

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

December 15, 2017

Kidz Academy Preschool LLC
2643 Violeta Circle SE
Rio Rancho, NM 87124

Project# 1011435

17EPC-40058 Site Development Plan for Subdivision
17EPC-40059 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

the above actions for all or a portion of Lot A-1, Fineland Development, zoned SU-1 for C-1 uses, located on Crown Rd. NE and Fineland Dr. NW, containing approximately 4.3 acres. (A-11)
Staff Planner: Maggie Gould

On December 14, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011435/17EPC-40058, a Site Development Plan for Subdivision, 17EPC-40059, a Site Development Plan for Building Permit, based on the following Findings and Conditions:

FINDINGS 17 EPC 40058 Site Development Plan for Subdivision :

1. This is a request for a Site Development Plan for Subdivision for Tract-A-1 located on Fineland Drive and containing approximately 4.3 acres.
2. The SPS shows the subject and proposed new lot line. The site will take access from Fineland drive and will be served by an internal loop road.. The building setbacks will be feet in the front, 10 feet on the sides and 10 feet in the rear.
3. Maximum building height will be 26 feet. The future sidewalks will be 6 feet in width.

The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan Seven Bar Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

The subject site is located in an Area of Change designated by the Comprehensive Plan. Applicable policies include:

Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The request furthers Policy 5.4.2 because it will allow the development of a new service use that will provide employment on the west side.

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Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged. [A]

b) Encourage development that expands employment opportunities.

The request furthers Policy 5.6.2 and 5.6.2.b) because it will allow the development of a new service use, in an Area of Change, that will provide employment on the west side.

The subject site is within the Seven Bar Ranch Community of the West Side Strategic Plan (WSSP). It is not within a designated Community or Neighborhood Center. The Westside Strategic Plan identifies the McMahon Blvd./Unser Blvd. area adjacent to the west and southwest of the subject site as a Neighborhood Center. Relevant goals/policies include the following:

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.

The subject site is within the Seven Bar Ranch Community of the West Side Strategic Plan (WSSP). The Westside Strategic Plan identifies the McMahon Blvd./Unser Blvd. area adjacent to the west and southwest of the subject site as a Neighborhood Center. The proposed day care center adds an additional neighborhood scale use that will serve the surrounding community. The request furthers policy 1.1.

Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/ bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings (p. 39).

The proposed development has sidewalk access to Pinnacle Peak drive and Crown Road, these street connect to the sidewalk and bike and pedestrian trails along Unser Boulevard and McMahon Boulevard. The request furthers policy 1.5

Policy 3.4 (Seven Bar Ranch): Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses and other uses appropriate for such centers shall be encouraged. The lowest density single-family residential development shall not occur within these centers, but must have safe pedestrian and bicycle access to them.

The McMahon/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as the Tuscany and Skies West neighborhoods. The request proposes additional commercial uses in a shopping center along with pedestrian and bicycle access. The request furthers WSSP Policy 3.4.

The Villa de Villagio and Tuscany Neighborhoods and the Westside Coalition of Neighborhoods were notified of the request along with property owners within 100 feet of the site.

A facilitated meeting occurred on November 20, 2017. Attendees supported the project.

The applicant is not requesting delegation of SPBP.

CONDITIONS 17 EPC 40058 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. The applicant proposes an FAR of .186; staff suggests that this is very low and would recommend .3 as an appropriate FAR.
4. 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.

FINDINGS 17 EPC 40059 Site Development Plan for Building Permit :

1. This is a request for a Site Development Plan for Building Permit for a portion of Tract-A-1 located on and containing approximately 4.3 acres.
2. The request will allow the development of a 10,196 square foot day care building.
3. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan Seven Bar Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is located in an Area of Change designated by the Comprehensive Plan. Applicable policies include:
 - a. Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.
 - b. The request furthers Policy 5.4.2 because it will allow the development of a new service use that will provide employment on the west side.
 - c. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged. [A]

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- d. b) Encourage development that expands employment opportunities.
- e. The request furthers Policy 5.6.2 and 5.6.2.b) because it will allow the development of a new service use, in an Area of Change, that will provide employment on the west side.
5. The subject site is within the Seven Bar Ranch Community of the West Side Strategic Plan (WSSP). It is not within a designated Community or Neighborhood Center. The Westside Strategic Plan identifies the McMahon Blvd./Unser Blvd. area adjacent to the west and southwest of the subject site as a Neighborhood Center. Relevant goals/policies include the following:
 - a. 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.
 - b. The subject site is within the Seven Bar Ranch Community of the West Side Strategic Plan (WSSP). The Westside Strategic Plan identifies the McMahon Blvd./Unser Blvd. area adjacent to the west and southwest of the subject site as a Neighborhood Center. The proposed day care center adds an additional neighborhood scale use that will serve the surrounding community. The request furthers policy 1.1.
 - c. Policy 1.5: Community and Neighborhood Centers shall be required to provide pedestrian/ bicycle access to key activity areas. Parking lots shall be carefully designed to facilitate trail access and pedestrian access between buildings (p. 39).
 - d. The proposed development has sidewalk access to Pinnacle Peak drive and Crown Road, these street connect to the sidewalk and bike and pedestrian trails along Unser Boulevard and McMahon Boulevard. The request furthers policy 1.5
 - e. Policy 3.4 (Seven Bar Ranch): Several clusters of neighborhoods will develop within the Seven Bar Ranch Community. Each of these shall be served by a Neighborhood Center, so neighborhood commercial, public and quasi-public uses and other uses appropriate for such centers shall be encouraged. The lowest density single-family residential development shall not occur within these centers, but must have safe pedestrian and bicycle access to them.
 - f. The McMahon/Unser Neighborhood Center contains non-residential uses and serves many surrounding subdivisions, such as the Tuscany and Skies West neighborhoods. The request proposes additional commercial uses in a shopping center along with pedestrian and bicycle access. The request furthers WSSP Policy 3.4.
6. The Villa de Villagio and Tuscany Neighborhoods and the Westside Coalition of Neighborhoods were notified of the request along with property owners within 100 feet of the site.
7. A facilitated meeting occurred on November 20, 2017. Attendees supported the project.

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CONDITIONS 17 EPC 40059 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. Provide street trees along Crown Road and show these on the SPBP prior to DRB submittal.
4. Replace Quaking Aspen and Blue Spruce with low water species that are appropriate for the Albuquerque climate. All landscaping calculations shall be shown on the Site Development Plan for Building Permit.
5. 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.
6. Additional architectural features, including wood features will be added to the building , additional architectural features shall be added to the north and west elevations that mirror the features on the south and east elevations.
7. Landscape shall meet or exceed the landscaping across the street at McMahon Marketplace (project 1005280).

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 29, 2017**. 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 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

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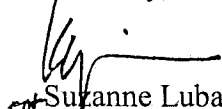
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site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through 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,



Suzanne Lubar

Acting Planning Director

SL/MG

cc: Kidz Academy Preschool LLC, 2643 Violeta Circle SE, Rio Rancho, NM 87124
Scott Anderson, 7604 Rio Penasco NW, ABQ, NM 87120
Tuscany NA & WS Coali Assoc, Harry Hendriksen, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114
Tuscany NA, Janelle Johnson, P.O. Box 6270, ABQ, NM 87197
Villa De Villagio HOA, Susie Sollien, P.O. Box 93488, ABQ, NM 87199
Villa De Villagio HOA, James Morrow, 10848 Como Dr. NW, ABQ, NM 87114
Westside Coali. of Neigh. Assoc., Gerald Worrall, 1039 Pinatubo Pl. NW, ABQ, NM 87120