

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
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## OFFICIAL NOTIFICATION OF DECISION

July 18, 2024

Dutch Bros  
110 S.W. 4th Street  
Grants Pass, OR 97526

**Project # PR-2022-007872**  
**SI-2024-00674 –Site Plan – EPC, Major Amendment**

Barghausen Consulting Engineers Inc., requests a Site Plan EPC, Major Amendment for all or a portion of Tract C-1-A Plat of Tracts C-1-A thru C-1-E Academy Acres Unit 17; Tract C1C1A and Tract C1C1B Plat of Tracts C1C1A & C1C1B Academy Acres Unit 17; Tracts C-1-C-2 Academy Acres Unit 17 Plat of Tracts C-1-C-1 & C-1-C-2 Academy Acres. Located at 7330 San Antonio Dr. NE, between San Antonio Dr. NE and San Antonio Place NE, approximately 3.5 acres (E-19-Z)

Staff Planners: Rachel Gross, Vicente Quevedo

On July 18, 2024, the Environmental Planning Commission (EPC) voted to Approve PR-2022-007872 SI-2024-00674 –Site Plan – EPC, Major Amendment based on the following findings and subject tot the following conditions of approval:

### FINDINGS – SI-2024-00674 –Site Plan – EPC, Major Amendment

1. The request is for a Site Plan Amendment to the controlling approximately 3.5 acre Wyoming Commercial Complex Site Development Plan for an approximately 1 acre site legally described as All or a portion of Tract C-1-A Plat of Tracts C-1-A thru C-1-E Academy Acres Unit 17; Tract C1C1A and Tract C1C1B Plat of Tracts C1C1A & C1C1B Academy Acres Unit 17; Tracts C-1-C-2 Academy Acres Unit 17 Plat of Tracts C-1-C-1 & C-1-C-2 Academy Acres, located at 7330 San Antonio Drive on the corner of San Antonio Place and San Antonio Drive (the “subject site”).
2. The subject site is controlled by the Wyoming Commercial Complex Site Plan for Development that was approved by the EPC in 1990 (case number, Z-79-66-8, and Notice of Decision 4-16-1990). The controlling site plan established a gas station with a car wash (building has been demolished) on the subject site, which has since closed down and the site remains unused save for overflow parking from the adjacent auto shop. The site is vacant at the time of this report publishing.
3. The request amendment is to allow the development of a restaurant with drive thru on the subject site. The amendment will allow for a redevelopment of a vacant parcel, which was previously a gas station. The subject site is located within the controlling Wyoming Commercial Complex site plan. This site plan includes 5 tracts in approximately 3.3 acres, this request is for Tract C-1-A, approximately 1 acre located on the east side along San Antonio Pl NE and San Antonio Dr., a local

urban street. The site is located in a developed area within Cherry Hills Village Activity Center, near the Wyoming Blvd, and is characterized by a variety of commercial uses.

4. A restaurant with a drive thru is a permissible use within the site's zoning designation, MX-L (mixed use low-density).
5. The subject site is within the North Albuquerque Community Planning Area (CPA) and is entirely in an Area of Change.
6. Upon first submittal, Hydrology required additional review and updates to the grading and drainage plan. An updated plan was submitted and subsequently reviewed by the hydrology department with a few notes to include in the conditions of approval.
7. The City of Albuquerque Integrated Development Ordinance (IDO) and the Albuquerque Bernalillo County (ABC) Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
8. The proposed Site Plan is required to follow all applicable Standards outlined in the Controlling Site Development Plan for Subdivision pursuant IDO section 14-16-1-10(A) which states that: Any approvals granted prior to the effective date of this IDO shall remain valid and that any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any provision of this IDO. Where those approvals are silent, provisions in the IDO shall apply.
9. The attached site development plan has been evaluated for conformance with applicable Goals and Policies in the Comprehensive Plan, and other applicable Plans. The request is wholly or generally consistent with the following ABC Comprehensive Plan Goal and Policies regarding Community Identity from Chapter 4:

A. GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct communities.

The request will enhance, protect, and preserve distinct communities by redeveloping an underutilized site according to design standards contained within the controlling Wyoming Commercial Complex Site Development Plan for Subdivision and IDO as required, within a designated mixed-use commercial area.

B. 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 request will result in the redevelopment of a site that has been underutilized for a significant amount of time. The proposed development will adhere to the design standards of the EPC approved Wyoming Commercial Complex Site Development Plan for Subdivision and the IDO where the site plan is silent, thereby protecting the identity and cohesiveness of the surrounding neighborhood. The proposed development will also be at an appropriate scale for the area.

C. GOAL 4.2 Process: Engage communities to identify and plan for their distinct character and needs.

Although a facilitated meeting was offered to affected neighborhood associations, the applicant has not demonstrated, via the requested action, an effort to engage the nearby residential community to identify and plan for their distinct character and needs.

D. POLICY 4.2.2 Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

The request would result in the development of a restaurant with a drive thru lanes. While the applicant has stated that customer orders will be taken in person rather than via traditional speaker boxes to facilitate personalized interactions, it is unclear from a planning perspective how these interactions will serve identify and address the needs of all residents.

10. The request is wholly or generally consistent with the following ABC Comprehensive Plan Goal and Policies regarding Centers and Corridors from Chapter 5 Land Use:

A. GOAL 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request will result in the development of a restaurant with drive thru on the subject site which is located within the Cherry Hills Village Activity Center and is connected by a multi-modal network of Corridors via the Pino Arroyo paved multi-purpose Trail that runs along the southern edge of the subject site and connects directly to the Wyoming Boulevard Multi-modal Corridor east of the subject site.

B. 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.

The request would result in fostering development within the designated mixed-use Cherry Hills Village Activity Center. The Wyoming Commercial Complex Site Development Plan for Subdivision includes a range of services and amenities that the request would contribute to. Additionally, the restaurant use will be accessible via multi-modal transportation means.

11. The request is wholly or generally consistent with the following ABC Comprehensive Plan Goal and Policies regarding Centers and Corridors from Chapter 7 Urban Design:

A. 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.

B. POLICY 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

The request would result in a restaurant use on the subject site that would be accessible by pedestrians and includes walk up services. The applicant would also improve existing sidewalks on and along the edges of the subject site. The subject sites close proximity to nearby RT zoned residential uses along with the pedestrian related improvements on the subject site will ensure convenient and comfortable pedestrian travel to and from the restaurant use.

C. POLICY 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request would result in a restaurant use with a drive thru on a site that has been underutilized for a significant amount of time, and that will conform to the design standards of the controlling Wyoming Commercial Complex Site Development for Subdivision and IDO as required and thereby blending in style and building materials with surrounding commercial structures of the block in which it is located.

12. The request is wholly or generally consistent with the following ABC Comprehensive Plan Goals and Policies regarding from Chapter 8 Economic Development:

A. GOAL 8.1 Placemaking: Create places where business and talent will stay and thrive.

The request will result in establishing a business on the subject site that has been underutilized for some time. The applicant states that an average of 34 jobs (full and part time) will be created as a result of the request, and will be open to recruiting local talent from the surrounding residentially zoned neighborhoods.

B. POLICY 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The request will serve to foster a robust and resilient economy by redeveloping a site that has been underutilized for a significant amount of time and potentially offering employment opportunities for surrounding residents that may improve their quality of life.

13. The request meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(I)(3) as follows:

A. 6-6(I)(3)(a) The site plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy-based analysis, the proposed Site Plan is consistent with applicable Comprehensive Plan Goals and policies.

B. 6-6(I)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the subject property and any related development agreements and/or regulations.

The site is zoned as Mixed-Use Low Intensity (MX-L); therefore, 6-6(I)(3)(b) does not apply.

C. 6-6(I)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

The subject site is within the Wyoming Commercial Complex Site Development Plan for Subdivision (EPC Z-79-66-8). The major amendment will result in a restaurant with drive thru use on Tract C-1-A. The associated site plan complies with all applicable site standards in the controlling site plan. Future reviewers shall check the site plan for standards; where the controlling site development plan is silent, the site plan is required to comply with all applicable provisions of the IDO. The site plan shall comply with the DPM and all other adopted City regulations.

D. 6-6(I)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the maximum extent practicable.

The subject site is currently served by infrastructure, and the site will have adequate capacity once the proposed restaurant with drive thru development has been constructed. It is using existing infrastructure from the previous development including utilities, driveways, internal drive aisles, sidewalks, and a trash enclosure. Sidewalks that have been damaged due to surrounding tree roots will be repaired to ensure customers can access the public right-of-way and nearby trail system.

- E. 6-6(I)(3)(e) The application mitigates any significant adverse impacts on the project site and the surrounding area to the maximum extent practicable.

The request will ensure that any significant adverse impacts on the site are mitigated by maintaining and preserving positive flow of vehicles, pedestrians, and the necessary infrastructure. The modification to the Site Plan includes re-development of one site to include a Dutch Bros Coffee. The Dutch Bros Coffee building is similar in scope to the existing development. Approximately 370 feet of stacking space is available behind the drive-through window for traffic flow, designed to accommodate 18 vehicles. An approved Traffic Circulation Layout will be required with each newly developed lot.

- F. 6-6(I)(3)(f) If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

The subject property is not within an approved Master Development Plan.

- G. 6-6(I)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Small Area pursuant to Subsections 14-16-5-2(e) (Cumulative Impacts) and 14-16-6-4(h) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

The subject property does not require a Cumulative Impact Analysis.

14. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. No opposition or support is known at this time. No public comments nor request for neighborhood meeting was received.
15. City departments and other agencies reviewed this application. Transportation Development Services (TDS), and Hydrology submitted the most substantial comments. TDS noted that the developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Facilitation Team (DFT). An approved Traffic Circulation Layout will be required with each newly developed lot. In accordance with TDS comments, the applicant has submitted a Traffic Impact Study to the TDS department.

Hydrology noted that an updated Grading and Drainage Plan was needed for the site because the site discharges directly into Pino arroyo. The applicant submitted an updated grading and drainage plan to the Hydrology Department in accordance with the comments.

CONDITIONS OF APPROVAL- Project #: 2022-007872 / SI #: 2024-00674

1. The applicant shall coordinate with the Staff Planner prior to submitting to the DFT to ensure that EPC Conditions have been met. Pursuant to IDO section 14-16- 6-6(I)(2)(m) Site Plans shall be reviewed administratively for compliance with conditions of approval, DPM, and zoning standards prior to the issuance of a building permit.
2. The applicant shall address all comments received from City Hydrology, prior to DFT Final Sign-off, which could include adjustments to the grading and drainage plan that are less than 10% of any numerical threshold

3. The applicant shall address all comments received from Transportation Development Services prior to DFT submittal.
4. The site plan page C1 shall be updated to show the outdoor seating and gathering places.
5. The Site Plan shall comply with the applicable standards in the controlling site development plan and General Regulations of the IDO and all other applicable design regulations, except as specifically approved by the EPC.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **August 2, 2024**. 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 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. 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 an EPC Recommendation to the City Council since this is not a final 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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



for Alan M. Varela,  
Planning Director

AV/RG/VQ/MJ

CC:

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