

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
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## OFFICIAL NOTIFICATION OF DECISION

June 14, 2018

Haggar Group, LLC  
1501 University Blvd NE  
ABQ, NM 87102

**Project# 1004375**  
18EPC-40023 Zone Map Amendment  
(Zone Change)  
18EPC-40038 Site Development for Subdivision

### LEGAL DESCRIPTION:

The above action for all or a portion of Tract 1-B, plat of tracts 1-A and 1-B of the P & J Subdivision, zoned SU-1 for PRD to SU-1 for Outdoor Vehicle (RV and Boat) Storage, located on San Antonio Dr. NE, between San Pedro Dr. NE and Louisiana Blvd. NE, containing approximately 3.1 acres (E-18).

Staff Planner: Maggie Gould

PO Box 1293

On June 14, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1004375/18EPC-40023, a Zone Map Amendment (Zone Change) and 18EPC-40038 a Site Development for Subdivision, based on the following Findings and Conditions:

### NM 8710 BINDINGS 18-EPC 40023:

1. This is a request for a zone map amendment for Tract 1-B, plat of tracts 1-A & 1-B of the P & J Subdivision located on San Antonio Dr. between San Pedro Dr. NE and Louisiana Blvd. NE, containing 3.1 acres.
2. The request changes the zoning from SU-1 PRD to SU-1 for Outdoor Vehicle (RV and Boat) Storage.
3. A request for a Site Development Plan for Subdivision accompanies this request as required by the SU-1 zone.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within an Area of Consistency of the Comprehensive Plan The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the

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efficient use of land to support the public good.

The subject site has access to a full range of urban services and public facilities. The site is served by existing water and sewer service, roads, electrical lines and in near public safety service. The proposed zone removes residential use that is not appropriate due to the former landfill on the site and allows development that will be compatible with the existing development and appropriate for the former landfill site. The request furthers Goal 5.3 Efficient Development Patterns.

**POLICY 5.3.1 Infill Development:** Support additional growth in areas with existing infrastructure and public facilities.

Policy 5.3.1 is furthered because the subject site has access to a full range of urban services and public facilities.

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

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.
- d) In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The proposed zone is site plan controlled and the height restrictions and use will govern future development on the site. The site plan requires a 6 foot tall wall around the site to screen some the site and the Pino Arroyo provides a 60 foot wide buffer between the site and residential development to the south. The single family residential use is not appropriate on the site because of the site's history as a landfill. Additionally, outdoor use will result in development that does not retain landfill gas. The request furthers Policy 5.6.3 and subpolicies b), c), and d).

**POLICY 5.6.4 Appropriate Transitions:** Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

- a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.
- b) Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

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This development is in an Area of Consistency and will not pose a nuisance to adjacent properties with respect to traffic, noise, pollution, smell, or views. The site plan limits height to a maximum of 20 feet, lower than the allowed height in a single family zone. The outdoor storage uses allowed by this zone map amendment generate less traffic than the uses allowed by the current zoning. The RV storage will provide a service use that is in demand by the surrounding area and overall community. The requested zoning will maintain an appropriate transition from the single family uses to the south of the South Pino Arroyo. The subject property and the property to the west share the same ownership and the request will allow expansion of an existing business on an abutting property. The request furthers Policy 5.6.4 and subpolicies a) and b).

**POLICY 12.3.2 Solid Waste Management:** Maintain a clean and healthy community by providing solid waste services.

- f) Monitor former landfills to protect the environment and public's health and safety.

The subject site is located within the San Antonio Landfill. The landfill was in operation from 1968 through 1970 and encompassed approximately 42.9 acres.

The City monitors this area and other landfill areas within the City, all development on the site will be subject to a mitigation plan approved by the Environmental Health Department. The applicant met with this department and will continue to work with them as the project goes forth. Removing the residential use from the site serves the public health and safety by removing a use that is not compatible with the former landfill.

Approval of this request will allow a more appropriate use that will require less mitigation efforts. The request furthers Policy 12.3.2 Solid Waste Management and subpolicy f).

6. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. The proposed use removes the residential use from the former landfill site and allows a low traffic, low noise use that will be similar to the use to the west and will allow the expansion of the existing business to the west. The change furthers applicable Comprehensive Plan policies and is consistent with the health, safety, morals, and general welfare of the city.
  - B. The site to the west is zoned SU-1 for Self Storage, there are existing commercial and institutional uses in the area. The site plan for subdivision will become the controlling document for the site and will allow the outdoor storage use, which is compatible with the surrounding development. The proposed use will destabilize land use and zoning in the area.
  - C. See finding 5.

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- D. Subcategory 3 is applicable to this request because the requested zone is more advantageous to the community by furthering applicable Comprehensive Plan policies (see policy analysis section).  
The proposed use will allow the development of a use that is similar to the use to the west and compatible with the existing development because of the low traffic and noise. The existing zoning allows the development of single family use in an area it may not be appropriate because of the site's history as a landfill in the 1970s. The proposed zone will development of a use that is compatible with former landfill area because it will allow for the outdoor storage of vehicle and will not have structures that trap landfill gasses and will require minimal mitigation for the landfill issue.
  - E. Because the site is controlled by a site plan that limits the use to the outdoor vehicle use, the proposed zone will be compatible with the surrounding development and will not be harmful to the adjacent property.
  - F. The site will be developed privately and will not require any unprogrammed capital expenditures by the city. The site has access to a full range of urban services.
  - G. The applicant has justified the request using the applicable policies in the Comprehensive Plan. While economics may be a factor in the request, it is not the deciding factor.
  - H. The applicant has justified the request using the applicable policies in the Comprehensive Plan. The location is appropriate for the use, but this is not the sole justification for the request.
  - I. The adjacent site to the west is zoned SU-1 for Self Storage Facility and there are several SU-1 zones near the site. The proposed zone will not create a land use that is incompatible with the surrounding zoning. The request does not constitute a spot zone.
  - J. The request will clearly facilitate the applicable policies in the Comprehensive Plan and will provide a low traffic use as transition from San Antonio Drive. The site is not suitable for residential development due to its previous use as a landfill. The request does not constitute a strip zone.
- 7. The San Antonio Condominium HOA, Academy Acres North HOA and the District 4 Coalition of Neighborhood Associations were notified along with property owners within 100 feet.
  - 8. A facilitated meeting was not requested or recommended.
  - 9. Staff has not received any public comment as of this writing.

**CONDITIONS 18EPC 40023:**

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

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**FINDINGS 18 EPC 40038:**

1. This is a request for a Site Development Plan for Subdivision for Tract 1-B, plat of tracts 1-A & 1-B of the P & J Subdivision located on San Antonio Dr. between San Pedro Dr. NE and Louisiana Blvd. NE , containing 3.1 acres.
2. The site plan will allow development of an outdoor RV and boat storage facility as part of an expansion of the existing storage facility adjacent to the subject site.
3. The subject site is with the San Antonio Landfill buffer area and future development will require a landfill gas mitigation plan approved by the Environmental Health Department.
4. A zone map amendment from SU-1 PRD to SU-1 for Outdoor Vehicle Storage (RV and Boat) accompanies this request.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within an Area of Consistency of the Comprehensive Plan The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

**Goal 5.3 Efficient Development Patterns:** Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site has access to a full range of urban services and public facilities. The site is served by existing water and sewer service, roads, electrical lines and in near public safety service. The proposed zone removes residential use that is not appropriate due to the former landfill on the site and allows development that will be compatible with the existing development and appropriate for the former landfill site. The request furthers Goal 5.3 Efficient Development Patterns.

**POLICY 5.3.1 Infill Development:** Support additional growth in areas with existing infrastructure and public facilities.

Policy 5.3.1 is furthered because the subject site has access to a full range of urban services and public facilities.

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

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.

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- d) In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The proposed zone is site plan controlled and the height restrictions and use will govern future development on the site. The site plan requires a 6 foot tall wall around the site to screen some the site and the Pino Arroyo provides a 60 foot wide buffer between the site and residential development to the south. The single family residential use is not appropriate on the site because of the site's history as a landfill. Additionally, outdoor use will result in development that does not retain landfill gas. The request furthers Policy 5.6.3 and subpolicies b), c) and d).

**POLICY 5.6.4 Appropriate Transitions:** Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

- a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.
- b) Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

This development is in an Area of Consistency and will not pose a nuisance to adjacent properties with respect to traffic, noise, pollution, smell, or views. The site plan limits height to a maximum of 20 feet, lower than the allowed height in a single family zone. The outdoor storage uses allowed by this zone map amendment generate less traffic than the uses allowed by the current zoning. The RV storage will provide a service use that is in demand by the surrounding area and overall community. The requested zoning will maintain an appropriate transition from the single family uses to the south of the South Pino Arroyo. The subject property and the property to the west share the same ownership and the request will allow expansion of an existing business on an abutting property. The request furthers Policy 5.6.4 and subpolicies a) and b).

**POLICY 12.3.2 Solid Waste Management:** Maintain a clean and healthy community by providing solid waste services.

- f) Monitor former landfills to protect the environment and public's health and safety.

The subject site is located within the San Antonio Landfill. The landfill was in operation from 1968 through 1970 and encompassed approximately 42.9 acres.

The City monitors this area and other landfill areas within the City, all

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development on the site will be subject to a mitigation plan approved by the Environmental Health Department. The applicant met with this department and will continue to work with them as the project goes forth. Removing the residential use from the site serves the public health and safety by removing a use that is not compatible with the former landfill.

Approval of this request will allow a more appropriate use that will require less mitigation efforts. The request furthers Policy 12.3.2 Solid Waste Management and subpolicy f).

7. Future development that complies with the standards of the Site Development Plan for Subdivision can be approved through the Site Plan Administrative process.
8. The San Antonio Condominium HOA, Academy Acres North HOA and the District 4 Coalition of Neighborhood Associations were notified along with property owners within 100 feet.
9. A facilitated meeting was not requested or recommended.
10. Staff has not received any public comment as of this writing.

**CONDITIONS 18EPC 40023:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Add note to the site plan regarding FAR.
4. Include on the Site Development Plan cover sheet the disclosure statement:

The subject property is located on a former landfill. Due to the subject property being on or near a former landfill, certain precautionary measures may need to be taken to ensure health and safety of the public. Recommendation made by a professional engineer with expertise in landfills and landfill gas issues (as required by the most current version of the *Interim Guidelines for Development within City Designated Landfill Buffer Zones*) shall be consulted prior to development of the site.

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5. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
6. The applicant shall remove the landscape note on sheet 1 of 1.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 29, 2018**. 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 recommendation.

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

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

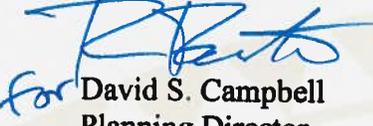
Sincerely,

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for **David S. Campbell**  
**Planning Director**

**DSC/mg**

**cc: Haggar Group, LLC, 1501 University Blvd NE, ABQ, NM 87102**  
**Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102**  
**San Antonio Condominium HOA, Rod Skiver, 2823 Richmond Dr. NE, ABQ, NM 87107**  
**San Antonio Condominium HOA, Cindy McCormick, 2823 Richmond Dr. NE, ABQ, NM 87107**  
**Academy Acres North NA, Fred Aiken, P.O. Box 90181, ABQ, NM 87199**  
**Academy Acres North NA, 6504 Dungan Av. NE, ABQ, NM 87199**  
**Dist. 4 Coalition of Neigh. Assoc., Michael Pridham, 6413 Northland Ave. NE, ABQ, NM 87109**  
**Dist. 4 Coalition of Neigh. Assoc., Robert Stetson, 7112-69 Pan American Freeway NE, ABQ, NM 87109**