



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: May 3, 2006

## AMENDED OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1004675  
06EPC-00140 EPC Site Development Plan-  
Subdivision

TS McNaney & Associates  
3 Wind Road NW  
Albuq. NM 87120

LEGAL DESCRIPTION: for all or a portion of Tract 1, Summary Plat of Kinscherff Lands and a tract of land in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 35, T11, R2E, zoned SU-1 PRD-10 DU/ACRE, located on the west side of COORS BLVD. NW, between the SAN ANTONIO ARROYO and LA LUZ DEL OESTE, containing approximately 30 acres. (F-11) Catalina Lehner, Staff Planner

On April 20, 2006 the Environmental Planning Commission voted to approve Project 1004675/ 06EPC 00140, a Site Development Plan for Subdivision for Tract 1 Summary Plat, Kinscherff Lands, T11N R2E Section 35, and Tract of Land in SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , T11N R2E Section 35, zoned SU-1 for PRD (10 DU/ac), based on the following Findings and subject to the following Conditions:

### FINDINGS:

1. This is a request for a site development plan for subdivision for Tract 1 Summary Plat, Kinscherff Lands and a Tract of Land in SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 35, T11N, R2E, approximately 29.32 acres located on the west side of Coors Boulevard, between the San Antonio Arroyo and south of La Luz del Oeste.
2. The applicant proposes design standards for the Vistas de La Luz project—a planned residential development (PRD) consisting of 67 single-family homes and 72 townhomes (139 units total). Two future areas are reserved for C-1 and O-1 permissive uses with exclusions.
3. The subject site lies within the boundaries of the West Side Strategic Plan (WSSP) and the Coors Corridor Sector Development Plan (CSDP). The Facilities Plan for Arroyos also applies.
4. The request *partially furthers* the intent of the following Comprehensive Plan policies:
  - Policy II.B.5a—full range of urban land uses. The proposed development will introduce more residential uses in a residential area but also includes some future office and/or commercial uses.

- Policy II.B.5e-programmed facilities/neighborhood integrity. The use of existing services is not likely to compromise neighborhood integrity but it may affect septic tanks.
  - Policy II.B.5d-neighborhood values/natural environmental conditions. Neighborhoods are concerned about views, open space, drainage, soil and impact to wildlife. The request has been revised to accommodate concern about views, but not the other issues.
  - Policy II.B.5l-design quality/innovation. The proposed development will be appropriate for the area in terms of color and design, though the design is not particularly innovative and garages are prominent.
5. The proposal *mostly does not further* the intent of the following Comprehensive Plan policies:
- Policy II.B.5j-location of new commercial development. The C-1/O-1 tracts are not located in a small-neighborhood center or a larger area shopping center.
  - Policy II.B.5i-employment/service use location. Though the C-1 and O-1 uses permitted are limited, but without a site plan it is not possible to tell if these uses will be sited to minimize potential effects.
6. Regarding the West Side Strategic Plan (WSSP), the request *further*s and *partially further*s the following policies:
- Policy 3.12-contiguous location for growth. The subject site is well-located for receiving City services.
  - Policy 4.6-design guideline sections/policies. The site plan and design standards have been revised to incorporate neighbors' concerns about views.
  - Policy 1.1-Community and Neighborhood Centers (partially further)s. Locating residential uses outside of centers supports the Plan's intention, and locating non-residential uses outside of centers is contrary to the Plan's intention.
7. The request *mostly does not further* and *does not further* the following WSSP policies:
- Policy 3.16-commercial uses location (mostly doesn't further). Commercial uses are appropriate in Community and Neighborhood Centers, but are not prohibited outside them.
  - Policy 4.10-land use/vehicle alternatives. The request does not sufficiently address vehicle, pedestrian and bicycle circulation patterns.
  - Policy 1.2-transit feasibility/access plan. The request does not address transit and that Coors Boulevard is an Enhanced Transit Corridor.
8. The request *partially complies* with WSSP Policy 2.5. Families with children are likely to look for larger, less expensive housing but cannot be prohibited from residing in Vistas de La Luz. There is the potential for increased enrollment in area public schools. However, APS indicates that elementary capacity is not a problem and in a few years there will be new middle and high schools.
9. The proposed wall partially complies with Section F, Policy 4 of the Facilities Plan for Arroyos. The proposed perimeter wall is not staggered, though it does provide tubular steel panels to create an opening, and is split-face block (not stucco-finished).

10. The request *furtheres the intent of CCSDP Policy 4.a.3-New Development*, because it will ensure compatibility of new buildings with the natural and built environment. The request *partially furtheres the intent of Policy 7-Access*. Pedestrians and vehicles share the main access point, and separate pedestrian access is not emphasized enough for the commercial area.
11. Regarding CCSDP design regulations, the request *complies* with the following:
  - Design Guideline 3-Policy 4.b.10-Architectural Design. Franchise elevations are prohibited.
  - Design Guideline 2 of Policy 4.b.10-Architectural Details. Colors are limited to earthtones.
  - Policy 4.b.2.A.1-Building Setback Regulation. The 35 foot front yard setback is provided.
  - Policy 4.b.2.B.1-Height & Bulk Regulation. Buildings will not exceed the underlying zone's height limit.
  - Policy 4.b.5.B.2-Off-Street Parking Regulation. One tree shall be planted per every ten parking spaces.
  - Policy II.B.5m-site design/visual environment. One-story and two-story units will be staggered, but there is no view line analysis to demonstrate views preservation.
12. The request *mostly complies* with Policy 4.b.9.A.2-Site Lighting Regulation. Pole height is limited but building-mounted lights can be mounted as high as the poles near residential areas. With respect to Policy 4.d.1-Signage Regulation, basic requirements are met but limitations to protect views are not included.
13. The request *partially complies* with Policy 4.b.4.A.2-Site Landscaping Regulation, because screening must be from all views, not just the public view, and Policy 4.b.4.A.6-Site Landscaping Guideline. Trash enclosures and yard walls will be compatible with buildings, but perimeter walls are not sufficiently addressed. Per Policy 4.b.5.B.1-Off-Street Parking Regulation, at least 20% of the parking lot must be landscaped. The request *partially complies*.
14. The request *mostly does not comply* with Policy 4.b.4.B.2-Site Landscaping Regulation. Though the development will be extensively landscaped, prohibited groundcovers are included in the design standards.
15. The Traffic Impact Study (TIS) concludes that the proposed development will have a moderate impact a long Coors Boulevard. Adverse impact to the transportation system can be minimized provided the TIS recommendations are followed.
16. An Air Quality Impact Analysis (AQIA) is required per Zoning Code § 14-16-3-14, despite the steady decline in monitored CO levels since Albuquerque/Bernalillo County's last violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) in 1991.
17. Two facilitated meetings were held (March 7<sup>th</sup>, 2006 and April 10<sup>th</sup>, 2006). Though mostly concerned about views preservation, the neighborhoods are also concerned about public school capacity, connectivity/access, lack of open space, impact to wildlife, garagescapes, walls and drainage/soils.

18. Due to concerns about views preservation, there will be a grade change of 15 feet between Quaker Heights and the proposed development and one-story units will be located along the development's western border. Neither the Zoning Code nor applicable Plans contain policies to protect the views of individual property owners.
19. The Coors Corridor Sector Development Plan (CCSDP) requires views plane analysis for proposals in Segments 3 and 4 of the Coors Corridor, but this only applies east of Coors Boulevard. The subject site is in Segment 3, west of Coors Boulevard. Therefore, a view plane analysis is not required.

**CONDITIONS:**

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 DRB sign off, the applicant must meet with the Staff planner to ensure that conditions of approval are thoroughly addressed.
3. The site plan for subdivision shall comply with all design regulations in the CCSDP.
4. The following conditions address the Coors Corridor Sector Development Plan Design Regulations with which the request *does not fully comply*:
  - a. Policy 4.b.4.A.2 Site Landscaping Regulation.  
Exterior trash and utility boxes shall be screened from all views, not just the public view.
  - b. Policy 4.b.4.A.6-Site Landscaping Guideline.  
The design and materials of the perimeter wall shall be compatible with the architectural theme and materials buildings on the site.
  - c. Policy 4.b.9.A.2-Site Lighting Regulation.  
Building-mounted exterior light fixtures at the non-residential areas shall not be mounted higher than 16 feet from the finished floor of the building.
  - d. Policy 4.d.1-Signage Regulation.  
Building mounted signage shall not exceed 8% of the façade area upon which it is mounted.
  - e. Policy 4.b.5.B.1-Off-Street Parking Regulation.  
At least 20% of the parking lots shall be landscaped.
  - f. Policy 4.b.4.B.2-Site Landscaping Regulation.  
Bark shall only be utilized as mulch and not as a permanent groundcover.
5. The following instances of "will be" shall be changed to "shall":
  - a. Pedestrian and Site Amenities: "...landscaped private common areas shall be provided."

- b. IV. Setbacks: "within these setbacks shall be pedestrian walkways...".
- 6. The following language shall be reinstated under II. Parking: "In order to lessen the visual impact of parking areas, parking facilities should be broken into a series of smaller areas."
- 7. The color blue shall not be allowed for metallic roofs.
- 8. Free-standing cell towers or antennas are prohibited.
- 9. The Homeowners Association shall maintain trees planted in the right-of-way to ensure the trees' survival.
- 10. The wall design standards shall specify earthtone colors and surface treatments.
- 11. The site plan shall be revised for clarity regarding location of perimeter walls, the arroyo perimeter wall, open space and "pass through" areas.
- 12. RECOMMENDED CONDITIONS FROM THE FIRE DEPARTMENT:
  - a. Provide adequate hydrant spacing. There shall be one (1) hydrant at each street intersection with intermediate hydrants so that no one home is more than 500 feet (as the truck rolls) from a hydrant.
  - b. Dead end road of 150 feet or more shall provide adequate turn around for fire apparatus.
- 13. RECOMMENDED CONDITION FROM SOLID WASTE MANAGEMENT, REFUSE DIVISION:

The development shall have storage areas, not visible from street or located inside garage, for residential automated carts.
- 14. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Site Development Plan for Subdivision shall include:

  - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for subdivision. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
  - b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.

- c. The developer is responsible for one half of the new signal at Maduri and Coors, median improvements in Coors that are necessary for access to the site (i.e. nb left turn lane, etc.) and a sb right turn deceleration lane in Coors. These improvements are identified and shall be designed in accordance with the TIS unless a previous agreement exists with the developer at Andalucia Subdivision regarding the responsibility for signal and median improvements at Coors and Maduri.
  - d. The intersections of Maduri and Coors and Maduri and Vidal shall be designed per recommendations in the TIS (i.e. number of lanes and turn bay queue lengths, etc.).
  - e. The townhouse section of the development will need to connect to the single family detached section of the development or provide a standard cul-de-sac at the west end of Maduri Avenue unless otherwise approved by the Traffic Engineer.
  - f. All hammerhead type cul-de-sacs will require approval from Fire and Solid Waste.
  - g. Stub streets to be 150' in length maximum.
  - h. Align/design Maduri Avenue west of Vidal Drive with Maduri Avenue east of Vidal Avenue, such that entering and exiting traffic is on the appropriate side of the intersection.
  - i. Site plan shall comply and be designed per DPM Standards.
  - j. Platting must be a concurrent DRB action.
  - k. Dedication of a *minimum* 78 feet of right-of-way from the centerline of Coors Boulevard, a limited access principal arterial, as designated on the Long Range Roadway System map.
  - l. Dedication of an additional 6 feet of right-of-way along Coors Boulevard as required by the City Engineer to provide for on-street bicycle lanes.
  - m. Construction of the bicycle lane along Coors Boulevard adjacent to the subject property, as designated on Long Range Bikeways System map.
  - n. Dedication of additional rights-of-way, as necessary, and construction of the fourth southbound travel lane on Coors Boulevard adjacent to the subject property consistent with the Coors Corridor Plan (see figure 6).
15. Add a transit shelter south of Maduri Drive.
  16. The second sentence under General Note #3 on sheet 1 shall be clarified that the lots it references are within north townhome area.
  17. The note regarding railroad ties shall be removed from the grading & drainage plan.
  18. Sheet #3: the wall detail for the arroyo perimeter wall shall be for the arroyo perimeter wall and the east perimeter wall.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY MAY 5, 2006 IN THE MANNER DESCRIBED BELOW. 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.

AMENDED OFFICIAL NOTICE OF DECISION  
APRIL 20, 2006  
PROJECT #1004675  
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Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

*Channon*

*for*

Richard Dineen  
Planning Director

RD/CL/ac

cc: Consensus Planning, Inc., 302 Eighth St. NW, Albuquerque, NM 87102  
Rae Perls, La Luz Landowners Assoc., 15 Tennis Ct. NW, Albuquerque, NM 87120  
Bruce Masson, La Luz Landowners Assoc., 12 Arco NW, Albuquerque, NM 87120  
Edward Totoro, La Luz Del Sol NA, 36 Mill Road NW, Albuquerque, NM 87120  
Ray Graham, La Luz Del Sol NA, 1 Wind Road NW, Albuquerque, NM 87120  
Bill Jack Rodgers, Taylor Ranch NA, 8308 Cedar Creek Dr. NW, Albuquerque, NM 87120  
Robert Wood, Taylor Ranch NA, 6500 Carney Ave Albuquerque, NM 87120  
Matthew Baca, 5125 Northern Trail NW, Albuquerque, NM 87120  
Vic Pongetti, 5012 Northern Trail NW, Albuquerque, NM 87120  
Rene Horvath, 5525 Palomino Dr. NW, Albuquerque, NM 87120  
Victor Pongetti, 5012 Northern Tr. NW, Albuquerque, NM 87120  
Monica Otero, 5100 Northern Tr NW, Albuquerque, NM 87120

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946

## OFFICIAL NOTIFICATION OF DECISION

La Luz del Sol Landowners Association  
C/O Jade Chase, Blue Door Realty  
4041 Barbara Loop  
Rio Rancho NM, 87124

**Project #PR-2019-002598**

Application#

**SD-2020-00051- PRELIMINARY/FINAL PLAT**

### LEGAL DESCRIPTION:

All or a portion of:

**LOT H-1-A-1, LA LUZ DEL OESTE, UNIT 4**, zoned R-T, located on **COSTA ALMERIA DR NW** between **SEVILLA AVE NW** and **MONTANO RD NW**, containing approximately 1.3882 acre(s). (F-11)

On March 4, 2020, the Development Review Board (DRB) held a public meeting concerning the above referenced application and approved the requests, with delegation to Planning to address minor issues as discussed at the meeting, based on the following Findings:

### **SD-2020-00230– PRELIMINARY/FINAL PLAT**

1. This plat consolidates the vacated portion of the right-of-way of Costa Almeria Dr and removes the previous lot line. The request allows the existing access gate to be located on the La Luz del Sol Landowners Association property, not City right-of-way.
2. The property is zoned R-T.
3. The applicant provided the required notice as outlined in the IDO Table 6-1-1.

### Conditions:

1. Final sign off is delegated to Planning for the DXF file.
2. The applicant will obtain final sign off from Planning by March 25, 2020 or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.



**APPEAL:** If you wish to appeal the decisions for the vacation or final plat (Preliminary Plats cannot be appealed according to the IDO), you must do so within 15 days of the DRB’s decision or by **MARCH 19, 2020**. The date of the DRB’s decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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 14-16-6-4(U) of the Integrated Development Ordinance (IDO). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Jolene Wolfley  
DRB Chair

JW/mg

JAG Planning and Zoning

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946

PR-2019-002598 – R.O.W. VACATION-

## AMENDED OFFICIAL NOTIFICATION OF DECISION

August 15, 2019

La Luz del Sol Landowners Association  
C/O Blue Door Realty 4041 Barbara Loop  
Rio Rancho NM Suite E 87124

**Project# #PR-2019-002598**  
**SD-2019-00125 – VACATION OF RIGHT-OF-WAY**

### LEGAL DESCRIPTION:

For all or a portion of COSTA ALMERIA DR NW, located west of COORS BLVD NW and north of SEVILLE AVE NW, containing approximately 0.1023 acre(s). (F-11)

On August 14, 2019 the Development Review Board (DRB) held a public meeting concerning the above referenced application and is sending a recommendation of APPROVAL to the City Council, based on the following Findings:

1. This is a request to vacate a portion of Costa Almeria Drive NW from Lot H-1-A , approximately 91 feet south along Costa Almeria, which is a total of approximately 4,459 square feet as shown on Exhibit A.
2. Pursuant to section 14-16-6-(K)(2)(e), the DRB will make a recommendation to City Council on the request because the vacation contains the entire width of a road.
3. The applicant provided notice as required in table 6-1-1 of the IDO.
4. The applicant held a meeting with the Vista de la Luz Homeowner's Association on May 7, 2019 to discuss the request. The attendees expressed support for the request.
5. The La Luz del Sol Homeowners Association is the applicant for the request. They state that the vacation is needed to incorporate the existing gate to the subdivision into the lands of the subdivision.
6. Vacation requests must meet the criteria in IDO Section 14-16-6-6-(K)(3)(a): *The public welfare does not require that the public right of way or easement be retained:* The vacation does not impact the access to the adjacent subdivisions. There is a grade change and existing retaining walls between the road and the existing

subdivisions that prevent future access. The access to the existing commercial development is not impacted by the request.

7. Vacation requests must meet the criteria in 14-16-6-6(K)(3)(b): *There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of that right.*

The request allows the gate for the La Luz del Sol subdivision to be located on land owned by the La Luz del Sol Home Owners Association (HOA). The HOA will be responsible for repair and maintenance of the gate and private street.

Conditions:

1. A replat showing the vacated property must be approved by the DRB and recorded within one year of City Council approval.
2. Conditions from ABCWUA must be addressed prior to final platting action.

APPEAL: Pursuant to IDO section 6-4(T)(2), a Recommendation cannot be appealed.

Sincerely,



Kym Dicome  
DRB Chair

KD/mg

David Kines

13 Mill Road NW

ABQ NM 87120