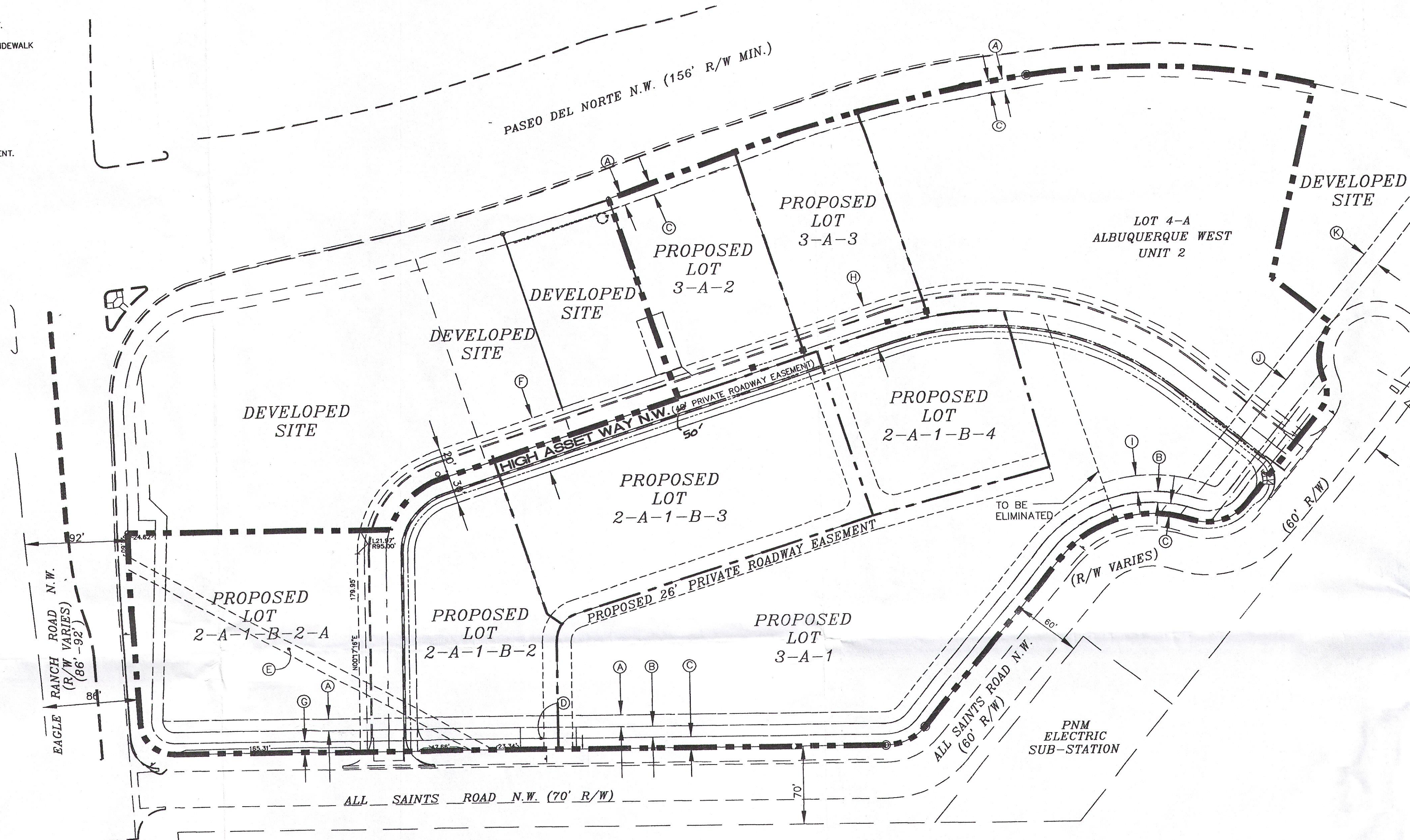


# EASEMENT DATA

- (A) EXISTING 10' NMUI EASEMENT.
- (B) EXISTING WATER & SANITARY SEWER EASEMENT.
- (C) EXISTING 10' PUBLIC UTILITY EASEMENT.
- (D) EXISTING 50.59'X20' DRAINAGE EASEMENT.
- (E) EXISTING 10' DRAINAGE & UTILITY EASEMENT.
- (F) EXISTING 50' PRIVATE ACCESS, DRAINAGE, SIDEWALK AND UTILITY EASEMENT.
- (G) EXISTING 10' PUBLIC UTILITY EASEMENT.
- (H) EXISTING 40' PRIVATE ACCESS, DRAINAGE, SIDEWALK AND UTILITY EASEMENT.
- (I) EXISTING 15' NMUI EASEMENT.
- (J) EXISTING 100' PNM EASEMENT.
- (K) EXISTING 15' UNDERGROUND UTILITY EASEMENT.



## Site Plan Notes - High Assets

This site plan will conform to all the requirements contained in the City of Albuquerque Comprehensive Zoning Code. Additional standards above and beyond the requirements contained in the Zoning Code are found in the Design Standards (Sheet 2).

### Site Information:

The site is located within the Albuquerque West Unit 2 Subdivision and consists of approximately 9.2 acres and is comprised of three separate parcels. The legal description for each parcel is:

- Lot 2-A-1-B-2, consisting of approximately 4.4460 acres;
- Lot 3-A, consisting of approximately 2.6685 acres;
- Lot 4-A-1, consisting of approximately 2.1252 acres;

### Newly Created Lots:

- Lot 2-A-1-B-2
- Lot 2-A-1-B-3
- Lot 2-A-1-B-4
- Lot 3-A-1
- Lot 2-A-1-B-2-A
- Lot 3-A-2
- Lot 3-A-3 (.5 to 1.0 acre)

### Proposed Use and Zoning:

The zoning for the site is as follows:  
Lots 2-A-1-B-2-A, 3-A-2, 3-A-3, and 4-A, the zoning is SU-1 for C-3 permissive and conditional uses, with exclusions as listed on Sheet 2, Design Guidelines.  
Lots 2-A-1-B-2, 2-A-1-B-3, 2-A-1-B-4 and 3-A-1, the zoning is SU-1 for C-3 permissive and conditional uses with exclusions as listed on Sheet 2, Design Guidelines; and restricted uses as governed by the R-2 zone.

### Pedestrian and Vehicular Ingress and Egress:

VEHICULAR ACCESS - High Asset Way NW will provide vehicular access to the site, a fully developed private road. High Asset Way NW can be accessed off of All Saints Road NW. There will be no vehicular access from Paseo del Norte.

STREET(S) - Existing - Paseo Del Norte (north): 156' min. R/W  
Eagle Ranch Rd. (west): 86'-92' R/W  
All Saints Rd. (south): 60'-70' R/W  
All adjacent roadways are public and in place.

Proposed - High Assets Way NW (private road)  
Road is fully developed and bisects the said tracts.

PEDESTRIAN ACCESS - Pedestrians will be provided direct access through the development from entryways off of High Asset Way NW and All Saints Road NW. Pedestrian access shall be provided by sidewalks constructed within the Public R.O.W for All Saints Road NW and the Private Road easement of High Asset Way NW. Pedestrians will have clear access to all building entrances.

BICYCLE ACCESS - According to the Long Range Bikeway System Map, there are several proposed or existing bike facilities in the area. Eagle Ranch Road is proposed for a bike lane, which connects to an existing bike lane on Paradise Boulevard. Although there is no direct access to the lane on Coors. Irving Boulevard contains a lane that connects to Coors Boulevard for North-South travel.

TRANSIT ACCESS - There is no direct transit service to the site. The closest stop is located at Eagle Ranch Road and Irving Boulevard, served by the Route 94.

INTERNAL CIRCULATION - Internal roads will be designed and built in compliance with the DPM even though High Asset Way is a private street. For vehicular access, there will be driveways that access each lot. Pedestrian circulation will be facilitated through a network of sidewalks that lead from the parking areas to the use or dwelling unit. Shared access and drive aisles between the lots are required.

UTILITY - Public utilities are in place within the private roadway limits and are covered by a public utility easement for water and sanitary sewer.

Maximum Building Height: Allowable building heights shall conform to the provisions found in the Zoning and Special Use Parameters, approved by Council Bill F/S O-186, Enactment No. 33-1985, Exhibit A. This Bill allows buildings to be 3.5 stories on all tracts. Each story shall not exceed 13 feet in height for a maximum total of 52 feet. The top 1/2-story is allowed 13 feet in height, but shall not exceed 50% of the floor area of the floor below it.

Minimum Building Setbacks: The minimum setback for all buildings shall be setback in accordance with the Albuquerque Zoning Code as follows:

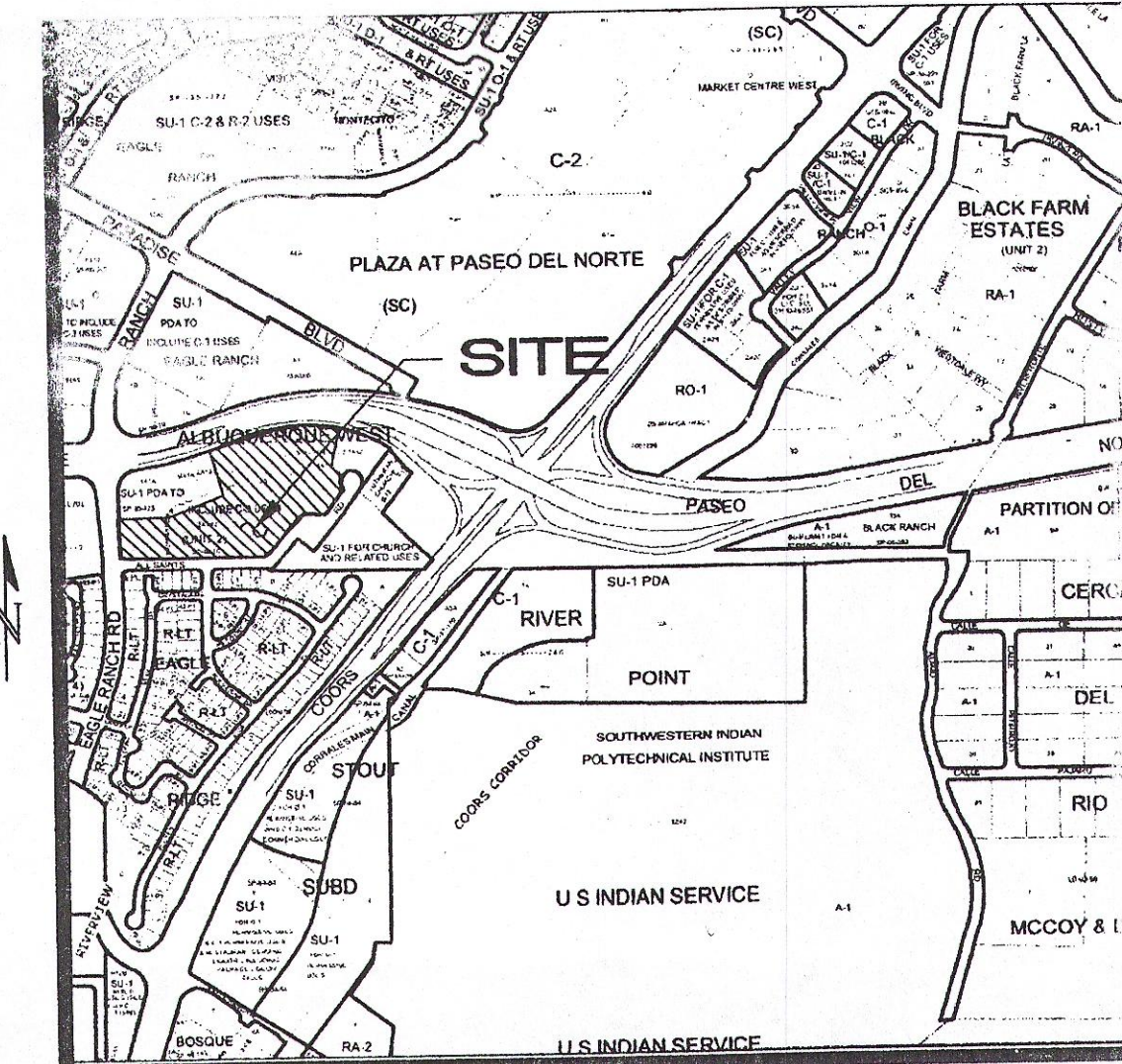
- Non-Residential
  - a. Front Yard: 5 Feet
  - b. Side Yard: 0 Feet
  - c. Corner Side Yard 5 Feet
  - d. Rear Yard: 0 Feet
  - e. A setback of 11 feet shall be required from the junction of a driveway or alley and a public sidewalk or planned public sidewalk.
- Buildings will be pulled forward as much as possible.

- Residential
  - a. Front Yard: 10 Feet, maximum will be 30'.
  - b. Side Yard: 5 Feet
  - c. Corner Side Yard: 10 Feet
  - d. Rear Yard: 15 Feet

\*Maximum Floor Area Ratio: Range of .5-1.0

Parking Areas:  
Parking will be provided in compliance with 14-16-3-1 of the City of Albuquerque Zoning Code. The maximum amount of parking will be the minimum allowed plus 10%.

\*As established by Annexation Ordinance, Council Bill No. F/S O-186, Enactment No. 33-185.



C-13-Z  
SITE VICINITY

PROJECT NUMBER: 1003272

Application Number: 00EPG-000000 06DRB-00941

This Plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC), dated May 10, 2006, and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? ( ) Yes (X) No If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

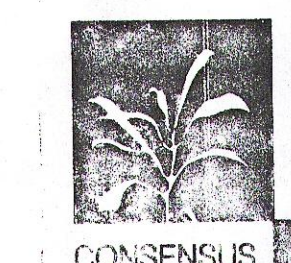
DRB SITE DEVELOPMENT PLAN SIGNOFF APPROVAL:

<i>[Signature]</i>	7-26-06
Traffic Engineering, Transportation Division	Date
<i>[Signature]</i>	7/26/06
Water Utility Department	Date
<i>[Signature]</i>	7/26/06
Parks and Recreation Department	Date
<i>[Signature]</i>	7/26/06
City Engineer	Date
<i>[Signature]</i>	
* Environmental Health Department (conditional)	Date
<i>[Signature]</i>	07/26/06
Solid Waste Management	Date
<i>[Signature]</i>	
DRB Chairperson, Planning Department	Date

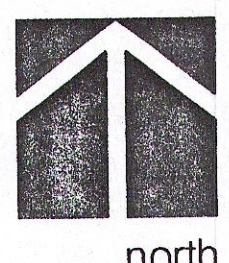
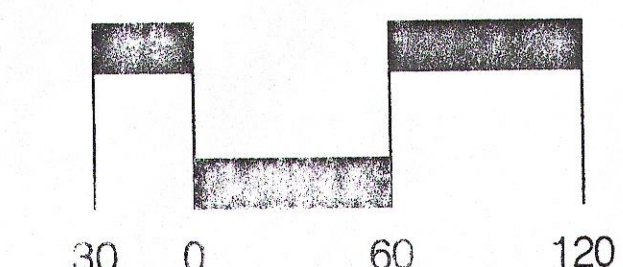
## SITE DEVELOPMENT PLAN FOR SUBDIVISION ALBUQUERQUE WEST UNIT II

Prepared for:  
Ameri Contractors, LLC  
P.O. Box 56883  
Albuquerque, NM 87187

Prepared by:  
Consensus Planning, Inc.  
302 Eighth Street NW  
Albuquerque, NM 87102



Scale 1" = 60'



July 24, 2006

Sheet 1 of 1



Design Standards for Albuquerque West Unit 2

A. Site Plan Submittals

Approval of a site development plan for subdivision pursuant to the City Zoning Ordinance, and all site development plans for building permit other than those listed below are to be reviewed by the Environmental Planning Commission. However, if a site development plan for subdivision is approved by EPC, all subsequent site development plans for building permits shall be delegated to the Development Review Board.

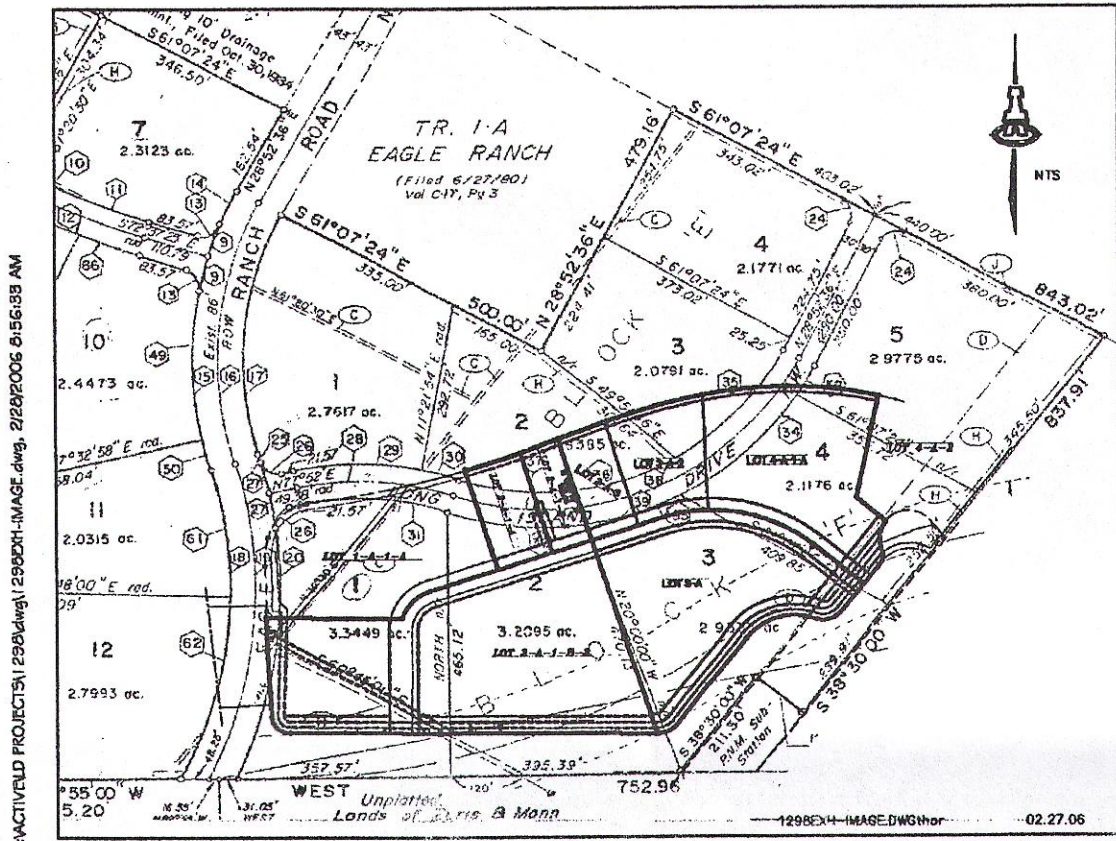
B. Site

The site covered by these Guidelines consists of approximately 9.2 acres of undeveloped land bounded by Paseo del Norte NW to the North, Eagle Ranch Road NW to the West, All Saints Road NW to the south, and Coors Boulevard NW to the East. The subject site is comprised of the following lots, Lot 2-A-1-B-2, Albuquerque West Unit 2; Lot 3-A, Albuquerque West Unit 2; and Lot 4-A-1-A, Albuquerque West Unit 2.

The lots listed above were listed on the original annexation plat as the following:

Lot #	Block #	FAR	Building Height
2	E	1.0	6 stories
3	E	1.0	6 stories
1	F	0.8	3.5 stories
2	F	0.8	3.5 stories
3	F	0.8	3.5 stories
4	F	1.0	6 stories
5	F	1.0	6 stories

The graphic below shows the subject site overlayed on the original platting in order to clarify how the subject site corresponds to the original lots and blocks.



C. Land Use Concept

The land use concept seeks to create a truly integrated mixed-use development that contains office/commercial/retail and high density residential that is both pedestrian and transit friendly. The site design seeks to create a development characterized by a pleasing outdoor environment. The internal street network and pedestrian connectivity will create a cohesive community identity. New development will be designed to be compatible with the natural landscape and the built environment. These design guidelines also complement the Fountain Hills development located immediately to the north. As a result, such guidelines relating to color and architectural style are consistent with design guidelines that have been approved for the Fountain Hills project.

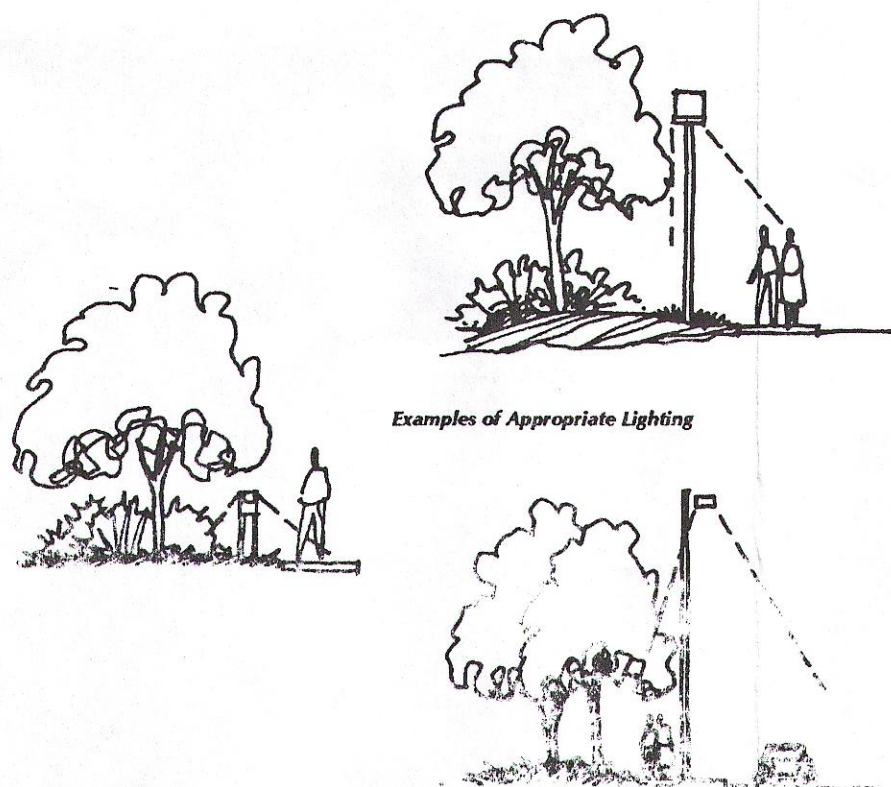
D. Zoning and Proposed Uses

Per Council Bill F/S O-186, Enactment Number 33-1985, the zoning of the site has been established as SU-1 for C-3 permissive and conditional uses. Exclusions identified in the Council Bill include the following:

- Tire recapping or retreading
- Contractors yard
- Equipment rental
- Bulk fuel storage or sales/Gasoline service stations
- Automobile dismantling
- Outdoor building material storage unless incidental to retail sales and adequately screened

In addition to the uses listed in the Council Bill, the following uses will also be excluded from developing on the site:

- Antenna (without height limitation)
- Building/structure sub assembly
- Drive-in, drive-thru restaurants
- Metal stamps, tool, and die making
- Welding as principal activity
- Plumbing, assembling only (plumbers office permitted)
- Signs, commercial advertising structures
- Adult amusement establishment or adult store
- Automotive engine manufacturing
- Sheet metalworking
- Ice plant wholesale
- Kennel
- Warehousing
- Bottling
- Railroad right-of-way and incidental facilities
- Cold storage plant



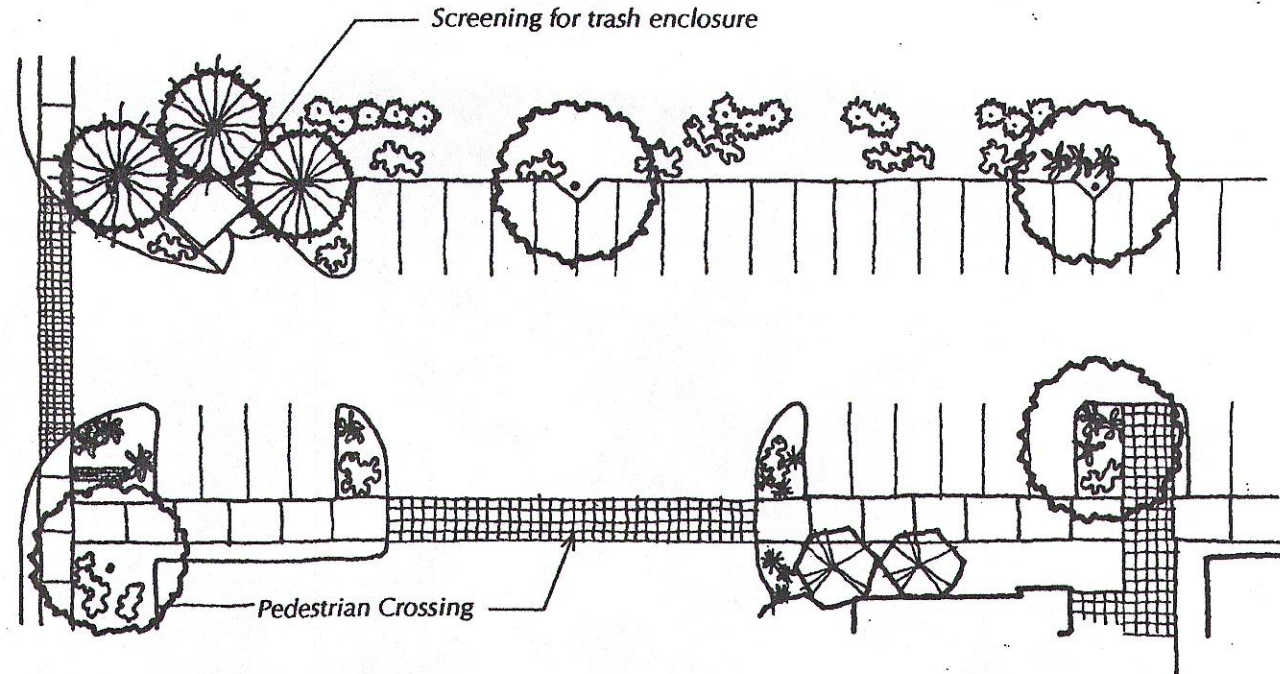
E. General Design Criteria Applicable to All Sites

1. Utilities

All new power and telephone lines shall be underground.

2. Buffering

- Landscape buffers shall be utilized between the edge of the frontage of properties and all public and private roadways. The landscape buffers shall include trees spaced a minimum of 25 feet on center and include a minimum of 25% coniferous trees.
- Project edges along Paseo del Norte, Eagle Ranch Road NW, and All Saints Road NW shall include a minimum of 10-foot landscape setback from the property line.
- A minimum of a 10-foot landscaped buffer shall be provided between all commercial and residential areas, unless integrated vertically.
- A landscape buffer shall be provided around the perimeter of each lot where adjacent to a roadway or residentially zoned area, except where the building is directly adjacent to a sidewalk and/or pedestrian walkway.



3. Parking Lot Design and Landscaping

- The number of parking spaces, including bicycle parking, shall be provided in accordance with the City Comprehensive Zoning Code. The minimum number of parking spaces is the maximum allowed plus 10%.
- Motorcycle parking spaces shall be provided as per City Comprehensive Zoning Code Section 14-16-3-1.
- All parking spaces shall be set back a minimum of 10 feet from any private drive easements or property lines, except where a reciprocal parking and access agreement has been recorded between properties.
- Adequate stacking distance at street entrances shall be provided to avoid circulation conflicts within the project site.
- Where possible, parking areas with greater than 100 spaces shall be split into several areas to avoid large expanses of parking lot.
- One tree shall be planted per every ten parking spaces.
- 75% of the parking area trees shall be deciduous and have a mature height of at least 25 feet.
- Parking areas adjacent to Paseo del Norte, Eagle Ranch Boulevard NW, and All Saints Road shall be screened by walls and/or landscaping with a minimum height of 72".
- Barrier curbs shall be provided around all landscape areas in parking lots to protect the landscaping from vehicles. The barriers shall have water run-off openings to allow surface drainage into landscape areas to promote water harvesting.
- Wall material shall consist of integrally colored concrete, rammed earth, concrete masonry, stacked stone, or stuccoed masonry block, and shall be complimentary to adjacent exterior buildings.

4. Site Landscaping and Irrigation

- Landscaping shall comply with the Albuquerque Landscaping and Water Waste Ordinance and Pollen Control Ordinance.
- A minimum of 15% of the site shall be landscaped, excluding building area.
- Live plant materials shall cover a minimum of 80% of all landscape areas.
- Landscape headers shall be used to separate turf and bedding areas. Headers may be concrete, brick or similar materials.
- An automatic, underground irrigation system shall be installed for all landscape areas. The system shall be designed to avoid over spraying. The system shall have centralized computer controls. Backflow prevention devices shall be provided in accordance with applicable City requirements.
- Turf areas shall be irrigated by an underground drip irrigation system. Pop-up sprinklers shall not be allowed. Trees, shrubs and ground covers shall be irrigated with a combination of hard pipe and poly pipe feeding single and multi-outlet drip emitters. The entire system shall be designed to maximize water efficiency.
- The irrigation system shall be selected to allow potential use with treated water systems (non-potable) when available.
- Minimum plant material sizes shall be as follows:
  - 1) Canopy Trees 2" caliper, balled and burlapped
  - 2) Evergreen Trees 8' minimum height
  - 3) Accent Trees 15 gallon, balled and burlapped
  - 4) Shrubs 1-gallon minimum
  - 5) Ground Covers 1-gallon minimum
- A maximum of 20% of all landscape areas may be low water use turf.

5. Site Lighting

- Site lighting shall comply with the requirements of the City Comprehensive Zoning Code, Section 14-16-3-9. Lights shall not shine on adjacent residential property. Fixture mounting height shall be appropriate to the project and environment. Low bollard-type lighting is required for pedestrian walkways, where possible. Mounting height of lights in parking lots shall not exceed 20 feet. When within 100 feet of a residential zone, the mounting height of lights shall not exceed 16 feet.
- Exterior lighting should be designed as an integral part of the architecture and landscaping of the project.
- Lighting fixtures shall have to shielding to minimize light spillage on to adjacent properties and public rights-of-way.
- Sodium and cobalt lighting fixtures shall not be permitted.

6. Architectural Theme and Design

These design standards shall apply to commercial/office and residential development. The theme of development for Albuquerque West Unit 2 is to be Contemporary Southwest. All buildings constructed in Albuquerque West Unit 2 will be developed under this style. This theme is characterized by innovative and progressive uses of southwestern materials and forms that are encouraged to create a context appropriate site with distinctive appeal. Expressive massing is encouraged to create an activity center with a unique identity. Building articulation shall be detailed in accordance with Modern and current methods rather than referencing traditional techniques. Mimicking distinct historical styles such as Pueblo Revival, Territorial, Northern New Mexico, or Tuscan should be avoided although contemporary interpretations of traditional elements are acceptable. Buildings throughout the site shall be designed to create an integrated whole that is contextually related, although not continuous with, buildings in the vicinity.

- All buildings shall achieve a sense of human scale by use of such devices as wall insets, portals, balconies, and window projections. Columns, arcades, corner articulation, overhangs, awnings, gutters and scuppers, breezeways, and shall should be designed and detailed to provide human scale and visual interest and all building elements and facades shall be comparably detailed.
- Building footprints should be staggered to create visual character and interest. Long, unarticulated facades shall be avoided.
- Plazas and patios shall be created by offsetting building masses.
- The use of trellis, awnings, and similar coverings should be used to pedestrian travel paths.
- Roofs that overhang entry points and patio/plaza areas are encouraged to provide shelter for users.
- All buildings shall incorporate energy conservation measures in the design. If solar heat collector panels and similar equipment is used, it shall be designed to be a visually integral part of the building.
- Parapet walls shall be architecturally integrated into the building and shall not appear as unrelated visual elements.
- All mechanical equipment and flat roofs shall be screened from public view. The screening shall be integral to the architecture of the building. Where parapets are used, the parapet shall be taller than all equipment it is meant to screen. Ground-mounted equipment is preferable to roof-mounted equipment.
- Building entries should be protected from the elements and provide a "sense of entry". Feature lighting of the entrance is encouraged.
- Building colors shall consist of the following (or variations thereof):

<b>Field Stucco Colors:</b>	Sandalwood	Soft Tan	Driftwood (tan)
	Light Brown	Warm Gray	
<b>Accent Stucco Colors:</b>	Green Slate	Silver Blue	Dark Red
	Orange/Brown	Steel Gray	Terra-cotta
	Brick Red	Medium Blue	Brown Slate

- Materials that cause excessive glare or reflection shall not be used.
- Projects containing more than one building should provide a variety in building height and massing. Lower buildings shall be located adjacent to roadways with larger buildings toward the interior.
- Trademark and franchise style buildings are prohibited.
- The finish on each building facade shall be consistent on each side.
- Building massing and rooflines will be designed in a way that avoids long, blank facades and uniform rooflines.

7. Signage

Signage shall be consistent with the Coors Corridor Plan and applicable City Comprehensive Zoning Code regulations as follows:

- Freestanding Signs**
  - Monument signs height and sign face regulations shall comply with the City of Albuquerque Zoning Code.
  - One free-standing monument sign is allowed on Eagle Ranch Road and Paseo del Norte to identify the project. Individual lots shall not have free-standing or monument signs. Only building-mounted signage is allowed on individual lots.
  - Freestanding signs shall be designed that do not require any external bracing, angle-iron supports, guy wires, or similar devices.
  - No signage is allowed that uses moving parts, makes audible sounds, or has blinking or flashing lights.
  - Signs shall not overhang into the public right-of-way or extend above the parapet roof line.
  - Off-premise signs and portable signs are prohibited.
  - Lettering on a freestanding sign shall not exceed nine (9) inches in height.
  - Monument signs shall not be internally lit. Low level uplighting is permitted provided it is in compliance with the Night Skies Ordinance.
- Building Mounted Signs**
  - Building-mounted signage shall identify the name and business of the occupant or those who are offering the premises for sale or lease.
  - No building-mounted sign shall intrude upon any structural features, including windows, columns, moldings, or decorative features.
  - Building mounted signage shall not exceed 6% of the area of the facade to which it is applied if there is no free-standing or monument sign on the premises, or 5% of the area of the facade if there is such a free-standing monument sign on the premises.
  - Lettering on building mounted signs shall not exceed 24 inches in height.
  - No internally lit building mounted signs shall be permitted.
  - Building mounted signs may be back lit or illuminated with building mounted down lighting.
  - Lighting of building mounted signage facing the south, towards the Eagle Ridge subdivision, shall not be permitted.

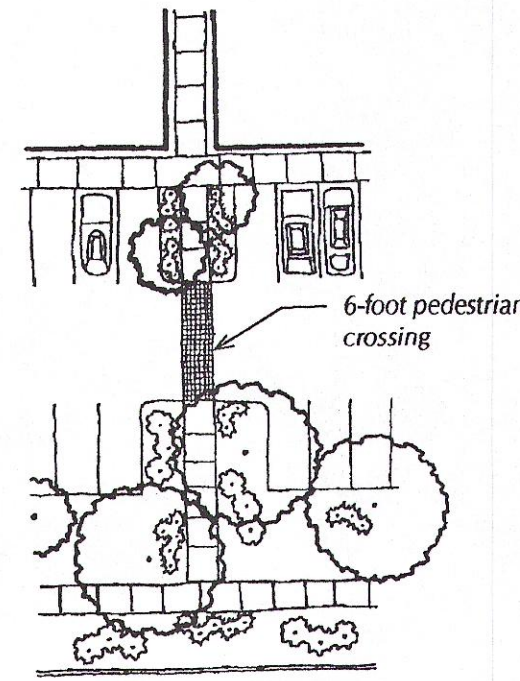


8. Walls and Screening

- The use of screening, buffering, and/or walls shall be utilized for parking lots, loading areas, refuse collection, and delivery/storage areas in order to limit their adverse impact on the property.
- All mechanical equipment shall meet the screening requirements of the City Comprehensive Zoning Code, Section 14-16-3-1 (E) (4).
- All outdoor refuse containers shall be screened within a minimum 6 foot tall enclosure and large enough to contain all refuse generated between collections. Design and materials of enclosures shall be compatible with the architectural theme of the site. Multiple lots shall share solid waste refuse enclosures where possible to avoid an excess of refuse enclosures and associated screen walls.

9. Walls and Fencing

- Visually permeable fences and walls up to six (6) feet high are permitted. The first 42 inches of the wall may be solid.
- Unfinished block walls and barbed wire, chain link, concertina wire, and plastic/vinyl fencing are prohibited.
- Perimeter walls shall include pedestrian openings at key locations within the development to ensure convenient access to transit, bike trails, and other properties.
- The maximum height of retaining walls shall be 6 feet. Areas requiring more retainage shall be terraced.



10. Site Design

- Cross access easements shall be provided between adjoining properties.
- Outdoor patio spaces with shade trees and/or shade structures are required.**
- Sidewalks along public rights-of-way shall be 6-feet wide.
- Pedestrian connections shall be provided from each building to the internal circulation system and to adjacent roadways, including the route from Eagle Ranch Road to the development, in addition to the proposed public sidewalk.
- The use of asphalt for pedestrian trails and connections is prohibited.
- All primary pedestrian paths shall be designed to be ADA accessible.
- Private walkways may be soft surface, with a minimum width of 4 feet.
- Pedestrian crossings shall be clearly demarcated with special paving treatment where they cross-vehicular entrances and drive aisles and where City trails cross streets. Such materials shall consist of integrally colored and/or stamped concrete, brick forms, or pavers of various sizes.

Pedestrian Link to Sidewalk

11. Additional Residential Standards

In addition, the following standards apply to any residential development that occurs on the site:

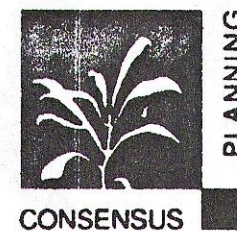
- Individual dwelling units should be apparent in form to reduce the scale of the building and increase the sense of individuality.
- Open courtyard designs are encouraged.
- Balconies, patios and entrances should relate to pedestrian pathways and streets.
- Entrances should be articulated with the use of low walls, gateways, garden courtyards and similar features.
- Dwelling units are allowed to be located above retail and office uses.
- Useable outdoor space shall be provided for any residential use.
- Street Edge for Residential Development

In addition to the setbacks required under the general site design criteria, a combination of decorative fences, walls and/or landscaping shall be provide adjacent to streets to provide a secure residential environment. The perimeter treatment shall be designed such that street views to and from the property are not overly impeded. The perimeter treatment shall be compatible with adjacent development.

Design Standards  
Albuquerque West Unit 2

Prepared by:  
Consensus Planning, Inc.  
302 8th Street NW  
Albuquerque, NM 87102

Isaacson & Arfman  
128 Monroe St. NE  
Albuquerque, NM 87108



June 29, 2006



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W. MARK MOWERY  
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SUNNY J. NIXON  
JEFFREY L. LOWRY  
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R. TRACY SPROULS  
DONALD B. MONNHEIMER  
ALAN HALL  
JULIE P. NEERKEN  
THOMAS A. OUTLER  
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MICHELLE HENRIE  
AARON C. VIETS  
KURT B. GILBERT  
BRENDA M. MALONEY  
JESSICA M. HERNANDEZ  
WILLIAM F. STEADMAN  
WILLIAM G. GILCHRIST  
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MEGHAN D. STANFORD  
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WRITER'S DIRECT NUMBER  
(505) 768-7220

JSALAZAR@RODEY.COM

May 16, 2005

**VIA HAND DELIVERY**

Kevin J. Curran, Esq.  
City of Albuquerque Legal Department  
600 Second Street NW, Suite 410  
Albuquerque, New Mexico 87102

**Re: Proposed Site Development -- Albuquerque West Subdivision**

Dear Mr. Curran:

This is to confirm our understanding, based on your discussions with City Planning Department staff as conveyed to me during our telephone conversation yesterday, that an application for approval of site development plan for building permit for Tract E-2 and Tract F (including Tracts F-1, F-2, and F-3), outlined in green on the enclosed plat, may be submitted to the Development Review Board.

It is our further understanding that an application for approval of site development plan for building permit for Tract D-1, outlined in green on the enclosed plat, must be submitted to the Environmental Planning Commission. Of course, an application for approval of site development plan for building permit for Lots 2 and 3 in Block B, Tract B-1, Tract C, and Lot 10-A-2, outlined in yellow on the enclosed plat, would also be submitted to the Environmental Planning Commission.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

Kevin J. Curran, Esq.  
City of Albuquerque Legal Department  
May 16, 2005  
Page 2

We appreciate your effort in visiting with City Planning Department staff on these items and for conveying to us the position of the City Planning Department on how we may proceed in obtaining necessary and appropriate development approvals for these properties.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:

  
John P. Salazar

JPS:dv

Enclosure (1)

cc (w/ enc. – *via mail on May 13, 2005*):

R.J. Schaefer

E. William Nelson



ROBERT M. ST. JOHN  
JOSEPH J. MULLINS  
MARK K. ADAMS  
BRUCE HALL  
JOHN P. SALAZAR  
JOHN P. BURTON  
REX D. THROCKMORTON  
JONATHAN W. HEVES  
RICHARD C. MINZNER  
W. ROBERT LASATER, JR.  
MARK C. MEIERING  
CATHERINE T. GOLDBERG  
TRAVIS R. COLLIER  
EDWARD RICCO  
W. MARK MOWERY  
PATRICK M. SHAY  
ELLEN T. SKRAK  
TRACY M. JENKS  
HENRY M. BOHNHOFF  
CHARLES K. PURCELL  
ANDREW G. SCHULTZ  
JOHN M. BRANT  
SCOTT D. GORDON  
DEWITT M. MORGAN  
MARK A. SMITH  
NELSON FRANSE  
THERESA W. PARRISH  
PAUL R. KOLLER  
JAMES P. BIEG  
CHARLES J. VIGIL  
THOMAS L. STAHL  
DAVID W. BUNTING  
LESLIE MCCARTHY APODACA

SUSAN BARGER FOX  
McDONNELL GORDON  
WILLIAM J. ARLAND  
JAMES A. ASKEW  
JEFFREY M. CROASDELL  
SUNNY J. NIXON  
JEFFREY L. LOWRY  
DEBORAH E. MANN  
R. TRACY SPOULS  
DONALD B. MONNHEIMER  
ALAN HALL  
JULIE P. NEERKEN  
THOMAS A. OUTLER  
SETH L. SPARKS  
NELSE T. SCHRECK  
KARLA K. POE  
LISA A. CHAVEZ  
JOCELYN C. DRENNAN  
MICHAEL J. BRESCIA  
MICHELLE HENRIE  
AARON C. VIETS  
KURT B. GILBERT  
BRENDA M. MALONEY  
JESSICA M. HERNANDEZ  
WILLIAM F. STEADMAN  
WILLIAM G. GILCHRIST  
CHRISTOPHER M. WOLPERT  
MEGHAN D. STANFORD  
BRYAN J. DAVIS  
CHRISTOPHER D. LEE  
VINCENT J. WARD  
JUSTIN A. HORWITZ

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.

ATTORNEYS AT LAW

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ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888  
ALBUQUERQUE, NEW MEXICO 87103  
WWW.RODEY.COM

TELEPHONE (505) 765-5900  
FACSIMILE (505) 768-7395

April 29, 2005

VIA HAND DELIVERY

OF COUNSEL  
JACKSON G. AKIN  
JOHN D. ROBB  
JAMES C. RITCHIE  
JO SAXTON BRAYER  
ROBERT G. MCCORKLE  
DAVID H. JOHNSON

BERNARD S. RODEY (1856-1927)  
PEARCE C. RODEY (1889-1958)  
DON L. DICKASON (1906-1999)  
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE  
315 PASEO DE PERALTA  
SANTA FE, NEW MEXICO 87501-2034  
P.O. BOX 1357  
SANTA FE, NEW MEXICO 87504-1357  
TELEPHONE (505) 954-3900  
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER  
(505) 768-7220

JSALAZAR@RODEY.COM

Kevin J. Curran, Esq.  
City of Albuquerque Legal Department  
600 Second Street NW, Suite 410  
Albuquerque, New Mexico 87102

**Re: Proposed Site Development -- Albuquerque West Subdivision**

Dear Mr. Curran:

Per our discussion yesterday, I am enclosing for your information and reference a color coded portion of a plat indicating those parcels for which we are proposing a Development Review Board ("DRB") submittal and those parcels for which we are proposing an Environment Planning Commission ("EPC") submittal.

Tracts proposed for DRB submittal, outlined in green on the enclosed plat, are the following: Tracts D-1, E-2, and F (including F-1, F-2, and F-3). The parcels, outlined in yellow on the enclosed plat, consisting of Tracts B-1 and C and Lots 2 and 3 of Block B and 10-A-2, are proposed for EPC submittal.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By:

John P. Salazar

JPS(dv)

Enclosure (1)

cc (w/ enc. - *via mail*):

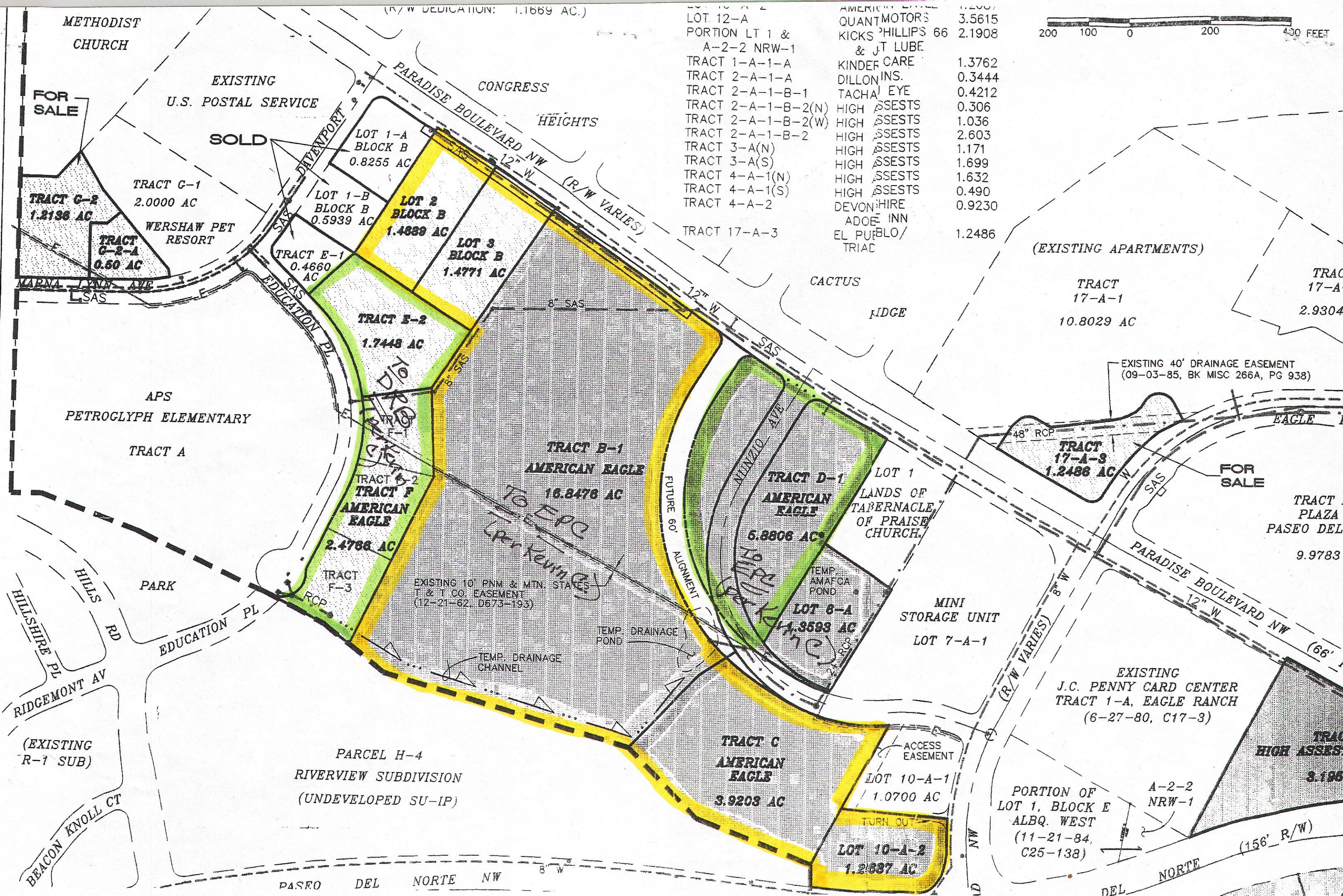
R.J. Schaefer  
E. William Nelson







(R/W DEDICATION: 1.1669 AC.)



LOT 12-A	AMERICAN EAGLE	1.2007
PORTION LT 1 & A-2-2 NRW-1	QUANTUM MOTORS	3.5615
TRACT 1-A-1-A	KICKS PHILLIPS 66 & JT LUBE	2.1908
TRACT 2-A-1-A	KINDER CARE	1.3762
TRACT 2-A-1-B-1	DILLON INS.	0.3444
TRACT 2-A-1-B-2(N)	TACHA EYE	0.4212
TRACT 2-A-1-B-2(W)	HIGH ASSESTS	0.306
TRACT 2-A-1-B-2	HIGH ASSESTS	1.036
TRACT 3-A(N)	HIGH ASSESTS	2.603
TRACT 3-A(S)	HIGH ASSESTS	1.171
TRACT 4-A-1(N)	HIGH ASSESTS	1.699
TRACT 4-A-1(S)	HIGH ASSESTS	1.632
TRACT 4-A-2	HIGH ASSESTS	0.490
	DEVON HIRE	0.9230
	ADOE INN	
TRACT 17-A-3	EL PUERTO TRIAC	1.2486

(EXISTING APARTMENTS)

TRACT 17-A-1  
10.8029 AC

EXISTING 40' DRAINAGE EASEMENT  
(09-03-85, BK MISC 266A, PG 938)

TRACT 17-A-3  
1.2486 AC

TRACT A  
PLAZA A  
PASEO DEL  
9.9783

EXISTING  
J.C. PENNY CARD CENTER  
TRACT 1-A, EAGLE RANCH  
(6-27-80, C17-3)

TRACT  
HIGH ASSESTS  
3.1967

PORTION OF  
LOT 1, BLOCK E  
ALBQ. WEST  
(11-21-84,  
C25-138)

A-2-2  
NRW-1

(156' R/W)

PARCEL H-4  
RIVERVIEW SUBDIVISION  
(UNDEVELOPED SU-IP)

TRACT C  
AMERICAN EAGLE  
3.9203 AC

LOT 10-A-1  
1.0700 AC

LOT 10-A-2  
1.2687 AC

MINI  
STORAGE UNIT  
LOT 7-A-1

TRACT D-1  
AMERICAN EAGLE  
6.8806 AC

LOT 8-A  
1.3593 AC

TRACT B-1  
AMERICAN EAGLE  
18.8476 AC

TRACT F-2  
AMERICAN EAGLE  
2.4766 AC

TRACT F-3

TRACT E-2  
1.7448 AC

LOT 1-B  
BLOCK B  
0.5939 AC

LOT 2  
BLOCK B  
1.4889 AC

LOT 3  
BLOCK B  
1.4771 AC

LOT 1-A  
BLOCK B  
0.8255 AC

TRACT G-1  
2.0000 AC

TRACT G-2  
1.2136 AC

TRACT G-2-A  
0.50 AC

WERSHAW PET  
RESORT

APS  
PETROGLYPH ELEMENTARY

TRACT A

PARK

HILLS  
RD

HILLSHIRE PL

RIDGEMONT AV

(EXISTING  
R-1 SUB)

BEACON KNOLL CT

EDUCATION PL

PASEO DEL NORTE NW

CONGRESS

HEIGHTS

PARADISE BOULEVARD NW  
(R/W VARIES)

CACTUS

RIDGE

LOT 1  
LANDS OF  
TABERNACLE  
OF PRAISE  
CHURCH

FOR  
SALE

PARADISE BOULEVARD NW  
(66' R/W)

DEL NORTE



*Planning Department*

Richard Dineen, Director  
Development Review Division  
600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

April 7, 2005

Devin Cannady  
Agent for Interstate Development Company LLC  
201 Serenity Court SE  
Albuq. NM 87123

Dear Mr. Cannady

This letter is to inform you of the Planning Department's interpretation of Exhibit A as it pertains to your submittal for EPC review (Project 1003445/05EPC-00022).

The subject site is an approximately 38-acre parcel located at the southwest corner of Paradise Blvd. NW and Eagle Ranch Road, north of Paseo del Norte. The subject site is undeveloped and is zoned *SU-1 for PDA to include C-3 Uses*.

Exhibit A was approved as part of the zoning when the subject site was annexed in 1985 (Council Bill No. F/S O-186, Enactment No. 33-1985). Exhibit A contains development parameters and procedural processes for the subject site in addition to the existing zoning, *SU-1 for PDA to include C-3 Uses*.

Exhibit A references the Albuquerque West Subdivision, a Subdivision in Paradise Hills Development within the Town of Alameda Grant, Projected Section 13, T11 N, R2 E, NMPM, and projected Section 18, T 11 N, R 3 E, NMPM, Bernalillo County, New Mexico, dated August, 1984 and recorded in the office of the County Clerk of Bernalillo County on November 21, 1984 at Volume C-25, Folio 138 (herein referred to as the "Albuquerque West Subdivision").

As you may be aware, a site development plan for subdivision is required prior to an approval of a site development plan for building permit given the SU-1 zoning designation (Zoning Code Section 14-16-2-22; Zoning Code Section 14-16-1-5; Subdivision Ordinance Section 14-14-2-2).

Section 3.b. of Exhibit A specifically indicates that all site development plans for subdivision must be approved by the Environmental Planning Commission (EPC). To gain approval of site development plans for building permit on the subject site, a site development plan for subdivision must be approved by the EPC.

After approval of a site development plan for subdivision at the EPC, the DRB will have approval authority of all subsequent site development plans for building permit.



Page 2

Should you have any questions regarding this determination, please contact me at 924-3910.

Sincerely,

Elvira Lopez  
Planner, MCRP

**Attachments**

cc:

Interstate Development Company, LLC, 8601 Washington St. NE, Suite A,  
Albuq. NM 87113  
Richard Dineen, Planning Department, Director,  
Bob Paulsen, Planning Department, Development Review Manager,  
Richard Dourte, Planning Department, City Engineer,  
Mark Hirsh, Assistant City Attorney,  
Kevin Curran, Planning Department, Assistant City Attorney,  
Steve Chavez, Planning Department, Division Manager for Residential Code  
Enforcement and for Zoning Code Services,  
Jack Basye, Planning Department, Zoning Code Supervisor,  
Sheran Matson, Planning Department, Development Review Board Chair,



## Research

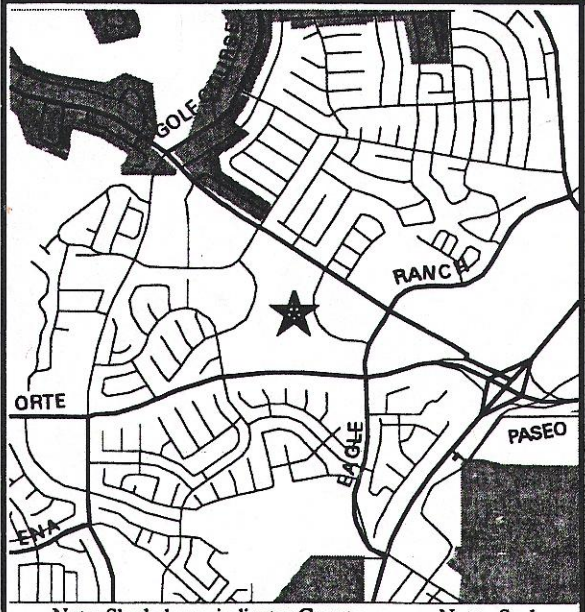
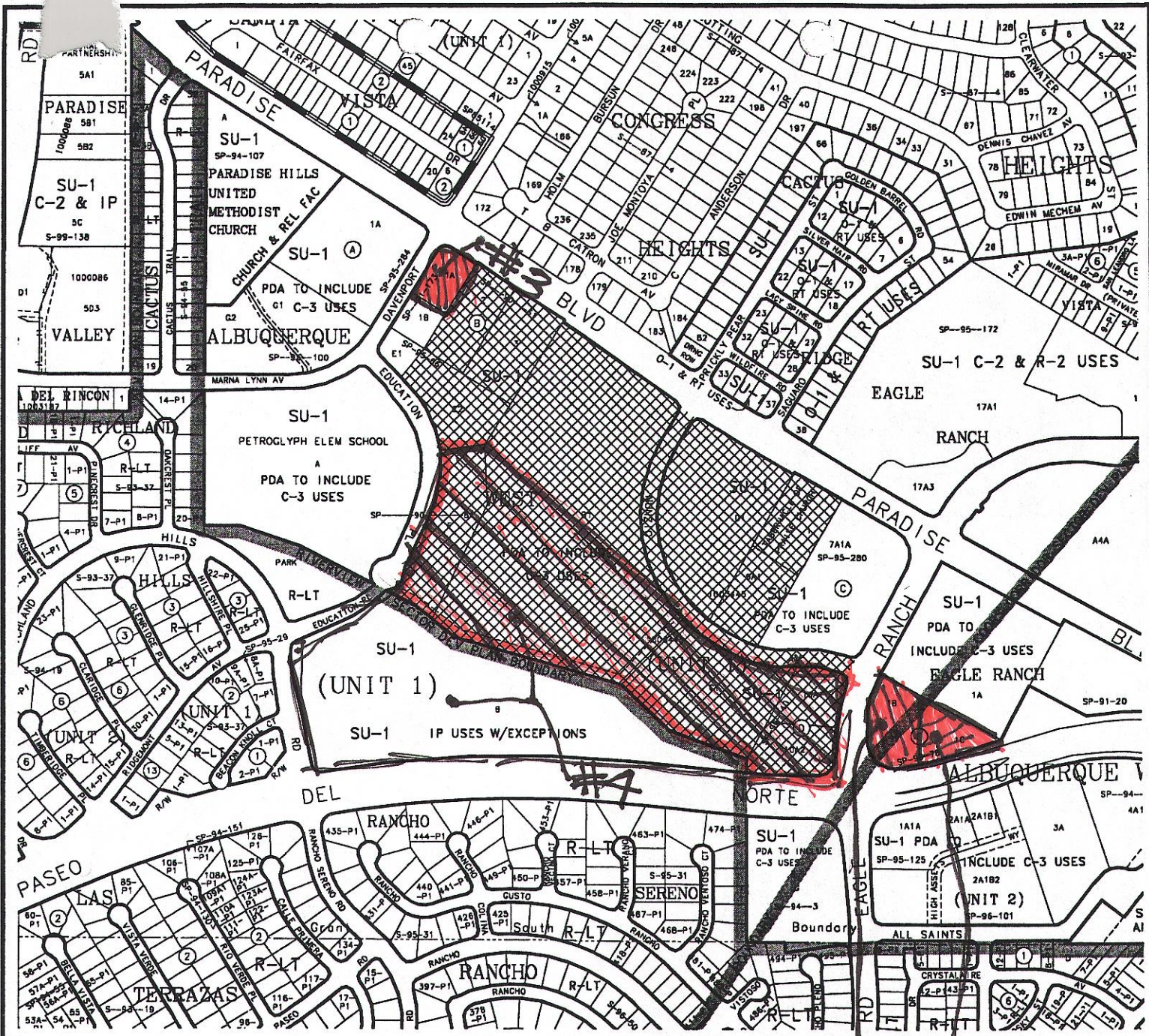
1. **Z-98-93:** Subject site is located at NE corner of Paseo del Norte and Eagle Ranch. This is a request for *Site Development plan for Subdivision and Site Development Plan Building Permit*. These requests were reviewed and approved by the EPC (Notice of Decision, 11/19/1998). Applicant proposed a gas station-Philips 66- with drive up window. Staff analysis indicates that there was an awareness of Exhibit A. However, the applicant did not go straight to DRB for approval of gas station, a permissive use in the C-1 zone, because the requested drive up service window is a conditional use in the C-1 zone. The staff report suggests that projects, that limit their development potential to C-1 and O-1 permissive uses, can go straight to the DRB per Exhibit A. Ultimately the EPC have review authority of SPBP and SPS on the subject site.

2. **Project 1001721/02DRB-00151:** Subject site is located at NE corner of Paseo and Eagle Ranch Rd. This project is related to Z-98-93. Applicant requests approval of *site development plan for building permit* for a lot that was approved with Z-98-93 site plan for subdivision action. Applicant proposes to build a Suds and More car wash. Only the DRB reviews this request; final approval occurs 3/21/2002.

3. **Project 1001276/01EPC-00744:** Subject site is located at SE corner of Davenport and Paradise Hills Rd. Applicant requests approval of *site development plan for building permit*. Applicant proposes to build children's learning center. EPC reviews this request. There is no mention of Exhibit A in staff report.

4. **Project 1000762/00EPC 01638:** Subject site is located on Paseo del Norte, between Eagle Ranch and Richland Hills (approx. 29 acre site). Applicant requests approval of *site development plan for subdivision with design requirements* at the EPC. Approval was granted 1/28/2001 by EPC according to notice of decision. Staff report provides analysis of Exhibit A with respect to delegation issue (concludes building permits applications can be delegated after approval of site plan for subdivision).





# ZONING MAP

- 10 A1, ABO west
- 1, Tabernacle of Praise church



Scale 1"= 524'

PROJECT NO.  
1003445

HEARING DATE  
3-17-05

MAP NO.  
C-12

ADDITIONAL CASE NUMBER(S)  
05EPC-00022

Note: Shaded area indicates County Not to Scale





Elvira Lopez

04/05/2005 03:36 PM

To: Mark A. Hirsch/LEGAL/CABQ@COA, Richard H. Dourte/PWD/CABQ@COA, Sheran A. Matson/PLN/CABQ@COA, Bob Paulsen/PLN/CABQ@COA, Russell D. Brito/PLN/CABQ@COA, Kevin  
cc: elopez@cabq.gov  
Subject: Fountain Hills Plaza/ Exhibit A/Procedural Issue

To all:

We will be meeting tomorrow, Wednesday April 6th, at 2PM, 3rd floor, large conference room. We will be discussing the Fountain Hills Plaza Project (1003445).

The subject site is an approximately 38-acre site located on the southwest corner of Paradise Blvd./Eagle Ranch Rd., north of Paseo del Norte. The applicant requests approval of a site development plan for subdivision (master plan) for mixed uses. In addition to meeting the minimum standards of a site development plan for subdivision, the plan proposes design standards. This project was deferred by the EPC in March (60 days) due to numerous issues.

The purpose of the meeting is to discuss procedural issues associated with this project. Zoning on the subject site is SU-1 for PDA to include C-3 Permissive and Conditional Uses. In addition, when this property was annexed, the City Council approved Exhibit A as an extension to the zoning. This exhibit not only sets development parameters above the zoning, but also unique procedure for review of site plans.

It appears that Exhibit A suggests that the applicant may be able to circumvent EPC review of the subject site by taking individual site development plans for building permit directly to the DRB without an approved site development plan for subdivision (master plan). However, Planning staff is concerned that the subject site would be developed without the benefit of an approved site development plan for subdivision that promotes cohesive development. I would like to get your input regarding the procedural implications of Exhibit A.

Attached is a pdf document containing the signed annexation ordinance for the subject site and Exhibit A. Please review Exhibit A prior to the meeting. More particularly focus on section 3.a. and 3.b. (on pages 2 and 3) of Exhibit A.

Thank you for your time and consideration. Please call if you have any questions prior to the meeting. See you tomorrow.

Elvira



Annex Ordinance.pdf

Elvira Lopez  
Planner  
COA Planning Department  
Development Review Division  
(505) 924-3910





Elvira Lopez

06/30/2005 02:37 PM

To: Sheran A. Matson/PLN/CABQ@COA  
cc:  
Subject: Fountain Hills

Hi Sheran,

As you probably recall, we looked extensively at the zoning and development parameters for an approximately 38 acre parcel of land located on the west side several months ago (southwest corner of Paradise Blvd./Eagle Ranch Road, north of Paseo del Norte). This is the site for which the applicant was proposing 6-story buildings. The applicant has submitted a revised site plan or "master plan". This revised plan is a much better plan than the original submittal.

Among several changes to the submitted master plan that we are currently reviewing, the applicant has removed Tracts E2 and F, Albuquerque West subdivision. The subject site has been reduced from 38 acres to 31 acres. Removal of Tracts E2 and F came about after discussions between the applicant and City Planning staff. We basically agreed to the applicant removing tracts E2 & F, but mandated that the applicant provide a master plan for the remaining tracts (31 acres) for EPC review.

Today a neighborhood person (Alan Schwartz) came by to check on the Fountain Hills project and seemed disheartened to know that Tracts E2 and F, proposed for an office development, were being removed from the master plan. He also learned that these two tracts would go straight to the DRB for approval. I reassured him that the DRB would consider the development parameters (Exhibit A, approved with the zoning) in their review of any submittals to the DRB. Exhibit A sets height parameters (unfortunately in terms of "stories"; we are grappling with this issue in the current master plan submittal), F.A.R's and restricts particular uses.

Mr. Schwartz also expressed concerns that there would be no pedestrian connections made between Tracts E2 and F and the remaining master plan. I expressed that we (meaning Development Review staff and DRB) could probably collaborate to make sure that there would be pedestrian connections between Tracts E2 & F and the remaining master plan. What do you think?

I'm attaching Exhibit A to this email for your records.



Annex Ordinance.pdf

Please call if you have any questions. Thanks.

Elvira

Elvira Lopez  
Planner  
COA Planning Department  
Development Review Division  
(505) 924-3910





Sheran A. Matson  
03/17/2005 10:08 AM

To: Elvira Lopez/PLN/CABQ  
cc: Bob Paulsen/PLN/CABQ@COA, Elvira Lopez/PLN/CABQ@COA,  
Russell D. Brito/PLN/CABQ@COA, Tony J. Loyd/PWD/CABQ@COA  
cc: Sheran A. Matson/PLN/CABQ@COA, Russell D.  
Brito/PLN/CABQ@COA, Bob Paulsen/PLN/CABQ@COA, Elvira  
Lopez/PLN/CABQ@COA, Tony J. Loyd/PWD/CABQ@COA  
Subject: Re: Fountain Hills Plaza /Project 1003445

Elvira

Devin Cannady came to see me about this very project today. He told me Russell had said the project could go to DRB because of the Attachment A.

I told him that, first of all, he needed to find a signed copy of the Council document to which Attachment A is attached. We could not proceed based on an unsigned document. Then, I told him I would show the entire signed document to Kevin Curran for his interpretation.

In addition, there is a reference to a now nonexistent section of the Zone Code in that document. I asked him to see if Zoning has a copy of the Zone Code which contained that Section.

I am uncomfortable with a project of this magnitude going initially to DRB. If that comes to pass, I will definitely ask for your assistance if you don't mind. Plus, I told Devin that he would have to submit a SPS with design regs, etc with the replat. These applications would be heard at an advertised hearing. Once approved, each individual SPBP would have to follow those requirements.

I also told him to get in writing from the ZEO what 2.5 or 3.5 stories means exactly in terms of height.

EPC is definitely the first board of choice to hear this project initially.

Sheran



Elvira Lopez  
03/17/2005 10:01 AM

To: Sheran A. Matson/PLN/CABQ@COA, Russell D.  
Brito/PLN/CABQ@COA, Bob Paulsen/PLN/CABQ@COA, Elvira  
Lopez/PLN/CABQ@COA, Tony J. Loyd/PWD/CABQ@COA  
cc:  
Subject: Fountain Hills Plaza /Project 1003445

Sheran,

This email is to provide you with information regarding a recent EPC submittal that was scheduled to be heard today, March 17, 2005. The EPC approved a 60 day deferral as recommended by our staff. The applicant agreed. I write this email to you because the applicant has indicated to staff that they may pursue an option of going straight to the DRB for approval of individual site plans for building permit rather than undergo EPC review of a site development plan for subdivision.

In their EPC submittal, the applicant requests approval of a site development plan for subdivision for an approximately 38 acre site located at the southwest corner of Paradise Blvd. NW and Eagle Ranch Rd. , north of Paseo del Norte. The applicant proposed the creation of 12 lots with a total of 14 pad sites (buildings). This proposal would have significant impacts for the far northwest of Albuquerque.

#### Zoning

Zoning on the subject site is SU-1 for PDA to include C-3 Permissive and Conditional Uses. This zoning



was established when the property was annexed in 1985. In this annexation approval, the Council adopted Exhibit A as an extension of the zoning ( Council Bill No. F/S O-186; Enactment No. 33-1985). Exhibit A establishes development parameters and certain procedural requirements.

The uses proposed include retail, bank, a six-story hotel, six-story condominiums, and offices. The uses proposed are in accordance with the C-3 zone, but the proposed 6-story buildings are inconsistent with Exhibit A. According to this exhibit, the maximum height on the subject site is up to 3.5 stories.

The reason I'm telling you about all this is because there is a stipulation in Exhibit A that essentially allows the applicant to circumvent EPC review if the applicant proposes certain benign uses. The applicant could go straight to the DRB for approval of site development for building permit under certain conditions. However, we need to verify this stipulation with legal and other Planning staff.

It appears that rather than go through EPC review process, the applicant has suggested to staff that they may withdraw their request for site development plan for subdivision. Instead they may be bringing in individual site plans for building permit for DRB review in accordance with the parameters set by Exhibit A

I have done extensive research on this project. This research would be important for you to be aware of should the applicant pursue the option of going straight to the DRB.

Also, you should be aware of the issues that surfaced during our review of this project at EPC. These issues include:

1) Significant transportation/traffic concerns based on a submitted TIS. In fact, transportation Development and Planning recommended a deferral of this request. 2) Improper authorization to pursue this request. The applicant had not obtained authorization from each property owner whose land was included in the request. 3) Deficiencies in the proposed design requirements. 4) Significant neighborhood opposition to the request as submitted.

I believe we should meet to discuss the history, background, zoning, Exhibit A, and other planning related issues that are related to this property and request. Especially if the applicant pursues the option of going straight to the DRB for approval of individual site plans for building permit.

Please let me know when we can meet to discuss this project. Thanks.

Elvira

Elvira Lopez  
Planner  
COA Planning Department  
Development Review Division  
(505) 924-3910

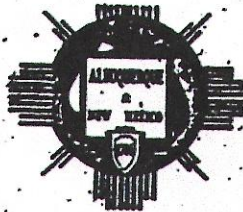


Present: RJ Schaefer, Bill Nelson, Jim Strozier, Devin Cannady, Manjeet Tangri, Elvira Lopez

1. The school directly to the south of the property is concerned about the safety of the kids. They don't want a road through the development to the school, or any residential development (school already overcrowded). Bill, the developer, promised them quality development and no road. However, the road may become a necessity out of City traffic requirements.
2. The neighbors don't want more traffic on Richland, the east/west road that passes between the school and this proposed development. They also are concerned about the height of the buildings.
3. Bill Nelson said he plans professional office space across from the school.
4. He plans to build some condos.
5. The project was scheduled for the 5/19/05 EPC hearing. Now, due to the 1985 Council agreement, the site plans will go to DRB if they follow the zoning, height, floor area ratios as spelled out in the Council bill & attachment. They do plan a restaurant with a liquor license. This must go to EPC.
6. It was agreed that, initially, a SPS with design criteria will be taken to DRB for approval. Then, each phase will come into DRB as a SPBP following the design criteria on the approved SPS. If any changes are needed to the SPS, they will go to DRB as amendments.
7. The North side next to Paradise will have a 6 to 8' retaining wall to keep the drainage onsite.
8. RJ said the realignment of Paseo del Norte from the original alignment on Paradise Blvd. cost him Lot 11. He believes that means he is still entitled to C3 zoning.
9. IT was strongly suggested that the developer keep in touch with Planning staff to help facilitate a smooth, more expedient approval process.



2-83-89  
AX-83-89



**City of Albuquerque**  
P.O. BOX 1283 ALBUQUERQUE, NEW MEXICO 87103

MAYOR  
Harry E. Kinney  
CHIEF  
ADMINISTRATIVE OFFICER  
Frank A. Kleinhenz  
June 11, 1985

Distribution: See Below.

RE: AX-83-13/2-83-89

Interested Persons:

This is to notify you that on May 20, 1985, the City Council of the City of Albuquerque approved annexation and simultaneous establishment of zoning on the above-noted request. It became effective five (5) days after publication of the ordinance.

Sincerely,

*Mary Cudron*  
Mary Cudron  
Administrative Assistant

Benard Metzger, P.O. Box 987, 87103  
Phil Tappye, 8804 Pony Express N.E., 87109  
Stan Hatch, P.O. Box 1888, 87103  
John Robert, Andrews, Asbury & Robert, 149 Jackson N.E.  
Wendy Krantner, 235 Montezuma, Santa Fe, 87501  
New Mexico Utilities, 10001 Coors Rd. N.W.  
Joy Cottrazzola, 8802 Candelaria N.E., 87112  
Herb Danish, Danish & Associates, P.O. Box 2001, 87103  
Far West Land Co., P.O. Box 14708, 87191  
High Assets Land Co., Ltd., P.O. Box 14708, 87191  
American Eagle Investors, P.O. Box 14708, 87191  
El Pueblo Properties, P.O. Box 14708, 87191  
Eagle Ridge Investors, P.O. Box 14708, 87191  
Executive Investors, P.O. Box 14708, 87191  
B'n'l Kraemer, Bradbury Court, 215 Central Ave., N.W., Suite 270, 87102  
John Salazar, Rodeo Law Firm, P.O. Box 1888, 87103

MUNICIPAL DEVELOPMENT DEPARTMENT

Jack E. Leaman, City Planner

PLANNING DIVISION

Telephone (505) 766-7422

AN EQUAL OPPORTUNITY EMPLOYER



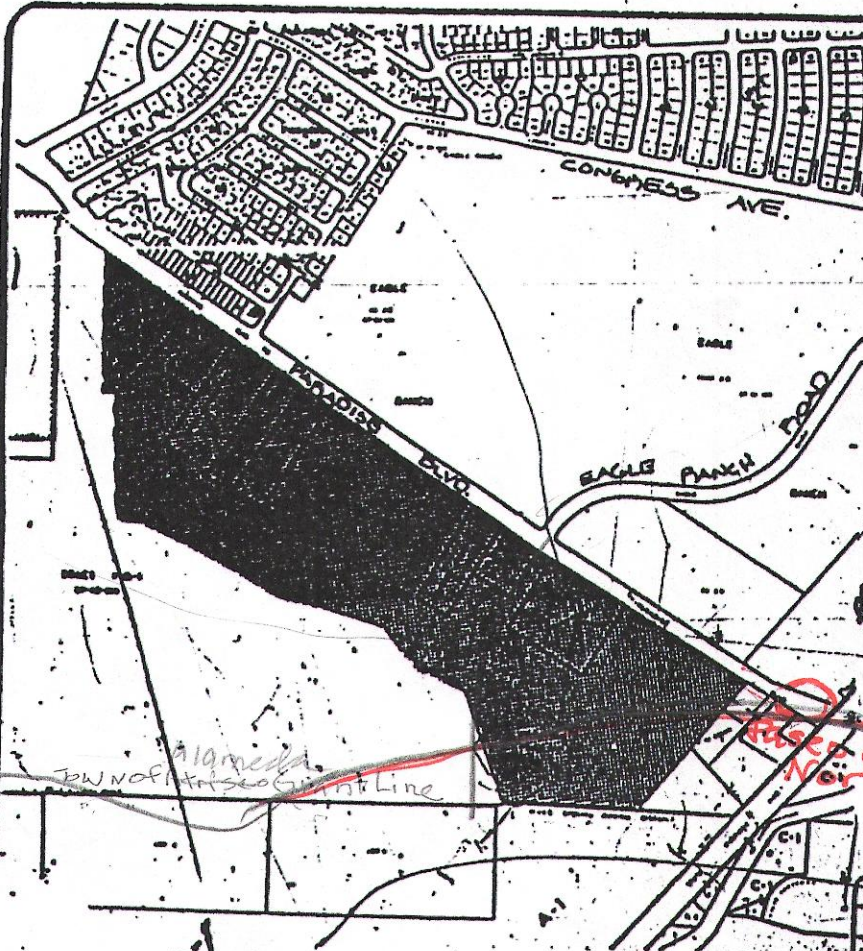
**CITY OF  
ALBUQUERQUE**  
MUNICIPAL DEVELOPMENT  
DEPARTMENT  
PLANNING DIVISION

**STUDY AREA**

R. J. Schaffer, et al requests  
annexation to the City of  
Albuquerque and establishment  
of SU-1 (Special Use for M-1  
and C-2 Uses) for a portion of  
the area known as the Eagle  
Ranch Master Plan located  
the south side of Paradise  
Boulevard, west of Coors Road.

INFORMATION  
SCALE: NONE  
MAP: C-12 10/4

FILE NUMBER  
AX-83-13  
Z-83-89





SIXTH COUNCIL

COUNCIL BILL NO. F/S 0-186 ENACTMENT NO. 33-1985

SPONSORED BY: PATRICK J. BACA

ORDINANCE

ANNEXING THAT LAND GENERALLY BOUNDED BY PARADISE BOULEVARD, COORS BOULEVARD, THE SOUTH BOUNDARY OF THE TOWN OF ALAMEDA GRANT AND TRACT A-2-2 EAGLE RANCH SUBDIVISION CONTAINING APPROXIMATELY 93 ACRES, TO THE CITY OF ALBUQUERQUE, NEW MEXICO; AND AMENDING THE ZONE MAP OF THE CITY OF ALBUQUERQUE.

WHEREAS, the owner of the area to be annexed and hereinbelow described in this ordinance, which land is contiguous to the boundaries of the City of Albuquerque, New Mexico, has heretofore presented a petition properly signed, accompanied by a map of said contiguous territory, petitioning the Governing Body of the City of Albuquerque, New Mexico, to pass and adopt an ordinance annexing said land to the City;

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. The following described territory is hereby annexed to and made a part of the City of Albuquerque for all purposes upon filing a copy of this ordinance and map of the territory so annexed in the office of the County Clerk of Bernalillo County, New Mexico, and publication of this ordinance according to law:

A. All of Albuquerque West Subdivision as shown on a plat filed in the office of the County Clerk of Bernalillo County, New Mexico on November 21, 1984 excluding therefrom Lot 6, Block C, of said Albuquerque West Subdivision.


Section 2. The zone map, adopted by Section 7-14-46.C R.O. 1974, is hereby amended as follows:



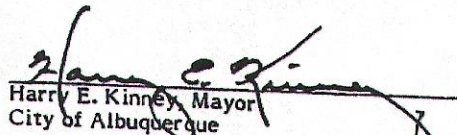
1 A. Establishment of SU-1 (Special Use for a Planned Development  
2 Area) to include uses permissive and conditional in the C-3 (Heavy  
3 Commercial Zone) for the area described in Section 1 above. The  
4 development parameters shown on Exhibit "A" attached hereto and made a  
5 part hereof are adopted as a component for this SU-1 zoning for a  
6 Planned Development Area.

7 Section 3. Effective Date and Publication. This ordinance shall  
8 become effective five days after publication in full.

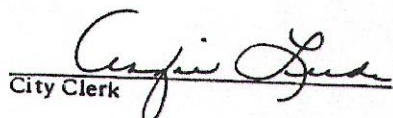
9 PASSED AND ADOPTED THIS 20th DAY OF MAY, 1985.  
10 BY A VOTE OF 9 FOR AND 0 AGAINST.

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14 Thomas W. Hoover, President  
City Council

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16 APPROVED THIS 4th DAY OF June, 1985.

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19 Harry E. Kinney, Mayor  
20 City of Albuquerque

21 ATTEST:

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24 City Clerk

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EXHIBIT "A"  
LAND OF R. J. SCHAEFER  
CITY OF ALBUQUERQUE  
ZONING AND SPECIAL USE OF PARAMETERS

<u>ALBUQUERQUE</u> <u>WEST SUBDIVISION</u>	<u>ZONING</u>	<u>DEVELOPMENT PARAMETERS</u>	
		<u>F.A.R.</u>	<u>HEIGHT</u>
Lots 4 and 5, Block F; Lots 1 thru 4, Block E;	SU-1 (Special Use) For permissive and conditional uses in the C-3 zone listed.*	1.0	6.0 Stories
Lots 1 thru 4, Block A; Lots 1 thru 10, Block B; Lots 1 thru 9, Block C; Lots 1 thru 10; Block D; Lots 1 thru 3, Block F;		.8	3.5 Stories
Lots 11 and 12, Block D;		.5	Unspecified

\*The following uses are expressly excluded whether first listed as permissive or conditional uses in the C-3 Zone: Tire recapping or retreading, contractors yard, equipment rental, bulk fuel storage or sales, auto dismantling, outdoor building material storage or sales unless incidental to retail sales and adequately screened.

1. The property listed above is in the Established Urban Area pursuant to the City/County Comprehensive Plan.
2. The lots referred above were created by approval and filing of Albuquerque West Subdivision, a Subdivision in Paradise Hills Development within the Town of Alameda Grant, Projected Section 13, T 11 N, R 2 E, NMPM, and Projected Section 18, T 11 N, R 3 E, NMPM, Bernalillo County, New Mexico, dated August, 1984 and recorded in the office of the County Clerk



of Bernalillo County on November 21, 1984 at Volume C-25, Folio 138 (herein referred to as "Albuquerque West Subdivision"):

- a. Albuquerque West Subdivision was reviewed and approved pursuant to the City's Subdivision Ordinance, Enactment No. 56-1983, R.O. 1974. It is understood that necessary infrastructure improvements (roads and storm drainage) have been approved by the County of Bernalillo and the City of Albuquerque and their completion has been bonded or otherwise financially guaranteed by the property owners. Such improvements are designed to City specifications and are accepted by the City. No further bonding or other financial guarantee of those improvements will be required.
  - b. A drainage plan has been approved covering all tracts.
  - c. The road system providing ingress and egress to all tracts is approved except that final determination of an El Pueblo bridge road should not prevent platting or replatting on tracts not impacted by such alignment.
3. Zoning and special use parameters are established in the above Table allowing site development plan review to be the next step in the Land Use Planning process.
- a. The following matters are delegated to the Development Review Board for approval.
    - (1) All platting or replatting.
    - (2) Site development plans for building permits provided that:
      - (a) The proposed uses are either residential or among those first listed as permissive in the C-1 or O-1 zones, and;
      - (b) Structures do not exceed 2.5 stories in height, and;
      - (c) 15% of the paved parking areas are landscaped and buffer landscaping is in accordance with section 40.J of the Comprehensive Zoning Ordinance;
      - (d) The F.A.R. does not exceed .50.



- b. Approval of a Site Development Plan for Subdivision pursuant to Section 5B92(a) of the City Zoning Ordinance, and all Site Development Plans for building permit other than those listed above are to be reviewed by the Environmental Planning Commission. However, if a Site Development Plan for Subdivision is approved by the E.P.C., all subsequent site development plans for building permits shall be delegated to the Development Review Board.
4. Because of the owners commitment to comply with the above referenced provisions, this property shall not be included in a Sector Development Plan Area and its inclusion in a Sector Development Plan shall not be required as a condition precedent to the development and/or sale of the property.