

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

February 12, 2016

Albuq. Christian Children's Home
5700 Winterhaven Road NW
ABQ, NM 87120

Project# 1007776
15EPC-40075 Zone Map Amendment
(Zone Change)
15EPC-40076 Site Development Plan for Building Permit
Amendment

LEGAL DESCRIPTION:

The above actions for all or a portion of Tract A-1 Lands of Albuquerque Christian Children's Home, Tract A-1 Albuquerque Christian Children's Home being a replat of tract A, lands of Albuquerque Christian Children's Home, zoned SU-1 for RA-1, and SU-1 for Children's Home Wireless Communication Facility (WTF) to SU-1 for Children's Home and WTF, located on Winter Haven Rd, between Montano Plaza Dr. and Montano Rd., containing approximately 5.9 acres. (E-12)
Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque

New Mexico 87103

On February 11, 2016, the Environmental Planning Commission (EPC) voted to APPROVE Project #1007776 / 15EPC-40075 Zone Map Amendment (Zone Change) and 15EPC-40076 Site Development Plan for Building Permit Amendment, based on the following findings and conditions:

FINDINGS – 15EPC 40075, Zone Map Amendment:

www.cabq.gov

1. This is a request for a Zone Map Amendment from SU-1 for RA-1 and Wireless Telecommunication Facility (WTF) to SU-1 for Children's Home and WTF for Tract A-1 Lands of Albuquerque Christian Children's Home, Tract A-1 Albuquerque Christian Children's Home being a replat of tract A, lands of Albuquerque Christian Children's Home located on Winter Haven Rd. between Montano Plaza Dr. and Montano Rd. and containing approximately 5.9 acres.
2. An existing zoning line currently bisects the subject site with the northern portion currently zoned as SU-1 for RA-1 and WTF and the southern portion zoned SU-1 for Children's Home and WTF. The intent of the requested zone change is to consolidate the zoning for the entire subject to SU-1 for Children's Home and WTF.

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3. Planning Department archival records indicate that the earliest documentation for the subject site is found in the October 1972 Bernalillo County Zoning Atlas Map. The map indicates that as of this date, the county issued a Special Use Permit for a children's home on the subject site. The earliest record indicating that the subject site had been annexed into the City is recorded in the July 10, 2003 City of Albuquerque Zone Atlas.

There are no additional records in the Planning Department archives indicating when the separate zoning designations on the subject site were established. The applicant requested an administrative amendment for the subject site to develop a new storage building in 2009 at which time an as-built site development plan for building permit was submitted and approved on May 8, 2009 (1007776, 09AA-10054).

4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic 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 subject site is within the Developing Urban Area of the Comprehensive Plan. 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 environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d. because the zoning consolidation and proposed development on the subject site is appropriately located, is of the appropriate intensity, and that the design respects existing neighborhood values as well as existing surrounding scenic resources.

- 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 northern portion of the subject site is vacant, there are existing urban facilities and services on the subject site, and the integrity of nearby existing neighborhoods will be ensured.

- C. Policy II.B.5.g.: Development shall be carefully designated to conform to topographical features and include trail corridors in the development where appropriate.

The request furthers Policy II.B.5.g. because the development has historically been designed to conform to the topographical features of the subject site which is adjacent to the Lower Corrales Riverside Drain. There is a pedestrian bridge on the east side of the subject site which directly connects to the Pueblo Montañño paved multiple use trail along the east side of the Lower Corrales Riverside Drain.

- D. Policy II.D.2.b.: Maximum absorption of precipitation shall be encouraged through retention of natural arroyos and other means of runoff conservation within the context of overall water resource management.

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The request furthers Policy II.D.2.b. because the applicant is proposing to construct a new retention pond at the southeast corner of the subject site. Additionally, the subject site does not contain a large amount of impervious surface.

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

- A. 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.

The request partially furthers Policy II.B.5.i. because the requested use for the zone change is residential in nature and not considered an employment or service use, the requested use will be sited to minimize adverse effects of noise, and traffic on residential environments through the inclusion of appropriate buffers and an existing CMU wall along the southern and western boundary of the subject site.

7. Additional West Side Strategic Plan goals and policies that apply to the requested action not addressed by the applicant:

- A. WSSP Policy 3.12: The Taylor Ranch Community is an appropriate location for continued growth due to its contiguous location to the rest of the City and efficient location for receiving City services.

The request furthers WSSP Policy 3.12 because the requested zone change would facilitate future growth in Taylor Ranch, a location efficient for receiving City services.

- B. WSSP Policy 3.15: Allow appropriately designed development throughout the Taylor Ranch Community which will not degrade views to and from the Escarpment through design guidelines and consistent enforcement.

The request furthers WSSP Policy 3.15 because the site development for building permit amendment for this submittal is sensitive to the requirements of the view and height restrictions.

- C. WSSP Policy 3.18 (Taylor Ranch): Protection and preservation of the Bosque is critical. Development east of Coors Boulevard shall be sensitive to this community asset.

The request furthers WSSP Policy 3.18 because the request will result in modest, low impact expansion of the existing Albuquerque Christian Children's Home operations and will not negatively impact existing open space areas along the Bosque and thus demonstrates sensitivity to the preservation of the surrounding natural environment.

8. Additional Coors Corridor Plan goals and policies that are furthered and apply to the requested action not addressed by the applicant:

- A. Policy 3-Recommended Land Use (p. 67): The CCP recommends land uses which are identified on the following maps. The maps specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide development in the Plan area.

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The request furthers CCP Policy 3 because the CCP recommended land use for the subject site is mixed use. The CCP also recommends requiring that new development comply with design guidelines and requiring that the Bosque, floodplain and open space areas be preserved.

- B. Policy 7- Cluster Design (p. 80): Cluster design for development of residential, commercial and industrial structures shall be encouraged.

The request furthers CCP Policy 7 because the proposed site layout is clustered. Clustering allows for more open space and better preservation of views throughout the proposed layout.

C. *4.a. General Policies*

4.a.policy 3 (p. 86): New development in the Coors Corridor should be designed to be compatible with the natural landscape and the built environment in accordance with the design regulations and guidelines.

The request furthers CCP 4.a.policy3 because the additional cottages proposed with this request are compatible with preserving views within regard to the natural landscape as well as the nearby built environment.

D. *4.b. Site Planning and Architecture*

4.b.policy 2.A.1. (p. 89): There shall be a minimum front yard setback of 35 feet from the right-of-way in Segments 3 & 4.

The request furthers CCP 4.b.policy2.A.1. because all existing and future proposed development on the subject site complies with the 35 foot front yard setback requirement.

- E. 4.b.policy 2.B.1.(p. 89): Buildings and structures shall not exceed the height limitations in the underlying zone.

The request furthers CCP 4.b.policy2.B.1. because the proposed zoning for the entire subject site is SU-1 for Children's Home and WTF. The existing buildings on the subject site are of an approximate maximum building height of 19'. The proposed cottages will be at a maximum building height of 18' 6". Additionally, the subject site is site plan controlled and the proposed buildings will not exceed the maximum height of the existing building.

- F. 4.b.policy 4.A.1. (p. 92): Landscape design should be consistent throughout a development. Unrelated and/or random choice or placement of plan materials should be avoided.

The request furthers CCP 4.b.policy4.A.1. because the future proposed landscaping outlined on the landscape plan will be consistent with the existing landscaping on the subject site.

- G. 4.b.policy 5 (p. 94): Generally, off-street parking facilities should be located to the rear of sites. Street frontages should be devoted to building architecture and landscaping.

The request furthers CCP 4.b.policy5. because the majority of the existing off-street parking facilities are generally located to the rear of each existing buildings where possible, and the street frontages are devoted to building architecture and landscaping along Winter Haven Rd.

- H. 4.b.policy.10.A.1. (p. 99): Each phase of a phased development shall attain a visual completeness. Temporary barriers or walls shall be painted and trimmed to complement the permanent construction.

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The request furthers CCP 4.b.policy10.A.1. because the future cottages proposed for the subject site will be developed in two phases. The applicant has stated that each cottage will attain a visual completeness by incorporating a similar design and style as the existing cottages on the subject site. No temporary barriers or walls are proposed.

9. Additional Coors Corridor Plan goals and policies that are partially furthered and apply to the requested action not addressed by the applicant:

- A. Policy 8-Buffer Strip (p. 81): A 100 foot-wide buffer strip shall be established west of the Corrales Riverside Drain throughout Segment 3. The buffer strip shall remain in a natural condition and shall not be used for development.

The request partially furthers CCP Policy 8. because the site development plan for building permit shows the required CCP 100 ft. buffer from the Corrales Riverside Drain and a note indicating compliance with this CCP requirement. While there is existing development within the identified buffer, this development pre-dates the adoption of the CCP.

10. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section C. It's also important to note that the proposed zone change is limited to specified uses and will be site plan controlled.
- B. The intent of the requested change of zone is to consolidate the zoning and land uses for the subject site. Therefore, stability of land use and zoning will be achieved with this request.
- C. Refer to Findings 5 – 9 above. The test under Section C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. No significant conflict with either exist.
- D. The requested zoning designation for the northern portion of the subject site is more advantageous to the community because it furthers a preponderance of Comprehensive Plan and other City plans, and the request fulfills a public need for foster children services.
- E. The requested residential uses for the northern portion of the subject site will match the existing uses on the southern portion of the subject site. Additionally, the subject site is surrounded on the north and south by single family residential and more intense commercial retail uses to the west. Therefore, the proposed change of zone will not be harmful to adjacent property, the neighborhood or the community.
- F. The request would not require major or un-programmed capital expenditures by the City.
- G. The cost of land and other economic considerations are not the sole determining factor for the request.
- H. The subject site is not located on a collector or major street. Winter Haven Rd. is designated a local street by the Mid Region Council of Government's Long Range Roadway System map.

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- I. The request does not constitute a spot zone because the intent of the requested change of zone is to consolidate the zoning and land uses for the entire subject site. The requested uses for the northern portion of the subject site already exist on the southern portion of the site.
 - J. The request does not constitute strip zoning because the requested zone is not commercial.
11. The Taylor Ranch Neighborhood Association, Las Casitas Del Rio Homeowners Association, Las Casitas Del Rio Unit 2 Subdivision Homeowners Association and the Westside Coalition of Neighborhood Association as well as property owners within 100 feet of the subject site were all notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

CONDITION – 15EPC-40075, Zone Map Amendment:

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS – 15EPC-40076, Site Development Plan for Building Permit Amendment:

1. This is a request for a Site Development Plan for Building Permit Amendment for Tract A-1 Lands of Albuquerque Christian Children's Home, Tract A-1 Albuquerque Christian Children's Home being a replat of tract A, lands of Albuquerque Christian Children's Home located on Winter Haven Rd. between Montano Plaza Dr. and Montano Rd. and containing approximately 5.9 acres.
2. The applicant intends to construct two additional cottages on the southern end of the subject site in order to allow for expansion of their current operations as a long-term foster care center. The additional cottages are proposed to be developed in two separate phases which are reflected on the Site Development Plan for Building Permit Amendment.
3. Planning Department archival records indicate that the earliest documentation for the subject site is found in the October 1972 Bernalillo County Zoning Atlas Map. The map indicates that as of this date, the county issued a Special Use Permit for a children's home on the subject site. The earliest record indicating that the subject site had been annexed into the City is recorded in the July 10, 2003 City of Albuquerque Zone Atlas.

There are no additional records in the Planning Department archives indicating when the separate zoning designations on the subject site were established. The applicant requested an administrative

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amendment for the subject site to develop a new storage building in 2009 at which time an as-built site development plan for building permit was submitted and approved on May 8, 2009 (1007776, 09AA-10054). Identify governing plans, overlay zones, special designations, SPS with Design Standards, etc.

4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic 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 subject site is within the Developing Urban Area of the Comprehensive Plan. 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 environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d. because the zoning consolidation and proposed development on the subject site is appropriately located, is of the appropriate intensity, and that the design respects existing neighborhood values as well as existing surrounding scenic resources.
 - 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 northern portion of the subject site is vacant, there are existing urban facilities and services on the subject site, and the integrity of nearby existing neighborhoods will be ensured.
 - C. Policy II.B.5.g.: Development shall be carefully designated to conform to topographical features and include trail corridors in the development where appropriate.

The request furthers Policy II.B.5.g. because the development has historically been designed to conform to the topographical features of the subject site which is adjacent to the Lower Corrales Riverside Drain. There is a pedestrian bridge on the east side of the subject site which directly connects to the Pueblo Montañño paved multiple use trail along the east side of the Lower Corrales Riverside Drain.
 - D. Policy II.D.2.b.: Maximum absorption of precipitation shall be encouraged through retention of natural arroyos and other means of runoff conservation within the context of overall water resource management.

The request furthers Policy II.D.2.b. because the applicant is proposing to construct a new retention pond at the southeast corner of the subject site. Additionally, the subject site does not contain a large amount of impervious surface.
6. Additional West Side Strategic Plan goals and policies that apply to the requested action not addressed by the applicant:

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- A. WSSP Policy 3.15: Allow appropriately designed development throughout the Taylor Ranch Community which will not degrade views to and from the Escarpment through design guidelines and consistent enforcement.

The request furthers WSSP Policy 3.15. because the site development for building permit amendment for this submittal is sensitive to the requirements of the view and height restrictions.

- B. WSSP Policy 3.18 (Taylor Ranch): Protection and preservation of the Bosque is critical. Development east of Coors Boulevard shall be sensitive to this community asset.

The request furthers WSSP Policy 3.18. because the request will result in modest, low impact expansion of the existing Albuquerque Christian Children's Home operations and will not negatively impact existing open space areas along the Bosque and thus demonstrates sensitivity to the preservation of the surrounding natural environment.

7. Additional Coors Corridor Plan goals and policies that are furthered and apply to the requested action not addressed by the applicant:

- A. Policy 3-Recommended Land Use (p. 67): The CCP recommends land uses which are identified on the following maps. The maps specify existing and recommended zoning and recommended land uses. These recommended land uses shall guide development in the Plan area.

The request furthers CCP Policy 3 because the CCP recommended land use for the subject site is mixed use. The CCP also recommends requiring that new development comply with design guidelines and requiring that the Bosque, floodplain and open space areas be preserved.

- B. Policy 7- Cluster Design (p. 80): Cluster design for development of residential, commercial and industrial structures shall be encouraged.

The request furthers CCP Policy 7. Because the proposed site layout is clustered. Clustering allows for more open space and better preservation of views throughout the proposed layout.

- C. *4.a. General Policies*

4.a.policy 3 (p. 86): New development in the Coors Corridor should be designed to be compatible with the natural landscape and the built environment in accordance with the design regulations and guidelines.

The request furthers CCP 4.a.policy3. because the additional cottages proposed with this request are compatible with preserving views within regard to the natural landscape as well as the nearby built environment.

- D. *4.b. Site Planning and Architecture*

4.b.policy 2.A.1. (p. 89): There shall be a minimum front yard setback of 35 feet from the right-of-way in Segments 3 & 4.

The request furthers CCP 4.b.policy2.A.1. because all existing and future proposed development on the subject site complies with the 35 foot front yard setback requirement.

- E. 4.b.policy 2.B.1.(p. 89): Buildings and structures shall not exceed the height limitations in the underlying zone.

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The request furthers CCP 4.b.policy2.B.1. because the proposed zoning for the entire subject site is SU-1 for Children's Home and WTF. The existing buildings on the subject site are of an approximate maximum building height of 19'. The proposed cottages will be at a maximum building height of 18' 6". Additionally, the subject site is site plan controlled and the proposed buildings will not exceed the maximum height of the existing building.

- F. 4.b.policy 4.A.1. (p. 92): Landscape design should be consistent throughout a development. Unrelated and/or random choice or placement of plan materials should be avoided.

The request furthers CCP 4.b.policy4.A.1. because the future proposed landscaping outlined on the landscape plan will be consistent with the existing landscaping on the subject site.

- G. 4.b.policy 5 (p. 94): Generally, off-street parking facilities should be located to the rear of sites. Street frontages should be devoted to building architecture and landscaping.

The request furthers CCP 4.b.policy5. because the majority of the existing off-street parking facilities are generally located to the rear of each existing buildings where possible, and the street frontages are devoted to building architecture and landscaping along Winter Haven Rd.

- H. 4.b.policy.10.A.1. (p. 99): Each phase of a phased development shall attain a visual completeness. Temporary barriers or walls shall be painted and trimmed to complement the permanent construction.

The request furthers CCP 4.b.policy10.A.1. because the future cottages proposed for the subject site will be developed in two phases. The applicant has stated that each cottage will attain a visual completeness by incorporating a similar design and style as the existing cottages on the subject site. No temporary barriers or walls are proposed.

8. Additional Coors Corridor Plan goals and policies that are partially furthered and apply to the requested action not addressed by the applicant:

- A. Policy 8-Buffer Strip (p. 81): A 100 foot-wide buffer strip shall be established west of the Corrales Riverside Drain throughout Segment 3. The buffer strip shall remain in a natural condition and shall not be used for development.

The request partially furthers CCP Policy 8. because the site development plan for building permit shows the required CCP 100 ft. buffer from the Corrales Riverside Drain and a note indicating compliance with this CCP requirement. While there is existing development within the identified buffer, this development pre-dates the adoption of the CCP.

9. The Taylor Ranch Neighborhood Association, Las Casitas Del Rio Homeowners Association, Las Casitas Del Rio Unit 2 Subdivision Homeowners Association and the Westside Coalition of Neighborhood Association as well as property owners within 100 feet of the subject site were all notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

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CONDITIONS - 15EPC-40076, Site Development Plan for Building Permit Amendment:

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. A diagram demonstrating that the site development plan for building permit amendment set complies with the view preservation regulations of the Coors Corridor Plan shall be included on Sheet # A101, Sheet 5 of the site development plan for building permit amendment set.
4. Parking calculations shall be provided on the site development plan for building permit amendment set (Sheet AS101, sheet 1) that includes the 22 proposed parking spaces, 2 accessible spaces, 2 motorcycle spaces and 3 bicycle spaces.
5. Sheet AS101, sheet 1 shall be revised to include separate symbols for each fencing and wall element as well as the exact dimensions for each item. The weighted black line that appears to bisect the property from north to south shall be removed.
6. Sheet AS101, sheet 1 shall be revised to reflect an increase in the height of a portion of the CMU wall, running east-west along the southern property line, as required to make the ACCH wall height a minimum of 5'-0" above the ACCH grade for at least 40' from the southwest corner eastward.
7. The landscape plan on sheet L101, sheet 2 shall be revised to include regarding the type of existing and proposed irrigation system used and to include the proposed amount of square footage of vegetative ground cover that will be provided to meet the 75% live ground coverage requirements of the Landscape Regulations of the Zoning Code.
8. Sheet A101, sheet 5 shall be revised to include signage details for the existing signage located at the main point of ingress and egress to and from the site off of Winter Haven Rd.
9. **Conditions of approval - City Engineer/Transportation Development:**
 - a. The Handicap parking spaces and ADA pedestrian walkway must be constructed of a solid surface material.

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- b. Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. Please clearly show this pathway from the proposed new parking spaces to the Administration Building and the Vo-Tech Building.
 - c. The handicap accessible spaces must include an 8-foot wide van access aisle; all other aisles should be 5 feet in width.
 - d. The ADA access aisle shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
 - e. Please identify and dimension all existing and proposed sidewalks, curbs, drive pads, walls and anything that influences the parking and circulation on the site.
 - f. Show all drive aisle widths and radii.
 - g. Provide a min 6" or max 8" high concrete barrier curb or other acceptable barrier between landscaping and parking areas and/or drive aisles.
 - h. The pedestrian walkway between cottages must be a minimum of 4 ft. wide.
 - i. Directional signs will be required to direct the flow of traffic.
10. Conditions for Approval for Project #1007776 Zone Change and Site Development Plan for Building Permit Amendment (for Albuquerque Christian Children's Home expansion) 15EPC-40075; 15EPC-40076
- a. An existing PNM distribution line bisects the property east-west. At the time of development of the new cottages indicated on the Proposed Site Plan, it will be necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service for this project.
Contact:
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3425
11. 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.
12. The Taylor Ranch Neighborhood Association, Las Casitas Del Rio Homeowners Association, Las Casitas Del Rio Unit 2 Subdivision Homeowners Association and the Westside Coalition of Neighborhood Association as well as property owners within 100 feet of the subject site were all

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notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 26, 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.

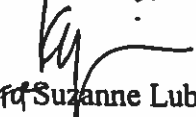
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Sincerely,


for Suzanne Lubar
Planning Director

SL/VQ

cc: Albuquerque Christian Childrens Home, 5700 Winterhaven Rd NW, ABQ, NM 87120
Cherry/See/Reames, Architects, 220 Gold SW, ABQ, NM 87102
Jolene Wolfley, Taylor Ranch NA, 7216 Carson Trol. NW, ABQ, NM 87120
Rene Horvath, Taylor Ranch NA, 5515 Palomino Dr NW, ABQ, NM 87120
Mary Zaremba, Las Casitas Del Rio HOA, 6252 Stipa NW, ABQ, NM 87120
Danielle Wierengo, Las Casitas Del Rio HOA, 3608 Panicum NW, ABQ, NM 87120
Mike McKinney, Las Casitas Del Rio Unit 2 SUB. HOA, 6199 Deergrass Cir. NW, ABQ, NM 87120
Colette Schobbins, Las Casitas Del Rio Unit 2 SUB. HOA, 6155 Deergrass Cir. NW, ABQ, NM 87120
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

