

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
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Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

November 14, 2016

Starbucks Coffee Co.
6380 Fiddlers Green Circle
Denver, CO 80111

Project# 1010550
16EPC-40040 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of Tract A-1-D, Los Pastores Shopping Center, zoned C-2(SC), located on Wyoming Blvd. NE, between Montgomery Blvd. NE and Osuna Rd. NE, containing approximately 1.2 acres. (F-19) Staff Planner: Vicente Quevedo

PO Box 1293

On November 10, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1010550/16EPC-40040, a Site Development Plan for Building Permit, based on the following findings subject to the following conditions of approval:

Albuquerque

NM 87103

FINDINGS:

www.cabq.gov

1. This is a request for a Site Development Plan for Building Permit for Tract A-1-D, Los Pastores Shopping Center located on Wyoming Blvd. NE, between Montgomery Blvd. NE and Osuna Rd. NE and containing approximately 1.2 acres.
2. The subject site is zoned C-2 (SC). The applicant is proposing to construct a new free standing drive thru restaurant on the subject site. The proposed development is subject to the EPC approved design standards contained within the Los Pastores Site Development Plan for Subdivision.
3. A subdivision plan, containing the subject site, was originally approved in December 1962 and subdivided the subject site into three separate tracts (S-1214). The existing C-2 zoning was established for the subject site in November 1977 (Z-77-165). In January 1980 the Los Pastores Shopping Center development plan was approved by the EPC with conditions.
4. The EPC approved a Site Development Plan for Subdivision Amendment for the Los Pastores Shopping Center site on January 14, 2016 (15EPC-40032). The requested amendment subdivided the

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undeveloped portions of the subject site into 5 separate pad sites / tracts, and established design standards for the entire subdivision plan area.

5. The Albuquerque/Bernalillo County Comprehensive Plan, Los Pastores Shopping Center 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.

6. The request furthers the following applicable 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 and nearby a cluster of other C-2 zoned lots, the intensity of which will not negatively impact existing residential development in the area. Carrying capacities are also appropriate for the area.

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 Los Pastores Shopping Center 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 near adjacent to and nearby a cluster of other C-2 zoned lots which are configured to complement nearby residential areas. The proposed development plan in conjunction with the EPC approved design standards for the shopping center site will serve to minimize any potential adverse impacts on residential environments.

D. Policy II.B.5.j.: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- 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.

The request furthers Policy II.B.5.j. because the new proposed commercial retail development will be located within an existing commercially zoned area, within a larger area-wide shopping

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center site at the intersection of Wyoming and Montgomery Blvd. which are designated minor arterial streets. Route #31, Wyoming route, and Route #98, Alameda-Wyoming-KAFB commuter route, pass the site on Wyoming Blvd.

- E. Policy II.B.5.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.

The request furthers Policy II.B.5k because the subject site is adjacent to two minor arterials and has been designed to minimize any harmful effects of traffic on nearby established residential neighborhoods. Transportation Staff provided comments that will ensure that any harmful effects of traffic will be minimized. The TIS form indicates that a traffic study is not required.

7. The Loma Del Rey Neighborhood Association and District 7 Coalition of Neighborhood Associations as well as property owners within 100' of the subject were notified of this request.
8. The project was recommended for facilitation, but a meeting was not held because all interested parties declined the meeting.
9. Staff received a written letter of support from the Loma del Rey Neighborhood Association which has been made a part of the record for the case.

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 added to Sheet A-1002 stating that the proposed development shall conform to the requirements of Section 14-16-3-9 of the Zoning Code (Area Lighting Regulations) as well as the State of New Mexico Night Sky Protection Act (74-12-1 to 74-12-10 NMSA 1978).

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4. A note shall be added to the Landscape Plan on Sheet L1.00 or L1.10 stating that landscape maintenance is the responsibility of the owner, as well as a note stating that the landscape plan shall conform to requirements of the City's Water Conservation and Pollen Ordinance.
5. Conditions of Approval from the 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.
 - c. A 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details.
 - d. Show the existing and proposed infrastructure including sidewalk, and re-aligned drive at the southeast corner of the site.
 - e. Show the overall site and location of development.

The following comments need to be addressed prior to DRB:

- 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. List the number of parking spaces required by the zoning code as well as the proposed number of parking spaces.
- c. Clarify the extents of the current phase.
- d. Identify all existing access easements and rights of way width dimensions.
- e. Identify the right of way width, medians, curb cuts, and street widths on Wyoming Blvd.
- f. 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.
- g. 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)
- h. Service vehicle and/or refuse vehicle maneuvering must be contained on-site; provide a copy of refuse approval.
- i. 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.
- j. Please specify the City Standard Drawing Number when applicable.
- k. Please include a copy of your shared access agreement with the adjacent property owner.

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6. Conditions of Approval from City Refuse Division:

- a. Rotate dumpster 45 degrees to the SE. To allow trash vehicle direct access to the enclosure. Show existing access to proposed enclosure from Wyoming along the South side of the property. Double enclosure is required to be 24' in width. See city spec's for minimum standards on solid waste enclosures.

7. Conditions of Approval from Public Service Company of New Mexico:

- a. Electric distribution lines are located along the western boundary of the subject site. In addition, there is an existing public utility easement on the north side of the property. It is the applicant's obligation 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 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.

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).

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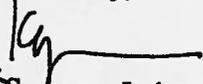
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SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped 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,


Suzanne Lubar
Planning Director

SL/VQ

cc: Starbucks Coffee Co., 6380 Fiddlers Green Circle, Denver, CO 80111
Colin Bott, 2303 West Commodore Way, Suite 205, Seattle WA 98199
Brian A. Eagan, Loma Del Rey NA., 8416 Hilton Ave NE, 34B, ABQ, NM 87111
William E. Burk, III, Loma Del Rey NA, 9617 La Playa NE, ABQ, NM 87111
Janice Arnold-Jones, Dist. 7 Coalition of NA's, 7713 Sierra Azul NE, ABQ, NM 87110
Lynne Martin, Dist. 7 Coalition of NA's, 1531 Espejo NE, ABQ, NM 87112