

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

January 15, 2016

Western Albuquerque Land Holdings LLC
Jeff Garrett
6969 E. Camelback, Suite D-212
Scottsdale, AZ 85251

Project# 1003275
15EPC-40068 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of tract B-1, Heritage Market Place, zoned SU-2/SU-1 Planned Office Park & Commercial Development, located on Unser Blvd. between Ladera and Market, containing approximately 9 acres. (H & J-9) Staff Planner: Maggie Gould

Box 1293

On January 14, 2016, the Environmental Planning Commission (EPC) voted to DENY Project #1003275/15EPC-40068, a Site Development Plan for Subdivision, based on the following findings:

Albuquerque

FINDINGS:

New Mexico 87103

www.cabq.gov

1. This is a request for a Site Development for Building Permit for Tract B-1 of the Heritage Market Place Subdivision located on Unser Boulevard between Market Street and Ladera Road and containing approximately 9 acres zone SU-2, SU-1 for Planned Office Park and Commercial Development.
2. The applicant proposes to construct a 230 unit apartment complex. The use is allowed under the existing zone. A letter from the City Code Compliance Manager in 2012 confirms that the apartment use is allowed on the site.
3. The subject site is part of a larger subdivision containing approximately 20 acres governed by a Site Development Plan for Subdivision (13 EPC-40148).
4. The Albuquerque/Bernalillo County Comprehensive Plan, Westside Strategic Plan and El Rancho Atrisco SDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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5. The subject site is within the Established Urban Area of the Comprehensive Plan. The Following policies are relevant to the request:

Land Use

- 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, or recreational concern.

The intensity of the proposed project will not respect the existing values, carrying capacity and other area resources. The project will add additional housing on the west side of Albuquerque where there is currently an imbalance between jobs and housing, the project will add additional traffic to an already congested roadway system and will add additional students to an overcrowded school system. The request does not further policy II.B.5.d.

- 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 assured.

Although the site has access to a full range of existing urban services, including roads, electricity, transit and water and sewer, the proposed intensity of development will overtax these services. The site uses one access point that will funnel the traffic from the development onto Market Street. The additional traffic from the development will add to the existing traffic congestion in the area and negatively impact the neighborhoods. The request does not further Policy II.B.5.e.

- C. Policy II.B.5h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The subject site has access to the major street network from Market Street to Ladera Drive . The site design directs all of the traffic onto Market Street from a single entry

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and exit point. The additional traffic from the single entry and exit point of the development will add to the existing traffic problems in the area. The request does not further Policy II.B.5h.

Policy II.B.5k: 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 operations.

The subject site is adjacent Unser Boulevard, an arterial street. Because Unser is a Limited Access Roadway the site does not have full access to Unser Boulevard. The proposed project will add additional traffic that will negatively impact the existing residential development and will add to the traffic congestion in the area. The request does not further Policy II.B.5k.

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

The site plan provides pedestrian access, however the change in grade between the entry drive from Unser Boulevard and the proposed apartments makes it more difficult for pedestrians to access the small retail shops proposed along Unser Boulevard. The request partially furthers Policy II.D.4g.

6. *The site is within the boundaries of the Westside Strategic Plan:*

A. Policy 2.5: When considering approval of subdivisions or site development plans for residential development or zone changes to residential or higher density residential, the City Planning Department shall consider whether local public schools have sufficient capacity to support the increased number of homes.

The proposed development will add students to the area. There is excess capacity at West Mesa High School, but SR Marmon Elementary and Jimmy Carter Middle School are overcrowded. The request is not consistent with policy 2.5.

7. The proposed development complies with the underlying zoning in the El Rancho Atrisco Phase III Sector Plan, but the layout and quantity of housing is not appropriate for the area.

8. The Laurelwood Neighborhood Association, Parkway Neighborhood Association and Westside Coalition of Neighborhoods were notified. A facilitated meeting occurred on November 17th. Neighbors expressed concerns about parking on street, crime and traffic and a general decline in the quality of life in the area and several attendees were opposed to the project.

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9. Staff received letters from the S. R. Marmon Neighborhood Association, Laurelwood Park Neighborhood Association and members of the community expressing opposition to the request.
10. Several members of the public spoke in opposition to the request at the EPC hearing.

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

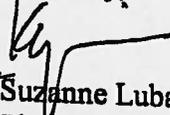
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Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: Western Albuquerque Land Holdings LLC, Jeff Garrett, 6969 E. Camelback, suite D-212, Scottsdale, AZ 85251
Tierra West, LLC, 5571 Midway Pk Place NE, ABQ, NM 87109
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