

City of Albuquerque
Planning Department Development
Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: December 15, 2005

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1004474
05EPC-01568 Zone Map Amendment
05EPC-01569 EPC Site Development Plan-
Subdivision

KB Homes, New Mexico 6330
Riverside Plaza Ln. NW
Albuq. NM 87120

LEGAL DESCRIPTION: for all or a portion of
Tracts F1, 3, 1A1B, 3A, 1 C, IB and 1A1A2,
MRGCD, Map 36, and abandoned portions of the
Alameda Lateral, a zone map amendment from
SU~ IISchools and Incidental Facilities and M-1 to
SU-1/PRD, located on the north side of
MENAUL BLVD., NE, between BROADBENT
A VB., NE and BROADWAY BL YD., NE,
containing approximately 17 acres. (H-15) David
Stallworth, Staff Planner

"On December 15, 2005 the Environmental Planning Commission voted to approve Project 1004474/
05EPC 01568, a zone map amendment from SU-1/Private School with Incidental Facilities and M-1 to
SU-1/PRD, for a +/-17-acre portion of Tracts F1, 3, 1A1B, BA, IC, 1B and 1A1A2, MRGCD Map 36, to
include abandoned portions of the Alameda Lateral and Edith Boulevard street right-of-way, based on the
following Findings:

FINDINGS:

1. This is a request for consideration and approval of a zone map amendment for a +/-17-acre portion of
Tracts F1, 3, 1A1B, BA, 1 C, IB and 1A1A2, 1VIRGCD Map 36, to include abandoned portions of
the Alameda Lateral and Edith Boulevard street right-of-way from SU-1/Private School with
Incidental Facilities and M-1 to SU-1/PRD.
2. This request is for the construction of a 213-unit residential condominium development.

3. The zone change request satisfies several key land use policies of the *City/County Comprehensive Plan*, most notably:
 - a. *Policies II.B.5.d, II.B.5.k, II.B.5.l, II.B.5.m and II.B.5.o* - The site plan review process plays a crucial role in maintaining area values, ensuring a safe, visually amenable and integral development, promoting economic development, stimulating neighborhood redevelopment, and maintaining or complementing the overall historic character of the Menaul School.
 - b. *Policy II.B.5.e* - The applicant shall be responsible for all necessary public improvements and utility extensions related to this project.
 - c. *Policy II.B.5f* - The site plan review process will help to ensure that any new development facilitated with this zone change complements or extends the unique communal and architectural characteristics identified with the Menaul School.
 - d. *Policy II.B.5.g* - The applicant will install a 10-foot-wide multi-purpose trail along the north side of Menaul between the project site and the east side of Broadway pursuant to new residential development.
 - e. *Policy II.B.5.h* - Residential development at a final density of at least twelve dwelling units per acre will be located near two designated principal arterials and will be similar to nearby residential developments with historically mixed-use patterns. The site plan review process will provide for ample mitigation from those intense uses to the east and allow for some degree of peaceful co-existence between diverse land uses.
 - f. *Policy II.B.7.p* - The zone change will provide the opportunity for private investment to stimulate area revitalization through infill development.
4. The zone change request satisfies several key policies of the *North Valley Area Plan (NVAP)*, most notably *Policy 2.2.d* (adequate buffer landscaping and mitigation measures within newer development), *Policy 8.1* (urban site design), and *Policy 9.7* (clustering of residences and provision of adequate open spaces).
5. There is no evidence that the public health, safety and welfare will be compromised with the change in zoning; the request does not conflict with subsection 1.A of Resolution 270-1980.
6. The NY AP recognizes that "Lands now zoned for non-residential uses... represent a significant resource for future housing." The preferred land use scenarios for the Edith Corridor, as called out in the NV AP, is to rezone lands at the bottom of the identified "mesa" to accommodate new housing.
7. The zone change request furthers several key policies of both the *City/County Comprehensive Plan* and the *North Valley Area Plan*; the project does not conflict with subsections 1.C and 1.D.3 of Resolution 270-1980 and is therefore advantageous to both the community and the City.
8. There is no evidence that the zone change request is in significant conflict with subsections 1.E through 1.H of Resolution 270-1980.

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9. The zone change request does not constitute a "spot" or a "strip" zone; as outlined in subsections 1.1 and 1.J of Resolution 270-1980, respectively.
10. There is no public opposition to this request.
11. ~The approval of this zone change request should not be construed as a precedent by the City to gradually develop the remaining portion of the Menaul School site outside of its present use. Any subsequent development requests relative to the remaining portion of the school site will be appropriately handled on a case-by-case basis and judged on their merits.

On December 15, 2005 the Environmental Planning Commission voted to approve Project 1004474/05EPC-01569, a site development plan for subdivision a +/-17-acre portion of Tracts F1, 3, 1A1B, BA, 1C, IB and 1A1A2, MRGCD Map 36, to include abandoned portions of the Alameda Lateral and Edith Boulevard street right-of-way, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for consideration and approval of a site development plan for subdivision a +/-17acre portion of Tracts F 1, 3, 1A1B, BA, 1 C, 1 Band 1AtA2, MRGCD Map 36, to include abandoned portions of the Alameda Lateral and Edith Boulevard street right-of-way to accommodate the construction of a 213-unit residential condominium development.
2. The request is predicated upon the approval of a zone map amendment of the subject area ITom SU-1/Private School with Incidental Facilities and M-1 to SU-1/PRD.
3. The subject area is located within an overall site that has been designated as a historic district by both the State Historic Preservation Office and the National Register of Historic Places. Four residential cottages within the subject area have been identified as contributing buildings. One of the cottages was built in 1909 as the school's first hospital, and the remaining three cottages were built between the late 1940's and early 1950's.
4. The City's Historic Preservation Planner has written that the demolition of buildings east of the former Edith Boulevard may compromise the integrity of the historic district and lessen the number of historic resources that help to increase our understanding of this area. These demolitions, however, will most likely not result in a rescinding of the historic district designation.

5. The City's Historic Preservation Planner asserts that any demolition of buildings east of the former Edith Boulevard could be in possible conflict with *Historic Resources Policy II C.5* of the *City/County Comprehensive Plan*, which seeks to protect buildings pre-1940 buildings from demolition due to their relative scarcity.
6. The City's Historic Preservation Planner points out that Edith Boulevard is a recognized segment of the old El Camino Real de Tierra Adentro road network. Any excavations should be monitored or pre-tested for any possible discovery of significant archeological resources.
7. The City's Historic Preservation Planner believes that the site plan review process should help to maintain the integrity of the historic district and the character of Edith as a neighborhood street by requiring new design to complement and accentuate the Menaul School campus and identifying opportunities for the possible integration of historic structures through rehabilitation and adaptive re-use.
8. The City Historic Preservation Planner strongly recommends that the most historically significant of the four contributing cottages, the Ross Cottage, be relocated to a site within the primary campus west of the former Edith Boulevard and undergo extensive rehabilitation for the purpose of adaptive re-use. Demolition of any of its flat-roofed additions prior to such a move is suggested. This office also recommends that the applicant make provisions for the recording and archiving of the remaining contributing cottages to mitigate their demolition.
9. The approval of this site development plan request should not be construed as a precedent by the City to gradually develop the remaining portion of the Menaul School site outside of its present use. Any subsequent development requests relative to the remaining portion of the school site will be appropriately handled on a case-by-case basis and judged on their merits.
10. The site development plan for subdivision, as presented to the Environmental Planning Commission, satisfies several key land use policies of the *City/County Comprehensive Plan*, most notably:
 - a. *Policies II.B.5.d, II.B.5.t IIB. 5. I, IIB.5.m and II.B.5.o* - The site plan process has encouraged the applicant to employ a combination of several alternative elements to mimic the building clustering found on the primary campus, including the mixing of building sizes, various building front orientations that make the garage openings less conspicuous, the staggering of front setbacks, the undulation of internal drive aisles and the concealment of prominent garage doors through the use of alternative door designing, creative exteriorizing and less reliance upon conventional garage door design and color.
 - b. *Policy IIB.5.h* - The subject area abuts at least two major arterials, has ready access to City services, and is less than 2/10 of a mile from existing residential development to the north and south, part of which already contains significant mixed-use patterns that have peacefully co-existed since the 1950's. The proposed site plan also employs adequate buffering and safeguards along the boundaries abutting existing M-1 uses to the east of the subject area that will mitigate impacts as a result of unforeseen land use intensifications and ensure a similar level of peaceful co-existence.

- c. *Policy- II.B.5.k* - With recommended conditions, the site plan should adequately provide for safe and efficient vehicle traffic management internal to the development and onto the surrounding public street grid.
11. The applicant shall be responsible for all necessary public improvements and utility extensions related to this project, thus satisfying *Policy II.B.5.e* of the *City/County Comprehensive Plan*.
 12. The applicant shall be required to install a 10-foot-wide multi-purpose trail along the north side of Menaul from the project site to the east side of Broadway, thus satisfying *Policy II.B.5.g* of the *City/County Comprehensive Plan*.
 13. The applicant proposes two-story buildings with desert tan stucco exteriors, concrete tile gabled roofs with autumn brown color, and various window accents. While the buildings offer more articulation and external elements than what is found on the school's older structures, the proposed building designs appear to somewhat complement the overall area. With recommended conditions, the project will further *Policy II.B.5.m* of the *City/County Comprehensive Plan*.
 14. The site development plan for subdivision, as presented to the Environmental Planning Commission, satisfies several "key policies of the *North Valley Area Plan (NV AP)*, most notably *Policy 22.d* (adequate buffer landscaping and mitigation measures within newer development), *Policy 8.1* (urban site design and interconnectivity) and *Policy 9.7* (clustering of residences and provision of adequate open spaces).
 15. Any site buffering will most likely utilize an existing 5- to 10-foot grade differential identified in the NV AP as the "mesa," that effectively distinguishes the adjacent business park to the east from new residential development within the project site, thus satisfying *Policy 9.1* of the *NV AP*.
 16. The NV AP recognizes that "Lands now zoned for non-residential uses... represent a significant resource for future housing." The preferred land use scenarios for the Edith Corridor calls for the rezoning of lands situated at the bottom of the "mesa" to accommodate new housing. In light of this, the proposed site development plan for subdivision furthers *Policy 7.2* of the *NV AP*.
 17. There is no known public opposition to this request.

CONDITIONS:

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 DRB sign off, the applicant shall meet with the staff planner to ensure that any conditions of approval are adequately addressed.
3. All format-related deficiencies that were brought to the applicant's attention shall be satisfactorily addressed on the final site plan for subdivision. Correct legal descriptions for all new divisions of land within the project area shall be reflected on the final site plan for subdivision. All design guidelines relative to this site plan shall be assembled onto one sheet, two sheets if necessary, and must be clearly discernable. Only one version of a landscape plan shall be submitted with the final site plan.
4. For the purposes of clarity, the final site plan for subdivision shall include original survey information as derived from the relative previous plats for all relative tracts, a title caption such as "Area Being Replatted," a spatial diagram of the existing platted area that is affected under the proposed replat, and a reason for the replat.
5. With respect to engineering considerations, the following conditions shall apply:
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements; paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - b. Rename "Traffic Impact Study" to "Queuing Analysis."
 - c. Per Transportation Development Staff, completion of required improvements as identified in the queuing analysis is required (i.e. 100' right and/or 100' left turn lanes and gate placements).
 - d. Provide site distance analysis (per AASHTO requirements) at the intersections of Menaul and Edith and Claremont and Broadway.
 - e. Platting must be a concurrent DRB action.
 - f. Site plan shall comply and be designed per DPM Standards.
 - g. Construction of a 10-foot wide multi-purpose trail along the north side of Menaul Boulevard between Edith Boulevard (referenced on the site plan as an unnamed public street) and Broadway Boulevard as designated on Long Range Bikeways System.
6. With respect to site plan layout and configuration, the following conditions shall apply:
 - a. The final site plan shall include more staggering of front building setbacks for buildings 15 through 17, 19, 21 and 23.
 - b. The final site plan shall provide for additional driveway lengths for buildings 35 and 44.
 - c. The applicant shall reorient buildings 35 through 38 in order to provide more common recreational space on the final site plan. The applicant shall also develop the identified landscape area south of the PNM property and west of building four (4) for small-scale recreational space.

- d. The final site plan shall call out all areas designated for common open and recreational space. The applicant shall provide, at a minimum, tables, benches, barbecue pits and at least one "total lot;" details on these amenities shall be provided on the final site plan.
 - e. To preserve the established irrigation rights of the Stronghurst Neighborhood Association, the applicant shall either impose a 20' by 100' "no-build area" and access easement between building 2, the west right-of-way line of Claremont Avenue and the west boundary of the adjacent PNM property for the benefit of the Association or provide for reasonable and suitable alternative accommodations for said Association. Either a signature on the site plan by an authorized agent of the Association or a written endorsement from the Association accompanying the final site plan submittal shall constitute fulfillment of this condition.
 - f. On-street parking accommodations shall be provided along the former Edith Boulevard, where practical.
 - g. A minimum 20-foot landscape buffer shall be maintained along the portion of the eastern project boundary that abuts the Broadbent Business Park. Landscaping shall include a 60-40 mix of coniferous to deciduous trees that will achieve a minimum height of 25 feet. Groundcover shall be predominantly all-seasonal.
 - h. Prior to final site plan submittal, the applicant shall furnish a feasibility study, with executive summary, on the adaptive reuse of the Ross Cottage. This report is to be certified by an architect experienced in historic preservation that is registered by the State of New Mexico.
 - i. If determined to be salvageable, the Ross Cottage shall be relocated to a suitable alternative location within the Menaul School campus, preferably the west side of the former Edith Boulevard in a position that reinforces the edge of the school campus along this street.
 - j. The applicant shall make provisions for the recording and archiving of the remaining contributing cottages to mitigate their demolition.
 - k. Any on-site excavations shall be monitored or pre-tested for any possible discovery of significant archeological resources.
7. With respect to considerations regarding vehicular access, parking and circulation, the following conditions shall apply:
- a. The applicant shall install reasonable measures prohibiting on-street parking outside of the former Edith Boulevard subject to Fire Department approval.
 - b. The final site plan shall include minimum guidelines on pedestrian crossings. Pedestrian walkways through vehicular areas shall be clearly demarcated through such paving materials as colored concrete, brick or concrete pavers. Clear and distinct separation between pedestrian walkways and vehicular travel or parking areas shall be maintained. Strong pedestrian connections between the school and residential components shall be encouraged.
 - c. Potential vehicular cut-through access in front of buildings 15 and 16 shall be eliminated.
 - d. A minimum of two (2) disability parking spaces and parking accommodations for four (4) bicycles shall be provided for the clubhouse.
8. With respect to considerations regarding lighting, security, walls and fences, the following conditions shall apply:

- a. The applicant shall ensure that on-site lighting throughout the overall development is shielded in order to provide downward light emission and prevent both light trespass and upward light pollution.
 - b. All pedestrian walkways and common areas shall be adequately illuminated. Light standards for street illumination shall not exceed sixteen feet (16') in height, and walkway illumination shall not exceed twelve feet (12') in height. The final site plan shall clearly demonstrate the type and placement of adequate site lighting within the development.
 - c. The final site plan shall include additional language prohibiting common refuse enclosures from being prominently placed between any public or private street and any building facade. Details on refuse accommodations shall be provided on the final site plan.
 - d. Any proposed perimeter wall or fence along former Edith Boulevard or along an abutting major thoroughfare shall contain full wrought-iron view fencing with masonry pilasters. No solid walls along the private Edith Street shall be permitted. Standards, materials and diagrams for all development-related walls shall be demonstrated on the final site plan.
9. With respect to considerations regarding architecture and signage, the following conditions shall apply:
- a. The site plan shall impose a maximum building height not to exceed 28.75 feet.
 - b. Garage door design or any alternate design or building orientation that regulates the garage door opening to a less prominent feature is required. Overhead garage doors with architectural windows coupled with carriage doors, with windows as shown in the colored presentation is acceptable.
 - c. All roofing shall consist of concrete tiles. No asphalt shingle roofing shall be allowed.
 - d. The buildings shall employ exterior color schemes that are complementary to, and do not dominate, the older primary buildings within the Menaul School campus. The use of pastels, contrasting trims, two-tone exteriors, lightened recesses and/or alternating building colors shall be encouraged. Overall color schemes solely reliant upon earth tones, a single color or a variation of a single color shall not be allowed. A color palette shall be provided on the final site plan.
 - e. The final site plan shall include details on sign design and illumination for all entrance signs pertaining to the residential development. Entrance signs shall be limited to monument signs only. Such signage shall be consistent with, or complementary to, any signage that is used by the Menaul School.
10. With respect to considerations regarding landscaping, the following conditions shall apply:
- a. The final landscape plan shall include associative icons with the proposed plant palette. The final landscape plan shall also be formatted in accordance with section 14.16.3.10.C of the Zoning Code.
 - b. The final landscape plan shall include review language requiring all street tree plantings to be in accordance with Article SIX of the Municipal Code. Random or clustered streetscape shall not be permitted.
 - c. The final landscape plan shall provide for substantial vegetative shading of all common areas and open spaces. A minimum basis shall be one (1) shade tree per 400 square feet of open area and one (1) shade tree per every thirty (30) linear feet of pedestrian walkway.

- d. Proposed landscaping that "is" visible from any vantage and point along Menaul "should, at a minimum, contain a similar amount of lush vegetation that is found at the front of the Menaul School campus. Proposed streetscape and median landscaping shall not compromise clear sight distance for traffic" emerging from the development onto Menaul.
- e. The applicant shall reduce the amounts of impervious cover near buildings 23 and 24 and near buildings 1 and 2 through the use of landscape islands, roundabouts or other similar treatments.

11. The project will comply with all SWNID ordinances and requirements.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **DECEMBER 30, 2005** IN THE MANNER DESCRIBED BELOW. 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.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department "within 15 days of the Planning Commission's decision;" The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC