

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

RGT LLC., (JIM GARCIA, AGENT) request(s) Special Exception No:..... **12ZHE-80180**
a special exception to Section 14-16-2- Project No: **Project# 1009297**
20(B)(6): a CONDITIONAL USE to allow a Hearing Date: 08-07-12
proposed tent activities for all or a portion of Closing of Public Record: 08-07-12
Lot(s) A, AARON MCGRUDER zoned M-1, Date of Decision: 08-20-12
located on 2381 AZTEC RD NE (G16)

On August 7, 2012, Jim Garcia, agent for RGT LLC appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed tent activities at 2381 Aztec Rd NE.

SUMMARY:

1. Mr. Jim Garcia, agent for RGT LLC (Il Vicino Restaurant), requests a conditional use to allow proposed tent activities at 2381 Aztec Rd NE.
2. Mr. Garcia testified that the conditional request is to allow a tent structure erected for shade for the artisans who will be at events at 2381 Aztec Rd NE.
3. Mr. Garcia testified that there will be no planned events for at least 8 months.
4. The tent and events will only be up for 1 day, from noon to 8:00 PM. The tent company is American Tent.
5. Mr. Garcia stated that the neighbors offered parking, but only during the day time.
6. Mr. Garcia testified that he thinks RGT LLC has owned this location for about three years.
7. Mr. Garcia testified that that the request will not be injurious to the surrounding community because there are no residential homes in the near vicinity. The majority of the land uses are of high intensity commercial (manufacturing zone).
8. Mr. Garcia also testified that there will be no surrounding structures damaged because of this request because the events are not going to be a high intensity use, and would like to offer their guests the opportunity to enjoy the outdoor conditions during different times of the year.
9. There are no letters of opposition in the file, nor were there any opposition at the hearing.
10. There was an e-mail to the ZHE office that Sarah Gilreath, Real Estate Manger for Estes Express Lines has no objections to this request.
11. The yellow signs were posted for the time required.

FINDINGS: Mr. Garcia has met the burden of the conditional use request to allow tent activities at 2381 Aztec Rd NE. The property does not appear to show any evidence of

being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

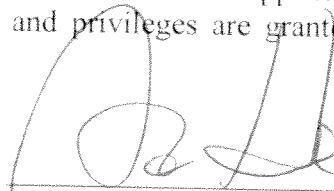
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement

ZHE File
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