



**Environmental
Planning
Commission**

**Agenda Number: 08
Project Number: 1000420
Case #: 15EPC-40033, 40044
September 10, 2015**

Staff Report

Agent	Answers, INC
Applicant	Panera Bread, LLC
Request	Zone Map Amendment, Amend Site Development Plan for Building Permit
Legal Description	Tract K-1-A) Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25)
Location	The 25 Way, NE, between Jefferson Street NE and Pan American West Freeway NE
Size	1.9 acres
Existing Zoning	IP
Proposed Zoning	SU-1 for IP Permissive Uses to include Restaurant with a Drive Through

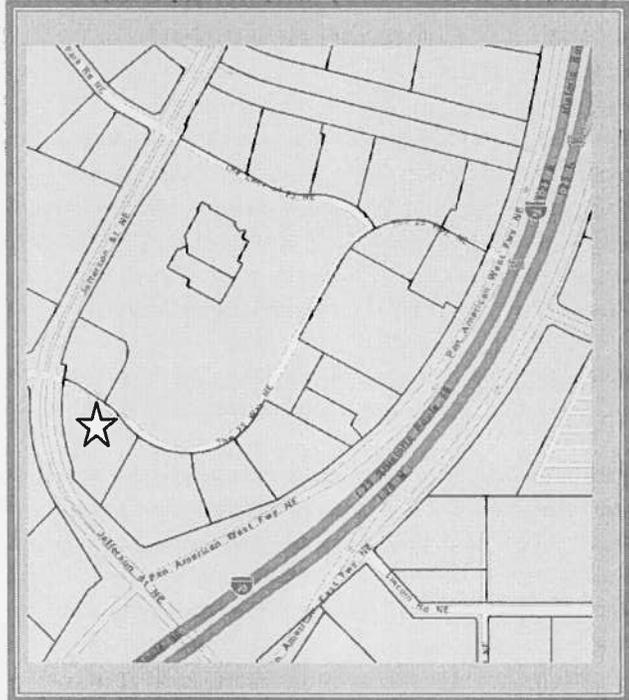
Staff Recommendation
APPROVAL of 15 EPC 40033, based on the Findings beginning on Page 12, and subject to the Conditions of Approval beginning on Page 15.
APPROVAL of 15 EPC 40044, based on the Findings beginning on Page 16, and subject to the Conditions of Approval beginning on Page 18.

**Staff Planner
Maggie Gould, Planner**

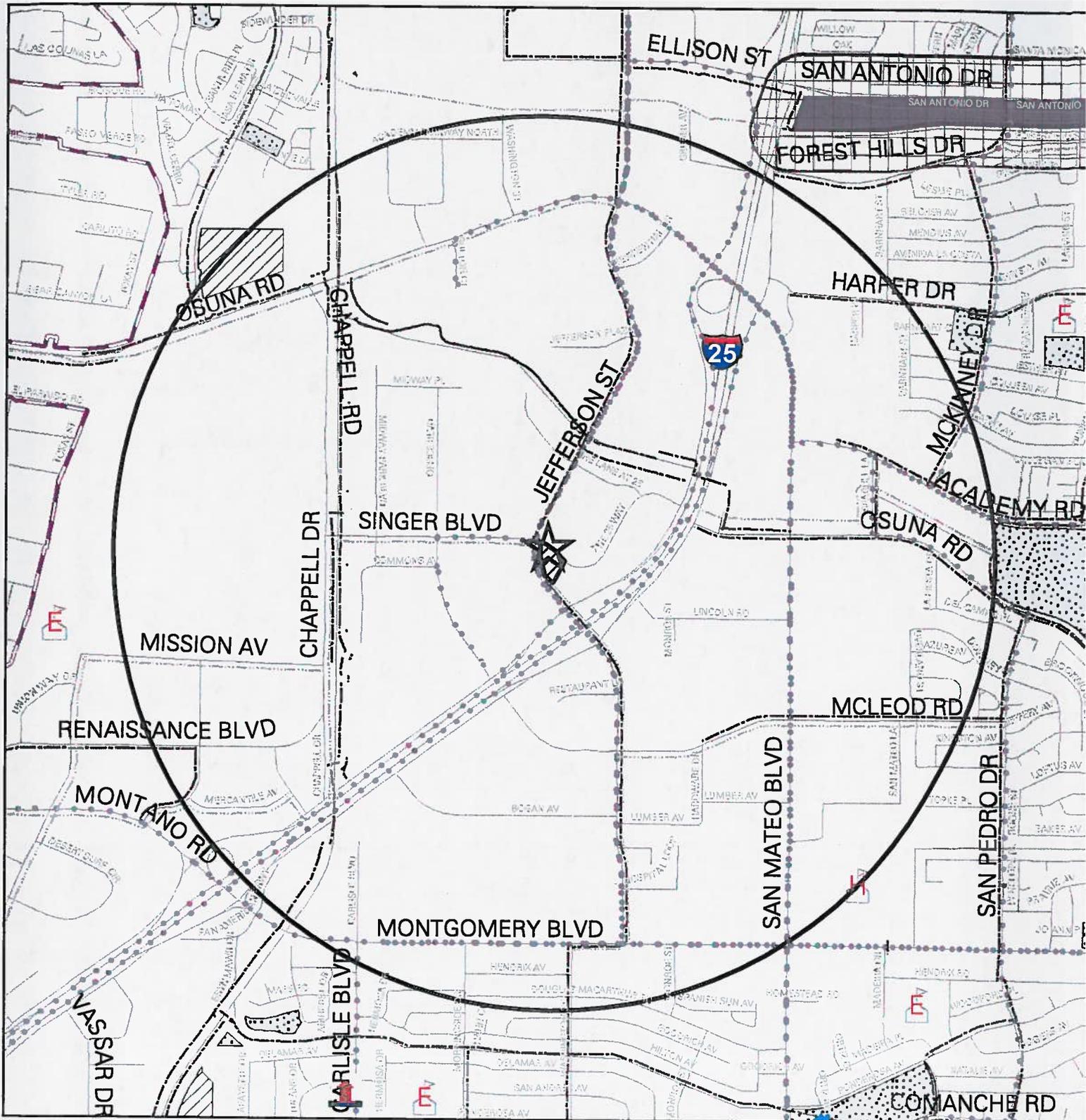
Summary of Analysis
 This is a request for a zone map amendment from IP to SU-1 For IP Permissive uses to Include a Restaurant with Drive Through and a request to amend the existing Site Development Plan for Building Permit to add the drive through window, queuing lane and exterior improvements to the existing 6,816 square foot building, which will include the proposed square 4,490 restaurant and a 2,326 square foot commercial space.

The requests are consistent with the applicable goals and policies of the governing plans.

The District 4 Coalition of Neighborhood Associations and the North Valley Coalition were notified. A facilitated meeting was not recommended or requested. The City notified property owners within 100 feet of the subject site. Staff has not received any comments from the public as of this writing and there is no known opposition. Staff recommends approval with conditions.



City Departments and other interested agencies reviewed this application from 08/03/15/ to 08/14/15
 Agency comments used in the preparation of this report begin on Page 20.

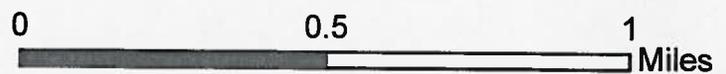


Public Facilities Map with One-Mile Buffer

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



Project Number: 1000420



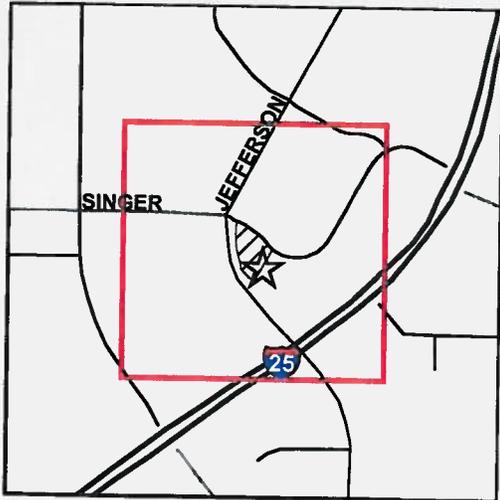


LAND USE MAP

Note: Grey shading indicates County.

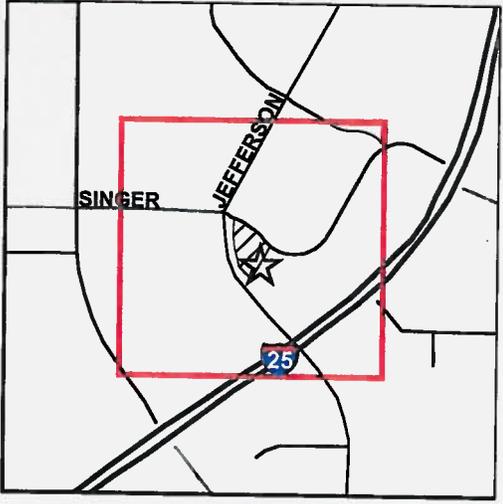
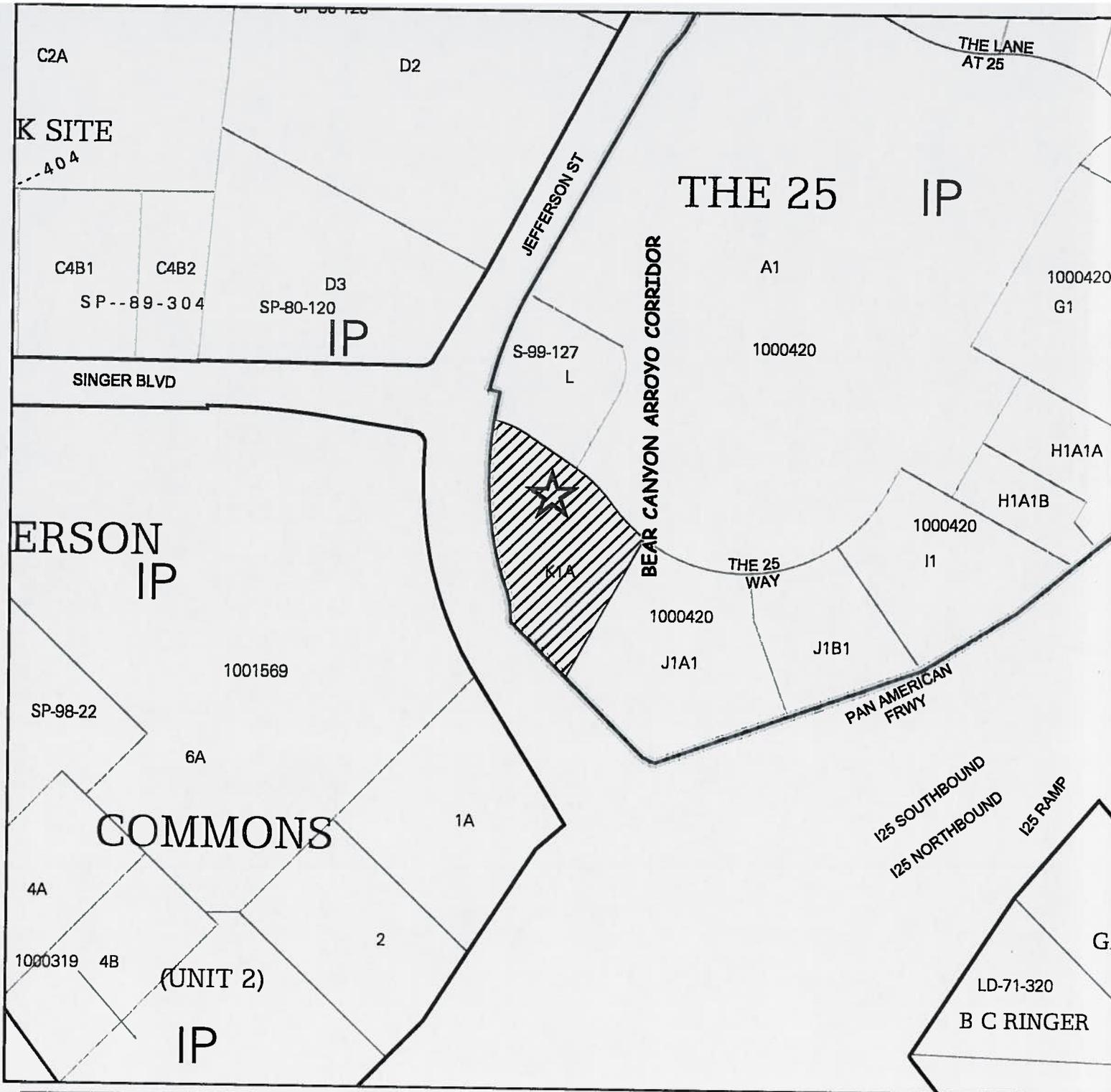
KEY to Land Use Abbreviations

- 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 = 266 feet

Project Number:
1000420
Hearing Date:
10-8-2015
Zone Map Page: F-17
Additional Case Numbers:
15EPC



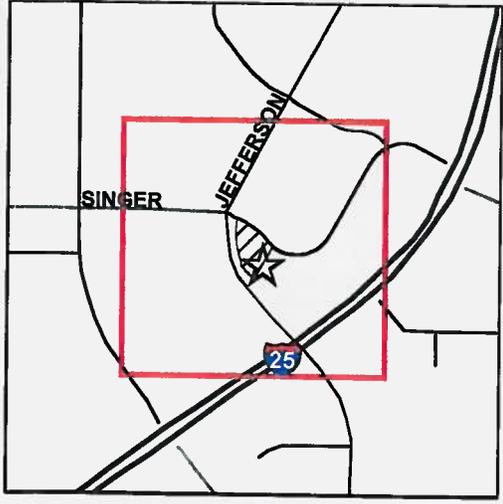
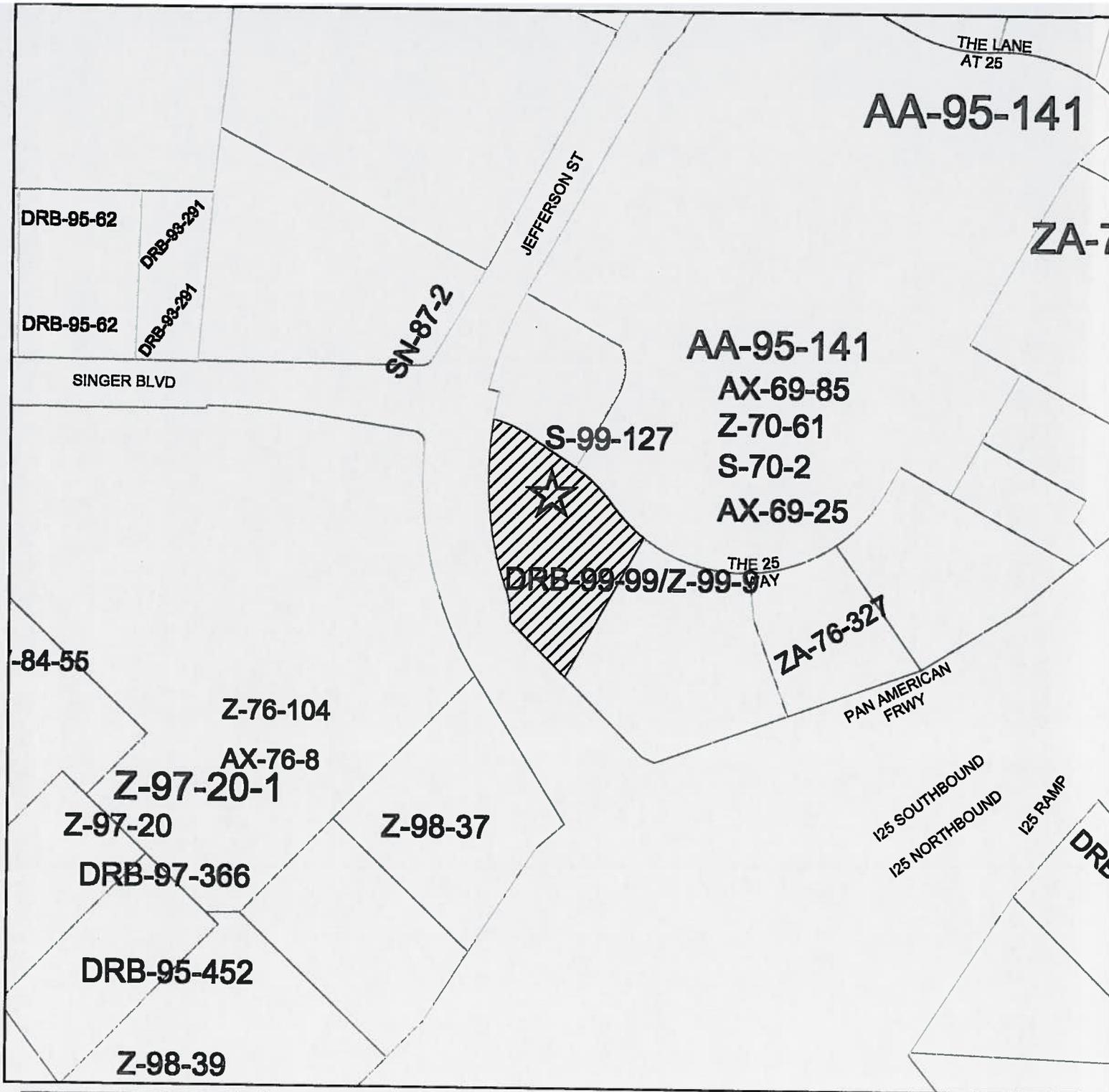
ZONING MAP

Note: Grey shading indicates County.



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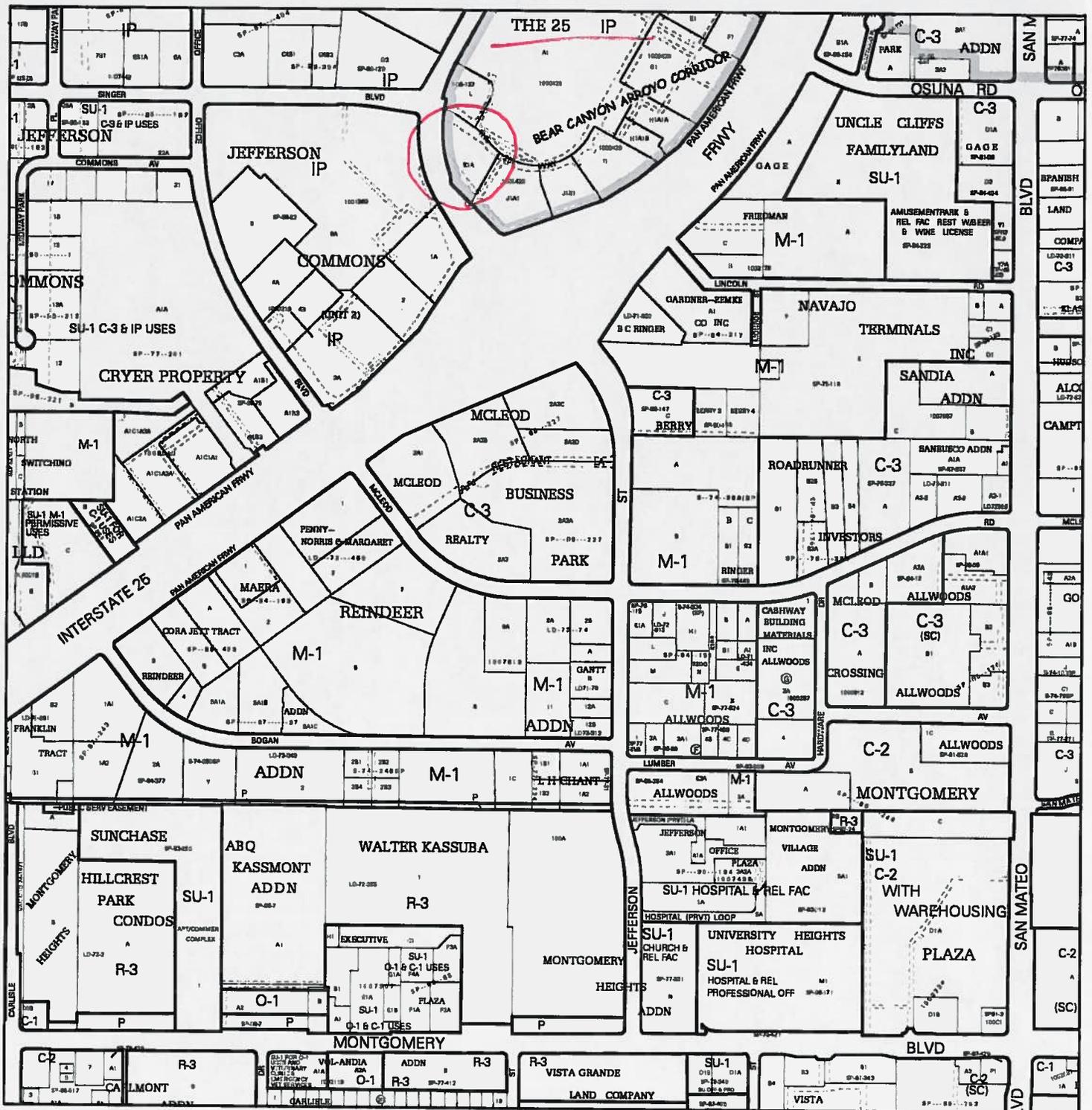
HISTORY MAP

Note: Grey shading indicates County.



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For more current information and details visit: <http://www.cabq.gov/gis>



Map amended through: 9/2/2014



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
F-17-Z

Selected Symbols

 SECTOR PLANS	 Escarpment
 Design Overlay Zones	 2 Mile Airport Zone
 City Historic Zones	 Airport Noise Contours
 H-1 Buffer Zone	 Wall Overlay Zone
 Petroglyph Mon.	

0 750 1,500 Feet

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	I-P	Established Urban, Bear Canyon Arroyo Corridor Plan , North Valley Area Plan	Commercial(existing vacant building)
North	I-P	Same	Commercial Service
South	I-P	Same	Commercial Service/retail
East	I-P, M-1	Same	Commercial Retail
West	I-P	Same	Commercial Service

II. INTRODUCTION

Proposal

The applicant proposes to amend the existing IP, Industrial Park zone to SU-1 for IP permissive uses to include a restaurant with a drive through. This change will allow the development of a new restaurant in an existing building. The applicant also proposes to amend the existing Site Development Plan for Building Permit to add the drive through window, queuing lane and exterior improvements to the existing 6,816 square foot building, which will include the proposed square 4,490 restaurant and a 2,326 square foot commercial space.

EPC Role

The EPC is hearing this case because the EPC has the authority to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History/Background

The subject site is part of a larger development, @ 25. In February of 1999 the EPC approved a master development plan for the 49 acre site (Z-99- 9). This plan contains design standards and

land use table broken down by tract and containing the land use for each tract. The subject site was originally slated to contain a bank ; drive in banking is permitted in the IP zone with an approved traffic plan. The plan also states that some sites may be left vacant in order to allow for adequate parking. The plan required that the first Site Development Plan for Building Permit be heard by the EPC, but allowed future development to be approved through the building permit process provided that the development complied with the standards of the master plan. The site is entirely built out with office and commercial uses.

In 2003, a pizza restaurant was developed on the site through the building permit process. The land use table did not reflect this change and will have to be amended administratively to show restaurant use on the site rather than bank use.

Context

The area contains a mixture of commercial, service and retail and restaurant use. There a hotel and restaurants to the east of the subject site and office use to the north. The site is to the west of Interstate 25.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Jefferson as a Minor Arterial.

The Long Range Roadway System designates Singer as a Collector street.

Comprehensive Plan Corridor Designation

Interstate 25 is an express corridor.

Trails/Bikeways

The Bear Canyon Arroyo runs along the north of the development to the north of the subject site. The arroyo contains a developed trail.

Transit

The route 251, Rio Rancho –Abq-Railrunner connection passes near the subject site on Jefferson.

There is an existing bus stop, 300' north from the northwest corner of the property, serving the above-mentioned route.

Public Facilities/Community Services

Refer to the Public Facilities Map in the packet.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The site is currently IP, Industrial Park. This zone allows a wide range of industrial and commercial uses; these include golf course, cold storage plant, office, adult amusement, manufacturing, warehouse, retail sales and automotive repair. The drive through use is not allowed in the IP zone. Development on the site is subject to review by a public hearing unless otherwise delegated. The subject site is governed by a master development plan which delegates approval of future development to the building permit process.

The applicant proposes to add restaurant with a drive through as an additional use. No other changes to the existing zone are proposed. The IP zone allows several uses that are more intense than the requested drive through. The addition of the drive through will not adversely impact the site and will be compatible with generally auto oriented nature of the area.

The applicant is converting an existing building and adding 117 square feet in the form of a drive through window; the Zoning Code, § 14-16-3-10, Landscaping Regulations and §14-16-3-1. Off-Street Parking Regulations require that building additions of more than 200 square feet bring the landscaping and parking up to the current standard. This addition would not trigger upgrades to the parking or landscaping. The applicant has submitted as built plans showing that the existing parking and landscaping do comply with the existing zoning code requirements.

Albuquerque / Bernalillo County Comprehensive Plan

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

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal 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."

Applicable policies include:

Land Use

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 and can be ensured.

The subject site has access to full range of urban services including water, sewer, roads and utilities. The subject site is in an existing commercial area and will not impact the integrity of any residential areas. The requests further Policy II.B.5e.

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 requests will allow the development of a new restaurant that may provide additional employment and services to the surrounding area. The subject site is in an existing commercial area and will not negatively impact any residential development. The requests further Policy II.B.5.i.

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 subject site is located in an existing commercial area with access to street and transit lines. The requests further Policy II.B.5.j.

Economic Development

Policy II.B.6.a – New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request will allow the development of a new restaurant that will employ people in a variety of salary levels. The applicant states that managers, wait staff cooks and bakers will be needed at the restaurant. The requests further Policy II.B.6.a.

Policy II.B.6.: Opportunities for improvement in occupational skills and advancement shall be encouraged.

The applicant states that the Panera Bread Company provides training for bakers and offers employees computer access so that they can take on-line classes to improve their skills and advance in the company. The requests further Policy II.B.6.

Developed Landscape

Policy II.B.8.d: Landscaping shall be encouraged within public and private rights-of-away to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The site is fully landscaped with a variety plants, the landscaping will control the erosion on the site and contribute to a more pleasant visual environment as well as minimizing the impact of the developed areas. The request further Policy II.B.8.d.

North Valley Area Plan (Rank Two Area Plan)

The *North Valley Area Plan* was adopted in 1993. The Plan generally encompasses properties south of the Bernalillo/Sandoval County line, North of Interstate Highway 40, West of Interstate

Highway 25 and East of the Rio Grande. Specific boundaries are shown on page 24 of the Plan. The Plan sets forth goals and policies regarding land use and zoning for the area (page 5).

Other policies of the Plan give guidance on zoning, air quality, wastewater, drainage, transportation, housing, village centers, community design, agriculture and rural character, and implementation actions.

Policies applicable to this request include:

Goals and Issues 6: To encourage quality commercial development /industrial development and redevelopment in response to area needs in already developed/ established commercial /industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial industrial.

The proposed zoning and Site Development Plan for Building Permit amendments allow the development of a commercial use in an existing building in an area that is zoned for commercial /industrial uses. The added drive through uses will not create a new commercial zone, but add to an existing one. The request is consistent with Goals and Issues policy 6.

Goals and issues 11: To locate commercial and industrial development within the I-25 corridor and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/ industrial development.

The subject site is within the I-25 corridor; the proposed use and building design are consistent with the existing development in the area and will not negatively impact development in the lower valley area. The request is consistent with Goals and issues 11.

Bear Canyon Arroyo Corridor Plan (Rank 3)

The Bear Canyon Arroyo Corridor Plan was first adopted in 1991. The Plan generally encompasses properties along the Bear Canyon Arroyo between Tramway Boulevard and the North Diversion Channel; specific boundaries are shown on pages 49-51 in the Plan. The main purpose of the Plan is constructing a safe, attractive convenient trail that acts as a counter balance to the built environment.

The Bear Canyon Arroyo Corridor Plan contains requirements for development along the arroyo and includes design standards for trails, signage and landscaping. Since the area is already developed and the site is not adjacent to the arroyo, the plan standards are not applicable. The north edge of the shopping area, along the arroyo, was developed in accordance with the Bear Canyon Arroyo Corridor Plan and contains landscaping and a paved path.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification

Note: Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The applicant states that the proposed zone will not adversely impact the health, safety, morals and general welfare of the City because the proposed uses are similar to the uses on the adjacent parcels and the request will provide a needed service for the community.

Staff agrees that the addition of the restaurant with a drive through will not be harmful to the health, safety, morals and general welfare of the City. The proposed use exists in commercial areas in close proximity to the subject site and throughout the City.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The applicant states that the proposed zone will allow for the expansion of the current zoning on the site which allow for the development of a new business that will provide economic benefits to the area. The business is part of a larger organization that has stores nationwide.

Staff agrees that proposed zone will not have a destabilizing impact on the area. The subject site is at the edge of the larger development and will not impact the traffic circulation of the interior of the development. The expanded zoning will allow new development that may benefit the area by using an existing building and preventing the deterioration of the area. The site is not in a Metropolitan Redevelopment Area, but the City still encourages the reuse of existing buildings.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Refer to policy analysis section for more detailed analysis

The applicant cites Comprehensive Plan policies II.B.5.i, II.B.5.j, II.B.6.a, II.B.6.c, II.B.8.b, II.B.8.c and II.B.8.d. The applicant also cites North Valley Area policies Zoning and Land Use. 3.c and Goals and Issues. 11. These policies predominantly relate to economic development and improvement of the developed landscape.

Staff agrees that these policies are relevant and also believes that Comprehensive Plan policy II.B.5.e and North Valley Area Plan Goals and Issues 6 apply to the request.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
 2. Changed neighborhood or community conditions justify the change; or
 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

Staff's Response (refer to policy analysis)

The applicant states that the request is more advantageous to the community as articulated in the goals and policies of the applicable plans. The area is auto oriented and the new use will offer additional options for employment and services. Staff agrees that the proposed use is consistent with the uses in the surrounding area and may offer new employment opportunities and services.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The applicant states that the proposed drive through use is found on sites near the subject site. The proposed use is similar to what exists on the surrounding sites.

Staff agrees that addition of the restaurant with drive through will not be harmful to the surrounding properties. The area is developed with a variety of commercial uses and the subject site is at the edge of the larger development and will not cause traffic issues.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The applicant states that the roadways and utilities are already in place so there will not be any capital expenditures required by the City.

Staff agrees that this is a proposal for development on a private site and will be privately funded. The site has existing infrastructure to support the development.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The applicant states that the cost of land or other economic considerations are not the determining factors in the request. The site is already purchased.

Staff agrees that the applicant has justified the request using the goals and policies of the applicable plans. Economic considerations may be a factor in the request, but are not the sole determining factor.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The applicant states that the area is already a heavy commercial area and the roadway is not part of the justification.

Staff agrees that the applicant has justified the request through consistency with applicable plans. The location is not used as part of the justification; however the site has sufficient street access to support the proposed use.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant states that the proposed zone is not a spot zone because it will be similar to the surrounding zones and that the drive through use exists on parcel in nearby IP zoned properties.

The SU-1 zone is generally considered a justified spot zone because it will clearly facilitate the goals and policies of the applicable plans. In this case the proposed zone will be very similar to the surrounding zoning. The intent of the prohibition of the spot zone is to make sure that adjacent land uses are compatible. The addition of the restaurant with a drive-through will be of a similar intensity as the surrounding land uses.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The applicant states that proposed zone does not apply to strip of land and is therefore not a strip zone.

Staff agrees that the request will not create strip zone. The zoning applies to one property and will be consistent with the surrounding zoning. The intent of the prohibition of the strip zone

is to make sure that adjacent land uses are compatible. The addition of the restaurant with a drive-through will be of a similar intensity as the surrounding land uses.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Request

The applicant also proposes to amend the existing Site Development Plan for Building Permit to add the drive through window, queuing lane and exterior improvements to the existing 6,816 square foot building, which will include the proposed square 4,490 restaurant and a 2,326 square foot commercial space.

Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for conformance with applicable goals and policies in the Comprehensive Plan, North Valley Area Plan and the Bear Canyon Arroyo Corridor Plan.

Site Plan Layout / Configuration

The larger shopping center area is developed with a mixture of building types and uses. The addition of the restaurant with a drive through window is compatible with the general configuration of the larger site. The subject site is at the edge of the larger development and will not impact the traffic circulation in the interior of the site.

The main entrance to the restaurant faces north towards the 25 Way, the entrance to the retail space faces west.

The parking is distributed across the site.

The existing building is 28 feet in height at the restaurant entryway and 18 feet for most of the remainder of the building.

Public Outdoor Space

The existing building has an outdoor patio which the new business will continue to use.

Vehicular Access, Circulation and Parking

The site contains 92 parking spaces. The applicant states that the restaurant will have 131 seats. The required parking for a restaurant is one space for each 4 seats; the restaurant would require 33 spaces. The adjacent retail space would require parking at one space for each 200 square feet of building. The retail space is 2,326 square feet and would require 12 parking spaces. These two uses would only require 45 spaces, leaving 47 additional spaces (see § 14-16-3-1(26) and (27) for details). The applicant states that 12 spaces would be allotted to the retail space and 80 to the restaurant (see condition 7). Additionally, the site is within 300 feet of an existing bus stop and could reduce parking by 10%.

Pedestrian and Bicycle Access and Circulation, Transit Access

The route 251, Rio Rancho –Abq-Railrunner connection route passes near site on Jefferson.

There is an existing bus stop, 300' north from the northwest corner of the property, serving the above-mentioned route. There is an existing 6 foot sidewalk along The 25 Way NE and existing sidewalks along Jefferson Street and existing sidewalk around the existing building.

There is a paved multi-use trail along the north side of the Bear Canyon Arroyo. Jefferson Street contains a bike lane north of the 25 Way and is a designated bike route south of the 25 Way.

Walls/Fences

There is an existing wooden screen wall around the patio area, no new walls or fences are proposed.

Lighting and Security

There are existing light poles in the parking area and along the 25 Way. The applicant proposes to add additional building mounted lights to the existing building on the west façade.

Landscaping

The subject site is 1.9 acres in size, approximately 82,764 square feet. The total building square footage is 6,816 square feet making the net lot area 75,948 square. The Zoning Code §14-16-3-10, General Landscaping Regulations, requires that 15% of the net lot contain landscaping. The applicant proposes to add native grass to the existing landscaping for total of 12,905 square feet of landscaping; the site would require a minimum of 11,392 square feet. The landscaping plan complies with Zoning Code.

Grading, Drainage, Utility Plans

The site slopes from northeast to southwest. There is existing drainage infrastructure along Jefferson Street and the 25 Way. The final grading and drainage plan will be approved at DRB.

Architecture

The existing building is well articulated with changes in material, color and plane on all facades. The proposed design is compatible with the surrounding development. The master plan does not specify a particular style, but requires off sets, fenestration and changes in material every 150 feet. The existing brick finish at the base of the building will remain. The applicant proposes new tile accents on the north and east sides of the building in a light gray color. The outdoor seating will be covered by fabric awnings.

Signage

The IP zone allows signage to cover up to 20 percent of the building façade for signage that is visible from an arterial, freeway or collector and 15% for signage that is not wholly visible from an arterial or Collector Street. The applicant proposes two signs of approximately 77 square feet. The north façade of the building is approximately 2,828 square feet and faces the internal street, 15% would be 424 square feet allowed. The south façade faces Jefferson, an arterial, and is 1,656 square feet, which allows a sign of up to 331 square feet.

The applicant also proposes a monument sign of approximately 50 square feet; the master development plan allows 30 square feet including the base. The monument sign will have to be altered to meet the regulation (see conditions).

Both the master development plan and the IP zone allow one building mounted sign per wall, per building.

The proposed signage complies with the zoning code and master development plan.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

The applicant will address the comments from Hydrology with a final Grading and Drainage Plan at DRB.

Neighborhood/Public

There are no recognized Neighborhood Associations or Home Owners Associations near the subject site. The District 4 Coalition of Neighborhood Associations and the North Valley Coalition were notified. A facilitated meeting was not recommended or requested. The City notified property owners within 100 feet of the subject site. Staff has not received any comments from the public as of this writing.

V. CONCLUSION

The applicant proposes to amend the existing zoning on the subject site from IP to SU-1 for I-P permissive uses to include a restaurant with a drive through. The applicant also proposes to amend the Site Development Plan for Building Permit to add the necessary additions to accommodate the drive through and some exterior building improvements. This amendment also breaks the existing building up into the proposed restaurant space and small commercial space.

The requests are consistent with the goals and policies of the applicable plans.

FINDINGS – 15 EPC-40033 – September 10, 2015-Zone Map Amendment

1. This is a request for a Zone Map Amendment for Tract K-1-A (Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25) The 25 Way, NE, between Jefferson Street NE and Pan American West Freeway NE and containing approximately 1.9 acres from IP to SU-1 for Permissive IP uses to include a Restaurant with a Drive Through.
2. The applicant proposes to amend the existing IP zone in order to add restaurant with a drive through as a use so that an existing building can be converted into a restaurant with a drive through. The existing building will also contain a 2,326 square foot commercial space.
3. The site is part of a larger commercial center, @ 25. The EPC approved a master development plan for the site in 1999 (Z-99-9).
4. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan, Bear Canyon and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. 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 and can be ensured.

The subject site has access to full range of urban services including water, sewer, roads and utilities. The subject site is in an existing commercial area and will not impact the integrity of any residential areas. The requests further Policy II.B.5e.

- B. 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 requests will allow the development of a new restaurant that may provide additional employment and services to the surrounding area. The subject site is in an existing commercial area and will not negatively impact any residential development. The requests further Policy II.B.5.i.

- C. 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 subject site is located in an existing commercial area with access to street and transit lines. The requests further Policy II.B.5.j.

Economic Development

- A. Policy II.B.6.a – New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request will allow the development of a new restaurant that will employ people in a variety of salary levels. The applicant states that managers, wait staff cooks and bakers will be needed at the restaurant. The requests further Policy II.B.6.a.

- B. Policy II.B.6.: Opportunities for improvement in occupational skills and advancement shall be encouraged.

The applicant states that the Panera Bread Company provides training for bakers and offers employees computer access so that they can take on-line classes to improve their skills and advance in the company. The requests further Policy II.B.6.

Developed Landscape

- A. Policy II.B.8.d: Landscaping shall be encouraged within public and private rights-of-away to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The site is fully landscaped with a variety plants, the landscaping will control the erosion on the site and contribute to a more pleasant visual environment as well as minimizing the impact of the developed areas. The request furthers Policy II.B.8.d.

6. The subject site is within the boundaries of the North Valley Area Plan. Applicable goals and polices include:

- A. Goals and Issues 6: To encourage quality commercial development /industrial development and redevelopment in response to area needs in already developed/ established commercial /industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial industrial.

The proposed zoning and Site Development Plan for Building Permit amendments allow the development of a commercial use in an existing building in an area that is zoned for commercial /industrial uses. The added drive through uses will not create a new commercial zone, but add to an existing one. The request is consistent with Goals and Issues policy 6.

- B. Goals and issues 11: To locate commercial and industrial development within the I-25 corridor and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/ industrial development.

The subject site is within the I-25 corridor; the proposed use and building design are consistent with the existing development in the area and will not negatively impact development in the lower valley area. The request is consistent with Goals and issues 11.

7. The subject site is within the boundaries of the Bear Canyon Arroyo Corridor Plan. The Bear Canyon Arroyo Corridor Plan contains requirements for development along the arroyo and includes design standards for trails, signage and landscaping. Since the area is already developed and the site is not adjacent to the arroyo, the plan standards are not applicable. The north edge of the shopping area, along the arroyo, was developed in accordance with the Bear Canyon Arroyo Corridor Plan and contains landscaping and a paved path.
8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. the addition of the restaurant with a drive through will not be harmful to the health, safety, morals and general welfare of the City. The proposed uses are similar to the uses on the adjacent parcels and the request will provide a needed service for the community. The proposed use exists in commercial areas in close proximity to the subject site and throughout the City.
 - B. The proposed zone will not have a destabilizing impact on the area. The subject site is at the edge of the larger development and will not impact the traffic circulation of the interior of the development. The expanded zoning will allow new development that may benefit the area by using an existing building and preventing the deterioration of the area. The site is not in a Metropolitan Redevelopment Area, but the City still encourages the reuse of existing buildings.
 - C. The applicant cites Comprehensive Plan policies II.B.5.i, II.B.5.j, II.B.6.a, II.B.6.c, II.B.8.b, II.B.8.c and II.B.8.d. The applicant also cites North Valley Area policies Zoning and Land Use. 3.c and Goals and Issues. 11. These policies predominantly relate to economic development and improvement of the developed landscape.
Staff agrees that these policies are relevant and also believes that Comprehensive Plan policy II.B.5.e and North Valley Area Plan Goals and Issues 6 apply to the request. Summarize Policy Analysis
 - D. The applicant states that the request is more advantageous to the community as articulated in the goals and policies of the applicable plans. The area is auto oriented and the new use will offer additional options for employment and services. Staff agrees that the proposed use is consistent with the uses in the surrounding area and may offer new employment opportunities and services.
 - E. The addition of the restaurant with drive through will not be harmful to the surrounding properties. The area is developed with a variety of commercial uses and the subject site is at the edge of the larger development and will not cause traffic issues.
 - F. This is a proposal for development on a private site and will be privately funded. The site has existing infrastructure to support the development.

- G. The applicant has justified the request using the goals and policies of the applicable plans. Economic considerations may be a factor in the request, but are not the sole determining factor.
- H. the applicant has justified the request through consistency with applicable plans. The location is not used as part of the justification; however the site has sufficient street access to support the proposed use.
- I. The SU-1 zone is generally considered a justified spot zone because it will clearly facilitate the goals and policies of the applicable plans. In this case the proposed zone will be very similar to the surrounding zoning. The intent of the prohibition of the spot zone is to make sure that adjacent land uses are compatible. The addition of the restaurant with a drive-through will be of a similar intensity as the surrounding land uses.
- J. The request will not create strip zone. The zoning applies to one property and will be consistent with the surrounding zoning. The intent of the prohibition of the strip zone is to make sure that adjacent land uses are compatible. The addition of the restaurant with a drive-through will be of a similar intensity as the surrounding land uses.
9. There are no recognized Neighborhood Associations or Home Owners Associations near the subject site. The District 4 Coalition of Neighborhood Associations and the North Valley Coalition were notified. A facilitated meeting was not recommended or requested. The City notified property owners within 100 feet of the subject site. Staff has not received any comments from the public as of this writing.

RECOMMENDATION - 15EPC-40033, September 10, 2015

APPROVAL of 15 EPC 40033, a request for Zone Map Amendment from IP to SU-1 for IP permissive uses to include a restaurant with drive through for (legal description), based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 15-EPC 40033- September 10, 2015-ZONE MAP AMENDMENT

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS – 15 EPC-40044 – September 10, 2015-Amend Site Development Plan for Building Permit

1. This is a request for an amendment to the Site Development Plan for Building Permit for Tract K-1-A (Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25) The 25 Way, NE, between Jefferson Street NE and Pan American West Freeway NE and containing approximately 1.9 acres.
2. The applicant proposes to amend the existing Site Development Plan for Building Permit in order to divide the existing building into a 4, 490 square restaurant space with a drive through window and a 2,326 square foot commercial space.
3. The site is part of a larger commercial center, @ 25. The EPC approved a master development plan for the site in 1999 (Z-99-9).
4. The Albuquerque/Bernalillo County Comprehensive Plan, (Sector Plan/Master Plan, etc.) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. 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 and can be ensured.

The subject site has access to full range of urban services including water, sewer, roads and utilities. The subject site is in an existing commercial area and will not impact the integrity of any residential areas. The requests further Policy II.B.5e.

- B. 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 requests will allow the development of a new restaurant that may provide additional employment and services to the surrounding area. The subject site is in an existing commercial area and will not negatively impact any residential development. The requests further Policy II.B.5.i.

- C. 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 subject site is located in an existing commercial area with access to street and transit lines. The requests further Policy II.B.5.j.

Economic Development

- A. Policy II.B.6.a – New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request will allow the development of a new restaurant that will employ people in a variety of salary levels. The applicant states that managers, wait staff cooks and bakers will be needed at the restaurant. The requests further Policy II.B.6.a.

- B. Policy II.B.6.: Opportunities for improvement in occupational skills and advancement shall be encouraged.

The applicant states that the Panera Bread Company provides training for bakers and offers employees computer access so that they can take on-line classes to improve their skills and advance in the company. The requests further Policy II.B.6.

Developed Landscape

- A. Policy II.B.8.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.

The site is fully landscaped with a variety plants, the landscaping will control the erosion on the site and contribute to a more pleasant visual environment as well as minimizing the impact of the developed areas. The request furthers Policy II.B.8.d.

6. The subject site is within the boundaries of the North Valley Area Plan.

- A. Goals and Issues 6: To encourage quality commercial development /industrial development and redevelopment in response to area needs in already developed/ established commercial /industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial industrial.

The proposed zoning and Site Development Plan for Building Permit amendments allow the development of a commercial use in an existing building in an area that is zoned for commercial /industrial uses. The added drive through uses will not create a new commercial zone, but add to an existing one. The request is consistent with Goals and Issues policy 6.

- B. Goals and issues 11: To locate commercial and industrial development within the I-25 corridor and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/ industrial development.

The subject site is within the I-25 corridor; the proposed use and building design are consistent with the existing development in the area and will not negatively impact development in the lower valley area. The request is consistent with Goals and issues 11.

7. The subject site is within the boundaries of the Bear Canyon Arroyo Corridor Plan. The Bear Canyon Arroyo Corridor Plan contains requirements for development along the arroyo and includes design standards for trails, signage and landscaping. Since the area is already developed and the site is not adjacent to the arroyo, the plan standards are not applicable. The north edge of the shopping area, along the arroyo, was developed in accordance with the Bear Canyon Arroyo Corridor Plan and contains landscaping and a paved path.
8. There are no recognized Neighborhood Associations or Home Owners Associations near the subject site. The District 4 Coalition of Neighborhood Associations and the North Valley Coalition were notified. A facilitated meeting was not recommended or requested. The City notified property owners within 100 feet of the subject site. Staff has not received any comments from the public as of this writing.

RECOMMENDATION – 15 EPC 40044

APPROVAL of 15EPC-40044, a request for Amendment to Site Development Plan for Building Permit, for Tract K-1-A)(Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25) The 25 Way, NE, between Jefferson Street NE and Pan American West Freeway NE and containing approximately 1.9 acres , based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 15 EPC 40044- Amendment 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 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.
 4. Remove note on sheets A-5.1 and A-5.2 regarding allowed sign signage square footage.
 5. The proposed monument sign shall not exceed 30 square feet in size including the base, pursuant to the master development plan design standards.
 6. A note shall be added to the Site Development Plan for Building Permit clarifying the parking apportioned for the restaurant and the retail space and stating that parking is provided pursuant to the IP zone.
 7. The final Grading and Drainage plan will address the comments from Hydrology.
-


Maggie Gould
Planner

Notice of Decision cc list:

Answers INC.	450 Weidman Road	St. Louis MO	63011
Panera Bread LLC, Brian Schrock	3630 S. Geyer Road	Sunset Hills, MO	63127

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

No Neighborhood and/or Homeowner Associations

District 4 Coalition of NA's

North Valley Coalition

Long Range Planning

No comments.

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

Will require a full G&D plan review meeting the following criteria and other criteria stated in the Development Process Manual Chapter 22 and the design guidelines given in Standard Specifications.
Staff Planner: Maggie Gould

GENERAL HYDROLOGY CRITERIA:

- Beyond 10' of a structure, all landscape beds to be depressed below grade. Within 10', runoff shall be directed away from the structure.
- 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 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.
 - State how the first flush will be managed and supporting calculations
 - State the area of Land Treatment D on the plan

- The applicant may request a pre-design meeting with the Hydrology Section. First submit a Conceptual Grading and Drainage plan, and indicate on the DTIS sheet (**in large bold letters at the top**) that a pre-design conference is requested (DTIS sheet is the information sheet required for all Hydrology and Transportation submittals). The reviewer will contact the applicant to set up a meeting.
 - The engineer should research the Master Drainage Plan and/or adjacent sites – essentially practice due diligence prior to meeting. Conceptual Grading and Drainage plans should reference the master drainage plan or other sources that indicate the intended drainage for that area. **The applicant should provide excerpts from the supporting documents and/or grading plans.**
 - Final Drainage Reports should have an appendix with all supporting documentation
 -
- When determining allowable discharge from a site
 - If a Master Drainage Report planned an allowable discharge for a site, determine if the basis for that discharge is still valid or if conditions have since changed.
 - If discharging to the street, determine if the street has capacity. Also determine if the storm drain has capacity.
 - If discharging to the back of inlets, determine if doing so will still provide capacity for the discharge from the street
 - When determining inlet capacity using the orifice equation, the area for a single grate should be 3.84 sq. ft.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning Per MRCOG's 2040 Long Range Roadway System Map, Jefferson St. is a Community Principal Arterial. Per MRCOG's 2040 Long Range Bikeway System Map, Jefferson St. is an existing bicycle route and it is planned to contain bicycle lanes.

Traffic Engineering Operations

NM DOT

NMDOT has No Comments

WATER UTILITY AUTHORITY

Utility Services

No adverse comments as existing building is being occupied by new development. Existing water meters and sanitary sewer services can be utilized.

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

No adverse comments

Open Space Division

OSD has reviewed and has no adverse comments.

City Forester

POLICE DEPARTMENT/Planning

No Crime Prevention or CPTED comments concerning the proposed Amendment To Zone Map or the Site Development – Building Permit Amendment request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

New curb cut out/ clearance bar for drive-thru will hinder existing refuse collection service. Need to move existing refuse enclosure.

FIRE DEPARTMENT/Planning

Reviewed with an Unofficial Approval. 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.

TRANSIT DEPARTMENT

Routes 251, Rio Rancho –Abq-Railrunner connection route passes near site on Jefferson. There is an existing bus stop, 300' north from the northwest corner of the property, serving the above-mentioned route.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed. No comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments



Looking east toward the site from corner of 25 Way and Jefferson Street
Looking south toward the existing outdoor seating.





Looking west from the adjacent hotel parking lot

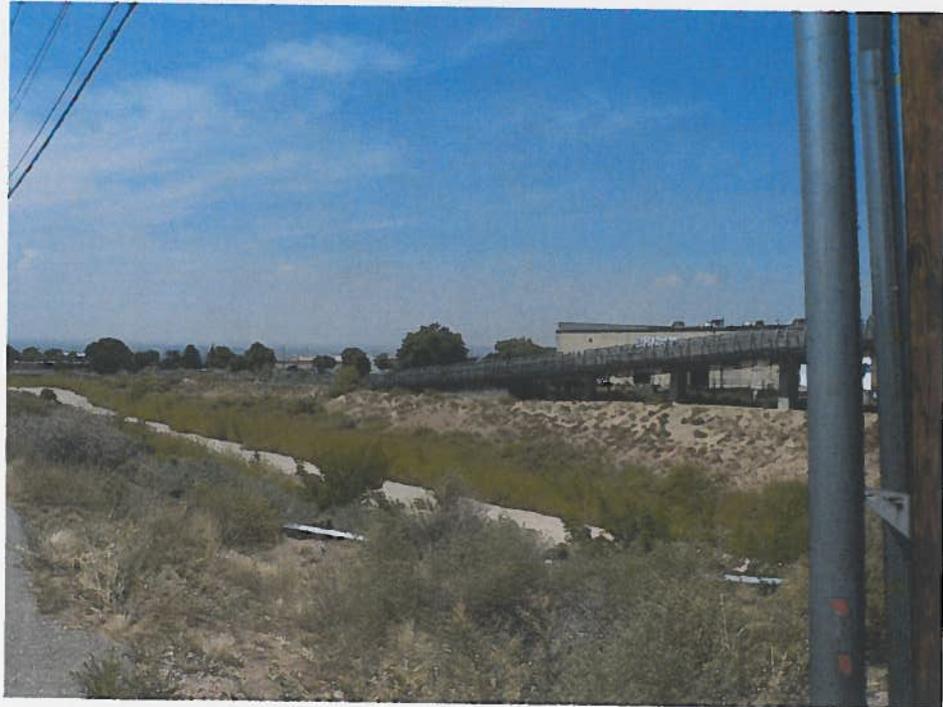
Looking northeast at entrance and future commercial building





Existing street trees along The 25 Way

Existing trail along Bear Canyon Arroyo



- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.
- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.
- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.
- D. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error when the existing zone map pattern was created; or
 - 2. Changed neighborhood or community conditions justify the change; or
 - 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.
- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.
- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
 - 1. Denied due to lack of capital funds; or
 - 2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.
- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby

HISTORY

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

Date: February 19, 1999

OFFICIAL NOTIFICATION OF DECISION

Provident Realty Advisors
16775 Addison Rd.
Suite 520, LB 23
Dallas, TX. 75248

FILE: Z-99-9

LEGAL DESCRIPTION: for Parcels 1 and 2, Digital Properties, zoned IP, located on Jefferson Boulevard NE west of I-25, containing approximately 49.4 acres. (E-17 & F-17) Russell Brito, Staff Planner (DEFERRED FROM JANUARY 21, 1999)

On February 18, 1999, the Environmental Planning Commission voted to approve Z-99-9, a Master Development Plan for Parcels 1 and 2, Digital Properties, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for approval of a Master Development Plan for Parcels 1 and 2, Digital Properties located on Jefferson Boulevard NE, west of I-25 and south of the Bear Canyon Arroyo.
2. The submitted master plan furthers the applicable Goals and policies of the *Comprehensive Plan* by creating the framework for a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in transportation, work areas, and life styles, while creating a visually pleasing built environment.
3. The submitted master plan meets and furthers the goals, policies, regulations and guidelines of the *Bear Canyon Arroyo Corridor Plan*. The submitted master plan will help to create a safe, attractive, interesting and convenient trail corridor that acts as a counterbalance to the surrounding built environment.
4. The submitted master development plan meets the requirements of the *Zoning Code* for a Master Development Plan.
5. The submitted master development plan will be adequate with some modifications.

CONDITIONS:

OFFICIAL NOTICE OF DECISION

FEBRUARY 18, 1999

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1. "Typical drawings" of street furniture and hardscape elements such as benches, pedestrian lighting, bicycle storage areas, etc. shall be illustrated in the master development plan prior to final sign off at the Development Review Board.
2. The following Conditions of Approval from the Public Works Department shall be adhered to and implemented:
 - a. The implementation of and / or monetary contributions for mitigation measures required subsequent to the TIS negotiations must be done by the developer and accepted by the City prior to final sign-off by the DRB.
 - b. Mitigation of impacts to the I-25 / Jefferson Interchange and other area street facilities must be addressed and implemented to the satisfaction of the City of Albuquerque and the New Mexico State Highway and Transportation Department. This may require further phasing in the implementation of the project until area transportation improvements are in place.
 - c. Construction of required pavement, medians, curbs, gutters and 6 foot sidewalks on Jefferson Street.
 - d. Reconstruction of intersections on Jefferson Street and the I-25 Frontage Road to include signal configuration, turn bays, medians and deceleration lanes.
 - e. Construction of a vehicular and pedestrian access connection to Jefferson Street and the I-25 Frontage Road from the proposed development.
 - f. Provision of 60 foot cross-access easement between all parcels. A cull-de-sac will be required if a temporary street is needed to access the lots.
 - g. Provision of adequate pedestrian circulation with disabled features within the site and to the adjacent streets.
 - h. Unidirectional handicapped ramps shall be used at all entrances, including those on Jefferson Street and the I-25 Frontage Road.
 - i. The site access, circulation pattern, and structure orientation / configuration must be constructed to the satisfaction of the Traffic Engineer.
 - j. The improvements on the site must comply with the development standards as contained in the DPM.
 - k. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, medians, drive aisles, parking spaces, walls, signs, etc.
 - l. The proposed entrances on Jefferson Street require a minimum throat area of 75 feet.
 - m. Deceleration lanes are required for all entrances on Jefferson Street.
 - n. Location and dimension of proposed fire lanes must meet Fire Code requirements as per the DPM.
 - o. Approval of all access points to Jefferson Street by the Traffic Engineer; and to the I-25 Frontage Road by the New Mexico State Highway and Transportation Department.
 - p. Provision of street trees and landscaping in the areas between the curb and the sidewalks along Jefferson Street and the I-25 Frontage Road.
 - q. Location of walls, fences and signs must meet the clear sight distance requirements.
 - r. Site grades must accommodate handicapped features and ADA requirements for pedestrian access and circulation.
 - s. Dedication of right-of-way for and construction of the Bear Arroyo Trail facility (#272) from Jefferson to I-25. Provisions for access points from the site to the trail must be provided.

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3. The following Conditions of Approval from the Environmental Health Department shall be adhered to and implemented:
- The master plan shall locate five secure bicycle facilities at strategic locations on site. (Can be inside the buildings as well as outside.) Each building over 50,000 sq. ft. shall provide a minimum of 200 sq. ft. of secured bike storage.
 - A Transportation Management Association for on-site office workers shall be organized per the Transportation Management Demand submitted in October 1998 and approved by the Transit Department on November 10, 1998.
 - The master plan shall designate 3 parking spaces per required handicapped space on office sites only for multiple occupancy vehicles. These parking spaces shall be in shaded areas or shall otherwise be in preferred locations.
 - All structures over 50,000 sq. ft. shall: provide adequate provisions for employee lockers and showers; and excluding restaurants and hotels, on-site dining facilities or break rooms shall be provided. These facilities are encouraged for structures over 30,000 sq. ft.
4. The submittal of this master development plan to the DRB shall meet all EPC Conditions; a letter shall accompany the submittal indicating how the it has been modified to meet each of the EPC Conditions.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY MARCH 5, 1999 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

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 it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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).

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Sincerely,

A handwritten signature in black ink, appearing to read "Bob McCabe", with a long horizontal flourish extending to the right.

For Robert R. McCabe, AIA, APA
Planning Director

RM/RB/ac

cc: Dekker/Perich/Sabatini, 6801 Jefferson Blvd. NE, Suite 100, Albuquerque, NM 87109
Stephen Verchinski, 2700 Espanola NE, Albuquerque, NM 87110
Ron Bohannon, 4421 McLeod NE, Albuquerque, NM 87110