



**Environmental  
Planning  
Commission**

**Agenda Number: 03  
Project Number: 1001568  
Case #: 13EPC-40141  
Date: October 10, 2013**

**Staff Report**

<b>Agent</b>	
<b>Applicants</b>	Ed Haddaway and Barbara Forshay
<b>Request</b>	<b>Zone Map Amendment</b>
<b>Legal Description</b>	Lot B, Haddaway Subdivision
<b>Location</b>	Rio Grande Boulevard between Los Anayas and Zickert
<b>Size</b>	Approximately .327 acres
<b>Existing Zoning</b>	SU-2/LD R-1
<b>Proposed Zoning</b>	SU-2/LD RA-2

**Staff Recommendation**  
**APPROVAL of Case #13EPC-40141 based on the Findings beginning on Page 13.**

**Staff Planner**  
**Lorena Patten, Associate Planner**

**Summary of Analysis**

This request is a Zone Map Amendment from SU-2/LD R-1 to SU-2/LD RA-2 for a site located along Rio Grande Boulevard between Los Anayas and Zickert.

The proposal is consistent with the applicable policies of the Albuquerque/Bernalillo County Comprehensive Plan. The proposal and is consistent with the land use and zoning objectives of the North Valley Area Plan, Rio Grande Boulevard Corridor Plan and Los Duranes Sector Development Plan and the City of Albuquerque Zoning Code.

The request will not conflict with surrounding land uses.

The North Valley Coalition, the Rio Grande Boulevard Neighborhood Association, the Los Duranes Neighborhood Association, and all property owners within 100 feet of the subject site were notified. There is no known opposition to the requested SU-2/LD RA-2 zone of Lot B, Haddaway Subdivision.

Staff recommends approval of the Zone Map Amendment.



City Departments and other interested agencies reviewed this application from 09/03/13 to 09/13/13  
 Agency comments used in the preparation of this report begin on Page 18.

**I. AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding zoning, plan designations, and land uses:**

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2/LD R-1	Established Urban Area: North Valley Area Plan, Rio Grande Boulevard Corridor Plan, Los Duranes Sector Development Plan	Vacant
<b>North</b>	SU-2/LD R-1	Established Urban Area: North Valley Area Plan, Rio Grande Boulevard Corridor Plan, Los Duranes Sector Development Plan	Single Family
<b>South</b>	SU-2/LD RA-2	Established Urban Area: North Valley Area Plan, Rio Grande Boulevard Corridor Plan, Los Duranes Sector Development Plan	Single Family
<b>East</b>	SU-2/LD R-1	Established Urban Area: North Valley Area Plan, Rio Grande Boulevard Corridor Plan, Los Duranes Sector Development Plan	Single Family
<b>West</b>	SU-2/LD RA-2	Established Urban Area: North Valley Area Plan, Rio Grande Boulevard Corridor Plan, Los Duranes Sector Development Plan	Single Family

**II. INTRODUCTION**

**Proposal**

This request is for a Zone map amendment for Lot B, Haddaway Subdivision (the “subject site”). It contains approximately 0.327 acres of land and is located on Rio Grande Boulevard between Los Anayas and Zickert. The subject site is currently zoned SU-2 LD/R-1. The applicant requests SU-2/LD RA-2 zoning. The site is within the boundaries of the Rank II North Valley

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Area Plan, the Rio Grande Boulevard Corridor Plan and the Los Duranes Sector Development Plan.

The subject site adjoins another property (Lot C, Haddaway Subdivision) that is owned by the applicant. Prior to the adoption of the 2012 Los Duranes Sector Development Plan, both of the applicant's lots that abut Rio Grande Boulevard were split zoned R-1 and RA-2. The applicant claimed that during the sector planning process he was told that his request to zone all his properties SU-2/LD R-1 was not in keeping with the goals of the plan update. Upon adoption of the plan update, the larger parcel (Lot C) was zoned SU-2-LD RA-2 and the smaller parcel (Lot B) was zoned SU-2/LD R-1. At this time the applicant requests a consistent zoning of SU-2/LD RA-2 for both lots so he has the opportunity to re-subdivide or provide clustered housing.

### ***EPC Role***

The Environmental Planning Commission (EPC) has decision-making authority for the zone change, pursuant to §14-16-4-1(C) of the Zoning Code.

### ***Context and History***

The site is located within the Los Duranes Sector Plan Boundary, abuts Rio Grande Boulevard, subject to both the Rio Grande Boulevard Corridor Plan and the North Valley Area Plan.

By far, the predominant land uses in the sector plan area is single-family residential. Most of the area is zoned SU-2/LD RA-1. This is the City's Residential and Agricultural zone with some exceptions regarding Private Commons Development, height, lot coverage and setbacks to ensure that new development respects the scale and mass of the existing built environment. Higher density mixed uses are encouraged along Rio Grande south of Indian School, however, the stretch of Rio Grande Boulevard where the site is located ( with the exception of the northwest corner of Rio Grande and Zickert) is zoned for only residential uses.

This neighborhood is one of the oldest settlements in Albuquerque, dating back to the early 1770's. The neighborhood reflects this long history through the residents and property owners, many of whom descend from the early European settlers, and through its visual character. The area has a network of acequias, many narrow winding streets and a variety of building types, lot sizes and shapes. Although many of the original "ribbon" lots that provided access to irrigation have been subdivided, the east-west pattern is still dominant and some fields, farm animals and large yards remain. The intent of the Los Duranes Sector Plan is to retain the diversity, and maintain visual & functional open space where possible.

### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The Long Range Roadway System map designates Rio Grande Boulevard as a minor arterial.

**Comprehensive Plan Corridor Designation.** The Albuquerque/Bernalillo County Comprehensive Plan designates the segment of Rio Grande Boulevard, south of Indian School Road as an Enhanced Transit Corridor. This designation does not apply north of Indian School or adjacent to the subject site.

**Trails/Bikeways.** There are bike lanes on Rio Grande Boulevard adjacent to the subject site.

**Transit.** The #36 Rio Grande/12<sup>th</sup> Street route is a loop service that runs southbound only on Rio Grande Blvd. in the LDSDP area.

### ***Public Facilities/Community Services***

The area is well served with public facilities and services. There are three elementary schools, six parks and two community centers within one mile of the site. A museum and a fire department station are also within a mile of the site. For more specific information, see the Public Facilities Map.

## ***III. ANALYSIS***

### ***APPLICABLE ORDINANCES, PLANS AND POLICIES***

#### ***Albuquerque Comprehensive Zoning Code***

The subject site is currently zoned SU-2/LD R-1 per the Los Duranes Sector Development Plan. This zone is the same as the City's R-1 zoning with exceptions regarding Private Commons Development, height, frontage and setback requirements to ensure that new development respects the scale and mass of the existing built environment.

This request proposes a zone change to SU-2/LD RA-2. The proposed zone is the same as the City's Residential and Agricultural zone with some exceptions regarding Private Commons Development, height, lot coverage and setbacks to ensure that new development respects the scale and mass of the existing built environment.

The primary difference between the two zones is the minimum lot size requirement. The SU-2/LD R-1 zone has an additional requirement for frontage width. The SU-2/LD RA-2 zone requires lot coverage of no more than 50%.

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There is also a difference in density. SU-2/LD R-1 allows up to 7 dwelling units per acre while SU-2/LD RA-2 allows up to 3 dwelling units per acre. The gross density of 3 dwelling units per acre is intended to preserve the character of the residential neighborhood and preserve open space and agricultural lands.

The SU-2/LD RA-2 zone is more restrictive. The proposed change to SU-2/LD RA-2 from SU-2/LD R-1 is not in conflict, but in fact, supports the intent of the Albuquerque Comprehensive Zoning Code. (See 14-16-1-3)

### ***Albuquerque / Bernalillo County Comprehensive Plan***

**Note:** Policy Citations are in Regular Text; *the applicant's analysis is in italics, and staff's analysis is in bold italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

*The sector plan has determined zoning of low to medium density residential along with agricultural uses along the stretch of Rio Grande Boulevard that includes the applicant's property. This request does not change the intent of the Los Duranes Plan and will further the above policy by maintaining a full range of urban land uses.*

***Staff agrees. The request furthers Policy II.B.5.a. The request will maintain an overall gross density of up to 5 dwelling units per acre. The range of uses along Rio Grande and surrounding the subject site were determined by public/private cooperation during the development and adoption of the Los Duranes Sector Development Plan. Mixed use zoning was established further south of the subject site.***

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

*The larger lot sizes of SU-2/LD RA-2 are more in keeping with the values, environment, scenery, and cultural traditions of the area.*

***Staff agrees. The request furthers Policy II.B.5.d. The proposed zone change respects the existing neighborhood values and is in keeping with the Los Duranes Sector Development***

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*Plan and the residents' desires to retain the agricultural land and open space. It also respects the residents' desire to preserve the historic scale and pattern of the neighborhood.*

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

*The property site is vacant land and it is contiguous on the south and on the west with land that is zoned SU-2/LD RA-2. The entire property should be zoned the same, allowing the owners to re-plat.*

*Staff agrees. The request furthers Policy II.B.5.e. The proposed zone change will establish consistent zoning of the applicant's two parcels and therefore the same development and design standards. Granting this zone change would remove an unnecessary obstacle to appropriate infill development and enable a consistent development where the integrity of the existing neighborhood can be ensured.*

Policy II.B.5.f: Clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

*The proposed zoning provides the opportunity for clustering homes. The clustering of homes is being considered in the development of this property.*

*Staff agrees. The request furthers Policy II.B.5.e. The goal will be maintained under the new zoning. The SU-2/LD RA-2 zone allows Private Commons Development on lots of 1 acre rather than the 2 acres required in the zoning code. A change to the proposed zoning will incentivize the development of consistent design on an additional .327 acre lot that abuts Rio Grande Boulevard.*

### ***North Valley Area Plan (Rank II)***

The subject site is located within the boundaries of the North Valley Area Plan which was adopted in 1993. The Plan generally encompasses the area bounded by I-40 on the south, the Rio Grande River on the west, Roy Avenue on the north, and Interstate 25 on the east. The stated purpose of the plan was to inventory the area's cultural and environmental resources, define citizen needs and desires, identify issues, prepare programs to implement policy, and recommend policy changes if necessary.

Applicable goals and policies are:

Zoning and Land Use

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Goal 2: The City and County shall stabilize residential zoning and land use in the North Valley Area.

e) Retain the low density character of Rural Areas of the North Valley.

f) Undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West to address land use conflicts, non-conforming uses, redevelopment of vacant land, affordable housing, transportation, streetscape improvements, cultural sites, and other issues.

### Housing

Goal 4: The County and City shall remove disincentives, provide incentives, and/or require housing development which meets the Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.

### Agricultural and Rural Character

Goal 2: The County and City shall promote small scale agriculture and retention of open space in the valley.

*A lower density zoning is more appropriate for this area. While a small Flower Shop and a Plumbing business exist at the corner of Zickert Street and Rio Grande Blvd., Larger residential Lots zoned SU-2/LD RA-2 and smaller SU-2/LD R-1 lots primarily dominate the area. This is exceptional "infill" property. And the need to continue utilizing the areas unique attributes is paramount.*

*The adjacent land is zoned SU-2/LD RA-2. For Tract B to be developed as infill and for an access road to be implemented and lot lines reconfigured it will need to share the same zoning as the property surrounding it. The population density will be decreased by changing the zoning to SU-2/LD RA-2, creating home sites that require more open property than those with SU-2/LD R-1.*

***The intent of the existing SU-2 regulations for residential zones established in the 2012 Los Duranes Sector Development Plan is to continue the historic scale and pattern of housing. Cluster housing is encouraged in the SU-2/LD RA-2 zone as are agricultural uses and visual openness. The request furthers the above listed Goals and Policies in the North Valley Area Plan.***

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***Rio Grande Boulevard Corridor Plan***

The Rio Grande Corridor Plan is a Rank III Plan adopted in 1989. Its purpose is to introduce policies, regulations and projects to enhance existing corridor qualities such as the visible evidence of the area history, river valley landscapes, southwestern architectural styles and regional building materials.

The subject site is within the boundaries of Subarea 3 which overriding purpose is to enhance and conserve existing character on properties adjacent to the public right-of-way. The land use and zoning goal for Subarea 3 is to maintain existing low density residential zoning which blends well with the adjacent predominantly semi-rural neighborhoods.

*This proposed change is not in conflict with the Rio Grande Corridor Plan.*

***The subject site is adjacent to the public right-of-way. The proposed SU-2/LD RA-2 zone will maintain existing low density residential zoning and will blend well with the surrounding SU-2/LD RA-2 zoning. The request is for a less intense residential use; does not change or adversely affect the nature of subareas; and, will not harm adjacent residential properties. Staff agrees the proposed change is not in conflict with, but rather support Subarea 3 goals of the Rio Grande Corridor Plan.***

***Los Duranes Sector Development Plan***

The Los Duranes Sector Plan Development Plan is a Rank III plan first adopted in 1976, amended in 1981 and revised in 2012. The Plan generally encompasses properties between Los Anayas Road and Indian School Road to the north, I-40 to the south, Albuquerque Drain to the west and Rio Grande Boulevard and Alameda Drain to the east. The main purpose of the Plan is to provide for growth while maintaining and respecting the existing rural character of the community and the agricultural traditions and settlement patterns that could otherwise be lost due to new development and urbanization. Relevant goals include the following:

D. Support clustered housing and family compounds as a way of continuing historic land use patterns that maintain open space and accommodate diverse household incomes and lifestyles.

*The proposed zoning change will increase the size of the residential lots, which continues the existing patterns of land use and open space.*

G. Support land uses that maintain the residential character of the area, neighborhood-scale businesses and promote locally owned business opportunities.



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*The proposed zone change is more in keeping with the character of the area, which has a semi-rural feel to it. The zone change does not apply in regard to locally owned businesses.*

I. Maintain the semi-rural neighborhood character through residential and commercial development that is consistent in scale and massing with the neighborhood.

*Many neighboring properties are semi-rural and farm oriented. This zoning change is in keeping with that character and is consistent with the scale and massing of the area.*

***Staff agrees the proposed zone change allows for a consistent zoning of the applicant's property and incentivizes clustered housing. The lot sizes are larger in SU-2/LD RA-2 than in SU-2/LD R-1, and with maximum lot coverage of 50%, there is a greater requirement for open space. This supports historic land use patterns and the area's semi-rural neighborhood residential character. The request furthers Land Use Goals D, G and I.***

#### ***Resolution 270-1980 (Policies for Zone Map Change Applications)***

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

#### ***Analysis of Applicant's Justification***

**Note:** Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

*The proposed zoning change is consistent with the health, safety, morals and general welfare of the city. The proposed zone change will correct the zone of tract B, changing it from SU-2/LD R-1 to the more appropriate SU-2/LD RA-2, which is the same zoning as the property it is a part of. This will further allow the land to be re-platted for residential and agricultural use.*

***Staff agrees that the requested SU-2/LD RA-2 zone will bring the applicants tract B parcel into the same zoning designation as the applicant's tract C parcel. The zone change will encourage a consistency of regulations that the applicant desires in order to develop and provide housing on a total of 1.88 acres along Rio Grande Boulevard. Consistency with the***

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***City's health, safety, morals and general welfare is shown by demonstrating that a zone change request furthers a preponderance of applicable goals and policies from the Comprehensive Plan and, in the case of this request, the North Valley Area Plan, the Rio Grande Corridor Plan and the Los Duranes Sector Development Plan. (See the Analysis of these plans in Section III of this staff report.) The Applicant utilizes a policy-based justification for this request; therefore the response to Section 1.A is sufficient.***

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

*The request will help the stability of land use and zoning by reflecting the character of the neighborhood. This is a semi-rural neighborhood, even though it is "close in" to the city.*

***Staff agrees that the requested zone map amendment maintains the stability of use in the area. The proposed zone change will ensure that new development continue the historic pattern, scale and density of development in the neighborhood. One of the objectives of the Los Duranes Sector Development Plan was to realign zone lines to match ownership lines, which is the purpose this request. Allowing consistent zoning for both of the applicant's properties would maintain stability of use.***

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

*The proposed zone change is consistent with the Comprehensive Plan as well as the Los Duranes Plan.*

***The zone change is not in conflict, but rather supports the adopted elements of the Comprehensive Plan, the North Valley Area Plan, the Rio Grande Corridor Plan and the Los Duranes Sector Development Plan. (See the Analysis of these plans in Section III of this staff report.)***

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

*The community will benefit by this proposed zone change, as SU-2/LD RA-2 zoning is more in keeping with the area than the present SU-2/LDR1 zoning. It is more in keeping with the historic land use of a farming community. By developing the property as a less dense residential property, more of the natural attributes of the environment will be available for future generations.*

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*A different use category is more advantageous to the community. The proposed zone change allows for a consistent zoning of the applicant's property.*

*The greater requirement for open space supports historic land use patterns and the semi-rural residential character emphasized as the community's primary goals in the development of their Rank II and III plans.*

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

*The proposed zone will not prompt any permissive uses, which would be harmful to the adjacent property, the neighborhood or the community.*

***Staff agrees and finds that the requested permissive uses of low-density residential and agricultural will not be harmful to adjacent property, the neighborhood or the community.***

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

*This request will require no capital expenditures on the part of the city to be developed.*

***Staff agrees. The request will not result in any major or unprogrammed capital expenditures by the City.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

*The cost of land and economic considerations are not the determining justification for this request. Rather it is the need to make the property consistent with the surrounding property allowing a re-plat*

***Staff agrees. The cost of land is not the determining factor for the requested change of zone.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

*The location on the street is not the justification of this request. Rather it is the need to make the property consistent with the surrounding property allowing a re-*

***Staff agrees that the street location is not used as a justification for the request.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

*The proposed zone change does not create a “spot zone”.*

*The proposal is to create the same zoning on all of the landowner’s property*

***Staff agrees. The request is not a spot zone as that site is contiguous to SU-2/LD RA-2 to the west and south.***

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street, is generally called “strip zoning.” Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*This requirement does not apply to our request. Rather than a request for different zoning than that surrounding it, the request is for all contiguous property belonging to the landowner to be the same zoning; 2/LD RA-2. This is necessary for a re-plat to occur.*

***Staff agrees. The request will not result in a strip commercial zone.***

#### **IV. AGENCY & NEIGHBORHOOD CONCERNS**

##### ***Reviewing Agencies***

There were no objections or negative comments. Hydrology and Long Range Planning are in support of the request. Refer to the agency comments beginning on page 18.

##### ***Neighborhood/Public***

Representatives from the North Valley Coalition, the Rio Grande Boulevard Neighborhood Association, the Los Duranes Neighborhood Association, and all property owners within 100 feet of the subject site were notified. A facilitated meeting was neither offered nor requested. No comments were received from notified property owners.

## ***V. CONCLUSION***

This request is for a Zone map amendment for Lot B, Haddaway Subdivision (the “subject site”). It contains approximately 0.327 acres of land and is located on Rio Grande Boulevard between Los Anayas and Zickert. The subject site is currently zoned SU-2 LD/R-1. The applicant requests SU-2/LD RA-2 zoning. The site is within the boundaries of the Rank II North Valley Area Plan, the Rio Grande Boulevard Corridor Plan and the Los Duranes Sector Development Plan.

The zone change request is consistent with a preponderance of applicable goals and policies of the Comprehensive Plan, the North Valley Area Plan, the Rio Grande Corridor Plan and the Los Duranes Sector Development Plan, and meets the criteria for a Zone Map amendment under R-270-1980.

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***FINDINGS - 13EPC-4014 - October 10, 2013 - Zone Map Amendment***

1. This is a request for a Zone Map Amendment for Lot B, Haddaway Subdivision located on Rio Grande Boulevard between Los Anayas and Zickert and containing approximately .327 acres.
2. The applicant proposes to change the zone from SU-2/LD R-1 to SU-2/LD RA-2 for a vacant property in order to integrate the parcel into his adjacent parcel currently zoned SU-2/LD RA-2.
3. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan, Rio Grande Boulevard Corridor Plan and Los Duranes Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is consistent with the following applicable goals and policies of the Comprehensive Plan:

Policy II.B.5.a:

*The request will maintain an overall gross density of up to 5 dwelling units per acre. The range of uses along Rio Grande and surrounding the subject site were determined by public/private cooperation during the development and adoption of the Los Duranes Sector Development Plan. Mixed use zoning was established further south of the subject site.*

Policy II.B.5.d:

*The proposed zone change respects the existing neighborhood values and is in keeping with the Los Duranes Sector Development Plan and the residents' desires to retain the agricultural land and open space. It also respects the residents' desire to preserve the historic scale and pattern of the neighborhood.*

Policy II.B.5.e:

*The proposed zone change will establish consistent zoning of the applicant's two parcels and therefore the same development and design standards. Granting this zone change would remove an unnecessary obstacle to appropriate infill development and enable a consistent development where the integrity of the existing neighborhood can be ensured.*

Policy II.B.5.f:

*The SU-2/LD RA-2 zone allows Private Commons Development on lots of 1 acre rather than the 2 acres required in the zoning code.*

5. The subject site is located within the boundaries of the North Valley Area Plan which was adopted in 1993. The request is consistent with the following applicable goals and policies of the North Valley Area Plan:

Zoning and Land Use

Goal 2: The City and County shall stabilize residential zoning and land use in the North Valley Area.

e) Retain the low density character of Rural Areas of the North Valley.

f) Undertake a planning process for areas of Mid-North Valley East and Mid-North Valley West to address land use conflicts, non-conforming uses, redevelopment of vacant land, affordable housing, transportation, streetscape improvements, cultural sites, and other issues.

Housing

Goal 4: The County and City shall remove disincentives, provide incentives, and/or require housing development which meets the Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.

Agricultural and Rural Character

Goal 2: The County and City shall promote small scale agriculture and retention of open space in the valley.

***The intent of the existing SU-2 regulations for residential zones established in the 2012 Los Duranes Sector Development Plan is to continue the historic scale and pattern of housing. Cluster housing is encouraged in the SU-2/LD RA-2 zone as are agricultural uses and visual openness. The request furthers the above listed Goals and Policies in the North Valley Area Plan.***

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6. The subject site is located within the boundaries of the Rio Grande Boulevard Corridor Plan is a Rank III Plan adopted in 1989. The request is consistent with the following applicable goals and policies of the Rio Grande Corridor Plan:

The Rio Grande Corridor Plan is a Rank III Plan adopted in 1989. Its purpose is to introduce policies, regulations and projects to enhance existing corridor qualities such as the visible evidence of the area history, river valley landscapes, southwestern architectural styles and regional building materials.

The subject site is within the boundaries of Subarea 3 which overriding purpose is to enhance and conserve existing character on properties adjacent to the public right-of-way. The land use and zoning goal for Subarea 3 is to maintain existing low density residential zoning which blends well with the adjacent predominantly semi-rural neighborhoods.

***The subject site is adjacent to the public right-of-way. The proposed SU-2/LD RA-2 zone will maintain existing low density residential zoning and will blend well with the surrounding SU-2/LD RA-2 zoning. The request is for a less intense residential use; does not change or adversely affect the nature of subareas; and, will not harm adjacent residential properties. The proposed change is not in conflict with, but rather supports Subarea 3 goals of the Rio Grande Boulevard Corridor Plan.***

7. The subject site is located within the boundaries of the Los Duranes Sector Development Plan. The request is consistent with the following goals:

***The proposed zone change allows for a consistent zoning of the applicant's property and incentivizes clustered housing. The lot sizes are larger in SU-2/LD RA-2 than in SU-2/LD R-1, and with maximum lot coverage of 50%, there is a greater requirement for open space. This supports historic land use patterns and the area's semi-rural neighborhood residential character. (Goals D, G, and I.)***

8. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

A. The requested SU-2/LD RA-2 zone will bring the applicants tract B parcel into the same zoning designation as the applicant's tract C parcel. The zone change will encourage a consistency of regulations that the applicant desires in order to develop and provide housing on a total of 1.88 acres along Rio Grande Boulevard. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a zone change request furthers a preponderance of applicable goals and policies from the Comprehensive Plan and, in the case of this request, the North Valley Area Plan, the Rio Grande Corridor Plan and the Los Duranes Sector Development Plan.

B. The proposed zone change will ensure that new development continue the historic pattern, scale and density of development in the neighborhood. One of the objectives of the Los Duranes Sector Development Plan was to realign zone lines to match ownership lines,



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which is the purpose this request. Allowing consistent zoning for both of the applicant's properties would maintain stability of use.

C. The zone change is not in conflict, but rather supports the adopted elements of the Comprehensive Plan, the North Valley Area Plan, the Rio Grande Corridor Plan and the Los Duranes Sector Development Plan.

D. A different use category is more advantageous to the community. The proposed zone change allows for a consistent zoning of the applicant's property and incentivizes clustered housing. The greater requirement for open space supports historic land use patterns and the semi-rural residential character emphasized as the community's primary goals in the development of their Rank II and III plans.

E. The requested permissive uses of low-density residential and agricultural will not be harmful to adjacent property, the neighborhood or the community.

F. The request will not result in any major or unprogrammed capital expenditures by the City.

G. The cost of land is not the determining factor for the requested change of zone.

H. The street location is not used as a justification for the request.

I. The request is not a spot zone as that site is contiguous to SU-2/LD RA-2 to the west and south.

J. The request will not result in a strip commercial zone.

9. Representatives from the North Valley Coalition, the Rio Grande Boulevard Neighborhood Association, the Los Duranes Neighborhood Association, and all property owners within 100 feet of the subject site were notified. A facilitated meeting was neither offered nor requested. No comments were received from notified property owners.

***RECOMMENDATION - (13EPC-40141) (10/10/13)***

**APPROVAL of case 13 EPC-40141, a request for Zone Map Amendment from SU-2/LD R-1 to SU-2/LD RA-2 for Lot B, Haddaway Subdivision, based on the preceding Findings.**

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***Lorena Patten-Quintana  
Associate Planner***

***Notice of Decision cc list:***

Ed Haddaway, 1915 Rio Grande Boulevard NW, Albuquerque NM 87104

David Wood, 158 Pleasant NW, Albuquerque NM 87107

Jose Viramontes, 1317 Gabaldon NW, Albuquerque NM 87104

Susan Johnson, 2313 Camino de Lo Artesanos, Albuquerque NM 87107

William D. Herring, 3104 Coca Road NW, Albuquerque NM 87104

Kyle Silfer, 4465 Jupiter Street NW, Albuquerque NM 87107

Doyle Kimbrough, 2327 Campbell Road NW, Albuquerque NM 87104

***Attachments***

1. Application
  - a. Cover page
  - b. TIS form
  - c. Justification letter
  - d. History map
  - e. Land use map
  - f. Zoning map
  - g. Public facilities map
  
2. Neighborhood info/input
  - a. ONC letter
  - b. Applicant letter
  - c. Certified mail receipts

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

Reviewed – no comments

#### ***Office of Neighborhood Coordination***

Rio Grande Blvd. NA (R)      No comments received

Los Duranes NA (R)              No comments received

North Valley Coalition          No comments received

#### ***Long Range Planning***

Should the proposed zone be SU-2, LD-RA-2, per the Los Duranes Sector Development Plan?

The RA-2 zone uses will be compatible with the existing development and the existing zoning in the area.

#### ***Metropolitan Redevelopment Agency***

No comments received

### ***CITY ENGINEER***

#### ***Transportation Development***

Reviewed – no comments

#### ***Hydrology Development***

Hydrology supports the zone change as ¼ acre minimum lot sizes are preferred in the North Valley.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

Reviewed – no comments regarding on-street bikeways or roadway system facilities.

#### ***Traffic Engineering Operations***

No comments received

***WATER UTILITY AUTHORITY***

***Utility Services***

No objections

***ENVIRONMENTAL HEALTH DEPARTMENT***

No comments received

***PARKS AND RECREATION***

***Planning and Design***

Reviewed - no comments

***Open Space Division***

No comments received

***City Forester***

No comments received

***POLICE DEPARTMENT/Planning***

No comments received

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

Approved and must comply with SWMD Ordinances

***FIRE DEPARTMENT/Planning***

No comments received

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	Route #36. 12 <sup>th</sup> Street/ Rio Grande commuter route passes the site on Rio Grande.
Adjacent bus stops	Nearest bus stop located 261' south, from the southeast corner of the property, serving route #36.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

No comments received

**ALBUQUERQUE PUBLIC SCHOOLS**

Loc No	School	2012-13 40th Day	2012-13 Capacity	Space Available
249	DURANES	328	340	12
410	GARFIELD	347	598	251
560	VALLEY	1340	1632	292

**MID-REGION COUNCIL OF GOVERNMENTS**

No comments received

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

No comments received

**NEW MEXICO DEPARTMENT OF TRANSPORTATION**

The NMDOT has no objections to the Zone Map Change.

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

