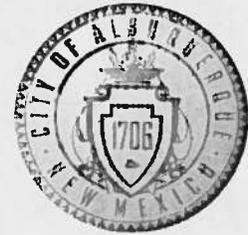


CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

April 14, 2016

Robert C. & Katie Kerschen
2600 American Rd SE
Rio Rancho, NM 87124

Project# 1003532
16EPC-40010 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 11, Block 10, Plat of lots 11-A & 22-A, Block 10 Tract 2 Unit 3, North Albuquerque Acres, zoned SU-2 Mixed Use, located at 7400 Holly Ave. NE, between Louisiana Blvd. NE and Wyoming Blvd. NE, and North of Paseo del Norte containing approximately 0.70 of an acre. (C-19)
Staff Planner: Vicente Quevedo

PO Box 1293

On April 14, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project Albuquerque#1003532/16EPC-40010, a Site Development Plan for Building Permit, based on the following findings:

FINDINGS 16EPC-40010 – Site Development Plan for Building Permit:

New Mexico 87103

1. This is a request for Site Development Plan for Building Permit for Lot 11, Block 10, Plat of lots 11-A & 22-A, Block 10 Tract 2 Unit 3, North Albuquerque Acres, located On Holly Ave. NE, between Louisiana Blvd. NE and Wyoming Blvd. NE, and North of Paseo del Norte, and containing approximately 0.70 of an acre. The applicant proposes to develop a 3,391 sf dental office on the subject site.
2. The subject site is zoned SU-2 Mixed Use, per the La Cueva Sector Development Plan. The proposed use is permissive under the current zoning.
3. The subject site is in the Developing Urban Area of the Comprehensive Plan, within the boundaries of the La Cueva Sector Development Plan (LCSDP). The proposal must comply with the Design Regulations in the LCSDP and the General Regulations in the Zoning Code.
4. The Albuquerque/Bernalillo County Comprehensive Plan, La Cueva Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

OFFICIAL NOTICE OF DECISION

Project #1003532

April 14, 2016

Page 2 of 6

5. The request furthers the following Comprehensive Plan policies for Developing Urban Areas:

- A. 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.

The request furthers Policy II.B.5.d. because the request generally respects neighborhood values, the design is appropriate to the plan area, meets the design standards of the La Cueva Sector Development Plan, and is consistent with adjacent uses. The maximum proposed building height is 15 feet, which is considerably less than the 36 feet in height allowed by the LCSDP. The request has minimal impacts on natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern. The site is surrounded by developing commercial and office uses. The proposed use is appropriate for the location.

- B. 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 ensured.

The request furthers Policy II.B.5.e. because urban services already exist in the area and no new public infrastructure will be required. The request will develop vacant land in an established urban area. The building has been designed to have a minimal effect on adjacent parcels of land and will ensure the integrity of existing neighborhoods.

- C. 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.

The request furthers Policy II.B.5.i. because adverse effects of development (lighting, pollution, traffic, and noise) have been minimized by appropriate site design, which is in compliance with the La Cueva Sector Development Plan design standards. Lighting consists of 16 foot tall light poles that are full cut-off fixtures. Extensive landscaping along the Holly right-of-way and within the site will minimize any adverse effects of noise, lighting, pollution and traffic, by helping to shield the building from the public right-of-way. The maximum proposed building height is 15 feet, (which is much less than the 36 feet in height that is allowed in the LCSDP) which also helps to minimize any adverse effects of the development on surrounding properties.

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

The request furthers Policy II.B.5.j. because the existing zoning allows the proposed office development to be constructed on the subject site.

- E. Policy II.B.5.k: 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 operation.

The request furthers Policy II.B.5.k. because the request does not abut any residential neighborhoods or any residential zones. The nearest single-family residential development is an R-2 zoned property

OFFICIAL NOTICE OF DECISION

Project #1003532

April 14, 2016

Page 3 of 6

north of the subject site. There is no access from Paseo del Norte, and the site can only be accessed from Holly Avenue to the north.

- F. **Policy II.B.5.1:** Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

The request furthers Policy II.B.5.1. because the proposed building is consistent with and complements existing nearby buildings (commercial, retail, and office). The proposed building is a quality design that is appropriate to the plan area and is consistent with the design regulations set forth in the LCSDP. The building is not typical generic franchise architecture.

- G. **Policy II.B.5.m:** Urban and site design which maintains and enhances unique vistas and improves the quality of the environment shall be encouraged.

The request furthers Policy II.B.5.m. because the site design maintains and enhances unique vistas. The proposed maximum 15 foot height of the building is considerably less than what is allowed in the LCSDP (36'). The applicant has provided a view analysis which shows views into and out of the site. The building will not significantly impede views in any direction.

6. The request furthers the following La Cueva Sector Development Plan policies for Developing Urban Areas:

- A. **1.3 Guiding Principles, 4th Bullet:** Land uses that are compatible with existing development.

- B. **1.3 Guiding Principles, 5th Bullet:** Higher densities near Paseo del Norte to provide a mix of densities and development types in the area. The North Domingo Baca provides a buffer between proposed higher density development and residential areas to the north. Transit service will be along north/south streets, so activity centers are placed at these intersections.

The request furthers guiding principle 1.3, bullets 4 and 5 of the LCSDP because the request for a dental office would be compatible with existing development, which consists of commercial, office, and medical office use. The La Cueva Town Center to the east contains a number of commercial businesses. Properties within a one-mile radius of the subject site include a bank, a gas station, a restaurant, and the North Domingo Baca city park. The development to the south contains commercial service uses. The property directly to the north, across Holly Avenue, is a developing mixed-use site. The land immediately east and west of the subject site is zoned for mixed commercial uses. The north side of the property has been extensively landscaped to help buffer the site from the road and from adjacent properties. The proposed land use is compatible with existing development.

- C. **5.1 Zoning Guiding Principles, 2nd Bullet:** The plan area is intended to be urban, with a mix of residential densities and a variety of retail and service uses to meet the needs of the area's growing population.

The request furthers 5.1 Zoning Guiding Principles, 2nd Bullet of the LCSDP because the request for a dental facility would add to the variety of service businesses to meet the needs of the area's growing population.

OFFICIAL NOTICE OF DECISION

Project #1003532

April 14, 2016

Page 4 of 6

- D. 5.1 Zoning Guiding Principles, 8th Bullet: The North Albuquerque Community has identified “views” and “open space” as two valuable assets that identify the area.

The request furthers 5.1 Zoning Guiding Principles, 8th Bullet of the LCSDP because the applicant has provided a view analysis (as required in the LCSDP) that shows views towards the Sandia Mountains and the West Mesa will not be notably harmed. The proposed building height is considerably less than what is allowed by the LCSDP (36’). Views and open space are valuable assets that are protected by the request.

- E. 5.4.6 Common Design Regulations for all SU-2 Zoned Properties

Intent: Provide public spaces for people to meet, gather, and interact.

- F. 8R-3: Non-residential development shall provide public open space amenities equal to the greater of 400 square feet or four percent or greater of the building footprint. A plaza shall have a minimum depth of at least 30 feet on a portion of the plaza. These amenities shall be labeled as such on the site development plan.

The request furthers 5.4.6 Common Design Regulations for all SU-2 Zoned Properties and Policy 8R-3 because it fulfills the patio requirement per Keyed Note 20 of Sheet A001 of the site development plan. The indicated patio square footage is listed at 200 which is greater than the required minimum of 4% or greater of the building footprint ($3,391 \text{ sf} / .04 = 136 \text{ sf}$). The applicant is not proposing a plaza.

7. Representatives from the North Domingo Baca Neighborhood Association, North Wyoming Neighborhood Association, District 4 Coalition of Neighborhood Associations, and property-owners within 100-feet of the subject site were notified. A facilitated meeting was not recommended or held. There is no known opposition to this request.

CONDITIONS 16EPC-40010 – Site Development Plan for Building Permit:

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.

OFFICIAL NOTICE OF DECISION

Project #1003532

April 14, 2016

Page 5 of 6

3. The site development plan (Sheet A001) shall be revised to include outdoor furniture in the proposed patio area order to provide an amenity for clients and staff. A keyed note shall also be included identifying the outdoor furniture.
4. A Keyed Note shall be added to elevation Sheet A201 stating that all walls shall comply with the requirements of Section 14-16-3-19 of the Zoning Code.
5. The landscape plan shall be revised to include 2 additional street trees in order to comply with the City of Albuquerque Street Tree Ordinance (6-6-2-5, Street Tree Policies).
6. A notation shall be added to elevation sheet (A201) indicating that signage for the subject site is controlled by the C-1 zone of the Zoning Code per the SU-2 Mixed Use zoning of the LCSDP.
7. Conditions of Approval from Public Service Company of New Mexico:
 - A. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
 - B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:
Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107 Phone: (505) 241-3697
 - C. 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.
8. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **APRIL 29, 2016**. 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.

OFFICIAL NOTICE OF DECISION

Project #1003532

April 14, 2016

Page 6 of 6

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.

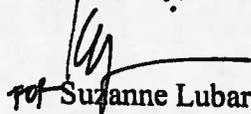
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of 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/VQ

cc: Robert C. & Katie Kerschen, 2600 American Rd SE, Rio Rancho, NM 87124
Joe Slagle, Slagle Herr Architects, 413 2nd St. SW, ABQ, NM 87102
Judie Pellegrino, North Domingo Baca NA, 8515 Murrelet NE, ABQ, NM 87113
Erik Bose, North Domingo Baca NA, 7200 Peregrine NE, ABQ, NM 87113
Tracy Guidry, North Wyoming NA, 8330 Krim Dr. NE, ABQ, NM 87109
Nanci Carriveau, North Wyoming NA, 8309 Krim Dr. NE, ABQ, NM 87109
Michael Pridham, Dist. 4 Coalition of NA's, 6413 Northland Av. NE, ABQ, NM 87109
Robert Stetson, Dist. 4 Coalition of NA's, 7112-154 Pan american Freeway NE, ABQ, NM 87109