

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

March 10, 2017

66 Architect LLC
Attn: Clint Wilsey
2041 S. Plaza St. NW
Albuquerque, NM 87104

Project #1010999
16EPC-40079 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for Lot C-4-A, Seven Bar Ranch, zoned SU-1 for IP Uses, located on Highway 528, between Ellison Dr. NW and Cottonwood Dr. NW, containing approximately 2 acres. (A-14)
Staff Planner: Maggie Gould

On March 9, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1010999/16EPC-40079, a Site Development Plan for Building Permit, based on the following findings:

FINDINGS:

Albuquerque

NM 87103

www.cabq.gov

1. This is a request for a Site Development Plan for Building Permit for Tract C-4-A -1, Seven Bar Ranch located on NM Highway 528, between Ellison Dr. NW and Calle Cuervo Rd. NW and containing approximately 1.2 acres.
2. The applicant is proposing to demolish the existing 20,000 square foot vacant building on the subject site and build a 3,898 square foot restaurant with drive up service window.
3. The subject site is zoned SU-1 for IP Uses. The proposed use is permissive under the existing zoning designation for the subject site.
4. Staff was unable to locate any historical site development plan information for the existing 20,000 square foot, two-story vacant building within the Planning Department archives.
5. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Seven Bar Ranch Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is located within the Seven Bar Ranch Neighborhood Center and Seven Bar Regional Center as designated by the West Side Strategic Plan.

OFFICIAL NOTICE OF DECISION

Project #1010999

March 9, 2017

Page 2 of 7

7. The Seven Bar Ranch Neighborhood Center is intended to contain most retail needs of the residents of the eastern portion of the Seven Bar Community.
8. The Seven Bar Regional Center is intended to serve as a major employment center, and contain a significant amount of commercial services, professional services and employment. Anticipated Seven Bar Regional Center regional uses include: Regional retail, services, higher density housing, and public / institutional.
9. The request furthers the Established Urban Area goal of the Comprehensive Plan:
 - A. Goal of the Established Urban Area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

The request furthers the Established Urban Area goal because it will contribute to the ongoing construction of a quality environment that perpetuates the tradition of identifiable communities within the metropolitan area by offering a variety of additional commercial service and retail uses that respond to the needs of residents within the Seven Bar Ranch community. This Established Urban Area goal is also re-stated within the Planning Policies and Goals section on page 4 of the Seven Bar Ranch Sector Development Plan.

- B. 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 requested action generally furthers Policy II.B.5.d. because the site is located adjacent to similarly zoned lots developed with similar uses . The site is not directly adjacent to residential development and the site design does not direct traffic into those areas. The proposed use will increase traffic to the area, but is allowed under the existing zoning.

- C. 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 subject site is contiguous to existing urban facilities and services. The integrity of existing neighborhoods will be ensured because the subject site is not directly adjacent to residential development and proposed Site Development Plan for Building Permit is required to adhere to the EPC approved design standards contained within Place Site Development Plan for Subdivision.

OFFICIAL NOTICE OF DECISION

Project #1010999

March 9, 2017

Page 3 of 7

- D. 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.

The request furthers Policy II.B.5.i. because the applicant is proposing a new commercial use for the subject site. The subject site is located adjacent to other commercial /industrial zoned lots which are configured to complement nearby residential areas. The site is not directly adjacent to residential development, but is close enough to provide opportunities for employment and service.

10. The request furthers the following West Side Strategic Plan policies:

- A. Policy 3.1: The Cottonwood Mall area shall be designated as the West Side's Regional Center. The boundaries of the Regional Center are shown on page 33. Development appropriate to a Regional Center, including the largest commercial and highest density development of anywhere on the West Side, shall occur in this location.
- B. Policy 3.3: Development of the Regional Center shall be inclusive of mixed-uses, and multi-modal transportation systems. Connections to transit systems and bicycle/pedestrian linkages must be provided with all new development. The City will continue discussion regarding location of a transit center within the Regional Center.

The request furthers WSSP Policies 3.1 and 3.3 because the proposed commercial service and retail uses are appropriate to a Regional and Neighborhood Center as defined by the WSSP. The proposed uses are also intended to serve the retail needs of the residents of the eastern portion of the Seven Bar Community. The subject site is also located near a transit route (Bus Route 98 – Wyoming Commuter).

11. The request further the following Seven Bar Ranch Sector Development plan sections and goals:
- A. Location and Setting: "The Sector Plan [Seven Bar Ranch SDP] is the northwestern hub of the transportation network mesa and should consequently serve as an area of relatively intense land use providing services to the less intense development areas which surround it".
- B. Goal A2: "The goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment."

The request furthers the intent of the SBRSDP by proposing commercial service and retail uses that are appropriate to the sector development plan area that will serve the lower intensity residentially developed parcels surrounding the subject site. The request also further

OFFICIAL NOTICE OF DECISION

Project #1010999

March 9, 2017

Page 4 of 7

SBRSDP Goal A2 by seeking to implement the Established Urban Area goal of contributing to the ongoing construction of a quality environment that perpetuates the tradition of identifiable communities within the metropolitan area by offering a variety of additional commercial service and retail uses that respond to the needs of residents within the Seven Bar Ranch community.

12. The Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the subject site were all notified of this request as required.
13. Planning Staff received a phone call regarding the requested action from a neighboring property owner. The owner was not opposed to the project, but was opposed to granting any kind of shared access easement to the site. A facilitated meeting was not recommended or held, and there is no known opposition to this request.
14. The applicant is encouraged to dedicate parking spaces for drive up customers waiting for orders to ensure that the queueing of the drive thru does not impede site access.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan 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. The applicant will demonstrate that the existing trees along Alameda Boulevard meet the street tree ordinance or will add trees to meet these requirements. The required trees may be clustered or spaced to protect the existing trees. The landscape plan will show existing trees.
4. City Engineer Conditions of Approval:
 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).

OFFICIAL NOTICE OF DECISION

Project #1010999

March 9, 2017

Page 5 of 7

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.

The following comments need to be addressed prior to DRB:

1. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing." Please call out detail and location of HC signs.
2. The ADA access aisles shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
3. Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. Please clearly show this pathway and provide details.
4. The handicap accessible spaces must include an access aisle. Van accessible aisles should be 8ft wide; all others should be 5ft wide.
5. Label the compact parking spaces by placing the words "COMPACT" on the pavement of each space.
6. Identify all existing access easements, driveway widths and radii. Some dimensions are missing.
7. ADA truncated domes (detectable warning surfaces) should be adjacent to vehicular pathways at the end of ADA access ramps.

5. Public Service Company of New Mexico Conditions of Approval:

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.

OFFICIAL NOTICE OF DECISION

Project #1010999

March 9, 2017

Page 6 of 7

6. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
7. 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.
8. Prior to final DRB sign off for Site Development plan for Building Permit all easements and maintenance agreements will be addressed.
9. Keyed Note 10 will be removed unless a shared access easement is recorded prior to DRB sign off.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 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 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.

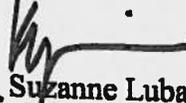
OFFICIAL NOTICE OF DECISION

Project #1010999

March 9, 2017

Page 7 of 7

Sincerely,


Suzanne Lubar
Planning Director

SL/MG

cc: 66 Architect LLC, Attn: Clint Wilsey, 2041 S. Plaza St. NW, ABQ, NM 87104
Westside Coalition of NAs, Harry Hendriksen, 10592 Rio Del Sole Ct. NW, ABQ, New Mexico 87114
Westside Coalition of NAs, Rene Horvath, 5515 Palomino Dr. NW, ABQ, New Mexico 87120