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1 WHEREAS, on January 14, 2025, the Bernalillo County Board of County  
2 Commissioners approved the annexation of the subject property (AXBC2024-  
3 0001) and found the request consistent with applicable plans, promoting infill  
4 development and efficient service provision; and

5 WHEREAS, Bernalillo County designates the subject site as Developing  
6 Urban on the Comprehensive Plan Future Development Map and, upon  
7 annexation, will be designated as an Area of Consistency; and

8 WHEREAS, the request to establish R-1A zoning furthers applicable Goals  
9 and Policies of the Comprehensive Plan, including but not limited to those  
10 found in Chapter 4: Community Identity, Chapter 5: Land Use, Chapter 9:  
11 Housing, and Chapter 12: Infrastructure, Community Facilities, and Services;  
12 and

13 WHEREAS, the request satisfies the review and decision criteria for a  
14 zoning map amendment pursuant to IDO Subsection 14-16-6-7(G)(3); and

15 WHEREAS, the Council finds that the request to establish R-1A zoning on  
16 the subject site is in the public interest and will promote the health, safety, and  
17 general welfare of the community.

18 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
19 ALBUQUERQUE:

20 Section 1. ANNEXATION AREA. The owner of the area annexed presented a  
21 properly signed petition to annex the following territory: 5 acres, more or less,  
22 located immediately north of Sage Rd. SW between 82<sup>nd</sup> St. and Corel Drive;  
23 and more particularly described as follows:

- 24 (A) Northerly and Southerly portion of Tract 464, Unit 7, of the Atrisco  
25 Land Grant;
- 26 (B) The County of Bernalillo approved the annexation of these tracts on  
27 January 14, 2025, pursuant to AXBC2024-0001;

28 The above-described territory is contiguous to the City of Albuquerque.

29 Section 2. ANNEXATION FINDINGS.

30 1. This is a request for an Annexation of Land from the County of Bernalillo  
31 to the City of Albuquerque and Zoning Map Amendment to R-1(A) to establish  
32 City zoning (ZMA-2025-00005), for all or a portion of the Northerly and  
33 Southernly portion of Tract 464 Unit 7 Atrisco Grant, at the northeast corner of

1 82nd St. SW and Sage Rd. SW between Sage Rd. and San Ignacio Rd.,  
2 approximately 5 acres (the “Subject Site”).

3 2. The EPC heard this case because the request is for annexation of land  
4 from the County to the City pursuant to IDO § 14-16-6-7(F). The EPC serves as  
5 a recommending body to City Council, which will make the final decision  
6 regarding both requests. The requests are quasi-judicial matters.

7 3. The zoning map amendment is required to be submitted simultaneously  
8 with the annexation to establish City Zoning. This was reviewed as a two-part  
9 request by City Staff.

10 4. The subject site is currently an unincorporated County enclave  
11 surrounded by property on all sides within City of Albuquerque jurisdiction.  
12 The subject site has an A-1 Bernalillo County Zone designation. The purpose  
13 of the A-1 Rural Agricultural Zone is to preserve the scenic and recreational  
14 values in the National Forests and similar adjoining land, to safeguard the  
15 future water supply, to provide open and spacious development in areas  
16 remote from available public services, and to recognize the desirability of  
17 carrying on compatible agricultural operations and spacious home  
18 developments in areas near the fringes of urban development.

19 5. The proposed annexation and requested zoning will facilitate the  
20 transition of the subject property from unincorporated Bernalillo County into  
21 the municipal framework of the City of Albuquerque. This transition will align  
22 the site with the City’s land use and development standards, including  
23 infrastructure requirements and access to City services.

24 6. The County’s approval was required before this case could be reviewed  
25 and decided by the City. On January 14, 2025, the Board of County  
26 Commissioners (BCC) approved an annexation request (AXBC2024-0001) for  
27 an approximately 5-acre parcel (Lot 464, Town of Atrisco Grant Unit 7) at the  
28 northeast corner of Sage Rd. SW and 82nd St. SW. The BCC found that the  
29 request aligns with the Albuquerque/Bernalillo County Comprehensive Plan  
30 and the Southwest Area Plan by supporting infill development and higher-  
31 density residential use. The annexation request met County Annexation  
32 criteria, and BCC found that it poses no adverse impact on County services or  
33 adjacent lands, improves clarity in emergency service provision, and

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1 eliminates an unincorporated enclave, promoting the general welfare of  
2 county residents.

3 7. The Albuquerque/Bernalillo County Comprehensive Plan, relevant Rank  
4 2 Facility Plans or Rank 3 plans (MRAP Master Plans, Resource Management  
5 Plans) are incorporated herein by reference and made part of the record for all  
6 purposes.

7 8. The subject site is designated as Developing Urban pursuant to the  
8 Albuquerque/Bernalillo County Comprehensive Plan Volume II Lavender  
9 Edition. Developing Urban areas are intended to support future residential and  
10 commercial development that results in more urban land uses and patterns,  
11 often guided by area plans, design standards, and phased infrastructure  
12 improvements.

13 9. Upon annexation, the subject site will be designated as an Area of  
14 Consistency under the City's Comprehensive Plan framework. The subject site  
15 is surrounded by properties designated as Areas of Consistency by the  
16 Comprehensive Plan, which has policies to protect and enhance the character  
17 of existing single-family neighborhoods, areas outside of Centers and  
18 Corridors, parks, and Major Public Open Space. Development in Areas of  
19 Consistency is expected to reinforce the scale, intensity, and built pattern of  
20 the immediately surrounding context.

21 10. Pursuant to § 14-16-6-7(F)(3), "The City Council shall consider the  
22 Review and Decision Criteria and may approve an application to annex land  
23 into the City."

24 6-7(F)(3)(a): Annexation of areas designated in the ABC Comp Plan, as  
25 amended, as Established Urban and/or Developing Urban will be approved  
26 when the following criteria are met:

27 1. Compliance with City policy regarding land dedication for public  
28 facilities is assured.

29 The applicant has agreed to adhere to City policies regarding land  
30 dedication for public facilities. The applicant plans to apply for a subdivision  
31 of land to construct a single-family residential development. The future  
32 subdivision and associated Site Plan submittals will be required to adhere to  
33 the regulations and standards established by the IDO and Development

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1 Process Manual (DPM). The subject site is proposed to be developed by a  
2 national not-for-profit home builder that focuses on the construction of safe  
3 and affordable housing to allow a path to homeownership.

4 2. The applicant agrees in writing to at least 1 of the following criteria  
5 for timing of capital expenditures for necessary major streets, water, sanitary  
6 sewer, and stormwater-handling facilities:

7 a) The timing to be per a written City statement of intent as to  
8 when it or another public body will be able to provide such capital facilities,  
9 such City statement to be issued prior to annexation.

10 b) The timing to remain indefinite but a substantial number of  
11 years in the future, based on a written City statement, made prior to  
12 annexation, that it will provide the facilities but no timing can be assured.

13 c) A commitment by the property owner that he/she or his/her  
14 successors in interest will, in a manner that satisfies City standards, install  
15 and pay for such facilities or cause them to be installed and paid.

16 The applicant will adhere to Criteria C. They intend to pay for and install  
17 any required infrastructure in a manner that satisfies City standards. The  
18 applicant has submitted a draft of the City of Albuquerque Petition for  
19 Annexation as required by the City Engineer. A draft of the pre-annexation  
20 agreement between the Applicant and the City of Albuquerque to provide  
21 certain infrastructure improvements, as approved by the City Engineer, is  
22 required to be completed prior to being heard by the EPC and submitted to  
23 City Council. The applicant is exploring available public funding for future  
24 development.

25 3. The anticipated delay in provision of City services is not so far into  
26 the future as to be speculative and therefore an unreasonable basis to provide  
27 for annexation.

28 The applicant has stated they intend to submit a subdivision of land  
29 application within two years of the final approval of the annexation by City  
30 Council. They will adhere to the time table requirements in the IDO or DPM for  
31 building permits and relevant administrative decisions. The period of  
32 Annexation of Land does not expire pursuant to Table 6-4-3: Permit and  
33 Approval Expirations.

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1                   4. The land annexed shall be to contiguous with the City limits.

2                   The annexed land is contiguous to the City limits and is an enclave  
3 surrounded by City of Albuquerque R-1A zoned parcels.

4                   5. The land to be annexed shall have provision for convenient street  
5 access to the City.

6                   The subject site requested to be annexed will have convenient street  
7 access to the City because it is surrounded by City owned streets.

8                   6. The land to be annexed shall have reasonable boundaries so that  
9 providers of public services can easily determine where the City boundary is  
10 located and so that public services can be delivered under appropriate service  
11 extension policies at reasonable operating and capital cost to the City.

12                  The boundaries of the requested annexed land will be reasonable so that  
13 providers of public services can easily determine where the City boundaries  
14 are located because the subject site is surrounded on all sides by parcels in  
15 the City of Albuquerque jurisdiction. Public services can be delivered under  
16 appropriate service extension policies at reasonable operating and capital  
17 cost to the City because these services extend both east and west of the  
18 subject site. The location of the subject site between existing developed  
19 parcels in the City of Albuquerque jurisdiction makes it convenient for public  
20 services to be extended to the subject site.

21                  7. City boundaries shall be established along platted lines that  
22 clearly define the City limits; annexation plats need not meet all requirements  
23 of a subdivision plat as specified in the DPM.

24                  The City limits will be definite with this annexation because the annexation  
25 consists of one tract that will be annexed in its entirety, filling in an existing  
26 enclave of unincorporated County land that is surrounded on all sides by the  
27 City of Albuquerque. Upon approval of the annexation and the establishment  
28 of zoning through a zoning map amendment, the applicant intends to submit a  
29 request for a subdivision of land application for platting purposes as specified  
30 in the DPM though it is not necessary for the annexation plat. A Property  
31 Boundary Survey was required to be submitted with the Petition for  
32 Annexation.

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1           6-7(F)(3)(b): Areas that are designated in the ABC Comp Plan, as amended,  
2 as Reserve Development Areas are appropriate for annexation if they create  
3 high-quality, mixed-use, largely self-sufficient planned communities.

4           This subject site is not in a Reserved Development Area.

5           6-7(F)(3)(c): Areas that are designated in the ABC Comp Plan, as amended,  
6 as Semi-Urban and as Rural Development Areas are appropriate for  
7 annexation where the Semi-Urban and Rural Development Area policies in the  
8 ABC Comp Plan are furthered or where the general public welfare clearly is  
9 better served by annexation.

10          The subject site is not in a Semi-Urban or Rural Development Area.

11          6-7(F)(3)(d): The City may annex land even though some or all of the above  
12 policies are not met where the EPC and City Council find that at least 1 of the  
13 following applies:

14                   1) There is a particular hazard to the health of persons that would be  
15 removed or materially alleviated by the City upon annexation, and that no  
16 other adequate and timely remedy for the removal or material alleviation of  
17 such hazard is available.

18                   2) City-owned land used for a public purpose is being annexed to  
19 better facilitate that use.

20           Although currently there is not a particular hazard to the health of persons  
21 that would be removed or materially alleviated by the City upon annexation,  
22 the request would prevent and eliminate any future confusion regarding  
23 jurisdiction, addressing, and emergency services to any future residences.  
24 There is not available timely remedy or material alleviation for such hazard.  
25 Criterion 2 generally applies.

26           11. Public notice requirements are established in IDO Table 6-1-1 and IDO  
27 § 14-16-6-4(J) Public Notice. According to the Office of Neighborhood  
28 Coordination (ONC), the South West Alliance of Neighborhoods (SWAN  
29 Coalitions), Westgate Heights NA and Westside Coalition of Neighborhood  
30 Associations are in the affected area and were notified as required.

31           12. Property owners within 100 feet of the subject site were notified by the  
32 applicant, as required. There is no known opposition or support for this  
33 request.

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1 Section 3. ANNEXATION ACCEPTED. The area specified in Section 1 above  
2 is designated Developing Urban in the Albuquerque/Bernalillo County  
3 Comprehensive Plan, which makes it suitable for annexation. Furthermore, the  
4 petition for annexation meets the review and decision criteria in IDO § 14-16-6-  
5 7(F)(3) (Annexation of Land). The area specified in Section 1 above is hereby  
6 annexed.

7 Section 4. ZONING MAP AMENDMENT FINDINGS.

8 1. This is a zoning map amendment request to establish R-1A zoning in the  
9 City for an approximately 5-acre site legally described as the Northernly and  
10 Southernly portion of Tract 464, Unit 7, of the Atrisco Land Grant, located at  
11 the NE corner of 82nd St. SW and Sage Rd. SW.

12 2. The zoning map amendment is required to be submitted simultaneously  
13 with the annexation to establish City Zoning (AX-2025-00002). This was  
14 reviewed as a two-part request by City Staff. See preceding Findings for  
15 Annexation.

16 3. The subject site is currently in unincorporated Bernalillo County  
17 surrounded by land within the City of Albuquerque jurisdiction. The Bernalillo  
18 County zone designation on the subject site is A-1, and the applicant  
19 proposes to establish R-1A for low-density residential development. The  
20 purpose of the R-1A zone district is to provide for neighborhoods of single-  
21 family detached houses on smaller lots than the R-1 zone, promoting a  
22 compact urban form in areas where existing infrastructure can support  
23 increased residential density. This zone district is intended to maintain and  
24 reinforce the residential character of established neighborhoods while  
25 allowing for moderate infill development that aligns with City policies.

26 4. The applicant is requesting the establishment of R-1A zoning upon  
27 annexation to allow for future residential development that is compatible with  
28 surrounding neighborhoods within the Southwest Mesa. The A-1 zone in  
29 Bernalillo County is a rural agricultural zone that primarily supports low-  
30 density residential and agricultural uses. In contrast, the R-1A zone district  
31 supports more urban residential development patterns that are consistent with  
32 the City's Comprehensive Plan goals related to efficient land use and orderly  
33 growth.

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1           5. On January 14, 2025, the Bernalillo County Board of County  
2 Commissioners (BCC) approved an annexation request (AXBC2024-0001) for  
3 the subject site. The BCC found that the annexation was consistent with the  
4 Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area  
5 Plan by facilitating infill development and supporting higher-density  
6 residential uses. The County determined that the annexation met applicable  
7 criteria, would not adversely affect County services or surrounding properties,  
8 improved emergency service coordination, and eliminated an unincorporated  
9 enclave. The BCC’s approval was a prerequisite for City consideration of the  
10 current request. The applicant now seeks to establish R-1A zoning upon  
11 annexation into the City of Albuquerque.

12           6. The Albuquerque/Bernalillo County Comprehensive Plan, relevant Rank  
13 2 Facility Plans or Rank 3 plans (MRAP Master Plans, Resource Management  
14 Plans) are incorporated herein by reference and made part of the record for all  
15 purposes.

16           7. The subject site is designated as Developing Urban pursuant to the  
17 Albuquerque/Bernalillo County Comprehensive Plan, Volume II. Developing  
18 Urban areas are intended to support future residential and commercial  
19 development that results in more urban land uses and patterns, often guided  
20 by area plans, design standards, and phased infrastructure improvements.

21           8. Upon annexation, the subject site will be designated as an Area of  
22 Consistency under the City’s Development Area framework. The subject site is  
23 surrounded by properties designated as Areas of Consistency by the  
24 Comprehensive Plan, which has policies to protect and enhance the character  
25 of existing single-family neighborhoods, areas outside of Centers and  
26 Corridors, parks, and Major Public Open Space. Development in Areas of  
27 Consistency is expected to reinforce the scale, intensity, and built pattern of  
28 the immediately surrounding context.

29           9. The request furthers the following applicable goals and policies from the  
30 Comprehensive Plan Chapter 4 – Community Identity:

31               A. GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct  
32 communities.

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1       The request supports the enhancement, protection, and preservation of  
2 community character by applying zoning that is consistent with the  
3 surrounding R-1A zoning pattern. The applicant intends to subdivide the  
4 property and develop single-family homes, which are characteristic of nearby  
5 neighborhoods. The development permitted under the R-1A zone would  
6 reinforce the established residential scale and identity of the area.

7           **B. POLICY 4.1.2: IDENTITY AND DESIGN:** Protect the identity and  
8 cohesiveness of the neighborhoods by ensuring the appropriate scale and  
9 location of development, mix of uses and character of building design.

10       The proposed zone change reinforces the identity and cohesiveness of the  
11 surrounding neighborhood by applying a zoning designation R-1A that is  
12 consistent with the zoning on all four sides of the subject site. The R-1A zone  
13 district regulates the built form and ensures that future development will be  
14 compatible in scale and character with the established residential context. The  
15 applicant has indicated an intention to subdivide the property and develop  
16 single-family homes, further aligning with the existing pattern of development  
17 in the area.

18       10. The request furthers the following applicable goals and policies from  
19 the Comprehensive Plan Chapter 5 – Land Use:

20           **A. GOAL 5.3 EFFICIENT DEVELOPMENT PATTERNS:** Promote  
21 development patterns that maximize the utility of existing infrastructure and  
22 public facilities and the efficient use of land to support the public good.

23       The site is contiguous to existing City limits and is already served by  
24 public infrastructure. The proposed zoning facilitates development that can  
25 take advantage of existing systems and services.

26           **B. POLICY 5.3.1 INFILL DEVELOPMENT:** Support additional growth  
27 in areas with existing infrastructure and public facilities.

28       The subject site is located in an area already served by existing  
29 infrastructure and public facilities, including utilities and nearby parks. In  
30 addition, the associated pre-annexation agreement holds the developer  
31 responsible for completing and constructing the infrastructure necessary to  
32 support the site once it is subdivided. This approach allows new development

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1 to occur in a coordinated manner without requiring significant new public  
2 investment. The request furthers Policy 5.3.1 – Infill Development.

3 C. GOAL 5.6 CITY DEVELOPMENT AREAS: Encourage and direct  
4 growth of Areas of Change where it is expected and desired to ensure that  
5 development in and near Areas of Consistency reinforces the character and  
6 intensity of the surrounding area.

7 The site is not currently located within the City Limits and therefore has not  
8 been assigned a City Development Area. The subject site is not within an Area  
9 of Change but is surrounded entirely by Areas of Consistency where parcels  
10 with primarily single-family residential uses are located. The proposed R-1A  
11 zoning will ensure that any new development will be compatible in scale with  
12 the surrounding area and reinforce the character and intensity of the  
13 surrounding area.

14 D. POLICY 5.6.3 AREAS OF CONSISTENCY: Protect and enhance the  
15 character of existing single-family neighborhoods, areas outside of Centers  
16 and Corridors, parks, and Major Public Open Space.

17 The subject site is currently outside of the City jurisdiction, Centers or  
18 Corridors, parks and Major Public Open Space. It is an enclave surrounded  
19 entirely by City R-1A zoning which are in Areas of Consistency. The request  
20 for R-1A zoning would protect and enhance the existing single family-  
21 neighborhoods and adjacent residential uses by contributing to the uniformity  
22 of the area. The proposed zoning map amendment maintains the low-density  
23 residential character of the area and aligns with adjacent development.

24 E. Sub Policy 5.6.3.b: Ensure that development reinforces the scale,  
25 intensity and setbacks to the immediately surrounding context.

26 The request to establish R-1A zoning would ensure that any future  
27 development on the subject site would adhere to the zone district dimensional  
28 and development standards. The request ensures consistency with the scale,  
29 intensity, and setbacks of surrounding R-1A zoned properties. The request  
30 would require that future single-family residential development would have  
31 uniform lot sizes, front, side and rear setbacks and building heights.

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1 F. Sub Policy 5.6.3.d: In areas with predominantly single-family  
2 residential uses, support zone changes that help align the appropriate zone  
3 with existing land use.

4 The subject site is surrounded by predominantly single-family residential  
5 uses in the R-1A zone district. The existing zone designation for the site is  
6 County A-1 (Rural Agricultural Zone) is in contrast to the surrounding and  
7 adjacent City zoned residential districts. The requested establishment of  
8 zoning in the City Zoning Map (zone change) to R-1A would align with the  
9 zoning designation of the adjacent parcels in the area.

10 11. The request furthers the following applicable goals and policies from  
11 the Comprehensive Plan Chapter 9 – Housing:

12 A. POLICY 9.2.1 COMPATIBILITY: Encourage housing development  
13 that enhances neighborhood character, maintain compatibility with  
14 surrounding land uses, and responds to its development context (i.e., urban,  
15 suburban, or rural) with appropriate densities, site design and relationship to  
16 the street.

17 This request to R-1A zoning will encourage housing development that  
18 enhances neighborhood character and maintains compatibility with the  
19 adjacent land uses because it will provide the opportunity for similar single-  
20 family development. The site design and relationship to the street will use the  
21 dimensional standards that are consistent with the R-1A zone district and are  
22 the same standards used in the surrounding neighborhoods.

23 12. The request furthers the following applicable goals and policies from  
24 the Comprehensive Plan Chapter 12 – Infrastructure, Community Facilities &  
25 Services:

26 A. POLICY 12.4.6 ANNEXATION: Rationalize jurisdictional  
27 boundaries and streamline the provision of services through annexation when  
28 the City and County agree.

29 On January 14, 2025, the Bernalillo County Board of County  
30 Commissioners (BCC) approved annexation request (AXBC2024-0001) for the  
31 subject site. The BCC found that the request supports the  
32 Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area  
33 Plan by encouraging infill development and higher-density residential use. The

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1 annexation was determined to meet the County's annexation criteria and was  
2 found to have no adverse impacts on County services or adjacent properties.  
3 In addition, the BCC noted that annexation would improve clarity in  
4 emergency service provision and eliminate an unincorporated enclave,  
5 thereby promoting the general welfare of County residents. County approval  
6 was a required step prior to review and consideration by the City, reflecting  
7 intergovernmental coordination and a rational adjustment of City boundaries.

8 13. Pursuant to IDO § 14-16-6-7(G)(3), "An application for a Zoning Map  
9 Amendment shall be approved if it meets all of the following criteria."

10 6-7(G)(3)(a): The proposed zone change is consistent with the health,  
11 safety, and general welfare of the City as shown by furthering (and not being  
12 in conflict with) a preponderance of applicable Goals and Policies in the ABC  
13 Comp Plan, as amended, and other applicable plans adopted by the City.

14 The proposed zone change is consistent with the health, safety, and  
15 general welfare of the City as shown by the applicant's policy-based response  
16 that adequately demonstrates the request furthers a preponderance of  
17 applicable Goals and Policies and does not present any significant conflicts  
18 with the Comprehensive Plan, as amended, or other applicable plans adopted  
19 by the City as shown in the sections above.

20 Applicable citations: Goal 4.1 Character, Policy 4.1.2 Identity and Design,  
21 Policy 4.2.2 Community Engagement, Goal 5.3 Efficient Development Pattern,  
22 Policy 5.3.1 Infill Development, Goal 5.6 City Development Areas, Policy 5.6.3  
23 Areas of Consistency, Policy 9.2.1 Compatibility, and Policy 12.4.6 Annexation.

24 6-7(G)(3)(b): If the subject property is located partially or completely in an  
25 Area of Consistency (as shown in the ABC Comp Plan, as amended), the  
26 applicant has demonstrated that the new zone would clearly reinforce or  
27 strengthen the established character of the surrounding Area of Consistency  
28 and would not permit development that is significantly different from that  
29 character. The applicant must also demonstrate that the existing zoning is  
30 inappropriate because it meets any of the following criteria.

31 1. There was a typographical or clerical error when the existing zone  
32 district was applied to the property.

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1           2. There has been a significant change in neighborhood or  
2 community conditions affecting the site.

3           3. A different zone district is more advantageous to the community  
4 as articulated by the ABC Comp Plan, as amended (including implementation  
5 of patterns of land use, development density and intensity, and connectivity),  
6 and other applicable adopted City plan(s).

7           The subject site is not currently within the City and therefore is not yet  
8 formally designated as an Area of Consistency; however, surrounding  
9 properties within City limits are designated as such. Given the consistent land  
10 use patterns and character of the surrounding area, it is reasonable to  
11 anticipate that the subject site will be designated as an Area of Consistency  
12 upon annexation. Meeting Criterion 3, the proposed R-1A zoning would clearly  
13 reinforce and strengthen the established single-family residential character of  
14 the surrounding area and would not permit development that is significantly  
15 different from that character. The applicant has adequately demonstrated that  
16 the proposed zoning is more advantageous to the community as articulated by  
17 the Comprehensive Plan, particularly in terms of encouraging consistent land  
18 use patterns, appropriate scale and density, and infrastructure connectivity.

19           6-7(G)(3)(c): If the subject property is located wholly in an Area of Change  
20 (as shown in the ABC Comp Plan, as amended) and the applicant has  
21 demonstrated that the existing zoning is inappropriate because it meets any of  
22 the following criteria.

23           1. There was a typographical or clerical error when the existing zone  
24 district was applied to the property.

25           2. There has been a significant change in neighborhood or  
26 community conditions affecting the site that justifies this request.

27           3. A different zone district is more advantageous to the community  
28 as articulated by the ABC Comp Plan, as amended (including implementation  
29 of patterns of land use, development density and intensity, and connectivity),  
30 and other applicable adopted City plan(s).

31           The subject property is not located within an Area of Change.

32           6-7(G)(3)(d): The requested zoning does not include permissive uses that  
33 would be harmful to adjacent property, the neighborhood, or the community,

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1 unless the Use-specific Standards in Section 14-16-4-3 associated with that  
2 use will adequately mitigate those harmful impacts.

3 The proposed R-1A zoning district allows residential uses that are  
4 consistent with those allowed on surrounding properties and does not  
5 introduce any permissive uses that are anticipated to be harmful to adjacent  
6 properties or the broader community. Additionally, the IDO contains use-  
7 specific standards (IDO § 14-16-4-3) that apply to certain uses and would  
8 provide further mitigation, if necessary. The staff finds that the uses allowed in  
9 the R-1A zone are appropriate and compatible with the established  
10 development pattern.

11 6-7(G)(3)(e): The City's existing infrastructure and public improvements,  
12 including but not limited to its street, trail, and sidewalk systems, meet any of  
13 the following criteria:

- 14 1. Have adequate capacity to serve the development made possible  
15 by the change of zone.
- 16 2. Will have adequate capacity based on improvements for which the  
17 City has already approved and budgeted capital funds during the next  
18 calendar year.
- 19 3. Will have adequate capacity when the applicant fulfills its  
20 obligations under the IDO, the DPM, and/or an Infrastructure Improvements  
21 Agreement (IIA).

22 The subject site is located within a partially developed area that has  
23 existing City infrastructure in place, including roadway access, sidewalks,  
24 water, and sewer lines thus meeting Criterion 1. The applicant acknowledges  
25 responsibility for making any infrastructure improvements required by the  
26 IDO, the DPM, or through an Infrastructure Improvements Agreement. Based  
27 on the surrounding infrastructure and the nature of the proposed  
28 development, it is anticipated that adequate capacity exists or will be provided  
29 through required improvements.

30 6-7(G)(3)(f): The applicant's justification for the Zoning Map Amendment is  
31 not completely based on the property's location on a major street.

32 The applicant has provided a justification based on furthering a  
33 preponderance of applicable Comprehensive Plan policies and not on the

1 property's location along a major street. Although the site is located adjacent  
2 to a Major Collector (Sage Road), the justification is clearly rooted in policy  
3 and development compatibility rather than street classification.

4 6-7(G)(3)(g): The applicant's justification is not based completely or  
5 predominantly on the cost of land or economic considerations.

6 The applicant's justification for the zone change is based on planning  
7 principles, Comprehensive Plan policies, and neighborhood compatibility  
8 rather than the cost of land or economic considerations. The proposal  
9 supports consistent development patterns and aligns with the City's vision for  
10 orderly growth through annexation.

11 6-7(G)(3)(h): The Zoning Map Amendment does not apply a zone district  
12 different from surrounding zone districts to one small area or one premises  
13 (i.e., create a "spot zone") or to a strip of land along a street (i.e., create a  
14 "strip zone") unless the requested zoning will clearly facilitate implementation  
15 of the ABC Comp Plan, as amended, and at least 1 of the following applies.

16 1. The subject property is different from surrounding land because it  
17 can function as a transition between adjacent zone districts.

18 2. The subject property is not suitable for the uses allowed in any  
19 adjacent zone district due to topography, traffic, or special adverse land uses  
20 nearby.

21 3. The nature of structures already on the subject property makes it  
22 unsuitable for the uses allowed in any adjacent zone district.

23 The proposed zone change to R-1A does not result in a spot zone or strip  
24 zoning. It is consistent with the zoning and land use patterns of adjacent City  
25 properties, and the change would facilitate logical and cohesive extension of  
26 zoning and development patterns consistent with the Comprehensive Plan.

27 14. Public notice requirements are established in IDO Table 6-1-1 and IDO  
28 § 14-16-6-4(J) Public Notice. According to the Office of Neighborhood  
29 Coordination (ONC), the South West Alliance of Neighborhoods (SWAN  
30 Coalitions), Westgate Heights NA and Westside Coalition of Neighborhood  
31 Associations are in the affected area and were notified as required (see  
32 attachments).

1           **15. Property owners within 100 feet of the subject site were notified by the**  
2 **applicant, as required. As of this writing, no individuals have reached out to**  
3 **the Planning Department to express opposition or support for this request.**

4           **Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
5 **clause, word or phrase of this Ordinance is for any reason held to be invalid or**  
6 **unenforceable by any court of competent jurisdiction, such decision shall not**  
7 **affect the validity of the remaining provisions of this Ordinance. The Council**  
8 **hereby declares that it would have passed this Ordinance and each section,**  
9 **paragraph, sentence, clause, word or phrase thereof irrespective of any**  
10 **provision being declared unconstitutional or otherwise invalid.**

11           **Section 6. EFFECTIVE DATE. This Ordinance shall take effect five days**  
12 **after publication by title and general summary and when a plat of the territory**  
13 **hereby annexed is filed in the office of the County Clerk.**

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