



**Environmental
Planning
Commission**

*Agenda Number: 5
Project Number: 1005278
Case Numbers: 06EPC- 01700/01701
January 13, 2011*

Supplemental Staff Report

Agent	Mark Goodwin & Associates
Applicant	Juan Tabo Hills West
Requests	Annexation Establishment of Zoning
Legal Description	Tract A, Juan Tabo Hills West
Location	Bordering south/east of the Tijeras Arroyo, north of Kirtland Air Force Base and west of Juan Tabo Hills, between Eubank and Juan Tabo Boulevards
Size	Approximately 85-acres
Existing Zoning	County A-1
Proposed Zoning	R-D

Staff Recommendation

That a recommendation of APPROVAL for 06EPC-01700 be forwarded to the City Council, based on the Findings beginning on page 3, and subject to the Condition of Recommendation on page 6.

That a recommendation of APPROVAL for 06EPC-01701 be forwarded to the City Council, based on the Findings beginning on page 6.

Staff Planner

Christopher Hyer, Senior Planner

Summary of Analysis

This is a two-part request: Annexation and Establishment of Zoning for Juan Tabo Hills West (JTHW), an expansion of the existing Juan Tabo Hills (JTH) subdivision between the Tijeras Arroyo and Kirtland Air Force Base. The requested zoning for the entire site is R-D, subject to R-T controls. Access to the site will be across the existing Juan Tabo Boulevard bridge.

The site is in the Developing Urban Area. The applicant has adequately justified both the request for annexation and establishment of zoning based on applicable Comprehensive Plan policies, R-270-1980 and R-54-1990.

Residents of the adjacent JTH subdivision have expressed concerns about the lack of expected improvements to their subdivision. The JTHNA provided a letter of concern and is attached to the December 9th staff report.

A facilitated meeting was held on Sept. 27th and a mediated meeting on Oct. 7th. Staff recommends approval.

This report should be read in conjunction with the December 9, 2010 Staff Report.

Location Map (3" x 3")

The supplemental staff report should be read in conjunction with the December 9, 2010 staff report (attached).

I. Background

This request has been subject to six 30-day deferrals in order to bring various elements of the application in line with City standards. The Traffic Impact Study (TIS) was the cause for several of the original deferrals, but now the TIS is in a City acceptable format. The most recent deferral was needed to allow time to make the pre-annexation agreement language acceptable to both the City and the applicant.

The pre-annexation agreement spells out the conditions of annexation for the subject site to become a part of the incorporated City. This includes the necessary language for off-site infrastructure improvements and the dedication of open space land. The City Engineer has included an infrastructure list (in the attached pre-annexation agreement) that the applicant will provide as development of the site proceeds – this list includes necessary improvements from the TIS.

II. Open Space Dedication

The Open Space Division has determined how the conveyance of the 52-acre Tract B, which surrounds the Tijeras Arroyo, will satisfy the open space requirement of the R-D zone and further the objectives of the Resource Management Plan for the Tijeras Arroyo Biological Zone. This determination is evident from the Open Space Division's revised comment, which reads as follows:

Dedication of 52.197 acres gross in Parcel B for Open Space and drainage purposes satisfies the intents and policies of the 2008 Resource Management Plan for Tijeras Arroyo Biological Zone (EC 09-464). Total net useable Open Space acreage will be determined following drainage studies and future construction of flood protection.

A possible acreage estimate for disturbed land from the construction of the "flood wall" – the wall separating the development from the Tijeras Arroyo - that could not be considered Open Space is around 7-10 acres. This would leave a possible 40-plus acres that may be considered open space and may be incorporated into the biological zone of the Tijeras Arroyo. However, as the revised Open Space comment states, "*Total net useable Open Space acreage will be determined following drainage studies and future construction of flood protection*", the determination of the amount of open space acreage will occur at the completion of construction within this tract. However, there is ample amount of acreage to fulfill the open space requirement under R-D zoning.

The open space requirement for the proposed 400 homes, of the subject site in the Developing Urban Area with R-D zoning at 2,400-square feet per lot, is approximately 22-acres. The required on-site open space is a maximum of 300-square feet per home. Therefore, using the maximum requirement, a total of 2.75-acres in the proposed Juan Tabo Hills West development must be provided as on-site open space. This acreage shall be subtracted from the 22-acres of total required open space for the developed 400-homes using the R-D open space requirements. The resultant 19.25-acres of required open space can be classified as Detached Open Space, which is defined in the Zoning Code as:

Detached Open Space: Required open space which is not on the same lot(s) as the dwellings for which the open space is required. (Section 14-16-1-5, Definitions, page 1-6)

III. Review of Pre-annexation Agreement

A draft pre-annexation agreement is attached for EPC review. Although the EPC is a recommending body to the City Council, review of this document is prudent as the pre-annexation agreement will be transmitted to the City Council from the Mayor's Office by Executive Communication (EC). Since the process of transmittal is by EC, the City Council can only accept or deny adoption of this document. The City Engineer, the Open Space Division and the applicant have worked closely with City Legal to create this agreement. Therefore, these parties may consider any changes suggested by the EPC and may or may not revise the pre-annexation agreement.

IV. Conclusion

This is a request for annexation and establishment of R-D zoning for an 85-acre tract, south of the Tijeras Arroyo and abutting the Juan Tabo Hills subdivision on the west and abutting Kirtland Air Force Base on the south. This request is an extension of the original Juan Tabo Hills development and will provide approximately 400 new homes. Juan Tabo Hills West will utilize infrastructure that has been provided for the original Juan Tabo Hills development, including the new bridge that crosses the Tijeras Arroyo.

The City has accepted the TIS and has listed the necessary improvements to the transportation network in the pre-annexation agreement. The applicant is conveying a 52-acre tract to the City to be utilized partly for the detached open space requirement, and also to further the objective of the Resource Management Plan for the Tijeras Arroyo Biological Zone. The specific acreage will be determined as this project nears completion, but the conveyance is sufficient to fulfill the open space obligations.

A draft pre-annexation agreement has been created between the City Engineer, the Open Space Division and the applicant with input from City Legal. This agreement places the City's Conditions of annexation on this request. The final version of the pre-annexation agreement will be transmitted to the City Council and will specify the required improvements to be made by the applicant.

Staff supports this request and recommends that a recommendation of approval be forwarded to the City Council.

FINDINGS – 06EPC 01700 (1/13/2011) -- Annexation

1. This request is for annexation of Tract A, Juan Tabo Hills West, which consists of approximately 85-acres (the “subject site”), into the City of Albuquerque. The subject site is located directly west of the existing Juan Tabo Hills subdivision and south of the Tijeras Arroyo, between Juan Tabo Drive and Eubank Boulevard SE.
2. Annexation of the subject site will allow for an expansion of the existing Juan Tabo Hills subdivision that abuts the subject site on the east.
3. The subject site is in the Developing Urban Area of the Comprehensive Plan.
4. This request for annexation is accompanied by a request for the establishment of R-D zoning, (Project #1005278, 06EPC-01701). Approval of the R-D zoning is contingent upon approval of the request for annexation.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

6. This request for annexation furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

DEVELOPING URBAN AREA POLICIES

- A. This request will add to the range of urban land uses found in the community by improving land that has been considered challenging to develop while expanding the established neighborhood. The result will be a neighborhood with a gross maximum density of 5 dwelling units per acre. (Comprehensive Plan Policy II.B.5.a)
- B. This request will expand the existing neighborhood, JTH, to the west and will be developed in the same manner. It allows growth of JTH to be on adjacent, vacant land that is contiguous to the existing City limits and will be served by existing urban facilities and services. The requested zoning, R-D, is the same as the existing neighborhood and shall be developed with a similar density. Also, the open space network shall be extended from the JTH neighborhood through the JTHW neighborhood. (Comprehensive Plan Policies II.B.5.d & II.B.5.e)
- C. Clustered housing will be easy to obtain (with shared open spaces in between) for the following reasons: R-D zoning requires that each dwelling shall have 2,400-square feet of open space and the R-T standards allow for the dwellings to be in close proximity with each other or attached. The homes are to be developed on the elevated areas off the Tijeras Arroyo as well. Thus, the given topography of the parcel lends to clusters of houses that are separated by arroyos, which are part of a larger trail network. (Comprehensive Plan Policies II.B.5.f, II.B.5.g & II.B.5.l)

D. The subject site will be developed with R-D zoning that requires dedication of open space, thus encouraging the preservation of the natural environment. (Comprehensive Plan Policy II.B.5.m)

7. The applicant has adequately justified the annexation request pursuant to Resolution 54-1990.

Section 1a: Compliance with City policy regarding land dedication for public facilities is assured:

The applicant will provide all land needed for the additional infrastructure and City services for the expansion of the existing neighborhood of Juan Tabo Hills. The applicant has stated that he is willing to dedicate land, which is needed to fulfill this policy.

Section 1b: The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

The applicant has agreed to install and pay for all necessary infrastructure in a timely manner and then dedicate it to the City. A pre-annexation agreement has been agreed to by the City and the developer and will be signed by the City upon City Council approval of this request. There will be no City capital expense used for this development's infrastructure.

Section 1c: The City may decline an annexation if necessary capital expenditures fall all or partly under paragraph b(2), above and the City concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case:

No capital expenditures shall be needed. The applicant will be responsible in developing the needed infrastructure for this development.

Section 1d: Land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by state statutes:

The entire eastern boundary of the site abuts the City limits.

Section 1e: Land to be annexed shall have provision for convenient street access to the City:

The subject site will connect with two existing collectors that feed into Juan Tabo Boulevard and a proposed third street to be created that will provide supplemental access to Juan Tabo Hills Drive.

Section 1f: Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City:

The subject site has reasonable boundaries – it is in the shape of a triangle. Public services are available in the abutting JTH subdivision and these services can easily be extended to the subject site. The City's jurisdiction is easily recognizable as the property abuts Kirtland AFB to the south and the Tijeras Arroyo on a diagonal that has one point to the north and the other point to the west – it is the hypotenuse of the triangle.

Section 1g: City boundaries shall be established along platted lines which will make definite what the City limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance:

The City limits will be easy to identify in this area as the subject site is defined, as are adjacent tracts, by a recorded plat.

8. The City Engineer has accepted the Traffic Impact Study (TIS) conducted by the applicant for this request.
9. The City Engineer has placed required on-site and off-site improvements from both the Traffic Impact Study (TIS) and other required infrastructure on the Infrastructure List of the pre-annexation agreement and agrees with the language in the pre-annexation agreement.
10. The Open Space Division has reviewed the pre-annexation agreement and accepts the conveyance of Tract B. Undisturbed portions of Tract B will be considered for open space and this will help satisfy the Open Space requirement for lots in the Developing Urban Area and further the objectives of the Resource Management Plan for the Tijeras Arroyo Biological Zone.
11. Albuquerque Public Schools (APS) will be impacted by this annexation. The schools that would be available for future residents include: Manzano Mesa and Apache Elementary Schools, Van Buren and Grant Middle Schools and Highland and Manzano High Schools. Apache Elementary School is exceeding capacity, while all other effected schools have excess capacity.
12. The subject site is within the 1,000-foot landfill gas buffer zone of the former Eubank Landfill. The developer is required to follow the most current version of the "City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones". Review and approval of the site plan will be required by the Environmental Health Department (EHD) when this request is at the Development Review Board (DRB).
13. There is no neighborhood or other known opposition to this request. However, the Juan Tabo Hills Neighborhood Association (JTHNA) has expressed concerns that improvements to their neighborhood have not been completed.

RECOMMENDATION - 06EPC 01700 – (1/13/2011) -- Annexation

That a recommendation of APPROVAL of 06EPC-01700, an annexation for Tract A, Juan Tabo Hills West, be forwarded to the City Council based on the preceding Findings and subject to the following Condition of Recommendation.

CONDITIONS OF APPROVAL - 06EPC-01700 (1/13/2011) – Annexation

1. A pre-annexation agreement between the Applicant and the City of Albuquerque, as approved by the City Engineer, is required.

FINDINGS – 06EPC 01701 – (1/13/2011) – Establishment of Zoning

1. This request is for establishment of zoning from County A-1 to R-D for Tract A, Juan Tabo Hills West, approximately 85-acres (the “subject site”). The subject site is located directly west of the existing Juan Tabo Hills subdivision and south of the Tijeras Arroyo, between Juan Tabo Drive and Eubank Boulevard SE.
2. This request for the Establishment of zoning is accompanied by a request for annexation of the subject site (Project #1005278, 06EPC 01700).
3. The subject site is in the Developing Urban Area of the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. This request would facilitate an expansion of the existing Juan Tabo Hills neighborhood that abuts the subject site on the east. The requested zoning is the same as the zoning in the residential portion of Juan Tabo Hills: R-D subject to R-T controls.
6. This request for establishment of zoning furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

DEVELOPING URBAN AREA POLICIES

- A. The additional residential area will add to the range of urban land uses found in the community by improving land that has been considered challenging to develop while expanding the JTH established neighborhood. This expansion area will allow growth of JTH to be on adjacent, vacant land that is contiguous to the existing City limits and will be served by existing urban facilities and services. The result will be a neighborhood with a gross maximum density of 5 dwellings units per acre. The requested zoning, R-D, is the same as the existing neighborhood and shall be developed with a similar density. (Comprehensive Plan Policies II.B.5.a, II.B.5.d & II.B.5.e)
- B. Clustered housing will be easy to obtain (with shared open spaces in between) for the following reasons: R-D zoning requires that each dwelling shall have 2,400-square feet of open space and the R-T standards allow for the dwellings to be in close proximity with

each other or attached. Since the homes are to be developed on the elevated areas off the Tijeras Arroyo, the given topography of the parcel lends to clusters of houses that are separated by arroyos, which are part of a larger trail network and shall be extended from the JTH neighborhood through the JTHW neighborhood. (Comprehensive Plan Policies II.B.5.f & II.B.5.g)

- C. The subject site will be developed with R-D zoning that requires dedication of open space, thus encouraging the preservation of the natural environment. (Comprehensive Plan Policy II.B.5.m)
7. The applicant has adequately justified the zone map amendment request pursuant to Resolution 270-1980.
- A. The requested annexation and establishment of zoning would not result in development that places an undue burden on public facilities and services while expanding the limits of the City. The tract also does not create any harm to adjacent properties – it is an extension of the existing Juan Tabo Hills (JTH) development immediately to the east. Because it furthers the Comprehensive Plan policies, it is found to be consistent with the health, safety, morals and welfare of the City.
 - B. The resulting intensity of development will not destabilize adjacent land uses and existing development in the area; it is the same zoning as in the adjacent subdivision – R-D, subject to R-T controls. The applicant has provided sound justification for the change
 - C. The request will further the Developing Urban Area Goal by expanding the residential area of the already established Juan Tabo Hills. This request adds to the existing community and enhances the choice of housing and life style available. The request is not in conflict with applicable Comprehensive Plan policies.
 - D. The request for annexation and establishment of R-D zoning is due to the desire to expand the existing JTH neighborhood. The now developed Juan Tabo Boulevard bridge is a changed condition that allows access to this once isolated site. The R-D zone, a residential zone, is more advantageous to the community because it adds to the variety and choice for places to live.
 - E. The requested change of zoning from County A-1 to the City’s R-D zone allows for residential uses. The abutting JTH neighborhood, which consists mostly of single-family homes, are developed using R-T controls, is also zoned R-D. The requested R-D zoning will not be harmful to the already existing neighborhood.
 - F. This request will not require any major and unprogrammed capital expenditures. The future development facilitated by this request will use existing infrastructure.
 - G. The cost of land or other economic considerations are not the determining factor for this request.
 - H. Location on a collector or major street is not being used as justification for this request.
 - I. The requested zoning is consistent with the adjacent neighborhood and would not create a spot zone.

- J. The requested zoning is consistent with the adjacent neighborhood and would not create a strip zone.
8. There is no neighborhood or other known opposition to this request. However, the Juan Tabo Hills Neighborhood Association (JTHNA) has expressed concerns that improvements to their neighborhood have not been completed.

RECOMMENDATION - 06EPC 01701 – (1/13/2011) – Establishment of Zoning

That a recommendation of APPROVAL of 06EPC 01701, the Establishment of R-D Zoning for Tract A, Juan Tabo Hills West, be forwarded to the City Council based on the preceding Findings.

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Senior Planner***

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