



Legislation Text

File #: O-18-44, Version: 3

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. C/S O-18-44 ENACTMENT NO. _____

SPONSORED BY: Ken Sanchez

ORDINANCE

C/S Annexation, 17EPC-40061 / 17EPC-40062, Annexing 12.3 Acres, More Or Less, Located In Northerly Portion Tracts 14-20, Row 4, Unit A, West Of Westland, Town Of Atrisco Grant, Located North Of Interstate 40 Between Arroyo Vista Blvd And 118th Street, And Amending The Zone Map To Establish SU-2 For Town Center Zoning (Sanchez)

ANNEXATION, 17EPC-40061 / 17EPC-40062, ANNEXING 12.3 ACRES, MORE OR LESS, LOCATED IN NORTHERLY PORTION TRACTS 14-20, ROW 4, UNIT A, WEST OF WESTLAND, TOWN OF ATRISCO GRANT, LOCATED NORTH OF INTERSTATE 40 BETWEEN ARROYO VISTA BLVD AND 118TH STREET, AND AMENDING THE ZONE MAP TO ESTABLISH SU-2 FOR TOWN CENTER 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, as depicted in Exhibit A to this ordinance: 12.3 acres, more or less, located immediately north of I-40 between Arroyo Vista Boulevard, also known as 98th Street, and 118th Street; and more particularly described as follows:

- (A) Northerly Portion Tracts 14 thru 20, ROW 4, Unit A, West of Westland, Town of Atrisco Grant;
- (B) The County of Bernalillo approved the annexation of these tracts on September 12,

2017, pursuant to AXBC2017-0001.

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. On December 14, 2017, the Environmental Planning Commission (EPC), in its advisory role on land use and planning matters, recommended approval of this request for annexation pursuant to twelve findings as follows:

1. This is a request for annexation of Northerly Portion Tracts 16-20, ROW 4, Unit A, West of Westland, Town of Atrisco Grant located north of Interstate 40 between Arroyo Vista Blvd (98th Street) NW and 118th Street NW and containing approximately 12.3 acres.

2. This annexation request is accompanied by a request for establishment of zoning of SU-2 for Town Center in accordance with the Westland Master Plan and Western Albuquerque Land Holdings (WALH) Sector Plan (Project #1003458 17EPC-40062). Approval of this annexation and establishment of zoning constitutes a Sector Development Plan Map Amendment that will modify and expand the boundary of the WALH Sector Plan to include the subject site.

3. The subject site is currently an unincorporated County island with property on all sides within the Albuquerque city limits.

4. Annexation of the subject site allows the applicant to combine and replat the property with surrounding tracts that are already within the City's jurisdiction for future development of a Town Center.

5. The annexation request was approved by the Bernalillo County Commission on September 12, 2017 (AXBC2017-0001).

6. In 1999, the City Council annexed the area surrounding the subject site (AX-99-2), allowing for implementation of the Westland Master Plan (SPR-96-2) and establishing zoning based on the Westland Sector Plan (Z-99-8).

7. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Westland Master Plan, Western Albuquerque Land Holdings Sector Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

8. The subject site is within the Developing Urban Area of the Comprehensive Plan and is also designated as part of an Activity Center. If annexed, the site will be located within an Area of Change of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The subject site is located within the designated Westland Activity Center. The request furthers Goal 5.1 and Policy 5.1.1 because annexation and establishment of Town Center zoning allows for increased commercial and multi-family development consistent with an Activity Center, as well as bringing the subject site under the same jurisdiction as surrounding properties, which will allow for more efficient growth and development review.

Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The annexation and establishment of SU-2 for Town Center zoning furthers Policy 5.1.2 by allowing for more intense growth in a designated Center that will be considered an Area of Change upon annexation.

Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The subject site is located within a designated Activity Center and establishment of SU-2 for Town Center zoning will allow for a mix of commercial and residential uses with a range of services and amenities for nearby residents, thus furthering Policy 5.1.2.

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

The proposed SU-2 for Town Center zoning furthers Policy 5.2.1 because it will allow for development that includes a variety of goods and services that will be conveniently accessible to many West Side neighborhoods, thus reducing cross-river trips. Allowing for a mix of residential

and commercial uses will create jobs and offer greater choice of work areas, transportation, and lifestyles not currently available in the area.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request will eliminate an unincorporated County island and bring the subject site into the same jurisdiction as the surrounding properties, which will allow for more efficient development and future provision of services, thus furthering Goal 5.3.

Policy 5.3.6 Reassembly and Replatting: Encourage property owner coordination to reassemble areas prematurely subdivided or platted that have inadequate right-of-way or drainage before infrastructure and services are extended.

Policy 5.3.6 is furthered by this request because annexation and establishment of zoning will bring the subject site into the City's jurisdiction and allow for the property to be combined and platted with the surrounding properties that are already within the City.

Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The request furthers Goal 5.4 by bringing the subject site into the City's jurisdiction so it can be master planned for additional development, including a potential future hospital if associated plan amendments are approved, that will create additional jobs west of the Rio Grande.

Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The request furthers Policy 5.4.2 because additional SU-2 Town Center zoning will allow for more mixed commercial development that includes jobs for the West Side.

Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Upon annexation, the subject site will be considered an Area of Change like all properties surrounding it, so the request furthers Policy 5.6.2 by allowing for more intense development and creating jobs in a place appropriate for such changes.

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

a) Design development to reflect the character of the surrounding area and protect and

enhance views.

b) Encourage development and site design that incorporates CPTED principles.

e) Encourage high-quality development that capitalizes on predominant architectural styles, building materials, and landscape elements.

The proposed zoning for the subject site is within the Westland Master Plan and Sector Plan, so it must follow the design guidelines of those plans, which will result in a distinct character and high quality of development, so the request furthers Policy 7.3.2.

Policy 7.5.1 Landscape Design: Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

Any development on the subject site is subject to the plant palette from the Master Plan, which was formulated specifically with the high desert climate in mind, so the request furthers Policy 7.5.1.

Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

a) Maximize opportunities for economic development that furthers social, cultural, and environmental goals.

c) Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

Approval of this request is an important step for development of a potential future hospital that will have large positive economic impacts. Notwithstanding, the proposed SU-2 for Town Center zone allows for a much wider variety of office and commercial development that would provide more jobs and economic output than the existing A-1 agricultural County zoning, so the request furthers Policy 8.1.2.

9. The subject site is within the Westland North Community of the West Side Strategic Plan. The request is in general compliance with the following applicable goals and policies of the West Side Strategic Plan:

Plan Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The request for annexation and establishment of SU-2 for Town Center zoning will allow for additional mixed use and commercial development on the West Side, thus furthering Plan Objective 1 of the West Side Strategic Plan.

Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The subject site's location in the Westland Town Center area is an appropriate location of the West Side to allow for additional business growth and job opportunities with mixed-use and commercial zoning, thus furthering Plan Objective 8 of the West Side Strategic Plan.

Policy 3.55: The City of Albuquerque and property owners shall work with the electric utility companies to minimize the visual and potential EMF exposure impacts of the many power line corridors crossing the property. These corridors should be combined into consolidated easements rather than in separate parallel easements.

The request furthers Policy 3.55 because the subject site is planned to be combined with adjacent properties for future development, which will include the relocation of PNM distribution lines to the north of the subject site to a more appropriate location.

Policy 3.57: Allow and encourage appropriately designed development throughout the Westland North Community which will protect the visual and physical features of the Atrisco Terrace through design guidelines and consistent enforcement.

The request furthers Policy 3.57 by providing a consistent set of design guidelines and development review of the subject site by eliminating the unincorporated County island and establishing the same zoning as the surrounding properties.

Policy 3.59: The Westland North Community is included in City of Albuquerque territory. Annexation signals intent that it develop with urban- style development and densities. This area is a prime area for the expansion of future urban levels of development.

The request furthers Policy 3.59 by bringing the subject site into the City of Albuquerque's jurisdiction and allowing for urban-style development consistent with the SU-2 for Town Center Designation.

Policy 3.61: A Community Center, appropriate Employment Centers, and Neighborhood Centers are identified for this Community in accordance with the approved Master Plan for this area. The Community Center is expected to occur central to the Community, with employment near the Paseo del Volcan corridor, but refinement of these concepts will occur during the planning process for smaller sub-areas.

The Westland Town Center area is the Community Center that was identified and established for the Westland North Community of the West Side Strategic Plan. Annexing the existing unincorporated County island and bringing it into the City's jurisdiction will further Policy 3.61 by

allowing for more consistent and efficient development review and refined planning for this Community Center.

Policy 3.90: The City of Albuquerque and other economic development entities shall explore with the property owners developing a high quality office/industrial park or parks in the eastern portion of the Westland North Community. Development in this park should emphasize higher density office buildings and avoid lower cost warehouse facilities. Such development shall protect the visual and physical features of the Atrisco Terrace and the Petroglyph National Monument including the preservation of the view area of the Monument as specified in the Northwest Mesa Escarpment Plan. This protection shall be accomplished through the development and strict enforcement of design guidelines, open space dedications, and, if necessary, low density residential development.

The request furthers Policy 3.90 because the requested SU-2 for Town Center designation allows for more dense office and commercial development with designated percentages of office uses within the overall use mix that favors quality office development and other supporting commercial services rather than lower cost warehouse facilities.

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

Section 1: 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 urban intensity of 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:

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

After annexation and zoning, the subject site will be replatted and developed along with adjacent properties. Through that process, any dedications required for public facilities will be provided.

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

(1) 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 prior to annexation; and/or

(2) 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

(3) 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 applicant has agreed to install such facilities that are necessary for the provision of services to the subject site and a pre-annexation agreement will be executed along with approval of this request.

c) 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;

The applicant, a developer and owner of the majority of land in the area including those lands already annexed, will provide the capital infrastructure needed for development of the subject site via a proposed Tax Increment Development District.

d) 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;

The subject site is completely surrounded by land that is within the City of Albuquerque City limits.

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

The subject site is immediately adjacent to Interstate 40 and is near to right-of-way that has been dedicated for the future extensions of 118th Street and Ladera Drive. Specific improvements and provision of access will be determined and provided through the platting and development process of the site and surrounding properties.

f) 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;

The request will eliminate an existing "island" of unincorporated County land that is surrounded by property located within the City limits, thus making the City boundary more reasonable than presently exists.

g) 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.

The City limits will be definite with this annexation because the annexation consists of five platted properties that will be annexed in their entirety, filling in an existing hole or island of unincorporated County land that is surrounded on all sides by the City of Albuquerque.

Sections 2 through 5 of R-54-1990 are not applicable to the subject site.

11. A pre-annexation agreement between the Applicant and the City of Albuquerque, as approved by the City Engineer, is required to be completed for this request.

12. The Laurelwood, Tres Volcanes, Las Lomas, and Parkway Neighborhood Associations, The Manors at Mirehaven Community Association, and Westside Coalition of Neighborhood Associations were notified of this request, as well as property owners within 100 feet of the entire WALH Sector Plan boundary. There is no known neighborhood opposition to this request.

Section 4. ZONE MAP AMENDED. The request for SU-2 for Town Center, as regulated by the Westland Master Plan and Western Albuquerque Land Holdings Sector Development Plan, is justified per Resolution 270-1980 because of changed community conditions and the request being more advantageous to the community as articulated by the Albuquerque/Bernalillo County Comprehensive Plan and West Side Strategic Plan. Therefore, the zone map adopted by Section 14-16-1-1 et. Seq. R.O.A. 1994 is hereby amended, establishing SU-2 for Town Center Zoning for the area specified in Section 1 above.

Section 5. RELATION TO RECENT PLANNING EFFORTS. This ordinance proposes to establish SU-2 for Town Center zoning through the Western Albuquerque Land Holdings Sector Development Plan. Since the Integrated Development Ordinance went into effect on May 17th, 2018, this zoning category no longer exists in the City's regulatory land use framework. This property will be considered under the zoning conversion rules that accompanied the implementation of the Integrated Development Ordinance which will result in a zoning classification of "PC - Planned Community". Development standards for the PC zone will still be regulated by the Westland Framework Plan, which was formerly the Westland Master Plan, including the Western Albuquerque Land Holdings Sector Plan.

Section 6. FINDINGS ACCEPTED. On December 14, 2017, the Environmental Planning Commission (EPC), in its advisory role on land use and planning matters, recommended approval of this request for establishment of SU-2 for Town Center zoning pursuant to twelve findings as follows:

1. This is a request for a Sector Development Plan Map Amendment /Establishment of Zoning

for Northerly Portion Tracts 16-20, ROW 4, Unit A, West of Westland, Town of Atrisco Grant located north of Interstate 40 between Arroyo Vista Blvd (98th Street) NW and 118th Street NW and containing approximately 12.3 acres.

2. The request is to change the existing Bernalillo County A-1 Rural Agricultural zoning upon annexation to SU-2 for Town Center as regulated by the Westland Master Plan and Western Albuquerque Land Holdings (WALH) Sector Plan.

3. This request is accompanied by a request for annexation of the subject site (Project #1003458 17EPC-40061). Approval of this annexation and establishment of zoning constitutes a Sector Development Plan Map Amendment that will modify and expand the boundary of the WALH Sector Plan to include the subject site.

4. The subject site is currently an unincorporated County island with property on all sides within the Albuquerque city limits.

5. Annexation and zoning of the subject site allows the applicant to combine and replat the property with surrounding tracts that are already within the City's jurisdiction for future development of a Town Center.

6. The annexation request was approved by the Bernalillo County Commission on September 12, 2017 (AXBC2017-0001).

7. In 1999, the City Council annexed the area surrounding the subject site (AX-99-2), allowing for implementation of the Westland Master Plan (SPR-96-2) and establishing zoning based on the Westland Sector Plan (Z-99-8).

8. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Westland Master Plan, Western Albuquerque Land Holdings Sector Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

9. The subject site is within the Developing Urban Area of the Comprehensive Plan and is also designated as part of an Activity Center. If annexed, the site will be located within an Area of Change of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The subject site is located within the designated Westland Activity Center. The request furthers Goal 5.1 and Policy 5.1.1 because annexation and establishment of Town Center zoning allows for increased commercial and multi-family development consistent with an Activity Center, as well as bringing the subject site under the same jurisdiction as surrounding properties, which will allow for more efficient growth and development review.

Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The annexation and establishment of SU-2 for Town Center zoning furthers Policy 5.1.2 by allowing for more intense growth in a designated Center that will be considered an Area of Change upon annexation.

Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The subject site is located within a designated Activity Center and establishment of SU-2 for Town Center zoning will allow for a mix of commercial and residential uses with a range of services and amenities for nearby residents, thus furthering Policy 5.1.2.

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

The proposed SU-2 for Town Center zoning furthers Policy 5.2.1 because it will allow for development that includes a variety of goods and services that will be conveniently accessible to many West Side neighborhoods, thus reducing cross-river trips. Allowing for a mix of residential and commercial uses will create jobs and offer greater choice of work areas, transportation, and lifestyles not currently available in the area.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request will eliminate an unincorporated County island and bring the subject site into the same jurisdiction as the surrounding properties, which will allow for more efficient development and future provision of services, thus furthering Goal 5.3.

Policy 5.3.6 Reassembly and Replating: Encourage property owner coordination to reassemble areas prematurely subdivided or platted that have inadequate right-of-way or drainage before infrastructure and services are extended.

Policy 5.3.6 is furthered by this request because annexation and establishment of zoning will bring the subject site into the City's jurisdiction and allow for the property to be combined and platted with the surrounding properties that are already within the City.

Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The request furthers Goal 5.4 by bringing the subject site into the City's jurisdiction so it can be master planned for additional development, including a potential future hospital if associated plan amendments are approved, that will create additional jobs west of the Rio Grande.

Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The request furthers Policy 5.4.2 because additional SU-2 Town Center zoning will allow for more mixed commercial development that includes jobs for the West Side.

Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

Upon annexation, the subject site will be considered an Area of Change like all properties surrounding it, so the request furthers Policy 5.6.2 by allowing for more intense development and creating jobs in a place appropriate for such changes.

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

a) Design development to reflect the character of the surrounding area and protect and enhance views.

b) Encourage development and site design that incorporates CPTED principles.

e) Encourage high-quality development that capitalizes on predominant architectural styles, building materials, and landscape elements.

The proposed zoning for the subject site is within the Westland Master Plan and Sector Plan, so it must follow the design guidelines of those plans, which will result in a distinct character and high quality of development, so the request furthers Policy 7.3.2.

Policy 7.5.1 Landscape Design: Encourage landscape treatments that are consistent with the

high desert climate to enhance our sense of place.

Any development on the subject site is subject to the plant palette from the Master Plan, which was formulated specifically with the high desert climate in mind, so the request furthers Policy 7.5.1.

Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

a) Maximize opportunities for economic development that furthers social, cultural, and environmental goals.

c) Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

Approval of this request is an important step for development of a potential future hospital that will have large positive economic impacts. Notwithstanding, the proposed SU-2 for Town Center zone allows for a much wider variety of office and commercial development that would provide more jobs and economic output than the existing A-1 agricultural County zoning, so the request furthers Policy 8.1.2.

10. The subject site is within the Westland North Community of the West Side Strategic Plan. The request is in general compliance with the following applicable goals and policies of the West Side Strategic Plan:

Plan Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The request for annexation and establishment of SU-2 for Town Center zoning will allow for additional mixed use and commercial development on the West Side, thus furthering Plan Objective 1 of the West Side Strategic Plan.

Plan Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The subject site's location in the Westland Town Center area is an appropriate location of the West Side to allow for additional business growth and job opportunities with mixed-use and commercial zoning, thus furthering Plan Objective 8 of the West Side Strategic Plan.

Policy 3.55: The City of Albuquerque and property owners shall work with the electric utility companies to minimize the visual and potential EMF exposure impacts of the many power line corridors crossing the property. These corridors should be combined into consolidated easements

rather than in separate parallel easements.

The request furthers Policy 3.55 because the subject site is planned to be combined with adjacent properties for future development, which will include the relocation of PNM distribution lines to the north of the subject site to a more appropriate location.

Policy 3.57: Allow and encourage appropriately designed development throughout the Westland North Community which will protect the visual and physical features of the Atrisco Terrace through design guidelines and consistent enforcement.

The request furthers Policy 3.57 by providing a consistent set of design guidelines and development review of the subject site by eliminating the unincorporated County island and establishing the same zoning as the surrounding properties.

Policy 3.59: The Westland North Community is included in City of Albuquerque territory. Annexation signals intent that it develop with urban- style development and densities. This area is a prime area for the expansion of future urban levels of development.

The request furthers Policy 3.59 by bringing the subject site into the City of Albuquerque's jurisdiction and allowing for urban-style development consistent with the SU-2 for Town Center Designation.

Policy 3.61: A Community Center, appropriate Employment Centers, and Neighborhood Centers are identified for this Community in accordance with the approved Master Plan for this area. The Community Center is expected to occur central to the Community, with employment near the Paseo del Volcan corridor, but refinement of these concepts will occur during the planning process for smaller sub-areas.

The Westland Town Center area is the Community Center that was identified and established for the Westland North Community of the West Side Strategic Plan. Annexing the existing unincorporated County island and bringing it into the City's jurisdiction will further Policy 3.61 by allowing for more consistent and efficient development review and refined planning for this Community Center.

Policy 3.90: The City of Albuquerque and other economic development entities shall explore with the property owners developing a high quality office/industrial park or parks in the eastern portion of the Westland North Community. Development in this park should emphasize higher density office buildings and avoid lower cost warehouse facilities. Such development shall protect the visual and physical features of the Atrisco Terrace and the Petroglyph National Monument including the preservation of the view area of the Monument as specified in the Northwest Mesa

Escarpment Plan. This protection shall be accomplished through the development and strict enforcement of design guidelines, open space dedications, and, if necessary, low density residential development.

The request furthers Policy 3.90 because the requested SU-2 for Town Center designation allows for more dense office and commercial development with designated percentages of office uses within the overall use mix that favors quality office development and other supporting commercial services rather than lower cost warehouse facilities.

11. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

A. The policies cited by the applicant in their updated December 5, 2017 justification letter and analyzed in Findings 9 and 10, as well as the choice of the same zone category as surrounding properties, demonstrate that the request is consistent with the health, safety, morals, and general welfare of the city.

B. The requested zoning is the same as the zoning of surrounding properties, so the requested annexation and establishment of zoning will lead to greater stability of land use rather than allowing the existing A-1 agricultural zone to remain while the surrounding properties develop into a Town Center.

C. The proposed change is not in conflict with, but rather furthers the goals and policies of, the Comprehensive Plan and the West Side Strategic Plan as shown in Findings 9 and 10.

D. The existing zoning is inappropriate because of changed community conditions, including the annexation of all the surrounding properties, adoption of the Westland Master Plan for development of the area, development of the sports complex and Regional Park nearby, and the recent adoption of a Tax Increment Development District to help finance infrastructure in the area.

The proposed zone is also the same as the surrounding properties further justifying that the existing Bernalillo County A-1 zoning is inappropriate because the proposed zone is more advantageous to the community, as articulated by the Comprehensive Plan and West Side Strategic Plan as outlined by the policies cited by the applicant in their revised December 5, 2017 justification letter and analyzed in Findings 9 and 10 by fulfilling the Westland Master Plan, contributing to a mix of uses within an Activity Center, and bringing additional jobs to the West Side.

E. The requested Town Center zone and uses allowed by that zone are the same as the zoning on all nearby surrounding properties and the request has been justified as more advantageous to the community as it furthers numerous goals and policies of the Comprehensive

Plan and West Side Strategic Plan, so the requested zone will not be harmful to adjacent property, the neighborhood, or the community.

F. The applicant will enter into a pre-annexation agreement with the city regarding this request. Any capital expenditures for development of surrounding infrastructure will be provided by the applicant or otherwise financed with the approved TIDD and it is understood that the city is not obligated to provide this infrastructure on any special schedule.

G. Economic considerations are not the determining factor for this zone change as shown by the applicant's justification letter and the analysis of all other policies. The request for annexation and establishment of SU-2 for Town Center zoning is more advantageous to the community as articulated by the Comprehensive Plan.

H. The site's location is not the sole justification for the proposed mixed use SU-2 for Town Center zoning, but rather it is the same zoning as all surrounding properties and is more advantageous to the community as articulated by the Comprehensive Plan and other city plans and policies.

I. The request will establish the same zoning on the subject site that exists on all surrounding property located within the city limits, so the request does not constitute a spot zone.

J. The request does not constitute strip zoning.

12. The Laurelwood, Tres Volcanes, Las Lomas, and Parkway Neighborhood Associations, The Manors at Mirehaven Community Association, and Westside Coalition of Neighborhood Associations were notified of this request, as well as property owners within 100 feet of the entire WALH Sector Plan boundary. There is no known neighborhood opposition to this request.

Section 7. 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 provision being declared unconstitutional or otherwise invalid.

Section 8. EFFECTIVE DATE. 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.

X:\CITY COUNCIL\SHARE\CL-Staff\Legislative Staff\Legislation\23 Council\O-44CSfinal.docx