

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 15, 2017

Silverleaf Ventures, LLC
5321 Menaul Blvd. NE
ABQ, NM 87102

Project# 1003859
17EPC-40017 Site Development Plan for Subdivision Amendment
17EPC-40028 Site Development Plan for Building Permit
Amendment

LEGAL DESCRIPTION:

The above actions for all or a portion of Tracts 1-4, 5A, 5B, and 6 of North Andalucia at La Luz, zoned SU-1 for C-2 (23.3 acres max), O-1 (11.7 acres max), PRD (20 DU/AC) and O-1 with Bank including drive up services, located on the SE corner of Coors Blvd. NW and Montano Rd. NW, between Learning Rd. NW and Montano Blvd. NW containing approximately 70 acres. (E-12)
Staff Planner: Maggie Gould

PO Box 1293

Albuquerque On September 14, 2017 the Environmental Planning Commission (EPC) voted to DENY Project 1003859/17EPC-40017, a Site Development Plan for Subdivision Amendment and 17EPC-40028 a Site Development Plan for Building Permit Amendment, based on the following findings:

NM 87103 FINDINGS 17EPC-40017 Site Development Plan for Subdivision Amendment:

1. This is a request for an amendment to the Site Development Plan for Subdivision for Tracts 1-4, 5A, 5B, and 6 of North Andalucia at La Luz, located on the SE corner of Coors Blvd. NW and Montano Rd. NW, between Learning Rd. NW and Montano Blvd. NW and containing approximately 70 acres.
2. The applicant proposes to amend the Site Development Plan for Subdivision to remove the restriction on fast food restaurants with drive up service windows to allow one fast food restaurant with drive up service window on the southwest corner of tract two.
3. The approximately 70 acres covered by the approved SPS is part of a larger 230 acre site that was annexed into the city between 1985 and 2001. The EPC approved an SPS for the entire 230 acres in 2001. The EPC also approved a zone change for the entire 230 acres that established the existing zoning on the site. That SPS was amended in 2003 to replat tract 1 into 5 separate tracts and in 2005 to divide the site into Andalucia at La Luz and North Andalucia at La Luz. The 2005 amendment was appealed and was remanded back to the EPC by the Land Use Hearing officer in order to allow the EPC to create a more thorough record and make findings regarding traffic and proposed streets. The drive through restriction was added through this process.

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4. Development on the site is subject to the requirements of the Site Development Plan for Subdivision.
5. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The site's proximity to an existing school, Open Space Trail head and the Bosque make the drive through fast food restaurant inappropriate because of the potential for increased pedestrian and bicycle conflict with cars and the impact of additional idling cars on the Bosque.
7. The request is not consistent with intent to have the site develop as a pedestrian friendly village center
8. The site is within an area of change designated by the Comprehensive Plan:
 - A. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The restriction on the drive up service window use was added at the request of the neighborhoods near the development. The addition of the drive through does not add to the mix of uses in a way that is consistent with the intent to protect the nearby neighborhoods. The request does not further Policy 4.1.2 Identity and Design

- B. Policy 4.1.5 Natural Resources Encourage high quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

The subject site is in close proximity to the Rio Grande Bosque, additional car exhaust from the drive through use may be harmful to the area.
 - C. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.
 - a) Create walkable places that provide opportunities to live, work, learn, shop, and play.
 - c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The addition of the drive through use would add a use to the existing activity center, but would not further the goals of creating a walkable place and shaping the built environment into a more sustainable place. The request partially furthers Policy 5.1.1 Desired Growth and a) and c).

- D. Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.
 - a) Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.
 - b) Provide neighborhood-oriented commercial, retail, institutional, and public services.

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- d) Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.

The addition of the drive through may add to the range of services and amenities that meet the needs of local residents, but will not support the healthy lifestyle goal or make the activity center more pedestrian friendly. Policy 5.1.6 Activity Centers, a), b) and d) is partially furthered by the request.

- E. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
- g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows.
 - i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;

The request would add development that would bring a new service to the area and would service adjacent neighborhoods. The request would not encourage walking and biking and would not emphasize pedestrian and bicycle connections. The request partially furthers Policy 5.2.1 Land Uses , a) and g).The request partially furthers Policy 5.2.1 Land Uses , a) and g).

- F. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The request furthers Policy 5.3.1 because it will add development in an area areas with existing infrastructure and public facilities.

- G. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request would further Policy 5.6.2 because it will allow an additional use in a center in an Area of Change.

- H. Policy 6.2.3 Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.

- a) Design streets, streetscapes, and sidewalks to enhance pedestrian and bicyclist mobility for commuting, recreation, and activities of daily living.

The request does not further the goal and Policy 6.2.3 and Policy 6.2.3.(a)because the site currently prohibits drive through use with a fast food restaurant and the request adds this use back for Tract 2, making the site less pedestrian friendly and less bicycle friendly because of the potential for conflicts with cars entering and exiting the drive through..

- I. Goal 7.2 Pedestrian-Accessible Design

Increase walkability in all environments, promote pedestrian-oriented development in urban contexts,

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and increase pedestrian safety in auto-oriented contexts.

The request would does not further goal 7.2 because the site currently prohibits drive through use with a fast food restaurant and the request add this use back for Tract 2, making the site less pedestrian friendly because of the potential for conflicts with cars entering and exiting the drive through.

- J. Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

a) Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.

The drive through may add additional employment in the center for a range of skill levels and an additional economic development opportunity. The request would add a different development intensity to the center. The request furthers Policy 8.1.1 and Policy 8.1.1 a)

- K. Policy 13.1.2 Greenhouse Gas Mitigation: Mitigate greenhouse gas emissions in developments and streetscapes.

The request does not further Policy 13.1.2 because the drive through use would add idling vehicles to the development and this would increase the carbon dioxide, a greenhouse gas, in the area.

9. The site is within the West Side Strategic Plan and within a Community Activity Center:

- A. Policy 1.12: The ideal community activity center of 35 to 60 acres will have parcels and buildings in scale with pedestrians, small enough to encourage parking once and walking to more than one destination. Off-street parking should be shared; on-street parking will contribute to the intimate scale typical of well functioning pedestrian areas. Parking shall be located between and behind buildings to permit walking more safely and comfortably between uses that front on sidewalks rather than parking lots. Seating and shade will be provided along pedestrian routes to promote walking and informal gathering.

The request will not encourage parking once and visiting other business and may increase the potential for conflicts between vehicles and pedestrian. The addition of the drive through does not encourage well-functioning pedestrian areas. The request does not further Policy 1.12..

The following policies are provided for the Taylor Ranch area:

- B. Policy 3.12: The Taylor Ranch Community is an appropriate location for continued growth due to its contiguous location to the rest of the City and efficient location for receiving City services.

The request would further policy 3.12 because it could add to growth in the Taylor Ranch area.

- C. Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

The proposed drive through would be consistent with commercial uses in the community center

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because the drive through is an allowed commercial use in the C-2 zone, restricted by the SPS. The request furthers Policy 3.16.

10. The subject site lies within the boundaries of the Coors Corridor Sector Development Plan

Issue 3: land use and intensity of development: Intensity of development shall be compatible with the roadway function, existing zoning, or recommended land use, environmental concerns and design guidelines.

The proposed addition of a drive through would be compatible with the underlying zoning, but not consistent with the environmental concerns (proximity to the Bosque and car exhaust). The request is not consistent with Issue 3.

11. The La Luz Landowners Association and the Taylor Ranch Neighborhood Association were notified of the request.

12. A facilitated meeting occurred on August 24, 2017. Attendees expressed concern about the possibility of additional drive up windows, increased car traffic, access and location of dumpsters, negative impacts for the existing shopping centers in the area and impact on pedestrian traffic. Attendees had questions regarding the architecture of the shopping center, the design of the backs of the buildings and how buildings related to Coors Boulevard. The applicant was asked to address the possibility of limiting the drive up use to a coffee shop, provide a landscape plan in color, summarize the traffic and trip generation for the proposed Starbucks, provide a map of pedestrian connections from La Luz and Andalucia to the shopping center and provide viewshed calculation for anyone who requests them.

13. Property owners within 100 feet of the site were notified of the request.

14. Staff received letters from the La Luz Landowners Association and the Taylor Ranch Neighborhood Association within the 48 hour deadline opposing the request.

FINDINGS 17EPC-40028 Site Development Plan for Building Permit Amendment:

- 1. This is a request for an amendment to the Site Development Plan for Building Permit for Tracts 2 and 3 of North Andalucia at La Luz, located on the SE corner of Coors Blvd. NW and Montano Rd. NW, between Learning Rd. NW and Montano Blvd. NW and containing approximately 17 acres.**
- 2. The applicant proposes to amend the Site Development Plan for Building Permit to remove the restriction on fast food restaurants with drive up service windows to allow one fast food restaurant with drive up service window on the southwest corner of tract two. And increase the width of the service aisle for building 6B2.7.**
- 3. The approximately 70 acres covered by the approved SPS and the 17 acres covered by the SPBP are part of a larger 230 acre site that was annexed into the city between 1985 and 2001. The EPC approved an SPS for the entire 230 acres in 2001. The EPC also approved a zone change for the entire 230 acres that established the existing zoning on the site. Subsequently, in 2003 the SPS was amended to replat tract 1 into 5 separate tracts and again in 2005 to divide the site into Andalucia at La Luz and North Andalucia at La Luz. In 2005 the EPC approved the SPBP with the prohibition on**

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drive up service windows and gas stations. The SPBP was amended administratively in 2015 to adjust the building footprints and create four smaller buildings on tract 2, instead of two small buildings and one larger one. The SPBP was amended administratively in 2016 to adjust the parking calculations, add an office building and make changes to the building elevations and signage and add a loading area behind building 6B2.13. Finally, the SPBP was amended administratively to revise the layout and parking to create the current configuration of buildings on the west side of tract 2.

4. Development on the site is subject to the requirements of the approved Site Development Plan for Subdivision.
5. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The site's proximity to an existing school, Open Space Trail head and the Bosque make the drive through fast food restaurant inappropriate because of the potential for increased pedestrian and bicycle conflict with cars and the impact of additional idling cars on the Bosque.
7. The request is not consistent with intent to have the site develop as a pedestrian friendly village center
8. The site is within an area of change designated by the Comprehensive Plan:
 - L. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The restriction on the drive up service window use was added at the request of the neighborhoods near the development. The addition of the drive through does not add to the mix of uses in a way that is consistent with the intent to protect the nearby neighborhoods. The request does not further Policy 4.1.2 Identity and Design

- M. Policy 4.1.5 Natural Resources Encourage high quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

The subject site is in close proximity to the Rio Grande Bosque, additional car exhaust from the drive through use may be harmful to the area.

- N. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.
 - a) Create walkable places that provide opportunities to live, work, learn, shop, and play.
 - c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The addition of the drive through use would add a use to the existing activity center, but would not further the goals of creating a walkable place and shaping the built environment into a more

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sustainable place. The request partially furthers Policy 5.1.1 Desired Growth and a) and c).

- O. Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.
- a) Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.
 - b) Provide neighborhood-oriented commercial, retail, institutional, and public services.
 - d) Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.

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- P. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
 - g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows.
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- Q. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.
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- R. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.
- The request would further Policy 5.6.2 because it will allow allow an additional use in a center in an Area of Change.
- S. Policy 6.2.3 Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.
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T. Goal 7.2 Pedestrian-Accessible Design

Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

The request would does not further goal 7.2 because the site currently prohibits drive through use with a fast food restaurant and the request add this use back for Tract 2, making the site less pedestrian friendly because of the potential for conflicts with cars entering and exiting the drive through.

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D. Policy 1.12: The ideal community activity center of 35 to 60 acres will have parcels and buildings in scale with pedestrians, small enough to encourage parking once and walking to more than one destination. Off-street parking should be shared; on-street parking will contribute to the intimate scale typical of well functioning pedestrian areas. Parking shall be located between and behind buildings to permit walking more safely and comfortably between uses that front on sidewalks rather than parking lots. Seating and shade will be provided along pedestrian routes to promote walking and informal gathering.

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- E. Policy 3.12: The Taylor Ranch Community is an appropriate location for continued growth due to its contiguous location to the rest of the City and efficient location for receiving City services.

The request would further policy 3.12 because it could add to growth in the Taylor Ranch area.

- F. Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

The proposed drive through would be consistent with commercial uses in the community center because the drive through is an allowed commercial use in the C-2 zone, restricted by the SPS. The request furthers Policy 3.16.

10. The subject site lies within the boundaries of the Coors Corridor Sector Development Plan

Issue 3: land use and intensity of development: Intensity of development shall be compatible with the roadway function, existing zoning, or recommended land use, environmental concerns and design guidelines.

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11. The La Luz Landowners Association and the Taylor Ranch Neighborhood Association were notified of the request.

12. A facilitated meeting occurred on August 24, 2017. Attendees expressed concern about the possibility of additional drive up windows, increased car traffic, access and location of dumpsters, negative impacts for the existing shopping centers in the area and impact on pedestrian traffic. Attendees had questions regarding the architecture of the shopping center, the design of the backs of the buildings and how buildings related to Coors Boulevard. The applicant was asked to address the possibility of limiting the drive up use to a coffee shop, provide a landscape plan in color, summarize the traffic and trip generation for the proposed Starbucks, provide a map of pedestrian connections from La Luz and Andalucia to the shopping center and provide viewshed calculation for anyone who requests them.

13. Property owners within 100 feet of the site were notified of the request.

14. Staff received letters from the La Luz Landowners Association and the Taylor Ranch Neighborhood Association within the 48 hour deadline opposing the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 29, 2017**. 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

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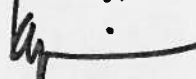
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Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

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 applications.

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.

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: Silverleaf Ventures, LLC, 5321 Menaul Blvd. NE, ABQ, NM 87110
Consensus Planning, Inc., 302 Eight St. NW, ABQ, NM 87102
La Luz Landowners Assoc., Jonathan Abdalla, 6 Tumbleweed NW, ABQ, NM 87120
La Luz Landowners Assoc., Britt Quisenberry, 1-A Loop One NW, ABQ, NM 87120
Taylor Ranch NA, Jolene Wolfley, 7216 Carson Trl. NW, ABQ, NM 87120
Taylor Ranch NA, Rene Horvath, 5515 Palomino Dr. NW, ABQ, NM 87120
Nita Day, 6127 Deergass Cir. NW, ABQ, NM 87120
Pat Gallagher, 24 Link NW, ABQ, NM 87120
Kathy Adams, 5 Arco Ct. NW, AB,Q NM 87120