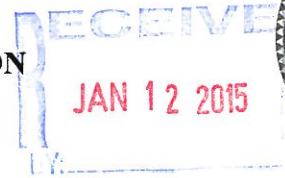


CITY OF ALBUQUERQUE

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

January 8, 2015

528 & Ellison, LLC
6801 Jefferson NE, Suite 100
Albuquerque, NM 87109

Project# 1010297
14EPC-40082 Site Development for Building
Permit

LEGAL DESCRIPTION:

above actions for all or a portion of Tracts C-6A-1 and C-6A-2, Seven Bar Ranch, being a replat of Tract C-6A Seven Bar Ranch, zoned SU-1/IP uses, located on the northwest corner of Ellison Drive and New Mexico State Road 528, containing approximately 1.83 acres.

(A-14-Z)

Staff Planner: Maggie Gould

PO Box 1293

Albuquerque

New Mexico 87103

On January 8, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project# 1001620/14EPC-40081, for Text Amendments to the Zoning Code, based on the following findings and subject to the following conditions:

www.cabq.gov

1. This is a request for a Site Development Plan for Building Permit for Tracts C-6A-1 and C-6A-2 Seven Bar Ranch located on NM State Road 528 and Ellison Drive, containing approximately 1.83 acres.
2. The request will allow the development of a 14,400 square foot building for multiple tenants. There are two existing buildings on the site that will be demolished to allow the construction of the new building.
3. The site is within the boundaries of the Established Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan and 7-Bar Sector Development Plan.

OFFICIAL NOTICE OF DECISION

Project #1010297/14EPC-40082

January 8, 2015

Page 2 of 5

4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, 7-Bar Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request is consistent with and furthers policies of the Albuquerque /Bernalillo County Comprehensive Plan:

Land Use

- 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. The request furthers Policy II.B.5d:

The proposed development is compatible with the existing development in terms of scale, use and style.

- 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.

The subject site has access to a full range of urban infrastructure including roads, water and sewer lines and electric facilities. Policy II.B.5e is furthered by this request.

- C. 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 zoning and is located in a regional activity center as defined by the West Side Strategic Plan. Although it is outside of the main shopping center area it is still an appropriate location for the commercial development. This request furthers Policy II.B.5j.

- D. 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 new development will improve the quality of the built environment by allowing the development of new building. Policy II.B5o is furthered by this request.

Economic Development

- A. 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.

OFFICIAL NOTICE OF DECISION

Project #1010297/14EPC-40082

January 8, 2015

Page 3 of 5

The subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed non-residential uses, including retail, restaurant and service uses would provide a range of jobs potentially available to residents of the west side. Staff finds the request furthers Policy II.D.6.a.

6. The request is consistent with and furthers policies of the West Side Strategic Plan.

- A. 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 furthers objective 8.

- B. 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 furthers Policy 1.6.

- C. Policy 3.2: Multifamily development and non-residential development are appropriate in or near the Regional Center. These uses shall develop consistent with the clustered concepts described in this Plan, rather than as strip commercial. Single-family residential development shall be prohibited in the Regional Center. These residential uses are appropriate within the Seven Bar Community but must be located outside the Regional Center.

The proposed development is within the regional center boundary and meets the intent of the plan to have non-residential development in the regional center. Policy 3.2 is furthered by this request.

7. The request is consistent with the 7 Bar Sector Development Plan.
8. Property owners with 100 foot of the site and the Westside Coalition of Neighborhoods were notified. Staff received two phone calls with questions regarding the project, but the callers were not opposed to the project.

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

OFFICIAL NOTICE OF DECISION

Project #1010297/14EPC-40082

January 8, 2015

Page 4 of 5

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 shall continue to work with the City to address transportation comments as shown on pages 12 and 13 of this report. An updated Site Development Plan addressing these comments shall be required for DRB submittal.
4. An additional 18 feet for Right of Way along NM 528 shall be dedicated to the City which shall be shown on the Site Development Plan.
5. The owner shall enter into an agreement (revocable permit) with the City of Albuquerque to allow the existing private improvements within the additional 18 feet of right-of-way to remain until such time as the City of Albuquerque is ready to proceed with the roadway improvements to NM Hwy. 528. This will allow the existing landscape, mature trees, and parking spaces to remain until the NM Hwy. 528 roadway improvements project is ready to be constructed.
6. The property owner, not the City, shall be responsible for the maintenance of the landscaping and any other existing private improvements within the City right-of-way during this interim condition.
7. An ADA compliant sidewalk connection shall be constructed along Ellison Road NW between the building and the intersection of NM Hwy. 528 and Ellison Road as part of the building construction.
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.
9. The site development plan for building permit notes on sheet 5 of 5 shall be modified to increase the allowed building mounted signage from a maximum of 6% of the façade to a maximum of 10% of the façade.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JANUARY 23, 2015**. 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.

OFFICIAL NOTICE OF DECISION

Project #1010297/14EPC-40082

January 8, 2015

Page 5 of 5

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.

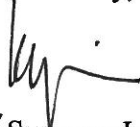
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of 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.

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: 528 & Ellison, LLC, 6801 Jefferson NE, Suite 100, Albuquerque, NM 87109
Consensus Planning, 302 8th St. NW, Albuquerque, NM 87102