

# 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

March 11, 2016

Palmilla Commercial, LLC  
200 Spruce St, Suite 200  
Denver, CO 80230

**Project# 1008528**  
16EPC-40004 Site Development Plan for Subdivision  
16EPC-40005 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above actions for all or a portion of Lot 1B-1-A, Paradise North, zoned SU-1 for IP Uses with exceptions, located on 10301 Golf Course Rd. NW, containing approximately 6 acres. (A-12)  
Staff Planner: Maggie Gould

On March 10, 2016, the Environmental Planning Commission (EPC) voted to APPROVE WITHDRAWAL of Project #1008528/16EPC-40004, a Site Development Plan for Subdivision and voted to APPROVE 16EPC-40005, a Site Development Plan for Building Permit, based on the following findings and conditions:

Albuquerque

### FINDINGS 16EPC-40005 – Site Development Plan for Building Permit:

1. This is a request for a Site Development Plan for Building permit for a portion of lot 1B-1-A, Paradise North located on Golf Course Road between the Calabacillas Arroyo and McMahon Boulevard and containing approximately 6 acres.
2. The applicant proposes 3 duplex style cottages units, approximately 3,900 square feet each, as part of an expansion of the existing senior housing/ assisted living facility to the north of the site.
3. The subject site is part of a larger Site Development Plan for Subdivision approved in 2011(11-EPC - 40040) that divided the site into the current configuration..
4. The proposed use is allowed under the existing zone. The applicant included a letter from the Code Compliance Manager dated May 24, 2011, stating that the proposed use, Retirement and Assisted Living Facility is allowed under the existing zone
5. Future development on the western portion of the site will return to the EPC for review. Design issues relating to development adjacent to the Calabacillas Arroyo will be addressed at that time.

OFFICIAL NOTICE OF DECISION

Project #108528

March 10, 2016

Page 2 of 6

6. The subject site is within the boundaries of the Established Urban area of the Comprehensive Plan. The following policies are applicable to this request:

- A. 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.

Policy II.B.5e is furthered because the subject site has access to a full range of urban services including roads, water, sewer and electric lines and transit. The style of the proposed development is small scale and will not add excess traffic, noise or other nuisances to the area.

- B. Policy II.B.5d: 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.

Policy II.B.5d is furthered because the proposed development will be one story and will not block views to the east or west, the subject site has access to existing urban services and the Site Development Plan for Building shows a large area with steep slopes that will be seeded with a native seed mix, helping the site blend into the natural environment.

- C. Policy II.B.5i: 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.

Policy II.B.5i is furthered because the proposed development will add an employment and service use in an area that is zoned for such use; the proposed design will be a single story cottage that will complement the nearby residential development in terms of scale and style. The subject site is not directly adjacent to single family development and will not have any negative impacts on the nearby residential areas.

- D. Policy II.B5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

Policy II.B5j is furthered by the request because the proposed development will add commercial service use in an area that is zoned for the use and is adjacent to a shopping center and near the intersection of two arterials streets with access to transit.

- E. 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.

OFFICIAL NOTICE OF DECISION

Project #108528

March 10, 2016

Page 3 of 6

Policy II.D.6a is furthered because the proposed use will add to the employment opportunities on the west side where the jobs to housing imbalance is significant (an area of need).

- F. Policy II.D.6g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

Policy II.D.6g is furthered by this request because the proposed development will add additional jobs in in an activity center in proximity to existing residential development.

7. The subject site is within the boundaries of the West Side Strategic Plan. The following policies are applicable to the request:

- A. Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

Objective 1 is furthered because the proposed development will add to the mix of uses on the West side and will offer a new employment opportunity.

- B. Objective 8: Promote job opportunities and business growth in appropriate areas of the west side.

Objective 8 is furthered because the proposed development will allow the expansion of an existing business that will add to the job opportunities in the area. The subject site is within a neighborhood center as designated by the west side strategic plan and is an appropriate area for new growth because it is served by existing services, roads and transit.

- C. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings.

The request furthers Policy 1.5 because the Site Development Plan for Subdivision requires a future trail to the Calabacillas Arroyo. The proposed development will contain 6 foot wide sidewalks which connect to the existing sidewalk along Golf Course Road. The proposed development will not contain a parking lot.

- D. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

Policy 1.15 is furthered because the proposed development will consist of small, neighborhood scale buildings, have connections to the sidewalks and the bike lane and will offer senior housing(a service) and will accessible from the nearby neighborhoods.

- E. Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be by auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

OFFICIAL NOTICE OF DECISION

Project #108528

March 10, 2016

Page 4 of 6

The proposed development furthers policy 1.16 because the site has convenient access to transit, bike and pedestrian facilities and will be located on an arterial street.

- F. Policy 3.4: Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses, and other uses appropriate for such Centers shall be encouraged. The lowest density single family residential development shall not occur within these Centers, but must have safe pedestrian and bicycle access to them.

Policy 3.8: The largest mix of land uses and the highest density shall develop in the Community and Neighborhood Centers. Multifamily housing, public facilities, educational and employment facilities, and other non-single family residential uses are appropriate along with commercial services in these areas.

Policy 3.8 and Policy 3.4 are furthered by the request because the proposed development will add a non-single family use in a neighborhood activity center; the proposed development will add to the employment opportunities in the area. Although the proposed units are a lower intensity use they add to the existing facility to the north which is developed with 146 units and full service care. The proposed development will have pedestrian access along the internal roadway and along Golf Course Road.

- G. Policy 4.10: It is important to promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use.

Policy 4.10 is furthered by the request because the proposed development will be on an enhanced transit corridor, with access to bike lanes and trails, near existing commercial services and residential development. Employees of the development could use the bike paths or transit to get work; residents of the development will be older persons who may choose to use transit rather than drive.

8. The West Side McMahan Land Use and Transportation Guide was adopted in 1999 as additional guidance to the WSSP. The following policies are relevant to the request.

- A. Section 4(A): Such proposals should be generally consistent with density, type and hierarchy of uses as illustrated in Attachment A.

*Attachment A designates the subject site as mixed use. The proposed service use is allowed by the underlying zoning.*

- B. Section 4(A)4: Mixed Use refers to a mixture of neighborhood and Village scale commercial, office, community service and other employment associated uses, and high density residential developments. Where designated mixed use areas involve multiple parcels, the mixture and distribution of uses should be achieved for the area as a whole and are not a goal for any single parcel.

The site is in the area shown as Mixed Use. The proposed development adds to the neighborhood scale services and employment uses in the area.

- C. Section 4(G): Bicycle, trail and pedestrian facilities and linkages should be located as illustrated in Attachment A, and as follows:

6. Commercial and office developments should include designated pedestrian and bicycle facilities that link the developed site with the pedestrian and bicycle facilities on the adjacent arterial street system.

**OFFICIAL NOTICE OF DECISION**

Project #108528

March 10, 2016

Page 5 of 6

Well lighted and landscaped pedestrian facilities connecting residential and commercial developments, should also connect to transit routes and major stop facilities.

The proposed site plan shows landscaped area and sidewalk along the internal drive and along Golf Course road. The site has access to the bike lane along Golf Course Road and future development will connect to the trails along the Calabacillas Arroyo. There is an existing transit stop adjacent to the site.

9. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
10. Paradise Hills Civic Association and the Westside Coalition of Neighborhoods were notified. A facilitated meeting was not recommended or requested. Property owners within 100 feet of the site were also notified. Staff has not received any public comment as of this writing.

**CONDITIONS 16EPC-40005 – 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.
3. Future signage for the 3 units may be approved administratively provided it complies with the underlying zoning. A note shall be added to sheet C2 stating this.
4. The administrative amendment to adjust the lot lines shall occur prior to DRB submittal.
5. 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 **MARCH 25, 2016**. 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.

**OFFICIAL NOTICE OF DECISION**

Project #108528

March 10, 2016

Page 6 of 6

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.

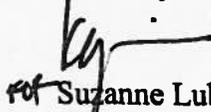
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of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

cc: Palmilla Commerical, LLC, 200 Spruce St, Suite 200, Denver, CO 80230  
Tierra West, LLC, 5571 Midway Park Pl. NE, ABQ, NM 87109  
Tom Anderson, Paradise Hills Civic Assoc., 10013 Plunkett Dr. NW, ABQ, NM 87114  
Maria Warren, Paradise Hills Civic Assoc., 5020 Russell NW, ABQ, NM 87114  
Gerald Worrall, Westside Coalition of NA's, 1039 Pinatubo Pl. NW, ABQ, NM 87120  
Harry Hendriksen, Westside Coalition of NA's, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114-2701