

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

August 15, 2024

Lolo E. Chavez
4815 Northern Trail NW
Albuquerque, NM 87120

Project # PR-2024-010612
RZ-2024-00035– Zoning Map Amendment (Zone Change)

JAG Planning & Zoning LLC, agent for Lolo Chavez, requests a Zoning Map Amendment from R-A to R-1C, for all of or a portion of Lot 14, Quaker Heights Addition, located at 4815 Northern Trail NW, at the SW intersection of Westward Lane NW and Northern Trail, approximately 1 acre.
(F-11)

Staff Planner: Jude Miller

On August 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE PR-2024-010612 RZ-2024-00035– Zoning Map Amendment, based on the following findings:

FINDINGS – RZ-2024-00035– Zoning Map Amendment

1. This is a request for a zoning map amendment from R-A to R-1C for a 9,248 square foot portion of Lot 014 Quaker Heights Addition located at 4815 Northern Trail NW, between Northern Trail. and Atrisco Dr, containing approximately 1 acre.
2. The subject site was annexed to the City on January 28, 1965, as part of Ordinance 2628. There is no other known history about the subject site.
3. On December 5, 2023, the applicant and the neighbor directly to the west of 5909 Westward Lane NW, opened a case (case #PR-2023-009637) with the Development Facilitation Team (DFT) to apply for a replat. The applicant was instructed that a zone map amendment would be required for the replat to be approved because moving the property boundary to the east would create a floating zone line between the R-A and R-1C zone districts that the two properties are zoned.
4. The owner of 5909 Westward Lane NW, intends to purchase the westernmost 9,248 acre portion of the subject site to incorporate this portion of the lot into their property to expand their lot and meet the setback requirements necessary to build an Accessory Dwelling Unit (ADU).
5. A zone change is required prior to a subdivision of land on the subject site, which is required for the purchase of the property and subsequent development of the future ADU. The DHO (Development Hearing Officer) subdivision of land-minor process will not approve a plat that creates a floating zone line; therefore, the applicant must change the zoning on the westernmost portion of the site prior to submitting for a replat.

6. A zoning certificate will not be issued until the final plat is approved, although the DHO may move forward with reviewing the application for a replat if and this zone change request is approved.
7. Upon approval the location of the zone change must correspond with the location of the lot line being created with the replat pursuant to IDO §14-16-6-7(G)(2)(f), which states, “If the Zoning Map Amendment will result in a zone boundary that does not coincide with a lot line (i.e. create a floating zone line), the applicant shall obtain a Subdivision of Land – Minor or a Subdivision of Land – Major, as applicable, to establish lot lines that coincide with the zone boundary before a zoning certificate will be issued.”
8. Upon approval the new zone line created between the new R-1C zone district and existing R-A zone district must correspond with the exact location of the lot line being proposed on the plat, which is located approximately 45.26’ from the westernmost wall of the residence at 4815 Northern Trail.
9. The EPC is hearing this case because the EPC is required to hear all zone change cases in the city (IDO §14-16-6-7(G)).
10. The subject site is within an Area of Consistency, as designated by the Comprehensive Plan.
11. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
12. The request furthers the following applicable Policies from the Comprehensive Plan Chapter 4 – Community Identity.

- A. **POLICY 4.1.1 DISTINCT COMMUNITIES:** Encourage quality development that is consistent with the distinct character of communities.

The request could encourage development that of an ADU that is similar in character of the surrounding community. If the proposed ADU is developed, the applicant will be required to follow IDO design guidelines that ensure that the ADU meets setback requirements and basic design guidelines that help ensure compatibility in design with the primary residential structure pursuant to IDO §14-16-4-3(F)(6).

- B. **POLICY 4.2.2 COMMUNITY ENGAGEMENT:** Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

The applicant reached out to the neighborhood associations required for notification of this process and posted the required signs before the EPC hearing, as directed. The applicant has provided notes from phone calls and other communications with neighbors who had questions or concerns about the proposed rezoning.

13. The request furthers the following applicable Goals and Policies from the Comprehensive Plan Chapter 5 - Land Use.
 - A. **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 request would promote development that maximizes the utility of existing utilities and public facilities by allowing 0.212 acres (9,248 SF) of the subject site to be re-platted to allow the development of an ADU. An ADU would be in line with incremental housing that is able to utilize existing infrastructure.

- B. **POLICY 5.3.1 INFILL DEVELOPMENT:** Support additional growth in areas with existing infrastructure and public facilities.

The 0.212-acre (9,248 SF) portion of the subject site is vacant and located in an area already served by existing infrastructure and public facilities. The request is intended to facilitate construction of an ADU on the subject site, which would occur in an area with adequate existing infrastructure and access to a range of public facilities.

- C. **POLICY 5.3.2 LEAPFROG DEVELOPMENT:** Discourage growth in areas without existing infrastructure and public facilities.

The intended goal of the request is to allow a replat of lot lines, ensuring the required setbacks for the neighbor to the west of the subject site to build an ADU. The possible addition of an ADU would help provide one more unit of housing in a developed residential area that is already served by infrastructure.

- D. **GOAL 5.6 CITY DEVELOPMENT AREAS:** Encourage and direct growth of Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

While the subject site is fully within an Area of Consistency, the requested zone change from R-A to R-1C is a change from one low-density residential zone designation to another. The R-1C zone designation is generally more restrictive than the current R-A zone, which permissively allows equestrian facilities, general agriculture, and nursery uses, and conditionally allows kennels, veterinary hospitals, and other pet services. Additionally, bed and breakfast lodging will be reduced to a conditional accessory use from a permissive accessory use under the new R-1C designation. The only use that is made permissive under the new zone is the civic and institutional use of community centers and libraries. The applicant's intent for the zone change is to facilitate a replat that could allow for the development of an ADU, which is permitted in both the R-A and R-1C zone districts, provided that setback requirements and other provisions of the IDO are followed. The zone change and associated replat will enable the homeowner directly west of the subject site to build an ADU, representing incremental growth in housing that reinforces the residential character of the surrounding area, which is consistent with the purpose of the Area of Consistency designation. The request furthers Goal 5.6 City Development Areas.

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

The request will maintain the existing low-density residential land use of the single-family neighborhood. The Comprehensive Plan states that Areas of Consistency may see some infill development, but new development will need to be compatible in scale and character with the surrounding area. The applicant seeks to change the zoning of the western 0.212 acres (9,248 square feet) of the subject site from R-A to R-1C to facilitate a replat (see IDO §14-16-6-6(K), Subdivision of Land – Minor, for the detailed process). Once complete, the property owner to the west will have sufficient setbacks to build an ADU on their property, representing incremental growth in housing that is consistent with the purpose of the Area of Consistency designation.

14. The request furthers the following applicable Goal and Policy from the Comprehensive Plan Chapter 9 – Housing.

- A. **GOAL 9.1 SUPPLY:** Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The requested zone change is intended to facilitate development of a future ADU. The community surrounding the subject site is primarily composed of larger single-family homes. The possible addition of an ADU in this community will represent a small incremental step toward adding more housing types, which could help provide housing at a different price point and accommodate the needs of residents at different stages of their lives.

- B. **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 maintains the existing low-density residential land use of the area surrounding the subject site. The replat supported by this zone change will allow the property owner to the west to meet the setback requirements necessary to build an ADU, a use that is permitted in both the existing R-A zone designation and the proposed R-1C zone. The proposed zone change will maintain the residential character of the area and, after the replat, will provide the required setbacks for building an ADU—a type of housing that is compatible with the design and density of the existing residential neighborhood.

15. Pursuant to IDO §14-16-6-7(G)(3) Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria."

- 6-7(G)(3)(a) Consistency with the City's health, safety, morals, and general welfare is demonstrated by showing that a request furthers applicable Comprehensive Plan goals and policies and does not significantly conflict with them. The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable goals and policies in the Comprehensive Plan; therefore, the request is consistent with the City's health, safety, morals, and general welfare.

- 6-7(G)(3)(b) The subject site is located wholly in an Area of Consistency where significant growth is unlikely or undesirable, and where any new development or redevelopment must be consistent with the established character of the surrounding context. The applicant argues that the existing zoning is inappropriate because it meets Criteria 3.

The applicant's policy-based analysis demonstrates that the request would further a preponderance of applicable Comprehensive Plan goals and policies and therefore would be more advantageous to the community than the current zoning. It would allow a replat of the lot line that would be advantageous for the property owner of the subject site and the neighboring property directly to the west while maintaining the single-family residential character of the area. This rezone would allow a portion of the subject site to be combined with the neighboring R-1C parcel to the west to provide sufficient setbacks to build an ADU as that property owner desires.

- 6-7(G)(3)(c) The subject site is located wholly in an Area of Consistency, as designated by the Comp Plan.

- 6-7(G)(3)(d) The request is to rezone a portion of the subject site from R-A to R-1C. Staff notes that the applicant's intent for the zone change is to facilitate a replat of the lot lines so that the property owner of the subject site can sell the westernmost 0.22 acres of their property to their neighbor to the west. The neighbor to the west wants to combine this portion of land into their property in order to meet the necessary setback requirements to build an ADU. According to the IDO Table 4-2-1: Allowable Uses, the R-1C zone designation is generally more restrictive than the current R-A zone, which permissively allows equestrian facilities, general agriculture, and nursery uses, and conditionally allows kennels, veterinary hospitals, and other pet services. Additionally, bed and breakfast lodging will be reduced to a conditional accessory use from a permissive accessory use under the new R-1C designation. The only use that is made permissive under the new zone is the civic and institutional use of community centers and libraries.
- 6-7(G)(3)(e) The subject site is currently served by infrastructure, which will have adequate capacity once the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. Any future development on the portion of the subject site that is being rezoned, which is currently vacant, will be required to adhere to all obligations and standards under the IDO, DPM, and/or an Infrastructure Improvements Agreement.
- 6-7(G)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.
- The subject site is not along any major street. It is staff's understanding that the reason for the rezoning of the portion of the subject site is to facilitate a replat of the lot lines to combine the rezoned portion of the subject site into the neighbor's lot to accommodate setback requirements for building an ADU.
- 6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.
- It is staff's understanding that the reason for the rezoning of the portion of the subject site is to facilitate a replat of the lot lines to combine the rezoned portion of the subject site into the neighbor's lot to accommodate setback requirements for building an ADU. The applicant's justification is not completely or predominantly based on economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan goals and policies.
- 6-7(G)(3)(h) Staff agrees that the proposed zone change does not create a "spot zone" or a "strip zone." The request is to change a portion of the subject site from the R-A zone to R-1C. As can be seen in the zone map, several lots with an R-1C zone designation lie directly to the west of the subject site while parcels zoned R-T, a slightly more intense residential zone designation, lie both to the north and southwest of the subject site.

16. The affected neighborhood associations are the Quaker Heights Neighborhood Association (NA), and the Taylor Ranch NA which were notified as required. Representatives of the Westside Coalition of Neighborhood Associations were also notified. Property owners within 100 feet of the

subject site were also notified as required. A facilitated meeting was not requested or held. Staff has not received public comments in support or opposition to the request.

17. Staff has not received public comments in support or opposition to the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **August 30, 2024**. 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 IDO §14-16-6-4(V) Administration and Enforcement. A non-refundable filing fee will be calculated and is required to be paid at the time the appeal is filed.

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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,



for Alan M. Varela,
Planning Director

AV/MJ/VQ

CC:

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