



**Environmental
Planning
Commission**

**Agenda Number: 07
Project Number: 1003123
Case #: 15EPC-40056, 40060
November 12, 2015**

Staff Report

Applicant	KPM, LLC
Requests	Sector Development Plan Map Amendment (Zone change) As-Built Site Development Plan for Building Permit
Legal Description	Tract 2, Plat of Tracts 1 & 2, Lands of Devereux & Watson
Location	Located on 5th Street NW, between Aspen Ave. NW, and Haynes Ave. NW
Size	Approximately 1.10 acres
Existing Zoning	SU-2 for S-MI (Sawmill Mixed Industrial)
Proposed Zoning	SU-2/SU-1 for S-MI and On-Premise Consumption of Alcoholic Beverages

Staff Recommendation

APPROVAL of 15EPC-40056, based on the Findings beginning on Page 16, and subject to the Conditions of Approval beginning on Page 20.

APPROVAL of 15EPC-40060, based on the Findings beginning on Page 21, and subject to the Condition of Approval on Page 24.

Staff Planner

Vicente M. Quevedo - Planner

Summary of Analysis

This request is for a Sector Development Plan Map Amendment (Zone Change) to the Sawmill/Wells Park Sector Development Plan for Tract 2, Plat of Tracts 1 & 2, Lands of Devereux & Watson, an approximately 1.10 acre site within the Wells Park Neighborhood, and an associated as-built site development plan for building permit.

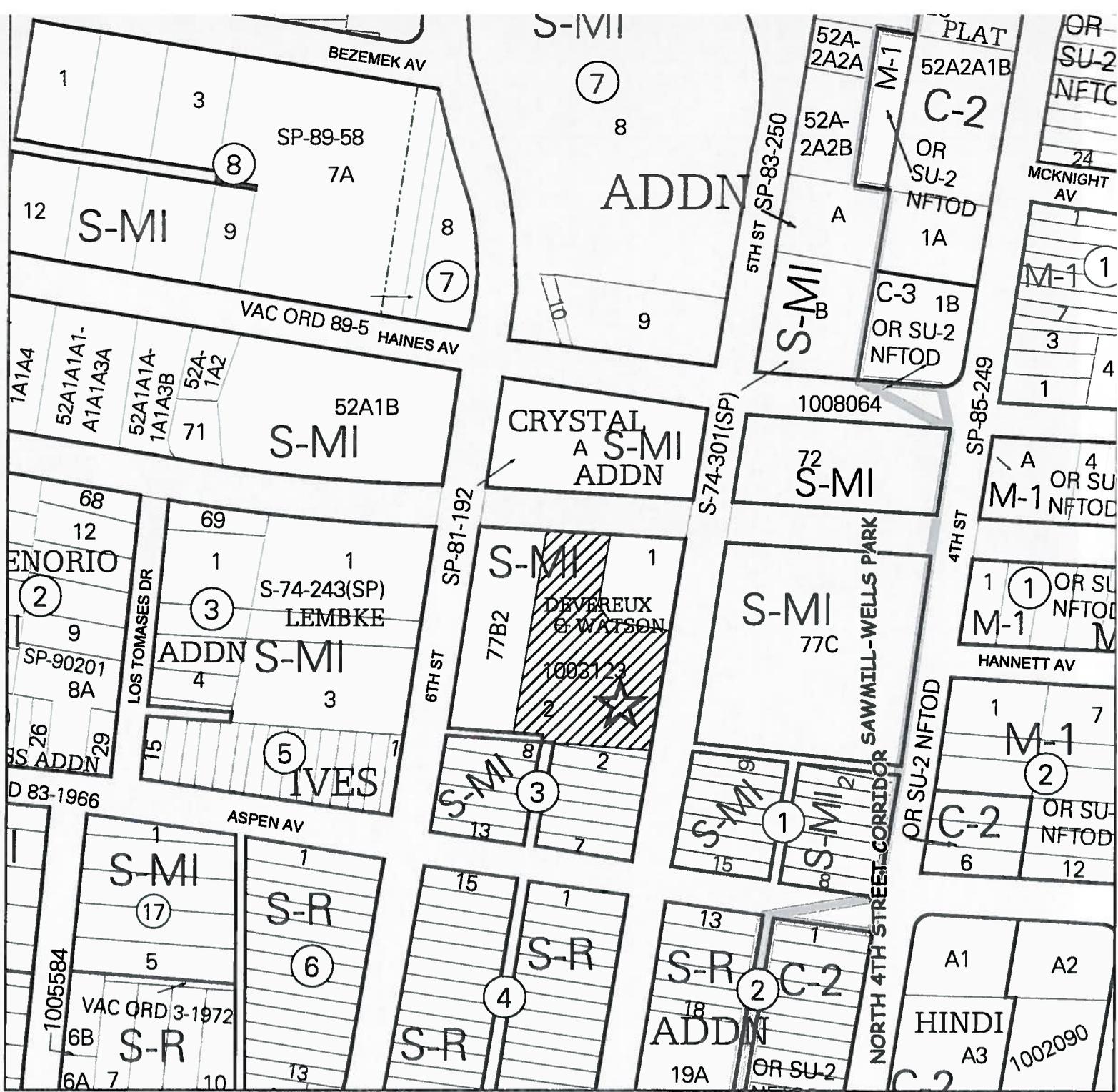
Staff finds that the request is adequately justified pursuant to R270-1980 and generally fulfills the intent of applicable policies.

Staff recommends conditional approval of the zone change and the associated as-built site development plan.

A facilitated meeting was not recommended by The Office of Neighborhood Coordination. There is no known neighborhood opposition to this request.



City Departments and other interested agencies reviewed this application from 10/05/15 to 10/16/15.
Agency comments used in the preparation of this report begin on Page 25.



ZONING MAP

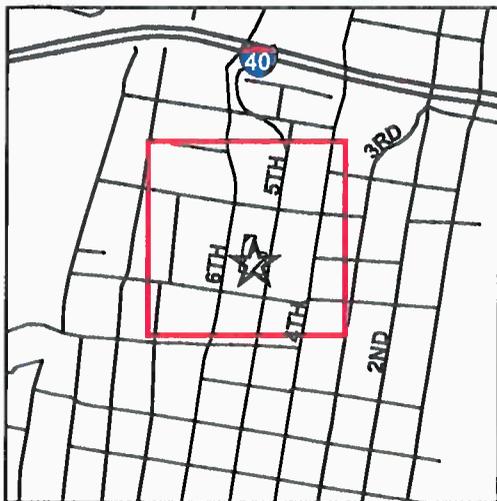
Note: Grey shading indicates County.

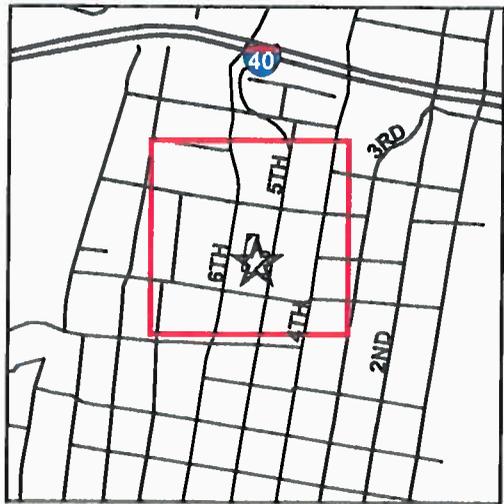


1 inch = 200 feet

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LAND USE MAP

Note: Grey shading indicates County

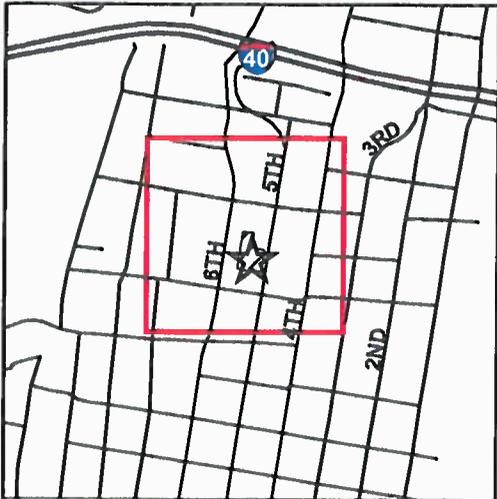
KEY to Land Use Abbreviations

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



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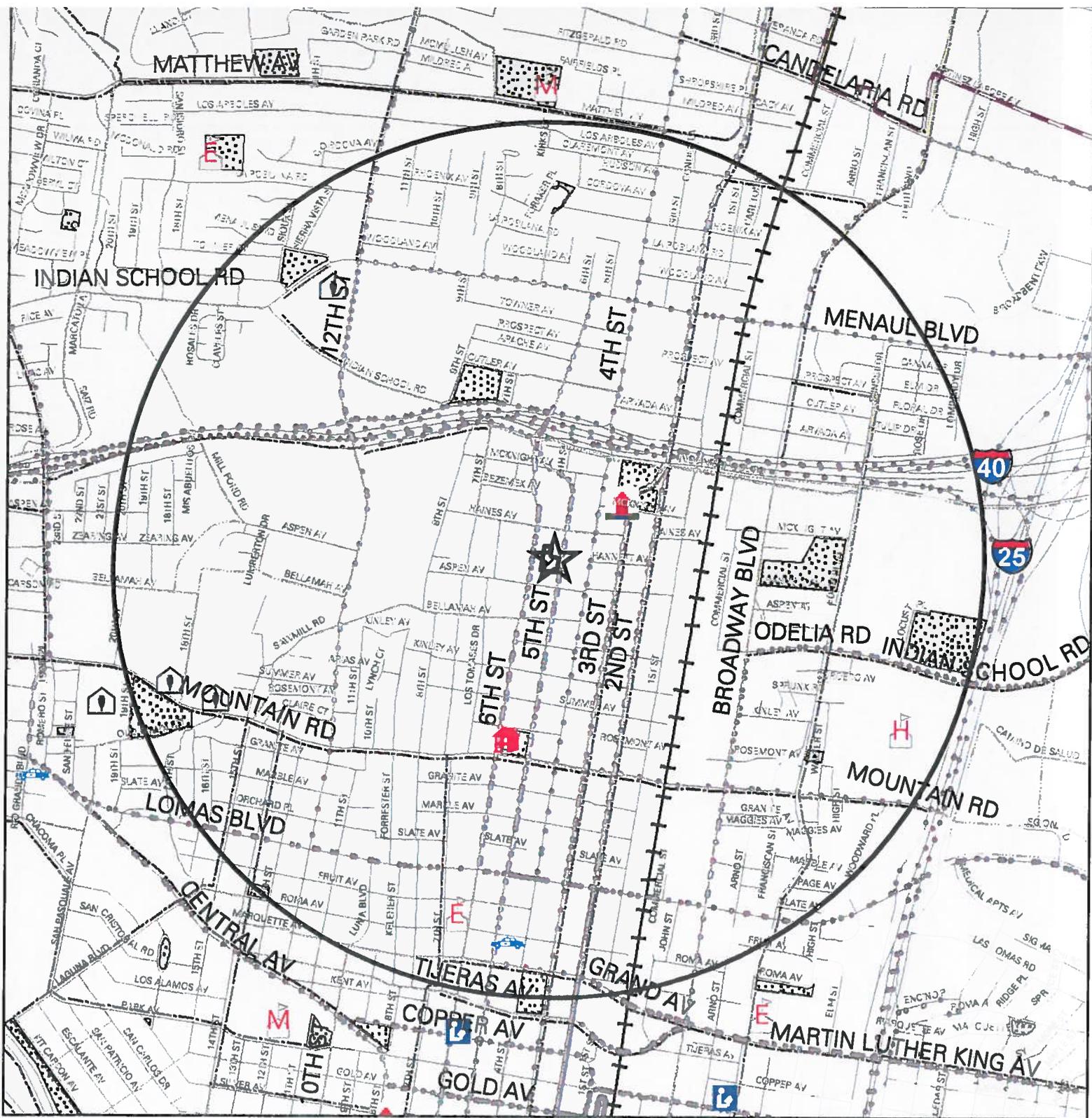
HISTORY MAP

Note: Gray shading indicates County



1 inch = 200 feet

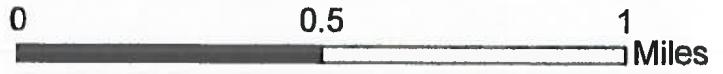
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Public Facilities Map with One-Mile Buffer

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

Project Number: 1003123



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-2 for S-MI (Sawmill Mixed Industrial)	Central Urban, Sawmill/Wells Park SDP, Sawmill/Wells Park MRA	Art Spaces / Restaurant
North	SU-2 for S-MI (Sawmill Mixed Industrial)	Central Urban, Sawmill/Wells Park SDP, Sawmill/Wells Park MRA	Wholesale/Warehousing, Transportation/Utilities
South	SU-2 for S-MI (Sawmill Mixed Industrial)	Central Urban, Sawmill/Wells Park SDP, Sawmill/Wells Park MRA	Industrial/Manufacturing, Parking Lots/Structures
East	SU-2 for S-MI (Sawmill Mixed Industrial)	Central Urban, Sawmill/Wells Park SDP, Sawmill/Wells Park MRA	Public/Institutional
West	SU-2 for S-MI (Sawmill Mixed Industrial)	Central Urban, Sawmill/Wells Park SDP, Sawmill/Wells Park MRA	Wholesale/Warehousing, Commercial Service/Public Institutional

II. INTRODUCTION

Request

This is a request for a Sector Development Plan Map Amendment (Zone Change) to the Sawmill/Wells Park Sector Development Plan (SWPSDP) from SU-2 for S-MI (Sawmill Mixed Industrial) to SU-2/SU-1 for S-MI and On-Premise Consumption of Alcoholic Beverages for Tract 2, Plat of Tracts 1 & 2, Lands of Devereux & Watson, an approximately 1.10 acre site located on 5th St. between Aspen Ave. and Haynes Ave. The existing building on the subject site currently accommodates art spaces and a restaurant.

An as-built site development plan for building permit is associated with the zone change request. The applicant proposes to add on premise consumption of alcohol in conjunction with the existing restaurant activities, primarily to support additional art/cultural/recreational events for local residents. A zone change is needed to allow the proposed use.

Environmental Planning Commission (EPC) Role

The EPC is hearing this case because the EPC has the authority to hear all Zone Map and Sector Development Plan Amendments and Site Development Plans for Building Permits within the City of Albuquerque. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History & Background

The subject site is located within the historic Wells Park Neighborhood which is bounded by Interstate 40 to the north, Mountain Road to the south, approximately 1st Street to the east, and 12th Street to the west. This area expanded after WWI and was filled with 1920s subdivisions. The Sawmill/Wells Park Sector Development Plan (SWPSDP) contains a history of the Plan area (see p. 8).

The SWPSDP, adopted in January 1996 (Enactment No. 20-1996, see attachment), superseded the previous neighborhood plan (the 1978 Plan) and established zoning for the area. Prior to adoption of the 1996 Plan, the subject site was zoned M-1 Light Manufacturing (ref: SWPSDP, p. 80). Upon SWPSDP adoption in 1996, the M-1 zoning was replaced with SM-I (Sawmill Mixed Industrial) zoning. The warehouse building located on the subject site was constructed during the 1930's.

Context

The subject site comprises the northern edge of the block bounded by Railroad Tracks (North), Aspen Ave. (South), 5th Street (East) and 6th Street (West). The surrounding area is largely made up of industrial, warehouse and commercial uses with some single family homes to the south of the subject site. The sector development plan created the S-MI zone to allow commercial services and retail businesses to develop. The Sawmill/Wells Park area is currently experiencing an increased level of economic activity in the form of local business development such as mixed use (retail/multi-family residential) and local breweries.

The subject site is not located in a designated Activity Center. The Sawmill/Wells Park Sector Development Plan (SWPSDP) and the Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan apply.

Transportation System

The 2013 Interim Long Range Roadway System (ILRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates 5th & 6th Street as Minor Arterials.

The Long Range Roadway System designates Aspen Ave. & Haines Ave. as Local Streets.

Comprehensive Plan Corridor Designation

There are two corridors near the subject site:

4th Street is identified as a Major Transit Corridor: The intent of this corridor type is to create roadways designed to optimize public transit and move large numbers of people in a very timely and efficient manner. These corridors focus on the movement of many people in a pedestrian friendly environment and would be prime candidates for significant mixed use infill and redevelopment. This corridor is located approximately 400 ft. east of the subject site.

Interstate 40 is identified as an Express Transit Corridor: The intent of this corridor type is to create a network of roadways that would be dedicated to developing higher speeds with fewer interruptions to

travel for the car and public transit vehicles. This corridor is located approximately 1500 ft. north of the subject site.

Trails/Bikeways

There are existing bicycle routes along 2nd and 3rd Street. The Interstate 40 Multi-Use Trail is located approximately 1500 ft. northwest from the subject site.

Transit

Transit service is provided along 5th and 6th St. and a bus stop is located across the 5th St. right-of-way southeast of the subject site. Transit routes along 5th and 6th Street include the Taylor Ranch Express (Route 92), Academy Commuter (Route 93), the Unser Express (Route 94), and Menaul (Route 8).

Public Facilities/Community Services

A community center, a fire station, three museums, a school, several developed city parks, and a police station are located within a one-mile radius of the subject site. See the Public Facilities Map preceding this report for more details.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS, AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is zoned SU-2 for S-MI (Sawmill Mixed Industrial). The SU-2 Special Neighborhood Zone "allows a mixture of uses controlled by a sector development plan" (Ref. Zoning Code §14-16-2-23). The SWPSDP established zoning upon its adoption in 1996. The SM-I zone was established to:

- Continue to allow small manufacturing businesses, showrooms, wholesale, businesses and existing warehouses, but ensure that they are compatible with nearby housing, hotels, retail shops, and museums;
- Allow residence/work spaces (artist studios, office and apartment combinations) to develop;
- Allow some commercial services and retail businesses to develop;
- Allow housing that predates the adoption of this zone to remain.

Proposed Zoning: The applicant proposes the following zoning: SU-2/SU-1 for S-MI and On-Premise Consumption. The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. The SU-1 designation requires an associated site development plan which the applicant has submitted and is analyzed in a subsequent section of this report.

Sector Plan: The SWPSDP applies. The use of SU-2 zoning is applicable to sector plan areas and is used in the SWPSDP. Therefore, this request is referred to as a "sector development plan map amendment".

Definitions (Zoning Code §14-16-1-5)

Special Use Zone (Zoning Code §14-16-2-22): This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other

reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

Albuquerque / Bernalillo County Comprehensive Plan (Rank I)

Policy Citations are in Regular Text; *Applicant's analysis - Italics; Staff Analysis - Bold Italics*

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Central Urban. The goal of the Central Urban Area is *"to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City"*.

However, the Central Urban Area is identified by the Comprehensive Plan as a *"portion of the Established Urban Area and as such is subject to policies of section II.B.5. as well as those listed [in the Central Urban Area]"*.

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:

II.B.6. Central Urban Policies

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

The Factory on 5th Art Space is an existing facility in the Central Urban Area. Approval of the request will provide new opportunities for public, cultural and art events.

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.

II.B.5. Developing & Established Urban Policies

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 proposed zone change will enhance an existing recreational and cultural facility in the city and the Sawmill / Wells Park Neighborhood. Furthermore, the proposed use would provide a gathering space for people who live and work in the area, as well as additional employment opportunities, and enhanced social, cultural, and recreational opportunities for the neighborhood.

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.

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 zone change will allow expansion of an existing art center and will provide new employment opportunities in this area. Manufacturing, parking lots, rail tracks, scrap yards, and warehouses predominantly surround the site so effects on residential areas will be minimal.

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 further Policy II.B.5i.

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

The physical character of the Sawmill/Wells Park area is defined by historic buildings and roads. The Factory on 5th Art Space has preserved an old warehouse and brought new life to a faltering area.

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 further Policy II.B.5.o.

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

Realizing that there was little affordable art/work space available, we made space available for artists at an affordable rate. By keeping overhead low and developing innovative programs we have been able to survive. This request is another unique experiment in entrepreneurship that will allow us to offer "free" space for "popup" dinners, dinner meetings, film screenings with dinner, and other "dinner and beverage" funded programs.

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 further Policy II.B.5.p.

II.D.6. Economic Development Policies

The Goal is to "achieve steady and diversified economic development balanced with other important social, cultural and environmental goals."

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

The approval of the zone change will allow expansion and improvement of a local art center/ restaurant thereby providing additional employment, additional cultural / recreational events, and enhanced re-use and preservation of an old classic (perhaps historic) warehouse.

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.

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

The Factory on 5th Art Space/Kosmos is already a destination for the arts and tourism in the city, with newspaper articles having been published in the LA Times and the Chicago Tribune on the "Church of Beethoven" concert series. We were also recently mentioned as one of the 10 best places to visit for art in Albuquerque (along with 516 Arts, The Harwood Art Center, the Art Museum, and others). We continue to promote our facility through an internet presence, email, and various other media. The addition of a unique restaurant experience will add to the tourism "draw".

Staff agrees that the Factory on 5th 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.

Sawmill / Wells Park Sector Development Plan (Rank III)

The Sawmill/Wells Park Sector Development Plan (SWPSDP) was first adopted in 1978 (the 1978 Plan) and then was revised and adopted in 1996 (Enactment No.128-2002). The SWPSDP generally encompasses properties between Interstate 40 to the north and Mountain Rd. to the south, Rio Grande Blvd. to the west, and properties east of 5th St. on the east. Specific boundaries are shown on p. 2 of the plan. The subject site is located two blocks west of the Plan's eastern boundary (4th St.).

ACTION PLANS:

The intent of the SWPSDP is to address the area's most critical issues, foster positive change and reinforce community stability, vitality and character (p. 1). The Plan, which sets forth public project design policies, land use goals and zoning, contains the following five Action Plan sections:

- Area Character and History Conservation Action Plan
- Housing Development and Improvement Action Plan
- Environmental Protection Action Plan
- Economic Development Action Plan (re: industrial/commercial strategies) contained in the "Sawmill Revitalization Strategy (SRS)" (Appendix C of the Plan)
- Public Project Action Plan (re: infrastructure)

Each Action Plan contains specific projects and implementation strategies to address the issues identified therein and fulfill the intent of the SWPSDP. Staff finds that two Action Plans are generally relevant: the Area Character and History Conservation Action Plan (1) and the Economic Development Action Plan (2).

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.

The proposed zoning will apply to a warehouse built in the 1930-40 era. The requested SU-1 zoning will enhance the usage possibilities of this property thus preserving a well-recognized Wells Park building. Therefore, the proposed project mitigates an issue raised by the Sector Plan.

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.

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

The Factory on 5th Art Space / Kosmos has become a cultural and art destination for the city. By preserving the character of the old Lembke Construction Co. warehouse a historic part of Wells Park has been preserved. Adaptive reuse is encouraged by City policies

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.

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.

The referenced Sector Plan policy promotes live-work communities. The proposed use provides new opportunities for the Sawmill/Wells Park residents and artists to work close to where they live. This eliminates cross-city traffic, commuting costs, and provides a better quality of life.

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.

ZONING & REGULATIONS:

The SU-2 Special Neighborhood Zone designation establishes land use regulations tailored to the Sawmill/Wells Park area. The general SU-2 regulations (Ref. p. 83 of SWPSDP) are intended to conserve and build on the area's distinctive historic and physical characteristics, increase compatibility among housing, institutions, commercial and industrial land and improve the environment adjacent to the public right-of-way. Applicable policies include:

General SU-2 Regulations

1.b. All building permit applications for new construction shall comply with all of the Sawmill/Wells Park General SU-2 regulations.

The applicant has requested a zone change from SU-2/S-MI to SU-2/SU-1 for S-MI and On-Premise Consumption of Alcoholic Beverages but is not proposing any new construction or modifications for the subject site. A site development plan for building permit must accompany a request for SU-1 Special Use Zoning. The applicant has submitted an As-Built Site Development Plan for Building Permit for EPC review. The plan set is analyzed in more detail for compliance with the SWPSDP beginning on page of 12 of this report.

Sawmill / Wells Park Community Metropolitan Redevelopment Area Plan

The Sawmill/Wells Park Community Metropolitan Redevelopment Area (MRA) Plan was adopted by the City Council in June 2006 (R-06-100). The goal of this MRA Plan is “to create a community that preserves the historic nature of the neighborhood while retaining a livable, walkable, mixed-use, mixed-income and vibrant economic and residential part of Albuquerque.”

The New Mexico Metropolitan Redevelopment Code (3-60A-1 to 3-60A-48 NMSA 1978) provides cities with the authority to correct conditions in areas or neighborhoods in order to reverse the decline and stagnation. However, such authority can only be applied in designed Metropolitan Redevelopment Areas (MRAs). In 1993, the Sawmill/Wells Park Community MRA boundary was created. As a designated blighted area, Sawmill/Wells Park qualified as appropriate for redevelopment projects under the City’s Metropolitan Redevelopment Code.

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

The proposed zone change creates a restaurant and commercial space that benefits the community through job creation and the reuse of an existing building. In addition it will provide a new venue for meetings, art exhibits with food and beverage, classical music concerts with dinner, and movie showings, adding to the cultural well-being of Albuquerque.

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

Redevelopment Plan Goal F (Pg. 23): Blend the “old” and “new” into one unified neighborhood.

The addition of a “new” type food establishment in a grand old warehouse environment will serve as a blueprint for new ideas and development in Albuquerque, and already unifies the neighborhood with monthly art shows, symphony concerts, movies, and other special events. The Kosmos also serves as an alternate meeting space for the Wells Park Neighborhood Association.

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.

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

The proposed zone change will offer new opportunities for recreational services by offering a new venue for movies, dinners, concerts, educational talks and programs and by providing new opportunities for the "creative" class to meet and develop new business ideas for the city.

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.

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

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

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

Analysis of Applicant's Justification

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

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

This request is consistent with the health, safety, morals, and general welfare of the city. Health: All food and alcohol products will be locally sourced when possible. Safety: The additional evening activity and lighting in this area will improve safety in an area that has little activity at night. Morals: The Sawmill/Wells Park area is home to 4 recently opened Brew Pubs with no apparent detriment to morals. General Welfare: The addition of cultural, dining and art experiences will only enhance the general welfare and economic progress of the city. The proposed zone change is justified by the City's Comprehensive Plan policies that are referenced in section C. of this letter. The Comprehensive plan policy sections that support this request are: Section II.D.6 policies b and d; Section 2.B.6, policy b; and Section II. B.5, policies d and i.

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. "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 property has been a notable structure in the Wells Park neighborhood for many years due to its unique character and classic warehouse structure. By preserving and repurposing this structure we are maintaining the stability of the land use and preserving the S-MI designation and its associated uses. Therefore stability is maintained.

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

Refer to Applicable Ordinances, Plans and Policies section beginning on page 4 of this report for applicant's response. 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.

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

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or
- 3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though (1) and (2) above do not apply."

A different use category is more advantageous to the community as it will fulfill a public need for new cultural events, arts events, educational meetings, "meet the artist" dinners, and other community functions in an area that currently contains an inadequate amount of cultural facilities. This advances the applicable goals of the Comprehensive Plan.

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. "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."

Since our adjacent property is a scrap yard, a rail corridor, and a parking lot, there would be no harm to these properties. There are no adjacent residential properties. Permissive uses in the S-MI include manufacturing, assembling, treating, repairing, or rebuilding of products as regulated under the permissive uses of the M-1 Zone in the Zoning Code. The permissive uses in the requested zone are therefore not harmful to adjacent property, the neighborhood, or the community.

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

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule."

The proposed zone change will not necessitate the need for capital improvements.

The request would not require major or un-programmed capital expenditures by the City. The response to Section F is sufficient.

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

The cost of land or other economic considerations is not the sole determining factor for this request. We believe the request is justified and meets the required criteria when you consider the potential benefits and cultural enhancements to the city, area and community.

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

The request is not being justified solely by its location on 5th St., however with parking for 65+ cars it is ideally located for a multi-use facility.

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

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

The request does constitute a spot zone as all SU-1 zones are spot zones by their nature as a "custom zone". However, the proposed zone is appropriate as it furthers Comprehensive Plan, Sector Plan, and MRA Plan policies. See section C of this letter for specific plan policy citations.

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: "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 applicable 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."

The concept of strip zoning is not applicable to this request.

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.

AS BUILT - SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). Zoning Code §14-16-3-11 states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The applicant has provided an "as built" site development plan for building permit which Staff has reviewed.

Site Plan Layout / Configuration

The subject site comprises the northeastern edge of the block bounded by Railroad ROW (North), Aspen Ave. (South), 5th St. (East) and 6th St. (West). The existing building fronts 5th St. The parking area is on the site's eastern side. An existing 14,195 sf industrial style building is located along the western edge of the subject site and is oriented north to south.

Vehicular Access, Circulation & Parking

There are two existing concrete driveways off of 5th St. onto the subject site leading to a large unstriped parking lot area. The site development plan shows two striped ADA accessible parking spaces near the main entrance and includes an existing accessible ramp. Section §14-16-3-1 (Off-Street Parking Regulations) states that in zones where off-street parking is required, off-street parking shall be provided for all uses and buildings, except buildings constructed before October 22, 1965 need supply such parking. The applicant states that the building was constructed in the 1930's and therefore would not be required to provide parking calculations as the applicant has indicated on the site development plan set.

However, because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code Section §14-16-2-22 (Special Use Zone). Though not required, if the Zoning Code minimum off-street parking ratios were applied to the existing artist spaces and restaurant uses, the applicant would be required to provide a total of 13 spaces for the artist studios (13,000 sf / 1,000) and 33 spaces for the proposed occupancy of the restaurant (99 seats / 3). The applicant states in their project narrative that they currently have ample parking space for more than 65 vehicles.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrians and cyclists access is possible from 5th Street onto the subject site. There is an existing bicycle rack near the main entrance for the building. Transit service is provided along 5th and 6th St. and a bus stop is located across the 5th St. right-of-way southeast of the subject site. Transit routes along 5th and 6th Street include the Taylor Ranch Express (Route 92), Academy Commuter (Route 93), the Unser Express (Route 94), and Menaul (Route 8).

All of the existing and proposed uses will take place within the existing 14,195 sf industrial building. Once on the site, pedestrians and cyclists can access the building via existing stairways and ramps leading to one of the two main entrances along the eastern side of the building. In addition, a bus stop is located along the eastern edge of the subject site.

Walls/Fences

There is an existing 6 ft. high chain link fence that surrounds the subject site including the abutting parcel north of the site that is owned by the applicant but is not a part of this request. The existing chain link fencing is proposed to remain. No additional walls or fencing is being proposed at this time. Staff recommends that the existing chain link fence be identified on the site plan set.

Lighting and Security

There are two existing light poles along the eastern edge of the subject site and are proposed to remain, but are not shown on the site plan set. There are also two building mounted LED lights along the eastern building façade that are proposed to remain but not shown on the site plan set. Staff recommends that the site plan be revised to identify these items and a note be added 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.

Landscaping

Section §14-16-3-10 (Landscaping Regulations) of the Zone Code states that all applicants for building permit for construction of a new building or building addition over 200 sf shall submit and have approved by the Planning Director a landscaping plan prior to issuance of a related building permit. The applicant is not proposing construction of a new building or an addition over 200 sf, therefore additional landscaping requirements or improvements are not required at this time. The site plan shows a total of 12 existing Siberian Elm trees and 2 sets of cactus plants along the eastern lot line which are proposed to remain.

Grading, Drainage, Utility Plan

The subject site is already developed and is flat. The elevation varies slightly from approximately 4961 ft to 4963 ft across the site. An as-built grading & drainage plan was included and shows that the site drains west to east into existing on-site inlets and the existing storm drain system off of 5th St. Existing utilities are also identified on the plan set. The applicant is not proposing any grading or drainage modifications, and no adverse comments were submitted from the Utility Services or Hydrology Department.

Architecture

The physical character of the Sawmill / Wells Park area is defined by historic buildings and roads. The existing building was constructed in the 1930's and retains its existing character as an industrial era commercial building if the requested use is approved. The building is primarily constructed out of bricks, mortar and steel. The applicant is not proposing any external architectural related modifications at this time.

Signage

No new signage is proposed on the site development plan for building permit. However, an existing 2 ft by 3 ft building mounted sign above the existing restaurant entrance at the far right end of the building elevation but is not shown on the site plan. Staff recommends that the sign area be identified on the site plan and include dimensions. All signage within SU-1 zones are as permitted and regulated by the Planning Commission.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City Departments and other agencies reviewed this application from 10/5/15 to 10/16/15. The Metropolitan Redevelopment Agency submitted comments supporting the proposed project stating that the area in which the subject site is located has experienced significant redevelopment impediments due to the number of junk yards, vacant lots and abandoned properties in the area. The Sawmill/Wells Park MRA Plan supports providing activities/events to bring life to the area and that the request supports the redevelopment goals contained within the plan.

Neighborhood/Public

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. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

V. CONCLUSION

This request is for a Sector Development Plan Map Amendment (Zone Change) and an associated, "as built" site development plan for building permit for an approximately 1.10 acre site located at 1715 5th Street NW. The applicant proposes to change the subject site's zoning from SU-2 for S-MI to SU-2 / SU-1 for S-MI and On-Premise Consumption of Alcoholic Beverages.

Staff concludes that the applicant has adequately justified the Zone Change pursuant to R270-1980. Overall, the request generally furthers relevant Comprehensive Plan, Sector Development Plan, and MRA Plan policies. A few conditions of approval are needed to ensure compliance with some SU-1 site development plan for building permit requirements. A facilitated meeting was not recommended or held. Staff received a letter of support from the Wells Park Neighborhood Association.

Staff recommends conditional approval of the Zone Change request and the associated as-built site development plan for building permit.

FINDINGS - 15EPC-40056, November 12, 2015- Sector Development Plan Map Amendment (Zone Change)

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.
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.

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 5th 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.

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 5th'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.
- 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.

RECOMMENDATION - 15EPC-40056, November 12, 2015

APPROVAL of 15EPC-40056, a request for a Sector Development Plan Map Amendment (Zone Change) from S-MI (Sawmill Mixed Industrial) to SU-2/SU-1 for S-MI and On-Premise Consumption of Alcoholic Beverages 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, based on the preceding Findings and subject to the following Condition of Approval.

CONDITION OF APPROVAL - 15EPC-40056, November 12, 2015--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 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, November 12, 2015 – 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.5.i.: 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.5.i.

- 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 5th 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.

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 5th'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 this request.

RECOMMENDATION - 15EPC-40060, November 12, 2015

APPROVAL of 15EPC-40060, 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., based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL-15EPC-40060, November 12, 2015- 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.



**Vicente M. Quevedo
Planner**

Notice of Decision cc list

cc:

Jerry Miller, 1715 5th St. NW, Albuquerque, NM 87102
David Cudney, 1114 7th St. NW, Albuquerque, NM 87102
Wade Patterson, P.O. Box 25181, Albuquerque, NM 87125
Annette Montoya, P.O. Box 25181, Albuquerque, NM 87125
Kyle Silfer, P.O. Box 70232, Albuquerque, NM 87197
Doyle Kimbrough, 2327 Campbell Rd. NW, Albuquerque, NM 87104

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed, no adverse comments.

Office of Neighborhood Coordination

Wells Park NA, Sawmill Community Land Trust, North Valley Coalition

Long Range Planning

No comments received.

Metropolitan Redevelopment Agency

The purpose of staff comments is to address the request for a Zone Change for the property located on 5th Street between Aspen and Haines Ave. NW, Project #1003123.

1. The Metropolitan Redevelopment Agency acknowledges that the Project #1003123 is located in the Sawmill/Wells Park Metropolitan Redevelopment plan area.
2. The project site is identified as being in the Warehouse sub-area of the MR Plan. The impediments identified to redevelopment in the area are the number of junkyards, vacant lots and abandoned properties.

The Plan supports providing activities/events to bring life to the area. Metropolitan Redevelopment supports this as part of Project #1003123 request.

3. Sawmill/Wells Park Metropolitan Redevelopment plan, redevelopment goals include:
 - Maintain a scale of new retail/office or other commercial that preserves the character of area, supports living wage jobs for local residents, promotes New Mexican-owned businesses and protects workers and residents from negative environmental impacts.
 - Develop commercial and industrial space that benefits the community with job creation and needed services.
 - Support commercial and industrial revitalization, jobs and job training for local residents that do not conflict with other plan goals.
 - Blend "old" and "new" into one unified neighborhood.

Metropolitan Redevelopment supports this as part of Project #1003123 request as it is supported in the redevelopment goals.

CITY ENGINEER

Transportation Development

No objection to Site Plan, TCL will be required for Building Permit.

Hydrology Development

Reviewed, no adverse comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comments received.

Traffic Engineering Operations

No comments received.

WATER UTILITY AUTHORITY

Utility Services

No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

No comments received.

PARKS AND RECREATION

Planning and Design

Reviewed, no adverse comments.

Open Space Division

Reviewed, no adverse comments.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

EPC 1003123 – This project is in the Valley Area Command.

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comments received.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

Routes #8, Menaul Route, #93, Academy commuter Route, #94, Unser Express commuter Route, pass the site on 5th and 6th street. There is an existing bus stop on 5th Street, across the street from the NE corner of the property, serving the above-mentioned routes *in the northbound direction*. Existing bus stop on 6th Street, across the street from the SW corner of the property, serving the above-mentioned routes in the southbound direction.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

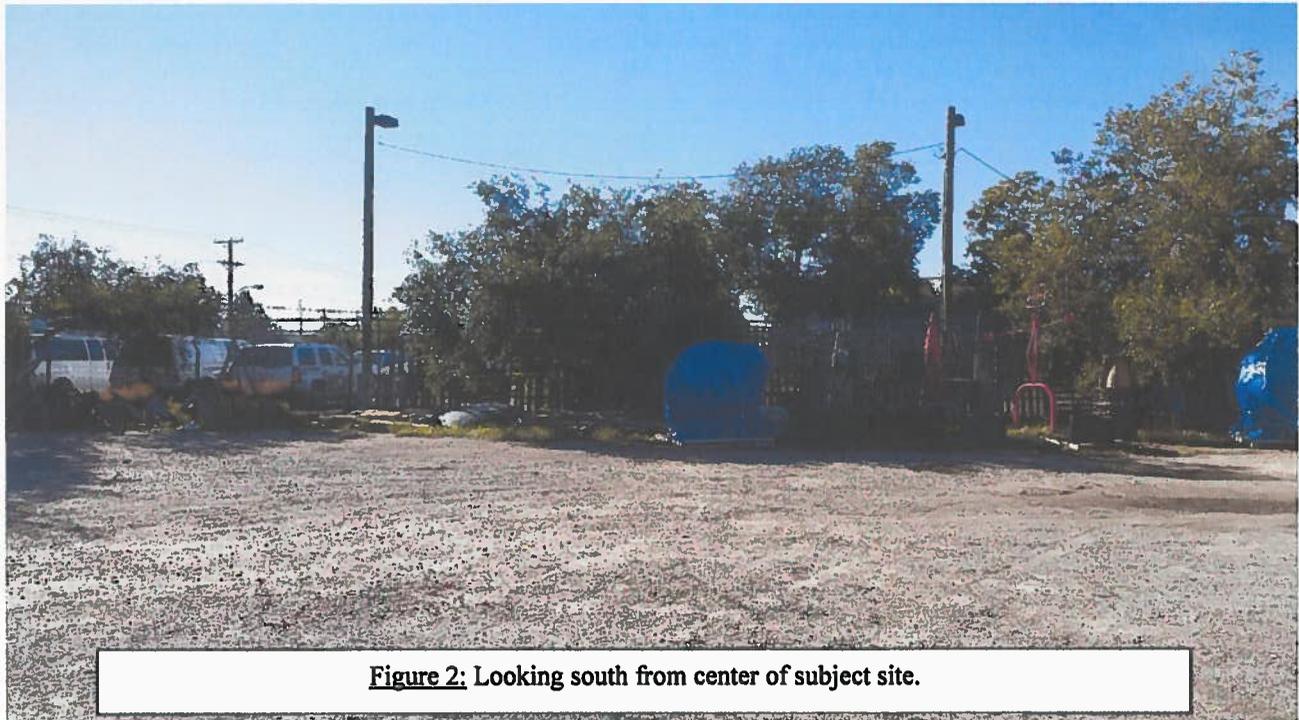
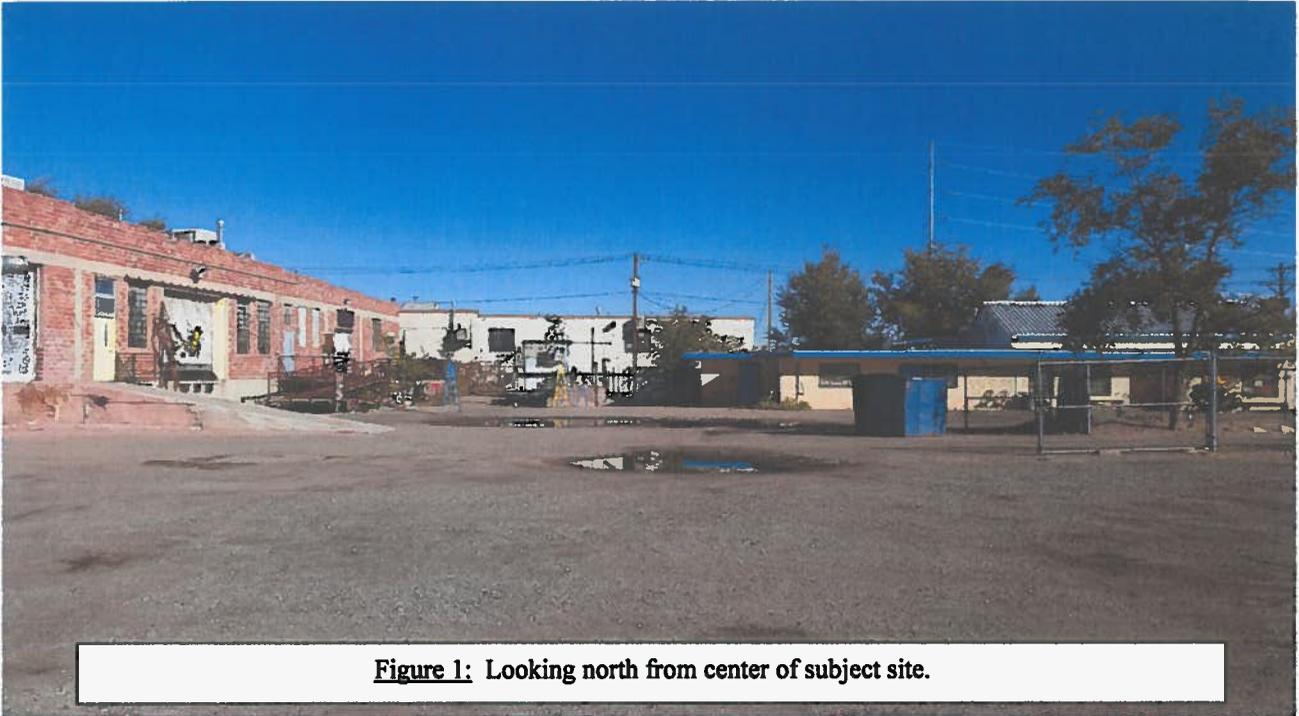
Project #1003123 – Reviewed, no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.



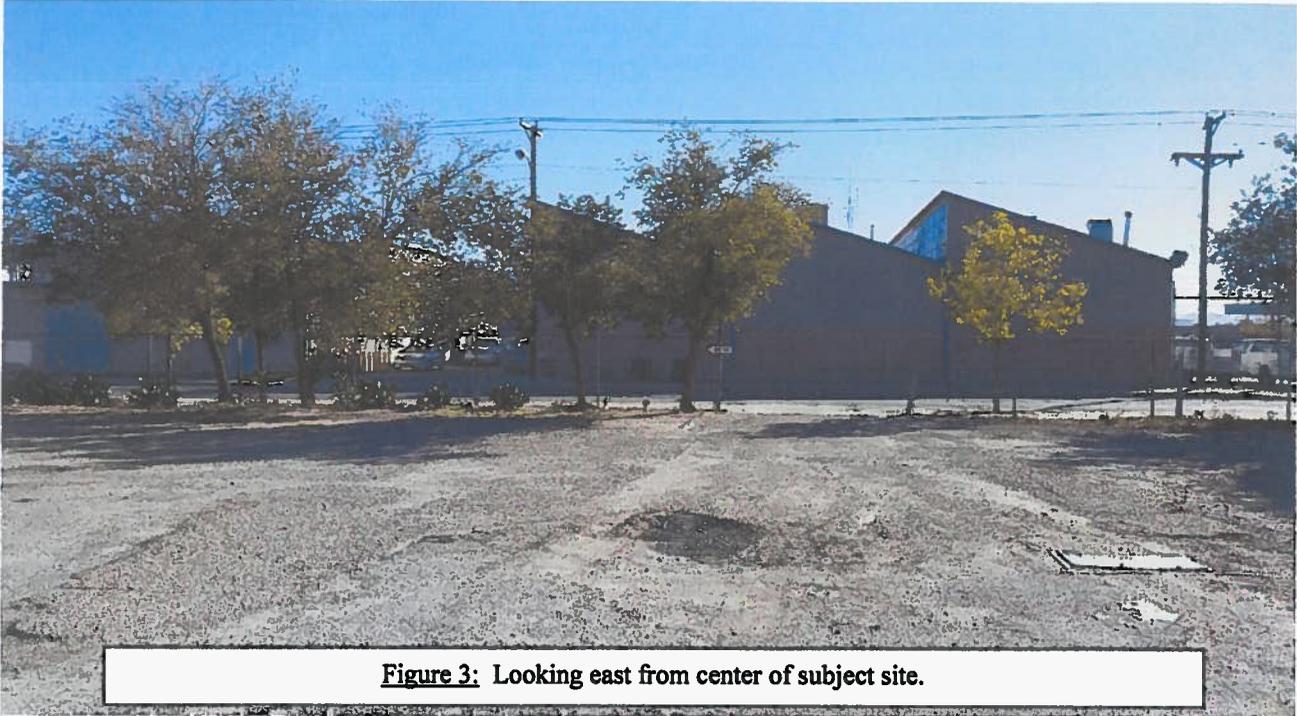


Figure 3: Looking east from center of subject site.



Figure 4: Looking west from center of subject site toward Art Space on 5th building.

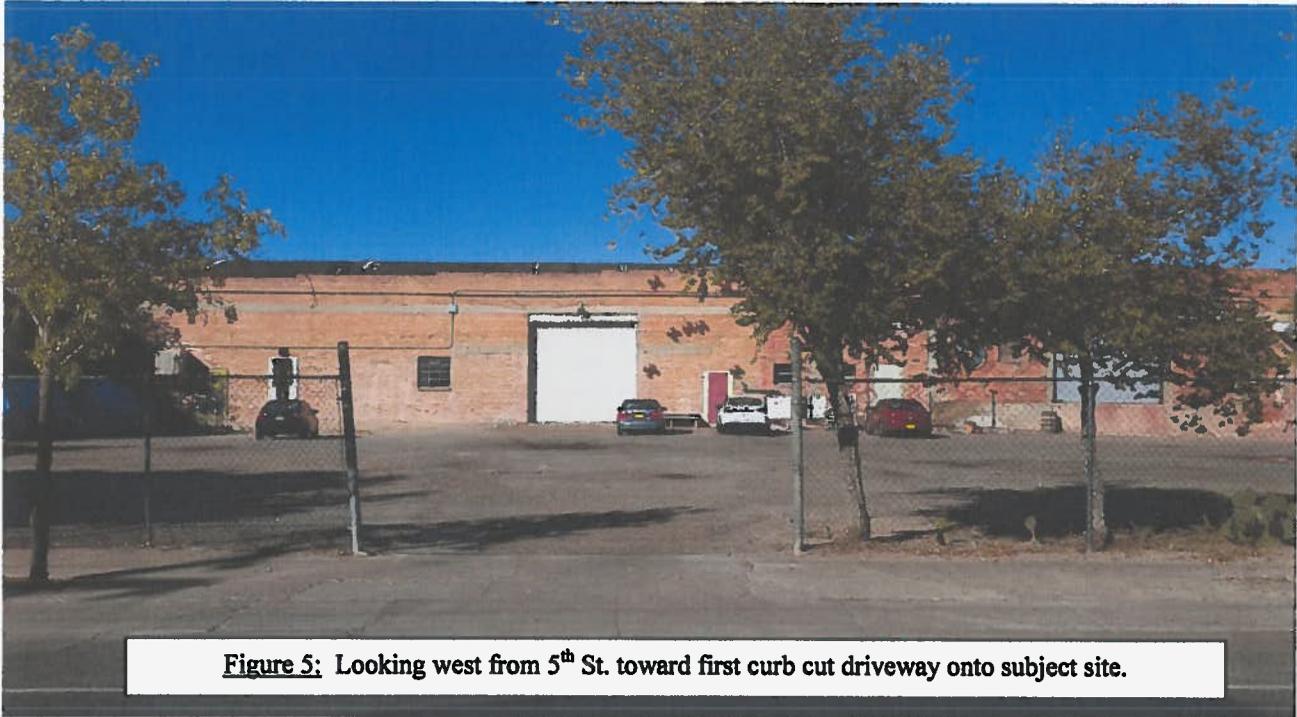


Figure 5: Looking west from 5th St. toward first curb cut driveway onto subject site.



Figure 6: Looking west from 5th St. toward second curb cut driveway onto subject site.



Figure 7: Looking south along existing on-site landscaping.



Figure 8: On-site art display near subject site entrance.

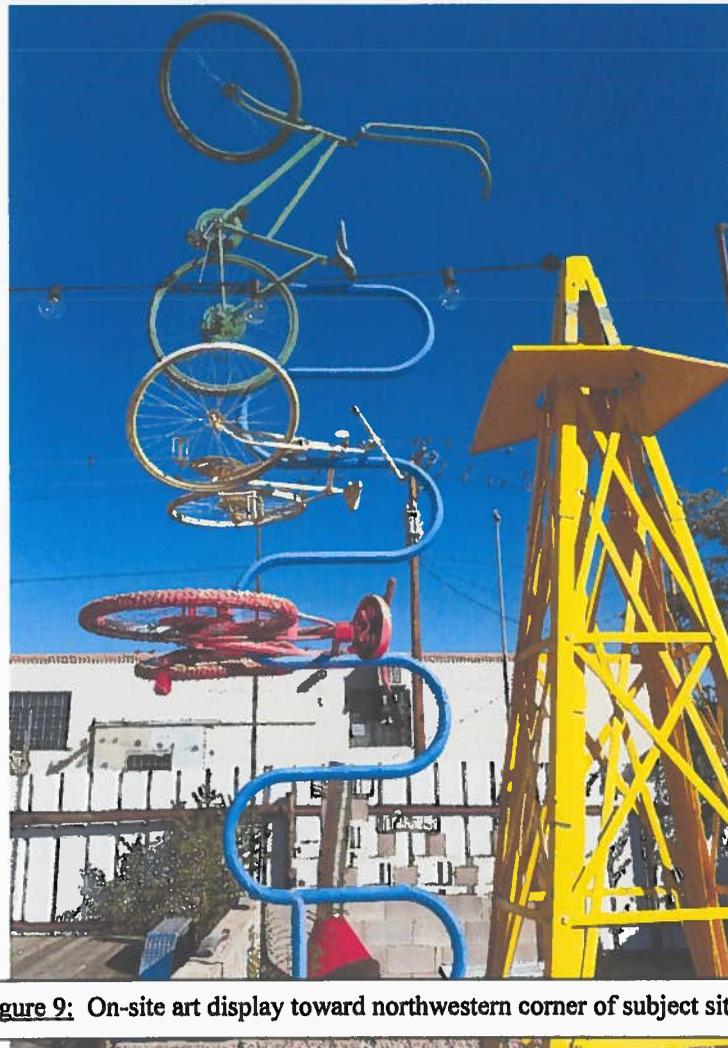


Figure 9: On-site art display toward northwestern corner of subject site.

R-270-1980

Policies for Zone Map Change Applications

The following policies for deciding zone map change applications pursuant to the Comprehensive City Zoning Code are hereby adopted:

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

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

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

(D) The applicant must demonstrate that the existing zoning is inappropriate because:

(1) There was an error when the existing zone map pattern was created; or

(2) Changed neighborhood or community conditions justify the change; or

(3) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

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

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

(1) Denied due to lack of capital funds; or

(2) Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

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

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

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

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

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

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

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

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

(Res. 270-1980, approved 12-30-80)

ZONING

Refer to Section 14-16-2-16 of the Zoning Code for specifics regarding the C-1 Zone.

APPLICATION INFORMATION

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

ANNEXATION (EPC08)

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

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
- SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
- SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)

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

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

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

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

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

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

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

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

KPM LLC Jerry Miller
Applicant name (print)
J Miller 10/1/15
Applicant signature & Date



Revised: June 2011

- Checklists complete
 - Fees collected
 - Case #'s assigned
 - Related #'s listed
- Application case numbers
15EPC - 40056

Vua 9-30-15
Staff signature & Date
Project # 1003123

FORM P(1): SITE DEVELOPMENT PLAN REVIEW – E.P.C. PUBLIC HEARING

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16) Maximum Size: 24" x 36"
- IP MASTER DEVELOPMENT PLAN (EPC11)
 - 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
 - Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
 - Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Completed Site Plan for Subdivision and/or Building Permit Checklist
 - Sign Posting Agreement
 - Traffic Impact Study (TIS) form with required signature
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC15) Maximum Size: 24" x 36"
- SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17)

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted.
(Folded to fit into an 8.5" by 14" pocket.) 20 copies
- Site Plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Plan for Subdivision and/or Building Permit Checklist
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

NOTE: For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:

- Collocation evidence as described in Zoning Code §14-16-3-17(A)(6)
- Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)
- Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)
- Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)
- Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)
- Registered engineer or architect's stamp on the Site Development Plans
- Office of Community & Neighborhood Coordination inquiry response as above based on ¼ mile radius

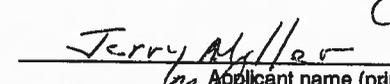
EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC01) Maximum Size: 24" x 36"
- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC02)

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 20 copies
- DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 20 copies
- DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 20 copies
- Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

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


 Applicant name (print) Jerry Miller

 Applicant signature / date 10/19/15



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
15 - EPC - 40060

Form revised November 2010


 Planner signature / date 10-19-15
 Project #: 1003123

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: KPM LLC DATE OF REQUEST: 9/30/15 ZONE ATLAS PAGE(S): H-14-Z

CURRENT:

ZONING S-M1
PARCEL SIZE (AC/SQ. FT.) 1.1 acre

LEGAL DESCRIPTION:

LOT OR TRACT # 2 BLOCK # 0000
SUBDIVISION NAME Devereux + Watson
1715 5th St. NW

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE [X]: From S-M1 ^{SU2/SU1} To S-M1
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT []
BUILDING PERMIT [] ACCESS PERMIT []
BUILDING PURPOSES [] OTHER []

*includes platting actions

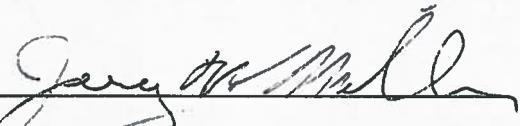
PROPOSED DEVELOPMENT:

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

GENERAL DESCRIPTION OF ACTION:

OF UNITS: _____
BUILDING SIZE: _____ (sq. ft.)

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

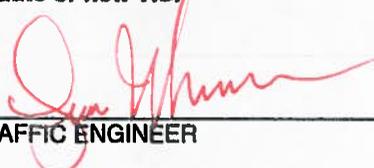
APPLICANT OR REPRESENTATIVE  DATE 9-30-2015
(To be signed upon completion of processing by the Traffic Engineer)

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.*


TRAFFIC ENGINEER

9-30-2015
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 _____

September 10, 2015

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

Re: Zone Map Amendment: Lot 2 Block: 0000 Subdivision: DEVEREUX & WATSON, 1715 5th St. NW -
Zone map H14

Dear Mr. Chairman:

The purpose of this letter is to provide justification for a request for a Zone Map Amendment for the property located at 1715 5th St. NW, for the owner, KPM LLC. The current zoning for the 1.1-acre parcel is S-MI. Our request is to change the existing zoning to SU2/SU-1 for SM-I to allow on-premise consumption of alcoholic beverages.

CASE HISTORY

The subject property is within the Sawmill/Wells Park Sector Plan and the Metropolitan Redevelopment Area Plan. The property is zoned S-MI, a sector plan mixed use zone which was established to continue to allow manufacturing businesses, showrooms, wholesale businesses, and existing warehouses while insuring they are compatible with nearby housing, hotels, and retail shops. The sector plan created the S-MI zone to allow commercial services and retail businesses to develop. The sale of alcoholic drink is permissive under the C-1 zone of the City's Zoning Code, however under the S-MI zoning food is allowed for sale with "non-alcoholic beverages". The S-MI zone allows for C-1 uses listed under A.5. of the S-MRN Zone. (Page 116 item A-10 – SM/WP Sector Development Plan Book). Further, the S-MRN Zone allows retail sales of food and non-alcoholic drink. (Page 109 Section A.5. item 9 – SM/WP Sector Development Plan Book).

The property is home to The Factory on 5th Art Space and the Kosmos Restaurant. The Kosmos Restaurant area was upgraded in 2008 and carries an A-3 occupancy code with a capacity of 138. The Kosmos has a commercial kitchen and an active restaurant license and is in full compliance with Environmental Health. No physical change is envisioned for the space.



Sunday Chatter Classical Music



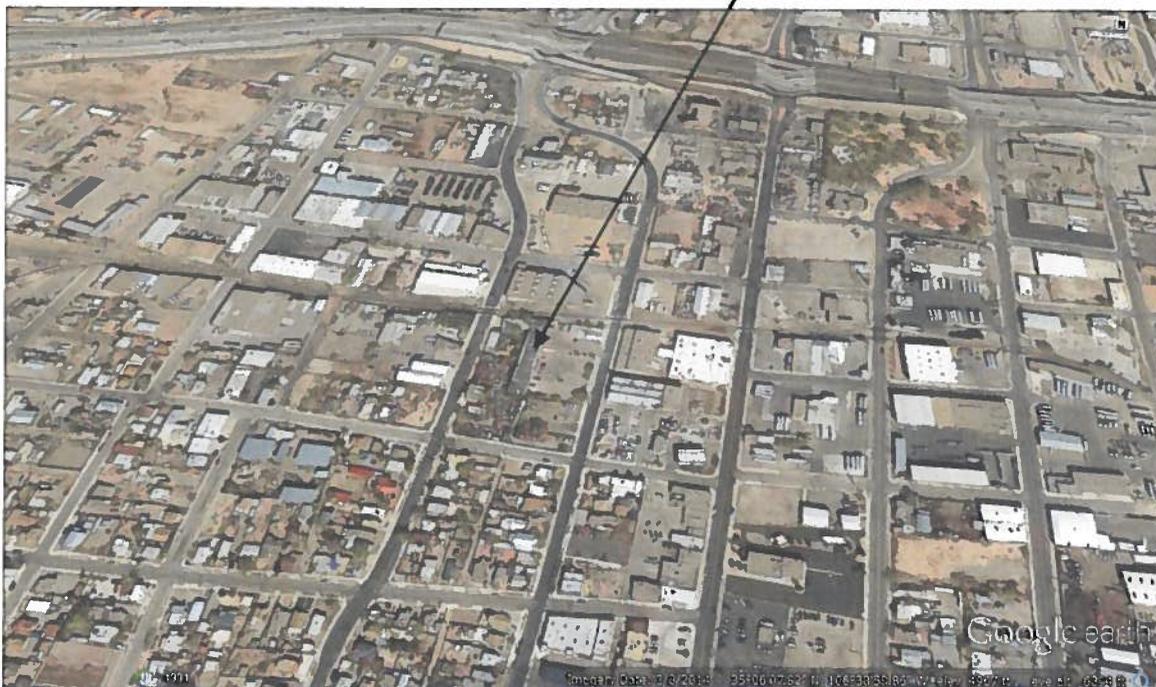
Adjacent Zoning and Land Use

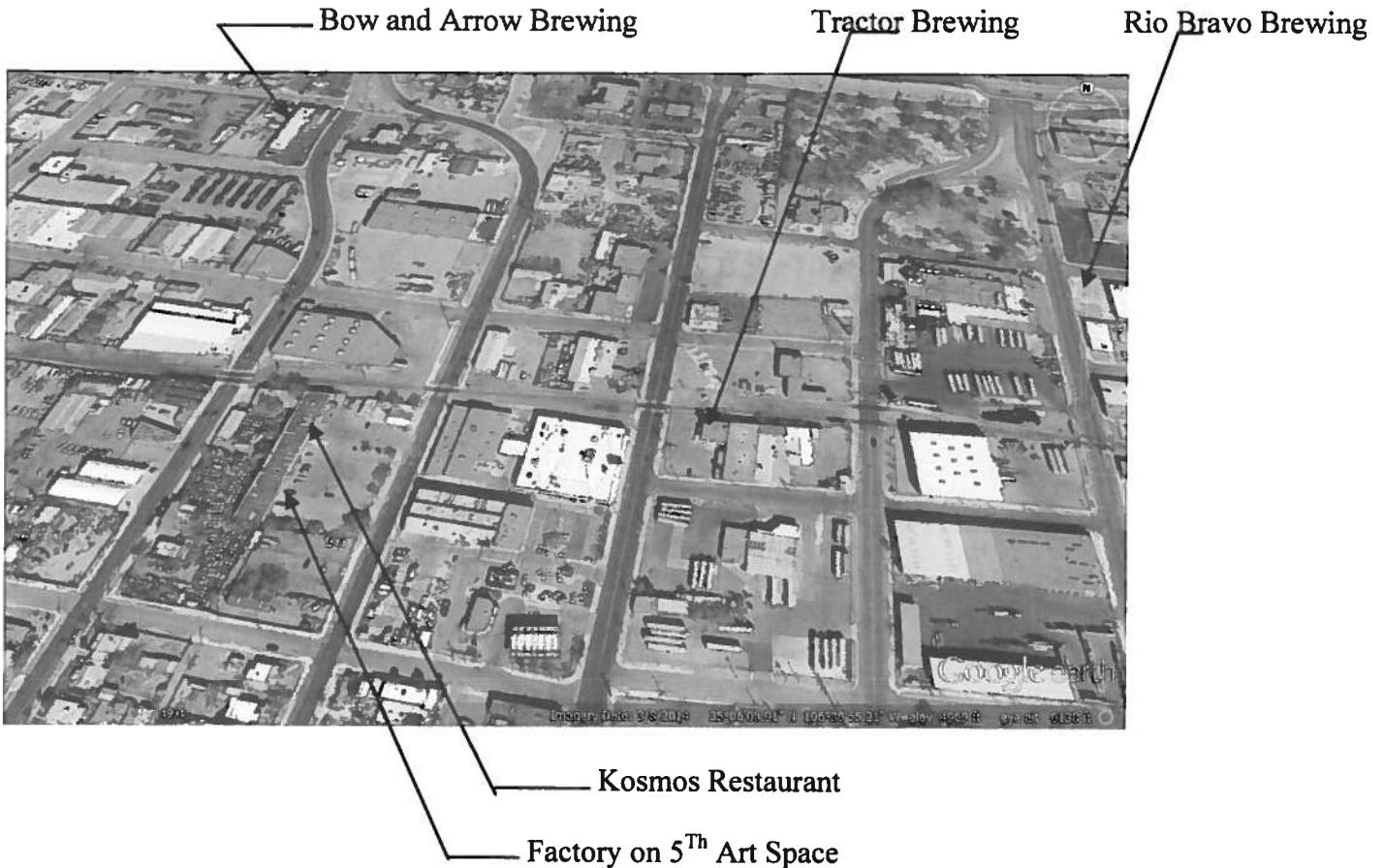
All adjacent properties are zoned S-MI. The site is predominately surrounded by industrial manufacturing and wholesale/warehousing uses. Directly adjacent to the North is a rarely used rail corridor. Adjacent to the West is an auto junkyard, to the South is City of Albuquerque Recreation Dept. parking lot, and to the East across Fifth St. is City of Albuquerque Facilities Management. The Factory on 5th Art Space has taken on old warehouse and revitalized it as a cultural landmark for the city. We have hosted over 600 Classical Music concerts with the nationally acclaimed "Sunday Chatter" (formerly Church of Beethoven) series, Provided

Gallery space for 100's of art exhibits in our 5G and 5G North Gallery Spaces, and provided a home for the Peoples Art Show which last year drew over 240 entries. We have collaborated with 516 Arts, The Wells Park Neighborhood Association, and The City's cultural affairs dept. on the Railrunner Mural Project and are actively involved in bringing new cultural events to the city. We have ample parking for 65+ vehicles. (80+ with the additional parking at 1719 5th St – KPM's adjacent property).



Factory on 5th Art Space / Kosmos





Zone Map Amendment – Response to Resolution 270-1980

This zone change request is in compliance with a resolution 270–1980 as follows:

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

Applicants response: This request is consistent with the health, safety, morals, and general welfare of the city. Health: All food and alcohol products will be locally sourced when possible. With the addition of new brew pubs there is an abundance of locally produced beers and wines, which we will feature. Safety: The additional evening activity and lighting in this area will improve safety in an area that has little activity at night. Morals: The Sawmill/Wells Park area is home to 4 recently opened Brew Pubs with no apparent detriment to morals. General Welfare: The addition of cultural, dining and art experiences will only enhance the general welfare and economic progress of the city. The proposed zone change is justified by the City’s Comprehensive Plan policies that are referenced in section C. of this letter. The Comprehensive plan policy sections that support this request are: Section II.D.6 policies b and d; Section 2.B.6, policy b; and Section II. B.5, policies d and i. Furthermore, the property is within the Sawmill/Wells Park sector development plan. The sector plan notes that the plan area is appropriate for both businesses and residences. The plan specifically states that businesses should be located close to Interstate 40. The subject

site is just two blocks south of the interstate which is an appropriate location for retail use. Additionally, the sector plan outlines some of the issues with the Plan area. These include deterioration of the community's physical appearance and character, insufficient commercial services, and insufficient recreational opportunities for adults. The proposed zoning change will allow additional revenues to support building improvements, enhanced art programs, and new cultural /recreational events for the city such as "dinner and a movie", dinner theater, "Beer, Burgers, and Bach", Chef's discussion night, dinner and a concert, etc.

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.

Applicant's Response: The property has been a notable structure in the Wells Park neighborhood for many years due to its unique character and classic warehouse structure. It was built in the 1930's by the Lembke Construction Co., which was headed by Charles Lembke who served as ex-officio mayor of Albuquerque in 1935. By preserving and repurposing this structure we are maintaining the stability of the land use and preserving the S-MI designation and its associated uses. Therefore stability is maintained.

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

Albuquerque/Bernalillo County Comprehensive Plan

Applicable policies from the Comprehensive Plan are provided below:

II.D.6. Economic Development

The goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy b: development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

Applicant's Response: The approval of the zone change will allow expansion and improvement of a local art center/ restaurant thereby providing additional employment, additional cultural / recreational events, and enhanced re-use and preservation of an old classic (perhaps historic) warehouse.

Policy d: Tourism shall be promoted.

Applicant's Response: The Factory on 5th Art Space/Kosmos is already a destination for the arts and tourism in the city, with newspaper articles having been published in the LA Times and the Chicago Tribune on the "Church of Beethoven" concert series. We were also recently mentioned as one of the 10 best places to visit for art in Albuquerque (along with 516 Arts, The Harwood Art Center, the Art Museum, and others). We continue to promote our facility through an internet presence, email, and various other media. The addition of a unique restaurant experience will add to the tourism "draw".

II.B.6. Central Urban

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

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

Applicant's Response: The Factory on 5th Art Space is an existing facility in the Central Urban Area. The approval of this request will provide new opportunities for public, cultural and arts events and for additional programs, dinners, and community events, and will help preserve the existing facility by making it more economically viable.

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

Applicant's Response: The proposed zone change will allow the upgrade of the neighborhood through the adaptive reuse of an existing building (Factory on 5th Art Space). Approval of this request will foster linkages between residents of the Central Urban Area (Wells Park and Sawmill), jobs (5-15+), and services (restaurant). The proposed use will create a gathering space / Theater / Special Events, where nearby residents and community members can get together for food, beverage, and unique events.

II. B. 5. Established Urban

The Central Urban Area is a portion of the Established Urban Area and as such is subject to policies of section II.B.5. Therefore, Established Urban Area policies have been included as part of this analysis.

Policy 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.

Applicant's Response: The proposed zone change will enhance an existing recreational and cultural facility in the city and the Sawmill / Wells Park Neighborhood. Furthermore, the proposed use would provide a gathering space for people who live and work in the area, as well as additional employment opportunities, and enhanced social, cultural, and recreational opportunities for the neighborhood. We recently held the Neighborhood cookout at our facility and serve as an alternate location for the Wells Park Neighborhood Association meetings. We are a strong supporter of neighborhood functions and support the preservation of neighborhood values.

Policy i: 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.

Applicant's Response: The zone change will allow expansion of an existing art center and will provide new employment opportunities in this area. Manufacturing, parking lots, rail tracks, scrap yards, and warehouses predominantly surround the site so effects on residential areas will be minimal.

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

Applicant's Response: The physical character of the Sawmill/Wells Park area is defined by historic buildings and roads. As noted on page 5 of the Sawmill/Wells Park Sector Development Plan, the intent of the plan is to conserve and strengthen the community's historic characteristics while also reshaping the area to respond to new opportunities. The Factory on 5th Art Space has preserved an old warehouse and brought new life to a faltering area.

Policy p: Cost effective redevelopment techniques shall be developed and utilized.

Applicant's Response: The Factory on 5th is a private commercial enterprise that hit on a viable commercial model after a failed condo project. Realizing that there was little affordable art/work space available, we made space available for artists at an affordable rate. There are very few “art” spaces that are able to survive without government or other public aid or grants. By keeping overhead low and developing innovative programs we have been able to survive. This request is another unique experiment in entrepreneurship that will allow us to offer “free” space for “popup” dinners, dinner meetings, film screenings with dinner, and other “dinner and beverage” funded programs. We hope that this may serve as a very unique model for others to follow in developing and reusing older unique structures, which will help to revitalize city cores.

Sawmill/Wells Park Sector Development Plan

The Property is in the Sawmill/Wells Park Sector Development Plan. This application furthers the following Sector Development Plan area analysis and action policies:

Area Character and History Conservation Issues and Analysis 4. 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 repair buildings that are condemned, their removal contributes to the decline of neighborhood identity.

Applicants Response: The proposed zoning will apply to a warehouse built in the 1930-40 era. The requested SU-1 zoning will enhance the usage possibilities of this property thus preserving a well-recognized Wells Park building. Approval of this zone change request will help to update and restore this building. Therefore, the proposed project mitigates an issue raised by the Sector Plan.

Area Character and History Conservation Action Plan 6. Preserve significant buildings that define the character of area streets, particularly Mountain Road.

Applicant's Response: The Factory on 5th Art Space / Kosmos has become a cultural and art destination for the city. By preserving the character of the old Lembke Construction Co. warehouse a historic part of Wells Park has been preserved. Adaptive reuse is encouraged by City policies

Overall Economic Development Strategy: 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.

Applicant's Response: The proposed zone change will allow for an appropriate commercial business in an area that is currently zoned for industrial and commercial uses. The purpose of the zone change is to

allow for food sales with alcoholic beverages. This will provide employment opportunities for residents of the Sawmill and Wells Park area. This use furthers the symbiotic relationship between residential and commercial activities of the Sector Plan area by providing an entertainment venue for those living and working in the area.

The referenced Sector Plan policy promotes live-work communities. The proposed use provides new opportunities for the Sawmill/Wells Park residents and artists to work close to where they live. This eliminates cross-city traffic, commuting costs, and provides a better quality of life.

Sawmill/Wells Park Community Metropolitan Redevelopment Area Plan

The property is located within the Sawmill/Wells Park Community Metropolitan Redevelopment Area Plan boundaries. This application furthers the following MRA Plan policies:

Redevelopment Plan Goal

E: Develop commercial and industrial space that benefits the community with job creation and needed services.

Applicant's Response: The proposed zone change creates a restaurant and commercial space that benefits the community through job creation and the reuse of an existing building. In addition it will provide a new venue for meetings, art exhibits with food and beverage, classical music concerts with dinner, and movie showings, adding to the cultural well being of Albuquerque.

Redevelopment Plan Goal F. Blend "old" and "new" into one unified neighborhood

Applicant's Response: The addition of a "new" type food establishment in a grand old warehouse environment will serve as a blueprint for new ideas and development in Albuquerque, and already unifies the neighborhood with monthly art shows, symphony concerts, movies, and other special events. The Kosmos also serves as an alternate meeting space for the Wells Park Neighborhood Association.

Redevelopment Plan Goal O: Develop local recreational services for people living and working in and near the Sawmill/Wells Park Area.

Applicant's Response: The proposed zone change will offer new opportunities for recreational services by offering a new venue for movies, dinners, concerts, educational talks and programs and by providing new opportunities for the "creative" class to meet and develop new business ideas for the city.

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

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

Applicant's Response: D. iii – With the new burgeoning brewpub industry in Albuquerque and Wells Park/Sawmill there is precedence for allowing alcoholic beverage sales in S-MI zone areas. In addition, a different use category is more advantageous to the community as it will fulfill a public need for new cultural events, arts events, educational meetings, "meet the artist" dinners, and other community

functions in an area that currently contains an inadequate amount of cultural facilities. This will enhance the social, cultural, recreational, and community building opportunities for the neighborhood. This advances the applicable goals 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.

Applicant's Response: Since our adjacent property is a scrap yard, a rail corridor, and a parking lot, there would be no harm to these properties. There are no adjacent residential properties. Permissive uses in the S-MI include manufacturing, assembling, treating, repairing, or rebuilding of products as regulated under the permissive uses of the M-1 Zone in the Zoning Code. This includes all permissive uses in the C-1, C-2 and C-3 Zones. Restaurant use is a permissive use in the C-1 Zone. (Pages 2-51 and 2-52 of the zoning code). Retail sale of alcohol is permissive under per Section 14-16-2-16(A)(8)(i)(2) of the Zoning Code. The permissive uses in the requested zone are therefore not harmful to adjacent property, the neighborhood, or the community.

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

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

Applicant's Response: The proposed zone change will not necessitate the need for capital improvements since the applicant has a valid restaurant license. The applicant, KPM LLC, owns the property, and all future modifications and improvements will be funded by the owner.

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

Applicant's Response: The cost of land or other economic considerations is not the sole determining factor for this request. We believe the request is justified and meets the required criteria when you consider the potential benefits and cultural enhancements to the city, area and community. The project meets the goals of the comprehensive plan by providing additional jobs, additional tourism possibilities and by encouraging local entrepreneurship in the urban core. It also enhances opportunities for artists and the creative class in Albuquerque.

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

Applicant's Response: The request is not being justified solely by its location on 5th St., however with parking for 65+ cars it is ideally located for a multi-use facility.

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.
- (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.

Applicant's Response: (1) - The zone change request from S-MI to SU-2/SU 1 for S-MI to include beer and wine in association with restaurant (existing) or taproom is spot zone, as all SU-1 zones are spot zones by their nature as a "custom zone". However, the current zoning is S-MI the request for the additional SU-1 modifiers are to allow for a use that is compatible with, but was unforeseen by the existing SU-2 zoning. The proposed zoning is appropriate as it furthers Comprehensive Plan, Sector Plan, and MRA Plan policies. Comprehensive Plan policies that are furthered by this proposed development include local business development and adding to an existing and evolving tourism attraction for Art spaces. The Sector Plan and MRA Plan call for creating relationships between residential uses and recreational uses, preserve existing structures, and providing new employment opportunities. The proposed zoning and associated use will further these Sector Plan and MRA Plan policies. Please see section C. of this letter for specific Sector Plan and MRA Plan policies.

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."

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

Applicant's Response: The concept of strip zoning is not applicable to this request.

KPM LLC (The Factory on 5th Art Space) respectfully requests that the Environmental Planning Commission approve this request for Zone Map Amendment.

Sincerely,



Jerry W. Miller
Managing Partner KPM LLC

NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

September 30, 2015

Jerry Miller
KPM, LLC
1715 5th St. NW/87104
Phone: 505-463-5824

Dear Jerry:

Thank you for your inquiry of **September 30, 2015** 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 project at **(EPC SUBMITTAL) LOT 2, DEVEVEUX AND WATSON, LOCATED ON 1715 5th STREET NW BETWEEN ASPEN NW AND HAYNES NW** zone map **H-14**.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.

Please note that according to *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck

Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

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.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NA/HOA FOR THIS PLANNING SUBMITTAL.

"ATTACHMENT A"

**(EPC SUBMITTAL) LOT 2, DEVEVEUX AND WATSON, LOCATED ON 1715 5th STREET
NW BETWEEN ASPEN NW AND HAYNES NW zone map H-14 FOR Jerry Miller, KPM, LLC**

WELLS PARK N.A. "R"

Jerry Miller
1715 5th St. NW/87102 463-5824 (c)

Mark Horst
1114 7th St. NW/87102 612-384-4049 (c)

SAWMILL COMMUNITY LAND TRUST

Wade Patterson
P.O. Box 25181/87125 764-0359 (w)

Annette Montoya
P.O. Box 25181/87125 764-0359 (w)

NORTH VALLEY COALITION

Kyle Silfer, P.O. Box 70232/87197 918-0978 (c)
Doyle Kimbrough, 2327 Campbell Rd. NW/87104 249-0938 (h)

Typical

KPM LLC
1715 5th St. NW
Albuquerque, NM 87102
505-463-5824

September 30, 2015

Wells Park NA
Mark Horst
1114 7th St. NW
Albuquerque, NM 87102

Dear Sir,

This letter is to inform you that I will submit an application for a zone change to the Environmental Planning Commission for review and possible approval. The application will be submitted by Oct. 1, 2015 and will be heard on November 12 at a public hearing at the Plaza Del Sol building located at 600 2nd St. NW beginning at 8:30 AM. The request is for 1715 5th St. NW Albuquerque, NM 87102. Between Aspen and Haynes. (Factory on 5th Art Space and Kosmos Restaurant)

Legal Description:

Lot #2 Block 0000 Subdivision Lands of Devereux and Watson Zone Map H-14-Z

Specifics of request:

Existing Zoning is S-MI (Sawmill Light Industrial)

Existing zoning allows for food sales with non-alcoholic beverages. We will be requesting a SU2/SU1 S-MI to include beer/wine/taproom in association with a restaurant. We are planning to offer specialty dinners in conjunction with art events and other functions at the Factory on 5th Art Space.

If you have any questions about this request feel free to contact me at 505-463-5824.

Sincerely,
Jerry W. Miller
Managing Partner
KPM LLC

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09/30/2015

Sent To **SLT Wade Paterson**
 Street & Apt. No., or PO Box No. **PO Box 25181**
 City, State, ZIP+4 **Abq. NM 87125**

PS Form 3800, July 2014 See Reverse for Instructions

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Total Postage & Fees	\$	\$6.25



09/30/2015

Sent To **WPNA Terry Miller**
 Street & Apt. No., or PO Box No. **1715 5th St. NW**
 City, State, ZIP+4 **Abq NM 87102**

PS Form 3800, July 2014 See Reverse for Instructions

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Total Postage & Fees	\$	\$6.25



09/30/2015

Sent To **North Valley Co. Kyle Siffer**
 Street & Apt. No., or PO Box No. **PO Box 70232**
 City, State, ZIP+4 **Albuquerque NM 87197**

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Total Postage & Fees	\$	\$6.25

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 Street & Apt. No., or PO Box No. **2327 Camp**
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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.25

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 Street & Apt. No., or PO Box No. **PO Box 25181**
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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.25

Sent To **WPNA Mark Ho**
 Street & Apt. No., or PO Box No. **1114 7th St**
 City, State, ZIP+4 **Abq NM 87102**

PS Form 3800, July 2014

7015 0920 0002 3722 6835

7015 0920 0002 3722 6859

7015 0920 0002 3722 6828

Mr. Peter Nicholls
Environmental Planning Commission
City of Albuquerque
600 Second St. NW Albuquerque NM 87102

October 28, 2015

Dear Mr. Nicholls,

As the Vice President of the Wells Park Neighborhood Association, I am writing to inform you that the Association Board of Directors has voted to approve KPM LLC's request to include on premise consumption of alcoholic beverages and beer and wine in association with a existing restaurant.

The EPC Prolect number is 1003123 and the case numbers are 15 EPC-40056 and 15 EPC-40060

We are happy to support this business venture in our neighborhood.

All the best,



Mark Horst
Vice President
Wells Park Neighborhood Association

SITE PLAN REDUCTIONS

