



CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Nexus Brewery LLC requests a conditional use to allow a taproom in an MX-L zone on Lot 4, Block L, Eastern Addn, located on 1511 Broadway Blvd SE, zoned MX-L [Section 14-16-4-2-1]

Special Exception No:.....**VA-2018-00032**  
Project No: .....**Project#2018-001294**  
Hearing Date: .....08-21-18  
Closing of Public Record: .....08-21-18  
Date of Decision: .....09-05-18

On the 21st day of August, 2018, Kenneth Carson, agent for property owners Nexus Brewery LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow taproom in an MX-L zone (“Application”) upon the real property located at 1511 Broadway Blvd SE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a taproom in an MX-L zone.
2. The City of Albuquerque Code of Ordinances Section 14-16-4-2(C)(1) (Special Exceptions – Conditional Use) reads: “*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:*
  - (a) *Will not be injurious to the adjacent property, the neighborhood, or the community;*
  - (b) *Will not be significantly damaged by surrounding structures or activities.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-2(C).
4. Kenneth Carson, agent for property owners Nexus Brewery LLC (“Applicant”) appeared and presented evidence in support of the application.
5. All property owners within 100 feet and the affected neighborhood association were notified of the application.
6. Applicant appeared and presented the proposed project to the South Broadway Neighborhood Association.
7. No objections were expressed to the proposed use.
8. Frances Armijo, president of the South Broadway Neighborhood Association appeared and testified in support of the application.
9. Gwen Colonel, 900 John SW, appeared and testified in support of the application.
10. The application will provide good jobs for the surrounding neighborhood and surrounding area.
11. The proposed use will enhance the surrounding commercial real estate. The application will substantially improve an existing commercial building which had become run down and underutilized.
12. The proposed use will add to the economic vitality of the neighborhood by substantially improving the property.

13. The proposed use will address and remediate an asbestos contamination presently existing in the existing building.
14. The proposed improvements will improve the sustainability of the area's commercial properties.
15. The application will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise or vibration.
16. The application will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am.
17. The application will not negatively impact pedestrian or transit connectivity.
18. All the proposed improvements are consistent with the adopted ABC Comp Plan.
19. The proposed primary use as a restaurant is a significant improvement over the building's previous use as a night club.
20. The proposed use complies with all applicable provisions of the IDO, including Use-Specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.
21. The ZHE finds that in the proposed use will not be injurious to the adjacent property, the neighborhood, or the community as required by Section 14-16-4-2(C)(1)(a).
22. The ZHE finds that in the proposed use will not be significantly damaged by surrounding structures or activities as required by Section 14-16-4-2(C)(1)(b).
23. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
24. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow a taproom in an MX-L zone.

If you wish to appeal this decision, you must do so by September 20, 2018 in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to be filed within 15 days of the decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, on the west side of the lobby. **Please present this letter of notification when filing an appeal.**

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. **This decision does not constitute approval of plans for a building permit.** If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



---

Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Nexus Brewery, 916 Aceguia Escondida NW, 87104  
Kenneth Carson, 916 Aceguia Escondida NW, 87104  
Frances Armijo, 915 Williams, 87107  
Gwen Colonel, 900 John, 87102