

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

April 21, 2022

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

Project #2021-005467
SI-2022-00520 Site Plan- Major Amendment

LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning, agents for Raising Cane's Restaurants LLC, requests a Major Amendment to an existing Site Development Plan for all or a portion of Tract B-1, Block A, amended plat of Tracts B-1-1 and B-2, Block A, Vista Grande Addition, Unit 1, being a replat of Tract B, Vista Grande excluding northerly portion to ROW; Tracts B-3 and B-4, Block A Vista Grande Addition Unit 1, being a replat of Tract B-2; Tract B-6, Block A of Tracts B-6, B-7, and B-8 Block A, Vista Grande Addition Unit one; Tract B-9 Block A, Vista Grande Addition Unit 1, Replat of Tract B-7 and B-8, zoned MX-M, located at 4800 Montgomery Blvd. NE, between Montgomery Blvd. NE and Monroe St. NE, approximately 9.6 acres (G-17-Z)

Staff Planner: Megan Jones

On April 21, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project #2021-005467, SI-2022-00520 Site Plan- Major Amendment, based on the following Findings and subject to the following Conditions of Approval:

FINDINGS:

1. The request is for a Site Plan-EPC for Tract B-1, Block A, amended plat of Tracts B-1-1 and B-2, Block A, Vista Grande Addition, Unit 1, being a replat of Tract B, Vista Grande excluding northerly portion to ROW; Tracts B-3 and B-4, Block A Vista Grande Addition Unit 1, being a replat of Tract B-2; Tract B-6, Block A of Tracts B-6, B-7, and B-8 Block A, Vista Grande Addition Unit one; Tract B-9 Block A, Vista Grande Addition Unit 1, Replat of Tract B-7 and B-8, between San Mateo Blvd. NE and Monroe St. NE, (4800 Montgomery Blvd. NE), containing approximately 9.6 acres (the "subject site").
2. The subject site is zoned MX-M (Mixed-use – Moderate Intensity), a zoning designation received upon adoption of IDO in May 2018. The subject site was formerly zoned C-2

(commercial). The subject site includes 5 tracts, B-1, B-3, B-4, B-6, and B-9. Only Tract B-1 (1.26 acres) and is being planned for future development at this time.

3. 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). Pursuant to IDO Section 14-16-6-4(Q), the decision-making body may impose conditions necessary to ensure compliance with the development standards of this IDO via the Site Plan-EPC Review and Decision Criteria of IDO Section 14-16-6-6(J).
4. The applicant requests a Major Amendment to redevelop Tract B-1 of the controlling Vista Grande Site Development Plan (the “subject site”) as a new 3,331 square foot (SF) Raising Canes restaurant with a drive through accessory use, reducing the square footage of the existing building by 2,929 SF.
5. The subject site is located in an Area of Change, within the San Mateo/Montgomery Activity Center, within 600’ of the San Mateo Blvd Major Transit Corridor and on the Montgomery Blvd. major Transit Corridor as designated by the Comprehensive Plan. The subject site is part of the Mid Heights Community Planning Area (CPA).
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 is consistent with the following Comprehensive Plan Goals and Policies from Chapter 4: Community Identity.

Goal 4.1.2– Character, 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.

This request would facilitate the identity and cohesiveness of the Vista Grande Shopping Center and the San Mateo/Montgomery Activity Center by providing a commercial-retail (restaurant) use in a mixed-use zone district. Tract B-1 would redevelop with a drive-through accessory use. The restaurant will be accessible by residents of the single-family neighborhood to the south, employees and shoppers in the Activity Center, and commuters along Montgomery Blvd.

This request is being reviewed as an amendment to the controlling SDP. Note that future construction will reduce the gross floor area of the building by 2,929 SF. The new building would be constructed as a 3,331 SF building and remain consistent in scale to surrounding retail. If the request is approved, the Site Plan is to be delegated to the DRB for final sign-off. The new site plan will follow the Design Standards of the Integrated Development Ordinance (IDO) MX-M Zone District dimensional standards (Table 5-1-2), buffer landscaping (14-16-5-6-(E)), and building design standards (14-16-5-11). Additionally, Use-specific standards for a drive-through will be followed.

Future development will be subject to IDO requirements which will help to ensure appropriate character of building design and scale so that the surrounding neighborhood and Activity Center is not adversely affected.

8. The request is consistent with the following Comprehensive Plan Goals and Policies from 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.

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 capture of growth in Centers and Corridors. The subject site is located in the San Mateo/Montgomery Activity Center. Activity Centers are intended to incorporate a mix of neighborhood scale services within mixed use centers. They are intended to serve neighborhoods within a 20-minute walk or short bike ride. The development of a new restaurant will provide a commercial service to the surrounding retail and neighborhood. It is within 600' of the nearby single-family residential development, and is accessible by transit.

Additionally, subject site is located in an Area of Change which allows for development that benefits the surrounding community. Revitalizing the subject site on a Major Transit Corridor and Activity Center will direct growth to the Activity Center Shopping Center as well as help to shape the built environment into a sustainable development pattern.

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

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 request would continue to create a healthy and sustainable community because it would facilitate further development in an area with a mix of uses including commercial-retail, offices, religious, hospital and single-family residential while providing an additional restaurant use to the immediate and surrounding community. The subject site is conveniently accessible by all transportation modes. It is within a 20-minute walk or bike ride by employees or shoppers within the Activity Center and residents of the residential neighborhood to the south.

Additionally, the amendment would allow redevelopment of the site that will provide more job opportunities along a Major Transit Corridor. The development will enhance the Activity Center's ability to provide an area where residents and employees can live, work, and shop.

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

The request is consistent with this Goal because the subject site is within the developed Vista Grande Shopping Center (Site Development Plan), the San Mateo/Montgomery Activity Center, and within 600' of two Major Transit Corridors. The subject site is served by existing infrastructure and public facilities, which future development will utilize. The development made possible by the request would support additional growth in an area with existing infrastructure and public facilities.

- D. 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 where growth is expected and desired. The request would encourage, enable, and direct commercial growth to it.

- E. 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 subject site is located in an Area of Change, within the San Mateo/Montgomery Activity Center, and within 600' of two Major Transit Corridors. The intent of this policy is to direct growth and more intense development to Centers and Corridors. The amendment of Tract b-1 within the controlling SDP is consistent with this policy because its location is appropriate for small scale commercial uses and accessible by all transportation modes.

- F. Sub-Policy 5.6.2.h: Encourage development in areas with a highly connected street grid and frequent transit service.

The request furthers this policy because the subject site is located within 600' of two Major Transit Corridors, Montgomery Blvd. NE and San Mateo Blvd. NE. Development is encouraged within Areas of Change, Centers, and Corridors and the subject site is within all three. Montgomery Blvd. is well served by transit (ABQ Ride Route #54, and #157). Route #5 offers service Monday through Sunday with a peak frequency of 25 minutes during the weekdays. There are two bus stops near the site parallel to Montgomery Blvd. (Bus Stop Route 5, 157).

9. The request is consistent with the following Comprehensive Plan Goals and Policies from 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 subject site (Tract B-1) is located within the controlling Vista Grande Shopping Center Site Development Plan. The existing building sits vacant, within a developed shopping center

and Activity Center. The request will allow the redevelopment of the infill site into a new restaurant, which will generally enhance the surrounding built environment. The controlling SDP does not have design guidelines, and the building will follow the IDO Development Standards. Many of the surrounding structures were developed Pre-IDO.

10. The request is consistent with the following Comprehensive Plan Goals and Policies from 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.

B. Policy 8.1.2.c: Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

The request would bring economic growth opportunities to the San Mateo/Montgomery Activity Center and the City. The restaurant would provide a variety jobs on a designated Major Transit Corridor improving the quality of life of those needing accessible job opportunities. The restaurant would be a new choice in the Activity Center and bring new neighborhood-scale commercial development to an established shopping center. The applicant has not demonstrated how Raising Cane's will recruit and retain local employees.

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) As demonstrated by the policy analysis of the site plan, the request is consistent with applicable Comprehensive Goals and Policies.

B. 14-16-6-6(J)(3)(b) The subject site is zoned MX-M; therefore, this criterion does not apply.

C. 14-16-6-6(J)(3)(c) With the application of conditions of approval, the site plan major amendment would comply with all applicable provisions of the IDO.

D. 14-16-6-6(J)(3)(d) The proposed future Site Plan 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 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) The subject site is not located within an approved Master Development Plan.
 - G. 14-16-6-6(J)(3)(g) 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 is the, District 4 Coalition of Neighborhood Associations, District 7 Coalition of Neighborhood Associations, and the Hodgkin Neighborhood Association which were notified as required. Property owners within 100 feet of the subject site were also notified, as required.
 13. A pre-submittal neighborhood meeting was offered and a facilitated meeting was offered with no requests. The District 4 Coalition of NAs contacted the applicant requesting a link to the EPC Hearing via Zoom, which was provided.
 14. IDO 14-16-5-5(I)(2) Drive-through or Drive-up Facility Design for Parking and Loading Development Standards requires a 6-foot-wide buffer between the drive-through by pass lane and the major public right of way. The north east corner of the drive-through lane appears to not meet this requirement. The buffer provides protection for pedestrian and transit along Montgomery Blvd. which is a Major Transit Corridor. A Waiver – DRB may be needed to develop the drive-through as designed, as determined by the DRB at final sign off.
 15. Conditions of approval are needed to ensure that applicable IDO regulations are met and to provide clarification.
 16. As of this writing, Staff has not received any comments in support or opposition to the request.
 17. The EPC is requesting that the DRB apply applicable Development Standards within 14-16-5-3(D) Pedestrian Circulation of the IDO to the future site plan.

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 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; a minimum 15-foot radius should be required around the building site for passenger car traffic, and a minimum 25-foot radius should be required for the inner drive-thru aisle along with a 12-foot wide drive aisle at the 90-degree turn adjacent to the median.
 - 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. A 6-foot wide ADA pathway is needed to connect to the right-of-way from the business entry and from the main entry to the handicapped spaces. Show dimensioning of all new walkways.
 - 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. If using Mobile Order Pick-up, provide designated signage for those parking spaces.
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. Conditions from the Public Service Company of New Mexico (PNM)
- A. Any existing and/or new PNM easements and facilities need to be reflected on this Site Plan.
 - B. Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Any trees within or near PNM easements should comply with IDO Section 5-6(C) (10). Shrubs and ground cover and smaller trees are generally acceptable within PNM easements.

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/MJ

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