



Legislation Text

File #: R-15-256, Version: 2

**CITY of ALBUQUERQUE**  
**TWENTY-FIRST COUNCIL**

COUNCIL BILL NO.   R-15-256   ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña, by request

RESOLUTION

Amending The Tower/Unser Sector Development Plan (The "TUSDP") To Change The Zoning For Tract 2A, Westgate Mobile Home Park (The "Subject Property"), Approximately 14.5 Acres, From R-T Residential Zone To SU-1 For Mobile Home Development (Peña, by request)

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

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

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

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

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

the subject property; and

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

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

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

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

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

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

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

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

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

4. Because the subject site is greater than 10 acres and the applicable sector development plan uses SU-2 zoning, the City Council is the approval authority and the Environmental Planning Commission (EPC) is a recommending body pursuant to Zoning Code

§14-16-2-23(b)(2)(a) and §14-16-4-1(C)(15)(c). This is a quasi-judicial matter.

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

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

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

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

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

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

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

8. The proposal generally furthers the Community Identity & Urban Design Goal. Since the mobile home park has existed since the 1970s, it has become part of what defines the Westgate community. Allowing it to remain would ensure that variety and maximum choice in housing and lifestyles would continue to exist in this area, which is dominated by subdivisions of single-family homes. Site improvements would contribute to a pleasing built environment.

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

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

B. WSSP Policy 3.46. Though the proposal would not change existing residential density,

it would be consistent with the densities referred to in the TUSDP. The mobile home development, at approximately 6 DU/ac, is located outside of a designated activity center and not at a major intersection where non-residential zoning is intended.

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

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

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

B. Goal 5. The proposal would result in some of the City's lower-income residents being able to remain in their homes, which have access to two bus stops and bicycle lanes, and being able to continue to support the Transit system. Two transit lines serve the subject site. There is also a bike lane on 98<sup>th</sup> St.

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

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

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

B. Section 1B: Rezoning the subject site to allow the mobile home park to remain would

contribute to stability of land use in the area, especially since the mobile home park use has existed since the 1970s. The specific use of a mobile home park would generally improve stability of zoning by aligning the use with appropriate zoning category and removing the non-conforming status.

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

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

E. Section 1E: The narrowly defined SU-1 zoning would allow only the existing mobile home development use. Other uses that could be considered harmful in the subject site’s setting, such as certain commercial or industrial uses, would be prohibited.

F. Section 1F: The proposed zone change requires no capital expenditures by the City.

G. Section 1G: Economic considerations are a factor. However, the determining factor is continuing to provide affordable housing, which clearly facilitates a preponderance of applicable Goals and policies as demonstrated by the applicant in the response to Section 1C and Section 1J.

H. Section 1H: Though the subject site is located on a major street (98<sup>th</sup> St.), the request is not for apartment, office or commercial zoning.

I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in this case because it has been demonstrated that the request will clearly facilitate realization of applicable Goals and policies in the Comprehensive Plan, the WSSP, the SWAP and the TUSDP.

J. Section 1J: Though the request would cause an area of land along a street to be zoned differently from surrounding land, the request is not for commercial zoning and therefore would not result in a strip zone.

14. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R-270-1980. The response to Section 1C provides a policy-based explanation of how the request clearly facilitates applicable Goals and policies in the Comprehensive Plan, the WSSP, the SWAP and the TUSDP, and supports the reasoning that a different zoning category would be more advantageous to the community (Section 1D). The

remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.

15. The affected neighborhood organizations are the Route 66 West Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received a phone call from two residents who had questions about the request, zoning and the process. Staff has not received any written comments as of this writing, and is not aware of any opposition to the request.

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

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

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

X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\21 Council\R-256final.docx