



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

Black Snout Brewhouse LLC requests a conditional use to allow a taproom in an MX-L zone for Lot X1, Brentwood Hills, located at 11500 Menaul Blvd NE, zoned MX-L [Section 14-16-4-2-1]

Special Exception No:.....**VA-2018-00082**  
Project No: .....**Project#2018-001464**  
Hearing Date: .....09-18-18  
Closing of Public Record: .....09-18-18  
Date of Decision: .....10-03-18

On the 18th day of September, 2018, Joshua James, owner Black Snow Brewhouse LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a taproom in an MX-L zone (“Application”) upon the real property located at 11500 Menaul Blvd NE (“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 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
  - (a) *It is consistent with the ABC Comp. Plan, as amended;*
  - (b) *It complies with all applicable provisions of the IDO, including, but not limited to any 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 any prior permit or approval affecting the property;*
  - (c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
  - (d) *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
  - (e) *It 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;*
  - (f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4-(F)(2).
3. Joshua James, owner appeared and gave evidence in support of the proposed use.
4. Property owners within 100 feet of the subject property and Enchanted Park Neighborhood Association were notified of the application.
5. Enchanted Park NA is the affected neighborhood association.
6. No meeting was requested.
7. Nothing was submitted in opposition to the proposed use.

8. The applicant has all required Federal, State and City permits, certificates and licenses to operate a small brewery.
9. The proposed use complies with applicable use-specific standards of the IDO.
10. The proposed use will promote local employment and economic vitality in an area that is currently economically challenged.
11. The proposed use will bring goods and services and amenities within walking and biking distance of the neighborhood.
12. The proposed use will bring entertainment into the neighborhood, to add diversity to a shopping center already having a restaurant and other amenities.
13. All deliveries to the proposed use will be from the alley, assuring no traffic congestion or parking problems to the adjacent properties or the surrounding neighborhood.
14. The proposed brewing hours are 7:00am through 3:00pm.
15. Business hours for the proposed tap room use are 3:00pm through 10:00pm.
16. All parking for the proposed use will be confined to the subject shopping center parking lot.
17. All patrons of the proposed use must enter the subject shopping center from Menaul Blvd. NE.
18. A portion of the proposed use, brewing of beer, will not be accessible to the public and will comply with all current safety and environmental laws and regulations.
19. The proposed use is consistent with the ABC Comp. Plan, as amended, as required by Section 14-16-6-6(A)(3)(a).
20. The proposed use complies with all applicable provisions of the IDO, including, but not limited to any Use-specific standards applicable to the use in Section 14-16-4-3, the DPM, other adopted City regulations; any conditions specifically applied to the development of the property in a prior permit or approval affecting the property, as required by Section 14-16-6-6(A)(3)(b).
21. The proposed use will not create significant adverse impacts on the adjacent properties; the surrounding neighborhood, or the larger community, as required by Section 14-16-6-6(A)(3)(c).
22. The proposed use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration as requires by Section 14-16-6-6(A)(3)(d).
23. The proposed use will not increase non-residential activity within 300 feet of a lot in any Residential zone between the hours of 8:00pm and 6:00am as required by Section 14-16-6-6(A)(3)(e).
24. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
25. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
26. 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 October 18, 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 must be filed with the Planning Department within 15 days after the decision. The appeal shall specifically state the section of the Integrated Development Ordinance, City regulation, or condition attached to a decision that has not been interpreted correctly, as required by Section 14-16-6-4(U)(3)(a)(3) of the Integrated Development Ordinance. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

Once an appeal is accepted by the Planning Department, it shall prepare and transmit a record of the appeal together with all appeal material received from the appellant to impacted parties and to the Land Use Hearing Officer (LUHO) through the Clerk of the City Council.

The LUHO shall then schedule a hearing on the matter within 30 consecutive days of receipt and notify the parties, pursuant to Section 14-16-6-4(U)(3)(d). The Planning Department shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above; provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Black Snout Brewhouse LLC, 12101 Apache Ave NE, 87112