

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

November 13, 2015

Longs Peaks LLC
c/o Kleinfeld Commercial Brokerage
P.O. Box 37438
Albuquerque, NM 87176

Project# 1010581
15EPC-40045 Zone Map Amendment (Zone Change)
15EPC-40046 Site Development Plan for
Building Permit

LEGAL DESCRIPTION:

For Tract A-1, Block L, Cenaroca Subdivision, zoned C-1 to SU-1 for C-1 Uses to include the Retail Sale of Beer and Wine for On and Off-Premises Consumption, located on Tramway Blvd. NE, between Cloudview Ave. NE/Encantado Rd. NE and Skyline Rd. NE, containing approximately 2.1 acres. (K-23)
Staff Planner: Catalina Lehner

On November 12, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010581/15EPC-40045, a Zone Map Amendment (Zone Change) and 15EPC-40046, a Site Development Plan for Building Permit, based on the following findings and subject to the following conditions of approval:

Albuquerque

FINDINGS-15EPC-40045, Zone Map Amendment:

1. The subject request is for a zone map amendment (zone change) for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre developed site located on the east side of Tramway Blvd., between Cloudview Avenue NE/Encantado Rd. NE and Skyline Road NE (the "subject site").
2. The zone map amendment request is for a change from C-1 to SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption in order to allow a restaurant associated with a beer and wine license. The off-premise consumption is desired to allow the sale of growlers.
3. An as-built site development plan for building permit (15EPC-40046) accompanies the zone change request.
4. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. No sector development plans apply.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

Project #1010581

November 12, 2015

Page 2 of 7

6. The subject request furthers the following, applicable Comprehensive Plan Goals:
 - A. **Established Urban Goal.** The proposal would generally contribute to variety and maximum choice in the area, particularly with respect to life style. The proposed restaurant could function as a neighborhood gathering area and stop for those using the trail along Tramway Blvd. and/or Route 66 (bicyclists), thereby perpetuating the identity of the area as an identifiable recreation corridor area.
 - B. **Noise Goal.** The proposed restaurant would occupy space inside of an existing shopping center. Since the proposed patio is not allowed (see Zoning section of this report), it is unlikely that the proposed use would create a land use/noise conflict that would adversely affect nearby residences.

7. The subject request furthers the following Comprehensive Plan policies pertaining to land use:
 - A. **Policy II.B.5a-** full range of urban land uses. The proposal would result in a new urban land use in the area, a restaurant, and would therefore contribute to a full range of urban land uses in the area.
 - B. **Policy II.B.5i-** employment and service uses/siting and effects. The proposal would facilitate development of a restaurant at the northwestern corner of an existing shopping center. The restaurant would be inside of an existing building, which would help minimize adverse effects of noise, lighting and pollution on the nearby single-family homes. The entrance to the shopping center is before the neighborhood begins and, since the patio is not allowed (see Zoning section of this report), it is unlikely that the proposed use would adversely affect nearby residences.
 - C. **Policy II.B.5k-** land adjacent to arterial streets. Tramway Boulevard is a Regional Principal Arterial. It is also limited-access. The existing shopping center is accessed from a single entry on Cloudview Avenue NE, which is before the land use pattern turns into single-family homes. Therefore, traffic would turn into the shopping center and not into the neighborhood.

8. The subject request furthers the following Goal and policies pertaining to Economic Development:
 - A. **Economic Development Goal.** The proposal generally contributes to achieving diversified economic development in the area, where there is little available commercial land. The proposed use would be small-scale and would fit into the existing neighborhood shopping center, and therefore would not disrupt the social and recreational characteristics that define the area.
 - B. **Policy II.D.6c-**business development/ recruitment. The proposed restaurant use would constitute development of a local business enterprise.

9. The applicant has adequately justified the sector development plan map amendment (zone change request pursuant to Resolution 270-1980 as follows:
 - A. **Section 1A:** The zone map amendment is consistent with the health, safety, morals and general welfare of the City because it will further a preponderance of applicable Goals and policies from the Comprehensive Plan, and will clearly facilitate realization of that Plan. Because th

OFFICIAL NOTICE OF DECISION

Project #1010581

November 12, 2015

Page 3 of 7

- change is to the SU-1 zone, the higher standard of “clearly facilitates” found in Section 1J, applies. It has been sufficiently addressed in the response to Section 1C.
- B. Section 1B: The applicant discussed the uses allowed by the proposed zoning in the response to Section 1E and has demonstrated that they would not adversely affect stability of land use and zoning in the area. As shown in the responses to Sections 1C and 1D, the zone map amendment is justified pursuant to R270-1980.
- C. Section 1C: For a zone change to an SU-1 zone, the test under Section 1C is linked to the test under Section 1I—whether or not the request “clearly facilitates” realization of the Comprehensive Plan or other applicable Plan. Overall, Staff finds that the request clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan as the applicant has demonstrated.
- D. Section 1D: A different use category is more advantageous to the community (3) as articulated in the Comprehensive Plan. The policy-based discussion in the response to Section 1C demonstrates that the proposed zoning would be more advantageous to the community than the current zoning because it clearly facilitates applicable Goals and policies in the Comprehensive Plan.
- E. Section 1E: The applicant lists each use in the C-1 zone and explains how the proposed zone change would affect it, and why. The standard, possible uses are discussed to show that they would not be harmful to adjacent property, the neighborhood or the community.
- F. Section 1F: The zone change requires no major or unprogrammed capital expenditures by the City in order to be developed.
- G. Section 1G: Economic considerations pertaining to the applicant are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request.
- H. Section 1H: The subject site’s location is not being used, in itself, as justification for the request. The request is adequately justified based on the responses to Sections 1C and 1D.
- I. Section 1I: The SU-1 zone is a spot zone by definition because it is tied to a unique site development plan for a single site. The applicant has shown, based on the discussion in Section 1C and Section 1D, that the request clearly facilitates applicable Goals and policies in the Comprehensive Plan and therefore is a justifiable spot zone.
- J. Section 1J: The subject site constitutes a “strip of land along a street”. However, it has been demonstrated that overall the request would clearly facilitate realization of the Comprehensive Plan and, for that reason, the strip zone is justifiable.
10. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request clearly facilitates applicable policies in the Comprehensive Plan. The response to Section 1D demonstrates that

OFFICIAL NOTICE OF DECISION

Project #1010581

November 12, 2015

Page 4 of 7

another zoning category would be more advantageous to the community because it would allow a preponderance of applicable policies and principles to be furthered. The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.

11. The affected neighborhood organizations are the Supper Rock Neighborhood Association (NA) and the District 4 Coalition, which were notified as required. Property owners were also notified as required. A facilitated meeting was offered, but declined. The agent had already contacted the NA president. She mentioned concerns about noise from the proposed outdoor patio and loitering. A representative of the East Gateway Coalition indicated that he had no concerns. Staff has not received any phone calls or comments as of this writing and is unaware of any opposition.
12. Outdoor seating may be allowed in conjunction with a restaurant use.

CONDITION -15EPC-40045, Zone Map Amendment:

1. Final approval of the accompanying, as built site development plan for building permit (15EPC-40046) by the Development Review Board (DRB) is required and shall occur within the time period specified in Zoning Code §14-16-4-1(C)(16)(b), Amendment Procedure.

FINDINGS -15EPC-40046:

1. The subject request is for an as-built site development plan for building permit for Tract A-1, Block L, Cenaroca Subdivision, an approximately 2.1 acre developed site located on the east side of Tramway Boulevard, between Cloudview Avenue NE/Encantado Road NE and Skyline Rd. NE (the "subject site").
2. A request for a zone map amendment request from C-1 to SU-1 for C-1 Uses to Include the Retail Sale of Beer and Wine for On and Off-Premises Consumption (15EPC-40045) accompanies the request.
3. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. No sector development plans apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject request furthers the following, applicable Comprehensive Plan Goals:
 - A. Established Urban Goal. The proposal would generally contribute to variety and maximum choice in the area, particularly with respect to life style. The proposed restaurant could function as a neighborhood gathering area and stop for those using the trail along Tramway Blvd. and/or Route 66 (bicyclists), thereby perpetuating the identity of the area as an identifiable recreation corridor area.
 - B. Noise Goal. The proposed restaurant would occupy space inside of an existing shopping center. Since the proposed patio is not allowed (see Zoning section of this report), it is unlikely that the

OFFICIAL NOTICE OF DECISION

Project #1010581

November 12, 2015

Page 5 of 7

proposed use would create a land use/noise conflict that would adversely affect nearby residences.

6. The subject request furthers the following Comprehensive Plan policies pertaining to land use:
 - A. Policy II.B.5a- full range of urban land uses. The proposal would result in a new urban land use in the area, a restaurant, and would therefore contribute to a full range of urban land uses in the area.
 - B. Policy II.B.5i- employment and service uses/siting and effects. The proposal would facilitate development of a restaurant at the northwestern corner of an existing shopping center. The restaurant would be inside of an existing building, which would help minimize adverse effects of noise, lighting and pollution on the nearby single-family homes. The entrance to the shopping center is before the neighborhood begins and, since the patio is not allowed (see Zoning section of this report), it is unlikely that the proposed use would adversely affect nearby residences.
 - C. Policy II.B.5k- land adjacent to arterial streets. Tramway Blvd. is a Regional Principal Arterial. It is also limited-access. The existing shopping center is accessed from a single entry on Cloudview Ave. NE, which is before the land use pattern turns into single-family homes. Therefore, traffic would turn into the shopping center and not into the neighborhood.
7. The subject request furthers the following Goal and policies pertaining to Economic Development:
 - A. Economic Development Goal. The proposal generally contributes to achieving diversified economic development in the area, where there is little available commercial land. The proposed use would be small-scale and would fit into the existing neighborhood shopping center, and therefore would not disrupt the social and recreational characteristics that define the area.
 - B. Policy II.D.6c-business development/ recruitment. The proposed restaurant use would constitute development of a local business enterprise.
8. Conditions of approval are needed to clarify the site development plan.
9. The affected neighborhood organizations are the Supper Rock Neighborhood Association (NA) and the District 4 Coalition, which were notified as required. Property owners were also notified as required. A facilitated meeting was offered, but declined. The agent had already contacted the NA president. She mentioned concerns about noise from the proposed outdoor patio and loitering. A representative of the East Gateway Coalition indicated that he had no concerns. Staff has not received any phone calls or comments as of this writing and is unaware of any opposition.

CONDITIONS-15EPC-40046, 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 final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
3. Landscaping: A legend shall be added to indicate tree and plant types.
4. Signage:
 - A. A sign detail that specifies color(s), material(s) and illumination of the existing pylon sign and monument sign shall be provided.
 - B. Building mounted signage shall be indicated and dimensioned on the elevations.
5. Clarification: Remove the reference to "sector development plan" from Sheet 1.
6. Utilities: Information regarding any existing easements shall be provided and/or clarified on Sheet 1.
7. Conditions from the Fire Department:
 - A. Hydrant locations shall be provided and street dimensions shall be provided.
 - B. Construction type and square footage shall also be provided.
 - C. The site development plan be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit.
8. Condition from Hydrology: If landscaping or parking is changing, plans shall be submitted to hydrology for a comprehensive plan review.
9. Condition from Transportation Development: The site shall be revised to meet current ADA requirements at the DRB.
10. Condition from PNM: The developer shall contact PNM's New Service Delivery Department to coordinate electric service regarding this project.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 30, 2015**. 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 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

OFFICIAL NOTICE OF DECISION

Project #1010581

November 12, 2015

Page 7 of 7

EPC's decision.

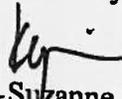
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of 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 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: Longs Peaks LLC, c/o Kleinfeld Commercial Brokerage, P.O. Box 37438, ABQ, NM 87176
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