

# 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

September 9, 2016

Weingarten Realty  
2600 Citadel Plaza Dr. Suite 300  
Houston, TX 770088

Project# 1001754  
16EPC-40039 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for all or a portion of Tract A-1, North Town Plaza, zoned SU-1 Shopping Center, located on Cubero Dr. NE, between Wyoming Blvd. NE and Academy Rd. NE, containing approximately .88 acre. (E-19) Staff Planner: Michael Vos

PO Box 1293

On September 8, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project Albuquerque#1001754/16EPC-40039, a Site Development Plan for Building Permit, based on the following findings and subject to the following conditions:

### NM 87103 FINDINGS:

1. This is a request for a site development plan for building permit for Tract A-1, North Town Plaza located on Cubero Drive NE and containing approximately 0.88 acres.
2. The subject site is zoned SU-1 Shopping Center and allows permissive C-2 uses per a February 18, 1977 development plan approval (Z-70-34). Additional development standards were applied to the site via a site development plan for subdivision approved by the EPC on March 16, 1995 (Z-95-25).
3. The applicant proposes to develop an approximately 6,150 square foot retail building for up to four tenants.
4. The requested retail or restaurant use is permissive in the C-2 zone.
5. The proposed site development plan for building permit meets all the conditions and requirements of the approved site development plan for subdivision.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Established Urban Area of the Comprehensive Plan and is within the Academy Village Community Activity Center.

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8. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

- a. Policy II.B.5.a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request would add an additional retail building to the area, which is currently characterized by a wide range of urban land uses such as retail, banking, restaurants, apartments, and both attached and detached single-family residential. A variety of businesses could move into the new building once completed, and would contribute to an even greater potential range of urban land uses. Policy II.B.5.a is furthered by this request.

- b. 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 request furthers Policy II.B.5.d because it generally respects neighborhood values, is consistent with adjacent land uses, and is designed in accordance with a previously approved site development plan for subdivision. The maximum proposed height of the roof is 22 feet 4 inches, which is less than the 26 feet allowed by the design standards of the site development plan for subdivision. While developing a ponding area, the proposal includes a new ponding area to replace the existing one that is being developed, and the plan incorporates small ponds to catch runoff from the subject site. Street trees are being proposed along Cubero Dr. that will minimize visual impacts of the parking and building façade on the adjacent neighborhood. As of the writing of this report, there is no known neighborhood opposition to the project.

- c. 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 is to develop the final vacant parcel of a shopping center located in the established urban area and within a designated activity center of the Comprehensive Plan. The proposed building has been designed to have minimal effect on the surrounding parcels of land and ensure the integrity of the existing neighborhoods. The subject site will be serviced by existing urban facilities. Policy II.B.5.e is furthered by this request.

- d. 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 proposed commercial development will bring additional employment opportunities and services that will complement adjacent residential areas by remaining within an existing commercial development. While access to the site is primarily from private drives connected to a residential roadway, vehicle traffic

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will not enter or pass through the neighborhood to get to the subject site. Lighting concerns are minimized by limitations on building signage to 15% of the building façade, as well as limitations on site lighting to 20-foot poles with short cut-off angle fixtures as required by the previously approved site development plan for subdivision. Policy II.B.5.i is furthered by this request.

- e. Policy II.B.5.j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:
- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
  - 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.
  - In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy II.B.5.j is furthered by this request because this development is on existing commercially-zoned land within a shopping center located at the intersection of two arterial streets. Mass transit and bike lanes exist along the adjacent arterial streets providing multi-modal access to the subject site. The design of the subject site provides storefronts facing the adjacent street, and while the parking lot is located in front of the proposed storefronts, an ADA accessible pathway is provided from the public sidewalk into the site.

- f. Policy II.B.5.l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

The request furthers Policy II.B.5.l because the proposed elevations show both vertical and horizontal articulation with different height parapets and a variety of colors and materials. Stone accents at the base of the building and awnings above entryways help to visually reduce the mass of the building. The colors chosen generally fit with the surrounding structures and meet the standard of tans and browns as specified by the site development plan for subdivision with copper accents.

- g. Policy II.B.7.a: Existing and proposed Activity Centers are designated ... where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

The request adds an additional building to a designated Community Activity Center. The site is very accessible to the automobile from arterial roadways and parking is primarily provided in an off-street lot as described in Comprehensive Plan Table 22: Policy a: Types of Activity Centers. The interior of the subject site is connected to the public sidewalk and has a wide pedestrian path in front of the

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proposed storefronts. Proposed uses of retail and restaurants are typical uses for Community Activity Centers in low-rise buildings. However, the request does not improve pedestrian connections within the Community Activity Center as a whole, and the proposed building location while having appropriate size, height, and massing does not separate the parking lot from the adjacent street. The request partially furthers Policy II.B.7.a.

- h. Policy II.B.7.f: The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intense development.

The request furthers Policy II.B.7.f by adding a new building that creates a buffer between the adjacent residential neighborhood and the very large parking lot that serves the larger retail building to the south of the subject site. The request does not include a drive-thru or other intense use that would be more appropriately sited further from residential uses such as the nearby Starbucks or Taco Bell that are located along Wyoming Blvd. The proposal includes a wide landscape buffer with street trees along Cubero Dr. that reduces the visual impact of the shopping center.

- i. Policy II.B.9.d: Development projects within Community Activity Centers should contribute the following:
- i. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.
  - ii. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.
  - iii. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.
  - iv. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.

The request will add additional retail or restaurant uses to an existing shopping center where individuals can park and make multiple stops as part of a single vehicle trip. The building is a low-rise structure like the rest of the shopping center, and the design will fit in architecturally with the proposed articulation, colors, and materials. Wide pedestrian areas adjacent to the proposed building offer the potential for patio space for future tenants. The proposed landscaping adds to the pedestrian experience along the public sidewalk and breaks up the parking lot. While offering a pedestrian connection to the neighborhood, the shopping center as a whole has poor internal pedestrian connections, and the request is not improving those connections for the overall Activity Center. The request partially furthers Policy II.B.9.d.

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9. Representatives of the Bear Canyon Neighborhood Association and District 4 Coalition of Neighborhood Associations, as well as property owners within 100 feet of the subject site were notified of this request. A facilitated meeting was not recommended nor held. There is no known opposition to this request.
10. Comments from Long Range Planning emphasized the need for better pedestrian connections into the subject site and to the adjacent shopping center. A sidewalk located along the east entry drive would facilitate this connection.

### CONDITIONS:

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. If parking lot lighting is installed, it shall be limited to 20 foot high poles with sharp cut-off angle fixtures to comply with the approved site development plan for subdivision. A note added to the plan will confirm this.
4. Notes should be added to the plan stating that building-mounted signage is limited to 15% of the building façade, and no freestanding signs are allowed as conditioned by the approved site development plan for subdivision.
5. The proposed solid waste enclosure shall meet the minimum specifications of, and its location approved by, the Solid Waste Department – Refuse Division.
6. Conditions of Approval from Transportation Development:
  - 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. Identify all existing access easements and rights of way width dimensions.
  - d. Per DPM, 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.
  - e. Please dimension motorcycle parking spaces.

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- f. Please add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."
  - g. Add a note "All broken or cracked sidewalk must be replaced with sidewalk and curb & gutter." A build note must be provided referring to the appropriate City Standard drawing.
7. 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 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](http://www.pnm.com) for specifications.
8. 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.
9. The applicant shall add an additional pedestrian sidewalk connection on the east side of the subject site.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 23, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

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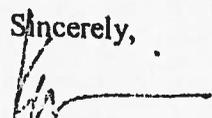
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

**DEFERRAL FEES:** Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,

  
for Suzanne Lubar  
Planning Director

SL/MV

cc: Weingarten Realty, 2600 Citadel Plaza Dr. Suite 300, Houston, TX 77008  
ARIA Studio Consultants Inc. Daniel Puzak/Debra West, P.O. Box 1515, Cedar Crest, NM 87008,  
Dave Ring, Bear Canyon NA, 5901 Wyoming Blvd NE, Ste. J-300, ABQ, NM 87109  
Lawrence O'Brien, Bear Canyon NA, 7424 Chaco NE, ABQ, NM 87109  
Michael Pridham, Dist. 4 COALITION OF NA's, 6413 Northland Ave NE, ABQ, NM 87109  
Tony Huffman, Dist. 4 Coalition of NA's, 9712 Sand Verbena Tr. NE, ABQ, NM 87122