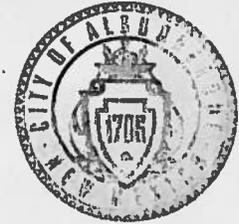


# CITY OF ALBUQUERQUE



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

## OFFICIAL NOTIFICATION OF DECISION

October 14, 2016

San Antonio Commons LLC  
5343 Wyoming Blvd NE  
ABQ, NM 87109

**Project# 1009888**  
16EPC-40042 Zone Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

The above action for all or a portion of Lot 5-A-1, JJ Subdivision Continued, zoned SU-1 for C-2 Uses to SU-1 for C-2 Uses Including the Wholesale of Beer, located on San Antonio Dr. NE, between San Pedro Dr. NE and I-25, containing approximately 1.75 acres. (E-18)

Staff Planner: Michael Vos

PO Box 1293 On October 13, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1009888/16EPC-40042, Zone Map Amendment (Zone Change), based on the following findings:

### Albuquerque FINDINGS:

1. This is a request for a Zone Map Amendment (Zone Change) for Lot 5-A-1, JJ Subdivision Continued located on San Antonio Dr. NE, between San Pedro Dr. NE and I-25, containing approximately 1.75 acres.  
NM 87103
2. The subject site is currently zoned SU-1 for C-2 Uses. The request is for a change to SU-1 for C-2 Uses Including the Wholesale of Beer. While the existing zoning allows for most elements characteristic of a microbrewery, including manufacturing (brewing) of beer, as well as the sale of alcoholic beverages for off-premise consumption, the C-2 zone does not allow for wholesaling activities.  
www.cabq.gov
3. An approved request for a Zone Map Amendment from SU-1 for C-2 Uses to SU-1 for C-2 Uses Including the Wholesale of Beer would allow for the additional wholesale of beer, and thus the full operation of a microbrewery as they are generally defined.
4. The subject site is part of an overall 7-lot site development plan for subdivision of approximately 10 acres for an office/retail center that was approved by the EPC in March 2003 (Project #1002455, 03EPC-00147). In October 2006 the EPC approved a site development plan for building permit for a neighborhood commercial/retail center of approximately 15,000 square feet for the subject site (06EPC-00458).

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5. The City operated a municipal landfill between 1968 and 1970 on the site and on adjoining tracts. As a result of the subject site's location over the abandoned landfill, development was subject to regulations administered by the Environmental Health Department. Mitigation measures have already been taken in order to develop the existing buildings on the subject site.

The site was changed from SU-1 for C-1 Permissive Uses to SU-1 for C-1 Uses in 1993 (Z-93-3). While the files for Z-93-3 are missing from the City's record, Planning Staff was able to confirm that the zone map amendment was officially recorded in 1993 per a staff review of the City of Albuquerque Zoning Atlas dated July 1, 1993 (E-18-Z).

6. In 2015, the EPC approved a zone map amendment for the subject site from SU-1 for C-1 Uses to SU-1 for C-2 Uses to allow the existing restaurant and microbrewery to locate on the site (15EPC-40010). In 2016, an administrative amendment to the site plan for subdivision was approved to allow additional parking by consolidating lots 5, 6, and 7 into new lots 5-A-1 and 7-A-1 (16AA-10008).
7. The Albuquerque/Bernalillo County Comprehensive Plan, Facility Plan for Arroyos, Bikeways & Trails Facility Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable goals and policies 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, or recreational concern.

The subject site is surrounded by compatible commercial uses, and the proposed additional wholesale use is only a small part of the microbrewery operations. Staff agrees that the proposed microbrewery use respects existing neighborhood values by creating a space for nearby residents to congregate as customers. The subject site is buffered from these residents' homes by San Antonio Drive, which has a wide right-of-way, to the north, as well as the Pino Arroyo Trail and Drainage Facility to the South. The request furthers Policy II.B.5.d.

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

The current SU-1 for C-2 Uses currently restricts the existing business from reaching its full potential. The additional wholesale use proposed will help expand the business and possible employment opportunities for the surrounding area. Most of the adjacent properties are commercial and office uses, or sufficiently separated from the subject property. The existing microbrewery operations will remain largely the same as they currently are, but the tenants will be able to distribute some of what they produce in their own personal trucks. As the use will remain much the same, the considerations of light and pollution will remain the same. The request furthers Policy II.B.5.i.

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**Policy II.B.5.j.:** Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

The proposed use will be located in an existing commercially zoned area with an approved site development plan that includes pedestrian and bicycle access to the nearby Pino Arroyo Trail (a paved multi-use trail). The request furthers Policy II.B.5.j.

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

The subject site is adjacent to a minor arterial street (San Antonio Dr.) and the site access and layout were previously approved by the EPC. In 2003, the EPC found that the subject site was planned to minimize the harmful effects of traffic and protect the livability of established neighborhoods. Therefore, the request furthers Policy II.B.5.k.

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

The proposal for an additional wholesale use, will allow an existing business to expand its operations without having to move to another location. Approval of this request will reinforce linkages between the surrounding neighborhoods, adjacent commercial uses, and the existing microbrewery, thus strengthening the established urban area. The request furthers Policy II.B.5.o.

**Economic Development:** The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals. Applicable policies include:

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

The request furthers Policy II.D.6.b because it would contribute to the continued development of a local business by allowing Starr Brothers to expand their operations, creating a greater range of economic development opportunity.

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

The existing microbrewery is part of a larger trend within the City of Albuquerque and the State of New Mexico with breweries acting as tourism attractions. Tours have been organized to stop at local

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breweries and brew festivals. The location of this existing brewery is ideal as the subject site is within walking distance of four hotels along San Antonio Drive. In addition, the proposed wholesale use will allow a local business to offer their products at other local businesses providing additional variety for visitors. The request furthers Policy II.D.6.d.

9. The request is in general compliance with the goals and policies of the Facility Plan for Arroyos:

The approved site development plan for building permit for the subject site was evaluated against the requirements of the Facility Plan for Arroyos at the time that the site development plan for building permit was reviewed and approved by the EPC. Items considered that pertained to the development of the vacant site focused on encouraging development within a quarter mile of the arroyo, trail access for pedestrians, and design guidelines promoting a "highly visible and extensively used network of recreational trails adjacent to arroyos (pg. 55)." No additional analysis is required as related to the present request for a zone map amendment.

10. The request is in general compliance with the goals and policies of the Bikeways & Trails Facilities Plan:

The approved site development plan for building permit for the subject site was required to comply with the policies and standards of the 1993 Trails & Bikeways Facility Plan that was in effect at the time of development, and currently includes bicycle and pedestrian access points to the Pino Arroyo paved multi-use trail south of the subject site. No additional analysis is required related to the present request for a zone map amendment.

11. Approval of the request will support several Rank I and II plan policies regarding land use and economic development, including the promotion of tourism and expansion of local businesses.

12. The proposed use will be appropriately located in an existing commercially zoned area and will not negatively impact the surrounding residential areas located to the north and south from the subject site because the site is buffered by San Antonio Drive, the Pino Arroyo and other non-residential uses allowing for sufficient separation between the requested uses and residential development.

13. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. Staff agrees that the cited Comprehensive Plan policies support the statement that the request is consistent with the health, safety, and morals of the city.
- B. The SU-1 designation constitutes the applicable zoning category per the Zoning Code which will not change. Additionally, the proposed change from C-2 to C-2 Including the Wholesale of Beer designation still constitutes commercial land uses. Therefore, staff agrees that the request continues to ensure land use and zoning stability.
- C. The request is generally consistent with several goals and policies of the applicable plans (see Findings 8 - 10).

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- D. The existing zoning is inappropriate because a different use category is more advantageous to the community. The request furthers policies of the Comprehensive Plan, particularly in regard to economic development and tourism, and therefore, the zone change to allow the wholesale of beer is appropriate.
  - E. Staff agrees that the existing uses will remain largely unaffected by the proposed zone change, and the additional Wholesale of Beer use will not create new, harmful effects on adjacent properties. The site is adequately buffered and the SU-1 designation provides enough regulatory oversight by the EPC regarding any potential future major changes to the site development plan for building permit.
  - F. Staff agrees that approval of the requested amendment will not require any capital improvements because the site is located in an area that already has sufficient infrastructure.
  - G. Staff agrees that the cost of land or other economic considerations are not the sole determining factor for the change of zone.
  - H. Staff agrees that the request is not being justified based solely on the site's location on a major roadway.
  - I. Staff agrees that the request does not constitute a spot zone as approval of the request will still maintain the special use zoning designation and continue to be site plan controlled.
  - J. Staff agrees that the requested zone map amendment is not strip zone request.
14. The Academy Acres North Neighborhood Association, Albuquerque Meadows Resident's Association and District 4 Coalition of Neighborhood Associations along with property owners with 100 feet were notified of this request. A facilitated meeting was recommended, but no meeting was held, and a "no-meeting report" was forwarded from the facilitator. There is no known neighborhood opposition to this request.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **October 28, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-

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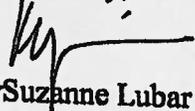
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half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the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

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

Sincerely,

  
Suzanne Lubar  
Planning Director

SL/MV

cc: San Antonio Commons LLC, 5343 Wyoming Blvd NE, ABQ, NM 87109  
Consensus Planning, INC, 302 Eight Street NW, ABQ, NM 87102  
Jacob Tellier, Academy Acres North NA, P.O. Box 90181, ABQ, NM 87199  
Irene Minke, Academy Acres North NA, P.O. Box 90181, ABQ, NM 87199  
Robert G. Stetson, Albuquerque Meadows Residents Assn, 7112-154 Pan American Frwy NE, ABQ, NM 87109  
Harvey Hopkins, Albuquerque Meadows Residents Assn, 7112-294 Pan American Frwy NE, ABQ, NM 87109  
Michael Pridham, Dist. 4 Coalition of NA's, 6413 Northland Ave NE, ABQ, NM 87109  
Tony Huffman, Dist. 4 Coalition of NA's, 9712 Sand Verbena Trl. NE, ABQ, NM 87122