

CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

September 11, 2015

Panera Bread, LLC
Attn: Brian Schrock
3630 S. Geyer Rd
Sunset Hills, MO 63127

Project# 1000420
15EPC-40033 Zone Map Amendment
(Zone Change)
15EPC-40044 Site Development Plan for
Building Permit Amendment

LEGAL DESCRIPTION:

For all or a portion of Tract K-1-A Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25, zoned IP to SU-1 IP Uses to include a Restaurant with Drive Thru, located on The 25 Way NE between The 25 Way NE and Jefferson St. NE, containing approximately 2 acres. (F-17)
Staff Planner: Maggie Gould

PO Box 1293

Albuquerque On September 10, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1000420/15EPC-40033, a Zone Map Amendment and 15EPC-40044, a Site Development Plan for Subdivision, based on the following findings and subject to the following conditions:

New Mexico 87103 FINDINGS 15 EPC-40033:

www.cabq.gov

1. This is a request for a Zone Map Amendment for Tract K-1-A (Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25) The 25 Way, NE, between Jefferson Street NE and Pan American West Freeway NE and containing approximately 1.9 acres from IP to SU-1 for Permissive IP uses to include a Restaurant with a Drive Through.
2. The applicant proposes to amend the existing IP zone in order to add restaurant with a drive through as a use so that an existing building can be converted into a restaurant with a drive through. The existing building will also contain a 2,326 square foot commercial space.
3. The site is part of a larger commercial center, @ 25. The EPC approved a master development plan for the site in 1999 (Z-99-9).
4. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan, Bear Canyon and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 2 of 9

5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods and can be ensured.

The subject site has access to full range of urban services including water, sewer, roads and utilities. The subject site is in an existing commercial area and will not impact the integrity of any residential areas. The requests further Policy II.B.5e.

- B. Policy II.B.5.i – Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The requests will allow the development of a new restaurant that may provide additional employment and services to the surrounding area. The subject site is in an existing commercial area and will not negatively impact any residential development. The requests further Policy II.B.5.i.

- C. Policy II.B.5.j – Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

The subject site is located in an existing commercial area with access to street and transit lines. The requests further Policy II.B.5.j.

Economic Development

- A. Policy II.B.6.a – New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request will allow the development of a new restaurant that will employ people in a variety of salary levels. The applicant states that managers, wait staff cooks and bakers will be needed at the restaurant. The requests further Policy II.B.6.a.

- B. Policy II.B.6.: Opportunities for improvement in occupational skills and advancement shall be encouraged.

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 3 of 9

The applicant states that the Panera Bread Company provides training for bakers and offers employees computer access so that they can take on-line classes to improve their skills and advance in the company. The requests further Policy II.B.6.

Developed Landscape

- A. Policy II.B.8.d: Landscaping shall be encouraged within public and private rights-of-away to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The site is fully landscaped with a variety plants, the landscaping will control the erosion on the site and contribute to a more pleasant visual environment as well as minimizing the impact of the developed areas. The request furthers Policy II.B.8.d.

6. The subject site is within the boundaries of the North Valley Area Plan. Applicable goals and polices include:

- A. Goals and Issues 6: To encourage quality commercial development /industrial development and redevelopment in response to area needs in already developed/ established commercial /industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial industrial.

The proposed zoning and Site Development Plan for Building Permit amendments allow the development of a commercial use in an existing building in an area that is zoned for commercial /industrial uses. The added drive through uses will not create a new commercial zone, but add to an existing one. The request is consistent with Goals and Issues policy 6.

- B. Goals and issues 11: To locate commercial and industrial development within the I-25 corridor and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/ industrial development.

The subject site is within the I-25 corridor; the proposed use and building design are consistent with the existing development in the area and will not negatively impact development in the lower valley area. The request is consistent with Goals and issues 11.

7. The subject site is within the boundaries of the Bear Canyon Arroyo Corridor Plan. The Bear Canyon Arroyo Corridor Plan contains requirements for development along the arroyo and includes design standards for trails, signage and landscaping. Since the area is already developed and the site is not adjacent to the arroyo, the plan standards are not applicable. The north edge of the shopping area, along the arroyo, was developed in accordance with the Bear Canyon Arroyo Corridor Plan and contains landscaping and a paved path.

8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. the addition of the restaurant with a drive through will not be harmful to the health, safety, morals and general welfare of the City. The proposed uses are similar to the uses on the adjacent parcels and the request will provide a needed service for the community. The

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 4 of 9

proposed use exists in commercial areas in close proximity to the subject site and throughout the City.

B. The proposed zone will not have a destabilizing impact on the area. The subject site is at the edge of the larger development and will not impact the traffic circulation of the interior of the development. The expanded zoning will allow new development that may benefit the area by using an existing building and preventing the deterioration of the area. The site is not in a Metropolitan Redevelopment Area, but the City still encourages the reuse of existing buildings.

C. The applicant cites Comprehensive Plan policies II.B.5.i, II.B.5.j, II.B.6.a, II.B.6.c, II.B.8.b, II.B.8.c and II.B.8.d. The applicant also cites North Valley Area policies Zoning and Land Use. 3.c and Goals and Issues. 11. These policies predominantly relate to economic development and improvement of the developed landscape.

Staff agrees that these policies are relevant and also believes that Comprehensive Plan policy II.B.5.e and North Valley Area Plan Goals and Issues 6 apply to the request. Summarize Policy Analysis

D. The applicant states that the request is more advantageous to the community as articulated in the goals and policies of the applicable plans. The area is auto oriented and the new use will offer additional options for employment and services. Staff agrees that the proposed use is consistent with the uses in the surrounding area and may offer new employment opportunities and services.

E. The addition of the restaurant with drive through will not be harmful to the surrounding properties. The area is developed with a variety of commercial uses and the subject site is at the edge of the larger development and will not cause traffic issues.

F. This is a proposal for development on a private site and will be privately funded. The site has existing infrastructure to support the development.

G. The applicant has justified the request using the goals and policies of the applicable plans. Economic considerations may be a factor in the request, but are not the sole determining factor.

H. the applicant has justified the request through consistency with applicable plans. The location is not used as part of the justification; however the site has sufficient street access to support the proposed use.

I. The SU-1 zone is generally considered a justified spot zone because it will clearly facilitate the goals and policies of the applicable plans. In this case the proposed zone will be very similar to the surrounding zoning. The intent of the prohibition of the spot zone is to make sure that adjacent land uses are compatible. The addition of the restaurant with a drive-through will be of a similar intensity as the surrounding land uses.

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 5 of 9

J. The request will not create strip zone. The zoning applies to one property and will be consistent with the surrounding zoning. The intent of the prohibition of the strip zone is to make sure that adjacent land uses are compatible. The addition of the restaurant with a drive-through will be of a similar intensity as the surrounding land uses.

9. There are no recognized Neighborhood Associations or Home Owners Associations near the subject site. The District 4 Coalition of Neighborhood Associations and the North Valley Coalition were notified. A facilitated meeting was not recommended or requested. The City notified property owners within 100 feet of the subject site. Staff has not received any comments from the public as of this writing.

CONDITIONS 15 EPC-40033:

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS 15 EPC-40044:

1. This is a request for an amendment to the Site Development Plan for Building Permit for Tract K-1-A (Plat of Tracts J-1-A-1, J-1-B-1 & K-1-A The 25) The 25 Way, NE, between Jefferson Street NE and Pan American West Freeway NE and containing approximately 1.9 acres.
2. The applicant proposes to amend the existing Site Development Plan for Building Permit in order to divide the existing building into a 4, 490 square restaurant space with a drive through window and a 2,326 square foot commercial space.
3. The site is part of a larger commercial center, @ 25. The EPC approved a master development plan for the site in 1999 (Z-99-9).
4. The Albuquerque/Bernalillo County Comprehensive Plan, (Sector Plan/Master Plan, etc.) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods and can be ensured.

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 6 of 9

The subject site has access to full range of urban services including water, sewer, roads and utilities. The subject site is in an existing commercial area and will not impact the integrity of any residential areas. The requests further Policy II.B.5e.

- B. Policy II.B.5.i – Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The requests will allow the development of a new restaurant that may provide additional employment and services to the surrounding area. The subject site is in an existing commercial area and will not negatively impact any residential development. The requests further Policy II.B.5.i.

- C. Policy II.B.5.j – Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

The subject site is located in an existing commercial area with access to street and transit lines. The requests further Policy II.B.5.j.

Economic Development

- A. Policy II.B.6.a – New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request will allow the development of a new restaurant that will employ people in a variety of salary levels. The applicant states that managers, wait staff cooks and bakers will be needed at the restaurant. The requests further Policy II.B.6.a.

- B. Policy II.B.6.: Opportunities for improvement in occupational skills and advancement shall be encouraged.

The applicant states that the Panera Bread Company provides training for bakers and offers employees computer access so that they can take on-line classes to improve their skills and advance in the company. The requests further Policy II.B.6.

Developed Landscape

- A. Policy II.B.8.d. Landscaping shall be encouraged within public and private rights-of-away to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 7 of 9

The site is fully landscaped with a variety plants, the landscaping will control the erosion on the site and contribute to a more pleasant visual environment as well as minimizing the impact of the developed areas. The request furthers Policy II.B.8.d.

6. The subject site is within the boundaries of the North Valley Area Plan.
- A. Goals and Issues 6: To encourage quality commercial development /industrial development and redevelopment in response to area needs in already developed/ established commercial /industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial industrial.

The proposed zoning and Site Development Plan for Building Permit amendments allow the development of a commercial use in an existing building in an area that is zoned for commercial /industrial uses. The added drive through uses will not create a new commercial zone, but add to an existing one. The request is consistent with Goals and Issues policy 6.

- B. Goals and issues 11: To locate commercial and industrial development within the I-25 corridor and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/ industrial development.

The subject site is within the I-25 corridor; the proposed use and building design are consistent with the existing development in the area and will not negatively impact development in the lower valley area. The request is consistent with Goals and issues 11.

7. The subject site is within the boundaries of the Bear Canyon Arroyo Corridor Plan. The Bear Canyon Arroyo Corridor Plan contains requirements for development along the arroyo and includes design standards for trails, signage and landscaping. Since the area is already developed and the site is not adjacent to the arroyo, the plan standards are not applicable. The north edge of the shopping area, along the arroyo, was developed in accordance with the Bear Canyon Arroyo Corridor Plan and contains landscaping and a paved path.
8. There are no recognized Neighborhood Associations or Home Owners Associations near the subject site. The District 4 Coalition of Neighborhood Associations and the North Valley Coalition were notified. A facilitated meeting was not recommended or requested. The City notified property owners within 100 feet of the subject site. Staff has not received any comments from the public as of this writing.

CONDITIONS 15 EPC-40044:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

OFFICIAL NOTICE OF DECISION

Project #1000420

September 10, 2015

Page 8 of 9

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
4. Remove note on sheets A-5.1 and A-5.2 regarding allowed sign signage square footage.
5. The proposed monument sign shall not exceed 30 square feet in size including the base, pursuant to the master development plan design standards.
6. A note shall be added to the Site Development Plan for Building Permit clarifying the parking apportioned for the restaurant and the retail space and stating that parking is provided pursuant to the IP zone.
7. The final Grading and Drainage plan will address the comments from Hydrology.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 25, 2015**. 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 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's 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 City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the

OFFICIAL NOTICE OF DECISION

Project #1000420


September 10, 2015

Page 9 of 9

site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: Panera Bread, LLC, Attn: Brian Schrock, 3630 S. Geyer Rd, Sunset Hills, MO 63127
Answers Inc, 450 Weidman Rd, St. Louis, MO 63011
Michael Pridham, Dist. 4 Coalition of NA's, 6413 Northland Ave NE, ABQ, NM 87109
Peggy Neff, Dist. 4 Coalition of NA's, 8305 Calle Soquelle NE, ABQ, NM 87113
Kyle Silfer, North Valley Coalition, P.O. Box 70232, ABQ, NM 87197
David Wood, North Valley Coalition, 158 Pleasant NW, ABQ, NM 87107