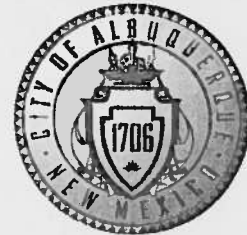


CITY OF ALBUQUERQUE



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

May 12, 2017

DAC Enterprises, Inc.
1521 Edith Blvd. NE
ABQ, NM 87102

Project# 1011188
17EPC-40006 Zone Map Amendment Zone Change
17EPC-40007 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above actions for all or a portion of Lot 13, Block 6, Dellwood Subdivision, zoned SU-1 for C-1 uses to include the sale of alcohol for on and off-premise consumption under a small brewer's license, located on 3517 Wyoming Blvd. NE, containing approximately .4821 acre. (G-19)

Staff Planner: Cheryl Somerfeldt

PO Box 1293

On May 11, 2017 the Environmental Planning Commission (EPC) voted to **APPROVE** Project 1011188/17EPC-40006, Zone Map Amendment (Zone Change) and 17EPC-40007, Site Development Plan for Building Permit, based on the following findings:
Albuquerque

NM 87103 FINDINGS:

Project # 1011188 Case # 17EPC- 40006 - Zone Map Amendment (Zone Change)

1. This is a request for a Zone Map Amendment (Zone Change) concurrent with a Site Development Plan for Building Permit (17EPC-40007) for approximately 0.5 acres at 3517 Wyoming Boulevard NE, Lot 13, Block 6 of the Delwood Subdivision.
2. This is the redevelopment of an existing commercial building built between 1976 and 1989 with space for four tenants on an existing site. The property zoning was originally amended from R-1 to C-1 in 1959.
3. The applicant proposes to develop a taproom on the subject site which is not allowed under the current C-1 zone, which only allows alcohol sales of beer and wine under a restaurant license. Therefore, the zoning "SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer's license" is appropriate. This zoning designation will keep C-1 permissive uses permissive and C-1 conditional uses conditional.

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4. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Policy II.B.5.a: Allowing a taproom to locate on this site will contribute to the range of urban land uses offered in the area. It is an opportunity for the city to diversify the placement of this use to provide a local amenity. However, staff recommends only the addition of a taproom and not all C-1 conditional uses as permissive.

Policy II.B.5.d: This is the re-development and renovation of an existing site next to existing roadways, bikeways, and transit; and a proposed use that is acceptable and encouraged by the existing neighborhoods. Therefore, it is respectful of existing carrying capacities and other local social, cultural, and recreational resources, provided that the conditional uses remain conditional not permissive.

Policy II.B.5.e.: The subject site has access to a full range of urban services including road, utilities, and public services. The subject site is within reasonable walking distance to five bus stops and large residential developments. The proposed use is desirable to the neighborhood, and support has been shown at meetings and through conversations with the neighborhood and elected representatives.

Policy II.B.5.k: The subject site consists of an existing building and parking area, and the applicant is not significantly altering the site. There is no direct access to the residential areas to the west of the subject site and any additional traffic will not be directed through these areas.

Policy II.B.5.o The slightly expanded use for this property will provide options for the businesses who wish to locate at this intersection and serve the neighborhood, therefore allowing for redevelopment and rehabilitation. This is an older Northeast Heights neighborhood and the site development plan requirement will assure any future redevelopment will enhance this older neighborhood shopping center.

Policy II.B.5.p This is a totally private investment funded entirely by the owner of the shopping center. As such, this Zone Map Amendment emphasizes private investment as a primary means to achieve redevelopment objectives.

Policy II.C.6.b: The business proposed by the applicant is a local company with two existing tap rooms who is seeking to expand into this local area. Tap rooms are opening in many parts of the Albuquerque metropolitan area and this will be the first in this area. Furthermore, this local enterprise cannot operate on this site without a Zone Map Amendment.

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

A) The addition of the taproom would be consistent with the health, safety, morals, and general welfare of the city, because the scale of the use would be compatible with the existing development, and it would provide additional neighborhood services. The addition of conditional uses permissively would not be appropriate.

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- B) The addition of the taproom would not have a destabilizing impact the area, but the addition of the conditional uses permissively would not be appropriate because some of the allowed uses could change the character of the area. Therefore, a public hearing to determine the compatibility of any conditional use with the existing development should be required.**
- C) As set forth in Finding 4 above, the request furthers certain Comprehensive Plan policies regarding neighborhood compatibility and redevelopment, economic development and design near arterial streets.**
- D) The existing C-1 zoning is inappropriate because the requested zone will be more advantageous to the community than the existing C-1 zone, as articulated in the Comprehensive Plan goals and policies set forth in Finding 4 above. This request furthers relevant policies regarding private development; allowing a full range of uses serving an older area; upgrading and reutilizing a site with access to public and private transportation; and respecting neighborhood values by adding a desirable new use. In addition, all proposed uses are governed by not only the regulation of the C-1 zone, but also by a Site Development Plan for Building Permit approved by the EPC, to ensure that any future development or redevelopment is compatible with existing development.**
- E) While several of the C-1 conditional uses might be compatible with existing development, several uses would be inappropriate without a public hearing and review by the Zoning Hearing Examiner. Conditional uses include auto, truck and trailer rental sales and services, drive up service windows, kennels, and gas stations with 8 or more gas pumps. The taproom is an appropriate use for the site because the alcohol sales will be small scale, similar to a restaurant. The requested zone would allow off premise sales of any beer or wine produced under a small brewer's license.**
- F) The request will allow the development of a privately financed business.**
- G) While there may be an economic component to the request, it is not the sole justification for the request.**
- H) The location is relevant to the request because it is an appropriate location for commercial development, but the location is not the sole justification for the request.**
- I) The SU-1 zone is considered a spot zone, but a justified spot zone because of the policy justification required to obtain it. The proposed taproom would be a compatible land use with the existing land use.**
- J) The request clearly facilitates the goals and policies of the Comprehensive Plan by adding a neighborhood scale use that will contribute to the economic viability of the area and contribute to the revitalization of an older established neighborhood. The intent of prohibiting strip zoning is to prevent development incompatible land uses in close proximity. The proposed taproom would be a compatible land use with the land use.**

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- K) The purpose of the SU-1 zone category, Section 14-16-2-22 of the Zoning Code, is to provide a suitable site for any use that may be special because of infrequent occurrence, effect on surrounding property, safety, hazard or other reasons and for which the appropriateness of the use to a specific location depends on the character of the site design. The request meets the intent of the SU-1 zone because the zone will allow the EPC to tailor the site so that the use is compatible with existing development.
- L) Based on Code Enforcement determination, the wording "SU-1 for C-1, and alcohol sales for on and off premise consumption in association with a small brewer's license" *without* the word "uses" would allow permissive uses permissively and conditional uses conditionally of the C-1 zone, with the addition of the taproom.
6. Future alcohol sales are subject to all applicable state and federal requirements in association with a small brewer's license.
 7. The Loma Del Rey and Sandia High School Area Neighborhood Associations, District 7 Coalition of Neighborhoods and property owners with 100 feet were notified of the request.
 8. A facilitated meeting occurred on April 24, 2017. Participants were generally supportive of the project but had questions regarding pedestrian safety, food trucks, lighting and parking. Staff received a letter in support from the Loma Del Rey Neighborhood Association, which surveyed their 435 residents and had a response of 76% in favor of the zone change for the addition of a taproom.

FINDINGS:

Project # 1011188 Case # 17EPC- 40007 - Site Development Plan for Building Permit

1. This is a request for a Site Development Plan for Building Permit concurrent with a Zone Map Amendment (Zone Change) (17EPC-40006) for approximately 0.5 acres at 3517 Wyoming Boulevard NE, Lot 13, Block 6 of the Delwood Subdivision.
2. This is the redevelopment of an existing commercial building built between 1976 and 1989 with space for four tenants on an existing site. The property zoning was originally amended from R-1 to C-1 in 1959.
3. The applicant proposes to develop a taproom on the subject site which is not allowed under the current C-1 zone, which only allows alcohol sales of beer and wine under a restaurant license. Therefore, the zoning "SU-1 for C-1, and alcohol sales for on and off-premise consumption under a small brewer's license" is appropriate. This zoning designation will keep C-1 permissive uses permissive and C-1 conditional uses conditional.
4. The SU-1 zone is site plan controlled, and therefore requires a Site Plan for Building Permit as approved by the EPC pursuant to section 14-16-2-22 (A) (1) of the City Zoning Code which requires "a complete site development plan for building permit and landscaping plan for the lot in question,

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approved by the Planning Commission”.

5. The subject site is surrounded by properties zoned C-1, and beyond these neighborhood commercial properties, there is a large residential population consisting of apartment complexes and single family homes which suggests that some users of the site may be pedestrians or bicyclists.
6. There is an existing bus stop adjacent to the north edge of the site on Comanche Road NE, which is serviced by a Commuter Route. Wyoming Boulevard NE is serviced by a Fixed Route and a Commuter Route. The subject site is permitted a 10% reduction in the parking requirement due to its proximity to transit.
7. Section 14-16-3-11 of the Zoning Code states, “Site Development Plans are expected to meet the requirements of adopted city policies and procedures.” The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable plans. The request furthers Comprehensive Plan policies II.B.5 a, B.5.d, B.5.e, B.5.o, B.5.p, B.5.k and C 6.b. regarding neighborhood compatibility and redevelopment, economic development and design near arterial streets.
8. The existing building is oriented squarely on the corner of Comanche Road NE and Wyoming Boulevard NE with entrances on the north, east, and west sides. Overall, the proposed building meets the intent of the zoning code by including a variety of structural forms, materials, and varied massing.
9. Pursuant to 14-16-2-22 (C), SU-1 special use zone, parking is subject to EPC discretion. According to the required parking for the proposed uses and the proximity to transit, a total of 36 parking spaces would be required in the straight C-1 zone. The required spaces are provided on-site and through shared parking agreements with surrounding properties.
10. Signage shall meet City Zoning Code requirements for the C-1 zone.
11. Future alcohol sales are subject to all applicable state and federal requirements in association with a small brewer’s license.
12. The Loma Del Rey and Sandia High School Area Neighborhood Associations, District 7 Coalition of Neighborhoods and property owners with 100 feet were notified of the request.
13. A facilitated meeting occurred on April 24, 2017. Participants were generally supportive of the project but had questions regarding pedestrian safety, food trucks, lighting and parking.

CONDITIONS OF APPROVAL:

Project # 1011188, Case # 17EPC- 40007 - Site Development Plan for Building Permit

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 application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

Current Planning

4. Per Zoning Code 14-16-3-9, indicate all on-site lighting on the site plan.
5. Add a note to the Signage sheet A3 that "Future signage will be determined under a separate permit and will comply with C-1 zone regulations".

Landscape Plan

6. The patio for the restaurant on the eastern side of the building and the landscape strip along Wyoming Boulevard NE shall be drawn accurately to scale (the landscape strip should be drawn to be 44" wide) on all plans. The shrubs (Mexican Feather Grass) shall be drawn in the correct location next to the sidewalk on the landscape plan.
7. Please replace Yucca with Mexican Feather Grass so that Yucca is not placed along the sidewalk edge at Wyoming Boulevard NE and Comanche Road NE, causing a potential hazard for pedestrians.
8. Remove one street tree (Desert Willow, *Chilopsis linearis*) from the street landscape strips at Wyoming Boulevard NE and Comanche Road NE, and re-space the remaining four trees along the street edge. Desert Willow trees should be trimmed into tree form to prevent tripping along sidewalk.
9. The City encourages retention of existing trees and shrubs when healthy and well established specimens exist. Existing Purpleleaf Plum in the western landscape strip and Photinia in the western and southern landscape strips should be retained, and the Pine tree at Comanche Road NE may remain if healthy. The applicant should plant the remaining required parking lot trees in the landscape strips which may be Purpleleaf Plum. A small drought tolerant specie such as Mexican Feather Grass should fill in the remaining landscape strip open spaces. Photinia and Purpleleaf Plum should be added to the plant list to meet the City requirement for five species on the landscape plan.

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10. Albuquerque is in USDA plant hardiness zone 7. Dwarf Oleander is appropriate for zones 8-10, and is *not* likely to be cold hardy enough for the chosen location. Please remove Dwarf Oleander from the plant list.
11. Please add a note that gravel groundcover in all landscape strips will be refurbished.
12. Per Section 14-16-3-10(E)(5), an adequate irrigation system that meets the minimum technical requirements of the City of Albuquerque with a separate meter for the landscape area or a separate valve(s) at the property line is required in the public right-of-way. Remove the note on the landscaping plan that the "landscaping in the public right-of-way will be watered by hand." Please clarify irrigation plan for the subject site. Add irrigation notes, irrigation detail, and planting details to the landscape plan. Please clarify if hand watering will be used for the western and southern landscape strips.

Other Agencies

13. Do not hinder any existing refuse access/collection service.

Transportation Development

14. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
15. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
16. Please review and revise the site plan to provide all information listed in the Development Process Manual, Chapter 23 Traffic Circulation Layout Site Plan checklist.

The following comments need to be addressed on the site plan:

17. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "**Violators Are Subject to a Fine and/or Towing.**" Please call out detail.
18. The ADA access aisles shall have the words "**NO PARKING**" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
19. Label the compact parking spaces by placing the words "**COMPACT**" on the pavement of each space.
20. Please add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."

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Utility Services

21. The proposed "Site Utility Plan" indicates in the "Key Notes" the existence of a utility easement as well as existing hydrants but these items cannot be found.
22. Due to the fact that more than 50% of the existing building is receiving a remodel the Water Utility Authority Cross Connections Ordinance requires that the property owner bring their backflow prevention devices for the site up to code. Please contact Robert Apadoca (505.289.3465) for cross connection inspection.
23. Despite the fact that the property is currently being served, the new construction should request an availability statement from the link below. This request will allow the Utility Development Section of the Water Utility Authority the opportunity to verify fire flow information. The request shall include an approved Fire 1 Plan from the Fire Marshal's office and a zone map showing the location of the site. http://www.abcwua.org/Availability_Statements.aspx

PNM

24. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
25. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

Mike Moyer, PNM Service Center

4201 Edith Boulevard NE , Albuquerque, NM 87107 Phone: (505) 241-3697

26. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MAY 26, 2017**. 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

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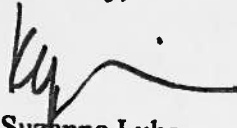
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of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced applications.

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.

Sincerely,


Suzanne Lubar
Planning Director

SL/CS

cc: DAC Enterprises, Inc., 1521 Edith Blvd. NE, ABQ, NM 87102
COE & Peterson, LLC, 7001 Menaul Blvd. NE, ABQ, NM 87111
Loma Del Rey NA, Brian A. Eagan, 8416 Hilton Ave. NE Apt. 4B, ABQ, NM 87111
Loma Del Rey NA, William E. Burk III, 9617 La Plaa NE, ABQ, NM 87111
Sandia High School Area NA, Michael Kiious, 7901 Palo Duro NE, ABQ, NM 87110
Sandia High School Area NA, Ed Mascarenas, 8217 Dellwood Rd. NE, ABQ, NM 87110
Dist. 7 Coalition of NA's, Janice Arnold-Jones, 7713 Sierra Azul NE, ABQ, NM 87110
Dist. 7 Coalition of NA's, Lynne Martin, 1531 Espejo NE, ABQ, NM 87112