

# CITY OF ALBUQUERQUE



PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
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## OFFICIAL NOTIFICATION OF DECISION

January 13, 2017

ABQ Heritage Marketplace, LLC Project #1003275  
2850 E. Camelback Rd, Suite 180 16EPC-40073 Site Development Plan for Building Permit  
Phoenix, AZ 85016

### LEGAL DESCRIPTION:

The above action for Tract C3, Heritage Marketplace, zoned SU-2/SU-1 for Planned Office Park and Commercial Development to Include Full Service Alcohol Sales with a Sit Down Restaurant (C-1), located on Unser Blvd., between Ladera Dr. NW and Hanover Rd. NW, containing approximately 1.3 acres. (H-09)  
Staff Planner: Cheryl Somerfeldt

PO Box 1293

On January 12, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1003275/16EPC-40073, a Site Development Plan for Building Permit, based on the following findings and conditions:

### FINDINGS:

NM 87103

www.cabq.gov

1. This is a request for a Site Development Plan for Building Permit for Tract C-3, Plat of Tracts A-1 Thru A-3 and C-1 Thru C-3, Heritage Marketplace located on Unser Boulevard NW between Ladera Drive NW and I-40 and containing approximately 1.13 acres.
2. The applicant is proposing to construct a 4,000 sf building divided into a 2,160 square foot restaurant with a drive up service window and a 1,840 square foot retail store.
3. In October of 2012, the City Code Compliance Manager confirmed that uses allowed on the site must correspond to those enumerated in the C-1 Neighborhood Commercial Zone, and that the area within which the subject site is located may be developed with commercial uses pursuant to the C-1 zone. Therefore, the proposed restaurant with a drive-up service window and retail building on the subject site is permissive.
4. The subject site is located within the Heritage Marketplace Site Development Plan for Subdivision (13EPC-40148), and is subject to the approved design standards.
5. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase III, Heritage Marketplace Site Development Plan for Subdivision and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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6. The proposed Site Development Plan for Building Permit furthers the following Comprehensive Plan policies:
- A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.
  - B. The requested action generally furthers Policy II.B.5.d. The proposed new development would be suitable in terms of its location and intensity as it is appropriately located within an existing subdivision shopping center site zoned SU-1 for C-1 uses. The subject site is not considered a scenic or natural environment, and is subject to the Heritage Marketplace design standards, which were established to respect neighborhood values and conditions of the area. Expression of concern was received from local Neighborhood Associations over multiple drive-through restaurants so close to each other and within the same subdivision. Although the tenant Starbucks meets neighborhood expectations, there is a large concern over the effect of drive-through service windows on existing traffic.
  - C. The Heritage Neighborhood Marketplace Traffic Impact Study (see attached) shows that two drive-up service establishments were included in the trip generation data (page 5 of the report). Since the Taco Bell drive-through has been approved for Tract C-2, this project would place the two proposed drive-through restaurants facing Unser Boulevard.
  - D. Policy II.B.5.e.: 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 can be ensured.

The request furthers Policy II.B.5.e because the subject site is contiguous to existing urban facilities and services. The site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The integrity of the existing neighborhoods will be ensured because the proposed Site Development Plan for Building Permit is required to adhere to the Heritage Marketplace Site Development Plan for Subdivision design standards as approved by the Environmental Planning Commission.

- E. 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 request generally furthers Policy II.B.5.i. New development will add to the services available to area residents and provide job opportunities. The Heritage Marketplace Site Development Plan for Subdivision provides design standards that limit lighting near residential development and includes other standards to increase the design quality for the adjacent neighborhoods. Traffic will access the site from Unser Boulevard and Ladera Drive away from residential areas. Additional access points on Market Street may impact the existing multi-family development, but are separated from the development by an 86 foot wide street. The neighborhoods are concerned that drive-through service windows will increase local traffic and put additional pressure on existing access points and intersections.

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7. The proposed Site Development Plan for Building Permit furthers the following West Side Strategic Plan policies:

- A. Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

The request furthers policy 3.23 because the site is within a designated Neighborhood Center. A limited number of businesses along with chain franchises are located approximately one-quarter mile north of Ladera Drive on the east side of Unser Boulevard, however the majority of commercial shopping in the area occurs on Coors Boulevard. The proposed project would increase services and retail businesses west of the Ladera Golf Course in a designated Neighborhood Center, increasing options for surrounding residents. This project will be subject to the design standards of the approved Heritage Marketplace Site Development Plan for Subdivision.

- B. Policy 3.24: The area just west of Coors and north of I-40 up to a point about 1000 feet south of Ladera Drive should be designated and developed as the Community Activity Center for Ladera.

The request furthers Policy 3.24 because the proposed commercial service and retail development will be located within the Unser / Ladera Neighborhood Center as shown on page 30 of the West Side Strategic Plan.

8. The proposed Site Development Plan for Building Permit furthers the following portions of El Rancho Atrisco Phase III Sector Plan:

- A. The subject site for the request is within the boundaries of the adopted El Rancho Atrisco Phase III Sector Plan, first adopted in 1981. The Plan generally encompasses properties between Unser Boulevard on the west, Atrisco Rd. on the east, Hanover Rd. on the south and the Ladera Channel on the north. The Rank III Plan does not provide goals or policies but rather a land use plan adopted that includes the subject site and other properties within the Sector Plan boundaries.

The request furthers the intent of El Rancho Atrisco Phase III Sector Plan because the proposed development complies with the intent of the land use plan contained within the El Rancho Atrisco Phase III Sector Plan.

9. The Laurelwood Neighborhood Association, Parkway Neighborhood Association and the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the subject site were all notified as required.
10. The project was recommended for facilitation, and a facilitated meeting was held on Wednesday December 28, 2016. A Facilitated Meeting Report has been made a part of the record for this case. The facilitated meeting participants expressed a concern with potential traffic generated by the drive-through service window and an interest in maintaining the safe movement of vehicles and pedestrians around the proposed restaurant and marketplace.
11. Conditions of approval are needed for clarification and to create compliance with the design standards.

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**CONDITIONS OF APPROVAL:**

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. The request shall comply with the design standards in the site development plan for subdivision for Heritage Marketplace.
4. Site Plan (BP1):
  - A. The refuse enclosure shall be moved (to the east property line) so that the refuse driver can service the dumpster off of the private access road rather than at the entrance to the drive-up service window queuing area.
  - B. The square footage for each use (restaurant and retail) shall be shown on the floor plan.
  - C. A signature block shall be added.
  - D. The pedestrian crossing at the northeast corner of the site shall be of textured colored concrete as required by design standard B.2. Add keyed note.
  - E. Keyed Note 18, "stripping" shall be revised to "striping".
  - F. The shaded patio area shall be dimensioned and clearly indicated.
5. Landscaping Plan (LS1):
  - A. A note shall be added to the Landscape Plan stating that the plan shall conform to the requirements of the City of Albuquerque's Water Conservation and Pollen Ordinance.
  - B. *Chilopsis linearis* shall be moved to be under the section "Trees" in the landscape legend.
  - C. Trees shall be added in the planter bordering the private drive adjacent to the sidewalk to be spaced 25' feet on center as required by design standard C.5 in accordance with section 14-16-3-1 of the Zoning Code.
  - D. One additional tree shall be added to the northwest portion of the site in the landscape planter bordering Unser Boulevard per design standard 3.2.
  - E. A note shall be added "Landscape beds shall be depressed below grade."
  - F. At least three curb notches shall be added into the landscape planters at appropriate locations and shown on the Landscape Plan and Grading Plan.
  - G. A curb notch detail shall be provided.

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- H. Water conserving species shall be used:
    - a. Tree #1 shall be revised from *Fraxinus* sp. to *Quercus* sp.
    - b. Tree #2 shall be revised from *Pinus nigra* to *Pinus eldarica*.
    - c. Tree #6 shall be revised from *Cercis reniformis* to *Cercis canadensis* var *mexicana*.
    - d. Remove Tree #4 from the legend and replace on the plan with Tree #6.
  
  - 6. Signage (A4.1):
    - I. The following notes shall be added:
    - J. Per design standard 5.13 "All Wall-mounted signs shall be individual type lettering."
    - K. Per design standard 5.14 "Wall mounted signs shall not project more than 1 foot."
  
  - 7. Elevations (A4.0):
    - L. Per design standard E.1, the primary building finish material shall be stucco or integral color split face block. Per design standard E.2, revise metal paneling or siding to be approved material, except for accents such as the awning.
    - M. A note shall be added per design standards 7.3 and 9.7 "Roof-mounted mechanical equipment shall be visually screened."
    - N. A note shall be added per design standard 4.D.10 "Glazing shall be non-reflective."
    - O. Remove "(Final Color by Arch)" under Exterior Materials F-3.
  
  - 8. Detail Sheets:
    - P. A bench is not currently shown on the site plan and shall be removed from the detail sheet Detail 10 Sheet A1.2.
    - Q. A color shall be specified for the retaining wall Detail 12 Sheet A1.3.
  
  - 9. Conditions of Approval from the City Engineer:
    - A. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
    - B. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements including the Development Process Manual and current ADA criteria.
- The following comments need to be addressed prior to DRB:*
- C. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."
  - D. ADA truncated domes (detectable warning surfaces) should extend the full width of the ADA ramp.
  - E. Please dimension the sidewalk fronting the development.
  - F. Pedestrian paths cross slopes cannot exceed 2%.

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- G. The ADA access aisles shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
10. Conditions of Approval from Albuquerque / Bernalillo County Water Utility Authority:
- A. A request for an availability statement must be submitted. The submittal shall include an approved Fire Plan from the City's Fire Marshall's office.
11. Conditions of Approval from Public Service Company of New Mexico:
- A. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
- B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:
- Mike Moyer  
PNM Service Center  
4201 Edith Boulevard NE  
Albuquerque, NM 87107 Phone: (505) 241-3697
- C. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.
12. 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.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JANUARY 27, 2017**. 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 14-16-4-4 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).

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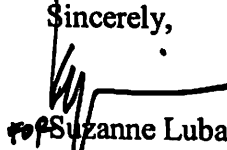
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**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped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

Sincerely,



Suzanne Lubar  
Planning Director

SL/CS

cc: ABQ Heritage Marketplace, LLC, 2850 E. Camelback Rd, Suite 180, Phoenix, AZ 85016  
Modulus Architects, Attn: Angela Williamson, 100 Sun Ave, Ste. 305, ABQ, NM 87109  
Laurel Wood N.A. (LWD) "R", Candelaria Patterson, 7608 Elderwood Dr. NW, ABQ, New Mexico 87120  
Laurel Wood N.A. (LWD) "R", Gregie Duran, 7525 Maplewood Dr. NW, ABQ, New Mexico 87120  
Parkway N.A. (PKW) "R", Ruben Aleman, 8005 Fallbrook NW, ABQ, New Mexico 87120  
Parkway N.A. (PKW) "R", Mary Loughran, 8015 Fallbrook NW, ABQ, New Mexico 87120  
Westside Coalition of N.A.'S, Harry Hendriksen, 10592 Rio Del Sole Ct. NW, ABQ, New Mexico 87114  
Westside Coalition of N.A.'S, Rene Horvath, 5515 Palomino Dr. NW, ABQ, New Mexico 87120