



CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

TRAMWAY ASSOCIATES INC. request(s) a special exception to Section 14. 16. 2. 16. (B). (6).: a **CONDITIONAL USE** to allow for a dwelling in a C-1 zone on all or a portion of Lot(s) 1, Block(s) K, Cenaroca Addition, zoned C-1 and located at **13701 SKYLINE RD NE (K-23)**

Special Exception No:..... **05ZHE - 01604**

Project No: **1004496**

Hearing Date: 01-26-06

Closing of Public Record: None

Date of Decision: None

STATEMENT OF FACTS: The Applicant, Tramway Associates Inc., requests a conditional use to allow for a dwelling in a C-1 zone.

This matter has been deferred to Tuesday, May 16, 2006 at the request of the applicant.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File

William Kraemer, Garcia/Kraemer & Assoc., 200 Lomas NW, Ste. 1111, 87102

Tramway Associates, P.O. Box 1245, Northbrook, IL., 60065

Carol O'Keefe, Supper Rock NA, 600 Vista Abajo Dr. NE, 87123

Kathleen Schindler-Wright, Supper Rock NA, 407 Monte Largo Dr. NE, 87123



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

Tramway Assoc., Inc.
P.O. Box 1245
North Brook, Il 60065

Date: January 20, 2006

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1004496**
05EPC-01805 Zone Map Amendment

LEGAL DESCRIPTION: for all or a portion of Block J, Lots 1 A, 1 B, 1 C, and Block K, Lot 1, **Cenaroca Addition**, a zone map amendment from C-1 to RT, located on TRAMWAY BLVD. ME, between SKYLINE RD. NE and ENCANTADO RD. NE, containing approximately 4 acres. (K-23) Stephanie Shumsky, Staff Planner

On January 19, 2006 the Environmental Planning Commission voted to approve Project 1004496/05EPC-01805, a request for review and approval of a zone map amendment from C-1 to SU-1 for R-T, for an approximately 3-acre site located on Tramway Boulevard NE between Skyline Road NE and Encantado Road NE, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This request is for review and approval of a zone map amendment from C-1 to SU-1 for R-T for an approximately 3-acre parcel located on Tramway Boulevard NE between Skyline Road NE and Encantado Road NE.
2. R-270-1980 Policies A, D, F, G, H have been adequately address by the applicant:
 - a. Both the existing C-1 zoning and the proposed SU-1 for R-T zoning are considered consistent with the health, safety, and general welfare of the City.
 - d. Development of Tramway Boulevard and the adoption of the Sandia Foothills Area Plan are changed conditions that limit the viability of commercial development on the subject site, making SU-1 for R-T zoning more appropriate for the site.
 - f. Neither the development of the site under the existing C-1 zoning nor the proposed SU-1 for R-T zoning will require unprogrammed capital expenditures.
 - g. The cost of land was not considered in the analysis of this zone change request.
 - h. This item does not apply to this request.

OFFICIAL NOTICE OF DECISION
JANUARY 19, 2006
PROJECT 1004496
PAGE 2 OF 3

3. The request partially furthers the Comprehensive Plan's Established Urban Area goal and policy a because SU-1 for R-T zoning allows uses that can contribute to a quality urban environment and can perpetuate the tradition of identifiable, individual, and integrated communities.
4. The request partially furthers the Comprehensive Plan's Transportation and Transit goal and policies a and b because the intensity and uses permissive in the requested zone may contribute to a balance of uses along transit corridors. Various modes of transportation are accessible from the subject site (goal). The requested zone allows for development to occur in line with requirements of policy a and both housing and commercial development are desirable within transportation corridors (policy b).
5. The Supper Rock and Embudo Canyon Neighborhood Associations as well as property owners within 100' were notified of this request. There is neighborhood support for this request. And there is no known neighborhood or other opposition.

CONDITIONS:

1. A site development plan that, at a minimum, meets the requirements for a site development plan for subdivision shall be reviewed and approved by the EPC within six months.
2. The subject site shall be replatted to exclude the southerly 125 feet of Lot 1, Block K.
3. The site development plan shall provide and/or address access to the southerly 125 ft. of Lot 1, Block K.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY FEBRUARY 3, 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.

OFFICIAL NOTICE OF DECISION
JANUARY 19, 2006
PROJECT 1004496
PAGE 3 OF 3

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).

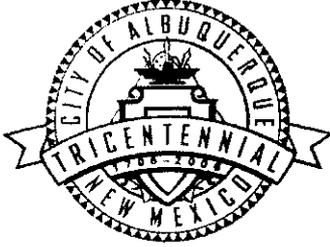
Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

Richard Dineen
Planning Director

RD/SS/ac

cc: Garcia/Kraemer & Assoc., 200 Lomas NW, Albuquerque, NM 87102
Wayne Aspholm, Embudo Canyon NA, 1552 Monte Largo NE, Albuquerque, NM 87112
Sally Uebeclacker, Embudo Canyon NA, 13205 Bellamah Ave. NE, Albuquerque, NM 87112
Carol O'Keefe, Supper Rock NA, 600 Vista Abajo Dr. NE, Albuquerque, NM 87123
Kathleen Schindler-Wright, Supper Rock NA, 407 Monte Largo Dr. NE, Albuquerque, NM 87123



CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque, NM 87102

TRAMWAY ASSOCIATES INC. request(s) a special exception to Section 14. 16. 2. 16. (B). (6): a CONDITIONAL USE to allow for dwelling units in a C-1 zone on all or a portion of Lot(s) 1 B, Block(s) J, Cenaroca Addition, zoned C-1 and located at 13700 ENCANTADO RD NE (K-23)

January 19, 2006

Re: Special Hearing
Tramway Associates Inc
05ZHE-01603, 01604, 01605 & 01606

Interested Parties:

The above matter has been scheduled for a Special Hearing to be held on Thursday, January 26, 2006 at 1:00 p.m., in the Plaza Del Sol hearing room.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File
William Kraemer, Garcia/Kraemer Assoc., 200 Lomas NW, Ste 1111, 87102
Tramway Associates, PO Box 1245, Northbrook, ILL, 60065
Carol O'Keefe, Supper Rock NA, 600 Vista Abajo Dr. NE, 87123
Kathleen Schindler-Wright, Supper Rock NA, 407 Monte Largo Dr. NE, 87123



CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque, NM 87102

TRAMWAY ASSOCIATES INC. request(s) a special exception to Section 14. 16. 2. 16. (B). (6).: a **CONDITIONAL USE** to allow for dwelling units in a C-1 zone on all or a portion of Lot(s) 1 B, Block(s) J, Cenaroca Addition, zoned C-1 and located at 13700 ENCANTADO RD NE (K-23)

January 13, 2006

Re: 05ZHE-01603, 01604, 01605 & 01606
Tramway Associates Inc.

Interested Parties:

The above matter has been deferred. Parties will be notified of the next hearing scheduled hearing by mail.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File
William Kraemer, Garcia/Kraemer Assoc., 200 Lomas NW, Ste 1111, 87102
Tramway Associates, PO Box 1245, Northbrook, ILL, 60065



CITY OF ALBUQUERQUE
OFFICE OF THE ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

TRAMWAY ASSOCIATES INC. request(s) a special exception to Section 14. 16. 2. 16. (B). (6).: a **CONDITIONAL USE** to allow for a dwelling in a C-1 zone on all or a portion of Lot(s) 1, Block(s) K, Cenaroca Addition, zoned C-1 and located at **13701 SKYLINE RD NE (K-23)**

Special Exception No:..... **05ZHE - 01604**
Project No:..... **1004496**
Hearing Date:..... 11-15-2005
Closing of Public Record:..... 11-15-2005
Date of Decision: none

STATEMENT OF FACTS: The Applicant, Tramway Associates Inc., requests a conditional use to allow for dwelling units in a C-1 zone.

This matter has been deferred to Tuesday, January 17, 2006 to allow parties to confer.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File
William Kraemer, Garcia/Kraemer & Assoc., 200 Lomas NW, Ste 1111, 87102
Tramway Associates, PO Box 1245, Northbrook, IL, 60065



APPLICATION FOR SPECIAL EXCEPTION CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
600 2nd Street NW, Suite 300, 87102
505.924.3918

unc

A. APPLICANT INFORMATION-PLEASE PRINT

TELEPHONE (INCLUDE AREA CODE)

TRAMWAY ASSOCIATES INC. (H) _____
 OWNER NAME (FIRST, LAST)
P.O. BOX 1245 (W) _____
 MAILING ADDRESS
NORTH BROOK ILLINOIS 60065 (C) _____
 CITY STATE ZIP CODE
GARCIA/KRAEMER & ASSOCIATES (H) _____
 AGENT NAME (FIRST, LAST-IF ANY)
200 LOMAS NW SUITE 111 (W) 505-242-5566
 MAILING ADDRESS
ALBUQUERQUE NM 87102 (C) _____
 CITY STATE ZIP CODE

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION-PLEASE PRINT

102305706003030210
 TRACT(S) K 1 UNIFORM PROPERTY CODE
 BLOCK CENARCCA LOT(S) ADDITION MRGCD MAP NO.
 SUBDIVISION / ADDITION
13701 Skyline Rd NE
 STREET ADDRESS OF SPECIAL EXCEPTION ZIP CODE

B. CRITERIA FOR DECISION-

I have been given the Criteria for Decision requirements.

Initial Here
WJK

C. EXPLANATION OF REQUEST-

On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

D. DRAWINGS OF REQUEST-

ATTACH THREE (3) COPIES. Please follow instructions on the back of this form and attach the appropriate drawings.

E. TRAFFIC ENGINEERING REVIEW-

REQUIRED FOR ALL WALLS AND FENCES IN THE FRONT AND STREET SIDE YARD SETBACKS. Call the Traffic Analysis Supervisor at 505.857.8680 for Site Plan Review. Delay of your case will result if you do not obtain comments from the Traffic Analysis Supervisor.

Initial Here

F. ACKNOWLEDGEMENT-

I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

William Kraemer 10/13/05
 SIGNATURE DATE

ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY

PROJECT #: 1064496 APPLICATION #: 05ZHE01604

APPLICATION FOR: (CHECK AS APPROPRIATE)

- Conditional Use
- Expansion of a NonConforming Use
- NonConforming Use / Status Established Building

Variance: (CHECK AS APPROPRIATE)

- Distance
- Height
- Size
- Setback
- Parking
- Other

SECTION NO. 1416-2-16 (B) (6) REFERENCE SECTION NO: _____

LEGAL AD Conditional use to allow dwelling units in a C-1 Zone.

SECTOR DEVELOPMENT AREA: N/A

ZONED: C-1 ZONE ATLAS PAGE: E-23 NO. OF SIGNS ISSUED: 2

13701 Skyline Rd NE
 POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION FEE: \$ 145.00

By 10-13-05
 APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME) DATE (APN) 441018 / 4971000 \$ 35.00

11-15-05 (SEA) 441006 / 4917000 \$ 100.00

DATE OF PUBLIC HEARING (CMP) 441032 / 3424000 \$ 10.00

SPECIAL EXCEPTION PROCEDURE

APPLICATION

A. Pre-Application Discussion
While it is not a requirement, discussion of the proposed application with the Zoning Enforcement Officer is strongly recommended prior to application filing. The purpose of the discussion is to advise the applicant of the relevant facts and criteria. The Zoning Hearing Examiner **cannot** comment on the merits of an application prior to the public hearing.

B. Criteria For Decision
By Ordinance, the Zoning Hearing Examiner may not approve a Special Exception unless the applicant demonstrates that certain criteria have been met. The Zoning Enforcement Office will provide the requirements for your Special Exception request.

C. Drawings
1. Submit three (3) copies of a site plan, building development plan, drawing of other related information on reproducible paper no smaller than 8 1/2 inches by 14 inches and using a scale of at least 1 inch = 20 feet.
2. The submitted drawing shall show the following:
a. All dimensions of property and buildings and all structures on adjoining lots that are within 25 feet of the proposed Special Exception.
b. If the Special Exception requested is a variance, and any appropriate dimensions of structures and/or parking spaces
c. A "north" directional arrow and scale.

D. Public Hearing Schedule
Contact the Zoning Hearing Examiner at 924.3918 for a schedule of public hearings. This information is also provided on the City of Albuquerque Website www.cabq.gov. Additional information on application procedures is available from the Zoning Enforcement Office at 924.3850.

SIGN POSTING

A. The applicant is responsible for posting and maintaining one or more signs as instructed by the Zoning Enforcement Office.
B. Signs shall be posted for fifteen (15) days prior to the hearing.
C. The applicant is responsible for removing such signs within five (5) days after the completion of the public hearing.
D. The sign shall be conspicuously located within twenty (20) feet of the public sidewalk or edge of public street.
E. The face of the sign shall be parallel to the street and the bottom of the sign shall be two (2) to seven (7) feet off the ground. No barrier shall prevent a person from coming within five (5) feet of the sign in order to read it.
F. Failure to properly post and maintain sign(s) is grounds for deferral. Replacement signs for those lost or damaged are available from the Zoning Enforcement Office at a charge of \$3.00 each.

ZONING HEARING EXAMINER'S PUBLIC HEARING

A. The purpose of the public hearing is to give the general public and/or adjacent property owners opportunity to discuss and speak for or against the request and to elicit additional information which may have bearing on the request. The applicant and/or agent must be present at the hearing to speak on behalf of the request and respond to questions.

B. Decision by the Zoning Hearing Examiner may be deferred if additional information or advertising is determined to be necessary.

C. All front and side yard wall requests are required to be reviewed by the Traffic Analysis Supervisor prior to the public hearing. Applicants are responsible to obtain comments from the Traffic Analysis Supervisor prior to the public hearing.

D. The Zoning Hearing Examiner may reach a decision either at the public hearing or within fifteen (15) days of the public hearing. In either case, the applicant and all interested parties will receive a Notice of Decision through the mail.

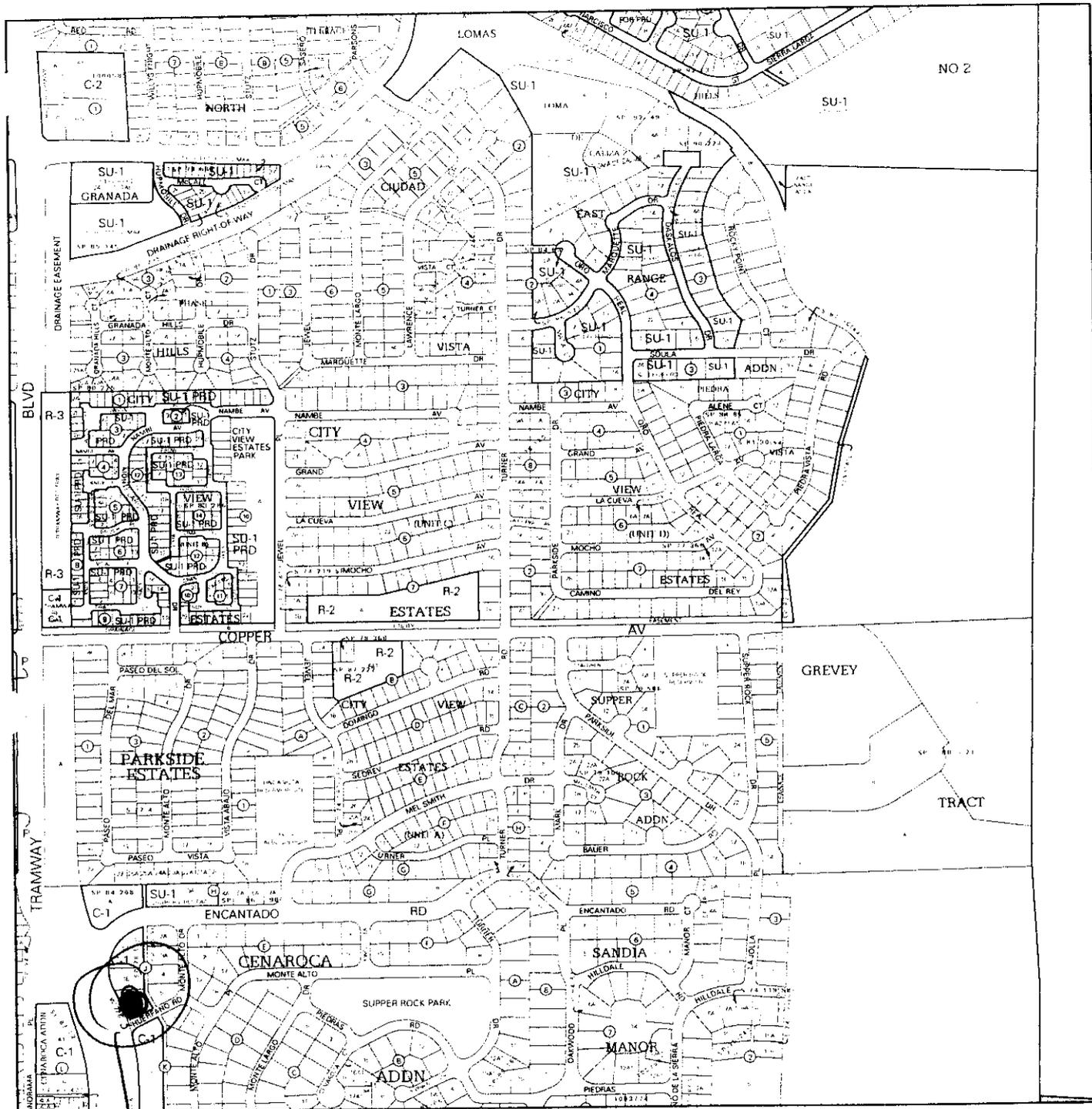
E. The Zoning Hearing Examiner's decision on the request may be to approve, approve with conditions, or deny.

F. The decision is final unless appealed to the Board of Appeals within fifteen (15) days of the date listed on the Notice of Decision. Further appeal is to the City Council. No building permit may be issued until all appeal periods have expired.

G. Approval of a Special Exception application is void after one (1) year from the date of approval listed on the Notice of Decision if the rights and privileges granted have not been used.

CONSTRUCTION PERMIT

A. Approval of an application for a Special Exception does not constitute approval of plans for a construction permit.
B. The Notice of Decision must accompany the construction permit application.



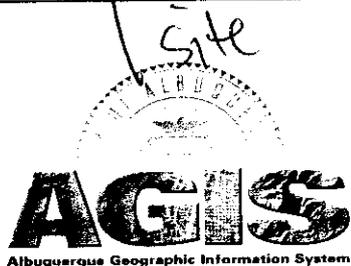
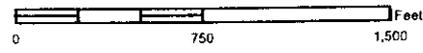
For more current information and more details visit: <http://www.cabq.gov/gis>

Zone Atlas Page:

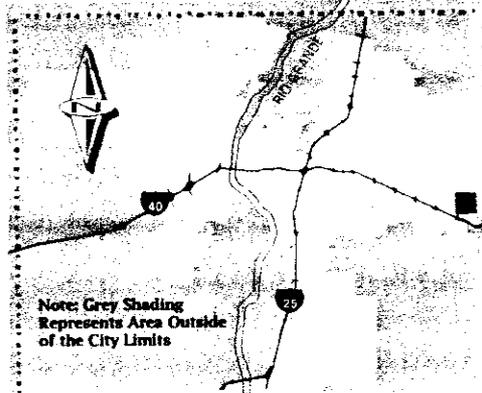
K-23-Z

Selected Symbols

- Outside City Limits
- Sector Plans
- Design Overlay Zones
- City Historic Zone
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



Map amended through: Apr 07, 2005



Note: Grey Shading Represents Area Outside of the City Limits

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**CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: NOVEMBER 15, 2005
Zone Atlas Page: K-23-Z
Notification Radius: 100 Ft.

**Project# 1004496
App#05ZHE-01604**

Cross Reference and Location: CENAROCA ADDITION / 13701 SKYLINE RD NE

Applicant: TRAMWAY ASSOCIATES INC.
Address: PO BOX 1245
NORTH BROOK, IL 60065

Agent: GARCIA/KRAEMER & ASSOCIATES
200 LOMAS NW SUITE 1111
ALBUQUERQUE, NM 87102

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: OCTOBER 28, 2005
Signature: YVONNE SAAVEDRA

102305704909630501	LEGAL: 1-C J OF PLAT OF DIVISION OF LOT 1 IN BLOCK J OF C LAND USE: PROPERTY ADDR: 00000 N/A OWNER NAME: TRAMWAY ASSOCIATES INC OWNER ADDR: 00000	BUFFALO GROVIL	60089
102305706707730504	LEGAL: 004 J CE NAROCA SUB PROPERTY ADDR: 00000 MONTE ALTO OWNER NAME: RAMIREZ ADOLFO & GLORIA OWNER ADDR: 00507 MONTE ALTO	LAND USE: DR NE ALBUQUERQUE NM	87123
102305705008130502	LEGAL: 1-B J OF PLAT OF DIVISION OF LOT 1 IN BLOCK J OF C LAND USE: PROPERTY ADDR: 00000 N/A OWNER NAME: TRAMWAY ASSOCIATES INC OWNER ADDR: 00000	BUFFALO GROVIL	60089
102305706706730503	LEGAL: 005 J CE NAROCA SUB PROPERTY ADDR: 00000 MONTE ALTO OWNER NAME: BARELA RAY & ELIZA OWNER ADDR: 00503 MONTE ALTO	LAND USE: DR NE ALBUQUERQUE NM	87123
102305705307030507	LEGAL: 1-A J OF PLAT OF DIVISION OF LOT 1 IN BLOCK J OF C LAND USE: PROPERTY ADDR: 00000 N/A OWNER NAME: TRAMWAY ASSOCIATES INC OWNER ADDR: 00000	BUFFALO GROVIL	60089
102305707305430208	LEGAL: 002 K CE NAROCA SUB PROPERTY ADDR: 00000 HUERFANO OWNER NAME: AMBROSE RICHARD E & YVONNE C OWNER ADDR: 13700 HUERFANO	LAND USE: RD NE ALBUQUERQUE NM	87123
102305706003030210	LEGAL: LOT 1 BLOCK K CENAROCA SUBD EXCEPT SLY 125 FT CONT LAND USE: PROPERTY ADDR: 00000 N/A OWNER NAME: SIMONSEN ARNOLD J OWNER ADDR: 00000	BUFFALO GROVIL	60089

102305704909630501

LEGAL: * 1-C J OF PLAT OF DIVISION OF LOT 1 IN BLK SUBDIVISION CONT
0.6631

PROPERTY ADDR: N/A

OWNERS NAME: TRAMWAY ASSOCIATES INC
OWNERS ADDR: PO BOX 1245
NORTHBROOK IL, 60065

102305705008130502

LEGAL: *1-B J OF PLAT OF DIVISION OF LOT 1 IN BLK SUBDIVISION CONT
0.4592

PROPERTY ADDR: N/A

OWNERS NAME: TRAMWAY ASSOCIATES INC
OWNERS ADDR: PO BOX 1245
NORTHBROOK, IL 60065

102305705307030507

LEGAL: *1-A J OF PLAT OF DIVISION OF LOT 1 IN BLK SUBDIVISION CONT
0.7592

PROPERTY ADDR: N/A

OWNERS NAME: TRAMWAY ASSOCIATES INC
OWNERS ADDR: PO BOX 1245
NORTHBROOK, IL 60065

102305706003030210

LEGAL: LOT 1 BLK K CENAROCA SUBDIVISION EXCEPT SLY 125 F MORE OR
LESS

PROPERTY ADDR: N/A

OWNERS NAME: SIMONSEN ARNOLD J
OWNERS ADDR: PO BOX 1245
NORTHBROOK, IL 60065

102305704909630501

TRAMWAY ASSOCIATES INC
PO BOX 1245
NORTHBROOK, IL 60065

102305706003030210

SIMONSEN ARNOLD J
PO BOX 1245
NORTHBROOK, IL 60065

GARCIA/KRAEMER&ASSOCIATES

Wells Fargo Bank Building
200 Lomas N.W., Suite 1111
Albuquerque, NM 87102
(505) 242 5566
Fax (505) 242 9028

May 25, 2006

Roberto Albertorio
Zoning Hearing Examiner
Planning Department
City of Albuquerque

HAND DELIVERED

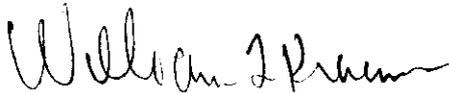
RE: Withdrawal of Special Exception Requests
Tramway/ Encantado
05ZHE-01603,-01604,-01605,-01606

Dear Mr. Albertorio:

The purpose of this letter is to request WITHDRAWAL of the above referenced requests for CONDITIONAL USE on the properties described as Tracts 1A, 1B, & 1C, Block J and Tract 1, Block K, CENAROCA ADDITION. We secured a zone map amendment and site development plan approval to build townhouses on these parcels previously zoned C-1.

Thank you for your continued efforts to provide fair and complete hearings of the requests which come before you.

Sincerely,



WILLIAM L. KRAEMER

TIMOTHY V. FLYNN-O'BRIEN

Attorney at Law
817 Gold Avenue SW
Albuquerque, N.M. 87102-3014
Phone: 505-242-4088 / Fax: 505-884-4143

January 16, 2006

Roberto Alberterio, Esq.
Zoning Hearing Officer
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: 05ZHE-01863; 05ZHE-01864

Dear Mr. Alberterio:

I have been retained by Kitts Development LLC concerning the applications Nos. 05ZHE-01863 and 05ZHE-01864 which are set for hearing on January 17, 2006 as Nos. 52 and 53. It has come to my attention that a similar application originally set in November was deferred to January. We understand the purported reason for the deferral in November was the anticipation that legislation to amend the zoning code might be introduced. We further understand that a proposed ordinance has been introduced and that all conditional use applications for residential uses may again be deferred.

The City Council has not passed a moratorium on conditional use applications for residential uses. Since there is no moratorium, Kitts Development has a protected property right and is entitled to a hearing on its conditional use application. A property right or constitutionally protected interest exists when there are substantive limitations on official discretion. Olim v. Wakinetona, 461 U.S. 238, 249 (1983) (when particularized standard or criteria guide official discretion a protected interest is created).

Delay or deferral because of speculation that the City Council might possibly pass amendments in the future is wholly inappropriate. Delay in hearing a case can be a denial of due process. Certainly a governing body can enact a moratorium after notice with certain limitations. However, a moratorium must be enacted by the governing body. It is inappropriate for a hearing officer or EPC to impose a de facto moratorium by deferral. The sole entity with the legislative authority to enact a moratorium is the governing body, or City Council. Subordinate bodies and officers are not empowered to enact or impose de facto moratoria. The Zoning Code does not give authority to the ZHE to impose a moratorium. See, for example, EPC minutes January 17, 1995 when the EPC considered deferral of a case because of a memorial passed by the Council and the City Attorney advised the EPC that a memorial was an insufficient basis for deferral. Mr. White stated: "the Brazos case and other cases similar to that have said that, really, a moratorium is an exercise of the police power and an exercise of the legislative authority of a municipality.

CASE # 052117 - 01/16/06
SUBMITTED BY W. Flynn-O'Brien
DATE 1/17/06
EXHIBIT _____ PAGE _____ OF _____

Roberto Alberterio, Esq.
January 16, 2006
Page Two

The zoning statutes create what is called the Zoning Authority and they designate the governing body of a municipality or a county as the zoning authority; in this case, it's the City Council. They have the authority to impose a moratorium ... " Mr. White continued to define moratorium as a legislative act and said that that power has not been delegated.

I acknowledge that some parties may wish to defer their cases until there is a final outcome of pending legislation. They may wish to avoid the time and expense of a hearing given the possibility that legislation may affect their project. Others, like my clients, will chose to proceed as is their right. I respectfully request, therefore, that Kitts Development be allowed to proceed to hearing without regard to any pending legislation.

Very truly yours,

Timothy V. Flynn-O'Brien

TVFOB/mlg



**Environmental
Planning
Commission**

**Agenda Number: 7
Project Number: 1004496
Case #: 05EPC-01805
January 19, 2005**

Staff Report

Agent Garcia/Kraemer and Associates
Applicant Tramway Associates, Inc.
Request Zone Map Amendment
Legal Description Block J Lots 1A, 1B, 1C and Block K, Lot 1 (except southerly 125 feet) Cenaroca Addition
Location Tramway Boulevard NE between Skyline Road NE and Encarnado Road NE
Size Approximately 3 acres
Existing Zoning C-1
Proposed Zoning R-T

Staff Recommendation
DENIAL of 05EPC-01805, based on the findings beginning on page 9.

Staff Planner
Stephanie Shumsky, Associate Planner

Summary of Analysis

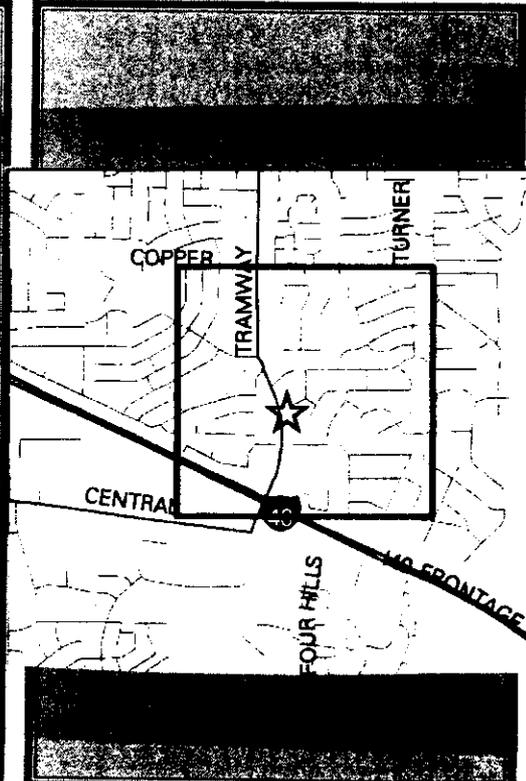
This request is for review and approval of a zone map amendment from C-1 to R-T for an approximately 3-acre site located on Tramway Boulevard NE between Skyline Road and Encarnado Road NE.

The request was reviewed for compliance with Comprehensive Plan goals and policies and with the requirements of Resolution 270-1980 (R-270-1980), the City's policies for zone map amendments.

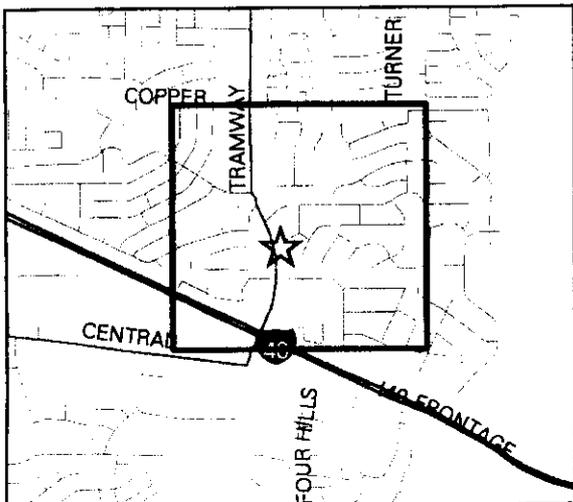
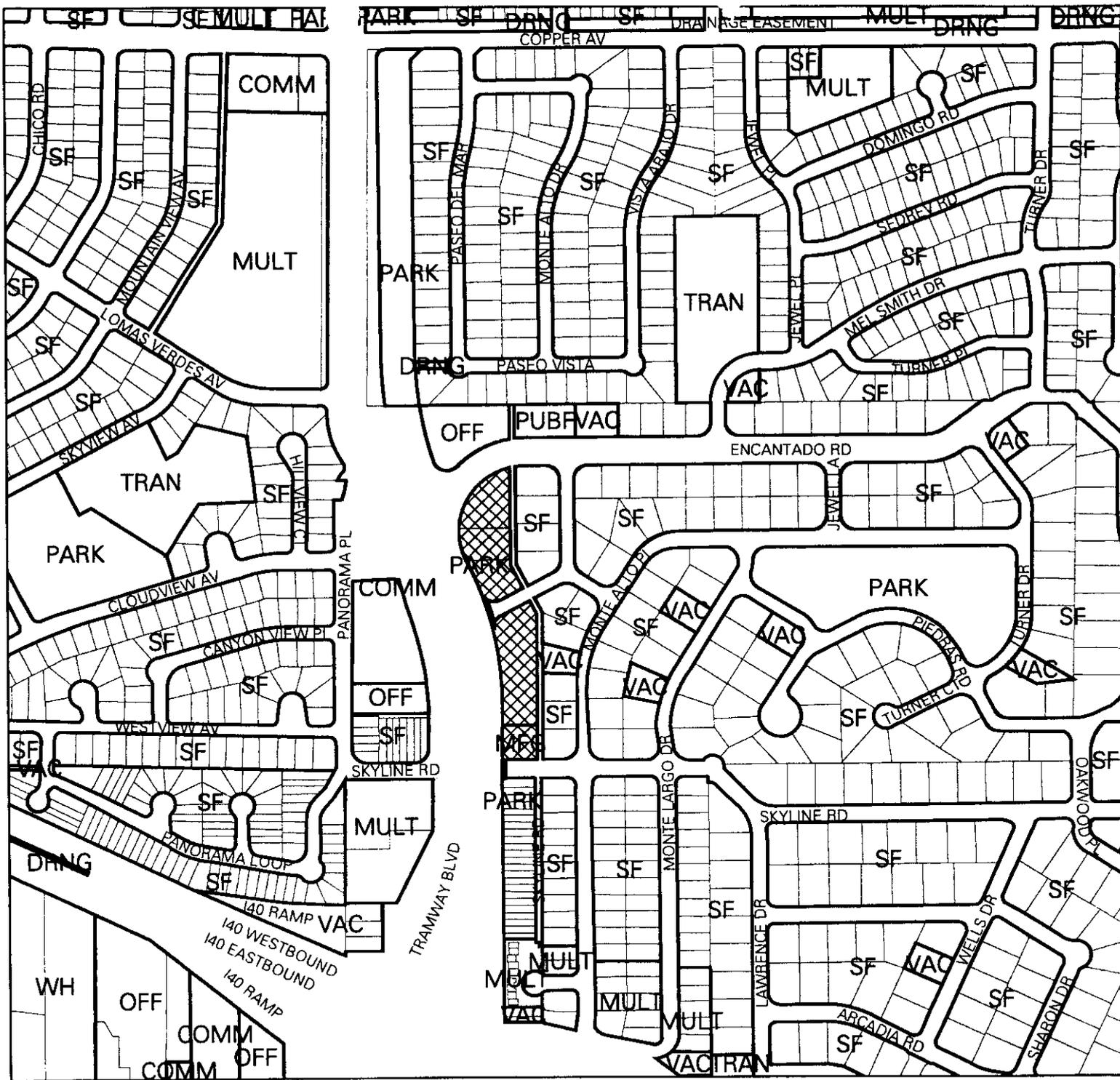
The request was found to conflict with several goals and policies of the Comprehensive Plan and was not justified by the applicant as required by R-270-1980.

The Supper Rock and Embudo Canyon Neighbors' Association, as well as property owners within 100' of the subject site were notified of this request. The residents declined to facilitate a hearing based on the fact that several of them had already met with the applicant. The residents supported the applicant's proposal and stated that if the plan they were shown in the meeting had been approved, the City has a way of enforcing the site plan shown to them as shown under the R-T zoning requested by the applicant.

Staff recommends denial of this request.



City Departments and other interested agencies reviewed this application from 12/5/04 to 2/1/05. Agency comments were used in the preparation of this report, and begin on page 12.



LAND USE MAP

Note: Gray shading indicates County.

KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial - Retail
- DRNG Drainage
- MFG Manufacturing or Mining
- MULT Multi-Family or Group Home
- OFF Office
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch equals 500 feet

Project Number: 1004496

Hearing Date:
01/19/2006

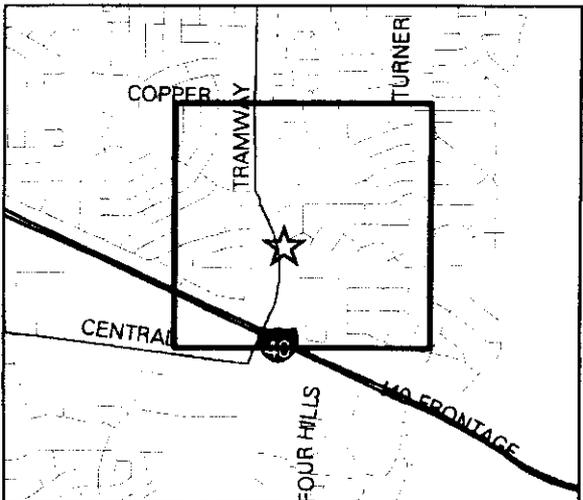
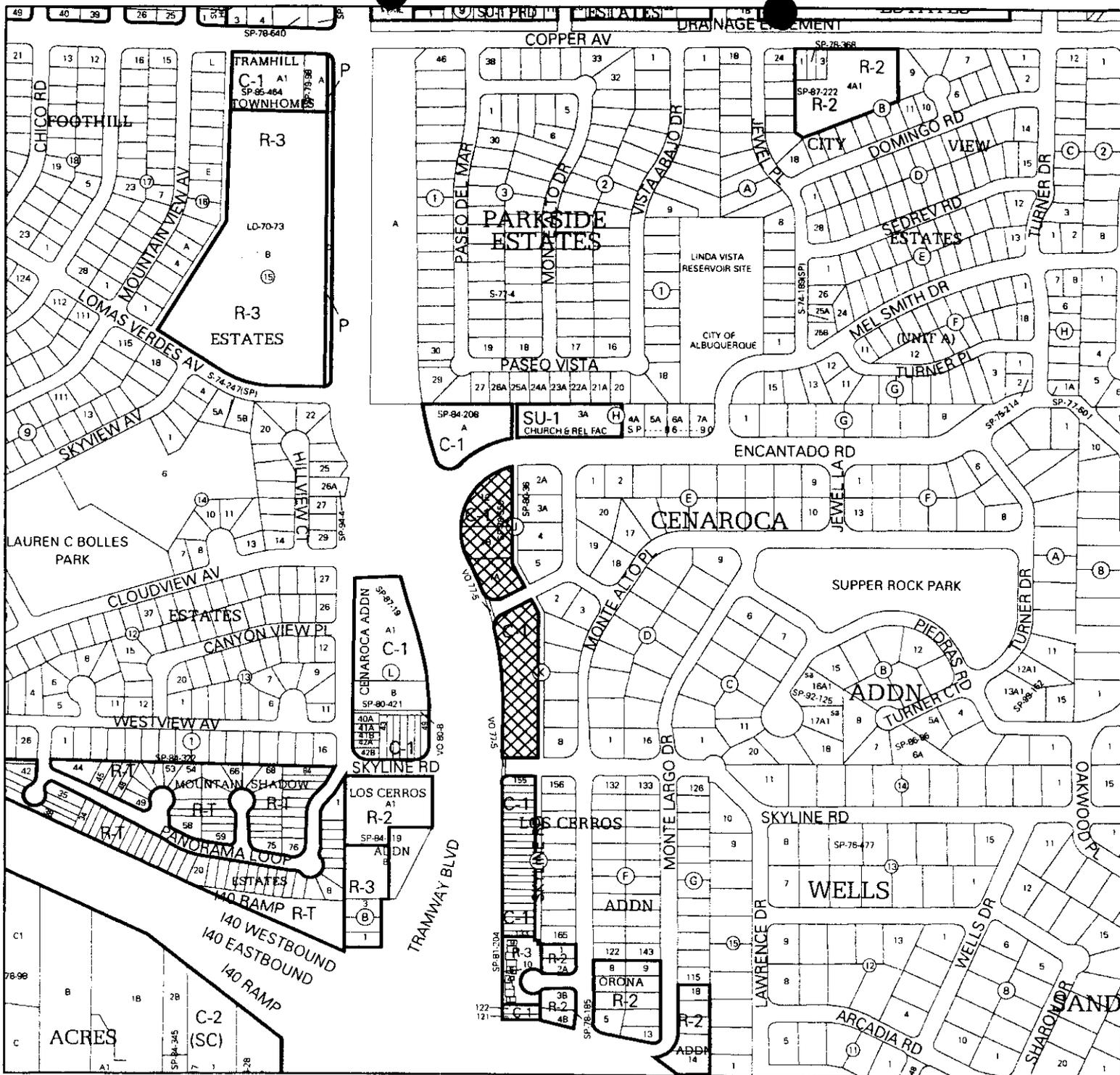
Zone Map Page:
K-23

Additional Case Numbers:

05 ZHE-01603 05 ZHE-01604

05 ZHE-01605 05 ZHE-01606

PROJECT 1004495

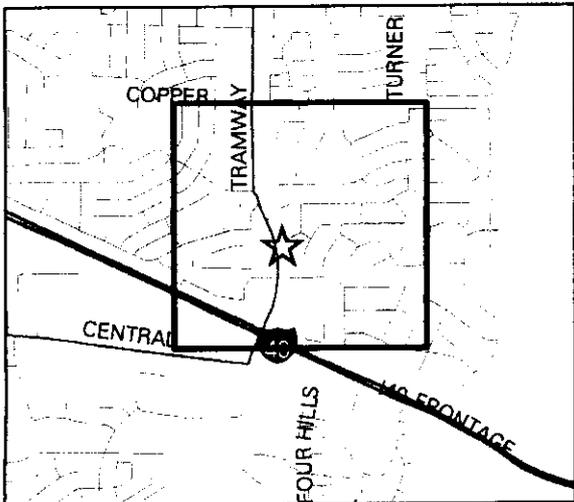
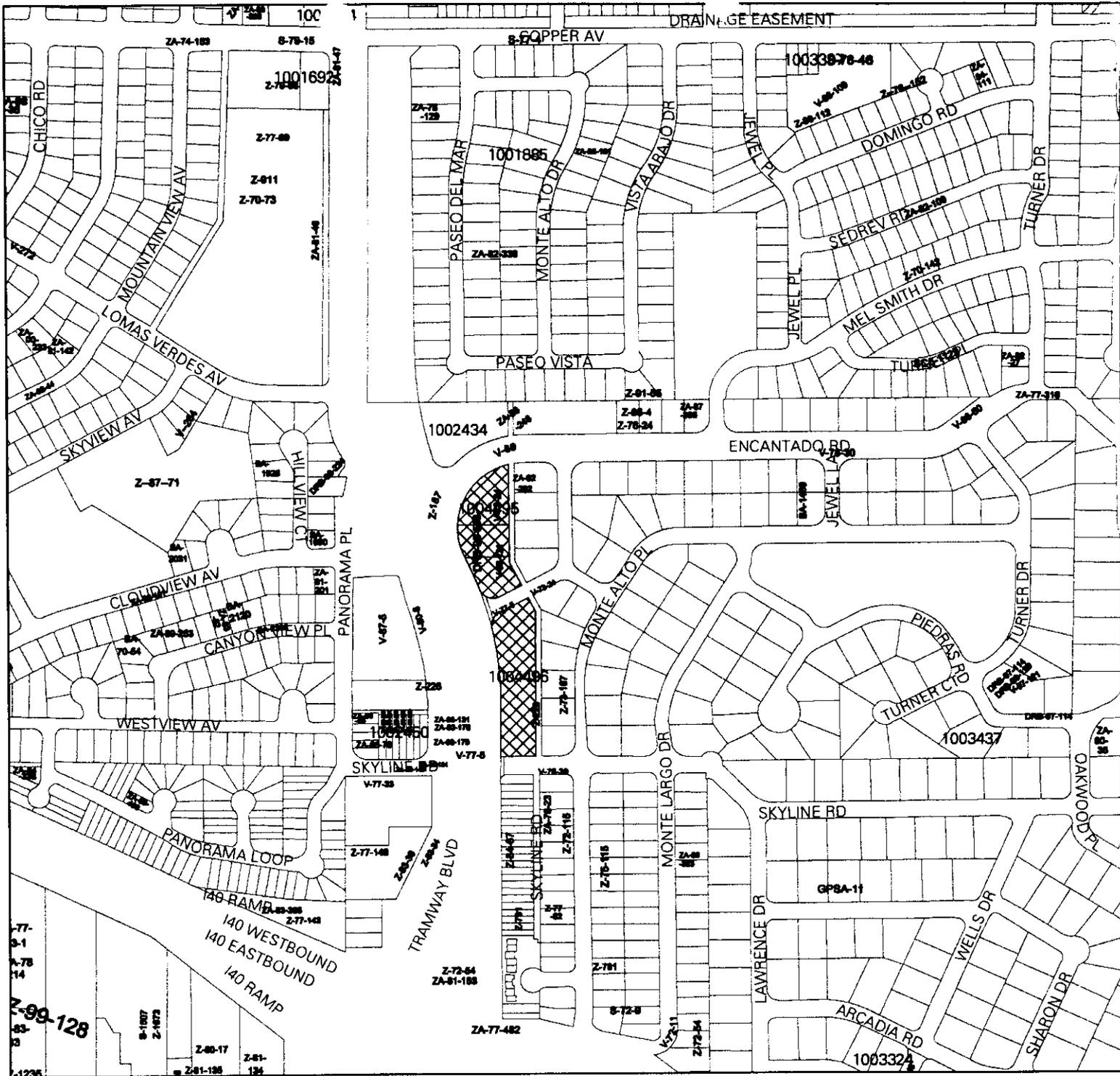


ZONING MAP

Note: Gray shading indicates County.



1 inch equals 500 feet
 Project Number: 1004496
 Hearing Date:
 01/19/2006
 Zone Map Page:
 K-23
 Additional Case Numbers:
 05 ZHE-01603 05 ZHE-01604
 05 ZHE-01605 05 ZHE-01606
 PROJECT 1004495

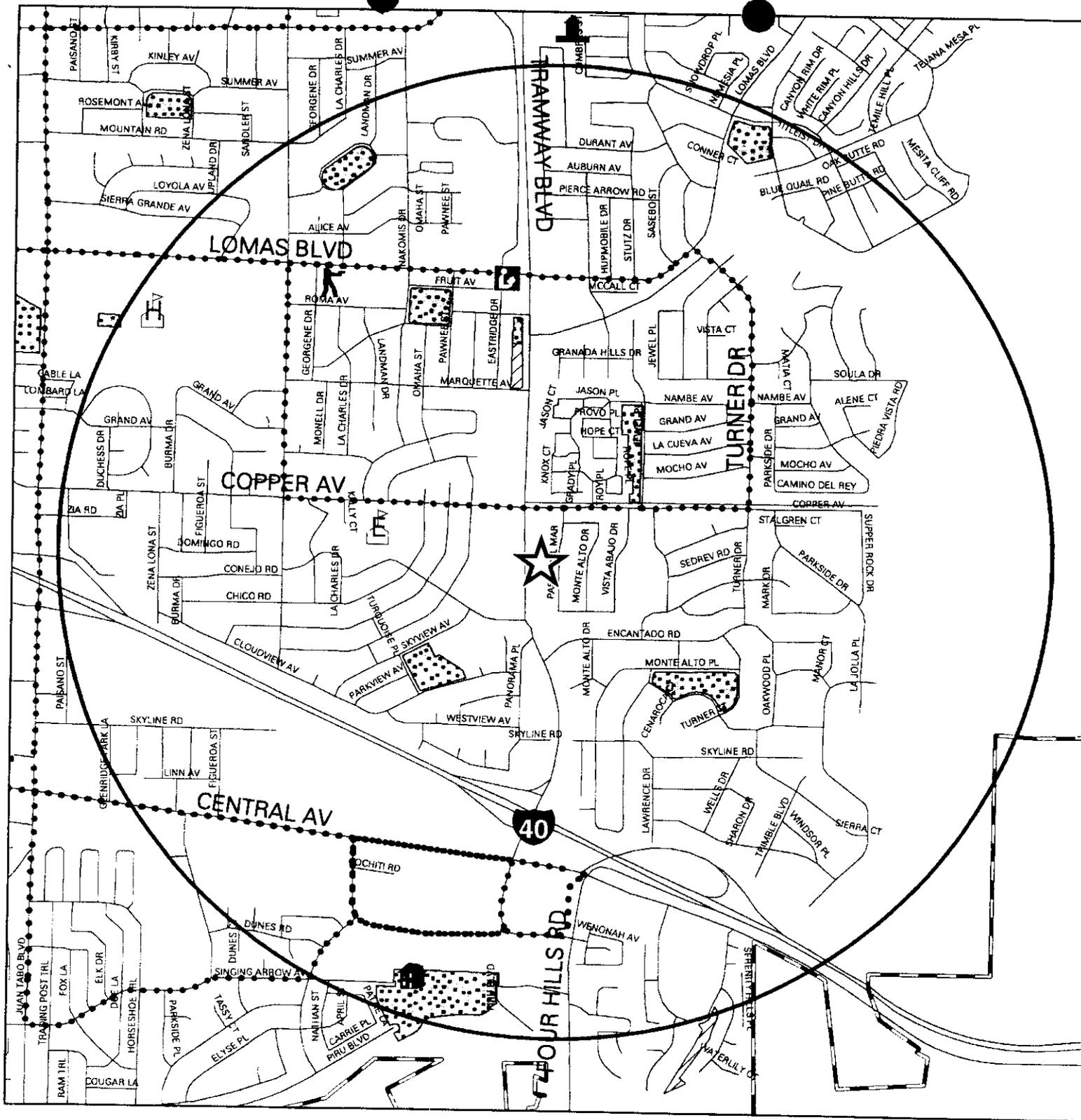


HISTORY MAP

Note: Grey shading indicates County.



1 inch equals 500 feet
 Project Number: 1004496
 Hearing Date:
 01/19/2006
 Zone Map Page:
 K-23
 Additional Case Numbers:
 05 ZHE-01603 05 ZHE-01604
 05 ZHE-01605 05 ZHE-01606
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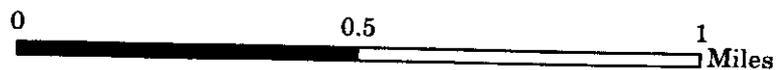


Public Facilities Map with One-Mile Site Buffer

- | | | | |
|----------------------|-------------|-----------------------|-----------------------------|
| COMMUNITY CENTER | FIRE | APS Schools | Developed County Park |
| MULTI-SERVICE CENTER | POLICE | ABQ Ride Routes | Undeveloped County Park |
| SENIOR CENTER | SHERIFF | Developed City Park | AGIS Jurisdiction |
| LIBRARY | SOLID WASTE | Undeveloped City Park | Landfill Buffer (1000 feet) |
| MUSEUM | | | Landfills designated by EHD |



Project Number: 1004496



Development Services Report

SUMMARY OF REQUEST

Request	Zone Map Amendment
Location	Tramway Boulevard NE between Skyline Road NE and Encantado Road NE

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	C-1	Established Urban	Vacant
North	C-1	Established Urban	Medical Clinic and Office
South	C-1	Established Urban	Office Building
East	R-1	Established Urban	Single-Family Residential
West	C-1 and R-1	Established Urban	Commercial

Background, History and Context

This request for a zone map amendment from C-1 to R-T is for an approximately 3-acre site, located on Tramway Boulevard NE between Skyline Road NE and Encantado Road NE. The site is currently vacant and is surrounded by residential uses to the east, commercial and residential uses to the west (across Tramway Boulevard), and commercial and office uses to the north and south.

The site currently serves as a transition from Tramway Boulevard, an Express Corridor as identified by the Comprehensive Plan and the residential area to the east. Any future uses on the site should allow the site to continue this function as a transition area.

This site is the subject of a conditional use request that was deferred by the Zoning Hearing Examiner on November 15, 2005 until January 17, 2006 or until Council Bill O-05-151 is decided. Council Bill O-05-151 is regarding the elimination of residential uses as a conditional use within C-1 and C-2 zones (Project # 1001620/05EPC-01800). The case is scheduled to be heard by the EPC on January 19, 2006 and will be introduced at City Council soon after the EPC makes a recommendation.

The applicant has chosen to proceed with a zone map amendment in lieu of waiting for the City Council and ZHE decisions regarding this matter.

APPLICABLE PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the *Comprehensive Plan* with a Goal to "create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies are:

Policy a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Policy 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.

Noise

Goal: To protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

Policy a: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

Transportation and Transit

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Policy a: Table 11 presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section. Each corridor will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

Tramway Boulevard is designated as a Limited Access Express Corridor on the Comprehensive Plan's Centers and Corridors Concept Map. Policy a provides direction for development occurring adjacent to an Express Corridor. Specifically, this policy addresses access, setbacks, parking location and reductions, employment and housing density, and modes of transportation.

Policy b: The City will structure capital expenditures and land use regulations in support of creating additional housing and jobs within Major Transit and Enhanced Transit Corridors, and will promote ongoing public/private cooperation necessary to create private market conditions that support intensified development of jobs and housing in these corridors.

Housing

Goal: To increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy a: The supply of affordable housing, shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Long Range Roadway System

The Long Range Roadway System designates Tramway Boulevard NE as a Limited-Access Principal Arterial, with a right-of-way of 156'.

The Comprehensive Plan's Centers and Corridors Concept Map designates Tramway Boulevard NE as an Express Corridor.

The Long Range Roadway System designates Encantado Road NE as a Local Street.

Public Facilities/Community Services

To the south of the subject site is a drainage channel and park area that provides a buffer between Tramway Boulevard and the residential units to the east.

To the north, beyond the Lovelace Medical Center Clinic is a similar park/open space buffer. Within the residential subdivision to the east is Supper Rock Park, a neighborhood park.

ANALYSIS

Conformance to Adopted Plans, Policies, and Ordinances

As per Resolution-270-1980, the applicant must provide a sound justification for a zone change. The burden is on the applicant to show why a change should be made (Section B). In addition, if the applicant's justification indicates that the change is more beneficial to the community, than it is the

applicant's responsibility to provide evidence in the form of Comprehensive Plan and other plan goals and policies that will be furthered by the request. No evidence was provided by the applicant that a zone change from C-1 to R-T at the subject site will substantially further any of the applicable goals or policies cited above. In addition, the requested R-T zone will create a "spot zone" which the applicant has not justified as "facilitating the realization of the Comprehensive Plan" as required by R-270-1980.

However, staff has provided the following analysis of the request:

The Comprehensive Plan's Established Urban Area goal and policy a are not appreciably furthered by this request because both C-1 and R-T zoning allow uses that can contribute to a quality urban environment at the subject site as evidenced by the existing mix of residential and commercial uses in the surrounding area. Both R-T and C-1 zoning provide opportunities for the development of uses that can perpetuate the tradition of identifiable, individual, and integrated communities. C-1 zoning allows for employment opportunities and R-T zoning allows for housing both of which further the goal and policy a.

Policy d can also be furthered by both the existing C-1 and proposed R-T zoning. The existing C-1 zoning allows commercial uses that are generally considered appropriate adjacent to residential uses and that can function as a transition between intense uses such as a busy roadway and single-family homes. The proposed R-T zoning allows uses that could act as a buffer in certain areas (if the units are designed with this intent). In the letter of justification, the applicant states: "This will be a high quality owner occupied residential development". Staff does not see how placing more residences near an Express Corridor provides a buffer. The existing zoning allows for uses that are more appropriate to provide a transition or buffer. The proposed R-T zoning eliminates an existing transition zone and creates potential for land use conflicts due to noise, lighting, and other traffic considerations related to Tramway Boulevard.

The Comprehensive Plan's Noise goal and policy a are not furthered by this request. The existing C-1 zoning allows for uses that provide a noise buffer between Tramway Boulevard and the single-family residential area to the east. A change in zoning to R-T will allow residential units to be constructed adjacent to Tramway Boulevard, which may create a new land use/noise conflict. The applicant did not provide justification for why this potential land use/noise conflict should be allowed.

The Comprehensive Plan's Transportation and Transit goal and policies a and b are furthered by the existing zoning and may be furthered by the proposed zoning. Development intensity and uses permissive in both the C-1 and R-T zones can contribute to a balance of uses and a balance of the transportation system along transit corridors. Employees and visitors to businesses locating on the C-1 zoned site can utilize various transportation modes to reach the site. Residents living in the townhomes on the R-T zoned site as proposed by the applicant, can also utilize these same modes of transportation (goal). Both the C-1 and the R-T zone allow for development to occur in line with Policy a requirements. Policy b also calls for both housing and commercial development within transportation corridors. The applicant has not provided evidence of how or why the proposed zoning is more beneficial than the C-1 zoning in light of Transportation and Transit policy support for both zones at this location.

The Comprehensive Plan's Housing goal and policy a are not fully furthered by this request because the R-T zone allows for the provision of affordable housing and provides guidelines for its development but the applicant's letter of justification states that the price range for the units will start at \$300,000, which does not qualify as affordable housing. The housing goal also encourages the conservation and development of quality housing. While the product selected by the applicant may be high quality, the site's adjacency to an express corridor may adversely affect the residents.

R-270-1980

The applicant's letter of justification is insufficient.

Policy A of R-270-1980 requires that a zone change must be found to be consistent with the health, safety, morals, and general welfare of the City. The applicant's response to Policy A is: "the development permitted under R-T zoning will complement existing zoning and land use patterns and is consistent with the health, safety, morals and general welfare of the City". The applicant does not state how or why R-T zoning will better complement surrounding uses or how or why it is more consistent with the health, safety, morals, and general welfare of the City than the existing C-1 zoning.

Policy B of R-270-1980 requires that the applicant must provide a sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why it shouldn't. In response to Policy B, the applicant's justification states: "It (the zone change) will be a valuable asset. This infill development will fit in well with the neighborhood and will have less chance of adversely impacting adjoining property than the existing C-1 zoning." Again, the applicant has not provided a sound reason for the change and does not state how or why the zone change will benefit the neighborhood (including both commercial and residential neighbors).

Policy C of R-270-1980 requires that a zone change not be in significant conflict with the Comprehensive Plan or other City master plans. This request is in conflict with several goals and policies of the Comprehensive Plan as stated in the analysis above.

Policy D of R-270-1980 requires the applicant to demonstrate that the existing zoning is inappropriate because 1) there was an error in the zone map 2) changed neighborhood or community conditions justify the change or 3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan. In the letter of justification, the applicant states the reason for the request is that there are changed neighborhood conditions. Very little detail is provided about the changed conditions. There have been no recent zone changes in the area and the surrounding land uses have been stable for many years. The letter states: "when the properties were originally zoned, they had direct access to Tramway via Huerfano and Skyline. They were deeper and more suited for commercial development." The subject still has access from Tramway via Encantado Road similar to the commercially zoned property to the north. Very few commercially zoned properties have direct access from Tramway Boulevard. Lack of direct access from Tramway Boulevard is not sufficient justification for a zone change. Based on the information provided by the applicant, and staff's research, there have been no significant changed conditions (particularly, zone changes) in the area that would make the C-1 zoning at the subject site inappropriate.

Policy E of R-270-1980 requires that a zone change not be approved if some of the uses will be harmful to adjacent property. The applicant's letter of justification states: "There are many permissive uses that could negatively impact the neighborhood and community much more than the proposed residential development. This townhouse development will provide a nice buffer between Tramway, a limited access highway, and the existing neighborhood." The existing C-1 zoning allows uses that provide a true buffer between Tramway Boulevard and the neighborhood. Placing more dwelling units closer to Tramway (essentially, using more people to buffer less people) does not make sense in this instance. This argument is often used when apartment units are proposed adjacent to roadways. In which case, it may be logical since apartment dwellers are often living there for short periods of time. However, the zoning requested by the applicant does not allow apartments and the product proposed by the applicant "range in size from 1850-3400 square feet." and will be a "high quality owner occupied residential development" and priced starting at \$300,000. This type of development does not seem like an appropriate buffer.

In addition, while the proposed R-T zone does not allow uses that would be harmful to adjacent property, it does allow uses that could be adversely impacted by existing uses. Conflicts with traffic entering and exiting the commercial development to the north and the noise and odors generated by traffic on Tramway Boulevard could adversely impact potential residents. Staff believes that the potential for new land use conflicts will be created by a change to R-T zoning.

Policies F, G, and H of R-270-1980 do not effect or relate to this request.

Policy I of R-270-1980 requires that a spot or strip zone be justified. In the applicant's letter of justification it states: "The zone change will replace "strip commercial zoning" with a residential zone that will provide a better transition or buffer from Tramway Boulevard, NE." The existing C-1 zoning is part of a larger "strip" of commercial zoning along Tramway Boulevard and is meant to act as a buffer between Tramway and the Residential neighborhoods to the east. A zone change to R-T will eliminate this existing buffer and will create a spot zone. A spot zone must be justified by the applicant and must clearly facilitate the realization of the Comprehensive Plan. The applicant's justification that the requested zone acts as a buffer is not supported by City plans and policies.

In summary, the applicant's letter of justification does not adequately address all elements of R-270-1980 and is not supported by applicable plans and policies as indicated in the *Compliance with Adopted Plans* section above.

Zoning

The subject site is currently zoned C-1. A zone change to R-T is requested.

Vehicular Access, Circulation and Parking

The site has access to Encantado Road and Huerfano Road via an access easement along the east side of the property.

Concerns of Reviewing Agencies / Pre-Hearing Discussion

No significant comments were received from reviewing agencies regarding this request.

APS comments indicate that the area schools have excess capacity.

Neighborhood Concerns

The Embudo Canyon and Supper-Rock Neighborhood Associations as well as property owners within 100' of the subject site were notified of this request. Office of Neighborhood Coordination staff recommended a facilitated meeting, which was declined by the affected neighborhood associations because they had previously met with the applicant and approved of the site plan they were shown at that meeting.

Staff has received no written comments regarding this request. However, Ms. Carol O' Keefe of the Supper Rock Neighborhood Association contacted staff by phone on December 8, 2005. In this conversation, Ms. O'Keefe stated that the residents prefer residential to commercial but they have concerns about traffic and residential access to the site. She also stated that the residents approved of the site plan that was shown to them by the applicant at the non-facilitated meeting. Staff informed Ms. O'Keefe that the City has no way of enforcing the site plan shown to the residents under the R-T zoning requested by the applicant. She felt confident that the applicant would develop what they showed the residents and did not feel the need to provide any written comments.

Conclusions

This zone map amendment request is to change the zoning from C-1 to R-T for an approximately 3-acre parcel located on Tramway Boulevard NE between Skyline Road NE and Encantado Road NE. The applicant's letter of justification states that the proposed R-T zone is more advantageous to the community and that changed community conditions warrant the change to residential use. As per R-270-1980, it is the applicant's responsibility to provide evidence of how or why the change is more advantageous by citing Comprehensive Plan and other City master plan policies that are furthered by the request. In the letter of justification, the applicant provides vague reasons why R-T zoning is more advantageous and does not cite specific Comprehensive Plan goals or policies that would be furthered by the change. In addition, the applicant did not provide specific changed conditions other than access constraints. Based on the zoning on surrounding property, there is no evidence that commercial zoning is no longer viable on this site. Commercially zoned properties exist and operate at many locations both on the east and west sides of Tramway Boulevard. In addition, evidence does not support the applicant's claim that access restriction off Tramway is a changed condition or that it prevents the property from being utilized for commercial uses because most commercially-zoned properties adjacent to Tramway are accessed from a side road and do not directly access Tramway.

Finally, a change in zoning from C-1 to R-T would create a spot zone. In the letter of justification, the applicant did not address why the creation of a spot zone is warranted at this location.

Overall, staff does not believe that the applicant has provided substantive evidence as to why the proposed zone is more advantageous to the community or that significant changed conditions make the current zoning inappropriate. Furthermore, the zone map for the area shows many locations on both the east and west sides of Tramway Boulevard where C-1 zoning is viable and has access off a side street.

Staff recommends denial of the request based on the findings listed below.

FINDINGS – 05EPC-01805 January 19, 2005

1. This request is for review and approval of a zone map amendment from C-1 to R-T for an approximately 3-acre parcel located on Tramway Boulevard NE between Skyline Road NE and Encantado Road NE.

2. The proposed change to R-T fails to further many goals and policies of the Comprehensive Plan:
 - a. The request does not fully further the Comprehensive Plan's Established Urban Area goal and policy a because both C-1 and R-T zoning allow uses that can contribute to a quality urban environment and both allow uses that can perpetuate the tradition of identifiable, individual, and integrated communities. Policy d is not furthered because a zone change to R-T will eliminate an existing transition and create the potential for land use conflicts.

 - b. This request does not further the Comprehensive Plan's Noise goal or policy a because a zone change to R-T will allow residential units to be constructed adjacent to Tramway Boulevard, which will create a new land use/noise conflict.

 - c. The request does not appreciably further the Comprehensive Plan's Transportation and Transit goal and policies a and b because the goal and policies are also furthered by the existing C-1 zoning.

 - d. The request does not fully further the Comprehensive Plan's Housing goal or policy a because the applicant is not proposing affordable housing and the site's adjacency to an express corridor may have an adverse impact on the residents.

3. The request has not been justified as per R-270-1980 Sections A-J:
 - a. Both the existing C-1 zoning and the proposed R-T zoning are consistent with the health, safety, and general welfare of the City.

- b. The applicant did not provide a sound justification for the change. The applicant's justification provided vague information about the property. Specific City goals and policies were not cited as being furthered by this request.

- c. The proposed change to R-T fails to further many goals and policies of the Comprehensive Plan as stated in finding #2a-d.

- d. The applicant cited "changed neighborhood or community conditions" (Section D.2.) and "more advantageous to the community" (Section D.3.) as reasons for the request. The applicant did not provide factual evidence of changed conditions or reasons why the proposed zoning is more advantageous to the community as articulated by Comprehensive Plan or other applicable plan goals and policies.

- e. Permissive uses in the existing C-1 zone and the proposed R-T zone are generally not harmful to adjacent property. The existing zoning allows uses that can act as a buffer between the adverse effects of traffic on Tramway Boulevard and the residential neighborhood to the east. Allowing residential uses adjacent to Tramway Boulevard will create a new land use conflict and in this regard, the proposed zoning will be harmful to residents.

- f. Neither development of the site under the existing C-1 zoning nor the proposed R-T zoning will require unprogrammed capital expenditures.

- g. The cost of land was not considered in the analysis of this zone change request.

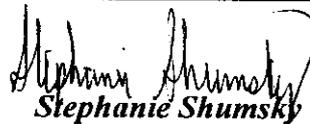
- h. This item does not apply to this request.

- i. A spot zone will be created by a zone change to R-T at the subject site. The letter of justification states that the R-T zone would create a transition. However, it appears that the existing C-1 zoning already provides a transition and the potential for new land use conflicts will be created by a change to R-T.

- j. The applicant considers the existing C-1 zoning as a strip zone. Section J of R-270-1980 allows for strip zones that act as a transition or buffer between adjacent zones (or uses). The existing C-1 zoning does provide a buffer and does act as a transition between a more intense use (Tramway Boulevard) and less intense use (single-family residential units). The proposed zoning will eliminate this buffer and expose more residential properties to the adverse effects of traffic on Tramway, (an Express Corridor).
4. The Supper Rock and Embudo Canyon Neighborhood Associations as well as property owners within 100' were notified of this request. There is no known neighborhood or other opposition.

RECOMMENDATION - 05EPC-01805 January 19, 2005

DENIAL of 05EPC-01805, a request for review and approval of a zone map amendment from C-1 to R-T, for an approximately 3-acre site located on Tramway Boulevard NE between Skyline Road NE and Encantado Road NE, based on the preceding Findings.


Stephanie Shumsky
Associate Planner

cc: Tramway Assoc., Inc., P.O. Box 1245, North Brook, IL 60065
Garcia/Kraemer & Assoc., 200 Lomas NW, Albuquerque, NM 87102
Wayne Aspholm, Embudo Canyon NA, 1552 Monte Largo NE, Albuquerque, NM 87112
Sally Uebeclacker, Embudo Canyon NA, 13205 Bellamah Ave. NE, Albuquerque, NM 87112
Carol O'Keefe, Supper Rock NA, 600 Vista Abajo Dr. NE, Albuquerque, NM 87123
Kathleen Schindler-Wright, Supper Rock NA, 407 Monte Largo Dr. NE, Albuquerque, NM 87123

Attachments

A. Resolution 270-1980

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed, no comments.

Office of Neighborhood Coordination

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the zone map amendment request.

Transportation Planning (Department of Municipal Development):

Information

- Tramway Boulevard is a Limit Access Principal Arterial as designated on the Long Range Roadway System map. An internal roadway system that does not connect to Tramway Boulevard will be required to provide access to this proposed development.

Traffic Engineering Operations (Department of Municipal Development):

- Reviewed, no comments.

Street Maintenance (Department of Municipal Development):

- Reviewed, no comments.

Utility Development (Water Authority):

- No adverse comments to zone map amendment.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- Reviewed, no comments.

New Mexico Department of Transportation (NMDOT):

- Reviewed, no comments.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,
WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment shall include:

- a. None.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Future residential development will be subject to Impact Fees for Parks, Recreation, Trails and Open Space due at Building Permit.

There are three parks within ½ mile of the proposed development. Supper Rock Park is a 5.97 acre park amenities include a play area and shade structure.

Lauren C. Bolles Park is a 4.66 acre park, amenities include a play area, recreation field and 4 unlit tennis courts.

City View Estates Park is a 4.07 acre park, amenities include a play area, and 2 half court basketball courts.

Open Space Division

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition, will comply with all SWMD ordinances and requirements.

FIRE DEPARTMENT/Planning

No adverse Comments

TRANSIT DEPARTMENT

Adjacent and nearby routes	The site is between ¼ and ½ mile (slightly more than normal walking distance to transit) from the #11 Lomas (at Copper and Tramway), #66 Central, and #1 Juan Tabo (at Central and Tramway) all-day local routes.
Adjacent bus stops	None. The routes above each have stops close to where they cross Tramway.
Site plan requirements	N/A