

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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AMENDED OFFICIAL NOTIFICATION OF DECISION

April 15, 2016

Oxbow Town Center
Thomas Keleher
1201 3rd St NW Suite 1200
Albuquerque, NM 87102

Project# 1000032
15EPC-40079 Site Development Plan for Subdivision

LEGAL DESCRIPTION:

The above actions for all or a portion of Tract X-1-A2 Plat of Tracts X-1-A1 & X-1-A2 University of Albuquerque Urban Center, zoned SU-3/Mixed Use, located on Coors Blvd., between St. Josephs and Western Trail NW, containing approximately 21.3 acres. (G-11)
Staff Planner: Vicente Quevedo

PO Box 1293

On April 14, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1000032/15EPC-40079, a Site Development Plan for Subdivision, based on the following finding:
Albuquerque

FINDINGS 15EPC-40079 – Site Development Plan for Subdivision:

New Mexico 87103
1. This is a request for a Site Development Plan for Subdivision for Tracts X-1-A2 and, Plat of Tracts X-1-A1 & X-1-A2, University of Albuquerque Urban Center located On St. Josephs Drive NW between Coors Blvd. and Atrisco Drive and containing approximately 21.3 acres.

www.cabq.gov

2. This is a request for a Site Development Plan for Subdivision for an approximately 21.3 acre parcel located on St. Josephs Drive NW between Coors Blvd. and Atrisco Drive. The existing zoning for the subject site is SU-3 for Mixed Use (O-1 & C-2 Uses). The applicant is proposing to develop 7 acres of the subject site as office uses per the O-1 zone of the Zoning Code and the remaining approximately 14.3 acres as commercial uses per the C-2 zone of the Zoning Code. Design Standards are also proposed for the subject site. Staff notes that the proposed Coors Pavilion Site Development Plan for Subdivision includes Design Standards which in turn include additional design parameters that conform to the requirements of the Zoning Code and all applicable plans.
3. At the time of annexation and establishment of zoning, the subject site land use was designated as "Employment Center, Technical Services, Light Industrial, and/or Office Park (Campus Type)." In 1996, City Council approved a change to "A minimum of 40 acres shall be developed as apartments (R-3) at 20-25 du/ac with the balance of the property (approximately 19 acres) shall be developed as commercial

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(C-2) and/or office (O-1)” (R-58-1996; SD-80-3-3). The applicant requested R-T residential uses as part of the land use mix for the 19-acre portion designated for commercial/office, but this use was determined by EPC and City Council to be inconsistent with Transit policies and the intent of the West Side Strategic Plan.

In 2007, the residential uses were removed from the allowable uses, instead designating a minimum of 17 acres of O-1 development and the remainder as a mix of O-1 and C-2 uses (R-07-256). Concurrently, the WSSP was amended to designate Parcels A and B as a Community Activity Center (R-07-255). The Council Resolution indicated that the size and service area of the activity center was a hybrid of a neighborhood and community activity center.

In 2012, an apartment complex was proposed on Parcel A. In the face of strong neighborhood opposition, in particular, to the intended work-force housing market segment, the applicant withdrew the request (Project 1005357/12EPC-40040/41/42).

In 2013, a request to amend the University of Albuquerque Sector Development Plan to change the zoning and allowable land use mix for the subject site and redevelop 17 acres of single-family residential uses instead of the required minimum 17 acres of O-1 development. A recommendation of denial was forwarded from the EPC to City Council (Project 1000032/13EPC-40123). The applicant subsequently withdrew the requested action.

4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, University of Albuquerque Urban Center Sector Development Plan, Coors Corridor Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d. because it respects neighborhood values by proposing O-1 and C-2 uses that are appropriate for the plan area. The applicant has also participated in several discussions with surrounding neighborhood representatives to ensure that the Design Standards appropriately respond to natural environment conditions and carrying capacities. The Villa de Paz HOA has submitted a letter expressing unanimous support for the project.
 - 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 ensured.

The request furthers Policy II.B.5.e. because the site is vacant land that has access to existing facilities and services.
 - C. Policy II.B.5.i.: 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.

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The request furthers Policy II.B.5.i. because employment and service uses shall be located to complement residential areas and the proposed design standards will ensure that future development is sited to minimize adverse effects. The subject site is surrounded by development on all sides: to the north is single-family residential development (Rancho Encantado, Del Sur and Valle Alegre); to the east is a public park with soccer fields, St. Pius School, and single-family residential development (Enclave at Oxbow); to the south of Parcel B is a single-family residential development with attached dwelling units (Villa de Paz); and to the west is a multi-family residential development (Atrisco Apartments).

D. Policy II.B.5.j.: 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 free-standing retailing and contiguous storefronts along streets in older neighborhoods.

The request furthers Policy II.B.5.j. because it would appropriately locate new commercial development in and existing commercially zoned area within a larger shopping center area.

E. Policy II.B.7.a.: Existing and proposed Activity Centers are designated by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services.

The request furthers Policy II.B.7.a. by allowing extensive office and commercial development within the Activity Center which would contribute to mixed use concentrations of interrelated activities within the Activity Center, and improve on the cost-effectiveness of City services, relative to the current use entitlements.

F. II.D.6 Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The request furthers the Economic Development Goal because the Activity Center site is already surrounded by mixed density residential development that would support the development of office, commercial, and retail services as proposed by the applicant.

6. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

A. II.B.7 Activity Centers: The Goal is to expand and strengthen concentrations of moderate and high density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

The request partially furthers the Activity Centers Goal because while the development will contribute to expanding and strengthening concentrations of moderate and high density land uses, the

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request does not appear to contribute to reducing auto travel needs given that the majority of users of the site will more than likely need to drive and park a vehicle to access commercial and office uses on the site.

7. The request furthers the following applicable goals and policies of the West Side Strategic Plan:

- A. Objective 4: Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making. (Page 17)

The request furthers WSSP Objective 4 because locating the proposed uses within a Community Activity Center and near existing residential uses will ensure an appropriate mix of higher density / intensity uses to serve the surrounding residents.

- B. Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers. (Page 38)

The request furthers WSSP Policy 1.1 because the applicant is proposing higher density non-residential development within a designated Community Activity Center and the subject site is surrounded by areas of lower density residential development. Additionally, the O-1 zone provides sites suitable for office, service, institutional, and dwelling uses. It is often used as a buffer or transition between single-family residential and commercial uses.

- C. Policy 1.13: The Community Activity Center shall provide the primary focus for the entire community with a higher concentration and greater variety of commercial and entertainment uses in conjunction with community-wide services, civic land uses, employment, and the most intense land uses within the community. Its service area may be approximately three miles (radius) and a population of up to 30,000. (Page 41)

The request furthers WSSP Policy 1.13 because the intent of the policy is to focus higher intensity and mixed-uses within Activity Centers, and to encourage low-density residential development outside of Activity Centers.

8. The request partially furthers the following applicable goals and policies of the West Side Strategic Plan:

- 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. (Page 17)

The request partially furthers WSSP Objective 1 because it will contribute to providing a mix of land uses on the West Side and will be located to complement surrounding and existing residential development, however the request does not appear to contribute to reducing auto travel needs given that the majority of users of the site will more than likely need to drive and park a vehicle to access commercial and office uses on the site.

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9. The request furthers the following applicable goals and policies of the Coors Corridor Plan:

A. Policy 3 – Recommended Land Use: The Coors Corridor Plan recommends land uses which are identified on the following maps. They specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide the development in the plan area.

The request furthers CCP Policy 3 because the plan's recommended land use for the site is industrial/employment. The O-1 and C-2 uses proposed for the subject site will appropriately fulfill the employment requirement of the CCP. The recommendation for industrial uses is no longer applicable given the amount of residential uses surrounding the Activity Center.

B. Site Planning and Architecture Policies: Various design policies apply to development within the Coors Corridor Plan area. These include: site design, building setback height and bulk, front landscaped street yard, site landscaping, off-street parking, commercial sites, access, bikeways and horse trails, site lighting, and architectural design.

The request furthers CCP Site Planning and Architecture Policies because the proposed Design Standards address site design, setback, height, and bulk, landscaping, off-street parking, access, site lighting and architectural design. Staff has ensured that the proposed Site Development Plan for Subdivision complies with all required elements of the CCP.

10. Staff has also conducted a thorough review to ensure that the proposed Design Standards conform to the requirements of the Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan and the Zoning Code regulations.

11. The applicant is requesting delegation of future Site Development Plans for Building Permit to the Development Review Board (DRB).

12. Staff has coordinated with the applicant to ensure that the proposed Design Guidelines meet or exceed the minimum requirements of the Zoning Code and all applicable plans and is in favor of recommending that the EPC grant the request for DRB delegation.

13. If approved by the EPC, all future DRB delegated Site Development Plans for Building Permit for the subject site will occur per the requirements of an advertised DRB public Hearing.

14. The Enclave at Oxbow HOA, Ladera Heights Neighborhood Association, Rancho Encantado HOA, Vista Grande Neighborhood Association, Westside Coalition of Neighborhood Association's and property-owners within 100-feet were all notified of this request.

15. A facilitated meeting was recommended by the Office of Neighborhood Coordination and a meeting between the applicant and recognized neighborhood association representatives was held on February 10, 2016.

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16. Staff received written public comments from surrounding neighborhood association representatives and area residents expressing support for the project (Villa de Paz Neighborhood Association) and requesting that additional information be added to the administrative record. The additional information has been included in the record.

CONDITIONS 15EPC-40079 – Site Development Plan for Subdivision:

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. **Conditions of approval from Albuquerque / Bernalillo County Water Utility Authority:**
 - A. The conceptual utility plan indicates an onsite public waterline. If individual lots are to be served from separate water meters, then this would be allowed. The waterline shall be minimized, thus there is potential to eliminate the proposed public waterline along the western property lines of Lots 8-12 as well as the waterlines south of Lot 8 and south of Lot 7. The proposed fire hydrants that are connected to these lines to be eliminated can be extended from the remaining public waterlines. All fire hydrants on the property shall be deemed private. All public waterline easements shall be 20' in width and granted to the Water Authority.
 - B. The proposed sanitary sewer shall be deemed private.
 - C. Request an availability statement at the following link: http://www.abcwua.org/Availability_Statements.aspx. Requests shall include fire marshal requirements.
4. **Conditions of approval from NMDOT:**
 - A. The standard drawings for the ITS sign shall be installed per NMDOT Std dwgs 701-01 series using the Dynamic/VMS notes and 701-06 series upsized by two sizes.
5. **Conditions of approval from Solid Waste Management – Refuse Division:**

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- A. Project#1000032--# of refuse enclosures indicated, inadequate for size of site development. Tracts 1 and 2 indicate enclosure locations. Please indicate enclosures for 3,4,5,7. Provide site plan to minimum scale of 1-50 to verify truck access.

6. Conditions of approval from Public Service Company of New Mexico:

- A. An existing overhead distribution line is located along the eastern boundary of the subject property on the west side of Coors Blvd NW. In addition, an existing overhead distribution line is also located along the southern boundary of the property on the north side of St. Josephs Drive NW. It is the applicant's obligation to abide by any conditions or terms of those easements. Sheet DS02 - Site Development Plan for Subdivision Design Standards, Section VII. Utilities, indicates that the existing PNM overhead distribution line on Coors Blvd. would be relocated. It is necessary for the developer to contact PNM's New Service Delivery Department to discuss distribution line relocation and potential streetlight impact in the submittal and to coordinate electric service for this project. PNM is requesting a meeting with the applicant before the February EPC hearing to discuss the relocation assumptions and alternative location to place the distribution line. In the event that the distribution line cannot be relocated, the Conceptual Grading and Drainage Plan indicates that the first flush water quality pond is being directed at PNM existing pole locations on the northeast corner of the project which is not acceptable. Contact:

Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697

- B. 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 for specifications.
7. The subdivision of the site shall comply with the purpose, intent, and regulations of the Subdivision Ordinance (14-14-1-3).
8. 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.
9. The service drive along the western boundary shall extend north to the proposed southern boundary of the O-1 lots and then head east.

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10. All buildings shall have exterior security cameras.
11. Developer shall be responsible for permanent improvements to transportation facilities as required by the approved TIS.
12. All subsequent site development plans for building permits shall be delegated to an advertised DRB hearing.

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



**Suzanne Lubar
Planning Director**

SL/VQ

**cc: Oxbow Town Center, Thomas Keleher, 201 Third St NW, Suite 1200, ABQ, NM 87102
Retail Equity Development 3, 8220 San Pedro NE Suite 500, ABQ, NM 87113
Jill M. Greene, The Enclave at Oxbow HOA, 3915 Fox Sparrow Trail NW, ABQ, NM 87120
Forrest Uppendahl, The Enclave at Oxbow HOA, 3900 Rock Dove Trail NW, ABQ, NM 87120
Allan & Marie Ludi, Ladera Heights NA, 6216 St. Josephs Ave. NW, ABQ, NM 87120
Colin Semper, Rancho Encantado HOA, 5809 Mesa Sombra Pl. NW, ABQ, NM 87120
Adam Barker, Rancho Encantado HOA, 8500 Jefferson, Suite B, ABQ, NM 87113
Berent Groth, Vista Grande NA, 3546 Sequoia Pl NW, ABQ, NM 87120
Richard Schaefer, Vista Grande NA, 3579 Sequoia Pl. NW, ABQ, NM 87120
Richard Shine, 3835 Oxbow Village Ln NW, ABQ, NM 87120
Pauline Garcia, 5119 Lexy Ct NW, ABQ, NM 87120
Larry Wells, 100 Sun Avenue, Suite 410, ABQ, NM 87109
Vanessa Alared, 5818 Jones Pl. NW, ABQ, NM 87120
Kevin Mclarty, 5800 Mesa Sombra Pl. NW, ABQ, NM 87120
Jerry Worrall, 1039 Pinatubo Pl NW, ABQ, NM 87120**