

**PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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March 11, 2016

Century Bank
Don K. Padgett
8220 San Pedro, Suite 200
ABQ, NM 87113

Project# 1006973
16EPC-40006 Site Development Plan for Building Permit
Amendment

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 1, Paradise Plaza, zoned SU-1 for C-1 Uses with inclusions (Package liquor sales incidental to a Pharmacy use occupying not less than 14,000 sf), located on NE Corner of McMahon and Unser, containing approximately 1 acre. (A-11) Staff Planner: Maggie Gould

On March 10, 2016, the Environmental Planning Commission (EPC) voted to APPROVE Project #1006973/16EPC-40006, a Site Development Plan for Building Permit, based on the following findings and conditions:

FINDINGS:

1. This is a request for an amendment to a Site Development Plan for Building Permit (07-EPC-40093) for Tract 1 of the Paradise Plaza subdivision, located on Unser Boulevard between McMahon Boulevard NW and Crown Road NW and containing approximately 1 acre.
2. The applicant proposes to amend the existing approved Site Development Plan for Building Permit to develop a 6,889 square foot retail building instead of the previously approved 5,000 square foot bank with drive through lanes.
3. The EPC approved the existing zoning, Site Development Plan for Subdivision and Site Development Plan for Building Permit on January 17, 2008.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Unser Boulevard Design Overlay Zone, Westside-McMahon Land Use and Transportation Guide 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 boundaries of the Established Urban Area of the Comprehensive Plan. The following policies are applicable to the request:

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- A. 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.

Policy II.B.5d is furthered because the proposed development will provide a neighborhood serving retail in a building that is scaled to the area, (one story). Traffic is not routed through adjacent neighborhoods.

- B. 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.

Policy II.B.5e is furthered because the site has access to a full range of urban services including water, electricity and roads. The site is designed to keep traffic out of the neighborhood and bike and pedestrian access is provided into the site.

- C. Policy II.B.5i: 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.

Policy II.B.5i is furthered the proposed development will provide new employment and services for the area. The site is within walking distance of the nearby residential areas. The site design shows a large landscaped drainage area at the northeast corner of the site, this area will serve as a buffer to the residential development.

- D. 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.

Policy II.B.5j is furthered because the proposed development will occur in a neighborhood center and will be within walking and biking distance to residential development.

- E. Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

Policy II.B.5k is furthered because the proposed development is adjacent to Unser Boulevard, an arterial street. The site design shows significant landscaping between the site and neighborhood.

Economic Development

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- A. Policy II.D.6a: 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.

Policy II.D.6a is furthered by the proposed development will add to the mix of commercial uses on the west side of the City where the jobs are needed to address the housing to jobs imbalance.

6. The subject site is within the boundaries of the West Side Strategic Plan:
- A. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.
- Policy 1.5 is furthered by the request because the site has developed sidewalks along Crown Road and Unser Boulevard. Unser Boulevard contains a bike lane and there a paved multiuse trail along the east side of the boulevard.
- B. Policy 3.4: Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses, and other uses appropriate for such Centers shall be encouraged. The lowest density single family residential development shall not occur within these Centers, but must have safe pedestrian and bicycle access to them.
- Policy 3.4 is furthered by this request because the proposed development will be a commercial use in close proximity to the single family residential uses in the area. There will be access into the site from the sidewalk along Crown Road, which connects to the neighborhood to the east.
7. The proposed development allowed by the amendment is consistent with the Westside-McMahon Land Use and Transportation Guide.
8. The proposed use will not add to the jobs to housing imbalance between the east and west sides of the City.
9. The Tuscan Neighborhood Association, Villa De Villagio Home Owner's Association and the Westside Coalition of Neighborhood Associations were notified by the applicant of the request via certified mail. The City notified property owners within 100 feet of the subject site.
10. The staff has not received any comments from the public 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.

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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 applicant will address all transportation comments prior to DRB submittal.
4. The elevations shall be altered so that they reflect the same architectural details as the existing building and previously approved buildings on the site, including stucco finish and additional roof and awning details.
5. The landscaping plan shall show the square footage of each bed so that compliance with the zoning code can be determined.
6. Lighting details showing height, type of fixture and location shall be added to site plan.
7. A note shall be added to site plan stating that signage shall comply with the Unser Boulevard Design Overlay Zone.
8. 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 **MARCH 25, 2016**. 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 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

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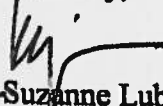
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submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

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: Century Bank, Don K. Padgett, 8220 San Pedro NE, Suite 200, ABQ, NM 87113
Joshua Skarsgard, 8220 San Pedro, Suite 500, ABQ, NM 87113
Harry Hendriksen, Tuscany NA & Westside Coalition, 10592 Rio del Sol NW, ABQ, NM 87114-2701
Janelle Johnson, Tuscany NA, P.O. Box 6270, ABQ, NM 87197
Marie Barron, Villa De Villagio HOA, 5619 Saturnia Rd, NW, ABQ, NM 87114
Jennifer Gallegos, Villa De Villagio HOA, 10840 Vicenza Dr. NW, ABQ, NM 87114
Gerald Worrall, Westside Coalition of NA's, 1039 Pinatubo Pl NW, ABQ, NM 87120
Consensus Planning, James Strozier, 302 8th St NW, ABQ, NM 87102