



Environmental Planning Commission

Agenda Number: 01
Project Number: 1010581
Case Numbers: 15EPC-40045 & 40046
November 12, 2015*

Staff Report

(*Originally scheduled for October 8, 2015. No hearing due to lack of a quorum.)

Agent	DAC Enterprises, Inc.
Applicant	Longs Peaks LLC
Requests	Zone Map Amendment (zone change) As-Built Site Development Plan for Building Permit
Legal Description	Tract A-1, Block L, Cenaroca Subdivision
Location	on Tramway Blvd. NE, between Cloudview Ave. NE/Encantado Rd. NE and Skyline Rd. NE
Size	Approximately 2.1 acres
Existing Zoning	C-1
Proposed Zoning	SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption

Staff Recommendation

APPROVAL of 15EPC-40045, based on the Findings beginning on Page 14 and subject to the condition on Page 17.

APPROVAL of 15EPC-40046, based on the Findings beginning on Page 17 and subject to the conditions beginning on Page 19.

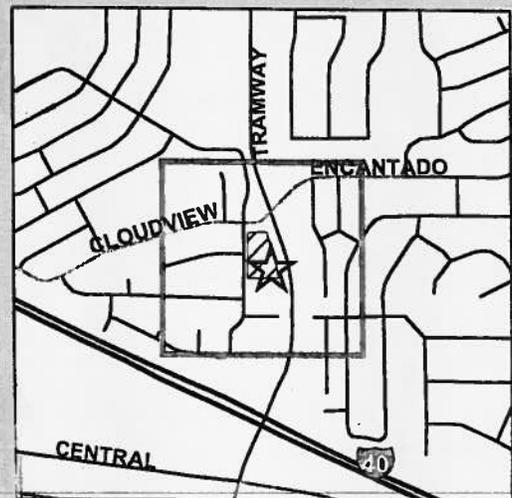
**Staff Planner
Catalina Lehner-AICP, Senior Planner**

Summary of Analysis

This request is for a zone change for an approximately 2.1 acre site located on Tramway Blvd. NE, just north of Interstate 40. A neighborhood-scale shopping center exists on the subject site. An as-built site development plan accompanies the zone change request.

The applicant requests a zone change from C-1 to SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption in order to open a tap room. The subject site is in the Established Urban Area of the Comprehensive Plan. The request is adequately justified pursuant to R270-1980 and generally furthers applicable Goals and policies.

Affected neighborhood organizations and property owners were notified as required. A facilitated meeting was offered but declined. There is no known opposition. Staff recommends approval subject to minor conditions.



City Departments and other interested agencies reviewed this application from 08/31/2015 to 09/11/2015.
Agency comments used in the preparation of this report begin on Page 21.

Agenda Item #1- Tramway Taproom

*Originally scheduled for October 8, 2015. No hearing due to lack of a quorum.
These Findings and Conditions replace those in the October Staff report, starting on p. 14.*

FINDINGS - 15EPC-40045, November 12, 2015- Zone Map Amendment (Zone Change)

1. The subject request is for a zone map amendment (zone change) for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre developed site located on the east side of Tramway Blvd., between Cloudview Avenue NE/Encantado Rd. NE and Skyline Road NE (the "subject site").
2. The zone map amendment request is for a change from C-1 to SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption in order to allow a tap room associated with a beer and wine license. The off-premise consumption is desired to allow the sale of growlers.
3. An as-built site development plan for building permit (15EPC-40046) accompanies the zone change request.
4. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. No sector development plans apply.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject request furthers the following, applicable Comprehensive Plan Goals:
 - A. Established Urban Goal. The proposal would generally contribute to variety and maximum choice in the area, particularly with respect to life style. The proposed taproom could function as a neighborhood gathering area and stop for those using the trail along Tramway Blvd. and/or Route 66 (bicyclists), thereby perpetuating the identity of the area as an identifiable recreation corridor area.
 - B. Noise Goal. The proposed tap room would occupy space inside of an existing shopping center. Since the proposed patio is not allowed (see Zoning section of this report), it is unlikely that the proposed use would create a land use/noise conflict that would adversely affect nearby residences.
7. The subject request furthers the following Comprehensive Plan policies pertaining to land use:
 - A. Policy II.B.5a- full range of urban land uses. The proposal would result in a new urban land use in the area, a taproom, and would therefore contribute to a full range of urban land uses in the area.
 - B. Policy II.B.5i- employment and service uses/siting and effects. The proposal would facilitate development of a taproom at the northwestern corner of an existing shopping center. The taproom would be inside of an existing building, which would help minimize adverse effects of noise, lighting and pollution on the nearby single-family homes. The entrance to the shopping center is before the neighborhood begins and, since the patio is not allowed (see

Zoning section of this report), it is unlikely that the proposed use would adversely affect nearby residences.

- C. Policy II.B.5k- land adjacent to arterial streets. Tramway Boulevard is a Regional Principal Arterial. It is also limited-access. The existing shopping center is accessed from a single entry on Cloudview Avenue NE, which is before the land use pattern turns into single-family homes. Therefore, traffic would turn into the shopping center and not into the neighborhood.

8. The subject request furthers the following Goal and policies pertaining to Economic Development:

A. Economic Development Goal. The proposal generally contributes to achieving diversified economic development in the area, where there is little available commercial land. The proposed use would be small-scale and would fit into the existing neighborhood shopping center, and therefore would not disrupt the social and recreational characteristics that define the area.

B. Policy II.D.6c-business development/ recruitment. The proposed taproom use would constitute development of a local business enterprise.

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

A. Section 1A: The zone map amendment is consistent with the health, safety, morals and general welfare of the City because it will further a preponderance of applicable Goals and policies from the Comprehensive Plan, and will clearly facilitate realization of that Plan. Because the change is to the SU-1 zone, the higher standard of "clearly facilitates" found in Section 1J, applies. It has been sufficiently addressed in the response to Section 1C.

B. Section 1B: The applicant discussed the uses allowed by the proposed zoning in the response to Section 1E and has demonstrated that they would not adversely affect stability of land use and zoning in the area. As shown in the responses to Sections 1C and 1D, the zone map amendment is justified pursuant to R270-1980.

C. Section 1C: For a zone change to an SU-1 zone, the test under Section 1C is linked to the test under Section 1I—whether or not the request "clearly facilitates" realization of the Comprehensive Plan or other applicable Plan. Overall, Staff finds that the request clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan as the applicant has demonstrated.

D. Section 1D: A different use category is more advantageous to the community (3) as articulated in the Comprehensive Plan. The policy-based discussion in the response to Section 1C demonstrates that the proposed zoning would be more advantageous to the community than the current zoning because it clearly facilitates applicable Goals and policies in the Comprehensive Plan.

E. Section 1E: The applicant lists each use in the C-1 zone and explains how the proposed zone change would affect it, and why. The standard, possible uses are discussed to show that they would not be harmful to adjacent property, the neighborhood or the community.

F. Section 1F: The zone change requires no major or unprogrammed capital expenditures by the City in order to be developed.

- G. Section 1G: Economic considerations pertaining to the applicant are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request.
- H. Section 1H: The subject site's location is not being used, in itself, as justification for the request. The request is adequately justified based on the responses to Sections 1C and 1D.
- I. Section 1I: The SU-1 zone is a spot zone by definition because it is tied to a unique site development plan for a single site. The applicant has shown, based on the discussion in Section 1C and Section 1D, that the request clearly facilitates applicable Goals and policies in the Comprehensive Plan and therefore is a justifiable spot zone.
- J. Section 1J: The subject site constitutes a "strip of land along a street". However, it has been demonstrated that overall the request would clearly facilitate realization of the Comprehensive Plan and, for that reason, the strip zone is justifiable.
10. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request clearly facilitates applicable policies in the Comprehensive Plan. The response to Section 1D demonstrates that another zoning category would be more advantageous to the community because it would allow a preponderance of applicable policies and principles to be furthered. The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
11. The affected neighborhood organizations are the Supper Rock Neighborhood Association (NA) and the District 4 Coalition, which were notified as required. Property owners were also notified as required. A facilitated meeting was offered, but declined. The agent had already contacted the NA president. She mentioned concerns about noise from the proposed outdoor patio and loitering. A representative of the East Gateway Coalition indicated that he had no concerns. Staff has not received any phone calls or comments as of this writing and is unaware of any opposition.

RECOMMENDATION - 15EPC-40045, November 12, 2015

APPROVAL of 15EPC-40045, a zone change from C-1 to SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption, for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre site located on the east side of Tramway Blvd., between Cloudview Ave. NE/Encantado Rd. NE and Skyline Rd. NE, based on the preceding Findings and subject to the following Condition of Approval.

CONDITION OF APPROVAL - 15EPC-40045, November 12, 2015 - Zone Map Amendment

1. Final approval of the accompanying, as built site development plan for building permit (15EPC-40046) by the Development Review Board (DRB) is required and shall occur within the time period specified in Zoning Code §14-16-4-1(C)(16)(b), Amendment Procedure.

FINDINGS - 15EPC-40046, November 12, 2015 - As-Built Site Development Plan for Building Permit

1. The subject request is for an as-built site development plan for building permit for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre developed site located on the east side

of Tramway Boulevard, between Cloudview Avenue NE/Encantado Road NE and Skyline Rd. NE (the "subject site").

2. A request for a zone map amendment request from C-1 to SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption (15EPC-40045) accompanies the request.
3. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. No sector development plans apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject request furthers the following, applicable Comprehensive Plan Goals:
 - A. Established Urban Goal. The proposal would generally contribute to variety and maximum choice in the area, particularly with respect to life style. The proposed taproom could function as a neighborhood gathering area and stop for those using the trail along Tramway Blvd. and/or Route 66 (bicyclists), thereby perpetuating the identity of the area as an identifiable recreation corridor area.
 - B. Noise Goal. The proposed tap room would occupy space inside of an existing shopping center. Since the proposed patio is not allowed (see Zoning section of this report), it is unlikely that the proposed use would create a land use/noise conflict that would adversely affect nearby residences.
6. The subject request furthers the following Comprehensive Plan policies pertaining to land use:
 - A. Policy II.B.5a- full range of urban land uses. The proposal would result in a new urban land use in the area, a taproom, and would therefore contribute to a full range of urban land uses in the area.
 - B. Policy II.B.5i- employment and service uses/siting and effects. The proposal would facilitate development of a taproom at the northwestern corner of an existing shopping center. The taproom would be inside of an existing building, which would help minimize adverse effects of noise, lighting and pollution on the nearby single-family homes. The entrance to the shopping center is before the neighborhood begins and, since the patio is not allowed (see Zoning section of this report), it is unlikely that the proposed use would adversely affect nearby residences.
 - C. Policy II.B.5k- land adjacent to arterial streets. Tramway Blvd. is a Regional Principal Arterial. It is also limited-access. The existing shopping center is accessed from a single entry on Cloudview Ave. NE, which is before the land use pattern turns into single-family homes. Therefore, traffic would turn into the shopping center and not into the neighborhood.
7. The subject request furthers the following Goal and policies pertaining to Economic Development:
 - A. Economic Development Goal. The proposal generally contributes to achieving diversified economic development in the area, where there is little available commercial land. The proposed use would be small-scale and would fit into the existing neighborhood shopping center, and therefore would not disrupt the social and recreational characteristics that define the area.

B. Policy II.D.6c-business development/ recruitment. The proposed taproom use would constitute development of a local business enterprise.

8. Conditions of approval are needed to clarify the site development plan.
9. The affected neighborhood organizations are the Supper Rock Neighborhood Association (NA) and the District 4 Coalition, which were notified as required. Property owners were also notified as required. A facilitated meeting was offered, but declined. The agent had already contacted the NA president. She mentioned concerns about noise from the proposed outdoor patio and loitering. A representative of the East Gateway Coalition indicated that he had no concerns. Staff has not received any phone calls or comments as of this writing and is unaware of any opposition.

RECOMMENDATION—15EPC-40046, November 12, 2015

APPROVAL of 15EPC-40046, an as-built Site Development Plan for Building Permit for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre site located on the east side of Tramway Blvd., between Cloudview Ave. NE/Encantado Rd. NE and Skyline Rd. NE, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL –15EPC-40046, 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. Outdoor Gathering Space: The proposed outdoor gathering space shall be removed [Zoning Code §14-16-2-16(B)(13)(d)].
4. Landscaping: A legend shall be added to indicate tree and plant types.
5. Signage:
 - A. A sign detail that specifies color(s), material(s) and illumination of the existing pylon sign and monument sign shall be provided.
 - B. Building mounted signage shall be indicated and dimensioned on the elevations.
6. Clarification:
 - A. Remove the reference to “sector development plan” from Sheet 1.

- B. Any notes pertaining to the outdoor gathering space shall be correspondingly removed from the drawings.
- C. The parking calculations shall be adjusted based on the removal of the outdoor gathering space.
7. Utilities: Information regarding any existing easements shall be provided and/or clarified on Sheet 1.
8. Conditions from the Fire Department:
- A. Hydrant locations shall be provided and street dimensions shall be provided.
- B. Construction type and square footage shall also be provided.
- C. The site development plan be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit.
9. Condition from Hydrology:
- If landscaping or parking is changing, plans shall be submitted to hydrology for a comprehensive plan review.
10. Condition from Transportation Development:
- The site shall be revised to meet current ADA requirements at the DRB.
11. Condition from PNM:
- The developer shall contact PNM's New Service Delivery Department to coordinate electric service regarding this project.
-

Catalina Lehner

Catalina Lehner, AICP
Senior Planner

Notice of Decision cc list

cc: Doug Crandall, DAC Enterprises, 14492 E. Sweetwater Ave. Scottsdale, AZ 85259
Robert Romero, DAC Enterprises, 1521 Edith Blvd. NE, Albuquerque, NM 87102
Kathleen Schindler-Wright, Supper Rock NA, 407 Monte Largo Dr. NE, Albuquerque, NM 87123
Ken O'Keefe, Supper Rock NA, 600 Vista Abajo Dr. NE, Albuquerque, NM 87123
Roger Hartman, East Gateway Coalition, 1308 Wagon Train Dr. SE, Albuquerque, NM 87123
Roger Mickelson, East Gateway Coalition, 1432 Catron Ave. SE, Albuquerque, NM 87123