

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

BROKEN BOTTLE BREWERY, LLC.,
(CHRISTOPHER CHAVEZ, AGENT)
request(s) a special exception to Section 14-
16-2-20(B)(5): a CONDITIONAL USE to allow
proposed retail sale of beer for off-premise
consumption for all or a portion of Lot(s)
UNPLATTED, UNPLATTED/SUN COUNTRY
INDUSTRIES zoned M-1, located on 9421
COORS BLVD NW, SUITE K (C-13)

Special Exception No:..... **12ZHE-80085**
Project No:..... **Project# 1009183**
Hearing Date:..... 08-07-12
Closing of Public Record:..... 08-07-12
Date of Decision: 08-20-12

On August 7, 2012, Christopher Chavez, agent/owner for Broken Bottle Brewery LLC, appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed retail sale of beer for off-premise consumption at 9421 Coors Blvd NW.

SUMMARY:

1. Mr. Chavez, agent/owner for Broken Bottle Brewery LLC, requests a conditional use to allow a proposed retail sale of beer for off premise consumption at 9421 Coors Blvd NW.
2. Mr. Chavez testified the conditional use request is for the Broken Bottle Brewery LLC, where it will manufacture and sell beer for off premise consumption to the public at a retail level.
3. Mr. Chavez testified that the majority of the sale of its beer products will be consumed on the licensed premises by customers who purchase the product.
4. Mr. Chavez testified that Broken Bottle Brewery has an approved license from the state to do this type of business.
5. Mr. Chavez testified that if this request is approved, it will increase the business volume.
6. Mr. Chavez testified that the requested use will not be injurious to the adjacent property, the neighborhood or the community.
7. Ms. Chavez testified that the beer will be sold at a premium price, and retail sales will generally be between 4:00 p.m. to 12:00 midnight.
8. Mr. Chavez testified that he does not expect a significant traffic change for the business.
9. Mr. Chavez also testified this use will not damage any surrounding structures or activities.
10. Mr. Chavez testified that the retail activities proposed by Broken Bottle Brewery will only take place on the premises licensed by the Alcohol and Gaming Division.

11. There was a facilitated meeting offered by Contract Facilitator Pilar Vaile. The meeting was offered to applicant Chris Chavez, and Paradise Hills Civic Association (PHC), as well as Riverfronte Estates N.A., Inc. (RFE).
12. Marlo Peters of the RFE indicated that she does not approve of the application but declined a facilitated meeting, citing difficulty in getting members to attend and lack of desire to hear the applicant's presentation.
13. Tom Anderson from the PHC indicated that this is not a type and scale of project to typically concerns his neighborhood. Mr. Anderson declined a facilitated meeting.
14. The applicant was relayed the forgoing information, and declined a facilitated meeting also.
15. There are no letters of opposition in the file, nor were there any opposition at the hearing opposing the request.
16. The yellow signs were posted for the time required.

FINDINGS: Mr. Chavez, agent/owner for Broken Bottle Brewery LLC., has met the burden of a conditional use request to allow the proposed retail sale of beer for off premise consumption. The property does not appear to show any evidence of being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved with a condition.

CONDITION:

1. The applicant must abide by the brewery license by the state. Any deviation of the license and any other city and state laws that may apply will be grounds for rescinding this approval.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

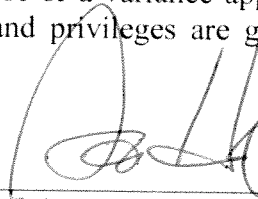
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Christopher Chavez, 9421 Coors Blvd NW Suite K