



Environmental Planning Commission

Agenda Number: 02
Project Number: 1009888
Case #: 16EPC-40042
October 13, 2016

Staff Report

Agent	Consensus Planning, Inc.
Applicant	San Antonio Commons, LLC
Request	Zone Map Amendment
Legal Description	Lot 5-A-1 JJ Subdivision Continued
Location	On San Antonio Dr. NE, between San Pedro Dr. NE and I-25
Size	Approximately 1.75 Acres
Existing Zoning	SU-1 for C-2 Uses
Proposed Zoning	SU-1 for C-2 Uses Including the Wholesale of Beer

Staff Recommendation

APPROVAL of Case #16EPC-40042 based on
the Findings beginning on Page # 14.

Staff Planner

Michael Vos, AICP - Planner

Summary of Analysis

This request is for a Zone Map Amendment (Zone Change) for Lot 5-A-1, JJ Subdivision Continued, an approximately 1.75 acre parcel located on San Antonio Dr. NE, between San Pedro Dr. NE and Interstate 25.

The requested zoning is SU-1 for C-2 Uses Including the Wholesale of Beer to allow the wholesale of beer by an existing restaurant and microbrewery.

The subject site is located within the Established Urban Area of the Comprehensive Plan, on a former municipal landfill and adjacent to the South Pino Arroyo Trail.

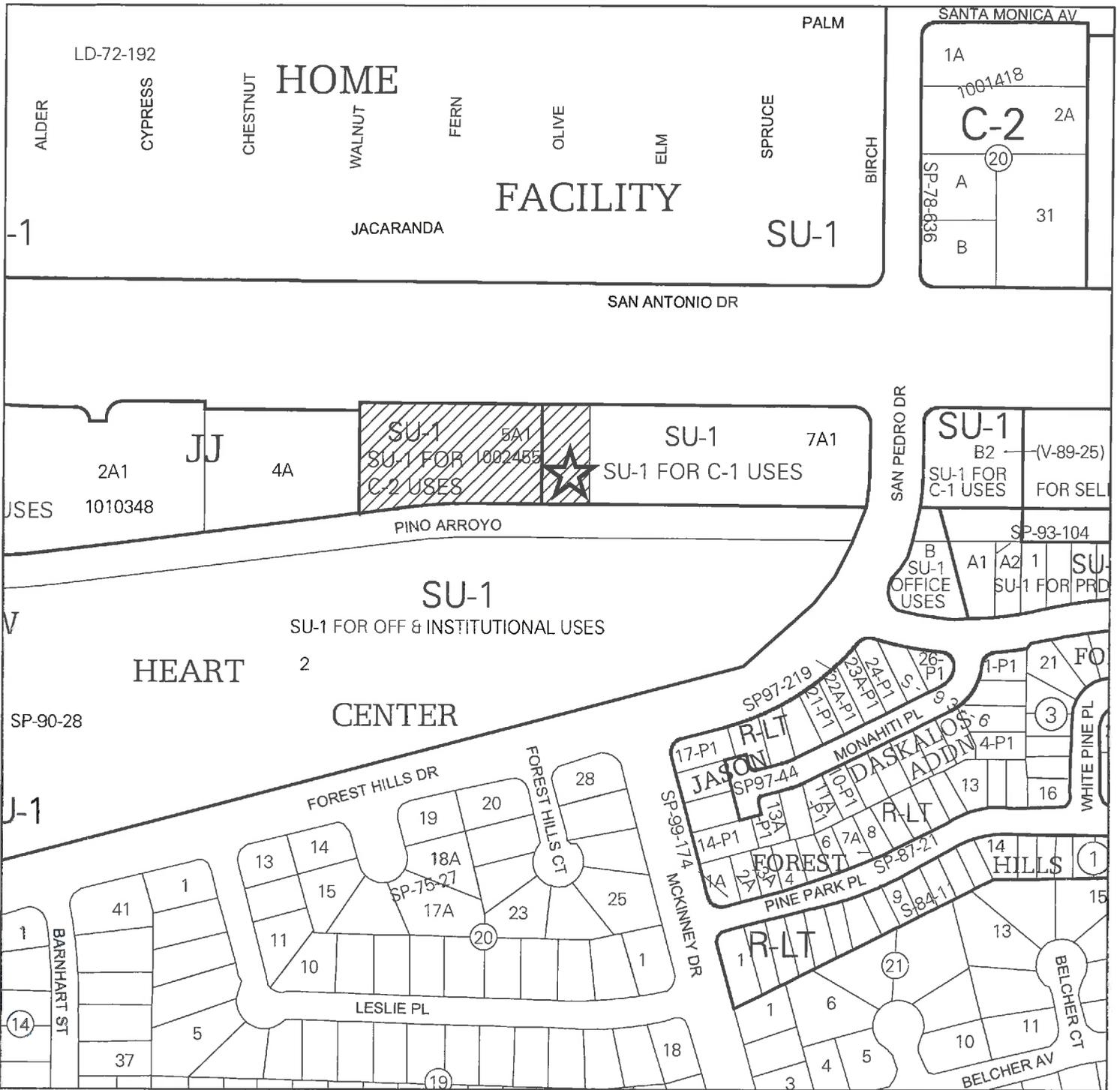
The request is generally consistent with applicable City plans, goals, and policies. The justification is also based on the request being generally consistent with the requirements of R-270-1980 as outlined in this staff report.

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

Staff recommends approval based on the findings outlined in this staff report.



City Departments and other interested agencies reviewed this application from 09/06/16 to 09/21/16
Agency comments used in the preparation of this report begin on Page # 19.



ZONING

Note: Grey shading indicates County.



1 inch = 245 feet

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LANDUSE

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

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

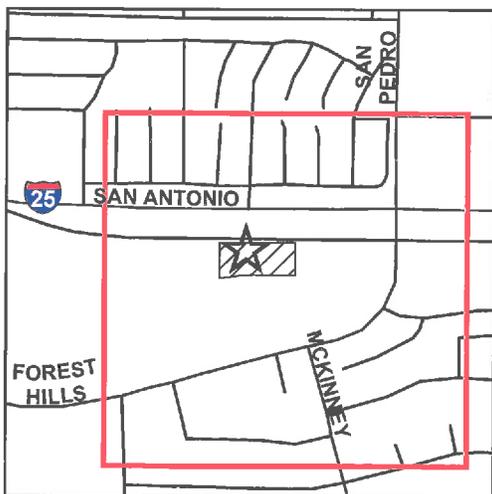
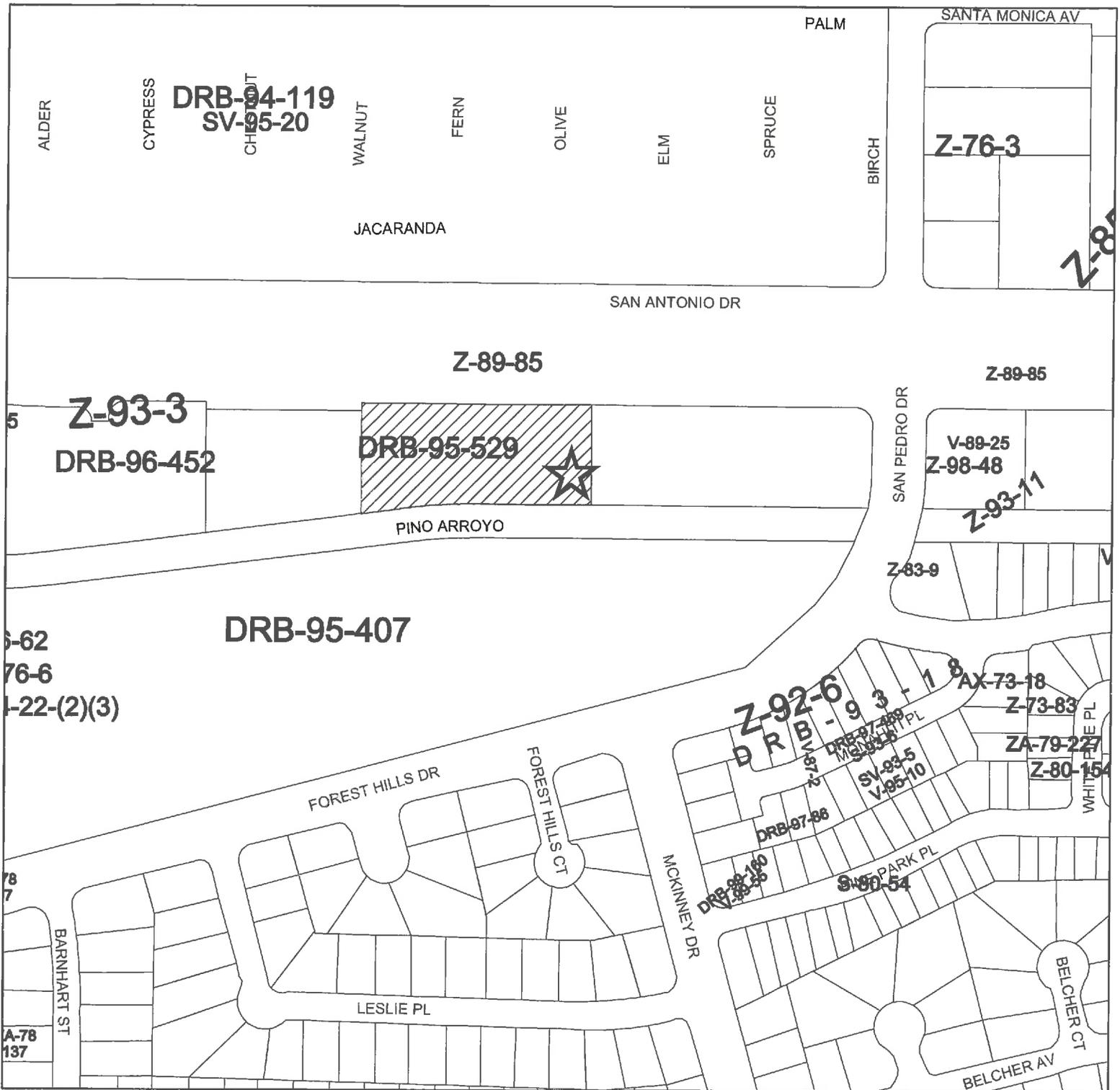


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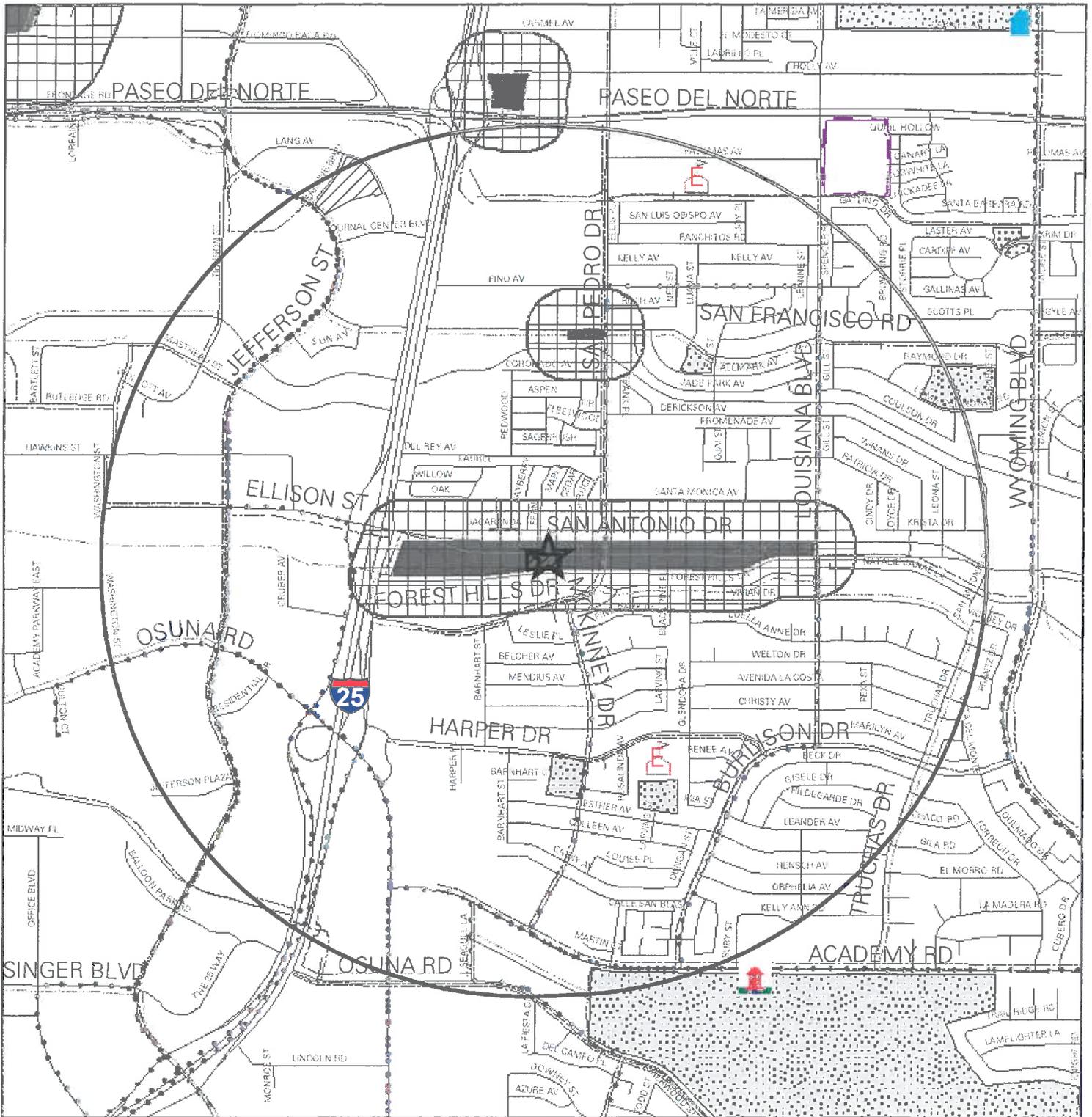
HISTORY

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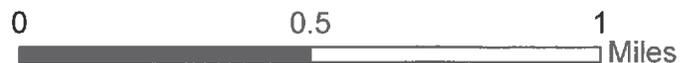


Public Facilities Map with One-Mile Buffer

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



Project Number: 1009888



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>	SU-1 for C-2 Uses	Established Urban Area; Facility Plan for Arroyos; Bikeways & Trails Facilities Plan	Office Building, Commercial Service
<i>North</i>	SU-1 for Mobile Home Park	Established Urban Area	Single-Family Residential
<i>South</i>	SU-1 for Office and Institutional Uses	Established Urban Area; Facility Plan for Arroyos; Bikeways & Trails Facilities Plan	Specialized Hospital, Public / Institutional
<i>East</i>	SU-1 for C-1 Uses	Same	Vacant
<i>West</i>	SU-1 for C-1 Uses	Same	Office Building, Commercial Service

II. INTRODUCTION

Proposal

This request is for a Zone Map Amendment (Zone Change) for Lot 5-A-1, JJ Subdivision Continued, an approximately 1.75 acre parcel located on San Antonio Dr. NE, between San Pedro Dr. NE and I-25. In 2015, the subject site was zoned SU-1 for C-2 Uses. This request is for a change to SU-1 for C-2 Uses Including the Wholesale of Beer to allow the wholesale of beer by an existing restaurant and microbrewery. The current zoning allows most elements characteristic of a microbrewery, including manufacturing (brewing) of beer, as well as the sale of alcoholic beverages for off-premise consumption. However, the C-2 zone does not allow for wholesaling activities.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC has the authority to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed pursuant to Zoning Code Sections 14-16-2-22(A)(1) SU-1 Special Use Zone and 14-16-4-1 Amendment Procedure. If appealed, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council, which would make the final administrative decision pursuant to Zoning Code Section 14-16-4-4-(A)(2) Appeal. This is a quasi-judicial matter.

Context

The subject site currently contains two commercial/retail buildings with Starr Brothers restaurant and microbrewery housed in a portion of the east building, though the entire site is the subject of this request. The subject site is surrounded by a mix of residential, commercial, and healthcare services along with vacant land. San Antonio Drive, a four-lane arterial divided by a wide median, runs along the site's northern edge.

To the north of San Antonio Dr. is the Albuquerque Meadows Mobile Home Park. To the south is the South Pino Arroyo separating the site from an existing medical facility on Forest Hills Dr. Farther to the south are single-family residential subdivisions. A number of newer apartments have been built to the northwest of the subject site. Vacant parcels are located directly east and west of the subject site.

History

The City operated a municipal landfill between 1968 and 1970 on the site and on adjoining tracts. The landfill was bordered by the north edge of San Antonio Dr., the South Pino Arroyo to the south, I-25 to the west and Louisiana Blvd. to the east. Its depth is approximately 25-30 feet.

On October 19, 1989 the EPC approved a zone change from R-2 and O-1 to SU-1 for C-1 Permissive Uses for 20.1 acres of land located between San Antonio Avenue and the Pino Arroyo and either side of San Pedro Avenue NE that included the subject site (Z-89-85). The Official Notice of Decision indicates that residential development was not desirable due to the constraints and potential hazards associated with the landfill, that limited commercial development was more advantageous to the community, and that the SU-1 designation would ensure adequate site plan control to address any unusual circumstances on the site (see attached).

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, see attached).

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). 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.

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).

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LRRS designates San Antonio Drive as a Minor Arterial. Forest Hills Dr. and San Pedro Dr. are designated as Collector streets.

The nearest Comprehensive Plan corridor is Interstate 25, which is designated as an Express Transit Corridor with the intent to create a network of roadways dedicated to developing higher speeds with fewer interruptions to travel for the car and public transportation.

Jefferson St. and Wyoming Blvd. are other nearby corridors that are designated as Enhanced Transit Corridors with the intent to improve transit and pedestrian opportunities for residents, businesses, and other users.

Trails/Bikeways

The Pino Arroyo Trail (a paved multi-use trail) is located along the southern edge of the subject site. Bicycle lanes are located along San Pedro Dr. and McKinney Dr. south of the subject site.

Transit

ABQ Ride Commuter Bus #34 operates northbound on San Pedro Dr. and southbound on Louisiana Blvd.

Public Facilities/Community Services

See the Public Facilities Map in the packet for detail regarding these items.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned SU-1 for C-2 Uses. The C-2 Community Commercial zone provides suitable sites for offices, most service and commercial activities, and certain specified institutional uses. The proposed zoning for the subject site is SU-1 for C-2 Uses Including the Wholesale of Beer. The proposed zoning would allow an additional wholesaling of beer use along with the currently allowed permissive and conditional uses listed within the C-2 zone.

Generally, the requested zoning will allow for the full operation of a microbrewery. While the term microbrewery is not defined in the Zoning Code, there is an existing microbrewery on the subject site. Typical microbrewery operations include a restaurant, manufacturing (brewing), sales of beer for on and off premise consumption, and wholesaling. Starr Brothers is currently allowed to do all of these activities on the subject site except for wholesaling. Approval of the requested SU-1 for C-2 Uses Including the Wholesale of Beer would allow Starr Brothers to conduct all the activities typical of a microbrewery, including the sale of their beer to other restaurants in the metro area.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and lifestyles, while creating a visually pleasing built environment.” Applicable policies include:

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.

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 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.

Facility Plan for Arroyos (Rank II)

The Facility Plan for Arroyos was adopted in 1986 and establishes guidelines and procedures in order to create a multi-purpose network of recreational trails and open space among arroyos.

The subject site is located along the South Pino Arroyo, which is designated as a Major Open Space Link under the plan. Major Open Space Links are scheduled for the development of corridor plans that will locate recreational trails forming continuous east-to-west connections between peripheral major public open spaces such as the Sandia Foothills, the West Mesa Escarpment and the Rio Grande Bosque. The plan states that the South Pino Arroyo has the

potential to link Sims Park in the foothills with the Rio Grande Bosque by way of the North Diversion Channel (p. 33).

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.

Bikeways & Trails Facility Plan (Rank II)

The updated Bikeways & Trails Facilities Plan was adopted in May 2015, which consolidated the 1993 Trails & Bikeways Facility Plan and 2000 Comprehensive On-Street Bicycle Plan. The purpose of the plan is to ensure a well-connected, enjoyable, and safe non-motorized transportation and recreation system throughout Albuquerque.

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.

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

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

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

Analysis of Applicant’s Justification

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

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

The request is consistent with the health, safety, morals, and general welfare of the City. The proposed restaurant and microbrewery is appropriately located. The property is buffered by San Antonio, an urban minor arterial to the north and Pino Arroyo Trail and Drainage Facility to

the south. Beyond those facilities are surrounded by commercial and office zoned properties and a mobile home park to the north. The applicant is requesting a zone change in order to allow the Wholesale of Beer in conjunction with the existing Starr Brothers micro-brewery and restaurant, a commercial retail use. The proposed zoning of the property will run with the land and not the existing business. However, this property has a unique system of checks and balances that will ensure that any future new use of this property will undergo a review process. The subject site is located on a former landfill. As noted on the approved Site Plan for Subdivision for this property, development within city designated landfill buffer zones requires "review and approval of the Site Plan(s)". Furthermore, the proposed addition of the Wholesale of Beer use is proposed to be tied to a small brewers' license. This will limit the use of this additional zoning designation to future businesses that hold a brewer's license only. The potential for a future tenant to utilize the property for strict wholesaling production is limited due to the size of the existing building and the property. Any future modifications to the Site Plan will require review by the Environmental Planning Commission, as stipulated by the Site Plan for Subdivision.

The existing mobile home park to the north of San Antonio Drive is surrounded by commercial uses, including the adjacent property to the west that is zoned C-2, as well as the property to the east along San Pedro Drive. Comfort Suites, La Quinta Hotel, and Denny's are located directly to the west of the Mobile Home Park, along San Antonio Drive. Blake's Lotaburger, Family Dollar, and a convenience store and gas station are located on the corner of Santa Monica Avenue and San Pedro Drive, to the east of the Mobile Home Park.

The proposed zone change is justified by the City's Comprehensive Plan policies that are referenced in Section C. of this letter. The Comprehensive Plan policy sections that support this request are Section II.D.6, Policies b and d; Section II.B.5, Policies d, e, I, j, k, l, and o.

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

The property is currently zoned for commercial use and is proposed to remain commercial use within existing buildings. As stated above, the proposed use is compatible with the existing uses in the surrounding area. Per the Mid Region Council of Governments (MRCOG) Roadways Classification Map, San Antonio is listed as a Minor Arterial. San Antonio delivers traffic from I-25 to collector roads and local streets. Based on MRCOG's 2013 traffic flow map, San Antonio reported about 17,000 to 22,000 average weekday traffic. Other than principal arterials and urban interstates, San Antonio is in the third highest traffic count rating, based on the MRCOG 2013 traffic flow map of Albuquerque. As such, San Antonio is considered a major travel corridor that is used by both motorists traveling to and from the immediate area, as well as others from outside the area, making C-2 an appropriate zoning designation. The proposed addition of wholesaling (a C-3 use) would not substantially change the function and activities of the existing use. Wholesaling allows an additional market opportunity for the existing business.

In the C-2 zone, the uses emphasize the greater community rather than a single neighborhood. The C-2 zone and proposed Wholesale of Beer component is appropriate for the subject property due to the property's location on an arterial road and other existing C-2 uses that are located nearby. It is a limited expansion of what is already occurring on the property.

C-2 uses exist to the northwest and northeast of the property and are in closer proximity to existing residential uses. The proposed use will allow an existing, successful restaurant and micro-brewery to expand its business operations. The restaurant and micro-brewery has been operating very successfully since its opening by providing dining and entertainment options to the immediate area and overall community. This compatibility with the surrounding uses fosters zoning and land use stability.

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

Refer to policy analysis section of staff report above.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
 2. Changed neighborhood or community conditions justify the change; or
 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above does not apply.

The requested zoning is more advantageous to the community, because it will foster the continued use of an existing building that was vacant prior to the Starr Brothers occupation in 2015. The proposed Wholesale of Beer use would allow this existing, local business to sell its beer to restaurants and other venues. The proposed zone is a new use that is not present in the area, and provides for a more comprehensive range of uses, in addition to the permissive uses within the C-2 zone. This use is not available within the C-2 zone and would be beneficial to the community as a whole as it would allow a local business to expand its venture opportunities. The wholesaling component will allow sales to other restaurants and will foster trade activity between local businesses, which is important for regional economic growth.

Starr Brothers Brewing, the current tenant of the property, anticipates to wholesale less than 30 barrels a month. The focus of this existing business will remain on the micro-brewery/restaurant activities. However, this local, small business would like the flexibility to wholesale small amounts of beer to continue to grow their business. Starr Brothers is proposing to distribute this beer with self-owned pickup trucks.

If approved, the proposed zoning of the property will run with the land and not the existing use. As previously stated, this property has a unique system of checks and balances that will ensure that any future new use of this property will undergo a review process since the subject site is located on a former landfill, which requires "review and approval of the Site Plan(s)". Furthermore, the proposed addition of the Wholesale of Beer use is proposed to be tied to a brewery license. This will limit the use of this additional zoning designation to future businesses that hold a brewer's license only. The potential for a future tenant to utilize the property for strict wholesaling production is limited due to the size of the existing building and the property. Any future modifications to the Site Plan will require review by the EPC, as stipulated by the Site Plan for Subdivision.

The proposed zone change will not change the current operations of the existing restaurant and micro-brewery. The current zoning allows for retail commercial uses; however, the current C-2 zoning restricts that sale of alcoholic beverages from expanding to restaurants and other larger venues. The requested zoning is more advantageous to the neighborhood and overall community as it furthers multiple City plans and policies. Specifically, the proposed zone change will:

- 1. Allow for a use that is not geared solely to serve the needs of the immediate neighborhood.*
- 2. Encourage local business development.*
- 3. Add to the increasing tourism attraction of local breweries and Albuquerque's craft beer economy.*
- 4. Foster symbiotic relationships between residential and entertainment uses as well as residential and retail/commercial uses by allowing this local business to sell its beer to restaurants and other venues across the region.*
- 5. Continue to provide employment opportunities and services for the residents of the area and the greater community.*

The proposed zoning is more advantageous to the community as it will allow the current business to continue to operate. This restaurant and micro-brewery has filled a public need for community commercial uses and services. Within the 1,855 acres that encompasses the land from Academy Road NE, north to Paseo Del Norte, and bound on the east and west by Wyoming Boulevard, and Interstate 25, there are two restaurant uses (not including Starr Brothers), one of which sells alcohol for consumption on site, none of which sell alcohol for off-site consumption or wholesaling. The proposed zoning will allow a use that is advantageous to the surrounding and overall metropolitan community by encouraging the success of local businesses.

Staff agrees that the request furthers policies of the Comprehensive Plan and is more advantageous to the community.

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

The requested zoning for the subject site will continue to allow for community commercial uses with the addition of Wholesale of Beer. The proposed use is appropriate for this location and

will not be harmful to adjacent properties. The proposed use is compatible with adjacent uses that include commercial and institutional uses. The proposed use will allow the existing Starr Brothers restaurant and micro-brewery to continue its operations. Starr Brothers is also within walking distance from the Broadstone Santa Monica Projects, Mobile Home Park, and condominiums to the north of the site, as well as single family homes to the east and south of the property. Starr Brothers has created a recreational venue for those living in the neighborhood. Furthermore, the location of the property is ideal for the existing restaurant and micro-brewery as well as the proposed Wholesale of Beer as it is easily accessed off of I-25, San Antonio Drive, and San Pedro Drive. San Antonio Drive is a high traffic Urban Minor Arterial Road which would be [sic] compatible with the existing and proposed use as it would be visible to passersby and the noise from the traffic would not be an issue for the proposed use.

On-site brewing currently occurs on the subject property and does not create adverse effects on the adjacent properties. Manufacturing is allowed up to 49% of the primary use and will occur in a designated portion of the building. The Wholesale of Beer would not impact the current business operations. Rather, it provides new selling opportunities for the company.

Starr Brothers Brewing, the current tenant of the property, anticipates to wholesale less than 30 barrels a month. The focus of this existing business will remain on the micro-brewery/restaurant activities. However, this local, small business would like the flexibility to wholesale small amounts of beer to continue to grow their business. Starr Brothers is proposing to distribute this beer with self-owned pickup trucks.

Typically, the proposed zoning of the property would run with the land and not the existing use. However, this property has a unique system of checks and balances that will ensure that any future new use of this property will undergo a review process. The subject site is located on a former landfill. As noted on the approved Site Plan for Subdivision for this property, development within city designated landfill buffer zones requires "review and approval of the Site Plan(s)". Furthermore, the proposed addition of the Wholesale of Beer use is proposed to be tied to a brewery license. This will limit the use of this additional zoning designation to future businesses that hold a brewer's license only. The potential for a future tenant to utilize the property for strict wholesaling production is limited due to the size of the existing building and the property. Any future modifications to the Site Plan will require review by the Environmental Planning Commission, as stipulated by the Site Plan for Subdivision.

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

1. Denied due to lack of capital funds; or

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

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

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

The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the proposed zone change. Starr Brothers is leasing the property from San Antonio Commons, LLC. The proposed zone change will allow the continued use of the property for its current operations. The existing, local restaurant and micro-brewery will be able to expand its sale of beer to restaurants and other venues through the approval of the proposed zoning. This will encourage this existing business to remain in the subject area that has been developing into a more desirable part of the City.

Staff agrees that the cost of land or other economic considerations are not the sole determining factor for the change of zone.

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

This zone map amendment is not being justified based on the property location on a major roadway. The applicant is requesting an additional commercial use for this property than the current C-2 zone allows. The existing C-2 zone does not allow the existing [sic] on this property to operate at full capacity and meet a broader community need. The requested zone map amendment will allow the existing company to expand its business opportunities.

Staff agrees that the request is not being justified based solely on the site's location on a major roadway.

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

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

The zone change request from SU-1 for C-2 Uses and SU-1 for C-2 and Wholesale of Beer uses to allow sale of beer for off-premise sale to restaurants and other venues to accommodate the

existing micro-brewery is not a spot zone. While all SU-1 zones are spot zones by their nature as a "custom zone", the current zoning is SU-1 for C-2; the request for another SU-1 for C-2 and Wholesale of Beer Uses maintains this special use designation as the property already has an approved site plan. Furthermore, the request for Wholesale of Beer is compatible with the surrounding area as the area is zoned C-2 zoned properties to the northeast and northwest along Interstate 25 and San Pedro Drive, respectively.

The proposed zoning is appropriate as it furthers Comprehensive Plan policies. Comprehensive Plan policies that are furthered by this proposed development include local business development and adding to an existing and evolving tourism attraction for local craft breweries. The proposed use will maintain existing relationships between residential uses and recreational uses, preserve existing structures, and provide new service opportunities.

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. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The concept of strip zoning is not applicable to this request. The initial 1989/1993 zone map amendment was, at that time, a strip zone request due to the nature of SU-1 zoning and the location of the lots along San Antonio Drive. The current request, however, maintains the special use designation and proposes to change the allowable uses from C-2 to C-2 including Wholesale of Beer, a more appropriate designation for Starr Brothers' location along San Antonio. C-2 zoned properties exist in the surrounding area. Therefore, this request is not a request for strip zoning.

Staff agrees that the requested zone map amendment is not a strip zone request.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

Commenting agencies reviewed this request from September 6, 2016 to September 21, 2016. The Office of Neighborhood Coordination recommended a facilitated meeting, but no meeting was held. No adverse comments were received on this application.

Neighborhood/Public

The Academy Acres North Neighborhood Association, Albuquerque Meadows Resident's Association and District 4 Coalition of Neighborhood Associations along with property owners within 100 feet of the subject site were notified of this request. A facilitated meeting was recommended, but a meeting was not held, and the facilitator assigned to the case sent a "no-meeting" report, which is attached to this staff report. There is no known neighborhood opposition to this request.

V. CONCLUSION

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 to allow the sale of beer to other area restaurants by an existing restaurant and microbrewery. The current zoning allows most elements characteristic of a microbrewery, including manufacturing (brewing) of beer, as well as the sale of alcoholic beverages for off-premise consumption. However, the C-2 zone does not allow for wholesaling activities.

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. 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. The justification is also based on the request being generally consistent with the requirements of R-270-1980 as outlined in this staff report.

The Academy Acres North Neighborhood Association, Albuquerque Meadows Resident's Association and District 4 Coalition of Neighborhood Associations along with property owners within 100 feet were notified of this request. A facilitated meeting was recommended, but no meeting was requested by residents or held. There is no known neighborhood opposition to this request. Staff is recommending approval of the request based on the findings found in this staff report.

FINDINGS - 15EPC-40010 - April 9, 2015 - Zone Map Amendment (Zone Change)

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.
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.
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).
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.

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 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).
 - D. Staff agrees that the request furthers policies of the Comprehensive Plan and is more advantageous to the community.
 - 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.

RECOMMENDATION - 16EPC-40042 – October 13, 2016 - Zone Map Amendment (Zone Change)

APPROVAL of 16EPC-40042, a request for Zone Map Amendment from SU-1 for C-2 Uses to SU-1 for C-2 Uses Including the Wholesale of Beer for Lot 5-A-1, JJ Subdivision Continued based on the preceding Findings.



**Michael Vos, AICP
Planner**

Notice of Decision cc list:

Consensus Planning, 302 8th Street NW, Albuquerque, NM 87102
San Antonio Commons, LLC, 5343 Wyoming Blvd NE, Albuquerque, NM 87109
Jacob Tellier, P.O. Box 90181, Albuquerque, NM 87199
Irene Minke, P.O. Box 90181, Albuquerque, NM 87199
Harvey Hopkins, 7112-294 Pan American Frwy. NE, Albuquerque, NM 87109
Robert Stetson, 7112-154 Pan American Frwy. NE, Albuquerque, NM 87109
Michael Pridham, 6413 Northland Ave. NE, Albuquerque, NM 87109
Tony Huffman, 9712 Sand Verbena Trl. NE, Albuquerque, NM 87122

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No Comments Received

Office of Neighborhood Coordination

Recommended for Facilitation; received “no meeting report” from facilitator.

Long Range Planning

No Comment

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

No Objection

Hydrology Development

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Reviewed, but there are no comments

Traffic Engineering Operations

WATER UTILITY AUTHORITY

Utility Services

1. 16EPC-40042 Zone Map Amendment (Zone Change)
 - a. The west most site is currently being served.
 - b. Once service is desired for the east most site request an availability statement at the link below. Request shall include fire marshal requirements.
 - i. http://www.abcwua.org/Availability_Statements.aspx

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

No objections to the request. (Informational comment: Existing multi-use trail on south property boundary has experienced settling due to drainage issues in the past).

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No Comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

NMDOT

NMDOT has no comments.

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.



Looking north toward San Antonio Drive and the Meadows Mobile Home Park.

Looking east from the subject site toward San Pedro Drive.





South view from subject site to the rear of the Presbyterian building across the Pino Arroyo.

HISTORY

City of Albuquerque
Planning Department
Planning Division
P.O. Box 1293, Albuquerque, New Mexico 87103

Date: October 20, 1989

J Group (Joy Cotruzzola)
7508 Osuna Road NE
Albuquerque, NM 87109

FILE: Z-89-85
LEGAL DESCRIPTION: Tract A-2A and B-1, located between San Antonio Avenue NE and the Pino Arroyo, and either side of San Pedro Avenue NE, and containing approximately 20.1 acres. (E-18)

On October 19, 1989, the Environmental Planning Commission voted to approve Z-89-85, a zone map amendment from R-2 and O-1 to SU-1 for C-1 Permissive Uses and excluding that portion of the properties which the City will take for future right-of-way, based on the following Findings:

Findings:

1. The applicant has not attempted to justify the request according to Resolution 270-1980.
2. The prior use of this site as a landfill creates significant development constraints and potential hazards.
3. Residential development is not desirable on this site due to the constraints and potential hazards associated with the landfill.
4. Limited commercial development is more appropriate on this site and more advantageous to the community than residential use, in accordance with Resolution 270-1980, as it will allow better protection of environmental quality and the public health, safety, and welfare.
5. Special use zoning is appropriate to ensure adequate site plan control to address the unusual circumstances of this site.
6. Any future site plan submitted for this property must show how the potential problems of development on a landfill have been dealt with.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY NOVEMBER 3, 1989, IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Any person aggrieved with any determination of the Environmental Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 60 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

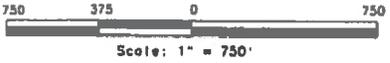
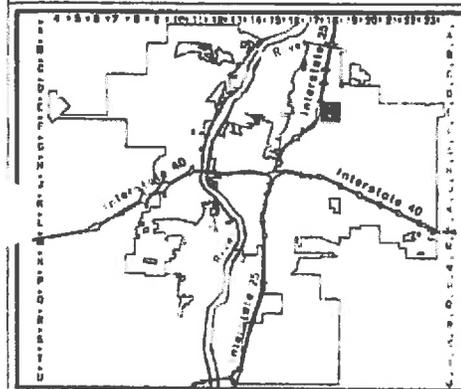
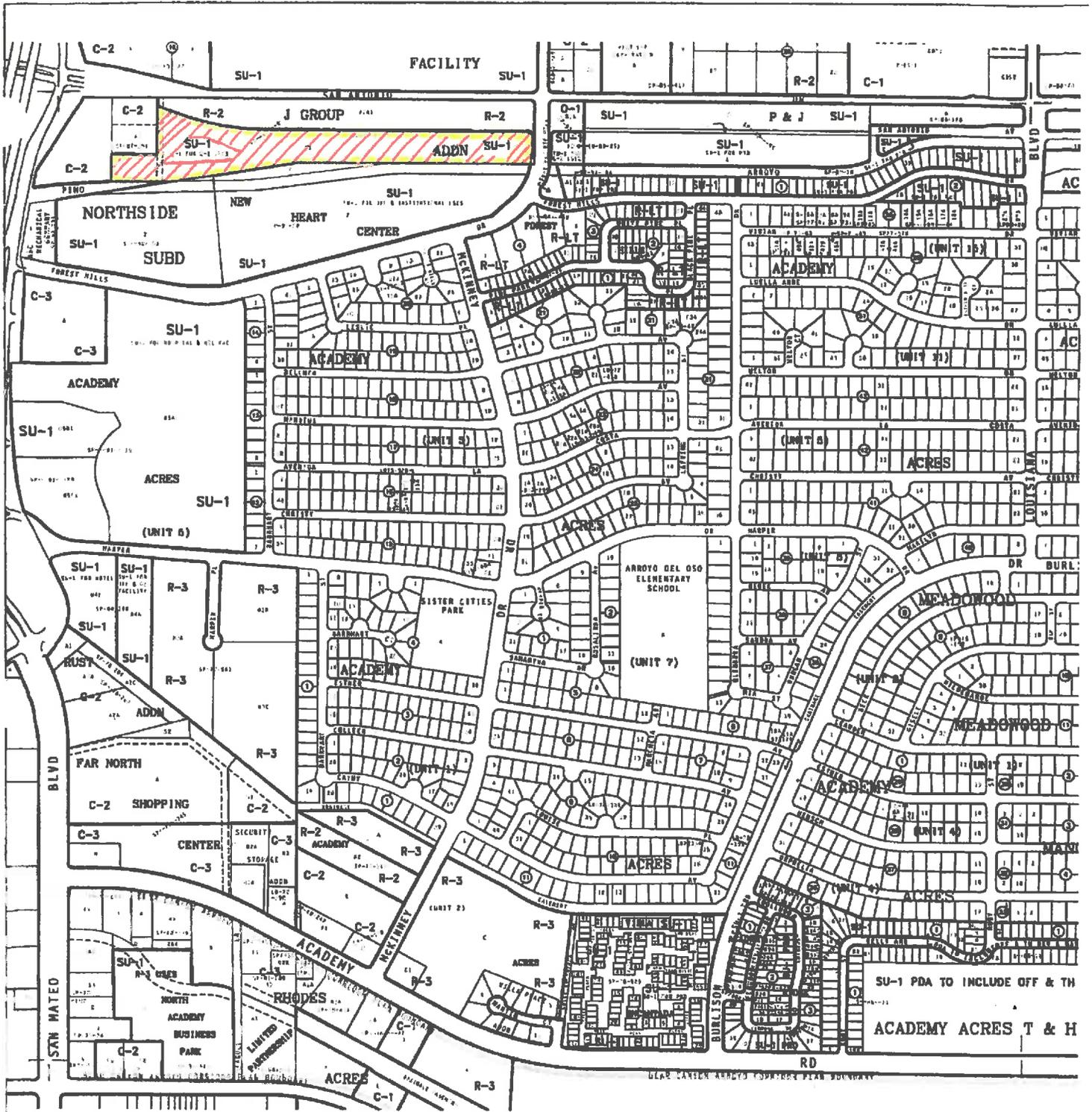
Sincerely,



Rex V. King
City Planner

RVK/ROC/vb
10779

cc: Charlotte Sprague, 7112 Pan American Fwy NE, Sp 185; 87109
Art Mosher, 7112 Pan American Fwy NE, Sp 374; 87109
Dave Pennington, Environmental Health Department



A G I S
 Geographic Information System

© Planning Department July 01, 1993

LEGAL DESCRIPTION

T11N
 R3E
 SEC 25

UNIFORM PROPERTY CODE

1-018-082

E-18-Z



City of Albuquerque
Planning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: March 21, 2003

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1002455 *
03EPC-00147 EPC Site Development Plan-Subdivision
03EPC-00148 EPC Site Development Plan-Building
Permit

Joe Cotruzzola
7508 Northridge Ave. NE
Albuq. NM 871

LEGAL DESCRIPTION: for all or a portion of Lot(s) A3B, J Group Addition, and Tract 1 of New Heart Center Addition, and Tract 1 of Northside Subdivision, zoned SU-1 C-1, located on SAN ANTONIO NE, between I-25 and SAN PEDRO NE, containing approximately 10 acre(s). (E-18)
Deborah Stover, Staff Planner

On March 20, 2003 the Environmental Planning Commission voted to approve Project 1001455/03EPC 00147, a request for site development plan for subdivision, for Tract A3B, J Group Addition, zoned SU-1 C-1, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for subdivision for a 10.03-acre tract of land into 7 separate lots. The 10-acre tract is currently known as Tract A3B, J Group Addition, located on San Antonio Drive between Interstate-25 and San Pedro Drive NE, and will be replatted into Lots A-3-B-1 through A-3-B-7.
2. The submitted site plan for subdivision meets the requirements of the *Zoning Code* for site development plan for subdivision.
3. The site development plan for subdivision furthers the applicable goals and policies of the *Comprehensive Plan*. It proposes a quality urban environment with new growth accommodated on vacant land, contiguous to existing urban facilities and with a design that is appropriate to the plan area (*Established Urban Policies d, e, 1*).

**OFFICIAL NOTICE OF DECISION
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PROJECT #1002455
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4. This site is located on the old San Antonio Landfill. Development of this site is dependant on the applicant's cooperation with the Environmental Health Department's requirements regarding developing on a landfill site. Environmental Health has submitted a letter concerning this issue and the applicant is required to work with this department to submit mitigation measures if necessary.

CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions. 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. The solid line weight on the site plan for subdivision depicting the 25-foot cross-access agreement shall be changed to a dashed line.
3. The cross-access agreement that is in effect for the entrance to the site as well as to the hotel site to the west shall be noted on the site plan for subdivision.
4. The developer shall follow the most current version of the "Interim Guidelines for Development Within 1000 Feet of a Landfill". A review of the site plans, the proposed construction, design drawings, and a certification of construction shall be required by the Environmental Health Department.
5. A re-plat of the property shall be submitted to DRB for concurrent approval of this request.
6. The developer shall obtain an approved master plan for land gas remediation for the entire 10.03 acre site prior to development.

On March 20, 2003 the Environmental Planning Commission voted to approve Project 1002455/03EPC 00148, a site development plan for building permit, for Tract A-3-B-1, J Group Addition, zoned SU-1 C-1 based on the following Findings and subject to the following Conditions:

FINDINGS:

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PAGE 3

1. This is a request for a site development plan for building permit for Lot A-3-B-1, J Group Addition, located on San Antonio Drive between Interstate-25 and San Pedro Drive NE. The site plan proposes a 15,500 square foot office building.
2. This request is generally in conformance with the goals and polices of the *Comprehensive Plan*, specifically, by locating a commercial use within an existing commercially zoned area and by improving the quality of the visual environment. Site landscaping and building façade treatments will blend with the surrounding area (*Established Urban Policies j and m*).
3. This request is in conformance with Policy i of the *Comprehensive Plan* by locating employment and service uses to complement residential areas and by placing them to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.
4. This request is in conformance with Established Urban Policy j of the *Comprehensive Plan* by proposing a location, intensity, and design of new development that shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.
5. The request is for new growth in an area where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured (*Established Urban Policy e*).
6. The subject site is located on land adjacent to arterial streets and has been planned to minimize harmful effects of traffic. In this way, the livability and safety of established residential neighborhoods is protected by transportation planning and operations (*Established Urban Policy k*).
7. Development of this site is dependant on the applicant's cooperation with the Environmental Health Department's requirements regarding developing on a landfill site. Environmental Health has submitted a letter concerning this issue and the applicant is required to work with this department to submit mitigation measures if necessary. Because the site is located on an old landfill, this proposal presents the opportunity to mitigate the effects of the environmental concerns about the landfill site and ultimately create a safer environment for the community.

CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions. 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.

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PROJECT #1002455
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2. The solid line weight on the site plan for building permit depicting the 25-foot cross-access agreement shall be changed to a dashed line.
3. The cross-access agreement that is in effect for the entrance to the site as well as to the hotel site to the west shall be noted on the site plan for subdivision.
4. The developer shall follow the most current version of the "Interim Guidelines for Development Within 1000 Feet of a Landfill". A review of the site plans, the proposed construction, design drawings, and a certification of construction shall be required by the Environmental Health Department.
5. All pedestrian crossings shall be raised and/or textured and of material other than asphalt. The crosswalks on the site plan appear to be stone, but this material shall be clearly stated on the site plan.
6. The site plan should show an ADA accessible paved connection from the south end of the site to the Pino Arroyo. This connection shall be similar in width and style to other pedestrian connections within the site.
7. A minimum of 6 bicycle parking spaces shall be provided.
8. The proposed Navajo willow shall be removed from the landscape plan and substituted with an assortment of Texas umbrella tree, Texas red oak, Kentucky coffee tree, Jujube, or Mexican Elder.
9. Landscape regulations require that 75% of landscape areas over 36 square feet in size must be covered with living, vegetative material. Planting beds shall obtain 75% coverage of living vegetation at time of maturity. Additional low water use shrubs, groundcovers and flowers shall be added to the planting beds to ensure this coverage.
10. The site plan shall provide shade trees in all of the parking lot areas. Trees should be provided at a rate of 1 for every 10 parking spaces to provide shade. No parking space shall be more than 100 feet from a tree trunk
11. An outdoor patio space that is a minimum of 300 square feet in size with tables and seating shall be provided. The patio shall have adequate shading provided by trees and/or a shade structure that integrates with building architecture.
12. The site plan shall state the color family proposed for the building materials. The exact color and materials of the sign shall be noted.

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13. The type, height, material and color of the fencing proposed for the site shall be noted on the site plan. No chainlink, razor wire or plastic/vinyl fencing is permitted.
14. The refuse enclosure shall be compatible in design, color and material with building architecture. The gates shall be opaque and chain link gates are not allowed. A detail showing the proposed refuse enclosure shall be provided on the site plan.
15. The location of light poles, if any, shall be included on the site plan. Light fixtures shall be a maximum of 20-feet high, with and maximum of 16-feet high if within 50-feet of a residentially zoned site. The light fixtures shall be fully shielded horizontal lamps so that no fugitive light shall escape beyond the property line. All light fixtures shall be full-cut-off type to prevent fugitive light. No light source shall be visible from the site perimeter.
16. Transportation Planning/Public Works Conditions:
 - a. All the requirements of previous actions taken by the EPC and the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
 - c. Completion of the required TIS mitigation measures, per Transportation Development Staff, must be completed if assumed to be in place for the current TIS for this site.
 - d. Site shall comply and be designed per DPM Standards and current COA Zoning Code.
 - e. Provide cross access agreement between Lot A-3-B-1 and public access road to Hawthorne Suite: Property.
 - f. The Traffic Engineer, based on development of the remaining parcels, may modify access points.
 - g. The submittal does not include a conceptual utility plan. Development will require extension of public water and sanitary sewer lines on Tract A3A, east along San Antonio to San Pedro. Financial guarantees will be required as a condition of plat approval. A water and sanitary sewer availability statement must be requested and completed prior to any DRB approval(s).
 - h. An approved conceptual grading and drainage plan is required for Site Plan sign-off by the City Engineer. Approval of drainage plan required prior to placement on DRB agenda.
 - i. Platting should be a concurrent DRB action.
17. The proposed building has two principle facades north and south, both shall have a minimum 8 ft. wide sidewalk along the entire length of the façade.
18. The parking spaces smaller than 8 ft. 6 by 20 feet shall be designated as compact only and the parking calculations shall note the number of full size and compact spaces. The total mix shall meet the standard city requirements for such.

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MARCH 20, 2003
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PAGE 6

19. Provide 8 linear feet of fixed seating at each of the two principal entry ways to the building.
20. Provide a planting strip of native vegetation adjacent to the Pino Arroyo.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY APRIL 4, 2003 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

FOR Victor J. Chavez
Planning Director

VJC/DS/ac

cc: Timothy Ott, 40 Chaco, Los Alamos, NM 87544
Irene Minke, Academy Acres North NA, 6504 Dungan NE, Albuquerque, NM 87109
Roberta Lipman, Academy Acres North NA, 6503 Mendius NE, Albuquerque, NM 87109



City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: October 20, 2006

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1002455

- 06EPC-00458 EPC Site Development Plan-Building Permit
- 06EPC-01076 EPC Site Development Plan-Subdivision

Douglas W. Simms
2712 Castaneda Dr. NW
Albuq. NM 87107

LEGAL DESCRIPTION: for all or a portion of Lots 2-7, **JJ Subdivision**, zoned SU-1 for C-1 Uses, located on the south side of SAN ANTONIO DR., NE, between I-25 and SAN PEDRO DR. NE, containing approximately 2 acres. (E-18) Carmen Marrone, Staff Planner

On October 19, 2006 the Environmental Planning Commission voted to approve Project 1002455/06EPC 01076, an amendment to a site development plan for subdivision for Lots 2-7, JJ Subdivision, zoned SU-1/C-1, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend a site development plan for subdivision for **Lots 2-7, JJ Subdivision**, located on the south side of San Antonio Drive NE between I-25 and San Pedro NE. The site development plan for subdivision was approved by the DRB on October of 2003.
2. This site is located on the old San Antonio Landfill. Development of this site is dependant on the applicant's cooperation with the Environmental Health Department's requirements regarding developing on a landfill site. Environmental Health has submitted a letter concerning this issue and the applicant is required to work with this department to submit mitigation measures if necessary.
3. The request involves several amendments to the approved Site Plan for Subdivision including: (a) the removal of several reciprocal access easements straddling the common lot lines of lots 2 through 7; (b) the provision of two new 40' wide cross access easements straddling lots 3 and 4 and lots 5 and 6 to be in line with the median cuts on San Antonio Drive, (c) the provision of a new 28' wide cross access easement straddling lots 4 and 5; (d) the inclusion of a deceleration lane along San Antonio Drive at the request of the City Traffic Engineering Division, (e) the modification of the design criterion limiting parking in front of a building to no more than 25% of a site's required parking; (f) establishment of wall height limitations; and (g) additional lighting requirements.

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4. The proposed amendments to the Site Plan for Subdivision will facilitate development of the site in a more reasonable manner by providing improved access to the site. In addition, the proposed amendments will improve the quality of development on the site by providing additional design guidelines that require compatible site elements. (*Comp Plan Policies II.B.5.d and II.B.5.l*)
5. The Rank II *Facility Plan for Arroyos* governs this site. A multi-purpose trail is located south of the site within the Pino Arroyo. The request furthers the design guidelines of the *Facility Plan for Arroyos* by linking the subject site to the arroyo trail (*Parking and Service Areas Policy 3*).
6. Both the *Academy Acres North* and *Albuquerque Meadows* Neighborhood Associations were notified of this project. No comments were received from either association.
7. There is no known opposition to this request.

CONDITIONS:

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 an application for final DRB sign-off, the applicant shall meet with the staff planner to ensure that all conditions of approval are satisfactorily met.
3. Development of this site is required to follow the most current version of the Interim Guidelines for Development within City Designated Landfill Buffer Zones. Approval of the Site Development Plan will be required by the Environmental Health Department.
4. Delete the word "Proposed" in the title "Proposed General Design Criteria"
5. The fourth design regulation shall be replaced with the following language: "Required parking shall be distributed on at least two sides of a building."
6. Provide additional design criteria requiring compatible building style, materials and colors throughout lots 2-7.
7. Provide additional design criteria requiring consistent parking lot screening along San Antonio.
8. Lighting regulations shall include language requiring design and height consistency. On-site light poles shall be limited to 18 feet in height.

9. Provide additional design criteria requiring all crosswalks to be textured with colored concrete or brick paving.
10. **CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:**
 - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - c. Delete note on site plan that states, "future sidewalk by City of Albuquerque". Sidewalk is the developer's responsibility and will be constructed as required.
 - d. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - e. The developer will need to define and provide cross access from the proposed west site drive across lot four to lot five, as shown on the site plan. This is in addition, to the proposed north/south access easements that cross lots four and six linking San Antonio Drive with the existing 25' east/west cross access easement and cross lot drainage easement on the south side of the site.
 - f. Direct access to lot five from lot six via the existing east drive cut, as shown on the site plan, is not permitted. Delete 24' drive aisle on lot six, as shown on the site plan, and provide a five-foot keyway on lot five at property line (end of drive aisle). Access to lot five across lot six will be via the proposed north/south access easement that links San Antonio Drive with the existing 25' east/west cross access easement and cross lot drainage easement on the south side of the site.
 - g. Proposed site drive and existing drive cut to be 36' to 40' wide with 25' to 30' curb return radii.
 - h. North/south access easements across lot four and lot six to be paved/improved. Twenty-five foot east/west access easement, south side of property adjacent to site, to be paved/improved.
 - i. Construction of right turn deceleration lane at proposed west site drive required. Length to be determined per TIS and DPM.
 - j. Site plan shall comply and be designed per DPM Standards.

On October 19, 2006 the Environmental Planning Commission voted to approve Project 1002455/06EPC 00458, a site development plan for building permit for Lot 5, JJ Subdivision, zoned SU-1/C-1, based on the following Findings and subject to the following Conditions:

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FINDINGS:

1. This is a request for approval of a site development plan for building permit purposes on 1.3706-acre tract identified as **Lot 5, JJ Subdivision**, for the construction of a neighborhood commercial/retail center with a gross building area of +/-14,958 square feet. This development request was deferred at the May 18 and June 15, 2006 public hearings of the Environmental planning Commission at the request of the applicant.
2. The subject site is part of an overall 7-lot site plan for subdivision that received DRB approval in October of 2003. A site plan for building permit to accommodate the construction of a state office building on Lot 1 was approved in conjunction with the site development plan for subdivision (03EPC.00148). The design of this building was not intended to serve as the architectural anchor for the remainder of development within the overall subdivision. This current application constitutes the second development request within the overall subdivision.
3. This site is located on the old San Antonio Landfill. Development of this site is dependant on the applicant's cooperation with the Environmental Health Department's requirements regarding developing on a landfill site. Environmental Health has submitted a letter concerning this issue and the applicant is required to work with this department to submit mitigation measures if necessary.
4. The request furthers several Established Urban goals and policies of the *Comprehensive Plan*:
 - a. The site plan review process plays a crucial role in maintaining area values, ensuring a safe, visually amenable, and integral development and provides the opportunity for affected property owners to participate and offer input relative to the proposed development of the property (*Policies d, k, l and m*).
 - b. The project site is contiguous to existing municipal services, and the applicant will be responsible for any necessary public improvements and utility extensions (*Policies e, and p*).
 - c. The proposed development is located in an existing commercially zoned area and will provide a reasonable level of goods, services and employment that will not have an adverse effect on residential environments (*Policies i and j*).
5. The request furthers Comprehensive Plan Transportation/Transit *Policies II.D.4.g and II.D.4.h* because the applicant will be responsible for the development of any necessary bicycle lanes and connections to existing multi-purpose public trails in order to provide both connectivity between non-residential and residential uses and alternative mobility.
6. The Rank II *Facility Plan for Arroyos* governs this site. A multi-purpose trail is located south of the site within the Pino Arroyo. The request furthers the design guidelines of the *Facility Plan for Arroyos* by orienting windows and entrances to the arroyo trail and by linking the subject site to the arroyo trail (*Orientation Policy 1.b and Parking and Service Areas Policy 3*).

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7. Both the *Academy Acres North* and *Albuquerque Meadows* Neighborhood Associations were notified of this project. No comments were received from either association.
8. There is no known opposition to this request.

CONDITIONS:

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 an application for final DRB sign-off, the applicant shall meet with the staff planner to ensure that all conditions of approval are satisfactorily met.
3. Label Sheet SP.1 "Site Development Plan for Building Permit".
4. Provide details on sign illumination.
5. Landscaping:
 - a. The final landscape plan shall also include heavier emphasis upon native re-vegetation that will attain a minimum 80% ground coverage by living materials and rely less upon Santa Fe brown gravel ground coverage.
 - b. Walkways shall remain clear of vegetation. Some vegetation will need to be removed from the walkways connecting to the Pino Arroyo trail.
 - c. Honey Locust shall be the shade master of variety.
 - d. Use Hall Honeysuckle on the east side and an upright variety of Rosemary such as Tucson Blue.
6. The applicant shall adhere to the most current version of the *Interim Guidelines for Development within City-designated Landfill Buffer Zones*. A review and approval of the site plan, proposed construction, design drawings and a certification of construction will be required by the City's Environmental Health Department, Environmental Services Division.
7. Relocate the outdoor patio on the east side of Building B to the southwest corner of Building B and move Building B further east on the site. Provide additional landscaping on the east side of Building B.

8. **CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:**
- a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - c. Delete note on site plan that states, "future sidewalk by City of Albuquerque". Sidewalk is the developer's responsibility and will be constructed as required.
 - d. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - e. The developer will need to define and provide cross access from the proposed west site drive across lot four to lot five, as shown on the site plan. This is in addition, to the proposed north/south access easements that cross lots four and six linking San Antonio Drive with the existing 25' east/west cross access easement and cross lot drainage easement on the south side of the site.
 - f. Direct access to lot five from lot six via the existing east drive cut, as shown on the site plan, is not permitted. Delete 24' drive aisle on lot six, as shown on the site plan, and provide a five-foot keyway on lot five at property line (end of drive aisle). Access to lot five across lot six will be via the proposed north/south access easement that links San Antonio Drive with the existing 25' east/west cross access easement and cross lot drainage easement on the south side of the site.
 - g. Proposed site drive and existing drive cut to be 36' to 40' wide with 25' to 30' curb return radii.
 - h. North/south access easements across lot four and lot six to be paved/improved. Twenty-five foot east/west access easement, south side of property adjacent to site, to be paved/improved.
 - i. Construction of right turn deceleration lane at proposed west site drive required. Length to be determined per TIS and DPM.
 - j. Site plan shall comply and be designed per DPM Standards.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY NOVEMBER 3, 2006 IN THE MANNER DESCRIBED BELOW. 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.

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Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and 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. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

for *CMarone*
Richard Dineen,
Planning Director

RD/CM/ac

cc: Tafazzul Hussain, 2501 Yale Blvd. SE, Ste 102, Albuquerque, NM 87106
Irene Minke, Academy Acres NA, 6504 Dungan, NE, Albuquerque, NM 87109
Jody Lynch, Academy Acres NA, PO Box 94387, Albuquerque, NM 87199
Dick Schlaefer, Albuquerque MeadowsNA, 7112-148 Pan American Frwy, NE, Albuquerque, NM 87109
Douglas Berry, Albuquerque MeadowsNA, 7112-102 Pan American Frwy, NE, Albuquerque, NM 87109

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

April 10, 2015

Stroup Co.
5343 Wyoming Boulevard NE
Albuquerque, NM 87109

Project# 1002455
15EPC-40010 Amendment to Zone Map (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 5-A Plat for Lots 4-A, 5-A, 6-A & 7-A, JJ Subdivision zoned SU-1 for C-1 Uses to SU-1 for C-2 Uses, located on San Antonio Dr. NE, between San Pedro Dr. NE and I-25, containing approximately 1.4 acres. (E-18)

Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque

On April 9, 2015, the Environmental Planning Commission (EPC) voted to Approve Project# 1002455, an Amendment to Zone Map (Establish Zoning/Zone Change), based on the following findings:

- New Mexico 87103
- www.cabq.gov
1. This is a request for a Zone Map Amendment (Zone Change) for Lot 5-A Plat for Lots 4-A, 5-A, 6-A & 7-A, JJ Subdivision located on San Antonio Dr. NE, between San Pedro DR. NE and I-25 and containing approximately 1.4 acres.
 2. The subject site is currently zoned SU-1 for C-1 Uses (Neighborhood Commercial). The request is for a change to SU-1 for C-2 Uses zoning (Community Commercial). While the existing zoning will allow for retail and commercial uses, the C-1 zone restricts the sale of alcoholic beverages for off-premise consumption.
 3. An approved request for a Zone Map Amendment from SU-1 for C-1 Uses to SU-1 for C-2 Uses would allow for permissive and conditional uses listed within the C-2 zone on the subject site.
 4. The subject site is part of a site development plan for subdivision of approximately 10 acres for an office/retail center on lots 1 – 7 that was approved by the EPC in 2003 (03EPC-00147). In October of 2006 the EPC approved a site development plan for

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Project #1002455

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building permit for a neighborhood commercial/retail center of approximately 15,000 sf for the subject site (06EPC-00458). The subject site currently contains two separate vacant commercial buildings.

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 converted from SU-1 for C-1 Permissive Uses to its present 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. The Albuquerque/Bernalillo County Comprehensive Plan, Facility Plan for Arroyos, Trails & Bikeways Facility Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

7. 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:

- A. 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 uses surrounding the subject site are compatible with the future use proposed within this application. Staff agrees that the proposed tap room and brewery use respects existing neighborhood values by creating a space for residents to convene for recreational purposes. The request furthers Policy II.B.5.d.

- B. 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 and where the integrity of existing neighborhoods can be ensured.

The request is for new growth in an area where vacant land is contiguous to existing or programmed urban facilities and services, and the integrity of existing neighborhoods can be ensured as the proposed use will occur on a site that contains appropriate buffers as well as trail access for pedestrians. The request furthers Policy II.B.5.e.

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

The potential employment opportunities that the proposed microbrewery would create sufficiently compliment the residential uses in the nearby neighborhood. The request furthers Policy II.B.5.i.

- D. 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 existing commercial buildings were found by the EPC in 2006 to be planned in a way so as to minimize any potential harmful effects on the surrounding established neighborhoods. Therefore, the request furthers Policy II.B.5.k.

- E. Policy II.B.5.l.: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

Staff agrees that the existing building has already been approved to ensure conformance with City plans and policies, and that the building design is appropriate to the Plan area which is Established Urban. The request furthers Policy II.B.5.l.

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

The proposal to rehabilitate existing buildings into a space that provides employment opportunities and a community gathering space on a site where the existing buildings are currently vacant demonstrates redevelopment efforts that strengthen the surrounding/ established residential area. The request furthers Policy II.B.5.o.

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

The proposed use will take place on a previously approved commercial site that contains two existing vacant commercial buildings which constitutes a cost-effective redevelopment technique. The request furthers Policy II.B.5.p.

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- H. Solid Waste: The goal is an economical and environmentally sound method of solid waste disposal which utilizes the energy content and material value of municipal solid waste. Applicable policies include:
- Policy II.C.3.e.: Landfills shall be designed and engineered in accordance with their ultimate use, improving the land's open space or reuse potential where needed and appropriate.

The request seeks to increase the reuse potential of the currently vacant commercial buildings on the subject site. Therefore, the request furthers Policy II.C.3.e.

- I. 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.- local business and recruitment, because it would contribute to the development of a local business.

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

The current microbrewery trend within the City of Albuquerque is part of a larger initiative that was officially supported by the State of New Mexico Legislature during the 2014 legislative session. More specifically, Senator Tim Keller sponsored a Senate memorial whose intent is to bring a broader awareness to craft brewery businesses becoming a strong factor in promoting economic development and tourism in New Mexico. The request furthers Policy II.D.6.d.

8. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

- A. 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.

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- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

The proposed use will be located in an existing commercially zoned area and the approved site development plan currently includes pedestrian and bicycle access to the nearby Pino Arroyo Trail (a paved multi-use trail). However, the applicant has argued that the requested zoning and land uses are more appropriate based on a “community emphasis” rather than a “neighborhood emphasis”. Therefore, the request partially furthers Policy II.B.5.j.

9. The request is in general compliance with the following applicable goals and policies of the Facility Plan for Arroyos:
 - A. 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 related to the present request for a zone map amendment.
10. The request is in general compliance with the following applicable goals and policies of the Trails and Bikeways Facility Plan:
 - A. The approved site development plan for building permit for the subject site was required to comply with the policies and standards of the Trails & Bikeways Facility Plan 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 would support several Rank I and II plan policies regarding increasing the reuse potential of a vacated municipal landfill site, promoting tourism and helping expand local employment opportunities.
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

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Arroyo and other non-residential uses allowing for sufficient separation between the requested C-2 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 designation per the Zoning Code which will not change. Additionally, the proposed change from C-1 to C-2 designation still constitutes commercial land uses. Therefore, staff agrees that the request still ensures land use and zoning stability.
 - C. The request is generally consistent with several goals and policies of the applicable plans (see Finding 5 - 8).
 - D. Staff agrees that the request furthers Comprehensive Plan policies related to cost-effective redevelopment techniques (II.B.5.p.) and increasing a landfill's reuse potential (II.C.3.e.), and that there is a public need for increased community commercial activity and services in this part of Albuquerque.
 - E. Staff agrees that the Pino Arroyo provides an adequate buffer along the south edge of the subject site and that 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 sites 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 that will continue to be site plan controlled.
 - J. Staff agrees that the requested zone map amendment will not result in a strip zone.

14. The Academy Acres North Neighborhood Association, Albuquerque Meadows Resident's Association and District 4 Coalition of Neighborhood Associations along with

OFFICIAL NOTICE OF DECISION

Project #1002455

April 9, 2015

Page 7 of 8

property owners with 100 feet were notified of this request. A facilitated meeting was not recommended or held. 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 **APRIL 24, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th 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).

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

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

OFFICIAL NOTICE OF DECISION

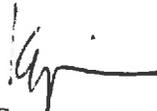
Project #1002455

April 9, 2015

Page 8 of 8

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,



for Suzanne Lubar
Planning Director

SL/VQ

cc: Stroup Co., 5343 Wyoming Blvd NE, Albuquerque, NM 87109
Consensus Planning, Inc., 302 Eight Street NW, Albuquerque, NM 87102
Jacob Tellier, P.O. Box 90181, Albuquerque, NM 87199
Irene Minke, P.O. Box 90181, Albuquerque, NM 87199
Mary Jo Valley, 7112-26 Pan American Frwy. NE, Albuquerque, NM 87109
Bob Stetson, 7112-154 Pan American Frwy. NE, Albuquerque, NM 87109
Michael Pridham, 6413 Northland Ave. NE, Albuquerque, NM 87109
Peggy Neff, 8305 Calle Soquelle NE, Albuquerque, NM 87113

ZONING

Refer to Section 14-16-2-22 of the Comprehensive Zoning Code for specifics regarding the SU-1 (Special Use Zone). Refer to Section 14-16-2-17 of the Comprehensive Zoning Code for specifics regarding the C-2 (Community Commercial Zone).

APPLICATION INFORMATION



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

- for Subdivision Amendment
- for Building Permit Amendment
- Administrative Amendment/Approval (AA)
- 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): Consensus Planning, Inc. PHONE: 505-764-9801
 ADDRESS: 302 Eighth Street NW FAX: 505-842-5495
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: fishman@consensusplanning.com

APPLICANT: San Antonio Commons LLC PHONE: 505-857-9566
 ADDRESS: 5343 Wyoming Boulevard NE FAX: _____
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: LarryStroup@StroupCo.com
 Proprietary interest in site: Owner List all owners: _____

DESCRIPTION OF REQUEST: Zone Map Amendment

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. Lot 5-A-1 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: JJ Subdivision Continued
 Existing Zoning: SU-1 for C-2 Proposed zoning: Wholesale of Beer MRGCD Map No. _____
 Zone Atlas page(s): E-18-Z UPC Code: 101806218950420144; 101806222050420146

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): Project #
1009888; 1002455; 03EPC-00147-00148; 06EPC-00548; 08EPC-40045, 40046; 15EPC-40010 Z-89-95; Z-93-3; 16AA-10008

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? Yes
 No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.7225
 LOCATION OF PROPERTY BY STREETS: On or Near: San Antonio Drive NE
 Between: San Pedro Drive NE and I-25

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE Jacqueline Fishman DATE August 31, 2016
 (Print Name) Jacqueline Fishman, AICP Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers
16EPC - 40042

Revised: 4/2012

Action	S.F.	Fees
<u>AZM</u>	_____	<u>\$ 295.00</u>
<u>ADK</u>	_____	<u>\$ 75.00</u>
<u>CMF</u>	_____	<u>\$ 50.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
Total		<u>\$ 420.00</u>

Hearing date Oct 13, 2016

[Signature]
 Staff signature & Date 8-31-16

Project # 1009888

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.

Jacqueline Fishman, AICP
Applicant name (print)
[Signature] 8-31-16
Applicant signature & Date



Revised: June 2011

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
16EPC - 410012

[Signature] 8-31-16
Staff signature & Date
Project # 1009888

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: San Antonio Commons, LLC DATE OF REQUEST: 8/30/16 ZONE ATLAS PAGE(S): E-18-Z

CURRENT:

ZONING SU-1 for C-2

PARCEL SIZE (AC/SQ. FT.) 1.4 acres

LEGAL DESCRIPTION:

LOT OR TRACT # 5-A-1 BLOCK # _____

SUBDIVISION NAME JJ Subdivision Continued

REQUESTED CITY ACTION(S):

ANNEXATION []

ZONE CHANGE [X]: From SU-1 for C-1 To SU-1 for C-2,

SECTOR, AREA, FAC, COMP PLAN []

AMENDMENT (Map/Text) []

including the
wholesaling
of beer

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT []

BUILDING PERMIT [] ACCESS PERMIT []

BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [X]

NEW CONSTRUCTION []

EXPANSION OF EXISTING DEVELOPMENT []

2 existing Buildings

GENERAL DESCRIPTION OF ACTION:

OF UNITS: _____

BUILDING SIZE: _____ (sq. ft.)

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

APPLICANT OR REPRESENTATIVE 

DATE 8-30-16

(To be signed upon completion of processing by the Traffic Engineer)

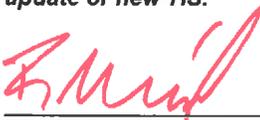
Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [] NO [X] BORDERLINE []

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

No new construction/development

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

8/30/16
DATE

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

TIS -SUBMITTED ___/___/___
-FINALIZED ___/___/___

TRAFFIC ENGINEER _____

DATE _____



5600 Wyoming NE, Suite 180
Albuquerque, NM 87109

(505) 857-9566 FAX: (505) 821-6258 Cell: (505) 269-0117

E-Mail Address: LarryStroup@StroupCo.com

from: **Larry Stroup**

August 22, 2016

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 2nd Street NW
Albuquerque, New Mexico 87012

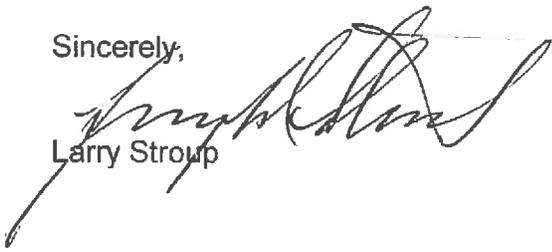
Re: Zone Map Amendment

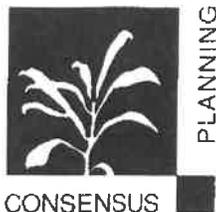
Dear Chair Hudson:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as agents for San Antonio Commons, LLC on a Zone Map Amendment for Lot 5-A-1, JJ Subdivision, on San Antonio Drive NE, between Interstate 25 and San Pedro Drive NE.

Thank you for your consideration.

Sincerely,


Larry Stroup



September 23, 2016

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Zone Map Amendment– Lot 5-A-1, JJ Subdivision

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102
(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Madam Chair:

The purpose of this letter is to provide justification for a Zone Map Amendment for the property located at 5700 San Antonio Drive NE, on behalf of Stroup Co. and San Antonio Commons, LLC. The current zoning on the approximately 1.7-acre property is SU-1 for C-2. The applicant's request is to change the existing zoning to SU-1 for C-2 Uses, including Wholesale of Beer to allow the sale of beer to restaurants and other venues from the existing Starr Brothers restaurant and micro-brewery.

CASE HISTORY

- **2016:** In 2016, an Administrative Amendment to the Site Plan for Subdivision was approved to allow additional parking. Specifically, the Amendment consolidated lots 5, 6, and 7 into new lots 5-A-1 and 7-A-1 (16AA-10008).
- **2015:** In 2015, the EPC approved a Zone Map Amendment request for the subject lot from SU-1 for C-1 uses to SU-1 for C-2 uses (15EPC-40010), which allowed the Starr Brothers Brewery to locate on the site.
- **2008:** In 2008, amendments were made to the Site Development Plan for Subdivision to adjust the landscaping requirements due to the site's location over a landfill (08EPC-40045, 08EPC-40046).
- **2006:** In 2006, an application was made for the subject property, which is located on Lot 5. A Site Plan for Building Permit for the two existing buildings was approved in October, 2006 (06EPC-00458).
- **2003:** The approximately 1.4-acre subject site was part of an overall 7-lot Site Plan for Subdivision that was approved in March 2003 (Project #1002455, 03EPC-00147) and platted in 2004. A Site Plan for Building Permit to accommodate the construction of a state office building, located on Lot 1, was approved in conjunction with the Site Development Plan for Subdivision (03EPC-00148).
- **1989/1993:** It is unclear when the property was originally zoned SU-1 for C-1; it was either in 1989 (Z-89-95) or 1993 (Z-93-3). The files for the 1993 zone map amendment are missing from the City's record. Case history research suggests that the zone change occurred in 1989 when approximately 20.1 acres of land located "between San Antonio Avenue NE and Pino Arroyo, and either side of San Pedro Avenue NE" were approved for a zone map amendment from R-2 and O-1 to SU-1 for C-1 Permissive Uses excluding the portion of the properties which the City later took for right-of-way. The zone change was justified due to the constraints and potential hazards associated with the landfill. It was determined that

PRINCIPALS

James K. Stroger, AICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP
Laurie Fiori, PLA, ASLA

residential development was not desirable on the site and that commercial uses would be more appropriate.

CURRENT REQUEST

The property is currently zoned SU-1 for C-2 Uses, which allows the sale of liquor in a restaurant setting and the manufacturing and sale of beer for off-premise consumption. However, the existing zoning does not allow for the wholesale activities. The existing buildings, approved in 2006, house the Starr Brothers restaurant and micro-brewery within a portion of the east building.

The applicant is requesting a zone map amendment to SU-1 for C-2, including Wholesale of Beer, which would allow wholesaling to restaurants and other venues. C-2 conditional uses allow manufacturing of beer as an accessory use, meaning that up to 49% of the proposed use is allowed to be manufacturing and the remaining 51% must be the primary use. In the case of Starr Brothers, the primary use is the restaurant and a portion dedicated to the micro-brewery will be less than 50%. The leftover space within the subject building is occupied by Lovato Optical.

Due to the site's close proximity to compatible commercial uses (hotels and other restaurants), the Mobile Home Park to the north, apartments and additional homes to the east and south, the expanded C-2 use is an appropriate zone category for this property. The addition of "Wholesale of Beer" would not change the day-to-day activities on the property. Additionally, the property is buffered by San Antonio Drive, the Pino Arroyo, and other non-residential uses allowing for adequate separation between the existing uses and residential development.

Although the focus of this existing small, local business will remain on the micro-brewery/restaurant activities, the owners would like the flexibility to wholesale small amounts of beer to continue to grow their business. Starr Brothers Brewing, anticipates that wholesale sales will be less than 30 barrels (1,260 gallons) a month and is proposing to distribute this beer with self-owned pickup trucks.

Existing Site and Building

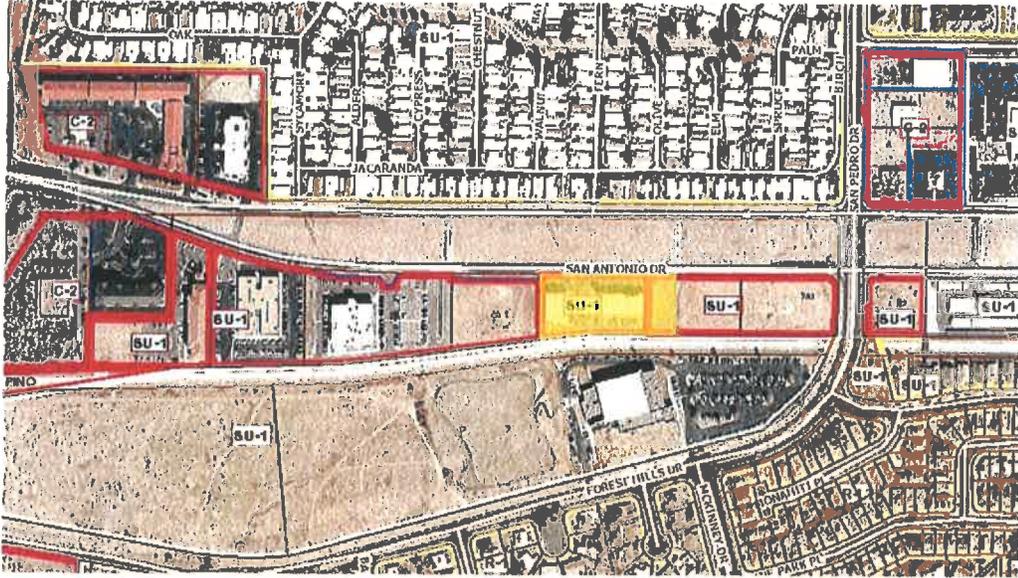




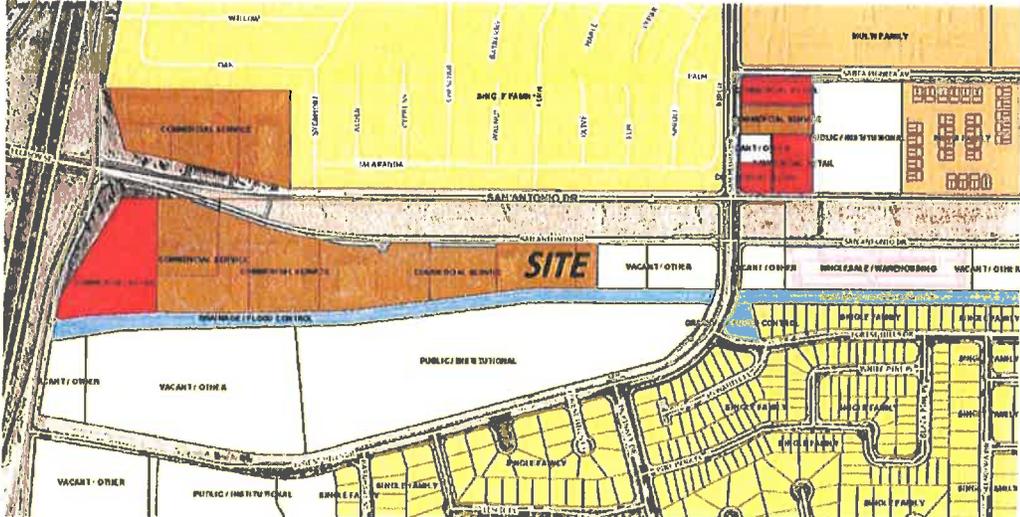
ADJACENT ZONING AND LAND USE

Adjacent properties to the east and west are zoned SU-1 for C-1 Uses and are currently vacant. Presbyterian Health Services, located to the south of the site, is zoned SU-1 for Office. The Pino Arroyo Multi-Use Trail runs south of the property. The trail and channel buffer the subject site from Presbyterian Health Services. Property surrounding Presbyterian Health Services and zoned SU-1 for Office is vacant. San Antonio Drive is to the north of the property and provides another buffer to the site. The Meadows Mobile Home Park, located on the north side of San Antonio Drive, is zoned SU-1 for MH. Single family homes are to the south of Forest Hills Drive on R-1 zoned property.

Zoning



Land Use





ZONE MAP AMENDMENT - RESPONSE TO RESOLUTION 270-1980

CONSENSUS

This zone change request is in compliance with Resolution 270-1980 as follows:

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

Applicant's Response: This request is consistent with the health, safety, morals, and general welfare of the City. The proposed restaurant and micro-brewery is appropriately located. The property is buffered by San Antonio, an urban minor arterial to the north and Pino Arroyo Trail and Drainage Facility to the south. Beyond those facilities are surrounded by commercial and office zoned properties and a mobile home park to the north. The applicant is requesting a zone change in order to allow the Wholesale of Beer in conjunction with the existing Starr Brothers micro-brewery and restaurant, a commercial retail use. The proposed zoning of the property will run with the land and not the existing business. However, this property has a unique system of checks and balances that will ensure that any future new use of this property will undergo a review process. The subject site is located on a former landfill. As noted on the approved Site Plan for Subdivision for this property, development within city designated landfill buffer zones requires "review and approval of the Site Plan(s)". Furthermore, the proposed addition of the Wholesale of Beer use is proposed to be tied to a small brewers' license. This will limit the use of this additional zoning designation to future businesses that hold a brewer's license only. The potential for a future tenant to utilize the property for strict wholesaling production is limited due to the size of the existing building and the property. Any future modifications to the Site Plan will require review by the Environmental Planning Commission, as stipulated by the Site Plan for Subdivision.

The existing mobile home park to the north of San Antonio Drive is surrounded by commercial uses, including the adjacent property to the west that is zoned C-2, as well as the property to the east along San Pedro Drive. Comfort Suites, La Quinta Hotel, and Denny's are located directly to the west of the Mobile Home Park, along San Antonio Drive. Blake's Lotaburger, Family Dollar, and a convenience store and gas station are located on the corner of Santa Monica Avenue and San Pedro Drive, to the east of the Mobile Home Park.

The proposed zone change is justified by the City's Comprehensive Plan policies that are referenced in Section C. of this letter. The Comprehensive Plan policy sections that support this request are: Section II.D.6, Policies b and d; Section II.B.5, Policies d, e, I, j, k, l, and o.

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

Applicant's Response: The property is currently zoned for commercial use and is proposed to remain commercial use within existing buildings. As stated in the description above, the proposed use is compatible with the existing uses in the surrounding area. Per the Mid Region Council of Governments (MRCOG) Roadways Classification Map, San Antonio is listed as a Minor

Arterial. San Antonio delivers traffic from I-25 to collector roads and local streets. Based on MRCOG's 2013 traffic flow map, San Antonio reported about 17,000 to 22,000 average weekday traffic. Other than principal arterials and urban interstates, San Antonio is in the third highest traffic count rating, based on the MRCOG 2013 traffic flow map of Albuquerque. As such, San Antonio is considered a major travel corridor that is used both by motorists traveling to and from the immediate area, as well as others from outside the area, making C-2 an appropriate zoning designation. The proposed addition of wholesaling (a C-3 use) would not substantially change the function and activities of the existing use. Wholesaling allows an additional market opportunity for the existing business.

In the C-2 zone, the uses emphasize the greater community rather than a single neighborhood. The C-2 zone and proposed Wholesale of Beer component is appropriate for the subject property due to the property's location on an arterial road and other existing C-2 uses that are located nearby. It is a limited expansion of what is already occurring on the property.

C-2 uses exist to the northwest and northeast of the property and are in closer proximity to existing residential uses. The proposed use will allow an existing, successful restaurant and micro-brewery to expand its business operations. The restaurant and micro-brewery has been operating very successfully since its opening by providing dining and entertainment options to the immediate area and overall community. This compatibility with the surrounding uses fosters zoning and land use stability.

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

Albuquerque/Bernalillo County Comprehensive Plan

Applicable policies from the Comprehensive Plan are provided below:

II.D.6. Economic Development

The subject property is within the Comprehensive Plan Established Urban area boundaries. The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

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

Applicant's Response: Approval of the requested zone change would allow for a recently opened local restaurant and micro-brewery business to expand their business operations to allow wholesaling. The subject property remained vacant since it was developed in 2006 and is now occupied by Starr Brothers and Lovato Optical. The requested wholesaling use as part of the existing C-2 zone would allow Starr Brothers to sell its beer to restaurants and other venues. This furthers the Comprehensive Plan policies that encourage local business development in the City. This expanded use will provide a greater range of economic development opportunity for the existing Starr Brothers business.

Policy d: Tourism shall be promoted.

Applicant's Response: This restaurant and micro-brewery site adds to the growing craft brewery business trend in Albuquerque. The brewery business is becoming a new tourism attraction for the City. Bicycle tours have been organized to stop at the City's various local brewpubs. Routes Rentals and Tours offer a brewery bike tour of local microbreweries. Additionally, the Beer-Chantment – Hop Car Brewery tour advertises a tour of over 40 breweries and 7 brew festivals in the City of Albuquerque.

The location of the existing restaurant and micro-brewery is ideal for the tourism industry as the property is within walking distance of four existing hotels along San Antonio Drive: Hilton Garden Inn, Homewood Suites, Comfort Suites, and La Quinta. Additionally, the requested expanded zoning would allow this existing, local business to offer its products to other local businesses.

II.B.5. Established Urban

The Goal 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.

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

Applicant's Response: The proposed project is appropriately located. It is surrounded by commercial uses, an institutional use to the south, and nearby residential uses that will likely be customers of the proposed use. The property is buffered from the surrounding uses by San Antonio Drive to the north and Pino Arroyo Trail and Drainage Facility to the south.

The proposed addition of Wholesale of Beer to the zoning designation will allow this local, small business to continue to thrive and operate. The amount of beer to be wholesaled is proposed to be less than 30 barrels a month. Furthermore, distribution of this beer will be facilitated through the existing tenant's privately owned trucks. This will eliminate any negative impacts on the surrounding properties and residents.

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

Applicant's Response: The current zoning on the site, SU-1 for C-2 Uses, accommodates the existing business, but restricts it from reaching its full business potential. Approval of wholesaling would allow the existing company to expand its business opportunities. The existing restaurant and micro-brewery provides employment opportunities in this area. The site is

predominantly surrounded by commercial and office uses, with the exception of the mobile home park to the north. The existing restaurant and micro-brewery operations will remain the same. Starr Brothers is proposing to brew less than 30 barrels of beer a month, if this Zone Map Amendment is approved. Furthermore, distribution of beer related to wholesaling activities will be limited to personal trucks owned by the Starr Brothers tenants. Therefore, considerations of light and pollution should remain unaffected and current operations and function of the site should remain the same.

*Policy 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.*

Applicant's Response: The existing zoning is commercial and the applicant is proposing to keep the zoning commercial with an additional use that would benefit an existing business and is appropriate for the area. The project is surrounded by commercially zoned properties and is adjacent to a pedestrian and bicycle trail to the south.

*Policy 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.*

Applicant's Response: The subject property is buffered by San Antonio Drive to the north and a multi-use trail and drainage facility to the south. Access to the property has been designed and approved by the EPC. In its 2003 findings to, the EPC found that "The subject site is located on land adjacent to arterial streets and has been planned to minimize harmful effects of traffic. In this way, the livability and safety of established residential neighborhoods is protected by transportation planning and operations" (Finding # 6, Project # 1002455, 03EPC-00147).

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

Applicant's Response: The proposed zone change will allow an existing restaurant and micro-brewery to expand its business operations to wholesaling of its product. The existing C-2 zone allows for a comprehensive range of land uses appropriate for the area including the existing restaurant and micro-brewery. In order to allow this existing, local business to expand its operations, a Zone Map Amendment is required. Approval of this request will ensure that the existing linkages between residents of the nearby older and newer neighborhoods (Albuquerque Meadows, Academy Acres North, the San Antonio Condos, Broadstone Santa Monica, and Broadstone Promenade), existing commercial uses (hotels and restaurants), and existing services (new restaurant and micro-brewery) are maintained. The proposed use facilitates the success of this local business. Allowing the Wholesale of Beer will ensure that this business enterprise will remain successful and allow it to continue its operations in the neighborhood.



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

- i. There was an error when the existing zone map pattern was created; or
- ii. Changed neighborhood or community conditions justify the change; or
- iii. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

Applicant's Response: D.iii – The proposed zoning is more advantageous to the community, because it will foster the continued use of an existing building that was vacant prior to the Starr Brothers occupation in 2015. The proposed Wholesale of Beer use would allow this existing, local business to sell its beer to restaurants and other venues. The proposed zone is a new use that is not present in the area, and provides for a more comprehensive range of uses, in addition to the permissive uses within the C-2 zone. This use is not available within the C-2 zone and would be beneficial to the community as a whole as it would allow a local business to expand its venture opportunities. The wholesaling component will allow sales to other restaurants and will foster trade activity between local businesses, which is important for regional economic growth.

Starr Brothers Brewing, the current tenant of the property, anticipates to wholesale less than 30 barrels a month. The focus of this existing business will remain on the micro-brewery/restaurant activities. However, this local, small business would like the flexibility to wholesale small amounts of beer to continue to grow their business. Starr Brothers is proposing to distribute this beer with self-owned pickup trucks.

If approved, the proposed zoning of the property will run with the land and not the existing use. As previously stated, this property has a unique system of checks and balances that will ensure that any future new use of this property will undergo a review process since the subject site is located on a former landfill, which requires "review and approval of the Site Plan(s)". Furthermore, the proposed addition of the Wholesale of Beer use is proposed to be tied to a brewery license. This will limit the use of this additional zoning designation to future businesses that hold a brewer's license only. The potential for a future tenant to utilize the property for strict wholesaling production is limited due to the size of the existing building and the property. Any future modifications to the Site Plan will require review by the EPC, as stipulated by the Site Plan for Subdivision.

The proposed zone change will not change the current operations of the existing restaurant and micro-brewery. The current zoning allows for retail commercial uses; however, the current C-2 zoning restricts the sale of alcoholic beverages from expanding to restaurants and other larger venues. The requested zoning is more advantageous to the neighborhood and overall community as it furthers multiple City plans and policies. Specifically, the proposed zone change will:

1. Allow for a use that is not geared solely to serve the needs of the immediate neighborhood.

2. Encourage local business development.
3. Add to the increasing tourism attraction of local breweries and Albuquerque's craft beer economy.
4. Foster symbiotic relationships between residential and entertainment uses as well as residential and retail/commercial uses by allowing this local business to sell its beer to restaurants and other venues across the region.
5. Continue to provide employment opportunities and services for the residents of the area and the greater community.

The proposed zoning is more advantageous to the community as it will allow the current business to continue to operate. This restaurant and micro-brewery has filled a public need for community commercial uses and services. Within the 1,855 acres that encompasses the land from Academy Road NE, north to Paseo Del Norte, and bound on the east and west by Wyoming Boulevard, and Interstate 25, there are two restaurant uses (not including Starr Brothers), one of which sells alcohol for consumption on site, none of which sell alcohol for off-site consumption or wholesaling. The proposed zoning will allow a use that is advantageous to the surrounding and overall metropolitan community by encouraging the success of local businesses.

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

Applicant's Response: The requested zoning for the subject site will continue to allow for community commercial uses with the addition of Wholesale of Beer. The proposed use is appropriate for this location and will not be harmful to adjacent properties. The proposed use is compatible with adjacent uses that include commercial and institutional uses. The proposed use will allow the existing Starr Brothers restaurant and micro-brewery to continue its operations. Starr Brothers is also within walking distance from the Broadstone Santa Monica Projects, Mobile Home Park, and condominiums to the north of the site, as well as the single family homes to the east and south of the property. Starr Brothers has created a recreational venue for those living in the neighborhood. Furthermore, the location of the property is ideal for the existing restaurant and micro-brewery as well as the proposed Wholesale of Beer as it is easily accessed off of I-25, San Antonio Drive, and San Pedro Drive. San Antonio Drive is a high traffic Urban Minor Arterial Road which would be compatible with the existing and proposed use as it would be visible to passersby and the noise from the traffic would not be an issue for the proposed use.

On-site brewing currently occurs on the subject property and does not create adverse effects on the adjacent properties. Manufacturing is allowed up to 49% of the primary use and will occur in a designated portion of the building. The Wholesale of Beer would not impact the current business operations. Rather, it provides new selling opportunities for the company.

Starr Brothers Brewing, the current tenant of the property, anticipates to wholesale less than 30 barrels a month. The focus of this existing business will remain on the micro-brewery/restaurant activities. However, this local, small business would like the flexibility to wholesale small amounts of beer to

continue to grow their business. Starr Brothers is proposing to distribute this beer with self-owned pickup trucks.

Typically, the proposed zoning of the property would run with the land and not the existing use. However, this property has a unique system of checks and balances that will ensure that any future new use of this property will undergo a review process. The subject site is located on a former landfill. As noted on the approved Site Plan for Subdivision for this property, development within city designated landfill buffer zones requires "review and approval of the Site Plan(s)". Furthermore, the proposed addition of the Wholesale of Beer use is proposed to be tied to a brewery license. This will limit the use of this additional zoning designation to future businesses that hold a brewer's license only. The potential for a future tenant to utilize the property for strict wholesaling production is limited due to the size of the existing building and the property. Any future modifications to the Site Plan will require review by the Environmental Planning Commission, as stipulated by the Site Plan for Subdivision.

- F. *A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:*
- i. Denied due to lack of capital funds; or*
 - ii. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.*

Applicant's Response: The proposed zone change will not necessitate the need for any capital improvements by the City.

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

Applicant's Response: The cost of land and other economic considerations pertaining to the applicant are not the determining factor for the proposed zone change. Starr Brothers is leasing the property from San Antonio Commons, LLC. The proposed zone change will allow the continued use of the property for its current operations. The existing, local restaurant and micro-brewery will be able to expand its sale of beer to restaurants and other venues through the approval of the proposed zoning. This will encourage this existing business to remain in the subject area that has been developing into a more desirable part of the City.

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

Applicant's Response: This zone map amendment request is not being justified based on the property location on a major roadway. The applicant is requesting an additional commercial use for this property than the current C-2 zone allows. The existing C-2 zone does not allow the existing on this property to operate at full capacity and meet a broader community need. The requested zone map amendment will allow the existing company to expand its business opportunities.



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

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

Applicant's Response: (1) - The zone change request from SU-1 for C-2 Uses and SU-1 for C-2 and Wholesale of Beer uses to allow sale of beer for off-premise sale to restaurants and other venues to accommodate the existing micro-brewery is not a spot zone. While all SU-1 zones are spot zones by their nature as a "custom zone", the current zoning is SU-1 for C-2; the request for another SU-1 for C-2 and Wholesale of Beer Uses maintains this special use designation as the property already has an approved site plan. Furthermore, the request for Wholesale of Beer is compatible with the surrounding area as the area is zoned C-2 zoned properties to the northeast and northwest along Interstate 25 and San Pedro Drive, respectively.

The proposed zoning is appropriate as it furthers Comprehensive Plan policies. Comprehensive Plan policies that are furthered by this proposed development include local business development and adding to an existing and evolving tourism attraction for local craft breweries. The proposed use will maintain existing relationships between residential uses and recreational uses, preserve existing structures, and provide new service opportunities.

J. *A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning."*

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

Applicant's Response: The concept of strip zoning is not applicable to this request. The initial 1989/1993 zone map amendment was, at the time, a strip zone request due to the nature of SU-1 zoning and the location of the lots along San Antonio Drive. The current request, however, maintains the special use designation and proposes to change the allowable uses from C-2 to C-2 including Wholesale of Beer, a more appropriate designation for Starr Brothers' location along San Antonio. C-2 zoned properties exist in the surrounding area. Therefore, this request is not a request for strip zoning.



CONCLUSION

On behalf of San Antonio Commons, LLC. we respectfully request that the Environmental Planning Commission approve the request for this Zone Map Amendment. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacqueline Fishman".

Jacqueline Fishman, AICP
Principal

NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

1657-03

August 23, 2016

Malak Hakim
Consensus Planning, Inc.
302 Eighth Street NW/87102
Phone: 505-764-9801 Fax: 505-842-5495
E-mail: hakim@consensusplanning.com

Dear Malak:

Thank you for your inquiry of **August 23, 2016** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) LOT 5-A-1, JJ SUBDIVISION CONTINUED LOCATED ON SAN ANTONIO DRIVE NE BETWEEN SAN PEDRO DRIVE NE AND INTERSTATE 25 zone map E-18.**

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

ACADEMY ACRES NORTH N.A. (AAN)

*Jacob Tellier, P.O. Box 90181/87199 821-0393 (h)
Irene Minke, P.O. Box 90181/87199 828-9810 (h)

ALBUQUERQUE MEADOWS RESIDENT'S ASSN. (AMR) "R"

Robert G. Stetson, 7112-154 Pan American Frwy. NE/87109 440-7701 (c)
Harvey Hopkins, 7112-294 Pan American Frwy. NE/87109 410-428-9903 (c)

DISTRICT 4 COALITION OF N.A.'S

*Michael Pridham, 6413 Northland Ave. NE/87109 321-2719 (h) 872-1900 (c)
Tony Huffman, 9712 Sand Verbena Trl. NE/87122 259-9723 (c)

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing **(PLEASE ATTACH: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA's and 3) Copy of White Receipts showing proof that you sent certified mail w/stamp from USPS showing date.)** If you have any questions about the information provided please contact me at (505) 924-3914 or via an e-mail message at dcarmona@cabq.gov.

Sincerely,

Dalaina L. Carmona

Dalaina L. Carmona

Senior Administrative Assistant

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

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

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

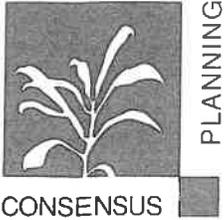
Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: 08/23/16 Time Entered: 8:30 a.m. Rep. Initials: DLC



August 31, 2016

Landscape Architecture
Urban Design
Planning Services

Mr. Jacob Tellier
P.O.Box 90181
Albuquerque, NM 87199

Ms. Irene Minke
P.O. Box 90181
Albuquerque, NM 87199

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495

cp@consensusplanning.com
www.consensusplanning.com

Re: 5700 San Antonio Drive NE - Zone Map Amendment

Dear Mr. Tellier and Ms. Minke:

The purpose of this letter is to inform you and the Albuquerque Acres North Neighborhood Association that Consensus Planning has submitted a request for a Zone Map Amendment on behalf of San Antonio Commons, LLC. This request will be heard by the Environmental Planning Commission (EPC) on Thursday, October 13, 2016 at Plaza del Sol located at 600 Second Street NW. The hearing begins at 8:30 a.m.

The current zoning on the approximately 1.7 acre property located at 5700 San Antonio Drive NE is SU-1 for C-2. The applicant's request is to change the existing zoning to SU-1 for C-2, including the Wholesale of Beer. The request will accommodate the existing Starr Brothers restaurant/microbrewery to expand its operations to allow wholesaling to other restaurants.

Please do not hesitate to contact me at 764-9801 with any questions you may have regarding this request.

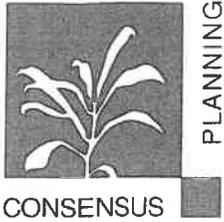
Sincerely,

Jacqueline Fishman, AICP
Principal

Att: Copy of the Zone Atlas Page E-18-Z
8 1/2" x 11" Aerial of the Existing Building

PRINCIPALS

James K. Strozier, AICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP
Laurie Firor, PLA, ASLA



August 31, 2016

Landscape Architecture
Urban Design
Planning Services

Mr. Harvey Hopkins
7112-294 Pan American Freeway
Albuquerque, NM 87109

Mr. Bob Stenson
7112-154 Pan American Freeway
Albuquerque, NM 87109

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Re: 5700 San Antonio Drive NE - Zone Map Amendment

Dear Mr. Hopkins and Mr. Stenson:

The purpose of this letter is to inform you and the Albuquerque Meadows Resident's Association that Consensus Planning has submitted a request for a Zone Map Amendment on behalf of San Antonio Commons, LLC. This request will be heard by the Environmental Planning Commission (EPC) on Thursday, October 13, 2016 at Plaza del Sol located at 600 Second Street NW. The hearing begins at 8:30 a.m.

The current zoning on the approximately 1.7 acre property located at 5700 San Antonio Drive NE is SU-1 for C-2. The applicant's request is to change the existing zoning to SU-1 for C-2, including the Wholesale of Beer. The request will accommodate the existing Starr Brothers restaurant/microbrewery to expand its operations to allow wholesaling to other restaurants.

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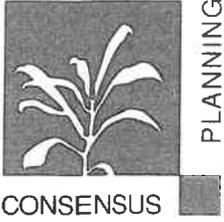
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Principal

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Jacqueline Fishman, AICP
Laurie Firor, PLA, ASLA



August 31, 2016

Landscape Architecture
Urban Design
Planning Services

Mr. Michael Pridham
6413 Northland Ave. NE
Albuquerque, NM 87109

Mr. Tony Huffman
9712 Sand Verbena Trail NE
Albuquerque, NM 87122

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Re: 5700 San Antonio Drive NE - Zone Map Amendment

Dear Mr. Pridham and Mr. Huffman:

The purpose of this letter is to inform you and the District 4 Coalition of Neighborhood Associations that Consensus Planning has submitted a request for a Zone Map Amendment on behalf of San Antonio Commons, LLC. This request will be heard by the Environmental Planning Commission (EPC) on Thursday, October 13, 2016 at Plaza del Sol located at 600 Second Street NW. The hearing begins at 8:30 a.m.

The current zoning on the approximately 1.7 acre property located at 5700 San Antonio Drive NE is SU-1 for C-2. The applicant's request is to change the existing zoning to SU-1 for C-2, including the Wholesale of Beer. The request will accommodate the existing Starr Brothers restaurant/microbrewery to expand its operations to allow wholesaling to other restaurants.

Please do not hesitate to contact me at 764-9801 with any questions you may have regarding this request.

Sincerely,

Jacqueline Fishman, AICP
Principal

Att: Copy of the Zone Atlas Page E-18-Z
8 1/2" x 11" Aerial of the Existing Building

PRINCIPALS

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Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP
Laurie Firor, PLA, ASLA

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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.47



Sent To **IRENE Minke**
 Street & Apt. No., or PO Box No. **P.O. Box 90181**
 City, State, ZIP+4 **ABQ, NM 87199**

PS Form 3800, July 2014 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.47



Sent To **Jacob Tellier**
 Street & Apt. No., or PO Box No. **PO Box 90181**
 City, State, ZIP+4 **Albuquerque NM 87199**

PS Form 3800, July 2014 See Reverse for Instructions

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ALBUQUERQUE, NM 87109

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Certified Fee	\$2.70
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.47



Sent To **Michael Pridham**
 Street & Apt. No., or PO Box No. **6413 Northland Ave. NE**
 City, State, ZIP+4 **ABQ, NM 87109**

PS Form 3800, July 2014 See Reverse for Instructions

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.47



Sent To **Robert G. Stetson**
 Street & Apt. No., or PO Box No. **7119 - 154 Pan American Fwy. NE**
 City, State, ZIP+4 **ABQ, NM 87109**

PS Form 3800, July 2014 See Reverse for Instructions

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Certified Fee	\$2.78
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.47



Sent To Tommy Hoffman
 Street & Apt. No. or PO Box No. 9712 San Verbena Trl. NE
 City, State, ZIP+4 ABQ, NM 87122

PS Form 3800, July 2014 See Reverse for Instructions

7015 0920 0002 3727 3327

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ALBUQUERQUE, NM 87109

Postage	\$3.30
Certified Fee	\$2.78
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.47



Sent To Harvey Hopkins
 Street & Apt. No. or PO Box No. 7112-294 Pan American Fwy NE
 City, State, ZIP+4 ABQ, NM. 87109

PS Form 3800, July 2014 See Reverse for Instructions

7015 0920 0002 3727 3303

City Of Albuquerque Land Use Facilitation Program

NO MEETING REPORT

Project #: Project#1009888 16EPC-40042

Submitted: 14 September 2016

Facilitator: Philip Crump

Case Planner: Michael J Vos AICP

Parties: San Antonio Commons LLC (applicant), Consensus Planning (agent); Academy Acres North NA, Albuquerque Meadows Residents' Association, District 4 Coalition of NAs

Summary:

This application is for a Zone Map Amendment "to allow the [whole]sale of beer to restaurants and other venues from the existing Starr Brothers restaurant and micro-brewery."

A representative from one neighborhood association indicated that they would attend if there were to be a facilitated meeting, but did not request such a meeting.

Apparently, neighborhood residents are happy to have the restaurant and wish it to thrive.

The agent indicated that this is "just a small expansion of the rezone from last year," and was not anticipating any issues.

There were no requests for a facilitated meeting.

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Hearing Date: Thursday, Oct. 13, 2016 **1009888**
Zone Atlas Page: E-18
Notification Radius: Neighborhood Associations
100ft plus r.o.w

Cross Reference and Location: San Antonio Dr. NE between San Pedro Dr. NE & I-25

Applicant: San Antonio Common
5343 Wyoming Blvd. NE
Albuquerque, NM 87109

Agent: Consensus Planning Inc.
302 8th Street NW
Albuquerque, NM 87102

Special Instructions:

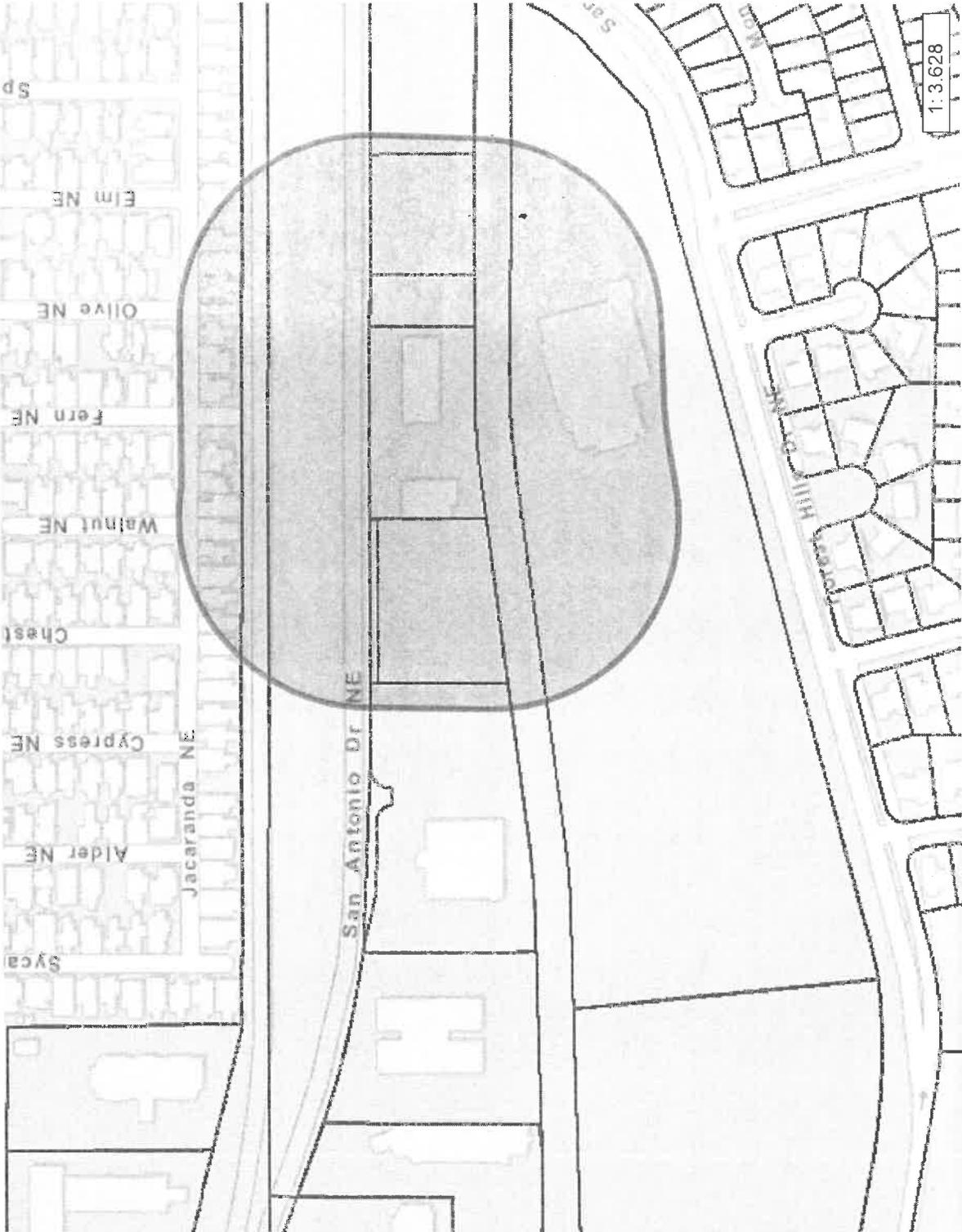
**Notice must be mailed from the
City 15 days prior to the meeting.**

Date Mailed: 9/21/16

Signature: 



1009888



Legend

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

Notes

San Antonio Dr. NE between San
 Pedro Dr. NE & I-25
 San Antonio Right of Way 320ft

0.1 0 0.04 0.1 Miles



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 THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

1:3,628

AML LLC
159 S BEACHWOOD DR
LOS ANGELES CA 90004-3825

SAN ANTONIO COMMONS LLC
5600 WYOMING BLVD NE SUITE 180
ALBUQUERQUE NM 87109

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SAN ANTONIO COMMONS LLC
5600 WYOMING BLVD NE SUITE 180
ALBUQUERQUE NM 87109

WATCHLIST SAN ANTONIO LLC
5301 CENTRAL AVE NE SUITE 200
ALBUQUERQUE NM 87108

PRESBYTERIAN HEALTHCARE SVC ATTN: REAL
ESTATE DEPARTMENT
PO BOX 26666
ALBUQUERQUE NM 87125-6666

SAN ANTONIO COMMONS LLC
5600 WYOMING BLVD NE SUITE 180
ALBUQUERQUE NM 87109

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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Albuquerque, NM 87199

Academy Acres North N.A. (AAN)
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Albuquerque, NM 87109

Albuquerque Meadows Resident's Assn. (AMR) "R"
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Albuquerque, NM 87109

District 4 Coalition of N.A.'S
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Albuquerque, NM 87109

District 4 Coalition of N.A.'S
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Albuquerque, NM 87122

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