

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

Date: December 19, 1997

## OFFICIAL NOTIFICATION OF DECISION

The Peters Corp. & Blue Corn Café & Brewery  
c/o 4060 Cerrillos Rd., Suite G  
Santa Fe, NM 87505

FILE: Z-97-129

LEGAL DESCRIPTION: For Tract A1B, Cryer Property, zoned SU-1/C-3 and IP, located on the southwest corner I-25 west of Frontage Road and Office Boulevard, containing approximately 1.22 acres. (F-17) Bob Paulsen, Staff Planner  
**(DEFERRED FROM NOVEMBER 20, 1997)**

On December 18, 1997, the Environmental Planning Commission voted to approve Z-97-129, a site development plan for building permit, based upon following Findings and subject to the following Conditions:

### FINDINGS:

1. This is a request for approval of a site development plan for building permit for the proposed 1.44-acre Lot B within Tract A-1B of the Cryer Property located along the west I-25 frontage road south of Office Boulevard.
2. A 8,000 square foot restaurant building is proposed for this site.
3. This site is within a developing commercial/entertainment node; strong pedestrian connections between existing and future uses are appropriate as is innovative yet contextually compatible design. Provision of these features will insure conformance with applicable Comprehensive Plan policies.
4. A site development plan for subdivision for the entire 3.69-acre parcel must be approved by the EPC prior to approval of this request.
5. With modifications the submitted site plan can meet applicable plans, policies and development standards.

### CONDITIONS:

1. Circulation and parking provisions must be to the satisfaction of the Traffic Engineer prior to final DRB sign-off.

2. The location and arrangement of the refuse container must be approved by the Refuse Division prior to final DRB sign-off.
3. Pedestrian crossings shall include special paving treatment which is at least 6-feet in width and clearly delineates the crossing. The sidewalks adjacent to the front of the building shall be at least 8 feet wide.
4. Building materials, colors and dimensions shall be indicated prior to final DRB sign-off, including window and door framing.
5. Hardscape features as detailed on Sheet L-1B (including pillar/light poles, directional sign and a seat wall/planter) along with other decorative walls, freestanding 20-foot high light poles and bicycle racks shall be adequately detailed in terms of colors and materials which complement on-site building colors and complement the colors used in the adjacent Rio 24 Theater complex; these details shall be provided and approved by the Planning Department staff prior to final DRB sign-off.
6. Freestanding signage is limited to 225 square feet in size for each of the three parcels on one sign. Monument sign type as opposed to pole mounted building-mounted signage is limited to 15% of the facade area; internally-illuminated building-mounted sign panels are not permitted.
7. Shade trees placed on 30-foot centers shall be provided along the southwest property line buffer strip to improve shading and buffering for the parking area
8. This site plan shall comply with the conditions of approval for the site plan for subdivision relating to pedestrian amenities and hardscape features and all other pertinent matters.

**IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY JANUARY 2, 1997 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 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).

Sincerely,

*Fabrizio Bertoletti*

Fabrizio Bertoletti  
Acting Planning Director

RNS/BP/ac

cc: John Myers, Myers, Oliver & Price, 6400 Uptown Blvd. NE, Suite 100-W, Albuquerque, NM 87110