



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

Art Gardenswartz - Tramway CTN LLC requests a conditional use to allow a taproom on Lot A, Candelaria & Tramway SW, located at 12501 Candelaria RD NE, zoned MX-L [Section 14-16-4-2]

Special Exception No:..... **VA-2019-00224**
Project No: **Project#2019-002237**
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, Kevin Davis for Boxing Bear Brewing Co., agent for property owner, Art Gardenswartz - Tramway CTN LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a taproom (“Application”) upon the real property located at 12501 Candelaria RD 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.
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. Kevin Davis for Boxing Bear Brewing Co., agent Art Gardenschwartz, property owner appeared and gave evidence in support of the application.
5. The request for a conditional use to allow a tap room at the subject address.

6. The use is regulated by Use-Specific Standards in Section 14-16-4(3)(D)(8): *Bar, Nightclub, Restaurant, and Tap Room*.
7. The address of the subject property is 12501 Candelaria Rd. NE.
8. The subject property is currently zoned MX-L.
9. A site plan and accompanying photographs were submitted in support of the Application.
10. All property owners within 100 feet and affected neighborhood association(s) were notified.
11. Comanche Foothills Neighborhood Association and District 8 Coalition of Neighborhood Associations are the affected NAs.
12. Applicant and property owner met with the Tramway Highpoint HOA in June 20, 2019.
13. A letter from Brandon M. Ilgen, Tramway Highpoint HOA Board President, dated August 19, 2019, indicating the Board was taking no official position in support or opposition to the Application.
14. He acknowledges the Applicant and Owner responded to the concerns raised in an e-mail from Art Moganti, submitted raising questions on the proposed project, and answered all the questions he raised as well as others raised by the Board.
15. The subject existing building was the former Hastings superstore, vacant since 2011.
16. This abandoned large scale building has become a public nuisance, and the proposed use will repurpose over half of the building.
17. The subject property is located at Tramway NE and Candelaria NE.
18. The subject property is in an area of Consistency as designated by the ABC Comp. Plan.
19. The proposed use will redevelop a long vacant building, which will revitalize the surrounding area.
20. Applicant wants to create a community center with other businesses, that will provide mixed services and goods, which is consistent with ABC Comp. Plan, policy 5.1.6: *Foster mixed use centers of activity with a range of services and amenities that ... meet the needs of nearby residents and businesses.*
21. The use will create new jobs available to the surrounding community and neighborhoods, which is consistent with Policy 5.1.4: *Create highly accessible and walkable Urban Centers that provide a range of employment opportunities...*
22. The proposed use will encourage other businesses compatible with the use that will foster synergy among those businesses and create additional employment opportunities, which is consistent with ABC Comp. Plan, Policy 5.1.5: *Create Centers that prioritize employment opportunities and foster synergy among businesses.*
23. Transportation issued a report indicating No Objection to the Application.
24. No one appeared in opposition to the Application.
25. The requested use is consistent with the ABC Comp. Plan as required by Section 14-16-6-6(A)(3)(a).
26. The requested 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 as required by Section 14-16-6-6(A)(3)(b).
27. The requested 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).
28. The requested 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).

29. 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).
30. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
31. 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).
32. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow a taproom.

CONDITIONS:

Use is regulated by Use-Specific Standards in Section 14-16-4(3)(D)(8): *Bar, Nightclub, Restaurant, and Tap Room.*

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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