



APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street NW, Suite 300, 87102
505.924.3918

A. APPLICANT INFORMATION-PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

TELSTAR CONSTRUCTION & DEVELOPMENT (H) 5 0 5 - 8 2 1 - 5 6 0 0
OWNER NAME (FIRST, LAST)

4509 ALAMEDA BLVD, NW SUITE B (W) - - - - -
MAILING ADDRESS

ALBUQUERQUE NM 87113 (C) - - - - -
CITY STATE ZIP CODE

J. S. ROGERS ARCHITECTS, P.C. (H) 5 0 5 - 2 4 7 - 1 1 6 8
AGENT NAME (FIRST, LAST-IF ANY)

821 MOUNTAIN ROAD, NW (W) - - - - -
MAILING ADDRESS

ALBUQUERQUE NM 87102 (C) - - - - -
CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

TRACT(S) 101505527648811708
UNIFORM PROPERTY CODE

BLOCK A LOT 9A1
BLOCK LOT(S) MRGCD MAP NO.

KIRTLAND ADDITION 2
SUBDIVISION / ADDITION

1600 GIBSON BLVD. SE, ALBUQUERQUE, NM 87106
STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE

B. CRITERIA FOR DECISION- I have been given the Criteria for Decision requirements. Initial Here [Signature]

C. EXPLANATION OF REQUEST- On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

D. DRAWINGS OF REQUEST- ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

E. TRAFFIC ENGINEERING REVIEW- REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS. Initial Here [Signature]
Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

F. ACKNOWLEDGEMENT- I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case.

[Signature] 10/10/08
SIGNATURE DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1007515 APPLICATION #: 082HE 80384

APPLICATION FOR: (CHECK AS APPROPRIATE) ? Variance: (CHECK AS APPROPRIATE)
? Conditional Use ? Distance ? Setback
? Expansion of a NonConforming Use ? Height ? Parking
? NonConforming Use / Status Established Building ? Size ? Other

SECTION NO. 14-16-2-16(B)(5) REFERENCE SECTION NO:

LEGAL AD Request A Conditional Use To Allow Drive-Up Window and Order Board. in C-1 zone

SECTOR DEVELOPMENT AREA: N/A

ZONED: C-1 ZONE ATLAS PAGE: M-24/15 NO. OF SIGNS ISSUED: 2

POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION 1600 Gibson Blvd SE

[Signature] [Signature]
APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) DATE

11-18-08
DATE OF PUBLIC HEARING

10/10/2008 11:07AM

RECEIVED 00080706-00080706

PERMIT 200809030 FEE: \$ 145.00

TRANS AMT \$145.00

GEN FEE (APN) 441018 / 4971000 \$ 35.00

Compliance Fee (SEA) 441006 / 4917000 \$ 100.00

ZNE Actions \$10.00

VI (CMP) 441032 / 3424000 \$ 10.00

GRANCE \$5.00

SPECIAL EXCEPTION PROCEDURE

APPLICATION

A. Pre-Application Discussion

While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

B. Criteria For Decision

By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

C. Drawings

1. Submit three (3) copies of a site plan, building development plan, drawing of other related information on reproducible paper no smaller than 8 ½ inches by 14 inches and using a scale of at least 1 inch = 20 feet.
2. The submitted drawing shall show the following:
 - a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
 - b. If the Special Exception requested is a variance, please show clearly the point of variance and the height, width, and any appropriate dimensions of structures and/or parking spaces
 - c. A "north" directional arrow and scale.

D. Public Hearing Schedule

Contact the Zoning Hearing Examiner at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website www.cabq.gov. Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

SIGN POSTING

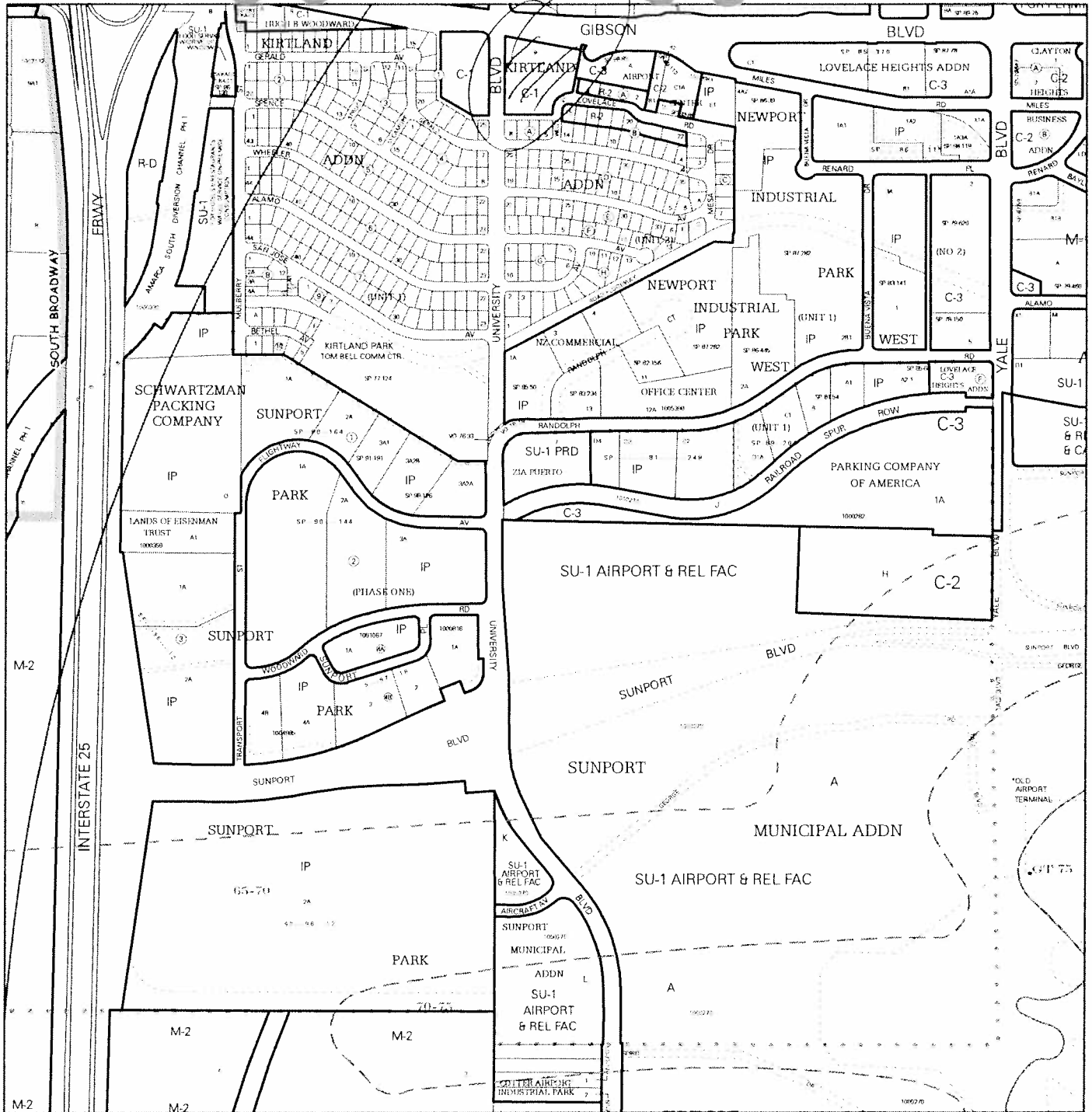
- A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
- B. Signs shall be posted for fifteen (15) days prior to the hearing.
- C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
- D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
- E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.
- F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

ZONING HEARING EXAMINER'S PUBLIC HEARING

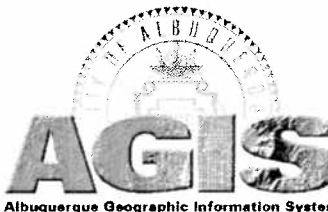
- A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.
- B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.
- C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. **Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.**
- D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.
- E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, or deny.
- F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.
- G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

CONSTRUCTION PERMIT

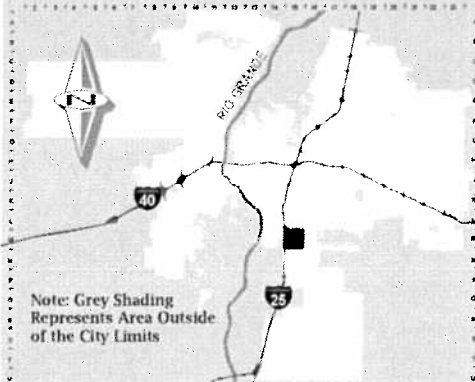
- A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
- B. The Notice of Decision must accompany the construction permit application.



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 6/13/2008



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
M-15-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet



July 25, 2008

Martin J. Garcia, P.E.
ABO Engineering, Inc.
6739 Academy Rd NE Ste. 130
Albuquerque, NM 87109

Re: University Plaza, 1600 Gibson Blvd. SE, Traffic Circulation Layout
Engineer's Stamp dated 7-22-08 (M-15/D012A)

Dear Mr. Garcia,

The TCL submittal received 7-22-08 is approved for Building Permit. The plan is stamped and signed as approved. A copy of this plan will be needed for each of the building permit plans. Please keep the original to be used for certification of the site for final C.O. for Transportation. **Public infrastructure or work done within City Right-of-Way shown on these plans is for information only and is not part of approval. A separate DRC and/or other appropriate permits are required to construct these items.** Please note that the proposed replat must be finalized and recorded prior to Certificate of Occupancy approval.

PO Box 1293

If a temporary CO is needed, a copy of the original TCL that was stamped as approved by the City will be needed. This plan must include a statement that identifies the outstanding items that need to be constructed or the items that have not been built in "substantial compliance," as well as the signed and dated stamp of a NM registered architect or engineer. Submit this TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

Albuquerque

NM 87105

When the site is completed and a final C.O. is requested, use the original City stamped approved TCL for certification. A NM registered architect or engineer must stamp, sign, and date the certification TCL along with indicating that the development was built in "substantial compliance" with the TCL. Submit this certification TCL with a completed Drainage and Transportation Information Sheet to Hydrology at the Development Services Center of Plaza Del Sol Building.

www.cabq.gov

Once verification of certification is completed and approved, notification will be made to Building Safety to issue Final C.O. To confirm that a final C.O. has been issued, call Building Safety at 924-3306.

Sincerely,

Kristal D. Metro, P.E.
Traffic Engineer, Planning Dept.
Development and Building Services

C. File

- (d) Vehicle repairing, done within a completely enclosed building and at least 20 feet from any residential zone.
- (4) Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- (5) Drive-up service window, except where listed as permissive in this zone, provided that the vehicle movement plan is approved by the Traffic Engineer, and further provided that the service window and any associated order board are located at least 75 feet from any residential zone. Drive-up service windows in existence upon the effective date of this Zoning Code shall be considered as approved conditional uses.
- (6) Fireworks sales, provided the use is limited to 45 days in one calendar year.
- (7) Games within a completely enclosed building, operated for profit, and not permissive in this zone.
- (8) Kennel, provided:
 - (a) It is in a completely enclosed building.
 - (b) It is no closer than 30 feet from any residential zone.
 - (c) The noise from the kennel does not exceed the ambient noise level as defined in § 9-9-2, Noise Control, when measured 30 feet from any exterior wall of the kennel.
- (9) Mortuary.
- (10) One mobile home for a watchman or caretaker on the same premises developed with a commercial building or use provided that the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (11) Outdoor storage or activity except as specifically listed as a permissive or conditional use in this section and as further provided below:
 - (a) The outdoor storage or activity is part of a use on the same premises, which use is a permissive only within a building in this zone.
 - (b) Outdoor uses which would impact their environs with appearance, light, noise, odor, or similar environmental problems likely to be unpleasant to neighboring premises and uses shall not be approved.
 - (c) Outdoor conditional uses may justify special buffering to prevent the activity from negatively impacting adjacent land.
 - (d) Outdoor restaurant seating located within 75 feet of a residential zone.
- (12) Park-and-ride joint-use facilities, if it is determined that under the conditions imposed there will not be a shortage of on-site parking for the activities on the site; in such situations, no parking variance is required.

October 10, 2008

Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd Street NW
Albuquerque, NM 87103

Re: Conditional Use Approval for Drive-up Window Service, Per-Kup Coffee Co., at
University Plaza

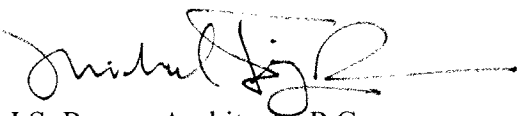
To Whom It May Concern,

It is our hope to have approved the conditional use of a drive-up service window and order board at the address of 1600 Gibson Boulevard SE Bldg. #1, Albuquerque, NM 87106. The drive-up service window would be in use on a 1,110 square foot coffee shop building, which is part of a larger development known as "University Plaza." The coffee shop will be called The Per-Kup Coffee, Tea and Juice Company and will specialized in gourmet coffees and smoothies.

Although there is residential zoning nearby the proposed drive-up service window location, it is not within seventy-five feet of a residential zone (see architectural site layout AS1.0). In addition, a 6'-0" high site wall and landscape buffer, conforming to The City of Albuquerque Zoning Code, is utilized to block automobile headlights and lower noise pollution on the east and south sides of the property adjacent to residential areas. Therefore the allowance of a drive-up service window, under the conditions imposed, will not be injurious to the adjacent property, the neighborhood, the community, or any of its activities and existing structures.

In light of the site design to block light and noise pollution and the appropriate and required buffers and setbacks from the residentially zoned areas, we are optimistic that the conditional use of a drive-up service window can be approved. The addition of the coffee shop into the existing community will be a useful and unobtrusive part of the existing neighborhood while at the same time will provide local jobs, shopping, leisure activities and economic stimulus.

Sincerely,



J.S. Rogers Architects, P.C.

Xc: project files

ATTACHMENTS:

- (3) C101 Site and Traffic Circulation Plan
- (3) AS1.0 Architectural Site Layout

J · S · R O G E R S · A R C H I T E C T S · P C

821 MOUNTAIN ROAD NW · ALBUQUERQUE · NM 87102

T · 505 · 247 · 1168

F · 505 · 247 · 0262

MEMBER AMERICAN INSTITUTE OF ARCHITECTS