

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

September 11, 2015

Abbas Akhil
8504 Waterford NE
Albuquerque, NM 87122

Project# 1010520
15EPC-40023 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

DAC Zoning & Land Use Services, agent for Abbas Akhil, requests the above action for Fire Station Site #19, City of Albuquerque, zoned SU-2/O-1 to R-D 7 DU/acre, located on Louisiana Blvd. NE, between Wilshire Ave. NE and Signal Ave. NE, containing approximately 1.5 acres. (C-19) Staff Planner: Catalina Lehner

PO Box 1293 Albuquerque New Mexico 87103
On September 10, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010520/15EPC-40023, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:

Albuquerque FINDINGS:

1. The subject request is for a sector development plan map amendment (zone change) for a vacant lot described as Fire Station Site #19, City of Albuquerque, containing approximately 1.5 acres and located on Louisiana Boulevard NE, between Wilshire Avenue NE and Signal Avenue NE (the "subject site").
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 eight single-family homes.
3. 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.
4. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
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

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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 land use 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 Signal Ave. and be a similar intensity to single-family home developments to the 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.
 - B. Policy II.B.5e- 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.5l-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:

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- A. **Section 1A:** The applicant has demonstrated that the request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan, and principles of the LCSDP, in the response to Section 1.C. Therefore, the proposed sector development plan 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 be unlikely to adversely affect stability of land use and zoning in the area and, as the applicant demonstrated, are justified pursuant to R270-1980.
 - C. **Section 1C:** There is no "significant conflict" with an adopted element of the Comprehensive Plan or the LCSDP. The request furthers a preponderance of applicable Comprehensive Plan policies and LCSDP principles.
 - D. **Section 1D:** A different use category is more advantageous to the community as articulated in the Comprehensive Plan and 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 it furthers a preponderance of applicable policies in the Comprehensive Plan and principles in the LCSDP.
 - E. **Section 1E:** Permissive uses in the R-D zone are those in the R-1 zone. The R-D zone is less intense than the O-1 zone or the C-1 zone, which are found nearby. The request would not allow permissive uses different than residential zoning in the area and therefore would not be harmful to the community, neighborhood or adjacent property.
 - F. **Section 1F:** The proposed zone change requires no capital expenditures by the City.
 - G. **Section 1G:** The applicant is not raising any economic considerations as arguments, therefore economic considerations are not the determining factor for the request.
 - H. **Section 1H:** The request is for residential zoning, not for apartment, office or other commercial zoning, and location on a collector or major street is not used as justification for the request.
 - I. **Section 1I:** The request would not create a spot zone. Although the zone change would affect one small area, R-D zoning is found to the west, east, and south of the subject site.
 - J. **Section 1J:** The request is not for 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 response to Section 1C provides a policy-based explanation of how the request generally furthers applicable policies in the Comprehensive Plan and the principles of the LCSDP, and supports the reasoning that a different zoning category would be more advantageous to the community as articulated in these Plans (Section 1D). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
 13. The affected neighborhood organizations are the West La Cueva Neighborhood Association (NA), the Sonora Homeowners Association (HOA), and the District 4 Coalition. Staff received a letter of general support from the West La Cueva NA and is not aware of any

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opposition as of this writing.

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 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

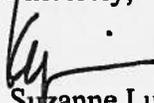
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of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

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

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

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SL/CLL

cc: Abbas Akhil, 8504 Waterford NE, Albuquerque, NM 87122
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