



## Environmental Planning Commission

Agenda Number: 06  
Project Number: 1010521  
Case Numbers: 15EPC-40024  
September 10, 2015

### Staff Report

<b>Agent</b>	DAC Enterprises, Inc.
<b>Applicant</b>	Shakeel Rizvi dba Nazish LLC
<b>Requests</b>	Sector Development Plan Map Amendment (zone change)
<b>Legal Description</b>	Lot 12, Block 3, North Albuquerque Acres, Tract 2, Unit 3
<b>Location</b>	on Oakland Ave. NE, between Eagle Rock Ave. NE and Alameda Blvd. NE
<b>Size</b>	0.89 acre (≈1 acre)
<b>Existing Zoning</b>	SU-2/O-1
<b>Proposed Zoning</b>	R-D, 6 DU/acre

### Staff Recommendation

**APPROVAL** of 15EPC-40024, based on the Findings beginning on Page 12.

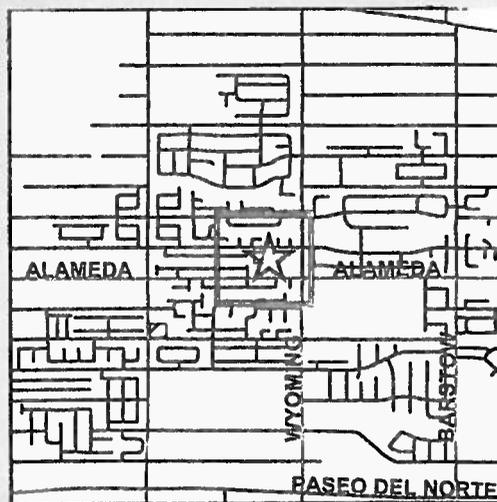
**Staff Planner**  
**Catalina Lehner-AICP, Senior Planner**

### Summary of Analysis

This request is for a zone change for a vacant, 0.89 acre (≈1 acre) site located on Oakland Avenue and part of a group of 10 approx. 1 acre lots. Three are developed. This request was deferred for 30 days to advertise the correct zoning category (6DU/ac, not 5).

The applicant requests a zone change from SU-2/O-1 to R-D, 6 DU/acre in order to develop single-family homes. The subject site is in the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan also applies. The request has been adequately justified pursuant to R270-1980 and generally furthers most applicable Goals and policies.

Affected neighborhood organizations and property owners were notified as required. An adjacent property owner, formerly opposed, supports the request if the homes nearest him are single-story. Overall, Staff recommends approval.



City Departments and other interested agencies reviewed this application from 07/06/2015 to 07/17/2015. Agency comments used in the preparation of this report begin on Page 16.



# Project #1010521



1:861

## Legend

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

## Notes

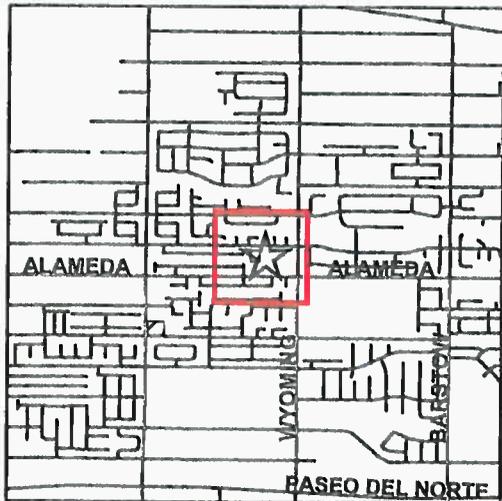
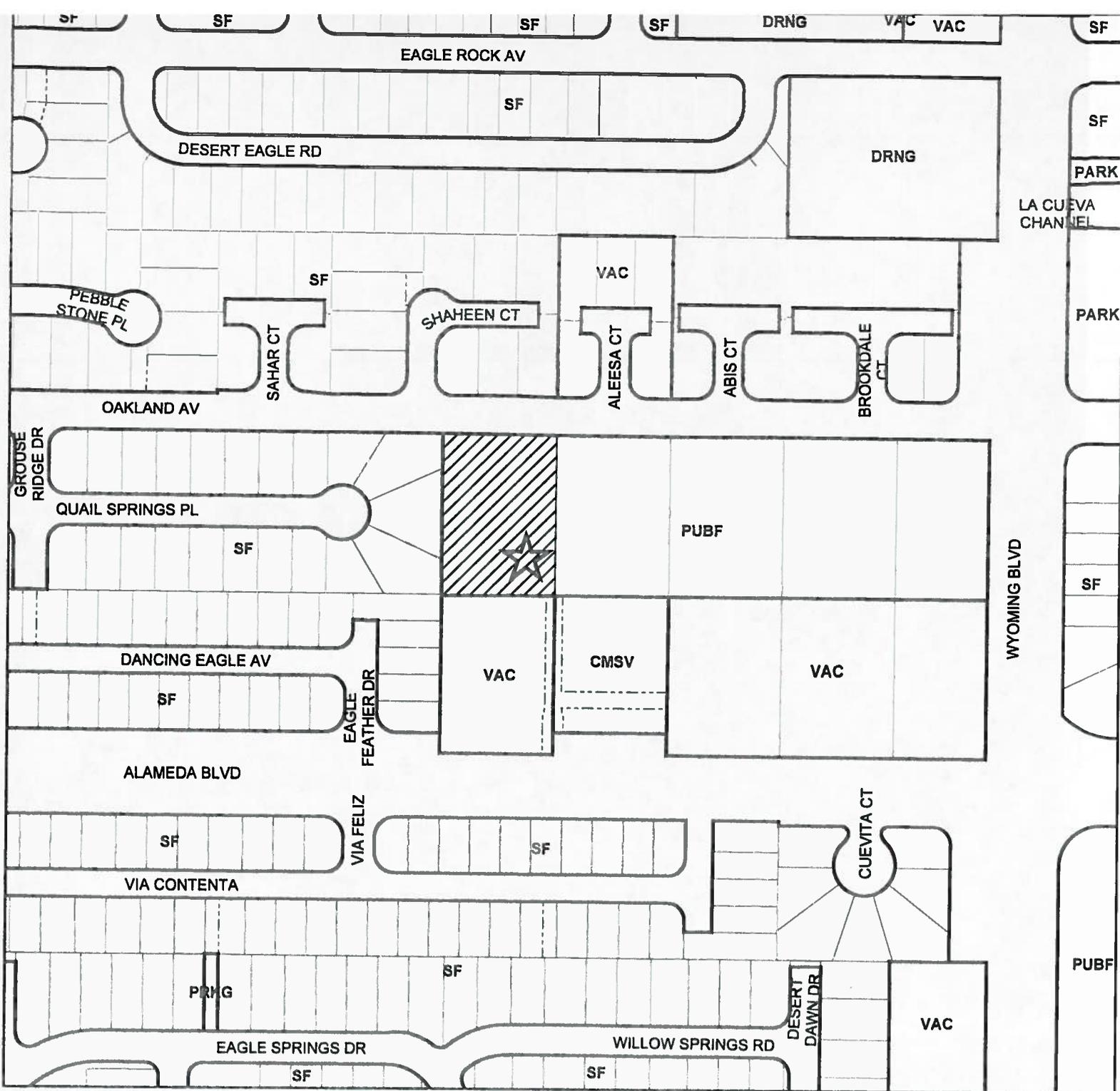
0.0 0 0.01 0.0 Miles

This map is a user generated static output from [www.cabq.gov/gis](http://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**

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 8/1/2015  
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## LAND USE MAP

Note: Grey shading indicates County.

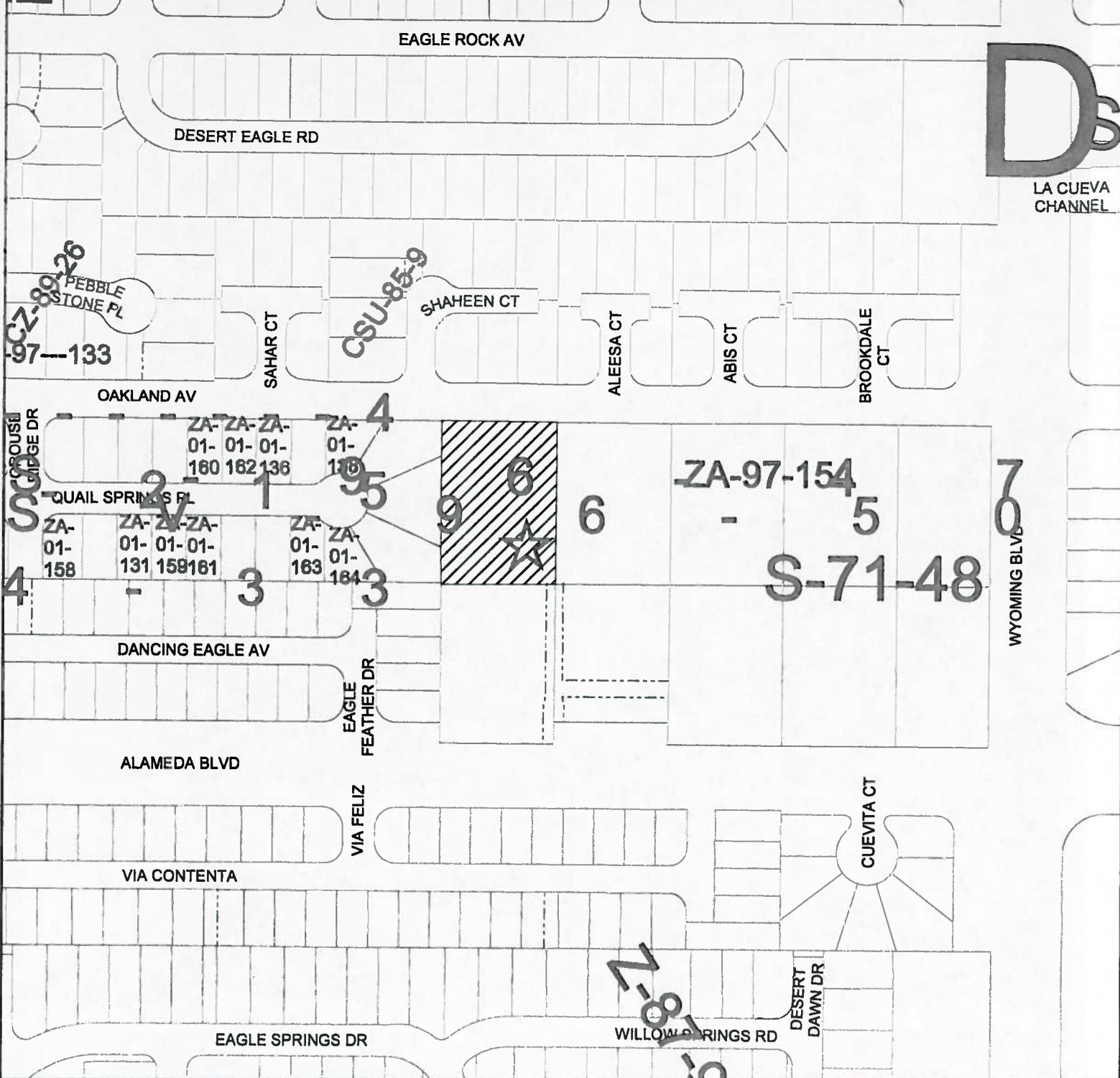
### KEY to Land Use Abbreviations

- 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



1 inch = 200 feet

Project Number:  
1010521  
Hearing Date:  
8-13-2015  
Zone Map Page: C-19  
Additional Case Numbers:  
14EPC 40024



PEBBLE STONE FL  
97-133

CSU-85-9

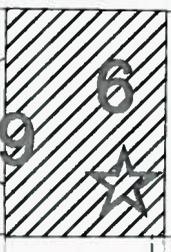
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ZA-01-180  
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ZA-01-180

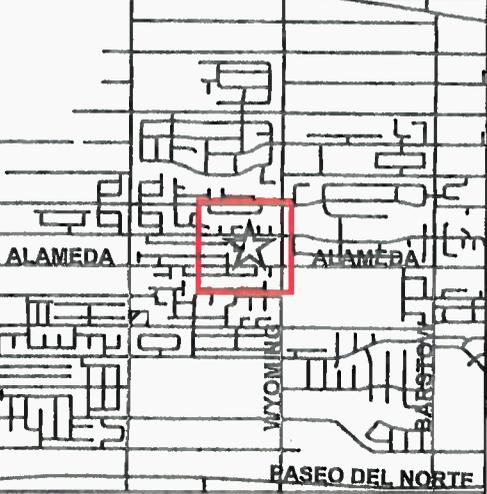
QUAIL SPRINGS FL  
ZA-01-158  
ZA-01-131  
ZA-01-159  
ZA-01-161

ZA-01-163  
ZA-01-164



ZA-97-154

S-71-48



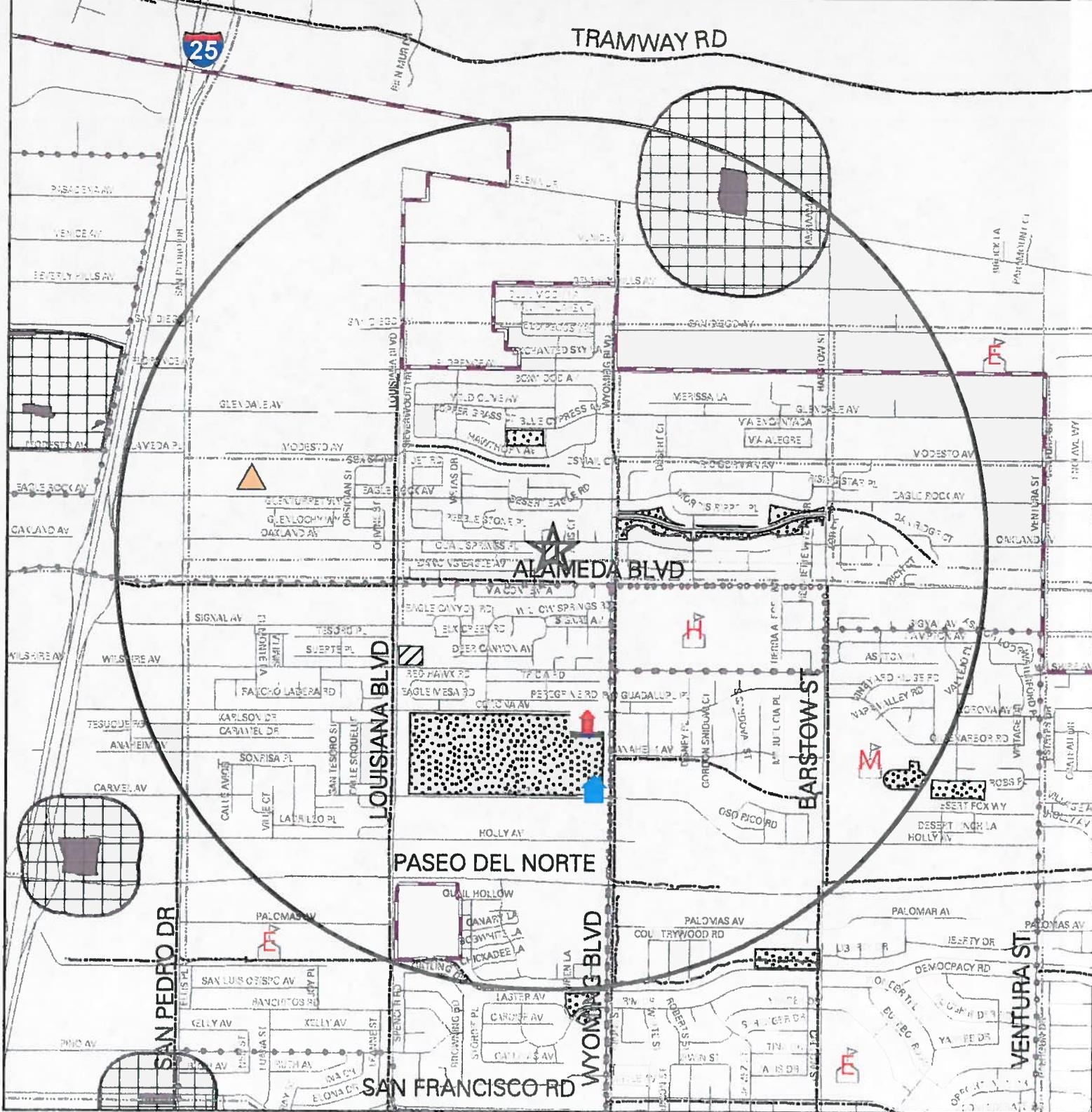
### HISTORY MAP

Note: Grey shading indicates County.



1 inch = 200 feet

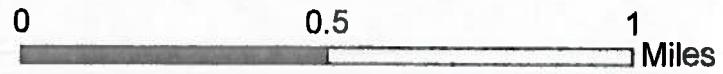
Project Number: 1010521  
Hearing Date: 8-13-2015  
Zone Map Page: C-19  
Additional Case Numbers: 14EPC 40024



## Public Facilities Map with One-Mile Buffer

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

Project Number: 1010521



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2/O-1	Developing Urban La Cueva Sector Development Plan	Vacant
<b>North</b>	R-D, 7 DU/ac	Developing Urban La Cueva Sector Development Plan	Single-family homes
<b>South</b>	SU-2/O-1	Developing Urban La Cueva Sector Development Plan	Vacant, office
<b>East</b>	SU-2/O-1	Developing Urban La Cueva Sector Development Plan	Vacant (assisted living facility approved on this site)
<b>West</b>	R-D, 7 DU/ac	Developing Urban La Cueva Sector Development Plan	Single-family homes

**II. INTRODUCTION**

***Request***

This request is for a sector development plan map amendment (zone change) for Lot 12, Block 3, North Albuquerque Acres, Unit 3, Tract 2, a 0.8864 acre, vacant site located within the boundaries of the La Cueva Sector Development Plan (the “subject site”). This request was deferred at the August 13, 2015 Environmental Planning Commission (EPC) hearing for 30 days in order to advertise the correct zoning category for the request (R-D 6DU/ac, not R-D 5 DU/ac).

The applicant proposes to change the subject site’s zoning from SU-2/O-1 to R-D 6 DU/acre (dwelling units per acre) in order to develop five single-family homes. The number of homes did not change with the deferral request. Since the zone change is not to an SU-1 zone, an associated site development plan is not required at this time, though the applicant has provided an informational exhibit. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26).

***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. Also, EPC review is required for all SU-2 zoned properties in the La Cueva Sector Development Plan (LCSDP) area (LCSDP, p. 22).

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***

The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the LCSDP. The subject site is not located in a designated activity center. Rather, it is one of 10 similarly-sized lots that comprise the NW corner of the Wyoming Blvd./Alameda Blvd. intersection.

To the north, across Oakland Ave., are single-family homes. To the south is a vacant lot and to the SE is a small office building (a dental practice). East of the subject site is a vacant lot for which the EPC recently approved a site development plan for building permit for an assisted living facility (see History section). To the west are single-family homes.

***History***

The subject site was part of the 630 acres annexed into the City in 1995 by the NM State Boundary Commission. The annexed land covered the area from Florence Ave. to Palomas Ave. (north to south), and from Ventura St. to Louisiana Blvd. (east to west). The City established R-D zoning for much of the area (C/S O-1, Enactment 25-1996, in Appendix A of the LCSDP).

The La Cueva Sector Development Plan (LCSDP) was adopted in June 2000 (R-50, Enactment 65-2000) and updated in 2003. One of the reasons behind this planning effort was to provide a mix of uses more suitable for a developing urban area; rezoning was one way to accomplish this. Enactment 65-2000 adopted Exhibit 12, a zoning map of the LCSDP area (see attachment). With this action, the subject site's zoning was changed to SU-2/O-1.

In 2008, the EPC approved a site development plan for building permit for the office building on the lot adjacent southeast of the subject site (Project #1007266). In December 2014, the EPC approved a site development plan for building permit for an assisted living facility on the 1-acre lot adjacent west of the subject site (Project #1010273/14EPC-40071). This site development plan has received final-sign off by the Development Review Board (DRB).

***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Alameda and Wyoming Blvds. are designated as Urban Collectors in this location. Oakland Ave. is a local street.

***Trails & Bikeways, Transit***

There are no existing bike routes, lanes, or trails abutting the subject site, though there are bike paths along Wyoming Blvd. and Alameda Blvd. The subject site is served by Transit, though not directly. Route #98, Wyoming commuter, runs along Alameda, approximately 900' from the northeast corner of the subject site. Service is limited to weekdays, twice in the am and twice in the pm. About a quarter mile walk from the subject site, it would be possible to catch the bus on Wyoming Blvd. (Route #31-Wyoming). Service is all day weekdays, with fewer trips on Saturdays and Sundays.

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***Public Facilities/Community Services***

⇒ See attached Public Facilities Map for details.

**III. ZONING**

***Existing Zoning***

The subject site is zoned SU-2/O-1 pursuant to the La Cueva Sector Development Plan. For sites zoned SU-2/O-1, the LCSDP references the O-1 zone of the Zoning Code (LCSDP, p. 29). Permissive and conditional uses are as provided in the Zoning Code, with two exceptions: Height- maximum building height is 36 feet, and Site Plan Requirements: the illustrations (LCSDP, p. 29) show buildings near the street and parking interior to the site, with connections between the sidewalk and the buildings.

The O-1 Office and Institution zone (Zoning Code §14-16-2-15) “provides sites suitable for office, service, institutional, and dwelling uses.” The request must comply with the requirements of the governing sector development plan (hence the SU-2 zoning) and the O-1 zone with the exceptions as noted.

***Proposed Zoning***

The applicant proposes the following zoning: R-D 6 DU/acre. The R-D (developing residential) zone is the predominant residential zone in the Plan area (LCSDP, p. 26). Residential uses in the R-D zone are regulated by the Zoning Code, subject to the density maximums in Exhibit 12. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26).

Densities for areas zoned R-D are established by the Zoning Plan in the LCSDP (Exhibit 12) and range from R-D 3 DU/acre to R-D 7 DU/acre. This differs from the R-D zone in the Zoning Code (14-16-2-14), which allows permissive uses in the R-3 and C-1 zones.

Densities are based on gross acreage of the lot, which is measured from property line to property line. The subject site is 0.8864 acre and the applicant intends to develop 5 single family homes, resulting in a density of 5.64 DU/acre, or ≈ 6 DU/acre.

**IV. ANALYSIS -ADOPTED ORDINANCES, 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 Developing 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 creating a quality urban environment. The future development would be subject to Design Regulations contained in the LCSDP, which over***

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*time have created a visually pleasing built environment and have helped make the La Cueva Area an identifiable subarea of the Developing Urban Area. Though the request would not result in variety, it would provide more housing choices. Overall, 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 a single-family home development similar to those nearby, at a density of 6 DU/ac that would be unlikely to cause gross density in the area to exceed 5 DU/ac. However, the removal of land zoned for non-residential uses would lessen the possibility of a full range of urban land uses developing in the area. 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, or recreational concern.

*The development would be front Oakland Ave. and be a similar intensity to single-family home developments to the north, west and south. The R-D zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26), which would help ensure that scenic and other resources are taken into account pursuant to the Plan. Staff has not received any written comments and there is no known opposition. The request furtheres Policy II.B.5d- new development/neighborhood values/ environmental conditions/resources.*

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. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity. The request furtheres Policy II.B.5e- new growth/urban facilities/neighborhood integrity.*

Policy II.B.5f: Clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

*The request would facilitate development of 5 single-family homes, laid out in a standard pattern on individual lots, with a t-shaped roadway as indicated in the exhibit (see attachment). The homes would not be clustered, arranged around a shared open area or oriented toward a trail. The request does not further Policy II.B.5f- clustering of homes.*

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

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*The proposed zone change is to the R-D zone, which requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26). Therefore, the design of the future homes would be appropriate to the plan area and the new development would be a similar quality to other homes in the area. The request furthers Policy II.B.51-new development/design quality/appropriateness.*

**B) La Cueva Sector Development Plan (LCSDP)-Rank III**

The LCSDP was adopted in June 2000 and revised in October 2003 to expand Plan boundaries and add clarifying language. The general boundaries are Louisiana Blvd. on the west, Paseo del Norte Blvd. and Palomas Ave. on the south, Ventura St. on the east and Florence Ave. on the north. Exhibit 12 shows specific boundaries (see attachment).

The LCSDP sets forth goals and policies regarding land use, zoning and capital infrastructure priorities for vacant properties to promote sound urban development in the Plan area. The LCSDP contains general Guiding Principles (p. 4) and Guiding Principles (p. 25). It also establishes Design Regulations applicable to all SU-2 zoned properties (p. 31), including residential subdivisions in the R-D zone. The following principles apply to the request:

1.3 OVERARCHING GUIDING PRINCIPLES (P. 4):

Principle 4: Land uses that are compatible with existing development.

*The request generally furthers overarching Guiding Principle 4 because the resulting single-family homes would be compatible with the existing single-family homes nearby and, pursuant to the R-D zone in the LCSDP, would be subject to the Plan's Design Regulations.*

5.1 GUIDING PRINCIPLES (P. 25-26):

Principle 9 (existing): Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.

*The request generally furthers Guiding Principle 9 because it would retain SU-2 zoning, and SU-2 zones are subject to the LCSDP's Design Regulations. Therefore, the future homes would contribute to the identity for the Plan area and be compatible new development.*

Principle 2 (zoning): The predominant residential zone is R-D, which allows single family and townhouse development, according to maximum density established by the Plan. Lowest densities are in areas with the least land assembly potential.

*The proposed zone change furthers Zoning Principle 2 because the zoning would be R-D, the predominant residential zone, and the density would be consistent with nearby residential densities.*

Principle 5 (zoning): New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the

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natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.

*The proposed zone change is to an SU-2 zone, and development in SU-2 zones is subject to the LCSDP's Design Regulations. These design regulations serve to reinforce community identity and improve land use compatibility. The request furthers Zoning Principle 5.*

## V. SECTOR DEVELOPMENT PLAN 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 July 20, 2015, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned SU-2/O-1 pursuant to the LCSDP. The requested zoning is R-D 5 DU/acre. The reason for the request is to allow development of five single-family homes.

The applicant believes that the proposed sector development plan 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): The allowed uses and proposed amendment will not conflict with adopted, relevant Plans and policies and will further land use goals and policies of the City. As a result, 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 applicable plans, which the applicant has done in the response to Section 1.C. The response 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, and that the proposed change is consistent with the City's adopted plans and policies. This development will be in harmony with residential dwellings abutting the site and will be less dense than the 7 DU/ac surrounding the site on three sides.*

*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 the future development 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 facilitates the policies of the Comprehensive Plan, and that it does not conflict with the intent or purpose of LCSDP principles.*

*Relevant Citations: Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5d, and II.B.5e. Policy II.B.5l should have been cited. LCSDP Zoning Principles 2 and 5.*

*Non-applicable citations: LCSDP Zoning Principles 1, 3, 4 and 6.*

*Staff finds the policy citations sufficient overall. The applicant states that several policies in the Comprehensive Plan and principles in the LCSDP support the request, and that the request does not significantly conflict with any adopted elements of these.*

*For a zone change to a straight zone (as opposed to an SU-1 zone), the test under Section 1C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Overall, Staff finds no significant conflicts with applicable goals and policies. 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): The request facilitates applicable policies of the Comprehensive Plan, and the LCSDP. The required subdivision replat will necessitate a public hearing. Subdivision and LCSDP requirements will be imposed.*

*Staff: The response refers to a different use category being 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 because it furthers a preponderance of applicable policies in the Comprehensive Plan and principles in the LCSDP. 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): Permissive uses allowed in the R-D zone are those in the R-1 zone. The permissive uses allowed are identical to those allowed to the west and north, and the R-D zone is a less intense zone than the O-1 zone to the south and east. The request would not allow permissive uses different than residential zoning in the area and therefore would not be harmful.*

*Staff: Staff clarifies that the permissive uses in the R-D zone, pursuant to the LCSDP, are limited to R-1 uses and, unlike the Zoning Code, further restrict allowable densities to between 3 DU/ac and 7 DU/ac. 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 be developed.*

*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 makes no argument regarding economic factors.*

*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 property is not on a collector or major street and the request is for residential zoning, therefore this section does not apply.*

*Staff: Staff agrees that the subject site is not on a collector or major street. The request is not for commercial, office or multi-family zoning. However, all sections of R270-1980 apply and must be answered. 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): This request does not constitute a spot zone as envisioned in this section. The property to the west and north is zoned R-D. The request would expand the R-D zoned area, but would not create a zone category where the use is surrounded by different zone categories or uses.*

*Staff: Staff generally agrees that the request would not create a spot zone. Although it would affect one small area, R-D zoning is adjacent west of the subject site and across the street. There is also R-D zoning further south. Even if the request could be considered a spot zone because R-D 6 DU/ac differs from the nearby R-D 7 DU/ac, the applicant has demonstrated (in the response to Sections 1C and 1D) that the request would facilitate realization of the Comprehensive Plan and sector development plan. The response to Section 1.I is sufficient overall.*

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): This request does applies to a single lot and therefore is not strip zoning.*

***Staff: Staff agrees that the request would not result in a strip zone. The subject site does not constitute a "strip of land along a street". The response to Section 1.J is sufficient.***

**Staff Conclusion**

***Staff finds that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable policies in the Comprehensive Plan and principles in the LCSDP, and that there is no "significant conflict" with these (Section 1C). 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 policies and principles to be furthered.***

***Also, because the request does not constitute a justifiable spot zone, the "clearly facilitates" test in Section 1I does not apply. For these reasons, Staff recommends approval of the sector development plan map amendment (zone change) request.***

**VI. AGENCY & NEIGHBORHOOD CONCERNS**

***Reviewing Agencies/Pre-Hearing Discussion***

City Departments and other agencies reviewed this application from 07/06/2015 to 07/17/2015. The Water Utility Authority points out that the subject site owes money for sanitary sewer service. The fees will have to be paid prior to final plat approval. The Environmental Services Division of the Environmental Health Department notes that the project is in the vicinity of a historical landfill, which is important to note prior to construction activities. The Fire Department notes that the applicant is required to check with the Fire Marshal's Office Plans Checking Division for official review and approval prior to submitting for building permit.

Albuquerque Public Schools (APS) notes that all three schools in the area have excess capacity. The Mid-Region Metropolitan Planning Organization (MRMPO) recommends that preserving the potential for a mix of residential and non-residential uses be a priority when reviewing zone change requests in areas dominated by the desired zoning designation. Agency comments begin on p. 16 of this report.

***Neighborhood/Public***

The affected neighborhood organizations are the Quail Springs Neighborhood Association (NA), the Noreste NA and the District 4 Coalition, which were notified as required. Property owners were also notified as required (see attachments).

Staff received a few phone inquiries regarding the project. One party, an adjacent property owner was opposed. He commented that he'd prefer the zoning to remain unchanged because the LCSDP is supposed to have a mix of uses and, when he purchased the property, he expected an O-1 use to develop to the east and a two-story home would block his views. However, he spoke with the applicant and now supports the request provided that the two homes adjacent to his property are single-story (see attachments).

**VII. CONCLUSION**

The request is for a sector development plan map amendment (zone change) for a vacant site located within the boundaries of the La Cueva Sector Development Plan (LCSDP), just west of the intersection of Wyoming Blvd. and Oakland Ave. (the "subject site").

The applicant proposes to change the subject site's zoning from SU-2/O-1 to R-D 6 DU/acre in order to develop five single-family homes on the lot, which is 0.89 acre. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26).

The subject site is in the Developing Urban Area of the Comprehensive Plan. The LCSDP also applies. The request has been adequately justified pursuant to R270-1980 and, overall, generally furthers applicable policies of the Comprehensive Plan and principles of the LCSDP. Staff did not find any significant conflicts (Section 1C).

The affected neighborhood organizations are the Quail Springs NA, the Noreste NA and the District 4 Coalition. Staff received a few phone inquiries regarding the project. One party, an adjacent property owner who was formerly opposed, supports the request provided the homes nearest him are single-story. Staff recommends approval.

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***FINDINGS - 15EPC-40024, September 10, 2015- Sector Development Plan Map Amendment (Zone Change)***

1. The subject request is for a sector development plan map amendment (zone change) for Lot 12, Block 3, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1 acre site located on on Oakland Avenue NE, between Eagle Rock Avenue NE and Alameda Boulevard NE.
2. The sector development plan map amendment request is for a change from SU-2/O-1 to R-D 6 dwelling units per acre (DU/ac) order to develop five single-family homes.
3. This request was deferred at the August 13, 2015 Environmental Planning Commission (EPC) hearing for 30 days in order to advertise the correct zoning category for the request (R-D 6DU/ac, not R-D 5 DU/ac).
4. The subject site is within the boundaries of the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan (LCSDP) also applies.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan (LCSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request generally furthers the Goal of the Developing and Established Urban Area of the Comprehensive Plan. The request would generally contribute to creating a quality urban environment. The future development would be subject to Design Regulations contained in the LCSDP, which over time have created a visually pleasing built environment and have helped make the La Cueva Area an identifiable subarea of the Developing Urban Area. Though the request would not result in variety, it would provide more housing choices.
7. The request furthers the following, applicable Comprehensive Plan policies:
  - A. Policy II.B.5d- new development/neighborhood values/ environmental conditions/resources. The development would be front Oakland Ave. and be a similar intensity to single-family home developments to the north, west and south. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26), which would help ensure that scenic and other resources are taken into account pursuant to the Plan. Staff has not received any written comments and there is no known opposition.
  - B. Policy II.B5e- new growth/urban facilities/neighborhood integrity. The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.

- C. Policy II.B.51-new development/design quality/ appropriateness. The proposed zone change is to the R-D zone, which requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26). Therefore, the design of the future homes would be appropriate to the plan area and the new development would be a similar quality to other homes in the area.
8. The request partially furthers Comprehensive Plan Policy II.B.5a-full range of urban land uses. The request would result a single-family home development similar to those nearby, at a density of 6 DU/ac that would be unlikely to cause gross density in the area to exceed 5 DU/ac. However, the removal of land zoned for non-residential uses would lessen the possibility of a full range of urban land uses developing in the area.
9. The request furthers Guiding Principles 4 and 9 of the LCSDP. The resulting single-family homes would be compatible with the existing single-family homes nearby and, pursuant to the R-D zone in the LCSDP, would be subject to the Plan's Design Regulations (Principle 4). Therefore, the future homes would contribute to the identity for the Plan area and be compatible new development (Principle 9).
10. The request furthers Zoning Principles 2 and 5 of the LCSDP. The zoning would be R-D, the predominant residential zone, and the density would be consistent with nearby residential densities (Principle 2). The development would be subject to the LCSDP's Design Regulations. These design regulations serve to reinforce community identity and improve land use compatibility (Principle 5).
11. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
- A. Section 1A: Because it will further a preponderance of applicable Goals and policies from the Comprehensive Plan and applicable sector development plan (the La Cueva Sector Development Plan, LCSDP), the sector development plan map amendment is consistent with the health, safety, morals and general welfare of the City.
- B. Section 1B: The uses allowed by the proposed zoning would not adversely affect stability of land use and zoning in the area and, as the applicant demonstrated in the responses to Sections 1C and 1D, the sector development plan map amendment is justified pursuant to R270-1980.
- C. Section 1C: There is no "significant conflict" with an adopted, applicable element of the Comprehensive Plan or applicable principle of the LCSDP. Several policies in the Comprehensive Plan and principles in the LCSDP have been demonstrated to support the request.

- D. Section 1D: A different use category is more advantageous to the community as articulated in the Comprehensive Plan and other applicable Plans (in this case, the LCSDP). The policy-based discussion demonstrates that the proposed zoning category would be more advantageous to the community overall than the current zoning because the request furthers a preponderance of applicable policies in the Comprehensive Plan and principles in the LCSDP.
- E. Section 1E: The request would not allow permissive uses different than existing residential zoning in the area. Permissive uses in the R-D zone are those in the R-1 zone and are identical to what is allowed to the west and north, and therefore would not be harmful to the community, neighborhood or adjacent property. The LCSDP further restricts allowable densities in the R-D zone to between 3 DU/ac and 7 DU/ac.
- F. Section 1F: The zone change requires no capital expenditures by the City in order to be developed.
- G. Section 1G: Economic considerations pertaining to the applicant are a factor in the zone change request, but the applicant is not raising them as the determining factor.
- H. Section 1H: The subject site is not located on a collector or major street and the request is not for apartment, office or other commercial zoning.
- I. Section 1I: The request would not create a spot zone. Although it would affect one small area, R-D zoning is adjacent west, across the street and further south. Even if the request could be considered a spot zone because R-D 6 DU/ac differs from the nearby R-D 7 DU/ac, the applicant has demonstrated (in the response to Sections 1C and 1D) that the request would facilitate realization of the Comprehensive Plan and sector development plan.
- J. Section 1J: The subject site is a single lot and not a strip of land along a street, and therefore would not result in a "strip zone".
12. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable policies in the Comprehensive Plan and principles in the LCSDP, and that there is no "significant conflict" with these (Section 1C). 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 policies and principles to be furthered. The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
13. The affected neighborhood organizations are the Quail Springs Neighborhood Association (NA), the Noreste NA and the District 4 Coalition, which were notified as required. Staff received a few phone inquiries regarding the project. One party, an adjacent property owner

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who was formerly opposed, now supports the request provided that the homes adjacent to his property are single-story.

***RECOMMENDATION - 15EPC-40024, September 10, 2015***

**APPROVAL of 15EPC-40024, a sector development plan map amendment (zone change) from SU-2/O-1 to R-D 6 DU/ac, for Lot 12, Block 3, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1 acre site located on on Oakland Avenue NE, between Eagle Rock Avenue NE and Alameda Boulevard NE, based on the preceding Findings.**

---

*Catalina Lehner*

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

***Notice of Decision cc list***

cc: Doug Crandall, DAC Enterprises, 9520 Macallan Rd. NE, Albuquerque, NM 87109  
Robert Romero, DAC Enterprises, 1521 Edith Blvd. NE, Albuquerque, NM 87102  
Dr. Betty J. Fisher, The Quail Springs NA, 7311 Quail Springs PL. NE, Albuquerque, NM 87113  
Goldialu Stone, The Quail Springs NA, 7116 Quail Springs PL. NE, Albuquerque, NM 87113  
Bob Smith, Noreste NA, PO Box 94115, Albuquerque NM 87199-0066  
Gina Martinez, Noreste NA, PO Box 94115, Albuquerque NM 87199-0066  
Michael Pridham, District 4 Coalition, 6413 Northland Ave. NE, Albuquerque, NM 87109  
Peggy Neff, District 4 Coalition, 8305 Calle Soquelle NE, Albuquerque, NM 87113  
Shawn Leslie, 7419 Quail Springs Pl. NE, Albuquerque, NM 87113

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

No adverse comments.

#### ***Office of Neighborhood Coordination***

#### ***Long Range Planning***

### ***CITY ENGINEER***

#### ***Transportation Development***

No objection to the request.

#### ***Hydrology Development***

#### ***New Mexico Department of Transportation (NMDOT):***

The NMDOT has no comments.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

- Reviewed but there are no comments.

#### ***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***

1. No objection.
2. Development will require an availability statement which can be requested at the following link: [http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)
3. The property owes pro rata (\$2,718.50 for water and \$2,941.95 for sanitary sewer). Pro rata must be paid prior to final plat approval.

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

#### ***Air Quality Division***

#### ***Environmental Services Division***

This project is in the vicinity of a historical landfill. It is listed as being removed, but there is the potential of residual landfill gas in the soils. We do not limit the type of development, but do recommend that it is mentioned to the applicant prior to construction activities.

**PARKS AND RECREATION**

**Planning and Design-**  
 No adverse comments

**Open Space Division**

OSD has reviewed and has no adverse comments.

**City Forester**

**POLICE DEPARTMENT/Planning**

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map – Establishment of Zoning or Zone Change request at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**  
 No comment

**FIRE DEPARTMENT/Planning**

All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal’s Office Plans Checking Division for an official review and approval prior to submitting for building permit.

- 1) Required Hydrants (DPM Ch 25 Sec 8 and Sec 7): Please be aware A fire hydrant shall be within 500 feet of the farthest residential structure.
- 2) Apparatus Access (IFC 503 and Appendix D): See IFC 503 and Appendix D for turnaround requirements where dead ends exceed 150 feet in distance. Please submit plans for an official approval.

**TRANSIT DEPARTMENT**

Project # 1010521 15EPC-40024 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)  FOR ALL OR PORTION OF LOT(S) 12, BLOCK(S) 3, TRACT(S) 2, NORTH ALBUQUERQUE ACRES UNIT(S) 3 ZONED SU-2/O-1 TO R-D/5 DU/A LOCATED ON OAKLAND BETWEEN LOUISIANA AND WYOMING CONTAINING APPROX.1 ACRE. (C-19)	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None

## **COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**- No comments received

### **ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

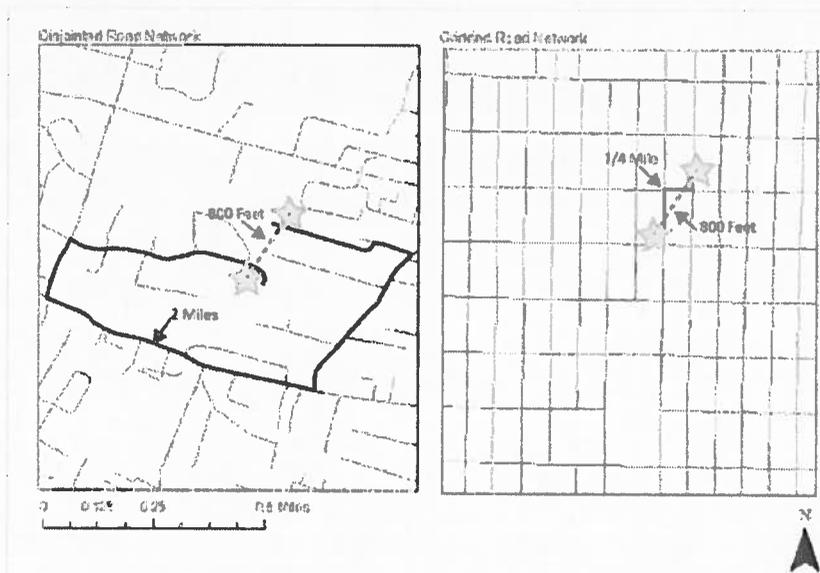
### **ALBUQUERQUE PUBLIC SCHOOLS**

Project #1010521 15EPC-40024 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	North Albuquerque Acres Unit 3, Lot 12, Block 3, Tract 2, is located on Oakland between Louisiana and Wyoming. The owner of the above property requests a Zone Change from SU-2/O-1 to R-D/5DUA to allow for the development of 5 residential lots. Any residential development in this area will have impacts to North Star Elementary School, Desert Ridge Middle School, and La Cueva High School. Currently, all three schools have excess capacity.				
	Loc No	School	2014-15 40th Day	Capacity	Space Available
	268	North Star ES	610	663	53
	430	Desert Ridge MS	1022	1085	63
525	La Cueva HS	1828	2000	172	

### **MID-REGION COUNCIL OF GOVERNMENTS**

#### **Project #1010521**

MRMPO has comments regarding two aspects of accessibility—connectivity and land use mix.



Much residential growth in the region has developed in a piecemeal manner, whereby many opportunities for street and path connectivity have been lost. Disconnected and circuitous networks decrease mobility, in particular for non-motorized modes like walking and biking. In this case, lots in the surrounding area have developed as residential in a manner in which street connectivity was not well preserved. MRMPO recommends connectivity be discussed as a part of the decision-making process when considering a zone change

that exacerbates an existing deficiency.

Land use mix is another important aspect of accessibility. Locating non-residential uses far away from residential areas requires residents to travel further distances for employment and services. Because of this MRMPO encourages a reasonable mix of land uses where appropriate. MRMPO recommends that preserving the potential for a mix of residential and non-residential uses be a priority when reviewing zone change requests in areas dominated by the desired zoning designation.

For more information on these issues, please refer to Chapter 3.13 of the *Futures 2040 Metropolitan Transportation Plan*, "Livable Communities: Access and Connectivity." [http://www.mrcog-nm.gov/images/stories/pdf/transportation/2040\\_MTP/2040-mtp-chapter-3.pdf](http://www.mrcog-nm.gov/images/stories/pdf/transportation/2040_MTP/2040-mtp-chapter-3.pdf)

### **MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

#### **PUBLIC SERVICE COMPANY OF NEW MEXICO**

1. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances. Contact:

PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107  
Phone: (505) 241-3425

2. 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](http://www.pnm.com) for specifications.



**Figure 1:** Looking N, from the subject site. The street is Oakland Ave.



**Figure 2:** Looking NW, at the subject site, from the south.



**Figure 3:** Looking S, from the subject site.



**Figure 4:** Looking W, from the subject site, at an adjacent residence.



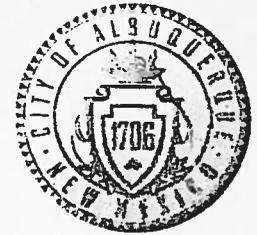
**Figure 5:** Looking E, from the subject site.



**Figure 6:** Looking NE, from the subject site, which drains roughly from E to W.

## HISTORY

# CITY OF ALBUQUERQUE



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

## OFFICIAL NOTIFICATION OF DECISION

August 14, 2015

Shakeel Rizvi dba Nazish LLC  
8504 Waterford NE  
Albuquerque, NM 87122

Project# 1010521  
15EPC-40024 Sector Development Plan Map Amendment  
(Zone Change)

### LEGAL DESCRIPTION:

DAC Zoning & Land Use Services, agent for Shakeel Rizvi dba Nazish LLC, requests the above action for Lot 12, Block 3, Tract 2, Unit 3, North Albuquerque Acres, zoned SU-2/O-1 to R-D 5 DU/acre, located on Oakland Ave. NE, between Eagle Rock Ave. NE and Alameda Blvd. NE, containing approximately 1 acre. (C-19)  
Staff Planner: Catalina Lehner

PO Box 1293

On August 13, 2015, the Environmental Planning Commission (EPC) voted to DEFER Project #1010521/15EPC-40024, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:  
Albuquerque

### FINDINGS:

1. This request is for a Sector Development Plan Map Amendment (zone change).  
New Mexico 87103
2. A 30-day deferral to the September 10, 2015 EPC hearing is needed in order to advertise the correct zoning category for the request.
3. The applicant has agreed to modify the zone category requested from R-D 5 DU/ac to R-D 6 DU/ac.  
www.cabq.gov

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **AUGUST 28, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

OFFICIAL NOTICE OF DECISION

Project #1010521

August 13, 2015

Page 2 of 2

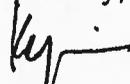
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of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

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

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

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

Sincerely,

  
for Suzanne Lubar  
Planning Director

SL/CLL

cc: Shakeel Rizvi dba Nazish LLC, 8504 Waterford NE, Albuquerque, NM 87122  
Doug Crandall, DAC Zoning & Land Use Services, 9520 Macallan Rd. NE, Albuquerque, NM 87109  
Robert Romero, DAC Zoning & Land Use Services, 1521 Edith Blvd. NE, Albuquerque, NM 87102  
Dr. Betty J. Fisher, The Quail Springs NA, 7311 Quail Springs PL. NE, Albuquerque, NM 87113  
Goldialu Stone, The Quail Springs NA, 7116 Quail Springs PL. NE, Albuquerque, NM 87113  
Bob Smith, Noreste NA, PO Box 94115, Albuquerque NM 87199-0066  
Gina Martinez, Noreste NA, PO Box 94115, Albuquerque NM 87199-0066  
Michael Pridham, District 4 Coalition, 6413 Northland Ave. NE, Albuquerque, NM 87109  
Peggy Neff, District 4 Coalition, 8305 Calle Soquelle NE, Albuquerque, NM 87113

CITY of ALBUQUERQUE  
FOURTEENTH COUNCIL

COUNCIL BILL NO. R-50 ENACTMENT NO. 65-2000

SPONSORED BY: Brad Winter, by request

RESOLUTION

1 AMENDING THE LA CUEVA HIGH SCHOOL LAND USE GUIDE (A RANK THREE  
2 PLAN, ADOPTED IN 1986), TO INCORPORATE NEWLY ANNEXED PROPERTIES  
3 INTO THE BOUNDARY OF THE PLAN; REZONING PORTIONS OF THE LAND USE  
4 GUIDE; AMENDING THE GOVERNING CONCEPTS OF THE LAND USE GUIDE;  
5 RENAMING THE LAND USE GUIDE TO THE LA CUEVA SECTOR DEVELOPMENT  
6 PLAN; AND AMENDING THE ZONE MAP FOR APPROXIMATELY 850 ACRES:

7 WHEREAS, the City of Albuquerque is authorized to adopt plans and  
8 zoning of property to protect the public well-being, health and safety in areas  
9 within the planning and platting jurisdiction; and

10 WHEREAS, the majority of land in the area covered by the La Cueva High  
11 School Land Use Guide was annexed into the City of Albuquerque through a  
12 Municipal Boundary Commission action on July 26, 1995; and

13 WHEREAS, the majority of the annexed area is designated as Developing  
14 Urban in the Albuquerque/Bernalillo County Comprehensive Plan; and

15 WHEREAS, R-D zoning was established by the City Council for the majority  
16 of the annexed area per C/S O-1, Enactment No. 25-1996; and

17 WHEREAS, the City Council recognizes that portions of the annexed area  
18 are suitable for urbanization in terms of location, resource capacities, and service  
19 potential; and

20 WHEREAS, R-D zoning is not sufficiently specific to guide development of  
21 an appropriate mixture of land uses in the plan area; and

22 WHEREAS, the diverse ownership and antiquated platting in the newly-

1 annexed area makes urban development difficult; and

2 WHEREAS, the City, per F/S R-2, 81-1986, initiated the development of the  
3 La Cueva Sector Development Plan, a Rank Three Plan, to rezone portions of the  
4 annexed area to provide a mix of uses more suitable in a Developing Urban Area;  
5 and

6 WHEREAS, rezoning portions of the annexed area is necessary and  
7 justified per Resolution 270-1980; and

8 WHEREAS, the City Planning Department has received substantial public  
9 and inter-departmental input in developing the Plan; and

10 WHEREAS, the La Cueva Sector Development Plan recommends land uses,  
11 zoning, design regulations, and strategies to encourage effectively organized  
12 urban development; and

13 WHEREAS, the La Cueva Sector Development Plan represents a balance  
14 between the goals of the various stakeholders in the plan area; and

15 WHEREAS, the Environmental Planning Commission, in its advisory role  
16 on all matters related to planning, zoning and environmental protection,  
17 recommended approval of the La Cueva Sector Development Plan at a public  
18 hearing on December 9, 1998.

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

21 Section 1. The Council finds:

22 A. The R-D zone is often considered a "holding zone" for developing areas  
23 and the City Council anticipated revising the zoning for the area by adopting a  
24 comprehensive land use plan for the La Cueva Sector Development Plan area  
25 when the R-D zoning was established after the area was annexed.

26 B. There have been changed community conditions in and around the  
27 Sector Plan area since the property was platted and since R-D zoning was  
28 established. A substantial change has occurred in the character of the  
29 neighborhood since the original zoning to such an extent that the reclassification  
30 set forth in the Plan ought to be made.

31 1. Growth and development in the area have been piecemeal which  
32 has caused traffic, drainage and land use problems.

[Tracked Material] - New  
[Tracked Material] - Deletion

1 2. Paseo del Norte has been improved creating the potential for  
2 increased traffic to, from and around the Plan area.  
3  
4 3. The City has recently approved the North Domingo Baca  
5 Community Park Master Plan, which will provide co-location of several public  
6 services to the community.

7 4. The existing zoning has discouraged a balanced mix of uses  
8 necessary in a growing community.

9 C. The land use categories proposed by the Sector Development Plan are  
10 more advantageous to the community than the existing R-D zoning, as articulated  
11 in the Comprehensive Plan and the goals of the La Cueva Land Use Guide and  
12 the proposed La Cueva Sector Development Plan.

13 D. The proposed zone map amendments meet the requirements of R-270-  
14 1980.

15 E. The proposed zoning is established for the entire Plan and affects the  
16 entire Plan area. The proposed zoning amendments are not "piecemeal" zoning  
17 or "spot zoning".

18 F. The Council finds that the downzoning proposed in the Plan is  
19 reasonable and necessary to accomplish the combined goals of the Sector  
20 Development Plan.

21 Section 2. The attached La Cueva Sector Development Plan is adopted as  
22 a Rank Three sector development plan to guide and govern all development  
23 actions, both public and private, within the plan area. The Plan is consistent with,  
24 and will lead to implementation of "Developing Urban Area" policies as set forth  
25 in the Albuquerque/Bernalillo County Comprehensive Plan.

26 Section 3. The attached La Cueva Sector Development Plan is hereby  
27 adopted as a land use control pursuant to the Comprehensive City Zoning Code.  
28 Exhibit 12 in the Plan and the text in Chapter 5, "Zoning" are hereby adopted as  
29 an extension of the Zoning Code and its zone map.

30 Section 4. The recommended drainage improvements shown on Exhibit  
14 and described in Appendix F of the Plan, are hereby recommended for

1 approval pursuant to the North Albuquerque Acres Master Drainage Plan which is  
2 an extension of this Plan.

3 Section 5. The Water and Sewer Plan illustrated on Exhibit 9 and  
4 described in Chapter 7 of the Plan, is hereby adopted as a guide for future master  
5 plan water and sewer facilities within the La Cueva Sector Plan area.

6 Section 6. The La Cueva High School Land Use Guide, as adopted in  
7 1986, is hereby replaced with the attached La Cueva Sector Development Plan. In  
8 the event of conflicting statements between the two plans, the newer attached  
9 Plan shall govern.

10 Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
11 clause, word or phrase of this resolution is for any reason held to be invalid or  
12 unenforceable by any court of competent jurisdiction, such decision shall not  
13 affect the validity of the remaining provisions of this resolution. The Council  
14 hereby declares that it would have passed this resolution and each section,  
15 paragraph, sentence, clause, word or phrase thereof irrespective of any  
16 provisions being declared unconstitutional or otherwise invalid.

17 Section 8. EFFECTIVE DATE AND PUBLICATION. This resolution shall  
18 become effective five or more days after publication in full when a copy of the  
19 resolution is filed in the office of the County Clerk.

20  
21  
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30  
[Tracked Material] - New  
[Tracked Material] - Deletion

r-50amd

1 PASSED AND ADOPTED THIS 19th DAY OF June, 2000  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3  
4 Yes: 8

5 Excused: Baca-Hundley  
6  
7

8  
9  
10   
11 Michael Brasher, President  
12 City Council

13  
14  
15 APPROVED THIS 26th DAY OF June, 2000  
16

17 Bill No. R-50

18  
19  
20   
21 Jim Baca, Mayor  
22 City of Albuquerque

23 ATTEST:  
24   
25 City Clerk  
26

27  
28  
29  
30  
31  
[+Bracketed Material+ - New  
[-Bracketed Material- - Deletion

ZONING

- SU-2 zoning is established along Alameda and Paseo del Norte where more intense land uses are desired and where existing platting and fragmented ownership pose a problem.
- Window C will provide the primary focus, identity, and sense of character for the entire plan area and will contain the most intense land uses.
- New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.
- Site plan review of higher density uses is recommended to assure positive relationships between land uses.

## 5.2 RD Zone

The RD (developing residential) zone is the predominant residential zone in the plan area. Maximum densities for areas zoned RD are established in the Zoning Plan (Exhibit 12). Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements. The residential uses in the RD zone shall be regulated according to the City Zoning Code, subject to the density maximums shown in Exhibit 12.

Residential development more intense than what is typically allowed in the R-1 zone (i.e. lot size less than 5,000 square feet) will be subject to site development plan for subdivision approval by the DRB. Residential development requiring a site development plan for subdivision must also meet the Design Regulations in Section 5.4.6 of this plan.

For Lots 10 through 16, Block 19, Tract 3, Unit 3, North Albuquerque Acres and Lots 10 through 16, Block 18, Tract 3, Unit 1, North Albuquerque Acres, any lot that is less than three quarters of an acre in size will not have access to Carmel N.E.

## 5.3 R-LT Zone

R-LT zoning (limited townhouses) is proposed along the south side of Paseo del Norte between Barstow and Ventura. Residential uses in the R-LT zone shall be regulated according to the City Zoning Code. Development in the R-LT zone that requires a site development plan must meet the design regulations in Section 5.4.6 of this sector plan.

## 5.4 SU-2 Zones

SU-2 (special neighborhood) zoning is proposed along Alameda and Paseo del Norte where a mixture of high density, residential and non-residential uses are desired and where the current platting and ownership pattern poses a constraint. The intent of the SU-2 zone is to ensure compatibility of higher density land uses within the lot configurations and ownership pattern of these areas.

The SU-2 zones establish minimum site sizes for multifamily uses. Site size goals can be accomplished through consolidation of multiple lots into single parcels or through cooperative planning of multiple parcels.

Exceptions that are specific to a particular zone include site size and height as shown in the description of each zone. Exceptions that are common to all SU-2 zoned properties are listed together following the descriptions of individual zones.

Design regulations for SU-2 zoned property are contained in Section 5.4.6. The design regulations will be implemented through the site development plan review and approval process.

- vi. Food and non-alcoholic drink for consumption on-premises or off but not drive-in restaurant or restaurant with drive-up facility for take-out orders.
- vii. Jewelry.
- viii. Services, provided there is no outdoor storage or activity except parking:
  - ix. Barber, beauty.
  - x. Day care center.
  - xi. Dry cleaning station (no processing), self-service laundry.
  - xii. Instruction in music, dance, fine arts, or crafts.
  - xiii. Interior decorating.
  - xiv. Photography, except adult photo studio.
  - xv. Sign, as regulated in 5.4.6 below.

*Conditional use.* Uses conditional in the R-2 zone and not permissive in this zone.

*Site size.* Sites can be planned as individual lots or as consolidated site plans under multiple ownership. The regulations for lot and/or site size are as follows:

1. Minimum site size for a multifamily development is ten acres. The minimum site dimension is 400 feet.
2. Minimum lot area and width for lots developed with houses and townhouses shall be as provided in the R-T zone.
3. Consolidated sites can be assembled into coordinated developments with lots remaining under multiple ownership. The site development plan must contain shared parking and access, a consistent landscaping plan, shared trash receptacles and perimeter walls, coordinated building design, orientation and common drainage facilities. Access easements, drainage easements and other easements must be recorded by plat.

*Setbacks.* Minimum setbacks are as defined in the R-2 zone. Maximum setback from Holly Avenue or Carmel Avenue is 30 feet. No parking or driveways are allowed in the setback area.

*Site plan requirements.* Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

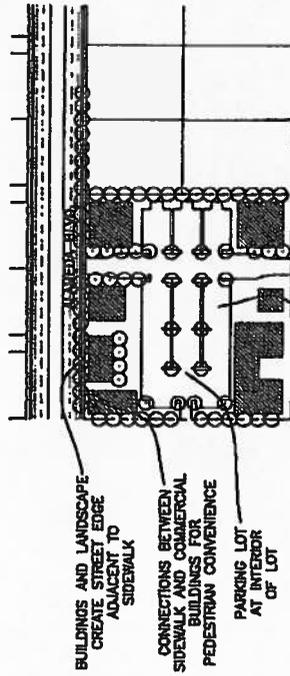
### 5.4.3 SU-2/O-1

SU-2/O-1 (office) zoning is proposed along Alameda and on Louisiana as part of the "mix" in the Neighborhood Activity Centers. Permissive and conditional uses of the O-1 zone as provided in the City Zoning Code are allowed in areas mapped SU-2/O-1 on the zoning map. These uses are regulated as in the O-1 zone, with the exceptions noted below.

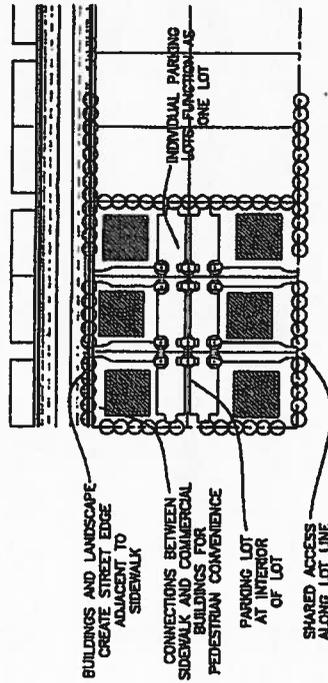
**Exceptions:**

**Height.** The height requirements of the O-1 zone apply except that the maximum building height is 36 feet.

**Site plan requirements.** Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.



TYPICAL COMMERCIAL SITE PLAN ON CONSOLIDATED LOTS



TYPICAL COMMERCIAL SITE PLAN ON COOPERATIVELY DEVELOPED INDIVIDUAL LOTS

Figure 6 - Site Plan Options

### 5.4.4 SU-2/C-1

SU-2/C-1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Louisiana and the southwest corner of Paseo del Norte and Ventura to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods.

Permissive and conditional uses of the C-1 zone as provided by the City Zoning Code are allowed in areas mapped SU2/C-1 on the zoning map. These uses are regulated as in the C-1 zone, with the following exceptions:

**Exceptions:**

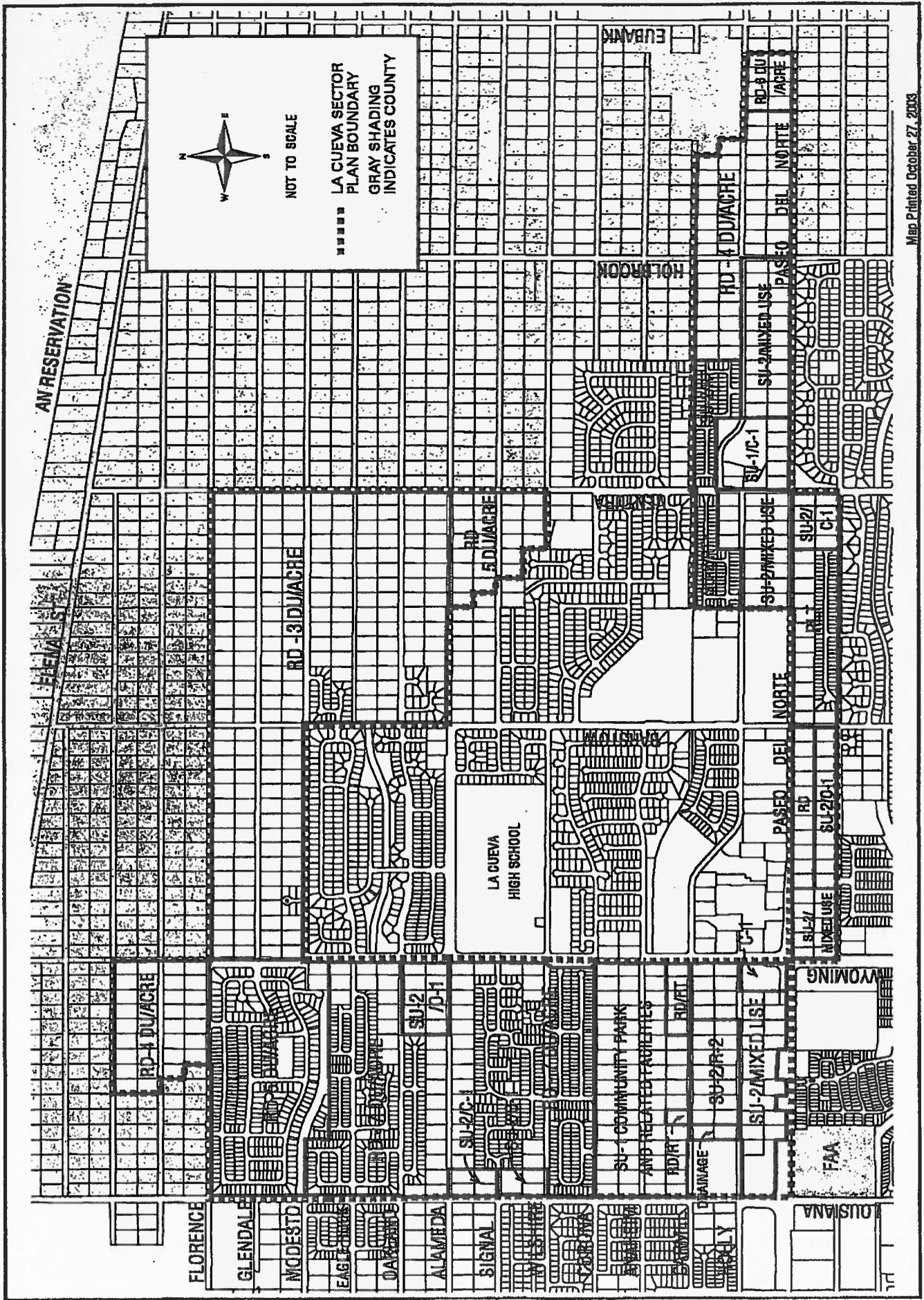
1. The sale of alcoholic drink for consumption off premises is a permissive use provided that it is an ancillary use within a grocery store.
2. Site plan requirements. Sites are subject to the site development regulations in §14-16-3-10 and §14-16-3-11 of the City Zoning Code.

### 5.4.5 SU-2/Mixed Use

SU-2/Mixed Use zoning is proposed along Paseo del Norte in Windows C, H, and M and is intended to provide the community with a mix of mutually-supporting retail, service, office and residential uses. This zone promotes physically and functionally coordinated and cohesive site planning and design. It also encourages development of a high-density, active urban environment in the Community and Neighborhood Activity Centers.

The provisions of the C-1 zone in the City Zoning Code apply in areas mapped SU2/Mixed Use on the zoning map. These uses are regulated as in the C-1 zone, with the exceptions noted below.

# LA CUEVA SECTOR DEVELOPMENT PLAN - ZONING



Map Printed October 27, 2003

APPLICATION INFORMATION



Supplemental Form (SF)

<p><b>SUBDIVISION</b></p> <p>___ Major subdivision action</p> <p>___ Minor subdivision action</p> <p>___ Vacation</p> <p>___ Variance (Non-Zoning)</p> <p><b>SITE DEVELOPMENT PLAN</b></p> <p>___ for Subdivision</p> <p>___ for Building Permit</p> <p>___ Administrative Amendment (AA)</p> <p>___ Administrative Approval (DRT, URT, etc.)</p> <p>___ IP Master Development Plan</p> <p>___ Cert. of Appropriateness (LUCC)</p> <p><b>STORM DRAINAGE (Form D)</b></p> <p>___ Storm Drainage Cost Allocation Plan</p>	<p><b>S</b></p> <p><b>Z</b></p> <p><b>V</b></p> <p><b>P</b></p> <p><b>D</b></p> <p><b>L</b></p> <p><b>A</b></p>	<p><b>ZONING &amp; PLANNING</b></p> <p>___ Annexation</p> <p><input checked="" type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)</p> <p>___ Adoption of Rank 2 or 3 Plan or similar</p> <p>___ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations</p> <p>___ Street Name Change (Local &amp; Collector)</p> <p><b>APPEAL / PROTEST of...</b></p> <p>___ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other</p>
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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, 600 2<sup>nd</sup> 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 ZONING & LAND USE SERVICES PHONE: 505-294-5243  
 ADDRESS: 9520 MACALLAN ROAD NE FAX: 505-247-4530  
 CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: DACINC200@aol.com  
 APPLICANT: SHAKEEL RIZVI d/b/g NAZISH LLC PHONE: 505-315-6563  
 ADDRESS: 8504 WATERFORD NE FAX: \_\_\_\_\_  
 CITY: ALBUQUERQUE STATE NM ZIP 87122 E-MAIL: ADIL1424@yahoo.com  
 Proprietary interest in site: OWNER/MANAGER List all owners: \_\_\_\_\_

**DESCRIPTION OF REQUEST:** ZONE MAP AMENDMENT TO R-D 5 DWELLING UNITS PER ACRE

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

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

Lot or Tract No. LOT 12, TR 2 Block: 3 Unit: 3  
 Subdiv/Addn/TBKA: NORTH ALBUQUERQUE ACRES  
 Existing Zoning: SU-2/01 Proposed zoning: R-D/5 DU/A MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): C-19 UPC Code: \_\_\_\_\_

**CASE HISTORY:**

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

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? NO  
 No. of existing lots: 1 No. of proposed lots: 5 Total site area (acres): 1 AC  
 LOCATION OF PROPERTY BY STREETS: On or Near: OAKLAND AVE NE  
 Between: LOUISIANA BLVD NE and WYOMING BLVD NE  
 Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team (PRT)  Review Date: 4/14/15

**SIGNATURE** Doug Crandall, DAC INC. DATE 6/29/15  
 (Print Name) DOUG CRANDALL Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 11/2014

<p><input type="checkbox"/> INTERNAL ROUTING</p> <p><input type="checkbox"/> All checklists are complete</p> <p><input type="checkbox"/> All fees have been collected</p> <p><input type="checkbox"/> All case #s are assigned</p> <p><input type="checkbox"/> AGIS copy has been sent</p> <p><input type="checkbox"/> Case history #s are listed</p> <p><input type="checkbox"/> Site is within 1000ft of a landfill</p> <p><input type="checkbox"/> F.H.D.P. density bonus</p> <p><input type="checkbox"/> F.H.D.P. fee rebate</p>	<p>Application case numbers</p> <p><u>ISEPC - 40024</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Hearing date <u>August 13, 2015</u></p> <p><u>7-1-15</u></p>	<p>Action</p> <p><u>AZM</u></p> <p><u>CMF</u></p> <p><u>ADV</u></p> <p>_____</p> <p>_____</p>	<p>S.F.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Total</p> <p><u>\$420.00</u></p>	<p>Fees</p> <p><u>\$295.00</u></p> <p><u>\$50.00</u></p> <p><u>\$75.00</u></p> <p>_____</p> <p>_____</p>
--	---	---	--	--

Staff signature & Date: [Signature] Project # 1010521

**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, 6 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 ZONING & LAND USE SERVICES  
Applicant name (print)  
Angie Crandall, DAC INC 6/29/15  
Applicant signature & Date



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

Application case numbers  
15 EPC - 40024

Revised: June 2011  
[Signature] 7-1-15  
Staff signature & Date  
Project # 1010521

## LETTER OF AUTHORIZATION

June 22, 2015

**Re: For Lots 12, Block 3, TR. 2, Unit 3, North Albuquerque Acres, Map C-19**

### **TO WHOM IT MAY CONCERN:**

This letter certifies that I, Shakeel Rizvi, am the owner of the above referenced property. By this letter I authorize DAC Enterprises, Inc., to act as agent in all matters to come before the Environmental Planning Commission, City of Albuquerque, regarding the zone map amendment application for the proposed property.

If you have any questions, please feel free to contact me at 505-315-6563.

Sincerely,

A handwritten signature in black ink, appearing to read 'SR', with a long horizontal flourish extending to the right.

Shakeel Rizvi

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: SHAKEEL REZVI DATE OF REQUEST: 6/23/15 ZONE ATLAS PAGE(S): C-19

CURRENT: AGENT: DAC ZONING & LAND USE

LEGAL DESCRIPTION:

ZONING SU-2/0-1  
PARCEL SIZE (AC/SQ. FT.) 1.0 AC

LOT OR TRACT # 12 BLOCK # 3  
SUBDIVISION NAME N. ALBACRES, TR 2, UNIT 3

REQUESTED CITY ACTION(S):

ANNEXATION [ ]  
ZONE CHANGE [X]: From SU-2/0-1 To RD  
SECTOR, AREA, FAC, COMP PLAN [X]  
AMENDMENT (Map/Text) [ ]

SITE DEVELOPMENT PLAN:

SUBDIVISION\* [X] AMENDMENT [ ]  
BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [ ]  
NEW CONSTRUCTION [X]  
EXPANSION OF EXISTING DEVELOPMENT [ ]

GENERAL DESCRIPTION OF ACTION:

# OF UNITS: 5 single family lots  
BUILDING SIZE: \_\_\_\_\_ (sq. ft.)

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

APPLICANT OR REPRESENTATIVE [Signature]

DATE 6/23/15

(To be signed upon completion of processing by the Traffic Engineer)

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

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [X] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ]

Notes:

5 single family lots

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.

[Signature]  
TRAFFIC ENGINEER

06-23-15  
DATE

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 \_\_\_\_\_

June 22, 2015

Peter Nichols, Chair  
Environmental Planning Commission  
City of Albuquerque  
Albuquerque, New Mexico

**Re: Zone Map Amendment - Lot 12, Block 3, Unit 3, Tract 3, North Albuquerque Acres**

Dear Chair and Commissioners:

This is a request for a zone map amendment from SU-2/O-1 to R-D, five dwelling units per acre. DAC Enterprises Inc., has been retained to act as agent for the applicant.

The parcel is located on Oakland NE, west of Wyoming Boulevard. Tract 3 abuts R-D (7 DU/A) on the east and SU-2/O-1 to the south and east. The properties across Oakland on the north side are also zoned R-D (7 DU/A). The SU-2/O-1 parcel to the east has been approved for an assisted living facility. The property to the south is mostly vacant with a portion of this request abutting the parking lot of a church.

Approval of this zone map amendment will provide low density single family dwellings with lot sizes approximately 5500 square feet, each. Open space, which is required in the R-D zone, will be met on site.

**Summary of Zone Change Request**

Justification for this approval is primarily 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.

This site is located within the *La Cueva Sector Development Plan Area (LCSDP)*. It is a desirable area to live in the Far Northeast Heights. It is approximately a mile from Paseo del Norte, a major thoroughfare that is rapidly developing. Shopping and dining opportunities are in abundance along Paseo del Norte and major connecting streets.

Office space, allowed by the current zoning, is available in any office or commercial zone in Albuquerque and Bernalillo County. As of January 2015, there was a 20.9% vacancy for building designed as office space within the Albuquerque city limits.

This is an 18% increase in vacancy since 2010. During the same period of time, vacancy rates for both industrial and retail uses dropped dramatically. Office space is readily available within the Paseo del Norte corridor and the *La Cueva Sector Development Plan Area*.

R-D is the predominant residential zone category in this area. Seven dwelling units per acre is common. This request is for five dwelling units per acre. As previously stated, each lot, which will be accessed off a hammerhead, will be approximately 5500 square feet in area and will comply with all R-D open space regulations.

### **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 standards that are incorporated into the zoning regulations found in the Zoning Code. This zone map amendment will allow standard R-D uses. The proposed subdivision creates lots greater than 5000 square feet and meets R-D open space standards. If approved by the Environmental Planning Commission (EPC), the subdivision will then be submitted for approval by the Development Review Board (DRB) as a Major Plat action. 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 policies of the City. As a result, 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.**

Applicant will demonstrate that stability of land use will not be compromised and that the proposed change to the *LCSDP* is consistent with the City's adopted plans and policies.

As demonstrated, there is a glut of vacant office space in the city. Except for La Cueva High School and North Domingo Baca Park, this block is the only area between Louisiana and Barstow, north of Anaheim to the northern city limits, that is not zoned R-D. Densities range from 3 DU/AC to 7 DU/AC.

This development will be in harmony with the residential dwellings abutting the site and throughout the *La Cueva Sector Development Plan*. It will be less dense than the standard 7 DU/AC generally surrounding this site on three sides. Based upon these reasons, applicant believes that the proposed zone map amendment maintains stability of land use and zoning.

**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.** The site is located in the Developing 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 allows for the development of five single family dwellings, each with 5500 square feet of lot area and the required 2400 square of open space. As such the proposed use does not conflict with the primary Goal of this section of the Comprehensive Plan.

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."

Seven dwelling units per acre is the acceptable standard in the *La Cueva Sector Development Plan*. This request is for five dwelling units per acre, This is the goal of Policy a. and will not increase the gross density in the overall area. The site is currently designated for O-1 uses and there is no indication of office use being particularly desirable or likely to be developed in the near future in this area. The SU-2/O-1 site abutting on the east has been approved for assisted living, another residential type use. Market priced single family housing remains in high demand.

Approval of this request will add housing stock to take advantage of the retail and service uses in the immediate area, as well as having easy access to all other parts of town because of the proximity to Paseo del Norte, Alameda and I-25.

Although this request is to allow additional single family development and does not add any new uses not already allowed in the *LCSDP*, it complies with the overall residential density desired in the Developing Urban area. As such, this request does not conflict with Policy a.

Policy II.B.5.d states: *"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 lower density, single family housing with substantial on site open space. It will be more beneficial to the neighborhood than vacant O-1 zoned land and will virtually mirror the residential development standards of the area. Neighborhood representatives have been contacted and applicant is confident of their support of this request.

The La Cueva area has been designed to take advantage of both the scenic resources of the area, particularly the views of the Sandia Mountains to the east and the wide vistas to the east. Bicycle lanes along many major and collector streets in the area as well a dedicated walking and bike path on Paseo del Norte will be readily available and accessible to the residents of this development.

These bicycle and walking paths also provide recreation. In addition, the North Domingo Baca Multicultural Center provides everything from tennis to a computer library to social gatherings for neighborhood meetings and other similar functions. As such, this request does not conflict with Policy d.

It is the goal of Policy 11.B.5.e that “[n]ew 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 contiguous to all city facilities. There is a large neighborhood multi-generational center and park within reasonable walking distance, and all utilities are available on site. As such, this request does not conflict with Policy e.

### **La Cueva Sector Development Plan**

As previously noted, the site is also located within the *La Cueva Sector Development Plan*. Although there are no specific goals and policies of the *LCSDP*, the plan does identify certain guiding principles. Although the principles are somewhat amorphous, applicant believes that this request does not conflict with the intent or purpose of any of those principles. Specifically,

- “The sector plan provides for a mix of uses with pedestrian, transit and bicycle facilities.” This request is to erect single family units at five d.u.s per acre. This is an allowed use in the *LCSDP* and the residents who will live in those houses will make use of the available pedestrian, bicycle and transit facilities including the walking trail at the North Domingo Baca Multi-generational Center and the dedicated bicycle trails along Paseo del Norte.
- “The predominant residential zone is RD [sic], which allows single family and townhouse development, according to maximum densities established by the plan, Lowest densities are in areas with the least land assembly potential.” This parcel furthers this principle as it will be developed with 5 d.u.’s per acre, less than the standard 7 d.u.’s per acre in the vicinity.
- “SU-2 zoning is established along Alameda and Paseo del Norte where more intense land uses are desired and where existing platting and fragmented ownership pose a problem.” This site is not located on either Paseo del Norte or Alameda and is not relevant to this request.
- “Window C will provide the primary focus, identity and sense of character for the entire plan area and will contain the most intense uses.” This site is not located in Window C.
- “New development should contribute to the identity of this part of Albuquerque, reinforcing its relationships to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character and overall community design.”

This request is for a permissive use in the *LCSDP* and the development will meet all applicable design standards when constructed.

- "Site plan review of higher density uses is recommended to assure positive relationships between land uses." This is a request for low density single family homes; therefore this principle is not applicable.

**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 and other City master plans, even though 1 and 2 above do not apply.** As stated in the justification summary section of this letter, applicant believes that a different use category can be demonstrated as being more advantageous to the community.

This property is located in the Developing and Established Urban Area of the *Comprehensive Plan*.

1.) Applicant makes no argument that there is an error when the existing zone map pattern was created.

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 within acceptable density standards, a location with reasonable access to public and private transportation as well as to urban facilities and services. In addition, the proposed use will require a subdivision replat that will necessitate a public hearing before the DRB, where subdivision requirements for the City of Albuquerque and for the *LCSDP* will be imposed. 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.** This is a request for R-D zoning to create five lots designed and regulated exclusively for single family development. Permissive uses allowed are standard uses in the R-1 zone. The land abutting this request to the west and across the street to the north are also zoned for single family residences. The permissive uses allowed in this request are identical to those allowed to the west and north. The properties abutting on the south and east are zoned SU-2/O-1. The site on the east has been approved for assisted living housing. The R-D zone, when restricted to R-1 uses is a less intense zone category than the O-1 zone. R-D zoning for single family residences is the primary zone category in the *La Cueva Sector Development Plan*.

As such, changing this parcel from SU-2/O-1 to R-D, five dwelling units per acre, will not allow permissive uses that are different from the majority of residential zoning in the area, and 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 expenditures...may be denied.** This proposed zone change requires no capital expenditures on the part of the City in order to be developed.

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 makes no argument regarding economic factors. As such, applicant believes that economic factors be considered in this request.

H. **Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.** This property is not located on a collector or major street and the request is for residential zoning, therefore this section does not apply.

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 request constitutes a spot zone as envisioned in this section. The abutting property to the west is zoned R-D as is the property directly across the street to the north. Approval of this request will expand the R-D zoned area, but will not create a zone category where the use is surrounded by different zone categories.

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. This request applies to a single lot and is therefore not strip zoning.

Conclusions

This request is well supported by several policies and techniques of the *Comprehensive Plan*, as well as furthering the relevant guiding principles of the *La Cueva Sector Development 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  
Principal, DAC Enterprises, Inc.

NOTIFICATION &  
NEIGHBORHOOD INFORMATION



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

June 15, 2015

Robert E. Romero  
 DAC Enterprises, Inc.  
 1521 Edith Boulevard NE  
 Phone: 505-242-3232/Fax: 505-247-4530

Dear Robert:

Thank you for your inquiry of June 15, 2015 requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** 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) – FIRESTATION SITE NO. 19, REPLAT OF LOTS, 1 AND 2, BLOCK 5, TRACT 2, UNIT 3, NORTH ALBUQUERQUE ACRES LOCATED ON LOUISIANA BOULEVARD NE BETWEEN SIGNAL AVENUE NE AND WILSHIRE AVENUE NE** zone map **C-19**.

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

**SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.**

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. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,  
*Stephani Winklepleck*  
 Stephani Winklepleck  
 Neighborhood Liaison  
 OFFICE OF NEIGHBORHOOD COORDINATION  
 Planning Department

OnInquiryItrwna/hoa (03/20/14)

**PLEASE NOTE:** The Neighborhood and/or Homeowner Association 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.

**LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.**

## **ATTACHMENT A**

**(EPC SUBMITTAL) - LOT 12, BLOCK 3, NORTH ALBUQUERQUE ACRES, TRACT 2, UNIT 3 LOCATED ON OAKLAND NE BETWEEN LOUISIANA BOULEVARD NE AND WYOMING BOULEVARD NE zone map C-19 FOR ROBERT ROMERO, DAC ZONING & LAND USE SERVICES.**

### **THE QUAIL SPRINGS N.A. "R"**

**Dr. Betty J. Fisher**

7311 Quail Springs Pl. NE/87113 797-4852 (h)

Goldialu Stone

7116 Quail Springs Pl. NE/87113 797-5597 (h)

### **NOR ESTE N.A. "R"**

**\*Bob Smith**

P.O. Box 94115/87199-0066 828-1319 (h)

Gina Martinez

P.O. Box 94115/87199-0066 238-5495 (c)

### **DISTRICT 4 COALITION OF N.A.'S**

**\*Michael Pridham, 6413 Northland Ave. NE/87109 321-2719 (h) 872-1900 (c)**

**Peggy Neff, 8305 Calle Soquelle NE/87113 977-8903 (h)**

**\* President of association/coalition**

-Typical

9627 9478 1296  
7006 2150 0001 3478 1302

June 22, 2015

**CERTIFIED MAIL**  
**NOR ESTE NEIGHBORHOOD ASSOCIATION**  
Bob Smith  
P.O. Box 94115  
Albuquerque, NM 87199-0066

**Re: ZONE MAP AMENDMENT - LOT 12, BLOCK 3,  
NORTH ALBUQUERQUE, 1 ACRE**

Dear M. Smith:

DAC Zoning and Land Use Services has been authorized by the applicant, Mr. Shakeel Rizvi, Nazish LLC to represent a request for a zone map amendment for R-D, five (5) dwelling units per acre for the above referenced location. The site is currently zoned SU-2/O-1 and is within the boundaries of the La Cueva Sector Development Plan.

The proposed zone map amendment will allow standard R-D uses. Specifically, a subdivision of five low density single family dwellings, each with 5500 square feet of lot area. Open space will be provided as required by the R-D zone. The site is located on Oakland NE, west of Wyoming Boulevard. Tract 2 abuts R-D (7 DU/A) on the east, while the site abuts SU-2/O-1 to the south and east. The properties across Oakland on the north side are also zoned R-D (7 DU/A). The SU-2/O-1 parcel to the east of this site has been approved for an assisted living facility.

This request will be filed by the July 2, 2015 deadline for a hearing before the Environmental Planning Commission, City of Albuquerque on August 13, 2015. Enclosed for your review is the proposed plan showing details of the subdivision and a copy of Zone Map C-19 to help identify the property.

We can meet with you and/or your association at your convenience to discuss the project in detail and answer any questions you may have. Please call me at your convenience.

Sincerely,  
*Doug Randall*  
Doug Randall  
Principal

Cc: Gina Martinez, P.O. Box 94115, Albuquerque, NM 87199

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Sent To **BOB SMITH** 06/23/2015  
 Street, Apt. No., or PO Box No. **P.O. BOX 94115**  
 City, State, ZIP+4 **ALBUQ, NM 87199-0066**

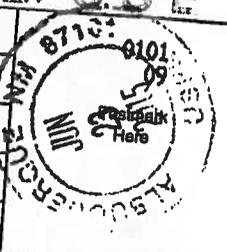
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Total Postage & Fees	\$6.74



Sent To **GINA MARTINEZ** 06/23/2015  
 Street, Apt. No., or PO Box No. **P.O. BOX 94115**  
 City, State, ZIP+4 **ALBUQ, NM 87199-0066**

PS Form 3800, August 2006 See Reverse for Instructions

**Lehner, Catalina L.**

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**From:** Fisher, Betty <bfisher@usbnc.org>  
**Sent:** Thursday, August 27, 2015 12:53 PM  
**To:** Lehner, Catalina L.  
**Cc:** sleslie17@comcast.net; gstone@swcp.com  
**Subject:** Project 1010521

August 27, 2015

Dear Catalina,

RE: Project 1010521

The Quail Springs Neighborhood Association supports Mr. Shawn Leslie's support of Mr. Adhil Rizvi's request for a zone change for Lot 12, Project 1010521, which is directly east of Mr. Leslie's property, with the caveat that Mr. Rizvi makes good on his promise to limit the two houses immediately east of Mr. Leslie's property to single-story dwellings and that Mr. Rizvi do everything reasonably possible to protect Mr. Leslie's privacy and view of the mountains as required by the La Cueva sector plan (including widow placement, landscaping, street layout, and privacy wall height).

Sincerely yours,

Dr. Betty J. Fisher, President  
Quail Springs Neighborhood Association

7311 Quail Springs Place NE  
Albuquerque, NM 87113-1780  
505-797-4852  
[bfisher@usbnc.org](mailto:bfisher@usbnc.org)

**Lehner, Catalina L.**

---

**From:** sleslie17@comcast.net  
**Sent:** Thursday, August 27, 2015 12:25 AM  
**To:** Lehner, Catalina L.  
**Cc:** bfisher@usbnc.org; Stone, Goldialu  
**Subject:** Project 1010521

Hi Catalina,

I met with my neighborhood association and we discussed the zone change of the property bordering my property to the east. After thoughtful feedback from the group I have decided to support the zone change from office to residential. Although I believe that certain offices would be less disturbing to our privacy and views than 5 houses would, that is an unknown quantity and ultimately I am forced to support the zone change. But I only continue to support it into the next phase if the developer Mr Rizvi follows up on his promise to limit the two houses immediately east of my property to single story and do everything reasonably possible to protect my privacy and views to the mountain as required by the La Cueva sector plan. This should include window placement, landscaping, street layout and privacy wall height. With this would you please retract my previous email which did not support the zone change.

I have included Mr. Rizvi's email below showing his intentions to build single story homes next to mine, which I appreciate.

Thanks for the opportunity to contribute to the process and all of your help along the way.

Sincerely,  
Shawn Leslie

7419 Quail Springs Pl. NE  
Albuquerque, NM 87113  
505-459-7527

----- Forwarded Message -----

**From:** Adil R <[adil1424@yahoo.com](mailto:adil1424@yahoo.com)>  
**To:** Shawn Leslie <[sleslie17@comcast.net](mailto:sleslie17@comcast.net)>; Adil Rizvi <[adil1424@yahoo.com](mailto:adil1424@yahoo.com)>; Shakeel Rizvi <[shaky1424@yahoo.com](mailto:shaky1424@yahoo.com)>  
**Sent:** Sunday, August 2, 2015 8:03 PM  
**Subject:** Oakland Estates on Lot 12 - Oakland

Good Afternoon Shawn ,

Thank you so much for meeting with me and sharing your concerns about the proposed residential development East of your property .

As you know , we are requesting a zone change from special use for Offices ( SU2-O1) to a five lot residential subdivision - similar to the recently completed subdivision to the North of Oakland .

Our proposed development will include a mixture of two story and single story homes not exceeding the height limits identified in the La Cueva Sector Plan . After briefly discussing the project with you , I

think it will be a good idea to limit the height of the two houses , immediately East of your house , to **only single story.**

As you may know , the City of Albuquerque , recently approved the plans for the proposed Assisted Living Facility on Lot 13 ( East of our proposed residential development ) and is scheduled to break ground this fall .

I believe our residential development will blend well with the neighborhood since it will provide a smooth transition from a high density - 6 per acre in Quail Springs Subdivision to 5 per acre in Oakland Estates.

This will also significantly reduce the traffic on Oakland Avenue which is predominantly used as a residential street since 85 % of the street , between Louisiana and Wyoming , is bounded by residential development .

If an office complex were to be built on Lot 12 instead of the proposed 5 lot residential development , then there could be a net increase of about 50 vehicles a day. (based on about 12,000 SF office space ) .

Also , the internal street showed on the conceptual color rendering does not extend from the East end of the property line to the West end . The attached " Oakland Sample Plat" of the 5 lot subdivision shows the correct dimensions of the street length.

Again , I want to thank you for meeting with me and please call me if you have any questions . I am also available to meet with the Neighborhood Association and discuss the project .

Adil Rizvi  
505-315-6484

**Lehner, Catalina L.**

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**From:** sleslie17@comcast.net  
**Sent:** Monday, August 03, 2015 12:04 AM  
**To:** Lehner, Catalina L.  
**Cc:** Shawn Leslie  
**Subject:** Project 1010521  
**Attachments:** IMG\_7718 (2) (800x533).jpg

Hi Catalina,

Mr. Adil Rizvi came to see me today at my house. We discussed the re-zoning and the 5 houses that would follow. Although Mr. Rizvi stated it would be a good idea to limit the height of the 2 houses bordering my property, and I do appreciate that gesture, nothing is guaranteed and even if that happened I cannot be swayed to believe 5 dense houses each on .12 acres would adversely impact our family's and others less than the original office zone, thoughtfully planned by the city of Albuquerque. The estimated 50 extra cars per day while we are also at work and school is a minor negative impact compared to the vacancy we benefit from on all evenings and all weekend. I believe the cost of land and return on investment is the sole reason for the zone modification. I assure you that none of my reasons listed below are based on anything financial, they are based only on my families quality of life. It is with these thoughts and my list below that I respectfully ask that the zone remains unmodified. Thanks for the opportunity to contribute my thoughts.

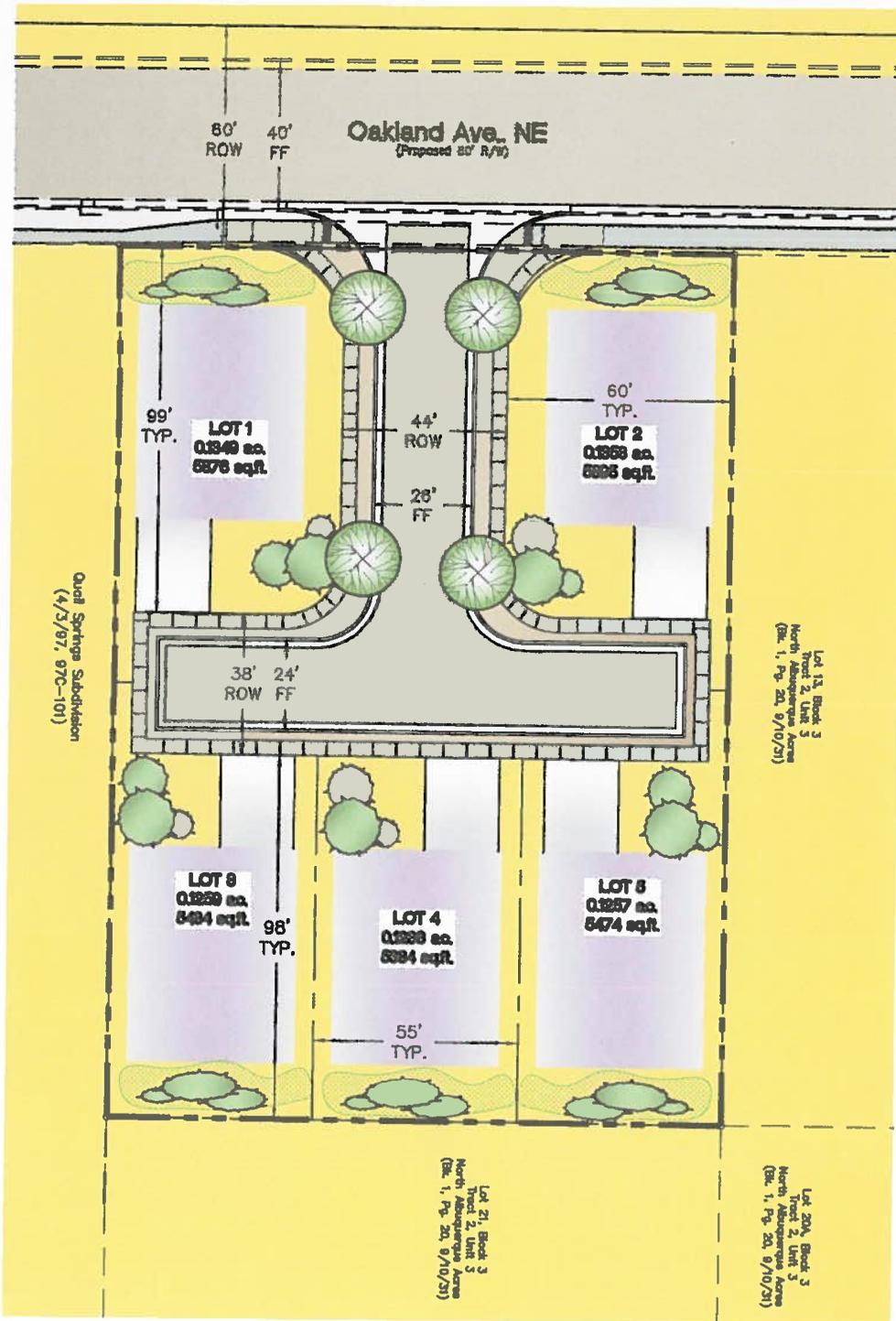
Regards,  
Shawn Leslie  
Office 844-6535  
Mobile 459-7527

- 
- 1) Traffic would be near zero on weekends and evenings. This is the most important time for family and privacy. (R-270-1980, item D.3)
  - 2) A small traffic increase of 50 cars per day is in my estimation is a small fraction of the residential auto use going to work and stores daily. If 5 families in the new development use one car to leave work and come home that is 10 car trips. You could easily double or triple that with multiple drivers and store trips resulting in almost as many trips as an office building. (R-270-1980, item D.3)
  - 3) Any argument that the neighborhood has changed (R-270-1980, item D.32) due to entry and exit to offices from Oakland vs Alameda does not account for the already existing church and office complex east of the property in question. The church and the users of the softball field were and are no problem.
  - 3) The Albuquerque planners had good reasons mixing in office with residential. There should be very good reason to modify that. (R-270-1980, item B)
  - 4) When buying property we took into account everything around us to include the zoning on all 4 sides and the mountain view to the east. We have been living here 15 years and had expected only offices or church expansion in the future.(R-270-1980, item D.3)
  - 5) The La Cueva plan (pg. 36) seeks to preserve views of the mountains in zones designated SU-2. Since there would be two story houses and the land slopes up from west to east many of my neighbors and I stand to lose that view (see attached photo). (R-270-1980, item C)
  - 6) The La Cueva Sector Plan (pg ii) specifically states "Areas with higher density residential and non-residential will be zoned SU-2 to encourage a mix of land uses in accordance with the plan". This

benefits our already extremely dense neighborhood and surrounding neighborhoods by adding some "air" between the buildings - we like that well thought out plan.



EXHIBIT



**SITE DEVELOPMENT PLAN - OAKLAND HEIGHTS SUBDIVISION**