



City of Albuquerque

Legislative File Number R-02-185 (version 2)

CITY of ALBUQUERQUE FIFTEENTH COUNCIL

SECTOR DEVELOPMENT PLAN AMENDMENT 02EPC-01355, AMENDING THE LA CUEVA SECTOR DEVELOPMENT PLAN TO INCORPORATE NEWLY ANNEXED PROPERTIES, LOTS 10-23, BLOCKS 19 & 20, TRACT 3, UNIT 3, AND LOTS 10-24, BLOCK 18 AND LOTS 3-30, BLOCK 20, TRACT 3, UNIT 1, NORTH ALBUQUERQUE ACRES AND ALL OF THE RIGHT-OF-WAY OF PASEO DEL NORTE INTO THE BOUNDARY OF THE PLAN; AND LIMITING LAND USES ON LOTS 10 - 16, BLOCK 20, TRACT 3, UNIT 3; AND LIMITING ACCESS TO CARMEL NE FROM LOTS 10 - 16, BLOCK 19, TRACT 3, UNIT 3, NORTH ALBUQUERQUE ACRES, AND FROM LOTS 10 - 16, BLOCK 18, TRACT 3, UNIT 1, NORTH ALBUQUERQUE ACRES.

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WHEREAS, the City of Albuquerque originally adopted the La Cueva Sector Development Plan in June of 2000 through action on Council Resolution R-50, Enactment Number 65-2000; and

WHEREAS, the Council has the authority to not only adopt but amend such a sector development plan; and

WHEREAS, the La Cueva Sector Plan was adopted as a land use control pursuant to the Comprehensive City Zoning Code; and

WHEREAS Exhibit 12 in the La Cueva Sector Development Plan and the text in Chapter 5, "ZONING" were adopted as an extension of the Zoning Code and its zone map; and

WHEREAS, on October 17, 2002, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended approval of an amendment to the La Cueva Sector Development Plan to the City Council; and

WHEREAS, the Environmental Planning Commission found the Sector Development Plan Amendment was not in conflict with any applicable plans

including the Comprehensive Plan and the La Cueva Sector Development Plan;
and

WHEREAS, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended approval of the establishment of RD and SU-2/Mixed Use zoning for the newly annexed area.

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

Section 1. The La Cueva Sector Development Plan is amended. All maps of the La Cueva Sector Development Plan are amended to expand the boundaries of the plan area to incorporate the newly annexed area of Lots 10-23, Blocks 19 & 20, Tract 3, Unit 3, and Lots 10-24, Block 18 and Lots 3-30, Block 20, Tract 3, Unit 1, North Albuquerque Acres and all of the Right-of-Way of Paseo del Norte from Wyoming to the eastern edge of the municipal limits.

Section 2. The La Cueva Sector Development Plan, in its authority a land use control pursuant to the City's Comprehensive Zoning Code, is amended.

Exhibit 12 in the Plan is amended to establish RD 4 DU/ACRE zoning for Lots 10-23, Block 19, Tract 3, Unit 3 and Lots 10-24, Block 18, Tract 3, Unit 1 and Lots 7-15, Block 20, Tract 3, Unit 1, North Albuquerque Acres; RD 6DU/ACRE zoning for Lots 3-6, Block 20, Tract 3, Unit 1, North Albuquerque Acres; and SU-2/ MIXED USE zoning for Lots 10-15, Block 20, Tract 3, Unit 3, North Albuquerque Acres. The La Cueva Sector Development is further amended by inserting the following new paragraph in Section 5.4.5 SU-2/Mixed Use after Paragraph 12 on page 30: 13. Land uses on Lots 10 through 16, Block 20, Tract 3, Unit 3, North Albuquerque Acres are limited to the following:

- a. Permissive and Conditional uses of the R-1 Zone;
- b. Office and Institutional uses of the O-1 Zone;
- c. Small animal clinic and enclosed lodge with an outdoor play yard, provided a solid wall at least six feet in height is erected on the northern, eastern and western sides of the play yard. The La Cueva Sector Development Plan is further amended by inserting the following new

subparagraph in Section 5.2 RD Zone on page 26 of the Plan: For Lots 10 through 16, Block 19, Tract 3, Unit 3, North Albuquerque Acres, and Lots 10 through 16, Block 18, Tract 3, Unit 1, North Albuquerque Acres, any lot that is less than three quarters of an acre in size will not have access to Carmel NE.

Section 3. FINDINGS ACCEPTED. The following Sector Plan amendment findings are adopted by the City Council:

- (A) This is a request for an amendment to the *La Cueva Sector Development Plan* for approximately 63 acres located at Paseo del Norte and Holbrook NE.
- (B) The boundaries of the *La Cueva Sector Development Plan* currently extend east, mid-block between Ventura and Holbrook NE. The applicant is requesting to extend the boundaries of the Sector Plan further eastward to include the subject site.
- (C) This request meets the goals of Policy 3a under the Rural designation of the *Comprehensive Plan* which calls for higher density areas to be controlled by lower ranking plans and site development plans.
- (D) Expanding the boundaries of the *La Cueva Sector Plan* to include the subject site will ensure development and design guidance per the regulations of the plan.
- (E) This request meets the goals of the *La Cueva Sector Plan* which calls for higher density residential and mixed use development within the Paseo del Norte Corridor. The applicant is proposing similar land uses on the subject site.
- (F) R270-1980: The applicant has shown that the proposed zoning of the *La Cueva Sector Plan* is appropriate for the subject site because it will be more beneficial to the neighborhood, as articulated in the *Comprehensive Plan* and the *La Cueva Sector Plan*.
- (G) According to Bernalillo County comments, the proposed uses and densities appear to be consistent with those established for these

sites by the Bernalillo County *Paseo del Norte/North Albuquerque Acres Sector Development Plan*

Section 4. 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.

