

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

June 14, 2018

Riverside West, LLC,
3738 Arno NE, Suite 300
ABQ, NM 87107

Project# 1000976
18EPC-40026 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 1, Lands of Westland Development Co., Inc., in projected Section 3, T9N, R2E, NMPM together with an unplatted Tract within the SE ¼ of projected Section 34, T10N, R2E, NMPM, Town of Atrisco Land Grant, Bernalillo County, New Mexico, and a Tract of Land East of Amole Del Norte Diversion Channel North of Section Line Of Sections 34 & 3, zoned SU-1 PRD 250 DU MAX to MH, located at 2911 Ervien Lane SW, between Coors Blvd. SW and the Amole del Norte Diversion Channel, containing approximately 41 acres (M-10). Staff Planner: Carol Toffaleti

PO Box 1293

Albuquerque

On June 14, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project NM 87103 1000976/18EPC-40026, a Zone Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

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1. This is a request for a Zone Map Amendment for Tract 1, Lands of Westland Development Co., Inc., in projected Section 3, T9N, R2E, NMPM together with an unplatted Tract within the SE ¼ of projected Section 34, T10N, R2E, NMPM, Town of Atrisco Land Grant, Bernalillo County, New Mexico, and a Tract of Land East of Amole Del Norte Diversion Channel North of Section Line Of Sections 34 & 3 located at 2911 Ervien Lane SW, between Coors Blvd., SW and Amole del Norte Diversion Channel, and containing approximately 41 acres.
2. The request is to rezone the site from SU-1 PRD (Planned Residential Development) for 250 DUs (Dwelling Units) Maximum to MH (Mobile Home Development). MH zoning would match the existing land use (mobile home park) on approximately 1/3 of the site and enable an expansion of this use to the rest of the site.

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3. The site's original zoning was MH. In 2004 the site was rezoned from MH to SU-1 PRD 250 DUs maximum, but no development occurred under the associated SU-1 site development plan for subdivision. This site development plan was amended in 2007. A dual request in 2008, for a zone map amendment to SU-1 for MH and an amended site development plan, was denied by the City Council on appeal in 2009 (AC-09-6). The appeal was made by neighborhood association coalitions in the area. The applicant took the case to District Court, where the Council's decision was upheld.
4. The 2007 site development plan associated with the SU-1 PRD zoning has automatically terminated per §14-16-3-11(C) in the Zoning Code, because a period of over 7 years elapsed with no development.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is mostly within Areas of Consistency of the Comprehensive Plan and its eastern edge is within 660 feet of Coors Blvd., a Major Transit Corridor. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Goal 5.1 Centers & Corridors and Policy 5.1.1 Desired Growth: The request encourages residential infill development on a site that is partially within 1/8 mile of Coors Blvd, a Major Transit Corridor, which will help shape a sustainable development pattern and support transit ridership.

Goal 5.2 Complete Communities and Policy 5.2.1 Land Uses: MH zoning in this location will help meet the demand for single-family housing for low-to-moderate income households near a bus route operating 7 days week that offers a choice in transportation. It would result in infill development that adds residential uses complementary to nearby commercial and light industrial uses along Coors Blvd., which provide services and potential jobs.

Goal 5.3 Efficient Development Patterns and Policy 5.3.1 Infill Development: the proposed zoning will allow infill residential development in an area with existing infrastructure, a County park, and available capacity in public schools at all age levels.

Goal 5.6 City Development Areas and Policy 5.6.3 Areas of Consistency: The request would align the zone with the existing mobile home park on the subject site and allow an expansion of the land use to the rest of the site, reinforcing the character of the residential neighborhood and public park to the north and west of the site.

Goal 9.1 (Housing) Supply

Policy 9.1.1 Housing Options: MH zoning will contribute to increasing the supply of

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housing that is accessible to low- and moderate-income households.

Policy 9.1.2 Affordability: the proposed zoning allows a form of single-family housing that expands affordable housing options in the area while maintaining a scale similar to single-family neighborhoods north and west of the subject site.

Goal 9.2 Sustainable (Housing) Design and Policy 9.2.1 Compatibility: The proposed MH zoning would result in a type of single-family housing development that maintains compatibility with residential subdivisions and mobile home parks in the area as well as with its suburban context.

Goal 9.6 (Housing) Development Process and Policy 9.6.1 Development Cost: The proposed zoning would maintain the existing mobile home park and deliver new housing at a lower cost for comparable square footage than the existing SU-1 PRD zone, which meets community demand in a cost-effective way.

7. The subject site is within the Bridge/Westgate Community designated in the Rank II West Side Strategic Plan. The request is in general compliance with Community Concept Policy 1.1 and Bridge/Westgate Community Policy 3.46, because it will allow the retention and expansion of an existing mobile home park, resulting in a residential density exceeding the minimum of 5 DUs per acre that is encouraged by the Plan in this community.
8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. The request will support the maintenance and expansion of affordable housing, which is consistent with the health, safety, morals, and general welfare of the city.
 - B. The proposed MH zoning would allow residents in existing mobile home units to remain, and would bring the existing mobile home use into compliance and allow for additional mobile home development on the site, which helps stabilize land use and zoning. The applicant has provided a sufficiently sound justification for the change.
 - C. The request is not in conflict with, but rather is consistent with and furthers the Comprehensive Plan and West Side Strategic Plan as summarized in Findings 6 and 7.
 - D. The proposed zone change is more advantageous to the community, as articulated in the Comprehensive Plan and West Side Strategic Plan. The existing zoning is inappropriate because it makes the existing mobile home development on the site, which is almost fully occupied, a non-conforming use and it has not resulted in an increased supply of housing in the area. The proposed zoning responds to demand for housing choice for families, particularly demand for affordable single-family homes. MH zoning is also more likely to result in a type of development that will provide a transition between the single-family residential subdivisions to the north and west and the light industrial and warehousing uses surrounding the site. The vacant portion of the site can be connected to existing infrastructure lines and the site is near Coors, a Major Transit Corridor with bus service that offers a choice of transportation for existing and future residents.

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- E. Uses permissive in MH are limited to mobile/manufactured homes and accessory uses that would not be harmful to adjacent property, the neighborhood, or the community. A mobile home development, including a small management office, has been on the site for over 20 years and coexisted with light industrial and commercial uses that have developed along Coors Blvd. The site has no direct connection to the single-family residential subdivisions to the north and west, and therefore poses no risk of increased traffic on their residential streets. APS has commented that area schools have excess capacity and would not be burdened by the proposed zoning.
 - F. The City will not incur any unprogrammed expenditures as a result of the zone change, because connections to roads and to water, sewer, and stormwater facilities already exist on the site and the applicant would finance and develop infrastructure privately. Potential impacts of future development on Coors Blvd., a state road, would be assessed and addressed in conjunction with NMDOT.
 - G. The applicant has justified the request as being more advantageous to the community as articulated in applicable City plans. While economic considerations may be a factor in the request, it is not the determining factor.
 - H. The applicant has justified the request as being more advantageous to the community as articulated in applicable City plans. The subject site is located near but not directly on Coors Blvd., a major street, and the request is for mobile home zoning, not zoning that allows apartments or any office or commercial zoning beyond what would serve the residents on the site.
 - I. Although the request will create a different zone from the zoning of surrounding properties, this 40-acre site is not a "small area". The request facilitates realization of the Comprehensive Plan and the West Side Strategic Plan. In addition, the proposed zoning allows a specific type of single-family residential development that can function as a transition between the light industrial and commercial zones along Coors Blvd. and the single-family residential subdivisions to the north and west. The request will not create a spot zone.
 - J. The subject site has an irregular shape and is not along a street, and the request is for MH residential zoning not "strip commercial zoning". The request will not create a strip zone.
9. The applicant conducted research in May 2018 of current mobile home occupancy and land availability in the City of Albuquerque and Bernalillo County. Of 9 mobile home parks surveyed, including the subject site, 5 were in the southwest part of the city (zip code 87121) and had a vacancy rate of less than 1%.
10. Vehicular access to the vacant portion of the 41-acre site is on private streets through the existing mobile home park, which the applicant intends to continue operating.

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11. The subject site lies within the landfill buffer zones of two former landfills for construction debris. A landfill mitigation plan developed by a New Mexico licensed professional engineer will be required prior to grading and drainage or development activities. Due to the presence of wallboard in the waste on the site this mitigation plan should be in place prior to any excavation or development activity.
12. The following apply prior to development on the subject site:
 - a. NMDOT requests that, when the undeveloped land is to be developed, the property-owner shall complete the State Access Management Manual's Site Threshold Assessment (STH) and schedule an appointment with NMDOT staff to discuss the development's potential impacts on NM 45 (Coors Blvd.)
 - b. Access to the Tom Tenerio Park (owned by Bernalillo County) from a future residential development on the subject property is appropriate. County Parks and Recreation must be consulted about the specific design of the access, prior to development of the property.
 - c. The City may require the subject property to be platted.
13. The Southwest Alliance of Neighborhoods (SWAN), the West Side Coalition of Neighborhood Associations, and the South Valley Coalition of Neighborhood Associations were notified, as well as property-owners within a 100 foot buffer adjacent to the subject site. No facilitated meeting was requested and no comments have been received.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 29, 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

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void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


for David S. Campbell
Planning Director

DSC/ct

cc: Riverside West, LLC, 3738 Arno NE, Suite 300, ABQ, NM 87107
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102
South West Alliance of Neigh. SWAN, Johnny Peña, 5625 Sunset Gardens SW, ABQ, NM 87121
South West Alliance of Neigh. SWAN, Jerry Gallegos, 5921 Central Av. NW, ABQ, NM 87105
Westside Coalition of NA's, Gerald Worrall, 1039 Pinatubo Pln NW, ABQ, NM 87120
Westside Coalition of NA's, Harry Hendriksen, 10592 Rio del Sole NW, ABQ, NM 87114
South Valley Coalition of NA's, Marcia Fernandez, 2401 Violet SW, ABQ, NM 87105
South Valley Coalition of NA's, Rod Mahone, 1838 Sadora Rd SW, ABQ, NM 87105
Jay Radur, 7020 Huseman Place, ABQ, NM 87121