

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

November 13, 2015

Joe A Zar III, CCIM
8232 Louisiana Blvd. NE, Suite C
Albuquerque, NM 87113

Project# 1007786
15EPC-40053 Amendment to Zone Map (Establish
Zoning/Zone Change)
15EPC-40059 Site Development Plan for Subdivision
15EPC-40054 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

For all or a portion of Tract 2A, Indian Ridge
Subdivision, zoned O-1 to SU-1 PRD, located on Menaul
Boulevard NE, Between Deanna Street NE and
Chelwood Park NE, containing approximately 1.73
acre(s). (H-22)

Staff Planner: Maggie Gould

PO Box 1293

On November 12, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1007786/15EPC-40053, an Amendment to Zone Map (Establish Zoning/Zone Change), 15EPC-40059, a Site Development Plan for Subdivision and 15EPC-40054, a Site Development Plan for Building Permit, based on the following findings and subject to the following conditions of approval:

FINDINGS: 15 EPC-40053 – Zone Map Amendment

New Mexico 87103

www.cabq.gov

1. This is a request for a Zone Map Amendment from O-1 to SU-1 PRD for Tract 2A Indian Ridge Subdivision, located on Menaul Boulevard between Deanna Street and Chelwood Park NE and containing approximately 1.73 acres.
2. The applicant proposes to amend the zoning from O-1 to SU-1 PRD to allow the development of 26 townhomes units and associated infrastructure.
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 proposed use is compatible with the surrounding development.
5. A Site Development Plan for Building Permit (15 EPC-40054) is heard concurrently with the request.
6. A Site Development Plan for Subdivision (15 EPC-40059) is heard concurrently with this request.

CITY OF ALBUQUERQUE

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 2 of 10



7. 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.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."

The subject site will be developed at a similar density and intensity as the site to the west and will contain uses that are allowed on and complimentary to the site to the east. The request will allow the development of residential uses adjacent to residential use (the housing to the south). The allowed height will be similar to the existing development to the west and the same as development to the east and will be lower than allowed possible allowed height in the O-1 zone so will not have a negative impact on views. The request furthers Policy II.B.5.d.

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 where the integrity of existing neighborhoods can be ensured."

The subject site has access to a full range of urban services, including water, sewer, roads and electricity. The site takes access from Menaul Boulevard and will not disrupt the character of the single family area to the south and may add additional patrons for nearby business. The request furthers Policy II.B.5.e.

C. Policy II.B.5.h: "Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single family, only where it comprises a complete block face and faces onto similar or higher density development, up to 10 dwelling units per acre.
- In areas where a transition is needed between single-family homes and much more intense development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas."

The subject site has direct access to a major street that can accommodate vehicles and is a designated Enhanced Transit Corridor. The area has a mixed density pattern in that there is multi-family, single family and commercial development adjacent to the site and the subject site has access to existing adequate infrastructure. The requests further Policy II.B.5.h.

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

The subject site is located on an Enhanced Transit Corridor (Menaul Boulevard). The site takes access from Menaul Boulevard and does not route traffic through the existing single family residential area. Additionally, the density and use will be the

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 3 of 10

same as the property to the west. The requests further Policy II.D.4.c.

- E. Policy II.C.6.f. states: "The City and County should remove obstacles to sound growth management and economic development throughout the community."
The new zoning will allow new housing in an appropriate location that has access to services and will be consistent with the growth management goals of the City because it will allow the development of medium density housing along a transit corridor on the east side of the river. The request furthers Policy II.C.6.f.
8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. The proposed zoning will allow development of townhouses governed by a site plan with allowed uses that are consistent with the adopted plans and polices as demonstrated in sections C and D of this justification. The proposed use, medium density housing, is not contrary to the health safety and general welfare of the City.
- B. the proposed uses are compatible with adjacent uses and will have not a destabilizing impact on the area. The additional residential development may help to support the existing business in the area.
- C. The applicant cites several comprehensive policies to support this request (Policy II.B.5.a, Policy II.B.5.d, Policy II.B.5.e., Policy II.B.5.h. , Policy II.B.5.p , Policy II.D.4.c, Policy II.C.8.c(actually II.D.8.c), Policy II.C.6.f. , Policy II.D.4.g.) Staff generally agrees that these policies are applicable, although Policy II.B.5.a is very vague and not usually cited by staff. Policy II.D.8.c is a Human Services policy and not relevant to this request. However staff agrees with the applicant's inclusion of data showing that office vacancies in the City of Albuquerque are fairly high. Policy II.D.4.g, regarding the provision of pedestrian opportunities is relevant in that the residents will have reasonable access through the development to the sidewalk and transit opportunities along Menaul Blvd.
- D. The request is consistent with the goals and policies of the Comprehensive Plan and the request will clearly facilitate these goals and goals and policies and therefor the request is more advantageous to the community as articulated in the Comprehensive Plan.
- E. The proposed use, medium density housing is compatible with the surrounding development because it will be of a similar density and intensity and will be designed to fit into the architectural style of the area.
- F. the subject site has access to existing infrastructure and proposed zoning will not require additional unprogrammed capital expenditures from the City.
- G. The applicant has provided justification in the form consistency with applicable goals and policies. While economics may be a factor in this case, it is not the determining factor.
- H. The location on a major transit corridor is relevant to this request because it is an area where the additional housing density is appropriate, but is not the sole justification for the request; the applicant has also provided justification in the form consistency with applicable goals and policies.
- I. The proposed zone will act as a transition from both the R-3 zoning to the west and the C-1 zoning to the east and the R-1 zoning to the south and the C-1 zoning. Although the O-1 could also act as a transition; the proposed zone is site plan controlled and the only

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 4 of 10

use allowed will be the 26 townhome units. The proposed zoning will allow development that is similar to and compatible with the existing zoning in the area and will be consistent with intent of the prohibition on spot zone which is to ensure that non compatible uses are not developed near one another.

J. The request would not constitute a strip zone. The proposed uses are compatible with the surrounding uses. The intent of the prohibition on strip zones is to make sure that non-compatible uses are not mapped adjacent to one another. The allowed development could also function as transition and may serve to buffer the residential uses from the noise of Menaul Boulevard.

9. The proposed zoning will allow the development that may offer an alternative that may help to address the jobs to housing imbalance between the east and west sides of the City.
10. The data submitted by the applicant and additional research by staff show that that office market in Albuquerque has a high rate of vacancy.
11. The applicant notified the adjacent property owners via regular mail and the District 8 Coalition of Neighborhoods and the Enchanted Park Neighborhood via registered mail prior to submitting the request.
12. A facilitated meeting was offered to the neighborhoods and the adjacent property owners; the adjacent property owners were offered the facilitated meeting via regular mail. The facilitator did not receive any request for a meeting.
13. The City notified property owners within 100 feet of the subject site via regular mail; as of this writing staff has not received any public comment.

CONDITIONS:

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS: 15EPC-40059- Site Development Plan for Subdivision

1. This is a request for a Site Development Plan for Subdivision on Tract 2A of the Indian Ridge Subdivision, located on Menaul Boulevard between Deanna Street and Chelwood Park NE and containing approximately 1.73 acres
2. A Zone Map Amendment (zone change) (15EPC- 40053) is heard concurrently with this request.
3. A Site Development Plan for Building Permit (15 EPC-40054) is heard concurrently with the request.

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 5 of 10

4. The applicant plans to retain the single lot for the site and not replat the site into individual lots.
5. 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.
6. 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.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."

The subject site will be developed at a similar density and intensity as the site to the west and will contain uses that are allowed on and complimentary to the site to the east. The request will allow the development of residential uses adjacent to residential use(the housing to the south). The allowed height will be similar to the existing development to the west and the same as development to the east and will be lower than allowed possible allowed height in the O-1 zone so will not have a negative impact on views. The request furthers Policy II.B.5.d.
 - 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 where the integrity of existing neighborhoods can be ensured."

The subject site has access to a full range of urban services, including water, sewer, roads and electricity. The site takes access from Menaul Boulevard and will not disrupt the character of the single family area to the south and may add additional patrons for nearby business. The request furthers Policy II.B.5.e.
 - C. Policy II.B.5.h: "Higher density housing is most appropriate in the following situations:
 - In designated Activity Centers.
 - In areas with excellent access to the major street network.
 - In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing land uses and where adequate infrastructure is or will be available.
 - In areas now predominantly zoned single family, only where it comprises a complete block face and faces onto similar or higher density development, up to 10 dwelling units per acre.
 - In areas where a transition is needed between single-family homes and much more intense development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas."

The subject site has direct access to a major street that can accommodate vehicles and is a designated Enhanced Transit Corridor. The area has a mixed density pattern in that there is multi-family, single family and commercial development adjacent to the site and the subject site has access to existing adequate infrastructure. The requests further Policy II.B.5.h.

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 6 of 10

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

The subject site is located on an Enhanced Transit Corridor (Menaul Boulevard). The site takes access from Menaul Boulevard and does not route traffic through the existing single family residential area. Additionally, the density and use will be the same as the property to the west. The requests further Policy II.D.4.c.

E. Policy II.C.6.f. states: "The City and County should remove obstacles to sound growth management and economic development throughout the community."

The new zoning will allow new housing in an appropriate location that has access to services and will be consistent with the growth management goals of the City because it will allow the development of medium density housing along a transit corridor on the east side of the river. The request furthers Policy II.C.6.f.

7. The applicant notified the adjacent property owners via regular mail and the District 8 Coalition of Neighborhoods and the Enchanted Park Neighborhood via registered mail prior to submitting the request.
8. A facilitated meeting was offered to the neighborhoods and the adjacent property owners. The adjacent property owners were offered the facilitated meeting via regular mail. The facilitator did not receive any request for a meeting.
9. The City notified property owners within 100 feet of the subject site via regular mail; as of this writing staff has not received any public comment.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 7 of 10

1. This is a request for a Site Development Plan for Building Permit on Tract 2A of the Indian Ridge Subdivision , located on Menaul Boulevard between Deanna Street and Chelwood Park NE and containing approximately 1.73 acres
2. A Zone Map Amendment (zone change) (15EPC- 40053) is heard concurrently with this request.
3. A Site Development Plan for Subdivision (15 EPC-40059) is heard concurrently with this request.
4. The applicant plans to retain the single lot for the site and not replat the site into individual lots.
5. 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.
6. 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:

F. 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."

The subject site will be developed at a similar density and intensity as the site to the west and will contain uses that are allowed on and complimentary to the site to the east. The request will allow the development of residential uses adjacent to residential use(the housing to the south). The allowed height will be similar to the existing development to the west and the same as development to the east and will be lower than allowed possible allowed height in the O-1 zone so will not have a negative impact on views. The request furthers Policy II.B.5.d.

G. 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 where the integrity of existing neighborhoods can be ensured."

The subject site has access to a full range of urban services, including water, sewer, roads and electricity. The site takes access from Menaul Boulevard and will not disrupt the character of the single family area to the south and may add additional patrons for nearby business. The request furthers Policy II.B.5.e.

H. Policy II.B.5.h: "Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single family, only where it comprises a complete block face and faces onto similar or higher density development, up to 10 dwelling units per acre.

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 8 of 10

- In areas now predominantly zoned single family, only where it comprises a complete block face and faces onto similar or higher density development, up to 10 dwelling units per acre.
- In areas where a transition is needed between single-family homes and much more intense development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas."

The subject site has direct access to a major street that can accommodate vehicles and is a designated Enhanced Transit Corridor. The area has a mixed density pattern in that there is multi-family, single family and commercial development adjacent to the site and the subject site has access to existing adequate infrastructure. The requests further Policy II.B.5.h.

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

The subject site is located on an Enhanced Transit Corridor (Menaul Boulevard). The site takes access from Menaul Boulevard and does not route traffic through the existing single family residential area. Additionally, the density and use will be the same as the property to the west. The requests further Policy II.D.4.c.

- J. Policy II.C.6.f. states: "The City and County should remove obstacles to sound growth management and economic development throughout the community."
The new zoning will allow new housing in an appropriate location that has access to services and will be consistent with the growth management goals of the City because it will allow the development of medium density housing along a transit corridor on the east side of the river. The request furthers Policy II.C.6.f.

7. The applicant notified the adjacent property owners via regular mail and the District 8 Coalition of Neighborhoods and the Enchanted Park Neighborhood via registered mail prior to submitting the request.
8. A facilitated meeting was offered to the neighborhoods and the adjacent property owners; the adjacent property owners were offered the facilitated meeting via regular mail. The facilitator did not receive any request for a meeting.
9. The City notified property owners within 100 feet of the subject site via regular mail; as of this writing staff has not received any public comment.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

OFFICIAL NOTICE OF DECISION

Project #1007786

November 12, 2015

Page 9 of 10

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The applicant shall coordinate with PNM regarding the PNM comments; the landscaping plan can be altered to provide a shorter tree where needed accommodate PNM's concerns.
4. No unfinished CMU will be allowed for wall material, finished or split face block will be allowed as shown in the attached color samples.
5. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 30, 2015**. 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

OFFICIAL NOTICE OF DECISION

Project #1007786

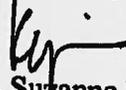
November 12, 2015

Page 10 of 10

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,


for Suzanne Lubar
Planning Director

SL/MG

cc: Joe Azar III, CCIM, 8232 Louisiana Blvd. NE, Suite C, Albuquerque, NM 87113
DAC Enterprises, Inc., 1521 Edith Blvd NE, ABQ, NM 87102-1611
Gary Beyer, Enchanted Park NA, 11620 Morenci Av. NE, ABQ, NM 87112
Ed Plunkett, Enchanted Park NA, 2408 Hiawatha Dr. NE, ABQ, NM 87112
Don Couchman, Dist. 8 Coalition of NA's, 6441 Concordia NE, ABQ, NM 87111
Janet Butts, Dist. 8 Coalition of NA's, 9200 Galaxia Way NE, ABQ, NM 87111