

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

August 14, 2015

Hunt and Davis PC
2632 Mesilla NE
Albuquerque, NM 87110

Project# 1001370
15EPC-40025 Site Development Plan for Subdivision
(Extraordinary Facility in Major Public Open Space)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 1-A-1, Juan Tabo Hills, Unit 2, zoned SU-1 for Open Space, located on Juan Tabo Hills Boulevard SE, between Open Space/Tijeras Arroyo and Gallant Fox Road SE, containing approximately 13.4 acres. (M-21)
Staff Planner: Maggie Gould

On August 13, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1001370/15EPC-40025, Site Development Plan for Subdivision (Extraordinary Facility in Major Public Open Space), based on the following findings and conditions:

FINDINGS:

Albuquerque

New Mexico 87103

www.cabq.gov

1. This is a request for a Site Development Plan for Subdivision for tract A-1-A, Juan Tabo Hills Unit 2 located on Juan Tabo Boulevard between the Tijeras Arroyo and Gallant Fox road, zoned SU-1 for Major Public Open Space and containing approximately 13.4 acres.
2. The EPC has authority to review this Site Development Plan for Subdivision because of the SU-1(14-16-2-22) zoning and for approval of an Extraordinary Facility in Open Space (§14-13-3-2)
3. The subject site is part of a larger subdivision, Juan Tabo Hills, and was annexed into the city in 2004. The road will allow access from the Juan Tabo Hills Subdivision to the Juan Tabo Hills West Subdivision.
4. The proposed public road and associated infrastructure are allowed through the Major Public Open Space (MPOS) because of two prior agreements between the City and the landowner, a settlement agreement in 2007 and a pre-annexation agreement in 2011 allowing for extension of infrastructure through the MPOS if necessary for the future development of the adjacent residential uses.

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5. The subject site constitutes disturbed open space and the Open Space division agrees to the extension.
6. The Albuquerque/Bernalillo County Comprehensive Plan, East Gateway Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Developing Urban Area of the Comprehensive Plan. Applicable policies include:

Policy II.B.5e: 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 road is adjacent to existing urban facilities and will connect to programmed facilities, including water, sewer, electricity and other roads. The request furthers policy II.B.5e.

Transportation and Transit

Policy II.D.4g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The proposed road will be developed according to City standards and will be required to have sidewalks and landscaping that will provide pedestrian opportunities.

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

The proposed road will serve the new development to the west of the existing development. The construction of these homes will provide short term employment for the construction sector. The request partially furthers Policy II.D.6a.

Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The applicant, Juan Tabo Hills, LLC is a locally based business. The road will facilitate the development of the new subdivision. The request furthers Policy II.D.6b.

8. The site is adjacent to the Tijeras Arroyo and is subject to the provisions of the Facility Plan for Arroyos:

General Policies:

Drainage Policy 1- Primacy of Drainage Function- Drainage and flood control are the most important functions of the City arroyos. Other uses within the or adjacent to them should not interfere with these functions.

The proposed road will not be developed within the flood way of the arroyo and will be subject to review by the Development Board and the Design Review Committee. These

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reviews include the City Hydrologist and will ensure that the final design does not impede the drainage function of the Tijeras Arroyo.

Major Open Space Arroyos: Specific Policies

Policy 1 Preservation of the Existing Flood Plain:

Where appropriate, as determined through specific arroyo corridor plans, the entire 100 year flood plain of the arroyo shall be dedicated to or purchased by the City as Major Public Open Space. Right of Way beyond the 100 year flood plain should be acquired when development would be imprudent because of potential bank erosion or other environmental factors, or when necessary to ensure continuous trail development. Acquisition of these lands shall be programmed by the City. Portions of the arroyo right of way will also be eligible for park dedication credit. The actual amount of land area is to be determined by the City on a case by case basis.

The Resource Management Plan for Tijeras Arroyo Biological Zone is an arroyo corridor plan that governs the site; the pre-annexation agreement, section 9, states that the conveyance of the MPOS shall satisfy any future obligation that may be required pursuant to the adoption of the Resource Management Plan for Tijeras Arroyo Biological Zone. The proposed road will be developed in accordance with is plan.

9. The subject site is within the boundaries of the Resource Management Plan for Tijeras Arroyo Biological Zone, the pre-annexation agreement, section 9, states that the conveyance of the MPOS shall satisfy any future obligation that may be required pursuant to the adoption of the Resource Management Plan for Tijeras Arroyo Biological Zone.

10. The subject site is within the boundaries of the East Gateway Sector Development Plan:

Relevant goals/policies include the following:

Section 7 addresses Parks and Open Space and recommends acquisition of the private parcels along the Tijeras Arroyo and improved public access along the arroyo after the Open Space corridor is established.

The subject site is already part of the Open Space system and is not shown on the map as a possible access area. The initial agreements for the proposed road pre-date the adoption of the plan.

Section 2.3, Plan of Action

2.3.2 Enable the continued existence and development of thriving business to provide jobs and local services.

The proposed road will allow the development of a new subdivision that may provide additional patrons for the existing future businesses. The request partially furthers 2.3.2.

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11. The proposed road goes through a small area of previously disturbed MPOS. Restoration of the site may not be feasible. The proposed road will be outside of the floodway of the arroyo. The request is consistent with Resource Management Plan for Tijeras Arroyo Biological Zone.
12. The Open Space Advisory Board met on July 28th and determined that the proposed road and associated infrastructure are Extraordinary Facilities in the Major Public Open Space.
13. The final design of the road will be determined by the Development Review Board and the Design Review Committee, including grading, slope treatment, drainage and other infrastructure needed. The infrastructure is considered part of the Extraordinary Facility and is allowed along both sides of the road.
14. The proposed public road will allow the development of a new residential subdivision on the east side of the Rio Grande and may help to improve the jobs/ housing balance on the east side.
15. The Applicant notified the Juan Tabo Hills Neighborhood Association and the East Gateway Coalition. Staff notified property owners within 100 feet of the subject tract. There is no known 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 application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The final road design shall be approved by both the Development Review Board and the Design Review Committee
4. The applicant shall coordinate with PNM regarding the placement of utilities prior to final approval.

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5. The applicant shall coordinate with the Open Space Division regarding the landscaping plant palette.
6. The applicant shall coordinate with the Department of Municipal Development regarding trail placement.
7. 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 **AUGUST 28, 2015**. 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

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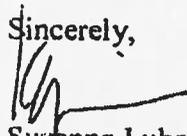
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proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they 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,


For Suzanne Lubar
Planning Director

SL/MG

cc: Hunt and Davis PC,
Mark Goodwin and Associates
COA, Open Space,
Roger Mikelson

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