

CITY of ALBUQUERQUE

TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-15-256 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña, by request

1 RESOLUTION

2 AMENDING THE TOWER/UNSER SECTOR DEVELOPMENT PLAN (THE
3 “TUSDP”) TO CHANGE THE ZONING FOR TRACT 2A, WESTGATE MOBILE
4 HOME PARK (THE “SUBJECT PROPERTY”), APPROXIMATELY 14.5 ACRES,
5 FROM R-T RESIDENTIAL ZONE TO SU-1 FOR MOBILE HOME DEVELOPMENT.

6 WHEREAS, the Council, the Governing Body of the City of Albuquerque,
7 has the authority to adopt sector development plans for the physical
8 development of areas within the planning and platting jurisdiction of the City
9 authorized by statute, § 3-19-5, NMSA 1978, and by its home rule powers; and

10 WHEREAS, the Council, the governing body of the City of Albuquerque, has
11 the authority to adopt and amend plans for the physical development of areas
12 within the planning and platting jurisdiction of the City as authorized by
13 statute Section 3-19-3 NMSA 1978, and by its home rule powers; and

14 WHEREAS, the City of Albuquerque adopted the TUSDP in 1989 through
15 Council Resolution R-365, Enactment 129-1989; and

16 WHEREAS, the TUSDP established zoning as indicated in Figure 12 and
17 Figure 13 and made use of the SU-2 zoning designation; and

18 WHEREAS, pursuant to Zoning Code §14-16-2-23(b)(2)(A), the SU-2 zone,
19 the Planning Commission shall make a recommendation to the City Council if
20 the decision would impose or eliminate SU-2 zoning or amend an SU-2 sector
21 development plan, such as the TUSDP, for an area over one block in size. One
22 block is considered to be an area over ten acres in size, such as the subject
23 property; and

24 WHEREAS, Zoning Code §14-16-4-1(C)(15)(C), Amendment Procedure,
25 gives the City Council the sole authority to amend the zoning map imposing or
26 eliminating SU-2 zoning; and

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1 WHEREAS, on September 10, 2015, the Environmental Planning
2 Commission (the “EPC”), in its advisory role on land use and planning
3 matters, recommended approval to the City Council of an amendment to the
4 TUSDP to change the zoning designation of the subject property from R-T to
5 SU-1 for Mobile Home Development; and

6 WHEREAS, the EPC found that the above sector development plan map
7 amendment is consistent with applicable policies in the Comprehensive Plan,
8 the West Side Strategic Plan, the Southwest Albuquerque Strategic Action
9 Plan, the TUSDP, and the requirements of R-270-1980.

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

12 SECTION 1. The TUSDP is hereby amended to change the zoning
13 designation of the subject property, shown on Figure 12 of the TUSDP, from R-
14 T to SU-1 for Mobile Home Development:

15 SECTION 2. FINDINGS ACCEPTED. The following findings are adopted by
16 the City Council:

17 1. The subject request is for a sector development plan map amendment
18 (zone change) to the Tower Unser Sector Development Plan (TUSDP) for Tract
19 2A, Westgate Mobile Home Park, an approximately 14.5 acre site that contains
20 a portion of the existing Sage Mobile Home Park (the “subject site”). The
21 subject site is located adjacent west of 98th St. SW, between Tower Rd. and
22 DeVargas/Sage Rd.

23 2. The sector development plan map amendment request is for a change
24 from the R-T Residential Zone to SU-1 for Mobile Home Development, which
25 would allow the existing mobile home development to remain. Mobile homes
26 are not allowed in the R-T zone. The other tracts of the mobile home park,
27 Tracts 1 and 3, are zoned C-2. Mobile homes are allowed in the C-2 zone, so
28 the zone change is only needed for Tract 2A.

29 3. The subject request is accompanied by an as-built site development
30 plan for building permit (15EPC-40041) as required pursuant to the SU-1 Zone,
31 §14-16-2-22(A)(1).

32 4. Because the subject site is greater than 10 acres and the applicable
33 sector development plan uses SU-2 zoning, the City Council is the approval

1 authority and the Environmental Planning Commission (EPC) is a
2 recommending body pursuant to Zoning Code §14-16-2-23(b)(2)(a) and §14-16-
3 4-1(C)(15)(c). This is a quasi-judicial matter.

4 5. The Albuquerque/Bernalillo County Comprehensive Plan, the
5 Westside Strategic Plan, the Southwest Area Plan, the TUSDP and the City of
6 Albuquerque Zoning Code are incorporated herein by reference and made part
7 of the record for all purposes.

8 6. The proposal furthers and partially furthers the following, relevant
9 Land Use Policies in the Comprehensive Plan:

10 A. Policy II.B.5a-full range of urban land uses. By allowing approximately
11 2/3 of the mobile home park to remain, the proposal would contribute to
12 a full range of urban land uses in the area, which is characterized mainly
13 by single-family residential uses (single-family homes).

14 B. Policy II.B.5o-redevelopment of older neighborhoods. Some
15 improvements to the subject site would be required that would generally
16 help rehabilitate this older area, though the subject site is only part of
17 the neighborhood and Tract 2A is only part of the mobile home
18 development.

19 7. The proposal furthers the Housing Goal and the following, applicable
20 Housing Policy:

21 A. Goal: Approximately 2/3 of the mobile home park would remain, thereby
22 preventing displacement of low-income residents, maintaining
23 affordable housing supply, and improving the quality of existing
24 housing by bringing the dwellings up to Zone Code standards.

25 B. Policy II.D.5a- II.D.5a-supply of affordable housing. The proposal would
26 preserve the affordable housing that the mobile home park provides,
27 and ensure that such housing (likely to be a more reasonable proportion
28 of income for residents than other housing options) remains.

29 8. The proposal generally furthers the Community Identity & Urban Design
30 Goal. Since the mobile home park has existed since the 1970s, it has become
31 part of what defines the Westgate community. Allowing it to remain would
32 ensure that variety and maximum choice in housing and lifestyles would
33 continue to exist in this area, which is dominated by subdivisions of single-

1 family homes. Site improvements would contribute to a pleasing built
2 environment.

3 9. The proposal furthers the following, applicable West Side Strategic Plan
4 policies:

5 A. WSSP Policy 1.1. The subject site is located in the Bridge/Westgate
6 community and is not within the boundaries of a designated Activity
7 Center. The existing mobile home park, at approximately 5 DU/ac, is the
8 type of lower-density residential development referred to above that is
9 intended to be located outside designated Centers.

10 B. WSSP Policy 3.46. Though the proposal would not change existing
11 residential density, it would be consistent with the densities referred to
12 in the TUSDP. The mobile home development, at approximately 6 DU/ac,
13 is located outside of a designated activity center and not at a major
14 intersection where non-residential zoning is intended.

15 10. The Planning Department is required to consider school capacity
16 because the proposal is for a site development plan for a residential
17 development. The proposal would not result in any new households because
18 the development already exists. Rather, it would allow existing households to
19 remain and therefore would not affect school capacity. APS comments that the
20 proposal will have no adverse impacts. The proposal does not affect WSSP
21 Policy 2.5-school capacity/residential development.

22 11. The proposal generally furthers Goal 1 and Goal 5 of the Southwest
23 Area Plan:

24 A. Goal 1. The proposal would facilitate part of the mobile park's continued
25 existence and allow a lower density residential use outside the
26 designated activity centers. Activity centers are intended to be
27 pedestrian-friendly, accessible but not dominated by vehicles, and
28 contain a mixture of uses and housing opportunities different from
29 those in the interior of neighborhoods (i.e.- different than the typical
30 single-family residential subdivision).

31 B. Goal 5. The proposal would result in some of the City's lower-income
32 residents being able to remain in their homes, which have access to two
33 bus stops and bicycle lanes, and being able to continue to support the

1 Transit system. Two transit lines serve the subject site. There is also a
2 bike lane on 98th St.

3 12. The TUSDP is divided in to six sections, which discuss boundaries,
4 ownership information, utilities, justification for zone categories, additional
5 requirements (ex. design overlay zone) and appendices. There are eight Major
6 Policy Recommendations (see Appendix C). Of these, Staff finds that none are
7 relevant to the proposal.

8 13. The applicant has adequately justified the sector development plan map
9 amendment (zone change) request pursuant to Resolution 270-1980:

10 A. Section 1A: Consistency with the City's health, safety, morals and
11 general welfare is shown by demonstrating that a request furthers a
12 preponderance of applicable Goals and policies from the
13 Comprehensive Plan and other applicable plans, which the applicant
14 has done in the response to Section 1.C. Also, the proposed zone
15 change is limited to one specified use and, as a change to an SU-1 zone,
16 is dependent upon an associated site development plan.

17 B. Section 1B: Rezoning the subject site to allow the mobile home park to
18 remain would contribute to stability of land use in the area, especially
19 since the mobile home park use has existed since the 1970s. The
20 specific use of a mobile home park would generally improve stability of
21 zoning by aligning the use with appropriate zoning category and
22 removing the non-conforming status.

23 C. Section 1C: Because the request is for an SU-1 zone, the higher
24 standard of "clearly facilitates" found in Section 1I (spot zone test)
25 applies. The applicant has demonstrated that the request would clearly
26 facilitate applicable Goals, policies and intentions in the WSSP, the
27 SWAP and the TUSDP.

28 D. Section 1D: The applicant has adequately demonstrated, by the policy-
29 based discussion in Section 1C, that the proposed zoning would be
30 more advantageous to the community overall than the current zoning.

31 E. Section 1E: The narrowly defined SU-1 zoning would allow only the
32 existing mobile home development use. Other uses that could be

- 1 considered harmful in the subject site's setting, such as certain
2 commercial or industrial uses, would be prohibited.
- 3 F. Section 1F: The proposed zone change requires no capital
4 expenditures by the City.
- 5 G. Section 1G: Economic considerations are a factor. However, the
6 determining factor is continuing to provide affordable housing, which
7 clearly facilitates a preponderance of applicable Goals and policies as
8 demonstrated by the applicant in the response to Section 1C and
9 Section 1J.
- 10 H. Section 1H: Though the subject site is located on a major street (98th
11 St.), the request is not for apartment, office or commercial zoning.
- 12 I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in this
13 case because it has been demonstrated that the request will clearly
14 facilitate realization of applicable Goals and policies in the
15 Comprehensive Plan, the WSSP, the SWAP and the TUSDP.
- 16 J. Section 1J: Though the request would cause an area of land along a
17 street to be zoned differently from surrounding land, the request is not
18 for commercial zoning and therefore would not result in a strip zone.
- 19 14. The applicant has adequately justified the sector development plan map
20 amendment (zone change) pursuant to R270-1980. The response to Section 1C
21 provides a policy-based explanation of how the request clearly facilitates
22 applicable Goals and policies in the Comprehensive Plan, the WSSP, the
23 SWAP and the TUSDP, and supports the reasoning that a different zoning
24 category would be more advantageous to the community (Section 1D). The
25 remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
- 26 15. The affected neighborhood organizations are the Route 66 West
27 Neighborhood Association (NA), the South Valley Coalition of NAs, the South
28 West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which
29 the applicant notified as required. Property owners within 100 feet of the
30 subject site were also notified as required. Staff received a phone call from
31 two residents who had questions about the request, zoning and the process.
32 Staff has not received any written comments as of this writing, and is not
33 aware of any opposition to the request.

1 **SECTION 3. CONDITION ACCEPTED.** The following condition is adopted by
2 the City Council: Final approval of the accompanying site development plan
3 for subdivision (15EPC-40018) by the Development Review Board (DRB) is
4 required and shall occur within the time period specified in Zoning Code §14-
5 16-4-1(C)(16)(b), Amendment Procedure.

6 **SECTION 4. EFFECTIVE DATE AND PUBLICATION.** This legislation shall
7 take effect five days after publication by title and general summary.

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

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