CITY of ALBUQUERQUE
SIXTEENTH COUNCIL

COUNCIL BILL NO. _______________ ENACTMENT NO. _______________________

SPONSORED BY:

1
ORDINANCE

2 ZONE MAP AMENDMENT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION

3 APPROVAL, 03EPC-01676 AND 03EPC-01677, FOR 19 ACRES, MORE OR

4 LESS, LOCATED ON INDIAN SCHOOL ROAD NW BETWEEN MENAUL AND

5 12TH STREET, AMENDING THE ZONE MAP FROM R-1 TO SU-1 FOR C-2 FOR 19

6 ACRES AND APPROVING A SITE DEVELOPMENT PLAN FOR SUBDIVISION

7 FOR 19 ACRES.

8 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

9 ALBUQUERQUE:

10 Section 1. ZONE MAP AMENDED. The establishment of SU-2/C-2 zoning

11 is appropriate because it is complementary to surrounding zoning and

12 densities and will provide stability to the area. The owners of the area hereby

13 presented a properly signed application to amend the zoning for the following

14 territory, 19 acres, more or less, located on Indian School Road NW between

15 Menaul and 12th Street; and more particularly described as follows:

16 A. A 19-acre portion of Tract A, Indian School Site, as illustrated

17 by the accompanying site development plan for subdivision.

18 Section 2. Therefore, the zone map adopted by Section 14-16-1-1 et. Seq.

19 R.O.A. 1994 is hereby amended, establishing SU-1/C-2 zoning for the area

20 specified in Section 1 above.

21 Section 3. FINDINGS AND CONDITIONS ACCEPTED. The Council shall

22 adopt the following zone map amendment findings and conditions

23 recommended by the Environmental Planning Commission on 16 September

24 2004:
1. This is a request for a zone map amendment from R-1 to SU-1 for C-2 for a 19-acre portion of a 47-acre tract of land located on 12th Street and Menaul Boulevard NW.

2. This request for zone map amendment complies with the Land Use Policies and Goals of the Comprehensive Plan with regard to the Central Urban Area, specifically Policies B.5.d., B.5.e., B.5.i., B.5.j., B.5.k., and B.5.l., because: a zone change to SU-1 for C-2 from R-1 respects neighborhood values and other resources due to the fact that some existing adjacent uses are nonresidential (B.5.d.); this request facilitates development on vacant land adjacent to existing infrastructure facilities which does not interfere with the integrity of existing neighborhoods (B.5.e.); the subject site is within the vicinity of area residences to provide employment and service uses but is not adjacent to any existing residences that would produce adverse effects of noise, lighting, and pollution (B.5.i.); the subject site’s size and location lends itself to being both a neighborhood oriented site also accessed by pedestrians and bicyclists as well as an accessory site to the larger shopping center to the west across 12th Street (B.5.j.); the subject site’s location and design can be such that livability and safety of surrounding neighborhoods can be ensured (B.5.k.); and, the requested zone change will not discourage innovation in design and quality of the new development on the subject site (B.5.l.).

3. This request for zone map amendment complies with the policies and goals of the Comprehensive Plan that are specific to Activity Centers, Community Identity and Urban Design, and Economic Development, specifically Policies B.7.f., B.7.j., C.9.d., and D.6.g., because: the subject site is not located near any low-density residential concentrations (B.7.f.); the subject site is located near existing infrastructure facilities to promote ongoing public/private cooperation to develop this Activity Center (B.7.j.); the site can be designed to encourage pedestrian walking trips, linkages, and reflect architectural traditions/styles of the surrounding community (C.9.d.); and, a zone change from residential to commercial zoning facilitates the creation
and concentration of employment opportunities within this Activity Center (D.6.g.).

4. This request for zone map amendment complies with the policies and goals of the North Valley Area Sector Development Plan, a Rank 2 document, specifically Zoning and Land Use Policies Goal 3 and 3.c. and Community Design Policies Goal 9, because the designation of the old Albuquerque Indian School property as a Community Activity Center, whose purpose is to serve as the focus of the community sub-area with regard to employment and entertainment and wherein should be concentrated nonresidential land uses, and because of the nonresidential uses that have been approved and exist to the west and south of the subject property, mitigate the intent of these policies which call for limiting new commercial development to existing commercially zoned sites.

5. This request complies with the requirements of Resolution 270-1980 by citing “Changed Community Conditions” as a justification as to why this request for zone map amendment is appropriate, because the old Albuquerque Indian School property has been designated a Community Activity Center, whose purpose is to serve as the focus of the community sub-area with regard to employment and entertainment and wherein should be concentrated nonresidential land uses, and because of the nonresidential uses that have been approved and exist to the west and south of the subject site (R-270-1980, Section 1.D.).

6. Neighborhood Associations in the area would like a deferral to allow time for a facilitated meeting and to understand and address concerns regarding the Traffic Impact Study.

7. The site shall be replatted to create definite lot lines for these proposed tracts that reflect zoning boundaries.

8. The applicant and affected neighborhood associations shall meet and compile a list of excluded land uses that can be attached to the zoning description prior to final action by the City Council.
Section 4. SITE DEVELOPMENT PLAN FOR SUBDIVISION APPROVED. The establishment of SU-2/C-2 zoning is accompanied by a site development plan for subdivision, as required by the Zoning Code. This site development plan is appropriate because it creates a framework for future development that will complement surrounding zoning and densities and will provide stability to the area. The owners of the area hereby presented a properly signed application for a site development plan for subdivision for the following territory, 19 acres, more or less, located on Indian School Road NW between Menaul and 12th Street; and more particularly described as follows:

A. A 19-acre portion of Tract A, Indian School Site, as illustrated by the accompanying site development plan for subdivision.

Section 5. Therefore, the site development plan for subdivision is hereby approved for the area specified in Section 4 above.

Section 6. FINDINGS AND CONDITIONS ACCEPTED. The Council shall adopt the following site development plan for subdivision findings and conditions recommended by the Environmental Planning Commission on 16 September 2004:

1. This is a request for a site development plan for subdivision for a 19-acre portion of a 47-acre tract of land located on 12th Street and Menaul Boulevard NW.

2. The request meets the requirements for a site development plan for subdivision, including the proposed use, pedestrian and vehicular ingress and egress, internal circulation requirements and maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses’ maximum floor area ratio.” (§14-16-1-5 DEFINITIONS)

3. This request for site development plan for subdivision complies with the Land Use Policies and Goals of the Comprehensive Plan with regard to the Central Urban Area, specifically Policies B.5.e., B.5.i., B.5.j. and B.5.k., because: this request facilitates development on vacant land adjacent to existing infrastructure facilities which does not interfere with the integrity of existing neighborhoods (B.5.e.); the subject site is within the vicinity of area residences to provide employment and...
service uses but is not adjacent to any existing residences that would
produce adverse effects of noise, lighting, and pollution (B.5.i.); the
subject site's size and location lends itself to being both a
neighborhood oriented site also accessed by pedestrians and
bicyclists as well as an accessory site to the larger shopping center to
the west across 12th Street (B.5.j.); and, the subject site's location and
design can be such that livability and safety of surrounding
neighborhoods can be ensured (B.5.k).

4. This request for site development plan for subdivision complies with the
policies and goals of the Comprehensive Plan that are specific to
Activity Centers, Community Identity and Urban Design, and Economic
because: the subject site is not located near any low-density residential
concentrations (B.7.f.); the subject site is located near existing
infrastructure facilities to promote ongoing public/private cooperation
to develop this Activity Center (B.7.j.); and, the site can be designed to
encourage pedestrian walking trips, linkages, and reflect architectural
traditions/styles of the surrounding community (C.9.d).

5. This request for site development plan for subdivision complies with the
policies and goals of the North Valley Area Sector Development Plan, a
Rank 2 document, specifically Zoning and Land Use Policies Goal 3
and 3.c. and Community Design Policies Goal 9, because the
designation of the old Albuquerque Indian School property as a
Community Activity Center, whose purpose is to serve as the focus of
the community sub-area with regard to employment and entertainment
and wherein should be concentrated nonresidential land uses, and
because of the nonresidential uses that have been approved in the
immediate vicinity of the subject property, mitigate the intent of these
policies which call for limiting new commercial development to existing
commercially zoned sites.
6. Neighborhood Associations in the area have requested a deferral to allow time for a facilitated meeting and to understand and address concerns regarding the Traffic Impact Study.

7. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

8. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, PUBLIC WORKS and NMDOT:
   a. All the requirements of previous actions taken by the City Council, EPC and the DRB must be completed and/or provided for.
   b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan for building permit. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
   c. Traffic Impact Study is required, has been submitted but has not been completed.
   d. Implementation of the recommended improvements in the Traffic Impact Study (TIS), to mitigate impacts of the proposed development, as required by Council Resolution 03-375 (i.e. all
street improvements recommended in the Traffic Impact Study (TIS) including signal improvements, median improvements, Interstate ramp improvements and proposed driveway improvements (deceleration lanes), etc.).

e. The access points, as shown on the site plan, are in direct conflict with the recommendations in the Traffic Impact Study shall be adjusted accordingly by the Traffic Engineer.

f. Provide cross access agreement between tracts.

g. Site plan shall comply and be designed per DPM Standards.

h. Access coordination with NMDOT required.

i. A concurrent platting action is required at DRB.

j. Dedication of a minimum 62 feet of right-of-way from the centerline of Menaul Boulevard, a principal arterial as designated on the Long Range Roadway System.

k. Dedication of an additional 6 feet of right-of-way along Menaul Boulevard as required by the City Engineer to provide for on-street bicycle lanes.

l. Dedication of a minimum 43 feet of right-of-way from the centerline of 12th Street, a minor arterial as designated on the Long Range Roadway System.

m. Dedication of an additional 6 feet of right-of-way along 12th Street as required by the City Engineer to provide for on-street bicycle lanes.

n. Construction of the bicycle lanes along Menaul Boulevard and 12th Street adjacent to the subject property as designated on Long Range Bikeways System.

9. The applicant and affected neighborhood associations shall meet and address traffic and related issues, including strategies to creatively design roadways, intersections and off-site mitigation measures. The City’s Traffic Engineer shall be available to provide technical and design expertise in this process.
10. The initial site development plan for building permit shall be reviewed and approved by the EPC. Subsequent site development for building permit may be delegated to the DRB.

Section 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 8. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary and when a plat of the territory hereby annexed is filed in the office of the County Clerk.