

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



AMENDED CERTIFICATE OF ZONING

January 9, 2019

Woodmont Paseo LLC
ATTN: Kelly Calhoun
10439 Calle Leon NW
Albuquerque, NM 87114

Council Bill No. 0-18-34
Enactment No. 0-2018-029
Project# 2018-001198
RZ-2018-00008 – Zone Map Amendment
(Zone Change)

EPC DECISION: July 12, 2018

LEGAL DESCRIPTION:

All or a portion of Tract 6 Bulk Land Plat of the Trails Unit 3A, Tract C Correction plat of Valle Prado Unit 3. (C-8 & C-9), approximately 16 acres

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE REFERENCED PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM: R-1D
TO: R-1B

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site Plans and Building Plans need to be reviewed, approved and signed-off by the Environmental Planning Commission (EPC), the Development Review Board (DRB), the Design Review Committee (DRC) and/or the Building and Safety Division as applicable before a building permit can be issued.

Sincerely,


For David Campbell
Planning Director

DC/RB/CS

cc: RESPEC, 5971 Jefferson St NE, Suite 101, ABQ, NM 87109
PV Trails Albuquerque, LLC, 303 Roma Avenue NW, ABQ, NM 87102
Consensus Planning, Inc, 302 8th Street NW, ABQ, NM 87102
Code Enforcement Division
Michelle Gricius, AGIS Division
File

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Council Bill No. 0-18-34
Enactment No. 0-2018-029
EPC Project# 2018-001198
RZ-2018-00008 – Zone Map Amendment
(Zone Change)

EPC DECISION: July 12, 2018

LEGAL DESCRIPTION:

All or a portion of Tract 2 Bulk Land Plat of the Trails Unit 3A and Tract H Plat of Durango Unit 1 (C-8 & C-9), approximately 40 acres

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE REFERENCED PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM: R-1D

TO: R-1D within 200-feet of Petroglyph National Monument, and R-1B for remainder

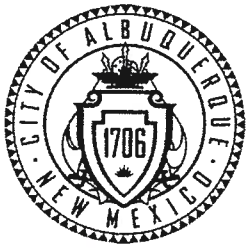
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site Plans and Building Plans need to be reviewed, approved and signed-off by the Environmental Planning Commission (EPC), the Development Review Board (DRB), the Design Review Committee (DRC) and/or the Building and Safety Division as applicable before a building permit can be issued.

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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

December 4, 2018

To: CITY COUNCIL

From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-18-34; ENACTMENT NO. O-2018-029

I hereby certify that on November 30, 2018, the Office of the City Clerk received Bill No. O-18-34 as signed by the president of the City Council, Ken Sanchez. Enactment No. O-2018-029 was passed at the November 5, 2018 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-18-34.

Sincerely,



Katy Duhigg
City Clerk

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-18-34 ENACTMENT NO. D-2018-029

SPONSORED BY: Cynthia D. Borrego, by request

1 ORDINANCE

2 AMENDING THE OFFICIAL ZONE MAP FROM R-1D TO R-1B FOR ALL OR A
3 PORTION OF TRACT C CORRECTION PLAT OF VALLE PRADO UNIT 3 AND
4 TRACT 6 BULK LAND PLAT OF THE TRAILS UNIT 3A; AND TO MAINTAIN R-1D
5 WITHIN 200 FEET FROM THE PETROGLYPH NATIONAL MONUMENT AND
6 FROM R-1D TO R-1B FOR THE REMAINDER OF TRACT 2 BULK LAND PLAT
7 OF THE TRAILS UNIT 3A AND TRACT H PLAT OF DURANGO UNIT 1.

8 WHEREAS, Article XVII, Planning, establishes the City Council as the City's
9 ultimate planning and zoning authority; and

10 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
11 has the authority to adopt and amend plans for the physical development of
12 areas within the planning and platting jurisdiction of the City authorized by
13 statute, § 3-19-5, NMSA 1978, and by its home rule powers; and

14 WHEREAS, with Enactment 0-2017-025, the City of Albuquerque adopted
15 the Integrated Development Ordinance (IDO), the City's governing Zoning
16 Code, and repealed the existing zoning map and replaced it with the IDO
17 zoning conversion map; and

18 WHEREAS, the IDO adopted an Official Zoning Map (§14-16-1-6) with zones
19 converted from existing zone districts pursuant to zoning conversion rules;
20 and

21 WHEREAS, the IDO requires review and decision by the Environmental
22 Planning Commission (§14-16-6-7(E)) based on consideration of policy as well
23 as objective standards for high-quality, context-sensitive development
24 established by the IDO for amendments to the zoning map up to 10 acres in
25 Areas of Consistency; and

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1 WHEREAS, the IDO requires applicants requesting amendments of the
2 zoning map on properties wholly or partially within Areas of Consistency to
3 demonstrate that the new zone would clearly reinforce or strengthen the
4 established character of the surrounding Area of Consistency and would not
5 permit development that is significantly different from that character; and

6 WHEREAS, on July 12, 2018, the Environmental Planning Commission
7 (EPC), in its advisory role on land use and planning matters, recommended
8 approval to the City Council of an amendment to the Official Zone Map to
9 change the zoning on Tract C correction plat of Valle Prado Unit 3 and Tract 6
10 bulk land plat of the Trails unit 3A from R-1D to R-1B; and on Tract 2 bulk land
11 plat of the Trails Unit 3A and Tract H plat of Durango Unit 1 from R-1D to R-1D
12 within 200 feet from the Petroglyph National Monument and R-1B for the
13 remainder of the tracts.

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

16 SECTION 1. The Official Zone Map is hereby amended to show the R-1B
17 zone on Tract C correction plat of Valle Prado unit 3; and Tract 6 Bulk Land
18 Plat of the Trails Unit 3A.

19 SECTION 2. The Official Zone Map is hereby amended to show the R-1D
20 zone within 200 feet from the Petroglyph National Monument and R-1B zone
21 for the remainder of Tract 2 Bulk Land Plat of the Trails 3A and Tract H Plat of
22 Durango Unit 1.

23 SECTION 3. The City Council adopts the following findings as
24 recommended by the Environmental Planning Commission (EPC):

25 1. This is a request for a Zone Map Amendment (Zone Change) for all or
26 a portion of Tract 2 and Tract 6 bulk land plat of the Trails unit 3A, Tract C
27 correction plat of Valle Prado unit 3, and Tract H plat of Durango Unit 1,
28 located on Woodmont Avenue NW, between Paseo Del Norte Boulevard NW,
29 and Unser Boulevard NW and containing approximately 57 acres.

30 2. The request is to change the existing zone from R-1D to R-1B for
31 Tracts 6 and C, and from R-1D to R-1D and R-1B for Tracts H and 2 in order to
32 return to densities permitted by the subject tracts zoning prior to the IDO
33 effective date.

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1 3. The existing R-1D zone was established by the Integrated
2 Development Ordinance (IDO), effective May 17, 2018. City Council
3 legislatively established rules to convert zones from the City’s Comprehensive
4 Zoning Code, last amended in 2014, to the newly adopted IDO zones.

5 4. Pursuant to Council rules, existing R-1 (Residential, Single Family)
6 zones were assigned a subzone (R-1A, R-1B, R-1C, and R-1D,) based on the
7 predominant lot size within a subdivision. The subject tracts were zoned R-1D
8 since they had not yet completed subdivision into smaller lots.

9 5. City Council adopted additional legislation (Resolution 18-29)
10 directing a second phase of IDO zone conversions to address specific site
11 discrepancies between prior development entitlements and the assigned IDO
12 zone. Because the SU-2 zones at the subject site allowed a different
13 development density than the R-1D zone allows, the subject site would qualify
14 to be part of the follow-up voluntary zone conversion process to better match
15 prior entitlements; however, the applicant has chosen to pursue this private
16 request due to timing.

17 6. Prior to the IDO effective date, the subject site’s zoning was pursuant
18 to the Volcano Trails Sector Development Plan (SDP). The Volcano Trails SDP
19 zoned Tracts 6 and C Volcano Trails Small Lot Zone (VTSL) with a minimum lot
20 size of 3,600 square feet. The Volcano Trails SDP zoned Tracts H and 2
21 Volcano Trails Medium Lot Zone (VTML) with a minimum lot size of 11,000
22 square feet within 200 feet from the Petroglyph National Monument, a
23 minimum lot size of 6,000 square feet between 200 and 500 feet from the
24 Petroglyph National Monument, and a minimum lot size of 5,000 square feet
25 for the remainder of the tracts.

26 7. In order to apply straight IDO zones closest in density to the historic
27 VTSL and VTML zones applied by the Volcano Trails SDP, the applicant
28 requests to re-zone Tracts 6 and C, R-1B, with a minimum lot size of 5,000
29 square feet; and to re-zone Tracts H and 2, R-1D, within 200 feet from the
30 Petroglyph National Monument, and R-1B for the remainder of the tracts.

31 8. Tract H has an existing Site Development Plan for Subdivision and a
32 pre-plat approved by the DRB, which established lot sizes to reflect the
33 historic VTML permitted lot sizes.

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1 9. **Tract 2 has no prior actions but will require EPC Site Plan review and**
2 **approval pursuant to the Major Public Open Space Edges (IDO Section 14-16-**
3 **5-2 (H)). The applicant intends to plat lot sizes to match densities previously**
4 **permitted by the historic VTML zone.**

5 10. **The Albuquerque / Bernalillo County Comprehensive Plan, and the**
6 **Integrated Development Ordinance (IDO) are incorporated herein by reference**
7 **and made part of the record for all purposes.**

8 11. **The subject site is located in an Area of Consistency as designated**
9 **by the Comprehensive Plan policies to protect and enhance the character of**
10 **existing single-family neighborhoods, areas outside of Centers and Corridors,**
11 **parks, and Major Public Open Space. The following policies apply:**

12 A. **The request furthers Policy 4.1.2 because it re-zones the large**
13 **subject tracts into minimum lot sizes similar to what was previously permitted**
14 **by the Volcano Trails Sector Plan. The Sector Plan was intended to protect**
15 **the identity and cohesiveness of the neighborhoods with the appropriate scale**
16 **and location of development. The Integrated Development Ordinance**
17 **established the Volcano Mesa Character Protection Overlay, which regulates**
18 **building design, and the Major Public Open Space regulations and will require**
19 **EPC review of a Site Plan for Tract 2, which is adjacent to the Open Space.**

20 B. **The request furthers Policy 4.1.3 because the Petroglyph National**
21 **Monument is a special place that will be protected by the transition of larger**
22 **lots near the Monument toward smaller lots farther away.**

23 C. **The request partially furthers Goal 5.4. The proposal will permit the**
24 **development of residential lots on the west side with a slight decrease in**
25 **density over the historical zoning, but a large increase in density over the**
26 **existing zoning, which does not further this policy. However, services are**
27 **planned for the mixed-use zone at the southeast corner of Paseo del Norte NW**
28 **and Woodmont Avenue NW, and residential densities must reach the intended**
29 **levels before their provision is cost effective. If services were developed to**
30 **meet the intended densities, less trips would be required by all residents in**
31 **the immediate area.**

32 D. **The request furthers Policy 5.6.3, because the proposed density of**
33 **10,000 square foot lots within 200 feet of the Major Public Open Space; 6000**

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1 square foot lots within 200 to 500 feet of the Major Public Open Space; 5,000
2 square foot lots within 500 feet and the end of the tracts, as well as 5,000
3 square foot lots farther away will establish residential development that
4 respects the Major Public Open Space while protecting existing single-family
5 neighborhoods.

6 E. The request furthers Policy 7.3.1 because the area near the Major
7 Public Open Space will remain R-1D, a larger lot size. In addition, the request
8 is governed by the Volcano Mesa Character Protection Overlay and Major
9 Public Open Space regulations of the IDO.

10 F. The request furthers Policy 9.1.1 because it will support development
11 of housing for a variety of income levels and types of residents by offering
12 density levels that are slightly different and varied in density from the
13 surrounding zones.

14 G. The request furthers Policy 9.2.1 because it would encourage a
15 housing development that enhances the neighborhood character by
16 complying with the Volcano Mesa Character Protection Overlay standards,
17 which include a site design requirements of recessed garages. The proposed
18 development would maintain compatibility because it will not change the
19 permitted or conditional uses from the surrounding land uses. The proposed
20 development would respond to its suburban development context with
21 densities that transition between more and then less density.

22 H. The request furthers Policy 11.3.1 because it is intended to allow
23 development in a similar pattern as existing development but with varying
24 densities while preserving the natural characteristics and features that
25 contribute to the distinct identity of the adjacent communities and cultural
26 landscapes. The request will require larger lots adjacent to the Major Public
27 Open Space and then allow more density as one moves away.

28 I. The request furthers Policy 11.3.4 by complying with the regulations
29 for Major Public Open Space due to its adjacency and proximity to the
30 Petroglyph National Monument. Lots within 200 feet of the Petroglyph
31 National Monument will be limited to 10,000 square feet per the R-1D zone. All
32 future Site Plans for properties adjacent to the Petroglyph National Monument
33 will require EPC Site Plan review and approval. In addition, the developments

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1 will be required to have single loaded road as a buffer to the larger residential
2 lots.

3 J. The request furthers Policy 11.3.6, because it is intended to maintain
4 lot size requirements as determined by the historical Volcano Trails Sector
5 Development Plan, which was intended to preserve views to the open space.
6 The Major Public Open Space regulations of the IDO require a single loaded
7 road to buffer the required larger lots from the open space. Tract H has a
8 previously approved DRB Site Plan for Subdivision with these elements, and
9 Tract 2 will be required to comply via an EPC approved Site Plan in the future.

10 12. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development
11 Ordinance, Review and Decision Criteria, "An application for a Zoning Map
12 Amendment shall be approved if it meets all of the following criteria":

13 A. The proposed zone changes are consistent and not in conflict with
14 applicable Goals and Policies in the Albuquerque / Bernalillo Comprehensive
15 Plan, as amended, or the Integrated Development Ordinance (IDO) regulations
16 including the Volcano Mesa Character Protection Overlay and Major Public
17 Open Space regulations as shown in the analysis of Albuquerque / Bernalillo
18 County Comprehensive Plan policies in Finding 11 above.

19 B. The proposed amendment is located wholly in an Area of
20 Consistency. The applicant has demonstrated that the new zone would clearly
21 reinforce the established character of the surrounding area and would not
22 permit development that is significantly difference from that character
23 because the proposed development will be single family uses, the same as
24 surrounding development. The density is similar to historical zoning as
25 determined by the Volcano Trails Sector Development Plan. The character will
26 not be significantly different because the Volcano Mesa Character Protection
27 Overlay will require similar design quality. The applicant has sufficiently
28 demonstrated through policy analysis in Finding 11 that the existing zoning is
29 inappropriate because it is more advantageous to the community as
30 articulated by the ABC Comprehensive Plan. It is beneficial to a City as a
31 whole to have varying densities if planned to transition and coincide with
32 existing infrastructure such as roadway and trail connections, schools, and
33 open space.

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1 C. This criteria is non-applicable because the proposed amendment is
2 located wholly in an Area of Consistency as shown in the ABC Comp Plan, as
3 amended.

4 D. The uses permitted by the requested R-1D and R-1B zones are the
5 same as those permitted by the existing R-1D zone and would not be harmful
6 to the adjacent property. Other than residential, uses permitted in the R-1
7 zone include a small community residential facility, community center or
8 library, parks and open space, religious institution, community garden, and
9 residential community amenity. Conditional uses include schools.

10 E. The applicant has stated that adequate capacity to serve the
11 development had previously been incorporated into City planning since the
12 requested density is close to the density of historical zoning.

13 F. Since the subject tracts are located off of Woodmont Avenue NW,
14 which is designated a Minor Arterial, the requested zone change is not located
15 on a major street.

16 G. While economic considerations are always a factor with regard to
17 development proposals, they are not the determining factor. The applicant
18 has sufficiently shown the community will benefit due to an increase in
19 affordable housing in an area adjacent to infrastructure; and due to providing
20 site plans which respect the adjacency to the MPOS.

21 H. The request does create a spot zone in that although the request is
22 for single family zoning which currently exists, the request is for R-1 sub-
23 zones with densities that vary from the R-1B zoning to the east, the R-ML
24 zoning to the north, the R-A zoning to the south, and the NR-PO-B zoning to
25 the west. However, the request is justified because it clearly facilitates
26 implementation of the ABC Comp Plan as illustrated in the policy analysis in
27 Finding 11. In addition, the request meets Number 1 of H, because the area
28 functions as a transition between the adjacent zone districts. The request
29 transitions from the higher density Mixed-Use zoning and Multi-family zoning
30 to the north by providing single family zoning as one moves farther from
31 Paseo del Norte Boulevard NW, a Regional Pricipal Arterial. In addition, the
32 request transitions from the Major Public Open Space to the west by providing
33 larger single family lots, R-1D, adjacent to the MPOS, then medium single-

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1 family lots, R-1B, as intended in the historical Volcano Trails Sector
2 Development Plan.

3 13. The applicant contacted the Westside Coalition of Neighborhood
4 Associations as well as property owners within 100 feet of the property as
5 required.

6 14. A facilitated meeting occurred on June 28, 2018. The facilitator
7 summarized the meeting by saying that the meeting participants reached an
8 impasse. Neighbors in attendance stated it would be more appropriate for the
9 zoning to have R-1B to match the existing Valle Prado lot sizes than the
10 originally requested R-1A zone for Tracts 6 and C, in order to protect
11 neighborhood consistency and property values.

12 15. Staff received two telephone calls, several emails, and a petition with
13 84 signatures in opposition to re-zoning Tracts 6 and C to R-1A, which was the
14 original request.

15 16. The applicant revised the request on Monday, July 9, 2018 to re-zone
16 Tracts 6 and C to the R-1B zone instead of the originally requested R-1A zone.

17 SECTION 4. COMPILATION. Sections 1 and 2 shall amend, be incorporated
18 in and made part of the Revised Ordinances of Albuquerque, New Mexico,
19 1994.

20 SECTION 5. EFFECTIVE DATE AND PUBLICATION. This legislation shall
21 take effect five days after publication by title and general summary.

22 SECTION 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
23 clause, word, or phrase of this ordinance is for any reason held to be invalid
24 or unenforceable by any court of competent jurisdiction, such decision shall
25 not affect the validity of the remaining provisions of this ordinance. The
26 Council hereby declares that it would have passed this ordinance and each
27 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
28 any provisions being declared unconstitutional or otherwise invalid.

29
30
31
32
33

1 PASSED AND ADOPTED THIS 5th DAY OF November, 2018
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6 


7 _____
8 Ken Sanchez, President
9 City Council

10
11
12
13 APPROVED THIS _____ DAY OF _____, 2018

14
15
16 Bill No. O-18-34

17
18
19
20 _____
21 Timothy M. Keller, Mayor
22 City of Albuquerque

23
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25
26 ATTEST:

27 
28 _____
29 Katy Duhigg, City Clerk

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