



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

Anthony Beavers (Applicant) ABQ Terminal LLC (Owner) requests a Conditional Use to for Nicotine Retail for Lot 64C3A1, 64C2, 64C3A2, Block 0000, MRGCD Map 44, located at 3200 Broadway Blvd SE, zoned NR-LM (M-14) IDO Section 14-16-4-3(D)(40)	Special Exception No: ....	<b>CU-2026-00013</b>
	Project No: .....	<b>PR-2022-007103</b>
	Hearing Date: .....	05-19-26
	Closing of Public Record:	05-19-26
	Date of Decision: .....	06-03-26

On May 19, 2026, Anthony Beavers (“**Applicant**”) (“**Owner**”) ABQ Terminal LLC was scheduled to appear before the Zoning Hearing Examiner (“**ZHE**”) requesting a Conditional Use Approval to allow for Nicotine Retail (“**Application**”) upon the real property located at 3200 Broadway Blvd SE. (“**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Conditional Use Approval to allow for Nicotine Retail, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has not duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 3200 Broadway Blvd SE and is the site of a future Love’s Travel Stop desiring to sell nicotine products.
13. Therefore, a Conditional Use for Nicotine Retail on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).

14. 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 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 any 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 of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;
  - (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”
15. 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).
16. 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).
17. Neighborhood Associations within 660 feet and property owners within 100 feet of the subject site were notified, but no public support or opposition was received by planning staff.
18. Applicant has met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended. The use provides job opportunities and adds to the mix of services in the area.
19. Applicant has met the 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. Applicant provided evidence that the proposed use would be operated in conformity with all requirements.
20. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. The site contains sufficient parking. The use is limited to the existing structure within the Subject Property.
21. Applicant has met the burden of providing evidence that establishes 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. Evidence shows that the use will not generate problematic traffic and there is sufficient parking. No noise or vibration would be caused by the proposed use.

22. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use Approval 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. Evidence shows that there will be no operations outside of proscribed hours.
23. Applicant has met their burden of providing evidence that establishes that the requested Conditional Use Approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. There is no such negative impact generated.
24. Applicant has demonstrated compliance with the use-specific standards.
25. The City Traffic Engineer submitted a report stating no objection to the Application.

**DECISION:**

APPROVAL of a Conditional Use for nicotine retail.

**APPEAL:**

If you wish to appeal this decision, you must do so by June 19, 2026 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.

**OTHER REQUIREMENTS:**

**THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.**

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception. If your Application is approved, bring this Notice of Decision with you when you apply for any related site plan, building permit, or occupation tax number.



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Zoning Hearing Examiner

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