

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

July 20, 2023

SWI Real Estate LTD PTNS  
c/o Nickel & Co LLC  
1014 Vine St. Floor 7th  
Cincinnati, OH 45202

**Project # PR-2023-008767**  
**SI-2023-001056- Site Plan - EPC, Major Amendment**

### LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning Inc. agent for SWI Real Estate PTNS c/o Nickle & Co LLC, requests a Site Plan-EPC Major Amendment, for all or a portion of Tract J-1, Replat of Tracts F, H-1, J and unplatted land, Four Hills Village Shopping Center and Apartment Complex, located south of Central Ave. SE, north of Wenonah Ave. SE, and between Tramway Blvd. SE and Four Hills Rd. SE (200 Tramway Blvd. SE), zoned MX-M, approximately 8.5 acres (L-22-Z)(L-23-Z)  
Staff Planner: Megan Jones

On July 20, 2023 the Environmental Planning Commission (EPC) voted to Approve Project # PR-2023-008767, SI-2023-001056 - Site Plan- EPC, Major Amendment based on the following Findings and subject to the following Conditions of Approval:

### FINDINGS - SI-2023-001056:

1. The request is for a Major Amendment for an approximately 8.5-acre site legally described all or a portion of Tract J-1, Replat of Tracts F, H-1, J and unplatted land, Four Hills Village Shopping Center and Apartment Complex, located at 200 Tramway Blvd. SE., south of Central Ave. SE, north of Wenonah Ave. SE, and between Tramway Blvd. SE and Four Hills Rd. SE (the "subject site").
2. The applicant wishes to amend the controlling Site Development Plan to allow a 1,310 SF restaurant with accessory drive-through use on the southwestern portion of the subject site. The amendment would facilitate development of the proposed Site Plan for a coffee shop associated with this request, which includes parking, landscaping, utilities, grading and drainage, which would be delegated to the DFT for final-sign off.
3. The proposed future Site Plan associated with this request is contingent upon the EPC's approval of the Major Amendment.
4. 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 SU-2/EG-CAC.

5. 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 in IDO Section 14-16-6-6(J).
6. The subject site is located in an Area of Change, within the Four Hills Village Activity Center, within 660-feet of the Central Ave. Major Transit Corridor and Premium Transit Corridor as designated by the Comprehensive Plan.
7. 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.
8. The request is generally consistent with the following Comprehensive Plan Goal 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 future development that is the appropriate scale and location in the existing Grocery Store Shopping Center, the Four Hills Village Activity Center, and a mixed-use zone district. Although, Activity Centers are intended to incorporate pedestrian friendly design and convenient day-to-day services at a neighborhoods scale within a walking or bike riding distance, the applicant has incorporated the required pedestrian design elements. The restaurant will be accessible by residents of the single-family neighborhood to the east and south, employees and shoppers in the Activity Center, and commuters along Tramway Blvd.

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. The new site plan will follow the Design Standards of the (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 required to be met.

9. The request is consistent with the following Comprehensive Plan Policies regarding Centers and Corridors and Efficient Development Patterns from Chapter 5: Land Use
  - A. 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 growth in Centers and Corridors. The subject site is located in the Four Hills Village 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 restaurant (coffee shop) with drive-through will provide a convenient service to the surrounding neighborhoods and retail in the area. It is within walking distance of the single-family residential development east of the subject site, and is accessible by transit.

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

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

The subject site is within an existing Shopping Center (the controlling Site Development Plan), the Four Hills Village Activity Center, and within 600' of the Central Ave. Major Transit Corridor. The subject site is served by existing infrastructure and public facilities on the subject site, 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.

10. The request is generally consistent with the following Comprehensive Plan Goal and Policies regarding City Development Areas from Chapter 5: Land Use

- A. 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 neighborhood scale growth to it.

- B. 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 amendment would facilitate development to an Area of Change within the Four Hills Village Activity Center and within 600' of a Major Transit Corridor. The amendment to the controlling SDP is consistent with this policy because its location is appropriate for small scale commercial uses and is accessible by all transportation modes. The request would facilitate small scale growth to a Center and Corridor where change is encouraged.

- C. 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 in an area with a connected street grid in the SE quadrant of the City. It is within 600' of the Central Ave. Major Transit Corridor and Premium Transit Corridor, which both connect to transit service located on Tramway Blvd. The subject site is well served by transit; Juan Tabo Bus Route 1 and Bus Route 66 as well as the Green Line Rapid Ride Route 777. All three routes offer service Monday through Sunday with a peak frequency of 15-25 minutes. There are two Bus Stops at the NW corner of Wenonah Ave. SE and Tramway Blvd. SE.

11. The request is generally consistent with the following Comprehensive Plan Policies from Chapter 8: Economic Development

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.

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

The request could facilitate development that would bring economic growth opportunities to the Four Hills Village Activity Center. The restaurant would provide a variety jobs in a Major Transit Corridor which could help to improve 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 intends on recruiting and retaining local employees.

12. 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 administratively via the Development Facilitation Team (DFT) process, which will address 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 DFT Process. The EPC's conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The DFT 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.
13. The applicant notified the Singing Arrow NA, the East Gateway coalition, and property owners within 100 feet of the subject site as required.

14. A pre-submittal neighborhood meeting was offered and held on May 25, 2023. Concerns about increased traffic were raised and addressed.
15. A letter was received from the Singing Arrow Neighborhood Association dated June 30, 2023 stating that the Board of Directors has no objection to the proposed Major Amendment, other than potential traffic flow issues.
16. Conditions of approval are needed to ensure that applicable IDO regulations are met and to provide clarification.

CONDITIONS OF APPROVAL:

1. The EPC delegates final sign-off authority of this site development plan to the (Development Facilitation Team (DFT) administrative view 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. The applicant shall meet with the staff planner prior to submitting to the DFT to ensure that all conditions of approval have been satisfied.
3. Major Amendment: An amended Grading and Drainage Plan shall be provided prior to submitting the associated Site Plan to DFT.
4. Site Plan:
  - A. Provided bicycle parking total shall be added.
  - B. Light pole locations shall be added to the proposed site plan.
5. On-site walkways and crosswalks shall be identified to motorists and pedestrians pursuant to 5-3(D)(3)(c) Materials to Alert Motorists
6. Landscape plan: The amendments to the landscape plan shall be to scale and included in the Major Amendment Package and the “for reference only: label shall be removed.
7. Signage:
  - A. All signs shall be included on the elevations of the proposed building.
  - B. Dimensions, colors and materials shall be provided prior to submitting to the DFT.
8. Detail Sheets: Colors and materials shall be provided for all details.
9. Condition from Transportation Development Services:

The Traffic Impact Study is required per the Traffic Scoping Form and shall need to be reviewed and approved prior to site plan approval through DFT action.
10. Condition from the Solid Waste Management Department:

Any landscape that would overhang in the trash enclosure shall be relocated.

11. Conditions from the Public Service Company of New Mexico (PNM):

- A. Any existing and/or new PNM easements and facilities shall be reflected on the Site Plan and any resulting Plat.
- B. Typical electric utility easement widths vary depending on the type of facility. On-site transformers shall have a five-foot clear area on the sides and rear and ten-foot in front to allow for access and maintenance
- C. Perimeter and interior landscape design shall abide by any easement restrictions and not impact PNM facilities.

12. Condition from Kirtland Airforce Base:

Dark skies are necessary to the mission operations of the Starfire Optical Range (SOR). Therefore, any lighting of the proposed use shall be shielded and focused downward in order to have the least effect on the base.

13. Elevations: The east and west elevation labels shall be updated to reflect the correct elevation façade.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **August 4, 2023**. 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,

*Catalina Lehner*

for Alan M. Varela,  
Planning Director

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July 20, 2023

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