

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

March 11, 2016

C&S Equities, LLC
8814 Horizon Blvd NE, #400
Albuquerque, NM 87113

Project# 1010693
15EPC-40070 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above actions for all or a portion of Tract 3B-3 plat of tracts 3B-1, 3B-2 & 3B-3 a subdivision of tracts 3B land of IHS acquisition# 120 Inc., zoned SU-2 Hospital & Medical or SU-2 C to SU-2 for LMDR, Horizon Boulevard NE, between Alameda Blvd. and Balloon Museum Dr. NE, containing approximately 7.8 acres.
(B-17-Z)

Staff Planner: Vicente Quevedo

PO Box 1293

On March 10, 2016, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010693/15EPC-40070, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:

FINDINGS:

New Mexico 87103
www.cabq.gov
1. This is a request for a Sector Development Plan Map Amendment from SU-2 for Hospital & Medical or SU-2 for Commerce to SU-2 for Low-Medium Density Residential (LMDR) for Tract 3B-3 plat of tracts 3B-1, 3B-2 & 3B-3 a subdivision of tracts 3B land of IHS acquisition# 120 Inc., located on Horizon Blvd. between Alameda Blvd. & Balloon Museum Dr. NE and containing approximately 7.8 acres. This is considered a quasi-judicial matter.

2. The applicant's stated reason for the new zoning designation is to allow for the development of approximately 40 low-density, single family detached residential lots / dwelling units.
3. On April 15, 1993 the EPC voted to recommend approval of annexation and establishment of SU-2 for Hospital and Related Uses zoning for the subject site (AX-93-2 / Z-93-31). The Albuquerque City Council voted to approve the annexation and establishment of SU-2 for Hospital and Related Uses zoning for the subject site on November 15, 1993 (Bill No. O-144).

On February 17, 2010 the Albuquerque City Council voted to pass and adopt an update to the North I-25 Sector Development Plan (R-09-263, Enactment #R-2010-041) which expanded upon the existing

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hospital and medical uses for the subject site through the inclusion of an optional SU-2 for C (Commerce) designation for the subject site.

4. A Pre-Application Review Team (PRT) meeting did not occur prior to the applicant submitting the application for the requested Sector Development Plan Map Amendment.
5. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan, North I-25 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site abuts the boundary of a designated Specialty Activity Center (that includes the Balloon Museum and Balloon Fiesta Park).
7. Specialty Activity Centers are intended to serve the needs of the entire population of the metro area as well as draw users statewide and nationally.
8. All properties within the North I-25 Sector Development Plan (SDP) boundary have the SU-2 prefix. The SU-2 designation in front of each zoning designation signifies that they are under control of the sector plan and must abide by the intent of the plan.
9. The intent of the North I-25 SDP LMDR Land Use District is to restrict single-family residential development to existing neighborhoods and not allow for additional single-family to occur within the Plan area.
10. The North I-25 SDP strongly discourages any zone change requests that are not in conformance with the land use districts contained within the plan.
11. The subject site is within the Developing Urban Area of the Comprehensive Plan and is located next to a designated Specialty Activity Center. The request furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The proposed residential neighborhood is isolated and as such will not have any significant negative impact on any of the surrounding uses. The property will have excellent views to the north and east, will be located adjacent to an existing park and museum facility, and have access to regional trail facilities. Therefore, the request furthers Policy II.B.5.d.

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- B. Policy II.B.5.e.: 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.

The property is served by an existing street and has access to all necessary utilities. It is a vacant property and represents a unique infill opportunity. Therefore, the request furthers Policy II.B.5.e.

- C. Policy II.B.5.m.: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The property will have excellent views to the north and east. The proposed project will be significantly lower than the current height restrictions of 39 feet to respect the needs of the Balloon Fiesta. Therefore, the request furthers Policy II.B.5.m.

- D. Policy II.B.7.j.: The City will structure capital expenditures and land use regulations in support of creating multi-use Activity Centers, and will promote ongoing public/private cooperation necessary for private market conditions that support the development and functioning of Activity Centers.

This project does not require any City capital expenditures. The request furthers Policy II.B.7.j.

- E. Policy II.D.4.c.: 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.

This project is located near an existing transit route (Route 98). The bus stops are currently just less than ½ mile from the property. This project will not in any way destabilize adjacent neighborhoods since it has excellent separation (both physically and distance) to other neighborhood areas. Therefore, the request furthers Policy II.D.4.c.

- F. II.D.5. Housing

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

The proposal represents a quality infill project within a general area with a limited variety of housing choices which are surrounded by commercial, industrial, and institutional uses. The residential opportunities in the area west of I-25 and north of Alameda Boulevard are currently very limited. Therefore, the request furthers the Housing Goal.

- G. II.B.5. Developing Urban Area:

The Goal 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.

This project will provide a new gated community as a housing option at the dead end of Horizon Boulevard and in an area surrounded by a large park. The property is adjacent to an office and assisted living facility that generates little noise or traffic. The site is isolated and private, yet has

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access to services a short distance away. Therefore, the request furthers the Developing and Urban Area goal.

H. II.D.4 Transportation and Transit

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

The access is from a landscaped boulevard that dead ends into the subject property. The site is within ½ mile to the trail connections at Alameda Boulevard with excellent roadway access to the interstate, north valley, and the West Side. Future residents will have relatively easy and pleasant access to these trail and transit services, thus encouraging their use. Therefore, the request furthers the Transportation and Transit Goal.

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

Potential pedestrian and bike access points are proposed to Alameda's trails and transit services via Short Hop Rd. The location of these access points will need to be coordinated with the City Parks Department. Therefore, the request furthers Policy II.D.4.g.

- J. Housing Policy II.D.5.b.: Quality and innovation in new housing design and construction shall be promoted and quality of existing housing improved through concentrated renovation programs in deteriorating neighborhoods.**

This small niche housing design will offer a unique lifestyle opportunity that is currently not available in this area of the City. A new high quality neighborhood will add to the vitality of this area and develop a currently vacant underutilized parcel. Vacant land is a deteriorating factor in our community and the City's plans recognize the positive contribution made by infilling these vacant properties. Therefore, the request furthers Policy II.D.5.b.

K. II.D.6. Economic Development

The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The proposed development will diversify the area by adding an additional housing option and increasing population in an effort to balance jobs and housing and reduce the overall need to travel. This will also increase opportunities for other modes of transportation including bicycles and pedestrian modes. Therefore, the request furthers the Economic Development Goal.

- L. Policy II.D.6.g.: Concentration of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.**

The proposed community is situated so that it will be supportive and not negatively impacted by any of the adjacent non-residential uses. These uses will provide over 1,700 job opportunities for the residents in the nearby Jefferson and I-25 corridors. Therefore, the request furthers Policy II.D.6.g.

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M. Policy II.D.6.d.: Tourism shall be promoted.

The housing will not be negatively impact tourism to Balloon Fiesta Park or Museum, but will be complimentary to these activities. Therefore the request furthers Policy II.D.6.d.

N. Policy II.D.6.e.: A sound fiscal position for local government shall be maintained.

Utilizing a vacant parcel with existing infrastructure at this location is a sound fiscal position. Therefore, the request furthers Policy II.D.6.e.

O. II.C.9. Community Identity and Urban Design

The Goal is to preserve and enhance the natural and built characteristics, social, cultural, and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

P. Policy II.C.9.c.: The identity and cohesiveness of each community shall be strengthened through identification and enhancement of community Activity Centers that have a scale, mix of uses, design character, and location appropriate to the unique character of the community. (See also policies under "Activity Centers")

The project will provide a unique infill opportunity creating an additional housing option that will serve as an enhancement to the nearby Activity Center. The project will allow for additional uses in the community and maintain the character of the neighborhood through connectivity to the adjacent open space and commercial areas. Therefore, the request furthers Policy II.C.9.c.

Q. Policy II.D.9.e.: Roadway corridors (collectors, arterials, enhanced Transit and Major Transit) within each community and that connect the community's Activity Centers shall be designed and developed to reinforce the community's unique identity; streetscape improvements to these roadways shall be designed to:

- Minimize water use
- Screen parking areas
- Create useful and attractive signage and building facades
- Facilitate walking safety and convenience

The property is served by an existing landscaped boulevard that dead ends at the property. By utilizing this connection the property has access to all necessary utilities. Short Hop Rd. provides convenience and safety for pedestrians and bicycles as an alternative route to Alameda Blvd. trail and transit services. Therefore, the request furthers Policy II.D.9.e.

R. II.B.7. Activity Centers:

The Goal is to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

S. Policy II.B.7.f.: The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

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The proposed residential development is far away from and disconnected from the more intense uses. Therefore, the request furthers Policy II.B.7.f.

12. The request furthers the following applicable goals and policies of the North Valley Area Plan:

A. Housing Policy (Pg. 130):

- 1) The City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.
- 2) The County and City shall encourage mixed use development and redevelopment which incorporates housing.

This request for a Sector Plan Amendment will accommodate the development of a small, gated single family neighborhood on the subject site is beneficial to the community because it will add an additional housing option. Therefore, the request furthers NVAP Housing Policy 1 or 2.

13. The request furthers the following applicable goals and policies of the North I-25 Sector Development Plan:

A. Land Use Goal (Pg. 24):

Integrate existing and future land uses to support and promote economic and employment opportunities within the Plan area.

The proposed project will create temporary jobs during the construction period. The residential neighborhood will support the adjacent office and commercial uses in the area. Therefore, the request furthers the North I-25 SDP Land Use Goal.

B. The proposed zoning is SU-2 for Low-Medium Density Residential (LMDR):

“The intent of the LMDR District is to restrict single-family residential development to existing neighborhoods and not allow for additional single-family to occur within the Plan area (Pg. 26).”

Furthermore, the Land Use Plan within the North I-25 SDP beginning on page 24 of the plan also states:

“This plan strongly discourages any zone change requests that are not in conformance with the land use districts contained herein (Pg. 24).”

While we recognize that this policy language in the plan, we feel that this request is appropriate due to 1.) It's unique location, 2.) It's lack of visibility and through traffic from Alameda Blvd., 3.) The change is supported by nearby property owners, 4.) It furthers a preponderance of policies as outlined in this justification. Therefore, the request furthers the intent of the North I-25 SDP LMDR District or Land Use Plan.

C. Policy LUZ2: Promote land uses that contribute to the vitality of the Plan area and strengthen the economic and functional relationships to surrounding areas.

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New residents will add to the vitality of the neighborhood and plan area. Residents in an area add vitality since they will be there in the evening and weekends when the office buildings are vacant. Therefore, the request furthers Policy LUZ2 because the requested land uses are not intended and not encouraged on the subject site.

- D. Policy LUZ3: Encourage a mix of uses that will balance the time and direction of traffic movements and promote other means of vehicular trip reduction so as to minimize increases in vehicular traffic produced by new development.

While the current Commerce zone in the Sector Plan does allow mixed use with residential, it restricts residential to "second story and above" only. This parcel is located in an area with the height restricted to 39 feet, which would make vertical mixed use project infeasible in this location. Pedestrian and bicycle access to the site and the proximity to nearby trails and transit will promote walking, bicycling, and use of public transportation for the future residents. Therefore, the request furthers Policy LUZ3.

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

- A. The proposed zone change from SU-2 for C to SU-2 for LMDR will not jeopardize the health, safety, morals, and general welfare of the City. The proposed zoning will allow residential uses, and this request expands residential options in the area. The request is consistent with health, safety, and general welfare of the City as articulated in the above referenced plan policies.
- B. The site is currently vacant and at the dead end of a landscaped boulevard. It is buffered from adjacent uses to the west, north, and east by the North Diversion Channel and a Regional Park. The request for residential use is appropriate since it furthers numerous City policies as provided above, specifically Comprehensive Plan policies addressing housing and infill; North Valley Area Plan housing policies, and North I-25 Sector Plan policies promoting vitality and mixed land uses.
- C. Refer to Applicable Ordinances, Plans and Policies section beginning on page 3 of this report for applicant's response. The test under C. is whether or not there is "significant conflict" with adopted elements of the Comprehensive Plan or other City master plans such as sector development plans. While stated conflicts do exist, they are not considered significant.
- D. The property is an infill parcel that has excellent access to utilities, the roadway network, goods and services, transit, and recreational opportunities. The proposal furthers a number of goals and policies in the Comprehensive Plan, the North Valley Area Plan, and the North I-25 Sector Development Plan.
- E. The proposed zone change will not include any permissive uses that would be harmful to adjacent property, the neighborhood, or the community. Furthermore, the location of the property is in an area that is physically separated from most of the surrounding neighborhood and at the dead end of a beautiful landscaped boulevard. There are no issues created by the development of a residential neighborhood at this location that will cause adverse impacts related to noise, traffic, pollution, etc. Any development on the subject site will not require major and un-programmed capital expenditures by the City.

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- F. The proposed zone change will not require major and un-programmed capital expenditures by the City. The subject site is located on Horizon Blvd. which the Long Range Roadway System map produced by the Mid-Region Council of Governments designates as a local street.
 - G. The cost of land or other economic considerations are not the determining factor for this zone change request. The property is currently vacant and has been for a long time, which indicates that the current zoning is inappropriate and a change that results in development of the property is needed. The request is in effect a "downzone" of the property, which demonstrates that profit on the part of the property owner is not the primary consideration behind this request. The productive use of this property will benefit the community through the provision of gross receipts taxes generated through the development and construction phase of the project and increased property taxes once developed.
 - H. The property is not located on a major street.
 - I. The zone change request to SU-2 for LMDR is a spot zone; however, it helps realize goals contained in the Comprehensive Plan, the North Valley Area Plan, and the North I-25 Sector Plan. The unique location of this property (no visibility from Alameda and at the dead end of a street with no through or pass by traffic) makes it unsuitable for non-residential (office) uses. The requested residential zoning allows for a transition between the non-residential uses to the south to the park facilities to the north and east.
 - J. The present zone change request is not considered "strip commercial zoning" because the request is for residential zoning, the property is not located adjacent to or along a street.
15. Agency comments were submitted by the Long Range Planning Division, Parks and Recreation Department - Planning and Design Division, The Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA) and the COA Cultural Services Department.
16. Each agency commented on the impact that the year round events, noise, traffic and emissions generated from the abutting Specialty Activity Center (that includes the Balloon Museum and Balloon Fiesta Park) would have on future residents now and into the future if low density residential uses are allowed on the subject site.
17. The City Council adopted Albuquerque Balloon Fiesta Park Master Development Plan (Adopted December 1998, Amended November 8, 2012) allows for additional recreation activities to occur at the expanded Balloon Fiesta Park and provides guidance as to park priorities for additional development.
18. The Alameda North Valley Neighborhood Association, Wildflower Area Neighborhood Association, District 4 Coalition of Neighborhood Associations, and North Valley Coalition were all notified of this request, as well as property owners within 100 feet of the subject site. A facilitated meeting was not recommended or held. Staff has not received any correspondence from the notified neighborhood associations or coalitions and there is no known neighborhood opposition to this request.

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19. Planning Staff received letters of support from Enterprise Builders Corporation, Westlake Horizon Blvd., LLC and OnPointe Healthcare.
20. On Thursday February 25, 2016 the applicant submitted draft language that is proposed to become part of a private agreement between the developer and potential property owners in response to Long Range Planning agency comments.
21. The EPC does not have any discretion to approve or enforce the private agreement submitted by the applicant.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 25, 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.

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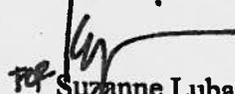
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DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


Suzanne Lubar
Planning Director

SL/VQ

cc: C&S Equities, LLC, 8814 Horizon Blvd NE, #400, Albuquerque, NM 87113
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