



**Environmental  
Planning  
Commission**

**Agenda Number: 02  
Project Number: 1004905  
Case #'s: 07EPC 40014 / 07EPC 40059  
18 October 2007**

**Supplemental Staff Report**

<b>Applicant</b>	City of Albuquerque Planning Department
<b>Request</b>	<b>Text Amendment to the Volcano Heights Sector Development Plan (VHSDP) to create regulatory language for single family medium lot zoning</b> <b>Sector Development Plan Map Amendment (SDPMA)</b>
<b>Size</b>	Approximately 23 acres (SDPMA)
<b>Existing Zoning</b>	SU-2 / Suburban Residential – Large Lot
<b>Proposed Zoning</b>	SU-2 / Suburban Residential – Medium Lot

**Staff Recommendation**

*That APPROVAL of 07EPC-40014 be forwarded to the City Council, based on the findings on pages 16 - 21.*

*That APPROVAL of 07EPC-40059 be forwarded to the City Council, based on the findings on pages 22 - 28.*

**Staff Planner**

**Russell Brito, Division Manager**

**Summary of Analysis**

The EPC deferred this request at the 20 September 2007 public hearing to allow the case to be readvertised and renoticed with an accompanying Sector Development Plan Map Amendment for an approximately **23 acre portion of Unit III, Tracts D and E, La Cuentista Subdivision**. It was also deferred so it could be heard on the same day as a set of text amendments submitted by the Volcano Cliffs Property Owners Association (VCPOA). The proposed changes are based on a strategy and language drafted by Lou Colombo, the Sector Plan’s author, formerly with City Council Services.

The developers of La Cuentista subdivision relied upon it’s omission from the City Council’s 2004 – 2006 development moratorium for the larger area (Bill NO. F/S R-04-145) to plan for and make investments in a new residential community with sixty (60), approximately 9,000 sq. ft. lots. They designed the community as a transition between adjacent parcels with higher and lower densities; planned and engineered for drainage and dedication of 30% of the property to open space.

The VHSDP was adopted in late 2006 and the area was zoned *SU-2 for Suburban Residential – Large Lot (SU-2/SR-LL)* with no acknowledgement of the investment and work already done in La Cuentista. Because a preliminary plat had not yet been approved, the new *SU-2/SR-LL* zoning regulations took effect (11,000 sq. ft. lot minimum) and the owners were unable to pursue further platting action at the Development Review Board (Proj. # 1005540).

The proposed modification to the VHSDP is to create a new zone category, *SU-2 for Suburban Residential – Medium Lot (SU-2/SR-ML)*, with regulations that are a hybrid of those from the Small Lot and Large Lot zones. This change is accompanied by a map amendment for only the subject site from *SU-2/SR-LL* to *SU-2/SR-ML*. This approach, as proposed by the Volcano Heights Sector Development Plan’s author, is acceptable to both Planning staff and the owner of the area.

City Departments and other interested agencies reviewed this application from 11 June 2007 to 22 June 2007. Agency comments were used in the preparation of this report and begin on page 30.

This staff report should be reviewed after reading the previous staff reports from 20 September and 16 August 2007.

Since the deferral of this case at the 20 September 2007 EPC hearing, it has been supplemented with a Sector Development Plan Map Amendment for an approximately 23-acre site in La Cuentista Subdivision, then readvertised and renoticed. The text amendment has been changed to follow the strategy and recommendations of the VHSDP author, Dr. Lou Colombo, which is to create a new zone category, SU-2 for Suburban Residential – Medium Lot and apply it to the 23-acre La Cuentista site.

The owners of this site were depending on their exclusion from the City Council’s 2004-2006 moratorium on development in the larger VHSDP area to move ahead with planning for and investment in a residential development with 9,000 square foot lots. Due to an oversight, the Sector Plan was adopted without acknowledgement of the owner’s actions and the site was zoned SU-2 for Suburban Residential – Large Lot (11,000 sq. ft. lot minimum).

***Surrounding zoning, plan designations, and land uses:***

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	SU-2/SR-LL	Dev. and Est. Urban Area; WSSP; NWMEP; VHSDP	undeveloped
<b><i>North</i></b>	SU-2/SR-LL	Dev. and Est. Urban Area; WSSP; VHSDP	undeveloped
<b><i>South</i></b>	R-1	Dev. and Est. Urban Area; WSSP; NWMEP; VHSDP	Open Space
<b><i>East</i></b>	SU-2/SR-LL	Dev. and Est. Urban Area; WSSP; NWMEP; VHSDP	undeveloped
<b><i>West</i></b>	SU-2/SR-SL	Dev. and Est. Urban Area; WSSP; VHSDP	undeveloped

***Proposed Changes***

As discussed in a letter from Lou Colombo to the EPC dated 29 August 2007, the proposed changes to the VHSDP are intended to be “the minimum amount of change needed in order to protect the integrity of the existing plan.” Dr. Colombo’s full letter is included with this staff report as an attachment. In summary, the changes, based on Dr. Colombo’s language, are as follows:

***Volcano Heights Sector Development Plan, Page 79***

**Section Two-Plan Elements, III. Land Use**

**9. Areas Previously Omitted From The Volcano Heights Development Moratorium**

**A. La Cuentista.** At the end of the sentence, after “*Volcano Heights Sector Development Plan,*” insert the following:

[+ , except as below.

The zoning of an approximately 23-acre portion of Unit III / Tracts D and E shall be changed to “Suburban Residential – Medium Lot.” This zone category shall be applied only to the identified area and is not available for future map amendments unless this text is amended by the City Council.

The majority of regulations in the VHSDP applies to all development or all residential development and therefore would apply to Suburban Residential – Medium Lot. In some cases, the regulations vary between Suburban Residential – Small Lot and Suburban Residential – Large Lot. In those instances, the Suburban Residential – Medium Lot zone shall follow the regulatory standards as specified in the following Table:

<u>Regulation</u>	
<u>Parcel Size</u>	<u>8,500 to 9,500 sq. ft.</u>
<u>Development Envelope</u>	<u>6,500 sq. ft. not including a drive access to the Development Envelope and a front walk that shall be direct and not wider than 12 feet and 8 feet respectively.</u>
<u>Clustering of Development Envelope</u>	<u>Yes</u>
<u>Backyard Regulations</u>	<u>Suburban Residential- Large Lot regulations</u>
<u>Building Heights &amp; Setbacks</u>	<u>Suburban Residential-Large Lot regulations. Note building heights must conform to Exhibit 29.</u>
<u>Garages for Residential Building Types</u>	<u>Suburban Residential- Large Lot regulations</u>
<u>Color</u>	<u>Suburban Residential- Large Lot and Suburban Residential Small Lot regulations</u>
<u>Wall &amp; Fences- Height &amp; Placement</u>	<u>Suburban Residential-Large Lot regulations</u>
<u>Wall &amp; Fences- Materials &amp; Design</u>	<u>Suburban Residential- Large Lot regulations</u>
<u>Yards &amp; Courtyards</u>	<u>Suburban Residential- Large Lot regulations</u>
<u>Grading</u>	<u>Suburban Residential- Large Lot regulations</u>
<u>Appropriate Planting Lists</u>	<u>Suburban Residential- Large Lot regulations +]</u>

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*Volcano Heights Sector Development Plan, Page 67*

**Section Two-Plan Elements, III. Land Use**

**Exhibit 25, Land Use Plan**

Modify the VHSDP zone map to reflect SU-2 for Suburban Residential – Medium Lot for an approximately 23-acre portion of Tracts D and E, La Cuentista (see attached map and description).

***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

***Charter of the City of Albuquerque***

The Citizens of Albuquerque adopted the City Charter in 1971.

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. **The purpose of this Charter is to provide for maximum local self-government.** A liberal construction shall be given to the powers granted by this Charter.” [emphasis added]

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, **insure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment.** To effect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.” [emphasis added]

***The proposed text amendment is an exercise in maximum local government. The City Council has the authority to create development standards for residential land uses in the VHSDP through legislative action (Article I). The proposed sector development plan map amendment is also an exercise in maximum local government because the Council has the authority to amend the land use designation for properties of varying sizes.***

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*The proposed text amendment is intended to further the interest of the public by insuring the proper use of land and promoting and maintaining an aesthetic and humane urban environment. Allowing for the continuation of the La Cuentista development recognizes the planning and investment already expended by the owner to develop a desired product while still maintaining other restrictions and controls of the VHSDP (Article IX).*

### **Albuquerque / Bernalillo County Comprehensive Plan**

The proposed text change to the VHSDP is subject to the *Comprehensive Plan Goals* and applicable policies for the Open Space Network, Developing and Established Urban Areas, Developed Landscape, Community Identity and Urban Design, Housing and Economic Development.

The Open Space Network “Goal is to provide visual relief from urbanization and to offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside major Public Open Space, parks, trail corridors, and open areas throughout the Comprehensive Plan area.” Applicable policies include:

Policy a Open space lands and waters shall be acquired or regulated as appropriate to serve one or more of the following specific purposes:

- Conservation of natural resources and environmental features
- Provision of opportunities for outdoor education and recreation
- Shaping of the urban form
- Conservation of archaeological resources
- Provision of trail corridors
- Protection of the public from natural hazards

Policy c Development in or adjacent to the proposed Open Space network shall be compatible with open space purposes.

Policy d The City and County shall preserve the volcanoes, key portions of the basalt flow, and the escarpment as part of the Open Space network.

Policy f A multi-purpose network of open areas and trail corridors along arroyos and appropriate ditches shall be created. Trail corridors shall be acquired, regulated, or appropriately managed to protect natural features, views, drainage and other functions or to link other areas within the Open Space network.

Policy h Developing areas shall have neighborhood parks and open areas located to serve the population of the area.

Policy i The design of parks and other open areas shall incorporate the following criteria:

- Multi-functional use of resources and compatible facilities.
- Maintenance and landscaping appropriate to the location, function, public expectations and intensity of use.

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- Integration into residential design for easy accessibility and orientation to encourage use.
  - Lighting, site design, or other methods to minimize vandalism.
  - Connections between other Open Space network areas and public facilities

Policy j Design of neighborhood open areas should tie into other open spaces, where appropriate, to create an Open Space network.

*The proposed text amendment to create a new residential zone category requires that at least 2,000 sq. ft. of each lot be preserved outside of a 6,500 sq. ft. development envelope. This will help to provide visual relief from urbanization by shaping the urban form, preserve natural resources and environmental features and to encourage clustering of development envelopes to create larger open space areas within a residential subdivision (Open Space Network Goal and Policy a).*

*The proposed SU-2/ SR-ML zone category requires development to provide on-site open space that is compatible with open space purposes such as preserving visual amenities and protecting at least a portion of the natural environment on each lot, especially in the area near the Petroglyph National Monument escarpment area (Open Space Network Policies c and d).*

*The proposed zone category and the sector development plan map amendment for the La Cuentista subject site will help to protect natural features of the area and views while creating natural links to other open areas within the Open Space network (Open Space Network Policies f and h).*

*The proposed regulations for the SU-2/SR-ML zone and the accompanying map amendment will encourage natural landscaping, integration of open area into residential design and the potential for connections to the larger Open Space network (Policies i and j).*

The Developing and Established Urban Areas “Goal is 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.” Applicable policies include:

Policy 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.

Policy b Developing Urban Areas shall be subject to special requirements for low-density holding zones to allow for sector planning, special design treatments, and phasing of infrastructure in keeping with capital improvements priorities.

Policy 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.

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

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

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

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

Policy n Areas prematurely subdivided and having problems with multiple ownership, platting, inadequate right-of-way, or drainage should be reassembled or sector planned before annexation and service extension is assured.

*The proposed text amendment to the VHSDP will continue to perpetuate a quality urban environment in this very identifiable community. Acknowledging the work already completed for the subject area will create the opportunity for more variety and choice in housing and life styles, while still creating a visually pleasing built environment as envisioned by the VHSDP (Goal). The change will allow a full range of land uses by providing for residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. within the boundaries of the VHSDP (Policies a & b).*

*New development with residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. within the VHSDP will respect the values, environmental conditions and resources of the area through the platting and development process, ensuring compatibility with surrounding neighborhoods (Policies d & e). The proposed changes do not alter the allowance or requirements for clustered development in the VHSDP and gives property owners flexibility for the design of quality developments and housing products (Policies f, l & m). The proposed range of lot sizes will give property owners options to resolve issues associated with the planned subdivision pattern within La Cuentista Subdivision (Policies b & n).*

The Developed Landscape “Goal is to maintain and improve the natural and the developed landscape’s quality.” Applicable policies include:

Policy a The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

Policy d Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

Policy e In highly scenic areas, development design and materials shall be in harmony with the landscape. Building siting shall minimize alteration of existing vegetation and topography and minimize visibility of structures in scenic vista areas.

*The proposed zoning and its range of residential lot sizes will give property owners options to implement the design standards and regulations of the VHS DP, which are intended to maintain and improve the quality of the natural and developed landscape (Goal). The proposed change will allow for the continued implementation of the VHS DP, which strives to respect the natural and visual environment of the area as a determinant in development decisions (Policy a). The proposed changes will not alter the VHS DP's requirements for the use of native landscaping and vegetation in appropriate areas; nor will the changes affect the design and materials standards of the plan (Policies d & e).*

The Community Identity and Urban Design “Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.”

*The proposed zoning and its residential lot sizes and regulations give property owners tools for land assembly, planning, design and replatting to meet and further the design standards and requirements of the VHS DP that characterize the identity of this distinct community (Community Identity and Urban Design Goal).*

The Housing “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.” Applicable policies include:

Policy a The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

*The subject text and map amendments to the VHS DP give property owners more choices for lot sizes by including the range from 8,500 sq. ft. to 9,500 sq. ft. (Housing Goal). The additional lot size choices may give property owners opportunities to create products that are more affordable and/or obtainable to a wider range of residents (Policy a).*

The Economic Development “Goal is to achieve steady and diversified economic development balanced with other important social, cultural and environmental goals.” Applicable policies include:

Policy f The City and the County should remove obstacles to sound growth management and economic development throughout the community.

*The proposed zoning and its residential lot size range will help to achieve steady and diversified economic development by giving property owners choices for design, development and marketing of various products within the area (Economic Development Goal). Allowing the continued development of La Cuentista removes an obstacle to economic development associated with the area (Policy f).*



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## West Side Strategic Plan (WSSP)

### Goals:

4. Land use considerations and overall growth and development concerns should be tied to infrastructure and funding considerations for realistic implementation.
5. The Plan should recommend solutions for design and development issues, as well as cultural and environmental concerns. Ways to achieve better design should be examined and included in the Plan.
6. Protecting significant natural assets of the West Side (escarpment, bosque, open space, views, clean air and water) is a primary goal of long-range planning efforts in the area.
7. The planning effort must be broadly inclusive, sensitive to many ideas and cultures, and give the West Side a greater role in determining its own destiny and establishing its own vision of the future.
9. The preservation, protection, responsibilities, and opportunities of the Petroglyph National Monument must be recognized as an important part of the West Side's future. The growth and development pressures on the West Side must be recognized as an important part [on the] Petroglyph National Monument's future. Other special places on the West Side (existing neighborhoods and natural features) must also be preserved and protected.
10. The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.
12. The Plan should provide for long-term sustainable development on the West Side.

*The expansion of allowable residential lot sizes in the area will not affect the infrastructure funding strategies of the VHSDP (Goal 4). The zoning and its regulations help to achieve the design standards of the plan, which include protection of natural environmental assets in the area (Goals 5 & 6). The proposed zoning will give West Side residents more choices to determine their destiny and vision of the future (Goal 7). The subject request will not adversely affect the Petroglyph National Monument or other natural features of the area (Goal 9). The proposed zoning will give property owners additional choices for living and not adversely affect the area's natural resources or potential for sustainability by still requiring development envelopes and native plants (Goals 10 & 12).*

### Objectives:

1. Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.
2. Provide the opportunity for creative and innovative solutions to housing, utility, and transportation problems. Improve upon methodologies employed elsewhere in the region in order

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to eliminate repetition of previous mistakes. Provide incentives for "good" development, not just deterrents for "bad" development, through design requirements specifically geared toward the West Side environment.

3. Plan for the ability to manage and preserve unique West Side resources (scenic, natural, cultural, historical, and spiritual) within the context of a growing metropolitan area.

4. Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making.

6. Conserve and protect natural resources, and minimize environmental impacts. Densities of development and efficient utilization of all transportation and utility corridors are a part of this objective.

10. Promote community building on the West Side, and in the metropolitan region as a whole. Celebrate successes and provide ways for creating effective communication and consensus-building. Involve citizens of all ages in determining the future of the West Side.

*The proposed residential zone category will provide for a more complete mix of land uses in the area as well as provide new opportunities for and incentives to creating new housing by allowing for residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. (Objectives 1 & 2). The limited expansion of allowable residential lot sizes will not interfere with the design standards of the plan, which include preservation of unique resources in the area (Objective 3). The proposal will not detract from a sense of community or the quality of life in the area because the allowed residential densities will not differ greatly from existing zoning in the area, which should help to minimize impacts on the area's environment (Objectives 4 & 6). The proposed zoning and its range of residential lot sizes will not detract from community building in the area and will provide methods for successful design and development of the area by property owners (Objective 10).*

**Policies:**

Policy 1.1: Thirteen distinct Communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and nonresidential development occur within Community and Neighborhood Centers. Low-density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

Policy 2.5: When considering approval of subdivisions for residential development, the City Planning Department shall consider whether local public schools have sufficient capacity to support the increased number of homes.

Policy 3.81: The City of Albuquerque and Bernalillo County shall, through their land use and design decisions, minimize negative impacts upon the National Monument. The Park Service

shall, through their actions, attempt to minimize their negative impacts on the City, County, and adjacent neighborhoods and landowners.

Policy 3.83: Design neighborhood access points to Petroglyph National Monument to discourage use by the general public; establish permit parking systems for neighborhoods adjacent to the monument if necessary to control non-resident parking.

*The proposed zoning is tailored to specifically address a residential lot size issue in the Volcano Heights community where lower density residential development is already restricted from activity centers (Policy 1.1). The proposed zoning and its residential lot sizes will not measurably affect residential density or impacts on the public school system (Policy 2.5).*

*The proposed SU-2/SR-ML zoning and its regulations reflect the standards and requirements already contained in the VHSDP, which are written to minimize impacts upon the National Monument (Policy 3.81). These land use text and map amendments do not affect the policies or requirements of the WSSP, the VHSDP or the City's subdivision regulations regarding parking (Policy 3.83).*

Policy 4.8: It is recognized that different standards are desired for areas with different characteristics (urban vs. rural neighborhoods for example, or Bosque areas vs. volcanic areas). The design guidelines will recognize and embrace these differences that give communities their identity. However, to be effective, the design guidelines must be enforced consistently by both the City and County, so agreement on the content of the guidelines must be developed early on.

Policy 4.9: Design guidelines affect West Side residents in personal and economic ways. The process utilized to develop the design guidelines must be as inclusive as possible.

Policy 4.10: It is important to promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use.

Policy 4.14: It is the intent of the Plan that there will be a new policy to provide incentives to served development for efficient use of infrastructure as well as a policy to impose penalties for sprawl. The incentives should save developers time or money in order to be effective.

*The proposed zoning language does not affect implementation of the design standards contained in the WSSP or the VHSDP (Policies 4.8 & 4.9). The proposed zoning does not affect the overall street pattern as envisioned by the VHSDP, which encourages non-motorized travel and circulation as part of a strategy to create a sustainable development pattern (Policies 4.10 & 4.14).*

Policy 7.22: Classification of the Volcano Cliffs Community as Priority 2 shall not prohibit the provision of system improvements sooner than anticipated in the prioritization. However, the City's adopted policies concerning "no net expense" contained in the Comprehensive Plan and the Planned Communities Criteria: Policy Element shall apply when such infrastructure is sought

prior to the normal provision of utilities through the City's Capital Improvement Program. Alternative techniques for the provision of master plan infrastructure shall be considered based upon no additional cost to the City and no degradation of appropriate service standards. The reasons for this policy include: slower build-out of the Volcano Cliffs subdivision expected due to its status as a premature subdivision, the number of parcels contained in the subdivision to be served through system improvements, and possibly higher construction costs due to volcanic soils in the area.

Policy 7.23: The City shall encourage the orderly, efficient from the stand point of the provision of urban infrastructure, and environmentally sensitive development of the Volcano Cliffs area through planning approvals and infrastructure extension determinations.

Policy 7.24: In the Volcano Cliffs Area, the City shall encourage developments which assemble lots of multiple owners, cluster housing to provide more open space and efficient provision of utilities, and use xeriscape landscaping and other water conservation techniques. Such encouragement may include the provision of master plan infrastructure prior to normal extension of infrastructure in Priority 2 areas when the cost of such infrastructure is exceptionally low to the City. This shall be done in a way, however, which avoids scattered site development in adjoining areas.

*The proposed zoning and its range of residential lot sizes creates an incentive for the property owners to continue moving towards securing necessary infrastructure and system improvements that will come with orderly and sensitive development as desired in the VHSDP (Policies 7.22 & 7.23). The VHSDP encourages and in some circumstances requires clustering of dwelling units to provide more open space and the use of xeric landscaping; the proposed zoning will not adversely affect these intents (Policy 7.24).*

#### **Northwest Mesa Escarpment Plan (NWMEP)**

The southern portion of the subject site is within the NWMEP Impact Area. Applicable policies include:

Policy #9. Development at the edge of public or private open space shall be designed to compliment and enhance the open space.

Policy #12. Structures shall not block views of the escarpment or visually contrast with the natural environment.

Policy #13. Sites which cannot be set aside as open space, including recreational facilities, and sites adjacent to open space, shall have minimum visual impact.

Policy #14. No structure shall be placed within 50 feet of the top or the base of the escarpment face. No irrigation systems or construction or alteration of the natural terrain shall occur within 30 feet of the top or base of the escarpment face. Fences will be allowed no closer to the escarpment face than 30 feet. Any construction within the conservation area must be certified geotechnically sound by the City Engineer, so as not to cause a threat to the public safety.

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*The proposed zoning and its development and design regulations require at least 2,000 sq. ft. of land to be left in an undisturbed, natural state outside of the 6,500 sq. ft. maximum development envelope. This will ensure that development at the southern end of the site will compliment the open space area to the south (NWMEP Policy #9).*

*The proposed Suburban Residential - Medium Lot zoning requires the same height and setback regulations as the Suburban Residential – Large Lot zone, which already comply with and further the policies of the NWMEP (Policies #12 and #14).*

*The proposed zoning has regulations that require minimal visual impact, such as the Large Lot planting list that is appropriate for the area (NWMEP Policy #13).*

### **Volcano Height Sector Development Plan**

#### **Fundamental Goals (pages 39 – 43):**

Recognize walkable neighborhoods and districts as essential building blocks of a more sustainable city and region.

Promote diverse housing options throughout Volcano Heights.

Preserve the Volcano Heights natural environment through Conservation Development.

Conserve Volcano Heights' archeological resources and protect and emphasize views and visual connections to the Volcanoes, Sandia Mountains and the Rio Grande.

Encourage architectural and landscape treatments that are consistent with the region's traditions and climate, and help to establish a unique sense of place.

Provide for the orderly expansion of infrastructure and public facilities in the area.

*The proposed zoning will not adversely affect walkability within the VHSDP because the general layout of the street network has already been established to ensure connectivity between and among neighborhoods and activity centers. The zoning and its range of residential lot sizes will promote more housing options in the Volcano Heights, La Cuentista area. The proposed change will not affect the plan's design or conservation requirements for architecture, landscaping or views. The strategy for providing necessary infrastructure will not be affected by the proposed zoning.*

#### **Land Use Intent (page 65):**

Residential Diversity. The Volcano Heights Area Plan encourages a range of housing opportunities for various ages and incomes.

*The proposed zoning and its range of residential lot sizes furthers the Land Use Intent to encourage a range of housing opportunities for various ages and incomes within the VHSDP area.*

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## Albuquerque Comprehensive Zoning Code

Zoning Code Section 14-16-1-3, Intent states:

“(A) This article is intended to help achieve Article IX of the Charter of the City of Albuquerque and the city’s master plan; in particular the master plan documents which compromise the Albuquerque/Bernalillo County Comprehensive Plan. . . .”; and

“(B) Any use not designated a permissive of conditional use in a zone is specifically prohibited from that zone, except as otherwise provided herein.”

*The proposed zoning will help achieve Article IX of the Charter of the City of Albuquerque, and achieves the applicable Goals, Policies and intents of the City’s Master Plan, the Albuquerque/Bernalillo County Comprehensive Plan and its lower ranked components, thereby meeting the intent of the Zoning Code (Section 14-16-1-3).*

## 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.

Below is the justification for the Sector Development Plan Map Amendment for an approximately 23-acre portion of Tracts D and E, Unit III, La Cuentista from SU-2/SR-LL to SU-2/ SR-ML, as required by the criteria and policies of **Resolution 270-1980**:

- A. *The proposed change from SU-2/SR-LL to SU-2/SR-ML, limited to an approximately 23-acre portion of Tracts D and E, La Cuentista, Unit III, is consistent with the health, safety, morals, and general welfare of the City. The proposed language of the zone category restricts it the subject site, making it unavailable for future requests. Its design and development regulations are identical to those for the SU-2/SR-LL existing zone, except for a smaller lot size range. Protection of the visual, natural, cultural and historic areas surrounding the Petroglyph National Monument is an inherent function of the regulations of the proposed zoning.*
- B. *The proposed language of the zone category restricts it the subject site, making it unavailable for future requests. The proposed change will not destabilize adjacent zoning and in fact will create a logical transition between the SU-2/SR-SL zoning to the west and the SU-2/SR-LL zoning to the east.*

- C. *The previous citations and analysis of the Comprehensive Plan and other City master plans shows that the subject request furthers and complies with all their applicable elements.*
- D. *The existing zoning is inappropriate because:*
- (1) *There was an error when the existing zone map pattern was created. The 29 August 2007 letter from Dr. Colombo states on page 3: "At the time that this change was made, through an oversight, the Plan did not address a small number (60) of planned 9,000 sq. ft. lots in Unit III/Tract D of the La Cuentista subdivision. . . . Had we been fully aware of the investment in this tract, it is probable that only this limited area would have been included in the 'Platted' category of the final Land Use Plan (see Exhibit 25 on page 67)."*
  - and*
  - (3) *A different use category is more advantageous to the community, as articulated in the Comprehensive Plan and other City master plans (see Subsection C above).*
- E. *None of the permissive uses in the SU-2/SR-ML zone will be harmful to adjacent property, the neighborhood or the community. Dwelling units and private, on-site open space will be compatible with the residential, on-site open space and Open Space uses allowed by the existing zoning on adjacent properties and in the nearby neighborhood and community.*
- F. *This proposed change will require the owners to develop and then dedicate infrastructure to the City in addition to paying Impact Fees at the building permit stage. It will not require any unprogrammed capital expenditures by the City.*
- G. *The cost of land or other economic considerations pertaining to the applicant (City of Albuquerque) are not determining factors for this change of zone.*
- H. *This request is not for apartment, office or commercial zoning.*
- I. *This request is a justified "spot zone" because:*
- (1) *The change will clearly facilitate realization of the Comprehensive Plan and all applicable area and sector development plans (see Subsection C above).*
  - (2) *The area of the proposed change will function as a transition between adjacent zones (see Subsection B above).*
- J. *This request will not create a "strip zone."*

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**CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION**

No adverse comments from any commenting Departments or agencies.

**NEIGHBORHOOD/PUBLIC CONCERNS**

The Volcano Heights Property Owners Association (VCPOA) submitted comments regarding the proposed SU-2/SR-ML language and its application to a limited 23-acre portion of La Cuentista, Unit III. The VCPOA letter does not appear to support or oppose the proposal, but does propose that similar consideration should be given to all individual property owners in the Volcano Cliffs Subdivision who previously had R-1 zoning for over 30 years.

The VCPOA suggests “corrections” to the proposed language that mirror the changes proposed in a parallel text amendment to the VHSDP that is also scheduled to be heard by the Planning Commission on 18 October 2007. These “corrections” include:

- increasing the height maximum to 26 feet;
- allowing development envelopes that shall not exceed 6500 sq. ft. or 75% of the lot size, whichever is greater;
- allowance to subdivide larger lots into smaller lots;
- deleting “deed restrictions” from the conservation easement language of the Plan; and
- increasing the maximum average density without Conservation Development from 3 du/ac to 4 du/ac.

The full VCPOA letter is attached to this staff report.

**CONCLUSIONS**

The Planning Department is proposing text and map amendments to the Volcano Heights Sector Development Plan (VHSDP) to create a new SU-2/SR-ML zoning category for a limited, 23-acre property that was incorrectly zoned by the Plan due to an oversight.

The language will help achieve Article IX of the Charter of the City of Albuquerque, achieves the applicable Goals, Policies and intents of the Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Northwest Mesa Escarpment Plan and the Volcano Heights Sector Development Plan, and meets the intent of the Zoning Code.



***FINDINGS – 07EPC 40014 – Text Amendment***

1. This is a proposal for a text amendment to the Volcano Heights Sector Development Plan (VHSDP) to create a new SU-2/SR-ML zoning category for a limited, 23-acre property that was incorrectly zoned by the Plan due to an oversight.
2. The City Council's adoption of the VHSDP has been appealed by a group of property owners and a decision is pending from District Court. As the City approval process has been completed and the Court has not halted the implementation of the plan, development may occur in the area.
3. The proposed SU-2/SR-ML zone is congruent to the existing SU-2/SR-LL zone, except that the lot size range is from 8,500 sq. ft. to 9,500 sq. ft.
4. City Charter:
  - a. The proposed text amendment is an exercise in maximum local government. The City Council has the authority to create development standards for residential land uses in the VHSDP through legislative action (Article I). The proposed sector development plan map amendment is also an exercise in maximum local government because the Council has the authority to amend the land use designation for properties of varying sizes.
  - b. The proposed text amendment is intended to further the interest of the public by insuring the proper use of land and promoting and maintaining an aesthetic and humane urban environment. Allowing for the continuation of the La Cuentista development recognizes the planning and investment already expended by the owner to develop a desired product while still maintaining other restrictions and controls of the VHSDP (Article IX).
5. Comprehensive Plan, Open Space Network:
  - a. The proposed text amendment to create a new residential zone category requires that at least 2,000 sq. ft. of each lot be preserved outside of a 6,500 sq. ft. development envelope. This will help to provide visual relief from urbanization by shaping the urban form, preserve natural resources and environmental features and to encourage clustering of development envelopes to create larger open space areas within a residential subdivision (Open Space Network Goal and Policy a).
  - b. The proposed SU-2/ SR-ML zone category requires development to provide on-site open space that is compatible with open space purposes such as preserving visual amenities and protecting at least a portion of the natural environment on each lot,

especially in the area near the Petroglyph National Monument escarpment area (Open Space Network Policies c and d).

- c. The proposed zone category and the sector development plan map amendment for the La Cuentista subject site will help to protect natural features of the area and views while creating natural links to other open areas within the Open Space network (Open Space Network Policies f and h).
- d. The proposed regulations for the SU-2/SR-ML zone and the accompanying map amendment will encourage natural landscaping, integration of open area into residential design and the potential for connections to the larger Open Space network (Policies i and j).

6. Comprehensive Plan, Developing and Established Urban Areas:

- a. The proposed text amendment to the VHSDP will continue to perpetuate a quality urban environment in this very identifiable community. Acknowledging the work already completed for the subject area will create the opportunity for more variety and choice in housing and life styles, while still creating a visually pleasing built environment as envisioned by the VHSDP (Goal).
- b. The change will allow a full range of land uses by providing for residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft within the boundaries of the VHSDP (Policies a & b).
- c. New development with residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. within the VHSDP will respect the values, environmental conditions and resources of the area through the platting and development process, ensuring compatibility with surrounding neighborhoods (Policies d & e).
- d. The proposed changes do not alter the allowance or requirements for clustered development in the VHSDP and gives property owners flexibility for the design of quality developments and housing products (Policies f, l & m).
- e. The proposed range of lot sizes will give property owners options to resolve issues associated with the planned subdivision pattern within La Cuentista Subdivision (Policies b & n).

7. Comprehensive Plan, Developed Landscape:

- a. The proposed zoning and its range of residential lot sizes will give property owners options to implement the design standards and regulations of the VHSDP, which are

intended to maintain and improve the quality of the natural and developed landscape (Goal).

- b. The proposed change will allow for the continued implementation of the VHSDP, which strives to respect the natural and visual environment of the area as a determinant in development decisions (Policy a).
  - c. The proposed changes will not alter the VHSDP's requirements for the use of native landscaping and vegetation in appropriate areas; nor will the changes affect the design and materials standards of the plan (Policies d & e).
8. The proposed zoning and its residential lot sizes and regulations give property owners tools for land assembly, planning, design and replatting to meet and further the design standards and requirements of the VHSDP that characterize the identity of this distinct community (Community Identity and Urban Design Goal).
9. Comprehensive Plan, Housing:
- a. The subject text and map amendments to the VHSDP give property owners more choices for lot sizes by including the range from 8,500 sq. ft. to 9,500 sq. ft. (Housing Goal).
  - b. The additional lot size choices may give property owners opportunities to create products that are more affordable and/or obtainable to a wider range of residents (Policy a).
10. Comprehensive Plan, Economic Development:
- a. The proposed zoning and its residential lot size range will help to achieve steady and diversified economic development by giving property owners choices for design, development and marketing of various products within the area (Economic Development Goal).
  - b. Allowing the continued development of La Cuentista removes an obstacle to economic development associated with the area (Policy f).
11. West Side Strategic Plan, Goals:
- a. The expansion of allowable residential lot sizes in the area will not affect the infrastructure funding strategies of the VHSDP (Goal 4).

- b. The zoning and its regulations help to achieve the design standards of the plan, which include protection of natural environmental assets in the area (Goals 5 & 6).
- c. The proposed zoning will give West Side residents more choices to determine their destiny and vision of the future (Goal 7).
- d. The subject request will not adversely affect the Petroglyph National Monument or other natural features of the area (Goal 9).
- e. The proposed zoning will give property owners additional choices for living and not adversely affect the area's natural resources or potential for sustainability by still requiring development envelopes and native plants (Goals 10 & 12).

12. West Side Strategic Plan, Objectives:

- a. The proposed residential zone category will provide for a more complete mix of land uses in the area as well as provide new opportunities for and incentives to creating new housing by allowing for residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. (Objectives 1 & 2).
- b. The limited expansion of allowable residential lot sizes will not interfere with the design standards of the plan, which include preservation of unique resources in the area (Objective 3).
- c. The proposal will not detract from a sense of community or the quality of life in the area because the allowed residential densities will not differ greatly from existing zoning in the area, which should help to minimize impacts on the area's environment (Objectives 4 & 6).
- d. The proposed zoning and its range of residential lot sizes will not detract from community building in the area and will provide methods for successful design and development of the area by property owners (Objective 10).

13. West Side Strategic Plan, Policies:

- a. The proposed zoning is tailored to specifically address a residential lot size issue in the Volcano Heights community where lower density residential development is already restricted from activity centers (Policy 1.1).
- b. The proposed zoning and its residential lot sizes will not measurably affect residential density or impacts on the public school system (Policy 2.5).

- 
- c. The proposed SU-2/SR-ML zoning and its regulations reflect the standards and requirements already contained in the VHSDP, which are written to minimize impacts upon the National Monument (Policy 3.81).
  - d. These land use text and map amendments do not affect the policies or requirements of the WSSP, the VHSDP or the City's subdivision regulations regarding parking (Policy 3.83).
  - e. The proposed zoning language does not affect implementation of the design standards contained in the WSSP or the VHSDP (Policies 4.8 & 4.9).
  - f. The proposed zoning does not affect the overall street pattern as envisioned by the VHSDP, which encourages non-motorized travel and circulation as part of a strategy to create a sustainable development pattern (Policies 4.10 & 4.14).
  - g. The proposed zoning and its range of residential lot sizes creates an incentive for the property owners to continue moving towards securing necessary infrastructure and system improvements that will come with orderly and sensitive development as desired in the VHSDP (Policies 7.22 & 7.23).
  - h. The VHSDP encourages and in some circumstances requires clustering of dwelling units to provide more open space and the use of xeric landscaping; the proposed zoning will not adversely affect these intents (Policy 7.24).

14. Northwest Mesa Escarpment Plan Policies:

- a. The proposed zoning and its development and design regulations require at least 2,000 sq. ft. of land to be left in an undisturbed, natural state outside of the 6,500 sq. ft. maximum development envelope. This will ensure that development at the southern end of the site will compliment the open space area to the south (NWMEP Policy #9).
- b. The proposed Suburban Residential - Medium Lot zoning requires the same height and setback regulations as the Suburban Residential – Large Lot zone, which already comply with and further the policies of the NWMEP (Policies #12 and #14).
- c. The proposed zoning has regulations that require minimal visual impact, such as the Large Lot planting list that is appropriate for the area (NWMEP Policy #13).

15. Volcano Heights Sector Development Plan, Fundamental Goals (pages 39 – 43):
- a. The proposed zoning will not adversely affect walkability within the VHSDP because the general layout of the street network has already been established to ensure connectivity between and among neighborhoods and activity centers.
  - b. The zoning and its range of residential lot sizes will promote more housing options in the Volcano Heights, La Cuentista area.
  - c. The proposed change will not affect the plan's design or conservation requirements for architecture, landscaping or views.
  - d. The strategy for providing necessary infrastructure will not be affected by the proposed zoning.
16. Volcano Heights Sector Development Plan, Land Use Intent (page 65): The proposed zoning and its range of residential lot sizes furthers the Land Use Intent to encourage a range of housing opportunities for various ages and incomes within the VHSDP area.
17. The proposed text amendment will help achieve Article IX of the Charter of the City of Albuquerque, and achieves the applicable Goals, Policies and intents of the city's master plan, the Albuquerque/Bernalillo County Comprehensive Plan and its lower ranked components, thereby meeting the intent of the Zoning Code (Section 14-16-1-3).
18. Comments and "corrections" have been received from the Volcano Cliffs Property Owners Association.

***RECOMMENDATION – 07EPC 40014 – Text Amendment***

**That APPROVAL of 07EPC-40014, a text amendment to the Volcano Heights Sector Development Plan, creating SU-2/SR-ML zoning for a limited 23-acre area, be forwarded to the City Council, based on the preceding Findings.**

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***FINDINGS – 07EPC 40059 – Map Amendment***

1. This is a proposal for an amendment to the Land Use Map of the Volcano Heights Sector Development Plan (VHSDP) to establish a new SU-2/SR-ML zoning category for a limited, 23-acre property that was incorrectly zoned by the Plan due to an oversight.
2. The City Council's adoption of the VHSDP has been appealed by a group of property owners and a decision is pending from District Court. As the City approval process has been completed and the Court has not halted the implementation of the plan, development may occur in the area.
3. The proposed SU-2/SR-ML zone is congruent to the existing SU-2/SR-LL zone, except that the lot size range is from 8,500 sq. ft. to 9,500 sq. ft.
4. City Charter:
  - a. The proposed text amendment is an exercise in maximum local government. The City Council has the authority to create development standards for residential land uses in the VHSDP through legislative action (Article I). The proposed sector development plan map amendment is also an exercise in maximum local government because the Council has the authority to amend the land use designation for properties of varying sizes.
  - b. The proposed text amendment is intended to further the interest of the public by insuring the proper use of land and promoting and maintaining an aesthetic and humane urban environment. Allowing for the continuation of the La Cuentista development recognizes the planning and investment already expended by the owner to develop a desired product while still maintaining other restrictions and controls of the VHSDP (Article IX).
5. Comprehensive Plan, Open Space Network:
  - a. The proposed text amendment to create a new residential zone category requires that at least 2,000 sq. ft. of each lot be preserved outside of a 6,500 sq. ft. development envelope. This will help to provide visual relief from urbanization by shaping the urban form, preserve natural resources and environmental features and to encourage clustering of development envelopes to create larger open space areas within a residential subdivision (Open Space Network Goal and Policy a).
  - b. The proposed SU-2/ SR-ML zone category requires development to provide on-site open space that is compatible with open space purposes such as preserving visual amenities and protecting at least a portion of the natural environment on each lot, especially in the area near the Petroglyph National Monument escarpment area (Open Space Network Policies c and d).

- c. The proposed zone category and the sector development plan map amendment for the La Cuentista subject site will help to protect natural features of the area and views while creating natural links to other open areas within the Open Space network (Open Space Network Policies f and h).
  - d. The proposed regulations for the SU-2/SR-ML zone and the accompanying map amendment will encourage natural landscaping, integration of open area into residential design and the potential for connections to the larger Open Space network (Policies i and j).
6. Comprehensive Plan, Developing and Established Urban Areas:
- a. The proposed text amendment to the VHSDP will continue to perpetuate a quality urban environment in this very identifiable community. Acknowledging the work already completed for the subject area will create the opportunity for more variety and choice in housing and life styles, while still creating a visually pleasing built environment as envisioned by the VHSDP (Goal).
  - b. The change will allow a full range of land uses by providing for residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft within the boundaries of the VHSDP (Policies a & b).
  - c. New development with residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. within the VHSDP will respect the values, environmental conditions and resources of the area through the platting and development process, ensuring compatibility with surrounding neighborhoods (Policies d & e).
  - d. The proposed changes do not alter the allowance or requirements for clustered development in the VHSDP and gives property owners flexibility for the design of quality developments and housing products (Policies f, l & m).
  - e. The proposed range of lot sizes will give property owners options to resolve issues associated with the planned subdivision pattern within La Cuentista Subdivision (Policies b & n).
7. Comprehensive Plan, Developed Landscape:
- a. The proposed zoning and its range of residential lot sizes will give property owners options to implement the design standards and regulations of the VHSDP, which are intended to maintain and improve the quality of the natural and developed landscape (Goal).



- b. The proposed change will allow for the continued implementation of the VHSDP, which strives to respect the natural and visual environment of the area as a determinant in development decisions (Policy a).
    - c. The proposed changes will not alter the VHSDP's requirements for the use of native landscaping and vegetation in appropriate areas; nor will the changes affect the design and materials standards of the plan (Policies d & e).
  8. The proposed zoning and its residential lot sizes and regulations give property owners tools for land assembly, planning, design and replatting to meet and further the design standards and requirements of the VHSDP that characterize the identity of this distinct community (Community Identity and Urban Design Goal).
9. Comprehensive Plan, Housing:
  - a. The subject text and map amendments to the VHSDP give property owners more choices for lot sizes by including the range from 8,500 sq. ft. to 9,500 sq. ft. (Housing Goal).
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11. West Side Strategic Plan, Goals:
  - a. The expansion of allowable residential lot sizes in the area will not affect the infrastructure funding strategies of the VHSDP (Goal 4).
  - b. The zoning and its regulations help to achieve the design standards of the plan, which include protection of natural environmental assets in the area (Goals 5 & 6).
  - c. The proposed zoning will give West Side residents more choices to determine their destiny and vision of the future (Goal 7).

- d. The subject request will not adversely affect the Petroglyph National Monument or other natural features of the area (Goal 9).
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12. West Side Strategic Plan, Objectives:

- a. The proposed residential zone category will provide for a more complete mix of land uses in the area as well as provide new opportunities for and incentives to creating new housing by allowing for residential lot sizes between 8,500 sq. ft. and 9,500 sq. ft. (Objectives 1 & 2).
- b. The limited expansion of allowable residential lot sizes will not interfere with the design standards of the plan, which include preservation of unique resources in the area (Objective 3).
- c. The proposal will not detract from a sense of community or the quality of life in the area because the allowed residential densities will not differ greatly from existing zoning in the area, which should help to minimize impacts on the area's environment (Objectives 4 & 6).
- d. The proposed zoning and its range of residential lot sizes will not detract from community building in the area and will provide methods for successful design and development of the area by property owners (Objective 10).

13. West Side Strategic Plan, Policies:

- a. The proposed zoning is tailored to specifically address a residential lot size issue in the Volcano Heights community where lower density residential development is already restricted from activity centers (Policy 1.1).
- b. The proposed zoning and its residential lot sizes will not measurably affect residential density or impacts on the public school system (Policy 2.5).
- c. The proposed SU-2/SR-ML zoning and its regulations reflect the standards and requirements already contained in the VHSDP, which are written to minimize impacts upon the National Monument (Policy 3.81).
- d. These land use text and map amendments do not affect the policies or requirements of the WSSP, the VHSDP or the City's subdivision regulations regarding parking (Policy 3.83).

- e. The proposed zoning language does not affect implementation of the design standards contained in the WSSP or the VHSDP (Policies 4.8 & 4.9).
- f. The proposed zoning does not affect the overall street pattern as envisioned by the VHSDP, which encourages non-motorized travel and circulation as part of a strategy to create a sustainable development pattern (Policies 4.10 & 4.14).
- g. The proposed zoning and its range of residential lot sizes creates an incentive for the property owners to continue moving towards securing necessary infrastructure and system improvements that will come with orderly and sensitive development as desired in the VHSDP (Policies 7.22 & 7.23).
- h. The VHSDP encourages and in some circumstances requires clustering of dwelling units to provide more open space and the use of xeric landscaping; the proposed zoning will not adversely affect these intents (Policy 7.24).

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- a. The proposed zoning and its development and design regulations require at least 2,000 sq. ft. of land to be left in an undisturbed, natural state outside of the 6,500 sq. ft. maximum development envelope. This will ensure that development at the southern end of the site will compliment the open space area to the south (NWMEP Policy #9).
- b. The proposed Suburban Residential - Medium Lot zoning requires the same height and setback regulations as the Suburban Residential – Large Lot zone, which already comply with and further the policies of the NWMEP (Policies #12 and #14).
- c. The proposed zoning has regulations that require minimal visual impact, such as the Large Lot planting list that is appropriate for the area (NWMEP Policy #13).

15. Volcano Heights Sector Development Plan, Fundamental Goals (pages 39 – 43):

- a. The proposed zoning will not adversely affect walkability within the VHSDP because the general layout of the street network has already been established to ensure connectivity between and among neighborhoods and activity centers.
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- c. The proposed change will not affect the plan's design or conservation requirements for architecture, landscaping or views.

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- d. The strategy for providing necessary infrastructure will not be affected by the proposed zoning.
16. Volcano Heights Sector Development Plan, Land Use Intent (page 65): The proposed zoning and its range of residential lot sizes furthers the Land Use Intent to encourage a range of housing opportunities for various ages and incomes within the VHSDP area.
17. The proposed text amendment will help achieve Article IX of the Charter of the City of Albuquerque, and achieves the applicable Goals, Policies and intents of the city's master plan, the Albuquerque/Bernalillo County Comprehensive Plan and its lower ranked components, thereby meeting the intent of the Zoning Code (Section 14-16-1-3).
18. The following is the justification for the Sector Development Plan Map Amendment for an approximately 23-acre portion of Tracts D and E, Unit III, La Cuentista from SU-2/SR-LL to SU-2/ SR-ML, as required by the criteria and policies of **Resolution 270-1980**:
- a. The proposed change from SU-2/SR-LL to SU-2/SR-ML, limited to an approximately 23-acre portion of Tracts D and E, La Cuentista, Unit III, is consistent with the health, safety, morals, and general welfare of the City. The proposed language of the zone category restricts it the subject site, making it unavailable for future requests. Its design and development regulations are identical to those for the SU-2/SR-LL existing zone, except for a smaller lot size range. Protection of the visual, natural, cultural and historic areas surrounding the Petroglyph National Monument is an inherent function of the regulations of the proposed zoning.
  - b. The proposed language of the zone category restricts it the subject site, making it unavailable for future requests. The proposed change will not destabilize adjacent zoning and in fact will create a logical transition between the SU-2/SR-SL zoning to the west and the SU-2/SR-LL zoning to the east.
  - c. The previous citations and analysis of the Comprehensive Plan and other City master plans shows that the subject request furthers and complies with all their applicable elements.
  - d. The existing zoning is inappropriate because:
    - (1) There was an error when the existing zone map pattern was created. The 29 August 2007 letter from Dr. Colombo states on page 3: "At the time that this change was made, through an oversight, the Plan did not address a small number (60) of planned 9,000 sq. ft. lots in Unit III/Tract D of the La Cuentista subdivision. . . . Had we been fully aware of the investment in this tract, it is probable that only this limited area would have been included in

the ‘Platted’ category of the final Land Use Plan (see Exhibit 25 on page 67).”

and

- (2) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan and other City master plans (see Subsection C above).
- e. None of the permissive uses in the SU-2/SR-ML zone will be harmful to adjacent property, the neighborhood or the community. Dwelling units and private, on-site open space will be compatible with the residential, on-site open space and Open Space uses allowed by the existing zoning on adjacent properties and in the nearby neighborhood and community.
- f. This proposed change will require the owners to develop and then dedicate infrastructure to the City in addition to paying Impact Fees at the building permit stage. It will not require any unprogrammed capital expenditures by the City.
- g. The cost of land or other economic considerations pertaining to the applicant (City of Albuquerque) are not determining factors for this change of zone.
- h. This request is not for apartment, office or commercial zoning.
- i. This request is a justified “spot zone” because:
  - (1) The change will clearly facilitate realization of the Comprehensive Plan and all applicable area and sector development plans (see Subsection C above).
  - (2) The area of the proposed change will function as a transition between adjacent zones (see Subsection B above).
- j. This request will not create a “strip zone.”

19. Comments and “corrections” have been received from the Volcano Cliffs Property Owners Association.

***RECOMMENDATION – 07EPC 40059 – Map Amendment***

**That APPROVAL of 07EPC-40059, a Sector Development Plan Map Amendment to the Volcano Heights Sector Development Plan, Exhibit 25, Land Use Map, for an approximately 23-acre portion of Tracts D and E, La Cuentista, Unit III from SU-2/SR-LL to SU-2/SR-ML, be forwarded to the City Council, based on the preceding Findings.**

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***Russell Brito  
Division Manager***

cc: COA, Planning Dept., 600 2<sup>nd</sup> St. NW, Albuquerque, NM 87102  
Bob McCannon, Ladera West Na, 2808 El Tesoro Escondido NW, Albuquerque, NM 87120  
Dan Serrano, Ladera West NA, 3305 Ronda de Lechugas NW, Albuquerque, NM 87120  
JoAnne Barnett, Las Lomas NA, 8106 Calle Ensueno NW, Albuquerque, NM 87120  
David Skowran, Las Lomas NA, 8116 Corte de Aguila NW, Albuquerque, NM 87120  
Robert Gaugh, Laurelwood NA, 7625 Maplewood NW, Albuquerque, NM 87120  
Phyllis Vilchuck, Laurelwood NA, 7805 Springwood Rd. NW, Albuquerque, NM 87120  
Carol Cunningham, Parkway NA, 8012 Bridgewater NW, Albuquerque, NM 87120  
Palmira Perea-Hay, Parkway NA, 8039 Waterbury NW, Albuquerque, NM 87120  
Matthew Baca, Quaker Heights NA, 5125 Northern Trail NW, Albuquerque, NM 87120  
Pita Hopkins, Quaker Heights Na, 5117 Northern Trail NW, Albuquerque, NM 87120  
Jolene Wolfley, Taylor Ranch NA, 6804 Stag Horn Dr. NW, Albuquerque, NM 87120  
Rene Horvath, Taylor Ranch NA, 5515 Palomino Dr. NW, Albuquerque, NM 87120  
Gerald Worrall, Tres Volcanes NA, P.O. Box 6601, Albuquerque, NM 87193  
Tom Borst, Tres Volcanes NA, P.O. Box 6601, Albuquerque, NM 87193  
Laura Horton, Ventana Ranch NA, 7224 Cascada Rd. NW, Albuquerque, NM 87120  
John Valdez, Villages of Parkwest, 8312 Creekwood Ave. NW, Albuquerque, NM 87120  
Tim Settle, Villages of Parkwest, 8240 Meadowbrook NW, Albuquerque, NM 87120  
Dave Heil, Volcano Cliffs Property Owners Assoc., 160 Itasca Rd. , Rio Rancho, NM 87124  
Bill Wright, Volcano Cliffs Property Owner Assoc., 4112 Blue Ridge Pl. NE, Albuquerque, NM 87111

***Attachments***

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

Reviewed: no comments.

#### ***Office of Neighborhood Coordination***

**Ladera West NA (R), Las Lomas NA (R), Laurelwood NA (R), Parkway NA (R), Quaker Heights NA (R), Taylor Ranch NA (R), Tres Volcanes NA (R), Ventana Ranch NA (R), Villages of Parkwest NA (R), Volcano Cliffs Property Owners Assoc.**

#### ***Advanced Planning***

Given the limited information from the text amendment proposal (no sector plan available), the proposed language in the left column of proposed changes to page LU-7, 5. Acceptable Residential Building Types table currently confuses itself with the category above it and should be differentiated from Single –Family Detached 6,500 sq. ft or less with the following wording: “Single-Family Detached – Small Lot, side drive or alley-fed; street & courtyard –facing, 6501 sq feet – 9000 sq. ft.”

The same type of language should be used for page LU-12, 6. Permitted & Limited Uses table, “Detached Single-Family – Small Lot 6,501 – 9,000 sq. ft.”

### ***PUBLIC WORKS DEPARTMENT***

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

- Reviewed, no comments.

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

- The Hydrology Section has no adverse comments regarding the Sector Development Plan.

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

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

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

- No comments received.

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

- No comments received.

#### **Utility Development (Water Authority):**

- No comments received.

**Water Resources, Water Utilities and Wastewater Utilities (Water Authority):**

- No comments received.

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

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,**

**WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Sector Development Plan Amendment shall include:

- a. None.

***ENVIRONMENTAL HEALTH DEPARTMENT***

***Air Quality Division***

***Environmental Services Division***

***City Forester***

***PARKS AND RECREATION***

***Planning and Design***

Reviewed, no objection. Request does not affect our facilities.

***Open Space Division***

No adverse comment.

***POLICE DEPARTMENT/Planning***

Shawn McWethy Substation

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***



No adverse comments at this time.

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

## ***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

***ALBUQUERQUE PUBLIC SCHOOLS***

The proposed text amendment to the Volcano Heights Sector Development Plan to add regulatory language for single-family development will have no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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

No comment based on the information provided to date. It is the applicant's obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.