

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

April 21, 2022

Raising Cane's Restaurants LLC
6800 Bishop Rd.
Plano, TX 75024

Project #2021-005461
SI-2022-00509 Site Plan- Major Amendment

LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning, agent for Raising Cane's Restaurants LLC, requests a Major Amendment to an existing Site Development Plan for all or a portion of Parcel 2 of the amended summary plat of the Wyoming Mall parcels 1 thru 6; Parcel 3 and Parcel 6 summary plat Wyoming Mall; Parcel 1-A, 1-B, 1-C, 4-A and 5-A Plat of Parcel 1-A, 1-B, 1-C, 4-A & 5-A Wyoming Mall, zoned MX-M, located between Wyoming Blvd. NE and Lester Dr. NE, and north of Northeastern Blvd NE, approximately 32.0 acres (H-20-Z)
Staff Planner: Leroy Duarte

On April 21, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project #2021-005461, SI-2022-00509 Site Plan- Major Amendment, based on the following Findings and subject to the following Conditions of Approval:

FINDINGS:

1. The request is for a major amendment for a property legally described as Parcel 2 of the amended summary plat of the Wyoming Mall parcels 1 thru 6; Parcel 3 and Parcel 6 summary plat Wyoming Mall; Parcel 1-A, 1-B, 1-C, 4-A and 5-A Plat of Parcel 1-A, 1-B, 1-C, 4-A & 5-A Wyoming Mall, zoned MX-M located on Wyoming Blvd. NE, located between Wyoming Blvd. NE and Lester Dr. NE, and north of Northeastern Blvd. NE approximately 32 acres.
2. The applicant requests to amend the controlling site development plan to redevelop of Parcel 2 of the site into a drive-through restaurant.
3. The EPC is hearing this case pursuant to IDO section 14-16-6-4(Z) Amendments of Pre-IDO Approvals. Major amendments shall be reviewed by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement). The amendment exceeds the thresholds found in IDO table 6-4-4: Allowable Minor Amendments, therefore it is classified as a Major Amendment pursuant to IDO section 14-16-6-4(Z)(1)(b).

4. The subject site is zoned MX-M (Mixed Use- Medium Intensity). The applicant is requesting a major amendment to amend the controlling site development plan to redevelop a parcel of the site, to facilitate future development as allowed by the MX-M zone.
5. The subject site is in an Area of Change and is along the Wyoming Multi-modal Corridor and in the Hoffmantown Activity Center.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following policy from Comprehensive Plan Chapter 4: Community Identity.

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 major amendment request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location by facilitating a new drive-through and drastically reducing the existing building footprint from 11,647 Sq. ft. to 3,443 sq. ft while still keeping the uses consistent with the Wyoming Mall subdivision.

8. The request furthers the following goals, policies, and sub-policies from Comprehensive Plan Chapter 5: Land Use.
 - A. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The major amendment request would direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within the Hoffmantown Shopping Center. The request furthers Policy 5.1.2 – Development Areas.

- 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 major amendment request would allow for development that would be generally consistent with the surrounding community and would foster opportunities to work, learn, shop, and play together. Abutting the site for the proposed major amendment lies Inez Park to the west, Snow Heights Park to the south, along with residential developments adjacent to both parks that are within walking distance of the subject site. The request furthers Goal 5.2- Land Uses.

- C. Goal 5.2 – Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The major amendment request would allow for development that would be consistent with the surrounding community and would foster opportunities to work, learn, shop, and play together. Abutting the site for the proposed major amendment lies Inez Park to the west, Snow Heights Park to the south, along with residential developments adjacent to both parks that are within walking distance of the subject site.

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

The major amendment request would create a mix of uses that are conveniently accessible from surrounding neighborhoods. However, the request would also not create healthy, sustainable uses due to the drive-through promoting vehicle usage and does not encourage pedestrian activity. The request generally furthers Policy 5.2.1- Land Uses.

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

The surrounding area is developed and served by existing infrastructure. Future development would utilize existing infrastructure. The request furthers Policy 5.3.1 – Infill Development.

- F. Goal 5.6. City Development areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Change. The major amendment request would direct and encourage growth to the surrounding area by facilitating redevelopment of a commercial use, which would allow growth of the same consistency to occur. The request generally furthers Goal 5.6-City Development Areas.

- 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 major amendment request would allow development to occur along the Wyoming Blvd. Multi-modal Corridor and within the Hoffmantown Activity Center which is located in an area of change where new growth and development is generally desired. The request furthers Policy 5.6.2 Areas of Change.

- H. Sub-policy (h): Encourage development in areas with a highly connected street grid and frequent transit service.

The major amendment request would encourage development in the Hoffmantown Activity Center which is highly connected to the surrounding area by the grid pattern of streets in the NE Heights. The Wyoming Corridor which has frequent transit service by ABQ Ride Route-31 Wyoming route and the ABQ Ride Route- 98 Wyoming Commuter Route. The request furthers sub-policy(h) Areas of Change.

9. The request furthers the following policy from Comprehensive Plan Chapter 7: Urban Design.

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 major amendment request would promote infill that enhances the built environment in style and building materials by facilitating future development according to the IDO standards which will contrast with the current Wyoming Mall. In addition, Use-Specific standards will also be implemented to help mitigate any potential detrimental impacts this development could have on the surrounding area, while also keeping the use consistency similar to other uses within the Hoffmantown Shopping Center. The request generally furthers Policy 7.3.4 Infill.

10. The request furthers the following policy and sub-policy from Comprehensive Plan Chapter 8: Economic Development.

- A. 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 major amendment request would facilitate development that would offer residents a specific type of cuisine that differentiates itself from the other restaurants in the surrounding area, contrasting to economic diversity and choice for the existing residents. The request furthers Policy 8.1.2 Resilient Economy.

- B. Sub-policy (c): Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

The major amendment request would facilitate development that would create jobs and could employ residents from the surrounding neighborhoods. The request generally furthers sub-policy (c) 8.1.2 Resilient Economies.

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

- A. 14-16-6-6(J)(3)(a) The site plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy analysis (see above), the request is consistent with applicable Comprehensive Plan Goals and policies.

- B. 14-16-6-6(J)(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 subject site is zoned MX-M, so the above criterion does not apply.

- C. 14-16-6-6(J)(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.

With the application of conditions of approval, the site plan would comply with all applicable provisions of the IDO. The subsequent request will be reviewed via the Site Plan - DRB Process to ensure compliance with applicable provisions of the Development Process Manual (DPM) and other City regulations.

- D. 14-16-6-6(J)(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 request will be reviewed via Site Plan DRB process, which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems has sufficient capacity to serve a proposed development.

- E. 14-16-6-6(J)(3)(e) The application mitigates any significant adverse impacts on the project site and the surrounding area to the maximum extent practicable.

The future, proposed development will be required to comply with the decisions made through- the EPC and the Site Plan DRB Process. The EPCs' conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The Site Plan DRB review will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.

- F. 14-16-6-6(J)(3)(f) If the subject site 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 site is not located within an approved Master Development Plan.

- G. 14-16-6-6(J)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur 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 impacts.

The subject property is not within the Railroad and Spur Area and no cumulative impact analysis is required. Therefore, the above criterion does not apply.

12. The affected, registered neighborhood organizations are the District 7 Coalition of Neighborhood Associations, North Eastern Association of Residents, and Inez Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

CONDITIONS OF APPROVAL:

1. The EPC delegates final sign-off authority of this site development plan to the Site Plan-DRB Process as per IDO Section 6-5(G)(1). The reviewer will be responsible for ensuring that the EPC Conditions have been satisfied and that other applicable City requirements have been met.
2. CONDITIONS FROM TRANSPORTATION DEVELOPMENT SERVICES:
 - A. The Traffic Study shall need to be reviewed and approved prior to site plan approval through DRB action. All recommendations within the Traffic Study shall be implemented by the site plan; any public infrastructure shall be placed onto an infrastructure list and built per a work order.
 - B. Show property lines and easements on site plan. Shared access easement will need to be established for the new business.
 - C. Show widths of all existing vehicular ways and sidewalk surrounding the site. Additional infrastructure may be required at DRB to abide by DPM requirements within the right-of-way.
 - D. Provide all required parking calculations for the site, the ADA parking, bicycle and motorcycle parking.
 - E. Dimension all driving aisles, pedestrian ways and parking spaces, following DPM requirements.
 - F. Use keyed notes to Use keyed notes to call out curb on the site plan. Curb shall be between 6-8" high to separate parking spaces from landscaping and sidewalk. Follow requirements of the DPM for all curb radii along the driving aisle and for the landscape islands.
 - G. Include all civil details for sidewalk, curb ramps, paving, curb, bike racks, and signage.
 - H. Show bike racks and motorcycle parking on the plan. Provide overall dimensioning for the bike rack area based upon parking requirements.
 - I. For perpendicular curb ramps, show a minimum 4-foot by 4-foot landing area at the top of the ramp for wheelchairs to turn.
 - J. The ADA pathway to the right-of-way cannot be shown within the driving aisle unless it is a perpendicular crossing. The route will need to be redefined.
 - K. Include van accessible aisle requirements. Show "No Parking" at the back of all of the accessible aisles.
 - L. Include "Do Not Enter", one-way signs, and directional arrows on pavement for the drive-thru.
 - M. Some of the keyed notes were slightly illegible for this submittal, and it was difficult to determine what they pertained to.

3. CONDITIONS FROM THE SOLID WASTE MANAGEMENT DEPARTMENT

The double trash enclosures proposed for this site must be approved through the building permit process by the Solid Waste Department. They have been approved for access only.

4. CONDITION FROM PUBLIC SERVICE COMPANY OF NEW MEXICO:

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM.3. As of this writing, Staff has not been contacted and is unaware of any opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **May 6, 2022**. 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 14-16-6-4(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/CL/LD

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