase in non-residential activity.
- d. Murphy testified and stated in written submittals that its store would be open 24 hours a day.
- e. If the liquor retail use were restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am, there would appear to be no significant increase in non-residential activity during those times.

The Community Responds: This assertion is clearly incorrect. While there would be no increase in traffic due to *alcohol* sales during these hours, there will be increase for use of the gas pumps and the shop from no use on the vacant land to any use afterward. A 24-hour business shoehorned into this lot will absolutely increase non-residential activity.

On balance, Applicant will have met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d), if liquor retail use is restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am.

20. Regarding the requirement under IDO section 14-16-6-6(A)(3)(e), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result. **No evidence was submitted to the contrary.**

The Community responds: The process requires more than an assertion that this will not impact pedestrian and transit activity will result. In these hearings, the community is not responsible to submit evidence to the contrary. The petitioner is required to prove this assertion. Nonetheless, we have submitted examples that are publicly available to show that at the very least, Murphy Oil should be required to have a traffic study conducted as proof of their assertion.

21. Applicable Use-Specific Standards include the following:

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) *Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.*

4-3(D)(17)(e) *Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street. **The community responds: See above (18-b).***

4-3(D)(17)(f) *Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.*

4-3(D)(17)(g) *Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.*

4-3(D)(17)(h) *For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.*

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.

4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.

4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.

4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.

Applicant provided testimony and written submittals stating that the Applicable Use-Specific Standards would be satisfied. No evidence was presented to the contrary.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.

CONDITIONS:

1. The approved conditional use is personal to Murphy USA and does not run with the land.
2. The subject property must adhere to the Use Specific Standards set forth in IDO 4-3(D)(17) Light Vehicle Fueling Station.
3. Murphy USA must follow the model of the Smart Policing Initiatives and adopt and comply with the CPTED (Crime Prevention through Environmental Design) crime prevention program Applicant, as described in its submittals, cited above.
4. Murphy USA must hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
5. Murphy USA must add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
6. Murphy USA must place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis
7. Murphy USA may not sell any intoxicating spirit and must limit its alcohol sales to beer and wine, only.
8. Any liquor retail use is restricted to prohibit the sale of alcohol between 8:00 pm and 6:00 am.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Angela Williamson, Modulus Architects, awilliamson@modulusarchitects.com

Appendix #1: Tower Employment District Plan

Source: Bernalillo County Bridge Boulevard Redevelopment Plan

(full report available at <https://www.bernco.gov/public-works/bridge-boulevard-corridor-redevelopment-plan.aspx>)

Goal

To diversify the Bridge Boulevard market and consider more conventional development patterns that address market needs of the larger West Mesa area.

- District includes large area west of the mesa to Coors Boulevard.
- Land use is characterized by large parcels, low development density, and easy access to north-south arterials.
- Area serves larger trade area and provides large-scale development potential.
- Catalytic sites are auto-oriented, employment focused, and autonomous and include:
 - Larger format retail.
 - Mixed-use development fronting Tower Road and Bridge Boulevard.
 - Large-scale attached residential units.
 - Large office and/or medical campus.
- Development leverages the District's proximity to the West and Southwest Mesa residential areas and direct frontage on Coors Boulevard to capture a portion of retail market share.
- Development plan recognizes the District's competitive position relative to Las Estancias, the recently approved regional retail development to the south. Provides comparatively smaller scale retail development (5,000 to 25,000 sq. ft.) to serve more immediate trade area.
- Area provides scenic views of the West Mesa and large parcels ideal for large-scale residential development including 250 to 500 units of attached or semi-attached housing at a range of densities.
- Senior housing development provides the full continuum of care for the South Valley's aging residents, including independent living, congregate care, and assisted living.
- Development is anchored by social services and/or healthcare based on proximity of existing Bernalillo County Human Services building and expected growth in the healthcare industry.
- Potential employment and training center focused on health care and aging populations aligns with the needs of the residents of the South Valley.
- Redirect Bridge Boulevard to Tower Road, eliminating the need and cost for a roundabout at the current intersection. Given the continuation of Tower (and termination of Bridge) at Coors, the new alignment accommodates traffic flow in an efficient manner.
- The plan provides a place holder for future employment-centric land use requiring substantial land area.

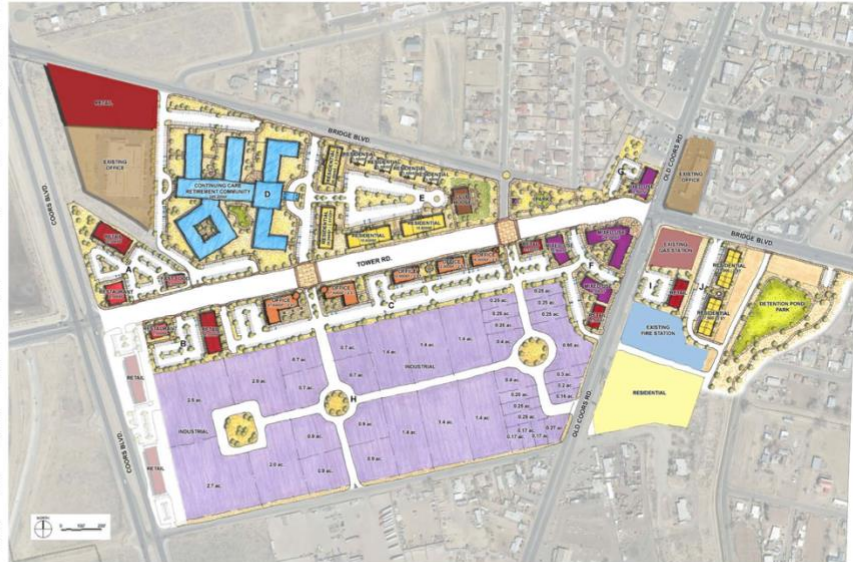


Figure 19. Tower Employment District at Tower and Coors Boulevard to Old Coors Boulevard

Appendix #2: Impact of Gas Stations/Convenience Stores on Quality of Life

Sources:

Community and Environmental Defense Services (CEDS) <https://ceds.org/gasstation/>

Scientific American <https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/>

Housely.com

Property Values:

“People will be driving in and out of your intersection, hanging out at the property, and buying lots of lotto tickets, cigarettes, and beer when they gas up. Although handy, these shops do nothing to help property values and hurt them significantly according to Zillow.com. Although the realtors questioned on the site did not have exact statistics, common sense would show that the increase in robberies, accidents, traffic and pedestrians would add up to decreased property value.” [Housely.com, which rates “gas station/convenience stores second on a list of businesses that hurt property values”]

Those who own the abutting homes may never be able to sell their home because of mortgage restrictions:

“A convenience store or gas station can lower the value of nearby homes. One of the most plausible effects is on mortgages. **Federal Housing Administration (FHA) insured mortgages are not available for properties located within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline or other flammable-explosive materials.** This restriction appears in Section 2-2M of the HUD Handbook *Valuation Analysis for Single Family One- to Four- Unit Dwellings*. Most gas station storage tanks have a capacity far in excess of 1,000 gallons.” [CEDS]

Crime and Violence impacting neighbors:

“Convenience store hold-ups account for about 6% of all robberies in the nation. One study noted that: ‘Convenience store employees suffer from high rates of workplace homicide, second only to taxicab drivers.’” [CEDS]

“A study of the relationship between violence of other factors found an increasing trend as the number of alcohol outlets in an area rose. Following is a principal finding from this study: ‘A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, *even when levels of poverty and the age and the ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood’s economic, ethnic or age status.*’” [CEDS]

Noise from traffic at the location:

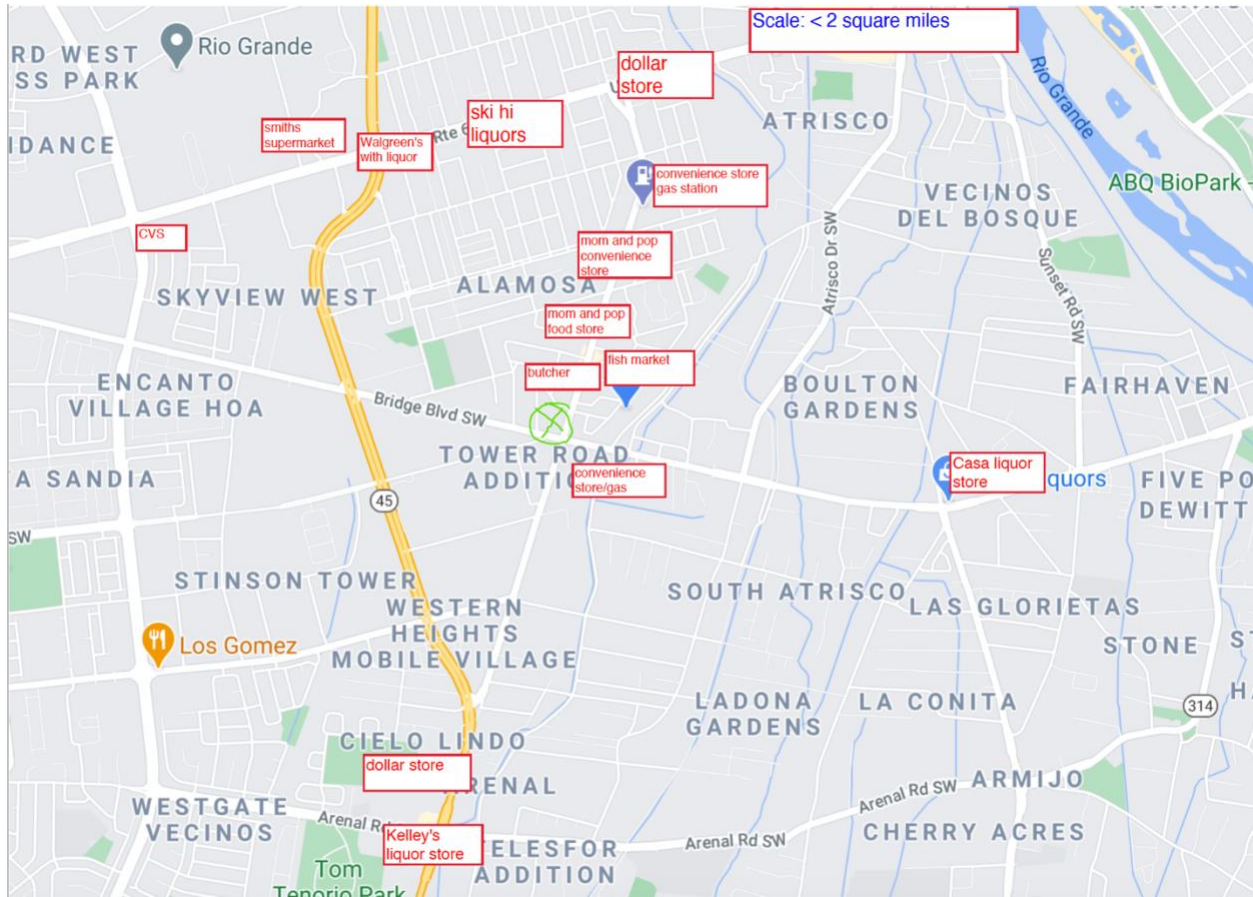
“As a rough rule of thumb, each proposed pump at a gas station generates about 100 to 130 trips per day. By “pump” we mean fueling position. The convenience store will generate 800 to 1,200

trips per day per 1,000 square feet. So a 2,000 square foot store with ten pumps would generate around 3,150 trips per day.” [CEDS]

Health impacts on homes adjacent and nearby the property:

“Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the ground...” [Scientific American]

Appendix #3: Food and Liquor options in Immediate Area (Distances for Liquor Retail locations included below)



The Petitioner claimed in sworn testimony that only one retail liquor sales point is within 1.5 miles of the location at which they ask to sell liquor. They assert that the area is underserved for liquor sales because there is only one retail liquor sales point.

Chevron Station and Minimart 534 Old Coors Blvd. SW
4,500 feet from Murphy Oil proposed location
(Distance ascertained with odometer, online direction software)
Sells all forms of liquor

SkiHi Liquor Store
5927 Central Avenue, SW
Distance ascertained with odometer: 1.45 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.56 miles
Sells all forms of liquor

Casa Liquor Store
1649 Bridge Blvd., S.W.

Distance ascertained with odometer: 1.35 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.4 miles
Sells all forms of liquor

Kelly's Liquor Store
1903 Coors Blvd., S.W.
Distance ascertained with odometer: 1.3 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.3 miles
Sells all forms of liquor

Speedway Gas Station and Convenience Store
1897 Coors Blvd., S.W.
Distance ascertained with odometer: 1.35 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.34 miles

Walgreen's Drugstore
Distance ascertained with odometer: 1.3 miles from Murphy Oil proposed location (via Coors Blvd)
Distance ascertained with online direction software: 1.3 miles
Sells all forms of liquor

(under construction):

Murphy Oil Station

Unser Blvd. between Coors and Central Avenue
1.5 miles ascertained by odometer

Appendix #4: Affidavits from realtors concerning property values



09/17/20

To Whom it may concern:

The residents of the Los Altos neighborhood in Southeast Albuquerque, New Mexico asked for my professional opinion as a Real Estate Broker in Albuquerque. They are concerned about the proposed construction of a gas station on a lot that would back up to back yards of the community. Their concerns about increased traffic, noise and congestion are of great concern. There is a convenient fuel station across the street so there is not high demand for the area.

It is my professional opinion that the construction of a gas station, adjoining the back yards of a community, would indeed cause a significant decrease in property values within said community, most notably to the properties directly adjacent to the gas station. I believe most Real Estate Professionals would agree.

Sincerely,
Ann Furdon
Realty One
annfurdonrealtor@gmail.com

09/17/20

To Whom it may concern:

The residents of the Los Altos neighborhood in Southeast Albuquerque, New Mexico asked for my professional opinion as a Real Estate Broker in Albuquerque.

They are concerned about the proposed construction of a gas station on a lot that would back up to back yards of the community. Their concerns about increased traffic, noise and congestion are of great concern. There is a convenient fuel station across the street so there is not high demand for the area.

It is my professional opinion that the construction of a gas station, adjoining the back yards of a community, would indeed cause a significant decrease in property values within said community, most notably to the properties directly adjacent to the gas station. I believe most Real Estate Professionals would agree.

Sincerely,



Ann Furdon

Realty One

annfurdonrealtor@gmail.com





To Whom It May Concern,

Residents of Los Altos Neighborhood in Southeast Albuquerque, New Mexico asked me for an opinion in my professional capacity as a Real Estate Broker of residents in Albuquerque: How likely is it that construction of a gas station adjacent to a residential lot, with a fence between the backyard and gas station lot, would impact property values of residential lot? My answer to them is that such construction would certainly cause a significant loss of property value. Research has shown that not only is there an increased level of airborne chemicals within 100 ft of the gas station, but it also effects the quality of life for future residents in the neighborhood. Gas stations are not easily converted into other uses due to the potential leaking of the underground storage tanks. The leaking of these tanks can move a great distance underground and impact adjacent properties. Due to the issues that arise with gas stations in residential areas I am confident that this would be the opinion of most if not all Real Estate Brokers of residential property.

Sincerely,

Natalie Lujan – Associate Broker

Realty One

A handwritten signature in dark ink, appearing to read 'Natalie Lujan', is written over the printed name.

9674-3 EAGLE RANCH ROAD NW ALBUQUERQUE, NEW MEXICO 87114

505.883.9400 | r1newmexico.com

In our appeal to the decision granting Murphy Oil and Gas permission to build a light fueling station at this location which was heard on August 18, 2020 VA-2020-00143, project Project#2020-003911, the companion application to this application, we have already addressed all of the reasons we are appealing the decision for both applications. Most of these apply specifically to the building of a light fueling station and minimart in this location, and our grounds for appeal are identical. However, to specifically address the request for alcohol sales in the current application VA-2020-00144, we have two important grounds for appeal.

The first has to do with the petitioner's inaccurate and misleading statement that the area is underserved for alcohol.

From the Petition, regarding IDO *POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods*, the petitioner states:

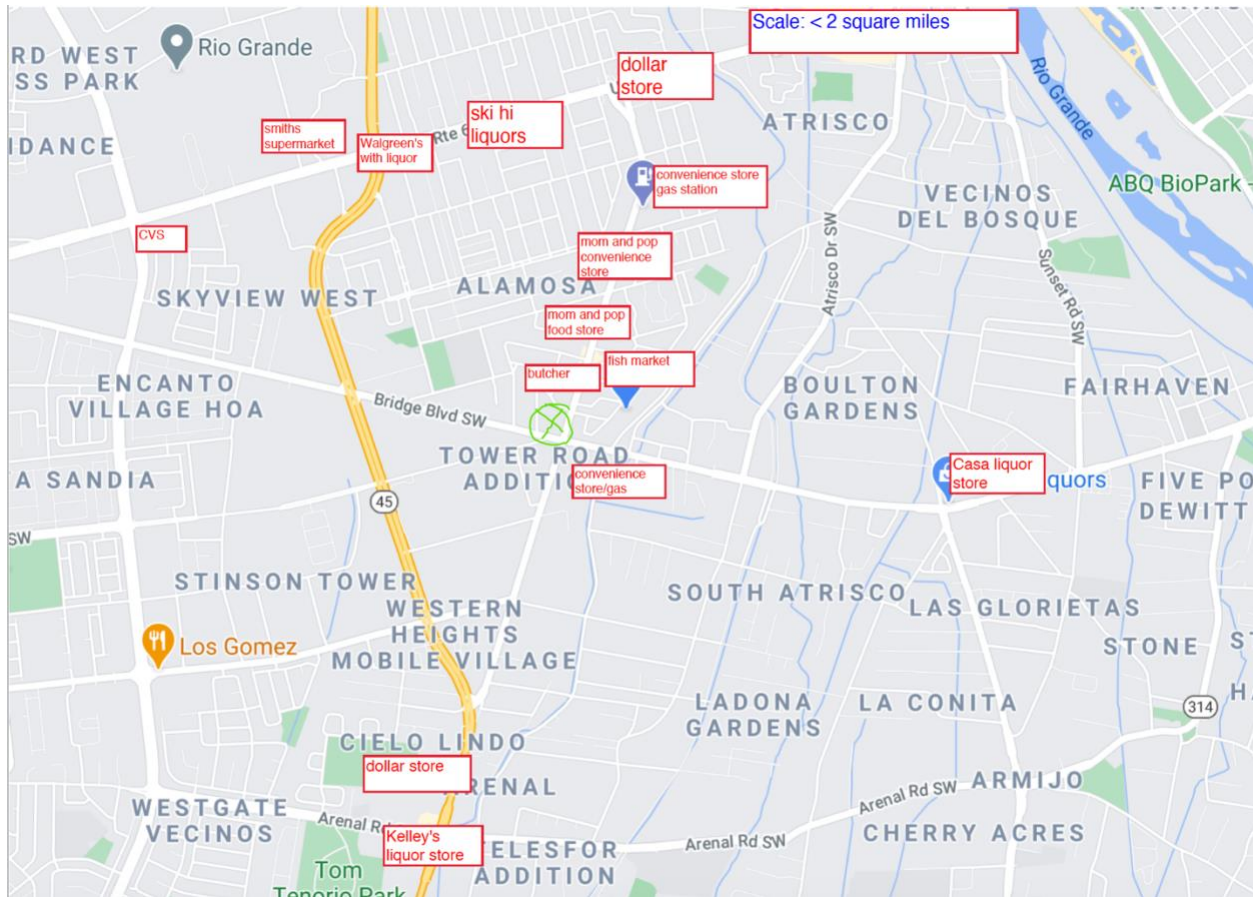
Agent also submitted a "Retail Liquor Void Analysis Report", containing, among other information, the following evidence:

Applicant Response (Bold):

- **There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;**
- **The average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;**
- **The average number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.**
- **The distance between the proposed site and the nearest Liquor Retail opportunity is 7,392 sq. ft. away;**
- **The market trade area for this use is underserved by more than 40% as compared to the Albuquerque average.**

In our appeal for VA-2020-0013, we provide the following evidence that the information above is incorrect:

**Food and Liquor options in Immediate Area
(Distances for Liquor Retail locations included below)**



The Petitioner claimed in sworn testimony that only one retail liquor sales point is within 1.5 miles of the location at which they ask to sell liquor. They assert that the area is underserved for liquor sales because there is only one retail liquor sales point.

Chevron Station and Minimart 534 Old Coors Blvd. SW
 4,500 feet from Murphy Oil proposed location
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Sells all forms of liquor

(under construction):

Murphy Oil Station

Unser Blvd. between Coors and Central Avenue

1.5 miles ascertained by odometer

Given that the decision to allow alcohol sales was based on erroneous and highly misleading information provided by the petitioner, we ask that the decision in the petitioner's favor be rescinded.

The second reason for our appeal to the approval of this alcohol permit has to do with the petitioner's assertion that selling alcohol in the Tower Employment District is officially sanctioned by Bernalillo County and the City of Albuquerque. In 2019 Circle K petitioned for a zone change that would allow alcohol sales at their nearby location (Southeast corner of Bridge and Old Coors). Circle K's petition was rejected, and the rejection specifically stated that such use is not compatible with the Bernalillo County and the City of Albuquerque's revitalization plans for the Bridge Corridor. Circle K appealed the decision and was turned down. The current petitioner, Murphy Oil wishes to locate their business on the Northwest corner of Bridge and Old Coors, and their arguments are nearly identical to those of Circle K, which were strongly rejected by the planning board in August 2019 and subsequently on appeal.

As an Appendix to this appeal, we have included the complete text and appendices to our appeal regarding special exception VA-2020-00143, in which we specifically address the numerous unproven assertions about the benefit of the light fueling station and market selling alcohol, providing evidence that supports our position. All of these points are exactly the same as those in the current petition, and we ask that you read through the reasons that the Murphy Oil

project should not have been approved, and include these in consideration of our appeal regarding Murphy Oil's alcohol permit request, VA-2020-00143.



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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Special Exception No:..... **VA-2020-00143**
Project No: **Project#2020-003911**
Hearing Date: 08-18-20
Closing of Public Record: 08-18-20
Date of Decision: 09-02-20

On the 18th day of August, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district (“Application”) upon the real property located at 99999 Bridge Blvd SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.
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. Agent for property owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.
6. The subject property is currently zoned MX-M.
7. The subject property is in a designated “area of change” within the ABC Comp. Plan.
8. The subject property is located within the Bridge/Tower Major Transit Corridor.
9. The ABC Comp. Plan and the IDO promote development and redevelopment within areas of change located on or along transit corridors.
10. Agent testified that Applicant is under contract to sell the subject property to gas station and convenience store owner and operator Murphy USA. A representative of Murphy USA testified in support of the Application.
11. Multiple community members testified in opposition to the Application, which opponents included many residents who live next-door or near the subject site.
12. IDO section 14-16-6-4(W)(1) provides that, “[u]nless specified otherwise on the permit or approval document for a specific type of development approval, permits and approvals run with the land and are not affected by changes in ownership or the form of ownership of the property.”
13. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), Applicant submitted evidence in support of the following ABC Comp. Plan Goals and Policies:

2.4.6 FOCUSING GROWTH IN CENTERS & CORRIDORS - Existing and designated Centers and Corridors are intended to accommodate much of the anticipated future growth in the city and county. Instead of low density, single-use growth at our edges, new development and redevelopment will be encouraged in existing Centers connected by a strong transportation network that accommodates cars and trucks, transit, cyclists, and pedestrians.

Applicant Response (Bold): **The subject site is located adjacent to the Tower Employment Center. The subject property sites squarely at the intersection of Tower/Bridge and Old Coors in the Tower/Bridge Corridor and is a designation Major Transit Corridor, which is a strong transportation network.**

The community responds: The applicant misnames this: It is actually the Tower Employment District, an area proposed for redevelopment in the Bridge Boulevard Redevelopment Plan that calls for Tower Road to be redirected to intersect directly with Bridge and for the triangular area beyond the new intersection to become a park; the plan aims to attract more residential construction, including a senior center and a medical campus. Had the petitioner showed the plan to the Zoning Hearing Examiner, it would have been clear that this is actually the kind of business that impedes the Tower Employment District plan. (See appendix 1, which shows the intended redevelopment in detail.)

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Applicant Response (Bold): **Future development on the subject site zoned NR-C and MX-M zone would be subject to IDO requirements including Neighborhood Edges (14-16- 5-9), the mixed-use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5- 6-**

(E), and building design standards (14-16-4-11). These would help ensure appropriate scale and location of development and character of building design.

POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Applicant Response (Bold): The subject property is located in the Bridge/Tower Comprehensive Corridor along a Major Transit Corridor in "Area of Change" and would be an infill project in an area lacking investment and revitalization. **it would encourage employment density and redevelopment** and would further this policy as this is the most appropriate area to accommodate growth and discourage the need for development at the urban edge.

The community responds: It is disingenuous to claim that a gas station/mini-mart selling alcohol revitalizes a community, encouraging employment density. Businesses such as this are shown to suppress residential property values, to attract crime, and to suppress business investment. Please see Appendix 2 for examples of research that supports our claim. Please note that the petitioner's assertion is not backed by evidence; simple assertion of opinion does not meet the burden of proof.

5.1.1.3 Evaluate existing land uses and development trends to identify opportunities for increased land use Intensity to support transit-oriented development within 660 ft of transit stations along Premium Transit Corridors.

Applicant Response (Bold): This furthers this policy by increasing the land use intensity to support infill development within a Transit Corridor as the subject site is located in the Tower Transit Corridor and is designated as a Major Transit Corridor.

5.1.1.4 Promote ongoing public-private cooperation necessary to create private market conditions that support intensified development of jobs and housing in Transit Corridors.]

Applicant Response (Bold): The Property is located in a Transit Corridor on Albuquerque's Southwest area in which the jobs to housing balance is significantly low as is **the availability of day-to-day goods as services without the need to cross the river**. The location is most appropriate to accommodate development and encourage appropriate density in an infill location, in a Transit Corridor, and thus discourage the need for development at the urban edge.

The community responds: This assertion is blatantly untrue. Within 150 feet of the lot intended for redevelopment is an established butcher that is so popular its parking lot is usually full all day Saturday, busy every day, and considered a destination shopping location. On the southeast corner is a gas station/minimart owned by Circle K. Within one mile to the north are three neighborhood markets and another gas station/minimart. Within two miles of this lot are numerous chain and single-location markets (including a Smith's supermarket), restaurants, gas stations, "Dollar" stores, and drugstores. Within the last two years, a supermarket closed because competition was too intense with the Smith's store across the street. The petitioner has not only not met the burden of proof for this assertion, but provided a false statement. See Appendix 3 for a map with locations marked.

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Applicant Response (Bold): **The subject site is located in a designated Transit Corridor, and in an Area of Change that is intended to develop. The current zoning of MX-M zone allows for a wide array of moderate intensity retail and commercial uses that provide for the day to day goods and services of the community that is encouraged in Centers and Corridors.**

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response (Bold): The proposed Conditional Use request would allow for a mix of goods and services to be available which are conveniently accessible. This will encourage redevelopment that brings goods and services within walking and biking distance of neighborhoods. The location within a transit corridor offers choice transportation to services. Characteristics of the community will be maintained since the requested use would occur in an existing commercial zone within a transit corridor.

POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Applicant Response (Bold): This request would support additional growth in an Area of Change with existing infrastructure and public facilities.

POLICY 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.*
- b) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.*
- c) Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.*
- d) See Policy 5.2.1 for desired land uses to support complete communities.*

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response (Bold): While the request for Conditional Use may be objectionable to immediate neighbors, it would be useful to society and will be equitable to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque Area.

Murphy USA has a long-proven track record of strong enforcement of liquor sales regulations. Murphy has more than 1,500 stores throughout the United States and train their employees to monitor the

sales of alcohol to prevent sales to impaired individuals. Murphy USA currently has zero violations or complaints with the State Liquor Board. The most recent Murphy that opened late last year had just 33 calls for service to-date in 2020 as compared to a Circle K across the street that saw 231 calls for service from the Albuquerque Police Department in that same time period. Murphy strives to operate their business's where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program In their stores, which begins with store layout and design.

Murphy follows the model of the Smart Policing Initiatives and has adopted the CPTED (Crime Prevention through Environmental Design) crime prevention program. CPTED is a concept that is data driven with a proven concept that considers the physical environment and its effect on crime prevention. There are four guiding principles.

Natural Surveillance:

People must be able to see illegal acts taking place to defend property or prevent crime. Surveillance puts the perpetrator(s) under the threat of being observed, and therefore identified and apprehended.

Territoriality:

Territoriality is all about defining what is public space, what semi-public space is, and what is private space. It involves establishing ownership of areas and can be encouraged by activities and management processes that reduce large impersonal spaces to smaller areas that can be personalized and protected.

Access Control:

This principle relates to territoriality by directing people where to go and denying them access to areas that they do not belong in. This is accomplished through having established vehicle and pedestrian entrances and exits, fencing, door and window locks, access control devices, and appropriate, visible signage.

Maintenance:

Poorly maintained and neglected areas attract unwanted people and activities. Proper maintenance of landscaping, lighting, and other features are essential CPTED principles. A positive community image is a significant deterrent to criminal behavior. Principles such as natural surveillance, access management, territoriality, physical maintenance, and order maintenance inform our design. Murphy USA pays particular

attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

The Community responds:

By federal banking law, those residential properties within 300 feet of a tank full of explosive material, including gasoline storage tanks, cannot get a FHA insured mortgage (see Appendix 2). This would make it difficult to sell the house and would certainly lower the property values. This is not just an annoying outcome of a new business nearby, it would be devastating for people who have invested in property in this location. To overcome this serious a financial blow to those who already have purchased and lived in this community for a long periods, the business in question should be of overwhelming importance to the community. However, this is not the case for another gas station and minimart in this location.

All of these needs are currently met quite well within less than a mile of the proposed gas station—including the ability to purchase these goods at late hours. Murphy Oil wishes to syphon profits from existing businesses, putting them at real risk of failure. Many of these businesses are “mom and pop” stores and restaurants, especially Latino-owned and operated, and their closure would leave vacant properties and would erase the wonderful local characteristics, run out of town by an out-of-state corporation.

Murphy USA has an extensive security monitoring system with both interior and exterior surveillance systems in place that operates 24/7 that is monitored by the home office. There is a constant presence of security on the premises to prevent alcohol related crime in the area. Murphy USA feels it has a proven method and track record of mitigating any problems related to retail liquor sales. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area.

The Community responds: Murphy Oil’s assertion that they have an excellent reputation for security glosses over the fact that even the best-run gas stations and mini-marts with late hours are far more vulnerable to crime and bring crime into the immediate vicinity. Murphy Oil cannot show that neighborhoods are safer or equally safe when Murphy Oil locates there; they can only show that they bring less danger than other similar companies. We assert that Murphy Oil will make the community more dangerous, and

Murphy Oil's own documents, indicating that they have fewer calls than nearby locations owned by competitors indicates that they bring less crime, not no crime, to the neighborhood. (See Appendix 3 for a short summary from Community Environmental Defense Services; their website has extensive resources.) The burden of proof is not on the community, but the applicant.

Agent also submitted a "Retail Liquor Void Analysis Report", containing, among other information, the following evidence:

Applicant Response (Bold):

- There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;
- The average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;
- The average number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.
- The distance between the proposed site and the nearest Liquor Retail opportunity is 7,392 sq. ft. away;
- The market trade area for this use is underserved by more than 40% as compared to the Albuquerque average.

The Community responds: The information suggesting that this neighborhood is underserved with alcohol retailers is false in number and deliberately misleading in calculation:

Murphy Oil has submitted a document and attested to information, both as sworn statements, claiming only one Liquor Retail Opportunity within a 1.5-mile radius of this location. In fact, currently, there are seven. The closest is 4,225 linear feet from their lot (Chevron, offering for sale all forms of alcohol in all sizes). Two other gas station/minimarts are also within 1.5 miles. There are three full-service liquor stores less than 1.5 miles from the proposed location: one to the north, one to the east, and one to the south as well as a chain drugstore that sells all forms of alcohol. Murphy Oil is about to open another location within 1.5 miles that will sell alcohol as well.

A similarly disingenuous statement--"the average number of liquor opportunities in Albuquerque within a 2-mile radius"--includes every dense retail area with restaurants serving alcohol, and does not refer to residential areas. Nob Hill, Uptown, Old Town, and other areas that are commercial districts have a huge percentage of alcohol-serving and alcohol-selling businesses, but they are not residential. A quick look at Albuquerque's neighborhoods shows that there are far fewer alcohol-selling businesses nearby. In Albuquerque, people drive from their neighborhoods to purchase groceries alcohol, and other goods. Appendix 3 shows a map of local gas stations (and food purchase opportunities).

GOAL 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2

Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Applicant Response (Bold): The subject Property is located in an Area of Change and will direct growth and more intense development to this corridor where change is encouraged. Because the proposed request will encourage growth and high-quality future redevelopment in accordance with this policy in a Transit Corridor.

The Community Responds: That “change is encouraged” does not mean that all forms of change are encouraged. The assertion about growth and high-quality future development is unsupported by data, because it is easily refuted by data. Meeting a burden of proof requires more than assertion. In fact, gas stations with mini-marts and hypermarts contribute to community blighting. Stations and stores owned by corporations take more than half of the money out of the community

POLICY 8.1.2. Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Applicant Response (Bold): The proposed project will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing members of the community and contribute to a diverse and vibrant economy by revitalizing an area with growth that is consistent with and enhances the establish character of existing development. This type of economic development is best suited for infill locations supported by commercial corridors. This subject site encompasses all aspects of successful economic development and furthers this Policy.

The Community responds: This assertion is unsupported, and unsupportable, by evidence. Further, it restates assertions about lack of sufficient community resources that we have refuted in Appendix 3.

POLICY 8.1.3

Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Applicant Response (Bold): This request allows for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

The Community Responds:

- (1) There is no reliance on government spending in this corridor, so it cannot be reduced.
- (2) A gas station/minimart selling alcohol does not truly diversify employment; virtually every business in this corridor requires the same skillset (entry-level hourly wage workers and supervision of hourly

workers).

(3) A gas station/minimart selling alcohol does not promote higher wages; it is a minimum-wage job.

(4) The petitioner's assertion is made without any reliance on evidence/proof, is easily refuted, and should not have been considered a sufficient argument to overcome the negative impacts of the proposed business.

14. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), opponents submitted testimony and evidence that the requested use would:

- Increase crime in the area;
- Increase noise caused by traffic and “boom boxes”;
- Increase noxious fumes;
- Increase drunk driving, which is already an issue of grave concern in Albuquerque and throughout New Mexico; and
- Increase loitering and littering

The Community Responds: The Zoning Examiner has inaccurately summarized two major concerns of *this* business at *this* location.

(1) this particular corner is one of the most dangerous for vehicle and vehicle-pedestrian accidents in the city, for several reasons:

- It is at the edge of a bluff and a major east-west artery, and the street goes from 4 lanes to 2 lanes immediately west of the intersection, and a third major road intersects at an angle slightly west of the intersection. These conditions combine for very difficult sightlines just where lanes are merging in very short footprints, where traffic moves fast, and where early morning and late afternoon sun dazzles drivers.
- The lot in question is situated in such a way that all in-and-out traffic will greatly interfere with the flow of traffic. We are quite simply opposed to *any* business that has a high volume of entrances and exits in a short period of time. Many businesses could work well in such a space without increasing danger; a gas station simply can't. At this location, there are also use specific standards about entry access that can't be met (see point 21 of decision).

(2) The second point that was raised at the meeting is addressed in section 19 below.

15. On balance, Applicant **has met its burden of providing evidence** that establishes that the requested Conditional Use is consistent with the ABC Comp. Plan, as amended, as required by IDO section 14-16-6-6(A)(3)(a)

The Community Responds: The applicant made several assertions without providing evidence of their truth; most of the assertions did not include any supportive evidence; some of the assertions are provably false; some of the assertions are misleading. We assume that this is because factual evidence would have been contrary to the wishes of the petitioner. But the petitioner is not just required to show up and make statements that conform to the format of the petition. The petitioner is required to prove that its proposed use is of greater benefit to the community than the harm it causes, and this petitioner provided proof only that its company policy mitigates some small harms without addressing the larger harms.

16. As required by IDO section 14-16-6-6(A)(3)(b), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
17. Regarding the requirement under IDO section 14-16-6-6(A)(3)(c), that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6- 6(A)(3)(c).

The Community Responds: The Zoning Hearing Examiner is incorrect in asserting that the petitioner met the burden of proof regarding adverse impacts on adjacent properties. We strongly request that this point be addressed with actual evidence. The assertions made by the petitioner claim that there will not be an increase in traffic because this is a major transportation corridor, but that is an assertion about traffic moving on the street, not being at the business. The point is that the use of the business, which includes a substantially outdoor use and will mostly involve vehicles, will increase noise from cars and customers, smell from food and gasoline, headlight glare at night, danger from entry and exit, more traffic seeking shortcuts from the business through the neighborhood, and so on. It is a 24-hour business, and so will impact residents constantly. It will not only decrease the quality of the lives of those who live there, but will also materially affect their property value and the ease of resale. Please see Appendix 4 for affidavits from two realtors regarding the likelihood of reduced property value for longtime residents.

18. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), that the requested Conditional Use approval 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, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. In addition:

- a. Applicant and opponents submitted the evidence cited under IDO section 14-16- 6(A)(3)(a), above.

The Community Responds: The petitioner did not submit evidence, but rather simply made unsupported assertions of what they wish to be true.

- b. Agent submitted evidence that the Bernalillo County public works department has jurisdiction over the traffic planning for the intersection and area surrounding the subject property, has redesigned the intersection at the subject property, and has approved the preliminary site plan regarding access to and from the subject property.

The Community Responds: See “Point 21: Applicable Use-Specific Standards include the following 4-3(D)(17)(e)”: Whether or not Bernalillo County public works department has approved the preliminary site plan, the current intersection and lanes and the publicly available plans for changes to the intersection and lanes do not meet this requirement. On Bridge Street/Avenida Dolores Huerta, there is only one lane in each direction and no possible room for a turn lane, due to the diagonal intersection of Tower Road that already uses a turn lane at that location for southbound turns from Westbound traffic. See Appendix 5.

- c. Agent's written submittals confirmed Applicant's willingness to hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
- d. Agent's written submittals confirmed Applicant's willingness to add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
- e. Agent's written submittals confirmed Applicant's plan to place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis.
- f. Agent testified that Applicant agrees to sell no intoxicating spirits and to limit its alcohol sales to beer and wine, only.
- g. Agent stated in multiple written submittals and testimony that the requested use would be specific to Murphy USA and would not run with the land.

On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d).

19. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), which requires that the requested Conditional Use approval 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:

- a. The subject property is located within 300 feet of a lot in a residential zone district.
- b. Applicant testified that non-residential activity would not increase in any prohibited manner, because the proposed Murphy USA gas station and store attract only “passerby” traffic that already exists, not destination shoppers. However, as to liquor sales, this testimony appears to be contradicted by the evidence Applicant provided that there are no liquor stores within a 1.5-mile radius of this location and that the average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5. Given the relative lack of liquor sales, it would appear that liquor sales could create a destination that would increase traffic beyond merely passerby traffic.

The Community Responds: This assertion is clearly incorrect. If customers come to this location, which is currently a vacant lot, non-residential activity must increase. “Passerby” traffic at present is not stopping at this location, but driving by it. The quality of life will be materially diminished for residents with a business operating in their backyard. It is unconscionable to allow a 24-hour business within feet of the bedroom windows of longtime residents.

- c. There is no commercial activity on the subject property currently, and therefore any commercial activity would be an increase in non-residential activity.
- d. Murphy testified and stated in written submittals that its store would be open 24 hours a day.
- e. If the liquor retail use were restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am, there would appear to be no significant increase in non-residential activity during those times.

The Community Responds: This assertion is clearly incorrect. While there would be no increase in traffic due to *alcohol* sales during these hours, there will be increase for use of the gas pumps and the shop from no use on the vacant land to any use afterward. A 24-hour business shoehorned into this lot will absolutely increase non-residential activity.

On balance, Applicant will have met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d), if liquor retail use is restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am.

20. Regarding the requirement under IDO section 14-16-6-6(A)(3)(e), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result. **No evidence was submitted to the contrary.**

The Community responds: The process requires more than an assertion that this will not impact pedestrian and transit activity will result. In these hearings, the community is not responsible to submit evidence to the contrary. The petitioner is required to prove this assertion. Nonetheless, we have submitted examples that are publicly available to show that at the very least, Murphy Oil should be required to have a traffic study conducted as proof of their assertion.

21. Applicable Use-Specific Standards include the following:

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) *Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.*

4-3(D)(17)(e) *Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street. **The community responds: See above (18-b).***

4-3(D)(17)(f) *Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.*

4-3(D)(17)(g) *Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.*

4-3(D)(17)(h) *For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.*

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.
4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.
4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.
4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.
Applicant provided testimony and written submittals stating that the Applicable Use-Specific Standards would be satisfied. No evidence was presented to the contrary.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.

CONDITIONS:

1. The approved conditional use is personal to Murphy USA and does not run with the land.
2. The subject property must adhere to the Use Specific Standards set forth in IDO 4-3(D)(17) Light Vehicle Fueling Station.
3. Murphy USA must follow the model of the Smart Policing Initiatives and adopt and comply with the CPTED (Crime Prevention through Environmental Design) crime prevention program Applicant, as described in its submittals, cited above.
4. Murphy USA must hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
5. Murphy USA must add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
6. Murphy USA must place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis
7. Murphy USA may not sell any intoxicating spirit and must limit its alcohol sales to beer and wine, only.
8. Any liquor retail use is restricted to prohibit the sale of alcohol between 8:00 pm and 6:00 am.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Angela Williamson, Modulus Architects, awilliamson@modulusarchitects.com

Appendix #1: Tower Employment District Plan

Source: Bernalillo County Bridge Boulevard Redevelopment Plan

(full report available at <https://www.bernco.gov/public-works/bridge-boulevard-corridor-redevelopment-plan.aspx>)

Goal

To diversify the Bridge Boulevard market and consider more conventional development patterns that address market needs of the larger West Mesa area.

- District includes large area west of the mesa to Coors Boulevard.
- Land use is characterized by large parcels, low development density, and easy access to north-south arterials.
- Area serves larger trade area and provides large-scale development potential.
- Catalytic sites are auto-oriented, employment focused, and autonomous and include:
 - Larger format retail.
 - Mixed-use development fronting Tower Road and Bridge Boulevard.
 - Large-scale attached residential units.
 - Large office and/or medical campus.
- Development leverages the District's proximity to the West and Southwest Mesa residential areas and direct frontage on Coors Boulevard to capture a portion of retail market share.
- Development plan recognizes the District's competitive position relative to Las Estancias, the recently approved regional retail development to the south. Provides comparatively smaller scale retail development (5,000 to 25,000 sq. ft.) to serve more immediate trade area.
- Area provides scenic views of the West Mesa and large parcels ideal for large-scale residential development including 250 to 500 units of attached or semi-attached housing at a range of densities.
- Senior housing development provides the full continuum of care for the South Valley's aging residents, including independent living, congregate care, and assisted living.
- Development is anchored by social services and/or healthcare based on proximity of existing Bernalillo County Human Services building and expected growth in the healthcare industry.
- Potential employment and training center focused on health care and aging populations aligns with the needs of the residents of the South Valley.
- Redirect Bridge Boulevard to Tower Road, eliminating the need and cost for a roundabout at the current intersection. Given the continuation of Tower (and termination of Bridge) at Coors, the new alignment accommodates traffic flow in an efficient manner.
- The plan provides a place holder for future employment-centric land use requiring substantial land area.

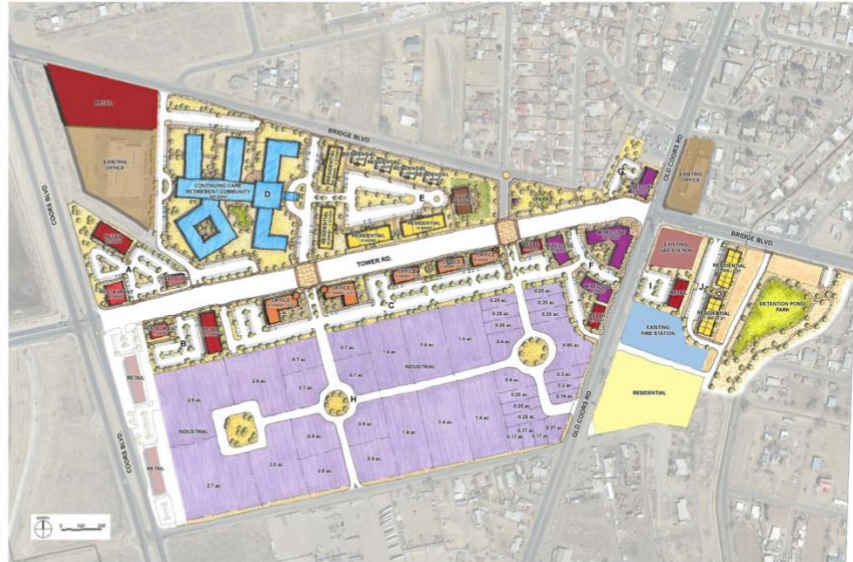


Figure 19. Tower Employment District at Tower and Coors Boulevard to Old Coors Boulevard

Appendix #2: Impact of Gas Stations/Convenience Stores on Quality of Life

Sources:

Community and Environmental Defense Services (CEDS) <https://ceds.org/gasstation/>

Scientific American <https://www.scientificamerican.com/article/is-it-safe-to-live-near-gas-station/>

Housely.com

Property Values:

“People will be driving in and out of your intersection, hanging out at the property, and buying lots of lotto tickets, cigarettes, and beer when they gas up. Although handy, these shops do nothing to help property values and hurt them significantly according to Zillow.com. Although the realtors questioned on the site did not have exact statistics, common sense would show that the increase in robberies, accidents, traffic and pedestrians would add up to decreased property value.” [Housely.com, which rates “gas station/convenience stores second on a list of businesses that hurt property values”]

Those who own the abutting homes may never be able to sell their home because of mortgage restrictions:

“A convenience store or gas station can lower the value of nearby homes. One of the most plausible effects is on mortgages. **Federal Housing Administration (FHA) insured mortgages are not available for properties located within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline or other flammable-explosive materials.** This restriction appears in Section 2-2M of the HUD Handbook *Valuation Analysis for Single Family One- to Four- Unit Dwellings*. Most gas station storage tanks have a capacity far in excess of 1,000 gallons.” [CEDS]

Crime and Violence impacting neighbors:

“Convenience store hold-ups account for about 6% of all robberies in the nation. One study noted that: ‘Convenience store employees suffer from high rates of workplace homicide, second only to taxicab drivers.’” [CEDS]

“A study of the relationship between violence of other factors found an increasing trend as the number of alcohol outlets in an area rose. Following is a principal finding from this study: ‘A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, *even when levels of poverty and the age and the ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood’s economic, ethnic or age status.*’” [CEDS]

Noise from traffic at the location:

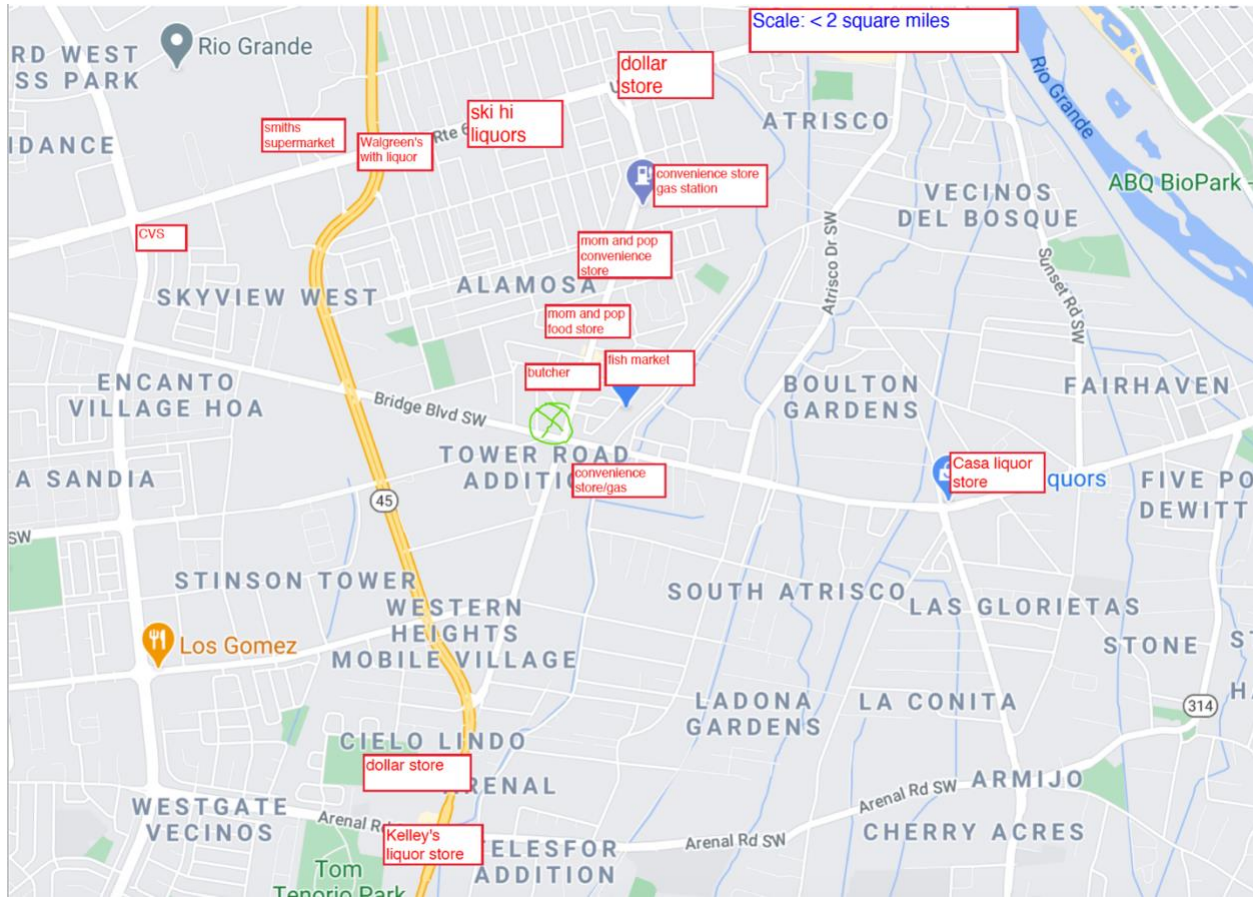
“As a rough rule of thumb, each proposed pump at a gas station generates about 100 to 130 trips per day. By “pump” we mean fueling position. The convenience store will generate 800 to 1,200

trips per day per 1,000 square feet. So a 2,000 square foot store with ten pumps would generate around 3,150 trips per day.” [CEDS]

Health impacts on homes adjacent and nearby the property:

“Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include ground-level ozone caused in part by gasoline fumes, groundwater hazards from petroleum products leaking into the ground...” [Scientific American]

Appendix #3: Food and Liquor options in Immediate Area (Distances for Liquor Retail locations included below)



The Petitioner claimed in sworn testimony that only one retail liquor sales point is within 1.5 miles of the location at which they ask to sell liquor. They assert that the area is underserved for liquor sales because there is only one retail liquor sales point.

Chevron Station and Minimart 534 Old Coors Blvd. SW
4,500 feet from Murphy Oil proposed location
(Distance ascertained with odometer, online direction software)
Sells all forms of liquor

SkiHi Liquor Store
5927 Central Avenue, SW
Distance ascertained with odometer: 1.45 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.56 miles
Sells all forms of liquor

Casa Liquor Store
1649 Bridge Blvd., S.W.

Distance ascertained with odometer: 1.35 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.4 miles
Sells all forms of liquor

Kelly's Liquor Store
1903 Coors Blvd., S.W.
Distance ascertained with odometer: 1.3 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.3 miles
Sells all forms of liquor

Speedway Gas Station and Convenience Store
1897 Coors Blvd., S.W.
Distance ascertained with odometer: 1.35 miles from Murphy Oil proposed location
Distance ascertained with online direction software: 1.34 miles

Walgreen's Drugstore
Distance ascertained with odometer: 1.3 miles from Murphy Oil proposed location (via Coors Blvd)
Distance ascertained with online direction software: 1.3 miles
Sells all forms of liquor

(under construction):

Murphy Oil Station

Unser Blvd. between Coors and Central Avenue
1.5 miles ascertained by odometer

Appendix #4: Affidavits from realtors concerning property values



09/17/20

To Whom it may concern:

The residents of the Los Altos neighborhood in Southeast Albuquerque, New Mexico asked for my professional opinion as a Real Estate Broker in Albuquerque. They are concerned about the proposed construction of a gas station on a lot that would back up to back yards of the community. Their concerns about increased traffic, noise and congestion are of great concern. There is a convenient fuel station across the street so there is not high demand for the area.

It is my professional opinion that the construction of a gas station, adjoining the back yards of a community, would indeed cause a significant decrease in property values within said community, most notably to the properties directly adjacent to the gas station. I believe most Real Estate Professionals would agree.

Sincerely,
Ann Furdon
Realty One
annfurdonrealtor@gmail.com

09/17/20

To Whom it may concern:

The residents of the Los Altos neighborhood in Southeast Albuquerque, New Mexico asked for my professional opinion as a Real Estate Broker in Albuquerque.

They are concerned about the proposed construction of a gas station on a lot that would back up to back yards of the community. Their concerns about increased traffic, noise and congestion are of great concern. There is a convenient fuel station across the street so there is not high demand for the area.

It is my professional opinion that the construction of a gas station, adjoining the back yards of a community, would indeed cause a significant decrease in property values within said community, most notably to the properties directly adjacent to the gas station. I believe most Real Estate Professionals would agree.

Sincerely,



Ann Furdon

Realty One

annfurdonrealtor@gmail.com





To Whom It May Concern,

Residents of Los Altos Neighborhood in Southeast Albuquerque, New Mexico asked me for an opinion in my professional capacity as a Real Estate Broker of residents in Albuquerque: How likely is it that construction of a gas station adjacent to a residential lot, with a fence between the backyard and gas station lot, would impact property values of residential lot? My answer to them is that such construction would certainly cause a significant loss of property value. Research has shown that not only is there an increased level of airborne chemicals within 100 ft of the gas station, but it also effects the quality of life for future residents in the neighborhood. Gas stations are not easily converted into other uses due to the potential leaking of the underground storage tanks. The leaking of these tanks can move a great distance underground and impact adjacent properties. Due to the issues that arise with gas stations in residential areas I am confident that this would be the opinion of most if not all Real Estate Brokers of residential property.

Sincerely,

Natalie Lujan – Associate Broker

Realty One

REQUEST FOR SPECIAL EXCEPTION

☐ Variance ☒ Conditional Use ☐ Other

Interpreter: ☐ Yes ☒ No

VA# 2020-00143

PR# 2020-003911

Date:		Received By: <u>Concepcion</u>	
Address of Request: 1021 Old Coors Dr. SW and Bridge Blvd. SW			
City: Albuquerque	State: NM	Zip: 87121	
Lot: Tract A & B	Block: 5	Zone: NR-C & MX-M Map pg.L-11-Z	
Subdivision: Los Altos	UPC# <u>101105625735620702, 101105624937420702</u>		
Property Owner(s): MARTINEZ JOSE ALFREDO & AILDA			
Mailing Address: 3500 Bareback PL SW			
City: Albuquerque	State: NM	Zip: 87105	
Phone: 505-610-4147	Email: Zapateriapedrito@hotmail.com		
Agent: Modulus Architects, Inc. Angela Williamson			
Mailing Address: 100 Sun Ave. NE Ste. 600			
City: Albuquerque	State: NM	Zip: 87109	
Phone: 505-338-1499	Email: awilliamson@modulusarchitects.com		
Fee Total: <u>260.00</u>			

Completed Application Requirements:

- ☒ Copy of relevant IDO section
- ☒ Letter of authorization (if agent representation)
- ☒ Proof of Pre-application Meeting (not required for a variance)
- ☒ Proof that neighborhood meeting requirements were met
- ☒ Proof that public notice requirements were met
- ☐ Photos (site and existing structures)
- ☒ Sketch plan
- ☒ Justification letter
- ☒ Sign posting

Approved for acceptance by: 

Date:

Hearing Date: JULY 21, 2020

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16-43(D)(17)(i)			
Description of request: <u>Conditional Use to allow for a light vehicle fueling station adjacent to a Residential Zone District</u>			
<input type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS: <u>1003639</u>			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			

REQUEST FOR SPECIAL EXCEPTION

☐ Variance ☒ Conditional Use ☐ Other

Interpreter: ☐ Yes ☒ No

VA# 2020-00144 PR# 2020-003911

Date:		Received By: <u>Concetta Regalia</u>	
Address of Request: 1021 Old Coors Dr. SW and Bridge Blvd. SW			
City: Albuquerque	<u>COMMERCIAL TRACT</u>	State: NM	Zip: 87121
Lot: Tract A & B	Block: 5	Zone: NR-C & MX-M Map pg.L-11-Z	
Subdivision: Los Altos		UPC# 101105625735620703 , 101105624937420702	
Property Owner(s): MARTINEZ JOSE ALFREDO & AILDA			
Mailing Address: 3500 Bareback PL SW			
City: Albuquerque		State: NM	Zip: 87105
Phone: 505-610-4147		Email: Zapateriapedrito@hotmail.com	
Agent: Modulus Architects, Inc. Angela Williamson			
Mailing Address: 100 Sun Ave. NE Ste. 600			
City: Albuquerque		State: NM	Zip: 87109
Phone: 505-338-1499		Email: awilliamson@modulusarchitects.com	
Fee Total: <u>260.00</u>			

Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by:

Date:

Hearing Date: JULY 21, 2020

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: <u>14-16-4-3(D)(3)(c)</u>			
Description of request: <u>Conditional Use to allow for liquor sale within 500 feet of Residential</u>			
<input type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS: <u>1003639</u>			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			

4-3(D)(14)(b) Additional standards in Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations) may apply.

4-3(D)(15) Car Wash

4-3(D)(15)(a) A car wash building and any associated outdoor uses shall not be located within 50 feet of any Residential zone district or any lot containing a Residential use in any Mixed-use zone district.

4-3(D)(15)(b) Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(15)(c) Notwithstanding Subsection (a) above, this use is prohibited adjacent to Major Public Open Space.

4-3(D)(15)(d) This use is prohibited in the following mapped areas as noted.

1. Downtown Neighborhood Area – CPO-3
2. Sawmill/Wells Park – CPO-11

This use is prohibited in the MX-L zone district.

4-3(D)(16) Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair

4-3(D)(16)(a) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(16)(b) The lot must be graded and surfaced pursuant to DPM standards and shall be maintained in a level and serviceable condition.

4-3(D)(16)(c) This use must be screened as required by Subsection 14-16-5-6(G)(4) (Outdoor Storage Areas for Vehicles, Equipment, and Materials). The Planning Director may require a taller wall, fence, or vegetative screen to provide an adequate buffer for an abutting Residential zone district or lot containing a Residential use in any Mixed-use zone district from the reasonably anticipated visual or noise impacts of this use.

4-3(D)(16)(d) Vehicle repair shall be conducted within a building.

4-3(D)(16)(e) Any building that contains vehicle repair shall not be located within 25 feet of any Residential zone district or lot containing a Residential use in any Mixed-use zone district.

4-3(D)(16)(f) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(16)(g) If located within 330 feet of any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(16)(h) This use is prohibited within 330 feet of Major Public Open Space.

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

- 4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.
- 4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.
- 4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.
- 4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.
- 4-3(D)(17)(g) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.
- 4-3(D)(17)(h) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.
- 4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
- 4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.
- 4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.
- 4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.
- 4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.
- 4-3(D)(17)(n) This use is regulated as noted in the following mapped areas.
1. Downtown Neighborhood Area – CPO-3
 - a. This use is prohibited in the MX-M zone district.
 - b. This use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) in the MX-L zone district.
 2. East Gateway Area

This use is prohibited in the following mapped areas.

- i. Where patios are provided, at least 1 of the recessed walls shall contain a window for ease of surveillance and the patio shall contain shading and seating.
- ii. Where retail suite liners are provided, they shall be accessible to the public from the outside.
- b. Every 30,000 square feet of gross floor area shall be designed to appear as a minimum of 1 distinct building mass with different expressions. The varied building masses shall have a change in visible roof plane or parapet height. Massing and articulation are required to be developed so that no more than 100 feet of a wall may occur without a vertical offset of at least 24 inches.

5. Signage

All signage shall be designed to be consistent with and complement the materials, color, and architectural style of buildings on the site.

- a. All freestanding signs shall be monument style, with a maximum height of 15 feet.
- b. Building-mounted signs shall consist of individual channel letters. Illuminated plastic panel signs are prohibited.

4-3(D)(34)(c) General retail, small is allowed as a permissive primary use in the MX-T zone district in the Old Town – HPO-5.

4-3(D)(35) Grocery Store

4-3(D)(35)(a) For grocery stores larger than 50,000 square feet of gross floor area, the Use-specific Standards in Subsection 14-16-4-3(D)(34)(b) (Large Retail Facilities) also apply.

4-3(D)(35)(b) In the MX-L zone, this use is limited to establishments of no more than 15,000 square feet of gross floor area.

4-3(D)(35)(c) In the MX-M zone, this use is limited to establishments of no more than 70,000 square feet of gross floor area.

4-3(D)(36) Liquor Retail

4-3(D)(36)(a) Alcohol sales for off-premises consumption is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(36)(b) Alcohol sales for on-premises consumption is also allowed as an incidental activity provided that the establishment complies with all New Mexico state law requirements.

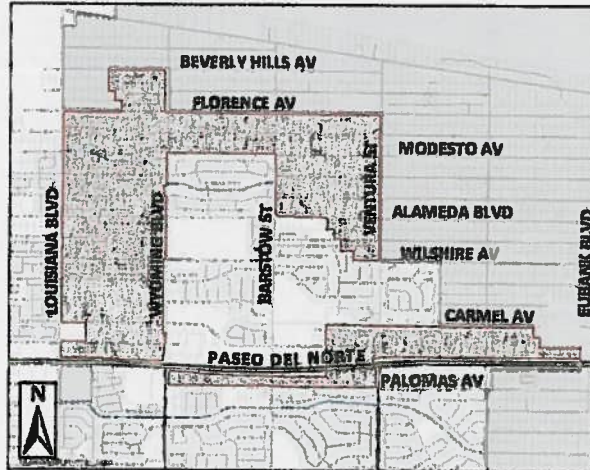
4-3(D)(36)(c) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the

use to the nearest Residential or NR-PO zone district or lot containing a group home.

4-3(D)(36)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(36)(e) In the MX-L zone district, this use is prohibited, except in the following mapped areas, where it is allowed as accessory to a grocery store.

1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. La Cueva Area



5. North 4th Street Area



6. South Yale Area

6-6 DECISIONS REQUIRING A PUBLIC MEETING OR HEARING

6-6(A) CONDITIONAL USE APPROVAL

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(A) or the DPM.

6-6(A)(1) Applicability

6-6(A)(1)(a) This Subsection 14-16-6-6(A) applies to all applications for a use listed as conditional (i.e. Conditional Primary, Conditional Accessory, or Conditional Vacant if the application is filed after the primary building on the property has been vacant for 5 years or more) in Table 4-2-1. Conditional uses are only allowed if approved pursuant to this Subsection 14-16-6-6(A).

6-6(A)(1)(b) A Conditional Use Approval is only valid for the location stated in the application and cannot be transferred to a new location.

6-6(A)(1)(c) If an approved conditional use is discontinued for a period of 12 consecutive months, it may not be reestablished without a new Conditional Use Approval.

6-6(A)(2) Procedure

6-6(A)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the ZHE pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

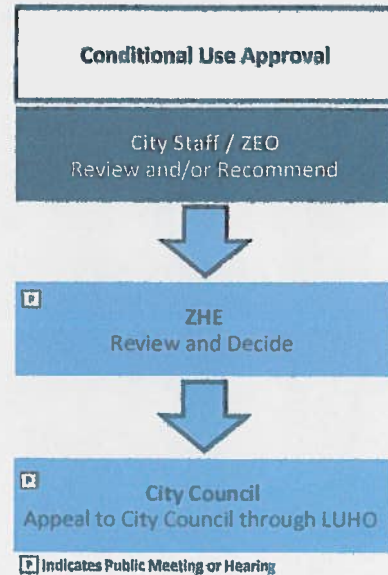
6-6(A)(2)(b) The ZHE shall conduct a public hearing on the application and make a written decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(A)(3) Review and Decision Criteria

An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

6-6(A)(3)(b) It complies with all applicable provisions of this 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 a prior permit or approval affecting the property.



- 6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- 6-6(A)(3)(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.
- 6-6(A)(3)(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 P.M. and 6:00 A.M.
- 6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

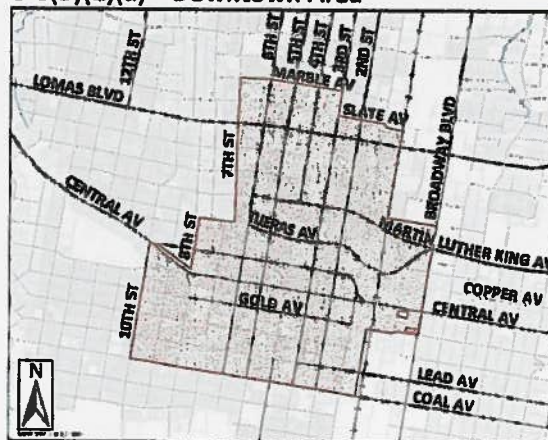
6-6(B) DEMOLITION OUTSIDE OF AN HPO

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(B) or the DPM.

6-6(B)(1) Applicability

This Subsection 14-16-6-6(B) applies to demolition of structures that are at least 50 years old located within the following mapped areas, regardless of whether they are registered on a state or national historic register or are eligible for listing. If a structure is of unknown age, it shall be presumed that it is over 50 years old for the purposes of this Subsection 14-16-6-6(B).

6-6(B)(1)(a) Downtown Area



Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

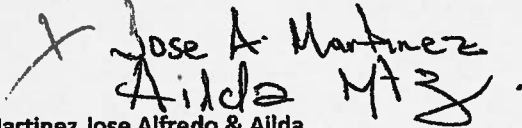
Re: Agent Authorization Notice -- BRIDGE BLVD SW ALBUQUERQUE NM 87121

To Whom It May Concern,

Martinez Jose Alfredo & Ailda, hereby authorizes Angela Williamson, CEO with Modulus Architects, Inc., to perform as the Agent of Record with the City of Albuquerque. This Agent Authorization is for the property located at: BRIDGE BLVD SW ALBUQUERQUE NM 87121 and legally described as: A TRACT OF LAND LYING WEST OF & ADJ TO TRS A & B LOS ALTOSADDN BLK 5 EXC LOT 12 & THE WESTERLY 26.2 FT OF LOT 13CONT 29475 SF M/L

This authorization is valid until further written notice from Martinez Jose Alfredo & Ailda or Angela Williamson, CEO with Modulus Architects, Inc. (Agent). Please direct all correspondence and communication to our Agent for the purpose of this request for a Conditional Use Permit.

Sincerely,


Martinez Jose Alfredo & Ailda
108 Gore Ave SE
Albuquerque NM 87105

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Re: Agent Authorization Notice – 1021 OLD COORS DR SW ALBUQUERQUE NM 87121

To Whom It May Concern,

Martinez Jose Alfredo & Ailda, hereby authorizes Angela Williamson, CEO with Modulus Architects, Inc., to perform as the Agent of Record with the City of Albuquerque. This Agent Authorization is for the property located at: 1021 OLD COORS DR SW ALBUQUERQUE NM 87121 and legally described as: TRACT "B" BLK 5 LAND DIVISION PLAT LOS ALTOS SUBD (LOT 14 & PORT LOT 13 & PORT COMMERCIAL RACT BLK 5) CONT 0.6510 AC.

This authorization is valid until further written notice from Martinez Jose Alfredo & Ailda or Angela Williamson, CEO with Modulus Architects, Inc. (Agent). Please direct all correspondence and communication to our Agent for the purpose of this request for a Conditional Use Permit.

Sincerely,

X Jose A Martinez
Ailda MTJ

Martinez Jose Alfredo & Ailda
3500 Bareback PL SW
Albuquerque NM 87105

Planning, Zoning & Development Services

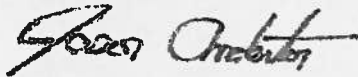
Re: Agent Authorization Notice – Murphy Oil USA, Inc.

To Whom It May Concern,

Murphy Oil USA, Inc., hereby authorizes Angela Williamson d/b/a Modulus Architects, Inc. to perform as the Agent of Record for Planning, Zoning & Development Services for current and prospective properties of Murphy Oil USA, Inc.

This authorization is valid until further written notice from Angela Williamson, Principal of Modulus Architects (Agent). Please direct any and all correspondence and communication to our Agent for these development services.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason Anderton". The signature is fluid and cursive, with the first name "Jason" written in a larger, more prominent script than the last name "Anderton".

Murphy Oil USA, Inc.

Texas & New Mexico

940-230-6447 – Cell

940-488-5112 – Office

jason.anderton@murphyusa.com

terry.rigdon@murphyusa.com

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-173 Date: 6/10/19 Time: 3pm

Address: 1021 Old Coors Dr. SW

AGENCY REPRESENTATIVES AT MEETING:

Planning: Whitney Rhelan

Code Enforcement: Carl

Fire Marshall: _____

Transportation: _____

Other: _____

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL.

*Additional research may be necessary to determine the exact type of application and/or process needed.
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

REQUEST: _____

SITE INFORMATION:

Zone: MX-M + NR-C

Size: _____

Use: Gas Station + C-Store

Overlay Zone: _____

Comp Plan Area Of: _____

Comp Plan Corridor: _____

Comp Plan Center: _____

MPOS or Sensitive Lands: _____

Parking: _____

MR Area: _____

Landscaping: _____

Street Trees: _____

Use Specific Standards: _____

Dimensional Standards: _____

*Neighborhood Organization/s: _____

**This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods/resources.*

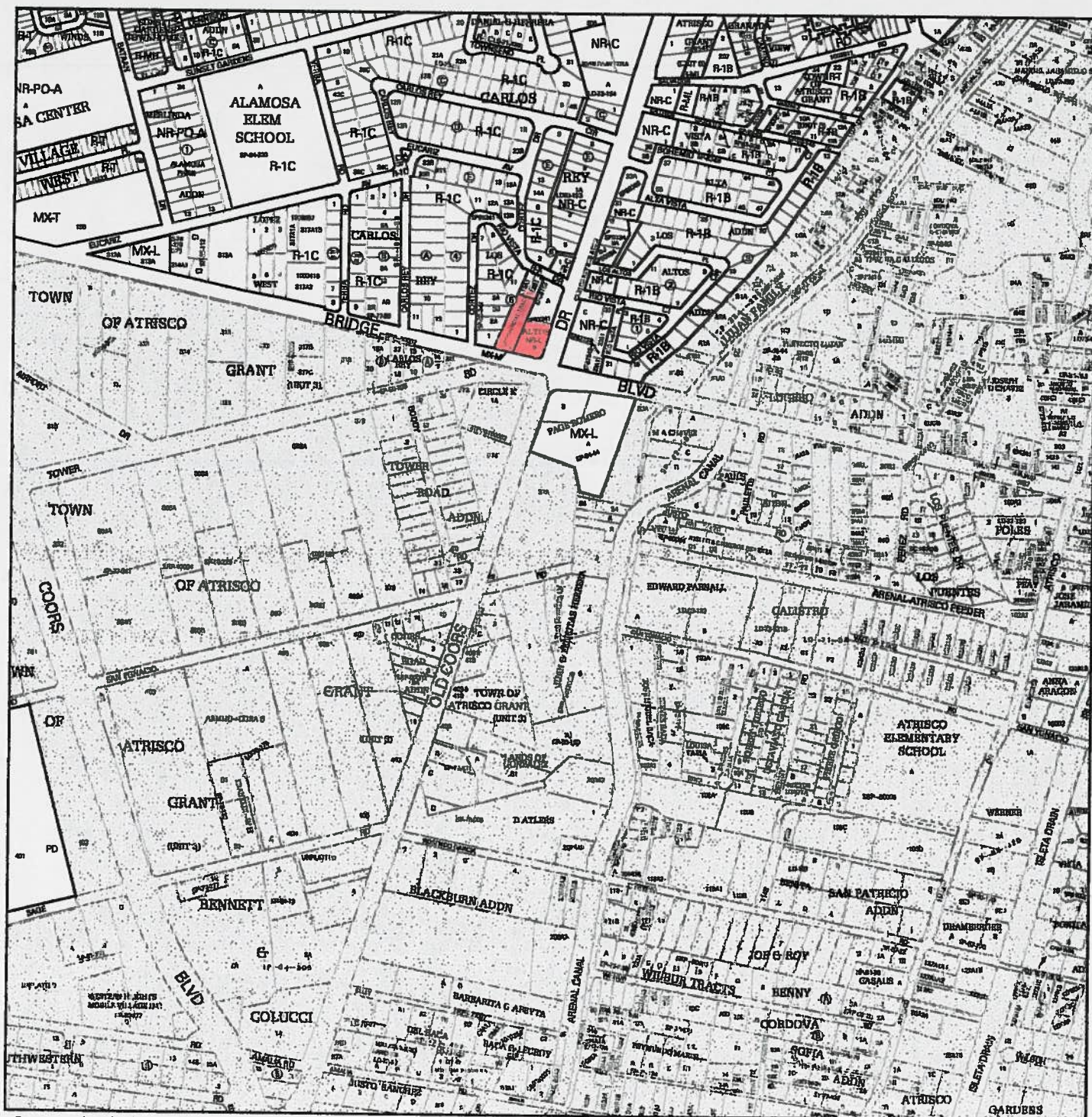
PROCESS:

Type of Action: Site Plan - Admin

Review and Approval Body: _____

Is this PRT a requirement? No

- Each parcel has its own zone, no floating zone line
- Approval process - Site Plan - Admin
- ② MX-M requirements 5 ft. min. front yard setback
- ② TIS - If it's more than 2306 SF then TIS is required
- ② Access: Table 3.2-2 New DPM (website/Planning Transp.)
- ② Parking cannot cross lot line (TCL Checklist DPM)
 - either remove line or remove parking
- ② To remove lot line - follow split zones
- ② To convert MX-M to NR-C - Zone Map Amendment through EPC
- ② Conditional Use for liquor retail in MX-M or NR-C

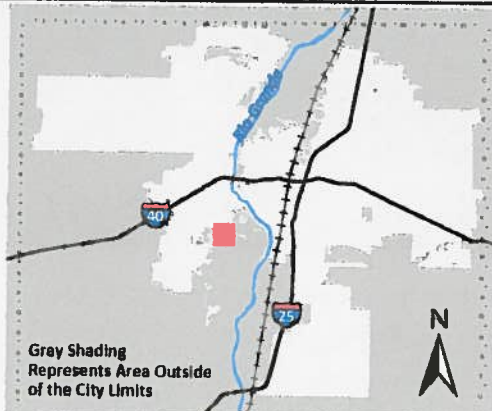


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
L-11-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

Regina Okoye

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, February 26, 2020 10:52 AM
To: Regina Okoye
Subject: ZHE Contacts for 1021 Old Coors
Attachments: ZHE Public Noticing Req.pdf

Dear Applicant,

Below are the neighborhood associations that need to be notified of your ZHE application. Please use the attached Notice Handout for guidance.

You must give the neighborhood association 15 days to respond before you are able to submit your application.

Association Name	First Name	Last Name	Email	Alternate Email
Alamosa NA	Jerry	Gallegos	jgallegoswccdg@gmail.com	
Alamosa NA	Jeanette	Baca	jetbac@aol.com	
South West Alliance of Neighborhoods (SWAN Coalition)	Cherise	Quezada	cherquezada@yahoo.com	
South West Alliance of Neighborhoods (SWAN Coalition)	Jerry	Gallegos	jgallegoswccdg@gmail.com	
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	land@t
Westside Coalition of Neighborhood Associations	Harry	Hendriksen	hlhen@comcast.net	
South Valley Coalition of Neighborhood Associations	Roberto	Roibal	rroibal@comcast.net	
South Valley Coalition of Neighborhood Associations	Marcia	Fernandez	mbfernandez1@gmail.com	
Los Altos Civic Association	Dawn	Stracener	dstracener45@gmail.com	
Los Altos Civic Association	Athena	La Roux	Athena@athenalaroux.com	

Below is a list of property owners within 100+ feet of the subject property. Please use the Public Notice of Hearing letter in the attached Notice Handout to notify the property owners surrounding the subject property. Also, please provide a receipt from the post office as proof that letters were sent out.

Owner	Owner Address	Owner Address 2
SMI - ABQ RE LLC	16801 GREENSPPOINT PARK DR SUITE 376	HOUSTON TX 77060-2
GURROLA MARIA DE JESUS CAMPOS	5912 RIO VISTA CIR SW	ALBUQUERQUE NM 8
SMI - ABQ RE LLC	16801 GREENSPPOINT PARK DR SUITE 376	HOUSTON TX 77060-2
ATENCIO MICHAEL P & CARMEN R TRUSTEES ATENCIO RVT	1256 CORTEZ DR SW	ALBUQUERQUE NM 8
VIGIL RICHARD G & MARY HELEN	5904 RIO VISTA DR SW	ALBUQUERQUE NM 8
MARTINEZ JOSE ALFREDO & AILDA	108 GORE AVE SE	ALBUQUERQUE NM 8
MARTINEZ JOSE ALFREDO & AILDA	3500 BAREBACK PL SW	ALBUQUERQUE NM 8
MONTES DAVID & SYLVIA	1258 CORTEZ DR SW	ALBUQUERQUE NM 8
ARAGON MALANIE ROSE	1264 CORTEZ DR SW	ALBUQUERQUE NM 8

ATENCIO MICHAEL P & CARMEN R TRUSTEES ATENCIO RVT	1256 CORTEZ DR SW	ALBUQUERQUE NM
CORTEZ INEZ & MARTIN ALCALA	5908 RIO VISTA SW	ALBUQUERQUE NM
CARRILLO GABINO & MAGALY	2239 PAJARITO RD SW	ALBUQUERQUE NM
CIRCLE K STORES INC	5500 S QUEBEC ST SUITE 100	GREENWOOD VILLAGE 1914

Please let me know if you have any questions.

Thank you,

Suzie Sanchez



SUZIE SANCHEZ

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

CONTRERAS SAM A & VERONICA TRUSTEES
CONTRERAS LVT
1253 CORTEZ DR SW
ALBUQUERQUE NM 87121

SMI - ABQ RE LLC
16801 GREENSPPOINT PARK DR SUITE 376
HOUSTON TX 77060-2310

GURROLA MARIA DE JESUS CAMPOS
5912 RIO VISTA CIR SW
ALBUQUERQUE NM 87121-3370

BACA FLORENCIO
923 RIO VISTA CIR SW
ALBUQUERQUE NM 87105-3323

ATENCIO MICHAEL P & CARMEN R TRUSTEES
ATENCIO RVT
1256 CORTEZ DR SW
ALBUQUERQUE NM 87121

JOHNS DEWAYNE J & CAROLYN I
2903 RIO VISTA CT SW
ALBUQUERQUE NM 87105

VIGIL RICHARD G & MARY HELEN
5904 RIO VISTA DR SW
ALBUQUERQUE NM 87105

GARCIA GERARD
5916 RIO VISTA DR SW
ALBUQUERQUE NM 87121

MARTINEZ JOSE ALFREDO & AILDA
108 GORE AVE SE
ALBUQUERQUE NM 87105

HARLING CURTIS E
905 RIO VISTA PL SW
ALBUQUERQUE NM 87105-3329

MARTINEZ JOSE ALFREDO & AILDA
3500 BAREBACK PL SW
ALBUQUERQUE NM 87105

MONTES DAVID & SYLVIA
1258 CORTEZ DR SW
ALBUQUERQUE NM 87121

ARAGON MALANIE ROSE
1264 CORTEZ DR SW
ALBUQUERQUE NM 87121-3312

RITAS APARTMENTS LLC
1248 CORTEZ DR SW
ALBUQUERQUE NM 87121-3312

DIAMOND SHAMROCK STATIONS INC C/O AD
VALOREM TAX DEPARTMENT
PO BOX 690110
SAN ANTONIO TX 78269-0110

MUNOZ FERNANDO
1910 TAPIA PL SW
ALBUQUERQUE NM 87105-4543

CARRILLO GABINO & MAGALY
2239 PAJARITO RD SW
ALBUQUERQUE NM 87105-6639

BERNALILLO COUNTY % COUNTY
MANAGER
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102

CORTEZ INEZ & MARTIN ALCALA
5908 RIO VISTA SW
ALBUQUERQUE NM 87121

GARCIA DAVID & PEGGY
5920 RIO VISTA DR SW
ALBUQUERQUE NM 87105

MUNOZ JAIME & JESSICA
1910 GONZALES RD SW
ALBUQUERQUE NM 87121

SALAS TRINIDAD JR & VIOLA M
1244 CORTEZ DR SW
ALBUQUERQUE NM 87121

RODRIGUEZ OSVALDO & GABRIELLA
1249 CORTEZ DR SW
ALBUQUERQUE NM 87121

PRADO VICTOR O & OFELIA R
13943 TUCKER AVE
SYLMAR CA 91342-1928

CIRCLE K STORES INC
5500 S QUEBEC ST SUITE 100
GREENWOOD VILLAGE CO 80111-1914

RODRIGUEZ CINTHIA OR RODRIGUEZ MARIA C
991 OLD COORS DR SW
ALBUQUERQUE NM 87121-0000

MONTOYA GRACIE M
1127 LA LUZ DR NW
ALBUQUERQUE NM 87107-3548

Alamosa NA
Gallegos Jerry
5921 Central Avenue NW
Albuquerque NM 87105

Alamosa NA
Baca Jeanette
901 Field SW
Albuquerque NM 87121

South West Alliance of Neighborhoods
Quezada Cherise
10304 Paso Fino Place SW
Albuquerque NM 87121

South West Alliance of Neighborhoods
Gallegos Jerry
5921 Central Avenue NW
Albuquerque NM 87105

Westside Coalition of Neighborhood Assoc.
Horvath Rene
5515 Palomino Drive NW
Albuquerque NM 87120

Westside Coalition of Neighborhood Assoc.
Hendriksen Harry
10592 Rio Del Sol NW
Albuquerque NM 87114

South Valley Coalition of Neighborhood Assoc.
Roibal Roberto
2233 Don Felipe Road SW
Albuquerque NM 87105

South Valley Coalition of Neighborhood Assoc.
Fernandez Marcia
2401 Violet SW
Albuquerque NM 87105

Los Altos Civic Association
Stracener Dawn
2824 Los Altos Place SW
Albuquerque NM 87105

Los Altos Civic Association
La Roux Athena
2831 Los Altos Place SW
Albuquerque NM 87105



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Regina Okoye

From: Regina Okoye
Sent: Thursday, February 27, 2020 3:31 PM
To: 'jgallegoswccdg@gmail.com'; 'jetbac@aol.com'; 'cherquezada@yahoo.com';
'jgallegoswccdg@gmail.com'; 'aboard111@gmail.com'; 'hlhen@comcast.net';
'mbfernandez1@gmail.com'; 'dstracener45@gmail.com'; 'Athena@athenalaroux.com';
'land@trna.org'; 'rroibal@comcast.net'
Cc: Angela Williamson
Subject: Neighborhood Meeting about Conditional Use Permit Application to the Zoning
Hearing Examiner
Attachments: Site Plan.pdf

Tracking:	Recipient	Delivery	Read
	'jgallegoswccdg@gmail.com'		
	'jetbac@aol.com'		
	'cherquezada@yahoo.com'		
	'jgallegoswccdg@gmail.com'		
	'aboard111@gmail.com'		
	'hlhen@comcast.net'		
	'mbfernandez1@gmail.com'		
	'dstracener45@gmail.com'		
	'Athena@athenalaroux.com'		
	'land@trna.org'		
	'rroibal@comcast.net'		
	Angela Williamson	Delivered: 2/27/2020 3:31 PM	Read: 2/27/2020 3:43 PM



February 27, 2020

RE: Neighborhood Meeting about Conditional Use Permit Application to the Zoning Hearing Examiner

To Whom It May Concern,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss the following application(s) we will be making for a project proposed in or near your neighborhood:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i)

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36)

4-3(D)(36)(c) – Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

Attached is the proposed Murphy Express Site Plan for your reference.

This would be an informal meeting where Modulus Architects, Inc. (Agent), would present the proposal, and we can discuss any ideas or concerns you may have.

Project or Development Proposal

NWC of Old Coors DR. & Bridge BLVD.
1021 Old Coors Dr. SW
Albuquerque NM, 87121
Murphy Oil USA, Inc.
Convenience Store with Fueling Station
Full-Service Retail

Contact Information

Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
(505) 338-1499 ext. 1000

awilliamson@modulusarchitects.com



Per the IDO, you have 15 days from February 27, 2020 to respond, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application on March 31, 2020.

If you would like to meet, please let us know when your next regular neighborhood meeting is scheduled or provide a few alternative dates that fall within 30 days of your response to this letter/email.

Before submitting our application, we will send mailed and/or emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing at which the project will be reviewed and decided by the City.

Useful Links

Integrated Development Ordinance (IDO)

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.
Sincerely,

REGINA OKOYE, ENTITLEMENTS PROJECT MANAGER

MODULUS ARCHITECTS, INC.

100 Sun Avenue NE, Suite 305

Albuquerque, NM 87109

Office 505.338.1499 (Ext. 1003)

Mobile + Text 505.267.7686

www.modulusarchitects.com





February 27, 2020

CONTRERAS SAM A & VERONICA TRUSTEES CONTRERAS LVT
1253 CORTEZ DR SW
ALBUQUERQUE NM 87121

RE: Neighborhood Meeting about Conditional Use Permit Application to the Zoning Hearing Examiner

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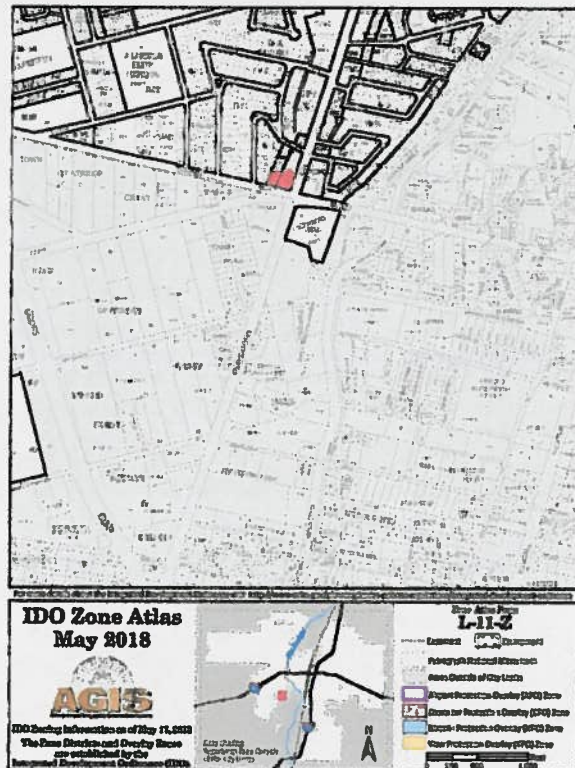
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Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
(505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Project or Development Proposal

NWC of Old Coors DR. & Bridge BLVD.
1021 Old Coors Dr. SW
Albuquerque NM, 87121
Murphy Oil USA, Inc.p
Convenience Store with Fueling Station
Full-Service Retail



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Useful Links**Integrated Development Ordinance (IDO)**

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave NE, Suite 305
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office (505) 338-1499 ext. 1000
Mobile (505) 999-8016

PROGRESS ASSOCIATES INC.
100 SOUTH AVENUE 14, SUITE 200
ALBUQUERQUE, NM 87109

PROGRESS ASSOCIATES INC.
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ALBUQUERQUE, NM 87109

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PROGRESS ASSOCIATES INC.
100 SOUTH AVENUE 14, SUITE 200
ALBUQUERQUE, NM 87109

400 Main One Association
Executive Office
224 E. Broadway
Albuquerque, NM 87102

South Valley Community of Neighborhoods
Executive Office
2015 Main St
Albuquerque, NM 87102

South Valley Community of Neighborhoods
Executive Office
224 E. Broadway
Albuquerque, NM 87102

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ALBUQUERQUE, NM 87109

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Albuquerque, NM 87102

South Valley Community of Neighborhoods
Executive Office
224 E. Broadway
Albuquerque, NM 87102



RECEIVED
LOS ANGELES, CALIF. 900
JAN 10 1971

LOS ANGELES, CALIF. 900
JAN 10 1971



RECEIVED
LOS ANGELES, CALIF. 900
JAN 10 1971

LOS ANGELES, CALIF. 900
JAN 10 1971



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JAN 10 1971

LOS ANGELES, CALIF. 900
JAN 10 1971



RECEIVED
LOS ANGELES, CALIF. 900
JAN 10 1971

Los Altos Civic Association
La Brea Arena
2841 Los Altos Plaza SW
Albuquerque NM 87105



RECEIVED
LOS ANGELES, CALIF. 900
JAN 10 1971

LOS ANGELES, CALIF. 900
JAN 10 1971



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JAN 10 1971



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LOS ANGELES, CALIF. 900
JAN 10 1971

LOS ANGELES, CALIF. 900
JAN 10 1971

=====

ACADEMY
6255 SAN ANTONIO DR NE
ALBUQUERQUE, NM 87109-9998
340128-0109
(800)275-8777
02/27/2020 04:04 PM

=====

Product	Qty	Unit Price	Price
US Flag Coil/100	1	\$55.00	\$55.00
Total:			\$55.00

Credit Card Remitd \$55.00
(Card Name:VISA)
(Account #:XXXXXXXXXXXX1521)
(Approval #:03325G)
(Transaction #:522)
(AID:A0000000031010 Chip)
(AL:VISA CREDIT)
(PIN:Not Required CAPITAL ONE VISA)

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Associate can show you how.

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Track your Packages
Sign up for FREE @
www.informedelivery.com

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Refunds for guaranteed services only.
Thank you for your business.

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>
840-5870-0065-002-00059-55880-01

or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS.

Receipt #: 840-58700065-2-5955880-1
Clerk: 05



VOLUNTARY NEIGHBORHOOD MEETING NOTES

NWC OF OLD COORS DRIVE & BRIDGE BLVD SW – ALBUQUERQUE, NM. 87121

Location: Phone Conference Call

Date Held: May 14, 2020

TOTAL IN ATTENDANCE (1):

On Behalf of Los Altos Civic Association:

- 1. Athena La Roux**

On Behalf of Modulus Architects, Inc.:

- 1. Angela Williamson**
- 2. Regina Okoye**

AGENDA/PURPOSE OF MEETING:

Voluntary neighborhood meeting to discuss a ZHE Application for a Conditional Use Permit for liquor retail sales and a Light Vehicle Fueling Station, discuss recommendations, answer any questions, address any concerns of the surrounding associations pertaining to the site located at the NWC of Old Coors DR & Bridge Blvd SW (lots A and B).

MEETING COMMENCED WITH INTRODUCTION OF THE SITE AND EXPLAINING OUR REQUEST. THEN LED INTO QUESTIONS AND ANSWERS.

Questions, recommendations and concerns were then addressed by Angela Williamson on behalf of Modulus Architects, Inc.

SUMMARY:

MAIN CONCERNS THAT AROSE:

- 1. The sale of liquor on the premises.**
 - a. Addressed: Murphy has agreed to voluntarily remove miniatures or single container liquor bottles at all from this location. This specific type of sale lends itself to an unwanted clientele and they do not want this client at their store or in the neighborhood.**
 - b. Security Plan: Murphy has a completely different operation than the regular gas stations in the community. It has its own strategic niche that they have perfected. They have an in depth security protocol and operator efficiently. Murphy USA is an excellent steward of their services and have an impeccable record of performance across the board. They have zero violations with the State Licensing**



Board in over 10 years of continuous operations. Their sites have an extensive video surveillance program with more than ten cameras on site and in the store that are monitored live by the Murphy home office. They do not franchise their locations ever so this will always be a corporately maintained store.

2. Traffic that will be generated from the new gas station.
 - a. Addressed: The agent explained that The City of Albuquerque placed a requirement on this development to do an extensive Traffic Impact Study in which the City will identify the scope of the study. Any improvements to the roadways, infrastructure or traffic mitigation that is recommended as a result of this study will be required to be constructed by Murphy at their expense. It was also explained that improvements will have to be done prior to any permits for construction and Murphy will have to agree to construct the improvements if they want to proceed with their project.
 - b. Based on her concerns Modulus met with Bernalillo County Traffic Manager, Ms. Julie Luna to discuss the plans for this intersection. The realignment plans for this project have been approved, funded, issued for bid and awarded to a General Contractor. She states that the construction will be imminent. We have been working with both the County and City to locate our access at a location that will enhance the roadway alignment project and increase the safety for this corner.
3. Light pollution to surrounding developments
 - a. Addressed: We (Murphy) are willing to take intensive measures to make sure that we are a good neighbor. We have hired an engineering firm to do a photometric study that will ensure that there is no light pollution from our store on any of the surrounding developments

MEETING CONCLUDED WITH ANY FINAL THOUGHTS AND ANY FINAL QUESTIONS THAT WERE NOT ADDRESSED. MODULUS ARCHITECTS, INC. THEN DISMISSED THAT MEETING AND SENT A FOLLOW UP EMAIL TO ATTENDEE OUTLING EVERYTHING THAT WAS DISCUSSED.

Note:

- Additional landscaping and landscape buffers will be added to ensure the safety and privacy of the adjacent residential neighborhoods.
- No further meetings were requested. All questions and concerns were answered and seems like neighborhood member was more at ease and in support of the request as long as agent and Murphy fulfill their promises.



May 19, 2020

RE: RE: PUBLIC NOTICE OF ZHE HEARING - NWC OLD COORS & BRIDGE

Dear Neighborhood Representatives,

On February 27, 2020 I issued a public notice offering a meeting for our project on the NWC of Old Coors & Bridge. To date, there have not been any meetings scheduled but I have spoken at length with Ms. Athena LaRoux with the Los Altos Civic Association which is the only neighborhood association representative that I was contacted by. She expressed concerns regarding the traffic congestion and the sale of alcohol at this location. Based on her concerns I have met with Bernalillo County Traffic Manager, Ms. Julie Luna to discuss the plans for this intersection. The realignment plans for this project have been approved, funded, issued for bid and awarded to a General Contractor. She states that the construction will be imminent. We have been working with both the County and City to locate our access at a location that will enhance the roadway alignment project and increase the safety for this corner.

I shared quite a bit of information regarding the Murphy company as an operator. First and foremost, they do not ever franchise their locations. Every development is corporately owned and managed with a strict protocol for safety. In their ten-year history in New Mexico they have never received a violation from the State Licensing Board for alcohol violations, which speaks to their management. They also provide extensive security monitoring live 24/7 from their headquarters operation. These cameras are located inside and outside in many different areas. However, based on the feedback that I was given by Ms. La Roux, I spoke with our client and Murphy has voluntarily agreed not to sell alcohol miniatures at this location. We would like to be a welcome development in the neighborhood and a good neighbor. Furthermore, have added additional landscaping and landscape buffers to ensure the safety and privacy of the adjacent residential neighborhoods. A photometric study was done to mitigate the amount of light being emitted from the establishment. This will also ensure that there is no light pollution from our store on any of the surrounding developments.

Modulus Architects, Inc. on behalf of Murphy Oil USA, Inc. will be requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a Conditional Use Permit to allow the following:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i)

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36)

4-3(D)(36)(c) – Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection

14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

Contact Information

Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
(505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Project or Development Proposal

**NWC of Old Coors DR. & Bridge BLVD.
1021 Old Coors Dr. SW
Albuquerque NM, 87121
Murphy Oil USA, Inc.
Convenience Store with Fueling Station
Full-Service Retail**

A Hearing will be held on July 21, 2020 at 9:00 am in the Hearing Room (Basement Level) of Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102.

Useful Links

Integrated Development Ordinance (IDO)

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

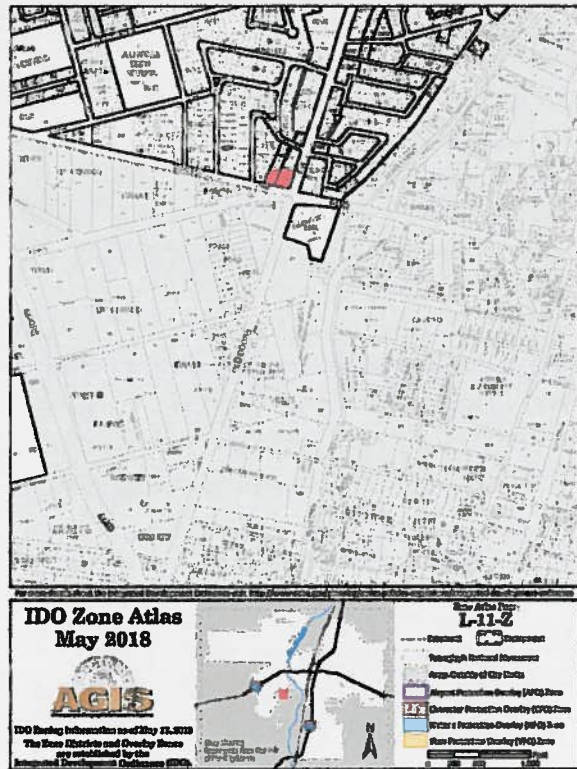
IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
 100 Sun Ave NE, Suite 600
 Albuquerque, NM 87109
awilliamson@modulusarchitects.com
 Office (505) 338-1499 ext. 1000 Mobile (505) 999-8016



For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

Los Alamos Child Association
1400 N. 10th St
2511 Los Alamos Place NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

INTERNATIONAL MASH & VERONICA TRUSTEE
2001 N. 10th St
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

100 - 1000 N. 10th St
2001 N. 10th St NW
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

COMMUNITY MASH & VERONICA TRUSTEE
2001 N. 10th St
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

1000 N. 10th St
2001 N. 10th St NW
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

1000 N. 10th St
2001 N. 10th St NW
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

1000 N. 10th St
2001 N. 10th St NW
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

South Valley Coalition of Neighborhood Assoc.
Fernando Torres
7401 Valley SW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

South West Alliance of Neighborhood
Collegio Jery
5821 Central Avenue NW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

JOHN DEWAYNE J B CAROLYN I
2001 N. 10th St NW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

RTAS APARTMENTS LLC
1241 N. 10th St NW
Albuquerque NM 87107-3312

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

ARABO LAMARCA ROSE
1000 N. 10th St NW
Albuquerque NM 87107-3312

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

1000 N. 10th St
2001 N. 10th St NW
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

COMMUNITY MASH & VERONICA TRUSTEE
2001 N. 10th St
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

1000 N. 10th St
2001 N. 10th St NW
1011 N. 10th St NW
Albuquerque NM 87107

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

MARTINEZ ROSE ALFREDO & ALBA
1000 N. 10th St NW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

GARCIA GERARD
5816 N. 10th St NW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87102

Westside Coalition of Neighborhood Assoc.
Hector Torres
1000 N. 10th St NW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

MAURIZ FERRANDO
2520 TAPPA PL SW
ALBUQUERQUE NM 87105-1543

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

South West Alliance of Neighborhoods
Spanish Chapter
3000 Paseo Pico Pico SW
Albuquerque NM 87123

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

Albuquerque 9.5
Cabrera 10.7
1000 S. Central Avenue SW
Albuquerque NM 87102

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

ALBUQUERQUE COUNTY BOARD OF
COUNTY COMMISSIONERS
1000 S. CENTRAL AVENUE SW
ALBUQUERQUE NM 87102

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

1000 S. CENTRAL AVENUE SW
ALBUQUERQUE NM 87102

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ALBUQUERQUE, NM 87102

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ALBUQUERQUE NM 87102

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ALBUQUERQUE, NM 87102

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COUNTY COMMISSIONERS
1000 S. CENTRAL AVENUE SW
ALBUQUERQUE NM 87102

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

MAURIZ JAGAE & ASSOC
1820 CENTRALES RD SW
ALBUQUERQUE NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

CORTES INEZ & MARTIN ALCALA
5908 RIO VISTA SW
ALBUQUERQUE NM 87123

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

CARLOS GABINO & MARCAY
2019 PALMISTO RD SW
ALBUQUERQUE NM 87105-6639

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

Albuquerque 9.5
Cabrera 10.7
1000 S. CENTRAL AVENUE SW
ALBUQUERQUE NM 87102

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

ALBUQUERQUE COUNTY BOARD OF
COUNTY COMMISSIONERS
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ALBUQUERQUE NM 87102

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ALBUQUERQUE, NM 87102

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1820 CENTRALES RD SW
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MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

DALAS TRINIDAD & YOLDA 31
12-44 CORTES RD SW
ALBUQUERQUE NM 87102

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

GARCIA DAVID & PEGGY
5920 RIO VISTA DR SW
ALBUQUERQUE NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 800
ALBUQUERQUE, NM 87102

BIRBAULLO COUNTY % COUNTY
MANAGER
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102

=====

ACADEMY
6255 SAN ANTONIO DR NE
ALBUQUERQUE, NM 87109-9998
340128-0109
(800)275-8777
05/19/2020 09:06 AM

=====

Product	Qty	Unit Price	Price
US Flag Coll/100	1	\$55.00	\$55.00
Total:			\$55.00

Credit Card Remitd \$55.00
(Card Name:VISA)
(Account #:XXXXXXXXXX1521)
(Approval #:06576G)
(Transaction #:884)
(AID:A0000000031010 Chip)
(AL:VISA CREDIT)
(PIN:Not Required CAPITAL ONE VISA)

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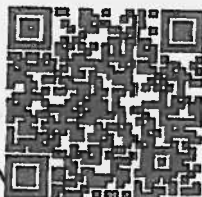
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Thank you for your business.

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or scan this code with
your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

Receipt #: 840-58700065-1-5376929-1
Clerk: 88

Regina Okoye

From: Regina Okoye
Sent: Tuesday, May 19, 2020 1:20 PM
To: 'jgallegoswccdg@gmail.com'; 'jetbac@aol.com'; 'cherquezada@yahoo.com';
'jgallegoswccdg@gmail.com'; 'aboard111@gmail.com'; 'hlhen@comcast.net';
'mbfernandez1@gmail.com'; 'dstracener45@gmail.com'; 'Athena@athenalaroux.com';
'land@trna.org'; 'rroibal@comcast.net'
Cc: Angela Williamson
Subject: RE: RE: PUBLIC NOTICE OF ZHE HEARING - NWC OLD COORS & BRIDGE

Tracking:

Recipient

Delivery

'jgallegoswccdg@gmail.com'
'jetbac@aol.com'
'cherquezada@yahoo.com'
'jgallegoswccdg@gmail.com'
'aboard111@gmail.com'
'hlhen@comcast.net'
'mbfernandez1@gmail.com'
'dstracener45@gmail.com'
'Athena@athenalaroux.com'
'land@trna.org'
'rroibal@comcast.net'

Angela Williamson

Delivered: 5/19/2020 1:20 PM



May 19, 2020

RE: RE: PUBLIC NOTICE OF ZHE HEARING - NWC OLD COORS & BRIDGE

Dear Neighborhood Representatives,

On February 27, 2020 I issued a public notice offering a meeting for our project on the NWC of Old Coors & Bridge. To date, there have not been any meetings scheduled but I have spoken at length with Ms. Athena La Roux with the Los Altos Civic Association which is the only neighborhood association representative that I was contacted by. She expressed concerns regarding the traffic congestion and the sale of alcohol at this location. Based on her concerns I have met with Bernalillo County Traffic Manager, Ms. Julie Luna to discuss the plans for this intersection. The realignment plans for this

project have been approved, funded, issued for bid and awarded to a General Contractor. She states that the construction will be imminent. We have been working with both the County and City to locate our access at a location that will enhance the roadway alignment project and increase the safety for this corner.

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Modulus Architects, Inc. on behalf of Murphy Oil USA, Inc. will be requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a Conditional Use Permit to allow the following:

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4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36)

4-3(D)(36)(c) – Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

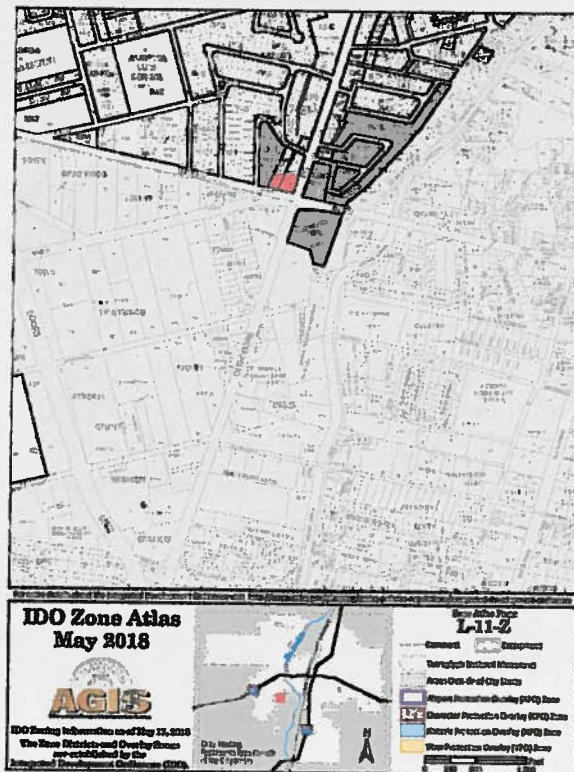
Contact Information

Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
(505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Project or Development Proposal

NWC of Old Coors DR. & Bridge BLVD.
1021 Old Coors Dr. SW
Albuquerque NM, 87121
Murphy Oil USA, Inc.
Convenience Store with Fueling Station
Full-Service Retail

A Hearing will be held on **July 21, 2020 at 9:00 am**
Hearing Room (Basement Level) of Plaza Del Sol,
St. NW, Albuquerque, NM 87102.



in the
600^{2nd}

Useful Links**Integrated Development Ordinance (IDO)**

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office (505) 338-1499 ext. 1000 Mobile (505) 999-8016

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application



June 8, 2020

RE: UPDATED - PUBLIC NOTICE OF ZHE HEARING VIA ZOOM - NWC OLD COORS & BRIDGE

Dear Neighborhood Representatives,

Modulus Architects, Inc. on behalf of Murphy Oil USA, Inc. will be requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a Conditional Use Permit to allow the following:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i) 4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

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A hearing will be held on July 21, 2020 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

<https://cabq.zoom.us/j/93420676806>

Meeting ID: 934 2067 6806

One tap mobile

+12532158782,,93420676806# US (Tacoma)

+13017158592,,93420676806# US (Germantown)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

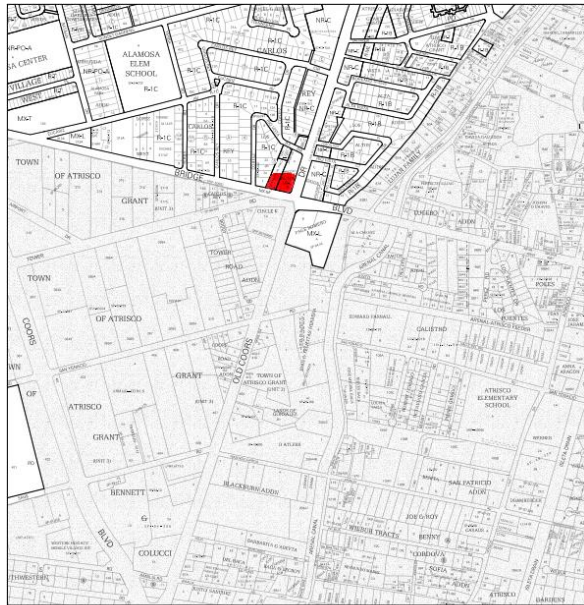
+1 646 558 8656 US (New York)

+1 669 900 6833 US (San Jose)

Meeting ID: 934 2067 6806

Find your local number: <https://cabq.zoom.us/j/93420676806>

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.



Contact Information

Modulus Architects, Inc.
 100 Sun Ave NE, Suite 600
 Albuquerque, New Mexico 87109
 c/o Angela Williamson, CEO/Principal (Agent)
 (505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Project or Development Proposal

NWC of Old Coors DR. & Bridge BLVD.
 1021 Old Coors Dr. SW
 Albuquerque NM, 87121
 Murphy Oil USA, Inc.
 Convenience Store with Fueling Station
 Full-Service Retail



Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application

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<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal
 Modulus Architects, Inc.
 100 Sun Ave NE, Suite 600
 Albuquerque, NM 87109
awilliamson@modulusarchitects.com
 Office (505) 338-1499 ext. 1000 Mobile (505) 999-8016

Old Coors & Bridge

Legend



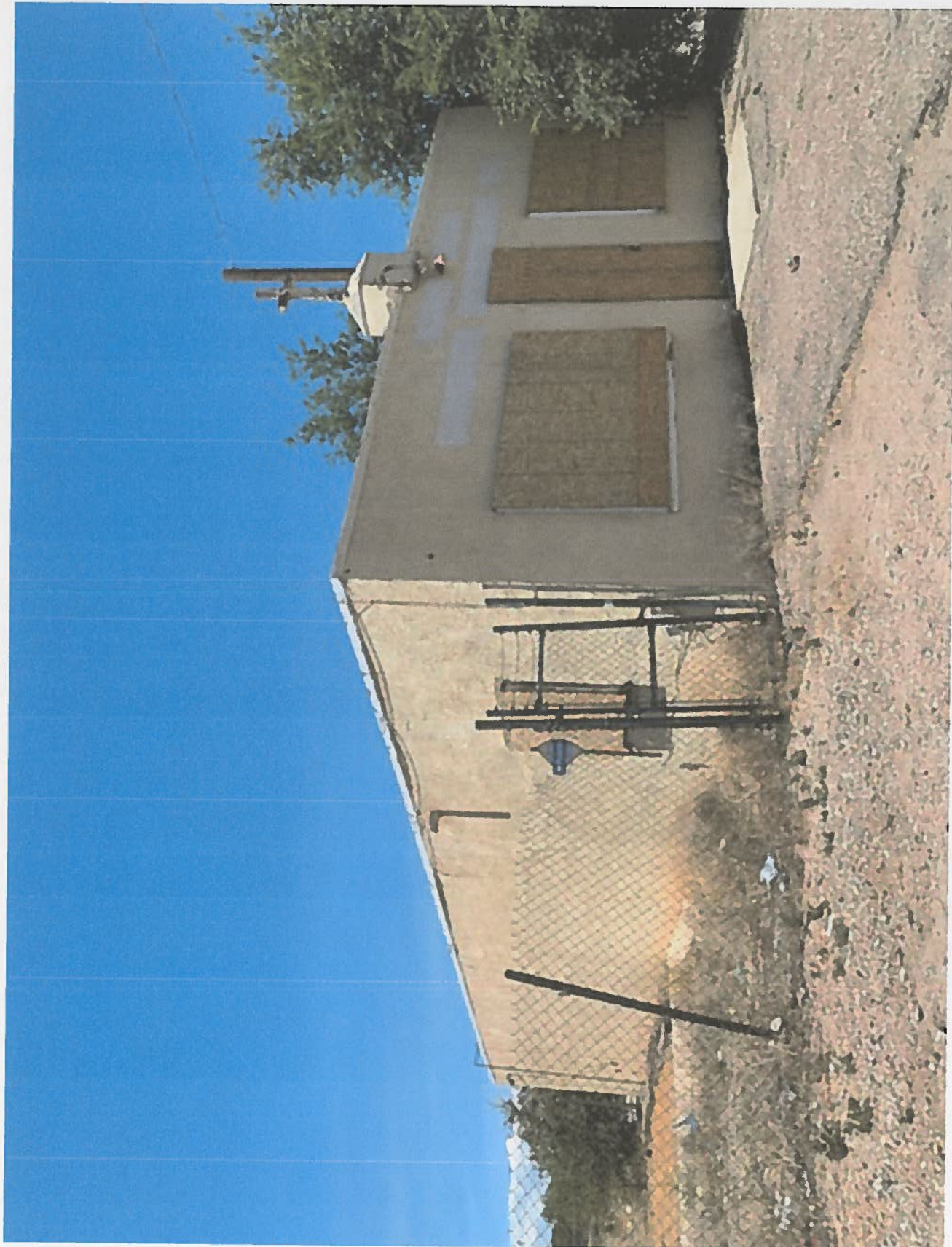
Google Earth



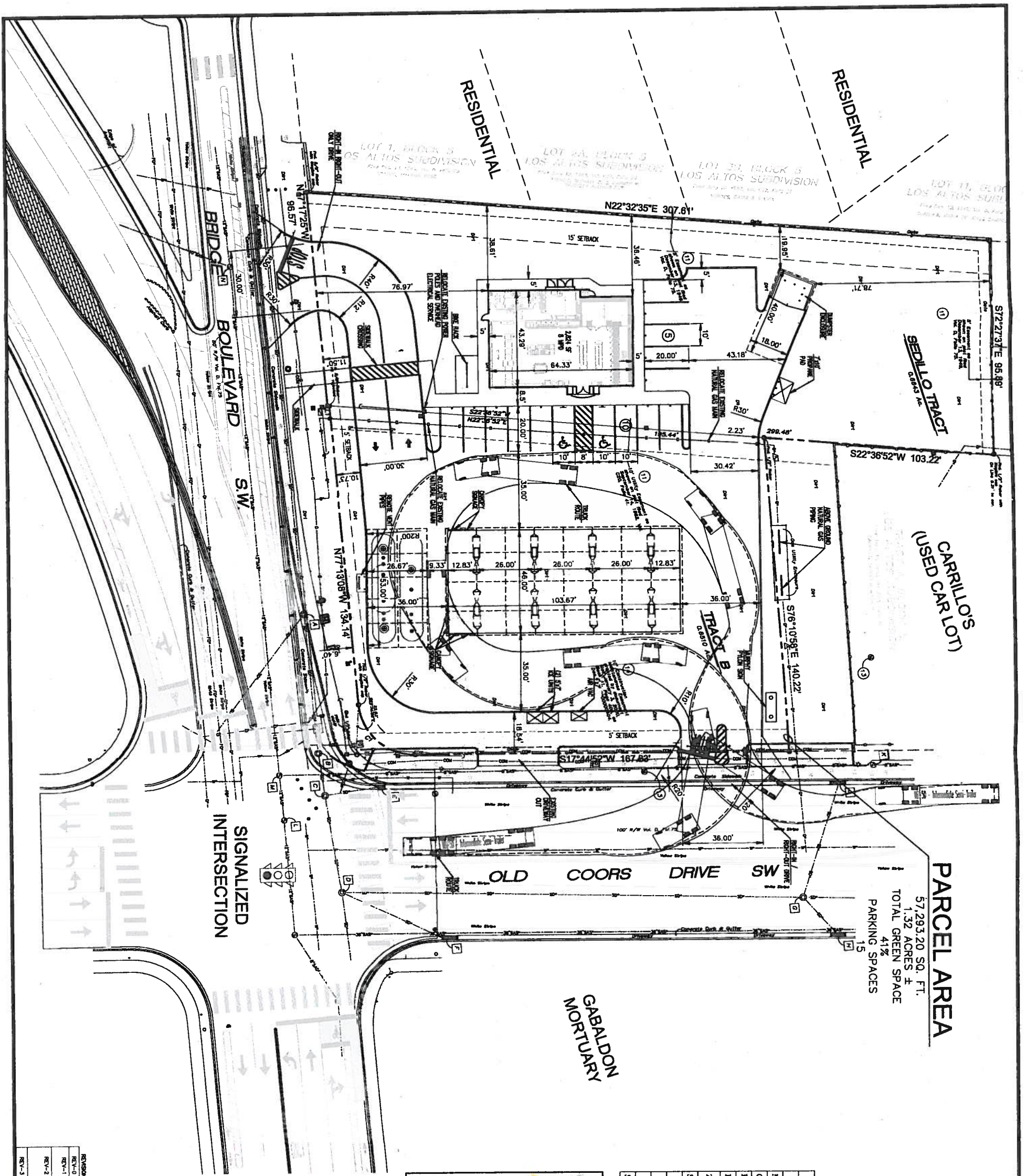






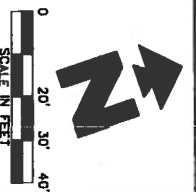






PARCEL AREA
57,293.20 SQ. FT.
1.32 ACRES ±
TOTAL GREEN SPACE
41%
PARKING SPACES
15

NOTE:
REZONING REQUIRED.



PARCEL DATA	
MURPHY PARCEL	S.F. ACRES
	57,293.20 1.32
GREENSPACE	41%
REQUIRED PARKING	1 SP/250 S.F. (12 REQ'D)
PARKING SPACES PROVIDED	15 + 16 UNDER CANOPY
ZONING	NR-C (Tract B) MX-M (Sedillo Tract)
SETBACKS	FRONT: 5 MIN. SIDES: 0' INTERIOR'S STREET SIDE REAR: 15 MIN.
SIGN	PLYON SIGN, 26 FT., 200 SF MAX



REVISION	DATE	DESCRIPTION
REV-0	4/28/19	2,624 SF 8 RAMP (STACKED) CONCEPTUAL
REV-1	6/20/19	REMOVE SECOND DRIVE ALONG OLD COORS
REV-2	10/7/19	ADDED NEW TPO SURVEY AND ADJUSTED SITE. ADDED PROPOSED ROAD ALONG BRIDGE BLVD. TO BE SEPARATE RIGHT-OF-WAY DRIVE
REV-3	10/8/19	REVISED RIGHT-OF-WAY DRIVE ALONG BRIDGE BOULEVARD

MURPHY OIL USA, INC.
MURPHY USA

PAN AMERICAN ENGINEERS, LLC
 200 PEACH STREET
 EL DORADO, AR 71730

SITE PLAN
MURPHY EXPRESS
 1021 OLD COORS DRIVE
 ALBUQUERQUE NEW MEXICO

BASED ON SURVEY BY:
 SURV TEK
 9384 VALLEY VIEW DRIVE, NW
 ALBUQUERQUE, NM 87114
 PHONE: (505) 897-3366
 DATED: 9/19

SHEET NO.
SITE PLAN



Mr. Robert Lucero
Zoning Hearing Examiner
Plaza del Sol Hearing Room, Basement Level
600 Second Street NW
Albuquerque, New Mexico 87103
Phone: (505) 924-3894

RE: MURPHY OIL USA, INC. REQUEST FOR SPECIAL EXCEPTION CONDITIONAL USE PERMIT FOR LIQUOR RETAIL SALES (OFF-PREMISE CONSUMPTION) AND LIGHT VEHICLE FUELING STATION AT THE NWC OF OLD COORS DRIVE & BRIDGE BLVD SW – ALBUQUERQUE, NM. 87121. LEGAL DESCRIBED AS:

LOT 1:

A TRACT OF LAND LYING WEST OF & ADJ TO TRS A & B LOS ALTOS ADDN BLK 5 EXC LOT 12 & THE WESTERLY 26.2 FT OF LOT 13 CONT 29475 SF M/L

LOT 2:

TRACT "B" BLK 5 LAND DIVISION PLAT LOS ALTOS SUBD (LOT 14 & PORT LOT 13 & PORT COMMERCIAL RACT BLK 5) CONT 0.6510 AC

Dear Mr. Lucero

Modulus Architects, Inc., hereafter referred to as "Agent" for the purpose of this request, represents Murphy USA, hereafter referred to as "Applicant". We, "Agent" are requesting approval of a Special Exception Conditional Use for Liquor Retail and for Light Vehicle Fueling Station for 1.327 acres. The parcel (the "subject site") contains two adjacent lots. The first lot is 0.6767 acres in size, zoned MX-M and is legally described as: A TRACT OF LAND LYING WEST OF & ADJ TO TRS A & B LOS ALTOS ADDN BLK 5 EXC LOT 12 & THE WESTERLY 26.2 FT OF LOT 13 CONT 29475 SF M/L. The second lot is 0.651 acres in size, zoned NR-C and is legally described as: TRACT "B" BLK 5 LAND DIVISION PLAT LOS ALTOS SUBD (LOT 14 & PORT LOT 13 & PORT COMMERCIAL RACT BLK 5) CONT 0.6510 AC. These lots are located on the NWC of Old Coors Drive and Bridge BLVD SW. The subject site is currently undeveloped.

Murphy USA (NYSE: MUSA), established in 1996, is a publicly owned company and is one of the largest independent retailers of gasoline products and convenience store merchandise with over 1,400 locations in 26 states across the Southern and Midwestern United States. Murphy's Convenience stores are Community Stores, the destination of choice for customers who frequent their favorite location each day to refresh and refuel, whether it's to grab a quick snack and beverage or a fresh prepared meal, or to fill up their gas tank.

All 1400 stores are corporately owned and operated; none of them are franchised. Murphy USA serves approximately 1.6 million customers per day and proposes to build a 2,800-sf building and have 8 multi-

product fuel dispensers. Site plans and renderings showing the proposed development are enclosed along with a street perspective illustrating what the proposed building will look like.

Murphy is **NOT** any other convenience store operator, they are the model across the country for best practices, security protocol, training, store design for crime prevention, engagement of ownership, extensive surveillance of all locations, product placement and most importantly, the culture of the company. Murphy USA has zero violations or complaints with the State Liquor Board as well as a **PROVEN** record of performance. Much of our discussion with the neighborhood representatives has been focused on the concern about an increase in crime that this development may contribute to the area so I am going to spend a great deal of effort to demonstrate that this is **NOT** the case with Murphy.

As stated by Councilor Davis, "While most retailers of this type manage their stores responsibly, almost every neighborhood has a story about a convenience store which became a hub for discarded mini bottles of liquor, round the clock police calls, or worse"

Last year, Murphy opened its first of its kind location in Albuquerque, New Mexico (the exact model of this location). As a testament to the Murphy model and extensive operational standards and practices, we are able to demonstrate with actual data the difference this makes. Murphy stands proudly behind its record.

TABLE 1 ALBUQUEQUE POLICE DEPARTMENT CALLS FOR SERVICE, 2020 TO CURRENT (BUSINESSES ADJACENT TO MURPHY USA AT 3761 NM-528)	
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As you can see, the Murphy operation had just 33 calls for service to-date in 2020 as compared to Circle K that saw 231 calls for service from the Albuquerque Police Department in that same time period. Murphy strives to operate their business's where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program in their stores, which begins with store layout and design.

Murphy follows the model of the Smart Policing Initiatives and has adopted the CPTED (Crime Prevention through Environmental Design) crime prevention program. CPTED is a concept that is data driven with a proven concept that considers the physical environment and its effect on crime prevention. There are four guiding principles.

Natural Surveillance:

People must be able to see illegal acts taking place to defend property or prevent crime. Surveillance puts the perpetrator(s) under the threat of being observed, and therefore identified and apprehended.

Territoriality:

Territoriality is all about defining what is public space, what semi-public space is, and what is private space. It involves establishing ownership of areas and can be encouraged by activities and management processes that reduce large impersonal spaces to smaller areas that can be personalized and protected.

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This principle relates to territoriality by directing people where to go and denying them access to areas that they do not belong in. This is accomplished through having established vehicle and pedestrian entrances and exits, fencing, door and window locks, access control devices, and appropriate, visible signage.

Maintenance:

Poorly maintained and neglected areas attract unwanted people and activities. Proper maintenance of landscaping, lighting, and other features are essential CPTED principles. A positive community image is a significant deterrent to criminal behavior.

Principles such as natural surveillance, access management, territoriality, physical maintenance, and order maintenance inform our design. We pay particular attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride.

Murphy Community Engagement

From sponsoring youth sports teams to conducting food drives, Murphy's convenience stores strengthen the communities that they serve, contributing millions to charitable and community groups. Being a good neighbor is not just a good business practice, Murphy stores are champions for their communities.

Murphy stores are intensely local businesses that offer an ever-growing range of products and services. Most of all, they sell convenience, allowing customers to quickly buy what they need and get on with their day. Most of all, Murphy convenience stores sell time—time that benefits the community, whether this time is spent living in, working in or supporting that community. And this is a commodity that consumers value: More than 8 in 10 Americans (82%) support a convenience store being built in their community.

Murphy's Convenience stores are Community Stores, the destination of choice for customers who frequent their favorite location each day to refresh and refuel, whether it's to grab a quick snack and beverage or a fresh prepared meal, or to fill up their gas tank.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

Murphy's PRIMARY business is the sale of motor vehicle fuels and convenience store goods; the sale of alcoholic beverages is both complementary and SECONDARY to its primary business but something customers appreciate having the opportunity to purchase if so desired. Therefore, as part of its operation, Murphy's Convenience stores are Community Stores, the destination of choice for customers who frequent their favorite location each day to refresh and refuel, whether it's to grab a quick snack and beverage or a fresh prepared meal, or to fill up their gas tank.

The request is for a conditional use permit for the sale of liquor and to construct a light fueling station on site. Notably in the IDO, both uses are permissive uses in NR-C and MX-M zone district. However, due to the fact the subject is "within 500 feet of any residential or NR-PO zone district of any group home" and due to the fact that the lot is "adjacent to any residential zone district" a conditional use approval is required for both requests. The City criteria for approval per the IDO (Integrated Development Ordinance) is outlined below along with how Murphy fulfills these requirements and furthers the policies identified in the in the Albuquerque/Bernalillo Comprehensive Plan as adopted in 2017. Based on our numerous and extensive discussions with the neighborhood representatives, **Murphy has agreed to forgo the sale of miniature bottles of alcohol.**

The subject site is located within the Bridge/Tower Blvd Major Transit Corridor. This site is in Southwest Mesa's Community Planning Area. It is in also in a designated "Area of Change" under the Comprehensive Plan (Comp. Plan). An Area of Change is defined as an area within the City in which higher density and intensity in areas where growth is desired and can be supported by multi-modal transportation. While focusing on job creation, growth, and residential services [Comp. Plan, 5-23]. In additions: Areas of Change highlight places in Centers, Corridors, and Metropolitan Redevelopment Areas where new development and redevelopment are desired. They include vacant land and commercial or industrial areas that would benefit from infill or revitalization. Directing growth to Areas of Change is intended to reduce pressure on established neighborhoods and rural areas to absorb growth and infill at a scale and density that could negatively affect their character [Comp. Plan 4-13]. Knowing that the site is within a Transit Corridor, an Area of Change, zoned NR-C and MX-M, this Murphy express development will contribute the community and the exact definition stated above. The development will be in line with the intent of a Major Transit Corridor.

Alamosa NA, South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations and the Los Altos Civic Association were notified along with property owners as required. Due to the COVID restrictions no meeting was held or requested but a great deal of communication has occurred between the Los Altos Civic Association members and Modulus Architects, representing Murphy. Several concerns arose regarding the sale of alcohol and its potentials for creating harm to the community. It was expressed by all involved that this is a result of the current operator at the opposite corner and their record of performance, or lack thereof. Concern was also raised that if Murphy were to sell this property that they could be left with another unsavory operator. I explained that this was not a Zone Change and that the Conditional Use Permit approval is issued for the Murphy owner but does not transfer to another owner. **As we have outlined extensively, Murphy is not this operator and will not create any negative impacts to the community, to the contrary, Murphy will provide a safe, convenient and cost effective opportunity to provide the day-too-day needs of the community and shift workers that rely on Murphy.**

We have been working with the community and property owners over the course of the last few months. Understandably, the community has concerns based on their current experience with another operator. The neighborhoods brought to light the issue they have with liquor retail on site. Murphy USA is an excellent steward of their services and have an impeccable record of performance across the board. They have zero violations with the State Licensing Board in over 10 years of continuous operations. Their sites

have an extensive video surveillance program with more than ten cameras on site and in the store that are monitored live by the Murphy home office. They do not franchise their locations ever so this will always be a corporately maintained store. ***I have provided extensive documentation, data and facts regarding safeguards in place for the employees, consumers and the community as a whole. This extends far beyond just cameras and lighting. As demonstrated throughout this submittal, Murphy has a comprehensive model of smart policing initiatives, CPTED driven sites and stores,***

The Neighborhood Association is concerned about perpetuity of the new zoning this would allow. I believe there is quite a bit of confusion about the difference between a Conditional Use Permit approval and a Zone Map Amendment. They are concerned that if they were to support Murphy in this request and that Murphy were to leave at some point that they would be potentially left with an unsavory operator. I have outlined the differences and the safeguards in place regarding a Conditional Use Permit approval. A copy of those email discussions has been submitted with our package for review.

Another issue that was discussed was the concern about the traffic. Murphy and our team of engineers has been working in tandem with the City of Albuquerque and Bernalillo County on the federally funded project at Old Coors and Bridge. We are working in unison to get this project done with as little disruption as possible. We have timed our construction with the Tower realignment project, our site plan and access have been incorporated into the overall plans for the realignment project which is anticipated to being in July of 2020. The realignment project is long overdue and will substantially address traffic safety concerns.

Pursuant to the IDO (Integrated Development Ordinance) as amended May 17, 2018 –

4-3(D)(36) Liquor Retail

4-3(D)(36)(a) Alcohol sales for off-premises consumption is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(36)(c) Notwithstanding other provisions in this Subsection 14-16-4- 3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

6-6(A) CONDITIONAL USE APPROVAL

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(A) or the DPM.

6-6(A)(3) Review and Decision Criteria - An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

Applicant Response (Bold): The request for Special Exception Conditional Use Permit is consistent with the adopted ABC Comp Plan as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan.

2.4.6 FOCUSING GROWTH IN CENTERS & CORRIDORS - Existing and designated Centers and Corridors are intended to accommodate much of the anticipated future growth in the city and county. Instead of low-density, single-use growth at our edges, new development and redevelopment will be encouraged in

existing Centers connected by a strong transportation network that accommodates cars and trucks, transit, cyclists, and pedestrians.

Applicant Response (Bold): The subject property and proposed project are ideal to further this goal of the Comprehensive Plan. The subject site is located adjacent to the Tower Employment Center, the subject site sits squarely at the intersection of Tower/Bridge and Old Coors in the Tower/Bridge Corridor and is a designation Major Transit Corridor which is a strong transportation network. The realignment of Tower furthers to establish this location as an exemplary location for Murphy. We have working in unison with Bernalillo County to incorporate our site and access points to provide a safe and easy transition into the Tower realignment project scheduled to start construction in July 2020. This project would further this policy.

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Applicant Response (Bold): Future development on the subject site zoned NR-C and MX-M zone would be subject to IDO requirements including Neighborhood Edges (14-16- 5-9), the mixed-use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5- 6-(E), and building design standards (14-16-4-11). These would help ensure appropriate scale and location of development and character of building design. The request furthers Policy 4.1.4.

POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern. [ABC]

Applicant Response (Bold): This request furthers this policy because this property is located in the Bridge/Tower Comprehensive Corridor along a Major Transit Corridor in “Area of Change” and would be an infill project in an area significantly lacking investment and revitalization. It would encourage employment density and redevelopment and would further this policy as this is the most appropriate area to accommodate growth and discourage the need for development at the urban edge. The subject site is located in the Bridge/Tower Comprehensive Corridor.

This request furthers Policy 5.1.1 – Land Use

5.1.1.3 Evaluate existing land uses and development trends to identify opportunities for increased land use intensity to support transit-oriented development within 660 ft. of transit stations along Premium Transit Corridors. [ABC]

Applicant Response (Bold): This is clearly an opportunity to further this policy by increasing the land use intensity to support infill development within a Transit Corridor as the subject site is located in the Tower Transit Corridor and is designated as a Major Transit Corridor. This request furthers Policy 5.1.1.3 – Land Use.

5.1.1.4 Promote ongoing public-private cooperation necessary to create private market conditions that support intensified development of jobs and housing in Transit Corridors. [ABC]

Applicant Response (Bold): The Property is located in a Transit Corridor on Albuquerque’s Southwest area in which the jobs to housing balance is significantly low as is the availability of day-to-day goods as services without the need to cross the river. The location is most appropriate to accommodate development and encourage

appropriate density in an infill location, in a Transit Corridor, and thus discourage the need for development at the urban edge.

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Applicant Response (Bold): The subject site is located in a designated Transit Corridor, and in an Area of Change that is intended to develop. The current zoning of MX-M zone allows for a wide array of moderate intensity retail and commercial uses that provide for the day to day goods and services of the community that is encouraged in Centers and Corridors. The request furthers Policy 5.1.2-Development Areas.

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]

Applicant Response (Bold): This request furthers Goal 5.2 and Policy 5.2.1 because the proposed Conditional Use request will allow for a mix of goods and services to be available which are conveniently accessible. This will encourage redevelopment that brings goods and services within walking and biking distance of neighborhoods. The location within a transit corridor offers choice transportation to services. Characteristics of the community will be maintained since the requested zoning is PERMISSIVE and occur in an existing commercial zone within a transit corridor. This request furthers Policy 5.2.1 – Land Use

POLICY 5.3.1

Infill Development: Support additional growth in areas with existing infrastructure and public facilities. [ABC]

Applicant Response (Bold): This request furthers Policy 5.3.1 because the proposed Special Exception Conditional Use will support additional growth in an Area of Change with existing infrastructure and public facilities. This request furthers Policy 5.3.1 – Land Use

POLICY 5.3.7

Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area. [ABC]

- a) *Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents. [ABC]*
- b) *Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns. [ABC]*
- c) *Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.*
- d) *See Policy 5.2.1 for desired land uses to support complete communities.*

POLICY 5.2.1

Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. [ABC]

Applicant Response (Bold): This request furthers policy 5.3.7 because the request Special Exception for Conditional Use which may be objectionable to immediate neighbors may be useful to society and will be equitable to ensure that social assets are distributed evenly and social responsibilities are borne

fairly across the Albuquerque Area. Furthermore, this request maintains the zoning designation adopted with the IDO that allows as a permissive use in the MX-M zone the requested Liquor Retail component.

Murphy USA has a long-proven track record of strong enforcement of liquor sales regulations. Murphy has more than 1,500 stores throughout the United States and train their employees to monitor the sales of alcohol to prevent sales to impaired individuals.

Murphy is NOT any other convenience store operator, they are the model across the country for best practices, security protocol, training, store design for crime prevention, engagement of ownership, extensive surveillance of all locations, product placement and most importantly, the culture of the company. Murphy USA has zero violations or complaints with the State Liquor Board as well as a PROVEN record of performance.

Murphy has a proven track record of being a good operator, the most recent Murphy that opened late last year had just 33 calls for service to-date in 2020 as compared to Circle K that saw 231 calls for service (across the street) from the Albuquerque Police Department in that same time period. Murphy strives to operate their business's where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program in their stores, which begins with store layout and design.

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Murphy USA has an extensive security monitoring system with both interior and exterior surveillance systems in place that operates 24/7 that is monitored by the home office. There is a constant presence of security on the premises to prevent alcohol related crime in the area. Murphy USA feels it has a proven method and track record of mitigating any problems related to retail liquor sales. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area.

GOAL 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2

Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged. [A]

Applicant Response (Bold): The subject Property is located in an Area of Change and will direct growth and more intense development to this corridor where change is encouraged. Because the proposed request will encourage growth and high-quality future redevelopment in accordance with this policy in a Transit Corridor.

POLICY 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy. [ABC]

Applicant Response (Bold): This request furthers this Policy because the proposed project will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing members of the community and contribute to a diverse and vibrant economy by revitalizing an area with growth that is consistent with and enhances the establish character of existing development. This type of economic development is best suited for infill locations supported by commercial corridors. This subject site encompasses all aspects of successful economic development and furthers this Policy.

POLICY 8.1.3

Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending. [ABC]

Applicant Response (Bold): This request furthers this Policy by allowing for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

As demonstrated in our policy narrative, the request Special Exception for Conditional Use would further a preponderance of Goals and Policies found in the ABC Comprehensive Plan and would clearly facilitate the desired goals of the Comp Plan which provides a framework to guide private development land use decisions, and decision-makers as they contemplate new plans affecting the whole community.

The location for this request for Conditional Use is located in an Area of Change (as shown in the ABC Comp Plan). Our application demonstrates that the change would be more advantageous to the community since many of the ABC Comp Plan goals and policies will be furthered as articulated in the policy analysis section. This development of Murphy's will allow for the implementation of redevelopment and implementation of patterns of land use that are consistent with the Comp Plan conditions and historic land use, and will promote connectivity along the transit corridor as a destination for goods and services.

6-6(A)(3)(b) It complies with all applicable provisions of this 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 a prior permit or approval affecting the property.

Applicant Response (Bold): This request complies with applicable provisions of this IDO including but not limited to any Use-Specific Standards and other adopted City regulations.

As it relates to this request, the use Specific Standards for Liquor Retail in an MX-M zone clearly identify areas that this use would not be allowed and this property and this property is NOT located in one of those areas.'

4-3(D)(36)(f) In the MX-M zone district, this use is permissive, except in the following mapped areas, where it is prohibited unless accessory to a grocery store as noted.

1. Downtown Neighborhood Area – CPO-3
2. East Downtown – CPO-4
3. East Downtown – HPO-1
4. North 4th Street Area

The property for the Special Exception is NOT located in the Downtown Neighborhood Area CPO-3, the East Downtown CPO-4, the East Downtown HPO-1 or the North 4th Street Area.

6-6(A)(3)(c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*

Applicant Response (Bold): The approval of the Special Exception for a Conditional Use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. This opportunity for redevelopment will provide more retail choices for the area.

Murphy is NOT any other convenience store operator, they are the model across the country for best practices, security protocol, training, store design for crime prevention, engagement of ownership, extensive surveillance of all locations, product placement and most importantly, the culture of the company.

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crimes by implementing a thoughtful security and safety program in their stores, which begins with store layout and design.

Our team has met with Lieutenant Shawn Garrett with the Mayors Problem Response Team along with his team of certified CPTED plan reviewers. We are aggressively pursuing a partnership with Albuquerque Police Department to prevent and protect our customers and employees. Our efforts are part of the model that Murphy has adopted for Smart Policing Initiatives and has adopted the CPTED (Crime Prevention through Environmental Design) crime prevention program. CPTED is a concept that is data driven with a proven concept that considers the physical environment and its effect on crime prevention. There are four guiding principles.

Natural Surveillance:

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Maintenance:

Poorly maintained and neglected areas attract unwanted people and activities. Proper maintenance of landscaping, lighting, and other features are essential CPTED principles. A positive community image is a significant deterrent to criminal behavior.

- Proper store maintenance is a major deterrent for criminals.
- Curb appeal, such as clean stores, parking lots and landscaping can help discourage criminals from entering the property.
- A well-lit store is a major deterrence for criminals. Effective lighting and security cameras are strong indicators—and visual cues to customers—that a store is vigilant about providing a safe environment, both on the lot and inside the store.
- By removing signage and decals from windows and doors, and utilizing low shelving units, convenience retailers provide an inviting atmosphere for their customers as well as clear lines of sight for employees throughout the store and on the lot

Employee Training/Operations:

Proven to reduce the appeal of crime by more than 62% is to minimize cash on hand at stores by using time-release drop safes or other means to limit the amount of money available. Safety is the No. 1 priority for Murphy stores, and they significantly invest in employee training, giving them guidance and resources to remain vigilant about detecting suspicious patrons and potential crimes.

Murphy has repeatedly demonstrated their commitment to preventing the misuse of alcohol in the communities in which they operate and promote responsible consumption by properly training their employees with stringent prevention techniques. The Murphy training protocol demonstrates a commitment to work to prevent alcohol-related problems and a desire to be part of the solution. They program teaches staff how to recognize when a customer is intoxicated or underage. In addition to preventing the illegal sale of alcohol, store employees learn how to handle intoxicated customers and keep them from harming themselves and others. These intervention techniques reflect the short period of time a clerk has to interact with a customer.

Murphy is in a unique position to stop human trafficking, one of the fastest-growing crime epidemics in our country. Longer hours of operation, public restrooms, and ease of access increase the likelihood that convenience stores can help victims of human trafficking. Convenience Stores Against Trafficking (CSAT), a program of the national nonprofit, IN OUR BACKYARD, empowers the convenience store industry to play a vital role in human trafficking awareness in local communities. Murphy is an active member and advocate for CSAT.

Murphy strives to operate a business where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program in their stores. Principles such as natural surveillance, access management, territoriality, physical maintenance, and order maintenance inform our design. We pay particular attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride

Murphy Community Engagement

From sponsoring youth sports teams to conducting food drives, Murphy's convenience stores strengthen the communities that they serve, contributing millions to charitable and community groups. Being a good neighbor is not just a good business practice, Murphy stores are champions for their communities.

Murphy stores are intensely local businesses that offer an ever-growing range of products and services. Most of all, they sell convenience, allowing customers to quickly buy what they need and get on with their day. Most of all, Murphy convenience stores sell time—time that benefits the community, whether this time is spent living in, working in or supporting that community. And this is a commodity that consumers value: More than 8 in 10 Americans (82%) support a convenience store being built in their community.

Murphy's Convenience stores are Community Stores, the destination of choice for customers who frequent their favorite location each day to refresh and refuel, whether it's to grab a quick snack and beverage or a fresh prepared meal, or to fill up their gas tank.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

In addition to the strong internal policies that Murphy imposes on all of its locations, there are local, state and federal requirements and must comply with all New Mexico state laws, including but not limited to any required spacing from other uses or facilities. They are also controlled by Specific-Use

Standards found in the IDO to mitigate potential harmful effects on the surrounding area. Future development on the subject site under the MX-M zone would be subject to IDO requirements including Neighborhood Edges (14-16- 5-9), the mixed-use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5- 6-(E), and building design standards (14-16-4-11). These would help ensure appropriate scale and location of development and character of building design. These Use Standards include precautionary measures such as distance requirements, size restrictions, design standards, screening requirements and various other measures.

Additionally, as demonstrated in our policy review of the ABC Comprehensive Plan (POLICY 5.3.7) land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area. [ABC]

Per the Comprehensive Plan, objectionable land uses can be mitigated by appropriate setbacks, buffers, and design standards to minimize offsite impacts. These “objectionable” uses must be distributed evenly and fairly across Albuquerque.

6-6(A)(3)(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.

Applicant Response (Bold): The Special Exception Conditional Use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration. Murphy and our team of engineers have been working in tandem with the City of Albuquerque and Bernalillo County on the federally funded realignment project at this corner (Old Coors and Bridge). We are working in unison to get this project done with as little disruption as possible. We have timed our construction with the Tower realignment project, our site plan and access have been incorporated into the overall plans for the realignment project which is anticipated to being in July of 2020. The realignment project is long overdue and will substantially address traffic safety concerns. The property site is located in a Major Transit Corridor and as such, it is designed for high frequency and high-volume traffic. The development will have adequate parking as required by standards of the IDO. There is no car wash being proposed so there will not be any noise being generated other than that of general retail operations.

This project will also greatly IMPROVE the environmental standards of the area. This site has documented environmental contamination as identified in the Phase One Environmental Assessment report. The Murphy development will be addressing the environmental contamination and working with the appropriate agencies to ensure remediation is done.

To ensure to light pollution creates an impact, our team of engineers have done a photometric study which identifies light values across our property. It demonstrates that there will be no light pollution on the adjacent properties.

6-6(A)(3)(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 P.M. and 6:00 A.M.

Applicant Response (Bold): This request 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. Murphy is not a destination location, rather, our consumers are “passerby” traffic. This will not increase the activity that is already active and present at this location. The property to the north, east and south are commercially zoned properties with commercial operations.

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

Applicant Response (Bold): The property will not negatively impact pedestrian or transit connectivity. All required landscape buffers, setbacks, ingress/egress and parking are fully contained on the property and do not impact the pedestrian or transit connectivity. The development has been thoughtfully designed to meet the pedestrian and transit connectivity design standards of both the IDO and the DPM.

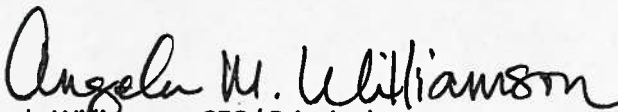
Murphy and our team of engineers have been working in tandem with the City of Albuquerque and Bernalillo County on the federally funded realignment project at this corner (Old Coors and Bridge). We are working in unison to get this project done with as little disruption as possible. We have timed our construction with the Tower realignment project, our site plan and access have been incorporated into the overall plans for the realignment project which is anticipated to being in July of 2020. The realignment project is long overdue and will substantially address traffic safety concerns.

The Albuquerque/Bernalillo Comprehensive Plan specifies that this property is located adjacent to the Tower designated Plan Center. The Plan identifies that the Goal for a Community Activity Center is; "to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which would reduce urban sprawl, auto travel needs and services costs and which enhance the identity of Albuquerque and its communities."

The MX-M & NR-C zone allows the retail sale of package liquor and fueling centers as permissive, we respectively request approval of the Special Exception request be made on the preponderance of goals and policies that are furthered in both the Comprehensive Plan and the Integrated Development Ordinance. We have carefully presented facts that support or request and respectively ask for an approval based on these facts.

Thank you for your consideration, and please let me know if you have any questions or concerns.

Respectfully submitted,



Angela Williamson, CEO/ Principal

Modulus Architects, Inc.

100 Sun Ave NE, Suite 305

Albuquerque, NM. 87109

Office (505) 338.1499

Awilliamson@modulusarchitects.com

From: [Jennifer Kepesh](#)
To: [Angela Williamson](#)
Subject: Re: Murphy Oil Project at Bridge and Old Coors
Date: Tuesday, June 2, 2020 10:47:14 AM

Angela,

Thank you so much for your very thorough and thoughtful answers to these questions. It certainly helps to have a fuller picture of the plans and the reasons behind all of this. It does indeed ease my mind to know that you are working so closely with the city on the redevelopment/traffic patterns. I also appreciate the data you presented about security issues and that you explained the permitting so well, and that you are addressing the environmental concerns.

My questions are my own, but I know my concerns are echoed by many in the neighborhood. (We don't all worry about the same things to the same extent, of course.) I will therefore share your responses with others in our neighborhood. I think knowing ahead of time the answers to these questions can make discussion more productive.

Have you set up a meeting time (in person? Zoom?). Our neighborhood has a lot of people who do not use social media much, so it's important for us to put fliers in mailboxes to be sure they are informed.

Thank you again!

Warmly,

Jennifer Kepesh

On Tuesday, June 2, 2020, 10:35:26 AM MDT, Angela Williamson
<awilliamson@modulusarchitects.com> wrote:

Jennifer,

Thank you very much for taking the time to express your concerns and ask for input. If I may go out of order from your questions below so that I can clear up some policy issues which are extremely important in our request for support. We are not asking for a Zone Change. I know the Valero and Circle K did but that is not what our request is. The property intended for our development is already zoned to allow for a fueling station and liquor retail as permissive approved uses. Theirs was not and so they were seeking a Zone Change that would have changed the zoning for the life of the property.

Our property is already zoned to allow this (MX-M and NR-C). Our request is for a Conditional Use Permit to allow fuel and liquor retail due to its proximity to residential

development. This is a different threshold for approval and is specific to the operator, NOT the property. If approved, the approval specifically states the Murphy is approved. If Murphy were to sell the property, the approval would not pass on to the next user. Murphy has been in business since 1950. All stores are corporately owned and never ever franchised.

Because we are seeking a Conditional approval from the Zoning Hearing Examiner, he is allowed to place conditions on that approval such as a restriction on mini's which we have voluntarily agreed too.

I have responded to your questions below in red. Again, thank you for continuing the dialogue so that I have an opportunity to gain the trust of the community and demonstrate how different we are from all of the others.

All my best,

Angela

From: Jennifer Kepesh [mailto:jen_kepesh@yahoo.com]
Sent: Monday, June 1, 2020 5:36 PM
To: Angela Williamson <awilliamson@modulusarchitects.com>
Subject: Murphy Oil Project at Bridge and Old Coors

Dear Angela,

Thank you for reaching out to our neighborhood to share the information about Murphy Oil's intentionality to be a good business neighbor. Would you be willing to share your thoughts on the following concerns with me?

(1) Our neighborhood is a "luminaria" neighborhood. We deliberately have no street lights in our neighborhood to avoid electric light for Christmas Eve, when the whole city is invited to our display. Excess light ruins the experience. How could we be sure that Murphy Oil would be a good neighbor and shut down their light on Christmas Eve? *I am not sure about the response from Murphy on this, I love the luminarias of Albuquerque and would be in full support of this. I will actually ask if Murphy would be willing to participate in the Luminaria display if ok with the community but I will pose this question to them and give you their response.*

(2) I deeply appreciate the work Murphy Oil does to be a good neighbor. But if Murphy Oil is indeed such a good neighbor today, that does not guarantee that it will stay a good neighbor if not compelled to do so by law. For example, if the company or even just this station were to change ownership, any agreements and promises that Murphy Oil had informally with the nearby neighborhoods/county/city would be unenforceable. *I can understand your concerns about this issue. Murphy has been in their communities since 1950's. They do not ever franchise their locations so that they can maintain the strict standards that many communities have come to trust. Many of the projects I am working on now (in other states) are projects we built 10 years ago that are now being remodeled or torn down and rebuilt to uphold the site, architecture, upgrades to*

security, and frankly to stay fresh and new. Murphy does not cut corners and will be investing millions of dollars in this project and in the community. As I mentioned above, the Conditional Use approval we are seeking will be specific to Murphy. If for some unforeseen reason this property changes hands, that approval does not extend to another property owner. Murphy has a very long long record of consistent responsible ownership and stewardship.

Changing the zoning for this lot would also mean a change in perpetuity. The city worked hard to create zones that would best serve the needs of the current community and future residential and business development in this area. Zoning changes for this lot change the essential character of the neighborhood in the medium term. Why should we support such a change? *I addressed this first but again, this is not a Zone Change request. The property is already zoned to allow for a fueling station and alcohol sales. What we are seeking in a Conditional Use Permit which is required due to the proximity of 500 feet to residential development. A conditional use approval is not granted in perpetuity and is specific only to Murphy. Murphy will provide a safe, convenient and cost effective opportunity to provide the day-to-day needs of the community. Murphy's Convenience stores are Community Stores, the destination of choice for customers who frequent their favorite location each day to refresh and refuel, whether it's to grab a quick snack and beverage or a fresh prepared meal, or to fill up their gas tank. The addition of this store will not change the character of the neighborhood but instead will become part of that character.*

(3) There is a very severe issue of dangerous traffic on this corner, and in-and-out businesses that encourage yet more quick changes of speed, lanes, and direction are a big problem. If you spend time around rush hour, especially in winter light, you will see how this is very nearly a blind intersection (looking into the sun). As a location selling alcohol, you'd be encouraging pedestrian traffic as well. This particular corner is simply too dangerous for this kind of business. *We have worked in tandem with Bernalillo County on the realignment of Tower Road. Our site plan and access points have been included in the thoughtful design for this federally funded project that will be starting in July 2020. The engineering and design have been done to greatly reduce potential conflicts and improve safety. This project along with our integration will improve intersections and multi-modal accommodations/amenities. This project is the first of a four-phase design project in support of the Bridge Boulevard Corridor Redevelopment Plan. The Project has multi-jurisdictional coordination in support of the reconstruction and/or modification of the roadway section, including intersection improvements/realignments, sidewalks, ADA accommodations, drainage improvements, and lighting.*

(4) The lot immediately adjacent to this one has an unreconciled environmental leak of gas (it used to be a gas station) that is still being monitored for its impact on nearby groundwater, including groundwater in the Los Altos neighborhood. How can you be sure that your construction will not add to the continuing danger there, and how can we know that adding a gas station to that same spot can be helpful? *As part of our due diligence, we did a Phase I environmental study for the properties. We are aware of the unreconciled environmental hazard and will be addressing this issue as part of our construction should we move forward. This is a very costly process but one that Murphy is willing to undertake to mitigate any future potential for impacts to the environment. As for the gas station itself, Murphy uses one of the most advanced systems in the world. The underground tanks have a very sophisticated monitoring system and exceed*

ALL federal standards. To-date Murphy has never had any leaks or contamination of any kind at any of its more than 1,400 stores.

(5) If you are able to change your zoning and sell alcohol, you will make it much more likely that the Valero station on the Southeast corner will yet again re-petition for the same right and be successful, adding two quick-drink locations within a few yards of our homes. How can this be good for the residents of a historic neighborhood? *Addressed above, the property is already zoned for this use. Valero was seeking a zone change to NR-C which is what this property is already zoned. Our request is for a Conditional Use Permit.*

How, indeed, can it be good for Murphy Oil to open a store where they will create competition for themselves by opening the door to a second such market at Valero? We are aware of how many such gas stations and markets have changed hands and closed up in this area. We fear that Murphy Oil has not taken a clear-eyed look at this, or else that the company has plans to sell up as quickly as possible. *I can understand why you would think this but I assure you, Murphy far exceeds all other convenience stores and will be the destination of choice. This goes back to the culture from the top down. They offer a superior product, better prices, cleaner, safer stores. They invest millions of dollars in their projects and the communities they are in. In every location, every market they continue to set the standard for how all stores should operate. They do not sell their stores and never franchise whatsoever. Murphy is NOT any other convenience store operator, they are the model across the country for best practices, security protocol, training, store design for crime prevention, engagement of ownership, extensive surveillance of all locations, product placement and most importantly, the culture of the company.*

(6) If Murphy Oil were to develop the lot without alcohol sales, can it meet its goals? If not, how can we see this as anything different than an intention to plant a liquor store on our corner? *Murphy alcohol sales constitute only 4% of the total sales on average of their stores. They have agreed not to sell miniatures at this location and are willing to have this stipulated in the Conditional Use permit approval. The only reason that Murphy does not agree to not sell alcohol at all is that it becomes an issue of competitive advantage. Being new to this market, they have to at least provide the same opportunity for goods and services as their competitors. Murphy's PRIMARY business is the sale of motor vehicle fuels and convenience store goods; the sale of alcoholic beverages are both complementary and SECONDARY to its primary business but something customers appreciate having the opportunity to purchase if so desired. Therefore, as part of its operation, Murphy would like to offer liquor sales to its customer for off-premise consumption*

Warmly,

Jennifer Kepesh
808 Rio Vista Circle SW
Albuquerque NM 87105
(505) 702-5446

From: [Angela Williamson](#)
To: ["Jennifer Kepesh"](#)
Subject: RE: Murphy Oil Project at Bridge and Old Coors
Date: Tuesday, June 2, 2020 10:35:00 AM

Jennifer,

Thank you very much for taking the time to express your concerns and ask for input. If I may go out of order from your questions below so that I can clear up some policy issues which are extremely important in our request for support. We are not asking for a Zone Change. I know the Valero and Circle K did but that is not what our request is. The property intended for our development is already zoned to allow for a fueling station and liquor retail as permissive approved uses. Theirs was not and so they were seeking a Zone Change that would have changed the zoning for the life of the property.

Our property is already zoned to allow this (MX-M and NR-C). Our request is for a Conditional Use Permit to allow fuel and liquor retail due to its proximity to residential development. This is a different threshold for approval and is specific to the operator, NOT the property. If approved, the approval specifically states the Murphy is approved. If Murphy were to sell the property, the approval would not pass on to the next user. Murphy has been in business since 1950. All stores are corporately owned and never ever franchised. Because we are seeking a Conditional approval from the Zoning Hearing Examiner, he is allowed to place conditions on that approval such as a restriction on mini's which we have voluntarily agreed too.

I have responded to your questions below in red. Again, thank you for continuing the dialogue so that I have an opportunity to gain the trust of the community and demonstrate how different we are from all of the others.

All my best,
Angela

From: Jennifer Kepesh [mailto:jen_kepesh@yahoo.com]
Sent: Monday, June 1, 2020 5:36 PM
To: Angela Williamson <awilliamson@modulusarchitects.com>
Subject: Murphy Oil Project at Bridge and Old Coors

Dear Angela,

Thank you for reaching out to our neighborhood to share the information about Murphy Oil's intentionality to be a good business neighbor. Would you be willing to share your thoughts on the following concerns with me?

- (1) Our neighborhood is a "luminaria" neighborhood. We deliberately have no street lights in our neighborhood to avoid electric light for Christmas Eve, when the whole city is invited to our display. Excess light ruins the experience. How could we be sure that Murphy Oil would be a good neighbor and shut down their light on Christmas Eve? *I am not sure about the response from Murphy on this, I love the luminarias of Albuquerque and would be in full support of this. I will actually ask if*

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Warmly,

Jennifer Kepesh
808 Rio Vista Circle SW
Albuquerque NM 87105
(505) 702-5446

Angela Williamson

From: Angela Williamson
Sent: Tuesday, May 19, 2020 10:01 AM
To: 'Athena La Roux'
Subject: Murphy USA Development at Old Coors & Bridge
Attachments: Page 111 from 2016.05.13_Bridge Bldv. Phase 1_95% Plan Set-3.pdf; Pages from 2016.05.13_Bridge Bldv. Phase 1_95% Plan Set.pdf; Albuquerque NM 8MPD 2824 CSP Rev3 10-8-19.pdf

Good afternoon Athena,

I wanted to follow up on our conversation as it related to your concerns and questions about the Old Coors and Bridge roadway alignment. I spoke with Julie Luna who is the Director of the Bernalillo County Transportation Division. Construction plans for the realignment of Old Coors and Bridge have been approved, issued for bid and have been awarded for construction. She has stated to me that the construction will be imminent. I know that this was a very important issue to you when we spoke so I wanted to give you a copy of the plans that have been approved for this project. I have included a site plan of our intended project so you can see how access would be provided. We have provided this to the County and City and thus far, they are in agreement with the interaction between the two.

Thank you again for your time,

Angela

Angela M. Williamson, CEO/Principal
Modulus Architects & Land Use Planning, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
Office: (505) 338.1499 ext. 1000
Cell + Text: (505) 999.8016
Email: awilliamson@modulusarchitects.com
Website: www.modulusarchitects.com
Join us on Facebook: [Modulus Architects on Facebook](#)
Find me on LinkedIn: [Angela LinkedIn Profile](#)

From: Angela Williamson
Sent: Thursday, May 14, 2020 3:53 PM
To: 'Athena La Roux' <athenalaroux@gmail.com>
Subject: Murphy USA Development at Old Coors & Bridge

Good afternoon Athena,

Thank you very much for talking with me today and for your patience as we try and navigate the Covid-19 restrictions. I would love to meet with you but under the circumstances I will offer a video conference if you would like to talk further. I greatly appreciate your insight on our proposal and your neighborhood. As you know, Murphy USA would like to develop a new facility at this location that would require Conditional Permit approval for the fueling center as well as

the alcohol component. You raised several concerns today that I would like to address. First and foremost, Murphy USA is an excellent steward of their services and have an impeccable record of performance across the board. They have zero violations with the State Licensing Board. Their sites have an extensive video surveillance program with more than ten cameras on site and in the store that are monitored live by the Murphy home office. They do not franchise their locations ever so this will always be a corporately maintained store.

You and I discussed the concern about the traffic, The City of Albuquerque has already placed a requirement on this development to do an extensive Traffic Impact Study in which the City will identify the scope of the study. Any improvements to the roadways, infrastructure or traffic mitigation that is recommended as a result of this study will be required to be constructed by Murphy at their expense. The study has not been done yet so I don't know what those improvements will be but it will have to be done prior to any permits for construction and Murphy will have to agree to constructing the improvements if they want to proceed with their project.

One of the concerns we talked about also had to do with liquor sales. As I mentioned above, Murphy is an excellent operator and has zero tolerance for liquor violations. They do not have any violations or complaints with the State licensing Board in over 10 years of continuous operations. Furthermore, upon discussing these concerns with my client, they have voluntarily agreed NOT to sell the miniature or single container liquor bottles at all. This specific type of sale lends itself to an unwanted clientele and they do not want this client at their store or in the neighborhood.

We (Murphy) are willing to take intensive measures to make sure that we are a good neighbor. We have hired an engineering firm to do a photometric study that will ensure that there is no light pollution from our store on any of the surrounding developments, this should be ready in a few days' time and I will be glad to share this with you.

Moving forward, I would love to work together on this and the many other projects for different clients I am working on in the South Valley. Specific to Murphy, please let me know if you would like to schedule a video conference meeting or call with you and or additional members of the Neighborhood. I would like to start our application at the end of May so I am hoping we can work through your concerns.

All my best,
Angela

Please feel free to call my personal cell at any time to discuss (505) 999-8016.

Angela M. Williamson, CEO/Principal

Modulus Architects & Land Use Planning, Inc.

100 Sun Ave NE, Suite 600

Albuquerque, New Mexico 87109

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Website: www.modulusarchitects.com

Join us on Facebook: [Modulus Architects on Facebook](#)

Find me on LinkedIn: [Angela LinkedIn Profile](#)



Angela Williamson

From: Angela Williamson
Sent: Tuesday, November 5, 2019 11:30 AM
To: athena laroux
Subject: RE: Murphy oil.

Hi Athena,

I have not filed any applications yet, it is very important to me to meet with you and the other residents to understand your thoughts and concerns about this development.

All my best,
Angela

ANGELA M. WILLIAMSON, CEO/PRINCIPAL

MODULUS ARCHITECTS, INC.

100 Sun Avenue NE, Suite 305

Albuquerque, NM 87109

Mobile + Text 505.999.8016

Office 505.338.1499 (Ext. 1000)



From: athena laroux <athenalaroux@gmail.com>
Sent: Tuesday, November 5, 2019 11:26 AM
To: Angela Williamson <awilliamson@modulusarchitects.com>
Subject: Re: Murphy oil.

Hi Angela,
I didn't hear back from my last email, have you already filed your application?
I've talked w swan, wdcdc and Alamosa, it took a bit to coordinate.
Thanks,

Athena la roux

On Oct 21, 2019, at 11:00 AM, Angela Williamson <awilliamson@modulusarchitects.com> wrote:

Good morning Athena,
Thank you for taking the time to write this email regarding our project. I represent Murphy which is a much different operator than Circle K with a very long record of community involvement and exemplary security policies. I do know the history with Circle K and the recent denial of a request for a Zone Map

Amendment. I have advised my client of all of this information but they would like me to at least meet with you and the Neighborhood Associations. Their facilities are state of the art and their program is very different than anything you have seen before. Currently there is only one other facility in New Mexico that reflects their new store program.

I have not made any submittals to the City yet and would like the opportunity to go over this project with you and your fellow residents. Can you please advise if there is a day in the evening that is convenient to set up a meeting?

Thank you for your time,

Angela

ANGELA M. WILLIAMSON, CEO/PRINCIPAL
MODULUS ARCHITECTS, INC.

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Mobile + Text 505.999.8016

Office 505.338.1499 (Ext. 1000)

<image001.png>

<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.jpg>

From: athena laroux <athenalaroux@gmail.com>

Sent: Saturday, October 19, 2019 1:32 PM

To: Angela Williamson <awilliamson@modulusarchitects.com>

Subject: Murphy oil.

Hello Angela,

Thanks for your letter.

We would like to have a neighborhood meeting with you.

Are you aware of the recent developments on the Valero/Circle k across the street?

The alcohol permit was declined and circle k won't be expanding.

I'm sure you know there's also a tiny church across from that lot. I know that ground is contaminated but is likely fine for a gas station.

LACA and the neighboring communities fought long and hard to get alcohol sales declined. We'd be fine w another gas station as it's a very dangerous intersection and would benefit from less cross traffic.

We can include SWAN and Alamosa neighborhood at the meeting.

An evening or weekend works fine.

Thanks for contacting us.

Athena la roux
LACA President

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from JULY 06, 2020 To JULY 21, 2020

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Regina Okoye,
(Applicant or Agent)

6/2/2020
(Date)

I issued 2 signs for this application, 06/02/2020, MARCELO IBARRA
(Date) (Staff Member)

PROJECT NUMBER: PR-2020-003911

VA-2020-00144
VA-2020-00143
VA-2020



CITY OF ALBUQUERQUE INVOICE

MODULUS ARCHITECTS

100 SUN AVE NW

Reference NO: VA-2020-00143

Customer NO: CU-35112705

Date	Description	Amount
6/02/20	Application Fee	\$260.00

Due Date: 6/02/20

Total due for this invoice:

\$260.00

Options to pay your Invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 6/02/20
Amount Due: \$260.00
Reference NO: VA-2020-00143
Payment Code: 130
Customer NO: CU-35112705

MODULUS ARCHITECTS
100 SUN AVE NW
ALBUQUERQUE, NM 87129



130 0000VA202000143001025467115665237000000000000260000CU35112705



CITY OF ALBUQUERQUE INVOICE

MODULUS ARCHITECTS

100 SUN AVE NW

Reference NO: VA-2020-00144

Customer NO: CU-35112705

Date	Description	Amount
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MODULUS ARCHITECTS
100 SUN AVE NW
ALBUQUERQUE, NM 87129



130 0000VA202000144001025467115667749000000000000260000CU35112705

City of Albuquerque ZHE – July 21, 2020

Agenda Item #22

VA-2020-00143

PR-2020-003911

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Ownership: **Owner:** MARTINEZ JOSE ALFREDO & AILDA

Zone District/Purpose: MX-M/The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.

Allowable Use:

Light vehicle fueling station								C	P	P	P	P	P					4-3(D)(17)
-------------------------------	--	--	--	--	--	--	--	---	---	---	---	---	---	--	--	--	--	------------

Applicable Comp Plan Designation(s): Area of Change, Bridge/Tower MT

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s):

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.

4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.

4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.

4-3(D)(17)(g) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.

4-3(D)(17)(h) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.

4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.

4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.

4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.

Applicable Dimensional/Development Standards: n/a

Prior Approval Conditions: No prior special exceptions on the western lot

Traffic Recommendations: No objections

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.

City Parcel

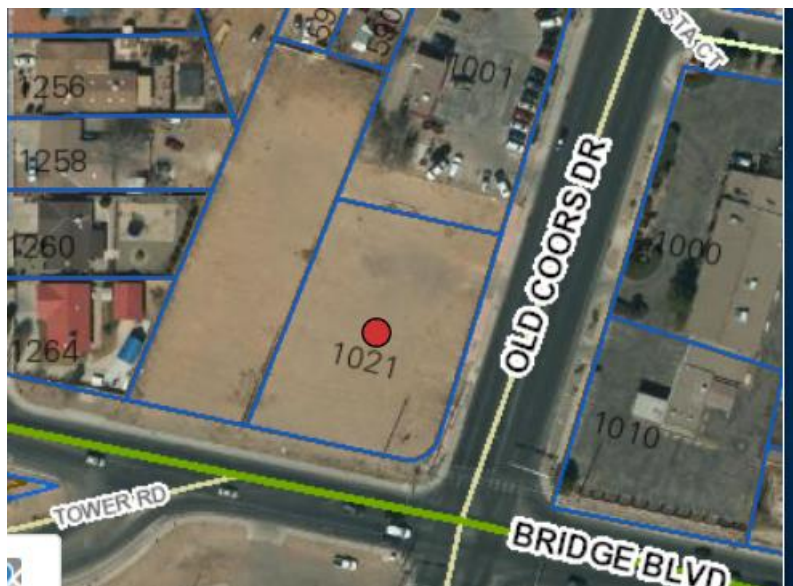
Address: 99999 BRIDGE BLVD SW

Apartment:

Lot: COMMERCIAL TRACT **Block:** 5

Subdivision: LOS ALTOS

Pin: ABQ166918



City of Albuquerque ZHE – July 21, 2020

Agenda Item #23

VA-2020-00144

PR-2020-003911

Jose Alfredo and Ailda Martinez (Agent, Modulus) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Lot B, Block 5, Los Altos, located at 1021 Old Coors Dr SW zoned MX-M [Section 14-16-4-3(D)(36)(c)]

Ownership: Owner: MARTINEZ JOSE ALFREDO & AILDA

Zone District/Purpose: MX-M/The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.

Allowable Use:

Liquor retail						C	A	P	P	P	C	C	C				4-3(D)(36)
---------------	--	--	--	--	--	---	---	---	---	---	---	---	---	--	--	--	------------

Applicable Comp Plan Designation(s): Area of Change, Bridge/Tower MT

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s):

4-3(D)(36) Liquor Retail

4-3(D)(36)(a) Alcohol sales for off-premises consumption is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(36)(b) Alcohol sales for on-premises consumption is also allowed as an incidental activity provided that the establishment complies with all New Mexico state law requirements.

4-3(D)(36)(c) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

Applicable Dimensional/Development Standards: n/a

Prior Approval Conditions: 1003639 – Approval of carport

Traffic Recommendations: No objections

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.

City Parcel

Address: 1021 OLD COORS DR SW

Apartment:

Lot: B **Block:** 5

Subdivision: LOS ALTOS

Pin: ABQ167431



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

June 22, 2020

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF July 21, 2020

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

VA-2020-00143, 0144

PR-2020-003911

Address: 1021 Old Coors Dr. SW

Transportation Review: No objections

CU application.

Sanchez, Suzanna A.

From: Regina Okoye <rokoye@modulusarchitects.com>
Sent: Monday, August 03, 2020 11:05 AM
To: Patten-Quintana, Lorena; Sanchez, Suzanna A.
Cc: Angela Williamson
Subject: RE: Murphy's at Old Coors and Bridge - PR# 2020-003911, VA#2020-00143, PR: 2020-003911, VA# 2020-00144
Attachments: Notices Combined.pdf

Good Morning Suzie and Lorena,

Attached are the updated neighborhood letters (Meeting Request and Hearing Notice) that clarify the address change and the new Zoom meeting. We would like to add the attachment to our application.

Please let us know if you have any further questions.

Thank you,

REGINA OKOYE, ENTITLEMENTS PROJECT MANAGER
MODULUS ARCHITECTS, INC.

100 Sun Avenue NE, Suite 600
Albuquerque, NM 87109
Office 505.338.1499 (Ext. 1003)
Mobile + Text 505.267.7686
www.modulusarchitects.com



From: Patten-Quintana, Lorena [<mailto:lpatten-quintana@cabq.gov>]
Sent: Friday, July 24, 2020 11:18 AM
To: Regina Okoye <rokoye@modulusarchitects.com>
Cc: Angela Williamson <awilliamson@modulusarchitects.com>
Subject: FW: Murphy's at Old Coors and Bridge

I confirmed that the address correction is sufficient. Don't forget the guidelines below and be certain the address is correct. -Lorena

From: Patten-Quintana, Lorena
Sent: Thursday, July 23, 2020 6:15 PM
To: 'Regina Okoye' <rokoye@modulusarchitects.com>
Subject: RE: Murphy's at Old Coors and Bridge

I believe you missed some 9s. Be certain to follow the guidelines for mail and email for neighborhood associations and the mailing for property owners within 100 feet. I will confirm that the address correction is sufficient. I'll get back with you in the morning.

We get this on track!

-Lorena

From: Regina Okoye <rokoye@modulusarchitects.com>
Sent: Thursday, July 23, 2020 4:36 PM
To: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>
Subject: RE: Murphy's at Old Coors and Bridge

Lorena,

That description looks accurate to me.

I have also attached the new letters I will be sending out for the neighborhood meeting and neighborhood hearing. Can you take a look at it and verify that I hit the points that we talked about and ensure that I did not leave anything pertinent out.

Thanks for all your help.

REGINA OKOYE, ENTITLEMENTS PROJECT MANAGER
MODULUS ARCHITECTS, INC.

100 Sun Avenue NE, Suite 600
Albuquerque, NM 87109
Office 505.338.1499 (Ext. 1003)
Mobile + Text 505.267.7686
www.modulusarchitects.com



From: Patten-Quintana, Lorena [<mailto:lpatten-quintana@cabq.gov>]
Sent: Thursday, July 23, 2020 3:07 PM
To: Regina Okoye <rokoye@modulusarchitects.com>
Subject: Murphy's at Old Coors and Bridge

Gina,

Please confirm the requests below. Thanks! -Lorena

1. VA-2020-00143 Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) request a
PR-2020-003911 conditional use to allow for a light vehicle fueling station adjacent to a
residential zone district for Commercial Tract, Block 5, Los Altos,
located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-
3(D)(17)(i)]

2. VA-2020-00144 Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) request a
PR-2020-003911 conditional use to allow for liquor sale within 500 feet of residential for
Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW
zoned MX-M [Section 14-16-4-3(D)(36)(e)]

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.



June 8, 2020

RE: UPDATED - PUBLIC NOTICE OF ZHE HEARING VIA ZOOM - NWC OLD COORS & BRIDGE

Dear Neighborhood Representatives,

Modulus Architects, Inc. on behalf of Murphy Oil USA, Inc. will be requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a Conditional Use Permit to allow the following:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i) 4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36) 4-3(D)(36)(c) – *Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.*

A hearing will be held on July 21, 2020 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

<https://cabq.zoom.us/j/93420676806>

Meeting ID: 934 2067 6806

One tap mobile

+12532158782,,93420676806# US (Tacoma)

+13017158592,,93420676806# US (Germantown)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

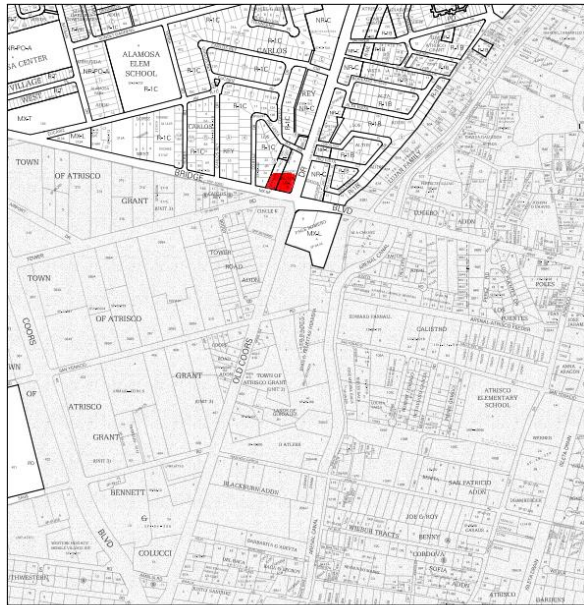
+1 646 558 8656 US (New York)

+1 669 900 6833 US (San Jose)

Meeting ID: 934 2067 6806

Find your local number: <https://cabq.zoom.us/j/93420676806>

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.



Contact Information

Modulus Architects, Inc.
 100 Sun Ave NE, Suite 600
 Albuquerque, New Mexico 87109
 c/o Angela Williamson, CEO/Principal (Agent)
 (505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Project or Development Proposal

NWC of Old Coors DR. & Bridge BLVD.
 1021 Old Coors Dr. SW
 Albuquerque NM, 87121
 Murphy Oil USA, Inc.
 Convenience Store with Fueling Station
 Full-Service Retail



Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application

Useful Links

Integrated Development Ordinance (IDO)

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal
 Modulus Architects, Inc.
 100 Sun Ave NE, Suite 600
 Albuquerque, NM 87109
awilliamson@modulusarchitects.com
 Office (505) 338-1499 ext. 1000 Mobile (505) 999-8016

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100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109

South West Alliance of Neighborhood Assoc.
1000 N. 1st St.
Albuquerque NM 87102

HARLING CURTIS E
100 RIO VISTA PL SW
ALBUQUERQUE NM 87105-1129

MARTINEZ JOSE ALFREDO & ALDA
100 GOMEZ AVE
ALBUQUERQUE NM 87105

GARCIA CERRANO
5015 RIO VISTA DR SW
ALBUQUERQUE NM 87121

VIGIL RICHARD G & MARY HELEN
5004 RIO VISTA DR SW
ALBUQUERQUE NM 87105

JOHNS DEWAYNE J & CAROLYN I
2503 RIO VISTA CT SW
ALBUQUERQUE NM 87105

CORTIZ INEZ & MARTIN ALCALA
5008 RIO VISTA SW
ALBUQUERQUE NM 87121

BERNALLO COUNTY'S COUNTY
MANAGER
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102

Los Altos Civic Association
La Brea Avenue
2811 Los Altos Place SW
Albuquerque NM 87105

South Valley Coalition of Neighborhood Assoc.
1000 N. 1st St.
Albuquerque NM 87102

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100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109

Westside Coalition of Neighborhood Assoc.
1000 N. 1st St.
Albuquerque NM 87102

South Valley Coalition of Neighborhood Assoc.
1000 N. 1st St.
Albuquerque NM 87102

Los Altos Civic Association
La Brea Avenue
2811 Los Altos Place SW
Albuquerque NM 87105

Westside Coalition of Neighborhood Assoc.
1000 N. 1st St.
Albuquerque NM 87102

Alamosa NA
1000 N. 1st St.
Albuquerque NM 87121

South West Alliance of Neighborhoods
Overlook Center
10304 Palo Verde Place SW
Albuquerque NM 87121

Alamosa NA
1000 N. 1st St.
Albuquerque NM 87105

GARCIA DAVID & PEGGY
1500 RIO VISTA DR SW
ALBUQUERQUE NM 87105

RODRIGUEZ OSVALDO & GABRIELA
1500 RIO VISTA DR SW
ALBUQUERQUE NM 87121

RODRIGUEZ CYNTHIA OR RODRIGUEZ MARIA C
1901 OLD COOKS DR SW
ALBUQUERQUE NM 87121-0000

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



ANUNDO JAMIE & JESSICA
1310 DONAHUE RD SW
ALBUQUERQUE, NM 87111

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MONTES DAVID & SYLVIA
1258 CORTEZ DR SW
ALBUQUERQUE, NM 87111

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MARTINEZ JOSE ALFREDO & ALIDA
3800 BATEMAN PL SW
ALBUQUERQUE, NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



PRADO VICTOR O & OFELIA R
13943 TUCKER AVE
SUMMIT CA 91342-1528

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



CABRILLO GABRIEL & MAGALY
2239 PALARITO RD SW
ALBUQUERQUE, NM 87105-6639

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MUNOZ FERNANDO
3310 TAPPA PL SW
ALBUQUERQUE, NM 87105-4543

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



SHAMING SHAMONGS EASTING INC C/O AD
VALERIE M. SHAMING
PO BOX 680110
SAN ANTONIO, TX 78269-0110

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MOHTOYA GRACIE M
11271 LA LUZ DR NW
ALBUQUERQUE, NM 87107-3548

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



CIRCLE K STORES INC
5500 S CLIFTON ST SUITE 100
GREENWOOD VILLAGE CO 80111-1914



ATENCIO MICHAEL P & CAMERON B TRUSTEES
ATENCIO INT
1256 CORTEZ DR SW
ALBUQUERQUE, NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



BACA FLORENCIO
923 RIO VISTA CIR SW
ALBUQUERQUE, NM 87105-3323

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



GURROLA MARIA DE JESUS CAMPOS
5912 RIO VISTA CIR SW
ALBUQUERQUE, NM 87121-3370

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



SMI - ABC RE LLC
16801 GREENPOINT PARK DR SUITE 376
HOUSTON TX 77060-2310

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



CONTRERAS SAM A & VERONICA TRUSTEES
CONTRERAS LIT
12500 RIVINGTON AVE NW
ALBUQUERQUE, NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



RITAS APARTMENTS LLC
1248 CORTEZ DR SW
ALBUQUERQUE, NM 87121-3312

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



ABRAGON MALANIE ROSE
1244 CORTEZ DR SW
ALBUQUERQUE, NM 87121-3312

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



SALAS TRINIDAD JR & VIOLA M
1244 CORTEZ DR SW
ALBUQUERQUE, NM 87121



ACADEMY
6255 SAN ANTONIO DR NE

ALBUQUERQUE
NM

87169-9998
340128-9552
(800)275-8777

11:27 AM

6/8/2020

Product	Qty	Unit Price	Price
Forever® Postage Stamp 100		\$0.55	\$55.00
Total:			\$55.00

VISA

\$55.00

(Account #:XXXXXXXXXXXX1521)
(Approval #:00514G)
(Transaction #:221)
(Receipt #:000221)
(AID:A00000000031010)
(AL:VISA CREDIT)
(PIN:Not Required)

Chip)

CAPITAL ONE VISA)

Receipt #: 840-18520494-1-2573013-1

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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Special Exception No:..... **VA-2020-00143**
Project No: **Project#2020-003911**
Hearing Date: 07-21-20
Closing of Public Record: 07-21-20
Date of Decision: 08-05-20

On the 21st day of July, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district (“Application”) upon the real property located at 99999 Bridge Blvd SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Questions have arisen regarding the uses, addresses, and legal descriptions noticed for this application and the related application listed under VA-2020-00144, Project#2020-003911.
2. The ZHE also has questions regarding whether the proposed conditional use may or may not satisfy IDO Section 14-16-6-6(a)(3)(a), which requires that the proposed conditional use be consistent with the adopted ABC Comp Plan, as amended. Specifically, the ZHE would like additional evidence regarding Comp Plan Policy 5.3.7, which pertains to “Locally Unwanted Land Uses,” and which exists to “[e]nsure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.”
3. This matter should be deferred to allow Applicant and the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on August 18, 2020.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" and last name "Lucero" clearly distinguishable.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Modulus Architects, Angela Williamson, awilliamson@modulusarchitects.com



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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for liquor sale within 500 feet of residential for Lot B, Block 5, Los Altos, located at 1021 Old Coors Dr SW, zoned MX-M [Section 14-16-4-3(D)(36)(c)]

Special Exception No:..... **VA-2020-00144**
Project No: **Project#2020-003911**
Hearing Date: 07-21-20
Closing of Public Record: 07-21-20
Date of Decision: 08-05-20

On the 21st day of July, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for liquor sale within 500 feet of residential (“Application”) upon the real property located at 1021 Old Coors Dr SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Questions have arisen regarding the uses, addresses, and legal descriptions noticed for this application and the related application listed under VA-2020-00143, Project#2020-003911.
2. The ZHE also has questions regarding whether the proposed conditional use may or may not satisfy IDO Section 14-16-6-6(a)(3)(a), which requires that the proposed conditional use be consistent with the adopted ABC Comp Plan, as amended. Specifically, the ZHE would like additional evidence regarding Comp Plan Policy 5.3.7, which pertains to “Locally Unwanted Land Uses,” and which exists to “[e]nsure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.”
3. This matter should be deferred to allow Applicant and the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on August 18, 2020.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" and last name "Lucero" clearly distinguishable.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Modulus Architects, Angela Williamson, awilliamson@modulusarchitects.com

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.

4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.

4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.

4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.

Applicable Dimensional/Development Standards: n/a

Prior Approval Conditions: No prior special exceptions on the western lot

Traffic Recommendations: No objections

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.

City Parcel

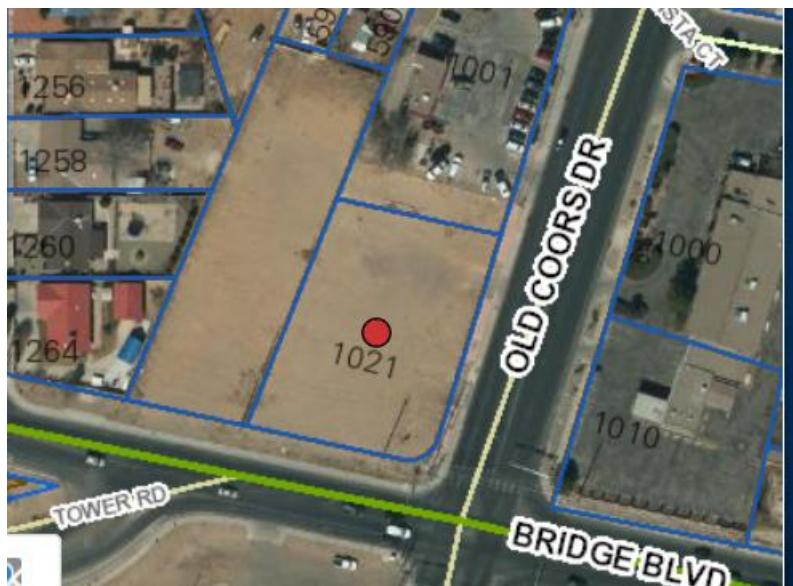
Address: 99999 BRIDGE BLVD SW

Apartment:

Lot: COMMERCIAL TRACT **Block:** 5

Subdivision: LOS ALTOS

Pin: ABQ166918



City of Albuquerque ZHE – July 21, 2020

Agenda Item #7

VA-2020-00144

PR-2020-003911

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) request a conditional use to allow for liquor sale within 500 feet of residential for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW zoned MX-M [Section 14-16-4-3(D)(36)(c)]

Ownership: Owner: MARTINEZ JOSE ALFREDO & AILDA

Zone District/Purpose: MX-M/The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.

Allowable Use:

Liquor retail							C	A	P	P	P	C	C	C					4-3(D)(36)
---------------	--	--	--	--	--	--	---	---	---	---	---	---	---	---	--	--	--	--	------------

Applicable Comp Plan Designation(s): Area of Change, Bridge/Tower MT

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s):

4-3(D)(36) Liquor Retail

4-3(D)(36)(a) Alcohol sales for off-premises consumption is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(36)(b) Alcohol sales for on-premises consumption is also allowed as an incidental activity provided that the establishment complies with all New Mexico state law requirements.

4-3(D)(36)(c) Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

Applicable Dimensional/Development Standards: n/a

Prior Approval Conditions: 1003639 – Approval of carport

Traffic Recommendations: No objections

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.

City Parcel

Address: 1021 OLD COORS DR SW

Apartment:

Lot: B **Block:** 5

Subdivision: LOS ALTOS

Pin: ABQ167431





Mr. Robert Lucero
Zoning Hearing Examiner
Plaza del Sol Hearing Room, Basement Level
600 Second Street NW
Albuquerque, New Mexico 87103
Phone: (505) 924-3894

August 11, 2020

**Re: Supplemental/Supporting Information - Conditional Use Permit Request
VA-2020-00144/Project No. PR-2020-003911
Market Void Analysis – Liquor Retail**

Mr. Lucero,

The following information is provided in order to supplement the record for the above-referenced project.

Liquor Retail Void Analysis Report for the NWC of Old Coors & Bridge

- There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;
- The AVERAGE number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;
- The AVERAGE number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.
- The distance between the proposed site and the **NEAREST** Liquor Retail opportunity is **7,392 sq. ft.** away;
- This distance greatly **EXCEEDS** the strictest legal liquor distance separation laws in all of the United States;
- The strictest distance restriction of liquor retail establishments to one another in the United States is 2,500 sq. ft.;
- Our site exceeds this by more than 4,892 sq. ft.;
- Average population density for a liquor establishment in the United States for Quota State is 1 liquor establishment for 10,204 people
- Average population density for a liquor retail establishment in the United States for No Quota States is 1 liquor establishment for every 5,737 people; and
- New Mexico has one of the most restrictive density restrictions of population to liquor establishments in the United States with only one liquor establishment per 21,952 people.

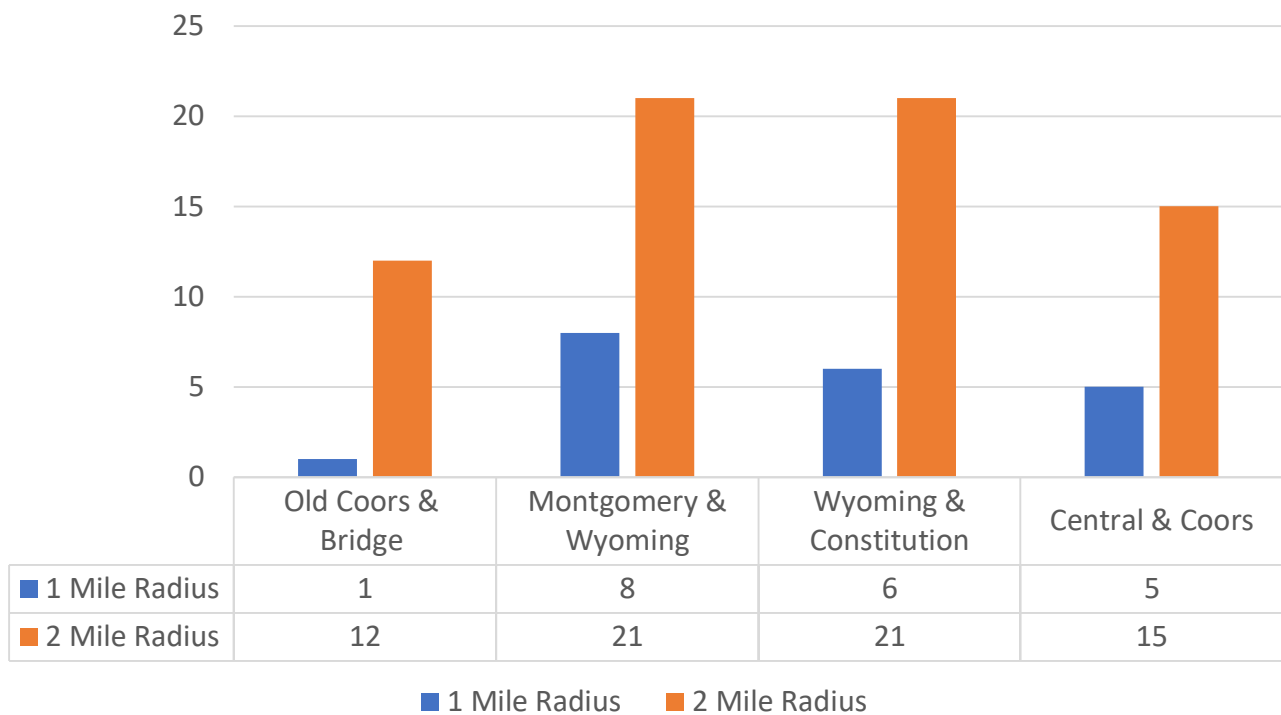


Old Coors & Bridge – Albuquerque, New Mexico



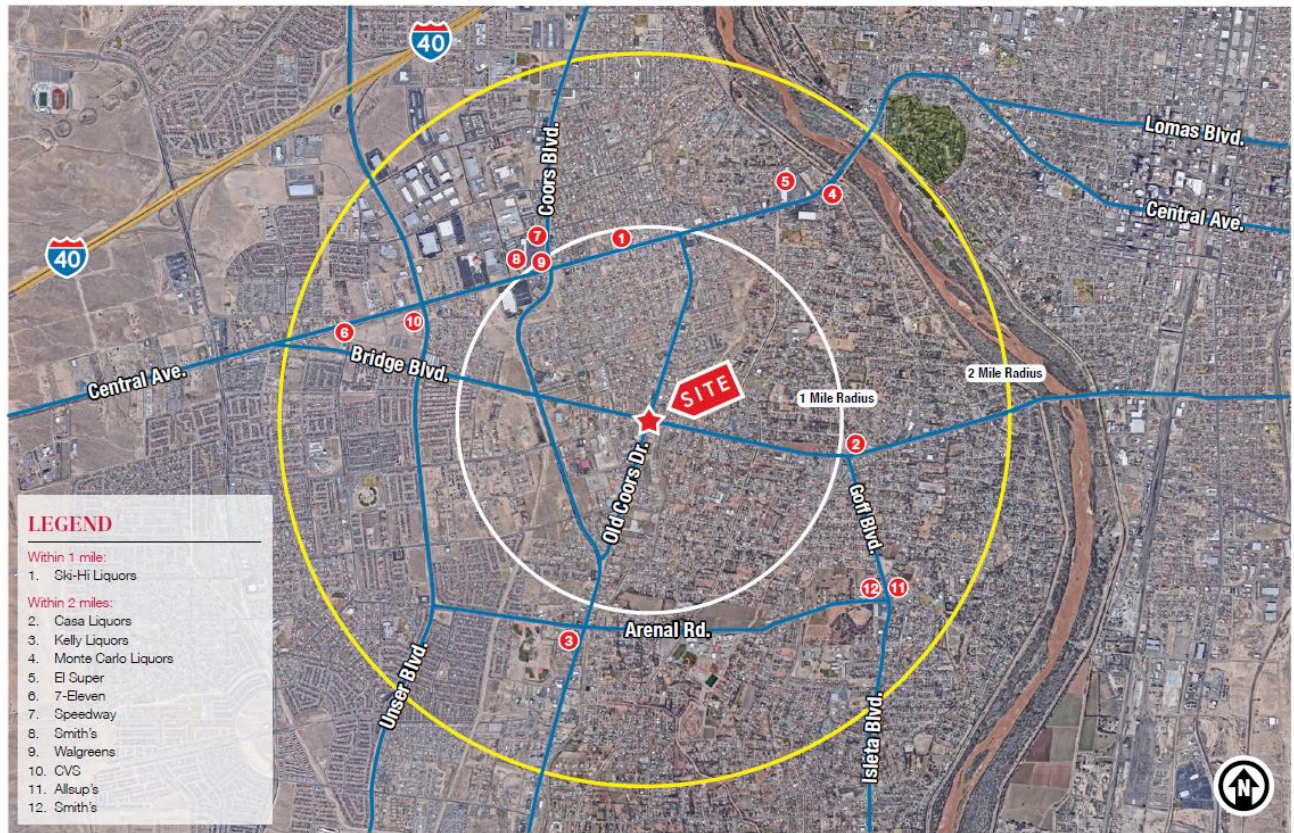


**Liquor Retail Void Analysis
Old Coors & Bridge**



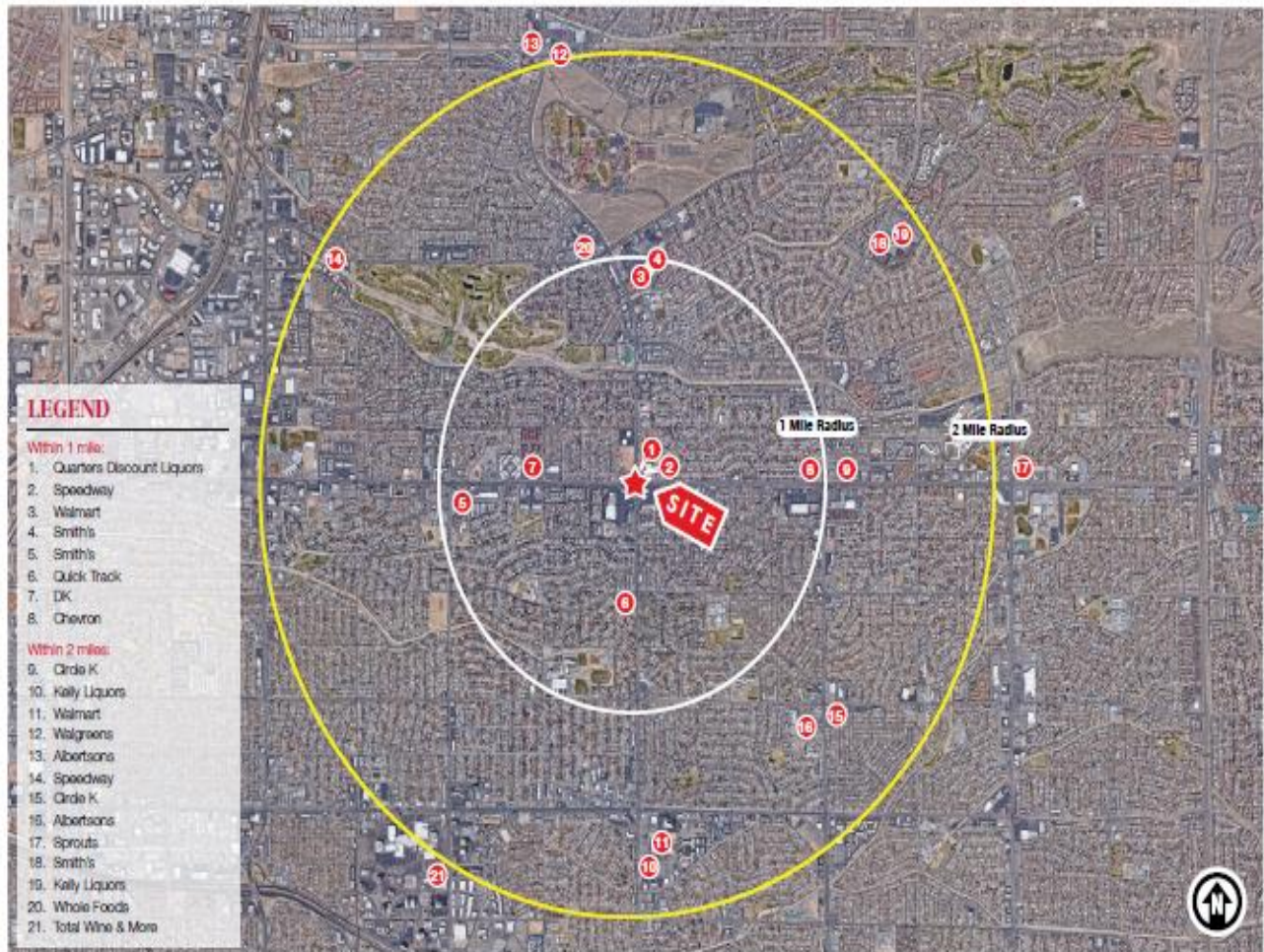


Liquor Retail Void Analysis Old Coors & Bridge - Albuquerque, New Mexico





Liquor Retail Void Analysis Report - Montgomery & Wyoming Albuquerque, New Mexico





Liquor Retail - Void Analysis Constitution & Wyoming - Albuquerque, New Mexico





Liquor Retail - Void Analysis Coors & Central - Albuquerque, New Mexico



Liquor Retail in Albuquerque

- New Mexico as a State is one of the most underserved markets in the nation when it comes to Liquor Retail opportunities;
- New Mexico is a Quota State which means it allows only one liquor license liquor for every two thousand people;
- In 2015, this market trade area had a population of more than 115,000;
- The subject site for this request has only ONE retail liquor outlet within a 1.5-mile radius; and,
- **The market trade area for this use is WELL UNDERSERVED by more than 40% as compared to the Albuquerque average.**



References for Data Analysis

Market Analysis of Retail Liquor Establishment Locations - Maestas & Ward Commercial Real Estate Experts, (2020)

Liquor Outlets, American Planning Association Published Report Retail Market Analysis of the West Central Trade Area – Albuquerque, New Mexico – Gibbs Planning Group, Inc. (2011) with market projects used for current analysis

New Mexico Liquor Control Act, 60-6A-18 Limitation on number of licenses issued in New Mexico (Revised Sept. 2019)

Liquor Store Density per Population United States – Marathon Strategies Research Group (Published 2014)

Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave. NE, Suite 600
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office: (505) 338-1499 ext. 1000
Cell: (505) 999-8016

From: [Angela Williamson](#)
To: [Patten-Quintana, Lorena](#)
Cc: [Sanchez, Suzanna A.](#); [Regina Okoye](#)
Subject: URGENT - Supplemental- Liquor Retail Void Analysis VA-2020-00144
Date: Tuesday, August 11, 2020 3:20:39 PM
Attachments: [Liquor Retail Void Analysis for Old Coors & Bridge Presentation .pdf](#)
[Liquor Retail Void Analysis for Old Coors & Bridge Presentation .pdf](#)
[Supplemental Retail Liquor Void Analysis Report.pdf](#)
Importance: High

Good afternoon Lorena and Suzanna,

Conditional Use Permit Request
VA-2020-00144 / Project #PR-2020-003911

Please see me supplemental information for our CUP request – Liquor Retail. We have provided a Void Analysis Study for Old Coors and Bridge. Our analysis clearly demonstrates that there is a need for this use in this area and that this area is substantially underserved as compared to the rest of Albuquerque. I intend to present this at the ZHE Hearing in the form of a PowerPoint if possible.

All my best,
Angela

Angela M. Williamson, CEO/Principal
Modulus Architects & Land Use Planning, Inc.

100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
Office: (505) 338.1499 ext. 1000
Cell + Text: (505) 999.8016
Email: awilliamson@modulusarchitects.com
Website: www.modulusarchitects.com
Join us on Facebook: [Modulus Architects on Facebook](#)
Find me on LinkedIn: [Angela LinkedIn Profile](#)

Black Logo for Email



From: Patten-Quintana, Lorena [mailto:lpatten-quintana@cabq.gov]
Sent: Friday, August 7, 2020 12:09 PM
To: Angela Williamson <awilliamson@modulusarchitects.com>
Cc: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>; Regina Okoye

<rokoye@modulusarchitects.com>

Subject: RE: CUP for Murphy at Old Coors & Bridge

The deadline to submit materials for the record is next Wednesday by 5 pm. You may provide documents for the file and then summarize for brevity.

-Lorena

From: Angela Williamson <awilliamson@modulusarchitects.com>

Sent: Friday, August 7, 2020 11:47 AM

To: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>

Cc: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>; Regina Okoye <rokoye@modulusarchitects.com>

Subject: CUP for Murphy at Old Coors & Bridge

Hi Lorena,

I am working on several exhibits to submit for consideration of my request. We hired a real estate expert to do a "VOID ANALYSIS" that demonstrates the need for liquor retail at our location and we compared it to several other infill locations sporadically around the City.

Also, my client has agreed to not sell hard liquor at this location and do ONLY beer and wine. How do you recommend I provide all of this updated information to the ZHE?

Thank you,
Angela

Angela M. Williamson, CEO/Principal

Modulus Architects & Land Use Planning, Inc.

100 Sun Ave NE, Suite 600

Albuquerque, New Mexico 87109

Office: (505) 338.1499 ext. 1000

Cell + Text: (505) 999.8016

Email: awilliamson@modulusarchitects.com

Website: www.modulusarchitects.com

Join us on Facebook: [Modulus Architects on Facebook](#)

Find me on LinkedIn: [Angela LinkedIn Profile](#)

Black Logo for Email

=====
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=====
This message has been analyzed by Deep Discovery Email Inspector.

Marketplace Void Analysis Liquor Retail

NWC Old Coors & Bridge Blvd.
Albuquerque, New Mexico

Conditional Use Permit Request
VA-2020-00144 / Project #PR-2020-003911



Marketplace Void Analysis Report for the NWC of Old Coors & Bridge

- There is only (1) Liquor Retail opportunity within a 1.5 mile radius of this location
- The AVERAGE number of Liquor Retail opportunities in Albuquerque per 1 mile radius is 5
- The AVERAGE number of liquor opportunities in Albuquerque per 2 mile radius is 17.25



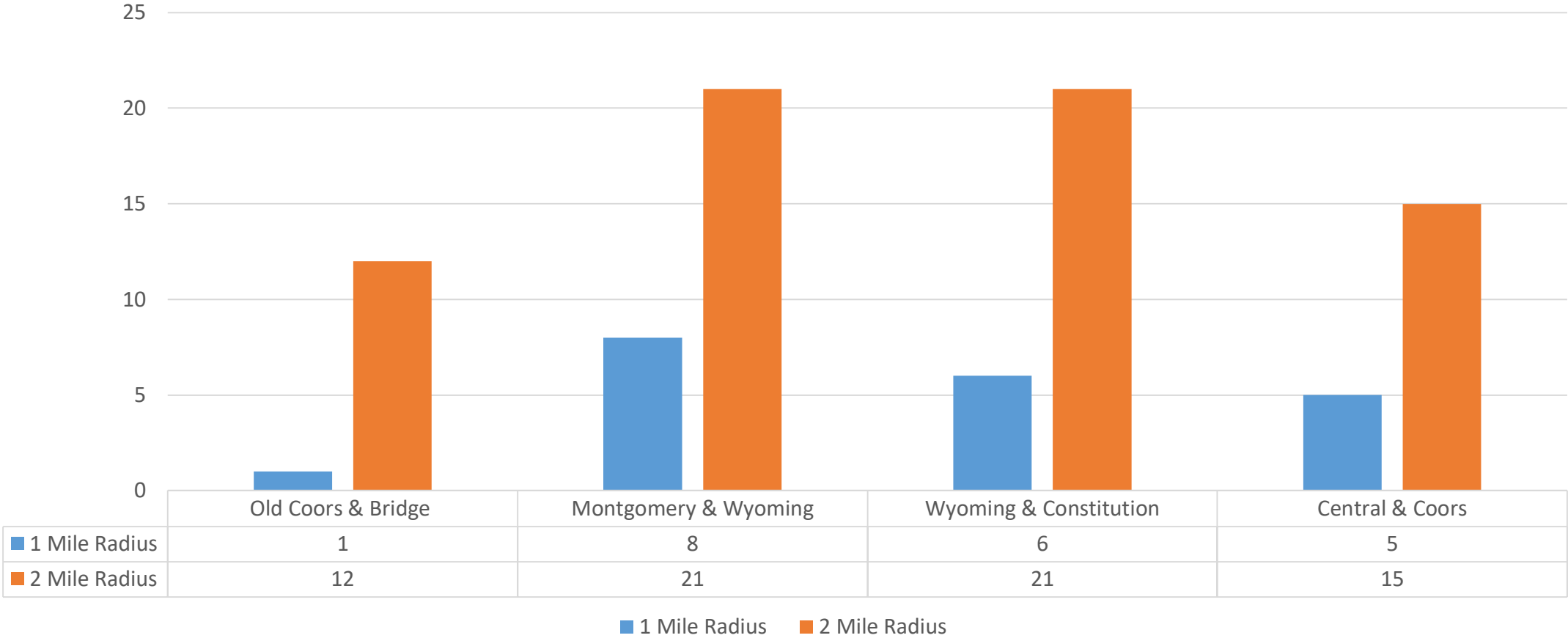
Liquor Retail Void Analysis

NWC Old Coors & Bridge

- The distance between the proposed site and the NEAREST Liquor Retail opportunity is **7,392** sq. ft. away
- This distance greatly **EXCEEDS** the strictest legal liquor distance separation laws in all of the United States
- The strictest distance restriction of liquor retail establishments to one another in the United States is 2,500 sq. ft.
- Our site exceeds this by more than 4,892 sq. ft.
- Average population density for a liquor establishment in the United States for Quota States is 1 liquor establishment for 10,204 people
- Average population density for a liquor retail establishment in the United States for Non-Quota States is 1 liquor establishment for every 5,737 people
- New Mexico has one of the most restrictive density restrictions of population to liquor establishments in the United States with only one liquor establishment allowed per 21,953 people

Liquor Retail Void Analysis

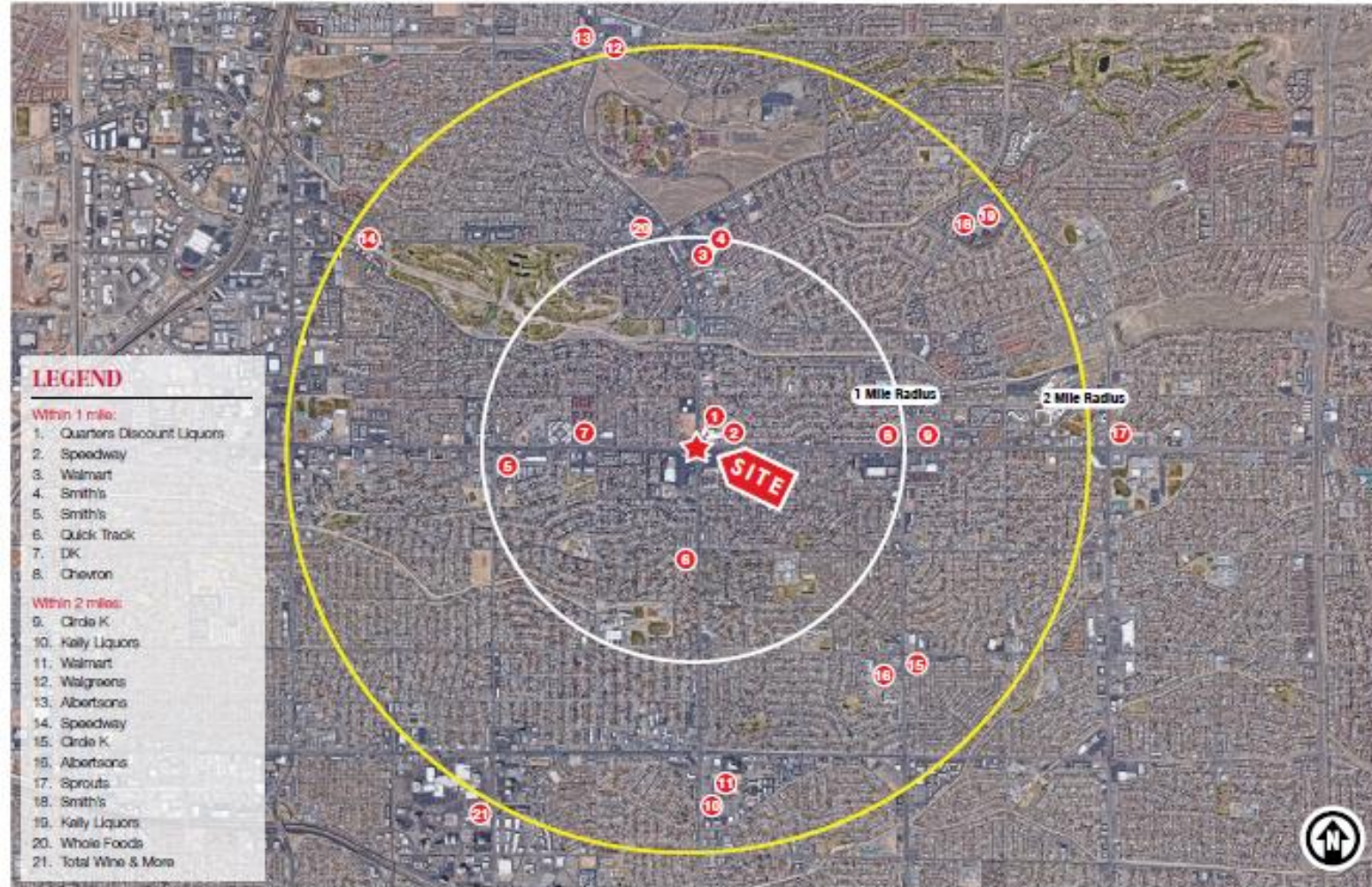
Old Coors & Bridge



Old Coors & Bridge Marketplace Void Analysis



Montgomery & Wyoming Marketplace Void Analysis Report



Constitution & Wyoming Marketplace Void Analysis



Central & Coors Marketplace Void Analysis



Liquor Retail in Albuquerque

- New Mexico as a State is one of the most underserved markets in the nation when it comes to Liquor Retail opportunities.
- New Mexico is a Quota State which means it allows only one liquor license liquor for every two thousand people.
- In 2015, this market trade area had a population of more than 115,000
- The subject site for this request has only ONE retail liquor outlet within a 1.5 mile radius.
- The market trade area for this use is WELL UNDERSERVED by more than 40% as compared to the Albuquerque average

References for Data Analysis

- *Market Analysis of Retail Liquor Establishment Locations - Maestas & Ward Commercial Real Estate Experts, (2020)*
- *Liquor Outlets, American Planning Association Published Report*
- *Retail Market Analysis of the West Central Trade Area – Albuquerque, New Mexico – Gibbs Planning Group, Inc. (2011) with market projects used for current analysis*
- *New Mexico Liquor Control Act, 60-6A-18 Limitation on number of licenses issued in New Mexico (Revised Sept. 2019)*
- *Liquor Store Density per Population United States – Marathon Strategies Research Group (Published 2014)*

Regina Okoye

From: Regina Okoye
Sent: Monday, August 3, 2020 9:35 AM
To: 'jgallegoswccdg@gmail.com'; 'jetbac@aol.com'; 'cherquezada@yahoo.com'; 'jgallegoswccdg@gmail.com'; 'aboard111@gmail.com'; 'hlhen@comcast.net'; 'mbfernandez1@gmail.com'; 'dstracener45@gmail.com'; 'Athena@athenalaroux.com'; 'land@trna.org'; 'rroibal@comcast.net'
Cc: Angela Williamson
Subject: UPDATED NEIGHBORHOOD MEETING NOTICE about Conditional Use Permit Application to the Zoning Hearing Examiner
Attachments: 20 - Site Plan.pdf

Tracking:	Recipient	Delivery	Read
	'jgallegoswccdg@gmail.com'		
	'jetbac@aol.com'		
	'cherquezada@yahoo.com'		
	'jgallegoswccdg@gmail.com'		
	'aboard111@gmail.com'		
	'hlhen@comcast.net'		
	'mbfernandez1@gmail.com'		
	'dstracener45@gmail.com'		
	'Athena@athenalaroux.com'		
	'land@trna.org'		
	'rroibal@comcast.net'		
	Angela Williamson	Delivered: 8/3/2020 9:35 AM	Read: 8/3/2020 9:36 AM



To Whom It May Concern,

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i): PR# 2020-003911, VA#2020-00143

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36): PR: 2020-003911, VA# 2020-00144

Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
(505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Address: 99999 Bridge Blvd SW, Albuquerque NM, 87121
UPC: 101105624937420702
Legal Description: A TRACT OF LAND LYING WEST OF & ADJ TO TRS A & B LOS ALTOSADDN BLK 5 EXC LOT 12 & THE WESTERLY 26.2 FT OF LOT 13CONT 29475 SF M/L
Murphy Oil USA, Inc.
Convenience Store with Fueling Station
Full-Service Retail

On February 27, 2020 I issued a public notice offering a meeting for our project on the NWC of Old Coors & Bridge. To date, there have not been any meetings scheduled but I have spoken at length with Ms. Athena LaRoux with the Los Altos Civic Association which is the only neighborhood association representative that I was contacted by. She expressed concerns regarding the traffic congestion and the sale of alcohol at this location. Based on her concerns I have met with Bernalillo County Traffic Manager, Ms. Julie Luna to discuss the plans for this intersection. The realignment plans for this project have been approved, funded, issued for bid and awarded to a General Contractor. She states that the construction will be imminent. We have been working with both the County and City to locate our access at a location that will enhance the roadway alignment project and increase the safety for this corner.

I shared quite a bit of information regarding the Murphy company as an operator. First and foremost, they do not ever franchise their locations. Every development is corporately owned and managed with a strict protocol for safety. In their ten-year history in New Mexico they have never received a violation from the State Licensing Board for alcohol violations, which speaks to their management. They also provide extensive security monitoring live 24/7 from their headquarters operation. These cameras are located inside and outside in many different areas. However, based on the feedback that I was given by Ms. La Roux, I spoke with our client and Murphy has voluntarily agreed not to sell alcohol miniatures at this location. We would like to be a welcome development in the neighborhood and a good neighbor. Furthermore, have added additional landscaping and landscape buffers to ensure the safety and privacy of the adjacent residential neighborhoods. A photometric study was done to mitigate the amount of light being emitted from the establishment. This will also ensure that there is no light pollution from our store on any of the surrounding developments.

This notice is only to inform you about the project address update. The updated project address is 99999 Bridge Blvd SW, Albuquerque NM, 87121. The Zone Atlas Map above highlights the exact location. Attached is the proposed Murphy Express Site Plan for your reference.

Before submitting our application, we will send mailed and/or emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing at which the project will be reviewed and decided by the City.

Useful Links

Integrated Development Ordinance (IDO)

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,
Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office (505) 338-1499 ext. 1000
Mobile (505) 999-8016

REGINA OKOYE, ENTITLEMENTS PROJECT MANAGER

MODULUS ARCHITECTS, INC.

100 Sun Avenue NE, Suite 600

Albuquerque, NM 87109

Office 505.338.1499 (Ext. 1003)

Mobile + Text 505.267.7686

www.modulusarchitects.com



Regina Okoye

From: Regina Okoye
Sent: Monday, August 3, 2020 9:56 AM
To: 'jgallegoswccdg@gmail.com'; 'jetbac@aol.com'; 'cherquezada@yahoo.com'; 'jgallegoswccdg@gmail.com'; 'aboard111@gmail.com'; 'hlhen@comcast.net'; 'mbfernandez1@gmail.com'; 'dstracener45@gmail.com'; 'Athena@athenalaroux.com'; 'land@trna.org'; 'rroibal@comcast.net'
Cc: Angela Williamson
Subject: RE: UPDATED PUBLIC NOTICE OF ZHE HEARING VIA ZOOM about Conditional Use Permit Application to the Zoning Hearing Examiner
Attachments: 20 - Site Plan.pdf

Tracking:	Recipient	Delivery	Read
	'jgallegoswccdg@gmail.com'		
	'jetbac@aol.com'		
	'cherquezada@yahoo.com'		
	'jgallegoswccdg@gmail.com'		
	'aboard111@gmail.com'		
	'hlhen@comcast.net'		
	'mbfernandez1@gmail.com'		
	'dstracener45@gmail.com'		
	'Athena@athenalaroux.com'		
	'land@trna.org'		
	'rroibal@comcast.net'		
	Angela Williamson	Delivered: 8/3/2020 9:56 AM	Read: 8/3/2020 10:01 AM



RE: UPDATED PUBLIC NOTICE OF ZHE HEARING VIA ZOOM - THIS NOTICE IS TO INFORM YOU ABOUT THE ADDRESS UPDATE TO THE REQUESTED APPLICATION FOR CONDITIONAL USE PERMITS TO THE ZONING HEARING EXAMINER

Dear Neighborhood Representatives,

Modulus Architects, Inc. on behalf of Murphy Oil USA, Inc. will be requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a Conditional Use Permit to allow the following:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i): PR# 2020-003911, VA#2020-00143

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36): PR: 2020-003911, VA# 2020-00144

4-3(D)(36)(c) – Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

The applicant is requesting a Conditional Use Permit for a light vehicle fueling station and for liquor retail per IDO 4-3(D)(17)(i) and 4-3(D)(36)(c) for lot A only. The subject property is located adjacent to and within 500 feet of a Residential zone district. Therefore, meeting the standard for this requirement. Attached is the Site Plan for the project that highlights the projects proximity to the Residential zone district.

This notice is to inform you about the project address update and new Zoom Meeting on August 18th, 2020. The updated project address is 99999 Bridge Blvd SW, Albuquerque NM, 87121. The Zone Atlas Map below highlights the exact location.



Contact Information

Modulus Architects, Inc.
 100 Sun Ave NE, Suite 600
 Albuquerque, New Mexico 87109
 c/o Angela Williamson, CEO/Principal (Agent)
 (505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

Project or Development Proposal

Address: 99999 Bridge Blvd SW, Albuquerque NM, 87121
 UPC: 101105624937420702

Legal Description: A TRACT OF LAND LYING WEST OF & ADJ TO TRS A & B LOS ALTOSADDN BLK 5 EXC LOT 12 & THE WESTERLY 26.2 FT OF LOT 13CONT 29475 SF M/L
 Murphy Oil USA, Inc.

Convenience Store with Fueling Station
 Full-Service Retail

A hearing will be held on August 18, 2020 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

<https://cabq.zoom.us/j/91253495489>

Meeting ID: 912 5349 5489

One tap mobile

+13017158592,,91253495489# US (Germantown)

+13126266799,,91253495489# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 912 5349 5489

Find your local number: <https://cabq.zoom.us/u/aepARMwc9>

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application"

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application"

Useful Links

Integrated Development Ordinance (IDO)

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.
Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office (505) 338-1499 ext. 1000 Mobile (505) 999-8016



August 3, 2020

UPDATED NEIGHBORHOOD MEETING NOTICE – THIS NOTICE IS TO INFORM YOU ABOUT THE ADDRESS UPDATE TO THE REQUESTED APPLICATION FOR CONDITIONAL USE PERMITS TO THE ZONING HEARING EXAMINER

To Whom It May Concern,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we have provided you an opportunity to discuss the following application(s) we will be making for a project proposed in or near your neighborhood:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i): PR# 2020-003911, VA#2020-00143

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36): PR: 2020-003911, VA# 2020-00144

4-3(D)(36)(c) – Notwithstanding other provisions in this Subsection 14-16-4-3(D)(36), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.



Contact Information

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100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
(505) 338-1499 ext. 1000
awilliamson@modulusarchitects.com

UPDATED Project or Development Proposal

Address: 99999 Bridge Blvd SW, Albuquerque NM, 87121
UPC: 101105624937420702
Legal Description: A TRACT OF LAND LYING WEST OF & ADJ TO TRS A & B LOS ALTOS ADDN BLK 5 EXC LOT 12 & THE WESTERLY 26.2 FT OF LOT 13 CONT 29475 SF M/L
Murphy Oil USA, Inc.
Convenience Store with Fueling Station
Full-Service Retail



On February 27, 2020 I issued a public notice offering a meeting for our project on the NWC of Old Coors & Bridge. To date, there have not been any meetings scheduled but I have spoken at length with Ms. Athena LaRoux with the Los Altos Civic Association which is the only neighborhood association representative that I was contacted by. She expressed concerns regarding the traffic congestion and the sale of alcohol at this location. Based on her concerns I have met with Bernalillo County Traffic Manager, Ms. Julie Luna to discuss the plans for this intersection. The realignment plans for this project have been approved, funded, issued for bid and awarded to a General Contractor. She states that the construction will be imminent. We have been working with both the County and City to locate our access at a location that will enhance the roadway alignment project and increase the safety for this corner.

I shared quite a bit of information regarding the Murphy company as an operator. First and foremost, they do not ever franchise their locations. Every development is corporately owned and managed with a strict protocol for safety. In their ten-year history in New Mexico they have never received a violation from the State Licensing Board for alcohol violations, which speaks to their management. They also provide extensive security monitoring live 24/7 from their headquarters operation. These cameras are located inside and outside in many different areas. However, based on the feedback that I was given by Ms. La Roux, I spoke with our client and Murphy has voluntarily agreed not to sell alcohol miniatures at this location. We would like to be a welcome development in the neighborhood and a good neighbor. Furthermore, have added additional landscaping and landscape buffers to ensure the safety and privacy of the adjacent residential neighborhoods. A photometric study was done to mitigate the amount of light being emitted from the establishment. This will also ensure that there is no light pollution from our store on any of the surrounding developments.

This notice is only to inform you about the project address update. The updated project address is 99999 Bridge Blvd SW, Albuquerque NM, 87121. The Zone Atlas Map above highlights the exact location.

Before submitting our application, we will send mailed and/or emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing at which the project will be reviewed and decided by the City.

Useful Links

Integrated Development Ordinance (IDO)

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office (505) 338-1499 ext. 1000
Mobile (505) 999-8016



August 3, 2020

RE: UPDATED PUBLIC NOTICE OF ZHE HEARING VIA ZOOM - THIS NOTICE IS TO INFORM YOU ABOUT THE ADDRESS UPDATE TO THE REQUESTED APPLICATION FOR CONDITIONAL USE PERMITS TO THE ZONING HEARING EXAMINER

Dear Neighborhood Representatives,

Modulus Architects, Inc. on behalf of Murphy Oil USA, Inc. will be requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a Conditional Use Permit to allow the following:

ZHE - Conditional Use Permit – Light Vehicle Fueling Station 4-3(D)(17)(i): PR# 2020-003911, VA#2020-00143

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

ZHE – Conditional Use Permit – Liquor Retail 4-3(D)(36): PR: 2020-003911, VA# 2020-00144

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The applicant is requesting a Conditional Use Permit for a light vehicle fueling station and for liquor retail per IDO 4-3(D)(17)(i) and 4-3(D)(36)(c) for lot A only. The subject property is located adjacent to and within 500 feet of a Residential zone district. Therefore, meeting the standard for this requirement. Attached is the Site Plan for the project that highlights the projects proximity to the Residential zone district.

This notice is to inform you about the project address update and new Zoom Meeting on August 18th, 2020. The updated project address is 99999 Bridge Blvd SW, Albuquerque NM, 87121. The Zone Atlas Map below highlights the exact location.



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100 Sun Ave NE, Suite 600
Albuquerque, New Mexico 87109
c/o Angela Williamson, CEO/Principal (Agent)
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awilliamson@modulusarchitects.com

Project or Development Proposal

Address: 99999 Bridge Blvd SW, Albuquerque NM, 87121
UPC: 101105624937420702
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Murphy Oil USA, Inc.
Convenience Store with Fueling Station
Full-Service Retail

A hearing will be held on August 18, 2020 beginning at 9:00AM via ZOOM.

Join Zoom Meeting

<https://cabq.zoom.us/j/91253495489>

Meeting ID: 912 5349 5489

One tap mobile

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+13126266799,,91253495489# US (Chicago)

Dial by your location

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+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 912 5349 5489

Find your local number: <https://cabq.zoom.us/u/aepARMwc9>

For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov.

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<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

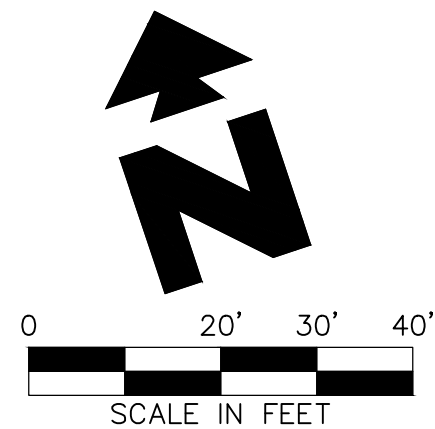
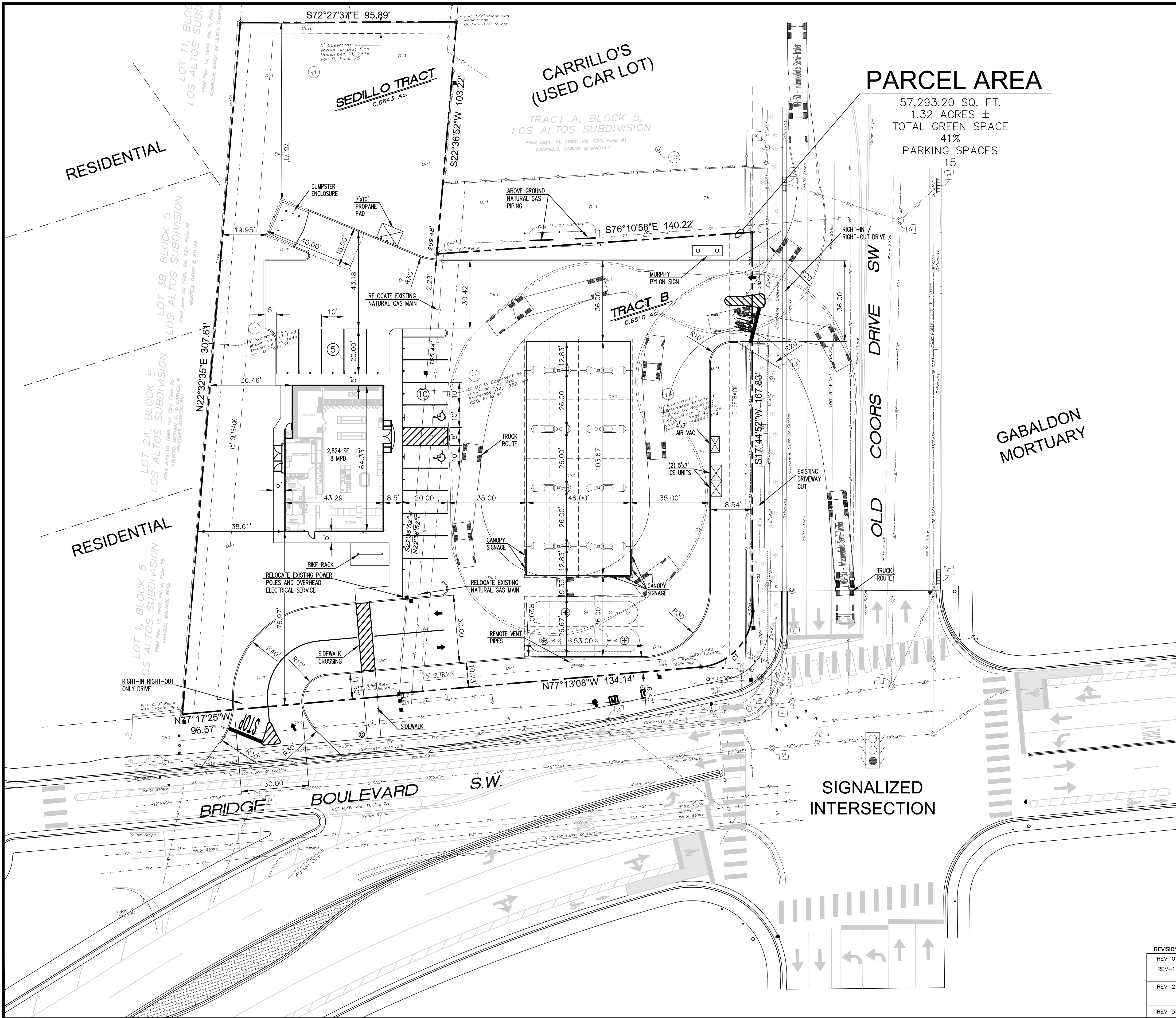
IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

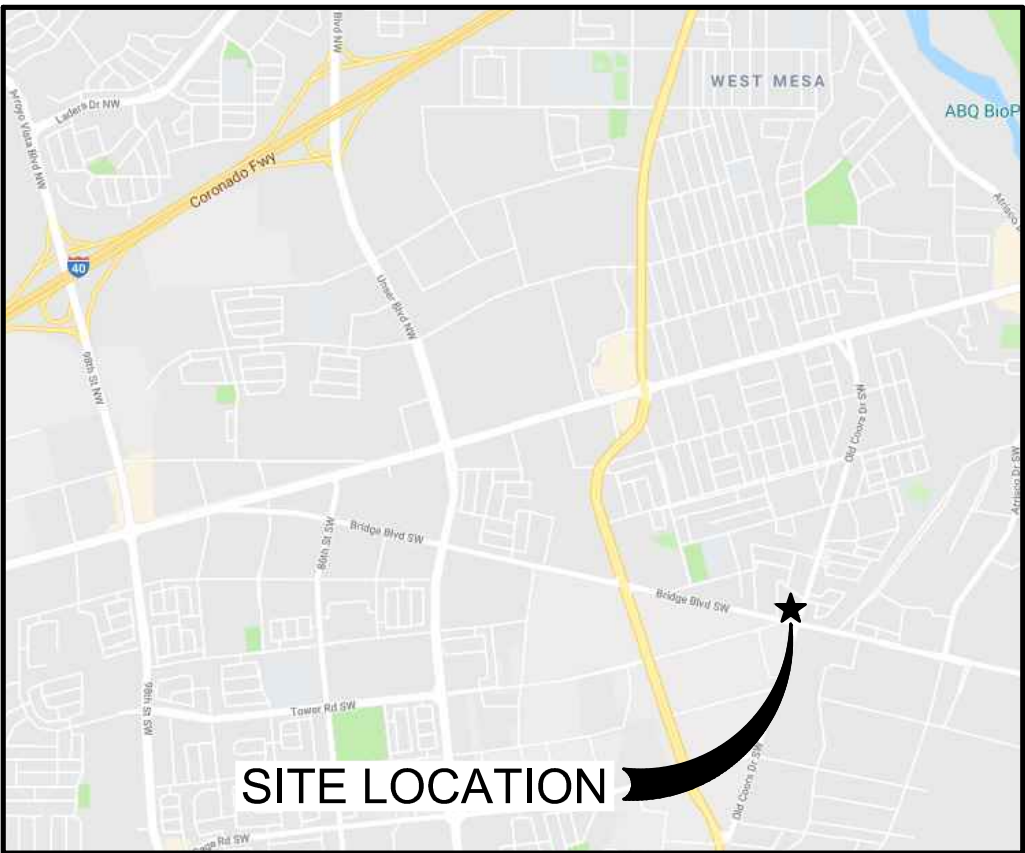
Sincerely,

Angela Williamson, CEO/Principal
Modulus Architects, Inc.
100 Sun Ave NE, Suite 600
Albuquerque, NM 87109
awilliamson@modulusarchitects.com
Office (505) 338-1499 ext. 1000 Mobile (505) 999-8016



NOTE:
REZONING REQUIRED.

PARCEL DATA		
	S.F.	ACRES
MURPHY PARCEL	57,293.20	1.32
GREENSPACE	41%	
REQUIRED PARKING	1 SP/250 S.F. (12 REQ'D.)	
PARKING SPACES PROVIDED	15 + 16 UNDER CANOPY	
ZONING	NR-C (Tract B) MX-M (Sedillo Tract)	
SETBACKS		
	FRONT:	5' MIN.
	SIDES:	0' INTERIOR/5' STREET SIDE
	REAR:	15' MIN.
SIGN	PYLON SIGN, 26' HT., 200 SF MAX	



VICINITY MAP
N.T.S.

REVISION	DATE	DESCRIPTION
REV-0	4/29/19	2,824 SF 8 MPD (STACKED) CONCEPTUAL
REV-1	6/20/19	REMOVE SECOND DRIVE ALONG OLD COORS, ALIGN BRIDGE BLVD. DRIVE WITH TOWER ROAD
REV-2	10/1/19	ADDED NEW TOPO SURVEY AND ADJUSTED SITE, ADDED PROPOSED ROAD RECONSTRUCTION AND STRIPING PLAN (BY OTHERS), REVISED DRIVE ALONG BRIDGE BLVD. TO BE SEPARATE RIGHT-IN RIGHT-OUT DRIVES
REV-3	10/8/19	REVISED RIGHT-IN RIGHT-OUT DRIVE ALONG BRIDGE BOULEVARD

MURPHY OIL USA, INC.

MURPHY USA

200 PEACH STREET
EL DORADO, AR 71730

CONTACT: RON BORDELON

PAN AMERICAN ENGINEERS, LLC
P.O. BOX 88 / 1717 JACKSON STREET
ALEXANDRIA, LA. 71309
(337) 478-2100

ALBUQUERQUE NEW MEXICO

SITE PLAN
MURPHY EXPRESS
1021 OLD COORS DRIVE

SITE PLAN
MURPHY EXPRESS
1021 OLD COORS DRIVE

SHEET NO.

BASED ON SURVEY BY:
SURV. TEK
9384 VALLEY VIEW DRIVE, NW
ALBUQUERQUE, NM 87114
PHONE: (505) 897-3366
DATED: 9/19

REVISION
REV-3
DATE
10/8/19
JOB NO.
11347

REVISION
REV-3
DATE
10/8/19
JOB NO.
11347

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



CARRILLO GABINO & MAGALY
2239 PAJARITO RD SW
ALBUQUERQUE NM 87105-6639

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



ATENCIO MICHAEL P & CARMEN R TRUSTEES
ATENCIO RVT
1256 CORTEZ DR SW
ALBUQUERQUE NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



Alamosa NA
Gallegos Jerry
5921 Central Avenue NW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



RODRIGUEZ CINTHIA OR RODRIGUEZ MARIA C
591 OLD COONS DR SW
ALBUQUERQUE NM 87121-0000

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



CIRCLE K STORES INC
5500 S QUEBEC ST SUITE 100
GREENWOOD VILLAGE CO 80111-1914

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



PRADO VICTOR O & OFELIA R
13943 TUCKER AVE
SYLMAR CA 91342-1928

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



SMI - ABC RE LLC
16801 GREENSPRING PARK DR SUITE 376
HOUSTON TX 77060-2310

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



RODRIGUEZ OSVALDO & GABRIELLA
3249 CORTEZ DR SW
ALBUQUERQUE NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



GARCIA GERARD
5916 RIO VISTA DR SW
ALBUQUERQUE NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MONTES DAVID & SYLVIA
1258 CORTEZ DR SW
ALBUQUERQUE NM 87121



MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MUNOZ FERNANDO
1910 TAPIA PL SW
ALBUQUERQUE NM 87105-4543

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



BACA FLORENCIO
923 RIO VISTA CIR SW
ALBUQUERQUE NM 87105-3323

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MONTTOYA GRACIE M
1127 LA LUZ DR NW
ALBUQUERQUE NM 87107-3548

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



SALAS TRINIDAD JR & VIOLA M
1244 CORTEZ DR SW
ALBUQUERQUE NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



MUNOZ JAIME & JESSICA
1910 GONZALES RD SW
ALBUQUERQUE NM 87121

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



South Valley Coalition of Neighborhood Assoc.
Rosal Roberto
2233 Don Felipe Road SW
Albuquerque NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



GURROLA MARIA DE JESUS CAMPOS
5912 RIO VISTA CIR SW
ALBUQUERQUE NM 87121-3370

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109



LOS ALTOS CIVIC ASSOCIATION
LA ROSA ATHENA
2831 DON FELIPE RD SW
ALBUQUERQUE NM 87105

CHITECTS INC.
E NE, SUITE 600
NM 87109

CHITECTS INC.
E NE, SUITE 600
NM 87109

CHITECTS INC.
E NE, SUITE 600
NM 87109

CHITECTS INC.
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CHITECTS INC.
E NE, SUITE 600
QUE, NM 87109

South West Alliance of Neighborhoods
Quetzada Cherise
10304 Paso Fino Place SW
Albuquerque NM 87121

CORTEZ INEZ & MARTIN ALCALA
5908 RIO VISTA SW
ALBUQUERQUE NM 87121

DIAMOND SHAMROCK STATIONS INC C/O AD
VALOREM TAX DEPARTMENT
PO BOX 690110
SAN ANTONIO TX 78269-0110

MARTINEZ JOSE ALFREDO & AILDA
3500 BAREBACK PL SW
ALBUQUERQUE NM 87105

BERNALILLO COUNTY % COUNTY
MANAGER
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102

MARTINEZ JOSE ALFREDO & AILDA
108 GORE AVE SE
ALBUQUERQUE NM 87105

Westside Coalition of Neighborhood Assoc.
Horvath Rene
5515 Palomino Drive NW
Albuquerque NM 87120

CONTRERAS SAM A & VERONICA TRUSTEES
CONTRERAS LVT
1253 CORTEZ DR SW
ALBUQUERQUE NM 87121

JOHNS DEWAYNE J & CAROLYN I
2903 RIO VISTA CT SW
ALBUQUERQUE NM 87105

MODULUS ARCHITECTS INC.
100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109

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100 SUN AVENUE NE, SUITE 600
ALBUQUERQUE, NM 87109

GARCIA DAVID & PEGGY
5920 RIO VISTA DR SW
ALBUQUERQUE NM 87105

South Valley Coalition of Neighborhood Assoc.
Fernandez Marcia
2401 Violet SW
Albuquerque NM 87105

RITAS APARTMENTS LLC
1248 CORTEZ DR SW
ALBUQUERQUE NM 87121-3312

ARAGON MALANIE ROSE
1264 CORTEZ DR SW
ALBUQUERQUE NM 87121-3312

HARLING CURTIS E
905 RIO VISTA PL SW
ALBUQUERQUE NM 87105-3329

VIGIL RICHARD G & MARY HELEN
5904 RIO VISTA DR SW
ALBUQUERQUE NM 87105

South West Alliance of Neighborhoods
Gallegos Jerry
5921 Central Avenue NW
Albuquerque NM 87105

Alamosa NA
Baca Jeanette
901 Field SW
Albuquerque NM 87121

Los Altos Civic Association
Stracener Dawn
2824 Los Altos Place SW
Albuquerque NM 87105

Westside Coalition of Neighborhood Assoc.
Hendriksen Harry
10592 Rio Del Sol NW
Albuquerque NM 87114



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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)]

Special Exception No:..... **VA-2020-00143**
Project No: **Project#2020-003911**
Hearing Date: 08-18-20
Closing of Public Record: 08-18-20
Date of Decision: 09-02-20

On the 18th day of August, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district (“Application”) upon the real property located at 99999 Bridge Blvd SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.
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).

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8. The subject property is located within the Bridge/Tower Major Transit Corridor.
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11. Multiple community members testified in opposition to the Application, which opponents included many residents who live next-door or near the subject site.
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5.1.1.3 Evaluate existing land uses and development trends to identify opportunities for increased land use Intensity to support transit-oriented development within 660 ft of transit stations along Premium Transit Corridors.

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- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.*
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attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

Murphy USA has an extensive security monitoring system with both interior and exterior surveillance systems in place that operates 24/7 that is monitored by the home office. There is a constant presence of security on the premises to prevent alcohol related crime in the area. Murphy USA feels it has a proven method and track record of mitigating any problems related to retail liquor sales. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area.

Agent also submitted a “Retail Liquor Void Analysis Report”, containing, among other information, the following evidence:

Applicant Response (Bold):

- **There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;**
- **The average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;**
- **The average number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.**
- **The distance between the proposed site and the nearest Liquor Retail opportunity is 7,392 sq. ft. away;**
- **The market trade area for this use is underserved by more than 40% as compared to the Albuquerque average.**

GOAL 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2

Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Applicant Response (Bold): **The subject Property is located in an Area of Change and will direct growth and more intense development to this corridor where change is encouraged. Because the proposed request will encourage growth and high-quality future redevelopment in accordance with this policy in a Transit Corridor.**

POLICY 8.1.2. Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Applicant Response (Bold): **The proposed project will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing members of the community and contribute to a diverse and vibrant economy by revitalizing an area with growth that is consistent with and enhances the establish character of existing development. This type of economic development is best suited for infill locations supported by commercial corridors. This subject site encompasses all aspects of successful economic development and furthers this Policy.**

POLICY 8.1.3

Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Applicant Response (Bold): **This request allows for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.**

14. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), opponents submitted testimony and evidence that the requested use would:
- **Increase crime in the area;**
 - **Increase noise caused by traffic and “boom boxes”;**
 - **Increase noxious fumes;**
 - **Increase drunk driving, which is already an issue of grave concern in Albuquerque and throughout New Mexico; and**
 - **Increase loitering and littering**
15. On balance, Applicant has met its burden of providing evidence that establishes that the requested Conditional Use is consistent with the ABC Comp. Plan, as amended, as required by IDO section 14-16-6-6(A)(3)(a)

16. As required by IDO section 14-16-6-6(A)(3)(b), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
17. Regarding the requirement under IDO section 14-16-6-6(A)(3)(c), that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(c).
18. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), that the requested Conditional Use approval 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, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. In addition:
 - a. Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above.
 - b. Agent submitted evidence that the Bernalillo County public works department has jurisdiction over the traffic planning for the intersection and area surrounding the subject property, has redesigned the intersection at the subject property, and has approved the preliminary site plan regarding access to and from the subject property.
 - c. Agent's written submittals confirmed Applicant's willingness to hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
 - d. Agent's written submittals confirmed Applicant's willingness to add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
 - e. Agent's written submittals confirmed Applicant's plan to place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis.
 - f. Agent testified that Applicant agrees to sell no intoxicating spirits and to limit its alcohol sales to beer and wine, only.
 - g. Agent stated in multiple written submittals and testimony that the requested use would be specific to Murphy USA and would not run with the land.

On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d).

19. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), which requires that the requested Conditional Use approval 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:

- a. The subject property is located within 300 feet of a lot in a residential zone district.
- b. Applicant testified that non-residential activity would not increase in any prohibited manner, because the proposed Murphy USA gas station and store attract only “passerby” traffic that already exists, not destination shoppers. However, as to liquor sales, this testimony appears to be contradicted by the evidence Applicant provided that there are no liquor stores within a 1.5-mile radius of this location and that the average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5. Given the relative lack of liquor sales, it would appear that liquor sales could create a destination that would increase traffic beyond merely passerby traffic.
- c. There is no commercial activity on the subject property currently, and therefore any commercial activity would be an increase in non-residential activity.
- d. Murphy testified and stated in written submittals that its store would be open 24 hours a day.
- e. If the liquor retail use were restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am, there would appear to be no significant increase in non-residential activity during those times.

On balance, Applicant will have met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d), if liquor retail use is restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am.

20. Regarding the requirement under IDO section 14-16-6-6(A)(3)(e), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result. No evidence was submitted to the contrary.
21. Applicable Use-Specific Standards include the following:

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.

4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.

4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.

4-3(D)(17)(g) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.

4-3(D)(17)(h) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.
4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.
4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.
4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.
Applicant provided testimony and written submittals stating that the Applicable Use-Specific Standards would be satisfied. No evidence was presented to the contrary.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district.

CONDITIONS:

1. The approved conditional use is personal to Murphy USA and does not run with the land.
2. The subject property must adhere to the Use Specific Standards set forth in IDO 4-3(D)(17) Light Vehicle Fueling Station.
3. Murphy USA must follow the model of the Smart Policing Initiatives and adopt and comply with the CPTED (Crime Prevention through Environmental Design) crime prevention program Applicant, as described in its submittals, cited above.
4. Murphy USA must hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
5. Murphy USA must add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
6. Murphy USA must place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis
7. Murphy USA may not sell any intoxicating spirit and must limit its alcohol sales to beer and wine, only.
8. Any liquor retail use is restricted to prohibit the sale of alcohol between 8:00 pm and 6:00 am.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" and last name "Lucero" clearly distinguishable.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Angela Williamson, Modulus Architects, awilliamson@modulusarchitects.com



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

Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for liquor sale within 500 feet of residential for Lot B, Block 5, Los Altos, located at 1021 Old Coors Dr SW, zoned MX-M [Section 14-16-4-3(D)(36)(c)]

Special Exception No:..... **VA-2020-00144**
Project No: **Project#2020-003911**
Hearing Date: 08-18-20
Closing of Public Record: 08-18-20
Date of Decision: 09-02-20

On the 18th day of August, 2020, Modulus Architects, agent for property owners Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for liquor sale within 500 feet of residential (“Application”) upon the real property located at 1021 Old Coors Dr SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for liquor sale within 500 feet of residential.
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;*
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Poorly maintained and neglected areas attract unwanted people and activities. Proper maintenance of landscaping, lighting, and other features are essential CPTED principles. A positive community image is a significant deterrent to criminal behavior. Principles such as natural surveillance, access management, territoriality, physical maintenance, and order maintenance inform our design. Murphy USA pays particular

attention to parking lots, building entries, restrooms, stairs and railings, fencing, wayfinding signage, landscaping, artwork, and displays of student work to create a warm, welcoming environment that gives students a sense of ownership and pride.

Convenience stores are one of the few 24/7 businesses that provide much-needed food, fuel and refreshment for millions of Americans, especially first responders, police officers, firemen, factory workers, hospital workers and restaurant employees. First responders and shift workers rely on Murphy stores. Late-night and early-morning customers depend upon stores for essential items that are not readily available elsewhere, and top reasons for a visit are shopping for a snack or meal, coffee or beverage, gasoline and cold medicine or to use the ATM.

Murphy USA has an extensive security monitoring system with both interior and exterior surveillance systems in place that operates 24/7 that is monitored by the home office. There is a constant presence of security on the premises to prevent alcohol related crime in the area. Murphy USA feels it has a proven method and track record of mitigating any problems related to retail liquor sales. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area.

Agent also submitted a “Retail Liquor Void Analysis Report”, containing, among other information, the following evidence:

Applicant Response (Bold):

- **There is only (1) Liquor Retail opportunity within a 1.5-mile radius of this location;**
- **The average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5;**
- **The average number of liquor opportunities in Albuquerque per 2-mile radius is 17.25.**
- **The distance between the proposed site and the nearest Liquor Retail opportunity is 7,392 sq. ft. away;**
- **The market trade area for this use is underserved by more than 40% as compared to the Albuquerque average.**

GOAL 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.2

Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Applicant Response (Bold): **The subject Property is located in an Area of Change and will direct growth and more intense development to this corridor where change is encouraged. Because the proposed request will encourage growth and high-quality future redevelopment in accordance with this policy in a Transit Corridor.**

POLICY 8.1.2. Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Applicant Response (Bold): **The proposed project will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing members of the community and contribute to a diverse and vibrant economy by revitalizing an area with growth that is consistent with and enhances the establish character of existing development. This type of economic development is best suited for infill locations supported by commercial corridors. This subject site encompasses all aspects of successful economic development and furthers this Policy.**

POLICY 8.1.3

Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Applicant Response (Bold): **This request allows for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.**

14. Regarding IDO section 14-16-6-6(A)(3)(a) (*It is consistent with the ABC Comp. Plan, as amended*), opponents submitted testimony and evidence that the requested use would:
- **Increase crime in the area;**
 - **Increase noise caused by traffic and “boom boxes”;**
 - **Increase noxious fumes;**
 - **Increase drunk driving, which is already an issue of grave concern in Albuquerque and throughout New Mexico; and**
 - **Increase loitering and littering**
15. On balance, Applicant has met its burden of providing evidence that establishes that the requested Conditional Use is consistent with the ABC Comp. Plan, as amended, as required by IDO section 14-16-6-6(A)(3)(a)

16. As required by IDO section 14-16-6-6(A)(3)(b), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
17. Regarding the requirement under IDO section 14-16-6-6(A)(3)(c), that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(c).
18. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), that the requested Conditional Use approval 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, Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above. In addition:
 - a. Applicant and opponents submitted the evidence cited under IDO section 14-16-6-6(A)(3)(a), above.
 - b. Agent submitted evidence that the Bernalillo County public works department has jurisdiction over the traffic planning for the intersection and area surrounding the subject property, has redesigned the intersection at the subject property, and has approved the preliminary site plan regarding access to and from the subject property.
 - c. Agent's written submittals confirmed Applicant's willingness to hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
 - d. Agent's written submittals confirmed Applicant's willingness to add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
 - e. Agent's written submittals confirmed Applicant's plan to place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis.
 - f. Agent testified that Applicant agrees to sell no intoxicating spirits and to limit its alcohol sales to beer and wine, only.
 - g. Agent stated in multiple written submittals and testimony that the requested use would be specific to Murphy USA and would not run with the land.

On balance, Applicant has met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d).

19. Regarding the requirement under IDO section 14-16-6-6(A)(3)(d), which requires that the requested Conditional Use approval 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:

- h. The subject property is located within 300 feet of a lot in a residential zone district.
- i. Applicant testified that non-residential activity would not increase in any prohibited manner, because the proposed Murphy USA gas station and store attract only “passerby” traffic that already exists, not destination shoppers. However, as to liquor sales, this testimony appears to be contradicted by the evidence Applicant provided that there are no liquor stores within a 1.5-mile radius of this location and that the average number of Liquor Retail opportunities in Albuquerque per 1-mile radius is 5. Given the relative lack of liquor sales, it would appear that liquor sales could create a destination that would increase traffic beyond merely passerby traffic.
- j. There is no commercial activity on the subject property currently, and therefore any commercial activity would be an increase in non-residential activity.
- k. Murphy testified and stated in written submittals that its store would be open 24 hours a day.
- l. If the liquor retail use were restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am, there would appear to be no significant increase in non-residential activity during those times.

On balance, Applicant will have met its burden of providing evidence to satisfy IDO section 14-16-6-6(A)(3)(d), if liquor retail use is restricted to prohibit liquor sales between the hours of 8:00 pm and 6:00 am.

- 20. Regarding the requirement under IDO section 14-16-6-6(A)(3)(e), Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Applicant testified that no negative impact on pedestrian or transit connectivity would result. No evidence was submitted to the contrary.
- 21. Applicable Use-Specific Standards include the following:

4-3(D)(17) Light Vehicle Fueling Station

4-3(D)(17)(a) No inoperable vehicles shall be stored outside a building at any time.

4-3(D)(17)(b) This use must comply with stormwater quality requirements found in the DPM.

4-3(D)(17)(c) This use shall not be located where the only vehicle access to the lot is from a local street.

4-3(D)(17)(d) Each street that provides access to the lot shall have either 2 travel lanes in each direction or a center turn lane with access to the site.

4-3(D)(17)(e) Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than 2 access points from that street.

4-3(D)(17)(f) Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.

4-3(D)(17)(g) Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.

4-3(D)(17)(h) For fueling station canopies, all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling. The canopy fascia shall not be internally illuminated.

4-3(D)(17)(i) If located adjacent to any Residential zone district, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
4-3(D)(17)(j) If located abutting or across an alley from any Residential zone district or lot containing a Residential use in any Mixed-use zone district, an opaque wall, fence, or vegetative screen at least 6 feet high is required.
4-3(D)(17)(k) In UC-AC-MS-PT-MT areas and the MX-H zone district, any building containing a retail use with 1,000 square feet or more of gross floor area shall have a maximum setback of 15 feet.
4-3(D)(17)(l) In UC-MS-PT areas, an opaque wall or vegetative screen at least 3 feet high shall be provided along all street frontages.
4-3(D)(17)(m) This use is prohibited within 330 feet of Major Public Open Space.
Applicant provided testimony and written submittals stating that the Applicable Use-Specific Standards would be satisfied. No evidence was presented to the contrary.

DECISION:

APPROVAL WITH CONDITIONS of a conditional use to allow for liquor sales within 500 feet of residentially zoned property.

CONDITIONS:

1. The approved conditional use is personal to Murphy USA and does not run with the land.
2. The subject property must adhere to the Use Specific Standards set forth in IDO 4-3(D)(17) Light Vehicle Fueling Station.
3. Murphy USA must follow the model of the Smart Policing Initiatives and adopt and comply with the CPTED (Crime Prevention through Environmental Design) crime prevention program Applicant, as described in its submittals, cited above.
4. Murphy USA must hire an engineering firm to conduct a photometric study that will ensure that there is no light pollution from the subject property onto neighboring properties.
5. Murphy USA must add landscape buffers to ensure the safety and privacy of adjacent residential neighborhoods neighboring properties.
6. Murphy USA must place and monitor security cameras in indoor and outdoor areas of the subject property, and to monitor such security cameras on a 24-hours a day, 7-days a week basis
7. Murphy USA may not sell any intoxicating spirit and must limit its alcohol sales to beer and wine, only.
8. Any liquor retail use is restricted to prohibit the sale of alcohol between 8:00 pm and 6:00 am.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 2020 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Angela Williamson, Modulus Architects, awilliamson@modulusarchitects.com

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Agent, Angela Williamson, Modulus Architects



**Hearing on Special Exceptions
to the Integrated Development Ordinance**

MINUTES

August 18, 2020

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

Lorena Patten-Quintana – ZHE Planner, Planning Department

Suzie Sanchez – Hearing Monitor

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ZHE: That takes us to agenda item 6 & 7 which will be heard together. Agenda item 6 is VA-2020-00143 and 7 is VA-2020-00144, both are listed under project number PR-2020-003911, Jose Alfredo & Ailda Martinez through their agent Modulus Architects request a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5 Los Altos located at 99999 Bridge Boulevard Southwest, zoned MX-M and also the same applicant and agent requesting a conditional use to allow for liquor sales within 500 ft. of residential, for commercial Tract, Block 5, Los Altos located at 99999 Bridge Boulevard Southwest, zoned MX-M. Do we have the agent with us this morning?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Good morning Mr. Lucero

ZHE: Good morning Ms. Williamson. Would you please state your full name and mailing address for the record?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, Angela Williamson, Modulus Architects, 100 Sun Avenue Suite 600, Albuquerque, New Mexico 87109.

ZHE: Thank you, please raise your right hand.

ANGELA WILLIAMSON, MODULUS ARCHITECTS Yes sir.

ZHE: Do you attest that your testimony will be true under penalty of perjury?

ANGELA WILLIAMSON, MODULUS ARCHITECTS Yes sir.

ZHE: Thank you. So the applicant gets 5 minutes and I will note that we did receive additional submittals from the applicant and so you may proceed Ms. Williamson.

ANGELA WILLIAMSON, MODULUS ARCHITECTS Thank you, as you know my name is Angela Williamson and I'm the agent representing Murphy USA, as well as the property owner Mr. Martinez. I'm requesting approval of a special exception conditional use for liquor retail and for a light vehicle fueling station for 1.3 acres. I provided a great deal of facts and information on this request both in writing and in my testimony as it relates to our request at the ZHE Hearing on July 21st, so in the interest of time and out of respect for everyone's time today, I'm not going to rehash all of the information and testimony I've already provided but I would like to address a few comments that were made from the public at our last hearing. Those two comments seemed to be the focus of the concern, which relate to traffic and our request for the retail liquor portion of this request. So first, I would like to address traffic safety of this intersection and the area in general. The Bridge Boulevard Corridor Redevelopment Plan and specifically, Phase 1 of this plan which was centered around this intersection of Old Coors and Bridge was adopted by the Bernalillo County Board of Commissioners in 2013. After two years of planning, it has taken that long to get this project through public input phase, the design budget and contractor award and that project is now under construction. The Bernalillo County Public Works Division made the design decision based on thorough evaluation of existing and proposed project roadway

operations include our project, as well as constructability, public input and environmental impacts. The Federal Highway Administration, as well as the New Mexico Department of Transportation approved these plans. One of the guiding principles in the Bridge Boulevard Corridor Redevelopment Plan is identified as principal number 3 which can be found on page fifteen of that plan and it states, “that one of the founding goals of the roadway redevelopment plan for this area and specifically this intersection in addition to enhancing safety is to enhance the economic competitiveness and vitality of this area.” The market analysis performed by Bernalillo County as part of this construction plan indicated that the majority of the population in this corridor study area works and shops outside of this corridor. Bernalillo County conducted detailed demographic and market research to determine the existing conditions and shopping patterns of residence of Bridge Boulevard. In total, nearly 1.5 million square feet of retail can be supported in the trade area today based on the number of households and household income. Specific to that information and based on the data, it is estimated that there is a very high percentage of leakage in the trade area of more than 33 percent for convenient store goods. In the Bridge Boulevard Plan “They” being the Bernalillo County Board of Commissioners specifically identified the northwest corner of Old Coors and Bridge as very suitable and desirable location for retail goods and services for this market trade area. The plan clearly states that the economic competitiveness can be approved through the following initiatives, number 1, increase access to neighborhood retail and services and number 2, to identify activity areas where neighborhood retail and services could be located in this market trade area. If it’s okay, I would like to present some information regarding the second part of the concern of our last hearing, Lucinda, would that be okay?

ZHE: Yes. Can you - - I believe Suzie will make you a co-host so you share screen.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Okay, Thank you. Can you see that? There we go. Okay, thank you. This is a perfect segway into the next item and the most important which is the need for this use in this area. In addition to the market analysis done by the Bernalillo County which, clearly shows the lack of opportunity for retail and convenient store goods in this area. We have provided a market analysis based on several studies and demographics done by professionals outside of our group. First and foremost, there is a well-defined void in the market place for convenient store goods which includes liquor retail opportunities. I believe it was stated in our last hearing that there were too many already and that is simply not factual. I have submitted the void analysis that is based on facts and that analysis shows that this neighborhood and this trade area is well under served by more than forty percent, as compared to the rest of Albuquerque. If you’ll look at this first slide here, the Bridge Boulevard Corridor Plan identifies this specific corner right here, which is our site and they state, this is from Bernalillo County that despite high traffic volumes, the Old Coors and Bridge Corridor has a number of vacant and unutilized lots and there are relatively few neighborhoods serving retail uses along this corridor. Most residents in the area do the majority of their shopping either on Coors Boulevard or various shopping destinations east of the river and again,

I just want to point to the fact that this was done by Bernalillo County not by our team. This was their desired development of Northwest Coors, the Old Coors and Bridge corner as shown on figure 19 of their plan which very closely resembles our site plan. As it relates to liquor retail, this is the trade area. There is only one liquor retail opportunity with their 1.5-mile radius of our intended location. The average number of liquor retail opportunities in Albuquerque is per one mile is five and the average number of liquor opportunities in Albuquerque per a two-mile radius is 17.25. The distance between our site and the nearest liquor retail opportunity is more than seven thousand feet away. This exceeds the strictest legal liquor distance separation laws in all of the United States. Our site exceeds that by more than forty-eight hundred square feet. I am not going to go into all this but I did submit this for the record but New Mexico, on average has one liquor retail opportunity for every 21,953 of the population. That's compared to the rest of the United States with one liquor retail opportunity for every 5,700 residents. So not only is there a need at this corner whether the neighborhoods like this use or not there clearly is a need, not only identified by my team but, also identified by Bernalillo County that there is a need for more opportunities for retail and convenient store goods. Again, this is just an analysis of this is our project site, we compared it to several other average intersection with the same density population in Albuquerque and you can see that our site area is far more underserved than others for the same use. This is Old Coors and Bridge. Again, here's our site. Here are the other liquor retail opportunities in this trade area and I'd do the same for Montgomery and Wyoming, Constitution and Wyoming, Central and Coors, this is just little bit more information that I submitted but I wanted to demonstrate there is a lack of, a lack of opportunity for our use in this market area. Again, pointing out that this market trade area is well under served by more than forty percent as compared to Albuquerque's average. And last, I want to point out, this is based off of the development stratus for this neighborhood per the Bridge Redevelopment Plan and it states that factoring in projected household growth and using reasonable estimates for leakage capture that the County would like to see 62, 000 square feet of convenient store goods developed in this trade area. They would like to see 122,000 square feet of shopping and additional 49,000 square feet of eating and drinking. One last thing and this is very important, it's why I put this last, Bernalillo County identified these three strategies as what they would like to see happen to get this done and the first one, is to allow a range of permissive uses, the second, these are their words, *reduce the needs for special use permits*, and number 3 is to allow for an opt in of an overlay zone. Again, I submitted this information based off the comments from our last hearing that said there was already too many opportunities for liquor retails and so I wanted to provide this documentation that clearly shows that there are not enough opportunities for this use and I think after that I will stand for questions that you may have.

ZHE: Thank you Ms. Williamson. I saw, you know this, the numbers in terms of number of liquor sales establishments per population and is there an estimate of what the population would be immediately surrounding or within whatever the metric is of this proposed site?

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ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, Mr. Lucero. They - - If you look on the last page of my presentation and it references the analysis and where my data came from. The retail - - so in 2011, the Gibbs Planning Group did a retail market analysis of this trade area and they identified 115, 000 households within this market trade area and then the Bridge Corridor Redevelopment Plan, also they have that number a little bit higher but both of those I'd be happy to submit for the record. Those were analysis done independent of my team done on behalf of Bernalillo County.

ZHE: Very good. And then how does the, you know I certainly appreciate the work that went into the County's preparation of these plans but you know I just want to understand how, given that this is a City jurisdiction matter, how the County Bridge Boulevard Plan relates to the City requirements under the IDO. I know that one is that there be, you know, that it be reflective of the Comprehensive Plan. Could you tell me sort of how the Bridge this Bridge Plan relates to the Comp Plan and to the IDO?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, Mr. Lucero. So this is an odd, an odd location in which these Zoning Enforcement and approvals is governed by the City of Albuquerque but the traffic and the construction of the Bridge Boulevard which, is this corner is being controlled and managed by Bernalillo County and so they, they conducted this market analysis for Bridge Boulevard to determined how best to make the construction improvements over a very long, several year period. And, so there is quite a bit of overlay between the County and the City on this project and I used their study to document the fact that there is an identified incredible void of opportunities for convenient stores, quick shopping, liquor retail and those types of things, there is quit of bit of overlapping jurisdiction. And, one thing I also wanted to point out maybe perhaps that the neighbors don't know this or - - some other permissive uses, let's say that my client doesn't go here, there a few other permissive uses already zoned for this site in which any development can put, as permissive uses which wouldn't require any public hearings such as a night club, a bar, a motel, there are a number of other uses that could go here but that don't meet the needs of those opportunities identified in the, the Bernalillo County Plan.

ZHE: Okay. Thank you for that. Let's see, bear with me one second. Okay, I think those were the only questions I had. Did you have anything additional you'd like to add at this time Ms. Williamson?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Not at this time, Sir, Thank you.

ZHE: Okay, lets proceed to the public comment and then Ms. Williamson you'll get the chance to rebut after the public has an opportunity to speak. And so again everybody this is for two agenda items 6 and 7 being heard together VA-2020-00143 and 144 and its Jose Alfredo and Ailda Martinez through their agent Architect Modulus Architects requesting a conditional use for light vehicle fueling and other conditional use for liquor sale and I see we have a hand raised Gerard. Are you there Gerard? You have to hit unmute.

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GERARD GARCIA: Okay, Thank you.

ZHE: There you are. Would you please state your full name and mailing address for the record?

GERARD GARCIA: Gerard Garcia, 5916 Rio Vista Drive Southwest, Albuquerque, New Mexico, 87121.

ZHE: Thank you sir and please raise your right hand. Do you attest that your testimony will be true under penalty of perjury?

GERARD GARCIA: Yes.

ZHE: Thank you, you have 2 minutes sir.

GERARD GARCIA: Okay. Alamosa Neighborhood has been around since - - this home was built in 1985 in the Alamosa Neighborhood Association. There were many homes built about the same time as ours where we raised our families with hopes of a happy, safe environment as our surroundings. We are one of them and my kids were raised here in the house that was built by the Corley Homes and a lot of the folks around here know the Corley Homes. They were very good builders and they built some nice homes. My concerns with having a gas station less than 500 feet from our backyards are many, okay? Ms. Williamson or Mrs. Williamson had mentioned alcohol sales - - there's a void in alcohol sales in this area. Well, the reason there is a void is because neighborhood associations like ours who care about our neighborhoods, that's why there's a void. Crime is already high in this area and police presence is not what it should be. Just last week there was a shooting and someone was killed in our neighborhood. Just think how much more crime will occur with a gas station next door, okay? Homelessness. If you, Mr. Zoning, Mr. Robert Lucero, do you a site plan available so we can look at it?

ZHE: There was a site plan submitted into the record, yes.

GERARD GARCIA: Do you have it available so we can see it?

ZHE: No.

GERARD GARCIA: Okay, I'll just go on. Noise and traffic congestion are a major concern for our community. There are modifications to the Bridge Corridor as Angela had just mentioned, in the works as we speak. Our community does not believe the time spent planning, implementing this project is sufficient. I'm talking about the, the gas station and the liquor store. The traffic situation is a mess. In the community we do not believe - - again - - it will improve with a gas station at this corner or Bridge and Old Coors along with the being implemented. The phase one of the Bridge Corridor implementation is going on right now so there's standing traffic, there's boomboxes and we hear our windows in our home shaking and it's a violation with these boomboxes. Imagine how many more boomboxes while they're getting gas, are gonna violate our peace.

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ZHE: Thank you, Mr. Gerard, thank you very much, it's been 2 minutes, I'll let you wrap up your next thought, please.

GERARD GARCIA: Okay the next topic is fuel trucks. Fuel trucks left running twice a week - - studies have shown diesel exhaust produces toxic fumes which, inhaled can cause cancer and other ailments for children and older people in our community. We smell fumes now just by the standing traffic at the intersection of Old Coors and Bridge. Ladies and gentlemen of the zoning board please, don't allow this building to go up. That's it for me. I appreciate your time.

ZHE: Thank you sir. Let's see, I'm looking to see if there are other public comment. I see Bruce and Patty with their hand raised. Go ahead and hit unmute there.

BRUCE STAUDER: Can you hear us?

ZHE: Yes, thank you. Please state your names and address for the record.

BRUCE STAUDER: I am Bruce Stauder, I live on 2909 Rio Vista Court Southwest.

PATTY STAUDER: And I'm Patty Stauder at the same address.

ZHE: Thank you both and please raise your right hand. And do you attest that your testimony will be true and complete under penalty of perjury?

BRUCE STAUDER: Yes.

PATTY STAUDER: Yes.

ZHE: Thank you. Please proceed. You have 2 minutes.

BRUCE STAUDER: Okay. I am representing the Los Altos Civic Association, I'm the Treasurer of that association. It consists of 35 homes directly across the street, diagonally opposite from where this gas station would be built and I'm going to be addressing the issue of the location of the gas station. Now the Bridge...

ZHE: Before you proceed, is that Civic Association a registered neighborhood association with the City?

BRUCE STAUDER: It was a registered. It lapsed. I'm not sure if it's been reinstated.

ZHE: Okay, go ahead.

BRUCE STAUDER: Okay, so my concern is the location. Bridge Street is one of the main crossings of the Rio Grande and every morning and every evening traffic is backed up for probably close to a half a mile at our intersection. And Old Coors is a very busy road also. Now, we already have a Valero gas station on the, it would be the southeast corner of this intersection and I just want to say that the intersection is pretty dangerous there. The sight visibility is very, very bad because there's a sudden drop off on the east side of the intersection and I just wanted

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to say that in the last - - so far this year - - On January 15th there was a rollover crash, March 14th a hit and run pedestrian death, July 22nd there was another crash and August 8th, another crash. So, the problem with this lot, the lot is not very big so, the entrance and exits from this gas station would just increase the amount of traffic tremendously at that intersection and I think it would cause a lot more problems there. So, that is the one issue is the intersection. My second issue is, we had a gas station on the northeast corner about 20 years ago which leaked into the soil and we have test wells in our neighborhood because the ground water was polluted. And we're pretty close to the (inaudible). The Valero had put in requests to increase the size of their station and apply for a liquor license also and they were rejected. And my third concern is that this would be a public nuisance. There are homes that are basically are right up against this property that they want to put this gas station. It's a residential neighborhood. Most gas stations are on commercial lanes like you know, Coors Boulevard, Wyoming and they're surrounded by other businesses but this whole area is residential and I have neighbors right now who are kept awake at night from the Valero station from their lights, doors slamming and opening and people talking loudly, music playing and this goes on all night long so I feel that we have enough with the one gas station that's here already. My wife's gonna talk about the liquor.

ZHE: Okay, very good. I was just going to say your 2 minutes are up and now Ms. Patty, you'll have your 2 minutes, thank you.

PATTY STAUDER: Okay. The alcohol sales are really concerning because at this, this is not - - they're not asking for a liquor store that has some, you know limited hours, this is - - these things are open. And they sell, they're not only selling beer and other kinds of alcohol to people who are going to take it home. They want to sell those little bottles which are a wonderful way to increase drunk driving. New Mexico is still in the top 10 of - - among the worst in the nation for alcohol fatalities. We walk our dogs routinely at the little alley north of Los Altos and everyday there is trash that often includes bottles. It's - - our neighborhood is not - - the commercial areas are not built up enough to have positive uses that will drive out people huddling in the corners and getting drunk or getting high. Larger bottles, we don't feel that that's really helpful when they're for sale all day and all night and its right in the middle of this neighborhood. We do - - there is a history in this neighborhood too that when nearby locations were allowed to sell liquor there was a lot more nuisance and violence problems and more criminal incidences while that was going on. Although, we agreed that we definitely need more commercial we're not sure that the first lead thing is to bring in more liquor sales and the - - she's making the point that there's - - the residents should have more opportunities to shop, well these residences don't necessarily only buy things at convenience stores. Convenience stores serve drivers going through and they could easily do that a half mile further from here and further from our neighborhoods.

ZHE: Thank you. Thank you, Ms. Patty. Thank you both for your testimony and I do see that we have Dan - - is it Goering?

DAN GOERING: Yes, that's correct.

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ZHE: Hello sir. Would you please state your full name and mailing address for the record?

DAN GOERING: My name is Jay Daniel Goering and I live at 2802 Los Altos Place Southwest in Albuquerque, 87105.

ZHE: Thank you sir and please raise your right hand. Do you attest that your testimony will be true under penalty of perjury?

DAN GOERING: Yes, I do.

ZHE: Thank you, sir. Please proceed, you have 2 minutes.

DAN GOERING: Okay. I pretty much want to just emphasize what's already been said by Gerard and Bruce and Patty. I don't feel any of the necessity to have more, more commercial sites around. We are okay shopping where we shop and I am also concerned about the you know, potential rise in crime and nuisance and I pretty much walk the same route as Bruce and Patty do when they walk their dog and I see the, I see the bottles around too. And, don't want to you know, don't want to see the, don't want to see the crime that would rise as a result of more drunkenness around there. So, I just wanted to, I just wanted to add my, my 2 cents and exclamation marks to what Gerard, Bruce and Patty have already said so, thank you.

ZHE: Thank you, sir. And we have next, Ms. Atencio, Carmen Atencio. Hello Ms. Atencio.

CARMEN ATENCIO: Yes, my name is Carmen Atencio.

ZHE: Thank you and what's your mailing address for the record?

CARMEN ATENCIO: It's break - - okay, my mailing address is 1256 Cortez Drive Southwest...

ZHE: Thank you and please raise your right hand...

CARMEN ATENCIO: ...Albuquerque, New Mexico, 87121.

ZHE: Thank you Ms. Atencio and do you attest that your testimony will be true under penalty of perjury?

CARMEN ATENCIO: Yes, I do.

ZHE: Thank you, ma'am. Please proceed, you have 2 minutes.

CARMEN ATENCIO: Okay, I have one house that will sit directly behind the gas station there and my main concern once again is of course the liquor sales and all the traffic that is going to be there but, there is going to be a 15-foot easement and whenever you have gas stations or any kind of a business you'll have people begging in the area. And, we've already had people just camping along the fence line there and how are we going to be able to avoid this confrontation with these people here? And the other concerns are the air pollution, the environment, everything that we're gonna have to be dealing with, just by having this gas station. I know that they say,

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she says that you know we need that type of business. I really don't shop at a gas station. I don't know how many people shop at a gas station other than gas. And, my husband and I are not for this and now if they want to do anything about adding say footage to the fencing around all of our properties to make sure we're gonna be safe in our own property that would be nice. Would that be possible?

ZHE: Thank you Ms. Atencio, We'll allow the agent the opportunity to respond your question and your testimony.

CARMEN ATENCIO: Okay, thank you.

ZHE: Thank you very much, alright I see E. A Toledo. Is that right?

ERIC TOLEDO: Yeah, that's me. So, Eric Toledo, 1380 Rio Rancho Boulevard, Rio Rancho, 87124. Has there been any overlay maps done with crime? And, what I looked at I just...

ZHE: Before you proceed.

ERIC TOLEDO: Go ahead.

ZHE: Let's get you sworn in. Would you please raise your right hand and do you attest that your testimony will be true under penalty of perjury?

ERIC TOLEDO: Yes Sir, I do.

ZHE: Thank you, please proceed.

ERIC TOLEDO: So, I've got no dog in this fight because I don't live in that area but I am just wondering if there were any crime overlay maps done? I just did a very simple quick google search right here on association between density of alcohol establishments and violent crime within neighborhoods. It can be searched very easily. It says there is a very direct correlation to that. If I were to live in that neighborhood, I would at least want to see the crime is gonna go down and not gonna be increased especially, if I had kids. So, if there some kind of evidence that can be produced saying the crime is gonna go down and not be escalated I can see where it would be something that could be passed but what I'm seeing right here on some very simple searches that are evidence based it is not a good idea to put something down there. Thank you.

ZHE: Thank you Mr. Toledo. Let's see again, everyone this is on agenda item 6 and 7, VA-2020-00143. Please raise your hand or if you're on the phone, hit *9 if you're here for agenda items 6 and 7 or either one of those. And, I'm scrolling through the participants list and I don't see anyone. This will be the last call for agenda item 6 and 7 please hit the blue hand raise or dial *9 on your phone. Okay, not seeing anyone additionally raising their hand we'll allow the agent Ms. Williamson to respond to the public comment. Ms. Williamson?

ANGELA WILLIAMSON, MODULUA ARCHITECTS: Thank you Mr. Lucero. Just a few things in my closing. Murphy absolutely wants to be part of this neighborhood and we have

spent many, many, many months speaking with and trying to work with the neighbors with their concerns. You know when we first started this project the concern that was brought up to our attention was the sale of miniature bottles of alcohol so my client voluntarily agreed to not serve those or sell those at their establishment for sale. I spoke with Ms. Athena La Roux yesterday with the Los Altos neighborhood, I believe she is the President, based off of our last hearing in which we produced a great deal of information on how Murphy's is an operator and crime statistics and the things that Murphy's does differently and we provided evidence that it actually does make a big difference. And then - - but to take a little bit further my client even offered to forego the sale of any hard liquor at this corner and so we keep hearing the concerns and we are trying to address them and you know, the traffic is a big concern absolutely but that's why Bernalillo County spending 24 million dollars to re-do this roadway. And so, there is been an abundance of safety guards in place for the employees, the consumers and community as a whole. Murphy is not going to create any negative impact to this community, and quite to the contrary, Murphy is going to provide a safe, convenient and cost-effective opportunity to provide the day to day needs of the community that are clearly lacking. Most notably - - approving this request from Murphy for our conditional use request will facilitate the goals that has been established over years of public meetings, studies and market analysis. We believe that the extensive documentation we provided is more than sufficient to mitigate any potential adverse impacts on the surrounding area and far outweighs any perceived negative impacts and with that I don't have anything further, sir.

ZHE: Thank you Ms. Williamson. It appears that there is one more person here that would like to speak on this matter. I believe this is agenda item 6 and 7. I see Victor Beserra with a hand raised.

DIANE BESERRA: Yes.

ZHE: Hello, would you please state your name and mailing address for the record?

DIANE BESERRA: Yes, its Diane Beserra and it 814 Rio Vista Circle Southwest, Albuquerque, New Mexico, 87105.

ZHE: Thank you, Ms. Beserra, please raise your right hand and do you attest that your testimony will be true under penalty of perjury?

DIANE BESERRA: Yes, I do

ZHE: Thank you, please proceed you have two minutes.

DIANE BESERRA: Okay, so I got Victor right here as well and he has some thoughts he wants to share but for right now I want to quickly rebut some of items that Angela Williamson has mentioned such as the items regarding that is there is absolutely nowhere except one place in this whole area here to get alcohol which is totally wrong. I just done a research using google maps and Smith's is 1.9 miles away, Walgreens is 1.8 miles away, Casa Luna or its just Casa Liquors

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is 1 mile away, Key High liquors .9 miles away, Monte Carlo Package Liquors is 2.2 miles away, Kelly's is about 1.2 miles, (inaudible) Liquors is - - they - - all these places, you can get to within 10 minutes, 5 to 10 minutes and so I don't know where she came up with just one place to get liquor here in this area and that's totally incorrect and she needs to correct that in her records.

ZHE: Thank you Ms. Beserra. Did you say Mr. Beserra is here to speak as well?

DIANE BESERRA: Yes, we also had a murder on the same day of our last meeting after we disconnected. There was a murder about 800 feet from us and then across the street next day there was another attempted murder a car was shot up a bunch of times and there is a lot of other already occurring crime in this immediate area and we don't need the drag racing. The only reason we've had a little bit of quiet here in the last few nights is because we have a bunch of work going on, construction work on the road so there's all these barrels and so people are having to slow down. So, the drag racing has, for the time being, been minimized, minimized because of that even though there still is, you have to go to the corner of Central and Old Coors Road to see the hundreds and hundreds of people that congregate there and then they make their plans to do the drag racing between Central and Bridge and they cruise and they drag race and we have had several crashes where they lose control of their vehicle and they crash into some of our existing businesses that are in this immediate area. It's just plain dangerous and the noise that we already have here with regards to that. Then these big motorcycles with the big, big mufflers, that they congregate there at the Valero or I guess it's been two years now but they still say it's Valero. So, the sign says Valero but it's supposedly Circle K. They all congregate there and it's just a mess, it's just a mess to have that doubled on the other opposite corner is just absolutely not acceptable. Here is Victor Beserra.

ZHE: Thank you Ms. Beserra. Mr. Beserra, would you please your full name and address for the record?

VICTOR BESERRA: Yes, Victor Beserra, 814 Rio Vista Circle, 87105.

ZHE: Thank you sir, Please raise your right hand and do you attest that your testimony will be true under penalty of perjury?

VICTOR BESERRA: Yes.

ZHE: Thank you, sir, you have two minutes.

VICTOR BESERRA: Thank you very much. I just wanted to mention that Ms. Williamson came up with these stats. There is only one area she hasn't factored into those graphs and that is the human element of this whole issue that we keep fighting for and that we've been fighting for, for the last, I would say 10, 15 years, is that the factors that are not taken in consideration or the anguish, the destruction, the crime that increases, the cost is that presented to us because somebody broke into our car. These small types of expenses don't show up on a stat sheet but they do exist and we been fighting this for years. This isn't our first rodeo. We've had the same

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conversation with three different contractors who wanted to do this and really, I'm kind of getting a little anxious and tired of it because the bottom line here and let's cut to the chase, is the sale of liquor and we don't want that. We have never wanted that. We would like to see that aspect of it just taken out of the picture completely. This is our only form of fighting these big corporations who want to set up and don't - - they set up a business and then they leave and we're stuck with the problem. So, I would like to see this part of it just eliminated completely and that would satisfy my needs. Thank you.

ZHE – Thank you Mr. Beserra. Let's just see if there anyone else here to speak on this matter and then we'll give Ms. Williamson a chance to rebut given that we allowed additional testimony in from the public. Again, this is agenda item 6 and 7 please raise your hand if you're here to speak on this if you have not already done so. This is for a conditional use for light vehicle fueling station and conditional use for liquor License or liquor sale rather 99999 Bridge SW agenda item 6 and 7. I'm scrolling through the participants list and I don't see anyone raising their hand. Last call for agenda 6 and 7. Okay not seeing anyone further, Ms. Williamson if you like to rebut you have two minutes.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Mr. Lucero, no we carefully presented the facts that support our request and I'm respectfully asking for an approval based on these facts.

ZHE: Thank you Ms. Williamson. We'll having heard the presentation of the agent and public comment and the rebuttal of Ms. Williamson, the agent we'll take the matter under advisement and will issue the written decision in 15 days. Thank you everyone for your participation and those of you spoke will each get a copy of the Notice of Decision. Thank you. That concludes agenda item 6 and 7.

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**Hearing on Special Exceptions
to the Integrated Development Ordinance**

MINUTES

July 21, 2020

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

Lorena Patten-Quintana – ZHE Planner, Planning Department

Suzie Sanchez – Hearing Monitor

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ZHE: Next are two items that will be heard together. Its agenda items 22 and 23, VA-2020-00143 and 144, both listed under project number, PR#2020-003911. And, it's Jose Alfredo and Alida Martinez through their agent, Modulus Architects, requesting a conditional use to allow for a light vehicle fueling station adjacent to a residential zone for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Boulevard SW, zoned MX-M. And, also requesting a conditional use to allow for liquor sale within 500 feet of residential from Lot B, Block 5, Los Altos, located at 1021 Old Coors Drive SW and also zoned MX-M. And I note that Ms. Williamson has already been sworn in. So, if you'd like to proceed, please tell me about these applications.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, Mr. Lucero. Thank you for your time today. We've been at it quite a while. As I said, my name is Angela Williamson, and I am the agent representing Murphy USA as well as the property owner, Mr. Martinez. I am requesting approval of a special exception conditional use for liquor retail and for a light vehicle fueling station for 1.3 acres. These lots are located on the Northwest corner of Old Coors Drive and Bridge Boulevard and the subject site is currently undeveloped. The request is for a conditional use permit for the sale of liquor and to construct a light fueling station on site. Notably, in the IDO, both uses are permissive uses in the NR-C and MX zone district. However, due to this fact that the subject site is within 500 feet of a residentially zoned district and adjacent to a residentially zoned district, a conditional use approval is required for both requests. Murphy was established in 1996 and is a publicly owned company and is one of the largest independent retailers of gasoline products and convenience stores with 1,400 locations in 2016. Murphy is not any other convenience store operated. They are the model across the country for best practices, security protocol, employee training, store design for crime prevention, engagement of ownership, extensive surveillance of all locations and most importantly, the culture of the company. Murphy has a proven record of performance. All 1,400 stores are corporately owned and operated, never franchised. Murphy is proposing to build a 2,800 square foot building and have 8 fuel dispensers. Site plans and renderings showing the proposed developments were submitted with our request. Murphy's primary business is the sale of motor vehicle fuel sales and convenience store goods. The sale of alcoholic beverages is both complimentary and secondary to its primary business but something that customers appreciate having the opportunity to purchase if desired. My submittal provided extensive documentation, data and facts outlining our criteria for approval. I would like to briefly provide a summary. The justification I provided demonstrates that this request is consistent with a preponderance of goals and policies in the Comprehensive Land Use Plan. The location for this request for conditional use is located in an area of change. Our applications demonstrate that the change would be more advantageous to the community since many of the ABC Comp Plan goals and policies will be furthered as articulated in the policy analysis of our submittal. This development of Murphy's will allow for re-development and implementation of patterns of land use that are consistent and desired with the land use plan. Another criterion for approval is to demonstrate that this use will not create a significant adverse impact on adjacent properties, the surrounding neighborhood or the larger

community. Understandably, members of the neighborhood association expressed concerns. One of the concerns that was brought to our attention was their concern of traffic congestion. Since 2019, Murphy and their team of engineers have been working with Bernalillo County on the inclusion of this project, in conjunction with the Bridge Boulevard realignment project, a 24 million dollar federally funded project that includes this intersection at Old Coors and Bridge. The project includes construction of improved intersections, pedestrian amenities and the roadway realignment of this intersection. Our site plan and access points have been reviewed and are supported in the overall plans for the realignment project which is anticipated to begin next month. The realignment project is long overdue and will substantially mitigate traffic safety concerns that far exceed just the scope of this project. Another concern shared with my team is the sale of alcohol at this site. It is my understanding that that is largely based on a current - - their current experience with a bad operator in the area. Murphy has a long-proven track record of strong enforcement of liquor sales regulations. Murphy has more than 1,400 stores throughout the United States and train their employees to monitor the sales of alcohol to prevent sales to impaired individuals. Murphy has repeatedly demonstrated their commitment to preventing the mis-use of alcohol in the communities in which they operate and promote responsible consumption by properly training their employees with stringent prevention techniques. The Murphy training protocol demonstrates a commitment to work to prevent alcohol related problems and a desire to be part of the solution. The program teaches staff how to recognize when a customer is intoxicated or underage. In addition to preventing the illegal sale of alcohol, store employees learn how to handle intoxicated customers and keep them from harming themselves and others. These intervention techniques reflect the short period of time a clerk has to interact with a customer. Murphy strives to operate a business where employees and customers feel safe from potential crimes by implementing a thoughtful security and safety program in their stores. Principles such as natural surveillance and access management, paying particular attention to lighting, parking lots, building entries, restrooms and landscaping. Safety is the number one priority for Murphy and they significantly invest in their employee training, providing guidance and resources to remain vigilant about detecting suspicious patrons and potential crimes. I provided documented data on the effectiveness of these policies in my submittal. A real-life crime data analysis, the calls for service from the most recently constructed Murphy in Albuquerque, as compared to the convenience store located directly across the street. Murphy has an extensive security monitoring system with both interior and exterior surveillance systems in place that operate 24 hours a day, 7 days a week, monitored by the home office. Murphy has a proven method of security protocols and track record of mitigating any problems related to retail liquor sales. On behalf of Murphy, I did spend a great deal of time working with several members of the neighborhood association. Concerns specifically regarding the sale of alcohol and miniatures were very important to the residents and something that was consistently brought up. Based on those concerns, and to demonstrate Murphy's willingness to work with the members of this community, Murphy has voluntarily agreed not to sell alcohol miniatures at this location even though approval of this conditional use would allow them to do so. They are

stating on the record here today, that they are volunteering that they will not sell miniatures at this location. In addition to the strong internal policies that Murphy imposes on all of its locations, there are local, state and federal requirements including, but not limited to required spacing from other use facilities. They are also controlled by specific use standards found in the IDO to mitigate potential harmful effects on the surrounding area. Future development on the subject site would be subject to IDO requirements including the neighborhood edges, buffer landscaping and building design standards. These would help to insure appropriate scale location of development and character of building design. These use standards include precautionary measures such as distance requirements, size restrictions, design standards, screening requirements and various other measures. In addition to City standards and regulations, this use is heavily controlled by federal and state laws. The United States Environmental Protection Agency as well as, the New Mexico Air Quality Control Board provide oversight and permitting for this use. This ensures strict compliance with all standards. Standards that limit the quantity, rate and concentration of emissions of air pollutants and sets fuel specifications, prescribe operation, maintenance and procedures. Murphy will get all necessary permits prior to operation as required to protect the air quality of New Mexico. There are an abundance of safe guards in place for the employees, consumers and the community as a whole. Murphy will not create any negative impacts to the community, to the contrary, Murphy will provide a safe, convenient and cost-effective opportunity to provide the day-to-day needs of the community. We believe that the actions above are sufficient to mitigate any potential adverse impacts on the surrounding area. The MX-M and the NR-C zone allow retail sale of liquor and fueling centers as permissive. We respectively request approval of these special exception requests be made on the preponderance of goals and policies that are furthered in both the Comprehensive Land Use Plan and the Integrated Development Ordinance. We have carefully presented facts that support our requests and are respectively asking for approval based on these facts and with that I would stand for any questions, Mr. Lucero.

ZHE: Thank you, Ms. Williamson. I appreciate your thorough submittal and presentation and I guess I just had a question about the - - sort of the fact of the two, two applications and you know, one is an addressed parcel, you know this 1021 Old Coors and then the other is this - - what looks to be an unaddressed parcel, is that right, the 99999 Bridge?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: That is, that is correct Mr. Lucero. This property is currently two parcels, one is zoned MX-M and the other is zoned NR-C.

ZHE: Okay, and then with - - is the plan to then to sort of consolidate these at the DRB, into one parcel?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: No, Mr. Lucero. We had a pre-application meeting with the City of Albuquerque and it is their position that a consolidation plat is not required so long as each individual parcel meet the requirements and restrictions of the IDO.

ZHE: Oh good, okay. Good, I just wanted to make sure that we're reflecting any additional approvals that might need to be obtained and that we mesh well with those so we don't create any problems going forward. Good, okay - - and then I note - - I saw in your letter you addressed this but could you just - - I understand that - - I'm looking specifically now at the fueling, fuming, the light vehicle fueling station request and there's numerous Use-Specific Standards in the IDO and are all of those, have all of those been - - will all of those be satisfied by the proposed site plan?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, Mr. Lucero. Mr. Ron Bordelon, who is the engineer in charge of this project, he and I worked very closely together and we have gone through not only the regulations and standards for the light vehicle fueling but also the standards for alcohol at this location. We are confident that we meet all of, not only do we meet but we exceed the requirements and we will not be seeking any sort of variances for this project whatsoever.

ZHE: Okay, okay. And then on the - - same question on the liquor retail use-specific standards, it looks like all of those are satisfied but is there any outstanding concern on those?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: No, sir and in fact, Murphy has a very long and successful, proven record, which I went into very thoroughly in my submittal. They take every precaution to mitigate any possible impacts to the community and in the last ten years, Murphy has had zero violations with the State Liquor Control Board.

ZHE: Okay, and then I note that there - - on this site, you know the 1021 Old Coors, that, where on which the liquor approval was sought, there was a prior approval of a carport that looks kind of archaic, but that has nothing to do with this approval, is that right?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: That's correct.

ZHE: Okay, and then - - so - - and then I appreciate the willingness, you know, to work with the community and I saw, as you mentioned briefly a minute ago and as I saw in the submittals that you know, the applicant or the proposed developer is willing to voluntarily forego the miniature sales and so if that were to be a condition, would that be acceptable, if that were an expressed condition on the Notice of Decision?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Mr. Lucero, we are in complete agreement and we will accept that condition voluntarily, yes.

ZHE: Okay, very good. Well, those are the only questions that I had. Did you have anything else you'd like to submit into the record at this time?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Not at this time, Mr. Lucero.

ZHE: Okay, thank you. Well, let's open it up to the public and then you'll have the chance to respond to any additional testimonies. I see several hands raised. Let's start - - if we have a

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neighborhood association representative, is that Ms. Kepesh? Is that right? Hello? Let's see here. Are you still muted?

JENNIFER KEPESH: Yes, I'm representing the neighborhood association.

ZHE: Oh, thank you. Would you please state your full name and address for the record and identify the neighborhood association?

JENNIFER KEPESH: Hi, I'm Jennifer Kepesh, my address is 808 Rio Vista Circle SW, 87105, Albuquerque and it is the Los Altos Neighborhood which is on the corner of Old Coors and the Northeast corner of North Coors and Old Coors and Bridge, thank you.

ZHE: Okay, thank you. And would you please raise your right hand? And do you attest under penalty of perjury that your testimony will be true and complete?

JENNIFER KEPESH: I do.

ZHE: Thank you. So, you have, as a representative of the neighborhood association, you have five minutes, you may proceed.

JENNIFER KEPESH: Thank you. In the last six years, the Los Altos Neighborhood Association successfully opposed permitting alcohol sales at two other lots, at this intersection. In 2014, it was the southwest lot and in 2019, the southeast lot that were denied re-zoning to sell alcohol. The Zoning Commission and City Council denied all three of the appeals of this denial. We are again, adamantly opposed to the approval of the liquor license and fueling station at this location, on the northwest corner. This intersection is already highly dangerous due to terrible sight lines caused by a sudden drop on the east side of the intersection, narrowing lanes at the intersection and poor lane separation. It is in the top 20 intersections for accidents in the City. The lot in question is close to the corner and its L-shape makes it very narrow, making maneuvering in and out much more dangerous. As a destination for liquor sales, it will attract far more pedestrian traffic and in and out car traffic which will increase the already large number of accidents and injuries. We, who live with the consequences of multiple accidents per week on our nearest corner, cannot let the City allow a more dangerous situation to occur. Though Ms. Williamson claims that they are working with the City on the stretch of road as it undergoes improvement, there is really no indication that any changes to the City's plans are being considered that would make this corner safer for this kind of traffic in that lot. There is no widening of the road in those specific spots and as it stands right now, these are - - there is, straight across from the Bridge Boulevard exit or entry, there is an angled part of Tower coming in which already causes a great deal of traffic congestion and danger and it is a corner that, although they are going to be addressing some of those traffic issues, it is not going to be widened and there just is no place for cars to pull in and out and especially for this kind of business where there would be so many more people, plus pedestrians. We worry about a return of nuisance and violence problems when nearby locations were allowed to sell liquor. They brought a lot of criminal activity into our

neighborhood before the license was pulled. Our neighborhood has history with business with alcohol sales. At that time, there was no doubt that criminal incidents increased in our neighborhood. Anyone who reads the local paper knows that such businesses, especially those that sell alcohol, have far more violent crimes in and around them. There is nothing that any company can do to completely mitigate the rise in crime at such businesses. Putting liquor sales on this corner does not match up with the City and County plan for area of the Bridge Traffic Corridor. To create such a variance, opens up the opportunity for businesses to chip away at the Traffic Corridor Plan, lot by lot. This lot is also adjacent to an industrial clean up site that is being monitored for further environmental damage due to a buried fuel line that leaked when there was a previous gas station. A 24- hour gas and alcohol sales location so close to two residential neighborhoods backing up on the property lines of residents of Alamosa Neighborhood, a literal stones throw from our neighborhood will affect our safety, peaceful sleep, enjoyment of our outdoor property - - the City should - - our health, our property values. The City should not permit a business that will cause considerably greater danger to commuters and residents to have such - - these permits. I would like to say that in speaking and emailing back and forth with Ms. Williams, she did indicate that this was permissive use but she wrote it in such a way that it, it sounded as though the zoning issue were moved, that there would be no problem, that they were allowed to have this without permit and it is only in recent study that we've realized as a neighborhood that there's - - that this permissive use was required. We - - there are a lot of us here today who will all speak about the - - many of them have been in the neighborhood for decades and will speak about the problems that have happened in the past. And while Murphy Oil may have a marvelous reputation now, that does not guarantee that they will not sell the lot, it does not guarantee that regulations will not change as has happened quite a bit in the last two years. It does not guarantee us anything once this permitting is allowed. The homes that back up to this and are very close by, will always be affected by this property use. So, we urge that neither the alcohol permit, nor the light fueling permit be allowed for this lot and we do want to stress that it is not that we are against any development, we are against this particular kind of development on this particular, very dangerous corner. Thank you.

ZHE: Thank you. Ms. Kepesh, could you just elaborate a little bit more, I want to understand - - I hear, I heard clearly your objections to the request for the liquor sales conditional use but I want to make sure I understand what the association's objections are to the, the fuel sales component.

MS. KEPESH: Thank you. My concern and that of our neighborhood is again, this isn't - - although they are improving this intersection, this intersection is set up in such a way, with no land added to the street area that, lanes are coming together. On the right-hand turn lane at that corner of Old Coors and Bridge where the lot is located is a narrow lane in itself and turns into an even narrower lane to accommodate a left turn lane, a through lane and also the Tower that, diagonal Tower lane coming in. There is some mitigation that's going to go on for that but that will not be completely taken away. Right now, for us, most of us do avoid that intersection ourselves because it is a very, very dangerous intersection. So, having - - this is the kind of

business that when you go in and out of it - - you're doing - - it's not like when you're going to the vet and you're there for half an hour. It's not like when you're going to a restaurant and you're there for an hour and a half or two hours, this is I'm in and I'm out in just a few minutes and so the traffic will increase tremendously and that traffic will always involve turning into and out of driveways that are right on this very, very narrow dangerous corner. As I said, we're one of the top 20 intersections, at least the last time I checked, we were at one point - - the 13th most dangerous intersection in all of Albuquerque that we, we are aware that there are constant crashes. It has to do partially with the fact that we're on the bluff and, and the bluff drops off very precipitously just at that corner. So, traffic, especially coming west, sorry, coming east from the west often cannot see very well into that intersection. There is a lot of very fast-moving traffic in this area. People do constantly exceed speed limits and so there's just a lot of problems with this. And this kind of a business on this corner - - because of the narrowness of each part of the, the facing L-lots it's very difficult for traffic to get in and out of without being disruptive to the flow and probably causing a lot of crashes. In, in adding also, pedestrian traffic to that area is just really dangerous and we know for sure, we've certainly seen it in any report and studies will say that if alcohol sales are there, that will increase pedestrian traffic specifically for the alcohol.

ZHE: Okay, thank you for that additional information. Is there anything further you'd like to add at this time?

MS. KEPESH: No, thank you, sir.

ZHE: Thank you. Ms. Williamson, would you like to respond?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, thank you, Mr. Lucero. I would like to address a few points just starting from the top. Ms. Kepesh and I did exchange several emails and I would like to address the first point that she brought - - is speaking regarding the permissive use of this - - of fuel and alcohol at this location. And she is correct, they were successful in opposing both Circle K and Valero in the last several years. However, it is very important to point out to everyone on this Zoom meeting, Mr. Lucero that they were requesting a zone map amendment to change the zoning to allow for these uses. I am not requesting that. My - - these properties are already zoned for permissive use. The burden of approval criteria that needs to be met for a zone change is far different than that of a conditional use permit and so, I do not have the same requirements that I need to meet to meet the criteria for approval that either Circle K or Valero had and I explained that in a letter that I have here dated to Ms. Kepesh, June 2nd, in which I state, "We are not asking for a zone change. I know Valero and Circle K did but that is not our request. The property intended for our development is already zoned to allow for a fueling station and liquor retail as permissive approved uses. Theirs was not and so they were seeking a zone change that would have changed the zoning for the property of the life - - for the life of the property". This goes to my next point, and she - - this is also an exchange that her and I had regarding their concern about perpetuity and their assertion that if this conditional use is approved and Murphy was to sell their property in the future, that any unsavory operator could

come in and take over, that is also not a, not correct and I did explain that. I explained that in the email exchange as well as in my submittal that, perpetuity is not granted with a conditional use, that the conditional use is specific to this user and if Murphy were to leave of vacate and someone else were to come along that, that conditional use is not extended to that user so, I wanted to make sure that we have that on the record. It is not the same as a zone change, whereas a zone change, once it's granted it is for the life of the property. That is not the case for a conditional use permit. The second thing I would like to point out and this is just for a matter of record is, Murphy is not a 24-hour operation, they will not be open 24 hours. They close at 11 and they open at 5 so, they are not 24 hours. To date, we received - - we reached out to all the property owners that are adjacent to this intended development and we received not one letter or phone call that we are aware of on any of these adjacent land owners that I'm aware of. We've certainly had no requests for meetings and then the last thing I would like to point out is - - and I touched on it earlier, the criteria for approval, of a zone map amendment and a conditional use permit are both very different. The burden as my, the burden as the agent for my applicant, needs to show that if, if there's evidence of a perceived harm, whether there is one or not, that I have demonstrated that the applicant can adequately mitigate those harmful impacts and I believe I have overwhelmingly done, that if there perceived harms, that Murphy has adequately mitigated and put policies in place to mitigate those harmful impacts and I went further than that and Mr. Lucero I think you probably reviewed this in my submittal but more than just saying that Murphy's a good operator, I provided documented data. Murphy's newest store that just opened on Alameda is right across the street from another convenience store; in the same time period of the year, since it opened to the date of my submittal, that operator had 237 calls for service, Murphy only had 33 calls for service. That is documented crime data from Albuquerque Police Department. That goes to the strength of the policies that Murphy has in place to mitigate all of these concerns about crime and accidents and so forth and so, I'm not just promising things, this is actual documented policies that have, that are effective and that create a safer, a safer shopping opportunity. As far as the traffic goes, they are very correct, 100% correct. This is a very dangerous intersection. It needs a lot of mitigation and that is why the federal government has funded 24 million dollars to realign Tower and to re-work this entire three mile stretch of road to address these concerns and so Murphy is proud to be part of that realignment project and we have worked hand in hand with the county ensuring that our site plan and our points of ingress and egress are complimentary to those construction plans, which they are.

ZHE: So, I'm looking at the site plan and I notice that there's an access on Bridge, it looks like it's west of the intersection with Old Coors, is that, is that a new access proposed or is that an existing access.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: The access is - - so the access on Bridge - - we actually located that access there and I believe Mr. Ron Bordelon is the Chief Engineer for Murphy he is the actual engineer, he's doing the plan but that location was actually coordinated with Bernalillo County Transportation Engineering based on the realignment of

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Tower Road and this was their requested location of this point of egress and ingress of this development and if - - Ron, if there's anything else - -Mr. Lucero I'm not sure if he's allowed to jump in here, he's actually the engineer that can speak to the actual detailed information but it's my understanding that that location was at the request of Bernalillo County.

ZHE: Okay, yeah if he'd like to. Is he, is he here? Oh, I see Ron Bordelon, is that right? Are you there?

RON BORDELON: Can you hear me now?

ZHE: Yes.

RON BORDELON: Okay.

ZHE: Thank you, sir. Would you please state your full name and your mailing address for the record?

RON BORDELON: My name is Ron Bordelon, 1717 Jackson Street, we're in Alexandria, Louisiana and we serve as the Civil Sight Engineer for Murphy Oil.

ZHE: Thank you, sir. Please raise your right hand and do you attest under penalty of perjury that your testimony will be true and complete?

RON BORDELON: I do.

ZHE: Thank you. Go ahead sir if you'd like to address that question and what Ms. Williamson was just attesting to.

RON BORDELON: Okay, thank you. First question, that access point, is new. There is not an access point there to the west side of that tract but that was coordinated with the, the county, the DOT and the City as to have that at the west and most point of the frontage on Bridge Boulevard so it is a new access point but it's right in, right out so, its restricted. It's just to prevent any left turns out or left turns in, so.

ZHE: Well good, that was my next question, it appeared to be just a right in, right out.

RON BORDELON: Correct.

ZHE: Okay.

RON BORDELON: So, they'd be restrictive movements at that drive.

ZHE: Okay thank you for verifying that. Was there anything further that you would like to add regarding you know the coordination with the county or other governmental entities?

RON BORDELON: No, just that we've had several meetings with DOT and the County and the City on these access points and actually how that would work with the new roadway

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improvements so that's been coordinated and we've shown the new layout that was provided by DOT on the site plan so that's as its proposed.

ZHE: Okay, great. Well thank you for that Mr. Bordelon. And Ms. Williamson, did you have anything further to add in response to the neighborhood association testimony at this time?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Not at this time, Mr. Lucero.

ZHE: Thank you. I note that there's several other persons with their hand raised. We'll start with Carmen Atencio. Ms. Atencio are you there?

CARMEN ATENCIO: Yes, I am.

ZHE: Thank you. Would you please state your full name and address for the record?

CARMEN ATENCIO: My name is Carmen Ortiz- Atencio, my address is 1256 Cortez Drive Southwest, Albuquerque.

ZHE: Thank you, ma'am. And please raise your right hand and do you attest that your testimony will be true and complete upon penalty of perjury?

CARMEN ATENCIO: Yes, I do.

ZHE: Thank you. Go ahead.

CARMEN ATENCIO: My husband and I own three properties right here in this subdivision, here. And the one at 1260 Cortez is going to sit right behind the gas station there and our main concern is all the problems that we've been having in the past and just recently with all the, the traffic that's - - we've had a lot of racers going up and down the street there. We've had a lot of gang violence, a lot of graffiti up and down the backside of our walls. Every one of us has had that wall painted almost once a week and so we're really concerned about getting a gas station in there; that's gonna bring in a type of element that we don't need in our neighborhood because we've already got enough trouble in the area as it is. And, we've tried contacting the Modulus Architects several times, no answer, no returned call so there's no way that Suzie, could say that you've made contact with people in the neighborhood here have not called you because I've talked to several of the neighbors and several of the neighbors have tried calling you and there's been no response, no answer on the phone at all. I talked to...

ZHE: Sorry to interrupt you, I just wanted to make sure I understand when you say *this subdivision and next to the property*, is that to the west of the property, further west along?

CARMEN ATENCIO: We, we are west of, the property sits right, right there next to the lot where the vacant lot - - that's right there.

ZHE: Okay, thank you. Go ahead.

CARMEN ATENCIO: Yes, so I've got the three properties there and then I'm totally concerned because I have small grandchildren and we've had trouble there in the past when the building right next door that is a car lot now, was a gas station. They've had several armed robberies there, the offenders jumped into our subdivision. And we've had the SWAT Team in the area trying to control it. We don't need this kind of element in here anymore.

ZHE: Thank you for your testimony Ms. Atencio. Anything further you would like to add at this time?

CARMEN ATENCIO: I'm just concerned. Did, did all - - has everything already gone through? Is that why we're just sitting here? Is this just gonna be something just to, to appease us and it's already gone through? Has it already gone through?

ZHE: No, no approvals have been issued and that's the whole reason why we're here is, for anyone concerned to submit testimony that I will then take under consideration and issue a written decision 15 days after the hearing. So, not gonna make a decision today because there are a lot of things being discussed and I need to fully weigh it out and hear both sides and everyone who testifies today so I appreciate you coming.

CARMEN ATENCIO: You know, and then the drive in and the way she - - they said the exit and the, the drive in coming through to Bridge right there, that sits right behind my property, just right there. And you know, what's going to prevent them from jumping over the wall and burglarizing our homes and stuff.

ZHE: Thank you for that testimony, I appreciate you coming in today. And, Ms. Williamson, would you like to respond to Ms. Atencio?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes. Ms. Atencio, I do understand your concern. I have two grandchildren as well so, I do understand your concern. I would like to let you know that, in hearing a lot of these issues come up, talking with many of you guys. When we made this first application, we took it upon ourselves to meet with the Mayor's Problem Response Team at the Albuquerque Police Department on not just this location but on another location to get their input on thoughtful design, a process called Crime Prevention Through Environmental Design. We met with the Lieutenant Shawn Garrett who leads the Mayor's Problem Response Team about the crime in this area. We solicited their input on ways that Murphy could help to address the crime that is already present in, in this neighborhood. Environmental design to help with crime prevention, these things that you're talking about, jumping the wall, graffiti, stuff like that, it actually serves to reduce that because of the practices put in place and the design measures taken and so that is something that Murphy is not required to do but they have taken the initiative to work with the problems already facing these neighborhoods so that they can help to mitigate these, not only for you but for their own employees as well because they take the health and safety of their employees very seriously and

so if you're concerned then they're concerned. And they're doing everything in their power to address all of these concerns.

CARMEN ATENCIO: You know, we've, we've called the police on several issues and it takes forever for them to show up and now if we - - we've had speeders going up and down the street at all times during the day and night. We have no police in the area. There has been no police anywhere in this area to where we can say, well oh we feel safe. And then, bringing in other people from other areas to our neighborhood I mean, I don't think you'd like it right behind your house. Tell me if you would like a gas station set right behind your house where the lights are on all night long and the traffic coming in and out and noise and then you get the drunks. And sure, you're not gonna sell them a miniature but you're going to be selling them pints and quarts, what's the difference?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: I understand your concern Ms. Atencio and I do understand your concern. The reason that Murphy volunteered to not have miniatures was based on the feedback that we got from several of your community neighbors. In that, the concern for the miniatures was that because they were so small, they could be consumed onsite whereas these larger packages which you know not everyone drinks and I understand that but some people do and it's an amenity that, that Murphy would like to offer, it's, it's patrons and well within their legal rights to do so. You know, I can't say that Murphy can solve all the crime problems here but I will tell you that Lieutenant Garrett did review the site plan and gave us several ideas of ways that could - - to help mitigate some of the problems that you're facing and you know it's not - - Murphy wants to be a good neighbor and they've done everything that they possibly can through their many, many years of protocols and training but Murphy can't be held responsible for the - - what you're calling all the crime in the neighborhood. They are not responsible for that. They can't be held accountable to, to address the crime that's already there. What they're responsible for is making sure that they mitigate it as far as their business is concerned and I feel very strongly that I submitted evidence that they will do so.

CARMEN ATENCIO: Well, you know, I understand it's not Murphy's fault...

ZHE: Ms. Atencio, I'm sorry to cut you off but there are several other people with their hands raised and I need to give everyone a chance.

CARMEN ATENCIO: Well, I want to thank you for giving me the opportunity to speak. Thank you, again.

ZHE: Thank you, ma'am, I appreciate you coming in and giving your input. Let's see, next it looks like we have Gerard Garcia. Can you hear? Can you unmute yourself, there?

GERARD GARCIA: Okay, I am unmuted.

ZHE: There you go. Thank you, sir.

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GERARD GARCIA: Thank you very much for...

ZHE: Would you please state your full name and address for the record?

GERARD GARCIA: Yes, my full name is Gerard Garcia, 5916 Rio Vista Drive Southwest, Albuquerque.

ZHE: Thank you sir and please raise your right hand and do you attest that your testimony today will be true and complete upon penalty of perjury?

GERARD GARCIA: Yes.

ZHE: Thank you, please proceed.

GERARD GARCIA: Yes, thank you. First of all, I'd like to thank the Los Altos Neighborhood Association, Jennifer for speaking out. I thank Carmen, for you to speak out. Angela, thanks for your impressive input but there is, there's a lot of land right just west of us on New Coors up there that could be really viable possibilities for your Murphy station. It sounds like it's a really good business. But, for our intersection here, I really oppose a new structure or building a new gas station with any sort of alcohol mainly because of - - traffic noise is mainly my concern and traffic in general. We have a lot of - - we have a gas station across the street, I'm sure you're aware of, where you know, we have vehicles of all kinds pull in blaring boom boxes all hours of the night. It disturbs our peace in our neighborhood. Oh, by the way, I think the formal area neighborhood we are representing and we're not representatives for the neighborhood but I think it's the Alamosa Community Center, I'm sorry, neighborhood association. And I don't know if they're in tact now or not but I don't think we have a representative for the, the Alamosa Community, community - - neighborhood which is basically sort of right behind your proposed place of business. We've lived here for over 35 years, we've raised our kids here, we've got grandchildren coming in, playing outside. We really do appreciate our peace and quiet and I don't think a business such as Murphy Oil would be appropriate for this neighborhood.

ZHE: Thank you for your testimony, Mr. Garcia

GERARD GARCIA: Thank you.

ZHE: Ms. Williamson, would you like to respond?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: No, just thank you Mr. Garcia for your input, I appreciate that. Thank you.

ZHE: Thank you. Thank you both. It looks like now that there's a person who's name says Kelly's iPhone. Are you there Kelly?

KELLY COCKRELL: Hello, can you hear me?

ZHE: Hello.

KELLY COCKRELL: Hi, I swore in earlier, my name is Kelly Cockrell do you want me to do it again?

ZHE: No, we'll just note for the record that you've already been sworn in.

KELLY COCKRELL: Okay, Kelly...

ZHE: Go ahead.

KELLY COCKRELL: Okay, so thank you Los Altos and Carmen and Gerard for your statements. I live in Town Park, which is over on Eubank and Central and we are in a similar position as you. Like you, Murphy is trying to put a gas station right next to our housing development. Like you, we are a busy corner, we are actually the 18th busiest corner in Albuquerque. Like you, we will have to be awakened by huge tankers backing in and out with their backup lights at 5AM. The fumes will infiltrate our neighborhoods, benzene, carcinogenic, fumes which science has shown are carcinogenic, are horrible for the brain and for young people and living, other living beings. Like you, Modulus met with the police department but in no way did they guarantee that this would mitigate crime. They met about this but they actually made a statement in our literature in the application that said, we're just saying that this might deter it but there's no - - they cannot guarantee that. Like you, we have documentation of incorrect statements that Angela Williams of Modulus Architects has stated. We've tried to have meetings with Ms. Williamson in March but we didn't hear from her until May. The difference between our situation and yours is that Ms. Williamson found a loophole in the zoning so, she doesn't have to get any of the conditional use permits. We're a planned development, you guys are mixed use, because of that PD, we're kind of screwed which is a whole other conversation but anyways lucky her, lucky Josh Skarsgard, the land developer and lucky Murphy Oil. Now number one, there is absolutely no science by on - - by foregoing miniatures in alcohol sales. Like Carmen said, they're gonna sell half pints, beer, wine and then they can share it. And during Covid-19, isn't that lovely? Where there's more alcohol, there is crime and science has shown that for every 10 percent increase in offsite alcohol outlets there's 4.2% increase in violent crime. And for my final statement, I would like to say this is a habit of Murphy and Modulus and they want to prey on poor neighborhoods and neighborhoods of color with their alcohol sales. Thank you.

ZHE: Thank you for your testimony. Ms. Williamson, would you like to respond?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: I would like to it stated in the record that the situations are not similar. We are not requesting a conditional use at that other location for fuel or alcohol. We did not find a loophole in the zoning code. We follow the zoning code exactly as adopted by the City Council. We followed the requirements as required by law and we found no loophole. We are strictly following the requirements of the City of Albuquerque's adopted IDO. And furthermore, I would just like to state that again, the burden of, the burden of a conditional use is different than a zone map and if there is a perceived harm, it is the

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applicant's duty to demonstrate that we have adequately mitigated the harmful impacts by the policies and procedures in place by the user. This is not an attack on all alcohol. This application is only regarding how Murphy intends to mitigate the potential, that is the burden that we are meeting here and I believe, again that we have more than adequately documented how we intend to mitigate any possible harmful effects. I don't happen to agree that there are any but that's not the burden that we have to meet. The burden is, have we demonstrated that we can adequately mitigate those and I think we have.

ZHE: Thank you Ms. Williamson. I see now that there is a hand raised and it says Los Altos Neighborhood all spelled out.

DIANE BESERRA: Hello?

ZHE: Hello. Would you please state your name please?

DIANE BESERRA: Inaudible. I've got my hand up.

ZHE: Hello?

DIANE BESERRA: Hello?

ZHE: Yes, would you please state your full name and address for the record?

DIANE BESERRA: Yes, my name is Diane Beserra and I'm at 814 Rio Vista Circle Southwest, Albuquerque, 87105.

ZHE: Okay, and I'll just note for the record that Jennifer Kepesh has already said that she spoke on behalf of the Los Altos Neighborhood Association but are you also from that association?

DIANE BESERRA: I'm just speaking as a...

ZHE: On your own behalf?

DIANE BESERRA: Yes. I'll be...

ZHE: Okay.

DIANE BESERRA: ...I'll be brief; I just want to ask a couple of questions from Angela.

ZHE: Let's get you sworn in. Would you please raise...

DIANE BESERRA: I thought I had done that already.

ZHE: ... raise your right hand? Do you attest that your testimony today will be true and complete upon penalty of perjury?

DIANE BESERRA: I do.

ZHE: Thank you. Go ahead.

DIANE BESERRA: Okay, thank you everybody for participating in this. It's very important that we all get heard. I want to just ask Angela a couple of questions. Now, you're representing Modulus - - I'm sorry you are Modulus, you are representing Murphy Oil, is that correct?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: That's correct.

DIANE BESERRA: If that's the case then why is it that this paperwork here, on this agenda says that there is a Jose Alfredo and Ailda Martinez are the ones requesting this? Who's the owner and why is it that it doesn't say Murphy Oil there? The one right above says Red Shamrock and then all these others have their own corporate names. Why is it that Jose Alfredo and Ailda Martinez are the ones requesting this?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: I believe I can answer that for you. Those are the legal property owners of these two parcels and the rules of the Zoning Hearing Examiner Conditional Use Application states that we have to - - the current land owner - - we provided both names, both the land owners and Murphy USA on our application and it was identified by I believe, Ms. Patten, that it would be advertised as the current property owners as Murphy's does not own this property yet.

DIANE BESERRA: Okay. Also, I'd like to ask - - I'd like to state that there are at least close to ten places in the immediate area within a mile from here, to purchase alcohol. There's Casa Luna Liquors, there's Keyhigh, there's Walgreens, there's Monte Carlo, there's Kelly's and I could go on naming others where people can get alcohol. They don't have to come here to this location to get alcohol. It's not like you know, people couldn't just drive another .2 miles or .8 miles to buy alcohol so I don't see the need to sell alcohol there. Also, I would also like to know about this ingress, egress that you were referring to that seemed to have gotten approved. Didn't they have to go through some sort of process to let the neighbors know and everybody around them know about changing the plan, the site plan to include all of the affected people that were going to be affected by this ingress, egress on the westside of the property?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Let me address traffic first. I can't say for certain the policies of the Bernalillo County and City and the Department of Transportation in terms of their requirements to notify. I don't believe - - when it comes to transportation and access, I don't believe that it is something that they notify or even get input from any of the residents in fact, they don't even take really, input from us. They look at engineering science and traffic analysis done by professional engineers that specialize in that and that is where they take their data from to make decisions about access. It is not from us nor, from the residents so no, they would not have asked your input for that access. They would have taken it directly from their experts.

DIANE BESERRA: Well Carmen just stated earlier that this is going to be affecting their property directly and I just find it very hard to believe that there wouldn't be some sort of process for the affected parties to be able to make comments on such a, such a design on the site

plan. But, nonetheless, I just asked - - those are questions I had and I just - - there is such a crime element here in this neighborhood. Immediately, immediately in our neighborhood - - I can't even walk the dog without having drag racing and there's already been 4 different collisions or crashes where people are drag racing and when I'm walking the dog - - our sign here, our street sign got torn down because of a drag racer going 80 miles an hour or more and, and it's just a really bad place to add some more people and cars and activity and sales of alcohol and all that, there. It's just not going to work in our neighborhood, not to mention the noise and the lights and people they drive - - there would be big loud motorcycles and the big mufflers there and they park there and we can hear it all the way over here, we can't sleep. There's no way to sleep with all this going on already, as it is. Imagine another, another one of those here. That's all I have to say. Thank you.

ZHE: Thank you for your testimony. Ms. Williamson, was there anything else you'd like to add in response?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Mr. Lucero, would it be appropriate at this point to - - Mr. Wayne Gibson, who represents Murphy USA, he is in this meeting and I would like - - he would like to make a statement and I would like to invite him to make a statement to address some of the concerns that have been raised here.

ZHE: Yes.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Thank you.

ZHE: Mr. Gibson, are you there?

WAYNE GIBSON, MURPHY USA: Yes, I am Mr. Lucero.

ZHE: Thank you, sir. Would you please state your full name and mailing address for the record?

WAYNE GIBSON, MURPHY USA: My full name is Wayne Gibson, our address is 200 Peach Street, Eldorado, Arkansas 71730.

ZHE: Thank you sir and please raise your right hand. Do you attest under penalty of perjury that your testimony will be true and complete?

WAYNE GIBSON, MURPHY USA: Yes, I do.

ZHE: Thank you sir, please proceed.

WAYNE GIBSON, MURPHY USA: Yes, Mr. Lucero. Thank you for this opportunity and you know, thank you for the participants. Again, I'm Wayne Gibson with Murphy. I've been with Murphy a little over 40 years now. We always strive to be a good neighbor wherever we go. We've got approximately 20 sites throughout New Mexico, Albuquerque is one of the focus areas that we have and you know, as I said, we want to be good neighbors wherever we go. Concerning you know, there was a statement about preying on you know, those types of

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neighborhoods, no we don't! And I for one would not have, not have stood for something like that to happen. That's just not who Murphy is. We're based here in Eldorado, Arkansas, always have been and as I said, we just have a different, different culture about how we go about doing things and we want to do it right the very first time because we may come back and ask for something else and we know that zoning commissions, councils, half of them have a long history. I've been in several ZHE meetings there in Albuquerque over the years as well. Concerning the gasoline transport truck, we can determine when that truck comes on site and it's - - one thing for sure, we never, nor does the driver want to back that truck up and for various reasons. From the time that the driver gets there, gets out, puts their cones out, sticks tags, does some preliminary work, paperwork - - 30 to 35 minutes they're there. They're coming over in the night or early in the morning, we can determine from the terminal when they do come so, we don't feel that that's an issues. And a site like this, we'd be talking about one load Sunday through Thursday and perhaps a load and a half on Friday and Saturday. Again, we're, we're not a traffic creator, we're a pass through destination so we're not creating that additional traffic, we're just capturing some of what's already out on the roadway but as I said, I'd just like to make a point that we're not some, we're not a company that's preying on various communities. We want to come in and, and make the community better and we do that by volunteering in various organizations throughout these locations that we're in.

ZHE: Thank you Mr. Gibson, I appreciate you willing to share that. Is there anything else you'd like to add?

WAYNE GIBSON, MURPHY USA: Again, you know, we look forward to doing business in New Mexico and Albuquerque and as I said, we're gonna do our very best to make it a viable business.

ZHE: Thank you, sir.

WAYNE GIBSON, MURPHY USA: Thank you.

ZHE: Very good, Let's see, there's - - let's - - Ms. Williamson, was there anything else you'd like to add or if not, I'm going to proceed to the next public comment.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: No, thank you Mr. Lucero. Thank you.

ZHE: Thank you. Next, we have Victor Beserra.

VICTOR BESERRA: Hello.

ZHE: Hello Mr. Beserra. Would you please state your full name and mailing address for the record?

VICTOR BESERRA: Yes, my name is Victor Beserra, my address is 814 Rio Vista Circle, 87105.

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ZHE: Thank you sir and please raise your right hand. And do you attest under penalty of perjury that your testimony will be true and complete?

VICTOR BESERRA: I do.

ZHE: Thank you, sir. Please proceed.

VICTOR BESERRA: Yes, I wanted to discuss more in line with the alcohol sales of Murphy Oil. As Jennifer mentioned earlier, we have several attempts to have a - - the Valero and another gas station sell alcohol in this location, of course those were defeated. Many of those citizens and neighborhood associations came forward to discuss their concerns and those concerns haven't changed. Years prior to that, we had two packaged liquor stores that were just south of Bridge on Old Coors, probably a block away. We had so many problems with those two liquor establishments. There was crime written by, by people breaking into houses, breaking into cars, coming into our neighborhood here, Los Altos and - - or finding them in our grass, on our, our property passed out. Crime was just out of control about that time. We believe that this is also another, I guess another component that will add to the crime in the area. Granted, Murphy Oil is not responsible for everything and I get that but selling liquor in this area, it's almost a given that we are going to experience additional crime stats that we don't - - that we are not - - and the reason it's not happening is because they're not selling liquor in these areas and that includes another gas station that's probably two blocks off of Old Coors Road, just north of us that was, that has stopped selling liquor as well. With the sales of liquor, we are going to end up seeing one of these other as stations down the road, make an amendment to their zoning classification whether it's permissive or whatever it is but then if you set that precedence, then I think everybody's gonna jump on that band wagon, the sale of liquors in this area. That's about all I have to say.

ZHE: Thank you for your testimony Mr. Beserra. Ms. Williamson, would you like to respond?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Just really quickly Mr. Lucero, I would like to make a couple points. It is evident, you know, the neighbors are very clear - - they are correct in their information that they have defeated two other applicants in their pursuit of an approval but again, those applicants were pursuing a zone change and we are not. I did pull those documents from City Council in which they appealed the denial and one of the most important findings from City Council and I have it sitting here on my computer and it states that yes, the neighborhoods asked and discussed with the applicant their concerns about alcohol as it related to their operation and EPC and City Council stated and I quote this, "the appellant, which was the Circle K user, failed to provide testimony of how any meaningful evidence, on how they could provide adequate mitigation". Murphy has provided adequate mitigation, I have documented many, many policies in place that these other applicants did not have in place, do not have in place and I went further to document, Mr. Lucero, and I'm - - I would like to say this again, as a comparison for the neighbors so that they understand that Murphy is not these other

applicants. They do not operate in the same manor. This most recent store that Murphy opened in Albuquerque, as compared from January to now, to the Circle K across the street and the Lowe's across the street and the Sprouts [where's those numbers?]. This is data from the Albuquerque Police Department, I did not make this up, and this goes, this is a direct correlation to the policies that Murphy has in place, all of the things that I have been talking about, environmental design to prevent crime, lighting, access, the training of their employees. The Murphy store, year to date, from January, only had 33 calls for service, in comparison, the Lowe's Home Improvement Store that doesn't have gas or alcohol, has had 31 calls for service in the same time period. The Circle K directly across the street, that does have alcohol and gas has had 231 calls for service. Now you take two operators, directly across the street from one another that provide the same service in terms of alcohol and fuel and you tell me why one has 33 calls for service and one has 231 calls for service and I will tell you that that is a direct relation to the training that Murphy has on site with their employees. The lighting, the site access, everything from where their site is - - access from all of these things are factors that goes into a Murphy project. The Savors, the Sprouts had 24 calls, the Savors, which doesn't sell alcohol or fuel, which is next door had 112 calls for service and so the application that was denied, again, it didn't say that it was denied because there is gonna be alcohol there. What it said was, it was denied because the appellant failed to provide adequate evidence of mitigation and that is why it was denied. So, I want to make it clear that they were requesting a zone change and not a conditional use permit and that's all I have.

ZHE: Thank you for that information. Would you mind submitting that, you know that data that you were reading from. If it's not already in the record, would you mind emailing that over to Suzie, then it will be available to the public.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: It's in the record Mr. Lucero, it's on page 2 of my, my submittal.

ZHE: Oh good. Thank you.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Yes, sir.

ZHE: And then, I just had a question, you know earlier, we were talking about a condition you know, limiting the alcohol sales, to prohibit the miniatures and would Murphy object to having conditions of approval that are in line with the mechanisms that you set forth in the application regarding all of the mitigation measures, to make it express you know, those things will be maintained?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: I will not speak for Murphy on that. I have not discussed that with them. I know that they have agreed to not sell miniatures but many Murphy - - as senior executives are on this call and I think that they could speak to that. I mean, I - - all of the procedures that I have discussed here today come directly from the core values that Murphy has in place nationwide but Mr. Gibson, Ron, Terry, if any of you would like to speak

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directly to that so that Mr. Lucero you have confidence that if we, if we or that if the Murphy Organization is on the record agreeing to those conditions.

ZHE: Thank you Ms. Williamson.

WAYNE GIBSON, MURPHY USA: Yes.

ZHE: Mr. Gibson is that you?

WAYNE GIBSON, MURPHY USA: Yes, Mr. Lucero. Yes, as Ms. Williamson just stated, you know, what she's already presented, we're whole-heartedly backing that. That would have come from us and through our civil engineers and project manager.

ZHE: Thank you sir. Very good, let's see, we have next up, Victor Prado. Mr. Prado?

VICTOR PRADO: Yes sir, Mr. Lucero.

ZHE: Thank you sir. Would you please state your full name and mailing address for the record?

VICTOR PRADO: Yes, my full name is Victor O. Prado. My Albuquerque mailing address is 1261 Cortez Drive Southwest, Albuquerque, New Mexico, 87121.

ZHE: Thank you sir and please raise your right hand. Do you attest under penalty of perjury that your testimony will be true and complete?

VICTOR PRADO: Yes, it will.

ZHE: Thank you, sir. Please proceed.

VICTOR PRADO: Mr. Lucero, I want to thank you for your time and I want to thank you for being a representative also of the City of Albuquerque. The City is very close to my heart and I would like to say the following, I am the across the street neighbor across the street from Carmen and her husband, Carmen Atencio and when I received the letter, I was very concerned because of what establishment is going to be there. The concern is that, I had to move from my home and reside in California because of a job but I plan to go back to my house in Albuquerque to retire there. That's the reason that I have not sold it. My daughter has lived there and I have not sold it because I like the area but I do understand the concerns that we are seeing here and hearing about because I want to go back to a safe zone. And Mrs. Williams has brought out the Police Department and so forth. My question is, are they taking full responsibility of what happens there? And she brought that these other locations have a low calling list, nevertheless, my point is this, we heard the testimony of Carmen, you know, the police comes in in 35-45, even longer to respond to a call. I wonder if the Lieutenant lives right across the street from there. I wonder if they're gonna take full responsibility with whatever happens. Are they going to come in and educate our children, our grandchildren? Is Murphy - - Murphy is just going to come and put an establishment and they're gone. And so, with all due respect to Mr. Gibson, he don't even live in the area, so they cannot speak for us. And I thank you Mr. Lucero for giving us

this opportunity because that is gonna be across the street from us. They're gonna be making a turn around the street and they're gonna be going through our street. So now, we have to live with it. And when that establishment, I hope it doesn't get the permit but if it does get the permit, hey, that establishment is not going to respond to this. And you've already heard from our neighbors there that when an establishment sells alcohol, it doesn't get better, it gets worse. So, I am concerned and Mr. Lucero, as a representative of the City you represent us. I think that that is a responsibility to look for the citizens of Albuquerque and I really do think that I am going back but you know, under what conditions? So, Mr. Lucero, it's a very, very heavy concern on my part because I am going to live there. The others aren't going to live there. They're just going to leave their establishment there and we're gonna have to suffer the consequences and I am very much opposed to it. Thank you, Mr. Lucero.

ZHE: Thank you, Mr. Prado. I appreciate your testimony. I just want to make clear that you know, I do not represent the City, I am an Independent Hearing Examiner, you know, I must enforce and make decisions based on the code and the policies and the declarations adopted by the City but no, I can't act on behalf of the City or adopt it and so I'm doing my best to weigh all the testimony put in front of me and I appreciate everyone being patient and submitting your testimony and we'll continue to work through that. I know there's several other people with their hands up so I appreciate everyone being patient.

VICTOR PRADO: And (inaudible).

ZHE: Ms. Williamson, would you like to respond to Mr. Prado? Oh no problem Mr. Prado.

VICTOR PRADO: Sorry about that but then, we gotta go further, beyond? We're gonna go further, beyond because...

ZHE: Thank you sir.

VICTOR PRADO: ... we want to keep our community safe.

ZHE: Thank you sir. Ms. Williamson, would you like to respond?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: I just want to make one comment for the record. You're right, although Mr. Gibson does not live in Albuquerque, I do, I've been here for 20 years and so will the manager of this location, all the store employees and clerks, they're going to be coming from within this community so Murphy is not interested in just setting up shop and leaving they take a vested and valuable in this community which is where their employees are coming from so, that's all I would like to add.

ZHE: Thank you ma'am. Next, we have Dan Goering is it?

DANIEL GOERING: Goering. Congratulations, you're in the, you're one of the top five-percent of name pronouncers.

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ZHE: Well thank you sir. Would you please state your full name and mailing address for the record?

DANIEL GOERING: Yeah, my name is Daniel Goering and I live at 2802 Los Altos Place Southwest and the zip code is 87105, it's in the Los Altos neighborhood.

ZHE: Thank you sir, would you please raise your right hand? Do you attest under penalty of perjury that your testimony will be true and correct?

DANIEL GOERING: Yes, I do.

ZHE: Thank you sir, please proceed.

DANIEL GOERING: Okay. I don't need to say much. I think Vic Beserra said most of what I was going to say but I do want to emphasize that I stopped, I stopped giving myself the option of being a pedestrian at this Bridge and Old Coors intersection a while ago because it's, for me, it's just too dangerous. And, the other thing is, my experience, wherever I've been is, more alcohol sales come into the neighborhood, the crime goes up. That's my experience. I don't - - can't quote you chapter and verse, you know stats and everything but if, if Murphy can sell alcohol, then probably the gas station across the street, and the gas station up Old Coors there will follow suit and whenever that happens, my experience has been that crime, crime goes up in the neighborhood and in our neighborhood there's quite a few, quite a few kids, quite a few elderly folks like my wife and myself and I don't think we need that and that's about all, that's about all I need to say. Thank you.

ZHE: Thank you, sir. Ms. Williamson, any response?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: No, Mr. Lucero, thank you.

ZHE: Thank you and I see that we have Ms. Kepesh who spoke earlier, has her hand up. Are you there Ms. Kepesh?

JENNIFER KEPESH: I am.

ZHE: Thank you, I'd ask you to just limit it to one minute because we have other applications.

JENNIFER KEPESH: Absolutely, so I do want to say to Mr. Gibson and Ms. Williamson who've spoken of being a good neighbor. A good neighbor does not bring alcohol sales into a residential area that is already having so many problems around traffic. You've also spoken of mitigating, on this property any possibilities or - - mitigating but of course not getting rid of them, possibilities of crime related to loitering, related to alcohol sales however, that does not stop those things from happening right next door. Displacing does not mean that you have really fulfilled your responsibility and you will say if it is not on our property, it doesn't count but it absolutely does. As to our independent hearing, commissioners, you're in charge of permitting, you have the responsibility to protect our homes and our neighborhoods, our health and our

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safety. Your choice to deny this permit is a serious responsibility. You must not rubber stamp this request. You must consider how alcohol sales in Southwest Albuquerque affect the narrow and wider neighborhoods. You must realize that employees cannot and do not control malicious behavior but if they are able to run customers off, then those run-off customers into the nearby neighborhoods. Please do not allow alcohol sales at this location.

ZHE: Thank you, Ms. Kepesh. Ms. Williamson, would you like to respond?

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Mr. Lucero, in respect of your time, and the other applicants that I know are following my case, I don't have anything other than just to say that I believe that all of the evidence that I've submitted with my application and our testimony here today will give you significant information to make a decision based on the policies governing the IDO in terms of a conditional use permit so I thank you for your time and to the other applicant's I am sorry that we've gone so long.

ZHE: Well thank you, Ms. Williamson. I am just scrolling through the participant list to see if there's anyone else who would like to speak. Again, this is item 22 and 23 and I see some folks with their hand raised but they've already had an opportunity to speak and so for the interest of time and the other applicants, we do need to move forward. If there's anyone else who has not yet spoken, please do raise your hand. And, not seeing anyone else, we'll go ahead and close the record, take it under advisement and - - thank you everybody for your patience and your testimony. I'll do my best to reason through this and will issue a written decision in 15 days, thank you.

ANGELA WILLIAMSON, MODULUS ARCHITECTS: Thank you.

UNKNOWN SPEAKERS: Thank you.

Planning Department
Brennon Williams, Interim Planning Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

September 21, 2020

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on September 18, 2020. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-20-10
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2020-003911, VA-2020-00143, VA-2020-00144, VA-2020- 000313

APPLICANT: Los Altos Civic Assoc.
2831 Los Altos Place SW
Albuquerque NM, 87105

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
ZHE file
Angela Williamson, Modulus Architects, awilliamson@modulusarchitects.com
Athena La Roux, Los Altos Civic Association athenalaroux@gmail.com
Jose Alfredo, & Ailda Martinez, zapateriapedrito@hotmail.com



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, August 18, 2020 9:00 A.M.

Join Zoom Meeting

<https://cabq.zoom.us/j/91253495489>

Meeting ID: 912 5349 5489

One tap mobile

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Meeting ID: 912 5349 5489

Find your local number:

<https://cabq.zoom.us/j/91253495489>

Robert Lucero, Esq., Zoning Hearing Examiner

Lorena Patten-Quintana, ZHE Planner

Suzie Sanchez, ZHE Administrative Assistant

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

***INTERPRETER NEEDED:**

- | | | |
|------------------|----------|--|
| 1. VA-2020-00122 | Project# | Ruben Perez and Graciela Silva request a conditional use to allow an |
| | PR-2020- | accessory dwelling unit without a kitchen for Lot 42, Block 4B, Dennis - - W |
| | 003825 | B, located at 338 Cutler Ave NE, zoned R-1B [Section 14-16-4-2] |

OLD BUSINESS:

- | | | |
|------------------|----------|---|
| 2. VA-2020-00133 | Project# | Justin Lial requests a variance of 3 ft to the 3 ft maximum wall height for Lot |
| | PR-2020- | 1-P1, Block 1, Tompiro, located at 5920 Gran Quivira Rd NW, zoned R-1B |
| | 003889 | [Section 14-16-5-7(D)] |
| 3. VA-2020-00151 | Project# | Evangelina Marcum requests a variance of 3 ft to the 3 ft maximum wall |
| | PR-2020- | height for Lot 7, Block 25, Eastern Addn, located at 706 Lewis Ave SE, |
| | 003922 | zoned R-1A [Section 14-16-5-7(D)] |

NEW BUSINESS:

- | | | | |
|-----|---------------|----------------------------|--|
| 4. | VA-2020-00102 | Project#
PR-2020-003715 | Carolyn Drummond-Hay requests a variance of 3 feet to the 3 foot maximum wall height for Lot 14, Block H, Vista Encantada Replat, located at 2912 San Pedro DR NE, zoned R-1C [Section 14-16-5-7(D)] |
| 5. | VA-2020-00142 | Project#
PR-2020-003909 | Red Shamrock 21, LLC (Agent, Modulus Architects) requests a variance of 8 feet to the 15-foot maximum setback in the MX-H zone for Lot A-1, Bellemahs Central, located at 10415 Central Ave NE, zoned MX-H [Section 14-16-4-3(D)(17)(k)] |
| 6. | VA-2020-00143 | Project#
PR-2020-003911 | Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) request a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)] |
| 7. | VA-2020-00144 | Project#
PR-2020-003911 | Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) request a conditional use to allow for liquor sale within 500 feet of residential for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW zoned MX-M [Section 14-16-4-3(D)(36)(c)] |
| 8. | VA-2020-00156 | Project#
PR-2020-003968 | Roman Perez requests a variance of 3 feet to the 3 feet maximum wall height for Lot 83-P1, Seville Unit 3A, located at 5908 Soria Ave NW, zoned R-1B [Section 14-16-5-7(D)] |
| 9. | VA-2020-00176 | Project#
PR-2020-003972 | Isaac Sandoval (Agent, Yolanda Montoya) requests a variance of 5 feet to the required 10 feet side yard setback for Lot 7, Block B, La Sala Grande Estates Unit 2, located at 3416 La Sala Del Oeste NE, zoned R-1D [Section 14-16-5-1] |
| 10. | VA-2020-00186 | Project#
PR-2020-003980 | Kahjarime Baca and Ehren Baca (Agent, Yolanda Montoya) request a variance of 3ft to the 3ft maximum wall height for Lot 23, Block 4A, Wolters, located at 1509 Rita DR NE, zoned R-1C [Section 14-16-5-7(D)] |
| 11. | VA-2020-00187 | Project#
PR-2020-003980 | Kahjarime Baca and Ehren Baca (Agent, Yolanda Montoya) request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 23, Block 4A, Wolters, located at 1509 Rita DR NE, zoned R-1C [Section 14-16-4-2] |
| 12. | VA-2020-00188 | Project#
PR-2020-003981 | Sarita Candice (Agent, Eunice Beronio) requests a variance of 3 feet to the 3 feet maximum wall height for Lot 32, Block 1, La Mesa, located at 130 Louisiana Blvd NE, zoned MX-M [Section 14-16-5-7(D)] |
| 13. | VA-2020-00189 | Project#
PR-2020-003981 | Sarita Candice (Agent, Eunice Beronio) requests a variance of 3 feet to the 3 feet maximum wall height for Lot 33, Block 1, La Mesa, located at 130 Louisiana Blvd NE, zoned MX-M [Section 14-16-5-7(D)] |
| 14. | VA-2020-00190 | Project#
PR-2020-004004 | Mercedes Mejia requests a variance of 4 feet to the 3 feet Maximum wall height for Lot 1, Block 1, Loma Verde, located at 7501 Central Ave NE, zoned MX-M [Section 14-16-5-7(D)] |
| 15. | VA-2020-00194 | Project#
PR-2020-004032 | Jerry and Deborah King (Agent, Gilbert Austin) request a permit to allow a carport within the front and side setback areas for Lot 10, Block 2, Zuni Addn, located at 7510 Euclid Ave NE, zoned R-1C [Section 14-16-5-5-F-2-a] |

16.	VA-2020-00195	Project# PR-2020-004033	Jerome F Trujillo (Agent, Garcia/Kraemer & Associates) request a Variance of 6 & 5/8 inches to the allowed maximum height of 12 feet 5 & 3/8 inches of the primary building height for Lot 27, Block 3, Carlisle Plaza Addn, located at 3828 Headingly Ave NE, zoned R-1C [Section 14-16-5-11(c)(3)(b)]
17.	VA-2020-00196	Project# PR-2020-004035	Brandi O'Neal requests a variance of 2 feet to the 3 feet maximum wall height for Lot 4, Todnem Addn, located at 1112 Mildred Ave NW, zoned R-1C [Section 14-16-5-7(D)]
18.	VA-2020-00200	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 4, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]
19.	VA-2020-00203	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 3, Block 8, Broad Acres, located at 7509 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]
20.	VA-2020-00204	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) request a conditional use to allow for a fueling station adjacent to a residential zone for Lot 5, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]
21.	VA-2020-00209	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for a fueling station adjacent to a residential zone for Lot 6, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(17)(i)]
22.	VA-2020-00215	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 3, Block 8, Broad Acres, located at 7509 Menaul BLVD NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
23.	VA-2020-00216	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 4, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
24.	VA-2020-00217	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 5, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
25.	VA-2020-00218	Project# PR-2020-004038	Kreider Shirley Revocable Trust (Agent, Modulus Architects) requests a conditional use to allow for the retail sales of liquor within 500 feet of a residential zone for Lot 6, Block 8, Broad Acres, located at 7521 Menaul Blvd NE, zoned MX-M [Section 14-16-4-3(D)(36)(c)]
26.	VA-2020-00205	Project# PR-2020-004045	Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 12, Block 6, Volcano Cliffs Unit 18, located at 6528 Kimmick Dr NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)]

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| 27. | VA-2020-00207 | Project#
PR-2020-004047 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 13, Block 6, Volcano Cliffs Unit 18, located at 6524 Kimmick Dr NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 28. | VA-2020-00208 | Project#
PR-2020-004048 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 4, Block 8, Volcano Cliffs Unit 22, located at 6416 Canavio PI NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 29. | VA-2020-00210 | Project#
PR-2020-004050 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 24, Block 1, Volcano Cliffs Unit 22, located at 8000 Agua Fria CT NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 30. | VA-2020-00211 | Project#
PR-2020-004051 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 1, Block 8, Volcano Cliffs Unit 22, located at 6428 Canavio PL NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 31. | VA-2020-00212 | Project#
PR-2020-004052 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 38, Block 6, Volcano Cliffs Unit 18, located at 6619 Sujeto RD NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 32. | VA-2020-00213 | Project#
PR-2020-004053 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 3, Block 8, Volcano Cliffs Unit 22, located at 6420 Canavio PL NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 33. | VA-2020-00214 | Project#
PR-2020-004054 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 5, Block 7, Volcano Cliffs Unit 18, located at 6516 Pato RD NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 34. | VA-2020-00219 | Project#
PR-2020-004056 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 10, Block 2, Volcano Cliffs Unit 22, located at 6327 Camino Alto NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 35. | VA-2020-00221 | Project#
PR-2020-004058 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 16, Block 9, Volcano Cliffs Unit 18, located at 6520 Canavio PL NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |

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| 36. | VA-2020-00222 | Project#
PR-2020-
004059 | Pulte Home of New Mexico, Inc. / Mr. David Newell (Agent, Jim Strozier, Consensus Planning) request an increase building height to 26 ft on a maximum of 67% of the building footprint for a variance of 17% to the 50% maximum allowed for Lot 7, Block 7, Volcano Cliffs Unit 18, located at 6508 Pato RD NW, zoned R-1D [Section 14-16-3-4-(M)(4)(b)] |
| 37. | VA-2020-00220 | Project#
PR-2020-
004057 | First Unitarian Church (Agent, Cherri Japhe) requests a variance of 6 feet to the 3 feet Maximum wall height for Lot 8D1, Block B, Indian Acres, located at 3701 Carlisle Blvd NE, zoned MX-T [Section 14-16-5-7(D)] |
| 38. | VA-2020-00223 | Project#
PR-2020-
003587 | Julie Elizabeth Kilpatrick and Linda Kay Cecil (Agent, Garcia Kraemer & Associates) request a Variance of 5 ft to the required 10 ft side yard setback for Lot 1, Snow--Michael J & Elizabeth, located at 2728 Decker Ave NW, zoned R-A [Section 14-16-5-1] |



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, July 21, 2020 9:00 A.M.

Join Zoom Meeting

<https://cabq.zoom.us/j/93420676806>

Meeting ID: 934 2067 6806

One tap mobile

+12532158782,,93420676806# US (Tacoma)

+13017158592,,93420676806# US (Germantown)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 669 900 6833 US (San Jose)

Meeting ID: 934 2067 6806

Find your local number:

<https://cabq.zoom.us/j/93420676806>

Robert Lucero, Esq., Zoning Hearing Examiner

Lorena Patten-Quintana, ZHE Planner

Suzie Sanchez, ZHE Administrative Assistant

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

***INTERPRETER NEEDED:**

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| 1. VA-2020-00122 | Project# | Ruben Perez and Graciela Silva request a conditional use to allow an |
| | PR-2020- | accessory dwelling unit without a kitchen for Lot 42, Block 4B, Dennis - - W |
| | 003825 | B, located at 338 Cutler Ave NE, zoned R-1B [Section 14-16-4-2] |
| 2. VA-2020-00130 | Project# | Claudia Erives requests a conditional use to allow a family home daycare for |
| | PR-2020- | Lot 20A, Block 26, Anderson Heights Unit 5A, located at 10631 Groundstone |
| | 003856 | Rd SW, zoned R-1A [Section 14-16-4-2] |

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| 3. | VA-2020-00094 | Project#
PR-2020-003581 | Tae Kunisawa requests a variance of 3 ft to the 3 ft maximum wall height for Lot 1, Block 3, College View Addn, located at 3803 Copper Ave NE, zoned R-T [Section 14-16-5-7(D)] |
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NEW BUSINESS:

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| 4. | VA-2020-00058 | Project#
PR-2020-003426 | Billy Williams Jr requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 1, Apodaca & Sedillo Addn, located at 1400 8 TH ST SW, zoned MX-T [Section 14-16-5-7(D)] |
| 5. | VA-2020-00060 | Project#
PR-2020-003438 | Daniel Gaillour requests a variance of 3 feet to the 3 foot maximum wall height for Lot 2, Block 16, Santa Fe Addn, located at 917 8 th ST SW, zoned R-1A [Section 14-16-5-7(D)] |
| 6. | VA-2020-00102 | Project#
PR-2020-003715 | Carolyn Drummond-Hay requests a variance of 3 feet to the 3 foot maximum wall height for Lot 14, Block H, Vista Encantada Replat, located at 2912 San Pedro DR NE, zoned R-1C [Section 14-16-5-7(D)] |
| 7. | VA-2020-00116 | Project#
PR-2020-003812 | Luis Molina (Agent, Nicky Martinez) requests a variance of 3 ft to the 3 ft maximum wall height for Lot 2, Block 5, Lafayette Terrace, located at 3304 Delamar Ave NE, zoned R-1C [Section 14-16-5-7(D)] |
| 8. | VA-2020-00117 | Project#
PR-2020-003817 | Guadalupe C. Corrales (Agent, Dolores Morales) requests a variance of 3 ft to the 3 ft maximum wall height for Lot 17, Block 64, Snow Heights Addn, located at 10217 Menaul Blvd NE, zoned R-1B [Section 14-16-5-7(D)] |
| 9. | VA-2020-00120 | Project#
PR-2020-003819 | Frank and Nadine Baca (Agent, Dolores Morales) requests a variance of 3 ft to the 3 ft maximum wall height for Lot 1, Baca - - R J Addn, located at 205 Ethel Ave SW, zoned R-1B [Section 14-16-5-7(D)] |
| 10. | VA-2020-00121 | Project#
PR-2020-003820 | Shannon Benavides (Agent, Dolores Morales) requests a variance of 3 ft to the 3 ft maximum wall height for Lot 40, Block 1, Academy Place Unit 2, located at 10109 Jiles Dr NE, zoned R-1C [Section 14-16-5-7(D)] |
| 11. | VA-2020-00124 | Project#
PR-2020-003848 | City Baptist Church of Albuquerque (Agent Tom Huffman) requests a variance of 3 ft to the 3 ft maximum wall height for Lot 4, Block 38, Eastern Addn, located at 432 Avenida Cesar Chavez SE, zoned MX-L [Section 14-16-5-7(D)] |
| 12. | VA-2020-00129 | Project#
PR-2020-003855 | Charles and Joey Kellenaers (Agent, Gilbert Austin) request a permit to allow a carport in the front yard setback for Lot 7, Block 7, La Reina De Los Altos Unit 1, located at 10516 Toltec RD NE, zoned R-1C [Section 14-16-5-5(F)(2)] |
| 13. | VA-2020-00131 | Project#
PR-2020-003888 | Gary Weadock requests a variance of 5 feet to the required 15 feet rear yard setback for Lot 100, Homestead Hills Addn, located at 4814 Butterfield TRL NW, zoned R-1C [Section 14-16-5-1(C)] |
| 14. | VA-2020-00133 | Project#
PR-2020-003889 | Justin Lial requests a variance of 3 ft to the 3 ft maximum wall height for Lot 1-P1, Block 1, Tompiro, located at 5920 Gran Quivira Rd NW, zoned R-1B [Section 14-16-5-7(D)] |

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| 15. | VA-2020-00134 | Project#
PR-2020-003890 | Justin Hawkinson requests a variance of 2 ft to the 3 ft maximum wall height for Lot 5, Block 121, Snow Heights Addn, located at 1816 Christine ST NE, zoned R-1B [Section 14-16-5-7(D)] |
| 16. | VA-2020-00135 | Project#
PR-2020-003898 | Michelle Renteria requests a variance of 3 ft to the 3 ft maximum wall height in the front yard for Lot 10, Block 59, Raynolds Addn, located at 620 Iron Ave SW, zoned R-1A, [Section 14-16-5-7(D)] |
| 17. | VA-2020-00136 | Project#
PR-2020-003904 | Sonata Trails, LLC / JL Murtagh (Agent, Consensus Planning, Jim Strozier) requests a conditional use to allow multi-family residential dwelling units on the ground floor of a building in the Volcano Heights Urban Center for Lot 1, The Trails Unit 4, located at 99999 Avenida De Jaimito NW, zoned MX-M [Section 14-16-4-3(B)(7)(d)] |
| 18. | VA-2020-00137 | Project#
PR-2020-003904 | Sonata Trails, LLC / JL Murtagh (Agent, Consensus Planning, Jim Strozier) requests a conditional Use to allow multi-family residential dwelling units on the ground floor of a building in the Volcano Heights Urban Center for Lot 2, The Trails Unit 4, located at 99999 Avenida De Jaimito NW, zoned MX-M [Section 14-16-4-3(B)(7)(d)] |
| 19. | VA-2020-00138 | Project#
PR-2020-003904 | Sonata Trails, LLC / JL Murtagh (Agent, Consensus Planning, Jim Strozier) requests a conditional Use to allow multi-family residential dwelling units on the ground floor of a building in the Volcano Heights Urban Center Center for Lot 3, The Trails Unit 4, located at 99999 Avenida De Jaimito NW, zoned MX-M [Section 14-16-4-3(B)(7)(d)] |
| 20. | VA-2020-00140 | Project#
PR-2020-003906 | Jesus Apodaca or Victor Apodaca (Agent, Juanita Garcia, JAG Planning & Zoning, LLC) request a conditional use to allow self-storage for Lot 1D, MRGCD Map 37, located at 1718 Broadway Blvd NE, zoned MX-M [Section 14-16-4-3(D)(28)] |
| 21. | VA-2020-00142 | Project#
PR-2020-003909 | Red Shamrock 21, LLC (Agent, Modulus Architects) requests a variance of 8 feet to the 15-foot maximum setback in the MX-H zone for Lot A-1, Bellemahs Central, located at 10415 Central Ave NE, zoned MX-H [Section 14-16-4-3(D)(17)(k)] |
| 22. | VA-2020-00143 | Project#
PR-2020-003911 | Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for a light vehicle fueling station adjacent to a residential zone district for Commercial Tract, Block 5, Los Altos, located at 99999 Bridge Blvd SW, zoned MX-M [Section 14-16-4-3(D)(17)(i)] |
| 23. | VA-2020-00144 | Project#
003911 | Jose Alfredo and Ailda Martinez (Agent, Modulus Architects) requests a conditional use to allow for liquor sale within 500 feet of residential for Lot B, Block 5, Los Altos, located at 1021 Old Coors Dr SW, zoned MX-M [Section 14-16-4-3(D)(36)(c)] |
| 24. | VA-2020-00151 | Project#
PR-2020-003922 | Evangelina Marcum requests a variance of 3 ft to the 3 ft maximum wall height for Lot 7, Block 25, Eastern Addn, located at 706 Lewis Ave SE, zoned R-1A [Section 14-16-5-7(D)] |

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| 25. | VA-2020-00152 | Project#
PR-2020-
003923 | Richard Archuleta (Agent, Gilbert Austin) requests a permit to allow a carport within a front or side setback for Lot 15, Block P, Hoffman Town Addn, located at 2511 General Bradley ST NE, zoned R-1C [Section 14-16-5-5-F-2] |
| 26. | VA-2020-00153 | Project#
PR-2019-
003138 | Jeremy Oswald requests a variance of 3 ft to the 3 ft maximum wall height for Lot 6, Block 1, Santa Fe Addn, located at 707 Santa Fe Ave SW, zoned R-1 [Section 14-16-5-7(D)] |