

CITY of ALBUQUERQUE
TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-15-262 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 RESOLUTION
2 AMENDING THE TEXT OF THE HUNING HIGHLAND SECTOR DEVELOPMENT
3 PLAN'S CORRIDOR REVITALIZATION ZONE (SU-2/CRZ) TO ALLOW THE SALE
4 OF BEER AND WINE FOR ON-PREMISE CONSUMPTION FOR ESTABLISHMENTS
5 WITH A "SMALL BREWER'S LICENSE" OR A "WINEGROWER'S LICENSE"
6 WHICH ARE NOT RESTAURANTS, AND ALCOHOL SALES FOR OFF-PREMISE
7 CONSUMPTION FOR ESTABLISHMENTS WITH A "SMALL BREWER'S LICENSE"
8 OR A "WINEGROWER'S LICENSE" AS A CONDITIONAL USE.

9 WHEREAS, the Council, the Governing Body of the City of Albuquerque, has
10 the authority to adopt and amend plans for the physical development of areas
within the planning and platting jurisdiction of the City authorized by statute,
Section 3-19-3, NMSA 1978, and by its home rule powers; and

11 WHEREAS, the Council has the authority to adopt, amend, or repeal such a
sector development plan; and

12 WHEREAS, the City of Albuquerque adopted the Huning Highland Sector
Development Plan in 1988; and

13 WHEREAS, the Huning Highland Sector Development Plan was amended in
2005 to establish the SU-2/Corridor Revitalization Zone (SU-2/CRZ) for lots
fronting Central Avenue and portions of Broadway Boulevard by the Council's
adoption of F/S R-04-155 (Enactment No. R-2005-003); and

14 WHEREAS, the SU-2/CRZ zone was established with the stated goal of
encouraging continued development of these corridors as viable residential and
commercial area for the community; and

15 WHEREAS, the SU-2/CRZ zone stipulates that the sale of alcohol for on-
premise consumption is limited to "Restaurant with full-service liquor for on-
premise consumption, including microbrewery"; and
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1 WHEREAS, the Planning Department has interpreted this language to mean
2 that alcohol-serving establishments in the SU-2/CRZ zone must be restaurants
3 and may not be taprooms, tasting rooms or bars without foodservice; and

4 WHEREAS, there is an increasing interest throughout the City in taprooms,
5 tasting rooms or bars that serve locally-brewed craft beers and locally-produced
6 wines; and

7 WHEREAS, proposals to establish such businesses in the Huning Highland
8 Sector Development Plan’s SU-2/CRZ zone area have been precluded by the
9 regulations established by this zone; and

10 WHEREAS, the Huning Highland Sector Development Plan also establishes
11 specific regulations for the sale of alcohol for off-premise consumption, limiting
12 such establishments to full-service grocery stores; and

13 WHEREAS, the record for F/S R-04-155 and similar zoning amendments in
14 other areas suggests that this prohibition was intended to address community
15 concerns about the impacts of packaged liquor sales and, in particular, the sale
16 of miniature bottles and fortified liquors; and

17 WHEREAS, certain establishments in the Huning Highland area have
18 expressed a desire to sell locally-produced alcoholic beverages for off-premise
19 consumption; and

20 WHEREAS, the New Mexico state statute that defines “Small brewer’s license”
21 (60-6A-26.1 NMSA 1978) authorizes one to whom a small brewer’s license is
22 issued to sell beer in unbroken packages for consumption off premises; and

23 WHEREAS, the New Mexico state statute that defines “Winegrower’s license”
24 (60-6A-11 NMSA 1978) authorizes one to whom a winegrower’s license is issued
25 to sell wine in unbroken packages for consumption off premises; and

26 WHEREAS, allowing an opportunity for small brewers and winegrowers to sell
27 their products for off-premise consumption, subject to certain restrictions and
28 procedures, is consistent with the Huning Highland Sector Development Plan.
29 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
30 ALBUQUERQUE:

31 SECTION 1. Section A of the text of the Huning Highland Sector Development
32 Plan’s SU-2/Corridor Revitalization Zone (SU-2/CRZ), the permissive uses, is
33 hereby amended as follows:

1 “The CORRIDOR REVITALIZATION ZONE (SU-2/CRZ) corresponds to the C-1
2 Neighborhood Commercial Zone of the Comprehensive City Zoning Code with the
3 following exceptions:

4 **A. Permissive Uses:**

- 5 1. Permissive uses of the C-1 zone; provided, however, signs are regulated by
6 the Huning Highland Urban Conservation Overlay Zone Regulatory Plan.
- 7 2. Permissive uses of the R-3 zone as further regulated by the Huning Highland
8 Urban Conservation Overlay Zone Regulatory Plan. Density and floor area
9 ratio shall be regulated by the Huning Highland Urban Conservation Overlay
10 Zone and accompanying Regulatory Plan.
- 11 3. Restaurant with full-service liquor for on-premise consumption[, including
12 ~~microbrewery~~].

13 [+4. Microbrewery, tap room, tasting room or similar establishment serving
14 beer and/or wine for on-premise consumption with an approved “Small
15 brewer’s license” as governed by 60-6A-26.1 NMSA 1978 or an approved
16 “Winegrower’s license” as governed by 60-6A-11 NMSA 1978. Any brewery
17 activities are to be conducted within a completely enclosed building. Brewery
18 activities or products will not produce odor, dust, smoke, noise, vibration or
19 other impacts in excess of allowed standards.

20 5. Alcoholic beverage sales of beer and/or wine for off-premise consumption in
21 a microbrewery, tap room, tasting room or similar establishment with an
22 approved “Small brewer’s license” as governed by 60-6A-26.1 NMSA
23 1978 or an approved “Winegrower’s license” as governed by 60-6A-11 NMSA
24 1978.+]

25 [4.] [+6+] Either:

- 26 a. One full service grocery store with package liquor sales for consumption
27 off-premise, provided that the store is 40,000 square feet or greater net
28 leasable area and within a building containing residential and/or office
29 uses, with the following further restrictions:
 - 30 (1) No sales of broken packages (singles);
 - 31 (2) No sales of miniatures or distilled spirits in quantities less than 750
32 milliliters;

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- 1 (3) No sales of fortified wines with a volume of alcohol of more than 13.5
- 2 percent; and
- 3 (4) The area for display and sale of liquor shall not exceed 20% of the
- 4 gross floor area of the grocery store;
- 5 **OR**
- 6 b. One full service grocery store with only wine and beer sales for
- 7 consumption off-premise provided that the store is between 5,000 and
- 8 40,000 square feet net leasable area and within a building containing
- 9 residential and/or office uses, with the following further restrictions:
- 10 (1) No sales of broken packages (singles);
- 11 (2) No sales of fortified beer or beer in any single container,
- 12 (3) No sales of fortified wines with a volume of alcohol of more than 13.5
- 13 percent; and
- 14 (4) The area for display and sale of liquor shall not exceed 20% of the gross
- 15 floor area of the grocery store.”

16 [5.] [+7+] Only one full service grocery store with package liquor sales for

17 consumption off-premises or one full service grocery store with wine and

18 beer sales for consumption off-premises shall be allowed in the SU-2/CRZ zone

19 at any time.

20 [6.] [+8+] "Full service grocery store" shall mean a store primarily engage in

21 retailing a general line of food, such as canned, refrigerated, packaged, baked

22 and frozen foods; fresh fruits and vegetables; and fresh and prepared meats,

23 fish, and poultry.

24 **SECTION 2.** The entire text of the Corridor Revitalization Zone (SU-2/CRZ),

25 which is currently contained only in the text of F/S-R-04-155, shall be inserted into

26 the pdf of the Huning Highland Sector Development plan beginning after page 35,

27 with required insert pages numbered as 35a, 35b and so on as necessary.

28 **SECTION 3. EFFECTIVE DATE.** This resolution shall take effect five days after

29 publication by title and general summary.

30 **SECTION 4. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,

31 clause, word or phrase of this resolution is for any reason held to be invalid or

32 unenforceable by any court of competent jurisdiction, such decision shall not

33 affect the validity of the remaining provisions of this resolution. The Council

1 hereby declares that it would have passed this resolution and each section,
2 paragraph, sentence, clause, word or phrase thereof irrespective of any
3 provisions being declared unconstitutional or otherwise invalid.

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