



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

Old Town Abq. LLC (Agent Jennie Thornton) requests a Conditional use for Artisan Manufacturing in the MX-T zone for Lot 186, Block 0000, MRGCD MAP 38, located at 301 Romero St. NW Suite 209, MX-T, 14-16-4-4-3(E)(1)

Special Exception No:	VA-2024-00156
Project No:	PR-2019-002253
Hearing Date:	6-18-24
Closing of Public Record:	6-18-24
Date of Decision:	7-03-24

On the 18th day of June, 2024, Old Town Abq. LLC (Agent Jennie Thornton) (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Conditional use to allow Artisan Manufacturing in the MX-T zone (“Application”) upon the real property located at 301 Romero St. NW Suite 209 (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is a Conditional use to allow Artisan Manufacturing in the MX-T zone.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. 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).
5. 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 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 any 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.*
 - (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) On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;

(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.”

6. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
7. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
8. Applicant appeared and gave evidence in support of the application.
9. Applicant has met the burden of providing evidence that established that the requested Conditional Use Approval is consistent with the ABC Comp. Plan, as amended. Specifically, Applicant’s written submittals support that it supports the following Comp Plan Goals and Policies: 5.7.5.1, 8.2.6.2, 7.2, 4.1, 4.1.2, 4.1.2.1, 8.1.1.2, 8.1.4.2., and other policies.
10. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant confirmed in written submittals that the requested Conditional Use approvals would comport with all requirements, including without limitation the use-specific standards for artisan manufacturing.
11. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant confirmed in written submittals that the requested Conditional Use approvals would not create significant adverse impacts.
12. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant confirmed in written submittals that the requested Conditional Use approvals would not create material adverse impacts.
13. Applicant has met the burden of providing evidence that establishes that the requested Conditional Use approval 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. Specifically, Applicant testified and confirmed in written submittals that non-residential activity will not increase in any prohibited manner.
14. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation.
15. Applicant has met its burden of providing evidence that establishes that the operator of this use will obtain and maintain in effect at all times any city or state permit or license required

for the operation of this use. Specifically, Applicant testified and confirmed in written submittals the same.

16. Applicant has met its burden of providing evidence that establishes that only members of the residing household may provide care. Specifically, Applicant testified to the same.
17. Applicant has met its burden of providing evidence that establishes that any outdoor play area will be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height. Specifically, Applicant testified to the same.
18. Applicant has met its burden of providing evidence that establishes that only a sign meeting the requirements for a home occupation is allowed. Specifically, Applicant testified to the same.
19. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a Conditional use to allow Artisan Manufacturing in the MX-T zone.

APPEAL:

If you wish to appeal this decision, you must do so by July 18, 2024 pursuant to Section 14-16-6-4(V), 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
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