

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

July 12, 2018

Woodmont Paseo LLC
ATTN: Kelly Calhoun
10439 Calle Leon NW
Albuquerque, NM 87114

Project# 2018-001198
RZ-2018-00008 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

For all or a portion of Tracts 2 and 6 Bulk Land Plat of the Trails Unit 3A, Tract C Correction plat of Valle Prado Unit 3, and Tract H Plat of Durango Unit 1, zoned R-1D to R-1A, R-1B, R-1C, and R-1D, located at Woodmont Ave. NW, between Paseo Del Norte Blvd. NW, and Unser Blvd. NW, containing approximately 57 acres. (C-8 & C-9)

Staff Planner: Cheryl Somerfeldt

PO Box 1293

On July 12, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001198/RZ2018-00008, a Zone Map Amendment (Zone Change), based on the following Findings and Conditions:

FINDINGS, Zone Map Amendment

NM 87103

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1. This is a request for a Zone Map Amendment (Zone Change) for all or a portion of Tract 2 and Tract 6 bulk land plat of the Trails unit 3A, Tract C correction plat of Valle Prado unit 3, and Tract H plat of Durango Unit 1, located on Woodmont Avenue NW, between Paseo Del Norte Boulevard NW, and Unser Boulevard NW and containing approximately 57 acres.
2. The request is to change the exiting zone from R-1D to R-1B for Tracts 6 and C, and from R-1D to R-1D nd R-1B for Tracts H and 2 in order to return to densities permitted by the subject tracts zoning prior to the IDO effective date.
3. The existing R-1D zone was established by 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. Pursuant to Council rules, existing R-1 (Residential, Single Family) zones were assigned a subzone (R-1A, R-1B, R-1C, and R-1D,) based on the predominant lot size within a subdivision. The subject tracts were zoned R-1D since they had not yet completed subdivision into smaller lots.

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5. City Council adopted additional legislation (Resolution 18-29) directing a second phase of IDO zone conversions to address specific site discrepancies between prior development entitlements and the assigned IDO zone. Because the SU-2 zones at the subject site allowed a different development density than the R-1D zone allows, the subject site would qualify to be part of the follow-up voluntary zone conversion process to better match prior entitlements; however, the applicant has chosen to pursue this private request due to timing.
6. Prior to the IDO effective date, the subject site's zoning was pursuant to the Volcano Trails Sector Development Plan (SDP). The Volcano Trails SDP zoned Tracts 6 and C Volcano Trails Small Lot Zone (VTSL) with a minimum lot size of 3,600 square feet. The Volcano Trails SDP zoned Tracts H and 2 Volcano Trails Medium Lot Zone (VTML) with a minimum lot size of 11,000 square feet within 200 feet from the Petroglyph National Monument, a minimum lot size of 6,000 square feet between 200 and 500 feet from the Petroglyph National Monument, and a minimum lot size of 5,000 square feet for the remainder of the tracts.
7. In order to apply straight IDO zones closest in density to the historic VTSL and VTML zones applied by the Volcano Trails SDP, the applicant requests to re-zone Tracts 6 and C, R-1B, with a minimum lot size of 5,000 square feet; and to re-zone Tracts H and 2, R-1D, within 200 feet from the Petroglyph National Monument, and R-1B for the remainder of the tracts.
8. Tract H has an existing Site Development Plan for Subdivision and a pre-plat approved by the DRB, which established lot sizes to reflect the historic VTML permitted lot sizes.
9. Tract 2 has no prior actions but will require EPC Site Plan review and approval pursuant to the Major Public Open Space Edges (per IDO Section 14-16-5-2 (H)). The applicant intends to plat lot sizes to match densities previously permitted by the historic VTML zone.
10. 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.
11. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan has policies to protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The following policies apply.
 - A. The request furthers Policy 4.1.2 because it re-zones the large subject tracts into minimum lot sizes similar to what was previously permitted by the Volcano Trails Sector Plan. The Sector Plan was intended to protect the identity and cohesiveness of the neighborhoods with the appropriate scale and location of development. The Integrated Development Ordinance established the Volcano Mesa Character Protection Overlay, which regulates building design, and the Major Public Open Space regulations and will require EPC review of a Site Plan for Tract 2, which is adjacent to the Open Space.
 - B. The request furthers Policy 4.1.3 because the Petroglyph National Monument is a special place that will be protected by the transition of larger lots near the Monument toward smaller lots farther away.
 - C. The request partially furthers Goal 5.4. The proposal will permit the development of residential lots on the west side with a slight decrease in density over the historical zoning, but a large increase in density over the existing zoning, which does not further this policy. However, services are planned for the mixed-use zone at the southeast corner of Paseo del

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Norte NW and Woodmont Avenue NW, and residential densities must reach the intended levels before their provision is cost effective. If services were developed to meet the intended densities, less trips would be required by all residents in the immediate area.

- D. The request furthers Policy 5.6.3, because the proposed density of 10,000 square foot lots within 200 feet of the Major Public Open Space; 6000 square foot lots within 200 to 500 feet of the Major Public Open Space; 5,000 square foot lots within 500 feet and the end of the tracts, as well as 5,000 square foot lots farther away will establish residential development that respects the Major Public Open Space while protecting existing single-family neighborhoods.
- E. The request furthers Policy 7.3.1 because the area near the Major Public Open Space will remain R-1D, a larger lot size. In addition, the request is governed by the Volcano Mesa Character Protection Overlay and Major Public Open Space regulations of the IDO.
- F. The request furthers Policy 9.1.1 because it will support development of housing for a variety of income levels and types of residents by offering density levels that are slightly different and varied in density from the surrounding zones.
- G. The request furthers Policy 9.2.1 because it would encourage housing development that enhances the neighborhood character by complying with the Volcano Mesa Character Protection Overlay standards, which include site design requirements with recessed garages. The proposed development would maintain compatibility because it will not change the permitted or conditional uses from the surrounding land uses. The proposed development would respond to its suburban development context with densities that transition between more dense and less dense zoning.
- H. The request furthers Policy 11.3.1 because it is intended to allow development in a similar pattern as existing development but with varying densities while preserving the natural characteristics and features that contribute to the distinct identity of the adjacent communities and cultural landscapes. The request will require larger lots adjacent to the Major Public Open Space and then allow more density as it moves away.
- I. The request furthers Policy 11.3.4 by complying with the regulations for Major Public Open Space due to its adjacency and proximity to the Petroglyph National Monument. Lots within 200 feet of the Petroglyph National Monument will be limited to 10,000 square feet per the R-1D zone. All future Site Plans for properties adjacent to the Petroglyph National Monument will require EPC Site Plan review and approval. In addition, the developments will be required to have single loaded road as a buffer to the larger residential lots.
- J. The request furthers Policy 11.3.6, because it is intended to maintain lot size requirements as determined by the historical Volcano Trails Sector Development Plan, which was intended to preserve views to the open space. The Major Public Open Space regulations of the IDO require a single loaded road to buffer the required larger lots from the open space. Tract H has a previously approved DRB Site Plan for Subdivision with these elements, and Tract 2 will be required to comply via an EPC approved Site Plan in the future.

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12. Pursuant to section 14-16-6-7(F)(3) (p427) 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 changes are consistent and not in conflict with applicable Goals and Policies in the Albuquerque / Bernalillo Comprehensive Plan, as amended, or the Integrated Development Ordinance (IDO) regulations including the Volcano Mesa Character Protection Overlay and Major Public Open Space regulations as shown in the analysis of Albuquerque / Bernalillo County Comprehensive Plan policies in Finding 11 above.
 - B. The proposed amendment is located wholly in an Area of Consistency. The applicant has demonstrated that the new zone would clearly reinforce the established character of the surrounding area and would not permit development that is significantly different from that character because the proposed development will be single family uses, the same as surrounding development. The density is similar to historical zoning as determined by the Volcano Trails Sector Development Plan. The character will not be significantly different because the Volcano Mesa Character Protection Overlay will require similar design quality. The applicant has sufficiently demonstrated through policy analysis in Finding 11 that the existing zoning is inappropriate because it is more advantageous to the community as articulated by the ABC Comprehensive Plan. It is beneficial to a City as a whole to have varying densities if planned to transition and coincide with existing infrastructure such as roadway and trail connections, schools, and open space.
 - C. This criterion 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 uses permitted by the requested R-1D and R-1B zones are the same as those permitted by the existing R-1D zone and would not be harmful to the adjacent property. Other than residential uses, other uses permitted in the R-1 zone include a small community residential facility, community center or library, parks and open space, religious institution, community garden, and residential community amenity. Conditional uses include schools.
 - E. The applicant has stated that adequate capacity to serve the development had previously been incorporated into City planning since the requested density is close to the density of historical zoning.
 - F. Since the subject tracts are located off of Woodmont Avenue NW, which is designated a Minor Arterial, the requested zone change is not located on a major street.
 - G. While economic considerations are always a factor with regard to development proposals, they are not the determining factor. The applicant has sufficiently shown the community will benefit due to an increase in affordable housing in an area adjacent to infrastructure; and due to providing site plans which respect the adjacency to the MPOS.
 - H. The request does create a spot zone in that although the request is for single family zoning which currently exists, the request is for R-1 sub-zones with densities that vary from the R-1B zoning to the east, the R-ML zoning to the north, the R-A zoning to the south, and the NR-PO-B zoning to the west. However, the request is justified because it clearly facilitates implementation of the ABC Comp Plan as illustrated in the policy analysis in Finding 11. In addition, the request meets Number 1 of H, because the area functions as a transition between

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the adjacent zone districts. The request transitions from the higher density Mixed-Use zoning and Multi-family zoning to the north by providing single family zoning as one moves farther from Paseo del Norte Boulevard NW, a Regional Principal Arterial. In addition, the request transitions from the Major Public Open Space to the west by providing larger single family lots, R-1D, adjacent to the MPOS, then medium single-family lots, R-1B, as intended in the historical Volcano Trails Sector Development Plan.

13. The applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.
14. A facilitated meeting occurred on June 28, 2018. The facilitator summarized the meeting by saying that the meeting participants reached an impasse. Neighbors in attendance stated it would be more appropriate for the zoning to have R1-B to match the existing Valle Prado lot sizes than the originally requested R-1A zone for Tracts 6 and C, in order to protect neighborhood consistency and property values.
15. Staff received two telephone calls, several emails, and a petition with 84 signatures in opposition to re-zoning Tracts 6 and C to R-1A, which was the original request.
16. The applicant revised the request on Monday, July 9, 2018 to re-zone Tracts 6 and C to the R-1B zone instead of the originally requested R1-A zone. The applicant's historic zoning and current request are shown in the table below.

Tract	Volcano Trails Sector Development Plan Zone (Historic)	Requested Zone
6	VTSL min lot size 3,600 sf	R-1B min lot size 5,000 sf
C	VTSL min lot size 3,600 sf	R-1B min lot size 5,000 sf
H	VTML min lot size 11,000 sf within 200 feet of MPOS; 6,000 sf between 200 and 500 feet of MPOS; 5,000 sf for remainder	R-1D min lot size 10,000 sf within 200 from MPOS; and R-1B min lot size 5,000 sf for remainder
2	VTML min lot size 11,000 sf within 200 feet of MPOS; 6,000 sf between 200 and 500 feet of MPOS; 5,000 sf for remainder	R-1D min lot size 10,000 sf within 200 from MPOS; and R-1B min lot size 5,000 sf for remainder

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JULY 27, 2017**. 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/CS

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