



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

LLR Development requests a conditional use to allow artisan manufacturing on Lot 1C, Eden Lands, located at 1000 Gabaldon RD NW, zoned MX-T [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00184**
Project No: **Project#2019-002463**
Hearing Date: 08-20-19
Closing of Public Record: 08-20-19
Date of Decision: 09-04-19

On the 20th day of August, 2019, Phaedra Rayner, agent for property owner LLR Development (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow artisan manufacturing (“Application”) upon the real property located at 1000 Gabaldon RD NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow artisan manufacturing.
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*
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 14-16-6-4(N)(1).
4. Phaedra Rayner, agent for LLR Development, property owner appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.
6. West Old Town Neighborhood Association is the affected NA, which was notified of the Application by e-mail dated. May 8, 2019.

7. No response nor request for hearing was submitted.
8. The subject property is currently zoned MX-T.
9. The address of the subject property is 1000 Gabaldon Rd NW.
10. The request is for a conditional use to allow Artisan Manufacturing, which is controlled and regulated by Use-Specific Standards in Section 14-16-4-3(E)(1): *Industrial Uses, Artisan Manufacturing*.
11. A component of the proposed project is an expansion of the art studio area by 1,400 sq. ft.
12. The proposed expansion of an existing art studio will include jewelry manufacturing, which is the subject of the request.
13. The proposed project will allow the business to increase production of hand crafted jewelry, which will in turn, promote desirable growth, which is consistent with ABC Comp. Plan, Policy: 5.1.1.
14. The art studio will create employment opportunities for local artists and craftspeople and create new relationships between those artists and local businesses and galleries.
15. This will promote area growth by producing locally made art and jewelry, which will also advance and promote the expansion and growth of the tourist industry, which is consistent with ABC Comp. Plan, Policy 5.1.1: *Desired Growth; Shape a Desired Development Pattern*.
16. All work performed in the proposed project shall only be executed completely by hand, and does not involve any heavy machinery.
17. This is consistent with ABC Comp. Plan, Policy 5.1.5: *Creation of Employment*.
18. The proposed activities will be done within the art studio building, which is a space under 10,000 sq. ft., which complies with the Use-Specific Standards Section 14-16-4-3(E)(1) of the IDO.
19. The art studio will operate from 7:00 am until 7:00 pm, and will not increase non-residential traffic congestion or noise outside those hours of operation.
20. A site plan and accompanying photographs were submitted in support of the Application.
21. Transportation reported no objection to the Application.
22. No one appeared in opposition to the Application.
23. The proposed use is consistent with the ABC Comp. Plan as required by Section 14-16-6-6(A)(3)(a).
24. The proposed use complies with all applicable provisions of the IDO, including, but not limited to any Use-Specific Standards applicable to the use as required by Section 14-16-6-6(A)(3)(b).
25. The proposed use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community as required by Section 14-16-6-6(A)(3)(c).
26. 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 required by Section 14-16-6-6(A)(3)(d).
27. 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).
28. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).

29. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
30. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow artisan manufacturing.

CONDITIONS:

Compliance with Use-Specific Standards in Section 14-16-4-3(E)(1): *Artisan Manufacturing*.

APPEAL:

If you wish to appeal this decision, you must do so by September 19, 2019 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.

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
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