



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

Date: January 16, 2009

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1001685
08EPC-40123 AMEND SITE DEVELOPMENT PLAN
- BLD PRMT

Applicant
GI Investments LLC
8777 North Gainey
Scottsdale, AZ, 85258

LEGAL DESCRIPTION:

GI INVESTMENTS LLC agent(s) for PAT JOSEPH PJ DEVELOPMENT request(s) the above action(s) for all or a portion of tract(s) 1B-5A, PARADISE NORTH zoned C2 (SC) located on 4800 MC MAHON BLVD NW BETWEEN GOLF COURSE RD NW AND MCMAHON BLVD NW containing approximately .667 acre(s). (A-12) Randall Falkner, Staff Planner

On January 15, 2009 the Environmental Planning Commission voted to approve Project 1001685/ 08EPC 40123, , based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend a site development plan for building permit on a .66 parcel of land located at the southwest corner of Golf Course Road and McMahon Boulevard. The site comprises Tract 1B-5A, Paradise North and is zoned C-2 (SC). The applicant intends to build a 2,248 square foot restaurant with a drive-up lane and service window.
2. The subject site is located within the Established Urban area of the Comprehensive Plan, and is also within the boundaries of the West Side Strategic Plan.

3. The following Comprehensive Plan policies for Developing and Established Urban Areas are partially furthered by the proposal:
 - a. Policy II.B.5d – The proposed site development plan for building permit is partially in accord with the surrounding neighborhood values, natural environmental conditions, carrying capacities, and scenic resources. The request fits in with surrounding development that is commercial to the south and west sides, and SU-1 uses to the north and east sides. The request will add to the carrying capacity of the already busy McMahon/Golf Course intersection. The neighborhood associations have no opposition to the project.
 - b. Policy II.B.5e – Full urban services are available to the surrounding properties. The subject site provides infill development and is surrounded by commercial land uses or SU-1 uses. There are residential neighborhoods to the northeast and to the southeast and west of the subject site (although not directly bordering the subject site). The proposed restaurant could result in additional traffic at the McMahon/Golf Course intersection, which could impact nearby residential neighborhoods.
 - c. Policy II.B.5i – The proposed use would provide some limited employment opportunities to nearby residents, and noise and lighting are minimized through appropriate site design. The applicant is placing additional landscaping along the north side of the drive-up lane, as well as street trees along McMahon Boulevard to provide screening from the cars in the drive-up lane. Vehicles waiting in the drive-up lane would add to the pollution of the area, and traffic would most likely increase.
4. The request furthers Developing and Established Urban Areas Policy II.B.5j of the Comprehensive Plan. The request is for a new commercial development that is part of a larger area-wide shopping center that is located at the intersection of McMahon Boulevard and Golf Course Road. Currently, the larger site has a supermarket with a fueling station, and various other commercial businesses. The subject site has relatively good access to mass transit. The site is served by route # 157 (Montano/Uptown/Kirtland) on weekdays and on Saturdays, and by route # 92 (Taylor Ranch Express) on weekdays during rush hour in the morning and afternoon. There is an existing bus stop directly east of the site at the corner of Golf Course and McMahon. Additional sidewalks are being provided that will connect to the existing sidewalks on the site and lead to the existing bus stop at Golf Course and McMahon.
5. The request furthers Activity Centers Policy II.B.7a of the Comprehensive Plan. The West Side Strategic Plan designates the subject site as within the Ellison/Golf Course Neighborhood Center. Active pedestrian and bicycle connections are provided to adjacent properties. A Neighborhood Center is the appropriate place for a small restaurant. The subject site provides for the daily service of convenience goods and personal services for the surrounding neighborhoods.
6. The request furthers Transportation and Transit Policy II.D.4a of the Comprehensive Plan. The Policy Objectives for street design, transit service and development form consistent with Transportation Corridors and Activity Centers are met by pedestrian connections to transit stops and to neighboring developments, 6-foot sidewalks, a weather protected bus stop, parking that is separated from the street by the building, shared parking, and the model hierarchy of transit & autos, pedestrians, and bikes.

7. The request furthers Economic Development Policy II.D.6g of the Comprehensive Plan. A limited amount of mostly low wage jobs will be available and concentrated in the Ellison/Golf Course Neighborhood Center. This will help to balance jobs with housing and population in an area that is primarily residential. Mass transit and other alternative means of transportation are available and encouraged at this site.
8. The following West Side Strategic Plan policies are furthered by the proposal:
 - a. Objective 8 – The addition of this development would help to promote job opportunities and business growth in a Neighborhood Center.
 - b. Policy 1.5 – The subject site provides pedestrian/bicycle access to key activity areas, including the buildings in the shopping center itself, as well as the surrounding neighborhood, and to the existing bicycle lanes along both Golf Course Road and McMahon Boulevard, as well as the existing multi-use trail along McMahon Boulevard.
 - c. Policy 4.10 – The design of this site generally supports pedestrian access and public transportation, except for the drive-thru lane. The subject site does provide access to the street to enable pedestrians to walk or ride the bus. The site is served by route # 157 (Montano/Uptown/Kirtland) on weekdays and on Saturdays, and by route # 92 (Taylor Ranch Express) on weekdays during rush hour in the morning and afternoon. There is an existing bus stop directly east of the site at the corner of Golf Course and McMahon. There are existing bicycle lanes along both Golf Course Road and McMahon Boulevard. There is also an existing multi-use trail along McMahon Boulevard. Although the request does include a drive-thru lane, alternatives to the single occupant vehicle are promoted by this request.
 - d. Policy 3.3 – The request does provide access and connections to multi-modal transportation systems. Bus service is available, pedestrian access is generally good, and there are existing bicycle lanes along both McMahon and Golf Course, as well as a multi-use trail along McMahon. New pedestrian connections built by the applicant improve pedestrian connections to the neighborhood.
9. There is no known opposition to the project and no letters of opposition have been received.

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.

3. The note on the site development plan for building permit for “3 foot high wall” shall be moved so it is readable.
4. Parking:
 - a. The motorcycle space and accompanying sign shall be re-located in the parking space that is the farthest west directly in front of the building to comply with Section 14-16-3-1 (C)(2) of the Zoning Code.
 - b. Provide illustrations for the upright handicap and motorcycle signs to determine compliance with size and height.
 - c. Include parking barriers to prevent overhang into pedestrian walkways.
5. Pedestrian Circulation:
 - a. The existing north/south pedestrian path and existing drive crossing just west of the drive-up lane are incorrectly labeled as 6 feet wide shall be listed as 5 feet wide.
 - b. Provide an 8 foot wide sidewalk along the south façade which contains the primary entrance, per Section 14-16-3-18 (C)(1) of the Zoning Code.
6. The light poles shall be tilted directly down and be full cut-off fixtures so that no light shines directly into the public right-of-way. The site development plan for building permit shall include a statement that all lighting shall adhere to the regulations from Section 14-16-3-9 of the Zoning Code.
7. An additional light pole shall be placed on the far south side of the property, between the two driveways.
8. Landscaping:
 - a. The proposed free-standing sign shall be moved closer to the north edge of the property boundary to allow for more landscaping. Landscaping along the entire north side of the drive-up lane shall be more densely landscaped to provide shielding from headlights shining onto McMahon Boulevard and to screen the drive-up service window from the right-of-way. Landscaping shall include dense bushes and/or trees that will provide adequate shielding.
 - b. The landscape plan shall show that all landscape areas shall contain live vegetative materials covering at least 75 percent of the area at maturity, per Section 14-16-3-10 (G)(3) of the Zoning Code.
 - c. The tree planting detail shall be replaced with a tree planting detail on the City Forester’s website.

9. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

- a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
- b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- c. Delete note on site plan, that references dumpster location as approved per previous site development plan.
- d. Site plan shall comply and be designed per DPM Standards.

10. The parking calculations on the site development plan for building permit shall show 8 total standard parking provided and 14 total parking provided.

11. Delete General Note #2 on the site development plan for building permit.

12. Relocate the patio, table and chairs.

PROTEST: 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, WHICH IS BY JANUARY 30, 2009.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY JANUARY 30, 2009 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND 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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,


for Richard Dineen
Planning Director

RD/RF/ma

cc: GI Investments LLC, 8777 North Gainey, Scottsdale, AZ, 85258
Pat Joseph, PJ Development, P.O. Box 14903, Albuquerque, NM 87191
Kevin Winner, Cottonwood Heights NA, 4259 Riding Circle Rd. NW, Albuquerque, NM 87114
Jesse Valdez, Cottonwood Heights NA, 4316 Canada Pl. NW, Albuquerque, NM 87114
Tony Braunschweiger, The Paloma Del Sol NA, 4800 San Timoteo NW, Albuquerque, NM 87114
Alex Nelson, The Paloma Del Sol NA, 4902 San Timoteo NW, Albuquerque, NM 87114