APPLICATION NO. 08AA-10012	PROJECT NO. 1007073
PROJECT NAME	
APPLICANT/AGENT Yough Patel	PHONE NO. 505-710-0307
ZONE ATLAS PAGE E-17	DATE SUBMITTED 1/17/08

ONE STOP CASE TRACKING LOG

(This tracking log is for DRB Delegation Actions / Over the Counter Routing) (rev. 7/03)

TYPE OF APPROVAL	TRANSP DEV	UTILITY DEV	PARKS & REC	HYD DEV (City Engr)	PLAN. CASE PLANNER	NING DRB CHAIR
SDP-Building Permit/ SDP-Subdivision	F: D: F: D: A:	F: D: F: A:	F: D: F: A:	F: D: F: D: A:	F: D: F: A:	F: D: F: D: A:
Administrative Amendments (AA's)	F: 1 12 08 D: 1/8/08 D: 1/8/08 D1/2: A:	F: 1/8/59 D: F: A: 1/8/58		F: 1/8/08 D: // F: D:	F: D: F: D:	
Minor Plat / Major Final Plat	F: D: F: A:	F: D: F: A:	F: D: F: A:	F: D: F: A:		F: D: F: A:
Vacation-Private Easement	F: D: F: A:	F: D: F: A:	F: D: F: A:	F: D: F: F: A:		F:

First Review-Total City Days Second Review-**Total City Days** Third Review-**Total City Days** Subtotal Total Number of Developer Days (from back of form) **Total Days**

*Business Days

**Pulled by Agent (P)

F = forwarded

D = disapproved A = approved

Called about comments 1/8/08 15.

Called about comments. 1/22/08 rs

AA no response to comments

1012 Pilo dered AC

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PLANS RELEASED TO APPLICANT OR AGENT TO CORRECT REJECTS

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Date Released: 1/30/08.	1	
Print Name:		
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Date Released:		• •
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	Third Review	
Called Applicant:	Date Returned:	Developer Days:
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PROJECT NAME		PROJ		07073
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APPLICANT / AGENT		Patel	PHONE	NO. (505) 710-039
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PLANS APPROVED	DATE			DATE .
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called 1/22/0818
(Return form with plat/site plan)
See white cond

Acity of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

SUBDIVISION	6 7	TONING & DI ANNING	
	S Z	ZONING & PLANNING)
Major Subdivision action Minor Subdivision action		Annexation County	Submittal
Minor Subdivision action Vacation	V		ubmittal
Variance (Non-Zoning)	-		ndment (Establish or Change
OTE DEVEL ADMENT DI AN	P	Zoning) Sector Plan (Ph	250 J. II. III.
SITE DEVELOPMENT PLAN for Subdivision			Sector, Area, Facility or
for Building Permit		Comprehensive	Plan
Administrative Amendment (AA)	_		nt (Zoning Code/Sub Regs)
IP Master Development Plan	D		ange (Local & Collector)
Cert. of Appropriateness (LUCC) STORM DRAINAGE (Form D) Storm Drainage Cost Allocation Plan	Ļ A	APPEAL / PROTEST Decision by: DRB, I ZHE, Zoning Board	EPC, LUCC, Planning Director or Staff,
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SCRIPTION OF REQUEST: REMOVE DEI SIDEWALK AND ADDITIONA	O TIME	TACA AND I	1/3/2/3CC
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Planner signature / date

FORM P(4): SITE PLAN REVIEW - ADMINISTRATIVE APPROVAL OR AMENDMENT

	Copy of the pre-application meeting findings (A pre-application meeting is required Site plan and related drawings (folded to fit into an 8.5" x 14" pocket) 6 copies Zone Atlas map with the entire property(ies) precisely and clearly outlined and concept Letter briefly describing and justifying the request Letter of authorization from the property owner if application is submitted by an a Notifying letter and certified mail receipts to owners of adjacent properties if request Infrastructure List, if relevant to the site plan Completed Site Plan for Building Permit Checklist Solid Waste Management Department signature on Site Plan if relevant Blue-line copy of Site Plan with Fire Marshal's stamp Copy of the LUCC approval if the site is in an historic overlay zone Fee (see schedule) Any original and/or related file numbers are listed on the cover application	ed for Downtown 2010 projects.) rosshatched (to be photocopied) agent
	AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AMENDMENT TO SITE DEVELOPMENT PLAN FOR SUBDIVISION	(AA02) (AA03)
u	CONCEALED OR SITE DEVELOPMENT PLAN CONTROLLED WIRELESS TELECOM FACILITY	(AA04)
	NOTE: The requirements specified below apply to the previous 3 plan types, we have a site Plan, with changes circled and noted if amended (folded to fit into a copy of approved Site Plan being amended if applicable (folded to fit into an 8.5 and Atlas map with the entire property(ies) precisely and clearly outlined and content briefly describing and justifying the request authorization from the property owner if application is submitted by an a copy of EPC or DRB Notice of Decision (not required for WTF) Fee (see schedule) Any original and/or related file numbers are listed on the cover application NOTE: The next two items are also required if the square footage change is 2% agross floor area	an 8.5" x 14" pocket) 5 copies " x 14" pocket) 1 copy rosshatched (to be photocopied) agent or more of any building's
	 Notifying letter & certified mail receipts addressed to owners of adjacent propert Office of Neighborhood Coordination inquiry response, notifying letter, certified notified 	
	NOTE: Only for wireless telecommunications facilities that are concealed and/or sub review, the following materials are required for application submittal in addition to Co-location evidence as described in Zoning Code §14-16-3-17(A)(5) Notarized statement declaring # of antennas accommodated. Refer to §14-16-3-Letter of intent regarding shared use. Refer to §14-16-3-17(A)(10)(e) Letter of description as above also addressing concealment issues, if relevant. I Distance to nearest existing free standing tower, and its owner's name, if the progressive of Community & Neighborhood Coordination inquiry response as above by PLEASE NOTE; If you are applying for approval of a telecom site to be located on C are several additional requirements. Contact Debbie Stover at 924-3940 for	o all those listed above: -17(A)(10)(d)2 Refer to §14-16-3-17(A)(12)(a) exposed facility is also a tower ased on ¼ mile radius ity of Albuquerque property, there
any sub	ely result in deferral of actions. Applica	olicant name (print) ZOOS ant signature / date
	Checklists complete Application case numbers Fees collected Case #s assigned Related #s listed Application case numbers	Planner signature / date



City of Albuquerque P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MEMO OF AGREEMENT

03_zhe_01600	
APPLICANT: Hanlan Faust	
ADDRESS: 4410 The 25 Way	JE
I, applicant for a building permit which is permissible only to the City of Albuquerque's Comprehensive Zoning	Orginance has been
approved, hereby agree to surrender my building per construction if a lawful appeal to the approval of the Spe- within the allowed fifteen (15) days from issuance of decision	ecial Exception is Thea
APPLICANT JESTUM STOOTEST	1023/03 DATE
Who is Owner or has Power of Attorney for the Owner	
	•
	•
``````````````````````````````````````	
The Zoning Hearing Examiner has approved the requested this office agrees to approve the building permit application to the terms of this agreement.	d Special Exception and on as to zoning, subject
L. Dianel Baca	10/23/03
REPRESENTATIVE	/ DATE /
Office of the Zoning Hearing Examiner	

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER



### CITY OF ALBUQUERQUE OFFICE OF THE ZONING HEARING EXAMINER NOTIFICATION OF DECISION

HARLAN FAUST request(s) a special exception to Section 14. 16. 2. 19. (A). (20). (e).: a CONDITIONAL USE to allow a drive-in restaurant in an I-P zone on all or a portion of Tract(s) H1-A-1, The 25, zoned IP and located at 4410 THE 25 WAY NE (F-17)

Special Exception No:	03ZHE - 01605
Project No:	
Hearing Date:	09-16-03
Closing of Public Record:	09-16-03
Date of Decision:	

STATEMENT OF FACTS: The applicant requests a conditional use to allow a drive-in restaurant in an I-P zone. The applicant, Harlan Faust, was represented by Jim Strozier of Consensus Planning, Inc. Mr. Strozier testified that this request is to allow a Krispy Kreme Doughnuts establishment at this location. Mr. Strozier indicated that since this area is currently populated with primarily commercial developments, this business will be consistent with surrounding properties and will not be injurious to this immediate community. There are two letters of support in the file from adjacent commercial property owners' managing member, John Hamilton. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14. 16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

### DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on Friday, November 7, 2003 in the manner described below:

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$55.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. Please present this letter of notification when filing an appeal. When an application is withdrawn, the fee shall not be refunded.

ZHE Decision 03ZHE-01605 / 1002983 Page 2

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B)., of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)

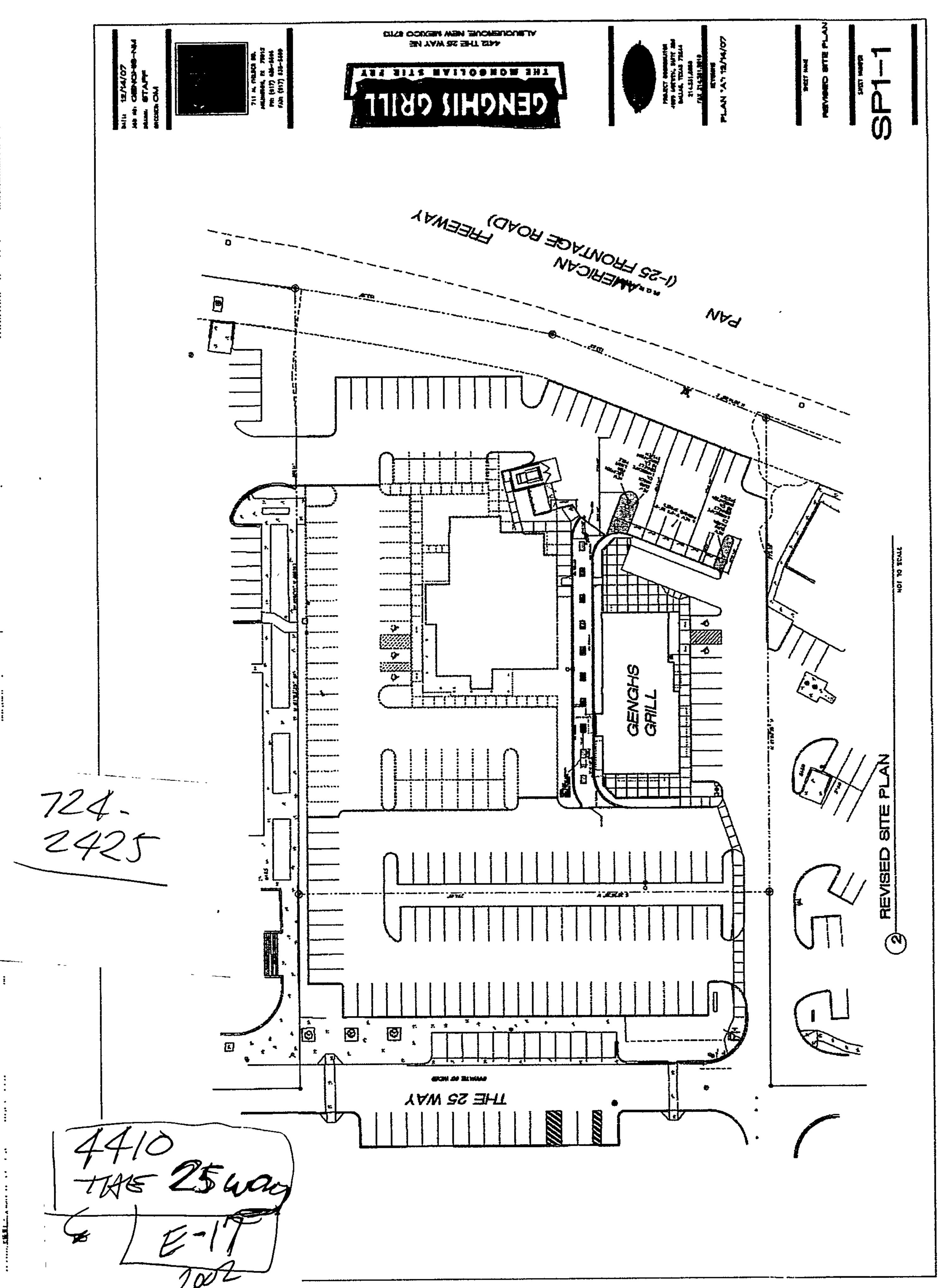
ZHE File

Harlan Faust, 14344 "Y" Street, Suite 101, Omaha, NE, 68137

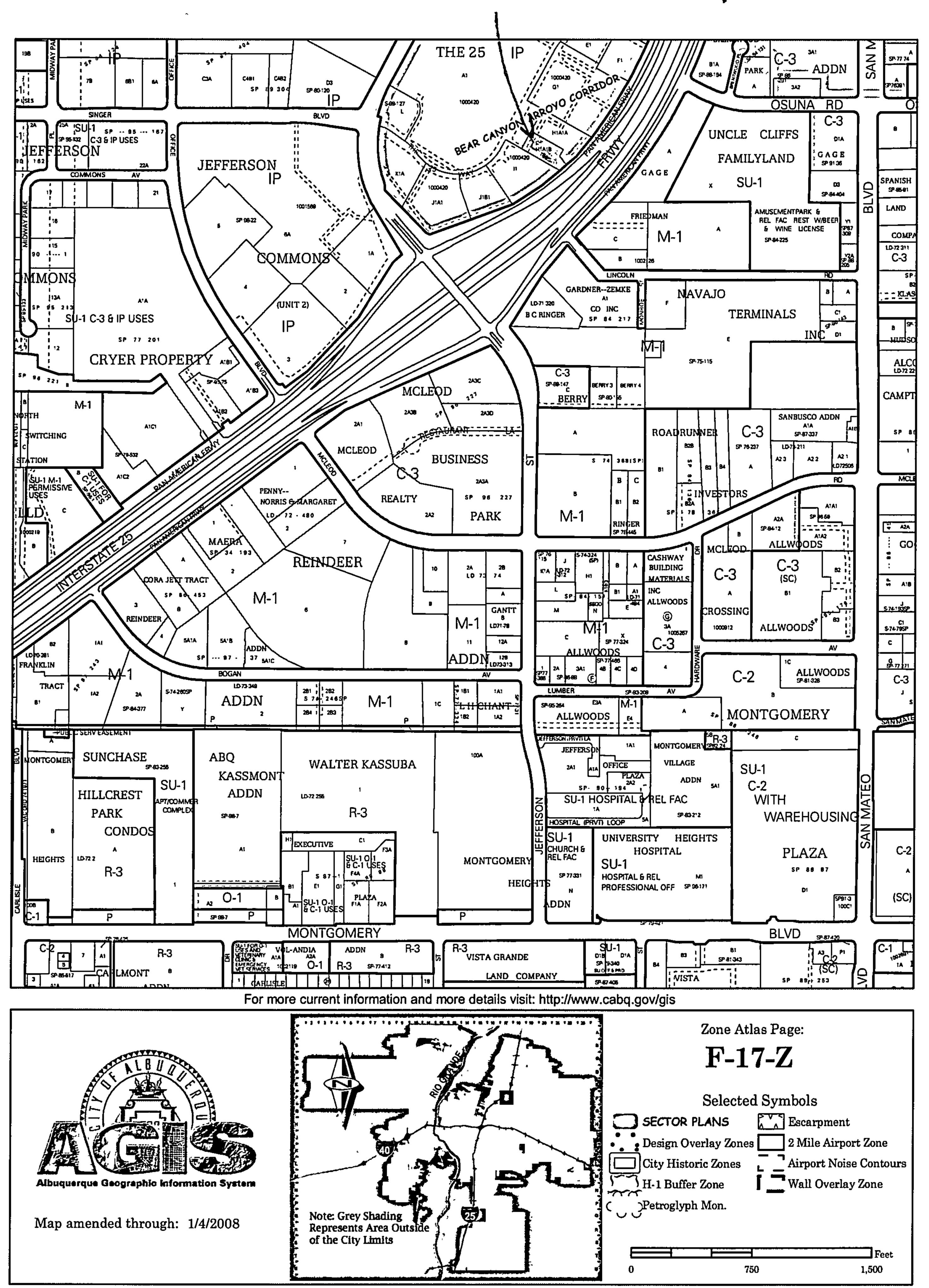
David Soule, 8509 Jefferson NE, 87113

Jim Strozier, 924 Park Avenue SW, 87102

John J. Hamilton, 9909 Desert Mountain Rd. NE, 87122



## 4410 The 25 Way



## Levine Investments Limited Partnership

1702 East Highland • Suite 310 • Phoenix Arizona • 85016 Phone 602.248.8181 • Facsimile 602.248.0884

January 10, 2008

Via E-mail

City of Albuquerque Planning Department

To Whom It May Concern:

We are the current owners of the property located at 4410 The 25 Way in Albuquerque, New Mexico. We have entered into a lease dated December 6, 2007 with NEEL, LLC, who will open and operate a restaurant under the name of Genghis Grill, The Mongolian Stir Fry.

We have review the attached revised site plan that in planned for the site are have approved the revisions as presented in the attached site plan.

Please feel free to contact us with any questions. I can be reached at 602-248-8181.

Regards,

Yony Feiter

L'evine Investments, LP

Attachment

To whom It my concern,

I am leasing the building at 4410 The 25 way.

I will be changing the outside drive than feel.

The drive throw window will be covered also one of the island will be taken away and additional parking will be added, also some additional parking will be added, also some landscaping and side walk additions will be placed.

Indexaping and side walk additions will be placed.

The original owner has given me permission as long as the city approves the plan.

Neel, LLC

Yogesh Patel (owner)

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

Date: February 19, 1999

## OFFICIAL NOTIFICATION OF DECISION

Provident Realty Advisors 16775 Addison Rd. Suite 520, LB 23 Dallas, TX. 75248

FILE: Z-99-9

LEGAL DESCRIPTION: for Parcels 1 and 2, Digital Properties, zoned IP, located on Jefferson Boulevard NE west of I-25, containing approximately 49.4 acres. (E-17 & F-17) Russell Brito, Staff Planner (DEFERRED FROM JANUARY 21, 1999)

On February 18, 1999, the Environmental Planning Commission voted to approve Z-99-9, a Master Development Plan for Parcels 1 and 2, Digital Properties, based on the following Findings and subject to the following Conditions:

#### FINDINGS:

- 1. This is a request for approval of a Master Development Plan for Parcels 1 and 2, Digital Properties located on Jefferson Boulevard NE, west of I-25 and south of the Bear Canyon Arroyo.
- 2. The submitted master plan furthers the applicable <u>Goals</u> and policies of the <u>Comprehensive Plan</u> 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.
- 3. The submitted master plan meets and furthers the goals, policies, regulations and guidelines of the Bear Canyon Arroyo Corridor Plan. The submitted master plan will help to create a safe, attractive, interesting and convenient trail corridor that acts as a counterbalance to the surrounding built environment.
- 4. The submitted master development plan meets the requirements of the Zoning Code for a Master Development Plan.
- 5. The submitted master development plan will be adequate with some modifications.

#### **CONDITIONS:**

- 1. "Typical drawings" of street furniture and hardscape elements such as benches, pedestrian lighting, bicycle storage areas, etc. shall be illustrated in the master development plan prior to final sign off at the Development Review Board.
- 2. The following Conditions of Approval from the Public Works Department shall be adhered to and implemented:
  - a. The implementation of and / or monetary contributions for mitigation measures required subsequent to the TIS negotiations must be done by the developer and accepted by the City prior to final sign-off by the DRB.
  - b. Mitigation of impacts to the I-25 / Jefferson Interchange and other area street facilities must be addressed and implemented to the satisfaction of the City of Albuquerque and the New Mexico State Highway and Transportation Department. This may require further phasing in the implementation of the project until area transportation improvements are in place.
  - c. Construction of required pavement, medians, curbs, gutters and 6 foot sidewalks on Jefferson Street.
  - d. Reconstruction of intersections on Jefferson Street and the I-25 Frontage Road to include signal configuration, turn bays, medians and deceleration lanes.
  - e. Construction of a vehicular and pedestrian access connection to Jefferson Street and the I-25 Frontage Road from the proposed development.
  - f. Provision of 60 foot cross-access easement between all parcels. A cull-de-sac will be required if a temporary street is needed to access the lots.
  - g. Provision of adequate pedestrian circulation with disabled features within the site and to the adjacent streets.
  - h. Unidirectional handicapped ramps shall be used at all entrances, including those on Jefferson Street and the I-25 Frontage Road.
  - I. The site access, circulation pattern, and structure orientation / configuration must be constructed to the satisfaction of the Traffic Engineer.
  - j. The improvements on the site must comply with the development standards as contained in the DPM.
  - k. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, medians, drive aisles, parking spaces, walls, signs, etc.
  - 1. The proposed entrances on Jefferson Street require a minimum throat area of 75 feet.
  - m. Deceleration lanes are required for all entrances on Jefferson Street.
  - n. Location and dimension of proposed fire lanes must meet Fire Code requirements as per the DPM.
  - o. Approval of all access points to Jefferson Street by the Traffic Engineer; and to the I-25 Frontage Road by the New Mexico State Highway and Transportation Department.
  - p. Provision of street trees and landscaping in the areas between the curb and the sidewalks along Jefferson Street and the I-25 Frontage Road.
  - q. Location of walls, fences and signs must meet the clear sight distance requirements.
  - r. Site grades must accommodate handicapped features and ADA requirements for pedestrian access and circulation.
  - s. Dedication of right-of-way for and construction of the Bear Arroyo Trail facility (#272) from Jefferson to I-25. Provisions for access points from the site to the trail must be provided.

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Z-99-9
PAGE 3

- 3. The following Conditions of Approval from the Environmental Health Department shall be adhered to and implemented:
  - a. The master plan shall locate five secure bicycle facilities at strategic locations on site. (Can be inside the buildings as well as outside.) Each building over 50,000 sq. ft. shall provide a minimum of 200 sq. ft. of secured bike storage.
  - b. A Transportation Management Association for on-site office workers shall be organized per the Transportation Management Demand submitted in October 1998 and approved by the Transit Department on November 10, 1998.
  - c. The master plan shall designate 3 parking spaces per required handicapped space on office sites only for multiple occupancy vehicles. These parking spaces shall be in shaded areas or shall otherwise be in preferred locations.
  - d. All structures over 50,000 sq. ft. shall: provide adequate provisions for employee lockers and showers; and excluding restaurants and hotels, on-site dining facilities or break rooms shall be provided. These facilities are encouraged for structures over 30,000 sq. ft.
- 4. The submittal of this master development plan to the DRB shall meet all EPC Conditions; a letter shall accompany the submittal indicating how the it has been modified to meet each of the EPC Conditions.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY MARCH 5, 1999 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 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

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).

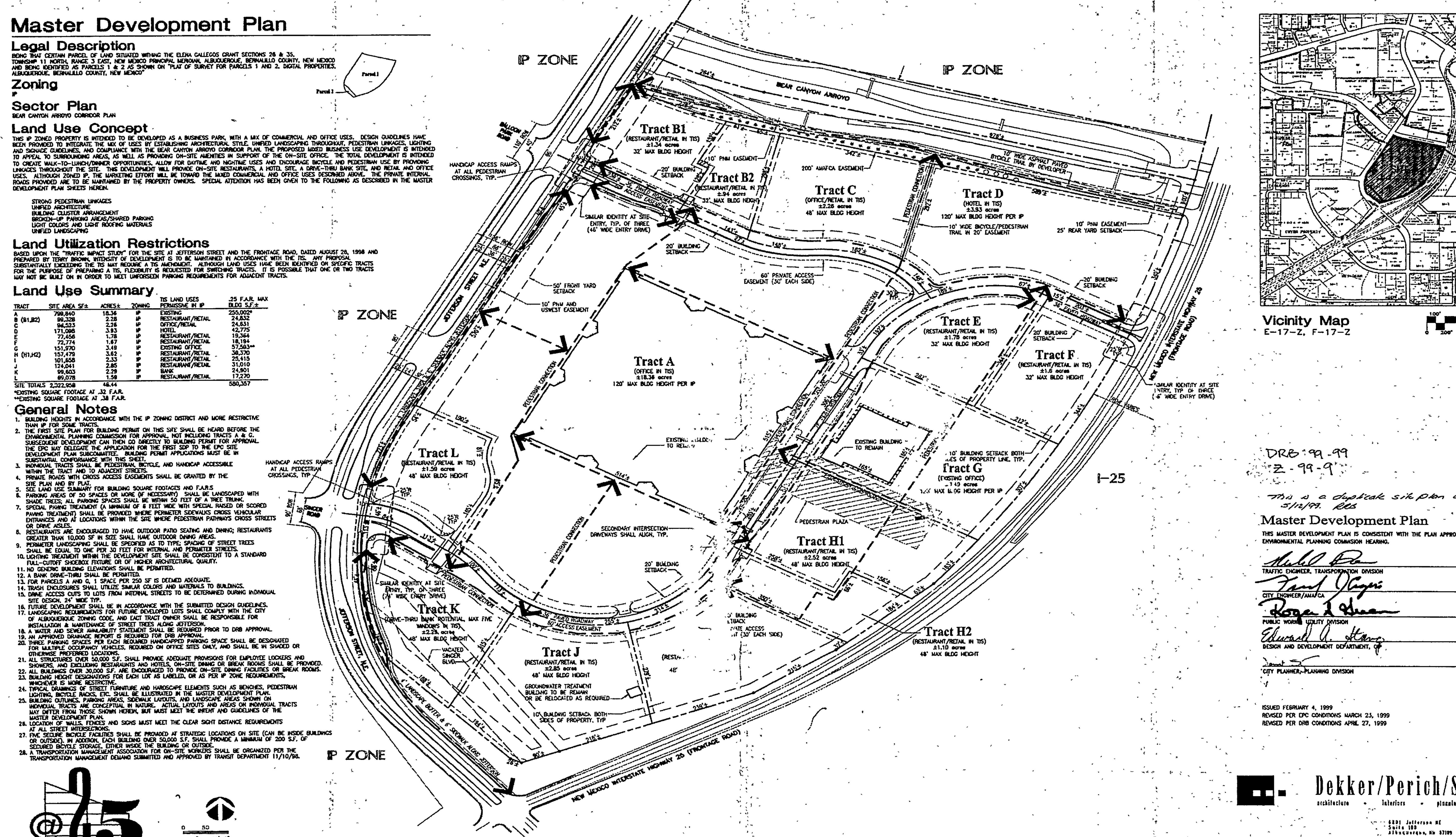
OFFICIAL NOTICE OF DECISION FEBRUARY 18, 1999 Z-99-9 PAGE 4

Sincerely,

Robert R. McCabe, AIA, APA
Planning Director

#### RM/RB/ac

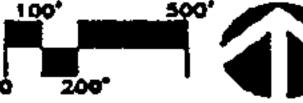
Dekker/Perich/Sabatini, 6801 Jefferson Blvd. NE, Suite 100, Albuq. NM 87109 cc: Stephen Verchinski, 2700 Espanola NE, Albuq. NM 87110 Ron Bohannan, 4421 McLeod NE, Albuq. NM 87110



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This is a duplicate site plan approve

THIS MASTER DEVELOPMENT PLAN IS CONSISTENT WITH THE PLAN APPROVED AT THE \$118/1999

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