

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

July 15, 2016

Tirol Housing, LLD
4700 SW Macadam Ave. Ste. 200
Portland, OR 97239

Project# 1000162
16EPC-40026 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot A-2, Luecking Park Subdivision, zoned SU-1 for IP Uses to R-3, located on Pan American Freeway, between Montgomery Blvd. NE and Vassar Dr. NE, containing approximately 7 acres. (G-16)

Staff Planner: Maggie Gould

PO Box 1293

On July 14, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1000162/16EPC-40026, a Zone Map Amendment (Zone Change), based on the following findings:

Albuquerque FINDINGS:

New Mexico 87103

www.cabq.gov

1. This is a request for a Zone Map amendment from SU-1 for IP uses to R-3 for Lot A-2 of the Luecking Park Subdivision, located on Pan American Freeway between I-25 and the North Diversion Chanel and containing approximately 6.8 acres.
2. The subject site was originally zoned R-3; the zoning on the site was amended in 2003 to SU-1 for I-P uses.
3. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B5d: 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.

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Policy II.B5d is furthered because proposed zone will allow development that is of a similar height and intensity as the surrounding development. The area to the east of the North Diversion channel is developed with both single family and multi-family development.

- B. ***Policy II.B5e:*** New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Policy II.B.5e is furthered because site has full access to urban services including roads, water and electricity. Staff agrees that the North Diversion Channel could act as buffer for the single family uses developed on the east side of the channel.

- C. ***Policy II.B5h:*** Higher density housing is most appropriate in the following situations:

- In areas with excellent access to the major street network.

Policy II.B.5h is furthered because the site has access to the major road network. Staff also believes that the third bullet point of the policy (see below) is relevant because the general area has a variety of uses and housing density and the proposed use will be compatible with the existing land use.

- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

II.D4. Transportation and Transit

- D. ***Policy II.D.4c:*** In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

Policy II.D.4c is furthered because the proposed zone will allow multi-family development near existing transit routes, but will not impact the neighborhoods to the east because the access from the apartments would be via the pedestrian bridge over the North Diversion Channel and there will no impact from car traffic

- E. ***Policy II.D.4g:*** Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

Policy II.D.4g is partially furthered by this request. The site has an existing access bridge over the north diversion channel and access to the trail along the channel. This request is only for zoning and does not contain a Site Development Plan, so it is not possible to confirm how the access will be designed.

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- F. Policy II.D.4p: Efficient, safe access and transfer capability shall be provided between all modes of transportation.

The applicant cites this policy in support of the request because the development will have access to the North Diversion Channel trail and bridge; this access will allow residents a safe path to transit along Montgomery Boulevard or Carlisle Boulevard. This request is only for zoning and does not contain a Site Development Plan, so it is not fully possible to confirm how the access will be designed. However, the Diversion Channel trail is protected, non-motorized trail and would be convenient for residents on foot or on bike to access the transit lines, existing roads and trails. The request furthers policy II.D.4p.

II.D.5. Housing

- G. Policy II.D.5a: The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

The proposed zone will allow the development of multi-family housing. The applicant's proposed development would further this policy by providing an affordable option, but even a market rate development could provide an affordable option. Policy II.D.5a is furthered.

5. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

A. The proposed zone will allow development that meets the intent of the Established Urban Area of Comprehensive Plan to have a mix of uses and a variety of housing choices. The uses allowed in the proposed zone are compatible with the surrounding zoning and land use.

B. The proposed zone will not have a destabilizing impact on the area. The site was previously zoned R-3 and there is R-3 zoning and multifamily development in the area. The allowed uses in the R-3 are similar to the uses in the surrounding area; the additional residential development is complimentary to the area because residents will have access to a variety of employment and service opportunities. Additionally, the R-3 zone may be more compatible with the adjacent properties because it is a less intense use than the uses allowed in the I-P zone. The more industrial development (M-1 zone) is south of Pathway Ave.; the zone change reinforces this pattern of development.

C. See Policy Analysis in finding 4.

D. The proposed zone is more advantageous to the community as articulated in the Comprehensive Plan because the proposed zoning will allow development that meets the intent of the Comprehensive Plan. The existing zoning allows several uses, such as Adult Establishments, Auto Repair and manufacturing that are intense and would not be entirely compatible with the office, commercial and multifamily development in the area.

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- E. The proposed zone will allow uses that are the same or similar to what already exists in the area, the site to the north is zoned R-3 and the area is developed with office, service, commercial and light industrial/storage uses.
- F. The site has full access to existing City infrastructure and will be developed by the applicant. The request will not create unprogramed capital needs.
- G. The applicant has not cited economics as the main factor in the justification of the request. The request is consistent with the applicable policies in the Comprehensive Plan.
- H. The applicant has not used the street classification as part of the justification. The request is consistent with applicable policies and is a compatible land use with the existing development.
- I. The proposed zone would not constitute a spot zone because there is R-3 zoning directly adjacent to the subject site. Also, the site was zoned R-3 prior to 2003.
- J. The proposed zone would not create a strip of land along a street with a zone different from surrounding zoning. The site is adjacent to R-3 zoning and was zoned R-3 prior to 2003.
6. The Parks Department requests that the applicant coordinate with them regarding trail access to the North Diversion Trail.
7. The approved Site Development Plan for Subdivision (03 EPC-01667) is terminated pursuant to §14-16-3-11(C). The change of zoning would also void the previously approved Site Plans.
8. There are no Neighborhood or Homeowner Associations with boundaries that include the subject site. The District 7 Coalition of Neighborhood Associations was notified. A facilitated meeting was not recommended or requested. A representative of the Nusenda Credit Union inquired about the request and access to the North Diversion Channel trail. Staff has not received additional comments from them. Staff has not received any public comment as of this writing.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JULY 29, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period

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following the EPC's decision.

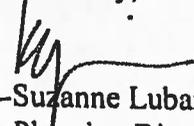
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


Suzanne Lubar
Planning Director

SL/MG

cc: Tirol Housing, LLC, 4700 SW Macadam Ave. Ste. 200, Portland, OR 97239
Consensus Planning, 302 8th St NW, ABQ, NM 87102
Lynne Martin, 1631 Espejo NE, ABQ, NM 87112
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