

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

LABATT NEW MEXICO, LLC (JOHN MYERS, ESQ., AGENT) request(s) a special exception to Section 14-16-2-17(B)(11): a **CONDITIONAL USE** to allow for outdoor activity to allow a fueling station on all or a portion of Lot(s) B1B1A1A AND B1B1A2A, WEST 66 ADDN zoned C-2, located at 7001 & 7019 CENTRAL AVE NE (K-10)

Special Exception No:..... **12ZHE-80059**
Project No: **Project# 1009139**
Hearing Date: 03-20-12
Closing of Public Record: 03-20-12
Date of Decision: 03-30-12

STATEMENT OF FACTS: Labatt New Mexico, LLC, requests a conditional use to allow outdoor activity to allow a fueling station. Matt Myers, agent for the applicant, testified that proposed site is on the northwest corner of Central Avenue NW and Airport Drive NW. Labatt also owns the property to the north of subject property, which is their cold storage plant and food distribution warehouse. If approved, this site will be used for refueling of delivery trucks; there will be no loading and unloading of the trucks at this location. As Labatt's business expands, the property will be used for short term parking of delivery vehicles for the Labatt Facility. When deliver trucks are parked at the property, they will not be permitted to idle. This is a 24 hour operation. All landscaping and fencing requirements will be met. 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.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on April 16, 2012 in the manner described below:

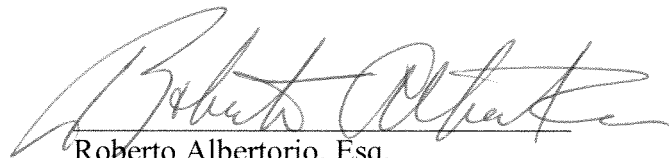
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

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.

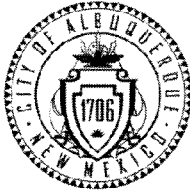
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building 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
Labatt NM LLC, 4500 Industry Park, San Antonio, TX, 78218
John Myers, Esq., 1401 Central Avenue NW, 87104
Matt Myers, Esq., 1401 Central Avenue NW, 87104



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

LABATT NEW MEXICO, LLC (JOHN MYERS, ESQ., AGENT) request(s) a special exception to Section 14-16-2-17(B)(12): a CONDITIONAL USE to allow for parking of more than 2 trucks for longer than 2 hours to allow fueling of delivery trucks on all or a portion of Lot(s) B1B1A1A AND B1B1A2A, WEST 66 ADDN zoned C-2, located at 7001 & 7019 CENTRAL AVE NE (K-10)

Special Exception No:..... **12ZHE-80038**
Project No: **Project# 1009139**
Hearing Date: 03-20-12
Closing of Public Record: 03-20-12
Date of Decision: 03-30-12

STATEMENT OF FACTS: The applicant, Labatt New Mexico, LLC, requests a conditional use to allow for parking of more than 2 trucks for longer than 2 hours to allow fueling of deliver trucks. Matt Myers, agent for the applicant, testified that proposed site is on the northwest corner of Central Avenue NW and Airport Drive NW. Labatt also owns the property to the north of subject property, which is their cold storage plant and food distribution warehouse. If approved, this site will be used for refueling of delivery trucks; there will be no loading and unloading of the trucks at this location. As Labatt's business expands, the property will be used for short term parking of delivery vehicles for the Labatt Facility. When deliver trucks are parked at the property, they will not be permitted to idle. This is a 24 hour operation. All landscaping and fencing requirements will be met. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

the

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.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on April 16, 2012 in the manner described below:

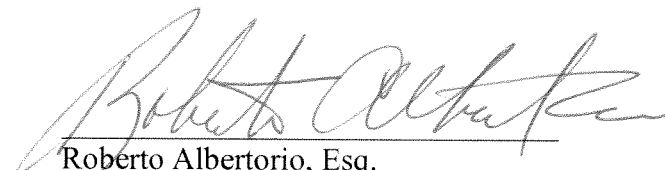
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

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 appellants.

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
Labatt NM LLC, 4500 Industry Park, San Antonio, TX, 78218
John Myers, Esq., 1401 Central Avenue NW, 87104
Matt Myers, Esq., 1401 Central Avenue NW, 87104
Ashok Kaushal, 324 Tulane SE, 87104