

# 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 14, 2016

Danny Brandenburg  
2211 Candelaria Rd. NE  
Albuquerque, NM 87107

**Project# 1000936**  
16EPC-40051 Site Development Plan for  
Subdivision Amendment  
16EPC-40052 Site Development Plan for  
Building Permit  
16EPC-40065 Zone Map Amendment  
(Zone Change)

### LEGAL DESCRIPTION:

the above actions for Tract 4, Paradise Plaza, zoned SU-1 for Mixed Use Development-C-1 Permissive Uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres, to SU-1 for Mixed Use Development-C-1 Permissive Uses, excluding drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres), located on Unser Blvd. NW, between McMahon Blvd. NW and the Sandoval County line, containing approximately 1.9 acres. (A-11) Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

On November 10, 2016 the Environmental Planning Commission (EPC) voted to **DEFER** Project #1000936/16EPC-40051, a Site Development Plan for Subdivision Amendment, 16EPC-40052, a Site Development Plan for Building Permit, and 16EPC-40065, a Zone Map Amendment (Zone Change) based on the following findings:

### FINDINGS:

1. The proposal is for a Zone Map Amendment, a Site Development Plan for Building Permit, and a Site Development Plan for Subdivision Amendment for Tract 4 of Paradise Plaza. The applicant proposes a car wash on the southern portion of the subject site, which would be subdivided.
2. The subject site is zoned SU-1 for Mixed Uses detailed in Project #1000936, which is SU-1 for Mixed Use (C-1 uses), with exclusions. Automobile related retail and service uses, such as a ca

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- wash, are excluded and are not allowed by the subject site's zoning.
3. Staff notified the applicant that the zone change justification letter was incomplete on September 29, 2016. Upon receiving a complete letter (Sections A-J responded to), Staff notified the applicant on October 24 that the justification needed to be strengthened.
  4. A revised zone change justification letter was received on Wednesday, November 2, 2016 around noon. As of this writing, a revised site development plan has not been received. The EPC Rules of Conduct (B.12) state that that written materials should be submitted to the Planning Department at least 10 days prior to the EPC hearing. With a deferral, however, deadlines for submittal of materials will be adjusted as noted in Finding 5B.
  5. Staff is requesting a 30-day deferral to the December 8, 2016 EPC hearing to allow the applicant additional time to address the following items:
    - A. Notification of the affected neighborhood organizations will need to be re-done and certified, return receipts will need to be provided for the file. The yellow sign, with the zone map amendment request added, will need to be posted during the sign-posting period for the December 2016 hearing (November 23 to December 8, 2016).
    - B. The final version of the zone change justification letter and the final version of the revised site development plan for building permit will need to be submitted to the Staff planner for inclusion in the Staff report by 9 am on Wednesday, November 23, 2016, at the latest (before is acceptable and encouraged).
  6. Any items mentioned in the September 6, September 13, and October 24, 2016 project memos that have not been addressed as of this writing, will still need to be addressed in addition to the items mentioned in Finding 5.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 28, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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).

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**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  
Planning Director

SL/CLL

cc: Danny Brandenburg, 2211 Candelaria Rd. NE, ABQ, NM 87120  
Scott Anderson, 7604 Rio Penasco NW, ABQ, NM 87120  
Harry Hendriksen, Westside Coalition of NAs, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114-2701  
Rene Horvath, Westside Coalition of NAs, 5515 Palomino Dr. NW, ABQ, NM 87120