



**Environmental
Planning
Commission**
Staff Report

Agenda Number: 04
Project Number: 1005280
Case #: 16EPC-40080, 40081
March 9, 2017

Agent	Martin Grummer
Applicant	JMD, McMahon, LLC
Request	Site Development Plan for Building Permit, Site Development Plan for Subdivision Amendment
Legal Description	Lots 2,4, 5, 6a, 7a,8, and 9 of McMahon Market Place
Location	Near the SE corner of the intersection of Unser Boulevard. NW and McMahon Boulevard NW
Size	14 acres
Zoning	SU-1/C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption

Staff Recommendation
APPROVAL of Case 16EPC-40080, 40081 based on the Findings beginning on Page 19, and subject to the Conditions of Approval beginning on Page 23.

Staff Planner
Cheryl Somerfeldt

Summary of Analysis

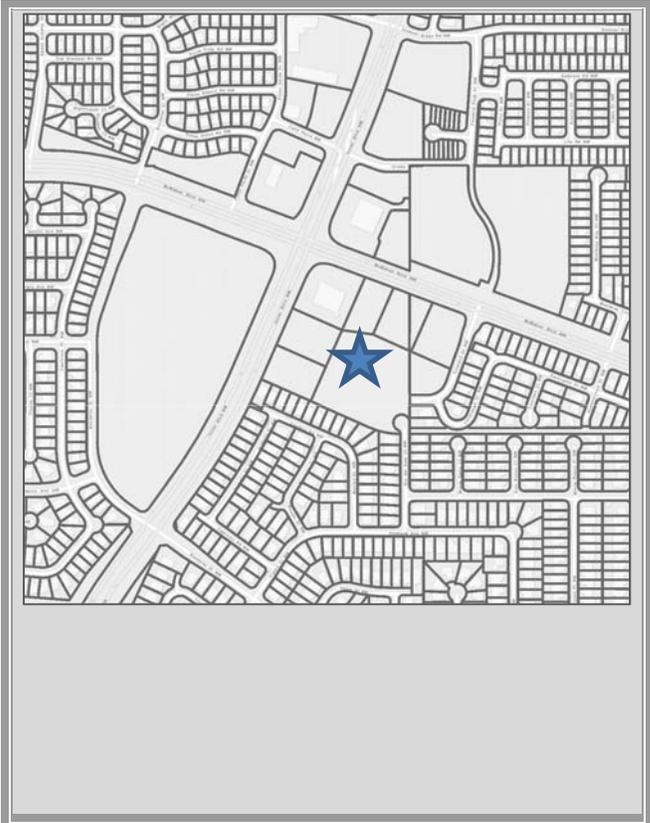
This is a two part request for a Site Development Plan for Subdivision Amendment and a Site Development Plan for Building Permit for Lots 2, 4, 5, 6a, 7a, 8, and 9 of the McMahon Market Place. The subject site is vacant.

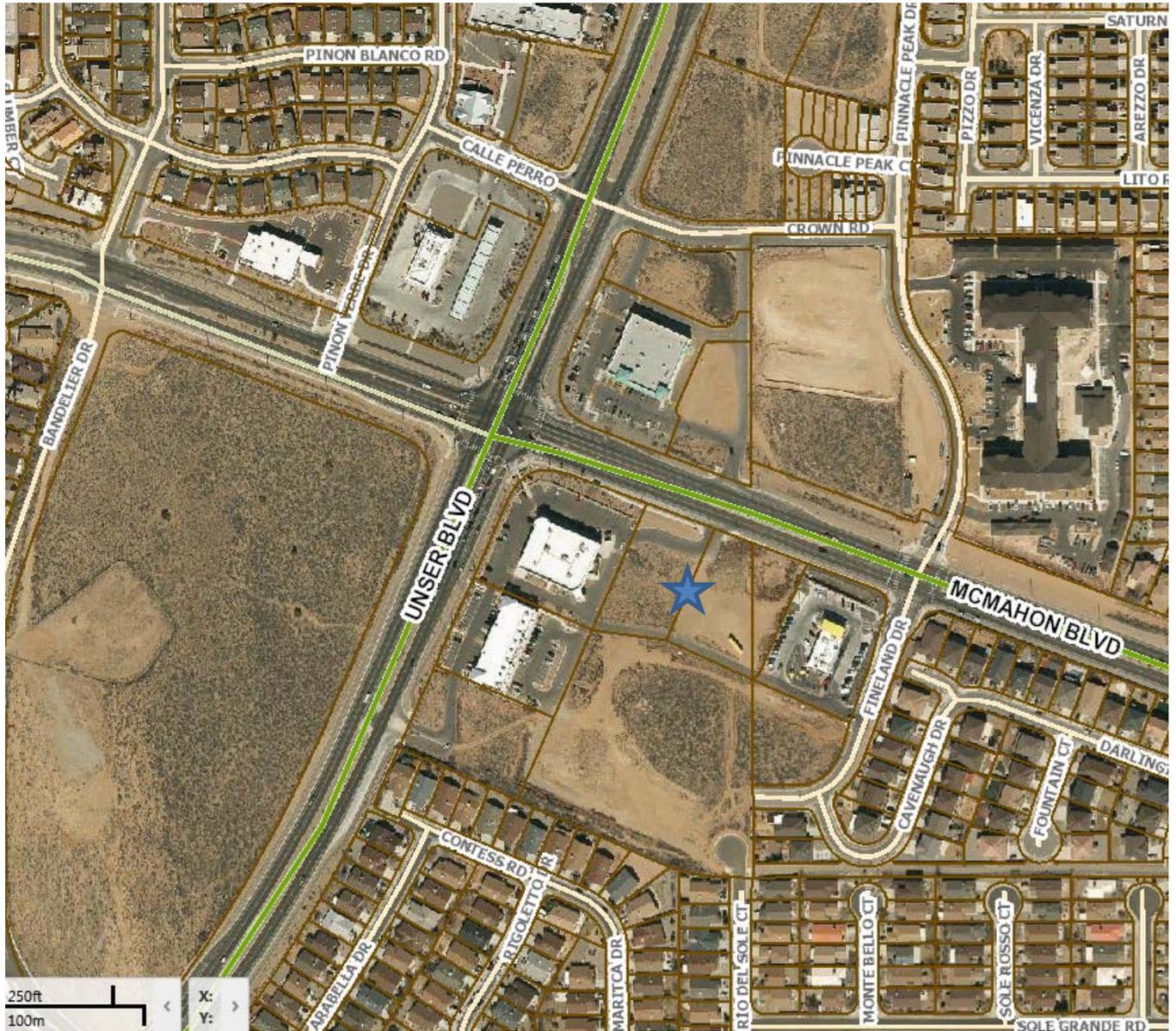
The applicant proposes a 2,108 sf fast-food restaurant with a drive-up service window on Lot 4, a 2,160 sf tap room, and 2,387 sf of retail shops on Lot 5, and parking and landscaping on Lots 6a, 9b, and 9d. A pedestrian trail, landscaping, and parking will be constructed on the southern edge of the site plan on Lot 9.

The subject site is located within the boundaries of the Established Urban Area of the Comprehensive Plan, the West Side Strategic Plan, and the Unser Boulevard Design Overlay Zone.

The Tuscany Neighborhood Association and the Westside Coalition were notified. A facilitated meeting was held January 11, 2017.

The request generally furthers applicable goals and policies. Staff recommends approval subject to conditions.





Source: CABQ AGIS, February 1, 2017



LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch = 248 feet

Project Number:

1005280

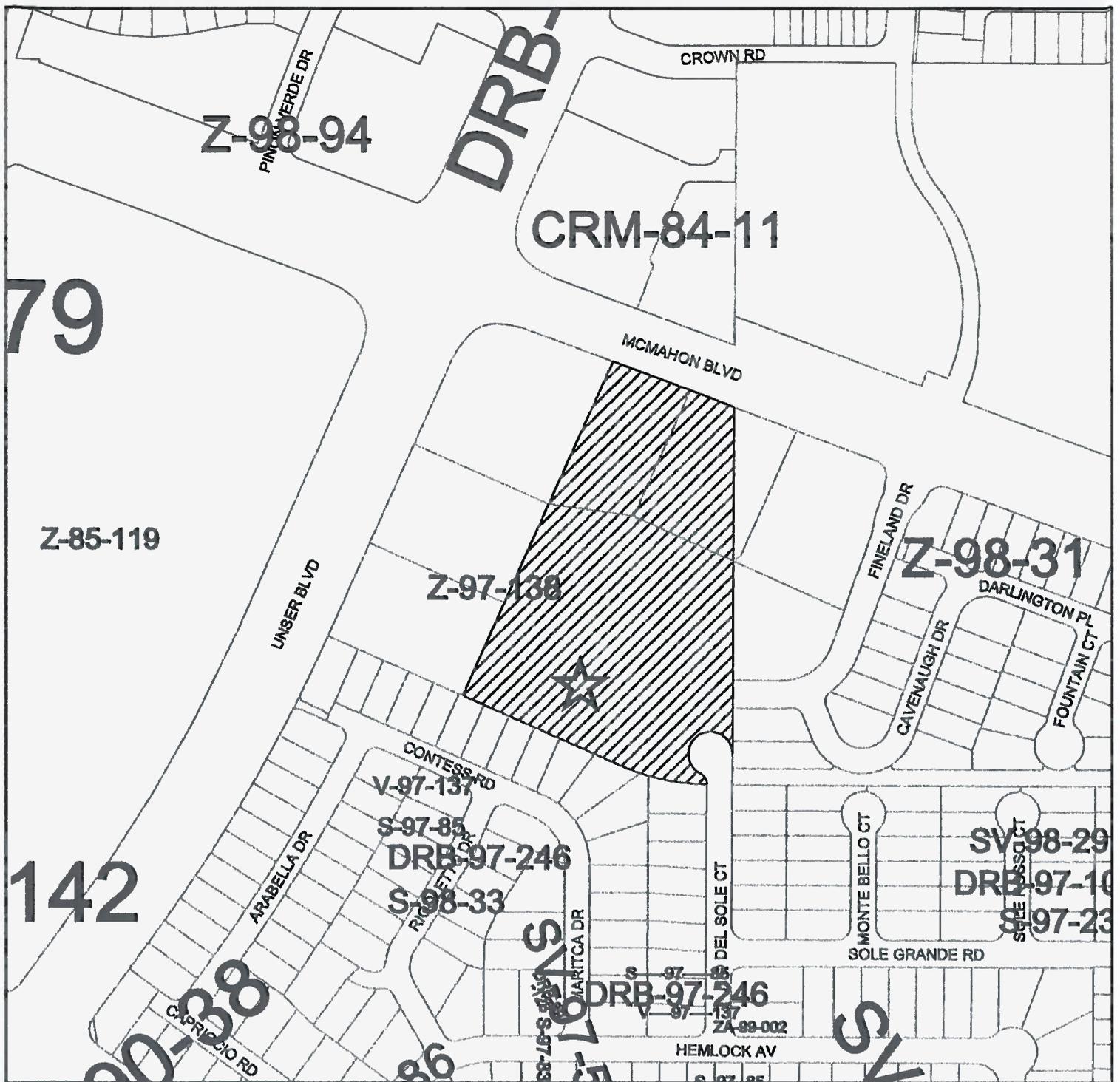
Hearing Date:

02/9/2017

Zone Map Page: A-11

Additional Case Numbers:

16EPC-40080 & 40081



HISTORY MAP

Note: Grey shading
indicates County.

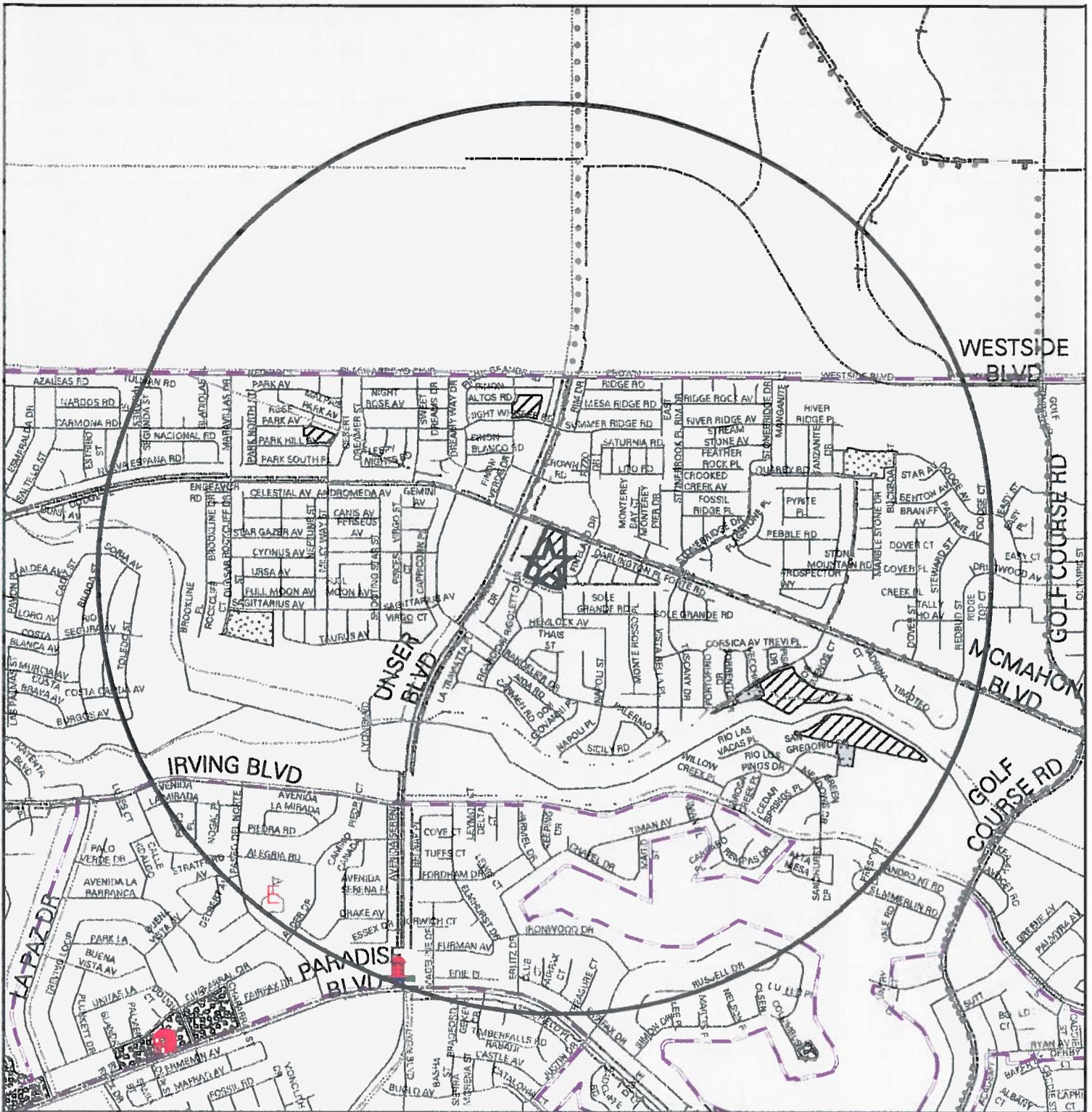


1 inch = 248 feet

Project Number:
1005280

Hearing Date:
02/9/2017

Zone Map Page: A-11
Additional Case Numbers:
16EPC-40080 & 40081

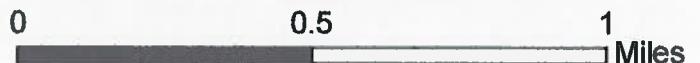


Public Facilities Map with One-Mile Buffer



- | | | | |
|---|---|--|---|
|  COMMUNITY CENTER |  FIRE |  Public Schools |  Landfill Buffer (1000 feet) |
|  MULTI-SERVICE CENTER |  POLICE |  Proposed Bike Facilities |  Landfills designated by EHD |
|  SENIOR CENTER |  SHERIFF |  ABQ Bike Facilities |  Developed County Park |
|  LIBRARY |  SOLID WASTE |  ABQ Ride Routes |  Undeveloped County Park |
|  MUSEUM | |  Albuquerque City Limits |  Developed City Park |
| | | |  Undeveloped City Park |

Project Number: 1005280



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption	Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone	Vacant
North	SU-1 for C-1 uses including package liquor sales incidental to a pharmacy use.	Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone	Commercial/ Retail
South	R-T	Established Urban West Side Strategic Plan	Single-Family Homes
East	SU-1 for C-1 uses	Established Urban West Side Strategic Plan	Commercial
West	SU-1 for C-1 Uses	Established Urban West Side Strategic Plan Unser Blvd. Design Overlay Zone	Vacant

II. INTRODUCTION

Request

This is a two part request for a Site Development Plan for Subdivision Amendment and a Site Development Plan for Building Permit. The request for a Site Development Plan for Subdivision Amendment is for the approximately 14-acre subdivision site described as McMahan Market Place (the “subject site”) Lots 2, 4, 5, 6a, 7a, 8, and 9 at the southeastern corner of the intersection of Unser Boulevard NW and McMahan Boulevard NW. . In addition, this is a request for a Site Development Plan for Building Permit for Lots 2, 4, 5, 6a, 7a, 8, and a portion of Lot 9 located within the McMahan Market Place shopping center. Lots 5, 6a, and 9 will be re-platted before proceeding with building permits. The applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 4, a tap-room and retail shops on Lot 5, parking on Lot 6a, landscaping, parking, and an 8-foot pedestrian pathway / multi-use trail on the proposed Lots 9c and 9d, and new monument signs on Lots 6a, and 2 and 7a.

The original McMahan Market Place site consists of 9 lots. Five tracts have been developed thus far and contain a retail pharmacy on Lot 3, a strip of small retail shops on Lot 2, one fast-food restaurant with a drive-up service window at the southwest corner on Lot 1 and one at the northeast corner on Lot 7a, and a fitness club under construction at the southeast corner on Lot 8.

The zoning is SU-1 for C-1 uses including a grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. The Lots 4, 5, 6a, and 9 of

McMahon Market Place are currently undeveloped, and the Lots 2 and 7a for which larger monument signs are proposed are currently developed as previously described. Because the subject site is zoned SU-1 for C-1 uses and operates under a Site Development Plan for Subdivision, the proposed uses of a fast-food restaurant with a drive-up service window, a tap-room, and retail shops are permissive under the current zoning.

The applicant is requesting an Amendment to the Site Development Plan for Subdivision to re-design the layout of the remaining lots and change the design standards as described under Section V Site Development Plan for Subdivision Amendment below. The applicant is requesting a Site Development Plan for Building Permit in order to construct a fourth drive-up service window restaurant, a tap-room, retail shops, and additional landscaping and parking as described under section VI Site Development Plan for Building Permit below. The changed design standards in the Amended Site Development Plan for Subdivision will apply to the Site Development Plan for Building Permit.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC has decision-making authority for Site Development Plan approval in the SU-1 zone, pursuant to §14-16-2-22(A)(1) of the Zoning Code. Also, the governing Site Development Plan for Subdivision requires that the subject site be reviewed by the EPC. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. This request is a quasi-judicial matter.

Context

The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan. The West Side Strategic Plan designates the larger subject site as the McMahon/Unser Neighborhood Center. The Unser Boulevard Design Overlay Zone also applies. Unser Boulevard is designated as an Express Corridor in the Comprehensive Plan, and McMahon Boulevard is designated as an Enhanced Transit Corridor. There is no applicable Sector Plan.

The subject site consists of the lots from the original McMahon Market Place Site Development Plan for Subdivision that have not been sold to another party - Lots 2, 4, 5, 6a, 7a, 8 and 9. Lot 3 at the northwest corner of McMahon Market Place and at the immediate southeast corner of Unser Boulevard and McMahon Boulevard is occupied and owned by a national chain retail drug store. Lot 1 at the southwest corner of McMahon Boulevard on Unser Boulevard is occupied and owned by a fast-food restaurant with a drive-up service window. Lot 2, on the west side and part of McMahon Market Place, is occupied by a strip of small retail shops including a nail salon, MVD office, yoga studio, candy shop, and sit-down restaurant. Lot 7a, at the northeast corner and part of McMahon Market Place, is occupied by a fast-food restaurant with a drive-up service window. Lot 8 on the east side and part of McMahon Market Place is occupied by a fitness club currently under construction. There is an internal roadway that leads through the site.

To the west of McMahon Market Place across Unser Boulevard is an approximately 19 acre vacant site which is also part of the West Side Strategic Plan's McMahon/Unser Neighborhood Center. Further west are single-family homes. To the east and south of McMahon Market Place are the single family homes of the Tuscany Neighborhood subdivision. Further north across McMahon Boulevard at the corner of Unser Boulevard is another retail pharmacy and additional vacant lots.

History

In 1985, the subject site was annexed to the City (Enactment No. 37-185) as part of an approximately 10,200-acre annexation of land in northwest Albuquerque (AX-85-20, Z-85-84). Various zoning categories were established, including R-1 for a portion of this acreage. For several years, the subject site remained vacant.

In 1999, the Environmental Planning Commission denied a proposed Zone Map Amendment for Tract 16-A-1 which would eventually become McMahon Market Place from R-1 to straight C-2 (Z-99-79). Instead, the EPC approved zoning of "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use" with the condition that a site plan for subdivision be submitted within six months, but this did not occur.

In July of 2001, the EPC approved a Zone Map Amendment (01110 00751) and Site Plan for Subdivision (00128 00752) for Tract 16-A-1 which would eventually become McMahon Market Place (Project #1001279) in order to change the zoning from R-1 to "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use". Also in 2001, the EPC approved similar zone changes and Site Plans for Subdivision for the sites to the north and northwest of the subject site. These zoning changes guided the land use designations for the Westside/McMahon Land Use and Transportation Guide (Enactment No. 117-1999).

In September of 2003, the EPC approved another Zone Map Amendment (03EPC-01093) and Site Plan for Subdivision (03EPC-01155) for Tract 16-A-1 which would eventually become McMahon Market Place (Project #1001279). Since the Site Plan for Subdivision from 2001 (00128 00752) was never finalized, the zoning had remained R-1. The zoning was changed in 2003 to "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use". The Site Plan for Subdivision contained design standards, and although the site plan did not receive final sign-off at DRB, the EPC had approved the design standards and they were used to evaluate the 2007 proposal for McMahon Market Place.

In 2007, the EPC heard a three-part proposal for a Zone Map Amendment, a Site Development Plan for Subdivision and a Site Development Plan for Building Permit (Project #1005280/06EPC-01706, 06EPC-01705, 06EPC-01704) to create the McMahon Market Place. The Zone Map Amendment changed the zoning to allow for the pharmacy instead of the grocery store. The submittal included design standards for future development and building elevations for all of the pad sites. After a couple of deferrals, the EPC approved the proposal on April 12, 2007. It was finalized through the DRB process in 2009.

In 2009, a fast-food restaurant with a drive-up service window was approved for Lot 1; however, it was not constructed; and subsequently in May of 2016, a Site Development Plan for Building Permit Amendment was requested because the elevations of the proposed fast-food restaurant varied substantially from the approved elevations. The EPC voted to approve Project #1005280/16EPC-40022, which allowed for the current fast-food restaurant with a drive-up service window on Lot 1 to be constructed.

In September of 2013, the Environmental Planning Commission voted to approve Project #1005280 13EPC-40125 a Site Development Plan for Subdivision Amendment and 13EPC-40124 a Site Development Plan for Building Permit for the construction of a fast food restaurant with a drive-up service window on Lot 7a of the McMahan Market Place.

Since 2009, there have been five administrative approvals (AAs) for McMahan Market Place. Buildings that currently exist on the site include: a retail pharmacy on Lot 3, retail shops on Lot 2, and a fitness club on Lot 8 (as shown in the table below).

<i>Approval Date</i>	<i>Amendment</i>	<i>Lot</i>	<i>#</i>
November 2009	Revisions to building footprint, elevations and landscaping	Lot 3 (retail pharmacy)	09-10148 (ASBP-AA)
September 2011	Building expansion and drive-aisle adjustments	Lot 3 (retail pharmacy)	10AA-10019, 10020
March 2012	Replace drive-up bank with retail shops	Lot 2 (retail shops)	12AA-10002, 10003
February 2014	Revisions to landscaping for Lot 7-A	Lot 7-a+ (landscaping)	14AA-10008
March 2016	Revisions to parking layout, plaza space, minor elevations changes	Lot 8 (fitness club and landscaping)	16AA-10023

Transportation System

The 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LRRS designates McMahan Boulevard NW and Unser Boulevard NW as Existing Principal Arterials. Both McMahan Boulevard NW and Unser Boulevard NW are also Intelligent Transportation System (ITS) Corridors. McMahan Blvd NW is a limited access facility.

Trails & Bikeways, Transit

The Comprehensive Plan designates McMahon Boulevard as an Enhanced Transit Corridor and Unser Boulevard as an Express Corridor. The Long Range Bikeway System identifies existing paved trails along both McMahon Boulevard NW and Unser Boulevard NW. In addition, bicycle lanes exist on McMahon Boulevard and Unser Boulevard as they pass the subject site.

This property is proximate to the Unser Boulevard Enhanced Transit Corridor. It is located directly on fixed route 155 which approaches the site from the east along McMahon Boulevard and turns north onto Unser Boulevard with very limited commuter service. A stop pair for Route 155 is immediately west of the site on McMahon Boulevard, however, in general the shopping center underserved by transit due to limited service.

Public Facilities/Community Services

A fire station is about 0.5 mile south of the subject site. Four parks are located within a 1-mile radius of the subject site.

⇒ For specifics, please refer to the Public Facilities Map.

III. ZONING

Definitions (Zoning Code §14-16-1-5)

Site Development Plan for Subdivision:

An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area ratio.

Site Development Plan for Building Permit:

An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies, in addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building construction), and proposed schedule for development.

Premises

Any lot or combination of contiguous lots held in single ownership, together with the development thereon; there may be multiple occupancy.

Zoning Descriptors

The subject site is zoned SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. The SU-1 zone (§14-16-2-22) "provides suitable sites for uses which are special because of infrequent

occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.” A Site Development Plan is required for development on the subject site, pursuant to (A)(1) of the SU-1 zone.

The C-1 zone (§14-16-2-16) “provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.” The proposed uses, a fast-food restaurant with a drive-up service window, a tap-room, and a retail space, are permissive under the current zoning. The drive-up service window is a conditional use in a straight C-1 zone as listed in (§14-16-2-16)(B)(6); however, a conditional use permit is not needed because the zoning is SU-1 for “C-1 Uses” so both permissive and conditional uses are allowed.

IV. ANALYSIS- ADOPTED ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics**.

Land Use Policies-Developing & Established Urban

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request would add another fast-food restaurant to the area, which currently includes other retail uses such as pharmacies, an animal clinic, a gym, and two other fast-food restaurants with drive-up service windows; therefore, the request would not contribute to more land use diversity. Policy II.B.5a-full range of urban land uses is partially furthered.

Policy II.B.5d: 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 subject site is located in an existing shopping center site that is subject to design standards, which were established to respect neighborhood values and conditions of the area. The proposed new development would be appropriate in terms of its location, intensity, and carrying capacities. Recreational and social resources are supported through the added multi-use trail and proposed outdoor gathering spaces. There is no known neighborhood opposition as of this writing. The request furthers Policy II.B.5d-neighborhood values/environmental conditions/ other concerns.

Policy II.B.5e: 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 subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.

The request furthers Policy II.B.5e- new growth/urban facilities/neighborhood integrity.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

The applicant requests an amendment to the design standards to accommodate the proposal for the fast-food drive-up service window restaurant. Although the architecture deviates from the design standards significantly, the architecture is innovative and contemporary and uses the earth-tone colors and materials that are generally appropriate for the area. The architecture of the tap-room/retail building combines design elements from the original design standards and the fast-food restaurant. The request furthers Policy II.B.5l-quality design/new development.

Transportation and Transit: The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system, efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The proposed fast-food drive-up service window restaurant is auto-oriented and the site has suitable access to the road network. The area is currently underserved by transit. There are bicycle lanes and a multi-use trail on Unser Boulevard and McMahan Boulevard which can connect to the pathway adjacent to the residences shown on the Site Development Plan. The request furthers the Transportation and Transit Goal.

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

Pedestrian pathways are proposed in the locations shown on the Site Development Plan. A pedestrian pathway / multi-use trail on Lot 9d is proposed to run along the southern boundary of the subject site and leads from Unser Boulevard to the residential neighborhood, and a pedestrian pathway / multi-use trail is proposed to run along the east side of the drive-up service window. To an extent, this mitigates the automobile orientation of the development. However, drive-thru uses are auto-oriented by their nature, making safe and pleasant pedestrian opportunities difficult to integrate. The subject drive-up service window is located on the east side of the fast-food restaurant which causes a conflict between the fast-food restaurant and the tap-room/retail shops, not allowing for the safe flow of pedestrian traffic. The request partially furthers Policy II.D.4.g- pedestrian opportunities/safe, pleasant conditions.

West Side Strategic Plan (Rank II)

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended several times since then (2002, 2005, 2008, 2009 and 2011). The WSSP area encompasses over 96,000 acres of land, or approximately 150 square miles. Specific boundaries are shown on page 2 of the Plan.

The first amendments, in 2002, included changes to policies and activity center boundaries. The Central/Atrisco Neighborhood Center is shown on page 121 (map printed in 2003). The *Southwest Albuquerque Strategic Action Plan (SWASAP)*, revised from the 1999 version, became part of the WSSP in 2009 (Enactment R-2009-035).

The WSSP identifies 13 communities in established areas of the West Side, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located in the Seven Bar community, which lies between the Calabacillas Arroyo and the County line, and between the Rio Grande and an area slightly west of the Rainbow Boulevard Corridor (see page 54).

The subject site is located in the McMahon/Unser Neighborhood Center (page 109). The WSSP states that: “The Planning Commissions will bear the primary responsibility of enforcing the Community and Neighborhood Center intent of the Plan through rigorous review of pending applications relative to strategic plan policies (page 41).”

Community Concept Policies

WSSP Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers) surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typically 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers (page 38).

The request would result in development of a commercial use in a designated activity center, the McMahon/Unser Neighborhood Center, which will continue to be surrounded by residential development. The proposed non-residential development would occur in a designated center, so WSSP Policy 1.1 is furthered.

Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/ bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings (p. 39).

The subject site is in the McMahon/Unser Neighborhood Center. A pedestrian pathway / multi-use trail is proposed on Lot 9 to connect the residential neighborhoods to Unser Boulevard along the southern edge of the subject site. Pedestrian access between buildings and through the parking lot areas however, could be improved especially due to the proposed drive-up service window lane which hinders pedestrian access between the buildings. The request partially furthers WSSP Policy 1.5.

Policy 3.4 (Seven Bar Ranch): Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses and other uses appropriate for such centers shall be encouraged. The lowest density single-family residential development shall not occur within these centers, but must have safe pedestrian and bicycle access to them.

The McMahon/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as the Tuscany and Skies West neighborhoods. The request proposes additional commercial uses in a shopping center along with pedestrian and bicycle access. The request further WSSP Policy 3.4.

Westside-McMahon Land Use & Transportation Guide (Enactment No. 117-1999)*

**included in the West Side Strategic Plan (WSSP)*

In November 1999, the City Council adopted Enactment No. 117-1999 as an amendment to the WSSP. This Enactment incorporated the Westside-McMahon Land Use and Transportation Guide, which was synthesized into policies and a map (Attachment A) and is contained in the Enactment. The concepts identify an arrangement of mixed land uses and “establish a desirable direction for promoting the opportunity for reduced automobile travel and encourage the use of transit, bicycle and pedestrian modes”.

The subject site falls within the boundaries of Enactment No. 117-1999. Note the following found in Section 4: “The map included as Attachment A, Transportation and Land Use Concept for the Westside-McMahon Corridor and the performance measures listed below establish the policies that will be used by the EPC and the City Council in their review of development and rezoning proposals for properties located within the Westside-McMahon corridor”. The following policies apply:

Section 3: The land use concepts set forth herein are not intended to imply zoning or supersede existing zoning and/or development plans. [Informational]

Section 4(A): Such proposals should be generally consistent with density, type and hierarchy of uses as illustrated in Attachment A (which designates the subject site as Low Commercial).

Section 4(A)(2): Low Commercial includes neighborhood scale commercial development as allowed under the C-1 zone category of the City of Albuquerque Comprehensive Zoning Code.

Section 4(C): Connections that provide safe and efficient pedestrian movements to enhance mobility within the corridor and encourage the use of transit, bicycle and pedestrian modes as an alternative to automobile travel should be provided between adjoining uses and between developments and the transportation system.”

The Westside-McMahon Land Use and Transportation Guide designates the subject site “Low Commercial”, and the West Side Strategic Plan envisions C-1 neighborhood commercial uses as the most appropriate for this location (page 140).

There is an existing trail along Unser Boulevard and an existing sidewalk along McMahon Boulevard. The request proposes the pedestrian connections shown on the Site Development Plan for Building Permit- connecting Unser Boulevard to a trail along the subject site’s southern boundary. This will help contribute to “safe and efficient” pedestrian movements. The request complies with Sections 4(A), 4(A)(2) and 4(C) of Enactment 117-1999.

Unser Boulevard Design Overlay Zone (R95-1992)

The Unser Boulevard Design Overlay Zone extends approximately 500 feet from the centerline of Unser Boulevard and runs from Interstate 40 to the Sandoval County line. Signage is regulated by the Unser Boulevard Design Overlay Zone and limits free-standing signs to 75 square feet of signage area and a height of 12 feet. The proposed Site Plan for Building Permit is requesting a revised free-standing monument sign to be constructed on Lot 2 which is within the Unser Boulevard Design Overlay Zone. The requested free-standing sign is approximately 90 square feet in area and 12 feet tall. Since the Unser Boulevard Overlay Zone limits sign area to 75 square feet, the proposal does not comply.

V. **SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT**

This request proposes to amend the Site Development Plan for Subdivision. The original McMahan Market Place design standards developed as part of the Site Development Plan for Subdivision Project #1005280 were approved in 2007 and applied to all 9 lots in the 14-acre shopping center site. The design standards addressed: site planning, parking, landscape, architecture, setbacks, screening, and signage. The purpose of the design standards was to create a framework to ensure high quality development that furthers City plans, goals and policies. The request proposes to add a fourth drive-up service window to the subdivision, and deviate from the approved elevations and other approved McMahan Market Place design standards as listed below.

The following are the revisions to the design standards:

Note: *The current design standards are in italics.* The proposed design standards are in regular text. **Staff analysis is in bold italics.**

A. Land Use Concept:

The current design standards require drive up uses, including a pharmacy, to constitute 22% of the total building area with 78% remaining to uses other than drive up. Drive-thru uses shall be limited to a total of three with one available for a restaurant use.

The proposed design standards suggest drive up uses, including pharmacy to constitute **36%** of the total building area with **64%** remaining to uses other than drive up. Drive-thru uses shall be limited to a total of **four with three** available for a restaurant use.

The intent of the current design standards was to keep the drive-up uses “wrapped around the edges of the center” and to “minimize vehicle and pedestrian conflicts”. Drive-up service windows were to be exclusively on the corners of the site to promote pedestrian connections on the interior of the site plan. A traffic report was completed in 2007 for the intersections in the area and accounted for two large shopping centers and other intense uses; therefore, traffic was not the reason for originally limiting the drive-up service windows. An updated Traffic Impact Study (TIS) was not required.

There are three existing drive-up service windows - restaurants on the southwest corner (Lot 1) and northeast corner (Lot 7a), and a drive-up service window pharmacy on the northwest corner (Lot 3). The request proposes to amend the design standards to allow for a fourth drive-up service window on Lot 4 which is likely to create

pedestrian conflict due to the placement of the pick-up window. The site plan for the new drive-up service window poses conflicts between pedestrians and vehicles; however, the project offers other pedestrian amenities to meet the intent of the design standards.

B. Site Planning:

The current design standards require the outdoor patio to be shaded by trees and/or a shade structure that is architecturally integrated with building architecture.”

The proposed design standards add umbrellas as an option for shade.

Shade structures are ideal as they are permanently integrated, however umbrellas are reasonable.

C. Parking:

The current design standards require off-street parking requirements not to exceed the City of Albuquerque Zoning Code.

The proposed design standards suggest that off-street parking requirements shall be per COA Zoning Code and each building permit shall have enough parking.

The request proposes parking to be per the Zoning Code and to provide sufficient parking on site for each building permit. Staff recommends this request.

E. Building Architectural Design Theme Guidelines:

The current design standards require the architectural character for retail pad structures to be similar to the approved elevations. And the current design standards state that reflective and bronze tinted glazing are prohibited while clear glass is permitted.

The proposed design standards suggest that the general architectural character for retail pad structures shall be “modern New Mexican with earth tone colors and materials”. “Corten – Rusted Steel” is added as a wall color. The proposed design standards state that bronze tinted glazing is permitted.

The original design standards building elevations have a curved parapet and light colored painted stucco exterior wall finish with terra-cotta accents. The request proposes the architectural theme to be “Modern New Mexican with earth tone colors and materials”, and Corten steel is added as a wall color. Earth-tone colors are significantly more subjective than the approved colors. This will allow new buildings to deviate from the approved elevations and could create a less harmonious development. The design standards should suggest a range of colors such as rust color, light tan, and bronze since earth-tones can be any color.

The request proposes bronze tinted glazing for the restaurant with drive-up service window because the entrance and front of the building has the majority of its windows facing west. The bronze tinted glass will limit views inside, which will create more of a barrier between the outside and inside.

I. Building Signage:

The current design standards specified two types of free-standing signs – type A and type B. Type A signs were to be located on Lot 7 at Fineland Drive, on Lot 5, and on Lot 1, and were limited to 40 square feet in area and 9 feet in height. A Type B sign is shown in only one location at the corner of Unser and McMahon on the original site plan, and is permitted to be 60 square feet in area and 9 feet in height.

The proposed design standards request to eliminate the language which requires compliance with the Unser Boulevard Design Overlay Zone but retain the language which requires compliance with the Albuquerque Zoning Code for the C-1 Zone. The C-1 Zone of the City Zoning Code limits free-standing signs to one sign for each street frontage of each premise and limits the sign area to 100 square feet and signage height to 26 feet. The applicant proposes three signs that all have a larger signage area than the regulations allow. The proposed signage does not comply with either the Unser Boulevard Design Overlay Zone or the C-1 Zone.

The EPC does not have discretion over signage; therefore signage is required to comply with the Unser Boulevard Design Overlay Zone within its boundaries and with the C-1 Zone of the Zoning Code outside of the overlay boundaries.

VI. **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

The request is for a Site Development Plan for Building Permit for Lots 2, 4, 5, 6a, 7a, and 9 and the elements are discussed below.

Site Plan Layout / Configuration

Lots, 4, 5, 6a, and 9, are located in the center of the larger 14 acre McMahon Market Place subdivision site with the main entrance on the north side off of McMahon Boulevard NW. Lot 9 will also be accessed from the southwestern entrance point off of Unser Boulevard NW and from Fineland Drive.

The fast-food restaurant with a drive-up service window is proposed for Lot 4. A tap-room and retail shops are proposed for Lot 5. Only parking for Lot 6a is being constructed as part of this building permit. Refuse enclosures are located adjacent to the south of each building. The entrances to the two buildings are not facing each other but instead facing the parking areas on the opposite side of the buildings. This limits pedestrian connections between the buildings; however, the applicant is proposing specialty pavement crosswalks for pedestrian convenience.

Four separate buildings are proposed for Lot 9 which will be re-platted into Lots 9a, 9b, 9c, and 9d. A future outdoor gathering area is shown adjacent to the building in Lot 9a. A refuse enclosure is located in the southern portion of the site on Lot 9d adjacent to the parking lot. Lot 9d remains in a similar configuration as the original site plan with a pedestrian pathway / multi-use trail and landscaping.

Setbacks

The design standards require a 10 foot setback on McMahon Boulevard. The request exceeds this requirement with the proposed landscaped ponding areas, an approximately 25 foot wide buffer

between McMahon Boulevard and the parking lot. The design standards require a minimum of a 30 foot setback from the adjacent residences, and the request complies.

Outdoor Space

Freestanding restaurants are required by the design standards to provide a minimum of 600 square foot of shaded outdoor patio space. The fast-food restaurant on Lot 4 proposes a 723 square foot enclosed patio on the northern side. The tap-room on Lot 5 proposes a 759 square foot patio at the northeast corner of the building within the L-shaped portion. The design standards are proposed to be amended under the Site Plan for Subdivision to allow for umbrellas as shade for restaurant uses. It shall be conditioned that the outdoor patio space dimensions be indicated on the plan. Non-restaurant uses are required by the design standards to have a minimum of 300 square feet of outdoor patio space with 30% shading. This space is shown to be 355 square feet on the northern sidewalk in front of the tap-room and is shaded with trees.

Vehicular Access, Circulation and Parking

The subject site is accessed via a driveway from McMahon Boulevard NW, at the site's northern end. Vehicles proceed south and turn either east or west to access the parking lots. The drive-up service window is accessed by turning west in front of the fast-food restaurant, traveling through the parking lot and then wrapping and queuing around the south and east sides of the restaurant. Parking for the fast-food restaurant with drive-up service window is located on the west side and parking for the tap-room/retail shops is located on the east side of the building. Therefore, the main entrances are not facing each other.

The design standards state that structures and on-site circulation systems shall be located to minimize pedestrian/vehicle conflicts and drive-up service windows are to be at the corners of the site. The request does not meet this standard in that there is a pedestrian conflict with the placement of the drive-up service window aisle on the east side of the building. Site planning practices would suggest that the new drive-up service window should be on the west side of the building adjacent to the existing pharmacy drive-up service window and the entrance should be on the east side of the building to reduce pedestrian conflict. The proposed project *has* met the design standard that that parking should be separated into small pods and the parking lot should provide pedestrian connections.

Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. The original design standards indicate that parking shall not exceed the amount required in the Zoning Code and that cross-access is acceptable. Parking calculations pursuant to Zoning Code §14-16-3-1 Off Street Parking Regulations, require 1 space for every 4 seats of a restaurant and one space for every 200 square feet of retail space. The fast-food drive-up service window restaurant on Lot 4 proposes 50 indoor/outdoor seats, requiring 13 parking spaces. There are 21 parking spaces on the opposite side of the fast-food drive-up service window, providing an excess of 8 spaces. The tap-room on Lot 5 proposes 80 indoor/outdoor seats, requiring 20 parking spaces. The retail space next to the tap room on Lot 5 is 2,387 square feet, requiring 12 parking spaces. Therefore, a total of 32 parking spaces would be

required for this building in a straight C-1 zone. As shown, 19 parking spaces will be located on Lot 5, causing a deficiency of 13 spaces. The applicant is proposing to construct an additional 28 spaces next to this building on Lot 6a, and an additional 13 spaces on Lot 9d. This provides an excess of 41 spaces being constructed as part of this building permit. The building being proposed on Lot 6a will not be constructed as part of this building permit.

The revised design standards propose that future site plans for building permit must provide required parking on their respective parcel or provide cross-parking agreements. Each building permit will be required to construct sufficient parking for its own use at the time of construction so that the subdivision as a whole is not deficient until the last lot is built and only if approved by the EPC at that time. A shared parking use agreement will allow for parking to be accessed from each parking pod for any of the buildings on the site.

The request meets the zoning code for motorcycle and disabled parking.

Pedestrian and Bicycle Access and Circulation, Transit Access

The design standards state that McMahon Market Place is a pedestrian oriented neighborhood center and calls for all buildings to be to be interconnected by a pedestrian access network which is directly tied to the adjacent neighborhood. The orientation of the buildings for this building permit could promote better pedestrian access if the entrances were oriented toward each other, however the proposed pedestrian pathways assist with connections. The design standards also state that each drive-up facility shall be designed to minimize vehicle and pedestrian conflicts. The proposed drive-up service window is planned to travel through the main parking field which risks conflict with pedestrians who may wish to walk between the buildings.

There is a pedestrian pathway / multi-use trail proposed for the southern edge of the subdivision site to connect the residential neighborhood to Unser Boulevard. The sidewalks vary in width but are a minimum of 8' feet wide, clear and unobstructed, pursuant to §14-16-3-18(C)(1). Where a pathway crosses a drive aisle, it is required to be 8 feet wide and textured, colored concrete; and the pathways meet this requirement.

Walls/Fences

An approximately 6-foot high CMU screening wall currently exists at the property line between the commercial development and the residences to the south. A fence is proposed to enclose the outdoor patio space in front of the fast-food drive-up service window restaurant. New retaining walls are proposed in the northern portion of the property along the edge of the parking lot buffers separating the ponding areas. New retaining walls are also proposed in the southern and eastern portions of the property at the parking lot edge with the highest point at the southeast corner and sloping down toward the accessible ramps. The new retaining wall will provide space for the multi-use trail being developed for the neighborhood as part of this building permit. A face-on detail is needed to ensure compatibility with the site (neutral color stucco, for example). A color from the design standards should be specified.

Landscaping

The landscaping plan proposes trees and shrubs that are shown on the approved plant legend from the design standards of the site plan for subdivision. The design standards call for buffer yards at site perimeters bordering rights-of-way and landscape screening to protect adjacent neighborhoods. Parking lot trees are required at the rate of one tree per 10 parking spaces and no space shall be over 100 feet from a tree. The request meets these design standards.

Staff recommends more screening between the proposed drive-up service window and the proposed serpentine pedestrian pathway / multi-use trail using landscape shrubs to screen the drive-up service window. The design standards call for street trees at a rate of one tree per 25 linear feet. Therefore at least one more tree shall be placed at street-side in front of Lot 4.

The design standards state that “a minimum of 15 percent of the site area (minus the building square footage) shall be devoted to landscape materials”; and “living, vegetative materials shall cover a minimum of 80 percent of landscaped areas”. Landscape coverage for Lot 4 (the fast-food drive-up service window restaurant) exceeds the landscape required. The landscape coverage for Lot 5 (tap-room/retail shops) does not meet the landscape required. The landscape coverage for Lot 6a exceeds the landscape required. Therefore, the aggregate of the lots for building permit meet or exceed the landscape required. The type and color of the gravel mulch needs to be specified. Curb notches for supplemental irrigation should be shown on the landscaping plan, and be in the same locations as on the grading and drainage plan.

Lighting and Security

New light poles are proposed on the subject site to illuminate the parking area. The design standards specify that light poles cannot be taller than 16 feet within 130 feet of a residential area. Proposed light poles on Lot 9d are about 70 feet north of the back yards of the adjacent homes, so they are proposed to be 16 feet high to comply. The design standards also state that pedestrian scale lighting (16 feet high) is required near pedestrian walks and plaza areas. Therefore more pedestrian scale lighting will need to be provided in pedestrian gathering areas, such as the patio and near the pathway.

Grading & Drainage Plan

Water generally flows north within the subject site. There are first flush ponds in the landscape buffer between the parking area and McMahan Boulevard. Landscaping shall be depressed and curb openings shall accept storm-water where possible. A proposed private storm drain empties into a first flush pond. Water and sanitary sewer would connect to existing lines that run north-south. A new retaining wall will be constructed in the southern Lot 9d in order to provide space for the pedestrian pathway / multi-use trail being developed for neighborhood use as part of this building permit. New retaining walls are proposed in the southern and eastern portions of the property at the parking lot edge. New retaining walls are also proposed in the northern portion of the property along the edge of the parking lot buffers separating the ponding areas.

Architecture

The fast-food restaurant with a drive-up service window on Lot 4 proposes a more contemporary style of architecture than the originally approved design standards. The long sides of the façade are proposed to be covered with corten steel cladding (a dark rust earth tone metal) which is expected to coordinate with the brick and dark red/brown accent color of the design standards. The short sides of the façade including the one facing McMahan Boulevard are proposed to be light colored stucco painted to match the original design standards. The top of the parapet would be 26 feet. The primary entrance faces west toward the parking lot and the pharmacy drive-up service window. The drive-up service window is located on the opposite east side of the building.

The tap-room retail space on Lot 5 proposes to combine the approved elevations in the design standards with the contemporary style of the fast-food drive-up service window restaurant with brick columns, stucco facades with a grid pattern, and corten steel cladding. The design standards state that although the maximum building parapet height is limited to 26 feet, towers and entry elements may extend above. There is a tower near the front with a full hip metal roof at 36 ½ feet high. The remainder of the building steps between 24 ½ feet to 26 feet tall, which meet the design standards. The tower element creates an L-shaped floor plan which somewhat blocks the patio space from the restaurant across the drive-aisle.

The original design standards include a color palette of Sherwin Williams and Benjamin Moore colors, to which the other buildings in the shopping center were required to adhere. The stucco portions of the proposed buildings will be painted the same standard colors. The color(s) for the dumpster walls and gates need to be specified.

Signage

Wall Signs

The design standards allow for one wall sign per business per façade not to exceed 6% of the façade. The applicant has combined wall signage to comply with the design standards. Signage is shown on the elevation sheets.

Monument / Pylon Signs

The original design standards governed the size and placement of free-standing signs, and allowed two types of monument signs within the subdivision.

Currently, small free-standing signs specific to the pharmacy exist at the corner of Unser Boulevard and McMahan Boulevard and at the entry off of McMahan Boulevard. A free-standing sign (Type A) exists on Unser Boulevard for the retail shops. And a free-standing sign specific to the fast-food restaurant is located at Fineland Drive NW.

The applicant proposes to replace the freestanding monument signs on the site as part of the Site Plan for Building Permit on Lots 2, 5, and 7a. Because the subject site is zoned SU-1 for C-1 uses, signs are regulated by the C-1 Zone. The C-1 zone limits freestanding signs to 26 feet high §14-16-2-16 (12) (d) (1) and 100 square feet in area §14-16-2-16 (12) (c) (1) (b) for lots abutting an arterial street such as McMahan Boulevard. The C-1 Zone §14-16-2-16 (12)

(b) (2) permits one free-standing sign for each premise, provided the street frontage is at least 100 feet. The applicant proposes three new monument signs on sheet A1.6:

- A. Sign A is not permitted as part of this request because 1) the McMahon Market Place is considered one premise and only 1 free-standing sign is permitted (per the C-1 zone). The applicant should seek a Variance for the proposed sign A.
- B. Sign B is permitted per this request at the location shown, and the sign height is permitted to be 26 feet. However, the sign face must be decreased from 180 square feet to 100 square feet (per the C-1 zone).
- C. Sign C which is to replace the current sign on Lot 2 within the Unser Boulevard Design Overlay Zone is proposed to be 12 feet tall with approximately 90 square feet in area. This does not meet the Unser Boulevard Design Overlay Zone standards of 75 square feet in area (see Unser Boulevard Design Overlay Zone R95-1992 above), therefore, the signage area should be decreased.

The EPC does not have discretion over signage; therefore signage is required to comply with the Unser Boulevard Design Overlay Zone within its boundaries and with the C-1 Zone of the Zoning Code outside of the overlay boundaries.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City Departments and other agencies reviewed this application from January 3, 2017 to January 17, 2017.

Neighborhood/Public

The affected neighborhood organizations are the Tuscany Neighborhood Association (NA) and the Westside Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified.

The request was recommended for facilitation by the Office of Neighborhood Coordination (ONC). A facilitated meeting was held on January 11, 2017 (see attached facilitation report). Overall, neighbors were positive about the proposed project. Concerns included hours of operation, the wall between the subject site and the adjacent Tuscany subdivision, and most noticeably the need for a traffic light at McMahon Boulevard and Fineland Drive.

VIII. CONCLUSION

This is a request for a Site Development Plan for Subdivision Amendment and Site Development Plan for Building Permit for the McMahon Market Place (the “subject site”) on the southeastern corner of the intersection of Unser Boulevard NW and McMahon Boulevard NW. The applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 4, a tap-room and retail shops on Lot 5, parking on Lot 6a, and landscaping, parking, and an 8-foot pedestrian pathway / multi-use trail on Lot 9.

The site plan for the new drive-up service window poses conflicts between pedestrians and vehicles. however, the project offers other pedestrian amenities to meet the intent of the design standards. A facilitated meeting was held on January 11, 2017, and overall, neighbors were very positive about the proposed project. Staff recommends approval subject to the conditions.

**VIII. FINDINGS – 16EPC-40080, 40081– MARCH 9, 2017 – SITE DEVELOPMENT PLAN FOR
SUBDIVISION AMENDMENT AND SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

1. This is a two part request for a Site Development Plan for Subdivision Amendment and a Site Development Plan for Building Permit for the site described as McMahan Market Place (the “subject site”). The request for a Site Development Plan for Subdivision Amendment is for the approximately 14-acre subdivision of the McMahan Market Place shopping center at the southeastern corner of the intersection of Unser Boulevard NW and McMahan Boulevard NW. In addition, this is a request for a Site Development Plan for Building Permit for Lots 2, 4, 5, and 7a, and the proposed Lots 6a, 9c, and 9d of the McMahan Market Place.
2. A Site Development Plan for Subdivision with design standards (Project #1005280), signed off by the DRB in 2009, controls the McMahan Market Place. The original design standards applied to all 9 lots of the original McMahan Market Place. Five tracts have been developed thus far and contain a retail pharmacy on Lot 3, a strip of small retail shops on Lot 2, and two fast-food restaurants (Lots 1 and 7a), and a fitness club under construction on Lot 8. The applicant is requesting an Amendment to the Site Development Plan for Subdivision in order to re-design the layout of the remaining lots, add a fourth drive-up service window to the subdivision, deviate from the approved elevations, and amend other elements in the McMahan Market Place design standards.
3. The subject lots for the Site Development Plan for Building Permit, Lots 4, 5, 6a, and 9, of the McMahan Market Place, are currently undeveloped. The Site Plan for Building Permit proposes two new buildings located on Lots 4 and 5. As part of the Site Plan for Building Permit, the applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 4, a tap-room and retail shops on Lot 5, parking on Lot 6a, and landscaping, parking, and an 8-foot pedestrian pathway / multi-use trail on Lot 9. Future buildings are proposed for Lot 6a and 9, but are not a part of this Building Permit. Only the parking for Lot 6a is being constructed under this Building Permit.
4. The original platting for a road alignment which did not occur creates an unusual existing lot configuration. Lots 5, 6a, and 9 will be re-platted before proceeding with building permits. Lot 9 will be re-platted into Lots 9a, 9b, 9c, and 9d to have four separate buildings with parking dispersed. The main access to the subject lots is off of McMahan Boulevard NW. Lot 9 will also be accessed from the southwestern entrance point off of Unser Boulevard NW and from Finland Drive.
5. The subject site is zoned SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. A fast-food restaurant with a drive-up service window is permissive under the current zoning along with a tap-room and retail stores. Although a drive-up service window is a conditional use in a straight C-1 zone, the SU-1 for C-1 uses zone allows for both permissive and conditional uses.

6. Adjacent south of the subject site is a subdivision of single-family homes. The lots to the west have been developed with a drive-up service window pharmacy, a strip of small shops; and a fast-food restaurant with a drive-up window soon to be under construction. The lots to east of the subject site are a fast-food restaurant with a drive-up service window and a fitness club under construction.
7. The subject site is in the Established Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The West Side Strategic Plan, the Westside-McMahon Land Use & Transportation Guide, and the Unser Boulevard Design Overlay Zone. The subject site is under the jurisdiction of the City of Albuquerque Zoning Code. All of the former are incorporated herein by reference and made part of the record for all purposes.
8. The following Comprehensive Plan policies are applicable:
 - A. Policy II.B.5a - full range of urban land uses is partially furthered The request would add another fast-food restaurant to the area, which is characterized by a range of land uses such as retail (gym, animal clinic, pharmacies and fast-food restaurants) and residential uses. Two other fast-food restaurants are located in the shopping center so the request would not contribute to more land use diversity.
 - B. Policy II.B.5d - neighborhood values/environmental conditions/ other concerns is furthered. The subject site is located in an existing shopping center site that is subject to design standards, which were established to respect neighborhood values and conditions of the area. There is no known neighborhood opposition as of this writing. The proposed new development would be appropriate in terms of its location, intensity, and carrying capacities. Recreational and social resources are supported through the added multi-use trail and proposed outdoor gathering spaces.
 - C. Policy II.B.5.e - new growth/urban facilities/neighborhood integrity is furthered. The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.
 - D. Policy II.B.5l-quality design/new development is furthered. Although the architecture deviates from the design standards significantly, the architecture is innovative and contemporary and uses the earth-tone colors and materials that are generally appropriate for the plan area. The architecture of the tap-room/retail building combines design elements from the original design standards and the fast-food restaurant.
 - E. Policy II.D.4.g- pedestrian opportunities/safe, pleasant conditions is partially furthered. Pedestrian pathways are proposed in the locations shown on the approved Site Development Plan for Building Permit. A pedestrian pathway / multi-use trail on Lot 9d is proposed to run along the southern boundary of the subject site and leads from Unser Boulevard to the residential neighborhood, and a pedestrian pathway / multi-use trail is proposed to run along the east side of the drive-up service window. To an extent this mitigates the automobile orientation of the development. However, drive-thru uses are auto-oriented by their nature, making safe and pleasant pedestrian opportunities difficult to integrate. The subject drive-up service window is located on the east side of the fast-food restaurant which causes a conflict

between the fast-food restaurant and the tap-room/retail shops, not allowing for the safe flow of pedestrians.

- F. The Transportation and Transit Goal in the Comprehensive Plan is furthered. The proposed fast-food drive-up service window restaurant is auto-oriented and the site has suitable access to the road network. The area is currently underserved by transit. There are bicycle lanes and a multi-use trail on Unser Boulevard and McMahon Boulevard which can connect to the pathway adjacent to the residences shown on the Site Development Plan for Building Permit.
9. The following policies of the West Side Strategic Plan (WSSP) are applicable:
- A. WSSP Policy 1.1 is furthered: The request would result in development of a commercial use in a designated activity center, the McMahon/Unser Neighborhood Center, which will continue to be surrounded by residential development. The proposed non-residential development would occur in a designated center.
- B. WSSP Policy 1.5 is partially furthered: The subject site is in the McMahon/Unser Neighborhood Center. A pedestrian pathway / multi-use trail is proposed for Lots 9c and 9d to connect the residential neighborhoods to Unser Boulevard along the southern edge of the subject site. Pedestrian access between buildings and through the parking lot areas, however, could be improved especially due to the proposed drive-up service window lane which hinders pedestrian access between the buildings.
- C. WSSP Policy 3.4 (Seven Bar Ranch) is furthered: The McMahon/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as the Tuscany and Skies West neighborhoods. The request proposes additional commercial uses in a shopping center along with pedestrian and bicycle access. The request furthers WSSP Policy 3.4.
10. The request complies with Sections 4(A), 4(A)(2) and 4(C) of Enactment 117-1999, The Westside-McMahon Land Use and Transportation Guide. The proposed fast-food restaurant with drive-up service window is a C-1 use, and C-1 “Low Commercial” uses are envisioned at this location (WSSP, p. 140, 4A and 4A2). The request proposes pedestrian connections to Unser Boulevard through a trail along the subject site’s southern boundary. This will help contribute to “safe and efficient” pedestrian movements (4C).
11. The Unser Boulevard Design Overlay Zone (UBDOZ), which contains signage regulations, applies.
12. A facilitated meeting was held on January 11, 2017. Overall, neighbors were positive about the proposed project. Concerns included hours of operation, the wall between the subject site and the adjacent Tuscany subdivision, and most noticeably the need for a traffic light at McMahon Boulevard and Finland Drive. The affected neighborhood organizations are the Tuscany Neighborhood Association (NA) and the Westside Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified.
13. Conditions of approval are needed to improve compliance and provide clarity.

**IX. RECOMMENDATION – 16EPC-40080, 40081 – MARCH 9, 2017 – SITE DEVELOPMENT
PLAN FOR SUBDIVISION AMENDMENT AND SITE DEVELOPMENT PLAN FOR
BUILDING PERMIT**

APPROVAL of 16EPC-40080, 40081, a request for a Site Development Plan for Subdivision Amendment for Lots 4, 5, 6a, 7a, 8, and 9 and a Site Development Plan for Building Permit for Lots 4, 5, 6a, and a portion of 9, McMahon Market Place, based on the preceding Findings and subject to the following Conditions of Approval.

X. CONDITIONS OF APPROVAL –16EPC-40081, 40081 – MARCH 9, 2017 – SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT AND SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

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 request shall comply with the amended design standards in the site development plan for subdivision for McMahan Market Place.
4. A re-platt is required to reflect the lot configuration shown on the Site Plan for Subdivision prior to approval by the DRB.
5. The boundary line on the Site Plan for Subdivision shall be revised to encompass Lots 1 and 3.
6. Signage must comply with the Unser Boulevard Design Overlay Zone and the City of Albuquerque C-1 Zone regulations. Reduce the signage area of the proposed freestanding monument sign on Unser Boulevard to be 75 square feet. Reduce the signage area of the proposed freestanding monument sign on McMahan Boulevard to 100 square feet, and limit freestanding signs to one sign per premises for each street frontage at least 100 feet wide; therefore one new sign is permitted on McMahan Boulevard.
7. Specify a range of colors after earth-tones such as rust color, light tan, and bronze since earth-tones can be any color.
8. Provide a face-on detail for the site walls to ensure compatibility with the design standards. A color from the design standards should be specified.
9. Add the dimensions for the outdoor patio spaces onto the site plan.
10. Provide additional screening between the proposed drive-up service window and the proposed serpentine pedestrian pathway.
11. Specify the type and color of the gravel mulch on the landscape plans. Show curb notches for supplemental irrigation on the landscaping plan and in the same location on the grading and drainage plan.
12. Specify the color(s) for the refuse enclosure walls and gates.

PLANNING - Zoning Enforcement

13. All refuse enclosures must have sanitary drain for food services.
14. Do not plant anything next to enclosures that will create an overhang. Shown on pg.L1.1
15. Need site plan to scale with dimensions to verify safe refuse truck access. Pg. A1.1

CITY ENGINEER - Transportation Development

16. 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).
17. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
18. Include a building for each site location or phase for building permit.

The following comments need to be addressed prior to DRB:

19. Please list the width and length for all existing and proposed parking spaces. Some dimensions are not shown.
20. 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)
21. Please identify the location of handicap signs on site plan.
22. Show all drive aisle widths and radii. Some dimensions are not shown.
23. List radii for all curves shown; for passenger vehicles, the minimum end island radius for passenger vehicles is 15 ft. Radius for delivery trucks, fire trucks, etc. is 25 ft. or larger.
24. For drive through facilities the minimum drive through lane width is 12 feet with a 25 foot minimum radius (inside edge) for all turns. (A 15 foot radius can be used with an increase in lane width to 14 feet).
25. One-way vehicular paths require pavement directional signage and a posted "Do Not Enter" sign at the point of egress. Please show detail and location of posted signs.
26. Parking spaces cannot cross over lot lines.
27. Please identify pedestrian path's widths onsite and at building frontages.

28. Please provide a landing after the handicap ramps to access the buildings. (Handicap ramps can be reduced in size from the 9 foot ramp to provide space for the landing. Also handicap stalls can be 18 feet in length.)

16EPC-40081 Amended Site Development Plan for Subdivision

29. Clarify limits of amendment and include buildings when possible.
30. Infrastructure and/or ROW dedications may be required at DRB.
31. All work within the public ROW must be constructed under a COA Work Order.
32. Retail/Office/Restaurant on lot 6a does not appear to have a 6 foot pedestrian connection.

Utility Services - ABCWUA:

33. Prior to approval, request for serviceability letter at the link below. The submittal shall include approved fire marshal requirements from the County Fire Marshal's office.
http://www.abcwua.org/Availability_Statements.aspx
34. The property is located outside of the Adopted Service Area and will require a Service Connection Agreement approved by the Water Authority Board (1 month) prior to approval.

16EPC-40081 Amended Site Development Plan for Subdivision

35. The proposed subdivision shall maintain existing Water Utility Authority Easements.
36. Shared use of private sanitary sewer requires a shared maintenance agreement or covenant that is in place prior to approval.
37. Currently there exists onsite infrastructure. Any proposed line relocation will need to be coordinated with Utility Development. All public easements shall be in place prior to relocation.

FIRE DEPARTMENT/Planning

38. This project was reviewed and more information is needed. All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit. This shall be a deferred submittal.



**Cheryl Somerfeldt
Planner**

Notice of Decision cc list:

Martin Grummer, 331 Wellesley Place NE, Albuquerque, NM 87106

JMD, McMahon, 2325 San Pedro NE, Albuquerque, NM 87110

Harry Hendriksen, Westside Coalition of NAs, 10592 Rio Del Sol NW, Albuquerque, NM 87114

Janelle Miller Johnson, Tuscany NA, P.O. Box 6270, Albuquerque, NM 87197

Rene Horvath, Westside Coalition of NAS 5515 Palomino Drive NW, Albuquerque, NM 87120

XI. AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

- A. All refuse enclosures must have sanitary drain for food services.
- B. Do not plant anything next to enclosures that will create an overhang. Shown on pg.L1.1
- C. Need site plan to scale with dimensions to verify safe refuse truck access. Pg. A1.1

Office of Neighborhood Coordination (ONC)

- A. The affected Neighborhood Associations and Coalitions are: Tuscan Neighborhood Association and the Westside Coalition of Neighborhood Associations.
- B. This project was forwarded to Tyson Hummell for facilitation on January 3, 2017.
- C. Assigned to David Gold on January 1, 2017
- D. Facilitated meeting was held on Wednesday January 11, 2017 at 6:00pm in the NW Area Substation, 10401 Cibola Loop NW.

Long Range Planning

No adverse comments.

Metropolitan Redevelopment Agency

No adverse comments.

CITY ENGINEER

Transportation Development

- A. 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).
- B. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
- C. Include a building for each site location or phase for building permit.
- D. The following comments need to be addressed prior to DRB:

16EPC-40080 Amended Site Development Plan for Building Permit

- A. Please list the width and length for all existing and proposed parking spaces. Some dimensions are not shown.
- B. 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)

- C. Please identify the location of handicap signs on site plan.
- D. Show all drive aisle widths and radii. Some dimensions are not shown.
- E. List radii for all curves shown; for passenger vehicles, the minimum end island radius for passenger vehicles is 15 ft. Radius for delivery trucks, fire trucks, etc. is 25 ft. or larger.
- F. For drive through facilities the minimum drive through lane width is 12 feet with a 25 foot minimum radius (inside edge) for all turns. (A 15 foot radius can be used with an increase in lane width to 14 feet).
- G. One-way vehicular paths require pavement directional signage and a posted "Do Not Enter" sign at the point of egress. Please show detail and location of posted signs.
- H. Parking spaces cannot cross over lot lines.
- I. Please identify pedestrian path's widths onsite and at building frontages.
- J. Please provide a landing after the handicap ramps to access the buildings. (Handicap ramps can be reduced in size from the 9 foot ramp to provide space for the landing. Also handicap stalls can be 18 feet in length.)

16EPC-40081 Amended Site Development Plan for Subdivision

- A. Clarify limits of amendment and include buildings when possible.
- B. Infrastructure and/or ROW dedications may be required at DRB.
- C. All work within the public ROW must be constructed under a COA Work Order.
- D. Retail/Office/Restaurant on lot 6a does not appear to have a 6 foot pedestrian connection.

Hydrology Development

No comments received.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

This site fronts onto Unser Boulevard, which is a Regional Principal Arterial per MRCOG's 2040 Long Range Roadway System Map, under the jurisdiction of NMDOT. Refer to NMDOT comments for more information.

Traffic Engineering Operations

No comments received.

WATER UTILITY AUTHORITY

Utility Services

ABCWUA Comment:

- A. Prior to approval, request for serviceability letter at the link below. The submittal shall include approved fire marshal requirements from the County Fire Marshal's office.
 - a. http://www.abcwua.org/Availability_Statements.aspx
 - b. The property is located outside of the Adopted Service Area and will require a Service Connection Agreement approved by the Water Authority Board (1 month) prior to approval.
- B. 16EPC-40081 Amended Site Development Plan for Subdivision
 - c. The proposed subdivision shall maintain existing Water Utility Authority Easements.
 - d. Shared use of private sanitary sewer requires a shared maintenance agreement or covenant that is in place prior to approval.
 - e. Currently there exists onsite infrastructure. Any proposed line relocation will need to be coordinated with Utility Development. All public easements shall be in place prior to relocation.

PARKS AND RECREATION

Planning and Design

Reviewed, no adverse comments.

Open Space Division

No comments received.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

No comments received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comments received.

FIRE DEPARTMENT/Planning

This project was reviewed and more information is needed. All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit. This shall be a deferred submittal.

TRANSIT DEPARTMENT

This property is proximate to the Unser Boulevard Enhanced Transit Corridor. It is located directly on fixed route 155, and a stop pair for Route 155 is immediately west of the site on McMahan Boulevard. These stops are not affected by the proposed project.

There are no objections.

BERNALILLO COUNTY

No comments received.

New Mexico Department of Transportation

NMDOT has no comments.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impact to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

No adverse comments.

For informational purposes:

- A. Both McMahan NW and Unser Blvd NW are Intelligent Transportation System (ITS) Corridor. Please consult with the reviewing agency's Traffic Engineering and/or ITS Department.
- B. Both McMahan NW and Unser Blvd NW are functionally classified as Existing Principal Arterials.
- C. The Long Range Bikeway System identifies an existing paved trail along McMahan Blvd NW and along Unser Blvd NW.
- D. McMahan Blvd NW is a limited access facility. Please contact Dave Pennella at 724-3621 or dpennella@mrcog-nm.gov with any questions about access control.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no further comments based on information provided to date.



View of the subject site looking south.



View of the subject site (Lots 4 and 5) looking east.



View of the subject site (Lots 6a, 5, and 4) looking west.



View of the subject site looking north.



View of the subject site southern portion (Lot 9) looking west (to include pedestrian pathway).

ZONING

Please refer to the Zoning Code for specifics of the SU-2 zone, the SU-1 zone, and the C-1 zone.

HISTORY

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

May 13, 2016

Palo Alto, Inc.
Jeff Geller
924 W. Colfax Ave., #203
Denver, CO 80204

Project# 1005280
16EPC-40022 Site Development Plan for Building Permit
Amendment

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 1, McMahon Marketplace, zoned "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption", located near the SE corner of the intersection of Unser Blvd. NW and McMahon Blvd. NW (10600 Unser Blvd. NW), containing approximately 1.2 acres. (A-11) Staff Planner: Catalina Lehner

PO Box 1293

On May 12, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1005280/16EPC-40022, a Site Development Plan for Building Permit Amendment, based on the following findings and subject to the following conditions of approval:

FINDINGS:

New Mexico 87103 This is a request for Site Development Plan for Building Permit Amendment for a 1.2-acre site described as Lot 1, McMahon Marketplace (the "subject site"), which is part of a larger, approximately 13 acre shopping center site that comprises the southeastern corner of the intersection of Unser Blvd. NW and McMahon Blvd. Lot 1 is located in the southwestern corner of the shopping center, known as McMahon Marketplace.

www.cabq.gov

2. The applicant proposes to develop a fast-food restaurant with a drive-up service window on Lot 1. Adjacent south of the subject site is a subdivision of single-family homes. The lot to the north has developed with a strip of small shops; lots east of the subject site are undeveloped.
3. A site development plan for subdivision with design standards (Project #1005280, finalized in 2009) controls the McMahon Marketplace. The proposal that originally developed McMahon Marketplace consisted of a zone map amendment, a site development plan for subdivision and a site development plan for building permit. The design standards apply to all nine lots, including the subject site.
4. The subject site is zoned SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption. A fast-food restaurant with a drive-up service window is permissive under the current zoning. Though a

OFFICIAL NOTICE OF DECISION

Project #1005280

May 12, 2016

Page 2 of 7

drive-up service window is a conditional use in the C-1 zone, the zoning references "C-1 uses"—so both permissive and conditional uses are allowed permissively.

5. A fast-food restaurant with a drive-up service window was approved on Lot 1 in 2009 with the site development plan for subdivision for McMahon Marketplace. The applicant is requesting an amendment to the site development plan for building permit because the elevations of the proposed fast-food restaurant vary substantially from the approved elevations.
6. The subject site is in the Established Urban Area of the Comprehensive Plan. The West Side Strategic Plan, the Westside-McMahon Land Use & Transportation Guide, and the Unser Boulevard Design Overlay Zone also apply.
7. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Westside-McMahon Land Use & Transportation Guide, the Unser Boulevard Design Overlay Zone and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. The request partially furthers the *Transportation and Transit Goal in the Comprehensive Plan*. The proposed restaurant use is auto-oriented and the area is currently underserved by Transit. However, the pathway to Unser Blvd. and the pathway adjacent to the residences, as shown on the approved site development plan for subdivision, are proposed. The site has excellent access to the road network, and there is a bicycle lane on Unser Blvd.
9. The request furthers the Comprehensive Plan land use Policy II.B.5.e - New growth contiguous to existing services. The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would generally not disrupt neighborhood integrity.
10. The request partially furthers the following, applicable Comprehensive Plan policies:
 - A. Policy II.B.5a-full range of urban land uses. The request would add another fast-food restaurant to the area, which is characterized by a range of urban land uses such as retail (gym, animal clinic, pharmacies and fast-food restaurants) and residential uses. There is another fast-food restaurant in the area already so the request would not contribute to more land use diversity.
 - B. Policy II.B.5d-neighborhood values/environmental conditions/ other concerns. The proposed new development would be generally appropriate in terms of its location and intensity. The subject site is located in an existing shopping center site that is subject to design standards, which were established to respect neighborhood values and conditions of the area, which is not considered a scenic or natural environment. The proposed restaurant would not be more intense than existing development nearby. There is no known neighborhood opposition as of this writing, though some concerns have been expressed.
 - C. Policy II.B.5l-quality design/new development. The design is franchise and modern and would not be of comparable quality to other buildings in the shopping center. The proposed restaurant would be generally appropriate for the area, though improvements in design and

OFFICIAL NOTICE OF DECISION

Project #1005280

May 12, 2016

Page 3 of 7

materials are needed to increase the building's quality and compatibility.

- D. Policy II.D.4.g- pedestrian opportunities/safe, pleasant conditions. Pedestrian pathways are proposed in the locations shown on the approved site development plan for subdivision: one pedestrian pathway leads from the restaurant to Unser Blvd. and the other runs along the southern boundary with the residences. To an extent, these would help mitigate the drive-thru use; however, by its nature, drive-thru uses are auto-oriented and safe and pleasant pedestrian opportunities cannot be thoroughly integrated with them.
11. The request generally furthers the following, applicable policies of the West Side Strategic Plan (WSSP):
- A. WSSP Policy 1.1: The request would result in development of a commercial use in a designated activity center—the McMahan/Unser Neighborhood Center, which would continue to be surrounded by residential development. The proposed non-residential development would occur in a designated center.
- B. WSSP Policy 3.4 (Seven Bar Ranch): The McMahan/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as Tuscany and Skies West. The request would provide an additional commercial use in a shopping center; safe pedestrian and bicycle access would be provided.
12. The request complies with Sections 4(A), 4(A)(2) and 4(C) of Enactment 117-1999, The Westside-McMahan Land Use and Transportation Guide. The proposed fast-food restaurant with drive-up service window is a C-1 use, and C-1 "Low Commercial" uses are envisioned at this location (WSSP, p. 140, 4A and 4A2). The request proposes pedestrian connections to Unser Blvd. and another to a trail along the subject site's southern boundary. This will help contribute to "safe and efficient" pedestrian movements (4C).
13. The Unser Boulevard Design Overlay Zone (UBDOZ), which contains signage regulations, applies. The McMahan Marketplace design standards comply with the UBDOZ; since the request will be consistent with the design standards it will be consistent with the UBDOZ.
14. The affected neighborhood organizations are the Tuscany Neighborhood Association (NA) and the Westside Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
15. A facilitated meeting was held on April 20, 2016. Neighbors are concerned about hours of operation, trash control and the retaining wall on the subject site's southern side. As of this writing, Staff has received a written comment from a property owner in the shopping center who is concerned about signage size, the refuse enclosure, and building architecture and design. He submitted a copy of the shopping center's CCRs (Covenants, Conditions and Restrictions), which will be enforced privately.
16. Conditions of approval are needed to improve compliance with the design standards and provide clarity.

OFFICIAL NOTICE OF DECISION

Project #1005280

May 12, 2016

Page 4 of 7

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 request shall comply with the design standards in the site development plan for subdivision for McMahan Marketplace.
4. Pedestrian Connections & Areas:
 - A. ~~The pedestrian crossing~~, over the drive-thru lane, shall be at least 8 feet wide and of textured colored concrete as required by the design standards (Standard B.1.3). Show location and add keyed note.
 - B. The material and width of the ADA pathway to Unser Blvd. shall be specified and dimensioned.
 - C. Pedestrian scale lighting shall be provided to illuminate pedestrian gathering areas (Standard G.6). Indicate location and provide a detail.
5. Landscaping Plan:
 - A. The following trees shall be replaced by trees on the design standards' approved landscape palette: Ash, Honey Locust, Austrian Pine, Oklahoma Redbud, Crepe Myrtle and Palm Yucca.
 - B. The following shrubs and groundcovers shall be replaced by trees on the design standards' approved landscape palette: Feather Reed Grass, Winter Barberry, Buffalo Juniper, Blue Mist, and Annual Flowers.
 - C. The curb notches shown on the Grading & Drainage plan shall be shown on the landscaping plan, in the same locations.
 - D. The number of parking lot trees required and provided shall be stated.
 - E. A few plants (2 or 3) shall be added to the barren area near the ADA pathway leading to Unser Blvd.
6. Architecture:

Colors and materials from the approved building color schedule for McMahan Marketplace shall be used and noted on the building elevation sheets.

OFFICIAL NOTICE OF DECISION

Project #1005280

May 12, 2016

Page 5 of 7

7. Signage:

- A. The building mounted signage on the western elevation shall be reduced from 6.8% of façade to comply with the 6% of façade limitation (Standard I.2.a.1).
- B. The "signage cut sheets" shall be labeled illustrative and supplemented with sign details that depict the signage proposed.
- C. The color and material of the monument sign base and casing shall be specified.

8. Screening: The screen wall between the subject site and the subdivision to the south shall be 6 feet from top to grade as shown in the detail on the site development plan for subdivision.

9. Detail Sheets:

- A. Provide a face-on detail of the retaining wall(s) and specify materials and colors on the detail sheet.
- B. Specify the color of the refuse enclosure walls and gate on the detail sheet.

10. Minor Clarifications:

- A. Use a consistent symbol for the existing retaining wall (Sheet C1.0).
- B. The patio area shall be dimensioned and clearly indicated (Sheet C1.0).
- C. Keynote the bench (Sheet C1.0).
- D. Add a scale and north arrow to the landscaping plan (Sheet L1.0).
- E. Specify the color of the landscape gravel as Santa Fe Brown (Sheet L1.0).
- F. Keyed note 1 shall be revised to refer to "monument sign", not "marquee sign" (Sheet C1.0).
- G. Label the elevations using directions (Sheets A4.0 and A4.1).

11. Conditions from the City Engineer:

- A. Please identify and dimension all existing buildings, drive isle, sidewalks, curbs, drive pads, walls and anything that influences the parking and circulation on the site.
- B. Identify all existing access easements and rights of way width dimensions.
- C. Identify the right of way width, medians, curb cuts, and street widths on Unser Blvd.
- D. Clearly identify and dimension all ADA pathways between buildings and from public ROW.

12. Conditions from Hydrology Staff:

- A. Development of this site should follow the McMahon Marketplace Master Drainage Plan (Drainage File A11D011).
- B. All new development projects shall manage the runoff from precipitation which occurs during the 90th Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90th Percentile storm event is 0.44 inches. For Land Treatment D the initial

OFFICIAL NOTICE OF DECISION

Project #1005280

May 12, 2016

Page 6 of 7

abstraction is 0.1", therefore the first flush volume should be based on $0.44'' - 0.1'' = 0.34''$ and only consider the impervious areas.

- o State how the first flush will be managed and supporting calculations
- o State the area of Land Treatment D on the plan

C. See attached general Hydrology Criteria. (Note from Staff: included with your comment e-mail).

13. Conditions from the Water Utility Authority:

Request an availability statement online at the following

link: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements. An executed statement must be obtained prior to service.

14. Conditions from the Public Service Company of New Mexico (PNM):

- A. 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.
- B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project and to discuss the proposed sign location, tree location and height, and lighting height in order to ensure sufficient safety clearances from existing overhead electric distribution facilities. Contact: Mike Moyer, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107 Phone: (505) 241-3697
- C. 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.

15. Three bollards, of a tan color, shall be added to the NE area of the subject site at the curve in the drive-thru area.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MAY 27, 2016**. 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 decision.

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

OFFICIAL NOTICE OF DECISION

Project #1005280

May 12, 2016

Page 7 of 7

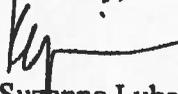
of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

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.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: Palo Alto, Inc, Jeff Geller, 924 W. Colfax Av., #203, Denver, CO 80204
HCI Engineering, Attn: Cole Haberer, 621 Southpark Dr. #1600, Littleton, CO 80120
Harry Hendriksen, Tuscany NA, 10592 Rio Del Sol Ct. NW. ABQ, NM 87114-2701
Harry Hendriksen, Westside Coalition of NAs, 10592 Rio Del Sol Ct. NW. ABQ, NM 87114-2701
Janelle Johnson, Tuscany NA, P.O. Box 6270, ABQ, NM 87197
Rene Horvath, Westside Coalition of NAs, 5515 Palomino Dr. NW, ABQ, NM 87120

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

September 12, 2013

JMD-McMahon, LLC
2325 San Pedro NE, Suite 2-A
Albuquerque, NM 87110

Project# 1005280
13EPC-40124 Site Development Plan for
Building Permit
13EPC-40125 Site Development Plan for
Subdivision Amendment

LEGAL DESCRIPTION:

For all or a portion of Lot 6 and Lot 7, McMahon Marketplace, located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr., containing approximately 1.55 acres.
Staff Planner: Chris Glore

PO Box 1293

Albuquerque

NM 87103

On September 12, 2013, the Environmental Planning Commission voted to APPROVE Project #1005280, 13EPC-40124, a Site Development Plan for Building Permit and 13EPC-40125 a Site Development Plan for Subdivision Amendment, based on the following Findings and subject to the following Conditions:

Project No. 13EPC-40124– Site Development Plan for Building Permit

FINDINGS:

1. This is a request for a Site Development Plan for Building Permit for Lots 6 and 7, McMahon Marketplace, containing approximately 1.55-acres of land located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr.
2. The request involves construction of a fast-food restaurant with drive-through on Lot 7.
3. The subject site is in the Established Urban Areas of the Comprehensive Plan and within the area of the Westside Strategic Plan. It is also within the McMahon Marketplace Neighborhood Center and is subject to the design standards of the Center. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.

www.cabq.gov

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 2 of 8

4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The character of the surrounding area generally consists of single-family detached residences, and some commercial pad site development surrounded by vacant land.
6. The Site Development Plan for Building Permit request furthers the following Comprehensive Plan policy:

Policy II.B.5.m: Urban and site design which improves the quality of the visual environment shall be encouraged. Development at this site will improve the visual quality of the property, following all SPSD regulations regarding building architecture, lighting, landscaping and signage.
7. The Site Development Plan for Building Permit request partially furthers the following Comprehensive Plan policies:

Policy II.B.5.d: New development respects neighborhood values, environmental conditions, scenic resources, and other resources. Neighborhood values are respected with increased commercial activity in close proximity and by site development that maintains aesthetic qualities required for the commercial center. Neighborhood values concerning increased traffic on local roads are not furthered by the new vehicular ingress from Fineland Dr.

Policy II.B.5.k: Land and transportation planned to minimize harmful effects of traffic; livability and safety of residential neighborhoods. Project traffic will not adversely impact traffic on McMahan Blvd. or Unser Blvd. However, the direct ingress from Fineland Dr. is a concern in regard to impact on traffic flow at the intersection of McMahan Blvd. and Fineland Dr.
8. The Site Development Plan for Building Permit request furthers the following Rank II Westside Strategic Plan policies:

Policy 1.1: Development in Community and Neighborhood Centers. The SPBP will increase the commercial intensity within the Neighborhood Center.

Policy 1.3. Commercial development to occur in concentrated clustered areas. The SPBP represents clustered commercial development.
9. The Site Development Plan for Building Permit request partially furthers the following Rank II Westside Strategic Plan policies:

Policy 1.5: Provide pedestrian/bicycle access to key activity areas. The approved SPSP has a pedestrian circulation system connecting each development site to a pedestrian gathering area, while the proposed SPS Amendment will reduce the pedestrian connectivity of Lot 7 with the rest of the commercial center. Pedestrian connectivity will be lessened by changing the building footprint and the connection between Lot 7 and Lot 8 to the south, because of the intervening drive-through lane.

Policy 1.9: Future neighborhood and community centers to be very accommodating to the pedestrian, and Neighborhood centers should have small clusters of shared

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 3 of 8

parking. The proposed restaurant use on Lot 7 provides more parking than required by the Zoning Code; however the total of provided parking spaces over Lots 5, 6, and 7 will meet the Zoning Code requirements. The SPBP will construct a narrow landscape buffer along the west side of the lot that will close off access to shared parking with Lots 5 and 6.

10. The request is consistent with the McMahon Marketplace SPS in that the architecture of the proposed restaurant building is consistent with the SPS Architectural Guidelines, and landscaping and signage are consistent with the applicable design standards of the SPS.

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 Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.
4. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
5. Provide a cross access agreement between lot 7 and lot 6.
6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Finland Drive.
7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Finland Dr.
8. If the request for the single ingress access on Finland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.
9. A replat of the lots must be a concurrent DRB action.
10. Vehicular Signage: Provide posted "Do Not Enter" signs in addition to pavement markings at all points of egress of one-way only drive aisles.
11. Label and dimension all proposed infrastructure.
12. Please identify all line types and symbol used within the SPBP.

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 4 of 8

13. Please provide documentation allowing the encroachment of proposed infrastructure onto Lot 6.
14. Please remove the pavement marking "Drive Thru" and accompanying directional arrow, from the access road just west of the Fineland Dr. entrance.
15. Please provide proper striping and signing at the Fineland Dr. entrance per the DPM Ch 23, Sec. 6.10 Curb Cuts and Driveways.
16. Revise landscape plans to provide stepping stones within the planter on the west boundary of Lot 7 to enable shared use of parking between Lots 5, 6 and 7.
17. Please provide a vicinity map on the SPBP.
18. Show the entire pipe to the terminus of the pond outfall pipe on the Conceptual Grading and Drainage Plan for DRB approval (refer to Keyed Note 2).
19. Provide drainage easement information for proposed pipe (Keyed Note 2 on Conc. G&D Plan) for DRB approval.
20. Provide information on the Master Drainage Plan referenced so Hydrology can verify the drainage scheme. The entire site may have to drain to the pond.

Project No. 13EPC-40125 –Site Development Plan for Subdivision Amendment

FINDINGS:

1. This is a request for an Amendment to a Site Development Plan for Subdivision for Lots 6 and 7, McMahon Marketplace, containing approximately 1.55-acres of land located at 5700 McMahon Blvd. NW, between Unser Blvd. and Fineland Dr.
2. The request involves a second drive-through restaurant, a lot line shift and an additional vehicular access point.
3. The subject site is in the Established Urban Areas of the Comprehensive Plan and within the area of the Westside Strategic Plan. It is also within the McMahon Marketplace Neighborhood Center and is subject to the design standards of the Center. The proposal must comply with the Zoning Regulations and General Regulations of the Zoning Code.
4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The character of the surrounding area generally consists of single-family detached residences, and some commercial pad site development surrounded by vacant land.
6. The Site Development Plan for Subdivision Amendment request partially furthers the following **Comprehensive Plan** policies:

Policy II.B.5.d: New development respects neighborhood values, environmental conditions, scenic resources, and other resources. Neighborhood values are respected with increased commercial activity in close proximity and by site development that maintains aesthetic qualities required for the commercial center.

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 5 of 8

Neighborhood values concerning increased traffic on local roads are not furthered by the new vehicular ingress from Finland Dr.

Policy II.B.5.k: Land and transportation planned to minimize harmful effects of traffic; livability and safety of residential neighborhoods. Project traffic will not adversely impact traffic on McMahan Blvd. or Unser Blvd. However, the direct ingress from Finland Dr. is a concern in regard to impact on traffic flow at the intersection of McMahan Blvd. and Finland Dr.

7. The Site Development Plan for Subdivision request furthers the following Rank II **Westside Strategic Plan** policies:

Policy 1.1: **Development in Community and Neighborhood Centers.** The SPS Amendment will increase the commercial intensity within the Neighborhood Center.

Policy 1.3. **Commercial development to occur in concentrated clustered areas.** The SPS Amendment represents clustered commercial development.

8. The Site Development Plan for Subdivision Amendment request partially furthers the following Rank II **Westside Strategic Plan** policies:

Policy 1.5: Provide pedestrian/bicycle access to key activity areas. The approved SPS has a pedestrian circulation system connecting each development site to a pedestrian gathering area, while the proposed SPS Amendment will reduce the pedestrian connectivity of Lot 7 with the rest of the commercial center. The SPS Amendment removes part of the sidewalk connection within Lot 7, between Lot 7 and the closest sidewalk. Pedestrian connectivity will be lessened by changing the building footprint and the connection between Lot 7 and Lot 8 to the south, because of the intervening drive-through lane.

Policy 1.9: Future neighborhood and community centers to be very accommodating to the pedestrian, and Neighborhood centers should have small clusters of shared parking. The proposed restaurant use on Lot 7 provides more parking than required by the Zoning Code; however the total of provided parking spaces over Lots 5, 6, and 7 will meet the Zoning Code requirements. The SPS Amendment will add a narrow landscape buffer along the west side of the lot that will close off access to shared parking with Lots 5 and 6.

9. The request is generally consistent with the McMahan Marketplace SPS Land Use Concept in that while the proposed fast food restaurant with drive-through is not primarily pedestrian oriented, its location at the perimeter of the commercial center will minimize interference with walkability in the core of the center.

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

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 6 of 8

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. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
4. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan.
5. Provide a cross access agreement between lot 7 and lot 6.
6. Provide a queuing analysis and projected impact on the intersection to justify the additional access proposed on Finland Drive.
7. Provide a turning template exhibit to demonstrate how delivery vehicles will enter the site from Finland Dr.
8. If the request for the single ingress access on Finland Dr. is granted, the configuration of the proposed curb return must be re-designed to further discourage on-site vehicles from attempting to exit through this new access.
9. A replat of the lots must be a concurrent DRB action.
10. Please remove the pavement marking "Drive Thru" on the 30 foot access road.
11. Please provide proper striping and signing at the Finland Dr. entrance per the DPM Ch 23, Sec. 6.10 Curb Cuts and Drivepads
12. Design Standards provided in the SDPSD are to guide future development, however the location of buildings, parking lots, dumpsters, and other infrastructure provided on the SDPSD shall be marked "For Illustrative purposes only".
13. The current request to amend the previously amended SDPSD (3/2/12) dropped some information. The proposed request must reflect the latest approved SDPSD and only modify areas identified to be amended. Please add any information that was dropped, including the square footage of building on Lot 2 "Retail 11,584 SF", building on Lot 9 "Shop 3 7,800 SF", and label Lot 6 as "Lot 6".
14. Show all drainage easements on S.D.P.S.

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 7 of 8

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 27, 2013**. 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 decision.

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).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

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 thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,



Suzanne Lubar
Acting Director, Planning Department

SL/CG/mc

cc: Tom Skopayko, 10523 Taurus Ct. NW, Albuquerque NM 87114

OFFICIAL NOTICE OF DECISION

Project #1005280

September 12, 2013

Page 8 of 8

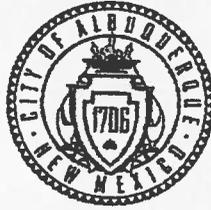
Consensus Planning, 302 Eighth Street NW, Albuquerque, NM 87102

Hiram Cruz, 10515 Taurus Ct. NW, Albuquerque NM 87114

Harry Hendrickson, 10592 Rio del Sol Ct. NW, Albuquerque NM 87114

Candelaria Patterson, 7608 Elderwood NW, Albuquerque NM 87120

Janelle Johnson, P.O. Box 6270, Albuquerque NM 87197



City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: April 26, 2007

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1005280
06EPC-01706 Zone Map Amendment
06EPC-01705 EPC Site Development
Plan-Building Permit
06EPC-01704 EPC Site Development
Plan-Subdivision

SCM Property LLC
10400 West 18th Ave
Lakewood Co., 80215

LEGAL DESCRIPTION: for all or a portion of Tract E-1-A Crestview Subdivision and Tract 16A-1 Paradise North, a zone map amendment from SU-1 for C-1 uses including grocery store w/ package liquor sales and restaurant with full service liquor to SU-1 for C-1 Uses including package liquor sales incidental to pharmacy use occupying not less than 14,000 sf, located at the southeast corner of Unser Blvd NW and McMahan Blvd NW, containing approximately 13 acres. (A-11) Catalina Lehner, Staff Planner

On April 12, 2007 the Environmental Planning Commission voted to approve Project #1005280, 06EPC-01706, a Zone Map Amendment, based on the following Findings and Conditions:

FINDINGS:

1. This request is for a zone map amendment for a 1.66 acre portion of Tract 16-A-1 from "SU-1 for C-1 uses including grocery store with package liquor sales incidental to that use, restaurant with full-service liquor for on-premise consumption" to "SU-1 for C-1 uses including package liquor sales incidental to a pharmacy use occupying not less than 14,000 sf", in order to develop a drug/retail use. The zoning on the remaining 11.34 acres of the subject site is not proposed to change.
2. The subject site is located at the southwest corner of the Unser Blvd./McMahan Blvd. intersection, in the McMahan/Unser Neighborhood Activity Center, in the Seven Bar Ranch Community. Applicable Plans are the Comprehensive Plan, the West Side Strategic Plan (WSSP) and the Westside-McMahan Land Use and Transportation Guide. No sector plans apply.

OFFICIAL NOTICE OF DECISION

APRIL 26 2007

PROJECT #1005280

Page 2 of 13

3. This request is accompanied by a request for a site development plan for subdivision (06EPC-01704) and a site development plan for building permit (06EPC-01705).
4. The request furthers the intent of relevant Comprehensive Plan policies. It will contribute to increased land use variety in the area (Policy II.B.5a) by facilitating development of a new service, infrastructure is already in place (Policy II.B.5e), and some jobs will be created for residents in the area (Policies II.D.6a and g).
5. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980:
 - A. Section A: Because the request furthers applicable Comprehensive Plan policies and the West Side Strategic Plan's intent with respect to activity centers, it is consistent with the City's health, safety and general welfare.
 - B. Section B: The request will facilitate commercial development in a neighborhood activity center designated in the West Side Strategic Plan and will not destabilize the land, which is already zoned for commercial uses. The applicant has satisfactorily demonstrated why the change should be made.
 - C. Section C: The applicant cites a preponderance of Comprehensive Plan policies, specifically Land Use Policies II.B.5a, II.B.5d, II.B.5e, II.B.5i and II.B.5j and Economic Development Policy II.6.a. The demonstration of how policies are furthered is mostly acceptable; the request does not conflict significantly with applicable Plans.
 - D. Section D: The proposed zoning is more advantageous to the community because it will facilitate development of a neighborhood center that will provide a variety of day-to-day services for the surrounding residential areas.
 - E. Section E: The request will not be harmful to the adjacent property, the neighborhood or the community. Property adjacent to the 1.66 acre parcel is all zoned for commercial uses, and the requested zone does not allow any uses except for a pharmacy less than 14,000 sf.
 - F. Section F: The proposed zone change requires no major or unprogrammed capital expenditures by the City in order to be developed.
 - G. Section G: An economic consideration, such as the sale of alcohol, is a factor in the zone change request. However, it is not the determining factor and the applicant does not rely on it for approval of the request.
 - H. Section H: The subject site's location on a major street is not used as justification for the zone change request.
 - I. Section I: A request for SU-1 zoning creates a justified "spot zone" because of the SU-1 zone's site plan control nature. In this case, the subject site is already zoned SU-1 and other SU-1 zoned sites are adjacent to it.
 - J. Section J: The request will not result in a strip of commercial zoning along a street ("strip zoning").

6. Two facilitated meetings were held. The Tuscany Neighborhood Association (NA) and the Skies West NA generally want services in the area. Their concerns are mostly related to traffic.

CONDITIONS:

1. The subject site shall be replatted to correspond to lot and zone lines.
2. The DRB shall sign-off on the accompanying site development plan for subdivision (06EPC-01704) and site development plan for building permit (06EPC-01705).

On April 12, 2007 the Environmental Planning Commission voted to approve Project #1005280, 06EPC-01704, a Site Development Plan for Subdivision based on the following Findings and Conditions:

FINDINGS:

1. This request is for a site development plan for subdivision for Tract 16-A-1, Paradise North and Tract E-1-A, Crestview Subdivision, approximately 13 acres, located at the southeast corner of Unser Blvd. and McMahan Blvd. The proposed site plan for subdivision will reconfigure the subject site into nine smaller tracts. Design standards are proposed.
2. The subject site is located in the McMahan/Unser Neighborhood Activity Center, in the Seven Bar Ranch Community. Applicable plans are the Comprehensive Plan and the West Side Strategic Plan (WSSP). No sector plans apply.
3. This request is accompanied by a request for a zone map amendment for approximately 2 acres (06EPC-01706) and a site development plan for building permit (06EPC-01705).
4. The request *further*s the intent of Comprehensive Plan policies with respect to a full range of urban land uses (Policy II.B.5a), programmed facilities/neighborhood integrity (Policy II.B.5e) and location of new commercial development (Policy II.B.5j). The proposal will increase land use variety in the area and will utilize existing urban infrastructure. This is an existing commercially-zoned site and the development will occur in a designated neighborhood center.
5. The proposal *partially further*s Policy II.B.5d-neighborhood values/natural environmental conditions. Residents support services in the area, but are concerned about traffic problems which the vehicle-dominant site layout could exacerbate.
6. The Activity Centers Goal is *partially furthered*. Vehicle travel will be reduced for area residents because services will be provided closer to home, though the site layout heavily favors vehicles over transit users and pedestrians.

7. The proposal *further*s the Economic Development Goal of achieving diversified economic development. The variety of retail, and possibly office uses, will result in various types of job opportunities for Westside residents.
8. The Transportation and Transit Goal is *partially furthered*. Pedestrian pathways link the development to nearby neighborhoods, though they cannot completely mitigate the effects of the underlying uses and the site design, which favors vehicles.
9. With respect to the West Side Strategic Plan (WSSP), Policy 1.1 is *furthered* because the request will facilitate development of a commercial use in a Neighborhood Center. The request also *further*s Policy 3.4. Neighborhood scale commercial uses are intended for neighborhood centers.
10. WSSP Policy 1.16 is *partially furthered*. Safer and functional pedestrian and bicycle connections are needed for nearby neighborhoods. The proposal *partially further*s Policy 3.4. The safety of the pedestrian and bicycle connections is questionable. Policy 1.5 is *partially furthered*. Pedestrian connections are secondary to vehicular circulation as opposed to a primary design consideration.
11. Two facilitated meetings were held. The Tuscan Neighborhood Association (NA) and the Skies West NA generally want services in the area. Their concerns are mostly related to traffic.

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. The subject site shall be concurrently replatted to correspond to approved lot and zone lines.
3. Prior to DRB sign off, the applicant shall meet with the Staff planner to ensure that the conditions of approval are met.
4. Site Planning:
 - A. Each parcel shall have an outdoor gathering space of at least 300 sf.
 - B. Drive-thru uses shall be limited to a total of three, with one available for a restaurant.
5. Parking:
 - A. Parking shall not exceed the amount required in the Zoning Code.

- B. Parking shall be calculated using the methodology in the Zoning Code.
 - C. Shared parking shall be permitted.
6. Pedestrianism:
- A. Pedestrian circulation shall be discussed in its own section of the design standards.
 - B. All pedestrian crossings of drive aisles shall be at least 8 ft. wide and be made of textured, colored concrete.
7. Landscape-General:
- A. The landscape theme shall be based on low-water use (xeric) plants.
 - B. The irrigation system must be adequate, as determined by a qualified landscape architect or the City Forrester, to maintain the quantity of trees and plants in a living, healthy and attractive condition.
 - C. Water provided by the water harvesting system shall be supplemental to the irrigation system. Cisterns shall have a capacity of 85% of the adjacent rooftops at a 1" rain.
 - D. The design standards shall require 80% coverage with living, vegetative material.
 - E. Pursuant to Zoning Code §14-16-3-1, tree canopies shall not count toward the requirement for living, vegetative coverage.
 - F. The submittal shall note that the property owner shall maintain street trees in a living, healthy and attractive condition.
 - G. Gravel, bark and river rock shall not be used as groundcover, but may be used as mulch.
8. Landscape-Plant Palette (in design standards):
- A. Big sage (artemesia) and Giant Sacaton grass shall be included in the plant palette.
 - B. Juniper (highly-allergenic) and sycamore (high water user) shall be prohibited.
 - C. High-water use turf shall be prohibited, except for when it constitutes no more than 20% of the turf blend.
 - D. Kentucky Coffee trees shall be replaced with Linden trees.
9. Architecture/Building design:
- A. Stucco shall be the required façade material.
 - B. The architectural theme shall be described and discussed.
 - C. Maximum building height shall be 26 feet as allowed in the underlying C-1 zoning.
 - D. Glass shall be clear and not bronze tinted.
10. Lighting:
- A. Parking lot light poles shall not exceed 16 ft., high from top to grade, within 130 ft. of a residential zone.

- B. Pedestrian scale lighting shall be required to illuminate gathering areas and pedestrian areas and walkways.
- C. Pedestrian scale lighting shall not exceed 16 ft. in height.
- D. Uplighting of any kind shall be prohibited.

11. Screening/Buffering:

- A. Chain link fencing, barbed wire and concertina wire shall be prohibited.
- B. Transformers, utility pads and telephone boxes shall be appropriately screened with architecturally compatible walls and/or vegetation.

12. Signage:

- A. Free-standing signs shall be limited to monument signs.
- B. Building-mounted signage shall not exceed 6% of the façade to which it is applied for single-tenant buildings or 10% of the façade to which it is applied for multi-tenant buildings.
- C. Awnings with signage and/or logos shall be included in the 6% and 10% signage allowance.
- D. Monument sign Type A shall not exceed 6 ft. high with 40 sf of sign face.
- E. Monument sign Type B shall not exceed 9 ft. high with 60 sf of sign face.
- F. Sign cases shall integrate with building architecture to create a unified signage theme.

13. Each outdoor gathering area shall have seating and provide shade that covers a minimum 30% of each area (ex. tree canopy).

14. General:

- A. Instances of "should" shall be changed to "shall".
- B. Instances of "guidelines" shall be changed to "standards".
- C. Diagram 5 (water catchment means) shall be reinstated.

15. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will

include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

- b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - c. Provide right turn deceleration lanes at site drives, as necessary, per DPM and TIS. Provide storage lengths per TIS or DPM, which ever is greatest.
 - d. Provide left turn bays at site drives per TIS. Provide storage lengths per TIS. Provide center median adjustments on McMahan and Unser as required.
 - e. Dual westbound left turn lanes in McMahan Boulevard at Unser Boulevard, including associated intersection improvements, will be required should the left turn-in access from McMahan to the sites McMahan drive be approved by the TCC. In addition, to facilitate the improvements in McMahan Boulevard will require widening of the road north into the Fineland Development property at the northeast corner of the intersection. Therefore, the necessary roadway easements and/or right-of-way will be required to construct the improvements.
 - f. Delete parking in main drive aisle, from McMahan, between Lots 4 and 5.
 - g. Widen drive aisle in Lot 8 to 30'. This width provides a consistent 30' drive aisle width through Lots 1 and 8 to Fineland Drive.
 - h. Provide cross access agreement.
 - i. Site plan shall comply and be designed per DPM Standards.
 - j. Platting must be a concurrent DRB action.
 - k. Dedication of a *minimum* 78 feet of right-of-way from the centerline of Unser Boulevard a principal arterial as designated on the Long Range Roadway System map.
 - l. Dedication of an additional 6 feet of right-of-way along Unser Boulevard adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
 - m. Construction of the on-street bicycle lane and 10 foot multi-purpose trail along Unser Boulevard adjacent to the subject property as designated on Long Range Bikeways System map.
 - n. Access to Unser Boulevard from the driveway along the southern boundary of the site shall be limited to right-in, right-out and left-in only consistent with the Long Range Roadway System access policy. Adjustments to center median and driveway required.
 - o. Approval of the proposed full access intersection on McMahan Boulevard mid-way between Unser Boulevard and Fineland Drive by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09.
-

On April 12, 2007 the Environmental Planning Commission voted to approve Project #1005280, 06EPC-01705, a Site Development Plan for Building Permit based on the following Findings and Conditions:

FINDINGS:

1. This request is for a site development plan for subdivision for Tract 16-A-1, Paradise North and Tract E-1-A, Crestview Subdivision, approximately 13 acres, located at the southeast corner of Unser Blvd. and McMahan Blvd. The site development plan for building permit shows two drive-thru restaurants, a drive-thru bank, a drug/retail store with a drive-thru, a sit down restaurant, small shops and a suite of shops.
2. The subject site is located in the McMahan/Unser Neighborhood Activity Center, in the Seven Bar Ranch Community. Applicable plans are the Comprehensive Plan and the West Side Strategic Plan (WSSP). No sector plans apply.
3. This request is accompanied by a request for a zone map amendment for approximately 2 acres (06EPC-01706) and a site development plan for subdivision (06EPC-01704) to create the nine tracts.
4. The request *further*s the intent of Comprehensive Plan policies with respect to a full range of urban land uses (Policy II.B.5a), programmed facilities/neighborhood integrity (Policy II.B.5e) and location of new commercial development (Policy II.B.5j). The proposal will increase land use variety in the area and will utilize existing urban infrastructure. This is an existing commercially-zoned site and the development will occur in a designated neighborhood center.
5. The proposal *partially further*s Policy II.B.5d-neighborhood values/natural environmental conditions. Residents support services in the area, but are concerned about traffic problems which the vehicle-dominant site layout could exacerbate.
6. The Activity Centers Goal is partially furthered. Vehicle travel will be reduced for area residents because services will be provided closer to home, though the site layout heavily favors vehicles over transit users and pedestrians.
7. The proposal *further*s the Economic Development Goal of achieving diversified economic development. The variety of retail, and possibly office uses, will result in various types of job opportunities for Westside residents.
8. The Transportation and Transit Goal is *partially furthered*. Pedestrian pathways link the development to nearby neighborhoods, though they cannot completely mitigate the effects of the underlying uses.
9. With respect to the West Side Strategic Plan (WSSP), Policy 1.1 is *furthered* because the request will facilitate development of a commercial use in a Neighborhood Center. The

request also *further*s Policy 3.4. Neighborhood scale commercial uses are intended for neighborhood centers.

10. WSSP Policy 1.16 is *partially furthered*. Safer and functional pedestrian and bicycle connections are needed for nearby neighborhoods. The proposal *partially further*s Policy 3.4. The safety of the pedestrian and bicycle connections is questionable. Policy 1.5 is *partially furthered*. Pedestrian connections are secondary to vehicular circulation as opposed to a primary design consideration.
11. Two facilitated meetings were held. The Tuscany Neighborhood Association (NA) and the Skies West NA generally want services in the area. Their concerns are mostly related to traffic.

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 DRB sign off, the applicant must meet with the Staff planner to ensure that the conditions of approval are met.
3. The site development plan for building permit, and any future site development plans for building permit, shall comply with the McMahan Marketplace design standards (06EPC-01704).
4. Landscape Plan:
 - A. Pampas grass shall be replaced by Giant Sacaton grass.
 - B. Planting beds shall achieve 80% coverage with living, vegetative materials.
 - C. Pursuant to Zoning Code §14-16-3-10(F)(1), the pine trees shall be a minimum of 10 feet tall at time of planting.
 - D. The irrigation system must be adequate, as determined by a qualified landscape architect or the City Forrester, to maintain the quantity of trees and plants in a living, healthy and attractive condition.
 - E. The owner shall maintain the trees in the southern buffer, in an living, healthy and attractive condition.
 - F. Kentucky Coffee trees shall be replaced with Linden trees.

5. **Water Harvesting:**
 - A. Cross-hatching shall be used to denote the area where supplemental water harvesting will be used.
 - B. The water harvesting plan shall indicate which locations, species and numbers of plants will receive rainwater.
 - C. The designers of the water harvesting system shall coordinate with the irrigation system designers and landscape architects.
 - D. Cisterns shall have a capacity of 85% of the adjacent rooftops at a 1" rain.
6. **Walls/Fences:**
 - A. A detail of the screen wall shall be provided.
 - B. CMU of a different color and/or texture shall be incorporated into the design of the screen wall.
7. **Pedestrian/Bicycle/Transit Circulation:** A transit feasibility and access plan shall be provided to comply with WSSP Policy 1.2.
8. **Sidewalks/Open Space:**
 - A. A detail shall be provided for each outdoor seating area.
 - B. Each outdoor seating area shall have at least one bench and one table and provide shade that covers a minimum 30% of each area.
 - C. A bench shall be provided near the northwestern corner of the building on Lot 3.
 - D. At least two tables with umbrellas shall be provided in the outdoor plaza area.
9. **Parking:** Motorcycle parking shall be provided in an area "that is visible from the entrance of the building" pursuant to Zoning Code §14-16-3-1.
10. **Signage:** The monument signs on Lot 1 and Lot 6 (nearest to single-family homes) shall be the smaller type of monument sign (Type A).
11. **Lighting:** The three light poles along the subject site's southern side adjacent to single-family homes shall be replaced by pedestrian-scale lighting.
12. The applicant shall meet with a representative of the Solid Waste Management Department (SWMD) and integrate SWMD comments into the revised site development plan prior to submittal to DRB.
13. Barrier curbing shall be added, and the pathway elevated, for the first 80 feet along the northern side of the pedestrian pathway that extends eastward from the Unser Blvd. entrance.

14. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- A. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- B. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- C. Provide right turn deceleration lanes at site drives, as necessary, per DPM and TIS. Provide storage lengths per TIS or DPM, which ever is greatest.
- D. Provide left turn bays at site drives per TIS. Provide storage lengths per TIS. Provide center median adjustments on McMahan and Unser as required.
- E. Dual westbound left turn lanes in McMahan Boulevard at Unser Boulevard, including associated intersection improvements, will be required should the left turn-in access from McMahan to the sites McMahan drive be approved by the TCC. In addition, to facilitate the improvements in McMahan Boulevard will require widening of the road north into the Fineland Development property at the northeast corner of the intersection. Therefore, the necessary roadway easements and/or right-of-way will be required to construct the improvements.
- F. Delete parking in main drive aisle, from McMahan, between Lots 4 and 5
- G. Widen drive aisle in Lot 8 to 30'. This width provides a consistent 30' drive aisle width through Lots 1 and 8 to Fineland Drive.
- H. Provide cross access agreement.
- I. Site plan shall comply and be designed per DPM Standards.
- J. Platting must be a concurrent DRB action.
- K. Dedication of a *minimum* 78 feet of right-of-way from the centerline of Unser Boulevard a principal arterial as designated on the Long Range Roadway System map.

- L. Dedication of an additional 6 feet of right-of-way along Unser Boulevard adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
- M. Construction of the on-street bicycle lane and 10 foot multi-purpose trail along Unser Boulevard adjacent to the subject property as designated on Long Range Bikeways System map.
- N. Access to Unser Boulevard from the driveway along the southern boundary of the site shall be limited to right-in, right-out and left-in only consistent with the Long Range Roadway System access policy. Adjustments to center median and driveway required.
- O. Approval of the proposed full access intersection on McMahon Boulevard mid-way between Unser Boulevard and Fineland Drive by the Transportation Coordinating Committee (TCC) of the Mid-Region Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY MAY 11, 2007 IN THE MANNER DESCRIBED BELOW. 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 DECISION.

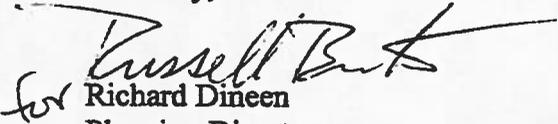
Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

OFFICIAL NOTICE OF DECISION
APRIL 26 2007
PROJECT #1005280
Page 13 of 13

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,


for Richard Dineen
Planning Director

RD/CL/bjf

cc: George Rainhart Arch. & Assoc., 2325 San Pedro NE, Abq., NM 87110
Rachel Martinez, Tuscany NA, 8220 Louisiana NE, #B, Abq., NM 87113
Janelle Johnson, Tuscany NA, PO Box 6274, Abq., NM 87197
Tom Skopayko, Skies West NA, 10523 Taurus Ct NW, Abq., NM 87114
Dina Devon, Skies West NA, 10656 Neptune NW, Abq., NM 87114
Alan Schwartz, 4409 Rancho Centro Ct NW, Abq., NM 87120

APPLICATION INFORMATION



SUBDIVISION

___ Major subdivision action
 ___ Minor subdivision action
 ___ Vacation
 ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

for Subdivision
 for Building Permit
 ___ Administrative Amendment (AA)
 ___ Administrative Approval (DRT, URT, etc.)
 ___ IP Master Development Plan
 ___ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

___ Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

___ Annexation

V ___ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
 P ___ Adoption of Rank 2 or 3 Plan or similar
 ___ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

D ___ Street Name Change (Local & Collector)

L A APPEAL / PROTEST of...

___ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): MARTIN GRUMMER PHONE: 265-2507
 ADDRESS: 331 WELLESLEY PL NE FAX: 265-2507
 CITY: ALBUQUERQUE STATE NM ZIP 87106 E-MAIL: MGRUMMER@CENTURYLINK
 APPLICANT: PEARSON LV. McMAHON LLC (LOT 2) & JMD. McMAHON LLC PHONE: 884-3078
 ADDRESS: 2335 SAN PEDRO NE FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87110 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: CHANGE TO APPROVED SITE DEVELOPMENT PLAN FOR SUBDIVISION & BUILDING PERMIT

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___ Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 2, 4, 5, 6, 7, 8, & 9 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: McMAHON MARKET PLACE
 Existing Zoning: SU-1 FOR C-1 USE Proposed zoning: LD CHANGE MRGCD Map No _____
 Zone Atlas page(s): A-11-2 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.):
2-97-138, 1001279, 1005280

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 7 No. of proposed lots: 10 Total site area (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near: McMAHON
 Between: UPSER and FINELAND
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE _____ DATE 6 FEB 17
 (Print Name) MARTIN GRUMMER Applicant: Agent:

FOR OFFICIAL USE ONLY

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING	_____	_____	_____	\$ _____
<input type="checkbox"/> All checklists are complete	_____	_____	_____	\$ _____
<input type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
				Total
	Hearing date _____			\$ _____

Revised: 11/2014



PETERSON PROPERTIES, LLC

HAND DELIVERED

January 27, 2017

City of Albuquerque
ATTN: Environmental Planning Commission
600 2nd Street NW
3rd Floor
Albuquerque, NM 87103

**RE: MCMAHON MARKETPLACE; SOUTHWEST CORNER OF MCMAHON AND
FINELAND (A.K.A. SOUTHEAST CORNER OF MCMAHON AND UNSER) IN
ALBUQUERQUE
PROJECT #1005280; CASE #16EPC-40080, 40081**

Greetings, Chairwoman Hudson and Commissioners.

This letter accompanies the application by my companies, JMD-McMahon, LLC and Peterson INV-McMahon, LLC, which correspond to the above-referenced case numbers. We are applying for an amendment to the Site Development Plan for Subdivision applicable to McMahon Marketplace and also applying for a Site Plan for Building Permit for portions of McMahon Marketplace. This letter provides a brief history of the development of McMahon Marketplace, summarizes the current requests, and cites portions of the Albuquerque Bernalillo County Comprehensive Plan ("Comprehensive Plan") which are furthered by the companies' application.

HISTORY OF MCMAHON MARKETPLACE

My companies' affiliates began their involvement with the lands currently comprising McMahon Marketplace in 2005. The land comprising McMahon Marketplace was originally two separate parcels: one at the southeast corner of McMahon and Unser owned by the family of Mark Pardo Gonzales and one at the southwest corner of McMahon and Fineland owned by Dr. Jeffery Fine.

In 2007, a zone change applicable to McMahon Marketplace was approved by the EPC, as were a Site Plan for Subdivision and a Site Plan for Building Permit.

In 2009, the DRB approved a plat dividing McMahon Marketplace into nine parcels, pursuant to the Site Plan for Subdivision. Also, the DRB approved an infrastructure list. Pursuant to an application by CVS directly and not at the behest of my companies, City staff approved an Administrative Amendment with respect to the drugstore on Lot 3 (the corner of McMahon and Unser), including the addition of freestanding signage.

In 2010, two Subdivision Improvement Agreements (two different phases of improvement) were entered into by owners of McMahon Marketplace and the City of Albuquerque. Also in this year, the above-referenced plat was recorded.

In 2011, CVS Drugstore was constructed on Lot 3, which was and still is owned by CVS.

In 2012, an Administrative Amendment for Lot 2 was approved which eliminated the previously-approved financial building with multi-lane drive-thru and replaced it with a retail / restaurant multitenant building which now exists.

In 2013, the EPC approved a new Site Plan for Subdivision applicable to lots 6A and 7A and a Site Plan for Building Permit for Lot 7A, allowing for the existing McDonalds to be built.

In 2014, McDonalds opened and all of the infrastructure, including offsite improvements, for McMahan Marketplace was completed.

In 2016, an Administrative Amendment for Lot 8 was approved by City of Albuquerque staff. A building for Anytime Fitness is currently under construction on Lot 8. Also, a Taco Bell for Lot 1 (which is not owned by either of my companies) was approved.

In 2017, the type of gravel on the McDonalds on Lot 7A was replaced to be Santa Fe Brown in accordance with the Site Plan for Subdivision's Architectural Standards.

CURRENT REQUEST SUMMARY

The Site Plan for Subdivision Amendment seeks to accomplish the following:

- Adjust lot lines for Lots 4, 5 and 6a to be more practical and also match the intended building pattern. Additionally, we seek to subdivide Lot 9 into four separate parcels to accommodate the anticipated building pattern, as shown on the conceptual layout accompanying the Site Plan for Subdivision included herewith.
- Adjust the Architectural Standards to:
 - Allow for four total drive thru uses within McMahan Marketplace, with no more than three of those for food use
 - Add a new material to the palette of acceptable building materials
 - Delete the mandate for matching existing structures and, instead, insert a requirement to adhere to a modern northern New Mexico style of architecture so as to allow increased flexibility and modernization to McMahan Marketplace
- Add larger free-standing signage so as to allow for the marketability of businesses towards the rear of the site. The amount and size of signage applicable to McMahan Marketplace currently is not sufficient to allow for the successful operation of the many businesses that will occupy a site as large as McMahan Marketplace.

The Site Plan for Building Permit seeks to accomplish the following:

- Allow the construction of a quick-serve restaurant with drive-thru window on Lot 4. The current intention is for the initial user of the building to be Starbucks.
- Allow the construction of a multi-tenant commercial building on Lot 5
- Allow the construction of the drive aisle, landscaping and parking portions of Lot 6a
- Allow the construction of the landscaping, pedestrian walkway, drive aisle and some parking along the south side of Lot 9 (proposed lots 9c and 9d)



COMPREHENSIVE PLAN FURTHERANCE

The property is in the Established Urban Area as defined in the Comprehensive Plan. Approving the current application will further the following portions of the Comprehensive Plan

Goal II.B.5, applying to Developing and Established Urban Areas. *“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 further development of McMahan Marketplace in accordance with this application will move the property closer to completion. From its inception over ten years ago, McMahan Marketplace and its developers have demonstrated a commitment to quality construction, the provision of businesses that add value to the community as well as consistently professional management. In particular, the applicant has committed to staying in frequent contact with leaders of adjacent neighborhoods while being responsive to their concerns and requests while also enforcing higher than required standards upon the businesses within McMahan Marketplace in order to maintain an attractive appearance.

This next phase, particularly with the pedestrian connections of Lots 4 and 5 with each other and McMahan Boulevard and the completion of the pedestrian path on the south side of Lot 9, will further the pedestrian connectivity of McMahan Marketplace’s multiple lots as well as McMahan Marketplace’s connection to the adjoining neighborhoods. Those same connections may be used for bicycle connectivity. Together with the vehicular connectivity that is enhanced by providing a more direct connection between Finland and Unser Boulevard (along the south side of Lot 9) as well as direct vehicular connectivity over Lots 4, 5 and 6a (connecting Lots 3 and 7a), approving this application will further the integration of this community and increase the variety and choice of work areas and life styles. The refined architectural standards, unique freestanding signs and innovative architecture will help to further create a visually pleasing built environment.

Policy a: The Developing urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Possible Techniques

- 3. Control through zoning and subdivision review processes.* This Possible Technique is employed as this EPC / DRB process, complete with community input, has controlled the zoning and subdivision of McMahan Marketplace.
- 6. Assess fees on new development to help maintain a major open space acquisition fund.* This Possible Technique is employed here as this new development will generate fees to the City in the form of building permit fees, impact fees, gross receipts taxes paid to contractors, increased real estate tax assessments as well as gross receipts taxes generated by the businesses of McMahan Marketplace.

7. *Include performance clauses in the Subdivision and the Zoning Ordinance which invalidates plans if construction has not begun within a specified period of time.* This Possible Technique is applicable to McMahan Marketplace.

Policy 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. Approval of this application would further this policy because it incorporates several suggestions provided by the neighboring community, including their request that the pedestrian / bicycle path along the southern side of Lot 9 be completed at this time as opposed to awaiting the development of the buildings on proposed Lots 9.c and 9.d. Additionally, the design of McMahan Marketplace respects existing environmental conditions and carrying capacities by generally adhering to the site's south to north downgradient flow, making use of retention / detention ponds along McMahan in combination with the City of Albuquerque stormwater waste connection. Each portion of the Site Plan for Building Permit is designed specifically to respect our scenic resources. The quick-serve restaurant on Lot 4 will have an exterior patio with west to east views, allowing customers to enjoy looking at the volcanoes and the Sandia Mountains. The patio on the north edge of the building to be constructed on Lot 5 is specifically designed to be northeasterly oriented, so as to allow patrons to enjoy the vista of the Sandia Mountains. The initial tenant of that northern endcap will be Tractor Brewing; their customers will be shielded from the sun by the building during Tractor's peak afternoon hours. The pedestrian / bicycle connection to be constructed along the south side of Lot 9 respects the community's recreational concern by allowing for exercise and functional multimodal connection.

Possible Techniques

1. *Use environmental impact analysis and design criteria in the development review process for infrastructure development and for building siting and design.* McMahan Marketplace employs this technique because there are architectural standards incorporated into the Site Plan for Subdivision and because, in accordance with the 2007 EPC approval, over \$1,000,000 of offsite and onsite infrastructure was completed at the sole, private cost of the owners of McMahan Marketplace.
3. *Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.* Although most contact between the developers of McMahan Marketplace and its adjoining neighbors has been voluntary and consistent, this Possible Technique has been employed by the City through the use of facilitated meetings and the notifications required pursuant to EPC and DRB applications.
6. *Shape and manage development by: subdivision and re-subdivision* This Possible Technique is being employed because the shape and development of McMahan Marketplace is partially guided by the City of Albuquerque requirements for subdividing and re-subdividing portions of it.

Policy 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. Approval of the application would further this policy because this development would occur within McMahon Marketplace, where all of the City-required offsite and onsite infrastructure has been completed. The integrity of the existing neighborhoods has been ensured by continual neighborhood involvement, the architectural standards and the EPC / DRB public processes.

Policy g: Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate. Approval of this application would further this policy because, as described above, the development of McMahon Marketplace has generally adhered to the south to north downgradient flow of the land underlying it. Also, the pedestrian / bicycle path on the south side of McMahon Marketplace enhances trail connectivity.

Policy 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. Approval of this application would further this policy because McMahon Marketplace, with its long-established zoning and mix of uses, is a logically positioned commercial development that compliments the adjoining residential neighborhoods. Its businesses provide the type of daily uses sought by residents which (to a decreasing extent as McMahon Marketplace and other developments come to fruition) nearby residents have often needed to travel further to get than residents in more thoroughly developed portions of the City. City ordinances exist with respect to noise, lighting and pollution, but the design of McMahon Marketplace helps to minimize their adverse effects by affording the public review of the Site Plan for Subdivision (including its architectural standards) and the Site Plan for Building Permit. McMahon Marketplace has ameliorated the adverse effects of traffic on the residential environment by making traffic improvements such as the deceleration lane from northbound Unser Boulevard into Lot 1, the deceleration lane from eastbound McMahon Boulevard into Lots 4 and 5, the cul-de-sac at the southeast corner of Lot 9, the left turn stacking lane from westbound McMahon onto southbound Fineland and the traffic light installed at the intersection of McMahon Boulevard and Fineland Drive (although the City has refused so far to turn on the traffic light despite numerous requests by the neighborhoods). All of the foregoing improvements were completed by the owners of McMahon Marketplace with private funds and no public financial assistance whatsoever.

Possible Techniques.

5. *Provide opportunity for neighborhood review and comment on site plans by notifying recognized neighborhood associations of site plan proposals in accordance with the City Neighborhood Recognition Ordinance 92.* Each application by the owners of McMahon Marketplace for considerations by the EPC, DRB and (in some cases, with respect to Administrative Amendments) the City staff have employed this Possible Technique.

Policy i. Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- *In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.*
- *In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.*

Although it is debatable whether McMahon Marketplace falls into the category of a “small neighborhood-oriented center” or a “larger area-wide shopping center”, approving this application would allow for new commercial development to occur in an existing commercially zoned area that provides pedestrian and bicycle access within reasonable distance of residential areas but which is also at the intersection of arterial streets with access to mass transit.

Policy k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation. Approval of the application would further this policy because the above-described offsite traffic enhancements made by the owners of McMahon Marketplace have reduced the harmful effects of traffic in and around McMahon Marketplace while increasing the traffic safety of the established residential neighborhoods near McMahon Marketplace.

Policy l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area. The design standards set forth in the Site Plan for Subdivision have been enforced and have resulted in quality, innovative design. The current application seeks to expand the pallet of design types available to McMahon Marketplace while ensuring an adherence to a modern Northern New Mexico design theme.

Policy m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged. As discussed above, the orientation of the patios for the buildings to be constructed on Lots 4 and 5 allow for sweeping views of the volcanoes on the west over to the Sandia Mountains on the east while the pedestrian and bicycle users on the path along the south side of Lot 9 will enjoy the same wide views.

Possible Techniques

1. *Improve Zoning Ordinance and Subdivision Ordinance design standards, and apply design through their site design review processes.* This Possible Technique has applied to McMahon Marketplace through the application of the Subdivision Ordinance, the application of the development’s design criteria and the design review process inherent in the EPC, DRB and (with respect to some Administrative Amendment requests) City staff review processes.

Policy n: Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured. This policy would be furthered by an approval of the application because a strange, northwesterly running diagonal parcel line between the land of the previous owners of McMahon Marketplace (Mark Pardo Gonzales

and Dr. Jeffery Fine) will, to the extent it currently separates Lots 5 and 6a, will be eliminated and replaced with a more functional, "squared-up" parcel line. That old diagonal line was the result of where roads were once planned, but was leftover even when the actual roads which went in were placed differently.

II.C.1: Air Quality: The Goal is to improve air quality to safeguard public health and enhance the quality of life. The further development of McMahon Marketplace will bring goods and services closer to where residents are, which will reduce the distance they need to travel by automobile to get those goods and services. Consequently, that will improve air quality and enhance the quality of life for those in our community.

Policy b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services. This policy would be furthered by an approval of this application because the pedestrian / bicycle pathways within McMahon Marketplace, especially the path to be created along the south side of Lot 9, improve the balance of the transportation system by significantly increasing the opportunity for the community to use bicycles as transportation and to walk to and from their destination(s).

Possible Techniques

2. *Encourage mixed use and infill development, where appropriate, which integrates residential, commercial and industrial uses for a better employment-housing balance.* Approval of this application would employ this technique because it would allow for the infill of a portion of the undeveloped land within McMahon Marketplace, which itself is infill development because it is not at the edge of urban growth. The businesses that will occupy the buildings in this next phase of McMahon Marketplace will employ residents of the community who will then not need to travel as far to their employment.
6. *Stage development to match road network and transit system capacity.* Approval of this application would employ this technique because the offsite infrastructure for McMahon Marketplace, including the adjacent road network, is complete.
8. *Reduce traffic generation by minimizing travel distance to work and maximizing public transit or industry sponsored transportation.* Approval of this application would employ this technique because the commercial enterprises that will exist in the development will provide employment to members of the community who will then not have to commute as far to their place of work.

Policy c: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds. This policy is furthered at McMahon Marketplace due to the appropriate placement of curb cuts, the provision of deceleration lanes and the provision of the new traffic signal at McMahon and Fineland.

Possible Techniques

1. *Expand the City's synchronized, computer controlled traffic signal system.* This possible technique has been employed because the traffic signal installed with the

private funds of the developers of McMahon Marketplace is available to be part of the City's synchronized, computer controlled traffic signal system.

5. *Require analysis for traffic effects upon streets and major intersections.* This technique is employed with respect to this application because a Traffic Impact Analysis was conducted in 2007 as part of the applications for McMahon Marketplace and the data for it was updated by the same engineer simultaneous with this application in order to create a Warrant Study with respect to the traffic signal at McMahon and Fineland (which the City required the developers of McMahon Marketplace to install in 2013 at a cost of over \$100,000 but which the City has refused to turn on since its installation).

Policy d: Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs. Approval of this application would further this policy because the bicycle and pedestrian connectivity provided within, and crossing through, McMahon Marketplace increases the availability of means of transportation other than automobiles. Meanwhile, the offsite infrastructure installed by the developers of McMahon Marketplace without public financial assistance expanded the adjoining roadway capacity.

Possible Techniques:

3. *Develop a transportation systems management plan requiring all major development to mitigate adverse traffic and air quality effects by incorporating trip reduction measures into all development plans.* Approval of this application would employ this technique because the pedestrian and bicycle connectivity provided within McMahon Marketplace, including the path along the south side of McMahon Marketplace, is a vehicular traffic trip reduction measure because it enhances the modes of bicycle and pedestrianism as alternate forms of travel.

4. *Encourage bicycle use for commuter and shopping trips as well as for recreation.* Approval of this application would employ this technique because it will result in additional bicycle pathways.

Policy i. Air quality considerations shall be integrated into zoning and land use decisions to prevent new air quality / land use conflicts. By resulting in the provision of goods and services closer to residents (reducing vehicular trips) and also by providing paths for means of travel other than automobile, approval of this application would further this policy.

II.c.3: Solid Waste: *The Goal is an economical and environmentally sound method of solid waste disposal which utilizes the energy content and material value of municipal solid waste.* Approval of this application would further this Goal because the frequent, modern and accessible refuse containers will create an economical and environmentally sound method of solid waste disposal within McMahon Marketplace.

Policy a: Planning and implementation of more efficient and economical methods of solid waste collection shall be continued. Approval of this application would further this policy

because the enclosed and accessible refuse containers will create an efficient and economical method of solid waste collection within McMahon Marketplace.

Policy c: Illegal dumping shall be minimized. Approval of this application would further this policy because the additional buildings will supplant vacant land where illegal dumping is a problem and provide extra activity within McMahon Marketplace, which will result in more “eyes on the street” and, therefore, less likelihood of illegal dumping on the remaining vacant land within McMahon Marketplace.

II.c.4: Noise: *The Goal is to protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.*

Policy a: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented. Approval of this application would further the above-referenced Goal as well as this policy because the uses that have more potential for generating noise which could bother residents will front onto the streets of Unser and McMahon. Conversely, no drive-thru uses are planned within Lot 9.

Possible techniques:

- 3. Utilize non-noise sensitive land uses to separate sensitive uses.* This possible technique is employed because, although the buildings on Lot 9 on the proposed Site Plan for Subdivision amendment are conceptual, no further drive thru uses will be available (and drive thru uses would not practically work) for any of the proposed lots to be subdivided from Lot 9. Since those lots are closest to the residences and are situated between the residences and the more auto-intense uses along McMahon, approval of this application would provide for non-noise sensitive land uses separating sensitive uses.

II.c.6: Archaeological resources: *The Goal is to identify and manage or acquire significant archaeological and paleontological sites for research, education, economic, and/or recreation use.* Approval of this application furthers this goal because a Certificate of No Effect was already issued for McMahon Marketplace on 3/10/09 by Planning Director Richard Dineen.

Policy a: A proactive program for identifying and evaluating archaeological and paleontological sites and items in the metropolitan area shall be undertaken. This policy would be furthered by approval of this application because, proactively, the City and the applicant already have ensured that McMahon Marketplace was evaluated to ensure that it was not a significant archaeological or paleontological site.

Possible Techniques:

- 4. Require archaeological clearance surveys in identified areas proposed for development.* This technique has been employed with respect to McMahon Marketplace because the above-referenced Certificate of No Effect was issued.

II.c.8: Developed Landscape: *The Goal is to maintain and improve the natural and the developed landscapes' quality.* Approval of this application would further this goal because the proposed development, governed by design standards specific to McMahon Marketplace, will feature unique architecture, appropriate landscaping and uses placed onto the

properties in such a way as to allow for citizens' enjoyment of the community's attractive vistas.

Policy a: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions. Approval of the application would further this policy because the orientation of the patios on the buildings proposed on Lots 4 and 5, as well as the pedestrian / bicycle pathway along the south side of Lot 9, allow visitors to McMahon Marketplace to enjoy the vistas of the volcanoes to the west and the Sandia Mountains to the east.

Policy d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate. Approval of this application would further this policy because McMahon Marketplace adheres to landscaping requirements which are appropriate to the land area and our community's climate.

II.D.1: Service Provision: *The Goal is to develop and manage use of public services/facilities in an efficient and equitable manner and in accordance with other land use planning policies.* Approval of this application would further this Goal because it would result in development of land where no new infrastructure is required to be extended. Offsite improvements for McMahon Marketplace are already complete.

Policy c: The existing public service area should be highest priority for service, capacity, use, maintenance, and rehabilitation. Approval of this application would further this policy because McMahon Marketplace is an existing public service area.

II.D.4: Transpiration and Transit: *The Goal is to develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.* Approval of this application would further this goal because it will bring McMahon Marketplace's pedestrian and bicycle connectivity, including the path along the south side of Lot 9, to fruition.

Policy d: The frequency of driveways along principal and minor arterial streets will be reduced when possible, toward a spacing frequency of one or two drives per 300 feet of frontage on principal arterials, and one or two drives per 200 feet on minor arterials. Approval of this application would further this policy because McMahon Marketplace's spacing of driveways complies with the policy's standards.

Policy g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions. This policy would be furthered by an approval of this application because the pedestrian and bicycle connectivity of the community will be enhanced by McMahon Marketplace's pathways, including that along Lot 9's south side.

Policy o: Peak hour demands on the circulation system should be decreased. This policy would be furthered by approval of this application because an increase in businesses at

McMahon Marketplace will offer expanded employment opportunities to nearby residences, which will decrease demands on the traffic circulation system of the community.

II.d.6: Economic Development: *The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.* Approval of this application would further this goal because the businesses occupying McMahon Marketplace will offer a variety of employment opportunities.

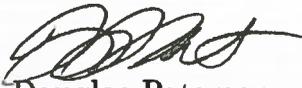
II.d.9: Public Safety: *The Goal is to develop a safe and secure community in cooperation with the public and other governmental agencies.* This goal would be furthered by approval of this application because the presence of additional businesses will increase the number of “eyes on the street”, will reduce vehicle travel time for nearby residents and will reduce the amount of vacant land that is used for illegal dumping, off-road vehicles and other nefarious activities.

Policy d: Emergency and routine crime prevention efforts shall be continued and improved. Approval of this application would further this policy because the orientation, accessibility and lighting provided as part of the development will reduce opportunities for criminal activity to negatively impact the businesses within McMahon Marketplace.

CONCLUSION

Thank you for reading this letter and considering this application. I believe that the thought, follow-through and resources that my companies and our predecessors at McMahon Marketplace have put into the steady and appropriate build out of the development is exemplary. We wish to thank the nearby residents and their community leaders for the frequent, candid and productive contact that we’ve had over the years and that we look forward to maintaining.

Sincerely,


Douglas Peterson

NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

***PLEASE NOTE:** The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office.

December 22, 2016

Martin Grummer Architect
Peterson Properties
331 Wellesley Pl. NE
265-2507 (o & fax)
mgrummer@centurylink.net

Dear Martin:

Thank you for your inquiry requesting the names of ALL Neighborhood and/or Homeowner Associations who would be affected under the provisions of *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* by your proposed **[EPC Submittal]** project recorded as **[Lots 4, 5, 6a, 9, Plat of McMahon Market Place]** located on **[5730 McMahon Blvd. NW between Unser & Fineland]** zone map **[A-11]**.

This correspondence serves as your "Developer Notification Letter" from the Office of Neighborhood Coordination, and must be included as part of your application. Please see "ATTACHMENT A" for a list of NA's / HOA's that must be contacted regarding this submittal.

Please note that according to Section *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* you are required to notify both of these contact persons by **certified mail, return receipt requested**, before the Planning Department will accept your application. Please see Page 2 of this letter for additional requirements. If you have any questions about the information provided please contact our office at (505) 924-3914 or ONC@cabq.gov

Sincerely,
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

ATTACHMENT A

TUSCANY N.A. (TUS) "R"

***Harry Hendriksen** e-mail: HLHen@comcast.net

10592 Rio del Sol NW/87114 890-3481 (h)

Janelle Johnson

P.O. Box 6270/87197 344-0822 (o)

NA E-mail: tuscanylandscape@me.com

Council District: 5&County

County District: 4

Police Beat: 613/NW

Zone Map: A-11,12

WESTSIDE COALITION OF N.A.'S

Harry Hendriksen, 10592 Rio Del Sole Ct. NW/87114-2701 890-3481 (h) e-mail: hlhen@comcast.net

Rene Horvath, 5515 Palomino Dr. NW/87120 898-2114 (h) e-mail: aboard10@juno.com

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

DEC 27 2016
McMahon

Postage \$	BY: _____
Certified Fee	Routed to: _____
Return Receipt Fee (Endorsement Required)	CC: _____
Restricted Delivery Fee (Endorsement Required)	_____
Total Postage & Fees \$	_____

Sent to **TUSCANY N.A. (TUS) "R"**
Harry Hendricksen
Street & Apt. No. _____
or PO Box No. **1592 Rio Del Sol NW**
City, State, ZIP+4® **Albuquerque, NM 87114**

See Reverse for Instructions

7014 2120 0003 1554 4731

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

DEC 27 2016
McMahon

Postage \$	BY: _____
Certified Fee	Routed to: _____
Return Receipt Fee (Endorsement Required)	CC: _____
Restricted Delivery Fee (Endorsement Required)	_____
Total Postage & Fees \$	_____

Sent to **Janelle Johnson**
Street & Apt. No. _____
or PO Box No. **Box 6270**
City, State, ZIP+4® **Albuquerque, NM 87197**

See Reverse for Instructions

7014 2120 0003 1554 4731

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage Certified Fee \$ **DEC 27 2016** *McMahon*

BY: _____ Postmark Here

Return Receipt Fee (Endorsement Required) Routed to: _____

Restricted Delivery Fee (Endorsement Required) CC: _____

Total Postage & Fees \$ _____

Sent To **Westside Coalition of Neighborhood Associations**

Harry Hendricksen

Street & Apt. No. _____

or PO Box # **0592 Rio Del Sol NW**

City, State, ZIP+4® **Albuquerque, NM 87114**

PS Form 3800, July 2014 See Reverse for Instructions

2014 1220 0003 1554 4724

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage Certified Fee \$ **DEC 27 2016** *McMahon*

BY: _____ Postmark Here

Return Receipt Fee (Endorsement Required) Routed to: _____

Restricted Delivery Fee (Endorsement Required) CC: _____

Total Postage & Fees \$ _____

Sent To **Rene Horvath**

Street & Apt. No. **5515 Palomino Dr. NW**

or PO Box No. _____

City, State, ZIP+4® **Albuquerque, NM 87120**

PS Form 3800, July 2014 See Reverse for Instructions

2014 1220 0003 1554 4725

1005280



Legend

- Bernalillo County Parcels
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map



1:3,845

0.1 Miles
0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Albuquerque
1/5/2017

Notes

Buffer: 264 ft.
McMahon Blvd. 164 ft + 100 ft.

This map is a user generated static output from www.cbq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 1/25/2017 To 2/9/2017

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[Signature] (Applicant or Agent) 28 DEC 16 (Date)

I issued 2 signs for this application, 1/28/17 (Date) KYM DILONE (Staff Member)

PROJECT NUMBER: 1005200

Neighborhood Notification Letters Must Include the Following:

Prior to filing an application with the Planning Department, all applicants requesting approvals through the Environmental Planning Commission (EPC), Development Review Board (DRB), Landmarks & Urban Conservation Commission (LUCC), or approval of a Wireless Telecommunication Facility (WTF) are required to notify any affected neighborhood and/or homeowner associations via certified mail.

1. The street address for the subject property;
2. The currently recorded legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision;
3. A physical description of the location, referenced to streets and existing land uses;
4. A complete and detailed description of the action(s) being requested;
5. ***** NEW*** Facilitated Meeting Information** -- All notification letters must include the following text:

Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at ONC@cabq.gov or by phone at (505) 924-3914.

A facilitated meeting request must be received by ONC by: **January 9, 2017.**

Neighborhood Notification Checklist

The following information must be included for **each** application packet submitted to the City of Albuquerque Planning Department.

1. ONC's "Developer Notification Letter" outlining any affected Neighborhood and/or Homeowner Associations.

*Note: If your ONC letter is more than 30 days old, you must contact ONC to ensure that the contact information is still current.

2. Copies of Letters sent to any affected Neighborhood and/or Homeowner Associations.
3. Copies of certified receipts mailed to any affected Neighborhood and/or Homeowner Associations.

Any questions, please feel free to contact our office at (505) 924-3914 or ONC@cabq.gov.

Thank you for your cooperation on this matter.

(ONC use only)

Date Processed: 12/22/16 ONC Staff Initials: DC

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

Project #: 1005280
Property Description/Address: 5730 McMahon Blvd NW

Date Submitted: January 13, 2017
Submitted By: David Gold

Meeting Date/Time: January 11, 2017, 6:00-7:00 PM
Meeting Location: Northwest Area Substation
Facilitator: David Gold
Co-facilitator: None

Parties:

- ◆ **Applicant**
 - Peterson Properties
- ◆ **Neighborhood Associations/Interested Parties:**
 - Tuscany NA (TNA)

Meeting Summary:

The applicant has two applications that comprise one project:

- 16EPC-40080 Site Development Plan for Building Permit
- 16EPC-40081 Amended Site Development Plan for Subdivision

The Site Plan for Subdivision to make more parcels and alter architectural standards. The Site Development Plan for Building Permit is to create a quick service restaurant, multitenant building, parking, trail and road improvements.

The plans were well received by the neighborhood association representative and the small meeting was extremely positive.

External issues were brought up:

- The traffic light on McMahon and Fineland is needed.
- It is difficult for a neighborhood association to adopt an “inside street”.

Outcome:

- Areas of Agreement
 - Attendees were extremely supportive of the project.
 - A series of points were brought up by the attendees (details below) that were well received by the Applicant.
- Unresolved Issues & Concerns
 - The hours of operation for the Starbuck’s and concern about noise from drove-in speakers at night.
- Suggested Alternatives
 - None

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

Meeting Specifics – Overview of Project from Applicant

1. General

- 1.1. The Applicant gave a brief presentation as the Attendees were already familiar with the project and the application.
- 1.2. The project involves amending the site plan for McMahon Marketplace to create build a quick service restaurant (Starbuck's), and multi-tenant building.
 - 1.2.1. The first tenant for the multi-tenant building is a taproom.
 - 1.2.2. Parking will be built to the east.
- 1.3. The Application includes:
 - 1.3.1. 16EPC-40080 Site Development Plan for Building Permit
 - 1.3.2. 16EPC-40081 Amended Site Development Plan for Subdivision
- 1.4. The Site Development Plan for Subdivision will be modified to create more parcels and do some changes to architectural standards.
- 1.5. The Site Development Plan for Building Permit includes the Starbucks and multitenant buildings, parking, a path and street on the south side of the development.
 - 1.5.1. These are in lots 4, 5, 6a, 9c and 9d.

2. History

- 2.1. The family has been involved in the property since 2005.
- 2.2. They wanted to build a Walgreens but it ended up across the street.
- 2.3. The corner became a CVS 2-3 years later.
- 2.4. Fours years ago they built McDonald's and completed infrastructure.
- 2.5. They built Anytime Fitness. Then acquired the property in McMahon Marketplace except CVS and Taco Bell.
- 2.6. The family is a New Mexico family, is part of the community, and is "here to stay".

Meeting Specifics – Discussion With Neighbors

3. Amended Submittal

- 3.1. The submittal will be amended.
 - 3.1.1. Starbuck's submitted a new architectural element. It does not match the existing standards.
 - 3.1.2. The new multitenant building was designed to be a tie in between the Starbucks standards and the existing ones.
 - 3.1.3. The Attendees looked at a picture and agreed that the new architectural element was agreeable and would have good "curb appeal".
 - 3.1.4. It is possible there will be other amendments. These will be communicated.

4. Additional Drive-thru

- 4.1. The site plan will be amended to include an additional drive-thru for Starbucks.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- 4.1.1. Currently 3 drive-thrus are allowed.
- 4.1.2. This would add one more.
- 4.2. The Attendees stated the additional drive-thru was agreeable.

5. Tuscany Points

Much of the meeting centered around a list of points presented by Harry Hendrickson for TNA. The italics show the points that were presented. Discussion follows.

- 5.1. *Two (2) bollards installed at the entrance of the trail/path on West side of the Cul-de-sac (Rio Del Sole Ct.) to Unser. The bollards will keep vehicles from driving in or out of the subdivision.*
- 5.2. *Install large rocks on either side of the trail/path on the West Side of the Cul-de-sac to deter drivers from driving down the path (around bollards).*
 - 5.2.1. The Applicant felt these topics were good idea and would be included.
- 5.3. *About 8 feet (8) around the top of the Cul-de-sac is not shown on the diagrams as being landscaped to the back of the curb on Rio Del Sole Ct. NW*
 - 5.3.1. The Cul-de-sac is currently dirt.
 - 5.3.2. The Applicant stated that it will be landscaped.
- 5.4. *Screening: The screen wall between the subject site and the subdivision to the south shall be 6 feet from top to grade as shown in the detail on the site development plan for subdivision. This wall will be a buffer to deflect the parking lot lighting (16 ft. high) and also noise coming from the parking lot, the drive through speakers and restaurant. The wall will affect 7 homeowners along the South border of the property. (6 will be affected by the Taco Bell).*
 - 5.4.1. It is not known who owns the fence, the Applicant or the neighbors.
 - 5.4.2. The Applicant stated that they will increase the size of the fence as specified.
 - 5.4.2.1. If the fence is owned by the neighbors the Applicant will increase the height with their permission.
 - 5.4.2.2. If it is the Applicant's fence they will increase the height.
 - 5.4.2.3. It was noted that the site development plan requires this.
- 5.5. *Do not see any benches for the new development. CVS has two benches, McDonalds as 3 Tables. Strip mall has closed in area with tables.*
 - 5.5.1. There will be benches for the two new buildings.
 - 5.5.2. Section A.1.A of the site plan requires an 8x3 outside area. These will be part of the new buildings.
 - 5.5.3. Benches will be non-permanent.
 - 5.5.4. Staff also asked for the number of seats and plans to do an analysis.
- 5.6. *Each commercial parcel developed shall be required to have 300 sq. ft. for Non-Restaurant uses.*
 - 5.6.1. Applicant will put in 2 patios. One for the taproom and one for Starbucks.
 - 5.6.2. Applicant will put in a railing but there will also be 300 sq' outside. This will be available even if people don't buy anything.
- 5.7. *Landscape area to be mulched with gravel at 2-3 inch depth over fiber fabric. Specify the color of the landscape gravel as Santa Fe Brown.*

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

- 5.7.1. An attendee noted that the Santa Fe Brown gravel had recently been installed at McDonald's and looked good.
- 5.8. *Starbucks - I like the Community - "The Third Place" idea, it looks very cozy and inviting. I do like the proposed change.*
 - 5.8.1. Attendee reiterated support of this idea.
- 5.9. *Additional pylon signs would be wise for development of the rear parcels as long as it is compliant with the City of ABQ guidelines.*
 - 5.9.1. Two pylon signs will be increased in height. One will be added. They will be within the City guidelines for C-1.
 - 5.9.2. Incorporates brick and cornice elements.
 - 5.9.3. Attendees supported this change.
- 5.10. *Shade for patio at Starbucks and brewery. Starbucks has North / West exposure. West exposure needs some sort of shade, umbrellas etc. Brewery has North / East exposure, so building will shade the patio.*
 - 5.10.1. An attendee pointed out that the design guideline requires 30% shading, and asked how this would be met.
 - 5.10.2. There will be shade for the patio at Starbucks and the brewery.
 - 5.10.2.1. Starbucks has North / West exposure. West exposure needs some sort of shade, umbrellas etc.
 - 5.10.2.2. The brewery has North / East exposure, so building will shade the patio during expected operating hours.
- 5.11. *Landscape watering on lots 9c and 9d? Number 14 on plans A1.1 show water at the entrance of Fineland and the SE corner of subdivision, also water running through the interior.*
 - 5.11.1. There is water on the southwest side of 9.3 and a water line running north-south.
 - 5.11.2. Water can be separately metered for landscaping and there will be water for it.

6. Starbucks Hours

- 6.1. Concern was expressed about the possible hours of Starbucks.
 - 6.1.1. The concern was specifically that the speakers from the drive-in could make noise at night.
 - 6.1.1.1. This could negatively impact residents to the south.
 - 6.1.1.2. It might be mitigated somewhat by future buildings to the south.
 - 6.1.2. The Applicant stated they would find out the intended hours of operation for the drive-thru.

7. Drainage

- 7.1. An attendee asked if the drainage will be a pond like the current McDonald's.
- 7.2. The Applicant stated that the plan now is to do underground storm drainage.
 - 7.2.1. They might pipe from the McDonald's pond to a new pond or run into storm drainage.
- 7.3. Attendee were satisfied with the future drainage.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM

PROJECT MEETING REPORT

8. Traffic Control

- 8.1. Attendees noted that this will be a pedestrian facility in an area with heavy vehicular traffic.
- 8.2. They appreciated the traffic control and pedestrian design.

9. Traffic Light

- 9.1. An attendee asked if the traffic light at McMahan and Fineland would be used.
 - 9.1.1. It was noted that there will now be new pressure from the new buildings as well a senior center across the street.
- 9.2. The Applicant stated that they had put in the light five years ago and hoped it would be used.
 - 9.2.1. They are in the process of doing a warrant study.

10. Criteria For Landscape Adoption

- 10.1. An attendee stated that they wanted the association to possibly adopt the landscaping on the traffic circle to the southwest.
 - 10.1.1. The City apparently has no criteria for adopting landscaping along streets that “inside streets”. This is viewed as discouraging participation of neighborhood association.

11. Poll of Attendees

- 11.1. The attendees were enthusiastic and positive about the proposal.
 - 11.1.1. They feel will enhance the community.
 - 11.1.2. They like the walkability.
- 11.2. Attendees also stated they appreciated the good communication with the Applicant.

Next Steps: (see below)

Action Plan:

- Applicant will find out hours of Starbucks.

Action Items: (no additional).

Application Hearing Details:

1. Hearing scheduled for February 9, 2016
2. Hearing Time:
 - a. The Commission will begin hearing applications at 8:30 a.m.
 - b. The actual time this application will be heard by the Commission will depend on the Applicant’s position on the Commission’s schedule
3. Hearing Process:
 - a. Comments from facilitated meetings will go into a report, which goes to the City Planner.
 - b. City Planner includes facilitator report in recommendations.

CITY OF ALBUQUERQUE
LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

- c. The Commission will make a decision and parties have 15 days to appeal the decision.
- 4. Resident Participation at Hearing:
Written comments must be received by January 31 to be included in the planners report, and may be sent to: Vicente Quevedo 505-924-3357 vquevedo@cabq.gov, 600 2nd St., 3rd floor, Albuquerque, NM, 87102
OR
Peter Nichols, Chair, EPC, c/o Planning Department, 600 2nd St., 3rd floor, Albuquerque, NM, 87102

Names & Affiliations of Attendees:

Harry Hendriksen	TNA
Janelle Miller Johnson	TNA
Brecken Mallette	Applicant
Douglas Peterson	Applicant
Martin Grummer	Applicant

SITE PLAN REDUCTIONS

ADDITIONAL STAFF INFORMATION