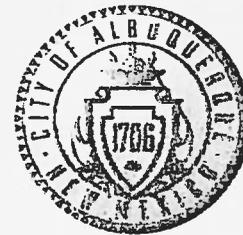


# CITY OF ALBUQUERQUE



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

August 14, 2015

Albuquerque Airpark Partners  
John Lorentzen or Mark Edwards  
2909 Yale Blvd SE  
Albuquerque, NM 87106

Project# 1009090  
15EPC-40026 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for all or a portion of Tract 2, Plat of Tracts 1 & 2, Capstone Subdivision, zoned SU-1 for IP Uses & Student Housing, located on Transport St. east of Interstate 25 and west of Mulberry St., containing approximately 8.4 acres. (M-15)  
Staff Planner: Vicente Quevedo

On August 14, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project PO Box #1293 1009090/15EPC-40026, a Site Development Plan for Building Permit, based on the following findings and conditions:

### FINDINGS:

Albuquerque

New Mexico

www.abq.gov

1. This is a request for a site development plan for building permit for Tract 2, Plat of Tracts 1 & 2, Capstone Subdivision located on Transport St. east of Interstate 25 and west of Mulberry Street and containing approximately 8.36 acres. The subject site is zoned SU-1 for IP Permissive Uses and Student Housing.

2. This request will result in construction of a two-story 90,000 square foot healthcare clinic. The proposed clinic use is allowed per the existing SU-1 for IP Permissive Uses and Student Housing zoning designation.

3. The subject site was part of a larger area that was annexed into the City in 1985 (Z-85-98 / AX-85-22). Prior to 1985 the subject site was used as a landfill (The Schwartzman Landfill) and had not been developed otherwise. In 2012, the EPC voted to approve a zone change from IP to SU-1 for IP Permissive Uses and Student Housing and amend an existing site development plan for subdivision for a 35.9 acre site that included the subject site (Project 1009090, 11EPC-40091, 40093).

4. The subject site is located within the boundaries of the Capstone Site Development Plan for Subdivision (CSDPS) which contains general design guidelines such as Pedestrian and Vehicular Ingress and Egress, Internal Circulation, Maximum Building Height and Building Setback

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requirements. The proposed site development plan for building permit is not in significant conflict with the general design guidelines contained within the CSDPS.

5. An application has been submitted for an Administrative Amendment to the Capstone Site Development Plan for Subdivision, to amended items such as the proposed health clinic use, updated parking calculations and new building square footage.
6. The subject site is also located within the Sunport Boulevard Design Overlay Zone which regulates signage within the Sunport Boulevard Corridor.
7. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

8. The request furthers the following applicable goals and policies of the Comprehensive Plan:

- A. Policy II.B.5.j: 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 proposed outpatient care services clinic will be located to complement residential areas due to the services it will be provide and its close proximity to the student housing population to the south, the Kirkland Community to the east and the general university area. The building's north / south orientation on the subject site demonstrates that it has been sited to minimize the adverse effects of noise, lighting, pollution and traffic on the nearby residential environments. Therefore, the request furthers Policy II.B.5.i.*

- B. Policy II.B.5.l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

*When compared to the design of the residential and industrial buildings north, south and east of the subject site, the proposed health clinic exemplifies quality materials such as a composite wall panel system, high performance glazing system, and a 2" exterior insulation and finish system. It is also oriented north / south on the subject site and utilizes a solar access setback to maximize efficiency of heating and cooling within the building. The request furthers Policy II.B.5.l.*

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

*The new proposed building will complement the existing scale, proportion and architectural character of the surrounding area which consists of a two-story student housing development, hotels/motels and industrial buildings. The proposed layout and design will not impact the scenic resources of the Sandia Mountains. The request furthers Policy II.B.5.m.*

9. The request generally furthers the following applicable goals and policies of the Comprehensive Plan:

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- 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 proposed development is appropriately located on an approximately 8.36 acre site with the intent to provide needed outpatient care services primarily to the student housing population to the south, the Kirkland Community to the east and the general university area. Additionally, the Interstate is a barrier to development to the west and it is appropriate to have a two story healthcare building adjacent to I-25 to act as a buffer to the properties east of the subject site. Therefore, the location and intensity of this new development respects existing neighborhood values. The proposed layout and design will not impact the scenic resources of the Sandia Mountains. The proposed location and access to the existing road network (though limited by having one point of ingress and egress off of Flightway Ave.) including its proximity to the University of New Mexico (UNM) and Central New Mexico Community College (CNM), Isotopes Park, The Pit and the UNM Football stadium attempt to address the necessary carrying capacities. Therefore, the request generally furthers Policy II.B.5.d.*

10. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

- A. Policy II.B.5.c: New growth shall be accommodated through development in areas where vacant land is contiguous to existing programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

*The proposed development is located in an area where the vacant subject site is contiguous to existing programmed urban facilities and infrastructure, however the subject site is not close to any transit routes that provide continuous daily service, nor is it close to existing bicycle facilities. However, the integrity of the existing neighborhood to the east will be assured by limiting the amount of local street traffic on adjacent neighborhoods. Therefore, the request partially furthers Policy II.B.5.e.*

11. The request furthers the following applicable goals, policies and regulations of the Sunport Boulevard Design Overlay Zone:

- A. *The proposed wall mounted sign area and free-standing monument sign shown on the site development plan for building permit currently conforms to the requirements of the SBDOZ. Therefore, the request furthers applicable design guideline requirements of the SBDOZ.*

12. The Kirkland Community Association and San Jose Neighborhood Association were notified of this request as well as property owners within 100 feet of the subject site. No facilitated meeting was recommended by the Office of Neighborhood Coordination or requested by neighborhood association representatives.

13. A document entitled "Conference Report" was drafted and submitted to the Staff Planner by the applicant. According to the applicant, the report documents two meetings with neighborhood

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association representatives held on July 21<sup>st</sup> and July 28<sup>th</sup> to solicit feedback regarding the proposed development.

14. Representatives from the Kirkland Community Association expressed concern regarding any proposed vehicular access from the existing Mulberry right-of-way at the July 21<sup>st</sup> and July 28<sup>th</sup> meetings, as well as to the Staff Planner via emails.
15. Based on neighborhood concerns, the applicant removed the Mulberry access and submitted a new site development plan for building permit (dated July 24, 2015).
16. Based on revised drawings submitted by the applicant, the Fire Department submitted additional comments dated Friday July 31, 2015 stating that they would require a secondary access onto Mulberry St. per the International Fire Code for emergency access only.
17. Based on revised drawings submitted by the applicant, the Traffic Engineering Department submitted additional comments dated Friday July 31, 2015 stating that they would require a revised Traffic Impact Study demonstrating that level of service requirements will be met based on one access point versus two.
18. Based on agency comments, the applicant included a secondary access onto Mulberry St. per the International Fire Code for emergency access only and submitted a new site development plan for building permit (dated August 3, 2015)

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.

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3. The Administrative Amendment request to the Capstone Site Development Plan for Subdivision shall be approved prior to DRB review of the site development plan for building permit for the proposed healthcare clinic.
4. The signature block located at the top right hand corner of sheet SDP 1.1 shall be amended to reflect the correct project number of "1009090" and "DRB" will need to be changed to "EPC".
5. The site development plan for building permit shall be amended to reflect the 16' light pole height restriction per Section §14-16-3-9 (Area Lighting Regulations) of the Zoning Code.
6. The Landscaping Plan shall be amended to indicate whether the proposed plants and species listed on the Plant Legend on sheet SDP 2.1 will be low, medium, or high water plants.
7. The Landscape Calculations section of the Landscaping Plan on sheet SDP 2.1 shall be amended to quantify the total amount of live vegetative coverage to demonstrate that the landscaping plan meets the 75% live ground coverage requirements of the Zoning Code.
8. The final design of the proposed emergency access drive from the subject site to Mulberry St. (included as Keyed Note 40 on sheet SDP 1.1) shall be reviewed and approved by the Fire Department / Fire Marshall prior to DRB review of the site development plan for building permit for the proposed healthcare clinic.
9. Conditions of approval from the Albuquerque Environmental Health Department:

The applicant shall submit site specific plans for the following prior to DRB review of the site development plan for building permit for the proposed healthcare clinic:

- A landfill gas mitigation plan that should include at a minimum removal of landfill material (which would require an approved excavation plan from the State's Solid Waste Bureau);
- A landfill gas engineer certification determining of the landfill gases exists on the property and whether there is a potential for migration of such gases to impact the property in the future; and
- If landfill gases are present or there's a potential for the property to be impacted in the future, plans must be submitted for approval that include risk abatement measures.
- Certification of landfill material having been removed from this site is also required.

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10. Conditions of approval from Traffic Engineering & Transportation Development:

- Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances.
- The ADA access aisle shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed (66-1-4.1.B NMSA 1978)
- Infrastructure improvements from the approved traffic impact study will be required.
- Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

11. Conditions for Approval for Project #1009090 Site Development Plan for Building Permit (medical office building south of Gibson & east of I-25) 15EPC-40026:

- 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.
- It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:  
PNM Service Center  
4201 Edith Boulevard NE  
Albuquerque, NM 87107  
Phone: (505) 241-3425
- 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](http://www.pnm.com) for specifications.

12. 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.

13. The reference on the site development plan layout for the building footprint square footage for Phase 2 must be corrected to read 4,722 sf. It currently states it is 6,000 sf.

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**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 15<sup>th</sup> 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.

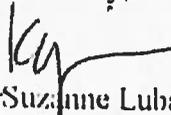
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of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

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**cc: Albuquerque Airpark Partners, John Lorentzen or Mark Edwards, 2909 Yale Blvd SE, ABQ, NM 87106**  
**Dekker/Perich/Sabatini, 7601 Jefferson St. NE, #100, ABQ, NM 87109**  
**Elizabeth Aikin, 1524 Alamo SE, Albuquerque, NM 87106**  
**Arthur Richey, 2125 W. 73<sup>rd</sup> St., Tulsa, OK, 74132**  
**Kimberly Brown, 1533 San Jose SE, Albuquerque, NM 87106**  
**Marcia Boyer, 1624 Alamo Ave SE, Albuquerque, NM 87106**