



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

PRO'S ABQ RANCH MARKETS, LLC request(s) a special exception to Section 14-16-2-17(A)(12)(a)1.: a CONDITIONAL USE to allow for proposed sale of alcoholic drink for consumption off-premise within 500' of a residential zone on all or a portion of Lot(s) A, Rancho Village Partners zoned C-2, located at 4201 CENTRAL AVE NW (J-12 & K-12)

Special Exception No:.....07ZHE-80094
Project No:Project# 1006814
Hearing Date:.....10-24-07
Closing of Public Record:.....10-24-07
Date of Decision:11-02-07

STATEMENT OF FACTS: The applicant, Pro's ABQ Ranch Markets, LLC, request a conditional use to allow for proposed sale of alcoholic drink for consumption off-premise within five hundred feet of a residential zone. Mark Rhodes, Attorney for the applicant, along with Michael Provenzano, owner of Pro's ABQ Ranch Markets, testified at the hearing that the proposed days and hours of operation will be Monday through Sunday from 6:00 a.m. to 11:00 p.m. with security present at all times. Mr. Provenzano indicated that this is a family owned business started in 1979 with five stores currently operational. The proposed business will create approximately 500 jobs for the community. All employees will be trained on-site. Scanners on cash registers will alert cashiers to check for IDs when alcohol is being purchased. All alcohol sales must comply with City Ordinances. Barbara Baca with the West Central Alliance of Neighbors testified at the hearing in support of this request. Also at the hearing to testify in support of this request, was Miguel Maestas representing the South West Alliance of Neighbors. There are also several letters of support noted in the file. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14.16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 19, 2007 in the manner described below:

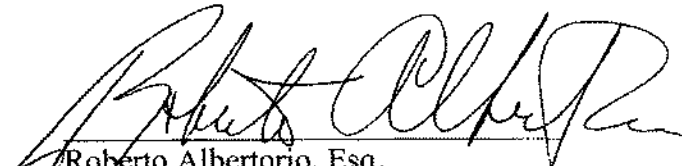
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File (2)
Pro's ABQ Ranch Markets LLC, 1602 E. Roosevelt Street, Phoenix, AZ 85006
Gary Gitlin, 1602 E Roosevelt Street, Phoenix, AZ 85006
Mark Rhodes, Esq., 1801 Lomas Blvd NW, 87104
Mark Lewis, 2515 E. Thomas Road, Ste. 16-852, Phoenix, AZ 85016-7964
Barbara Baca, 636 Atrisco Drive NW, 87105
Michael Provenzano, 1700 Pesoto Place, Ontario, CA 91761
Miguel Maestas, 6013 Sunset Gardens SW, 87121
Juan Carlos Rodriguez, P O Drawer J, 87103

Pat Baca, President, Riverview Heights NA, 1206 Riverview Dr NW, 87105
Diane Sauder, Huning Castle NA, Diane_Souder@nps.gov
Richard Baca, Vista Magnifica NA
Kevin Hagan, 2021 Alhambra SW, 87104



CITY OF ALBUQUERQUE
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NOTIFICATION OF DECISION

PROS ABQ RANCH MARKET LLC request(s) a special exception to Section 14-16-2-17(B)(11); a CONDITIONAL USE to allow for proposed outdoor roasting of meats, chilies and other related food products at a food retail location on all or a portion of Lot(s) A, RANCHO VILLAGE PARTNERS zoned C-2, located at 4201 CENTRAL AVE NW (K-12)

Special Exception No:.....09ZHE-80093
Project No:.....Project# 1007711
Hearing Date:.....04-21-09
Closing of Public Record:.....04-21-09
Date of Decision:.....05-01-09

STATEMENT OF FACTS: The applicant, Pros ABQ Ranch Market, LLC, requests a conditional use to allow for proposed outdoor roasting of meats, chilies and other related food products at a food retail location. Mario Pimentel, Agent for the applicant, testified that if approved the hours of operation for the roasting of food products will be seven days a week from 10:00 a.m. to 8:00 p.m. and will be seasonal. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14.16.4.2.(C).1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on May 18, 2009 in the manner described below:

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west

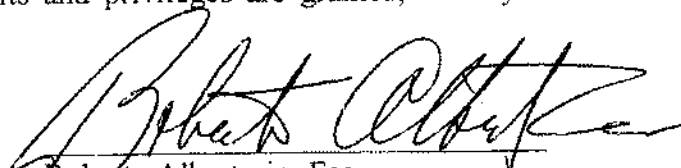
side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

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Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File (2)
Pros ABQ Ranch Markets, LLC, 1602 E. Roosevelt Street, Phoenix, 85006
Mario Pimentel, 4201 Central Avenue, 87105