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OFFICIAL NOTIFICATION OF DECISION

November 18, 2021

JB Holdings LLC/Take 5 Car Wash
10416 Morning Star Dr. NE
Albuquerque NM, 87111

Project #2021-005816
SI-2021-01684, VA-2021-00363
Site Plan Major Amendment and Variance-EPC

LEGAL DESCRIPTION:

Consensus Planning, agent for JB Holdings, LLC/Take 5 Car Wash, requests the above action for Lot 2-C, Cottonwood Crossing Phase II Subdivision, an approximately 0.8 acre portion of the following: Lots 1, 2-A, 2-B, 2-C, 2-D, 3, 4, 5, and 6 of Cottonwood Crossing Phase II being a replat of Tracts 14-A and 14-B, Black Ranch, zoned MX-L, located at 10,084 Coors Blvd. NW, between Coors Bypass and Seven Bar Loop (B-14-Z).

Staff Planner: Silvia Bolivar

On November 18, 2021, the Environmental Planning Commission (EPC) voted to APPROVE Project #2021-005816/SI-2021-01684/VA-2021-00363, Site Plan-EPC Major Amendment and Variance-EPC based on the following Findings and Conditions of Approval:

FINDINGS- SI-2021-01684- Major Amendment

1. The request is for a Major Amendment to a Prior Approved Site Plan for Lot 2C of Lots 1, 2-A, 2-B, 2-C, 2-D, 3, 4, 5, & 6 Cottonwood Crossing Phase II being a replat of Tracts 14A/14B, Black Ranch, located at 10084 Coors Blvd NW, containing approximately 0.8 acres (the "subject site").
2. The subject site is part of a larger, approximately 10-acre site controlled by a site development plan for subdivision approved by the EPC in August of 2003. The approved site plan included four buildings on the property closest to Coors Boulevard.
3. The applicant proposes to amend the approved site plan by developing Lot 2-C with a car wash instead of the previously approved parking lot.
4. The EPC is hearing the case pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-4(Z), Amendments of Pre-IDO Approvals. Major amendments shall be reviewed by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6-1 (Administration and Enforcement). The amendment exceeds the thresholds found in IDO Table 6-4-4: Allowable Minor Amendments,

because all previous minor amendments are cumulative to the current proposal. IDO Section 14-16-6-5(Z)(1)(b)1, states that Major Amendments shall be reviewed and decided by the decision-making body that issued the permit or approval being amendment. In this case, the EPC approved the Site Development Plan in August 2003, prior to the effective date of the IDO.

5. The subject site is zoned MX-L (Mixed-Use – Low Intensity Zone District, IDO 14-16-2-4(B)) which was assigned upon adoption of the IDO based upon prior zoning and land use designations SU-1 for C-1 (restaurant with full service liquor) and SU-1 for O-1. Upon adoption of the IDO, these uses were converted to MX-L and MX-T respectively.
6. The subject site is located in an Area of Change as designated by the Comprehensive Plan and is in the Northwest Mesa Community Planning Area (CPA).
7. The subject site is within the boundaries of the Coors Boulevard Character Protection Overlay Zone (CPO-2) and the Coors Boulevard View Protection Overlay Zone (VPO-1).
8. Coors Boulevard NW and Seven Bar Loop Road NW are classified as Major Transit Corridors as designated by the Comprehensive Plan.
9. 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.
10. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to Employment Centers and complete communities.
 - A. Subpolicy 5.1.1(a): Prioritize office and commercial employment in areas with good access via automobile and transit.

The request would add commercial employment along Coors Boulevard, a Major Transit Corridor with good access via automobile and transit served by Fixed Route 157 and Commuter Route 96 that run north-south on Coors Boulevard.

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

The request would facilitate development of a car wash, a use allowable in MX-L zones, that include townhouses, live-work, and multi-family residential uses that would help foster a community where people can live near work. The increase in employment density would also foster a community where residents would shop in the area as there are many commercial and retail services nearby.

11. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to land uses, efficient development patterns and infill development.
 - 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 contribute to creating a healthy, sustainable community because it would facilitate further development in an auto-oriented district. The request would facilitate redevelopment of an established commercial development and would contribute to a mix of uses

that would be conveniently accessible from surrounding neighborhoods. The residential zones to the to the south, east, and west would benefit from additional uses along Coors Boulevard NW.

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

The request would further this subpolicy because the proposed use under the MX-L zone would encourage infill development and would add a complementary use to this auto-oriented area. The request would allow for the proposed infill development to be compatible in form and scale to the immediately surrounding auto-oriented development that include restaurants and commercial retail and services.

- C. Subpolicy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request furthers this subpolicy because the subject site has been vacant for many years following the initial grading. The redevelopment of the 0.8 acres would allow for more productive use of a portion of an existing commercial development.

- D. 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 this Goal because it would promote development patterns that maximize the utility of existing infrastructure and public facilities and efficient use of land to support the public good. The proposed development would be located near the intersection of Coors Boulevard NW and Seven Bar Loop NW which provides excellent access and would promote efficient use of the existing roadways and associated infrastructure.

- E. 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.

12. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to Areas of Change.

- A. Policy 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 request would further Goal 5.6 – City Development Areas because it would result in growth near the Cottonwood Employment Center and adjacent to Coors Boulevard NW, a Major Transit Corridor where change is generally encouraged. Major Transit Corridors are intended to be transit and pedestrian oriented near transit stops, while auto-oriented along much of the corridor. The proposed use would be auto-oriented but would be accessible by pedestrians from Coors Boulevard NW and Seven Bar Loop NW.

- B. Policy 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request would direct growth and more intense development to a property located near the Cottonwood Employment Center and along Coors Boulevard NW and Seven Bar Loop NW where change is encouraged as per the Comprehensive Plan.

- C. Subpolicy 5.6.2(f): Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.

The request would help minimize the potential negative impacts of development on existing residential uses by situating the proposed use near a major transit corridor and away from single-family residential properties located to the east of the subject site. A revised landscape plan has been submitted that shows more trees were added to the eastern side of the site to minimize potential negative impacts.

13. 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) With the application of conditions of approval, the site plan would comply with all applicable provisions of the IDO.
 - D. 14-16-6-6(J)(3)(d) The City's existing infrastructure has adequate capacity for the proposed development. A traffic impact study is not required for this major amendment because the proposed use for the subject site, a car wash, does not meet thresholds established by the DPM.
 - E. 14-16-6-6(J)(3)(e) The future, proposed development would be required to comply with the decisions made by the EPC. The EPCs' conditions of approval would improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas.
 - F. 14-16-6-6(J)(3)(f) The subject property is not within an approved Master Development Plan; therefore, this criterion does not apply.
 - G. 14-16-6-6(J)(3)(g) The subject property is not within a Railroad and Spur Area and a cumulative impact analysis is not required, therefore this criterion does not apply.
14. The affected, registered neighborhood organizations 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.
15. A post-submittal neighborhood meeting was held with the Bosque del Acres Neighborhood Association (in the County) on November 4, 2021. Topics discussed included where the car wash would be located, hours of operation, traffic concerns and how tall the lights would be. In response, the applicant has submitted a revised landscape plan where more trees have been added on the eastern side to address concerns over noise, light, etc.
16. As of this writing, Staff has not received any comments in support or opposition to the request.
17. The Commission finds that Lot 1 was not zoned as a Major Public Open Space (MPOS) at the time of application and hearing of the request.

CONDITIONS- SI-2021-01684- Major Amendment

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.
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.
3. 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.
4. The branding tower shall meet the VPO-1 requirement and shall be lowered to a maximum height of 27'-4".
5. Signage – Provide monument sign detail if a monument sign is proposed. The detail shall be dimensioned and shall specify colors and materials. Provide detail for the “prefabricated illuminated aluminum accent” that is to be placed 10'-8" above the finished floor elevation. The details shall include height, width, square footage of the sign face, colors, and materials at the time of DRB submittal.
6. Bicycle and motorcycle calculations shall be incorporated into the design and all parking calculations shall be revised.
7. Conditions from the Transportation Development Review Services shall be addressed.
 - Full sidewalk requirements along frontage of site where it is adjacent to a roadway. For NMDOT coordination, contact them for a permit for any work within their right-of-way.
 - Extend striping for east leg of traffic signal to incorporate queuing from the proposed development and to allow for rechannelization.
 - Shared access is needed when sharing an accessway with an adjacent parcel.
 - Provide clear sight triangle onto private accessway from proposed site.
 - List dimensions for all parking aisles and parking spaces. List all curb radii.
 - For one-way aisles, incorporate “Do Not Enter” signage, “One-Way” signage, and directional arrows.
 - Incorporate ADA parking, bicycle parking, and motorcycle parking as part of the IDO requirements. List all dimensioning and provide all necessary signage and details.
 - Provide curb and sidewalk details.
 - Call out the 6-foot ADA pathway from the building to the right-of-way and from the required handicapped spaces to the building.

8. Conditions from PNM shall be addressed.

There are existing PNM facilities abutting the site and/or in easements along Coors Blvd NW and within the site.

Any existing and/or new PNM easements and facilities need to be reflected on the Site Plan.

Perimeter and interior landscape should abide by any easement restrictions and not impact PNM facilities. Any trees within or near PNM easements should comply with IDO Section 5-6(C)(10). Shrubs and ground cover and small trees are generally acceptable within PNM easements.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

If existing lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

9. The proposed colors for the subject site must comply with IDO 14-16-3-6(D)(6) where exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screen materials, shall be colors with light reflective value (LRV) ranging from 20 and 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

FINDINGS – VA-2021-00363, Variance-EPC

1. The request is for a Variance – EPC for Lot 2C of Lots 1, 2-A, 2-B, 2-C, 2-D, 3, 4, 5, & 6 Cottonwood Crossing Phase II being a replat of Tracts 14A/14B, Black Ranch, located at 10084 Coors Blvd NW, containing approximately 0.8 acres (the “subject site”).
2. The applicant is requesting that the 50% landscape coverage requirement for the setback along Coors Boulevard CPO-2 (IDO 3-4(C)(5)(c)) be reduced by 33%. There are several utility easements including water and sanitary sewer that run parallel to Coors Boulevard that prevent the Applicant from planting trees and shrubs that would otherwise provide a significant amount of required coverage. The proposed landscape plan shows landscape coverage of 17% of the setback area.
3. The subject site is zoned MX-L (Mixed-Use – Low Intensity Zone District, IDO 14-16-2-4(B)) which was assigned upon adoption of the IDO based upon prior zoning and land use designations SU-1 for C-1 (restaurant with full service liquor) and SU-1 for O-1. Upon adoption of the IDO, these uses were converted to MX-L and MX-T respectively.
4. The subject site is located in an Area of Change as designated by the Comprehensive Plan and is in the Northwest Mesa Community Planning Area (CPA).
5. The subject site is within the boundaries of the Coors Boulevard Character Protection Overlay Zone (CPO-2) and the Coors Boulevard View Protection Overlay Zone (VPO-1).

6. Coors Boulevard NW and Seven Bar Loop Road NW are classified as Major Transit Corridors as designated by the Comprehensive Plan.
7. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
8. Pursuant to IDO Section 6-6(N)(1) The request meets Variance-EPC Review and Decision Criteria 6-6(N)(3).
 - A. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties results from strict compliance with the minimum standards.

There are several utility easements abutting the site and/or in easements along Coors Boulevard NW and within the site that impact development of the property, specifically in a way that is not generally applicable to other lots. The circumstances are not self-imposed but are the result of previous actions that required the placement of easements for utilities on private property. In addition to the easements, the site also provides parking for the adjacent restaurant which further limits what could be developed on the property.

PNM has provided comments noting that perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Any trees within or near PNM easements should comply with IDO Section 5-6(C)(10). Shrubs and ground cover and small trees are generally acceptable within PNM easements therefore the landscape plan and variance request are acceptable.

- B. The Variance would not be materially contrary to the public safety, health, or welfare.

The Variance request would not be materially contrary to public safety, health or welfare. The Variance would help facilitate infill development of a vacant property. The Applicant submitted a preliminary site plan to DRB for initial direction and comments and was informed by the Albuquerque/Bernalillo County Water Authority that planting trees within the easements along Coors Boulevard is unacceptable.

- C. The variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The Variance would not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The proposed car wash use will be accommodated on the small site and infrastructure is available to serve the development along Coors Boulevard, a Major Transit Corridor. The proposed car wash building meets the setback requirements of Coors Boulevard.

- D. The Variance would not materially undermine the intent and purpose of this IDO or the applicable zone district.

The request would not materially undermine the intent and purpose of this IDO because it implements subsections 14-16-1-3, Purpose. The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

In general, the Variance would not materially undermine the intent and purpose of the applicable zone district because it provides for an underutilized lot to be redeveloped and the uses for the subject site would be similar to those in the surrounding area.

- E. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

The Variance is the minimum necessary to avoid extraordinary hardship or practical difficulties. Staff finds practical difficulties supports the Variance because there are existing easements that hinder development of the site without the Variance approval. The Landscape Plan shows plantings throughout the site that are in excess of what would normally be required along the site edges.

9. The EPC finds that the request for a Variance to the landscaping in setback along Coors Boulevard CPO-2 (IDO 3-4(C)(5)(c)) shall be 33% of the required 50%. The total required landscape shall be 17%.
10. The affected, registered neighborhood organization is the Westside Coalition of Neighborhood Associations. Property owners within 100 feet were also notified as required.
11. A post-submittal neighborhood meeting was held on November 4, 2021 with the Bosque del Acres Neighborhood Association. Topics discussed included where the car wash would be located, hours of operation, traffic concerns and how tall the lights would be. In response, the applicant has submitted a revised landscape plan where more trees have been added on the eastern side to address concerns over noise, light, etc.
12. The Albuquerque Metropolitan Arroyo Flood Control (AMAFCA) has noted that the lot falls into the Cottonwood Crossing Phase II Subdivision which currently has an on-site drainage issue that is severely and negatively impacting an AMAFCA facility. The proposed variance for vegetation cover may impact the runoff and thus exacerbate the existing problems. AMAFCA will need to see resolution of the existing problem and how this increase in runoff associated with the increase in impervious surface is to be mitigated.
13. As of this writing, Staff has not received any comments in support or opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 3, 2021**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

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

Sincerely,

for Alan M. Varela,
Planning Director

AV/SB

cc: JB Holdings, LLC/Take 5 Car Wash, 10416 Morning Star Dr NE, Albuquerque, NM 87111
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