

**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

Raising Cane's Restaurants, LLC
6800 Bishop Road
Plano, TX 75024

Project# PR-2021-005461

Application#

SI-2022-00820 EPC SITE PLAN FINAL SIGN-OFF

VA-2022-00132 SIDEWALK WAIVER

LEGAL DESCRIPTION:

All or a portion of **PARCEL 5-A, WYOMING MALL** zoned **MX-M**, located at **2004 WYOMING BLVD** containing approximately **2.0241** acre(s). **(H-20)**

On May 18, 2022, the Development Review Board (DRB) held a public meeting concerning the above referenced applications and approved the requests, with delegation to Transportation and Planning, based on the following Findings:

SI-2022-00820 EPC SITE PLAN FINAL SIGN-OFF

1. The EPC approved this project on April 21, 2021 per PR-2021-005461 / SI-2022-00509.
2. The Site Plan meets the EPC conditions. DRB staff coordinated with EPC staff on the request, and EPC staff provided written correspondence stating the EPC conditions were addressed and no unauthorized changes were made.
3. The request proposal includes the construction of a 3,443 square foot restaurant with a drive-thru on the site. The site formerly featured a 11,647 square foot building on the original EPC-Site Plan approval.
4. An Infrastructure List was approved with this Site Plan. A recorded Infrastructure Improvements Agreement (IIA) is needed prior to final sign-off from Planning.
5. The proper notice was given as required by the IDO in Table 6-1-1.

6. 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.*

The Site Plan is consistent with the ABC Comp Plan as amended.

- 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 MX-M, therefore future development must be consistent with the applicable terms and conditions of 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 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 (TIS) was required by Transportation, and the recommendations from the TIS were included in the approved Infrastructure List.

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

The infrastructure featured on the approved Infrastructure List will ensure that there is sufficient capacity to serve the proposed development.

Conditions:

1. Final sign-off is delegated to Transportation for the striping to be added to the work order on the overall Site Plan as discussed, and for the color of the median striping to be indicated on the Site Plan.

2. Final sign-off is delegated to Planning for the recorded IIA, and for the Sidewalk Waiver note to be added to the Site Plan.
3. The applicant will obtain final sign off from Transportation and Planning by August 17, 2022 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

VA-2022-00132 SIDEWALK WAIVER

1. The applicant proposes a waiver to the IDO/DPM standard(s) consisting of a waiver from the IDO/DPM requirements to construct a 10-foot sidewalk and accept the existing 5.9-foot sidewalk.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. There is an existing 3-foot screen wall that runs along the majority of the west side of the property that abuts the sidewalk, and prohibits the ability to widen the sidewalk to 10-feet.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **JUNE 2, 2022**. The date of the DRB's decision is not included in the 15-day period for filing an appeal, and if the 15th 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 (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to 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).

Official Notice of Decision

Project # PR-2021-005461 Applications# SI-2022-00820, VA-2022-00132

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Sincerely,

A handwritten signature in black ink, appearing to read "J. Wolfley". The signature is written in a cursive, flowing style.

Jolene Wolfley
DRB Chair

JW/jr

Modulus Architects & Land Use Planning, Inc., 100 Sun Ave. NE, Suite 600, Albuquerque, NM 87109