

City of Albuquerque
Planning Department
Urban Design and Development Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: January 14, 2011

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1005278
06EPC-01700 ANNEXATION
06EPC-01701 AMENDMENT TO ZONE MAP
(ESTABLISHMENT OF ZONING)

Juan Tabo Hills West LLC
PO Box 1443
Corrales, NM 87048

LEGAL DESCRIPTION: MARK GOODWIN AND ASSOCIATES PA agent for JUAN TABO HILLS WEST LLC requests the above actions for all or a portion of Tract A, JUAN TABO HILLS WEST, zoned A-1 to R-D, located on SOUTHERN MOST END OF JUAN TABO SE BETWEEN KAFB ON SOUTH AND SANDIA SCIENCE & TECH PARK ON NORTH containing approximately 85-acres. (M-21) Chris Hyer, Staff Planner

On January 13, 2011 the Environmental Planning Commission voted to **Recommend Approval to the City Council of Project #1005278 / 06EPC-01700, an Annexation and 06EPC-01701, an Amendment to Zone Map (Establishment of Zoning)**, based on the following findings and subject to the following conditions:

Project #1005278, 06EPC-01700 - Annexation

FINDINGS:

1. This request is for annexation of Tract A, Juan Tabo Hills West, which consists of approximately 85-acres (the "subject site"), into the City of Albuquerque. The subject site is located directly west of the existing Juan Tabo Hills subdivision and south of the Tijeras Arroyo, between Juan Tabo Drive and Eubank Boulevard SE.
2. Annexation of the subject site will allow for an expansion of the existing Juan Tabo Hills subdivision that abuts the subject site on the east.

3. The subject site is in the Developing Urban Area of the Comprehensive Plan.
4. This request for annexation is accompanied by a request for the establishment of R-D zoning, (Project #1005278, 06EPC-01701). Approval of the R-D zoning is contingent upon approval of the request for annexation.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. This request for annexation furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

DEVELOPING URBAN AREA POLICIES

- A. This request will add to the range of urban land uses found in the community by improving land that has been considered challenging to develop while expanding the established neighborhood. The result will be a neighborhood with a gross maximum density of 5 dwelling units per acre. (Comprehensive Plan Policy II.B.5.a)
 - B. This request will expand the existing neighborhood, JTH, to the west and will be developed in the same manner. It allows growth of JTH to be on adjacent, vacant land that is contiguous to the existing City limits and will be served by existing urban facilities and services. The requested zoning, R-D, is the same as the existing neighborhood and shall be developed with a similar density. (Comprehensive Plan Policies II.B.5.d & II.B.5.e)
 - C. Clustered housing will be easy to obtain (with shared open spaces in between) for the following reasons: R-D zoning requires that each dwelling shall have 2,400-square feet of open space and the R-T standards allow for the dwellings to be in close proximity with each other or attached. The homes are to be developed on the elevated areas off the Tijeras Arroyo as well. (Comprehensive Plan Policies II.B.5.f, II.B.5.g & II.B.5.l)
 - D. The subject site will be developed with R-D zoning that requires dedication of open space, thus encouraging the preservation of the natural environment. (Comprehensive Plan Policy II.B.5.m)
7. The applicant has adequately justified the annexation request pursuant to Resolution 54-1990.

Section 1a: Compliance with City policy regarding land dedication for public facilities is assured:

The applicant will provide all land needed for the additional infrastructure and City services for the expansion of the existing neighborhood of Juan Tabo Hills. The applicant has stated that he is willing to dedicate land, which is needed to fulfill this policy.

Section 1b: The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

The applicant has agreed to install and pay for all necessary infrastructure in a timely manner and then dedicate it to the City. A pre-annexation agreement has been agreed to by the City and the developer and will be signed by the City upon City Council approval of this request. There will be no City capital expense used for this development's infrastructure.

Section 1c: The City may decline an annexation if necessary capital expenditures fall all or partly under paragraph b(2), above and the City concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case:

No capital expenditures shall be needed. The applicant will be responsible in developing the needed infrastructure for this development.

Section 1d: Land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by state statutes:

The entire eastern boundary of the site abuts the City limits.

Section 1e: Land to be annexed shall have provision for convenient street access to the City:

The subject site will connect with two existing collectors that feed into Juan Tabo Boulevard and a proposed third street to be created that will provide supplemental access to Juan Tabo Hills Drive.

Section 1f: Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City:

The subject site has reasonable boundaries – it is in the shape of a triangle. Public services are available in the abutting JTH subdivision and these services can easily be extended to the subject site. The City's jurisdiction is easily recognizable as the property abuts Kirtland AFB to the south and the Tijeras Arroyo on a diagonal that has one point to the north and the other point to the west – it is the hypotenuse of the triangle.

Section 1g: City boundaries shall be established along platted lines which will make definite what the City limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance:

The City limits will be easy to identify in this area as the subject site is defined, as are adjacent tracts, by a recorded plat.

8. The City Engineer has accepted the Traffic Impact Study (TIS) conducted by the applicant for this request.
9. The City Engineer has placed required on-site and off-site improvements from both the Traffic Impact Study (TIS) and other required infrastructure on the Infrastructure List of the pre-annexation agreement and agrees with the language in the pre-annexation agreement.
10. The Open Space Division has reviewed the pre-annexation agreement and accepts the conveyance of Tract B. Undisturbed portions of Tract B will be considered for open space and this will help satisfy the Open Space requirement for lots in the Developing Urban Area and further the objectives of the Resource Management Plan for the Tijeras Arroyo Biological Zone.

11. Albuquerque Public Schools (APS) will be impacted by this annexation. The schools that would be available for future residents include: Manzano Mesa and Apache Elementary Schools, Van Buren and Grant Middle Schools and Highland and Manzano High Schools. Apache Elementary School is exceeding capacity, while all other effected schools have excess capacity.
12. The subject site is within the 1,000-foot landfill gas buffer zone of the former Eubank Landfill. The developer is required to follow the most current version of the "City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones". Review and approval of the site plan will be required by the Environmental Health Department (EHD) when this request is at the Development Review Board (DRB).
13. There is no neighborhood or other known opposition to this request. However, the Juan Tabo Hills Neighborhood Association (JTHNA) has expressed concerns that improvements to their neighborhood have not been completed.

CONDITIONS:

1. A pre-annexation agreement between the Applicant and the City of Albuquerque, as approved by the City Engineer and the Superintendant of Open Space, is required and shall include an obligation of the property owner to complete all off site improvements which, in the reasonably exercised opinion of the City Engineer, are appropriate as a result of the development of the property.
2. The County of Bernalillo requires:
 - 1) Development on this site must include adequate park facilities for residents
 - 2) Developers must carefully coordinate plans for the site with representatives of Kirtland Air Force Base and provide disclosure to potential buyers of base and airport activity in this vicinity through avigation easements or other means.
 - 3) Final action on the annexation by the City of Albuquerque should include notification to Bernalillo County so that public safety agencies can be made aware that this property is within the city's jurisdiction
3. The City Council shall consider amending the boundaries of the East Gateway Sector Plan to incorporate this property.

Project #1005278, 06EPC-01701 – Establishment of Zoning

FINDINGS:

1. This request is for establishment of zoning from County A-1 to R-D for Tract A, Juan Tabo Hills West, approximately 85-acres (the "subject site"). The subject site is located directly west of the existing Juan Tabo Hills Subdivision and south of the Tijeras Arroyo, between Juan Tabo Drive and Eubank Boulevard SE.

2. This request for the Establishment of zoning is accompanied by a request for annexation of the subject site (Project #1005278, 06EPC 01700).
3. The subject site is in the Developing Urban Area of the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. This request would facilitate an expansion of the existing Juan Tabo Hills neighborhood that abuts the subject site on the east. The requested zoning is the same as the zoning in the residential portion of Juan Tabo Hills: R-D subject to R-T controls.
6. This request for establishment of zoning furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

DEVELOPING URBAN AREA POLICIES

- A. The additional residential area will add to the range of urban land uses found in the community by improving land that has been considered challenging to develop while expanding the JTH established neighborhood. This expansion area will allow growth of JTH to be on adjacent, vacant land that is contiguous to the existing City limits and will be served by existing urban facilities and services. The result will be a neighborhood with a gross maximum density of 5 dwellings units per acre. The requested zoning, R-D, is the same as the existing neighborhood and shall be developed with a similar density. (Comprehensive Plan Policies II.B.5.a, II.B.5.d & II.B.5.e)
 - B. Clustered housing will be easy to obtain (with shared open spaces in between) for the following reasons: R-D zoning requires that each dwelling shall have 2,400-square feet of open space and the R-T standards allow for the dwellings to be in close proximity with each other or attached. (Comprehensive Plan Policies II.B.5.f & II.B.5.g)
 - C. The subject site will be developed with R-D zoning that requires dedication of open space, thus encouraging the preservation of the natural environment. (Comprehensive Plan Policy II.B.5.m)
7. The applicant has adequately justified the zone map amendment request pursuant to Resolution 270-1980.
 - A. The requested annexation and establishment of zoning would not result in development that places an undue burden on public facilities and services while expanding the limits of the City. The tract also does not create any harm to adjacent properties – it is an extension of the existing Juan Tabo Hills (JTH) development immediately to the east. Because it furthers the Comprehensive Plan policies, it is found to be consistent with the health, safety, morals and welfare of the City.
 - B. The resulting intensity of development will not destabilize adjacent land uses and existing development in the area; it is the same zoning as in the adjacent subdivision – R-D, subject to R-T controls. The applicant has provided sound justification for the change

- C. The request will further the Developing Urban Area Goal by expanding the residential area of the already established Juan Tabo Hills. This request adds to the existing community and enhances the choice of housing and life style available. The request is not in conflict with applicable Comprehensive Plan policies.
 - D. The request for annexation and establishment of R-D zoning is due to the desire to expand the existing JTH neighborhood. The now developed Juan Tabo Boulevard Bridge is a changed condition that allows access to this once isolated site. The R-D zone, a residential zone, is more advantageous to the community because it adds to the variety and choice for places to live.
 - E. The requested change of zoning from County A-1 to the City's R-D zone allows for residential uses. The abutting JTH neighborhood, which consists mostly of single-family homes, are developed using R-T controls, is also zoned R-D. The requested R-D zoning will not be harmful to the already existing neighborhood.
 - F. This request will not require any major and unprogrammed capital expenditures. The future development facilitated by this request will use existing infrastructure.
 - G. The cost of land or other economic considerations are not the determining factor for this request.
 - H. Location on a collector or major street is not being used as justification for this request.
 - I. The requested zoning is consistent with the adjacent neighborhood and would not create a spot zone.
 - J. The requested zoning is consistent with the adjacent neighborhood and would not create a strip zone.
8. There is no neighborhood or other known opposition to this request. However, the Juan Tabo Hills Neighborhood Association (JTHNA) has expressed concerns that improvements to their neighborhood have not been completed.

CONDITIONS:

- 1. The City Council shall consider amending the boundaries of the East Gateway Sector Plan to incorporate this property.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JANUARY 28, 2011 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC

OFFICIAL NOTICE OF DECISION
PROJECT #1005278
JANUARY 13, 2011
Page 7 of 7

RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

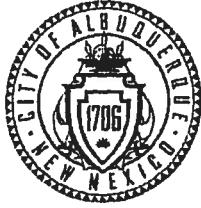


for Deborah Stover
Planning Director

DS/ch/mc

cc: Mark Goodwin & Associates P.A., PO Box 90606, Albuquerque, NM, 87199
Juan Tabo Hills West, LLC, PO Box 1443, Corrales, NM, 87048
Juan Tabo Hills West, LLC, PO Box 9470, Albuquerque, NM, 87119
Sanford Fish, County of Bernalillo, 111 Union Square SE, Suite 100, Albuquerque, NM 87102
Kevin Smith, 1843 Red Rum Ct SE, Albuquerque, NM, 87123
Tom Gregory, 11910 Central Ave SE, Albuquerque, NM, 87123
Roger Mickelson, 1432 Catron Ave SE, Albuquerque, NM 87123
Geneiva Meeker, 1423 Wagon Train Dr SE, Albuquerque, NM, 87123





CITY OF ALBUQUERQUE
PLANNING DEPARTMENT, PLANNING AND URBAN DEVELOPMENT
P.O. BOX 1293, ALBUQUERQUE, NM 87103

DATE: October 17, 2011

Juan Tabo Hills West LLC
PO Box 1443
Corrales, NM 87048

CERTIFICATE OF ZONING

FILE: Project # 1005278
06EPC-01701 AMENDMENT TO ZONE MAP
(ESTABLISHMENT OF ZONING)
DATE OF FINAL ACTION: January 13, 2011

LEGAL DESCRIPTION:

MARK GOODWIN AND ASSOCIATES PA agent for
JUANTABO HILLS WEST LLC requests the above actions for all
or a portion of Tract A, JUAN TABO HILLS WEST, zoned A-1
to R-D, located on SOUTHERN MOST END OF JUAN TABO
SE BETWEEN KAFB ON SOUTH AND SANDIA SCIENCE &
TECH PARK ON NORTH containing approximately 85-acres.
(M-21) Chris Hyer, Staff Planner

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE CITED
PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM: County A-1
TO: R-D

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site and building plans need to be reviewed, approved and signed-off by the Environmental Planning Commission, the Development Review Board, the Design Review Committee and/or the Building and Safety Division, as applicable and as required by the site's zoning, before a building permit will be issued.

Sincerely,

CMarrone
for Deborah Stover
Planning Director

DS/mc

cc: Zoning Code Services Division
Michelle Gricius, AGIS Division
File

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