

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
PO Box 1293, Albuquerque, NM 87103
Office (505) 924-3860



ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: CU-2026-00019

Hearing Date: 07-21-2026

Closing of Public Record: 07-21-2026

Date of Decision: 08-05-2026

Case Description: Marcella Rocha (Owner) & Jonathan Turner (Applicant) request a Conditional Use for Liquor Retail for Tract A1, Block 0000, Stardust Skies Addition, Unit 4, located at 7000 Montgomery Blvd NE, zoned MX-M, (G-18, G-19) IDO β 14-16-4-3 (D)(40)

On July 21, 2026, Marcella Rocha (Owner) & Jonathan Turner (Applicant) ("Applicant") were scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use Approval to allow for Liquor Retail ("Application") upon the real property located at 7000 Montgomery Blvd NE ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS, CONDITIONAL USE APPROVAL:

1. Applicant is requesting a Conditional Use Approval for Liquor Retail [use], pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance ("IDO") § 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant's behalf regarding the Application.
4. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO § 14-16-6-4(G).
5. The analyses and studies listed in IDO § 14-16-6-4(H) are not required.
6. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
7. The content of the public notice of the Application satisfies IDO § 14-16-6-4(J)(1).
8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO § 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).

10. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
11. The Subject Property is located in an MX-M zone district, which requires a Conditional Use Approval for Liquor Retail pursuant to IDO Table 4-2-1/ or use-specific standards in IDO § 14-16-4-3(40).
12. IDO § 14-16-6-6(A)(3) (Review and Decision Criteria) 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 § 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.”*
13. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
14. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
15. Agent appeared at the July 21, 2026 ZHE hearing and gave evidence in support of the Application.
16. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals and policies of the ABC Comp. Plan by helping to ensure appropriate scale and location of development and character of design, placing development along corridors, and providing employment and services for the area. In addition, this request is consistent with several policies in the ABQ Comp Plan, including:
 - Policy 5.1.1, Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.*
 - Policy 5.1.1, Desired Growth: Capture regional growth in Centers & Corridors to help shape the built environment into a sustainable development pattern.*
17. 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. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements.

18. Applicant has met its 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. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would not create any such adverse impact. This proposed liquor retail operation will not adversely affect neighboring properties, as the applicant affirms that personnel will comply with all applicable laws and regulations governing the sale of liquor.
19. Applicant has met its 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. Applicant confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation. The submitted application pertains to an additional use for a liquor retail operation within an existing service station that has already been established in the community and will not have any adverse impacts on the surrounding areas.
20. Applicant has met its burden of providing evidence that establishes 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 10:00 pm and 6:00 am. Applicant confirmed in written submittals that non-residential activity would not increase in any prohibited manner. The existing service station is not situated within 300 feet of any residential district.
21. 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. Applicant confirmed in written submittals that no negative impact on pedestrian or transit connectivity would result. A primary thoroughfare, designated as Louisiana Boulevard NE and Montgomery Boulevard NE, runs parallel to the existing operation, and the proposed use will not negatively impact pedestrian and transit connectivity.
22. IDO § 14-16-4-3(D)(40) requires the following Use-Specific Standards for Liquor Retail:
 - 4-3(D)(40) Liquor Retail*
 - 4-3(D)(40)(a) Alcohol sales for off-premises consumption are 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)(40)(b) Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.*
 - 4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 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)(40)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(40)(e) In the MX-L zone district, this use is prohibited, except in the following small 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 Small Area.*
- 5. North 4th Corridor – CPO-9*
- 6. South Yale Small Area*

4-3(D)(40)(f) In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) unless accessory to a grocery store, except in the following small 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 Corridor – CPO-9*
- 5. South Yale Small Area*

4-3(D)(40)(g) Nob Hill/Highland Small Area: This use is prohibited in the mapped area.

4-3(D)(40)(h) University Neighborhoods Small Area: This use is prohibited in the MX-M zone district in the mapped area unless associated with a grocery store west of University Boulevard.

23. Applicant has demonstrated compliance with use-specific standards applicable to the Application.
24. The City Traffic Engineer submitted a comment stating that a Traffic Impact Study would be required prior to receiving subsequent approvals.

DECISION:

APPROVAL of CU-2026-00019, a Conditional Use for Liquor Retail for Tract A1, Block 0000, Stardust Skies Addition, Unit 4, located at 7000 Montgomery Blvd NE.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2026. Pursuant to IDO § 14-16-6-4(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Conditional Use is valid for two (2) years from date of approval.

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, submit this Notice of Decision when you apply for any related site plan, building permit, or occupation tax number.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Marcell Rocha, Circle K Stores
Marcella.Rocha@circlek.com
Jonathan Turner, Consensus Planning
turner@consensusplanning.com
Jim Strozier, Consensus Planning
cp@consensusplanning.com
Rene' Horvath
aboard111@gmail.com
ZHE File
Zoning Enforcement