



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

Date: October 21, 2005

OFFICIAL NOTIFICATION OF DECISION

FILE: Project #1002112
04EPC-01221 EPC Site Development Plan-
Subdivision
04EPC-01222 EPC Site Development Plan-
Building Permit

Solid Gold Classic, LTD
5321 Menaul Blvd. NE
Albuq. NM 87110

LEGAL DESCRIPTION: for all or a portion of
Lots 1-5 & 28-32, Block 21, Tract A, Unit A
North Albuquerque Acres, zoned SU-2 Mixed
Use, located on WYOMING BLVD NE, between
PASEO DEL NORTE NE and PALOMAS DR.
NE, containing approximately 6 acres. (D-19)
(Carmen Marrone, Staff Planner)

On October 20, 2005 the Environmental Planning Commission voted to approve Project 1002112/ 04EPC 01221, a Site Development Plan for Subdivision, for Lots 1-5, 28-32, Block 21, Tract A, Unit A, North Albuquerque Acres, located on the SE corner of Wyoming Blvd and Paseo del Norte NE, containing approximately 5.88 acres and zoned SU-2 Mixed Use, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for subdivision for Lots 1-5 & 28-32, Block 21, Tract A, Unit A, North Albuquerque Acres, located on Wyoming Blvd between Palomas Dr. NE and Paseo del Norte NE, containing approximately 5.88 acres and zoned SU-2 Mixed Use.
2. The applicant is proposing to re-plat ten lots into one tract and will be required to identify portions of the property that have been dedicated as public right-of-way, which will occur at the re-platting process with the Development Review Board (DRB). The applicant has also submitted a site development plan for building permit for the construction of 5 buildings for retail shops and a restaurant, which will include parking, landscaping and signage.
3. The site's zone category is SU-2 Mixed Uses, per the *La Cueva Sector Development Plan*. The proposed uses, retail and restaurant, are permissive uses under the SU-2/Mixed Use Zone.

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4. Similar applications for a site development plan for subdivision and site development plan for building permit were approved by the EPC in May of 2003. The Countrywood Area Nbrhood Association, located immediately south of the subject site, appealed the EPC approval to the City Council. The City Council granted the appeal, thereby, denying the site development plans. The applicant appealed the denial of the site development plans to District Court who recently ruled against the appeal, thereby, upholding the denial of the site development plans.
5. One of the main reasons for the appeal of the May 2003 EPC decision was the traffic impact on Palomas Drive, which at the time provided the only access to the site. On August 25, 2005 the Metropolitan Transportation Board approved a temporary right-in, right-out driveway to the site from Paseo del Norte per *Resolution 05-13*. As a result of this secondary access, the applicant submitted a revised set of site development plans to the Planning Department on September 15, 2005. The primary changes between this submittal and previous site plans are the addition of the Paseo del Norte access and the elimination of one of the access points along Palomas Drive.
6. In order to obtain access from Paseo del Norte, an Access Study was prepared to determine the feasibility and benefit of constructing a new access point on Paseo del Norte. The Study concludes that the implementation of the new access point on Paseo del Norte will reduce the southbound left turn volume on Wyoming/Palomas by approximately 50% and will reduce the traffic on Palomas by 30%.
7. The current submittal should be treated as a brand new submittal as a result of the Paseo del Norte access, the new traffic study, and the new application filed on August 5, 2004. The EPC has the discretion to decide whether the current submittal complies with City goals and policies, apart from the City Council and District Court decisions that were made previously.
8. The proposed development furthers the following Land Use Policies for Established Urban Areas in the Comprehensive Plan:
 - Policy 5d: The proposed commercial development will respect neighborhood values because the uses proposed are allowed under the current zoning and in accordance with the *La Cueva Sector Plan*. The Paseo del Norte access to the site will relieve some of the traffic on Palomas, thus respecting neighborhood values and carrying capacities.
 - Policy 5e: The site is contiguous to existing urban facilities to help preserve the integrity of the existing neighborhoods.
 - Policy 5g: The site will be designed to conform to topographical features. The buildings along Palomas will follow the natural slope of the site and will be below the street grade to minimize the height and mass of the buildings.
 - Policy 5i: The proposed development will provide employment and service uses to the surrounding neighborhoods that will complement residential areas.
 - Policy 5j: The applicant proposes commercial development in an existing commercially zoned site with access via mass transit, on-street bicycle lanes, and 10' wide pedestrian trails. In addition, the development will be within walking distance of residential areas.
 - Policy 5l: Quality and innovation in design is provided per the Elevation Plans.

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Policy 5m: The unique vistas will be maintained under the proposed development. The applicant has provided illustrations that demonstrate how the views to the east and west will be preserved.

9. The site is within the southern boundary of the *La Cueva Sector Development Plan* and is required to meet the Zoning Guiding Principles found on page 25 and the Common Design Regulations found on page 30 of the plan. The proposed submittal meets the Guiding Principles that emphasize the development of urban uses along Paseo del Norte in order to provide a variety of retail and service businesses that will meet the needs of the area's growing population.
10. The site plan generally meets the Design Regulations of the *La Cueva Sector Plan*. Appropriate pedestrian connections are provided to and within the site (Design Reg. 3), building facades provide pleasing views to surrounding uses (Design Reg. 4), the buildings are designed to create a cohesive visual relationship between all the buildings (Design Reg. 5), the colors and materials of the buildings are compatible with surrounding development (Design Reg. 9), the views to the east and west are generally preserved and enhanced (Design Reg. 11), and parking is held to a minimum and distributed throughout the site to the extent possible (Design Reg. 12).
11. The current submittal provides all of the necessary information for a Site Plan for Subdivision per Section 14-16-1-5 of the Comprehensive Zoning Code.
12. Appropriate neighborhood notification was issued. A facilitated meeting between the affected neighborhoods and the applicant was held on October 15, 2005. No public comments were received regarding the current request, however the Countrywood Neighborhood Association and several Countrywood residents expressed concerns at the EPC hearing.

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. The applicant will be required to prepare a preliminary air quality impact analysis and to get a favorable recommendation from EHD regarding the analysis.
- ✓ 3. The bar scale need to be corrected to reflect 1" = 40'
4. Conditions from the City Engineer:

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- a. 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, 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).
- ✓ b. The solid waste trash enclosures for buildings A & E (east side of site) will need to be relocated such that they are not adjacent to the Paseo del Norte access point/drive aisle.
- ✓ c. Increase throat length of drive aisle between buildings A and E to 65'.
- ✓ d. Right turn deceleration lane is required on Paseo del Norte at MTB approved eastbound right turn in/right turn out access point (see MTB Resolution).
- ✓ e. Parking spaces adjacent to 22' drive aisle to be 9.5' wide.
- ✓ f. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
- ✓ g. Provide for cross access between all tracts. Label new access aisle from Paseo del Norte to Palomas as a public access easement.
- ✓ h. Site plan shall comply and be designed per DPM Standards.
- ✓ i. Platting should be a concurrent DRB action.
- ✓ j. Modify striping at the intersection of Palomas and public access easement to reflect a full access condition. All striping and signing within the Palomas right-of-way will require Traffic Engineering Operations Approval.

On October 20, 2005 the Environmental Planning Commission voted to approve Project 1002112/ 04EPC 01222, a Site Development Plan for Building Permit, for Lots 1-5, 28-32, Block 21, Tract A, Unit A, North Albuquerque Acres, located on the SE corner of Wyoming Blvd and Paseo del Norte NE, containing approximately 5.88 Acres and zoned SU-2 Mixed Use, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for building permit for Lots 1-5 & 28-32, Block 21, Tract A, Unit A, North Albuquerque Acres, located on Wyoming Blvd between Palomas DR. NE and Paseo del Norte NE, containing approximately 5.88 acres and zoned SU-2 Mixed Use.
2. The applicant is proposing to construct 5 buildings for retail shops and a restaurant, which will include parking, landscaping and signage. The applicant has also submitted a site development plan for subdivision and is proposing to re-plot the ten lots into one tract and will be required to identify the portions of the property that have been dedicated as public right-of-way.

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3. The site's zone category is SU-2 Mixed Uses, per the *La Cueva Sector Development Plan*. The proposed uses, retail and restaurant, are permissive uses under the SU-2/Mixed Use Zone.
4. Similar applications for a site development plan for subdivision and site development plan for building permit were approved by the EPC in May of 2003. The Countrywood Area Neighborhood Association, located immediately south of the subject site, appealed the EPC approval to the City Council. The City Council granted the appeal, thereby, denying the site development plans. The applicant appealed the denial of the site development plans to District Court who recently ruled against the appeal, thereby, upholding the denial of the site development plans.
5. One of the main reasons for the appeal of the May 2003 EPC decision was the traffic impact on Palomas Drive, which at the time provided the only access to the site. On August 25, 2005 the Metropolitan Transportation Board approved a temporary right-in, right-out driveway to the site from Paseo del Norte per *Resolution 05-13*. As a result of this secondary access, the applicant submitted a revised set of site development plans to the Planning Department on September 15, 2005. The primary changes between this submittal and previous site plans are the addition of the Paseo del Norte access and the elimination of one of the access points along Palomas Drive.
6. In order to obtain access from Paseo del Norte, an Access Study was prepared to determine the feasibility and benefit of constructing a new access point on Paseo del Norte. The Study concludes that the implementation of the new access point on Paseo del Norte will reduce the southbound left turn volume on Wyoming/Palomas by approximately 50% and will reduce the traffic on Palomas by 30%.
7. The current submittal should be treated as a brand new submittal as a result of the Paseo del Norte access, the new traffic study, and the new application filed on August 5, 2004. The EPC has the discretion to decide whether the current submittal complies with City goals and policies, apart from the City Council and District Court decisions that were made previously.
8. The proposed development furthers the following Land Use Policies for Established Urban Areas in the Comprehensive Plan:
 - Policy 5d: The proposed commercial development will respect neighborhood values because the uses proposed are allowed under the current zoning and in accordance with the *La Cueva Sector Plan*. The Paseo del Norte access to the site will relieve the traffic on Palomas, thus respecting neighborhood values and carrying capacities.
 - Policy 5e: The site is contiguous to existing urban facilities to help preserve the integrity of the existing neighborhoods.
 - Policy 5g: The site will be designed to conform to topographical features. The buildings along Palomas will follow the natural slope of the site and will be below the street grade to minimize the height and mass of the buildings.
 - Policy 5i: The proposed development will provide employment and service uses to the surrounding neighborhoods that will complement residential areas.

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Policy 5j: The applicant proposes commercial development in an existing commercially zoned site with access via mass transit, on-street bicycle lanes, and 10' wide pedestrian trails. In addition, the development will be within walking distance of residential areas.

Policy 5l: Quality and innovation in design is provided per the Elevation Plans.

Policy 5m: The unique vistas will be maintained under the proposed development. The applicant has provided illustrations that demonstrate how the views to the east and west will be preserved.

9. The site is within the southern boundary of the *La Cueva Sector Development Plan* and is required to meet the Zoning Guiding Principles found on page 25 and the Common Design Regulations found on page 30 of the plan. The proposed submittal meets the Guiding Principles that emphasize the development of urban uses along Paseo del Norte in order to provide a variety of retail and service businesses that will meet the needs of the area's growing population.
10. The site plan generally meets the Design Regulations of the *La Cueva Sector Plan*. Appropriate pedestrian connections are provided to and within the site (Design Reg. 3), building façades provide pleasing views to surrounding uses (Design Reg. 4), the buildings are designed to create a cohesive visual relationship between all the buildings (Design Reg. 5), the colors and materials of the buildings are compatible with surrounding development (Design Reg. 9), the views to the east and west are generally preserved and enhanced (Design Reg. 11), and parking is held to a minimum and distributed throughout the site to the extent possible (Design Reg. 12).
11. The intent of Design Regulation 4 of the *La Cueva Sector Plan* is fulfilled with the current submittal because all of the buildings are oriented to public spaces including the internal parking, landscape areas, public plazas and pedestrian connections and because the sides and rears of the buildings are enhanced to provide pleasant views. The orientation of Building B towards Paseo del Norte is appropriate because the grade differential between the building footprint and Palomas Drive varies from six feet at the eastern end of the building to zero feet at the western end. This severe drop from Palomas Drive to the base of Building B prevents a convenient and safe transition from the sidewalk directly to the building.
12. With a few adjustments, noted as Conditions of Approval, the site plan for building permit will be in conformance with the Design Regulations of the *La Cueva Sector Plan*.
13. Appropriate neighborhood notification was issued. A facilitated meeting between the affected neighborhoods and the applicant was held on October 15, 2005. No public comments were received regarding the current request, however the Countrywood Neighborhood Association and several Countrywood residents expressed concerns at the EPC hearing.

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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. The bar scales on the site plan for building permit and on the landscape plan need to be corrected to reflect 1" = 40'
- ✓ 3. Provide hanging metal awnings along the rear elevation of Building B, similar to the awnings along the front elevation. The awnings should be placed on the recessed stuccoed sections.
- 4. The color of the metal panels on the dumpster enclosures shall be compatible with the stacked stone/stucco colors, preferably earth-tone.
- ✓ 5. Correct the parking calculations as follows: the required parking for the site is 254 spaces without restaurant liquor sales or 277 spaces with restaurant liquor sales. These totals assume a total of 320 seats in the restaurant and a 15% transit credit.
- ✓ 6. Provide a bus shelter and associated bench and trash can at the southwest corner of the site. The exact location and design of the shelter shall be approved by the City Transit Department.
- ✓ 7. Remove the note stating that the final landscape layout and design will be determined upon receipt of the final grading plan.
8. PUBLIC SPACE:
 - ✓ a. Provide some form of seating in Building D plaza.
 - ✓ b. Provide illustrations of the fountains and the seating in the plazas.
 - ✓ c. Reduce the number of benches in front of Buildings B and C by half and locate them 2 feet closer to the building.
9. ELEVATIONS:
 - ✓ a. Re-examine and re-design the curved metal crown over Building D.
 - ✓ b. Add a General Note on all of the Elevation Plans stating, "Façade materials and colors will be low reflecting and will adhere to the proposed pallet of colors."
 - ✓ c. Provide additional articulation on the east side of Building A.

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- 10. The building mounted signs are subject to the signage requirements of the C-1 zone and shall conform to Design Reg. 13R-2.
- 11. Conditions from the City Engineer:
 - a. 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, 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).
 - ✓ b. The solid waste trash enclosures for buildings A & E (east side of site) will need to be relocated such that they are not adjacent to the Paseo del Norte access point/drive aisle.
 - ✓ c. Increase throat length of drive aisle between buildings A and B to 65'.
 - ✓ d. Right turn deceleration lane is required on Paseo del Norte at MTB approved eastbound right turn in/right turn out access point (see MTB Resolution).
 - ✓ e. Parking spaces adjacent to 22' drive aisle to be 9.5' wide.
 - ✓ f. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - ✓ g. Provide for cross access between all tracts. Label new access aisle from Paseo del Norte to Palomas as a public access easement.
 - ✓ h. Site plan shall comply and be designed per DPM Standards.
 - ✓ i. Platting should be a concurrent DRB action.
 - ✓ j. Modify striping at the intersection of Palomas and public access easement to reflect a full access condition. All striping and signing within the Palomas right-of-way will require Traffic Engineering Operations Approval.
- ✓ 12. Remove the solid wall on the east side of the property line, adjacent to Paseo del Norte.
- ✓ 13. Add a pedestrian connection between buildings B and E.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY NOVEMBER 4, 2005 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. 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.

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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/CM/ac

- cc: Consensus Planning, Inc., 924 Park Ave. SW, Albuquerque, NM 87102
 Carol Stock, Countrywood Area NA, 7529 Woodleaf NE, Albuquerque, NM 87109
 Ken Johns, Countrywood Area NA, 7909 Woodleaf NE, Albuquerque, NM 87109
 Jay Rowland, Nor Este NA, 7729 RC Gorman Ave. NE, Albuquerque, NM 87122
 Joe Yardumian, Nor Este NA, 7801 RC Gorman Ave. NE, Albuquerque, NM 87122
 Judie Pellegrino, North Domingo Baca NA, 8515 Murrelet NE, Albuquerque, NM 87113
 Nancy Brault, North Domingo Baca NE, 7224 Tricia NE, Albuquerque, NM 87113
 Doug Fenton, North Wyoming NA, 8324 Ruidoso Rd. NE, Albuquerque, NM 87109
 Dawne Scitccerri, North Wyoming NA, 7704 White NE, Albuquerque, NM 87109
 Celina Stoyanof, La Cueva Village NA, 8111 Oso Felix NE, Albuquerque, NM 87122
 Joe Burwinkle, 7900 Woodwind NE, Albuquerque, NM 87109
 Linda Horner, 7921 Woodleaf NE, Albuquerque, NM 87109
 Jim Greenslade, 7920 Woodwind NE, Albuquerque, NM 87109
 Pam Axtell, 7900 Woodleaf NE, Albuquerque, NM 87109
 Walt Von Riesenmann, 7928 Woodhave NE, Albuquerque, NM 87109
 Michelle Henric, P.O. Box 1357, Santa Fe, NM 87504
 Fran Tuthill, 7901 Woodleaf Dr. NE, Albuquerque, NM 87109
 Rick Sneddon, 7916 Woodwind Dr. NE, Albuquerque, NM 87109
 Lance DeYoung, 7920 Palomar Ct. NE, Albuquerque, NM 87109