

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-2026-00021

Project Number: PR-2026-000139

Hearing Date: 08-18-2026

Closing of Public Record: 08-18-2026

Date of Decision: 09-02-2026

Case Description: Cory Bates, Dawoo's Vapes (Applicant) & 5001 MEnual LLC (Owner) request a Conditional Use for Nicotine Retail for Lot 9, 11, 12, 8, 10, Block 5, Bel Air, located at 5005 Menaul Blvd NE, zoned MX-M (H-17) [IDO β 14-16-4-3(D)(41)]

On August 18, 2026, Cory Bates, Dawoo's Vapes ("Applicant") and 5001 Menaul LLC ("Owner") was scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use for a Nicotine Retail operation ("Application") upon the real property located at 5005 Menaul Boulevard NE ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS, CONDITIONAL USE APPROVAL:

1. This is a request for a Conditional Use for a Nicotine Retail operation in the MX-M zone for Lot 9, 11, 12, 8, 10, Block 5, Bel Air, located at 5005 Menaul Blvd NE and containing approximately 0.8655 acres.
2. This is a request for a conditional use – nicotine retail pursuant to Integrated Development Ordinance ("IDO") 14-16-6-6(A)
3. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
4. Applicant has duly authorized Agent to act on Applicant's behalf regarding the Application.
5. The Subject Property is located at 5005 Menaul Boulevard NE in the MX-M zone
 - a. district.

6. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO §14-16-6-4(G).
7. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
8. The content of the public notice of the Application satisfies IDO § 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 Neighborhood Associations within 660 feet as required by IDO § 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 § 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
12. A self-storage development on the Subject Property requires a Conditional Use Approval pursuant to IDO Subsection 14-16-6-6(A).
13. The applicant requests a Conditional Use for Nicotine Retail operations pursuant to IDO Section 14-16-4-3(D)(41) located at 5005 Menaul Boulevard NE.
14. 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."*
15. 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).
16. 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).

17. Applicant appeared at the August 18, 2026 ZHE hearing and gave evidence in support of the Application.
18. Applicant/Agent appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
19. 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.
20. 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.
21. 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 area within the shopping center.
22. 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 in the shopping center.
23. 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.
24. 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.
25. Applicant has demonstrated compliance with the use-specific standards.
26. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a Conditional Use for Nicotine Retail for Lot 9, 11, 12, 8, 10, Block 5, Bel Air, located at 5005 Menaul Blvd NE.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 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: ("Applicant") Cory Bates, Dawoo's Vapes, Dawoosvapes@gmail.com
("Owner") 5001 Menaul LLC, 7001 Menaul Blvd NE, Albuquerque, NM 87110-3695
ZHE File
Zoning Enforcement