

# CITY OF ALBUQUERQUE

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor  
Albuquerque, NM 87102  
Tel: (505) 924-3860



## AMENDED OFFICIAL NOTIFICATION OF DECISION

February 13, 2020 (Amended 3/17/2020)

Modulus Architects, Inc.  
100 Sun Avenue NE, Suite 305  
Albuquerque, NM 87109

**Project #2018-001695**  
SI-2019-00381 – Major Amendment Site Plan– EPC and removal  
of use restrictions from site plan

### LEGAL DESCRIPTION:

Modulus Architect Inc., agent for Novus Properties LLC, request the above action for all or a portion of Tracts A-1, A-2-A, A-2-B, B, C, D, E, F, G, H of Fountain Hills Plaza Subdivision and Lot 2, Block B and Lot 3, Block B of Albuquerque West Subdivision and Lot 6-A-1-A of Albuquerque West Unit 1, zoned NR-C, located on Nunzio Ave. NW, between Paradise Blvd. NW & Vista Fuente NW, containing approximately 31.0 acres. (C-12)  
Staff Planner: Linda Rumpf

The originally filed Notice of Decision in this matter, dated February 13, 2020, inadvertently failed to include the conditions of approval that were stated in the record.

On February 13, 2020 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001695/SI-2019-00381, Major Amendment Site Plan, based on the following Findings and Conditions of Approval:

### FINDINGS:

1. This is a request for approval of a **Major Amendment** to prior approved EPC Site Plan for all or a portion of Tracts A-1, A-2-A, A-2-B, B, C, D, E, F, G, H of Fountain Hills Plaza Subdivision and Lot 2, Block B and Lot 3, Block B of Albuquerque West Subdivision and Lot 6-A-1-A of Albuquerque West Unit 1, zoned NR-C, located south of Paradise Blvd. NW, north of Paseo del Norte NW, west of Eagle Ranch Rd. NW, and east of Davenport St. NW, containing approximately 31 acres.
2. The purpose of this Major Amendment to the Site Plan is to amend the current approved Site Plan for Subdivision and remove design standards and land use restrictions for a portion of the approved site plan to be more suitable for development.
3. The subject site is in an Area of Change as designated by the Comprehensive Plan and is zoned NR-C (Non-Residential Commercial).
4. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance are incorporated herein by reference and made part of the records for all purposes.

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## 5. Previous approvals:

- A. The Site Plan for Subdivision (Project Number: 1003445/07DRB-70053) was approved by DRB June 27, 2007.
- B. The Site Plan for Subdivision (Project 1003445/05EPC-00022) was approved by the Environmental Planning Commission on August 18, 2005.

## 6. The request is consistent with the following Comprehensive Plan Goals and policy in Chapter 4: Community Identity:

- A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request is consistent with Goal 4.1 because the proposed site plan amendment would enhance the existing area by providing smaller commercial development which would contribute to protecting and preserving the community's distinct identity. The request is consistent with Goal 4.1.

- B. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Future development that would be allowed with this request to amend the Site Plan and would be subject to IDO requirements. These would help ensure appropriate scale and location of development and character of building design as well as protect the identity and cohesiveness of the neighborhood. The request furthers Policy 4.1.2.

## 7. The request is consistent with the following Comprehensive Plan Goals and policy in Chapter 5: Land Use:

Note: The following section refers to Paseo del Norte as a Premium Transit corridor. The Comprehensive Plan shows Paseo del Norte as a Premium Transit corridor, but AGIS does not map it as such until there are identified station locations and funding for a BRT along Paseo del Norte. The applicant has cited the Comp Plan designation and referenced corresponding Comp Plan policy statements, but this transit corridor has not yet been mapped and that development standards associated with Premium Transit are not applicable until certain requirements are met:

### **Premium Transit (PT) Area**

Lots within 660 feet of a transit station with transit service of 15 minute or greater frequency on a Premium Transit Corridor as designated by the ABC Comp Plan, as amended. Development standards associated with the Premium Transit designation apply once the station locations have been identified and funding for the transit service and any associated streetscape improvements has been secured.

Applicable Land Use Goals and policies are listed as follows:

- A. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

This request is consistent with Goal 5.1 because the subject site is located near the Paseo del Norte/Coors Activity Center, is adjacent to a Commuter Corridor (Paseo del Norte) and Multi Modal

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Corridors (Paradise and Eagle Ranch) that create a network of corridors, allowing for a variety of uses that allow many different activities connected by Corridors that include a mix of uses and transportation connections.

- B. Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern. [ABC]

This request furthers Policy 5.1.1 because this property is located in an Area of Change, is near the Coors/Paseo Activity Center and would be an infill project located along a Commuter Corridor. It would encourage employment density and development on Albuquerque's West side and would further this policy as it would reduce the need for trips across the river, accommodate growth and discourage the need for development at the urban edge.

- C. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request furthers Policy 5.1.2 because the subject site is located along a designated Commuter Corridor and in an Area of Change that is intended to develop. The request would establish and maintain appropriate density and scale of development and complement existing development by providing for a wide array of medium-scale retail, office, commercial, and institutional uses.

- D. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.

This request furthers Goal 5.2 because the requested site plan amendment would enhance the existing area where residents can live, work, learn, shop and play.

- E. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

This request furthers Policy 5.2.1 because the proposed Site Plan amendment would allow for a mixture of non-residential uses and encourage development that brings goods and services within walking and biking distance of neighborhoods. The location near a transit corridor offers transportation choices to services and employment.

- F. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

This request furthers Goal 5.3 by enhancing the existing area by providing for smaller-scale commercial development that will maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

- G. Policy 5.3.1: Infill Development: Support additional growth in areas with existing infrastructure and public facilities. [ABC]

This request furthers Policy 5.3.1 because the proposed Site Plan amendment will support additional growth in an Area of Change with existing infrastructure and public facilities.

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- H. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development is and near Areas of Consistency reinforces the character and intensity of the surrounding area.

This request furthers Goal 5.6 because it will encourage and direct growth that reinforces the character and intensity of the surrounding area.

- I. Policy 5.6.2: Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

This request furthers Policy 5.6.2 because the subject site is located in an Area of Change and a Commuter Corridor and will absorb growth and more intense development with high-quality future development.

8. The request is consistent with the following Comprehensive Plan Goals and policy in Chapter 6: Transportation:

- A. Goal 6.1 Land Use – Transportation Integration: Plan, develop, operate, and maintain a transportation system to support the planned character of existing and future land uses.

This request furthers Goal 6.1 by developing around the existing transportation system to support the planned character of existing and future land uses.

- B. Policy 6.1.3 – Auto Demand: Reduce the need for automobile traveling by increasing mixed-use development, infill development within Centers and travel demand management (TDM) programs.

This request furthers Policy 6.1.3 by reducing the need for automobile traveling by increasing mixed use development, infill development near the Paseo/Coors Activity Center on Albuquerque's West side, reducing the need for cross river trips.

9. The request is consistent with the following Comprehensive Plan Goals and policy in Chapter 8: Economic Development:

- A. Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

This request furthers Goal 8.1 by creating places where business and talent may thrive.

- B. Policy 8.1.1 Diverse Places: Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

This request furthers Policy 8.1.1 by fostering a greater range of opportunities for different densities and uses in a location highly visible, accessible and central to the Albuquerque west side for an opportunity to create a sense of "place" and encourage a diverse range of economic development opportunities in an Area of Change.

- C. Policy 8.1.2: Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

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This request furthers Policy 8.1.2 because the proposed amendment will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing residents on the West side. This type of economic development is best suited for infill locations supported by commercial corridors.

- D. Policy 8.1.3: Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

This request furthers Policy 8.1.3 by allowing for future development of the property providing an incentive to local business to expand and diversify employment, promote local hiring, higher wages and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

10. Conditions of approval are needed to provide clarification and to ensure that all applicable requirements are met.
11. The applicant notified the following affected neighborhood organizations as required: the Westside Coalition of Neighborhood Associations (NA), Piedras Maracas NA, Rancho Sereno, Taylor Ranch NA, and Paradise Hills Civic Association. Property owners within 100 feet of the subject site were notified as required.
12. There was no request for a facilitated meeting from neighborhood representatives or members of the public.
13. As of this writing, Staff has received no letters or emails opposing or supporting this request.

## **CONDITIONS OF APPROVAL:**

1. The applicant shall meet with the Staff planner to ensure that all conditions of approval are met. Upon receiving final approvals, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.
2. CONDITIONS FROM PNM
  - 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. As development moves forward, the developer will need to contact PNM New Service Delivery Department to coordinate electric service regarding the project. Please submit a service application at [www.pnm.com/erequest](http://www.pnm.com/erequest) for PNM to review.
  - 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](http://www.pnm.com) for specifications.

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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 **FEBRUARY 28, 2020**. 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 14-16-6-4(U) of the IDO, Administration and Enforcement. 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 recommendation.

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).

Sincerely,

for

Brennon Williams  
Planning Director

BW/LR

cc: COA Planning Department, , 600 2<sup>nd</sup> St. NW, 3<sup>rd</sup> Fl., ABQ, NM 87102  
Modulus Architects, Inc., 100 Sun Avenue NE, Suite 305, ABQ, NM 87109, [rokoye@modulusarchitects.com](mailto:rokoye@modulusarchitects.com)  
Westside Coalition NA, Rene Horvath, [aboard10@juno.com](mailto:aboard10@juno.com)  
Westside Coalition NA, Harry Hendriksen, [hlhen@comcast.net](mailto:hlhen@comcast.net)  
Piedras Marcadas NA, Lawrence Fendall, [lfendall@netscape.net](mailto:lfendall@netscape.net)  
Rancho Serano NA, Debra Cox, [debracox62@comcast.net](mailto:debracox62@comcast.net)  
Rancho Serano NA, Sander Rue, [Sanderrue@comcast.com](mailto:Sanderrue@comcast.com)  
Taylor Ranch NA, Diana Shea, [secretary@trna.org](mailto:secretary@trna.org)  
Taylor Ranch NA, Rene Horvath, [aboard10@juno.com](mailto:aboard10@juno.com)  
Paradise Hills Civic Association, Maria Warren, [Samralphroxy@yahoo.com](mailto:Samralphroxy@yahoo.com)  
Paradise Hills Civic Association, Tom Anderson, [ta\\_a@msn.com](mailto:ta_a@msn.com)