

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

Date: November 22, 1991

OFFICIAL NOTIFICATION OF DECISION

Sycamore Plaza Limited
P.O. Box 3671
Albuq., NM; 87190

FILE: Z-91-51

LEGAL DESCRIPTION: requests a zone map amendment from C-2 and R-2 to SU-1 for R-2 Uses on a portion of Tract B, Sycamore Plaza Subdivision and a portion of Tract 2A, Lands of William O. & Mary Edward Subdivision and a site development plan approval for a portion of Tract B, Sycamore Plaza Subdivision, located on the southeast corner of Wyoming Boulevard NE and Academy Road NE containing approximately 57 acres. (E & F & 20)

On November 21, 1991, the Environmental Planning Commission voted to **approve Z-91-51**, a change of zone from C-2 and R-2 to SU-1 for R-2 Uses based on the following findings and subject to the following conditions:

Findings:

Zone Change:

1. The proposed zone change is consistent with the policies of Resolution 270-1980 dealing with community welfare, stability of zoning, and justification.
2. The proposed use will be more advantageous to the community, and it meets the locational requirements for multi-family residential zoning listed in the Comprehensive Plan, and it limits the impact of the present amount of commercial zoning.
3. The request is consistent with previous Commission actions on the site.
4. This proposed change does not require connection of Moon Street across the Bear Arroyo.

On November 21, 1991, the Environmental Planning Commission voted to **approve Z-91-51**, a site development plan, based on the following findings and subject to the following conditions:

Findings:

Site Development Plan:

1. The site development plan generally meets all the criteria for a site development plan.
2. Minor amendments are required to the site development plan standards.
3. The most significant impacts of this development involve traffic and air quality. These impacts can be reduced through street improvements.
4. Minor modifications are required to the plans for screen walls, transit facilities, landscaping, pedestrian access, utilities, signage, and site lighting.
5. The City has a responsibility to provide street improvements concurrent with this development. The improvements necessary in this area are not currently planned or funded.
6. Testimony was presented that a discount club such as Price Club or Sam's could negatively affect the abutting residential neighborhoods.

Conditions:

1. All infrastructure improvements agreed upon by the developer with the concurrence of the Transportation Development staff shall be made with the development of Phase I. Improvements 1 through 4 would be designated Phase I. Improvements 5, 6, and 7 would be designated for Phase II.

<u>IMPROVEMENT</u>	<u>DEVELOPER PARTICIPATION</u>
1. Wyoming Boulevard - Academy to San Antonio (add north bound lane - Academy to Burlison) (add south bound lane - Academy to Cubero)	40% 100% 100%
2. *Wyoming/Academy - All required improvements, including Dual left turn lane (NB to WB) right turn lanes (NB to EB; EB to SB)	100%
3. Wyoming/Spain - Right turn lane (NB to EB) Lane designation modification Left turn arrow (WB to SB)	25%
4. Academy/Layton/Ventura - Left turn arrows (NB to WB; SB to EB) Dual Left turn lane (EB to NB)	25%
5. Wyoming/San Antonio - All required improvements, including Dual Left turn lane (NB to WB)	0%
6. Wyoming/Burlison - Left turn arrow (NB to WB)	0%
7. Wyoming/Osuna - Left turn arrows (NB to WB; EB to NB)	0%

*Site Related Improvement -

Widening along Academy as related to the proposed intersections/driveways, including left turn bays, right turn deceleration lanes, and appropriate signalization and intersection geometrics.

2. No additional future curb cuts on Academy or Wyoming will be allowed other than the three now shown.
3. The development shall be phased such that Phase I of the development will be limited to 260,000 square feet. Initial construction will include major anchor #1, major anchor #2 and junior anchor #1. An additional 50,000 square foot Phase II build-out is permitted when calculated background levels for carbon monoxide indicate a 12% reduction from the current background levels used in the analysis.
4. A Discount Club as defined in the current ITE standards such as a Price Club or Sam's is not allowed.
5. The number of drive-up facilities on the site is limited to two not including a service station.
6. One service station shall be allowed and it shall not include a convenience store. Stage II Vapor Recovery core plumbing shall be included as part of any service station development.
7. Site lighting shall be specified. A mix of high and low pressure sodium (HPS, LPS) commercial lighting fixtures shall be used.
8. The site development plan must include the site design requirements in note form based on the 1985 development standards booklet. These notes shall include modifications based on the proposed plan. Areas of modification include the introduction, land use section, and the streetscape section. The changes shall be reviewed and approved by Planning Staff. Development site design guidelines presented by the developer shall be included in the revised standards booklet and with respect to those guidelines: Guideline number 8 is changed to read "all buildings shall be consistent with architectural materials etc." Guideline number 11, the second sentence to read "the measure of a bar and lounge shall be that more than 50% of gross sales must be from liquor."

9. A transit stop on Academy satisfactory to the Transit Department and Transportation Development must be provided.
10. Modifications to the utilities plan are required including rerouting the sewer outfall off the R-2 property. The number of fire hydrants shall be re-examined; public lines will not be stubbed/extended under the retaining walls.
11. Additional landscaping and amenities shall be placed on the sidewalk areas in front of the primary retail area. A pedestrian connection shall be provided between the retail area, the apartment site, and the Bear Canyon tributary.
12. The internal sidewalk system around the pad areas shall be defined. Adequate space must be provided in these areas for berming and/or shrubbery. Trees shall be placed to insure interlocking foliage but shall be no greater than 30 foot intervals.
13. Five additional areas of landscaping parallel to the parking rows must be provided creating a staggered overlapping visual screen in the parking areas in front of Major Anchors 1&2. Additional trees shall be placed in these areas in accordance with the number specified in the design guidelines. The plan shall be reviewed and approved by staff.
14. Sign height on pad buildings shall be limited to 3 feet. A plan for site lighting shall be reviewed and approved by staff. Light sources shall not be visible from adjacent residential property.
15. Shopping cart storage areas in parking lots must be incorporated into landscaping features, the number and location shall be approved by staff.
16. Evergreen trees must be incorporated into the landscaping plan at the rear of the site.
17. The screen wall at Major 1 must conceal the delivery trailers and trash compaction equipment from major circulation areas, the apartment site, and the Bear Canyon tributary.
18. Bicycle racks shall be provided at all building locations in accordance with the zoning code requirements.
19. Perimeter landscaping shall be incorporated in the Phase 1 development.
20. Future amendments shall not be approved on this site for items concerning design guidelines, or square footage beyond that approved by the Environmental Planning Commission.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY **DECEMBER 6, 1991**, 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: Any person aggrieved with any determination of the Environmental Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division 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 heard within 45 days of its filing.

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).

Sincerely,


Ken Balizer
Planning Director

KB/DC/lj

12973

cc: DCSW Inc., J. David Dekker, 105 Fourth Street SW, Albuquerque, NM; 87102
Academy Hills Park Neigh., Asso., George W. Weeth, P.O. Box 7249, Albuquerque, NM; 87194
Academy Hills Park Neigh., Asso., Kathy Baldwin, 5917 Canyon Court Pl., NE, Albuquerque, NM; 87111
Academy Estates Homeowners Asso., John Peters, 7933 Academy Tr., NE, Albuquerque, NM; 87109
Academy Estates Homeowners Asso., Sue O'Donnell, 7612 American Heritage NE, Albuquerque, NM; 87109
Cherry Hills Civic Asso., Machele Sandager, 8304 Cherry Hills Dr., NE, Albuquerque, NM; 87111
Cherry Hills Civic Asso., Cliff Richardson, P.O. Box 18026, Albuquerque, NM; 87185
Mission Hill North Condominium Asso., Yvonne Dempsey, 8444-A Chambers Court NE, Albuquerque, NM; 87111
Mission Hill North Condominium Asso., Jan Plum, 8444-C Chambers Court NE, Albuquerque, NM; 87111
North Wyoming Homeowners Asso., Marlene Tricoli, 7700 White NE, Albuquerque, NM; 87109
North Wyoming Homeowners Asso., Bill Barry, 8124 Siguard Court NE, Albuquerque, NM; 87109
Tanoan Community Asso., Inc., Mary Ann Dryling, 9820 Murifield Court NE, Albuquerque, NM; 87111
Rick Donnelly, 7820 Charger Tr., NE, Albuquerque, NM; 87109
Sue O'Donnell, 7612 American Heritage Hills NE, Albuquerque, NM
Barbara Messinger, 6401 Praire Dunes NE, Albuquerque, NM
James Smith, 5404 Moon NE, Albuquerque, NM
Resident, 5921 Canyon Ridge Dr., NE, Albuquerque, NM
John Peters, 7933 Academy Tr., NE, Albuquerque, NM
Charlie Brown, 7512 La Madiera NE, Albuquerque, NM
Larry Caldwell, 9428 Admiral Nienitz NE, Albuquerque, NM
Carol Hess, 9410 Oakmont Rd., NE, Albuquerque, NM
Gino Matteucci, Attorney, 317 6th Street NW, Albuquerque, NM; 87102

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

Date: May 22, 1992

OFFICIAL NOTIFICATION OF DECISION

Sycamore Plaza Limited
DCSW, Inc.
J. David Dekker
105 4th Street SW
Albuq., NM; 87102

FILE: Z-91-51-1
LEGAL DESCRIPTION: requests an amendment to conceptual master plan, site development plan for subdivision approval and approval for a site development plan for building purposes, for Tract B, Sycamore Plaza Subdivision, zoned C-2, located on the southeast corner of Wyoming Boulevard NE and Academy Road NE, containing approximately 47.04 acres. (E & F 19 & 20)

On May 21, 1992, the Environmental Planning Commission voted to **approve Z-91-51-1**, your request for an amendment to conceptual master plan based on the following findings:

Findings: Master Development Plan Amendment:

1. The proposed reduction in the square footage of Major Anchor 1 places the retail development in a community commercial category similar to other areas located throughout the community. Therefore the proposed center should not rely on a regional market.
2. The proposed amendment retains the mixed use development concept, office/retail/residential, as well as the significant design guidelines approved in previous plans. It significantly reduces the amount of square footage on site from the 1,100,000 square feet proposed in the 1985 plan.
3. The proposed amendment to the plan will result in a reduction from the 1985 plan in the peak hour traffic traveling through the Wyoming/Academy intersection.
4. The traffic impacts in air quality will improve over the 1985 master plan provided that appropriate infrastructure improvements are made.
5. The plan contains an area designated for residential use. This use can not be approved until a conditional use under C-2 zoning or zone change is approved.
6. The Environmental Planning Commission passed a resolution on April 16, 1992 which clarified the force in affect of a master plan approved by EPC prior to the inclusion of a definition of a master plan in the zone code. The review process for modification of a master plan has followed applicable city plans, policies and procedures.
7. City plans, policies and procedures in regard to traffic impact analysis in air quality studies have been complied with. The traffic impact study for this site meets the same standards as have been applied to other developments throughout the city.

Conditions:

1. A conditional use or zone change consistent with the residential densities specified in the plan shall be approved for the southeast portion of the site.

On May 21, 1992, the Environmental Planning Commission voted to **approve Z-91-51-1**, your request for site development plan for subdivision approval and approval for a site development plan for building purposes based on the following findings and subject to the following conditions:

Findings: Site Development Plan for Building Purposes:

1. The proposed plan is consistent with the design guidelines of the amended master plan.
2. Minor modifications are required to the landscaping plan and the plan for transit facilities.
3. Conditions are required addressing infrastructure improvements, Utility Development requirements and Environmental Health concerns.

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4. The approved building area for this plan is 270,000 square feet.
5. Moon Street N.E. shall not be opened across the Bear Tributary Arroyo to accommodate this development.
6. The property owners and two major anchor retailers on this site have agreed that no consideration of expansion of this center by the Environmental Planning Commission shall be permitted until the two major anchor retailers open and operate their stores for a period of three years as is evidenced by the May 13, 1992 letter to the Planning Commission from Brown and Associates.

Conditions:

1. All infrastructure improvements agreed upon by the developer with the concurrence of the Transportation Development staff shall be financially guaranteed and under construction prior to occupancy of any structure. These improvements shall be:

<u>IMPROVEMENT</u>	<u>DEVELOPER PARTICIPATION</u>
1. Wyoming Boulevard add north bound lane - Academy to Burlison add south bound lane - Academy to Cubero	100% 100%
2. *Wyoming/Academy - All required improvements, including Dual left turn lane (NB to WB) right turn lanes (NB to EB; EB to SB)	100%
3. Wyoming/Spain - Right turn lane (NB to EB) Lane designation modification Left turn arrow (WB to SB)	25%
4. Academy/Layton/Ventura - Left turn arrows (NB to WB; SB to EB) Dual Left turn lane (EB to NB)	25%

*Site Related Improvement -
Widening along Academy as related to the proposed intersections/driveways, including left turn bays, right turn deceleration lanes, and appropriate signalization and intersection geometrics.

2. No additional future curb cuts on Academy or Wyoming will be allowed other than the three now shown.
3. The number of drive-up facilities on the site is limited to two not including a service station.
4. One service station shall be allowed and it shall not include a convenience store. Stage II Vapor Recovery core plumbing shall be included as part of any service station development.
5. A bus bay is required on Academy. A bus shelter and waiting areas are required on Academy and Wyoming satisfactory to the Transit Department and Transportation Development. Bus bays shall be designed in accordance with ADA requirements.
6. Modifications to the utilities plan are required including rerouting the sewer outfall off the R-2 property. The number of fire hydrants shall be re-examined; public lines will not be stubbed/extended under the retaining walls.
7. Landscaping on the sidewalk areas in front of the primary retail area should be a minimum of 10 feet in width. Pedestrian connections shall be provided between the transit shelters, the pedestrian loop, the retail area, the apartment site, and the Bear Canyon tributary.
8. The circulation and parking layout must be reviewed by the Traffic Engineer. The length of parking aisles should be no longer than 300 feet, a vehicle cross-over shall be provided if the aisles exceed this length. The Wyoming bikeway must also be accommodated.
9. The site plan and the landscaping plan shall be consistent. Parking lot tree wells should be redesigned and additional wells shall be added. The narrow planting strips in the parking area should contain shrubs rather than grass for ground cover. A revised plan shall be reviewed and approved by staff.

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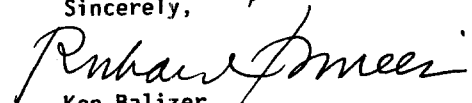
10. Bicycle racks shall be provided at all building locations in accordance with the zoning code requirements.
11. Perimeter landscaping shall be installed simultaneous with the initial development phase.
12. Future amendments by City Staff shall not be approved on this site for items concerning design guidelines or increases in building area beyond that approved by the Environmental Planning Commission.
13. Monument signs and pad buildings shall be limited to an area of 50 square feet consistent with similar development plans approved by EPC.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY JUNE 5, 1992, 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: Any person aggrieved with any determination of the Environmental Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Division form to the Planning Division 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 heard within 45 days of its filing.

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Sincerely,



Ken Balizer
Planning Director

KB/DC/lj
13518

cc: Academy Estates Homeowners Assoc., John Peters, 7933 Academy Trail, NE, Albuquerque, NM
Academy Estates Homeowners Assoc., Sue O'Donnell, 7612 American Heritage NE, Albuquerque, NM
Academy Hills Park Neigh., Assoc., Larry P. Caldwell, 9428 Admiral Nimitz, NE, Albuquerque, NM
Academy Hills Park Neigh., Assoc., Kathy Baldwin, 5917 Canyon Crest Place NE, Albuquerque, NM
Cherry Hills Civic Assoc., Cliff Richardson, P.O. Box 18026, Albuquerque, NM
Cherry Hills Civic Assoc., Betty Halvorson, 6908 Bing NE, Albuquerque, NM
Mission Hill North Condominium Assoc., Yvonne Dempsey, 8444-A Chambers Court NE, Albuquerque, NM
Mission Hill North Condominium Assoc., Jan Plum, 8444-C Chambers Court NE, Albuquerque, NM
North Wyoming Homeowners Assoc., Marlene Tricoli, 7700 White NE, Albuquerque, NM
North Wyoming Homeowners Assoc., Bill Barry, 8124 Siguard Court NE, Albuquerque, NM
Tanoan Community Assoc., Inc., Mary Ann Dreyling, 9820 Murifield Court NE, Albuquerque, NM
Tanoan Community Assoc., Inc., Ms. Judy McKinney, 9512 Callaway Circle NE, Albuquerque, NM
Ms. Marlene Tricoli, 7700 White NE, Albuquerque, NM; 87109
Ms. Betty Halvorson, 6908 Bing NE, Albuquerque, NM; 87111
Mrs. Marriott, 5806 Torrión, NE; 87109
John T. Marriott, 5806 Torrión, NE; 87109
Joe Mercer, 4221 Silver SE, Albuquerque, NM; 87108