



Legislation Text

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**CITY OF ALBUQUERQUE  
NINETEENTH COUNCIL**

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

ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: **Dan Lewis**, by request

**RESOLUTION**

**C/S For An Area of Approximately 446 Acres, Adopting of The Volcano Trails Sector Development Plan; Changing Existing Zoning on Undeveloped Properties (Lewis, by request)**  
**FOR AN AREA OF APPROXIMATELY 446 ACRES AND BORDERED GENERALLY BY UNIVERSE BOULEVARD TO THE EAST, STATE LAND, APS SCHOOL SITES AND THE NORTHERN GEOLOGIC WINDOW TO THE SOUTH, VACANT BERNALILLO COUNTY LAND TO THE WEST, AND PASEO DEL NORTE TO THE NORTH, ADOPTING THE VOLCANO TRAILS SECTOR DEVELOPMENT PLAN AS A RANK 3 PLAN; CHANGING EXISTING ZONING ON UNDEVELOPED PROPERTIES FROM RD TO SU-2 VOLCANO TRAILS VILLAGE CENTER, SU-2 VOLCANO TRAILS URBAN RESIDENTIAL, SU-2 VOLCANO TRAILS RESIDENTIAL DEVELOPING AREA, SU-2 VOLCANO TRAILS SMALL LOT, SU-2 VOLCANO TRAILS MEDIUM LOT, AND SU-2 VOLCANO TRAILS OPEN SPACE.**

**WHEREAS, the City 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 authorized by Statute, Section 3-19-1 et. seq., NMSA 1978, and by its home rule powers; and**

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

**WHEREAS, the Environmental Planning Commission found approval of the Volcano**

Trails Sector Development Plan consistent with applicable goals and policies of the Comprehensive Plan, the Westside Strategic Plan, the Trails and Bikeways Facility Plan, the Facility Plan for Electric Service Transmission and Subtransmission Facilities, the City of Albuquerque Major Public Open Space Facility Plan, the Facility Plan for Arroyos, the Northwest Mesa Escarpment Plan, the Comprehensive City Zoning Code, and R-270-1980.

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

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

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

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

**Section 23. FINDINGS ADOPTED. The City Council adopts the following findings:**

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

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

**C. The Volcano Trails area currently contains land that is zoned RD, and the Volcano Trails Sector Development Plan proposes six new zone categories - SU-2 VT Village Center (VTVC), SU-2 VT Residential Developing area (VTRD), SU-2 VT Urban Residential (VTUR), SU-2 VT Small Lot Residential (VTSL), SU-2 VT Medium Lot Residential (VTML), SU-2/SU-1 for Open Space (privately owned) - as well as General Design Standards and General Regulations that**

are associated to varying degrees with all properties within the VTSDP boundary.

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

- 1. Policies II.B.5.a, c, d, h, i, k, m: through the mix of uses proposed in order to provide neighborhood services, retail, and higher-density housing in specific locations in the Volcano Trails area, and zoning regulations that ensure development will not be visually intrusive (i.e. restrictions on height, color, and reflectivity);**
- 2. Policies II.B.1.c, f, j: through the location of the least intense zoning adjacent to Major Public Open Space, the General Standards that address colors, heights, reflectivity and fencing adjacent to the Petroglyph National Monument, and the recognition of the developer's proposals for open space corridors, parks, and trails;**
- 3. Policy II.C.6.c: through the language in General Standards that address petroglyphs and archeological sites;**
- 4. Policies II.C.8.a, b, d, e: through the General Standards protecting rock outcroppings; development buffers and low-intensity zoning nearest to the Petroglyph National Monument, arroyos, and Major Public Open Space; General Standards requiring street trees and native and xeric plants for landscaping; and zoning regulations that ensure development will not be visually intrusive (i.e. restrictions on height, color, and reflectivity);**
- 5. Policies II.C.9.b, e: through the proposed zoning, and the proposed road network, and through the employment opportunities provided by the Village Centers;**
- 6. Policies II.D.6. a, g: through the small business and employment opportunities provided by the mixed use areas and the Village Centers.**

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

- 1. Policy 1.1 through the high-density and non-residential uses to be located in proposed nodes;**
- 2. Policy 3.96 through the establishment of new zoning that will create mixed-use neighborhoods and allow higher-density residential development that can both support and be served by transit;**
- 3. Policy 3.99 through General Standards that protect the Petroglyph National Monument's Northern Geologic Window from the impacts of development by requiring**

single-loaded streets along at least 60% of the lineal edge of the Northern Geologic Window and prohibiting storm runoff into the Northern Geologic Window in excess of natural flows;

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

5. Policy 3.101 through regulations limiting fill;

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

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

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

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

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

11. Policy 3.108 by mapping Significant Rock Outcroppings in the Plan area and requiring that they be preserved in place and incorporated into privately-owned open space (open to the public) to be identified on existing and future site plans, and that access be provided via public right-of-way or public access easements as development occurs;

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

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

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

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

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

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

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

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

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

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

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

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

**1. The zone changes proposed by the VTSDP are consistent with furthering the health, safety, morals and general welfare of the city. The purpose of the VTSDP is to ensure that the area develops in such a way as to further the goals and policies of the Comprehensive Plan and other applicable plans - in this case the WSSP and the NWMEP. The plan proposes residential, commercial, office, and neighborhood service uses in a pattern designed to support transit.**

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

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

**4. The existing zoning is inappropriate because:**

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

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

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

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

iii. **SU-2 Volcano Trails Residential Developing Area Zone (SU-2 VTRD):** This zone category replaces existing R-D zoning for land on the northern and southern edges of the property. This zone category generally corresponds to the R-1 zone with certain additions and exceptions, including the prohibition of gated developments and an allowance for a minor second dwelling unit of up to 650 square feet. This zone is being used in these locations because of specific needs related to these locations.

iv. **SU-2 Volcano Trails Small Lot (SU-2 VTSL):** This zone category replaces existing R-D zoning for approximately 60 acres near the center of the Plan area. This zone category allows typical suburban lot sizes, but with rear access alleys, houses moved up to the sidewalk, front porches and other features to create a more pedestrian-friendly environment. This zone is being used in this location because of specific needs related to this location.

v. **SU-2 Volcano Trails Medium Lot (SU-2 VTML):** This zone category replaces existing R-D zoning for approximately 60 acres to the north and south of the Petroglyph National Monument's Northern Geologic Window. It allows single-family homes on progressively larger lots depending on proximity to the Northern Geologic Window in order to protect views and reduce the impact of development in this area. This zone is being used in this location in order to step down development intensities in this geologically, archaeologically and culturally sensitive area.



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

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

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

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

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

a. The proposed zoning clearly facilitates realization of the Comprehensive Plan, the Westside Strategic Plan, the Trails and Bikeways Facility Plan, the Facility Plan for Electric Service, the Facility Plan for Arroyos, and the Northwest Mesa Escarpment Plan as detailed above in the response to R-270-91801980, Section L.4.; and

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

10. To the extent to which any of the proposed SU-2 zones are found to be strip

zones, they are justified as follows:

- a. The proposed zoning clearly facilitates realization of the Comprehensive Plan, the West Side Strategic Plan, the Trails and Bikeways Facility Plan, the Facility Plan for Electric Service, the Facility Plan for Arroyos, and the NWMEP as detailed above in the response to R-270-1980, Section L.4.; and
- b. The proposed zoning and their individual, component regulations within the plan area and the plan area itself are different from surrounding land. The proposed locations of zone boundaries create differences between adjacent lands and zones as well as differences between zones within the plan area. The proposed zone categories create the opportunity for sustainable growth that entails different land uses that help to meet the area's housing, service, and employment needs. The proposed zoning categories establish and facilitate transitions between adjacent zones within the plan area and where adjacent to existing zoning. Even where residential and non-residential zoning abut or are adjacent, there are specific requirements for height transitions within the more intense zone category so as to maximize compatibility with the less intense zone category. Furthermore, the location of many of the "strip zones" is in response to traffic potentials on established, but not yet fully developed arterial corridors, such as Paseo del Norte and Unser Boulevard. There are no other available properties in the area with the acreage or configuration necessary to meet the public need for sustainable and coordinated growth.

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

M.

**Section 34. CONDITIONS OF APPROVAL ADOPTED.** The City Council adopts the conditions of approval as recommended by the Environmental Planning Commission attached in Exhibit A.

**Section 45. EFFECTIVE DATE.** This resolution shall take effect five days after publication by title and general summary.

**Section 56. 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.

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