

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

February 10, 2017

One Architecture
Attn: Nathan Bisch
8801 N. Central Ave, Suite 101
Phoenix, AZ 85020

Project# 1003275
16EPC-40088 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of Tract A-2, HeritageMarket Place, zoned SU-2/SU-1, Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant located on Southwest Corner of Ladera Drive NW and Market Street NW, containing approximately .94 acre. (H-9)
Staff Planner: Maggie Gould

PO Box 1293

Albuquerque
On February 9, 2017 the Environmental Planning Commission (EPC) voted to **APPROVE** Project 1003275/16EPC-40088, a Site Development Plan for Building Permit, based on the following findings and conditions:

NM 87103 **FINDINGS:**

1. This is a request for a Site Development Plan for Building Permit for Tract A-2, Heritage Marketplace located on Ladera Drive NW, between Unser Boulevard and Market Street and containing approximately .94 acres.
2. The request will allow the development of 3,237 square foot restaurant with drive up service window and associated landscaping and parking areas.
3. In October of 2012, the City Code Compliance Manager confirmed that uses allowed on the site must correspond to those enumerated in the C-1 Neighborhood Commercial Zone, and that the area within which the subject site is located may be developed with commercial uses pursuant to the C-1 zone. Therefore, the proposed restaurant with a drive-up service window and retail building on the subject site is permissive.
4. The subject site is located within the Heritage Marketplace Site Development Plan for Subdivision (13EPC-40148), and is subject to the approved design standards. The request is consistent with those standards.

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5. The site is within the boundaries of the Developing Urban area of the Comprehensive Plan, the Ladera Community of the West Side Strategic Plan and the El Rancho Atrisco III Sector Development Plan. The Heritage Marketplace Site Development Plan for Subdivision applies to the site and contains design requirements that development must comply with.
6. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase III Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable Plans.
8. The proposed Site Development Plan for Building Permit furthers the following Comprehensive Plan policies:
 - A. Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request generally furthers Policy II.B.5.d. The proposed development would be suitable in terms of its location and intensity as it is appropriately located within an existing area zoned for commercial uses. The subject site is not considered a scenic or natural environment, and is subject to the Heritage Marketplace design standards, which were established to respect neighborhood values and conditions of the area. However, there is concern about the impact of the traffic from the proposed development and the impact of the drive-use on the pedestrian safety.
 - B. Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e because the site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed Site Development Plan for Building Permit is required to adhere to the Heritage Marketplace Site Development Plan for Subdivision design standards as approved by the Environmental Planning Commission. These standards help to ensure quality development on the site.
 - C. Policy II.B.5.i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

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The request furthers Policy II.B.5.i. New development will add to the services available to area residents and provide job opportunities. The Heritage Marketplace Site Development Plan for Subdivision provides design standards that limit lighting near residential development and includes other standards to increase the design quality for the adjacent neighborhoods.

9. The proposed Site Development Plan for Building Permit furthers the following West Side Strategic Plan policies:

- A. Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

The request furthers policy 3.23 because the proposed development adds commercial services on the western side of the Ladera Community within a neighborhood center. The site plan is generally consistent with the design standards in the Heritage Marketplace Site Development Plan for Subdivision. Extensive landscaping is provided along the northeast corner that will help the site relate to the neighborhood.

- B. Policy 3.24: The area just west of Coors and north of I-40 up to a point of about 1000 feet south of Ladera Drive should be designated and developed as the Community Activity Center for Ladera.

The request furthers Policy 3.24 because the proposed commercial development will be located within the Unser / Ladera Neighborhood Center as shown on page 30 of the West Side Strategic Plan.

- C. Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The request partially furthers policy 4.6.g because the site is accessible by transit and the landscaping and walls do not create barriers for pedestrians. The building is close to the street, but has a drive up lane between the building and the street.

10. The request furthers the intent of El Rancho Atrisco Phase III Sector Plan because the proposed development complies with the intent of the land use plan contained within the El Rancho Atrisco Phase III Sector Plan.
11. The Laurelwood Neighborhood Association, Parkway Neighborhood Association and the Westside Coalition of Neighborhoods were notified.

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12. A facilitated meeting occurred on January 25, 2017. Neighbors expressed concern about the existing traffic in the area and additional traffic from the proposed use, including the volume of traffic, the function of the intersections, delivery trucks and the lack of a signal at Market Street because of the distance to Unser Boulevard. Attendees expressed opposition the drive-thru because it is not pedestrian friendly and they would prefer a sit down restaurant.
13. The original TIS, dated 2014, included two drive thru restaurant facilities for the entire site development plan for subdivision. With this project, the trip generation numbers were updated to add a third drive thru restaurant. According to the Traffic Engineer, there will be a negligible impact to traffic congestion in the area.
14. Changes and additions were proposed as a result of the facilitated meeting on January 25, 2017. The changes are reflected on Exhibit A as displayed at the hearing.

CONDITIONS:

1. The EPC delegates final sign-off authority of this Site Development Plan for Building Permit to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Provide a pedestrian connection from the building to Market Street if it can be designed to provide safe access, as determined by Planning and Transportation Development with input from the applicant and neighborhoods.
4. Update sheet La.01 to show corrected site square footage and required landscape.
5. Reduce screen wall height to 36 inches to comply with the approved Site Development Plan for Subdivision.
6. Add an additional shade tree on the west side of the patio.

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7. Future signage will be required to comply with SPS standards and a note shall be added to the site stating that future signage can be approved administratively if it complies with the required standards.
8. Conditions from Transportation Development:
 1. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
 2. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
 3. The applicant will address transportation comments prior to DRB sign off.
9. Conditions of Approval from PNM:
 1. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
 2. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.
10. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
11. Changes and additions proposed at the hearing as reflected on Exhibit A should be incorporated into the design of the site plan, where possible.
12. Depressed landscaping areas and benches will be added to the site plan.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 24, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as

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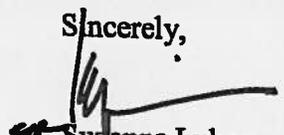
the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: One Architecture, Nathan Bisch, 8801 N. Central Ave, Suite 101, Phoenix, AZ 85020
Laurel Wood N.A (LWD) "R", Candelaria Patterson, 7608 Elderwood Dr. NW, ABQ, New Mexico 87120
Laurel Wood N.A (LWD) "R", Gregie Duran, 7525 Maplewood Dr. NW, ABQ, New Mexico 87120
Parkway N.A (PKW) "R", Ruben Aleman, 8005 Fallbrook NW, Albuquerque, New Mexico 87120
Parkway N.A (PKW) "R", Mary Loughran, 8015 Fallbrook NW, Albuquerque, New Mexico 87120
Westside Coalition of N.A.'S, Harry Hendriksen, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114
Westside Coalition of N.A.'S, Rene Horvath, 5515 Palomino Dr. NW, ABQ, New Mexico 87120
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