



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

Marie Coleman requests a conditional use to allow for artisan manufacturing of distilled spirits for Lot 231, MRGCD 38, located at 522 Romero ST NW, zoned MXT [Section 14-16-4-3(E)(1)]

Special Exception No:..... **VA-2019-00244**
Project No: **Project#2019-002679**
Hearing Date: 09-17-19
Closing of Public Record: 09-17-19
Date of Decision: 10-02-19

On the 17th day of September, 2019, property owner Marie Coleman (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for artisan manufacturing of distilled spirits (“Application”) upon the real property located at 522 Romero ST NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow for artisan manufacturing of distilled spirits.
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. Marie Coleman, property owner appeared and gave evidence in support of the application.
5. The address of the subject property is 522 Romero St. NW.
6. The subject property is currently zoned MX-T.

7. The subject property is within a Historic Overlay Zone: Section 14-16-3-5(J): **OLD TOWN – HPO -5**.
8. Any use in HPO-5 will be regulated by Section 14-16-3-5(J)(3): *Other Development Standards*.
9. The request is for grant of a Conditional Use to allow Artisan Manufacturing of Distilled Spirits, under Section 14-16-4-3(E)(1); Table 4-2-1: Allowable Uses.
10. The requested use is regulated by Section 14-16-4-3(E)(1): *Artisan Manufacturing*.
11. All property owners within 100 feet and affected neighborhood association(s) were notified.
12. Sawmill Community Land Trust; Sawmill Area Neighborhood Associations; Historic Old Town Property Owners Association and West Old Town Neighborhood Association are the affected neighborhood associations.
13. The affected neighborhood associations were notified by e-mail dated June 30, 2019.
14. No response nor request for hearing has been submitted.
15. A site plan with detailed drawings was submitted in support of the requested use.
16. State statutes and federal laws regulate the requested use, specifically, required licenses, limits of annual production, as well as required federal licenses.
17. Neil Werbelow of Formative Architects, 209 Gold SW, appeared and gave evidence in support of the Application.
18. He is the architect hired to design the proposed project.
19. The subject property is located at the corner of Romero Street NW and Charlevoix St. NW, located in Old Town.
20. The proposed project will utilize existing buildings to house the distillery.
21. The proposed hours for the requested use are 11:00 am to 8:00 pm daily.
22. Applicant intends to produce small amounts of distilled spirits for retail sales and tasting.
23. She would like to have food trucks to accompany the spirits on the parking lot of the subject property.
24. Applicant is the owner of a nearby long time existing brick and mortar restaurant.
25. Applicant feels approval of the conditional use will increase the amount of pedestrian traffic in a highly traveled visitor and tourist attraction, which is consistent with **ABC Comp. Plan, Policy 7.1.1: URBAN DESIGN; Pedestrian-Oriented Design**.
26. Applicant feels the requested use will help create a new and popular product and business model in the historic Old Town area, which is consistent with **ABC Comp. Plan, Policy: 8.1.3: Economic Base: Strengthen and diversify the economic base...**
27. A report from Transportation dated September 11, 2019, indicating No Objection to the requested use was submitted in support of the Application.
28. An e-mail from Leslie Naji, Historic Review Committee, dated August 27, 2019, indicating no issue on the requested use, was submitted in support of the Application.
29. Dr. Sylvia Ramos, 2110 Charlevoix NW, appeared and gave evidence in opposition to the Application.
30. She is a property owner and resident residing near the subject property for 20 years.
31. Her home is 25 feet from the subject property.
32. She primarily raises potential adverse problems relating to an increase of traffic congestion and parking problems.
33. Old Town already has a severe shortage of available parking spaces.

34. Many of the nearby streets are very narrow, many with restricted or no parking allowed areas.
35. She is also afraid that this use would change the existing character, atmosphere and look of Old Town.
36. Applicant stated in response to the potential adverse impact to adjacent or neighboring properties by offering to develop a brick and mortar restaurant as the permissible use to support the accessory conditional use request.
37. She also agreed to ensure the food trucks were not a permanent part of the proposed project.
38. Applicant also pointed out the nature of the Old Town area is pedestrian oriented businesses, and most visitors will park and walk around the area.
39. Applicant does not intend to market package liquor, such as Walgreen's, but small craft spirits and does not anticipate a significant increase of traffic parking or congestion problems created by the scale of the proposed project.
40. She also understands that as her plans become more specific, she will be required to undergo additional procedures related to approval of her site plan.
41. The proposed use is consistent with the ABC Comp. Plan as required by Section 14-16-6-6(A)(3)(a).
42. 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)(b).
43. 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 without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts as required by Section 14-16-6-6(A)(3)(c).
44. Although the proposed use may create adverse impacts on other land in the surrounding area, (increases in traffic congestion, parking congestion, Applicant's stipulations and agreements on the record sufficiently mitigate those possible impacts and/or has offered civic or environmental benefits that outweigh the expected impacts as required by Section 14-16-6-6(A)(3)(d).
45. 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).
46. The proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f).
47. 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).
48. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow for artisan manufacturing of distilled spirits.

CONDITIONS:

Compliance with Section 14-16-4-3(E)(1): *Artisan Manufacturing*. Compliance with all Federal

Statutes and regulations controlling small distilleries, and all State Statutes regulating craft distillery licensing and annual production limitations.

APPEAL:

If you wish to appeal this decision, you must do so by October 17, 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
Marie Coleman, 522 Romero ST NW, 87104