

**PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946**

## **OFFICIAL NOTIFICATION OF DECISION**

Western Hills Investments LLC  
P.O. Box 45688  
Rio Rancho, NM 87174

**Project# PR-2021-005222**  
**Application#**  
**SI-2021-01237 EPC SITE PLAN FINAL SIGN-OFF**

### **LEGAL DESCRIPTION:**

All or a portion of **TRACT C-4-A PLAT OF TRACTS C3A, C3B, C3C, C4A, SEVEN BAR RANCH** zoned **NR-BP**, located at **3615 HWY 528 between CALLE CUERVO NW and HWY 528** containing approximately **1.99** acre(s). **(A-14)**

On February 2, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the request, with delegation to Planning for the EPC Site Plan Final Sign-off, based on the following Findings:

1. The EPC approved this project on July 15, 2021 per PR-2021-005301 / SI-2021-00452.
2. The Site Plan meets the EPC conditions. DRB staff coordinated with EPC staff on the request. EPC staff provided written correspondence stating the conditions were addressed with the exception of adding a note to elevations regarding the non-illuminated sign. The applicant has since addressed this comment on the Site Plan, therefore EPC conditions have been addressed.
3. The request proposal includes the development of a 950 square foot coffee drive-thru (Phase I) and a future drive-thru fast-food restaurant (Phase II) on the site.
4. The proper notice was given as required by the IDO in Table 6-1-1.
5. Pursuant to 6-6(H)(3) Review and Decision Criteria An application for a Site Plan – EPC shall be approved if it meets all of the following criteria:

- a. 6-6(H)(3)(a) *The Site Plan is consistent with the ABC Comp Plan as amended.*

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- b. 6-6(H)(3)(b) *The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.*

The site is zoned NR-BP, future development must be consistent with the underlying zoning.

- c. 6-6(H)(3)(c) *The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.*

The features and improvements depicted on the Site Plan must meet the 2019 IDO requirements.

- d. 6-6(H)(3)(d) *The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.*

The site has access to a full range of urban services including utilities, roads and emergency services. A Traffic Impact Study was required and submitted, and the recommended mitigation measures were added to the Infrastructure List and approved with the Site Plan. The site has an approved Grading and Drainage Plan.

- e. 6-6(H)(3)(e) *The application mitigates any significant adverse impacts on the surrounding area to the maximum extent possible.*

The Landscape Plan complies with 5-6(D)(1)(c) of the IDO regarding street trees, and provides landscaping that complies with 5-6(D) of the IDO regarding street frontage landscaping.

6. An Infrastructure List was approved with the Site Plan. A Financial Guaranty/Infrastructure Improvements Agreement (IIA) must be approved and recorded.
7. A public water-line easement is required prior to infrastructure acceptance.
8. A sidewalk easement shall be established at the Final Plat stage.

**Conditions:**

1. Final sign-off is delegated to Planning for the recorded IIA and Final Plat approval.
2. The applicant will obtain final sign off from Planning by May 4, 2022 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **FEBRUARY 17, 2022**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

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. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Jolene Wolfley  
DRB Chair