

COUNTY PLANNING COMMISSION

January 4, 2017

CSU2016-0031

Findings:

1. This request is for a Special Use Permit for Specific C-2 Uses for a Restaurant with Full Service Liquor and a Movie Theater/Brew Pub, and C-1 Uses, on Tracts B1, B2, B3, and B4, La Orilla Estates located at 3200 La Orilla Rd. NW, zoned A-1 with a Special Use Permit for a Specific Use for a Restaurant with Full Service Liquor and a Movie Theater/Brew Pub and C-1 Uses (CSU2015-0018) and containing approximately 8.18 acres.
2. The Special Use Permit application includes a request for an increase in signage requirements for all building mounted signs to allow sign areas of up to 12.5% total of each building façade.
3. The Special Use Permit application includes changes to previous land uses under the C-1 Zone that include: Day Care Center and Concealed Wireless Telecommunications Facility are permissive uses under the C-1 Zone. Parking calculations for the Day Care have been provided on the site plan.
4. Building elevations for Building E have been decreased from 28 feet to the highest point of the building to 20 feet as illustrated in building permit application BCBP2016-0163.
5. The property is zoned A-1 and is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan.
6. The property is located within the Taylor Ranch Community of the West Side Strategic Plan and the Coors Corridor Plan.
7. The West Side Strategic Plan and the Albuquerque/Bernalillo County Comprehensive Plan designate the area nearby the site as a Community Commercial Activity.
8. The property is also governed by the Coors Corridor Plan that was adopted by Bernalillo County in 1984 and includes design requirements for signage.
9. The existing Special Use Permit for a Specific Use for a Restaurant with Full Service Liquor and a Movie Theater/Brew Pub in addition to the existing C-1 Uses (CSU2015-0018) is superseded by the amended Special Use Permit for Specific C-2 Uses for a Restaurant with Full Service Liquor and a Movie Theater/Brew Pub, and C-1 Uses (CSU2016-0031).
10. Coors Corridor is considered a View Corridor by the County of Bernalillo: Only concealed wireless telecommunications facilities or wireless telecommunications facilities, the antennas of which are all located on existing vertical structures, are allowed within 1/8 mile from the outer edge of the right-of-way.
11. Several Administrative Amendments and Land Use Actions have been approved for the site since the original Special Use Permit approval for C-1 and R-2 Uses in 1994 (CZ-94-22); they include: ZA-80096, ZA2014-0097, ZA2015-0008, CSU2015-0018, ZA2016-0007, and ZA2016-0052.

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12. The proposed use is consistent with Resolution 116-86 in that the applicant has demonstrated that changed community conditions have occurred in the area that justify an increase in signage including an increase in C-1 and C-2 commercial businesses in the surrounding City of Albuquerque area.
13. The proposed request appears to be consistent with Policies 3.12 and 3.15 of the West Side Strategic Plan in that the site is located in a Community Activity Center which is intended to be an ideal location for continuing commercial growth and development. Endeavors of the plan that encourage the County and City sign ordinance to be consistent by mutual adoption would also be fulfilled by the approval of the proposed request.
14. This request appears to coincide with the intent, policies, and design guidelines included in the Coors Corridor Plan. The request is specifically for building mounted signage which will not blink or flash or be allowed to be located above the parapet of any building. Allowing sign requirements to be more consistent with nearby properties in the area will facilitate the plan's policies that encourage sign designs to be in harmony and appropriate with the surroundings and the activity for which they represent.
15. The request has substantial neighborhood support. Unique conditions exist in that the site has been approved for a Special Use Permit on the west side of Coors Blvd. since 1994.
16. This request is consistent with the health, safety, and general welfare of the residents of the County.
17. Upon further review staff has determined that the proposed Telecommunications facility located above Building B does not meet the Zoning Ordinance Section 22.5 definition of a Concealed Wireless Telecommunications Facility as it is not concealed or architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape. Therefore, the proposed facility would not be permitted on the subject property as a part of this request.

Conditions of Approval:

1. The uses on Tracts B-1 thru B-4 shall be shown on the final site plan and shall be limited to the following:
 - a. C-1 Uses (Section 14) (for entire site)
 - b. Restaurant with Full Service Liquor Service (C-2 Use, Section 15.B.2.a.8) (Building A only)
 - c. Theater and Brew Pub/Restaurant (with manufacture of beer only) (C-2 Use, Section 15.B.2.a.4 and Section 15.B.2.a.5), with C-1 uses also allowed (Building B).

If the theater and brew pub/restaurant (with manufacture of beer) use is established but is discontinued, the following uses may be allowed within Building B, not to exceed the approved square footage in the building as designated below:

Theater, brew pub (with manufacture of beer) with restaurant and restaurant with full service liquor service (C-2 Use, Section 15.B.2.a.4, Section 15.B.2.a.5, Section 15.B.2.a.8) limited to no more than two restaurants not to exceed a total of 10,000 square feet.

Or

In the event that Theater and Brew House use is discontinued, then a restaurant with full service liquor service (C-2 Use, Section 15.B.2.a.8) limited to no more than two restaurants not to exceed a total of 10,000 square feet (Building B only), in addition to C-1 uses will be allowed.

2. Buildings A and B shall not contain a bar or lounge as identified in the Zoning Code (Section 15.B.3.a.6, Conditional Uses, C-2 Zoning).
A side yard setback of not less than 6 feet shall be required where the property abuts residential use. A setback of not less than 35 feet shall be required along Coors Blvd. A setback of not less than 20 feet shall be required along La Orilla Rd. Building setbacks shall be shown on the final site plan.
3. [The proposed Concealed Wireless Telecommunications facility shall be removed from the final site plan.](#)
4. Buildings and land uses shall comply with the site plan, dated 11/28/16.
5. Landscaping of the site shall be as shown on the landscape plan, as approved on 9/19/16. The landscaping shall include the following:
 - a. A fifteen foot landscape setback along La Orilla Rd. (specified in the Coors Corridor Plan).
 - b. A 35 foot landscape setback along Coors Blvd. (specified in the Coors Corridor Plan).
 - c. A 6 foot wide landscape buffer along the entire west property line that abuts future residential use (Lot A) shall be provided.

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- d. The landscape plan shall include a note that landscaping shall comply with the Bernalillo County Water Conservation Ordinance. Development of the site will require evidence that the landscaping complies with the Ordinance.
6. Pedestrian connections to the subject site from the adjacent residential property to the west, as shown on the site plan submitted 11/28/16, shall be maintained.
 7. Off-street parking shall be as shown on the site plan, submitted on 11/28/16.
 8. Free-standing signs shall be located as shown on the site plan and shall be limited to a height of 9 feet and an area of 75 square feet. Elevations shall be shown on the final site plan.
 9. Building mounted signs shall not exceed 12.5% of the total of each building façade, excluding facades that face an abutting residential zone.
 - a. All building elevations shall be shown on the final site plan for each façade, allowed areas for signage up to 12.5% of each building façade, and signage elevations
 - b. Signs shall be allowed to use LED lighting provided that the Coors Corridor Plan sign design regulations are complied with.
 - c. Signs shall not blink or flash
 - d. All existing signs shall remain as they appear on the site and shall be included in the 12.5% calculation.
 10. Lighting shall be site specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots or public rights-of-way, and luminance shall meet applicable standards.
 11. Exterior trash and storage utility boxes shall be screened as shown on the site plan. Roof mounted devices shall also be properly screened as noted on the site plan.
 12. Architectural style of the development shall be uniform and in compliance with the Coors Corridor Plan. Architectural style of all buildings and structures shall be consistent throughout the site.
 13. The site plan shall identify the location of signage to limit delivery hours, and the signs shall indicate that deliveries are prohibited between 9 p.m. and 5 a.m. daily.
 14. The uses on the site shall comply with the Bernalillo County Noise Ordinance.
 15. Updated trip generation documentation shall be submitted to Bernalillo County Public Works and the NMDOT within 30 days of the final Board of County Commissioners approval.
 16. All remaining elements regarding parking, landscaping, height, and uses should remain consistent with the previously approved site development plan dated 9/19/16. [The height of all buildings on the site shall comply with Section 10 \(R-2 Apartment Zone\), unless otherwise approved by the](#)

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17. Board of County Commissioners. In addition, the site shall be regulated under the provision of Section 22 of the Zoning Code (Supplementary Height and Area Regulations).
18. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
19. The Special Use Permit shall be issued for the life of the use.
20. At least three copies of the revised site development plan to include a complete set of drawings consistent with the Conditions of Approval shall be submitted for review to the Zoning Administrator within two months after the final approval by the Board of County Commissioners. The final site plan shall include the updated landscape plan that includes the complete buffer along the west property line between Lot A and Lot B, all building elevation square footages, allowed areas for signage up to 12.5% of the building façade, and signage elevations, updated parking calculations, and land uses for each building.
21. The foregoing conditions shall become effective and shall be strictly complied with in accordance with the Bernalillo County Zoning Code.
22. If at any time in the future the property owner would like to propose a Concealed Wireless Telecommunications Facility on the subject site, an Administrative Amendment to the Special Use Permit will be required to determine if the proposed facility meets the requirements and definition as required by Section 22.5 of the Bernalillo County Zoning Ordinance.