

Environmental Planning Commission

Agenda Number: 01
Project Number: 1010581
Case Numbers: 15EPC-40045 & 40046
October 8, 2015

Staff Report

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.

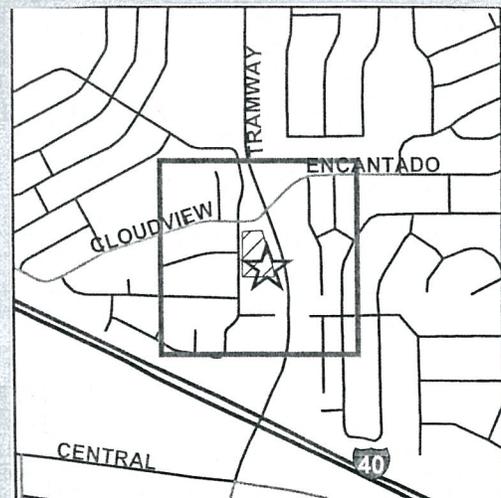
Staff Planner
Catalina Lehner-AICP, Senior Planner

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.



Project #1010581



0.0 0.02 0.0 Miles

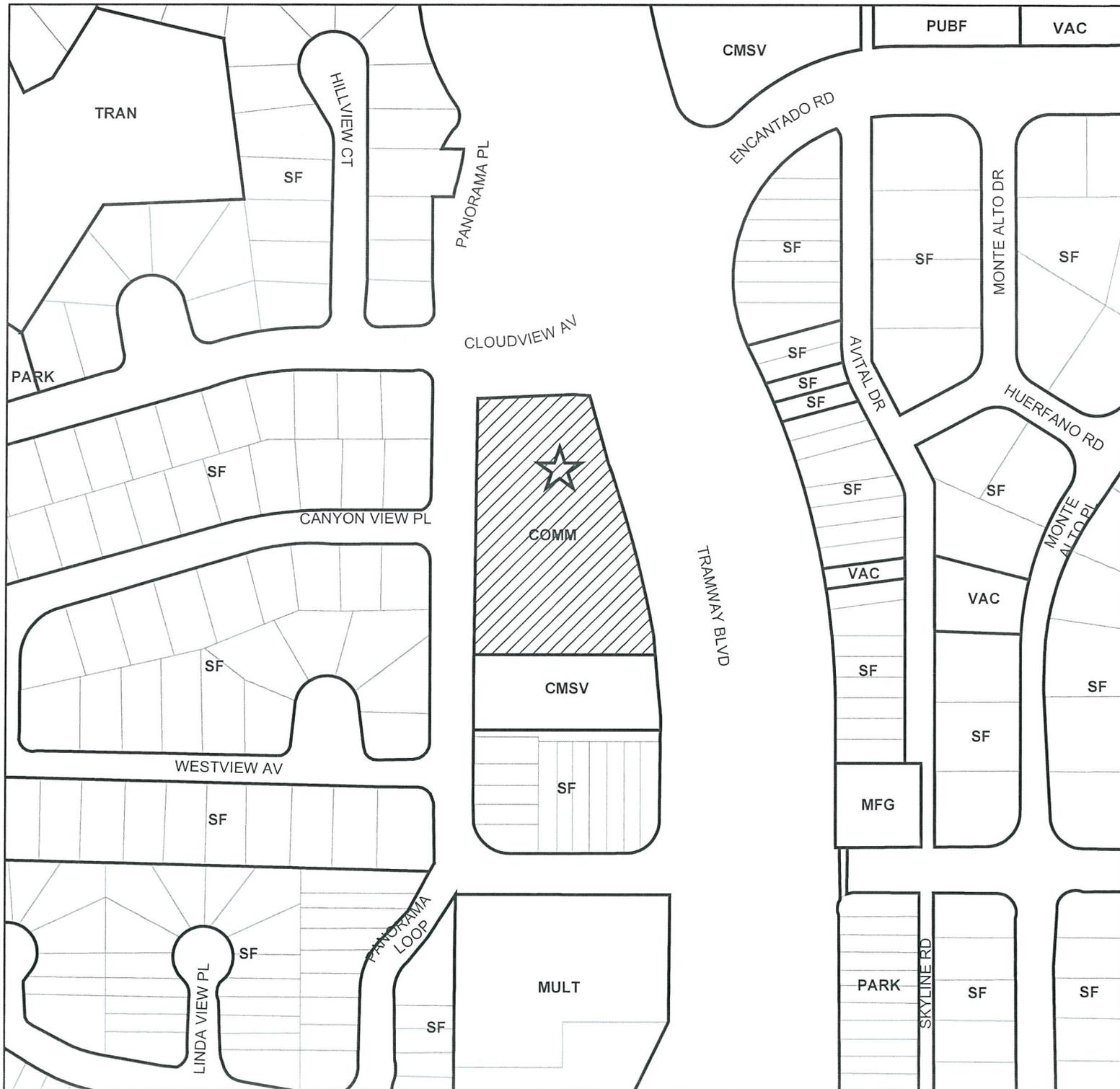
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Albuquerque

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

Legend

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

Notes



LAND USE MAP

Note: Grey shading indicates County.

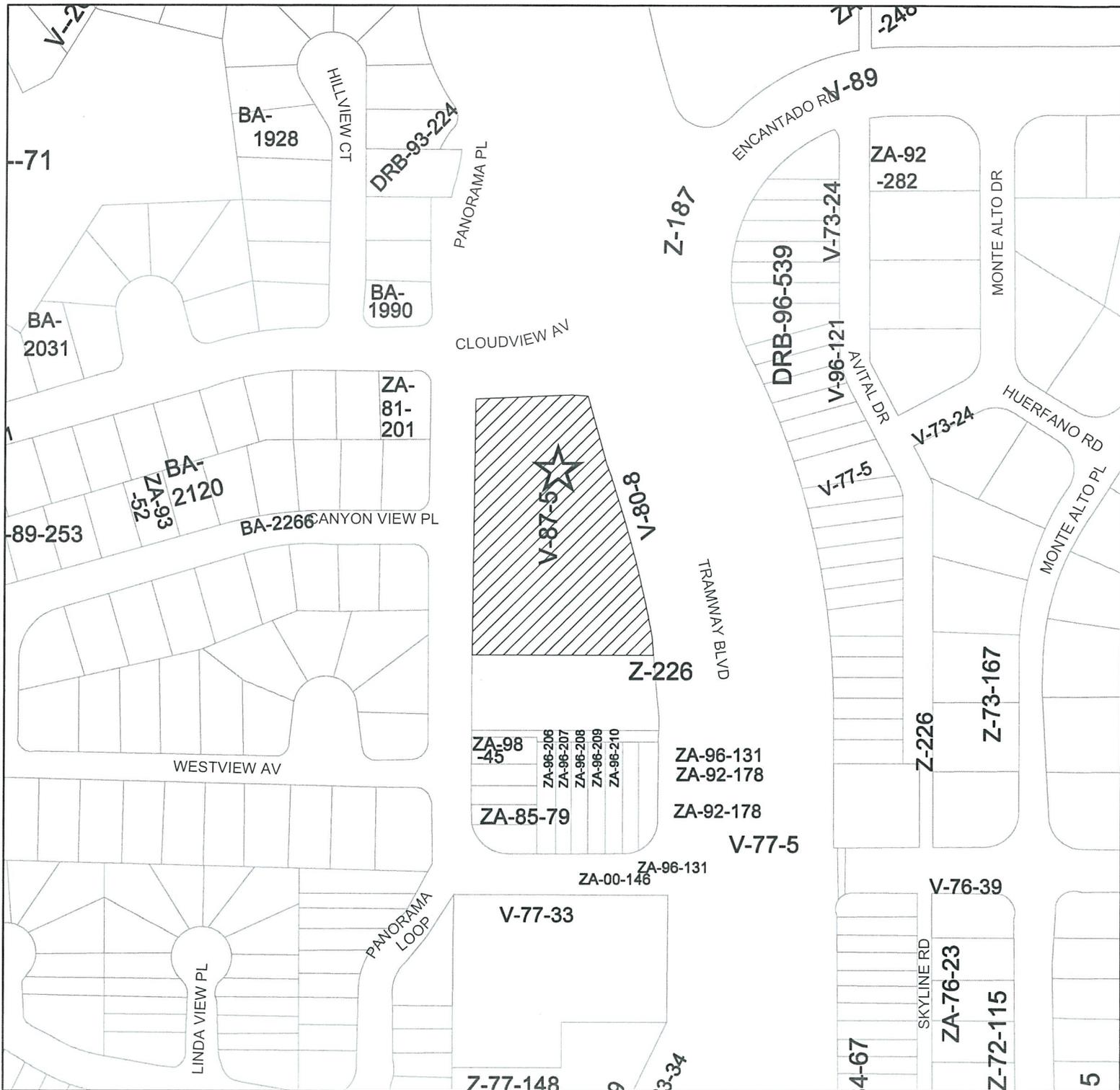
KEY to Land Use Abbreviations

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



1 inch = 200 feet

Project Number:
1010581
Hearing Date:
10-8-2015
Zone Map Page: K-23
Additional Case Numbers:
15EPC40045 & 40046



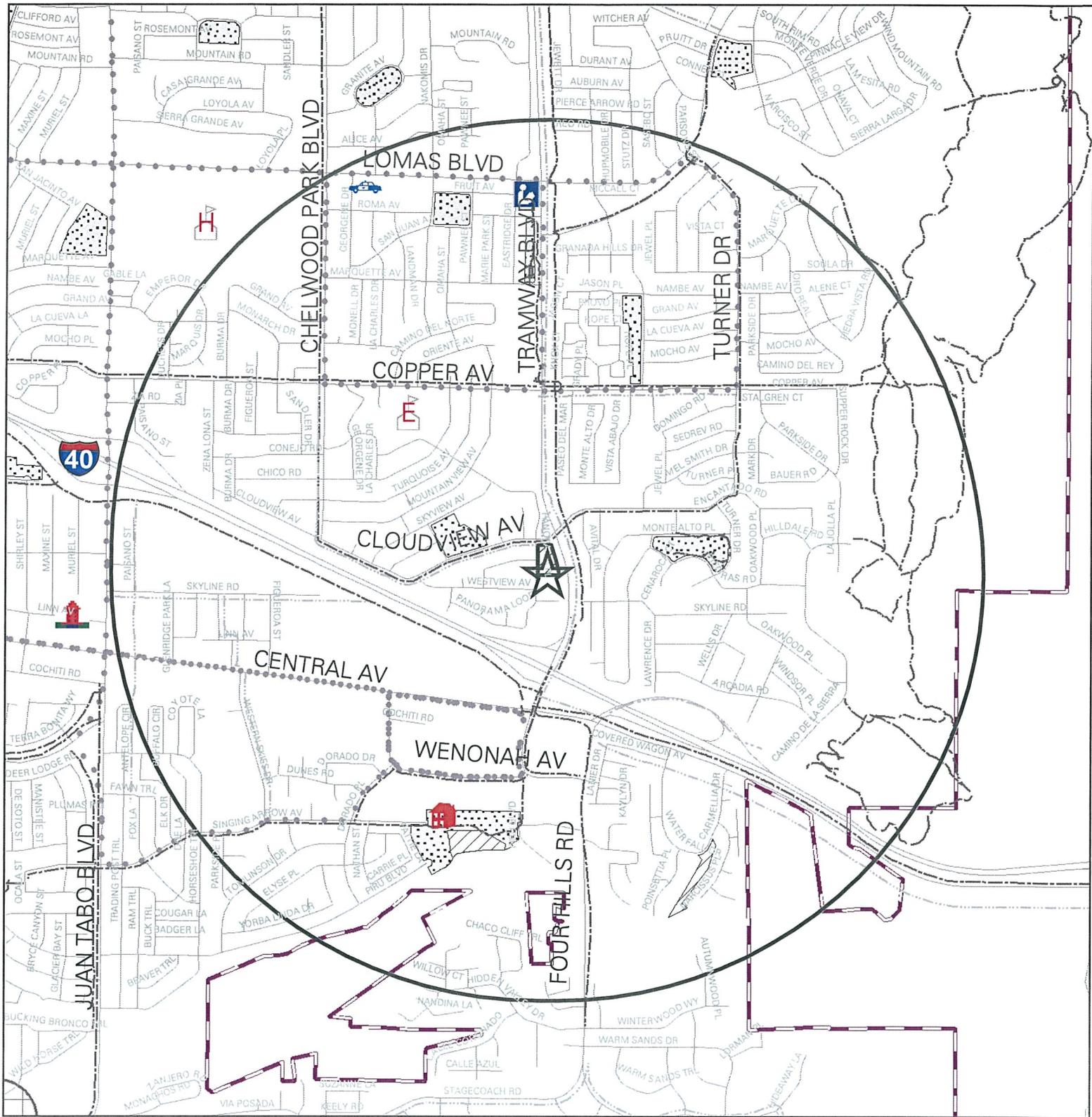
HISTORY MAP

Note: Grey shading indicates County.



1 inch = 200 feet

Project Number:
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Public Facilities Map with One-Mile Buffer

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

Project Number: 1010581

0 0.5 1 Miles

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	C-1	Established Urban	Neighborhood shopping center
<i>North</i>	R-1, not zoned	Established Urban	Right-of-Way, Single-family homes
<i>South</i>	R-2	Established Urban	Multi-family homes
<i>East</i>	SU-1/R-T, C-1	Established Urban Sandia Foothills Area Plan	Single-family homes
<i>West</i>	R-1	Established Urban	Single-family homes

II. INTRODUCTION

Proposal

This proposal is for a zone map amendment (zone change) for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre site located on Tramway Blvd., between Cloudview Ave. NE/Encantado Rd. NE and Skyline Rd. NE (the “subject site”). The subject site contains an existing, neighborhood shopping center.

The applicant proposes to change the subject site’s zoning 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 in part of the shopping center. The tap room would occupy a space on the NW corner of the existing building, though the zone change would apply to the entire site. The applicant wants to sell beer for on-premise consumption and off-premise consumption (growlers). An as-built site development plan for building permit accompanies the zone change request.

EPC Role

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

Context

North of the existing shopping center is vacant land that appears to be right-of-way (ROW) or the southernmost portion of Tramway Linear Park. To the west are single-family homes. To the east, across Tramway Blvd., are also single-family homes, on relatively small lots. South of the subject site is another retail use, condos and then two complexes of multi-family dwellings.

The subject site is in the Established Urban Area of the Comprehensive Plan and not within the boundaries of any sector development plans, and is not in a designated Activity Center. Tramway Blvd. is a designated Express Corridor.

History

Records indicate that the subject site was part of a zone change in 1954, which included Block L of the Cenaroca Subdivision and certain lots in Blocks H, J and K, and was from Residential 1 to Commercial 1 (Z-187, see attachment). The subject site is Tract A-1 of Block L. The City Planning Commission deferred the matter at its December 1954 hearing in order to further discuss the matter of a north-south arterial highway (Tramway Blvd.). Therefore, the zone change was most likely approved via resolution in early 1955. The subject site was already zoned C-1 when the first Zoning Code was adopted in 1959.

In January 1987, the Development Review Board (DRB) approved vacation of three utility easements affecting the subject site (V-87-5/DRB-87-6, see attachment). Vacation of these easements made it possible for the existing shopping center, known as Canyon Plaza, to develop sometime in the late eighties. The as-built site development plan indicates that building permit data from November 1986 was obtained. Since the subject site was zoned for neighborhood commercial uses, it would have gone straight to building permit and would not have been considered before the EPC.

Transportation System

The Futures 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Tramway Blvd. is a Regional Principal Arterial. Cloudview Ave./Encantado Rd. are local streets.

Trails & Bikeways, Transit

There is a designated bike path along Tramway Blvd. NE, which extends south into Four Hills and connects with the bike path parallel to Interstate 40. This is a popular area for bicycle riding. Though there is no designated path, many cyclists ride along Route 66 as it heads east into the Canyon.

The subject site is not served by Transit. The closest transit service is along Central Ave., which is about 0.4 mile south and involved a pedestrian-unfriendly walk northward under Interstate 40. Route #66 and the Rapid Ride Green Line (Route #777) run along Central Ave. NE. Both offer weekday and weekend service.

Public Facilities/Community Services

There are five parks within a one mile radius of the subject site. There is also a library to the north and a community center to the south.

⇒ For specifics, please refer to the Public Facilities Map.

III. ZONING

Existing Zoning

The subject site is zoned C-1 Neighborhood Commercial (Zoning Code 14-16-2-16). The purpose of the C-1 zone is to provide “suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.” An example of neighborhood-serving C-1 uses is the existing shopping center on the subject site, which contains a laundry mat, a beauty salon, a pizza place, and a small restaurant.

Proposed Zoning

The applicant proposes the following zoning: “SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption.” This zoning descriptor would allow sales of beer and wine at the tap room (“on-premise”). The “off-premise” would allow sales of growlers. “C-1 Uses” would allow both permissive and conditional uses in the C-1 zone.

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 and is dependent upon it. This interdependence would ensure that the zoning is limited to only the specified uses and what is shown on the site development plan.

The subject site is approximately 2.1 acres and the zone change would apply to the entire site, not just the portion of the existing shopping center where the proposed tap room would be located. Therefore, should operations expand in the future, it would be possible to utilize another portion of the shopping center because the zoning would be in place for the whole site.

The proposed zoning references the C-1 zone (see above). Pursuant to Zoning Code §14-16-2-16 (B)(13)(d), outdoor seating for a restaurant use is allowed within 75 feet of a residential zone. However, the tap room use is not a restaurant. Therefore, a patio would not be allowed.

IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES

A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The goal of the Established and Developing 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:

The proposal would generally contribute to offering 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. Overall, the request generally furthers the Developing and Established Urban Area Goal.

Land Use Policies-Developing & Established Urban

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

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. Policy II.B.5a-full range of urban land uses, is generally furthered.

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 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. The proposal generally furthers Policy II.B.5i-employment and service uses/siting and effects.

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

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. Policy II.B.5k- land adjacent to arterial streets, is furthered.

C. Environmental Protection & Heritage Conservation

Noise Goal: to protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

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. The proposal furtheres the Noise Goal.

D. Community Resource Management

Economic Development Goal: to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

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. The Economic Development Goal is generally furthered.

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

The proposed taproom use would constitute development of a local business enterprise, so Policy II.D.6c- business development/recruitment, is generally furthered.

V. ZONE MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 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 land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, received September 21, 2015, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned C-1. The requested zoning is SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption. The reason for the request is to allow development of a tap room in an existing shopping center.

The applicant believes that the proposed sector development plan map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

Applicant (summarized): As demonstrated in Sections C and D of this request, the allowed uses and proposed amendment will not conflict with adopted, relevant Plans and policies and will not conflict with established policies of the City. It will also be demonstrated in Sections C and D that relevant policies of the Comprehensive are furthered, thus clearly facilitating realization

of that plan. As such, the proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City.

Staff: 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. Because SU-1 zoning is requested, the higher standard of "clearly facilitates" as found in Section 1.J, applies. It has been sufficiently addressed in the response to Section 1.C. Therefore, the response to Section 1.A is sufficient.

1B. "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 (summarized): The applicant will demonstrate that stability of land use will not be compromised by this minor change, and that it will be consistent with the adopted plans and policies of the Comprehensive Plan. The request will allow a desirable use in a neighborhood center and give the EPC authority over the site, which is in compliance with C-1 regulations. The amendment maintains stability of land use and zoning because the only change is the tap room use and any physical changes to the site would be governed by the EPC.

Staff: The applicant can adequately demonstrate that the proposed zone change is justified based on responses to Sections 1.C and 1.D, and that generally the proposed use would not adversely affect stability of land use or zoning in the area. Staff points out that the zoning would change for the entire site, not just the portion where the tap room would be located. Operations could expand at some point and the use would be permissive, so EPC review would not be required at that point. The response to Section 1.B is sufficient.

1C: "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."

Applicant (summarized): Applicant believes that the request clearly facilitates applicable policies of the Comprehensive Plan, as demonstrated in the response to each cited policy.

Relevant Citations: *Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5d, II.B.5e, II.B.5o, II.B.5p and II.C.6b. The Economic Development Goal could have been cited but wasn't.*

Non-applicable citations: *Land use policy II.B.5e.*

Staff finds the policy citations sufficient. The applicant shows that the applicable Comprehensive Plan policies support the request, and that the request clearly facilitates realization of such policies.

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 plan such as a sector development plan. Overall, Staff finds that the request does clearly facilitate realization of applicable Goals and policies in the Comprehensive Plan. The response to Section 1.C is sufficient.

1D. “The applicant must demonstrate that the existing zoning is in appropriate 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.”

Applicant (summarized): As articulated in Section C, the request will clearly facilitate the overarching Goal of the Established Urban area of the Comprehensive Plan and the policies cited. The proposed uses will be governed not only by the regulations of the C-1 zone, but by a site development plan approved by the EPC. For these reasons, the use will be more advantageous to the community and will clearly facilitate realization of the Comprehensive Plan.

Staff: The response refers to a different use category being more advantageous to the community (3) as articulated in applicable plans. Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, 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. The response to Section 1.D is sufficient.

1E. “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 (summarized): The request would make all C-1 uses permissive. Further safeguards are assured through the site development plan process. The following C-1 uses and their effect on the neighborhood are briefly discussed below [see discussion].

Staff: The applicant lists each use in the C-1 zone and explains how the proposed zone change would affect it. Staff finds this approach effective because all of the possible uses are discussed and made transparent, which is a good way of showing that they would not be harmful to adjacent property, the neighborhood or the community, and why. Often the “why” is left out, but this response includes it. The response to Section 1.E is sufficient.

1F. “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.”

Applicant (summarized): The proposed zone change requires no capital expenditures by the City to be developed.

Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.

1G. “The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”

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

Staff: Economic considerations 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. The response to Section 1.G is sufficient.

1H: “Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.”

Applicant: The location of the property on Tramway Blvd. is not used as justification for this request. The zone map amendment is supported by relevant policies in the Comprehensive plan, and the location on a major street is only a factor as it applies to those policies.

Staff: Staff agrees that 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. The response to Section 1.H is sufficient.

1I: “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.”

Applicant (summarized): Applicant believes that it’s arguable whether or not this request constitutes a spot zone as envisioned in this section. The current zoning is C-1 and the proposed zoning is SU-1 for C-1 uses, with exactly the same uses allowed under the current zoning with one addition. Applicant also believes that this letter has analyzed the relevant

Goals and policies in Section C and D to show that this request clearly facilitates realization of the Comprehensive Plan.

Staff: Staff points out that the SU-1 zone is a spot zone by definition because it is tied to a unique site development plan for a single site, regardless of how similar the uses are between the existing straight zone (C-1) and the proposed SU-1 zone. However, the applicant has met the test in Section 1.I because, based on the discussion in Section 1.C and Section 1.D, the request has been shown to clearly facilitate applicable Goals and policies in the Comprehensive Plan. The response to Section 1.I is sufficient.

1J: “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.”

Applicant (summarized): Applicant believes that the arguments noted in Section F are applicable for this section as well and that this map amendment will facilitate realization of the Comprehensive Plan.

Staff: Staff finds that the arguments in Section 1.F are not relevant to the response to Section 1.J. In this case, 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 would be justifiable. The response to Section 1.J is sufficient.

Staff Conclusion

Staff finds that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1.C 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. For these reasons, Staff recommends approval of the zone map amendment (zone change) request.

VI. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- AS BUILT

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 (see attachment). This is standard procedure for existing “as built” on developed sites. Since an SU-1

zone is requested, Staff recommends clear documentation of what exists on the site so the site development plan won't have to be amended later.

Site Plan Layout / Configuration

The subject site fronts Tramway Blvd. and the tenant spaces of this existing shopping center also front Tramway Blvd., except for the space on the northern end of the shopping center. The tap room is proposed to occupy this space and would face Cloudview Ave. NE.

Refuse Enclosure: The dumpster is located behind the shopping center, on the western side of the subject site.

Outdoor Space

An outdoor gathering space of 810 sf, to be covered by a canopy, is proposed. It would provide outdoor seating for tap room patrons. However, the outdoor gathering space is not allowed pursuant to Zoning Code §14-16-2-16, the C-1 zone.

Zoning Staff point out that subsection (B)(13)(d) allows outdoor restaurant seating within 75 feet of a residential zone. However, the activity described in the project letter is not a restaurant and, therefore, the patio would not be allowed for this use (a bar), in this zone.

Vehicular Access, Circulation & Parking

Access & Circulation: There is no vehicular access from Tramway Blvd., which is a limited access arterial. There are three entrances to the subject site: one on Cloudview Ave. NE (northern side of the subject site) and two on Panorama Pl. NE (western side of the subject site). Vehicles can circulate around the shopping center. Parking is available on all sides of the shopping center except the southern side.

Parking: Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. Pursuant to Zoning Code §14-16-3-1, Off Street Parking Regulations, parking is calculated at the rate of one space for every 200 sf of retail use for the first 15,000 sf and then one space for every 250 sf for the next 45,000 sf. Based on 18,313 sf, 88 parking spaces are required.

Parking for a restaurant/bar, without a full-service liquor license, is one space for each four seats. The proposed tap room would have 37 seats. $37/4=9$ spaces, and $88 + 9= 97$ spaces required. Staff counts 100 parking spaces on the subject site. The proposed outdoor area associated with the tap room would take up 3 spaces, leaving a total of 97 spaces.

TIS: A Traffic Impact Study (TIS) was not required.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian and bicycle access is possible from the three entrances as described above. on Tract 3, just south of the subject site. There is sidewalk along Tramway Blvd. NE, but no pathway

from the sidewalk to the subject site. Pedestrians can walk across the landscaping to access the shopping center.

Walls/Fences

There is no wall or fence around the existing shopping center. A new, 8 foot CMU wall is proposed in conjunction with the outdoor gathering space, on the western side. However, the outdoor gathering space is not allowed.

Lighting

Light poles exist on the subject site. No new lighting is proposed.

Landscaping

Most of the subject site's landscaping is part of the buffer on the site's eastern side, facing Tramway Blvd. NE. Street trees and turf are included. Other landscaping buffers are round on the site's northern and western sides. Some landscape islands are located at the front of the buildings.

The project letter mentions proposed improvements to the subject site's landscaping. However, none are indicated or discussed on the site plan. Existing landscape is to remain. A legend is needed.

Zoning Code §14-16-3-10(E)(1), the landscaping regulations, require total landscape area not less than 15% net lot area. The landscaping calculations provided show that this general requirement is met, when the shopping center was originally approved in the 1980s.

Zoning Code §14-16-3-10(E)(4) requires buffer landscaping between non-residential and residential uses. However, this subsection applies when "a non-residential zone is developed after April 2, 1990 for a non-residential purpose" and it abuts a residential zone. Since the subject site was developed before then, (E)(4) doesn't apply.

Grading & Drainage Plan

The Grading & Drainage plan shows that water flows generally from east to west. A channel exists on the southwestern part of the subject site, which is the lowest elevation at 5,705 feet.

The revised drainage ordinance, which requires on-site collection of some run-off water, became effective on May 12, 2014. If determined necessary by the City Hydrologist, the grading and drainage plan may have to be updated.

Utility Plans

It appears that there is an easement located near the middle of the subject site, running west to east. Clarification of any easements is needed.

Architecture & Design

The existing shopping center is 17 feet tall, with various tenant spaces, and finished in light tan and medium tan stucco. A covered walkway runs along the main facades, which face east. No changes are proposed to existing building architecture.

Signage

An existing pylon sign and monument sign are located on the subject site's eastern side, facing Tramway Blvd. and near Cloudview Ave. NE. Signage details are needed on the elevations sheet.

Building-mounted signage exists for each tenant space and needs to be included on the elevations. If the tap room desires building mounted signage, it also needs to be shown.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 08/31/2015 to 09/11/2015. Zoning Staff points out that the C-1 zone, Zone Code 14-16-2-16 (B)(13)(d) would allow outdoor restaurant seating within 75 feet of a residential zone. However, the activity described in the project letter is not a restaurant and, therefore, the patio would not be allowed.

Transportation Staff note that the site will have to be revised to meet current ADA requirements at the DRB. Hydrology Staff have no comments at this time, but if landscaping or parking changes, a comprehensive plan review will be needed.

Fire Department Staff need more information, such as hydrant locations, street dimensions, construction type and square footage, and remind the applicant that all site development plans shall be submitted to the Fire Marshal's Office Plans Checking Division prior to submitting for building permit. Agency comments begin on p. 21 of this report.

Neighborhood/Public

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 (see attachments).

A facilitated meeting was offered, but declined (see attachment). The agent had already contacted the NA president, who was not sure if her constituency would want a meeting. 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 written comments regarding the project.

VIII. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately, 2.1 acre developed site located on the east side of Tramway Blvd., between Cloudview Ave. NE/Encantado Rd. NE and Skyline Rd. NE (the "subject site").

The applicant proposes to change the subject site's zoning 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. An as-built site development plan for the existing shopping center accompanies the zone change request. Minor changes to the site are proposed, such as some new landscape and curbing.

The subject site is in the Established Urban Area of the Comprehensive Plan. The request is adequately justified pursuant to R270-1980 and, overall, can be shown to clearly facilitate applicable Goals and policies of the Comprehensive Plan.

The affected neighborhood organizations are the Supper Rock NA and the District 4 Coalition, which were notified. Staff has not received any inquiries or comments as of this writing. Staff recommends approval.

FINDINGS - 15EPC-40045, October 8, 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 Ave. NE/Encantado Rd. NE and Skyline Rd. 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 result in a new City park in part of the Established Urban area that is already characterized by land use variety along a major arterial (Wyoming Blvd. NE). The proposal would contribute toward greater variety, maximum choice in life styles and a visually pleasing built environment because the park would be inclusive of people with physical and mental impairments and would create relief from the built environment.
 - 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 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.
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, October 8, 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, October 8, 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, October 8, 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 Blvd., between Cloudview Ave. NE/Encantado Rd. 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 result in a new City park in part of the Established Urban area that is already characterized by land use variety along a major arterial (Wyoming Blvd. NE). The proposal would contribute toward greater variety, maximum choice in life styles and a visually pleasing built environment because the park would be inclusive of people with physical and mental impairments and would create relief from the built environment.

- 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, October 8, 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, October 8, 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

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Zoning Code §14-16-2-16, the C-1 zone, in (B)(13)(d) would allow outdoor restaurant seating within 75 feet of a residential zone. However, the activity described in the project letter is not a restaurant and, therefore, the patio would not be allowed for this use.

Office of Neighborhood Coordination

Supper Rock NA (R), East Gateway Coalition
9/2/15 – Recommended for Facilitation – siw
9/10/15 – Assigned to Diane Grover - trh

Long Range Planning

CITY ENGINEER

Transportation Development

The site will have to be revised to meet current ADA requirements at D.R.B.

Hydrology Development

Project number 1010581, no comments at this time; submit plans to hydrology if landscaping or parking is changed (following the criteria listed below) for a comprehensive plan review.

GENERAL HYDROLOGY CRITERIA:

- Beyond 10' of a structure, all landscape beds shall be depressed below grade. Within 10' runoff shall be directed away from the structure.
- All new development projects shall manage the runoff from precipitation which occurs during the 90th Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90th Percentile storm event is 0.44 inches. For Land Treatment D the initial abstraction is 0.1", therefore the first flush volume should be based on 0.44"-0.1"=0.34" and only consider the impervious areas.
 1. State how the first flush will be managed and supporting calculations
 2. State the area of Land Treatment D on the plan
- The applicant may request a pre-design meeting with the Hydrology Section. First submit a Conceptual Grading and Drainage plan, and indicate on the DTIS sheet (**in large bold letters at the top**) that a pre-design conference is requested (DTIS sheet is the information sheet required for all Hydrology and Transportation submittals). The reviewer will contact the applicant to set up a meeting.
 1. The engineer should research the Master Drainage Plan and/or adjacent sites essentially practice due diligence prior to meeting. Conceptual Grading and Drainage plans should reference the master drainage plan or other sources that

indicate the intended drainage for that area. **The applicant should provide excerpts from the supporting documents and/or grading plans.**

2. Final Drainage Reports should have an appendix with all supporting documentation.
 - When determining allowable discharge from a site
 1. If a Master Drainage Report planned an allowable discharge for a site, determine if the basis for that discharge is still valid or if conditions have since changed.
 2. If discharging to the street, determine if the street has capacity; also determine if the storm drain has capacity.
 3. If discharging to the back of inlets, determine if doing so will still provide capacity for the discharge from the street
 4. When determining inlet capacity using the orifice equation, the area for a single grate should be 3.84 sq. ft.

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

RECOMMENDED CONDITIONS FROM CITY ENGINEER, DMD and NMDOT:

The site will have to be revised to meet current ADA requirements at D.R.B.

WATER UTILITY AUTHORITY

Utility Services- forthcoming

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

OSD has reviewed and has no adverse comments.

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Do not hinder existing refuse collection site

FIRE DEPARTMENT/Planning

This project was reviewed and more information is needed. Hydrant locations shall be provided and street dimensions shall be provided. Construction Type and Square Footage shall also be provided. All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal’s Office Plans Checking Division for an official review and approval prior to submitting for building permit. This shall be a deferred submittal.

TRANSIT DEPARTMENT

Project # 1010581 15EPC-40045 AMENDEMENT TO ZONE MAP (ESTABLISH ZONING/ ZONE CHANGE) 15EPC-40046 SITE DEVELOPMENT – BUILDING PERMIT FOR ALL OR PORTION OF LOT A-1, BLOCK L, CENAROCA SUBDIVISION, ZONED C-1, LOCATED ON 417 TRAMWAY BLVD NE CONTAINING APPROXIMATELY 2.0484 ACRES(S). (K-23)	Adjacent and nearby routes	None
	Adjacent bus stops	None
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY- No comments received

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

Project #1010581 15EPC-40045 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG) 15EPC-40046 SITE DEVELOPMENT-BUILDG PRMT	Cenaroca Subdivision , Lot A-1, Block L, is located on 417 Tramway Blvd NE. The owner of the above property requests a Zone Change for an existing shopping center from current zone C-1 to SU-1 for C-1 uses to include the retail sale of beer and wine for on and off premises consumption, and to allow the site to establish a tap room with a small brewer’s license in an existing space. This will have no adverse impacts to the APS district.
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MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107
Phone: (505) 241-3425



Figure 1: Looking S at the subject site from Panorama Rd. The tap room would occupy the space where the quilting store was.

Figure 2: Looking E, at the north-western side of the subject site, from the south.



Figure 3: Looking E, at the back of the shopping center.



Figure 4: Looking NW, from the subject site, at the main façade, which faces Tramway Blvd.



Figure 5: Looking SE, at the intersection of Encantado/ Cloudview and Tramway Blvd.



Figure 6: Looking N, from Tramway Blvd., at the existing landscaping.

HISTORY

OFFICIAL NOTICE

CITY OF ALBUQUERQUE
MUNICIPAL DEVELOPMENT DEPARTMENT
PLANNING DIVISION
P.O. BOX 1293, ALBUQUERQUE, NEW MEXICO 87103

Jim Harrington
201 West Springfield
Champaign, IL 61820

- 18. V-87-5 Southwest Surveying Company, agents for Tim
 DRB-87-6 Harrington, request Vacation of certain utility
 (NE) easements on Tract A, Block L, Cenaroca
 Subdivision, zoned C-1 (City) and located south of
 Cloudview Ave NE between Tramway Blvd NE and
 Panorama Pl NE. (K-23)

At the January 6, 1987, the Development Review Board meeting, the Vacation of the utility easement was approved with the following findings and conditions.

FINDINGS AND CONDITIONS:

- 1. The public welfare is in no way served by retaining the easements.
- 2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.
- 3. A replat showing the vacated easements shall be filed within one year.

If you wish to appeal this decision, you must do so by January 21, 1987, in the manner described below. A nonrefundable fee of \$40 is required at the time the appeal is filed.

Appeal to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form to the Planning Division within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Claire Koopman

Claire Koopman
Board Secretary
cc: S.W. Surveying Co., 333 Lomas NE, 87102

RESOLUTION

Resolved that the following proposed amendment to the Comprehensive Zoning Ordinance, proposed by J. A. Turner

to-wit: Change Block "L"; Lots 1 and 2 in Blk "H"; Lot 1 in Blk "J"; Lot 1 in Blk "K" of the proposed plat of the Cenaroca Addn from Res. 1 to Com'l 1 Zone

be and it hereby is approved ~~with modifications to read as follows:~~

The City Commission on Dec. 14, 1954 deferred action on this request until the matter of a North-South arteriial highway was settled by the Planning Commission and a recommendation made to the City Commission.

11-22-54

Date

The foregoing Resolution was adopted at a regular meeting of the City Planning Commission of the City of Albuquerque, New Mexico, held at 7:45 P M. on Nov. 22, 1954, by a vote of 5 to 0, and constitutes the written determination required by Section 25 of the Comprehensive Zoning Ordinance of the City of Albuquerque, New Mexico.

The ordinance provides that an appeal may be taken to the City Commission within ten (10) days from the date of this written determination.

CITY PLANNING COMMISSION

Copy of the foregoing was mailed to the proponent of the proposed amendment this 15 day of December, 1954.

Helen R. Brown
Secretary

ZONING

For specifics of the SU-1 zone and the C-1 zone,
please refer to the Zoning Code.

APPLICATION INFORMATION



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision for Building Permit
- Administrative Amendment (AA)
- Administrative Approval (DRT, URT, etc.)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- V Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- P Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- D Street Name Change (Local & Collector)
- L A **APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): DOUG CRANDALL, DAC ZONING & LANDUSE SERVICES PHONE: 505-9021
 ADDRESS: 1521 EDITH BLVD NE FAX: 505-247-4530
 CITY: ALBUQUERQUE STATE NM ZIP 87102-1611 E-MAIL: DACINC2001@aol.com
 APPLICANT: LONGS PEAKS LLC dba KLEINFELD COMMERCIAL BROKERAGE PHONE: _____
 ADDRESS: P.O. BOX 37438 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87176 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: MAP AMENDMENT TO SU-1 FOR C-1 USES TO INCLUDE THE RETAIL SALE OF BEER & WINE FOR ON & OFF PREMISES CONSUMPTION; AND SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

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

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

Lot or Tract No. TR A-1 Block: L Unit: _____
 Subdiv/Addn/TBKA: CENAROCA SUBDIVISION
 Existing Zoning: C-1 Proposed zoning: SU-1 for C-1 USES MRGCD Map No _____
 Zone Atlas page(s): K-23 UPC Code: 102305701105030112

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 2.0484
89,225.97 ft.
 LOCATION OF PROPERTY BY STREETS: On or Near: 417 TRAMWAY BLVD NE
 Between: PANORAMA PL NE and TRAMWAY BLVD NE
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team (PRT) Review Date: 5/28/15

SIGNATURE Doug Crandall, DAC INC DATE 08/24/15
 (Print Name) DOUG CRANDALL, DAC INC. Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>15 EPC 40045</u>	<u>Azm</u>	_____	<u>\$ 350.00</u>
<input type="checkbox"/> All fees have been collected	<u>40046</u>	<u>SBP</u>	_____	<u>\$ 385.00</u>
<input type="checkbox"/> All case #s are assigned	_____	<u>CMF</u>	_____	<u>\$ 50.00</u>
<input type="checkbox"/> AGIS copy has been sent	_____	<u>ADV</u>	_____	<u>\$ 75.00</u>
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	_____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	_____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	_____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	_____
	Hearing date <u>October 8, 2015</u>			Total <u>\$ 860.00</u>
	<u>8-25-15</u>	Project # <u>1010581</u>		<u>259.20</u>

Staff signature & Date

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.

DOUG CRANDALL, DAC ZONING & LAND USE SERVICES

Applicant name (print)

Doug Crandall

08/24/15
Applicant signature & Date



Revised: June 2011

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

Application case numbers
15EPC - 40045

[Signature] 8-25-15
Staff signature & Date
Project # 1010581

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.

DOUG CRANDALL, DAC ZONING & LAND USE
 Applicant name (print)
Doug Crandall 08/28/15
 Applicant signature / date



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
15-EPC-40046

Form revised November 2010
[Signature] 8-25-15
 Planner signature / date
 Project #: 1010581

Kleinfeld

August 24, 2015

Mr. Peter Nicholls, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, NM

**Re: Zone Map Amendment - Tract A-1, Block L,
Cenaroca Addition**

Dear Chairman Nicholls:

This letter certifies that the undersigned owner and property manager of the above referenced property authorize DAC Enterprises, Inc. to act on our behalf in seeking a zone map amendment and site development plan approval for the property.

If you have any questions, please feel free to contact me.

Sincerely,

Benjamin L. Blaugrund

Longs Peak, LLC
Benjamin Blaugrund, Managing Member


Kleinfeld Commercial Brokerage, LLC
David Kleinfeld

C O M M E R C I A L B R O K E R A G E , L L C

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: DAC ZONING & LAND USE DATE OF REQUEST: 8/19/15 ZONE ATLAS PAGE(S): K-23

CURRENT:

ZONING C-1
PARCEL SIZE (AC/SQ. FT.) 2.05 ac

LEGAL DESCRIPTION:

LOT OR TRACT # TRA BLOCK # L
SUBDIVISION NAME CENARUCA SUBD

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE [X]: From C-1 To SU-1/C-1
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

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

*includes platting actions

PROPOSED DEVELOPMENT:

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

GENERAL DESCRIPTION OF ACTION:

OF UNITS:
BUILDING SIZE: 24,700 (sq. ft.)

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

APPLICANT OR REPRESENTATIVE Robert P. Pardo, DAC Inc. DATE 8/19/2015
AGENT
(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 [X] BORDERLINE []

THRESHOLDS MET? YES [] NO [X] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []

Notes:

Restaurant changing use to sell liquor

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

8-20-15
DATE

Required TIS **must be completed prior to applying to the EPC and/or the DRB.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / / TRAFFIC ENGINEER _____ DATE _____
-FINALIZED / /

Revised January 20, 2011

August 24, 2015

Peter Nicholls, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, New Mexico

**Re: Zone Map Amendment and Site Development Plan - Tract A1, Block L,
Cenaroca Addition (Zone Atlas K-22-Z)**

Dear Chair and Commissioners:

This is a request for a zone map amendment and site development plan approval for an existing shopping center located at 417 Tramway NE on the southeast corner of Tramway and Cloudview NE. The property is currently zoned C-1. DAC Enterprises, Inc. has been hired as agent for applicant and is requesting the property be zoned to SU-1 for C-1 uses to include the retail sale of beer and wine for on and off premises consumption. Approval of this request will allow the site to establish a tap room with a small brewer's license in an existing space within the center.

Summary of Request & Zone Change Justification

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

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

This is one of the few neighborhood shopping centers located on Tramway between Central Avenue and Montgomery Boulevard. Current tenants are of the standard C-1 variety, i.e., dry cleaners, nail salon, take-out pizza, insurance office, etc.

There are no dine in restaurants on the site and applicant has a prospective tenant who would like to open a tap room. A tap room is a new type of restaurant that is

gaining popularity in Albuquerque and elsewhere. It would target residents in the adjoining neighborhood to the west as well as those living on the east side of Tramway who would like to gather for a craft beer and some light food, or take home a growler.

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

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

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

Resolution 270-1980

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

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

It will also be demonstrated in Sections C & D, that relevant policies of the *Comprehensive Plan* are furthered by this request, thus clearly facilitating realization of that plan.

As such, applicant believes that this proposed zone map amendment is consistent with the health, safety, morals and general welfare of the city of Albuquerque.

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

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

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

C. A proposed zone change shall not be in significant conflict with the adopted elements of the *Comprehensive Plan* or other City master plans and amendments. (Applicant note: This is a request for an SU-1 zone that will create a spot zone that does not meet the criteria of J. (2) of Resolution 270-1980. In this Section and Section D., applicant will demonstrate that not only will there be no significant conflict with

relevant policies, but the request will actually further and facilitate the relevant goals and policies of the *Comprehensive Plan*.) The site is located in the Established Urban Area of the *Comprehensive Plan*. The Goal of this area is “to create a quality urban development which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles while creating a visually pleasing built environment.” This request continues to allow for a variety of commercial and residential uses while adding a single new use. It will provide a new use specifically targeted to the neighboring area. All uses, both current and proposed will be regulated by a site development plan. This new use will be neighborhood oriented and offer a new lifestyle amenity designed to for nearby residents of the neighborhood. The existing shopping plaza will also be upgraded to provide a more visually pleasing site, including a gathering area. As such, the overarching goal of the Established and Developing Areas of the *Comprehensive Plan* does not conflict with this request. Moreover, this request will further the goal and serve to clearly facilitate realization of the *Plan*.

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

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

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

Approval of this zone map amendment will allow a new type of restaurant to the allowed uses in the C-1 zone. The request is not for

new development. It is a neighborhood oriented zone and applicant has met with members of the Supper Rock Neighborhood Association, as well as speaking on the telephone with the Past President of the District Coalition. Neither expressed any opposition. The site is located off of Tramway Boulevard, a limited access thoroughfare that will not be affected by this request. The site is presented 'as built' with upgrades to landscaping and motorcycle parking, as well as an outdoor gathering area. Applicant understands that the EPC may make other changes as may be necessary to facilitate approval of this zone map amendment request. Because there will be no new construction, except for the gathering area, this request does not conflict with Policy d. The new use will further this Policy by providing the gathering area and a new use which will bring neighborhoods together in a casual social setting. It will also respect the carrying capacities by creating a neighborhood use that can be easily accessed by pedestrians or cyclists. For these reasons, approval will further this policy and facilitate realization of the *Comprehensive Plan*.

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

This is not vacant land, but the center is served by existing city facilities. The center is located off Tramway Boulevard, the major easternmost controlled access corridor in Albuquerque. The nearest bus route is on Copper, approximately three blocks north of this site. The center is also within reasonable walking distance of a large neighborhood to the west of the property. The uses allowed on the site will remain neighborhood in nature and the site plan itself, including the process for amendment, will ensure the integrity of the existing neighborhoods. As such, this request does not conflict with Policy e. Further, if approved, any subsequent amendments to the physical site itself must be approved with public notice which will assure that any such approval will clearly facilitate realization of the *Comprehensive Plan*.

Policy II.B.5.o states: *“Redevelopment and rehabilitation of older*

neighborhoods in the Established Urban Area shall be continued and strengthened.”

There will be limited redevelopment of the site at this time as a result of this request except for the tenant improvement and the addition of an outdoor seating area. This is an older Northeast Heights neighborhood and the site development plan requirement will assure any future redevelopment will enhance this older neighborhood shopping center. Because the site will be governed by a site development plan if this request is approved, the request will not conflict with Policy o. In addition, any physical redevelopment will be governed by the Site Development Plan approval process, thus furthering this Policy and clearly facilitating realization of the *Comprehensive Plan*.

The goal of Policy II.B.5.p is to assure that “[c]ost effective redevelopment techniques shall be developed and utilized.” Further, Technique 2 of this Policy “[*emphasizes*] private investment as a primary means to achieve redevelopment objectives.” This is a totally private investment funded entirely by the owner of the shopping center and the tenant. As such, this zone map amendment does not conflict with Policy p and clearly furthers and facilitates this policy of the *Comprehensive Plan*.

Policy II.C.6.b: *Development of local business enterprises, as well as recruitment of outside firms shall be emphasized.* Applicant is seeking a local business wishing to expand into this area. Tap rooms are opening in many parts of the Albuquerque metropolitan area and this will be the first in this area. Neither a local business enterprise, nor an outside firm can be recruited to operate on this site without a zone map amendment. This zone map amendment will not conflict with this policy and will clearly facilitate this Policy of the *Comprehensive Plan*.

D. The applicant must demonstrate that the existing zoning is inappropriate because: 1) there was an error when the existing zone map patten was created, or 2) Changed neighborhood or community conditions justify the change or, 3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan and other City master plans, even though 1 and 2 above do not apply. This property is located in the Developing &

Established Urban Area of the *Comprehensive Plan*. Based upon the three criteria, applicant offers the following:

- 1.) Applicant makes no argument that there is an error regarding the existing map pattern.
- 2.) There are no significant changed neighborhood conditions to justify this request and applicant makes no such argument.
- 3.) As articulated in Section C., this request will clearly facilitate the overarching Goal of the Established Urban area of the *Comprehensive Plan*, as well as the following policies: II.B.5 a, B.5.d, B.5.e, B.5.o, B.5 p, and C 6.b. Taken together, this request further relevant policies regarding private development; allowing a full range of uses serving an older area; upgrading and reutilizing a site with access to public and private transportation, and respecting neighborhood values by adding a desirable new use. In addition, all proposed uses are governed by not only the regulation of the C-1 zone, but also by a Site Development Plan approved by the EPC. For these reasons and the policies cited in Section C., applicant believes that it has been demonstrated that this use will be more advantageous to the community and thus clearly facilitating realization of the *Comprehensive Plan*.

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

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

1. “*Antenna, over 65 feet in height.*” This use, if requested, would require site development plan approval as an Administrative Amendment or full scale EPC hearing.

2. *“Apartment, as permitted [as a permissive use] above, if there are more than 30 dwelling units per acre but not more than 50 dwelling units per acre.”* This paragraph further states that *“[c]onditional use applications shall be considered on the basis of a site plan.”* This is the purview of the EPC in an SU-1 zone already, and the likelihood of demolishing the entire development to build high density apartments is remote at best.
3. *“Auto, trailer, and truck rental, storage and service...”* This section requires several specific site based requirements as conditions for application for a conditional use. These same requirements would be part of any application for a site plan amendment heard before the EPC.
4. *“Bicycle and motorized (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from an residential zone.”* No portion of the site is anywhere near within 50’ of a residential zone and this use is also site plan controlled.
5. *“Community Residential Program, except not either Community Residential [CRP] corrections program or Community residential program for substance abusers: up to 18 client residents provided the standards [for community residential programs as found in the Zoning Code] are met.”* Again, very unlikely that a commercial building would be re-purposed to become a CRP. Further, such a use is regulated both by the CRP regulations and an approved site plan.
6. *“Drive-up service window...”* with standards for distance and for the order board and required approval by the Traffic Engineer. Also site plan controlled.
7. *[Other] dwelling units...* with specific pre-conditions and site plan review required.
8. *“Fireworks sales, provided the use is limited to 45 days in one calendar year.”* Site plan driven.
9. *“Games within a completely enclosed building, operated for profit, and not permissive in [the C-1] zone.”* This use would be self-regulated by the landlord. There is no market for this type of use and there has been no application for this use in years, if not decades.
10. *“Kennel.”* Pre-conditions require all activities must take place indoors at least 30 feet from a residential zone and that ambient noise regulations are met. This is not a desirable location for a kennel and most kennels require an outside run which is not allowed.
11. *“One mobile home for a watchman or caretaker...”* with provisions for placement at least 100’ from a residential zone. This type of use is not associated with retail shopping centers and is site plan controlled.
12. *“Motuary.”* Site is a great distance from a residential zone and there is nothing inherently injurious to this necessary service.

13. "*Outdoor storage or activity...*" with specific pre-conditions regarding potentially inappropriate uses and distance from a residential zone. It also only allows such storage or activity only in conjunction with allowed C-1 uses. Site plan approval is also required.
14. "*Park-and-ride joint use facilities...*" if it does not create a shortage of required parking. Requires site plan approval and this center would be a highly unlikely location for this use.
15. "*Photo direct off-set printing, perforating, script, cutting, and other light duty printing services...*" An antiquated use with pre-conditions limiting staffing and vehicles as well as noise or vibration. Such pre-conditions would require, at the very least, Administrative Amendment approval.
16. "*Public utility structure which is not permissive.*" Must be approved by amending the site plan.
17. "*Recycling bin as an accessory use on the site...*" in accordance with recycling requirements of the *Zoning Code*. A generally desirable use, highly regulated with site plan approval required.
18. "*Restaurant serving liquor, provided that the restaurant is located in a shopping center site.*" This property is not designated as a shopping center site.
19. "*Retail sales of gasoline, oil, liquified petroleum, including outside sales where there are more than eight vehicle fueling positions, or four two-sided fuel dispenser units.*" This would require a complete revision of the site plan at a public hearing in order to be approved.
20. "*Schools, other than public.*" This is benign use located a substantial distance from a residential zone. If there is any associated outdoor activity, then site plan approval is required.
21. "*Uses or activities in a tent [with several pre-conditions.]*" This must be approved through the site development plan process.
22. "*Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is located...*" This use is regulated by the Wireless Telecommunications requirements and site plan driven.

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

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

on any special schedule. This proposed zone change requires no capital expenditures by the City to be developed.

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

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

H. Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning. The location of this property on Tramway Boulevard is not used as justification for this request. Applicant believes that the justification for this zone map amendment is supported by relevant policies of the *Comprehensive Plan* that the location of the site on a major street is only a factor as it applies to those policies.

I. A zone change request which would give a zone different from surrounding zones to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when; (1) the change will clearly facilitate realization of the Comprehensive

Plan and any adopted sector development plan or area plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone." Applicant believes that it is arguable whether this request constitutes a spot zone as envisioned in this section. The current zoning is C-1 and the proposed zoning is SU-1 for C-1 uses, which exactly the same uses allowed under the current zoning with one addition. The only property abutting this site is zoned C-1 and all other property lines abut streets.

However, applicant believes that this letter has analyzed and addressed the relevant goals and policies in Section C. & D. to show that this request clearly facilitates the realization of the *Comprehensive Plan*.

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly

facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, and

(2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby. Applicant believes that the arguments noted in Section F. above are applicable for this section as well and that this map amendment will facilitate the realization of the *Comprehensive Plan*.

Conclusions

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

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

Regards,



Doug Crandall

Principal, DAC Enterprises, Inc.

NOTIFICATION &
NEIGHBORHOOD INFORMATION



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

August 17, 2015

Robert Romero
DAC Zoning & Land Use Services
1521 Edith Blvd. NE/87102-1611
Phone: 505-842-0484/ Fax: 505-247-4530

Dear Robert:

Thank you for your inquiry of August 17, 2015 requesting the names of ALL Neighborhood and/or Homeowners Associations who would be affected under the provisions of O-92 by your proposed project at (EPC SUBMITTAL) TRA A-1 & B, BLK L, CENAROCA ADDN' LOCATED ON 417 TRAMWAY BLVD. NE BETWEEN PANORAMA PL. NE AND TRAMWAY BLVD. NE zone map K-23.

Our records indicate that the ALL Neighborhood and/or Homeowners Associations affected by this proposal 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.

Please note that according to O-92 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. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3906 or via an e-mail message at dllcarmona@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Dalaina Carmona

Senior Administrative Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

PLEASE NOTE: The Neighborhood Association 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. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

ATTACHMENT "A"

August 17, 2015

Robert Romero
DAC Zoning & Land Use Services
1521 Edith Blvd. NE/87102-1611
Phone: 505-842-0484/ Fax: 505-247-4530

SUPPER ROCK N.A. (SPR) "R"

***Kathleen Schindler-Wright**

407 Monte Largo Dr. NE/87123 275-2710 (h)

Ken O'Keefe

600 Vista Abajo Dr. NE/87123 296-9075 (h)

EAST GATEWAY COALITION

***Roger Hartman**, 1308 Wagon Train Dr. SE/87123 296-7924 (h)

Roger Mickelson, 1432 Catron Ave. SE/87123 332-9273 (h)

August 24, 2015

CERTIFIED MAIL

SUPPER ROCK NEIGHBORHOOD ASSOCIATION

Kathleen Schindler-Wright
407 Monte Largo Dr., NE
Albuquerque, NM 87123

**Re: ZONE MAP AMENDMENT & SITE DEVELOPMENT PLAN – Tract A1, Block L,
Cenaroca Addition**

Dear Ms. Schindler-Wright:

DAC Zoning and Land Use Services has been authorized to represent a request for a zone map amendment and site development plan approval for an existing shopping center located at 417 Tramway NE, the southeast corner of Tramway and Cloudview NE. The property is currently zoned C-1. The request is for the property to be zoned SU-1 for C-1 uses to include the retail sale of beer and wine for on and off premises consumption. Approval of this request will allow the site to establish a tap room with a small brewer's license in an existing space within the shopping center. The tap room would allow patrons to gather for craft beer, food and take home a growler.

This request will be filed by the August 27, 2015 deadline for a hearing before the Environmental Planning Commission, City of Albuquerque on October 8, 2015. Enclosed for your review is a copy of the site plan showing details of the existing shopping center and a copy of Zone Map K-23 to help you identify the property.

We can meet with you and/or your association at your convenience to discuss the project in detail and answer any questions you may have. Please call me at 505-280-9021 at your convenience.

Sincerely,



Doug Crandall
Principal

Cc: Ken O'Keefe, 600 Vista Abajo Dr., NE, Albuquerque, NM 87123

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Street, Apt. No.,
or PO Box No. **600 VISTA ABAJO DR NE**
City, State, ZIP+4 **ALBUQ, NM 87123**

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or PO Box No. **407 MONTE LARGO DR NE**
City, State, ZIP+4 **ALBUQ, NM 87123**

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AUG 25 2015
ALBUQUERQUE, NEW MEXICO

Sent To **ROGER MICKELSON** 08/25/2015
Street, Apt. No.,
or PO Box No. **1432 CATRON AVE SE**
City, State, ZIP+4 **ALBUQ, NM 87123**

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Total Postage & Fees	\$ 6.74

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Sent To **ROGER HARTMAN** 08/25/2015
Street, Apt. No.,
or PO Box No. **1308 WAGON TRAIN DR SE**
City, State, ZIP+4 **ALBUQ, NM 87123**

PS Form 3800, August 2006 See Reverse for Instructions

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM NO MEETING REPORT

Project #: 1010581

Date Submitted: 9/18/15

Facilitator: Kathleen Oweegon

Case Planner: Catalina Lehner

Parties:

- Applicant: Lon Peaks, LLC, Agents: Doug Crandell, Robert Romero of DAC Zoning & Land Use Services
- Supper Rock N.A.
- East Gateway Coalition

Summary:

On Sept. 12th, I spoke with agent, Doug Crandell. He informed me that he had already met with representatives from Supper Rock N.A., but would be willing to have his designated co-agent participate in a facilitated meeting if Supper Rock N.A. or East Gateway Coalition wanted one. He referred me to his colleague Robert Romero, who is handling the project while Doug is out of town for the rest of September.

On September 12th, I also spoke with Kathleen Schinlder-Wright, President of Supper Rock N.A., who said she was unsure if her constituency would want a meeting. We agreed that she would send an e-mail to the members of the N.A. asking them to contact me by Sept. 16th if they wanted a meeting or had comments to share with me. She did express to me the following concerns, which she said she had already communicated to Doug, who she said committed to addressing the concerns as noted below, but that she wanted the City and myself to be aware to assure the concerns would be addressed.

Concerns:

- Radiant noise from the outdoor patio affecting neighbors. She said that Doug had clarified that there would be no musical performances on the patio, but that the concern remains that future owners would not be bound by that promise.
- The tap room might draw loitering. She said that Doug committed to posting “no loitering” signs.

On September 12, I also spoke with Roger Hartmen, President of the East Gateway Coalition, who stated that he had no concerns about the project, but would send an email to his constituency asking them to contact me by Sept. 16th, if they wanted a meeting or had comments to share with me.

On Sept. 15th, I received an email from Roger Mickelson, Past President, East Gateway

**CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
NO MEETING REPORT**

Coalition, who stated that he would prefer the meeting be held on Sept. 22. I replied informing him that I had heard from no others about desiring a meeting, and told him I would be willing to facilitate a meeting even if only one person wanted it, or that I could put him in direct touch with the agent to have a direct conversation. Roger M. chose the latter of those 2 offers, and I sent him Robert Romero's contact information.

On Sept. 17, I received an e-mail from Sherry Gaines, which read as follows:

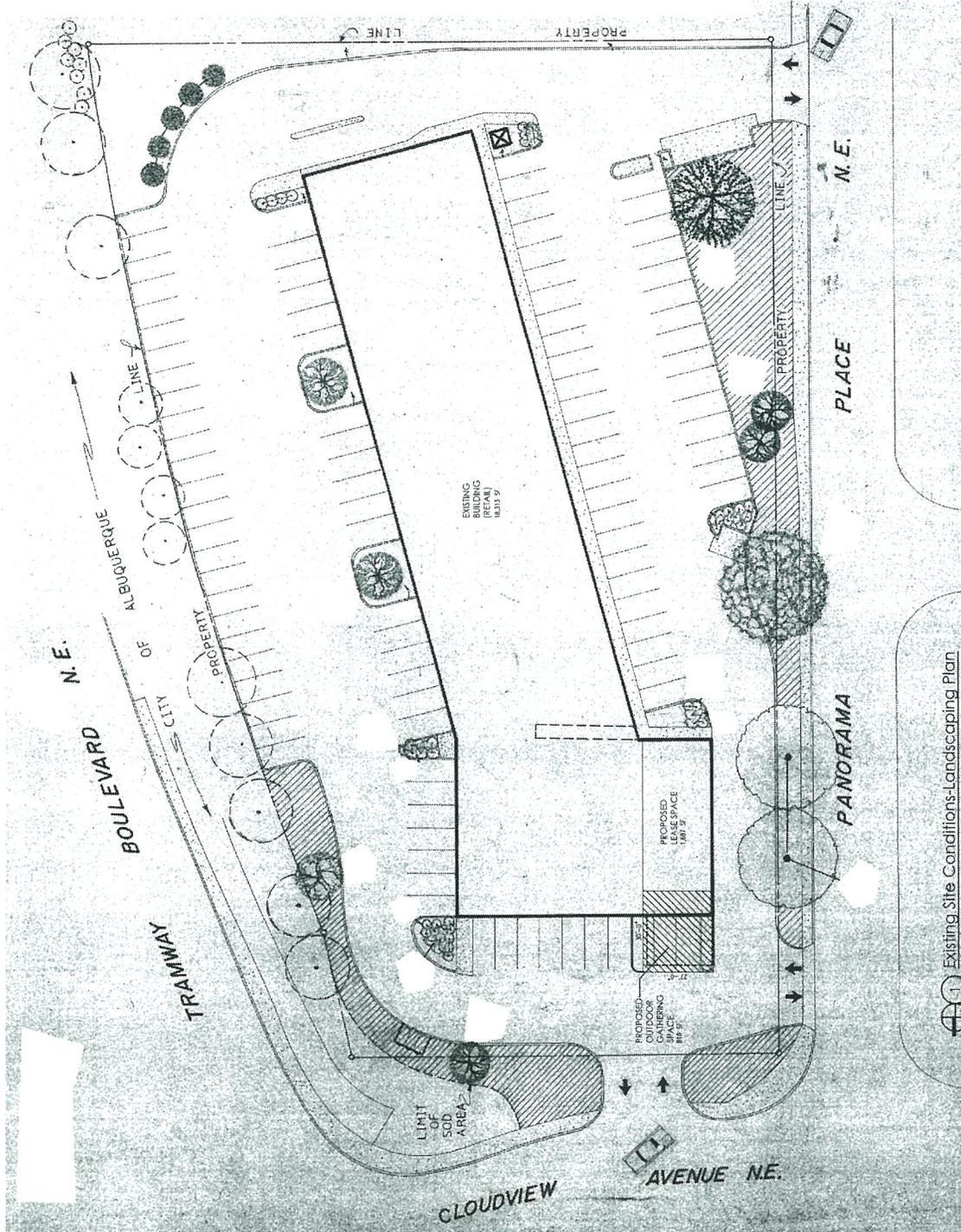
"I just wanted to send a quick note of support for the proposed zone change from c-1 to su-1 at the Tramway/Encantado/Cloudview shopping center in order to support a tap-room. I live in the supper rock neighborhood, and it would be great to have a tap-room within walking distance!

I should note that I do not support some other uses allowed by su-1 (commercial antenna's/ore smelting), however a tap-room would be great for this side of town."

Other than the two communications described above, I have not heard from any other affected neighbors as of the writing of this report. Since it is now 3 days past the deadline for neighbors to contact me, I am assuming that no meeting is desired, so I am submitting this No Meeting Report.

REDUCTIONS

SITE DEVELOPMENT DATA
 LEGAL DESCRIPTION:
 TRACT 10, BLOCK 11,
 CONANCA SUBDIVISION
 CITY OF ALBUQUERQUE,
 BERNILLO COUNTY, NEW MEXICO
 EXISTING BUILDING ADDRESS:
 417 TRAMWAY BOULEVARD,
 ALBUQUERQUE, NEW MEXICO 87103
 LAND MAP A
 2.084 ACRES (80,278 SQ. FT.) ORIGINAL PROPERTY
 200,000 SQ. FT. OF LOT SPACE
 BALDWIN PLACE
 EXISTING BUILDING FOOTPRINT: 20,000 SQ. FT.
 LANDSCAPE CALCULATIONS:
 NOTE: ALL LANDSCAPING IS LIMITED TO 10' FROM
 LOT AREA: 88,228 SQ. FT.
 EXISTING LOT AREA: 88,228 SQ. FT.
 NEW LOT BUILDING AREA: 63,333 SQ. FT. (71.6%) 10,304
 LANDSCAPING REQUIREMENT: 10,304 SQ. FT.
 EXISTING LANDSCAPING PROVIDED: 12,688 SQ. FT.



1 Existing Site Conditions-Landscaping Plan



