

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

July 21, 2022

Brandenreed Properties LLC  
2211 Candelaria Rd. NE  
Albuquerque NM, 87107

**Project # PR-2022-007151**  
SI-2022-001132- Site Plan- Major Amendment

### LEGAL DESCRIPTION:

Tierra West LLC, agent for Brandenreed Properties LLC, requests a Site Plan- Major Amendment for all or a portion of Tract 4, plat of Tracts 1, 2, 3 and 4, Paradise Plaza, located on Unser Blvd. NW, between Crown Rd. NW and Summer Ridge Rd. NW, approximately 2 acres (A-11-Z)  
Staff Planner: Megan Jones

On July 21, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007151/SI-2022-001132, a Site Plan- Major Amendment, based on the following Findings and subject to the following Conditions of Approval:

### FINDINGS:

1. The request is for a Site Plan EPC-Major Amendment of a Pre IDO-Approval for an approximately 2-acre site legally described as all or a portion of Tract 4, plat of Tracts 1, 2, 3 and 4, Paradise Plaza, located on Unser Blvd. NW, between Crown Rd. NW and Summer Ridge Rd. NW (“the subject site”).
2. The subject site is zoned MX-L (Mixed-use – Low intensity), a zoning designation received upon adoption of IDO in May 2018. The subject site was formerly zoned SU-1 for Mixed Use Development-C-1 permissive uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on premise consumption (maximum 4.5 acres).
3. The subject site is within the controlling Unser/McMahon Village Center North Site Development Plan for Subdivision, which has design parameters (SPS).
4. Historically, portions of the subject site are included within the boundaries of two site development plans for subdivision: Project #1000936, which contained 16.2 acres within the Unser/McMahon Village Center and 4.4 acres (Tract B-1) outside the Village Center; and Project # 1000898, which contained 4.0 acres within the Unser/McMahon Village Center, zoned SU-1 for Mixed-use, and 13 acres outside the Village Center, zoned SU-1 for R-2.

5. The EPC is hearing this request because IDO Section 1-10(A) Pre-IDO Approvals states that any approvals granted prior to the effective date of the IDO shall remain valid, subject to expiration. Major Amendments of Pre-IDO Approvals return to the original decision-making body pursuant to 14-16-6-4(Z)(1)(b).
6. With the approval of Project #1000936/17EPC-40069, a zone change request for Tract 4, the EPC is the required approving body for changes of use to auto-related uses and drive up service windows as well as Site Plans for auto-relates uses and services and drive up service windows on Tract 4 (see Notice of Decision dated February 8, 2018).
7. The applicant wishes to amend Tract 4 of the SPS to allow auto-related uses and services, including drive-up service windows and the development of an approximately 1,400 SF Light Vehicle Repair Facility (a "Take 5 Oil Change").
8. The subject site would remain in the controlling SPS with design parameters, but the future auto oriented use would be allowed.
9. The subject site is located in an Area of Change as designated by the Comprehensive Plan and is part of the Northwest Mesa Community Planning Area (CPA). It is not in a designated Center.
10. The subject site is located on a Commuter Corridor and future Premium Transit Corridor, Unser Blvd. NW.
11. 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.
12. The request is consistent with the following Comprehensive Plan Goals and Policies regarding Centers and Corridors from Chapter 5: Land Use

- A. Goal 5.1- Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is not located in a designated Center, but it is on Unser Blvd. NW, a Commuter Corridor and future Premium Transit Corridor as designated by the Comprehensive Plan. The request would facilitate the development of a Light Vehicle Repair facility that would continue to reinforce the corridor as intended. These Corridors are planned for mixed-use and transit-oriented development as well as faster and longer trips for personal vehicles, commuter bus service, and often bicycling. Additionally, the subject site is located in an Area of Change which allows a use that would benefit the surrounding community.

- 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 a): Allow auto-oriented, single-use development, such as strip retail, large retail facilities, and business and institutional campuses along Commuter Corridors.

The subject site is located on Unser Blvd. NW, a Commuter Corridor as designated by the Comprehensive Plan. The request would allow auto-related uses and services on the subject site as well as a Light Vehicle Repair development (an oil change facility) along Unser Blvd.

C. Policy 5.1.12, Subpolicy b): Buffer residential land uses adjacent to Commuter Corridors.

The subject site is zoned MX-L and located adjacent to a low-density residential (Dwelling, townhouse) development. The request for auto-related uses and services on the subject site would facilitate the development of an oil change facility. Neighborhood-scale convenience shopping needs at the intersection of collector streets are an intended use of the MX-L zone district. The subject site serves as a buffer between the existing residential land use to the east and Unser Blvd. Commuter Corridor to the west, although the Use Specific Standards for Light Vehicle Repair prohibit vehicle repair within 25' of a lot containing a residential use in any Mixed-Use district.

D. Subpolicy c) Support traffic flow by limiting new curb cuts, encouraging shared access roads, or providing access from perpendicular local roads.

The request would facilitate the development of oil change facility. The subject site would remain within the controlling SPS which has design parameters. The applicant has stated that any proposed curb cuts are to be constructed along Crown Rd. with no new curb cuts along the Unser Blvd. Commuter Corridor, therefor supporting traffic flow by limiting new curb cuts.

13. The request is consistent with the following Comprehensive Plan Goals and Policies regarding Complete Communities from Chapter 5: Land Use

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

The request would continue to foster a community where residents can live work, and shop. The subject site is zoned MX-L, which allows motor vehicle-related uses, which is the proposed future use of the subject site. The Unser Blvd. Premium Transit and Commuter Corridor is planned for mixed-use and transit-oriented development, which adds to the existing commercial services/retail and residential uses surrounding the subject site.

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

Subpolicy (a): 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 contribute to a healthy and sustainable community because it would facilitate future development in an area with a mix of uses including commercial retail, commercial services, low-density residential, and multi-family residential while providing a light vehicle repair use to the immediate and surrounding community that is conveniently

accessible from surrounding neighborhoods. Furthermore, the subject site is on a future Premium Transit Corridor and a Commuter Corridor with access to existing paved bike trails and sidewalks that have connections to the surrounding neighborhoods.

14. The request is consistent with the following Comprehensive Plan Goals and Policies regarding Efficient Development Patterns and Infill from Chapter 5: Land Use and Chapter 7: Urban Design

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

According to the Comprehensive Plan, Areas of Change highlight Corridor Areas where new development and redevelopment are desired. They include vacant land and commercial or industrial areas that would benefit from infill or revitalization. The request would allow the development of an auto-related use and service on a vacant lot that does not currently allow them, but is zoned for them. The applicant is proposing a future Light Vehicle Repair facility, which would be a complementary use to the surrounding area.

- B. 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.

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

The subject site is located in an Area of Change and designated Premium Transit and Commuter Corridor, which are highlighted infill development locations within the Comprehensive Plan. Any future development on the subject site would be served by existing infrastructure and public facilities. The development of the proposed Light Vehicle Repair facility made possible by the request would promote efficient development patterns and use of land.

- C. 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 growth to it.

- D. 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 intent is to direct growth and more intense development to Centers, Corridors, and industrial and business parks. The request would further this policy as it is located on a Premium Transit and Commuter Corridor, Unser Blvd. NW, where more intense development and growth is encouraged.

- E. Policy 5.6.2, Subpolicy b): Encourage development that expands employment opportunities.

The Comprehensive Plan highlights Corridors within Areas of Change as areas where growth is desired and where additional residents, services, and jobs can be accommodated in locations ready for new development (Comp Plan pg. 5-23). The request would facilitate the development of a Light Vehicle Repair facility on a future Premium Transit and a Commuter Corridor, Unser Blvd., and in an Area of Change.

- F. Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The subject site is located in an Area of Change and on a designated Corridor, a prime infill location as highlighted by the Comprehensive Plan. The request is for auto-related uses and services on the subject site and the development of a Light Vehicle repair facility. The subject site would remain in the controlling Unser/McMahon Village Center North SPS and be required to follow the design guidelines. The request would promote infill that blends in style with the surrounding structures and the streetscape.

15. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 7: Urban Design

- A. Goal 7.2 Pedestrian-Accessible Design: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

Subpolicy a: Improve the pedestrian environment through coordinated design of subdivisions, streets, development sites, and buildings

The proposed Site Plan for an approximate 1,400 SF oil change facility follows the design parameters of the controlling SPS as well as standards within the MX-L zone district and DPM, therefore provides pedestrian access points at appropriate locations on the Site Plan. It is located on Unser Blvd. NW, which has a designated multiple-use trail and bus route. The development of the site will ensure sidewalk construction along the frontage of the site generally ensuring pedestrian oriented-development.

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

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Subpolicy a: Design development to reflect the character of the surrounding area and protect and enhance views.

The request is for the review and approval of an auto related use and services as well as a Site Plan for an approximate 1,400 SF oil change facility. The proposed Site Plan is

required to follow the design parameters of the controlling SPS as well as standards within the MX-L zone district and DPM. The subject site is approximately 2 undeveloped acres within the Unser/McMahon Village Center, which is nearly built out. By remaining within the controlling SPS and requesting the auto-oriented use, the request would reinforce context-sensitive design of the development and streetscape as well as the distinct character and identity of the surrounding area.

16. The request is consistent with the following Comprehensive Plan Goals and Policies regarding Economic Development and Employment from Chapter 5: Land Use and Chapter 8: Economic Development.

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

Subpolicy a): Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.

The subject site is located on the West Side of the Rio Grande and is zoned MX-L, allowing commercial and office uses. The request to allow auto-related uses and services on the subject site would allow the development of a Light Vehicle Repair facility adding potential jobs on the West Side. Ensuring that the site allows a use that the land is zoned for fosters an employment opportunity.

B. Goal 8.1- Placemaking: Create places where business and talent will stay and thrive.

The request would allow the development of an approximately 1,400 SF oil change facility on a vacant lot within the Unser/McMahon Village Center North SPS. The subject site is located in an Area of Change and along a Premium Transit and Commuter Corridor which are areas highlighted as prime infill locations. The Comprehensive Plan states that infill of vacant land is crucial to economic development and will help provide attractive, well-connected urban places that attract knowledge-based employers and the workforce they need (Comp Plan pg. 8-15). Although, the subject site zoned MX-L with numerous permissive uses, including residential, so there is no guarantee for future business on the subject site.

C. Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

Subpolicy b): Support a variety of lower-density, lower-intensity services, jobs, and housing outside of Centers.

The subject site is located in the Unser/McMahon Village Center North SPS. The surrounding area is characterized with a variety of mixed uses, commercial service/retail, low density residential, single-family, and multi-family uses. The subject site is zoned MX-L, which allows a variety of uses on the site, but the request would facilitate the development of a Light Vehicle Repair facility that would offer an employment

opportunity in an established neighborhood on the West Side, outside of a Center. The request would encourage a small-scale economic development opportunity.

17. 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-L; therefore, this criterion does not apply.
  - C. 14-16-6-6(J)(3)(c) The proposed major amendment is to allow auto-related uses and services on the subject site as well as an approximately 1,400 SF oil change facility. The subject site is within the controlling Unser/McMahon Village Center North SPS, which has design parameters. The proposed site plan made possible by the request would comply with all applicable provisions of the IDO, DPM, and design parameters within the SPS.
  - D. 14-16-6-6(J)(3)(d) The City's existing infrastructure has adequate capacity for the proposed development made possible by this request. The applicant has stated that the developer is responsible for mitigating any potential negative impacts to any existing infrastructure.
  - E. 14-16-6-6(J)(3)(e) The applicant has demonstrated that the request would not negatively impact the surrounding area based on their responses to applicable Comp Plan Goals and Policies. The proposed major amendment is to allow auto-related uses and services which would facilitate the development of a Light Vehicle Repair facility on the subject site. The subject site is zoned MX-L in which Motor Vehicle-related uses are already permissible. The applicant has stated that the proposed development would comply with the design parameters within the controlling SPS and the IDO, mitigating any significant adverse impacts on the surrounding area to the maximum extent practicable.
  - F. 14-16-6-6(J)(3)(f) The subject property is not within a Master Development Plan. It is within the boundaries of the Unser McMahon Village Center North Site Development Plan for Subdivision and is zones MX-L. The request for auto-related uses and services on the subject site is permissible under this zone district pursuant to IDO 14-16-2-4-(C).
  - 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.
18. The affected, registered neighborhood organization is the Westside Coalition of Neighborhood Associations which was notified as required. Property owners within 100 feet of the subject site were also notified, as required.
19. A pre-submittal neighborhood meeting and a facilitated meeting were offered, but not held.
20. The applicant should coordinate with ABCWUA, PNM, and Albuquerque Police Department regarding comments provided for Crime Prevention through Environmental Design (CEPTED) at the time of building permit submittal.

CONDITIONS OF APPROVAL:

1. The EPC delegates final sign-off authority of this site plan to the Site Plan- Administrative Process as per IDO Section 14-16-6-5(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 coordinate with the Staff planner prior to submitting for building permit.
3. Landscape Plan:
  - A. Provide dimensions for all plant beds, distances between trees, etc.
  - B. Show all curb cuts pursuant to IDO section 14-16-5-6(C)(13).
4. Lighting:
  - A. Show locations of light poles on the site plan.
  - B. Provide light pole detail indicating height, color, and finish.
5. Signage:
  - A. Signage area calculations shall be provided.
  - B. Building mounted signs shall not exceed 6% of façade area. Oil change logo sign shall be reduced from 6.5% to 6% of façade area
  - C. Add sign details to elevations for the Take 5 logo sign, oil change sign/ stay in your car sign and remove sign package (shows different dimensions).
6. Conditions from PNM:
  - A. Applicant will coordinate with PNM regarding any existing easements that have to be revisited and/or new easements that need to be created for any electric facilities as determined by PNM.
  - B. Any existing and/or new PNM easements and facilities need to be reflected on any resulting future Site Plan or Plat.
  - C. Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Any trees within or near PNM easements including any required Street Trees should comply with IDO Section 5-6(C)(10) as applicable.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **August 5, 2022**. 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



OFFICIAL NOTICE OF DECISION

Project # PR-2022-007151

July 21, 2022

Page 9 of 9

appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

for Alan M. Varela,  
Planning Director

AV/CL

cc: Brandenreed Properties LLC, Danny Brandenburg, [zack.holland@durbandevelopment.com](mailto:zack.holland@durbandevelopment.com)  
Tierra West LLC, [rbr@tierrawestllc.com](mailto:rbr@tierrawestllc.com)  
Westside Coalition of Neighborhood Associations, Rene Horvath, [aboard111@gmail.com](mailto:aboard111@gmail.com)  
Westside Coalition of Neighborhood Associations, Elizabeth Haley, [elizabethhaley@gmail.com](mailto:elizabethhaley@gmail.com)  
Legal, [dking@cabq.gov](mailto:dking@cabq.gov)  
EPC File