



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

July 12, 2012

Mark Harden
9900 Montgomery Boulevard NE
Albuquerque, NM
87111

Project# 1002229
12EPC-40035 Site Development Plan for
Building Permit
12EPC-40036 Zone Map Amendment (Zone
Change)

LEGAL DESCRIPTION:

for all or a portion of lot A-1, Tannehill-Taylor
Addition, located on 9900 Montgomery
Boulevard, containing approximately 3 acres.(G-
21)

Chris Hyer, Staff Planner

PO Box 1293

Albuquerque

NM 87103

On July 12, 2012, the Environmental Planning Commission (EPC) voted to APPROVE Project 1002229 / 12EPC-40036, a Zone Map Amendment (Zone Change) and 12EPC-40035, a Site Development Plan for Building Permit, based on the following Findings and subject to the following Conditions:

Project #1002229, 12EPC-40035 - Zone Map Amendment

www.cabq.gov

FINDINGS

1. This is a request to rezone Lot A-1, Tannehill-Taylor Addition, a 3.06-acre site, located on the south side of Montgomery Boulevard, between Eubank Boulevard NE and Pitt Road NE. The subject site is in the Established Urban Area of the Comprehensive Plan.
2. The requested zone change is accompanied by a site development plan for building permit request – Project #1002229, 12EPC-40036. This request is contingent on the approval of that request as the site plan controls the zoning on all SU-1 zoned sites.
3. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is adjacent to an Enhanced Transit Corridor, Montgomery Boulevard.

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5. The request is justified per R-270-1980:
 - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the City as the zone change request allows the expansion of uses for an established business. The additional uses will allow the business to grow at the same location, adding more jobs.
 - B. This change will not destabilize the land use and zoning in the area; the requested zone change is more restrictive than the existing zoning and compatible with the surrounding zoning.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan:

ESTABLISHED URBAN AREA POLICIES

Policy II.B.5.a: This zone change request would help to allow a full range of urban land uses to continue in the area, which includes commercial, office, multi-family and residential. A limited food production development would complement surrounding uses and would also provide a good transition between the non-residential Montgomery Boulevard corridor to the north and the residential multi-family uses to the south, and single-family uses to the east.

Policy II.B.5.d: The requested use exists today and is in an existing building – there will be no change to the existing use or the physical site. Thus neighborhood values and carrying capacities will be maintained.

Policy II.B.5.e: Although this is not new growth, the change in zoning will allow this business to expand, adding to the employment. This will allow the current and new employees to use the existing urban facilities and services, while ensuring the integrity of the existing neighborhoods.

Policy II.B.5.i: The proposed zoning will provide employment uses that will complement the residential areas and will not have adverse effects on the surrounding neighborhood.

Policy II.B.5.j: The proposed zoning will help to strengthen the existing neighborhoods in the Established Urban Area by utilizing the current infrastructure and mass transit services.

ECONOMIC DEVELOPMENT

Policy II.D.6.b: The requested zone change will allow a local business to expand in their current location promoting local economic development.

- D. (3) The proposed zone change will be more advantageous to the community because it will allow a full range of urban land uses, respect neighborhood values, complement residential areas with an appropriate employment use, and provide easy access to alternative modes of transportation.
- E. The proposed zoning is nearly the same as the existing zoning with the exception of changing the number of employees involved in food production from ten to a number limited by the size of the building – the applicant suggests a maximum of 40. Further,

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language on the site plan regarding this use limits this activity and thus, is found not to be harmful to adjacent commercial and residential properties.

- F. The request would not require unprogrammed capital expenditures by the City.
 - G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the zone change.
 - H. The site's location is not a reason for the requested zone change.
 - I. The zone change request does create a spot zone. However, the spot zone created is justified as the requested zoning to allow C-2 permissive uses and limited food production furthers a preponderance of applicable goals and policies in the Comprehensive Plan.
 - J. The proposed change would not create strip zoning.
6. Limited food production is an appropriate use for this site as it is not visible from Montgomery Boulevard because it sits behind other buildings of this shopping center, which act as a transition between the transit corridor and the subject site's building.
7. Property-owners within 100' and the San Gabriel Neighborhood Association (SGNA) and the District 8 Coalition were notified. Staff has not received any communication regarding this request.

Project #1002229, 12EPC-40036 - Site Development Plan for Building Permit

FINDINGS:

1. This is a request for a site development plan for building permit for Lot A-1, Tannehill-Taylor Addition, a 3.06-acre site. The subject is located on the south side of Montgomery Boulevard, between Eubank Boulevard NE and Pitt Road NE.
2. The requested amendment to the site development plan for building permit is accompanied by a zone map amendment request – Project #1002229, 12EPC-40035. Approval of that request is contingent on the approval of this request as the subject site is an SU-1 zoned site and the zoning refers to the approved site plan.
3. The subject site is developed; therefore, the applicant has provided a set of “as-built” drawings that will serve as the site plan for building permit.
4. The Albuquerque/Bernalillo County Comprehensive Plan 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 in the Established Urban Area of the Comprehensive Plan.

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6. The subject site is adjacent to an Enhanced Transit Corridor, Montgomery Boulevard, on the north and employees of this site have the option to use transit service.
7. The site is not visible from Montgomery Boulevard as it sits behind other buildings of the shopping center that act as a transition between the transit corridor and the limited food production, and therefore, is found to be an appropriate use for this site.
8. There will be no modifications to the building or the site and regulations from the Zoning Code will not be invoked; specifically, the Off Street Parking Regulations (§14-16-3-1), the Landscaping Regulations (§14-16-3-10) and the General Building and Site Design Regulations for Non-Residential Buildings (§14-16-3-18).
9. The applicant has sufficiently provided all required information on the site plan as expressed in the Zoning Code for a Site Development Plan for Building Permit.
10. Property-owners within 100' and the San Gabriel Neighborhood Association (SGNA) and the District 8 Coalition were notified. Staff has not received any communication regarding this request.
11. The EPC respectfully requests the applicant add landscaping where feasible and consider removal of the barbed wire fence.

CONDITIONS:

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.
2. Pursuant to Zoning Code Section 14-16-4-1(11)(C), a zone map amendment does not become official until all Conditions/Requirements of Approval are met. If such requirements are not met within six months after the date of final City 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.
3. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

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4. The applicant shall demonstrate that there is adequate lighting for the parking areas and the loading docks and provide security to the general area. Additional lights may be required.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JULY 27, 2012 IN THE MANNER DESCRIBED BELOW. 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.

Persons aggrieved with any determination of the Environmental Planning Commission (EPC) and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting a written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day is considered as the deadline for filing the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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)(11), 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 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 thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

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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.

Sincerely,



for Suzanne Lubar
Acting Planning Director

DS/CH/mc

cc: Consensus Planning, Inc, 307 8th Street NW, Albuquerque, NM, 87102
Mark Harder, 9900 Montgomery Boulevard NE, Albuquerque, NM, 87111
Pat Maher, 100024 Hendrix Court NE, Albuquerque, NM, 87111
Dan Jones, 3917 Inca NE, Albuquerque, NM, 87111
Don Couchman, 6441 Concordia NE, Albuquerque, NM, 87111
Darlene Couchman, 6441 Concordia NE, Albuquerque, NM, 87111