

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION**
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OFFICIAL NOTIFICATION OF DECISION

March 10, 2017

Palo Duro Homes
4420 Tower Rd SW
ABQ, NM 87121

Project# 1011129
17EPC-40001 Text Amendment to Sector Development Plan

LEGAL DESCRIPTION:

The above action for all of the University Neighborhood Sector Development Plan to clarify the lot standards for a townhouse in the Diverse Residential Zone. City-Wide
Staff Planner: Cheryl Somerfeldt

On March 9, 2017 the Environmental Planning Commission (EPC) voted to forward a recommendation **APPROVAL** to City Council for Project 1011129/17EPC-40001, a Text Amendment to Sector Development Plan, based on the following findings and condition:

FINDINGS:

Albuquerque

NM 87103

www.cabq.gov

1. The subject request is a text amendment to the Lot Size of the SU-2/ DR Diverse Residential Zone within the University Neighborhoods Sector Development Plan (SDP) (Appendix 4: Zoning, DR Diverse Residential, 4. Lot Size, a and b). The Diverse Residential Zone is intended to "provide suitable sites for houses, townhouses, low density apartments and uses incidental thereto".
2. The existing regulation is difficult to understand, implement, and enforce, and the subject request proposes to clarify the townhouse lot size regulation. The proposed amendment is narrow in scope in that it would only revise the minimum townhouse lot size for properties in the SU-2/DR Diverse Residential Zone.
3. The request intends to remedy an unintentional typographical error in the University Neighborhoods SDP. Within subsection b, the word "lot" is missing after the second use of the word "townhouse".
4. The request intends to revise the density of townhouse lots as regulated by the lot size requirement. This request would allow the same density for townhouse or duplex lots with a 3,000 square foot minimum lot area as that which is currently permitted for apartments with a 6,000 square foot minimum lot area. The density would be one dwelling unit per 1,500 square feet of lot area.

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5. The request is to permit a distinct style of apartments or a “duplex”, a term used elsewhere in the SDP, and defined as two units per lot. All other building regulations within the University Neighborhoods SDP must be met such as setbacks, and parking.
6. The overarching goal of the requested text amendment is to encourage the continued development of the SU-2/DR Diverse Residential Zone in the University Neighborhoods community and to support this Zone as a viable residential area as a way of improving and revitalizing the larger area.
7. The Charter of the City of Albuquerque, the Albuquerque/Bernalillo County Comprehensive Plan, the University Neighborhoods Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. Recommendations to amend a sector plan fall within the duties, responsibilities and powers delegated to the EPC pursuant to Ordinances §14-13-30-2: “The EPC shall advise the ... City Council ... concerning the development and revision of community goals, plans for urban development and protection of the environment, ... and other appropriate matters.” Pursuant to §14-16-4-1(D)(1), “... an application for a text change shall generally be evaluated by the Planning Director and the Planning Commission.” Pursuant to §14-16-4-1(D)(3), “The City Council may consider any application for text amendment and shall consider any such application which receives a positive recommendation from the Planning Commission.”
9. The request generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would permit an appropriate density for an urban neighborhood and allow flexibility for individual property owners. The existing University Neighborhoods SDP states that density increases in the Diverse Residential Zone “can be realized through construction of an additional unit or duplex behind the existing house.”
10. The request furthers the following policies of the Comprehensive Plan:
 - A. The proposed text amendment would recognize and enhance the character of its residential neighborhoods and offer variety and maximum choice in housing and life styles by: 1) legally allowing duplexes on smaller lots in an area where they already exist, therefore, allowing for greater and more flexible rights for existing property owners, and by 2) providing a townhouse duplex product that would be more likely to attract owner-residents as well as provide a more flexible architectural style than apartment complexes alone.
 - B. Policy II.B.5d-neighborhood/environmental conditions/resources. This request proposes a medium density to provide a transition from the Established Urban to the Central Urban of which this neighborhood is a part. Recent approved projects show that there is a trend for increased density in this neighborhood which is appropriate given the neighborhood’s location near the urban core. The proposed amendment is a positive step for the neighborhood and respects

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neighborhood values by providing a housing product that will be more likely to include owner-residents over renters.

- C. Policy II.B.5e: new growth. This request will allow for growth contiguous to existing and programmed urban facilities and services. The integrity of the existing neighborhood can be ensured through development which matches existing densities.
- D. Policy II.B.5h: higher density housing. This request is limited to the Diverse Residential Zone which has excellent access to the City's major street network. Additional transit infrastructure (Albuquerque Rapid Transit) is currently under construction on the primary arterial within the neighborhood, Central Avenue. The request proposes a density pattern (duplex or two dwelling units on one lot) that is already established.
- E. Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods. This request continues and strengthens the redevelopment and rehabilitation of an older neighborhood, especially the area to the east of Yale Boulevard. It will allow property owners with smaller lot sizes to rehabilitate their property, providing incentive for new construction with more options for both owner occupancy and income generation through property rental on small properties.
- F. Policy II.D.5b: Quality and innovation in new housing design and construction. This request proposes a distinct housing product which could provide additional housing options in the University Neighborhoods SDP area.

11. The request furthers the Basic Goals of the University Neighborhoods SDP.

- Conserve and renew the unique qualities of this neighborhood.
- Encourage infill residential construction in appropriate places.
- Encourage pedestrian orientation.

The proposed text amendment would encourage and support infill of medium-density residential development located in an appropriate place where revitalization is desired. The townhouse style apartment as defined by the Zoning Code has a separate entrance leading directly to the outdoors at ground level which will encourage pedestrian orientation over an apartment complex.

- 12. The University Neighborhoods list of neighborhood organizations was notified: Sycamore Neighborhood Association (NA), Silver Hill NA, Spruce Park NA, University Heights NA, Victory Hills NA, and the District 6 Coalition of Neighborhood Associations. Property owners within 100 feet of a property zoned SU-1/DR were also notified as required.
- 13. A facilitated meeting was held in the evening of February 22, 2017. Eleven neighborhood representatives attended who were generally opposed to the text amendment, citing issues with increased density which may increase crime, carving up the neighborhood into small lots, increased street parking, increased property taxes, and decreased property values.

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14. Staff received approximately 14 telephone calls and/or office visits regarding the project. After an explanation of the intent of the proposed text amendment as described above, 8 were neutral, 4 were positive, and 2 were opposed.

CONDITION:

1. Revise the text on page 70 of the University Neighborhoods Sector Development Plan (SDP) (R102-1986) (Appendix 4: Zoning, DR Diverse Residential, 4. Lot Size a and b) to:

4. Lot Size

- a. Minimum lot area shall be 6,000 square feet, except house lots shall be a minimum of 5,000 square feet provided that a house lot shall not have a width of less than 50 feet, except the width is not to be less than 40 feet if the setback requirements of Section 14-16-2-6 (E) (B) of the Zoning Code are met.*
- b. Except townhouse lots shall be a minimum of 3,000 square feet provided that a townhouse lot shall not have a width of less than 24 feet. A townhouse lot may contain up to two dwelling units provided that all of the other provisions of the DR zone are met including F.A.R., density, and parking and that there is a minimum of 1,500 square feet of lot area per dwelling unit.*

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 24, 2017**. 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 recommendation.

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).

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

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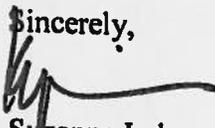
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proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

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.

Sincerely,


Suzanne Lubar
Planning Director

SL/CS

cc: Palo Duro Homes, 4420 Tower Rd SW, ABQ, NM 87121
Consensus Planning, James Strozier, 302 8th St NW, ABQ, NM 87102
Peter Schillke, Sycamore NA, 1217 Coal Ave SE, ABQ, NM 87106
Mardon Gardella, Sycamore NA, 411 Maple St NE, ABQ, NM 87106
James Montalbano, Silver Hills NA, 1404 Silver Ave SE, ABQ, NM 87106
Elizabeth Doak, Silver Hills NA, 1606 Silver SE, ABQ, NM 87106
Peter Feibelman, Spruce Park NA, 1401 Sigma Chi NE, ABQ, NM 87106
Alan Paxon, Spruce Park NA, 1603 Roma Ave. NE, ABQ, NM 87106
Julie Kidder, University Heights NA, 120 Vassar SE, ABQ, NM 87106
Don Hancock, University Heights NA, 105 Stanford SE, ABQ, NM 87106
Erin Engelbrecht, Victory Hills NA, P.O. Box 40298, ABQ, NM 87196
Patricia Wilson, Victory Hills NA, 505 Dartmouth SE, ABQ, NM 87106
Nancy Bearce, Dist. 6 Coalition of NA'S, 600 San Pablo St NE, ABQ, NM 87108
Gina Dennis, Dist. 6 Coalition of NA'S, 1816 Buena Vista Dr. NE Apt. 2, ABQ, NM 87108
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