

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
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OFFICIAL NOTIFICATION OF DECISION

October 11, 2018

Montano Family Homes, LLC
607 Atlantic Ave SW
ABQ, NM 87102

Project #2018-001501 (1010023)
RZ-2018-00029 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 6-A-2, Plat of Lots 6-A-1 and 6-A-2 North Fourth Street Homesites Addition, zoned R-A, to R-1C, located at 712 Montano Rd. NW, between Villa Canela Ct. NW and 5th St. NW, containing approximately 1.75 acres. (F-14)

Staff Planner: Linda Rumpf

PO Box 1293

On October 11, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001501/RZ-2018-00029, a Zone Map Amendment (Zone Change), based on the following Findings:

Albuquerque

FINDINGS:

NM 87103

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1. This is a request for a zone map amendment for all or a portion of Tract 6-A-2, Plat of Lots 6-A-1 and 6-A-2 North Fourth Street Homesites Addition, located at 712 Montano NW, between Villa Canela Ct., NW & 5th St. NW and containing approximately 1.711 acres
2. The request is to change the existing zone from R-A (Rural and Agricultural District) to R-1C (Single-Family Zone District).
3. The existing R-1 zone was established PRIOR to the Integrated Development Ordinance (IDO), effective May 17, 2018. City Council legislatively established rules to convert zones from the City's Comprehensive Zoning Code, last amended in 2014 to the newly adopted IDO zones.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within an Area of Consistency as designated by the Comprehensive Plan and the following policies apply:
 - a. The request furthers Goal 4.1 and Policy 4.1.2 because a change from R-A to R-1C is consistent with adjacent and abutting R-1C zoning, the proposed zone change

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contributes to the stability of land use and zoning within the area. The context surrounding the site is R-1C, with a single lot of MX-T to the north/east. Across Montañó Blvd. the zoning is MX-M. Abutting land uses are single family with a beauty salon on the MX-T parcel. Across Montañó Blvd is St. Michael's and All Angels church. The proposed Zone Map Amendment to R-1C is consistent and in keeping with both the adjacent and abutting land use and zoning which maintains and reinforces the character of the neighborhood.

- b. The request furthers Goal 5.1 and Policy 5.1.1 because Montañó Boulevard is designated by the Comprehensive Plan as a Major Transit Corridor, a change in zoning from R-A to R-1C will contribute to a sustainable development pattern of the area by reinforcing the adjacent R-1C land use and enabling additional growth with a higher density zone along a designated Major Transit Corridor.
- c. The request furthers Goal 5.3 and Policy 5.3.1 because the site in question is in an area with existing infrastructure. A zone change from R-A to R-1C in this area supports additional infill development.
- d. The request furthers Goal 5.3 and Policy 5.3.3 because higher density development and allows for clustering of buildings and common open space where infrastructure and services and already available.
- e. The request furthers Goal 5.6 and Policy 5.6.3 because the proposed zone is consistent and in keeping with adjacent and abutting residential land use, the proposed zone change will protect and enhance the character of the surrounding area. The zone change allows for the expansion of single-family neighborhood development at the same density and intensity as abutting and adjacent properties in this Area of Consistency.
- f. The request furthers Goal 9.1 and Policy 9.1.1 because the R-1C zone allows the creation of housing options, including a cluster development, while maintaining the density of the adjacent and abutting neighborhoods. The zone change to R-1C is in keeping with stabilizing land use and expanding housing options by allowing an increase in dwelling units on the property to match the density of abutting properties and the neighborhood.
- g. The request furthers Policy 9.2.1 because the proposed zone change matches the surrounding and abutting densities and requires the same setbacks and lot sizes, it would allow development that is consistent with the recent development to west and the neighborhood to the south. R-A is a rural zone. It assumes lot sizes of a minimum of 10,890 sq. ft. with deep 20' minimum front, 25' minimum rear setbacks and 10' minimum side yard setbacks. This development pattern allows for larger distance between homes and separation between homes while permitting agricultural and equestrian uses. R-1C is a more compact and suburban development form with a higher allowable density that may not be compatible with some uses permitted in R-A. Because abutting zoning is R-1C, the development to the west has front and rear minimum setbacks of 15' and side setbacks of 5' on 7,000 sq. ft. minimum lots. Adjacent, existing single family homes within less than 15' of the property, as well as

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future homes developed on the site, could be subject to the ill effects of agricultural and equestrian uses.

- h. The request furthers Policy 6.1.2 because the Comprehensive Plan identifies Montañó Boulevard as a Major Transit Corridor, a change in zone from R-A to R-1 increases allowable density along a transit corridor in an appropriate and context sensitive manner.
6. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
- a. The proposed zone change from R-A to R-1C is consistent with the health, safety, morals, and welfare of the city. The zone change will allow for uses consistent with the visions of the local community, Albuquerque's Comprehensive Plan by ensuring development on the site is consistent in lot type and use with the abutting parcels zoned and developed R-1C Single Family Zone Districts.
 - b. The proposed Zone Map Amendment is located wholly in an Area of Consistency as shown in the ABC Comp Plan, as amended. The proposed zone reinforces the established character of the surrounding Area of Consistency and does not permit development that is significantly different from that character.
 - c. Area of Change. This criteria is non-applicable because the proposed amendment is located wholly in an Area of Consistency as shown in the ABC Comp Plan, as amended.
 - d. The proposed zone R-1C is the same zone as the abutting properties, the neighborhood to the south and is less intense than the zones to the north, it does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community.
 - e. The site is located in a developed area of Albuquerque. The City's existing infrastructure has adequate capacity to serve the development made possible by the change of zone.
 - f. The proposed zone request is based on the desire to change a prior spot zone to a zone congruent with abutting parcels to support a cluster development, and to remove potentially incompatible land uses from existing and future single family development; it is not completely based on the property's location on a major street. The Comprehensive Plan identifies Montañó Road as a Major Transit Corridor. The policies of the Comprehensive Plan support increases in infill development in areas with existing infrastructure and along Major Transit Corridors.
 - g. The proposed zone request is based on the desire for a zone congruent with abutting parcels to support a higher density cluster development and to remove potentially incompatible land uses adjacent to single family uses; it is not based completely or predominately on the cost of land or economic considerations.
 - h. The zone change request is for a zone that is the same as abutting and adjacent zones, the proposed zone change does not create a "spot zone" or "strip zone". The zoning on the site prior to 2001 was R-1, the zone change to R-A created a spot zone. This proposed Zone Map amendment from R-A to R-1C will make the sites consistent with surrounding properties.

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7. There is no known opposition to the proposed zone change.

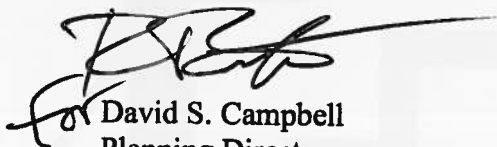
APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **OCTOBER 26, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered 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 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.

Sincerely,



for David S. Campbell
Planning Director

DSC/LR

cc: Montano Family Homes, LLC, 607 Atlantic Ave. SW, ABQ, NM 87102
Strata Design, LLC, Michelle Negrette, 711 Amherst SE, ABQ, NM 87106
North Valley Coalition, Peggy Norton, P.O. Box 70232, ABQ, NM 87197
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd NW, ABQ, NM 87104
Los Poblanos NA, Don Newman, 5723 Guadalupe Tr. NW, ABQ, NM 87107

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