**PLANNING DEPARTMENT**

**URBAN DESIGN & DEVELOPMENT DIVISION**

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**OFFICIAL NOTIFICATION OF DECISION**

December 12, 2014

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| Western Albuq. Land Holdings  3131 Camelback Road, Suite 200  Phoenix, AZ 85016 | **Project# 1003275**  14EPC-40079 Site Development Plan for Building Permit |
|  | **LEGAL DESCRIPTION:**  For all or a portion of tract Tract 1A1 Plat of Tracts 1A1 & 1B1, El Rancho Atrisco Phase 3, zoned SU-2\SU-1 Planned Office Park and Commercial Development located on Unser Blvd., between Ladera Dr. and Market St., containing approximately 6 acres. (H-9 & H-10)  Staff Planner: Maggie Gould |

On December 11, 2014, the Environmental Planning Commission (EPC), voted to **APPROVE** Project# 1003275, 14EPC-40079, a Site Development Plan for Building Permit, based on the following findings:

1. This is a request for a Site Development Plan for Building Permit for a 41,000 square foot Grocery Store and a Fuel Station with 6 pumps and 700 square foot convenience store for (for Tract 1A1 Plat of Tracts 1A1 and 1B1, El Rancho Atrisco unit Phase 3 located on Unser Blvd. between Ladera Drive and Market Street and containing approximately 6 acres Describe purpose of request.
2. The Zoning Hearing Examiner approved a conditional for a Drive up service window and a conditional use for the 6 gas pumps in October of 2014.
3. The subject is within the boundaries of Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase III Sector Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan, El Rancho Atrisco Phase 3 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Developing Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
6. Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

Neighborhood values are respected with the requests. The surrounding area is currently under-served by neighborhood commercial and service businesses. The new retail will provide additional options for west side residents and will be within walking distance of existing residential development. The additional uses, alcohol sales, will add to these options without adversely impacting the neighborhood. The development design standards of the SPS – for architecture, landscaping, and signage – will result in a building and site design theme consistent and complimentary to development in the surrounding area. The changes to the SPS are minimal and will not alter the overall intent of the regulations. The request furthers Policy II.B.5.d.

1. Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.

The site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer. The proposed development will be compatible with the existing neighborhood development because it will offer needed services and will designed to lessen the impact on the neighborhoods. The request furthers Policy II.B.5.e.

1. Policy II.B.5.i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

New development will add to the services available to area residents and provide job opportunities. The design standards in the SPS provide protection to the existing residential areas by limiting lighting near residential development and providing design standards to insure quality. Traffic will access the site from Unser Blvd. and Ladera Dr., away from the residential areas. Additional access points on Market Street may impact the existing multi-family development, but are separated from the development by an 86 foot wide street. The request furthers Policy II.B.5.i.

1. Policy II.B.5.j: When new commercial development occurs, it should generally be located in existing commercially zoned areas:

•In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling

•In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is residential development to the east and south within walking and biking distance of the site. Bike racks will be provided with the retail development. The request furthers Policy II.B.5.j.

Activity Centers

1. Policy II.B.7.f: The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

The subject site is within a Neighborhood Center designated in the West Side Strategic Plan; the closest designated Major Activity Center is at Central Ave. and Unser Blvd. There is existing multi-family development between the proposed development and the existing single family development. The proposed building is not adjacent to the existing residential area, but will be accessible by area residents. The request furthers Policy II.B.7.f.

Transportation

1. Policy II.D.4.a: Ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan’s Activity Centers and Transportation Corridors map in the Activity Centers section.

The subject site is within a designated Neighborhood Center. Unser Blvd. is a designated Express Transit Corridor. The proposed new construction would be consistent with the Development Form details for an Express Transit corridor, including minimum sidewalk width and on-site pedestrian circulation. The SPS design standards are consistent with the Zoning Code general design standards for non-residential development. Staff finds the request furthers Policy II.D.4.a.

Economic Development

1. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

The subject site is located on the west side of Albuquerque, an area deficient in jobs relative to housing. The proposed non-residential uses, including retail, restaurant and service uses would provide a range of jobs potentially available to residents of the west side. The site is also served by transit, providing commuting options for future employees and residents at the site. Staff finds the request furthers Policy II.D.6.a.

1. The request partially furthers goals and policies of the Comprehensive Plan:
2. Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

The site takes access from Unser Boulevard, this helps to route traffic away from the neighborhoods to the east and south. The site also takes access from Ladera and Market Street, closer to existing residential development. These access points also allow neighborhood entry to the site. The request partially furthers Policy II.B.5k.

1. The request is in general compliance with the following applicable goals and policies of the Westside Strategic Plan.
2. Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The request will allow the development of new business and additional job opportunities on the west side. The request furthers objective 8.

1. Policy 1.1: Thirteen distinct Communities shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

These requests allow the development of commercial activity (non-residential development) within a neighborhood center as designated by the Westside Strategic Plan. The requests further Policy 1.1

1. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

The proposed SPS design standards include a requirement for linking building entrances to the Unser Blvd. trail via six foot sidewalks. The Site Plan for Building Permit shows bike racks in front of the proposed retail buildings and a sidewalk connection to Unser Blvd. There is direct access from the bike lane along Unser Blvd. to the site. Staff finds the request furthers Policy 1.5.

1. Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

Commercial development on this portion site preserves the commercial use and adds to the job possibilities on the west side. The remainder of the site will be developed with residential uses and these uses will be compatible and complimentary to the commercial development. The requests further Policy 1.6.

1. Policy 1.9: In the Established and Developing Urban areas mapped by the Albuquerque/Bernalillo County Comprehensive Plan, future neighborhood and community centers may be designated and developed at appropriate locations, determined as follows:

Neighborhood centers should be located to serve approximately 15,000 population within about one mile radius of the center. Uses typical of community centers would likely be accessed on a weekly basis, whereas those in a neighborhood center might be used almost daily. Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas. Neighborhood centers should also have small blocks, but with small clusters of shared parking as well as on-street parking. Both community and neighborhood centers shall have outdoor areas that encourage gathering; both shall include bicycle parking and both shall provide safe pedestrian connections among buildings and between buildings and parking areas.

The subject site is within a designated Neighborhood Center. The site vicinity has very limited commercial and service businesses available to surrounding residents; most daily needs must be met from businesses along Coors Blvd. Neighborhood-oriented commercial and service uses would be accommodated with development on the site. Two arterial roadways, Unser Blvd. and Ladera Rd., provide access to the project. Access is also from Market St. a collector street. The SPS identifies shared parking for commercial uses, and pedestrian connections to buildings as integral features of parking standards. Staff finds the request furthers Policy 1.1

1. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

The site is divided into smaller individual pad sites. There is access to the bike lane along Unser Blvd. and sidewalks are provided throughout the site. Policy 1.15 is furthered.

1. Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The site is accessed from a collector street (Market St.) and two arterial streets (Unser Blvd. and Ladera Dr.). The development would provide internal sidewalk connections to the multi-use trail existing along Unser Blvd. and to sidewalks leading to single family residential neighborhoods to the east, south and west of the subject property. Staff finds the request furthers Policy 1.16.

1. Policy 3.16: Multifamily development, public uses, educational and institutional facilities, and commercial or employment uses are all appropriate in the Community or Neighborhood Centers. Mixed-use and multi-modal access shall be incorporated into the design for these areas.

The site is a designated neighborhood center in the WSSP, the proposed development will provide commercial and employment uses in a center with multi-modal access. The request furthers Policy 3.16.

1. Policy 3.23: Location of commercial services, multifamily development, and public facilities shall be encouraged on the western side of the Ladera Community or in its central area to reduce trips to Coors Boulevard and provide easier access to services for neighborhoods west of the Ladera Golf Course. This development would occur in Neighborhood Centers designed to relate to the surrounding neighborhoods and be consistent with design guidelines for the area near the escarpment. Strip commercial development will not be allowed in this area.

The site is within a designated Neighborhood Center. The site vicinity is currently served by a limited number of neighborhood commercial businesses, consisting of some chain franchise businesses along the east side of Unser Blvd. approximately one-quarter mile north of Ladera Rd., however the majority of commercial shopping in the area occurs on Coors Blvd. The proposed site development would increase the number of retail and service businesses on a designated Neighborhood Center site west of the Ladera Golf Course, thereby increasing the available options for surrounding residents in closer proximity. The proposed development will include stand-alone retail and a group of shops; not a strip commercial development. Staff finds the request furthers Policy 3.23.

1. Policy 3.25: Proposals for new development and rezonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The site is well away from the National Monument boundary, and its development would not impact publicly-available views of the Escarpment from major public roads or City parks and open space. Staff finds the request does not conflict with Policy 3.25.

1. Policy 6.23: Require trail access to the regional trail network, through the Community Centers, Employment Centers, Neighborhood Centers, and parks and open space identified in the Plan. Require trail access through neighborhoods according to "transit friendly" subdivision design policy in 6.13 above. Proposed trails west of 118th Street are largely not mapped, but they should generally follow open space areas, drainage ways, major land forms or limited access arterials. Generally, an attempt shall be made to provide trails at approximately 1.5 mile intervals. Dedication of right of- way and/or construction of trails may be required pursuant to Planned Communities Criteria and subject to impact fee policies.
2. A Zone Map Amendment ( 14EPC 40076)Site Development Plan for Subdivision Amendment (14 ECP-40077) will be heard by the EPC prior to this request. If these request are not approved the applicant may need to revise the applicable portions of the Site Development Plan for Building Permit.
3. The site is within the boundaries of the El Rancho Atrisco Phase 3 Sector Development Plan; the proposed development is consistent with the allowed commercial uses in the plan.
4. Alcohol sales on the site are contingent on the approval of 14 EPC 40076 and if approved are subject to all applicable federal, state and local regulations regarding alcohol sales.
5. A facilitated meeting occurred on December 1st. Meeting attendees expressed both support for and opposition to the request.

CONDITIONS of APPROVAL:

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. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Add two additional bike racks near the front of the store.
4. The applicant will continue to work with City Engineer/Transportation Development to address the comments provided for this project.
5. Conditions based on comments from PNM.

1. Existing underground electric distribution facilities are located on the west, south and north boundaries of the subject property. The applicant is responsible to abide by any conditions or terms of those easements.

2. It is necessary for the developer to contact PNM’s New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM’s standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances. Contact:

PNM – Electric Service

Mike Moyer

4201 Edith Boulevard NE, Albuquerque, NM 87107

Phone: (505) 241-3697

3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

1. The front façade shall be modified so that it is better articulated with the addition of color, texture, breaks, an extended canopy or other features.
2. Dedicated bicycle trails along Unser Blvd and Ladera Dr. shall be installed by the applicant in coordination with the department of Municipal Development.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **December 26, 2014.** The date of the EPC’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 14-16-4-4 of the Zoning Code. 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.

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 Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan’s life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a $110.00 fee per case.

Sincerely,

Suzanne Lubar

Planning Director

SL/MG

cc:

Western Albuq. Land Holdings, 3131 Camelback Road, Suite 200, Phoenix, AZ 85016

Tierra West, LLC, 5571 Midway Park Place, NE, ABQ, NM 87109

John Vrabec 7721 Pinewood Dr. NE ABQ, NM 87120

Frank Comfort 7608 Elderwood Dr NW ABQ, NM 87120

Candelaria Patterson 7608 Elderwood Dr. NW ABQ, NM 87120

Shariesse Taylor McCannon 2808 El Tesoro Escondido NW ABQ, NM 87120