Summary of Analysis - Update
The request, which would replace the controlling site development plan with the proposed site plan, was continued at the June 17, 2021 hearing. The applicant intends to develop a coffee drive-thru (phase I) and a future restaurant (phase II) using the IDO requirements rather than the 2017 design standards. The request had been deferred for a month at the May 20 hearing.

Staff re-reviewed the request and does not find major conflicts with IDO requirements. The Site-Plan-EPC criteria apply.

The applicant met with representatives of the Skyview NA, which is affected and is in the County. Neighbors continue to be concerned about traffic volume, cut-through traffic, queuing, and impacts from trash, light, and noise.

Staff provided the applicant a list of revisions, most of which the applicant has incorporated into a revised site plan. Notable revisions include additional trees, a wall, and more signage on the building. Staff recommends conditions to address neighbors’ concerns and mitigate harmful impacts to the surrounding area. Staff recommends approval subject to conditions of approval.
I. OVERVIEW

The request is for a Major Amendment/Site Plan-EPC for an approximately 2-acre site controlled by a site development plan that the EPC approved in March 2017. The applicant proposes to develop a 950 sf coffee drive-thru (Phase I) and a future 3,350 sf drive-thru fast-food restaurant (Phase II). The subject site is zoned NR-BP (Non-Residential Business Park Zone District).

The request was heard at the June 17, 2021 Environmental Planning Commission (EPC) hearing and continued for a month to the July 15, 2021 EPC hearing. The continuance allowed time for the applicant and neighbors to meet regarding concerns expressed at the hearing and in correspondence. The applicant has revised the proposed site plan to incorporate many of the concerns.

Staff had crafted conditions of approval to address instances of non-compliance or lack of clarity and provided these to the applicant during the continuance period. The Site Plan will need to be subsequently reviewed and approved by the DRB to address infrastructure and subdivision matters.

EPC Role
→ Please refer to p. 8 of the June 17, 2021 Staff report.

Context
→ Please refer to p. 8 of the June 17, 2021 Staff report.

History/Background
→ Please refer to p. 8 and 9 of the June 17, 2021 Staff report.

Comprehensive Plan Designations, Roadway System, Trails/Bikeways, Transit and Public Facilities/Community Services
→ Please refer to p. 10 and 11 of the June 17, 2021 Staff report.

II. ANALYSIS OF APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)
Definitions, Zoning, Use-Specific Standards
→ Please refer to p. 12-18 of the June 17, 2021 Staff report for the original policy analysis. Some findings have been updated based upon revisions received, as warranted.

→ For a discussion of the Site Plan-EPC Review & Decision Criteria as applied to the subject site, please refer to p. 18-19 of the June 17, 2021 Staff report.

III. SITE PLAN- MAJOR AMENDMENT

The applicant proposes to develop a coffee drive-thru (Phase I) and a future, 3,350 sf drive-thru restaurant (Phase II). The subdivision to create the two tracts would occur later at the DRB. An
area near the subject site’s northeastern corner is reserved for a future wireless telecommunications facility (WTF), aka a cell tower site. The proposed site plan is required to comply with all applicable provisions of the IDO, the DPM, and other adopted City regulations.


Revisions to the site plan (now at version 4) and updated information pertain to the following topics:

**Parking**
The Phase I site has 15 parking spaces in excess of the requirement. The required 8 spaces would accommodate customers of the Phase I business, which is heavily drive-thru oriented. Apparently, the excess spaces are intended to provide parking for employees of the car wash to the north. This arrangement would be accomplished via private agreements.

**Landscaping**
Additional landscaping has been added and the landscaping calculations revised accordingly. Several additional trees are proposed, intended to help mitigate impacts to the surrounding area. Raywood Ash, Chinese Pistache, and Rio Grande Cottonwood were added to the palette and numbers of already-shown trees were increased. The majority of the new trees are around the proposed stormwater detention area on the subject site’s western side. Other trees were added to the northern landscape buffer (between the subject site and the drainage channel) to help make up for the loss of the six existing Ash trees in that area. There’s a discrepancy with the location of existing trees in the southern landscape buffer which needs clarification, as does the total coverage amount.

Parks and Recreation Department Staff (one is an arborist) visited the subject site to evaluate the existing trees (see agency comments section of this report). They found some trees in poor condition, others in OK condition, and one in good condition. The existing pinon pine in good condition is shown as retained and should be, along with any other trees that could go either way and are shown as retained on the proposed site plan. Two of the six mature Ash trees are in good condition and should be retained, but they are not due to their location.

The three elms in the southern landscaping buffer are recommended to be retained, but with great care. Staff recommends that these trees receive adequate irrigation and be on an irrigation system if they are not already (perhaps current system needs repairs). Though listed as in poor condition, the large elms near the subject site’s NE corner should be retained (at least for now) since they are the few tall, mature trees that buffer the nearby neighborhood in this location. They also need irrigation and maintenance.

Neighbors have requested that more trees be added to the triangular shaped area of the subject site that extends to the northeast and Parks and Recreation Staff suggested native species. The applicant added two New Mexico Privet (NM Olive), which is a multi-trunk, large shrub. Staff
suggests adding a Pinon Pine.

Stormwater Management Features: A curb notch detail is now provided. Notches leading into the detention pond are shown in three locations. However, the standard, foot wide curb notch into the depressed landscape beds (for water harvesting for supplemental irrigation) is not shown. Staff suggests adding one of these to the northern landscaping strip and the southern landscaping strip.

Walls/Fences
A 3 foot wall is proposed along the western property line of the Phase I development. A 6 foot wall is proposed along its northern side. The wall is tan paint over CMU, with a cap. Staff suggests a pedestrian-pass through where the 3 foot wall bends, to facilitate pedestrian traffic coming to the subject site from the west.

Lighting
Proposed light poles are 16 feet tall. Neighbors are concerned about light spillage. Any proposed lighting is required to comply with IDO 14-16-5-8, which requires fully-shielded luminaries, and does not allow light sources to exceed 300 foot lamberts brightness at the property line. The note regarding lighting (note 15) has been reinstated, but needs to refer to all lighting.

Signage
Additional building-mounted signage was added in the form of order boards: 3 new order boards on the SW elevation and 2 on the NE elevation, which faces the neighborhood. Neighbors have requested that no signage face them; a compromise is to remove the approximately 20 sf brand name sign (the square footage of which is made up for by the addition of more order boards). The logo sign on the northeast elevation should not be illuminated since it faces the neighborhood, though the logo sign facing the roadway would remain illuminated.

The Use Specific Standards for drive-thru facilities require that order boards be oriented away from public streets [14-16-4-3-(F)(4)(a)]. If this is not practicable, at least two evergreen trees shall be planted to screen them. The applicant replaced a proposed oak tree with two Pinon pines.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies
→ Please refer to p. 23 of the June 17, 2021 Staff report.

One updated agency comment was received. It’s from the Parks and Recreation Department:
PRD representatives visited the site on 06/30/2021 and found several stands of existing large trees although only a few trees are in good condition (see attachments).
Neighborhood/Public

*From the June 17, 2021 Staff report (repeated for ease of reading):*

Notification requirements are found in Table 6-6-1 and are further explained in 14-16-6-4(K), Public Notice. The affected neighborhood organization is the Westside Coalition of Neighborhoods, which the applicant notified as required. The applicant also notified property owners within 100-feet of the subject site as required (see attachments). A pre-submittal neighborhood meeting was neither requested nor held.

The large-lot subdivision west of the subject site and in the unincorporated County, which has existed since the 1960s, has residents who are members of the Skyview Neighborhood Association (NA). A couple of members saw the yellow sign and became aware of the request, although the yellow sign was not posted at the time of the site visit (May 7, 2021). After the case was deferred to the June hearing, the applicant ensured that the yellow signs were posted to meet the posting requirement of at least 15 days prior to the hearing date.

Staff received a phone call from a NA representative, who expressed concern about traffic generated by the proposed project, that queuing could extend into the street, the potential for cut-through traffic into the neighborhood, noise from outdoor speakers, and trash collecting in the Octopus pond detention area and possibly blowing into the neighborhood.

Staff received written comments from four residents of the subdivision (see attachments), who echoed these concerns. One neighbor requests mitigation of noise and a wall to mitigate trash blowing into the neighborhood. The other mentions additional concerns regarding light...
pollution and impacts to wildlife, and provides a detailed explanation of how the traffic pattern would cut-through the area. This neighbor would like the project to be deferred in order to meet with the applicant in a post-submittal facilitated meeting. They are not opposed to the development per se, but would like it to be respectful of the nearby environment.

Staff received a letter from the President and Treasurer of the Skyview NA (see attachment). They point out that traffic is busy at all times of the day, and traffic is one of their major concerns- especially since the other coffee-drive thru locations have traffic and safety issues due to queuing. They are also concerned about impacts from lighting and noise from speakers, and request mitigation of these and a wall to contain any trash generated. They would like more trees to help mitigate the development and are concerned about the future cell tower site at the northern end of the subject site.

Updates:
As requested, during the continuance period the applicant met with concerned parties. On June 30, 2021, a meeting was held with the applicant, members of the Skyview NA (neighbors), and business owners. Though an attendance list was not provided for the record, a neighborhood representative stated that approximately 20 people attended. Attendees consisted of the applicant’s team, neighborhood representatives, and owners of businesses nearby.

Meeting summary notes (see attachment) indicate the following topics were discussed: traffic generation, queuing, cut through traffic into the neighborhood, noise, lighting, impacts to wildlife, cell tower impacts, and trash. Neighbors are very concerned about impacts to the area and request mitigation measures such as less lighting, fewer hours with outdoor music playing, containment of trash, and increased landscaping (see also Section III of this report).

The applicant indicated willingness to install a wall (6 feet on northern side and 3 feet on western side) of the Phase I property boundaries to address the trash issue and that no signage on the northern side was mentioned as possible.

The applicant wants to play outdoor music from 5 am to 11 pm, but is willing to reduce this to 7 am to 10 pm. However, neighbors are very concerned that they will be subject to loud noise for much of the day. Information about the City’s Noise Ordinance (Chapter 9, Article 9) is available here: https://www.cabq.gov/environmentalhealth/noise

V. CONCLUSION
During the continuance period, the following happened: Staff provided the applicant with a list of revisions (based on version 3 of the proposed site plan), the applicant met with concerned neighbors and business owners, and an updated version of the site plan was provided to Staff.

Staff re-reviewed the proposed site plan. Any remaining instances of non-compliance and lack of clarity, as well as mitigation of impacts to the nearby area, can be addressed through the application of conditions of approval. The request will be subsequently reviewed by the Development Review Board (DRB) for infrastructure (including transportation), subdivision to create the two lots, and compliance with the EPC’s conditions of approval.
FINDINGS –SI-2021-05301, July 15, 2021-Site Plan-EPC, Major Amendment

1. The request is for a Major Amendment to an existing site development plan for an approximately 2-acre site, legally described as Tract C-4-A, plat of Tracts C-3-A, C-3-B, C-3-C, and C-4-A, Seven Bar Ranch Addition and addressed as 3615 NM528 (the “subject site”).

2. The applicant proposes to re-develop the subject site with two restaurants with drive-thru facilities. Phase I includes a 950 sf coffee drive-thru and Phase II includes a 3,350 sf restaurant with a drive-thru. The office building that occupied the subject site was recently demolished.

3. The subject site is located north of Ellison Dr. NW and east of Coors Bypass NW/Coors Blvd. NW, and across the street from the Cottonwood Employment Center, in an Area of Consistency. NM State Hwy 528/Alameda Rd., a Regional Principal Arterial and designated Commuter Corridor, abuts the subject site to the west.

4. The subject site is zoned NR-BP [Non-Residential Business Park Zone District, IDO 14-16-2-5(B)]. Restaurant is a permissive use; applicable use-specific standards are found in IDO 14-16-4-3(D)(8). A drive-through or drive-up facility is an accessory use; applicable use-specific standards are found in IDO 14-16-4-3(F)(4). Prior to the IDO, the subject site was zoned SU-1 for IP Uses (Special Use Zone for Industrial Park uses) and was part of the larger Seven Bar Sector Development Plan area.

5. The request exceeds the thresholds for a Minor Amendment and is being considered pursuant to IDO Section 14-16-6-4(Y)(1)(b)1, which states that Major Amendments shall be reviewed by the original decision-making body. The EPC approved the controlling site development plan in 2017, prior to effective date of the IDO. Pursuant to IDO Section 14-6-4(P)(2), the decision-making body may impose conditions necessary to bring the application into compliance with IDO requirements.

6. The request covers the same geographic boundaries as the controlling site development plan and would replace and supersede it with a new Site Plan-EPC. The request would subsequently go to the Development Review Board (DRB) for a minor subdivision action to create the two lots and to address infrastructure issues.

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 meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(H)(3) as follows:
   A. 6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.
As demonstrated by the policy analysis, overall the request is generally consistent with applicable Comprehensive Plan Goals and policies despite some instances of conflict. Conditions of approval can be applied to address the inconsistencies to the greatest extent possible.

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

The subject site is not zoned NR-SU or PD. The controlling site plan (2017) contains design standards (special regulations). As part of the request the applicant is asking to be allowed to develop the subject site pursuant to the IDO and not according to the design standards - which would be vacated if the request is approved.

C. 6-6(H)(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 implementation of conditions of approval, the site plan will comply with applicable provisions of the IDO. The request will need to be reviewed by the Development Review Board (DRB) to ensure compliance with applicable provisions of the Development Process Manual (DPM), particularly those pertaining to transportation and grading and drainage.

D. 6-6(H)(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 extent practicable.

The request will be reviewed by the Development Review Board (DRB), which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems have sufficient capacity to serve a proposed development.

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

The future, proposed development will be required to comply with the decisions of two bodies - the EPC and the DRB. The EPCs’ conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The DRB’s conditions will ensure infrastructure is adequately addressed so that a proposed development will not adversely impact the surrounding area.

F. 6-6(J)(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.
Not applicable. The subject site is not a part of a Master Development Plan.

G. 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 expected impacts.

Not applicable. The subject site is not in a designated Railroad and Spur Area.

9. The request is generally consistent with the following, applicable Comprehensive Plan Goals and policies 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 and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is in an Area of Consistency, where growth is intended to reinforce the character and intensity of the surrounding area. The area is developed with mostly commercial uses, but also has some office, multi-family, and a large-lot County subdivision nearby. The request would facilitate development generally compatible with the intensity of other development along the Commuter Corridor, which includes fast-food, restaurants, and retail of various sizes (including big-box). However, the future development would be less intense than the uses to the west, which is consistent with the subject site’s location north of a small-scale office building and west of the large-lot subdivision.

B. 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.

Subpolicy c: Support traffic flow by limiting new curb cuts, encouraging shared access of driveways and business access roads, or providing access from perpendicular local roads.

The request would facilitate auto-oriented development along a designated commuter corridor- NM 528/Alameda Blvd., a high-volume traffic route for going to and from Rio Rancho. Development of auto-oriented uses, such as the future restaurants with drive-thru facilities, is generally intended along such corridors. Access to the subject site is via two, existing driveways; new curb cuts are not proposed.

C. Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
The request would facilitate re-development of a site already served by existing infrastructure and public facilities, thereby maximizing the utility of both. Using infrastructure and land this way generally supports the public good because it is more efficient than adding infrastructure and/or developing land on the urban fringe.

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

The subject site is located in an already-developed area that has existing infrastructure and public facilities and the request would support additional growth.

E. Policy 5.4.2- West Side Jobs: Foster employment opportunities on the West Side.

The future development of two small, restaurant uses would help foster some employment opportunities on the Westside.

10. The request is partially consistent with the following, applicable Comprehensive Plan policies from Chapter 5- Land Use:

A. Goal 5.4- Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The subject site is in a commercial area and across the street from a designated Employment Center. The future development of two small, restaurant uses would bring some service jobs to the Westside, in though it would not create balance by encouraging residential growth near employment that is already there.

B. 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 subject site is outside of the designated Employment Center to the west, but is along a designated Commuter Corridor (NM 528). Development in Areas of Consistency is intended to be compatible with surrounding uses in terms of scale, location, and character. Surrounding uses include a wide variety of sizes and scales of commercial retail, a small office building, a multi-family use, and a large-lot County subdivision. The request would be generally consistent with the character of the uses around it, although it would create a concentration of drive-thru uses in a relatively small area and could adversely affect the established neighborhood. Conditions of approval could address many of the effects.

11. The request is partially consistent with the following, applicable Comprehensive Plan policies from Chapter 6- Transportation:

A. Policy 6.2.3- Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.
The subject site is a commercial property. Direct pedestrian and bicycle access is provided via connection to the established sidewalk, and pathways help facilitate non-vehicular circulation and safety. However, this is only available from the NM 528 side of the subject site. Bicycle and pedestrian access from the west is complicated by the lack of safe crossings of NM 528/Alameda, and there is no connection to facilitate non-vehicular travel from the residential uses to the east.

B. Policy 6.2.8 Auto Network: Prioritize automobile travel on Commuter Corridors and balance it with other travel modes on other streets.

The request would result in development of two drive-thru uses, which are auto-oriented by definition and would prioritize automobile travel along this designated Commuter Corridor. However, balancing of the request with other travel modes on other streets would be limited in scope.

C. Subpolicy a: Provide continuous, safe, and convenient vehicular circulation to achieve and maintain smooth traffic flow at steady, moderate speeds.

The request would generally provide continuous and convenient vehicular circulation, though it is possible that traffic flow and speeds could be impacted by the introduction of two, new auto-oriented uses in an area that already has many.

D. Subpolicy b: On Commuter Corridors and other auto-oriented arterials, provide convenient access to auto-oriented uses, minimize conflicts with pedestrians and cyclists, and provide safe and convenient pedestrian crossings.

The request would provide convenient access to the future auto-oriented uses from the west, but not from the east. The proposed pathways and pedestrian crossings of contrasting material would be generally safe and convenient from the west, but not the east.

12. The request is partially consistent with the following, applicable Comprehensive Plan policies from Chapter 7- Urban Design:

A. Goal 7.3- Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

The request is generally designed to be similar to the context to the west, which is a wide variety of chain commercial uses, but is different than the context to the south (Territorial style office building) and to the east (residential uses).

B. Subpolicy 5.2.1h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request would result in infill development that would add another drive-thru use to an area that already has many, so therefore it would not be complementary. The form and scale would be generally compatible with surrounding development.
13. The request is partially consistent with the following, applicable Comprehensive Plan 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.

      In a limited way, the request would encourage economic development efforts and generally contribute to a more robust and diverse economy. A new service in the area could have a positive impact, but the resulting potential for increased traffic and noise in an already busy area could adversely affect existing residents.

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

      The request would result in some job creation and would constitute general support for a development project that would hire local residents. Again, it would be on a limited scale due to the subject site’s small size.

14. The request is generally inconsistent with the following, applicable Comprehensive Plan Goals and policies:

   A. 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 provide additional restaurant options in the area, though their drive-thru nature would generally not facilitate creation of healthy and sustainable communities because such uses promote automobiles- not walking or bicycling. The area is characterized by various chain retail uses and is not distinct in that regard; however, the neighborhood to the east has existed since the 1960s and is distinct. The future uses would be conveniently accessible from NM 528, but not from the residential uses to the east due to the lack of vehicular and pedestrian access.

   B. Subpolicy 5.2.1a: Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

      The request would result in redevelopment of the subject site. For the reasons in Finding 14.A, the request is generally inconsistent with Subpolicy a.

   C. Goal 6.2- Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

      The addition of more drive-thru uses, which are auto-oriented by nature, along a Commuter Corridor would generally discourage walking, biking, and transit usage. Though the on-site pedestrian connections are compliant and would hopefully facilitate walking to and within this destination, peak-hour commuting times already have high traffic volume that complicates the use of alternative transportation and generally complicates mobility.
D. Goal 7.4- Context Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

The parking facility (lot) is designed to provide three times the amount of required parking (24 spaces provided, 8 required) for a use that does not have sit-down service. The excess parking is shown in the location of a stand of mature trees, which would be removed. This generally does not match the development context to the east or to the south and is not context-sensitive to most of the area.

15. The application of Conditions of Approval to provide clarification, ensure compliance, and address mitigation of adverse impacts would also improve the extent to which the request is consistent with applicable Comprehensive Plan Goals and policies.

16. The registered neighborhood organization is the Westside Coalition of Neighborhoods, which the applicant notified as required. The applicant also notified property owners within 100-feet of the subject site’s boundaries as required. The Skyview Neighborhood Association, which is in unincorporated Bernalillo County, was not on the list from the Office of Neighborhood Coordination (ONC) and was not required to be notified. Yellow signs were posted as required more than 15 days prior to the June 17 hearing date, which was when this case was first heard.

17. Prior to the June 17, 2021 hearing, Staff received a phone call and written comments from four residents of the subdivision northeast of the subject site. Neighbors expressed concern about traffic generation, cars queuing into the street, cumulative impacts, cut-through traffic in the neighborhood, noise from outdoor speakers, light spillage, impacts to wildlife, and trash collecting in the detention area and blowing into the neighborhood. The request was continued for a month to allow time for the applicant to meet with neighbors, for neighbors to obtain details about the project, and for mitigation possibilities to be discussed.

18. During the continuance period, Staff received additional comments from concerned neighbors. A couple of neighbors indicated opposition to the request. Some requested mitigation measures, such as additional landscaping, walls to capture trash, and limitations on hours of amplified sound and lighting. The applicant revised the site plan to address many of the concerns. Other concerns are captured through Staff’s recommended conditions.

RECOMMENDATION - SI-2021-005301, July 15, 2021

APPROVAL of Project #2021-005301, Case #SI-2021-00452, a Major Amendment/Site Plan-EPC, for an approximately 2 acre site, located on NM 528/Alameda, north of Ellison Dr. NW and east of Coors Bypass NW/Coors Blvd. NW (3615 NM 528), zoned NR-BP, based on the preceding Findings and subject to the Following Conditions of Approval.
1. The Environmental Planning Commission (EPC) delegates final sign-off authority of this site plan to the Development Review Board (DRB) to ensure that all technical issues are resolved. The DRB is also responsible for ensuring that the EPC’s Conditions of Approval are satisfied and that other applicable City requirements are met.

2. A letter shall accompany the submittal, specifying all revisions 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.

3. The applicant shall meet with the Staff planner prior to applying to the DRB to ensure that all conditions of approval are addressed and met. Upon receiving sign-off from the DRB, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.

4. Dimensional Standards:
   The side setback of the Phase I building shall be a minimum of 10 feet pursuant to Section 14-16-5-1 Dimensional Standards for the NR-BP zone.

5. Pedestrian, Bicycle, and Transit Access:
   A pedestrian-pass through shall be provided, where the 3 foot wall bends on the eastern side of the Phase I area, to facilitate pedestrian traffic coming from the west.

6. Landscaping- Trees:
   A. Two Pinon Pine trees shall be added to the triangular shaped area of the subject site that extends to the northeast.
   B. The three elms in the southern landscaping buffer shall be on the irrigation system and receive adequate irritation.
   C. The large elms near the subject site’s NE corner shall be on the irrigation system and be maintained.

7. Landscaping- Clarification:
   A. One curb notch shall be added to the northern landscaping strip and one to the southern landscaping strip for supplemental irrigation.
   B. The location of the three existing trees in the southern landscape buffer shall be clarified.
   C. The total coverage figure shall match the figure used in the landscaping calculations.
8. Lighting
   Note 15 shall be re-worded to indicate that all lighting shall comply with IDO 14-16-5-8, Outdoor and Site Lighting.

9. Signage:
   A. The approximately 20 sf brand sign shall be removed from the northeast elevation.
   B. The logo sign on the northeast elevation shall not be illuminated.
   C. The colors and materials of the signage shall be specified.

10. Walls/Fences:
   A. A three foot screen wall shall be added to the western side of Phase II area.
   B. Pedestrian access through the wall shall be provided.
   C. The wall shall comply with IDO 14-15-5-7(E) regarding wall design.

11. Noise:
   A. Amplified sound (ex. music) shall not occur before 7 AM and after 10 PM.
   B. Noise shall not exceed the sound level limits established by the City’s Noise Ordinance (Chapter 9, Article 9).

12. Grading and Drainage Plan: Curb notches shall be shown in the same locations as on the landscaping plan.

13. CONDITIONS FROM THE CITY ENGINEER/TRANSPORTATION:
   A. A combination of the two restaurants shall require a Traffic Impact Study. Any infrastructure that would be required as part of the study shall be placed onto an infrastructure list.
   B. A shared access agreement shall be established between the lots.
   C. 6-foot public sidewalk on Alameda Boulevard is required along the frontage of the property.
   D. Provide all sidewalk widths on plan. A 6-foot ADA pathway shall be established from the main building to the right-of-way and from the handicapped spots to the main building.
   E. Use keyed notes to call out all curb ramps on the plans. Provide curb, curb ramp, and sidewalk details. The sidewalk detail shall indicate a 2% maximum cross-slope.
F. Call out curb on the plan, and call out all curb radii. A minimum 6” to 8” high curb is required for separation between parking and sidewalk or landscaped islands.

G. The bike rack for the Dutch Brothers shall not obstruct the ADA pathway. Provide dimensioning for the bicycle spaces and adjacent pathway to make sure this will work.

H. Label “No Parking” at the back of the van accessible aisles, and dimension all van accessible aisles on the site plan.

14. CONDITIONS FROM THE WATER UTILITY AUTHORITY (ABCWUA):
   A. Development on proposed Tract 2 will require its own availability statement.
   B. Each proposed lot shall have separate private sanitary sewer services.
   C. The site plan shall indicate if the existing water services are to be used.
   D. The location of existing private water and/or private sanitary sewer services, to determine if private service easements are needed to preserve the existing service(s) for the newly created lots, shall be field-verified.
   E. The width of the private service easement shall be determined by the engineer or surveyor.

15. CONDITIONS FROM THE FLOOD CONTROL AUTHORITY (AMAFCA):
   A. Storm water drainage connection to the AMAFCA Facility (Octopus Pond) will require coordination with AMAFCA. A License Agreement or Turnkey Agreement may be required.
   B. The existing AMAFCA drainage easement needs to be shown on the site plan. Any improvements within that Easement will require coordination with AMAFCA and License Agreement.

16. CONDITION FROM PNM:

The applicant shall contact PNM’s New Service Delivery Department to coordinate electric service regarding the project. Please submit a service application at www.pnm.com/erequest for PNM to review.
Notice of Decision CC list:

cc:  Tierra West LLC, rrb@tierrawestllc.com
     Westside Coalition of NAs, Harry Hendriksen, hlhen@comcast.com
     Westside Coalition of NAs, Rene Horvath, aboard111@gmail.com
     Jen & John Kruse johnkruse@aol.com
     Anna Brown anna@mediagirl.com
     Jennifer Kruse realrudibega@gmail.com
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     Marissa Nordstrom she her newmexmarissa@gmail.com
     Judith Williams jwilltex52@yahoo.com
     Connie Shultz connieshultz22@gmail.com
     Legal, kmorrow@cabq.gov
     EPC file
APPLICANT INFORMATION
June 24, 2021

Environmental Planning Commission  
City of Albuquerque  
Plaza Del Sol  
600 2nd Street NW  
Albuquerque, NM 87103  

RE: DUTCH BROTHERS MAJOR AMENDMENT 7 BAR- EPC RESPONSE TO COMMENTS PR-2021-005301/SI-2021-00452  
3615 HWY 528, ALBUQUERQUE NM 87114  
ZONE ATLAS PAGE A-14-Z

Dear Environmental Planning Commission:

Tierra West LLC, representing Western Hills Investments LLC is pleased to present the following submittal for the final approval of the EPC Site Plan. The intent is to allow the subdivision of Tract C-4-A at the address of 3615 Hwy NM 528, Albuquerque, NM 87114 into two separate parcels at roughly 1.25 ac. and .75 acres. The immediate development is planned for a new Dutch Brothers Coffee Shop. Future development is planned for a potential future restaurant. The design standards follow the current city of Albuquerque Development Process Manuel (DPM) and the Integrated Development Ordinance (IDO). Our goal and intent is to provide a safe, pleasing, functional, and convenient development, while adding needed amenities and uses to the surrounding neighborhoods. The conditions of approval are listed below along with explanations of how we have met and addressed those conditions.

Per the Conditions of Approval received via email from Ms. Catalina Lehner, dated June 22, 2021, please find the following responses addressing the conditions listed below:

CONDITIONS OF APPROVAL

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB) to ensure all technical issues are resolved. The DRB is responsible for ensuring that technical 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.

   Response: Acknowledged

2. The applicant shall meet with the Staff planner prior to applying to the DRB to ensure that all conditions of approval are addressed and met. Upon receiving sign-off from the DRB, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.

   Response: Acknowledged

3. Procedural Clarification- Sheet C-1:

   A. A note shall be added to indicate that the site plan shall supersede the 2017 site development plan for these same geographic boundaries.
Response: Revisions made to site plan notes section of sheet C1 note 1.

B. A note shall be added to indicate that the Phase II building will go through the DRB process (at which time a TIS will be required).
Response: Revisions made to site plan notes section of sheet C1 note 2.

4. Use-Specific Standards:
Order boards shall not exceed 50 sf and shall be oriented away from the public ROW [IDO 14-16- 4-3(F)(4)(a)].
Response: Building mounted LED menu boards located on south west elevation faces the NM 528 ROW. Revision made to landscaping plan sheet LS-01, two pine trees were added just west of the Dutch Brothers to screen the view from NM 528. Order boards are dimensioned on the elevation plans sheet A6.1. Per the dimensions shown the gross sf of the menu boards do not exceed 50 sf with a total of 44.15 sf on either face of the building.

5. Dimensional Standards:
The side setback of the Phase I building shall be a minimum of 10 feet pursuant to Section 14-16-5-1 Dimensional Standards for the NR-BP zone.
Response: Acknowledged, Site plan dimensions on sheet C1 indicate Phase 1 Side setbacks are to be 10' (East) and 65' (West).

6. Parking:
A. The required motorcycle spaces for Phase II shall be indicated as 2.
Response: Revision made to the site plan of the site data section of sheet C1.

B. Note 11, regarding responsibility for transportation improvements, shall be re-instated.
Response: Revisions made to the site plan notes section of sheet C1 note 12 previously known as note 11.

7. Pedestrian, Bicycle, and Transit Access:
A. The walkway in front of the main entrance of the Phase I building shall be at least 8 feet wide (Table 5-3-1).
Response: Site plan dimensions on sheet C1 indicate the walkway in front of the main entrance to the Phase 1 building exceed 8'.

B. The crosswalk to the Phase I building shall be 10 feet, consistent with the crosswalk width to the Phase II building.
Correction: Clarifications with staff determined Phase II building crosswalk width is 9' and the crosswalks to the Phase I building shall be 9'.
Response: Revisions made to all crosswalks on the site plan on sheet C1 to be consistently 9' wide. Keyed note 19 also specifies a 9' wide cross walk width.

8. Landscaping Requirements:
A. The minimum landscaping requirement (15% of the net lot area) shall be met pursuant to IDO Section 14-16-5-6(C)(2).
Response: Total landscape area provided is 18,571 sf. 15% of net lot area is 12,358 sf. Calculations are provided on the landscaping plan sheet LS-01.

B. The landscaping calculations shall be revised to use the gross lot area specified on the main site plan (Sheet C-1), which is 86,684 sf.
Response: Revisions to calculations made on landscaping plan sheet LS-01.

C. At least 10% of the parking lot area shall be landscaped [IDO Section 14-16-5-3(F)(2)(a)].
Response: landscape requirements are met as shown on the landscaping plan sheet LS-01. Additional landscaping provided along phase 1 parking area.

D. Shade trees shall be provided along required pedestrian walkway [IDO Section 14-16-5-3(D)(3)(b)(2)(a)] Ex. NW corner Phase I, S side Phase II.
Response: Revisions made to landscaping plan sheet LS-01.

9. Landscaping- Trees:
   A. Additional landscaping, including trees, shall be added to the area near the proposed detention pond to meet the requirement (see A, above) and to help screen the pond and the drive-thru lanes.
Response: Revisions made to landscaping plan sheet LS-01.

   B. 5-2(C)(1)(d)- Site Design and Sensitive Lands, Large Stands of Mature Trees- see Def IDO p. 551. FURTHER DISCUSSION shift proposed buffer?
Response: Project site is not located within a sensitive lands zone.

10. Landscaping Details:
    A. Curb notches shall be provided and match locations on the grading and drainage plan(s).
Response: Curb notches are provided and are noted on the site plan sheet C1, landscape plan sheet LS-01 and grading and drainage plan sheet C4.

    B. A curb notch detail shall be provided.
Response: Curb notch detail provided on sheet C5.

11. Lighting:
    Note 13, regarding light sources visible from the exterior of a property, shall be re-instated and refer to IDO. Section 14-16-5-8(D).
Response: Revisions made to the site plan notes section of sheet C1 note 15 previously known as note 13.

12. Elevations:
    A. The buildings shall be dimensioned horizontally.
Response: Revisions made to elevations, sheet A6.1.

    B. The elevations shall be labeled with cardinal directions.
Response: Revisions made to elevations, sheet A6.1.

13. Signage:
    A. The colors and materials of the signage shall be specified.
Response: Revisions made to elevations, sheet A6.1.

    B. There shall be no signage on the elevations that face NE/Calle Cuervo.
Correction: Property neighbors clarified that there shall be no lit signage on the elevation that face NE/ Calle Cuervo.
Response: Revisions made to elevations, sheet A6.1
14. Walls/Fences:

A. A 3 foot tall wall shall be added along the subject site’s eastern boundary.
Response: Revisions made to the site plan sheet C1.

B. Pedestrian access through the wall shall be provided.
Response: Wall does not impede pedestrian access.

C. The wall shall comply with IDO 14-15-5-7(E) regarding wall design.
Response: Noted, wall detail provided on sheet C2.3.

15. Grading and Drainage Plan: Curb notches shall be shown in the same locations as on the landscaping plan.
Response: Curb notches are provided and are noted on the site plan sheet C1, landscape plan sheet LS-01 and grading and drainage plan sheet C4.

16. Clean-up:

A. The legend shall be clarified and distinct symbols used for each item.
Response: Revisions made to legend.

B. The cell tower area shall be labeled as “future” on the legend.
Response: Revisions made to the site plan legend, sheet C1.

C. Note 12, regarding the future wireless telecommunications facility (WTF), shall be re-instated.
Response: Revisions made to the site plan notes section of sheet C1 note 14 previously known as note 12

D. The color of the refuse enclosure gate shall be specified.
Response: Revisions made to the refuse enclosure gate detail sheet C2.1 to indicate a “tan” color.

17. CONDITIONS FROM THE CITY ENGINEER/TRANSPORTATION:

A. A combination of the two restaurants shall require a Traffic Impact Study. Any infrastructure that would be required as part of the study shall be placed onto an infrastructure list.
Response: Acknowledged, a traffic study is scoped and any required infrastructure improvements shall be placed onto an infrastructure list to be approved by DRB.

B. A shared access agreement shall be established between the lots.
Response: Acknowledged, a shared access agreement shall be provided prior to the filling of the plat.

C. 6-foot public sidewalk on Alameda Boulevard is required along the frontage of the property.
Response: Acknowledged, 6’ public sidewalk is proposed along the frontage of the property and shall be included in the infrastructure list.

D. Provide all sidewalk widths on plan. A 6-foot ADA pathway shall be established from the main building to the right-of-way and from the handicapped spots to the main building.
Response: 6’ ADA paths are shown on the site plan sheet C1.

E. Use keyed notes to call out all curb ramps on the plans. Provide curb, curb ramp, and sidewalk details. The sidewalk detail shall indicate a 2% maximum cross-slope.
Response: Keyed noted indicate all infrastructure as shown on the site plan sheet C1. Sidewalk detail shown on sheet C2.1 indicates a max cross slope of 2%.

F. Call out curb on the plan, and call out all curb radii. A minimum 6” to 8” high curb is required for separation between parking and sidewalk or landscaped islands.
Response: Keyed notes indicate all curbs as shown on the site plan sheet C1 as well as curb radii.

G. The bike rack for the Dutch Brothers shall not obstruct the ADA pathway. Provide dimensioning for the bicycle spaces and adjacent pathway to make sure this will work.
Response: Dimensions shown near the bike rack location located on the site plan, sheet C1; indicate that there is adequate space for an ADA path.

H. Label “No Parking” at the back of the van accessible aisles, and dimension all van accessible aisles on the site plan.
Response: “No Parking” markings and dimensions are shown on the site plan sheet C1.

18. CONDITIONS FROM THE WATER UTILITY AUTHORITY (ABCWUA):
A. Development on proposed Tract 2 will require its own availability statement.
Response: Acknowledged.

B. Each proposed lot shall have separate private sanitary sewer services.
Response: Acknowledged, as shown on the utility plan sheet C6 each lots has separate private sanitary sewer services.

C. The site plan shall indicate if the existing water services are to be used.
Response: Master utility plan sheet C6 indicates that the existing services shall be terminated and uninstalled per ABCWUA standard specs.

D. The location of existing private water and/or private sanitary sewer services, to determine if private service easements are needed to preserve the existing service(s) for the newly created lots, shall be field-verified.
Response: Acknowledged, existing services shall be preserved.

E. The width of the private service easement shall be determined by the engineer or surveyor.
Response: Acknowledged

19. CONDITIONS FROM THE FLOOD CONTROL AUTHORITY (AMAFCA):
A. Storm water drainage connection to the AMAFCA Facility (Octopus Pond) will require coordination with AMAFCA. A License Agreement or Turnkey Agreement may be required.
Response: Acknowledged, grading and drainage plan shall be submitted and approved by AMAFCA prior to hydrology approval for building permit.

B. The existing AMAFCA drainage easement needs to be shown on the site plan. Any improvements within that Easement will require coordination with AMAFCA and License Agreement.
Response: Acknowledged, grading and drainage plan shall be submitted and approved by AMAFCA prior to hydrology approval for building permit.

20. CONDITION FROM PNM:
The applicant shall contact PNM's New Service Delivery Department to coordinate electric service regarding the project. Please submit a service application at www.pnm.com/erequest for PNM to review

Response: Acknowledged.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

[Signature]

Ronald R. Bohannan, P.E

JN: 2021010
RRB/In/jg
June 24, 2021

Environmental Planning Commission
City of Albuquerque
Plaza Del Sol
600 2nd Street NW
Albuquerque, NM 87103

RE: DUTCH BROTHERS MAJOR AMENDMENT 7 BAR- EPC
NEIGHBOORHOOD MEETING SUMMARY 6/30/2021
3615 HWY 528, ALBUQUERQUE NM 87114
ZONE ATLAS PAGE A-14-Z

Dear Environmental Planning Commission:

A large lot subdivision of the subject site and in the unincorporated county which has existed since the 1960s has residents who are members of the sky view neighborhood association NA. Members of the Association gathered together along with business owners neighboring the proposed development to express their concerns over traffic generated by the proposed project, that queuing could extend into the street, the potential for cut through traffic into the neighborhood, noise from outdoor speakers, lighting, impacts to wildlife, cell tower impacts and thrash collecting in the octopus pond area and into the neighborhood area.

On Wednesday, June 30th a 5:30 in the afternoon, Tierra west met with the concerned neighbors of the sky view west association and neighboring business owners and operators to discuss how the potential negative impacts can be mitigated. Below are a summary of the topics that were discussed, and the outcomes of the discussions.

Traffic

As a condition for the subdivision of the property, a Traffic Impact Study is warranted in the immediate area. A TIS is currently scoped and in the process of being completed. The traffic impact study shall determine the infrastructure necessary for the safe and overall functionality of the transportation system. The Dutch Brothers by its self does not warrant a traffic study. The project site previously contained large three story office building. The Dutch Brother is predicted to only catch the bypass trips and is below the threshold of a traffic study. The future restaurant included in the EPC site plan is intended to study the area using the worst case scenario, in order to mitigate all negative impacts to the transportation system. All existing transportation system which does not pass the traffic study shall be modified in order to mitigate the negative impact to traffic. Cut-through traffic through the business park is allowed per shared parking and access agreements through the immediate business park.

Noise

The neighbors requested that the Dutch Brothers Coffee shop shall not play any music at all times of the day from 5 am to 11 pm. Dutch Brothers is not willing to eliminate the music entirely because it is a “integral” part of their brand and the “Dutch Bros Experience”. Dutch Brother however is willing to narrow the time in which music is played to acceptable hours in the day for example from 7 am to 10 pm. They are also considering following up with their IT department to modify the speakers to play soft in the morning get louder during the day time and getting softer at night.
Lighting

The neighbors are concerned over light spilling over into their property as well as Dutch Brothers leaving the lights on all night. Dutch Brothers will satisfy all lighting development standards of the Integrated Development Ordinance (IDO). Dutch Brothers will also consider turning of the lights during the night unless there are security concerns which should be taken into account.

Signage

The neighbors indicated that not lit signage shall be built on the north face of the Dutch Bros building. Dutch Brothers has agreed that there will be not lit signage on the north face they have also agreed on no signage at all if requested. Dutch Bros will coordinate with the sign vender to make the signs on the north face not lit.

Trash Collection & Wild Life

The neighbors are concerned over trash buildup in the neighborhood as well as the impacts to wildlife in the immediate area. The EPC conditions state a 3’ high wall shall be located on the eastern boundary. Dutch Brothers is willing to build a 3’ high wall on the east and western side of the Dutch Brothers Building as well as a 6’ wall on the north side of the building in order to mitigate trash build up in the mentioned above area.
STAFF INFORMATION
City of Albuquerque

- **Siberian Elm trees**: Weed/volunteer species not planted. Currently sapping and splitting, therefore, likely to fail soon. It is recommended to replace with a native species.

- **Ash trees**: Deteriorating condition. Possible to retain.
  - 2 Ash trees. Large and in good condition. Recommended to retain.
  - 1 evergreen tree. Good condition. Recommended to retain.
  - Ash trees. Deteriorating condition. Possible to retain.
From Parks and Recreation Staff- 2 of 2:
NEIGHBORHOOD CONCERNS
Catalina,
I’m resending the PDF containing the Dutch Brothers traffic related news items. Please see the attached.

The links in my first file were not linking correctly.

Anna

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Anna Brown
MediaGirl, Inc.
Office: (505) 205-1597
anna@mediagirl.com

Catalina,
That’s a great idea to see if the trees can be preserved! All the ones on the east side near the office complex will most likely be cut down also.

QUESTIONS:
1. Can one of your conditions be “no outside music” at the Dutch Brothers? This location plans to play music outside their building from 7am -10pm.

2. I foresee traffic trying to exit the Dutch Brothers using the office complex to the east because vehicles can’t get directly back on to Highway 528 easily.
   A. Is a shared parking agreement voided when a property is subdivided?
   B. Can one of your conditions be that the development must block traffic access to the office building on the east?

Anna

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Anna Brown
MediaGirl, Inc.
Office: (505) 205-1597
anna@mediagirl.com
Good morning, Anna.
Thank you for providing this information. I’ll add it to the record for the case. I provided the applicant with a list of items to incorporate into a revised site plan set, which I should receive soon. Also, I have coordinated with the Parks Department and they will take a look at the trees on the site to see if any more can be recommended for preservation.

Hi Catalina,
I took time to collect news articles related to the traffic congestion a Dutch Bros location brings to a neighborhood. It got so bad in Phoenix that the city revoked a store’s permit forcing it to close and move to another location.

Our primary concern is 528 is a big commuter road! And there is no where to backup vehicles except onto 528 or into the office park to the east. When traffic backs up on Alameda, commuters start using our neighborhood as a short cut to Ellison or Corrales Rd. We see this happening regularly already.

**NEWS ARTICLES HERE**

**NOTE:** The first article is about the leasing of this specific location. It’s in the NM Business Journal and quotes the listing agent referencing **2,000-3,000 customers at the location**! If this is a per day estimate of customers, that’s a completely different number traffic than they listed on their
"Bringing somewhere between 2,000-3,000 customers to a site is relevant because whoever the retailer that ultimately winds up there has access to those customers," Meyer said. "[Dutch Bros] becomes its own center of gravity like the sun — planets start to revolve around them — from a retail perspective."

- Keith Meyer – listing broker of property for Maestas & Ward


Anna

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Anna Brown, Treasurer
Skyview Acres Neighborhood Association
https://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.skyviewacresna.org&umid=747644b3-5a45-43c9-901b-17fb1c690b5a&auth=307405480ca3e49a8b1deb4e49ca5cd244e7e096a50e20eabba3d4476df4500999bd14ca1bf48967
T: (505) 205-1597
info@skyviewacresna.org

Neighborhood News:
https://skyviewacresnm.nextdoor.com
ALBUQUERQUE, NM – 2,000-3,000 customers a day!

- QUOTE: "Bringing somewhere between 2,000-3,000 customers to a site is relevant because whoever the retailer that ultimately winds up there has access to those customers," Meyer said. "[Dutch Bros] becomes its own center of gravity like the sun — planets start to revolve around them — from a retail perspective." - Keith Meyer – listing broker of property for Maestas & Ward

PHOENIX, AZ – City revokes permit, and forces store to close


VISALIA, CALIFORNIA – Problems with traffic and noise

- [https://thesungazette.com/article/visalia/2021/01/27/overwhelming-popularity/](https://thesungazette.com/article/visalia/2021/01/27/overwhelming-popularity/)


TWIN FALLS, ID – Traffic blocks dialysis customers, forced to reroute drive-thru lanes


FRESNO, CA – Traffic jams


- [https://www.reddit.com/r/fresno/comments/hybaem/saw_50_cars_in_the_dutch_brothers_drivethru/](https://www.reddit.com/r/fresno/comments/hybaem/saw_50_cars_in_the_dutch_brothers_drivethru/) (50+ vehicles in line at 9pm)
**SANTA MARIA, CA** – Police called to manage traffic


**CHANDLER, AZ** – Traffic backing up

- POSTED REVIEW: “The drive thru line is ridiculous. It routinely wraps around the building then overflows into the street which blocks residents of The Met or guests at the nearby hotels from entering the parking lot. Dutch Brothers once had employees outside to guide the traffic but I think they've stopped doing that.”

**CHICO, CA** – Lines of drivers protruding into lanes & blocking traffic


**MODESTO, CA** – Snaking lines of traffic expected


**ELK GROVE, CA** – Commuters advised by city to avoid the street!

Wednesday, July 07, 2021

TO:
Catalina Lehner
ABQ Senior City Planner
CLehner@cabq.gov
505.924.3935

PROJECT:
3615 HWY 528, Albuquerque, NM (aka Dutch Brothers location)
Tract C-4-A Plat of Tracts C3A, C3B, C3C and C4A
Seven Bar Loop
Zone Atlas Page: A-14-Z

Dear Ms. Lehner,
I’m submitting this letter in opposition of the Dutch Brothers Coffee proposed for the empty lot at 3615 HWY 528. I own two residential properties in the neighborhood immediately to the north of this project and strongly believe approving this project is detrimental to the character of this immediate area. Here are my primary concerns:

1. CITY DEVELOPMENT GOALS: The Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan) set aside this property and the immediate properties to the west and east between Ellison Dr and Cottonwood Dr as an “Area of Consistency”. My understanding is the goal when giving this designation to an area was to protect the area from incompatible development which negatively impacts the surrounding community. In my opinion, with the contextual understanding that this proposed project abuts a dense residential & mixed-family neighborhood and a long-established office complex, allowing the land use to change from a 20,000 sqft office building to two (2) drive-thru restaurants and a cell tower is inconsistent with the goals set forth in the ABQ Com Plan. This project does not strengthen the character of this neighborhood and is significantly different from the immediately around it and the land use it is replacing. This is the second office building in the very immediate area being replaced by retail or restaurant uses. The office building on the NE corner of Ellison and 528 was recently torn down and replaced with retail space, displaying all the small officer users in that building. It is my strong opinion that this project fails to meet the city’s development goals for this immediate area because it does not “reinforces the character and intensity of the surrounding area”.

2. LAND USE: This property is zoned NR-BP (Non-Residential Business Park) which is set aside for uses in “campus-like settings to buffer potential impacts on surrounding uses and adjacent areas”. This zoning seems perfectly appropriate for a buffer property between residential and commercial properties until you read the list of permissive uses for NR-BP zoning. The list includes so many commercial uses beyond what one envisions for a “business park” that there is no way to maintain the integrity of the property’s prior use as an office building. From the IDO’s Allowable Uses list, this “business park” zoned property could also be permissively used as a “sports field”, “adult entertainment”, “night club”, “car wash”, “mortuary”, “construction contractor facility and yard”, “other outdoor entertainment”, “adult retail”, “pawn shop”, “heli-pad”, “solar energy generation”. Such an abrupt land use change from office to multi high traffic
drive-thru restaurants is not maintaining the consistency of this area and is not protecting the residential neighborhood that have been here since the 1960s.

3. **TRAFFIC:** The Long Range Roadway System (LRRS) designates Highway 528 as a Regional Principal Arterial, a classification which should ensure traffic on this road moves quickly and at higher speeds. Because of years of dense commercial development in the area between Corrales Rd and Cottonwood Dr, commuting traffic on Highway 528 does not move quickly. The highway is regularly backed up and out of balance with the goals set forth for a Regional Principal Arterial. The LRRS sets forth instruction in the case where a Principal Arterial bisects a dense commercial area. The LRRS states “modal priorities along these roads need to be balanced”. To me, approving two new drive-thru restaurants located right next to each other with unprotected driveway access to the already congested Highway 528 is not balanced decision making and exacerbates our neighborhood’s traffic issues.

4. **NOISE:** The Dutch Brother Coffee plans to plan music on outside speakers from 7am to 10pm every day of the week. A residential area should not have to listen to a businesses’ music playing at all hours of the waking day. Based on my direct experience, if there is a violation of the City of Albuquerque’s noise control ordinance, it seems very difficult to get the attention of the Environmental Health Department regarding the problem. A nearby neighborhood dealing with a noisy alcohol establishment spent 18 months trying to get the Environmental Health Department to enforce the noise ordinance on their problem business. We do not want outdoor music playing all day.

5. **CUT THROUGH TRAFFIC & INTERSECTION CONGESTION:** Because the Dutch Brothers property has only unprotected access to Highway 528, I strongly believe there will be a large amount of vehicles cutting through the office complex to the east in order to get to the light at Ellison and 528. This cut through traffic creates a huge burden on the businesses/customers in the office complex who will have to navigate the surge of non-local traffic in their narrow parking lot. Additionally, more vehicles using the Ellison and 528 intersection creates a burden on the immediate neighbors for whom the Ellison is a main access point for connecting into Highway 528. The Village of Corrales has two access points onto Highway 528, and this is one of them. This intersection is a primary entrance to my neighborhood and is one I use multiple times a day.

I implore the Environmental Planning Commission to reject this project because it is out of balance with the goals set forth for Highway 528 and is too dramatic of a change for this immediate area.

Sincerely,

Anna Brown  
1013 Calle de Celina, Corrales  
10708 Cielo Vista del Norte, Corrales  
Tel: 350-6520
External

Thank you. We’d very much like to see these conditions added if the project proceeds.

My understanding is shared parking agreements must be filed with the county and I was not able to find any such agreement when searching using the Bernalillo County Clerk’s online public records search tool. The challenge with this location is if traffic backs up onto Highway 528, there is no plan B option available for getting traffic on or off this property, other than cutting through the office complex. The office complex driving lanes are not very wide (single vehicle width in some spots) and that parking lot is busy with people coming and going from those small businesses. Additionally, merging onto Ellison from that office complex, either by turning left/right or cutting across, is not particularly easy because the driveway is on a curve from both directions and the line of sight is limited.

Also, because this property borders such dense residential to the north and north east, can an environmental noise study be a condition as well? The volume of vehicles coming through this property is going to be significant. The vehicles will be idling and making their own level of noise from 5am to 11pm seven days a week. Our understanding is Dutch Brothers promotes itself as “high energy” and we don’t believe there is enough of a buffer to keep that energy out of the residential areas. Besides our neighborhood of 150 homes, there are residential properties along Cabezon Rd/Loma Large and a large apartment complex on Calle Cuervo to the NE which are affected. The two other “high energy” restaurants on Alameda Blvd, Boxing Bear and the Salt Yard, have been sources of noise complaints.

Anna

----------------------------------
Anna Brown
MediaGirl, Inc.
Office: (505) 205-1597
anna@mediagirl.com

From: Lehner, Catalina L. <CLehner@cabq.gov>
Sent: Thursday, July 01, 2021 1:40 PM
To: anna@mediagirl.com
Subject: RE: Dutch Bros Traffic articles

Hi Anna,
Yes, I believe these can become conditions. I’m waiting to hear back from Parks regarding the trees.
-Catalina
External

Catalina,
That’s a great idea to see if the trees can be preserved! All the ones on the east side near the office complex will most likely be cut down also.

QUESTIONS:

1. Can one of your conditions be “no outside music” at the Dutch Brothers? This location plans to play music outside their building from 7am -10pm.

2. I foresee traffic trying to exit the Dutch Brothers using the office complex to the east because vehicles can’t get directly back on to Highway 528 easily.
   A. Is a shared parking agreement voided when a property is subdivided?
   B. Can one of your conditions be that the development must block traffic access to the office building on the east?

Anna

----------------------------------
Anna Brown
MediaGirl, Inc.
Office: (505) 205-1597
anna@mediagirl.com

From: Lehner, Catalina L. <CLehner@cabq.gov>
Sent: Wednesday, June 30, 2021 9:32 AM
To: anna@mediagirl.com
Subject: RE: Dutch Bros Traffic articles

Good morning, Anna.
Thank you for providing this information. I’ll add it to the record for the case. I provided the applicant with a list of items to incorporate into a revised site plan set, which I should receive soon. Also, I have coordinated with the Parks Department and they will take a look at the trees on the site to see if any more can be recommended for preservation.

CATALINA LEHNER, AICP
senior planner
wireless designee
she | her | hers
o 505.924.3935
Hi Catalina,

I took time to collect news articles related to the traffic congestion a Dutch Bros location brings to a neighborhood. It got so bad in Phoenix that the city revoked a store’s permit forcing it to close and move to another location.

Our primary concern is 528 is a big commuter road! And there is no where to backup vehicles except onto 528 or into the office park to the east. When traffic backs up on Alameda, commuters start using our neighborhood as a short cut to Ellison or Corrales Rd. We see this happening regularly already.

NEWS ARTICLES HERE

NOTE: The first article is about the leasing of this specific location. It’s in the NM Business Journal and quotes the listing agent referencing **2,000-3,000 customers at the location**! If this is a per day estimate of customers, that’s a completely different number traffic than they listed on their application. The full quote is:

"Bringing somewhere between 2,000-3,000 customers to a site is relevant because whoever the retailer that ultimately winds up there has access to those customers," Meyer said. "[Dutch Bros] becomes its own center of gravity like the sun — planets start to revolve around them — from a retail perspective."

- Keith Meyer – listing broker of property for Maestas & Ward

Anna

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Anna Brown, Treasurer
Skyview Acres Neighborhood Association
http://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.skyviewacresna.org&umid=747644b3-5a45-43c9-901b-17fb1c690b5a&auth=307405480ca3e49a8b1deb4e49ca5cd244e7e096-a50e20eabba3d4476df4500999bd14ca1bf48967
T: (505) 205-1597
info@skyviewacresna.org

Neighborhood News:  
https://skyviewacresnm.nextdoor.com
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T: (505) 205-1597
info@skyviewacresna.org

Neighborhood News:  
https://skyviewacresnm.nextdoor.com
Dear Catalina;

I recently became aware of the proposed development of the property at 3615 HWY 528, Albuquerque. I live approximately 3-4 blocks from this proposed development and am concerned that it will exacerbate the existing problem of commercial development along HWY 528 impacting the residential community north and east of the proposed development. There have been numerous noise complaints about the Salt Yard and Boxing Bear Brewery, due to their proximity to residential property. Although some of this residential property is not within the City of Albuquerque, the Albuquerque Department of Environment Health has said that the Albuquerque Noise Ordinance applies to all Residential Property both in and adjacent to the city. As such this development does not seem consistent with protecting adjacent residential property and the existing commercial development along the north side of HWY 528. It appears that the city planning group has tried to permit low impact commercial development on the north side of the HWY, to buffer/protect the Residential Properties north of HWY 528 from the already busy and loud businesses on the South side of the HWY. Putting a high traffic noisy business on the north side, adjacent to a residential community does not seem consistent with prior planning decisions. Commercial development of this property should be consistent with buffering/protecting the residents from high traffic, noisy development and not making such high impact businesses their neighbors.

I appreciate the opportunity to submit these comments and hope the City Planners will take the concerns of the residential neighbors into account and protect them from the ever increasing impact that commercial development along HWY 528 is having.

Thomas Mann

cc
Anna Brown, Treasurer Skyview Acres Neighborhood Association
Catalina Lehner
ABQ Senior City Planner
CLehner@cabq.gov
505.924.3935

The PROJECT APPLICATION reference info is:
3615 HWY 528, Albuquerque, NM (aka Dutch Brothers location)
Tract C-4-A Plat of Tracts C3A, C3B, C3C and C4A
Seven Bar Loop
Zone Atlas Page: A-14-Z

Dear Ms. Lehner,

We live at 10704 Calle De Celina, Corrales, NM 87048, and we are very much against the permit for Dutch Bros. This neighborhood is already bombarded with so much noise from the traffic on Alameda and existing businesses that disrupt the calm and quality of life. We do not need more traffic on Ellison/Loma Larga, more pollution, more noise, and more trash.

Please listen to our neighborhood and the neighboring businesses. We do not want this development.

Sincerely,

Marissa Nordstrom and Leonardo Martinez

--
Marissa Nordstrom
www.yourcareerconcierge.com
Good morning,
I would like to, officially, submit my concern about Dutch Brothers coming in to an already congested area. Murphy's coming in has caused many issues for our Skyview neighborhood just north of it. The traffic is a major issue and I assume the same will happen with a busy Dutch Brothers.
Thank you for listening,
Connie Shultz
Hello,

I am writing as a neighbor here in Sky View Acres and as the Vice President of the Sky View neighborhood association that I am very concerned about the amount of traffic this will bring to our neighborhood and could foresee many cars try to cut through our neighborhood to get to Dutch Bros. This obviously will change the quiet pace of the neighborhood. I am also anticipating that both the noise, lighting and trash would grossly affect the environmental health of our neighborhood. Could it be that the new location not have bright lights, outdoor music and have some sort of way to block any trash from moving through towards the neighborhood and waterways? Could there please be a traffic study to ensure that we are able to easily come and go from the neighborhood without huge lines of traffic? Thank you,

Sarah Twocrow

Get Outlook for iOS
Dear Ms. Lehner,

We are residents of the Skyview Acres (SVA) subdivision, which is located very near the proposed Dutch Brothers Coffee (DBC) location. We have some very real concerns about how this business will affect the quality of life in our area.

1. DBC has a history of causing traffic congestion at its locations due to the popularity of its brand and its drive-through set-up. There is the potential of causing traffic back-ups along Alameda and at the intersection of Cabezon with Ellison/Loma Larga, which is the entrance to SVA. Other municipalities have struggled with these traffic flow issues at DBC's in areas not as concentrated as ours.

2. Another concern that we have is in regards to the outdoor music that DBC uses at its stores in the drive-view lines. This would definitely affect the quality of life of the residents in SVA, especially those on the south side. It would result in a neighbor playing music outside every day, all day during business hours, which appear to be 5 AM to 11 PM. That is not a very neighborly neighbor. At the very least we would demand the use of noise abatement walls around the business.

3. We see another potential issue with trash. Fast food and drink businesses have the precedent of being debris generators. With our relentless New Mexico winds this trash could very well end up along the border of the SVA subdivision and in the drainage area and culvert at Cabezon and Ellison/Loma Largo. The majority of SVA residents take pride in our neighborhood and this trash would definitely decrease the "eye appeal" of the area and potentially affect property values.

Therefore, respectfully, we request that the city seriously consider the impacts of this proposed business on the quality of life in our nearby subdivision. At this time we do not support this business proposal.

Regards,
Judith A Williams
W. Scott Williams
1310 Cielo Vista del Norte
Skyview Acres

Sent from Yahoo Mail on Android
REDUCTIONS
1) The International Symbol of Accessibility shall be painted on the pavement at the rear of the space, white symbol on blue background.

2) The parking space lines and diagonal striping shall be painted blue and shall be 4" wide. Diagonal lines shall be spaced 2' center to center.

3) The access aisle shall have the words "NO PARKING" in blue, capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tires would be placed.
1. Produced to meet ASTM specifications.
2. Contact a Concrete Pipe Division representative for details not listed on this sheet.

Notes:
- Dimensions may vary depending upon equipment availability.

Slope

Pipe I.D.

Wall Thickness

Diameter:

- 12" - 72" Diameter Pipe

CONCRETE PLAIN END SECTION DETAIL

SYMMETRICAL HOLES (OF)

Concrete Pipe Division

Flared End Section

Plan View

Tongue End For Inlet

Groove End For Outlet

Installation Detail

Section View at Centerline

End View

Flared End Section

CONCRETE SPILLWAY

CONCRETE K-AW

EXHIBIT NO: 622

ASH 622 AND ELBISON

GRADING AND DRAINAGE DETAILS

07/02/2021

TIERRA WEST, LLC

Natural Resources Conservation Service
United States Department of Agriculture

07/02/2021
PARKING
Parking shall be provided from the public right-of-way by means of 30' wide and 30' deep lots. Each lot shall be equipped with a single parking space, including a 10' wide and 10' deep driveway. The lots shall be located on the west side of the street. The lots shall be at least 200 feet from each other and shall be separated by a 60-foot wide road.