



# REQUEST FOR SPECIAL EXCEPTION

Variance     Conditional Use     Other                      Interpreter:     Yes     No  
 VA# \_\_\_\_\_ PR# \_\_\_\_\_

<b>Date: 2/13/2024</b>		<b>Received By: Jeff Montano</b>	
<b>Address of Request: 3636 Monte Vista Blvd NE</b>			
City: Albuquerque		State: NM	Zip: 87106
Lot: A1	Block: 38	Zone: MX-L	Map pg. K16
Subdivision: MONTE VISTA ADDN		UPC# 101605751152313410	
<b>Property Owner(s): Eric Speegle</b>			
Mailing Address: 6005 Coronado Ave NE			
City: Albuquerque		State: NM	Zip: 87109
Phone: 505-975-4509		Email: <a href="mailto:espeegle@verdesfoundation.org">espeegle@verdesfoundation.org</a>	
<b>Agent:</b>			
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	
			<b>Fee Total: \$265.20</b>

### Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting
- Payment of fees

<b>Approved for acceptance by:</b>	<b>Date:</b>	<b>Hearing Date:</b>
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ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section: 14-16-4-3(D)(35)(i)</b>			
<b>Description of request: a Conditional Use to allow cannabis consumption on premise</b>			
<input type="checkbox"/> Ownership verified on AGIS <input type="checkbox"/> Proof of ownership included <input type="checkbox"/> Letter of authorization included			
Case history number(s) from AGIS:			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3                      and                      2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			2 <sup>nd</sup> check Initials <b>CMT</b>

4-3(D)(31)(b) A screen located less than 500 feet from an arterial street or interstate highway shall be located, oriented, or shielded so that the picture surface cannot be seen from the arterial street or interstate highway.

**4-3(D)(32) Other Outdoor Entertainment**

4-3(D)(32)(a) This use shall include fencing or other measures meeting the standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any surrounding properties not owned by the owner or operator of the use.

4-3(D)(32)(b) Rifle range (public or private) and flying of kites are prohibited in the Air Space and Runway Protection Sub-areas pursuant to Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

**4-3(D)(33) Art Gallery**

In any Residential or MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

**4-3(D)(34) Building and Home Improvement Materials Store**

4-3(D)(34)(a) All storage, display, and sales areas outside of a fully enclosed building must be screened from any adjacent Residential zone district or lot containing a residential use in any Mixed-use zone district as required by Section 14-16-5-6 (Landscaping, Buffering, and Screening).

4-3(D)(34)(b) If this use also meets the definition of a large retail facility, the Use-specific Standards in Subsection 14-16-4-3(D)(37) (General Retail) for large retail facilities also apply.

**4-3(D)(35) Cannabis Retail**

4-3(D)(35)(a) Cannabis retail is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. For the purposes of the IDO, all measurements for this use shall be from the lot(s) that include the cannabis retail establishment to be licensed by the State as a “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.

4-3(D)(35)(b) Establishments with a valid license from the State under the medical cannabis program as of April 1, 2022 pursuant to Sections 26-2B-1 to 26-2B-10 NMSA 1978 (the Lynn and Eric Compassionate Use Act) are entitled to continued and uninterrupted operations and are allowed permissively as a cannabis retail use after issuance of a license(s) from the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978. These establishments are not subject to the distance separation

requirements in Subsection (c) or (d) below or the prohibition in Subsection (h) below.

- 4-3(D)(35)(c) If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single "licensed premises" as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.
- 4-3(D)(35)(d) This use is prohibited within 300 feet of any school or child day care facility.
- 4-3(D)(35)(e) This use shall not include a storage or display area outside of fully enclosed portions of a building.
- 4-3(D)(35)(f) Cannabis products or cannabis paraphernalia shall not be displayed within 5 feet of a window or door.
- 4-3(D)(35)(g) A locked vault or safe or other secured storage structure shall be installed in the building, bolted to the floor or walls, to store cash and cannabis products overnight.
- 4-3(D)(35)(h) A drive-through or drive-up facility is prohibited as accessory to cannabis retail, pursuant to IDO Subsection 14-16-4-3(F)(5).
- 4-3(D)(35)(i) All of the following provisions are required for licensed on-site cannabis consumption.
1. Notwithstanding other provisions in this Subsection 14-16-4-3(D)(35), this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when proposed to include licensed on-site cannabis consumption, which is licensed separately by the State under Sections 26-2C-1 to 26-2C-42 NMSA 1978.
  2. If the cannabis retail establishment is licensed by the State for on-site cannabis consumption, and smoking or vaporizing is proposed to occur on-site, a cannabis odor control plan approved by the City is required pursuant to Subsection 14-16-6-5(G) (Site Plan – Administrative) or Subsection 14-16-6-6(J) (Site Plan – EPC), as applicable.
  3. Licensed on-site cannabis consumption areas that allow smoking or vaporizing shall be conducted within fully enclosed portions of a building.
- 4-3(D)(35)(j) In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area.
- 4-3(D)(35)(k) This use is prohibited in the Old Town – HPO-6.

#### **4-3(D)(36) Farmers' Market**

If Table 4-2-1 indicates that this use is allowed in the R-A, R-1, R-T, or MX-T zone districts, it shall be subject to the same size limits applicable to religious

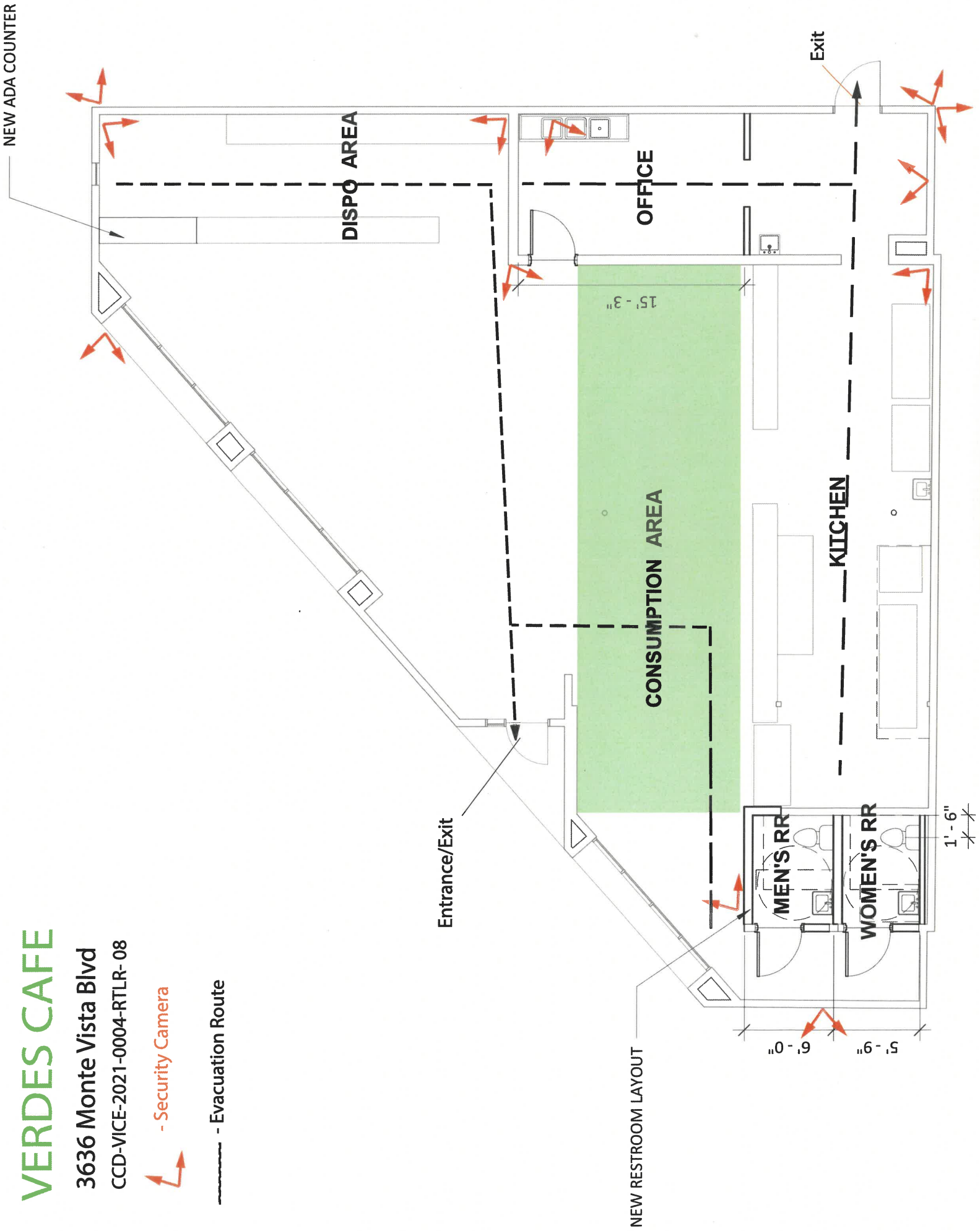


# VERDES CAFE

3636 Monte Vista Blvd  
CCD-VICE-2021-0004-RTLR-08



--- Evacuation Route







## OFFICE OF THE ZONING HEARING EXAMINER

### NEIGHBORHOOD MEETING REQUIREMENTS

- A meeting request shall be sent to the 2 representatives on file at the Office of Neighborhood Coordination (ONC) for all applicable Neighborhood Associations via certified letter, return receipt requested, or via email with timestamp, read receipt requested.
- If the Neighborhood Association chooses to meet, the Neighborhood Association must respond within 15 consecutive days of the certified letter or email being sent. The meeting must be scheduled for a date within 30 consecutive days of the meeting request being accepted by the Neighborhood Association.
  - At the neighborhood meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.
  - If a meeting was held, the applicant shall provide, as part of the project application, proof that the meeting occurred, including a sign-in sheet of attendance; meeting location, date, and time; summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any; and identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.
- If a meeting was not held, the requirement for a neighborhood meeting shall be waived if the applicant can demonstrate that either no response was received within 15 consecutive days of the notice being sent, or the notified Neighborhood Association declined the meeting.

**REQUEST FOR NEIGHBORHOOD MEETING**

Date: 4/17/2024

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow On-site consumption of cannabis, edible only, no smoking or vaping.

\_\_\_\_\_ (summary of request).

Property owner Eric Speegle

Agent if applicable \_\_\_\_\_

Property Address 3636 Monte Vista Blvd NE, Albuquerque, NM, 87106 (zip code).

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

Thank you,

Applicant Name Eric Speegle

Email [espeegle@verdesfoundation.org](mailto:espeegle@verdesfoundation.org)

Phone Number 505-975-4509

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project.

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.  
application.

## **CONDITIONAL USE JUSTIFICATION LETTER GUIDELINES**

The Integrated Development Ordinance outlines policies and requirements for deciding Special Exceptions, including Conditional Uses.

The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

To justify your request and aid our review, please provide a detailed response to items 1-6 below.

A sample letter is provided.

### **6-6(A)(3) Review and Decision Criteria**

An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:

- 1) It is consistent with the adopted ABC Comp Plan, as amended.
- 2) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.
- 3) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- 4) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
- 5) It will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.
- 6) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

-SEE SAMPLE LETTER BELOW-



**CONDITIONAL USE JUSTIFICATION**

Zoning Hearing Examiner  
City of Albuquerque  
600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

RE: Request for a Conditional Use to allow On-site cannabis consumption of edibles only, no smoking or vaping.

at 3636 Monte Vista Blvd. NE, Albuquerque, NM 87106 (address of the subject property).

- 1) It is consistent with the adopted ABC Comp Plan because it supports the following goals Creating community in the vibrant nob-hill neighborhood. This location is in walkable area of nob-hill where local neighborhood residents and UNM students can collide to have a cup of coffee or a smoothie or a sandwich.
- 2) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property because We have our business registration and Certificate of Occupancy from CABQ to operate as a cannabis dispensary at this location.  
All applicable permits and inspections have been satisfied.  
(use notes from pre-application meeting as a guide).
- 3) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community because Consumption is restricted to take place on property only.
- 4) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts because The parking lot is large and patrons will not be parking on street or creating obstacles to traffic around the property.  
The store closes at 8pm nightly.
- 5) It will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M because Operating hours are 7am to 8pm.
- 6) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation because no modifications to pedestrian walkways. no adverse changes to public sidewalks .

Signature Eric Sprengle

Date 4/17/2023



# CITY OF ALBUQUERQUE BUSINESS REGISTRATION

CITY OF ALBUQUERQUE  
P.O. BOX 1293  
ALBUQUERQUE, NM 87102

THE VERDES FOUNDATION  
6005 CORONADO AVE NE STE A  
ALBUQUERQUE NM 87109

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## CITY OF ALBUQUERQUE

THE VERDES FOUNDATION (VERDES CANNABIS)  
3636 MONTE VISTA BLVD NE  
ALBUQUERQUE NM

PERMIT NO: CR-2023-375570

PROGRAM: BUSINESS REGISTRATION

EFFECTIVE FROM: 05/04/2023 THROUGH: 07/14/2024

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HAVING COMPLIED WITH THE FEE REQUIREMENTS OF CHAPTER 13 ARTICLE 1 OF THE REVISED ORDINANCES.  
REGISTRATION OR LICENSING WITH THE CITY OF ALBUQUERQUE AND PAYMENT OF FEES DOES NOT CONSTITUTE A  
WAIVER OF ANY REQUIREMENTS OR PROVISIONS CONTAINED AT ANY LAW.  
THE ACTIVITY/BUSINESS PROPOSED TO BE CONDUCTED AT ANY LOCATION WITHIN THE CITY SHALL BE APPROVED BY  
THE CITY'S ZONING ENFORCEMENT OFFICER PRIOR TO COMMENCING THE ACTIVITY/BUSINESS.

PLANNING DEPARTMENT - CODE ENFORCEMENT DIVISION

[WWW.BIZREG.CABQ.GOV](http://WWW.BIZREG.CABQ.GOV)

(505) 924-3890

**POST IN A CONSPICUOUS PLACE**