

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
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P.O. Box 1293, Albuquerque, NM 87103  
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## OFFICIAL NOTIFICATION OF DECISION

October 11, 2018

COA, Fire Dept & DMD  
P.O. Box 1293  
ABQ, NM 87103

**Project# 1001081**  
18EPC-40036 Zone Map Amendment  
(Zone Change)  
18EPC-40037 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for all or a portion of Parcel D within Lot 23, Block 31, Snow Heights Addition, zoned C-2 to SU-1 for Fire Station, located on Snow Heights Circle NE, near the southwest corner of Menaul Blvd. NE and Eubank Blvd. NE, containing approximately 1.1 acres.

Staff Planner: Cheryl Somerfeldt

PO Box 1293

On October 11, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1001081/18EPC-40036, a Zone Map Amendment (Zone Change) and 18EPC-40037, a Site Development Plan for Building Permit, based on the following Findings and Conditions:

### **FINDINGS, Zone Map Amendment, Case # 18EPC - 40036**

NM 87103

www.cabq.gov

1. This is a request for a Zone Map Amendment (Zone Change) in association with a Site Development Plan for Building Permit for Parcel D within Lot 23, Snow Heights Addition located on Snow Heights Circle to the southwest of the corner of Menaul Boulevard NE and Eubank Boulevard NE, and containing approximately 1.1 acres.
2. This is a request to change the zone from C-2, the Community Commercial Zone, to SU-1 for Fire Station, the Special Use Zone.
3. Development within the SU-1 zone must be approved with a Site Development Plan and the applicant has submitted the associated Site Development Plan for Building Permit to meet this requirement.
4. The SU-1 for Fire Station zone will convert to the NR-SU zone under the now effective Integrated Development Ordinance (IDO). A zone change request to the NR-SU zone also requires an EPC approved Site Plan similar to the SU-1 zone. The proposed Site Development Plan stating the single proposed use as a fire station, will fulfill the second part of the request and will control the site going forward.

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5. The application was originally submitted in early May, 2018 prior to the effective date of the Integrated Development Ordinance (IDO) to be heard at the June 14, 2018 public hearing. The applicant deferred the case to this October 11, 2018 hearing to potentially purchase an adjacent piece of property. To date, this purchase has not been completed, and the applicant has chosen to pursue the original application to proceed with the project in a timely manner.
6. In 2012, a site feasibility study found the Albuquerque Fire Department had outgrown the existing Fire Station #9 building located immediately to the north of the subject site at 9601 Menaul Boulevard NE. It was concluded that the subject site would be appropriate for a new fire station.
7. In 2014, the Albuquerque City Council appropriated funds to purchase the site to construct a new fire station that would have sufficient operational space and better serve the fire district.
8. The feasibility study called for direct access to Menaul Boulevard NE, which would be accomplished by vacating a portion of the existing right-of-way on Snow Heights Circle NE, subsequently approved by City Council on May 07, 2018. A portion of the vacated right-of-way comprises a portion of the subject site.
9. The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities. The property falls within the Mid-Heights Community Planning Area and does not fall under any adopted Sector Plans.
10. The Albuquerque Bernalillo County Comprehensive Plan (2017) and the City of Albuquerque Comprehensive Zoning Code (last amended in 2014) are incorporated herein by reference and made part of the record for all purposes.
11. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
  - A) The request futhers Goal 5.1 and Policy 5.1.1, because the subject site is located on Menaul Boulevard NE, a Multi-Modal Corridor designated by the Comprehensive Plan. The requested zone change will permit development of a traffic generating fire protection service on a vacant site along a designated corridor that is intended for higher density development, rather than on a less traveled roadway.
  - B) The request furtheres Policy 5.2.1 h because it encourages infill development on a vacant lot in an existing semi-urban area and adds the complementary use of fire protective services, which is compatible in form and scale to the immediately surrounding development as evidenced by the existing fire station across the street.
  - C) The request furtheres Goal 5.3 and Policy 5.3.1 because it will support development in an area with existing infrastructure and public facilities. As an infill project, the proposed use complements nearby development and has been planned in collaboration with the proposed Snow Heights Promenade development immediately to the east. The development will maximize the responsible use of public resources and support the public good as it will continue to cover the same service area as the existing fire station, and include a community meeting room that can be used by the public upon request.

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- D) The request furthers Goal 5.6 and Policy 5.6.2 because the subject site is located in an Area of Change and is being developed on a designated a Multi-Modal Corridor, Menaul Boulevard NE, where more intense development is encouraged.
- E) The request furthers Policy 5.6.4 because it provides an appropriate transition between the subject site to the abutting residential lots to the south in an Area of Consistency through adequate setback buffering and limits on building height. The site design provides a 50-foot rear yard setback and a 16-foot buffer between the site circulation lane and the south property line. A 6-foot solid, CMU wall is proposed along this edge. The site light fixtures are 15 feet in height and shielded to reduce light pollution.
- F) The request furthers Policy 7.3.4 because the requested zone change will permit an infill development that blends and enhances the built environment and existing contemporary commercial style along the streetscape of Menaul Boulevard NE. Exterior design elements and building materials include masonry and a metal paneled tower.
- G) The request clearly furthers Goal 12.2 and Policy 12.2.3 because the proposed project is a new community facility in an area with excellent access allowing it to provide services to the existing service area. The proposed community facility is near retail and commercial services that will make it convenient to residents of the surrounding neighborhoods. The subject site has access for pedestrians, cyclists, transit users, and drivers.
- H) The request furthers Goal 12.3 and Policy 12.3.1 because it will provide access to fire protection public services and distribute those services equitably since the proposed fire station will cover the same as the current service area.
- I) The request clearly furthers Policy 12.3.3 because it provides fire and rescue emergency services to save, protect lives, and property in cooperation with the public and other agencies.
- J) The request furthers Goal 12.5 and Policy 12.5.2 because the project will allocate the costs of this new public facility fairly and equitably to support new development. The proposal will take advantage of a vacant lot in a developed area with existing connections and infrastructure.
12. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
- A) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed zone change is consistent with the health, safety, morals, and general welfare of the city because the request further's goals and policies from the Comprehensive Plan, which was established by the City to support those aspects. The request clearly further's Comprehensive Plan Policy 12.3.3 to "Provide comprehensive fire and rescue and emergency medical services to save and protect lives, property, and the environment in cooperation with the public and other agencies". In addition, the associated Site Development Plan for Building Permit is designed to meet the City's Zoning Code regulations which were also written to support the health, safety, morals, and general welfare of the City.

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- B) The request promotes land use stability because the project is an infill project on a vacant property in a location that is expected to provide desired neighborhood services. The property is located on the corner of a Community/Urban Principal Arterial and a Regional Principal Arterial; and locating a fire protection service on these corridors in the same vicinity as the existing fire station is more expected and stabilizing than another location meeting the same service area. The requested zone change will stabilize the neighborhood with expected proactive high quality development.**
- C) The proposed zone change is not in significant conflict with adopted elements of the Comprehensive Plan as shown in the analysis of the Albuquerque / Bernalillo County Comprehensive Plan Policies listed in number 10 of these Findings above.**
- D) The applicant has sufficiently justified that the existing zoning is inappropriate because a different use category is more advantageous to the community as articulated in the Comprehensive Plan. The proposed zoning will provide public safety services where it is needed on a site that has been vacant for at least 25 years and has not been developed despite its C-2 zoning. As detailed in the policy analysis in number 10 of these Findings, the proposed zoning furthers many of the Comprehensive Plan's goals and policies that address public safety needs of the community, the provision of comprehensive fire protection, the efficient use of public funds, and infill development along corridors.**
- E) The requested zone would only permit the property to be used as a fire station. The existing request for SU-1 for Fire Station will convert to the NR-SU zone under the IDO, which also requires a Site Plan specifying the permitted fire station use. Therefore, if the property is to be used for a different purpose in the future, another zone change would be required. Since the request furthers applicable Comprehensive Plan policies and meets the criteria in R270-1980 herein, the request has been justified to not pose harm to adjacent property, the neighborhood, or community.**
- F) The applicant has sufficiently justified that although the requested project will require significant City capital expenditures; such capital expenditures are not un-programmed by stating:**
- While the construction of a new fire station will require significant capital expenditures by the City, such capital expenditures are an anticipated and integral part of the provision of fire protection services. Financing for the construction of the facility has been approved by City Council and will be funded through General Obligation bonds, which allows for the construction of new public safety facilities.**
- G) The applicant has sufficiently justified that economic considerations pertaining to the applicant is not the determining factor for the request by stating:**
- The City of Albuquerque purchased the subject site after conducting a Site Feasibility Study in 2012. The feasibility study determined that this was the best location for this facility due to its proximity to the existing fire station, the availability of land, and the necessary infrastructure to serve the facility.**

- H) The applicant has sufficiently justified that this criteria is met because it is not a request for apartment, office, or commercial zoning where the sole justification is its location on a major street.
  - I) The request for an SU-1 for Fire Station zone under the Comprehensive City Zoning Code (last amended 2014) or the NR-SU zone to which it will be converted under the IDO are both inherently spot zones since the uses are unique as specified on the Site Plan. However, this spot zone has been justified because the change will clearly facilitate realization of Comprehensive Plan policies supporting public safety, provision of comprehensive fire protection services, efficient use of public funds, and infill development as shown in number 10 of these Findings.
  - J) The request would not give a zone different from surrounding zoning to a strip of land along a street since the subject site is a sole rectangular property located near but not on the intersection of two major streets.
13. The applicant notified the North Eastern Association of Residents, Conchas Park Neighborhood Association, District 7 Coalition of Neighborhood Associations, and the East Gateway Coalition as well as property owners within 100 feet of the subject site as required. No meetings with the neighborhood were requested or occurred.
14. Staff received one comment in support and no comments in opposition to the request.

**FINDINGS, Site Development Plan for Building Permit, Case # 18EPC - 40037**

1. This is a request for a Site Development Plan for Building Permit in association with a request for a Zone Map Amendment (Zone Change) for Parcel D within Lot 23, Snow Heights Addition located on Snow Heights Circle to the southwest of the corner of Menaul Boulevard NE and Eubank Boulevard NE, and containing approximately 1.1 acres.
2. This is a request for a Site Development Plan for Building Permit to permit the construction of a new 10,731 square foot fire station building on the subject site. Development within the SU-1 zone must be approved with a Site Development Plan.
3. The SU-1 for Fire Station zone will convert to the NR-SU zone under the now effective Integrated Development Ordinance (IDO). A zone change request to the NR-SU zone also requires an EPC approved Site Plan similar to the SU-1 zone. The proposed Site Development Plan stating the single proposed use as a fire station, will fulfill the second part of the request and will control the site going forward.
4. The application was originally submitted in early May, 2018 prior to the effective date of the Integrated Development Ordinance (IDO) to be heard at the June 14, 2018 public hearing. The applicant deferred the case to the October 11, 2018 hearing to potentially purchase an adjacent piece of property. This purchase has not been completed to date and the applicant has chosen to pursue the original application to proceed with the project in a timely manner.

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5. In 2012, a site feasibility study found the Albuquerque Fire Department had outgrown the existing Fire Station #9 building located immediately to the north of the subject site at 9601 Menaul Boulevard NE. It was concluded that the subject site would be appropriate for a new fire station.
6. In 2014, the Albuquerque City Council appropriated funds to purchase the site to construct a new fire station that would have sufficient operational space and better serve the fire district.
7. The feasibility study called for direct access to Menaul Boulevard NE, which would be accomplished by vacating a portion of the existing right-of-way on Snow Heights Circle NE, subsequently approved by City Council on May 07, 2018. A portion of the vacated right-of-way comprises a portion of the subject site.
8. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable Plans. The Site Plan does not conform to Zoning Code section 14-16-3-1 (H) (4)), and sidewalk in front of the building shall be conditioned to be 8-foot wide at all points. The Site Plan does not conform to Zoning Code 14-16-3-10 (8), and trees and vegetative cover shall be added to the landscape buffer at the southwest property line.
9. The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities. The property falls within the Mid-Heights Community Planning Area and does not fall under any adopted Sector Plans.
10. The Albuquerque Bernalillo County Comprehensive Plan (2017) and the City of Albuquerque Comprehensive Zoning Code (last amended in 2014) are incorporated herein by reference and made part of the record for all purposes.
11. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
  - A) The request furthers Goal 5.1 and Policy 5.1.1, because the subject site is located on Menaul Boulevard NE, a Multi-Modal Corridor designated by the Comprehensive Plan. The requested zone change will permit development of a traffic generating fire protection service on a vacant site along a designated corridor that is intended for higher density development, rather than on a less traveled roadway.
  - B) The request furthers Policy 5.2.1 h because it encourages infill development on a vacant lot in an existing semi-urban area and adds the complementary use of fire protective services, which is compatible in form and scale to the immediately surrounding development as evidenced by the existing fire station across the street.
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- D) The request furthers Goal 5.6 and Policy 5.6.2 because the subject site is located in an Area of Change and is being developed on a designated a Multi-Modal Corridor, Menaul Boulevard NE, where more intense development is encouraged.
  - E) The request furthers Policy 5.6.4 because it provides an appropriate transition between the subject site to the abutting residential lots to the south in an Area of Consistency through adequate setback buffering and limits on building height. The site design provides a 50-foot rear yard setback and a 16-foot buffer between the site circulation lane and the south property line. A 6-foot solid, CMU wall is proposed along this edge. The site light fixtures are 15 feet in height and shielded to reduce light pollution.
  - F) The request furthers Policy 7.3.4 because the requested zone change will permit an infill development that blends and enhances the built environment and existing contemporary commercial style along the streetscape of Menaul Boulevard NE. Exterior design elements and building materials include masonry and a metal paneled tower.
  - G) The request clearly furthers Goal 12.2 and Policy 12.2.3 because the proposed project is a new community facility in an area with excellent access allowing it to provide services to the existing service area. The proposed community facility is near retail and commercial services that will make it convenient to residents of the surrounding neighborhoods. The subject site has access for pedestrians, cyclists, transit users, and drivers.
  - H) The request clearly furthers Policy 12.3.3 because it provides fire and rescue emergency services to save, protect lives, and property in cooperation with the public and other agencies.
  - I) The request furthers Goal 12.5 and Policy 12.5.2 because the project will allocate the costs of this new public facility fairly and equitable to support new development. The proposal will take advantage of a vacant lot in a developed area with existing connections and infrastructure.
12. The applicant notified the North Eastern Association of Residents, Conchas Park Neighborhood Association, District 7 Coalition of Neighborhood Associations, and the East Gateway Coalition as well as property owners within 100 feet of the subject site as required. No meetings with the neighborhood were requested or occurred.
13. Staff received one comment in support and no comments in opposition to the request.

**CONDITIONS OF APPROVAL, Site Dev Plan for Building Permit, Case # 18EPC – 40037**

- 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.

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2. Prior to application submittal to the DRB, the applicant shall consult with the staff planner to ensure that all conditions of approval are met.
3. The sidewalk in front of the building shall be updated to be 8-feet wide at all points (pursuant to Zoning Code 14-16-3-1 (H) (4)).
4. Trees and vegetative cover shall be added to the landscape buffer at the southwest property line (pursuant to Zoning Code 14-16-3-10 (8)).
5. Signage shall be dimensioned on the Elevations page A-202 of the Site Plans.
6. Conditions of Approval from other agencies:
  - A) COA Transportation Development
    - 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)
    - Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
  - B) COA Solid Waste Management Department
    - All new/proposed refuse enclosures must be built to COA minimum requirements, including 4" sanitary drain for all food/kitchen services.
  - C) Albuquerque Bernalillo County Water Utility Authority (ABCWUA)
    - As a condition of approval of this building permit obtain an Availability Statement for the new development. Requests can be made at the link below:
      - [http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)
      - Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.
    - The proposed conceptual site utility plan indicates a metered service, fire line, and new sanitary sewer service.
      - With regard to the water service: please note that the meter vault shall be located within the right-of-way.
      - With regard to the fire line: please note that the private valve is to be located just within the property line.
    - Backflow prevention was not mentioned on the conceptual site utility plan. Please note that a Water Authority approved backflow prevention assembly will be required prior to service.
  - D) Public Service Company of New Mexico (PNM)
    - An existing overhead service drop is located in the center of the subject property to power the existing lighted billboard which is assumed must be removed. Also an existing overhead distribution line is located along the southern boundary of the

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subject property. It is the applicant's obligation to abide by any conditions or terms of these easements.

- An existing overhead distribution line is located along the southern boundary of the subject property. On the sheet entitled Landscape Plan, the proposed tree selection, Austrian Pine, is not a compatible height at maturity with the existing overhead electric distribution facility along the southwestern boundary of the site. A shorter tree selection at mature height is necessary at this location. PNM's landscaping preference is for trees and shrubs to be planted outside the PNM easement; however, if within the easement, trees and shrubs should be located to minimize effects on electric facility maintenance and repair. New trees planted near PNM facilities should be no taller than 25 feet in height at maturity to avoid conflicts with existing electric infrastructure.
  - 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.
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 **OCTOBER 26, 2018**. 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 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).

**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.

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Sincerely,

  
For David S. Campbell  
Planning Director

DSC/CS

cc: COA, Fire Dept. & DMD, P.O. Box 1293, ABQ, NM 87103  
Consensus Planning, 302 8<sup>th</sup> St. NW, ABQ, NM 87102  
North Eastern Assoc. of Residents, Jo Martin, 2208 Lester Dr. NE, #40, ABQ, NM 87112  
North Eastern Assoc. of Residents, Matt Bohnhoff, 9500 Arvada Ave. NE, ABQ, NM 87112  
Conchas Park NA, Rachelle Karman, 9122 Claremont Ave NE, ABQ, NM 87112  
Conchas Park NA, Dianne Peterson, 9121 Claremont Ave. NE, ABQ, NM 87112  
Dist. 7 Coalition of Neigh. Assoc., David Haughawout, 2824 Chama St., NE, ABQ, NM 87110  
Dist. 7 Coalition of Neigh. Assoc., Lynne Martin, 1531 Espejo NE, ABQ, NM 87112  
East Gateway Coalition, Michael Brasher, 216 Zena Lona NE, ABQ, NM 87123  
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