



# Environmental Planning Commission

Agenda Number: 03  
Project Number: 1010355  
Case #: 15EPC-40006  
Month, 12, 2015

## Staff Report

<b>Agent</b>	Garcia Kraemer and Associates
<b>Applicant</b>	Marble Avenue Properties, LLC
<b>Request</b>	Sector Plan Map Amendment (zone change)
<b>Legal Description</b>	Lot 7A Block 5 , Plat of Lot 7A block 5 of the Northern Addition
<b>Location</b>	located on Marble Avenue NW, between 1st Street NW and 2nd Street NW
<b>Size</b>	.65 acres
<b>Existing Zoning</b>	SU-2 C
<b>Proposed Zoning</b>	SU-2/SU-1 for M-1 uses

### Staff Recommendation

**APPROVAL** of 15EPC-40006 based on the Findings beginning on Page 14.

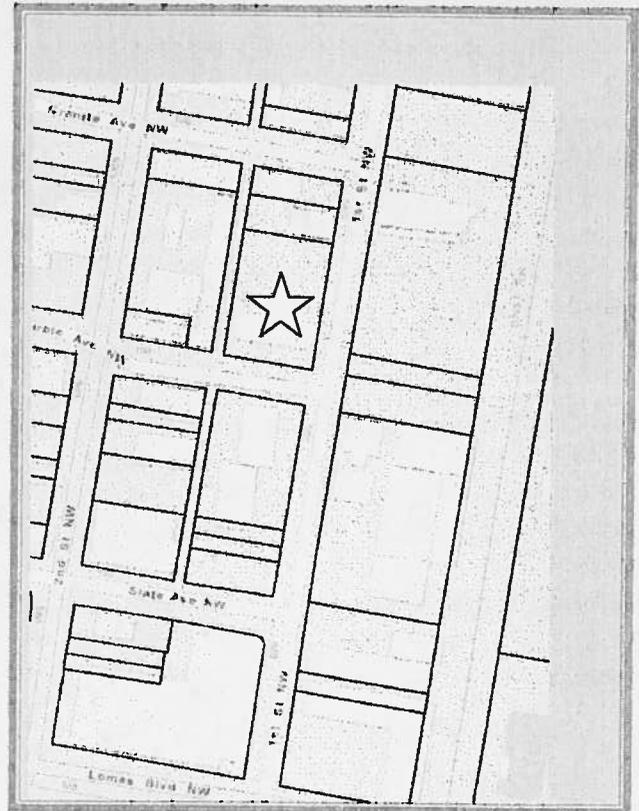
**Staff Planner**  
Maggie Gould, Planner

### Summary of Analysis

This is a request for a change in zoning from SU-2 C in the McClellan Park Plan to SU-2, SU-1 for M-1 uses, for a .65 acre site located on Marble Ave, between 1<sup>st</sup> street and 2<sup>nd</sup> ST. NW. The request will allow the expansion of production at the existing brewery and continuation of the existing pub and related activities.

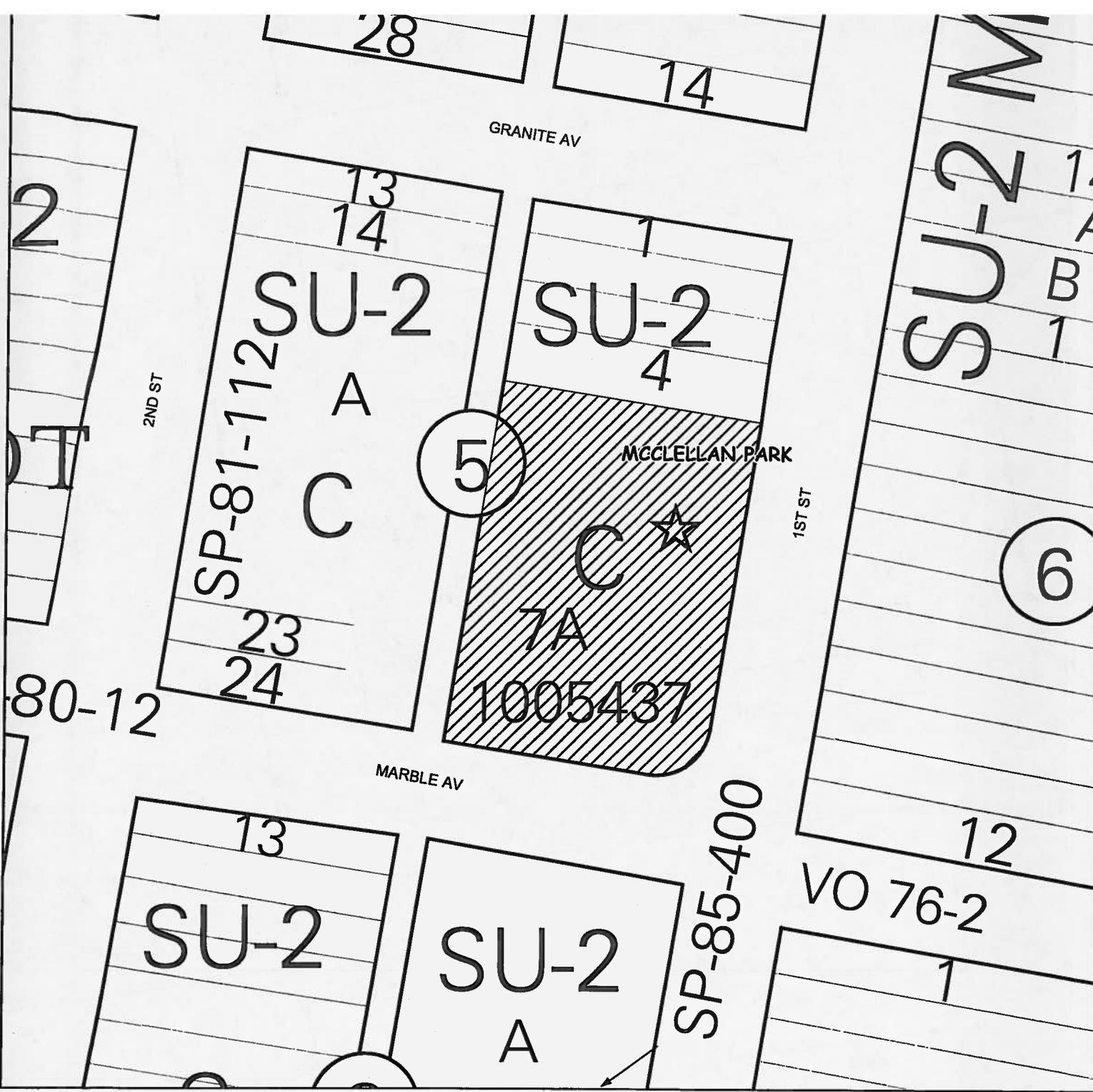
The applicant has justified the request pursuant to R-270-1980 as being more advantageous to the community because it will allow the expansion and continuation of a business that provides an economic benefit to the area and has helped to improve the designated Metropolitan Redevelopment area.

There is no known opposition to the request. Staff is recommending approval.



City Departments and other interested agencies reviewed this application from 02/02/15 to 02/13/15  
Agency comments used in the preparation of this report begin on Page 21.

Notes



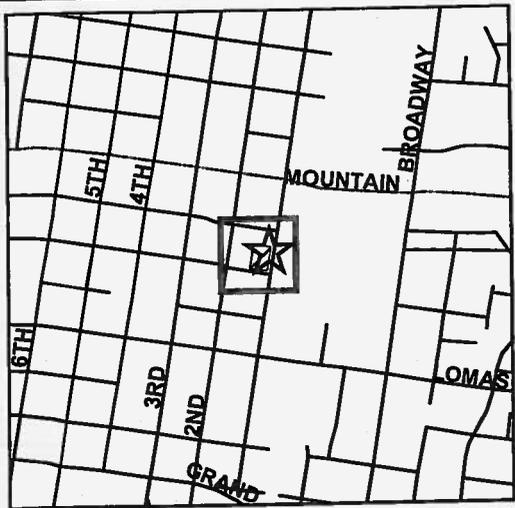
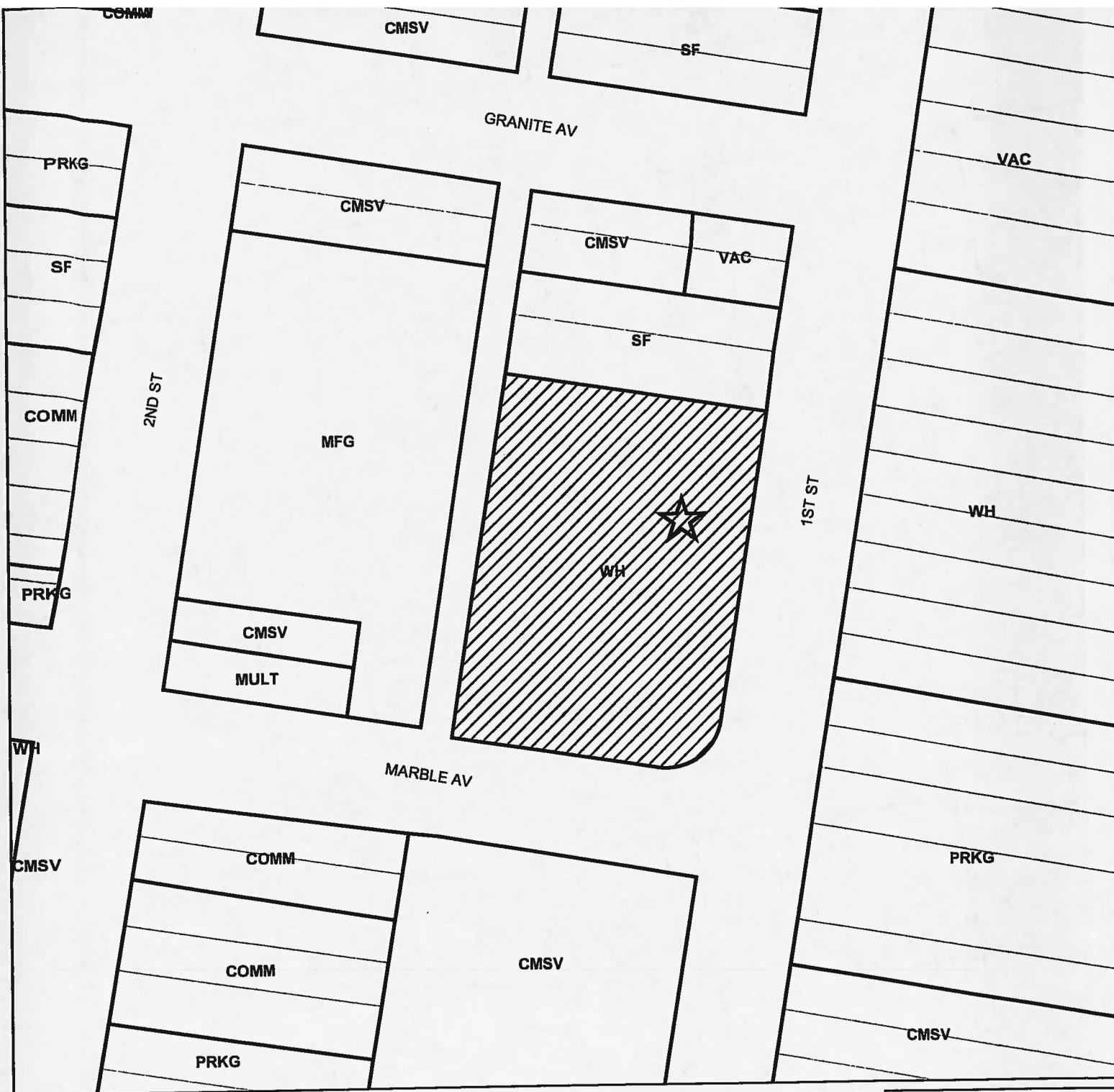
### ZONING MAP

Note: Grey shading  
Indicates County.



1 inch = 75 feet

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## LAND USE MAP

Note: Grey shading indicates County.

### KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



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GRANITE AV

ZA-78-99

ZA-80-95

SPR-83-15-1

AP-91-2

AP-91-1

1ST ST

MARBLE AV

ZA-88-218

V-62-2

88-257

### HISTORY MAP

Note: Grey shading indicates County.

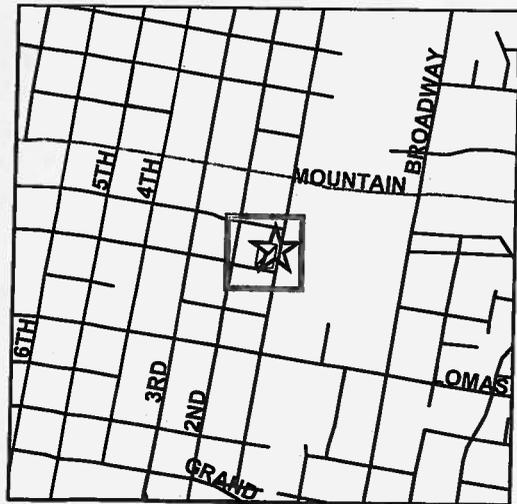


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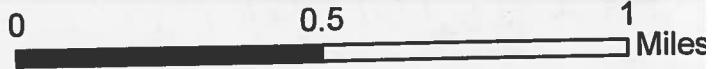


Public Facilities Map with One-Mile Buffer



- |                      |                         |                          |                             |
|----------------------|-------------------------|--------------------------|-----------------------------|
| COMMUNITY CENTER     | FIRE                    | APS Schools              | Landfill Buffer (1000 feet) |
| MULTI-SERVICE CENTER | POLICE                  | ABQ Ride Routes          | Landfills designated by EHD |
| SENIOR CENTER        | SHERIFF                 | ABQ Bike Facilities      | Developed County Park       |
| LIBRARY              | SOLID WASTE             | Proposed Bike Facilities | Undeveloped County Park     |
| MUSEUM               | Albuquerque City Limits |                          | Developed City Park         |
|                      |                         |                          | Undeveloped City Park       |

Project Number: 1010355



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2 C	Central Urban , McClellan Park SDP	Commercial
<b>North</b>	SU-2 C	Same	Residential/ office
<b>South</b>	SU-2 C	Same	Commercial ( Auto Body Repair)
<b>East</b>	SU-2 M	Same	Industrial ( truck storage)
<b>West</b>	SU-2 C	Same	Commercial ( Welding / auto repair shop)

**II. INTRODUCTION**

***Proposal***

This is a request to amend the zoning on the subject site from SU-2 C to SU-2/SU-1 for M-1 uses for a .6 acre site located on Marble Avenue and 1<sup>st</sup> in downtown. The zoning was imposed by the McClellan Park Plan so the request will amend the zoning map in that plan. If approved, the request will allow the expansion of beer production on the site while still allowing the pub and related uses.

***EPC Role***

The EPC is hearing this case because the EPC is required to hear all zone map amendment cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1), the SU-1 zone and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) then City Council 14-16-4-4-(A)(2). The case is a quasi-judicial matter.

***History/Background***

The applicant opened Marble Brewery on the subject site in 2008, prior to the use by the brewery the site was used by an industrial supply company.

The current zoning on the site was imposed by the McClellan Park Plan (MPP) which was established in 1984, and revised in 2002. Prior to the plan's adoption the site was zoned M-1.. The Plan generally encompasses properties between The BNSF Railroad tracks, Mountain Road, Fourth Street and Marble and Slate streets; specific boundaries are shown on Map 1, page 4 in the Plan. The Plan contains both a Sector Development Plan and a Metropolitan Redevelopment

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Plan. Site development plans for new construction or for significant renovations are reviewed by the Metropolitan Redevelopment Commission, now called the Albuquerque Development Commission, after review and approval by the Development Review Board (page 73 of the MPP).

The subject site has been through a variety of approval process prior to this request.

The Zoning Hearing Examiner granted a request for a Conditional use to allow manufacturing of beer in kegs and bottles in 2007 (07 ZHE 00321). This only included a portion of the existing site and allowed the manufacturing (brewing) of beer as an accessory use to the taproom (pub) use.

As required by the MMP, the DRB approved an initial site development plan for building permit in 2007 (DRB-00559), showing the existing building, cooling units and parking area to the north and small patio.

Between 2008 and 2014 City staff administratively approved the additions of a patio, outdoor stage, landscaping, shade structure and silo.

In 2011 the site added two lots to north bringing the site to its current .65 acre size. The original conditional use request did not include these lots.

The DRB approved a site development plan for building permit for the site in 2011 showing an addition of 6,980 square feet of existing the 6,800 square foot building to accommodate more production space. This addition clearly moves the brewing out of the accessory use category. When the applicant came to the City in 2014 to build the addition this error was noticed.

The Albuquerque Development Commission (ADC) should have reviewed the project following the DRB approval in 2011, as required by the MMP. The ADC did review and approve the DRB approved Site Development Plan in January of 2014. The approval letter is included in this report.

The proposed new zone will allow the full range of uses on the entire subject site without the need for future conditional use approvals.

### **Context**

The area contains a mixture of commercial, industrial and office development; including auto repair, welding, structured parking, cleaning service and one single family house.

Marble Brewery opened on the site in 2007 and is compatible with existing development. Staff reviewed the 311 record and found no complaints regarding noise, traffic, odor or site condition. The site's peak hours correspond with the off peak of many of the adjacent properties. The brewery hosts musical events on site.

Although not required by the McClellan Park Plan, there is on-site parking on the subject site, as well as off street parking throughout the area. Additionally, there is anecdotal information that many patrons walk or ride to the site.

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***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Lomas Boulevard as a Principal Arterial.

The Long Range Roadway System designates Mountain Road as a Collector street.

The Long Range Roadway System designates 1<sup>st</sup> Street as a Local street.

***Comprehensive Plan Corridor Designation***

The subject site is not on a street designated as a corridor in the Comprehensive Plan. Lomas Boulevard, approximately 750 feet from the site is a designated Enhanced Transit Corridor.

***Trails/Bikeways***

There are no bikes paths or routes directly adjacent to the subject site.

Mountain Road, approximately 600 feet from the subject site, is a designated bike route.

***Transit***

The nearest bus stop, served by the 7 and the 13 commuter routes, is located on 2<sup>nd</sup> Street approximately 500 feet from the subject site. The number 11 Lomas full service route stops about 750 feet from the subject site on Lomas Boulevard.

***Public Facilities/Community Services***

Refer to the Public Facilities Map in the packet.

***III. ANALYSIS***

***APPLICABLE ORDINANCES, PLANS AND POLICIES***

***Albuquerque Comprehensive Zoning Code***

The site's zoning is SU-2 C as outlined in the McClellan Park Plan( MPP). This zone corresponds to the C-2 zone except that there is no required setback or minimum lot size. Site development plans for new construction or for significant renovations are reviewed by the Metropolitan Redevelopment Commission now called the Albuquerque Development Commission.

The C-2 zone, as referenced in the MPP, allows a variety of commercial and service uses including retailing, restaurant with full service liquor, drive up service window, vehicle sales, banking and hospitals. Manufacturing, processing and assembling of products is allowed as a conditional use; accessory to a primary use that is not manufacturing, processing and assembling.

The proposed SU-2 /SU-1 for M-1 uses zone will allow both the permissive and conditional uses of the M-1 zone. These include manufacturing, large scale commercial uses, parking lot, trailer sales and automobile dismantling permissively and contractors yard, salvage yard community and residential treatment programs and retailing of alcohol for on and off premise consumption

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conditionally. Although many of the allowed uses are intense, the site will be controlled by the approved site plan and is also too small for many of the high intensity uses such as auto dismantling.

Additionally, production and distribution of products on the site are subject to all applicable regulations regarding alcohol at the state and federal levels, in addition to regulations imposed by the City. These include state required training for bartenders, alcohol license owners, convenience or grocery store clerks, and resident agent for license and waiters.

Retaining the SU-2 designation means that the subject site will have to comply with applicable process and regulations in the McClellan Park.

The applicant has been producing their beer under the original conditional use they received in 2007. As the business has grown the production on the site has also grown and now the production is no longer an accessory use. The M-1 zone uses will allow manufacturing, retailing, wholesaling and the sales for off-premise consumption.

### ***Definitions***

The City Zoning Code defines the SU-1 Zone:

**SU-1 Special Use Zone (§14-16-2-22).** This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

### ***Albuquerque / Bernalillo County Comprehensive Plan***

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located within the Established Urban Area of the Comprehensive Plan with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable policies include:

Policy II.B.5d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

***The subject site is not adjacent to a single family neighborhood, but is close enough to be accessible to existing neighborhoods. There is existing infrastructure for the site. The new building on site will be similar in character to the existing buildings in the area. The use allows the expansion and continuation of an existing business that has become recreation destination within the city. The request furthers Policy II.B.5d.***

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Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

*The subject site has access to a full range of urban services including streets, water and sewer and electrical service. The request furthers Policy II.B.5e.*

Policy II.B 5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

*The request will allow the expansion and continuation of the existing employment and service uses on the subject site. The subject site is not directly adjacent to a single family neighborhood, but is close enough to residential development that area residents could walk or bike to the site. The City 311 call center has not received any complaints regarding noise, traffic, odors or lighting. The request furthers Policy II.B 5i.*

Policy II.B 5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*The subject site is located in an older area within the Established Urban Area of the Comprehensive Plan. The request will allow the continued use and renovation of the site. The request furthers Policy II.B 5.o.*

Policy II.B 5p: Cost-effective redevelopment techniques shall be developed and utilized.

*The request will help the continued redevelopment and revitalization of the site by allowing the expansion and continuation of the uses on site. The owner has made several site improvements since 2007. These improvements improve the character of the area. The request furthers Policy II.B5p.*

#### Economic Development

Policy II.D.6a New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need. *The subject site is within a Metropolitan Redevelopment area; an area designated as blighted and need of redevelopment. The request will allow the production to expand and the retail area to continue; this will allow the business to remain the area and provide jobs in an area where they needed. 2010 Census data show that 355 of people in the 87102 zip code live below the poverty level. The request could provide employment to those who need it. The request furthers Policy II.D.6a.*

Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

*The applicant is the proprietor of a local business. The request will allow the expansion of the production side of the business and continuation of the retail portion of the business. The request furthers Policy II.D.6b*

Policy II.D.6d: Tourism shall be promoted.

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***The New Mexico Department of Tourism includes Marble Brewery on its Ale Trail tour map, a guide to microbreweries brew pubs and tap rooms. This is map and accompanying information is available on the department website and has been included in newsletters and the Balloon Fiesta guide. Marble has also been a stop on the local Bike and Brew tour through a local bike rental shop. These tours have been promoted through the Convention and Visitors Bureau. The request furthers policy II.D.6.d because it adds to the options for tourist activities and contributes to reputation of our area a destination.***

**Policy II.D.6g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.**

***The subject site is just outside of the Downtown Activity Center, the proposed zone will allow the expansion of production and the continuation of the taproom on the site. The brewery adds an additional employment option to the greater downtown area. The request partially furthers Policy II.D.6g.***

#### **Central Urban Area**

The subject site is located in the area designated Central Urban by the Comprehensive Plan with a Goal to "to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the city." "

The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5. as well as to those listed here. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

Applicable policies include:

***This request furthers the Central Urban goal by adding the activities in the area. The site hosts music performances and other community events.***

#### ***McClellan Park Plan (Rank 3)***

The McClellan Park Plan was first adopted in 1984, and revised in 2002. The Plan generally encompasses properties between The BNSF Railroad tracks, Mountain Road, Fourth Street and Marble and Slate streets; specific boundaries are shown on Map 1, page 4 in the Plan. The Plan contains both a Sector Development Plan and a Metropolitan Redevelopment Plan. The main purpose of the Plan is guide the redevelopment and revitalization of the area and recommends expanding the Downtown core. McClellan Park is now the location of the Federal Court House.

Relevant goals/policies include the following:

**Goal 2: Encourage high density commercial (including pedestrian oriented retail) office and residential activity within a substantial portion of the McClellan Park Area which will serve to complement the Downtown or eventually become part of the Downtown Core.**

***The proposed zoning will allow the continuation of the commercial uses on the site while expanding production. The subject site has the pedestrian friendly character that the plan calls for. The subject serves the entire metro area, but especially close to downtown and is***

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*complementary use to the existing restaurants and bars in the area. This request is consistent with goal 2.*

Objective 1: The area should contain a mixture of uses, architectural forms and building scales to create a quality urban environment that is varied, dynamic and oriented to people.

*The proposed zoning allows the continuation and expansion of an existing business that contains a mix of uses and is pedestrian scaled and oriented to the street. This request is consistent with Objective 1.*

Objective 7. The viability of existing businesses shall be protected during the rehabilitation and redevelopment of areas within the district

*The subject business was not in operation during the time that the plan was written. However, it is a business that exists now and embodies both the industrial character of the previous businesses in the area and the pedestrian oriented, more modern business that the plan seems to call for. This request is consistent with Objective 7.*

#### ***Resolution 270-1980 (Policies for Zone Map Change Applications)***

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests 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.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

#### ***Analysis of Applicant's Justification***

**Note:** Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

*The request will not adversely impact the health, safety, morals and general welfare of the City because the uses on the site will not change, only expand. The existing uses have not been inconsistent with the health, safety, morals and general welfare of the City; development on the site has helped to stabilize the area, prevent blight and provide a desired neighborhood service.*

***The allowed uses are similar to what is allowed on other property in the area, Staff agrees that the existing development seems to be compatible with the area. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.***

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

*The proposed zoning will allow the expansion of the existing business on the site which will provide jobs, stabilize the area and be more in line with the original uses and activities that were proposed with the original project.*

*The proposed zoning is consistent with the surrounding zoning. Allowing the existing use to continue and expand will provide a stabilizing influence on a somewhat blighted area.*

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

*Refer to policy analysis section in the staff report for complete analysis of policies.*

*The applicant cites Comprehensive Plan Policies II.B5a, II.B.5d, II.B.5e, II.B5i, II.B.5o II.D.6b, and II.D.6d and the Central Urban goal and Central Urban policy b.*

*Staff believes that policies II.B.5p, II.D.6a, and II.D6g are relevant to the request.*

*The applicant cites McClellan Park Plan objective 1, goal 1 and the zoning rationale on page 37.*

*Staff believes that Goal 2 and objective 7 of the McClellan Park Plan are also relevant to the request.*

*The applicant references Metropolitan redevelopment code- Article 60A which defines the conditions under which an area can be declared a Redevelopment area and the legislative intent of the Redevelopment Development Code (3-60A-3) which references the importance of improving redevelopment areas and creating employment opportunities .*

*Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.*

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
  2. Changed neighborhood or community conditions justify the change; or
  3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

*The applicant states that proposed zoning is more advantageous to the community as articulated in the applicable plans and polices. The existing use offers employment and a neighborhood service. The proposed zone will allow the continuation and expansion of this use.*

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***The request is not in significant conflict with the goals and policies of the applicable plans, and furthers many key goals and policies especially those regarding economic development and redevelopment. Staff agrees that the request is more advantageous to the community.***

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

***The uses are similar to what is allowed on the adjacent properties. The manufacturing and brewing of beer have not been proven harmful to the adjacent properties. There are no complaints on file about the property.***

***The proposed uses are similar to what is allowed on other properties in the area. The 311 call center data show no complaints regarding noise, traffic, odor or public intoxication. The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes are heard in a public hearing.***

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

***No major or programmed capital expenditures are required, roadway and utility infrastructure are already in place.***

***Staff agrees. The site has access to a full range of existing services and infrastructure. The applicant is not asking for City funding.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

***The applicant already owns the land. The determining factors in the request are the desire to expand a successful business and to allow infill and expansion to realize the policies and goals of the Comprehensive Plan, McClellan Park plan and Metropolitan Redevelopment Code.***

***Staff's Response The applicant has not cited the cost of land as part of the justification. The request furthers goals, policies and objectives of the applicable plans.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

***Applicant's Justification***

***The request is justified because it will further goals, policies and objectives of the applicable plans. The street location is not a factor in the justification.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

*The request will clearly facilitate the realization of the comprehensive plan and the sector plan. The approved site plan will assure compliance with standards now and in the future.*

*The SU-1 zone is generally considered a spot zone, but a justifiable spot zone, because clearly facilitates the goals and policies of applicable plans. The intent of the prohibition against spot is to ensure that non-compatible land uses are not adjacent to one another. The proposed uses are similar to the existing uses in the area. The SU-1 zone is site plan controlled. This gives clear picture of current and future development on the site.*

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*Applicant's Justification The site is not a strip zone. If approved, the request will result in a zoning designation that is not significantly different from the surrounding zonings. The request clearly facilitates the goals and policies of the applicable plans.*

*The intent of the prohibition against strip zones is to ensure that non-compatible land uses are not adjacent to one another. The proposed uses are similar to the existing uses in the area. The SU-1 zone is site plan controlled. This gives clear picture of current and future development on the site. Staff agrees that this is not a strip zone.*

### **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

#### **Request**

The applicant included in their submittal a copy of the DRB approved site plan for building permit (DRB10-70-158) that was approved by the DRB in 2011. A site plan is required for SU-1 zone change requests.

The MPP gives the DRB the authority to approve site plan for new development within the plan are. (page 73).

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The applicant is requesting approval of the zone change. The DRB approved site plan is included to fulfill the requirements of the zoning code and to give the EPC an idea of how development will proceed on the site. This process is similar to "as-built" sites, where a new use is proposed in an existing building and no or very few changes are proposed.

***Site Plan Layout / Configuration***

The subject site has an existing 6,816 square foot building which includes the production area, storage, warehouse and pub. The approved addition will be 6,980 square feet to accommodate additional production.

There is an outdoor patio attached to the south side of the building with outdoor seat and a stage (these uses were previously approved conditional uses).

***Public Outdoor Space***

There is an existing 20 foot by 70 foot shaded patio on the south side of the existing pub.

***Vehicular Access, Circulation and Parking***

The MPP does not require parking for retail uses, such as food and drink sales. The parking requirements are pursuant to §14-16-3-10 would be 1 space per 2,000 square feet of building for the warehouse use and 1 space per 1,000 square feet for the manufacturing use; for total of 9. A 19 space parking lot will be developed north of the building. Accessible and motorcycle parking were provided per the zoning code at one space per 25 parking space. One bicycle space is required; 6 are provided.

There is on street parking on the surrounding streets.

***Pedestrian and Bicycle Access and Circulation, Transit Access***

The site has pedestrian access from the exiting sidewalk along Marble Avenue and 1st Street. There are no bikes paths or routes directly adjacent to the subject site. Mountain Road, approximately 600 feet from the subject site, is a designated bike route.

The nearest bus stop, served by the 7 and the 13 commuter routes, is located on 2nd Street approximately 500 feet from the subject site. The number 11 Lomas full service route stops about 750 feet from the subject site on Lomas Boulevard.

***Walls/Fences***

There is an existing 6 foot tall wooden fence on the northern edge of the site. No new walls or fences are proposed.

***Lighting and Security***

There are existing lights on the patio area. No new parking lot lights are proposed.

***Landscaping***

There are existing Street trees along 1st street and Marble Avenue. Landscaping regulations, §14-16-3-10, require that 15% of the net lot area contain landscaping at 75% live plant coverage. The MPP

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requires landscaping for off street parking areas. The landscape plan shows 24% cover in the parking area and street frontages, with a mix of mostly low water plants that are generally successful in the Albuquerque area.

***Grading, Drainage, Utility Plans***

The site is relatively flat and will drain on to 1st Street and into a drain at the western edge of the site.

***Architecture***

The existing building is approximately 16 feet tall, the new building will be 30 feet in height and corrugated metal with windows and variation in color. The design meets the intent of zoning to have large facades broken up by changes in color, texture and material.

***Signage***

The existing SU-2 C zone allows signage pursuant to the C-2 zone, but does not allow freestanding signs. The proposed SU-2/SU-1 for M-1 uses zone would also require signage per the C-2 zone. The north and east elevations of the proposed new building will have 60 square foot signs painted on the building the read "Marble Brewery". The C-2 zone would allow building mounted signs to take up to 20 % of the façade area for this site. The east and south elevation have existing signs of approximately 60 square feet. The northern façade is approximately 2,220 square feet and the eastern façade is approximately 2,250 square feet. Each façade would be allowed approximately 450 square feet of signage. The proposed signs are consistent with the requirements of the zoning code.

***IV. AGENCY & NEIGHBORHOOD CONCERNS***

***Reviewing Agencies***

The commenting agencies had no concerns regarding the proposed zoning. The majority of the agencies provided "reviewed, no comment" as the comment.

***Neighborhood/Public***

There are no registered neighborhood or homeowners associations in the project area. The North Valley Coalition, which covers the area from 1-40 to Sandia Pueblo between 1-25 and the river, was notified in error. Most of City Council District 2 is within the boundaries of the North Valley Coalition. The area south of I-40 is within the Council district but outside the boundaries of the coalition. This is what led to the notification in error.

City staff sent notification to property owners within 100 feet of the site.

Staff has not received any public comment as of this writing.

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**V. CONCLUSION**

The applicant proposes to change the zoning from SU-2 C as outlined in the McClellan Park Plan to SU-2/ SU-1 for M-1 uses in order to expand production at the existing brewery and continue the onsite sales, pub and outdoor entertainment. The broad use category will allow the applicant to produce and distribute beer on a larger scale while maintaining the existing pub. The proposed new zone will allow the full range of uses on all of the subject site without the need for future conditional use approvals.

The request furthers many goals policies and objectives of the applicable plans. The applicant has justified the request pursuant to R-270-190 as being more advantageous to the community because it will allow the expansion and continuation of a business that provides an economic benefit to the area and has helped to improve the designated Metropolitan Redevelopment area.

There is an existing approved site development plan for building permit, approved by the development review board in 2011( DRB 10-70158). If this zone map amendment is approved that site plan will become the controlling site plan document. This request will amend the zoning maps in the McClellan Park Plan.

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***FINDINGS - 15 EPC 40006- March 12th, 2015- ZONE MAP AMENDMENT***

1. This is a request for a Sector Plan Map Amendment (zone change) for Lot 7A Block 5 , Plat of Lot 7A block 5 of the Northern Addition located on Marble Avenue NW, between 1st Street NW and 2nd Street and containing approximately .65 acres
2. The applicant proposes to amend the zoning on the site, thus amending the zoning map in the McClellan Park Plan from SU-2 C to SU-2/SU-1 for M-1 uses.
3. The subject site is within the McClellan Park Metropolitan Redevelopment Area.
4. The Development Review board approved a site development plan for building permit for the subject in 2011(DRB 10-70158) showing the expansion for a new production area.
5. The site plan submitted with this request becomes the approved site development plan for building permit because it has already been approved by the DRB in 201 (add number ) and will meet the requirement of §14-16-4-1(C)(16) of the Zoning Code.
6. Production and distribution of products on the site are subject to all applicable regulations regarding alcohol at the state and federal levels, in addition to regulations imposed by the City.
7. The Albuquerque Development Commission reviewed and unanimously approved the Site Development Plan for Building Permit (previously approved by the DBR in 2011) for the subject site on January 15<sup>th</sup>, 2015.
8. The Albuquerque/Bernalillo County Comprehensive Plan, McClellan Park Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
9. The subject site is within the Central Urban Area of the Comprehensive Plan (a sub-category of the Established Urban Area). The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

10. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. Policy II.B.5d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

The subject site is not adjacent to a single family neighborhood, but is close enough to be accessible to existing neighborhoods. There is existing infrastructure for the site. The new building on site will be similar in character to the existing buildings in the area. The use allows the expansion and continuation of an existing business that has become recreation destination within the city. The request furthers Policy II.B.5d.

- B. Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject site has access to a full range of urban services including streets, water and sewer and electrical service. The request furthers Policy II.B.5e.

- C. Policy II.B 5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The request will allow the expansion and continuation of the existing employment and service uses on the subject site. The subject site is not directly adjacent to a single family neighborhood, but is close enough to residential development that area residents could walk or bike to the site. The City 311 call center has not received any complaints regarding noise, traffic, odors or lighting. The request furthers Policy II.B 5i.

- D. Policy II.B 5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The subject site is located in an older area within the Established Urban Area of the Comprehensive Plan. The request will allow the continued use and renovation of the site. The request furthers Policy II.B 5o.

- E. Policy II.B 5p: Cost-effective redevelopment techniques shall be developed and utilized.

The request will help the continued redevelopment and revitalization of the site by allowing the expansion and continuation of the uses on site. The owner has made several site improvements since 2007. These improvements improve the character of the area. The request furthers Policy II.B5p.

Economic Development

F. Policy II.D.6a New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need. The subject site is within a Metropolitan Redevelopment area; an area designated as blighted and need of redevelopment. The request will allow the production to expand and the retail area to continue; this will allow the business to remain the area and provide jobs in an area where they needed. 2010 Census data show that 355 of people in the 87102 zip code live below the poverty level. The request could provide employment to those who need it. The request furthers Policy II.D.6a.

G. Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The applicant is a local business. The request will allow the expansion of the production side of the business and continuation of the retail portion of the business. The request furthers Policy II.D.6b

H. Policy II.D.6d: Tourism shall be promoted.

The New Mexico Department of Tourism includes Marble Brewery on its Ale Trail tour map, a guide to microbreweries brew pubs and tap rooms. This is map and accompanying information is available on the department website and has been included in newsletters and the Balloon Fiesta guide. Marble has also been a stop on the local Bike and Brew tour through a local bike rental shop. These tours have been promoted through the Convention and Visitors Bureau. The request furthers policy II.D.6.d because it adds to the options for tourist activities and contributes to reputation of our area as a destination.

I. Policy II.D.6g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

The subject site is just outside of the Downtown Activity Center, the proposed zone will allow the expansion of production and the continuation of the taproom on the site. The brewery adds an additional employment option to the greater downtown area. The request partially furthers Policy II.D.6g.

11. The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5: as well as to those listed here. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban.

This request furthers the Central Urban goal by adding the activities in the area. The business hosts music performances and other community events.

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12. The request is consistent with the McClellan Park Pan Goal 2: Encourage high density commercial (including pedestrian oriented retail) office and residential activity within a substantial portion of the McClellan Park Area which will serve to complement the Downtown or eventually become part of the Downtown Core.

- A. Goal 2: Encourage high density commercial (including pedestrian oriented retail) office and residential activity within a substantial portion of the McClellan Park Area which will serve to complement the Downtown or eventually become part of the Downtown Core.

The proposed zoning will allow the continuation of the commercial uses on the site while expanding production. The subject site has the pedestrian friend character that the plan calls for. The subject serves the entire metro area, but especially close to downtown and is complementary use to the existing restaurants and bars in the area. This request is consistent with goal 2.

- B. Objective 1: The area should contain a mixture of uses, architectural forms and building scales to create a quality urban environment that is varied, dynamic and oriented to people.

The proposed zoning allows the continuation and expansion of an existing business that contains a mix of uses and is pedestrian scaled and oriented to the street. This request is consistent with Objective 1.

- C. Objective 7. The viability of existing businesses shall be protected during the rehabilitation and redevelopment of areas within the district

The subject business was not in operation during the time that the plan was written. However, it is a business that exists now and embodies both the industrial character of the previous businesses in the area and the pedestrian oriented, more modern business that the plan seems to call for. This request is consistent with Objective 7.

13. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The allowed uses are similar to what is allowed on other property in the area, Staff agrees that the existing development seems to be compatible with the area. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

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The proposed zoning will allow the expansion of the existing business on the site which will provide jobs, stabilize the area and be more in line with the original uses and activities that were proposed with the original project. The proposed zoning is consistent with the surrounding zoning. Allowing the existing use to continue and expand will provide a stabilizing influence on a somewhat blighted area.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Refer to policy analysis section in the staff report for complete analysis of policies

The applicant cites Comprehensive Plan Policies II.B5a, II.B.5d, II.B.5e, II.B5i, II.B.5o II.D.6b, and II.D.6d and the Central Urban goal and Central Urban policy b.

Staff believes that policies II.B.5p, II.D.6a, and II.D6g are relevant to the request.

The applicant cites McClellan Park Plan objective 1, goals 1 and the zoning rationale on page 37.

Staff believes that Goal 2 and objective 7 of the McClellan Park Plan are also relevant to the request.

The applicant references Metropolitan redevelopment code- Article 60A, which defines the conditions under which an area can be declared a Redevelopment area and the legislative intent of the Redevelopment Development Code (3-60A-3) which references the importance of improving redevelopment areas and creating employment opportunities.

Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The request is not in significant conflict with the goals and policies of the applicable plans, and furthers many key goals and polices especially those regarding economic development and redevelopment.

- E. E.A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The proposed uses are similar to what is allowed on other properties in the area. The 311 call center data show no complaints regarding noise, traffic, odor or public intoxication. The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes are heard in a public hearing.

F. F.A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The site has access to a full range of existing services and infrastructure. The applicant is not asking for City funding.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The applicant has not cited the cost of land as part of the justification. The request furthers goals, policies and objectives of the applicable plans.

H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

#### Applicant's Justification

The request is justified because it will further goals, policies and objectives of the applicable plans. The street location is not a factor in the justification.

I. I.A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The SU-1 zone is generally considered a spot zone, but a justifiable spot zone, because clearly facilitates the goals and policies of applicable plans. The intent of the prohibition against spot is to ensure that non-compatible land uses are not adjacent to one another. The proposed uses are similar to the existing uses in the area. The SU-1 zone is site plan controlled. This gives clear picture of current and future development on the site.

J. J.A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and

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2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The intent of the prohibition against strip zones is to ensure that non-compatible land uses are not adjacent to one another. The proposed uses are similar to the existing uses in the area. The SU-1 zone is site plan controlled. This gives clear picture of current and future development on the site. Staff agrees that this is not a strip zone.

14. The subject site is not within the boundaries recognized neighborhood associations, homeowners associations or neighborhood coalitions.

15. Property owners within 100 feet of the subject site were notified. Staff has not received any public comment at the time of this writing.

***RECOMMENDATION - 15 EPC 40006- March 12th***

**APPROVAL of 15 EPC 40006, a request for Zone Map Amendment from SU-2 C to SU-2 SU-1 for M-1 Uses for Lot 7A Block 5 , Plat of Lot 7A block 5 of the Northern Addition, based on the preceding Findings.**

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Maggie Gould  
*Planner*

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

Garcia Kraemer and Associates  
Marble Avenue Properties

600 1<sup>st</sup> street NW suite 211  
PO Box 908

ABQ, NM 87102  
Santa Fe, NM 87540

***Attachments***

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

#### ***Office of Neighborhood Coordination***

No Neighborhood and/or Homeowner Associations

North Valley Coalition

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

#### ***Metropolitan Redevelopment Agency***

Staff planner met with MR staff to determine that project has gone through ADC review

### ***CITY ENGINEER***

#### ***Transportation Development***

No objection to the request.

#### ***Hydrology Development***

Reviewed, No comment

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

No objection to the request.

#### ***Traffic Engineering Operations***

***New Mexico Department of Transportation***

### ***WATER UTILITY AUTHORITY***

#### ***Utility Services***

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

### ***PARKS AND RECREATION***

#### ***Planning and Design***

Reviewed, no comment

#### ***Open Space Division***

OSD has reviewed and has no comments.

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**City Forester**

***POLICE DEPARTMENT/Planning***

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed Amended to Sector Development Map request at this time.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

No comments from Solid Waste

***FIRE DEPARTMENT/Planning***

Reviewed with No Comments

***TRANSIT DEPARTMENT***

Adjacent and nearby routes None

Adjacent bus stops None

Site plan requirements None

Large site TDM suggestions None.

Other information None

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed. No comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

This will have no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

MRMPO has no adverse comments.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

PNM has no comments based on information provided to date.



Looking northwest at the site from the southeast corner of 1<sup>st</sup> street and Marble Avenue



Looking west at the patio from across First Street.





Looking southwest at the site from 1<sup>st</sup> street



Looking north down the alley to the west (rear of the building)





Looking northeast at the property across 1<sup>st</sup> street from the subject site



Looking north along 1<sup>st</sup>, included for area context



- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.
- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.
- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.
- D. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. There was an error when the existing zone map pattern was created; or
  - 2. Changed neighborhood or community conditions justify the change; or
  - 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.
- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.
- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
  - 1. Denied due to lack of capital funds; or
  - 2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.
- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
  - 1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby

## HISTORY

**Planning Department**  
Rebecca Velarde, Manager  
Metropolitan Redevelopment Agency  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

**CITY OF ALBUQUERQUE  
ALBUQUERQUE DEVELOPMENT COMMISSION  
NOTIFICATION OF DECISION**

Commission Date: ..... 01/15/15  
Decision Date: ..... 01/15/15

In the matter of **Marble Brew Pub**, the Albuquerque Development Commission voted 5-0 unanimous in support of the project moving forward in the McClellan Park MRA Plan area. The Albuquerque Development Commission's decision was based on the following findings:

**FINDINGS:**

The project furthered redevelopment and investment by the private sector in the McClellan Park area. The project also furthered the urban center expansion to the north that builds on the importance of Downtown's centralized location in the City's growth pattern and its excellent accessibility. The significant investment in the McClellan Park area makes our Downtown core more sustainable for developing the character and quality of life for urban living.

**McClellan Park Plan Objectives:**

- Create a quality urban environment that is varied, dynamic, and oriented to people.
- This McClellan Park plan is needed to provide a cohesive framework for guiding redevelopment and to ensure infrastructure support adequate to accommodate potential urban center scale growth.
- The viability of existing businesses shall be protected during the rehabilitation and redevelopment of areas within the district.
- The Downtown core cannot expand to the south, west or east because of the established neighborhoods in those directions and the neighborhood sector plans which protect them and strengthen their residential character. Expansion to the north is the only remaining option.

Should you have any questions regarding this action, please call our office at (505) 924-3860.

Rebecca Velarde, Metropolitan Redevelopment Manager

Albuquerque Development Commission  
City of Albuquerque  
Metropolitan Redevelopment Agency



CITY OF ALBUQUERQUE  
OFFICE OF THE ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

**MARBLE BREWERY, INC.** request(s) a special exception to Section 14. 16. 2. 17. (B). (18): a **CONDITIONAL USE** to allow for the proposed manufacturing of beer in kegs and bottles for ~~wholesale~~ on all or a portion of Lot(s) 12, Block(s) 5, Northern Addition, zoned SU-2 and located at **111 MARBLE AVE NW** (J-14)

Special Exception No: ..... **07ZHE - 00321**  
Project No:..... **1005437**  
Hearing Date:..... **04-17-07**  
Closing of Public Record:..... **04-17-07**  
Date of Decision: ..... **04-30-07**

**STATEMENT OF FACTS:** The applicant, Marble Brewery, Inc., requests a conditional use to allow for the proposed manufacturing of beer for wholesale in kegs and bottles. Mr. Jeff Jinnett, one of the officers of the company, testified at the hearing that the proposed use will not cause injury to the neighborhood, adjacent properties, or the community, nor will it be damaged by surrounding structures or activities. He further testified that his company proposes to occupy an existing vacant warehouse on the property and upgrade it for beer manufacturing. The company also intends to have a tasting room on site. The proposed hours of operation will be 8:00 AM to 5:00 PM seven days a week depending on the demand. The applicant indicated that there will be no exhaust or fumes emitted from the proposed brewery, and that the operation will be non-intrusive due to being situated in an industrial area. The applicant stated that they plan to fully comply with landscaping, lighting, signage, and noise abatement regulations. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

**FINDINGS AND CONCLUSIONS:** I find that this request complies with Section 14. 16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

**DECISION:** Approved.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on May 15, 2007 in the manner described below:**

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the Zoning Hearing Examiner's decision letter. Appeals

07ZHE-00321 (continued)

April 30, 2007

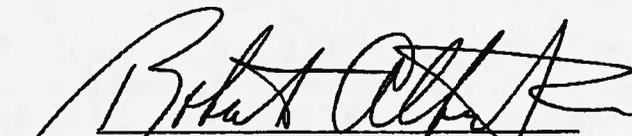
are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Department shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B). of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Roberto Albertorio, Esq.

Zoning Hearing Examiner

cc: Zoning Enforcement (2)  
ZHE File (2)  
Jeff Jinnett, 4056 Cerrillos Rd, Ste F-6, Santa Fe, NM 87507



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

JEFF JINNETT (RYAN STAUDHAMMER, AGENT) request(s) a special exception to Section P. 79 IV. A. 2. and 14-16-2-17(B)(11): a CONDITIONAL USE to allow for existing outdoor activity (musical entertainment) at the Marble Brewery outdoor patio in a SU-2/C zone on all or a portion of Lot(s) 9A, Block(s) 5, NORTHERN ADDN zoned SU-2, located at 111 MARBLE AVE NW (J-14)

Special Exception No:..... 09ZHE-80369  
Project No: ..... Project# 1008038  
Hearing Date: ..... 11-17-09  
Closing of Public Record: ..... 11-17-09  
Date of Decision: ..... 11-30-09

**STATEMENT OF FACTS:** The applicant, Jeff Jinnett, requests a conditional use to allow for existing outdoor activity (musical entertainment) at the Marble Brewery outdoor patio in an SU-2/C zone. Ryan Staudhammer, agent for the applicant, testified if approved they will have live music outdoors on their bandstand. Days and hours of such activity will be Thursday through Saturday from 8:00 p.m. to 11:30 p.m. He indicated that there is sufficient off-street parking. They will comply with all lighting and noise ordinances. Mr. Staudhammer was advised that if this request were approved that a condition would be placed on the approval stating that if this business were to be sold; the approval would not apply to any new owners. There are several letters of support noted in the file. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

**FINDINGS AND CONCLUSIONS:** I find that this request complies with Section 14.16.4.2.(C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

**DECISION:** Approved with conditions.

**CONDITION:**

1. This approval will be immediately vacated if this business is sold.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on December 15, 2009 in the manner described below:**

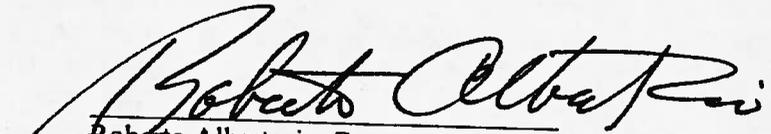
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4.(B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.

  
Roberto Albertorio, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Jeff Jinnett, 4056 Cerrillos Road, Suite F6, 87507  
Ryan Staudhammer, 111 Marble Avenue NW, 87102

3.  **Project# 1007871**  
09DRB-70379 MAJOR - PRELIMINARY  
PLAT APPROVAL  
09DRB-70380 SIDEWALK WAIVER  
09DRB-70381 SUBDIVISION DESIGN  
VARIANCE FROM MIN DPM STDS

ISAACSON AND ARFMAN PA agent(s) for BISHOP'S COMPOUND, LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 2 & 3, **ALVARADO GARDENS UNIT 3 [TBKA BISHOP'S COMPOUND]**, zoned R-LT, located on CANDELARIA RD NW between RIO GRANDE BLVD NW and CALLE SAN YSIDRO NW containing approximately 1.3379 acre(s). (G-12) [*Deferred from 1/6/10, 1/27/10*] **DEFERRED TO 3/10/10 AT THE AGENT'S REQUEST.**

**SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND  
MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)**

4.  **Project# 1005437**  
~~10DRB-70042 MAJOR - AMENDED  
SDP BP/SUBD~~  


MARBLE BREWERY request(s) the above action(s) for all or a portion of Lot(s) 9-12, Block(s) 5, SU-2 located on MARBLE AVE SW BETWEEN 1ST NW AND 2ND ST NW (J-14) **THE AMENDED SITE PLAN FOR BUILDING PERMIT AND SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO INCLUDE THE LATEST APPROVED PLAN AS SHEET 2, AND 3 COPIES OF THE APPROVED SITE PLAN PLUS MYLAR.**

5.  **Project# 1008069**  
10DRB-70026 EPC APPROVED SDP  
FOR BUILD PERMIT  
10DRB-70027 EPC APPROVED SDP  
FOR SUBDIVISION  
10DRB-70028 MINOR - PRELIMINARY/  
FINAL PLAT APPROVAL

JOSHUA SKARSGARD agent(s) for RESOLUTION EQUITITES LLC request(s) the above action(s) for all or a portion of Lot(s) 13 & portions of 20 & 21, **NORTH ALBUQUERQUE ACRES**, zoned SU-2 MU, located on HOLLY AVE NE BETWEEN WYOMING NE AND PASEO DEL NORTE NE containing approximately 1.75 acre(s). (C-19)[*Deferred from 1/27/10*] **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER FOR SIA AND TO PLANNING FOR CASE PLANNER APPROVAL. THE SITE PLAN FOR SUBDIVISION WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CASE PLANNER'S INITIALS. WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 2/27/10, THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR COMPLETION OF THE SITE PLANE FOR SUBDIVISION AND COPY OF AGIS DXF FILE.**

4. **Project # 1003993**  
07DRB-00591 Minor-SiteDev Plan  
BldPermit/EPC

SUJAY THAKUR request(s) the above action(s) for all or any portion of Tract(s) A-37-1, **NE UNIT TOWN OF ATRISCO GRANT**, zoned SU-1 O-1 located on COORS BLVD NW between ST JOSEPHS NW and SEQUOIA NW containing approximately 4 acre(s). [REF: EPC07-00113, EPC07-00112, 06DRB01003, 06DRB01005] **[Maggie Gould, EPC Case Planner]** [*Indef deferred on 5/16/07*] (G-11) **INDEFINITELY DEFERRED ON A NO SHOW. LATER DEFERRED TO 5/23/07.**

5. **Project # 1002404**  
07DRB-00535 Minor-SiteDev Plan  
BldPermit/EPC

GEORGE RAINHART ARCHITECTS agent(s) for WALGREEN CO. request(s) the above action(s) for all or any portion of Lot(s) 1C, LADERA INDUSTRIAL CENTER (to be known as **WALGREENS @ VISTA ORIENTE AND UNSER**) zoned SU-1 FOR IP USES located on UNSER BLVD NW between VISTA ORIENTE NW and AUSTIN AVE NW containing approximately 2 acre(s). [REF: 07EPC-00104] **[Carol Toffaleti, EPC Case Planner]** [*Deferred from 05/02/07 & 05/09/07*] (H-9) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT FOR SIDEWALK EASEMENTS AND INFRASTRUCTURE LIST ITEMS TO BE PLACED ON THE SITE PLAN AND TO PLANNING FOR 3 COPIES.**

6. **Project # 1005437**  
07DRB-00559 Minor-SiteDev Plan  
BldPermit

STUDIO SOUTHWEST ARCHITECTS agent(s) for MARBLE BREWERY INC request(s) the above action(s) for all or any portion of Lot(s) 9-12, Block(s) 5, (to be known as **MARBLE BREWERY**) zoned SU-2 C, located on the northwest corner of 1<sup>ST</sup> ST NW and MARBLE AVE NW and containing approximately 1 acre(s). [*Deferred from 05/09/07*] (J-14) **THE SITE PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR APPROVAL BY ADC SEVERAL COMMENTS AND 3 COPIES OF THE PLAN.**

15. **Project # 1005437**  
07DRB-00531 Minor-Prelim&Final Plat  
Approval

ABQ ENGINEERING INC agent(s) for SANTA FE PROPERTIES request(s) the above action(s) for all or any portion of Lot(s) 9 thru 12, **NORTHERN ADDITION**, zoned SU-2 C located on MARBLE SW between 1<sup>ST</sup> ST SW and 2<sup>ND</sup> ST SW containing approximately 1 acre(s). [Defer from 05/02/07] (J-14) **PRELIMINARY AND FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING TO RECORD.**

**NO ACTION IS TAKEN ON THESE CASES:**  
**APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING**

16. **Project # 1005549**  
07DRB-00594 Minor-Sketch Plat or Plan

VINCENT MARTINEZ request(s) the above action(s) for all or any portion of Lot(s) 19 & 20, **ANDERSON ADDITION**, zoned S-R, located on MCKINLEY NW between 8<sup>th</sup> ST NW and FORRESTER NW containing approximately 1 acre(s). (J-14) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

17. Approval of the Development Review Board Minutes for May 9, 2007. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR MAY 9, 2007 WERE APPROVED.**

ADJOURNED: 10:55 A.M.

ZONING

**§ 14-16-2-17 C-2 COMMUNITY COMMERCIAL ZONE.**

This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

(A) **Permissive Uses.** Permissive uses, provided there is no outdoor storage except parking and as specifically allowed below:

- (1) Antenna, up to 65 feet in height.
- (2) Clinic.
- (3) Copying, blueprinting.
- (4) Institution:
  - (a) Club.
  - (b) Day Care Center.
  - (c) Library.
  - (d) Museum.
  - (e) School, including caretaker's mobile home.
- (5) Office.
- (6) Park-and-ride temporary facilities.
- (7) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
- (8) Residential uses permissive in the R-3 Zone with the following requirements and exceptions:
  - (a) Relationship to Sector Development Plans.
    1. Where SU-2 zones refer to the C-2 zone and specify regulations for residential uses that impose different restrictions and/or development standards than those contained in this section, the provisions of the SU-2 zones shall prevail.
    2. Where SU-2 zones refer to the C-2 zone but do not specify provisions for the regulation of residential uses, residential development shall be regulated by section (B)(6) below.
  - (b) Site, or any portion thereof, shall be located within 660 feet from the right-of-way line of a Major or Enhanced Transit Corridor or within a Community or Major Activity Center as designated by the Comprehensive Plan, or be located within a designated Metropolitan Redevelopment Area (MRA).
  - (c) Houses are not allowed.

- (d) Residential uses may be part of a vertical mix of uses (e.g., residential over commercial or residential over office).
- (e) Where residential uses are proposed, the following regulations shall apply:
1. Area: minimum of 0.5 acres.
  2. Height: Pursuant to the R-3 Zone.
  3. Number of dwelling units: Maximum 30 dwelling units per acre; however, residential structures constructed in applicable sites located within 660 feet of the centerline of San Mateo Blvd., Central Ave. and Montgomery Blvd. may have up to 75 dwelling units per acre.
  4. Density: The total square footage of all buildings shall achieve a minimum floor area ratio of 0.3.
  5. Usable open space: Pursuant to the R-3 Zone. At least 50% of the required open space shall be provided in the form of shared or aggregate open space.
  6. Parking requirements and allowances:
    - a. One space/unit;
    - b. Shared Parking: As provided in § 14-16-3-1(E)(6)(b) except that parking for residential uses is eligible for a shared parking exception.
    - c. On-street parking credit: one space per available, adjacent on-street parking space.
  7. Approval process: Site Development Plan for Building Permit approval by the Environmental Planning Commission for sites five acres in size and larger. Site development plan approval by the Planning Director or his/her designee for sites under five acres in size.
  8. For new residential development, in addition to the applicable General Regulations in the City Zoning Code, the following regulations must also be met:
    - a. Building Frontage and Articulation. The following regulations shall apply to all facades fronting a street:
      - i. The design standards of § 14-16-3-18(C)(2)(a), (b), (c), (d) and (e) shall apply.
      - ii. The design standards of § 14-16-3-18 (D)(2), except section (h), shall apply.
      - iii. A minimum of 30% of the ground floor shall have windows. For facades with doors, the percentage of windows may be reduced to 20%.
      - iv. Upper floors shall have a minimum of 20% glazing.

- v. The primary entry to the building shall be oriented toward the street or within 50 feet of a central courtyard.
  - b. Alleys: Existing alleys should remain in place to provide access to a site.
  - c. Building Placement:
    - i. Buildings shall be set back 0 to 15 feet from property lines adjacent to a street.
    - ii. Side and rear setbacks shall be pursuant to the underlying zone.
  - d. Pedestrian Access: Residential uses shall provide direct pedestrian connections from the residential building(s) to all street sidewalks and to other building(s) on the premise or project site. See § 14-16-3-1(H).
  - e. Landscaping:
    - i. Building setbacks not used for pedestrian activity shall have a minimum landscape area of 50%. Asphalt is not a permitted material within the setback area.
    - ii. Landscaping on roof decks may be counted toward the required area landscaping as regulated by § 14-16-3-10.
  - f. Parking Placement: Parking shall be located to the rear or to the side of a building, in a common parking area located interior to the block, or in a combination of the above. Parking is not permitted between a building and the street on which it fronts. Parking areas between a building and a side street are limited to 64 feet in width and shall have landscaped buffers facing the streets with a minimum depth of four feet and a screen wall with a minimum height of 36 inches. Wall material shall be as regulated by § 14-16-3-19(c).
  - g. Signage: Signage shall be as regulated by the O-1 zone, with the following exceptions:
    - i. Building-mounted signs shall be limited to 25 square feet.
    - ii. No more than one wall-mounted sign per building façade.
    - iii. Freestanding signs are not permitted on premises of under five acres.
    - iv. The maximum height of freestanding signs is eight feet.
9. Redevelopment of existing structures that results in a net 25% increase in square footage shall comply with the preceding regulations as determined by the Planning Director or his or her designee.
- (9) Sign, off-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.

1. Only wall signs and free-standing signs are permitted in the Established or Redeveloping Areas.
  2. Only wall signs are permitted in the Developing or Semi-Urban Areas except that free-standing signs designated to be read from the Interstate Highway and with at least one edge within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, are also permitted.
  3. Separation.
    - a. No sign shall be nearer than 300 feet to any other off-premise sign.
    - b. No sign within 660 feet of the nearest edge of the public right-of-way of an Interstate Highway shall be nearer than 1,000 feet to any other off-premise sign.
    - c. But divisions a. and b. above shall not apply as to the distance between two signs separated by a building or other obstruction where the face of only one sign is visible from any point on the public right-of-way.
    - d. But divisions a. and b. above shall not apply to signs which are at some point within five feet of each other and only one of the sign faces is designed to be read from any given lane of traffic.
  4. No free-standing sign erected after January 1, 1976, shall be nearer than 100 feet to any preexisting on-premise sign.
  5. Setback
    - a. No sign shall be nearer than seven feet to any public street right-of-way, except a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
    - b. No sign shall overhang a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
  6. No free-standing sign shall be nearer than 150 feet to any conforming residential property.
- (b) Size.
1. Free-standing sign area of any one sign shall not exceed 300 square feet plus an additional add-on sign area of 18 square feet, except that within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the area of any one sign designed to be read from the Interstate Highway may be up to but shall not exceed 672 square feet plus an additional add-on sign area of 34 square feet. Free-standing sign length shall not exceed 60 feet.
  2. Wall sign area shall be controlled by the provisions of division (9)(c)2. of this division (A).
- (c) Height.

1. Sign height shall not exceed 26 feet, except:
    - a. As provided in division 2. below; and
    - b. the height of an add-on sign may be up to but shall not exceed 31 feet.
  2. Within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the height of the highest point of the sign shall not exceed 29 feet, measured either from grade or from the elevation of the Interstate Highway at its closest point, except the height of an add-on sign may be up to but shall not exceed 34 feet, measured in the same way.
- (d) Illumination, Motion: No regulations, apart from the general sign regulations.
- (10) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.
    1. Building-mounted signs extending above the height of the building shall be permitted only if they are:
      - a. A continuation of the plane of a projecting sign or of the nearest facade; or
      - b. Counted and controlled by all number, size, and height regulations for free-standing signs, including division (c)2.b. below.
    2. A sign shall not overhang into the public right-of-way more than five feet.
    3. Projecting signs shall not project horizontally more than five feet, except marquee signs are permitted to project ten feet.
  - (b) Number.
    1. In the Established or Redeveloped Areas. One free-standing or projecting sign shall be permitted for each street frontage of each premises or joint sign premises which has at least 100 feet of street frontage, or one per 300 feet of total street frontage (e.g., up to two signs allowed if 630 feet of frontage), whichever is more permissive. A portable sign may also be permitted pursuant to the General Signage Regulations.
    2. In the Developing, Semi- Urban, or Rural and Open Areas.
      - a. No free-standing signs on sites of under five acres except a portable sign may also be permitted pursuant to the General Signage Regulations.
      - b. One free-standing sign per street frontage shall be permitted on premises of five acres or more, provided the street frontage is at least 100 feet wide.
      - c. One free-standing sign shall be permitted on a premises with 250 feet or more of street frontage but an area under five acres, provided the maximum sign area for each of one or two faces shall not exceed 35 square feet per face.
    3. One canopy sign per entrance or exit shall be permitted.

4. No limit on number of wall signs.

(c) Size.

1. Size of Free-Standing and Projecting Signs. Sign area for a free-standing or projecting sign shall not exceed the following area:
  - a. Seventy-five square feet if the most important street abutting the lot is a local street.
  - b. One hundred square feet if the most important street abutting the lot is a collector street.
  - c. Two hundred and fifty square feet if the most important street abutting the lot is an arterial street or freeway (if division d. below does not apply).
  - d. Three hundred square feet if the sign is within 200 feet of a moving lane of a freeway and is visible from the freeway; in addition to the regular limits on numbers of signs, there shall be no more than one sign this large per business.
2. Size, Building-Mounted Signs, Except Projecting Signs.
  - a. A building-mounted sign on premises or joint sign premises where there is no free-standing on- or off-premise sign shall not exceed the following:
    - i. Twenty percent of the area of the facade to which it is applied, if the sign area is not wholly visible from an abutting collector street, arterial street, or freeway;
    - ii. Twenty-five percent of the area to which it is applied, if the sign area is wholly visible from an abutting collector street; or
    - iii. Thirty percent of the area of the facade to which it is applied, if the sign area is wholly visible from an abutting arterial street or freeway.
  - b. A building-mounted sign on premises or joint sign premises where there is a free-standing or projecting on- or off-premise sign shall not exceed one-half the percentage of facade area listed in division a. above.
  - c. An off-premise wall sign may be substituted for the area which otherwise would be permitted for an on-premise sign; such sign shall be regulated by height regulations for off-premise signs.

(d) Height.

1. Height of a free-standing sign shall not exceed 26 feet, except a sign which is within 200 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, may be up to but shall not exceed 26 feet above the freeway at its closest point.
2. Height of a building-mounted sign shall not exceed five feet above the height of the building, or it shall not exceed 30 feet, whichever is lower.

3. However, height of either a non-illuminated wall sign or an illuminated wall sign for a hotel or motel may be over 30 feet.
- (e) Illumination, Motion, Lettering. No regulations, apart from general sign regulations.
  - (f) Exceptions.
    1. Permitted building-mounted sign area from the front and sides of the principal building of the business may be transferred from the building to a customer service area of the same business on the same premises, provided the height of such signs shall not exceed 15 feet and setback shall be at least ten feet; such signing shall not be considered free-standing.
    2. Any exceptions allowed for shopping centers, in order to provide adequate signing in special situations, shall be as provided in § 14-16-3-2 of this Zoning Code. Such a sign exception must be specifically defined in the Planning Commission resolution. Shopping centers approved prior to the effective date of this Zoning Code shall comply with sign regulations in this article unless an exception is specifically defined in a Planning Commission resolution.
- (11) Radio or television studio or station.
  - (12) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.
  - (13) Retailing of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments and adult stores, hospitals for human beings and transit facilities, provided it is not listed as a conditional use in this zone, or as a permissive or conditional use listed for the first time in the C-3 zone, and with the following limitation:
    - (a) Alcoholic drink sales for consumption off premises; except the sale of alcoholic drink within 500 feet of a community residential program or hospital for treatment of substance abusers is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994:
      1. are limited to building area which is not within 500 feet of a residential zone; and
      2. shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a designated Metropolitan Redevelopment Area (as defined in the State Metropolitan Redevelopment Code), a city owned park or city owned major public open space:
        - A. distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
        - B. beer, as defined in the New Mexico Liquor Control Act, in any single container labeled as containing 16 or fewer ounces; and
        - C. fortified wines with a volume of alcohol of more than 13.5 percent.
    - (b) Vehicle sales, rental, service, repair, and storage, both indoor and outdoor, provided:

1. Outdoor activity areas (display and storage of stock in trade) meet all the specifications for a parking lot, as regulated in the O-1 zone.
  2. Outdoor storage of inoperative vehicles is limited to two vehicles at any time, and a given inoperative vehicle shall not be parked outdoors over two weeks in any 12-month period.
  3. Painting and major automotive repair is conducted within a completely enclosed building at least 20 feet from any residential zone.
  4. A truck terminal is not permitted.
  5. Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not a permissive use.
- (c) Banking, loaning money, including pawn. Drive-in facilities included on the condition the vehicle movement plan is approved by the Traffic Engineer.
- (d) Building materials, provided they are in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high which must be solid when it faces or is contiguous to land not zoned C-2, C-3, M-1 or M-2.
- (e) Circus or Carnival operation outdoor or in a tent provided:
1. The use is located at least 300 feet from a dwelling in a residential zone;
  2. The use is permitted at one location for a period not to exceed seven days in any calendar year;
  3. Hours of operation, including erection and dismantling of equipment are:
    - a. If the use is located between 300 feet and 500 feet from a dwelling, between 7:30 a.m. and 10:30 p.m.;
    - b. If the use is located 500 feet or more from a dwelling, between 6:00 a.m. and 11:30 p.m.;
  4. There is sufficient off-street parking available on the premises to meet parking requirements for all the uses on the premises. The Zoning Enforcement Officer shall approve a site plan which shall demonstrate adequate parking and vehicle circulations;
  5. There are toilet facilities on the premises; and
  6. The City Fire Marshal or his authorized representative gives prior approval of any tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (f) Drive-in restaurant, provided a solid wall or fence at least six feet high shall be erected on sides which abut land, other than public right-of-way land, in a residential zone. However, if the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.

- (g) Dry cleaning, laundry, clothes pressing, provided:
    - 1. Only cleaning fluid which is not flammable at temperatures below 138.5° Fahrenheit may be used;
    - 2. The number of persons engaged in operating a laundry or dry cleaning establishment is limited to five, excluding pressers, office, clerical, or delivery personnel;
    - 3. That portion of the structure in which any cleaning process is done is at least 50 feet from any residential zone.
  - (h) Flowers and plants, including out-door sales.
  - (i) Gasoline, oil, and liquified petroleum gas retailing, including outdoor sales, but not truck plazas.
  - (j) Golf driving range, miniature golf course, baseball batting range, located in a building or outdoors, provided fencing or other suitable device is employed to insure that balls are not hit out of premises.
  - (k) Hospital for animals, provided it has no outside pens. One outside exercise run is permitted, provided it is enclosed with a solid wall or fence at least six feet high, and no more than one animal is permitted in the run at any one time.
  - (l) One mobile home for a watchman or caretaker on the same lot with commercial uses, permissive or conditional in this zone, which do not have or normally require a permanent structure, including but not limited to used car sales lot; mobile home or recreational vehicles sales or rental lot; and circus, carnival, or similar enterprise. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
  - (m) Parking lot, as regulated in the O-1 zone.
  - (n) Pets, as regulated in the C-1 zone.
  - (o) Restaurant with outdoor seating.
  - (p) Sample dwelling unit used to sell such units, including incidental sales office activity.
  - (q) Secondhand store, including outside storage in the side or rear yard and if enclosed by a solid wall or fence at least six feet high.
  - (r) Stand or vehicle selling fruit, vegetables, or nursery stock, provided it is limited to a period of 90 days in any calendar year. However, one renewal for an additional 90 days may be permitted by the Planning Director.
  - (s) Not permissive as retailing or services are uses listed as conditional use in this section and uses that are in substantial part industrial or manufacturing activities, e.g., automobile dismantling, sheet metal working, or tire recapping and retreading.
- (14) Storage structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six

or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.

- (15) Wholesaling of jewelry.
- (16) Uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:
  - (a) The tent may not be erected for more than seven days at a time and may not be erected more than two times a year on a given premises;
  - (b) There is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
  - (c) There are toilet facilities on the premises available to the users of the tent; and
  - (d) The City Fire Marshall or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (17) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
  - (a) A concealed wireless telecommunications facility, up to 65 feet in height.
  - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
  - (c) A face-mounted wireless telecommunications facility.
  - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
  - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.

**(B) Conditional Uses.**

- (1) Antenna, over 65 feet in height.
- (2) Apartment, as permitted in division (A)(8) above, if there are more than 30 dwelling units per acre but not more than 75 dwelling units per acre. Conditional use applications shall be considered on the basis of a site plan.
- (3) Church or other place of worship, including incidental recreational and educational facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
- (4) Cold storage plant.
- (5) Community residential program, provided that the standards of § 14-16-3-12 of this Zoning Code are met.

- (6) Drive-in theater.
- (7) Dwelling unit (house, townhouse, apartment), for properties that do not meet the criteria of divisions (A)(8)(b) and (A)(8)(e)1 above or with SU-2 zoning that refers to the C-1 zone but does not specify provisions for the regulation of residential uses, provided:
  - (a) There are not over 30 dwelling units per net acre.
  - (b) Usable open space is provided on site in an amount no less than specified in the R-3 zone; no more shall be required than specified in the R-2 zone except if located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone, respectively, shall be met.
  - (c) Development shall comply with the regulations specified in division (A)(8)(e)8 above.
- (8) Emergency shelter, provided the standards of § 14-16-3-13 of this Zoning Code are met.
- (9) Fire wood sales and related storage, provided the wood is not visible from land not zoned C-2, C-3, M-1, or M-2.
- (10) Kennel.
- (11) Mobile home development, provided the development contains at least three acres. Approval of a site development plan and landscaping plan is required prior to development.
- (12) One mobile home for a watchman or caretaker on the same premises with a commercial use other than one of those uses enumerated in division (A)(12)(l) of this section. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (13) Outdoor storage or activity, except as specifically listed as a permissive or conditional use in this section, and as further provided below:
  - (a) No outdoor storage or activity specified as a principal special use in § 14-16-2-22(B) of the Zoning Code, the SU-1 zone, may be a conditional use considered under this division (B).
  - (b) Combinations of uses, some or all of which are outdoor uses, which interact to create a more intense use, operating as one coordinated enterprise or attraction are not normally appropriate for approval as conditional uses under this division (B), being more properly controlled as SU-1 zone special uses.
  - (c) Outdoor uses which would impact their environs with appearance, light, noise, odor, or similar environmental problems likely to be unpleasant to neighboring premises and uses shall not be approved.
  - (d) Outdoor conditional uses often justify special requirements to keep the appearance or other aspects of the outdoor storage or activity from negatively impacting adjacent land.
  - (e) Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not appropriate if it will be significantly visible from adjacent streets or nearby residential, office, or commercial uses: if approved, this type of storage requires special buffering.

- (14) Parking of more than two truck tractors and two semitrailers for over two hours.
- (15) Park-and-ride joint-use facilities, if it is determined that under the conditions imposed there will not be a shortage of on-site parking for the activities on the site; in such situations, no parking variance is required.
- (16) Pony riding without stables, provided it is located at least 300 feet from a dwelling which is a conforming use.
- (17) Public utility structure which is not permissive.
- (18) Retail sale of alcoholic drink for consumption off premises, where the portion of the building used for such business is within 500 feet of a residential zone, provided such sales shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a city owned park or city owned major public open space except the retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994 and further provided that such sales shall not include:
  - (a) distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
  - (b) beer, as defined in the New Mexico Liquor Control Act, in any single container; and
  - (c) fortified wines with a volume of alcohol of more than 13.5 percent.
- (19) Retail business in which products may be manufactured, compounded, processed, assembled, or treated, as an accessory use, including carpentry, plumbing, sheet-metal working, upholstering, sign painting, making of metal stamps, catering, baking, confectionery making, or jewelry or curio making, provided:
  - (a) All activities are conducted within a completely enclosed building.
  - (b) The number of persons engaged in the manufacturing, processing, assembling, or treating of products is limited to ten, excluding office, clerical or delivery personnel.
  - (c) Activities or products are not objectionable due to odor, dust, smoke, noise, vibration, or other cause.
- (20) Uses or activities in a tent, if the uses or activities are listed elsewhere in this section, provided there is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent, and provided that the Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] or his designated representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (21) Tire recapping or retreading, provided:
  - (a) The activity is incidental to the major use and is conducted within a completely enclosed building.
  - (b) Outdoor storage of tires is enclosed by a solid wall or fence at least six feet high.

- (c) Tires stored outdoors may not be stacked above the plane established by the top of the required surrounding wall.
- (22) Transfer or storage of household goods, provided:
  - (a) Parking and maneuvering of trucks is permitted only off the street in an off-street parking area as regulated by this article.
  - (b) Servicing of trucks is permitted only within a building or an area completely enclosed by a solid wall or fence at least eight feet high.
- (23) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is placed, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.
- (C) **Height.** Height shall be as provided in the O-1 zone, except sign and antenna height shall be as provided in division (A) of this section.
- (D) **Lot Size.** No requirements.
- (E) **Setback.** Setback shall be as provided in the O-1 zone.
- (F) **Off-Street Parking.** Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.
- (G) **Shopping Center Regulations.** Any site in this zone classified as a Shopping Center site, as defined in § 14-16-1-5 of this Zoning Code, is subject to special site development regulations. The Shopping Center Regulations are provided in § 14-16-3-2 of this Zoning Code.

(74 Code, § 7-14-22) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 57-1976; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 74-1977; Am. Ord. 38-1978; Am. Ord. 55-1978; Am. Ord. 74-1980; Am. Ord. 42-1981; Am. Ord. 40-1983; Am. Ord. 54-1983; Am. Ord. 74-1985; Am. Ord. 11-1986; Am. Ord. 80-1986; Am. Ord. 41-1987; Am. Ord. 62-1988; Am. Ord. 3-1990; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 63-1990; Am. Ord. 69-1990; Am. Ord. 43-1991; Am. Ord. 39-1992; Am. Ord. 50-1992; Am. Ord. 13-1993; Am. Ord. 2-1994; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 11-2002; Am. Ord. 10-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 16-2005; Am. Ord. 43-2005; Am. Ord. 7-2006; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 6-2009; Am. Ord. 19-2010; Am. Ord. 2012-004)

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**§ 14-16-2-20 M-1 LIGHT MANUFACTURING ZONE.**

This zone provides suitable sites for heavy commercial and light manufacturing uses.

**(A) Permissive Uses.**

- (1) Uses first listed as permissive and as regulated in the C-3 zone ( § 14-16-2-18(A)).
- (2) Uses permissive and as regulated in the IP zone.
- (3) Antenna, without limit as to height.
- (4) Automotive sales, rentals, service, repair, and storage, provided:
  - (a) The area meets all of the specifications for a parking lot as defined in this Zoning Code.
  - (b) Major automotive repair is conducted within a completely enclosed building.
- (5) Automobile dismantling, provided:
  - (a) All activities are conducted in a completely enclosed building or are enclosed by a solid wall or fence at least six feet high.
  - (b) Inoperative automobile bodies may be stacked to a height that does not exceed the height of the required wall.
- (6) Commercial agricultural activity and incidental structures. Animals permissive are cattle, horses, goats, and sheep, provided the number of head of cattle or horses does not exceed one for each 10,000 square feet of open lot area, or one sheep or goat for each 4,000 square feet of open lot area, or equivalent combination. Animals shall be so controlled that they cannot graze on any other premises. Animals under four months old are not counted.
- (7) Emergency shelter, provided that the standards of § 14-16-3-13 of this Zoning Code are met.
- (8) Manufacturing, assembling, treating, repairing, or rebuilding articles, except those conditional or otherwise limited in this zone or specifically listed as permissive or conditional in the M-2 zone, provided all manufacturing is conducted within a completely enclosed building.
- (9) Incidental uses within a building, most of which is occupied by offices, including news, cigar or candy stand, personal-service establishment and the like, provided:
  - (a) The use is intended primarily for the use of occupants of the building.
  - (b) The use is limited to a maximum of 10% of the total floor area.
- (10) Parking lot, as regulated in the O-1 zone.
- (11) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.
- (12) Sign, off-premise, as provided in the C-2 zone and § 14-16-3-5 of this Zoning Code, except:

- (a) **Size.** Free-standing sign area of any one sign shall not exceed 672 square feet. An additional add-on sign area of 34 square feet is permitted.
  - (b) **Height.**
    - 1. Sign height shall not exceed 29 feet except:
      - a. As provided in division 2. below; and
      - b. the height of an add-on sign may be up to but shall not exceed 34 feet.
    - 2. Within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the height of the highest point of the sign shall not exceed 29 feet, measured either from grade or from the elevation of the Interstate Highway at its closest point, except the height of an add-on sign may be up to but shall not exceed 34 feet, measured in the same way.
- (13) Sign, on-premise, as provided in the C-2 zone and in § 14-16-3-5 of this Zoning Code.
- (14) Storage structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed, or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year, unless the time is extended by the Planning Director.
- (15) Trailer sales, rentals, service, repair, and storage, provided:
- (a) Paving shall be maintained level and serviceable. The lot must be graded and surfaced with one of the following:
    - 1. Gravel: Two inches of compacted gravel (3/8 inch to one inch size) at least 1/2 inch of which shall be maintained on the surface; gravel shall be kept off of the right-of-way; or
    - 2. A hard surface superior to division 1. above.
  - (b) A fence or wall which prevents vehicles from extending beyond the property line shall be erected.
  - (c) A solid wall or fence at least six feet high shall be erected on sides which abut land, other than public right-of-way land, in a residential zone. However, if the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
- (16) The following uses, provided all activities are conducted within a completely enclosed building and provided that noxious fumes, odors, or dust shall not be emitted from the premises:
- (a) Blacksmith shop.
  - (b) Poultry or rabbit live storage or killing and dressing.

- (17) Uses which must be conducted in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high which is maintained in a state of good repair and which must be solid when it faces or abuts land not zoned C-2, C-3, M-1, or M-2:
  - (a) Concrete or cement products manufacturing, batching plant, processing of stone.
  - (b) Gravel, sand, or dirt removal, stockpiling, processing, or distribution.
  - (c) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities.

**(B) Conditional Uses.**

- (1) If so approved, the following uses may be conducted in an area not completely enclosed by a wall or fence:
  - (a) Air separation plant not otherwise allowed as a permissive use.
  - (b) Animal raising, other than those animals which are permissive in this section.
  - (c) Building material storage or sales.
  - (d) Concrete or cement products manufacturing, batching plant, processing of stone.
  - (e) Contractor's equipment storage, or contractor's plant.
  - (f) Feed or fuel storage or sales.
  - (g) Gravel, sand, or dirt removal activity, stockpiling, processing, or distribution.
  - (h) Rental, sales, display, and repair of operative contractor's and heavy farm equipment.
  - (i) Salvage yard for storage and sale of used material provided the yard is enclosed on all sides by a solid wall or fence at least six feet high.
  - (j) Truck terminal, tractor, trailer, or truck storage, including maintenance facilities.
- (2) Community residential corrections program: up to 15 client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (3) Community residential program for substance abusers with up to 15 client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (4) Public utility structure which is not permissive.
- (5) Retailing which is not permissive, provided retailing shall not include the sale of alcoholic drink for consumption off premises within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a city owned park or city owned major public open space if the alcoholic drink is in a broken package or in the following package except the retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994 and further provided that such sales shall not include:

- (a) distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
  - (b) beer, as defined in the New Mexico Liquor Control Act, in any single container; and
  - (c) fortified wines with a volume of alcohol of more than 13.5 percent.
- (6) Uses or activities in a tent, if the uses or activities are listed elsewhere in this section, provided there is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent, and provided that the City Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (7) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is placed, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.

**(C) Height.**

- (1) Structure height up to 36 feet is permitted at any legal location. The height and width of the structure over 36 feet high shall fall within a 45° plane drawn from the horizontal at the mean grade along each boundary of the premises, but a structure shall not exceed a height of 120 feet.
- (2) Exceptions to the above are provided in § 14-16-3-3 of this Zoning Code, and, for sign height, as provided in the C-2 zone.

**(D) Lot Size.** No requirements.

**(E) Setback.** Setback shall be as provided in the O-1 zone.

**(F) Off-Street Parking.** Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.

**(G) Large Retail Facility Regulations.** Any site containing a large retail facility, as defined in § 14-16-1-5 of the Zoning Code, is subject to special development regulations. The large retail facility regulations are provided in § 14-16-3-2 of the Zoning Code.

(\*74 Code, § 7-14-25) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 74-1977; Am. Ord. 38-1978; Am. Ord. 34-1981; Am. Ord. 74-1985; Am. Ord. 41-1987; Am. Ord. 3-1990; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 2-1991; Am. Ord. 43-1991; Am. Ord. 22-1997; Am. Ord. 9-1999; Am. Ord. 11-2002; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 43-2005; Am. Ord. 23-2007; Am. Ord. 19-2010)

**APPLICATION INFORMATION**

# City of Albuquerque



## DEVELOPMENT/ PLAN REVIEW APPLICATION

<b>SUBDIVISION</b> <input type="checkbox"/> Major subdivision action <input type="checkbox"/> Minor subdivision action <input type="checkbox"/> Vacation <input type="checkbox"/> Variance (Non-Zoning)		Supplemental Form (SF) <b>S Z</b> <input type="checkbox"/> <input type="checkbox"/>	<b>ZONING &amp; PLANNING</b> <input type="checkbox"/> Annexation <input checked="" type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, Includes Zoning within Sector Development Plans) <input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar <input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<b>SITE DEVELOPMENT PLAN</b> <input type="checkbox"/> for Subdivision <input type="checkbox"/> for Building Permit <input type="checkbox"/> Administrative Amendment/Approval (AA) <input type="checkbox"/> IP Master Development Plan <input type="checkbox"/> Cert. of Appropriateness (LUCC)		<b>P</b> <input type="checkbox"/>	<input type="checkbox"/> Street Name Change (Local & Collector)
<b>STORM DRAINAGE (Form D)</b> <input type="checkbox"/> Storm Drainage Cost Allocation Plan		<b>L A</b> <input type="checkbox"/>	<b>APPEAL / PROTEST of...</b> <input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): GARCIA/KRAEMER AND ASSOCIATES PHONE: 505-440-1524  
 ADDRESS: 600 1<sup>ST</sup> ST NW - SUITE 211 FAX: \_\_\_\_\_  
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: jturner@garciakraemer.com

APPLICANT: MARBLE AVENUE PROPERTIES - LLC PHONE: 505-412-0296  
 ADDRESS: P.O. BOX 908 FAX: \_\_\_\_\_  
 CITY: SANTA FE STATE NM ZIP 87540 E-MAIL: \_\_\_\_\_

Proprietary interest in site: OWNER List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: ZONE MAP AMENDMENT / AMENDMENT TO SECTOR DEVELOPMENT PLAN

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes.  No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 7A PLAT OF LOT 7-A BLK 5 Block: 5 Unit: -  
 Subdiv/Addn/TBKA: NORTHERN ADDN  
 Existing Zoning: SU-2/C Proposed zoning: SU-2/SU-1 M-1 USES MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): J-14 UPC Code: 101405831620243505

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX\_Z, V, S, etc.):  
1001180, 1005437

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? NO  
 No. of existing lots: 1 No. of proposed lots: N/A Total site area (acres): .649  
 LOCATION OF PROPERTY BY STREETS: On or Near: MARBLE AVE NW  
 Between: 1<sup>ST</sup> ST NW and 2<sup>ND</sup> ST NW

Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: 12/16/14

SIGNATURE Jonathan Turner DATE 1/28/15  
 (Print Name) JONATHAN TURNER Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING <input checked="" type="checkbox"/> All checklists are complete <input checked="" type="checkbox"/> All fees have been collected <input checked="" type="checkbox"/> All case #s are assigned <input checked="" type="checkbox"/> AGIS copy has been sent <input checked="" type="checkbox"/> Case history #s are listed <input type="checkbox"/> Site is within 1000ft of a landfill <input type="checkbox"/> F.H.D.P. density bonus <input type="checkbox"/> F.H.D.P. fee rebate	Application case numbers <u>15EPC - 400036</u> _____ _____ _____ _____	Action <u>ASM</u> <u>ADV</u> <u>CME</u> _____ _____	S.F. _____ _____ _____ _____	Fees <u>\$ 240.00</u> <u>\$ 75.00</u> <u>\$ 502.00</u> _____ _____ Total <u>\$ 365.00</u>
--	---	--	--	--

Hearing date March 12, 2014

VM  
 Staff signature & Date 1-29-15

Project # 1010355

**FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS**

**ANNEXATION (EPC08)**

- Application for zone map amendment including those submittal requirements (see below).  
*Annexation and establishment of zoning must be applied for simultaneously.*
  - Petition for Annexation Form and necessary attachments
  - Zone Atlas map with the entire property(ies) clearly outlined and indicated  
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
  - Letter describing, explaining, and justifying the request  
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
  - Letter of authorization from the property owner if application is submitted by an agent
  - Board of County Commissioners (BCC) Notice of Decision
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - Sign Posting Agreement form
  - Traffic Impact Study (TIS) form
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- SDP PHASE I – DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
  - SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
  - SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)
  - Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
  - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
  - Zone Atlas map with the entire plan area clearly outlined and indicated
  - Letter describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
  - Traffic Impact Study (TIS) form (for EPC public hearing only)
  - Fee for EPC final approval only (see schedule)
  - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

- AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)**
  - Zone Atlas map with the entire property clearly outlined and indicated
  - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
  - Letter of authorization from the property owner if application is submitted by an agent
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - Sign Posting Agreement form
  - Traffic Impact Study (TIS) form
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**
  - AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**
  - Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
  - Plan to be amended with materials to be changed noted and marked
  - Zone Atlas map with the entire plan/amendment area clearly outlined
  - Letter of authorization from the property owner if application is submitted by an agent (map change only)
  - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
  - Letter briefly describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
  - Traffic Impact Study (TIS) form
  - Sign Posting Agreement
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)**
  - Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
  - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
  - Letter describing, explaining, and justifying the request
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

\_\_\_\_\_  
Applicant name (print)

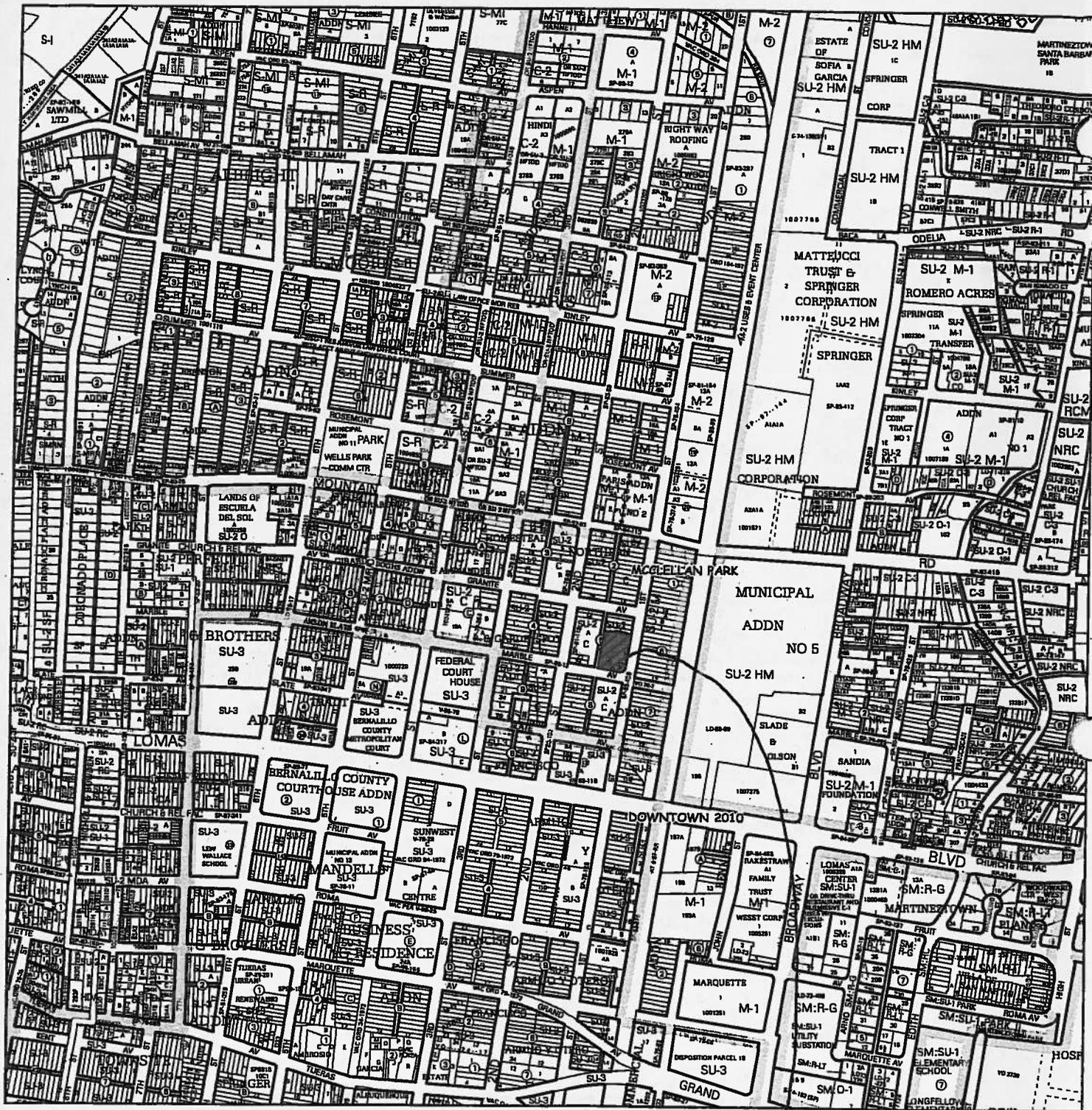
\_\_\_\_\_  
Applicant signature & Date

Revised: June 2011



- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
15EPC - 400076

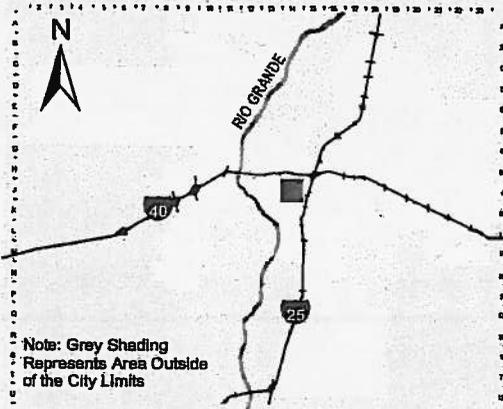
\_\_\_\_\_  
Staff signature & Date  
1-29-15  
Project # 1010355



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



Map amended through: 4/2/2012



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

**SITE J-14-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.



# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: MARBLE AVE PROPERTIES LLC DATE OF REQUEST: 1/28/15 ZONE ATLAS PAGE(S): J-14

**CURRENT:**

ZONING SU-2/C  
PARCEL SIZE (AC/SQ. FT.) .649

**LEGAL DESCRIPTION:**

LOT OR TRACT # 7A BLOCK # 5  
SUBDIVISION NAME NORTHERN ADDN

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
ZONE CHANGE  From SU-2/C To SU-2/SU-1  
SECTOR, AREA, FAC, COMP PLAN [ ] For M-uses  
AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

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: 6816 sq. ft.

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

APPLICANT OR REPRESENTATIVE [Signature]

DATE 1/28/15

(To be signed upon completion of processing by the Traffic Engineer)

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:

At which time construction is proposed, TIS may be required.

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.**

TRAFFIC ENGINEER [Signature]

01-28-15  
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    /   /     
-FINALIZED    /   /   

TRAFFIC ENGINEER \_\_\_\_\_

DATE \_\_\_\_\_

January 14, 2015

City of Albuquerque  
Environmental Planning Commission  
PO Box 1239  
Albuquerque, NM 87103

RE: 111 Marble Ave NW

To Whom It May Concern:

As the Owner/Developer, I authorize Garcia/Kraemer & Associates to act as agent on behalf of Marble Avenue Properties LLC, on matters pertaining to any and all submittals to the City of Albuquerque regarding the above referenced property.

*Peter Kerwick*

Print Name

*Peter Kerwick*

Signature

*Authorized Representative*

Title

*1-14-15*

Date

**PRE-APPLICATION REVIEW TEAM (PRT) MEETING**

PA# 14- 168 Date: 12/16/2014 Time: 2:15 PM

224.3814

**1. AGENCY REPRESENTATIVES PRESENT AT MEETING**

Planning:  Kym Dicome  Catalina Lehner  
 Others: \_\_\_\_\_  
Transportation:  Jeanne Wolfenburger  Other: \_\_\_\_\_  
Code Enforcement:  Ben McIntosh  Other: \_\_\_\_\_  
Others: GABE RIVERA

**2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY**

Zone Map Amendment  EPC Approval  City Council Approval  
 Sector Dev. Plan Amendment  EPC Approval  City Council Approval  
 Site Dev. Plan for Subdivision  EPC Approval  DRB Approval  Admin Approval  
 Site Dev. Plan for Bldg Permit  EPC Approval  DRB Approval  Admin Approval  
 Other \_\_\_\_\_

**3. SUMMARY OF PRT DISCUSSION:**

Current Zoning: SU-2 / ~~C~~ C (=C-2)  
Applicable Plans: MCCLELLAN PARK  
Applicable Design Regulations: \_\_\_\_\_  
Other Applicable Regulations: \_\_\_\_\_  
Previously approved site plans/project #: 1001180 1005437  
Proposed Use/Zone: SU-2 / SU-1 FOR BREWERY, TAPROOM + RELATED ACTIVITIES  
Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other)

**Handouts Given:**

Zone Map Amendment Process  R-270-1980  AA Process  EPC Schedule

Further input needed: (Sketch Plat Review @ DRB, DRT, ZEO, ONC, pre-application facilitated meeting, other)

**Additional Notes:**

CONDITIONAL USE GRANTED FOR LOT 12 BLOCK B. 4/2007  
SITE/USE EXPANDED TO INCLUDE LOTS 9-12 BUT NO REQUEST  
FOR CONDITIONAL USE TO INCLUDE ADD'L LOTS.  
CONDITIONAL USE ALLOWED THE PRODUCTION OF BEER AS  
ACCESSORY USE TO THE PRINCIPAL USE WHICH IS THE  
RETAIL (TAP ROOM)

**4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.**

[Signature]  
PRT CHAIR

[Signature]  
APPLICANT OR AGENT

**\*\*\*Please Note:** PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY: THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.

THE EXPANSION OF BUSINESS OVER THE LAST 4 YEARS HAS EXCEEDED THE ALLOWANCE OF THE CONDITIONAL USE.

PLANS TO EXPAND PRODUCTION + DISTRIBUTION (7000 SF) W/ NEW BLDG WERE REJECTED BY ZONING @ BUILDING PERMIT BECAUSE OF THE ZONING/EXPANSION MENTIONED ABOVE.

A ZONE CHANGE IS REQUIRED AND IS ADVANTAGEOUS TO OWNER SO HE CAN CONTINUE TO GROW/EXPAND. SUGGEST <sup>SU. 2/</sup> SU. 1 <sup>FOR</sup> C. 2 ~~FOR~~ BREWERY <sup>INCLUDING</sup> ON + OFF PREMISE SALE ~~AND~~ ~~FOR~~ ~~SALE~~ OF WINE + BEER. ALREADY HAVE AN APPROVED SITE PLAN THRU DRB. THAT INCLUDES THE EXPANSION REQUIRES A ZONE CHANGE THRU THE EPC.

MTG NOTES = SU. 1 FOR M. 1 USES (PERMISSIVE/CONDITIONAL)

LOT 7A. ONE LOT.

ALLOWS USES FOR FUTURE.

SITE PLAN CONTROL. +

NEXT CUT OFF. EPC DEC. ~~23<sup>RD</sup>~~ <sup>23<sup>RD</sup></sup> @ 4PM

METHUEN CLINIC WILL BE MOVING TO BIGGER LOCATION (ON 1<sup>ST</sup> ST.)

FEB. ~~23<sup>RD</sup>~~ <sup>12<sup>TH</sup></sup> EPC HEARING

GO TO APC IN JANUARY (3<sup>RD</sup> THURSDAY) SCHEDULE THRU GABE

\* CAN ~~DO~~ DO TAP ROOM DECK + MAYBE FOUNDATION <sup>LIVERA.</sup> PERMIT.

\* SET UP MTG W/ LAND CLARK @

BLDG SAFETY TO GET FOUNDATION PERMIT.

**GARCIA/KRAEMER & ASSOCIATES**

600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 mobile

(505) 242-9028 office

January 27, 2015

Mr. Peter Nicholls, Chairman  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102

RE: Zone Map Amendment- 111 Marble Ave NW  
Lot 7A- Block 5 Plat of Lot 7A- Block 5, Northern Addn

Dear Chairman Nicholls:

The purpose of this correspondence is to request approval through the Environmental Planning Commission for a zone map amendment for the above referenced site. The property is approximately .65 acres in size, is located within the city limits, and is currently zoned SU-2/C.

**Background**

The site is located within the boundaries of the McClellan Park Sector Development Plan. Also, the site is in a designated Metropolitan Redevelopment Area and within the Central Urban Area of the Comprehensive Plan. For several decades the subject property was a heating and cooling business with warehousing. Some years later, the building became vacant and unused. In 2007, the current property owners approached the City Planning Department during a Pre-application Discussion meeting with their proposal to redevelop the property with a microbrewery and taproom. The City was receptive to the idea and proposal, and informed the applicants that a conditional use approval for the manufacturing of beer would be required from the Zoning Hearing Examiner. In addition, they were instructed that pursuant to the McClellan SDP pg. 71, any new construction or renovations involving significant site impacts shall require Site Development Plan

approval by the City's Development Review Board prior to issuance of a building permit. As a result of the PRT meeting, and with the guidance and encouragement by City Planning to redevelop the property, the applicants obtained their conditional use approval for manufacturing beer, purchased the land, and redeveloped the property into a microbrewery and taproom through an approved DRB Site Development Plan in 2008. Since then, Marble Brewery has become phenomenally successful, not only as one of the most popular taprooms in the City of Albuquerque, but also as becoming one of the fastest growing and award-winning microbreweries in the country. Furthermore, the operation of the brewery and taproom has created job opportunities in the area that increased from 24 employees in 2008, to approximately 40 employees in 2014. The demand for their quality product has also increased drastically since 2008, resulting in an increase in annual production of beer from approximately 5000 barrels in 2008 to 12,800 barrels in 2014. Annual sales have also steadily climbed from approximately \$1 million dollars in 2008 to \$5 million dollars in 2014. Needless to say, Marble Brewery has become a staple to the community and a well-known gathering place for tourists, locals, and families alike.

### **Adjacent Land Uses and Zoning**

The site is located on the northwest corner of Marble Ave NW in between 1<sup>st</sup> St. NW and 2<sup>nd</sup> St NW. The property is located on zone atlas map page J-14 as shown on the accompanying zone map. The predominant zoning of adjacent properties is SU-2/C Commercial and SU-2/M Manufacturing. Those properties have been developed primarily heavy commercial and manufacturing type uses such as: an auto body & paint shop w/outdoor storage of inoperable vehicles, a heavy duty welding and spring shop, and a recycling center's semi-truck drop off facility. The only exception is a non-conforming single-family dwelling unit to the north.

### **Reason for Request**

The applicant wishes to request approval of a zone map amendment from SU-2/C to SU-2/SU-1 for M-1 uses to allow the continued manufacturing of beer with a taproom at this location. In 2014, a Site Development Plan for Building Permit was approved by the Development Review Board for improvements and an expansion to the brewery pursuant to the development requirements of the McClellan Park SDP as mentioned above. Also within the requirements of the Sector Plan pg. 71, all applications for Site Development Plan approval shall be reviewed at a public hearing by the Albuquerque Development

Commission. Pursuant to the Sector Plan, the ADC has the authority to approve, conditionally approve, defer a decision, or deny approval of the Site Development Plan. Any appeals of their decision are to be made to the City Council. On January 15<sup>th</sup>, 2015 the applicant went before the ADC with their DRB approved Site Development Plan and the Commission voted unanimously to approve the Plan. There were no subsequent appeals filed to the City Council regarding ADC's decision nor was there any opposition by the public at the hearing.

### **Resolution- 270-1980**

The proposed Zone Map Amendment for this site is consistent with Resolution 270-1980 as follows:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

**The proposed zoning of SU-2/SU-1 for M-1 uses will not adversely affect the health, safety, morals and general welfare of the City or area residents. In fact, the applicant believes that if approved, the zone change would allow the continued use of a quality redevelopment project in a previously blighted area. The uses proposed are no different from what uses already exist on the property today; and as explained above, have not been found to be inconsistent with the health, safety, morals, and general welfare of the City, but rather quite the opposite. Specifically, the applicant feels that the proposed development will help to continue to stabilize and increase property values in the area, while preventing further blight in the neighborhood and providing an obviously needed and desired service to the community.**

Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should be not made.

**Re- zoning from SU-2/C to SU-2/SU-1 for M-1 uses will provide for stability of land use and zoning. The proposed zone change would allow for an expansion of the current use of the property which will ultimately result in more job opportunities and increased revenue for the public and local community as is encouraged in the State of New Mexico Metropolitan Redevelopment Code. Moreover, this parcel would finally acquire the zoning that is most appropriate based on the uses and activities that were originally proposed to the City in 2007, and which activities continue today and have made Marble Brewery one of the most successful and popular craft breweries in the State of New Mexico and the country.**

- C. A proposed zone change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments.

**The site is located in the Central Urban Area of the Comprehensive Plan, The Goal of this area is “to create a quality urban development which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles while creating a visually pleasing built environment”**

**The proposed change of zoning is not in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments. The proposed zone change furthers the intent of Comprehensive Plan policies by providing a variety of urban land uses in an area where such uses are appropriate as explained below.**

**Justification pursuant to the Comprehensive Plan goals and policies is as follows:**

**Policy II.B.5a- A full range of urban land uses...- This application is to allow an existing mixed-use development to continue. There is already a full range of land uses in the area, i.e. commercial service**

**oriented businesses, warehousing, some residential, and other heavy commercial uses; however, this application is to allow for both manufacturing, retailing, and wholesaling which would further the goals of this policy since there are currently no other properties that are zoned for all of those types of uses adjacent to or across the street from this site. The applicant believes that by allowing the proposed re-zoning on this parcel would also help achieve the Comprehensive Plan's goal of providing a "full range of urban land uses", since the resulting zoning designation would allow the continuation of mixed uses on the site.**

**Policy II.B.5i- Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.**

**The applicant believes that the proposed sector plan map amendment is appropriately located since the types of uses proposed are those which are currently occurring legally on the property which is adjacent to a major railroad facility. A railroad by nature creates the most adverse effects environmentally as it pertains to noise, lighting, pollution, and vibrations as compared to a commercial business of this nature. Additionally, the existing location of the map amendment request is not located within a residential area. The current brewery operation is not creating noxious fumes into the environment, there may be odors that are recognizable from the brewing of beer, but these odors are no different than what are typically associated with restaurants or diesel fumes from other activities in the area. Therefore, the applicant affirms that the proposed map amendment is not in significant conflict with this policy.**

**Policy II.B.5d- The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.**

**This request for a sector plan map amendment is to allow for an existing brewery and taproom to expand with improvements and new development to the existing building. The applicant feels that this policy is furthered by the proposed development, since the**

**ADC and the DRB have reviewed and approved the Site Plan for improvements, expansion, and the overall layout of the site which provides variety while respecting the natural environment and socio-cultural concerns. The proposed development will not compromise carrying capacities, scenic resources, or neighborhood values, but in fact will enhance the look of the streetscape along 1<sup>st</sup> St and Marble Ave with landscaping, trees, and an architecturally pleasing street-facing façade design that has been determined to comply with the requirements of the McClellan Park Sector Development Plan Redevelopment Standards and the design regulations of the Zoning Code. Moreover, neighborhood values will not be compromised as a result of this request since a large majority of Marble Brewery's customers live in the surrounding neighborhood and will continue to be able to enjoy the close access, pedestrian and bike friendly atmosphere that the brewery offers.**

**Policy II.B.5e-**

New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

**The portion of the site to the north of the existing brewery is vacant and contiguous to urban facilities. There are no permanent structures on the vacant portion of land. This request is not in significant conflict with the above policy since the parcel of land abuts existing urban facilities and the overall development would ensure and enhance the integrity of the existing neighborhood with a development that respects and will produce a quality developed environment within the existing neighborhood and Sector Plan area.**

**Policy II.B.5o-**

Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

**The proposed zone change will allow further redevelopment includes the redevelopment of an older neighborhood in the**

**Central Urban Area, which is also part of the Established Urban Area of the Plan. This application is to continue and strengthen this policy by redeveloping vacant land which also will promote continued rehabilitation within the neighborhood. Redevelopment of land helps to further this policy by eliminating blight and promoting infill development. The applicant feels that development of the vacant land to the north and the expansion of the existing brewery will further this policy.**

**Policy II.B.6. Central Urban**

The goal is to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.

**Policy b:** Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

**The proposed sector plan map amendment will help further this policy by continuing to provide jobs, services, and maintaining a link for the residents of the Central Urban Area (Downtown and McClellan Park) as a social and family gathering place within the neighborhood.**

**Policy II.D.6.b- Economic Development**

Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

**The applicant believes that the successful development of the existing brewery has proven to further this policy, and if approved, the zone change request will only allow continued growth and development of this profitable local business.**

**Policy II.D.6.d- Tourism shall be promoted**

**This policy will be continued and strengthened with approval of the requested map amendment. The existing brewery attracts tourists because of its notoriety for having award winning beer and was recently written about in an article by Food & Wine which**

**noted Marble Brewery as one of the top seven breweries in the country out of over 3000 breweries nationwide. The applicant believes that with the requested zone change, the popularity of the existing brewery will only continue to become more famous and attract people from all over the region and folks that are simply travelling through the state.**

**McClellan Park Sector Development Plan Goals, Objectives, and Recommendations:**

**Objectives Pg. 35**

1. The area should contain a mixture of uses, architectural forms and building scales to create a quality urban environment that is varied, dynamic, and oriented to people.

**This objective is furthered by this request since the uses requested and existing are "mixed". Also, the architectural characteristics and scale of the building have been deemed appropriate by the DRB and the ADC as required by the Plan. Finally, the environment that has resulted from the development of the property is extremely oriented to people as is evidenced by the thousands of people that walk, ride their bicycles or motorcycles, and drive from afar to enjoy Marble Brewery during the year.**

**Goals Pg. 35**

1. Allow limited expansion of the Downtown Core so as to provide adequate sites for large scale redevelopment projects which are needed to strengthen the employment and tax base of the center city and encourage it to assume a larger urban function with the metropolitan area.

**With approval of this application, this Plan goal would be furthered because the uses allowed would help to strengthen employment and continue to increase the tax base within an MRA area of the City which is Central Urban and not the Downtown Core. Approval would encourage the redevelopment to assume a larger urban function since without the appropriate zoning designation; Marble Brewery is discouraged from assuming a larger urban function as envisioned and encouraged by the Plan.**

- D. The applicant must demonstrate that the existing zoning is inappropriate because: (1) there was an error when the existing zone map pattern was created or (2) changed neighborhood or community conditions justify the change, or (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.

**The applicant feels that the existing zoning is inappropriate because a different use category is more advantageous to the community. As stated above, the applicant can demonstrate that the current use of the property zoned SU-2/C has proven to be successful to offer a quality neighborhood type service to the surrounding community and to the City as a whole; however, the manufacturing component as allowed under the 2008 conditional use is essential to the operation and success of the business, but now it has been determined by City Code Enforcement staff that the manufacturing use is not "accessory" to the retailing and there are more than 10 employees engaged in the manufacturing process (Reference § 14-16-2-17(B)(19) of the Zoning Code). Additionally, the applicant feels that a different use category would be more advantageous to the community as articulated in the Comprehensive Plan, the McClellan Park Sector Development Plan, and the State Metropolitan Redevelopment Code as further explained above in Section C.**

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to the adjacent property, the neighborhood or the community.

**The proposed uses currently exist on the subject property and have since 2008. The manufacturing and the retailing of beer have not been found or proven to be harmful to the adjacent property, the neighborhood or the community. In fact, there have been no complaints found on file in City records from the surrounding community regarding the current uses of the property.**

**If approved, this change of zone would only allow the same permissive uses of all the abutting and adjacent zones in the area. Furthermore, the requested zone change would not allow any new uses or uses which are currently not allowed within the McClellan Park Sector Development Plan area and neighborhood. For this reason the applicant feels that a change of zone would not be "harmful" to the adjacent properties, the neighborhood, or the community.**

- F. A proposed zone change which, to be utilized through land development, requires major and unplanned capital expenditure by the City may be; (1) denied due to lack of capital funds, or (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

**No major or un-programmed capital expenditures by the City are required, as roadways and utility infrastructure is already in place.**

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

**The cost of land or other economic considerations are not the primary determining factors for a change of zone in this case. First, the land has already been purchased, is retained in full ownership, and is not for sale. The primary determining factors of this request are to allow a successful business to grow and continue to be successful while complying with the uses allowed pursuant to the Comprehensive City Zoning Code. And second, infill and expansion of businesses in designated City Metropolitan Redevelopment Areas and the Central Urban Area is to further and continue to realize the policies and goals of the Comprehensive Plan, the McClellan Park Sector Development Plan, and the Metropolitan Redevelopment Code.**

- H. Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.

**Although located on 1<sup>st</sup> St NW, which is designated as a "major local" street on Albuquerque's Long Range Roadway Transportation map, this is not in itself the applicant's justification for a zone change. In fact, as stated above, the property is already zoned "commercial". It is relevant to this request to point out that 1<sup>st</sup> St NW is the street most adjacent to the railroad tracks, and the uses which exist parallel to the railroad are some of the most intense and heavy commercial/heavy manufacturing type uses within the City.**

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone". Such a change of zone may be approved only where (1) the change will clearly facilitate realization of the Comprehensive plan and any applicable adopted sector development plan, or area development plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make it unsuitable for the uses allowed in any adjacent zone.

**This request does not constitute a spot zone if approved. The proposed zone change is to be SU-2/SU-1 for M-1 uses which is subject to all the requirements of a Site Development Plan approval by the Albuquerque Development Commission and the Development Review Board for any new construction or development. The approved Site Development Plan will be kept on file with the City and assures compliance now, and has control for any future changes submitted for development of the property. The zone change request is to "clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan.." As stated above, the reason for request of zone change is furthered by the realization of said plans and regulations. A zone change to SU-1 can be justified pursuant to City plans and policies and not be considered a "spot zone". A Site Development Plan approved by the City governs all development now and in the future. As mentioned above, any**

**deviations to the Site Plan submitted would require Albuquerque Development Commission, Development Review Board, and or administrative approval.**

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or plan area, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

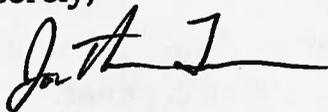
**The proposed development does not constitute "strip zoning", in fact this development would be subject to the strict requirements of a Site Development Plan, which will ensure that development on the site will be consistent with the surrounding neighborhood. This request would not result in a strip zone because the requested uses of property would not give a "zone different from surrounding zoning". The area of the proposed zone change clearly facilitates the realization of the Comprehensive Plan and other Plans as stated above. If approved, this request would result in an approved commercial zoning designation which does not significantly differ from allowed uses adjacent or surrounding the site, and certainly would not result in a "strip zone" since it would not result in a strip of land along a street.**

### **Summary**

For the above stated reasons, we respectfully request that the Planning Commission approve this request for SU-2/SU-1 for M-1 uses as a sector plan map amendment to the Sector Plan and Official Map as defined and regulated by the City of Albuquerque Comprehensive City Zoning Code. Approval of this request will allow the property owner to continue operating an existing and exceptionally successful business which has made an immense contribution to the local economy and above all has significantly improved a previously blighted area within a designated Metropolitan Redevelopment Area of the City. We believe this request furthers the goals and policies of the Comprehensive Plan, the Metropolitan Redevelopment Code, and the McClellan Park Sector Development Plan.

Please do not hesitate to contact me if you have any questions or require any additional information.

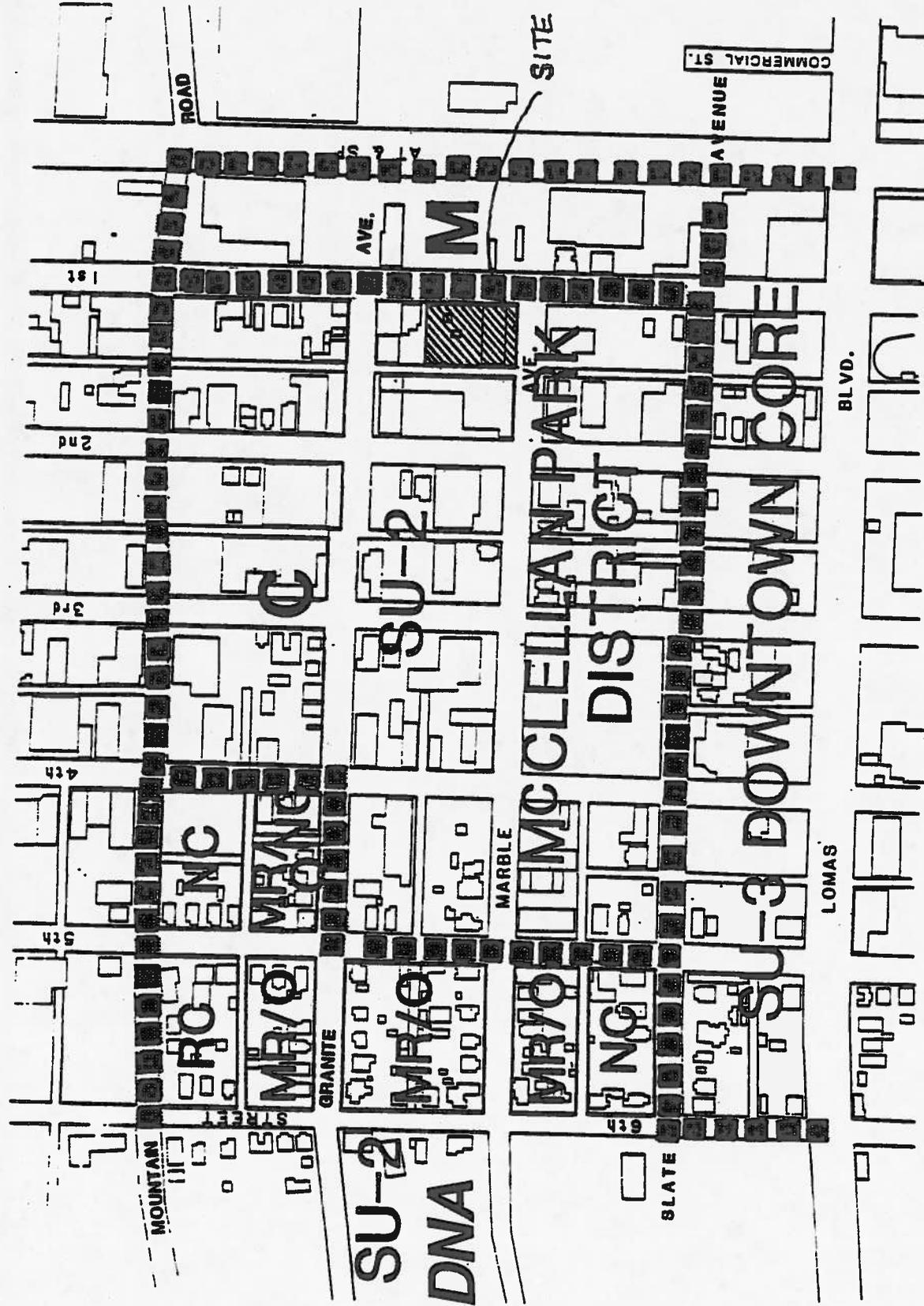
Sincerely,

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

Jonathan Turner  
Garcia/Kraemer & Associates

Enclosure/s

Cc: Kyle Silfer- North Valley Coalition  
David Wood- North Valley Coalition



- RC RESIDENTIAL / COMMERCIAL ZONE
- MR/O MIXED RESIDENTIAL / OFFICE ZONE
- NC NEIGHBORHOOD COMMERCIAL ZONE
- SU-2 SPECIAL NEIGHBORHOOD ZONE
- SU-3 SPECIAL CENTER ZONE

# PROPOSED ZONING

MAP 17

**ADDITIONAL STAFF INFORMATION**

# Support Case

## Search Results

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First  1-10 of 12  Last

Case	Contact Name	Customer Name	Customer Role	Problem Summary	Date Created	Date Closed	Site Address
<a href="#">10977249</a>	Travis Kein	Travis Kein	Citizen	Animal Welfare Field Dispatch	04/25/2013	11/12/2013	111 Marble NW
<a href="#">9261076</a>	John Gozigian	Marble Brewery	Business	Marble brewery missed trash commercial dumpster Tuesday	04/24/2012	04/24/2012	111 Marble NW
<a href="#">7741727</a>	Lily Curiso	Lily Curiso	Citizen	Dog in Red Toyota Truck/ Marble Brewery behind building	06/28/2011	06/29/2011	111 Marble NW
<a href="#">4914643</a>	LUANNA VERALA	SWD-GRAFFITI	Business	BLITZ CONCRETE 10 MIN	12/16/2009	12/16/2009	111 MARBLE NW
<a href="#">4661452</a>	PAT PARALTA	SWD GRAFFITI	Business	BLITZ, METAL, ALLEY, 10 MIN	11/02/2009	11/02/2009	111 MARBLE NW
<a href="#">4083793</a>	PAT PARALTA	SWD GRAFFITI	Business	BLITZ METAL, BOXES 10 MIN	07/27/2009	07/27/2009	111 MARBLE NW
<a href="#">4030520</a>	Ernest Ledger	Ernest Ledger	Citizen	Thursday	07/17/2009	07/17/2009	1111 Marble NW
<a href="#">3382351</a>	PAT PARALTA	SWD GRAFFITI	Business	BLITZ BLOCK 10 MIN	03/16/2009	03/16/2009	111 MARBLE NW
<a href="#">2458468</a>	Daniel Jaramillo	Daniel Jaramillo	Citizen	Graffiti	08/13/2008	08/13/2008	111 Marble NW
<a href="#">2381261</a>	Ted Wright	Marble Brewery	Business	Graffiti	07/25/2008	07/25/2008	111 Marble NW

Add Case

Search

Search Results

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<u>Case</u>	<u>Contact Name</u>	<u>Customer Name</u>	<u>Customer Role</u>	<u>Problem Summary</u>	<u>Date Created</u>	<u>Date Closed</u>	<u>Site Address</u>
<u>298318</u>	Ryan Spaudhammer	Ryan Spaudhammer	Citizen	Tuesday Marble Brewery	07/02/2008	08/27/2008	111 Marble NW
<u>210929</u>	Ernest Leger	Ernest Leger	Citizen	Thursday, air condition	05/30/2007	06/01/2007	1111 Marble NW

# ATTACHMENT "A"

January 20, 2015

Jonathan Turner  
Garcia/Kraemer & Associates  
600 1<sup>st</sup> Street NW, Ste. 211/87102  
Phone: 505-440-1524 Fax:  
E-mail: [jturner@garciakraemer.com](mailto:jturner@garciakraemer.com)

## ***NEIGHBORHOOD COALITIONS***

### **NORTH VALLEY COALITION**

**\*Kyle Silfer**, P.O. Box 70232/87197 265-5840 (h) 918-0978 (c) *e-mail:* [kyle@rtoads.com](mailto:kyle@rtoads.com)  
David Wood, 158 Pleasant NW/87107 221-2626 (c) *e-mail:* [wood\\_cpa@msn.com](mailto:wood_cpa@msn.com)  
**Website:** [www.bit.ly/nvcabqweb](http://www.bit.ly/nvcabqweb) **E-mail:** [nvcabq@gmail.com](mailto:nvcabq@gmail.com)

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<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$7.19</b>



Sent to  
**NORTH VALLEY COALITION - ATTN: DANA WOOD**  
 Street, Apt. No.,  
 or PO Box No. **PO. BOX 70232**  
 City, State, ZIP+4  
**ABQ, NM 87197**

PS Form 3800, August 2005

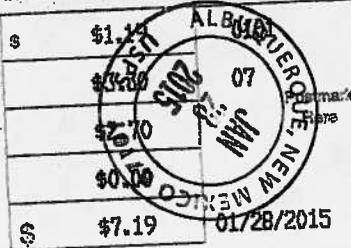
See Reverse for Instructions

U.S. Postal Service™  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87107

Postage	\$	\$1.19
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$7.19</b>



Sent to  
**NORTH VALLEY COALITION - ATTN: DANA WOOD**  
 Street, Apt. No.,  
 or PO Box No. **158 PLEASANT NW**  
 City, State, ZIP+4  
**ABQ, NM 87107**

PS Form 3800, August 2005

See Reverse for Instructions

7011 2000 0002 1727 2657

7011 2000 0002 1727 2657

**SITE PLAN REDUCTIONS**

**GENERAL NOTES**

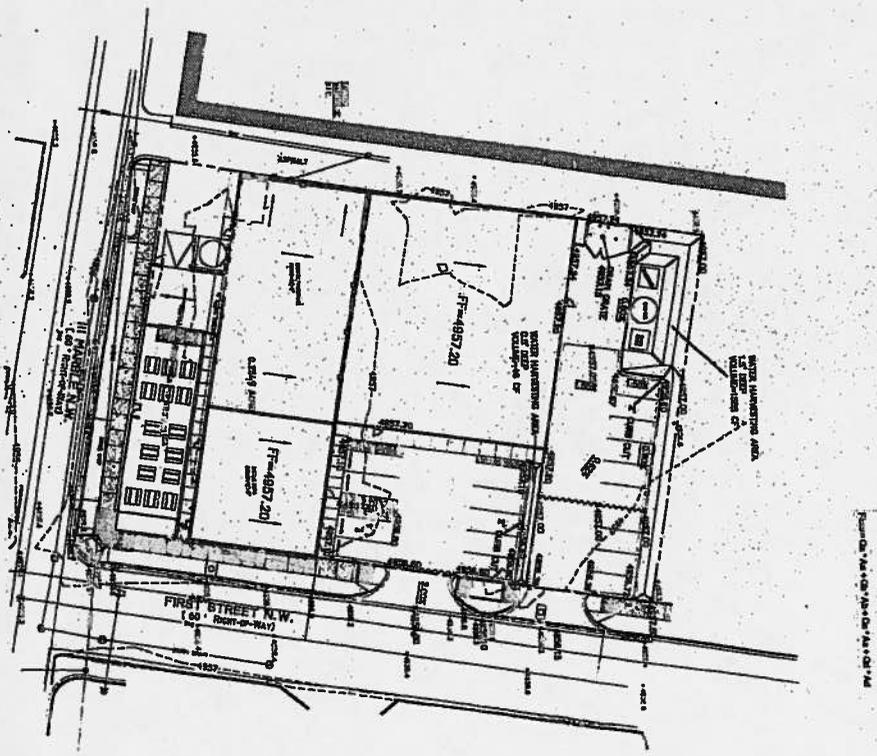
1. THE WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE DIVISION OF PUBLIC WORKS, CITY OF NEW YORK, AND THE STANDARD SPECIFICATIONS FOR THE CONSTRUCTION OF HIGHWAYS, BRIDGES AND STRUCTURES, CITY OF NEW YORK, LATEST EDITION.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.



**Weighted E Method**

Item	Quantity		Unit Price		Total Price	
	Estimate	Contract	Estimate	Contract	Estimate	Contract
Excavation	1000	1000	1.50	1.50	1500.00	1500.00
Backfill	1000	1000	0.75	0.75	750.00	750.00
Concrete	1000	1000	2.00	2.00	2000.00	2000.00
Reinforcement	1000	1000	0.50	0.50	500.00	500.00
Formwork	1000	1000	0.25	0.25	250.00	250.00
Foundation	1000	1000	1.00	1.00	1000.00	1000.00
Structure	1000	1000	1.50	1.50	1500.00	1500.00
Roofing	1000	1000	0.50	0.50	500.00	500.00
Interior	1000	1000	0.75	0.75	750.00	750.00
Exterior	1000	1000	0.50	0.50	500.00	500.00
Paint	1000	1000	0.25	0.25	250.00	250.00
Other	1000	1000	0.50	0.50	500.00	500.00
<b>Total</b>	<b>10000</b>	<b>10000</b>	<b>1.50</b>	<b>1.50</b>	<b>15000.00</b>	<b>15000.00</b>



- GENERAL NOTES**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.
  3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.
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  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.

**CONTRACTOR'S CERTIFICATE**

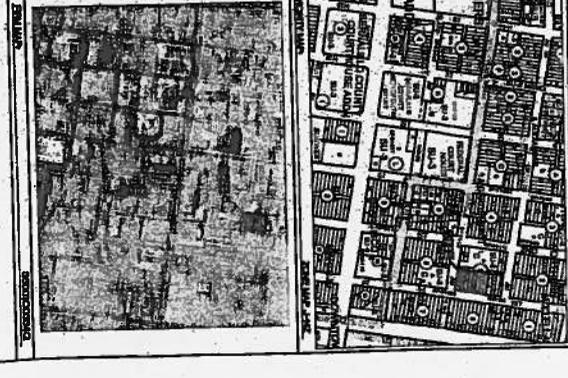
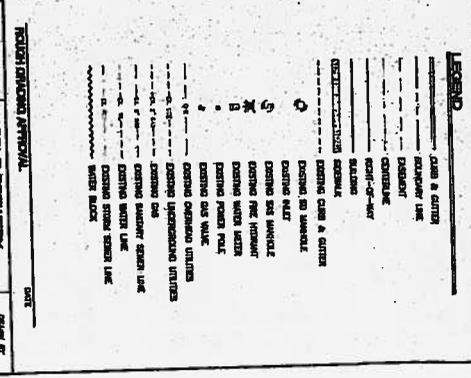
I, the undersigned, hereby certify that the above is a true and correct copy of the original drawings and specifications for the work herein described, and that I am a duly licensed contractor under the laws of the State of New York.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**PERMITS AND APPROVALS**

AGENCY	NAME	DATE



**GENERAL NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.

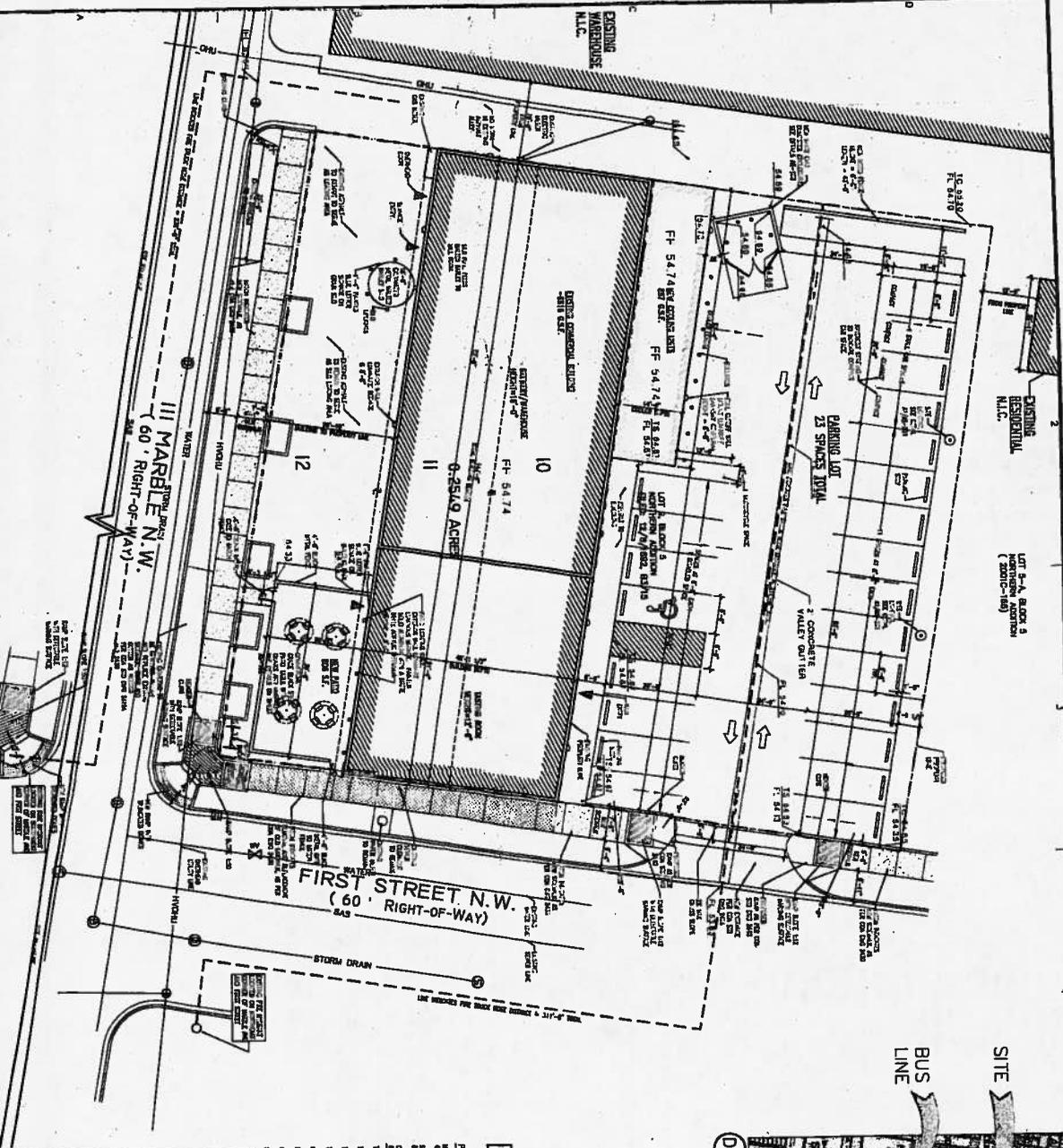
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEW YORK AND THE STATE OF NEW YORK.



**A1** SITE PLAN FOR BUILDING PERMIT AND PRELIMINARY GRADING PLAN



111 MARBLE N.W. (50' Right-of-Way)  
 FIRST STREET N.W. (60' Right-of-Way)



**SITE CALCULATIONS**

PROPOSED LOT DIMENSIONS:  
 LOT 10: 25' x 125' → 3125 SQ. FT.  
 LOT 11: 25' x 125' → 3125 SQ. FT.  
 LOT 12: 25' x 125' → 3125 SQ. FT.

PROPOSED BUILDING FOOTPRINTS:  
 LOT 10: 10' x 100' → 1000 SQ. FT.  
 LOT 11: 10' x 100' → 1000 SQ. FT.  
 LOT 12: 10' x 100' → 1000 SQ. FT.

PROPOSED PARKING SPACES:  
 10 SPACES @ 300 SQ. FT. EACH = 3000 SQ. FT.

PROPOSED DRIVEWAY:  
 10' x 20' = 200 SQ. FT.

PROPOSED TOTAL LOT AREA: 9375 SQ. FT.

PROPOSED TOTAL BUILDING AREA: 3000 SQ. FT.

PROPOSED TOTAL PARKING AREA: 3000 SQ. FT.

PROPOSED TOTAL DRIVEWAY AREA: 200 SQ. FT.

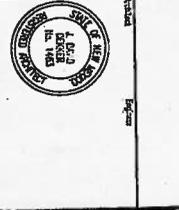
PROPOSED TOTAL IMPAVED AREA: 6200 SQ. FT.

PROPOSED TOTAL UNIMPAVED AREA: 3175 SQ. FT.

PROPOSED TOTAL SITE AREA: 9375 SQ. FT.

**MARBLE BREWERY**

111 MARBLE  
 ALBUQUERQUE, NM



**STUDIO SW ARCHITECTS**

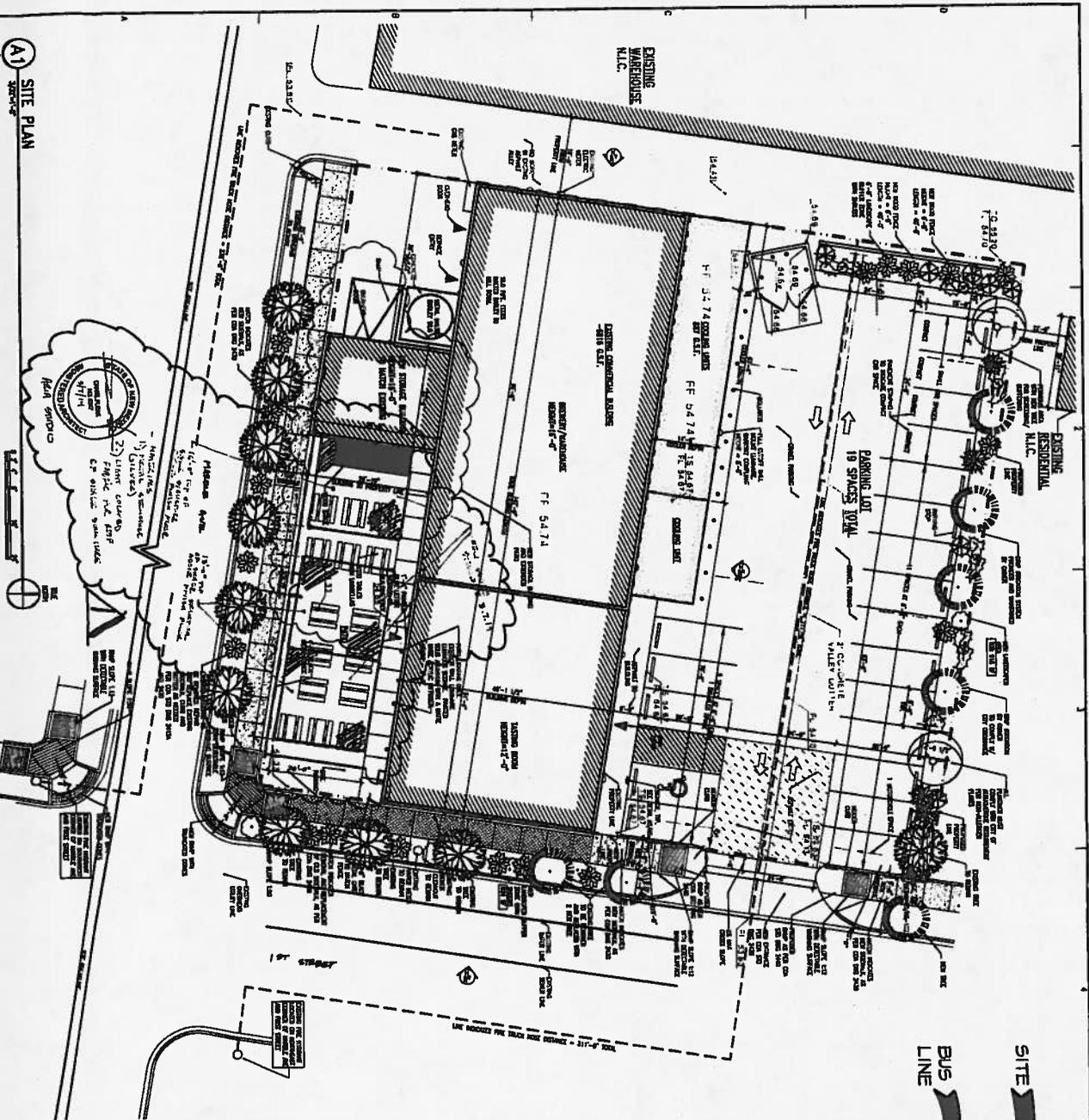
STUDIO SW ARCHITECTS, INC.  
 3701 UNIVERSITY BLVD. N.W., ALBUQUERQUE, NM 87104  
 (505) 263-1111  
 www.studiows.com

**PROJECT NUMBER: 100887**  
**APPLICATION NUMBER: 100888-0089**

DATE: 6/18/07  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: 6/18/07

111 MARBLE N.W. (50' Right-of-Way)  
 FIRST STREET N.W. (60' Right-of-Way)

**AS-101**



**SITE CALCULATIONS**

MINIMUM REQUIREMENTS

REQUIREMENTS FOR EXISTING AND PROPOSED TRAIL PARK

1. GROUND COVER	1. 50%
2. PERMEABLE COVER	1. 50%
3. PERMEABLE COVER	1. 50%
4. PERMEABLE COVER	1. 50%

ADMINISTRATIVE AMENDMENT  
 FILE # 11-11-11 PROJECT # 1005137  
 ADDITION OF 9 SHOPS STRUCTURES  
 IN TRAIL PARK NO DESCRIBED  
 4-14-14  
 APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

**PROJECT NUMBER: 1005137**

**APPLICATION NUMBER:**

**DATE OF SUBMITTAL:**

**PREPARED BY:**

**DESIGNED BY:**

**CHECKED BY:**

**DATE:**

**APPROVED BY:**

**DATE:**

**STUDIO 10**

**SW ARCHITECTS**

STUDIO 10 SOUTHWEST ARCHITECTS, INC.  
 2101 MARBLE BLDG. ALBUQUERQUE, NM 87104  
 505.261.1010  
 www.studio10architects.com

**111 MARBLE ALBUQUERQUE, NM**

**MARBLE BREWERY STORAGE ADDITION**

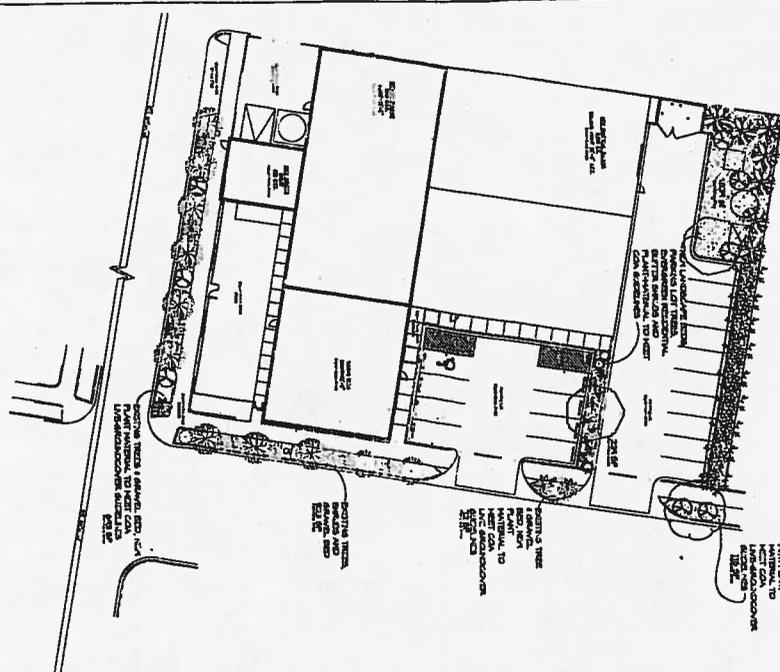
1/25/10

**AS-101**

**SHEET TITLE: SITE PLAN**

NO.	DATE	DESCRIPTION
1	09/12	PERMIT ISSUE SET
2	09/26/10	CD DRAWING
3	09/26/10	CD DRAWING
4	09/26/10	CD DRAWING
5	2/17/10	CD DRAWING





**PLANT LEGEND**

- 1. **PLANTING SPECIES 1**  

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- 2. **PLANTING SPECIES 2**  

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- 3. **PLANTING SPECIES 3**  

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- 4. **PLANTING SPECIES 4**  

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- 5. **PLANTING SPECIES 5**  

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- 6. **PLANTING SPECIES 6**  

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- 7. **PLANTING SPECIES 7**  

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- 8. **PLANTING SPECIES 8**  

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- 9. **PLANTING SPECIES 9**  

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- 10. **PLANTING SPECIES 10**  

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- 11. **PLANTING SPECIES 11**  

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- 12. **PLANTING SPECIES 12**  

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- 13. **PLANTING SPECIES 13**  

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- 14. **PLANTING SPECIES 14**  

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- 15. **PLANTING SPECIES 15**  

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- 16. **PLANTING SPECIES 16**  

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- 17. **PLANTING SPECIES 17**  

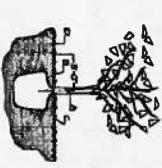
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- 18. **PLANTING SPECIES 18**  

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- 19. **PLANTING SPECIES 19**  

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- 20. **PLANTING SPECIES 20**  

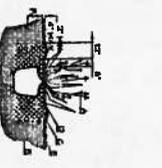
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**TREE PLANTING DETAIL**



**TREE PLANTING DETAIL**  
 1. TREE PLANTING DETAIL  
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**SHRUB PLANTING DETAIL**



**SHRUB PLANTING DETAIL**  
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 20. SHRUB PLANTING DETAIL

**LANDSCAPE CALCULATIONS**

TOTAL LOT AREA	20,000	SQ. FT.
TOTAL BUILDING AREA	10,000	SQ. FT.
TOTAL PAVED AREA	5,000	SQ. FT.
TOTAL LANDSCAPE PROPOSED	5,000	SQ. FT.
TOTAL LOT AREA	20,000	SQ. FT.
TOTAL BUILDING AREA	10,000	SQ. FT.
TOTAL PAVED AREA	5,000	SQ. FT.
TOTAL LANDSCAPE PROPOSED	5,000	SQ. FT.
TOTAL LOT AREA	20,000	SQ. FT.
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TOTAL PAVED AREA	5,000	SQ. FT.
TOTAL LANDSCAPE PROPOSED	5,000	SQ. FT.
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TOTAL BUILDING AREA	10,000	SQ. FT.
TOTAL PAVED AREA	5,000	SQ. FT.
TOTAL LANDSCAPE PROPOSED	5,000	SQ. FT.

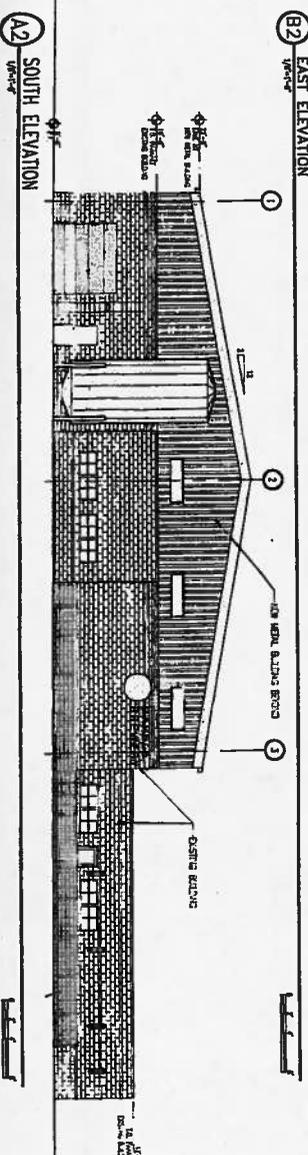
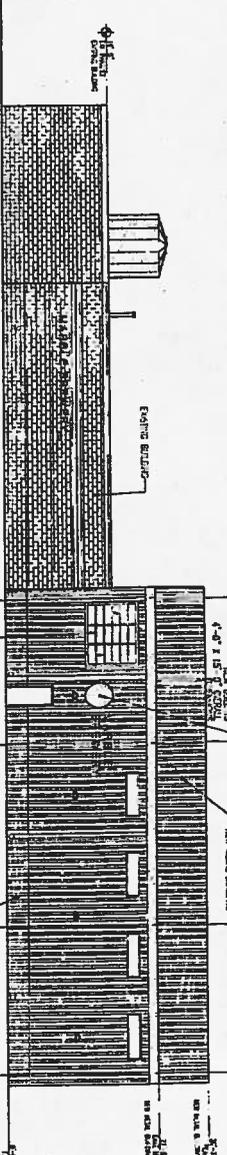
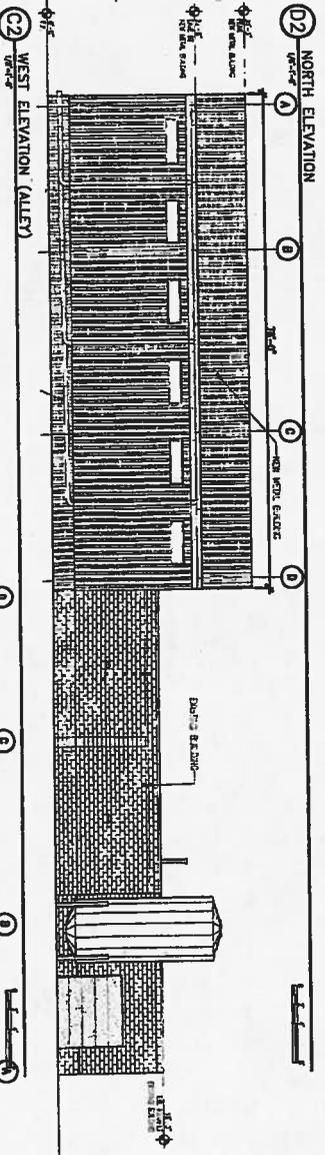
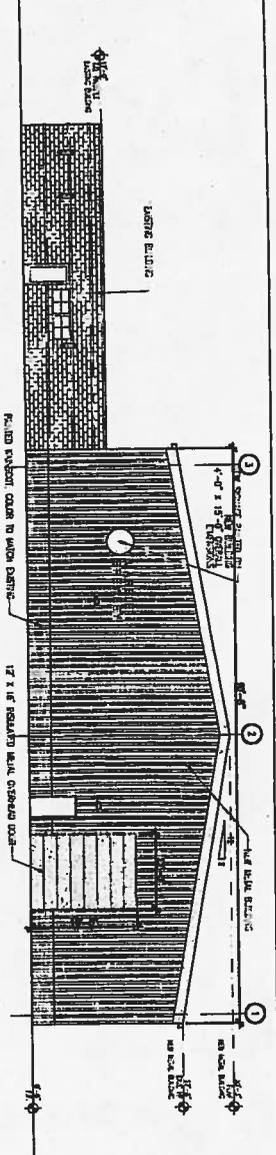
**NOTES TO THE PLAN**  
 1. ALL PLANTINGS SHALL BE PLANTED ON A 1:1 RATIO.  
 2. ALL PLANTINGS SHALL BE PLANTED ON A 1:1 RATIO.  
 3. ALL PLANTINGS SHALL BE PLANTED ON A 1:1 RATIO.  
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 9. ALL PLANTINGS SHALL BE PLANTED ON A 1:1 RATIO.  
 10. ALL PLANTINGS SHALL BE PLANTED ON A 1:1 RATIO.



LANDSCAPE & ARCHITECTURE

**MARBLE BREWERY**  
 111 MARBLE AVE. NW  
 LANDSCAPE PLAN

Cont. Lic. #28458  
 7909 Loch R.E.  
 Albuquerque, N.M. 87104  
 Ph. (505) 885-8860  
 Fax (505) 885-7737  
 www.hilltoplandscapenyc.com



ARCHITECTURE  
 ARLIA ARCHITECTURE LLC  
 222 WESTERN STREET, NORTH PLAZA  
 MOORE, OKLAHOMA 73160-3748  
 PHONE: (405) 431-1524 FAX: (405) 431-3748

MARBLE BREWERY  
 NEW BUILDING  
 ADDITION  
 111 MARBLE  
 ALBUQUERQUE, NM

Architect/Engineer



NO.	DATE	DESCRIPTION
1	08/20/10	ISSUE FOR PERMITS
2	09/01/10	REVISED PERMITS
3	09/01/10	REVISED PERMITS
4	09/01/10	REVISED PERMITS
5	09/01/10	REVISED PERMITS
6	09/01/10	REVISED PERMITS
7	09/01/10	REVISED PERMITS
8	09/01/10	REVISED PERMITS
9	09/01/10	REVISED PERMITS
10	09/01/10	REVISED PERMITS

A201

SHEET TITLE  
 BUILDING ELEVATIONS