

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

February 19, 2021

505 Solutions LLC c/o Rachel Bavens
46 Road 4275
Navajo Dam NM, 87194

PR-2020-004595/RZ-2021-00002
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

JAG Planning & Zoning, agents 505 Solutions LLC, requests a Zoning Map Amendment from PD to R-1D, for all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE, approximately 4.7 acres (E-22)
Staff Planner: Linda Rumpf

On February 18, 2021, the Environmental Planning Commission (EPC) voted to approve Project #2020-004595, RZ-2021-00002, based on the following findings:

1. The request is for a zoning map amendment (zone change) for an approximately 4.7-acre site known as: all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE. The subject site currently is vacant.
2. The subject site is currently zoned PD (Planned Development) and the applicant is requesting R-1D (Residential – Single Family) zoning for the site. The zone change will allow the site to develop as a single-family housing development.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following, applicable Goal and policies from Chapter 4 - Community Identity:
 - A. Goal 4.1 - Character: Enhance, protect, and preserve distinct communities.

By changing the zoning and developing this vacant site, this request would enhance, protect and preserve a distinct community. This community is distinct because of its unique relationship to the mountains and impressive view of the valleys, as identified in the Foothills CPA.

- B. Policy 4.1.1 - Distinct communities: Encourage quality development that is consistent with the distinct character of communities.

The proposed zone change furthers Policy 4.1.1 because this request will encourage quality development that is consistent with the distinct character of this community. The request will not divert from the intended characteristic, rather contribute to it. Future development will follow the IDO and DPM standards.

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

This request furthers Policy 4.1.2 because future development under the R-1D zone would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, and character of building design.

- D. Policy 4.1.4 - Neighborhoods: Enhance, protect and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

This request furthers Policy 4.1.4 because the proposed development will enhance, protect and preserve this neighborhood with additional single-family residential development.

- E. Goal 4.3 - City Community Planning Area: Protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas.

This request for a Zone Map Amendment furthers Goal 4.3 because it will protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas. This project will allow for uses to emerge that will meet the needs of the community and nearby neighborhoods.

6. The request furthers the following, applicable Goal and policies from Chapter 6 - Land Use:

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

This request furthers Policy 5.2.1 because the proposed zone change would allow for residential uses that could help create a healthy, sustainable and distinct community in an Area of Consistency. This request would not provide a mix of uses that are conveniently accessible from surrounding neighborhoods.

- B. 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.

This request furthers Goal 5.3 because it will promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good because infrastructure is already partially available. However, if the use change

would cause the need for infrastructure improvements, the applicant would be responsible for providing them.

- C. Policy 5.3.1 - Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

This request furthers Policy 5.3.1 because the proposed zone change will support additional growth in an Area of Consistency with existing infrastructure and public facilities. The property is well serviced by existing infrastructure and other public facilities.

- D. 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.

This request furthers Policy 5.6.3 because the subject site is located in an Area of Consistency and the proposed zone change would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The requested zone would allow residential uses that are considered compatible with existing residential uses.

7. The request furthers the following, applicable Goal and policies from Chapter 9 - Housing:

- A. Policy 9.2.1 - Compatibility: Encourage housing development that enhances neighborhood character, maintain compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

The request furthers Policy 9.2.1 because the propose zone change would encourage housing development that enhances neighborhood character, maintain compatibility with surrounding residential land uses, and responds to its development context, with appropriate densities, site design and relationship to the street.

8. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:

- A. Criterion A: Criterion A is an important component of a zone change justification, though all criteria are required to be fulfilled adequately. Consistency with the City’s health, safety, morals, and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not conflict with them. See the section entitled “Albuquerque / Bernalillo County Comprehensive Plan (Rank I)” which precedes this section for further policy analysis.
- B. Criterion B: The subject site is located in an Area of Consistency. The proposed zone change would not permit development that is significantly different from the character of the area; therefore, criteria number 3 applies.
- C. Criterion C: The subject site is located in an Area of Consistency. Criterion C does not apply.
- D. Criterion D: The applicant provided a thorough discussion of the uses that would become permissive in the R-ID zone and addressed the issue of potential harm to adjacent property, the

neighborhood, or the community. The applicant points out that possible uses that could be considered harmful to adjacent property owners have been mitigated by specific use standards and regulations identified in the Integrated Development Ordinance. Uses are also controlled by Specific-Use Standards found in the IDO to mitigate potential harmful effects on the surrounding area.

- E. Criterion E: Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them.
 - F. Criterion F: While the subject site is located on adjacent to a major arterial street, Tramway Blvd., the site's location is not being used as the primary justification for the request. The applicant has demonstrated that the request furthers a preponderance of applicable, Comprehensive Plan Goals and policies and does not conflict with them.
 - G. Criterion G: The applicant has adequately demonstrated that the request for the requested zone change is not based on the property's cost of land or economic consideration. In addition, the request furthers a preponderance of applicable Comprehensive Plan policies (Criterion A) and does not conflict significantly with them.
 - H. Criterion H: The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") because the request is for the PD zone and there is PD zoning abutting the subject site.
9. The zone map amendment is adequately justified pursuant to the IDO Review and Decision criteria for zone changes in 14-16-6-7(G)(3). The policy analysis demonstrates that the request furthers a preponderance of applicable Goals and policies and does not conflict with them.
10. The Peppertree Royal Oak Residents Association and District 8 Coalition of Neighborhood Associations and property owners within 100 feet of the site were notified of this request. No meetings were requested by the neighborhood associations. The applicant did meet with a few property owners that reside near the site who expressed support for the request. There is no known opposition to this request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 5, 2021**. 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 14-16-6-4(U) of the IDO, Administration and Enforcement. 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.

OFFICIAL NOTICE OF DECISION

Project #2020-004595

February 19, 2021

Page 5 of 5

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).

Sincerely,

for Brennon Williams
Planning Director

BW/LR

cc:

505 Solutions LLC, Rachel Bevans, rachelbevans06@gmail.com

JAG Planning & Zoning, Juanita Garcia, Jag@jagpandz.com

Peppertree Royal Oak Residents Association, Art Verardo, a.verardo@comcast.net

Peppertree Royal Oak Residents Association, Cheri Schlagel, cmschlagel@outlook.com

District 8 Coalition of Neighborhood Associations, Donald Couchman, dhc@zianet.com

District 8 Coalition of Neighborhood Associations, Mary Ann Dix, dix.mary.ann@gmail.com

EPC file

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