



**Environmental  
Planning  
Commission**

**Agenda Number: 01  
Project #: 2019-002570 (1010286)  
RZ-2019-00037  
Hearing Date: August 08, 2019**

**Staff Report**

<b>Agent</b>	Strata Design, LLC
<b>Applicant</b>	Jesse Herron
<b>Request</b>	<b>Zone Map Amendment (Zone Achange)</b>
<b>Legal Description</b>	All or a portion of Tract A, Plat of Lands of Charles B. Gonzales and all or a portion of Tract B, Plat of Tracts A and B, Lands of Thomas Duran
<b>Location</b>	1100 and 1106 Bellamah Avenue NW, between 11 <sup>th</sup> Street and 12 <sup>th</sup> Street NW
<b>Size</b>	Approximately 0.7 acres
<b>Existing Zoning</b>	RM-H and R-1A
<b>Proposed Zoning</b>	MX-T

**Staff Recommendation**

APPROVAL of Project # 2019-002570 (1010286) RZ-2019-0003 based on the Findings within this report.

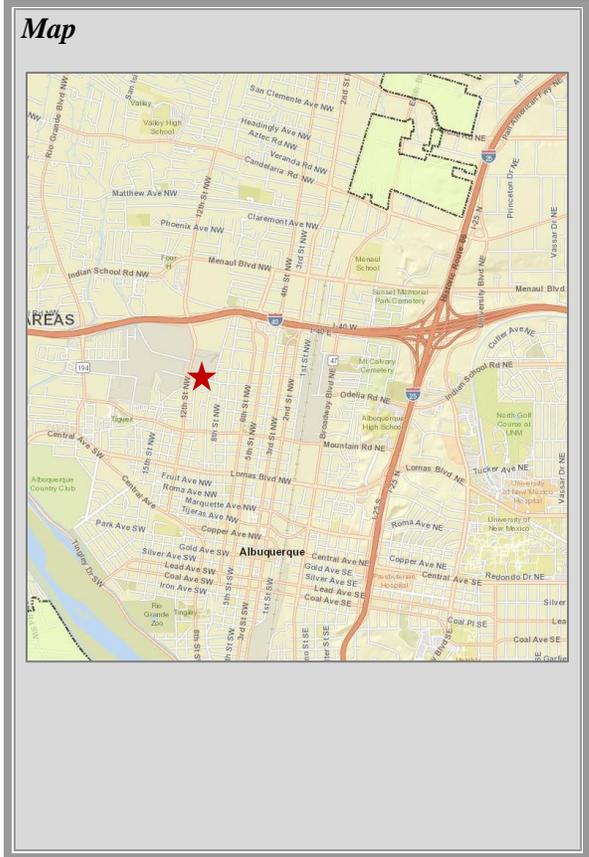
**Cheryl Somerfeldt  
Planner**

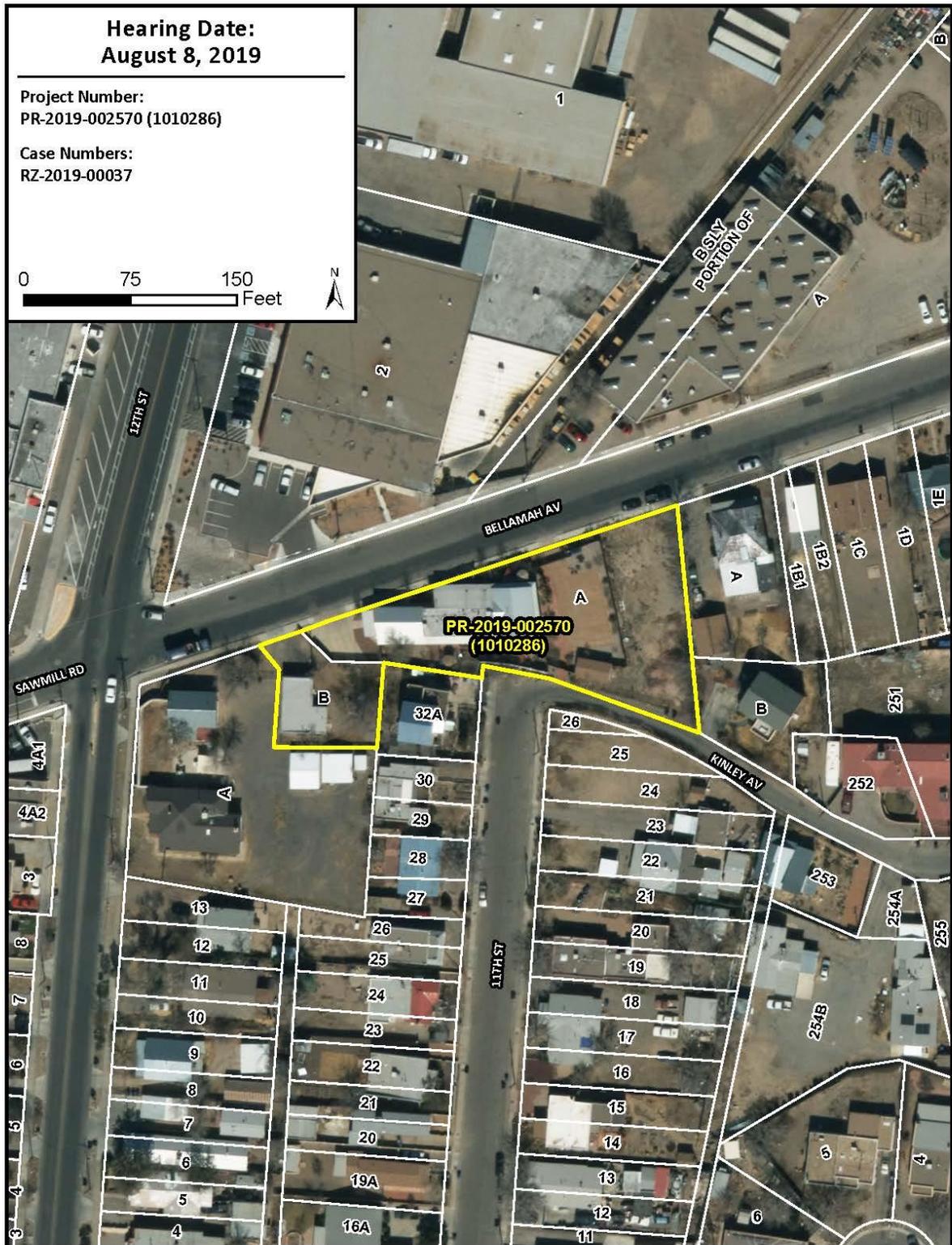
**Summary of Analysis**

This request is for a Zoning Map Amendment (Zone Change) for two tracts. The applicant wishes to change the zone of Tract A from RM-H to MX-T and to change the zone of Tract B from R-1A to MX-T.

The applicant/owner renovated the existing buildings and currently operates a lodging facility on Tract A pursuant to a pre-IDO SU-1 zone request with an EPC approved Site Plan. A zone change is now desired to allow the existing use on Tract A, and to allow for an expansion of the existing use as permissive on Tract B, which was recently acquired by the applicant.

Property owners within 100-foot and neighborhood associations were notified as required. The applicant attended a neighborhood meeting on June 11, 2019 with the Wells Park Neighborhood Association (NA) and submitted the resulting notes (see attached), which states support for the request. Staff also received an email from a neighbor expressing concern. Staff recommends approval.





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**I. Introduction**

	<i>IDO Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	R-MH and R-1A	Change and Consistency	Lodging and Vacant
<i>North</i>	NR-LM	Change	Industrial Wholesaling and Distribution Center
<i>South</i>	R-1A	Consistency	Vacant
<i>East</i>	R-1A	Change	Low-Density Residential, Single-Family Detached
<i>West</i>	R-1A	Consistency	Low-Density Residential, Single-Family Detached

**Proposal**

This request is for a Zone Map Amendment (Zone Change) for two tracts: Tract A, Plat of Lands of Charles B. Gonzales (approximately 0.5 acres) and Tract B, Plat of Tracts A and B, Lands of Thomas Duran (approximately 0.2 acres). The applicant wishes to change the zone of Tract A from RM-H to MX-T, and to change the zone of Tract B from R-1A to MX-T; both constitute “the subject site” and if approved, both tracts will be zoned MX-T.

The applicant/owner renovated the existing buildings and currently operates a lodging facility on Tract A pursuant to a pre-IDO SU-1 zone request with an EPC approved Site Plan. A zone change is now desired to allow the existing use as permissive on Tract A, and to allow for an expansion of the existing use onto the adjacent lot to the west, Tract B, which was recently acquired by the applicant.

The IDO converted the zone of the original lot to R-MH, Multi-family High Density Zone, because the Bed and Breakfast liquor license was being pursued, when in fact it more closely meets the definition of Hotel/Motel, which would have converted to the requested MX-T, Mixed-Use Transition Zone. The requested MX-T zone will permit a Bed and Breakfast and a hotel/motel. The applicant wishes to continue the existing use and expand the lodging and event facility operation onto the adjacent tract, which is currently zoned R-1A, Single Family.

The IDO designates the subject site to be within the Sawmill/Wells Park Character Protection Overlay Zone–CPO-11 boundaries and it is within the Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan boundaries.

The applicant notified property owners within 100-feet and neighborhood associations as required. The applicant attended a neighborhood meeting on June 11, 2019 with the Wells Park Neighborhood Association (NA) and submitted the resulting notes (see attached), which states support for the request. Staff also received an email from a neighbor in opposition.

### ***EPC Role***

The EPC is hearing this case because the EPC is required to hear all zone change cases regardless of size in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council, and the City Council would make the final decision. This is a quasi-judicial matter.

### ***History/Background***

The subject site is located within the historic Sawmill/Wells Park Neighborhood (bounded by Interstate 40 to the north, Mountain Road to the south, approximately 1st Street to the east, and 12th Street to the west), which was named after the original sawmill in the area. The subject site was first developed in 1881 as a lodging establishment. Around the turn of the century, the subject site operated as a saloon and a dance hall, and a brothel at one point. The neighborhood had its greatest expansion after WWI when it was filled with industry, warehouses, and 1920s subdivisions. In the 1970s, the west end of the subject property operated as a small grocery store.

In January 1996, the Sawmill Wells Park Sector Development Plan (Enactment No. 20-1996) was adopted, superseding the previous 1978 Plan, and established zoning for the area as S-R (Sawmill Residential) zoning, which only permitted residential uses not any type of lodging. In February 2014, the applicant purchased the apartments on Tract A, and rehabilitated the building and grounds. In December of 2016, the EPC approved the applicant's requested Zone Change from SU-2/SR (Sawmill Residential) to "SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-Premise Consumption".

In May of 2018, the IDO converted all properties within the City of Albuquerque to new zones. The IDO converted the prior zone based on the classification of the liquor license for Bed and Breakfast. The prior Site Plan controlled zone was converted to the existing R-MH, Residential-Multi-Family High Density Zone District with an existing Site Plan, because Bed & Breakfast is first permitted in the R-MH Zone. In 2018, the applicant purchased Tract B, adjacent to the west of Tract A. Since this site is currently zoned R-1A, a Zone Map Amendment through EPC is required.

### ***Context***

The subject site is approximately 0.7 acres and contains two parcels located at 1100 (Tract A) and 1106 (Tract B) Bellamah Avenue NW, between 11th Street and 12th Street NW, to the southeast of the intersection at 12th Street NW and Bellamah, which is the original commercial node for the Sawmill area. Tract A, the northwestern parcel, is zoned R-MH and located within an Area of Change. Tract B, the southwestern parcel, is zoned R-1A and located within an Area of Consistency.

To the north, across Bellamah Avenue NW, are large-scale industrial warehouses and work yards, zoned NR-LM, Light Industrial. To the east, west, and south, the area is zoned R-1 with bungalow and adobe style single-family homes characteristic of the Sawmill/Wells Park neighborhood. Many properties have multiple buildings, some

used as housing, and some with various uses.

### ***Roadway System***

The 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO), identifies the functional classifications of roadways.

The subject site is located near the southeast corner of Bellamah Avenue NW and 12<sup>th</sup> Street NW, which are both classified as Major Collectors. 12<sup>th</sup> Street NW is an important north-south corridor for the City and, especially for tourism because it connects I-40 with many of the City's cultural resources.

### ***Comprehensive Plan Corridor Designation***

The Comprehensive Plan does not designate the subject site as being in an Activity Center, or Bellamah Avenue NW as a designated Corridor. Rio Grande Boulevard NW is located to the west and is a Major Transit Corridor. 4<sup>th</sup> Street NW is located to the east and is a Multi-modal Corridor. Lomas Boulevard NW is located to the south and is a Major Transit Corridor. And I-40 is located to the north and is a Commuter Corridor.

### ***Trails/Bikeways***

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed trails.

A Proposed Bicycle Route is shown on Bellamah Avenue NW east of 12<sup>th</sup> Street NW, which turns into Sawmill Road NW west of 12<sup>th</sup> Street NW. A Proposed Bicycle Lane is shown along 12<sup>th</sup> Street NW. Therefore bicycle facilities are currently lacking along these corridors, but the local residential streets are low traffic and provide opportunities for visitors to access surrounding amenities.

### ***Transit***

The subject site is served by Transit, although not directly. Albuquerque Ride Route #36-Twelfth Street, runs on 12<sup>th</sup> Street from Lomas Boulevard NW and 12<sup>th</sup> to 12<sup>th</sup> and Candelaria Road NW, then proceeds northward and down Rio Grande Blvd. The #36 offers service from morning to evening and on Saturdays.

### ***Public Facilities/Community Services***

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

## ***II. Analysis of City Plans and Ordinances***

### ***Integrated Development Ordinance (IDO)***

The applicant requests the MX-T Zone District for the entire premise constituting two tracts, the original tract (Tract A), currently zoned R-MH, and the adjacent tract (Tract B), currently zoned R-1A.

*Tract A, existing R-MH, Residential-Multi-Family High Density, 2-3 (F)*

The IDO converted the previous Special Use site plan controlled zoning of “SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-Premise Consumption” to “R-MH”, Residential-Multi-Family High Density Zone District.

The purpose of the R-MH Zone District (Residential-Multi-Family High Density) is to promote and encourage the development of high-density attached and multi-family housing, with taller, multi-story buildings encouraged in Centers and Corridors in areas close to major streets and public transit facilities. The primary land use is multi-family dwellings, with limited civic and institutional uses to serve the surrounding residential area. (see attached Allowable Use Table 4-2-1).

Since the applicant acquired a "Bed and Breakfast" Liquor License, and R-MH is the first IDO zone district to allow a Bed and Breakfast permissively and primarily, Tract A was converted to R-MH during the Phase 1 IDO conversion. The applicant states, and Code Enforcement agrees that the current use on Tract A is more accurately defined as a hotel/motel since it does not meet the IDO definition for Bed and Breakfast. The existing use is now considered legal nonconforming. However, since the existing use is permitted by the existing approved EPC Site Plan, it is not subject to nonconforming limitations on expansion.

Therefore, this zone change is not required to continue to use Tract A as a hotel/motel only, but is necessary for any of the other uses in the requested MX-T zone, both Permissive and Conditional Uses, such as the proposed Event Facility which is a Conditional Use.

*Tract B, existing R-1A, Residential Single Family 2-3 (B)*

The IDO converted the previous S-R zoning (Sawmill Residential) to R-1A, Residential Single Family Zone District.

The purpose of the R-1 Zone District ((Residential-Single Family) is to provide for neighborhoods of single family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. (see attached Allowable Use Table 4-2-1 for all uses).

*Proposed zone, Both Tracts, Mixed-Use Transition, 2-4 (A)*

The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. (see attached Allowable Use Table 4-2-1 for all uses). MX-T is intended to be a mixed-use transitional zone between more intense mixed-use or non-residential zones, such as the NR-LM to the north, and residential zone districts, such as the R-1 zoning to the south.

Hotel/Motel is a Permitted Use in the requested MX-T Zone. Any use listed as “P” Permissive would be allowed on the subject site by right. Controversial uses include Event Facility, Bar, Restaurant, and Taproom or Tasting Room, which are Conditional Uses and require a Conditional Use Permit involving a public hearing with the Zoning Hearing Examiner (ZHE) where public input will be included and Conditions of Approval will apply.

Pursuant to the Use Specific Standards 4-3(D)(14) Hotel or Motel is limited to a maximum of 15 guest rooms. Pursuant to the Use Specific Standards 4-3(D)(8), Bar, Nightclub, Restaurant, and Tap Room are limited to 10,000 square feet in the requested MX-T zone.

*Character Protection Overlay, CPO-11, 3-4 (L)*

Both parcels are located within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-11) and are subject to development standards in that CPO, found in IDO Subsection 3-4(L).

Pursuant to IDO Section 3-4(L)(5)(c), Non-residential Building Design In the MX-T, MX-L, and NR-LM Zone Districts, the following building design regulations apply: 1. No portion of any building within 25 feet of the front property line shall exceed 15 feet in height. 2. Front doors must face the nearest street. 5. Non-residential buildings with over 35 linear feet street-facing façade must be designed to appear as a collection of smaller buildings. Pursuant to IDO Section 3-4(L)(5)(d), for all development except residential and industrial development, each façade facing a public street shall contain 25 percent or more of its surface in clear, transparent windows and/or doors. The subject building will be legal non-conforming for these regulations, and therefore legally allowed to continue, but limited in expansion pursuant to ZHE approval and must comply for any future development.

Pursuant to IDO Section 3-4(L)(2)(a)1.c. in CPO-11, the maximum lot size in the requested MX-T zone is 10,000 square feet. Therefore, the lot size of Tract A will be nonconforming.

*Neighborhood Edges, 5-9*

In addition, the subject site is subject to Neighborhood Edges regulations, which are intended to preserve the residential neighborhood character of established low-density homes in any Residential zone district on lots adjacent to any Mixed-use or Nonresidential zone district, which exists along the east, south, and west property lines. Neighborhood Edges impose buffers, limit uses, and limit heights.

***Sawmill/Wells Park Community Metropolitan Redevelopment (MR) Area Plan***

The New Mexico Metropolitan Redevelopment Code (3-60A-1 to 3-60A-48 NMSA 1978) provides cities with the authority to correct conditions in areas or neighborhoods in order to reverse the decline and stagnation. Such authority can only be applied in designated Metropolitan Redevelopment Areas (MRAs). Metropolitan Redevelopment projects are activities designed to eliminate slums or blighted areas that conform to an approved plan for rehabilitation and conservation.

The Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan was first adopted in 1993 and last amended in June 2006 (R-06-100). The Sawmill/Wells Park Community MRA Plan boundary was created because the City Council designated it a blighted area and qualified as appropriate for redevelopment projects under the City's Metropolitan Redevelopment Code.

The goal of the Sawmill/Wells Park Community MRA Plan is "to create a community that preserves the historic nature of the neighborhood while retaining a livable, walkable, mixed-use, mixed-income and vibrant economic and residential part of Albuquerque." The Sawmill/Wells Park Community MRA Plan is an implementation plan to upgrade and rehabilitate the area through a number of tools. This MRA Plan was a companion to the Sawmill/Wells Park Sector Development Plan, which is now incorporated into the Integrated Development Ordinance (IDO) as the Character Protection Overlay CPO-11 described above.

*Relevant Goals for the MRA Plan include:*

- D) Create a built environment that retains its physical integrity for future generations and preserves the natural attributes of the land and the cultural history of the community.
- E) Develop commercial and industrial space that benefits the community with job creation and needed services.
- F) Blend "old" and "new" into one unified neighborhood.
- J) Conserve and build on community identity and historic character.

The MRA Plan then divided the entire Plan area into six Sub-Areas that possess unique land use characteristics in order to develop approaches appropriate for the particular issues of that subarea. The subject site is within the boundaries of the Neighborhood Residential Sub-Area and on the border of the Mixed-Use Transition Sub-Area along Bellamah Avenue NW. The MRA Plan also shows the intersection of 12th Street NW and Bellamah Avenue NW as the center of the area and proposes a potential gateway feature at this intersection.

The subject request is consistent with the general Sawmill/Wells Park Community MRA Plan goals as stated above. Since the request is for the MX-T zone, which is intended to be a mixed-use transition that includes both residential and light office/commercial uses as well as the intended hotel/motel use, and will permit the rehabilitation of existing historic buildings, the request is consistent with and supports the Sawmill/Wells Park Community MRA Plan.

A Zone Change does not require the applicant to maintain existing buildings; however in this case, any demolition would require demolition review, and the requested Zone Change would give the property owner more options for use of the property, thereby encouraging regular maintenance and upkeep.

*Definitions (if applicable)*

**Bed and Breakfast:** A single-family dwelling with no more than 8 guest rooms that are rented for short-term overnight lodging with breakfast served; some or all guest rooms may be in accessory buildings. Provision of alcoholic beverages is controlled by the New Mexico State statutes for “Bed and breakfast” as governed by Section 60-6A-34 NMSA 1978. See also Hotel or Motel.

**Hotel or Motel:** A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including Bed and Breakfast establishments, which are regulated separately per this IDO.

*Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)*

Because the subject site is partially in an Area of Consistency, the applicant must justify the zone map amendment as though the entire site were in an Area of Consistency, pursuant to IDO Subsection 6-7(F)(3)(b). Policies for Areas of Consistency are designed to protect and enhance the character of existing single-family neighborhoods. Applicable policies include:

*CHAPTER 4: Community Identity*

GOAL 4.1 Character: Enhance, Protect, and preserve distinct communities.

POLICY 4.1.1: Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

***The subject site is in Sawmill/Wells Park, one of Albuquerque's oldest distinct communities. The request would permit rehabilitation and re-use of the existing historic building and a larger range and mix of uses than what is currently permitted, therefore the property would enhance and protect the character of the Sawmill/Wells Park Community. The request furthers Policy 4.1.1.***

POLICY 4.1.2 Identity and Design: Protect the identity and cohesiveness of the neighborhoods by ensuring the appropriate scale and location of development, mix of uses and character of building design.

*The zone change from RM-H and R-1 to MX-T maintains and preserves the unique qualities of historic areas through the continuation of the historic lodging use on 1100 Bellamah NW and the small-scale commercial use of 1106 Bellamah NW. The Painted Lady Bed and Brew offers a unique mix of uses that utilizes the historic structures on the property and maintains the existing building character. The property provides an appropriate neighborhood scale transition from the light industrial uses across Bellamah to the adjacent multi-family residences, small businesses and single-family homes.*

***The requested MX-T zone would protect the identity and cohesiveness of the Sawmill/Wells Park neighborhood by permitting the existing character and building design to continue in a similar way as its historical functions with an increased range of uses. The proposed hotel/motel is an appropriate scale of development and mix of***

*uses as it offers a transition from the residential neighborhood to the south to the industrial neighborhood to the north. The request furthers Policy 4.1.2.*

POLICY 4.1.3 Placemaking: Protect and Enhance special places in the built environment that contribute to the district identity and sense of place.

*The 1100 and 1106 Bellamah properties are special places that contribute to the sense of identity and place of the district. The buildings on site are original adobe structures that were built over a hundred years ago to serve the nearby sawmill. At that time, this area north of “New Town” was considered outside of the town limits. These structures, along with adjacent adobe structure on the south side of Bellamah are the few remaining structures of an industry that provided economic opportunity to the growing city. Together, these structures provide a recognizable and cohesive district. Mr. Herron has not only worked to stabilize and restore a historic structure, but through his vision, he is also providing the community and visitors with an opportunity to experience and engage a piece of Albuquerque’s past. The use of these properties has historically been commercial and residential uses. The zone change from RM-H and R-1 to MX-T maintains this heritage at a scale and character that contributes to the district identity and sense of place.*

*The requested MX-T zone will protect and enhance a special place with a long history of varied uses in a historic building in the center of the Sawmill/Wells Park neighborhood, which assists with giving the area a sense of place. As stated, the applicant has restored the existing building, contributing to the district identity, and provides a unique tourism experience that connects the visitor with the neighborhoods’ past while enhancing the existing environment. The request furthers Policy 4.1.2.*

POLICY 4.1.4 Neighborhoods: Enhance, protect and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

*Preserving the historic mixed-use character of the Wells Park neighborhood respects existing neighborhood values. The zone change from RM-H and R-1 to MX-T provides opportunities to leverage community resources, to identify special places - the historic buildings on 1100 and 1106 Bellamah NW, and promote strong community identity. The zone change supports improvements, by enabling a community resource (lodging and intimate event space) that protect stable, thriving residential neighborhoods and enhance their attractiveness.*

*The requested MX-T zone will enhance, protect, and preserve the Sawmill/Wells Park traditional neighborhood by permitting the re-use of the existing adobe structure, which contributes to long-term health and vitality of the neighborhood. The property is located near downtown and the museums in a location where the intended hotel/motel and event facility as well as the other permitted higher density residential, office, and low-intensity commercial uses are needed subject to Neighborhood Edge standards and regulations. The request furthers Policy 4.1.4.*

CHAPTER 5: Land Use

GOAL 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.

*The zone change from RM-H and R-1, residential zones, to MX-T a mixed-use zone allows for more neighborhood scale amenities in a neighborhood that borders an industrial area. The Painted Lady Bed and Brew offers lodging and event spaces for neighborhood and family events.*

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

*The zone change from RM-H and R-1 to MX-T enables more neighborhood scale uses convenient to the adjacent neighborhood. The Painted Lady is a neighborhood amenity, providing a gathering space for life events and an intimate lodging facility for guests at a beautifully restored historical property. The Painted Lady provides lodging within easy walking and biking distance of the Mountain Road Corridor, City Museums, Parks, Old Town and the Bosque Trail, offering a choice of transportation to visitors. The MX-T zone maintains the characteristics of the distinct historical mix of land uses consistent with the long-established live/work residential development pattern along Bellamah Road NW, provides a mixture of uses conveniently accessible from surrounding neighborhoods and encourages more productive use of under-utilized lots.*

*The requested MX-T zone will permit a mix of uses including the intended hotel/motel and event facility that will be conveniently accessible to the surrounding neighborhoods as well as the museum district and nearby downtown neighborhoods. Although it is a spot zone because the adjacent properties are not zoned MX-T, the requested MX-T zone is appropriate, the Sawmill/Wells Park Community MRA Plan intends Bellamah Avenue to be a mixed-use transition corridor between residential and industrial zoning and uses present across the street. The use of the existing buildings contributes to the sustainability and distinctiveness of the community. The requested MX-T zone will encourage the redevelopment of the existing property and bring services and amenities within biking and walking distance to the Sawmill/Wells Park neighborhood.*

*The requested MX-T zone will maintain the characteristics of the communities through zoning and design standards that are consistent with the established Sawmill/Wells Park development pattern. In addition, The IDO applies Use Specific Standards that would limit the scope of the more controversial uses in the requested MX-T zone compared to the higher intensity mixed-use zones. The request furthers Policy 5.2.1.*

GOAL 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

*The zone change from RM-H and R-1 to MX-T promotes a higher and more efficient use of the land by leveraging the existing buildings, infrastructure and public facilities to provide a community amenity that generates increase gross receipts tax and lodgers tax for the City.*

***The subject property is in an infill location because it is in the heart of the City on long established streets with existing infrastructure and public facilities. This promotes efficient development patterns that maximize the utility of existing infrastructure and public facilities to support the public good. The request further Policy 5.3.1.***

GOAL 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

POLICY 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks and Major Public Open Spaces.

*The development along Bellamah Road NW dates to the late 1890's. The land use is a mixture of the Painted Lady Bed and Brew, single family, multi-family residential and small businesses, including a T-shirt printing business and light industrial/manufacturing. The zone change to MX-T better reinforces the scale, intensity and setbacks of the immediately surrounding context. The RM-H zone permits heights of up to 45 feet with no height limit 100 feet from the lot line. The scale of the existing buildings in the area is one and two story which is more in keeping with the MX-T zone at 30 feet.*

***The original tract is in an Area of Change and the adjacent tract is in an Area of Consistency; therefore the premise is subject to Area of Consistency policies. Surrounding properties to the east, south, and west are zoned R-1A, single-family; however, there are a mixed-uses along the corridor, some may be legal non-conforming. Across the street is an industrial zone and uses; therefore the requested MX-T zone would act as a transition between the two zones while keeping the existing buildings, and reinforcing the existing character and future character of the surrounding area. Any new development is subject to the IDO's Neighborhood Edges standards (5-9) along the southern boundary, which would protect the adjacent R-1A properties to the south. The request further Policy 5.6.3.***

#### CHAPTER 7: Urban Design

GOAL 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

POLICY 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

*The zone change from RM-H and R-1 to MX-T recognizes and embraces the character differences of the Wells Park community by affirming the traditional mixed use nature*

*of the Bellamah Road NW corridor that originally served the commercial and housing needs of the sawmill workers, and later provided daily goods and services to the growing residential area. The use of these historic structures has been archived through the Sawmill/Wells Park Sector Development Plan and attached as part of this submittal.*

***The request recognizes and embraces the distinct identity of the Sawmill/ Wells Park community, making it more safe and attractive through rehabilitation of the existing buildings, which is consistent with the existing character and mix of uses on Bellamah Avenue NW. The request furthers Policy 7.3.2.***

CHAPTER 8: Economic Development

POLICY 8.1.1: Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

POLICY 8.1.2: Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

*The zone change from RM\_H to R-1 and MX-T grows the community's economic base through recruitment, retention/expansion and new business startups to bring additional income to the region. The zone change allows for the Painted Lady Bed and Brew to retain its existing entitlements to support the intended expansion of the Painted Lady business startup. The extension of the zone change request to abutting property allows the business to expand its current offerings and expand opportunities for local sales, local job creation and the sales of locally made goods.*

***The mix of uses permitted in the MX-T zone will contribute to a diverse place on Bellamah Avenue NW, and permit a more resilient and diverse economy than solely residential uses permitted by the existing residential zones R-MH and R-1A. The request furthers Policies 8.1.1 and 8.1.2.***

POLICY 8.2.1: Local Business: Emphasize local business development.

*Because the proposed zone change allows for the intended expansion of a hospitality business, and because the Painted Lady Bed and Brew is owned by the co-owner several local tourism entrepreneurial endeavors, including the Albuquerque Trolley Company and the Albuquerque Tourism and Sightseeing Factory, it partners with local tourism organizations and promote entrepreneurship and existing businesses*

***The requested MX-T zone will permit the applicant to operate a local business, a hotel/motel and event facility, thereby supporting the local economy. The request furthers Policy 8.2.1.***

CHAPTER 9: Housing

GOAL 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

POLICY 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

*Because the proposed zone change matches the surrounding and abutting densities and requires the same setbacks and lot sizes, it would allow development that is consistent with the historic development to west and east along Bellamah Road NW and Mountain Road to the south. The existing RM-H zone has a much higher intensity and residential density than the proposed MX-T zone.*

*The requested MX-T zone enhances the neighborhood character by promoting housing design that is compatible with the surrounding built environment and responds to the development context by matching adjacent development densities and intensities.*

***The requested MX-T zone enhances the neighborhood character by promoting and providing an existing development that is compatible with the surrounding built environment and responds to the context by closely resembling adjacent development densities and intensities. The existing RM-H zone for the original tract has a much higher development intensity and residential density than the proposed MX-T zone subject to Neighborhood Edge regulations. The request furthers Policy 9.2.1.***

#### CHAPTER 11: Heritage Conservation

POLICY 11.2.3: Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

- a) Consider local history and the visual environment, particularly features unique to Albuquerque, as significant determinants in development and redevelopment decisions in light of their relationship to and effect upon the following: i. Architectural styles and traditions; ii. Current and historic significance to Albuquerque; iii. Historic plazas and Centers; iv. Culture, traditions, celebrations, and events.

*Because the proposed zone change enables enterprises that use historic buildings without requiring excessive modifications to building exteriors, it considers local history and visual environment , particularly features unique to Albuquerque with respect to Architectural styles and historic significance to Albuquerque 's. Both properties contain adobe structures build around the turn of the 20th Century which provided goods and services to the first Saw Mill in Albuquerque, one of the first major employers of the city.*

***The requested MX-T zone will permit the applicant to operate the desired hotel/motel event center business while considering the existing historic structure which is part of the identity, local history, and visual environment and has a unique historic significance to Albuquerque and the surrounding communities. The request furthers Policy 11.2.3.***

### III. Zone Map Amendment (Zone Change)

Pursuant to section 6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria". There are several criteria that must be met and the applicant must provide sound justification for the change. 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.

**Note:** *Applicant's justification is italics; staff's analysis is bold italics.*

- A. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

*This request for a zone change from RM-H and R-1 to MX-T is consistent with the health, safety, and general welfare of the City, furthers (and is not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City. The proposed MX-T zone is in keeping with the goals and intentions of the Comprehensive Plan. A zone change from RM-H and R-1 to MX-T is consistent and compatible with adjacent and abutting R-1, providing an appropriate transition from the NR-LM, Light Manufacturing zone directly across Bellamah NW. The proposed MX-T zone allows for development consistent and compatible in height, building placement, density and land use consistent with adjacent and abutting development. By allowing mixed-use development, it supports the traditional land use pattern on Bellamah Road NW, reinforcing consistency and compatibility in a designated Area of Consistency. In addition, the requested zone change removes potentially incompatible heights and residential densities from existing residential areas.*

*By enabling mixed-use, with a lower density, development, the proposed MX-T zone allows for more neighborhood amenities within proximity of residential areas. It also enables a unique cultural amenity that allows for community interaction with a historic property. The proposed MX-T zoning furthers the Comprehensive Plan's goals of reinforcing a sense of place and enhances, protects and preserves the unique character of the community.*

***The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City including the Sawmill/Wells Park Area Metropolitan Redevelopment Area Plan (MRA Plan) as shown in the sections above. The response to Criterion A is sufficient.***

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding

Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

*The proposed zone would clearly reinforce the established character of the surrounding Area of Consistency and does not permit development that is significantly different from that character because it supports similar densities, scales and uses found along Bellamah Road NW.*

*The existing zoning RM-H zoning is inappropriate because it meets the following criteria:*

*1. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended. Because the proposed MX-T zone is consistent with the existing adjacent and abutting land uses, development, density and intensity and connectivity. The existing RM-H zone allows for a higher residential density and development intensity than the adjacent and abutting land uses.*

***The zone change to MX-T would be more advantageous to the community than the current zoning (R-MH and R-1A) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan regarding Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation and does not significantly conflict with the Comprehensive Plan, as shown in the applicant's policy analysis in the response to Criterion A. The response to Criterion B is sufficient.***

C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

*This criterion is not applicable because the property in question is located wholly in an Area of Consistency as shown in the ABC Comp Plan, as amended.*

*This criterion is not applicable because the subject site is partially in an Area of Consistency. The applicant must justify the zone map amendment as though the entire site were in an Area of Consistency, pursuant to IDO Subsection 6-7(F)(3)(b).*

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 4-3 associated with that use will adequately mitigate those harmful impacts.

*Because the proposed zone MX-T is intended as a “transition from residential neighborhoods to more intense commercial areas,” it does not include permissive uses that would be harmful to adjacent properties, the neighborhood, or the community because the allowable uses designed to be adjacent to both residential and commercial areas.*

*The following is a list of the existing permitted uses for each site as well as a list of the uses that would be Permitted in the MX-T zone:*

**1100 Bellemah NW**

*Upon adoption of the IDO, the subject site was zoned SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-site Consumption. The IDO has converted the base zone to R-MH (Residential – Multifamily High Density Zone District, IDO 2-3(F). The purpose of the R-MH zone district is to provide for a variety of high-density attached and multi-family housing options. The primary land uses are multi-family buildings, as well as civic and institutional uses to serve the surrounding residential area.*

**Proposed Zoning**

*The request proposes to change the subject site's zoning to MX-T (Mixed Use Transition Zone District IDO 2-4(A). The purpose of the MX-T zone is to provide for a transition between neighborhood and more intense commercial area.*

*Primary land uses for the MX-T zone include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. The following is a list of all permissive uses of the R-MH from Table 4-2-1 of the IDO:*

**R-MH**

*Dwelling, townhouse*

*Dwelling, Live/Work*

*Dwelling, Multi-family*

*Dwelling, multi-family Assisted living facility or nursing home*

*Community residential facility, small*

*Community residential facility, medium*

*Community residential facility, large*

*Group Home, medium*

*Sorority or fraternity  
Adult or Child Care Facility  
Community center or library  
Elementary or Middle School  
High School  
Parks and open space  
Religious Institution  
Community Garden  
Residential Community Amenity  
Bed and breakfast  
Solar energy generation  
Utility, electric  
Utility, other major*

***The following MX-T uses would become Permitted with the requested zone change:***

*Dwelling, single-family  
Dwelling, cluster development  
Dwelling, cottage development  
Dwelling, two-family detached (duplex)  
Group home, small  
Assisted living facility or Nursing home  
Museum or art gallery  
Vocational school  
Health club or gym  
Hotel or motel  
Bank  
Medical or Dental Clinic  
Office  
Personal and business services, small  
Research or testing facility  
Wireless Telecommunications Facility, freestanding*

***Discussion of uses that will become Permitted and potential to be harmful:***

*The Residential “Dwelling” uses permitted in MX-T are more similar in size and scale with the residential context than the Residential uses permitted in the RM-H zone and therefore would not be seen as harmful to the surrounding neighborhood.*

*Other uses newly Permitted in the MX-T zone would be limited to a half acre property that is developed. The property is located on a Major Collector street with very limited frontage to the the neighborhood. The property directly across Bellemah Road NW is light industrial with storage and manufacturing uses. The 1100 Bellamah property serves as an area of transition, buffering the R-1 neighborhood to the south from the Industrial uses to the north. The newly Permitted uses in the MX-T zone would not be harmful to the surrounding neighborhood, as the intention of the MX-T zone is to provide a transition between neighborhood and more intense uses. The following is a*

*discussion of the MX-T uses which may cause controversy in the neighborhood outlining the sites limiting factors of these uses.*

*The property contains a historic structure which is currently utilized for lodging. This structure has recently been remodeled, and consists of four units of lodging and a service/utility area. Due to the small size and the adobe construction, the building would not be conducive to some of the more harmful/controversial uses on this list such as "Research or testing facility" or "Medical or Dental Clinic." In addition, Use Specific Standards, Section 4-3(D)(27)(b) limits Research or testing facility to 10,000 sqft in the MX-T zone. Use Specific Standards, Section 4-3(D)(27)(b) restricts the dispensing of methadone and syringe exchange facilities to 500 feet of a R-1 zone district, which would prohibit these uses on the property.*

*An "Assisted living facility" or "Nursing Home" would be limited to a very small facility due to the less than acre site with an existing structure.*

*"Hotel or Motel" in the MX-T zone is limited to 15 rooms by the Use Specific Standards Section 4-3(D)(14)(a). Hotel or Motel use on the site would be less than the existing SU-1 for Boarding and Lodging which has no limit on rooms.*

*"Wireless Telecommunications Facility, freestanding" would not be permitted according to Use Specific Standards, Section 4-3(E)(10)(C)(1)(a) which limited WTF with 100 feet of property line of a residential zone district and within 50 feet of a public ROW.*

### ***1106 Bellamah Road NW***

*Upon adoption of the IDO, the subject site was zoned R-1A (2-3(B)). The purpose of the R1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lots sizes and dimensions. The primary land uses are single-family detached homes on individual lots, as well as limited civic and institutional uses to serve the surrounding residential area.*

*Proposed Zoning The request proposes to change the subject site's zoning to MX-T (Mixed Use Transition Zone District IDO 2-4(A)). The purpose of the MX-T zone is to provide for a transition between neighborhood and more intense commercial area. Primary land uses for the MX-T zone include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. The following is a list of all permissive uses of the R-1 and MX-T zones from Table 4-2-1 of the IDO:*

#### ***R-1***

*Dwelling, single-family detached*  
*Dwelling, cluster development*  
*Dwelling, cottage development*  
*Dwelling, two-family detached (duplex)*  
*Community residential facility, small*  
*Parks and open space*  
*Religious Institution*

*Community Garden*  
*Residential Community Amenity*  
*Solar energy generation*  
*Utility, electric*  
*Utility, other major*

**MX-T**

*Dwelling, townhouse*  
*Dwelling, live/work*  
*Dwelling, multi-family*  
*Assisted living facility or nursing home*  
*Community residential facility, medium*  
*Community residential facility, large*  
*Group home, small*  
*Adult or Child care facility*  
*Community center or library*  
*Elementary or Middle School*  
*High School*  
*Museum or art gallery*  
*Vocational school*  
*Health club or gym*  
*Bed and Breakfast*  
*Hotel or motel*  
*Bank*  
*Medical or Dental Clinic*  
*Office*  
*Personal and business services, small*  
*Research or testing facility*  
*Wireless Telecommunications Facility, freestanding*

*The Residential “Dwelling” uses permitted in MX-T are more similar in size and scale with the residential context than the Residential uses permitted in the R-1 zone, particularly along Bellamah Road NW, and therefore would not be seen as harmful to the surrounding neighborhood.*

*The property is located on a Major Collector street with no frontage to the neighborhood. The The 1106 Bellamah property serves as an area of transition, buffering the R-1 neighborhood to the south from the Industrial uses to the north. The newly Permitted uses in the MX-T zone would not be harmful to the surrounding neighborhood, as the intention of the MX-T zone is to provide a transition between neighborhood and more intense uses. The following is a discussion of the MX-T uses which may cause controversy in the neighborhood outlining the sites limiting factors of these uses.*

*Uses newly Permitted in the MX-T zone would be limited to a .1164 property that is developed with a 1000 sqft historic adobe structure, which the owner intends to retain*

*and rehabilitate. The property is located on a Major Collector street with frontage only on Bellamah Road. The property directly across Bellamah Road NW is light industrial with storage and manufacturing uses. The Bellamah Road frontage is approximately 30 feet, providing limited access and visibility.*

*The property contains a historic structure which has been historically used as a store and residence. Due to the small size (1000 sqft) and the adobe construction, the building would not be conducive to some of the more harmful/controversial uses on this list such as "Research or testing facility" or "Medical or Dental Clinic." In addition, Use Specific Standards, Section 4-3(D)(27)(b) limits Research or testing facility to 10,000 soft in the MX-T zone. Use Specific Standards, Section 4-3(D)(27)(b) restricts the dispensing of methadone and syringe exchange facilities to 500 feet of a R-1 zone district, which would prohibit these uses on the property.*

*An "Assisted living facility" or "Nursing Home" would be limited to a very small facility due to the .1164 acre size.*

*"Hotel or Motel" in the MX-T zone is limited to 15 rooms by the Use Specific Standards Section 4-3(D)(14)(a) and the lot size of .1164 acres would limit much additional development on the site.*

*"Wireless Telecommunications Facility, freestanding" would not be permitted according to Use Specific Standards, Section 4-3(E)(10)(C)(1)(a) which limited WTF with 100 fee of property line of a residential zone district and within 50 feet of a public ROW.*

*All other potential controversial uses on the site would be very small or not feasible due to the very small nature of the site.*

***Criterion D explicitly states to consider Permissive Uses that would be harmful to adjacent property, the neighborhood, or the community. Many of the controversial uses expressed by the neighbors such as Event Facility, Bar, Restaurant, and Taproom or Tasting Room are Conditional Uses and require a Conditional Use Permit involving a public hearing with the Zoning Hearing Examiner (ZHE) where public input will be included and Conditions of Approval will apply.***

***The applicant listed the uses that would become permitted if the zone change is approved. Staff finds the Permissive Uses would not be harmful to adjacent property, the neighborhood, or the community, because Use-specific Standards and Neighborhood Edges will mitigate harmful impacts by limiting sizes of facilities and imposing minimum distances from other similar facilities. In addition, a large facility is unlikely due to the size of the site.***

***The purpose of the MX-T zone is to serve as a transition between a more intense zone such as the NR-LM to the north and residential zones such as the R-1A to the south. That purpose would be achieved with the proposed zone change. The two tracts constituting the premise is approximately 0.7 acres making it difficult to support a school, museum, health club, hotel or motel, bank of significant size, and small versions of these uses would not be harmful to the community.***

*The response to Criterion D is sufficient.*

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
  2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
  3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
  4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

*Because the site is located in a developed area of Albuquerque, it meets the requirements of the above number 1 “**Have adequate capacity to serve the development made possible by the change of zone.**” The City’s existing infrastructure has adequate capacity to serve the development made possible by the change of zone. The zone change request was well below the requirement for a Traffic Impact Study (TIS), see included TIS form. Any on site infrastructure costs will be borne by the developer. Hydrology has approved grading for plat and has requested that requested a site-specific grading plan prior to grading. Correspondence is included in application.*

*The applicant refers to sub-criterion 1: the subject premise has adequate infrastructure capacity to serve development that the request would make possible. This established urban area has sufficient infrastructure to support the uses of the requested MX-T zone for the approximately 0.7 acre premise. The response to Criterion E is sufficient.*

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

*Because the proposed down zone request is based on the desire to amend the IDO translation of the SU-1 zone to a zone congruent with existing entitlements, and more compatible with the existing development pattern and intensity, and that the location of the property is not located on a major street, the requested zone change is not due to its location on a major street. Bellamah Road is classified by NMDOT and the Long Range Roadway system 2040 as a Local Street.*

*The subject site is located at the southeast corner of Bellamah Avenue NW and 12th Street NW, both classified as Major Collectors. Although the location on roads classified higher than local roads supports the request, the requested zone change is not completely based on the property’s location.*

*Firstly, a change from Tract A’s R-MH to MX-T is not considered an up-zone since the two zones are similar in intensity: R-MH is intended to be high density residential*

*whereas MX-T is intended to be a transition of mixed-uses such as offices. Secondly, a change from Tract B's R-1A to MX-T would be considered an up-zone; however, as shown in the policy analysis, the requested zone change justification is based on furthering a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation as demonstrated in the response to Criterion A. The response to Criterion F is sufficient.*

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

*Because the proposed zone request is based on the intention to match the zoning to the existing entitlements, allowed by right prior to the 2018 adoption of the IDO and because the proposed zone change is necessary to use 1100 and 1106 Bellamah NW for the purpose of the Painted Lady Bed and Brew, and because the requested MX-T zone removes potentially harmful residential densities and intensities land uses adjacent to single family uses, the applicant's justification is not based completely or predominantly on the cost of land or economic considerations.*

*Economic considerations are always a factor with a private development project, but the applicant's justification for the MX-T zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation. The response to Criterion G is sufficient.*

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

*Because the zone change request is for a zone that is a transition between adjacent zone districts (R-1, single family residential and NR-LM, Light Manufacturing), and because the zone change is the most similar zone to the existing SU-1 entitlements, and because the nature of existing buildings on the site which have been in commercial and multi-family residential use for over 100 years, the proposed zone change does not create a "spot zone" or strip zone. The proposed Zone Map amendment from RM-H and R-1 to MX-T is a request for the site to be made consistent with the existing entitlements surrounding land uses.*

*This zone change request does apply to a zone district different from surrounding districts to the subject parcel. However, the applicant has sufficiently shown the requested change will clearly facilitate implementation of the ABC Comp Plan, as shown in the policy analysis. In addition, the applicant has sufficiently shown Criterion H.I. applies because the subject site is different from surrounding land because it can function as a transition between the adjacent NR-LM and R-1A zones.*

#### **IV. Agency & Neighborhood Concerns**

##### ***Reviewing Agencies***

Refer to the Agency Comments at the end of the staff report

##### ***Neighborhood/Public***

Prior to application, Mr. Herron reached out via email to the Wells Park Neighborhood Association. The neighborhood association requested a meeting. On June 11, 2019, Mr. Herron met with the Wells Park Neighborhood Association at their monthly meeting held at the Wells Park Community Center. Mr. Herron presented his reasons for the zone change request which included the desire for lot consolidation and to have a base zone that matched his existing entitlements. The neighborhood association asked for clarification that there was no intention of liquor sales, aside from beer and wine, on the property and that there would be 10 pm limit on events and alcohol service on the property. Mr. Herron assured the neighborhood association that this was his intention. Based on the applicant's understanding, the neighborhood association voted unanimously to support the project.

Staff received a voice mail from Doreen McKnight, the president of the Wells Park Neighborhood Association, that expressed support for the Zone Change, except the request that operations cease by 10pm. Zone changes to a straight IDO zone cannot be conditioned to cease the use by a certain time since a zone allows may different uses. This would be appropriate as a ZHE Condition of Approval for a Conditional Use Permit, which would be required for an Event Facility, Restaurant, or Taproom or Tasting Room in the requested MX-T zone.

Staff received an email expressing concern regarding the request (see attached) subsequent to the deadline for a meeting request. The City is working on scheduling a facilitated meeting between the neighbor and the applicant, however since the email was received subsequent to the deadline, it is not required. The neighbor's concerns may also be expressed if a Conditional Use Permit is pursued as described above.

#### **V. Conclusion**

This is a request is for a Zone Map Amendment (Zone Change) for two tracts. The applicant wishes to change the zone of Tract A from RM-H, Residential Multi-Family High Density, to MX-T and to change the zone of Tract B from R-1A, Residential Single Family, to MX-T; both constitute "the subject site" and if approved, both tracts will be zoned MX-T, Mixed-Use Transition. A zone change is needed to allow the

existing use on Tract A, and to allow for an expansion of the existing use onto the adjacent lot to the west, Tract B, which was recently acquired by the applicant.

Staff concludes that the applicant has adequately justified the proposed Zone Change request from the existing R-MH and R-1A zones to MX-T. The applicant's policy-based analysis shows that the requested Zone Map Amendment furthers a preponderance of applicable Goals and policies in the Comprehensive Plan for Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation and does not conflict with them.

Many of the controversial uses such as Event Facility, Bar, Restaurant, and Taproom or Tasting Room are Conditional Uses, and require a Conditional Use Permit involving a public hearing with the Zoning Hearing Examiner (ZHE) where public input will be included. The ZHE can apply Conditions of Approval which can mitigate the potential negative effects of these uses. In addition, IDO regulations such as those for the Sawmill/Wells Park Character Protection Overlay CPO-11, Use Specific Standards, and Neighborhood Edges will apply and assist with mitigation of potential impacts.

***Findings, Zoning Map Amendment (Zone Change)***

***Project #: 2019-002570, RZ: 2019-00037***

1. This is a request for a Zone Map Amendment (Zone Change) for two tracts: all or a portion of Tract A, Plat of Lands of Charles B. Gonzales, and all or a portion of Tract B, Plat of Tracts A and B, Lands of Thomas Duran located at 1100 and 1106 Bellamah Avenue NW, between 11<sup>th</sup> Street NW and 12<sup>th</sup> Street NW, near the southeast corner of 12<sup>th</sup> Street NW and Bellamah Avenue NW, and containing approximately 0.7 acres.
2. The request is to change the zone of Tract A from RM-H, Residential Multi-Family High Density, to MX-T; Mixed-Use Transition, and to change the zone of Tract B from R-1A, Residential Single Family, to MX-T, Mixed-Use Transition.
3. A zone change is needed to allow the existing Hotel/Motel use on Tract A, and to allow for an expansion of the existing use onto the adjacent lot to the west, Tract B, which was recently acquired by the applicant.
4. In January 1996, the Sawmill Wells Park Sector Development Plan (Enactment No. 20-1996) was adopted and established S-R (Sawmill Residential) zoning for the subject site.
5. In 2014, the applicant purchased Tract A, renovated the existing buildings, and currently operates a lodging facility.
6. In December of 2016, EPC approved a Zone Change from S-R to “SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-Premise Consumption” with an EPC approved Site Plan.
7. In May of 2018, the IDO converted the prior zone based on the classification of the liquor license for Bed and Breakfast and because R-MH is the first zone where Bed and Breakfast is first permitted as a primary use. The prior zone was converted to the existing R-MH with an existing EPC Site Plan.
8. In 2018, the applicant purchased Tract B, adjacent to the west of Tract A for future expansion.
9. The subject site is within the Sawmill/Wells Park Character Protection Overlay Zone–CPO-11 boundaries and within the Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan boundaries; and the request furthers the MRA Plan goals.
10. The subject site is within an Area of Consistency as designated by the Comprehensive Plan and the following policies apply:
  - a) The request furthers Policy 4.1.1. The subject site is in Sawmill/Wells Park, one of Albuquerque's oldest distinct communities. The request would permit rehabilitation and re-use of the existing historic building and a larger range and mix of uses than what is currently permitted, therefore the property would enhance and protect the character of the Sawmill/Wells Park Community.
  - b) The request furthers Policy 4.1.2. The requested MX-T zone would protect the identity and cohesiveness of the Sawmill/Wells Park neighborhood by permitting the existing character and building design to continue in a similar way as its historical

- functions with an increased range of uses. The proposed hotel/motel is an appropriate scale of development and mix of uses as it offers a transition from the residential neighborhood to the south to the industrial neighborhood to the north.
- c) The request furthers Policy 4.1.2. The requested MX-T zone will protect and enhance a special place with a long history of varied uses in a historic building in the center of the Sawmill/Wells Park neighborhood, which assists with giving the area a sense of place. As stated, the applicant has restored the existing building, contributing to the district identity, and provides a unique tourism experience that connects the visitor with the neighborhoods' past while enhancing the existing environment.
  - d) The request furthers Policy 4.1.4. The requested MX-T zone will enhance, protect, and preserve the Sawmill/Wells Park traditional neighborhood by permitting the re-use of the existing adobe structure, which contributes to long-term health and vitality of the neighborhood. The property is located near downtown and the museums in a location where the intended hotel/motel and event facility as well as the other permitted higher density residential, office, and low-intensity commercial uses are needed.
  - e) The request furthers Policy 5.2.1. The requested MX-T zone will permit a mix of uses including the intended hotel/motel and event facility that will be conveniently accessible to the surrounding neighborhoods as well as the museum district and nearby downtown neighborhoods. Although it is a spot zone because the adjacent properties are not zoned MX-T, the requested MX-T zone is appropriate, the Sawmill/Wells Park Community MRA Plan intends Bellamah Avenue to be a mixed-use transition corridor between residential and industrial zoning and uses present across the street. The use of the existing buildings contributes to the sustainability and distinctiveness of the community. The requested MX-T zone will encourage the redevelopment of the existing property and bring services and amenities within biking and walking distance to the Sawmill/Wells Park neighborhood. The requested MX-T zone will maintain the characteristics of the communities through zoning and design standards that are consistent with the established Sawmill/Wells Park development pattern. In addition, The IDO applies Use Specific Standards that would limit the scope of the more controversial uses in the requested MX-T zone compared to the higher intensity mixed-use zones.
  - f) The request furthers Policy 5.3.1. The subject property is in an infill location because it is in the heart of the City on long established streets with existing infrastructure and public facilities. This promotes efficient development patterns that maximize the utility of existing infrastructure and public facilities to support the public good.
  - g) The request furthers Policy 5.6.3. The original tract is in an Area of Change and the adjacent tract is in an Area of Consistency; therefore the premise is subject to Area of Consistency policies. Surrounding properties to the east, south, and west are zoned R-1A, single-family; however, there are a mixed-uses along the corridor, some may be legal non-conforming. Across the street is an industrial zone and uses; therefore the requested MX-T zone would act as a transition between the two zones while

- keeping the existing buildings, and reinforcing the existing character and future character of the surrounding area. Any new development is subject to the IDO's Neighborhood Edges standards (5-9) along the southern boundary, which would protect the adjacent R-1A properties to the south.
- h) The request furthers Policy 7.3.2. The request recognizes and embraces the distinct identity of the Sawmill/ Wells Park community, making it more safe and attractive through rehabilitation of the existing buildings, which is consistent with the existing character and mix of uses on Bellamah Avenue NW.
  - i) The request furthers Policies 8.1.1 and 8.1.2. The mix of uses permitted in the MX-T zone will contribute to a diverse place on Bellamah Avenue NW, and permit a more resilient and diverse economy than solely residential uses permitted by the existing residential zones R-MH and R-1A.
  - j) The request furthers Policy 8.2.1. The requested MX-T zone will permit the applicant to operate a local business, a hotel/motel and event facility, thereby supporting the local economy.
  - k) The request furthers Policy 9.2.1. The requested MX-T zone enhances the neighborhood character by promoting and providing an existing development that is compatible with the surrounding built environment and responds to the context by closely resembling adjacent development densities and intensities. The existing RM-H zone for the original tract has a much higher development intensity and residential density than the proposed MX-T zone.
  - l) The request furthers Policy 11.2.3. The requested MX-T zone will permit the applicant to operate the desired hotel/motel event center business while considering the existing historic structure which is part of the identity, local history, and visual environment and has a unique historic significance to Albuquerque and the surrounding communities.
11. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
- a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City including the Sawmill/Wells Park Area Metropolitan Redevelopment Area Plan (MRA Plan) as shown in Finding 10 above.
  - b) The zone change to MX-T would be more advantageous to the community than the current zoning (R-MH and R-1A) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan regarding Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation and does not significantly conflict with the Comprehensive Plan, as shown in Finding 10.

- c) This criterion is not applicable because the subject site is partially in an Area of Consistency. The applicant must justify the zone map amendment as though the entire site were in an Area of Consistency, pursuant to IDO Subsection 6-7(F)(3)(b).
- d) Criterion d explicitly states to consider Permissive Uses that would be harmful to adjacent property, the neighborhood, or the community. Many of the controversial uses such as Event Facility, Bar, Restaurant, and Taproom or Tasting Room are Conditional Uses, and require a Conditional Use Permit involving a public hearing with the Zoning Hearing Examiner (ZHE) where public input will be included and Conditions of Approval will apply.

The applicant listed the uses that would become Permitted if the zone change is approved. Staff finds the Permissive Uses would not be harmful to adjacent property, the neighborhood, or the community, because Use-specific Standards in Section 4.3 and Neighborhood Edge provisions will mitigate harmful impacts by limiting sizes of facilities and imposing minimum distances from other similar facilities. In addition, a large facility is unlikely due to the size of the site.

The purpose of the MX-T zone is to serve as a transition between a more intense zone such as the NR-LM to the north and residential zones such as the R-1A to the south. That purpose would be achieved with the proposed zone change. The two tracts constituting the premise is approximately 0.7 acres making it difficult to support a school, museum, health club, hotel or motel, bank of significant size, and small versions of these uses would not be harmful to the community.

- e) The applicant refers to sub-criterion 1: the subject premise has adequate infrastructure capacity to serve development that the request would make possible. This established urban area has sufficient infrastructure to support the uses of the requested MX-T zone for the approximately 0.7 acre premise.
- f) Firstly, a change from Tract A's R-MH to MX-T is not considered an up-zone since the two zones are similar in intensity: R-MH is intended to be high density residential whereas MX-T is intended to be a transition of mixed-uses such as offices. Secondly, a change from Tract B's R-1A to MX-T would be considered an up-zone; however, as shown in the policy analysis, the requested zone change justification is based on furthering a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation as demonstrated in the response to Criterion A.
- g) Economic considerations are always a factor with a private development project, but the applicant's justification for the MX-T zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies regarding Community Identity, Land Use, Urban Design, Economic Development, Housing, and Heritage Conservation.

- h) This zone change request does apply to a zone district different from surrounding districts to the subject parcel. However, the applicant has sufficiently shown the requested change will clearly facilitate implementation of the ABC Comp Plan, as shown in the policy analysis. In addition, the applicant has sufficiently shown Criterion H.1. applies because the subject site is different from surrounding land because it can function as a transition between the adjacent NR-LM and R-1A zones.
12. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Metropolitan Redevelopment Plan, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
13. The applicant notified property owners within 100-feet and neighborhood associations as required. The applicant attended a neighborhood meeting on June 11, 2019 with the Wells Park Neighborhood Association (NA) and submitted the resulting notes (see attached), which stated support for the request. Staff also received a voice message from the NA president expressing support but concern over the timing of the events.
14. Staff also received an email from a neighbor that expressed concern.
15. Many of the controversial uses such as Event Facility, Bar, Restaurant, and Taproom or Tasting Room are Conditional Uses, and require a Conditional Use Permit involving a public hearing with the Zoning Hearing Examiner (ZHE) where public input will be included. The ZHE can apply Conditions of Approval which can mitigate the potential negative effects of these uses.

### ***Recommendation***

***APPROVAL of Project #: 2019-002570, RZ-2019-00037, a request for Zoning Map Amendment from R-MH and R-1A to MZ-T for all or a portion of Tract A, Plat of Lands of Charles B. Gonzales, and all or a portion of Tract B, Plat of Tracts A and B, Lands of Thomas Duran located at 1100 and 1106 Bellamah Avenue NW, between 11<sup>th</sup> Street NW and 12<sup>th</sup> Street NW, near the southeast corner of 12<sup>th</sup> Street NW and Bellamah Avenue NW, and containing approximately 0.7 acres, based on the preceding Findings.***

***Cheryl Somerfeldt***  
***Planner***

### ***Notice of Decision cc list:***

List will be finalized subsequent to the EPC hearing on August 8, 2019.

## ***Agency Comments***

### **PLANNING DEPARTMENT**

#### ***Long Range Planning***

The subject site is .62 acres and contains two parcels located at 1100/1106 Bellamah Ave NW, between 11th Street and 12th Street NW. The northwestern parcel is zoned R-MH and is located within an Area of Change. The southwestern parcel is zoned R-1A and is located within an Area of Consistency. Properties to the north of Bellamah Ave. are zoned NR-LM. R-1A zoning abuts the subject site on the east, west, and partially to the south. The northeastern parcel is also adjacent to R-1A property to the south. Both parcels are located within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-11) and are subject to development standards in that CPO, found in IDO Subsection 14-16-3-4(L).

Because the subject site is partially in an Area of Consistency, the applicant must justify the zone map amendment as though the entire site were in an Area of Consistency, pursuant to IDO Subsection 6-7(F)(3)(b). Because the subject site is less than 10 acres in an Area of Consistency, the request is considered a Zone Map Amendment–EPC. In granting the request, the EPC would need to find “the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character.” In addition, the applicant must demonstrate at least one of the additional three criteria in Subsection 6-7(F)(3)(b).

The request is for a Zoning Map Amendment on both lots from R-MH and R-1A, respectively, to MX-T. The zoning prior to the Integrated Development Ordinance zoning conversion for the northeastern parcel was SU-1 FOR BOARDING OR LODGING TO INCLUDE THE SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION. Based on our understanding of the use at that time and that the site had a bed and breakfast liquor license, Long Range staff recommended that this zone convert to R-MH in the Phase 1 conversion, since R-MH is the first IDO zone district that allows a bed and breakfast as a permissive, primary use.

The applicant states, and Code Enforcement agrees, that the current use on the northeastern property is more accurately considered a hotel, since the use does not meet the IDO definition of bed and breakfast: The rooms that are rented are not contained within a single-family dwelling, and guests are not served breakfast. Hotels are not an allowable use in R-MH, so the existing use would be considered nonconforming (i.e. the use was legal when it began, subject to the SU-1 entitlement but subsequently not allowed through the City’s action to adopt the IDO). Nonconforming uses are subject to limitations on expansion and to how long the use can be discontinued before it is “lost.” See IDO Subsection 14-16-6-8(C).

The applicant purchased the southwestern property, zoned R-1A, subsequently, and is now requesting MX-T for both properties, since MX-T allows a hotel of up to 15 guest

rooms permissively. See use-specific standard in IDO Subsection 4-3(D)(14)(a). MX-T is intended to be a mixed-use transitional zone between more intense mixed-use or non-residential zones (such as NR-LM to the north) and residential zone districts (such as the R-1 zoning to the south). If granted, the zone map amendment would allow the use on the southwestern parcel and would make the existing nonconforming use on the northeastern parcel a permissive primary use.

As for liquor sales, when this use was thought to be bed and breakfast, liquor sales were allowed through that use, as the IDO definition for bed and breakfast defers to the state licensing for liquor sales associated with a bed and breakfast. If the current use is a hotel and not bed and breakfast, the sale of liquor could be allowed through one of two uses, allowed conditionally in MX-T:

- the restaurant use (per the definition of restaurant in the IDO, which defers to a state liquor license and allows consumption on-premises).
- the tap room or tasting room use (per the definition of tap room or tasting room in the IDO, which defers to a state liquor license and allows consumption on-premises and limited sales for off-premises consumption).

The neighborhood association supported this zone map amendment request but asked the applicant to limit liquor sales to beer and wine. The applicant indicated that that is the intent. Regardless, the City does not regulate what kind of liquor can be sold on the property, since only the state can regulate liquor sales. The state regulates the type of liquor that can be sold and where the liquor can be consumed through different types of liquor licenses. It is unclear whether the applicant would need to go back to the state for a different liquor license associated with the sale of beer and wine to be consumed on-premises, as the applicant intends, instead of the current liquor license associated with a bed and breakfast use. In any case, the appropriate state liquor license needs to be worked out between the applicant and the state and is not within the City's jurisdiction and therefore irrelevant to the consideration of a zone map amendment on this property.

Since the City regulates land use, not liquor sales, the EPC's consideration in this case is limited to whether the uses allowed in the MX-T zone – either permissively or conditionally – are appropriate on this subject site in this location. If the zone map amendment to MX-T were granted, the applicant would need to go through the City's conditional use review/decision process, which requires a public hearing, to sell liquor on the subject site through either the restaurant or tap room or tasting room use.

If the Zoning Map Amendment request were to be approved, the applicant would need to meet the Neighborhood Edge requirements in IDO Subsection 14-16-5-9 for the southwestern portion of the site.

The goals and policies of the ABC Comprehensive Plan generally support this request. ABC Comprehensive Plan Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

ABC Comprehensive Plan Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

ABC Comprehensive Plan Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

ABC Comprehensive Plan Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

ABC Comprehensive Plan Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

ABC Comprehensive Plan Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

*Transportation Development Services*

Reviewed. No objection to the request.

**PARKS AND RECREATION DEPARTMENT**

Reviewed. City Open Space has no comments on this case.

**MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION**

Reviewed. No comments.

**SOLID WASTE MANAGEMENT DEPARTMENT**

Reviewed. No comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

No adverse impacts. Neither property is located within the 300-foot radius waiver zone pertaining to alcohol sales in the vicinity of a school.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)**

Reviewed. No objections.

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

PNM has no comments based on information provided to date.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA)

Reviewed. No adverse comment to the zone change.

Both sites are currently receiving service.

If the sites redevelops as a result of the zone change an availability shall be requested in order to confirm that fire flows can be met. Requests can be made at the link below:

[http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)

Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

NMDOT has no comments at this time.



Subject site looking Southeast.



Subject site looking Southwest.

STAFF INFORMATION

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory  
 CA = Conditional Accessory

Zone Category >>	Residential		Mixed-Use
	R-1, TRACT B	R-MH, TRACT A	MX-T, PROPOSED
Zone District >>			
<b>RESIDENTIAL USES</b>			
<b>Household Living</b>			
Dwelling, single-family detached	P		P
Dwelling, mobile home			
Dwelling, cluster development	P		P
Dwelling, cottage development	P		P
Dwelling, two-family detached (duplex)	P		P
Dwelling, townhouse		P	P
Dwelling, live-work		P	P
Dwelling, multi-family		P	P
<b>Group Living</b>			
Assisted living facility or nursing home		P	P
Community residential facility, small	P	P	P
Community residential facility, medium		P	P
Community residential facility, large		P	P
Group home, small		P	P
Group home, medium		C	C
Group home, large		C	
Sorority or fraternity		P	C
<b>CIVIC AND INSTITUTIONAL USES</b>			
Adult or child day care facility		P	P
BioPark			
Cemetery			
Community center or library	P	P	P
Correctional facility			
Daytime gathering facility			
Elementary or middle school	C	P	P
Fire or police station			
High school	C	P	P
Hospital			
Museum or art gallery		C	P
Overnight shelter			
Parks and open space	P	P	P
Religious institution	P	P	P
Sports field			CV
University or college		CV	CV

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory  
 CA = Conditional Accessory

Zone Category >>	Residential		Mixed-Use
	R-1, TRACT B	R-MH, TRACT A	MX-T, PROPOSED
Zone District >>			
Vocational school		CV	P
<b>COMMERCIAL USES</b>			
<b>Agriculture and Animal-related</b>			
Community garden	P	P	P
Equestrian facility			
General agriculture			
Kennel			
Nursery			
Veterinary hospital			C
Other pet services			C
<b>Food, Beverage, and Indoor Entertainment</b>			
Adult entertainment			
Auditorium or theater		A	A
Bar			C
Catering service			
Health club or gym		A	P
Nightclub			
Residential community amenity	P	P	P
Restaurant			C
Tap room or tasting room			C
Other indoor entertainment			C
<b>Lodging</b>			
Bed and breakfast	CA	P	P
Campground or recreational vehicle park			
Hotel or motel			P

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory  
 CA = Conditional Accessory

Zone Category >>	Residential		Mixed-Use
	R-1, TRACT B	R-MH, TRACT A	MX-T, PROPOSED
Zone District >>			
<b>Motor Vehicle-related</b>			
Car wash			
Heavy vehicle and equipment sales, rental, fueling, and repair			
Light vehicle fueling station			
Light vehicle repair			
Light vehicle sales and rental			
Outdoor vehicle storage			
Paid parking lot		A	C
Parking structure		A	CA
<b>Offices and Services</b>			
Bank			P
Blood services facility			
Club or event facility			C
Commercial services			
Construction contractor facility and yard			
Crematorium			
Medical or dental clinic			P
Mortuary			
Office			P
Personal and business services, small			P
Personal and business services, large			
Research or testing facility			P
Self-storage			
<b>Outdoor Recreation and Entertainment</b>			
Amphitheater			
Balloon Fiesta Park events and activities			
Drive-in theater			
Fairgrounds			
Residential community amenity	P	P	P
Stadium or racetrack			
Other outdoor entertainment	CA	CA	A
<b>Retail Sales</b>			
Adult retail			
Bakery goods or confectionery shop			CV
Building and home improvement			
Farmers' market		T	T

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory  
 CA = Conditional Accessory

Zone Category >>	Residential		Mixed-Use
	R-1, TRACT B	R-MH, TRACT A	MX-T, PROPOSED
Zone District >>			
General retail, small		A	A
General retail, medium			
General retail, large			
Grocery store			
Liquor retail			C
Pawn shop			
<b>Transportation</b>			
Airport			
Freight terminal or dispatch center			
Helipad			
Park-and-ride lot		C	C
Railroad yard			
Transit facility		C	C
<b>INDUSTRIAL USES</b>			
<b>Manufacturing, Fabrication, and Assembly</b>			
Artisan manufacturing			C
Light manufacturing			
Heavy manufacturing			
Natural resource extraction			
Special manufacturing			
<b>Telecommunications, Towers, and Utilities</b>			
Geothermal energy generation	A	A	A
Solar energy generation	P	P	P
Utility, electric	P	P	P
Utility, other major	P	P	P
Wind energy generation			A
<b>Wireless Telecommunications</b>			
Architecturally integrated	A	A	A
Co-location	A	A	A
Freestanding			P
Roof-mounted		A	A
Public utility co-location	A	A	A
<b>Waste and Recycling</b>			
Recycling drop-off bin facility		A	A
Solid waste convenience center			

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory  
 CA = Conditional Accessory

Zone Category >>	Residential		Mixed-Use
	R-1, TRACT B	R-MH, TRACT A	MX-T, PROPOSED
Zone District >>			
Salvage yard			
Waste and/or recycling transfer station			
<b>Wholesaling and Storage</b>			
Above-ground storage of fuels or feed			
Outdoor storage			
Warehousing			
Wholesaling and distribution center			
<b>ACCESSORY USES</b>			
Agriculture sales stand	A	A	A
Animal keeping	A	A	A
Automated Teller Machine (ATM)		A	A
Drive-through or drive-up facility			
Dwelling unit, accessory	A	A	A
Dwelling unit, accessory without kitchen	CA	A	A
Family care facility	A	A	A
Family home daycare	CA	A	A
Garden	A	A	A
Hobby breeder	A		
Home occupation	A	A	A
Independent living facility		A	A
Mobile food truck	A	A	A
Mobile vending cart			A
Outdoor animal run			
Outdoor dining area			CA
Parking of more than 2 truck tractors and 2 semi-trailers for more than 2 hours			
Parking of non-commercial vehicle	A	A	A
Parking of recreational vehicle, boat, and/or recreational trailer	A	A	A
Second kitchen in a dwelling	A	A	A
Other use accessory to non-residential			A
Other use accessory to residential primary	A	A	A
<b>TEMPORARY USES</b>			
Circus			
Construction staging area, trailer, or office	T	T	T
Dwelling unit, temporary	T	T	T
Fair, festival, or theatrical performance	T	T	T
Garage or yard sale	T	T	T

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory  
 CA = Conditional Accessory

Zone Category >>	Residential		Mixed-Use
	R-1, TRACT B	R-MH, TRACT A	MX-T, PROPOSED
Zone District >>			
Hot air balloon takeoff/landing	T	T	T
Open air market			T
Park-and-ride facility, temporary		T	T
Real estate office or model home	T	T	T
Seasonal outdoor sales			T
Temporary use not listed		T	T

APPLICATION



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

<b>Administrative Decisions</b>			<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)		<b>Policy Decisions</b>	
<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 checked="" 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)	
<b>Decisions Requiring a Public Meeting or Hearing</b>			<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)		<b>Appeals</b>	
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)		<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)	
<b>APPLICATION INFORMATION</b>				
Applicant: Jesse Herron			Phone: 505.453.5161	
Address: 1100 Bellemah NW			Email: info@paintedladyabq.com	
City: Albq.	State: Nm		Zip: 87104	
Professional/Agent (if any): Strata Design, LLC			Phone: 505.710.4221	
Address: 711 Amherst Se			Email: stratadesign.nm@gmail.com	
City: Albuquerque, NM	State: NM		Zip: 87106	
Proprietary Interest in Site:		List <u>all</u> owners:		
<b>BRIEF DESCRIPTION OF REQUEST</b>				
Zone change from RM-H and R-1 to MX-T				
<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>				
Lot or Tract No.: A Charles B. Gonzales, B Thomas		Buckan	Unit:	
Subdivision/Addition:		MRGCD Map No.:	UPC Code:	
Zone Atlas Page(s):	Existing Zoning: R-1 and RM-H		Proposed Zoning: MX-T	
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (acres): 52 and .12		
<b>LOCATION OF PROPERTY BY STREETS</b>				
Site Address/Street: 1100/1106 Bellemah NW		Between: 11th Street	and 12th Street	
<b>CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)</b>				
Signature:			Date: June 27, 2019	
Printed Name: Michelle Negrette			<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent	
<b>FOR OFFICIAL USE ONLY</b>				
Case Numbers		Action	Fees	
-				
-				
-				
Meeting/Hearing Date:			Fee Total:	
Staff Signature:		Date:	Project #	

**Form Z: Policy Decisions**

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto: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.

**INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)**

- n/a Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_\_\_
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

**ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

**ADOPTION OR AMENDMENT OF FACILITY PLAN**

- \_\_\_ Plan, or part of plan, to be amended with changes noted and marked
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
  - \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

**AMENDMENT TO IDO TEXT**

- \_\_\_ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- \_\_\_ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

**ZONING MAP AMENDMENT – EPC**

**ZONING MAP AMENDMENT – COUNCIL**

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
  - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
  - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of ~~first~~ *certified* class mailing
- Sign Posting Agreement

**ANNEXATION OF LAND**

- \_\_\_ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- \_\_\_ Petition for Annexation Form and necessary attachments
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- \_\_\_ Board of County Commissioners (BCC) Notice of Decision

*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.*

Signature:	Date: June 27, 2019	
Printed Name: Michelle Negrette	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent	
<b>FOR OFFICIAL USE ONLY</b>		
Project Number:	Case Numbers	
	-	
	-	
	-	
Staff Signature:		
Date:		

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-100 Date: 04.02.2019 Time: 1:30pm

Address: 1100 Bellemah NW

AGENCY REPRESENTATIVES AT MEETING:

Planning: Christoph Somerfeldt csomerfeldt@cabq.gov

Code Enforcement: Jacobo Martinez jacobomartinez@cabq.gov

Fire Marshall: \_\_\_\_\_

Transportation: \_\_\_\_\_

Other: \_\_\_\_\_

**PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!**

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL..

Additional research may be necessary to determine the exact type of application and/or process needed.  
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: MX-M Lot

SITE INFORMATION:

Zone: R-MH Size: .5 acres

Use: B&B Overlay Zone: Summit/Wells Park Area

Comp Plan Area Of: Change Comp Plan Corridor: Wa

Comp Plan Center: Wa MPOS or Sensitive Lands: Wa

Parking: \_\_\_\_\_ MR Area: Summit/Wells Park

Landscaping: \_\_\_\_\_ Street Trees: \_\_\_\_\_

Use Specific Standards: Drive thru through restrictions

Dimensional Standards: \_\_\_\_\_

\*Neighborhood Organization/s: \_\_\_\_\_

\*This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at [www.cabq.gov/neighborhoods/resources](http://www.cabq.gov/neighborhoods/resources).

PROCESS:

Type of Action: EPC

Review and Approval Body: \_\_\_\_\_ Is this PRT a requirement? \_\_\_\_\_

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-100 Date: 04-02-2019 Time: 1:30 pm

Address: 1100 Bellemore NW

NOTES:

• Zone Change Process Review & Decision Criteria 6-7-F

• EPC process - notification

requires neighbor's meeting if requested by neighborhood association prior to application

• Bed & Breakfast p. B) Lodging P+MH permits

• Brewing is under Tap room or tasting room

• If not selling to public - Artisan Manufacturing

• Could choose lower zone with Conditional Use Permit

• MX-T would allow all w/ CUP

• MX-L would allow B&B & Artisan but not Taproom

• ~~MX-M~~ MX-M - B&B as would be nonconforming (or above)

\* City will follow-up - on Voluntary <sup>Zone</sup> Concessions or new Zone Change with Ben

\* Consult Tanya for Site Plan

June 17, 19, 2019

To Who It May Concern,

I, Jesse Herron, authorize Strata Design to act as my agent for the zone change request for 1100 and 1106 Bellemah NW, 87104.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Herron', with a long horizontal flourish extending to the right.

Jesse Herron  
1100 Bellemah NW  
Albq., NM 87104

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Jesse Heron DATE OF REQUEST: 6/27/19 ZONE ATLAS PAGE(S): J-13-7

**CURRENT:**

ZONING RM-H/R-1  
PARCEL SIZE (AC/SQ. FT.) 0.52 + 0.12

LEGAL DESCRIPTION: Charles B. Gonzales  
LOT OR TRACT # 13-Thomas BLOCK # D9815  
SUBDIVISION NAME \_\_\_\_\_

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
ZONE CHANGE  From R-1 To Mx-T SITE DEVELOPMENT PLAN:  
SECTOR, AREA, FAC, COMP PLAN [ ]  
AMENDMENT (Map/Text) [ ]  
SUBDIVISION\* [ ] AMENDMENT [ ]  
BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
BUILDING PURPOSES [ ] OTHER [ ]  
\*includes platting actions

**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT   
NEW CONSTRUCTION [ ]  
EXPANSION OF EXISTING DEVELOPMENT [ ]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: N/A  
BUILDING SIZE: N/A (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE JA  
(To be signed upon completion of processing by the Traffic Engineer)

DATE June 27, 2019

Planning Department, Development & Building Services Division, Transportation Development Section -  
2<sup>ND</sup> Floor West, 600 2<sup>ND</sup> St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO  BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO  MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ]  
Notes:

No construction or change of use.

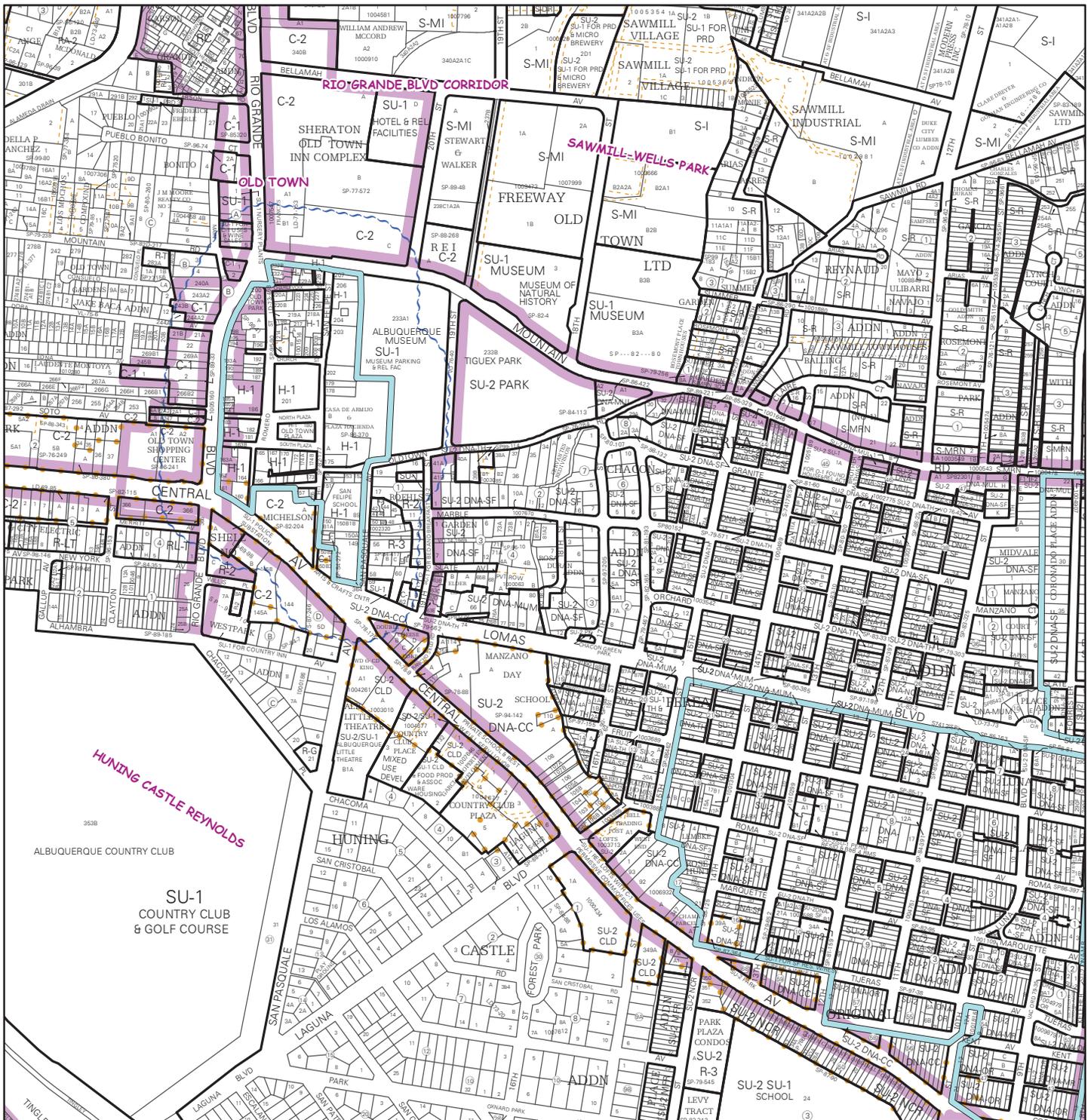
If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[Signature]  
TRAFFIC ENGINEER

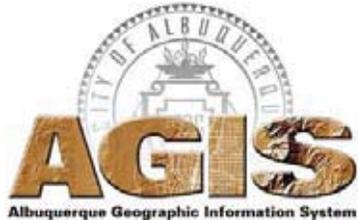
6/27/19  
DATE

Required TIS **must be completed prior to applying to the EPC and/or the DRB**. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

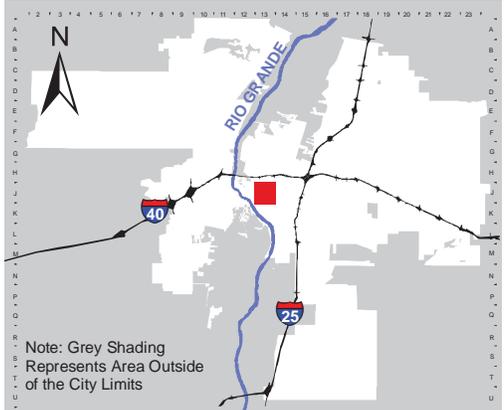
TIS -SUBMITTED   /  /   \_\_\_\_\_ DATE \_\_\_\_\_  
-FINALIZED   /  /   TRAFFIC ENGINEER



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



Map amended through: 1/28/2016

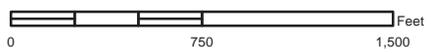


Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**J-13-Z**

Selected Symbols

 SECTOR PLANS	 Escarpment
 Design Overlay Zones	 2 Mile Airport Zone
 City Historic Zones	 Airport Noise Contours
 H-1 Buffer Zone	 Wall Overlay Zone
 Petroglyph Mon.	



## Updated

June 27, 2019

To Whom it May Concern,

This is a request for Tract Lettered "A", Lands of Charles B. Gonzales and for Tract B, Lands of Thomas Duran to be considered for a Zoning Map Amendment from RM-H and R-1, respectively to MX-T to align IDO rezoning with the previous SU-1 entitlements and for the purpose of including the structure on 1106 Bellamah NW as an intimate event facility for the Painted Lady Bed and Brew.

The property consists of two (2) lots; 1100 Bellamah NW and 1106 Bellamah NW. The client, Jesse Herron, currently operates the Painted Lady Bed and Brew on 1100 Bellamah NW a .5204 acre lot, and has recently purchased the abutting .1164 acre lot to the west at 1106 Bellamah NW. He wishes to use the two (2) lots as part of the Painted Lady Bed and Brew.

The properties are located on Bellamah Road NW. Bellamah Road area, previously known as Indian School Road and Sawmill Road), developed around the turn of the 19<sup>th</sup> century to serve the 1903 original sawmill, the American Lumber Company. At that time the sawmill area was surrounded by swamps and farmland. The intersection of Bellamah Road (Indian School Road) and Twelfth Street, including both the 1100 and 1106 Bellamah properties, grew as a commercial node offering lodging, goods, services and supplies to sawmill workers.

Mr. Herron purchased the property in 2014 to be used as cultural tourism property. At that time, the historic structure was in disrepair, and consisted of four apartments in various conditions. He brought the apartments to code, and rehabilitated the building, added landscaping and site amenities.

In 2017, Mr. Herron successfully changed the zoning on 1100 Bellamah NW from R-1 to SU-1 FOR BOARDING OR LODGING TO INCLUDE THE ONSITE SALE OF BEER AND WINE FOR ON PREMISE CONSUMPTION. This zone change allowed him to operate the property, which had been in operation as an apartment complex, as a short term lodging facility and an event facility. The property has been remodeled, landscaped and now hosts visitors to Albuquerque and provides a unique venue for intimate gatherings and events.

In 2018, the City of Albuquerque adopted the Integrated Development Ordinance (IDO). This adoption required the conversion and consolidation of the zones under the former Comprehensive Zoning Code to the new IDO zones. As a result of this process, the zone

conversion of SU-1 FOR BOARDING OR LODGING TO INCLUDE THE ONSITE SALE OF BEER AND WINE FOR ON PREMISE CONSUMPTION became RM-H, Residential High Density. This zoning is a residential zone does not allow the existing SU-1 entitlements, and permits a development density and intensity that is not consistent with the scale and development pattern of the existing environment as indicated in the IDO Character Protection Standards for the Sawmill/Wells Park area (CPO-11).

The initial zone conversion to RM-H was based on the allowance in this zone of the **Bed and Breakfast** use. **Bed and Breakfast** is defined by the IDO as: *A single-family dwelling with no more than 8 guest rooms that are rented for short-term overnight lodging with breakfast served; some or all guest rooms may be in accessory buildings. Provision of alcoholic beverages is controlled by the New Mexico State statutes for "Bed and breakfast" as governed by Section 60-6A-34 NMSA 1978.* The Painted Lady Bed and Brew does not fit this definition as it is not located in a single family dwelling, lodging provided may be long-term (two of the units have been occupied on a yearly lease basis since purchase) and breakfast is not served.

The Comprehensive Zoning Code defined **BOARDING OR LODGING HOUSE** as *a dwelling unit containing at least one but not more than five guest rooms where lodging is provided, with or without meals, for compensation; it does not include community residential program or emergency shelter.* As neither "Boarding" nor "Lodging" is defined in the IDO, the use most closely fits **Hotel or Motel**, which is defined as; *A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including Bed and Breakfast establishments, which are regulated separately per this IDO.* This use is first permissive in the IDO MX-T, Mix-use transitional zone.

Mr. Herron met several times with the City through the Planning Review Team (PRT) to discuss the issue that the RM-H zone does not allow his current uses, specifically boarding or lodging, events, craft brewing and the sale of beer and wine for on-premise consumption. Upon reviewing the IDO, the MX-T Mixed-Use Transitional zone is the zone where the majority of these uses become either first permissive or conditional uses.

Mr. Herron currently holds a "Bed and Breakfast" liquor license for the 1100 Bellamah property. The current liquor license allows for overnight guests to consume 24 oz of beer or 12 oz of wine per day. However, the initial zone change request was for on-site consumption of beer and wine, which was intended to allow guests to consume beer made on site through a hobby brewing license. Under the Comprehensive Zoning Code, hobby brewing was considered a hobby use and permitted in all zones by right. He does not intend to serve liquor on the property.

In 2018, Mr. Herron purchased the abutting .1164 acre with a 1000 sqft adobe structure to the west. He wishes to use this 1000 sqft structure as a gathering and event space for the Painted Lady. Uses may include a coffee shop that could provide a neighborhood amenity.

This zone change request for both 1100 and 1106 Bellamah NW to MX-T will enable the Mr. Herron to have a base zone that more closely matches the existing SU-1 entitlements for BOARDING AND LODGING TO INCLUDE THE ONSITE SALE OF BEER AND WINE FOR ON PREMISE CONSUMPTION and will allow for the incorporation of 1106 Bellamah NW.

### Surrounding Context

The properties are located on Bellamah Road NW near the intersection of 12<sup>th</sup> street, the historical commercial node for the original sawmill area. Although the properties along the southside of Bellamah Road NW are zoned R-1, the uses include lodging, multi-family, and small artisan manufacturing. The properties on the north side of Bellamah Road NW and west of 12<sup>th</sup> street are zoned NR-LM, light industrial. Current businesses on the north side of Bellamah include Gorman Industries, an air conditioner supplier, a coffee roaster, a steel producer and across 12<sup>th</sup> street is Granite Passion, fabricator of granite countertops.

The development pattern along Bellamah Road NW is an array of one and two story structures, typically of adobe construction, located in close proximity to Bellamah Road NW on long narrow lots. Many properties have multiple buildings, some used as housing and others hosting a variety of uses throughout the last century and a half. The development on the north side of Bellamah Road NW consists of large-scale warehouses, work yards and industrial machinery used to store, fabricate and produce manufactured goods.

### Site History

1100 Bellamah NW, Gonzales Saloon and Grocery and the abutting parcel, 1106 Bellamah NW La Tienda de la Maquina de Raja (the lumber mill store), to the west were once business properties that served the Saw Mill workers. The 1100 Bellamah NW structure originally housed a brothel, saloon and dance hall. Later, the building was home to a general store and lodging quarters. The property at 1106 was used as a store and residence (see attached Sanborn Insurance Maps).

The Sawmill/Wells park development history notes that in 1903 110 acres were donated to the American Lumber Company (1903-1917), which later became known as the McKinley Land and Lumber Company until 1924. The Santa Fe Rail Company extended a spur to the sawmill area and street car line was extended from New Town to serve the sawmill workers and the stores which served the sawmill workers. The development history notes the Tomas Duran house and store (1106 Bellamah NW) and the Cesario Gonzales home, saloon and dance hall

(1100 Bellamah NW) as these stores. The sawmill changed hands until the mid 1940's when it is relocated to the west. The sawmill land is utilized for industrial businesses.

In 2014, Jesse Herron purchased 1100 Bellamah NW. At this time, the adobe structure consisted of three apartments and three unoccupied rooms. Mr. Herron restored the building, remodeling two of the apartments. In 2018, he opened the property as the Painted Lady Bed and Brew.

At the time of purchase, the property was zoned S-R. This zoning did not meet the existing land use of multi-family apartments. In addition, Mr. Herron's desired a zone which met his intended business plan, which included four lodging units, craft brewing and the sale of beer and wine to guests of the property, including events such as weddings. Mr. Herron met with the City through the Planning Review Team (PRT) to discuss zoning options. Under the zoning at the time, bed and breakfast use required that the use be in a single-family residence with on-site residence of the owner and the provision of breakfast. The structure on 1100 Bellamah NW was not a single family home and had been in operation for over a hundred years as a multi-family dwelling. The business plan for the building at 1100 Bellamah NW did not include serving breakfast, and Mr. Herron did not want to be bound to living in the building. In addition, Mr. Herron wanted to provide beer and wine to his guests and offer the opportunity to participate in craft brewing. After several meetings with the PRT, in 2017, Mr. Herron successfully applied for a zone change to SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for on premise consumption. Under the Comprehensive Zoning Code, craft brewing was considered to be a hobby use and allowed in all zones.

In 2017, Mr. Herron purchased the abutting R-1 lot at 1106 Bellamah NW. The lot includes an adobe structure formerly used as a grocery store. Mr. Herron intends to consolidate 1100 and 1106 Bellamah NW to be used as part of the Painted Lady Bed and Brew. Mr. Herron intends to use the adobe structure at 1106 Bellamah NW as a meeting room and event space that is accessory to the Bed and Brew. In order to utilize both properties for the Painted Lady Bed and Brew, Mr. Herron is requesting a zone change to MX-T for 1106 Bellamah NW as well.

#### Neighborhood Association Meetings

Prior to application, Mr. Herron reached out via email to the Wells Park Neighborhood Association. The neighborhood association requested a meeting. On June 11, 2019, Mr.

Herron met with the Wells Park Neighborhood Association at their monthly meeting held at the Wells Park Community Center. Mr. Herron presented his reasons for the zone change request which included the desire for lot consolidation and to have a base zone that matched his existing entitlements. The neighborhood association asked for clarification that there was no intention of liquor sales aside from beer and wine on the property, which Mr. Herron assured and that there would be 10pm limit on events and alcohol service on the property. Mr. Herron assured the neighborhood association that this was his intention, The neighborhood association Board of Directors voted unanimously to support the project.

### ***Zone Map Amendment (Zone Change) Amendment***

#### **Response to Section 6-7(F)(3) Review and Decision Criteria**

The following narratives will provide evidence that the proposed rezoning of Tract Lettered "A", Lands of Charles B. Gonzales and for Tract B, Lands of Thomas Duran are considered in accordance with the recently adopted City of Albuquerque Comprehensive Plan. This request is in compliance with Section 6-7(F)(3) of the Integrated Development Ordinance as follows:

**A. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.**

#### **Applicant's Response:**

The proposed zone change from RM-H and R-1 to MX-T is consistent with the health, safety, morals, and welfare of the city. The Comprehensive Plan identifies the area as part of the Downtown Center. The zone change will allow for uses consistent with the visions of the local community, Albuquerque's Comprehensive Plan by

#### **Goal 4.1 Character: Enhance, Protect, and preserve distinct communities**

**Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of the neighborhoods by ensuring the appropriate scale and location of development, mix of uses and character of building design.**

The zone change from RM-H and R-1 to MX-T maintains and preserves the unique qualities of historic areas through the continuation of the historic lodging use on 1100 Bellamah NW and the small-scale commercial use of 1106 Bellamah NW. The Painted Lady Bed and Brew

offers a unique mix of uses that utilizes the historic structures on the property and maintains the existing building character. The property provides an appropriate neighborhood scale transition from the light industrial uses across Bellamah to the adjacent multi-family residences, small businesses and single-family homes.

*Policy 4.1.3 Placemaking: Protect and Enhance special places in the built environment that contribute to the district identity and sense of place.*

The 1100 and 1106 Bellamah properties are special places that contribute to the sense of identity and place of the district. The buildings on site are original adobe structures that were built over a hundred years ago to serve the nearby sawmill. At that time, this area north of "New Town" was considered outside of the town limits. These structures, along with adjacent adobe structure on the south side of Bellamah are the few remaining structures of an industry that provided economic opportunity to the growing city. Together, these structures provide a recognizable and cohesive district. Mr. Herron has not only worked to stabilize and restore a historic structure, but through his vision, he is providing the community and visitors with an opportunity to experience and engage a piece of Albuquerque's past. The use of these properties has historically been commercial residential uses. The zone change from RM-H and R-1 to MX-T maintains this heritage at a scale and character that contributes to the district identity and sense of place.

*Policy 4.1.4 Neighborhoods: Enhance, protect and preserve neighborhoods and traditional communities as key to our long-term health and vitality.*

Preserving the historic mixed use character of the Wells Park neighborhood respects existing neighborhood values. The zone change from RM-H and R-1 to MX-T provides opportunities to leverage community resources, to identify special places, the historic buildings on 1100 and 1106 Bellamah NW and promote strong community identity. The zone change supports improvements, by enabling a community resource (lodging and intimate event space) that protect stable, thriving residential neighborhoods and enhance their attractiveness.

**Goal 5.1 Centers & Corridors**

*Policy 5.1.1 Desired regional*

**Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.**

The zone change from RM-H and R-1, residential zones, to MX-T a mixed use zone allows for more neighborhood amenities in a neighborhood that borders an industrial area. The Painted Lady Bed and Brew offers lodging and event spaces for neighborhood and family events.

**Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.**

The zone change from RM-H and R-1 to MX-T enables more neighborhood scale uses convenient to the adjacent neighborhood. The Painted Lady is a neighborhood amenity, providing a gathering space for life events and an intimate lodging facility for guests at a beautifully restored historical property. The Painted Lady provides lodging within easy walking and biking distance of the Mountain Road Corridor, City Museums, Parks, Old Town and the Bosque Trail, offering a choice of transportation to visitors. The MX-T zone maintains the characteristics of the distinct historical mix of land uses consistent with the long-established live/work residential development pattern along Bellamah Road NW, provides a mixture of uses conveniently accessible from surrounding neighborhoods and encourages more productive use of under-utilized lots.

**Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.**

**Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.**

The zone change from RM-H and R-1 to MX-T promotes a higher and more efficient use of the land by leveraging the existing buildings, infrastructure and public facilities to provide a community amenity that generates increase gross receipts tax and lodgers tax for the City.

**Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.**

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks and Major Public Open Spaces.

The development along Bellamah Road NW dates to the late 1890's. The land use is a mixture of the Painted Lady Bed and Brew, single family, multi-family residential and small businesses, including a T-shirt printing business.

The zone change to MX-T better reinforces the scale, intensity and setbacks of the immediately surrounding context. The RM-H zone permits allow heights of up to 45 feet with no height limit 100 feet from the lot line. The scale of the existing buildings in the area is one and two story which is in keeping with the MX-T zone at 30 feet.

**Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.**

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

The zone change from RM-H and R-1 to MX-T recognizes and embraces the character differences of the Wells Park community by affirming the traditional mixed use nature of the Bellamah Road NW corridor that originally served the commercial and housing needs of the sawmill workers, and later provided daily goods and services to the growing residential area. The use of these historic structures has been archived through the Sawmill/Wells Park Sector Development Plan and attached as part of this submittal.

**Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.**

Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and Forster a robust, resilient, and diverse economy.

The zone change from RM\_H to R-1 and MX-T grows the community's economic base through recruitment, retention/expansion and new business startups to bring additional

income to the region. The zone change allows for the Painted Lady Bed and Brew to retain its existing entitlements to support the intended expansion of the Painted Lady business startup. The extension of the zone change request to abutting property allows the business to expand its current offerings and expand opportunities for local sales, local job creation and the sales of locally made goods.

**Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.**

**Policy 8.2.1 Local Business: Emphasize local business development.**

Because the proposed zone change allows for the intended expansion of a hospitality business, and because the Painted Lady Bed and Brew is owned by the co-owner several local tourism entrepreneurial endeavors, including the Albuquerque Trolley Company and the Albuquerque Tourism and Sightseeing Factory, it partners with local tourism organizations and promote entrepreneurship and existing businesses

**Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.**

**Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.**

Because the proposed zone change matches the surrounding and abutting densities and requires the same setbacks and lot sizes, it would allow development that is consistent with the historic development to west and east along Bellamah Road NW and Mountain Road to the south. The existing RM-H zone has a much higher intensity and residential density than the proposed MX-T zone.

The requested MX-T zone enhances the neighborhood character by promoting housing design that is compatible with the surrounding built environment and responds to the development context by matching adjacent development densities and intensities.

**Goal 11.2. Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.**

Policy 11.2.3 Distinct Built Environments: Preserve and enhance the social, cultural and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

Because the proposed zone change enables enterprises that use historic buildings without requiring excessive modifications to building exteriors, it considers local history and visual environment, particularly features unique to Albuquerque with respect to Architectural styles and historic significance to Albuquerque's. Both properties contain adobe structures built around the turn of the 20<sup>th</sup> Century which provided goods and services to the first Saw Mill in Albuquerque, one of the first major employers of the city.

Summary Conclusion

This request for a zone change from RM-H and R-1 to MX-T is consistent with the health, safety, and general welfare of the City, furthers (and is not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City. The proposed MX-T zone is in keeping with the goals and intentions of the Comprehensive Plan. A zone change from RM-H to MX-T is consistent and compatible with adjacent and abutting R-1, providing an appropriate transition from the NR-LM, Light Manufacturing zone directly across Bellamah NW. The proposed MX-T zone allows for development consistent and compatible in building placement, density and land use consistent with adjacent and abutting development. By allowing mixed-use development, it supports the traditional land use pattern on Bellamah Road NW, reinforcing consistency and compatibility in a designated Area of Consistency. In addition, the requested zone change removes potentially incompatible heights and residential densities from existing residential areas.

By enabling a mixed-use, with a lower density development, the proposed MX-T zone allows for more neighborhood amenities within proximity of residential areas. It also enables a unique cultural amenity that allows for community interaction with a historic property. The proposed furthers the Comprehensive Plan's goals of reinforcing a sense of place and enhances, protects and preserves the unique character of the community.

**B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:**

- 1. There was typographical or clerical error when the existing zone district was applied to the property.**
- 2. There has been a significant change in neighborhood or community conditions affecting the site.**
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

**Applicant's Response:** The proposed Zone Map Amendment is located wholly in an Area of Consistency (as shown in the ABC Comp Plan, as amended). The proposed zone would clearly reinforce the established character of the surrounding Area of Consistency and does not permit development that is significantly different from that character because it supports similar densities, scales and uses found along Bellamah Road NW.

The existing zoning RM-H zoning is inappropriate because it meets the following criteria:

1. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended. Because the proposed MX-T zone land use is consistent with the existing adjacent and abutting land uses, development, density and intensity and connectivity. The existing RM-H zone allows for a higher residential density and development intensity than the adjacent and abutting land uses.

**C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:**

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in the neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the next community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

This criterion is not applicable because the property in question is located wholly in an Area of Consistency as shown in the ABC Comp Plan, as amended.

**D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.**

Because the proposed zone MX-T is intended as a “transition from residential neighborhoods to more intense commercial areas,” it does not include permissive uses that would be harmful to adjacent properties, the neighborhood, or the community because the allowable uses designed to be adjacent to both residential and commercial areas.

The following is a list of the existing permitted uses for each site as well as a list of the uses that would be Permitted in the MX-T zone:

#### 1100 Bellemah NW

Upon adoption of the IDO, the subject site was zoned SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-site Consumption. The IDO has converted the base zone to R-MH (Residential – Multifamily High Density Zone District, IDO 2-3(F)). The purpose of the R-MH zone district is to provide for a variety of high-density attached and multi-family housing options. The primary land uses are multi-family buildings, as well as civic and institutional uses to serve the surrounding residential area.

#### Proposed Zoning

The request proposes to change the subject site's zoning to MX-T (Mixed Use Transition Zone District IDO 2-4(A)). The purpose of the MX-T zone is to provide for a transition between neighborhood and more intense commercial area.

Primary land uses for the MX-T zone include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. The following is a list of all permissive uses of the R-MH from Table 4-2-1 of the IDO:

*R-MH*

- Dwelling, townhouse
- Dwelling, Live/Work
- Dwelling, Multi-family
- Dwelling, multi-family Assisted living facility or nursing home
- Community residential facility, small
- Community residential facility, medium
- Community residential facility, large
- Group Home, medium
- Sorority or fraternity
- Adult or Child Care Facility
- Community center or library
- Elementary or Middle School
- High School
- Parks and open space
- Religious Institution
- Community Garden
- Residential Community Amenity
- Bed and breakfast
- Solar energy generation
- Utility, electric
- Utility, other major

The following MX-T uses would become Permitted with the requested zone change:

- Dwelling, single-family
- Dwelling, cluster development
- Dwelling, cottage development
- Dwelling, two-family detached (duplex)

Group home, small  
Assisted living facility or Nursing home  
Museum or art gallery  
Vocational school  
Health club or gym  
Hotel or motel  
Bank  
Medical or Dental Clinic  
Office  
Personal and business services, small  
Research or testing facility  
Wireless Telecommunications Facility, freestanding

*Discussion of uses that will become Permitted and potential to be harmful:*

The Residential "Dwelling" uses permitted in MX-T are more similar in size and scale with the residential context than the Residential uses permitted in the RM-H zone and therefore would not be seen as harmful to the surrounding neighborhood.

Other uses newly Permitted in the MX-T zone would be limited to a half acre property that is developed. The property is located on a Major Collector street with very limited frontage to the neighborhood. The property directly across Bellemah Road NW is light industrial with storage and manufacturing uses. The 1100 Bellamah property serves as an area of transition, buffering the R-1 neighborhood to the south from the Industrial uses to the north. The newly Permitted uses in the MX-T zone would not be harmful to the surrounding neighborhood, as the intention of the MX-T zone is to provide a transition between neighborhood and more intense uses. The following is a discussion of the MX-T uses which may cause controversy in the neighborhood outlining the sites limiting factors of these uses.

The property contains a historic structure which is currently utilized for lodging. This structure has recently been remodeled, and consists of four units of lodging and a service/utility area. Due to the small size and the adobe construction, the building would not be conducive to some of the more harmful/controversial uses on this list such as "Research or testing facility" or "Medical or Dental Clinic." In addition, Use Specific Standards, Section 4-3(D)(27)(b) limits Research or testing facility to 10,000 sqft in the MX-T zone. Use Specific

Standards, Section 4-3(D)(27)(b) restricts the dispensing of methadone and syringe exchange facilities to 500 feet of a R-1 zone district, which would prohibit these uses on the property.

An " Assisted living facility" or "Nursing Home" would be limited to a very small facility due to the less than acre site with an existing structure.

"Hotel or Motel" in the MX-T zone is limited to 15 rooms by the Use Specific Standards Section 4-3(D)(14)(a). Hotel or Motel use on the site would be less than the existing SU-1 for Boarding and Lodging which has no limit on rooms.

"Wireless Telecommunications Facility, freestanding" would not be permitted according to Use Specific Standards, Section 4-3(E)(10)(C)(1)(a) which limited WTF with 100 feet of property line of a residential zone district and within 50 feet of a public ROW.

#### 1106 Bellamah Road NW

Upon adoption of the IDO, the subject site was zoned R-1A (2-3(B)). The purpose of the R1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lots sizes and dimensions. The primary land uses are single-family detached homes on individual lots, as well as limited civic and institutional uses to serve the surrounding residential area.

**Proposed Zoning** The request proposes to change the subject site's zoning to MX-T (Mixed Use Transition Zone District IDO 2-4(A). The purpose of the MX-T zone is to provide for a transition between neighborhood and more intense commercial area. Primary land uses for the MX-T zone include a range of low-density multi-family residential and small-scale office, institutional, and pedestrian-oriented commercial uses. The following is a list of all permissive uses of the R-1 and MX-T zones from Table 4-2-1 of the IDO:

#### *R-1*

Dwelling, single-family detached  
Dwelling, cluster development  
Dwelling, cottage development  
Dwelling, two-family detached (duplex)  
Community residential facility, small  
Parks and open space  
Religious Institution

Community Garden  
Residential Community Amenity  
Solar energy generation  
Utility, electric  
Utility, other major

*MX-T*

Dwelling, townhouse  
Dwelling, live/work  
Dwelling, multi-family  
Assisted living facility or nursing home  
Community residential facility, medium  
Community residential facility, large  
Group home, small  
Adult or Child care facility  
Community center or library  
Elementary or Middle School  
High School  
Museum or art gallery  
Vocational school  
Health club or gym  
Bed and Breakfast  
Hotel or motel  
Bank  
Medical or Dental Clinic  
Office  
Personal and business services, small  
Research or testing facility  
Wireless Telecommunications Facility, freestanding

The Residential "Dwelling" uses permitted in MX-T are more similar in size and scale with the residential context than the Residential uses permitted in the R-1 zone, particularly along Bellamah Road NW, and therefore would not be seen as harmful to the surrounding neighborhood.

The property is located on a Major Collector street with no frontage to the the neighborhood. The The 1106 Bellamah property serves as an area of transition, buffering the R-1

neighborhood to the south from the Industrial uses to the north. The newly Permitted uses in the MX-T zone would not be harmful to the surrounding neighborhood, as the intention of the MX-T zone is to provide a transition between neighborhood and more intense uses. The following is a discussion of the MX-T uses which may cause controversy in the neighborhood outlining the sites limiting factors of these uses.

Uses newly Permitted in the MX-T zone would be limited to a .1164 property that is developed with a 1000 sqft historic adobe structure, which the owner intends to retain and rehabilitate. The property is located on a Major Collector street with frontage only on Bellamah Road. The property directly across Bellamah Road NW is light industrial with storage and manufacturing uses. The Bellamah Road frontage is approximately 30 feet, providing limited access and visibility.

The property contains a historic structure which has been historically used as a store and residence. Due to the small size (1000 sqft) and the adobe construction, the building would not be conducive to some of the more harmful/controversial uses on this list such as "Research or testing facility" or "Medical or Dental Clinic." In addition, Use Specific Standards, Section 4-3(D)(27)(b) limits Research or testing facility to 10,000 soft in the MX-T zone. Use Specific Standards, Section 4-3(D)(27)(b) restricts the dispensing of methadone and syringe exchange facilities to 500 feet of a R-1 zone district, which would prohibit these uses on the property.

An " Assisted living facility" or "Nursing Home" would be limited to a very small facility due to the .1164 acre size.

"Hotel or Motel" in the MX-T zone is limited to 15 rooms by the Use Specific Standards Section 4-3(D)(14)(a) and the lot size of .1164 acres would limit much additional development on the site.

"Wireless Telecommunications Facility, freestanding" would not be permitted according to Use Specific Standards, Section 4-3(E)(10)(C)(1)(a) which limited WTF with 100 fee of property line of a residential zone district and within 50 feet of a public ROW.

All other potential controversial uses on the site would be very small or not feasible due to the very small nature of the site.

**E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:**

- 1. Have adequate capacity to serve the development made possible by the change of zone.**
- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.**
- 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.**
- 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.**

Because the site is located in a developed area of Albuquerque, it meets the requirements of the above number 1 **"Have adequate capacity to serve the development made possible by the change of zone."** The City's existing infrastructure has adequate capacity to serve the development made possible by the change of zone. The zone change request was well below the requirement for a Traffic Impact Study (TIS), see included TIS form. Any on site infrastructure costs will be borne by the developer. Hydrology has approved grading for plat and has requested that requested a site-specific grading plan prior to grading. Correspondence is included in application.

**F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.**

Because the proposed down zone request is based on the desire to amend the IDO translation of the SU-1 zone to a zone congruent with existing entitlements, and more compatible with the existing development pattern and intensity, and that the location of the property is not located on a major street, the requested zone change is not due to its location on a major street. Bellamah Road is classified by NMDOT and the Long Range Roadway system 2040 as a Local Street.

**G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.**

Because the proposed zone request is based on the intention to match the zoning to the existing entitlements, allowed by right prior to the 2018 adoption of the IDO and because the proposed zone change is necessary to use both 1100 and 1106 Bellamah NW for the Painted Lady Bed and Brew, and because the requested MX-T zone removes potentially harmful residential densities and intensities land uses adjacent to single family uses, the applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

**H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:**

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.**
- 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.**
- 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.**

Because the zone change request is for a zone that is a transition between adjacent zone districts (R-1, single family residential and NR-LM, Light Manufacturing), and because the zone change is the most similar zone to the existing SU-1 entitlements, and because the nature of existing buildings on the site which have been in commercial and multi-family residential use for over 100 years, the proposed zone change does not create a "spot zone" or strip zone. The proposed Zone Map amendment from RM-H to MX-T is a request for the site to be made **consistent** with the existing entitlements surrounding land uses.

## Original

June 27, 2019

To Whom it May Concern,

This is a request for Tract Lettered "A", Lands of Charles B. Gonzales and for Tract B, Lands of Thomas Duran to be considered for a Zoning Map Amendment from RM-H and R-1, respectively, to MX-T in order to align the IDO rezoning with the previous SU-1 entitlements and for the purpose of including the structure on 1106 Bellamah NW as an intimate event facility for the Painted Lady Bed and Brew.

The property consists of two (2) lots; 1100 Bellamah NW and 1106 Bellamah NW. The client, Jesse Herron, currently operates the Painted Lady Bed and Brew on 1100 Bellamah NW a .5204 acre lot, and has recently purchased the abutting .1164 acre lot to the west at 1106 Bellamah NW. He wishes to use the two (2) lots as part of the Painted Lady Bed and Brew.

The properties are located on Bellamah Road NW. The Bellamah Road area, previously known as Indian School Road and Sawmill Road), developed around the turn of the 19<sup>th</sup> century to serve the 1903 original sawmill, the American Lumber Company. At that time the sawmill area was surrounded by swamps and farmland. The intersection of Bellamah Road (Indian School Road) and Twelfth Street, including both the 1100 and 1106 Bellamah properties, grew as a commercial node offering lodging, goods, services and supplies to sawmill workers. See attached 1908 Sanborn Insurance Map.

Mr. Herron purchased the property in 2014 to be used as cultural tourism property. At that time, the historic structure was in disrepair, and consisted of four apartments in various conditions. He brought the apartments to code, and rehabilitated the building, added landscaping and site amenities.

In 2017, Mr. Herron successfully changed the zoning on 1100 Bellamah NW from S-R, Sawmill Residential to SU-1 FOR BOARDING OR LODGING TO INCLUDE THE ONSITE SALE OF BEER AND WINE FOR ON PREMISE CONSUMPTION. This zone change allowed him to operate the property, which had been in operation as an apartment complex, as a short term lodging facility and an event facility. The property has been remodeled, landscaped and now hosts visitors to Albuquerque and provides a unique venue for intimate gatherings and events.

In 2018, the City of Albuquerque adopted the Integrated Development Ordinance (IDO). This adoption required the conversion and consolidation of the zones under the former Comprehensive Zoning Code to the new IDO zones. As a result of this process, the zone conversion of SU-1 FOR BOARDING OR LODGING TO INCLUDE THE ONSITE SALE OF BEER AND WINE FOR ON PREMISE CONSUMPTION became RM-H, Residential High Density. This zoning is a residential zone that does not allow the existing SU-1 entitlements, and permits a development density and intensity that is not consistent with the scale and development pattern of the existing environment as indicated in the IDO Character Protection Standards for the Sawmill/Wells Park area (CPO-11).

The initial zone conversion to RM-H was based on the allowance in this zone of the **Bed and Breakfast** use. **Bed and Breakfast** is defined by the IDO as: *A single-family dwelling with no more than 8 guest rooms that are rented for short-term overnight lodging with breakfast served; some or all guest rooms may be in accessory buildings. Provision of alcoholic beverages is controlled by the New Mexico State statutes for "Bed and breakfast" as governed by Section 60-6A-34 NMSA 1978.* The Painted Lady Bed and Brew does not fit this definition as it is not located in a single-family dwelling, lodging provided may be long-term (two of the units have been occupied on a yearly lease basis since purchase) and breakfast is not served.

The Comprehensive Zoning Code defined **BOARDING OR LODGING HOUSE** as *a dwelling unit containing at least one but not more than five guest rooms where lodging is provided, with or without meals, for compensation; it does not include community residential program or emergency shelter*. As neither “Boarding” nor “Lodging” is defined in the IDO, the use most closely fits **Hotel or Motel**, which is defined as; *A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including Bed and Breakfast establishments, which are regulated separately per this IDO*. This use is first permissive in the IDO MX-T, Mix-use transitional zone.

Mr. Herron met several times with the City through the Planning Review Team (PRT) to discuss the issue that the RM-H zone does not allow his current uses, specifically boarding or lodging, events, craft brewing and the sale of beer and wine for on-premise consumption. Upon reviewing the IDO, the MX-T Mixed-Use Transitional zone is the zone where the majority of these uses become either first permissive or conditional uses.

Mr. Herron currently holds a “Bed and Breakfast” liquor license for the 1100 Bellamah NW property. The current liquor license allows for overnight guests to consume 24 oz of beer or 12 oz of wine per day. However, the initial zone change request was for on-site consumption of beer and wine, which was intended to allow guests to consume beer made on site through a hobby brewing license. This concept is still part of Mr. Herron’s business plan, but has yet to be implemented as it has only been about 18 months since he received the SU-1 zone change. Under the Comprehensive Zoning Code, hobby brewing was considered a hobby use and permitted in all zones by right. He does not intend to serve liquor on the property.

In 2018, Mr. Herron purchased the abutting .1164 acre with a 1000 sqft adobe structure to the west. He wishes to use this 1000 sqft structure as a gathering and event space for the Painted Lady. Uses may include a meeting room, wedding venue and possibly a coffee shop that could provide a neighborhood amenity.

This zone change request for both 1100 and 1106 Bellamah NW to MX-T will enable Mr. Herron to have a base zone that more closely matches the existing SU-1 entitlements for **BOARDING AND LODGING TO INCLUDE THE ONSITE SALE OF BEER AND WINE FOR ON PREMISE CONSUMPTION** and will allow for the incorporation of 1106 Bellamah NW.

#### Surrounding Context

The properties are located on Bellamah Road NW near the intersection of 12<sup>th</sup> street, the historical commercial node for the original sawmill area. Although the properties along the southside of Bellamah Road NW are zoned R-1, the uses include lodging, multi-family, and small artisan manufacturing. The properties on the north side of Bellamah Road NW, as well as west of 12<sup>th</sup> street, are zoned NR-LM, light industrial. Current businesses on the north side of Bellamah include Gorman Industries, an air conditioner supplier, a coffee roaster, a steel producer and across 12<sup>th</sup> street is Granite Passion, a fabricator of granite countertops.

The development pattern along the south side of Bellamah Road NW is an array of one and two story structures, typically of adobe construction, located in close proximity to Bellamah Road NW on long narrow lots. Many properties have multiple buildings, some used as housing and others hosting a variety of uses throughout the last century and a half. The development on the north side of Bellamah Road NW consists of large-scale industrial warehouses, work yards and industrial machinery used to store, fabricate and produce manufactured goods.

### Site History

1100 Bellamah NW (originally Gonzales Saloon and Grocery) and the abutting parcel, 1106 Bellamah NW (Originally La Tienda de la Maquina de Raja, the lumber mill store) to the west were once business properties that served the sawmill workers. The 1100 Bellamah NW structure originally housed a brothel, saloon and dance hall. Later, the building was home to a general store and lodging quarters. The property at 1106 was used as a store and residence (see attached Sanborn Insurance Maps).

The Sawmill/Wells park development history (see attached) notes that in 1903, 110 acres were donated to the American Lumber Company (1903-1917), which later became known as the McKinley Land and Lumber Company until 1924. The Santa Fe Rail Company extended a spur to the sawmill area and street car line was extended from New Town to serve the sawmill workers and the stores which served the sawmill workers. The development history notes the Tomas Duran house and store (1106 Bellamah NW) and the Cesario Gonzales home, saloon and dance hall (1100 Bellamah NW) as these stores. The sawmill changed hands until the mid 1940's when it is relocated to the west. The former sawmill land is currently utilized for industrial businesses.

In 2014, Jesse Herron purchased 1100 Bellamah NW. At this time, the adobe structure consisted of three apartments and three unoccupied rooms. Mr. Herron restored the building, remodeling two of the apartments. In 2018, he opened the property as the Painted Lady Bed and Brew.

At the time of purchase, the property was zoned S-R. This zoning did not meet the existing land use of multi-family apartments. In addition, Mr. Herron desired a zone which met his intended business plan, which included four lodging units, craft brewing and the sale of beer and wine to guests of the property, including events such as weddings. Mr. Herron met with the City through the Planning Review Team (PRT) to discuss zoning options. Under the zoning at the time, "bed and breakfast" required that the use be in a single-family residence with on-site residence of the owner and the provision of breakfast. The structure on 1100 Bellamah NW was not a single family home and had been in operation for over a hundred years as a multi-family dwelling. The business plan for the building at 1100 Bellamah NW did not include serving breakfast, and Mr. Herron did not want to be bound to living in the building. In addition, Mr. Herron wanted to provide beer and wine to his guests and offer the opportunity to participate in craft brewing. After several meetings with the PRT, in 2017, Mr. Herron successfully applied for a zone change to SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for on premise consumption. Under the Comprehensive Zoning Code, craft brewing was considered to be a hobby use and allowed in all zones.

In 2017, Mr. Herron purchased the abutting R-1 lot at 1106 Bellamah NW. The lot includes an adobe structure originally used as a store. Mr. Herron intends to use the adobe structure at 1106 Bellamah NW as a meeting room and event space that is accessory to the Bed and Brew. In order to use 1100 and 1106 for the Painted Lady, both parcels require the same zoning. Therefore, Mr. Herron is requesting a zone change to MX-T for 1106 Bellamah NW at this time as well.

### Neighborhood Association Meetings

Prior to application, Mr. Herron reached out via email to the Wells Park Neighborhood Association. The neighborhood association requested a meeting. On June 11, 2019, Mr. Herron met with the Wells Park Neighborhood Association at their monthly meeting held at the Wells Park Community Center. Mr. Herron presented his reasons for the zone change request which included the desire for lot consolidation and to have a base zone that matched his existing

entitlements. The neighborhood association asked for clarification that there was no intention of liquor sales, aside from beer and wine, on the property and that there would be 10 pm limit on events and alcohol service on the property. Mr. Herron assured the neighborhood association that this was his intention. Based on this understanding, the neighborhood association voted unanimously to support the project.

### ***Zone Map Amendment (Zone Change) Amendment***

#### **Response to Section 6-7(F)(3) Review and Decision Criteria**

The following narratives will provide evidence that the proposed rezoning of Tract Lettered "A", Lands of Charles B. Gonzales and for Tract B, Lands of Thomas Duran are considered in accordance with the recently adopted City of Albuquerque Comprehensive Plan. This request is in compliance with Section 6-7(F)(3) of the Integrated Development Ordinance as follows:

#### **A. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.**

##### **Applicant's Response:**

The proposed zone change from RM-H and R-1 to MX-T is consistent with the health, safety, morals, and welfare of the city. The Comprehensive Plan identifies the area as part of the Downtown Center. The zone change will allow for uses consistent with the visions of the local community, Albuquerque's Comprehensive Plan by

#### **Goal 4.1 Character: Enhance, Protect, and preserve distinct communities**

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of the neighborhoods by ensuring the appropriate scale and location of development, mix of uses and character of building design.

The zone change from RM-H and R-1 to MX-T maintains and preserves the unique qualities of historic areas through the continuation of the historic lodging use on 1100 Bellamah NW and the small-scale commercial use of 1106 Bellamah NW. The Painted Lady Bed and Brew offers a unique mix of uses that utilizes the historic structures on the property and maintains the existing building character. The property provides an appropriate neighborhood scale transition from the light industrial uses across Bellamah to the adjacent multi-family residences, small businesses and single-family homes.

Policy 4.1.3 Placemaking: Protect and Enhance special places in the built environment that contribute to the district identity and sense of place.

The 1100 and 1106 Bellamah properties are special places that contribute to the sense of identity and place of the district. The buildings on site are original adobe structures that were built over a hundred years ago to serve the nearby sawmill. At that time, this area north of "New Town" was considered outside of the town limits. These structures, along with adjacent adobe structure on the south side of Bellamah are the few remaining structures of an industry that provided economic opportunity to the growing city. Together, these structures provide a recognizable and cohesive district. Mr. Herron has not only worked to stabilize and restore a historic structure, but through his vision, he is also providing the community and visitors with an opportunity to experience and engage a piece of Albuquerque's past. The use of these properties has historically been commercial and residential uses. The zone change from RM-H

and R-1 to MX-T maintains this heritage at a scale and character that contributes to the district identity and sense of place.

*Policy 4.1.4 Neighborhoods: Enhance, protect and preserve neighborhoods and traditional communities as key to our long-term health and vitality.*

Preserving the historic mixed-use character of the Wells Park neighborhood respects existing neighborhood values. The zone change from RM-H and R-1 to MX-T provides opportunities to leverage community resources, to identify special places - the historic buildings on 1100 and 1106 Bellamah NW, and promote strong community identity. The zone change supports improvements, by enabling a community resource (lodging and intimate event space) that protect stable, thriving residential neighborhoods and enhance their attractiveness.

**Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.**

The zone change from RM-H and R-1, residential zones, to MX-T a mixed-use zone allows for more neighborhood scale amenities in a neighborhood that borders an industrial area. The Painted Lady Bed and Brew offers lodging and event spaces for neighborhood and family events.

*Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.*

The zone change from RM-H and R-1 to MX-T enables more neighborhood scale uses convenient to the adjacent neighborhood. The Painted Lady is a neighborhood amenity, providing a gathering space for life events and an intimate lodging facility for guests at a beautifully restored historical property. The Painted Lady provides lodging within easy walking and biking distance of the Mountain Road Corridor, City Museums, Parks, Old Town and the Bosque Trail, offering a choice of transportation to visitors. The MX-T zone maintains the characteristics of the distinct historical mix of land uses consistent with the long-established live/work residential development pattern along Bellamah Road NW, provides a mixture of uses conveniently accessible from surrounding neighborhoods and encourages more productive use of under-utilized lots.

**Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.**

*Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.*

The zone change from RM-H and R-1 to MX-T promotes a higher and more efficient use of the land by leveraging the existing buildings, infrastructure and public facilities to provide a community amenity that generates increase gross receipts tax and lodgers tax for the City.

**Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.**

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks and Major Public Open Spaces.

The development along Bellamah Road NW dates to the late 1890's. The land use is a mixture of the Painted Lady Bed and Brew, single family, multi-family residential and small businesses, including a T-shirt printing business and light industrial/manufacturing.

The zone change to MX-T better reinforces the scale, intensity and setbacks of the immediately surrounding context. The RM-H zone permits heights of up to 45 feet with no height limit 100 feet from the lot line. The scale of the existing buildings in the area is one and two story which is more in keeping with the MX-T zone at 30 feet.

**Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.**

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

The zone change from RM-H and R-1 to MX-T recognizes and embraces the character differences of the Wells Park community by affirming the traditional mixed use nature of the Bellamah Road NW corridor that originally served the commercial and housing needs of the sawmill workers, and later provided daily goods and services to the growing residential area. The use of these historic structures has been archived through the Sawmill/Wells Park Sector Development Plan and attached as part of this submittal.

**Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.**

Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

The requested MX-T zone enhances the neighborhood character by promoting and providing housing design that is compatible with the surrounding built environment and responds to the development context by more closely resembling adjacent development densities and intensities. The existing RM-H zone has a much higher development intensity and residential density than the proposed MX-T zone.

#### Summary Conclusion

This request for a zone change from RM-H and R-1 to MX-T is consistent with the health, safety, and general welfare of the City, furthers (and is not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City. The proposed MX-T zone is in keeping with the goals and intentions of the Comprehensive Plan. A zone change from RM-H and R-1 to MX-T is consistent and compatible with adjacent and abutting R-1, providing an appropriate transition from the NR-LM, Light Manufacturing zone directly across Bellamah NW. The proposed MX-T zone allows for development consistent and compatible in height, building placement, density and land use consistent with adjacent and abutting development. By allowing mixed-use development, it supports the traditional land use pattern on Bellamah Road NW, reinforcing consistency and compatibility in a designated Area of Consistency. In addition, the requested zone change removes potentially incompatible heights and residential densities from existing residential areas.

By enabling mixed-use, with a lower density, development, the proposed MX-T zone allows for more neighborhood amenities within proximity of residential areas. It also enables a unique cultural amenity that allows for community interaction with a historic property. The proposed MX-T zoning furthers the Comprehensive Plan's goals of reinforcing a sense of place and enhances, protects and preserves the unique character of the community.

**B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:**

- 1. There was typographical or clerical error when the existing zone district was applied to the property.**
- 2. There has been a significant change in neighborhood or community conditions affecting the site.**
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

**Applicant's Response:** The proposed Zone Map Amendment is located wholly in an Area of Consistency (as shown in the ABC Comp Plan, as amended). The proposed zone would clearly reinforce the established character of the surrounding Area of Consistency and does not permit development that is significantly different from that character because it supports similar densities, scales and uses found along Bellamah Road NW.

The existing zoning RM-H zoning is inappropriate because it meets the following criteria:

1. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended. Because the proposed MX-T zone is consistent with the existing adjacent and abutting land uses, development, density and intensity and connectivity. The existing RM-H zone allows for a higher residential density and development intensity than the adjacent and abutting land uses.

**C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:**

- 1. There was typographical or clerical error when the existing zone district was applied to the property.**
- 2. There has been a significant change in the neighborhood or community conditions affecting the site.**
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

This criterion is not applicable because the property in question is located wholly in an Area of Consistency as shown in the ABC Comp Plan, as amended.

**D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.**

Because the proposed zone MX-T is intended as a “transition from residential neighborhoods to more intense commercial areas,” it does not include permissive uses that would be harmful to adjacent properties, the neighborhood, or the community because the allowable uses designed to be adjacent to both residential and commercial areas.

**E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:**

1. **Have adequate capacity to serve the development made possible by the change of zone.**
2. **Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.**
3. **Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.**
4. **Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.**

Because the site is located in a developed area of Albuquerque, it meets the requirements of the above number 1 “**Have adequate capacity to serve the development made possible by the change of zone.**” The City’s existing infrastructure has adequate capacity to serve the development made possible by the change of zone. The zone change request was well below the requirement for a Traffic Impact Study (TIS), see included TIS form. Any on site infrastructure costs will be borne by the developer.

**F. The applicant’s justification for the requested zone change is not completely based on the property’s location on a major street.**

Because the proposed down zone request is based on the desire to amend the IDO translation of the SU-1 zone to a zone congruent with existing entitlements, and more compatible with the existing development pattern and intensity, and that the location of the property is not located on a major street, the requested zone change is not due to its location on a major street. Bellamah Road is classified by NMDOT and the Long Range Roadway system 2040 as a Local Street.

**G. The applicant’s justification is not based completely or predominantly on the cost of land or economic considerations.**

Because the proposed zone request is based on the intention to match the zoning to the existing entitlements, allowed by right prior to the 2018 adoption of the IDO and because the proposed zone change is necessary to use 1100 and 1106 Bellamah NW for the purpose of the Painted Lady Bed and Brew, and because the requested MX-T zone removes potentially harmful residential densities and intensities land uses adjacent to single family uses, the applicant’s

justification is not based completely or predominantly on the cost of land or economic considerations.

**H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a “spot zone”) or to a strip of land along a street (i.e. create a “strip zone”) unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:**

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.**
- 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.**
- 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.**

Because the zone change request is for a zone that is a transition between adjacent zone districts (R-1, single family residential and NR-LM, Light Manufacturing), and because the zone change is the most similar zone to the existing SU-1 entitlements, and because the nature of existing buildings on the site which have been in commercial and multi-family residential use for over 100 years, the proposed zone change does not create a “spot zone” or strip zone. The proposed Zone Map amendment from RM-H and R-1 to MX-T is a request for the site to be made **consistent** with the existing entitlements surrounding land uses.

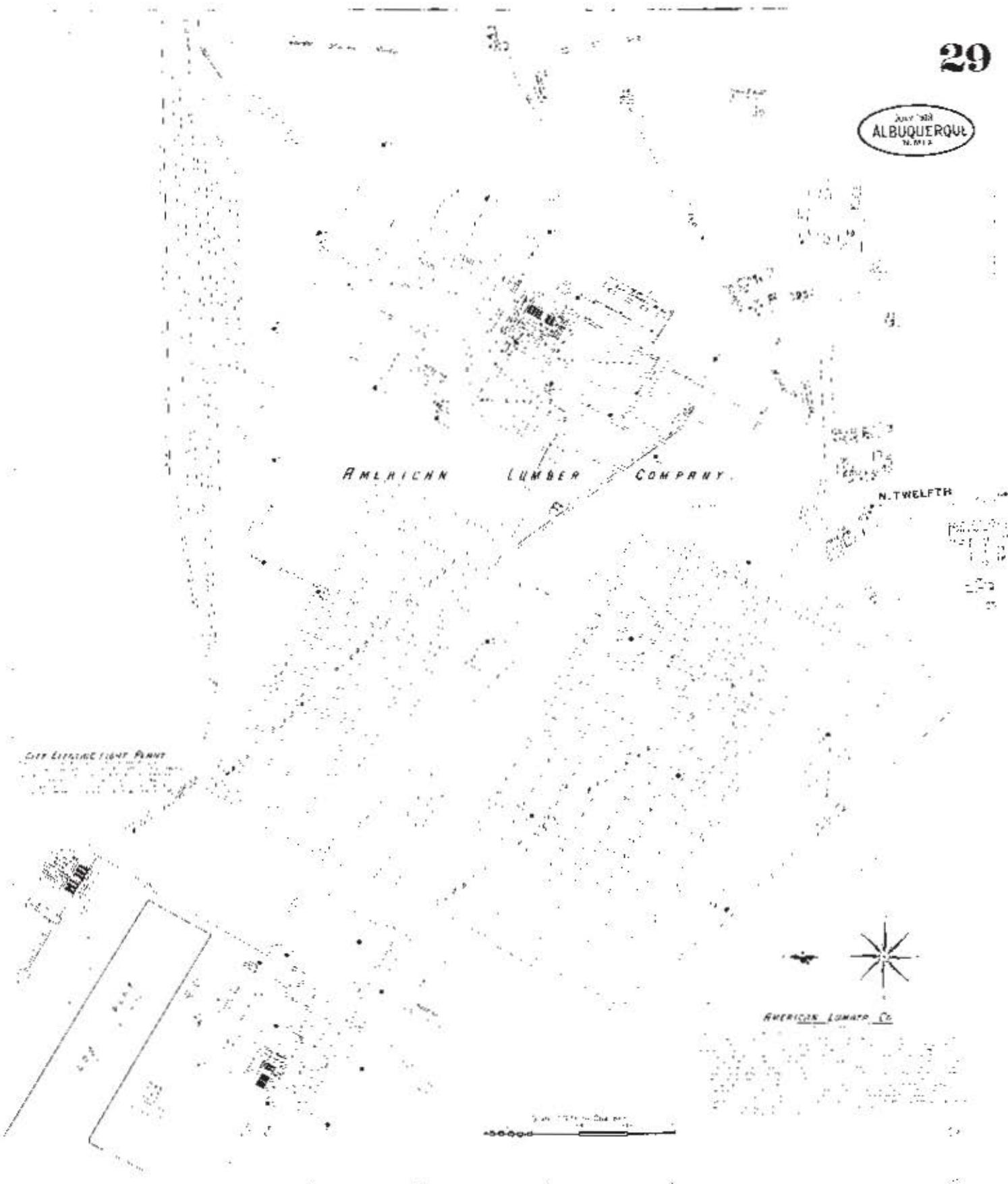
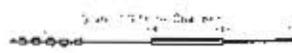
JULY 1918  
ALBUQUERQUE  
N.MEX.

AMERICAN LUMBER COMPANY

N. TWELFTH

CITY LIGHTING PLANT

AMERICAN LUMBER CO.



May 1933  
ALBUQUERQUE  
N. MEX.

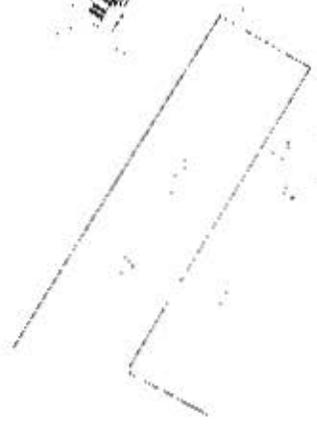


AMERICAN LUMBER COMPANY

N 27th ST

See also map of this tract

Block 41, 20th St. Co.



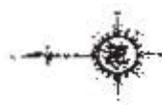
APR 1913  
ALBUQUERQUE  
N.M.

39

SCALE 125 FT TO AN INCH

M. H. N. I. V. L. A. N. D. & L. U. M. B. E. R. C. O.

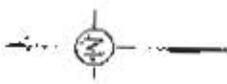




SCALE 100 FT. TO AN INCH

Mc KINLEY LAND & LUMBER CO







## SAWMILL/WELLS PARK DEVELOPMENT HISTORY

*"Disrespectful, unloving change, which is not a part of a process of continuing transformation but an abrupt disconnection with the past, destroys local character and identity."*

*---A City at the End of the World, V.B. Price,  
University of New Mexico Press, Albuquerque, 1992.*

*"Character is what gives a community its identity. It is part imagery, part memory and gathered time, part attitude. Character is found in whatever gives resonance to a place; whatever references the way life has been, and is lived there; whatever identifies the community, its history, its resources. Because character is expressed in so many small and large things, it is very vulnerable to change. Change is part of the life of a community. It can't be stopped, and shouldn't be. But the scale of change can be controlled and the kinds of change can be influenced."*

*---Preserving Community Character: Ways to  
Reconcile Change with the Character of a Place, New  
Hampshire Association of Historic District  
Commissions, 1988.*

## THE IMPORTANCE OF AREA HISTORY

Historic roads, platting, and buildings give Sawmill/Wells Park its strong physical character. The following broad historical outline and list of historic buildings help explain existing area appearance and function. The sector plan's action plans, public design policies, and zoning are written to help property owners, residents, business owners, potential developers and public agencies conserve the community's historic characteristics as the area is reshaped to respond to new issues and opportunities.

Sawmill/Wells Park has been shaped by over 200 years of history. The five historic periods described on the following pages illustrate how local, national and international events influenced the area's growth. The maps show that much of Sawmill/Wells Park's distinctive physical character comes from remaining roads, platting, and buildings predating World War II. The maps also show incompatible land uses developed in different eras with radically different development priorities.

### A BRIEF HISTORY

The earliest permanent settlements in the Old Town area were made by Tiwa speaking people about 1350 A.D. The Tiwa lived near the Rio Grande between what are now the town of Bernalillo and Isleta Pueblo. Spaniards later called this area the Province of Tiguex. Tiwa farmers grew corn, beans, squash and cotton in irrigated fields. Five historic periods followed starting with Old Town settlement in 1706. (See pp. 6 and 7.)

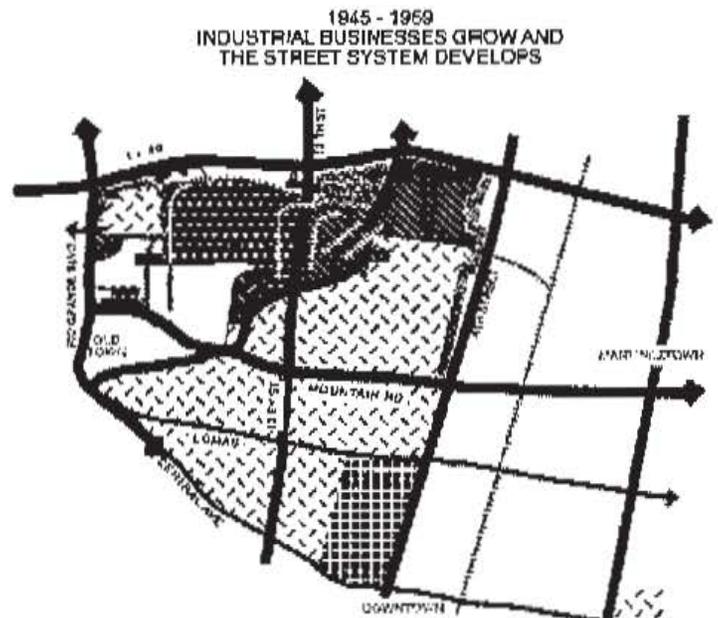
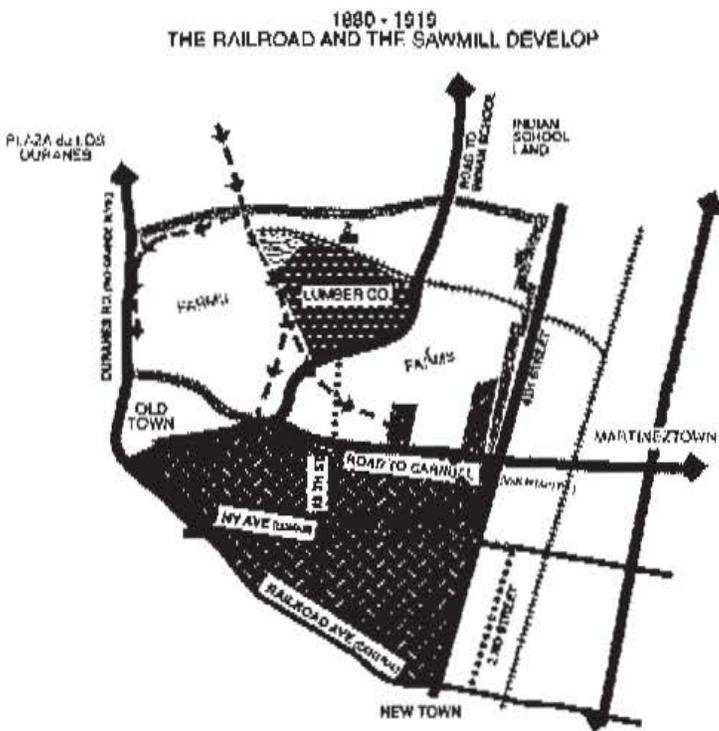
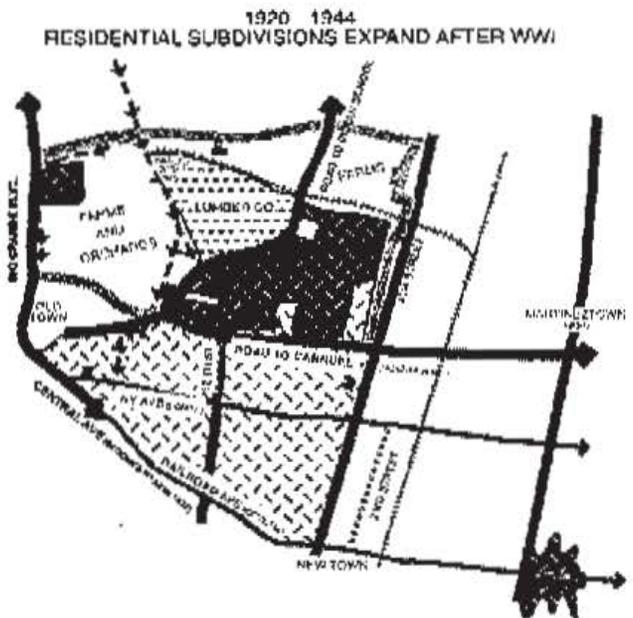
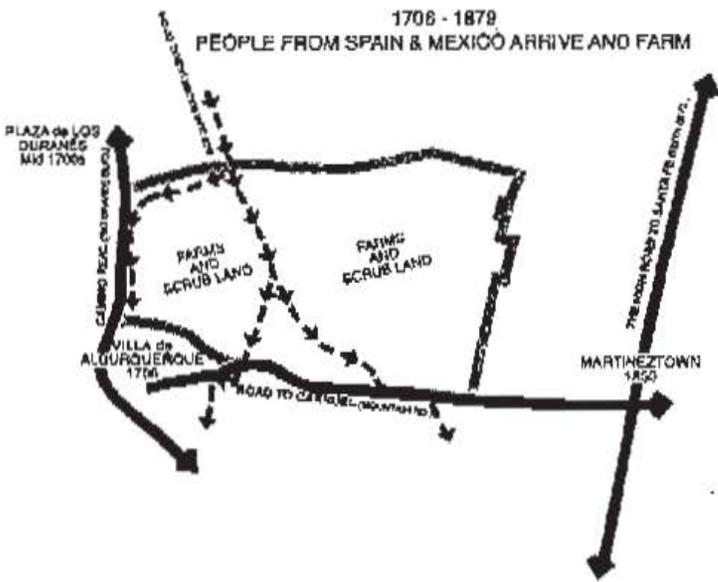
In the 1800s, houses were built along the irrigation ditches and major roads that are now called Mountain Road, Sawmill Road and Rio Grande Boulevard. In 1903, the original sawmill, the American Lumber Company, and its railroad spur were surrounded by farm land and swamps.

Most of the area's major housing subdivisions were built in the 1920s during a post World War I building boom. The 1920s development contributes strongly to the existing human scale of the neighborhoods: quiet residential streets lined with small lots, small single story houses and duplexes that are predominantly pitched-roofed and have windows and doors facing the street, small front yards, and unobtrusive garages, carports, and parking areas that do not dominate the street. Street pavement is generally 32 feet wide. In Wells Park (between Fourth and Twelfth Streets) planting strips are located between the street curb and sidewalk. A few trees remain from the many that once arched over and shaded local streets.

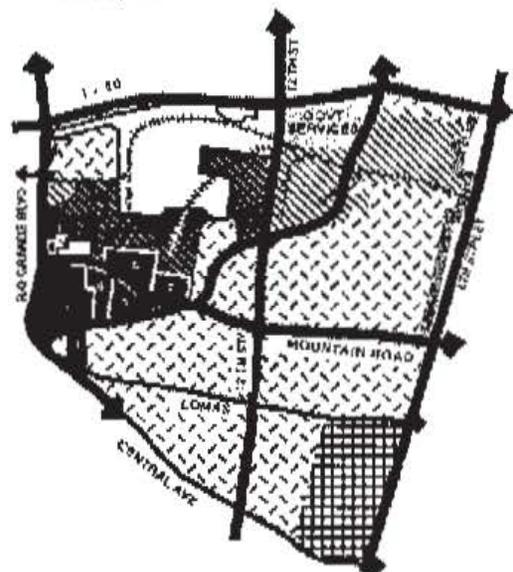
Farmland buffered housing from the lumber company's sawmill activity until the 1940s. When Twelfth Street was extended north of Sawmill/Bellamah Road, the lumber company moved all of its operations west of the new street section. Eventually the lumber company operations bordered the John Baron Burg Neighborhood to the west and the West Sawmill Neighborhood to the south.

Both housing and industrial businesses replaced farmland between Fourth and Twelfth Streets, bringing the two uses even closer together. In the 1960s, Interstate 40 cut through housing areas, sandwiching subdivision remnants between the highway and expanding industrial areas to the south.

In the 1950s, Old Town began to commercialize. Its influence spread north and east in the 1970s and 1980s with restaurants, the Sheraton Old Town Hotel, the Albuquerque Museum, and the New Mexico Natural History Museum. The expansion continues today with the coming Explora! Science Center and commercial development just north of Old Town.



1970 - 1994  
SOME INNER CITY INDUSTRIAL BUSINESSES DECLINE  
OLD TOWN EXPANDS, AND MUSEUMS ARE BUILT



Legend:

- Sawmill Sector Development Plan Area Boundaries
- Acequia
- County Court House
- Mill Pond
- Streetcar
- Power Plant
- New Railroad Spurs
- Existing Railroad Spurs
- New Subdivisions
- Old Subdivisions
- New Lumber Co. & Other Lumber Yards
- Existing Lumber Yards
- Vacant Land
- New Warehouse/Factories Etc.
- Existing Warehouse/Factories Etc.
- New Downtown Development
- Existing Downtown Development

1. Sheraton Hotel
2. Children's Museum
3. Old Town Continues to Commercialize
4. Albuquerque Museum
5. Tiguar Park
6. Natural History Museum
7. Proposed Explora Museum
8. Restaurants/ Retail Shops

**1706** Villa de Albuquerque (Old Town) founded

El Camino Real continues through the Villa de Albuquerque as the established route to Old Mexico

**1819** Town of Camuel established in Tijeras Canyon Mountain Road becomes the route from Old Town to Camuel

**Nineteenth century** People living in Old Town, farm land in what will become the Sawmill/Wells Park area and eventually build homes near their fields

**1880** The railroad arrives approximately one and one half miles east of what is now Historic Old Town

Farmland is expanded by newcomers from Europe and the eastern United States

New Town develops around Railroad Avenue (Central) west of the tracks

The Villa de Albuquerque (Old Town) loses businesses to New Town

**1882** Land donated to build the Indian School

Road from Old Town to the Indian School is established

**1898** Area is primarily used for farming and buildings are mainly along Mountain Road and irrigation ditches

Residential subdivisions spread out from New Town

**1884 and 1905** Two subdivisions established just north of Mountain Road

Small scale commercial establishments are built among the homes and farms along Mountain Road

**1903** 110 acres are donated to develop the American Lumber Company (1903-1917) Becomes McKinley Land and Lumber Company (1917-1924)

Santa Fe Railway Company builds a rail spur from the main line to serve the lumber company

People flock to the area for jobs

Streetcar extended from New Town to serve Sawmill workers and stores open to serve sawmill workers:

Tomas Duran house and store built on SE corner of Twelfth Street and Sawmill Road (the end of the streetcar line at the sawmill's main gate)

Cesarlo Gonzales home, saloon and dance hall built on Sawmill Road east of Twelfth Street (Saloon becomes grocery during prohibition)

**1904** Prager Electric Power Station built - uses wood scrap for fuel

Old Town remains a mixture of homes and neighborhood stores

**1923-45** Land subdivided and developed for housing near Rio Grande Boulevard and in the area between the road to the Indian School and Fifth Street

Residential subdivisions also expand east and west along Central Avenue

**1924** Lumber Company renamed George E. Breece Lumber Company

**1927** Streetcar discontinued

**1937** Central Avenue becomes part of Route 66

**1942** Lumber company ownership changes

Remnants of farmland east of Twelfth Street subdivided for housing

Twelfth Street expanded north through the Lumber Company property

Lumber Company sizes down (all operations move west of Twelfth Street)

Industrial businesses replace farmland east of Twelfth Street and land vacated by the lumber company

As farmland sells, neighborhoods and industries develop close together

More railroad spurs are built to serve businesses

Old Town begins to commercialize:

**1951** Predominantly residential, 30 shops, 4 restaurants

**1958** Historic Zone established

**1964** 65 shops and 6 restaurants mainly around the plaza

**1959** Zoning established city-wide

**mid-1960's** I-40 built Downtown declines as Uptown grows

**1969** Acequia Madre (Albuquerque Ditch) vacated south of Zearing

The city continues to expand east and north

Old Town continues to commercialize:

**1972** 85 shops and 8 restaurants

**1980** 104 shops and 10 restaurants

**1975** Tiguex Park built

**late-1970s** Sheraton Hotel built

**1979** Albuquerque Museum opens on former truck terminal site

**mid-1980s** New Mexico State Natural History Museum built

**late-1980s** REI, a National Outdoor sporting goods outlet, replaces Keebler Cookie Company on Mountain Road

**late-1980s** Duke City Lumber Company vacates 35 acres of land; PNM Prager Station site and other industrial properties found to be polluted

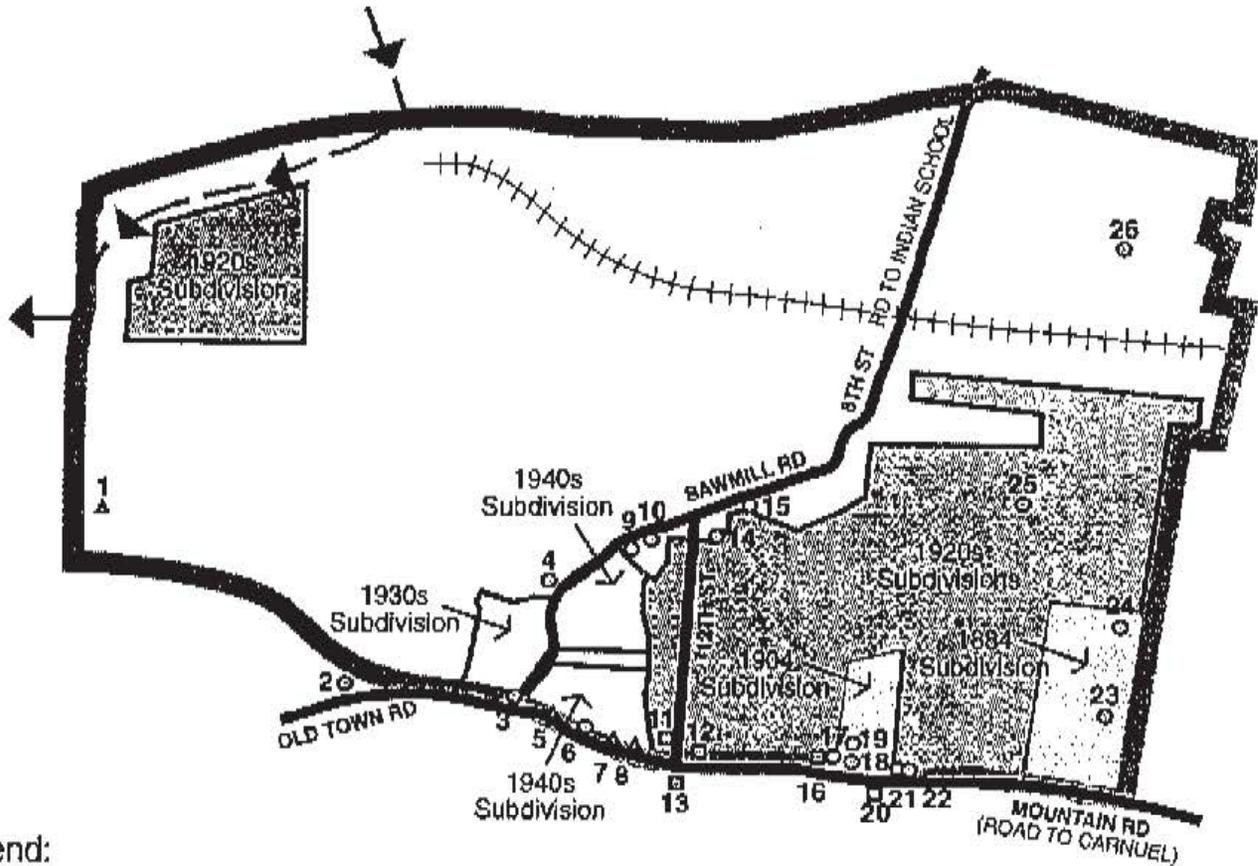
**early-1990s** Childrens' Museum opens in Sheraton Mercado

**1993** PNM-owned land on Mountain Road sold and transferred to the City to build the Exploral Science Center

**1994** Shops built on north side of Mountain Road west of Twentieth Street

## PRE-WWII BUILDINGS, ROADS AND DITCHES

The following map shows existing buildings, roads and ditches that predate World War II. Buildings numbered on this page are described on the next two pages.



### Legend:

-  Sawmill Sector Development Plan Area Boundaries
-  Remnant of Albuquerque Ditch (Acequia Madre)
-  1903 Railroad Spur
- Old Buildings**
-  1706 - 1879
-  1880 - 1919
-  1920 - 1945 (Most of Sawmill/ Wells Park housing is from this era - individual buildings are not called out except on Mountain Road.)
-  Portions of Road to Carnuel and Road to the Indian School

## SOME OF THE OLD BUILDINGS IN SAWMILL/WELLS PARK AND ALONG MOUNTAIN ROAD

The following numbers are keyed to the map on the previous page.

1706 - 1879

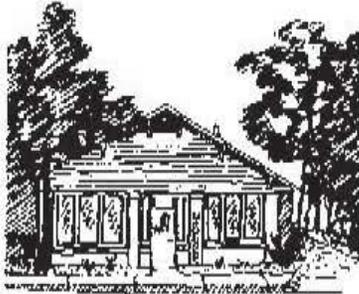
1880-1919

1880-1919  
continued

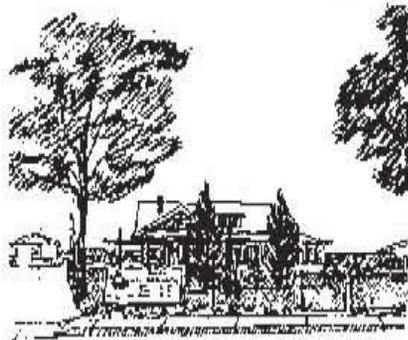
1. **Salvador Armijo House, 618 Rio Grande Blvd. NW (1840s, remodelled late Nineteenth century)** Salvador Armijo was a member of one of the most influential and powerful families in New Mexico.

5. **901 Fourteenth St. NW (southern rooms built in the 1870s)** The old rooms were reportedly once used as a stable for a brewery.

7. **1301 Mountain Rd. NW (circa 1865)** This house belonged to Catherine Apodaca in 1898. It was built only 20 years after New Mexico became a U.S. territory. The porch and hipped roof were added much later.



8. **1223 Mountain Rd. NW (circa 1865)** This old adobe home still has its fine Territorial detailing.



2. **Romero House, 1617 Old Town Rd. NW (pre-1890)** Rare Territorial decorative window frames. This is one of several historic homes along this stretch of road from Old Albuquerque (Old Town) to Carnuel in Tijeras Canyon.

3. **Bandaracco's Summer Garden, 1501 Mountain Rd. NW (pre-1898)** The original building remains beneath the many exterior changes.



4. **1321 Sawmill Rd. NW (pre-1898)** This is probably an old farm house from when the area was predominantly agricultural.

6. **Stephen Balling House, 1315 Mountain Rd. NW. (1908)** Mr. Balling was the proprietor of the Iceberg Saloon at 109 Second St. SW.

9. **1324 Sawmill Rd. NW (pre-1898)** This house may have been built much earlier than 1898. Little is known of its history, but it was probably a farm house, since an acequia once ran nearby.

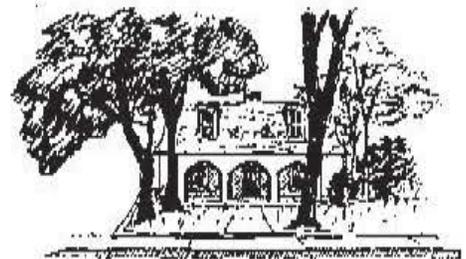
10. **1316 Sawmill Rd. NW (Circa 1900)** Another early house along this old road. Little is known of its history.

14. **Tomas Duran House, 1224 Twelfth St. NW (circa 1900)** Tomas Duran built this house and La Tienda de la Maquina de Rajar (the Lumber Mill Store) which stood at the corner of Twelfth and Sawmill Road. One of his daughters lived there until her death in 1994. A granddaughter and husband now live there.



15. **Gonzales Saloon and Grocery, 100 Bellamah NW (pre-1907)** The store building facing Twelfth St. was a saloon and dance hall. The building was used as a grocery during Prohibition. Buildings from the same era stand to the east along Bellamah Road.

17. **With House, 815 Mountain Rd. NW (1st floor - 1890s or earlier, 2nd floor added in 1904)** The mansard roof is very rare. The With family lived here for over 50 years.

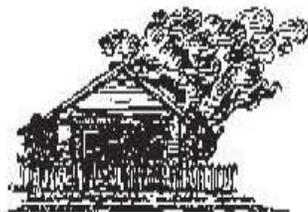
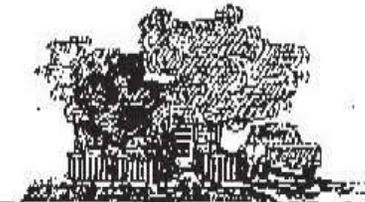


1880 - 1919  
continued

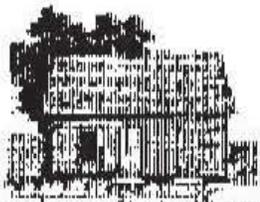
18. **Blythe Grocery, 1201 Eighth St. NW (pre-1908)** Little is known of this adobe store building except the name of an early owner. It may have been built to serve the 1904 John M. Moore Addition.



19. **1207 and 1211 Eighth St. NW (pre-1907)** Sawmill workers lived in these two cottages. Both cottages used to have delicate wood trim in their front gables.



21. **707 Mountain Rd. NW (building date unknown)** The shape and building material of this small house is very rare in the City. It may be a turn of the century building. Perhaps it was moved in from Madrid, New Mexico.



1880 - 1919  
continued

22. **705 Mountain Rd. NW (pre-1898)** This old adobe may date back well into the nineteenth century. The Atencio family have owned it for over 50 years.

23. **1211 Fifth St. (1898-1907)** This was one of the first houses in the Romero Addition which was platted in 1884.



24. **1401 Fifth St. NW (pre-1900)** According to the owner, this house was built by a railroad employee. Its barn (now remodelled) stood to the west.



25. **Issac DeLong House, 618 Bellamah NW (1918)** This house once stood alone. The street it faced was named Taft rather than Bellamah. Its first owner was a railroad engineer.

26. **Bezemek barn, 2017 Fifth St. NW (date unknown)** Neighbors identified this building as the last remnant of the Bezemek farm which occupied the land west of Fourth Street between McKnight and the railroad spur. Bezemek raised Jersey cows here in 1913.

1920 - 1945

11. **The Navajo Addition, platted in 1925.** The homes from Mountain Road to 1103 Twelfth Street on the west side of Twelfth Street are unlike any others in Albuquerque. Their small size, flat roofs (except for one recent pitched roof remodeling), tiny front yards, identical setback, and individualized detailing combine to make an architecturally unusual block.



12. **Gardner's Service Station, 1000 Twelfth St. NW (1932)** This old station has lost its car drive-through canopy, but its location indicates the importance of 12th and Mountain as well-travelled automobile routes.

13. **Sunshine Market, 912 Twelfth St. NW (late 1920s)** This small store is the only one still operating of the several which once served the Sawmill/Wells Park area.

16. **With Grocery Store, 819 Mountain Rd. NW (1921)** This little corner store with its mission style parapet was probably the oldest grocery store in the city when it closed in the early 1980's.

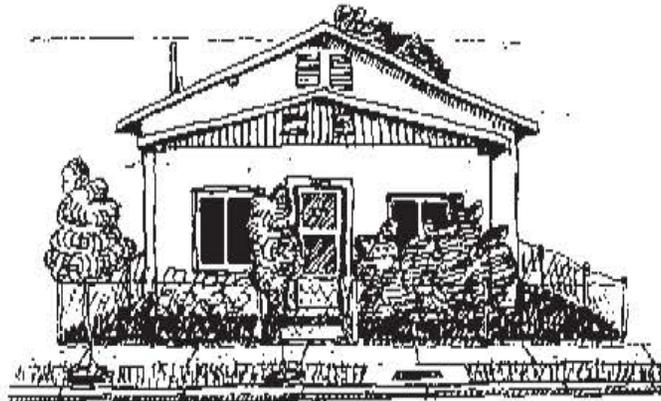
20. **Mountain Road Station, 724 Mountain Rd. NW (1931)** This cottage style station was built by Jose C. Pino who lived next door. It is one of the oldest gas stations of this style in Albuquerque.

**OTHER 1920s BUNGALOWS  
CHARACTERISTIC OF  
MUCH OF THE AREA**

714 Summer St. NW



1228 7th St. NW



1013 11th St. NW



# Bellamah NW Northside



# Bellamah NW Southside



PUBLIC INFORMATION

**From:** Jesse Herron info@paintedladyabq.com   
**Subject:** Re: Neighborhood Meeting Inquiry\_1106 Bellamah Ave NW\_EPC  
**Date:** May 10, 2019 at 4:21 PM  
**To:** Quevedo, Vicente M. vquevedo@cabq.gov  
**Cc:** Michelle Negrette stratadesign.nm@gmail.com



Thank you, Vicente. Can you send me the MS File for the NA email/letter? The website is sending me to a page that looks like the attached.

Thank you,

Jesse Herron  
 Owner  
 Painted Lady Bed & Brew  
[breakfastisoverrated.com](http://breakfastisoverrated.com)  
 1100 Bellamah Ave NW  
 Albuquerque, NM 87104  
 505-200-3999  
[cheers@breakfastisoverrated.com](mailto:cheers@breakfastisoverrated.com)

"...For a quart of ale is a dish for a king."  
 ~ Shakespeare

On Fri, May 10, 2019 at 2:14 PM Quevedo, Vicente M. <[vquevedo@cabq.gov](mailto:vquevedo@cabq.gov)> wrote:

Jesse,

See list of associations below and attached regarding your EPC submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	Address Line 2	City	State	Zip	Mobile Phone	Phone
Sawmill Area NA	Julie	Henss	<a href="mailto:juliehenss@hotmail.com">juliehenss@hotmail.com</a>	1724 Band Saw Place NW		Albuquerque	NM	87104	5057107024	
Sawmill Area NA	Ralph	Roybal	<a href="mailto:ralphroybal67@gmail.com">ralphroybal67@gmail.com</a>	1735 Band Saw Place NW		Albuquerque	NM	87104	5059349776	
Wells Park NA	Mike	Prando	<a href="mailto:mprando@msn.com">mprando@msn.com</a>	611 Bellamah NW		Albuquerque	NM	87102		5054536103
Wells Park NA	Doreen	McKnight	<a href="mailto:djameson5966@gmail.com">djameson5966@gmail.com</a>	1426 7th Street NW		Albuquerque	NM	87102		5056152937
Sawmill Community Land Trust	Nancy	Deskin	<a href="mailto:ndeskin@sawmillclt.org">ndeskin@sawmillclt.org</a>	990 18th Street NW	2nd Floor	Albuquerque	NM	87104		5057640359

**IDO – Public Notice Requirements & Template:** <https://www.cabq.gov/planning/urban-design-development/public-notice>

**IDO – Neighborhood Meeting Requirements & Template:** <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

**IDO - Administration & Enforcement section:** <http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Par6.pdf>

Respectfully,

**Vicente M. Quevedo, MCRP**

Neighborhood Liaison  
 Office of Neighborhood Coordination  
 City of Albuquerque – City Council  
 (505) 768-3332

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



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**From:** webmaster=[cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) [mailto:[webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org)] **On Behalf Of** ISD WebMaster

**Sent:** Friday, May 10, 2019 11:42 AM

**To:** Office of Neighborhood Coordination <[info@paintedladyabq.com](mailto:info@paintedladyabq.com)>

**Cc:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>

**Subject:** Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Jesse Herron

Telephone Number

505-453-5161

Email Address

[info@paintedladyabq.com](mailto:info@paintedladyabq.com)

Company Name

Painted Lady Bed & Brew



*Neighborhood Meeting Letter – 1100 & 1106 Bellamah Ave NW*

May 14, 2019  
Wells Park Neighborhood Association  
Doreen Jameson, President  
1426 7th St NW

**Re: Neighborhood Meeting about Future  
Development Application**

Dear Ms. Jameson,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a **Zoning Map Amendment – EPC** proposed in or near your neighborhood before we submit an application. This would be an informal meeting where I, Jesse Herron (property owner), would present the proposal and we could discuss any ideas or concerns you may have.

**Contact Information**

Jesse Herron  
Albuquerque, NM 87104  
505-453-5161

**Project or Development Proposal**

1100 & 1106 Bellamah Ave NW  
Jesse Herron

**Zoning Map Amendment – EPC**

I am seeking a zone change at 1106 to match the existing zone at 1100 Bellamah Ave NW. In July of 2017, I successfully changed the zoning of 1100 Bellamah to **SU-1 for Boarding or Lodging to include the sale of Beer and Wine for On-premise Consumption**, and the 1106 (.1164 acre/5,070 sq ft) parcel is zoned R-1a. Under the new IDO, my SU-1 zoning is most closely translated to MX-T and therefore, I am requesting a zone change for 1100 and 1106 to MX-T.

**Per the IDO, you have 15 days from [date this letter is sent] to respond**, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application on 6/27/2019.

If you would like to meet, please let us know when your next regular neighborhood meeting is scheduled or provide a few alternative dates that fall within 30 days of your response to this letter.

Before submitting our application, we will send Mailed and/or Emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing at which the project will be reviewed and decided by the City.

The following is what we are currently proposing for this development:

*In 2014, I purchased 1100 Bellamah Ave NW, which was, at that time, a dilapidated apartment building. I revitalized the historic adobe building to be my home and also the Painted Lady Bed & Brew, a four-room tourist destination. I recently purchased a small house (formerly a bakery) on the adjacent property located at 1106 Bellamah Ave NW. I am looking to incorporate this new property into the Painted Lady Bed & Brew to offer more specialized amenities for my guests. In order to replat the parcels into one property, I am seeking a zone change at 1106 to match the existing zone at 1100 Bellamah Ave NW. In July of 2017, I successfully changed the zoning of 1100 Bellamah to **SU-1 for Boarding or Lodging to include the sale of Beer and Wine for On-premise Consumption**, and the 1106 (.1164 acre/5,070 sq ft) parcel is zoned R-1a. Under the new IDO, my SU-1 zoning is most closely translated to MX-T and therefore, I am requesting a zone change for 1100 and 1106 to MX-T.*

**Useful Links**

**Integrated Development Ordinance (IDO):**

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance> **IDO**

**Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

Jesse Herron  
Owner  
1100 & 1106 Bellamah Ave NW  
Albuquerque, NM 87104

7018 1130 0002 3428 8378

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Postage	\$0.55
Total Postage and Fees	\$6.85



Sent To: **Ralph Roubal**  
Street and Apt. No. or PO Box No.: **1735 Band Saw Place NW**  
City, State, ZIP+4®: **Albuquerque, NM 87104**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Sent To: **Julie Hens**  
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Postage	\$0.55
Total Postage and Fees	\$6.85



Sent To: **Mike Prando**  
Street and Apt. No. or PO Box No.: **611 Bellamah Ave NW**  
City, State, ZIP+4®: **Albuquerque, NM 87102**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

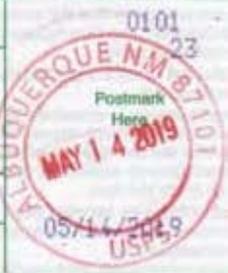
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55
Total Postage and Fees	\$6.85



Sent To: **Doreen Mcnigh**  
Street and Apt. No. or PO Box No.: **1426 7th St. NW**  
City, State, ZIP+4®: **Albuquerque, NM 87102**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage	\$0.55
Total Postage and Fees	\$6.85

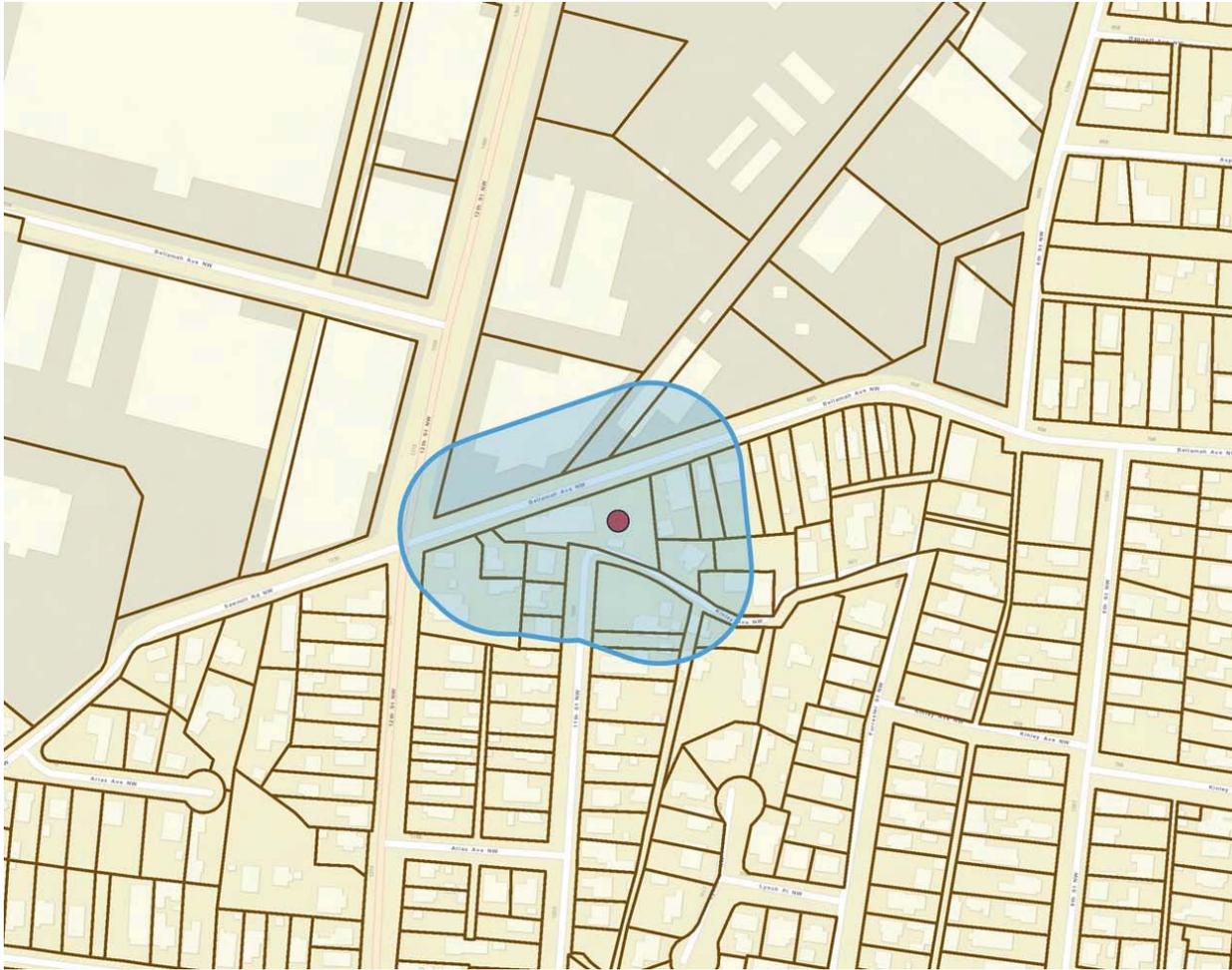


Sent To: **Nancy Berkin**  
Street and Apt. No. or PO Box No.: **990 18th St NW (2nd Floor)**  
City, State, ZIP+4®: **Albuquerque, NM 87104**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



# City of Albuquerque



## Legend

- Bernalillo County Parcels
- Municipal Limits**
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED

## Notes

494 0 247 494 Feet

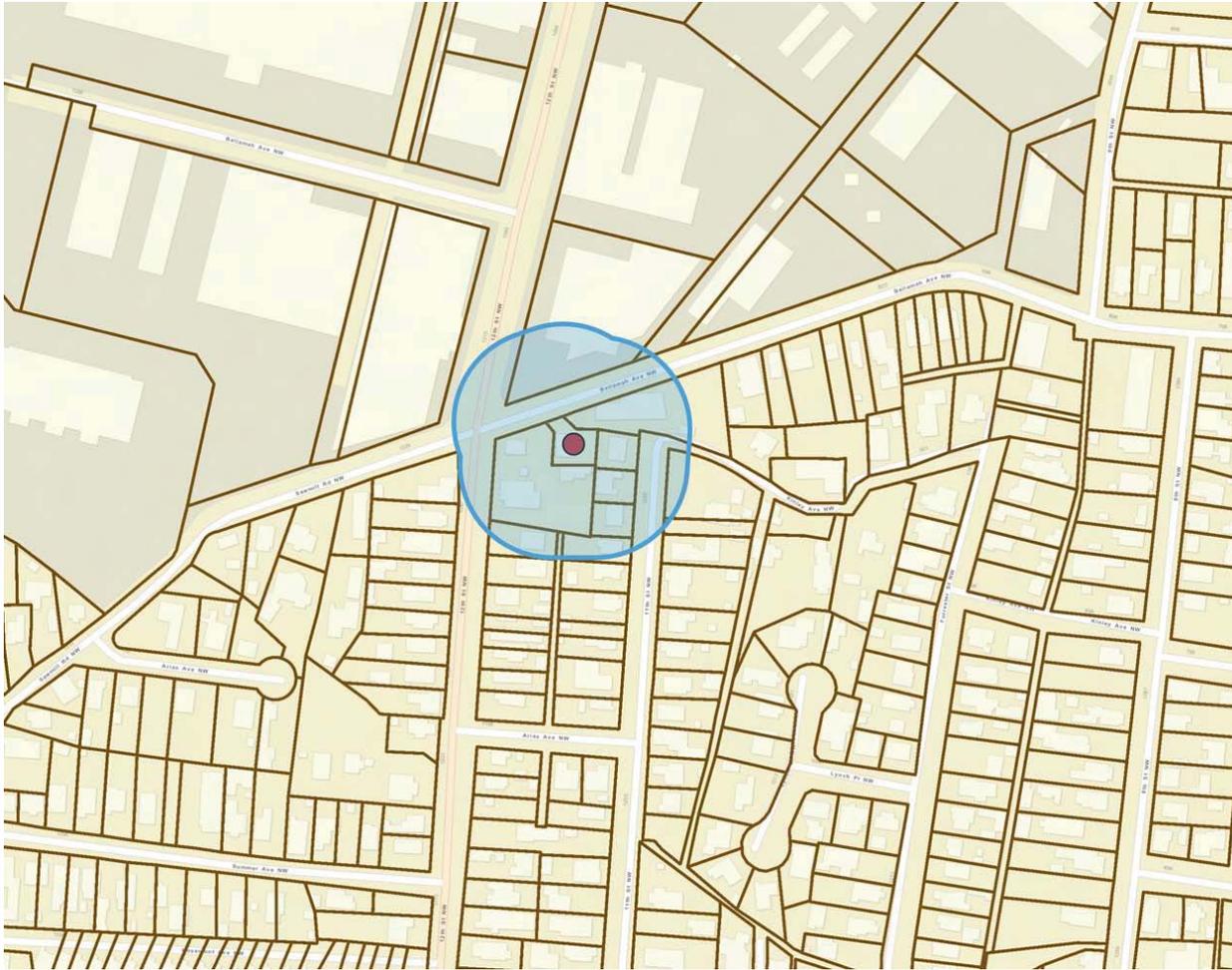
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1: 2,963

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# City of Albuquerque



## Legend

- Bernalillo County Parcels
- Municipal Limits**
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
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## Notes

494 0 247 494 Feet

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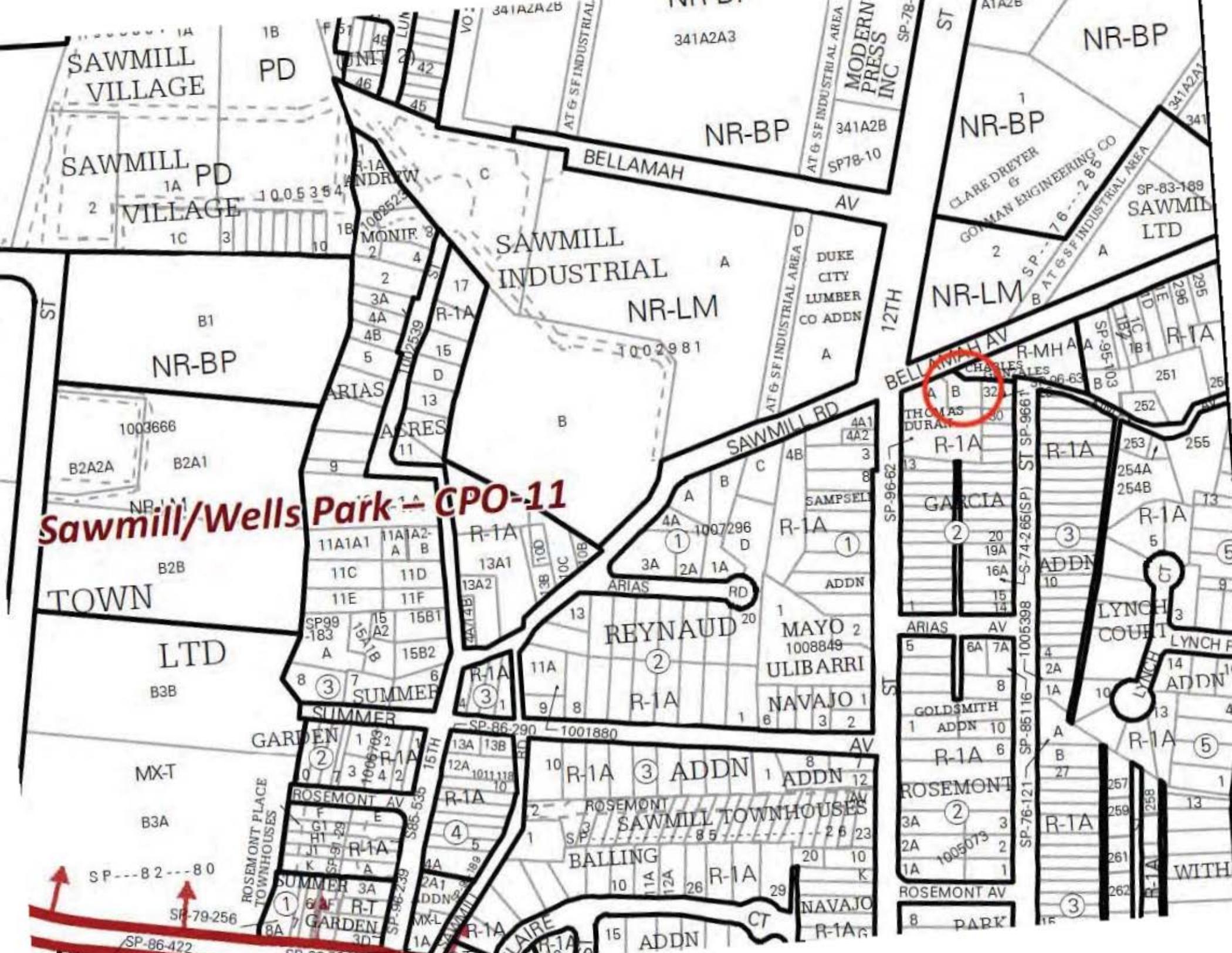
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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

Owner	Owner Address	Owner Address 2
HERRON JESS	1100 BELLAM	ALBUQUERQUE NM 87104
ST JOHN SAR	1239 11TH ST	ALBUQUERQUE NM 87104-2172
5GK LLC	P.O BOX 743	ALBUQUERQUE NM 87103
HERRON JESS	1106 BELLAM	ALBUQUERQUE NM 87104-2131
AT & SF RAIL	SANTE FE BLD	AMARILLO TX 79110
PENNINGTON	1010 SAWMILI	ALBUQUERQUE NM 87104-2130
SALINAS LEON	1222 11TH ST	ALBUQUERQUE NM 87104-2108
AMADOR EDW	128 CAMINO	ALBUQUERQUE NM 87107-6750
1011 SAWMILI	1251 S CLAY	DENVER CO 80210-2014
SALINAS LEON	1222 11TH ST	ALBUQUERQUE NM 87104-2108
CORNEJO HUG	909 KINLEY A	ALBUQUERQUE NM 87104
ROMERO LEON	1224 12TH ST	ALBUQUERQUE NM 87104-2114
VAZQUEZ JOS	1006 BELLAM	ALBUQUERQUE NM 87104-0000
KRUGER ASHL	1235 11TH ST	ALBUQUERQUE NM 87104
GONZALES JA	1229 11TH ST	ALBUQUERQUE NM 87104
EHN JACK M	912 KINLEY A	ALBUQUERQUE NM 87104-2147
AMADOR EDW	128 CAMINO	ALBUQUERQUE NM 87107-6750
PENNINGTON	1010 SAWMILI	ALBUQUERQUE NM 87104-2130
PADILLA PAUL	9347 ADMIRAI	ALBUQUERQUE NM 87111-1264
CARRILLO JO	3201 MEADE F	ALBUQUERQUE NM 87121

Owner	Owner Address	Owner Address 2
HERRON JESS	1100 BELLAM	ALBUQUERQUE NM 87104
ST JOHN SAR	1239 11TH ST	ALBUQUERQUE NM 87104-2172
5GK LLC	P.O BOX 743	ALBUQUERQUE NM 87103
HERRON JESS	1106 BELLAM	ALBUQUERQUE NM 87104-2131
AT & SF RAIL	SANTE FE BLD	AMARILLO TX 79110
FRANCIS GLOI	1223 11TH ST	ALBUQUERQUE NM 87102
SANCHEZ LIT	PO BOX 4024	ALBUQUERQUE NM 87196-0245
SALINAS LEON	1222 11TH ST	ALBUQUERQUE NM 87104-2108
ROMERO LEO	1224 12TH ST	ALBUQUERQUE NM 87104-2114
KRUGER ASHL	1235 11TH ST	ALBUQUERQUE NM 87104
GONZALES JA	1229 11TH ST	ALBUQUERQUE NM 87104
AMADOR EDW	128 CAMINO	ALBUQUERQUE NM 87107-6750

**Sawmill/Wells Park - CPO-11**



32

R-1A

GARCIA

2

19A

16A

15

14

ARIAS AV

5

6A 7A

8

GOLDSMITH

1 ADDN 10

R-1A 6

ROSEMONT

3A 2

2A 1005073

1A 1

ROSEMONT AV

8 PARK

15

3

R-1A

257

259

261

262

R-1A

258

WITH

13

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14

ADDN

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R-1A

3

ADDN

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LYNCH

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LYNCH

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254A

254B

73

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R-1A

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251

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R-1A

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[Note: Items with an asterisk (\*) are required.]

6/26/2019

[Date\*]

Jesse Herron

[Name\* of Property Owner or Neighborhood Association (NA) Representative, Name of NA]

1100 Bellamah Ave NW

[Address\* of Property Owner or NA Representative]

**RE: Public Notice of Proposed Project**

Dear \_\_\_\_\_ [Name\* of Property Owner or NA Representative],

In accordance with the procedures of the City of Albuquerque’s Integrated Development Ordinance

(IDO) **Subsection 14-16-6-4(K)(2) Mailed Public Notice**, we are notifying you as a

Property Owner \_\_\_\_\_ [Property Owner or NA Representative] that

Jesse Herron \_\_\_\_\_ [Name of Agent/Property Owner/Developer]

will be submitting the following application(s): [Application(s) per Table 6-1-1 in the IDO]

Site Plan - EPC

Site Plan - EPC

to be reviewed and decided by [Decision-making body per Table 6-1-1]

Environmental Planning Commission

The application(s) is/are for [description of project/request]

Zone change request from RM-H and R-1 to MX-T

1. Property Owner\* Jesse Herron
2. Agent\* [if applicable] Michelle Negrette
3. Subject Property Address\* 1100 & 1106 Bellamah Ave NW
4. Location Description Bellamah Avenue NW between 11th & 12th St.
5. Zone Atlas Page J-13-Z [Available here: <http://data.cabq.gov/business/zoneatlas/>]
6. Legal Description Tract Lettered "A", Lands of Charles B. Gonzales and for Tract B, Lands of Thomas Duran
7. Area of Property [typically in acres] .5204 ac (1100) & .1164 ac (1106)
8. IDO Zone District R-MH & R-1

[Note: Items with an asterisk (\*) are required.]

- 9. Overlay Zone(s) [if applicable] CPO-11 Sawmill/Wells Park
- 10. Center or Corridor Area [if applicable] \_\_\_\_\_
- 11. Current Land Use [vacant, if none] lodging & boarding, events, hospitality, on-site sale of beer & wine.
- 12. Deviations Requested [if applicable] None
- 13. Variances Requested [if applicable] None

The anticipated public hearing [meeting or hearing] for this request will be on 8/8/2019 [date] at 8:30 a.m. [time] in the Hearing Room (Basement Level) of Plaza Del Sol, 600 2<sup>nd</sup> St NW, Albuquerque, NM 87102.\*

You can check the agenda for the relevant decision-making body online here: <https://www.cabq.gov/planning/boards-commissions> or call the Planning Department at 505-924-3860.

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Section 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at (505) 453-5161 [phone number\*] or via info@paintedladyabq.com [email\*].

More information about the project can be found here: [project webpage\*, if applicable]

None

**Useful Links**

**Integrated Development Ordinance (IDO):**

<http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

Jesse Herron, Owner [Agent/Property Owner/Developer]

Cc: \_\_\_\_\_ [Other Neighborhood Associations, if any]

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City, State, ZIP+4<sup>®</sup>  
**ALBU, NM 87121**

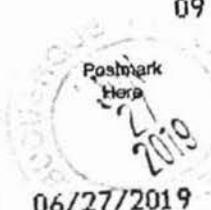
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	06/27/2019
Total Postage and Fees	\$6.85	

Sent To **PAUL PADILLA TRUSTEE PADILLA SOLA**  
Street and Apt. No., or PO Box No.  
**9377 ADMIRAL LOWELL PL NE**  
City, State, ZIP+4<sup>®</sup>  
**ALBU, NM 87111-1264**

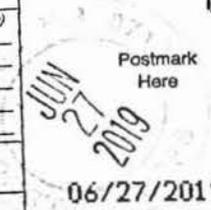
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Total Postage and Fees	\$6.85	

Sent To **LEOPOLDO ROMERO**  
Street and Apt. No., or PO Box No.  
**1224 12th ST NW**  
City, State, ZIP+4<sup>®</sup>  
**ALBU, NM 87104-2114**

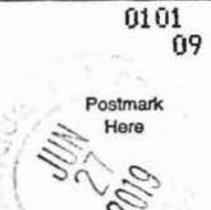
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	06/27/2019
Total Postage and Fees	\$6.85	

Sent To **JACK + PATRICIA EHN**  
Street and Apt. No., or PO Box No.  
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City, State, ZIP+4<sup>®</sup>  
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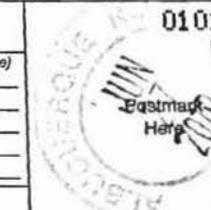
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June 11, 2019

Wells Park Neighborhood Association Sign-in Sheet

NAME	PHONE or EMAIL ADDRESS
PLEASE PRINT CLEARLY	
Jerry Miller	463-5824
GREG NIELSEN	505-604-1178 bluegrasshopperpub@gmail.com
Matthew Malt	mateoism@gmail.com
ROBIN GRANT	
Jacinto Placencio	Placencio Peace. Please
John Amos	Roseworks
Mark & Debbie Dunn	canc2004@ad.com
Lola Perkins	
Frank Holloway	frank@hollowspirits.com
JOE CALKINS	
Steph Madrid	s.d.madrid25@gmail.com
Theila Murphy	842-6272

## **Neighborhood Meeting Summary**

The attached letter was submitted to the neighborhoods indicated through the ONC process for a Neighborhood Meeting Request. Only the Wells Park Neighborhood Association Responded, requesting a presentation of the zone change request at their monthly meeting on June 11, 2019.

Mr. Herron and his agent, Michelle Negrette of Strata Design, attended the meeting. The meeting took place at the Wells Park Community Center on June 11<sup>th</sup>, 2019 at 6:30 pm. The sign in sheet is attached.

Mr. Herron explained that he is requesting a zone change on 1100 Bellamah NW from RM-H to MX-T to more closely match the existing SU-1 entitlements, Boarding and Lodging to include beer and wine for on premise consumption, and on 1106 Bellamah NW from R-1 to MX-T in order utilized the 1000 sqft structure on 1106 as an small event related building for meetings and weddings, as well as in the future a possible coffee shop or other neighborhood serving business.

Neighborhood Association members were familiar with the Painted Lady Bed and Brew and the improvements that Mr. Herron has made to the property. They wished for assurance that on site alcohol sales would be limited to beer and wine and would terminate by 10 pm. Mr. Herron assured them that his liquor license is for beer and wine only and that he intended to respect the 10 pm noise ordinance.

Based on this understanding, the Wells Park Neighborhood Association voted in support of the zone changes requested for 1100 and 1106 Bellamah NW.

## Somerfeldt, Cheryl

---

**Subject:** FW: Proposed Zoning Change 1100 and 1106 Bellamah Ave NW

**From:** Sarah St John [<mailto:sarahstjohn505@gmail.com>]  
**Sent:** Thursday, July 25, 2019 12:23 PM  
**To:** Renz-Whitmore, Mikaela J.; Brito, Russell D.  
**Cc:** [nmcorazon75@gmail.com](mailto:nmcorazon75@gmail.com); [droptine45@gmail.com](mailto:droptine45@gmail.com)  
**Subject:** Proposed Zoning Change 1100 and 1106 Bellamah Ave NW

Good Morning,

My name is Sarah St. John and I live at 1239 11th St NW, Albuquerque, NM 87104.

My neighbor, Mr. Jesse Herron, address 1100 and 1106 Bellamah Ave NW, Albuquerque, NM 87104, has requested to change combine his properties and change the zoning from R-1 & RM-H to MX-T.

I am a single mother who has lived in my home for 22 years, and because of Mr. Herron's recent acquisition of the property at 1106 Bellamah NW, his properties now surround 50% of my home.

The zoning change hearing is currently scheduled for 8/8/19 at 8:30 am. I will be out of town on 8/8/19 for the hearing, but it is imperative to my neighbors and I that we have a meeting with City Planning to discuss this zoning change.

We are all extremely concerned about zoning change request to MX-T because a zoning change would permanently change our residential neighborhood.

If he gets his zoning changed and expands his liquor operation to open a bar, which he plans to do to include his new property to the west of my residence at 1106 Bellamah NW, would be a grave concern to me and myself and my 6 year old son, as well as to my neighbors, because my home is approximately 50 feet from his proposed bar, and my neighbors, with a combined total of 7 minor children, are less than 300 feet from his property.

We are all extremely concerned of the effects of a zoning change to MX-T, because this would have a tremendous impact on our families. Mr. Herron currently hosts many events at his property, which include noise and drinking, and this would become a permanent occurrence if he were granted his zoning change.

Our neighborhood has always been a residential neighborhood, and many of my neighbors, and myself, have young children and grandchildren. We have worked very hard over the years to make out neighborhood a better place to live and do not need a huge commercial business abutting out properties.

We already live in a high crime area, property crimes, extreme drug use, auto theft, violence, etc. are rampant, and by granting Mr. Herron a zoning change and allowing him to expand his liquor operation, this would only increase the noise, crime, and potential drunk driving in our neighborhood, something we do not need.

I have called the Planning Department numbers listed on my Mailed Public Notice (505-924-3955 and 505-924-3860) three times, on 7/18/19 and 7/23/19, to request a Facilitated Meeting, which the Notice states is my right, and have left messages, but have never received a return call.

We are all taxpayers and have lived in our residential neighborhood for many years and would like to discuss our concerns with someone, can you please let me know what we need to do to make this happen?

Thank you very much,

Sarah St. John

(505-304-4192)

=====  
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## Somerfeldt, Cheryl

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**Subject:** FW: Proposed Zoning Change 1100 and 1106 Bellamah Ave NW

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**From:** Hummell, Tyson  
**Sent:** Friday, July 26, 2019 9:16 AM  
**To:** Brito, Russell D.; Sarah St John  
**Cc:** [nmcorazon75@gmail.com](mailto:nmcorazon75@gmail.com); [droptine45@gmail.com](mailto:droptine45@gmail.com); Aranda, James M.; Renz-Whitmore, Mikaela J.; Somerfeldt, Cheryl; Triplett, Shannon  
**Subject:** RE: Proposed Zoning Change 1100 and 1106 Bellamah Ave NW

Russell,

Thank you for this referral. We will be happy to assist. If you would like to discuss Mediation options, you may contact me directly at 768-4660. If you would like to schedule Mediation, please contact my assistant Shannon Gallagher at 768-4712.

Sincerely,

TRH

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### **TYSON HUMMELL**

managing assistant city attorney

o 505.768.4660

f 505.768.4655

[thummell@cabq.gov](mailto:thummell@cabq.gov)

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**From:** Brito, Russell D.  
**Sent:** Thursday, July 25, 2019 4:37 PM  
**To:** Sarah St John  
**Cc:** [nmcorazon75@gmail.com](mailto:nmcorazon75@gmail.com); [droptine45@gmail.com](mailto:droptine45@gmail.com); Aranda, James M.; Renz-Whitmore, Mikaela J.; Hummell, Tyson; Somerfeldt, Cheryl  
**Subject:** RE: Proposed Zoning Change 1100 and 1106 Bellamah Ave NW

RE: PR-2019-002570, RZ-2019-00037

Ms. St. John,

Tyson Hummel of the Alternative Dispute Resolution (ADR) program is cc'd on this reply so that he can begin the facilitated meeting process per your request. Please keep in mind that the applicant will have to be willing to participate because he has already attended a required neighborhood meeting with the Wells Park Neighborhood Association on 11 June 2019. But I hope that the applicant is willing to meet to describe the request to you and your neighbors and to hear your concerns related to it.

The staff planner, Cheryl Somerfeldt, is currently out of the office, but she is cc'd on this reply as well.

Please feel free to contact me with any other questions you may have.

Thank you,



**RUSSELL D BRITO**

division manager

urban design & development

o 505.924.3337

e [rbrito@cabq.gov](mailto:rbrito@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)