APPLICATION FOR SPECIAL EXCEPTION
CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street, NW, Suite 300, 87102
505.924.3918

APPLICATION INFORMATION–PLEASE PRINT

DAC ENTERPRISES, INC.
PROFESSIONAL / AGENT NAME (FIRST, LAST)

P.O. BOX 16658
MAILING ADDRESS

ALBUQUERQUE, NM 87191
CITY STATE ZIP CODE

TELEPHONE (INCLUDE AREA CODE)
(H) ___-___-____
(W) 505-294-5243 ✓
(C) ___-___-____

ALTAF RAMZANALI
OWNER NAME (FIRST, LAST–IF ANY)

8905 ASHTON LP NE
MAILING ADDRESS

ALBUQUERQUE, NM 87122
CITY STATE ZIP CODE

(H) ___-___-____
(W) ___-___-____
(C) ___-___-____

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

5312 CENTRAL SW, ALBUQUERQUE, NM
STREET ADDRESS OF SPECIAL EXCEPTION

87112
ZIP CODE

1-5
LOT(S)

TRACT(S)

1
BLOCK(s)

Crestview Addn
SUBDIVISION / ADDITION / MRGCD MAP NO.

101105 236832 810323
UNIFORM PROPERTY CODE

CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here: KR

EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

Doug Crandall, DAC ENTERPRISES, INC
SIGNATURE

03/10/10
DATE

2010080066

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1008216

APPLICATION #: 10 ZHE 80066

APPLICATION FOR: (CHECK AS APPROPRIATE)

- ☒ **(ZHE01)** Conditional Use
- ☐ **(ZHE02)** Expansion of a NonConforming Use
- ☐ **(ZHE03)** NonConforming Use / Status Established Building
- ☐ **(ZHE04)** Variance:
  - ☐ Distance ☐ Setback
  - ☐ Height ☐ Parking
  - ☐ Size ☐ Other

SECTION NO. 14-16-2-17(B)(15) REFERENCE SECTION NO:

(LEGAL AD) ACTION DESCRIPTION A conditional use for the proposed sale of alcoholic drink for consumption off premises within 500' of a residential zone

SECTOR DEVELOPMENT AREA: West Rt. 66

ZONED C-2 ZONE MAP PAGE: K-11 NO. OF SIGNS ISSUED:

5312 Central NW
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

David Kilpatrick
APPLICATION RECEIVED BY Z E O (PRINT FULL NAME)

3-10-2010
DATE

04-20-10
DATE OF PUBLIC HEARING

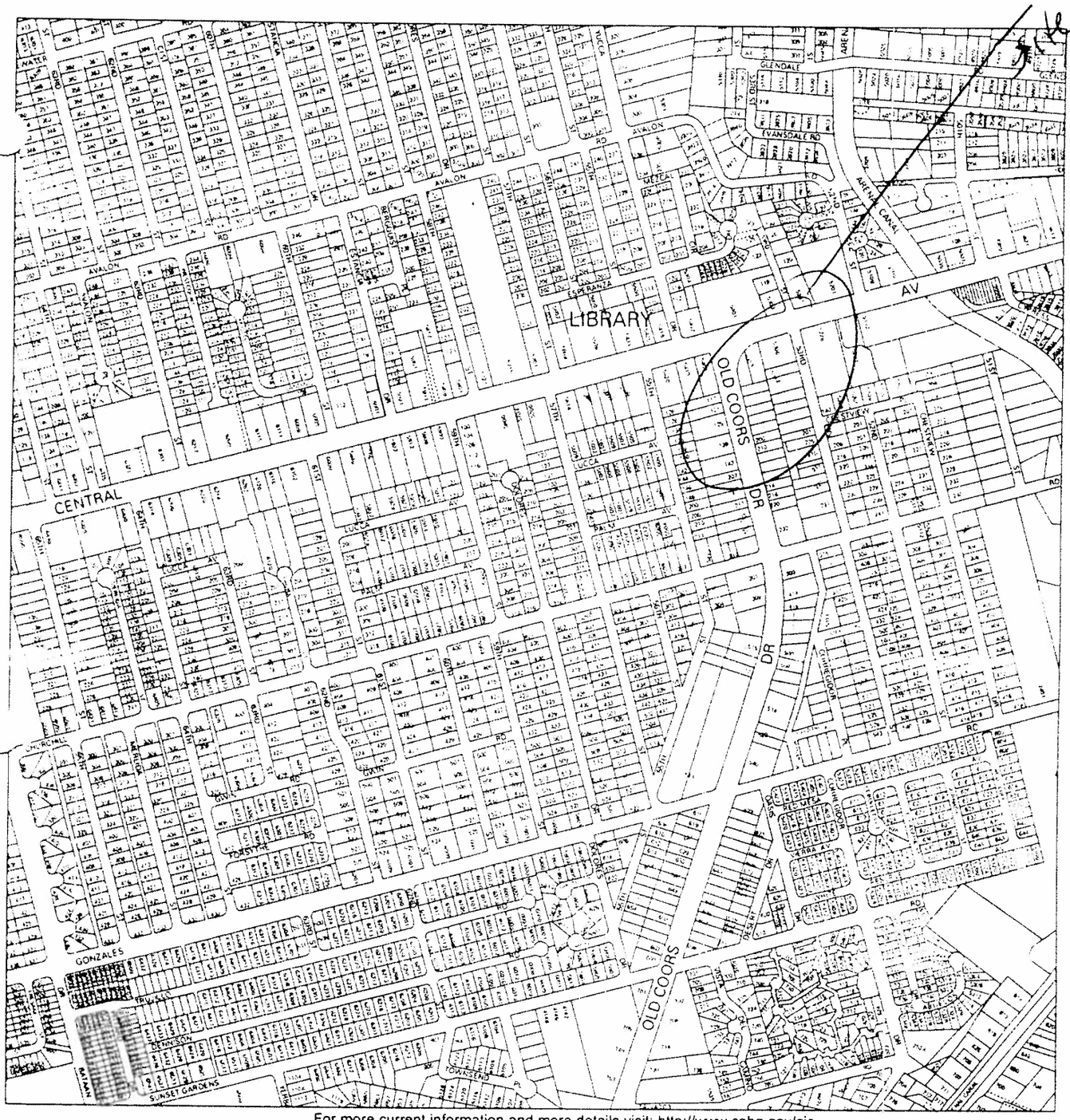
FEE: $ 145.00

City Of Albuquerque
Treasury Division

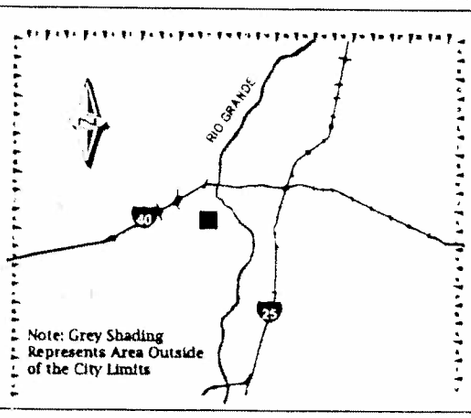
(APN)	441018 / 4971000	$ 35.00
(CMP)	441032 / 3424000	$ 10.00
(ZHE)	441006 / 3451000	$ 100.00

3/10/2010 2:18PM LOC: ANNX
WS# 008 TRANS# 0032
RECEIPT# 00116232-00116232
PERMIT# 2010080066 TRANS.

Trans Act	$145.00	
APN Fee		$35.00
Conflict Manag. Fee		$10.00
ZHE Actions		$100.00
CK		$145.00
CHANGE		0.00



For more current information and more details visit: http://www.cabq.gov/gis



Address Map Page:

K-11-Z

Map amended through: 4/7/2008

These addresses are for information purposes only and are not intended for address verification.

Albuquerque Geographic Information System

0 750 1,500 Feet

CITY OF ALBUQUERQUE

www.cabq.gov

ALBUQUERQUE GIS DATA WEBSITE

LAYERS

- STREETS
- BASEMAP
  - PARCELS
  - LOT NUMBERS
  - METRO ADDRESS
  - ZONING
  - OWNERSHIP
  - 2FT CONTOUR
  - ADDRESS POINTS
  - LANDUSE
  - EASEMENTS
- INFRASTRUCTURE
- TRANSIT/SUNTRAN
- BOUNDARIES
- SITES
- ENVIRONMENT
- APS
- TRAFFIC ENG.
- AIR PHOTO
  - 2008 AIR PHOTO
  - 2006 AIR PHOTO
  - 2004 AIR PHOTO
  - 2002 AIR PHOTO
  - 1999 AIR PHOTO

Refresh Map

Auto Refresh

Locate Results

#	Address	Score
1	5316 CENTRAL AV E	50
2	5316 CENTRAL AV W	50

Help:

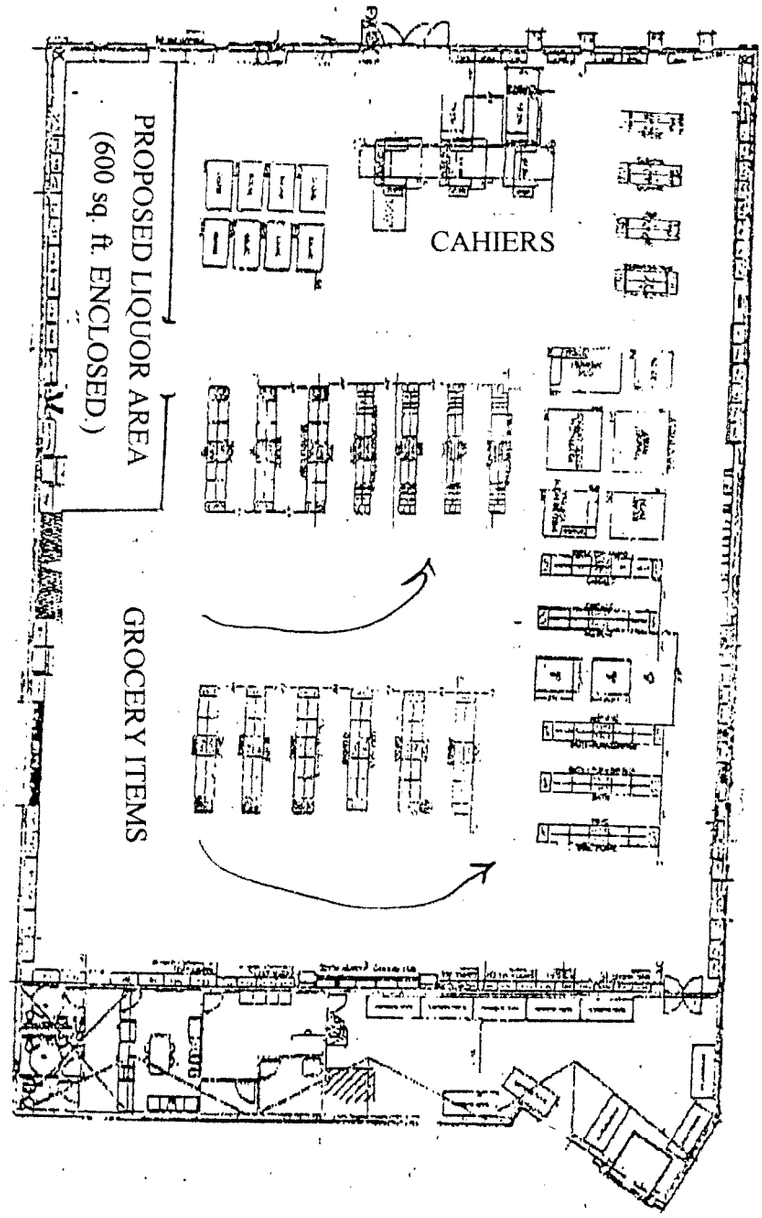
- Closed group, click to open.
- Open group, click to close.
- Map layer.
- Hidden group/layer, click for visible
- Visible group/layer, click to hide.

Zoom In SEARCH REFRESH HELP MAIN PAGE CONTACT GIS TEAM

North

Not To Scale

FRONT



NICE & FRESH MARKET
5312 Central Ave, NW
FLOOR PLAN
7500 sq. ft.

DAC Enterprises, Inc.
Zoning & Land Use Services
P.O. Box 16658 • Albuquerque, NM 87191
Phone: 505-294-5243

March 10, 2010

Roberto Albertorio, Esq.
Zoning Hearing Examiner
City of Albuquerque
Albuquerque, New Mexico

Re: Conditional Use – 5312 Central Avenue SW

Dear Mr. Albertorio:

This request is for a conditional use in the C-2 zone to allow the sale of alcoholic drink for off premises consumption where the portion of the building used for such business is within 500' of a residential zone. DAC Enterprises, Inc. represents Mr. Altaf Hirij for this request. The business where the alcohol will be sold is the Nice & Fresh Market neighborhood grocery store.

Specifically, the property abuts a small P zone to the south which abuts an R-2 zone. The situation is similar on the east side of the property where a small P zone abuts 53rd Street and the zoning on the east side of the street is R-1.The property itself is setback several hundred feet off of Central Avenue. There is a used car sales lot abutting Central and Samon's home improvement store is located in the building abutting the grocery store.

The standards for approval of a conditional use are: 1) the use will not be injurious to the adjacent property, the neighborhood or the community; and 2) the use will not be significantly damaged by surrounding structures or activities.

<u>The use will not be injurious to the adjacent property.</u>

The alcoholic drink will be sold in conjunction with a small neighborhood grocery. The store is 4200 square feet in area. Although small, the store is a full service grocery selling fresh produce, meats and poultry as well as other standard grocery store items. It's service area is generally the nearby residential neighborhood north and south of Central along Old Coors Boulevard.

A single family home abuts the property to the south. The entrance to the store and parking are located on the north side of the store. Goods are delivered to the southeast portion of the store next to the home. There will no noticeable difference in delivery traffic as a result of this request. There is no reason for anyone utilizing the store to buy groceries, including alcohol, to park or congregate on this part of the property. The sale of alcohol will not bring additional lighting, traffic, noise, or other nuisances which may affect the residential property.

The use will not be injurious to the neighborhood.

As stated, this is a small neighborhood oriented grocery store that is convenient to those residents in the area who do not want or need to go to a large chain store such as Albertson's or Smith's. Nice & Fresh Market is at a disadvantage, however, as those large chains also sell beer, wine and spirits. The sale of such alcoholic beverages will be a benefit to the neighborhood inasmuch as those residents won't have to go to all the way to Coors to pick up a bottle of wine to go with dinner, or a six pack on Sunday while watching the game or working in the yard.

All alcohol will be located away from the front of the store. The total percentage of floor area dedicated to the sale of alcohol will be less than 15 percent. Security cameras will be used to identify potential shoplifting. Additional security will be added if it becomes necessary. The parking lot is well lighted and located away from the residential neighborhood. The premises will be regularly monitored to assure that no consumption of alcohol takes place in the parking lot or near the building.

Anyone selling alcoholic beverages on the premises will be certified by the State of New Mexico. The store will have a zero tolerance policy and employees who are caught selling to minors, rowdy or intoxicated individuals will be terminated immediately.

The use will not be injurious to the community

Sale of alcohol is not presumed harmful by the community. Albuquerque is a home rule city with control over the sale of alcohol. Although there have been restrictions placed upon such sale, there has been no attempt to prohibit the sale of alcohol in the C-2 zone.

In addition to the restrictions placed by the City and any further conditions imposed by the Zoning Hearing Examiner, the State of New Mexico also regulates and enforces alcohol sales, and requires a separate hearing to obtain a liquor license.

The use will not be significantly damaged by surrounding structures or activities.

The surrounding uses are all standard residential or commercial in nature.

As further indication that this use will not be injurious to the adjacent property, the community or the neighborhood, this infill request furthers the following policies of the Albuquerque/Bernalillo County Comprehensive Plan .

City Plans and Policies

- Policy B.5.a states that Developing and Established Urban Areas "shall provide a full range of land uses."

- Policy B.5.i says that "[e]mployment and service uses shall be located to complement residential areas, and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environs."
- Policy B.5.j. states that new commercial development should generally be located in existing commercially zoned areas.
- Policy B.6.b. emphasizes "[d]evelopment of local business enterprises as well as the recruitment of outside firms ..."

Summary

This request is to add the sale of alcoholic beverages for off premises consumption to an existing neighborhood grocery. It will provide a convenience for its existing patrons.The applicant understands the responsibilities involved in alcohols sales and will rigidly comply with all applicable community laws and regulations.

Your consideration of this request is sincerely appreciated.

Yours truly,

Doug Crandall

Doug Crandall
Principal, DAC Enterprises, Inc.