



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

Old Town LLC-Jasper Riddle and Luke Schneider (Agent, Sean Sheehan) requests a conditional use to allow a tap room/tasting room for Lot 186, MRGCD 38, located at 303 Romero ST NW, zoned MX-T [Section 14-16-4-2]

Special Exception No:..... **VA-2021-00070**
Project No: **Project#2019-002253**
Hearing Date: 05-18-21
Closing of Public Record: 05-18-21
Date of Decision: 06-02-21

On the 18th day of May, 2021, Sean Sheehan, agent for property owner Old Town LLC-Jasper Riddle and Luke Schneider (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow a tap room/tasting room (“Application”) upon the real property located at 303 Romero ST NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a tap room/tasting room.
2. 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).
3. The ZHE finds that the Applicant has authority to pursue this Application.
4. Agent for Applicant appeared and gave evidence in support of the application.
5. All property owners within 100 feet and affected neighborhood association(s) were notified.
6. The subject property is currently zoned MX-T, in which zone a tap room/tasting room requires a conditional use approval.
7. 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:*
 - 6-6(A)(3)(a) *It is consistent with the adopted ABC Comp Plan, as amended.*
 - 6-6(A)(3)(b) *It complies with all applicable provisions of this 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 a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - 6-6(A)(3)(c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*

- 6-6(A)(3)(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.*
- 6-6(A)(3)(e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
- 6-6(A)(3)(f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*
8. 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).
 9. Based on evidence submitted by the Applicant, the proposed use is consistent with the ABC Comp. Plan, as amended; specifically, because it supports Comp Plan Goal 4.1 and Policies 4.1.2, 4.1.3, and 4.1.4 thereunder, by enhancing protecting and preserving distinct communities, and because it furthers Goal 7.3 and Policy 7.3.2 thereunder, by reinforcing sense of place and community character. No evidence to the contrary was submitted.
 10. Based on evidence submitted by the Applicant, 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; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. No evidence to the contrary was submitted.
 11. Based on evidence submitted by the Applicant, the proposed use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. In fact, applicant received several letters of support from Historic Old Town Property Owners Association and from neighboring business owners and residents.
 12. Based on evidence submitted by the Applicant, 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. Applicant testified that the proposed use would not increase traffic, parking congestion, noise, or vibration.
 13. Based on evidence submitted by the Applicant, the proposed use will not increase non-residential activity within 300 feet of a lot in any residential zone between the hours of 10:00PM and 6:00AM as required by Section 14-16-6-6(A)(3)(e), because all proposed uses would not impact any residentially zoned property during prohibited hours.
 14. Based on evidence submitted by the Applicant, the proposed use will not negatively impact pedestrian or transit connectivity, as required by Section 14-16-6-6(A)(3)(f), because the proposed uses would be apart from pedestrian areas and there are no transit stops near the property being impacted.
 15. Based on evidence submitted by the Applicant, the proposed use will comply with all use-specific criteria under IDO Section 4-3(D)(8) for a Tap Room / Tasting Room, namely:
 - 4-3(D)(8)(a) *Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.*
 - 4-3(D)(8)(b) *These uses must comply with stormwater quality requirements found in the DPM.*

- 4-3(D)(8)(c) *These uses may include the retailing of related goods, such as shirts, caps, recipe books, mugs, and glasses as an incidental activity.*
- 4-3(D)(8)(d) *A restaurant use must comply with Part 9-10-1 of ROA 1994 (Solid Waste Collection), in particular the City's minimum specifications for waste enclosures for restaurant and foodservices to include a sanitary sewer drain.*
- 4-3(D)(8)(e) *In the MX-T zone district, these uses are limited to 10,000 square feet of gross floor area.*
- 4-3(D)(8)(f) *In the Old Town HPO-5, the following standards apply.*
1. *Bars and nightclubs are prohibited.*
 2. *Restaurants are permissive in any Mixed-use zone district regardless of whether the use is permissive in the zone district citywide.*
 3. *Where allowed, tap rooms or tasting rooms require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless accessory to a restaurant.*

DECISION:

APPROVAL of a conditional use to allow a tap room/tasting room.

APPEAL:

If you wish to appeal this decision, you must do so by June 17, 2021 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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Lynette Prelo, admin@noisywaterwinery.com

Pete Kassetas, pnkassetas@gmail.com
Jasper Riddle, jriddle@noisywaterwinery.com
Cody Hoffmon, Huffmonc@yahoo.com
Sean Sheehan, sheehanwinery@gmail.com