

# DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat (P&F)
- Site Plan for Subdivision (SPS)
- Site Plan for Building Permit (SBP)

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments have been addressed.

**Site Plans:** It is the responsibility of the applicant/agent/developer/owner to insert the DRB approved Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of building permit plansets. If the building permit plans have been submitted prior to the Site Plan for Subdivision and/or Site Plan for Building Permit being signed-off, then it is the responsibility of the applicant/agent/developer/owner to insert a copy of the signed-off Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of the building permit plansets.

**Project# 1003658**

15DRB-70334 EPC APPROVED SDP FOR BUILD PERMIT

**SEVEN BAR RANCH**

**AGENT:** MYERS, MCCREADY & MYERS, PC

\*\*Your request was approved on 9-23-15 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed as follows:\*\*


**Transportation:**

**ABCWUA:**

**City Engineer:**

**Parks and Recreation :**

**Planning:**

*address comments RE: amendment* 

**PLATS:**

**Planning must record this plat. Please submit the following items:**

-The original plat and a mylar copy for the County Clerk.

-Tax certificate from the County Treasurer.

-Recording fee (checks payable to the County Clerk). **RECORDED DATE:**

-Tax printout from the County Assessor.

-County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

Property Management's signature must be obtained prior to Planning Department's signature.

AGIS DXF File approval required.

Copy of recorded plat for Planning.

**ALL SITE PLANS:**

3 copies of the approved site plan. Include all pages.

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
September 23, 2015  
DRB Comments**

**ITEM # 1**

**PROJECT # 1003658**

**APPLICATION # 15-70334**

**RE: Lot D-4-1, Seven Bar Ranch**

The recording information for the parking agreement is sufficient, and the agreement itself not needed to obscure the site plan.

The changes with this approval need to be 'bubbled' and distinguished from previous amendment(s) with a triangle and appropriate number.



---

Jack Cloud, DRB Chairman  
924-3880/ jcloud@cabq.gov



Supplemental Form (SF)

<b>SUBDIVISION</b>	<b>S</b>	<b>Z</b>	<b>ZONING &amp; PLANNING</b>
<input type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	<b>V</b>		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>		<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/> for Subdivision			
<input checked="" type="checkbox"/> for Building Permit <b>Amendment</b>			
<input type="checkbox"/> Administrative Amendment (AA)			
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)			
<input type="checkbox"/> IP Master Development Plan	<b>D</b>		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L A</b>		<b>APPEAL / PROTEST of...</b>
<b>STORM DRAINAGE (Form D)</b>			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:** Myers, McCready & Myers, P.C.  
 Professional/Agent (if any): John A. Myers PHONE: 247-9080  
 ADDRESS: 1401 Central Avenue, NW FAX: 247-9109  
 CITY: Albuquerque STATE NM ZIP 87104 E-MAIL: jmyers@moplaw.com  
**APPLICANT:** Reposado, LLC PHONE: 244-0356  
 ADDRESS: 1503 Central Avenue, NW FAX: 244-0298  
 CITY: Albuquerque STATE NM ZIP 87104 E-MAIL: lblaugrund@gauchoisimports.com  
 Proprietary interest in site: Owner List all owners: \_\_\_\_\_

**DESCRIPTION OF REQUEST:** Approval of Amendment to Site Development Plan for Building Permit delegated to DRB pursuant to EPC August 14, 2015 Notice of Decision

Is the applicant seeking incentives pursuant to the Family Housing Development Program?  Yes.  No.

**SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.**

Lot or Tract No. D-4-I Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: Seven Bar Ranch  
 Existing Zoning: SU-1/IP Proposed zoning: N/A MRGCD Map No. \_\_\_\_\_  
 Zone Atlas page(s): A-14 UPC Code: 1-014-066-225-080-40115

**CASE HISTORY:** List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.) Project No. 1003658  
Z-79-146; Z-79-146-13; 08EPC-40068; 15EPC-40028

**CASE INFORMATION:** Within city limits?  Yes Within 1000FT of a landfill?  No  
 No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.698 acres  
 LOCATION OF PROPERTY BY STREETS On or Near: Alameda Boulevard (NM 528)  
 Between: Corrales Road and Ellison Drive  
 Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_  
**SIGNATURE** \_\_\_\_\_ DATE Sept. 15, 2015  
 (Print Name) John A. Myers Applicant.  Agent:

**FOR OFFICIAL USE ONLY** Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>ISDRB 70334</u>	<u>SBD</u>		\$ <u>20.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>CMF</u>		\$ _____
<input checked="" type="checkbox"/> All case #s are assigned				\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date			Total
	<u>September 23, 2015</u>			\$ <u>20.00</u>
	Staff signature & Date	Project #		
<u>[Signature]</u>	<u>9-15-15</u>	<u>1003658</u>		

**FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)**

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
  - \_\_\_ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6 copies.**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the request
  - \_\_\_ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
  - \_\_\_ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
  - \_\_\_ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the request
  - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_ Copy of the document delegating approval authority to the DRB
  - \_\_\_ Completed Site Plan for Subdivision Checklist
  - \_\_\_ Infrastructure List, if relevant to the site plan
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
  - \_\_\_ 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
  - \_\_\_ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
  - \_\_\_ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6 copies.**
  - \_\_\_ Solid Waste Management Department signature on Site Plan
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the request
  - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_ Copy of the document delegating approval authority to the DRB
  - \_\_\_ Infrastructure List, if relevant to the site plan
  - \_\_\_ Completed Site Plan for Building Permit Checklist
  - \_\_\_ Copy of Site Plan with Fire Marshal's stamp
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**

- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
  - \_\_\_ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
  - \_\_\_ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) **6 copies**
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined
  - \_\_\_ Letter briefly describing, explaining, and justifying the request
  - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_ Infrastructure List, if relevant to the site plan
  - \_\_\_ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
  - Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
  - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
  - Solid Waste Management Department signature on Site Plan for Building Permit
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
  - \_\_\_ Infrastructure List, if relevant to the site plan
  - \_\_\_ Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
  - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

John Myers  
Applicant name (print)

[Signature]  
Applicant signature / date



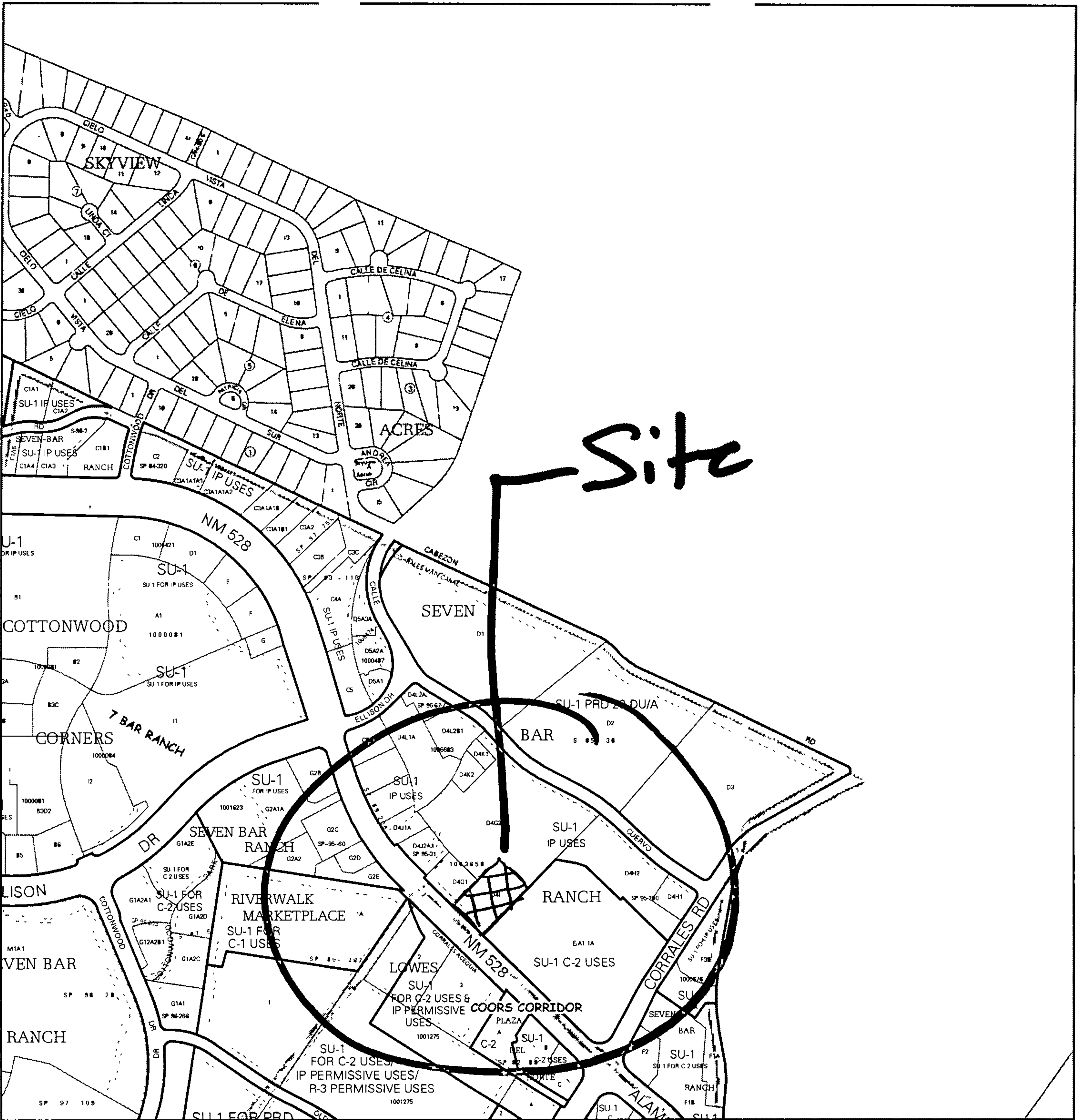
Form revised October 2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers  
15DRB-10334  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature] 9-15-15  
Planner signature / date

Project # 1003658



For more current information and details visit: <http://www.cabq.gov/gis>

**Albuquerque Geographic Information System**

Map amended through: 9/2/2014

Note. Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**A-14-Z**

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon	

**MYERS, McCREADY & MYERS, P.C.**  
**LAWYERS**  
**1401 CENTRAL AVENUE, N.W., SUITE B**  
**ALBUQUERQUE, NEW MEXICO 87104**

JOHN A. MYERS  
KEVIN J. McCREADY  
J. MATT MYERS

TELEPHONE  
(505)247-9080  
FACSIMILE  
(505)247-9109

FLOYD D. WILSON, *Of Counsel*

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e-mail: [mmyers@moplav.com](mailto:mmyers@moplav.com)

September 15, 2015

**Email: [jcloud@cabq.gov](mailto:jcloud@cabq.gov)**  
Jack Cloud, Chairperson  
Development Review Board  
City of Albuquerque

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Re: Applicant: Reposado, LLC  
Project No.: 1003658/15EPC-40028  
DRB Application: 15DRB-70334

Dear Mr. Cloud:

This office represents Reposado, LLC, the Applicant in connection with the above referenced Project. The Environmental Planning Commission approved the Applicant's request for an amendment to the Site Development Plan for Building Permit for Tract D-4-I, Seven Bar Ranch, on August 14, 2015, to adjust parking calculations. A copy of the Official Notification and Decision ("Decision") is attached.

The Applicant has met the following conditions of the Decision:

Condition No. 1. This letter shall serve as notice to the DRB that the Applicant has satisfied the requirements set forth in the conditions of the Decision by modifying the changed parking analysis for Tract D-4-I, Seven Bar Ranch.

Condition No. 2. The Applicant communicated with the staff planner, Maggie Gould, on several occasions regarding the Revised Parking Analysis for Tract D-4-I, Seven Bar Ranch. The Revised Parking Analysis for Tract D-4-I shown on the proposed amendment to Site Plan filed concurrently with the application was approved by Ms. Gould.

Condition No. 3. All future signage on the property will comply with the regulations of the I-P zone.

September 15, 2015

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Condition No. 4. The amendment to the Site Development Plan as submitted complies with the General Regulations of the Zoning Code, the Subdivision Ordinance and all other applicable design regulations, except as specifically approved by the EPC.

Condition No. 5. The Shared Parking Agreement was recorded in the Bernalillo County, New Mexico real estate records on August 14, 2015, as Document No. 2015070872, a copy of which is submitted with this application and a reduced copy of which is shown on the amendment to Site Plan.

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Thank you.

MYERS, McCREADY & MYERS, P.C.

By: \_\_\_\_\_

John A. Myers

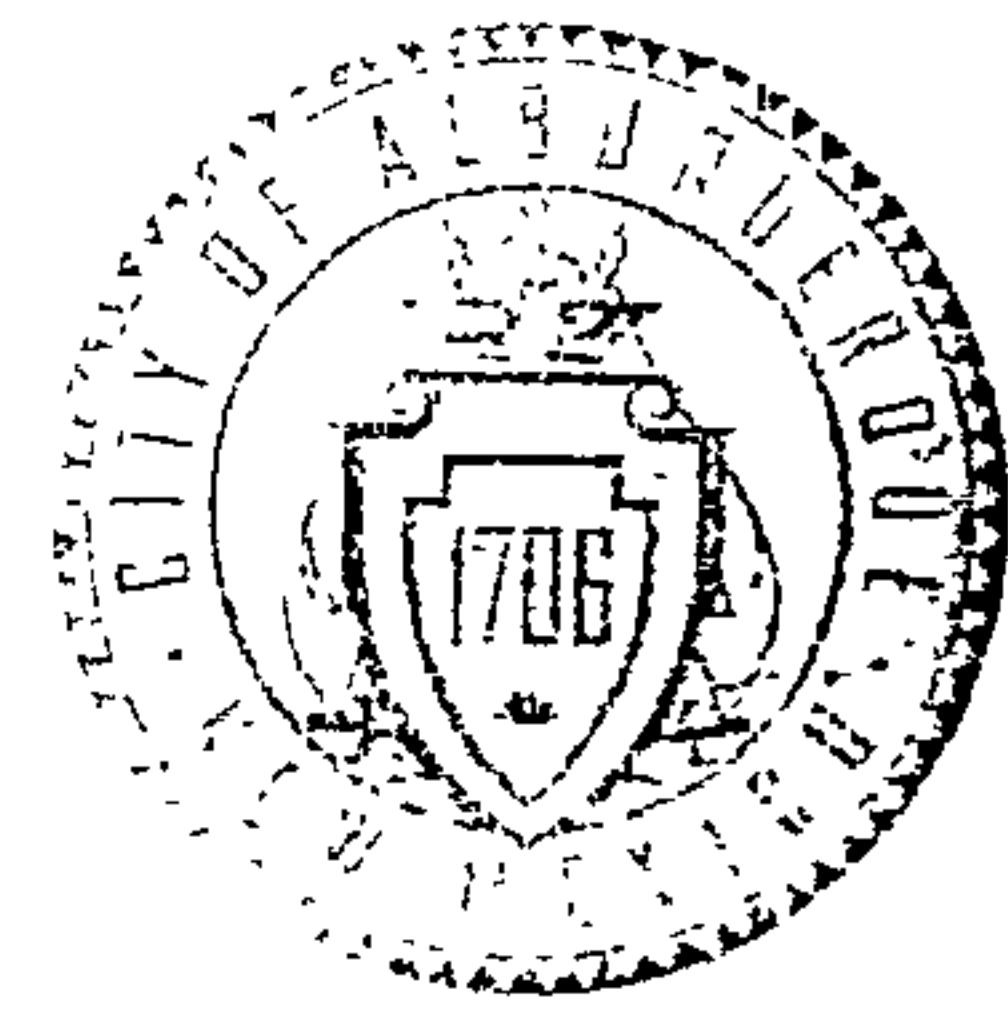
JAM/klw

cc: Reposado, LLC (Email)

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H:\BLAUGRUN\Alameda Shopping Center\Golden Corral\DND 88 LLC Lease\Letter Explanation of Conditions.docx

# 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

August 14, 2015

Reposado, LLC  
1503 Central Ave. NW  
Albuquerque, NM 87104

**Project# 1003658**  
15EPC-40028 Site Development Plan for Building Permit  
Amendment

### LEGAL DESCRIPTION:

The above action for all or a portion of Lot D-4-I, Seven Bar Ranch, zoned SU-1/IP, located on Alameda Blvd., between Corrales Rd. and Ellison Rd., containing approximately 1.7 acres. (A-14)  
Staff Planner: Maggie Gould

On August 14, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1003658/15EPC-40028, a Site Development Plan for Building Permit Amendment, based on the following findings and conditions:

### FINDINGS:

Albuquerque

1. This is a request for an amendment to a Site Development Plan for Building Permit for Tract D-4-I Seven Bar Ranch located on Alameda Blvd NW between Corrales Road NW and Ellison and containing approximately 1.7 acres.

New Mexico 87103

www.cabq.gov

2. The applicant proposes to amend the existing site development plan for building permit to adjust the parking calculations. The current parking is based on a restaurant without full service liquor; the zoning code requires additional parking when full service liquor is included with the restaurant use.
3. The applicant will enter into a shared parking agreement with the property to the east to add 26 additional parking spaces.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan Seven Bar Sector Development Plan/Master Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The site is within the boundaries of the Established Urban area of the Comprehensive plan. Applicable policies include:



# OFFICIAL NOTICE OF DECISION

Project #1003658

August 13, 2015

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## Land Use

Policy II.B.5d: 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, or recreational concern.

The proposed development is compatible with the existing development in terms of scale and use and will reuse an existing building that is already part of the area. This request furthers Policy II.B.5d.

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 can be ensured.

The subject site contains an existing building that has access to a full range of urban infrastructure including roads, water and sewer lines and electric facilities. This request furthers Policy II.B.5e.

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

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- 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.
- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

The site has commercial/industrial zoning and is located in a regional activity center as defined by the West Side Strategic Plan and is part of an existing shopping center. This request furthers Policy II.B.5j.

Policy II.B5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The site is in an older established neighborhood; the proposed amendment will allow the development of a new restaurant that will rehabilitate an existing building. This request furthers Policy II.B5o.

## Economic Development

Policy II.D.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 subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed restaurant would provide a range of jobs potentially available to residents of the west side. This request furthers Policy II.D.6.a.

OFFICIAL NOTICE OF DECISION

Project #1003658

August 13, 2015

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6. The site is within the boundaries of the West Side Strategic Plan, applicable policies include:

The site is within the boundaries of the Seven Bar Ranch Community, which lies between the Calabacillas Arroyo and the County line and between the Rio Grande and an area slightly west of the Rainbow Boulevard corridor.

Plan Objective 8:

Promote job opportunities and business growth in appropriate areas of the West Side. The request will allow the development of new business and additional job opportunities on the west side. The request further objective 8.

Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

The proposed development on this site preserves the commercial use and adds to the job possibilities on the west side. The request further Policy 1.6.

7. The proposed development is consistent with the zoning established by the 7 Bar Sector Development Plan. The existing building is one story and does not block the views to the Sandia Mountains. The proposed parking amendment will not impact any of the issues noted in the 7 Bar Sector Development Plan.
8. The applicant notified the Westside Coalition of Neighborhoods, which represents the much of the west side. A facilitated meeting was not recommended. The City notified property owners within one hundred feet of the site. Staff has not received any objection to this request as of this writing.

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.

OFFICIAL NOTICE OF DECISION

Project #1003658

August 13, 2015

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3. Future signage is not subject to EPC review provided that it complies with regulations of the I-P zone.
4. 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.
5. The shared parking agreement will be recorded prior to DRB final sign off.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **AUGUST 28, 2015**. 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).

**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 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.

OFFICIAL NOTICE OF DECISION

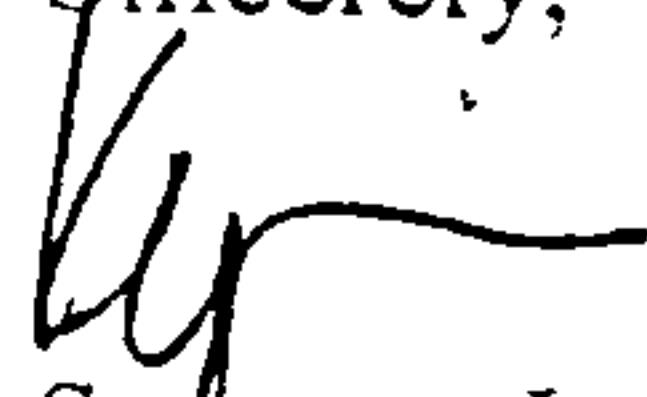
Project #1003658

August 13, 2015

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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 per case.

Sincerely,

  
For Suzanne Lubar  
Planning Director

SL/MG

cc: Reposado, LLC, 1503 Central Ave. NW, ABQ, NM 87104

Myers, McCready & Myers, P.C. ATTN: John Myers, 1401 Central Ave. NW, ABQ, NM 87104

July 1, 2015

**Hand Delivered**

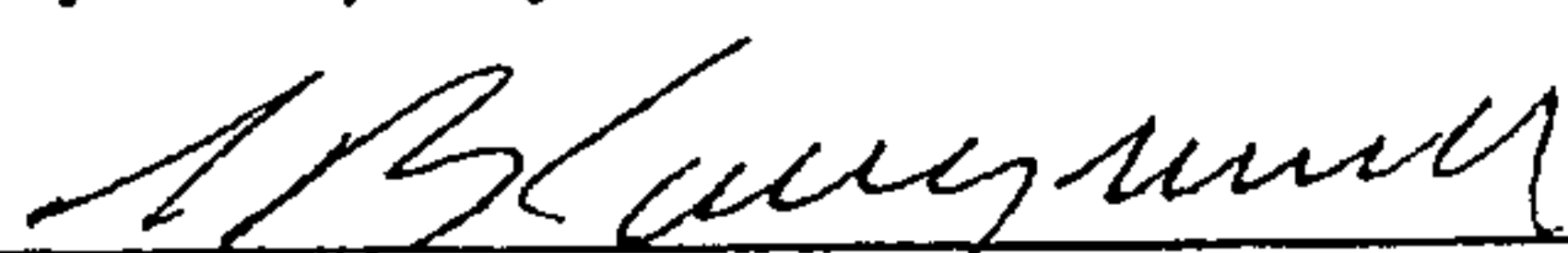
City of Albuquerque  
Planning Department  
600 Second Street, NW  
Suite 200  
Albuquerque, New Mexico 87103

Re: Lot D-1-4, Seven Bar Ranch

Ladies and Gentlemen:

The undersigned is the owner of the above referenced Property, the subject of a site plan amendment for building purposes for the above referenced property. Myers, McCready & Myers, P.C. (John A. Myers/J. Matt Myers) is hereby authorized to act as the agent in our application to the Environmental Planning Commission for an amendment to the site plan for building purposes. Myers, McCready & Myers, P.C., is further authorized to remain as our agent through any appeals process.

REPOSADO, LLC, a New Mexico limited liability company

By:   
\_\_\_\_\_  
Lee S. Blaugrund  
Managing Member

**REASONS FOR REQUEST**

**Project No. 1006358/15EPC-40028**

The Environmental Planning Commission approved the Applicant's request for an amendment to the Site Development Plan for Building Permit for Tract D-4-1, Seven Bar Ranch, on August 14, 2015, to adjust parking calculations . A copy of the Official Notification and Decision ("Decision") is attached. Conditions 1-5 of the Decision have been met by Applicant.

H:\BLAUGRUN\Alameda Shopping Center\Golden Corral\DND 88 LLC Lease\DRB Reason for Request.docx



**SHARED PARKING AGREEMENT**

THIS SHARED PARKING AGREEMENT ("Agreement") is made by REPOSADO, LLC., a New Mexico limited liability company ("Reposado") as of the 12/9<sup>th</sup> day of August, 2015.

**RECITALS:**

A. Reposado is the owner of the following described property (the "Restaurant Property"):

Tract D-4-I, Seven Bar Ranch, as shown on the replat entitled "Tracts D-4-G thru D-4-L, Seven Bar Ranch, (Being a replat of Tracts D-4-A thru D-4-E, Seven Bar Ranch), City of Albuquerque, Bernalillo County, New Mexico, as filed and recorded in the Office of the Bernalillo County Clerk on June 5, 1992, in Plat Book 92C, Page 109

B. Reposado is the owner of the following described property (the "Shopping Center Property"):

Tract "A-1-1-A" of the Black Ranch as the same is shown and designated on the plat entitled "REVISED SUMMARY PLAT OF TRACT "A-1-1-A" OF THE BLACK RANCH, BERNALILLO COUNTY, NEW MEXICO", as the same is shown and designated on said Revised Summary Replat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on September 10, 1980, in Plat Book C17, Folio 64

C. The Restaurant Property is zoned SU-1/IP pursuant to the City of Albuquerque (the "City") Zoning Ordinance (the "Ordinance"), pursuant to which zoning the City has approved a site development plan for the Restaurant Property in City Project No. 1003658 (the "Site Plan").

D. Approval of the Site Plan by the City is conditioned upon Reposado entering into this Agreement.

**NOW, THEREFORE,** Reposado agrees as follows:

1. Recitals. The Recitals are incorporated herein.

2. Parking. Reposado, as owner of the Shopping Center Property, grants to Reposado, as the owner of the Restaurant Property, the right to the use of twenty-six (26) off-street parking spaces on the Shopping Center Property for use by employees and patrons of the Restaurant Property (the "Shared Parking Spaces"). Reposado, as the owner of the Shopping Center Property, shall have the right to designate the location of the Shared Parking Spaces so long as the Shared Parking Spaces are no more than 500 feet from the main entrance to the building located on the Restaurant Property, following a reasonable and safe walking route.

3. Term. The term of this Agreement shall terminate at such time as the City of Albuquerque agrees, in writing, that the Ordinance off-street parking requirements, as they exist from time to time, are satisfied on the Restaurant Property.

4. Third Party Beneficiary. It is Reposado's intent that the City is a third party beneficiary of this Agreement. This Agreement shall not be amended or terminated without the written consent of the City.

5. Recording. Upon execution and acknowledgement of this Agreement this Agreement shall be recorded in the Bernalillo County, New Mexico real estate records.

Executed as of the day and year first set out above.

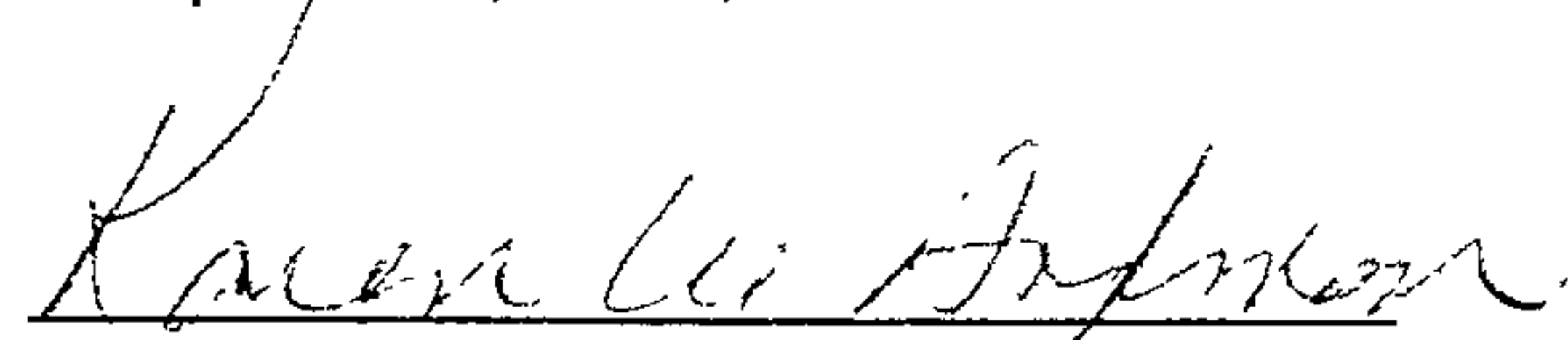
REPOSADO, LLC., a New Mexico limited liability  
Company

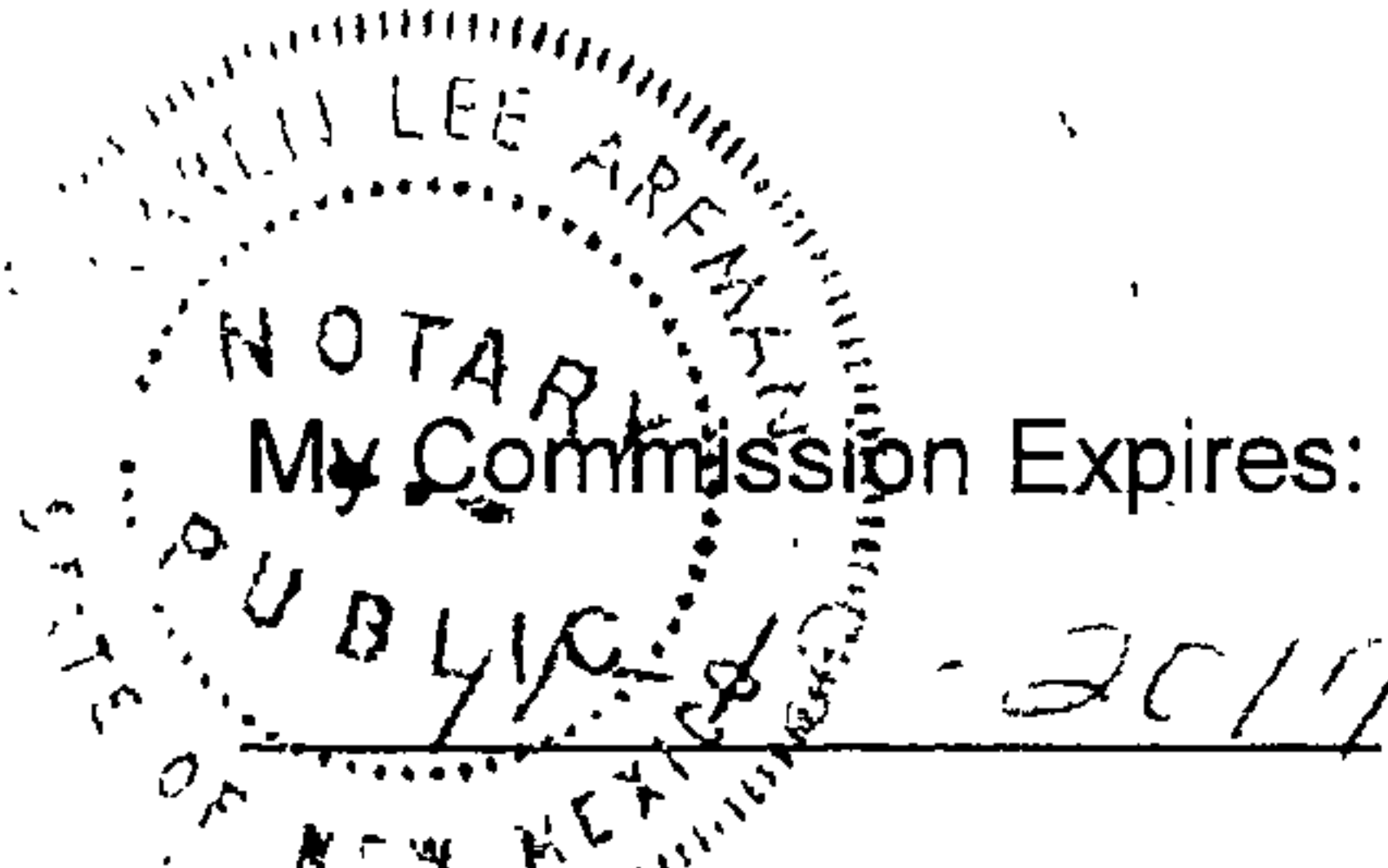
By: Lee S. Blaugrund  
Lee S. Blaugrund, Managing Member



STATE OF NEW MEXICO        )  
  )ss.  
COUNTY OF BERNALILLO    )

The foregoing instrument was acknowledged before me on August 14, 2015, by Lee S. Blaugrund as Managing Member of Reposado, LLC, a New Mexico limited liability company.

  
\_\_\_\_\_  
Notary Public



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PROJECT #

1003658

September 23. 2015

SBF