



Legislation Text

File #: O-15-37, Version: 2

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

COUNCIL BILL NO. O-15-37 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña, by request

ORDINANCE

Annexation, 14EPC-40059 / 14EPC-40060, Annexing 1.37 Acres, More Or Less, Located In MRGCD Map 42, Tracts 148A1b, 147B1, 147B2A, 148A1A1A1A1, Located On Bridge Boulevard Between Anthony Lane And Pear Road Amending The Zone Map To Establish O-1 Zoning (Peña, by request)

ANNEXATION, 14EPC-40059 / 14EPC-40060, ANNEXING 1.37 ACRES, MORE OR LESS, LOCATED IN MRGCD MAP 42, TRACTS 148A1B, 147B1, 147B2A, 148A1A1A1A1, LOCATED ON BRIDGE BOULEVARD BETWEEN ANTHONY LANE AND PEAR ROAD AMENDING THE ZONE MAP TO ESTABLISH O-1 ZONING.

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

Section 1. AREA PROPOSED FOR ANNEXATION. The owner of the area annexed hereby presented a properly signed petition to annex the following territory: 1.37 acres, more or less, located on Bridge Boulevard between Anthony Lane and Pear road; and more particularly described as follows:

- (A) MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A, 148A1A1A1A1;
- (B) All of the right-of-way adjoining the land described in A of this

section to the extent it is not already in the City.

(C) The County of Bernalillo approved the annexation of these tracts on September 27th, 2013, pursuant to AXBC-2010-04.

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

Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 above is designated Developing Urban in the Albuquerque/Bernalillo County Comprehensive Plan, which makes it suitable for annexation. Furthermore, the petition for annexation meets the requirements of *Resolution 54-1990* (City's Annexation Policy). Therefore, the area specified in Section 1 above is hereby annexed.

Section 3. FINDINGS ACCEPTED. The following annexation findings are adopted by the Council:

1. This is a request for the annexation for MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A, 148A1A1A1A1 located on Bridge Boulevard between Anthony Lane and Pear Road and containing approximately 1.37 acres.
2. The applicant would like to annex the subject site into the City in order to consolidate the subject site with

an adjacent parcel and expand the existing Catholic Charities campus.

3. This request was approved by the Bernalillo County Commission in September of 2013 (AXBC-201330001).

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

5. The subject site is within the Semi Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

#### Land Use Semi-Urban Area

The proposed zone will allow development that is compatible with the economic policy, historical and socio cultural values of the area by allowing the expansion of an existing facility that provides services to the local community and by allowing uses that are compatible with the existing uses and character of the area because they are of a low intensity and appropriate for the physical conditions of the area. Policies, II.B.4.a, II.B.4.b, and II.B.4.c are furthered by this request.

#### Economic Development

The applicant states that the expansion of the existing campus will create 25 new jobs in an area of need. The 2010 Census lists the South Valley as census-designated place (CDP) with a median family income of \$32,833. Approximately 21% of area residents live below the poverty line. The median income city wide was \$46,979. Economic Development Policy II.C.6 is furthered by this request.

#### Education

The applicant provides education and literacy training to adults through their existing programs. The annexation and proposed zoning will allow the expansion of these services. Education Policies II.B.7.a and g are furthered. Human Services

The goal and policy II.C.8.a: are furthered by this request because it will allow the expansion of an existing social service provider located in an area of need. The site has good transit access and is centrally located.

6. Goals and policies of the Southwest Area Plan are furthered.

The Community Involvement and Services goal is furthered by this request because the proposed zoning will allow the expansion of the existing facility that provides a variety of social services to the community. The applicant is the owner of the site and intends to proceed with this expansion.

The applicant is a private provider of social services, including housing, education and legal consultation, to a wide variety of people. The request will allow the expansion of private services within walking distance of existing public and private services. Policy 36 is furthered by this request.

7. The applicant has justified the Annexation request pursuant to R-54-1990 as follows:

(A) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are particularly appropriate for the range of urban services which the city can provide, and annexation of such areas into the city is desired and encouraged. More specifically, annexation of areas planned to be intense urban development will be approved when the following policies are met, unless the city concludes that the anticipated delay in provision of city services is so far into the future as to be speculative and therefore an unreasonable basis to provide for annexation:

(1) Compliance with city policy regarding land dedication for public facilities is assured;

(2) The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

Although the site is within the Semi-urban area, the site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

(a) The timing to be per a written city statement of intent as to when it or another public body will be able to provide such capital facilities, such city statement to be issued.

The site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

(b) The timing to remain indefinite but a substantial number of years in the future, based on a written city statement, made prior to annexation, that it will provide the facilities but no timing can be assured; and/or

The site has full access to urban services, staff agrees that there should be no expenditures from the city for this request.

(c) A commitment by the land owner that he or his successors in interest will, in a manner that satisfies city standards, install and pay for such facilities or cause them to be installed and paid.

The site has full access to urban services; staff agrees that there should be no expenditures from the city for this request.

(3) The city may decline an annexation if necessary capital expenditures fall all or partly under division (2) (b) above, and the city concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case;

(4) Land annexed shall be to some extent contiguous to the city limits, except land owned by the city may be annexed when it is not contiguous where this is allowed by state statutes;

(5) Land to be annexed shall have provision for convenient street access to the city;

Staff agrees that this request meets the requirements of 4 and 5 above. The subject site is contiguous to City land and has full access from a major, developed road.

(6) Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the city boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the city;

Staff agrees that there are existing utilities and other services at the site. The site has a clear boundary that is already registered with the County Assessor.

(7) City boundaries shall be established along platted lines which will make definite what the city limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance.

Staff agrees that boundary lines are clear and with the re-platting action will be clear once the subject site is annexed.

(B) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Reserve are appropriate for annexation if they meet the guidelines established in the Reserve Area section (II-B-2) of the Plan, so as to create high quality, mixed use, largely self-sufficient planned communities. More specifically, such areas will be approved when the following policies are met:

(1) The policies stated in the subsections of division (A) above; and

- (2) Applications are accompanied or preceded by satisfactory plans for each community proposed.

The subject site is within the boundaries of the Semi-Urban area, not the reserve area.

(C) Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Semi-Urban and as Rural are appropriate for annexation where the policies of the Semi-Urban and Rural Areas sections of the Plan are furthered or where the general public welfare clearly is better served by annexation. Zoning appropriate for a low intensity area, as indicated by the Comprehensive Plan, will be assigned. More specifically, annexation in areas planned to be less than urban intensity of development will be approved when the following policies are met:

- (1) The policies stated in the paragraphs of division (A) above;

The proposed O-1 zone will allow low intensity development that is compatible with the existing development. The O-1 zone is mapped in many places in the City adjacent to R-1, single family development and is general considered by the Planning Department to be a low intensity zone.

(2) Since the eventual annexation of all these areas is unlikely, special care shall be taken to maintain reasonable, compact boundaries in these areas. To this end, the city will not annex such land unless it:

(a) Has at least 10% of its boundary contiguous to the city boundary; or the subject site is directly adjacent to city property along its entire eastern boundary.

(b) Does not create an arm of the city's incorporate area which is at any point less than 1,000 feet wide.

The parcel is approximately 260 feet wide. In section 2(a) above, the parcel meets the criteria of adjacency and so does not have to meet this requirement also.

(3) Barring exceptional conditions, the city will not annex land on one side of a public street without also annexing the land on the other side of the street; and

(4) Land shall not be annexed unless appropriate city zone categories are available for regulation of development in accord with planned and appropriate land development patterns.

The City land in the area is south of Bridge Blvd, these parcels add to the existing 30 acres of City land on the south side of the street. The north side of the street is an existing alfalfa field. The O-1 zoning is appropriate for the subject site because it will be the same as the adjacent property to the east and will contain uses that allow low intensity development that complements the existing development patterns. This satisfies the requirement of 3 and 4 above.

(D) Areas which are outside Bernalillo County may be appropriate for annexation when the following policies have been met:

- (1) The policies stated in the paragraphs of division (A) above;

(2) The Environmental Planning Commission and the City Council find that the area to be annexed:

(a) Is suitable for urban intensity land uses and is near areas in Bernalillo County which are designated urban by the Albuquerque/Bernalillo County Comprehensive Plan; or

(b) Is a city-owned park of open space.

(3) The long term benefits to the city from the proposed annexation are deemed to outweigh city costs; and

(4) The subject property owner's reasons for desiring annexation demonstrate a net benefit to the city and to the public welfare if the annexation is approved.

The property is within Bernalillo County, Section D does not apply.

(E) The city may annex land even though some or all of the above policies are not met where the Environmental Planning Commission and City Council find:

(1) That there is a particular hazard to the health of persons, that such hazard would be removed or materially alleviated by the city upon annexation, and that no other adequate and timely remedy for the removal or material alleviation of such hazard is available; or

(2) That city-owned land used for a public purpose is being annexed to better facilitate that use.

The policies in Section A are generally met.

8. No infrastructure or dedication of land is needed to support this annexation.

9. A replat may be required before a building permit can be issued for the site.

10. The Vecinos del Bosque, Neighborhood Association, South Valley Coalition of Neighborhood Associations, Southwest Alliance of Neighbors and the Westside Coalition of Neighbors were notified. Property owners within 100 feet of the site were also notified of the EPC hearing.

Section 4. ZONE MAP AMENDED. The request for O-1 zoning is justified per Resolution 270-1980 because the request furthers policies found in the Albuquerque/Bernalillo County Comprehensive Plan, Southwest Area Plan and the City of Albuquerque Zoning Code. Therefore, the zone map adopted by The O-1 zone is established for the area specified in Section 1 above.

Section 5. FINDINGS ACCEPTED. The following zone map amendment findings shall be adopted by the Council:

1. This is a request for a zone map amendment/establishment of zoning for MRGCD MAP 42, tracts 148A1B, 147B1, 147B2A, 148A1A1A1A1 located on Bridge Boulevard between Anthony Lane and Pear Road and containing approximately 1.37 acres from C-N, Bernalillo County Neighborhood Commercial, to O-1 office and institutional zone in the City of Albuquerque.

2. The annexation was approved by Bernalillo County in September of 2013 (AXBC-20130001).

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

4. The subject site is within the Semi Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

#### Land Use Semi-Urban Area

The proposed zone will allow development that is compatible with the economic policy, historical and socio cultural values of the area by allowing the expansion of an existing facility that provides services to the local community and by allowing uses that are compatible with the existing uses and character of the area because they are of a low intensity and appropriate for the physical conditions of the area. Policies, II.B.4.a, II.B.4.b, and II.B.4.c are furthered by this request.

#### Economic Development

The applicant states that the expansion of the existing campus will create 25 new jobs in an area of need. The 2010 Census lists the South Valley as census-designated place (CDP) with a median family income of \$32,833. Approximately 21% of area residents live below the poverty line. The median income city wide was \$46,979.

Economic Development Policy II.C.6 is furthered by this request.

#### Education

The applicant provides education and literacy training to adults through their existing programs. The annexation and proposed zoning will allow the expansion of these services. Education Policies II.B.7.a and g are furthered. Human

#### Services

The goal and policy II.C.8.a: are furthered by this request because it will allow the expansion of an existing social service provider located in an area of need. The site has good transit access and is centrally located.

#### 5. Goals and policies of the Southwest Area Plan are furthered.

The Community Involvement and Services goal is furthered by this request because the proposed zoning will allow the expansion of the existing facility that provides a variety of social services to the community. The applicant is the owner of the site and intends to proceed with this expansion.

The applicant is a private provider of social services, including housing, education and legal consultation, to a wide variety of people. The request will allow the expansion of private services within walking distance of existing public and private services. Policy 36 is furthered by this request.

#### 6. The applicant has justified this request pursuant to R-270-1980 as follows:

(A) Staff agrees that request is consistent with health, safety, morals and general welfare of the City. None of the uses allowed in the proposed zone would be considered harmful and the expansion of services allowed by the new zone will benefit the community.

(B) The proposed zone is the same as the adjacent parcel to the east. The uses in the proposed zone are similar, but slightly more restrictive than what is currently allowed. The type of development allowed will be compatible with the existing development in terms of height, uses and scale.

(C) The applicant states that requested zoning will provide needed educational and social services and economic development by allowing the expansion of an existing, compatible use in the area. The zoning will be consistent with adjacent property.

The applicant refers to Semi Urban area goal and policies a,b and c. and the Education, Human Services and the Community Identity goals. The applicant also cites the Community Involvement and Services goal and policy 37 of the Southwest Area Plan. Staff believes that Economic Development Policy II.C.6., Education Policy II.C.7.a and Policy II.C.7.g, Human Services Goal and Policy II.C.8.a are also relevant.

Refer to policy analysis for more in depth discussion.

(D) The applicant states that the proposed zoning will be more advantageous to the community as articulated in the applicable plans and policies because it will allow the expansion of a use that benefits the community by providing needed services.

(E) Staff agrees that the uses in the O-1 will not be harmful to community. The allowed uses are generally considered to be low intensity and compatible with residential development.

(F) Staff agrees that the site has access to a full range of urban services and should not require any additional resources from the City.

(G) The applicant is the owner of the site and the expansion of the existing use on the adjacent site will benefit the community. The applicant has justified this request using the applicable goals and policies and has not

referenced the cost of land.

(H) The applicant has justified this request using applicable plans and policies. The location is appropriate for the proposed zone.

(I) There is similar zoning to the east and similar use. This is not a spot zone.

(J) The request will add to the existing O-1 zoned property, the uses in the O-1 zone are not very different from the existing C-N zone, the request will still allow low intensity development.

7. The Vecinos del Bosque, Neighborhood Association, South Valley Coalition of Neighborhood Associations, Southwest Alliance of Neighbors and the Westside Coalition of Neighbors were notified. Property owners within 100 feet of the site were also notified of the EPC hearing.

Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance 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 ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 7. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary and when a plat of the territory hereby annexed is filed in the office of the County Clerk.

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