



**Environmental  
Planning  
Commission**

**Agenda Number: 01  
Project Number: 1010520  
Case Numbers: 15EPC-40023  
August 13, 2015**

**Staff Report**

<b>Agent</b>	DAC Enterprises, Inc.
<b>Applicant</b>	Abbas Akhil
<b>Requests</b>	<b>Sector Development Plan Map Amendment (zone change)</b>
<b>Legal Description</b>	Fire Station Site #19, City of Albuquerque
<b>Location</b>	on Louisiana Blvd. NE, between Wilshire Ave. NE and Signal Ave. NE (7000 Signal Ave. NE)
<b>Size</b>	Approximately 1.5 acres
<b>Existing Zoning</b>	SU-2/O-1
<b>Proposed Zoning</b>	R-D, 6 DU/acre

**Staff Recommendation**

**APPROVAL of 15EPC-40023, based on the Findings beginning on Page 12.**

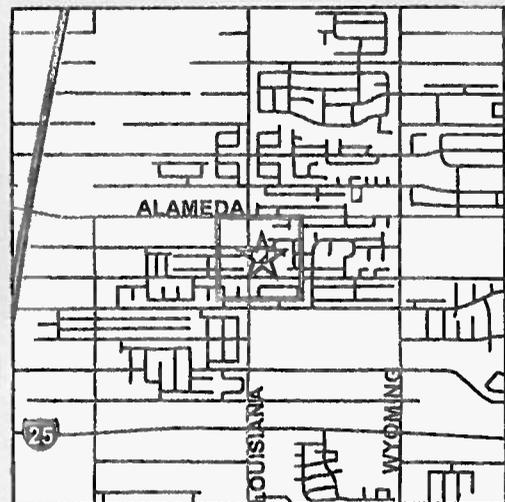
**Staff Planner  
Catalina Lehner-AICP, Senior Planner**

**Summary of Analysis**

This request is for a sector development plan map amendment (zone change) for a vacant, approximately 1.5 acre site located on Louisiana Blvd. NE, between Wilshire Ave. NE and Signal Ave. NE. The site was formerly planned for a City fire station, but did not develop that way.

The applicant requests a zone change from SU-2/O-1 to R-D, 6 DU/acre in order to develop eight single-family homes. The subject site is in the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan (LCSDP) also applies. The request has been adequately justified pursuant to R270-1980 and generally furthers most applicable Goals and policies of the Comprehensive Plan and principles of the LCSDP.

Affected neighborhood organizations and property owners were notified as required. The West La Cueva NA submitted a letter of general support. Staff recommends approval.



City Departments and other interested agencies reviewed this application from 07/06/2015 to 07/17/2015. Agency comments used in the preparation of this report begin on Page 16.



# Project #1010520



## Legend

- Bernalillo County Parcels
- Municipal Limits**
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED
- World Street Map



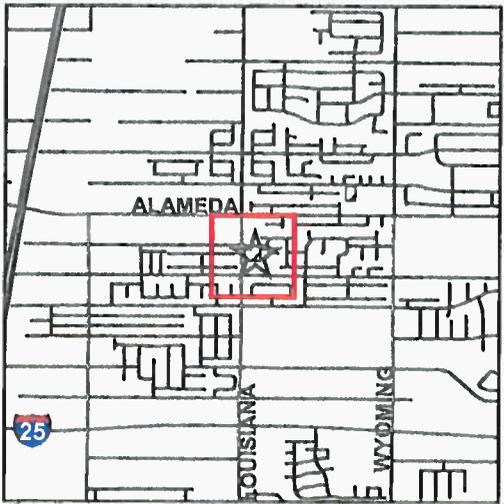
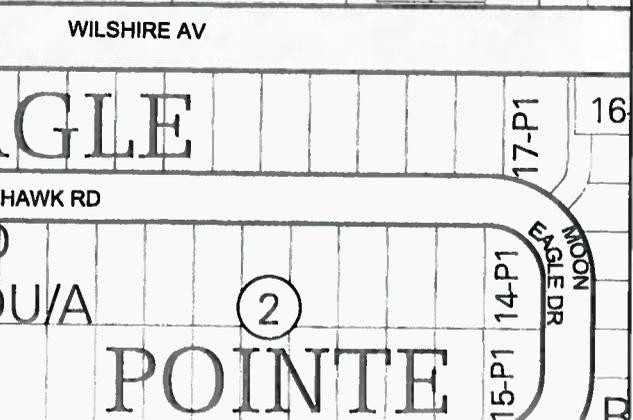
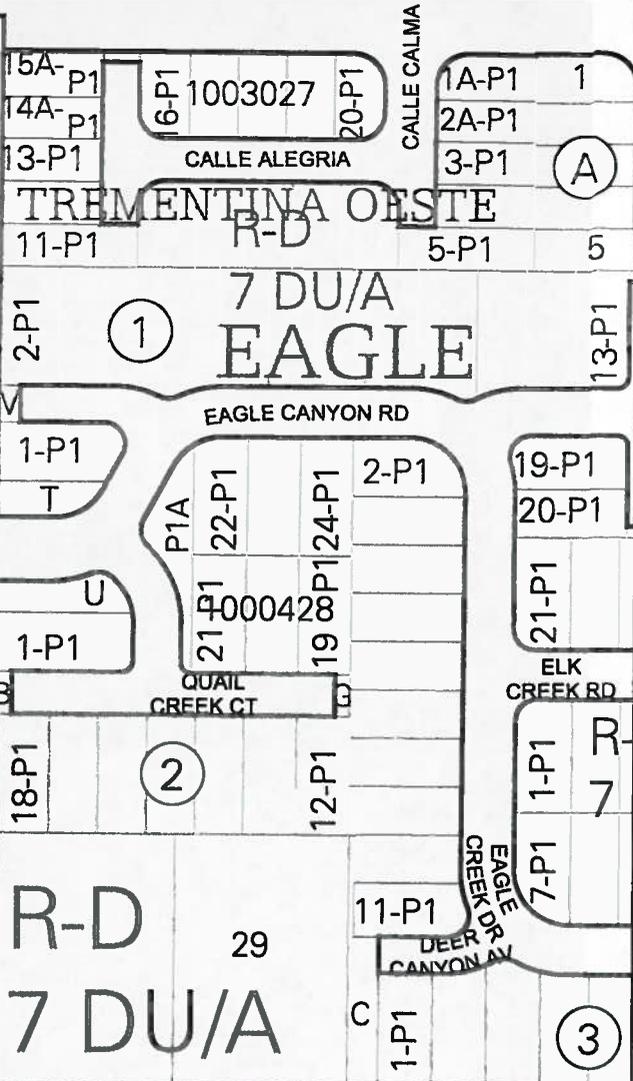
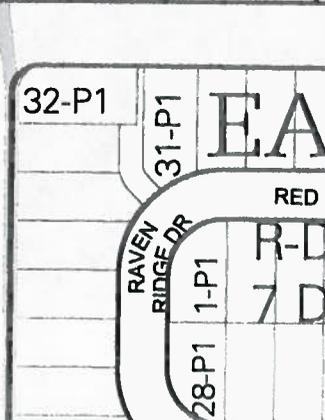
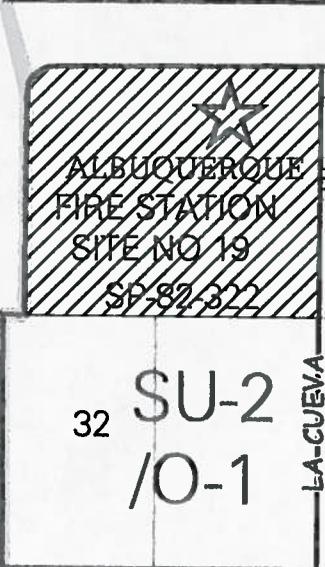
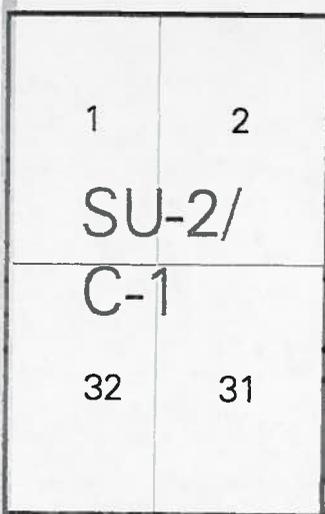
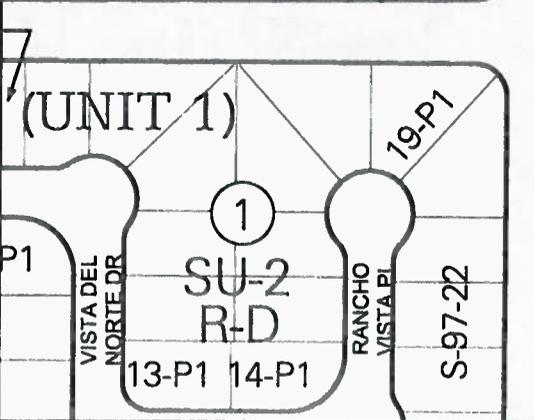
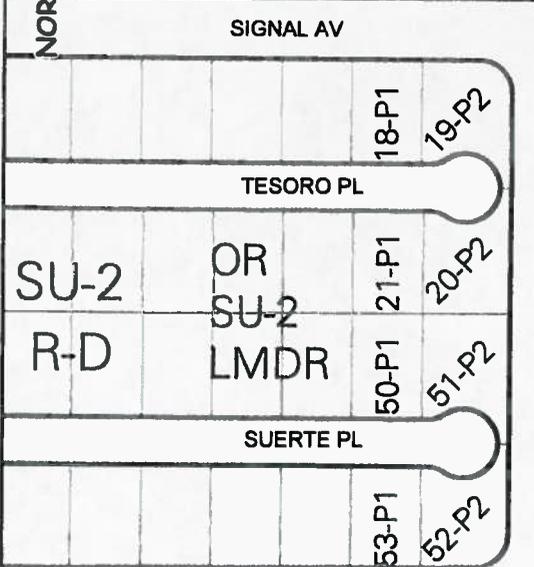
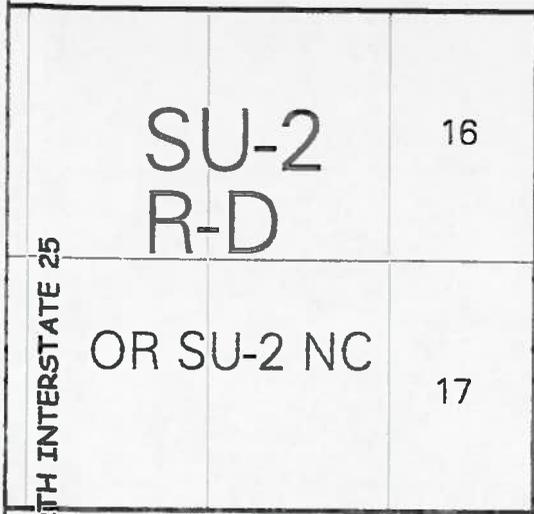
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8/4/2015

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**THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES**

## Notes



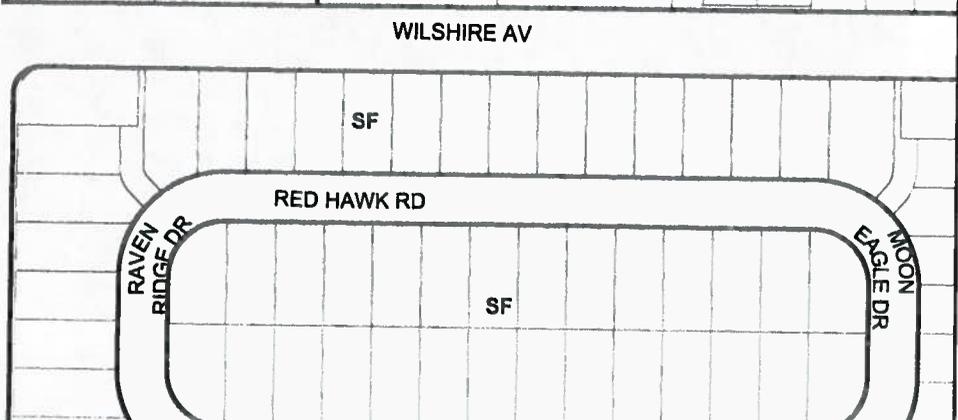
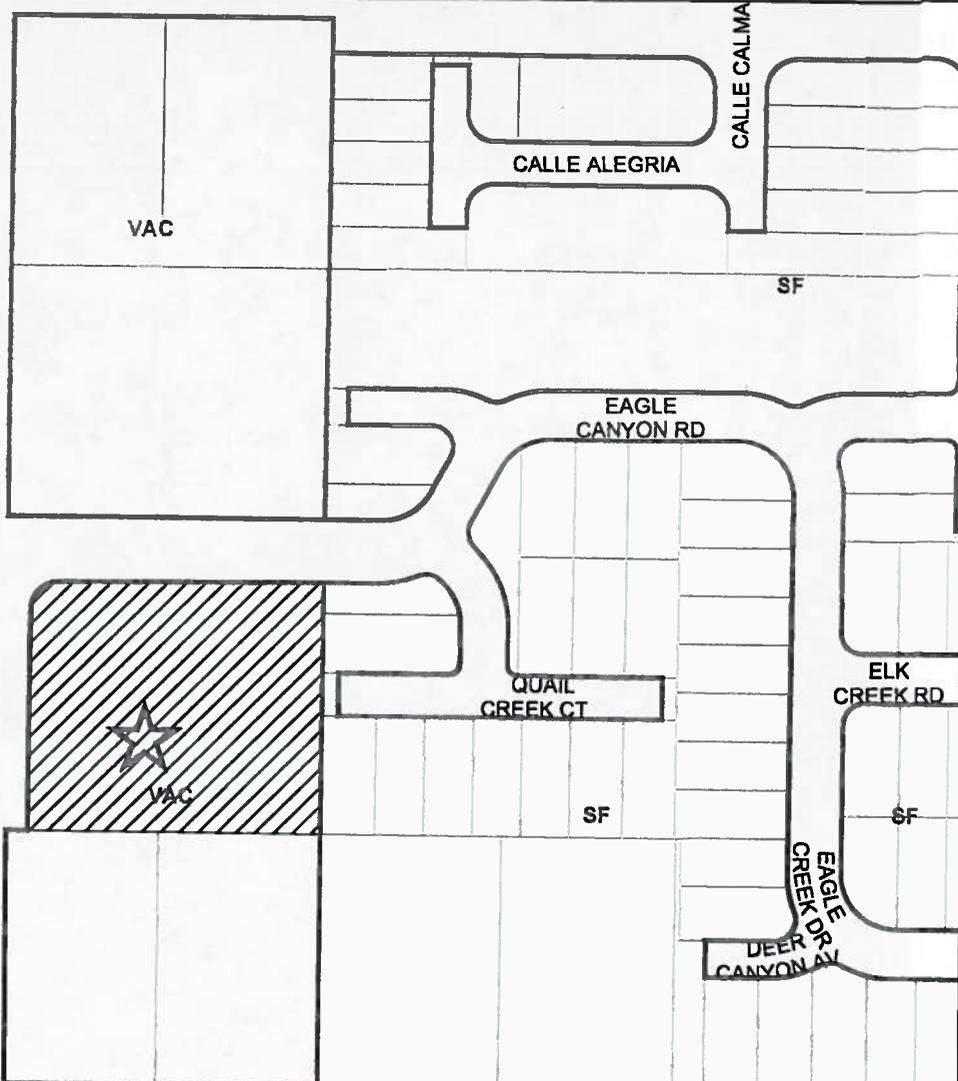
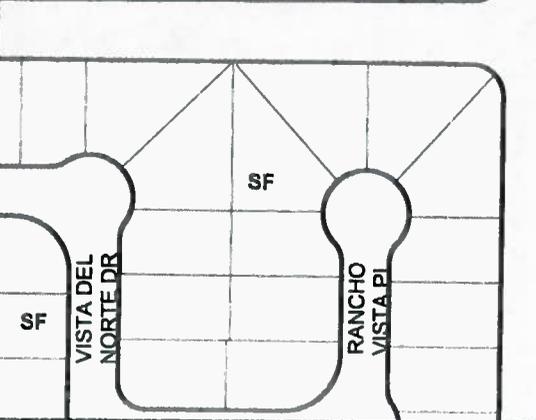
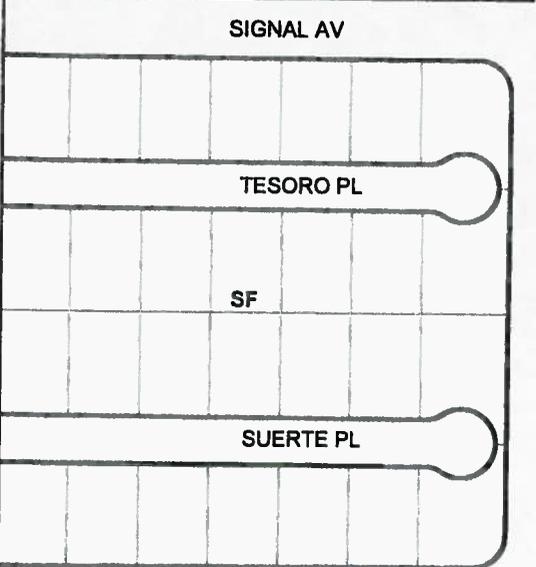
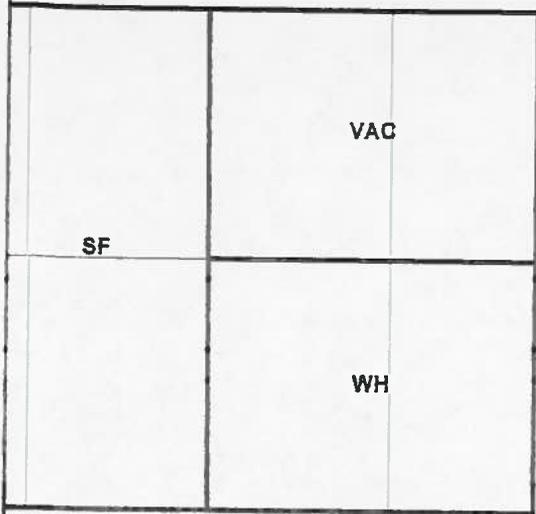
**ZONING MAP**

Note: Grey shading indicates County.



1 inch = 178 feet

Project Number: 1010520  
Hearing Date: 8-13-2015  
Zone Map Page: C-19  
Additional Case Numbers: 14EPC 40023



# LAND USE MAP

Note: Grey shading indicates County.

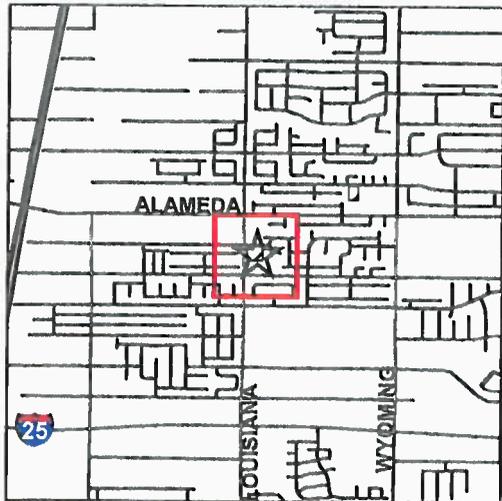
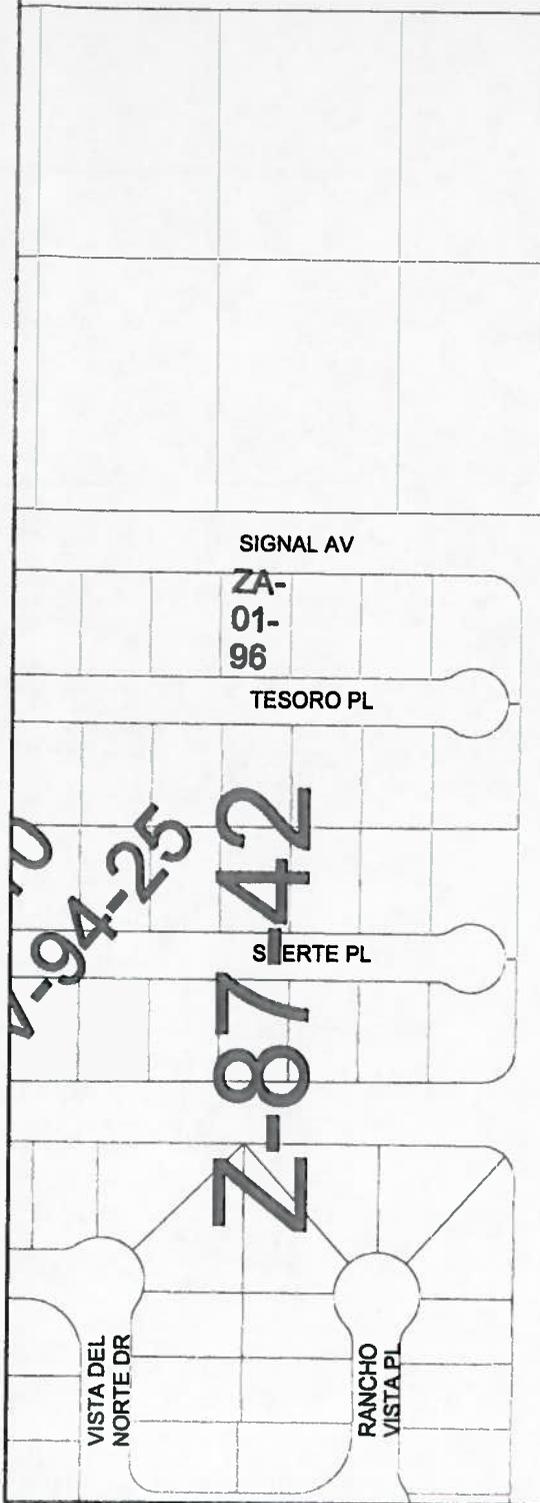
## KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- 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



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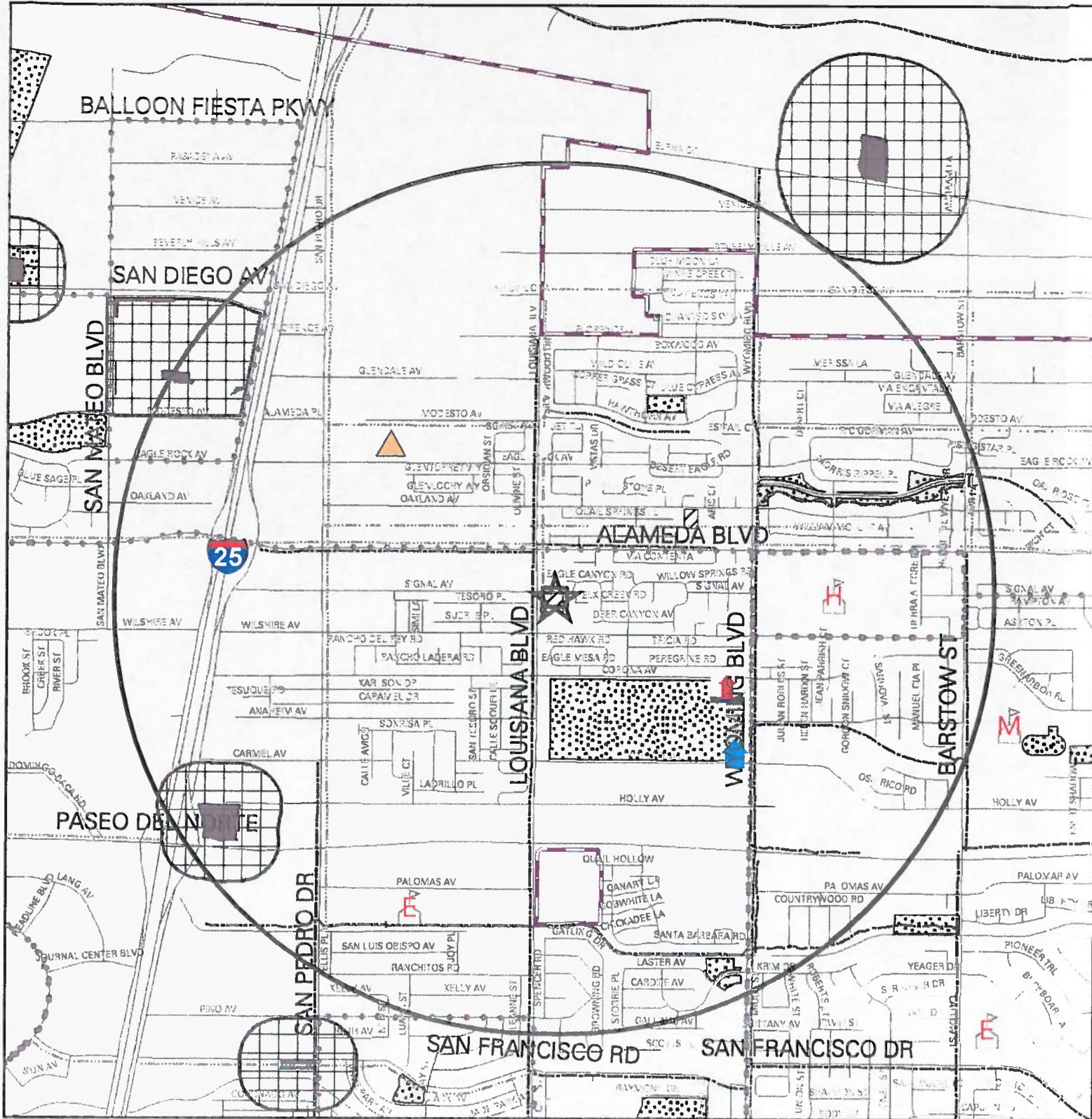
### HISTORY MAP

Note: Grey shading indicates County.



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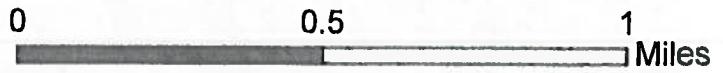


## Public Facilities Map with One-Mile Buffer

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



Project Number: 1010520



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2/O-1	Developing Urban La Cueva Sector Development Plan	Vacant
<b>North</b>	SU-2/C-1	Developing Urban La Cueva Sector Development Plan	Vacant
<b>South</b>	SU-2/O-1	Developing Urban La Cueva Sector Development Plan	Vacant, then single-family homes
<b>East</b>	R-D, 7 DU/ac	Developing Urban La Cueva Sector Development Plan	Single-family homes
<b>West</b>	R-D or SU-2/LMDR	Developing Urban North I-25 Sector Development Plan	Single-family homes

**II. INTRODUCTION**

***Request***

This request is for a sector development plan map amendment (zone change) for a vacant site described as Fire Station Site #19, City of Albuquerque, containing approximately 1.5 acres and located within the boundaries of the La Cueva Sector Development Plan (the “subject site”).

The applicant proposes to change the subject site’s zoning from SU-2/O-1 to R-D 6 DU/acre (dwelling units per acre) in order to develop eight single-family homes. The request is not for an SU-1 zone, so an associated site development plan is not required. However, for informational purposes, the applicant has included an exhibit (see attachment). The R-D zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26). Compliance with the design regulations will be required as part of the Development Review Board (DRB) process.

***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. Also, EPC review is required for all SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP) area (LCSDP, p. 22).

The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

***Context***

The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the LCSDP. Louisiana Blvd., adjacent west of the subject site, is the easternmost

boundary of the North I-25 Sector Development Plan. The subject site is not located in a designated activity center. Alameda Blvd., located north of the subject site, is a designated corridor in the Comprehensive Plan.

The subject site is vacant. Along its eastern side is what appears to be a deep drainage pond, which is fenced and has mature trees and vegetation. To the east and west of the subject site are single-family home developments. To the north and south is vacant land. Further south are more single-family homes. Further north is more vacant land.

### ***History***

The subject site was part of the approximately 630 acres annexed into the City in 1995 by the NM State Boundary Commission. The annexed land covered the area from Florence Ave. to Palomas Ave. (north to south), and from Ventura St. to Louisiana Blvd. (east to west). The City established R-D zoning for much of the area (C/S O-1, Enactment 25-1996, in Appendix A of the LCSDP). Approximately 380 acres were incorporated in to the La Cueva Land Use Guide, which was established in 1986 and was the precursor to the La Cueva Sector Development Plan (LCSDP).

In September 1997, the EPC approved a request for a zone map amendment from R-D to SU-1 for a Fire Station and Police Substation (Z-97-107), neither of which developed on the subject site. Prior to that, the subject site was replatted to make two lots into one (SP-82-322).

The LCSDP was adopted in June 2000 (R-50, Enactment 65-2000) and updated in 2003. One of the reasons behind this planning effort was to provide a mix of uses more suitable for a developing urban area; rezoning was one way to accomplish this. Enactment 65-2000 adopted Exhibit 12, a zoning map of the LCSDP area (see attachment). With this action, the subject site's zoning was changed to SU-2/O-1. It has remained vacant.

### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Alameda and Louisiana Blvds. are designated as Urban Collectors in this location. Signal Ave. is a local street. There are bike paths along Louisiana Blvd. and Alameda Blvd.

### ***Transit***

The subject site is not served by Transit. The nearest ABQ Ride Route #98, Wyoming commuter, runs along Alameda and has stops near the Louisiana/Alameda intersection. Service is limited to weekdays, twice in the am and twice in the pm. About a half-mile walk from the subject site, it is possible to catch the bus on Wyoming Blvd. (Route #31-Wyoming). Service is all day weekdays, with fewer trips on Saturdays and Sundays.

### ***Public Facilities/Community Services***

⇒ See attached Public Facilities Map for details.

### **III. ZONING**

#### ***Existing Zoning***

The subject site is zoned SU-2/O-1 pursuant to the La Cueva Sector Development Plan. For sites zoned SU-2/O-1, the LCSDP references the O-1 zone of the Zoning Code (LCSDP, p. 29). Permissive and conditional uses are as provided in the Zoning Code, with two exceptions: Height- maximum building height is 36 feet, and Site Plan Requirements: the illustrations (LCSDP, p. 29) show buildings near the street and parking interior to the site, with connections between the sidewalk and the buildings.

The O-1 Office and Institution zone (Zoning Code §14-16-2-15) "provides sites suitable for office, service, institutional, and dwelling uses." The request must comply with the requirements of the governing sector development plan (hence the SU-2 zoning) and the O-1 zone with the exceptions as noted.

#### ***Proposed Zoning***

The applicant proposes the following zoning: R-D 6 DU/acre. The R-D (developing residential) zone is the predominant residential zone in the Plan area (LCSDP, p. 26). Residential uses in the R-D zone are regulated by the Zoning Code, subject to the density maximums in Exhibit 12. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26).

Densities for areas zoned R-D are established by the Zoning Plan in the LCSDP (Exhibit 12) and range from R-D 3 DU/acre to R-D 7 DU/acre. This differs from the R-D zone in the Zoning Code (14-16-2-14), which allows permissive uses in the R-3 and C-1 zones.

In the LCSDP area, densities are based on gross acreage of the lot, which is measured from property line to property line. The subject site is 1.48 acres and the applicant intends to develop 8 single family homes, resulting in a density of 5.4 DU/acre, or  $\approx 6$  DU/acre.

### **IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES**

#### ***A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)***

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Developing Urban. The goal of the Established and Developing Urban Area is "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 include:

***The request would generally contribute to creating a quality urban environment. The future development would be subject to Design Regulations contained in the LCSDP, which over time have created a visually pleasing built environment and have helped make the La Cueva Area an identifiable subarea of the Developing Urban Area. Though the request would not***

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*result in variety, it would provide more housing choices. Overall, the request generally furthers the Developing and Established Urban Area Goal.*

*Land Use Policies-Developing & Established Urban*

Policy II.B.5a: 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.

*The request would result a single-family home development similar to those nearby, at a density of 6 DU/ac that would be unlikely to cause gross density in the area to exceed 5 DU/ac. However, the removal of land zoned for non-residential uses would lessen the possibility of a full range of urban land uses developing in the area. Policy II.B.5a-full range of urban land uses, is partially furthered.*

Policy II.B.5d: 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, or recreational concern.

*The development would front Signal Ave. and be a similar intensity to single-family home developments to the east and south. The R-D zone requires that residential subdivisions meet the design regulations of the LCSDP (p. 26), which would help ensure that scenic and other resources are taken into account pursuant to the Plan. Staff received a letter of general support and there is no known opposition. The request furthers Policy II.B.5d- new development/neighborhood values/ environmental conditions/resources.*

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods and can be ensured.

*The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity. The request furthers Policy II.B.5e- new growth/urban facilities/neighborhood integrity.*

Policy II.B.5f: Clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

*The request would facilitate development of 8 single-family homes, laid out in a standard pattern on individual lots, with a roadway in the middle as indicated in the exhibit (see attachment). The homes would not be clustered, arranged around a shared open area or oriented toward a trail. The request does not further Policy II.B.5f- clustering of homes.*

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

*The proposed zone change is to the R-D zone, which requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26). Therefore, the design of the future homes would be appropriate to the plan area and the new development would be a similar quality to*

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*other homes in the area. The request furthers Policy II.B.51-new development/design quality/appropriateness.*

**B) La Cueva Sector Development Plan (LCSDP)-Rank III**

The LCSDP was adopted in June 2000 and revised in October 2003 to expand Plan boundaries and add clarifying language. The general boundaries are Louisiana Blvd. on the west, Paseo del Norte Blvd. and Palomas Ave. on the south, Ventura St. on the east and Florence Ave. on the north. Exhibit 12 shows specific boundaries (see attachment).

The LCSDP sets forth goals and policies regarding land use, zoning and capital infrastructure priorities for vacant properties to promote sound urban development in the Plan area. The LCSDP contains general Guiding Principles (p. 4) and Guiding Principles (p. 25). It also establishes Design Regulations applicable to all SU-2 zoned properties (p. 31), including residential subdivisions in the R-D zone. The following principles apply to the request:

1.3 OVERARCHING GUIDING PRINCIPLES (P. 4):

Principle 4: Land uses that are compatible with existing development.

*The request generally furthers overarching Guiding Principle 4 because the resulting single-family homes would be compatible with the existing single-family homes nearby and, pursuant to the R-D zone in the LCSDP, would be subject to the Plan's Design Regulations.*

5.1 GUIDING PRINCIPLES (P. 25-26):

Principle 9 (existing): Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.

*The request generally furthers Guiding Principle 9 because it would retain SU-2 zoning, and SU-2 zones are subject to the LCSDP's Design Regulations. Therefore, the future homes would contribute to the identity for the Plan area and be compatible new development.*

Principle 2 (zoning): The predominant residential zone is R-D, which allows single family and townhouse development, according to maximum density established by the Plan. Lowest densities are in areas with the least land assembly potential.

*The proposed zone change furthers Zoning Principle 2 because the zoning would be R-D, the predominant residential zone, and the density would be consistent with nearby residential densities.*

Principle 5 (zoning): New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.

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*The proposed zone change is to an SU-2 zone, and development in SU-2 zones is subject to the LCSDP's Design Regulations. These design regulations serve to reinforce community identity and improve land use compatibility. The request furthers Zoning Principle 5.*

#### **V. SECTOR DEVELOPMENT PLAN MAP AMENDMENT**

##### **RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)**

###### Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

###### Justification & Analysis

The zone change justification letter analyzed here, received July 20, 2015, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned SU-2/O-1 pursuant to the LCSDP. The requested zoning is R-D 6 DU/acre. The reason for the request is to allow development of eight single-family homes.

The applicant believes that the proposed sector development plan map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

*Applicant (summarized): The allowed uses and proposed amendment will not conflict with adopted, relevant Plans and policies and will further land use goals and policies of the City. As a result, the proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City.*

*Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section 1.C. The response is sufficient.*

1B. "Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made."

*Applicant (summarized): The applicant will demonstrate that stability of land use will not be compromised, and that the proposed change is consistent with the City's adopted plans and policies. The fire station has been built elsewhere, and the development will be in harmony with residential dwellings abutting the site and will be less dense than the standard 7 DU/ac in the area.*

*Staff: The applicant can adequately demonstrate that the proposed zone change is justified based on responses to Sections 1.C and 1.D, and that the future development would not adversely affect stability of land use or zoning in the area. The response to Section 1.B is sufficient.*

1C: "A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City."

*Applicant (summarized): Under the proposed zone map amendment, the property will continue to be used in a way that is consistent with adopted elements of the Comprehensive Plan, the Sector Plan and the MRA Plan.*

*Relevant Citations: Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5d, II.B.5e, II.B.5k, II.B.5p and II.C.6f. Policy II.B.5l should have been cited. LCSDP Zoning Principles 2 and 5.*

*Non-applicable citations: Policy II.B.5p- because the subject site has never been developed, and II.B.5k- because Alameda and Louisiana Blvds. are Urban Collectors (not arterials) in this location. LCSDP Zoning Principles 1, 3, 4 and 6.*

*Staff finds the policy citations sufficient overall. The applicant states that several policies in the Comprehensive Plan and the principles in the LCSDP support the request, and that the request does not significantly conflict with any adopted elements of these.*

*The test under Section 1C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Overall, Staff finds no significant conflicts with applicable goals and policies. The response to Section 1.C is sufficient.*

1D. "The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 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, even though (1) and (2) above do not apply.”

*Applicant (summarized): The request facilitates applicable policies of the Comprehensive Plan, and the LCSDP. The required subdivision replat will necessitate a public hearing. Subdivision and LCSDP requirements will be imposed.*

*Staff: The response refers to a different use category being more advantageous to the community (3) as articulated in applicable plans. Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community than the current zoning because it furthers a preponderance of applicable policies in the Comprehensive Plan and principles in the LCSDP. The response to Section 1.D is sufficient.*

1E. “A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.”

*Applicant (summarized): Permissive uses allowed in the R-D zone are those in the R-1 zone. The permissive uses allowed are identical to those allowed to the east and west, and the R-D zone is a less intense zone than the O-1 zone or the C-1 zone, which are found nearby. The request would not allow permissive uses different than residential zoning in the area and therefore would not be harmful.*

*Staff: Staff clarifies that the permissive uses in the R-D zone, pursuant to the LCSDP, are limited to R-1 uses and, unlike the Zoning Code, further restrict allowable densities to between 3 DU/ac and 7 DU/ac. The response to Section 1.E is sufficient.*

1F. “A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

*Applicant (summarized): The proposed zone change requires no capital expenditures by the City to be developed.*

*Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.*

1G. “The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”

*Applicant: The applicant makes no argument regarding the cost of land, nor of economic considerations, and does not ask that these factors be considered in this request.*

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**Staff:** *Economic considerations are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request. The response to Section 1.G is sufficient.*

1H: "Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning."

*Applicant: The request is for residential zoning, therefore this section does not apply.*

**Staff:** *Staff agrees that the request is for residential zoning and not for commercial, office or multi-family zoning. However, all sections of R270-1980 apply and must be answered. The response to Section 1.H is sufficient.*

1I: "A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a 'spot zone'. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone."

*Applicant (summarized): This request does not constitute a spot zone. The property to the east is zoned R-D and the property to the west is zoned SU/2/R-D. The request would expand the R-D zoned area, but would not create a zone category where the use is surrounded by different zone categories.*

**Staff:** *Staff generally agrees that the request would not create a spot zone. Although the zone change would affect one small area, R-D zoning is found to the west (SU-2/R-D) and to the east (R-D 7 DU/ac) of the subject site. There is also R-D 7 DU/ac zoning further south. The response to Section 1.I is sufficient overall.*

1J: "A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called 'strip zoning'. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby."

*Applicant (summarized): This request does applies to a single lot and therefore is not strip zoning.*

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*Staff: Staff agrees that the request would not result in a strip zone. The subject site does not constitute a "strip of land along a street". The response to Section 1.J is sufficient.*

*Staff Conclusion*

*Staff finds that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable policies in the Comprehensive Plan and principles in the LCSDP, and that there is no "significant conflict" with these (Section 1C). Because the request does not constitute a justifiable spot zone, the "clearly facilitates" test in Section 1I does not apply. For these reasons, Staff recommends approval of the sector development plan map amendment (zone change) request.*

**VI. AGENCY & NEIGHBORHOOD CONCERNS**

*Reviewing Agencies/Pre-Hearing Discussion*

City Departments and other agencies reviewed this application from 07/06/15 to 7/15/15. Staff from the Department of Municipal Development (DMD) note that Louisiana Blvd. is planned to contain bicycle lanes, which appear to exist across the frontage of this property. The Fire Department notes that the applicant is required to check with the Fire Marshal's Office Plans Checking Division for official review and approval prior to submitting for building permit.

Albuquerque Public Schools (APS) notes that all three schools in the area have excess capacity. The Mid-Region Metropolitan Planning Organization (MRMPO) recommends that preserving the potential for a mix of residential and non-residential uses be a priority when reviewing zone change requests in areas dominated by the desired zoning designation. PNM has standard comments. Agency comments begin on p. 16 of this report.

*Neighborhood/Public*

The affected neighborhood organizations are the West La Cueva Neighborhood Association (NA), the Sonora Homeowners Association (HOA), and the District 4 Coalition. Staff received a letter of general support from the West La Cueva NA and is not aware of any opposition as of this writing.

**VII. CONCLUSION**

The request is for a sector development plan map amendment (zone change) for an approximately 1.5 acre vacant lot described as Fire Station Site #19, City of Albuquerque, and located within the boundaries of the La Cueva Sector Development Plan (the "subject site").

The applicant proposes to change the subject site's zoning from SU-2/O-1 to R-D 6 DU/acre (dwelling units per acre) in order to develop eight single-family homes. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26).

The subject site is in the Developing Urban Area of the Comprehensive Plan. The LCSDP also applies. The request has been adequately justified pursuant to R270-1980 and, overall,

generally furthers applicable policies of the Comprehensive Plan and principles of the LCSDP. Staff did not find any significant conflicts (Section 1C).

The affected neighborhood organizations are the West La Cueva NA, the Sonora HOA and the District 4 Coalition. Staff received a letter of general support and is not aware of any opposition as of this writing. Staff recommends approval.

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***FINDINGS - 15EPC-40023, August 13, 2015- Sector Development Plan Map Amendment (Zone Change)***

1. The subject request is for a sector development plan map amendment (zone change) for a vacant lot described as Fire Station Site #19, City of Albuquerque, containing approximately 1.5 acres and located on Louisiana Boulevard NE, between Wilshire Avenue NE and Signal Avenue NE (the "subject site").
2. The sector development plan map amendment request is for a change from SU-2/O-1 to R-D 6 dwelling units per acre (DU/ac) order to develop eight single-family homes.
3. The subject site is within the boundaries of the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan (LCSDP) also applies.
4. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan (LCSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request generally furthers the Goal of the Developing and Established Urban Area of the Comprehensive Plan. The request would generally contribute to creating a quality urban environment. The future development would be subject to Design Regulations contained in the LCSDP, which over time have created a visually pleasing built environment and have helped make the La Cueva Area an identifiable subarea of the Developing Urban Area. Though the request would not result in land use variety, it would provide more housing choices.
7. The request furthers the following, applicable Comprehensive Plan policies:
  - A. Policy II.B.5d- new development/neighborhood values/ environmental conditions/resources. The development would be front Signal Ave. and be a similar intensity to single-family home developments to the west and south. The R-D zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26), which would help ensure that scenic and other resources are taken into account pursuant to the Plan. Staff has not received any written comments and there is no known opposition.
  - B. Policy II.B5e- new growth/urban facilities/neighborhood integrity. The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.

- 
- C. Policy II.B.51-new development/design quality/ appropriateness. The proposed zone change is to the R-D zone, which requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26). Therefore, the design of the future homes would be appropriate to the plan area and the new development would be a similar quality to other homes in the area.
8. The request partially furthers Comprehensive Plan Policy II.B.5a-full range of urban land uses. The request would result a single-family home development similar to those nearby, at a density of 6 DU/ac that would be unlikely to cause gross density in the area to exceed 5 DU/ac. However, the removal of land zoned for non-residential uses would lessen the possibility of a full range of urban land uses developing in the area.
9. The request furthers Guiding Principles 4 and 9 of the LCSDP. The resulting single-family homes would be compatible with the existing single-family homes nearby and, pursuant to the R-D zone in the LCSDP, would be subject to the Plan's Design Regulations (Principle 4). Therefore, the future homes would contribute to the identity for the Plan area and be compatible new development (Principle 9).
10. The request furthers Zoning Principles 2 and 5 of the LCSDP. The zoning would be R-D, the predominant residential zone, and the density would be consistent with nearby residential densities (Principle 2). The development would be subject to the LCSDP's Design Regulations. These design regulations serve to reinforce community identity and improve land use compatibility (Principle 5).
11. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
- A. Section 1A: The applicant has demonstrated that the request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan, and principles of the LCSDP, in the response to Section 1.C. Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals and general welfare of the City.
- B. Section 1B: The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning in the area and, as the applicant demonstrated, are justified pursuant to R270-1980.
- C. Section 1C: There is no "significant conflict" with an adopted element of the Comprehensive Plan or the LCSDP. The request furthers a preponderance of applicable Comprehensive Plan policies and LCSDP principles.
- D. Section 1D: A different use category is more advantageous to the community as articulated in the Comprehensive Plan and the LCSDP. The policy-based discussion demonstrates that the proposed zoning category would be more advantageous to the community overall than

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the current zoning because it furthers a preponderance of applicable policies in the Comprehensive Plan and principles in the LCSDP.

- E. Section 1E: Permissive uses in the R-D zone are those in the R-1 zone. The R-D zone is less intense than the O-1 zone or the C-1 zone, which are found nearby. The request would not allow permissive uses different than residential zoning in the area and therefore would not be harmful to the community, neighborhood or adjacent property.
  - F. Section 1F: The proposed zone change requires no capital expenditures by the City.
  - G. Section 1G: The applicant is not raising any economic considerations as arguments, therefore economic considerations are not the determining factor for the request.
  - H. Section 1H: The request is for residential zoning, not for apartment, office or other commercial zoning, and location on a collector or major street is not used as justification for the request.
  - I. Section 1I: The request would not create a spot zone. Although the zone change would affect one small area, R-D zoning is found to the west, east, and south of the subject site.
  - J. Section 1J: The request is not for a strip of land along a street, and therefore would not result in a "strip zone".
12. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section 1C provides a policy-based explanation of how the request generally furthers applicable policies in the Comprehensive Plan and the principles of the LCSDP, and supports the reasoning that a different zoning category would be more advantageous to the community as articulated in these Plans (Section 1D). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
13. The affected neighborhood organizations are the West La Cueva Neighborhood Association (NA), the Sonora Homeowners Association (HOA), and the District 4 Coalition. Staff received a letter of general support from the West La Cueva NA and is not aware of any opposition as of this writing.

***RECOMMENDATION - 15EPC-40023, August 13, 2015***

**APPROVAL of 15EPC-40023, a sector development plan map amendment (zone change) from SU-2/O-1 to R-D 6 DU/ac, for the lot described as Fire Station Site #19, City of Albuquerque, an approximately 1.5 acre site located on on Louisiana Blvd. NE, between Wilshire Ave. NE and Signal Ave. NE, based on the preceding Findings.**

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*Catalina Lehner*

**Catalina Lehner, AICP  
Senior Planner**

***Notice of Decision cc list***

cc: Doug Crandall, DAC Enterprises, 9520 Macallan Rd. NE, Albuquerque, NM 87109  
Robert Romero, DAC Enterprises, 1521 Edith Blvd. NE, Albuquerque, NM 87102  
Peggy Neff, West La Cueva NA, 8305 Calle Soquelle NE, Albuquerque, NM 87113  
Terry Daughton, West La Cueva NA, 8309 Calle Soquelle NE, Albuquerque, NM 87113  
Jen Ellefson, Sonora HOA, 6709 Suerte Pl. NE, Albuquerque NM 87113  
Maria Baca, Sonora HOA, 6800 Tesoro Pl. NE, Albuquerque NM 87113  
Michael Pridham, District 4 Coalition, 6413 Northland Ave. NE, Albuquerque, NM 87109  
Peggy Neff, District 4 Coalition, 8305 Calle Soquelle NE, Albuquerque, NM 87113

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

No adverse comments.

#### ***Office of Neighborhood Coordination***

West La Cueva NA, Sonora HOA, District 4 Coalition

#### ***Long Range Planning***

### ***CITY ENGINEER***

#### ***Transportation Development***

No objection to the request.

#### ***Hydrology Development***

#### ***New Mexico Department of Transportation (NMDOT):***

NMDOT has no comments.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

- Per the Long Per MRCOG's Interim Long Range Roadway System Map, Louisiana Blvd. is a Major Collector. Per MRCOG's Long Range Bikeway System Map, Louisiana is planned to contain bicycle lanes, which appear to exist across the frontage of this property.

#### ***Traffic Engineering Operations (Department of Municipal Development):***

- No comments received.

#### ***Street Maintenance (Department of Municipal Development):***

- No comments received.

### ***14EPC-40040 Amendment to Site Development – Building Permit***

#### ***City Engineer/Transportation Development***

- Additional detail regarding curb lines and necessary ramps should be provided prior to DRB.

#### ***City Engineer/Hydrology Development***

- The Preliminary grading and drainage plan does not appear to account for cisterns as shown on the Site Plan for Subdivision and does not state how it will manage the first flush.

***RECOMMENDED CONDITIONS FROM CITY ENGINEER, DMD and NMDOT: none.***

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**WATER UTILITY AUTHORITY**

**Utility Services**

A request for availability shall be made at the following link:  
[http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)

**ENVIRONMENTAL HEALTH DEPARTMENT- No comments received**

**Air Quality Division**

**Environmental Services Division**

**PARKS AND RECREATION**

**Planning and Design**

No adverse comments.

**Open Space Division**

OSD has reviewed and has no adverse comments.

**City Forester**

**POLICE DEPARTMENT/Planning**

No Crime Prevention or CPTED comments concerning the proposed *Amendment to Zone Map – Establishment or Zoning or Zone Change* request at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

No Comment

**FIRE DEPARTMENT/Planning**

All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for an official review and approval prior to submitting for building permit.

- 1) Required Hydrants (DPM Ch 25 Sec 8 and Sec 7): Please be aware A fire hydrant shall be within 500 feet of the farthest residential structure.
- 2) Apparatus Access (IFC 503 and Appendix D ): See IFC 503 and Appendix D for turnaround requirements where dead ends exceed 150 feet in distance. Please submit plans for an official approval.

**TRANSIT DEPARTMENT**

Project # 1010520 15EPC-40023 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	Adjacent and nearby routes	None.
	Adjacent bus stops	None.

FOR ALL OR PORTION OF LOT(S) 1 & 2, BLOCK(S) 5, TRACT(S) 2, NORTH ALBUQUERQUE ACRES UNIT(S) 3 ZONED SU02 O-1 TO R-D 6 DU/A LOCATED ON SIGNAL AVE NE BETWEEN ALAMEDA BLVD. NE AND WILSHIRE AVE NE. CONTAINING APPROX. 1.48 ACRES. (C-19)

Site plan requirements	None
Large site TDM suggestions	None.
Other information	None

## COMMENTS FROM OTHER AGENCIES

### BERNALILLO COUNTY

#### ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

#### ALBUQUERQUE PUBLIC SCHOOLS

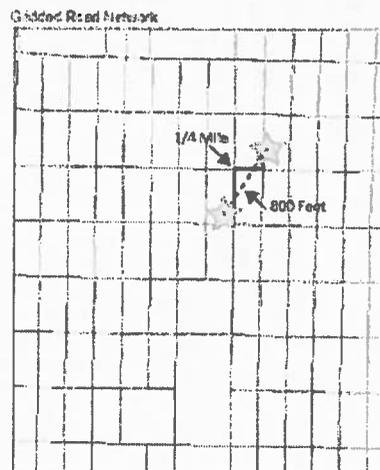
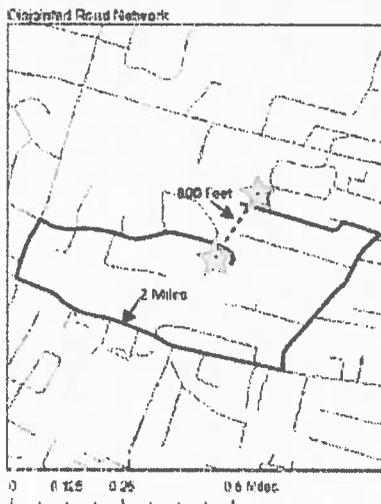
**Project #1010520  
15EPC-40023  
AMNDT TO ZONE  
MAP (ESTB  
ZONING/ZONE  
CHG)**

**North Albuquerque Acres Unit 3**, Lots 1 and 2, Block 5, Tract 2, is located on Signal Av NE between Alameda Blvd NE and Wilshire Ave NE. The owner of the above property requests a Zone Change from SU-2/O-1 to R-D/6DUA to allow for the development of 8 residential lots. Any residential development in this area will have impacts to North Star Elementary School, Desert Ridge Middle School, and La Cueva High School. Currently, all three schools have excess capacity.

Loc No	School	2014-15 40th Day	Capacity	Space Available
268	North Star ES	610	663	53
430	Desert Ridge MS	1022	1085	63
525	La Cueva HS	1828	2000	172

#### MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has comments regarding two aspects of accessibility—connectivity and land use mix.



Much residential growth in the region has developed in a piecemeal manner, whereby many opportunities for street and path connectivity have been lost. Disconnected and circuitous networks decrease mobility, in particular for non-motorized modes like walking and biking. In this case, lots in the surrounding area have developed as residential in a manner in which street

connectivity was not well preserved. MRMPO recommends connectivity be discussed as a part of the decision-making process when considering a zone change that exacerbates an existing deficiency.

Land use mix is another important aspect of accessibility. Locating non-residential uses far away from residential areas requires residents to travel further distances for employment and services. Because of this MRMPO encourages a reasonable mix of land uses where appropriate. MRMPO recommends that preserving the potential for a mix of residential and non-residential uses be a priority when reviewing zone change requests in areas dominated by the desired zoning designation.

For more information on these issues, please refer to Chapter 3.13 of the *Futures 2040 Metropolitan Transportation Plan*, "Livable Communities: Access and Connectivity." [http://www.mrcog-nm.gov/images/stories/pdf/transportation/2040\\_MTP/2040-mtp-chapter-3.pdf](http://www.mrcog-nm.gov/images/stories/pdf/transportation/2040_MTP/2040-mtp-chapter-3.pdf)

#### **MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

##### **PUBLIC SERVICE COMPANY OF NEW MEXICO**

1. An existing overhead electric distribution line is located along the northern boundary of the subject property. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service for this project and for any modifications to the existing electric distribution facilities. Any relocation, changes or realignment regarding existing electric utilities will be the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to safety clearances or other physical constraints. The applicant is responsible to abide by any conditions or terms of the distribution easements. Adequate clearances for the electric utilities must be maintained during construction and provided for safe operation and maintenance purposes. PNM will review all technical needs, issues and safety clearances for its electric power systems. Contact:

PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107  
Phone: (505) 241-3425

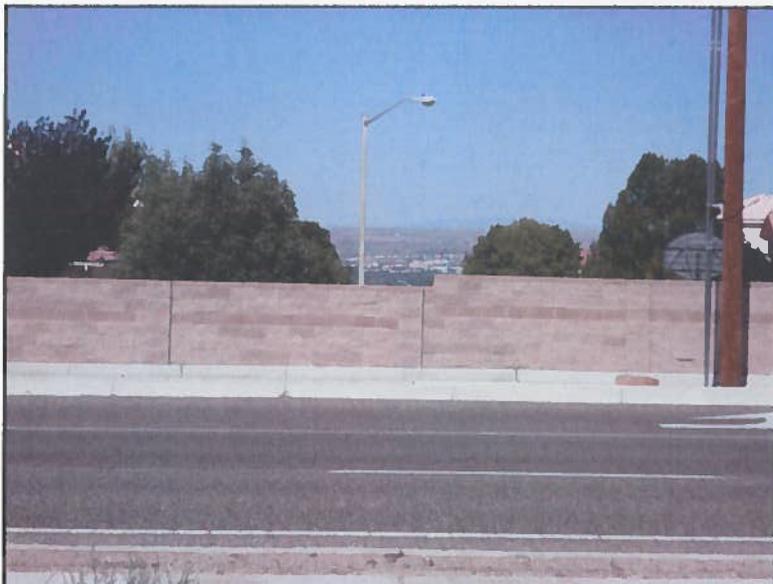
2. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.



**Figure 1:** Looking N, from near the western side of the subject site. The street is Signal Ave.



**Figure 2:** Looking S, from near the western side of the subject site. The street is Wilshire Ave.



**Figure 3:** Looking W, from the subject site, across Louisiana Blvd.



**Figure 4:** Looking E at the nearby subdivision, from Signal Ave.

**Figure 5:** Looking E from the subject site's western boundary. Note the tops of trees in the background. They are in a deep ponding area.



**Figure 6:** Looking S at the deep ponding area. Area is fenced. The chain link fence in the background is at grade with the subject site.

## HISTORY

CITY of ALBUQUERQUE  
FOURTEENTH COUNCIL

COUNCIL BILL NO. R-50 ENACTMENT NO. 65-2000

SPONSORED BY: Brad Winter, by request

RESOLUTION

1 AMENDING THE LA CUEVA HIGH SCHOOL LAND USE GUIDE (A RANK THREE  
2 PLAN, ADOPTED IN 1986), TO INCORPORATE NEWLY ANNEXED PROPERTIES  
3 INTO THE BOUNDARY OF THE PLAN; REZONING PORTIONS OF THE LAND USE  
4 GUIDE; AMENDING THE GOVERNING CONCEPTS OF THE LAND USE GUIDE;  
5 RENAMING THE LAND USE GUIDE TO THE LA CUEVA SECTOR DEVELOPMENT  
6 PLAN; AND AMENDING THE ZONE MAP FOR APPROXIMATELY 850 ACRES;

7 WHEREAS, the City of Albuquerque is authorized to adopt plans and  
8 zoning of property to protect the public well-being, health and safety in areas  
9 within the planning and platting jurisdiction; and

10 WHEREAS, the majority of land in the area covered by the La Cueva High  
11 School Land Use Guide was annexed into the City of Albuquerque through a  
12 Municipal Boundary Commission action on July 26, 1995; and

13 WHEREAS, the majority of the annexed area is designated as Developing  
14 Urban in the Albuquerque/Bernalillo County Comprehensive Plan; and

15 WHEREAS, R-D zoning was established by the City Council for the majority  
16 of the annexed area per C/S O-1, Enactment No. 26-1996; and

17 WHEREAS, the City Council recognizes that portions of the annexed area  
18 are suitable for urbanization in terms of location, resource capacities, and service  
19 potential; and

20 WHEREAS, R-D zoning is not sufficiently specific to guide development of  
21 an appropriate mixture of land uses in the plan area; and

22 WHEREAS, the diverse ownership and antiquated platting in the newly-

1 annexed area makes urban development difficult; and

2 WHEREAS, the City, per F/S R-2, 81-1986, initiated the development of the  
3 La Cueva Sector Development Plan, a Rank Three Plan, to rezone portions of the  
4 annexed area to provide a mix of uses more suitable in a Developing Urban Area;  
5 and

6 WHEREAS, rezoning portions of the annexed area is necessary and  
7 justified per Resolution 270-1980; and

8 WHEREAS, the City Planning Department has received substantial public  
9 and inter-departmental input in developing the Plan; and

10 WHEREAS, the La Cueva Sector Development Plan recommends land uses,  
11 zonings, design regulations, and strategies to encourage effectively organized  
12 urban development; and

13 WHEREAS, the La Cueva Sector Development Plan represents a balance  
14 between the goals of the various stakeholders in the plan area; and

15 WHEREAS, the Environmental Planning Commission, in its advisory role  
16 on all matters related to planning, zoning and environmental protection,  
17 recommended approval of the La Cueva Sector Development Plan at a public  
18 hearing on December 9, 1999.

19 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
20 ALBUQUERQUE THAT:

21 Section 1. The Council finds:

22 A. The R-D zone is often considered a "holding zone" for developing areas  
23 and the City Council anticipated revising the zoning for the area by adopting a  
24 comprehensive land use plan for the La Cueva Sector Development Plan area  
25 when the R-D zoning was established after the area was annexed.

26 B. There have been changed community conditions in and around the  
27 Sector Plan area since the property was platted and since R-D zoning was  
28 established. A substantial change has occurred in the character of the  
29 neighborhood since the original zoning to such an extent that the reclassification  
30 set forth in the Plan ought to be made.

31 1. Growth and development in the area have been piecemeal which  
32 has caused traffic, drainage and land use problems.

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2. Paseo del Norte has been improved creating the potential for increased traffic to, from and around the Plan area.

3. The City has recently approved the North Domingo Baca Community Park Master Plan, which will provide co-location of several public services to the community.

4. The existing zoning has discouraged a balanced mix of uses necessary in a growing community.

C. The land use categories proposed by the Sector Development Plan are more advantageous to the community than the existing R-D zoning, as articulated in the Comprehensive Plan and the goals of the La Cueva Land Use Guide and the proposed La Cueva Sector Development Plan.

D. The proposed zone map amendments meet the requirements of R-270-1980.

E. The proposed zoning is established for the entire Plan and affects the entire Plan area. The proposed zoning amendments are not "piecemeal" zoning or "spot zoning".

F. The Council finds that the downzoning proposed in the Plan is reasonable and necessary to accomplish the combined goals of the Sector Development Plan.

Section 2. The attached La Cueva Sector Development Plan is adopted as a Rank Three sector development plan to guide and govern all development actions, both public and private, within the plan area. The Plan is consistent with, and will lead to implementation of "Developing Urban Area" policies as set forth in the Albuquerque/Bernalillo County Comprehensive Plan.

Section 3. The attached La Cueva Sector Development Plan is hereby adopted as a land use control pursuant to the Comprehensive City Zoning Code. Exhibit 12 in the Plan and the text in Chapter 5, "Zoning" are hereby adopted as an extension of the Zoning Code and its zone map.

Section 4. The recommended drainage improvements shown on Exhibit 14 and described in Appendix F of the Plan, are hereby recommended for

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approval pursuant to the North Albuquerque Acres Master Drainage Plan which is an extension of this Plan.

Section 5. The Water and Sewer Plan illustrated on Exhibit 9 and described in Chapter 7 of the Plan, is hereby adopted as a guide for future master plan water and sewer facilities within the La Cueva Sector Plan area.

Section 6. The La Cueva High School Land Use Guide, as adopted in 1986, is hereby replaced with the attached La Cueva Sector Development Plan. In the event of conflicting statements between the two plans, the newer attached Plan shall govern.

Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 8. EFFECTIVE DATE AND PUBLICATION. This resolution shall become effective five or more days after publication in full when a copy of the resolution is filed in the office of the County Clerk.

[Bracketed Material] - New  
[Bracketed Material] - Deletion

1 PASSED AND ADOPTED THIS 19th DAY OF June, 2000  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3  
4 Yes: 8  
5 Exoused: Baca-Hundley  
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11 Michael Brasher, President  
12 City Council

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15 APPROVED THIS 19th DAY OF June, 2000  
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17 Bill No. R-50

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19   
20 Jim Baca, Mayor  
21 City of Albuquerque  
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23 ATTEST:  
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26 City Clerk  
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[+Bracketed Material+ - New  
-Bracketed Material- - Deletion

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

Date: September 19, 1997

## OFFICIAL NOTIFICATION OF DECISION

City of Albuquerque  
Fire Department &  
Police Department  
P.O. 1293  
Albuq. NM 87103

FILE: Z-97-107

LEGAL DESCRIPTION: For Lots 1 & 2, Block 5, Tract 2, Unit 3, located on the southeast corner of Signal Avenue NE and Louisiana Boulevard NE, containing approximately 1.6 acres. (C-19)  
Bob Paulsen, Staff Planner

On September 18, 1997, the Environmental Planning Commission voted to approve Z-97-107, a request for a zone map amendment from R-D to SU-1 for a Fire Station and Police Substation, based on the following Findings:

### FINDINGS:

1. This is a request for a zone map amendment from R-D to SU-1 for a Fire Station and Police substation located on a 1.6-acre site at the southeast corner of Louisiana Boulevard and Signal Avenue NE.
2. The subject site is within the North Albuquerque Acres Area and is zoned R-D; it is not within the boundaries of an approved sector development plan. City policy has generally allowed only single family residential uses in such areas and zone changes have not generally been permitted.
3. This request represents a unique situation that addresses a deficiency in services pertaining to public health, safety and welfare; consequently, special considerations should be made in evaluating this request.
4. This property has been owned by the City of Albuquerque since 1981 and has been designated for a Fire Station since that time. Its designation on the Zone Atlas as Fire Station suggests that public expectations have been that this property would develop as a Fire Station.
5. The La Cueva Land Use Guide, adopted in 1986, designated nearby property for a Fire Station and Police Station. This evidences a recognized need for such facilities in the vicinity; however, it appears that an error in the plan prevented the subject site from being identified for this combination of uses.
6. There is apparent support for this request from area residents.
7. Off-site impacts from the proposed use can be mitigated by the required site plan.

**OFFICIAL NOTICE OF DECISION**

Z-97-107

PAGE 2

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On September 18, 1997, the Environmental Planning Commission voted to approve Z-97-107, a site development plan for building permit, is recommended based on the findings and subject to the following conditions:

**FINDINGS:**

1. This is request for approval of a Site Development Plan for Building Purposes for a combined Fire Station/Police Substation on a 1.6-acre site in North Albuquerque Acres located at the southwest corner of Louisiana Boulevard and Signal Avenue.
2. The submitted plan is innovative and generally conforms to design-related policies of the Comprehensive Plan and to other applicable City policies and standards.
3. With adjustments articulated in the recommended conditions of approval, this plan will provide for a development which will be compatible with the anticipated range of development in the vicinity.

**CONDITIONS:**

1. Emergency vehicles shall use Louisiana as the primary route to and from this facility and shall not utilize sirens until reaching the Louisiana Boulevard/Signal Avenue intersection.
2. Landscape buffers (with trees and shrubs) that are at least 10-feet wide are required along the east and south property boundaries; and, complete landscape calculations shall be indicated on the site plan demonstrating conformance with applicable City policies and standards. These requirements shall be indicated on the site plan prior to final DRB sign-off.
3. All sidewalks shall be dimensioned and the following items shall be included on the site plan prior to final DRB sign-off: 1) sidewalks along the west building elevation should be at least 8-feet in width in public areas; 2) the future pedestrian connection to Louisiana Boulevard shall be clearly delineated by scored or raised paving; 3) sidewalks shall be installed per City standards along Louisiana Boulevard.
4. The refuse container shall be setback at least 5-feet from any property line.

**FINAL APPROVAL OF A SITE DEVELOPMENT PLAN REQUIRES FINAL SIGN-OFF BY THE DEVELOPMENT REVIEW BOARD (DRB). THE APPLICANT IS RESPONSIBLE FOR APPLYING FOR THIS ACTION. BUILDING PERMITS CANNOT BE ISSUED UNTIL FINAL SIGN-OF HAS OCCURRED. APPLICATIONS FOR DRB ARE AVAILABLE FROM AND ARE TO BE SUBMITTED TO THE PLANNING DEPARTMENT, 2ND FLOOR, PLAZA DEL SOL BUILDING.**

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY OCTOBER 3, 1997 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

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OFFICIAL NOTICE OF DECISION

Z-97-107

PAGE 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 it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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).

Sincerely,



FOR Ronald N. Short, AICP  
Planning Director

RNS/BP/ac

cc: City of Albuquerque, Fire Department, P. O. Box 1293, Albuquerque, NM 87103  
Don May, 400 Gold Ave. SW, Suite 1100, Albuquerque, NM 87102  
Paul Hyde, 8520 Jean Parrish Ct. NE, Albuquerque, NM 87122  
Michael Price, 8415 Helen Hardin St. NE, Albuquerque, NM 87122  
Albert Gustafson, 6222 Corona NE, Albuquerque, NM 87113  
Pat Verrelle, 8415 Vintage Dr. NE, Albuquerque, NM 87122  
Kathy Nagy, 8319 Mendorino Dr. NE, Albuquerque, NM 87122  
Bob Prendergast, 8517 Jean Parrish Ct. NE, Albuquerque, NM 87122

ZONING

- SU-2 zoning is established along Alameda and Paseo del Norte where more intense land uses are desired and where existing platting and fragmented ownership pose a problem.
- Window C will provide the primary focus, identity, and sense of character for the entire plan area and will contain the most intense land uses.
- New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.
- Site plan review of higher density uses is recommended to assure positive relationships between land uses.

## 5.2 RD Zone

The RD (developing residential) zone is the predominant residential zone in the plan area. Maximum densities for areas zoned RD are established in the Zoning Plan (Exhibit 12). Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements. The residential uses in the RD zone shall be regulated according to the City Zoning Code, subject to the density maximums shown in Exhibit 12.

Residential development more intense than what is typically allowed in the R-1 zone (i.e. lot size less than 5,000 square feet) will be subject to site development plan for subdivision approval by the DRB. Residential development requiring a site development plan for subdivision must also meet the Design Regulations in Section 5.4.6 of this plan.

For Lots 10 through 16, Block 19, Tract 3, Unit 3, North Albuquerque Acres and Lots 10 through 16, Block 18, Tract 3, Unit 1, North Albuquerque Acres, any lot that is less than three quarters of an acre in size will not have access to Carmel N.E.

## 5.3 R-LT Zone

R-LT zoning (limited townhouses) is proposed along the south side of Paseo del Norte between Barstow and Ventura. Residential uses in the R-LT zone shall be regulated according to the City Zoning Code. Development in the R-LT zone that requires a site development plan must meet the design regulations in Section 5.4.6 of this sector plan.

## 5.4 SU-2 Zones

SU-2 (special neighborhood) zoning is proposed along Alameda and Paseo del Norte where a mixture of high density, residential and non-residential uses are desired and where the current platting and ownership pattern poses a constraint. The intent of the SU-2 zone is to ensure compatibility of higher density land uses within the lot configurations and ownership pattern of these areas.

The SU-2 zones establish minimum site sizes for multifamily uses. Site size goals can be accomplished through consolidation of multiple lots into single parcels or through cooperative planning of multiple parcels.

Exceptions that are specific to a particular zone include site size and height as shown in the description of each zone. Exceptions that are common to all SU-2 zoned properties are listed together following the descriptions of individual zones.

Design regulations for SU-2 zoned property are contained in Section 5.4.6. The design regulations will be implemented through the site development plan review and approval process.

- vi. Food and non-alcoholic drink for consumption on-premises or off but not drive-in restaurant or restaurant with drive-up facility for take-out orders.
- vii. Jewelry.
- viii. Services, provided there is no outdoor storage or activity except parking:
  - ix. Barber, beauty.
  - x. Day care center.
  - xi. Dry cleaning station (no processing), self-service laundry.
  - xii. Instruction in music, dance, fine arts, or crafts.
  - xiii. Interior decorating.
  - xiv. Photography, except adult photo studio.
  - xv. Sign, as regulated in 5.4.6 below.

*Conditional use.* Uses conditional in the R-2 zone and not permissive in this zone.

*Site size.* Sites can be planned as individual lots or as consolidated site plans under multiple ownership. The regulations for lot and/or site size are as follows:

1. Minimum site size for a multifamily development is ten acres. The minimum site dimension is 400 feet.
2. Minimum lot area and width for lots developed with houses and townhouses shall be as provided in the R-T zone.
3. Consolidated sites can be assembled into coordinated developments with lots remaining under multiple ownership. The site development plan must contain shared parking and access, a consistent landscaping plan, shared trash receptacles and perimeter walls, coordinated building design, orientation and common drainage facilities. Access easements, drainage easements and other easements must be recorded by plat.

*Setbacks.* Minimum setbacks are as defined in the R-2 zone. Maximum setback from Holly Avenue or Carmel Avenue is 30 feet. No parking or driveways are allowed in the setback area.

*Site plan requirements.* Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

### 5.4.3 SU-2/O-1

SU-2/O-1 (office) zoning is proposed along Alameda and on Louisiana as part of the "mix" in the Neighborhood Activity Centers. Permissive and conditional uses of the O-1 zone as provided in the City Zoning Code are allowed in areas mapped SU-2/O-1 on the zoning map. These uses are regulated as in the O-1 zone, with the exceptions noted below.

**Exceptions:**

**Height.** The height requirements of the O-1 zone apply except that the maximum building height is 36 feet.

**Site plan requirements.** Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

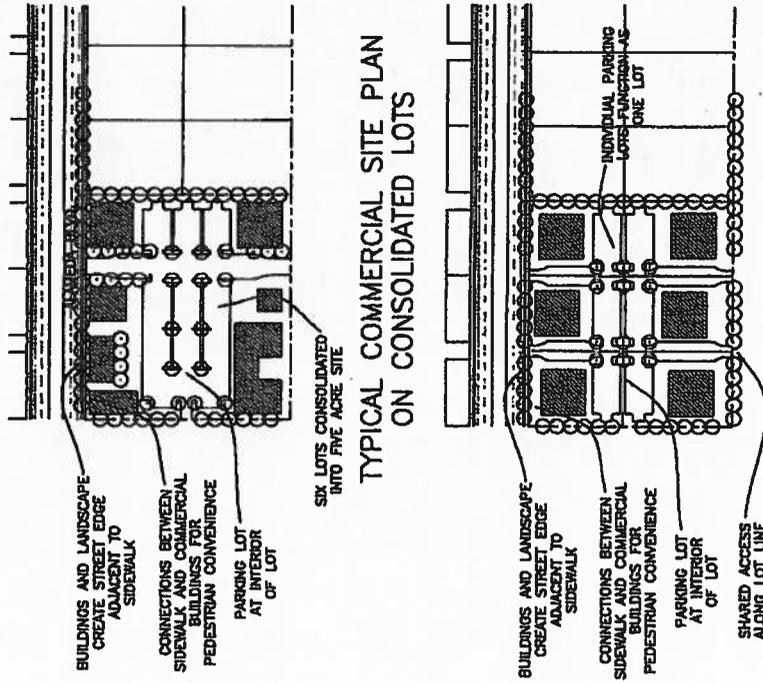


Figure 6 - Site Plan Options

### 5.4.4 SU-2/C-1

SU-2/C-1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Louisiana and the southwest corner of Paseo del Norte and Ventura to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods.

Permissive and conditional uses of the C-1 zone as provided by the City Zoning Code are allowed in areas mapped SU2/C-1 on the zoning map. These uses are regulated as in the C-1 zone, with the following exceptions:

**Exceptions:**

1. The sale of alcoholic drink for consumption off premises is a permissive use provided that it is an ancillary use within a grocery store.
2. Site plan requirements. Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

### 5.4.5 SU-2/Mixed Use

SU-2/Mixed Use zoning is proposed along Paseo del Norte in Windows C, H, and M and is intended to provide the community with a mix of mutually-supporting retail, service, office and residential uses. This zone promotes physically and functionally coordinated and cohesive site planning and design. It also encourages development of a high-density, active urban environment in the Community and Neighborhood Activity Centers.

The provisions of the C-1 zone in the City Zoning Code apply in areas mapped SU2/Mixed Use on the zoning map. These uses are regulated as in the C-1 zone, with the exceptions noted below.



**APPLICATION INFORMATION**



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

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

**APPLICATION INFORMATION:**

Professional/Agent (if any): DAC ZONING & LAND USE SERVICES PHONE: 505-294-5243  
 ADDRESS: 9520 MACALLAN ROAD NE FAX: 505-247-4530  
 CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: DAC.INC.ZOO1@AOL.COM  
 APPLICANT: ABAS AKHIL PHONE: 505-280-0997  
 ADDRESS: 8504 WATERFORD NE FAX: \_\_\_\_\_  
 CITY: ALBUQUERQUE STATE NM ZIP 87122 E-MAIL: ADIL1924@yahoo.com  
 Proprietary interest in site: OWNER List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: ZONE MAP AMENDMENT FOR R-D SIX DWELLING UNITS PER ACRE

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

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

Lot or Tract No. LOTS 1 & 2, TR 2 Block: 5 Unit: 3  
 Subdiv/Addn/TBKA: NORTH ALBUQUERQUE ACRES  
 Existing Zoning: SU-2/O-1 Proposed zoning: R-D/6 DU/A MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): C-19 UPC Code: \_\_\_\_\_

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_, Z\_, V\_, S\_, etc.): \_\_\_\_\_

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? NO  
 No. of existing lots: 1 No. of proposed lots: 6 Total site area (acres): 1.48  
 LOCATION OF PROPERTY BY STREETS: On or Near: 7500 SIGNAL AVE NE  
 Between: ALAMEDA BLVD NE and WILSHIRE AVENUE  
 Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

SIGNATURE Doug Crandall DATE 6/29/15  
 (Print Name) DOUG CRANDALL, DAC INC. Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>ISEPL . 40023</u>	<u>AZM</u>	_____	<u>\$295.00</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>ADV</u>	_____	<u>\$75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	<u>CMF</u>	_____	<u>\$50.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>August 13, 2015</u>			Total <u>\$420.00</u>
	<u>7-1-15</u>	Project # <u>1010320</u>		
	Staff signature & Date			

Revised: 11/2014

202.29

**FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS**

**ANNEXATION (EPC08)**

- \_\_\_ Application for zone map amendment including those submittal requirements (see below).  
*Annexation and establishment of zoning must be applied for simultaneously.*
  - \_\_\_ Petition for Annexation Form and necessary attachments
  - \_\_\_ Zone Atlas map with the entire property(ies) clearly outlined and indicated  
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
  - \_\_\_ Letter describing, explaining, and justifying the request  
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
  - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_ Board of County Commissioners (BCC) Notice of Decision
  - \_\_\_ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - \_\_\_ Sign Posting Agreement form
  - \_\_\_ Traffic Impact Study (TIS) form
  - \_\_\_ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

**SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)**

(Unadvertised)

**SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)**

(Public Hearing)

**SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)**

(Unadvertised)

- \_\_\_ Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
  - \_\_\_ Proposed Sector Plan (30 copies for EPC, 8 copies for DRB)
  - \_\_\_ Zone Atlas map with the entire plan area clearly outlined and indicated
  - \_\_\_ Letter describing, explaining, and justifying the request
  - \_\_\_ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
  - \_\_\_ Traffic Impact Study (TIS) form (for EPC public hearing only)
  - \_\_\_ Fee for EPC final approval only (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

**AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)**

- \_\_\_ Zone Atlas map with the entire property clearly outlined and indicated
  - \_\_\_ Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
  - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent
  - \_\_\_ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - \_\_\_ Sign Posting Agreement form
  - \_\_\_ Traffic Impact Study (TIS) form
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

**AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**

**AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**

- \_\_\_ Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
  - \_\_\_ Plan to be amended with materials to be changed noted and marked
  - \_\_\_ Zone Atlas map with the entire plan/amendment area clearly outlined
  - \_\_\_ Letter of authorization from the property owner if application is submitted by an agent (map change only)
  - \_\_\_ Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
  - \_\_\_ Letter briefly describing, explaining, and justifying the request
  - \_\_\_ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
  - \_\_\_ Traffic Impact Study (TIS) form
  - \_\_\_ Sign Posting Agreement
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

**AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)**

- \_\_\_ Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
  - \_\_\_ Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
  - \_\_\_ Letter describing, explaining, and justifying the request
  - \_\_\_ Fee (see schedule)
  - \_\_\_ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

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

DAC ZONING & LAND USE SERVICES

Applicant name (print)

Boyd Landball, DAC INC 6/29/15

Applicant signature & Date

Revised: June 2011



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

Application case numbers

ISEPC - 40023

[Signature] 7-1-15  
Staff signature & Date

Project # 1010320

**LETTER OF AUTHORIZATION**

June 20, 2015

**Re: LOTS 1 & 2, BLOCK 5, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES  
ALSO KNOWN AS FIRE STATION SITE NO 19 AT 7500 SIGNAL AVENUE NE.**

**TO WHOM IT MAY CONCERN:**

**This letter certifies that I, Abbas Akhil, am the owner of the above reference property. By this letter I authorize DAC Enterprises, Inc., to act as agent in all matters to come before the Environmental Planning Commission, City of Albuquerque, regarding the zone map amendment application for the proposed property**

**If you have any questions, please feel to contact me .**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Abbas Akhil', written over a horizontal line.

**Abbas Akhil, Owner  
Ph: (505) 280-0997**

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: SHAKEEL REZVI DATE OF REQUEST: 6/23/15 ZONE ATLAS PAGE(S): C-19

**CURRENT:**

ZONING SU-2/0-1  
PARCEL SIZE (AC/SQ. FT.) 1.48 AC

**LEGAL DESCRIPTION:**

LOT OR TRACT # 1 & 2 BLOCK # 5  
SUBDIVISION NAME N. ALB. ACRES, TR. 2, UNIT 3

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
ZONE CHANGE []: From SU-2/01 To R-D  
SECTOR, AREA, FAC, COMP PLAN []  
AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [] AMENDMENT [ ]  
BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT [ ]  
NEW CONSTRUCTION []  
EXPANSION OF EXISTING DEVELOPMENT [ ]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: 8 (SFD)  
BUILDING SIZE: \_\_\_\_\_ (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE [Signature]

DATE 6/23/15

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -  
2<sup>ND</sup> Floor West, 600 2<sup>ND</sup> St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ]

Notes:

8 single family dwellings

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. *Any subsequent changes to the development proposal identified above may require an update or new TIS.*

[Signature]  
TRAFFIC ENGINEER

06-23-15  
DATE

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED    /   /     
-FINALIZED    /   /   

TRAFFIC ENGINEER \_\_\_\_\_

DATE \_\_\_\_\_

Revised January 20, 2011

June 22, 2015

Peter Nichols, Chair  
Environmental Planning Commission  
City of Albuquerque  
Albuquerque, New Mexico

**Re: Zone Map Amendment - Lots 1 & 2, Block 5, Tract 2, Unit 3, North Albuquerque Acres**

Dear Chair Nichols and Commissioners:

This is a request for a zone map amendment for R-D, six dwelling units per acre. DAC Enterprises, Inc. has been retained to act as agent on behalf of the property owner. The site is currently zoned SU-2/O-1 and is designated "Albuquerque Fire Station Site NO.19." The fire station was never built on this site and is now located on Wyoming NE. The site is located within the boundaries of the *La Cueva Sector Development Plan*.

The parcel is located on the southeast corner of Signal Avenue and Louisiana Boulevard. Property to the north, across the street, is zoned SU-2/C-1. Abutting property to the south is zoned SU-2/O-1 and the abutting property to the east is zoned R-D, 7 DU/A. The property across Louisiana on the west is zone SU-2/RD (or SU-2/LMDR) and is located in the *North I-25 Sector Development Plan*.

Approval of this zone map amendment will provide low density single family dwellings. As stated, the approved fire station has been relocated and applicant will demonstrate that there is no market for O-1 zoning in this area.

**Background and Summary of Zone Change Request**

Justification for this approval is primarily based upon Section D (3) of Resolution 270-1980 in that the *Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan)* is better served by the zone change.

This site is located in a desirable area to live. Paseo del Norte is a major thoroughfare that is rapidly developing. Shopping and dining opportunities are in abundance along Paseo del Norte and major connecting streets.

Office space is available in any office or commercial zone in Albuquerque and Bernalillo County. As of January 2015, there was a 20.9% vacancy for buildings designed as office space within the Albuquerque city limits.

This is an 18% increase in vacancy since 2010. During the same period of time, vacancy rates for both industrial and retail uses dropped dramatically. Office space is readily available within the Paseo del Norte corridor and the *La Cueva Sector Development Plan Area*.

R-D is the predominant residential zone category in this area. Seven dwelling units per acre is common. This request is for six d.u.'s per acre. Each lot, which will be accessed off a cul de sac, will be 6500 square feet in area and will comply with all R-D open space regulations.

### **Resolution 270-1980**

**A. A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City.** The *Comprehensive Plan* adopts standards that are incorporated into the zoning regulations found in the *Zoning Code*. This zone map amendment will allow standard R-D uses. The proposed subdivision creates lots greater than 5000 square feet and meets R-D open space standards. If approved by the Environmental Planning Commission (EPC), the subdivision will then be submitted for approval by the Development Review Board (DRB) as a Major Plat action. As will be demonstrated in Sections C. & D. of this request, the allowed uses and proposed amendment will not conflict with adopted relevant plans and policies and will further appropriate land use goals and policies of the City. As a result, applicant believes that this proposed zone map amendment is consistent with the health, safety, morals and general welfare of the city of Albuquerque.

**B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for change.**

Applicant will demonstrate that stability of land use will not be compromised and that the proposed change to the *LCSDP* is consistent with the City's adopted plans and policies.

As shown above, there is a glut of vacant office space in the city. This was made apparent when a City fire station was approved on the site.

The fire station has since been erected elsewhere and there has been no move to develop this site, or the identically zoned site to the south for offices.

The vast majority of property fronting Louisiana Boulevard north of Carmel is zoned R-D. There is ample land zoned for commercial and office south of this parcel, including two lots abutting this request and a large O-1 lot south of Carmel.

This development will be in harmony with the residential dwellings abutting the site and throughout the La Cueva and North I-25 sector plan areas. It will be less dense than the standard 7 DU/AC generally considered appropriate within these planned areas.

Based upon these reasons, applicant believes that the proposed zone map amendment maintains stability of land use and zoning.

- C. A proposed zone change shall not be in significant conflict with the adopted elements of the *Comprehensive Plan* or other City master plans and amendments.** The site is located in the Developing Urban Area of the *Comprehensive Plan*. The Goal of this area is *"to create a quality urban development 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."*

This request allows for the development of eight single family dwellings, each with 6500 square feet of lot area and a minimum of 2400 square feet of open space per dwelling unit. As such, the overarching goal of the Developing and Established Urban Areas of the *Comprehensive Plan* does not significantly conflict with the proposed zone map amendment.

Policy II.B.5.a of the Developing and Established Urban Area of the *Comprehensive Plan* states: *"The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre."*

Seven dwelling units per acre is the acceptable standard in the La Cueva area. This request is for six dwelling units per acre and will not increase the gross density in the overall area.

The site is currently designated for O-1 uses or a fire station. Neither use is particularly desirable in this area. Single family housing, on the other hand, remains in high demand.

Approval of this request will add housing stock to take advantage of the myriad retail and service uses in the immediate area, as well as having easy access to all other parts of town because of the proximity to Paseo del Norte and I-25.

Although this request is to allow additional single family development and does not add any new uses not already allowed in the LCSDP, it complies with the overall residential density desired in the Developing Urban area. As such, this request does not conflict with Policy a.

As such, this request adds to the full range of urban uses desired and does not conflict with Policy a.

Policy II.B.5.d: *"The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural and recreational concern."*

Approval of this zone map amendment will allow lower density, single family housing with substantial on site open space. It will be more beneficial to the neighborhood than vacant O-1 zoned land that it unlikely to be developed for that purpose in the foreseeable future. Neighborhood representatives have been contacted and applicant is confident of their support of this request.

The La Cueva area has been designed to take advantage of both the scenic resources of the area, particularly the views of the Sandia Mountains to the east and the wide vistas to the east. Bicycle lanes along many major and collector streets in the area as well a dedicated walking and bike path on Paseo del Norte will be readily available and accessible to the residents of this development. These bicycle and walking paths also provide recreation. In addition, the North Domingo Baca Multicultural Center provides everything from tennis to a computer library to social gatherings for neighborhood meetings and other like functions. As such, this request does not conflict with Policy d.

Policy II.B.5.e says that “[n]ew growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services where the integrity of existing neighborhoods can be ensured.”

This vacant parcel is contiguous to all city facilities. There is a large neighborhood multi-generational center and park within reasonable walking distance and all utilities are available on site. As such, this request does not conflict with Policy e.

Policy II.B.5.k: “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic: livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.” A cul de sac will be created to access all eight lots, thus minimizing harmful effects of traffic for the new development. Any office use or the approved fire station use would create more traffic conflict than this proposed use, therefore this request does not conflict with Policy k.

It is the goal of Policy II.B.5.p that “[c]ost effective redevelopment techniques shall be developed and utilized.” Technique 2 of this Policy says to “[e]mphasize private investment as a primary means to achieve redevelopment objectives.” Although there is a question as to whether this site is a true redevelopment, it was clearly designated for a city fire station, which would have been built with public funds. Approval of this request will provide for the site to be privately developed, therefore it does not conflict with Policy p.

Policy II.C.6.f says that “[t]he City and County should remove obstacles to sound growth management and economic development throughout the community.” A parcel zoned for either a fire station that has been relocated or an office use that has no market in the foreseeable future. Single family housing, however, remains desirable and the current zoning is an obstacle to economic development, both as construction and as consumers for the retail goods and services in the area. Therefore, this request does not conflict with this policy.

### **La Cueva Sector Development Plan**

As previously noted, the site is also located within the *La Cueva Sector Development Plan*. Although there are no specific goals and policies of the *LCSDP*, the plan does identify certain guiding principles. Although the principles are somewhat broad, applicant believes that this request does not conflict with the intent or purpose of any of those principles. Specifically,

- “The sector plan provides for a mix of uses with pedestrian, transit and bicycle facilities.” This request is to erect single family units at five d.u.s per acre. This is an allowed use in the *LCSDP* and the residents who will live in those houses will make use of the available pedestrian, bicycle and transit facilities including the walking trail at the North Domingo Baca Multi-generational Center and the dedicated bicycle trails along Paseo del Norte.
- “The predominant residential zone is RD [sic], which allows single family and townhouse development, according to maximum densities established by the plan, Lowest densities are in areas with the least land assembly potential.” This parcel furthers this principle as it will be developed with 5 d.u.’s per acre, less than the standard 7 d.u.’s per acre in the vicinity.
- “SU-2 zoning is established along Alameda and Paseo del Norte where more intense land uses are desired and where existing platting and fragmented ownership pose a problem.” This site is not located on either Paseo del Norte or Alameda and is not relevant to this request.
- “Window C will provide the primary focus, identity and sense of character for the entire plan area and will contain the most intense uses.” This site is not located in Window C.
- “New development should contribute to the identity of this part of Albuquerque, reinforcing its relationships to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character and overall community design.” This request is for a permissive use in the *LCSDP* and the development will meet all applicable design standards when constructed.
- “Site plan review of higher density uses is recommended to assure positive relationships between land uses.” This is a request for low density single family homes; therefore this principle is not applicable.

- D. The applicant must demonstrate that the existing zoning is inappropriate because: 1) there was an error when the existing zone map pattern was created, or 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* and other City master plans, even though 1 and 2 above do not apply.**

This property is located in the Developing and Established Urban Area of the *Comprehensive Plan*.

1.) Applicant makes no argument that there is an error when the existing zone map pattern was created, with the caveat that the site was originally expected to be used for a fire station which was later relocated. Thus, the fire station designation is unnecessary.

2.) There are no significant changed neighborhood conditions to justify this request and applicant makes no such argument.

3.) This request facilitates the policies of the *Comprehensive Plan* regarding private development, a full range of allowed uses within acceptable density standards, a location with access to public and private transportation as well as the reutilization of an existing property. In addition, the proposed use will require a subdivision replat that will necessitate a public hearing before the DRB, where subdivision requirements for the City of Albuquerque and for the *LCSDP* will be imposed. For these reasons and the policies cited in Section C., this use will be more advantageous to the community as articulated by the *Comprehensive Plan*.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to the adjacent property, the neighborhood or the community.** This is a request for R-D zoning to create eight lots designed and regulated exclusively for single family development. Permissive uses allowed are standard uses in the R-1 zone. The land abutting this request to the east and across the street to the west are also zoned for single family residences. The permissive uses allowed in this request are identical to those allowed to the east and west. The property across the street to the north is zoned SU2/C-1 and the abutting property to the south is zoned SU-2/O-1. The R-D zone, when restricted to R-1 uses is a less intense zone category than either O-1 or C-1.

R-D zoning for single family residences is the primary zone category in the *La Cueva Sector Development Plan* and a significant portion of the eastern portion of the *North I-25 Sector Development Plan*. As such, changing this parcel from SU-2/O-1 will not allow permissive uses that are different from the majority of residential zoning in the area and would not be harmful to the adjacent property, the neighborhood or the community.

- F. **A proposed zone change which, to be utilized through land development requires major and unplanned capital expenditure by the City may be; 1) denied due to lack of capital funds, or 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule. This proposed zone change requires no capital expenditures by the City to be developed.**
  
- G. **The cost of land and other economic considerations pertaining to the applicant shall not be a determining factor for a change of zone.** Applicant makes no argument regarding the cost of land, nor of economic considerations, and does not ask that these factors should be considered in this request.
  
- H. **Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.** This is a request for residential zoning, therefore this section does not apply.
  
- I. **A zone change request which would give a zone different from surrounding zones to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones: because the site is not suitable for uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone."** Applicant does not believe that this request constitutes a spot zone as envisioned in this section. The abutting property to the east is zoned R-D and the property directly across the street to the west is zoned SU-2/R-D.

Approval of this request will expand the R-D zoned area, but will not create a zone category where the use is surrounded by different zone categories.

- J. **A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby. This request does not apply to a strip of land and therefore is not strip zoning.**

### Conclusions

Applicant believes that this request is well supported by several policies and techniques of the *Comprehensive Plan*, as well as furthering the relevant guiding principles of the *La Cueva Sector Development Plan*. A positive consideration of this request is appreciated.

I look forward to addressing the commission to answer any other questions that may arise.

Regards,

Doug Crandall, Principal  
DAC Enterprises, Inc.

NOTIFICATION &  
NEIGHBORHOOD INFORMATION



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

June 15, 2015

Robert E. Romero  
 DAC Enterprises, Inc.  
 1521 Edith Boulevard NE  
 Phone: 505-242-3232/Fax: 505-247-4530

Dear Robert:

Thank you for your inquiry of June 15, 2015 requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** who would be affected under the provisions of *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) – LOT 12, BLOCK 3, NORTH ALBUQUERQUE ACRES, TRACT 2, UNIT 3 LOCATED ON OAKLAND NE BETWEEN LOUISIANA BOULEVARD NE AND WYOMING BOULEVARD NE** zone map C-19.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

**SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.**

Please note that according to *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before the Planning Department will accept your application filing. IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck  
 Neighborhood Liaison  
 OFFICE OF NEIGHBORHOOD COORDINATION  
 Planning Department

Oncinquiry/trwna/hoa (03/20/14)

**PLEASE NOTE:** The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

**LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.**

## ATTACHMENT A

**(EPC SUBMITTAL) - FIRESTATION SITE NO. 19, REPLAT OF LOTS, 1 AND 2, BLOCK 5, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES LOCATED ON LOUISIANA BOULEVARD NE BETWEEN SIGNAL AVENUE NE AND WILSHIRE AVENUE NE zone map C-19 FOR ROBERT ROMERO, DAC ZONING & LAND USE SERVICES.**

### **WEST LA CUEVA N.A. "R"**

**\*Peggy Neff**

8305 Calle Soquelle NE/87113 823-1041 (h)

Terry Daughton

8309 Calle Soquelle NE/87113

### **SONORA H.O.A.**

**\*Jen Ellefson**

6709 Suerte Pl. NE/87113 503-313-2183 (c)

Maria Baca

6800 Tesoro Pl. NE/87113 797-2771 (h)

### **DISTRICT 4 COALITION OF N.A.'S**

**\*Michael Pridham, 6413 Northland Ave. NE/87109 321-2719 (h) 872-1900 (c)**

**Peggy Neff, 8305 Calle Soquelle NE/87113 977-8903 (h)**

**\* President of association/coalition**

June 22, 2015

**CERTIFIED MAIL**  
 WEST LA CUEVA NEIGHBORHOOD ASSOCIATION  
 Peggy Neff  
 8305 Calle Soquelle NE  
 Albuquerque, NM 87113

**Re: ZONE MAP AMENDMENT; Lots 1&2, Block 5, T  
 Unit 3, North Albuquerque Acres, 1.48 Acres**

Dear Ms. Neff:

DAC Enterprises, Inc. has been authorized by the applicant Mr. Shakeel Rizvi, NOOR LLC, to represent a request for a zone map amendment for R-D, six (6) dwelling units per acre at the above referenced location. The site is currently zoned SU-2/O-1 and is designated "Albuquerque Fire Station Site No. 19." The fire station was never built on this site and is now located on Wyoming NE. The site is within the boundaries of the La Cueva Sector Development Plan.

This proposed zone map amendment will allow standard R-D uses. Specifically, a subdivision of eight low density single family dwellings; each with 6500 square feet of lot area and a minimum of 2400 square feet of open space per dwelling unit. The site is located on the southeast corner of Signal Avenue and Louisiana Boulevard. The property to the north, across the street is zoned SU-2/C-1. Abutting property to the south is zoned SU-2/O-1 and the abutting property to the east is zoned R-D, 7 DU/A. The property across Louisiana on the west is zoned SU-2/RD (or SU-2/LMDR) and is located in the North I-25 Sector Development Plan.

Enclosed for your review is Zone Map C-19 and the proposed plan showing details of the subdivision. We will file the application with the City of Albuquerque Planning Department by the July 2, 2015 deadline for a public hearing before the Development Review Board on August 13, 2015.

We can meet with you and/or your association at your convenience to discuss the project in detail and answer any questions you may have. Please call me at your convenience.

Sincerely,

*Doug Crandall*

Doug Crandall  
 Principal  
 Cc: Terry Daughton, 8309 Calle Soquelle NE, Albuquerque

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Sent To: **PEGGY NEFF** 06/23/2015  
 Street, Apt. No., or PO Box No. **8305 CALLE SOQUELLE NE**  
 City, State, ZIP+4 **ALBUQ., NM 87113**

PS Form 3800, August 2005 See Reverse for Instructions



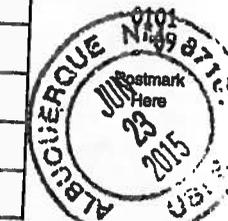
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Total Postage & Fees	\$36.74

Sent To: **TERRY DAUGHTON** 06/23/2015  
 Street, Apt. No., or PO Box No. **8309 CALLE SOQUELLE NE**  
 City, State, ZIP+4 **ALBUQ., NM 87113**



**Lehner, Catalina L.**

---

**From:** Michael Gonzales <michaelnmi@msn.com>  
**Sent:** Wednesday, August 05, 2015 8:37 AM  
**To:** Lehner, Catalina L.  
**Cc:** PeggyD; adill424@yahoo.com  
**Subject:** Signal Heights-Project No. 1010520

Dear Ms. Catalina Lehner,

I am writing to you on behalf of the President of the West La Cueva Neighborhood Association, Ms. Peggy Neff. At our get together last night for the National Night Out event, we discovered an issue that has led to some confusion concerning the subject project. Mr. Rizvi has been in contact with us asking for our support of the Signal Heights development. At our last Board meeting, we discussed the project and reviewed the documents, and had determined that we had no concerns over the zoning change and welcomed the project. The reason we hadn't been in touch with you in this regard is that the development falls outside of our Neighborhood Association boundaries. Louisiana is our most Eastern boundary and the proposed Signal Heights project is located on the East side of Louisiana. Our best information indicates this project is located within the boundaries of the North Domingo Baca Neighborhood Association.

In our discussion with Mr. Rizvi last night, I explained that to him and that he should be looking for support from the Neighborhood Association on the East side of Louisiana. He showed me planning/zoning documents that indicated that he was supposed to be in coordination with us and several other HOAs (of which are also located on the West side of Louisiana. There in lies the confusion.

Peggy and I indicated to Mr. Rizvi last night that we would write to you to show our Neighborhood Association support as well as highlight the reason for our confusion in not going on record in a more timely manner. Please forward this information to Mr. Peter Nichols, Chair, Environmental Planning Commission.

If you have any questions, please contact us.

Michael Gonzales  
Treasurer, West La Cueva Neighborhood Association  
505-797-7283

EXHIBIT

