

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

Palo Alto, Inc
Attn: Jeff Geller
924 W. Colfax Ave, Suite 203
Denver, CO 80204

Project# 1003275
16EPC-40055 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of Tract C-2, Plat of Tracts A-1 Thru A-3 and C-1 Thru C-3, Heritage Marketplace, zoned SU-2/SU-1 for Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant, located on Unser Blvd. NW, Between Ladera Dr. NW and I-40, containing approximately 1.1 acres. (H-9) Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque

NM 87103 On November 10, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1003275/16EPC-40055, a Site Development Plan for Building Permit, based on the following findings subject to the following conditions of approval:

FINDINGS:

www.cabq.gov

1. This is a request for a Site Development Plan for Building Permit for Plat of Tracts A-1 Thru A-3 and C-1 Thru C-3, Heritage Marketplace located on Unser Blvd. NW, Between Ladera Dr. NW and I-40 and containing approximately 1.1 acres.
2. The applicant is proposing to construct a 1,944 sf food service / retail building with a drive thru on the subject site.
3. In October 2012 the City Code Compliance Manager confirmed that activities allowed on the site must correspond to those enumerated in the C-1 Neighborhood Commercial zone uses, and that the area within which the subject site is located may be developed with commercial uses pursuant to the C-1 zone. Therefore, the proposed food service / retail use with a drive thru on the subject site is permissive.

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4. The subject site is located within the Heritage Market Place Site Development Plan for Subdivision (13EPC-40148), and is subject to the approved design standards.
5. Planning Staff has concluded that the requested Site Development Plan for Building Permit generally conforms to the requirements of the design standards contained within the Heritage Market Place Site Development Plan for Subdivision
6. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase 3, Heritage Market Place Site Development Plan for Subdivision and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The proposed Site Development Plan for Building Permit furthers the following Comprehensive Plan policies:

- A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The requested action furthers Policy II.B.5.d. because it is appropriately located adjacent to C-1 zoned lots. Carrying capacities are also appropriate for the area as evidenced by agency comments submitted by City Engineer stating that a Traffic Impact Study (TIS) was completed for the larger Heritage Market Subdivision Area, and all of the required improvements from that TIS have been implemented / constructed.

- B. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e. because the subject site is contiguous to existing urban facilities and services. The integrity of existing neighborhoods will be ensured because the proposed Site Development Plan for Building Permit is required to adhere to the EPC approved design standards contained within the Heritage Market Place Site Development Plan for Subdivision.

- C. Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The request furthers Policy II.B.5.i. because the applicant is proposing a new commercial retail use for the subject site. The subject site is located adjacent to other C-1 zoned lots which are configured to complement nearby residential areas. The proposed development plan in conjunction with the EPC approved Heritage Market Place Site Development Plan for

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Subdivision design standards will serve to minimize any potential adverse impacts on residential environments.

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

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

The request furthers WSSP Policy 3.23 because it will locate commercial service and retail development within the designated Unser / Ladera Neighborhood Center (as shown on page 30 of the West Side Strategic Plan). The uses for the subject site will be subject to the design standards of the EPC approved Heritage Market Place Site Development Plan for Subdivision.

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

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

9. The proposed Site Development Plan for Building Permit furthers the following portions of El Rancho Atrisco Phase III Sector Plan:

- A. The subject site for the request is within the boundaries of the adopted El Rancho Atrisco Phase III Sector Plan, first adopted in 1981. The Plan generally encompasses properties between Unser Blvd. on the west, Atrisco Rd. on the east, Hanover Rd. on the south and the Ladera Channel on the north. The Rank III Plan does not provide goals or policies but rather a land use plan adopted that includes the subject site and other properties within the Sector Plan boundaries.

The request furthers the intent of El Rancho Atrisco Phase III Sector Plan because the proposed development complies within the intent of the land use plan contained within El Rancho Atrisco Phase III Sector Plan.

10. The Laurelwood Neighborhood Association, Parkway Neighborhood Association and the Westside Coalition of Neighborhood Associations as well as property owner within 100 feet of the subject site were all notified as required.

11. The project was recommended for facilitation, and a facilitated meeting was held on Wednesday October 19, 2016.

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12. A Facilitated Meeting Report has been made a part of the record for this case.
13. All facilitated meeting participants expressed an interest in maintaining the safe movement of pedestrians around the proposed restaurant and marketplace.
14. There is no known neighborhood opposition to this request.

CONDITIONS OF APPROVAL:

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. A note shall be add to the Landscape Plan on Sheet L1.0 stating that the plan shall conform to the requirements of the City of Albuquerque's Water Conservation and Pollen Ordinance.
4. The exterior building elevations contained on Sheets A4.0 and A4.1 currently identifies the elevations according to right, left, front and rear side. The elevations shall be modified to read east, west, north and south elevations.
5. The signage proposed for the northern building façade on Sheet A4.1 calculates to 7.07% of the building façade and will need to be reduced to 6% or less so as not to exceed the design standards contained within the Heritage Marketplace Site Development Plan for Subdivision.
6. Conditions of Approval from City Engineer:
 - 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.

The following comments need to be addressed prior to DRB:

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- a. Minimum drive thru lane width is 12 feet with a 25 foot minimum radius (inside edge) for all turns.
 - 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. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing." Please call out detail and location of HC signs.
 - d. Define the Radii on all curbs especially drive thru lane
 - e. Identify the right of way width, medians, curb cuts, street widths and street names.
7. Conditions of Approval from Albuquerque / Bernalillo County Water Utility Authority:
- a. All onsite water and sanitary sewer shall be considered private.
 - b. Confirm if existing easements for existing public waterline and public sanitary sewer are in fact exclusive and granted to the Water Authority or if they are public utility easements as mentioned in the utility plan.
8. Conditions of Approval from City Refuse Division:
- a. Northern entrance appears to have a diagonal curb at entrance, creating a hindrance for truck access. Please remove curb and keep entrance dimensions at 27.14'. Move proposed refuse enclosure 2' to the North for truck access. Do not plant anything next to proposed refuse enclosure that will create an overhang. All new/proposed refuse enclosures must be built to COA minimum spec. requirements, need complete/detailed spec. sheet for proposed refuse enclosure, including a sanitary drain.
9. Conditions of Approval from Public Service Company of New Mexico:
- 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. 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

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10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

10. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

11. An additional sidewalk will be added from the restaurant building to connect to the existing sidewalk located along the northern portion of the private drive, as feasible and to address safety issues.

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 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).

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.

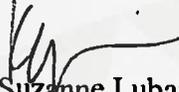
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Sincerely,


for Suzanne Lubar
Planning Director

SL/VQ

cc: Palo Alto, Inc, Jeff Geller, 924 W. Colfax Ave, Suite 203
HCI Engineering, Cole C. Haberer, 621 Southpark Dr., #1600, Littleton, CO 80120
Candelaria Patterson, Laurelwood NA, 7608 Elderwood Dr. NW, ABQ, NM 87120
Gregie Duran, Laurelwood NA, 7525 Maplewood Dr. NW, ABQ, NM 87120
Ruben Aleman, Parkway NA, 8005 Fallbrook NW, ABQ, NM 87120
Mary Loughran, Parkway NA, 8015 Fallbrook NW, ABQ, NM 87120
Harry Hendriksen, Westside Coalition of NA's, 10592 Rio Del Sole Ct, NW, ABQ, NM 87114-2701
Rene Horvath, Westside Coalition of NA's, 5515 Palomino Dr. NW, ABQ, NM 87120