



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

Date: September 19, 2003

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1002635 ***
03EPC-00702 Zone Map Amendment
03EPC-00703 EPC Site Development Plan-
Subdivision
03EPC-00704 EPC Site Development Plan-
Building Permit

Tricor Southwest Corp.
6340 East Thomas Rd., Suite 128
Scottsdale, AZ, 85251

LEGAL DESCRIPTION: for all or a portion of Tract(s) I, **Section 3, T10N**, a zone map amendment from SU-1 Neighborhood Commercial to SU-1 for C -1, located on CANDELARIA ROAD NE, between TRAMWAY BLVD. NE and MOUNTAINSIDE PARKWAY NE, containing approximately 4 acre(s). (H-22) Juanita Vigil, Staff Planner

On September 18, 2003 the Environmental Planning Commission voted to approve Project 1002635/03EPC 00702, a Site Development Plan for Building Permit, for Tract I, Section 3, T10N, R4E, located at 12501 Candelaria NE between Tramway and Mountainside Parkway NE, and containing approximately 2.44 acres, zoned SU-1 Planned Development Area, Neighborhood Commercial, based on the preceding Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for Tract I, Section 3, T10N, R4E, located at 12501 Candelaria NE between Tramway and Mountainside Parkway NE, and containing approximately 2.44 acres, zoned SU-1 Planned Development Area, Neighborhood Commercial. The applicant is proposing to construct a 13,813 square foot Eckerd, which is a national neighborhood drugstore chain.

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2. In addition to this request, the applicant is requesting a zone map amendment for the site's zone category from SU-1 for Planned Development Area, Neighborhood Commercial to SU-1 for C-1 Uses.
3. The interpretation from the Zoning Enforcement Manager regarding the site's current zone category to mean that "all uses, permissive and conditional, of the C-1 Neighborhood Commercial zone are allowed as permissive on this site. The improvements for the site are to be controlled by a site development plan for building permit approved by the EPC."
4. The applicant is proposing a use that is permissive and conditional within the C-1 Neighborhood Commercial zone category as identified in the *Comprehensive City Zoning Code* and is therefore allowed within this site, based on the determination from the Zoning Enforcement Manager.
5. This site is adjacent to residential development and existing facilities that will allow this submittal to meet Policy 5e, Established Urban, of the *Comprehensive Plan* that requires new growth to be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services.
6. The submittal, with modifications, will contain sufficient pedestrian connections to adjacent properties that will allow for compliance with Policy 5g, Established Urban of the *Comprehensive Plan* that specifies development to be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.
7. The subject site is adjacent to residential zones, furthering Policy 5i, Established Urban of the *Comprehensive Plan* that requires employment and service uses to be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.
8. With modifications, the submittal meets the definition and elements of a site development plan for building permit as defined in the *Comprehensive City Zoning Code*.
9. The site currently contains 3 off-premise signs that were not reflected on the site plan. The applicant has agreed to remove all of the off-premise signs.

CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions. 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. The applicant shall provide a notation on the site development plan indicating that the uses allowed within this site shall be limited to those uses listed as permissive and conditional in Section 14-16-2-16, the C-1 Neighborhood Commercial zone of the *Comprehensive City Zoning Code*.
3. The applicant shall correct all the necessary sheets on the site development plan for building permit to reflect the accurate acreage of the site, which shall not exceed 2.92 acres. A certified survey shall be provided to verify the actual acreage of the site.
4. The submittal shall contain the exact lot dimensions for the subject site for verification of acreage and the allowance of the proposed freestanding signs.
5. The submittal shall be modified to provide information regarding the dimensions of the upright handicap signs and depict the exact location of handicap accessibility to the building from the parking areas.
6. A pedestrian walkway shall be provided somewhere in the area that is currently designated as a "landscape and ponding area" on the southwest portion of the site. The exact location shall be noted on the site development plan.
 - a. The developer will cover all expenses for the access.
 - b. The access must be ADA compliant
 - c. The access will be located in an area that is safe, with a marked crosswalk.
 - d. Additional sidewalk on Mountainside Parkway may be required.
 - e. Lighting may be required to keep the path safe for night use.
 - f. The access will exit onto the sidewalk at the side of the proposed development.
 - g. The final plan is subject to approval by the Tramway Highpoint HOA Board of Directors.
7. The landscape plan shall specify the number of plants that will be provided for each species.
8. A notation shall be added on the landscape plan indicating that 75% of living ground cover will be provided on the site and that the site will be in compliance with the *Water Conservation Ordinance*.
9. The applicant shall provide a notation on the site plan indicating that the site will meet all of the requirements of Section 14-16-3-9, Area Lighting Regulations of the *Comprehensive City Zoning Code*. Light poles within 100 feet of residential shall be limited to 16 feet.
10. The elevation views shall contain information regarding the height and width of all of building elements, such as and limited to windows and doors.
11. The submittal shall contain a general color description for the proposed building materials.

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12. The submittal shall contain the correct square footage of the proposed freestanding signs as defined in the *Comprehensive City Zoning Code*.
13. The notation on sheet A-1.0 on the submittal that states "Preliminary Site Plan is schematic and not for construction" shall be removed.
14. The applicant shall comply with the following conditions of approval as required by the Traffic Engineer and the Public Works Department:
 - a. Traffic Impact study (TIS) is required.
 - b. Completion of the required TIS mitigation measures, per Transportation Development Staff, must be completed if assumed to be in place for the current TIS for this site.
 - c. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter and sidewalk that have not already been provided for.
 - d. Site shall comply and be designed per DPM Standards.
 - e. On site plan, draw site triangle to verify adequate site distance at the intersection of Candelaria and new driveway. No obstructions greater than 2' within this triangle.
15. As agreed by the applicant, the three existing freestanding signs on the site shall be removed.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **OCTOBER 3, 2003** 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.

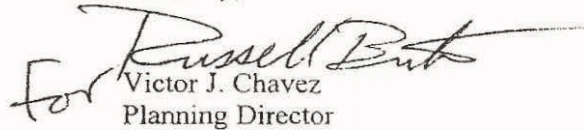
Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting 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 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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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).

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 Victor J. Chavez
Planning Director

VJC/JV/ac

cc: Consensus Planning, Inc., 924 Park Ave. SW, Albuquerque, NM 87102
Phil Barott, Cibola Add., 2906 Casa del Norte Ct. NE, Albuquerque, NM 87112
Tom Doherty, Cibola Add., 2308 Madre NE, Albuquerque, NM 87112
Paul Grosvenor, Glenwood Hills South Casa Grande, 3601 Embudito Dr. NE, Albuquerque, NM 87111
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Barbara Coffman, Holiday Park, 3017 Tahiti St. NE, Albuquerque, NM 87111
Feliz Thamert, Holiday Park, 11604 Golden Gate NE, Albuquerque, NM 87111