

**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-2021-005467

Application#

SI-2022-00861 EPC SITE PLAN FINAL SIGN-OFF

VA-2022-00134 IDO WAIVER

LEGAL DESCRIPTION:

All or a portion of **TRACT B-1, BLOCK A, VISTA GRANDE ADDITION UNIT 1** zoned **MX-M**, located at **4800 MONTGOMERY BLVD NE and SAN MATEO** containing approximately **1.2533** acre(s). **(D-17)**

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 Parks and Recreation and Planning, based on the following Findings:

SI-2022-00861 EPC SITE PLAN FINAL SIGN-OFF

1. The EPC approved this project on April 21, 2021 per PR-2021-005467 / SI-2022-00520.
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 3,331 square foot restaurant with a drive-thru on the site. The restaurant with a drive-thru is proposed to replace an existing 6,260 square foot building.
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 Platting action shall be done for right-of-way dedication for the new storage lane as well as to establish the shared access.
6. The proper notice was given as required by the IDO in Table 6-1-1.
7. 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 Parks and Recreation to further determine the landscape buffer material.
2. Final sign-off is delegated to Planning for the clarification of details regarding curb ramp, clarification of dimensioning of ADA spaces, details to be provided for the on-site parking striping, adjustment of clear site triangle for intersection sight-distance per the DPM, for the inclusion of a bold note on the work-order drawings indicating that “all improvements in the City of Albuquerque right-of-way shall be built,” for the inclusion of a concrete legend on the Site Plan for on-site walkways, for the recorded IIA, for the Waiver to be indicated/noted on the Site Plan, and for the recording of the Plat.
3. The applicant will obtain final sign off from Parks and Recreation 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-2021-00134 IDO WAIVER

1. The applicant proposes a waiver to the IDO/DPM standard(s) consisting of a waiver from the IDO requirements to provide a landscape buffer area at least six (6) feet wide between the drive-thru lanes and adjacent public right-of-way.
2. The request is justified per 14-16-6-6(P)(3) of the IDO. The Waiver request is not materially contrary to the public safety, health, or welfare, and will not cause material adverse impacts on surrounding properties. The public infrastructure required for the proposed development will be improving the surrounding area.
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.

Official Notice of Decision

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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,

A handwritten signature in black ink, appearing to read "J. Wolfley".

Jolene Wolfley
DRB Chair

JW/jr

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