



**Environmental
Planning
Commission**

*Agenda Number: 8
Project Number: 1009090
Case #: 11EPC-40091/40092/40093
November 8, 2012*

Staff Report

Agent	Tierra West, LLC
Applicant	Capstone Housing
Requests	Zone Map Amendment; Site Plan for Subdivision Amendment; Site Development Plan for Building Permit
Legal Description	Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties and Tract A1, Lands of Eisenman Trust, Lots A-F, 1-6, Block 10, Unit 3, Kirtland Additon
Location	East side of I-25 between Gibson Boulevard SE and Sunport Boulevard SE
Size	Approximately 35.9-acres
Existing Zoning	IP, R-1
Proposed Zoning	SU-1/IP Permissive Uses and Student Housing

Staff Recommendation

APPROVAL of 11EPC-40091, based on the Findings beginning on Page 27, and subject to the Conditions of Approval beginning on Page 30.

APPROVAL of 11EPC-40092, based on the Findings beginning on Page 31, and subject to the Conditions of Approval beginning on Page 33.

APPROVAL of 11EPC-40093, based on the Findings beginning on Page 35, and subject to the Conditions of Approval beginning on Page 37.

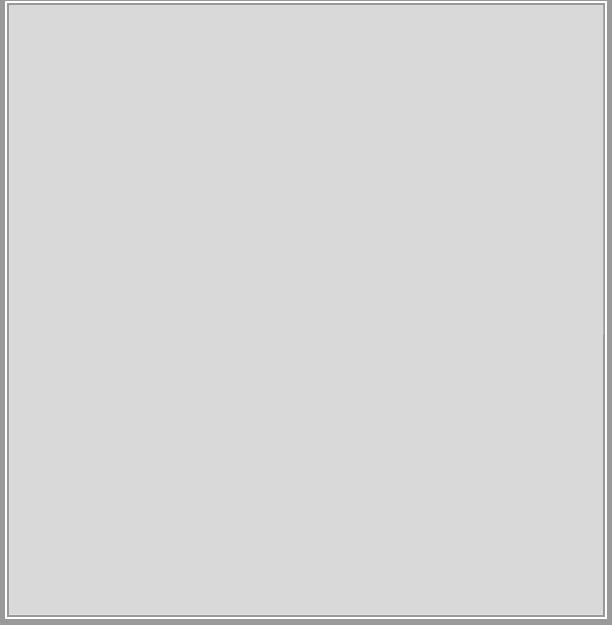
Staff Planner

Christopher Hyer, Senior Planner

Summary of Analysis

The purpose of this request is to allow a 1,166 bed student housing village to be developed on the east side of I-25, between Gibson and Sunport Boulevards. The applicant applied to the EPC in January, 2012 and has since discovered environmental debris. A remediation plan has been issued by the state and accepted by the City. The remediation will be done when the site is developed.

The site is in the Developing Urban Area of the Comprehensive Plan and the applicant has provided adequate justification for all portions of this request. Two facilitated meetings were held, Jan. 19, 2012, and Feb. 21, 2012, and the neighborhoods do not have opposition to this request. The San Jose Neighborhood Association president has written a letter of support. Staff is recommending approval.



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	IP	Developing Urban Area; Sunport Boulevard DOZ; Sunport Park MDP	Undeveloped
North	Public ROW, R-1, SU-1/Hotels & Restaurants w/full service on-premise consumption	Developing Urban Area	South Diversion Channel, undeveloped, single-family residential
South	Public ROW, then IP	Developing Urban Area; Sunport Boulevard DOZ; Sunport Park MDP	Sunport Boulevard, then airport parking
East	IP and Public ROW	Developing Urban Area; Sunport Boulevard DOZ; Sunport Park MDP	Transport Street SE, undeveloped, hospitality, warehouse/manufacturing
West	Public ROW, then M-2	Developing Urban Area Sunport Boulevard DOZ	I-25, then undeveloped and the South Diversion Channel

II. INTRODUCTION

Proposal

This is a three-part request for a 2-phase development project: a zone map amendment to change zoning from IP to SU-1/IP Permissive Uses and Student Housing, a site plan for subdivision amendment; and a site development plan for building permit for Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition, located on the east side of I-25 between Gibson Boulevard SE and Sunport Boulevard SE, containing 35.9-acres, the “subject site”. The proposed use is a village of cottages to be used as student housing with a clubhouse and a swimming pool, intended to serve the University of New Mexico and the Central New Mexico Community College campuses.

EPC Role

The requested zone change, the amendment to the site development plan for subdivision and the site development plan for building permit is required to be heard by the EPC due to the zone change request and the fact that the requested zoning is SU-1. The EPC is the final approval body for this request, unless the EPC decision is appealed. If the EPC decision is appealed, it will then go to the City Council.

Context

This request was initially made the latter part of December, for a February 9, 2012 EPC hearing, but has been slowed down due to environmental problems. This will be discussed further below.

The subject site abuts I-25 on its entire western side, Sunport Boulevard along its southern side, Transport Street for $\frac{3}{4}$ of the eastern boundary and the South Diversion Channel as it crosses I-25 west to east and a drainage canal on the north. At this northern boundary is the extension of Mulberry Street, which is the western border of the Kirtland Addition Neighborhood. This request will develop land currently zoned R-1 and is part of this neighborhood, but remains vacant. They are likely vacant as they are located on the south side of the drainage canal on the east side of Mulberry Street. These lots fit well with the overall site as there is a portion of the site that extends to the east, on the south side of the Kirtland Neighborhood, with Flightway Avenue (Transport Street curves into Flightway Avenue) on the site's northern boundary.

Abutting the neighborhood on the south is an 11.5-acre parcel that is a City park, zoned R-1. The parkland also abuts the site on the northeastern edge. Adjacent to this portion of the site is existing warehouse and manufacturing uses. Across Flightway Avenue (and opposite the site on its east) is vacant IP zoned land. Further to the east is a food distribution warehouse and then University Boulevard - approximately $\frac{1}{4}$ mile. There are several hotels south of the food distribution warehouse, between I-25 and University Boulevard, north of Sunport Boulevard. The lands of the airport are on the eastern side of University Boulevard.

Even though major roadways surround the site, the development will not have access to I-25 or direct access to Sunport Boulevard to the south. Also, the Kirtland Addition Neighborhood is not in favor of allowing vehicular access on Mulberry Street to the north and gives their support for the project Conditioned that access to Mulberry Street does not occur. Thus, the access will be via Transport Street/Flightway Avenue with two points of ingress/egress.

The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the Sunport Overlay. There are no other City plans controlling the subject site.

The Landfill Issue

The entire site sits on the Schwartzman Landfill. This landfill was created when gravel extraction was needed for nearby roads and then as a borrow pit in the 1960s when the adjacent interstate was being constructed. It became an illegal dumping site for mostly construction debris. It was also the location of the Six Points Gun Club that had areas used for target practice. The applicant has made several borings and test pits looking for buried trash and lead from spent bullets and other debris. The City's Environment Department oversaw these searches for debris and concluded that there was not a problem with lead contamination, the only detritus found was from construction; some is organic.

The applicant has been given a Voluntary Remediation Plan from the State of New Mexico Environment. Thus, the applicant is in the process of preparation for mitigation and will be performing voluntary remediation procedures during development. This is one reason for the phased development; remediation will be performed ahead of the construction of specific areas of the site - the applicant will crush the old pieces of concrete onsite and perform an engineered compaction of the ground.

The site will be phased to accommodate the environmental remediation process.

History

The site was annexed into the City in 1985 (Z-85-98-1) and made part of the Sunport Industrial Park, a Master Development Plan with Design Standards, and was created March 6, 1986. The land of the Sunport Park is zoned IP.

There has been a DRB action (DRB-97-257) that changed the approval process for all future buildings – it requires that all development must be approved by the DRB. It also added building setbacks and required landscaping to the Design Standards presented by the Sunport Park Master Development Plan.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments, designates Sunport and Gibson Avenues as Principal Arterials with a right-of-way of 124-feet (Established & Developing Urban). University Boulevard/Randolph Road is a minor arterial. Sunport is a 4-lane facility with the potential to develop into a 6-lane facility.

Mulberry Street is a designated collector; Transport Street and Flightway Avenue are local streets.

The traffic counts from 2010 show I-25 in this area as having 94,700 daily trips; Sunport Boulevard has 17,400 daily trips. University has 10,700 daily trips from Sunport up to where it turns into Randolph Road. No data is available for Mulberry Street and Transport Street/Flightway Avenue.

Access to the site is currently off Transport Street/Flightway Avenue, which has access to Sunport Boulevard, and loops to University Boulevard. The site is bound by I-25 on the west, Sunport on the south and Transport/Flightway on the east sides. It abuts the South Diversion Channel and Kirtland Addition neighborhood on the north side. However, there will be no access on Mulberry Street as the site development plan for subdivision prohibits this – also the Kirtland Addition expressed a similar concern on traffic flowing through their neighborhood.

Residents of the student housing village will be offered transportation on a privately run transit system that will bring them to the campuses of UNM and CNM and other related destinations. The UNM campus, the furthest destination, is less than ten minutes travel time. They can also ride their bicycle to the campuses of UNM and CNM, or related destinations, by traveling north on University Boulevard, which connects to Yale Boulevard (via Randolph Road). Once they are north of Gibson Boulevard, they can take a designated bicycle route that follows Buena Vista Avenue to the campuses.

There are no designated bicycle facilities shown of the Long Range Bicycle Plan that pass close by to the site.

There are no public transit corridor designations within the immediate area of the site. All ABQ Ride transit routes are outside the ¼-mile distance the City considers for the purpose of transit service to the subject site. The Mid-Region Council Of Governments is studying the general area around the University of New Mexico (UNM) and the Community College of Central New Mexico (CNM) for transit opportunities. The area is generally bound by I-25 on the west, Sunport Boulevard on the south, Girard on the east and as far north as Menaul Boulevard. This is a multi-phased study that will continue through 2012.

Public Facilities/Community Services

Please see the public facilities map at the beginning of this staff report. There are two Community Centers and an elementary school close by and on the same side (east side) of I-25 as the subject site. Kirtland Park, a Developed City Park, abuts the site to the north. More notably, there are several designated landfills on and in close proximity to the site as well. In fact, the subject site resides within the Schwartzman Landfill.

The Albuquerque Sunport is also within a mile of the site, to the east.

III. ANALYSIS – Zone Change

Specialized Needs Assessment

The applicant has provided a Market overview for the need of additional student housing at the University of New Mexico. This study begins by referring to a 2009 Princeton study that ranked UNM's dorms 9th in a "Dorms like Dungeons" survey. Students living in those dorms are paying comparable rates to those living in more modern facilities. The modern facilities referred to are suite or apartment style on-campus housing. Living off-campus is no longer a viable option as these modern, on-campus housing units offer "residence life programs", which offer support programs to help students graduate.

A demand analysis included in this report shows that UNM students are asking for more than 3,000 beds. When this is combined with an increase of expected enrollment, the student housing shortage at UNM is easily seen. Thus, the applicant is answering this need, but is not affiliated with UNM and cannot build student housing on their campus. Recognizing the need for this type of housing, the applicant will develop these units on vacant land as close to UNM's and CNM's campuses as possible. Hence, they are going through the process of remediating a known landfill for such a location.

Albuquerque Comprehensive Zoning Code

The existing zoning of the subject site is IP (Industrial Park). The proposed zoning is SU-1/IP Permissive Uses and Student Housing. Permissive uses in the IP zone permit a mixture of industrial park uses and basic commercial services. The uses allowed permissively in the IP zone are not proposed with this request; the applicant intends to build 260-individual cottages that will have 3-6 bedrooms each for students to live. However, the surrounding land is zoned IP, which allows Permissive Uses in the IP zone. This includes warehousing and industrial uses. It also allows for manufacturing facilities that are enclosed in a building, laboratories, adult amusement establishments, etc. These are examples of types of uses that are not compatible with typical residential use.

Section 14-16-2-19 IP Industrial Park Zone. This zone provides suitable sites for a wide range of industrial and commercial uses, provided such uses are conducted in a compatible and harmonious manner within industrial environments achieved through a Development Plan.

- For sites that are 20 acres or greater, the IP zone requires an EPC approved Master Development Plan to be in place before any building permits can be issued (Section 14-16-2-19 (H)). The Master Development Plan shall be "a duly adopted plan or any of its

parts, for the development of the area within the planning and platting jurisdiction of the City for the general purpose of guiding and accomplishing coordinated, adjusted and harmonious development.” The Sunport Park site development plan is such a master plan.

Section 14-16-2-22 SU-1 Special Use Zone. This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

- The SU-1 portion of the zoning descriptor requires that “a Site Development Plan accompany the establishment of zoning and include, at a minimum, all the elements of a Site Development Plan for Subdivision. As part of the zone amendment action, a Site Development Plan may be approved later.” However, “no building permit shall be approved unless it is consistent with a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission or its designee.” (Section 14-16-2-22 (A) (1)).

The SU-1 portion of the zoning descriptor requires that “a Site Development Plan accompany the establishment of zoning and include, at a minimum, all the elements of a Site Development Plan for Subdivision. This request is for three separate actions: one a change in zoning; two, an amendment to the site development plan for subdivision; and three, approval of a site development plan for building permit. Thus, the requirements for a zone change to the special use descriptor (SU-1 zoning) have been met. An analysis of this zone change request follows.

Site Development Plan for Subdivision. The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses’ maximum floor area ratio.

Site Development Plan for Building Permit. In addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building construction), and proposed schedule for development.

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

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

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

Analysis of Applicant's Justification

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

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

The proposed zone change from IP and R-1 to SU-1 for IP Permissive Uses to Include Student Housing is consistent with the health, safety, morals and general welfare of the City. It will allow for the development of alternative purpose-built student housing that is designed to integrate with the surrounding neighborhood, thus promoting safety and general welfare of adjacent neighborhoods. This zone change will result in more housing choices for students while providing a better housing and employment balance. The proposed location is also ideal, considering its proximity to educational institutions, recreational facilities, as well as bus and bike lanes, which promotes health, safety and morals.

The zone change to SU-1/IP Permissive Uses and Student Housing zoning expands the allowable uses of the site; the permissive uses of the IP zone are maintained and added to with the student housing use. This zone change does not disrupt the ability of the Sunport Park to be an industrial park; it is allowing an additional use on land that remains vacant. The student housing use is not considered a typical residential use; it is considered a commercial use. [Activity of students is more intense than in a single family neighborhood with various residents engaged in different activities at all times.] Thus, this intensity and the fact that it is a commercial use, makes reasonable compatibility with uses in the IP zone.

The IP uses that are typically considered more intense such as manufacturing, assembling, treating, repairing, etcetera, must be performed in an enclosed building. Further, there is buffering from the subject site to other IP zoned land by the subject site being surrounded by public roads and parking and landscaping. Thus, the student housing use (with its buffering) is compatible with the possible IP uses; the expansion of uses for this site is consistent with the health, safety morals and 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.

The proposed zone change from IP and R-1 to SU-1 for IP Permissive Uses to Include Student Housing would allow for the construction of quality student housing, for which there is a strong need in the Albuquerque area. The site's proximity to both UNM and CNM would be an asset to students with limited transportation options. The change in zoning designation would also allow for a stricter, site plan controlled development ensuring area standards are met.

The existing IP zoning designation has been in place on the subject property for over 26 years with no development. Remediation of subsurface construction debris present at this site will require a substantial investment to develop, making infill development by other permitted uses unlikely. Permitting high quality, appropriately scaled infill development at the subject property will put vacant land to beneficial use, which may otherwise contribute to urban blight if left unremediated.

The subject site was annexed into the City in 1985 with IP zoning and remains vacant. The proposed zone change will add student housing, a residential use. This additional residential

use will add to the already existing residential zone and land use in the area and provide stability. The proximity of the subject site to the Kirtland Addition Neighborhood to the north and the IP zoned land to the south provides a buffering from the non-residential uses to a residential neighborhood. Further, the remaining vacant IP zoned land is buffered from the subject site by roadways.

Since the proposed zone change will keep IP permissive uses as allowable, and the area adjacent to this site remains industrially zoned with IP, stability within the Sunport Park is maintained, as well. The site is also required to comply with the Design Standards of the Sunport Park ensuring that all development is consistent with other developments in the area. The Design Standards also state that the only uses allowed are Permissive uses in the IP zone. Further, if there was a change in use for the site to an IP use, the SU-1 portion of the requested zoning will require review by the EPC and a public hearing. Input from the adjacent neighborhood, the City and the EPC would be considered when determining if the prospective "new" use would be compatible with the neighborhood.

Thus, the expansion of uses, either student housing or IP uses, meets this portion of R-270-1980 by maintaining stability of land use within the area.

- 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.

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."

The proposed change is not in conflict, significant or otherwise, with adopted elements of the Comprehensive Plan, any City Master Plans or any privately developed area plans. The proposed change along with the proposed project further numerous policies within the Comprehensive Plan and also comply with the Sunport Boulevard Design Overlay Zone and Sunport Park Master Plan.

Staff generally agrees with the applicant's statement, but the above response does not address the Goal of the Developing Urban Area. The requested use will create a quality urban environment within the confines of the student housing village and offers another choice for student housing with a student oriented lifestyle.

Below are the policies that support this development in achieving this goal.

The applicant has cited the following policies to justify the request:

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

The subject site furthers this policy by contributing to the goal of gross density up to 5 dwelling units per acre. The proposed student housing project is a higher density than typical residential (7.24 dwelling units per acre) but not as high as a true multi-family development.

The zone change request to SU-1/IP Permissive Uses and Student Housing will expand the allowed uses for the subject site. The site's proximity to I-25 and the Sunport support a wide range of urban land uses that are appropriate for this area. The special use (SU-1) portion of the zoning descriptor allows for maintaining the permissive uses of the IP zone with the expansion of the student housing use. The inclusion of the student housing component in the zoning descriptor will help the City achieve the Goal of 5 dwelling units/acre.

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

The proposed project, its location, intensity and design, further this policy by respecting existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concerns. This development (a commercial type development but containing residential uses), is designed on a residential scale with single and duplex cottage dwelling units instead of apartments, will be aesthetically appropriate for the adjacent residential neighborhood. Its location and access to the existing road network including its proximity to the University of New Mexico (UNM) and Central New Mexico Community College (CNM), Isotopes Park, The Pit and the UNM Football stadium make this site an ideal location for a higher density development. The proposed layout and design will not impact the scenic resources of the Sandia Mountains. A separate shuttle system operated by the owners will reduce traffic and link the site to the UNM Campus, which is less than 10 minutes travel time away.

Land to the east and south the subject site is relatively vacant with a few warehouse/industrial uses to the east. The Interstate is a barrier to development to the west and the Kirtland Neighborhood lies to its north. The development of student housing in this area will provide several aspects: 1) It is appropriate to provide a higher density residential use to the Kirtland Neighborhood and have it be a buffer to the industrial uses that are permissive for the Sunport Park; 2) It is appropriate to have a multi-family type housing adjacent to I-25, which will act as a buffer to the properties east of the subject site; 3) Since the land to the east and south is relatively undeveloped, a multi-family housing project may aid as a catalyst in bringing new uses to the immediate area. Thus, the location and intensity of this new development respects existing neighborhood values. Further, the subject site's access points lead directly to major local streets and the interstate and therefore, carrying capacities are met.

A benefit is that shuttles will be used on a regular basis that will transport the residents to the nearby campuses and thereby reducing the amount of vehicle trips generated each day. Further, this project also provides a necessary requirement of additional student housing for local educational institutions; in doing so, it is providing for social and cultural concerns.

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

The proposed project furthers this policy because the land is currently undeveloped and is located contiguous to existing urban facilities and services, including public transit routes and stops and bike lanes. The integrity of existing neighborhoods will be assured by not increasing local street traffic on adjacent neighborhoods and providing a buffer from the IP zoned uses with human scale development of medium intensity.

Staff partially agrees. The site is not close to any transit routes that provide continuous daily service, or is it close to existing bicycle facilities. The applicant is providing a private transit service for its residents to educational institutions and related destinations. Bicycle connectivity shall be encouraged by having a path to Mulberry Street that prohibits vehicular traffic, but maintains pedestrian and bicycle access.

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

The proposed development furthers this policy by clustering the student housing dwelling units into groups, allowing for maximization of open areas on site for active and passive recreation. The way in which the homes are grouped also allows for the placement of a walking/biking trail around the perimeter of the site, for the use of the residents. As mentioned, a shuttle system will promote and link this site to UNM main campus and park and ride locations.

Although design oriented, staff agrees; the SU-1 zoning will guarantee an allowance for the proposed clustering of the cottages.

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

The proposed project furthers this policy by taking the topographical features into account in the site design. It also incorporates a private walking/biking trail into the development, for the use of the residents.

Although design oriented, staff agrees with the applicant's response. Further, the walking/biking trail will link to that of the City's with destinations at the UNM and CNM campuses.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The proposed project furthers this policy in several ways. The proposed project is a higher density housing which has the necessary access to a major street network. It also is located in an area where mixed densities are currently established, with single-family residential, industrial uses and hotels in the immediate vicinity.

Staff agrees with the applicant's response. As mentioned, the proposed development on the subject site also provides a transition between the single-family residential area of the Kirtland Addition Neighborhood and more intense uses to the south in the industrial park.

C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION

1. Air Quality

Goal: to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The proposed project furthers this policy by placing a higher density housing use in an efficient location, close to educational institutions, recreational facilities and employment. UNM is mostly a stay at home and drive to campus type of university. This commercial development will offer a variety of housing opportunities while reducing the traffic needs on the surrounding network.

The transient nature of the student populations at UNM and CNM suggest that each student would ordinarily drive separately. This development will provide frequent shuttle service to the campuses, reducing automobile travel and adverse effects on air quality. Hence, this reduction of pollutants into the air furthers this policy of locating housing close to the frequently used facilities in an efficient manner.

Policy II.C.1.c: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.

The proposed project furthers this policy with site design incorporating parallel parking along the main private driveway and gated access to limit traffic to residents. Traffic from the site will be directed toward arterial streets by providing access to Flightway Avenue and Transport Street A. Shuttle service will also be provided to encourage public transportation.

The traffic engineering techniques proposed by the applicant will achieve a smooth and steady traffic flow at moderate speeds by providing for parallel parking on the main drive and shuttle service to the destination campuses and other destinations within the area.

Policy II.C.1.d: Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs.

The proposed project furthers this policy because the site is located and designed to take advantage of the immediately accessible mass transit, bike lanes as well as access to the UNM shuttle. The development also includes a walking trail for residents and has been designed to be pedestrian friendly.

Staff agrees.

D. COMMUNITY RESOURCE MANAGEMENT

4. Transportation and Transit

Goal: to develop corridors, both streets and adjacent land uses that provide a balanced circulation system, efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The proposed project furthers this goal because the site is located on the 222 and 1618 route along University Boulevard, to the east of the site and bus route 250 along Sunport Boulevard to the south of the site and bus route 96 along Gibson Boulevard, north of the site. The closest bus stop to the subject site is on University Boulevard, at Randolph SE, east of the subject site. The subject site also has immediate access to the City's bike trail/lane system. Planned pedestrian paths within the proposed development will also increase the ease in which pedestrians can access and utilize elements of the proposed development. These methods of access, including automobile access, provide the desired balance of circulation alternatives to automobile travel while meeting roadway capacity and access needs.

The above-mentioned transit routes are further than the ¼-mile distance standard that is considered by the City to be adequate transit service – staff believes the referenced bus stop is more than a ½-mile walk along the roadways. However, there will be a private shuttle offering transit service to UNM and CNM campuses (and other destinations) provided by the applicants to the residents of the student housing village. Bicycle and pedestrian trail connections are planned within reasonable distance and are to be continued throughout various locations within the site.

Policy II.C.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The proposed project furthers this policy because significant and thoughtful pedestrian opportunities have been proposed for the development. Inclusion of pedestrian paths and trails provide easy access throughout the development for residents.

Staff agrees.

5. Housing

The goal is to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy II.C.5.d: Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry or handicapped status shall be assured.

This goal will be furthered by increasing the housing opportunities for students which have traditionally utilized existing single and multifamily housing in established neighborhoods throughout the City and not necessary near the university area and throughout the region, which in turn has the potential to increase the overall supply of affordable housing. This development proposes to create a collegiate community with the purpose of enhancing the academic experience with quality cottage style housing of innovative design and to improve the university's ability to recruit and retain students. Our client would develop, own, and operate

the development for leasing exclusively to university students. A full range of all-inclusive amenities and services would be provided for the students' use including a central club house with indoor and outdoor recreational and fitness facilities, a full-time activities director responsible for organizing group social and physical activities, shuttle transportation to and from the University of New Mexico, and both community and private study rooms. Leasing will be available to students regardless of race, color, religion, sex, national origin, ancestry or handicapped status.

Staff generally agrees with the applicant's justification. The provision of additional housing for students will help relieve pressure on other available affordable housing in the City. This should make the search for affordable housing easier - for all affordable housing patrons, including students.

Sunport Boulevard Design Overlay Zone

The Sunport Boulevard Design Overlay Zone provides specialized sign controls for the area surrounding Sunport Boulevard between I-25 and Yale Boulevard. The Overlay has specific exceptions from the General Sign Regulations of the Zoning Code. The exceptions refer to the location of the signs, the number permissive on a premises, size, height, lumination and location. The signs shown on the site development plan comply with this Overlay Zone.

Conclusion

The applicant has discussed and adequately justified how the requested zone change furthers the applicable Goals and Policies presented in the Comprehensive Plan. The request will further the Developing Urban Goal by adding additional student housing to the built environment. This request is not in conflict with any of the adopted elements of the Comprehensive Plan, the Sunport Boulevard Overlay Zone or the Sunport Park Master Plan as presented on the Site Development Plan for Subdivision Design Standards.

- 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.

It is our opinion that the use category sought by this application for this site would be more advantageous to the community. The proposed use is less intense and more compatible with the established neighborhood than a majority of uses allowed under straight IP zoning, with a density not quite as high as apartment style student housing. Innovative design of this cottage style student housing development with high quality onsite amenities will provide a buffer for the adjacent neighborhood from the more intense land uses permitted beyond the property. The proposed development will bring this land into beneficial use and increase the commercial demand for goods and services in a historically underserved neighborhood. The proposed use is considered unobjectionable to the adjacent neighborhood association, whereas concerns and objections to development have been raised for other uses permitted by the IP zone, such as Hotels, which are considered incompatible with the established neighborhood.

(D2) The second test is furthered by the fact that this development is requested as a response to the needs assessment presented above on page 4. The needs assessment illustrates that there is a lack of the necessary student housing for the UNM and CNM campuses. This lack of adequate student-housing is a community change that justifies this request.

(D3) Although staff agrees with the applicant's response, it should be made clear that the current allowable uses are not being eliminated with this zone change, but expanded by the allowance of student housing on the site - Industrial Park (IP) permissive uses are still part of the zoning. That is, while the student housing use is less intense than many industrial and manufacturing uses in the IP zone, these uses will still be permitted for the site. Since the zone change will still allow the IP permissive uses, the site is not to be considered a residential zone, either – only that a type of residential use is allowed.

As the site has remained undeveloped, a student housing use developed on the subject site would be appropriate; the residential use of the student-housing village will provide a buffer with the single-family residential neighborhood of the Kirtland Addition. Thus, the proposed zone change will be more advantageous to the community because it will allow a full range of urban land uses that will contribute to a quality urban environment that will offer variety and choice in housing, transportation and life styles, while creating a visually pleasing built environment. (Developing Urban Goal) This development will also respect neighborhood values, complement residential areas providing an additional residential use and an appropriate employment use, improve safety in the local neighborhood and provide users of multi-modal transportation alternatives.

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

The proposed zone change would have the effect of adding a single, specific, residential use for student housing to the existing allowable uses. This change would not be harmful to the adjacent property since the proposed use is compatible with most allowed uses. Site design was developed with careful consideration to respecting the integrity of the existing neighborhood and the overall community by minimizing potential visual, traffic, noise and air quality impacts. Although this change would introduce a residential element into IP zoned land, this area of the city contains an abundance (over 1500 acres) of IP, M-1 zoned property.

Staff generally agrees with the applicant's response: permissive uses of the IP zone are currently allowed on the site and this portion of the requested zoning will not change. The additional use will be that of student housing. This use is residential and will have less of an impact on surrounding properties and will not cause harm.

Harm should also be looked at from the other side – can the surrounding property's possible uses have adverse effects on the subject site. The surrounding properties that would most likely present possible harm to the subject site are those zoned IP. Uses allowed permissively in the IP zone that could be a problem creating harm are manufacturing and adult uses. All developments in the IP zone must be enclosed, thus any manufacturing will not be heavy in nature and thus, have a low impact on the surrounding areas. Adult uses would be allowed on adjacent properties as the site is not a residential zone. This use could create a problem due to the site being developed as a multi-family type of use.

However, the IP properties that have developed are warehouse/distribution uses and hotels that are low-impact and compatible uses with the student-housing village. The greatest impact is from daily truck traffic delivery/receiving operations, but would not have direct adverse impacts to the gated student-housing village. The subject site is buffered from other properties in the area by major roadways on three sides and a drainage canal on the north. Thus, the site is large, and will not be impinged upon by other single building users.

- 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.

The proposed zone change will require no capital expenditures by the City of Albuquerque.

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.

Economic considerations or land costs are not a factor in this request.

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.

The location of the site on a collector or major street is not a factor in this request and a change to apartment, office or commercial zoning is not being sought.

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.

The proposed change technically creates a spot zone, with the inclusion of Student Housing to the existing IP zoning. The proposed change will facilitate realization of the Comprehensive Plan, as demonstrated through the numerous applicable policies. It will also function as a transition between adjacent zones, providing a buffer the existing neighborhood from the surrounding area zoned IP.

This requested zoning of SU-1/IP Permissive Uses and Student Housing is a spot zone. However, the current entitlement of the IP zone (Permissive Uses) is still allowed, and is

joined by the Student Housing Use. Further, as described in I(2) above, a spot zone is appropriate in this case as it allows the site to act as a buffer between I-25 and other developments in the surrounding Sunport industrial park area. The requested zoning of special use requires a site development plan approval and allows a tailored use. In this case, the spot zone is appropriate as it still allows the original uses as surrounding land.

- 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.

The proposed change will not create a strip commercial zone.

Staff agrees.

In conclusion, staff considers that the applicant has provided an adequate justification for the requested zone change. The applicant has demonstrated that the proposed SU-1/IP Permissive Uses and Student Housing will let the current allowable uses remain and the proposed use of student housing will be appropriate and consistent with the existing Kirtland Addition single family neighborhood. The subject site’s allowable uses remain compatible with surrounding properties zoning to the east and south and their current land uses as it is located between the Kirtland Addition Neighborhood and industrial uses that surround the Sunport.

IV. ANALYSIS - SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT and SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Request

This is a request for an amendment to a site development plan for subdivision (SPS) and a site development plan for building permit. The SPS that was previously approved by the EPC in 1985 (Z-85-98) and revised in 1999 (DRB-97-257) and it is for a larger area than the current request. The area covered by the SPS is essentially all land bounded by I-25 on the west, University Boulevard on the east, the Kirtland Addition Neighborhood on the north and Sunport Boulevard on the south. The applicant’s site (this request) is the western most land in this area, limited on the east side by Transport Street and includes all of Lot 1-A of Block 1 and the 12 individual lots of the Kirtland addition Neighborhood as well. The 12 individual lots are not part of the SPS, but abut the Sunport Park and are on the south side of the drainage canal.

The SPS states that the land use is limited to the permissive uses of the IP zone and the applicant is adding the language “Except for Block 1, Lot 1-A and Block 3, Lots 1 and 2, which shall also allow residential use for student housing” ; hence, the requested zone change.

Although all the elements that are required for a Site Plan for Subdivision are also provided on the site development plan for building permit, the original site development plan for subdivision provides the Design Standards. The applicant has satisfied the SPS requirements as follows:

- Proposed Use: Student Housing – Residential Cottages and Clubhouse.
- Pedestrian and vehicular ingress and egress: Two vehicular access points from Flightway Avenue and Transport Street. Pedestrian access: The public sidewalk along Flightway Avenue will be extended along the subject site’s frontage to provide pedestrian access adjacent to the two vehicular points of connection.
- Internal Circulation: Private driveway and pedestrian walks and trails. Existing lots will be consolidated into two lots at DRB.
- Maximum Building Height: Proposed Max building height will be 30’ to Ridgeline for cottages and 45’ to ridgeline for the clubhouse.
- Minimum Building Setback: Front-yard setback: 20’
Side-yard setback: 10’
Rear-yard setback: 10’.
- Maximum FAR: 0.43 on Lot 1-A, Block 1 & Lots 1 and 2, Block 3; 0.44 on Lot 2-A.

The applicant is in compliance with the rest of the Design Standards of the SPS as well.

Pursuant to §14-16-2-19 (H) in the Zoning Code, any site that is 20-acres or greater in the IP zone must have an approved Master Development Plan in place before a building permit can be issued. A Master Development Plan as defined in §14-16-1-5 is “a plan meeting the requirements for a site development plan for subdivision ...”. Additionally, pursuant to §14-16-2-22, SU-1 Special Use Zone in the Zoning Code, an application for a change to SU-1 zoning shall state the proposed use and must be accompanied by a plan including at a minimum, all elements of a Site Development Plan for Subdivision purposes. These elements are shown on the request for site development plan for building permit.

§14-16-3-11 of the Zoning Code states, “...Site Development Plans are expected to meet the requirements of adopted city policies and procedures.” As such, staff has reviewed the attached site development plan for building permit for conformance with applicable goals and policies of the Comprehensive Plan, (and other applicable Plans).

Applicable Ordinances, Plans and Policies

Note: Policy citations are in italics; applicant’s justification is in regular text; staff’s analysis is in bold italics

Albuquerque / Bernalillo County Comprehensive Plan

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

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

Land to the east and south the subject site is relatively vacant with a few warehouse/industrial uses to the east. The Interstate is a barrier to development to the west and the Kirtland Neighborhood lies to its north. The development of student housing for local educational institutions in this area will provide several aspects: 1) It is appropriate to provide a higher density residential use to the Kirtland Neighborhood and have it be a buffer to the industrial uses that are permissive for the Sunport Park; 2) It is appropriate to have a multi-family type housing adjacent to I-25, which will act as a buffer to the properties east of the subject site; 3) Since the land to the east and south is relatively undeveloped, a multi-family housing project may aide as a catalyst in bringing new uses to the immediate area. Thus, the location and intensity of this new development respects existing neighborhood values. Further, the subject site's access points lead directly to major local streets and the interstate and therefore, carrying capacities are met; shuttles will be used on a regular basis that will transport the residents to the nearby campuses and thereby reducing the amount of vehicle trips generated each day.

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 where the integrity of existing neighborhoods can be assured.

The requested site development plan amendment will allow an infill development project on vacant land that is contiguous to existing urban facilities and services. The applicant is proposing a development that would provide for needed student housing for UNM and CNM; this will have the increased benefit of increasing the number of jobs available as well – these additional employment opportunities would be available to the adjacent residential neighborhoods, thus, strengthening their vitality. The integrity of the existing surrounding neighborhoods will be assured by not increasing local street traffic on adjacent neighborhoods and providing a buffer from the IP zoned uses with human scale development of medium intensity.

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

The site plan shows that the residential cottages in the village are gathered into pods, or clusters, allowing for maximization of open areas on site for active and passive recreation. The way in which the homes are grouped also allows for the placement of a walking/biking trail around the perimeter of the site, for the use of the residents.

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

The site plan shows an incorporated private walking/biking trail into the development (for the use of the residents), which then connects to a walking/biking trail of the City's with destinations at the UNM and CNM campuses.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.

- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The proposed project is a higher density housing which has the necessary access to a major street network. It also is located in an area where mixed densities are currently established, with single-family residential, industrial uses and hotels in the immediate vicinity. The subject site also provides a transition between the single-family residential area of the Kirtland Addition Neighborhood and more intense uses to the south in the industrial park.

C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION

1. Air Quality

Goal: to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The transient nature of the student populations at UNM and CNM suggest that each student would ordinarily drive separately. This development will provide frequent shuttle service to the campuses, reducing automobile travel and adverse effects on air quality. Hence, this reduction of pollutants into the air furthers this policy of locating housing close to the frequently used facilities in an efficient manner.

Policy II.C.1.c: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.

The traffic engineering techniques proposed by the applicant will achieve a smooth and steady traffic flow at moderate speeds by providing for parallel parking on the main spine roads and shuttle service to the destination campuses and other destinations within the area. Any traffic from the site will be directed toward arterial streets by providing access to Flightway Avenue and Transport Street. Shuttle service will also be provided to encourage public transportation.

Policy II.C.1.d: Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs.

The site is located and designed to take advantage of the immediately accessible mass transit, bike lanes as well as access to the UNM shuttle. The development also includes a walking trail for residents and has been designed to be pedestrian friendly.

D. COMMUNITY RESOURCE MANAGEMENT

4. Transportation and Transit

Goal: to develop corridors, both streets and adjacent land uses that provide a balanced circulation system, efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

The transit routes are further than the ¼-mile distance standard that is considered by the City to be adequate transit service. However, there will be a private shuttle offering transit service to UNM and CNM campuses (and other destinations) provided by the applicants. Bicycle and pedestrian trails are within reasonable distance with planned bicycle and pedestrian paths are to be continued throughout various locations within the site.

Policy II.C.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

Significant and thoughtful pedestrian opportunities have been proposed for the development. Inclusion of pedestrian paths and trails provide easy access throughout the development for residents.

5. Housing

The goal is to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy II.C.5.d: Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry or handicapped status shall be assured.

The provision of additional housing for students will help relieve pressure on other available affordable housing in the City. This should make the search for affordable housing easier - for all affordable housing patrons, including students.

Sunport Boulevard Design Overlay Zone

The Sunport Boulevard Design Overlay Zone provides specialized sign controls for the area surrounding Sunport Boulevard between I-25 and Yale Boulevard. The Overlay has specific exceptions from the General Sign Regulations of the Zoning Code. The exceptions refer to the location of the signs, the number permissive on a premises, size, height, lumination and location. The signs shown on the site development plan comply with this Overlay Zone.

Site Plan Layout/Configuration

The subject site of the student housing village is to be developed on five parcels of land within the Sunport Park: Lots 1A & 2A, Sunport Park; Parcel 1A, Sunport Park; Tract B, Mulberry Properties; and Tract A1, Lands of Eisemen Trust of the Sunport Park (34.3-acres), plus 12 residential lots (Lots A-F and Lots 1-6) of the Kirtland Addition Neighborhood (1.6-acres) – a total of 35.9-acres. These residential lots are separated from the rest of the neighborhood by a drainage canal that branches east off the main Diversion Channel.

The student-housing village will be developed in 2 phases in order to allow remediation of the landfill while many of the buildings are developed. The concentration of landfill issues is in the

area designated as Phase 2. There is very little landfill in the Phase 1 area of the site – this helps to understand the unusual layout of the two phases. The applicant’s goal is to have the Phase 1 development completed by the beginning of the 2014 academic year. The proposed Phase 2 development is to be constructed as resources are freed from the development of Phase 1.

The site is oriented in a north-south configuration with locations for the 260 student housing cottages dispersed throughout. Additionally, there is a clubhouse with a pool and patio located in the northeastern portion of the site and a large turf covered area located at the southern end. The cottages are laid out in various forms of “pods” with the fronts facing the street (or spine road) or common areas/walkways, and the parking lots are behind the buildings. There is also various landscaping elements around the cottages providing open space and informal gathering areas. There are two points of access into the site and they are at either end. These two access points feed the main internal loop road (the spine road) that feeds the parking lots.

Public Outdoor Space

There is not a place for the general public to gather, as this is an access-controlled community. However, as this is a residential community designed for 1,166 students, common areas for the residents exist throughout the village. The largest common area will be around the clubhouse. The clubhouse is an 11,600 square-foot building that provides a cafeteria, meeting rooms, etc. for the residents. It has outside facilities that include: a pool, patio, volleyball courts, a bag toss court and two park areas with turf and trees. There is also a tennis court area close to the clubhouse area. There are additional large turf-covered areas throughout the village as well. Also, within each pod, there are landscaped areas between the cottages that provide smaller common areas for the residents, as well.

Vehicular Access, Circulation and Parking

As mentioned, there are two points of access into the site via gated driveways that connect to Flightway Avenue/Transport Street – this is the same roadway with different names as it goes from an east-west direction to a north-south direction. Transport Street connects with Sunport Boulevard, which then provides access to I-25. Flightway Avenue connects to University Boulevard; from this point there is connection to Yale Boulevard (via Randolph Road), which leads into the University of New Mexico.

The main entrance is the access point from Transport Street. It is a divided driveway for approximately 100’ and then feeds into the village. It provides a direct connection to an internal intersection that has the southernmost cluster of cottages and are surrounded by three surface parking lots towards the outside of the site. There is an approximately 5,100 square-foot turf covered island that is offset to the south from this intersection and acts as a large round a bout. The path to the north from the intersection leads to the spine road for the rest of the village. This part of the spine road parallels Transport Street and has connections to various parking lots that are associated with each pod/cluster. There also are 22’-long parallel parking spaces (protected by bulb outs) on both sides of this spine road. The drive aisle width of the spine road is generally 26’.

The spine road splits into two separate roads past the midpoint of the site, as one travels farther north. Drive ways for parking lots connect to the spine road and parallel parking (with bulb outs) line the street. The two roads intersect and continue as one road at the clubhouse, north on the

site. This portion of the spine road continues and then connects to Flightway Avenue - the northern most access point.

There are approximately 20 areas for parking behind the cottages in parking lots – some of these lots are interconnected. There are also parallel parking spaces provided on both sides of the internal streets. Section 14-16-3-1 (A) (10) of the Zoning Code requires that one parking space be provided for each three residents. This gives a requirement of 389 (1,166 residents/3 spaces). There also is a requirement of one parking space per 200 square-feet at the clubhouse. This is an additional 58 required parking spaces. The total number of parking spaces provided is 1,311 – 20 are for handicap parking and 20 are designated for motorcycle parking (motorcycle parking is not required for residential uses). There are 195 places to park bicycles and the bike racks are dispersed throughout the village (this meets the Zoning Code requirement of 1 bicycle space per six residents for dormitory uses).

There is an existing residential road, Mulberry Street that connects the north side of the site. It traverses the Kirtland Addition Neighborhood and intersects Gibson Avenue. However, the site plan for subdivision does not allow connection to this road as an access point to Sunport Park. Further, the applicant has agreed in meetings with the neighborhood that no access to the site from Mulberry Street is permitted – this includes bicycle and pedestrian access. The 50' ROW will be vacated and a fence will be put at the north property line across this roadway. Staff is concerned that there is no pedestrian or bicycle connectivity to the north. There should be an access controlled multi-use trail connection that feeds onto Mulberry Street from the subject site. This connection will be recommended as a Condition of Approval.

Pedestrian and Bicycle Access and Circulation, Transit Access

There are two points of access from public streets – Flightway Avenue and Transport Street. Sidewalks from these access points feed into the site continuing along the spine roads on both sides. Cottages that do not face the spine road, but face other cottages, have wider sidewalks and additional landscaping, separating them. Pedestrians are also able to traverse across the site not using sidewalks as there is only one spine road (that separates into a small loop on the north portion of the site) and there are no fences or other barriers internally. There will also be a jogging path on the western side of the site - where it abuts I-25. This trail should be expanded as a perimeter trail so that the residents have access to other trails through interconnectivity as the surrounding area develops. The expansion of western side of the site trail into a perimeter trail will be a recommended Condition of Approval.

There is not a designated bicycle path close to the site. However, access to the site, especially in the direction of the destination institutions, should be made. As mentioned above, staff believes that bicycle pedestrian access should be allowed to Mulberry Street on the north, on the edge of the Kirtland Addition Neighborhood. Ballard's can be placed across the soon to be vacated road, only allowing non-motorized access to the roadway and this can be a controlled access.

The closest City transit route is on Randolph Road and does not provide regular service during the day. The applicant will implement a transit service for the residents of the student-housing village. Staff has little information, but the applicant has mentioned that it will provide timely headways from early morning to late night, 7-days a week.

Walls/Fences

The site is a gated student community and has a perimeter 6' fence all along the property lines. This fence is a combined masonry base with a wrought iron upper portion. There will be automatic gates at both access points that will allow students and the transit system to come and go. No other fences will be utilized. Detail of this perimeter fence can be found on sheet C-8 in the submittal packet.

There are site retaining walls primarily on the western edge that will be used to allow a constant grade on the site. These retaining walls will be at the property line, outside of the pedestrian walking trail. The retaining walls will vary in height from 2'-6' and will be made from block with a dark beige color.

Lighting and Security

As mentioned, the site is a gated community with a 6' perimeter fence and entry gates at the access points. There will be site lighting throughout – primarily along the spine road and in parking lots. These lights will be dual cut-off light fixtures on 16' high poles. The cottages will have typical porch lights as well.

Landscaping

The site is 35.9-acres, which equates to 1,563,804 square-feet. The Gross building area is 252,878 square-feet. Thus the net lot area is 1,310,926 square-feet. As per §14-16-3-10 (E) (1) of the Zoning Code, “not less than 15% of the net lot area” shall be landscaped. This equates to 186,293 square-feet that is required to be landscaped. The Landscaping Plan shows the landscaped area to be 721,400 square-feet, roughly 55% of the net area of the site.

The landscaping for the entire site consists of 235 large shade trees and 68 pine trees and 56 medium ornamental trees. There are also 380 smaller native trees. Along with the trees, there are many various types of shrubs and ground covers that will help to provide the required 75% living ground cover. This will be augmented with 634 plantings of ornamental grasses. Further, the larger playing areas will be covered with turf and native seed. Crushed gravel will be used in the landscaped areas where there plantings or ground covering.

There is sufficient landscaping for this project. However, section 14-16-3-10 (G) of the Zoning Code makes a requirement that “trees are required in and around off-street parking areas to provide shade and relieve the adverse impact of large expanses of pavement and parked cars. No parking space may be more than 100' from a tree trunk.” The site plan shows much of the on-street parking on the spine road is deficient in meeting this requirement. Also, several of the parking lots are deficient as well. While the site plan does show some small trees and plants in the planting beds, large shade trees are required. The Zoning Code states as a regulation that “at least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy of at least 25 feet” (Section 14-16-3-10 (G) (1)). Planting areas of at least 36 square-feet need to be added in parking lots to comply with the zoning code requirements of Special Landscaping Standards.

Also, this portion of the Zoning Code requires that at least one tree be provided per each ground floor dwelling unit and one tree per two second-story dwelling units. There are residential cottages with in the village that are only surrounded by plants – this requirement needs to be met with trees planted near each of the residential units.

Also, the Landscaping Plan legend shows the same symbols for each of the items in the plant list, this needs to be corrected.

Grading, Drainage, Utility Plans

The site generally slopes from east to west and ultimately drains into the AMAFCA South Diversion Channel which borders the site on the north and northwest. The southerly portion of the site drains onto local depressions within the I-25 right-of-way where flows are intercepted by an existing 48-inch storm drain which connects to the South Diversion Channel west of the highway. Proposed grading will maintain the general flow patterns and convey drainage within the site by surface flow onto vegetated swales and ponds to promote water quality to the extent possible. A private storm drain system is proposed to convey drainage from the ponds and vegetated swales and connect to the South Diversion Channel to the north and the existing storm drain system on the south.

Water and the Sanitary Sewer lines will come from FightWay Avenue/Transport Street, via existing utility easements, to the subject site.

Architecture

Since a variety of elevations are proposed for the residential cottage buildings which include three-, four-, five- and six-bedroom cottage units in a single configuration, as well as three- and five-bedroom duplex cottages, a detailed discussion of each set of elevations provided is not appropriate. A common theme is incorporated and each of the cottages has elements of a “kit of parts” – that is each cottage incorporates like elements for each of the building’s facades.

In general, elevations are on a residential scale varying in height from 25’ for the smaller cottages and 40’ for the six-bedroom cottages, measured to roof ridgeline, and incorporate covered porches and patios. There are 15 different elevations for the cottages, one set of elevations for the maintenance facility and a set of elevations for the clubhouse. All the cottages are constructed of wood with a predominately stucco finish with wood-trimmed doors and windows, articulated with columns and covered porches or porticos. All the cottages have a pitched roof, except for the six-room Diamondback, which is flat roofed. The various types of cottages will all be distributed throughout the site; no pod (or cluster) will consist of only one type.

The clubhouse building is two stories with a flat roof and will be more of a southwestern style than the cottages. It also is wood construction with a stucco finish, but is more commercial looking than the surrounding buildings as it has flat walls without many architectural features. It does have vertical articulation as the second story is a smaller floor than the first floor. This is accompanied by horizontal articulation as well with each façade being different than another by having the first floor jutting out at different rates. There is a definite front of the building that has large amounts of glazing, a canopy covered entry. The rear of the building has a second story patio with a stairwell providing outside access as well as doors for entry to the inside of the building. The first floor doors are recessed, allowing for a porch created by the second story patio. The height of this building is shown to be approximately 37 feet.

Signage

There are two monument signs, one at each access point that are 5' wide by 6' 4" high. These signs are surrounded by additional walls creating an entry feature. Overall, the entry features 8' 6" high be approximately 30 feet long and are incorporated as an element in the perimeter fence.

V. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Agency comments start on page 40. The Long Range Planning Section asks several questions:

- 1) "Will the housing will be available to the general public if there are not enough students to fill the housing?" The applicant has explained to staff that these units are catering to students. Each student will have one bedroom with an attached bathroom. If a family wanted to live in this project, they would have to rent a room for each person, which would likely exceed the cost of renting an entire house. Individuals could live in this project, but it is geared to students and activities associated with their lifestyles and that of the educational institutions it is supporting.
- 2) The site has 2½ times more parking than required. The applicant has built similar projects in various parts of the country and finds that the parking provided will be needed – most students each have a car. There is a shuttle to UNM, CNM and other destinations that will be provided by the applicant. There is not City bus service close to the site and the service available at the nearest locations does not have frequent headways.
- 3) (A question of compatibility) The subject site will be built in two phases for the purpose of environmental remediation. Nearby properties that have developed are distribution and warehouse facilities, and hotels, that are enclosed. While it is true that the IP zone allows for some uses that may not be compatible with a residential use, the student housing project will be buffered by public roadways, parking and landscaping. The cottages are also internal to the site with their backs turned to the public roadways, behind the fence and the landscape buffer.
- 4) This project complies with the amended site development plan for subdivision – the Sunport Park master plan.

Comments from the Environmental Health Division are now old as the applicant has been working with both the City's and the State's Environment Departments to develop a plan to remediate the site. Discovery has been completed and the permitting process has been ongoing; remediation of the subject site will start in the early part of the 2013 calendar year.

Neighborhood/Public

Property owners within 100' of the subject site were notified of this request. Also, the San Jose Neighborhood Association and the Kirtland Addition Neighborhood Association were notified – there is not a coalition to be notified. There were two facilitated meetings held on January 17, 2012 and on February 21, 2012. The second meeting was held as the applicant was not able to attend the first meeting and the residents were concerned about the environmental discoveries.

Since these meetings, the applicant has been working with the neighborhoods and there is a letter of support from the San Jose president. Also, as mentioned above, the environmental mitigation process has begun and the physical site itself will be remediated at the beginning of the calendar year.

There has been concern expressed by a member of the Kirtland Addition Neighborhood as to possible tenants of the proposed project. The resident expressed concerns as to tenants not being UNM or CNM students; this project could be brought to a different level depending on who lives in the cottages. The applicant has responded to this concern by acknowledging that they cannot discriminate when leasing living quarters as per the Fair Housing Act. The applicant's project is catering to the student clientele. This means that each room rented is just that – a room with a bathroom and everything else in the cottage is shared. If a family wants to rent more than one room, they would have a separate lease for each space and they would have to pay the lease rate for each room. If a room rents for \$500/month, then a family that wants 2 or 3 rooms would be paying \$1000 or \$1500 each month and still only have individual rooms and share the rest of the cottage. The rental rate of a house becomes comparable; renters of houses also have additional privacy.

Even if a couple rented a room, they are confined to a space that is big enough for a small bed and still share the rest of the cottage. Most couples would not stay there for very long.

If there is a complaint that non-students are living in this complex, the Code Enforcement staff will go and enforce the zoning. Other than that, it is incumbent upon the management to enforce and exercise judgment on who they rent to.

VI. CONCLUSION

This is a three-part request for a 2-phased development project: a zone map amendment to change zoning from IP to SU-1/IP Permissive Uses and Student Housing; a site plan for subdivision amendment; and a site development plan for building permit for Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition, located on the east side of I-25 between Gibson Boulevard SE and Sunport Boulevard SE, containing 35.9-acres. The proposed use is a village of cottages to be used as student housing (with a clubhouse and a swimming pool), intended to serve the University of New Mexico and the Central New Mexico Community College campuses.

The subject site is part of the Sunport Park master plan and located on the east side of I-25 between Gibson and Sunport Boulevards. The site has never been used for a development, but was a landfill for construction debris after it was used as a borrow pit for the construction of the Interstate. The applicant is in the process of environmental mitigation of the site and plans to develop it as remediation efforts are completed.

The proposed development is for 260 cottages and a clubhouse designed as student housing. The applicant will provide a food service and a private transit system for the students and cater to their needs as students. The current allowable uses will remain as permissive with the addition of an allowance for student housing.

The applicant has provided an adequate justification for the zone change per R-270-1980, by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan. Further, the applicant has adequately supported the need for the proposed use (Needs Assessment), an amendment to the site plan for subdivision and shown the proposed site plan for building permit.

There were two facilitated meeting held January 17, 2012 and February 21, 2012. Staff has received a letter of support from the San Jose Neighborhood Association president and a few phone calls expressing concerns about the clientele of the renters.

Staff recommends approval.

FINDINGS – 11EPC 40091, November 8, 2012 - Zone Map Amendment

1. This request is for a sector development plan zone map amendment from IP to SU-1/IP Permissive Uses and Student Housing for all or a portion of Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition, located on the east side of I-25 between Gibson Boulevard SE and Sunport Boulevard SE, containing 35.9-acres.
2. The requested zone change is accompanied by a site development plan for building permit request – Project #1009090, 11EPC-40092 and an amendment to the site development plan for subdivision – Project #1009090, 11EPC-40093. This request is contingent on the approval of those two requests as the site plan controls the zoning on all SU-1 zoned sites. Also, this zone change request applies to this site only – no other sites in the subdivision will be affected.
3. 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.
4. The subject site is in the Developing Urban Area of the Comprehensive Plan and is governed by the Sunport Boulevard Design Overlay Zone.
5. The request is justified per R-270-1980:
 - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the City as the zone change request maintains the current zoning and adds the student housing use. The request does not disrupt the ability of the Sunport Park to be an industrial park; it allows an additional use on land that remains vacant. The student housing use is compatible with other uses in the IP zone as the IP zone requires all uses to be enclosed in a building. Further, the student housing site is buffered from adjacent IP zone land by roadways.
 - B. This change will not destabilize the land use and zoning in the area; the requested zone change is consistent with the existing zoning, only adding the student housing use. As the site remains vacant with the straight IP zoning, the additional use of student housing will allow the proposed development and this development must comply with the Sunport Park Master Plan Design Standards, which will facilitate consistency. Further, the student housing use will not cause injury to existing and future uses in the Sunport (industrial) Park and the Sunport Park uses will not cause injury to the proposed student housing use. The site also acts as a buffer between the single family residential neighborhood to the north and the IP uses to the south.
 - C. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:
 - A) The zone change is not in significant conflict with adopted elements of the Comprehensive Plan or the Sunport Boulevard Design Overlay Zone:

COMPREHENSIVE PLAN DEVELOPING URBAN AREA POLICIES

The requested zone change will not have an adverse effect on the surrounding area and will respect existing neighborhood values by allowing new development on a site that is currently vacant. The proposed development will provide a higher density residential use adjacent to an existing single family residential neighborhood as well as be adjacent to I-25; this will provide a buffer to the Sunport industrial park from the interstate and a buffer to the residential neighborhood from the industrial park. Also, since the IP permissive uses will be maintained and only an additional allowance of student housing, the requested zoning is found to be appropriate and further compliments existing surrounding uses while providing a transition from more intense uses to the single family neighborhood. (Comprehensive Plan Policies II.B.5.a, d, e and h)

C. Environmental Protection and Heritage Conservation

1. Air Quality

The request will contribute to a balanced land use/transportation system that promotes the efficient placement of housing and services. Students will have access to shuttle buses that will transport them to UNM and CNM services, thus reducing vehicle miles traveled. (Comprehensive Plan Policies II.C.1.b, c and d)

D. Community Resource Management

4. Transportation and Transit Policies

City transit routes are further than the ¼-mile distance standard that is considered to be adequate transit service. There will be a private shuttle offering transit service to UNM and CNM campuses (and other destinations) provided by the applicant that create a safe and pleasant non-motorized environment. Bicycle and pedestrian trails are within reasonable distance with planned bicycle and pedestrian paths to be continued throughout various locations within the site. (Comprehensive Plan Policy II.D.4.g)

5. Housing

The provision of additional housing for students will help relieve pressure on other available affordable housing in the City promoting the availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry or handicap status. (Comprehensive Plan Policy II.D.5.d)

B) Sunport Boulevard Design Overlay Zone:

The signs shown on the site development plan comply with this Overlay Zone

- D. The Needs Assessment demonstrates that a changed community condition is the need for additional student housing. Further, the applicant has shown that the proposed zoning is more advantageous to the community by furthering a preponderance of goals and policies in the Comprehensive Plan. The requested zone change will contribute to a quality urban environment that will offer variety and choice in housing, transportation and life styles, while creating a visually pleasing built environment. The request also allows a full range of urban land uses, respect to neighborhood values, complements residential areas by providing an additional residential use and creates an appropriate employment use, improves safety in the local neighborhood and provides residents multi-modal transportation alternatives.

- E. There are no permissive uses that would be harmful to the adjacent property, the neighborhood or the community as the site is already zoned IP and the change of zoning will allow an additional residential use, a student housing village. This residential is consistent with the residential neighborhood to the north and compatible with possible uses on IP zoned land. Also, the surrounding properties uses must be performed in an enclosed building, thus, having a low impact on the surrounding area.
 - F. The request will not result in unprogrammed capital expenditures by the City.
 - G. The cost of land or other economic considerations are not the primary determining factors for the requested zone map amendment.
 - H. The location on a collector or major street is not the sole justification for the request.
 - I. This request would result in a spot zone; however, the student housing use is the only use being added to the current IP zoning. Further, a spot zone is appropriate in this case as it allows the site to act as a buffer between I-25 and other developments in the surrounding Sunport industrial park area. The requested zoning of special use requires a site development plan approval and allows a tailored use. In this case, the spot zone is appropriate as it still allows the original uses as surrounding land.
 - J. The request does not constitute a strip zone.
7. Two facilitated meetings were held January 19, 2012 and February 21, 2012, between the applicant and the San Jose Neighborhood Association and the Kirtland Addition Neighborhood Association – there is not a coalition in this part of the City. There was neighborhood concern expressed over the following topics: effects of the environmental issue and time horizon for remediation; use of Mulberry for vehicular traffic; employment opportunities created by the development. The applicant has been working with the neighborhood to resolve these concerns. The environmental mitigation process is underway with remediation beginning early next calendar year, Mulberry will be vacated as a public right-of-way, there will be employment opportunities created by the development.
8. Staff has received a letters of support to this request and phone calls with concerns over who will live in the village.

RECOMMENDATION - 11EPC 40091, November 8, 2012 – Zone Map Amendment

APPROVAL of 11EPC 40091, a zone map amendment from IP to SU-1/IP Permissive Uses and Student Housing, for Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition, based on the preceding Findings and subject to the Following Conditions.

CONDITIONS OF APPROVAL - 11EPC 40091, November 8, 2012 - Zone Map Amendment

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB pursuant to §14-16-4-1(C)(11) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS – 11EPC 40092, November 8, 2012 - Site Development Plan for Subdivision Amendment

1. The is a request to amend 35.9-acres of a 104.5-acre site development plan for subdivision, Sunport Park, located on the east side of I-25, between Gibson Boulevard and Sun Port Boulevard, that was approved by the DRB on April 2, 1986 (Z-85-98-1) and amended July 8, 1999 (DRB 97 257). This amendment is specific to Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition.
2. The Sunport Park Site Development Plan for Subdivision was approved April 2, 1986 and amended July 6, 1999 and encompasses all land bounded by I-25 on the west, University Boulevard on the east, the Kirtland Addition Neighborhood on the north and Sunport Boulevard on the south. There are Design Standards regulating the permissive uses and site development as to provide consistency of various improvements within the park. The Sunport Park currently has some industrial and warehousing uses as well as hotels; however, over half of the Park remains vacant.
3. This requested amendment will add the language “Except for Block 1, Lot 1-A and Block 3, Lots 1 and 2, which shall also allow residential use for student housing” under the sub-heading Land Use on the Site Development Plan for Subdivision for the Sunport Park. No other amendments are proposed - the applicant intends to keep the design standards that were approved in 1986 (Z-85-98-1) and the proposed development complies with these Design Standards.
4. The subject site is in the Developing Urban Area of the Comprehensive Plan and governed by the Sunport Boulevard Design Overlay Zone (controls signage) and the Master Development Plan of the Sunport Park (provides Design Standards for developments with the park).
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 requested site development plan for subdivision amendment is accompanied by an amendment to the Zone Map, Project #1009090, 11EPC-40091, and a site development plan for building permit request – Project #1009090, 11EPC-40093. The zone map amendment is contingent on the approval of this request and the approval of the site development plan for building permit as the site plan controls the zoning on all SU-1 zoned sites. These requests apply only to the subject site of this request– no other sites in the subdivision will be affected.
7. The required depiction of the site, vehicular and pedestrian circulation, ingress/egress points, maximum building heights and minimum setbacks are shown on the amended site development plan for subdivision. These parameters will not change as a result of the current regulations.

8. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:

A) The site development plan for subdivision is not in significant conflict with adopted elements of the Comprehensive Plan, the Sunport Boulevard Design Overlay Zone:

COMPREHENSIVE PLAN DEVELOPING URBAN AREA POLICIES

- i. This site development plan for subdivision amendment will allow an additional use to the already current IP permissive uses – it will allow student housing. The proposed development will provide a higher density residential use adjacent to an existing single family residential neighborhood as well as be adjacent to I-25; this will provide a buffer to the Sunport industrial park from the interstate and a buffer to the residential neighborhood from the industrial park. Since the proposed use is similar to the residential use to the north, it will respect existing neighborhood values by allowing new development on a site that is currently vacant. The proposed development will provide a buffer to the Sunport industrial park from the interstate and a buffer to the residential neighborhood from the industrial park (Comprehensive Plan Policies II.B.5. d and e)
- ii. The cottages will be clustered into “pods” within the student housing village. These pods have the fronts of the buildings facing the street or sidewalks putting the parking lots in the rear. This design allows for the placement of pedestrian/bicycle trails to be developed throughout and along the perimeter of the site. The higher density housing will also provide a transition between the single family homes to the north and the IP uses to the south as well as between I-25 to the west and the industrial park to the east. (Comprehensive Plan Policies II.B.5. f, g and h)

C. Environmental Protection and Heritage Conservation

1. Air Quality

The request will contribute to a balanced land use/transportation system that promotes the efficient placement of housing and services. Students will have access to shuttle buses that will transport them to UNM and CNM services, thus reducing vehicle miles traveled. (Comprehensive Plan Policies II.C.1.b, c and d)

D. Community Resource Management

4. Transportation and Transit Policies

City transit routes are further than the ¼-mile distance standard that is considered to be adequate transit service. There will be a private shuttle offering transit service to UNM and CNM campuses (and other destinations) provided by the applicant that create a safe and pleasant non-motorized environment. Bicycle and pedestrian trails are within reasonable distance with planned bicycle and pedestrian paths to be continued throughout various locations within the site. (Comprehensive Plan Policy II.D.4.g)

5. Housing

The provision of additional housing for students will help relieve pressure on other available affordable housing in the City promoting the availability of a wide distribution

of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry or handicap status. (Comprehensive Plan Policy II.D.5.d)

B) Sunport Boulevard Design Overlay Zone:

The signs shown on the site development plan comply with this Overlay Zone

9. Two facilitated meetings were held January 19, 2012 and February 21, 2012, between the applicant and the San Jose Neighborhood Association and the Kirtland Addition Neighborhood Association – there is not a coalition in this part of the City. There was neighborhood concern expressed over the following topics: effects of the environmental issue and time horizon for remediation; use of Mulberry for vehicular traffic; employment opportunities created by the development. The applicant has been working with the neighborhood to resolve these concerns. The environmental mitigation process is underway with remediation beginning early next calendar year, Mulberry will be vacated as a public right-of-way, there will be employment opportunities created by the development.

10. Staff has received a letters of support to this request and phone calls with concerns over who will live in the village.

RECOMMENDATION - 11EPC 40092, November 8, 2012 - Site Development Plan for Subdivision Amendment

APPROVAL of 11EPC 40058, an amendment to a site development plan for subdivision, for Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition, based on the preceding Findings and subject to the Following Conditions.

CONDITIONS OF APPROVAL - 11EPC 40092, November 8, 2012 - Site Development Plan for Subdivision Amendment

1. 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.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Conditions from City Engineer, Municipal Development, Water Authority and NMDOT:
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - b. Concurrent Platting Action required at Development Review Board (DRB).
 - c. Reflect Site Development Plan for Subdivision layout with proposed lot configuration.
 - d. Site plan shall comply and be designed per current DPM and ADA Standards/requirements.
 - e. Provide/label/detail all dimensions, classifications and proposed infrastructure for Site.
 - f. It is not clear that the southern outfall, 48 inch storm drain, has the capacity to support the density proposed. The site may have to detain flows or reduce the amount of impervious area. AMAFCA approval is required for the northern outfall to the South Diversion Channel. A Drainage Report is required for DRB approval.
 - g. This site should be re-platted as indicated on the Site Plan for Building Permit submittal. Therefore, the Site Plan for Subdivision should reflect the new plat and proposed Site Plan for Building Permit showing proposed property lines and easements.
 - h. All easements need to be shown and labeled on Site Plan.

FINDINGS – 11EPC 40093, November 8, 2012 - Site Development Plan for Building Permit

1. This is a request for site development plan for building permit for all or a portion of Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Unit 3, Kirtland Addition, an approximately 35.9-acre site located on the east side I-25, between Gibson Boulevard and Sun Port Boulevard.

2. The Sunport Park Site Development Plan for Subdivision was approved April 2, 1986 and amended July 6, 1999 and encompasses all land bounded by I-25 on the west, University Boulevard on the east, the Kirtland Addition Neighborhood on the north and Sunport Boulevard on the south. There are Design Standards regulating the permissive uses and site development as to provide consistency of various improvements within the park. The Sunport Park currently has some industrial and warehousing uses as well as hotels; however, over half of the Park remains vacant.

3. The subject site is in the Developing Urban Area of the Comprehensive Plan and governed by the Sunport Boulevard Design Overlay Zone (controls signage) and the Master Development Plan of the Sunport Park (provides Design Standards for developments with the park).

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 requested site development plan for building permit is accompanied by an amendment to the Zone Map, Project #1009090, 11EPC-40091, and a site development plan for subdivision amendment – Project #1009090, 11EPC-40092. The zone map amendment is contingent on the approval of this request and the approval of the site development plan for subdivision amendment as the site plan controls the zoning on all SU-1 zoned sites. These requests apply only to Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Block 10, Unit 3, Kirtland Addition – no other sites in the subdivision will be affected.

6. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:
 - A) The site development plan for building permit is not in significant conflict with adopted elements of the Comprehensive Plan or the Sunport Boulevard Design Overlay Zone:

COMPREHENSIVE PLAN DEVELOPING URBAN AREA POLICIES

 - i. This site development plan for building permit will provide an additional use to the already current IP permissive uses – it will allow student housing. The proposed development will provide a higher density residential use adjacent to an existing single family residential neighborhood as well as be adjacent to I-25; this will provide a buffer to the Sunport industrial park from the interstate and a buffer to the

residential neighborhood from the industrial park. Since the proposed use is similar to the residential use to the north, it will respect existing neighborhood values by allowing new development on a site that is currently vacant. The proposed development will provide a buffer to the Sunport industrial park from the interstate and a buffer to the residential neighborhood from the industrial park (Comprehensive Plan Policies II.B.5. d and e)

- ii. The cottages will be clustered into “pods” within the student housing village. These pods have the fronts of the buildings facing the street or sidewalks putting the parking lots in the rear. This design allows for the placement of pedestrian/bicycle trails to be developed throughout and along the perimeter of the site. The higher density housing will also provide a transition between the single family homes to the north and the IP uses to the south as well as between I-25 to the west and the industrial park to the east. (Comprehensive Plan Policies II.B.5. f, g and h)

C. Environmental Protection and Heritage Conservation

1. Air Quality

The request will contribute to a balanced land use/transportation system that promotes the efficient placement of housing and services. Students will have access to shuttle buses that will transport them to UNM and CNM services, thus reducing vehicle miles traveled. (Comprehensive Plan Policies II.C.1.b, c and d)

D. Community Resource Management

4. Transportation and Transit Policies

City transit routes are further than the ¼-mile distance standard that is considered to be adequate transit service. There will be a private shuttle offering transit service to UNM and CNM campuses (and other destinations) provided by the applicant that create a safe and pleasant non-motorized environment. Bicycle and pedestrian trails are within reasonable distance with planned bicycle and pedestrian paths to be continued throughout various locations within the site. (Comprehensive Plan Policy II.D.4.g)

5. Housing

The provision of additional housing for students will help relieve pressure on other available affordable housing in the City promoting the availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry or handicap status. (Comprehensive Plan Policy II.D.5.d)

B) Sunport Boulevard Design Overlay Zone:

The signs shown on the site development plan comply with this Overlay Zone

7. Two facilitated meetings were held January 19, 2012 and February 21, 2012, between the applicant and the San Jose Neighborhood Association and the Kirtland Addition Neighborhood Association – there is not a coalition in this part of the City. There was neighborhood concern expressed over the following topics: effects of the environmental issue and time horizon for remediation; use of Mulberry for vehicular traffic; employment opportunities created by the

development. The applicant has been working with the neighborhood to resolve these concerns. The environmental mitigation process is underway with remediation beginning early next calendar year, Mulberry will be vacated as a public right-of-way, there will be employment opportunities created by the development.

8. Staff has received a letters of support to this request and phone calls with concerns over who will live in the village.

RECOMMENDATION - 11EPC 40093, November 8, 2012 - Site Development Plan for Building Permit

APPROVAL of 11EPC 40093, a site development plan for building permit, for Lots 1A & 2A, Sunport Park, Parcel 1A Sunport Park, Tract B, Mulberry Properties, Tract A1, Lands of Eisenman Trust, and Lots A-F, 1-6, Unit 3, Kirtland Addition, based on the preceding Findings and subject to the Following Conditions.

CONDITIONS OF APPROVAL - 12EPC 40057, October 11, 2012 - Site Development Plan for Building Permit

1. 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.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Provision shall be made for a pedestrian/bicycle linkage to Mulberry Street on the north. No vehicular traffic shall be able to pass through this connection.
4. There shall be a continuous multi-purpose trail along the perimeter of the site.
5. Landscaping:
 - a. More trees shall be added to all parking areas to achieve the requirement that no parking space shall be farther than 100' from a tree trunk (Section 14-16-3-10 (G)).

- b. The landscaping shall meet the requirement in Section 14-16-3-10 (G)(1)(D) of the zoning code that “at least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy of at least 25 feet.”
 - c. Additional trees shall be added in the site to achieve “at least one tree be provided per each ground floor dwelling unit and one tree per two second-story dwelling units.”
Section 14-16-3-10 (G)
 - d. The legend on the Landscaping Plan shall show individual symbols for the types of plants used.
6. Details for the two signs shall be shown on the Detail Sheet – including colors and dimensions.
7. Conditions from City Engineer, Municipal Development, Water Authority and NMDOT:
- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - b. Concurrent Platting Action required at Development Review Board (DRB).
 - c. Reflect Site Development Plan for Subdivision layout with proposed lot configuration.
 - d. Site plan shall comply and be designed per current DPM and ADA Standards/requirements.
 - e. Provide/label/detail all dimensions, classifications and proposed infrastructure for Site.
 - f. It is not clear that the southern outfall, 48 inch storm drain, has the capacity to support the density proposed. The site may have to detain flows or reduce the amount of impervious area. AMAFCA approval is required for the northern outfall to the South Diversion Channel. A Drainage Report is required for DRB approval.
 - g. This site should be re-platted as indicated on the Site Plan for Building Permit submittal. Therefore, the Site Plan for Subdivision should reflect the new plat and proposed Site Plan for Building Permit showing proposed property lines and easements.
 - h. All easements need to be shown and labeled on Site Plan.
8. Condition from 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.
 - Existing overhead and underground electric facilities are located on this site including an overhead 115kV transmission line and distribution lines. As a condition, it is necessary for the developer to contact PNM’s New Service Delivery Department to coordinate new electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM’s standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.
 - As a condition, adequate clearance for electric utilities must be provided for operation and maintenance purposes. Any relocation, changes or realignment regarding existing electric utilities will be the developer’s expense. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.

- 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.
 - Proposed buildings on the project site plan are located within very close proximity to existing overhead electric utilities. As a condition, any potential encroachment to existing rights-of-way must be reviewed by PNM for compliance with National Electric Safety Code (NESC) requirements, as well as PNM access for maintenance or future use. This Public Service Company of New Mexico
 - Environmental Planning Commission Public Hearing to held on February 9, 2012 3 includes buildings and any proposed changes to the existing grade, existing or proposed signs, walls or fences, landscaping, lighting, access, parking and driveway.
 - As a condition, it is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding the proposed tree species noted on the Landscape Plan, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing facilities. PNM's standard is for trees to be planted outside the PNM easement. PNM recommends shorter tree selections and to locate trees outside of PNM easements.
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Christopher Hyer
Senior Planner

Notice of Decision cc list:

Tierra West, LLC, 5571 Midway Park Place NE, Albuquerque, NM, 87109
Capstone Housing, 402 Office Park Drive, Suite 199, Birmingham, AL, 35223
Shirley Baty, 1513 Gerald SE, Albuquerque, NM, 87106
Barbara Williams, 1401 Alamo SE, Albuquerque, NM, 87106
Esther Anzures-Abeyta, 2419 William Street SE, Albuquerque, NM, 87102
Deanna Baca, 408 Bethel Drive, Albuquerque, NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No Comments

Office of Neighborhood Coordination

Kirtland Community Assoc. (R)

San Jose NA (R)

No Coalition(s) to notify - siw

1/3/12 – Recommending a Facilitated Meeting – siw

1/4/12 – Assigned to Pilar Vaile – sdb

Long Range Planning

Will the housing be available to the general public if there are not enough students to fill the housing?

The site has 2.6 times as many parking space as required. Is this necessary, the proposal states that there will be a shuttle to UNM, bus service is available and there is bike and pedestrian access along University Boulevard?

Some of the permissive uses in the IP zone may not be compatible with residential development, such as manufacturing, adult amusement establishment or laboratory. If the project is phased and does not fully built out, there may be future land use conflicts.

Does this project comply with the Sunport Park Master Plan?

Metropolitan Redevelopment Section

The subject development site is not within a Redevelopment Area, and Metropolitan Redevelopment Section staff has no comments on this application.

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

Amendment to the Zone Map:

- Reviewed, no comment.

Site Development Plan for Building Permit:

- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- Concurrent Platting Action required at Development Review Board (DRB).
- Site plan shall comply and be designed per current DPM and ADA Standards/ requirements.
- Provide/label/detail all dimensions, classifications and proposed infrastructure for Site.
- All easements need to be shown and labeled on Site Plan.

Site Development Plan for Subdivision Amendment:

- Concurrent Platting Action required at Development Review Board (DRB).
- Reflect Site Plan layout with proposed lot configuration.
- All easements need to be shown and labeled on Site Plan.

Hydrology Development (City Engineer/Planning Department):

Amendment to the Zone Map:

- Hydrology has no objection to the Zone Map Change.

Site Development Plan for Building Permit:

- It is not clear that the southern outfall, 48 inch storm drain, has the capacity to support the density proposed. The site may have to detain flows or reduce the amount of impervious area. AMAFCA approval is required for the northern outfall to the South Diversion Channel. A Drainage Report is required for DRB approval.

Site Development Plan for Building Permit:

- This site should be re-platted as indicated on the Site Plan for Building Permit submittal. Therefore, the Site Plan for Subdivision should reflect the new plat and proposed Site Plan for Building Permit showing proposed property lines and easements.

Transportation Planning (Department of Municipal Development):

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

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 Amendment to the Zone Map, Site Development Plan for Building Permit and Amendment to Site Development Plan for Subdivision shall include:

1. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
2. Concurrent Platting Action required at Development Review Board (DRB).
3. Reflect Site Development Plan for Subdivision layout with proposed lot configuration.
4. Site plan shall comply and be designed per current DPM and ADA Standards/ requirements.
5. Provide/label/detail all dimensions, classifications and proposed infrastructure for Site.
6. It is not clear that the southern outfall, 48 inch storm drain, has the capacity to support the density proposed. The site may have to detain flows or reduce the amount of impervious area. AMAFCA approval is required for the northern outfall to the South Diversion Channel. A Drainage Report is required for DRB approval.
7. This site should be re-platted as indicated on the Site Plan for Building Permit submittal. Therefore, the Site Plan for Subdivision should reflect the new plat and proposed Site Plan for Building Permit showing proposed property lines and easements.
8. All easements need to be shown and labeled on Site Plan.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received.

Environmental Services Division

There is the potential for the above-named project to be impacted by the presence of landfill gas generated by a landfill (Schwartzman). 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.

PARKS AND RECREATION

Planning and Design

No comments received.

Open Space Division

No comments received.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

No comments received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comments received.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

No comments received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No objection to requested actions. AMAFCA will require a license for the storm drain connection to the South Diversion Channel. Site work may proceed, but no work may occur in the channel until the license is approved by the AMAFCA Board of Directors.

ALBUQUERQUE PUBLIC SCHOOLS

No comments received.

MID-REGION COUNCIL OF GOVERNMENTS

For informational purposes, Sunport Blvd has been classified as a Principal Arterial as per the Current Roadway Functional Classification System map.

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.
- Existing overhead and underground electric facilities are located on this site including an overhead 115kV transmission line and distribution lines. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate new electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.
- As a condition, adequate clearance for electric utilities must be provided for operation and maintenance purposes. Any relocation, changes or realignment regarding existing electric utilities will be the developer's expense. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.
- 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.

- Proposed buildings on the project site plan are located within very close proximity to existing overhead electric utilities. As a condition, any potential encroachment to existing rights-of-way must be reviewed by PNM for compliance with National Electric Safety Code (NESC) requirements, as well as PNM access for maintenance or future use. This Public Service Company of New Mexico
- Environmental Planning Commission Public Hearing to held on February 9, 2012 3 includes buildings and any proposed changes to the existing grade, existing or proposed signs, walls or fences, landscaping, lighting, access, parking and driveway.
- As a condition, it is necessary for the applicant to coordinate with PNM's New Service Delivery Department regarding the proposed tree species noted on the Landscape Plan, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing facilities. PNM's standard is for trees to be planted outside the PNM easement. PNM recommends shorter tree selections and to locate trees outside of PNM easements.