



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

March 21, 2007

**3. Project # 1002330**  
07DRB-00195 Major-One Year SIA

ADVANCED ENGINEERING & CONSULTING LLC agent(s) for JENNIFER LIN request(s) the above action(s) for all or a portion of Tract(s) G-2-A & G-2-B, **MONTGOMERY COMPLEX**, zoned SU-1 FOR C-2 USES, located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25 containing approximately 5 acre(s). [REF: 03DRB-00401, 03DRB-00402, 03DRB-00347][*Deferred from 3/14/07*] (F-16)

At the March 21, 2007, Development Review Board meeting, a one-year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by April 5, 2007, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

  
Sheran Matson, AICP, DRB Chair

Cc: Jennifer Lin, 5003 56<sup>th</sup> St, Lubbock, TX, 79414  
Advanced Engineering and Consulting LLC, 4416 Anaheim Ave NE, 87113  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

January 26, 2005

1. **Project # 1002330**  
04DRB-01985 Major-Two Year SIA

JAMES & JACKLYN HAKEEM request(s) the above action(s) for all or a portion of Tract(s) G-1 & G-2, **MONTGOMERY COMPLEX**, zoned SU-1 FOR C-2, located on MONTGOMERY BLVD NE, between CARLISLE NE and MONTGOMERY NE containing approximately 3 acre(s). [REF: 03DRB00401, 03DRB00402, 03DRB00347] (F-16)

At the January 26, 2005, Development Review Board meeting, a two-year extension of the Subdivision Improvements Agreement was approved.

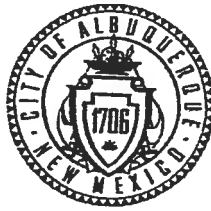
If you wish to appeal this decision, you must do so by February 10, 2005, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Sheran Matson, AICP, DRB Chair

Cc: James & Jacklyn Hakeem, 12415 Walker Way NE, 87111  
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.  
File



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: October 20, 2006

### OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1002330\***  
06EPC-00954 EPC Site Development Plan-  
Building Permit

Ultimate Car Wash  
2211 Candelaria NE  
Albuq. NM 87107

**LEGAL DESCRIPTION:** for all or a portion of Tracts G-2-A-2, **Montgomery Complex**, zoned SU-1 for C-2, located on MONTGOMERY NW, between CARLISLE and I-25, containing approximately 1 acre. (F-16) Maggie Gould, Staff Planner

On October 19, 2006 the Environmental Planning Commission voted to approve Project 1002330/06 EPC- 00954 a Site Plan for Building Permit for Lot G-2-A-2, Montgomery Complex, based on the following Findings and subject to the following Conditions:

#### FINDINGS:

1. This is a request for review and approval of a site plan for building permit for a car wash located on Lot G-2-A-2, Montgomery Complex, 1 Lot west of Carlisle Blvd on Montgomery Blvd. The site is zoned SU-1 for C-2 permissive uses.
2. A Zone Map Amendment and Site Plan for Subdivision for the Montgomery Complex was approved by the EPC in 2003 to create two new lots and re-zone this portion of the property from SU-1 for Church and Related Facilities to SU-1 for C-2 permissive uses.. The property was further subdivided in 2006.
3. The site is located in the area designated Established Urban by the Comprehensive Plan. This request furthers several Comprehensive Plan goals and policies:
  - a. The Established Urban Goal and the following policies are furthered:  
Policies a, d, and e are furthered by this request because this project will add to the mix of uses in the area, the project is compatible with the existing development in the area and that site is in an are a with a full range of municipal services.

Policy i is furthered by this request because the proposed project is near residential development but should not adversely impact the residential use.

Policy j is furthered by this request because this project is in an existing commercial zone. The project will be a freestanding development in an older neighborhood.

Policy k is furthered by this request because the residential use to the north should be buffered from the car wash by the existing 6' foot and the 20' foot access easement at the north end of the property.

- b. The Economic Development goal and policy a will be furthered by this project because the car wash will provide a small amount of potential employment.
  - c. The Developed Landscape goal and policy d are furthered by this request because the site will be landscaped with native and low water vegetation .
4. The Montgomery Heights Neighborhood Association was notified and no comments were received.

#### 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. 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. All landscaping areas shall have 80% live vegetative cover, to include native and low water plants. Landscape areas to be mulched with gravel mulch, color compatible with the building at a minimum 3-inch depth over filter fabric.
4. Monument sign shall comply with the Site Plan for Subdivision, the height shall be four feet or less, unless otherwise approved by the EPC.
5. Conditions From City Engineer, Municipal Development, Water Authority And NMDOT.
  - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.

- b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
  - c. Label infrastructure improvements adjacent to site as existing and as constructed by the City of Albuquerque (i.e. median improvements in Montgomery, site driveway on Montgomery, right turn deceleration lane on Montgomery, Carlisle improvements, etc.).
  - d. Cross access to all properties shall be maintained for the purpose of accessing Carlisle Boulevard and Montgomery Boulevard. New site drive on Montgomery to be accessible by all properties. Beyond the site drive shown on the site plan, no other access to Montgomery will be allowed.
  - e. Access to Montgomery Boulevard is restricted to right turn in, right turn out and left turn in only via newly constructed site drive.
  - f. Site plan shall comply and be designed per DPM Standards.
  - g. An approved conceptual grading and drainage plan is required for site plan sign-off by the City Engineer and AMAFCA.
6. The applicant shall reduce the 12 foot landscape buffer at the covered vacuum bay by 2 feet and provide a 2 foot buffer along the north wall to consist of vines such as English Ivy or Honey Suckle.

**IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY NOVEMBER 3, 2006 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.**

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance 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 written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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OCTOBER 19, 2006  
PROJECT #1002330  
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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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

*U. Maunone*

*for*

Richard Dineen  
Planning Director

RD/MG/ac

cc: Jim Medley Arch., 3100 Christine St. NE, Albuquerque, NM 87111  
Robert Swartwood, Montgomery Heights NA, 3517 Hendrix Rd. NE, Albuquerque, NM 87107  
Karen Schueler, Montgomery Heights NA, 3504 Delamar Ave. NE, Albuquerque, NM 87107



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

3-20-2003

**10. Project # 1002330**  
03DRB-00347 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING INC agent(s) for JIM HAKEEM request(s) the above action(s) for all or a portion of Tract(s) G-1 & G-2, **MONTGOMERY COMPLEX**, zoned SU-1 special use zone, for Church & Rel. Facilities, located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and NORTH I-25 FRONTAGE RD NE containing approximately 3 acre(s). [REF: 02EPC-01687, 02EPC-01688] [**Russell Brito (for Len Malry) EPC Case Planner**] [Deferred from 3/12/03] (F-16)

At the March 19, 2003, Development Review Board meeting, the Site Plan for Subdivision was approved and signed off by the Board.

03DRB-00401 Minor-Prelim&Final Plat Approval  
03DRB-00402 Minor-Vacation of Private Easements

SURVEYS SOUTHWEST LTD. agent(s) for MONTGOMERY PLACE CHURCH OF GOD request(s) the above action(s) for all or a portion of Tract(s) G-1 & G-2, **MONTGOMERY COMPLEX**, zoned SU-1, located on MONTGOMERY BLVD NE, between AMAFCA NORTH DIVERSION CHANNEL and CARLISLE BLVD NE containing approximately 5 acre(s). [REF: 03DRB-00347] (F-16)

At the March 19, 2003, Development Review Board meeting, with the signing of the infrastructure list dated 3/19/03 the preliminary plat was approved. Final plat was indefinitely deferred.

The Vacation of private easements was approved as shown on Exhibit B in the Planning file, subject to the Findings and Conditions of the Subdivision Ordinance as follows:

FINDINGS:

1. The public welfare is in no way served by retaining the rights-of-way and/or easements.
2. There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office.



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2. The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by April 3, 2003, in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Division form, to the Planning Division, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)

Please note that a Preliminary Plat approval date is the date of the DRB action plus the 15-day appeal period. The Preliminary Plat approval is effective one year from that date. The DRB must take action on the Preliminary Plat Extension prior to the expiration of the approval or the Preliminary Plat approval is null and void. (REF: Chapter 14 Article 14 Part 3-4 (E) Revised Ordinance.)



Sheran Matson, AICP, DRB Chair

cc: Jim Hakeem, 12415 Walker Way NE, 87111  
Consensus Planning Inc., 924 Park Ave SW, 87102  
Evy Kimmell, 105 Bryn Mawr Dr SE, 87106  
Montgomery Place Church of God, 3601 Montgomery Blvd NE, 87109  
Surveys Southwest Ltd., 333 Lomas Blvd NE, 87102  
Arlene Portillo, Planning Department, 4th Floor, Plaza del Sol Bldg.  
Scott Howell, Property Management, Legal Dept./4th Flr, City/County Bldg  
File





City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: December 20, 2002

## OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1002330**  
02EPC-01687 Zone Map Amendment  
02EPC-01688 EPC Site Development Plan-  
Amendment to Subdivision

Jim Hakeem  
12415 Walker Way NE  
Albuq. NM 87111

LEGAL DESCRIPTION: for all or a portion of Lot(s) G-1 & G-2, **Montgomery Complex**, a zone map amendment from SU-1 for Church and Related Activities to SU-1 for C-2, located on MONTGOMERY BLVD. NE, between CARLISLE NE and INTERSTATE 25 FRONTAGE RD., containing approximately 3 acre(s). (F-16) Len Malry, Staff Planner

On December 19, 2002 the Environmental Planning Commission voted to approve Project 1002330/ 02EPC-01687, a Zone Map Amendment from SU-1 Church and Related Facilities to SU-1 for C-2 Uses, for a 2.3 acre portion of Lots G-1 and G-2, Montgomery Complex, based on the following Findings and subject to the following Condition:

### FINDINGS:

1. This is a request for a zone map amendment from SU-1 for Church and Related Facilities to SU-1 for C-2, for Lots G-1 and G-2, Montgomery Complex, containing approximately 2.3 acres and located on Montgomery Boulevard NE between Carlisle Boulevard and the North Diversion Channel.
2. The request is consistent with the policies of the *Comprehensive Plan*. The request represents a desirable infill project that would add to the existing mix of commercial and residential uses in the area and will be governed by a site plan that will ensure the project will respect the surrounding neighborhood, namely to the north and east, and lead to a quality and innovative development (*policies d, e, i, j, k and l*).

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3. The request is consistent with *Resolution 91-1998 (R-70)*. The request represents an infill project that meets the needs of residents closer to their homes or employment to decrease Vehicle Miles Traveled and automobile dependence.
4. The request meets the criteria for a zone map amendment per *Resolution 270-1980*. The subject site and area to the south do represent examples of changed conditions. The subject site was not developed as per the original site plan, and the area to the south has been the subject of a zoning intensification (Section 1.D). In addition, the request represents a desirable infill project which will be governed by a site plan that will ensure the health, safety, morals and general welfare of the City.

**CONDITION:**

1. The subject site shall be replatted to create lot lines that reflect the zoning boundary lines.

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On December 19, 2002 the Environmental Planning Commission voted to approve Project 1002330/approve 02EPC-01688, a Site Plan for Subdivision, for a 2.3 acre portion of Lots G-1 and G-2, Montgomery Complex, based on the following Findings and subject to the following Conditions:

**FINDINGS:**

1. This is a request for a Site Development Plan for Subdivision, for Lots G-1 and G-2, Montgomery Complex, containing approximately 2.3 acres and located on Montgomery Boulevard NE between Carlisle Boulevard and the North Diversion Channel.
2. The submittal furthers the applicable Goal and policies of the *Comprehensive Plan* by creating the framework for a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in transportation, work areas, and life styles, while creating a visually pleasing built environment (*Established Urban Area Goal*).
3. The request is consistent with the *Comprehensive Plan* in that by being sited in an existing commercially zoned area, the proposed layout of uses will respect the existing neighborhood and be accommodated in an area where vacant land is contiguous to existing urban facilities where the integrity of the existing neighborhood can be assured and while minimizing potential adverse environmental effects. (*Established Urban policies d, e, i, and j*).

4. The submittal is in compliance with the *Zoning Code* definition for a site development plan for subdivision.

**CONDITIONS:**

1. The submittal of this site plan to the DRB shall meet all EPC conditions. 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. Public Works Conditions of Approval:
  - a. Traffic Impact Study (TIS) required prior to Site Development Plan for Building Permit.
  - b. Access to Montgomery via existing median cut and driveway will be restricted to right turn in/right turn out until such time as the Traffic Engineer and TIS determines what the appropriate access configuration should be.
  - c. Provide entire Site Plan for review.
  - d. Access to Carlisle through Tracts G-1 and G-2 is required. Provide cross access agreement.
  - e. Re-plat required.
  - f. Platting off the west half would be contingent on financial guarantees for public infrastructure including sanitary sewer and / or water lines along the north side of Montgomery. Relocation of existing on-site private facilities could also be required. A water and sanitary sewer availability statement must be requested and completed prior to Development Review Board Action.

**IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JANUARY 3, 2003 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.**

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance 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 written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

  
Victor J. Chavez  
Planning Director

VJC/LM/ac

cc: Consensus Planning Inc., 924 Park Ave. SW, Albuquerque, NM 87102  
Carl R. Soderberg, Hodgin NA, 4408 Ponderosa NE, Albuquerque, NM 87110  
Mary Lou Spells, Hodgin NA, 4109 San Andres NE, Albuquerque, NM 87110  
Bob Swartwood, Montgomery Heights NA, 3517 Hendrix Rd. NE, Albuquerque, NM 87107  
Karen Schueler, Montgomery Heights NA, 3504 Delamar NE, Albuquerque, NM 87107  
Paul Miller, 7700 Ouray Rd. NW, Albuquerque, NM 87120