



**Environmental  
Planning  
Commission**

**Agenda Number: 8  
Project Number: 1005278  
Case Numbers: 06EPC- 01700/01701  
December 9, 2010**

**Staff Report**

<b>Agent</b>	Mark Goodwin & Associates
<b>Applicant</b>	Juan Tabo Hills West
<b>Requests</b>	<b>Annexation Establishment of Zoning</b>
<b>Legal Description</b>	Tract A, Juan Tabo Hills West
<b>Location</b>	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
<b>Size</b>	Approximately 85-acres
<b>Existing Zoning</b>	County A-1
<b>Proposed Zoning</b>	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 15, and subject to the Conditions of Approval on page 17.*

*That a recommendation of APPROVAL for 06EPC-01701, be forwarded to the City Council based on the Findings beginning on Page 18.*

**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, an expansion of the existing Juan Tabo Hills subdivision between the Tijeras Arroyo and Kirtland Air Force Base. The requested zoning for the entire site is R-D with R-T controls. Access to the site will be across the existing Juan Tabo Boulevard Bridge.

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

Residents of the adjacent JTH development have expressed concerns for lack of expected improvements to their subdivision and feel that it is appropriate to express these concerns in response to their support of this case.

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

Location Map (3" x 3")

**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>	County A-1	Developing Urban	Vacant
<b>North</b>	County A-1, SU-1	Developing Urban	Vacant, South Pointe Mobile Home Community
<b>South</b>	KAFB – not City’s jurisdiction	Federal Land	Kirtland Air Force Base
<b>East</b>	R-D	Developing Urban	Juan Tabo Hills - Single- family homes
<b>West</b>	KAFB – not City’s jurisdiction	Federal Land	Kirtland Air Force Base

**II. INTRODUCTION**

***Proposal***

This is a two-part request: Annexation into the City and Establishment of Zoning from the default County A-1 to R-D for Tract A, Juan Tabo Hills West (JTHW), a site of approximately 85-acres, the “subject site”. The R-D zoning is the standard default zoning for annexed property in the Developing Urban Area of the *Comprehensive Plan*. The applicant will develop up to 400-single family homes on this tract using R-T controls. Since the area does not have a sector development plan controlling the land use, a site development plan and landscaping plan will need to be presented at DRB. An approval at the DRB level approves uses permissive and controlled by the R-T zone.

The original annexation request was for 200-acres back in September 2007. That initial request included the subject site, the abutting portion of the Tijeras Arroyo (52-acres, Tract-B) and 63-acres (Tract-C) adjacent to the Sandia Science and Technology Park at the southern end of Eubank Boulevard. The Board of Bernalillo County Commissioners decided to allow only the residential portion (85-acres, Tract-A) to be annexed into the City. Even though that request was made and granted in 2007, Sandy Fish, Director of the County’s Building, Planning and Zoning Department, has notified the applicant that the County Commission’s 2007 Notice of Decision remains valid and the annexation can be pursued.

The County’s modification of the annexation request to just Tract A from the original Tracts A, B, and C request may be explained as follows. Tract B, the portion that is the Tijeras Arroyo, is currently under a moratorium awaiting a larger open space study to be completed. This tract is 52-acres and will be conveyed to the City upon completion of this request (and will satisfy the open space requirement of this project) even though it will remain in the County’s jurisdiction. Tract C (63-acres) is to be developed as non-residential with a possibility of generating gross

receipts taxes. It is unknown when this development will occur. Therefore, only Tract-A is subject to this request and it will be an expansion of the existing Juan Tabo Hills residential area.

The applicant initially restarted the application process in June 2010. The EPC hearing was delayed due to an unacceptable TIS and the unfinished pre-annexation agreement. Now the City has accepted the TIS and has placed the needed capital improvements for roadways along with other items on the Infrastructure List of the pre-annexation agreement. Since the City Engineer has accepted the TIS, the request for annexation and establishment of zoning can move forward through the City's process. The pre-annexation agreement will be finalized prior to final approval by the City Council.

The EPC is acting as only a recommending body to the City Council. Final adoption of annexations requires City Council action, §14-16-4-1 (C) (10) (6).

### ***Context***

The subject site abuts the neighboring Juan Tabo Hills (JTH) to the east. JTH was annexed into the City in 2004 and zoned R-D with R-T controls and will eventually contain 1,200 homes with 3-acres of neighborhood commercial development. Lot widths are typically 40 to 60-feet with a gross density of 5-dus per acre. JTHW will be of similar density. Further east, on the eastern side of JTH, is the older Four Hills development with larger single-family lots.

Even though JTH and Four Hills abut each other, there is no vehicular access between them as that was conditioned by the Four Hills neighborhood at the time JTH was annexed into the City. The Fours Hills neighborhood did agree to emergency "crash gates" across the three large arroyos, however. Thus, the key to the JTH development was the 4-lane bridge that was constructed to cross the Tijeras Arroyo and serves solely the JTH development. This same bridge will now be used to provide access for JTHW. This is an AMAFCA approved and FEMA accepted bridge.

Directly to the south of these developments is Kirtland Air Force Base with no access between it and the southern portion of the City within this area. On the north and west of JTHW is the Tijeras Arroyo and just beyond that are other portions of the base and the Sandia Laboratories. Thus, the only access to the subject site will be via the Juan Tabo Bridge.

The old South Eubank Landfill is directly across the Tijeras Arroyo following the diagonal that makes the west to north boundary of this triangular piece of land. Since this landfill is close, the subject site is within the 1,000-foot landfill buffer along the northern edge - the diagonal boundary of this triangular shaped property. That is, from the western most point up to the northern most point, the subject site is up to 430-feet within the 1,000-foot landfill buffer. On average, the subject site has 300-feet of the landfill buffer penetrating it.

### ***History***

The land south of the Tijeras Arroyo and north of Kirtland Air Force Base, has been looked upon for development since the late 1950's and early 1960's. Since it was easiest to access this area at Tramway and Central, development began at this point, hence the Four Hills subdivision. Land west of Four Hills was seen as increasingly challenging to develop and was left vacant.

In February 2004, the proposal for JTH was brought to the City – Project # 1001370/03EPC-01062/01920/01922 – and was annexed May of 2004. The site consisted of 100-acres that had already been annexed, zoned R-D and platted in 1980 (AX-80-10/Z-80-30) and 227-acres that was under the jurisdiction of the County and zoned A-1. When it was brought into the City, the zoning became mostly R-D (with a small portion of commercial area that was zoned SU-1) and is currently under phased development of single-family homes. R-D - Residential and Related Uses Zone, in the Comprehensive Plan's designated Developing Urban Area - permits a mixture of dwelling unit types and incidental related commercial activities.

Along with the R-D zoning for the single-family homes (and the commercial services of the SU-1 zoned Village Square), the developable 227-acres of JTH, a 90-acre tract was designated as SU-1 for Major Public Open Space (MPOS) that follows the course of the Tijeras Arroyo and three smaller connecting arroyos. The MPOS corridors surround the JTH subdivision and will connect with the open space portion of JTHW.

There was also a 26-acre Village Square - zoned SU-1 for Village Square. The Village Square was intended to be a central focus for the JTH subdivision with an open-air plaza surrounded by denser residential and commercial developments. In January 2009, the Village Square was modified to allow the following: an adjustment to the amount of commercial land use available, an increase in the residential density, a location for a new fire station and an allowance for shared parking (Project # 1004073/08EPC-40101/40104). The Village Square has moved towards residential uses rather than the original neighborhood commercial that was once envisioned. Thus, the Village Square's portion for commercial services has been reduced from its original 14-acre size to approximately 3-acres. This adjustment allows an additional 200-dwelling units to be constructed.

In 2006, PNM requested that its existing transmission lines through the middle of JTH be relocated to the northern part of that area. The request was approved administratively (#1001370, 06AA-0038).

The entire JTH portion is about 50% complete and the owner wants to start preparing for development of the expansion area, the subject of these requests, JTHW.

### ***Transportation System***

The Long Range Roadway System System (LRRS) map, produced by the Mid-Region Council of Governments, designates Juan Tabo Boulevard as a Principal Arterial with a right-of-way of 124-feet (Established & Developing Urban). The designation only applies as far south as Tijeras Canyon, i.e. north of the subject site. Thereafter, Juan Tabo Boulevard becomes Juan Tabo Drive and is a four-lane collector.

No roadways within Juan Tabo Hills are currently designated in the LRRS.

The Long Range Bicycle Plan designates existing bike lanes on Juan Tabo Boulevard as far south as the Tijeras Canyon and a proposed trail through Juan Tabo Hills that would link with a proposed route in Four Hills.

There are no transit corridor designations or transit facilities in the Juan Tabo Hills area.

***Public Facilities/Community Services***

There are few facilities and services in the vicinity of the subject site: a senior center and community center, both associated with city parks and are one mile away; the Manzano Mesa elementary school is within a mile of the subject site area.

Annexation of the subject site will impact 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. For space availability information, see the Albuquerque Public Schools comments at the end of the staff report.

**III. ANALYSIS**

**Albuquerque Comprehensive Zoning Code**

The existing zoning of the subject site is A-1, which is currently in the jurisdiction of Bernalillo County. The proposed zoning is R-D, which if the annexation were approved, would be in the jurisdiction of the City of Albuquerque. R-D zoning permits a mixture of dwelling unit types and incidental related commercial activities. However, the commercial uses are allowed only when there is an adopted sector development plan in place.

R-D zoning is the typical zoning category given newly annexed land as it provides for residential and commercial service uses in a Developing Urban Area. Since the area to be annexed is not covered by an adopted Sector Development Plan, and will be pursuant to a site development plan and landscaping plan (after the DRB process), uses permissive in the R-T zone will be allowed and the regulations of the R-T zone control the development, §14-16-2-14 (C).

**Section 14-16-2-9 R-T Residential Zone.** This zone provides suitable sites for houses, townhomes, and uses incidental thereto in the Established and Central Urban areas.

**(A) Permissive Uses**

- (1) Uses permissive in the R-1 zone, except:
  - (a) Agricultural animal keeping.
  - (b) Front yard parking of recreational vehicles.
  - (c) Hobby breeders.
  - (d) Houses are not limited to one per lot.
- (2) Townhouses.

Each dwelling in the R-D zone shall have 2,400-square feet of open space preserved for it. This open space requirement may be met by having on-site or detached open space, which is

dedicated to each dwelling. This detached open space need not be accessible to the residents, but be preserved as open space, which is important to the whole Community. The following amounts shall be usable open space on the lot with the dwelling: 200-square feet for an efficiency or one-bedroom dwelling; 250-square feet for each two-bedroom dwelling; and 300-square feet for each dwelling with three or more bedrooms. The remaining open space requirement can be detached.

The applicant is conveying Tract B (approximately 52-acres) to the City - the tract that contains the Tijeras Arroyo. The area of this tract will more than satisfy the open space requirement and any remaining land that is not obligated to this request's open space requirement may be used to satisfy the detached open space requirements for future developments.

### **Annexation into the City of Albuquerque**

The Board of County Commissioners approved annexation of the subject site, Tract A, Juan Tabo Hills West – approximately 85-acres and currently zoned County A-1 - into the City of Albuquerque on September 11, 2007. The subject site was also issued a Water and Sanitary Sewer Serviceability Statement (#00406) by the Albuquerque Bernalillo County Water Utility Authority on May 27, 2010. This statement is attached to the staff report.

### ***Resolution 54-1990 (Policies on Annexation to the City of Albuquerque)***

This Resolution sets forth policies and requirements for annexation of territory to the City. Land to be annexed shall be generally contiguous to City boundaries, be accessible to service providers, and have provision for convenient street access to the City. The applicant must agree to timing of capital expenditures for any necessary major streets, water, sanitary sewer and other facilities. Additionally, the *Comprehensive Plan* area designation of the subject site, Developing Urban, corresponds to specific policies that must be met for approval of an annexation request.

As per the Zoning Code, a zone map amendment for the subject site must be filed and processed concurrently with an annexation action. The Environmental Planning Commission is charged with forwarding recommendations for these requests to the City Council.

Policy Citations are in Regular Text; *the applicant's response (or a summary of their justification) is italicized and staff analysis is in Bold Italics*. The applicant has addressed the annexation policies of *R-54-1990* to support the request for annexation as follows:

Section 1: The subject site is located within the Developing Urban Area of the *Comprehensive Plan*, which makes it “particularly appropriate for the range of urban services which the City can provide, and annexation of such areas into the City is desired and encouraged. More specifically, annexation of areas planned to be urban intensity of development will be approved when the following policies are met”:

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

*All needed land dedication for public facilities is provided upon further subdivision of the property, subsequent to its annexation and zoning establishment. The applicant's subdivision plat will not be approved by the City's Development Review Board until the necessary dedication is financially guaranteed.*

***The land to be annexed will become a neighborhood that extends the existing Juan Tabo Hills to the west. The applicant will provide all land needed for the additional infrastructure and City services for the expansion of this existing neighborhood. 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:

- (1) The timing to be per a written City statement of intent as to when it or another public body will be able to provide such capital facilities, such City statement to be issued prior to annexation; and/or
- (2) The timing to remain indefinite but a substantial number of years in the future, based on a written City statement, made prior to annexation, that it will provide the facilities but no timing can be assured; and/or
- (3) A commitment by the land owner that he or his successors in interest will, in a manner that satisfies City standards, install and pay for such facilities or cause them to be installed and paid.

*Upon subdivision of JTHW, the Petitioner will dedicate land and construct needed public facilities in accordance with the City's Subdivision Ordinance (major streets, water, sanitary sewer and storm-water-handling facilities). The Petitioner is not anticipating that significant capital expenditures by the City are necessary to enable development of its property*

***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 landowners wait for the basic utilities and facilities as long as would probably be the case.

*Petitioner understands that the City may decline to annex its property.*

***No City capital expenditures shall be needed. The applicant will be responsible for 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.

*JTHW is contiguous to the City limit on its eastern boundary.*

***Staff agrees with the applicant. The entire eastern boundary abuts the City limits.***

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

*Along the east boundary of JTHW there are two streets within the original Juan Tabo Hills Subdivision that have been "stubbed-out" to JTHW for the purpose of providing convenient access to existing streets within JTH. A third street will run along the south side of the Tijeras*

*Arroyo and connect directly to Juan Tabo Hills Drive in an effort to provide supplemental access.*

***Staff agrees with the applicant. 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 land to be annexed is a tract identified as a legal tract on a plat filed in the County Clerk's Office, and its boundaries are easily recognizable by relatively long, continuous lines. The City already provides its municipal services to the adjoining Juan Tabo Hills Subdivision located directly to the east of JTHW, so the further extension of services to JTHW should be considered reasonable.*

***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 the 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 land to be annexed is a tract identified by a filed plat.*

***Staff agrees with the applicant. 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.***

#### **IV. REQUEST FOR ESTABLISHMENT OF ZONING**

##### **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***

Policy Citations are in Regular Text; *the applicant's response (or a summary of their justification) is italicized and staff 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.

*This proposed zoning is consistent with the health, safety, morals and general welfare of the City of Albuquerque because the proposed uses do not create any adverse conditions for properties abutting the subject request.*

***Staff agrees. In addition, 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. This request supports this policy furthering the general welfare of the City.***

- 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.

*Stability of land use is desirable. The intensity of development with this requested change will not destabilize adjacent land uses and existing development in the area.*

***Staff agrees and notes that the requested zoning is similar to surrounding zoning and encourages residential use, which establishes a more permanent and stable 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 requested change is consistent with the goals and objectives of the Comprehensive Plan.*

**Albuquerque / Bernalillo County Comprehensive Plan**

The subject site is located in the area designated Developing Urban by the Comprehensive Plan with a goal "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with 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.

*JTHW has a gross maximum density of not more than 5 dwelling units per acre.*

***The applicant is requesting R-D zoning that will allow a gross density of up to 5 homes per gross acre in the Developing Urban Area that does not have a sector plan. The proposed number of houses is 400 for JTHW. The maximum density of 5 dwelling units per acre (85-acres in this request) results in a total number of 425-dwelling units. The applicant falls below this maximum. There will be no additional non-residential uses; therefore, the request furthers this policy.***

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, or recreational concern.

*JTHW's intensity will be similar to and compatible with the existing JTH that borders its east boundary. JTHW will enhance the adjacent neighborhood's access to the Tijeras Arroyo by integrating non-vehicular access to its layout and preserving the Tijeras Arroyo's natural environment by dedicating land within the arroyo.*

*JTHW is an expansion of the existing JTH development and will be developed with the same zoning and density and have an extension of the existing roads and trails to serve the new portion of the development. The TIS shows that the existing roadways will need minor modifications in order to accommodate the anticipated 400 new homes. Newly constructed roads are required to serve the JTHW expansion and will connect to the west side of Juan Tabo Hills Drive. The extra vehicle trips generated from this request will require additional off-site improvements to the surrounding road network. These improvements are listed in the pre-annexation agreement and will be provided by the developer.*

*Infrastructure that was brought to JTH when it was brought into the City will be utilized and will be expanded to accommodate the additional homes (associated with this request) where deficient. The developer will provide this expansion. Nearby schools are generally in excess capacity as discussed above - detail is given in the APS comments at the end of the staff report. Open Space and the trail network will be expanded from the existing JTH development as many of the same arroyos extend into JTHW. Additional open space is provided by the developer through their conveyance of Tract B, the tract containing mostly Tijeras Arroyo land, to the City and it will expand the natural and undeveloped land that is a resource around JTH as well as JTHW.*

*Staff agrees with the applicant's justification in regards to the new development becoming harmonious with the existing development and thus, respecting the existing neighborhood values.*

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.

*JTHW is a unique infill project that will develop underutilized vacant land that is located next to existing urban facilities and services. JTHW's traffic will be directed to a new street that will be connected directly to Juan Tabo Hills Drive so that its impact on the existing JTH is minimized.*

*Staff agrees with the applicant's justification as it furthers this policy by being contiguous to the already existing neighborhood and the City's boundary, will expand the existing neighborhood's area in the same density by using the same zoning, and will add additional roads to the network to minimize traffic impacts on the area, which will ensure that the integrity of the existing neighborhood is maintained.*

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

*JTHW will target elevated areas away from the Tijeras Arroyo for development and then provide 52 acres of open space for residents to access for recreational uses within the arroyo.*

*Development of homes will be clustered on land that is developable and not in the arroyos that run throughout the area. This will leave large open spaces between the groupings of homes. The 52-acres of additional open space (land of Tract-B) will be added to this and thus, the natural topography of the land will provide access to the trail network that exists within the JTH area and that is planned to expand into JTHW.*

Policy II.B.5.g: Development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.

*Staff believes that this policy is appropriate for this request even though it is design focused. The R-D zoning with R-T controls allows for the houses to be grouped together in the buildable areas of this undulating area. Since this zoning allows the residential development to conform to the topography, trail corridors can be included throughout the neighborhood.*

Policy II.B.5.l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

*JTHW will continue to provide quality design in its subdivisions by integrating a new pedestrian trail system that connects from the existing JTH on the east to the Tijeras Arroyo on the west. Other efforts will include the connecting of pedestrian routes from the ends of cul-de-sacs and avoiding excessively long street blocks.*

*Although this policy is about design (site Plan) and is not applicable to annexation or the establishment of zoning, staff will respond to the applicant's justification. The applicant states that this development is basically an expansion of JTH, which demonstrates how a development can work with the existing topography in placement of homes, alignment of the roadways and the inter-connection of the trail network as it makes its way through the existing arroyos. Staff believes the applicant will design JTHW in the same fashion that JTH was designed, and thus, will further this policy.*

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*JTHW will slope the terrain from high areas on the east to low areas on the west so that views of the natural environment will be preserved; thereby enhancing unique vistas to the west and north.*

*The applicant acknowledges that the area of the subject site consists of challenging topography due to many arroyos running through it as they are inter-connected to the Tijeras Arroyo. The R-D zoning with R-T controls allows for the single-family homes to be clustered together in areas that are suitable for development and the existing arroyos to remain. The requirement for open space encourages this sort of development, and thus, encourages the preservation of the natural environment. The applicant has mentioned that views of the natural environment will be an amenity to this development and thus, furthers this policy.*

**Conclusion**

*The applicant has discussed and adequately justified how the requested annexation and the associated establishment of zoning furthers the following Goals and Policies that are presented in the Comprehensive Plan. The request will further the Developing Urban 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. This request is not in conflict with any of the adopted elements of the Comprehensive Plan.*

- 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 change in zoning is justified due to changed neighborhood conditions. In 2004, the City annexed and established mostly R-D zoning for the residential portion of approximately 320-acres of land directly east of the subject request (JTH). The Petitioner has since acquired the subject property and they intend to continue offering the wide range of new housing products that have been very attractive to the new home buying population.*

*The existing zoning and the "isolated condition" of this area had not previously allowed for redevelopment, but now with the extension of Juan Tabo Blvd. across the Tijeras Arroyo and infilling of the adjacent JTH, further expansion is possible. The proposed land use will support residential development at a density similar to that which currently abuts the subject site.*

*Staff agrees with the applicant's justification. The request asks for annexation of vacant land and the establishment of R-D zoning 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. Further, the R-D zone, a residential zone, is more advantageous to the community as it adds to the variety of choice for places to live.*

- 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.

*Uses permissive within the requested R-D zoning will not be harmful to adjacent property because R-D zoning exists on the adjoining property as well.*

*Staff agrees with the applicant's justification. The requested change of zoning from County A-1 to the City's R-D zone allows for residential uses and ancillary commercial uses. This zoning is the predominant zoning of the abutting JTH neighborhood, which contains mostly single-family homes that are developed using R-T controls.*

- 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.

*Development of this property will not require unprogrammed capital expenditures by the City, nor will its development rely upon unprogrammed capital expenditures by the City.*

***Staff agrees. This is an expansion of JTH; the bridge across the Tijeras Arroyo and the additional required infrastructure was developed for that neighborhood. JTHW will utilize the now existing infrastructure. The request will not result in unprogrammed capital expenditures.***

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

*Cost of land or other economic considerations pertaining to the subject property have not been the determining factors in this requested change.*

***Staff agrees with the applicant's reason that 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 in itself sufficient justification for apartment, office, or commercial zoning.

*Not applicable.*

***Staff agrees.***

- 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.

*This request should not be considered spot or strip zoning because what results will be consistent with adjoining single-family development.*

***Staff agrees. The requested zoning is consistent with the adjacent neighborhood and does not create a spot zone.***

- 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 request should not be considered spot or strip zoning because what results will be consistent with adjoining single-family development.*

***Staff agrees. The requested zoning is consistent with the adjacent neighborhood and does not create a strip zone.***

## **VI. AGENCY & NEIGHBORHOOD CONCERNS**

### ***Reviewing Agencies/Pre-Hearing Discussion***

The City has accepted the Traffic Impact Study for this request. Main recommendations are for on-site and off-site improvements to the roadway network that will aid in traffic movements for both JTHW and the existing JTH development. All these required improvements will be a part of the pre-annexation agreement. This agreement has been negotiated between the City and the applicant and will be signed by the City upon approval of this request by the City Council.

The Environmental Services Division points out that this property falls within the 1,000-foot landfill gas buffer zone of the former Eubank Landfill and there is potential for this request to be impacted by the presence of landfill gas. 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". The review and approval of the site plan will be required by the Division at the time this request is at the DRB.

The Open Space Division has made the comment that the applicant should be aware of City Council Resolution R-07-278, which mandates that a Master Plan for the Tijeras Arroyo be created. This Master Plan will designate the arroyo as the "Tijeras Arroyo Bio-Zone Preserve" and will require 500-feet on either side of the arroyo be guided by the Biological Zone Resource Management Plan.

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

The Juan Tabo Hills Neighborhood Association and the East Gateway Coalition were notified. A facilitated meeting was held on September 27, 2010, with the applicant. Concerns were expressed by the residents of JTH that the applicant needs to complete all infrastructure that has been agreed to when the Juan Tabo Hills annexation was making its way through the City process. The residents are concerned that the applicant's energies will be focused on the subject site and finishing the infrastructure in their neighborhood will be neglected. A copy of the Facilitator's Report is attached to this Staff Report.

There was another meeting between the JTH Neighborhood Association (JTHNA) and the applicant on October 7, 2010 – it was not a facilitated or mediated meeting, thus, there is no report of its outcome. The subject of the meeting was discussion of all required infrastructure in the JTH neighborhood. The applicant and members of the JTHNA board agreed that certain improvements needed to be addressed. As of date, the requests of the neighborhood are still undergoing review by the applicant.

Staff understands that this request is not the focal point of the JTHNA concerns, but they feel that the applicant should offer to complete the requested improvements in the original JTH before focusing on JTHW. The JTHNA has submitted a letter outlining these improvements. This letter is attached to the Staff Report.

There is no other known support or opposition of this request.

## **VII. CONCLUSION**

This is a two-part request: the annexation of Tract A, Juan Tabo Hills West subdivision, containing approximately 85-acres, and located directly west of Juan Tabo Hills and south of the Tijeras Arroyo, between Juan Tabo Drive and Eubank Boulevard; and the establishment of R-D zoning for this land in its entirety.

The applicant has provided an adequate justification for annexation in reference to R-54-1990 and for the establishment of zoning through the justification of policies found in R-270-1980 and by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan.

The TIS has been completed and accepted by the City Engineer and the summary is attached to this Staff Report. A satisfactory pre-annexation agreement that is accepted by the City and the applicant is a Condition of approval by the City Council for this request. The City Engineer will forward a final copy of the pre-annexation agreement to the City Council when the City and the applicant have finished the negotiation process.

The Juan Tabo Hills Neighborhood Association and the East Gateway Coalition were notified and a facilitated meeting was held on September 27, 2010. An additional meeting between the developer and the JTHNA was held on October 7, 2010. The JTHNA has submitted a letter expressing their remaining concerns and are asking that the developer complete these requests in the original Juan Tabo Hills subdivision before focusing on the expansion of the neighborhood.

There is no other known opposition to these requests. Staff recommends approval.

***FINDINGS – 06EPC 01700 (12/9/2010) -- Annexation***

1. This request is for an annexation of Tract A, Juan Tabo Hills West, which consists of approximately 85-acres, into the City of Albuquerque and is located directly west of the 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 neighborhood that abuts the subject site on the east, Juan Tabo Hills.
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. The request for annexation furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

**DEVELOPING URBAN AREA POLICIES**

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)

The 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)

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)

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 performed 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 and other required infrastructure on the Infrastructure List of the Pre-Annexation agreement and agrees with the language in this document.
10. Albuquerque Public Schools will be impacted by this annexation. The schools that would be used by the future homes developed in this request 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.
11. The subject site falls 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". The review and approval of the site plan will be required by the Environmental Health Department at the time this request is at the DRB.
12. The City Council has passed a Resolution, R-07-278, mandating that a Master Plan and the "Tijeras Arroyo Bio-Zone Preserve" be created for the Tijeras Arroyo. This Resource Management Plan will require 500-feet on either side of the arroyo to be guided by the Biological Zone Resource Management Plan and will be administered by the Open Space Division.
13. There is no neighborhood or other known opposition to this request. However, the JTHNA has expressed concerns that improvements to their neighborhood have not been completed.

***RECOMMENDATION - 06EPC 01700 – (12/9/2010) -- Annexation***

**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.**

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**CONDITIONS OF APPROVAL - 06EPC-01700 (12/9/2010) – Annexation**

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

**FINDINGS – 06EPC 01701 – (12/9/2010) – Establishment of Zoning**

1. This request is for the establishment of zoning from County A-1 to R-D for Tract A, Juan Tabo Hills West, located west of Juan Tabo Hills 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 this tract, Tract A, 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. The subject site is an expansion of the existing neighborhood that abuts the subject site on the east, Juan Tabo Hills. The requested zoning is the same as the residential portion of Juan Tabo Hills, R-D with R-T controls.
6. The request for establishment of zoning furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

**DEVELOPING URBAN AREA POLICIES**

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)

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)

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 development immediately to the east. Thus, it is found to be consistent with the health, safety, morals and welfare of the City.
  - b. The intensity of development with this requested change will not destabilize adjacent land uses and existing development in the area; it is the same zoning as in the adjacent JTH – R-D with R-T controls. The requested zoning encourages residential use, which establishes a more permanent and stable use.
  - 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 any of the adopted elements of the Comprehensive Plan.
  - d. The request asks for annexation of vacant land and the establishment of R-D zoning 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 as it adds to the variety of 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. This zoning is the predominant zoning of the abutting JTH neighborhood, which consists mostly of single-family homes that are developed using R-T controls. The Requested R-D zoning will not be harmful to the already existing neighborhood that is also zoned R-D.
  - f. This is an expansion of JTH; the bridge across the Tijeras Arroyo and the additional required infrastructure was developed for that neighborhood. JTHW will utilize the now existing infrastructure. This request will not require any unprogrammed capital expenditures.
  - g. The cost of land or other economic considerations are not the determining factor for this request.
  - h. This property is not located on a major arterial and therefore, this policy is not applicable.
  - i. The requested zoning is consistent with the adjacent neighborhood and does not create a spot zone.

- j. The requested zoning is consistent with the adjacent neighborhood and does not create a strip zone.
  
- 8. There is no neighborhood or other known opposition to this request. However, the JTHNA has expressed concerns that improvements to their neighborhood have not been completed.

***RECOMMENDATION - 06EPC 01701 – (12/9/2010) – Establishment of Zoning***

**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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***Christopher Hyer  
Senior Planner***

cc: Mark Goodwin & Associates P.A., PO Box 90606, Albuquerque, NM, 87199  
Juan Tabo Hills West, LLC, PO Box 1443, Corrales, NM, 87048  
Juan Tabo Hills West, LLC, PO Box 9470, Albuquerque, NM, 87119  
Sanford Fish, County of Bernalillo, 111 Union Square SE, Suite 100, Albuquerque, NM 87102  
Kevin Smith, 1843 Red Rum Ct SE, Albuquerque, NM, 87123  
Tom Gregory, 11910 Central Ave SE, Albuquerque, NM, 87123  
Roger Mickelson, 1432 Catron Ave SE, Albuquerque, NM 87123  
Geneiva Meeker, 1423 Wagon Train Dr SE, Albuquerque, NM, 87123

***Attachments***

1. TIS Summary and Recommendations – October 28, 2010
2. Staff photos of the subject site.
3. Updated justification letter from applicant – July 14, 2010
4. Water Serviceability Statement – May 27, 2010
5. Facilitator’s Report – September 27, 2010
6. Attachment to Facilitator’s Report, Community Concerns – September 29, 2010
7. Letter from JTHNA – November 30, 2010

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# CITY OF ALBUQUERQUE AGENCY COMMENTS

## PLANNING DEPARTMENT

### Zoning Enforcement

Reviewed, No comment to both actions.

### Office of Neighborhood Coordination

**Juan Tabo Hills NA (R)**  
**East Gateway Coalition**  
**6/1/10 – Recommended for facilitation – siw**  
**6/4/10 – Assigned to Gregory Lay – sdb**

### Long Range Planning

No Comments Received.

## CITY ENGINEER

### **Transportation Development (City Engineer/Planning Department):**

- *Pre-annexation agreement, between the Applicant and the City of Albuquerque, as approved by the City Engineer is required.*

### **Hydrology Development (City Engineer/Planning Department):**

- The Hydrology section is in favor of the annexation and has no objection to the establishment of RD zoning.

### **Transportation Planning (Department of Municipal Development):**

- Reviewed, and no comments regarding on-street bikeways or roadway system facilities.
- Pre-annexation agreement, between the Applicant and the City of Albuquerque, as approved by the City Engineer is required.

### **Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

### **Street Maintenance (Department of Municipal Development):**

- No comments received.

### **New Mexico Department of Transportation (NMDOT):**

- No comments received.

### **RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:**

*Conditions of approval for the proposed Annexation and Zone Map Amendment shall include:*

- a. *Pre-annexation agreement, between the Applicant and the City of Albuquerque, as approved by the City Engineer is required.*

**WATER UTILITY AUTHORITY**

**Utility Services**

No Comment.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

No Comments Received.

**Environmental Services Division**

The northern edge of this property falls within the 1000-foot landfill gas buffer zone of the former Eubank Landfill. Therefore, there is the potential for the above-named project to be impacted by the presence of landfill gas generated by a former City owned/operated landfill (Eubank Landfill). The developers of this site are required to follow the most current version of the "City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones". A review and approval of the Site Plan(s), the proposed construction, design drawings, and a certification of construction will be required by the Environmental Health Department, Environmental Services Division.

There are no requirements for the Annexation and Amendment to the Zone Map, however, the above referenced requirement will be necessary for all future development actions.

**PARKS AND RECREATION**

**Planning and Design**

No Comments Received.

**Open Space Division**

The Open Space Division has no objection to annexation or zone map amendment; however, it should be brought to the attention of the applicant that as the planning process goes forward, there is a City Council Resolution pertaining to the Tijeras Arroyo. City Council Resolution R-07-278 mandated a Master Plan be developed to create a "Tijeras Arroyo Bio-Zone Preserve". The draft Resource Management Plan that was written requires 500 feet on either side of the arroyo to be guided by this Biological Zone Resource Management Plan that was drafted by the City Open Space Division.

**City Forester**

No Comments Received.

***POLICE DEPARTMENT/Planning***

This project is in our FH Area Command.

No Crime Prevention or CPTED comments concerning the proposed Annexation and/or the Amendment to Zone Map requests at this time.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

No Comments Received.

***FIRE DEPARTMENT/Planning***

No Comments Received.

***TRANSIT DEPARTMENT***

<b>Project # 1005278</b> 06EPC-01700 ANNEXATION 06EPC-01701 AMENDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	N/A
	Other information	None.

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

The proposed annexation for Tract A, Juan Tabo Hills West, was reviewed and approved in 2007 by the Board of County Commissioners with the following comments:

- 1) Development on this site must include adequate park facilities for residents
- 2) Developers must carefully coordinate plans for the site with representatives of Kirtland Air Force Base and provide disclosure to potential buyers of base and airport activity in this vicinity through avigation easements or other means.

- 3) Final action on the annexation by the City of Albuquerque should include notification to Bernalillo County so that public safety agencies can be made aware that this property is within the city’s jurisdiction

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

No objection to annexation and zone map change request. AMAFCA will sign plats and review plans related to future development of property adjacent to the Tijeras Arroyo.

**ALBUQUERQUE PUBLIC SCHOOLS**

<p><b>Project #1005278</b>                  06EPC-01700 ANNEXATION                  06EPC-01701 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)</p>	<p><b>Juan Tabo Hills West</b>, Tract A, is located on the southernmost end of Juan Tabo SE between KAFB on the south and Sandia Science and Tech Park on the North. The owner of the above property requests an Annexation and an Amendment to Zone Map for a zone change from A-1 to R-D. The residential portion of this development will impact Manzano Mesa and Apache Elementary Schools, Van Buren and Grant Middle Schools, and Highland and Manzano High Schools. Apache Elementary School is exceeding capacity, Manzano Mesa Elementary, Grant Middle and Van Buren Middle Schools, Highland and Manzano High Schools currently have excess capacity.</p>																																								
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<p>To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.</p> <ul style="list-style-type: none"> <li>• Provide new capacity (long term solution)                             <ul style="list-style-type: none"> <li>○ Construct new schools or additions</li> <li>○ Add portables</li> <li>○ Use of non-classroom spaces for temporary classrooms</li> <li>○ Lease facilities</li> <li>○ Use other public facilities</li> </ul> </li> <li>• Improve facility efficiency (short term solution)                             <ul style="list-style-type: none"> <li>○ Schedule Changes                                     <ul style="list-style-type: none"> <li>▪ Double sessions</li> <li>▪ Multi-track year-round</li> </ul> </li> </ul> </li> </ul>																																									

	<ul style="list-style-type: none"><li>○ Other<ul style="list-style-type: none"><li>▪ Float teachers (flex schedule)</li></ul></li><li>• Shift students to Schools with Capacity (short term solution)<ul style="list-style-type: none"><li>○ Boundary Adjustments / Busing</li><li>○ Grade reconfiguration</li></ul></li><li>• Combination of above strategies</li></ul> <p><b>All planned additions to existing educational facilities are contingent upon taxpayer approval.</b></p>
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***MID-REGION COUNCIL OF GOVERNMENTS***

MRCOG staff have no comment on the proposed application.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

No Comments Received.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

- As a condition, 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.
- As a condition, screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.