

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

October 11, 2018

Vermont Hills Properties LLC
4601 Cumberland Rd NW
ABQ, NM 87120

Project# 2018-001417 (1003699)
RZ-2018-00023 – Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract B, Block 2 (less 27 ft out to R/W), Wells Sandia Manor, zoned PD to R-1D, located on Camino de La Sierra NE, between Trimble Blvd. NE and Camino de La Sierra NE, containing approximately 4 acres. (L-23) Staff Planner: Carol Toffaleti

PO Box 1293

On October 11, 2018 the Environmental Planning Commission (EPC) voted to DENY Project 2018-001417, RZ-2018-00023, a Zoning Map Amendment (Zone Change), based on the following findings and conditions:

FINDINGS - Project # 2018-001417 (1003699), Case # RZ-2018-0014107

NM 87103

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1. This is a request to rezone the eastern 1 acre of an approximately 4 acre parcel (Tract B, Block 2 (less 27 ft out to R/W), Wells Sandia Manor) from PD (Planned Development) to R-1D (Residential, single-family). Tract B is located in the Foothills area, on Camino de la Serra near I-40, in the southeast corner of the Supper Rock neighborhood.
2. The applicant, who owns Tract B, wishes to develop the 1 acre portion (the subject site) to provide a new Religious institution of approximately 5,000 sf for a small independent congregation that has been meeting at 305 Vermont St. NE for the last 30 years.
3. Prior to the Integrated Development Ordinance (IDO) that went into effect on May 17, 2018, the zoning of Tract B was SU-1/ PRD (Planned Residential Development). It was converted to PD (Planned Development) under the IDO according to conversion Rule 4 (d), because it is vacant and less than 20 acres.
4. Tract B and Tract C, the adjacent 1-acre parcel west of Trimble Blvd., have the same zoning, are under the same ownership, and are both vacant. There have been two proposals in the past to develop the parcels, but neither was implemented: a proposal for 42 townhouses (Z-96-25, 4/25/1996); and one for 27 single-family detached dwellings

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(Project #1003699, Case #05DRB-01118, 7/19/2005). The 2005 site development plan has since expired.

5. The requested zone change did not meet the threshold for requiring a traffic impact study as part of the application to the City, based on the proposed use as a Religious institution and the estimated square footage of the future building.
6. Tract B would need to be subdivided into 2 parcels with the boundary of the new 1-acre parcel on Camino de la Serra (as shown conceptually in Exhibit A) aligned with the new R-1D zone district.
7. The Albuquerque/Bernalillo County Comprehensive Plan, Albuquerque Integrated Development Ordinance (IDO), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. The subject site is within an Area of Consistency of the Comprehensive Plan. The request does not further the following applicable goals and policies of the Comprehensive Plan:

a. Chapter 4: Community Identity

GOAL 4.1 Character: Enhance, protect, and preserve distinct communities.

POLICY 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The requested R-1D zoning will not protect the identity and cohesiveness of the surrounding neighborhood, which is predominantly single-family residential, by extending the same IDO standards regarding scale of development and character of building design to the 1-acre site as on adjacent properties zoned R-1D, because some of the permissive uses may burden the local streets with traffic and a building that is not appropriately scaled in this site's location interior to the Supper Rock neighborhood.

b. Chapter 5: Land Use

GOAL 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The requested zone change from PD to R-1D will not foster a complete community with the allowable uses in the R-1D zone.

c. **POLICY 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.**

The requested R-1D zoning would not be consistent with the character of adjacent residential properties to the North and East because some permissive uses would not protect the character of the existing residential neighborhood.

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SUBPOLICY 5.6.3.b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

The request for the same zoning on the 1-acre site as the zoning on the immediately surrounding properties will not ensure that future non-residential development will reinforce the scale and intensity of the surrounding residential neighborhood.

- d. POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.**

SUBPOLICY 5.2.1 a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request will extend R-1D to the subject site enabling development of uses allowable in the zone district that include limited Civic and Institutional uses as well as Residential uses. The location of the subject site is at the southeast corner of the neighborhood and near the eastern edge of the city where I-40 and MPOS are barriers to convenient access from the South and East, which will not promote good access for Civic and Institutional uses for all residents.

- 9. The applicant has not adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:**

- a) The proposed zone change is not consistent with the health, safety, and general welfare of the City as shown by not furthering a preponderance of applicable Goals and Policies in the ABC Comprehensive Plan, as shown in the policy analysis (see 7 above), and conflicts with them.**
- b) The proposed amendment is located in an Area of Consistency. The proposed zone change would permit some types of development that are significantly different from the character of the area and would not be more advantageous to the community in terms of implementing development density and intensity on a relatively small site of 1 acre that does not strengthen the established residential character of the surrounding area.**
- c) This criterion is non-applicable because the proposed amendment is located wholly in an Area of Consistency as shown in the ABC Comprehensive Plan.**
- d) The zone change permits only R-1 uses, but also other non-residential uses, which could be harmful to the adjacent properties, the neighborhood, or the community in terms of vehicular access and effects of related traffic on the residential neighborhood.**
- e) The City's existing roadway infrastructure has adequate capacity to serve future development on the 1 acre subject site that will be made possible by the change of zone for uses allowed in the proposed R-1D zone.**

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- f) This criterion is non-applicable because the property is not located on a major street.
 - g) While economic considerations are a factor, the applicant's justification is not completely or predominantly based on the cost of land or economic considerations.
 - h) The zone change does not create a "spot" or "strip" zone because it will be consistent with adjacent zone districts.
10. The applicant sent a letter to the Supper Rock Neighborhood Association (NA) and the East Gateway Coalition of NAs offering them a neighborhood meeting, as required. No response was received to the letter. The proposal was discussed earlier in spring of 2018 at regular meeting of the Supper Rock NA.
 11. The applicant mailed the required notice to the Supper Rock Neighborhood Association (NA), the East Gateway Coalition of NAs, and to property-owners within 100 ft of Tract B.
 12. Written comments from 8 nearby property-owners were received expressing concern and/or opposition to the potential impacts, especially traffic, of the proposed use as a Religious institution, rather than to the zone change per se.
 13. Public testimony from nearby residents expressed strong concern about the effects of limited access through the residential neighborhood on their quality of life and the integrity of the community.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **OCTOBER 26, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is

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void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


for David S. Campbell
Planning Director

DSC/CT

cc: Vermont Hills Properties LLC, 4601 Cumberland Rd NW, ABQ, NM 87120
The Group, 300 Branding Iron Rd SE, Rio Rancho, NM 87124
Kathleen Schindler-Wright, Supper Rock NA, 407 Monte Largo Dr. NE, ABQ, NM 87123
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James Andrews, East Gateway Coalition, 13121 Nandina Ln SE, ABQ, NM 87123
Michael Brasher, East Gateway Coalition, 216 Zena Lona NE, ABQ, NM 87123
Ron Montbrand, 14300 Arcadia Pl NE, ABQ, NM 87123
Janet C de Baca, 100 Camino De La Sierra NE, ABQ, NM 87123
Daniel Robson, 14311 Arcadia Rd NE, ABQ, NM 87123
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