



**Environmental
Planning
Commission**

**Agenda Number: 02
Project Number: 1011188
Case Number: 17EPC- 40006, 40007
May 11, 2017**

Staff Report

Agent	DAC Enterprises, Inc.
Applicant	COE & Peterson, LLC, Commercial Properties
Request	Zone Map Amendment (Zone Change) Site Development Plan for Building Permit
Legal Description	Lot 13, Block 6 of the Delwood Subdivision
Location	3517 Wyoming Blvd NE, southwest corner of Wyoming Blvd NE and Comanche Rd NE
Size	Approximately 0.5 acres
Existing Zoning	C-1
Proposed Zoning	SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license

Staff Recommendation

**APPROVAL of
Project # 1011188
Case # 17EPC-40006, 40007
based on the Findings included
in this report.**

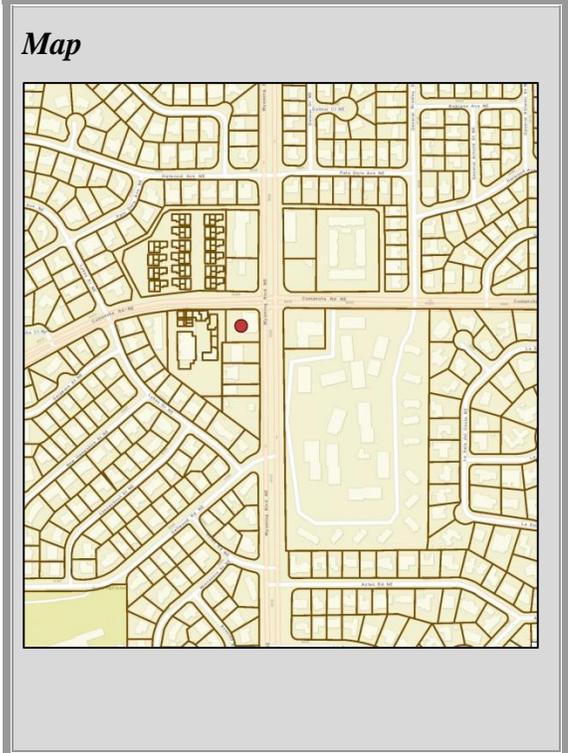
**Staff Planner
Cheryl Somerfeldt**

Summary of Analysis

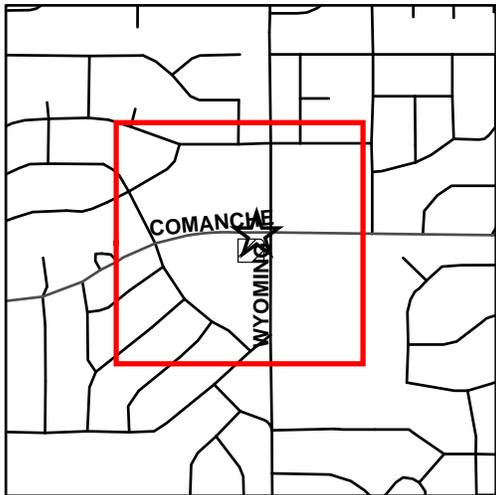
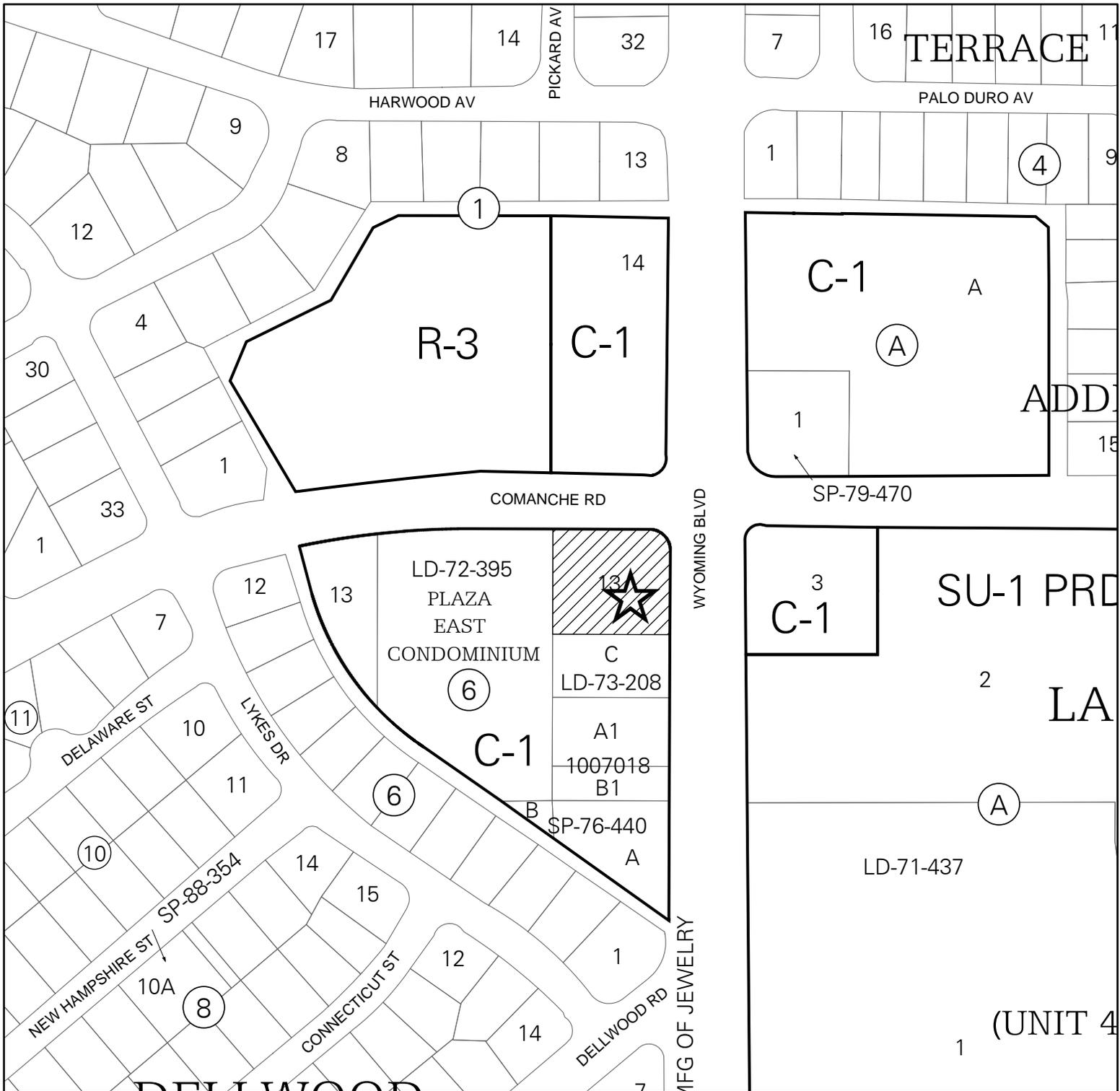
This is a two part request. The first request is for a Zone Map Amendment (zone change) from C-1 to SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license, and the second part is a Site Plan for Building Permit for an existing structure which recently completed tenant improvements, renovating the façade and interior. The property owner requests the zone change to permit a taproom as a tenant to the southern space within the existing building. The taproom would sell alcohol on-premise and a small amount of off-premise alcohol sales consisting of growlers.

A facilitated meeting was held on Monday, April 24, 2017, and the neighbors have expressed support for the project.

The request meets applicable goals and policies, and staff is recommending approval subject to the findings and conditions contained within the staff report.







ZONING MAP

Note: Grey shading indicates County.



1 inch = 200 feet

Project Number:

101188

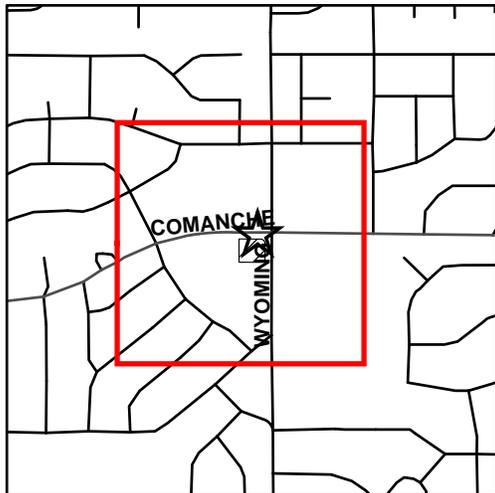
Hearing Date:

03/24/2017

Zone Map Page: G-19

Additional Case Numbers:

17EPC-40006 & 40007



LAND USE MAP

Note: Grey shading indicates County.

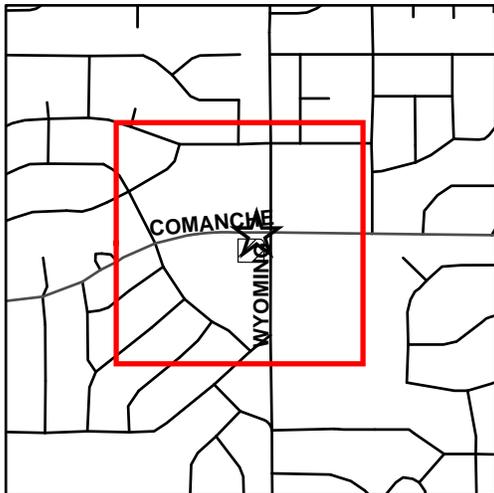
KEY to Land Use Abbreviations

- 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



1 inch = 200 feet

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HISTORY MAP

Note: Grey shading indicates County.



1 inch = 200 feet

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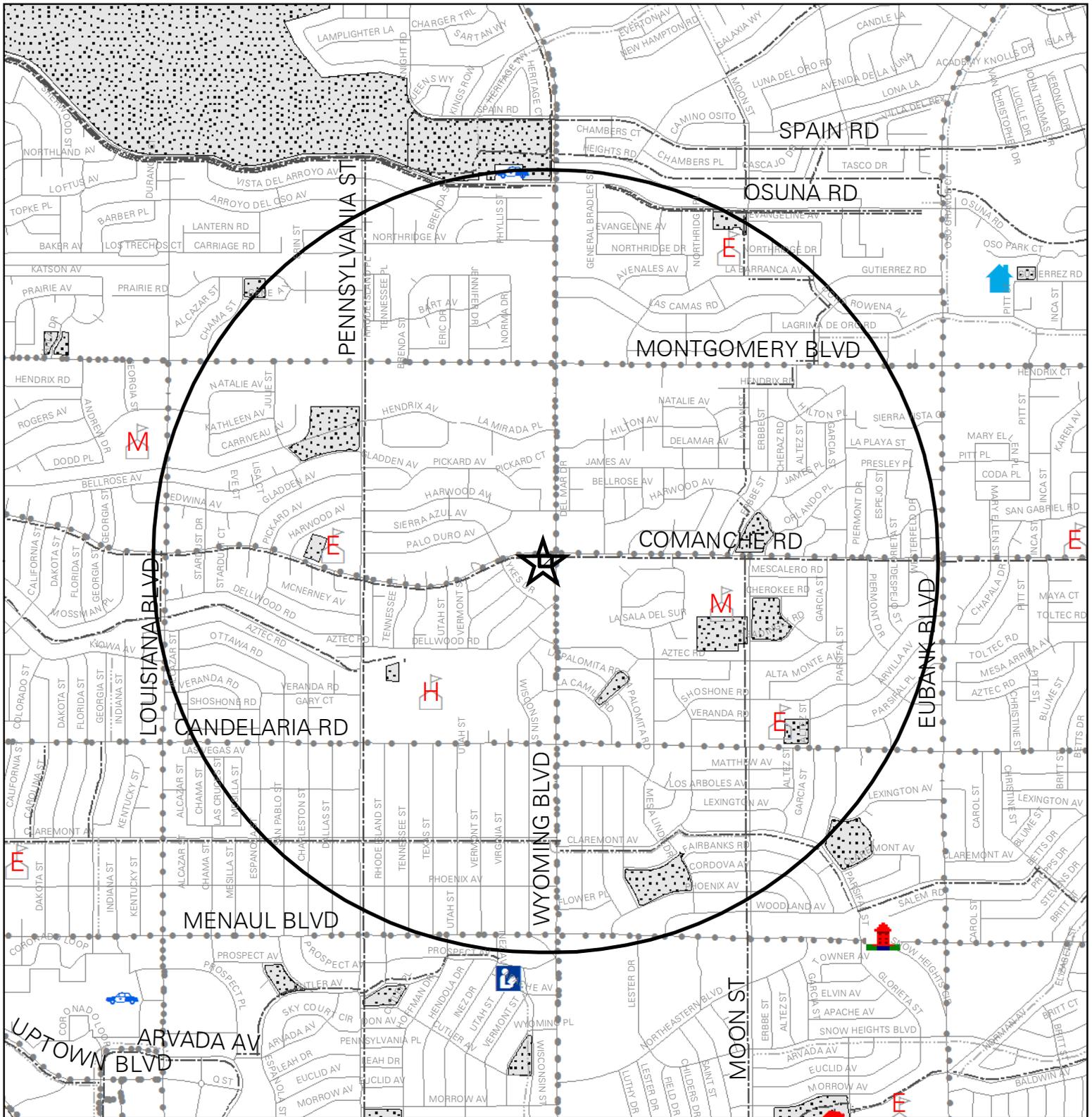
Hearing Date:

03/24/2017

Zone Map Page: G-19

Additional Case Numbers:

17EPC-40006 & 40007



Public Facilities Map with One-Mile Buffer

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

Project Number: 101188

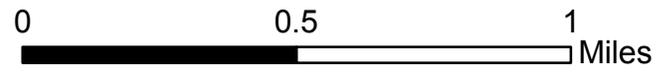


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I. INTRODUCTION

A. Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	C-1	Established Urban	Commercial Service
North	C-1	“	Commercial Service
South	C-1	“	Commercial Service
East	C-1	“	Commercial Service
West	C-1	“	Commercial Service

B. Proposal

This is a two part request. The first request is for a Zone Map Amendment (Zone Change) and the second part is a Site Plan for Building Permit. The property is located at 3517 Wyoming Boulevard NE at the southwest corner of Wyoming Boulevard NE and Comanche Road NE. The approximately 0.5 acre property holds an existing structure with recently completed tenant improvements renovating the façade and interior. The property owner requests the zone change to permit a taproom as a tenant to the southern space within the existing building. The taproom would sell alcohol on-premise and a small amount of off-premise alcohol sales consisting of growlers.

The applicant proposes the zone to be changed from straight C-1 to “*SU-1 for C-1, and taproom to include sales of alcohol for on and off premise consumption in association with a small brewers or winegrowers license as defined by the state of New Mexico.*” Staff supports a zone change to “*SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license*”. This would allow a taproom (which is currently not a defined term in the Zoning Code and should not be in the zoning descriptor) to be located on site. In addition, this zoning description will maintain the existing C-1 zone uses, allowing permissive uses permissively and conditional uses conditionally through the Zoning Hearing Examiner (ZHE) process. The applicant’s justification letter suggests that the applicant requests C-1 conditional uses permissively, which staff does not support.

If the request is approved for the zone change to SU-1, the parcel will be site plan controlled which requires the second part of the request, the Site Development Plan for Building Permit. The applicant proposes a renovation to the existing building and site to provide for a restaurant at the northeast corner of the building, a taproom at the southern portion of the building, and two other spaces yet to be determined.

C. EPC Role

The Environmental Planning Commission (EPC) is hearing this Zone Map Amendment case because the EPC has the authority to hear all Zone Map Amendment cases and make decisions on those cases that are for sites less than one block or 10 acres in size. The EPC is the final decision-making body for this application, unless the decision is appealed, pursuant to Zoning Code Section 14-16-4-1 Amendment Procedure. If appealed, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council, which would make the final administrative decision pursuant to Zoning Code Section 14-16-4-4(A)(2). This is a quasi-judicial matter.

The EPC is hearing this Site Plan for Building Permit case because of the SU-1 zone designation which requires the site plan review and approval. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) then City Council 14-16-4-4-(A)(2). The request is considered a quasi-judicial matter.

D. History/Background

The site was originally zoned R-1 as part of the Delwood Addition. Subsequent to development of the residential development on the interior of the block to the west and south of the subject site, the property owner requested the C-2 zone for this remaining triangle at the northeast corner of the subdivision and the southwest corner of Wyoming Boulevard NE and Comanche Road NE in 1959. The Planning Commission denied the request for C-2, due to strong neighborhood opposition and the fact that Comanche Road is only a minor arterial. The Planning Commission recommended the C-1 zone, Neighborhood Commercial, subject to the dedication of a 20-foot alley along the rear of the lots fronting Lykes Drive to separate the residential from commercial uses. This zone change was approved, and the property has since been zoned straight C-1. According to historic Albuquerque City Directories, the subject building existed prior to 1989 but subsequent to 1976.

E. Context

The subject site holds an existing building which is currently vacant during the completion of tenant improvements. The property across Wyoming Boulevard NE to the east consists of a real estate office with the parking lot visible from the street. To the southeast of the subject site is a large apartment complex. To the northeast of the subject site across the intersection is a gas station convenience store. Immediately to the north of

the subject site across Comanche Road NE is an auto service station. Behind this service station is an apartment complex. To the west of the subject site is an office complex and further to the west is the Delwood subdivision which is part of the Sandia High School Area and consists of single family homes. To the south of the subject site are small stores which appear to be built prior to 1989 with parking lots bordering the street and include services for businesses, pools and fireplaces, and insurance. The proximity to residential uses suggests the potential for pedestrian and bicyclist use of the property. The property owner has indicated that there will be shared parking agreements with adjacent property owners.

The subject site is at a higher grade than properties to the south and there is an existing retaining wall at the southwest portion of the property, so that there is no vehicular connection to adjacent parking lots; however the retaining wall should not significantly impede pedestrian traffic since it tapers toward zero at Comanche Road NE and Wyoming Boulevard NE.

F. 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 LRRS designates Wyoming Boulevard NE as a Principal Arterial.

The LRRS designates Comanche Road NE as a Major Collector.

Wyoming Boulevard NE is an Intelligent Transportation System (ITS) Corridor.

G. Comprehensive Plan Corridor Designation

The Albuquerque/Bernalillo County 2002 Comprehensive Plan designates Wyoming Boulevard NE as an Enhanced Transit Corridor.

Enhanced Transit Corridors are roadways designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby. These roadways could have similar features to the major transit corridor such as dedicated bus lanes, wide sidewalks, bike lanes, and longer term possibility of light rail service. Their goal is to provide transit service competitive with the car, and develop adjacent land uses and intensities that promote the use of transit.

H. Trails/Bikeways

The Long Range Bicycle System (LRBS) map identifies an existing bike lane on Comanche Road NE.

I. Transit

Fixed route 31 runs north-south on Wyoming Boulevard NE from La Cueva High School to Kirtland Airforce Base (KAFB). Commuter Route 98 runs north-south on Wyoming

Boulevard NE from the Northwest Transit Center to KAFB. Commuter Route 13 runs east-west on Comanche Road NE. All referenced routes stop are in close proximity to the site.

J. Public Facilities/Community Services

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

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS AND POLICIES

A. Albuquerque Comprehensive Zoning Code

The subject site is currently zoned straight C-1. Pursuant to section §14-16-2-16 of the City Zoning Code, the C-1 zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas. Permitted uses include offices, retail establishments, restaurants with beer and wine sales for on premise consumption, and day care centers. Conditional uses, allowed with approval from the Zoning Hearing Examiner following a public hearing include drive up service windows, and gas stations with 8 or more pumps. These sites can apply directly through the building permit process without EPC review.

The zoning language that the applicant proposes would allow C-1 uses, permissive and conditional, and add the taproom. Small changes to the site could be made administratively. Staff recommends that the zoning be “SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license”, and that only the taproom be added permissively.

The key difference between the existing straight C-1 zone and the proposed zoning would be that the straight C-1 zone only allows alcohol sales in conjunction with a restaurant license § 60-6A-4 NMSA 1978, requiring 60 percent of sales from food. The proposed zone would allow beer and wine sales without food service (see attached licenses descriptions).

Food Trucks (Mobile Food Units) would not be allowed to park on the site without the permission of the property owner and would not be allowed to occupy or obstruct any of the required parking spaces for the site § 14-16-3-25. Based on the parking provided, a food truck would not be able to park on the site, but could park on an adjacent site.

B. Definitions (if applicable)

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.

Site Development Plan for Building Permits (§14-16-1-5): In addition to information required for Subdivision, exact structure locations, structure (including sign) elevations

and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building construction), and proposed schedule for development.

Taproom: Within this staff report, it shall be defined as a business which sells alcohol for on and off premise consumption in association with a small brewer's license. (This is not currently a defined term within the City Zoning Code.)

C. Albuquerque / Bernalillo County Comprehensive Plan

Note: policy citations are in regular text; *applicant justification is in italics*, and **staff analysis is in bold italics**.

Note: The following policy citations are from the Albuquerque/Bernalillo County 2002 Comprehensive Plan. The updated Albuquerque and Bernalillo County Comprehensive Plan was adopted by City Council on March 20, 2017 and enacted on April 12, 2017. Since the application for this project was received before enactment of the new Comprehensive Plan, the project was analyzed per the 2002 Comprehensive Plan.

The subject site is located in the area designated Established Urban by the Comprehensive Plan. The Established Urban Area includes most of the area to the east of I-25 north and south of I-40. The goal of the Established Urban Area is 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.5.a of the Developing and Established Urban Area of the Comprehensive Plan states: "The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre."

This request will continue to allow all of the uses currently permitted in the C-1 zone, including office, service, institutional and limited commercial uses. This request adds a new neighborhood use that is desirable throughout the community. The requested use did not exist when the current Zoning Code was adopted, though it may well be added to the new Integrated Development Ordinance. As this request adds a desirable use not currently allowed, it will add to the full range of urban land uses. This does not significantly conflict with Policy a. and will facilitate realization of the Comprehensive Plan.

Allowing a taproom to locate on this site will contribute to the range of urban land uses offered in the area. It is an opportunity for the city to diversify the placement of this growing type of business so that it provides an amenity for locals rather than exclusively focusing this use in certain parts of the City. However, staff only recommends the addition of a taproom and not all C-1 conditional uses as permissive on this site. The request furthers Policy II.B.5.a.

Policy II.B.5.d: “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 and recreational concern.”

Approval of this zone map amendment will allow a different type of restaurant use to the allowed uses in the C-1 zone. The request is not for new development. It is a neighborhood oriented zone. Applicant has notified the relevant neighborhood associations and district coalition of neighborhoods.

The site is located on the corner of Wyoming and Comanche NE with an existing driveway for each street. Both driveways are ‘right in, right out’ only. The site is presented ‘as built’ with upgrades to landscaping and motorcycle parking. Applicant understands that the EPC may make other changes as may be necessary to facilitate approval of this zone map amendment request. Because there will be no new construction, this request does not conflict with Policy d. The new use will further this Policy by providing a new use which will bring residents of the nearby neighborhoods together in a casual social setting. It will also respect the carrying capacities of this major intersection by creating a neighborhood use that can be easily accessed by pedestrians. For these reasons, approval will further this policy and facilitate realization of the Comprehensive Plan.

Because this is the re-development and renovation of an existing site next to existing roadways, bikeways, and transit, and a use that is acceptable and encouraged by the existing neighborhood; it is respectful of existing carrying capacities and other local social, cultural, and recreational resources. The request furthers Policy II.B.5.d.

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

This is not vacant land, but the center is served by existing city facilities. The center is located on the corner of Comanche & Wyoming. There are five bus stops within a short walking distance of the site. The center is also within reasonable walking distance of a large neighborhood to the west of the property and a large multi-family residential development across Wyoming to the east of the property. A tap room, which allows the off premises consumption through the sale of growlers, is a desirable neighborhood use and support has been shown at meetings and through conversations with the neighborhood and elected representatives. The other uses allowed on the site will remain neighborhood in nature and the site plan itself, including the process for amendment, will ensure the integrity of the existing neighborhoods. As such, this request does not conflict with Policy e. Further, if approved, any subsequent amendments to the physical site itself must be approved with public notice which will assure that any such approval will clearly facilitate realization of the Comprehensive Plan.

Staff agrees that the subject has access to full range of urban service including road, utilities and public services.

Policy II.B.5.k: “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.”

There are two entrances to the site, one off of Wyoming and one from Comanche. Both entrances are right in, right out with a median preventing any crossover traffic. The properties across both Wyoming and Comanche are zoned C-1. The parking lot itself abuts C-1 to the south and west. Because of this configuration, the request does not conflict with this policy and the limited access, nearby bus lines and significant distance from the nearest residential will facilitate the realization of the Comprehensive Plan.

The subject site consists of an existing building and parking area; therefore the applicant is not significantly altering the site. There is no direct access to the residential areas to the west of the site and any additional traffic will not be directed through these areas. The request furthers Policy II.B.5.k.

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

The site has been very recently renovated and there will be no further exterior redevelopment of the site at this time as a result of this request. This is an older Northeast Heights neighborhood and the site development plan requirement will assure any future redevelopment will enhance this older neighborhood shopping center. Because the site will be governed by a site development plan if this request is approved, the request will not conflict with Policy o. In addition, any physical redevelopment will be governed by the Site Development Plan approval process, thus furthering this Policy and clearly facilitating realization of the Comprehensive Plan.

The slightly expanded use for this property will provide options for the businesses who wish to locate at this intersection and serve the neighborhood, therefore allowing for redevelopment and rehabilitation. The request furthers Policy II.B.5.o.

The goal of Policy II.B.5.p is to assure that “cost effective redevelopment techniques shall be developed and utilized.”

Further, Technique 2 of this Policy “emphasizes private investment as a primary means to achieve redevelopment objectives.” This is a totally private investment funded entirely by the owner of the shopping center. As such, this zone map amendment does not conflict with Policy p and clearly furthers and facilitates this policy of the Comprehensive Plan.

The applicant’s response is sufficient. The request furthers Policy II.B.5.p.

Policy II.C.6.b: “Development of local business enterprises, as well as recruitment of outside firms shall be emphasized.”

Red Door Brewing is a local company with two existing tap rooms who is seeking to expand into this area. Tap rooms are opening in many parts of the Albuquerque metropolitan area and this will be the first in this area. This local enterprise cannot operate on this site without a zone map amendment. This zone map amendment will not conflict with this policy and will clearly facilitate this Policy of the Comprehensive Plan.

The applicant's response is sufficient. The request furthers Policy II.B.5.p.

D. Rank II and Rank III Plans

The subject site is not regulated by a Rank II or Rank III plan.

E. Resolution 270-1980

Policies for Zone Map Change Applications

The Resolution 270-1980 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.

F. 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 add a compatible land use to the existing C-1 uses on the site. The request furthers policies regarding economic development, neighborhood redevelopment and location of new growth.

The addition of the taproom would be consistent with health, safety, morals, and general welfare of the city because the use would be compatible with the existing scale of the development and it would add neighborhood services. The addition of the conditional uses permissively would not be appropriate.

- 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 request does not compromise the stability of the neighborhood because the proposed addition of the taproom is a neighborhood scale use, the site will be site plan controlled and changes to the site will require EPC approval. There is general neighborhood support of the project.

As stated above, the addition of the taproom would not have a destabilizing impact on the area, but the addition of the conditional uses permissively would not be appropriate because some of the allowed uses could change the character of the area. Therefore, a public hearing to determine the compatibility of each conditional use with the existing development should be required.

- 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.

The applicant cites Comprehensive Plan policies II.B.5 a, B.5.d, B.5.e, B.5.o, B.5.p, B.5.k and C 6.b. in support of the request. Refer to policy analysis section of the report for additional details.

- 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 the request will be more advantageous to the community as articulated in the goals and policies of the applicable plan. The applicant specifically states that this request will clearly facilitate the overarching Goal of the Established Urban area of the Comprehensive Plan as well as the following policies: II.B.5 a, B.5.d, B.5.e, B.5.o, B.5.p, B.5.k and C 6.b.

The existing C-1 zoning is inappropriate because the proposed zone is more advantageous to the community as articulated in the applicable goals and policies of the applicable plans because it will allow a new commercial use that is compatible with the existing uses and will be controlled by a site plan to ensure that future development is compatible with the existing development.

Taken together, this request furthers relevant policies regarding private development, allowing a full range of uses serving an older area; upgrading and re-utilizing a site with access to public and private transportation, and respecting neighborhood values by adding a desirable new use. In addition, all proposed uses are governed by not only the regulation of the C-1 zone, but also by a Site Development Plan approved by the EPC.

For these reasons and the policies cited in Section C., applicant believes that they have demonstrated that this use will be more advantageous to the community than the current use and thus clearly facilitating realization of the Comprehensive Plan.

- 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 applicant states that the proposed uses would not be injurious to the property, neighborhood or community. The applicant also asks that the C-1 conditional uses be allowed permissively on the site and briefly addresses the impact of those uses. Additionally the applicant states that public review at the EPC is a sufficient replacement for the ZHE hearing.

While some of the conditional uses would be compatible with existing development in the area, several uses would be inappropriate to develop on the site without a public hearing and review by the Zoning Hearing Examiner (ZHE), such as auto, truck and trailer rental sales and service, drive up service window, kennel, and gas station with 8 or more gas pumps. Staff does not agree that EPC review is sufficient to replace the ZHE in this case because the area is already developed and some of the conditional uses may not be compatible with this development.

Staff agrees that the taproom is an appropriate use for the site because the alcohol sales will be small scale and use is similar to a restaurant. The zone would allow off premise sales of any beer or wine produced under a small brewer's license, not just growlers of the taproom product.

Staff recommends that the zoning be amended to add only the taproom permissively. The staff recommendation is that C-1 permissive uses remain permissive and that C-1 conditional uses remain conditional for the subject site.

- f) A proposed zone change which to be utilized through land development requires major and un-programmed 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 request requires no capital expenditures by the city to be developed.

The request will allow the development of a private business that will be privately financed.

- 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 asks for no specific consideration regarding any economic issue with this zone change request. The purpose of this request is to allow a new neighborhood oriented use that is compatible with the intent of the C-1 zone.

The applicant provided policy justification for the request. While there may be an economic component to the request, it is not the sole justification for the request.

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

The location of this property on the corner of Wyoming Boulevard NE and Comanche Road NE is not used as justification for this request. The applicant believes that the justification for this zone map amendment is supported by relevant policies of the Comprehensive Plan that the location of the site on a major street is only a factor as it applies to those policies.

The applicant provided policy justification for the request. The location is relevant to the request because it is an appropriate location for commercial development, but the location is not the sole justification for the request.

- 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 applicant believes that although this is technically a spot zone, the current zoning is C-1 and the proposed zoning is SU-1 for C-1 uses and a tap room, which exactly the same uses allowed under the current zoning with one addition. The only property abutting this site is zoned C-1 and all other property lines abut streets.

Applicant believes that this letter has analyzed and addressed the relevant goals and policies in Section C. & D. to show that this request clearly facilitates the realization of the Comprehensive Plan. Specifically, this request furthers the Goal of the Developing and Urban Area as well as Policies II.B.5.a, II.B.5.a, II.B.5.e, II.B.5.o, II.B.5.p and II.B.5.k. It also furthers Economic Development Policy II.C.6.b.

The SU-1 zone is inherently a spot zone, but a justified spot zone because of the policy justification required to obtain the zone. The intent of prohibiting spot zoning is to prevent development incompatible land uses in close proximity. The proposed taproom would be a compatible land use with the land use.

- 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 does not believe that this is a strip zone as defined in the Section, but that the arguments noted in Section I. above are applicable for this section as well and that this map amendment will facilitate the realization of the Comprehensive Plan.

The request does clearly facilitate the goals and policies of the Comprehensive Plan by adding a neighborhood scale use that will contribute to the economic viability of the area and contribute to the revitalization of an older established neighborhood. The intent of prohibiting strip zoning is to prevent development incompatible land uses in close proximity. The proposed taproom would be a compatible land use with the existing land uses.

III. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

A. Request

This is a request for a Zone Map Amendment and a site development plan for Building Permit for an approximately 0.5 acre site located at the southwest corner of Wyoming Boulevard NE and Comanche Road NE. The applicant is proposing to renovate an existing building to eventually hold four separate businesses with two currently unidentified. A restaurant is proposed for the northeastern portion of the building, and a taproom is proposed for the southern portion of the building. The taproom would require a state issued small brewer's license which is not permitted in the straight C-1, neighborhood commercial zone. Therefore, the applicant is requesting a Zone Map Amendment to SU-1 in order to permit a taproom as a tenant in the space at the southern portion of the building.

The SU-1 zone is site plan controlled, and therefore requires a Site Plan for Building Permit as approved by the EPC pursuant to section 14-16-2-22 (A) (1) of the City Zoning Code which requires "a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission".

Section 14-16-3-11(B) of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for conformance with applicable goals and policies in the Comprehensive Plan, the Comprehensive Zoning Code and all other applicable City planning documents.

B. Site Plan Layout / Configuration

The existing building is oriented squarely on the corner of Comanche Road NE and Wyoming Boulevard NE with entrances on the north, east, and west sides. This is an existing building, therefore orientation is pre-determined. The north and east facades have setbacks varying from 5 to 15 feet from the property line with the parking lot wrapping around the west and south edges of the building on the interior of the lot. This allows the building to create a vertical presence at the street corner which, along with the renovated façade, contributes to the aesthetics of the area. The height of the building varies from 30 feet at the southeast corner to 22 feet at interior portions. The refuse container is located at the southwest corner of the lot. The site plan is compatible with surrounding development. There are entrances on the north and east facades facing the street as well as entrances on the west façade facing the parking lot.

The restaurant has been renovated to have a patio space which is enclosed by a wall and gated at the northeast corner of the site or immediately adjacent to the street corner. This visually extends the building to the street edge.

C. Public Outdoor Space

There is a patio space connected to the restaurant use at the northeast corner of the building and the site adjacent to Comanche Road NE and Wyoming Boulevard NE, but it is enclosed with a wall and a gate for use of the restaurant patrons only. There is no outdoor space designed for public use.

D. Vehicular Access, Circulation and Parking

Parking is located to the west and the south of the building on the interior of the lot. Vehicles can access the subject site via both Wyoming Boulevard NE and Comanche Road NE as right-in/right-out ingress/egress points with a two-way drive aisle remaining. The building effectively screens the parking lot from the street.

Pursuant to 14-16-2-22 (C), SU-1 special use zone, parking is subject to EPC discretion. Pursuant to Section 14-16-3-1 (A), Off-Street Parking Regulations, the restaurant and taproom would be required to have 1 parking space for every four indoor/outdoor seats; and retail and service spaces would be required to have 1 parking space per every 200 square feet of space in the straight C-1 zone. The taproom is expected to have 40 seats, which would require 10 parking spaces. The restaurant is expected to have 60 seats, which would require 15 parking spaces. The retail spaces are approximately 2915 square feet which would require 15 spaces, making a total of 40 spaces required in the straight C-1 zone. Due to proximity to transit, a 10% parking reduction will reduce the number of spaces required to 36. Thirty-three (33) spaces are provided on-site and 26 spaces have been procured through shared parking agreements (see attached), providing a total of 59 spaces, which is 23 spaces more than required.

The applicant proposes to procure shared parking agreements with surrounding properties (see attached for signed declarations). They have procured two lots to the south and one across the street and will continue to request shared parking agreements with lots to the west and south. Customers can utilize those spots starting at 5 PM on weekdays and on weekends.

Pursuant to 14-16-3-1 (9), two of the spaces must be designated for the physically disabled and two are provided. The updated placement of the disabled spaces is not optimal because they are across the drive aisle from the building, but it is acceptable per current federal codes. Pursuant to 14-16-3-1, Off Street Parking Regulations, two motorcycle spaces are required and provided, and two bicycle spaces are required with four provided near the door. One-third of the spaces may be compact spaces according to Section § 14-16-1-5 of the Zoning Code, which allows the compact spaces along the southern parking aisle.

E. Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrians access the subject site from the sidewalks along Comanche Road NE and Wyoming Boulevard NE. Comanche Road is a designated bicycle route and has a bicycle lane for additional access. There is bicycle parking adjacent to the restaurant entrance on Comanche Road NE.

A bus stop is located directly in front of the building on Comanche Road NE. Additional stops are located on the east side of Wyoming Boulevard NE. A Commuter Bus (Route 13) runs east west on Comanche Road. A Fixed Bus (Route 31) runs north-south on Wyoming Boulevard NE from La Cueva High School to the north to Kirtland Airforce Base (KAFB) to the south. A Commuter Bus (Route 98) runs north-south on Wyoming Boulevard NE from the Northwest Transit Center to KAFB.

F. Walls/Fences

The restaurant is proposed to have a wall around the patio space at the northeast corner of the site adjacent to the intersection of Wyoming Boulevard NE and Comanche Road NE which will be walled and gated for restaurant patron use.

There is an existing concrete retaining wall at the west and south edges of the subject site with a drop down to the adjacent properties. This wall appears to be approximately 3 feet tall at the southwest corner of the subject site and tapers to zero height at the northern and eastern edges of the site at the sidewalk. The neighborhood facilitation report (see attached) illustrates the neighbors concern that the drop-off could be dangerous for pedestrians and cars leaving the parking lot. There was a request for a fence protecting the top edge and steps that would lead down to the adjacent properties. The wall is located on the property line and is shared by the subject site and the property to the south. There will be landscaping and a curb as an additional barrier and there is nothing in the City Zoning Code that requires a barrier on top of the retaining wall. Therefore, staff

concurs with the applicant that a barrier on top of the wall and steps would be an excessive cost and this has not been added to the Conditions of Approval.

G. Lighting and Security

The neighborhood facilitation report mentions that there will be additional security lighting, and that all lighting will comply with the night sky ordinance; however, lighting is not shown on the submitted plans. A Condition of Approval will be added to show and label all on-site lighting on the site plan and to show a detail per City Zoning Code 14-16-3-9.

H. Landscaping

Due to the recent tenant improvement for the restaurant, the width of the patio was increased along Wyoming Boulevard NE from the originally submitted site plan, and the landscape strip between the new patio and the back of the sidewalk was decreased. Therefore, the landscape strip along Wyoming Boulevard NE between the patio edge and the back of the sidewalk has decreased to 44 inches from the original 66-inches wide. The patio and landscape strip along Wyoming Boulevard NE are not currently drawn accurately to scale to reflect this. A Condition of Approval will be added to show the patio drawn accurately to scale on the plans and to show the shrubs in the correct location next to the sidewalk on the landscape plan. Although this is a narrow strip for street trees which is *not* optimal, it is acceptable because it is not outside of the current Zoning Code requirement, and staff recommends small drought tolerant tree species with amended soil. Staff recommends approval of the landscape plan since it meets the intent of the Zoning Code by providing street trees and buffer landscaping, and since this is an existing building on an existing site which requires balancing of parking and landscape requirements.

Pursuant to Zoning Code Section 14-16-3-10 (F) (1), one tree is required per 10 parking spaces, and no parking space may be more than 100 feet from a tree trunk. The southern parking aisle holds 12 parking spaces, and three trees are adjacent in the buffer strip. The western parking aisle holds 13 parking spaces, and three trees are adjacent in the buffer strip. The parking aisle adjacent to the west side of the building has 9 spaces and the furthest space is less than 100 feet from several trees on the subject site. Therefore, the applicant has met this landscaping requirement.

I. Grading, Drainage, Utility Plans

The subject site will generally drain from west to east toward Wyoming Boulevard and from south to north toward Comanche Road with a retaining wall on the southwestern corner of the site creating the high point. Stormwater will not be diverted into landscape strips due to existing drainage patterns. Existing utilities include an overhead utility line which limits tree selection.

J. Architecture

The applicant is proposing a modern architectural style for the renovation of the subject building and has included adequate articulation and massing features on each façade. Building finishes include metal wall panels in charcoal grey and light grey as well as a white exterior finish system. Dark brown wood decking will cover the restaurant patio wall. Red fabric awnings will be over some of the entrances and brick finish between the windows. Overall, the proposed building meets the intent of the zoning code by including a variety of structural forms, varied massing elements.

K. Signage

Pursuant to section 14-16-2-16 (A) (12) of the City Zoning Code, there is no limit on the number of wall signs in the straight C-1 zone. Building Mounted Signs shall not exceed twenty-five percent of the area of the façade. Signage has not been fully determined as of this writing, therefore, a note will be added to the Signage sheet A3 that future signage will be determined under a separate permit and will comply with the C-1 zone regulations.

IV. AGENCY & NEIGHBORHOOD CONCERNS

A. Reviewing Agencies/Pre-Hearing Discussion

Commenting agencies reviewed this request from April 3, 2017 to April 20, 2017. The applicant has demonstrated that they have addressed the most significant portions of these comments. Any additional outstanding items have been addressed as Conditions of Approval for the requested action.

B. Neighborhood/Public

The Loma del Rey, Sandia High School Area, La Sala Grande, and the District 7 Coalition of Neighborhood Associations as well as property owners within 100 feet of the subject site were all notified as required. The project was recommended for facilitation, and a facilitated meeting was held on Monday, April 24, 2017. The meeting was attended by representatives from three neighborhood associations in the area. In general, the neighborhood is in support of the project due to the consensus that new business is good for the area, and a favorable view of the proposed businesses.

Neighborhood concerns included parking, pedestrian safety, lighting, type of liquor license, and desire for long term success. The neighborhoods are concerned with the drop-off along the south side of the parking lot since it could be dangerous for pedestrians and cars, and would like a barrier or steps. There is no requirement in the Zoning Code for a barrier so it has not been added to the Conditions of Approval. The neighborhoods do not want food trucks at this location if there will be parking conflicts, and they want a written commitment from the applicant addressing this issue. Parking was a large part of the discussion and the neighbors offered to assist with procurement of

adjacent parking. The neighborhoods advocated for shared parking agreements for overflow parking.

On May 4, 2017, Staff received a letter in support from the Loma Del Rey Neighborhood Association, which surveyed their 435 residents and had a response of 76% in favor of the zone change for the addition of a taproom.

V. CONCLUSION

The request is for a Zone Map Amendment from straight *C-1* to *SU-1*, and *alcohol sales for on and off-premise consumption under a small brewer's license* in order to permit a taproom in the existing building on a previously developed site. The request furthers Comprehensive Plan policies regarding neighborhood compatibility and redevelopment as well as economic development and design near arterial streets.

Staff recommends that the language for the zone change be amended to allow the taproom as the only additional permitted use, and to retain C-1 permissive uses permissively, and C-1 conditional uses conditionally, requiring a public hearing in front of the Zoning Hearing Examiner (ZHE). As such, staff recommends the zone to be “SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license”.

Along with the Zone Map Amendment, the applicant proposes a Site Plan for Building Permit. The request intends to use shared parking agreements with the adjacent properties to meet the parking requirement for the proposed uses. Staff recommends approval of the request subject to Conditions of Approval.

FINDINGS

Project # 1011188 Case # 17EPC- 40006 - Zone Map Amendment (Zone Change)

1. This is a request for a Zone Map Amendment (Zone Change) concurrent with a Site Development Plan for Building Permit (17EPC-40007) for approximately 0.5 acres at 3517 Wyoming Boulevard NE, Lot 13, Block 6 of the Delwood Subdivision.
2. This is the redevelopment of an existing commercial building built between 1976 and 1989 with space for four tenants on an existing site. The property zoning was originally amended from R-1 to C-1 in 1959.
3. The applicant proposes to develop a taproom on the subject site which is not allowed under the current C-1 zone, which only allows alcohol sales of beer and wine under a restaurant license. Therefore, the zoning “SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license” is appropriate. This zoning designation will keep C-1 permissive uses permissive and C-1 conditional uses conditional.
4. 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:

Policy II.B.5.a: Allowing a taproom to locate on this site will contribute to the range of urban land uses offered in the area. It is an opportunity for the city to diversify the placement of this use to provide a local amenity. However, staff recommends only the addition of a taproom and not all C-1 conditional uses as permissive.

Policy II.B.5.d: This is the re-development and renovation of an existing site next to existing roadways, bikeways, and transit; and a proposed use that is acceptable and encouraged by the existing neighborhoods. Therefore, it is respectful of existing carrying capacities and other local social, cultural, and recreational resources, provided that the conditional uses remain conditional not permissive.

Policy II.B.5.e: The subject site has access to a full range of urban services including road, utilities, and public services. The subject site is within reasonable walking distance to five bus stops and large residential developments. The proposed use is desirable to the neighborhood, and support has been shown at meetings and through conversations with the neighborhood and elected representatives.

Policy II.B.5.k: The subject site consists of an existing building and parking area, and the applicant is not significantly altering the site. There is no direct access to the residential areas to the west of the subject site and any additional traffic will not be directed through these areas.

Policy II.B.5.o The slightly expanded use for this property will provide options for the businesses who wish to locate at this intersection and serve the neighborhood, therefore allowing for redevelopment and rehabilitation. This is an older Northeast Heights

neighborhood and the site development plan requirement will assure any future redevelopment will enhance this older neighborhood shopping center.

Policy II.B.5.p This is a totally private investment funded entirely by the owner of the shopping center. As such, this Zone Map Amendment emphasizes private investment as a primary means to achieve redevelopment objectives.

Policy II.C.6.b: The business proposed by the applicant is a local company with two existing tap rooms who is seeking to expand into this local area. Tap rooms are opening in many parts of the Albuquerque metropolitan area and this will be the first in this area. Furthermore, this local enterprise cannot operate on this site without a Zone Map Amendment.

5. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. The addition of the taproom would be consistent with the health, safety, morals, and general welfare of the city, because the scale of the use would be compatible with the existing development, and it would provide additional neighborhood services. The addition of conditional uses permissively would not be appropriate.
 - B. The addition of the taproom would not have a destabilizing impact the area, but the addition of the conditional uses permissively would not be appropriate because some of the allowed uses could change the character of the area. Therefore, a public hearing to determine the compatibility of each conditional use with the existing development should be required.
 - C. The applicant cites Comprehensive Plan policies II.B.5 a, B.5.d, B.5.e, B.5.o, B.5.p, B.5.k and C 6.b. in support of the request. The request furthers these policies regarding neighborhood compatibility and redevelopment, economic development and design near arterial streets.
 - D. The applicant states the request will be more advantageous to the community as articulated in the goals and policies of the applicable plans and specifically states this request will clearly facilitate the overarching goal of the Established Urban area of the Comprehensive Plan. This request furthers relevant policies regarding private development; allowing a full range of uses serving an older area; upgrading and reutilizing a site with access to public and private transportation; and respecting neighborhood values by adding a desirable new use. In addition, all proposed uses are governed by not only the regulation of the C-1 zone, but also by a Site Development Plan for Building Permit approved by the EPC.

The existing C-1 zoning is inappropriate because the proposed zone will allow a new commercial use that is compatible with the existing uses and will be controlled by a site plan to ensure that any future development or redevelopment is compatible with existing development.

- E. While several of the C-1 conditional uses would be compatible with existing development, several uses would be inappropriate without a public hearing and review by the Zoning Hearing Examiner. Conditional uses include auto, truck and

trailer rental sales and services, drive up service windows, kennels, and gas stations with 8 or more gas pumps. The taproom is an appropriate use for the site because the alcohol sales will be small scale, similar to a restaurant. The zone would allow off premise sales of any beer or wine produced under a small brewer's license.

- F. The request will allow the development of a privately financed business.
 - G. The applicant provided policy justification for the request. While there may be an economic component to the request, it is not the sole justification for the request.
 - H. The applicant provided policy justification for the request. The location is relevant to the request because it is an appropriate location for commercial development, but the location is not the sole justification for the request.
 - I. The SU-1 zone is considered a spot zone, but a justified spot zone because of the policy justification required to obtain it. The proposed taproom would be a compatible land use with the existing land use.
 - J. The request clearly facilitates the goals and policies of the Comprehensive Plan by adding a neighborhood scale use that will contribute to the economic viability of the area and contribute to the revitalization of an older established neighborhood. The intent of prohibiting strip zoning is to prevent development incompatible land uses in close proximity. The proposed taproom would be a compatible land use with the land use.
 - K. The purpose of the SU-1 zone category, Section 14-16-2-22 of the Zoning Code, is to provide a suitable site for any use that may be special because of infrequent occurrence, effect on surrounding property, safety, hazard or other reasons and for which the appropriateness of the use to a specific location depends on the character of the site design. The request meets the intent of the SU-1 zone because the zone will allow the EPC to tailor the site so that the use is compatible with existing development.
 - L. Based on Code Enforcement determination, the wording "SU-1 for C-1, and alcohol sales for on and off premise consumption in association with a small brewer's license" *without* the word "uses" would allow permissive uses permissively and conditional uses conditionally of the C-1 zone with the addition of the taproom.
6. Future alcohol sales are subject to all applicable state and federal requirements in association with a small brewer's license.
 7. The Loma Del Rey and Sandia High School Area Neighborhood Associations, District 7 Coalition of Neighborhoods and property owners with 100 feet were notified of the request.
 8. A facilitated meeting occurred on April 24, 2017. Participants were generally supportive of the project but had questions regarding pedestrian safety, food trucks, lighting and parking. Staff received a letter in support from the Loma Del Rey Neighborhood

Association, which surveyed their 435 residents and had a response of 76% in favor of the zone change for the addition of a taproom.

RECOMMENDATION

APPROVAL of 17EPC-40006, a request for Zone Map Amendment from C-1 to SU-1 for C-1, and alcohol sales for on and off premise consumption in association with a small brewer's license for Lot 13, Block 6, Delwood Subdivision located at 3517 Wyoming Boulevard NE, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL

Project # 1011188, Case # 17EPC- 40006 May 11, 2017 - Site Development Plan for Building Permit

1. The Zone Map Zmendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the Zone Map Amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS

Project # 1011188 Case # 17EPC- 40007 - Site Development Plan for Building Permit

1. This is a request for a Site Development Plan for Building Permit concurrent with a Zone Map Amendment (Zone Change) (17EPC-40006) for approximately 0.5 acres at 3517 Wyoming Boulevard NE, Lot 13, Block 6 of the Delwood Subdivision.
2. This is the redevelopment of an existing commercial building built between 1976 and 1989 with space for four tenants on an existing site. The property zoning was originally amended from R-1 to C-1 in 1959.
3. The applicant proposes to develop a taproom on the subject site which is not allowed under the current C-1 zone, which only allows alcohol sales of beer and wine under a restaurant license. Therefore, the zoning “SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer’s license” is appropriate. This zoning designation will keep C-1 permissive uses permissive and C-1 conditional uses conditional.
4. The SU-1 zone is site plan controlled, and therefore requires a Site Plan for Building Permit as approved by the EPC pursuant to section 14-16-2-22 (A) (1) of the City Zoning Code which requires “a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission”.
5. The subject site is surrounded by properties zoned C-1, and beyond these neighborhood commercial properties, there is a large residential population consisting of apartment complexes and single family homes which suggests that some users of the site may be pedestrians or bicyclists.
6. There is an existing bus stop adjacent to the north edge of the site on Comanche Road NE, which is serviced by a Commuter Route. Wyoming Boulevard NE is serviced by a Fixed Route and a Commuter Route. The subject site is permitted a 10% reduction in the parking requirement due to its proximity to transit.
7. Section 14-16-3-11 of the Zoning Code states, “Site Development Plans are expected to meet the requirements of adopted city policies and procedures.” The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable plans. The applicant cites Comprehensive Plan policies II.B.5 a, B.5.d, B.5.e, B.5.o, B.5.p, B.5.k and C 6.b. in support of the request. The request furthers these policies regarding neighborhood compatibility and redevelopment, economic development and design near arterial streets.
8. The existing building is oriented squarely on the corner of Comanche Road NE and Wyoming Boulevard NE with entrances on the north, east, and west sides. Overall, the proposed building meets the intent of the zoning code by including a variety of structural forms, materials, and varied massing.
9. Pursuant to 14-16-2-22 (C), SU-1 special use zone, parking is subject to EPC discretion. According to the required parking for the proposed uses and the proximity to transit, a

total of 36 parking spaces would be required in the straight C-1 zone. The required spaces are provided on-site and through shared parking agreements with surrounding properties.

10. Signage shall meet City Zoning Code requirements for the C-1 zone.
11. Future alcohol sales are subject to all applicable state and federal requirements in association with a small brewer's license.
12. The Loma Del Rey and Sandia High School Area Neighborhood Associations, District 7 Coalition of Neighborhoods and property owners with 100 feet were notified of the request.
13. A facilitated meeting occurred on April 24, 2017. Participants were generally supportive of the project but had questions regarding pedestrian safety, food trucks, lighting and parking.

RECOMMENDATION

APPROVAL of 17EPC-40007, a request for Site Development Plan for Building Permit, for Lot 13, Block 6, Delwood Subdivision located at 3517 Wyoming Boulevard NE, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL

Project # 1011188, Case # 17EPC- 40007 May 11, 2017 - Site Development Plan for Building Permit

- The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
- Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
- The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

Current Planning

- The patio for the restaurant on the eastern side of the building and the landscape strip along Wyoming Boulevard NE shall be drawn accurately to scale (the landscape strip is 44” wide) on all plans. The shrubs shall be drawn in the correct location next to the sidewalk on the landscape plan.
- Shared parking agreements will be recorded prior to DRB sign-off.
- Per Section 14-16-3-10(E)(5), an adequate irrigation system that meets the minimum technical requirements of the City of Albuquerque with a separate meter for the landscape area in the public right-of-way, or a separate valve(s) at the property line allowing isolation of the irrigation to the landscape within the public right-of-way. Add irrigation to the right-of-way (bubblers at trees).
- Supplement soil with organic material in the landscape strip.
- Per Zoning Code 14-16-3-9, indicate all on-site lighting on the site plan.
- Add a note to the Signage sheet A3 that “Future signage will be determined under a separate permit and will comply with the C-1 zone regulations”.

Other Agencies

- Do not hinder any existing refuse access/collection service.

Transportation Development

- Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

- Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
- Please review and revise the site plan to provide all information listed in the Development Process Manual, Chapter 23 Traffic Circulation Layout Site Plan checklist.

The following comments need to be addressed on the site plan:

- ADA accessible pedestrian pathway should **not** be placed behind parking space or adjacent to a vehicular way. Vehicle and pedestrian/wheel chair conflicts should be avoided as much as possible.
- Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. The path shown is not ADA compatible. It is suggested to move the ADA parking space closer to the building.
- Per the zoning code, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details.
- The handicap accessible spaces must include an access aisle. Van accessible aisles should be 8ft wide; all others should be 5ft wide.
- The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "**Violators Are Subject to a Fine and/or Towing.**" Please call out detail.
- The ADA access aisles shall have the words "**NO PARKING**" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
- Label the compact parking spaces by placing the words "**COMPACT**" on the pavement of each space.
- Drive aisles for two-way traffic must be a minimum of 24 feet. One-way vehicular paths require pavement directional signage and a posted "**Do Not Enter**" sign at the point of egress. Please show detail and location of posted signs.
- Please add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."
- Per Zoning code "PARKING SPACE, AUTOMOBILE AND LIGHT TRUCK. A suitable space for vehicular storage, at least 8.5 feet in width and 18 feet in length, that may be reduced to 16 feet in length where cars can overhang wheel stops,

with access and circulation satisfactory to the Traffic Engineer; however, if a premises contains more than 20 parking spaces, one-third of the spaces may be at least 8 feet in width and 15 feet in length. Parking Spaces must be clearly identified through use of parking blocks, stripes, or other acceptable means.”

- The ADA Curb Ramp located at the corner of Wyoming Blvd and Comanche Rd should be brought to current ADA standards.
- Pedestrian paths should be updated to comply with current ADA standards.

Utility Services

- The proposed “Site Utility Plan” indicates in the “Key Notes” the existence of a utility easement as well as existing hydrants but these items cannot be found.
- Due to the fact that more than 50% of the existing building is receiving a remodel the Water Utility Authority Cross Connections Ordinance requires that the property owner bring their backflow prevention devices for the site up to code. Please contact Robert Apadoca (505.289.3465) for cross connection inspection.
- Despite the fact that the property is currently being served the new construction should request an availability statement from the link below. This request will allow the Utility Development Section of the Water Utility Authority the opportunity to verify fire flow information. The request shall include an approved Fire 1 Plan from the Fire Marshal’s office and a zone map showing the location of the site. http://www.abcwua.org/Availability_Statements.aspx

PNM

- It is the applicant’s obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- An existing overhead distribution line is located along the western boundary of the subject property. On Sheet L1, Landscape Plan, the proposed tree selection,
- Arizona Ash, is not a compatible height at maturity with the existing overhead electric distribution facility along the western boundary of the site. A shorter tree selection at mature height is necessary at this location. PNM’s landscaping preference is for trees and shrubs to be planted outside the PNM easement; however, if within the easement, trees and shrubs should be located to minimize effects on electric facility maintenance and repair. New trees planted near PNM facilities should be no taller than 25 feet in height at maturity to avoid conflicts with existing electric infrastructure. It is necessary for the developer to contact PNM’s New Service Delivery Department to coordinate electric service regarding this project. Contact:

Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697

- Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.
-



**Cheryl Somerfeldt
Planner**

Notice of Decision cc list:

Loma del Rey NA, Brian A. Eagan, 8416 Hilton Ave. NE, Apt 4B 87111

Loma del Rey NA, Carol Orona

Sandia High School Area NA, Michael Kious, 7901 Palo Duro NE/87110

Sandia High School Area NA, Ed Mascarenas, 8217 Dellwood Rd NE 87110

Sandia High School Area NA, Jeff Hillery

Sandia High School Area NA, John Jones

District 7 Coalition of NA's, Janice Arnold-Jones, 7713 Sierra Azul NE 87110

La Sala Grande NA, Michael Bawden

Lynne Martin, 1531 Espejo NE 87112

William E. Burk, III, 617 La Playa NE 87111

AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

17EPC-40006 Zone Map Amendment:

No Comment.

17EPC-40007 Site Development Plan for Building Permit:

Do not hinder any existing refuse access/collection service.

Office of Neighborhood Coordination

NA's and Coalitions Contacted:

- Loma del Rey, Sandia Highschool Area, District 7 Coalition of Neighborhood Associations.

Recommended for a facilitated meeting on Monday April 3, 2017.

Assigned to Kathleen Oweegon on Wednesday April 5, 2017.

Facilitated meeting scheduled for Monday April 24, 2017.

Long Range Planning

17EPC-40006 Zone Map Amendment Zone Change:

If this map amendment is specific to a taproom for a local brewery, then please discuss the limitations of the small brewer's license from the State of NM.

17EPC-40007 Site Development Plan for Building Permit:

No comment.

Metropolitan Redevelopment Agency

No Comment.

CITY ENGINEER

Transportation Development

17EPC-40006 Zone Map Amendment to Zone Change

No objection to the request.

17EPC-40007 Site Development Plan for Building Permit

Transportation Development Conditions:

- Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
- Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.

- Please review and revise the site plan to provide all information listed in the Development Process Manual, Chapter 23 Traffic Circulation Layout Site Plan checklist.

The following comments need to be addressed on the site plan:

- ADA accessible pedestrian pathway should **not** be placed behind parking space or adjacent to a vehicular way. Vehicle and pedestrian/wheel chair conflicts should be avoided as much as possible.
- Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. The path shown is not ADA compatible. It is suggested to move the ADA parking space closer to the building.
- Per the zoning code, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details.
- The handicap accessible spaces must include an access aisle. Van accessible aisles should be 8ft wide; all others should be 5ft wide.
- The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "**Violators Are Subject to a Fine and/or Towing.**" Please call out detail.
- The ADA access aisles shall have the words "**NO PARKING**" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
- Label the compact parking spaces by placing the words "**COMPACT**" on the pavement of each space.
- Drive aisles for two-way traffic must be a minimum of 24 feet. One-way vehicular paths require pavement directional signage and a posted "**Do Not Enter**" sign at the point of egress. Please show detail and location of posted signs.
- Please add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."
- Per Zoning code "PARKING SPACE, AUTOMOBILE AND LIGHT TRUCK. A suitable space for vehicular storage, at least 8.5 feet in width and 18 feet in length, that may be reduced to 16 feet in length where cars can overhang wheel stops, with access and circulation satisfactory to the Traffic Engineer; however, if a premises contains more than 20 parking spaces, one-third of the spaces may be at least 8 feet in width and 15 feet in length. Parking Spaces must be clearly identified through use of parking blocks, stripes, or other acceptable means."

- The ADA Curb Ramp located at the corner of Wyoming Blvd and Comanche Rd should be brought to current ADA standards.
- Pedestrian paths should be updated to comply with current ADA standards.

Hydrology Development

No comment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comments.

Traffic Engineering Operations

No comments.

WATER UTILITY AUTHORITY

Utility Services

17EPC-40006 Zone Map Amendment Zone Change:

No comments.

17EPC-40007 Site Development Plan for Building Permit:

Site is currently being served and has been served since 09/10/2003

From the “Conceptual Site Utility Plan” the following comments apply:

- The proposed “Site Utility Plan” indicates in the “Key Notes” the existence of a utility easement as well as existing hydrants but these items cannot be found.
- Due to the fact that more than 50% of the existing building is receiving a remodel the Water Utility Authority Cross Connections Ordinance requires that the property owner bring their backflow prevention devices for the site up to code. Please contact Robert Apadoca (505.289.3465) for cross connection inspection.
- Despite the fact that the property is currently being served the new construction should request an availability statement from the link below. This request will allow the Utility Development Section of the Water Utility Authority the opportunity to verify fire flow information. The request shall include an approved Fire 1 Plan from the Fire Marshal’s office and a zone map showing the location of the site. http://www.abcwua.org/Availability_Statements.aspx

ENVIRONMENTAL HEALTH DEPARTMENT

No comment.

PARKS AND RECREATION

Planning and Design

No comment.

Open Space Division

No comment.

City Forester

No comment.

POLICE DEPARTMENT/Planning

No comment.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comment.

FIRE DEPARTMENT/Planning

No comment.

TRANSIT DEPARTMENT

Menaul is an Enhanced Transit Corridor

Fixed Route 31 runs north-south on Wyoming from La Cueva to KAFB. Commuter Route 98 runs north-south on Wyoming from the Northwest Transit Center to KAFB. Commuter Route 13 runs east west on Menaul.

All referenced routes stop in close proximity to the site.

BERNALILLO COUNTY

No comment.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

As this property is more than 300 feet from a school site, this will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

For informational purposes:

- Comanche Rd NE is functionally classified as a Major Collector in the project area. Wyoming Blvd NE is functionally classified as a Principal Arterial in the project area.
- The LRBS identifies an existing bike lane on Comanche Rd NE.
- Wyoming Blvd NE is an Intelligent Transportation System (ITS) Corridor. Please consult with the reviewing agency's Traffic Engineering and/or ITS Department.

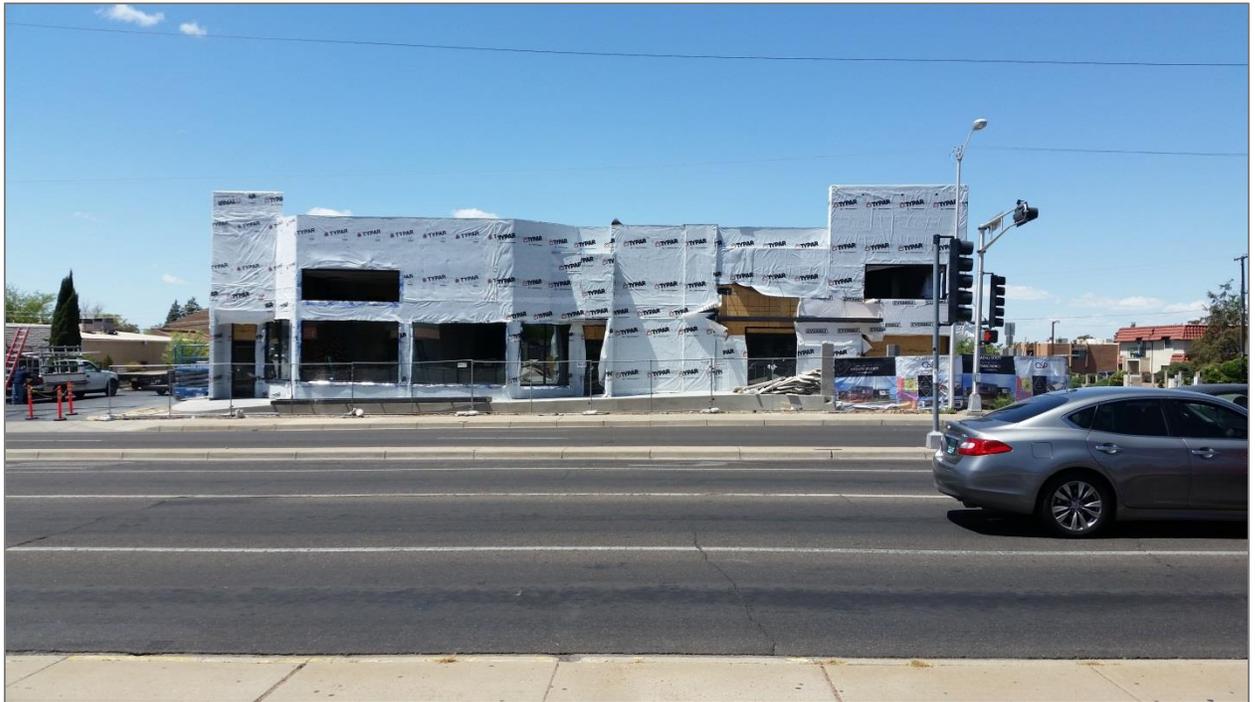
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comment.

PUBLIC SERVICE COMPANY OF NEW MEXICO

17EPC-40006; Zone Change and 17EPC-40007, Site Development Plan for Building Permit (taproom and sale of beer & wine at southwest corner Comanche NE and Wyoming NE)

- It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- An existing overhead distribution line is located along the western boundary of the subject property. On Sheet L1, Landscape Plan, the proposed tree selection,
- Arizona Ash, is not a compatible height at maturity with the existing overhead electric distribution facility along the western boundary of the site. A shorter tree selection at mature height is necessary at this location. PNM's landscaping preference is for trees and shrubs to be planted outside the PNM easement; however, if within the easement, trees and shrubs should be located to minimize effects on electric facility maintenance and repair. New trees planted near PNM facilities should be no taller than 25 feet in height at maturity to avoid conflicts with existing electric infrastructure. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:
 - Mike Moyer
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View of the subject site looking west from Wyoming Boulevard NE.



View of the subject site looking south from Comanche Road NE.



View of subject site looking north from the adjacent parking lot.



View of the subject site looking east from the parking lot.



View of the front landscape strip along Wyoming Boulevard NE adjacent to the restaurant patio.

ZONING

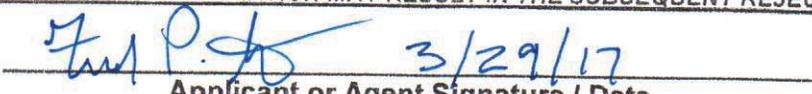
Please refer to the Zoning Code for specifics of the C-1 zone and the SU-1 zone.

APPLICATION INFORMATION

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

This checklist will be used to verify the completeness of site plans submitted for review by the Environmental Planning Commission and Development Review Board. Because development proposals vary in type and scale, there may be submittal requirements that are not specified here. More details and/or minor changes may be necessary as the project progresses through DRB and building permit reviews. Certification of completeness as specified below is required.

I CERTIFY THAT THE SUBMITTED SITE DEVELOPMENT PLAN IS COMPLETE AND ACCURATE, AND THAT ALL APPLICABLE INFORMATION AS SPECIFIED IN THIS CHECKLIST IS PROVIDED. I ACKNOWLEDGE THAT MORE DETAILS AND/OR MINOR CHANGES MAY BE NECESSARY AS THE PROJECT PROGRESSES THROUGH THE REVIEW PROCESSES. FURTHER, I UNDERSTAND THAT THIS APPLICATION IS BEING ACCEPTED PROVISIONALLY AND THAT INACCURATE AND/OR INCOMPLETE INFORMATION MAY RESULT IN THE SUBSEQUENT REJECTION OR DEFERRAL OF THE APPLICATION.


 Applicant or Agent Signature / Date

NOTE: MAXIMUM SIZE FOR SUBMITTAL IS 24" X 36", or as pre-approved by Planning Staff

Site development plan packets shall be composed of the following plan sheets (unless otherwise approved in writing):

1. **Site Plan** (including easements with recording information)
2. **Landscaping Plan**
3. **Conceptual Grading and Drainage Plan** (a separate Grading Plan sheet is required for sites > 1 acre)
4. **Conceptual Utility Plan** (for sites less than one acre, Utility Plan may be shown on Site Plan)
5. **Building and Structure Elevations**
6. **Previously approved Development Plan** (if applicable)

Submitted plan packets must be organized in the above manner. The following checklist describes the minimum information necessary for each plan element. Please refer to the City's DPM, Zoning Code and any applicable Sector Development Plan and Master Development Plan for specific design requirements for the elements listed below. The Applicant must include all checklist items on their site plan drawings and confirm inclusion by checking off the items below. Non-applicable items must be labeled "N/A." Each non-applicable designation must be explained by notation on the Checklist.

Accompanying Material

- A. 8-1/2" x 11" reduction for each plan sheet & electronic copy (pdf) of Site Development Plan
- B. **Written project summary.** Each application must include a brief narrative description of the proposed project, its primary features and how compatibility with the surrounding context has been achieved.

SHEET #1 – SITE PLAN

A. General Information

1. Date of drawing and/or last revision **NO PREVIOUS SUBMITTAL**
2. Scale:

1.0 acre or less	1" = 10'	Over 5 acres	1" = 50'
1.0 - 5.0 acres	1" = 20'	Over 20 acres	1" = 100'

 [other scales, if approved by staff]
3. Bar scale
4. North arrow
5. Vicinity map
6. Signature Block (for DRB site dev. plans) **NOT REQUIRED FOR THIS SUBMITTAL**
7. Property lines (clearly identify)
8. Existing easements on the site and within 20 ft. of the site with recording information; proposed easements on the site
9. Phases of development including location and square footages of structures, circulation, parking and landscaping **EVERY ELEMENT IS EXISTING.**
10. Indicate existing structures and easements (with recording information) within 20 ft. of the site

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

B. Proposed Development

1. Structural

- 1. Location of existing & proposed structures on the site (distinguish between existing & proposed, include phasing)
- 2. Dimensions and square footage of each structure **EXISTING**
- 3. Proposed use of each structure **NOT EXISTING**
- 4. Walls, fences, and screening: indicate height, length, color and materials **NONE ON SITE**
- 5. Loading facilities **NO LOADING FACILITIES**
- 6. Conceptual site lighting (indicate general location & maximum height)
- 7. Location of refuse container and enclosure
- 8. Site amenities including patios, benches, tables (indicating square footage of patios/plazas)

2. Parking and Circulation

- A. Parking layout with spaces numbered per aisle and totaled.
 - 1. **Location and typical dimensions**, including handicapped spaces
 - 2. **Calculations:** spaces required: 31 provided: 35Handicapped spaces (included in required total) required: 2 provided: 2
Motorcycle spaces (in addition to required total) required: provided:

- B. Bicycle parking & facilities
 - 1. Bicycle racks, spaces required: 2 provided: 4
 - 2. Bikeways and other bicycle facilities, if applicable

- C. Public Transit
 - 1. Bus facilities, including routes, bays and shelters existing or required

- D. Pedestrian Circulation
 - 1. Location and dimensions of all sidewalks and pedestrian paths
 - 2. Location and dimension of drive aisle crossings, including paving treatment
 - 3. Location of proposed and existing public sidewalk; define distance from back of curb to sidewalk

- E. Vehicular Circulation (Refer to Chapter 23 of DPM for design requirements)
 - 1. Ingress and egress locations, including width and curve radii dimensions
 - 2. Drive aisle locations, including width and curve radii dimensions
 - 3. End aisle locations, including width and curve radii dimensions
 - 4. Location & orientation of refuse enclosure, with dimensions
 - 5. Curb cut locations and dimensions
 - 6. Existing and proposed street widths, right-of-way widths and curve radii
 - 7. Identify existing and proposed turn lanes, deceleration lanes and similar features related to the functioning of the proposal, with dimensions
 - 8. Location of traffic signs and signals related to the functioning of the proposal
 - 9. Identify existing and proposed medians and median cuts

ALL EXISTING

3. Phasing – This is required information if phasing of project is anticipated

- Proposed phasing of improvements and provision for interim facilities. Indicate phasing plan, including location and square footage of structures and associated improvements including circulation, parking and landscaping.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

SHEET #2 – LANDSCAPING PLAN

Landscaping may be shown on sheet #1 with written approval from Planning Department staff

1. Scale - must be same as scale on sheet #1 - Site Plan
2. Bar Scale
3. North Arrow
4. Property Lines
5. Existing and proposed easements
6. Statement of Landscaping Responsibility for Maintenance (Landscape Agreement will be required for landscape in public right-of-way prior to Building Permit)
7. Statement of compliance with Water Conservation Ordinance, see §6-1-1
8. Statement of compliance with §14-16-3-10, General Landscaping Regulations
9. Identify location and size (SF) of all landscaping areas, including:
 - A. Type, location and size of trees (common and/or botanical names)
 - B. Type and location of all ground cover material (organic/inorganic)
 - C. Existing vegetation, indicating whether it is to be preserved or removed
 - D. Ponding areas either for drainage or landscaping/recreational use
 - E. Turf area – only 20% of landscaped area can be high water-use turf
10. Landscape calculation table:
 - A. Required and Provided Landscape Area – square footage and percent
 - B. Required and Provided Trees (street, parking lot, screening, etc.)
11. Street Tree Plan as defined in the Street Tree Ordinance (see §6-6-2)
12. Verification of adequate sight distance
13. Provide a plant list of shrubs, grasses, and perennials

SHEET # 3 – CONCEPTUAL GRADING and DRAINAGE PLAN

The Conceptual Grading and Drainage Plan provides the Planning Commission and DRB with an understanding of site topography and how it relates to adjacent property. The City Engineer or her/his designee may waive or allow adjustments to the Conceptual Grading and Drainage Plan requirements for sites that are already developed or are small, relatively flat and have no existing or proposed extraordinary drainage facilities. Waivers must be obtained in writing from the City Engineer prior to application submittal.

A. General Information

1. Scale - must be same as Sheet #1 - Site Plan
2. Bar Scale
3. North Arrow
4. Property Lines
5. Building footprints
6. Location of Retaining walls

B. Grading Information

- EXISTING {
1. Provide a narrative description of existing site topography, proposed grading improvements, flood zone status, and topography within 20 feet of the site.
 2. Show existing and proposed contours, retaining wall heights, approximate street (drive entrance/parking lot) slopes.
 3. Identify whether ponding is required
 4. Indicate Finished Floor Elevation and provide spot elevations for all corners of the site (existing and proposed) and points of maximum cut or fill exceeding 1 foot.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

5. Cross Sections **EXISTING**

Provide cross section for all perimeter property lines where the grade change is greater than 4 feet at the point of the greatest grade change.

NA

6. In addition to the above, the following must be provided for DRB applications:

A. Conceptual onsite drainage system

B. For sites 5 acres or greater or for sites where drainage infrastructure is required, a Drainage Report is required.

**FOR THIS
SUBMITTAL**

SHEET #4 – UTILITY PLAN

If site is less than one acre, the Utility Plan may be shown on sheet #1

1. Fire hydrant locations, existing and proposed.

2. Distribution lines

3. Right-of-Way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions.

4. Existing water, sewer, storm drainage facilities (public and/or private).

5. Proposed water, sewer, storm drainage facilities (public and/or private) **EXISTING**

SHEET #5 BUILDING AND STRUCTURE ELEVATIONS

A. General Information

1. Scale (minimum of 1/8" or as approved by Planning Staff)

2. Bar Scale

3. Detailed Building Elevations for each facade

a. Identify facade orientation (north, south, east, & west)

b. Facade dimensions including overall height and width of building and major building articulation elements such as doors and windows (to determine compliance with zoning or other regulations)

c. Materials and colors of principle building elements – façade, roof, windows, doors, etc.

d. 8½" x 11" color renderings or similar illustrations (2 for DRB and 10 for EPC)

NA 4. Dimensions, colors and materials of Refuse Enclosure **NO REFUSE ENCLOSURE ON EASTING**

NA 5. Site Development Plans for single family residential projects with multiple units may require submittal of specific information on building features in lieu of elevation drawings for each building. Applicants are advised to discuss submittal requirements with Planning Department staff.

B. Signage

1. Site location(s)

2. Sign elevations to scale

3. Dimensions, including height and width

4. Sign face area - dimensions and square footage clearly indicated

5. Lighting

6. Materials and colors for sign face and structural elements

7. Verification of adequate sight distance

March 24, 2017

Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, New Mexico

Re: Zone Map Amendment and Site Development Plan - NE Portion of Lot 13, Block 6,
Dellwood Addition

Dear Chair and Commissioners:

This is a request for a zone map amendment and site development plan approval for an existing shopping center located at 3517 Wyoming NE on the southwest corner of Comanche and Wyoming. The property is currently zoned C-1. DAC Enterprises, Inc. has been hired as agent for applicant and is requesting the property be zoned to SU-1 for C-1 and taproom to include sales of alcohol for on and off premise consumption in association with a small brewers or winegrowers license as defined by the state of New Mexico. Approval of this request will allow the site to establish a tap room with a small brewer's license in an existing space within the center.

Summary of Request & Zone Change Justification

A site development plan is required by the *Comprehensive City Zoning Code (Zoning Code)* for an SU-1 zone in accordance with Section 14-16-2-22(A)6). The property is fully developed and an 'as built' site development plan and landscaping plan has been provided with this application.

The purpose of the SU-1 zone category, Section 14-16-2-22 of the *Zoning Code*, is to provide a suitable site for any use that may be special because of infrequent occurrence, effect on surrounding property, safety, hazard or other reasons and, for which the appropriateness of the use to a specific location depends on the character of the site design.

Applicant has a prospective tenant who would like to open a tap room. Although tap rooms (defined in this request as an establishment that sells only beer on tap from a specific brewery, and also allows the sale of growlers for off premises consumption) are beginning to be more commonplace, their occurrence is infrequent to the point that the use is neither specifically defined, nor is there any category in the *Zoning Code* that allows this proposed use permissively.

Because of this lack of regulation and infrequent occurrence, applicant has two options: apply for C-2 zoning and, if approved, ask for a separate conditional use for the sale of

alcoholic drink for off premises consumption, ask for an SU-1 zone to include the tap room as an addition to an existing zone category, in this case C-1. The standard C-2 zoning option is both unwieldy and unlikely to be approved because C-2 zoning allows several other permissive uses that may be inappropriate or harmful (e.g., a full service bar) to the neighborhood or the community.

As an addition to the standard C-1 uses, the applicant must also address the effects a tap room may have on the surrounding property. This is an existing building with existing parking, and although the total required parking for the site is very close to compliance with the existing parking, there is always the concern that a popular use may need more parking than is required. This infrequent occurrence can best be handled through SU-1 zoning, as the Environmental Planning Commission has the authority to regulate parking. Once again, the other option (standard C-2 zoning) would require a parking variance at a second public hearing.

The Red Door Tap Room would target residents in the adjoining neighborhood including mostly single family homes and a large apartment complex across the street to the west. The tap room would serve patrons who would like to gather for a craft beer and some light food, or take home a growler.

The parcel will also be governed by an approved site development plan. The site development plan requirement will assure that any allowed use either may be accommodated by the existing site, or it will require formal approval by either the Environmental Planning Commission or by an administrative amendment that includes neighborhood notification.

In summary, if the applicant requested and was approved for C-2 zoning to allow a tap room, there would still be the need for a conditional use for the sale of liquor for off premises consumption and a variance to the parking requirement. In this case, applicant has secured off site parking to handle any possible parking shortage and the EPC has the authority to impose other site design conditions as may be necessary to mitigate potential hazards associated with this infrequent use.

This site is not located within the boundaries of any sector development plan. Justification for this approval is based upon Section D (3) of Resolution 270-1980 in that the *Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan)* is better served by the zone change.

Further, because this is a spot zone, applicant will demonstrate that not only does this request not significantly conflict with relevant policies of the *Comprehensive Plan*, it will further those policies to facilitate realization of that *Plan*.

Resolution 270-1980

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

The Comprehensive Plan adopts standards that are incorporated into the zoning regulations found in the Zoning Code. This zone map amendment will allow standard C-1/Neighborhood Commercial uses governed by a site development plan. As will be demonstrated in Sections C. & D. of this request, the allowed uses and proposed amendment will not conflict with established policies of the City.

It will also be demonstrated in Sections C & D, that relevant policies of the *Comprehensive Plan* are furthered by this request, thus clearly facilitating realization of that plan. As such, applicant believes that this proposed zone map amendment is consistent with the health, safety, morals and general welfare of the city of Albuquerque.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for change.

Applicant will demonstrate that stability of land use will not be compromised by this minor change to the already allowed uses in the C-1 zone, and this map amendment will be consistent with the adopted plans and policies of the *Comprehensive Plan*. Approval of this request will allow a desirable use, a tap room, to a small neighborhood center. It will also give the Environmental Planning Commission any necessary design authority, thus allowing the commission, or staff, through the administrative amendment process articulated in the *Zoning Code*, to effect any future site changes including parking, signage and landscaping. This request asks for no changes to the existing site, which is in compliance with current C-1 regulations. Applicant does understand that the EPC may impose changes to the site as part of the site development plan approval process.

The C-1 zone is designed to provide “suitable sites for office, service, institutional and limited commercial uses to satisfy the day to day needs of residential areas.” C-1 currently allows a restaurant serving beer and wine. Such a use is considered neighborhood oriented. A tap room will be a restaurant that may serve only beer and wine with a limited food menu. It will also have limited seating as dictated by the regulations of the *Zoning Code* as well as the size limitations of the existing lease space. The entire concept of a tap room is to provide a pleasant atmosphere for a population within a limited geographic area.

Stability of zoning for a tap room is also achieved as a neighborhood gathering spot in the C-1, neighborhood zone. Because seating is limited, and tap rooms are

proliferating in Albuquerque, this use is unlikely to bring in much traffic outside of the general vicinity. Patrons, either those who enjoy a beer at the location itself, or who are there to fill up their growler to take home, will interact in a social, neighborhood oriented business. As of this writing, there has been one neighborhood meeting where no objections were raised to this request.

The only issue of concern is parking and whether the use will be too popular. In response, applicant has secured agreements south of the property where an additional 50 cars can be parked. It should also be noted, however, that the parking requirement for this tenant space is 8 parking spaces and the parking requirement based upon proposed seating is no more than 11 parking spaces, based upon a maximum of 44 seats. Moreover, explained throughout this justification, this is clearly a neighborhood use, it is very walkable from the nearby single family neighborhoods and entirely impractical (because of the limited right in, right out access) to drive from the multi-family residential units on Wyoming and Comanche.

Based on the fact that the only change to allowed uses on the site will be a neighborhood oriented tap room, that any physical changes to the site will be governed by the EPC, and that adequate parking will prevent destabilizing the neighborhood through excess traffic, that applicant believes that this map amendment maintains stability of land use and zoning.

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

(Applicant note: This is a request for an SU-1 zone that will create a spot zone that does not meet the criteria of J.(2) of Resolution 270-1980. In this Section and Section D., applicant will demonstrate that not only will there be no significant conflict with relevant policies, but the request will actually further and facilitate the relevant goals and policies of the *Comprehensive Plan*.)

The site is located in the Established 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.” This request continues to allow for a variety of commercial and residential uses while adding a single new use. It will provide a new use specifically targeted to the neighboring area. All uses, both current and proposed will be regulated by a site development plan. This new use will be neighborhood oriented and offer a new lifestyle amenity designed to for nearby residents of the neighborhood. This older shopping plaza has already upgraded to provide a more

visually pleasing site. As such, the overarching goal of the Established and Developing Areas of the *Comprehensive Plan* does not conflict with this request. Moreover, this request will further the goal and serve to clearly facilitate realization of the *Plan*.

Policy II.B.5.a of the Developing and Established Urban Area of the Comprehensive Plan states: “The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre.”

This request will continue to allow all of the uses currently permitted in the C-1 zone, including office, service, institutional and limited commercial uses. This request adds a new neighborhood use that is desirable throughout the community. The requested use did not exist when the current *Zoning Code* was adopted, though it may well be added to the new Integrated Development Ordinance. As this request adds a desirable use not currently allowed, it will add to the full range of urban land uses. This does not significantly conflict with Policy a. and will facilitate realization of the *Comprehensive Plan*.

Policy II.B.5.d: “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 and recreational concern.”

Approval of this zone map amendment will allow a different type of restaurant use to the allowed uses in the C-1 zone. The request is not for new development. It is a neighborhood oriented zone. Applicant has notified the relevant neighborhood associations and district coalition of neighborhoods.

The site is located on the corner of Wyoming and Comanche NE with ne existing driveway for each street. Both driveways are ‘right in, right out’ only. The site is presented ‘as built’ with upgrades to landscaping and motorcycle parking. Applicant understands that the EPC may make other changes as may be necessary to facilitate approval of this zone map amendment request. Because there will be no new construction, this request does not conflict with Policy d. The new use will further this Policy by providing a new use which will bring residents of the nearby neighborhoods together in a casual social setting. It will also respect the carrying capacities of this major intersection by creating a neighborhood use that can be easily accessed by pedestrians. For these reasons, approval will further this policy and facilitate realization of the *Comprehensive Plan*.

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

This is not vacant land, but the center is served by existing city facilities. The center is located on the corner of Comanche & Wyoming. There are five bus stops within a short walking distance of the site. The center is also within reasonable walking distance of a large neighborhood to the west of the property and a large multi-family residential development across Wyoming to the east of the property. A tap room, which allows the off premises consumption through the sale of growlers, is a desirable neighborhood use and support has been shown at meetings and through conversations with the neighborhood and elected representatives. The other uses allowed on the site will remain neighborhood in nature and the site plan itself, including the process for amendment, will ensure the integrity of the existing neighborhoods. As such, this request does not conflict with Policy e. Further, if approved, any subsequent amendments to the physical site itself must be approved with public notice which will assure that any such approval will clearly facilitate realization of the *Comprehensive Plan*.

Policy II.B.5.k.: “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.”

There are two entrances to the site, one off of Wyoming and one from Comanche. Both entrances are right in, right out with a median preventing any crossover traffic. The properties across both Wyoming and Comanche are zoned C-1. The parking lot itself abuts C-1 to the south and west. Because of this configuration, the request does not conflict with this policy and the limited access, nearby bus lines and significant distance from the nearest residential will facilitate the realization of the *Comprehensive Plan*.

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

The site has been very recently renovated and there will be no further exterior redevelopment of the site at this time as a result of this request. This is an older Northeast Heights neighborhood and the site development plan requirement will assure any future redevelopment will enhance this older neighborhood shopping center. Because the site will be governed by a site development plan if this request is approved, the request will not conflict with Policy o. In addition, any physical redevelopment will be governed by the Site Development Plan approval process, thus furthering this Policy and clearly facilitating realization of the *Comprehensive Plan*.

The goal of Policy II.B.5.p is to assure that “[c]ost effective redevelopment techniques shall be developed and utilized.”

Further, Technique 2 of this Policy “[*emphasizes*] private investment as a primary means to achieve redevelopment objectives.” This is a totally private investment funded entirely by the owner of the shopping center. As such, this zone map amendment does not conflict with Policy p and clearly furthers and facilitates this policy of the *Comprehensive Plan*.

Policy II.C.6.b: “Development of local business enterprises, as well as recruitment of outside firms shall be emphasized.”

Red Door Brewing is a local company with two existing tap rooms who is seeking to expand into this area. Tap rooms are opening in many parts of the Albuquerque metropolitan area and this will be the first in this area. This local enterprise cannot operate on this site without a zone map amendment. This zone map amendment will not conflict with this policy and will clearly facilitate this Policy of the *Comprehensive Plan*.

D. The applicant must demonstrate that the existing zoning is inappropriate because: 1) there was an error when the existing zone map patten 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* and other City master plans, even though 1 and 2 above do not apply. This property is located in the Developing & Established Urban Area of the *Comprehensive Plan*. Based upon the three criteria, applicant offers the following:

1.) Applicant makes no argument that there in an error regarding the existing map pattern.

2.) There are no significant changed neighborhood conditions to justify this request and applicant makes no such argument.

3.) As articulated in Section C., this request will clearly facilitate the overarching Goal of the Established Urban area of the *Comprehensive Plan*, as well as the following policies: II.B.5 a, B.5.d, B.5.e, B.5.o, B.5.p, B.5.k and C 6.b. Taken together, this request further relevant policies regarding private development; allowing a full range of uses serving an older area; upgrading and reutilizing a site with access to public and private transportation, and respecting neighborhood values by adding a desirable new use. In addition, all proposed uses are governed by not only the regulation of the C-1 zone, but also by a Site Development Plan

approved by the EPC. For these reasons and the policies cited in Section C., applicant believes that it has been demonstrated that this use will be more advantageous to the community and thus clearly facilitating realization of the *Comprehensive Plan*.

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 current C-1 zone category separates allowed uses as permissive or conditional. This request will make all C-1 uses as permissive. Because this change will be heard before the EPC at a public hearing, the general requirements for obtaining a conditional use (i.e., not injurious to the adjoining property, the neighborhood or the community) will have been heard. Further safeguards are assured through the site development plan process.

On premises sale of alcohol in the C-1 zone is permissive with a beer and wine license. The beer and wine license does not allow sales of beer or wine for off premises consumption, which is allowed a small brewers license as requested here. The permissive use of sale for off premises consumption only involves the sale of growlers, which is generally a half gallon jug. The idea of a tap room is to allow both on premises consumption of the beer brewed by the tap room proprietor (in this case Red Door Brewing Company) and the ability to take home the beer in a growler owned by the purchaser. This is not the same as someone picking up a six pack of beer, or any other type of wine or spirit. The product sold belongs exclusively to Red Door and is designed to achieve loyalty. Consumption may not take place on the premises, except inside the tap room, and both the cost and quality of the product belies any idea that someone would fill up a growler and drink it in the parking lot or in the car.

The following C-1 conditional uses and their effect on the neighborhood are briefly discussed below. In some cases, the actual language has been abbreviated to the general section only and not the subsections, which are generally site related issues that are a part of the larger use.

1. “*Antenna, over 65 feet in height.*” This use, if requested, would require site development plan approval as an Administrative Amendment or full scale EPC hearing.
2. “Apartment, as permitted [as a permissive use] above, if there are more than 30 dwelling units per acre but not more than 50 dwelling units per acre.” This paragraph further states that “[c]onditional use applications shall be considered on the basis of a site plan.” This is the purview of the EPC in an SU-1 zone already, and the likelihood of demolishing the entire development to build high density apartments is remote at best.

3. “*Auto, trailer, and truck rental, storage and service...*” This section requires several specific site based requirements as conditions for application for a conditional use. These same requirements would be part of any application for a site plan amendment heard before the EPC.
4. “Bicycle and motorized (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from a residential zone.” Only a small portion of the site is anywhere near within 50’ of a residential zone and this use is also site plan controlled.
5. “Community Residential Program, except not either Community Residential [CRP] corrections program or Community residential program for substance abusers: up to 18 client residents provided the standards [for community residential programs as found in the Zoning Code] are met.” Again, very unlikely that a commercial building would be re-purposed to become a CRP. Further, such a use is regulated both by the CRP regulations and an approved site plan.
6. “*Drive-up service window...*” with standards for distance and for the order board and required approval by the Traffic Engineer. Also site plan controlled.
7. [Other] *dwelling units...*” with specific pre-conditions and site plan review required.
8. “Fireworks sales, provided the use is limited to 45 days in one calendar year.” Site plan driven.
9. “*Games within a completely enclosed building, operated for profit, and not permissive in [the C-1] zone.*” This use would be self regulated by the landlord. There is no market for this type of use and there has been no application for this use in years, if not decades.
10. “*Kennel.*” Pre-conditions require all activities must take place indoors at least 30 feet from a residential zone and that ambient noise regulations are met. This is not a desirable location for a kennel and most kennels require an outside run which is not allowed.
11. “*One mobile home for a watchman or caretaker...*” with provisions for placement at least 100’ from a residential zone. This type of use is not associated with retail shopping centers and is site plan controlled.
12. “*Motuary.*” The likelihood of a mortuary in this area is remote and there is nothing inherently injurious to this necessary service.
13. “*Outdoor storage or activity...*” with specific pre-conditions regarding potentially inappropriate uses and distance from a residential zone. It also only allows such storage or activity only in conjunction with allowed C-1 uses. Site plan approval is also required.
14. “*Park-and-ride joint use facilities...*” if it does not create a shortage of required parking. Requires site plan approval and this center would be a highly unlikely location for this use.
15. “*Photo direct off-set printing, perforating, script, cutting, and other light duty printing services...*” An antiquated use with pre-conditions limiting staffing and vehicles as well as noise or vibration. Such pre-conditions would require, at the very least, Administrative Amendment approval.

16. "Public utility structure which is not permissive." Must be approved by amending the site plan.
17. "Recycling bin as an accessory use on the site..." in accordance with recycling requirements of the *Zoning Code*. A generally desirable use, highly regulated with site plan approval required.
18. "Restaurant serving liquor, provided that the restaurant is located in a shopping center site." This property is not designated as a shopping center site.
19. "Retail sales of gasoline, oil, liquified petroleum, including outside sales where there are more than eight vehicle fueling positions, or four two-sided fuel dispenser units." This would require a complete revision of the site plan at a public hearing in order to be approved.
20. "Schools, other than public." This is benign use land the site is too small to have any large scale school. If there is any associated outdoor activity, then site plan approval is required.
21. "Uses or activities in a tent [with several pre-conditions.]" This must be approved through the site development plan process.
22. "Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is located..." This use is regulated by the Wireless Telecommunications requirements and site plan driven.

Applicant believes that each newly permitted use has been adequately considered, and that it has been demonstrated that none of these uses would be harmful to the neighborhood, the adjacent property or the community.

F. A proposed zone change which, to be utilized though 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.

This proposed zone change requires no capital expenditures by the City to be developed.

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

Applicant asks for no specific consideration regarding any economic issue with this zone change request. The purpose of this request is to allow a new neighborhood oriented use that is compatible with the intent of the C-1 zone.

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

The location of this property on the corner of Wyoming and Comanche NE is not used as justification for this request. Applicant believes that the justification for this zone map amendment is supported by relevant policies of the *Comprehensive Plan* that the location of the site on a major street is only a factor as it applies to those policies.

I. A zone change request which would give a zone different from surrounding zones 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 adopted sector development plan or area 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 uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.”

Applicant believes that although this is technically a spot zone, the current zoning is C-1 and the proposed zoning is SU-1 for C-1 uses and a tap room, which exactly the same uses allowed under the current zoning with one addition. The only property abutting this site is zoned C-1 and all other property lines abut streets.

Applicant believes that this letter has analyzed and addressed the relevant goals and policies in Section C. & D. to show that this request clearly facilitates the realization of the *Comprehensive Plan*. Specifically, this request furthers the Goal of the Developing and Urban Area as well as Policies II.B.5.a, II.B.5.a, II.B.5.e, II.B.5.o, II.B.5.p and II.B.5.k. It also furthers Economic Development Policy II.C.6.b.

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 area 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 uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

Applicant does not believe that this is a strip zone as defined in the Section, but that the arguments noted in Section I. above are applicable for this section as well and that this map amendment will facilitate the realization of the *Comprehensive Plan*.

Conclusion

Applicant believes that this request is well supported by several policies of the *Comprehensive Plan*.

A positive consideration of this request is appreciated. I look forward to addressing the commission to answer any other questions that may arise.

Regards,

Doug Crandall
Principal, DAC Enterprises, Inc.

NOTIFICATION &
NEIGHBORHOOD INFORMATION

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 4/26/17 To 5/11/17

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

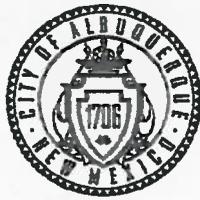
I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Dou Chandall
(Applicant or Agent)

3/30/17
(Date)

I issued 2 signs for this application, 3/29/17 [Signature]
(Date) (Staff Member)

PROJECT NUMBER: 1011188



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

***PLEASE NOTE:** The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office.

March 15, 2017

Robert E. Romero
DAC Enterprises, Inc.
1521 Edith Blvd. NE
Albuquerque, NM 87102-1611
(505) 842-0484
E-mail: r.romero505@gmail.com

Dear Robert:

Thank you for your inquiry requesting the names of ALL Neighborhood and/or Homeowner Associations who would be affected under the provisions of *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* by your proposed **[EPC Submittal]** project recorded as **[Lot 13, Blk. 6, Dellwood Addn.]** located on **[3517 Wyoming Blvd. NE between Comanche Rd. NE and Wyoming Blvd. NE]** zone map **[G-19]**.

This correspondence serves as your "Notification Inquiry Letter" from the Office of Neighborhood Coordination, and must be included as part of your application. Please see "ATTACHMENT A" for a list of NA's / HOA's that must be contacted regarding this submittal.

Please note that according to Section *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* you are required to notify **both** of these contact persons by **certified mail, return receipt requested**, before the Planning Department will accept your application. Please see Page 2 of this letter for additional requirements. If you have any questions about the information provided please contact our office at (505) 924-3914 or ONC@cabq.gov

Sincerely,
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

ATTACHMENT A

LOMA DEL REY N.A. (LDR) "R"

***Brian A. Eagan** *e-mail:* eagan.brian@gmail.com
8416 Hilton Ave. NE, Apt. 4B/87111 232-9571 (h) 480-8894 (c)
William E. Burk, III *e-mail:* billburk@qwestoffice.net
9617 La Playa NE/87111 250-9979 (c)

SANDIA HIGH SCHOOL AREA N.A. (SHS) "R"

***Michael Kiouss** *e-mail:* mikekiouss@aol.com
7901 Palo Duro NE/87110 881-2564 (h) 977-8967 (c)
Ed Mascarenas *e-mail:* donnamascarenas@msn.com
8217 Dellwood Rd. NE/87110 294-1730 (h) 850-8855 (c)

DISTRICT 7 COALITION OF N.A.'S

***Janice Arnold-Jones**, 7713 Sierra Azul NE/87110 379-0902 (c)
Lynne Martin, 1531 Espejo NE/87112 294-0435 (h) *e-mail:* lmartin900@aol.com

Neighborhood Notification Letters Must Include the Following:

Prior to filing an application with the Planning Department, all applicants requesting approvals through the Environmental Planning Commission (EPC), Development Review Board (DRB), Landmarks & Urban Conservation Commission (LUCC), or approval of a Wireless Telecommunication Facility (WTF) are required to notify any affected neighborhood and/or homeowner associations via certified mail.

1. The street address for the subject property;
2. The currently recorded legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision;
3. A physical description of the location, referenced to streets and existing land uses;
4. A complete and detailed description of the action(s) being requested;
5. ***** NEW*** Facilitated Meeting Information** – All notification letters must include the following text:

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at ONC@cabq.gov or by phone at (505) 924-3914.

A facilitated meeting request must be received by ONC by: **Monday, April 10, 2017.**

Neighborhood Notification Checklist

The following information must be included for each application packet submitted to the City of Albuquerque Planning Department.

1. ONC's "Notification Inquiry Letter" outlining any affected Neighborhood and/or Homeowner Associations.

*Note: If your ONC letter is more than 30 days old, you must contact ONC to ensure that the contact information is still current.

2. Copies of Letters sent to any affected Neighborhood and/or Homeowner Associations.
3. Copies of certified receipts mailed to any affected Neighborhood and/or Homeowner Associations.

Any questions, please feel free to contact our office at (505) 924-3914 or ONC@cabq.gov.

Thank you for your cooperation on this matter.

(ONC use only)

Date Processed: **03/15/17** ONC Staff Initials: **DLC**

March 22, 2017

CERTIFIED MAIL
SANDIA HIGH SCHOOL AREA NEIGHBORHOOD ASSOCIATION
Michael Kious
7901 Palo Duro NE
Albuquerque, NM 87110

Re: Request for Zone Map Amendment and Site Development Plan – Lot 13, Block 6, Dellwood Addition, 3517 Wyoming Blvd., NE

Dear Mr. Kious:

DAC Enterprises, Inc. (agent) has been authorized to represent Coe-Peterson Properties (applicant) regarding a zone map amendment and site development plan for an existing building at the above referenced location, on the southwest corner of Wyoming and Comanche NE. The property is currently zoned C-1. The applicant is requesting the property be zoned to SU-1 for C-1 uses to include the retail sale of beer and wine for on and off premises consumption. Approval of this request will allow the site to establish a tap room in an existing lease space. The proposed development meets the parking requirement and will also comply with all requirements of the SU-1 zone as imposed by the Environmental Planning Commission, including landscaping, and all other attendant regulations of that zone category.

A copy of the existing site and proposed floor plan is enclosed for your review. Also enclosed is Zone Map G-19 in order to help you locate the development. The application will be filed with the Environmental Planning Commission, City of Albuquerque by the March 30, 2017 deadline for a public hearing on May 11, 2017.

DAC representatives are available to present this request to you and/or your association. If you should have any questions in the mean time, please feel free to call on me at 842-0484.

Sincerely,



Robert E. Romero, Associate

Cc: Ed Mascarenas, 8217 Dellwood Rd. NE Albuquerque, NM 87110

March 22, 2017

CERTIFIED MAIL
DISTRICT 7 COALITION OF NEIGHBORHOOD ASSOCIATIONS
Janice Arnold-Jones
7713 Sierra Azul NE
Albuquerque, NM 87110

Re: Request for Zone Map Amendment and Site Development Plan – Lot 13, Block 6, Dellwood Addition, 3517 Wyoming Blvd., NE

Dear Ms. Arnold-Jones:

DAC Enterprises, Inc. (agent) has been authorized to represent Coe-Peterson Properties (applicant) regarding a zone map amendment and site development plan for an existing building at the above referenced location, on the southwest corner of Wyoming and Comanche NE. The property is currently zoned C-1. The applicant is requesting the property be zoned to SU-1 for C-1 uses to include the retail sale of beer and wine for on and off premises consumption. Approval of this request will allow the site to establish a tap room in an existing lease space. The proposed development meets the parking requirement and will also comply with all requirements of the SU-1 zone as imposed by the Environmental Planning Commission, including landscaping, and all other attendant regulations of that zone category.

A copy of the existing site and proposed floor plan is enclosed for your review. Also enclosed is Zone Map G-19 in order to help you locate the development. The application will be filed with the Environmental Planning Commission, City of Albuquerque by the March 30, 2017 deadline for a public hearing on May 11, 2017.

DAC representatives are available to present this request to you and/or your association. If you should have any questions in the mean time, please feel free to call on me at 842-0484.

Sincerely,



Robert E. Romero, Associate

Cc: Lynne Martin, 1531 Espejo NE Albuquerque, NM 87112

March 22, 2017

CERTIFIED MAIL
LOMA DEL REY NEIGHBORHOOD ASSOCIATION
Brian A. Eagan
8416 Hilton Ave. NE, Apt 4B
Albuquerque, NM 87111

Re: Request for Zone Map Amendment and Site Development Plan – Lot 13, Block 6, Dellwood Addition, 3517 Wyoming Blvd., NE

Dear Mr. Eagan:

DAC Enterprises, Inc. (agent) has been authorized to represent Coe-Peterson Properties (applicant) regarding a zone map amendment and site development plan for an existing building at the above referenced location, on the southwest corner of Wyoming and Comanche NE. The property is currently zoned C-1. The applicant is requesting the property be zoned to SU-1 for C-1 uses to include the retail sale of beer and wine for on and off premises consumption. Approval of this request will allow the site to establish a tap room in an existing lease space. The proposed development meets the parking requirement and will also comply with all requirements of the SU-1 zone as imposed by the Environmental Planning Commission, including landscaping, and all other attendant regulations of that zone category.

A copy of the existing site and proposed floor plan is enclosed for your review. Also enclosed is Zone Map G-19 in order to help you locate the development. The application will be filed with the Environmental Planning Commission, City of Albuquerque by the March 30, 2017 deadline for a public hearing on May 11, 2017.

DAC representatives are available to present this request to you and/or your association. If you should have any questions in the mean time, please feel free to call on me at 842-0484.

Sincerely,



Robert E. Romero, Associate

Cc: William E. Burk III, 9617 La Playa NE Albuquerque, NM 87111

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

ALBUQUERQUE, NM 87111

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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.80



Sent To **BRIAN K. EAGAN**
 Street, Apt. No., or PO Box No. **8416 HILTON AVE NE -4B**
 City, State, ZIP+4 **ALBUQ, NM 87111**

CERTIFIED MAIL™ RECEIPT

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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.80



Sent To **MICHAEL KIIOUS**
 Street, Apt. No., or PO Box No. **7901 PALO DURO NE**
 City, State, ZIP+4 **ALBUQ, NM 87110**

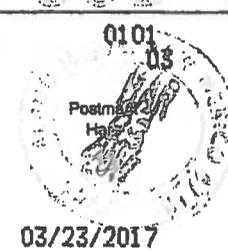
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Total Postage & Fees	\$6.80



Sent To **JANICE ARNOLD-JONES**
 Street, Apt. No., or PO Box No. **7713 SIERRA AZUL NE**
 City, State, ZIP+4 **ALBUQ, NM 87110**

CERTIFIED MAIL™ RECEIPT

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.80



Sent To **WILLIAM E. BURK III**
 Street, Apt. No., or PO Box No. **9617 LA PLAYA NE**
 City, State, ZIP+4 **ALBUQ, NM 87111**

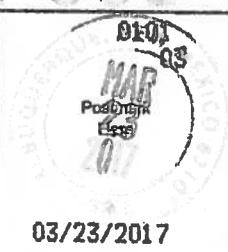
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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.80



Sent To **ED MASCARENAS**
 Street, Apt. No., or PO Box No. **8217 DELLWOOD Rd NE**
 City, State, ZIP+4 **ALBUQ, NM 87110**

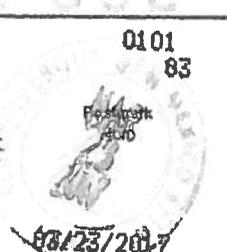
CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

ALBUQUERQUE, NM 87112

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.80



Sent To **LYNNE MARTIN**
 Street, Apt. No., or PO Box No. **1531 ESPEJO NE**
 City, State, ZIP+4 **ALBUQ, NM 87112**

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Hearing Date: Thursday, May 11, 2017 **1011188**

Zone Atlas Page: G-19

Notification Radius: Neighborhood Associations
100ft plus r.o.w

Cross Reference and Location: 3517 Wyoming Blvd. NE Southwest corner Comanche Rd. NE and Wyoming

Applicant: **COE & Peterson, LLC**
7001 Menaul Blvd. NE
ABQ, NM 87111

Agent: **DAC Enterprises, Inc.**
1521 Edith Blvd. NE
ABQ, NM 87102

Special Instructions:

**Notice must be mailed from the
City 15 days prior to the meeting.**

Date Mailed: 04/19/17

Signature:

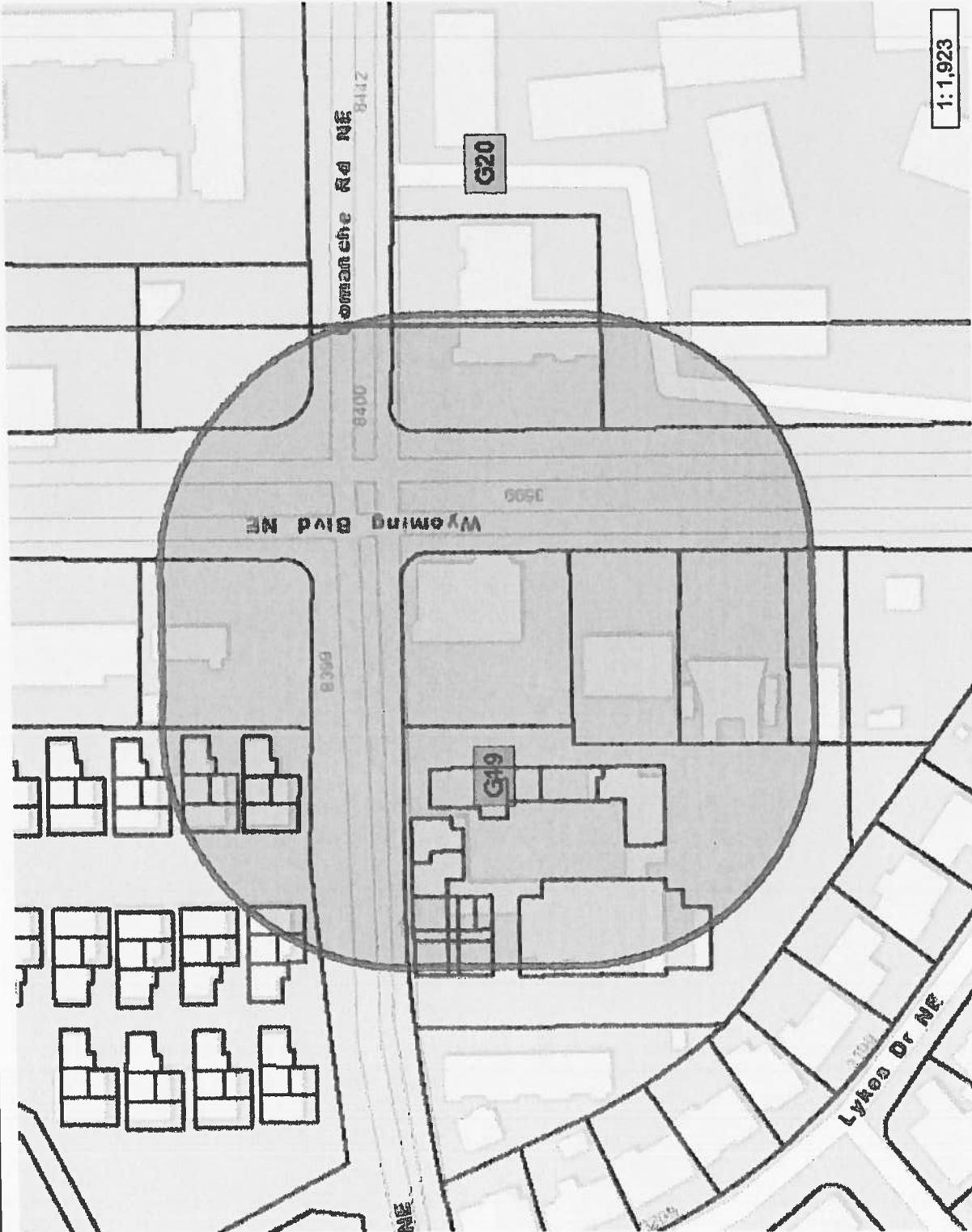
Geraldine Delgado

1011188



Legend

- Bernalillo County Parcels
- Zone Grid
- Municipal Limits
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map



1:1,923

Notes

Buffer: 214ft.
ROW: Wyoming Blvd. 114ft.

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

TOMPKINS MICHAEL E
8333 COMANCHE RD NE 12C
ALBUQUERQUE NM 87110

NELSON MONICA
66 01 BURNS ST APT 1B
REGO PARK NY 11374

MCCAUGHEY SHIRLEY LOUISE &
KATHLEEN GAIL MCCAUGHEY CO-TR
TRUST B
11029 MALAGUENA LN NE
ALBUQUERQUE NM 87111

SWANSON KAREN JEAN
PO BOX 135
PORTSMOUTH NH 03802

DUEKER CHARLES E & LINDA L
TRUSTEES DUEKER LVT
11315 PASEO DEL OSO NE
ALBUQUERQUE NM 87111

DUEKER CHARLES E & LINDA L
TRUSTEES DUEKER LVT
11315 PASEO DEL OSO NE
ALBUQUERQUE NM 87111

DUEKER CHARLES E & LINDA L
TRUSTEES DUEKER LVT
11315 PASEO DEL OSO NE
ALBUQUERQUE NM 87111

SEYMOUR JAMES R & ELIZABETH D
8629 LA SALA DEL NORTE NE
ALBUQUERQUE NM 87111-4527

MCCABE CHAD M
8333 COMANCHE RD NE UNIT 1B
ALBUQUERQUE NM 87110-2356

HENDERSON CHARLES J & TAMARA J
110 FIVE HILLS DR
TIJERAS NM 87059

HART BETTY
3221 LA RONDA PL NE
ALBUQUERQUE NM 87110-2167

CENTRAL NEW MEXICO SERVICE LLC
8604 AVENALES AVE NE
ALBUQUERQUE NM 87111

CENTRAL NEW MEXICO SERVICE LLC
8604 AVENALES AVE NE
ALBUQUERQUE NM 87111

WEI CHENG
8338 COMANCHE RD NE UNIT C
ALBUQUERQUE NM 87110

WEI CHENG
8338 COMANCHE RD NE UNIT C
ALBUQUERQUE NM 87110

CENTRAL NEW MEXICO SERVICE LLC
8604 AVENALES AVE NE
ALBUQUERQUE NM 87111

CENTRAL NEW MEXICO SERVICE LLC
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ALBUQUERQUE NM 87111

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ALBUQUERQUE NM 87111

CENTRAL NEW MEXICO SERVICE LLC
8604 AVENALES AVE NE
ALBUQUERQUE NM 87111

MCNEIL E L ETUX % R & R FOR YOUR
CAR
3601 WYOMING BLVD NE
ALBUQUERQUE NM 87111

DOYLE D PARGIN FAMILY LIMITED PTN
PO BOX 665
TOME NM 87060

DEL SOL CONDOMINIUM
8333 COMANCHE RD NE
ALBUQUERQUE NM 87110

SOUTHWEST CONVENIENCE STORES LLC
4001 PENBROOK ST SUITE 400
ODESSA TX 79762

LRJ INVESTMENTS LLC
3507 WYOMING NE SUITE B
ALBUQUERQUE NM 87111

MATTS POOLS INC
7410 MONTGOMERY BLVD NE SUITE 200
ALBUQUERQUE NM 87109

GONZALES MARIANO G & SOPHIE A CO-
TRUSTEES GONZALES RVT
31 PASEO DEL COYOTE
SANTA FE NM 87506

PLAZA EAST CONDOMINIUM ASSOC
8338 COMANCHE RD NE
ALBUQUERQUE NM 87110-2357

FINCH LOIS E TR RESTATEMENT OF
FINCH 1988 TRUST
585 HIGH EAGLE CT
WALNUT CREEK CA 94595

MIMG LXXVI SEDONA RIDGE LLC
2195 N HIGHWAY 83
FRANKTOWN CO 80116

District 7 Coalition of N.A.'S
Lynne Martin
1531 Espejo NE
ABQ, NM 87112

DAC Enterprises, Inc
1521 Edith Blvd. NE
ABQ, NM 87102

COE & Peterson, LLC
7001 Menaul Blvd. NE
ABQ, NM 87111

Loma Del Rey N.A.
Brian A. Eagan
8416 Hilton Ave. NE Apt. 4B
ABQ, NM 87111

Loma Del Rey N.A.
William E. Burk III
9617 La Playa NE
ABQ, NM 87111

Sandia High School Area N.A.
Michael Kiouss
7901 Palo Duro NE
ABQ, NM 87110

Sandia High School Area N.A.
Ed Mascarenas
8217 Dellwood Rd. NE
ABQ, NM 87110

District 7 Coalition of N.A.'S
Janice Arnold-Jones
7713 Sierra Azul NE
ABQ, NM 87110

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

Project #: 1011188
Property Description/Address: All or a portion of Lot 13, Block 6, Dellwood Subdivision, zoned C-1, located on 3517 Wyoming Blvd. NE, containing approximately .4821 acre. (G-19)
Date Submitted: April 25, 2017
Submitted By: Kathleen Oweegon
Meeting Date/Time: April 24, 2017 6:00 p.m.
Meeting Location: Holiday Park Community Center
Facilitator: Kathleen Oweegon
Co-facilitator: Jessie Lawrence

Parties:

- **Applicant:** Coe & Peterson, LLC – Tenee Swingle
- **Agent:** DAC Enterprises, LLC – Robert Romero
- **Neighborhood Associations/Interested Parties**
 - o Sandia High School Area N.A.
 - o Loma Del Rey N.A.
 - o La Sala Grande N.A.
 - o District 7 Coalition of N.A.s

Background/Meeting Summary:

17EPC-40006 Zone Map Amendment, 17EPC-40007 Site Development Plan for Building Permit: DAC Enterprises, Inc., agent for Coe & Peterson, LLC Commercial Properties, requests the above actions for all or a portion of Lot 13, Block 6, Dellwood Subdivision, zoned C-1, located on 3517 Wyoming Blvd. NE, containing approximately .4821 acre. Applicant is developing several units at this location, and this application will accommodate a proposed Red Door Taproom at this location.

Overall, the meeting participants expressed that they are in favor of this business at this location. The President of Loma de Rey N.A. offered to share information in their newsletter and via Nextdoor regarding the initial employee hiring phase and the grand opening. While concerns were discussed, meeting participants did not express objections to the proposed development or uses at the site.

Questions and concerns that were discussed related to:

- ◆ Parking
- ◆ Food trucks
- ◆ Pedestrian safety on sidewalk
- ◆ Lighting
- ◆ Type of license
- ◆ Long-term success plan
- ◆ Neighborhood association collaboration

(See details below under Meeting Specifics.)

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

Outcome:

- *Areas of Agreement*
 - o New businesses are much needed in this area.
 - o Neighbors present expressed a favorable view of the proposed business.
- *Unresolved Issues and Concerns*
 - o The terrain drop-off along the south side of parking lot could be dangerous for pedestrians and cars leaving the parking lot.
 - o Pedestrian safety on sidewalk: a large light pole on the sidewalk along Wyoming makes it too narrow for safe passage between the property and the adjacent properties, where people will park under planned parking agreements.
 - o Neighbors want a written commitment from the applicant addressing whether and how food trucks will be at this location.
- *Other Key Points*
 - o Neighbors strongly encouraged the applicant and agent to secure additional overflow parking and offered to collaborate in helping them make contact with neighboring commercial property owners to accomplish that.
 - The applicant and agent expressed the desire to continue to seek additional overflow parking and gratitude for the collaboration.

Meeting Specifics:

- 1) Applicant Presentation: Robert Romero with DAC Enterprises, agent for Coe & Peterson, applicant.
 - a) Property is currently zoned C-1.
 - i) Asking for zone map amendment from C-1 to SU-1 for C-1 uses to include sale of alcohol for on and off premise consumption under a small brewers license.
 - ii) Purpose of SU-1 is to accommodate the Red Door taproom.
 - (1) Because of the City zoning code requirements for taprooms, Applicant is forced to request a rezone to SU-1 to accommodate the taproom.
 - b) Because this is a request for a special use, the project also needs site development plan review. The applicant is preparing existing conditions and submitting a site development plan for city planning review.
 - i) Being asked to accommodate other improvements, even though the facility has been in place for more than 30 years.
 - (1) Improving parking area,
 - (2) Improving landscaping,
 - (3) Façade,
 - (4) Inside renovations.
 - c) The project has already secured permits for façade remodel, exterior remodel, and interior remodeling. Those are issued based on C-1 zone.
 - i) If the zone map change is granted, those will be combined into a site development plan based on SU-1.
 - d) Applicant is not planning to brew beer here, just planning to sell in taproom.
 - e) Site consists of 4 lease spaces.
 - i) A is currently vacant
 - ii) B will be Poki Poki, a Chinese fusion restaurant

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- iii) C is currently vacant
 - iv) D will be the Red Door taproom
 - f) There will be 38 parking spaces on the site.
 - i) In addition, the project has secured long-term agreements with two of the neighbors to the south and is working on a third agreement with another neighbor to the south.
 - ii) Once those agreements are in place, there will be an additional 35 parking spaces.
 - (1) The existing sidewalk will be utilized to connect the three neighboring parking lots to the property.
 - g) Red Door will have 40 seats, based on fire department allowances. They're planning their floor space to meet regulations.
 - h) There will be street tree landscaping.
 - i) There will be additional security lighting.
 - j) Lighting will comply with the night sky ordinance.
 - k) There is a landing for pedestrian purposes at the taproom entrance door on the south side, to provide standing area off of the parking lot.
 - i) Not proposing a patio on the site as was stated on one of the plans.
 - ii) Landing is only 4 feet wide.
 - l) The application will be heard by EPC on Thursday, May 11.
 - i) Neighbors are welcome to come to the meeting, which starts at 8:30. This project is expected to be heard by 9:30 or 10:00.
 - m) The notification that was sent out has telephone number, but not email. Agent's email address is r.lromero505@gmail.com, and telephone number is 505-842-0484.
 - n) Just posted the yellow signs required by law.
- 2) Neighborhood Feedback
- a) Parking
 - i) Q: In the end, there will be 60+ spaces?
 - (1) Yes, once lease arrangements are signed. We are certain that we will get all three neighbors to sign an agreement.
 - (2) Customers can utilize those spots starting at 5 PM and 24/7 on weekends.
 - ii) Q: Based on traffic for all tenants, are 37-38 spaces during the daytime enough?
 - (1) Yes, based on square footages. We meet the requirements of the zoning code.
 - iii) Q: Hoping Poki Poki will be tremendous success. What about parking to the west? Also, did you consider putting in steps between the properties?
 - (1) Applicant: The count of existing parking spaces on the site is different from what will be in place when the center's open; we are restriping and trying to add as many spaces as possible.
 - (2) To the west side, we would love to pick up parking there, but have not gotten much of a response. If you know anyone we can get in touch with, would love to pick up more.
 - (3) There isn't a plan right now to put steps in to Rocky Mountain Business Systems, the property immediately to the south. State Farm is down further, so still walking through someone else's property.
 - (4) Agent: Discussed this in preliminary discussion with planners, and they had same concern, but agreed sidewalk would be a good pedestrian connection from the south.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- iv) Q: Another concern is that along the south side, there is a good drop. If people are coming out drinking and someone accidentally hits the accelerator rather than reverse, they're driving off the ledge. You need a barrier of some sort, at least a visual to keep people from driving onto another car. There needs to be a visual and physical barrier for cars.
 - (1) N: Regarding fencing between Rocky Mountain and Red Door, elevation change: if there could be thick fence there so people aren't trying to jump it; at night, people wouldn't necessarily realize that there is a drop there. Also need something large to prevent things like pickup trucks accidentally hopping over the wall.
 - (2) N: This was already addressed twice, but when we went there on a Sunday to look at the site, the southern border with the drop off hit us like a ton of bricks. Someone will walk out of there and might fall down, and then there will be a lawsuit. Cutting some steps could solve this problem, and would only require three steps. An attractive fence from the sidewalk west could make sure people go down those steps.
- v) Q: Concerning parking from the two businesses that are giving permission, long term means a 20-year agreement?
 - (1) Agent: We have a 20-year agreement. City won't allow less than that.
 - (2) Q: And they won't alter their parking?
 - (a) Agent: We don't anticipate any renovation on their part. If they're willing, we could look at their parking arrangement and discuss rearranging it to create more parking.
- vi) Q: Will the additional parking be directional?
 - (1) Applicant: There's a lot of wasted space that can be restriped.
- vii) N: Coe & Peterson manages the parking lot just off the NE corner of the intersection (3620 Wyoming) during the week, and that lot is never full. If there seems to be a lot of demand for parking, that might be an option for staff parking, and also the SE corner of the intersection also has open spaces.
- viii) Q: Look at the spaces that are directly to the west, where the drug-testing lab and a real estate company are. There are 19 spaces that are never used against that wall. Could an agreement be reached?
 - (1) Applicant: I reached out to them and haven't found agreement yet. If you know anyone there, I'd like to try again. We had offered to repave and restripe, and I'm still not getting a response.
 - (2) N: Even if someone doesn't give authorization to park there, people are going to park in those spaces if it's not locked. It would help to eliminate the pedestrian traffic from the lots to the south. As was mentioned before, Wyoming is so busy, and someone will step on the street and there will be a fatality.
- ix) SHSA N.A. President: I think our neighborhood association could write a letter to the attorney who owns the property to the west; I'm surprised he has not responded.
 - (1) N: Contact information for neighbors to west: Nick Baker operates Mantis Kung Fu Academy at 8338 Comanche NE.
 - (a) Applicant: I have his info. He used to lease from us. The problem is that we need to actually have the owner and he is a tenant, but I'll reach out to him again.
- x) Q: Based on capacity, how much parking is needed?
 - (1) Agent: It's based on floor space and seating. We'll have a total of more than 60 spaces.
- xi) Q: Do you anticipate the taproom and restaurant both being at capacity at the same time?

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- (1) There's no way to know that. People may come into the taproom for lunch.
- (2) Q: Is there food service at Red Door?
 - (a) Applicant: Poki Poki will serve food to Red Door, but there is no kitchen at the taproom.
- b) Food trucks
 - i) Q: You need to have food. Fully expect food trucks there. Will you? If not, we need to see it in the lease.
 - (1) Agent: There's nowhere to park food trucks.
 - (2) Applicant: It's not in the lease agreement. Can't dictate what owner will allow.
 - ii) Q: I would like to see the possibility of food trucks addressed in writing.
 - (1) Agent: Looking at the site, a food truck will take up a lot of the parking that we need for the facility. My suggestion would be to recommend no food trucks, though I can't tell the owner what to do.
 - (2) N: As a neighborhood, we need something in writing so in 10 years when we have a problem we can say, "No, you said no food trucks." We need to see an answer regarding food trucks in writing.
 - (3) Agent: At EPC, we'll bring that up to them. Probably the planners will have questions on that as well, and they will see it in the report.
- c) Pedestrian Safety on Sidewalk
 - i) N: At the time that these businesses are open, streets are very busy. Anticipate increase in traffic and more accidents. We walked the sidewalk, and while it's large, it's tight, and there's a large power pole between Rocky Mountain and the restaurant that puts you closer to the street. That needs to be addressed.
 - (1) There is a little area that could accommodate people coming away from the streets.
 - (2) At Sandia High, there was just a student texting who stepped off the sidewalk and was hit by a car, and we don't want that to happen here.
 - (3) There needs to be enough room around the major light post. I think it can be addressed with the landscaping plan.
 - ii) N: Regarding the lamp post on Wyoming in front of Rocky Mountain: if they can add a little space to the west, a person can get around it with wheelchair or stroller. You may need an agreement with Rocky Mountain to do that.
- d) Lighting
 - i) N: For me, a big issue is the darkness of the southwest corner of the property. It looks like it's been addressed, and I appreciate that.
 - ii) N: Streetlights come on and off, and we need something consistent.
 - iii) Q: Do leased parking spots need to meet any light criteria?
 - (1) Agent: I don't know what they have, but we can look into that.
 - iv) N: Along the Wyoming corridor store frontages, there is a lot of light spilling in from streetlights. It would be nice if the lights would stay on at the buildings themselves. The Coe & Peterson office building located to the northeast is lit at night. The area is fairly well-lit. The parking lot to the west is very dark at night. I like that it will be dark skies compliant and looking forward to new business in the neighborhood.
 - v) N: To add on to a previous suggestion, at night, the intersection is dark. I'd ask you to start asking the city now to address the street lighting.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- vi) N: On the far southwest corner, it's kind of a conglomerated mess of dirt, and there needs to be a nice light there, as well as additional light more towards Wyoming.
- e) Type of license
 - i) Q: What kind of license will Red Door Taproom have?
(1) Agent: Beer and wine restaurant license
 - ii) Q: So on premises, selling beer, but not package liquor. Selling growlers, but not spirits or miniatures or anything like that.
(1) Agent: That's right.
 - iii) Facilitator: Serving wine on premises, but no take-home wine?
(1) Agent: Not even sure about serving wine; they may just serve beer.
- f) Long-term success plan
 - i) Q: It's sad to have the Hobby Lobby area vacant. What plans do the businesses have to continue their success? Advertising plan? We'd like them to stay. We'd like La Mirada shopping center and all businesses to be successful.
 - ii) Q: We know there are a lot of things you can't answer, but it's important, and it's on the businesses to create a way to stay fresh in the community.
(1) Applicant: Don't know that for individual tenants. Poki Poki also owns Sushi King, so 13-14 locations. Red Door has two other taprooms and other concepts. They've signed 10-year lease agreements with another 10-year option to extend. I can find out more about their plans, but they're not startups.
 - iii) N: We'd like them to know that we want them to do what it takes to be there for a while.
- g) NA Collaboration
 - i) LDR N.A. President: Loma del Rey NA wants to welcome Red Door to the neighborhood, and please let us know when they open, and we can announce the grand openings. We would also like to advertise when they are hiring.
 - ii) SHSA N.A. President: Sandia High School Area NA will be willing to help as they can, writing to the property owners to the west and sharing how it can benefit them as well.
 - iii) N: Opening might be near when Fall newsletter will be distributed.
(1) Applicant: Expect Red Door to open roughly in August, and Poki Poki in May.
 - iv) Agent: If you don't have any big issues, we'd appreciate your support contacting the planner. Letters of support are always welcome.
 - v) LDR N.A. President: For each of four tenants, as they open, please send us invitations to grand openings, send us information about hiring. They're becoming our neighbors, and we're looking forward to local businesses joining us.
- h) Other
 - i) Q: Anticipated closing time?
(1) Applicant: Believe 11:00 by state law for both Poki Poki and Red Door.
 - ii) Q: Anticipated opening?
(1) Applicant: Approximately 10:30 or 11:00.
 - iii) Q: We're excited. It's looking good already.
 - iv) Q: Will landscaping be compliant with water conservation ordinance, low pollen requirements?
(1) Agent: Yes. Maintenance agreement with landscaper to make sure it's watered and maintained appropriately. Compliant with zoning code.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- v) Q: As part of parking agreement, will someone pick up trash in the parking lots?
(1) Agent: Yes.

Action Items:

1. Agent will research whether or not leased parking spots need to meet any light criteria and will share what he learns with the neighbors via reply-all to meeting report email.

Application Hearing Details:

1. Hearing scheduled for Thursday May 11, 2017
2. Hearing Time:
 - a. The Commission will begin hearing applications at 8:30 a.m.
 - b. The actual time this application will be heard by the Commission will depend on the applicant's position on the Commission's schedule
3. Hearing Process:
 - a. Comments from facilitated meetings will go into a report, which goes to the City Planner.
 - b. City Planner includes facilitator report in recommendations.
 - c. The Commission will make a decision and parties have 15 days to appeal the decision.
4. Resident Participation at Hearing:
 - a. Written comments must be received by (insert date) and may be sent to: Cheryl Somerfeldt, (505) 924-3357, csomerfeldt@cabq.gov, 600 2nd St., 3rd floor, Albuquerque, NM, 87102 OR
 - b. Karen Hudson, Chair, EPC, c/o Planning Department, 600 2nd St., 3rd floor, Albuquerque, NM, 87102

Comments:

Names of Attendees:

- **Applicant:** Coe & Peterson, LLC – Tenee Swingle
- **Agent:** DAC Enterprises, LLC – Robert Romero
- **Neighborhood Associations/Interested Parties**
 - o Sandia High School Area N.A.
 - Mike Kious
 - Ed Mascarenas
 - Jeff Hillery
 - John Jones
 - o Loma Del Rey N.A.
 - Brian Eagan
 - Carol Orona
 - o La Sala Grande N.A.
 - Michael Bawden
 - o District 7 Coalition of N.A.s
 - Janice Arnold-Jones

Somerfeldt, Cheryl

From: Brian Eagan <eagan.brian@gmail.com>
Sent: Wednesday, May 03, 2017 10:22 PM
To: Somerfeldt, Cheryl
Cc: mikekious@aol.com; Robert Romero
Subject: Project #1011188 - Loma Del Rey Neighborhood Association supports proposed change in zoning map for Red Door Brewing Company, 3517 Wyoming Blvd NE

Dear Cheryl,

please notify the City of Albuquerque Environmental Planning Commission (EPC) that the Loma Del Rey Neighborhood Association officially supports the proposed change in zoning map (from C-1 to SU-1) to allow for the opening of a tap room to allow Red Door Brewing Company to sell beer at 3517 Wyoming Blvd NE, Suite d, Albuquerque, NM. We welcome them to the neighborhood. We look forward to being invited to the grand opening of the new location of this local business. We support the creation of new jobs in our neighborhood and we are excited to see the vacant commercial storefront building come back to life with a large scale renovation and to be filled with a new tenant, which is a local business to serve local residents.

And the 435 neighborhood residents that are members of our Nextdoor Loma Del Rey social media page were polled recently on this proposal

and 76% of residents that voted, were YES votes in favor of the project. See quote below.

Brian Eagan

Loma Del Rey

Coe and Peterson Properties LLC proposes that the City of Albuquerque amend the zoning map from Commercial Use (C-1) to Special Use (SU 1) to allow for Taproom to sell beer (no wine or hard liquor)

Red Door Brewing Company Taproom: are you in favor of the proposed zoning change from Commercial Use to Special Use, to allow tap room to open in August to sell beer?



yes, allow change in zoning

76%



no, oppose change in zoning

17%



I have no opinion

7%

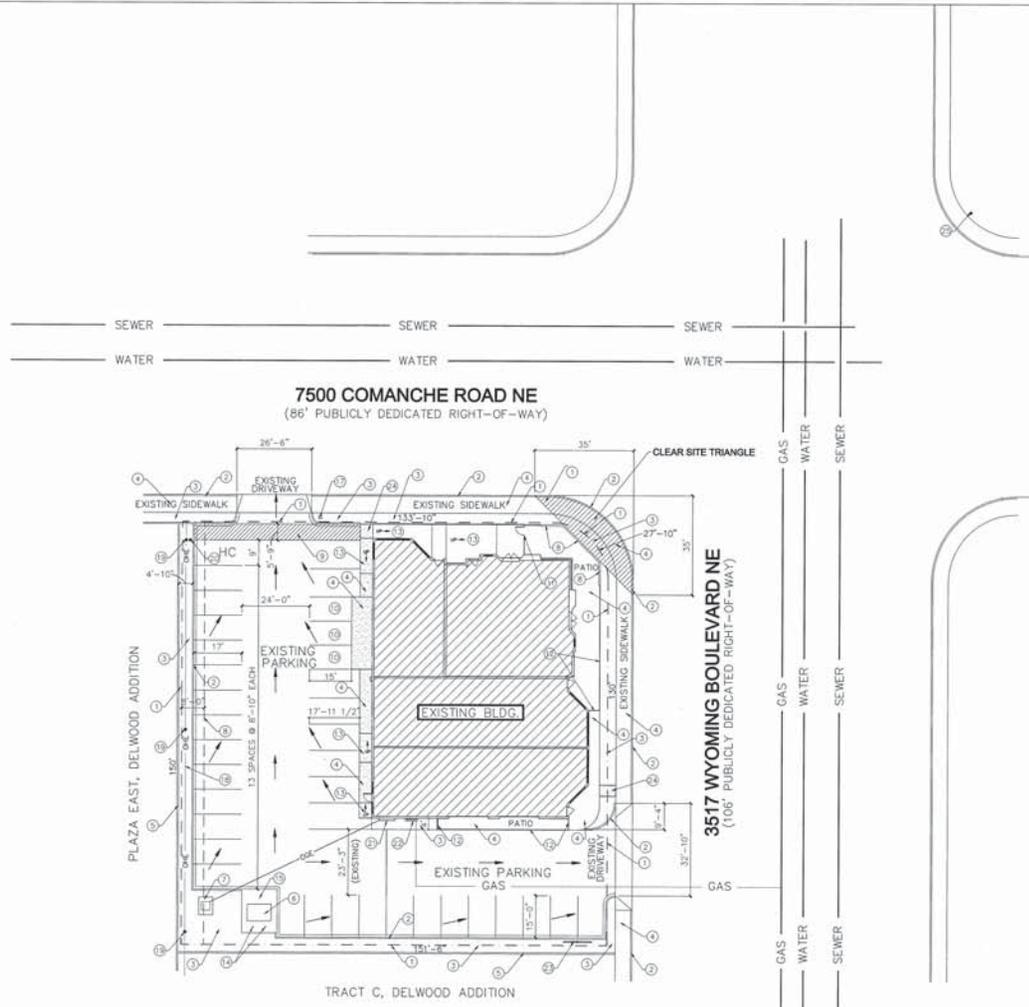
Voted

Please approve the proposed zoning change so the Red Door Tap Room and Poki Poki Chervichia restaurant can open this summer at this site on Wyoming Blvd NE at Comanche Rd.

Sincerely,

Brian A. Eagan, President
Loma Del Rey Neighborhood Association
3620 Wyoming Blvd NE Suite 130
Albuquerque, NM 87111
eagan.brian@gmail.com

SITE PLAN REDUCTIONS



EXISTING GRADING & DRAINAGE PLAN

0 8' 16' 32' 48' 64'

1" = 20'

NORTH

LEGAL DESCRIPTION

N.E. PORTION OF LOT 13, BLOCK 6 DELWOOD ADDITION, SECTION 6,
T. 10 N., R. 4 E., N.M.P.M.
LOT AREA: .5116 ACRES

KEYED NOTES:

1. PROPERTY LINE.
2. EXISTING CONCRETE CURB AND GUTTER.
3. LANDSCAPED AREA.
4. EXISTING SIDEWALK.
5. EXISTING CMU RETAINING WALL.
6. EXISTING REFUSE BIN.
7. EXISTING TRANSFORMER PAD AND TRANSFORMER.
8. PATIO WALL, PREVIOUSLY APPROVED BY CABO ZONING.
9. HC ACCESS AISLE.
10. COMPACT VEHICLE PARKING SPACE.
11. 42" HIGH METAL FENCE AND GATE.
12. 42" HIGH METAL FENCE.
13. EXISTING RAMP.
14. EXISTING BOLLARDS.
15. EXISTING CONCRETE SLAB.
16. EXISTING 8' UTILITY EASMENT.
17. EXISTING WATER METER.
18. EXISTING OVERHEAD ELECTRICAL.
19. EXISTING POWER POLE.
20. EXISTING LIGHT POLE.
22. EXISTING ELECTRICAL METERS.
23. EXISTING PYLON SIGN.
24. EXISTING 4' WIDE SIDEWALK FROM PUBLIC SIDEWALK.
25. EXISTING FIRE HYDRANT.

GRADING & DRAINAGE LEGEND

EXISTING SITE DRAINAGE FLOW →

SITE DEVELOPMENT PLAN SUBMITTAL
FOR AN EXISTING SITE AT 3517 WYOMING BLVD. NE



MARCH 26, 2017

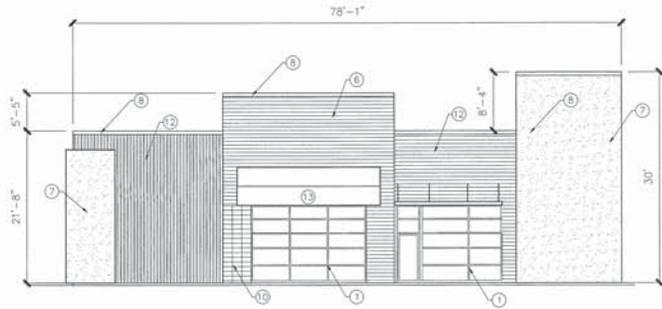
A2

GENERAL NOTES:

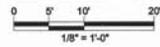
A. PROVIDE PREMISE IDENTIFICATION PER SECTION 505.3.2 OF THE CITY OF ALBUQUERQUE FIRE CODE.

KEYED NOTES:

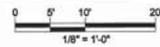
1. OVERHEAD SECTIONAL DOOR.
2. EXISTING STOREFRONT SYSTEM TO REMAIN INTACT.
3. NEW ALUMINUM STOREFRONT SYSTEM.
4. 3'-0" X 7'-0" ALUMINUM ENTRANCE SYSTEM. PROVIDE ADA COMPLIANT PANIC HARDWARE.
5. STEEL CANOPY.
6. METAL WALL PANELS. METALIC 7/8", T-GROOVE PANEL, 11" HORIZONTAL PROFILE.
7. EIFS SYSTEM.
8. METAL COPING TO MATCH METAL WALL PANELS.
9. ALUMINUM WINDOW.
10. CERAMIC TILE.
11. 3'-0" X 7'-0" ALUMINUM ENTRANCE SYSTEM. PROVIDE ADA COMPLIANT PANIC HARDWARE.
12. METAL WALL PANELS. METALIC 7/8", T-GROOVE PANEL, 11" VERTICAL PROFILE.
13. FABRIC METAL AWNING.
14. METAL CANOPY, PAINTED.



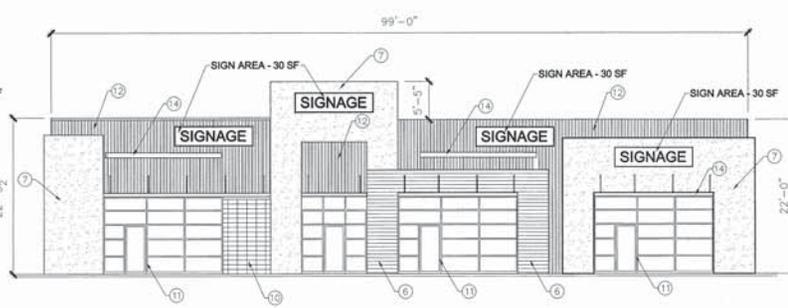
SOUTH ELEVATION



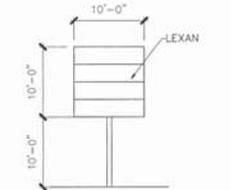
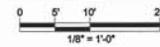
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



EXISTING PYLON SIGN





**3517 Wyoming NE
West street view**



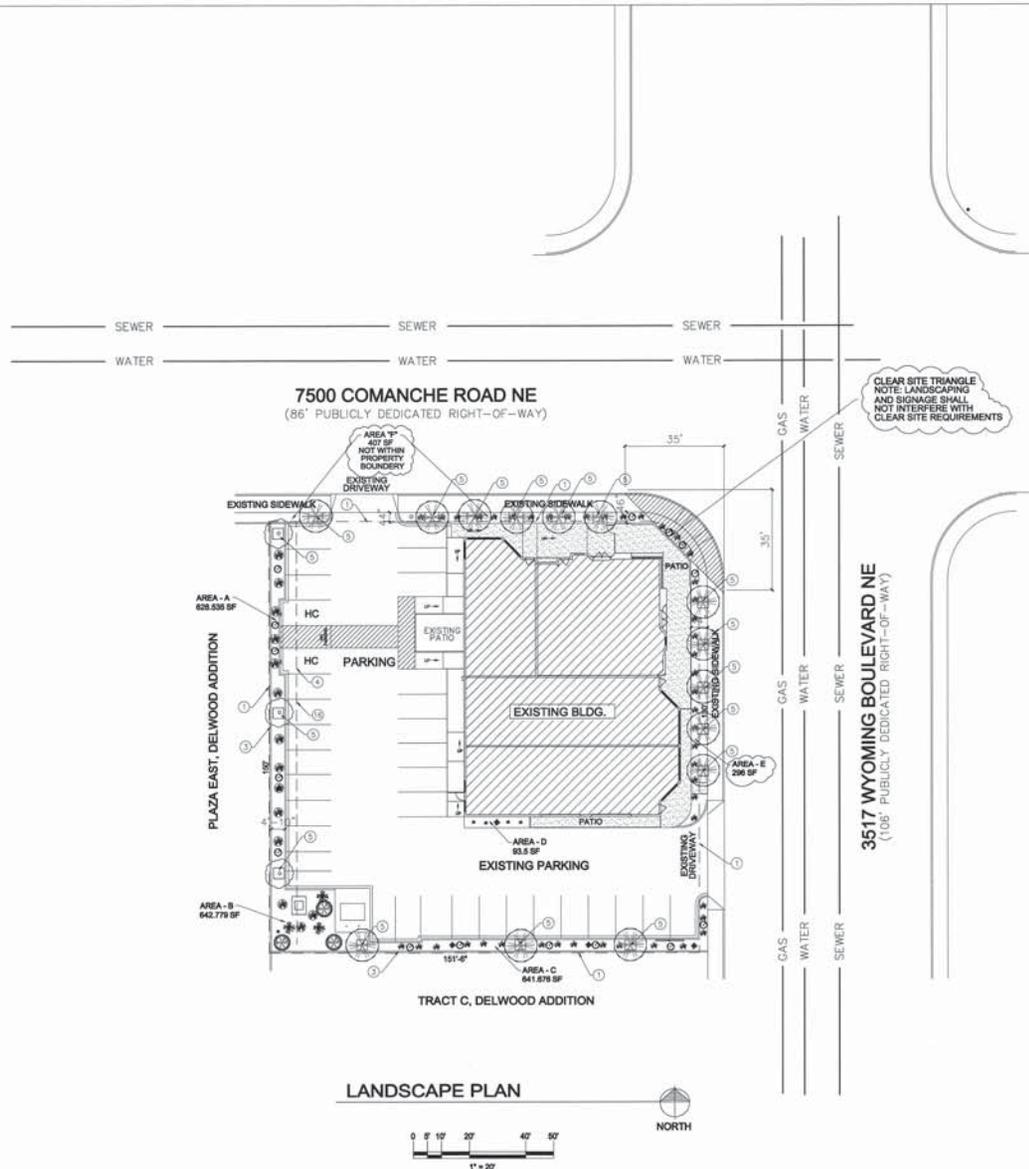
**3517 Wyoming NE
South street view**



- Fabric awning
Logo red color
"typical"
- Exterior Insulation
Finish System
White color
"typical"
- Metal wall panel
Light grey color
"typical"
- Metal wall panel
Charcoal grey color
"typical"
- Brick wall covering
Red & Brown color
"typical"
- Wood decking
Dark brown color
"typical"

**3517 Wyoming NE
Southwest street view**





LEGAL DESCRIPTION

N.E. PORTION OF LOT 13, BLOCK 6 DELWOOD ADDITION, SECTION 8, T. 10 N., R. 4 E., N.M.P.M.
LOT AREA: 5116 ACRES = 22,286 SF PER SURVEY COMPLETED ON MAY 3, 2005 BY SURVEYS SOUTHWEST, LTD.

GENERAL NOTES:

LOT AREA: 5116 ACRES = 22,286 SF PER SURVEY COMPLETED ON MAY 3, 2005 BY SURVEYS SOUTHWEST, LTD.

STATEMENT OF COMPLIANCE

LANDSCAPING AND INSTALLATION SHALL COMPLY WITH THE CITY OF ALBUQUERQUE ZONING CODE SECTION 14-16-3-10 LANDSCAPING REGULATIONS. INSTALLATION SHALL BE IN ACCORDANCE WITH THE APPROVED PLAN AND SHALL BE COMPLETED WITHIN 60 DAYS.

LANDSCAPING SHALL HAVE ADEQUATE MAINTENANCE. LANDSCAPING THAT DIES SHALL BE REPLACED BY THE OWNER WITHIN 60 DAYS.

NOTE: THE LANDSCAPING IN THE PUBLIC RIGHT OF WAY WILL BE WATERED BY HAND BY COMPANY "PAUL ARAGON LANDSCAPING" OR IF IRRIGATION SYSTEM IS REQUIRED, IT WILL BE PLACED ON ON A SEPARATE VALVE(S) AT THE PROPERTY LINE ALLOWING ISOLATION OF THE IRRIGATION IN THE PUBLIC-RIGHT-OF-WAY.

NOTE: THE LANDSCAPING WILL BE WATERED BY HAND BY MAINTENANCE COMPANY "PAUL ARAGON LANDSCAPING"

NOTE: THE LANDSCAPING AND MAINTENANCE SHALL BE IN COMPLIANCE WITH THE CITY OF ALBUQUERQUE WATER CONSERVATION ORDINANCE 6-1-1.

KEYED NOTES:

1. PROPERTY LINE.
2. EXISTING SIDEWALK.
3. EXISTING RETAINING WALL.
4. EXISTING 8' UTILITY EASEMENT.
5. INSTALL A RECTANGULAR AREA OF ORGANIC MULCH UNDER TREES.

LANDSCAPE CALCULATIONS

TOTAL LOT AREA - 22,286 SF
BUILDING AREA - 5,928 SF
NET LOT AREA = 22,286 - 5,928 = 15,358 SF
15% = 2,321.49 SF REQUIRED LANDSCAPING
AREA OF LANDSCAPING PROVIDED = 2321.49 SF

PLANTING LEGEND

MEXICAN FEATHER GRASS	☼	5 GALLON MINIMUM
YUCCA PENDULA	☼	5 GALLON MINIMUM
YUCCA PENDULA	☼	5 GALLON MINIMUM
DWARF OLEANDER	☼	5 GALLON MINIMUM
DWARF PYRACANTHA	☼	5 GALLON MINIMUM
DESERT WILLOW	☼	3" CALIPER
GRAPE MARTYLE	☼	1 1/2" CALIPER

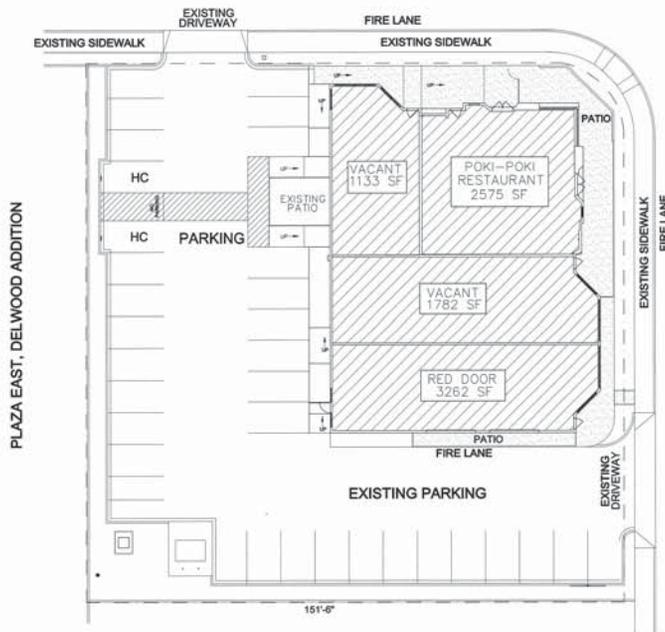
GROUND COVER
AREA "A" - 1 1/2" GRAVEL
AREA "B" - 1 1/2" GRAVEL
AREA "C" - 1 1/2" GRAVEL
AREA "D" - 1 1/2" GRAVEL
AREA "E" - 1 1/2" GRAVEL
AREA "F" - 1 1/2" GRAVEL



SITE DEVELOPMENT PLAN SUBMITTAL FOR AN EXISTING SITE AT 3517 WYOMING BLVD. NE

MARCH 29, 2017
(REVISED MAY 1) (2017)

7500 COMANCHE ROAD NE
(86' PUBLICLY DEDICATED RIGHT-OF-WAY)



TRACT C, DELWOOD ADDITION

FIRE 1 PLAN

1/16" = 1'-0"



EXISTING FIRE HYDRANT

CODE ANALYSIS

APPLICABLE CODES

INTERNATIONAL BUILDING CODE 2009
INTERNATIONAL EXISTING BUILDING CODE 2009
2009 NEW MEXICO COMMERCIAL BUILDING CODE
2009 NEW MEXICO EXISTING BUILDING CODE

A. PROJECT SCOPE:

The project is a site development plan submittal for an existing site and building for a zone change request to change a C-1 zone to an SU-1 zone. The POKI-POKI Restaurant is has been permitted and is currently under construction. The Red Door Taproom is currently under review for a building permit.

B. USE AND OCCUPANCY CLASSIFICATION:

POKI-POKI Restaurant & Red Door Taproom Section 303- Assembly Group A-2
Vacant Space Section 304 - Business Occupancy Group B

C. ALLOWABLE BUILDING AREA:

(Table 503)
B Type VB = 9,000 SF allowed 6,893 SF (EXISTING BUILDING)

D. SEISMIC INFORMATION

EXISTING BUILDING IS SEISMIC CATEGORY "D"

E. OCCUPANT LOAD

(Table 1004.1.1)
Red Door Taproom A2 Occupancy
Indoor & Patio Dining - 96 Occupants (Based on actual tables & seating)
Bar Staff = 2
A2 Occupant Load = 98 Occupants
POKI-POKI Restaurant A2 Occupancy
Indoor & Patio Dining - 82 Occupants (Based on actual tables & seating)
Kitchens - 490/200 = 3 Occupants
Wait Staff = 3
Bar Staff = 1
A2 Occupant Load = 89 Occupants
Vacant space future occupant load = 2915/200 = 15 Occupants
TOTAL PROJECTED BUILDING OCCUPANT LOAD = 202 OCCUPANTS

F. BUILDING ELEMENTS

(Table 601 Fire resistance rating requirements for building elements)
B Type VB

1. Structural Frame	0 Hours
2. Bearing Walls- Exterior	0 Hours
3. Bearing Walls- Interior	0 Hours
4. Non Bearing Walls and Partitions- Interior	0 Hours
5. Floor Construction	0 Hours
6. Roof Construction	0 Hours

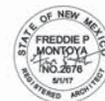
G. FIRE PROTECTION SYSTEM

(Section 903 Automatic Sprinkler Systems)
903.2.1.12 Group A2
Sprinkler System is not required - Fire Area Poki-Poki & Red Door is < 5000 SF each and Occupant load is < 100 for each.

3517 WYOMING BOULEVARD NE
(106' PUBLICLY DEDICATED RIGHT-OF-WAY)

GENERAL NOTES:

A. CITY OF ALBUQUERQUE FIRE CODE SECTION 505.3. COMMERCIAL BUILDING PREMISE IDENTIFICATION SHALL BE 10-INCHES HIGH WITH A MINIMUM OF 2-INCH BRUSH STROKES ON A CONTRASTING BACKGROUND. THE ADDRESS SHALL BE VISIBLE FROM THE STREET OR THE ROAD FRONTING ON THE PROPERTY.



SITE DEVELOPMENT PLAN SUBMITTAL
FOR AN EXISTING SITE AT 3517 WYOMING BLVD. NE

MARCH 29, 2017
(REVISED MAY 1)
(2017)

FIRE 1 PLAN

ADDITIONAL STAFF INFORMATION

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: DAC ENTERPRISES, INC DATE OF REQUEST: 3/15/17 ZONE ATLAS PAGE(S): G-19

CURRENT:
ZONING C-1
PARCEL SIZE (AC/SQ. FT.) 1 AC ±

LEGAL DESCRIPTION:
LOT OR TRACT # 13 BLOCK # 6
SUBDIVISION NAME DELWOOD ADD

REQUESTED CITY ACTION(S):
ANNEXATION []
ZONE CHANGE []: From C-1 To SU-1/C-1
SECTOR, AREA, FAC, COMP PLAN [] TAP RM
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: NA
BUILDING SIZE: 6878 (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 3/15/17

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

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND 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:

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

[Signature]
TRAFFIC ENGINEER

03-15-17
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 _____

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 17-24 Date: 3.14.17 Time: 1:30

Address: 3517 WYOMING BLVD

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: Kym Dicome Other: _____
Code Enforcement: Ben McIntosh Other: VINCE MONTANO
Fire Marshall: Antonio Chinchilla Other: ERIC GONZALEZ

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

- | | | |
|----------------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval |
| <input type="checkbox"/> Sector Dev. Plan Amendment | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval |
| <input type="checkbox"/> Site Dev. Plan for Subdivision | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval <input type="checkbox"/> Admin Approval |
| <input type="checkbox"/> Site Dev. Plan for Bldg. Permit | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval <input type="checkbox"/> Admin Approval |
| <input type="checkbox"/> Other _____ | | |

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: C-1
Proposed Use/Zone: SU-1 FOR C-1 USES + TAPROOM.
Applicable Plans: _____
Applicable Design Regulations: _____
Previously approved site plans/project #s: _____
Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other) _____

Handouts Given:

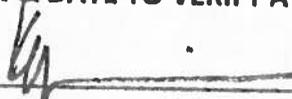
Zone Map Amendment Process R-270-1980 AA Process EPC Schedule

Additional Notes:

SU-1 FOR C-1 USES + TAPROOM. TAPROOM IS CONSIDERED A C-2 USE UNDER (A)(3).

SU-1 IS A ZONE SUITABLE FOR SITES FOR USES WHICH ARE SPECIAL BECAUSE OF INFREQUENT OCCURENCE, EFFECT ON SURROUNDING PROPERTY, SAFETY, HAZARD, OR OTHER REASONS AND IN WHICH THE APPROPRIATENESS OF THE

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



PRT CHAIR



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.

USE TO A SPECIFIC LOCATION IS PARTLY OR ENTIRELY
DEPENDENT ON THE CHARACTER OF THE SITE DESIGN.
AS DEFINED, IF SV.1, SHOULD JUST AS FOR THE SV.1
FOR TAPROOM TO KNOW THE SPECUL USE. OR
REQUEST 0.2.

IF SV.1 FOR C.1 USES + TAPROOM - WOULD RECOMMEND
SV.1 FOR PERMISSIVE C.1 USES + TAPROOM.

MTG.

RED DOOR : TAPROOM.

SV.1 FOR C.1 USES + TAPROOM. W/ SITE PLAN. THRU
EPC.

DECLARATION FOR SHARED PARKING AGREEMENT OVER, ON AND ACROSS

THIS DECLARATION, made this ____ day of March, 2017, by Rocky Mountain Business Systems Inc. and 3517 Wyoming, LLC, recites and provides as follows:

RECITALS

- The foregoing recitals are incorporated herein by reference as though set forth in detail.
- 3517 Wyoming LLC. are the Owner(s) and Proprietors(s) of A tract of land situated in School District 13 within the Town of Albuquerque Grant, Bernalillo County, New Mexico, and comprising the Easterly portion of Lot 4 in Block 6, Traction Park and City Electric Addition, Old Albuquerque, New Mexico, as shown on the Plat of said Traction Park, filed in the office of the County Clerk of Bernalillo County, New Mexico on December 31, 1934, and more particularly described as follows: BEGINNING at the NE corner of said Lot 4, a point on the Southerly right-of-way line of West Central Avenue, Albuquerque, New Mexico; Thence, running Westerly and along the Southerly right-of-way of said West Central Avenue, and along a curve left having a radius of 541.95 feet, a distance along arc of 25 75 feet (chord equals N. 85 deg. 53' 38" W., 25.75 feet) to the NW corner of the tract herein described. Thence, leaving said line of West Central Avenue and running S. 05 deg. 13' W., along the Center line of a 8 inch partition wall and along the projection thereof, 171.42 feet to the SW corner, a point on the Northerly right-of-way line of Public Alley running In an East West direction through said Block 6; Thence, South 85 deg. 49' E, along said Northerly right-of-way line of said Alley, 26.55 feet to the SE corner of said Lot 4; Thence, North 04 deg. 57" E, 171 45 feet along and following the Easterly lot line of said Lot 4, to the point and place or beginning. LESS AND EXCEPTING that certain portion conveyed to the City of Albuquerque by Warranty Deed recorded January 19, 1959 a Document No. 98923. AND Lots numbered Two (2) and Three (3) in Block numbered Six (6), Traction Park and City Electric Addition, Old Albuquerque, New Mexico, as the same are shown and designated on the Plat of said Addition, filed in the Office of the County Clerk of Bernalillo County, New Mexico on December 31, 1934 in Map Bok D1, Tolio 65. - LESS AND EXCEPTING that certain portion conveyed to the City of Albuquerque by Warranty Deed recorded February 9, 1959 as Document No. 2213. and incorporated by this reference as "Parcel 1."
- Rocky Mountain Business Systems Inc, are the Owner(s) and Proprietors(s) of TRC BLK 6 DELLWOOD SUBD LAND DIVISION OF A PORTION OF LOT 13 BLK 6 DELLWO and incorporated by this reference as "Parcel 2."
- The above described properties comprising Parcel 1 and Parcel 2 when referred to jointly will herein after be known as "Properties."
- Rocky Mountain Business Systems Inc. hereby dedicates, grants and establishes for the benefit of 3517 Wyoming, LLC its employees, agents, guests, invitees, tenants, lessees, subtenants, licensees, heirs, successors and assigns the following over, on and across shared parking agreement:
 - Parking of vehicles between the hours Monday - Friday beginning at 5:00 p.m. and ending at 2:00 a.m. the next morning over, 24 hour parking on Saturday and Sunday, on and across the areas within the Properties constituting parking areas as shown in Exhibit A;
 - Pedestrian passage across common Northern and Eastern property line of Parcel 2 and the Southerly line of Parcel 1.

1. MUTUAL INDEMNITY.

3517 Wyoming, LLC indemnify, defend, and hold harmless Rocky Mountain Business Systems Inc for, from, and against any and all claims suffered or incurred in connection with any alleged bodily injury or property damage arising out of use or enjoyment of the shared parking areas, unless caused by negligence or willful misconduct of Rocky Mountain Business Systems Inc. In addition, 3517 Wyoming, LLC Shall maintain property and liability insurance during the entire term of this Agreement adequately insuring its activities related to the use of Parcel 2 in an amount not less than \$1,000,000.00 per occurrence.

2. TERM.

The shared parking area, covenants and restrictions herein provided for shall be appurtenant to and run with the Properties for one (1) year from the date of this agreement with the option of a one (1) ten (10) year extension at the termination of ten (10) years from the date of this Agreement, provided the requirements contained in paragraph 3 are met. This Declaration may only be modified or amended, by a recordable instrument executed by the owners of all Properties. This agreement may be terminated by Rocky Mountain Business Systems Inc. where 3517 Wyoming, LLC is in default, served notice of such default, and fails to cure said default within fifteen (15) days.

3. OPTION TO EXTEND.

The Owner of Parcel 1 may renew this Declaration of Shared Parking Agreement for an additional term of ten (10) years by giving written notice to the Owner of Parcel 2 notice of intent to exercise the option to extend no less than one hundred and eighty (180) days prior to the expiration of the original ten (10) year term.

4. FEES and PAYMENT.

Payment for the use and enjoyment of the herein defined shared parking agreement will be made monthly to Rocky Mountain Business Systems Inc. in the amount of One Hundred Ninety Five and 00/100 Dollars (\$195.00) during the pendency of this agreement. Payment will be made on the first of each month commencing upon the signing of this document. The first month and last month of the agreement will be prorated by dividing One Hundred Ninety Five and 00/100 Dollars (\$195.00) by the number of days in the month and calculated by multiplying that result by the days this shared parking agreement were in effect that month.

5. IMPEDEMENT.

Provided the Owner of Parcel 1 is not in default under the terms of this Agreement, the owner of Parcel 2 shall not, without the express written consent of the other owner of Parcel 1 take or fail to take any action or do or fail to do anything which would, or have the effect of, impeding, obstruction, or preventing any other person or entity having rights under this Declaration from their full use and enjoyment of the shared parking agreement herein granted; including but not limited to, charging for the use of parking, installation of a gate, fence, or parking control device, removal of overhead lighting, and obstruction of pedestrian traffic. Without limiting the generality of the foregoing, free and full access to, from and across all portions of the Parking Property which constitute parking areas, driveways, and roadways on any exhibit shall not be blocked, obstructed or impeded.

6. IMPROVEMENTS.

Any and all improvements or modification to Parcel 2 which would materially affect the usability or enjoyment of Parcel 2, made after the signing of this Agreement, must be agreed upon prior to execution by the written consent of both parties.

7. MAINTENANCE.

Each party, at its sole cost and expense, shall keep and maintain their parcel areas in a commercially reasonable condition and a safe state of repair. All current maintenance, utility and operating costs of the lighting on the ingress and egress and parking area of Parcel 2 is the responsibility of Rocky Mountain Business Systems Inc. and is to be diligently performed.

8. RUN WITH THE LAND.

This Declaration and the rights crated hereby, including, but not limited to, the shared parking agreement over, on and across created hereunder shall be paramount and superior to all leases, conveyances, transfers, assignments, contracts, mortgages, deeds of trust and other encumbrances affecting the Properties, from and after the date of recording of this Declaration. Any person acquiring possession of, title to or interest in the Properties or any part thereof shall do so subject to this Declaration. Any

transferee of any interest in any portion of the Properties shall be deemed, by acceptance of such interest, to have agreed to be bound by all the provisions of this Declaration.

9. FIRST RIGHT OF REFUSAL.

In the event owner of Parcel 2, has an offer to purchase the building and parcel 2 at 3515 Wyoming Blvd NE, Albuquerque NM during the term of this Lease owner of Parcel 1 will have first right of refusal to purchase the said parcel and building. Owner of Parcel 2 shall notify in writing Owner of Parcel 1 of the purchase offer and Owner of Parcel 1 shall have 72 hours to sign a purchase agreement.

10. WRITTEN NOTICE.

All notices and other communications given hereunder shall be in writing and shall be communicated to the address(es) / number(s) below via either certified or registered mail, return receipt requested, postage prepaid by air or surface parcel delivery service; overnight delivery, delivery fees prepaid; facsimile with transmission confirmation; or hand delivery with delivery confirmation.

Parcel 1 address: 3517 Wyoming LLC.
ADDRESS: C/O Coe and Peterson, LLC
7001 Menaul NE
Albuquerque, NM 87110
PHONE: 505.884.1468
EMAIL:

Parcel 2 address: Rocky Mountain business Systems Inc
ADDRESS: 3515 Wyoming Blvd NE
Albuquerque, NM 87111
PHONE: (505) 323-5252
EMAIL:

Either Owner of Parcel 1 or Owner of Parcel 2 may by written notice to the other at any time and from time to time designate a different address to which written notices shall be sent. Such written notices, demands or declarations shall be deemed sufficiently served or given for all purposes hereunder three (3) days after the time they shall be mailed by United States registered or certified mail, one (1) day after they are properly deposited with Federal Express or similar overnight delivery service for overnight delivery or immediately upon fax receipt or hand delivery, as aforesaid.

11. CHANGE OF OWNERSHIP.

Either Owner of Parcel 1 or Owner of Parcel 2 may by written notice to the other party exchange, sell, assign, transfer or convey any ownership interest in owned Parcel. Declaration herein stated shall remain in full force and effect and with the land.

NOW, THEREFORE, in consideration of the grants and agreements herein made and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and Declarants hereby subject the Properties to the aforementioned shared parking agreements:

IN WITNESS WHEREOF, this instrument is executed on the day and year affirmed below.

(Signature on following page)

DECLARANTS:

Rocky Mountain business Systems Inc

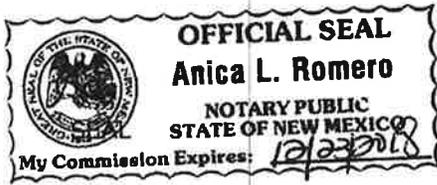
By: _____

Rocky Mountain business Systems Inc

STATE of NEW MEXICO

COUNTY of BERNALILLO

The foregoing instrument was acknowledged before on this 23rd March by MICHAEL GONZALES who produced a valid driver license as identification. By my hand and seal: 2017



Anica L. Romero

Notary Signature

My Commission Expires 12/23/2018

3517 Wyoming, LLC

By: _____

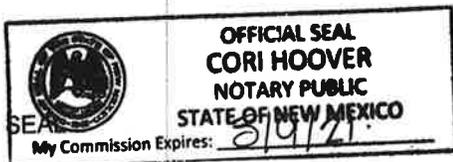
Steven Coe, Managing Member

3517 Wyoming, LLC

STATE of NEW MEXICO

COUNTY of BERNALILLO

The foregoing instrument was acknowledged before on this 16th day of April by Steven Coe who produced a valid driver license as identification. By my hand and seal: 2017



Cori Hoover

Notary Signature

My Commission Expires 3/9/2021

WITNESSES:

By: _____

Name: Arlene Post

By: _____

Name: _____

EXHIBIT A



- PARCEL 1
- PARCEL 2

DECLARATION FOR SHARED PARKING AGREEMENT OVER, ON AND ACROSS

THIS DECLARATION, made this 16 day of March, 2017, by LRJ Investments, LLC and 3517 Wyoming, LLC, recites and provides as follows:

RECITALS

- The foregoing recitals are incorporated herein by reference as though set forth in detail.
- *3517 Wyoming LLC. are the Owner(s) and Proprietors(s) of A tract of land situated in School District 13 within the Town of Albuquerque Grant, Bernalillo County, New Mexico, and comprising the Easterly portion of Lot 4 in Block 6, Traction Park and City Electric Addition, Old Albuquerque, New Mexico, as shown on the Plat of said Traction Park, filed in the office of the County Clerk of Bernalillo County, New Mexico on December 31, 1934, and more particularly described as follows: BEGINNING at the NE corner of said Lot 4, a point on the Southerly right-of-way line of West Central Avenue, Albuquerque, New Mexico; Thence, running Westerly and along the Southerly right-of-way of said West Central Avenue, and along a curve left having a radius of 541.95 feet, a distance along arc of 25.75 feet (chord equals N. 85 deg. 53' 38" W., 25.75 feet) to the NW corner of the tract herein described. Thence, leaving said line of West Central Avenue and running S. 05 deg. 13' W., along the Center line of a 8 inch partition wall and along the projection thereof, 171.42 feet to the SW corner, a point on the Northerly right-of-way line of Public Alley running In an East West direction through said Block 6; Thence, South 85 deg. 49' E, along said Northerly right-of-way line of said Alley, 26.55 feet to the SE corner of said Lot 4; Thence, North 04 deg. 57" E, 171.45 feet along and following the Easterly lot line of said Lot 4, to the point and place or beginning. LESS AND EXCEPTING that certain portion conveyed to the City of Albuquerque by Warranty Deed recorded January 19, 1959 a Document No. 98923. AND Lots numbered Two (2) and Three (3) in Block numbered Six (6), Traction Park and City Electric Addition, Old Albuquerque, New Mexico, as the same are shown and designated on the Plat of said Addition, filed in the Office of the County Clerk of Bernalillo County, New Mexico on December 31, 1934 in Map Bok D1, Tolio 65. - LESS AND EXCEPTING that certain portion conveyed to the City of Albuquerque by Warranty Deed recorded February 9, 1959 as Document No. 2213. and incorporated by this reference as "Parcel 1."*
- LRJ Investments, LLC, are the Owner(s) and Proprietors(s) of *TR B-1 PLAT OF TRACT A-1 & B-1 LAND OF CIRCLE K CORPORATION CONT .1951 AC* and incorporated by this reference as "Parcel 2."
- The above described properties comprising Parcel 1 and Parcel 2 when referred to jointly will herein after be known as "Properties."
- LRJ Investments, LLC hereby dedicates, grants and establishes for the benefit of 3517 Wyoming, LLC its employees, agents, guests, invitees, tenants, lessees, subtenants, licensees, heirs, successors and assigns the following over, on and across shared parking agreement:
 - Parking of vehicles between the hours Monday - Friday beginning at 5:00 p.m. and ending at 2:00 a.m. the next morning over, 24 hour parking on Saturday and Sunday, on and across the areas within the Properties constituting parking areas as shown in Exhibit A;
 - Pedestrian passage across common Northern and Eastern property line of Parcel 2 and the Southerly line of Parcel 1.

1. MUTUAL INDEMNITY.

3517 Wyoming, LLC indemnify, defend, and hold harmless LRJ Investments, LLC for, from, and against any and all claims suffered or incurred in connection with any alleged bodily injury or property damage arising out of use or enjoyment of the shared parking areas, unless caused by negligence or willful misconduct of LRJ Investments, LLC. In addition, 3517 Wyoming, LLC Shall maintain property and liability insurance during the entire term of this Agreement adequately insuring its activities related to the use of Parcel 2 in an amount not less than \$1,000,000.00 per occurrence.

2. TERM.

The shared parking area, covenants and restrictions herein provided for shall be appurtenant to and run with the Properties for ten (10) years from the date of this agreement with the option of a one (1) ten (10) year extension at the termination of ten (10) years from the date of this Agreement, provided the requirements contained in paragraph 3 are met. This Declaration may only be modified or amended, by a recordable instrument executed by the owners of all Properties. This agreement may be terminated by LRJ Investments, LLC where 3517 Wyoming, LLC is in default, served notice of such default, and fails to cure said default within fifteen (15) days.

3. OPTION TO EXTEND.

The Owner of Parcel 1 may renew this Declaration of Shared Parking Agreement for an additional term of ten (10) years by giving written notice to the Owner of Parcel 2 notice of intent to exercise the option to extend no less than one hundred and eighty (180) days prior to the expiration of the original ten (10) year term.

4. FEES and PAYMENT.

Payment for the use and enjoyment of the herein defined shared parking agreement will be made monthly to LRJ Investments, LLC in the amount of Two Hundred and 00/100 Dollars (\$200.00) during the pendency of this agreement. Payment will be made on the first of each month commencing upon the signing of this document. The first month and last month of the agreement will be prorated by dividing Two Hundred and 00/100 Dollars (\$200.00) by the number of days in the month and calculated by multiplying that result by the days this shared parking agreement were in effect that month.

5. IMPEDEMENT.

Provided the Owner of Parcel 1 is not in default under the terms of this Agreement, the owner of Parcel 2 shall not, without the express written consent of the other owner of Parcel 1 take or fail to take any action or do or fail to do anything which would, or have the effect of, impeding, obstruction, or preventing any other person or entity having rights under this Declaration from their full use and enjoyment of the shared parking agreement herein granted; including but not limited to, charging for the use of parking, installation of a gate, fence, or parking control device, removal of overhead lighting, and obstruction of pedestrian traffic. Without limiting the generality of the foregoing, free and full access to, from and across all portions of the Parking Property which constitute parking areas, driveways, and roadways on any exhibit shall not be blocked, obstructed or impeded.

6. IMPROVEMENTS.

Any and all improvements or modification to Parcel 2 which would materially affect the usability or enjoyment of Parcel 2, made after the signing of this Agreement, must be agreed upon prior to execution by the written consent of both parties.

7. MAINTENANCE.

Each party, at its sole cost and expense, shall keep and maintain their parcel areas in a commercially reasonable condition and a safe state of repair. All current maintenance, utility and operating costs of the lighting on the ingress and egress and parking area of Parcel 2 is the responsibility of LRJ Investments, LLC and is to be diligently performed.

8. RUN WITH THE LAND.

This Declaration and the rights crated hereby, including, but not limited to, the shared parking agreement over, on and across created hereunder shall be paramount and superior to all leases, conveyances, transfers, assignments, contracts, mortgages, deeds of trust and other encumbrances affecting the Properties, from and after the date of recording of this Declaration. Any person acquiring possession of, title to or interest in the Properties or any part thereof shall do so subject to this Declaration. Any transferee of any interest in any portion of the Properties shall be deemed, by acceptance of such interest, to have agreed to be bound by all the provisions of this Declaration.

9. FIRST RIGHT OF REFUSAL.

In the event owner of Parcel 2, has an offer to purchase the building and parcel 2 at 3507 Wyoming Blvd NE, Albuquerque NM during the term of this Lease owner of Parcel 1 will have first right of refusal to purchase the said parcel and building. Owner of Parcel 2 shall notify in writing Owner of Parcel 1 of the purchase offer and Owner of Parcel 1 shall have 72 hours to sign a purchase agreement.

10. WRITTEN NOTICE.

All notices and other communications given hereunder shall be in writing and shall be communicated to the address(es) / number(s) below via either certified or registered mail, return receipt requested, postage prepaid by air or surface parcel delivery service; overnight delivery, delivery fees prepaid; facsimile with transmission confirmation; or hand delivery with delivery confirmation.

Parcel 1 address: 3517 Wyoming LLC.
C/O Coe and Peterson, LLC
7001 Menaul NE
Albuquerque, NM 87110
PHONE: 505.884.1468
Email

Parcel 2 address: LRJ Investments, LLC
ADDRESS: 3507 Wyoming Blvd NE Suite B
Albuquerque, NM 87111
PHONE: 331-4367
Email: phil.pettitricky@statofarm.com

Either Owner of Parcel 1 or Owner of Parcel 2 may by written notice to the other at any time and from time to time designate a different address to which written notices shall be sent. Such written notices, demands or declarations shall be deemed sufficiently served or given for all purposes hereunder three (3) days after the time they shall be mailed by United States registered or certified mail, one (1) day after they are properly deposited with Federal Express or similar overnight delivery service for overnight delivery or immediately upon fax receipt or hand delivery, as aforesaid.

11. CHANGE OF OWNERSHIP.

Either Owner of Parcel 1 or Owner of Parcel 2 may by written notice to the other party exchange, sell, assign, transfer or convey any ownership interest in owned Parcel. Declaration herein stated shall remain in full force and effect and with the land.

NOW, THEREFORE, in consideration of the grants and agreements herein made and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and Declarants hereby subject the Properties to the aforementioned shared parking agreements:

IN WITNESS WHEREOF, this instrument is executed on the day and year affirmed below.

(Signature on following page)

DECLARANTS:

LRJ Investments, LLC

By: *Phil Pettit*

LRJ Investments, LLC

STATE of NEW MEXICO

COUNTY of BERNALILLO

The foregoing instrument was acknowledged before on this 17 MARCH 2017 by PHIL PETTIT who produced a valid driver license as identification. By my hand and seal:



OFFICIAL SEAL
CONSUELO LEFEBRE
NOTARY PUBLIC - State of New Mexico
My commission expires 10-21-17

Consuelo Lefebvre

Notary Signature

My Commission Expires 10 / 2017

3517 Wyoming, LLC

By: *Steven Coe*

Steven Coe, Managing Member

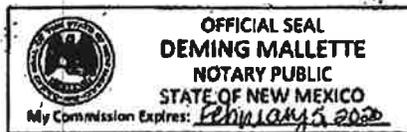
3517 Wyoming, LLC

STATE of NEW MEXICO

COUNTY of BERNALILLO

The foregoing instrument was acknowledged before on this 16 March 2017 by Steven Coe who produced a valid driver license as identification. By my hand and seal:

SEAL



Deming Mallette

Notary Signature

My Commission Expires 02 / 2020

WITNESSES:

By: _____

Name: _____

By: _____

Name: _____

EXHIBIT A



- PARCEL 1
- PARCEL 2

2014 New Mexico Statutes
Chapter 60 - Business Licenses
Section 6A State Licenses
Section 60-6A-4 Restaurant license.

Universal Citation: NM Stat § 60-6A-4 (2014)

60-6A-4. Restaurant license.

A. At any time after the effective date of the Liquor Control Act [60-3A-1 NMSA 1978], a local option district may approve the issuance of restaurant licenses for the sale of beer and wine by holding an election on that question pursuant to the procedures set out in Section 60-5A-1 NMSA 1978. The election also may be initiated by a resolution adopted by the governing body of the local option district without a petition from registered qualified electors having been submitted.

B. After the approval of restaurant licenses by the registered qualified electors of the local option district and upon completion of all requirements in the Liquor Control Act for the issuance of licenses, a restaurant located or to be located within the local option district may receive a restaurant license to sell, serve or allow the consumption of beer and wine subject to the following requirements and restrictions:

- (1) the applicant shall submit evidence to the department that he has a current valid food service establishment permit;
- (2) the applicant shall satisfy the director that the primary source of revenue from the operation of the restaurant will be derived from meals and not from the sale of beer and wine;
- (3) the director shall condition renewal upon a requirement that no less than sixty percent of gross receipts from the preceding twelve months' operation of the licensed restaurant was derived from the sale of meals;
- (4) upon application for renewal, the licensee shall submit an annual report to the director indicating the annual gross receipts from the sale of meals and from beer and wine sales;
- (5) restaurant licensees shall not sell beer and wine for consumption off the licensed premises;
- (6) all sales, services and consumption of beer and wine authorized by a restaurant license shall cease at the time meals [meal] sales and services cease or at 11:00 p.m., whichever time is earlier;
- (7) if Sunday sales have been approved in the local option district, a restaurant licensee may serve beer and wine on Sundays until the time meals [meal] sales and services cease or 11:00 p.m., whichever time is earlier; and
- (8) a restaurant license shall not be transferable from person to person or from one location to another.

C. The provisions of Section 60-6A-18 NMSA 1978 shall not apply to restaurant licenses.

D. Nothing in this section shall prevent a restaurant licensee from receiving other licenses pursuant to the Liquor Control Act.

History: Laws 1981, ch. 39, 21; 2003, ch. 103, 1.

SMALL BREWER'S LIQUOR LICENSE - Permitted with Zone Change to SU-1

NMSA §60-6A-22. Definitions. D. "small brewer" means any person who owns or operates a business for the manufacture of beer but does not manufacture more than two hundred thousand barrels of beer per year;

NMSA 60-6A-26.1. Small brewer's license.

A. In a local option district, a person qualified pursuant to the provisions of the Liquor Control Act, except as otherwise provided in the Domestic Winery, Small Brewery and Craft Distillery Act, may apply for and be issued a small brewer's license.

B. A small brewer's license authorizes the person to whom it is issued to:

(1) manufacture or produce beer;

(2) package, label and export beer, whether manufactured, bottled or produced by the licensee or any other person;

(3) sell only beer that is packaged by or for the licensee to a person holding a wholesaler's license or a small brewer's license;

(4) deal in warehouse receipts for beer;

(5) conduct beer tastings and sell for consumption on or off premises, but not for resale, beer produced and bottled by, or produced and packaged for, the licensee, beer produced and bottled by or for another New Mexico small brewer on the small brewer's premises or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

(6) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act;

(7) at public celebrations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's public celebration permit, conduct tastings and sell by the glass or in unbroken packages, but not for resale, beer produced and bottled by or for the small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

(8) buy or otherwise obtain wine from a winegrower;

(9) for the purposes described in this subsection, at no more than three other locations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's off-premises permit, after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and department rules for new liquor license locations and after the director has issued a small brewer's off-premises permit for each off-premises location, conduct beer tastings and sell by the glass or in unbroken packages for consumption off the small brewer's off-premises location, but not for resale, beer produced and bottled by or for the small brewer, beer produced and bottled by or for another New Mexico small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;

(10) allow members of the public, on the licensed premises and under the direct supervision of the licensee, to manufacture beer for personal consumption and not for resale using the licensee's equipment and ingredients; and

(11) sell beer in a growler for consumption off premises.

C. At public celebrations off the small brewer's premises in a local option district permitting the sale of alcoholic beverages, the holder of a small brewer's license shall pay ten dollars (\$10.00) to the alcohol and gaming division of the regulation and licensing department for a "small brewer's public celebration permit" to be issued under rules adopted by the director. Upon request, the alcohol and gaming division of the regulation and licensing department may issue to a holder of a small brewer's license a public celebration permit for a location at the public celebration that is to be shared with other small brewers and winegrowers. As used in this subsection, "public celebration" includes a state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.

D. Sales and tastings of beer or wine authorized in this section shall be permitted during the hours set forth in Subsection A of Section 60-7A-1 NMSA 1978 and between the hours of noon and midnight on Sunday and shall conform to the limitations regarding Christmas and voting-day sales found in Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales hours to 2:00 a.m. on January 1, when December 31 falls on a Sunday.

Please let me know if you need anything else and have a great day.