



Supplemental Form (SF)

SUBDIVISION	S	Z	ZONING & PLANNING
<input type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	V		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
SITE DEVELOPMENT PLAN	P		<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/> for Subdivision			
<input type="checkbox"/> for Building Permit			
<input type="checkbox"/> Administrative Amendment (AA)			
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)	D		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	A	APPEAL / PROTEST of...
STORM DRAINAGE (Form D)			<input checked="" type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Catherine F. Davis PHONE: 505-881-3191
ADDRESS: 2632 Mesilla, N.E. FAX: 505-881-4255
CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: cathy@huntedavislaw.com
APPLICANT: Legacy Church - Appellant PHONE: 505-831-0961
ADDRESS: 7201 Central Avenue, N.W. FAX: 505-831-9128
CITY: Albuquerque STATE NM ZIP 87121 E-MAIL: dmccabe@legacychurchnm.com
Proprietary Interest in site: Adjacent property List all owners: Legacy Church

DESCRIPTION OF REQUEST: Appeal of EPC Decision dated 1/15/2016 of Project #1010550; 15 EPC 40032

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☐ No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. A-1 Redivision of Tract A Block: Unit:
Subdiv/Addn/TBKA: Redivision of Tract A (now Tract A1 & A2) containing 6.75 acres
Existing Zoning: C2-SC Proposed zoning: C2-SC MRGCD Map No
Zone Atlas page(s): F-19-7 UPC Code: 101906149805240507

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):
Project No. 1010550; EPC 15 EPC 40032

CASE INFORMATION:

Within city limits? ☒ Yes Within 1000FT of a landfill? ☐
No. of existing lots: 1 No. of proposed lots: 6 Total site area (acres): 5.772 Acres
LOCATION OF PROPERTY BY STREETS: On or Near: Wyoming Blvd. NE near Montgomery Blvd. NE
Between: Montgomery Blvd. NE and Osuna Road NE
Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☐ Review Date: N/A

SIGNATURE Catherine F. Davis DATE 1/29/16
(Print Name) Catherine F. Davis Applicant ☐ Agent ☒

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>116 CC - 30002</u>	<u>Appeal</u>		<u>\$ 55.00</u>
<input type="checkbox"/> All fees have been collected		<u>ADV</u>		<u>\$ 50.00</u>
<input type="checkbox"/> All case #s are assigned				<u>\$</u>
<input type="checkbox"/> AGIS copy has been sent				<u>\$</u>
<input type="checkbox"/> Case history #s are listed				<u>\$</u>
<input type="checkbox"/> Site is within 1000ft of a landfill				<u>\$</u>
<input type="checkbox"/> F.H.D.P. density bonus				<u>\$</u>
<input type="checkbox"/> F.H.D.P. fee rebate				<u>\$</u>
	Hearing date			Total
	<u>1-29-16</u>			<u>\$ 105.00</u>
	Staff signature & Date	Project #		
	<u>[Signature]</u>	<u>1010550</u>		

FORM A: APPEAL/ PROTEST

Appeal to the Zoning Board of Appeals (BOA) regarding:

- ☐ DECISION OF THE ZONING HEARING EXAMINER (ZHE) (BOA01)
- ___ Project number of case being appealed: _____
- ___ Application number of case being appealed: _____
- ___ Letter explaining the reason(s) for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission (LUCC) regarding:

- ☐ CERTIFICATE OF APPROPRIATENESS
DECISION OF THE PLANNING DIRECTOR OR STAFF (LUCCAPP)
- ___ Project number of case being appealed: _____
- ___ Application number of case being appealed: _____
- ___ Letter explaining the reason(s) for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Environmental Planning Commission (EPC) regarding:

- ☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER (EPC09)
- ☐ DETERMINATION OF THE IMPACT FEE ADMINISTRATOR (EPC10)
- ___ Project number of case being appealed: _____
- ___ Application number of case being appealed: _____
- ___ Letter explaining the reason(s) for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal/ Protest to the City Council and/ or the Land Use Hearing Officer regarding:

- ☐ ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF (CCSTAFF)
- ☒ DETERMINATION OR ACTION OF THE EPC (CCEPC)
- ☐ DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD (CCDRB)
- ☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL (CCBOA)
- ☐ DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION (CCLUCC)
- ___ Project number of case being appealed: 1010550
- ___ Application number of case being appealed: 15 EPC 40032
- ☒ Reason for the appeal *
- ☒ Appellant's basis of standing as an appellant *
- ☒ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ☒ Copy of the Official Notification of Decision regarding the matter being appealed
- ☒ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are found in Zoning Code §14-16-4.4. An appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an appeal application.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in rejection of this application and/or deferral of actions.

Legacy Church

Applicant's Name (please print!)

Catherine F. Davis 1-29-16
Applicant's Signature Date



Catherine F. Davis, Counsel for Legacy Church

- ☐ Checklists complete
- ☐ Fees collected
- ☐ Case #s assigned
- ☐ Related #s listed

Application case numbers:

16 CC - 30002

1-29-16
Planner's Signature /
Project #: 1010550

APPEAL OF EPC No. 15 EPC 40032

Project No. 1010550

Appellant: Legacy Church 7201 Central Avenue NW, Albuquerque, New Mexico 87121, care of Daniel McCabe, Dmccabe@legacychurchnm.com; Phone: 505-831-0961, Fax No. 505-831-9128

Agent for Appellant: Catherine F. Davis of Hunt & Davis, P.C., 2632 Mesilla NE, Albuquerque, New Mexico 87110, cathy@huntandavislaw.com; Phone: 505-881-3191; Fax: 505-881-4255 (Agency Authorization is attached hereto)

Appeal of: Environmental Planning Commission (EPC) Official Notification of Decision dated January 15, 2016 (Decision), wherein the EPC voted to approve Project #1010550/15EPC-40032, a Site Development Plan for Subdivision

Standing of Appellant: Pursuant to §14-16-4-4(B)(2), Appellant appeared at the EPC on January 14, 2016 and presented evidence that it is an adjacent property owner within 300 feet of the subject site. Furthermore, the Appellant has a property right in the private driveway which will be vacated if said Site Development Plan for Subdivision is approved and has a property right adversely affected by the Decision.

Grounds of Appeal:

As required by §14-16-4-4(B)(4), the grounds for the appeal are:

- 1) The EPC did not apply City policies and ordinances in arriving at its Decision;
- 2) There is an error in the Decision;
- 3) The EPC acted arbitrarily or capriciously in its Decision or said Decision is an abuse of its discretion.

The Site Development Plan provides for the development of Property to the south of Appellant's property. Appellant has a private driveway which allows Appellant and the Members of its Church to enter and exit Appellant's property onto Wyoming. Hundreds of vehicles enter and depart the Appellant's Property through the private driveway onto Wyoming both before and after Appellant's Services. The Services are held three days a week.

The Site Development Plan for the Applicant will subdivide the undeveloped portions of the subject site into five separate pad sites, which will lead to increased traffic entering and exiting Applicant's site. Approval of the Site Development Plan will provide for the invitees of Applicant to use a public alley to enter the proposed development from Wyoming and close Appellant's private driveway, thereby forcing the Appellant and its Members, guests and invitees to use the public alley with the adjacent property (Applicant). Applicant has other access points which service its Property. Currently said public alley is 20 feet wide. There is no condition contained in the Official Notification of Decision which requires the

public alley to be increased to 30 feet and 20 feet would be too narrow for two-way traffic in the numbers anticipated.

Pursuant to §14-14-7-2, a private driveway may be vacated provided there is a determination that the public welfare is in no way served by retaining the easement or 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. In addition, there has to be no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

The Decision contains no findings that the public welfare is in no way served by retaining the easement or that the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation. The Decision contains no findings that there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. To the contrary, Appellant provided evidence that the detriment to the public welfare would not be minor. Because of the extremely heavy use of the private driveway before and after Appellant's services, off-duty police must be hired to direct traffic and block portions of Wyoming to allow for the heavy traffic entering Wyoming. To force the Appellant's members, guests and invitees to share a two-way public alley with a Development that will have increased traffic needs, will be very detrimental to the public welfare. In addition, evidence was presented that the private driveway is a substantial property right of Appellant and the removal of that right is against the will of the Appellant. The sharing of an access point will be detrimental to an already heavy traffic use; there is a probability of cross-parking that will occur because of the shared access point; and evidence was presented that such action would result in a functional obsolescence of a portion of the Appellant's buildings and improvements and constitute a taking without compensation.

Site Information:

Tract No. A-1, Redevelopment of Tract A (now Tracts A-1 and A-2), being 1 lot, comprising 5.772 acres of land, Zone Map F-19, UPC Code: 101906149805240507
Located on Wyoming Blvd. NE, north of Montgomery Blvd. NE, between Montgomery Blvd. NE and Osuna Road NE

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

January 15, 2016

W & M Company
ATTN: Bill Gunther
8220 La Mirada Rd NE, Suite 300
ABQ, NM 87109

Project# 1010550
15RPC-40032 Site Development Plan for Subdivision

LEGAL DESCRIPTION:

For all or a portion of Tract A-1 Redivision of Tract A (now comprising Tracts A1 & A2), the southwesterly portion of Tract A-1, all of Tract 1 excluding the northerly portion & including those portions adjacent to the south & east out to right-of-way, zoned C-2, located on Wyoming Blvd. NE, between Montgomery Blvd. NE & Osuna Rd. NE, containing approximately 6.75 acres. (F-19)

Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque
On January 14, 2016, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010550/15RPC-40032, a Site Development Plan for Subdivision, based on the following findings and conditions:
New Mexico 87103

FINDINGS:

1. This is a request for a Site Development Plan for Subdivision Amendment for Tract A-1, Re-division of Tract A (now comprising Tracts A1 & A2), the southwesterly portion of Tract A-1, all of Tract 1 excluding the northerly portion & excluding those portions adjacent to the south & east out to right-of-way located on Wyoming Blvd. NE, between Montgomery Blvd. NE and Osuna Rd. NE and containing approximately 6.75 acres.
www.cabq.gov
2. The subject site is zoned C-2 (SC). The proposed amendments will subdivide the undeveloped portions of the subject site into five separate pad sites and establish necessary access and utility easements. Updated design standards are also proposed that would apply to the entire 6.75 acre shopping center site. This is a quasi-judicial matter.
3. A subdivision plan was originally approved in December 1962 and subdivided the subject site into three separate tracts (S-1214). The existing C-2 zoning was established for the subject site in

November 1977 (Z-77-165). In January 1980 the Los Pastores Shopping Center development plan was approved by the HPC with conditions.

4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The Site Development Plan for Subdivision Amendment furthers the following relevant Comprehensive Plan policies:

- 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 requested action is appropriately located adjacent to and nearby a cluster of other C-2 zoned lots, the intensity of which will not negatively impact existing residential development in the area. Carrying capacities are also appropriate for the area. Therefore, the request furthers Policy II.B.5.d.

- 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 portion of the site that is proposed to be subdivided into 5 new pad sites is vacant and is contiguous to existing urban facilities and services and the integrity of existing neighborhoods will be ensured. The request furthers Policy II.B.5.e.

- 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.

The applicant envisions additional commercial uses for the subject site. The subject site is located near adjacent to and nearby a cluster of other C-2 zoned lots which are configured to complement nearby residential areas. The proposed design standards proposed by the applicant generally meet the requirements of the Zoning Code and will serve to minimize any potential adverse impacts on residential environments. Therefore, the request furthers Policy II.B.5.i.

- D. Policy II.B.5.j.: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

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.

New commercial development that results from the proposed subdivision action will be located within an existing commercially zoned area, within a larger area-wide shopping center site at the intersection of Wyoming and Montgomery Blvd. which are designated minor arterial streets. Rou

#31, Wyoming route, and Route #98, Alameda-Wyoming-KAFB commuter route, pass the site on Wyoming Blvd. Therefore, the request ~~furthers~~ Policy ILB.S.j.

- E. Policy ILB.S.k:** Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The subject site is adjacent to two minor arterials and will be designed to minimize any harmful effects of traffic on nearby established residential neighborhoods. Transportation Staff provided comments that, when addressed, would help minimize harmful effects of traffic. The TIS form indicates that a traffic study is not required. The request ~~furthers~~ Policy ILB.S.k.

- F. Policy ILB.S.l:** Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

The proposed design standards would require quality building materials and articulation, and would ~~result in "modern" style buildings that would generally create quality.~~ The request ~~furthers~~ Policy ILB.S.l-quality design/new development.

6. The applicant requests that future site development plans for building permit for each tract be delegated to DRB for review and final sign-off.
7. The RPC has complete discretion over whether DRB delegation will be approved.
8. Design standards must be clear and provide sufficient direction with regard to the design and pad site layout direction for future requests for Site Development Plans for Building Permit.
9. The proposed design guidelines do not warrant delegation to DRB as they do not provide sufficient design and pad site layout direction for future requests for Site Development Plans for Building Permit.
10. The Loma Del Rey Neighborhood Association and District 7 Coalition of Neighborhood Associations as well as property owners within 100' of the subject were notified of this request. A facilitated meeting was not recommended by the Office of Neighborhood Coordination.
11. Staff received written public comments from the property owner directly north of the subject site stating that they were not in agreement with the proposed request for a site development plan for subdivision amendment, future improvements to the existing 20' public alley that will be required by the Traffic Engineering Department, as well as the potential for alcohol sales to take place on the subject site.

OFFICIAL NOTICE OF DECISION

Project #1010550

January 14, 2016

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12. At the November 12, 2015 public hearing, the EPC voted to continue the Site Development Plan for Subdivision Amendment request for 60 days to the January 14, 2016 public hearing to allow time for a facilitated meeting to occur and for Planning Staff to conduct additional research regarding a previously vacated alley on the subject site.
13. A facilitated meeting was held during the continuance period. The surrounding neighborhood associations generally support the proposal. While the Church proposed that the City require another shopping center access farther south, expressed concerns regarding overflow parking onto their lot from future shopping center users and raised the possibility of having a half-wall on their southwest boundary to discourage overflow parking on their site.
14. Facilitated meeting attendees agreed to meet again on January 6 at 2 PM to continue the discussion of the use of the alley and traffic routing options as well as review alternative site design layouts from the applicant to attempt to address the church's concerns.
15. Staff notes that the scheduling of this meeting will not allow enough time for a finalized facilitator meeting report to be issued for inclusion in the Supplemental Staff Report prior to the EPC case distribution on Thursday January 7, 2016.
16. The attorney representing Legacy Church (Steve Smothermon) presented a Notice of Decision for File # Z-77-165 / V-77-41 and claimed that the existing 20' public alley that bisects the subject site and the Church's property should have been vacated in 1977.
17. Additional staff research has confirmed that File # Z-77-165 / V-77-41 did result in the vacation and relocation of an existing alley on the subject site that met the following conditions
 - A. Submittal of a summary plat which combines the northerly portion with the balance of the parcel;
 - B. Relocation of the alley in accordance with the Traffic Engineering requirements.
18. A summary plat that combined the northerly portion with the balance of the parcel and relocated the alley approximately 100' north of its previous location in accordance with Traffic Engineering requirements was approved on May 10, 1978 (SP-78-297 / D8-127) and recorded with the Bernalillo County Clerk on May 22, 1978. The replat to vacate the alley dedicated the right-of-way for the subject alley.
19. The existing 20' public alley that bisects the subject site and the Church property to the north is located in accordance with the appropriate EPC N.O.D. for File # Z-77-165 / V-77-41 dated November 2, 1977.

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 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 for Design Standards Section:
 - A. All references made within the site development plan for subdivision to applicable sections of the City of Albuquerque Comprehensive Zoning Code shall list/identify the full corresponding name of that section of the Zoning Code within the design standards section.
 - B. Section II. - Setbacks & Building Height Limitations shall be revised to state that building heights are regulated by Section 14-16-2-15(C)(1) - Office & Institution Zone which allows a maximum building height of 26', however, any structure over 26' must fall within 45 degree angle planes drawn from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right-of-way centerline. Additionally, structures shall not exceed 26' within 85' of a lot zoned specifically for houses.
 - C. Section III. - Parking shall be revised to include a note stating that all off-street parking areas shall comply with all First Flush Drainage Ordinance requirements as well as a section outlining conformance with Designated Disabled Parking Space requirements.
 - D. Section IV.(a)(ii) - Pedestrian Connections & Amenities shall be revised to reference the correct 6.75 total site acreage. It currently reads that the site contains a total of 5 acres.
 - E. The title for Section VI. - Walls & Fences shall be revised to read "Walls, Fences & Screening", provide more detail regarding specific materials to be used for trash enclosures, and item 1. be revised to cite the specific city Drainage Ordinance number.
 - F. Section VIII. - Architecture shall be revised to include information outlining the proposed FAR for the subject site as required by the Zoning Code.
 - G. Section X.(f) - Signage shall be revised to reflect the Zoning Code requirements of Section 14-16-3-2(B)(4) which states that only one free-standing sign for every 300 linear feet of frontage along an arterial is allowed.
 - H. The Conceptual Drainage Plan shall be revised to include drainage details for the southwesterly portion of Tract A-1 and the southeasterly portion of Tract A-1.

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4. The subdivision of the site shall comply with the purpose, intent, and regulations of the Subdivision Ordinance (14-14-1-3)."
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. Conditions of Approval – Water Utility Authority. Utility Services:
 - An availability statement is required and can be made at the following link: <http://www.shawna.org/AvailabilityStatements.aspx>. Requests shall include fire flow requirements from the fire marshal.
 - The Utility Plan indicates public sanitary sewer onsite. This will not be acceptable.
7. Conditions of Approval – City Engineer. Transportation Development:
 - Developer is responsible for permanent improvements to the transportation facilities adjacent proposed development site plan, as required by the Development Review Board (DRB).
 - Developer shall finalize and follow the requirements as per the approved Traffic Impact Study.
 - Additional right-of-way must be dedicated to widen the existing alley to provide two-way traffic along the west of the property and to provide for an adequate entrance from Wyoming Blvd.
 - The existing access (located on the SE corner of the property) to the Bank parcel needs to be modified to be perpendicular to the roadway.
8. Conditions of Approval – City Engineer. Hydrology Development:
 - EPC project # 1010550; A full G&D plan review meeting the following criteria and other criteria stated in the Development Process Manual Chapter 22 and the design guidelines given in Standard Specifications will be required before grading can commence.
9. Conditions for Approval for Project – Public Service Company of New Mexico:
 - As individual pad sites develop, coordination with PNM will be necessary regarding proposed tree species, the height at maturity and tree placement along the western boundary of the property in order to ensure sufficient safety clearances and to avoid interference between trees and the existing distribution facilities.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JANUARY 29, 2016**. The date of the EPC's decision is not included in the 15-day period for filing a

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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.

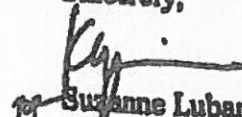
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of 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 may 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.

Sincerely,


Suzanne Lubar
Planning Director

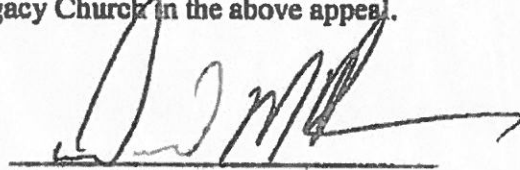
SL/VQ

cc: Tierra West, LLC, 5571 Midway Park Pl. NE, ABQ, NM 87109
Brian A. Eagan, Loma Del Rey NA, 8416 Hilton Ave NE, Apt. 4B, ABQ, NM 87111

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William E. Burk, III, Loma Del Rey NA, 9617 La Playa NE, ABQ, NM 87111
Janice Arnold-Jones, Dist. 7 Coalition of NA's, 7713 Sierra Azul NE, ABQ, NM 87110
Lynne Martin, Dist. 7 Coalition of NA's, 1531 Espejo NE, ABQ, NM 87112
Richard Leverink, 5120 San Francisco NE, ABQ, NM 87109

I, Daniel McCabe, am an Executive Pastor of Legacy Church. Legacy Church is appealing the Official Notification of Decision of the Environmental Planning Commission (EPC), dated January 15, 2016, wherein the EPC voted to approve Project #1010550/15EPC-40032, a Site Development Plan for Subdivision. Legacy Church hereby appoints Catherine F. Davis, of Hunt & Davis, P.C., 2632 Mesilla NE, Albuquerque, New Mexico 87110, (505) 881-3191 to act as the agent and attorney for Legacy Church in the above appeal.

A handwritten signature in black ink, appearing to read 'D. McCabe', is written over a horizontal line.

Daniel McCabe
Executive Pastor
Legacy Church, Appellant

