



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

Central Market LTD (Agent, Compass Realty) request a conditional use to allow cannabis retail within 600 feet of another cannabis retail for Lot 14, Block 10, Original Townsite of ABQ, located at 301 Central Avenue NW, zoned MX-FB-UD [Section 14-16-4-3(D)(35)(c)]

Special Exception No: **VA-2024-00023**
Project No: **Project#2024-009921**
Hearing Date: 3-19-24
Closing of Public Record: 3-19-24
Date of Decision: 04-03-24

On the 19th day of March, 2024, agent for property owner, Compass Realty (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow cannabis retail within 600 feet of another cannabis retail (“Application”) upon the real property located at 301 Central Ave NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow cannabis retail within 600 feet of another cannabis retail.
2. The subject property is currently zoned MX-FB-UD.
3. The ZHE finds that the Applicant has authority to pursue this Application.
4. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.
6. 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).
7. The City of Albuquerque Integrated Development Ordinance (“IDO”), 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 adopted ABC Comp Plan, as amended.*
 - (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, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*

- (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) *On a project site with existing uses, it will not increase non- residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
 - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation*
8. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
 9. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
 10. ABQCore is the affected Neighborhood Association.
 11. Agent and representatives of the ABQCore Neighborhood Association appeared and testified at the March 2024 ZHE hearing on the Application.
 12. The ZHE also received written correspondence in favor and opposed to the Application.
 13. Based on evidence in the record, the ZHE has lingering questions regarding whether the requested conditional use would: (a) be consistent with the ABC Comp. Plan, as amended, and (b) not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
 14. The Application should be continued to allow Applicant, Agent and members of the public to supplement the record to address the above-cited questions.

DECISION:

CONTINUANCE – The ZHE Hearing on the Application is continued to April 16, 2024 beginning at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by April 19th, 2024 pursuant to Section 14-16-6-4(V), 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 black ink, appearing to read "Robert Lucero". The signature is fluid and cursive, written in a professional style.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement