



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

AMENDED OFFICIAL NOTIFICATION OF DECISION

September 15, 2016

U.S. Eagle Federal Cr. Union
P.O. Box 129
ABQ, NM 87103

Project# 1008952
16EPC-40034 Sector Development Plan Map Amendment
(Zone Change)
16EPC-40035 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

the above actions for all or a portion of Tract A, Morningstar at Palomas, zoned SU-2 for O-1 to SU-2 C-1, located on Palomas Ave., NE between Wyoming Blvd., NE, and Barstow St., NE, containing approximately .9 acre. (D-19)

Staff Planner: Maggie Gould

PO Box 1293

Albuquerque, NM 87103
On September 8, 2016 the Environmental Planning Commission (EPC) voted APPROVE Project #1008952/16EPC-40034, Sector Development Plan Map Amendment (Zone Change) 16EPC-40035 Site Development Plan for Building Permit, based on the following findings:

NM 87103

FINDINGS: Sector Development Plan Map Amendment (Zone Change)

1. This is a request for a Sector Development Plan Amendment (Zone Change) for Tract A of the Morningstar at Palomas located Palomas Avenue, between Barstow Street and Wyoming Boulevard and containing approximately .9 acres.
2. This an amendment from SU-2 O-1 to SU-2 C-1 as detailed in the La Cueva Sector Plan. Because the zoning was imposed by the La Cueva Sector Plan, the request constitutes an amendment to that plan.
3. A Site Development Plan for Building Permit is heard concurrently with this request (16 EPC 40035).
4. The EPC approved a Site Development Plan for Subdivision for the subject and the lot to the east in 2014.

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5. The Albuquerque/Bernalillo County Comprehensive Plan, La Cueva Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

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, recreational concern.

Policy II.B.5.d is furthered because the proposed zone will allow uses that are similar to the uses on the adjacent properties and in the general area. The Site Development Plan for Building Permit shows a building that complies with the design regulations of the LCSDP and so respects neighborhood values. Additional, the location of the site on a local street limits the development of some use that may not be compatible with the area.

- B. 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 where the integrity of existing neighborhoods can be ensured.

Policy II.B.5e is furthered because the site has access to existing roads, electrical grip, water service and full range of urban infrastructure. The site is not directly adjacent to single family development and the design of site does not direct traffic into the neighborhood to the south.

- 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 zoning will add to the variety of employment uses in the area, the proposed building is sited so that it will not negatively impact the neighborhood to the south, and may provide an additional neighborhood service and employment opportunity. The applicant submitted a trip generation study showing that the development of the assisted living facilities to the east of the site generate approximately 52 % fewer trip that had the properties been developed with an office use. The proposed zone change will not substantially increase the area traffic.

Economic Development

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- D. The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The goal is furthered because the request will add to the allowed uses on the site and this will allow the development of a new employment and service use. The site is subject to design standards and public review process that make future development compatible with the area.

- E. Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The request furthers Policy II.D.6b and the Economic Development goal because the request will allow the expansion of the US Eagle, a local, New Mexico Credit Union, established in 1935 and serving several cities in statewide.

7. The subject site is within the boundaries of the La Cueva Sector Development Plan. The following policies are relevant to this request:

- A. 1.3 OVERARCHING GUIDING PRINCIPLES (P. 4):

- A. Principle 4: Land uses that are compatible with existing development.

The request furthers overarching Guiding Principle 4 because the resulting commercial, retail and service development would be compatible with the existing commercial, service, retail and institutional uses nearby and, pursuant to the LCSDP, would be subject to the Design Regulations. Future development on the site would return to the EPC for review if the proposed building were not developed or if significant changes were requested.

- 5.1 GUIDING PRINCIPLES (P. 25-26):

- B. Principle 2 (existing): The plan area is intended to be urban, with a mix of residential densities and a variety of retail and service businesses to meet the needs of the area's growing population.

The request adds retail, commercial and services uses that are similar to the existing nearby uses in the area furthering the goals of making the plan area more urban. The request is consistent with Principle 2(existing).

- C. Principle 5 (existing): Paseo del Norte is the main east-west corridor through the plan area and provides the best opportunity for high density, urban uses.

The proposed zone will add additional uses to the site, located along Paseo del Norte, that contribute the mix of urban uses in the area. The request is consistent with Principle 5(existing).

- D. Principle 9 (existing): Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the

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natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.

The request generally furthers Guiding Principle 9 because the proposed credit union building is subject to the design regulations of the LCSDP and the development will be similar to what has already been developed in the area. Therefore, the building will contribute to the identity for the Plan area and be compatible new development.

- E. **Principle 5 (zoning)**: New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.

The proposed zone is subject to the Design Regulations in the LCSDP. The proposed building conforms to these regulations and will be similar to the existing development. These design regulations serve to reinforce community identity and improve land use compatibility. The request furthers Zoning Principle 5.

- F. **Principle 6 (zoning)**: Site Plan review of higher density uses is recommended to assure positive relationship between land uses.

The proposed SU-2 C-1 zone requires a site plan; the applicant has provided this site plan and the proposed building is consistent with the design requirements of the LCSDP. If the proposed credit union project does not occur, future development on the site would also return to the EPC for review. The request is furthers Principle 6 (zoning).

8. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
- A. The allowed uses are similar to the adjacent uses and will not have a negative impact on the area or the City in general. Development on the site is subject to review through a public process and required to meet design standards to ensure compatibility with surrounding development.
- B. The site is near other properties that are zoned to allow a variety of commercial and residential uses. The proposed use will unify the existing development by providing a transition between the developments to the east and west and be a use that is consistent with the existing development patterns.
- The adjacent property is zoned SU-2 for mixed use, this zone allows a mix of commercial, service and residential uses, including drive up facilities on larger sites. The proposed SU-2 C-1 zone allows similar uses.
- C. Summarize Policy Analysis, see findings 5 and 6.
- D. The request will add additional employment and service uses in the area, which is advantageous. The La Cueva Sector Development Plan requires that all SU-2 zoned develop in accordance with a plan approved by the EPC, this ensures that development in the area is consistent. The applicant cites two zone changes in the area for similar uses as

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part of changed conditions: staff generally agrees that these changes could constitute conditions. The additional infrastructure, in the form of the access from Paseo del Norte for the shopping center site to the west relieves some of the burden on Palomas from Wyoming. The site also access to Palomas Avenue from Barstow Street.

E. The proposed uses are not harmful to the adjacent property , neighborhoods or the community because they are similar to what already exists in the area, including the SU-2 mixed use site to the west. The proposed development may act as a transition between the shopping center to the west and the assisted living facility to the east. The lot at the corner of Paseo del Norte and Barstow is zoned SU-2 C-1 and developed with a similar use. The location of the lot on a local street precludes the development of some higher intensity uses, such a gas stations.

F. The site has access to existing adequate infrastructure and will be developed using private funding.

G. The applicant has not cited economics as part of the justification, but has demonstrated compliance with the applicable goals and policies of the governing plans and cited changed conditions as part of the justification.

H. The location on a major street is not the sole basis for the justification. The site located on a local street.

I. The request will create a zone that is not adjacent to a site with same zone category; however the request facilitates the goals of the comprehensive plan and the La Cueva Sector Plan by providing a wider variety of employment and service uses that are still subject to the SU-2 requirements of the La Cueva Sector Development Plan.

Additionally, the intent of the prohibition on spot zone is to ensure that adjacent land uses are compatible; the proposed uses will be similar to the adjacent uses.

J. As discussed above the request facilitates the goals and policies of the applicable plans and does not add land uses that are incompatible with the surrounding area.

9. Countrywood Area Neighborhood Association, North Wyoming Neighborhood Association, Nor Este Neighborhood Association and District 4 Coalition of Neighborhood Associations were notified.
10. A facilitated meeting was recommended and was held on August 30. Participants expressed opposition to the removal of the traffic diverter, concerns about an increase in traffic and concerns about the allowed uses in the SU-2 C-1 zone.
11. Staff received an letter of opposition from the Countrywood NA opposing the request based on concerns about traffic issues and possible uses in the proposed zone.
12. Property owners within 100 feet were notified of the request.

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FINDINGS: Site Development Plan for Building Permit

1. This is a request for a Site Development Plan for Building Permit Tract A of the Morningstar at Palomas located Palomas Avenue, between Barstow Street and Wyoming Boulevard and containing approximately .9 acres.
2. A Sector Development Plan Amendment (zone change) is heard concurrently with this request (16 EPC 40034).
3. The EPC approved a Site Development Plan for Subdivision for the subject and the lot to the east in 2014.
4. The Albuquerque/Bernalillo County Comprehensive Plan, La Cueva Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

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, recreational concern.

Policy II.B.5.d is furthered because the proposed zone will allow uses that are similar to the uses on the adjacent properties and in the general area. The Site Development Plan for Building Permit shows a building that complies with the design regulations of the LCSDP and so respects neighborhood values. Additional, the location of the site on a local street limits the development of some use that may not be compatible with the area.

- B. 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 where the integrity of existing neighborhoods can be ensured.

Policy II.B.5e is furthered because the site has access to existing roads, electrical grip, water service and full range of urban infrastructure. The site is not directly adjacent to single family development and the design of site does not direct traffic into the neighborhood to the south.

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- 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 zoning will add to the variety of employment uses in the area, the proposed building is sited so that it will not negatively impact the neighborhood to the south, and may provide an additional neighborhood service and employment opportunity. The applicant submitted a trip generation study showing that the development of the assisted living facilities to the east of the site generate approximately 52 % fewer trip that had the properties been developed with an office use. The proposed zone change will not substantially increase the area traffic.

Economic Development

- A. The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The goal is furthered because the request will add to the allowed uses on the site and this will allow the development of a new employment and service use. The site is subject to design standards and public review process that make future development compatible with the area.

- B. Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The request furthers Policy II.D.6b and the Economic Development goal because the request will allow the expansion of the US Eagle, a local, New Mexico Credit Union, established in 1935 and serving several cities in statewide.

6. The subject site is within the boundaries of the La Cueva Sector Development Plan. The following policies are relevant to this request:

- G. 1.3 OVERARCHING GUIDING PRINCIPLES (p. 4):

- A. Principle 4: Land uses that are compatible with existing development.

The request furthers overarching Guiding Principle 4 because the resulting commercial, retail and service development would be compatible with the existing commercial, service, retail and institutional uses nearby and, pursuant to the LCSDP, would be subject to the Design Regulations. Future development on the site would return to the EPC for review if the proposed building were not developed or if significant changes were requested.

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5.1 GUIDING PRINCIPLES (P. 25-26):

- A. Principle 2 (existing): The plan area is intended to be urban, with a mix of residential densities and a variety of retail and service businesses to meet the needs of the area's growing population.

The request adds retail, commercial and services uses that are similar to the existing nearby uses in the area furthering the goals of making the plan area more urban. The request is consistent with Principle 2(existing).

- B. Principle 5 (existing): Paseo del Norte is the main east-west corridor through the plan area and provides the best opportunity for high density, urban uses.

The proposed zone will add additional uses to the site, located along Paseo del Norte, that contribute the mix of urban uses in the area. The request is consistent with Principle 5(existing).

- C. Principle 9 (existing): Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.

The request generally furthers Guiding Principle 9 because the proposed credit union building is subject to the design regulations of the LCSDP and the development will be similar to what has already been developed in the area. Therefore, the building will contribute to the identity for the Plan area and be compatible new development.

- D. Principle 5 (zoning): New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.

The proposed zone is subject to the Design Regulations in the LCSDP. The proposed building conforms to these regulations and will be similar to the existing development. These design regulations serve to reinforce community identity and improve land use compatibility. The request furtheres Zoning Principle 5.

- E. Principle 6 (zoning): Site Plan review of higher density uses is recommended to assure positive relationship between land uses.

The proposed SU-2 C-1 zone requires a site plan; the applicant has provided this site plan and the proposed building is consistent with the design requirements of the LCSDP. If the proposed credit union project does not occur, future development on the site would also return to the EPC for review. The request is furtheres Principle 6 (zoning).

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7. Countrywood Area Neighborhood Association, North Wyoming Neighborhood Association, Nor Este Neighborhood Association and District 4 Coalition of Neighborhood Associations were notified.
8. A facilitated meeting was recommended and was held on August 30. Participants expressed opposition to the removal of the traffic diverter, concerns about an increase in traffic and concerns about the allowed uses in the SU-2 C-1 zone.
9. Staff received a letter of opposition from the Countrywood NA opposing the request based on concerns about traffic issues and possible uses in the proposed zone.
10. Property owners within 100 feet were notified of the request.

CONDITIONS: 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. The parking shall be reduced by 3 spaces in order to comply with LCS DP.
4. The pedestrian path marking shall be of a permanent nature and shall be verified prior to DRB.
5. Any outstanding condition from transportation shall be addressed prior to DRB.
6. 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.
7. The stop signs shown along Palomas Avenue shall be removed.

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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 **SEPTEMBER 23, 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.

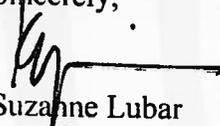
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of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

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

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cc: Eagle Federal Credit Union, P.O. Box 129, ABQ, NM 87103
Consensus Planning, 302 8th St. NW, ABQ, NM 87102
Andrew Reed, Countywood Area NA, 7905 Woodwind DR NE, ABQ, NM 87109
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