

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
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Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

November 10, 2017

Murphy Oil USA  
c/o Jillian Janovsky  
3 Executive Dr., Suite 150  
Somerset, NJ 08873

**Project# 1011363**  
17EPC-40042 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for all or a portion of Tract C-2, Seven Bar Ranch, zoned SU-1 for IP Uses, located on the northwest corner of NM Highway 528 NW and Cottonwood Dr. NW, containing approximately 1.25 acres. (A-14)(DEFERRED FROM OCTOBER 12, 2017)

Staff Planner: Maggie Gould

PO Box 1293

On November 9, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011363/17EPC-40042, a Site Development Plan for Building Permit, based on the following findings and conditions:  
Albuquerque

### FINDINGS:

- NM 87103
1. This is a request for a Site Development Plan for Building permit for Lot C-2, Seven Bar Ranch located on Hwy 528 NW between Cottonwood Dr. NW and Ellison Dr. NW and containing approximately 1.25.
  2. The request will allow the development of a 3,445 square foot gas station and convenience store with 8 fuel pumps.
  3. The proposed use is allowed under the existing SU-1 for IP uses zoning.
  4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Seven Bar Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
  5. The subject site is in a Comprehensive Plan Area of Consistency. The following policies are relevant to the request:

Policy 5.1.12 Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

The proposed gas station and convenience store will be located along the NM 528 Commuter Corridor,  
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an appropriate location for auto oriented development. The request furthers Policy 5.1.12 Commuter Corridors.

**Policy 5.6.3 Areas of Consistency:** Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The proposed building is consistent with the design requirements of the Zoning Code and will be of the a similar scale and intensity as the surrounding development. The proposed use is allowed under the existing zoning. The request furthers the goal and Policy 5.6.3 Areas of Consistency.

6. The subject site is within the boundaries of the West Side Strategic Plan. The following policies are relevant to the request:

**Policy 1.6:** Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

The request places a commercial use that will add to employment options in the area in the Seven Bar Ranch Center. The request furthers Policy 1.6.

**Policy 3.1:** The Cottonwood Mall area shall be designated as the West Side's Regional Center. The boundaries of the Regional Center are shown on page 33. Development appropriate to a Regional Center, including the largest commercial and highest density development of anywhere on the West Side, shall occur in this location.

**Policy 3.3:** Development of the Regional Center shall be inclusive of mixed-uses, and multi-modal transportation systems. Connections to transit systems and bicycle/pedestrian linkages must be provided with all new development. The City will continue discussion regarding location of a transit center within the Regional Center.

The request generally furthers WSSP Policies 3.1 and 3.3 because the proposed commercial use is appropriate to a Regional and Neighborhood Center as defined by the WSSP. The proposed use is intended to serve the needs of the residents of the eastern portion of the Seven Bar Community. The Site Development Plan for Building Permit shows connections to the sidewalk from the building. The site is .5 miles from the Northwest Transit facility.

7. The request is consistent with the intent of the Seven Bar Sector Development to have variety of services in the area.
8. The photometric plan submitted with the applicant shows that the light from the proposed light poles will not spill over on to the residences to the north.
9. The West Side Coalition of Neighborhoods was notified as were property owners within 100 feet of the subject site.
10. A facilitated meeting occurred October 2 neighbors expressed opposition to the project and were concerned about traffic, lighting, alcohol sales, crime, trash and drainage.

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11. Staff received a petition from surrounding neighbors opposing the request.
12. Staff received a phone call from a neighbor who was concerned about the light and noise from the proposed development and was opposed to the development.

**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. Additional evergreen trees, at least 6 feet in height, shall be added to the north side of the site to further screen the residential area to the north from the site.
4. 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.

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

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).

**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

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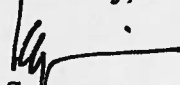
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proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,



Suzanne Lubar

~~for~~ Acting Planning Director

SL/MG

cc: Murphy Oil USA Inc. c/o Jillian Janovsky, 3 Executive Dr. Suite 150, Somerset, NJ 08873  
Gerald Worrall, 1039 Pinatubo Pl. NW, ABQ, NM 87120  
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