



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

Thakur Enterprises, LLC requests a conditional use to allow a restaurant on Lot A-36-A, Town of Atrisco Grant Northeast Unit, located at 3421 Coors Blvd NW, zoned MX-T [Section 14-16-4-2]

Special Exception No:..... **VA-2018-00231**  
Project No: ..... **Project# 2018-001925**  
Hearing Date: ..... 03-19-19  
Closing of Public Record: ..... 03-19-19  
Date of Decision: ..... 04-03-19

On the 19th day of March, 2019, Jackie Fishman, Consensus Planning, agent for property owner Thakur Enterprises, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a restaurant (“Application”) upon the real property located at 3421 Coors Blvd NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a restaurant.
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. Jackie Fishman, Consensus Planning, 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. Ladera Heights NA and Vista Grande NA are the affected neighborhood associations.
7. Nothing was submitted in support or in opposition to the application.
8. No one appeared in opposition or support of the application.
9. A site plan and accompanying photographs were submitted in support of the application.
10. The subject property is currently zoned MX-T.
11. The Applicant has applied to the EPC for a Phase 2 IDO Conversion to NR-C.
12. The requested use is permissive under the NR-C zone, however since the approval of the Phase 2 conversion is still pending, Applicant chose to request ZHE granting of the condition use.
13. The proposed use is on a property controlled by a Site Plan for Building Permit that was vetted and approved by the EPC on May 10, 2018.
14. The subject property is located within the Coors/I-40 Center and in an Area of Change, as designated by the ABC Comp Plan.
15. Coors Blvd is designated as an Urban Principal Arterial and Artisco Drive is designated a collector street.
16. The proposed use will serve the surrounding and overall community by capturing regional growth in Centers and Corridors.
17. This will further the Comp Plan's goals and policies for directing growth to Centers in need of private reinvestment and allow infill in an appropriate area.
18. The proposed use is consistent with Comp Plan Policy 5.1.1. (Desired Growth).
19. The subject property is currently vacant, located along Coors Blvd (a major Transit Corridor), and is bounded on the west by Atrisco Drive (designated as a Collector street), and is located between developed properties to the north and south.
20. The surrounding uses include indoor storage, commercial, retail, services, offices and a bank.
21. The property to the west of Atrisco Dr. is zoned R-MH and is multi-family residential.
22. The subject property is well served by existing transit connections, which includes ART, Rapid Ride Blue Line, and bus stops for no fewer than 6 city bus routes.
23. The proposed use will provide more pedestrian oriented development on the site.
24. The remainder of the site to the west is planned to be indoor storage and outdoor RV storage.
25. The proposed use is consistent with Comp Plan Policy 5.1.1.(b), which is to minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas.
26. The requested use will allow a broader mix of uses on vacant, underutilized property within an Area of Change.
27. The proposed use is consistent with Comp Plan Policy 5.3.1., and will promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
28. The subject property is served by existing streets, bus services, sidewalks, water and sewer and storm drainage.
29. The proposed use is consistent with Comp. Plan policy 5.6.2 and will expand employment opportunities, in an area where adequate infrastructure and a developed and highly connected street grid and transit service presently exist.

30. The proposed use is consistent with Comp. Plan policy 5.6.2, and will minimize negative effects of noise, lighting and air pollution, and traffic on any adjacent or surrounding residential neighborhoods.
31. The proposed use is consistent with the adopted ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
32. The proposed use complies with all applicable provisions of the IDO, including any Use-Specific standards applicable to the use, the DPM; other City regulations; and any conditions specifically applied to the property in any prior permit or approval as required by Section 14-16-6-6(A)(3)(b).
33. The proposed use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood or the larger community as required by Section 14-16-6-6(A)(3)(c).
34. The proposed use will not increase non-residential activity within 300 feet of a lot in any residential zone between the hours of 8:00PM and 6:00AM as required by Section 14-16-6-6(A)(3)(e).
35. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
36. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
37. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow a restaurant.

CONDITIONS:

This use is regulated by Section 14-16-4-3(D)(8) **Bar, Nightclub, Restaurant and Tap Room**

- 4-3(D)(8)(a) Alcohol sales for on-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)(8)(b) These uses may include the retailing of related goods, such as shirts, caps, recipe books, mugs and glasses as an incidental activity.
- 4-3(D)(8)(c) A restaurant use must comply with Part 9-10-1 of ROA 1994 (Solid Waste Collection), in particular the City’s minimum specifications for waste enclosures for restaurant and food services to include a sanitary sewer drain.
- 4-3(D)(8)(d) In an MX-T zone district, these uses are limited to 10,000 square feet of gross floor area.

APPEAL:

If you wish to appeal this decision, you must do so by April 18, 2019 pursuant to Section 14- 16- 6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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