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- 1 1. This is a request for a zone map amendment from R-1 to SU-1 for C-2
2 for a 19-acre portion of a 47-acre tract of land located on 12th Street and
3 Menaul Boulevard NW.
- 4 2. This request for zone map amendment complies with the Land Use
5 Policies and Goals of the *Comprehensive Plan* with regard to the
6 Central Urban Area, specifically Policies B.5.d., B.5.e., B.5.i., B.5.j.,
7 B.5.k., and B.5.l., because: a zone change to SU-1 for C-2 from R-1
8 respects neighborhood values and other resources due to the fact that
9 some existing adjacent uses are nonresidential (B.5.d.); this request
10 facilitates development on vacant land adjacent to existing
11 infrastructure facilities which does not interfere with the integrity of
12 existing neighborhoods (B.5.e.); the subject site is within the vicinity of
13 area residences to provide employment and service uses but is not
14 adjacent to any existing residences that would produce adverse effects
15 of noise, lighting, and pollution (B.5.i.); the subject site's size and
16 location lends itself to being both a neighborhood oriented site also
17 accessed by pedestrians and bicyclists as well as an accessory site to
18 the larger shopping center to the west across 12th Street (B.5.j.); the
19 subject site's location and design can be such that livability and safety
20 of surrounding neighborhoods can be ensured (B.5.k.); and, the
21 requested zone change will not discourage innovation in design and
22 quality of the new development on the subject site (B.5.l.).
- 23 3. This request for zone map amendment complies with the policies and
24 goals of the *Comprehensive Plan* that are specific to Activity Centers,
25 Community Identity and Urban Design, and Economic Development,
26 specifically Policies B.7.f., B.7.j., C.9.d., and D.6.g., because: the
27 subject site is not located near any low-density residential
28 concentrations (B.7.f.); the subject site is located near existing
29 infrastructure facilities to promote ongoing public/private cooperation
30 to develop this Activity Center (B.7.j.); the site can be designed to
31 encourage pedestrian walking trips, linkages, and reflect architectural
32 traditions/styles of the surrounding community (C.9.d.); and, a zone
33 change from residential to commercial zoning facilitates the creation

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- 1 and concentration of employment opportunities within this Activity
2 Center (D.6.g.).
- 3 4. This request for zone map amendment complies with the policies and
4 goals of the North Valley Area Sector Development Plan, a Rank 2
5 document, specifically Zoning and Land Use Policies Goal 3 and 3.c.
6 and Community Design Policies Goal 9, because the designation of the
7 old Albuquerque Indian School property as a Community Activity
8 Center, whose purpose is to serve as the focus of the community sub-
9 area with regard to employment and entertainment and wherein should
10 be concentrated nonresidential land uses, and because of the
11 nonresidential uses that have been approved and exist to the west and
12 south of the subject property, mitigate the intent of these policies
13 which call for limiting new commercial development to existing
14 commercially zoned sites.
- 15 5. This request complies with the requirements of Resolution 270-1980 by
16 citing “Changed Community Conditions” as a justification as to why
17 this request for zone map amendment is appropriate, because the old
18 Albuquerque Indian School property has been designated a Community
19 Activity Center, whose purpose is to serve as the focus of the
20 community sub-area with regard to employment and entertainment and
21 wherein should be concentrated nonresidential land uses, and because
22 of the nonresidential uses that have been approved and exist to the
23 west and south of the subject site (R-270-1980, Section 1.D.).
- 24 6. Neighborhood Associations in the area would like a deferral to allow
25 time for a facilitated meeting and to understand and address concerns
26 regarding the Traffic Impact Study.
- 27 7. The site shall be replatted to create definite lot lines for these proposed
28 tracts that reflect zoning boundaries.
- 29 8. The applicant and affected neighborhood associations shall meet and
30 compile a list of excluded land uses that can be attached to the zoning
31 description prior to final action by the City Council.
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1 Section 4. SITE DEVELOPMENT PLAN FOR SUBDIVISION APPROVED. The
2 establishment of SU-2/C-2 zoning is accompanied by a site development plan
3 for subdivision, as required by the Zoning Code. This site development plan
4 is appropriate because it creates a framework for future development that will
5 complement surrounding zoning and densities and will provide stability to the
6 area. The owners of the area hereby presented a properly signed application
7 for a site development plan for subdivision for the following territory, 19 acres,
8 more or less, located on Indian School Road NW between Menaul and 12th
9 Street; and more particularly described as follows:

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

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

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

- 18 1. This is a request for a site development plan for subdivision for a 19-
19 acre portion of a 47-acre tract of land located on 12th Street and Menaul
20 Boulevard NW.
- 21 2. The request meets the requirements for a site development plan for
22 subdivision, including the proposed use, pedestrian and vehicular
23 ingress and egress, internal circulation requirements and maximum
24 building height, minimum building setback, and maximum total
25 dwelling units and/or nonresidential uses' maximum floor area ratio."
26 (§14-16-1-5 DEFINITIONS)
- 27 3. This request for site development plan for subdivision complies with the
28 Land Use Policies and Goals of the *Comprehensive Plan* with regard to
29 the Central Urban Area, specifically Policies B.5.e., B.5.i., B.5.j. and
30 B.5.k., because: this request facilitates development on vacant land
31 adjacent to existing infrastructure facilities which does not interfere
32 with the integrity of existing neighborhoods (B.5.e.); the subject site is
33 within the vicinity of area residences to provide employment and

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1 service uses but is not adjacent to any existing residences that would
2 produce adverse effects of noise, lighting, and pollution (B.5.i.); the
3 subject site's size and location lends itself to being both a
4 neighborhood oriented site also accessed by pedestrians and
5 bicyclists as well as an accessory site to the larger shopping center to
6 the west across 12th Street (B.5.j.); and, the subject site's location and
7 design can be such that livability and safety of surrounding
8 neighborhoods can be ensured (B.5.k).

9 4. This request for site development plan for subdivision complies with the
10 policies and goals of the *Comprehensive Plan* that are specific to
11 Activity Centers, Community Identity and Urban Design, and Economic
12 Development, specifically Policies B.7.f., B.7.j., C.9.d., and D.6.g.,
13 because: the subject site is not located near any low-density residential
14 concentrations (B.7.f.); the subject site is located near existing
15 infrastructure facilities to promote ongoing public/private cooperation
16 to develop this Activity Center (B.7.j.); and, the site can be designed to
17 encourage pedestrian walking trips, linkages, and reflect architectural
18 traditions/styles of the surrounding community (C.9.d).

19 5. This request for site development plan for subdivision complies with the
20 policies and goals of the North Valley Area Sector Development Plan, a
21 Rank 2 document, specifically Zoning and Land Use Policies Goal 3
22 and 3.c. and Community Design Policies Goal 9, because the
23 designation of the old Albuquerque Indian School property as a
24 Community Activity Center, whose purpose is to serve as the focus of
25 the community sub-area with regard to employment and entertainment
26 and wherein should be concentrated nonresidential land uses, and
27 because of the nonresidential uses that have been approved in the
28 immediate vicinity of the subject property, mitigate the intent of these
29 policies which call for limiting new commercial development to existing
30 commercially zoned sites.

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- 1 **6. Neighborhood Associations in the area have requested a deferral to**
- 2 **allow time for a facilitated meeting and to understand and address**
- 3 **concerns regarding the Traffic Impact Study.**
- 4 **7. The EPC delegates final sign-off authority of this site development plan**
- 5 **to the Development Review Board (DRB). The DRB is responsible for**
- 6 **ensuring that all EPC Conditions have been satisfied and that other**
- 7 **applicable City requirements have been met. A letter shall accompany**
- 8 **the submittal, specifying all modifications that have been made to the**
- 9 **site plan since the EPC hearing, including how the site plan has been**
- 10 **modified to meet each of the EPC conditions. Unauthorized changes to**
- 11 **this site plan, including before or after DRB final sign-off, may result in**
- 12 **forfeiture of approvals.**
- 13 **8. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL**
- 14 **DEVELOPMENT, PUBLIC WORKS and NMDOT:**
- 15 a. **All the requirements of previous actions taken by the City**
- 16 **Council, EPC and the DRB must be completed and /or provided**
- 17 **for.**
- 18 b. **The Developer is responsible for permanent improvements to the**
- 19 **transportation facilities adjacent to the proposed site**
- 20 **development plan for building permit. Those improvements will**
- 21 **include any additional right-of-way requirements, paving, curb**
- 22 **and gutter, sidewalk and ADA accessible ramps that have not**
- 23 **already been provided for. All public infrastructure constructed**
- 24 **within public right-of-way or public easements shall be to City**
- 25 **Standards. Those Standards will include but are not limited to**
- 26 **sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private**
- 27 **entrances (std. dwg. 2426) and wheel chair ramps (std. dwg.**
- 28 **2441).**
- 29 c. **Traffic Impact Study is required, has been submitted but has not**
- 30 **been completed.**
- 31 d. **Implementation of the recommended improvements in the Traffic**
- 32 **Impact Study (TIS), to mitigate impacts of the proposed**
- 33 **development, as required by Council Resolution 03-375 (i.e. all**

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- 1 street improvements recommended in the Traffic Impact Study
2 (TIS) including signal improvements, median improvements,
3 Interstate ramp improvements and proposed driveway
4 improvements (deceleration lanes), etc.).
- 5 e. The access points, as shown on the site plan, are in direct conflict
6 with the recommendations in the Traffic Impact Study shall be
7 adjusted accordingly by the Traffic Engineer.
- 8 f. Provide cross access agreement between tracts.
- 9 g. Site plan shall comply and be designed per DPM Standards.
- 10 h. Access coordination with NMDOT required.
- 11 i. A concurrent platting action is required at DRB.
- 12 j. Dedication of a *minimum* 62 feet of right-of-way from the
13 centerline of Menaul Boulevard, a principal arterial as designated
14 on the Long Range Roadway System.
- 15 k. Dedication of an additional 6 feet of right-of-way along Menaul
16 Boulevard as required by the City Engineer to provide for on-
17 street bicycle lanes.
- 18 l. Dedication of a *minimum* 43 feet of right-of-way from the
19 centerline of 12th Street, a minor arterial as designated on the
20 Long Range Roadway System.
- 21 m. Dedication of an additional 6 feet of right-of-way along 12th Street
22 as required by the City Engineer to provide for on-street bicycle
23 lanes.
- 24 n. Construction of the bicycle lanes along Menaul Boulevard and
25 12th Street adjacent to the subject property as designated on Long
26 Range Bikeways System.
- 27 9. The applicant and affected neighborhood associations shall meet and
28 address traffic and related issues, including strategies to creatively
29 design roadways, intersections and off-site nmitigation measures. The
30 City's Traffic Engineer shall be available to provide technical and
31 design expertise in this process.
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1 **10.**The initial site development plan for building permit shall be reviewed
2 and approved by the EPC. Subsequent site development for building
3 permit may be delegated to the DRB.

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

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

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