



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

Mohammad I Hassain requests a conditional use to allow for a drive through for Lot B, Town of Atrisco Grant, located at 700 Coors Blvd NW, zoned MX-L [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00201**  
Project No: ..... **Project#2019-002499**  
Hearing Date: ..... 07-16-19  
Closing of Public Record: ..... 07-16-19  
Date of Decision: ..... 07-31-19

On the 16th day of July, 2019, Jake Palmer, agent for property owner Mohammad I Hassain ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a conditional use to allow for a drive through ("Application") upon the real property located at 700 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 for a drive through.
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. Jake Palmer at Accelerated Development Services, agent for Mohammad Hossain, 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. West Mesa Neighborhood Association and Los Volcanes Neighborhood Association are the affected NAs.

7. A letter dated May 10, 2019, from Steven Budemski, President, West Mesa Neighborhood Association indicating approval of the request by Officers, was submitted in support of the Application.
8. The subject property is currently zoned MX-L.
9. The address of the subject property is 700 Coors Blvd NW.
10. The subject address is within Character Protection Overlay Zone, CPO-2.
11. The subject property is located on the northeast corner of Fortuna Road NW and Coors Blvd. NW and is approximately 0.57 acres in size.
12. The subject property is in an Area of Change as designated in the ABC Comp. Plan.
13. The subject property is within the Coors Major Transit Corridor as defined by the ABC Comp. Plan.
14. The subject site is an abandoned gas station, which is dilapidated and deteriorated.
15. The proposed project is a quick service restaurant with a drive through.
16. A site plan with accompanying photographs was submitted in support of the Application.
17. The proposed project will repurpose a currently abandoned and underutilized property in an area of change.
18. This will provide inward growth and encourages quality redevelopment in urban areas.
19. The project will bring vibrancy and revitalization to a currently underutilized area in the surrounding community.
20. These actions are consistent with Goal 5.1 for Centers & Corridors of the ABC Comp. Plan.
21. The project will serve as a catalyst for future redevelopment in the area and will direct growth to the corridor through increased pedestrian traffic via the nearby high school.
22. The actions help Policy 5.1.1 *Desired Growth to help capture regional growth in Centers and Corridors*, by helping shape the built environment into a sustainable growth pattern.
23. The project will create job opportunities on the west side, especially for residents in nearby communities.
24. Construction jobs will also be created in the development phase of the project.
25. This is consistent with Policy 5.4.2 of the ABC Comp. Plan; which fosters new employment opportunities on the West Side.
26. The proposed project shall comply with Use-Specific Standards applicable to the request use, specifically Sections 14-16-4-3(F)(4) (Drive-through or Drive-up Facility); 14-16-5-5 (Parking and Loading) and 14-16-5-9 Neighborhood Edges).
27. The proposed project is designed with internally loaded stacking and overflow lanes.
28. This will ensure no adverse impacts or hardships on any adjacent residential neighborhood or district.
29. Transportation reports no objection with the requested use.
30. No one appeared in opposition to the Application.
31. 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).
32. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
33. 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).
34. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow for a drive through.

CONDITIONS:

Compliance with Use-Specific Standards Sections 14-16-4-3(F)(4) *Drive-through or Drive-up Facility*; Section 14-16-5-5 *Parking and Loading* and 14-16-5-9 *Neighborhood Edges*.

APPEAL:

If you wish to appeal this decision, you must do so by August 15, 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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