

CITY OF ALBUQUERQUE



Planning Department

David Campbell, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF APPEAL

July 1, 2019

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on June 28, 2019. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Alfredo Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-19-11

PLANNING DEPARTMENT CASE FILE NUMBER: PR-2018-001924

VA-2019-00216

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

AGENT: Land Development Consultants LLC
11811 N. Tatum Blvd.
Suite 100
Phoenix AZ, 85028

APPLICANT: Circle K Stores Inc.
5500 S. Quebec St.
Suite 100
Greenwood Village CO, 80111

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Zoning Enforcement
EPC File
Ramon Orozco, 6140 Full Moon Ave NW, 87114
Pam Wiley, 6136 Full Moon Ave NW, 87114
Daniel Kendall, 6144 Full Moon Ave NW, 87114

Circle K Stores Inc., 5500 South Quebec St., #100, Greenwood Village, CO 80111
Dave Cisiewski, Land Development Consultants, 11811 N. Tatum Blvd. #1051, Phoenix, AZ 85028
Alamosa NA, Jeanette Baca, 901 Field SW, ABQ, NM 87121
Alamosa NA, Jerry Gallegos, 5921 Central Ave., NW, ABQ, NM 87105
SW Alliance of NAs, SWAN Coalition, Johnny Pena, 6525 Sunset Gardens, ABQ, NM 87121
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Westside Coalition of NAs, Harry Hendriksen, 10592 Rio del Sol NW, ABQ, NM 87114
South Valley, Coalition of NAs, Marcia Fernandez, 2401 Violet SW, ABQ, NM 87105
South Valley Coalition of NAs, Rod Mahoney, 1838 Sadora Rd SW, ABQ, NM 87105
Cheryl Zatim, 932 Rio Vista Cr. SW, ABQ, NM 87105
Alan Varela, avarela@cabq.gov
Luis Carrillo, 51luis.carrillo@gmail.com
Hugo Cotter, kvcotter@comcast.net
Susan Daniels and Cheryl Zahm, sdaniels41214@outlook.com
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James Collins Moore, mujaimes@unm.edu
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Stephen Benz, stephenconnelybenz@gmail.com
Jennifer Kepesh, jen_kepesh@yahoo.com
Athena la Roux, athenalaroux@gmail.com
Victor Beserra, victorbeserra@comcast.com



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	Policy Decisions
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
Decisions Requiring a Public Meeting or Hearing	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	Appeals
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input checked="" type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Circle K Stores Inc.		Phone: (720) 758 6223
Address: 5500 S. Quebec St. Suite 100		Email: Zpericak@Circlek.com
City: Greenwood Village	State: CO	Zip: 80111
Professional/Agent (if any): Land Development Consultants, LLC		Phone: (480) 414-2420
Address: 11811 N. Tatum Boulevard Suite 1051		Email: Sofia@ldcaz.com
City: Phoenix	State: AZ	Zip: 85028
Proprietary Interest in Site:		List all owners:

BRIEF DESCRIPTION OF REQUEST

Appeal EPC decision for the Rezone for parcels 101105627532040736 & 1011056285330440723 from current IDO zone district MX-L to NR-C (RZ-2018-00063)

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.:	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): L-11-2	Existing Zoning: MX-L	Proposed Zoning: NR-C
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres): 4.32

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 1100 Old Coors Dr SW	Between:	and:
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature:	Date: June 26, 2019
Printed Name: Sofia Hernandez	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent




FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
VA-2019 002116		
Meeting/Hearing Date:		Fee Total:
Staff Signature:	Date: 6-28-19	Project # PR-2018-001924

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☒ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)
- ☒ Interpreter Needed for Hearing? NO If yes, indicate language: _____
- ☒ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.
- ☒ Project number of the case being appealed, if applicable: 2018-001924
- ☒ Application number of the case being appealed, if applicable: RZ-2018-00063
- ☒ Type of decision being appealed: EPC- ZONE MAP AMENDMENT
- ☒ Letter of authorization from the appellant if appeal is submitted by an agent
- ☒ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)
- ☒ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)
- ☒ Copy of the Official Notice of Decision regarding the matter being appealed

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>		
Signature: 	Date: June 26, 2019	
Printed Name: Sofia Hernandez (Land Development Consultants)	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent	
FOR OFFICIAL USE ONLY		
Case Numbers: <u>VA-2019-00216</u>	Project Number: <u>PR-2018-001924</u>	
		
		Staff Signature: 
		Date: <u>6-28-19</u>

WESTERN ALBUQUERQUE LAND HOLDINGS, LLC
c/o Garrett Development Company
6900 E. Camelback Road, Suite 607
Scottsdale, Arizona 85251

March 5, 2018

Bernalillo County
1 Civic Plaza NW #1011
Albuquerque, NM 87102

City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Re: Letter of Authorization for Preservation and Maintenance, Entitlement, Permit Applications, and Special Districts

To Whom It May Concern:

Western Albuquerque Land Holdings LLC, a Delaware limited liability company ("WALH"), hereby authorizes Garrett Development Corporation, an Arizona corporation ("GDC") as WALH's agent for all purposes described in this letter. In particular, GDC and its officers, members and designees, are authorized by WALH to take all actions relating to the maintenance and preservation, preparation, execution, submission, and processing of: petitions, submittals, applications, entitlement, planning, subdividing the property and special district documents, (inclusive of: agreements, resolutions and legislation, plans, permits, plats, studies, and other documents and exhibits required by applicable state law, local ordinance and administrative rules), of all property owned by WALH within Bernalillo County and the City of Albuquerque (collectively the "Property"). Such authorization shall remain in place until revoked in writing by WALH. Any other acts with respect to property owned by WALH shall require a separate authorization.

Sincerely,

WESTERN ALBUQUERQUE LAND HOLDINGS LLC
By: C-III Asset Management, LLC as Servicing Member

By: 

Printed Name: DEBORAH A. BACON

Title: SERVICING OFFICER

Notice address regarding WALH's Property:

Western Albuquerque Land Holdings LLC
c/o Garrett Development Corporation
6900 E. Camelback Road, Suite 607
Scottsdale, Arizona 85251
Phone: 480-970-4002
Email: jeff@gdc-az.com

PROPERTY OWNER VERIFICATION AND AUTHORIZATION

I hereby verify that the undersigned is the record owner of the real property described below and the undersigned authorizes Land Development Consultants, LLC to appeal the decision of City of Albuquerque Environmental Planning Commission denying the Zoning Map Amendment (Zone Change) under Application no. RZ-2018-00063 (Project # 2018-001924) to the City Council through the Land Use Hearing Officer.

Property Address: 2900 Bridge Blvd SW

Legal Description:

Tract lettered "A" of Plat of Tracts A, B, and C, LANDS OF ROMERO-PAGE ET AL, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on May 17, 1994, in Plat Book 94C, folio 88.

OWNER(s):

Western Albuquerque Land Holdings, LLC

BY: GARRETT DEVELOPMENT CORPORATION, AGENT

By: Ted Garrett

Name: TED GARRETT

Title: VP

Date: 6/25/19

PROPERTY OWNER VERIFICATION AND AUTHORIZATION

I hereby verify that the undersigned is the record owner of the real property described below and the undersigned authorizes Land Development Consultants, LLC to appeal the decision of City of Albuquerque Environmental Planning Commission denying the Zoning Map Amendment (Zone Change) under Application no. RZ-2018-00063 (Project # 2018-001924) to the City Council through the Land Use Hearing Officer.

Property Address: 1100 Old Coors Blvd.

Legal Description:

Tract lettered "B" of Plat of Tracts A, B, and C, LANDS OF ROMERO-PAGE ET AL, an Addition to the City of Albuquerque, New Mexico, as same is shown and designated on the plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico on May 17, 1994, in Plat Book 94C, folio 88.

OWNER(s):

Circle K Stores Inc.

By: 

Name: PETER P. GREENE

Title: Director

Date: 6/25/19



June 26, 2019

Ms. Catalina Lehner
City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

Re: Appeal of Official Notice of Decision
Zone Map Amendment
Case: **RZ-2018-00063**
Project #: **2018-001924**

Dear Ms. Lehner:

This letter is being forward on behalf of Circle K Stores, Inc., as the Applicant under the above referenced case RZ-2018-00063, to lodge an appeal of the decision by the Environmental Planning Commission ("EPC") to deny the Zone Map Amendment (Zone Change) for the subject property.

Circle K Stores Inc., has standing to file this appeal pursuant to IDO Section 14-16-6-4(U)(2)(a)(1) as the owner of property listed in the above referenced application.

The is appeal is based upon the following reasons and rationale:

1. The determination set forth in item 6 (A) of the EPC Notice of Decision for Project # 2018-001924, RZ-2018-00063 is not supported by the totality of the facts and evidence relevant to the property and the project and is therefore not applied correctly in making such determination that the Zone Map Amendment conflicts with the Comprehensive Plan Goals and Policy.
2. The determination set forth in item 6 (B) of the EPC Notice of Decision for Project # 2018-001924, RZ-2018-00063 is not supported by the totality of the facts and evidence relevant to the property and the proposed use and development thereof, as outlined in the Application and supporting materials, and is therefore not applied correctly in making such determination that the Zone Map Amendment conflicts with the Comprehensive Plan Goals and Policy.
3. The determination set forth in item 7 (C) of the EPC Notice of Decision for Project # 2018-001924, RZ-2018-00063 is not supported by the totality of the facts and evidence relevant to the property and the proposed use and development thereof, as outlined in the Application and supporting materials, and is therefore not applied correctly in making such determination under the IDO Review and Decisions Criteria for Zone Map Amendments (IDO Section 6-7(F)(3)).
4. The determination set forth in item 7 (D) of the EPC Notice of Decision for Project # 2018-001924, RZ-2018-00063 is not supported by the totality of the facts and evidence relevant to the property and the proposed use and development thereof, as outlined in the Application and supporting materials, and is therefore not applied correctly in making such determination under the IDO Review and Decisions Criteria for Zone Map Amendments (IDO Section 6-7(F)(3)).

5. The determination set forth in item 8 of the EPC Notice of Decision for Project # 2018-001924, RZ-2018-00063 is not supported by the totality of the facts and evidence relevant to the property and the proposed use and development thereof, as outlined in the Application and supporting materials, and is therefore not applied correctly in making such determination under the IDO Review and Decisions Criteria for Zone Map Amendments (IDO Section 6-7(F)(3)).

This appeal of the EPC decision to deny the application for Zone Map Amendment (Zone Change) under the above referenced case RZ-2018-00063 is supported by the criteria under IDO Section 14-16-6-4(U)(4) that such decision was not supported by substantial evidence when the totality of the facts and evidenced are considered.

Thank you for your consideration of this appeal.

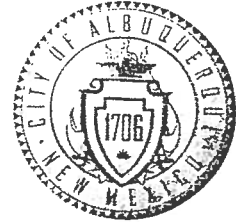
Sincerely,



Sofia Hernandez

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

June 13, 2019

Circle K Stores, Inc.
5500 South Quebec St., #100
Greenwood Village, CO 80111

Project #2018-001924
RZ-2018-00063 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal., zoned M-XL, to NR-C, located at 1100 Old Coors Dr. SW, between Bridge Blvd. SW and San Ygnacio Rd. SW, containing approximately 4.5 acres.
(L-11) Staff Planner: Catalina Lehner

On June 13, 2019 the Environmental Planning Commission (EPC) voted to DENY Project# 2018-001924/RZ-2018-00063, a Zone Map Amendment (Zone Change), based on the following findings:

Findings:

Albuquerque

NM 87103

www.cabq.gov

1. The request is for a zone map amendment (zone change) for an approximately 4.5 acre site known as Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal. (the "subject site"). The subject site is located at the southeast corner of the intersection of Old Coors Dr. SW and Bridge Blvd. SW (1100 Old Coors Dr. SW).
2. The approximately 0.8 acre Tract A, which is smaller than Tract B and located at the hard corner of the intersection, contains an existing light vehicle fueling station. Tract B contains approximately 3.6 acres and is vacant.
3. The subject site is zoned MX-L, which it received upon adoption of the Integrated Development Ordinance (IDO) as a conversion from the C-1 zone. The applicant is requesting a zone change to NR-C (Non-Residential Commercial zone) in order to re-develop the subject site with a new convenience store, additional fueling pumps, and liquor retail. The NR-C zone allows a wide variety of retail and commercial uses intended to serve neighborhood and area-wide needs, as well as some industrial uses.
4. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. Bridge Blvd. SW is designated as a Major Transit Corridor.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

Project #2018-001924

June 13, 2019

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6. The request conflicts with the following, applicable Comprehensive Plan Goal and policy:
- A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site, located at the southeastern corner of the intersection of Bridge Blvd. SE and Old Coors Blvd., is not in a designated Activity Center (the Tower Employment Center lies to the west). Bridge Blvd. SE is designated as a Major Transit Corridor and there is a transit shelter on the subject site. The request would facilitate development of permissive uses in the NR-C (non-residential commercial) zone, but the uses would be smaller scale and would be outside of a designated activity center, so the ability to support transit along this major transit corridor would be limited, especially since the NR-C zone does not allow residential uses.

- B. Policy 5.1.10- Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

Bridge Blvd. SW is a designated Major Transit Corridor. The request would allow permissive uses in the NR-C zone, which is intended to accommodate medium-scale retail, office, commercial, and institutional uses. Major Transit Corridors are intended to prioritize transit; development should be transit and pedestrian oriented near transit stops though auto-oriented along much of the corridor. Residential uses (especially multi-family) are generally desirable along Major Transit Corridors because they could result in more people using transit and walking along the corridor as intended. The NR-C zone does not allow residential uses and allows more auto-oriented uses than the current MX-L zoning.

7. The applicant has not adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The applicant did not address the Goals cited, and generally did not create strong connections between the request and the Goals and policies to demonstrate that a preponderance of them would be furthered. The policy analysis does not focus sufficiently on the NR-C zone; a zone change would allow all permissive uses in the requested zone.

There are a couple of significant issues with respect to the Major Transit Corridor designation of Bridge Blvd. that create policy conflicts. The intent of a Major Transit Corridor designation is to prioritize transit and walkability; development should be transit and pedestrian oriented near transit stops, such as the transit shelter on the subject site. Some significant auto-oriented uses that would be allowed in the NR-C zone, on the subject site, are light vehicle fueling station (the intended use), light vehicle sales and rental, and self-storage. Furthermore, the NR-C zone does not allow residential uses that could help promote transit usage along the Corridor.

- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.

OFFICIAL NOTICE OF DECISION

Project #2018-001924

June 13, 2019

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- C. Criterion C: The applicant states that a different zone district is more advantageous to the community, as articulated by the ABC Comp Plan, than the current zoning. Though the proposed zone change would allow for a larger variety of retail, service, and industrial uses in the area, the applicant has not adequately demonstrated that the request would be more advantageous as articulated in the Comprehensive Plan. The request furthers some applicable Comprehensive Plan Goals and policies, but conflicts with others, especially with respect to the intent of a Major Transit Corridor designation of Bridge Blvd.

Upon annexation, the subject site was given C-1 Neighborhood Commercial zoning purposefully, to be consistent with its former zoning of County C-1 and C-N. The C-1 zoning converted to MX-L under the IDO. Though the subject site's annexation resulted in a spot zone, in this case there is no connection between eliminating a spot zone and being more advantageous to the community. The response is insufficient because all applicable Comprehensive Plan Goals and policies have not been addressed.

- D. Criterion D: The applicant provided a thorough listing of the uses that would become allowed under the NR-C zone, with a statement that the subject site's relatively small size could preclude some uses. Other uses, such as kennel, nursery, auditorium or theatre, bar, catering service, nightclub, and liquor retail could fit on the subject site and would become permissive uses.

These uses would not be without harmful impacts to adjacent property, the neighborhood, or the community. The response is insufficient because the applicant has not adequately addressed the issue of potential harm to the neighborhood and the community.

- E. Criterion E: Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change.

- F. Criterion F: The subject site is located on Bridge Blvd. SW, a Community Principal Arterial, and Old Coors Blvd. SW, a Minor Arterial. The applicant's justification is not completely based on the property's location on major streets.

- G. Criterion G: Economic considerations are a factor. Since the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, it has not been proven that the justification is not completely or predominantly based on the cost of land or economic considerations.

- H. Criterion H: The request would not result in a spot zone. Although the subject site is one premise, there is other NR-C zoning in the immediate area.

8. The applicant's policy analysis does not adequately demonstrate that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan, and does not conflict with them, because the applicant did not fully analyze and show conformance with applicable Comprehensive Plan Goals and policies. Therefore, one cannot conclude that the proposed zone category would be more advantageous to the community than the current zoning.

OFFICIAL NOTICE OF DECISION

Project #2018-001924

June 13, 2019

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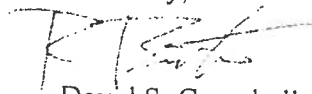
9. The affected neighborhood organizations are the Alamosa Neighborhood Association (NA), the Southwest Alliance of Neighbors (SWAN), the Westside Coalition of NAs, and the South Valley Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
10. The applicant attended a regular meeting of the Alamosa Neighborhood Association on February 11, 2019. Seventeen people attended. As of this writing, meeting notes were provided for the record. A facilitated meeting during the EPC process was neither requested nor held.
11. As of this writing, Staff has received ten letters of opposition. All are from residents of the Los Altos neighborhood, which is north of the subject site across Bridge Blvd. SW. Residents are mostly concerned about alcohol sales and safety in the area, but are also concerned about light pollution, traffic, noise, crime, potential for alcohol-related incidents, and permissive uses in the NR-C zone.
12. The applicant met with neighbors from the Los Altos neighborhood on May 31, 2019. Nine neighbors attended. At the meeting, they expressed concern about adverse lighting effects, traffic, alcohol sales, safety and security, and development plans for the remainder of the subject site. The applicant addressed the concerns by offering mitigation measures such as security monitoring, sign posting, and site improvements.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 28, 2019**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6 of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,


for David S. Campbell
Planning Director

DSC/CL

OFFICIAL NOTICE OF DECISION

Project #2018-001924

June 13, 2019

Page 5 of 5

cc: Circle K Stores Inc., 5500 South Quebec St., #100, Greenwood Village, CO 80111
Dave Cisiewski, Land Development Consultants, 11811 N. Tatum Blvd. #1051, Phoenix, AZ 85028
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Alamosa NA, Jerry Gallegos, 5921 Central Ave., NW, ABQ, NM 87105
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Cheryl Zatim, 932 Rio Vista Cr. SW, ABQ, NM 87105
Alan Varela, avarela@cabq.gov
Luis Carrillo, 51luis.carrillo@gmail.com
Hugo Cotter, kvcotter@comcast.net
Susan Daniels and Cheryl Zahm, sdaniels41214@outlook.com
Bruce and Patti Stouter, sunsculpt@zoho.com
Richard D. Van Dongen, rdvandongen@comcast.net
Spiro Vassilopoulos, spiro@vassilopoulos.com
James Collins Moore, mujames@unm.edu
Catherine Trujillo, cltrujillo59@gmail.com
Mrs. Sirpa Freccia, sirpatreccia@gmail.com
Stephen Benz, stephenconnelybenz@gmail.com
Jennifer Kepesh, jen_kepesh@yahoo.com
Athena la Roux, athenalaroux@gmail.com
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