

CITY of ALBUQUERQUE

TWENTIETH COUNCIL

COUNCIL BILL NO. R-13-132 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

1 RESOLUTION
2 FOR AN AREA OF APPROXIMATELY 569.1 ACRES, BOUNDED GENERALLY
3 BY PASEO DEL NORTE AND EXISTING DEVELOPMENT TO THE NORTH,
4 UNIVERSE BLVD. TO THE WEST, VOLCANO CLIFFS AND PASEO DEL NORTE
5 TO THE SOUTH AND THE PETROGLYPH NATIONAL MONUMENT TO THE
6 EAST; ADOPTING THE VOLCANO HEIGHTS SECTOR DEVELOPMENT PLAN
7 AS A RANK THREE PLAN AND CHANGING ZONING FROM RD, SU-1 FOR PRD
8 AND SU-1 FOR C-1 USES TO SU-2/VHTC (VOLCANO HEIGHTS TOWN
9 CENTER), SU-2/VHRC (VOLCANO HEIGHTS REGIONAL CENTER), SU-2/VHVC
10 (VOLCANO HEIGHTS VILLAGE CENTER), SU-2/VHMX (VOLCANO HEIGHTS
11 MIXED USE), SU-2VHNT (VOLCANO HEIGHTS NEIGHBORHOOD TRANSITION)
12 AND SU-2/VHET (VOLCANO HEIGHTS ESCARPMENT TRANSITION).

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

18 WHEREAS, Volcano Heights' location at the intersection of two regional
19 transportation corridors represents a unique opportunity to address the
20 imbalance of jobs and housing on the City's West Side by enabling the
21 development of a mixed-use, urban, walkable and transit-friendly environment
22 that attracts employers and destination retail and provides higher-density
23 residential living options; and

24 WHEREAS, the Rank Two West Side Strategic Plan's 2011 Volcano Mesa
25 Amendment recommended the designation of a new Major Activity Center at
26 this location; and

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WHEREAS, this plan’s vision for a Major Activity Center would also benefit the regional traffic network served by Paseo del Norte and Unser Blvd. by bringing goods, services and employment opportunities closer to existing predominately residential areas, reducing the number and length of trips on already-congested roads, and helping to alleviate the need for commutes east across the Rio Grande to existing job centers; and

WHEREAS, existing zoning would only allow low-density development, similar to what is already found in abundance on the West Side; and

WHEREAS, the Volcano Heights Sector Development Plan (VHSDP), attached hereto, provides a flexible, balanced approach to address the challenge of multiple property owners and undeveloped land with tailored land-use and transportation regulations that emphasize coordination across property lines, along corridors, and over time; and

WHEREAS, the VHSDP represents years of coordination and compromise between property owners, neighbors and other stakeholders regarding predictability of development, compatibility with the natural environment, and preservation of key features such as rock outcroppings, sensitive lands and views; and

WHEREAS, the Plan’s approach seeks a balance between regulation and incentive to accomplish its vision and goals for high-quality development; and

WHEREAS, approval of the Volcano Heights Sector Development Plan (VHSDP) is consistent with the applicable goals and policies of the Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Facility Plan for Major Public Open Space, the Facility Plan: Electric System Generation and Transmission, the Northwest Mesa Escarpment Plan, the Comprehensive Zoning Code, and R-270-1980.

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

Section 1. The City of Albuquerque Adopts the following findings:

- 1. The proposed VHSDP area comprises 569.1 acres of land surrounding the intersection of two significant regional roads, Unser Blvd. and Paseo del Norte; and is bounded generally by existing development in**

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1 Paradise Hills and part of Paseo del Norte to the North, Universe Boulevard to
2 the west, the Volcano Cliffs Sector Plan area and part of Paseo del Norte to
3 the south, and the Petroglyph National Monument to the east.

4 2. The Plan area is primarily undeveloped except for the two regional
5 roads that traverse it. It is surrounded by existing residential subdivisions and
6 areas of platted land awaiting development. It is divided into approximately
7 100 properties ranging from 2.5 acres to 68 acres, which are held by about 35
8 property owners. Five large property owners account for approximately 75%
9 of the Plan area.

10 3. There are approximately 10 acres of basalt rock outcroppings
11 scattered throughout the Plan area, many of which have cultural, historical
12 and geological significance related to their spiritual use by the area's earliest
13 inhabitants. The Plan area also has significant views of the Sandia Mountains
14 to the east.

15 4. The Plan area currently contains the following zones: Residential
16 and Related Uses, Developing Area (R-D), SU-1 for Planned Residential
17 Development (PRD) and SU-1 for C-1 neighborhood commercial uses.

18 5. The majority of the VHSDP Area is within a part of the city
19 designated Developing or Established Urban by the Rank One
20 Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan).
21 The VHSDP implements and furthers the applicable Goals and Policies of the
22 Comprehensive Plan as follows:

23 A. The VHSDP's zoning and design standards will protect and
24 preserve open space areas, including the Escarpment, Petroglyph National
25 Monument, and basalt rock outcroppings. Community open areas that tie into
26 the open space network are encouraged through a combination of regulations
27 and incentives in the Plan (II.B.1 Policies c, d, f, g, h, j).

28 B. The West Side Strategic Plan's Volcano Mesa community
29 and its Major Activity Center (MAC) designation and policies address the
30 existing conditions of the Volcano Heights Plan area to ensure compatibility
31 of development on vacant land with existing neighborhoods, urban services
32 and facilities, and natural features (II.B.5 Policies c, d, e, g, n).

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1 C. Higher-density housing in the Volcano Heights MAC, with
2 access to Paseo del Norte and Unser Boulevard, is appropriate to support
3 employment and service uses. The MAC’s development pattern, Transition
4 zones, and proposed densities along arterial and collector streets will protect
5 existing residential areas and views, minimize traffic, and enhance livability
6 via context sensitive design standards and a mandatory street network (II.B.5
7 Policies h, i, k, l, m).

8 D. The Volcano Heights MAC will provide a way to address the
9 jobs/housing imbalance in the area with new job opportunities, densities, and
10 structure sizes that are appropriate to and buffered from nearby low-density
11 residential areas via Transition zones (II.B.7 Policies c, e, f, and II.D.6 Policies
12 a and g).

13 E. More compact development, coupled with a multi-modal
14 transportation system, will improve air quality compared to what could be
15 developed under the pre-existing zoning (II.C.1 Policies b and d).

16 F. The VHSDP contains a combination of regulations and
17 incentives to protect, preserve, and enhance the area’s unique archaeological
18 resources, including an incentive for interpretive signage to educate visitors
19 and residents about the area’s history, culture, and geology (II.C.6 Policy c).

20 G. The VHSDP, particularly its zoning and design standards
21 that include native plant lists and streetscape standards, will lead to a quality
22 developed landscape that preserves and enhances the natural and built
23 environments. Building, streetscape, and site development standards will
24 ensure a quality developed landscape that preserves and enhances this
25 community’s identity via a high-quality built environment that is in harmony
26 with the area’s unique natural setting (II.C.8 Policies a, d, e, and II.C.9 Policies
27 b, c, e).

28 H. The VHSDP’s incentives built into the height bonus system,
29 its multi-modal street network, and transit-supportive development pattern
30 promote energy efficiency, variety of transportation, and expansion of transit
31 corridors and service. The plan’s multi-modal cross sections, mandatory
32 street network, and transit corridor – coordinated with ABQ Ride, the City’s
33 Department of Municipal Development, and the Mid-Region Council of

1 Governments (MRCOG) – will serve existing and future transportation needs
2 for all users and, in conjunction with the compact development pattern,
3 reduce peak hour demands in the morning hours on regional roads (II.D.3
4 Policies a and d, and II.D.4 Policies c, f, o).

5 6. The VHSDP implements and furthers the established goals and
6 policies of the Rank Two West Side Strategic Plan as follows:

7 A. The Plan’s proposed density, mixed-use development
8 pattern and scale, location at the intersection of major arterials, and multi-
9 modal street network create the appropriate conditions to support a Major
10 Activity Center on the West Side that provides opportunities for employment
11 to address the existing jobs/housing imbalance (Policies 1.1, 1.9, 1.18, 3.85,
12 3.95, 3.96).

13 B. The Plan’s implementation strategies encourage the
14 creation of Public Improvement Districts, Special Assessment Districts, and
15 public/private partnerships, as well as further collaboration with implementing
16 agencies such as Albuquerque/Bernalillo County Water Utility Authority,
17 Albuquerque Metropolitan Area Flood Control Authority, ABQ Ride, Mid-
18 Region Council of Governments, and City Department of Municipal
19 Development (Policy 3.98).

20 C. Mandatory street networks, requirements for usable and
21 detached open space, and regulatory and incentive-based protections for
22 archaeological and geological resources, native plant lists, grading and
23 construction mitigation standards, and context-sensitive zoning and design
24 standards will work together to protect the area’s sensitive resources and
25 encourage development in harmony with the unique natural setting (Policies
26 3.99, 3.100, 3.101, 3.103, 3.104, 3.105, 3.106, 3.107, 3.108).

27 D. Adequate access and transportation choices for all users
28 are supported by recommended intersections along Paseo del Norte and
29 Unser Boulevard, proposed high-capacity transit corridor and transit-
30 supportive densities, land uses, and development patterns, and multimodal
31 cross sections (Policies 3.110, 3.111, and 3.112).

32 7. The Plan implements the Rank Two Facility Plan for Major Public
33 Open Space as follows:

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1 A. The Escarpment Transition zone limits building height,
2 scale, massing, building color, and density adjacent to the Petroglyph
3 National Monument to ensure compatible development. The transition zone
4 works with the proposed single-loaded Park Edge Road to protect visual
5 access and view corridors (Design Guidelines for Development Adjacent to
6 Major Public Open Space B.3.A and B.3.B; Resource Management C.6.E, West
7 Side Open Space, Section 4, Policy C.1).

8 B. Grading and construction mitigation regulations, the Park
9 Edge Road and associated bioswale/linear pond, and coordination with a
10 future drainage management plan by AMAFCA will protect the escarpment by
11 managing stormwater and controlling erosion (West Side Open Space,
12 Section 4, Policy D.1).

13 8. The Plan implements policies in the Rank Two Facility Plan:
14 Electric System Generation and Transmission (2010-2020) by limiting
15 electrical uses in the Escarpment and Neighborhood Transition zones to
16 ensure the appropriate siting of electrical facilities away from residential
17 areas, sensitive lands, and highly visible topographic areas (Standard III.A.1,
18 III.A.9, and III.A.10).

19 9. The Plan’s height limits, color restrictions, drainage and
20 construction mitigation regulations, reflectivity limits, Park Edge Road,
21 Escarpment Transition zone, bonus height system, multimodal street network,
22 and sign standards complement many policies of the Rank Three Northwest
23 Mesa Escarpment Plan (NWMEP) (9, 11, 12, 15, 19, 20, 21, 23, and 35) and are
24 consistent with the Unser Boulevard Design Overlay Zone (DOZ).

25 Section 2. The City Council makes the following findings, which are
26 supported by and further elucidated in the complete record, as to compliance
27 with R-270-1980 for the zone changes with respect to the VHSDP’s new zones:

28 1. With respect to Policy (A), the zoning established in the VHSDP is
29 consistent with the health, safety, morals, and general welfare of the city
30 because it helps ensure that future development within the Plan area furthers
31 the goals and policies of the Comprehensive Plan and other applicable plans.
32 Specifically, it provides opportunities for additional employment on the West
33 Side that can help address the imbalance of jobs to housing that creates

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1 significant traffic congestion and negatively impacts quality of life for
2 residents.

3 2. With respect to Policy (B), the VHSDP’s zoning creates
4 predictability for future development and, thus, brings stability to this largely
5 undeveloped area. The new zoning established in this Plan is needed in order
6 to implement established policies in the Rank One Comprehensive Plan, Rank
7 Two West Side Strategic Plan, Rank Two Facility Plan for Major Public Open
8 Space, and Rank Three Northwest Mesa Escarpment Plan that; existing
9 zoning does not further adopted City policies and should, thus, be changed.

10 3. With respect to Policy (C), the VHSDP’s zoning poses no
11 significant conflict with adopted elements of the Comprehensive Plan or other
12 city master plans and amendments as outlined in Findings 5 through 9 in
13 Section 1 of this Resolution.

14 4. With respect to Policy (D), the existing R-D zoning in the area is
15 inappropriate and new zones are needed because community conditions have
16 changed, including existing and anticipated traffic congestion and a
17 preponderance of single-family residential uses without the balance of nearby
18 employment opportunities. Furthermore, the new zones are more
19 advantageous to the community, as articulated in the Comprehensive Plan
20 and other adopted City plans as cited above, than existing zoning since they
21 provide the opportunity for a range of uses, including employment, retail, and
22 services, in close proximity to existing residential areas and future residents
23 in the Plan area.

24 5. With respect to Policy (E), permissive uses in the VHSDP’s zones
25 would not be harmful to adjacent property, the neighborhood, or the
26 community because the mix of uses and the urban form resulting from the
27 design standards create compatibility within the Plan area and with adjacent
28 development. The Plan’s proposed development pattern of walkable and
29 transit supportive retail, employment, and residential uses provides benefits
30 for existing and future residents. Additionally, permissive uses at the edges
31 of the Plan area in the Transition zones are limited to those that are
32 compatible with existing nearby development.

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1 6. With respect to Policy (F), the establishment of new zones in the
2 VHSDP does not require major and unprogrammed capital expenditures by
3 the City. The plan suggests various strategies to finance infrastructure,
4 including Public Improvement Districts (PIDs), Tax Increment Development
5 Districts (TIDDs), or Special Assessment Districts (SADs), which all require
6 property owners to collaborate, vote to institute the mechanism, and work
7 with the City to implement the agreed-upon infrastructure improvements.

8 7. With respect to Policy (G), the cost of land or other economic
9 considerations are not the determining factor for the zone changes. The most
10 significant factor is that the changes are more advantageous to the
11 community as articulated in adopted City plans.

12 8. With respect to Policy (H), the VHSDP does not use “location on a
13 collector or major street” as the justification for establishing mixed-use
14 zoning within the Plan area; rather the location of mixed-use and higher-
15 density residential zoning is related to the vision proposed for the whole
16 Volcano Mesa area.

17 9. With respect to Policy (I), the Plan does not establish spot zones;
18 rather the Plan contains a rational nesting of zone categories, with the most
19 dense and intense at the center, and least dense and intense at the borders
20 where the boundaries abut existing single-family residential areas.

21 10. With respect to Policy (J), the Plan does not establish strip
22 zones; rather the Plan coordinates land use and zoning with a mandatory
23 transportation network to allow the development of all properties, create
24 transitions between zones, and implement adopted City policies.

25 Section 3. The Volcano Heights Sector Development Plan, attached hereto
26 and made a part hereof, is adopted as a Rank Three Plan with land use control
27 pursuant to the Comprehensive City Zoning Code and as a regulatory guide to
28 the implementation of the Rank One Albuquerque/Bernalillo County
29 Comprehensive Plan and applicable Rank Two and Three Plans as cited
30 above.

31 Section 4. All development activities within the Volcano Heights Sector
32 Development Plan boundaries shall be guided and regulated by the policies
33 and regulations of the VHSDP.

1 Section 5. The Zone Map, adopted by Article 14-16-4-9 ROA 1994, is hereby
2 amended to reflect the rezoning in the map contained in Chapter 2, Section 5
3 of the Volcano Heights Sector Development Plan.

4 Section 6. With respect to any overlap that exists between the Volcano
5 Heights Sector Development Plan and any other Rank Three Plan, where the
6 regulations conflict, the Volcano Heights Sector Development Plan shall
7 prevail.

8 Section 7. EFFECTIVE DATE. This resolution shall take effect five days
9 after publication by title and general summary.

10 Section 8. SEVERABILITY CLAUSE. If any section paragraph, sentence,
11 clause, word, or phrase of this resolution is for any reason held to be invalid
12 or unenforceable by any court of competent jurisdiction, such decision shall
13 not affect the validity of the remaining provisions of this resolution. The
14 Council hereby declares that it would have passed this resolution and each
15 section, paragraph, sentence, clause, word or phrase thereof irrespective of
16 any provisions being declared unconstitutional or otherwise invalid.

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