



**Environmental
Planning
Commission**

**Agenda Number: 12
Project Number: 1004905
Case #'s: 07EPC-40045
17 January 2008**

Supplemental Staff Report

Agent	Dave Heil, President of VCPOA
Applicant	Volcano Cliffs Property Owners Association
Request	Text amendment
Legal Description	Volcano Heights Sector Development Plan
Location	Volcano Heights Sector Development Plan
Size	3,532 acres
Existing Zoning	SU-2/SR-LL, SU-2/RR, SU-2/ER, SU-2/SR-SL
Proposed Zoning	No Changes

Staff Recommendation

That DENIAL of 07EPC 40045, be forwarded to the City Council, based on the findings on pages 22 - 26.

Staff Planner

Russell Brito, Division Manager

Summary of Analysis

This request for a text amendment to the Volcano Heights Sector Development Plan (VHSDP) was deferred from the 20 December 2007 EPC hearing at the applicants' request. It was preceded by another VHSDP text amendment (07EPC-40014/ 40059), submitted by the Planning Department, which is limited in scope and received an approval recommendation from the Planning Commission to the City Council. The subject request is much greater in scope and scale as it affects the entire VHSDP area with numerous proposed changes.

The Volcano Cliffs Property Owners Association (VCPOA) has submitted this request for amendments to the VHSDP because they believe many regulations in the plan cannot be practically implemented. The applicants believe that if the VHSDP is not amended, then their properties will be deemed un-developable or unmarketable.

The VCPOA proposes amendments to regulations of the suburban residential, rural residential, and executive residential zones, and details of the bicycle trail network section. In addition, the VCPOA identifies general planning issues that they wish to change in the VHSDP. The VCPOA has submitted a 157-page justification document that identifies the proposed changes and the justifications for amending the VHSDP.

The proposed changes are so extensive that they significantly conflict with applicable goals, policies, objectives and intents of the Comprehensive Plan, the West Side Strategic Plan, the Northwest Mesa Escarpment Plan and the VHSDP. Individual changes or adjustments may be appropriate in a different, less extensive form, but taken as a whole, the submitted request would fundamentally change the VHSDP, which was very recently adopted by the City Council in October 2006. Planning staff appreciates the applicants' discussion of issues and situations that concern them and their membership, but cannot support this extensive rewrite of the VHSDP at this time.

City Departments and other interested agencies reviewed this application from 10 September 2007 to 21 September 2007. Agency comments were used in the preparation of this report and begin on page 27.

AREA CHARACTERISTICS AND ZONING HISTORY

Background, History and Context

The Planning Commission deferred this request from the 18 October and 20 December 2007 EPC hearings to afford the applicant the opportunity to better justify the proposed regulatory changes. The applicant has submitted an extensive list of changes and an analysis of the changes within the context of the city's Master Plan and its component parts (Comprehensive Plan, West Side Strategic Plan, Northwest Mesa Escarpment Plan).

The Volcano Heights Sector Development Plan (VHSDP) was adopted in October 2006 by City Council after extensive research and meetings with the property owners, City and County planning staff, and developers. Community workshops were held in January and October of 2005. Over 150 people attended the January workshop where the Planning Management Team listened to property owners, developers, civic and community participant's attitudes towards how they visualize developing the Volcano Heights area. In addition to the public meetings, the Volcano Heights Planning Study Report was available on the City's website in March 2005 to allow those concerned with the plan to express their concerns through email and other means.

The VHSDP established new zoning categories within its 3,532-acre boundaries for a variety of uses, including low density residential, mid-density residential, higher density residential, commercial, office, open space and mixed use development. Each zoning category has regulations that address lot size, height, setbacks, open space, urban form, allowed uses, landscaping and development processes.

Overview of Proposed Changes from Volcano Cliffs Property Owners Association (VCPOA)

The applicant, VCPOA, has submitted an extensive, revised, 157-page proposal and justification for text changes to the VHSDP along with map and photograph attachments. This revised proposal and justification set was submitted to the Planning Department on 4 December 2007.

The applicant has organized the text amendments by zoning category (Rural Residential, Executive Residential, Suburban Residential) with changes outlined for each and then a section for general plan issues. Many of the issues for each zone category are the same and are reiterated throughout the submittal. Generally, they are:

1. Replace ~~the 100-acre assembly requirement~~ to develop without a PID (Public Improvement District) or an SAD (Special Assessment District) with the assembly of a sufficient number of lots that would make development financially feasible.
2. Replace ~~specific development envelope size requirements that correspond to a parcel's zoning category~~ with an allowance for development of 75% of the lot regardless of size of lot.
3. Replace ~~permanent deed restriction~~ requirement for conservation easements (areas outside of development envelopes) with regulations (though none are proposed or noted).

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4. Replace requirement for conservation easement perimeter fencing to be ~~post and wire~~ with open fencing including post and wire, split rail, rustic pine and farm fence of natural color (not white) with horizontals at least 18 inches apart.
 5. Adding language that clarifies that: The City of Albuquerque shall be responsible for maintaining Major Public Open Space (MPOS), but not private open space.
 6. Increase the maximum height of 18 feet to 26 feet for homes in the Suburban Residential – Large Lot, Executive Residential and Rural Residential zones.
 7. Increase the maximum size of an accessory unit/carriage house from 800 sq. ft. to 1100 sq. ft.
 8. Remove the requirement that Development Envelopes be clustered for the Suburban Residential-Large Lot zone.
 9. Allow xeriscape plants, in addition to native plants, to be used for front yard landscaping.
 10. Retain Atrisco Road between Scenic Road and Rainbow Road as a 58 ft. wide collector road with adjacent trail and open space instead of creating an exclusive open space area.
 11. Eliminate the easternmost “island” of PID/SAD 1-A from the PID/SAD schedule and map on pages 134 – 135.
 12. Replace the ~~18-inch~~ limit on grading fill in the subject zoning categories with an amount to be determined by engineering analysis and design consistent with the intent of this plan element.
 13. Addition of text to the Plan to reflect the City’s current requirement for a Pre-Development Facilities Fee Agreement between APS and applicants for platting at DRB.
 14. Alter the phasing diagram and related text on page 130 – 132 to move up timing for categories 3.b. and 4. from ~~2010 to 2015~~ to 2009 to 2011 and from ~~2015 to 2020~~ to 2010, respectively.
 15. Add a cross section for a 72-foot R.O.W. for Kimmick Road from the trail head parking area south of La Cuentista north to Unser at Paradise Hills.
 16. Remove the requirement for a property owner to construct a temporary fence at the Development Envelope boundary within the Rural, Executive and Suburban Residential-Large Lot zones to protect the natural landscape during construction.

ANALYSIS OF PROPOSAL & APPLICABLE ORDINANCES, PLANS AND POLICIES

The applicant originally submitted their proposal to be heard at the 18 October 2007 EPC hearing for recommendation to the City Council. After an initial review of the submittal, the staff planner met with the applicant group on 25 September 2007 to go over the proposal and discuss the EPC and City Council processes. Planning staff cannot act as an applicant's agent, but can advise them about the planning process and what a justification should address.

In an attempt to stay in the appropriate role as a reviewer/regulator/analyst, the staff planner communicated to the applicant group that the proposed changes to the Rank III VHSDP would have to be justified by showing that they are not in conflict with applicable Goals, Policies, intents and objectives of the subject Plan as well as those of similarly ranked and higher ranked Plans, including those of the following:

- ***Comprehensive Plan***
- ***West Side Strategic Plan***
- ***Northwest Mesa Escarpment Plan***
- ***Volcano Heights Sector Development Plan***

The applicant's revised submittal for the 18 October 2007 EPC hearing referenced some of the above Plans and made general assertions and claims about what they state, require, allow, etc. Unfortunately, the submittal did not provide any Goal, Policy, intent or objective citations nor did it explain how applicable Goals, Policies, intents and objectives are furthered and/or met by the proposed changes. The applicant's stated "rationales" contained in the submittal needed to be articulated within the context of applicable elements of the City's Master Plan and its components (Comprehensive Plan, West Side Strategic Plan, Northwest Mesa Escarpment Plan, Volcano Heights Sector Development Plan).

Without a thorough review and justification within the context of the City's Master Plan, the Planning Department's analysis and recommendation would have been without the benefit of the applicant's interpretation and application of Goals, Policies, intents and objectives to the proposed regulatory changes to the VHSDP. The EPC gave the applicant the benefit of additional time to update and revise their submittal so that their justification could attempt to meet the requirements of §14-13-2-2 of the Planning Ordinance, which states:

"Adopted city plans for urban development and conservation are of varying rank importance. Lower ranking plans should be consistent with higher ranking plans, and when this is indisputably not the case, the conflicting provision of the lower ranking plan is null and void. Plans should identify how they relate to relevant, higher ranking plans."

Current Submittal

The applicant's latest 157-page text amendment and justification submittal is organized with a format similar to a Planning Department staff report analysis section. Each of the sixteen proposed changes to the VHSDP has a separate listing of applicable goals, policies, objectives and/or intents and accompanying analysis, as prepared by the applicant.

Each of the sixteen proposed changes is also accompanied by a justification for a zone map amendment as per the criteria and policies of R-270-1980. Even though the proposed changes are so extensive that the affected zoning categories would be fundamentally altered enough to be considered new zones, the applicant is not requesting a zone map amendment. Therefore, the applicants' R-270-1980 justifications, though appreciated and acknowledged for their clarifying statements, are superfluous and not necessary for this or any other text amendment request not accompanied by a zone change.

Planning Staff Responses to Applicants' Proposals

The following responses to the applicants' proposals follow the format of the submittal, with issue enumeration and page citations from their submittal:

Issue 1. Assembly of 100 acres (VCPOA page 1 of 157)

The applicant wishes to replace the option for assembly of a minimum of 100 acres with "*the assembly of a sufficient number [of] lots that would make development financially feasible*" as a required condition for development. This may be an appropriate criterion for development, but it is unknown what constitutes the threshold for being "financially feasible" and to whom does "financially feasible" apply? The applicant? The City? Both? How is "financially feasible" determined? This appears to be a criterion that would mean different things to different people, which could lead to difficult situations where consistency of application is not possible. The applicant believes that this requirement is arbitrary and unfair.

The intent of the existing VHSDP language for 100 acres is easily understandable even though it is arbitrary – it could be 99 acres or 101 acres. But, it is a definite threshold that ensures consistency in its application. More importantly, it is of such an acreage that the City, a developer and/or a group of landowners can all be assured that infrastructure costs are accurately valued, fairly assessed and proportionately distributed.

Issue 2. Development Envelopes, Density and Setbacks (VCPOA page 10 of 157)

The applicant proposes a change to the development envelope regulation for the Rural, Executive and Suburban-Large Lot Residential zones to 75% of the lot size. This is accompanied by a simultaneous increase in the residential density for the Rural Residential zone (from 0.1 du/ac to 4 du/ac) and a decrease in the minimum lot size to 0.25 acre. There is also a proposed increase in the front and rear setbacks for the Suburban-Large Lot zone. The applicant proposes no similar changes to density, lot size or setbacks for the Executive Residential zone. The applicant believes that the VHSDP was adopted illegally and that the existing regulations are unfair and favor developers over individual property owners.

The proposal as submitted would significantly decrease the amount of on-site, private "open space" left in a natural state throughout the VHSDP area, especially in areas adjacent to and in close proximity to the Petroglyph National Monument boundaries. The existing Plan language is intended to provide for wildlife habitat and a generous transition area to be preserved between the pristine, natural state of the National Monument lands and nearby residential development so as to ensure the integrity of the natural, cultural and historical features and resources of the Petroglyph National Monument.

The proposed language would threaten this integrity by:

- Increasing the development envelope to 75% of the lot area, which provides for only a thin band of natural state land to be preserved around the disturbed and/or developed envelope, thereby making it insignificant as a transition or buffer area for the National Monument and open space areas.
- Decreasing the Rural Residential lot size and increasing the density (4 du/ac) to a point where it would allow development that is denser than in the Suburban Residential–Large Lot zone (3 du/ac) and closer to the density allowed for the Suburban Residential-Large Lot zone (7 du/ac). This is a direct conflict with the general development pattern to have decreasing density as one moves from northeast to southwest, as shown on the Land Use Plan (exhibit 25, page 67) and the Residential Density Table 6 (page 69).

The proposed change to the setbacks for Suburban Residential-Large Lot seem to be counter to the applicants intent to increase developable area because the setbacks as proposed would generally reduce the possible building envelopes for Suburban Residential-Large Lot properties, especially for lots with rear alleys.

Issue 3. Deed Restrictions (VCPOA page 22 of 157)

This language change proposal would replace the requirement for deed restrictions for Conservation Easement areas (that portion of a lot outside of the development envelope) with “*regulations*”. This may be a viable alternative to the existing, approved language, but the applicant does not propose a new “*regulations*” section that clearly articulates what the regulations would entail and who is to implement and enforce them. The existing approved requirement for a deed restriction for Conservation Easement areas is itself already a regulation. The applicant believes that the annexation of the area with R-1 zoning in 1981 does not allow new or additional requirements to be placed on properties within the Plan.

The intent of the existing, approved language is to ensure that Conservation Easement areas are *permanently* protected through a deed restriction that is conveyed with each property, regardless of ownership. Regulations for a zone category and/or for an entire Plan area may be amended and altered by the land use and zoning authority (City Council), but deeds and deed restrictions are much more difficult to alter, especially for multiple properties and/or on an area-wide basis. The applicants’ proposal would weaken and fundamentally change the intent of the Plan and how it perpetually implements this intent.

Issue 4. Lot Perimeter Fencing (VCPOA page 32 of 157)

The applicant proposes to change the existing language for the type of fencing allowed for Conservation Easement boundaries and development envelope boundaries. The proposed language would allow “open fencing” for both conservation easements and development envelopes, which includes post and wire (existing language for Conservation Easement boundary), split rail, rustic pine and farm fence, but not coyote fence (existing language for development envelope boundary). There would be no differentiation between the two types of fencing.

The applicant believes that wire fencing is almost invisible (actually an intention of the Plan) and not aesthetically pleasing and could be a security and liability issue.

The intent of the Plan's existing language is to have a consistent, cohesive design theme for fencing (coyote fence) around the perimeters of development envelopes, where privacy is desired for yards, pools, patios, etc. The limitation for post and wire fencing around Conservation Easement boundaries (an individual lot's property line) is intended to provide for delineation of ownership while maintaining the area's natural openness for views, wildlife and context. Allowing for rail fencing, wood board and other visually obtrusive fencing does not comply with the intent of the Plan to preserve views, openness, context and wildlife habitat and corridors.

Issue 5. Public Trails / Linear Parks (VCPOA page 41 of 157)

The applicant proposes to add language that clarifies the status and maintenance responsibilities for different types of open space (public vs. private). This type of clarification is not necessary because the City's Open Space Division already does not have any jurisdiction over privately owned "open space" and is only authorized to maintain City owned Major Public Open Space and some federally owned lands within the National Monument.

Issue 6. Building Height Restrictions (VCPOA page 51 of 157)

The applicant proposes to increase the maximum height for areas within 200 feet of open space and parks, adjacent to the escarpment face, designated as Conservation and Impact by the Northwest Mesa Escarpment Plan (NWMEP) from 15 feet to 18 feet. The applicant also proposes to increase the maximum building height for the Executive Residential, Rural Residential and Suburban Residential-Large Lot zones from 18 feet to 26 feet. The applicant asserts that two story development should be allowed outside of the NWMEP Conservation and Impact Areas.

The intent of the existing Plan language is to maintain views to and from the Escarpment and the National Monument as desired and articulated in the NWMEP. The applicant claims that the increases in height will allow for better views of the natural environmental features and landmarks of the city and its surroundings, but increased heights of buildings will afford views to residents, but may block views to and from the National Monument, the Escarpment area and Open Space corridors. The required Conservation Easements, limited development envelopes and low density requirements for the subject residential zones should provide ample space between dwelling units to ensure views and view corridors from individual properties and homes.

Issue 7. Accessory Unit / Carriage House (VCPOA page 60 of 157)

This amendment would increase the square footage allowance for Accessory Units by 300 feet and 150 feet for the Rural and Executive Residential zones and the Suburban Residential zones respectively. Accessory Units are usually automobile garages, workshops, storage structures or living space that are in addition to the main dwelling unit. The applicant states that the reason for the proposed increase is to accommodate families who wish to have senior members join them in living on the property and that the accessory unit sizes are too small and impractical.

The existing square footage allowance for 800 square feet and 650 square feet accessory units is intended to allow for a variety of use options for the structures, while maintaining openness within a

lot and in the Plan area in general. The applicant states that these accessory unit sizes are too small and impractical, but does not elaborate on why; since a kitchen area is not allowed, the existing sizes are appropriate for accessory dwelling units (e.g. bedroom, living area, bathroom).

Issue 8. Clustering (VCPOA page 69 of 157)

The applicant proposes to remove the requirement that Development Envelopes be clustered for the Suburban Residential-Large Lot zone. The applicant believes that this requirement is unfair to longtime property owners who have depended on the R-1 zoning that was in place before adoption of the VHSDP.

The VHSDP intent for requiring clustering in the Suburban Residential-Large Lot zone is to create larger, contiguous and more cohesive Conservation Easement areas that can more effectively provide for wildlife habitat and corridors and view corridors that maintain open vistas for residents, Open Space users and visitors to the Petroglyph National Monument. Removing this requirement will dampen the possibility to create larger, more cohesive, private open space areas.

Issue 9. Conservation Development and Development Envelopes (VCPOA page 79 of 157)

This amendment language would allow xeriscape plants, in addition to native plants, to be used for front yard landscaping to create an attractive and marketable property. The applicant claims that native grasses have an unkempt look that affects the marketability of a property.

The applicant proposes to alter existing language that is not mandatory; it is a “should” statement, meaning that it is recommended, desired, advisable, preferred and important, but not required, unlike “shall” which is language associated with a mandatory requirement. In terms of marketability, if residential lots in a given area all have similar native vegetation, then one lot’s “unkempt” native grasses should make it as marketable or unmarketable as every other lot in the area with “unkempt” native grasses.

Issue 10. Atrisco Road (VCPOA page 88 of 157)

The applicant proposes to “reestablish” Atrisco Road as a collector road along the alignment that coincides with the PNM Gas Easement between Scenic Road and Rainbow Boulevard (located to the south and west of the proposed High School site). The applicant states that this will allow for “reasonable access” to lots that may be landlocked by the current transportation network layout. The proposed change would be for a collector road with a parallel trail facility/open space link that coincides with the PNM Gas Easement.

This proposal for a collector street could possibly serve sixteen existing lots that currently do not front on or have direct access to a proposed road. A collector road is a functional classification from the Mid-Region Council of Governments (MRCOG) 2030 Metropolitan Transportation Plan (MTP). This classification is based on the near-term functionality of the facility using US Census information, expressed relative to the current and near term use of the facility. Arterials (e.g. Rainbow Boulevard) represent the heaviest used trip route with longer trips, higher volumes, and higher speeds. The arterial system facilitates longer trips, whereas locals and collectors tend to serve shorter trips and trip ends.

A collector street is probably not be needed for only sixteen lots, where a local street or network of local streets could accommodate the trips of these future residents. A collector street that connects Scenic Road and Rainbow Boulevard along the PNM Gas Easement alignment will create a situation where drivers could bypass the “curve” of Rainbow Boulevard during congested, peak times or any other time when a “short cut” would appear to benefit one’s trip.

Even though the applicant has received comments from Transportation Planning that the proposal is possible, it would place a burden of probable “cut through” traffic by non-residents and commuters from outside of the neighborhood and the area on these sixteen lots. A vehicular access strategy of creating new local street access from the approved street network and/or access easements from adjacent lots that do have direct access to the street network is preferable to the probability of “cut through” traffic and its effects on residents along an Atrisco Road collector. It is the existing intent and strategy of the VHSDP to address the issue through the PID/SAD process (the subject area is contained in PID/SAD 1-A). PID/SAD 1-A is scheduled for development between 2010 and 2015 (VHSDP page 134).

Issue 11. 1-A Island (VCPOA page 96 of 157)

The applicant wishes to amend Exhibit 38 on page 135 of the Plan to remove the smaller, eastern portion of the multi-portion PID/SAD 1A from the map. A PID (Public Improvement District) and/or an SAD (Special Assessment District) are planning, engineering and financing mechanisms for use where land received final plat approval and then sold off before necessary infrastructure could be financed and installed.

The applicant states that this area is actually part of Unit 26, which does not require 100-acre aggregation for development. The applicant also states that it is unreasonable and costly to bring utilities to these few lots in the “1-A island”, but does not elaborate on what unreasonable or costly means and to whom. The applicant further states that the area is Urban Residential and it “would be difficult to distribute costs fairly when combined with Suburban Residential in a[n] SAD.” There is no supporting threshold for distribution difficulty or fairness provided with the submittal.

PID/SAD 1-A is scheduled for development between 2010 and 2015 (VHSDP page 134). The City Council will determine assessments and distribution of costs amongst affected properties within this PID/SAD and property owners will have an opportunity to address concerns about distribution and fairness at that time.

Issue 12. Grading (VCPOA page 106 of 157)

This proposed change would replace the cap of 18 inches of fill in the Development Envelopes of the Suburban Residential-Large Lot, Executive Residential and Rural Residential zones with a height “*determined by engineering analysis an design consistent with the intent of this plan element.*” The applicant states that the number is arbitrary and discriminatory to individual property owners and inconsistent with best engineering practices. It is again stated that this requirement is biased toward developers and against individual property owners.

The intent of the VHSDP is to minimize disturbance to the natural topography of the area. The applicant cites the 18-inch cap on fill as an arbitrary number, but does not propose to alter the 4-foot cap on fill in other zones, which could also be considered arbitrary. Of course the numbers included

in the Plan are definite and are intended to be a consistent standard that can be applied throughout the Plan area. Also certain is that the PID/SAD processes, the platting process, and the building permit review process will uncover necessary exceptions to this rule if technically necessary to preserve the health, safety and general welfare of the area and its residents. At this time, it appears to be premature to change this standard when no singular issue has yet to arise from the 18-inch cap on fill.

Issue 13. Adequate Public Facilities (VCPOA page 116 of 157)

The applicant proposes to add additional text to page 138 of the Plan from an existing policy that addresses funding for new APS schools, F/S R-06-74. The proposed additional language is verbatim from the City Council resolution that is already being implemented and enforced by the Development Review Board (DRB) of the City's Planning Department. Adding this language to the VHSDP is not necessary.

It is also proposed that additional language be added that allows for SAD's to proceed if they will help realize public facilities with a desire for assistance from the City's Office of Economic Development. The applicant's proposed language appears to confuse infrastructure development (Department of Municipal Development) and the creation of job opportunities and business expansion and recruitment (Office of Economic Development).

Issue 14. Growth Phasing and Timing (VCPOA page 127 of 157)

This change would seeks to move up the timing for development of certain areas as follows (see VHSDP pages 130 and 131 for context):

- 3.b. Other: ~~2010 to 2015~~ 2009 to 2011
4. ~~2015~~ 2010 and beyond

This expedited development schedule appears to be quite aggressive, especially since it doesn't seem to accommodate the internal scheduling and planning of the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA), completion of PIDs and SADs and other planning that the City Council staff conducted while drafting the VHSDP. The applicant states that the phasing is already not logical or practical as currently shown and listed in the VHSDP. Moving dates up in the schedule contained in the VHSDP does not obligate other outside agencies to accommodate the changed time frames, which could be considered as not practical or logical as well.

Also for this issue, the applicant proposes that additional language be added that allows for SAD's to proceed if they will help realize public facilities with a desire for assistance from the City's Office of Economic Development. Again, the applicant's proposed language appears to confuse infrastructure development (Department of Municipal Development) and the creation of job opportunities and business expansion and recruitment (Office of Economic Development).

Issue 15. Planned Roadway Improvements (VCPOA page 136 of 157)

The applicant proposes to alter the cross section for Kimmick Road to add a seven-foot wide bicycle lane to either side of the roadway, making it a Class 2 Bike Lane instead of a Class 3 Bike Route

with signage but no designated lane. The proposed change also includes additional right of way to accommodate additional left turn lanes and/or other traffic lanes if necessary.

The current Long Range Bikeways System Map from MRCOG does not reflect the proposed bicycle trail network for the VHSDP shown on Exhibit 24 on page 64 of the Plan. Proposed facilities shown on the MRCOG map are located parallel to Unser and Universe Boulevards, but no specific alignment appears to be set as of yet.

As with many of the issues contained in this proposed set of text amendments to the VHSDP, increasing the right of way for Kimmick Road to accommodate bicycle lanes may be premature because it is still unknown what is desired from the Department of Municipal Development in terms of bicycle facilities. The need for specific roadway widths and specific bikeway requirements are determined in part on what uses and densities could occur on lands on adjacent and nearby properties based on their zoning and land use allowances. Most of the VHSDP area is undeveloped and awaiting establishment of PIDs, SADs, TIDDs (Tax Increment Development Districts) and/or aggregation of properties for planning purposes.

Issue 16. Construction Mitigation (VCPOA page 147 of 157)

The applicant proposes to eliminate the requirement that a temporary fence at the Development Envelope boundary be constructed prior to construction on the site within the Rural, Executive and Suburban-Large Lot zones (VHSDP page 158). The applicant states that developers are not required to provide the required fencing so individual property owners shouldn't have to follow this requirement either. The applicant further states that this type of temporary fencing is an additional cost and precludes the use of some equipment.

The applicant has not indicated if a complaint has been submitted to the Code Enforcement Division for investigation and enforcement of the construction mitigation requirements. Whether or not a developer(s) is/are flaunting the regulations of the VHSDP does not mean the rules should be changed to accommodate to practice; enforcement of existing regulations is the correct course of action. The VHSDP does not indicate what the temporary fencing should be made of. It could possibly be constructed of inexpensive materials that don't necessarily withstand assaults by heavy equipment, but rather are of a material that is readily visible so construction workers do not cross it. The Conservation Easement requirements (VHSDP pages 100 - 103) allow for a drive access up to twelve feet in width that can accommodate most any heavy equipment that needs to reach the Development Envelope of a lot.

Planning Staff Analysis of Applicable Plans and Policies

In the interest of saving space (and paper), the following is the analysis of the submitted text amendments as a whole. Since many of the applicant's issues are interrelated and cover much of the same material, a citation of any applicable issue from the VCPOA submittal follows each section of analysis.

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]

City Council action on the submitted text amendment is an exercise in maximum local government. The City Council has the authority to create, review, amend and alter development standards for residential land uses, transportation, open space and infrastructure financing in the VHSDP through legislative action (Article I).

The submitted text amendment does not further the interest of the public by insuring the proper use of land and promoting and maintaining an aesthetic and humane urban environment. The submitted text amendment is an extensive rewrite of the VHSDP that does not recognize the planning and investment already expended by the City to develop a detailed plan for the area that outlines land use controls, desired coordination amongst different City departments and outside agencies and development phasing that resulted from the recently adopted VHSDP (Article IX).

Albuquerque / Bernalillo County Comprehensive Plan

The submitted amendments to the VHSDP are 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.
- 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 submitted amendment to the VHSDP creates potential situation where the integrity of areas open space resources could be threatened by inadequate buffering from residential development. The proposed changes to development envelope regulations will not provide adequate visual relief from development by emphasizing the urban form over preservation of natural resources and environmental features and will discourage clustering of development envelopes to create larger open space areas within a residential subdivision (Open Space Network Goal and Policy a). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]

The submitted changes to the VHSDP will decrease on-site open space that will make it less 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). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]

The proposed amendments to the sector development plan will not help to protect natural features of the area and views, which will degrade potential open areas within the Open Space network that serves the population as a whole (Open Space Network Policies f and h). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]

The submitted changes to the VHSDP do not encourage natural landscaping, adequate integration of open areas into residential design and the full potential for connections to the larger Open Space network (Policies i and j). [VCPOA Issues 2, 4, 6, 7, 8, 9, 12, 16]

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.

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 amendments to the VHSDP may continue to perpetuate a quality urban environment in this very identifiable community. The changes may create the opportunity for more variety and choice in housing and life styles, but creation of a visually pleasing built environment as envisioned by the VHSDP may not occur (Goal). The change may allow a full range of land uses within the boundaries of the VHSDP (Policies a & b).

The submitted changes to the VHSDP will not respect the values, environmental conditions and resources of the area or help to ensure compatibility with surrounding neighborhoods (Policies d & e). The proposed changes alter the requirements for clustered development in the VHSDP and give property allowance to design housing products that are not appropriate to the area and may hamper the quality of the visual environment (Policies f, l & m). The proposed changes may threaten property owners' options to resolve issues associated with the provision of infrastructure and services (Policies b & n). [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16]

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 submitted changes to the VHSDP will adversely affect the design standards and regulations of the VHSDP, which are intended to maintain and improve the quality of the natural and developed landscape (Goal). The proposed changes will not respect the natural and visual environment of the area as a determinant in development decisions (Policy a). The proposed changes will alter the VHSDP’s requirements for the use of native landscaping and vegetation in appropriate areas; the changes will adversely affect the design and materials standards of the plan (Policies d & e). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]

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 changes to lot sizes and other regulations may detract from 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). [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 16]

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 amendments to the VHSDP may give property owners more choices for lot sizes (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 changes may help to achieve steady and diversified economic development but not balanced with other important social, cultural and environmental goals within the area (Economic Development Goal). The proposed language may create obstacles to economic development associated with the area if development occurs in a disjointed or checkerboard fashion (Policy f). [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 16]

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 [of 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 proposed changes to the VHSDP will adversely affect the infrastructure funding strategies of the VHSDP (Goal 4). The amendment proposals will not help to achieve the design standards of the plan, which include protection of natural environmental assets in the area (Goals 5 & 6). The proposed changes detract from the vision of the future for Plan area (Goal 7). The subject request will adversely affect the Petroglyph National Monument and other natural features of the area (Goal 9). The proposed changes may threaten the unique quality of life in the area and the area's natural resources, while not providing for sustainability of development in the area (Goals 10 & 12). [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 16]

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 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 text amendments will not provide for a more complete mix of land uses in the area by removing possible incentives for coordinated development on a larger scale than individual lots (Objectives 1 & 2). The submitted changes will interfere with the design standards of the plan, which include preservation of unique resources in the area (Objective 3). The proposal will detract from a sense of community and the quality of life in the area because the proposed residential densities differ greatly from existing zoning regulations in the area, which will have adverse impacts on the area's environment (Objectives 4 & 6). The proposed changes to the VHSDP will detract from community building in the area and will remove methods for successful design and development of the area by property owners (Objective 10). [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16]

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.

The submitted text amendments will not adversely affect activity center development (Policy 1.1). The proposed changes will probably not have adverse impacts on the public school system (Policy 2.5).

The proposed changes to regulations do not reflect the standards and requirements already contained in the VHSDP, which are written to minimize impacts upon the National Monument (Policy 3.81). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]

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 changes to the VHSDP adversely affect implementation of the design standards contained in the WSSP and the VHSDP (Policies 4.8 & 4.9). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]

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 submitted changes to the plan may discourage property owners from 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 proposed changes do not require clustering of dwelling units to provide more open space (Policy 7.24). [VCPOA Issues 1, 2, 3, 8, 11, 14]

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.

The changes increase the development envelope and decrease the conservation area on residential lots, which does not compliment the open space areas in the Plan (NWMEP Policy #9). The proposed amendment may allow structures to block views of the natural environment and the escarpment (Policies #12 and #14). The submitted changes will increase visual impact in the area (NWMEP Policy #13). [VCPOA Issues 2, 3, 4, 6, 7, 8, 12, 16]

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 changes 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 amendment proposal will promote more housing options in the VHSDP.

The proposed changes will affect the plan's design and conservation requirements for architecture, landscaping and views. The strategy for providing necessary infrastructure will be adversely affected by the proposed amendment. [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16]

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 changes do not conflict with the Land Use Intent to encourage a range of housing opportunities for various ages and incomes within the VHSDP area.

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 or conditional use in a zone is specifically prohibited from that zone, except as otherwise provided herein.”

The proposed changes do not help achieve Article IX of the Charter of the City of Albuquerque, and conflicts with a preponderance of the applicable Goals, Policies and intents of the City's Master Plan, the Albuquerque/Bernalillo County Comprehensive Plan and its lower ranked components, thereby not meeting the intent of the Zoning Code (Section 14-16-1-3).

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Comments received from other departments and agencies range from opposition to the requested changes (Advanced Planning Division) to noncommittal, factual comments (Code Enforcement Division, City Engineer) to clarifying comments (Open Space Division). No comments of support have been received.

NEIGHBORHOOD/PUBLIC CONCERNS

The representative of the Taylor Ranch Neighborhood Association has verbally expressed concern over the proposed text amendments the VHSDP.

CONCLUSIONS

The proposed changes submitted by the Volcano Cliffs Property Owners Association (VCPOA) are so extensive that they significantly conflict with applicable goals, policies, objectives and intents of the Comprehensive Plan, the West Side Strategic Plan, the Northwest Mesa Escarpment Plan and the VHSDP. Individual changes or adjustments may be appropriate in a different, less extensive form, but taken as a whole, the submitted request would fundamentally change the VHSDP, which was very recently adopted by the City Council in October 2006.

Much of the applicants' reasoning and justification for the changes is subjective and/or anecdotal. Some of the proposals are unnecessary reiterations of existing City policies and procedures (Issues 5 and 13), while others are premature in their scope and timing (Issues 10 and 15). The remaining, majority of proposals are not supported by existing City policies and/or by technical data.

Planning staff appreciates the applicants' discussion of issues and situations that concern them and their membership, but cannot support this extensive rewrite of the VHSDP at this time.

FINDINGS

1. This is a proposal for a text amendment to the Volcano Heights Sector Development Plan (VHSDP) to address sixteen “Issues” as outlined by the Volcano Cliffs Property Owners Association (VCPOA).
2. The City Council’s adoption of the VHSDP has been appealed by the VCPOA 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. Much of the applicants’ reasoning and justification for the changes is subjective and/or anecdotal and are not supported by existing City policies and/or by technical data.
4. City Charter:
 - a. City Council action on the submitted text amendment is an exercise in maximum local government. The City Council has the authority to create, review, amend and alter development standards for residential land uses, transportation, open space and infrastructure financing in the VHSDP through legislative action (Article I).
 - b. The submitted text amendment does not further the interest of the public by insuring the proper use of land and promoting and maintaining an aesthetic and humane urban environment. The submitted text amendment is an extensive rewrite of the VHSDP that does not recognize the planning and investment already expended by the City to develop a detailed plan for the area that outlines land use controls, desired coordination amongst different City departments and outside agencies and development phasing that resulted from the recently adopted VHSDP (Article IX).
5. Comprehensive Plan, Open Space Network:
 - a. The submitted amendment to the VHSDP creates potential situation where the integrity of areas open space resources could be threatened by inadequate buffering from residential development. The proposed changes to development envelope regulations will not provide adequate visual relief from development by emphasizing the urban form over preservation of natural resources and environmental features and will discourage clustering of development envelopes to create larger open space areas within a residential subdivision (Open Space Network Goal and Policy a). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]
 - b. The submitted changes to the VHSDP will decrease on-site open space that will make it less 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). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]
- c. The proposed amendments to the sector development plan will not help to protect natural features of the area and views, which will degrade potential open areas within the Open Space network that serves the population as a whole (Open Space Network Policies f and h). [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]
 - d. The submitted changes to the VHSDP do not encourage natural landscaping, adequate integration of open areas into residential design and the full potential for connections to the larger Open Space network (Policies i and j). [VCPOA Issues 2, 4, 6, 7, 8, 9, 12, 16]
6. Comprehensive Plan, Developing and Established Urban Areas [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16]:
- a. The submitted changes to the VHSDP will not respect the values, environmental conditions and resources of the area or help to ensure compatibility with surrounding neighborhoods (Policies d & e).
 - b. The proposed changes alter the requirements for clustered development in the VHSDP and give property allowance to design housing products that are not appropriate to the area and may hamper the quality of the visual environment (Policies f, l & m).
 - c. The proposed changes may threaten property owners' options to resolve issues associated with the provision of infrastructure and services (Policies b & n).
7. Comprehensive Plan, Developed Landscape [VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]:
- a. The submitted changes to the VHSDP will adversely affect 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 changes will not respect the natural and visual environment of the area as a determinant in development decisions (Policy a).
 - c. The proposed changes will alter the VHSDP's requirements for the use of native landscaping and vegetation in appropriate areas; the changes will adversely affect the design and materials standards of the plan (Policies d & e).
8. The proposed changes to lot sizes and other regulations may detract from 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). [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 16]

9. Comprehensive Plan, Economic Development [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 16]:
 - a. The proposed changes may help to achieve steady and diversified economic development but not balanced with other important social, cultural and environmental goals within the area (Economic Development Goal).
 - b. The proposed language may create obstacles to economic development associated with the area if development occurs in a disjointed or checkerboard fashion (Policy f).

10. West Side Strategic Plan, Goals [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 16]:
 - a. The proposed changes to the VHSDP will adversely affect the infrastructure funding strategies of the VHSDP (Goal 4).
 - b. The amendment proposals will not 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 changes detract from the vision of the future for Plan area (Goal 7).
 - d. The subject request will adversely affect the Petroglyph National Monument and other natural features of the area (Goal 9).
 - e. The proposed changes may threaten the unique quality of life in the area and the area's natural resources, while not providing for sustainability of development in the area (Goals 10 & 12).

11. West Side Strategic Plan, Objectives [VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16]:
 - a. The proposed text amendments will not provide for a more complete mix of land uses in the area by removing possible incentives for coordinated development on a larger scale than individual lots (Objectives 1 & 2).
 - b. The submitted changes will interfere with the design standards of the plan, which include preservation of unique resources in the area (Objective 3).
 - c. The proposal will detract from a sense of community and the quality of life in the area because the proposed residential densities differ greatly from existing zoning regulations

in the area, which will have adverse impacts on the area's environment (Objectives 4 & 6).

- d. The proposed changes to the VHSDP will detract from community building in the area and will remove methods for successful design and development of the area by property owners (Objective 10).

12. West Side Strategic Plan, Policies:

- a. The proposed changes to regulations do not reflect the standards and requirements already contained in the VHSDP, which are written to minimize impacts upon the National Monument (Policy 3.81). *[VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]*
- b. The proposed changes to the VHSDP adversely affect implementation of the design standards contained in the WSSP and the VHSDP (Policies 4.8 & 4.9). *[VCPOA Issues 2, 3, 4, 6, 7, 8, 9, 12, 16]*
- c. The submitted changes to the plan may discourage property owners from 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 proposed changes do not require clustering of dwelling units to provide more open space (Policy 7.24). *[VCPOA Issues 1, 2, 3, 8, 11, 14]*

13. Northwest Mesa Escarpment Plan Policies *[VCPOA Issues 2, 3, 4, 6, 7, 8, 12, 16]*:

- a. The changes increase the development envelope and decrease the conservation area on residential lots, which does not compliment the open space areas in the Plan (NWMEP Policy #9).
- b. The proposed amendment may allow structures to block views of the natural environment and the escarpment (Policies #12 and #14).
- c. The submitted changes will increase visual impact in the area (NWMEP Policy #13).

14. Volcano Heights Sector Development Plan, Fundamental Goals (pages 39 – 43) *[VCPOA Issues 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, 16]*:

- a. The proposed changes will affect the plan's design and conservation requirements for architecture, landscaping and views.
- b. The strategy for providing necessary infrastructure will be adversely affected by the proposed amendment.

-
15. The proposed changes do not help achieve Article IX of the Charter of the City of Albuquerque, and conflicts with a preponderance of the applicable Goals, Policies and intents of the City's Master Plan, the Albuquerque/Bernalillo County Comprehensive Plan and its lower ranked components, thereby not meeting the intent of the Zoning Code (Section 14-16-1-3).

RECOMMENDATION

That DENIAL of 07EPC 40045, a text amendment to the Volcano Heights Sector Development Plan , be forwarded to the City Council, based on the preceding Findings.

***Russell Brito
Division Manager***

cc: Volcano Cliffs Property Owners Assoc, Inc., P.O. Box 65888, Albuquerque, NM 87193
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Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: The proposed amendments of the Sector Development Plan are enforceable.

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, Volcano Cliff's Property Owners Assoc.

Advanced Planning

The proposed amendments to the Volcano Heights Plan as submitted are not justified and do not reflect how they further the Comprehensive Plan, the West Side Strategic Plan or the Northwest Mesa Escarpment Plan.

The amendments propose to delete specific regulatory language, however, does not propose to remove the policies within the plan that support the regulations.

Alternative fencing along the lot's perimeter and including language that would ensure that buildings heights in the Conservation Area is limited to 15' in height will help improve the plan.

The remaining recommended changes are regarding major policy issues that have already been considered by the City Council with the adoption of the Volcano Heights Plan.

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments. However, see Transportation Planning comments below.

Hydrology Development (City Engineer/Planning Department):

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

Transportation Planning (Department of Municipal Development):

Findings

- **II. Transportation, 7. Bicycle Trail Network (page 63):** There is no explanation or rationale given for the recommended increase in right-of-way width from 58 feet to 72 feet on Kimmick from Rosa Parks to Paseo del Norte or the designation of on-street bicycle lanes along this segment of roadway. Also, why the change to only the segment of Kimmick from Rosa Parks to Paseo del Norte?
- **III. Land Use, 2. Land Use Plan (page 67 map):** There is no explanation or reference given to what specific segment of Atrisco is of concern. It should also be noted that the use of the Atrisco right-of-way is somewhat limited because of the presence of existing high pressure gas mains. Typically, permanent roadway improvements must be on a separate alignment from these gas main facilities.

Recommendation

- Deferral until additional information is provided clarifying the proposed text amendments.

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 Amendment to the Sector Development Plan shall include:

- a. **Deferral**, until additional information is provided clarifying the proposed text amendments.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

City Forester

PARKS AND RECREATION

Planning and Design

Open Space Division

Page 1- 1st of their recommendations on correction #2 (midpage)
Open Space requires a maximum of 15 foot building heights within 200 feet of Major Public Open Space or the Petroglyph National Monument.

Page 4- #7

First, there are not 22,000 acres of Major Public Open Space in this area, this should be clarified. There are less than 7,119 acres in this area.

Open Space trails will be needed whether they will be private open space trails leading to Major Public Open Space (MPOS) or Major Public Open Space trails leading to MPOS. Any and all trails designated as MPOS will be maintained by the City of Albuquerque's Park's and Recreation Department and their Open Space Division. All private open space trails and lands will be maintained by the development and/or homeowners association(s).

Page 5- #9

Once again, the 15 foot maximum building height must be adhered to within 200 feet of MPOS

Page 6- #7

The same comment I posted under page 4- #7 applies here as well.

Page 11- #5. Maintenance

The plan should state that the City of Albuquerque shall be responsible for maintaining Major Public Open Space and not private open space. This needs to be cleared up.

Page 13 and 14- #7

Applicant needs to clarify their recommendation here. Hard to understand what they are recommending with the one sided streets scenario.

Page 14- #10 (regarding 1st recommendation by applicant)

All Public lands including MPOS, the Petroglyph National Monument, and all significant archeological sites must be protected from heavy equipment and vehicles. No vehicles are allowed within these public areas, period.

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

The Volcano Cliffs Property Owners Association, Inc. has submitted several amendments to the Volcano Heights Sector Plan. The following comments pertain to these responses and to the sector plan.

Adequate Public Facilities Ordinance/School Facility Fees

Based on an estimated 12,000 residential units at full build out, the Volcano Heights area will drive the need for 5 elementary schools, 1 middle school, and 1 high school. Two elementary schools and one middle school are currently being planned for this area. Volcano Vista High School will provide sufficient capacity for this area over the next 5 years.

The Volcano Heights Sector Plan is recommending that the city implement an Adequate Public Facilities regulation to link school facilities with the timing of development. Until such a regulation is implemented, APS will continue to collect school facility fees for each new residential unit in the area as per Bill No. F/S R-06-74: "All preliminary plats and final plats approved after October 31, 2006 involving residential lots, single-family or multi-family residential land use, must evidence that APS has reviewed the proposal and determined that it is consistent by APS in accordance with a Pre-Development Facility Fee Agreement. No preliminary or final plat approval will be granted by the City for any subdivision containing any residential component without the determination by APS that the proposal has been reviewed and is consistent with the APS requirement that a Pre-Development Facilities Fee Agreement has been entered into between APS and the developer."

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comment as long the 10-foot PUES are maintained along the front and side of the lots to allow for underground utilities