

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

September 9, 2016

Sawmill, LLC
4528 Carlisle Blvd NE
ABQ, NM 87109

Project# 1005354
16EPC-40033 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 2, Correction plat of Sawmill Village, zoned SU-2/SU-1 for PRD to SU-2/SU-1 for PRD and Microbrewery, located on 18th St. and Bellamah Ave. NW between Rio Grande Blvd. NW & 12th St. NW, containing approximately 1.3 acre. (H-13 & J-13) Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque

On September 8, 2016 the Environmental Planning Commission (EPC) voted APPROVE Project #1005354/16EPC-40033 Sector Development Plan Map Amendment (Zone Change), based on the following findings:

NM 87103

FINDINGS:

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1. This is a request for a Sector Development Plan Map Amendment for Lot 2, Correction plat of Sawmill Village located on 18th St. and Bellamah Ave. NW between Rio Grande Blvd. NW and 12th St. NW and containing approximately 1.3 acres.
2. This is a request for a Sector Development Plan Map Amendment to the Sawmill / Wells Park Sector Development Plan from SU-2/SU-1 for PRD to SU-2/SU-1 for PRD and Microbrewery for an approximately 1.3 acre site located at the intersection of Bellamah Ave. and 18th Street. The purpose of the requested action is to align the appropriate zoning designation with the existing microbrewery use on Lot 2.
3. The original SU-2/S-I and SU-2/S-MI zoning that included the subject site was established when the City of Albuquerque adopted the Sawmill / Wells Park Sector Development Plan in January 1996, establishing SU-2 zoning for the plan area (R-326).

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4. In March 2007, the EPC approved a Site Development Plan for Subdivision (07EPC-00107) in conjunction with a Sector Development Plan Map Amendment (07EPC-00109) from SU-2 S-I to SU-2 SU-1 for PRD for Lots 1-19 (that included the subject site) and from SU-2 S-MI to SU-2 SU-1 for PRD and Microbrewery for Tract 2-D-1, Arbolera de Vida, Unit 2B.
5. On August 12, 2011 the EPC approved an amendment to the approved site development plan for subdivision for Phase II development, located to the west of Phase I, to include a performing arts center, and auxiliary uses such as a café and businesses (Project #1005354, 11EPC-40045).
6. There is an existing microbrewery on the subject site, and a New Mexico Small Brewers License was approved for the subject site on June 27, 2013.
7. The microbrewery operations currently include a restaurant, manufacturing (brewing), and sales of beer for on and off premise consumption.
8. The existing restaurant use is permissive under the existing PRD zoning designation for the subject site.
9. Approval of the requested microbrewery designation for the subject site would allow manufacturing (brewing), sales of beer for on and off premise consumption and wholesaling in conjunction with a New Mexico Small Brewers License. These uses are typical under a microbrewery zoning designation.
10. The Albuquerque/Bernalillo County Comprehensive Plan, Sawmill/Wells Park Sector Development Plan, Sawmill/Wells Park Metropolitan Redevelopment Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
11. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable policies of the Comprehensive Plan:
 - A. Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages between residential areas and cultural / arts / recreation facilities.”

The request furthers Policy II.B.6.b. because the existing uses on the subject site have contributed to upgrading efforts on a former brownfield site within the City of Albuquerque. The requested action will align the appropriate zoning designation with the existing microbrewery use on Lot 2 and thus ensure that the existing uses on the subject site will continue.

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- B. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.
- The request furthers Policy II.B.5.d. because the location, intensity, and design related to the existing microbrewery and retail space were considered by the EPC in 2007 (Project #1005354, 07EPC-00100-00107) and found to be appropriately located to respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resource of other social, cultural and recreational concerns.
- 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 request furthers Policy II.B.5.i. because the scale of the existing service uses on the subject site are located to complement the surrounding residential areas. The site design of the existing uses have also been sited to minimize adverse effects of noise, lighting, pollution and traffic.
- D. Policy II.B.5.m.: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.
- The request furthers Policy II.B.5.m. because it will maintain the existing uses on the subject site that have been sited to improve the quality of the visual environment in the Sawmill / Wells Park area.
- E. Policy II.D.5.a.: The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.
- The request furthers Policy II.D.5.a. because the existing Sawmill Village development increases the opportunity for residents to obtain standard housing for a reasonable proportion of income. According to the applicant, Sawmill Village has been developed with 85 affordable housing units serving residents at 50%, 60%, and 80% of the area median income within the Albuquerque Metropolitan Statistical Area. The requested change of zone will not have an adverse impact to the amount of existing affordable housing on the subject site.
- F. Policy II.D.6.b.: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.
- The request furthers Policy II.D.6.b. because the requested change of zone will ensure that the existing microbrewery uses that is run by an outside firm will be able to continue to operate and possibly expand in the near future.
- G. Policy II.D.6.d.: Tourism shall be promoted.
- The request furthers Policy II.D.6.d. because the existing microbrewery use is located in close proximity to Old Town and the Sawmill Village development promotes and markets to the local tourist industry. The requested change of zone will serve to enhance the existing uses on the subject site and allow the business to capture business from the tourist market.

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12. The request partially furthers the following applicable policies of the Comprehensive Plan:

- A. 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.

The request partially furthers Policy II.B.5.l. because while it will align the appropriate zoning designation with the existing uses on the subject site which are part of an existing innovative mixed-use project designed with a dynamic mix of residential spaces, retail, restaurant and microbrewery uses, it will not result in any new development.

- B. Policy II.C.9.b.: In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following (as listed on pages II-71 & II-72 of the Comprehensive Plan).

The request partially furthers Policy II.C.9.b. because while it will not result in any new development, the existing uses on the subject site serve to enhance the built environment and local history by conforming to an appropriate scale, architectural style and pattern of development. The requested change of zone will not alter these existing elements and features.

13. The request furthers the following applicable community goals and community issues of the Sawmill/Wells Park Sector Development Plan:

The SWPSDP outlines several Community Goals and Community Issues that the plan seeks to address that the request responds to:

A. Community Goals:

The request furthers the stated SWPSDP Community Goals by contributing to promoting plan goals for land use, expanding the housing options within the plan area, and supporting neighborhood-scale commercial services.

B. Community Issues:

The request responds to the stated SWPSDP Community Issues by providing reinvestment in the plan area and ensuring that incompatible land uses (i.e. industrial uses) do not encroach onto residential areas and that residential uses be connected with needed commercial services.

14. The requested action will serve to allow the Sawmill Village development to continue to address the following Sawmill / Wells Park MRA plan priority projects:

- Maintain a scale of new retail/office or other commercial that preserves the character of the area, supports living wage jobs for local residents;
- Develop commercial and industrial space that benefits the community with job creation and needed services.

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15. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section C.
 - B. The requested change of zone will achieve land use stability by aligning an appropriate zoning designation with the existing microbrewery use on the subject site.
 - C. Refer to Findings 11 – 14 above.
 - D. The existing zoning designation has created a changed condition that the request will remedy. The request will align an appropriate zoning designation with the existing microbrewery use on the subject site. Approval of the request is more advantageous to the community because it will encourage appropriate future growth on the subject site.
 - E. The request does not include any new uses that will be harmful to adjacent properties. The requested zoning designation already exists on the adjacent parcel west of the subject site.
 - F. The requested action will not require any unprogrammed capital expenditures by the City.
 - G. The cost of land or other economic considerations are not the determining factor for the zone change. The request has been justified by demonstrating that the request furthers a preponderance of applicable goals and policies from the Comprehensive Plan and other applicable plans.
 - H. While Bellamah Ave. is designated a Major Collector by the Mid Region Council of Governments Long Range Roadway System Map, the request is not being justified based on location on a collector or major street, rather the purpose of the request is to align an appropriate zoning designation with an existing microbrewery use on the subject site.
 - I. The request will not constitute a spot zone because the requested zoning designation already exists on the adjacent parcel west of the subject site.
 - J. The request will not result in strip zoning because the requested zoning will not be applied to a strip of land along a street.
16. The Sawmill Area Neighborhood Association and the North Valley Coalition were notified of this request as well as property owners within 100 feet of the subject site. This case was not recommended for facilitation. Planning Staff did not receive any public comments regarding the requested action, and there is no known 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 **SEPTEMBER 23, 2016**. 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

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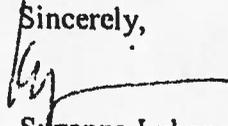
Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

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.

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: Sawmill, LLC, 4528 Carlisle Blvd NE, ABQ, NM 87109
Design Plus, LLC, 2415 Princeton Dr. NE Suite G-2, ABQ, NM 87107
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