



**Environmental
Planning
Commission**

**Agenda Number: 03
Project Number: 1005213
Case Numbers: 16EPC-40053
November 10, 2016**

Staff Report

Agent	DAC Enterprises, Inc.
Applicant	Brian Chaffee & Roger Kay
Requests	Zone Map Amendment (zone change)
Legal Description	Tract B, Block 6 and Tract A-2-A, Block 13, Brentwood Hills
Location	on Menaul Blvd. NE, between Marie Park Dr. NE and Tramway Blvd. NE
Size	Approximately 1.6 acres
Existing Zoning	O-1 and C-1
Proposed Zoning	R-2 Residential

Staff Recommendation

APPROVAL of 16EPC-40053, based on the Findings beginning on Page 12.

**Staff Planner
Catalina Lehner-AICP, Senior**

Summary of Analysis

This request is for a zone change for an approximately 1.6 acre site located on Menaul Blvd. NE, just east of Tramway Blvd. The subject site is vacant and consists of two lots, zoned O-1 and C-1, which would be replatted into a single lot to allow development of apartments. The existing off-premise sign would be removed.

The subject site is in the Established Urban Area of the Comprehensive Plan and generally furthers a preponderance of applicable Goals and policies. The applicant has adequately justified the request pursuant to R270-1980 (policies for zone change applications).

Affected neighborhood organizations and property owners were notified as required. Staff received a phone call from two neighbors, who are not opposed. One wants to make sure the prairie dogs will be relocated (which is planned). There is no known opposition as of this writing. Staff recommends approval.



City Departments and other interested agencies reviewed this application from 10/03/2016 to 10/19/2016. Agency comments used in the preparation of this report begin on Page 16.

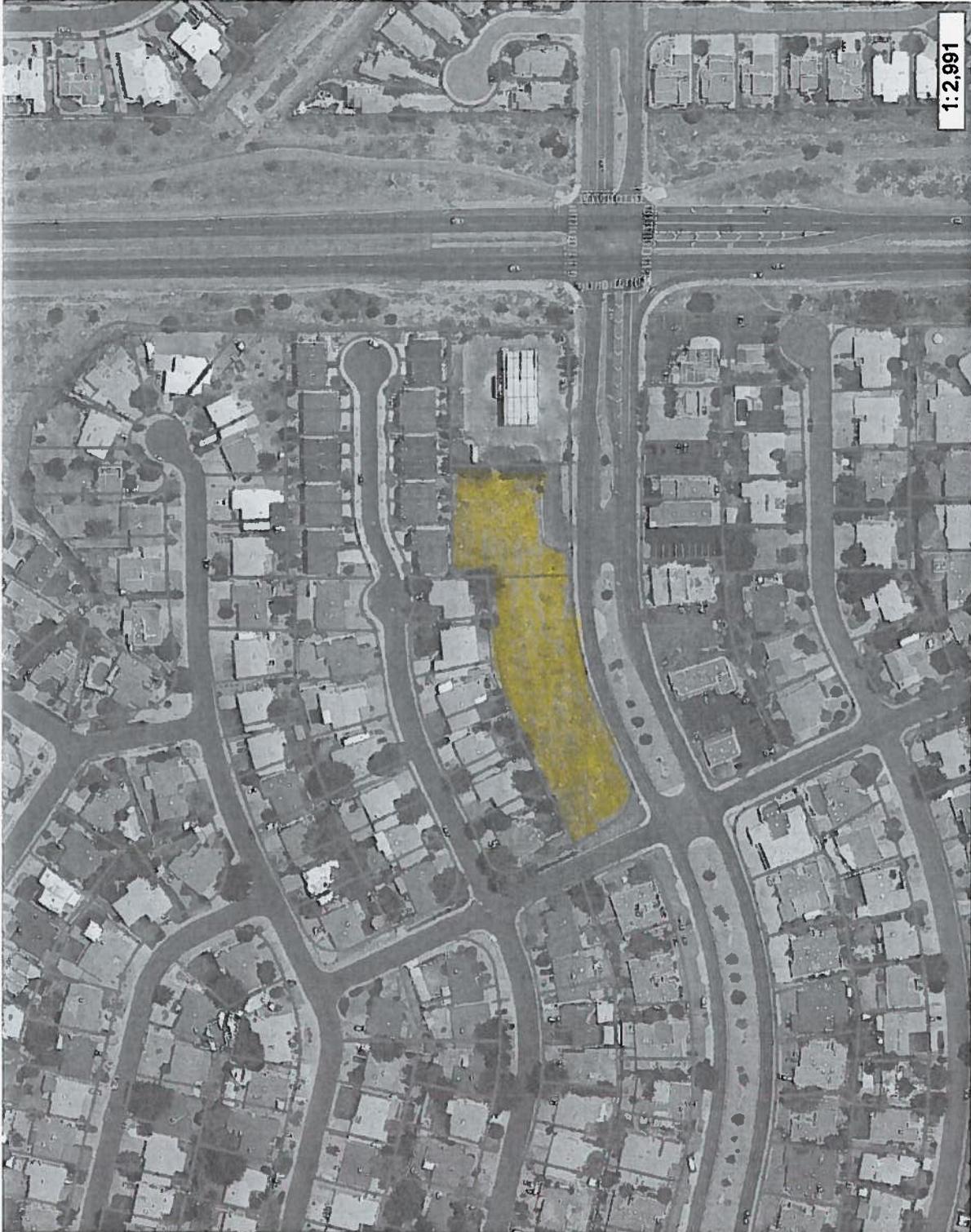


Project #1005213, EPC 11-10-'16



Legend

- Bernalillo County Parcels
- Municipal Limits
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map



1:2,991

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auditory_Sphere
11/2/2016 © City of Albuquerque

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

Notes



ZONING

Note: Grey shading
Indicates County.



1 inch = 186 feet

Project Number:
1005213
Hearing Date:
11/20/2016
Zone Map Page: H-22
Additional Case Numbers:
16EPC-40033



LANDUSE

Note: Grey shading
Indicates County.

KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



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TRAMWAY BLVD

ZA-



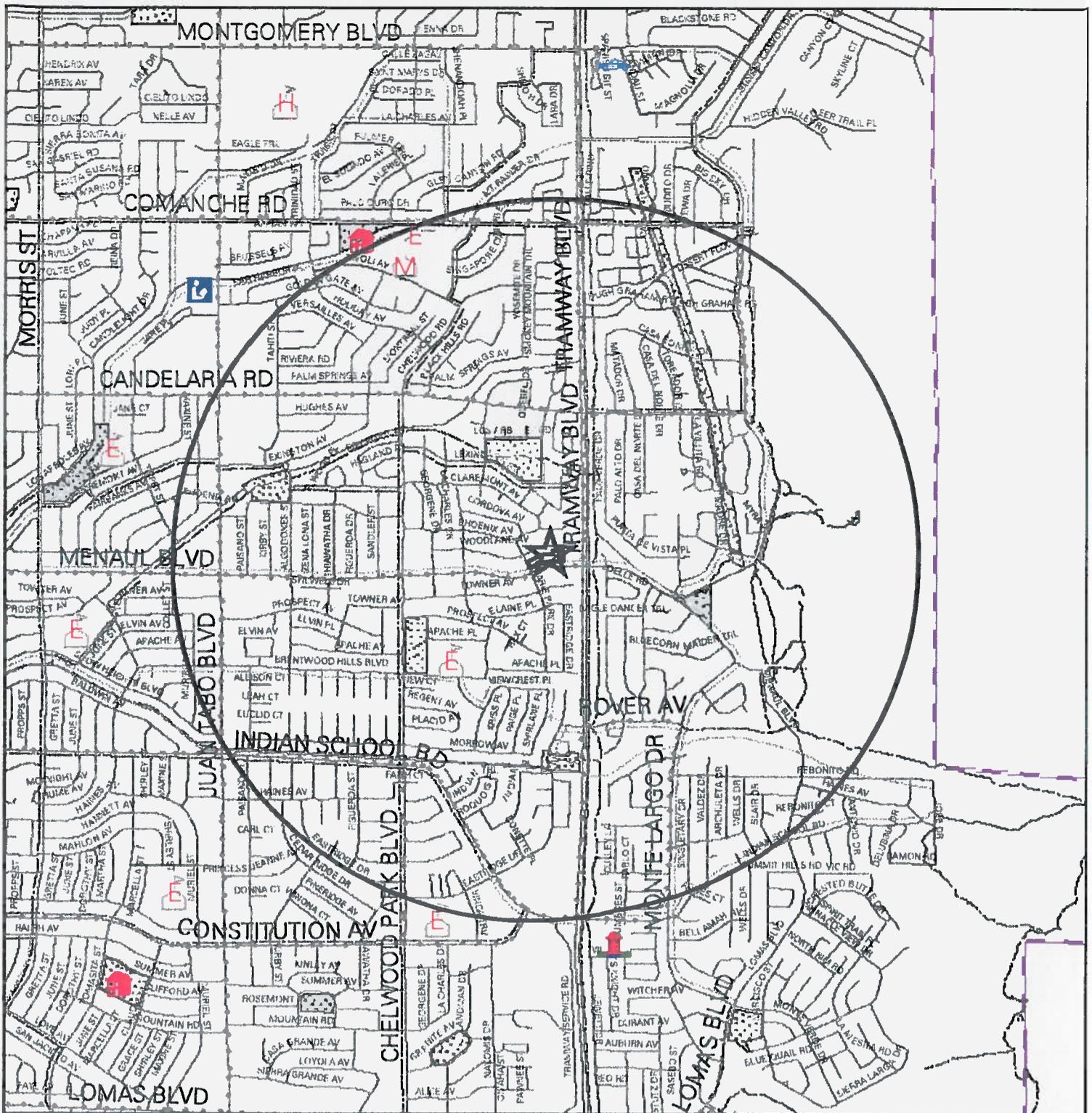
HISTORY

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Public Facilities Map with One-Mile Buffer

- | | | | |
|--|---|--|---|
|  COMMUNITY CENTER |  FIRE |  APS Schools |  Landfill Buffer (1000 feet) |
|  MULTI-SERVICE CENTER |  POLICE |  Proposed Bike Facilities |  Landfills designated by EHD |
|  SENIOR CENTER |  SHERIFF |  ABQ Bike Facilities |  Developed County Park |
|  LIBRARY |  SOLID WASTE |  ABQ Ride Routes |  Undeveloped County Park |
|  MUSEUM |  Albuquerque City Limits |  Undeveloped City Park | |

Project Number: 1005213



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	O-1, C-1	Established Urban	Vacant, Off-Premise Sign
North	R-1, R-T	Established Urban	Single-family homes
South	O-1	Established Urban	Small office buildings, cell tower
East	C-1	Established Urban	Gas station with convenience store
West	R-1, R-T	Established Urban	Single-family homes

II. INTRODUCTION

Request

The request is for a zone map amendment (zone change) for Tract B, Block 6 and Tract A-2-A, Block 13, Brentwood Hills, an approximately 1.6 acre site located on Menaul Blvd. NE, between Marie Park Dr. NE and Tramway Blvd. NE (the "subject site"). The subject site is vacant except for an off-premise sign, which would be removed.

The applicant proposes to change the subject site's zoning from O-1 and C-1 to R-2 in order to develop a multi-family residential use (apartments). Since the requested zone (R-2) is a straight zone, a site development plan is not required with the zone change application. Only the SU-1 zone (§14-16-2-22) requires a site development plan.

EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

Context

North of the subject site are the single-family homes of the Brentwood Hills Subdivision and the Tramway Crossing townhomes. To the west are single-family homes and quadraplexes, which front Menaul Blvd. To the east is a gas station with a convenience store, then Tramway Blvd. South of the subject site are two small office buildings, with tenant spaces available, and a cell tower (monopole) site.

The subject site is in the Established Urban Area of the Comprehensive Plan and not within the boundaries of any sector development plans, and is not in a designated Activity Center. Tramway Blvd. is a designated Express Corridor. Menaul Blvd. is an Enhanced Transit Corridor.

History

It's unclear when the subject site was annexed, but most likely it was in the 1960s as part of a larger annexation. In 1970, the land near the NW corner of the intersection of Menaul and Tramway Blvds. was zoned R-1. The Planning Commission approved a zone change from R-1 to C-1 for the corner, including Tract A-2-A, the eastern portion of the subject site (Z-70-34/S-70-38), in January 1971. The request (which was for an approximately 4.8 acre area) had been deferred twice to work out details regarding drainage and design.

The request was forwarded to the City Commission, which approved the zone change to C-1, with a 20 foot strip of P (Parking) zoning along the lots' western edge. R-2 was requested at that time for a portion of the larger 4.8 acre site, but was not granted. Staff was not able to obtain the associated legislation.

In 2004, the EPC approved a zone change from C-1 and P to R-T for Tract A-2, and from R-1 to O-1 for Tract B (Project #1001778, see attachment). Tract A-2 was developed with townhomes and the present-day Tract A-2-A was subdivided out; it's the portion that is zoned C-1. This is how the subject site obtained its present zoning.

Transportation System

The Futures 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Menaul Blvd. is a Community Principal Arterial and Tramway Blvd. is a Regional Principal Arterial. Marie Park Dr. NE is a local street.

Trails & Bikeways, Transit

There is a designated bike path along Tramway Blvd. NE, which is just east of the subject site. The MRCOG's 2040 Long Range Bikeway System Map indicates that Menaul is planned to contain bicycle lanes in the future.

Menaul Blvd. is an Enhanced Transit Corridor and the subject site is near the end of the line, which is Route 8-Menaul. Route 8 goes north on Tramway Blvd., but doesn't stop, then turns east on Montgomery Blvd. to access the park and ride. Route 8 provides some of the most complete service in the NE heights, running weekdays and weekends (both Saturdays and Sundays) for long hours.

Public Facilities/Community Services

There are five parks within a one mile radius of the subject site. There is also a library to the north and a community center to the south.

⇒ For specifics, please refer to the Public Facilities Map.

III. ZONING

Existing Zoning

The subject site is zoned O-1 Office (Zoning Code §14-16-2-15) and C-1 Neighborhood Commercial (Zoning Code §14-16-2-16). The purpose of the O-1 zone is to provide "sites suitable for office, service, institutional, and dwelling uses." The purpose of the C-1 zone is to provide "suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." Tract A-2-A of the subject site, and the tract adjacent to it at the corner of Menaul and Tramway Blvds., are zoned C-1. Tract B of the subject site is zoned O-1.

Proposed Zoning

The applicant proposes the R-2 Residential (Zoning Code §14-16-2-11, see attachment) zone for both tracts, and then remove the lot line and consolidate the tracts into one through a platting action. The purpose of the R-2 zone is to provide "suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto in the Established and Central Urban areas."

Permissive uses in the R-2 zone include: uses permissive in the R-T zone (Zoning Code §14-16-2-9), accessory living quarters, apartments, community residential program (except corrections and substance abusers) up to 10 clients, family day care home, and sign. The R-T zone permissively allows uses in the R-1 zone (with four exceptions) and townhomes.

The applicant is not requesting an SU-1 zone (Zoning Code §14-16-2-22), so a site development plan is not required at this time. The applicant has indicated that the intention is to develop five small apartment buildings, similar to those that exist along Menaul Blvd., and approximately 22 units. The resulting density would be approximately 14 DU/acre.

IV. ANALYSIS -ADOPTED PLANS AND POLICIES

A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The goal of the Established and Developing Urban Area 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." Applicable policies include:

The request would generally contribute to offering variety and maximum choice in the area, particularly with respect to housing and transportation. The future development would provide another housing option in the area, which would be located along an Enhanced Transit Corridor with frequent transit service. The development would be required to meet Zoning Code regulations in the R-2 zone and any applicable, general regulations, which are designed to provide minimum quality (of course, the applicant can exceed minimum

requirements if desired) .The request generally furthers the Developing and Established Urban Area Goal.

Land Use Policies-Developing & Established Urban

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request would result in another housing option in the area, however, a variety of multi-family options (such as quadraplexes and apartment buildings) already exist along with single-family homes and townhomes. Policy II.B.5a-full range of urban land uses, is partially furthered.

Policy II.B.5d: 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, recreational concern.

The future development made possible by the request would be located along an Enhanced Transit Corridor and adjacent to Menaul Blvd., a Community Principal Arterial, which is considered an appropriate location for residential densities greater than those of the R-1 zone. Neighbors have not indicated any opposition as of this writing. Without a site development plan, it's not possible to evaluate design. Overall, the request partially furthers Policy II.B.5d-neighborhood values/natural environmental conditions.

Policy II.B.5e: 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 and can be ensured.

The subject site is vacant and contiguous to developed land that is served by existing urban facilities, the use of which is not anticipated to affect the integrity of existing neighborhoods. The request furtheres Policy II.B.5e-new growth/urban facilities.

Policy II.B.5h: 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 area 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 net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The subject site is not in a designated Activity Center, though it has excellent access to the major street network since it abuts Menaul Blvd., a Community Principal Arterial, which also has good transit service. The density pattern in the area is a mixture of single-family homes, townhomes, quadraplexes, and apartments. Adequate infrastructure is available. The subject site is generally an appropriate location for higher density housing, so the request furthers Policy II.B.5h- higher density housing location.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

The subject site is adjacent to Menaul Blvd., a Community Principal Arterial. The request would result in an R-2 residential use that would most likely be too small to trigger a Traffic Impact Study (TIS). A site development plan is not required at this time, so it's not possible to evaluate how site layout would interface with the established neighborhoods with respect to traffic and potential effects of traffic. Therefore, the request partially furthers Policy II.B.5k-land adjacent to arterial streets.

D. Community Resource Management-Transportation and Transit

Goal: 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.

Menaul Blvd. is an Enhanced Transit Corridor. Efforts have been made to provide transit service from mornings to evenings, with service on the weekends. Sufficient roadway capacity is available to meet mobility and access needs. The MRCOG's 2040 Long Range Bikeway System Map indicates that Menaul is planned to contain bicycle lanes in the future. The request would facilitate development of residences, some of whom may use non-auto travel modes, though the area is not especially pedestrian friendly. The request furthers the Transportation and Transit Goal.

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

The request would facilitate development of additional dwelling units adjacent to Menaul Blvd., which is an Enhanced Transit Corridor, and could result in additional ridership. The request generally furthers Policy II.D.4c- transit ridership/additional dwellings.

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

As the applicant points out, the sidewalk along Menaul Blvd. leads to two bus stops that are within easy walking distance to the subject site and to the bicycle lane along Tramway Blvd. However, without a site development plan, it is not possible to determine the extent to which

pedestrian opportunities (such as internal pathways and access to the street through walls) would be integrated into the future development. The request partially furthers Policy II.D.4g- pedestrian opportunities/non-motorized travel.

V. ZONE MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, received on October 20, 2016, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned O-1 and C-1. The requested zoning is R-2 for both tracts. The reason for the request is to allow development of multiple, small apartment buildings.

The applicant believes that the proposed zone map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

Applicant (summarized): As demonstrated in Sections C and D of this request, the allowed uses and proposed amendment will not conflict with adopted, relevant Plans and policies and will further appropriate land use goals and policies of the City. As such, the proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan (and other plans if applicable), which the applicant has done as demonstrated in the response to Section 1.C. Therefore, the response to Section 1.A is sufficient.

1B. "Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made."

Applicant (summarized): The applicant will demonstrate that stability of land use will not be compromised by this request for R-2 zoning, and that this map amendment will be consistent with the adopted policies of the Comprehensive Plan. The request will allow multi-family residential on a vacant lot, which will provide a buffer along Menaul Blvd. to the R-1 lots behind the O-1 portion of the request. Both the O-1 and the C-1 zone categories already allow dwelling units (C-1 references the R-3 zone), so the current request maintains stability of land use and zoning because it would result in low-density residential development.

Staff: The applicant can adequately demonstrate that the proposed zone change is justified based on responses to Sections 1.C and 1.D, and that generally the proposed use would not adversely affect stability of land use or zoning in the area. The response to Section 1.B is sufficient.

1C: "A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City."

Applicant (summarized): Applicant believes that the request does not conflict with applicable policies of the Comprehensive Plan, as demonstrated in the response to each cited policy.

Relevant citations: Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a (full range of urban land uses), II.B.5d (neighborhood values/natural environmental conditions), II.B.5e (new growth/urban facilities), II.B.5h (higher density housing location), II.D.4c (transit ridership/additional dwellings), and II.D.4g (integrating pedestrian opportunities).

Non-applicable citations: Land use policies II.B.5o (redevelopment and rehabilitation of older neighborhoods), II.B.5p (redevelopment techniques), and II.C.6f (growth management/economic development obstacles).

Staff finds the policy citations sufficient, although II.B.5k (land adjacent to arterial streets) and the Transportation and Transit Goal could have been addressed. Overall, the applicant shows that applicable Comprehensive Plan policies support the request and do not significantly conflict with it. The response to Section 1.C is sufficient.

1D. "The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or

- 3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though (1) and (2) above do not apply.”

Applicant (summarized): This request facilitates policies of the Comprehensive Plan regarding private development, a full range of uses serving an older area, a location with access to public and private transportation, and infill development. For these reasons and the policies cited in Section C, this use will be more advantageous to the community as articulated in the Comprehensive Plan.

Staff: The response states that the existing zoning is inappropriate because a different use category would be more advantageous to the community (3), as articulated in applicable plans. Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community than the current zoning and that there is no significant conflict with applicable Goals and policies in the Comprehensive Plan. The response to Section 1.D is sufficient.

- 1E. “A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.”

Applicant (summarized): Except for apartments and a family day care home with up to 12 children, the permissive uses of the R-2 zone are virtually identical to those allowed in the R-1 zone. Apartments are also permissive in the O-1 and C-1 zones. The policy-based arguments show that apartments would not be harmful to the adjacent property, the neighborhood or the community.

Staff: The applicant intends to develop apartments on the subject site, which are a permissive use in the proposed R-2 zone. The applicant has adequately addressed other permissive uses in the proposed zone, but some details were not mentioned. Staff points out that permissive uses in the R-2 zone include uses permissive in the R-T zone (Zoning Code §14-16-2-9), accessory living quarters, apartments, community residential program (except corrections and substance abusers) up to 10 clients, family day care home, and sign.*

**The R-T zone permissively allows townhomes and uses in the R-1 zone (with four exceptions- no agricultural animal keeping, no front yard parking of RVs, no hobby breeding, and houses are not limited to one per lot).*

Staff agrees that, generally, the policy-based arguments support the proposed zoning. The R-2 zone includes the exceptions listed in the R-T zone, so these would be restricted on the subject site though they are not in the adjacent R-1 zoned homes. The response to Section 1.E is sufficient.

- 1F. “A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or

2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

Applicant (summarized): The proposed zone change requires no capital expenditures by the City to develop this vacant parcel because the subject site is within City limits and all infrastructure (roads, water, and sewer) is established.

Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.

1G. “The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”

Applicant: The applicant asks for no specific consideration regarding any economic issue with the zone map amendment. The purpose of the request is to allow a desirable infill development.

Staff: Economic considerations are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request. The response to Section 1.G is sufficient.

1H: “Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.”

Applicant: The location of the property on Menaul Blvd. is not used as justification for this request. The zone map amendment is supported by relevant policies in the Comprehensive plan, and the location on a major street is only a factor as it applies to those policies.

Staff: Staff agrees that the subject site’s location on a major street is not being used, in itself, as justification for the request. The request is adequately justified based on the responses to Sections 1C and 1D. The response to Section 1.H is sufficient.

1I: “A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a ‘spot zone’. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.”

Applicant (summarized): Applicant does not believe that this is a spot zone as articulated in this section. The total lot size is approximately 1.5 acres and more than one premise is

involved. In the immediate area, there are five different zones: O-1, C-1, R-T, R-1, and R-2 and the request does not constitute a different zone from those already existing. Applicant also believes that the request clearly facilitates realization of the Comprehensive Plan.

Staff: The request is for a zone already found in the area; the requested zone is not different from other zones nearby. The closest R-2 zone is SW of the subject site, across Menaul Blvd. There are other R-2 zones nearby. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies of the Comprehensive Plan. The response to Section 1.I is sufficient.

1J: “A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called ‘strip zoning’. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.”

Applicant (summarized): Applicant does not believe that this is a strip zone as envisioned in this resolution. Applicant contends that the arguments in Section I above apply for this section as well, and that the map amendment will facilitate realization of the Comprehensive Plan.

Staff: Though the subject site constitutes a “strip of land along a street”, the request is not for commercial zoning—which is what Section 1J pertains to. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies of the Comprehensive Plan. The response to Section 1.J is sufficient.

Staff Conclusion

Staff finds that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates that the request would not result in a significant conflict with an applicable Goal or policy in the Comprehensive Plan. The response to Section 1D demonstrates that another zoning category would be more advantageous to the community because it would allow a preponderance of applicable Goals and policies. The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed. For these reasons, Staff recommends approval of the zone map amendment (zone change) request.

VI. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 10/3/2016 to 10/19/2016. Staff from the Mid-Region Council of Governments (MRCOG) note that Menaul Blvd. is a Community Principal Arterial in the 2040 Long Range Roadway System Map. The MRCOG’s

2040 Long Range Bikeway System Map indicates that Menaul is planned to contain bicycle lanes.

Albuquerque Public Schools (APS) notes that the future development will impact Matheson Park Elementary School, Hoover Middle School, and Eldorado High School. Currently, all three schools have capacity to accommodate growth. Utility Services Staff notes that the applicant will need an availability statement. PNM provided its standard comments. Agency comments begin on p. 16 of this report.

Neighborhood/Public

The affected neighborhood organizations are the Onate Neighborhood Association (NA) and the East Gateway Coalition, which were notified as required. Property owners were also notified as required (see attachments). A facilitated meeting was neither recommended nor held.

The applicant reached out to neighbors whose back yards abut the subject site to the north, and found that people did not have an objection to the request. The applicant showed them an illustrative exhibit of what the future development is envisioned to look like.

Staff received phone calls from two nearby residents who inquired about the zone change and future development. Staff explained the applicant's intention to build apartments, but that there is no site development plan associated with the current request, and discussed the R-2 zone and requirements. One neighbor mentioned that prairie dogs live on the subject site, and that he had contacted Prairie Dog Pals to assist in removing and relocating the animals. He also asked if the future development would be two-story, and indicated that it wouldn't bug him since he doesn't live right by the subject site. There is no known opposition as of this writing.

VII. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately 1.6 acre site located on Menaul Blvd. NE, between between Marie Park Dr. NE and Tramway Blvd. NE (the "subject site").

The applicant proposes to change the subject site's zoning from O-1 and C-1 to R-2 Residential Zone. Since an SU-1 zone is not requested, a site development plan is not required at this time.

The subject site is in the Established Urban Area of the Comprehensive Plan. The request is adequately justified pursuant to R270-1980 because the applicant has demonstrated that the request would not result in a significant conflict with applicable Goals and policies of the Comprehensive Plan.

The affected neighborhood organizations are the Ofiate NA and the East Gateway Coalition, which were notified. Staff has received two phone calls from neighbors and is not aware of any opposition as of this writing. Staff recommends approval.

FINDINGS - 16EPC-40053, November 10, 2016- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for Tract B, Block 6 and Tract A-2-A, Block 13, Brentwood Hills, an approximately 1.6 acre site located on Menaul Blvd. NE, between between Marie Park Dr. NE and Tramway Blvd. NE (the "subject site"). The subject site is vacant except for an off-premise sign.
2. The request is to change the subject site's zoning from O-1 (Tract B) and C-1 (Tract A-2-A) to the R-2 Residential Zone. Since an SU-1 zone is not requested, a site development plan is not required.
3. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. No sector development plans apply.
4. 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.
5. The request furthers the following, applicable Goals and policies of the Comprehensive Plan:
 - A. Established and Developing Urban Area Goal: The request would generally contribute to offering variety and maximum choice in the area, particularly with respect to housing and transportation. The future development would provide another housing option in the area, which would be located along an Enhanced Transit Corridor with frequent transit service. The development would be required to meet Zoning Code regulations in the R-2 zone and any applicable, general regulations, which are designed to provide minimum quality (of course, the applicant can exceed minimum requirements if desired).
 - B. Transportation and Transit Goal. Menaul Blvd. is an Enhanced Transit Corridor with transit service from mornings to evenings, and on the weekends. Sufficient roadway capacity is available to meet mobility and access needs. Bicycle lanes are planned along Menaul Blvd. The request would facilitate development of residences, some of whom may use non-auto travel modes.
 - C. Policy II.B.5e-new growth/urban facilities. The subject site is vacant and contiguous to developed land that is served by existing urban facilities, the use of which is not anticipated to affect the integrity of existing neighborhoods.
 - D. Policy II.B.5h- higher density housing location. The subject site is generally an appropriate location for higher density housing. The subject site is not in a designated Activity Center, though it has excellent access to the major street network since it abuts Menaul Blvd., a Community Principal Arterial, which also has good transit service. The density pattern in the area is a mixture of single-family homes, townhomes, quadraplexes, and apartments. Adequate infrastructure is available.

- E. Policy II.D.4c- transit ridership/additional dwellings. The request would facilitate development of additional dwelling units adjacent to Menaul Blvd., which is an Enhanced Transit Corridor, and could result in additional ridership.
6. The subject request partially furthers the following Comprehensive Plan policies:
- A. Policy II.B.5a-full range of urban land uses. The request would result in another housing option in the area, however, a variety of multi-family options (such as quadraplexes and apartment buildings) already exist along with single-family homes and townhomes.
- B. Policy II.B.5d-neighborhood values/natural environmental conditions. The future development made possible by the request would be located along an Enhanced Transit Corridor and adjacent to Menaul Blvd., a Community Principal Arterial, which is considered an appropriate location for residential densities greater than those of the R-1 zone. Neighbors have not indicated any opposition as of this writing. Without a site development plan, it's not possible to evaluate design.
- C. Policy II.B.5k- land adjacent to arterial streets. The subject site is adjacent to Menaul Blvd., a Community Principal Arterial. The request would result in an R-2 residential use that would most likely be too small to trigger a Traffic Impact Study (TIS). A site development plan is not required at this time, so it's not possible to evaluate how site layout would interface with the established neighborhoods with respect to traffic and potential effects of traffic.
- D. Policy II.D.4g- pedestrian opportunities/non-motorized travel. As the applicant points out, the sidewalk along Menaul Blvd. leads to two bus stops that are within easy walking distance to the subject site and to the bicycle lane along Tramway Blvd. However, without a site development plan, it is not possible to determine the extent to which pedestrian opportunities (such as internal pathways and access to the street through walls) would be integrated into the future development.
7. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
- A. Section 1A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan (and other plans if applicable), which the applicant has done as demonstrated in the response to Section 1.C.
- B. Section 1B: The applicant has adequately demonstrated that the zone change is justified based on responses to Sections 1.C and 1.D, and that generally the proposed use would not adversely affect stability of land use or zoning in the area.

- C. Section 1C: The applicant's policy-based discussion demonstrates that a preponderance of applicable Comprehensive Plan policies support the request and do not significantly conflict with it.
- D. Section 1D: A different use category is more advantageous to the community (3) as articulated in the Comprehensive Plan. The policy-based discussion in the response to Section 1C demonstrates that the proposed zoning would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan.
- E. Section 1E: The applicant's policy-based arguments support the request. The other permissive uses in the R-2 zone would generally not be harmful to adjacent property, the neighborhood or the community.
- F. Section 1F: The zone change requires no major or unprogrammed capital expenditures by the City in order to be developed.
- G. Section 1G: Economic considerations pertaining to the applicant are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request.
- H. Section 1H: The subject site's location on a major street is not being used, in itself, as justification for the request. The request is adequately justified based on the responses to Sections 1C and 1D.
- I. Section 1I: The request is for a zone already found in the area; the requested zone is not different from other zones. The closest R-2 zone is SW of the subject site and other R-2 zones are nearby. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies of the Comprehensive Plan.
- J. Section 1J: Though the subject site constitutes a "strip of land along a street", the request is not for commercial zoning. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies in the Comprehensive Plan.
8. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates that the request would not result in a significant conflict with an applicable Goal or policy in the Comprehensive Plan. The response to Section 1D demonstrates that another zoning category would be more advantageous to the community because it would allow a preponderance of applicable Goals and policies. The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
9. The affected neighborhood organizations are the Oñate Neighborhood Association (NA) and the East Gateway Coalition, which were notified as required. Property owners were also notified as required. Staff has received two phone calls, but no written comments, as of this

writing. Staff received phone calls from two nearby residents who inquired about the zone change and future development. Staff discussed the R-2 zone and requirements. One neighbor mentioned that prairie dogs live on the subject site; Prairie Dog Pals will assist in removing and relocating the animals. Staff is not aware of any opposition.

RECOMMENDATION - 16EPC-40053, November 10, 2016

APPROVAL of 16EPC-40053, a zone change from O-1 and C-1 to R-2, for Tract B, Block 6 and Tract A-2-A, Block 13, Brentwood Hills, an approximately 1.6 acre site located on on Menaul Blvd. NE, between Marie Park Dr. NE and Tramway Blvd. NE, based on the preceding Findings.

Catalina Lehner

***Catalina Lehner, AICP
Senior Planner***

Notice of Decision cc list

cc: Doug Crandall, DAC Enterprises, 14492 E. Sweetwater Ave. Scottsdale, AZ 85259
Robert Romero, DAC Enterprises, 1521 Edith Blvd. NE, Albuquerque, NM 87102
Phyllis Chavez, Ofate NA, 1808 Shirlane NE, Albuquerque, NM 87112
Roger Hartman, East Gateway Coalition, 1308 Wagon Train Dr. SE, Albuquerque, NM 87123
Roger Mickelson, East Gateway Coalition, 1432 Catron Ave. SE, Albuquerque, NM 87123

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination
Oate NA (R), East Gateway Coalition

Long Range Planning
No comment.

CITY ENGINEER

Transportation Development
No objection to the request.

Hydrology Development

New Mexico Department of Transportation (NMDOT)
NMDOT has no comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning
Per MRCOG's 2040 Long Range Roadway System Map, Menaul Blvd. is a Community Principal Arterial. Per MRCOG's 2040 Long Range Bikeway System Map, Menaul is planned to contain bicycle lanes.

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

RECOMMENDED CONDITIONS FROM CITY ENGINEER, DMD and NMDOT:

WATER UTILITY AUTHORITY

Utility Services
Request an availability statement at the link below. The submittal shall include an approved Fire 1 Plan from the City fire marshal's office. http://www.abcwua.org/Availability_Statements.aspx

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

No adverse comments.

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No Comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Route 8	West-bound stop at Menaul and Marie Park; east-bound stop at Menaul and Landman.	No Comment
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COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY- No comments received

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed. No comment.

ALBUQUERQUE PUBLIC SCHOOLS

APS Comments: R-2 density can accommodate up to 30 dwelling units per acre. These increases in zoning to allow additional residential development in this area will have impacts to Matheson Park Elementary School, Hoover Middle School, and Eldorado High School. Currently, all three schools have capacity to accommodate growth.

- Residential Units: 60
- Est. Elementary School Students: 16
- Est. Middle School Students: 7
- Est. High School Students: 7
- Est. Total # of Students from Project:

*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

School Capacity

Loc No	School	2016-17 40th Day	Capacity	Space Available
305	Matheson Park ES	271	315	44
418	Hoover MS	622	750	128
515	Eldorado HS	1849	2000	151

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
2. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

Mike Moyer- PNM Service Center
4201 Edith Boulevard NE, Albuquerque, NM 87107
Phone: (505) 241-3697
3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5- 6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.



Figure 1: Looking N at the subject site from Menaul Blvd., at the single-family homes.

Figure 2: Looking S, at the small office buildings across Menaul Blvd.



Figure 3: Looking E at the subject site, from Marie Park Dr.



Figure 4: Looking W, from the subject site, down Menaul Blvd. Note the bus stop at the corner of Menaul Blvd. and Marie Park Dr.

Figure 5: Looking E while standing on the subject site. The off-premise sign would be removed.



Figure 6: Looking NE, while standing on the subject site, at the existing townhomes.

APPENDIX B

ENACTMENT 270-1980

ADOPTING POLICIES FOR ZONE MAP CHANGE APPLICATIONS AND APPEALS OF ENVIRONMENTAL PLANNING COMMISSION DECISIONS; SUPERSEDING CITY COUNCIL RESOLUTIONS 217-1975 AND 182-1978 RELATING TO ZONE CHANGE APPLICATIONS AND APPEALS.

WHEREAS, the usefulness of the Comprehensive City Zoning Code in implementing the City's Comprehensive Plan and promoting health, safety, morals, and general welfare is enhanced by a reasonable flexibility in order to deal reasonably with changes in physical, economic, and sociological aspects of the city; and

WHEREAS, certain general policies for consideration of zone map changes and other zoning regulation changes should be recognized as determinative.

BE IT RESOLVED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. The following policies for deciding zone map change applications pursuant to the Comprehensive Plan are hereby adopted:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.
- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.
- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.
- D. The applicant must demonstrate that the existing zoning is inappropriate because:
 1. There was an error when the existing zone map pattern was created; or
 2. Changed neighborhood or community conditions justify the change; or
 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.
- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
 2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.
- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

ZONING

For specifics of the O-1 and C-1 zones, please refer to the Zoning Code.

The R-2 zone is included here.

§ 14-16-2-11 R-2 RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto in the Established and Central Urban areas.

(A) Permissive Uses.

- (1) Uses permissive in the R-T zone.
- (2) Accessory living quarters.
- (3) Apartment.
- (4) Community residential program except not either community residential corrections program or community residential program for substance abusers: up to ten client residents provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (5) Family day care home, with any sign limited as for home occupations.
- (6) Sign, as provided in § 14-16-3-5 of this Zoning Code.

(B) Conditional Uses.

- (1) Uses conditional in the R-1 zone.
- (2) Community residential program except not either community residential corrections program or community residential program for substance abusers: 11 to 18 client residents provided that the standards of § 14-16-3-12 of the Zoning Code are met.
- (3) Community residential corrections program with up to ten client residents, provided that the standards of § 14-16-3-12 of this Zoning Code are met.
- (4) Community residential program for substance abusers with up to ten client residents, provided that the standards for § 14-16-3-12 of this Zoning Code are met.
- (5) Day care center.
- (6) Emergency shelter with up to 18 clients normally present, provided that the standards of § 14-16-3-13 of this Zoning Code are met.

(C) Height. Structure height up to 26 feet is permitted at any legal location. The height and width of the structure over 26 feet is permitted at any legal location. The height and width of the structure over 26 feet shall fall within 45° angle planes drawn from the horizontal at the mean grade along each internal boundary of the premises and each adjacent public right-of-way centerline, or drainageway right-of-way centerline. To protect solar access, a structure over 26 feet may not exceed the northern boundary of these 45° planes, but may be sited in any other direction within planes drawn at a 60° angle from the same boundaries or centerline. Exceptions to the above are provided in §§ 14-16-3-3 and 14-16-3-5 of this Zoning Code. Notwithstanding any of the above regulations, apartment structures shall not exceed 26 feet in height within 85 feet of a lot zoned specifically for houses.

(D) Lot Size.

- (1) Minimum lot area for lots developed with apartments other than townhouses shall be 6,000 square feet. Minimum lot width for lots developed with apartments other than townhouses shall be 60 feet.
- (2) Minimum lot area and width for lots developed only with houses and townhouses shall be provided in the R-T zone.

(E) Setback.

- (1) There shall be a front-yard setback of not less than 15 feet, except driveways shall not be less than 20 feet long.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
 - (a) Vehicle access is only to the rear yard from an alley, or
 - (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.
- (3) There shall be a side-yard setback of not less than five feet, except:
 - (a) There shall be ten feet on the street side of corner lots; and
 - (b) There is no required side-yard setback from internal lot lines for townhouses.
- (4) (a) There shall be a rear-yard setback of not less than 15 feet.

(b) For lots created after January 1, 2005, if alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.
- (5) There shall be a separation between apartment buildings other than townhouses, and off-street parking and vehicular circulation areas of not less than ten feet.

(F) Density.

- (1) A floor area ratio of 0.5 is the maximum permitted.
- (2) Density of a lot may not exceed 30 dwelling units per acre.

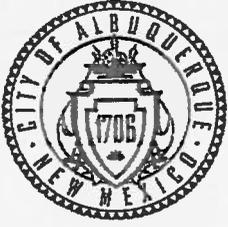
(G) Off-Street Parking. Off-street parking spaces shall be as provided in § 14-16-3-1 of this Zoning Code.

(H) Usable Open Space.

- (1) Usable open space shall be provided on-site in an amount equal to 400 square feet for each efficiency or one-bedroom dwelling unit, 500 square feet for each two-bedroom dwelling unit, and 600 square feet for each dwelling unit containing three or more bedrooms.
- (2) Where an aggregate of two or more dwelling units is constructed on any given lot, the development shall include landscaping of the ground-level usable open space, planted and maintained according to a landscaping plan approved by the Zoning Enforcement Officer.

(74 Code, § 7-14-15) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 38-1978; Am. Ord. 57-1978; Am. Ord. 50-1980; Am. Ord. 22-1981; Am. Ord. 3-1986; Am. Ord. 41-1987; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 44-2005; Am. Ord. 19-2010)

HISTORY



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT, DEVELOPMENT REVIEW DIVISION
P.O. BOX 1293, ALBUQUERQUE, NM 87103

April 5, 2006

Joe Hahn
4402 Canyon Ct. NE
Albuq. NM 87111

CERTIFICATE OF ZONING

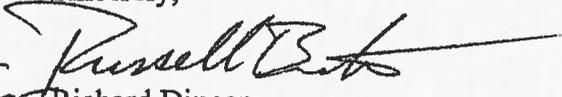
FILE: 04EPC 01711 (Project 1001778)
DATE OF FINAL ACTION: December 16, 2004
LEGAL DESCRIPTION: for all or a portion of Tracts A2 & B, Brentwood Hills Subdivision, a zone map amendment from Tracts B: R-1 and Tract A2: C-1 U P to Tract B: O-1, Tract A2: RT & C-1, located on Menaul Blvd. NE, between Marie Park Drive NE and Tramway Blvd. NE, containing approximately 4 acres. (H-22) Stephanie Shumsky, Staff Planner

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE CITED PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM C-1 & P
TO R-T & C-1 for Tract A2
&
FROM R-1
TO O-1 For Tract B

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site and building plans need to be reviewed, approved and signed-off by the Environmental Planning Commission, the Development Review Board, the Design Review Committee and/or the Building and Safety Division, as applicable and as required by the site's zoning, before a building permit will be issued.

Sincerely,


For Richard Dineen
Planning Director

RD/ac

cc: Zoning Code Services Division
Neal Weinberg, AGIS Division

APPLICATION INFORMATION



SUBDIVISION

Major subdivision action
 Minor subdivision action
 Vacation
 Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

for Subdivision
 for Building Permit
 Administrative Amendment (AA)
 Administrative Approval (DRT, URT, etc.)
 IP Master Development Plan
 Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S	Z	ZONING & PLANNING
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Annexation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Street Name Change (Local & Collector)
L	A	APPEAL / PROTEST of...
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): DAC ENTERPRISES, INC PHONE: 505 447 0464

ADDRESS: 1521 EDITH BLVD NE FAX: 505 247 4530

CITY: ALBUQUERQUE STATE NM ZIP 87102-1611 E-MAIL: www.dacnj.com

APPLICANT: BRIAN CHAFFEE & RIGER KAY PHONE: 505 842 0464

ADDRESS: 6723 WOLF CT FAX: _____

CITY: LITTLETON STATE CO ZIP 80128 E-MAIL: _____

Proprietary interest in site: CANNERS List all owners: _____

DESCRIPTION OF REQUEST: MAP AMENDMENT FROM O-1 AND C-1 TO R-2 RESIDENTIAL

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. TR B AND TR A-2A & A-2-B Block: 413 Unit: _____

Subdiv/Addr/TBKA: BRENTWOOD HILLS SUBDIVISION

Existing Zoning: C-1 AND C-1 Proposed zoning: R-2 RESIDENTIAL MRGCD Map No _____

Zone Atlas page(s): H-22 UPC Code: 1022059481/1611002 and 102205449829611097

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): 1005213

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO

No. of existing lots: 2 No. of proposed lots: 1 Total site area (acres): 1.56AC

LOCATION OF PROPERTY BY STREETS: On or Near: 12000 BLK MENAVAL BLVD NE

Between: MARIE PARK ST NE and TRAMWAY BLVD NE

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team (PRT) Review Date: 8/23/2016

SIGNATURE Doug Crandall DATE 09/16/2016

(Print Name) DOUG CRANDALL Applicant Agent

FOR OFFICIAL USE ONLY

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>11EPL 40055</u>	<u>AZM</u>	_____	\$ <u>850.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>ADV</u>	_____	\$ <u>75.00</u>
<input type="checkbox"/> All case #s are assigned	_____	<u>CAF</u>	_____	\$ <u>50.00</u>
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>November 20, 2016</u>			Total <u>475.00</u>
	<u>9-20-16</u>	Project # <u>1005213</u>		\$ _____

Revised: 11/2014

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

ANNEXATION (EPC08)

- Application for zone map amendment including those submittal requirements (see below). *Annexation and establishment of zoning must be applied for simultaneously.*
- Petition for Annexation Form and necessary attachments
- Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
- Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
- Letter of authorization from the property owner if application is submitted by an agent
- Board of County Commissioners (BCC) Notice of Decision
- Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
- Sign Posting Agreement form
- Traffic Impact Study (TIS) form
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline.

Your attendance is required.

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
- SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
- SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
- Proposed Sector Plan (30 copies for EPC, 8 copies for DRB)
- Zone Atlas map with the entire plan area clearly outlined and indicated
- Letter describing, explaining, and justifying the request
- Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
- Traffic Impact Study (TIS) form (for EPC public hearing only)
- Fee for EPC final approval only (see schedule)
- List any original and/or related file numbers on the cover application

Refer to the schedules for the dates, times and places of DRB and EPC hearings.

Your attendance is required.

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

- Zone Atlas map with the entire property clearly outlined and indicated
- Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
- Sign Posting Agreement form
- Traffic Impact Study (TIS) form
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline.

Your attendance is required.

- AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**
- AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
- Plan to be amended with materials to be changed noted and marked
- Zone Atlas map with the entire plan/amendment area clearly outlined
- Letter of authorization from the property owner if application is submitted by an agent (map change only)
- Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
- Letter briefly describing, explaining, and justifying the request
- Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
- Traffic Impact Study (TIS) form
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline.

Your attendance is required.

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
- Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
- Letter describing, explaining, and justifying the request
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline.

Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

DAC ENTERPRISES, INC. DOUG CRANDALL
Applicant name (print)

Doug Crandall 09/16/16
Applicant signature & Date



Revised: June 2011

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
1105PC - 40053

[Signature] 9-20-16
Staff signature & Date
Project # 1005213

Date 9-15/16

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, NM

Re: Zone Map Amendment - Legal Description: TR. A-2-A
Brentwood Hills Subd.

Dear Ms Hudson;

This letter certifies that the undersigned is the owner of the above referenced property and authorizes DAC Enterprises, Inc. to act on my behalf in seeking approval for a zone map amendment for this property.

E-MAIL: rogerkkay@gmail.com

If you have any questions, please feel free to contact me.

Sincerely, Roger Kay



9-15-16

16 September 2016

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, NM

**Re: Zone Map Amendment - Legal Description: TR B LAND DIV PLAT LTS 10
11 12 & 13 BLK 6 OF THE REPL OF BLK 1-22 BRENTWOOD HILLS SUBD
(UPC: 1 022 059 481 316 11002)**

Dear Ms. Hudson;

This letter certifies that the undersigned is the owner of the above referenced property and authorizes DAC Enterprises, Inc. to act on my behalf in initiating the application process for approval of a zone map amendment for the above referenced property.

If you have any questions, please feel free to contact me.

Sincerely,



**BRIAN H. CHAFFEE, TRUSTEE
HAROLD D. CHAFFEE and E. LUCILLE CHAFFEE TRUST**

**6722 S WOLFF CT
LITTLETON CO 80128**

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Page Cinelli, agent for G22 LOBBYIST DATE OF REQUEST 9/9/16 ZONE ATLAS PAGE(S): H-22

CURRENT: ZONING O-1 + C-1 LEGAL DESCRIPTION: B
PARCEL SIZE (ACRES FT): 1.56 TOT. LOT OR TRACT # A-2-A BLOCK # 13 + A-2-A + A-2-B
SUBDIVISION NAME: PRENTWOOD HILLS

REQUESTED CITY ACTION(S):
ANNEXATION ZONE CHANGE FROM C-1 TO R-2
SECTOR AREA / ADJ. CORP. PLAN BUILDING PERMIT ACCESS PERMIT
AMENDMENT (Map/Text) BUILDING PURPOSES OTHER LOT LINE ELIMINATION
*includes platting actions

PROPOSED DEVELOPMENT: NO CONSTRUCTION/DEVELOPMENT
NEW CONSTRUCTION EXPANSION OF EXISTING DEVELOPMENT
GENERAL DESCRIPTION OF ACTION: # OF UNITS: 22
BUILDING SIZE: 20,412 (sq ft)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE Page Cinelli DATE 9/9/16
(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES NO BORDERLINE
THRESHOLDS MET? YES NO MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED
Notes

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

Tony L... TRAFFIC ENGINEER DATE 9-12-16

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED -FINALIZED TRAFFIC ENGINEER _____ DATE _____

September 15, 2016

Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, New Mexico

Re: Zone Map Amendment from O-1 and C-1 to R-2. (Zone Atlas Page H-22-Z)

Dear Chair and Commissioners:

This is a request for a zone map amendment for two parcels from O-1 and C-1 to R-2. The total lot area of the two parcels is approximately 1.5 acres. The adjoining properties are owned by the same party and, if approved, the site will be re-platted into one lot.

The zoning abutting the O-1 property to the north is R-1. Directly across the street to the south from this request is zoned O-1. Across the street on the western boundary is R-T zoning and the land north of the existing C-1 lot is also zoned R-T. The eastern boundary is zoned C-1 and there is an access easement for that parcel on the C-1 portion of this request.

Summary of Request & Zone Change Justification

This is a request for R-2, multi-family zoning. The applicant considered other multi-family zoning options, including SU-1/PRD, as well as using the Special Exception process discussed below. R-T zoning was also considered. However, in order to develop the property as the applicant desires, R-T restrictions, especially those involving lot width per unit, would not allow the design or the number of units desired by the applicant.

In 2009 the *Zoning Code* allowed an O-1 zone to be developed 100% residential as a conditional use. The *Code* has since been amended to generally limit dwelling units to no more 60% of the gross floor area on a lot as a conditional use. Dwelling units consisting of no more than 25% of the gross floor area on an O-1 zoned lot is still a permissive use.

One hundred percent residential is still allowed in the C-1 zone, but the applicant wishes to combine both the O-1 and C-1 parcels as a single development. It would be possible to permissively develop residential on the C-1 portion of the property and obtain a variance to the 60% limitation on the O-1 parcel. Such an approach, though not in any way prohibited or inappropriate, would result in an awkward and disjointed process. It could potentially tie the parcels to a specific site plan, though, which R-2 zoning does not require. Applicant has determined that the best approach to a cohesive development of the two lots is through a zone map amendment and subsequently combining the two existing lots into one.

As this is a request for standard R-2 zoning, there will be no site development plan approval by the EPC. Applicant originally considered requesting an SU-1/PRD, similar to the one approved for the same developer on Menaul east of Chellwood, but during the PRT meeting, Planning Department staff recommended R-2 zoning as being more appropriate. If the zone map amendment is approved, any subsequent development will be required to meet all R-2 requirements, including parking, landscaping, height, open space and all other attendant regulations of that zone category.

It should be noted that much of the R-2 development in the area was constructed under entirely different zoning regulations, especially as it applies to landscaping. Prior to 1990 when it appears most of the existing apartments were built, the only mandatory landscaping was 7% of the required parking spaces, and the ground level open space. Even the 7% only applied if the site had ten or more parking spaces, hence the barren asphalt in the front yard area, which is no longer allowed.

The eastern boundary of the site on Menaul Boulevard is one lot east of Tramway. All nearby development is either C-1 or O-1 compliant. There is substantial commercial and office use along Menaul Boulevard west of the site between Chellwood and Juan Tabo. The requested sites have been vacant lots for decades. This would seem to be the result of lesser opportunity for new C-1 or O-1 uses.

It should be noted that there is a prairie dog colony on the C-1 lot. Applicant is working with Prairie Dog Pals to move the colony before beginning construction.

This site is not located within the boundaries of any sector development plan. Justification for this approval is based upon Section D (3) of Resolution 270-1980 in that the *Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan)* is better served by the zone change.

Resolution 270-1980

A. A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City.

The *Comprehensive Plan* adopts policies that can then be articulated as standards that are incorporated into the zoning regulations found in the *Zoning Code*. This zone map amendment will allow low density multi-family units as governed by the R-2 zone category. As will be demonstrated in Sections C. & D. of this request, the allowed uses and proposed amendment will not conflict with adopted relevant plans and policies and will further appropriate land use goals and and policies of the City. As such, applicant believes that this proposed zone map amendment is consistent with the health, safety, morals and general welfare of the city of Albuquerque.

B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made. Applicant will demonstrate that stability of land use will not be compromised by this request for R-2 zoning, and this map amendment will be consistent with the adopted plans and policies of the *Comprehensive Plan*. Approval of this request will allow multi-family development on a vacant lot. A lower density multi-family development (as expressed in floor area ratio) will provide for a residential buffer along Menaul to the R-1 lots behind the O-1 portion of the request, as well as allowing low density residential zoning that will stabilize the neighborhood by providing certainty of use instead of a vacant lot that may become a large commercial or office development or other O-1 or C-1 permissive use. Block 7, to the west

of this request is zoned R-T, and Block 3, across the street from Block 7, is zoned R-2, so this R-2 development will complement this existing land use pattern.

The O-1 zone is designed to provide "sites suitable for office, institutional service and dwelling uses." Dwelling units which are allowed permissively up to 25% of the gross floor area of the site and up to 60% as a conditional use.

The C-1 zone also "provides suitable sites for office, service, and institutional" uses, as well as "limited commercial uses to satisfy the day to day needs of the residential areas." Residential uses (except houses) are also allowed permissively in general accordance with the R-3 zone and site plan requirements. This request for R-2 zoning will provide more open space, more required parking and no greater density than what is allowed permissively in the C-1 zone.

Based on the fact that the both the O-1 zone and C-1 zone categories specifically allow dwelling units and that the requested R-2 zoning is a low density residential zone, applicant believes that this map amendment maintains stability of land use and zoning.

Given the current zoning of these parcels, neither re-zoning to R-1, nor the site remaining vacant are reasonable options for the neighborhood. R-1 zoning would be less than desirable located off of Menaul Boulevard at this location. Menaul Boulevard from Juan Tabo to Tramway is developed entirely with apartments, office or commercial uses and there is no R-1 zoning fronting Menaul between Jane Street and Tramway

C. A proposed zone change shall not be in significant conflict with the adopted elements of the *Comprehensive Plan* or other City master plans and amendments, including privately developed area plans which have been adopted by the city. The site is located in the Established Urban Area of the *Comprehensive Plan*. The Goal of this area is "to create a quality urban development 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 request will allow a quality urban development of market value low density multi-family dwelling units. These parcels, in addition to allowing commercial and office uses, also allow higher density (R-3) residential uses . As noted, there is a plethora of C-1 and O-1 zoning along Menaul. In fact, all properties on the north side of Menaul between Juan Tabo and Landman are zoned C-1, which generally allows not only commercial uses, but also allows all the office and institutional uses of the O-1 zone. This request will provide for a lower density multi-family residential use that matches the R-2 on the south side of Menaul to the southeast of this property. As such, the overarching goal of the Established and Developing Areas of the *Comprehensive Plan* does not conflict with this request and the requested use and the attendant site development plan will further the Goal regarding development within the Established Urban Area.

Policy II.B.5.a of the Developing and Established Urban Area of the *Comprehensive Plan* states: “*The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre.*”

The current O-1 and C-1 zoning does not offer a reasonable opportunity for any new uses or businesses that are not already offered nearby. There is substantial neighborhood commercial zoning in the area that already allows office and institutional uses as the market dictates. As of the second quarter of 2016, according to CRBE Marketview research, there was a nearly 23% office vacancy rate within the Albuquerque city limits. This rate is virtually unchanged from the *Albuquerque Business First* report of a 22.5% office vacancy rate in June 2015. Also, according to *Business First*, the vacancy rate in the last quarter of 2013 was 18.77%, meaning that office vacancy has increased more than 18% since 2013. In addition, according to CRBE, the vacancy rate for all commercial development in the Northeast Heights remains at over 8% with no new projects under construction or completed in 2016. This infill development of an existing lot will add to the full range of urban land uses by creating market value low density residential dwellings, which are likely to be in much more demand than more offices or neighborhood

retail as demonstrated by the fact that these lots have never been developed. Further, considering the abundance of non-residential zoning in the area and the proposed R-2 zoning, this request will not significantly increase the gross density between Juan Tabo and Tramway along Menaul. As such, this request will further the goals of the *Comprehensive Plan* and not conflict with Policy 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."*

Approval of this zone map amendment will allow a low density, multi-family residential development. This is an area served with mature infrastructure and the Menaul median has recently been completed. The required landscaping for this use will provide for a pleasing streetscape that complements the median. The parcel is served by a transit route and is located approximately one mile from Juan Tabo Boulevard, a major north/south thoroughfare providing community related uses such as restaurants, retail, services and a public library. As an R-2 zone, the intensity of development will not negatively affect the neighborhood as there are R-2 and R-T developments along Menaul. All parking be will on site. There is no reasonable parking alternative in the area, thus assuring the abutting residential neighborhoods that there will be no increase in traffic or overflow parking in front of their homes. Because the use will add only a desirable low density residential development, this request will facilitate the *Comprehensive Plan* does not conflict with Policy d.

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."*

This vacant parcel is served by all standard urban facilities and services, including bus route #8, a regularly scheduled route with local all day service and connection to Rapid Ride. The parcel has never been developed and this infill project will add quality, market based, low density multi-family housing.

The integrity of the existing neighborhood shall be assured through the R-2 regulations of the *Zoning Code*, including open space, substantial landscaping and adequate parking . As such, this request furthers the goals of the *Comprehensive Plan* and does not conflict with Policy e.

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."*

Applicant has described this request as low density development. However, the proposed map amendment does provide for a multi-family use that allows higher density than the abutting zone categories. The site is not located in a designated Activity Center. It does have excellent access to the major street network as it is located on a major transit route and situated between two major north south thoroughfares, Tramway Boulevard and Juan Tabo. There is already a mixed pattern of development in the area including C-1 to the east and east and O-1 to the south. Menaul Boulevard between Juan Tabo and Tramway is zoned C-1, R-2, O-1 and R-3.

Taken as a whole, this request will further several points of this policy of the *Comprehensive Plan* and will not conflict with policy h.

This is an infill project in an older neighborhood The lot that has never been developed and has no site improvements except a 6' wide sidewalk. Although this is not a redevelopment, it does

strengthen an older neighborhood by rehabilitating a vacant lot. Most of the area was developed under less strict zoning requirements and this request shall provide for a modern project regulated by current standards for such amenities as landscaping, lighting, open space and parking. If this request is approved, the request will facilitate the *Comprehensive Plan* and not conflict with Policy o.

The goal of Policy II.B.5.p is to assure that “[c]ost effective redevelopment techniques shall be developed and utilized.” Further, Technique 2 of this Policy “[emphasizes] private investment as a primary means to achieve redevelopment objectives.” This is a totally private investment funded entirely by the developer. As such, this zone map amendment furthers the *Comprehensive Plan* and does not conflict with Policy p.

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.” Menaul Boulevard is an Enhanced Transit Corridor. It provides regularly scheduled local service and there is a bus stop at the west end of the proposed development and another one less than 75’ from the east side of the property. The adjacent single family neighborhoods are not located along Menaul Boulevard. Most development on Menaul in this general vicinity is zoned C-1, O-1, R-T or R-2. This request is for low density dwelling units and the residential nature of the development will allow those residents to take advantage of the neighborhood commercial uses. As such this request does not destabilize adjacent neighborhoods. while adding additional dwelling units close to an Enhanced Transit street. Applicant believes that this request furthers the transportation goals of the *Comprehensive Plan* and does not conflict with Policy D.4.c.

Economic Development Policy II.C.6.f states: “The City and County should remove obstacles to sound growth management and economic development throughout the community.” These lot has been zoned O-1 and C-1 since they were first mapped. They never been developed, likely because of the C-1 and O-1 zoning which permeates the area. Thus, there is a strong case to be made that the current O-1

zoning does not provide a reasonable opportunity for development and is an obstacle to sound growth management. As such, this request does not conflict with Policy C.6.f.

Policy II.D.4.g: "Pedestrian opportunities shall be promoted into development to create safe and pleasant non-motorized travel conditions." The 6 ' wide sidewalk on the south side of Menaul Boulevard leads to two bus stops within easy walking distance of the property. There is also a major bike path on Tramway, one half block from the east side of the proposed development

D. The applicant must demonstrate that the existing zoning is inappropriate because: 1) there was an error when the existing zone map pater was created, or 2) Changed neighborhood or community conditions justify the change or, 3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan and other City master plans, even though 1 and 2 above do not apply. This property is located in the Developing & Established Urban Area of the *Comprehensive Plan*. Based upon the three criteria, applicant offers the following:

1.) Applicant makes no argument that there in an error regarding the existing map pattern.

2.) There are no significant changed neighborhood conditions to justify this request and applicant makes no such argument.

3.) This request facilitates the policies of the *Comprehensive Plan* regarding private development, a full range of allowed uses serving an older area, a location with access to public and private transportation, as well as the infill development of an existing, long vacant, lot. For these reasons and the policies cited in Section C., this use will be more advantageous to the community as articulated by the *Comprehensive Plan*.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to the adjacent property, the neighborhood or the community.

Except for allowing apartments and a family day care home with up to 12 children, the permissive uses of the R-2 zone are virtually identical to those allowed in the R-1 zone. Both the current C-1 and O-1 zoning allows day care centers as a permissive use. Further, apartments are also permissive in the O-1 and C-1 zones. Finally, as this is a request for R-2 zoning, applicant believes that the policy based arguments used in this justification show that apartments would not be harmful to the adjacent property, the neighborhood or the community.

F. A proposed zone change which, to be utilized though land development requires major and unplanned capital expenditure by the City may be; 1) denied due to lack of capital funds, or 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule. This proposed zone change is located within the city limits and all infrastructure including roads, water, and sewer are all established. As such, applicant neither requests, nor requires capital expenditures by the City to develop this vacant parcel.

G. The cost of land and other economic considerations pertaining to the applicant shall not be a determining factor for a change of zone. Applicant believes that this request furthers specific city policies regarding this request and asks for no specific consideration regarding any economic issue with this zone map amendment. The purpose of this request is to allow a desirable infill residential development.

H. Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning. The location of this property on Menaul Boulevard is not used as justification for this request. Applicant believes that the justification for this zone map amendment is supported by relevant policies of the *Comprehensive Plan* that the location of the site on a major street is only a factor as it may apply to those policies.

I. A zone change request which would give a zone different from surrounding zones to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change

of zone may be approved only when; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone." Applicant does not believe that this is a spot zone as articulated in this section. The total lot size of this request is not "one small area," but is approximately 1.5 acres. Further, more than one premises is involved. Currently, within the immediate area, there are five different zones; O-1, C-1, R-T, R-2 and R-1 and this request does not constitute a different zone category from those already existing nearby and throughout the Menaul corridor. Applicant also believes that this request furthers part (1) because it clearly facilitates the realization of the Comprehensive Plan through the goals and policies enumerated and justified in Section C.

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby. Applicant does not believe that this is a strip zone as envisioned in this resolution. Applicant does contend, however, that the arguments noted in Section I. above are applicable for this section as well, and that this map amendment will facilitate the realization of the *Comprehensive Plan*.

Conclusions

Applicant believes that this request is well supported by several policies and techniques of the *Comprehensive Plan*.

A positive consideration of this request is appreciated. I look forward to addressing the commission to answer any other questions that may arise.

Regards,

Doug Crandall

Doug Crandall

Principal, DAC Enterprises, Inc.

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 16.155 Date: 8.23.2016 Time: 1:00 PM

Address: 12000 BLK MENAUL BLVD.

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: Kym Dicome Other: _____
Code Enforcement: Ben McIntosh Other: _____
Fire Marshall: Antonio Chinchilla Other: _____

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

Zone Map Amendment EPC Approval City Council Approval
 Sector Dev. Plan Amendment EPC Approval City Council Approval
 Site Dev. Plan for Subdivision EPC Approval DRB Approval Admin Approval
 Site Dev. Plan for Bldg. Permit EPC Approval DRB Approval Admin Approval
 Other STAFF SUGGESTS P-2 ZONING

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: ~~0.1/0.1~~ 0.1/0.1
Proposed Use/Zone: SU.1 / PPD
Applicable Plans: _____
Applicable Design Regulations: NO SECTOR PLAN
Previously approved site plans/project #s: _____
Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other)

Handouts Given:

Zone Map Amendment Process R-270-1980 AA Process EPC Schedule

Additional Notes:

- WHY SU.1 PPD? WHAT IS UNIQUE ABOUT THIS PROPERTY?
- P-2 (FOR TOWN HOMES) IS STAFF'S RECOMMENDATION.
- CODE CHANGE THRU EPC.
- ~~THE LOT WIDTH IS 22' 000 FT LOT SIZE. APPLICABLE~~
- P-2 STRAIGHT ZONING.
- REPLAT INTO ONE LOT.

4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.

[Signature]
PRT CHAIR

[Signature]
APPLICANT OR AGENT

***Please Note: PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY; THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.

FM. NO ISSUE W/ PRELIMINARY LAYOUT.

IF BLDG HEIGHTS < 30' - 20' DRIVE MINIMUM.

P-2 NO ISSUES (PER BEN MCINTOSH)

PARKING: 2 PER UNIT (2 BATHS)

NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office.

September 2, 2016

Robert E. Romero
DAC Enterprises, Inc.
1521 Edith Blvd. NE/87102-1611
Phone: 505-842-0484 Fax: 505-247-4530
E-mail: r.romero505@gmail.com

Dear Robert:

Thank you for your inquiry of September 2, 2016 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) TRACTS A-2-A & B, BRENTWOOD HILLS SUBDIVISION LOCATED ON 12501 MENAUL BOULEVARD NE BETWEEN TRAMWAY BOULEVARD NE AND MARIE PARK STREET NE zone map H-22.**

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

ONATE N.A. (ONT) "R"

*Phyllis Chavez, 1808 Shirlane NE/87112 293-8028 (h)

EAST GATEWAY COALITION

*Roger Hartman, 1308 Wagon Train Dr. SE/87123 296-7924 (h)

Roger Mickelson, 1432 Catron Ave. SE/87123 332-9273 (h)

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before the Planning Department will accept your application filing (PLEASE ATTACH: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA's and 3) Copy of White Receipts showing proof that you sent certified mail w/stamp from USPS showing date.)** If you have any questions about the information provided please contact me at (505) 924-3914 or via an e-mail message at dcarmona@cabq.gov.

Sincerely,

Dalaina L. Carmona

Dalaina L. Carmona

Senior Administrative Assistant

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

**LETTERS MUST BE SENT TO
BOTH CONTACTS OF EACH
NA/HOA FOR THIS
PLANNING SUBMITTAL.**

DAC Enterprises, Inc.
Zoning & Land Use Services

September 16, 2016

CERTIFIED MAIL
ONATE NEIGHBORHOOD ASSOCIATION
Phyllis Chavez
1808 Shirlane NE
Albuquerque, NM 87112

Re: Request for Zone Map Amendment-Lots A-2-A and B, Brentwood Hills Subdivision
12501 Menaul Blvd NE

Dear Ms. Chavez:

DAC Enterprises, Inc. has been authorized to represent a zone map amendment from O-1 and C-1 to R-2 Residential for the property identified above, and located between Tramway Blvd NE and Marie Park Dr. NE. The property consists of two (2) lots approximately 1.5 acres which if approved will be re-platted into one (1) lot.

Enclosed for your information is a copy of Zone Atlas page H22-Z in order to help you locate the property. Also enclosed is a copy of the proposed 22 unit townhouse development allowed by the standard R-2 zone. The proposed development will be required to comply with all R-2 requirements, including parking, landscaping, height, open space and other attendant regulations of that zone category.

The application will be filed with the Environmental Planning Commission, City of Albuquerque by the September 29, 2016 deadline for their review and approval at their November 10, 2016 hearing date.

We will be more than happy to discuss our request with you and your neighborhood association and answer any questions which may have. Please call on me at 842-0484 if you should have questions.

Sincerely,



Robert E. Romero
Associate

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09/16/2016

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PHYLLIS CHAVEZ

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1808 SHIRLANE NE

City, State, ZIP+4
ALBUQ., NM 87112

PS Form 3800, August 2006 See Reverse for Instructions

7010 2780 0003 0000 0922 0394

DAC Enterprises, Inc.
Zoning & Land Use Services

September 16, 2016

CERTIFIED MAIL
EAST GATEWAY COALITION
Roger Hartman
1308 Wagon Train Dr. SE
Albuquerque, NM 87123

Re: Request for Zone Map Amendment-Lots A-2-A and B, Brentwood Hills Subdivision
12501 Menaul Blvd NE

Dear Mr. Hartman:

DAC Enterprises, Inc. has been authorized to represent a zone map amendment from O-1 and C-1 to R-2 Residential for the property identified above, and located between Tramway Blvd NE and Marie Park Dr. NE. The property consists of two (2) lots approximately 1.5 acres which if approved will be re-platted into one (1) lot.

Enclosed for your information is a copy of Zone Atlas page H22-Z in order to help you locate the property. Also enclosed is a copy of the proposed 22 unit townhouse development allowed by the standard R-2 zone. The proposed development will be required to comply with all R-2 requirements, including parking, landscaping, height, open space and other attendant regulations of that zone category.

The application will be filed with the Environmental Planning Commission, City of Albuquerque by the September 29, 2016 deadline for their review and approval at their November 10, 2016 hearing date.

We will be more than happy to discuss our request with you and your neighborhood association and answer any questions which may have. Please call on me at 842-0484 if you should have questions.

Sincerely,



Robert E. Romero
Associate

Cc: Roger Mickelson, 1432 Catron Ave. SE, Albuquerque, N

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Certified Fee	\$0.00	\$0.00	18
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00	SEP 16 2016
Total Postage & Fees	\$6.47	\$6.47	09/16/2016

Sent To: **ROGER HARTMAN**
Street, Apt. No., or PO Box No.: **1308 WAGON TRAIN DR SE**
City, State, ZIP+4: **ALBUQ., NM 87123**

PS Form 3800, August 2006 See Reverse for Instructions

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OFFICIAL USE

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Certified Fee	\$0.00	\$0.00	18
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00	SEP 16 2016
Total Postage & Fees	\$6.47	\$6.47	09/16/2016

Sent To: **ROGER MICKELSON**
Street, Apt. No., or PO Box No.: **1432 CATRON AVE SE**
City, State, ZIP+4: **ALBUQ., NM 87123**

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Hearing Date: Thursday, Nov. 10, 2016 **1005213**
Zone Atlas Page: H-22
Notification Radius: Neighborhood Associations
100ft plus r.o.w

Cross Reference and Location: 12000 BLK Menaul Blvd. NE between Marie Park St.
NE & Tramway Blvd. NE

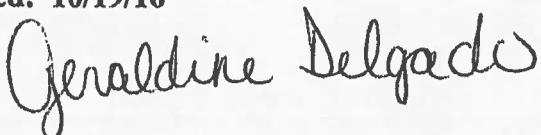
Applicant: **Brian Chaffee & Roger Kay**
6722 S. Wolf Ct.
Littleton, CO 80128

Agent: **DAC Enterprises, INC**
1521 Edith Blvd. NE
Albuquerque, NM 87102

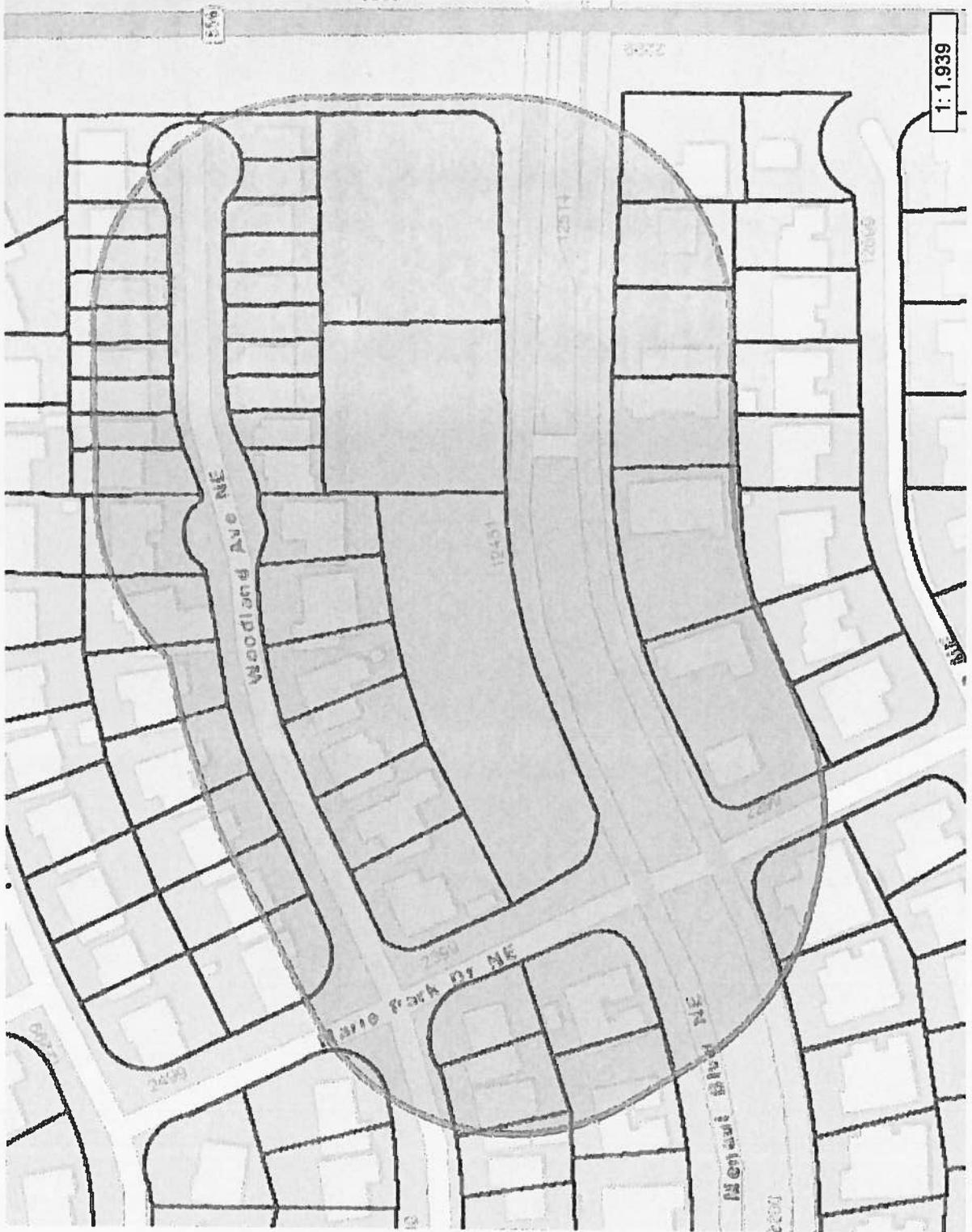
Special Instructions:

**Notice must be mailed from the
City 15 days prior to the meeting.**

Date Mailed: 10/19/16

Signature: 

1005213



1:1,939



WGS_1984_Web_Mercator_Auxiliary_Sphere
10/18/2018
© City of Albuquerque

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THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

Legend

- Bernalillo County Parcels
- Municipal Limits**
 - Corniles
 - Edgewood
 - Lee Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map

Notes

Menaul Blvd.
Buffer: 205ft (105ft. + 100ft)

FALLIN STEVE R
12244 MENAUL BLVD NE A
ALBUQUERQUE NM 87112

DELFIN DAWN A
12500 WOODLAND AVE NE
ALBUQUERQUE NM 87112

ELSNER BRUCE P ETUX
12240 WOODLAND NE
ALBUQUERQUE NM 87112

BYRD KATHLEEN M
12305 WOODLAND AVE NE
ALBUQUERQUE NM 87112

SANCHEZ DAVID E & MARY ANNE
3116 LA VETA DR NE
ALBUQUERQUE NM 87110-1944

VALLEJOS TONY & ANNA
1732 WELLS NE
ALBUQUERQUE NM 87112

GOODSON HARRY C III ETUX
12309 WOODLAND NE
ALBUQUERQUE NM 87112

BILLINGS MARCUS D & CRISTA L
12519 WOODLAND AVE NE
ALBUQUERQUE NM 87112

BEAN RONALD J & MELINDA J
1221 MONTE VERDE DR NE
ALBUQUERQUE NM 87112

OMLOR MARK A
12528 WOODLAND AVE NE
ALBUQUERQUE NM 87112

GARCIA BENITO ETUX
12403 WOODLAND NE
ALBUQUERQUE NM 87112

FEAGLER KATHRYN L
12523 WOODLAND AVE NE
ALBUQUERQUE NM 87112

CASTORIA EDWARD
12509 WOODLAND AVE NE
ALBUQUERQUE NM 87112

LANGE DAVID H & MARGARET E CO-TRUSTEES
LANGE RVT
12312 WOODLAND NE
ALBUQUERQUE NM 87112

FORIS MICHAEL P III & ADRIANA E
PO BOX 258
CORRALES NM 87048

LES OISEAUX BLEUS LLC
12412 MENAUL BLVD NE
ALBUQUERQUE NM 87112

JACKSON JEFFRY ANDREW
12313 WOODLAND AVE NE
ALBUQUERQUE NM 87112

MIHALIK GEORGE & ELENA & MIHALIK GEORGE
PO BOX 213
SANDIA PARK NM 87047

SANDERS LOUIS H & TERESA H
48 TIERRA MONTE NE
ALBUQUERQUE NM 87122

HAGEMEIER LOETTA E TRUSTEE HAGEMEIER
TRUST
12412 MENUEL NE
ALBUQUERQUE NM 87112

GLASCO BARBARA R
12404 WOODLAND AVE NE
ALBUQUERQUE NM 87112

DIAMOND SHAMROCK STATIONS INC C/O AD
VALOREM TAX DEPARTMENTS
PO BOX 690110
SAN ANTONIO TX 78269-0110

BORGIA TODD WILLIAM & DANA RENEE
12408 MENAUL BLVD NE A
ALBUQUERQUE NM 87112

BRANNOCK TIMOTHY G
12508 WOODLAND AVE NE
ALBUQUERQUE NM 87112-2500

AIKEN GEOFFREY B
12505 WOODLAND AVE NE
ALBUQUERQUE NM 87112

SLETTEN BRETT H & MARCIA A
12505 TOWNER AVE NE
ALBUQUERQUE NM 87112-3657

MCQUARRIE ROBERT & LAURA
12401 WOODLAND AVE NE
ALBUQUERQUE NM 87112

CHAFFEE HAROLD D & E LUCILLE CO-TRUSTEES
& CHAFFEE BRIAN HAROLD TRUSTEE
6722 S WOLFF CT
LITTLETON CO 80128

QUEEN SALLY A
12413 WOODLAND AVE NE
ALBUQUERQUE NM 87112

BIERMANN HERBERT & JANICE
12301 WOODLAND AVE NE
ALBUQUERQUE NM 87112

BACA ASHLEY M & BACA JAMES P & VELINDA S
12501 WOODLAND AVE NE
ALBUQUERQUE NM 87112

KRAWIECKI PETER F & LINDA
12304 WOODLAND AVE NE
ALBUQUERQUE NM 87112

CHAFFEE FAMILY LIMITED PARTNERSHIP
6722 S WOLFF CT
LITTLETON CO 80128

SCHROER EMILY L
12242 WOODLAND AVE NE
ALBUQUERQUE NM 87112

MCKENNA CHRISTOPHER & JAIME
12531 WOODLAND AVE NE
ALBUQUERQUE NM 87112

GOBER J W & SHEILA A
12245 WOODLAND NE
ALBUQUERQUE NM 87112

BRUNNER JOHN S II
12524 WOODLAND AVE NE
ALBUQUERQUE NM 87112

MARTINEZ SHERILYN M & JORGE S
5636 MOON ST NE
ALBUQUERQUE NM 87111

SILVA ORLANDO J TRUSTEE ORLANDO RVT &
MARY TRUSTEE MARY RVT
12308 WOODLAND NE
ALBUQUERQUE NM 87112

CUZZORT ELSIE D TRUSTEE CUZZORT LVT
2809 PALO ALTO DR NE
ALBUQUERQUE NM 87112

TOWNSEND STEVEN W
12400 WOODLAND AVE NE
ALBUQUERQUE NM 87112-2534

BARKER JUDY L
12532 WOODLAND AVE NE
ALBUQUERQUE NM 87112

MARRA MICHAEL G & ROSE MARIE
6019 SIPAPU AVE NW
ALBUQUERQUE NM 87120

KRAEMER SHERYLL A
12527 WOODLAND AVE NE
ALBUQUERQUE NM 87112

GONZALES MAURICIO ETUX
12300 WOODLAND NE
ALBUQUERQUE NM 87112

BOYDSTON D K & MARTA TRUSTEES OF THE
BOYDSTON FAMILY TRUST
12453 TOWNER NE
ALBUQUERQUE NM 87112

EDWARDS DANIEL S & TELLEZ CARMEN S
12512 WOODLAND AVE NE
ALBUQUERQUE NM 87112

HOHMAN DANIEL
12509 TOWNER NE
ALBUQUERQUE NM 87102

WILLIAMS MISTY S
12536 WOODLAND AVE NE
ALBUQUERQUE NM 87112

ALDRIDGE KRYSTAL L
12520 WOODLAND AVE NE
ALBUQUERQUE NM 87112

MANZANO MEADOWS LLC
51 LOCUST HILL LN
TIJERAS NM 87059

East Gateway Coalition
Roger Hartman
1308 Wagon Train Dr. SE
Albuquerque, NM 87123

East Gateway Coalition
Roger Mickelson
1432 Catron Ave. SE
Albuquerque, NM 87123

Ocate N.A. (ONT) "R"
Phyllis Chavez
1808 Shirlane NE
Albuquerque, NM 87112

DAC Enterprises, INC
1521 Edith Blvd. NE
Albuquerque, NM 87102

Brian Chaffee & Roger Kay
6722 Wolf Ct.
Littleton, CO 80128