

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

June 10, 2016

COA, Planning Dept.
600 2nd St. NW
ABQ, NM 87102

Project# 1001620
16EPC-40025 Text Amendment to the Zoning Code

LEGAL DESCRIPTION:

The above action to amend RO-1 (§14-16-2-2), RA-1 (§14-16-2-4) and RA-2 (§14-16-2-5) zones so that the minimum required acreage for a private commons development is consistent with the Private Commons Development regulations (§14-16-3-16). City-Wide. Staff Planner: Maggie Gould

On June 9, 2016 the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council for Project #1001620/16EPC-40025, Text Amendment to the Zoning Code, based on the following findings:

FINDINGS:

Albuquerque

New Mexico 87103

www.cabq.gov

1. This is a request for a Zoning Code Text Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code to change the minimum acreage for Private Commons Development §14-16-3-16.
2. The Zoning Code, §14-16-3-16 Private Commons Developments, was amended in 2013 (13 EPC 40088) to reduce the required minimum acreage for a Private Commons Development from two acre to one acre. This amendment did not include the necessary amendments to the RO-1, RA-1 and RA-2, where the Private Commons Development are allowed permissively. This request amends the acreage required for a Private Commons Development from two acres to one in those zones in order to be consistent with the regulations of §14-16-3-16 Private Commons Developments.
3. The request removes an inconsistency in the Zone Code because it adjusts the acreage in the subject zones to match the acreage in §14-16-3-16, Private Commons Developments.
4. The Charter of the City of Albuquerque, the Albuquerque Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes

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5. The EPC is a recommending body with review authority and is therefore charged with evaluating the request and forwarding a recommendation to the City Council. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision (§14-16-4-1(D)).
6. The request was advertised the Albuquerque Journal on May 18, 2016 as required by the Zoning Code, §14-16-4-1. Registered Neighborhood Associations received the application materials and summary via e-mail.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 24, 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 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

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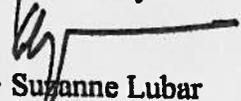
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applicant is subject to a \$110.00 fee per case.

Sincerely,


Suzanne Lubar
Planning Director

SL/MG

cc: COA, Planning Dept., 600 2nd St. NM, ABQ, NM 87102