City Of Albuquerque

APPLICATION FOR SPECIAL EXCEPTION

Office of the Zoning Hearing Examiner
505.768.4503

APPLICATION INFORMATION–PLEASE PRINT

Evangeline Alderete-Padilla
CONTACT DATA: PROFESSIONAL / AGENT NAME (FIRST, LAST)
1741 Indian School Rd NW
MAILING ADDRESS
Albuquerque NM 87104
CITY STATE ZIP CODE

TELEPHONE (INCLUDE AREA CODE)
(H) N/A
(W) 505-342-9650
(C) 505-363-1761

Email: evangeline@gfgourmetfood.com

Tringcrest LLC / Ken Gingerich
APPLICANT DATA: OWNER NAME (FIRST, LAST–IF ANY)
1111-B Carlisle Blvd SE
MAILING ADDRESS
Albuquerque NM 87106
CITY STATE ZIP CODE

(H) N/A
(W) 505-227-8505
(C)

Email: Keng@MennoniteUSA.org

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

1111-B Carlisle Blvd SE — 87106
STREET ADDRESS OF SPECIAL EXCEPTION — ZIP CODE

20 — TRACT(S) — 3
LOT(S) — BLOCK(s)

Coronado Builders Inc/Knob Heights Addn.
SUBDIVISION / ADDITION / MRGCD MAP NO

101606565221784131 0
UNIFORM PROPERTY CODE

Initial Here

CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements.

EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE — DATE 8/10/12

----------ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY----------

Category Code 900

Permit Number: 2012080236

PROJECT #: 1009381

APPLICATION #: 12 ZHE 80236

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☐ **(ZHE01)** Conditional Use
- ☐ **(ZHE02)** Expansion of a NonConforming Use
- ☐ **(ZHE03)** NonConforming Use / Status Established Building
- ☑ **(ZHE04)** Variance:
  - ☐ Distance ☐ Setback
  - ☐ Height ☑ Parking
  - ☐ Size ☐ Other

SECTION NO. 14-16-3-1(A)(26) REFERENCE SECTION NO:

(LEGAL AD) ACTION DESCRIPTION A VARIANCE REQUEST OF 2 PARKING SPACES TO THE REQUIRED 2 PARKING SPACES REQUIRED, FOR A PROPOSED RESTORAN

SECTOR DEVELOPMENT AREA:

ZONED: C-1 ZONE MAP PAGE: L-16 NO. OF SIGNS ISSUED: 2

1111-B CARLISLE / CORNER OF THAXTON + CARLISLE.
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION

09-18-12
DATE OF PUBLIC HEARING

VINCENT A. MONTANO
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)

8-12-12
DATE

(APN)	441018/4926000	$35.00
(CMP)	441032/3416000	$10.00
(ZHE)	441006/3916000	$100.00
FEE:		$145.00

Gluten Free
Gourmet Foods
Strictly Gluten Free!
gfgourmet.com

Sweet Endings Bakery & Deli
a division of Gluten Free Gourmet Foods

August 10, 2012

Office of the Zoning Hearing Examiner
City of Albuquerque, Planning Department
200 Third Street NW Ste. 735
Albuquerque, NM 87102

RE: 1111-B Carlisle Blvd SE
Zone Atlas L-16

Dear Sir,

We are respectfully requesting a Special Exception to the C-1 zoning parking requirements. This property was developed prior to the adoption of the zoning regulations, as a duplex apartment with a two-car garage, as were all of the lots on this block. Subsequent to development, the lots along Carlisle Blvd. were zoned C-1. It is the intent of the Owner to now utilize this property for a commercial business location (Retail Food Sales) as intended by the C-1 zoning. This lot measures 60 feet wide by 135 feet long (8100 sf total lot area, the same size as the other lots on this block), as shown on the attached Site Plan. The zoning regulations require two parking spaces for the Retail Food Sales business. We are asking for a variance to allow zero parking spaces on this lot. We are requesting this special exception for the following reasons:

PART A

The parcel is exceptional by reason of the historic use of the parcel as a multi-family residential development, which existed at the time of adoption of the regulations. The property was granted a conditional use permit in 1995 which has now expired. The Owner is now intending that the garage portion of the premises be used as a commercial business location (Retail Food Sales) as intended by the C-1 zoning, but there is no room on the lot for vehicle parking.

PART B

As a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship that unreasonably limits the Owner's use of the property, since the zoning code would require on-site parking for any commercial use of the property. On-street parking is available along Carlisle Blvd. The adjacent lot to the north was similarly initially developed as a duplex apartment with two-car garage, and has since been converted to commercial use with a coffee shop, art gallery and yoga studio. There is an existing 4 foot wide sidewalk along Carlisle Blvd. Since there is only 13.5 feet between the existing garage building and the property line (please refer to the attached Site Plan), there is not room for parking spaces in front of the building without the parked cars extending across the property line into the public Right-of-Way. This is the same situation as on the adjacent lot to the north, which has been converted to commercial business use, and which similarly has no on-site parking.

PART C

A variance to the on-site parking requirement is appropriate to prevent the unnecessary hardship. The variance is consistent with the general public interest. The existing businesses on the neighboring lot to the north are in favor of this development, as is the Southeast Heights Neighborhood Association (please refer to attached copy of email correspondence from John Pate). Zoning regulations require two parking spaces for the Retail Food Sales occupancy. We are requesting a variance to allow zero on-site parking spaces for this project.

Gluten Free
Gourmet Foods
Strictly Gluten Free!
gfgourmet.com

Sweet Endings Bakery & Deli

a division of Gluten Free Gourmet Foods

This new Retail Food Sales would complement the existing cluster of small businesses at this particular location. It would be an asset to the Southeast Heights community, and also bring people from other parts of the city.

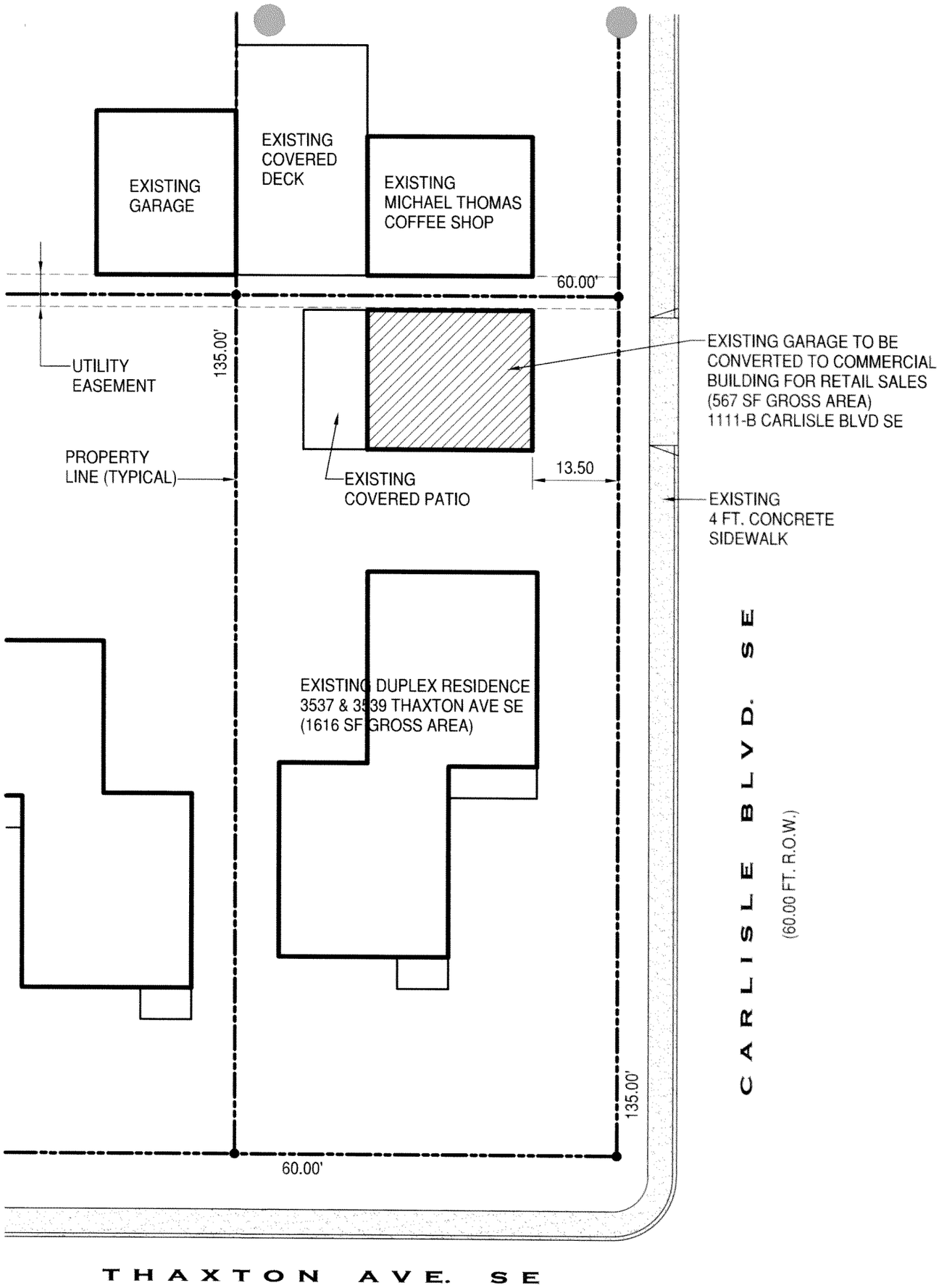
Thank you for your consideration.

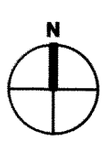
Sincerely,

Evangeline Alderete-Padilla
President

1741 Indian School Rd NW● Albuquerque, NM 87104●Phone (505) 363-1761●Fax (505) 341-9578

www.gfgourmetfood.com





SITE PLAN

1" = 20'-0"

STREET ADDRESS: 1111-B CARLISLE BLVD SE

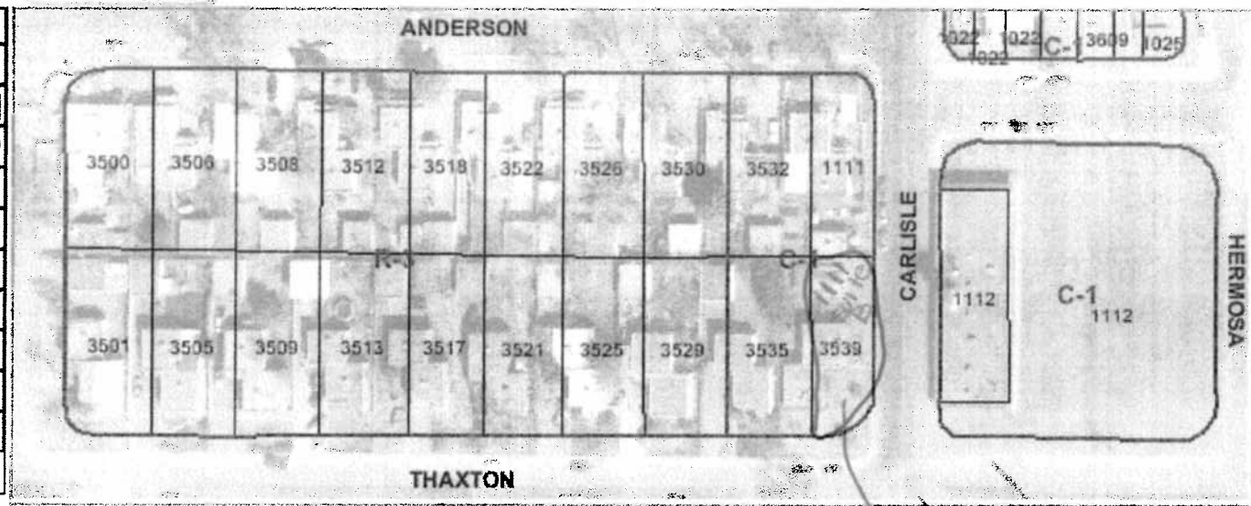
LEGAL DESCRIPTION: LOT 20, BLOCK 3 OF CORONADO BUILDERS, INC. SUBDIVISION OF BLOCKS 3 AND 4 OF KNOB HEIGHTS ADDITION TO CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

BUILDING AREA - 1111-B CARLISLE SE = 567 SF
BUILDING AREA - 3537/3539 THAXTON SE = 1616 SF
TOTAL BUILDING AREA ON THIS LOT = 2183 SF
TOTAL LOT AREA = 8100 SF

ZONING CLASSIFICATION: C-1
(ZONE ATLAS PAGE: L-16)

CITY OF ALBUQUERQUE
www.cabq.gov

Planning and Zoning GIS Data



ZONE GRID

No Features found.

OWNERSHIP

Rec	UPC CODE	OWNER	OWNER ADDRESS	OWNER CITY	OWNER STATE	OW ZIP(
1	101605652217841310	FRINGECREST LLC	1111 CARLISLE BLVD SE	ALBUQUERQUE	NM	871

ZONING

Rec	ZONING	DESCRIPTION
1	C-1	

ZONE GRID

Rec	ZONE ATLAS GRID
1	L16

PARCELS

Rec	NUMBER	NAME	DESIGNATION	QUADRANT	LOT	BLOCK	SUBDIVISION
1	3539	THAXTON	AV	SE	20	3	CORONADO BUILDERS INC/KNOB

LAYERS

- STREETS
- BASEMAP
  - PARCELS
  - METRO ADDRESS
  - ZONING
  - OWNERSHIP
- BOUNDARIES
- SITES
  - ZONING CASES
  - CASE TRACKING
  - CASE HISTORY
  - CELL TOWERS
  - CENTERS
  - CRP/ES LOCATION
  - CRP/ES BUFFER
  - CHURCHES
  - CHURCH BUFFER
  - SCHOOL BUFFERS
  - LANDFILLS
  - LANDFILL BUFFER
  - CITY LANDMARKS
- AIR PHOTO
  - 2010 AIR PHOTO
  - 2008 AIR PHOTO
  - 2006 AIR PHOTO
  - 2002 AIR PHOTO
  - 1999 AIR PHOTO

Refresh Map

Auto Refresh

Help:

ID Visible Features SEARCH REFRESH HELP INDEX PAGE CONTACT

3. Five spaces if the dwelling has five or more bedrooms.

(e) For each house or townhouse, on lots designated with the suffix "p2" on the subdivision plat (on streets classified for Infrequent Parking as provided in the Subdivision Regulations set forth in Chapter 14, Article 14 of this code):

1. Four spaces if the dwelling has up to two bedrooms; or

2. Five spaces if the dwelling has three or four bedrooms; or

3. Six spaces if the dwelling has five or more bedrooms.

(f) Parking on any portion of a front yard setback area, other than the improved parking and maneuvering areas, is prohibited.

(25) Residential use - apartment in the R-4 zone: for each dwelling unit, one space per bath but not less than one and one-fourth spaces.

(26) Restaurant, bar: one space for each four seats for establishments without a full service liquor license; otherwise one space per three persons of permitted fire occupancy load.

(27) Retail and service uses unless otherwise specified in this section: one space per 200 square feet for the first 15,000 square feet of net leasable area; then, one space per 250 square feet for the next 45,000 square feet of net leasable area; then, one space per 300 square feet for the net leasable area that exceeds 60,000 square feet.

(28) School - elementary and middle: one space for each employee.

(29) School - high: one space for each four seats in the main auditorium or three spaces for each classroom, whichever is greater.

(30) School - private commercial and private trade: one space for each two seats, or to the extent that seats are not provided, one space for each two student and employee stations.

(31) Warehouse: one space per 2,000 square feet of net leasable area.

(B) Parking for bicycles shall be provided on-site or on a site within 300 feet of the use, measured along the shortest public right-of-way, as follows:

(1) Residential use, five or more dwelling units or mobile homes per lot: one bicycle space per two dwelling units.

(2) Dormitory, fraternity or sorority house: one bicycle space for each six persons in residence.

(3) Nonresidential uses: one bicycle space per each 20 parking spaces required for automobiles and light trucks, but not less than two spaces per premises, unless otherwise specified below:

(a) Drive-in theater, mortuary, or motel or hotel rental unit: None.

(b) School - elementary and middle: one bicycle space for each 20 students.

(c) School - high, commercial, and trade: one bicycle space for each 50 students.

(C) Parking for motorcycles, mopeds, and motor scooters shall be provided on-site as follows:

landscaped buffers facing the streets with a minimum depth of four feet and a screen wall with a minimum height of 36 inches. Wall material shall be as regulated by § 14-16-3-19(C).

g. Signage: Signage shall be as regulated by the O-1 zone, with the following exceptions:

i. Building-mounted signs shall be limited to 25 square feet.

ii. No more than one wall-mounted sign per building façade.

iii. Freestanding signs are not permitted on premises of under five acres.

iv. The maximum height of freestanding signs is eight feet.

9. Redevelopment of existing structures that results in a net 25% increase in square footage shall comply with the preceding regulations as determined by the Planning Director or his or her designee.

(8) Retail sales of the following goods, plus incidental retailing of related goods and incidental service or repair:

(a) Arts and crafts objects, supplies, plus their incidental creation provided there is little or no reproduction of substantially identical objects.

(b) Auto parts and supply.

(c) Books, magazines, newspapers, stationery, provided that no such material is advertised to be forbidden to be sold to minors.

(d) Christmas trees, including outside sales, provided the use is limited to 45 days in one calendar year.

(e) Clothing, shoes, dry goods.

(f) Cosmetics, notions, hobby supplies.

(g) Drugs, medical supplies.

(h) Flowers and plants, including minor and incidental outdoor sales.

(i) Food and drink for consumption on premises, provided:

1. There shall be no drive-in restaurant, and

2. Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by Section 60-6A-4 NMSA 1978. The sale of beer and wine under a restaurant

FRONT VIEW OF 1111 CARLISLE BLVD SE SUITE B-DOUBLE CAR GARAGE NEXT TO MICHAEL THOMAS COFFEE-SHOWING EXISTING 2 PARKING SPACES

1111 CARLISLE BLVD SE SUITE B- LOOKING NORTH

1111 CARLISLE BLVD SE SUITE B-LOOKING SOUTH

1111 CARLISLE BLVD SE SUITE B-SHOWING EXISTING PARKING SPACES

Evangeline Alderete

From: John Pate [jpate@molzencorbin.com]
Sent: Thursday, August 09, 2012 5:15 PM
To: Evangeline Alderete
Cc: MACPHERSON, RICHARD J.; 'Phyllis Taylor'
Subject: RE: Parking Variance for 1111 Carlisle Ste. B

Ms. Alderete,

On behalf of the Board of the Southeast Heights Neighborhood Association, I have reviewed you variance request sketch and you letter of intent to the Zoning Hearing Examiner.

We do not oppose your request under the condition that none of you immediate neighbors oppose the request either in writing or in person at the zoning hearing.

Thank you for informing us of you intentions.

For SEHNA
John Quinn Pate, President

From: Evangeline Alderete [mailto:evangeline@gfgourmetfood.com]
Sent: Wednesday, August 08, 2012 7:23 PM
To: John Pate
Subject: FW: Parking Variance for 1111 Carlisle Ste. B

Here is the email again. I have attached a copy of the letter we are submitting to the city and the site plan. Please let me know if you have any questions.

Evangeline

From: Evangeline Alderete [mailto:info@gfgourmetfood.com]
Sent: Friday, July 13, 2012 9:34 PM
To: 'jpate@molzencorbin.com'
Subject: Parking Variance for 1111 Carlisle Ste. B

Mr. Pate,

It was a pleasure speaking with you a few weeks ago, and I appreciate your time. I would like to recap our conversation.

We are looking to put a "to-go" or retail restaurant at 1111 Carlisle Blvd Ste. B, next to Michael Thomas Coffee. Our company GF Gourmet Food, Inc. dba Sweet Endings Bakery & Deli, specializes in providing meals to individuals suffering from Celiac Disease. Celiac Disease is a digestive disease that damages the small intestine and interferes with absorption of nutrients from food. People who have celiac disease cannot tolerate gluten, a protein in wheat, rye, and barley. Gluten is found mainly in foods but may also be found in everyday products such as medicines, vitamins, and cosmetics.

We are respectfully submitting an application for a Special Exception for parking. We are proposing a safe and delicious environment for those individuals suffering from food allergies. We believe that having our products available will be a great asset to the neighborhood.

We look forward to working with your neighborhood association in this important matter and would appreciation your support. If there are any questions please do not hesitate to contact me directly.

Once again, thank you for your time and consideration in making our dream a reality!

Sincerely,

Evangeline Alderete-Padilla

Evangeline Alderete-Padilla
1741 Indian School Rd NW
Albuquerque, NM 87104
Phone: (505) 363-1761/Fax: (505) 341-9578
evangeline@gfgourmetfood.com
gfgourmetfood.com