

R. 2011. 0666

**CITY OF ALBUQUERQUE
CITY COUNCIL**

8/25/11

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Laura Mason, Director of Council Services

LM

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. C/S R-11-211 For An Area of Approximately 446 Acres, Adopting of The Volcano Trails Sector Development Plan; Changing Existing Zoning on Undeveloped Properties (Lewis, by request), which was passed at the Council meeting of August 15, 2011, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:mh
Attachment

**CITY OF ALBUQUERQUE
NINETEENTH COUNCIL**

COUNCIL BILL NO. C/S R-11-211

ENACTMENT NO. R. 2011. 0666

SPONSORED BY: Dan Lewis by request

RESOLUTION

1
2 **FOR AN AREA OF APPROXIMATELY 446 ACRES AND BORDERED GENERALLY**
3 **BY UNIVERSE BOULEVARD TO THE EAST, STATE LAND, APS SCHOOL SITES**
4 **AND THE NORTHERN GEOLOGIC WINDOW TO THE SOUTH, VACANT**
5 **BERNALILLO COUNTY LAND TO THE WEST, AND PASEO DEL NORTE TO THE**
6 **NORTH, ADOPTING THE VOLCANO TRAILS SECTOR DEVELOPMENT PLAN AS A**
7 **RANK 3 PLAN; CHANGING EXISTING ZONING ON UNDEVELOPED PROPERTIES**
8 **FROM RD TO SU-2 VOLCANO TRAILS VILLAGE CENTER, SU-2 VOLCANO**
9 **TRAILS URBAN RESIDENTIAL, SU-2 VOLCANO TRAILS RESIDENTIAL**
10 **DEVELOPING AREA, SU-2 VOLCANO TRAILS SMALL LOT, SU-2 VOLCANO**
11 **TRAILS MEDIUM LOT, AND SU-2 VOLCANO TRAILS OPEN SPACE.**

12 **WHEREAS, the City Council, the governing body of the City of**
13 **Albuquerque, has the authority to adopt and amend plans for the physical**
14 **development of areas within the planning and platting jurisdiction of the City**
15 **authorized by Statute, Section 3-19-1 et seq., NMSA 1978, and by its home rule**
16 **powers; and**

17 **WHEREAS, on March 3, 2011 the Environmental Planning Commission, in**
18 **its advisory role on land use and planning matters, recommended that the City**
19 **Council adopt the Volcano Trails Sector Development Plan (VTSDP); and**

20 **WHEREAS, the Environmental Planning Commission found approval of the**
21 **Volcano Trails Sector Development Plan consistent with applicable goals and**
22 **policies of the Comprehensive Plan, the Westside Strategic Plan, the Trails and**
23 **Bikeways Facility Plan, the Facility Plan for Electric Service Transmission and**
24 **Subtransmission Facilities, the City of Albuquerque Major Public Open Space**
25 **Facility Plan, the Facility Plan for Arroyos, the Northwest Mesa Escarpment Plan,**
26 **the Comprehensive City Zoning Code, and R-270-1980.**

1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 Section 1. The VOLCANO TRAILS SECTOR DEVELOPMENT PLAN is
4 hereby adopted subject to conditions of approval in Exhibit A:

5 A. The Volcano Trails Sector Development Plan attached hereto and made
6 a part hereof, is hereby adopted as a land-use control pursuant to the
7 Comprehensive City Zoning Code.

8 B. The maps on page 24 titled "Exhibit 10, Zoning Established by the
9 Volcano Trails Sector Development Plan" and the text of Chapter 3 "Zoning and
10 General Standards" are adopted as an extension of the Zoning Code and its zone
11 map.

12 Section 2. FINDINGS ADOPTED. The City Council adopts the following
13 findings:

14 A. The Volcano Trails Sector Development Plan is a Rank 3 plan that
15 covers an area of approximately 446 acres. The Plan boundaries are Universe
16 Boulevard to the east; State land, APS school sites and the Northern Geologic
17 Window to the south; vacant Bernalillo County land to the west; and Paseo del
18 Norte to the north.

19 B. This plan is one of three distinct but related sector development plans
20 intended to guide future development in the larger Volcano Mesa Community.
21 The other two plans are the Volcano Heights and Volcano Cliffs Sector
22 Development Plans. The three plans share similar policy underpinnings that are
23 included in a companion amendment to the Rank II, West Side Strategic Plan
24 (WSSP). At the November 4, 2010 hearing, the EPC voted to send the WSSP
25 amendment to the City Council with a recommendation of approval. On February
26 23, 2011, the City Council voted to adopt the WSSP amendment.

27 C. The Volcano Trails area currently contains land that is zoned RD, and
28 the Volcano Trails Sector Development Plan proposes six new zone categories –
29 SU-2 VT Village Center (VTVC), SU-2 VT Residential Developing area (VTRD), SU-2
30 VT Urban Residential (VTUR), SU-2 VT Small Lot Residential (VTSL), SU-2 VT
31 Medium Lot Residential (VTML), SU-2/SU-1 for Open Space (privately owned) – as
32 well as General Design Standards and General Regulations that are associated to
33 varying degrees with all properties within the VTSDP boundary.

1 **D. The Volcano Trails Sector Development Plan supports the following**
2 **goals and policies in the Albuquerque/Bernalillo County Comprehensive Plan:**

3 **1. Policies II.B.5.a, c, d, h, i, k, m: through the mix of uses proposed in**
4 **order to provide neighborhood services, retail, and higher-density housing**
5 **in specific locations in the Volcano Trails area, and zoning regulations that**
6 **ensure development will not be visually intrusive (i.e. restrictions on**
7 **height, color, and reflectivity);**

8 **2. Policies II.B.1.c, f, j: through the location of the least intense zoning**
9 **adjacent to Major Public Open Space, the General Standards that address**
10 **colors, heights, reflectivity and fencing adjacent to the Petroglyph National**
11 **Monument, and the recognition of the developer's proposals for open**
12 **space corridors, parks, and trails;**

13 **3. Policy II.C.6.c: through the language in General Standards that**
14 **address petroglyphs and archeological sites;**

15 **4. Policies II.C.8.a, b, d, e: through the General Standards protecting**
16 **rock outcroppings; development buffers and low-intensity zoning nearest**
17 **to the Petroglyph National Monument, arroyos, and Major Public Open**
18 **Space; General Standards requiring street trees and native and xeric plants**
19 **for landscaping; and zoning regulations that ensure development will not**
20 **be visually intrusive (i.e. restrictions on height, color, and reflectivity);**

21 **5. Policies II.C.9.b, e: through the proposed zoning, and the proposed**
22 **road network, and through the employment opportunities provided by the**
23 **Village Centers;**

24 **6. Policies II.D.6. a, g: through the small business and employment**
25 **opportunities provided by the mixed use areas and the Village Centers.**

26 **E. The Volcano Trails Sector Development Plan supports the following**
27 **policies in the West Side Strategic Plan:**

28 **1. Policy 1.1 through the high-density and non-residential uses to be**
29 **located in proposed nodes;**

30 **2. Policy 3.96 through the establishment of new zoning that will create**
31 **mixed-use neighborhoods and allow higher-density residential**
32 **development that can both support and be served by transit;**

1 **3. Policy 3.99 through General Standards that protect the Petroglyph**
2 **National Monument’s Northern Geologic Window from the impacts of**
3 **development by requiring single-loaded streets along at least 60% of the**
4 **lineal edge of the Northern Geologic Window and prohibiting storm runoff**
5 **into the Northern Geologic Window in excess of natural flows;**

6 **4. Policy 3.100 through regulations on building color and reflectivity,**
7 **heights and setbacks;**

8 **5. Policy 3.101 through regulations limiting fill;**

9 **6. Policy 3.103 by mapping Significant Rock Outcroppings and setting**
10 **guidelines for their protection and requiring mitigation of storm runoff from**
11 **development into the Petroglyph National Monument;**

12 **7. Policy 3.104 by requiring that development, trails and recreation**
13 **areas be set back by at least 50 feet from prehistoric petroglyphs or other**
14 **significant archaeological sites as defined by the Albuquerque**
15 **Archaeological Ordinance;**

16 **8. Policy 3.105 by requiring larger lot sizes, up to a minimum of 11,000**
17 **square feet for development within 200 feet of the Petroglyph National**
18 **Monument or Major Public Open Space in order to preserve view corridors**
19 **and visible private open space, by requiring single-loaded streets along at**
20 **least 60% of the lineal edge of the Petroglyph National Monument’s**
21 **Northern Geologic Window;**

22 **9. Policy 3.106 by requiring that development, trails and recreation**
23 **areas in the Volcano Trails area be set back by at least 50 feet from**
24 **prehistoric petroglyphs or other significant archeological sites, unless**
25 **designated under the guidance of a qualified archaeologist, per the city’s**
26 **Archaeological Ordinance;**

27 **10. Policy 3.107 by mapping Significant Rock Outcroppings defined in**
28 **the Plan as bedrock or other stratum a minimum of 6 feet high on its**
29 **steepest side as measured from the adjacent 10% slope line and in excess**
30 **of 500 feet of surface area, and setting guidelines for their protection and**
31 **access;**

32 **11. Policy 3.108 by mapping Significant Rock Outcroppings in the Plan**
33 **area and requiring that they be preserved in place and incorporated into**

1 privately-owned open space (open to the public) to be identified on existing
2 and future site plans, and that access be provided via public right-of-way or
3 public access easements as development occurs;

4 12. Policy 3.11 by promoting land-use, density and development
5 standards that concentrate mixed-use and make frequent transit service
6 viable;

7 13. Policy 3.13 by establishing a network of multi-use trails within an
8 open space network and along key streets that provide access to several
9 City and neighborhood parks, as well as the Petroglyph National
10 Monument's Northern Geologic Window;

11 14. Policy 4.6 by establishing maximum development densities and lot
12 sizes for development near the Petroglyph National Monument's Northern
13 Geologic Window, through regulations on building color and reflectivity, by
14 requiring single-loaded streets along at least 60% of the lineal edge of the
15 Northern Geologic Window, by setting design standards for commercial
16 signage, and by specifying coyote, post-and-wire or view fencing on
17 properties located adjacent to the Petroglyph National Monument or Major
18 Public Open Space.

19 15. Policy 4.6c by prohibiting gated or walled developments in any non-
20 exempt part of the Volcano Trails Sector Development Plan area, and by
21 prohibiting/strongly discouraging cul-de-sacs or dead-end streets in newly
22 platted development.

23 16. Policies 7.7, 10.1, and 10.3 through the General Standards for
24 naturalistic arroyo treatment.

25 F. The VTSDP supports the Proposed Trails Map on page 8 and the intent
26 of the Rank 2 Trails and Bikeways Facility Plan through the expansion of the trail
27 network in this area.

28 G. The Volcano Trails Sector Development Plan supports Policies 20, 21
29 and 23 in the Northwest Mesa Escarpment Plan through the Zoning and General
30 Standards in the VTSDP, written to avoid visually intrusive development and the
31 recognition of the developer's proposed open space and scenic corridors for the
32 Volcano Trails area.

1 H. The Volcano Trails Sector Development Plan supports the Proposed
2 Trails Map on page 22 and the intent of the Rank II Trails and Bikeways Facility
3 Plan through the expansion of the trail network in this area.

4 I. The Volcano Trails Sector Development Plan supports the Rank II
5 Facility Plan for Electric Service Transmission and Subtransmission Facilities,
6 through the addition of language provided with PNM to address utility easements,
7 landscaping, and access to public utility facilities.

8 J. The Volcano Trails Sector Development Plan supports the Rank II City
9 of Albuquerque Major Public Open Space Facility Plan policies B2-G, B2-K, C-3
10 and Figure 4-1 through policies that address the environment and open space
11 and design and zoning regulations that ensure appropriate transitions from
12 developed areas to open space.

13 K. The Volcano Trails Sector Development Plan supports the Rank II
14 Facility Plan for Arroyos: Multiple Use of Albuquerque's Arroyos and their
15 Floodplains policies II.B. Drainage 1, II.B. Multiple Use 1, II.C.2, II.C.3, II.D.2, II.F.4
16 through the proposed naturalistic treatment for arroyos and General Design
17 Standards protecting the opportunity for trails along arroyos.

18 L. The Volcano Trails Sector Development Plan is justified per Resolution
19 270-1980. The proposed zoning is more advantageous to the community because
20 it furthers applicable goals and policies in the Comprehensive Plan, the WSSP,
21 and the NWMEP. The Plan meets the public need for a sector-wide map
22 amendment to ensure an adequate mix of residential, commercial, and service
23 uses that encourage and allow residents to live, work, shop, and recreate all in
24 close proximity. The proposed zoning is designed to create a healthy community
25 that contains a mix of uses, is transit accessible and bicycle friendly, and
26 encourages pedestrian activity, which will help decrease the demand on local
27 streets and decrease vehicle miles traveled. Furthermore, this public need is best
28 served by rezoning this particular sector in this particular manner as compared
29 with other available properties, which do not exist in the amount or configuration
30 necessary to meet the public need. The proposed zoning meets R-270-1980
31 criteria as follows:

32 1. The zone changes proposed by the VTSDP are consistent with
33 furthering the health, safety, morals and general welfare of the city. The

1 purpose of the VTSDP is to ensure that the area develops in such a way as
2 to further the goals and policies of the Comprehensive Plan and other
3 applicable plans – in this case the WSSP and the NWMEP. The plan
4 proposes residential, commercial, office, and neighborhood service uses in
5 a pattern designed to support transit.

6 2. The proposed zoning changes will provide the area with stability.
7 The VTSDP area is currently zoned RD, which allows a range of densities,
8 intensities, and uses with no requirement for coordination and/or planning.
9 The proposed zoning for the VTSDP is designed to reflect the platting, the
10 unique location of the area, and the road network and conditions while
11 encouraging neighborhood services and retail in designated areas to serve
12 Volcano Trails residents and surrounding neighbors. The proposed zoning
13 is designed to ensure that non-residential uses, mixed uses, multifamily
14 residential development, townhouses, and single-family uses all develop in
15 a pattern and location that encourage and support a stable built
16 environment.

17 3. The proposed VTSDP supports applicable goals and policies in the
18 Comprehensive Plan, West Side Strategic Plan, the Northwest Mesa
19 Escarpment Plan, the Trails and Bikeways Facility Plan, the Facility Plan for
20 Electric Service, and the Facility Plan for Arroyos as outlined in previous
21 findings D through K.

22 4. The existing zoning is inappropriate because:

23 a. The U.S. Congress created the Petroglyph National Monument
24 after the establishment of the existing zoning. The proposed zoning
25 responds to and endeavors to minimize adverse impacts on the
26 Petroglyph National Monument while allowing private property to be
27 developed; and

28 b. The proposed zoning would be more advantageous to the
29 community because it furthers applicable goals and policies in the
30 Comprehensive Plan, the WSSP and the NWMEP. The proposed zoning
31 is designed to create a healthy community that contains a mix of uses,
32 is transit accessible and bicycle friendly, and encourages pedestrian
33 activity, as articulated in findings D through K above. Specifically:

1 **i. SU-2 Volcano Trails Village Center (SU-2 VTVC):** This zone
2 category replaces existing R-D zoning for approximately 30 acres
3 of land at two locations in the Plan area – the intersection of
4 Paseo del Norte and Woodmont Dr., and the intersection of Paseo
5 del Norte and Universe Blvd. The WSSP calls for each community
6 on the West Side to be served by smaller Neighborhood Activity
7 Centers that are easily reached by walking from surrounding
8 neighborhoods and that offer opportunities for neighborhood-
9 serving commercial activities and employment. The existing R-1
10 zoning does not provide this opportunity, which is why a zone
11 change is needed. The SU-2 VTVC permits both higher-density
12 residential and neighborhood- and community-serving
13 commercial uses in order to help achieve a balance of uses within
14 a transit-supportive environment. Based on the existing platting
15 and development in the area, the two VTVC zones are located on
16 the only sufficiently sized tracts of land located near major roads
17 and far enough away from Major Public Open Space and the
18 Petroglyph National Monument to allow the potential to develop
19 into true Neighborhood Activity Centers. There are no other
20 comparable locations.

21 **ii. SU-2 Volcano Trails Urban Residential (SU-2 VTUR):** This zone
22 category replaces existing R-D zoning in two specific areas within
23 the VTSDP boundaries: 1.) along Paseo Del Norte east and west
24 of Woodmont Ave, where it provides a transition between the
25 Village Center zone and nearby Volcano Trails Open Space and
26 lower-density single family housing, and 2.) to the west and south
27 of the Village Center zone at Paseo del Norte and Universe Blvd.,
28 where it also serves to buffer the Village Center zone from
29 adjacent areas of less dense housing. It will allow a variety of
30 urban housing types within a network of pedestrian-friendly
31 streets. This zone is being used at these locations in order to step
32 down the intensity of development as it transitions from urban to
33 residential.

1 iii. **SU-2 Volcano Trails Residential Developing Area Zone (SU-2**
2 **VTRD):** This zone category replaces existing R-D zoning for land
3 on the northern and southern edges of the property. This zone
4 category generally corresponds to the R-1 zone with certain
5 additions and exceptions, including the prohibition of gated
6 developments and an allowance for a minor second dwelling unit
7 of up to 650 square feet. This zone is being used in these
8 locations because of specific needs related to these locations.
9 iv. **SU-2 Volcano Trails Small Lot (SU-2 VTSL):** This zone category
10 replaces existing R-D zoning for approximately 60 acres near the
11 center of the Plan area. This zone category allows typical
12 suburban lot sizes, but with rear access alleys, houses moved up
13 to the sidewalk, front porches and other features to create a more
14 pedestrian-friendly environment. This zone is being used in this
15 location because of specific needs related to this location.
16 v. **SU-2 Volcano Trails Medium Lot (SU-2 VTML):** This zone
17 category replaces existing R-D zoning for approximately 60 acres
18 to the north and south of the Petroglyph National Monument's
19 Northern Geologic Window. It allows single-family homes on
20 progressively larger lots depending on proximity to the Northern
21 Geologic Window in order to protect views and reduce the impact
22 of development in this area. This zone is being used in this
23 location in order to step down development intensities in this
24 geologically, archaeologically and culturally sensitive area.

25 5. The proposed zoning does not contain uses that would be harmful to
26 adjacent properties, neighbors, or the community. Per the Zone Code, non-
27 residential properties are required to buffer residential properties when
28 they meet.

29 6. None of the Plan's zone changes require major capital expenditures.

30 7. The cost of land is not discussed in the Plan, and is not the reason
31 for adopting the plan.

1 **8. The location of mixed-use and higher-density residential zoning is**
2 **related to the vision proposed for the whole Volcano Mesa area, and is not**
3 **based solely on location on a collector or major street.**

4 **9. The Council finds that the proposed SU-2 zones do not create spot**
5 **zones. To the extent to which any of the proposed SU-2 zones are found to**
6 **be spot zones, they are justified as follows:**

7 **a. The proposed zoning clearly facilitates realization of the**
8 **Comprehensive Plan, the Westside Strategic Plan, the Trails and**
9 **Bikeways Facility Plan, the Facility Plan for Electric Service, the**
10 **Facility Plan for Arroyos, and the Northwest Mesa Escarpment Plan**
11 **as detailed above in the response to R-270-1980, Section L.4.; and**

12 **b. The proposed zones and their individual, component regulations**
13 **within the plan area and the plan area itself are different from**
14 **surrounding land. The proposed locations of zone boundaries**
15 **create differences between adjacent lands and zones as well as**
16 **differences between zones within the plan area. The proposed**
17 **zone categories create the opportunity for sustainable growth that**
18 **entails different land uses that help to meet the area's housing,**
19 **service, and employment needs. The proposed zoning categories**
20 **establish and facilitate transitions between adjacent zones within**
21 **the plan area and where adjacent to existing zoning. Even where**
22 **residential and non-residential zoning abut or are adjacent, there**
23 **are specific requirements for height transitions within the more**
24 **intense zone category so as to maximize compatibility with the less**
25 **intense zone category. There are no other available properties in**
26 **the area with the acreage or configuration necessary to meet the**
27 **public need for sustainable and coordinated growth.**

28 **10. To the extent to which any of the proposed SU-2 zones are found to**
29 **be strip zones, they are justified as follows:**

30 **a. The proposed zoning clearly facilitates realization of the**
31 **Comprehensive Plan, the West Side Strategic Plan, the Trails and**
32 **Bikeways Facility Plan, the Facility Plan for Electric Service, the**

1 Facility Plan for Arroyos, and the NWMEP as detailed above in the
2 response to R-270-1980, Section L.4.; and

3 b. The proposed zoning and their individual, component regulations
4 within the plan area and the plan area itself are different from
5 surrounding land. The proposed locations of zone boundaries
6 create differences between adjacent lands and zones as well as
7 differences between zones within the plan area. The proposed
8 zone categories create the opportunity for sustainable growth that
9 entails different land uses that help to meet the area's housing,
10 service, and employment needs. The proposed zoning categories
11 establish and facilitate transitions between adjacent zones within
12 the plan area and where adjacent to existing zoning. Even where
13 residential and non-residential zoning abut or are adjacent, there
14 are specific requirements for height transitions within the more
15 intense zone category so as to maximize compatibility with the less
16 intense zone category. Furthermore, the location of many of the
17 "strip zones" is in response to traffic potentials on established, but
18 not yet fully developed arterial corridors, such as Paseo del Norte
19 and Unser Boulevard. There are no other available properties in
20 the area with the acreage or configuration necessary to meet the
21 public need for sustainable and coordinated growth.

22 M. The Environmental Planning Commission has reviewed the Volcano
23 Trails Sector Development Plan and received presentations and testimony from
24 Planning staff, commenting City departments and other agencies, property
25 owners, interested parties, and the general public at three separate public
26 hearings on 02 September 2010, 04 November 2010, and 03 March 2011.

27 Section 3. CONDITIONS OF APPROVAL ADOPTED. The City Council
28 adopts the conditions of approval as recommended by the Environmental
29 Planning Commission attached in Exhibit A.

30 Section 4. EFFECTIVE DATE. This resolution shall take effect five days
31 after publication by title and general summary.

32 Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
33 clause, word or phrase of this resolution is for any reason held to be invalid or

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this resolution. The Council
3 hereby declares that it would have passed this resolution and each section,
4 paragraph, sentence, clause, word or phrase thereof irrespective of any
5 provisions being declared unconstitutional or otherwise invalid.

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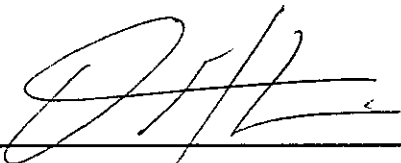
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1 PASSED AND ADOPTED THIS 15th DAY OF August, 2011
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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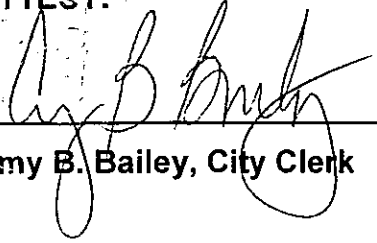


Don F. Harris, President
City Council

APPROVED THIS 31st DAY OF August, 2011

Bill No. C/S R-11-211

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:


Amy B. Bailey, City Clerk

[+Bracketed/Underscored Material+] - New
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Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103
Phone (505) 768-3030 Fax (505) 768-2845

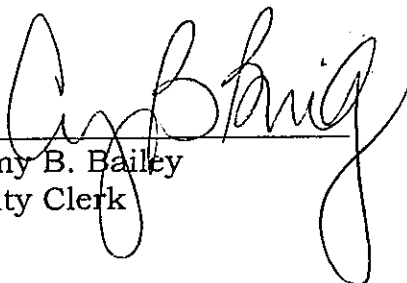
Richard J. Berry, Mayor

Amy B. Bailey, City Clerk

To: CITY COUNCIL
From: AMY B. BAILEY, CITY CLERK
Date: August 31, 2011
Subject: BILL NO. R-11-211; ENACTMENT NO. R-2011-066

I hereby certify that on August 31, 2011, the Office of the City Clerk received Bill No. R-11-211 as signed by the president of the City Council, Don F. Harris. Enactment No. R-2011-066 was passed at the August 15, 2011 City Council meeting. Mayor Berry did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-11-211.

Sincerely,



Amy B. Bailey
City Clerk