

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

September 11, 2015

Shakeel Rizvi, dba Nazish LLC
8504 Waterford NE
Albuquerque, NM 87122

Project# 1010521
15EPC-40024 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

DAC Zoning & Land Use Services, agent for Shakeel Rizvi dba Nazish LLC, requests the above action for Lot 12, Block 3, Tract 2, Unit 3, North Albuquerque Acres, zoned SU-2/O-1 to R-D 5 DU/acre, located on Oakland Ave. NE, between Eagle Rock Ave. NE and Alameda Blvd. NE, containing approximately 1 acre. (C-19)
Staff Planner: Catalina Lehner

PO Box 1293

On September 11, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010521/15EPC-40024, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:

FINDINGS:

- New Mexico 87103
- www.cabq.gov
1. The subject request is for a sector development plan map amendment (zone change) for Lot 12, Block 3, North Albuquerque Acres, Tract 2, Unit 3, an approximately 1 acre site located on Oakland Avenue NE, between Eagle Rock Avenue NE and Alameda Boulevard NE.
 2. The sector development plan map amendment request is for a change from SU-2/O-1 to R-D 6 dwelling units per acre (DU/ac) order to develop five single-family homes.
 3. This request was deferred at the August 13, 2015 Environmental Planning Commission (EPC) hearing for 30 days in order to advertise the correct zoning category for the request (R-D 6DU/ac, not R-D 5 DU/ac).
 4. The subject site is within the boundaries of the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan (LCSDP) also applies.
 5. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva Sector Development Plan (LCSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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6. The request generally furthers the Goal of the Developing and Established Urban Area of the Comprehensive Plan. The request would generally contribute to creating a quality urban environment. The future development would be subject to Design Regulations contained in the LCSDP, which over time have created a visually pleasing built environment and have helped make the La Cueva Area an identifiable subarea of the Developing Urban Area. Though the request would not result in variety, it would provide more housing choices.
7. The request furthers the following, applicable Comprehensive Plan policies:
 - A. Policy II.B.5d- new development/neighborhood values/ environmental conditions/ resources. The development would be front Oakland Ave. and be a similar intensity to single-family home developments to the north, west and south. The RD zone requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26), which would help ensure that scenic and other resources are taken into account pursuant to the Plan. Staff has not received any written comments and there is no known opposition.
 - B. Policy II.B.5e- new growth/urban facilities/neighborhood integrity. The subject site is vacant. Development would be contiguous to existing urban facilities (ex. roads, infrastructure), the use of which would not disrupt neighborhood integrity.
 - C. Policy II.B.5l- new development/design quality/ appropriateness. The proposed zone change is to the R-D zone, which requires that residential subdivisions meet the design regulations of the LCSDP (see p. 26). Therefore, the design of the future homes would be appropriate to the plan area and the new development would be a similar quality to other homes in the area.
8. The request partially furthers Comprehensive Plan Policy II.B.5a- full range of urban land uses. The request would result a single-family home development similar to those nearby, at a density of 6 DU/ac that would be unlikely to cause gross density in the area to exceed 5 DU/ac. However, the removal of land zoned for non-residential uses would lessen the possibility of a full range of urban land uses developing in the area.
9. The request furthers Guiding Principles 4 and 9 of the LCSDP. The resulting single-family home would be compatible with the existing single-family homes nearby and, pursuant to the R-D zone in the LCSDP, would be subject to the Plan's Design Regulations (Principle 4). Therefore, the future homes would contribute to the identity for the Plan area and be compatible new development (Principle 9).
10. The request furthers Zoning Principles 2 and 5 of the LCSDP. The zoning would be R-D, the predominant residential zone, and the density would be consistent with nearby residential densities (Principle 2). The development would be subject to the LCSDP's Design Regulation. These design regulations serve to reinforce community identity and improve land use compatibility (Principle 5).
11. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section 1A: Because it will further a preponderance of applicable Goals and policies from t

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Comprehensive Plan and applicable sector development plan (the La Cueva Sector Development Plan, LCSDP), the sector development plan map amendment is consistent with the health, safety, morals and general welfare of the City.

- B. Section 1B: The uses allowed by the proposed zoning would not adversely affect stability of land use and zoning in the area and, as the applicant demonstrated in the responses to Sections 1C and 1D, the sector development plan map amendment is justified pursuant to R270-1980.
 - C. Section 1C: There is no "significant conflict" with an adopted, applicable element of the Comprehensive Plan or applicable principle of the LCSDP. Several policies in the Comprehensive Plan and principles in the LCSDP have been demonstrated to support the request.
 - D. Section 1D: A different use category is more advantageous to the community as articulated in the Comprehensive Plan and other applicable Plans (in this case, the LCSDP). The policy-based discussion demonstrates that the proposed zoning category would be more advantageous to the community overall than the current zoning because the request furthers a preponderance of applicable policies in the Comprehensive Plan and principles in the LCSDP.
 - E. Section 1E: The request would not allow permissive uses different than existing residential zoning in the area. Permissive uses in the R-D zone are those in the R-1 zone and are identical to what is allowed to the west and north, and therefore would not be harmful to the community, neighborhood or adjacent property. The LCSDP further restricts allowable densities in the R-D zone to between 3 DU/ac and 7 DU/ac.
 - F. Section 1F: The zone change requires no capital expenditures by the City in order to be developed.
 - G. Section 1G: Economic considerations pertaining to the applicant are a factor in the zone change request, but the applicant is not raising them as the determining factor.
 - H. Section 1H: The subject site is not located on a collector or major street and the request is not for apartment, office or other commercial zoning.
 - I. Section 1I: The request would not create a spot zone. Although it would affect one small area, R-D zoning is adjacent west, across the street and further south. Even if the request could be considered a spot zone because R-D 6 DU/ac differs from the nearby R-D 7 DU/ac, the applicant has demonstrated (in the response to Sections 1C and 1D) that the request would facilitate realization of the Comprehensive Plan and sector development plan.
 - J. Section 1J: The subject site is a single lot and not a strip of land along a street, and therefore would not result in a "strip zone".
12. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable policies in the Comprehensive Plan and principles in the LCSDP, and that there is no "significant conflict" with these (Section 1C). The response to Section 1D demonstrates that another zoning category would be more advantageous to the community

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because it would allow a preponderance of applicable policies and principles to be furthered. The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.

13. The affected neighborhood organizations are the Quail Springs Neighborhood Association (NA), the Noreste NA and the District 4 Coalition, which were notified as required. Staff received a few phone inquiries regarding the project. One party, an adjacent property owner who was formerly opposed, now supports the request provided that the homes adjacent to his property are single-story.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 25, 2015**. 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 decision.

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.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

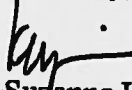
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Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: Shakeel Rizvi dba Nazish LLC, 8504 Waterford NE, Albuquerque, NM 87122
Doug Crandall, DAC Zoning & Land Use Services, 9520 Macallan Rd. NE, Albuquerque, NM 87109
Robert Romero, DAC Zoning & Land Use Services, 1521 Edith Blvd. NE, Albuquerque, NM 87102
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