

# CITY OF ALBUQUERQUE



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

## OFFICIAL NOTIFICATION OF DECISION

November 13, 2015

KPM LLC  
Attn: Jerry Miller  
1715 5<sup>th</sup> St. NW  
Albuquerque, NM 87102

Project# 1003123  
15EPC-40056 Sector Development Plan Map Amendment  
(Zone Change)  
15EPC-40060 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

For all or a portion of Tract 2, Plat of Tracts 1 & 2 Lands of Devereux & Watson, zoned SU-2 S-MI to SU-2/SU-1 S-MI to include beer and wine in association with restaurant or taproom, located on 5th Street NW, between Aspen NW, and Haynes NW, containing approximately 1.10 acres. (H-14)

Staff Planner: Vicente Quevedo

P.O. Box 1293

On November 12, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1003123/15EPC-40056, a Sector Development Plan Map Amendment (Zone Change) and 15EPC-40060 Site Development Plan for Building Permit, based on the following findings and subject to the following conditions of approval:

### ENDINGS - 15EPC-40056 – Sector Development Plan Map Amendment:

1. This request is for a sector development plan map amendment (zone change) to the Sawmill/Wells Park Sector Development Plan (SWPSDP) for Tract 2, Plat of Tracts 1 & 2, Lands of Devereux & Watson, an approximately 1.10 acre site located on 5th Street NW, between Aspen Ave. NW, and Haynes Ave. NW).
2. The sector development plan map amendment (zone change) request is for a change from SU/2/S-MI (Sawmill Mixed Industrial) to SU-2/SU-1 for S-MI and On-Premise Consumption of Alcoholic Beverages and amend the SWPSDP to reflect this change.
3. The sector development plan map amendment (zone change) request is accompanied by a site development plan for building permit (15EPC-40060) as required pursuant to the SU-1 Zone, §14-16-2-22.

www.cabq.gov

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

Page 2 of 10

4. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority per section 14-16-4-1 of the City Zoning Code. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Sector Development Plan (SWPSDP), the Sawmill/Wells Park Community MRA Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The sector development plan map amendment (zone change) request furthers the following applicable Comprehensive Plan policies:

- A. Policy II.B.6.a.: New public, cultural, and arts facilities should be located in the Central Urban Area and existing facilities preserved.

*Staff agrees that approval of the requested Zone Change request will contribute to preserving an existing art space facility in the Sawmill/Wells Park area and thereby provide opportunities for new public, cultural and art events. The request furthers Policy II.B.6.a.*

- B. 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.

*The uses surrounding the existing building are compatible with the use proposed with this application. Staff agrees that the location and intensity of the proposed use respects existing neighborhood values by creating a space for residents to convene for recreational and cultural purposes. The request furthers Policy II.B.5.d.*

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

*The potential employment opportunities associated with the proposed use will complement existing residential uses in the area. Staff agrees that any adverse effects associated with the proposed use will be minimal given the surrounding manufacturing and industrial uses. Therefore, request furthers Policy II.B.5i.*

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

*Staff agrees that the proposed use will continue and strengthen rehabilitation of the historic Sawmill/Wells Park neighborhood as well as provide potential employment opportunities for the surrounding area. Therefore, request furthers Policy II.B.5.o.*

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

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

Page 3 of 10

*Staff agrees that the proposed use will continue to enhance the applicants ability to continue to implement cost effective redevelopment techniques that will in turn contribute to providing opportunities for new public, cultural and art events in the Sawmill/Wells Park area. The request furthers Policy II.B.5.p.*

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

*The request furthers Policy II.D.6.b.-local business and recruitment, because it would contribute to the on-going development and growth of a local business.*

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

*Staff agrees that the Factory on 5<sup>th</sup> Art Space and Kosmos Restaurant promotes tourism in the Sawmill/Wells Park area by creating a destination for cultural events and the arts. The request furthers Policy II.D.6.d.*

7. The sector development plan map amendment (zone change) request furthers the following applicable Sawmill/Wells Park Sector Development Plan (SWPSDP) policies:

- A. Area Character and History Conservation Issues and Analysis 4 (Pg. 17): Several old buildings have been allowed to deteriorate. Old buildings left to deteriorate can become too expensive to fix and people often do not know how to get loans to fix them. If buildings are condemned, their removal contributes to the decline of neighborhood identity.

*Staff agrees that the reutilization of an older significant industrial building will prevent the decline of neighborhood identity within the Plan area. The proposal furthers action plan item 4 as outlined in the sector development plan.*

- B. Area Character and History Conservation Action Plan 6 (Pg. 19): Preserve significant buildings that define the character of area streets, particularly Mountain Road.

*The proposed use will contribute to preserving a significant and older industrial building which defines the urban character of the Wells Park Neighborhood which still maintains a mixed industrial character. The proposal furthers action plan item 6 as outlined in the sector development plan.*

- C. Overall Economic Development Strategy (Pg. 33): Healthy growth of industrial and commercial businesses will provide employment opportunities for residents, while enlarged, strengthened and protected residential neighborhoods will benefit commercial activities by providing a stable environment.

*Staff agrees that by providing an opportunity for the healthy growth of commercial businesses in the area will provide employment opportunities for residents. The proposal furthers the overall economic development strategy as outlined in the sector development plan.*

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

Page 4 of 10

8. The sector development plan map amendment (zone change) request furthers the following Redevelopment Plan Goals of the Sawmill/Wells Park Community MRA Plan:

- A. Redevelopment Plan Goal E (Pg. 23): Develop commercial and industrial space that benefits the community with job creation and needed services.

*The addition of the proposed use to a recently redeveloped commercial and industrial space will further contribute to the Factory on 5<sup>th</sup>'s ability to benefit the community with job creation and needed services. The request furthers MRA Redevelopment Plan Goal E.*

- B. Redevelopment Plan Goal F (Pg. 23): Blend the "old" and "new" into one unified neighborhood.

*The request further contributes to blending a new and growing local business located within an older significant building within the Sawmill/Wells Park area which serves to unify the neighborhood. Therefore, the request furthers MRA Redevelopment Plan Goal F.*

- C. Redevelopment Plan Goal O (Pg.23): Develop local recreational services for people living and working in and near the Sawmill Area.

*Staff agrees that the request is generally contributes to developing a local recreational service for people living and working in and near the Sawmill/Wells Park Area. Therefore, the request generally furthers MRA Redevelopment Plan Goal O.*

9. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:

- A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section C. It's also important to note that the proposed zone change is limited to specified uses and will be site plan controlled. The response to Section A is sufficient.
- B. The requested sector development plan map amendment does not remove or change the existing permissive uses under the S-MI zone and only adds a use that is associated with an existing permissive use thereby stability of land use is maintained with this request. The response to Section 1.B is sufficient.
- C. Refer to Applicable Ordinances, Plans and Policies section contained within Findings 6 - 9 above. The test under Section C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Staff finds no significant conflict with either.

**OFFICIAL NOTICE OF DECISION**

Project #1003123

November 12, 2015

Page 5 of 10

- D. Staff agrees that the applicant has demonstrated that the site is more advantageous to the community as articulated in the Comprehensive Plan (see section C). Since one of the key goals of the MRA designation is to correct conditions in neighborhoods within a municipality which "substantially inflict or arrest the sound and orderly development" within the City, this in turn demonstrates a public need for additional art and cultural gathering spaces thus making it more advantageous to the community. The response to Section D is sufficient.
- E. Staff agrees that the proposed uses are less intense than the industrial and warehouse uses that are permissive under the current S-MI zone. The SU-1 designation also requires the future uses to be governed by an approved site development plan for building permit which the applicant has submitted with this application. The site development plan will also serve to ensure that none of the uses on the site are harmful to adjacent property. The response to Section E is sufficient.
- F. The request would not require major or un-programmed capital expenditures by the City. The response to Section F is sufficient.
- G. Staff agrees that the cost of land and other economic considerations are not the sole determining factor for the request. The response to Section G is sufficient.
- H. Staff agrees that the subject site's location on a major street is not being used, in itself, as justification for the zone change. The response to Section H is sufficient.
- I. The SU-1 zone creates a spot zone by definition; however, the applicant has demonstrated in the response to Section C that the proposed change would facilitate realization of the Comprehensive Plan, Sector Plan, and MRA Plan. The response to Section I is sufficient.
- J. Staff agrees that the request would not result in a strip zone. The subject site does not constitute a "strip of land along a street". The response to Section J is sufficient.
10. The Wells Park Neighborhood Association, Sawmill Community Land Trust and The North Valley Coalition were all notified of this request. Staff received a letter of support from the Wells Park Neighborhood Association. There is no known neighborhood opposition to this request.

---

**CONDITION OF APPROVAL - 15EPC-40056 - Sector Development Plan Map Amendment:**

1. The zone map amendment 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

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

Page 6 of 10

amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

---

**FINDINGS -15EPC-40060 – As Built Site Development Plan for Building Permit:**

1. The request is for an as-built site development plan for building permit for Tract 2, Plat of Tracts 1 & 2, Lands of Devereux & Watson, an approximately 1.10 acre site located on 5th Street NW, between Aspen Ave. NW, and Haynes Ave. NW).
2. The request is accompanied by a sector development plan map amendment (zone change) request (15EPC-40056). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Sector Development Plan (SWPSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The request furthers the following relevant Comprehensive Plan policies:
  - A. Policy II.B.6.a.: New public, cultural, and arts facilities should be located in the Central Urban Area and existing facilities preserved.

*Staff agrees that approval of the requested Zone Change request will contribute to preserving an existing art space facility in the Sawmill/Wells Park area and thereby provide opportunities for new public, cultural and art events. The request furthers Policy II.B.6.a.*
  - B. 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.

*The uses surrounding the existing building are compatible with the use proposed with this application. Staff agrees that the location and intensity of the proposed use respects existing neighborhood values by creating a space for residents to convene for recreational and cultural purposes. The request furthers Policy II.B.5.d.*
  - C. Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

Page 7 of 10

*The potential employment opportunities associated with the proposed use will complement existing residential uses in the area. Staff agrees that any adverse effects associated with the proposed use will be minimal given the surrounding manufacturing and industrial uses. Therefore, request furthers Policy II.B.5i.*

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

*Staff agrees that the proposed use will continue and strengthen rehabilitation of the historic Sawmill/Wells Park neighborhood as well as provide potential employment opportunities for the surrounding area. Therefore, request furthers Policy II.B.5.o.*

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

*Staff agrees that the proposed use will continue to enhance the applicants ability to continue to implement cost effective redevelopment techniques that will in turn contribute to providing opportunities for new public, cultural and art events in the Sawmill/Wells Park area. The request furthers Policy II.B.5.p.*

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

*The request furthers Policy II.D.6.b.-local business and recruitment, because it would contribute to the on-going development and growth of a local business.*

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

*Staff agrees that the Factory on 5<sup>th</sup> Art Space and Kosmos Restaurant promotes tourism in the Sawmill/Wells Park area by creating a destination for cultural events and the arts. The request furthers Policy II.D.6.d.*

5. The as-built site development plan for building permit request furthers the following applicable Sawmill/Wells Park Sector Development Plan (SWPSDP) policies:

- A. Area Character and History Conservation Issues and Analysis 4 (Pg. 17): Several old buildings have been allowed to deteriorate. Old buildings left to deteriorate can become too expensive to fix and people often do not know how to get loans to fix them. If buildings are condemned, their removal contributes to the decline of neighborhood identity.

*Staff agrees that the reutilization of an older significant industrial building will prevent the decline of neighborhood identity within the Plan area. The proposal furthers action plan item 4 as outlined in the sector development plan.*

- B. Area Character and History Conservation Action Plan 6 (Pg. 19): Preserve significant buildings that define the character of area streets, particularly Mountain Road.

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

Page 8 of 10

*The proposed use will contribute to preserving a significant and older industrial building which defines the urban character of the Wells Park Neighborhood which still maintains a mixed industrial character. The proposal furthers action plan item 6 as outlined in the sector development plan.*

- C. Overall Economic Development Strategy (Pg. 33): Healthy growth of industrial and commercial businesses will provide employment opportunities for residents, while enlarged, strengthened and protected residential neighborhoods will benefit commercial activities by providing a stable environment.

*Staff agrees that by providing an opportunity for the healthy growth of commercial businesses in the area will provide employment opportunities for residents. The proposal furthers the overall economic development strategy as outlined in the sector development plan.*

6. The as-built site development plan for building permit request furthers the following Redevelopment Plan Goals of the Sawmill/Wells Park Community MRA Plan:

- A. Redevelopment Plan Goal E (Pg. 23): Develop commercial and industrial space that benefits the community with job creation and needed services.

*The addition of the proposed use to a recently redeveloped commercial and industrial space will further contribute to the Factory on 5<sup>th</sup>'s ability to benefit the community with job creation and needed services. The request furthers MRA Redevelopment Plan Goal E.*

- B. Redevelopment Plan Goal F (Pg. 23): Blend the "old" and "new" into one unified neighborhood.

*The request further contributes to blending a new and growing local business located within an older significant building within the Sawmill/Wells Park area which serves to unify the neighborhood. Therefore, the request furthers MRA Redevelopment Plan Goal F.*

- C. Redevelopment Plan Goal O (Pg.23): Develop local recreational services for people living and working in and near the Sawmill Area.

*Staff agrees that the request is generally contributes to developing a local recreational service for people living and working in and near the Sawmill/Wells Park Area. Therefore, the request generally furthers MRA Redevelopment Plan Goal O.*

7. The Wells Park Neighborhood Association, Sawmill Community Land Trust and The North Valley Coalition were all notified of this request. Staff received a letter of support from the Wells Park Neighborhood Association. There is no known neighborhood opposition to request.

**OFFICIAL NOTICE OF DECISION**

**Project #1003123**

**November 12, 2015**

**Page 9 of 10**

**CONDITIONS OF APPROVAL-15EPC-40060 - As Built Site Development Plan for Building Permit:**

1. 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.
2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
3. Sheet A-081 shall be revised to include a DRB signature block.
4. The vicinity maps shown on Sheet A-082 shall be moved to Sheet A-081.
5. All existing chain link fencing shall be identified with a symbol on Sheet A-081 and be listed under the Code Data notation section of the plan.
6. A note shall be added to the Code Data notation section of Sheet A-801 stating that all site lighting shall conform to the requirements contained in Section §14-16-3-9 (Area Lighting Regulations) of the City Zoning Code.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 30, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

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

OFFICIAL NOTICE OF DECISION

Project #1003123

November 12, 2015

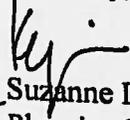
Page 10 of 10

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

**DEFERRAL FEES:** Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,

  
Suzanne Lubar  
For Planning Director

SL/VQ

cc: KPM LLC, Jerry Miller, 1715 5<sup>th</sup> St. NW, ABQ, NM 87102  
Mark Horst, Wells Park NA, 1114 7<sup>th</sup> St NW, ABQ, NM 87102  
Wade Patterson, Sawmill Community Land Trust, P.O. Box 25181, ABQ, NM 87125  
Annette Montoya, Sawmill Community Land Trust, P.O. Box 25181, ABQ, NM 87125  
Kyle Silfer, North Valley Coalition, P.O. Box 70232, ABQ, NM 87197  
Doyle Kimbrough, North Valley Coalition, 2327 Campbell Rd NW, ABQ, NM 87104  
Mark Canon, 304 Bel Vedere Ln NE, Albuquerque, NM 87102  
Peri Pakro, 614 17<sup>th</sup> St. NW, ABQ, NM 87104