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OFFICIAL NOTIFICATION OF DECISION

May 21, 2021

William E. Galbreth
Land Development Co., LLC
4830 Juan Tabo Blvd. NE
Suite H
Albuquerque, NM 87111

Project #2020-004171
RZ-2021-00011—Zoning Map Amendment (zone change)

LEGAL DESCRIPTION:

JAG Planning & Zoning, agent for William E. Galbreth Land Development Co. LLC, requests a Zoning Map Amendment from PD to R-1D for Tract N-7-A-1, Tanoan Properties, located at 12300 San Antonio Dr. NE, between Lowell Dr. NE and Tennyson St. NE, approximately 6.7 acres (E-22)
Staff Planner: Silvia Bolivar

On May 20, 2021, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-004171/RZ-2021-00011, a Zoning Map Amendment (zone change), based on the following Findings:

1. The request is for a Zoning Map Amendment (zone change) for an approximately 6.7-acre site legally described as Tract N-7-A-1, Tanoan Properties, located at 12300 San Antonio Drive NE, between Lowell Drive NE and Tennyson Street NE (the “subject site”).
2. The subject site is zoned PD (Planned Development) and was converted from the former zoning of R-D. The previous R-D zoning allowed 24 dwelling units per acre not to exceed 321 units before the conversion to the IDO. The Phase I IDO zone conversions from R-D were often to PD for undeveloped sites because in this case, the 24 du/ac attached to the R-D could have been anything from single-family detached to townhomes to fourplexes to apartments, as long as the density was 24 du/ac maximum. There is not an IDO zone district that allows this range of uses so PD was applied to the site.
3. The applicant is requesting a zone change to R-1D (Residential – Single-Family Zone District – Extra Large Lot) in order to develop the vacant tract with single family dwellings.
4. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the Foothills Community Planning Area (CPA).
5. The subject site is not located along any Corridors as designated by the Comprehensive Plan. The subject site is not within the boundaries of a Character Protection Overlay (CPO), a Historic Protection Overlay (HPO), or a View Protection Overlay (VPO).

6. The Albuquerque/Bernalillo County Comprehensive Plan, the Facility Plan for Arroyos, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

7. The request furthers the following Goals and policies from Chapter 4: Community Identity:

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request would contribute to enhancing, protecting, and preserving the community. The area is characterized by single-family development with a variety of parcel and building sizes that are in Areas of Consistency. The requested R-1D zoning would allow development of single-family dwellings on extra-large lots, similar to development north and west of the subject site and would help create a harmonious relationship between the proposed dwellings and the existing surroundings. The location of the subject site is not necessarily considered a distinct community, but there is a distinct character and feel to how many lots are developed and the R-1D zone would allow the pattern of development to continue.

B. 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.

The proposed zone map amendment will protect the identity and cohesiveness of the neighborhood by adding a similar housing type to the dwellings located to the north and west of the subject site and contribute to homogeneity. The zone change uses an existing zone in the area that will support the development of the subject site while reinforcing the established character of the existing neighborhood. If the Applicant should choose not to develop the site if the request is granted, future development under the R-1D zone would be subject to applicable IDO standards that would serve to protect and preserve the identity and design of the neighborhood.

C. Policy 4.2,2 Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of the residents.

The request furthers this policy as the applicant and agent met with neighborhood associations and explained the intent behind the zoning map amendment. The applicant identified the potential subdivision plat for the proposed development and answered questions. Community engagement is crucial in the process of a zoning map amendment and the applicant has facilitated informational meetings with stakeholders who will ultimately support or oppose the request.

8. The request furthers the following Goals and Policies from 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 land use of land to support the public good.

The surrounding neighborhoods are already developed and even though the subject site is not, the area is served by existing infrastructure and public facilities, so the development made possible by the request would generally promote efficient development patterns and use of land. The existing PD zone district could allow for more intense development that could require additional infrastructure and public facilities.

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

The subject site is located in an area with existing infrastructure and public facilities. The properties to the north and west of the subject site are already developed with single-family dwellings, and development of the subject site would work to support additional growth, while maintaining existing infrastructure.

- C. Goal 5.6 – City Development Areas: Encourage and direct growth to 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.

Future development of the subject site will be subject under the R-1D zone and subject to the IDO requirements including neighborhood edges, landscaping, buffering and screening, and dimensional standards. The standards would help to ensure appropriate scale and location of development, character of design while reinforcing the intensity and character of the surrounding area that is predominantly single-family neighborhoods. The request would also allow the vacant land to be developed increasing the aesthetics of the community while protecting its' character.

- 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.

The subject site and the surrounding areas are located in an Area of Consistency, where the Comprehensive Plan intends and encourages support of zone changes in predominantly single-family residential neighborhoods that help align the appropriate zone with existing land uses. It seeks to ensure that development will reinforce the scale, intensity, and setbacks of the immediately surrounding context. The requested R-1D zoning is consistent with the zoning of properties to the west of the subject site and to the north in the County and will help protect the character of the existing neighborhood.

Sub-policy 5.6.3b – Ensure that development reinforces the scale, intensity, and setbacks to the immediately surrounding context.

The requested R-1D zone matches densities in the area and would require the same setbacks and lot sizes, and would allow development that is consistent with the area.

Sub-policy 5.6.3d – In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The requested R-1D zone would bring the zoning of the site into alignment with existing land uses west of the subject site.

9. The request furthers Goals and Policies from Chapter 9: Housing:
- A. Goal 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 R-1D zone requires individual lots to be developed with single-family dwellings. The design standards in the IDO would require that the new development match existing densities, scale, and setbacks as the surrounding single-family homes and would allow for compatibility with the surrounding land uses. The current PD zoning allows for flexibility in use and design depending on what might be approved for a particular site.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: 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 significantly conflict with them. The applicant's policy-based response demonstrates that the request furthers a preponderance of applicable Goals and policies regarding community identity, land use, and housing.
- B. Criterion B: The subject site is located wholly in an Area of Consistency. A zone change from PD to R-1D would permit development that would clearly reinforce and strengthen the established character of the surrounding parcels. A different zone district (R-1D) would be more advantageous to the community than the existing zone district (PD), which the applicant's policy analysis has shown to be less desirable than the current zone district. The request would further Comprehensive Plan Goals and policies relating to character, identity and design, community engagement, and efficient development patterns.
- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this Criterion does not apply.
- D. Criterion D: The zone change from PD to R-1D decreases the potential harmful uses to adjacent property, the neighborhood, or the community while creating a predictable development pattern. The PD zone would require a Site Plan-EPC approval which would provide an opportunity for the EPC to require protections to nearby property owners if any of those uses were to be harmful but developing a property with single-family dwellings is not the intention of the PD zone district. The dimensional standards in the IDO will require that development of single-family dwellings in the R-1D zone will match the surrounding neighborhood context in density, scale, and setbacks.
- E. Criterion E: The City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the zone change (Criterion 1) .
- F. Criterion F: The applicant's justification is not completely based on the property's location on a major street. The property is located on the south side of San Antonio Drive NE, between Lowell Drive NE and Tennyson Street NE . San Antonio Drive NE and Lowell Drive NE are classified as local urban streets while Tennyson Street NE is classified as an urban major collector.

- G. Criterion G: Economic considerations are always a factor with private development, but the Applicant's justification for the R-1D zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies.
- H. Criterion H: The request will not create a spot zone because R-1D is located west of the subject site, the proposed zoning will be consistent with those zone districts, and the uses for the property will be more appropriate.
11. The applicant's policy analysis adequately demonstrates that the request furthers applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would generally be more advantageous to the community than the current zoning.
12. The affected neighborhood organizations are the District 8 Coalition of Neighborhood Associations, The North Albuquerque Acres Community Association, and the Antelope Run Neighborhood Association. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff has not received any correspondence or phone calls.
13. A pre-application meeting was held on February 26, 2021 with members of the District 8 Coalition of Neighborhoods, Antelope Run Neighborhood Association and The North Albuquerque Acres Community Association. The District 4 Coalition of Neighborhood Associations attended the meeting but was not required to be notified. The neighborhood representatives indicated they would rather see a lower number of dwelling units. One representative indicated there could be support of the request, if the development would be similar to what has been presented at the meeting.
14. As of this writing, Staff has not received any comment in support or opposition of the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **June 4, 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(V) 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.

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).

OFFICIAL NOTICE OF DECISION

Project #2020-004171

May 21, 2021

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Sincerely,

for Brennon Williams
Planning Director

BW/SB

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