



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

OFFICIAL NOTIFICATION OF DECISION

March 8, 2018

Primrose School Woodcreek
Reserve
1249 F.M. 1463,
Katy, TX 77494

Project# 1008952
18EPC-40003 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of Tract A, Morning Star at Palomas, zoned SU-2 for O-1, located on Palomas Ave., NE, between Wyoming Blvd., NE and Barstow St., NE, containing approximately 0.9 acre. (D-19) Staff Planner: Maggie Gould

PO Box 1293

On March 8, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1008952/18EPC-40003, a Site Development Plan for Building Permit, based on the following Findings and Conditions:

Albuquerque

FINDINGS:

NM 87103

1. This is a request for a Site Development Plan for Building Permit for Tract A of Morning Star at Palomas located on Palomas Ave. Between Barstow Street and Wyoming Boulevard, containing approximately 1 acre.
2. The applicant proposes a Site Development Plan for Building Permit for an approximately 14,000 square foot, two story day care center and preschool. The use is allowed under the existing zoning, the O-1 zone (14-16-2-15(8)).
3. The subject site is part of a larger, approximately 630 acre annexation that occurred in 1995. The City Council established RD and RL-T zoning for this area in June 1996. In 2000, the City Council adopted the La Cueva Sector Development Plan which established SU-2 for O-1 zoning for the site. Since that time, the subject site has remained vacant.

www.cabq.gov

The subdivision of this lot occurred in 2014, as part of the MorningStar project to the east. The plat that created the two lots dedicated a shared access easement for the subject site and the MorningStar facility.

The EPC approved a zone change in 2016 .An appeal was filed on this decision. The City Council denied the appeal, the District Court upheld the appeal and the appeal is now under consideration by the New Mexico Court of Appeals.

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4. The applicant discussed the pending Court of Appeals matter with City Legal staff (see letter dated February 7, 2018), City Legal staff determined that this request for Site Development Plan for Building Permit can be heard by the EPC. The applicant stated that if this EPC request is approved and the property sale is completed, the applicant will withdraw the matter at the Court of Appeals.
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 is within an Area of Consistency as Designated by the Comprehensive Plan. The following policies are relevant to this request:

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.

The proposed building is consistent with the design requirements of the LCSDP and will be of the same scale as surrounding development and of a style that will be compatible with surrounding development (pitched roof, detailed entry façade, similar landscaping),so the request furthers Policy 4.1.2.

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

The request furthers Policy 5.2.1 Land Uses by adding a neighborhood serving business as allowed by the existing SU-2 O-1 zoning in close proximity to existing residential development.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The proposed building is consistent with the design requirements of the LCSDP and will be of the same scale and intensity as the surrounding development. The proposed design of a style that will be compatible with surrounding development (pitched roof, detailed entry façade, similar landscaping)and the use is permissive under the existing zoning, so the request furthers Policy 5.6.3.

7. The subject site is with the boundaries of the La Cueva Sector Development Plan :

OVERARCHING GUIDING PRINCIPLES (Page 4):

Bullet 4: Land uses that are compatible with existing development.

The scale and use of the proposed amended site are compatible with the existing development because the proposed development will provide neighborhood services as allowed by the C-1 Neighborhood Commercial zone, and the building design will be similar to that of the adjacent commercial properties. The proposed site plan is substantially similar to what was previous approved in terms of scale, so the request is compatible with the existing surrounding development and furthers Bullet 4.

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8. GUIDING LAND USE PRINCIPLES (Page 25):

Principle 2: 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 proposal adds a use provide an additional service of the area and add to mix of urban uses in the area. The request furthers Principle 2.

Principle 9: 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 proposed building meets the requirements of the LCSDP for style, landscaping, and specific design requirements. The building will also contribute to the community identity by having similar architectural features, such as a pitched roof, shaded entry way, earth tone finishes, stone veneer and stone monument sign, that many nearby buildings use. The request furthers Principle 9.

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 site plans are within an SU-2 zone and subject to the Design Regulations in the LCSDP. The proposed building conforms to these regulations and will be similar in style to the existing development. These design regulations serve to reinforce community identity and improve land use compatibility, so the request furthers Zoning Principle 5.

9. The North Wyoming, Countrywood Area and Nor Este Neighborhood Associations and the District Four Coalition of Neighborhoods were notified
10. A facilitated meeting occurred on February 20, 2018. Attendees expressed concerns about traffic, access to the site, a planned traffic light at Palomas and Wyoming, the location of the dumpster and the use.
11. The Traffic Engineer confirmed that a Traffic Impact Study is not required for this project.
12. Solid Waste confirmed that the proposed dumpster location is acceptable to them.

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CONDITIONS OF APPROVAL, Site Development Plan for Building Permit/Subdivision

Project # 1008952, Case # 18EPC- 40003

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 applicant shall address 12R-2 regarding parking on the side of the building prior to final sign off by the DRB.
4. The applicant shall remove three parking spaces or obtain a variance from the Zoning Hearing Examiner.
5. Conditions from 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.
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. Pursuant to Policy 5R-1 of the LCSDP, the applicant shall add architectural articulation (to include, but not limited to stucco color and or material) to the north elevation to be more sensitive to the surrounding architectural design.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 23, 2018**. 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

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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).

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.

Sincerely,


for David Campbell
Planning Director

DC/MG

cc: Primrose School Woodcreek Reserve, 1249 F.M. 1463, Katy, TX 77494
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102
North Wyoming NA, Tracy Guidry, 8330 Krim Dr. NE, ABQ, NM 87109
North Wyoming NA, Nanci Carriveau, 8309 Krim Dr. NE, ABQ, NM 87109
Countrywood Area NA, Christine Messersmith, 7904 Woodrige Dr. NE, ABQ, NM 87109
Countrywood Area NA, Paul Phelan, 8201 Countrywood Dr. NE, ABQ, NM 87109
Nor Este NA, Jim Griffee, P.O. Box 94115, ABQ, NM 87199
Nor Este NA, Bob Smith, P.O. Box 94115, ABQ, NM 87199
Dist. 4 Coalition of Neigh. Assoc. Michael Pridham, 3901 Georgia St. NE, Bldg F, ABQ, NM 87110
Dist. 4 Coalition of Neigh. Assoc. Breanna Bloomquist, 1844 Man O War St. SE, ABQ, NM 87123
Robert E. Borgeson, 8129 Countrywood Rd. NE, ABQ, NM 87109